



**City of Lawrence
Douglas County**
PLANNING & DEVELOPMENT SERVICES

Updated:

8/25/10 @ 4:50pm

Added staff memo and PowerPoint presentation for Item 9A-9D, 9G - Rezoning, 502 W 14th St, 414 W 14th St, 1346 Ohio St, 1340-1342 Ohio St, 504 W 14th St

Added staff PowerPoint presentations for Items:

10 - Text Amendment, RM32 District

11 - Text Amendment, Boarding House

8/23/10 @ 12:15pm

Added communications for the following items:

Item 1 - CPA; H2020; Neighborhood Commercial Center

Items 2A-2C - Rezoning NW corner of W 6th St & Queen Rd, NE corner of W 6th St & Stoneridge Dr, Between Stoneridge Dr & Queens Rd

Item 3 - CPA; H2020; 6th & Wakarusa Area Plan

Item 4 - CPA; H2020; Chp 16 - Environment

Item 7A - Preliminary Plat for George Subdivision No. 4, 200 N Michigan St

Items 9A-9D, 9G - Rezoning, 502 W 14th St, 414 W 14th St, 1346 Ohio St, 1340-1342 Ohio St, 504 W 14th St

Item 10 - Text Amendment, RM32 District

Item 11 - Text Amendment, Boarding House

8/19/10 @ 5:00pm

Added communications for the following items:

Item 1 - CPA; H2020; Neighborhood Commercial Center

Item 2A - Rezoning of NW corner of W 6th St & Queens Rd

Item 3 - CPA; H2020; 6th & Wakarusa Area Plan

Item 11 - Text Amendment, Boarding House

8/17/10 @ 5:00pm

Added Items:

Item 5 - Preliminary Plat for Riverside Business Park, 2030 Packer Ct

Item 6 - Preliminary Plat for Hallmark Addition, 151 McDonald Dr

Items 7A-7B - Preliminary Plat & Rezoning, George Subdivision No.4, 200 N Michigan St

Item 8 - Rezoning, 2130 Silicon Ave

Items 9A-9D, 9G Rezoning, 502 W 14th St, 414 W 14th St, 1346 Ohio St, 1340-1342 Ohio St, 507 W 14th St

Item 10 - Text Amendment, RM32 District

Item 12 - Text Amendment, Minor & Major Subdivisions

Draft July Planning Commission Minutes will be added when available.

8/2/10 @ 1:30pm

Materials for Agenda Items 1-4 and 11 have been made available early due to a large August agenda packet. This is only a partial packet of materials and the additional items will be added when available.

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM**

**AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
AUGUST 23 & 25, 2010 6:30 - 10:30 PM**

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of July 26, 2010.

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 to 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 COMMISSIONS DISCRETION

**REGULAR AGENDA (AUGUST 23, 2010) MEETING
PUBLIC HEARING ITEMS:**

**ITEM NO. 1 COMPREHENSIVE PLAN AMENDMENT; H2020 CHP 6; NEIGHBORHOOD
COMMERCIAL CENTER (DDW)**

CPA-5-7-10: Consider amending Horizon 2020 Chapter 6, Commercial Land Use, to include the NW Corner of 6th Street and Queens Road as a potential location for a new Neighborhood Commercial Center.

ITEM NO. 2A UR TO CN2; 3.158 ACRES; NW CORNER W 6TH ST & QUEENS RD (MKM)

Z-5-8-10: Consider a request to rezone approximately 3.158 acres from UR (Urban Reserve) to CN2 (Neighborhood Commercial Center), located at the Northwest corner of W. 6th Street and Queens Road. Submitted by Olsson Associates for Pear Tree Village L.P., property owner of record.

**ITEM NO. 2B UR TO CO; 3.113 ACRES; NE CORNER W 6TH ST & STONERIDGE DR
(MKM)**

Z-5-7-10: Consider a request to rezone approximately 3.113 acres from UR (Urban Reserve) to CO (Office Commercial), located at the Northeast corner of W. 6th Street and Stoneridge Drive. Submitted by Olsson Associates for Pear Tree Village L.P., property owner of record.

**ITEM NO. 2C UR TO RM24; 34.527 ACRES; BETWEEN STONERIDGE DR & QUEENS RD
(MKM)**

Z-5-9-10: Consider a request to rezone approximately 34.527 acres from UR (Urban Reserve) to RM24 (Multi-Dwelling Residential), located north of W. 6th Street between Stoneridge Drive and Queens Road. Submitted by Olsson Associates, for Pear Tree Village L.P., property owner of record.

ITEM NO. 3 COMPREHENSIVE PLAN AMENDMENT; H2020; 6TH & WAKARUSA AREA PLAN (AAM)

CPA-5-6-10: Consider Comprehensive Plan Amendment to Horizon 2020, including the 6th and Wakarusa Area Plan, to change the designated land use from residential/office to commercial for a portion of the Bauer Farm Development located along 6th Street between Folks Road and Champion Lane.

ITEM NO. 4 COMPREHENSIVE PLAN AMENDMENT; H2020; CHP 16; ENVIRONMENT (AAM/MKM)

CPA-2008-7: Consider adoption of the Comprehensive Plan Amendment to Horizon 2020 to include Chapter 16 – Environment.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Recess until 6:30 P.M. on August 25, 2010.

BEGIN PUBLIC HEARING (AUGUST 25, 2010):

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.

REGULAR AGENDA

NON-PUBLIC HEARING ITEMS:

Public Comment on Variances Only

ITEM NO. 5 PRELIMINARY PLAT; RIVERSIDE BUSINESS PARK; 30.527 ACRES; 2030 PACKER COURT (MKM)

PP-6-5-10: Consider a Preliminary Plat for Riverside Business Park, a two lot subdivision containing approximately 30.527 acres, located at 2030 Packer Court and variances from Section 20-810(d)(2)(ii) requiring more than one access to the collector/arterial street network and from Section 20-810(d)(4)(i) requiring additional right-of-way for a principal arterial. Submitted by Bartlett and West for Riverside Development, Inc. and Riverside Business Park LLC, property owners of record.

ITEM NO. 6 PRELIMINARY PLAT; HALLMARK ADDITION; 5.252 ACRES; 151 MCDONALD DR (MKM)

PP-6-6-10: Consider a Preliminary Plat for Hallmark Addition 3rd Plat, a three lot subdivision containing approximately 5.252 acres, located at 151 McDonald Drive and a waiver request from the requirement in Section 20-811 to provide sidewalks along all street frontages. Submitted by Paul Werner Architects for Downtown Equities II, LC, property owner of record.

PUBLIC HEARING ITEMS:

ITEM NO. 7A PRELIMINARY PLAT; GEORGE SUBDIVISION NO. 4 (NORTHWINDS APARTMENTS); 1.31 ACRES; 200 NORTH MICHIGAN ST (SLD)

PP-6-4-10: Consider a Preliminary Plat for George Subdivision No. 4 (Northwinds Apartments), a one lot residential subdivision containing approximately 1.31 acres, located at 200 North Michigan Street. Submitted by Bartlett & West, Inc., for Northwinds L.L.C., property owner of record.

ITEM NO. 7B RS10 TO RM12; 1.31 ACRES; 200 NORTH MICHIGAN ST (SLD)

Z-6-10-10: Consider a request to rezone approximately 1.31 acres from RS10 (Single-Dwelling Residential) to RM12 (Multi-Dwelling Residential), located at 200 North Michigan Street for Northwind Apartments. Submitted by Bartlett & West for Northwinds L.L.C., property owner of record.

ITEM NO. 8 CS & RM12 TO RM12; 3.92 ACRES; 2130 SILICON AVE (DDW)

Z-6-11-10: Consider a request to rezone approximately 3.92 acres from CS (Commercial Strip) and RM12 (Multi-Dwelling Residential) to RM12 (Multi-Dwelling Residential), located at 2130 Silicon Avenue for Crosswinds East. Submitted by Bartlett & West, Inc., for Crosswinds L.L.C., property owner of record.

ITEM NO. 9A RM32 TO MU; .13 ACRES; 502 W 14TH ST (MJL)

Z-11-21-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 502 West 14th Street. Submitted by Paul Werner Architects, for Oread Villas, LLC, property owner of record.

ITEM NO. 9B RM32 TO MU; .05 ACRES; 414 W 14TH ST (MJL)

Z-11-22-09: Consider a request to rezone approximately .05 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 414 West 14th Street. Submitted by Paul Werner Architects, for D & D Rentals of Lawrence, LLC, property owner of record.

ITEM NO. 9C RM32 TO MU; .09 ACRES; 1346 OHIO ST (MJL)

Z-11-23-09: Consider a request to rezone approximately .09 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1346 Ohio Street. Submitted by Paul Werner Architects, for D & D Rentals of Lawrence, LLC, property owner of record.

ITEM NO. 9D RM32 TO MU; .13 ACRES; 1340-1342 OHIO ST (MJL)

Z-11-24-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), including establishing a Bar or Lounge use as an automatic Special Use Permit for The Hawk, located at 1340-1342 Ohio Street. Submitted by Paul Werner Architects, for HDD of Lawrence, LLC, property owner of record.

~~*DEFERRED***~~**

~~ITEM NO. 9E RM32 TO MU; .23 ACRES; 1403 TENNESSEE ST (MJL)~~

~~Z-11-25-09:~~ Consider a request to rezone approximately .23 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1403 Tennessee Street. Submitted by Paul Werner Architects, for DJC Holdings, LLC, property owner of record.

~~*DEFERRED***~~**

~~ITEM NO. 9F RM32 TO MU; .14 ACRES; 1400 OHIO ST (MJL)~~

~~Z-11-26-09:~~ Consider a request to rezone approximately .14 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1400 Ohio Street. Submitted by Paul Werner Architects, for Wakarusa Partners, property owner of record.

ITEM NO. 9G RM32 TO MU; .13 ACRES; 507 W 14TH ST (MJL)

Z-11-27-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), including establishing a Bar or Lounge use as an automatic Special Use Permit for The Wheel, located at 507 West 14th Street. Submitted by Paul Werner Architects, for John C. Wooden, property owner of record.

~~*DEFERRED***~~**

~~ITEM NO. 9H RM32 TO MU; .29 ACRES; 413 W 14TH ST (MJL)~~

~~Z-11-28-09:~~ Consider a request to rezone approximately .29 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 413 West 14th Street. Submitted by Paul Werner Architects, for Douglas J. Compton, property owner of record.

ITEM NO. 10 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP 20 ARTICLE 6; RM32 DISTRICT (MJL)

TA-6-8-10: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, Article 6, Section 20-601 to increase the maximum dwelling units per acre limit in the RM32 (Multi-Dwelling Residential) District. *Initiated by City Commission on 7/13/10.*

ITEM NO. 11 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT; BOARDING HOUSE (SDM)

TA-6-17-09: Reconsider Text Amendments to various sections of the City of Lawrence Land Development Code to review standards related to "Boarding House." *This item was originally heard by Planning Commission on 12/16/09. City Commission returned this item on 2/2/10 for additional consideration.* (PC Item 12; approved 6-3 on 5/26/10)

ITEM NO. 12 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE & COUNTY SUBDIVISION REGULATIONS; MINOR & MAJOR SUBDIVISIONS (SMS)

TA-3-3-10: Consider Text Amendments to the joint city/county subdivision regulations in the City of Lawrence Land Development Code, Chapter 20, Article 8 and the Douglas County Code, Chapter 11, Article 1 to revise requirements and standards related to the processing of Minor and Major Subdivisions, including minor housekeeping changes. *Initiated by City Commission on 2/16/10.*

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

PUBLIC COMMENT SECTION

CALENDAR

July 2010						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August 2010						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September 2010						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

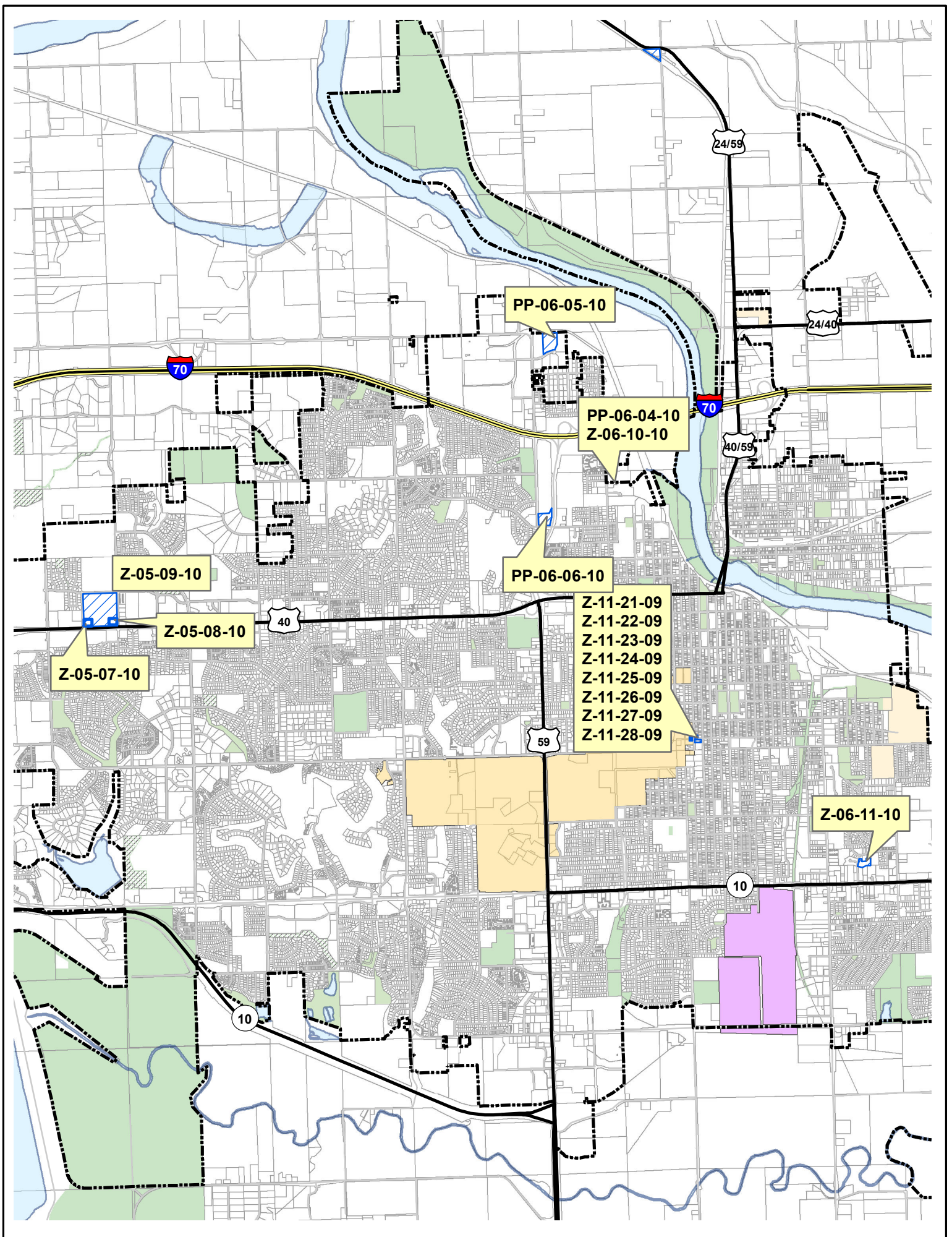
PCCM Meeting: (Generally 2nd Wednesday of each month, 7:30am-9:00am)

ADJOURN

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<http://www.lawrenceks.org/subscriptions>

2010
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 13	Midland Junction Sand Facility		Jan 25	Jan 27
Feb 10	KU Endowment	Kansas Biological Survey	Feb 22	Feb 24
Mar 10	Industrial Design Guidelines		Mar 22	Mar 24
Apr 14	Environmental Chapter Presentation		Apr 26	Apr 28
May 12	APA Conference Report	Northeast Sector Plan Presentation	May 24	May 26
Jun 09	<i>Cancelled due to Friday Training this week</i>			
<i>June 11 All day Friday</i>	PC Orientation <i>[including Joint City/County Commissions session]</i>		Jun 21	Jun 23
Jul 14	<i>Cancelled</i>		Jul 26	Jul 28
Aug 11	<i>Cancelled</i>		Aug 23	Aug 25
Sep 08	Air Quality/Ozone Issues Tom Gross & Richard Ziesenis – Health Dept		Sep 20	Sep 22
Oct 13			Oct 25	Oct 27
Nov 03			Nov 15	Nov 17
Dec 01			Dec 13	Dec 15
	Suggested topics for future meetings: <i>How City/County Depts interact on planning issues</i> <i>Stormwater Stds Update – Stream Setbacks</i> <i>Overview of different Advisory Groups – potential overlap on planning issues</i> <i>Open Space Acquisition/Funding Mechanisms (examples from other states)</i> <i>TDRs</i> <i>Library Expansion Update</i> <i>Joint meeting with other Cities’ Planning Commissions</i> <i>Joint meeting with other Cities and Townships – UGA potential revisions</i> <i>Presentation from KC-metro Planning Directors</i> <i>Tour City/County Facilities</i>			
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds				



PLANNING COMMISSION REPORT
Regular Agenda – Action Item

PC Staff Report
8/23/10

ITEM NO. 1: COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 6 (DDW)

CPA-5-7-10: Consider Comprehensive Plan Amendment (CPA) to Horizon 2020 Chapter 6, Commercial Land Use, to include the northwest corner of W. 6th Street and Queens Road as a location for a new Neighborhood Commercial Center. Requested by Olsson Associates for Pear Tree Village L.P., property owner of record.

STAFF RECOMMENDATION: Staff recommends denial of this comprehensive plan amendment to *Horizon 2020* to amend Chapter 6 to include the northwest corner (approximately 3 acres) of W. 6th Street and Queens Road as a potential location for a new Neighborhood Commercial Center and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission with a recommendation for denial.

KEY POINTS

1. This is a request to accommodate a 3.158 acre commercial site at the northwest corner of W. 6th Street and Queens Road.
2. The request does not meet several criteria for establishing additional commercial retail along this portion of 6th Street.
3. The request encourages “stripping out” of commercial uses along 6th Street where the area is otherwise well served by commercial developments in a nodal pattern.

SUMMARY

CPA-5-7-10: This is an applicant requested amendment to *Horizon 2020* to include the northwest corner of W. 6th Street and Queens Road as a potential location for a new Neighborhood Commercial Center in Chapter 6 Commercial Land Use. The reason for this Comprehensive Plan Amendment is found in *Horizon 2020* which states: “*New commercial, retail and related uses shall be developed as a node...*” This proposal is seeking to place a commercial use on a corner not identified in *Horizon 2020* as a future commercial node.

Items related to this CPA include:

- Z-5-8-10, a request to rezone approximately 3.158 acres from UR (Urban Reserve) to CN2 (Neighborhood Commercial Center), located at the Northwest corner of W. 6th Street and Queens Road;
- Z-5-7-10, a request to rezone approximately 3.113 acres from UR (Urban Reserve) to CO (Office Commercial), located at the Northeast corner of W. 6th Street and Stoneridge Drive, and;

- Z-5-9-10, a request to rezone approximately 34.527 acres from UR (Urban Reserve) to RM24 (Multi-Dwelling Residential), located north of W. 6th Street between Stoneridge Drive and Queens Road.

STAFF REVIEW

The applicant is requesting a rezoning to CN-2 (Neighborhood Commercial) District at the northwest corner of W. 6th Street and Queens Road for commercial use on an approximately 3-acre lot. The proposal does not comply with the existing zoning or the land use policies of Horizon 2020 related to commercial development.

Staff reviewed this amendment based upon the comprehensive plan amendment review criteria listed below [identified in Chapter 17 (Implementation) of *Horizon 2020*]. Staff also provides additional policy review of the request towards the end of this staff report.

Included on the last page of this staff report is the proposed amendment to Chapter 6 (Commercial Land Use). If approved, this amendment will be added to the Lawrence – New Commercial Areas section (pg. 6-20) by including “NW corner (approximately 3 acres) of W. 6th Street and Queens Road” to the list of Neighborhood Commercial Centers.

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. The Horizon 2020 Plan focuses on the creation of commercial nodes in this area of Lawrence, anticipating the need for larger scale commercial centers to serve the growing residential population. Based on extensive discussions with City staff, it is unclear whether Horizon 2020 intended to address a significantly smaller, neighborhood focused retail pharmacy use as is proposed. Staff provided the direction to leave to the discretion of the Planning Commission whether a formal amendment is required. If an amendment is deemed appropriate, the unique design of the proposed residential, office and retail pharmacy uses should be included as part of the Horizon 2020 Plan because they comply with the overall spirit and intent of the plan by creating neighborhood services that can serve both the immediately adjacent community and the broader surrounding community, all within a coordinated pedestrian friendly, walkable and connected development.

Staff's response: Staff agrees that development policy is shifting towards Traditional Neighborhood Design (TND) that creates neighborhoods that are compact, walkable, transit-oriented, and that provide more mixed land uses. A recent amendment to Horizon 2020 Chapter 6 provided policy to support Mixed Use Districts and a new parallel TND development code for Lawrence has been adopted.

However, these policies are best addressed by development that provides all of the elements of a traditional neighborhood or mixed use district. Such developments integrate residential uses with non-residential uses such as commercial, office, civic, educational, and recreational. Developments that provide only certain elements of traditional neighborhoods, while leaving out

others, do not comply with the changing policy. This proposal is adding a single retail business to a corner in an area that is well served by two commercial nodes within walking distance. While there is a mix of low to high density residential uses in the immediate area, the proposal is not providing a mix of uses in the context of TND, nor is it integrating into the surrounding neighborhood. This is a conventional auto-oriented development that does not comply with current Horizon 2020 policies or TND principles.

2. Does the proposed amendment advance a clear public purpose?

Applicant's response: Yes. The proposed amendment advances the stated public purpose of providing neighborhood needs for the proposed neighborhood while connecting the community to convenient and necessary services.

Staff's response: The subject property is located between two commercial nodes at the intersections of W. 6th Street and K-10 Highway and W. 6th Street and Wakarusa Drive. The node at W. 6th Street and K-10 Highway is approximately 1,680 feet to the east, while the node at W. 6th Street and Wakarusa Drive is 2,450 feet to the west.

The Commercial Center at W. 6th Street and K-10 Highway has been designated for 400,000 square feet of commercial use and a portion of this allocation is zoned and pending development. The node at W. 6th Street and Wakarusa Drive is developed with commercial uses, with the exception of a few pad sites. The Bauer Farm Planned Commercial Development is being developed in phases. Approximately 450,300 square feet of commercial is developed or currently approved at this commercial node.

There does not appear to be a clear need for additional retail services within the larger area. The amount of commercial space between Folks Road and K-10 Highway appears to sufficient for the area.

3. Is the proposed amendment consistent with the long-range goals and policies of the plan?

Applicant's response: Yes. Commercial uses that serve adjoining neighborhood areas are consistent with the long range goals and policies of the plan. As noted above, although the Horizon 2020 Plan recognized that need, it did not clearly anticipate a proposed single stand alone neighborhood use on a smaller scale. The proposed development is consistent with the spirit and intent of the Plan by serving the surrounding community in a coordinated and connected manner.

Staff's response: Horizon 2020, Chapter 6 (pg. 6-2) states, "*Nodal Development is the antithesis of 'Strip Development'. 'Strip Development' is characterized by high-intensity, auto-oriented uses, shallow in depth and extending linearly along a street corridor, with little consideration given to access management and site aesthetics. The Nodal Development concept requires the clear termination of commercial development within near proximity of an intersection.*"

Policy 3.1B states, "*Strip Commercial Development: Stop the formation or expansion of Strip Commercial Development by directing new development in a more clustered pattern.*"

The fourth paragraph of pg. 6-20 states, "*The Comprehensive Plan does not support increasing the size or number of new Commercial Centers.*"

Policy 3.4C states, "*New Neighborhood Commercial Centers shall be at least one (1) mile from any existing or new Commercial Center.*"

This project will be located less than ½ mile from two designated commercial center nodes. Locating a new commercial center between the two larger centers will contribute to stripping out W. 6th Street with commercial uses and could establish a framework for owners of currently undeveloped property to request commercial zoning.

There has been no change in public policy regarding strip commercial v. nodal commercial development. Therefore, a new commercial center in this location is not appropriate.

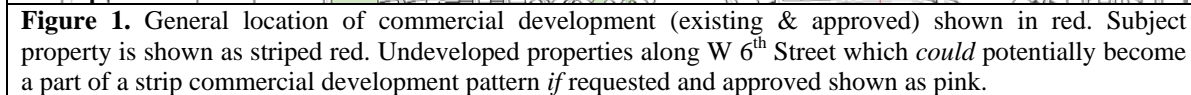
4. Does the proposed amendment result from a clear change in public policy?

Applicant's response: No. The proposed amendment is better characterized as a logical and consistent extension of the public policy goals of the City, including the Horizon 2020 Plan. It promotes a neighborhood connection to useful retail services through a pedestrian friendly coordinated development.

Staff's response: Staff has concerns that W. 6th Street is being placed in a position of being stripped out with commercial uses rather than being limited to the intended nodal development pattern for the street. Public policy is clear regarding nodal commercial development versus strip commercial development within the conventional zoning framework. The policy directs stand alone commercial uses to commercial nodes. In this case, commercial nodes exist within approximately 1,680 and 2,450 feet of the corner of the northwest corner of W. 6th Street and Queens Road.

Previous planning efforts, such as the Northwest Plan, W. 6th Street and Wakarusa Drive Area Plan, and the W. 6th and South Lawrence Trafficway Nodal Plan, spelled out a mixing of land uses throughout the entire W. 6th Street corridor between Folks Road and K-10 Highway. The W. 6th Street and Wakarusa Drive Area Plan and the W. 6th and K-10 Highway Nodal Plan designated a significant amount of commercial land use, while the Northwest Plan designated office and residential land uses along the corridor to support the commercial use. The non-retail land uses along the corridor are essential to support the vitality of the designated retail nodes.

A new commercial center is not appropriate between the two existing centers.



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

Applicant's response: No. The proposed amendment will not affect the adequacy of the existing or planned facilities and services in the area because this small neighborhood use will serve the surrounding neighborhood.

Staff's response: No. Infrastructure in the area is adequate to support this commercial development. It does not appear that facilities and services will be negatively impacted by this development. If approved, access will be prohibited on W. 6th Street.

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

Applicant's response: Yes. The proposed change will result in a compatible land use relationships between the surrounding properties and the single neighborhood commercial use. The adjacent properties will also benefit from having the convenience of neighborhood retail store which will help creating a more walkable community.

Staff's response: Considering this project within the larger context of W. 6th Street this development conflicts with nodal development policy by placing this commercial use on a corner not identified as a future Neighborhood Commercial Center. Further, this project is less than ½ mile from two commercial nodes. Staff does not believe the change will result in compatible land use relationships.

Other Policy Considerations

In addition to above, Horizon 2020 Chapter 6 – Commercial spells out additional policy regarding Neighborhood Commercial Centers. The following policy is found on pg. 6-5: *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.*

The proposal is for a single store of approximately 14,000 square feet, which complies with the second part of the policy which states that no store shall occupy an area larger than 40,000 square feet. The proposal does not, however, contain a variety of commercial uses typical of a Neighborhood Commercial Center and, therefore, does not act as a center at all, but instead a stand-alone auto-oriented commercial use.

Horizon 2020 Chapter 6 – Commercial also provides policy guidance regarding criteria for Neighborhood Commercial Centers. Policy 3.4 lists a number of criteria. Those criteria are listed below along with Staff's interpretation in **bold** of whether or not this request complies with them.

Policy 3.4: Criteria for Neighborhood Commercial Centers

- A. Neighborhood Commercial Centers shall be located at the arterial/arterial or arterial/collector street intersections. **Compliant – at intersection of arterial/collector.**
- B. Limit the commercial uses in neighborhood centers to one corner of the intersection. **Compliant. However, it is debatable whether this could be considered a "center".**
- C. New Neighborhood Commercial Centers shall be at least one (1) mile from any existing or new Commercial Center. **Not compliant – less than ½ mile from centers at W. 6th Street and K-10 Highway and W. 6th Street and Wakarusa Drive.**
- 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. **Compliant – development would be considerably less than 100,000 gross square feet.**
- 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. **Compliant – the single use would presumably contain less than 40,000 square feet.**
- F. A nodal plan shall be completed before a proposal for a Neighborhood Commercial Center goes before the Planning Commission. **Not compliant- this request serves, in part, as the comprehensive planning effort for this proposed commercial designation.**

- 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. **The other corners are not developed for urban uses, but it is anticipated the bulk of the future uses will be residential.**
- 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. **The other corners are not developed for urban uses, but it is anticipated the bulk of the future uses will be residential.**
- 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. **To be determined with site planning.**
- J. Neighborhood Commercial Centers shall be designed with pedestrian mobility as a top priority. **To be determined with site planning.**
 - 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 access ways to reduce the potential of pedestrian/vehicle conflicts.
- K. Façades shall have a variety of textures, colors, shapes, etc. such that the buildings in a Neighborhood Center do not have a single uniform appearance. **To be determined with site planning.**
- L. Neighborhood Centers should have dedicated open space areas that are useable by the Center's employees and shoppers. **To be determined with site planning.**
- M. Neighborhood Commercial Centers shall not expand into the surrounding portions of the neighborhood. **This request cannot be considered an extension of one of the two nodes it lies between, but instead a new small scale commercial center. As such, commercial use is extending into an area designated for office/residential uses when viewing the 6th Street corridor from Folks to the SLT as a whole.**
- 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. **Compliant.**
- O. Neighborhood Commercial Centers shall develop in a manner that is consistent with the city's adopted design guidelines. **To be determined with site planning.**

The Planning Commission previously reviewed a similar Comprehensive Plan Amendment proposal for the southwest corner of Clinton Parkway and Crossgate Drive. A rezoning request to CN-2 and a comprehensive plan amendment were brought forth for that corner in 2008. The proposal was to develop a stand-alone drug store on the site. The Planning Commission voted 5-4 on July 21, 2008 to approve the Comprehensive Plan Amendment. Dissenting members of the Commission stated concerns about traffic and that the development was too close to other commercial development in the area. Supporters of the project cited a changing policy to develop more walkable access to services than what the existing nodes provided for the area. The request was withdrawn prior to the City Commission considering it.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends denial of this comprehensive plan amendment to *Horizon 2020* to amend Chapter 6 to include the northwest corner of W. 6th Street and Queens Road as a location for a new Neighborhood Commercial Center and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission with a recommendation of denial.

Findings for recommendation of denial:

1. The proposal is in conflict with Horizon 2020 policy: "The Comprehensive Plan does not support increasing the size or number of new Commercial Centers."
2. The proposal is in conflict with Horizon 2020 policy 3.4C which states: "New Neighborhood Commercial Centers shall be at least one (1) mile from any existing or new Commercial Center."
3. The proposal is in conflict with Horizon 2020 policy 3.1B which states: "Strip Commercial Development: Stop the formation or expansion of Strip Commercial Development by directing new development in a more clustered pattern."
4. The subject property is well served by two commercial nodes that are within walking distance.

Attachments:

- Proposed new text
- Applicant's application
- Neighboring commercial centers map

Description inserted in Horizon 2020 Text, shown in italics:

LAWRENCE - NEW COMMERCIAL AREAS

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

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

The Comprehensive Plan does not support increasing the size or number of new Commercial Centers.

• **Neighborhood Commercial Centers**

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

1. E. 23rd Street and O'Connell Road
2. Franklin Road (extended) and N 1300 Rd
3. E 1500 Rd and N 1100 Rd
4. E 1000 Rd and N 1000 Rd
5. E 1000 Rd and N 1200 Rd
6. Clinton Parkway and K-10
7. W. 15th Street and K-10
8. E 800 Rd and at the potential east/west arterial 2 miles north of US US-40
9. E 700 Rd and US US-40
10. E 800 Rd and N 1750 Rd
11. E 1000 Rd and N 1750 Rd
12. E 1500 Rd and US Highway 24/40
13. *Northwest corner (approximately 3 acres) of W. 6th Street and Queens Road*

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.

PETITION FOR COMPREHENSIVE PLAN AMENDMENT

To *Horizon 2020*, the Comprehensive Plan for Lawrence and Unincorporated Douglas County

Pre-Application Meeting

A Pre-Application meeting is required for all matters that require a public hearing.

Information regarding the process and criteria for a comprehensive plan amendment is provided in Chapter 17 of *Horizon 2020*.

This information is included with this application packet.

The applicant shall meet with Planning Staff at least seven (7) working days prior to submittal of the petition.

Pre-submittal 5/10/10, 20 10

Target Submission Date 5/24, 20 10.

Submittal Requirements

❖ Application Form

☒ A complete Application Form. (Application, 3 pages)

❖ Other

☐ Additional documentation provided by the applicant demonstrating need for amendment proposed.

☒ Please note, there is no review fee for a Comprehensive Plan Amendment.



PETITION FOR COMPREHENSIVE PLAN AMENDMENT

APPLICATION FORM

APPLICANT/AGENT INFORMATION

Contact Pat Kelly
Company _____
Address 4315 W. 143rd Street
City Leawood State KS ZIP 66224
Phone (913) 568-6524 Fax (913) 814-8824
E-mail PatKelly@kc.rr.com Mobile/Pager (____) _____
Pre-Application Meeting Date 5/10/10 Planner Mary Miller

Are you submitting any other applications? If so, please state which one(s).

Rezoning (Map Amendment) RM-24, CN2, and C0

Please identify the Chapter of the Comprehensive Plan is proposed to be amended.

Chapter 6

Please provide proposed amendment. (Attach additional sheets if needed)

We request that the "potential locations for new
Neighborhood Commercial Centers" located on page
6-20 of the Horizon 2020 plan be amended to
add the "northwest corner of W. 6th Street and
Queen's Road."



Please respond to the following questions to the best of your knowledge. Review bodies shall consider the following factors for all Comprehensive Plan Amendments (policy and map amendments). (Attach additional sheets if needed.)

- 1. Does the proposed text amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the Plan was adopted? (Please explain)**

Yes. The Horizon 2020 Plan focuses on the creation of commercial nodes in this area of Lawrence, anticipating the need for larger scale commercial centers to serve the growing residential population. Based on extensive discussions with City staff, it is unclear whether Horizon 2020 intended to address a significantly smaller, neighborhood focused retail pharmacy use as is proposed. Staff provided the direction to leave to the discretion of the Planning Commission whether a formal amendment is require. If an amendment is deemed appropriate, the unique design of the proposed residential, office and retail pharmacy uses should be included as part of the Horizon 2020 Plan because they comply with the overall spirit and intent of the plan by creating neighborhood services that can serve both the immediately adjacent community and the broader surrounding community, all within a coordinated pedestrian friendly, walkable and connected development.

- 2. Does the proposed amendment advance a clear public purpose? (please explain)**

Yes. The proposed amendment advances the stated public purpose of providing neighborhood needs for the proposed neighborhood while connecting the community to convenient and necessary services.

- 3. Is the proposed amendment consistent with the long-range goals and policies of the Plan? (please explain)**

Yes. Commercial uses that serve adjoining neighborhood areas are consistent with the long range goals and policies of the plan. As noted above, although the Horizon 2020 Plan recognized that need, it did not clearly anticipate a proposed single stand alone neighborhood use on a smaller scale. The proposed development is consistent with the spirit and intent of the Plan by serving the surrounding community in a coordinated and connected manner.

- 4. Does the proposed amendment result from a clear change in public policy? (Please explain)**

No. The proposed amendment is better characterized as a logical and consistent extension of the public policy goals of the City, including the Horizon 2020 Plan. It promotes a neighborhood connection to useful retail services through a pedestrian friendly coordinated development.



City of Lawrence
Douglas County

PLANNING & DEVELOPMENT SERVICES

**Lawrence Douglas County
Metropolitan Planning Office**

6 East 6th Street, P.O. Box 708, Lawrence, KS 66044
(785) 832-3150 Fax (785) 832-3160
www.lawrenceks.org/pds

In addition, the following shall be considered for any specific map amendment.
Please answer the following questions, if an amendment to a map in *Horizon 2020* is proposed:

5. Will the proposed amendment affect the adequacy of existing or planned facilities and services? (Please explain)

No. The proposed amendment will not affect the adequacy of the existing or planned facilities and services in the area because this small neighborhood use will serve the surrounding neighborhood.

6. Will the proposed change result in reasonably compatible land use relationships? (Please explain)

Yes. The proposed change will result in a compatible land use relationships between the surrounding properties and the single neighborhood commercial use. The adjacent properties will also benefit from having the convenience of neighborhood retail store which will help creating a more walkable community.



City of Lawrence
Douglas County

PLANNING & DEVELOPMENT SERVICES

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In addition, the following shall be considered for any specific map amendment.

Please answer the following questions, if an amendment to a map in *Horizon 2020* is proposed:

- 5. Will the proposed amendment affect the adequacy of existing or planned facilities and services? (Please explain)**

see attached

- 6. Will the proposed change result in reasonably compatible land use relationships? (Please explain)**

see attached

- 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? (Please explain)**

It is our hope to provide and operate a first class community that not only the residents will be proud to call home but one in which neighbors will be happy to live next too. We hope the citizens of Lawrence will feel as though this community is an asset to the high quality of life in Lawrence.

SIGNATURE

By execution of my/our signature, I/we do hereby officially petition initiation of the proposed amendment as indicated above.

Signature(s):

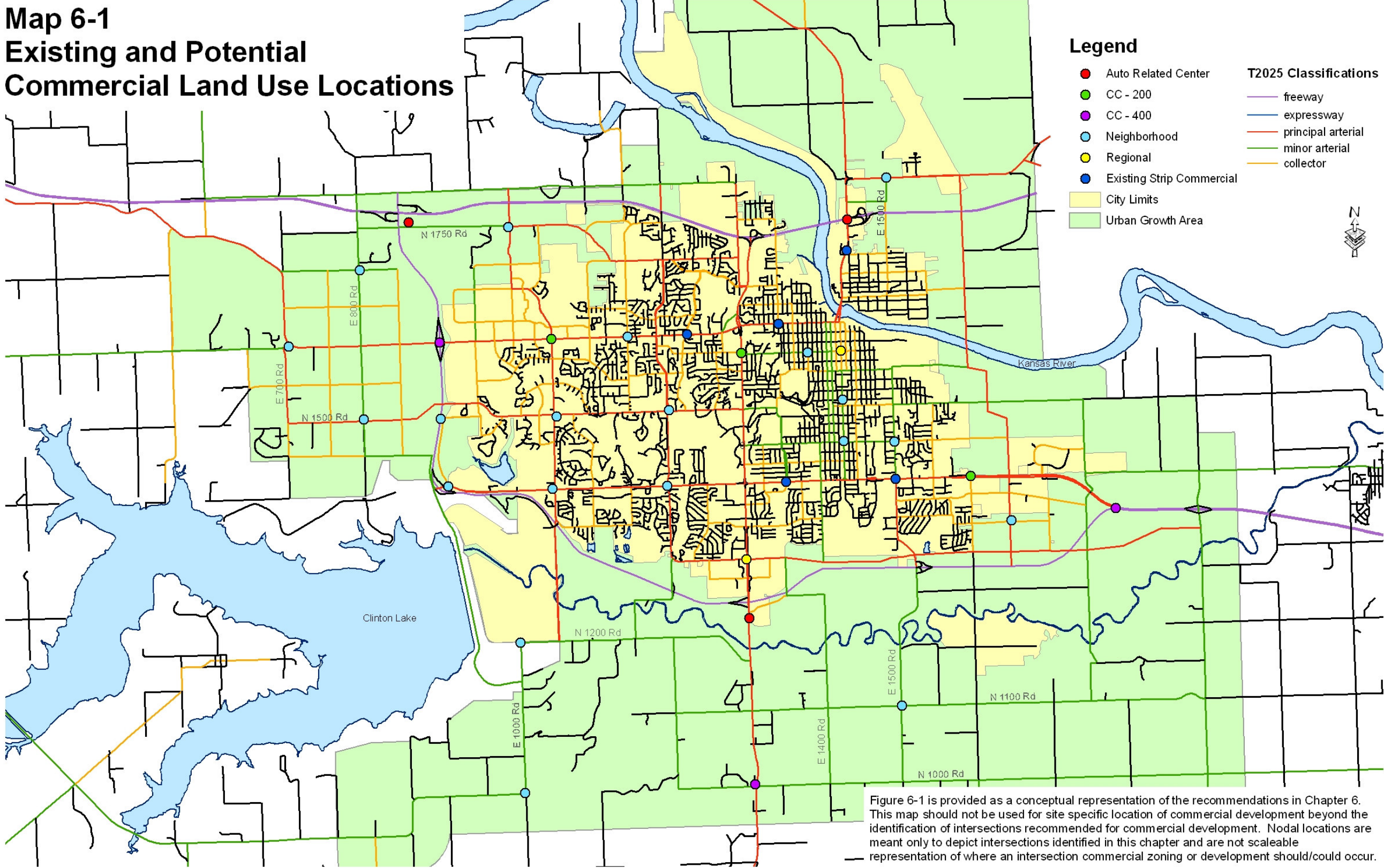
Pat Kelly

Date

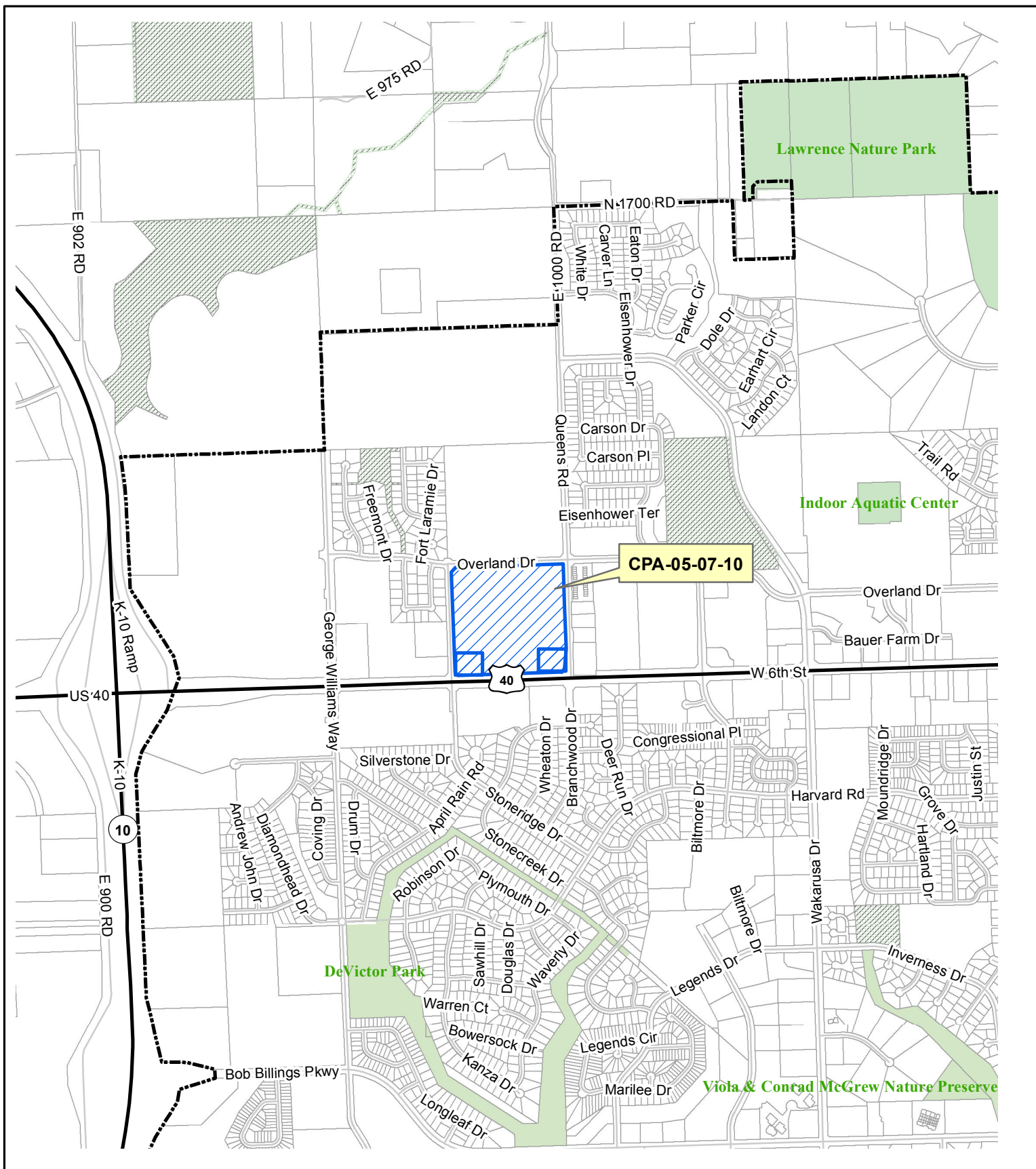
5/10/10

Date

Map 6-1 Existing and Potential Commercial Land Use Locations



Revised May 21, 2008



CPA-05-07-10: Comprehensive Plan Amendment to Horizon 2020-Ch. 6 NW corner of 6th St & Queens Rd

Lawrence-Douglas County Planning Office
August 2010



Area Requested

Scale: 1 Inch = 300 Feet



Lawrence Association of Neighborhoods

Neighborhoods Working Together

Members of the Lawrence / Douglas County Planning Commission
City Hall
6 East 6th Street
Lawrence, Kansas 66044

August 6, 2010

Re: **Regular Agenda Items for the August 23, 2010 Meeting**
Public Hearing Items

- | | | |
|------------|-------------------------------------|---|
| 1. | Comprehensive Plan Amendment | 6th Street and Queens Road |
| 2a. | Comprehensive Plan Amendment | 6th Street and Queens Road |
| 3. | Comprehensive Plan Amendment | 6th Street and Folks Road, Bauer Farms |

Dear Members of the Planning Commission,

The Lawrence Associations of Neighborhoods (LAN) opposes each of the three development proposals along West 6th Street from Folks Road to Queens Roads. LAN agrees with the recommendations of staff on each of these proposals, the applications should be denied.

Northwest Area Plan and the Prevention of a Commercial Strip

The Northwest Area Plan very specifically calls for the protection of West Sixth Street from becoming a commercial strip. It states:

The plan reiterates the goal of Horizon 2020 to terminate the lineal (strip) commercial development along West Sixth Street, west of Monterey Way, by planning commercial land uses only at the intersections of West Sixth Street and Wakarusa Drive and West Sixth Street and the South Lawrence Trafficway.

The development of retail space at Queens Road would violate the promise of the Northwest Area Plan. This would create a commercial strip along West 6th Street. The commercial strip centers would be located within close proximity of the commercial node approved at West 6th Street and Wakarusa Drive.

The shopping needs of this neighborhood are more than adequately served by the stores available at this commercial node.

Overbuilt Retail Market

The retail markets of Lawrence in general and the West 6th Street and Wakarusa Drive in particular are overbuilt. The growth of the supply of retail space has far outpaced the growth in retail spending. From 1995 to 2009, the amount of retail space in Lawrence grew by 48 percent. During the same time period, retail spending after correcting for inflation grew by only 6 percent. Most of this growth was realized in the early years of this time period, but spending has been relatively flat since the late 1990s. To give a sense of scale to the problem, in 1995 the stock of retail space was about 3.8 million square feet. If it had grown by the same 10 percent as the growth in demand at its peak in 2006, the stock would be about 4.2 million square feet today rather than the 5.7 million square feet that we have today. Thus, the surplus stock is about 1.5 million square feet.

The commercial node at West 6th Street and Wakarusa Drive is an extreme case of this overbuilt condition. This node was originally planned for 150,000 square feet of retail space. This grew to 200,000, and now over 400,000. The proposals being considered now would total to over 600,000 square feet. This growth in space has far outstripped the pace of growth of population in this sector of the city.

The Planning Commission should be taking every step possible to resolve this problem. This means, at the very minimum, that the Planning Commission should not be expanding this surplus by adding more retail space.

Capacity of Lawrence to Absorb a Second Home Improvement Center

The proposal to modifying the plan for Bauer Farms for the inclusion of a Lowe's Home Improvement Center is an example of predatory development. The Lawrence area, including all of Douglas County, is only barely large enough to support one home improvement center. Adding a second home improvement center will serve only to force the city's existing home improvement center out of business.

As the table below illustrates, Lawrence has enough population to support one store, but it is actually too small in terms of the number of homeowners normally needed to support that store. If a second store is added, there will be too few people, and especially too few homeowners to support both stores. The result is that one store will probably go out of business. All too often in this type of cutthroat competition, the older store is the one that fails.

The taxpayers of Lawrence are not indifferent to this process. The taxpayers invested heavily, in excess of \$1.5 million to facilitate the development of the Home Depot store at 31st and South Iowa Streets. The taxpayers do not want to see this investment lost. Nor do the taxpayers want to see the Home Depot store become another retail building that becomes vacant and sits for years without a tenant.

**Ratio of Home Improvement Stores to Population and Homeowner Households
Kansas City and Lawrence**

	<i>Kansas City Metropolitan Area</i>	<i>Lawrence Douglas County</i>	<i>Lawrence with Added Center</i>
Home Depot Centers	16	1	1
Lowes Centers	3		1
Total Centers	19	1	2
Population	1,980,619	113,569	
Owner households	538,827	24,800	
Population:centers ratio	104,243	113,569	56,785
Owners:centers ratio	28,359	24,800	12,400

Recommendation

In order to stop the process of turning West 6th Street into a commercial strip, in order to not add to the existing supply of surplus retail space, and to avoid predatory development that will waste the taxpayers' investment, LAN recommends against these three development proposals.

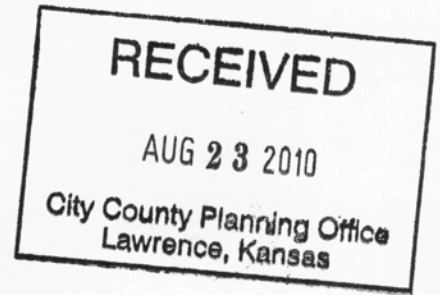
Sincerely,

Gwen Klingenberg
President – Lawrence Association of Neighborhoods

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

August 22, 2010

Mr. Charles Blaser, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044



RE: ITEMS 1, 2A & 2C: PLAN AMENDMENTS, REZONING TO CN2, AND REZONING TO RM24

Dear Chairman Blaser and Planning Commissioners:


We commend the staff for their careful analysis which led to the recommendation for denial of the request for the plan changes to commercial land use on the northwest corner of Queens Road and 6th Street and for their recommendation for denial of that request for rezoning to CN2.


However, regarding Item 2C, we are troubled by the staff recommendation for rezoning this 34-acre single lot to the RM24 District as illustrated by the Concept Plan. Based on this Plan the rezoning leads to the conclusion that the entire 34-acre lot (tract) will always be under one ownership. Single ownership of one large lot is necessary here so that the driveways illustrated in the Concept Plan will not constitute "shared" driveways between separate owners, and consequently will not be in violation of the Subdivision Regulations regarding such driveways, as well as not conflict with the prohibition on developing private streets in conventional districts. We question the wisdom of allowing the residents of the 680 dwelling units (34 ac. x 20 du/ac.) access only to these three narrow private drives which will be the total responsibility of a single private entity for their maintenance, repair, snow removal, and access for police and fire protection..

We suggest that the public and this project would be better served if it were to be developed as a Planned Development. At the very least, we ask that this 34-acre tract not be rezoned to RM24 separately, but rather, that it be platted in conjunction with the rezoning.

Thank you for considering our letter.

Sincerely yours,


Milton Scott
Vice President


Alan Black, Chairman
Land Use Committee



Greg L. Musil
(913) 234-7513
(913) 323-0453 Direct Fax
gmusil@polsinelli.com

6201 College Boulevard, Suite 500
Overland Park, KS 66211
(913) 451-8788
Facsimile: (913) 451-6205
www.polsinelli.com

August 23, 2010

AND E-MAIL: smccullough@ci.lawrence.ks.us

Scott McCullough, Director -
City Hall, 6 E. 6th Street
P.O. Box 708
Lawrence, KS 66044-0708

Re: 6th and Queens Planning Commission Items (Nos. 1, 2A, 2B and 2C)

Dear Scott:

As you know, I represent Pat Kelly, the owner of the property at 6th and Queens that is the subject of the above-referenced applications. These items are on the Lawrence Planning Commission's agenda for tonight,

Pursuant to our discussion late Friday, please accept this letter as a request from the Mr. Kelly to continue these items to the September Planning Commission meeting. We know the Commission has a full evening with the remaining item. More importantly, we just learned late last week of the Lawrence Association of Neighborhoods' opposition to Mr. Kelly's application. To ensure a full understanding of that opposition and provide an opportunity for discussion and dialogue with LAN's representatives, we are requesting a continuance. This morning I have contacted by e-mail Ms. Gwendolyn Klingenberg to open that discussion. Mr. Kelly's project is intended to create a neighborhood with pedestrian friendly access to and from a bank and a small retail site within the neighborhood. We believe it is worth pursuing a broader discussion of that concept before presenting to the Planning Commission.

I understand this will be placed on the consent agenda for tonight's meeting. Mr. Kelly and I will plan on being present tonight if there is a need for our input.

Yours very truly,

A handwritten signature in black ink that reads 'Greg L. Musil'. The signature is stylized with a large 'G' and a prominent 'M'.

Greg L. Musil

GLM:vh

Overland Park Kansas City St. Louis Chicago Denver Phoenix Washington, DC New York

McCullough
August 23, 2010
Page 2

cc: Mr. Pat Kelly (via e-mail)

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
08/23/10

**ITEM NO. 2A : UR TO CN2; 3.158 ACRES; NW CORNER W 6TH ST & QUEENS RD
(MKM)**

Z-5-8-10: Consider a request to rezone approximately 3.158 acres from UR (Urban Reserve) to CN2 (Neighborhood Commercial Center), located at the Northwest corner of W. 6th Street and Queens Road. Submitted by Olsson Associates for Pear Tree Village L.P., property owner of record.

STAFF RECOMMENDATION: Staff recommends denial of the rezoning request for 3.158 acres from UR (Urban Reserve) to CN2 (Neighborhood Shopping Center) District and forwarding it to the City Commission with a recommendation for denial based on the findings of fact found in the body of the staff report.

PLANNING COMMISSION ALTERNATIVE: If a comprehensive plan amendment is adopted which identifies this area as a suitable area for CN2 development, then the Planning Commission may desire to make findings to support the request and forward the request to the City Commission with a recommendation for approval subject to the following condition:

1. Commercial development shall be limited to less than 50,000 sq ft.

Applicant's reason for request: *"The current UR Zoning District only allows for agriculture uses. It is our desire to build a first class community on the proposed property."*

KEY POINTS

- This rezoning request is part of a development proposal which includes 1 lot, 34.57 acres, of multi-dwelling residential development; 1 lot, 3.113 acres, of commercial-office development, and 1 lot, 3.158 acres, of commercial development (the subject property).
- The property is currently unplatted. Platting and site planning will be required prior to development.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The principal character of this area as developed, or approved, is residential. Different levels of development are present on the north and south sides of W 6th Street, a principal arterial and State Highway. The area south of W 6th Street is mostly-developed with residential uses and the area north of W 6th Street is partially-developed with a church, a City water tower, a few rural residences and two properties with development approvals for residential uses.

CONFORMANCE WITH *HORIZON 2020*

- The proposed rezoning request from UR to CN2 is not consistent with land use recommendations found in *Horizon 2020*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

PREVIOUS REZONING REQUESTS AND ACTION (all files have been closed due to inactivity):

- Z-02-07A-08: 6.99 acres from UR to RM12; (approved by City Commission on June 3, 2008. Ordinances were not prepared for adoption as the applicant indicated they would be revising the rezoning request. Applicant requested deferral on August 1, 2008).
- Z-02-07B-08: 20.92 acres from UR to RM15 (approved by City Commission on June 3, 2008. Ordinances were not prepared for adoption as the applicant indicated they would be revising the rezoning request. Applicant requested deferral on August 1, 2008).
- Z-01-07C-08: 7.23 acres from UR to CN2 (Planning Commission deferred action on this rezoning to allow applicant time to resubmit on April 22, 2008. Applicant requested deferral on August 1, 2008).
- Z-02-07D-08: Rezoning of 5.669 acres from UR to CO. (Planning Commission forwarded to City Commission with recommendation for approval on April 22, 2008. City Commission voted on June 3, 2008 to defer until associated rezoning for remainder of property has been submitted. Applicant requested deferral on August 1, 2008) .
- Z-05-11-08: Rezoning of 7.23 acres from UR to CO (replacing Z-02-07C-08) Deferred by applicant prior to Planning Commission meeting.

ASSOCIATED CASES

- Current rezoning requests: Z-5-7-10: 3.113 acres from UR to CO, and Z-5-9-10: 34.527 acres from UR to RM24. These rezoning requests are also on the July Planning Commission agenda for consideration.
- Comprehensive Plan Amendment [CPA-5-7-10] designating the intersection of Queens Road and W 6th Street/Highway 40 as an appropriate location for a CN2 District. Also being considered as part of the July Planning Commission agenda.

OTHER ACTION REQUIRED

- City Commission approval of zoning requests and publication of zoning ordinances.

OTHER ACTION REQUIRED PRIOR TO DEVELOPMENT

- Submittal and Planning Commission of Preliminary Plat, City Commission acceptance of dedications.
- Submittal and administrative approval of final plat. Recordation of final plat with the Douglas County Register of Deeds.
- Submittal and approval of Public Improvement Plans.
- Submittal and administrative review of site plans.
- Submittal and administrative review of site plans for multi-family and commercial developments.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No public comment was received prior to printing this Staff Report.

GENERAL INFORMATION

Current Zoning and Land Use: UR (Urban Reserve) District; agricultural uses

Surrounding Zoning and Land Use:

- To the west:
- Property within this project with a rezoning request from UR (Urban Reserve) to the CO (Commercial Office) Districts, on the June Planning Commission agenda for consideration

- Further to the west, beyond the project's boundary: RS10 (Single-dwelling Residential) District; a church; and GPI (General Public and Institutional Use) District; a City water tower.

To the east:

- UR (Urban Reserve) District; detached dwellings.

To the north:

- Property within this project with a rezoning request from UR (Urban Reserve) District to the RM24 (Multi-dwelling Residential) District; agricultural uses.
- Further to the north, beyond the project's boundary, is UR Zoning with agricultural uses. A residential subdivision and rezoning, Loges Addition, were previously approved for this property, but expired.

To the south:

- RS7 (Single-dwelling Residential) District; undeveloped property which was platted as the Seventh Day Adventist Church Addition.

Project Summary

This request is to rezone the property in preparation for development consisting of multi-dwelling residential, commercial and commercial-office uses. A rezoning request to the CN2 District has been submitted for the subject property to allow the development of a *General Retail Sales* use in this location.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The Horizon 2020 plan does not bring attention to single neighborhood uses such as what is proposed with this submittal. It is our opinion that this single stand alone neighborhood use conforms with the intent of the plan to create commercial uses that serve adjoining neighborhoods."

The following statements are recommendations from *Horizon 2020* regarding Commercial Development and Neighborhood Commercial Centers with Staff comments in italics.

Strategies: Commercial Development

One of the principal strategies recommended by the Comprehensive Plan for the development of commercial land use areas is to require commercial development to occur in 'nodes' by avoiding lineal and shallow lot depth commercial development along the city's street corridors. (Page 6-1, Strategies: Commercial Development; *Horizon 2020*)

The Goals and Strategies in the Commercial Chapter center on 'nodal development' which is defined as 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'. The Nodal concept requires the clear termination of commercial development within near proximity of an intersection. (Page 6-2, Nodal Development; *Horizon 2020*)

The proposed commercial development would be located at the intersection of Queens Road, a collector, and W 6th Street/Hwy 40, a principal arterial. The subject location lies between two commercial centers, one existing at the intersection of 6th and Wakarusa and one with preliminary approval, Mercato, at 6th and K-10; that have clear termination to their development patterns. The existing and approved development along this portion of 6th Street is in compliance with the recommendation to avoid linear strip commercial development.

While this individual development would not constitute 'strip development' in and of itself, or in conjunction with the other rezonings submitted with this development proposal, it is a stand alone commercial project. Approval of commercial uses in an area that is not designated by Horizon 2020 as a Commercial Center, may set a precedent and increase the potential for additional commercial zoning on W 6th Street which could result in strip commercial development along W 6th.

Neighborhood Commercial Centers (CN2)

The Comprehensive Plan states that a Neighborhood Commercial Center should provide for the sale of goods and services at the neighborhood level. (page 6-4, *Horizon 2020*)

The applicant indicated they intend to develop a drug store at this location. A drug store is included in the definition of 'Personal Convenience Services' in the Development Code. Personal Convenience Services are defined as, "general retail sales and personal services of a small, neighborhood-scale." The proposed use would be permitted within the CN2 District.

The Comprehensive Plan recommends 12 intersections as potential locations for new Neighborhood Commercial Centers. (Page 6-14, Neighborhood Commercial Centers; *Horizon 2020*)

The intersection of W 6th Street and Queens Road is not listed as an appropriate location for new Neighborhood Commercial Centers.

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. 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. (page 6-20, Lawrence-New Commercial Areas, *Horizon 2020*)

The development being proposed is a stand alone commercial project located between two large commercial nodes. While this development would not constitute 'strip development' in and of itself, it may increase the potential for strip development along W 6th Street, by encouraging commercial uses in areas that are not designated for commercial uses in the comprehensive plan.

The Comprehensive Plan does not support increasing the size or number of new Commercial Centers from those recommended in the plan. (page 6-20, Lawrence-New Commercial Areas, *Horizon 2020*)

The proposed commercial rezoning would create new commercial development in an area that is not listed within the Comprehensive Plan for new neighborhood commercial centers and the plan specifically states that it does not support increasing the number of new Commercial Centers from those listed in the plan. The area is well served by commercial uses at the center located at 6th St. and Wakarusa and will be better served as the Mercato site develops.

Goal 3: Criteria for Commercial Development

Stop the formation or expansion of Strip Commercial Development by directing new development in a more clustered pattern. (Policy 3.1B, page 6-30; *Horizon 2020*)

Clusters of commercial development have already been established, or approved, in the two nodes at 6th and Wakarusa and 6th and SLT. Approving this commercial zoning will change the character of 6th Street and set a precedent for additional consideration of commercial development which may result in the formation of 'strip commercial development' along W 6th Street.

Neighborhood Commercial Centers shall be located at the arterial/arterial or arterial/collector street intersections. (Policy 3.5A, page 6-32; *Horizon 2020*)

The rezoning request is compliant with this recommendation.

Limit the commercial uses in neighborhood centers to one corner of the intersection. (Policy 3.5B, page 6-32; *Horizon 2020*)

The rezoning request is compliant with this recommendation.

New Neighborhood Commercial Centers shall be at least one (1) mile from any existing or new Commercial Center. (Policy 3.5C, page 6-32; *Horizon 2020*)

Existing and proposed Commercial Centers are approximately 1680 ft. to the east and 2450 ft. to the west (less than 1/2 of a mile in each direction). The commercial center to the west, Mercato, has preliminary plan approval for development and the commercial center to the east, is developed with a Wal-Mart store, a Dillon's grocery store, and several other retail establishments, as well as having approval for several smaller commercial uses. The rezoning request is not compliant with the locational criteria in Horizon 2020.

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." (Page 6-19)

This request does not result in moving the location of or extending a commercial center; instead, it proposes a new commercial use in an area served by two existing nodes.

A nodal plan shall be completed before a proposal for a Neighborhood Commercial Center goes before the Planning Commission. (Policy 3.4F, page 6-26; *Horizon 2020*)

A nodal plan has not been completed for this area; however, a comprehensive plan amendment request has been submitted and is the subject of consideration concurrently with this rezoning request. This is in keeping with the determination made with an earlier rezoning request [Z-05-12B-08] from RSO (Single-dwelling Residential-Office) District to CN-2 for a Neighborhood Commercial Center with drug store at Clinton Parkway and Crossgate Drive.

The proposal is not compliant with the recommendation that a new proposed Neighborhood Commercial Center be located at least 1 mile from other commercial centers, and the intersection of Queens Road and W 6th Street/Highway 40 is not specifically identified in *Horizon 2020* as a location for a new Neighborhood Commercial Center.

Staff Finding – While the proposed rezoning request complies with certain specific criteria for commercial development, taken in its complete context it is not compliant with *Horizon 2020* as the intersection of Queens Road and W 6th Street/Highway 40 is not identified in *Horizon 2020* as an appropriate location for a new Neighborhood Commercial Center.

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

Property to the west of this development proposal is zoned GPI, and has been developed with a City water tower; and RS10, developed with a church. Property adjacent to the subject property on the west and north are part of this development proposal. These areas have a RM-24 rezoning request which is also being considered at the July Planning Commission meeting. Property further to the north, beyond this proposal, had a development proposal for single family and duplex residences and zonings of RS7 and RM12D approved. The plat, Loges Addition, expired; therefore the zoning remains UR (Urban Reserve) and the land remains in agricultural uses. Property to the east contains existing residences along Queens Road that are zoned UR. To the south, across W 6th Street, is property zoned PRD with a maximum density of 12 units per acre which has been developed with duplex and 8-plex units (Alvadora).

Staff Finding -- The surrounding properties, beyond the limits of this development proposal, are zoned for residential purposes, general public or institutional uses or have not yet been rezoned for urban development. The immediate area is partially developed with St. Margaret's Episcopal Church and a City water tower to the west, and multi-dwelling residential development to the south. The proposed zoning is not consistent with the existing or planned zoning for this portion of the 6th Street corridor.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's response:

"We would like the character of the neighborhood to be upscale."

This portion of the 6th Street corridor is characterized by limited access and a mix of residential and institutional uses. The area contains W 6th Street/Highway 40, which is designated as a principal arterial on the Major Thoroughfares Map; K-10 Bypass, which is designated as a freeway on the Major Thoroughfares Map; Queens Road, which is designated as a major collector on the Major Thoroughfares Map; and Wakarusa Drive, which is designated as a principal arterial on the Major Thoroughfares Map. The area north of W 6th Street is largely undeveloped at this time, but there are several development proposals pending which have had rezonings and Preliminary Development Plans approved. Figure 1 illustrates the location of existing and proposed commercial development in the area.

The immediate area contains primarily residentially zoned property, or property which has not yet been rezoned to an urban zoning district. The subject property is located between two commercial nodes at the intersections of W 6th St and the K-10 Bypass and W 6th St and Wakarusa Dr. A Preliminary Development Plan for a Community Commercial Center under 400,000 sq. ft (CC400) has been approved and is pending for the northeast corner of the intersection of W 6th Street and the K10 Bypass. The intersection of W 6th Street and Wakarusa Drive is developed with commercial uses, with the exception of a few pad sites on the 6th and Wak property, and the Bauer Farm Planned Commercial Development which is being developed in phases.

Staff Finding -- The subject property is located in a high traffic area along a principal arterial, W 6th Street/40 Hwy with intersecting collector, Queens Road, and arterial streets, George Williams Way and Wakarusa Drive. The city and KDOT have gone to great lengths to establish appropriate access management along W 6th Street. The area is partially developed, with commercial uses either developed or approved at the W 6th Street and K-10 Bypass and the W 6th Street and Wakarusa Drive Intersections. The property along W 6th Street between commercial areas near the K-10 Bypass and Wakarusa Drive is zoned for residential uses or remains in the UR Zoning District pending development proposals. The CN2 development proposal is not in character with the other existing or planned uses along this portion of the 6th Street corridor.

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

The *Northwest Plan* recommended a multi-family/office mixed development in this area. Commercial uses were not recommended. (Figure 2) *"The plan reiterates the goal of Horizon 2020 to terminate the lineal (strip) commercial development along West Sixth Street, west of Monterey Way, by planning commercial land uses only at the intersections of West Sixth Street and Wakarusa Drive and West Sixth Street and the South Lawrence Trafficway."* (page 8)

Staff Finding -- The proposal is not compliant with recommendations in The *Northwest Plan* for specific location of commercial land uses to terminate the strip commercial development along W 6th Street.

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

Applicant's Response:

"The property is currently zoned UR, Urban Reserve, which only allows agriculture uses. This area of the city is growing and agricultural uses do not meet the intent of the Comprehensive Plan."

The UR (Urban Reserve) District is a special purpose district which the Development Code states is intended to provide a suitable classification for newly annexed land. The district is intended to avoid premature or inappropriate development that is not well served by infrastructure or community services. The only principal uses allowed in the UR District are crop agriculture and any lawful uses in existence immediately prior to annexation. Rezoning is necessary for the property to be used in any other manner. As infrastructure and community services are available and a development proposal has been submitted, the UR District is no longer appropriate for this property.

Staff Finding -- The property as zoned would allow for only crop agriculture. Given the proximity to Highway 40/W 6th Street and the K-10 Bypass, and the submittal of a development proposal the zoning of UR is no longer appropriate. Appropriate zoning, compliant with *Horizon 2020*, should be established to facilitate development.

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

Staff Finding – The property has never been developed but has been used for agricultural purposes.

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

Applicant's response:

"We believe it will have no detrimental effect. To the contrary, we believe it will have a positive effect on nearby properties."

The rezoning request would permit a limited amount of commercial development at the intersection of W 6th Street and Queens Road. Concerns have been raised from Neighborhood Associations in the area with previous proposals for commercial development with the amount of traffic anticipated along W 6th and the impact on the streets through their neighborhoods. Rezoning this area as commercial could increase the amount of traffic generated; however, the proximity of the commercial lot to the intersection of a collector and a principal arterial street would reduce any negative impact of the traffic through the surrounding neighborhood. It would not be necessary for traffic to travel through the neighborhood to access this property.

Staff Finding – No detrimental impacts are anticipated to the nearby properties with this rezoning; however, the corridor as a whole may begin to take on a "strip development" pattern that is strongly discouraged in the comprehensive plan.

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

Applicant's Response:

"We have already agreed to cooperate with the City with expensive road benefit districts and sewer benefit districts".

Evaluation of these criteria includes weighing the benefits to the public versus the benefits to 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 land would remain undeveloped or would be developed in a manner consistent with the comprehensive plan. The public would benefit from a corridor that is not "stripped out" and also by being able to count on the implementation of the comprehensive plan designation for this area. The hardship to the landowner is that a residential zoning category will limit development potential for the property. In this instance, the owner purchased the property in August, 2007 with the comprehensive plan designation already established. The gain to the public by denying the application outweighs the hardship to the owner in staff's opinion.

Approval of commercial development in locations not anticipated by *Horizon 2020* results in a departure from the long-range vision for the community. Departure from adopted plans reduces the ability of property owners to rely on plans when making property investments. A revision to the Comprehensive Plan to include this area as an identified location for a Neighborhood Commercial Center has been requested by the applicant.

Staff Finding – Denying the rezoning request would prohibit commercial development in this area and would be compliant with the recommended locations for commercial development in the *Northwest Plan* and Neighborhood Commercial Centers in *Horizon 2020*. The gain to the public by denying the application outweighs the hardship to the owner based on the discussion above.

9. PROFESSIONAL STAFF RECOMMENDATION

Staff Review

The applicant provided a concept plan with the rezoning requests showing the proposed development pattern of the retail, office and multi-dwelling residential development. (Figure 3) An independent Retail Market Impact Analysis is required per Section 20-1107(a) of the Development Code for any proposed commercial development which could result in over 50,000 sq. ft. or more of additional floor area for retail businesses in the City. The applicant indicated they had no plans to develop more than 50,000 sq ft of commercial use in this area. Given the size of the property and the parking and density and dimensional requirements for the CN2 District, it would be highly unlikely that 50,000 sq ft of commercial use could be developed on this approximately 3 acre lot. If approved, a condition should be placed on the zoning that commercial development will be limited to less than 50,000 sq ft.

The proposed rezoning does not comply with locational recommendations of *Horizon 2020* or the *Northwest Plan* and staff cannot recommend approval of the request mainly for this reason.

Staff Recommendation

Staff recommends denial of the rezoning request based on non-compliance with the locations recommended in *Horizon 2020* for a Neighborhood Commercial Center and based on the other findings in this report.

If a Comprehensive Plan Amendment is adopted which designates the intersection of W 6th Street/Highway 40 and Queens Road as a recommended location for a Neighborhood Commercial Center then the Planning Commission may decide to make findings that support the requested rezoning.

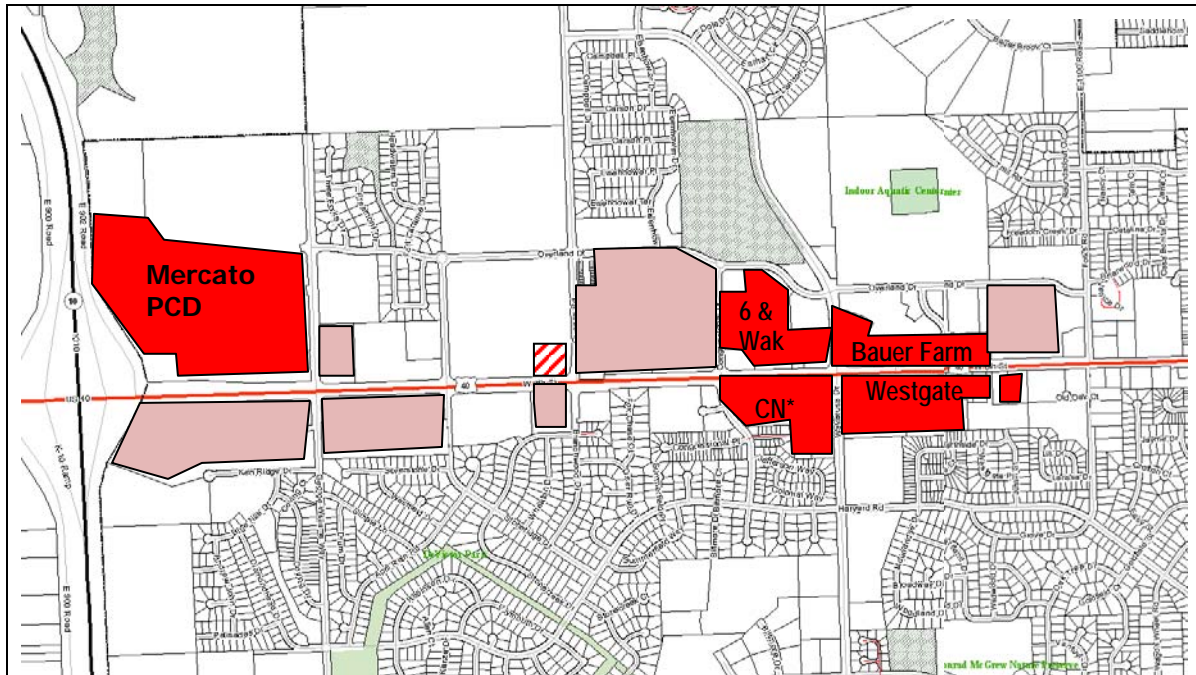
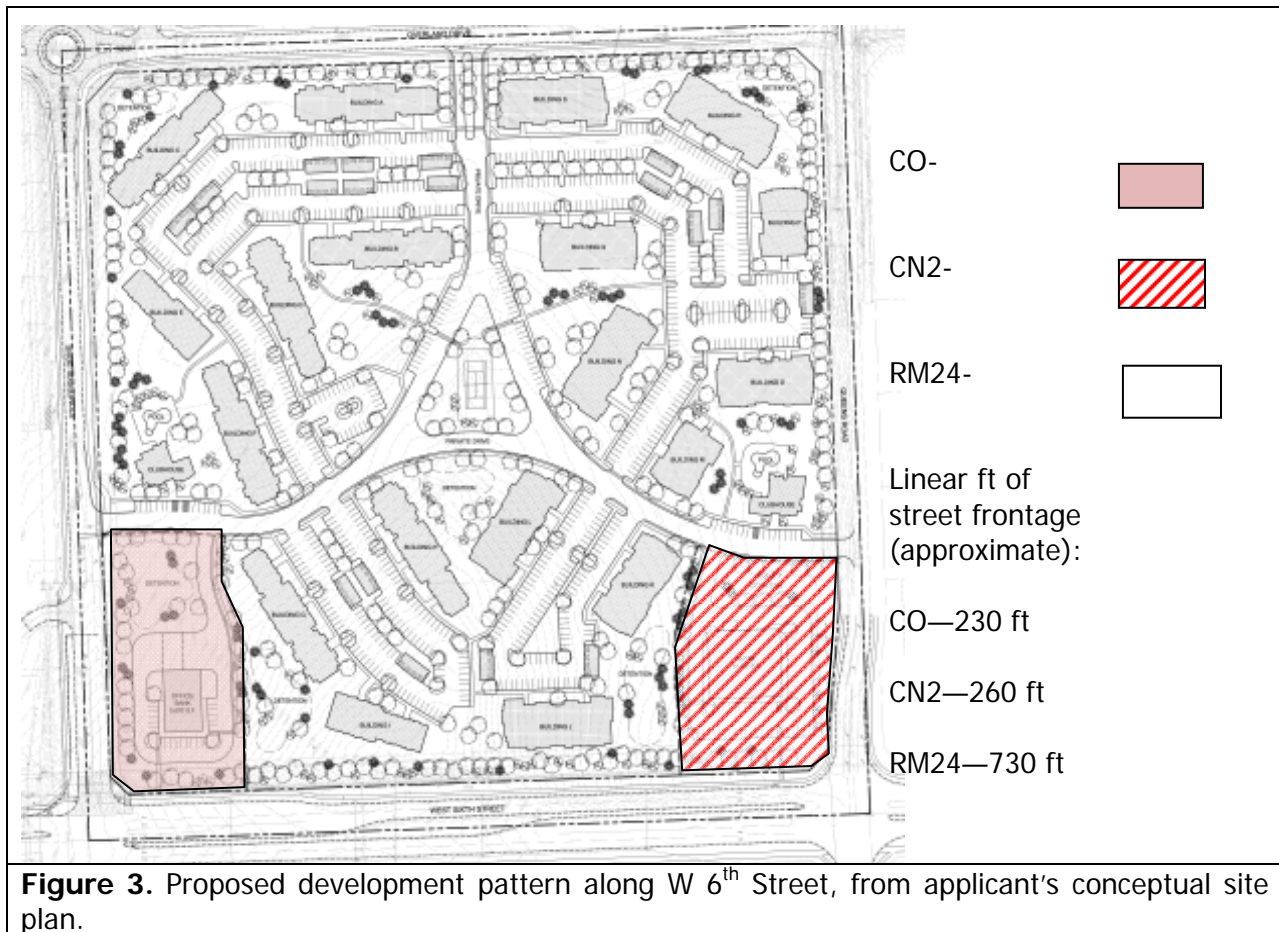


Figure 1. General location of commercial development (existing & approved) shown in red. Subject property is shown as striped red. Undeveloped properties along W 6th Street which *could* potentially become a part of a strip commercial development pattern *if* requested and approved shown as pink.



Figure 2. Northwest Area Plan recommendation. Subject property, marked with asterisk, is recommended for Office/m.f. mix.





DEVELOPMENT DATA:

Property Owner:
Pear Tree Village L.P.
4315 W. 143rd Street
Leawood, KS 66224
Contact: Pat Kelly

Proposed Site Use:
Apartments, Office, and Retail

Net Site Area:
1,518,667.84 Square Feet
34.86 Acres

Zoning:
Existing Zoning = UR
Proposed Zoning = RM24, CO, CN2

APARTMENT BUILDING DATA TABLE

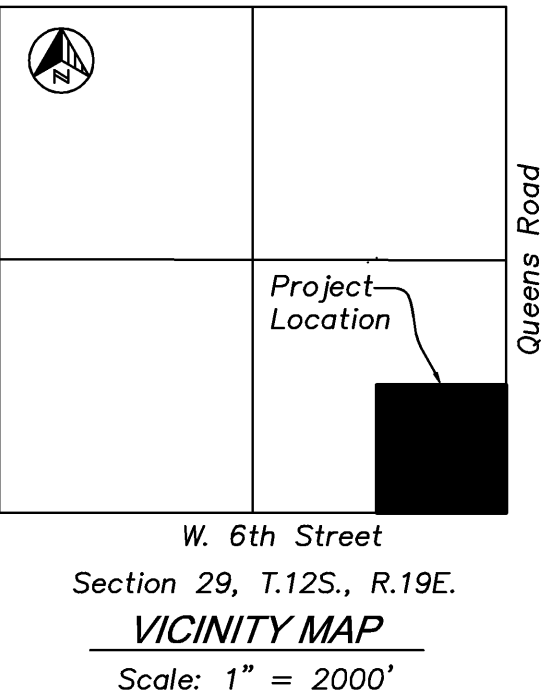
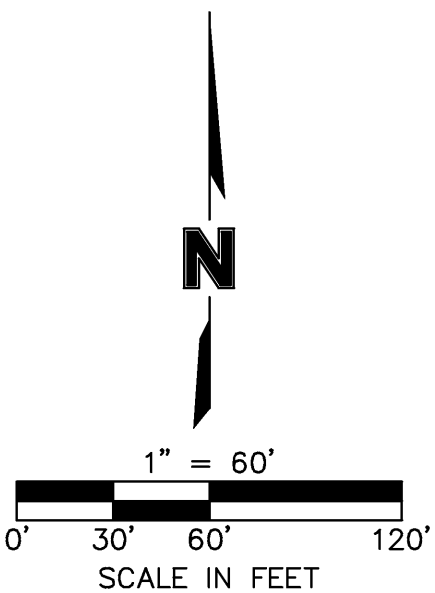
BUILDING LABEL	BUILDING HEIGHT
BUILDING A	3 STORY
BUILDING B	3 STORY
BUILDING C	3 STORY
BUILDING D	3 STORY
BUILDING E	3 STORY
BUILDING F	3 STORY
BUILDING G	3 STORY
BUILDING H	3 STORY
BUILDING I	3 STORY
BUILDING J	3 STORY
BUILDING K	3 STORY
BUILDING L	3 STORY
BUILDING M	3 STORY
BUILDING N	3 STORY
BUILDING O	3 STORY
BUILDING P	3 STORY
BUILDING Q	3 STORY
BUILDING R	3 STORY
BUILDING S	3 STORY

APARTMENT BUILDING DENSITY

MULTI-FAMILY LOT SIZE= 30.466 ACRES		
CODE ALLOWS 24 DWELLING UNITS PER ACRE	PROVIDED 19.89 UNITS PER ACRE	

COMMERCIAL BUILDING DATA TABLE

BUILDING LABEL	BUILDING SQ. FT.	LOT SIZE SQ. FT.
RETAIL	14,100 SF	94,331.98 SF
OFFICE/BANK	5,600 SF	97,230.24 SF





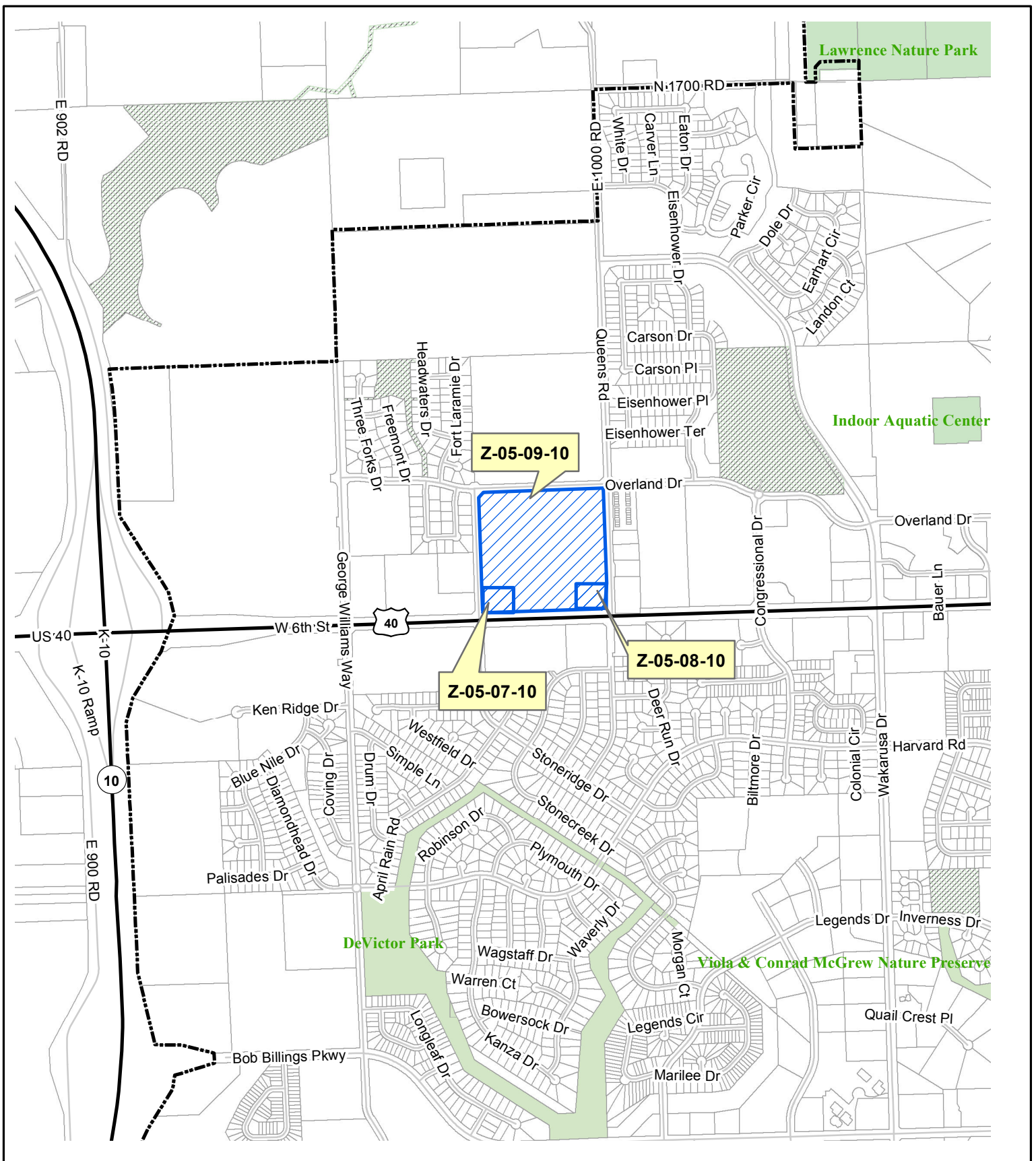
HUNTERS RIDGE APARTMENT COMPLEX

LAWRENCE, KANSAS

SCALE: 1" = 60'

OLSSON
ASSOCIATES





Z-05-07-10: Rezone 3.11 acres from UR to CO

Z-05-08-10: Rezone 3.15 acres from UR to CN2 NW corner of 6th St & Queens Rd

Z-05-09-10: Rezone 34.5 acres from UR to RM24





Lawrence Association of Neighborhoods

Neighborhoods Working Together

Members of the Lawrence / Douglas County Planning Commission
City Hall
6 East 6th Street
Lawrence, Kansas 66044

August 6, 2010

Re: **Regular Agenda Items for the August 23, 2010 Meeting**
Public Hearing Items

- | | | |
|------------|-------------------------------------|---|
| 1. | Comprehensive Plan Amendment | 6th Street and Queens Road |
| 2a. | Comprehensive Plan Amendment | 6th Street and Queens Road |
| 3. | Comprehensive Plan Amendment | 6th Street and Folks Road, Bauer Farms |

Dear Members of the Planning Commission,

The Lawrence Associations of Neighborhoods (LAN) opposes each of the three development proposals along West 6th Street from Folks Road to Queens Roads. LAN agrees with the recommendations of staff on each of these proposals, the applications should be denied.

Northwest Area Plan and the Prevention of a Commercial Strip

The Northwest Area Plan very specifically calls for the protection of West Sixth Street from becoming a commercial strip. It states:

The plan reiterates the goal of Horizon 2020 to terminate the lineal (strip) commercial development along West Sixth Street, west of Monterey Way, by planning commercial land uses only at the intersections of West Sixth Street and Wakarusa Drive and West Sixth Street and the South Lawrence Trafficway.

The development of retail space at Queens Road would violate the promise of the Northwest Area Plan. This would create a commercial strip along West 6th Street. The commercial strip centers would be located within close proximity of the commercial node approved at West 6th Street and Wakarusa Drive.

The shopping needs of this neighborhood are more than adequately served by the stores available at this commercial node.

Overbuilt Retail Market

The retail markets of Lawrence in general and the West 6th Street and Wakarusa Drive in particular are overbuilt. The growth of the supply of retail space has far outpaced the growth in retail spending. From 1995 to 2009, the amount of retail space in Lawrence grew by 48 percent. During the same time period, retail spending after correcting for inflation grew by only 6 percent. Most of this growth was realized in the early years of this time period, but spending has been relatively flat since the late 1990s. To give a sense of scale to the problem, in 1995 the stock of retail space was about 3.8 million square feet. If it had grown by the same 10 percent as the growth in demand at its peak in 2006, the stock would be about 4.2 million square feet today rather than the 5.7 million square feet that we have today. Thus, the surplus stock is about 1.5 million square feet.

The commercial node at West 6th Street and Wakarusa Drive is an extreme case of this overbuilt condition. This node was originally planned for 150,000 square feet of retail space. This grew to 200,000, and now over 400,000. The proposals being considered now would total to over 600,000 square feet. This growth in space has far outstripped the pace of growth of population in this sector of the city.

The Planning Commission should be taking every step possible to resolve this problem. This means, at the very minimum, that the Planning Commission should not be expanding this surplus by adding more retail space.

Capacity of Lawrence to Absorb a Second Home Improvement Center

The proposal to modifying the plan for Bauer Farms for the inclusion of a Lowe's Home Improvement Center is an example of predatory development. The Lawrence area, including all of Douglas County, is only barely large enough to support one home improvement center. Adding a second home improvement center will serve only to force the city's existing home improvement center out of business.

As the table below illustrates, Lawrence has enough population to support one store, but it is actually too small in terms of the number of homeowners normally needed to support that store. If a second store is added, there will be too few people, and especially too few homeowners to support both stores. The result is that one store will probably go out of business. All too often in this type of cutthroat competition, the older store is the one that fails.

The taxpayers of Lawrence are not indifferent to this process. The taxpayers invested heavily, in excess of \$1.5 million to facilitate the development of the Home Depot store at 31st and South Iowa Streets. The taxpayers do not want to see this investment lost. Nor do the taxpayers want to see the Home Depot store become another retail building that becomes vacant and sits for years without a tenant.

**Ratio of Home Improvement Stores to Population and Homeowner Households
Kansas City and Lawrence**

	<i>Kansas City Metropolitan Area</i>	<i>Lawrence Douglas County</i>	<i>Lawrence with Added Center</i>
Home Depot Centers	16	1	1
Lowes Centers	3		1
Total Centers	19	1	2
Population	1,980,619	113,569	
Owner households	538,827	24,800	
Population:centers ratio	104,243	113,569	56,785
Owners:centers ratio	28,359	24,800	12,400

Recommendation

In order to stop the process of turning West 6th Street into a commercial strip, in order to not add to the existing supply of surplus retail space, and to avoid predatory development that will waste the taxpayers' investment, LAN recommends against these three development proposals.

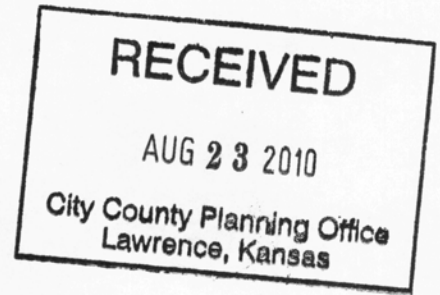
Sincerely,

Gwen Klingenberg
President – Lawrence Association of Neighborhoods

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

August 22, 2010

Mr. Charles Blaser, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044



RE: ITEMS 1, 2A & 2C: PLAN AMENDMENTS, REZONING TO CN2, AND REZONING TO RM24

Dear Chairman Blaser and Planning Commissioners:


We commend the staff for their careful analysis which led to the recommendation for denial of the request for the plan changes to commercial land use on the northwest corner of Queens Road and 6th Street and for their recommendation for denial of that request for rezoning to CN2.


However, regarding Item 2C, we are troubled by the staff recommendation for rezoning this 34-acre single lot to the RM24 District as illustrated by the Concept Plan. Based on this Plan the rezoning leads to the conclusion that the entire 34-acre lot (tract) will always be under one ownership. Single ownership of one large lot is necessary here so that the driveways illustrated in the Concept Plan will not constitute "shared" driveways between separate owners, and consequently will not be in violation of the Subdivision Regulations regarding such driveways, as well as not conflict with the prohibition on developing private streets in conventional districts. We question the wisdom of allowing the residents of the 680 dwelling units (34 ac. x 20 du/ac.) access only to these three narrow private drives which will be the total responsibility of a single private entity for their maintenance, repair, snow removal, and access for police and fire protection..

We suggest that the public and this project would be better served if it were to be developed as a Planned Development. At the very least, we ask that this 34-acre tract not be rezoned to RM24 separately, but rather, that it be platted in conjunction with the rezoning.

Thank you for considering our letter.

Sincerely yours,


Milton Scott
Vice President



Alan Black, Chairman
Land Use Committee



Greg L. Musil
(913) 234-7513
(913) 323-0453 Direct Fax
gmusil@polsinelli.com

6201 College Boulevard, Suite 500
Overland Park, KS 66211
(913) 451-8788
Facsimile: (913) 451-6205
www.polsinelli.com

August 23, 2010

AND E-MAIL: smccullough@ci.lawrence.ks.us

Scott McCullough, Director -
City Hall, 6 E. 6th Street
P.O. Box 708
Lawrence, KS 66044-0708

Re: 6th and Queens Planning Commission Items (Nos. 1, 2A, 2B and 2C)

Dear Scott:

As you know, I represent Pat Kelly, the owner of the property at 6th and Queens that is the subject of the above-referenced applications. These items are on the Lawrence Planning Commission's agenda for tonight,

Pursuant to our discussion late Friday, please accept this letter as a request from the Mr. Kelly to continue these items to the September Planning Commission meeting. We know the Commission has a full evening with the remaining item. More importantly, we just learned late last week of the Lawrence Association of Neighborhoods' opposition to Mr. Kelly's application. To ensure a full understanding of that opposition and provide an opportunity for discussion and dialogue with LAN's representatives, we are requesting a continuance. This morning I have contacted by e-mail Ms. Gwendolyn Klingenberg to open that discussion. Mr. Kelly's project is intended to create a neighborhood with pedestrian friendly access to and from a bank and a small retail site within the neighborhood. We believe it is worth pursuing a broader discussion of that concept before presenting to the Planning Commission.

I understand this will be placed on the consent agenda for tonight's meeting. Mr. Kelly and I will plan on being present tonight if there is a need for our input.

Yours very truly,

A handwritten signature in black ink that reads 'Greg L. Musil'. The signature is stylized with a large 'G' and a prominent 'M'.

Greg L. Musil

GLM:vh

Overland Park Kansas City St. Louis Chicago Denver Phoenix Washington, DC New York

McCullough
August 23, 2010
Page 2

cc: Mr. Pat Kelly (via e-mail)

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

**ITEM NO. 2B : UR TO CO; 3.113 ACRES; NE CORNER W 6TH ST & STONERIDGE DR
(MKM)**

Z-5-7-10: Consider a request to rezone approximately 3.113 acres from UR (Urban Reserve) to CO (Office Commercial), located at the Northeast corner of W. 6th Street and Stoneridge Drive. Submitted by Olsson Associates for Pear Tree Village L.P., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 3.113 acres from UR (Urban Reserve) to CO (Office Commercial), located at the northeast corner of the intersection of W 6th Street and Stoneridge Drive, 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.

REASON FOR REQUEST

"The current UR zoning district only allows for agriculture uses. It is our desire to build a first class community on the proposed property."

KEY POINTS

- This rezoning request is part of a development proposal which includes 1 lot, 34.57 acres, of multi-dwelling residential development; 1 lot, 3.158 acres, of commercial development and 1 lot, 3.113 acres (the subject property), of office-commercial development.
- The property is currently unplatted. Plats and site plans will be required prior to development.
- The CO District is primarily an office district, but does permit limited commercial retail uses.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The principal character of this area as developed, or approved, is residential. Different levels of development are present on the north and south sides of W 6th Street, a principal arterial and State Highway. The area south of W 6th Street is mostly-developed with residential uses and the area north of W 6th Street is partially-developed with a church, a City water tower, a few rural residences and two properties with development approvals for residential uses.

CONFORMANCE WITH *HORIZON 2020*

- The proposed rezoning request from UR to CO is generally consistent with land use recommendations found in *Horizon 2020* and specifically the *Northwest Plan*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

PREVIOUS REZONING REQUESTS AND ACTION (all files have been closed due to inactivity):

- Z-02-07A-08: 6.99 acres from UR to RM12; (approved by City Commission on June 3, 2008. Ordinances were not prepared for adoption as the applicant indicated they would be revising the rezoning request. Applicant requested deferral on August 1, 2008).

- Z-02-07B-08: 20.92 acres from UR to RM15 (approved by City Commission on June 3, 2008. Ordinances were not prepared for adoption as the applicant indicated they would be revising the rezoning request. Applicant requested deferral on August 1, 2008).
- Z-01-07C-08: 7.23 acres from UR to CN2 (Planning Commission deferred action on this rezoning to allow applicant time to resubmit on April 22, 2008. Applicant requested deferral on August 1, 2008).
- Z-02-07D-08: Rezoning of 5.669 acres from UR to CO. (Planning Commission forwarded to City Commission with recommendation for approval on April 22, 2008. City Commission voted on June 3, 2008 to defer until associated rezoning for remainder of property has been submitted. Applicant requested deferral on August 1, 2008).
- Z-05-11-08: Rezoning of 7.23 acres from UR to CO (replacing Z-02-07C-08) Deferred by applicant prior to Planning Commission meeting.

ASSOCIATED CASES

- Current rezoning requests: Z-5-8-10: 3.158 acres from UR to CN2; Z-5-9-10: 34.527 acres from UR to RM24. These rezoning requests are also on the July Planning Commission agenda for consideration.

OTHER ACTION REQUIRED

- City Commission approval of zoning requests and publication of zoning ordinances.

ACTION REQUIRED PRIOR TO DEVELOPMENT

- Submittal and Planning Commission of Preliminary Plat, City Commission acceptance of dedications.
- Submittal and approval of Public Improvement Plans.
- Submittal and administrative approval of final plat. Recordation of final plat with the Douglas County Register of Deeds.
- Submittal and administrative review of site plans.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

GENERAL INFORMATION

Current Zoning and Land Use: UR (Urban Reserve) District; agricultural uses.

Surrounding Zoning and Land Use: To the west:

- RS10 (Single-dwelling Residential) District; a church;
- GPI (General Public and Institutional Use) District; a City water tower.

To the east:

- UR (Urban Reserve) District; A rezoning request to the RM24 (Multi-dwelling Residential) District has been submitted with this development proposal for the property immediately to the east; undeveloped.
- Further to the east, beyond the project's boundary, is UR Zoning with detached dwellings.

To the north:

- UR (Urban Reserve) District; crop land. A rezoning request to the RM24 (Multi-dwelling Residential)

District has been submitted with this development proposal for the property immediately to the north.

- Further to the north, beyond the project's boundary, is UR Zoning with agricultural uses. A residential subdivision and rezoning were previously approved for this property, but expired.

To the south:

- PRD (Planned Residential Development) District; Multi-dwelling residences.

Project Summary

This request is to rezone the property in preparation for development consisting of multi-dwelling residential, commercial and office-commercial uses. A rezoning request to the CO District has been submitted for the subject property to allow the development of a bank in this location, but other CO uses would be permitted if the request is approved.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"We believe that the office lot conforms with the Comprehensive Plan, Horizon 2020."

The following statements are recommendations from *Horizon 2020* regarding Commercial Development and Neighborhood Commercial Centers. Staff comments follow, in *italics*:

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, and common access drives. 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. (page 6-19)

Staff looks to the Northwest Plan for policy guidance for the subject property. The plan designates the property for an office/residential mix, of which this request complies.

Section 20-209 of the Development Code states, "The CO, Office Commercial Zoning District, is generally intended to function as a medium-intensity office zoning district. The district is intended to prevent strip commercial development by allowing office uses but not allowing other commercial uses and to serve as a land use buffer between arterial or collector streets and residential neighborhoods." Horizon 2020 recommends that strip commercial development be avoided along W 6th Street.

Staff Finding -- The proposed rezoning request is in compliance with *Horizon 2020* policies and recommendations based on the *Northwest Plan*. The use, as restricted in the Development Code, does not contribute to strip commercial development along W 6th Street.

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

Property to the west of this development proposal is zoned GPI, and has been developed with a City water tower; and RS10, developed with a church. Property adjacent to the subject property on the east and north are part of this development proposal. These areas have an RM-24 rezoning request which is also being considered at the July Planning Commission meeting. Property farther to the north, beyond this proposal, had a plat for single family and duplex lots and zonings of RS7 and RM12D approved. The plat, Loges Addition, expired; therefore, the zoning remains UR (Urban Reserve) and the land remains in agricultural uses. Property farther to the east, beyond this development proposal contains existing residences along Queens Road that are zoned UR. To the south, across W 6th Street is property zoned PRD with a maximum density of 12 units per acre which has been developed with 4 and 8-plex units (Alvadora).

Staff Finding -- The surrounding properties, beyond the limits of this development proposal, are zoned for residential purposes, general public or institutional uses or have not yet been rezoned for urban development. The immediate area is partially developed with St. Margaret's Episcopal Church and a City water tower to the west, and multi-dwelling residential development to the south.

3. CHARACTER OF THE AREA

Applicant's Response:

"We would like the character of the neighborhood to be upscale."

The area contains W 6th Street/Highway 40, which is designated as a principal arterial on the Major Thoroughfares Map; K-10 Bypass, which is designated as a freeway on the Major Thoroughfares Map; Queens Road, which is designated as a major collector on the Major Thoroughfares Map; and Wakarusa Drive, which is designated as a principal arterial on the Major Thoroughfares Map. The area north of W 6th Street is largely undeveloped at this time, but there are several development proposals pending which have had rezonings and Preliminary Development Plans approved. Figure 1 illustrates the location of existing and proposed commercial development in the area.

The immediate area contains primarily residentially zoned property, or property which has not yet been rezoned to an urban zoning district. The subject property is located between two commercial nodes at the intersections of W 6th St and the K-10 Bypass and W 6th St and Wakarusa Dr. A Preliminary Development Plan for a Community Commercial Center under 400,000 sq. ft (CC400) has been approved and is pending for the northeast corner of the intersection of W 6th Street and the K10 Bypass. The intersection of W 6th Street and Wakarusa Drive is developed with commercial uses, with the exception of a few pad sites on the 6th and Wak property and the Bauer Farm Planned Commercial Development, which is being developed in phases and is currently partially developed. (Figure 2)

Staff Finding -- The subject property is located in a high traffic area with access restrictions, along a principal arterial, W 6th Street/40 Hwy with intersecting collectors, Queens Road, Stoneridge Drive and arterial streets, George Williams Way and Wakarusa Drive nearby. The area is partially developed, with commercial uses either developed or approved at the W 6th Street and K-10 Bypass and the W 6th Street and Wakarusa Drive Intersections. The property along W 6th Street between commercial areas near the K-10 Bypass and Wakarusa Drive is zoned for residential uses or remains in the UR Zoning District pending development proposals. Commercial development in the area, both current and approved, is in a nodal pattern.

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

The *Northwest Plan* recommends a multi-family/office mixed development in this area on the future land use map (Figure 3).

Staff Finding -- The proposal is for office-commercial use in this area in combination with a multi-family development as recommended in the *Northwest Plan*. The rezoning request, in conjunction with the multi-dwelling rezoning to the east, is compliant with plans which have been adopted for the area.

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

Applicant's Response:

"The property is currently zoned UR, Urban Reserve, which only allows agriculture uses. This area of the city is growing and agricultural uses do not meet the intent of the Comprehensive Plan."

The UR (Urban Reserve) District is a special purpose district which the Development Code states is intended to provide a suitable classification for newly annexed land. The district is intended to avoid premature or inappropriate development that is not well served by infrastructure or community services. The only principal uses allowed in the UR District are crop agriculture and any lawful uses in existence immediately prior to annexation. Rezoning is necessary for the property to be used in any other manner. As infrastructure and community services are available and a development proposal has been submitted, the UR District is no longer appropriate for this property.

Staff Finding -- The property as zoned would allow for only crop agriculture. Given the proximity to Highway 40/W 6th Street and the K-10 Bypass, the availability of infrastructure and community services, and the submittal of a development proposal the zoning of UR is no longer appropriate.

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

Staff Finding – The property has never been developed but has been used for agricultural purposes.

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

Applicant's Response:

"We believe it will have no detrimental effect. To the contrary we believe it will have a positive effect on nearby properties."

The rezoning request would permit commercial/office development in the northeast corner of the intersection of W 6th Street and Stoneridge Drive. With previous rezoning requests in this area, Neighborhood Associations in the area have expressed concern with the additional traffic anticipated with new commercial development and the impact on the streets through their neighborhood. Rezoning the subject property as commercial/office may increase the amount of traffic generated; however, as the subject property is adjacent to collector streets and a principal arterial which were designed for higher levels of traffic the additional traffic should not

negatively impact the nearby properties. The subject property is located near the intersection of W 6th Street and Stoneridge Drive and traffic would not need to pass through the neighborhood to access this property.

The Comprehensive Plan does not recommend commercial retail uses along W 6th Street, except in nodal developments in order to avoid a 'strip commercial' development pattern along W 6th Street. The rezoning would locate a small area of Office Commercial District, which permits primarily office uses with limited retail, in a corner of an intersection of a principal arterial. The Office Commercial District is intended to prevent commercial strip development.

Staff Finding – The inclusion of CO zoning in this area should not detrimentally impact 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:

"We have already agreed to cooperate with the city with expensive road benefit districts and sewer benefit districts."

Evaluation of these criteria includes weighing the benefits to the public versus the benefits to 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 not approved, the land would remain undeveloped.

If the rezoning request were not approved, the applicant could not develop the property with a bank with a drive through, as planned. This would be a hardship given that the planning documents lend support for this land use type and the owner should expect to implement the plan through appropriate zoning.

Staff Finding – The denial would change the nature of the office use permitted in this area by preventing the development of a bank with drive-thru teller lanes or a drive-up ATM. Given the nature of the proposed adjacent RM24 District, the denial would have no positive benefit on the public health, safety, or welfare.

9. PROFESSIONAL STAFF RECOMMENDATION

An independent Retail Market Impact Analysis is required per Section 20-1107(a) of the Development Code for any proposed commercial development which could result in over 50,000 sq. ft. or more of additional floor area for retail businesses in the City. As the amount of Commercial use is limited in the CO District to 10% of the total office space, it would not be possible to develop 50,000 sq ft of retail business in this district; therefore, a Retail Market Impact Analysis is not required.

The location of the office-commercial land use is compliant with the recommendations in *Horizon 2020* and the *Northwest Plan*. This area was planned as part of the *Northwest Plan* in 1997. The land use map (figure 3) shows that residential/office uses were recommended at this location. The office use, in connection with the multi-family use being proposed to the north and east, would constitute a mixed multi-family/office use. The Development Code indicates

that the CO District is intended to prevent strip commercial development by allowing primarily office uses with limited accessory retail uses.

The CO District permits very limited commercial uses along with office uses. Retail uses that are permitted in the CO District in addition to office uses are listed below:

- Quality restaurant (limited to 10% of total office area)
- Fast order food (limited to 10% of total office area)
- Mixed media store (limited to 5000 sq ft)
- Food and Beverage (limited to 10% of total office area)
- Retail Sales General (limited to 10% of total office area)

If a 10,000 sq ft building were proposed for the subject property the following retail uses would be possible:

- 1,000 sq ft could be developed as a quality restaurant,
- 1,000 sq ft could be developed as fast order food,
- 1,000 sq ft could be food and beverage sales, such as a grocery or convenience store, and
- 1000 sq ft could be general retail sales.

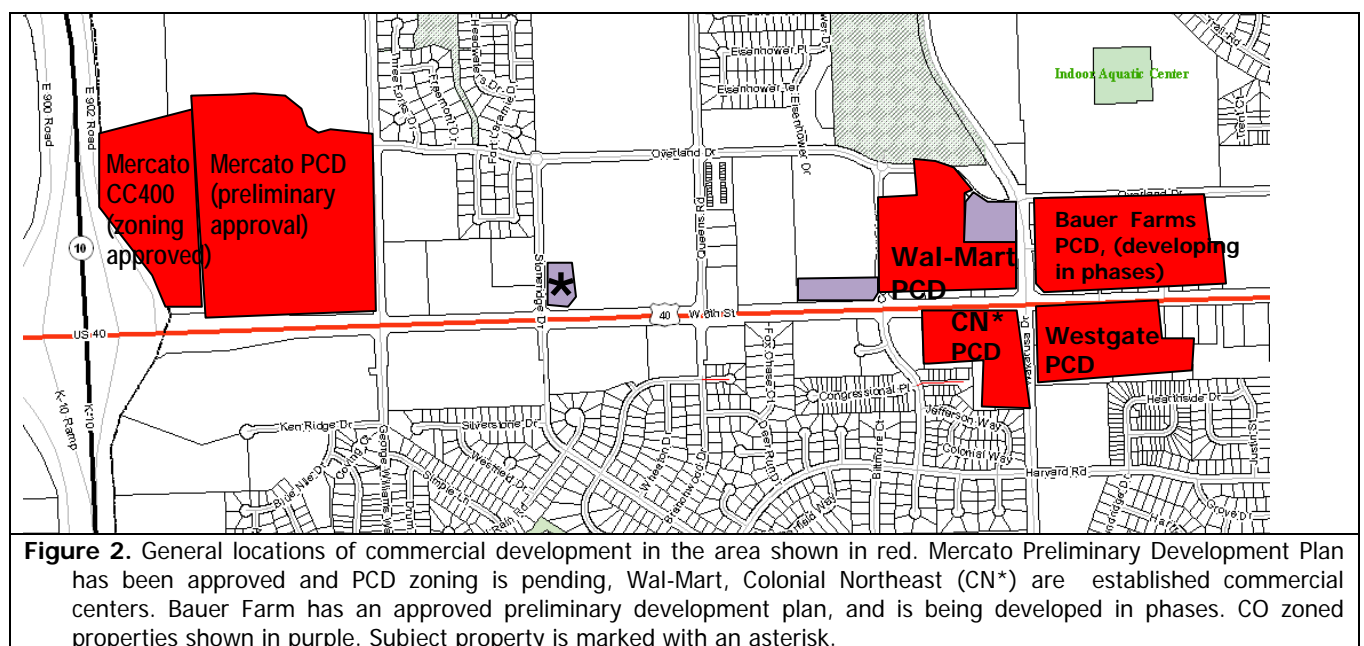
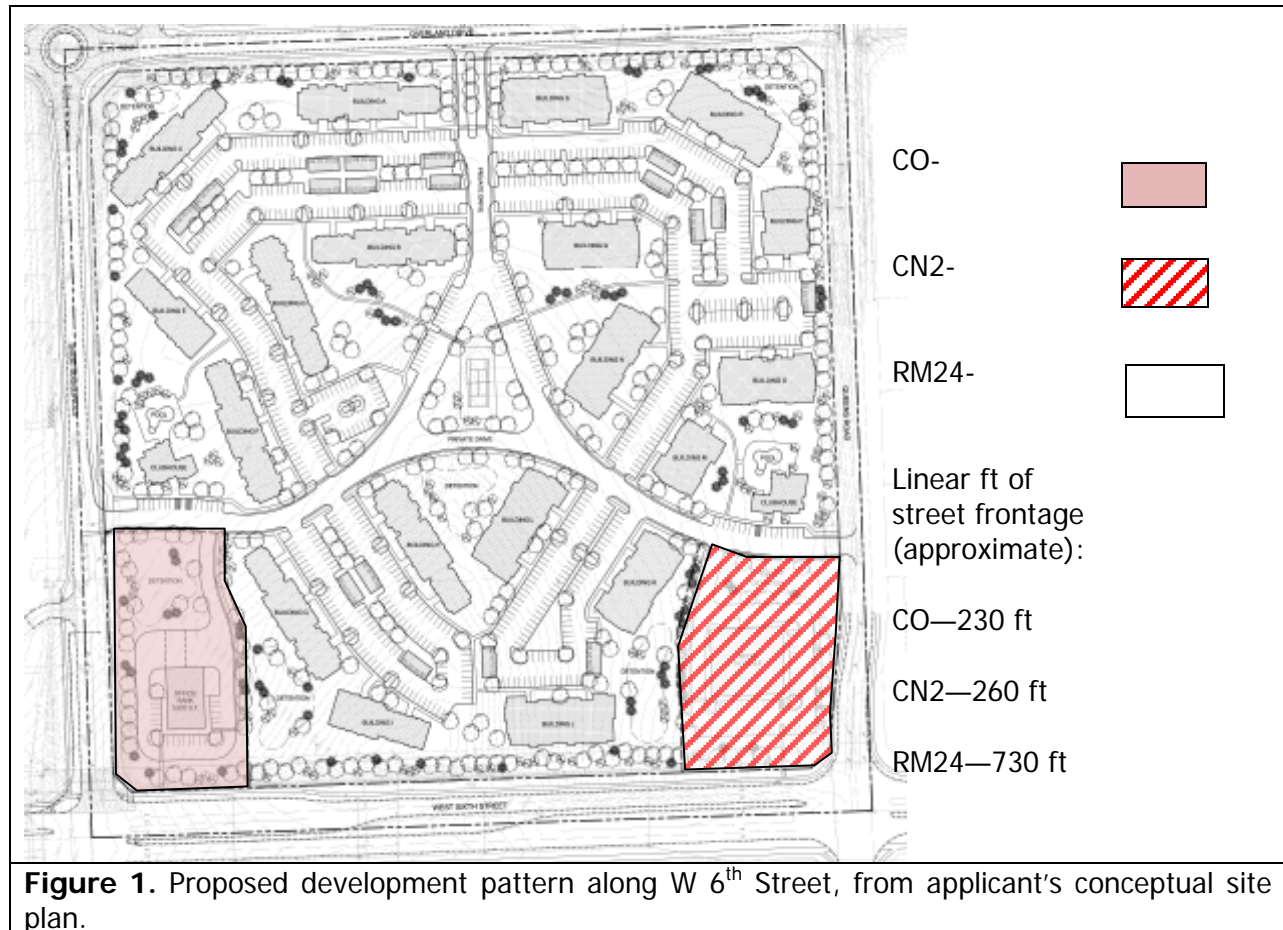
If each of these uses were included, 4,000 sq ft of retail space could be included on this property.

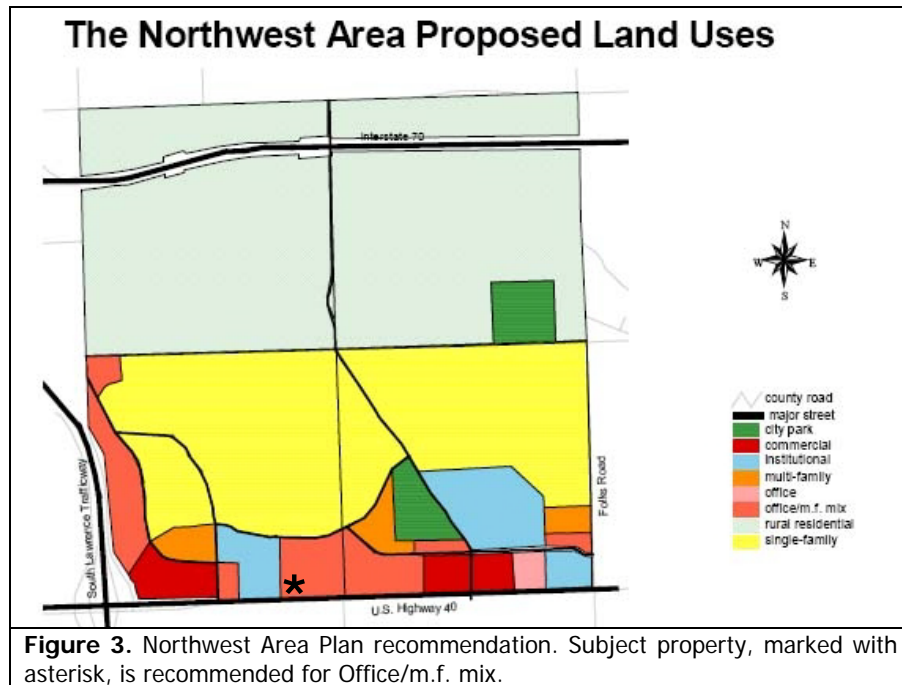
A mixed media store would also be permitted with a maximum floor area of 5000 sq ft. A mixed media store is a sexually oriented business defined in Section 20-1761(5) as "An establishment or business offering goods for sale or rent that is not a sex shop or sexually oriented media store but where (i) more than 10 percent (10%) of the gross public floor area is devoted to sexually oriented media, or (ii) more than 10 percent (10%) of the stock in trade consists of sexually oriented media." The size of the mixed media store is not dependent upon the size of the office building or complex.

As mentioned earlier, the applicant intends to develop a bank with a drive-thru in this location. If the Planning Commission finds that the retail uses and/or the drive thru is problematic at this location, an alternative zoning district which permits banks but allows less commercial uses than the CO District is the RMO District. However, as the RMO district does not permit drive-thrus, drive-up ATMs, or night deposit windows, it is not seen as a suitable zoning district for most banks. As banks with drive-thrus are not possible in the RMO District the CO District is the only option for the applicant's intended use. See Table 1 for a comparison of the uses permitted in the RMO and the CO Districts.

Staff Finding

The proposed rezoning of the northeast corner of the intersection of W 6th Street and Stoneridge Drive, to the CO District in combination with the rezoning request of the adjoining property to the RM24 District is compliant with the recommendations in the Comprehensive Plan and the *Northwest Plan*; therefore, Staff recommends approval of the rezoning request.





USES PERMITTED IN BOTH CO AND RMO DISTRICTS		
	CO	RMO
Cemeteries	P	P
Funeral & Internment	P	P
Minor Utility	P	P
Extended Care Facility, Ltd	P	P
Outpatient Care Facility	P	P
Health Care Office/Clinic	P	P
Passive Recreation	P	P
Nature Preserve	P	P
Religious Assembly	P	P
Admin & Pro. Office	P	P –no external ATMs, night drop windows or drive thrus
Financial, Insurance & Real Estate Services	P	P —no drive up ATMs, night drop windows or bank drive thrus; gross floor area limited to 5000 sq ft;
Other Offices	P	P –no external ATMs, night drop windows or drive thrus
Veterinary	P	P
Social Service Agency	P	P
Communications Service Establishment	P	P
USES PERMITTED IN CO DISTRICT ONLY		
Animal Sales & Grooming	P	
Fast Order Food	P (area limited to 10% of total floor area/office; no drive-thru)	
Private Dining Establishment	P	
Quality Restaurant	P (area limited to 10% of total floor area/office; no drive-thru)	
Business Support	P	
Food & Beverage	P (area limited to 10% of total floor area/office)	
Mixed Media	P (area limited to 5,000 sq.ft.)	
Retail Sales General	P (area limited to 10% of total floor area/office)	
College & University	P	
Small Recycling Center	P	
Postal & Parcel Service	P	
Public Safety	P	
School	P	
USES PERMITTED IN RMO DISTRICT ONLY		
Personal Improvement	P –no external ATMs, night drop windows or drive thrus	
Private Recreation	P	
Multi-Dwelling Structure	P (must be mixed use.)	
Cluster Dwelling	P	
Duplex	P	
Multi-Dwelling Structure	P (must be mixed use.)	
Zero Lot Line Dwelling	P	
Assisted Living	P	
Extended Care Facility, Gen	P	
Boarding Houses/Cooperatives	P	
Group Home, Ltd.	P	
Adult Day Care Home	P	
Bed & Breakfast	P	
Table 1. Permitted uses in the CO and RMO Zoning Districts. Residential uses are denoted by the yellow shading.		



DEVELOPMENT DATA:

Property Owner:
Pear Tree Village L.P.
4315 W. 143rd Street
Leawood, KS 66224
Contact: Pat Kelly

Proposed Site Use:
Apartments, Office, and Retail

Net Site Area:
1,518,667.84 Square Feet
34.86 Acres

Zoning:
Existing Zoning = UR
Proposed Zoning = RM24, CO, CN2

APARTMENT BUILDING DATA TABLE

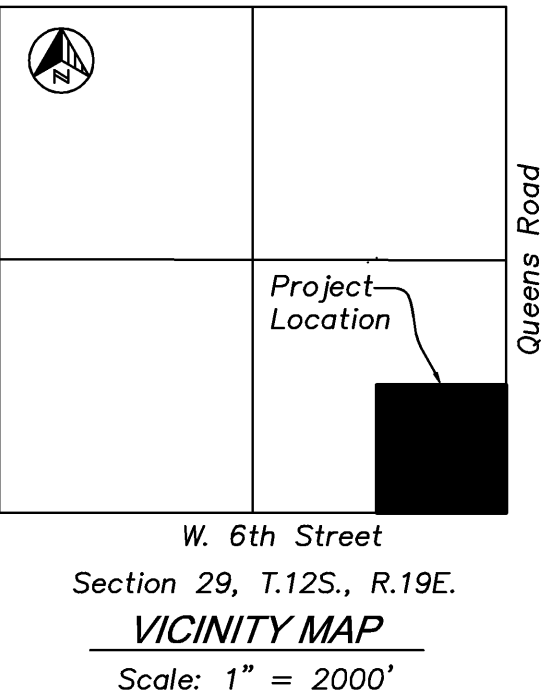
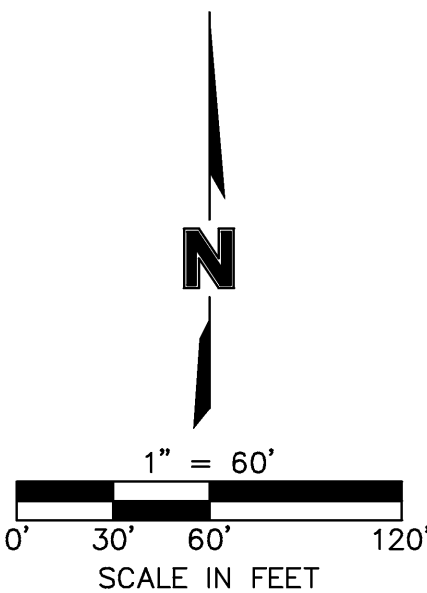
BUILDING LABEL	BUILDING HEIGHT
BUILDING A	3 STORY
BUILDING B	3 STORY
BUILDING C	3 STORY
BUILDING D	3 STORY
BUILDING E	3 STORY
BUILDING F	3 STORY
BUILDING G	3 STORY
BUILDING H	3 STORY
BUILDING I	3 STORY
BUILDING J	3 STORY
BUILDING K	3 STORY
BUILDING L	3 STORY
BUILDING M	3 STORY
BUILDING N	3 STORY
BUILDING O	3 STORY
BUILDING P	3 STORY
BUILDING Q	3 STORY
BUILDING R	3 STORY
BUILDING S	3 STORY

APARTMENT BUILDING DENSITY

MULTI-FAMILY LOT SIZE= 30.466 ACRES	
CODE ALLOWS 24 DWELLING UNITS PER ACRE	PROVIDED 19.89 UNITS PER ACRE

COMMERCIAL BUILDING DATA TABLE

BUILDING LABEL	BUILDING SQ. FT.	LOT SIZE SQ. FT.
RETAIL	14,100 SF	94,331.98 SF
OFFICE/BANK	5,600 SF	97,230.24 SF





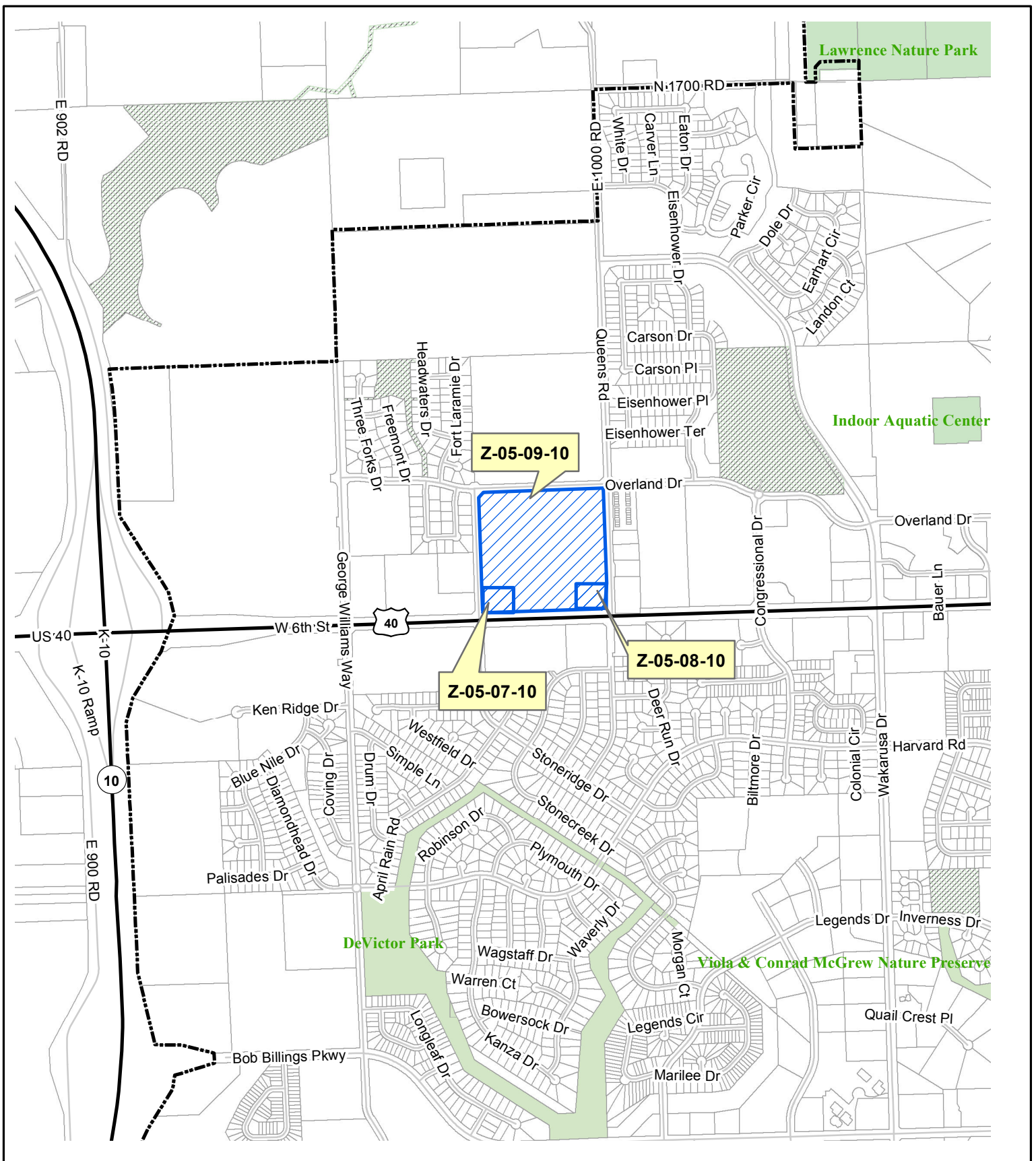
HUNTERS RIDGE APARTMENT COMPLEX

LAWRENCE, KANSAS

SCALE: 1" = 60'

OLSSON
ASSOCIATES





Z-05-07-10: Rezone 3.11 acres from UR to CO

Z-05-08-10: Rezone 3.15 acres from UR to CN2 NW corner of 6th St & Queens Rd

Z-05-09-10: Rezone 34.5 acres from UR to RM24



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
08/23/10

ITEM NO. 2C: UR TO RM24; 34.527 ACRES; BETWEEN STONERIDGE DR & QUEENS RD (MKM)

Z-5-9-10: Consider a request to rezone approximately 34.527 acres from UR (Urban Reserve) to RM24 (Multi-Dwelling Residential), located north of W. 6th Street between Stoneridge Drive and Queens Road. Submitted by Olsson Associates, for Pear Tree Village L.P., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for 34.527 acres from UR (Urban Reserve) to RM24 (Multi-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report and with the following condition:

1. The net density shall not exceed 20 dwelling units per acre.

Applicant's reason for request: *"It is our desire to build a first class residential community."*

KEY POINTS

- This rezoning request is part of a development proposal which includes a 1 lot, 3.158 acres, of commercial development; 1 lot, 3.113 acres, of commercial-office development; and 1 lot, 34.57 acres, of multi-dwelling residential development (the subject property).
- The property is currently unplatted. Platting and site-planning will be required prior to development.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The principal character of this area as developed, or approved, is residential. Development to the south of W 6th Street/Highway 40 is more complete than to the north. The area south of W 6th Street contains residential uses and an undeveloped platted lot. The majority of the property to the north of W 6th Street is undeveloped, although some properties have been platted or had preliminary development plans approved for residential development. Development north of W 6th Street consists of a church, water tower and a small development of townhomes.

CONFORMANCE WITH *HORIZON 2020*

- The proposed rezoning request from UR to RM24 is consistent with land use recommendations found in *Horizon 2020* and specifically is in substantial compliance with the *Northwest Plan* (the density is higher as discussed in this report).

ASSOCIATED CASES/OTHER ACTION REQUIRED

PREVIOUS REZONING REQUESTS AND ACTION (all files have been closed due to inactivity):

- Z-02-07A-08: 6.99 acres from UR to RM12; (approved by City Commission on June 3, 2008. Ordinances were not prepared for adoption as the applicant indicated they would be revising the rezoning request. Applicant requested deferral on August 1, 2008).
- Z-02-07B-08: 20.92 acres from UR to RM15 (approved by City Commission on June 3, 2008 Ordinances were not prepared for adoption as the applicant indicated they would be revising the rezoning request. Applicant requested deferral on August 1, 2008).
- Z-01-07C-08: 7.23 acres from UR to CN2 (Planning Commission deferred action on this rezoning to allow applicant time to resubmit on April 22, 2008. Applicant requested deferral on August 1, 2008).
- Z-02-07D-08: Rezoning of 5.669 acres from UR to CO. (Planning Commission forwarded to City Commission with recommendation for approval on April 22, 2008. City Commission voted on June 3, 2008 to defer until associated rezoning for remainder of property has been submitted. Applicant requested deferral on August 1, 2008).
- Z-05-11-08: Rezoning of 7.23 acres from UR to CO (replacing Z-02-07C-08) Deferred by applicant prior to Planning Commission meeting.

ASSOCIATED CASES

- Current rezoning requests: Z-5-7-10: 3.113 acres from UR to CO; Z-5-8-10: 3.158 acres from UR to CN2. These rezoning requests are also on the July Planning Commission agenda for consideration.

OTHER ACTION REQUIRED

- City Commission approval of zoning requests and publication of zoning ordinances.

PRIOR TO DEVELOPMENT

- Submittal and Planning Commission approval of Preliminary Plat, City Commission acceptance of dedications.
- Submittal of Public Improvement Plans.
- Submittal and administrative approval of final plat. Recordation of final plat with the Douglas County Register of Deeds.
- Submittal and administrative review of site plans.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No public comment has been received prior to printing this Staff Report.

GENERAL INFORMATION

Current Zoning and Land Use: UR (Urban Reserve) District; undeveloped.

Surrounding Zoning and Land Use:

To the west:

- RM12D (Multi-dwelling Residential) District which is limited to duplex development; This property has been platted but has not yet been developed; and
- GPI (General Public and Institutional Use) District; City Water Tower.
- Additional property within this development proposal, zoned UR (Urban Reserve) with rezoning request to the CO (Commercial Office) District. Concept plan submitted with this rezoning shows this property developed with a bank.
- Further to the west, beyond the project boundary:

RS10 (Single-Dwelling Residential) District; church.

To the east:

- RM12 (Multi-dwelling Residential) District; multi-dwelling residences; and,
- UR (Urban Reserve) District; detached dwellings.
- Additional property within this development proposal, zoned UR (Urban Reserve) with rezoning request to the CN2 (Commercial Neighborhood Center). Concept plan submitted with this rezoning shows this property developed with a drugstore.

To the north:

- UR (Urban Reserve) District; agricultural uses. A residential subdivision and rezoning were previously approved for this property, but expired.

To the south:

- PRD (Planned Residential Development) District; Multi-dwelling residences.
- RS7 (Single-dwelling Residential Development) District; platted property which is undeveloped.

I. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"We believe that this residential community conforms with the Comprehensive Plan, Horizon 2020."

The following statements are recommendations from *Horizon 2020* regarding higher-density development. Staff comments follow in *italics*.

The Comprehensive Plan recommends 'high-density' residential development near high-intensity activity areas or near existing high density residential developments. Large concentrations of high-density housing is not considered compatible with the overall character and development pattern of the City and *Horizon 2020* recommends that it should not be permitted. (page 5-5)

This would be the only RM24 zoning in the immediate area. Nearby residential properties are zoned RM12 (Multi-Dwelling Residential, with a maximum density of 12 dwelling units per acre), RM12D (Multi-Dwelling Residential, duplex, with a maximum density of 12 dwelling units per acre), and RS7 (Single-Dwelling Residential, with maximum density of 6.2 dwelling units per acre). Approval of this rezoning would not result in large concentrations of high-density development assuming that other undeveloped properties along the corridor do not seek and receive high density zoning. (see Figure 1)

Policy 1.3 recommends that higher-density developments should be located at the intersection of major street/roads. (page 5-23)

The RM24 development is being proposed for the area near the intersections of Overland Drive and Stoneridge Drive and Overland Drive and Queens Road, all collectors. No local roads are located within this area.

Policy 1.5 recommends that higher-density development occur in areas which can be adequately and efficiently served by infrastructure facilities. (page 5-24)

Adequate infrastructure is available to serve the development.

In Policy 1.6(b) recommends that higher density residential developments be located adjacent to arterial, access or frontage roads. (page 5-24)

The south side of the RM24 development is located adjacent to W 6th Street/Hwy 40, a principal arterial.

Staff Finding -- The rezoning requested conforms with *Horizon 2020* policies related to the location of high-density residential development.

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

Property to the west of this development proposal is zoned GPI, developed with a City water tower; RS10, developed with a church; and RM12D, platted for duplex residences but undeveloped. Land on the west of the subject property, adjacent to W 6th Street, is part of this development proposal and has a rezoning request from UR to CO District on the Planning Commission's July agenda for consideration. Land on the east of the subject property, adjacent to W 6th Street, is also part of this development proposal and has a rezoning request from UR to CN2 District on the Planning Commission's July agenda for consideration. Property to the north had a development proposal for single family and duplex residences and zonings of RS7 and RM12D approved. The plat, Loges Addition, expired; therefore, the zoning remains UR (Urban Reserve) and the land remains in agricultural uses. Property to the east contains existing residences along Queens Road that are zoned UR as well as an area zoned RM12 which has been developed with townhomes. To the south, across W 6th Street, is property zoned PRD with a maximum density of 12 units per acre which has been developed with 4 and 8-plex units (Alvadora) and an undeveloped area zoned RS7.

Staff Finding -- The surrounding properties, beyond the limits of this development proposal, are zoned for residential purposes, general public or institutional uses or have not yet been rezoned for urban development. The immediate area is partially developed with St. Margaret's Episcopal Church and a City water tower to the west, and multi-dwelling residential development to the south.

III. CHARACTER OF THE NEIGHBORHOOD

Applicant's response:

"We would like the character of the neighborhood to be upscale."

The area is primarily undeveloped but is in transition at this time, as several development proposals have been approved for nearby properties. A City water tower was recently constructed on the property to the west. The area is near the intersection of the K10 Bypass and W 6th St/Hwy 40 where a Commercial Community Center has been approved for the northeast corner of this intersection. Commercial developments, 6th and Wak and Bauer Farms, have been approved for properties to the east. The 6th and Wak property

has been developed with a Wal-Mart and has pad-sites available. Bauer Farms is partially developed, being developed in phases. Property retaining its UR (Urban Reserve) District is scattered throughout the area and either contains rural residences or is undeveloped.

Staff Finding -- The area contains W 6th Street, which is a State Highway, and the intersection of W 6th and K-10 Bypass. This is a high traffic area which is partially developed and includes access restrictions. Commercial development has been preliminary approved at the intersection of W 6th Street and K-10 Bypass. To the east, commercial developments (Wal-Mart and Bauer Farm) have occurred and will occur in the future with pad-sites available at Wal-Mart and subsequent phases of Bauer Farm.

The area is in transition as the development plans continue through the process and development proposals are submitted for the property which retains its UR zoning.

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

Northwest Plan

The subject property is within the planning area of the *Northwest Plan*. The Plan included land within Sections 20, 21, 28, and 29 and the subject property is located in the southeastern portion of Section 29. The *Northwest Plan* recommends a mix of multi-family and office uses in this location. The *Northwest Plan* also recommends a downward grading of land use intensity as development approaches the northern section lines of sections 28 and 29, where the presence of woods and slopes is greatest, and where a very-low density residential land use would best be applied. (Figure 2)

"Further south, in the central portions of sections 28 and 29, conventional single family residential is planned. Multiple family residential land uses (duplex through multi-unit apartments) is primarily planned only in the southern portions of sections 28 and 29. Multiple family land use in the context of this plan should be limited to medium density, 15 dwelling units per acre, or lower. Multiple family adjacent to single family land use should be of the lowest density multifamily, such as duplex townhomes. (Page 6, Northwest Area Plan)

The rezoning for multi-dwelling development is compliant with the recommendations in the *Northwest Plan* in terms of housing type; however, the density being requested, 24 dwelling units per acre, is higher than recommended. The concept plan submitted with the rezoning request (Figure 3) calculates a density of approximately 20 units per acre, utilizing 3-story buildings. Staff is of the opinion that this density is compatible with the existing development along this portion of the corridor; however, staff believes a zoning condition should be included capping density to this maximum so that undeveloped properties along the corridor do not request zoning to the high density category, thereby creating a concentration of high density development and so as not to stray too far from the land use designation of the *Northwest Plan*. The *Northwest Plan* was adopted in 1996. Since that time, higher densities have been recognized as a tool for reducing sprawl and utilizing infrastructure more efficiently if determined to be compatible with the surrounding properties.

Staff Finding -- The proposal is for multi-dwelling residential uses at a maximum density of 24 dwelling units per acre. The land use is compliant with recommendations in the

Northwest Plan, to place higher density uses near W 6th Street; however, the density requested is higher than that recommended in the *Northwest Plan*. This proposed multi-dwelling development would create a variety in lot size and development styles within the area. The rezoning request is generally compliant with the *Northwest Plan* if conditioned to contain no more than 20 dwelling units per acre (net).

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

Applicant's Response:

"The property is currently zoned UR, Urban Reserve, which only allows agriculture uses. This area of the city is growing and agricultural uses do not meet the intent of the Comprehensive Plan."

The UR (Urban Reserve) District is a special purpose district which the Development Code states is intended to provide a suitable classification for newly annexed land. The district is intended to avoid premature or inappropriate development that is not well served by infrastructure or community services. The only principal uses allowed in the UR District are crop agriculture and any lawful uses in existence immediately prior to annexation. Rezoning is necessary for the property to be used in any other manner. As infrastructure and community services are available and a development proposal has been submitted, the UR District is no longer appropriate for this property.

Staff Finding -- The property as zoned would permit only crop agriculture. Given the proximity to other residential development, W 6th Street/Highway 40 and the K-10 Bypass, and the submittal of a development proposal the zoning of UR is no longer appropriate.

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

Staff Finding – The property has never been developed but has been used for agricultural purposes.

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

Applicant's response:

"We believe it will have no detrimental effect. To the contrary we believe it will have a positive effect on nearby properties."

The rezoning request would permit multi-dwelling residential development north of W 6th Street which is in keeping with the established development pattern of the area. The majority of the street frontage along W 6th would be developed with multi-dwelling residences, which would prevent the development of a commercial strip in this area. The maximum density of this development would be higher than that of the surrounding properties (20 dwelling units per acre would be permitted on the subject property, if conditionally zoned, compared to the 12 units per acre on the properties to the south, east and west); however, this development is unique in that it would be separated from the other lower-density developments by W 6th Street/Highway 40 to the south; Queens Road, a collector, to the east; and Stoneridge Drive, a collector, to the west.

Staff Finding – Given the fact that the proposed multi-dwelling residential development is separated from the other residential developments in the area with collector streets or principal arterial street/highway, no negative impacts are anticipated to nearby properties with this rezoning.

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

Applicant's Response:

"We have already agreed to cooperate with the City with expensive road benefit districts and sewer benefit districts."

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 not approved, the land would remain as agricultural crop-land, pending a revised development proposal. Approval of the rezoning request would provide the initial steps necessary for development. The requested rezoning, as conditioned, is compatible with the medium density multi-dwelling zoning districts in the area.

Staff Finding – Approval of this rezoning request would permit a high-density development which is denser and would be larger in structure (taller and greater square feet) than other residential developments that are currently located or have been approved in the area, which may impact the adjacent developments visually. Appropriate transitional methods and compatible design would be determined during the site planning phase. This transition will be aided by the fact that the subject property is separated from adjacent developments by higher classification streets: collectors and principal arterials. Denial of this rezoning request would prohibit urban development at this time, pending a revised development proposal.

IX. PROFESSIONAL STAFF RECOMMENDATION

Staff Review

The applicant provided a concept plan illustrating the proposed development of the property that is the subject of the rezoning requests being considered (Figure 3). The subject property is located adjacent to property which has been zoned for multi-dwelling residential uses and property which remains zoned UR (Urban Reserve) pending development proposals. The applicant indicated it was their intent to develop a multi-dwelling residential area with small area neighborhood scale commercial development.

Figure 1 shows the residential zoning in the area, both existing and pending. The increase in density is indicated by the higher letter in the alphabet and the corresponding darker color.

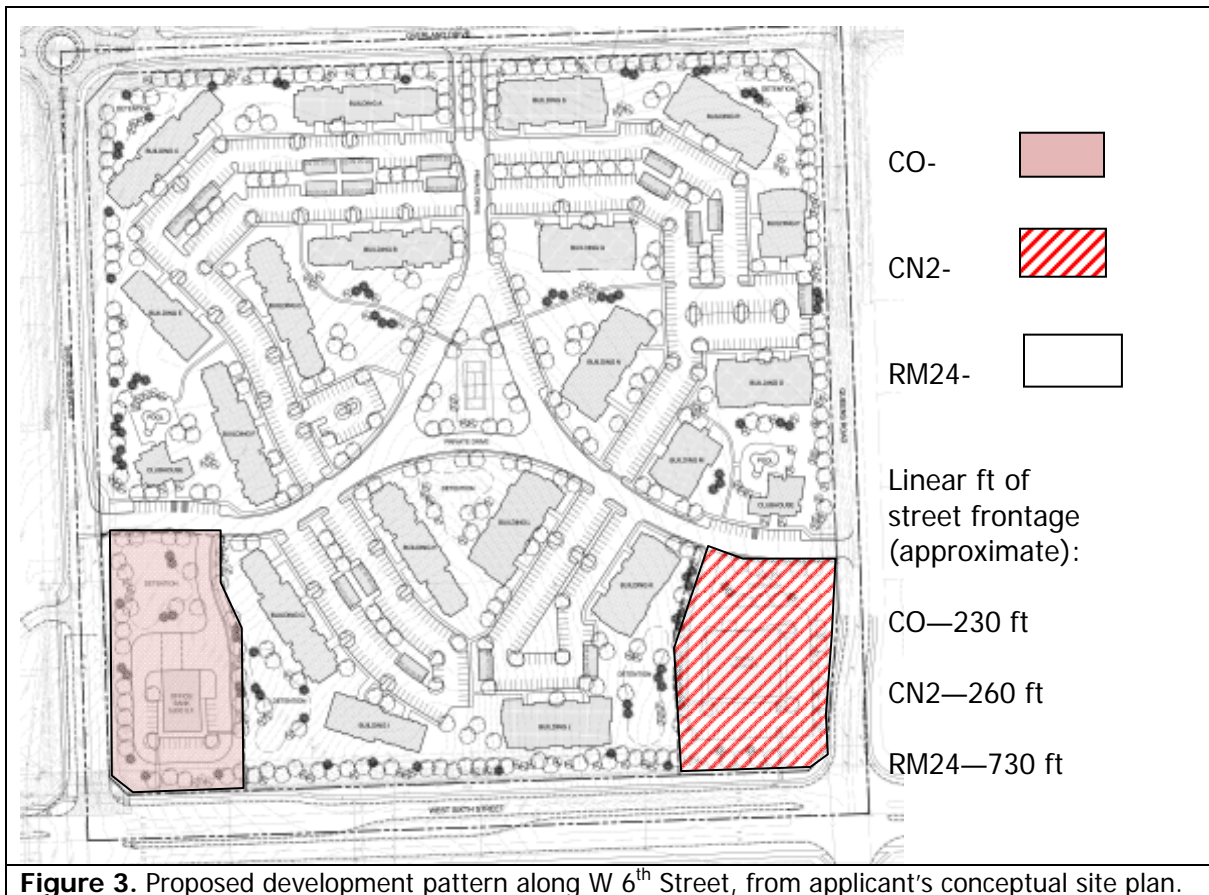
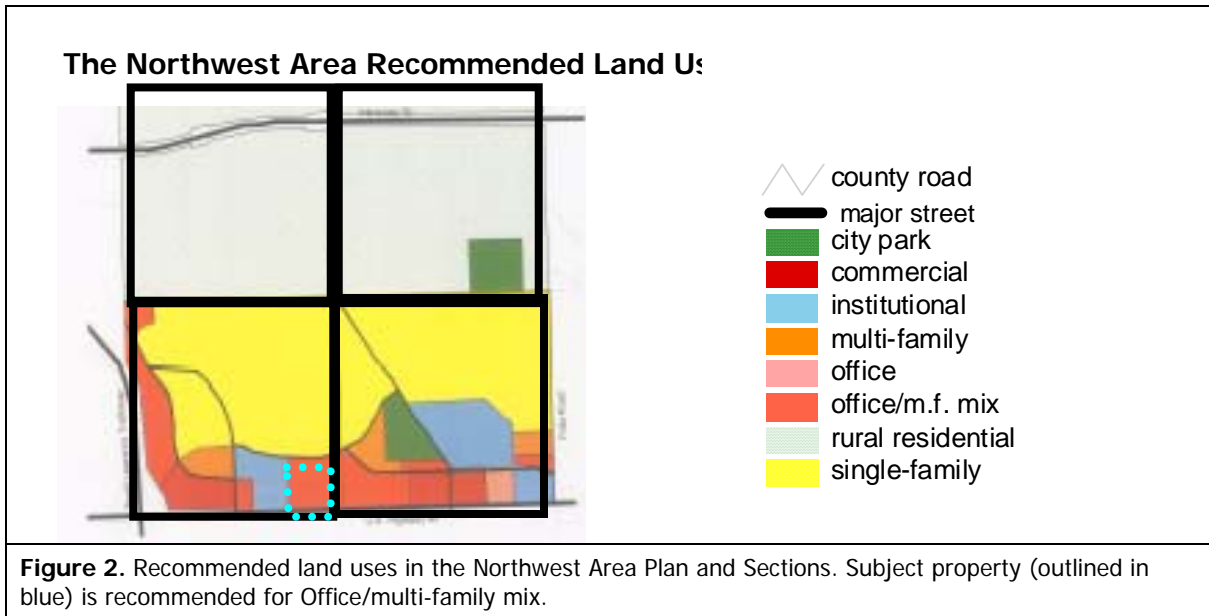
The predominate residential zoning in the area at this time is the RS7 Zoning District, which allows low density, single-dwelling residences. The red figures in Figure 1 indicate approved Commercial development in the area, and transitional medium density residential zoning has been approved adjacent to these areas. The commercial area near the South Lawrence Trafficway is surrounded by medium and higher densities zonings

with the majority being RM12 Zoning and some RM12D (duplex only) districts and a cluster of RM24 Zoning adjacent to the South Lawrence Trafficway, as recommended by the *Northwest Plan*.

The *Northwest Plan* recommends 'grading' the density of development from more intense along W 6th Street to low density residential in the north portion of Section 29.

Staff Finding – With the condition to not exceed 20 dwelling units per acre (net) and based on the general compliance with the recommendations in the *Northwest Plan* and compliance with the recommendations in *Horizon 2020*, staff recommends approval of the rezoning request.

E High Density Multi-dwelling (RM24) **E*--subject property**





DEVELOPMENT DATA:

Property Owner:
Pear Tree Village L.P.
4315 W. 143rd Street
Leawood, KS 66224
Contact: Pat Kelly

Proposed Site Use:
Apartments, Office, and Retail

Net Site Area:
1,518,667.84 Square Feet
34.86 Acres

Zoning:
Existing Zoning = UR
Proposed Zoning = RM24, CO, CN2

APARTMENT BUILDING DATA TABLE

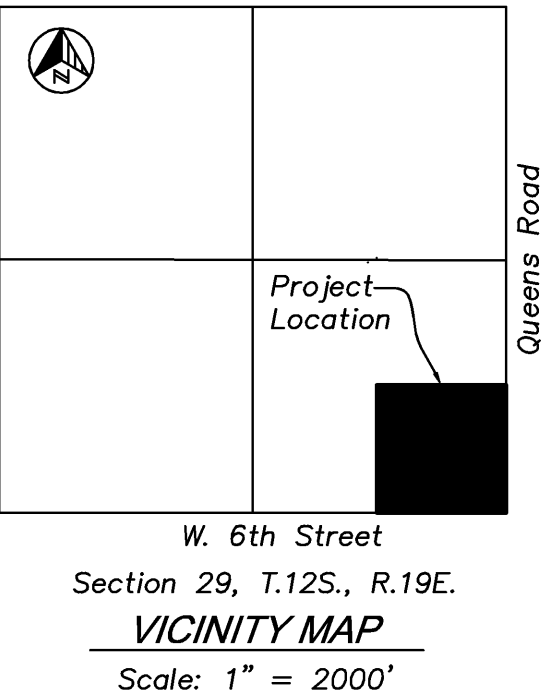
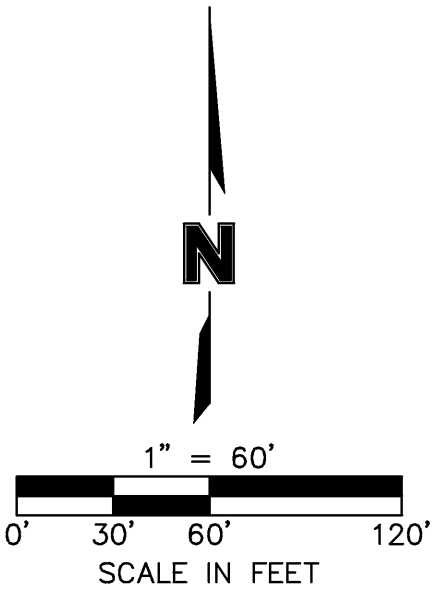
BUILDING LABEL	BUILDING HEIGHT
BUILDING A	3 STORY
BUILDING B	3 STORY
BUILDING C	3 STORY
BUILDING D	3 STORY
BUILDING E	3 STORY
BUILDING F	3 STORY
BUILDING G	3 STORY
BUILDING H	3 STORY
BUILDING I	3 STORY
BUILDING J	3 STORY
BUILDING K	3 STORY
BUILDING L	3 STORY
BUILDING M	3 STORY
BUILDING N	3 STORY
BUILDING O	3 STORY
BUILDING P	3 STORY
BUILDING Q	3 STORY
BUILDING R	3 STORY
BUILDING S	3 STORY

APARTMENT BUILDING DENSITY

MULTI-FAMILY LOT SIZE= 30.466 ACRES		
CODE ALLOWS 24 DWELLING UNITS PER ACRE	PROVIDED 19.89 UNITS PER ACRE	

COMMERCIAL BUILDING DATA TABLE

BUILDING LABEL	BUILDING SQ. FT.	LOT SIZE SQ. FT.
RETAIL	14,100 SF	94,331.98 SF
OFFICE/BANK	5,600 SF	97,230.24 SF





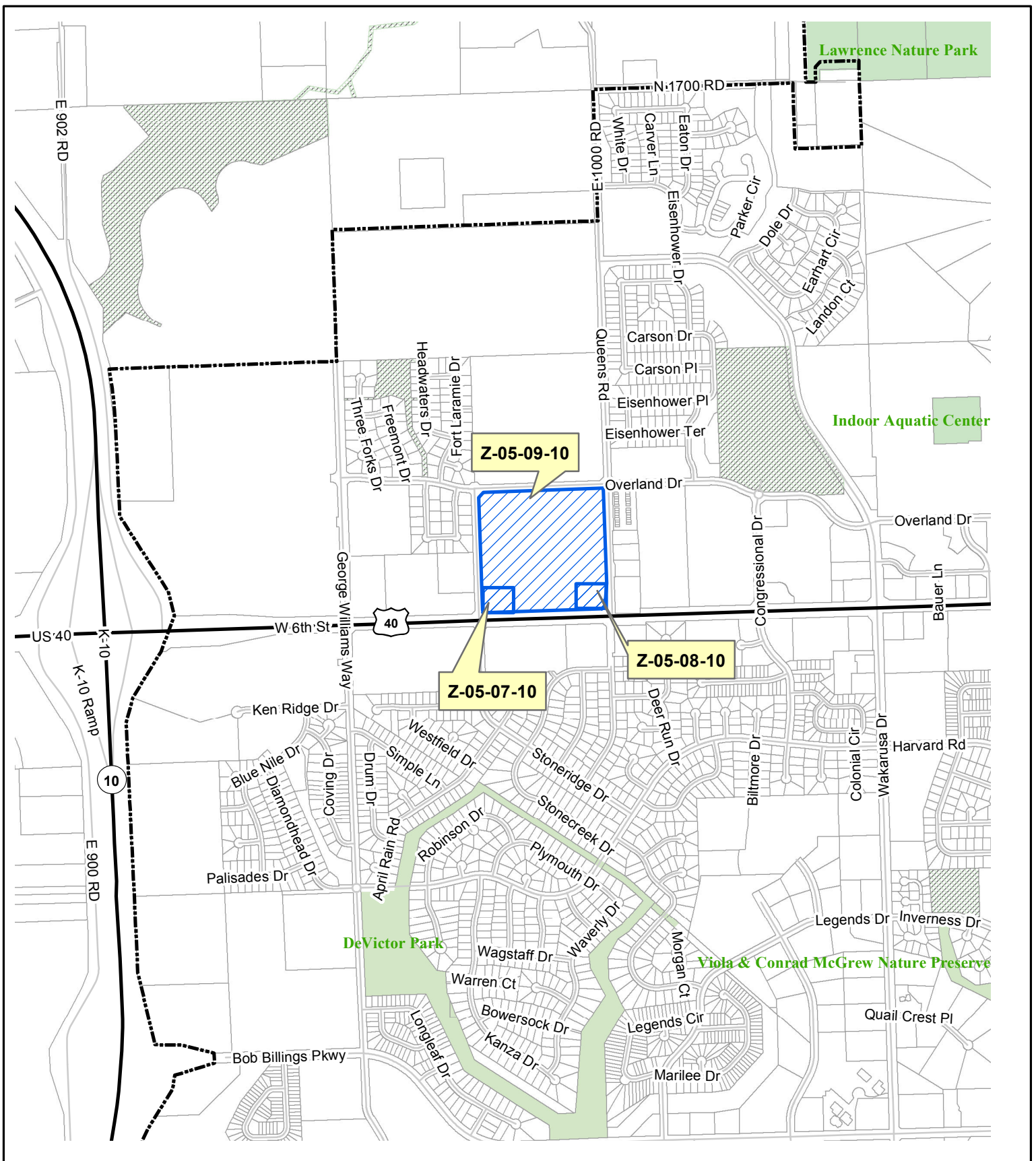
HUNTERS RIDGE APARTMENT COMPLEX

LAWRENCE, KANSAS

SCALE: 1" = 60'

OLSSON
ASSOCIATES





Z-05-07-10: Rezone 3.11 acres from UR to CO

Z-05-08-10: Rezone 3.15 acres from UR to CN2 NW corner of 6th St & Queens Rd

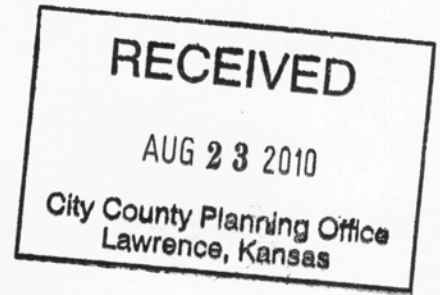
Z-05-09-10: Rezone 34.5 acres from UR to RM24



League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

August 22, 2010

Mr. Charles Blaser, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044



RE: ITEMS 1, 2A & 2C: PLAN AMENDMENTS, REZONING TO CN2, AND REZONING TO RM24

Dear Chairman Blaser and Planning Commissioners:


We commend the staff for their careful analysis which led to the recommendation for denial of the request for the plan changes to commercial land use on the northwest corner of Queens Road and 6th Street and for their recommendation for denial of that request for rezoning to CN2.


However, regarding Item 2C, we are troubled by the staff recommendation for rezoning this 34-acre single lot to the RM24 District as illustrated by the Concept Plan. Based on this Plan the rezoning leads to the conclusion that the entire 34-acre lot (tract) will always be under one ownership. Single ownership of one large lot is necessary here so that the driveways illustrated in the Concept Plan will not constitute "shared" driveways between separate owners, and consequently will not be in violation of the Subdivision Regulations regarding such driveways, as well as not conflict with the prohibition on developing private streets in conventional districts. We question the wisdom of allowing the residents of the 680 dwelling units (34 ac. x 20 du/ac.) access only to these three narrow private drives which will be the total responsibility of a single private entity for their maintenance, repair, snow removal, and access for police and fire protection..

We suggest that the public and this project would be better served if it were to be developed as a Planned Development. At the very least, we ask that this 34-acre tract not be rezoned to RM24 separately, but rather, that it be platted in conjunction with the rezoning.

Thank you for considering our letter.

Sincerely yours,


Milton Scott
Vice President


Alan Black, Chairman
Land Use Committee



Greg L. Musil
(913) 234-7513
(913) 323-0453 Direct Fax
gmusil@polsinelli.com

6201 College Boulevard, Suite 500
Overland Park, KS 66211
(913) 451-8788
Facsimile: (913) 451-6205
www.polsinelli.com

August 23, 2010

AND E-MAIL: smccullough@ci.lawrence.ks.us

Scott McCullough, Director -
City Hall, 6 E. 6th Street
P.O. Box 708
Lawrence, KS 66044-0708

Re: 6th and Queens Planning Commission Items (Nos. 1, 2A, 2B and 2C)

Dear Scott:

As you know, I represent Pat Kelly, the owner of the property at 6th and Queens that is the subject of the above-referenced applications. These items are on the Lawrence Planning Commission's agenda for tonight,

Pursuant to our discussion late Friday, please accept this letter as a request from the Mr. Kelly to continue these items to the September Planning Commission meeting. We know the Commission has a full evening with the remaining item. More importantly, we just learned late last week of the Lawrence Association of Neighborhoods' opposition to Mr. Kelly's application. To ensure a full understanding of that opposition and provide an opportunity for discussion and dialogue with LAN's representatives, we are requesting a continuance. This morning I have contacted by e-mail Ms. Gwendolyn Klingenberg to open that discussion. Mr. Kelly's project is intended to create a neighborhood with pedestrian friendly access to and from a bank and a small retail site within the neighborhood. We believe it is worth pursuing a broader discussion of that concept before presenting to the Planning Commission.

I understand this will be placed on the consent agenda for tonight's meeting. Mr. Kelly and I will plan on being present tonight if there is a need for our input.

Yours very truly,

A handwritten signature in black ink that reads "Greg L. Musil". The signature is stylized with a large "G" and a prominent "M".

Greg L. Musil

GLM:vh

Overland Park Kansas City St. Louis Chicago Denver Phoenix Washington, DC New York

McCullough
August 23, 2010
Page 2

cc: Mr. Pat Kelly (via e-mail)

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
8/23/10

**ITEM NO. 3 COMPREHENSIVE PLAN AMENDMENT; H2020; 6TH & WAKARUSA
AREA PLAN (AAM)**

CPA-5-6-10: Consider Comprehensive Plan Amendment to *Horizon 2020*, including the 6th and Wakarusa Area Plan, to change the designated land use from residential/office to commercial for a portion of the Bauer Farm Development located along 6th Street between Folks Road and Champion Lane.

STAFF RECOMMENDATION: Staff recommends denial of this comprehensive plan amendment to *Horizon 2020*, including the 6th and Wakarusa Area Plan, to change the designated land use from residential/office to commercial for a portion of the Bauer Farm Development located along 6th Street between Folks Road and Champion Lane and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission with a recommendation of denial.

KEY POINTS

1. This is a request to accommodate a Lowe's home improvement store, as well as additional commercial retail space, at the 6th and Wakarusa commercial node, specifically located in the residentially approved portion of Bauer Farm east of Champion Lane.
2. The 6th and Wakarusa commercial node is designated as a CC200, but the 6th and Wakarusa Area plan acknowledges that the amount of retail square feet exceeds this designation and permits up to 440,000 gross square feet in the node. This request would add 153,050 retail square feet, bringing the total for the node to 603,351 retail square feet.
3. The applicant has stated that, "based on our demographic studies, this site is our only viable option in this market at this time", thus the impetus for the plan amendment; however, the request is challenged by the comprehensive plan policies, including specific land use designations of the 6th and Wakarusa Area Plan and also by a market study that staff believes does not support the request at this location.
4. The comprehensive plan designates locations that are more conducive to large retail development and that are, or will be, ripe for development in a reasonable time frame.
5. The current Bauer Farm plan and zoning approvals substantially comply with the comprehensive plan. The fact that significant development on both the commercial and residential portions of the site are underway indicates that the land use designations for the property are not unreasonable and can be implemented in due time.
6. If directed to accommodate the request, specific comprehensive plan language and amendments to the development code will need to be drafted and presented to the Planning Commission and City Commission for approval.

PROJECT HISTORY

Bauer Farm is a mixed use planned development located on the north side of 6th Street between Wakarusa Drive and Folks Road. It is part of the 6th and Wakarusa Area Plan that was adopted in 2003. This project was originally zoned in 2003 to PCD-2 (between Wakarusa Drive and Champion Lane), and PRD-2 (between Champion Lane and Folks Road). These zonings were subject to many conditions, but two of particular note to this application are the restriction that the maximum amount of gross retail square footage on the PCD-2 zoned portion could not exceed 62,000 square feet and the restriction that no one building could be larger than 50,000 square feet.

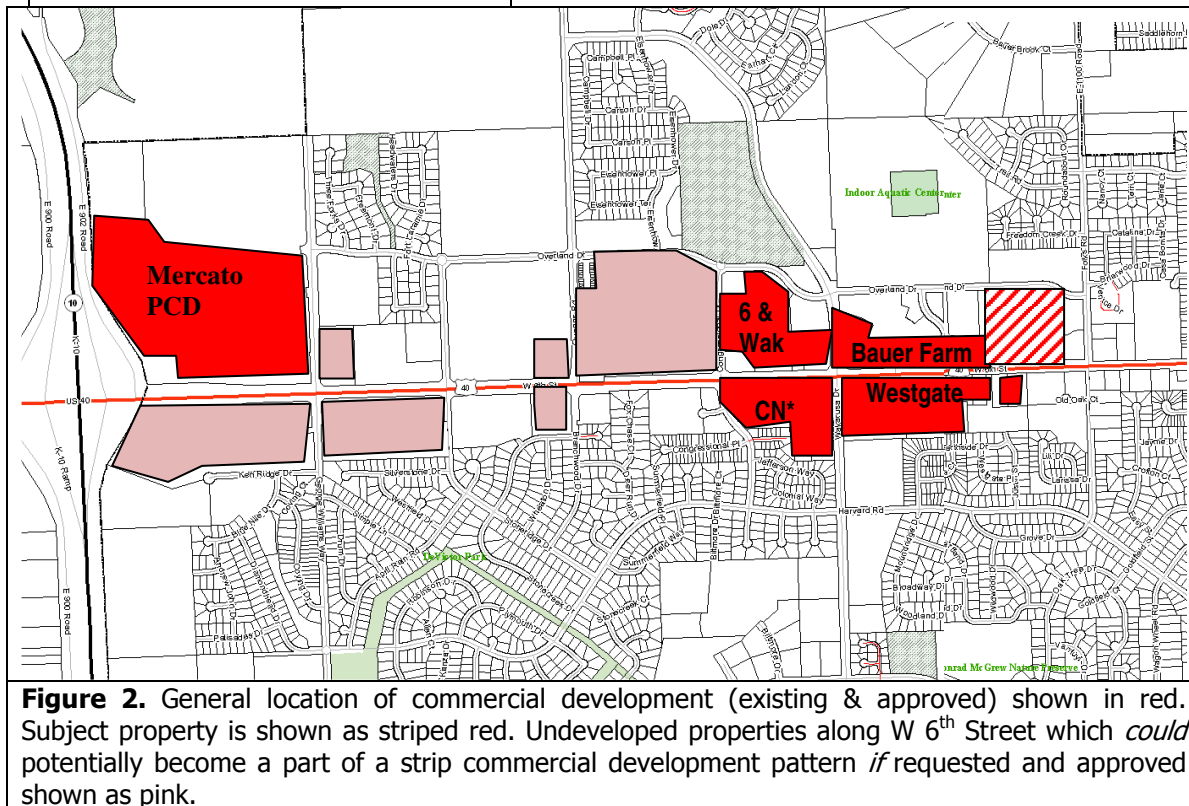
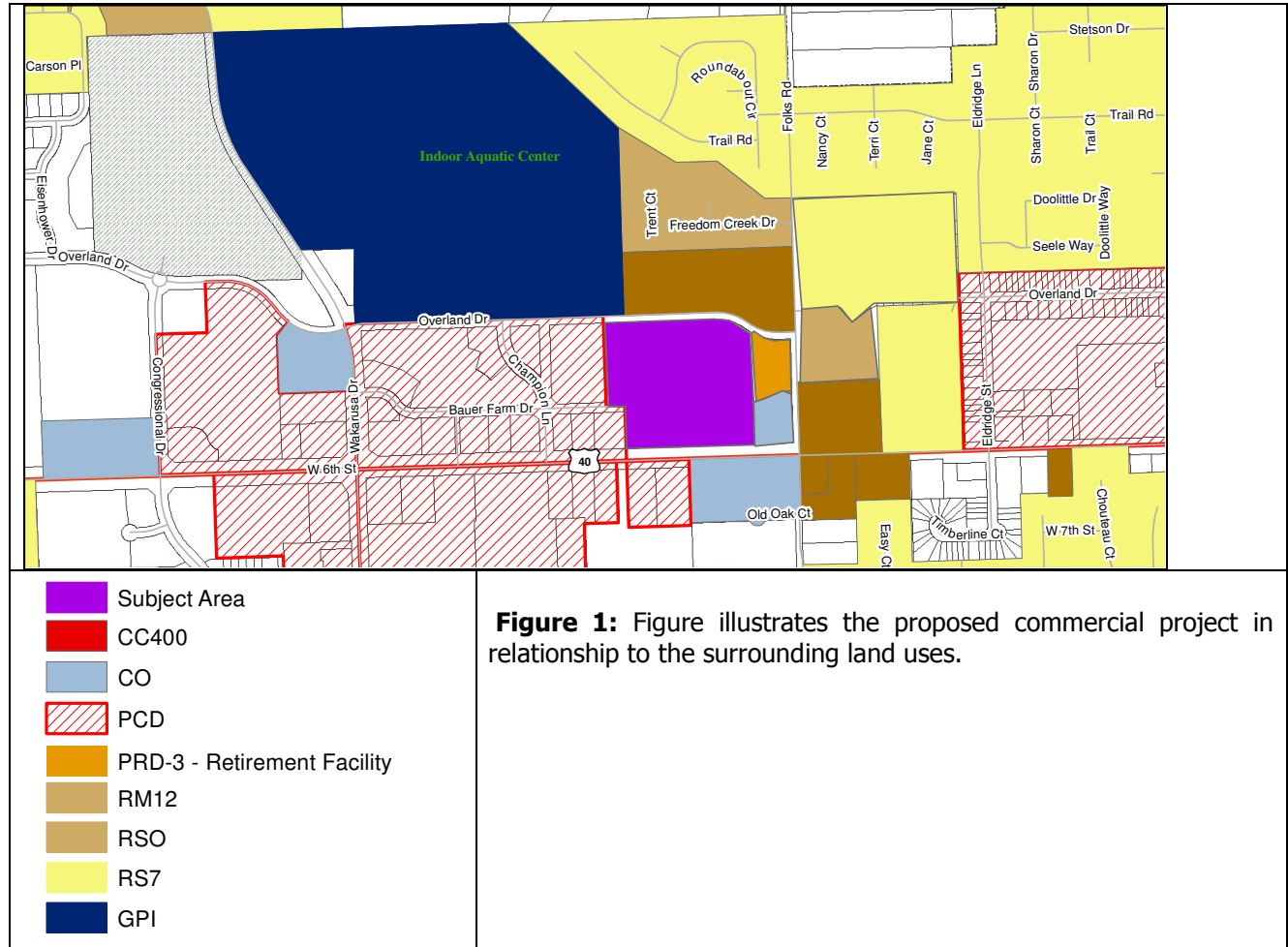
A subsequent zoning application for the PCD-2 portion increased the allowable gross retail space to 72,000 square feet. In 2005, the PRD-2 zoning was split with a rezoning application that put a portion of that into a POD-1 zoning category and the rest into a PRD-3 zoning category pending recordation of the final plat. As part of the approval process, this development obtained numerous waivers and variances, mostly having to do with lot size, setbacks, and street design.

The Preliminary Development Plan (PDP) was represented as a New Urbanism style of development that incorporated commercial, community, residential and office uses in a cohesive format. Three Preliminary Development Plans (PDPs) and five Final Development Plans (FDPs) have been approved for this project. To date, approximately 20,525 square feet of retail space has been constructed on the PCD-2 portion of the project. On the PRD portion of this project, which is the subject of this Comprehensive Plan Amendment (CPA) request, there is a PDP that covers 16.44 acres that has preliminary approval for a mix of detached-, attached-, and multi-dwelling structures, and a fitness/recreation center. Later, a FDP was approved with conditions that placed a larger multi-dwelling component adjacent to W. 6th Street. In 2010, a PDP and FDP were approved, subject to conditions, that place a 115,000 square foot residential retirement facility on the southwest corner of the intersection of Folks Road and Overland Drive on a portion of the PRD-3 zoned property.

PROJECT SUMMARY

The applicant is requesting consideration of a comprehensive plan amendment to *Horizon 2020* and the 6th and Wakarusa Area Plan to change the designated land use from residential/office to commercial for a portion of the Bauer Farm development located north of 6th Street between Folks Road and Champion Lane. The applicant is proposing this change in order to place a 145,551 square foot commercial store (Lowe's) on the approximately 11 acre site. This proposal would also reconfigure some of the retail pad sites that were approved on the PDP, and add an additional 7,500 square foot commercial pad site. The total amount of retail square footage being requested is 153,051 square feet, which is in addition to the 72,000 square feet of retail already approved on the PCD-2 zoned portion of the site, bringing the total for just the northeast corner of this commercial node to 225,051).

The proposal does not comply with the current zoning of the site (PRD-3), the land use policies of *Horizon 2020* related to commercial development, or the adopted 6th and Wakarusa Area Plan. It was agreed by staff and the applicant that a comprehensive plan amendment to allow a review of the merits of the project, with specific relationship to the comprehensive plan, should proceed prior to a rezoning request being submitted.



STAFF REVIEW

This Comprehensive Plan Amendment request involves proposed changes to Chapter 6: Commercial Land Use of *Horizon 2020*, as well as Chapter 14: Specific Plans because of the adopted 6th and Wakarusa Area Plan.

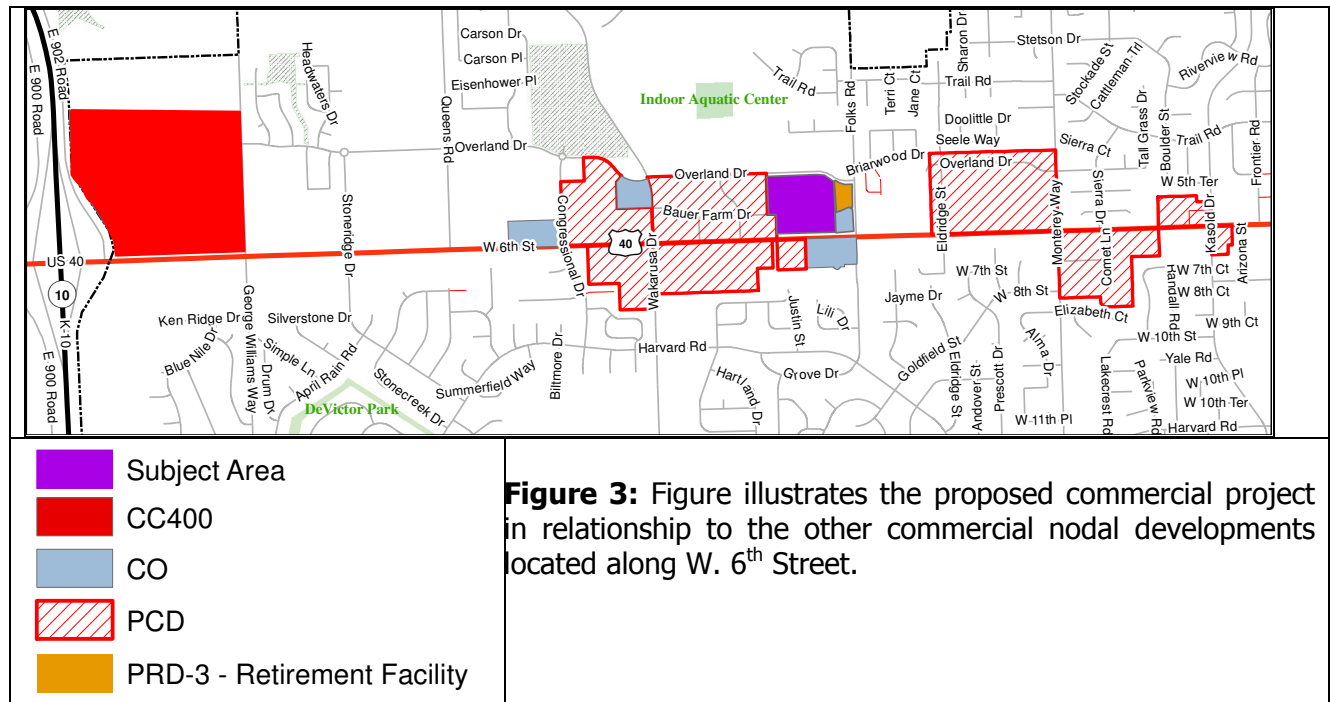
Horizon 2020: Currently, *Horizon 2020* designates the area north of 6th Street at the intersection of Wakarusa Drive for commercial development but states that commercial development shall not extend east of Champion Lane. In addition, the comprehensive plan states that development proposals for the area north of 6th Street shall included a variety of uses including office, community, recreational and multi-family.

The original Bauer Farm proposal, which covered the area north of 6th Street between Wakarusa Drive and Folks Road, included commercial, office, community and multi-family uses and generally complied with the 6th and Wakarusa Area Plan. This proposal would remove the multi-family use from the original development plan and replace it with a single 145,551 square foot store, with an additional commercial pad site of approximately 7,500 square feet. The original proposal was to have no more than 62,000 gross square feet of commercial square footage and no one building could be larger than 50,000 gross square feet. A subsequent zoning application was approved to increase the allowed the maximum gross commercial square footage to be 72,000 square feet for the northeast corner of the 6th and Wakarusa Drive intersection.

The comprehensive plan designates appropriate locations for commercial development based on many factors, including timing, adjacent land uses, and transportation considerations. The intersection of 6th and Wakarusa Drive is designated as a Community Commercial Center (CC200) with a nodal pattern, per *Horizon 2020*. At the time Chapter 6 in *Horizon 2020* was last revised, there already existed more commercial gross square feet at this intersection than is recommended for a CC200 center due primarily to properties developing prior to the initial adoption of *Horizon 2020*. 450,300 commercial gross square feet has been approved at the 6th and Wakarusa commercial node. Approving this request would bring the total to 603,351 at this designated CC200 site.

Because the current zoning applications existed under the previous code, the applicant will need to zone the property to a current base zoning district in the event that the comprehensive plan amendment is approved. The current base districts follow closely with the commercial designations within *Horizon 2020*. In addition to re-designating this intersection in *Horizon 2020* to something other than a CC200 center, the site would need to be zoned to a conforming district in the current Land Development Code. At the present time, no such zone exists that would appropriately fit the requirements of this application since the gross square footage of the intersection already exceeds 400,000 square feet. If this proposal were to proceed, text amendments to the Land Development Code to create a new commercial zoning district would be needed. Of the three largest centers, a CC200 center only allows 200,000 square feet of gross commercial square footage at the node, and a CC400 center only allows 400,000 square feet at the node. The largest commercial designation, Regional Commercial Center, has a minimum size requirement on any one corner of 40 acres and there are currently only two areas designated as Regional Commercial Centers in the comprehensive plan (Downtown and S. Iowa Street), with no new centers identified. Regional Commercial Centers permit up to 1.5 million commercial square feet.

Chapter 6 places a heavy emphasize on nodal 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.*" By extending the commercial development into the currently PRD-3 zoned portion of this development and crossing Champion Lane with significant commercial retail uses, not only will the transitional, residential use be removed, but the intersection will no longer function as a node with clear termination within near proximity of an intersection. Instead, the development transforms into more of a linear pattern with an accompanying curb cut located along 6th Street.



School complex to the north and the close proximity to the residential neighborhoods to the northeast. In addition, the plan places a limit of 440,000 gross square feet of commercial space for the entire node.

The 6th and Wakarusa Area Plan remains a valid plan and the approval of multiple PDP's for this site that depict the mix of uses, but most importantly the residential uses, provides evidence that this area can be developed per the approved 6th and Wakarusa Drive Area Plan. Approximately 20,525 square feet of retail space has already been constructed on the PCD portion of the development at 6th and Wakarusa Drive, and recently a Final Development Plan was approved for a retirement facility, Harvest, to be located on the PRD-3 portion of the property at the southwest corner of Overland Drive and Folks Road. Approving the addition of over 140,000 square feet of commercial uses, with the accompanying parking and traffic needs, is not a compatible use to the already approved residential or small format commercial uses.

Both the 6th & Wakarusa Area Plan and Chapter 6: Commercial Land Use have policies that relate to transportation networks, and more specifically site design. At this high altitude view it is difficult to analyze such issues without a set site design. However, transportation related issues are a part of the discussion as they relate to the appropriateness of the applicant's request. It is anticipated that the applicant will request an additional curb cut along 6th Street and that this type of use would generate a different type of traffic than the residential uses.

In addition, Bauer Farm was developed with traditional neighborhood design elements that contained a main street, Bauer Farm Drive, as a link between the residential and commercial uses. Placing a large format retail store in the middle of the development would interrupt this specifically designed street network. Additionally, the intersection of Overland and Folks will need careful review to determine how semi-truck traffic will impact the intersection.

Retail Market Study: The applicant has submitted a project specific retail market study as required by Section 20-1107 of the Land Development Code and Chapter 6, Commercial Land Use of *Horizon 2020*, specifically Policy 3.13. That market study includes all of the required information, including analysis based on vacancy rates, income trends, population trends, mix of businesses, etc. The market study includes this analysis for the addition of a Home Improvement Store (145,551 sf) to be located in the Bauer Farm development.

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

Horizon 2020, Policy 3.13 (b) states that, "The project shall not be approved if the market study indicates the commercial project or any proposed phase cannot be absorbed into the community within three years from the date of its estimated completion, or that it would result in a community-wide retail vacancy rate greater than eight percent." The Development Code uses a vacancy rate threshold of 8% as one factor in order to determine market health, and the most recent citywide market study completed in Fall of 2007 figured the city-wide vacancy rate at 6.7%. (<http://www.lawrenceplanning.org/documents/2006Retail.pdf>) The market study for this project shows that, when completed and entirely vacant, the project will push the city-wide vacancy rate to 8.3%. Staff requested additional analysis from the applicant to take into

consideration other commercial projects that have received approvals, but have not been constructed to date. The below table illustrates the impact that other projects that have been approved will have on the overall vacancy rate:

	Total Square Feet	Total Occupied Square Feet	Total Vacant Square Feet	City-wide Vacancy Rate
Total Current Retail Inventory	7,720,015	7,210,184	509,831	6.6%
Requested Bauer Farm Square Footage	145,551	0	145,551	8.3%
Bauer Farm – yet to be constructed	51,475	0	51,475	
Mercato	359,640	0	359,640	
Fairfield Farms	200,000	0	200,000	
Total	8,476,681	7,210,184	1,266,497	14.9%

If all approved commercial space that has been approved were to be constructed and assumed vacant, the city-wide vacancy rate would rise to 14.9%.

While the market study shows that the project, upon completion, will push the city-wide vacancy rate above 8%, this figure alone is not an adequate representation of the impact of this development. This figure is computed by assuming that the project will either be entirely vacant upon completion, or that it will cause the same amount of space to become vacant in other areas of town. Because the majority of the retail space is being built to satisfy a specific tenant, the applicant has stated that there is “no possibility” that the space will be vacant upon completion. While this particular proposal might not be vacant upon completion, another development proposal and market study for the Mercato development located at 6th Street & the SLT was recently approved based in part on their market study showing a “Home Improvement Use” occupying 175,000 square feet. In the event that this proposal moves forward, it is highly unlikely that a store of same nature will be built at the Mercato site approximately 1.5 miles west on 6th Street. The Mercato project has already gained zoning approval based on the market study that identified a specific use, and the expectation that the space would not be vacant upon completion.

The applicant has also provided information on the mix of business types and the potential impact on the downtown area. While the main proposed use exists elsewhere in Lawrence, it is expected to have a limited impact on downtown. The only similar use downtown is a small scale hardware store that is not a direct comparison to the large home improvement store being proposed. It is possible that a large store of this use might pull some business away from other mixed-use or smaller scale hardware stores in the area. In addition, the “Home Improvement Use” that the applicant is proposing will compete with the other already anticipated use identified to be located at the Mercato development, as discussed above.

Other demand factors, such as income, employment and population need to be taken into account as well, when looking at the overall impact of this project on the market as a whole. The market study does show that since 2000, population has grown 13%, while retail sales have only increased 1.8%, and income, adjusted for inflation, has only increased .3%. On the supply side of the market, retail stock has increased 22.6% since 2000. Therefore, while supply

has increased approximately 23%, demand has not kept pace as shown by the limited income, population, and retail sales growth.

The market study also provides an analysis of “pull factors” or a measure of local commerce based on a comparison of local spending to the state as a whole. A pull factor above 1.00 indicates that a community attracts retail sales, while a factor below 1.00 indicates that the community is losing retail sales to outside areas. The Kansas Department of Revenue issues pull factor reports for all of Kansas. The most recent, issued in November 2009, states that Lawrence’s pull factor was .99 in 2008. Lawrence’s pull factor was 1.02 in 2007, which as noted in the market study, is a 14.3% decline over the last decade from a height of 1.19 in 1998. In addition, Douglas County’s pull factor has been below 1.00 for the last decade and recently has fallen to .85 in 2008. The declining Lawrence and Douglas County pull factors indicate that the City is losing more and more retail sales to other areas outside of Douglas County. There is potential to recapture this leakage by increasing the demand factors mentioned above, as well as increasing the types of appropriately located retail stock.

The market study also provides a demand analysis based on the amount of square feet of retail space per capita. Currently, in Lawrence there are approximately 85 sf of retail space per capita. Using an average growth rate from 2000-2008 of 1300 people per year, Lawrence could add as much as 110,000 square feet of retail each year in order to keep the ratio of retail square feet to people at 85. In Section 20-1107 (c)(3)(iv) of the Land Development Code, a maximum threshold of 100 square feet per resident is established to help maintain market health. The 145,551 square feet of commercial space being requested with this project keeps the ratio of 85 square feet per capita after a year and a half. However, this analysis does not take into consideration any of the other approved commercial development. The addition of Mercato, Fairfield Farms and the remainder of the Bauer Farm development that is approved, but not constructed, would result in a ratio of 94 retail square feet per capita.

The market study satisfies the submission requirements of the Land Development Code and *Horizon 2020*. In staff’s opinion, proposals to add retail space should be carefully scrutinized with respect to the indicators associated with demand not keeping pace with supply and because vacancy rates are arguably reaching unhealthy levels. In light of the availability of a suitable commercially zoned site located nearby (Mercato), the fact that retail demand is not keeping pace with supply, and a vacancy rate that is approaching unhealthy levels, this project is not supportable based on the market study.

Other Policy Considerations: The comprehensive plan, and the development of specific area or nodal plans, identifies areas that are suitable for this type of development. The plans go through an extensive public process, complete with public meetings held before both the Planning Commission and the City Commission. These long range planning documents give an expectation to residents, developers, utility providers and planners as to how pieces of land will be developed in the future. Small variations from the plans are expected. Large departures, especially when a node is nearing build out, should be scrutinized for their benefit over the current land use designations. Staff is of the opinion that this request is too great of a departure from the existing plan and, as such, will undermine the expectation that these long range planning documents provide. Further, reasonable alternatives exist in other locations to accommodate the proposed use. The currently zoned vacant land at 6th Street and K-10 has been designated as a CC400 Community Commercial Center which would accommodate this large format retail store and is one such alternative.

In addition, the existing Bauer Farm development was conditioned to not have a single commercial store with a footprint larger than 50,000 square feet. Not only would this large format store that is the subject of this request be almost 3 times the size of that restriction, it would also alter the look, feel and operation of the existing development that already exists.

A copy of Chapter 6: Commercial Land Use from *Horizon 2020* and the 6th & Wakarusa Area Plan are attached to this document. Both plans have been highlighted to show text, policies, and goals that this proposal is not in compliance with and highlights the degree to which the plans would need to be revised to accommodate the use at the subject property.

Staff reviewed this amendment based upon the comprehensive plan amendment review criteria listed below [identified in Chapter 13 (Implementation) of *Horizon 2020*].

COMPREHENSIVE PLAN AMENDMENT REVIEW

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

Applicant's response: Yes, retail market conditions in Lawrence and Douglas County have changed since the Comprehensive Plan was adopted in 1998. The City's retail pull factor has declined by 20 percent and Douglas County's pull factor has declined by 13 percent. These declines are in contrast to the City's population growth and the increase in KU student enrollment since adoption of the Plan. Further, the residential market demand has ceased and is not expected to return for several more years. With the reduction in housing expansion, commercial retail is seeking to remain closer to current residential rather than construct new projects based on expected future residential growth.

Staff's response: Staff agrees that all market conditions (residential, commercial, industrial) change over time; however, market conditions, by nature, are dynamic and therefore that is not a significant reason to significantly modify plans. Chapter 6: Commercial Land Use was last updated in 2004 and the 6th & Wakarusa Area Plan was adopted in 2003. The adoption of these long range planning documents is recent enough that the market conditions today were close to the same market conditions at the time of adoption. In addition, the fact that there are development plans approved for both the commercial and residential portions of this development and that both the commercial and residential portions of the property have begun to be implemented per the plans, indicates that both of these plans are still valid. A significant portion of long range planning is based on appropriate timing and identifying appropriate land uses far enough in advance to provide an expectation.

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

Applicant's response: Yes, the proposed amendment will generate substantial new tax revenue for the City while requiring fewer municipal service costs than if the land was developed as multi-family residential. The amendment will also result in the utilization of existing infrastructure that has not been previously used to its fullest extent. Yes, the proposed amendment is consistent with the stated goals and policies of Horizon 2020 including the following: encouraging the retention, redevelopment, and expansion of established commercial areas in the community; maintaining an appropriate supply of commercially zoned land; providing regional and community shopping opportunities to meet retail needs; locating retail at

the intersection of arterial or collector streets; and ensuring that commercial projects will not have a substantial negative impact on Downtown Lawrence.

Staff's response: The proposed amendment is in conflict with many of the policies of Chapter 6 regarding Community Commercial Centers and Regional Commercial Centers. In addition, depending on the classification of the commercial proposal, the proposal would not be in compliance with policies relating to location, size, street frontage and retail square footage.

The subject area between Champion Lane and Folks Road, north of 6th Street is approximately 1.65 miles from the already approved CC400 development (Mercato) located at the intersection 6th Street and K-10. As mentioned above, since this 6th and Wakarusa Node has already been approved for over 440,000 square feet of commercial space, the majority of which is already constructed, it is difficult to place the proposed development into an appropriate zoning category. The closest commercial category in the Comprehensive Plan would be the Community Commercial Center (CC400). Community Commercial Centers (CC400) must be 3.75 miles apart and have a length-to-depth ratio between 1:1 and 3:2 in order to maintain the nodal development pattern. This proposal does not meet the separation or the length-to-depth ratio requirements.

To accommodate this request, a new comprehensive plan land use designation will need to be considered. One option is to draft language for a CC600 (600,000 square feet of commercial retail) Commercial Center with accompanying Development Code amendments to implement the plan designation. Specific language will need to be drafted if staff is directed to accommodate the request at this requested location.

The proposal is inconsistent with numerous other goals and policies in *Horizon 2020*, specifically in Chapter 6: Commercial Land Use and Chapter 14: Specific Plans.

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

Applicant's response: Yes, the current economic conditions have reduced the need for speculative housing and have increased the need for additional local commercial services.

Staff's response: This policy from pg. 6-2 states: *Nodal Development is the antithesis of "Strip Development". "Strip Development" is characterized by high-intensity, auto-oriented uses, shallow in depth and extending linearly along a street corridor, with little consideration given to access management and site aesthetics. The Nodal Development concept requires the clear termination of commercial development within near proximity of an intersection.* Further, Policy 3.1B states: *"Strip Commercial Development: Stop the formation or expansion of Strip Commercial Development by directing new development in a more clustered pattern".*

Despite recessionary economic conditions, public policy has not changed regarding nodal commercial development versus strip commercial development within the conventional zoning framework. The policy directs stand alone commercial uses to commercial nodes. In this case, a mostly built commercial node already exists at this intersection, and there is a CC400 Community Commercial Center designated less than 2 miles to the west. Expanding the existing commercial center is not appropriate considering the original intent of the development and its relationship to the adjacent institutional and residential uses to the north and the recently approved residential use on the east portion of Bauer Farm. Dynamic economic conditions do not represent a clear change of public policy.

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

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

Applicant's response: No, both the existing and proposed services associated with the proposed amendment are adequate in this area. A substantial amount of infrastructure was constructed in conjunction with development of a Wal-Mart in this same area, so many of the necessary street improvements are already in place to accommodate additional commercial square footage. The proposed amendment will allow for future facilities and services to be provided within the City by creating jobs and generating additional tax.

Staff's response: At the comprehensive plan level, it is difficult to anticipate the impact of the change in the designated land use at this location from multi-family residential to retail sales. Since there is an already approved preliminary development plan on file, facilities and services have already been planned based on the expectation of mixed uses, including residential uses on the east portion of Bauer Farm. If approved, further review will be needed to determine whether changes will be necessary to the facilities and services in the area. It is assumed that an additional access point on 6th Street will be requested and that semi-trucks will need to be accommodated on Overland Drive and throughout the Bauer Farm street network.

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

Applicant's response: Yes, the proposed amendment will only expand what is already a commercial area.

Staff's response: Considering this project within the larger context of W. 6th Street, this development conflicts with the nodal development policy by extending an already existing commercial node and transforming it into strip development. Further, this project does not satisfy the separation requirements for commercial developments. Staff does not believe the change will result in compatible land use relationships, particularly with respect to the residential and public institutional uses to the north and the recently approved residential use to the adjacent east on Bauer Farm.

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

Applicant's response: Yes, the expansion of the commercial node will provide new shopping opportunities for all local and trade area consumers. Further, as stated above, the City and its citizens will benefit from the creation of new jobs and new tax revenues.

Staff's response: The expansion of this commercial area will provide a new shopping opportunity for residents, but is not, in staff's opinion, in the best interest of the community. While the community would benefit from the creation of sales tax revenues and new jobs, this development could be located in a different location better suited to this type of development. Site specific considerations, including the original mixed-use pedestrian friendly intent of this development and the location adjacent to Free State High School and the residential neighborhoods to the north and east, make the proposal not in the best interest of the citizens of Lawrence and Douglas County as a whole.

PROFESSIONAL STAFF RECOMMENDATION

While staff welcomes the opportunity to accommodate Lowe's at an appropriate location, the request is not, in staff's opinion, compatible with the existing land use designations of the 6th and Wakarusa Area Plan and revising the plan is not appropriate for the reasons outlined in this report and when the comprehensive plan policies are reviewed as a whole.

Staff recommends denial of this comprehensive plan amendment to *Horizon 2020*, including the 6th and Wakarusa Area Plan, to change the designated land use from residential/office to commercial for a portion of the Bauer Farm Development located along 6th Street between Folks Road and Champion Lane and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission with a recommendation of denial.

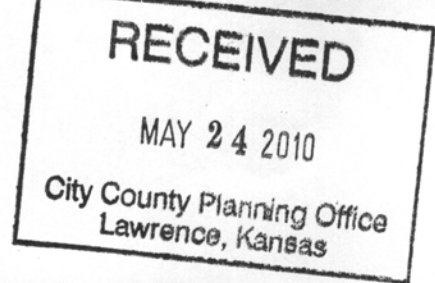
Findings for recommendation of denial:

1. Proposal is in conflict with several *Horizon 2020* policies as outlined in this report, including: "The Comprehensive Plan does not support increasing the size or number of new Commercial Centers".
2. Proposal is in conflict with *Horizon 2020* policy 3.1B which states: "Strip Commercial Development: Stop the formation or expansion of Strip Commercial Development by directing new development in a more clustered pattern".
3. This development does not comply with the 6th and Wakarusa Area Plan which is adopted as part of *Horizon 2020*, Chapter 14: Specific Plans and the proposed revisions are not compatible with the adopted concepts of this plan.
4. The submitted market study does not support increasing the amount of commercial use available at this node when other approved locations are taken into account.

In the event that the City Commission desires to accommodate the proposed project, staff should be directed to make the necessary changes to *Horizon 2020*, including the 6th and Wakarusa Area Plan, to change the designated land use from residential/office to commercial for a portion of the Bauer Farm Development located along 6th Street between Folks Road and Champion Lane and bring the comprehensive plan amendment, as well as any associated text amendments to the Land Development Code, to the Planning Commission for a public hearing.

Attachments:

- Applicant's application and letter
- *Horizon 2020* Chapter 6, Commercial Land Use – Highlighted to show text that this proposal is not in compliance with.
- 6th & Wakarusa Area Plan - Highlighted to show text that this proposal is not in compliance with.
- Retail Market Study provided by the applicant for the additional commercial square footage
- Concept site plan



PETITION FOR COMPREHENSIVE PLAN AMENDMENT

To *Horizon 2020*, the Comprehensive Plan for Lawrence and Unincorporated Douglas County

Pre-Application Meeting

A Pre-Application meeting is required for all matters that require a public hearing.

Information regarding the process and criteria for a comprehensive plan amendment is provided in Chapter 17 of *Horizon 2020*.

This information is included with this application packet.

The applicant shall meet with Planning Staff at least seven (7) working days prior to submittal of the petition.

Pre-submittal May 12, 2010.

Target Submission Date May 24, 2010.

Submittal Requirements

❖ Application Form

- ☐ A complete Application Form. (Application, 3 pages)

❖ Other

- ☐ Additional documentation provided by the applicant demonstrating need for amendment proposed.
- ☐ Please note, there is no review fee for a Comprehensive Plan Amendment.



City of Lawrence
Douglas County

PLANNING & DEVELOPMENT SERVICES

Lawrence Douglas County
Metropolitan Planning Office

6 East 6th Street, P.O. Box 708, Lawrence, KS 66044

(785) 832-3150 Fax (785) 832-3160

www.lawrenceks.org/pds

PETITION FOR COMPREHENSIVE PLAN AMENDMENT

APPLICATION FORM

APPLICANT/AGENT INFORMATION

Contact John D. Petersen and/or Matthew E. Austin

Company Polsinelli Shughart PC

Address 6201 College Boulevard, Suite 500

City Overland Park State KS ZIP 66211

Phone (913) 451-8788 Fax (913) 451-6205

E-mail jpetersen@polsinelli.com Mobile/Pager ()

maustin@polsinelli.com
Pre-Application Meeting Date May 12 Planner Scott McCullough

Are you submitting any other applications? If so, please state which one(s).

No

Please identify the Chapter of the Comprehensive Plan is proposed to be amended.

See below

Please provide proposed amendment. (Attach additional sheets if needed)

As described in more detail in the attached letter from Robert Fiebig, we are seeking an amendment to the City's Horizon 2020 Comprehensive Plan that would allow us to move forward with the development of a Lowe's Store within the Bauer Farm Development. Based on our review of Horizon 2020 and the City's Land Development Code, there appear to be several approaches to amending Horizon 2020 that would accommodate our proposed development. We would ask that the City's professional staff give some thought as to which of these options would be the most palatable to the City.



Please respond to the following questions to the best of your knowledge. Review bodies shall consider the following factors for all Comprehensive Plan Amendments (policy and map amendments). (Attach additional sheets if needed.)

- 1. Does the proposed text amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the Plan was adopted? (Please explain)**

Yes, retail market conditions in Lawrence and Douglas County have changed since the Comprehensive Plan was adopted in 1998. The City's retail pull factor has declined by 20 percent and Douglas County's pull factor has declined by 13 percent. These declines are in contrast to the City's population growth and the increase in KU student enrollment since adoption of the Plan. Further, the residential market demand has ceased and is not expected to return for several more years. With the reduction in housing expansion, commercial retail is seeking to remain closer to current residential rather than construct new projects based on expected future residential growth.

- 2. Does the proposed amendment advance a clear public purpose? (please explain)**

Yes, the proposed amendment will generate substantial new tax revenue for the City while requiring fewer municipal service costs than if the land was developed as multi-family residential. The amendment will also result in the utilization of existing infrastructure that has not been previously used to its fullest extent.

- 3. Is the proposed amendment consistent with the long-range goals and policies of the Plan? (please explain)**

Yes, the proposed amendment is consistent with the stated goals and policies of Horizon 2020 including the following: encouraging the retention, redevelopment, and expansion of established commercial areas in the community; maintaining an appropriate supply of commercially zoned land; providing regional and community shopping opportunities to meet retail needs; locating retail at the intersection of arterial or collector streets; and ensuring that commercial projects will not have a substantial negative impact on Downtown Lawrence.

- 4. Does the proposed amendment result from a clear change in public policy? (Please explain)**

Yes, current economic conditions have reduced the need for speculative housing and have increased the need for additional local commercial services.



In addition, the following shall be considered for any specific map amendment.
Please answer the following questions, if an amendment to a map in *Horizon 2020* is proposed:

5. Will the proposed amendment affect the adequacy of existing or planned facilities and services? (Please explain)

No, both the existing and proposed services associated with the proposed amendment are adequate in this area. A substantial amount of infrastructure was constructed in conjunction with development of a Wal-Mart in this same area, so many of the necessary street improvements are already in place to accommodate additional commercial square footage. The proposed amendment will allow for future facilities and services to be provided within the City by creating jobs and generating additional tax.

6. Will the proposed change result in reasonably compatible land use relationships? (Please explain)

Yes, the proposed amendment will only expand what is already a commercial area.

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? (Please explain)

Yes, the expansion of the commercial node will provide new shopping opportunities for all local and trade area consumers. Further, as stated above, the City and its citizens will benefit from the creation of new jobs and new tax revenues.

SIGNATURE

By execution of my/our signature, I/we do hereby officially petition initiation of the proposed amendment as indicated above.

Signature(s):

J. Peterson

M. M. Austin

Date

05/24/10

Date

05/24/10



Lowe's Midwest Real Estate Office
1952 McDowell Road, Suite 101
Naperville, IL 60563
Phone: 630-548-7500
Fax: 630-527-8830

May 24, 2010

**UNITED STATES MAIL
BY ELECTRONIC MAIL**

Scott McCullough, Director
Planning and Development Services
City Hall
6 E. 6th Street
Lawrence, KS 66044

Re: Requested Text Amendment to Horizon 2020

Dear Scott:

Thank you for the opportunity at our meeting on May 12, 2010 to further discuss the possible location of a Lowe's Store within the City of Lawrence. We greatly appreciate the time and attention that has been provided by you and City Manager Corliss to assist us in evaluating our proposed location.

After careful consideration of all available information, we are ready to commence the City review process for our proposed site – approximately 11 acres located between Folks Road and Champion Lane within the Bauer Farm Development. We understand that the subject tract is currently zoned residential and our proposed use would require not only a rezoning to a commercial designation, but also an amendment to the City's Horizon 2020 Comprehensive Plan. Despite this added challenge we have determined, based on our demographic studies, that this site is our only viable option in this market at this time.

Based on our review of Horizon 2020 and the City's Land Development Code, there appear to be several approaches to amending Horizon 2020 that would accommodate our proposed development. These include the following:

- (i) Include our proposed site in the 6th and Wakarusa Drive Node and amend Horizon 2020 to create a new category of Community Commercial Center – CC600 (which would allow for up to 600,000 square feet of retail at this Node);
- (ii) Relocate a Community Commercial Center (CC400) from another area in the City and create a Node at 6th and Folks Road;

- (iii) Create an additional Community Commercial Center (CC400) at the intersection of 6th and Folks Road; or
- (iv) Include our proposed site in the 6th and Wakarusa Drive Node and amend Horizon 2020 to designate this Node as a Regional Commercial Center.

Each of these proposed amendments to Horizon 2020, if approved, may necessitate one or more text amendments to the City's Land Development Code, which we would request be considered simultaneously to considering the Horizon 2020 amendments.

Given that there are several ways to approach the amendment of Horizon 2020 to effectuate our development, I would ask that you and your professional staff give some thought as to which of these options would be the most palatable to the City. I might suggest going with the first option and including the subject property in the 6th and Wakarusa Drive Node and designating the Node as a Community Commercial Center (CC600). This option would ensure that there is no additional commercial use in this Node other than our project. However, we would defer to your judgment on this issue.

In addition to the entitlements discussed above, and as a condition of moving forward with the development, we will be requesting financial assistance through the approval of a \$.005 Community Improvement District Sales Tax within the development. We understand that consideration of Community Improvement District ("CID") and any necessary zoning changes would need to follow the City's adopted policies and procedures, and that such approvals would not be considered by the City Commission until after Horizon 2020 has been amended to accommodate our proposed development. Notwithstanding the previous sentence, given how critical CID financing is to our development, we would like the opportunity to address it now on the front end through a work session with the City Commission.

Based on the foregoing, we would propose the following timeline:

- June 15, 2010 - CID work session with City Commission
- July 26 or July 28, 2010 - Planning Commission consideration of amendment to Horizon 2020 (and corresponding text amendment to the Land Development Code if necessary)
- August 17, 2010 - City Commission hearing on amendment to Horizon 2020 (and corresponding text amendment to the Land Development Code if necessary)
- August 23, 2010 - Rezoning Application submittal
- October 25 or October 27, 2010 - Planning Commission hearing on rezoning
- November 09 or November 16, 2010 - City Commission hearing on rezoning
- November 09 or November 16, 2010 - City Commission adoption of a Resolution calling a public hearing regarding the creation of a CID
- December 7, 2010 - City Commission public hearing on creation of a CID

Scott McCullough
May 24, 2010
Page 3

We are anxious to begin the entitlement process and move forward with this project. If you have any questions, don't hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Fiebig III", followed by a horizontal line.

Robert Fiebig III, EI, CPESC
Senior Site Development Manager – Lowe's

Cc: Dave Corliss – City of Lawrence
John Peterson – Polsinelli Shugart
Scott McGee – Ozark Civil Engineering
Bill Flemming – Treanor Architects

HORIZON 2020

The Comprehensive Plan
for Lawrence and
Unincorporated Douglas County

December 10, 2009

Amendment

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

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

Reprint May 2004

HORIZON 2020

The Comprehensive Plan
for Lawrence and
Unincorporated Douglas County

1998 Revised Edition

HORIZON 2020 ADOPTED:

Lawrence/Douglas County Metropolitan Planning Commission	May 22, 1996
Lawrence City Commission	January 28, 1997
Douglas County Board of County Commissioners	May 18, 1998

AMENDMENTS SINCE ADOPTION:

1. Map 3-2-Inset, Future Land Use - City of Lawrence
Lawrence/Douglas County Metropolitan Planning Commission - December 17, 1997
Lawrence City Commission - February 17, 1998
2. Regarding Rural Development Issues and the Urban Growth Area Boundary (including a revised format)
Lawrence/Douglas County Metropolitan Planning Commission - April 29, 1998
Douglas County Board of County Commissioners - May 18, 1998
Lawrence City Commission - June 9, 1998
3. Extend the Urban Growth Area east of Noria (E1750) Rd
Lawrence/Douglas County Metropolitan Planning Commission - March 15, 2000
Douglas County Board of County Commissioners - March 22, 2000
Lawrence City Commission - April 11, 2000
4. Adding public health facilities text to Chapter Ten, Section Twelve concerning "Municipal Buildings and Facilities, Health Services"
Lawrence/Douglas County Metropolitan Planning Commission - February 28, 2001
Douglas County Board of County Commissioners - March 28, 2001
Lawrence City Commission - March 27, 2001
5. Updating of population projections in Chapter Two and modification of Table of Contents and Table and Figure listing
Lawrence/Douglas County Metropolitan Planning Commission - May 23, 2001
Douglas County Board of County Commissioners - August 15, 2001
Lawrence City Commission - June 12, 2001
6. Update to Chapter Twelve – Economic Development
Lawrence/Douglas County Metropolitan Planning Commission – October 22, 2003
Douglas County Board of County Commissioners - November 19, 2003
Lawrence City Commission - November 18, 2003
Effective date - December 1, 2003
7. Adoption of Revised Major Thoroughfares Maps - (Pages 8-5 and 8-6)
Lawrence/Douglas County Metropolitan Planning Commission – November 19, 2003
Douglas County Board of County Commissioners - December 15, 2003
Lawrence City Commission - December 30, 2003
Effective date - January 4, 2004
8. Expansion of the Urban Growth Area - (Pages 3-3, 3-5, and 4-3)
Lawrence/Douglas County Metropolitan Planning Commission – December 17, 2003
Douglas County Board of County Commissioners - November 19, 2003
Lawrence City Commission - January 20, 2004
Effective date - January 31, 2004

9. Update to Chapter Six – Commercial Land Use
Lawrence/Douglas County Metropolitan Planning Commission – October 22, 2003
Douglas County Board of County Commissioners - November 19, 2003
Lawrence City Commission - November 18, 2003
Effective date - March 16, 2004
10. Amendment to Chapter Six – Commercial Land Use
Lawrence/Douglas County Metropolitan Planning Commission – March 15, 2006
Douglas County Board of County Commissioners – September 11, 2006
Lawrence City Commission – August 8, 2006
Effective date – December 15, 2006
11. Update to Chapter Nine – Parks, Recreation and Open Space
Lawrence/Douglas County Metropolitan Planning Commission – September 25, 2006
Douglas County Board of County Commissioners – October 9, 2006
Lawrence City Commission - October 10, 2006
Effective date – January 5, 2007
12. Amendments to Chapters Four – Growth Management and Five – Residential Land Use
Lawrence/Douglas County Metropolitan Planning Commission – August 21, 2006
Douglas County Board of County Commissioners – October 18, 2006
Lawrence City Commission - December 19, 2006
Effective date – January 19, 2007
13. Amendments to Chapters Five –Residential Land Use (Figure 5-1)
Lawrence/Douglas County Metropolitan Planning Commission – February 26, 2007
Douglas County Board of County Commissioners – April 18, 2007
Lawrence City Commission – April 4, 2007
Effective date – May 4, 2007
14. Addition of Chapter Fourteen –Specific Plans
Lawrence/Douglas County Metropolitan Planning Commission – June 27, 2007
Douglas County Board of County Commissioners – August 20, 2007
Lawrence City Commission – August 14, 2007
Effective date – September 14, 2007
14. Amendment to Chapter Fourteen –Specific Plans- Revised Southern Development Plan Reference
Lawrence/Douglas County Metropolitan Planning Commission – November 28, 2007
Douglas County Board of County Commissioners – January 7, 2008
Lawrence City Commission – December 18, 2007
Effective date – January 18, 2008
15. Amendment to Chapter Fourteen –Specific Plans- Southeast Area Plan Reference
Lawrence/Douglas County Metropolitan Planning Commission – November 28, 2007
Douglas County Board of County Commissioners – January 28, 2008
Lawrence City Commission – January 15, 2008
Effective date – February 12, 2008
16. Amendment to Chapter Fourteen –Specific Plans- Farmland Industries Redevelopment Plan Reference
Lawrence/Douglas County Metropolitan Planning Commission – November 28, 2007
Douglas County Board of County Commissioners – March 31, 2008
Lawrence City Commission – March 11, 2008
Effective date – April 5, 2008

17. Amendments to Chapter Six – Commercial Land Use
Lawrence/Douglas County Metropolitan Planning Commission – February 27, 2008
Douglas County Board of County Commissioners – April 28, 2008
Lawrence City Commission – April 1, 2008
Effective date – May 21, 2008
18. Amendments to Chapter Six – Commercial Land Use-Mixed Use District
Lawrence/Douglas County Metropolitan Planning Commission – April 23, 2008
Douglas County Board of County Commissioners – June 16, 2008
Lawrence City Commission – May 13, 2008
Effective date – July 9, 2008
19. Amendment to the Southeast Area Plan
Lawrence/Douglas County Metropolitan Planning Commission – May 21, 2008
Douglas County Board of County Commissioners – July 14, 2008
Lawrence City Commission – June 24, 2008
Effective date – July 21, 2008
20. Amendment to the Southeast Area Plan
Lawrence/Douglas County Metropolitan Planning Commission – September 22, 2008
Douglas County Board of County Commissioners – November 10, 2008
Lawrence City Commission – October 7, 2008
Effective date – December 1, 2008
21. Amendment to Chapter Six – Commercial Land Use – Neighborhood Commercial Centers
Lawrence/Douglas County Metropolitan Planning Commission – October 20, 2008
Douglas County Board of County Commissioners – December 8, 2008
Lawrence City Commission – November 11, 2008
Effective date – December 18, 2008
22. Amendment to Chapter Six – Commercial Land Use – Renumber Goal 3
Lawrence/Douglas County Metropolitan Planning Commission – October 20, 2008
Douglas County Board of County Commissioners – December 8, 2008
Lawrence City Commission – November 11, 2008
Effective date – December 18, 2008
23. Amendment to Chapter Fourteen – Specific Plan – K-10 & Farmer's Turnpike Plan
Lawrence/Douglas County Metropolitan Planning Commission – November 17, 2008
Douglas County Board of County Commissioners – January 7, 2009
Lawrence City Commission – December 9, 2008
Effective date – January 11, 2009
24. Amendment to Chapter Six – Commercial Land Use- Inner-Neighborhood Commercial Centers
Lawrence/Douglas County Metropolitan Planning Commission – November 17, 2008
Douglas County Board of County Commissioners – February 9, 2009
Lawrence City Commission – December 2, 2008
Effective date – March 1, 2009
25. Addition of Chapter Fifteen – Place Making Elements
Lawrence/Douglas County Metropolitan Planning Commission – May 21, 2008
Douglas County Board of County Commissioners – February 23, 2009
Lawrence City Commission – January 27, 2009

Effective date – March 17, 2009

26. Amendment to Chapter Fourteen – Specific Plan – Lawrence SmartCode Infill Plan
Lawrence/Douglas County Metropolitan Planning Commission – May 21, 2008
Douglas County Board of County Commissioners – February 23, 2009
Lawrence City Commission – January 27, 2009
Effective date – March 17, 2009
27. Amendment to Chapter Fourteen – Specific Plan – West of K-10 Plan
Lawrence/Douglas County Metropolitan Planning Commission – March 25, 2009
Douglas County Board of County Commissioners – May 6, 2009
Lawrence City Commission – June 9, 2009
Effective date – June 21, 2009
26. Update to Chapter Seven – Industrial and Employment-Related Land Use
Lawrence/Douglas County Metropolitan Planning Commission – April 22, 2009
Douglas County Board of County Commissioners – August 5, 2009
Lawrence City Commission – June 9, 2009
Effective date – August 15, 2009
27. Amendment to Chapter Four- Growth Management & Chapter Six –Commercial Land Use-Rural Tourism Facilities
Lawrence/Douglas County Metropolitan Planning Commission – May 18, 2009
Douglas County Board of County Commissioners – June 24, 2009
Lawrence City Commission – August 18, 2009
Effective date – August 29, 2009
28. Amendment to Chapter Three – General Plan Overview-Remove Land Use Categories Table
Lawrence/Douglas County Metropolitan Planning Commission – September 21, 2009
Douglas County Board of County Commissioners – November 18, 2009
Lawrence City Commission – October 27, 2009
Effective date – November 25, 2009
29. Renumber the Implementation Chapter to Chapter Seventeen
Lawrence/Douglas County Metropolitan Planning Commission – September 21, 2009
Douglas County Board of County Commissioners – November 18, 2009
Lawrence City Commission – October 27, 2009
Effective date – November 25, 2009

Commercial Land Use

CHAPTER SIX - COMMERCIAL LAND USE

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

STRATEGIES: COMMERCIAL DEVELOPMENT

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

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

NODAL DEVELOPMENT

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

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

DESIGN STANDARDS

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

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

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

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

buildings, service/mechanical/utility features and human-scale relationships.

COMMERCIAL CENTER CATEGORIES

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

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

■ *Commercial Uses*

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

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

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

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

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

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

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

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

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

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.

■ *Regional Commercial Centers*

A Regional Commercial Center may provide the same services as a Community Commercial Center but should provide a greater variety and number of general merchandise, apparel and furniture stores, among other tenants. Because of the overall scale and mix of uses, a regional retail commercial center attracts and serves a population greater than and beyond that of the community. The minimum area for a commercial development plan on any corner is 40 acres and the minimum street frontage is 1,400 linear feet. This will ensure a new Regional Commercial Center is capable of development with the critical mass mixture, including sites for multiple big box buildings, required parking, stormwater detention, and open space areas. A Regional Commercial Center node shall not contain more than 1.5 million gross square feet of retail commercial space. The only location for the next Regional Commercial Center is at the intersection of either two state or federal highways, or the intersection of a street identified on the Major Thoroughfares Map as an arterial street and a state or federal highway.

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

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

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

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

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

■ ***Existing Strip Commercial Developments***

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

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

access easements, and similar tools providing community benefit.

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

■ ***Auto-Related Commercial Centers***

A unique type of commercial development is an Auto-Related Commercial Center. These centers include a wide variety of uses such as auto sales and repair, truck stops, restaurants, hotels, and other similar uses. 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.

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 of 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 Use Permitted upon Review.

LAWRENCE - EXISTING COMMERCIAL AREAS

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

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

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

- ***Downtown Lawrence***

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

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

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

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

For Downtown Lawrence to remain economically stable and vital there is a need to expand the boundaries beyond the current configuration illustrated in the adopted Comprehensive Downtown Plan. This anticipates the need to provide additional parking areas and locations for commercial and public-related development in the future. At this time, the Comprehensive Plan does not recommend areas for downtown expansion, but opportunities for expansion and redevelopment do exist within the current boundaries of Downtown Lawrence. Action to expand Downtown Lawrence can only be reasonably undertaken following a comprehensive 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.

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

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

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

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

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

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

- ***E. 23rd Street (Learnard Street to Harper Street)***

E. 23rd Street is an Existing Strip Commercial Development. Redevelopment and infill opportunities are available along the entire corridor and are emphasized along the older commercial segment of 23rd Street, east of the Santa Fe Railroad. This area has historically been a "fringe location" and has not been developed as intensively as the western section of 23rd Street. The Comprehensive Plan recommends the area maintain a community commercial focus. A substantial amount of property exists between Haskell Avenue and Harper Street that should be redeveloped to geographically balance commercial development occurring in other areas of the community. The area should

become more retail and office in orientation. Future development and redevelopment shall include parcel consolidation and re-subdivision to establish properly sized and configured commercial sites to encourage a coordinated and unified development pattern.

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

- ***W. 6th Street (Alabama Street to Iowa Street)***

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

- ***W. 6th Street (Iowa Street to Kasold Street)***

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

- ***W. 6th Street and Monterey Way***

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

- ***W. 6th Street and Wakarusa Drive***

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

Portions of the intersection of W. 6th Street and Wakarusa Drive are still developing. However, the southern half of the intersection is completely developed and shall not be expanded beyond the existing commercially zoned property. 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.

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

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

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

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

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

LAWRENCE - NEW COMMERCIAL AREAS

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

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

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

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

- ***Inner-Neighborhood Commercial Centers***

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

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

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

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

- ***Neighborhood Commercial Centers***

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

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

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

- ***Community Commercial Centers (CC200)***

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

1. E. 23rd Street and O'Connell Road

- ***Community Commercial Centers (CC400)***

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

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

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

- ***Auto-Related Commercial Centers***

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

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

3. US-59 and K-10

- ***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.

Matrix

	<i>Condition of the Commercial Space</i>				
	Excellent	Good	Fair	Poor	Total
0 - 2,500 Sq. Ft.	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate
2,501 - 5,000	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate
5,001 - 15,000	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate
15,001 - 30,000	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate
30,001 - 60,000	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate
60,001 - 120,000	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate
120,001 - 200,000	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate
200,001 +	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate
Total	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate

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 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. Façades shall have a variety of textures, colors, shapes, etc. such that the buildings in a Neighborhood Center do not have a single uniform appearance.
- L. Neighborhood Centers should have dedicated open space areas that useable by the Center's employees and shoppers.
- M. Neighborhood Commercial Centers shall not expand into the surrounding portions of the neighborhood.
- N. Any commercial development proposal for a corner in a new Neighborhood Commercial Center shall have a length-to-depth ratio between 1:1 and 3:2.
- O. Neighborhood Commercial Centers shall develop in a manner that is consistent with the city's adopted design guidelines.

Policy 3.6: 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 3.7: 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 3.8: 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 3.9: 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 3.10: 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 3.11: 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 3.12: Criteria for Commercial Development in Unincorporated Areas

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

Policy 3.13: 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 3.14: 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.

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.

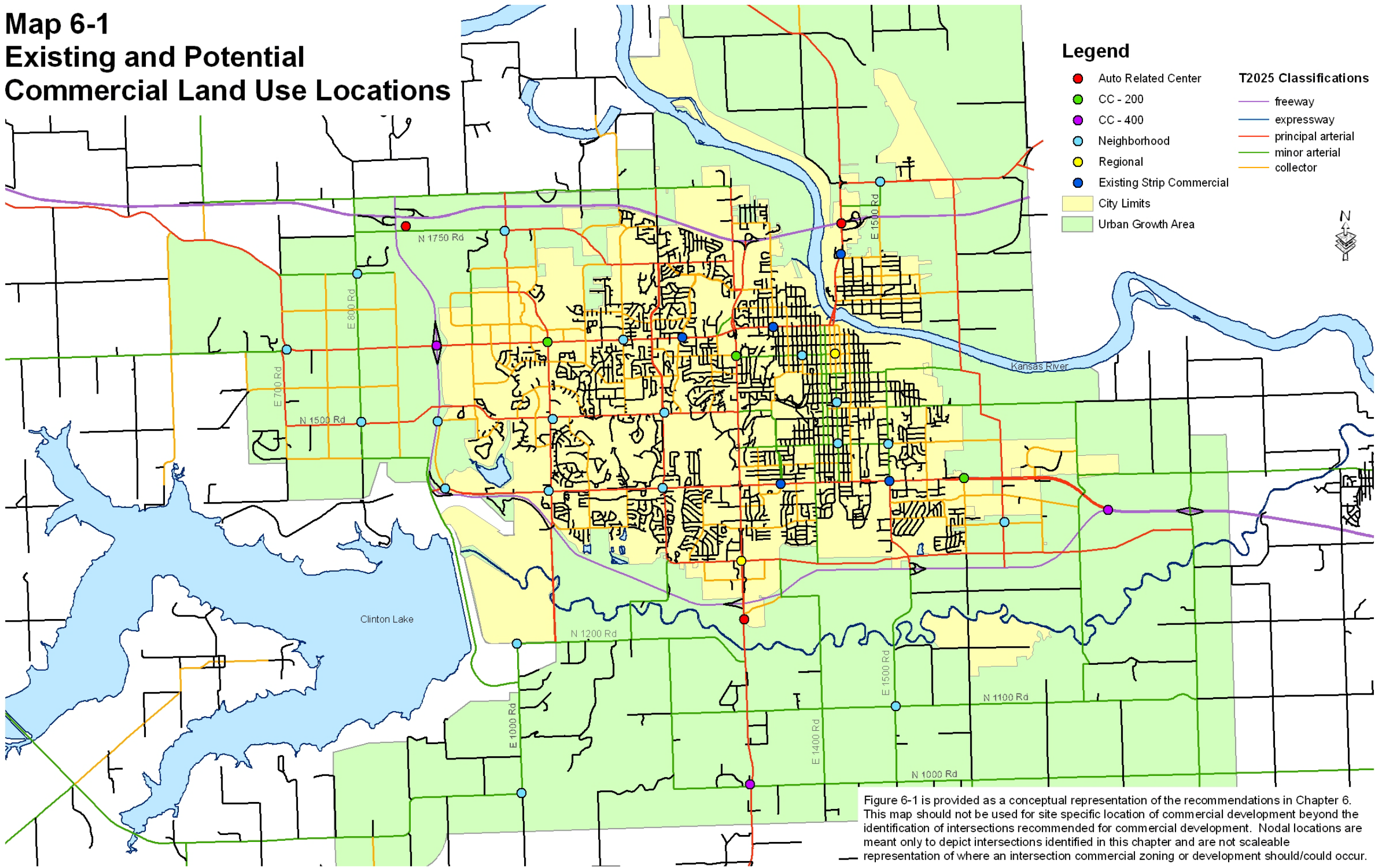
Policy 4.10: Utilize Outlying Parking Lots

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



Revised May 21, 2008

**An Area Plan for the Intersection Area
of West 6th Street & Wakarusa Drive
City of Lawrence, Kansas**

December 2003

Approved by the Lawrence City Commission on December 2, 2003

AREA PLAN

West 6th Street & Wakarusa Drive

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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 appropriate 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

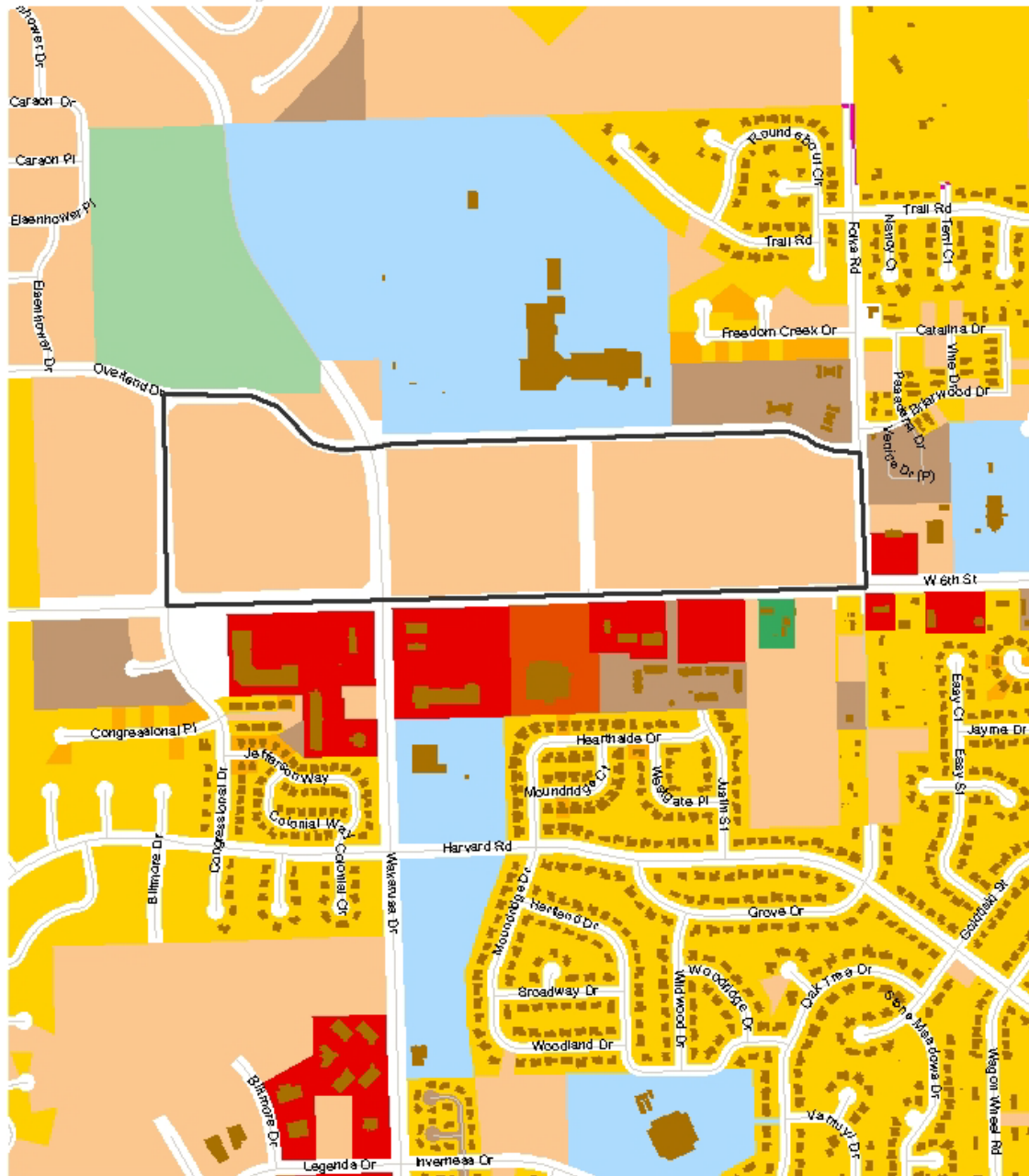
The study area for this plan is an area bounded to the west by Congressional Drive; to the north by Overland Drive; to the east by Folks Road; and to the south by West 6th Street. The study area includes the north half of the West 6th Street/Wakarusa Drive intersection. The study area is located in Township 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.

Figure 1
Study Area
6th & Wakarusa Dr.



Legend

	Cemetery		Public/Institutional
	Commercial		Single Family
	Ram		Parking/Utilities/Transportation
	Industrial Warehouse		Duplex/Triples/Fourplex
	Multiple Family		Vacant
	Parks/Rec./Open Space		Study Area



Date: June 23, 2003

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.

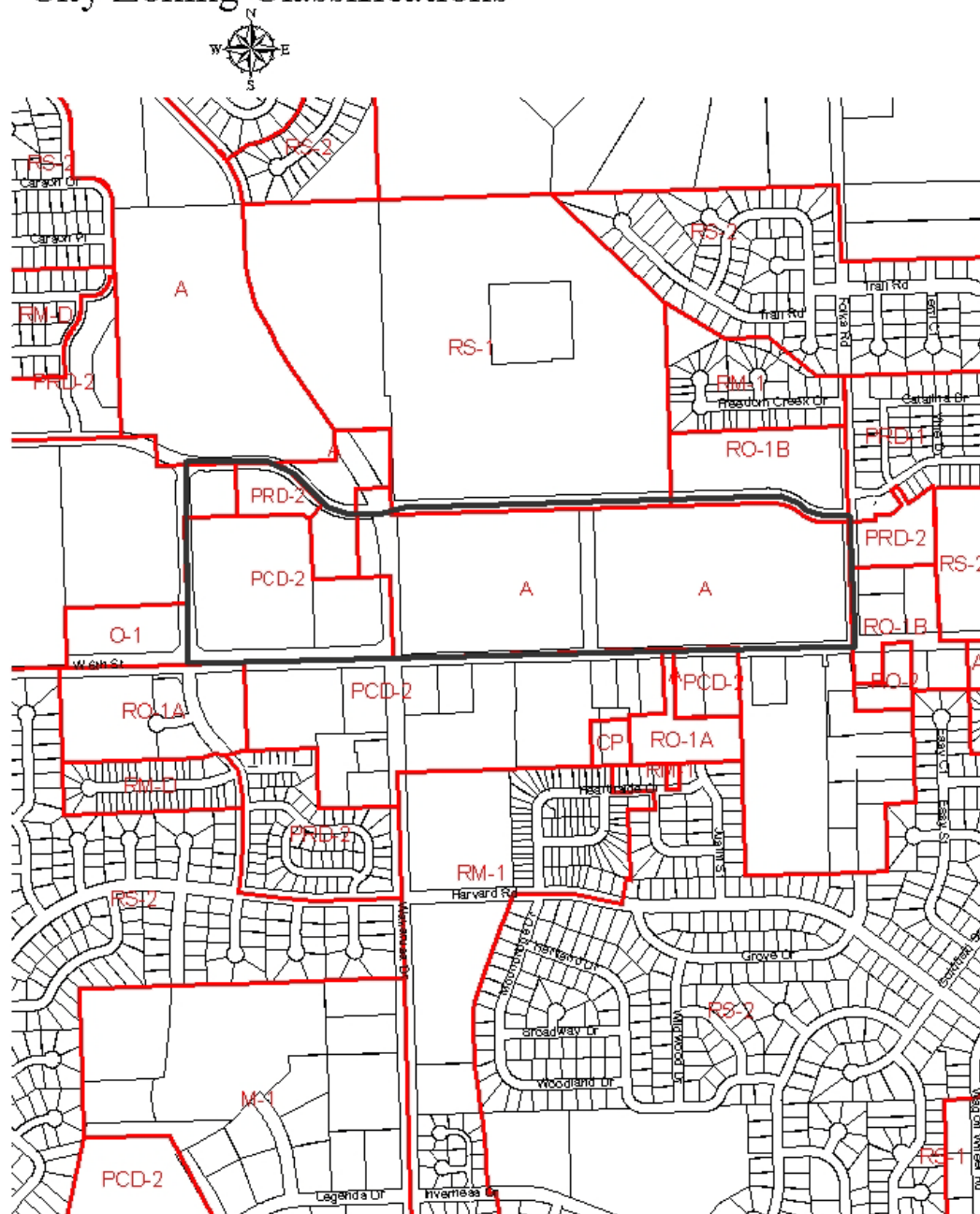
Existing Zoning Patterns

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



Date: June 26, 2003

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).

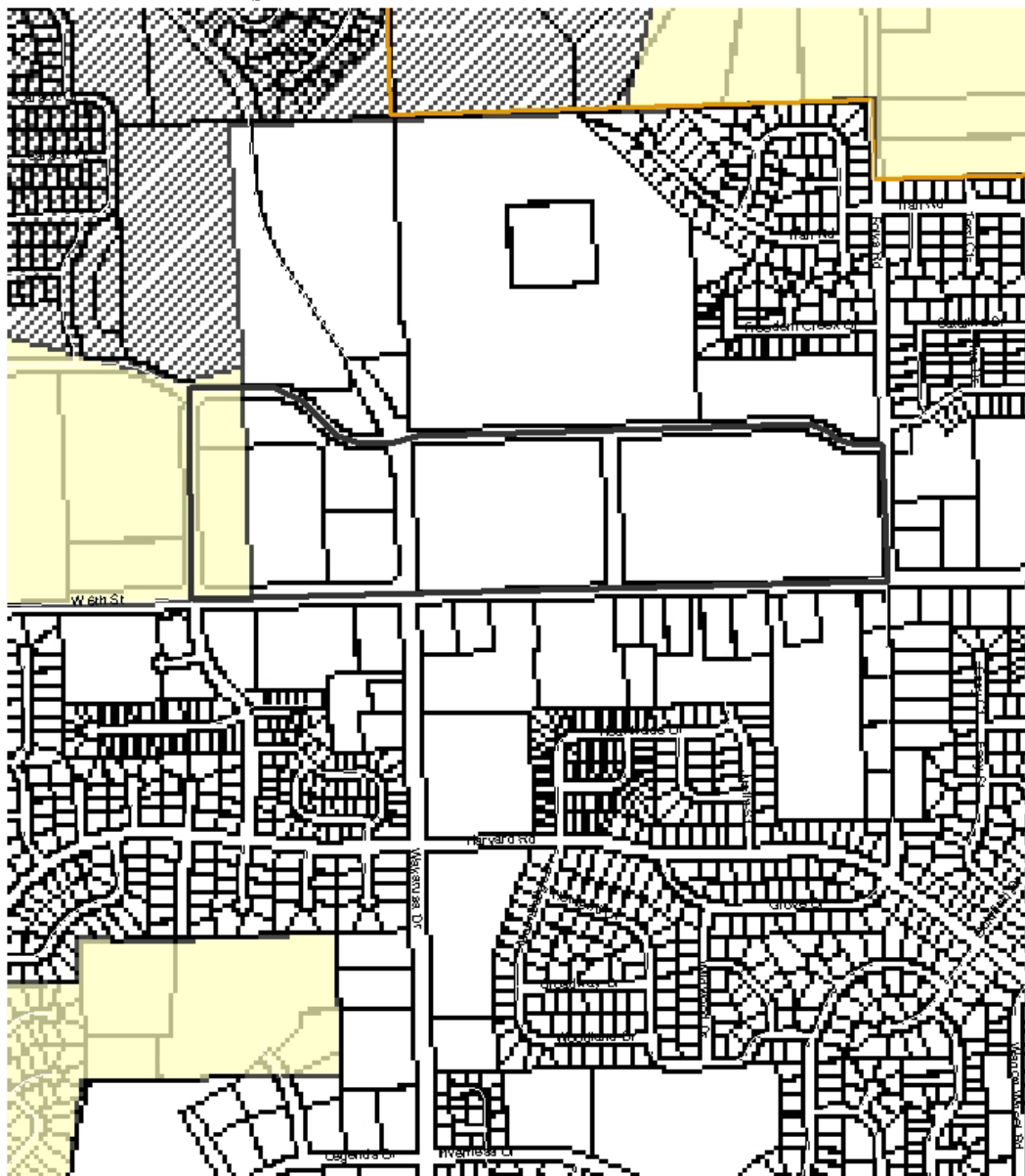
Land use designations from Horizon 2020 for the study area are illustrated in Figures 3 and 4.

Figure 3
Horizon 2020 (Figure 9)
Landuses



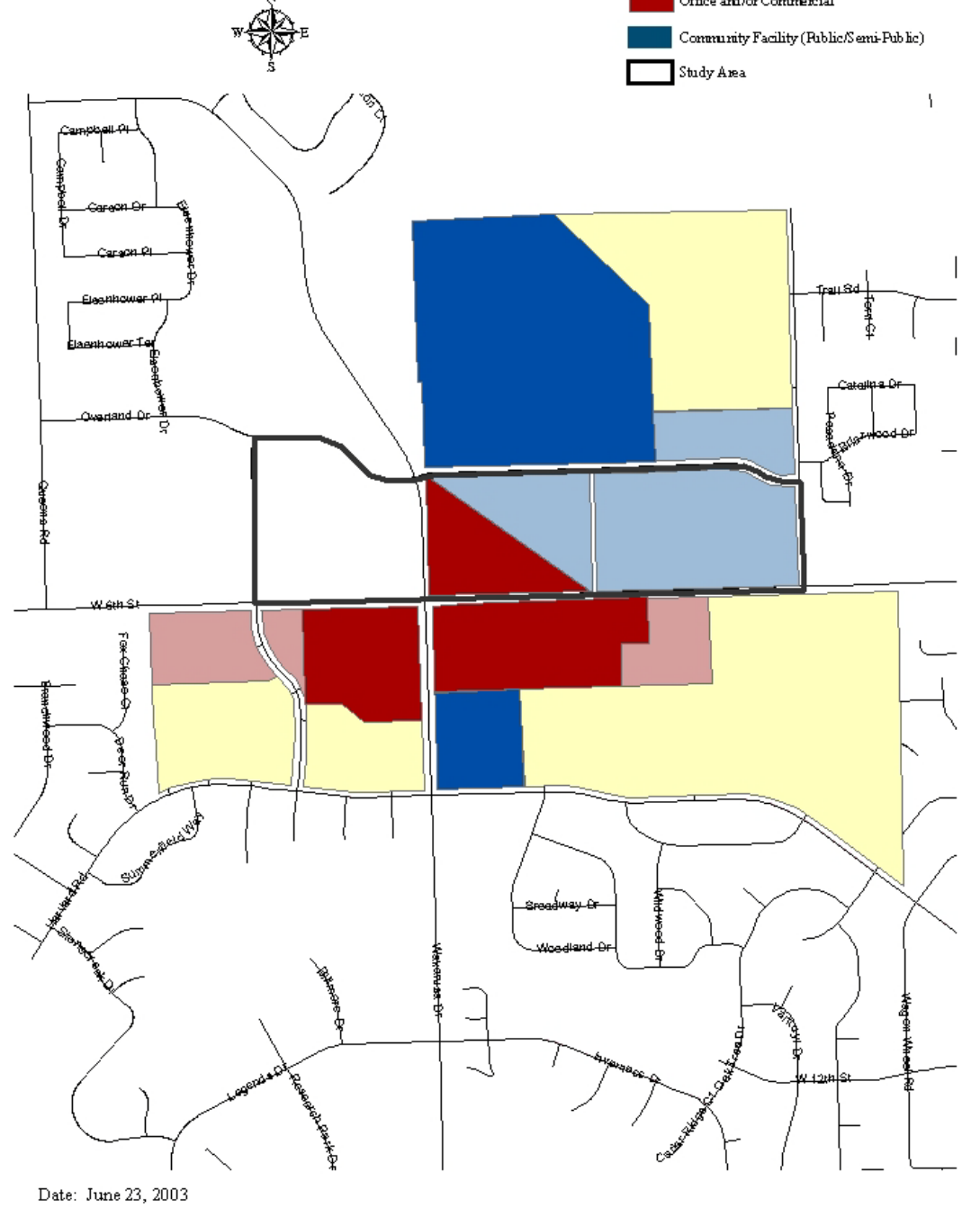
Legend

	Service Area 2		Industrial
	Service Area 3a		Low density residential
	Service Area 3b		Mixed use
	Service Area 4		Office/public
	Higher density residential		Parks/open space
	Study Area		



Date: June 23, 2003

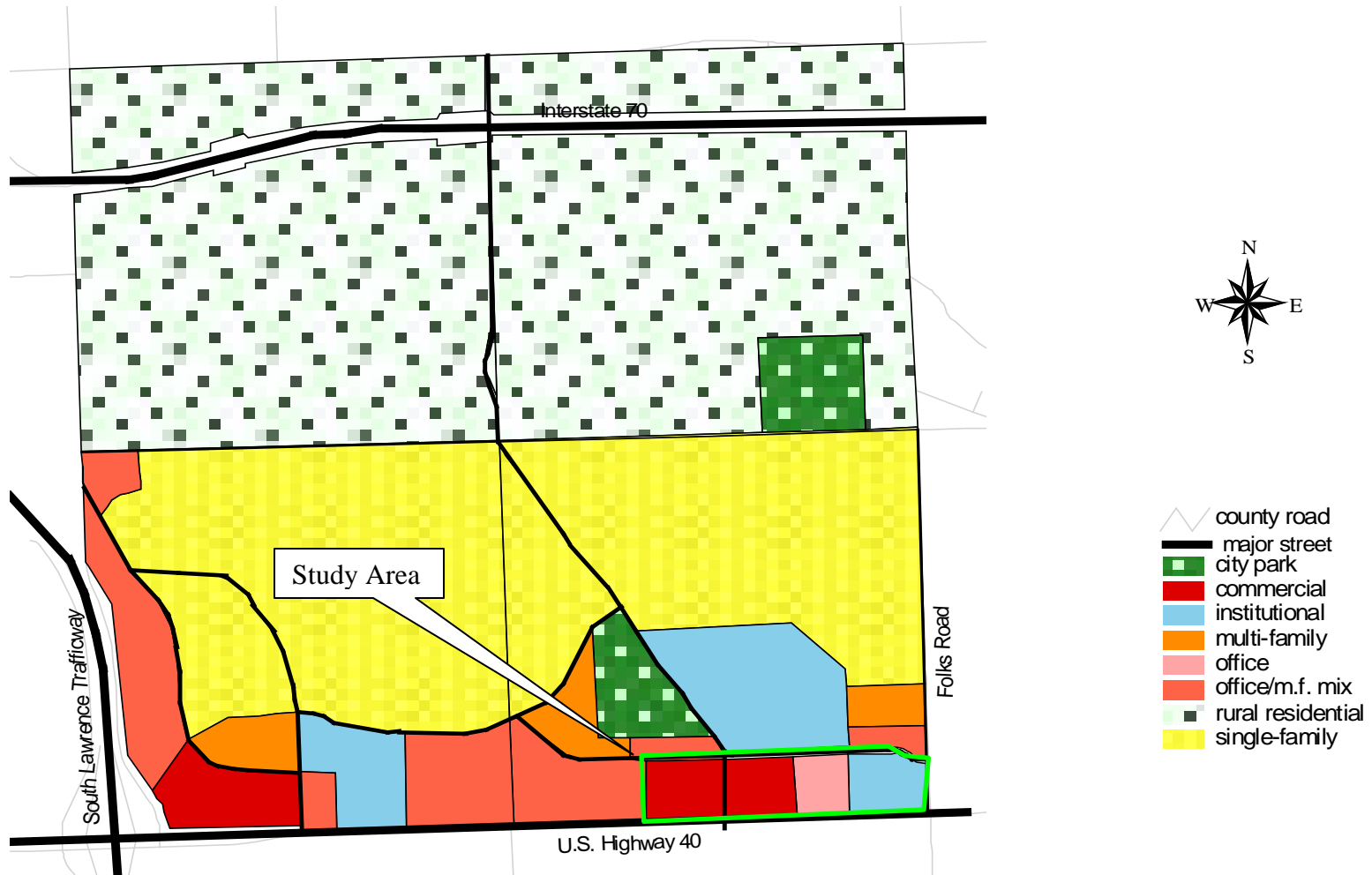
Figure 4
Horizon 2020 (Figure 9 Inset)
Landuses



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 380,000gsf 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 3: Compatible Transition from Medium- & Higher-Density Residential Development to Both More Intensive & Less Intensive Land Uses.** *Ensure transition from medium- & higher-density residential neighborhoods is compatible with nonresidential land uses or low-density residential land uses.*
- ❑ **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 2: Compatible Transition from Industrial/Employment-Related Development to Less Intensive Uses.** *Ensure a compatible transition between industrial & employment-related developments & less intensive land uses.*

- ❑ **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 allowable retail commercial square footage be limited to 440,000gsf for the four corners of the West 6th Street/Wakarusa Drive intersection. In the event the approved development plan for 154,000gsf on the northwest corner of West 6th Street and Wakarusa Drive expires or otherwise becomes null and void, the total square footage allowed at the intersection will be reduced to 420,000gsf. A breakdown of square footage allocation is illustrated in the table below.

Total Square Footage Allowed	440,000gsf*	420,000gsf+
Southside of West 6 th Street (existing development)	224,000gsf	224,000gsf
Northwest Corner of West 6 th Street/Wakarusa Drive	154,000gsf	136,000gsf
Northeast Corner of West 6 th Street/Wakarusa Drive	62,000gsf	60,000gsf
<i>Note: * = with approved development plan on northwest corner; + = without approved plan</i>		

RETAIL MARKET STUDY

Bauer Farm

Lawrence, Kansas

~~April 13, 2010~~

Revised July 1, 2010

Prepared by

RICHARD CAPLAN & ASSOCIATES

609 W. 70th Street

Kansas City, MO 64113

(816) 237-1986

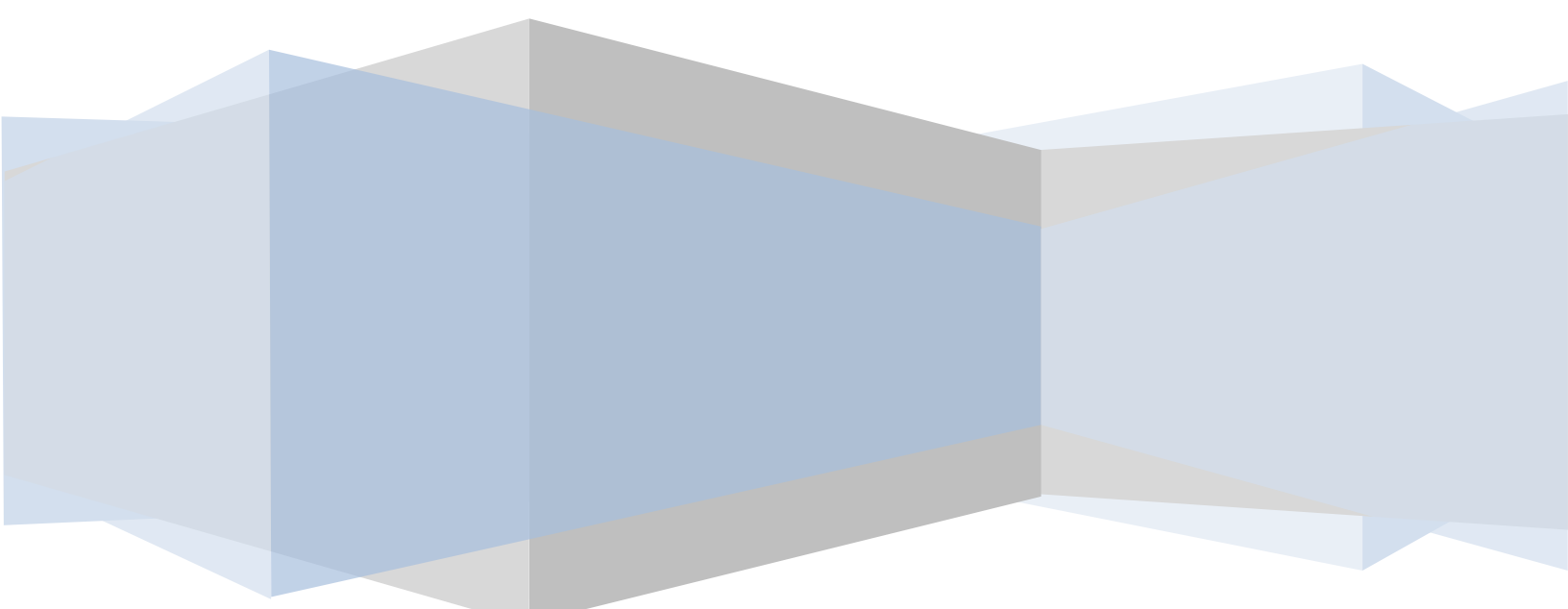


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The purpose of this retail market analysis is to provide an independent review and projection of demand for new retail development in Lawrence, Kansas. More specifically, this analysis has been prepared to assess an addition to the allowable retail uses and demand on the northeast corner of Sixth Street (U.S. Highway 40) and Wakarusa Drive known as the Bauer Farm.

The Bauer Farm is a 43.88 acre mixed use development in northwest Lawrence seeking additional retail square feet of net leasable space. The initial 25,455 square feet of retail development opened in 2009. This retail market study has been prepared in accordance with City of Lawrence Land Development Code Sec. 20-1107. The following factors and conditions were examined:

- Recent and projected population, income and employment trends for Lawrence
- Retail sales data, pull factors and related trends in Lawrence and Douglas County
- Review of retail occupancy and vacancy rates in Lawrence

This retail market study is presented in four sections:

- I. Executive Summary
- II. Historic and Current Retail Market Conditions
- III. West Lawrence Retail Market Overview and Site Assessment
- IV. Projected Retail Demand and Conclusion

I. EXECUTIVE SUMMARY

There is an average annual demand for approximately 110,750 to 126,314 square feet of new retail development in the Lawrence over the next decade or a total of 664,500 to 757,900 square feet during the time frame in which the Bauer Farm is planned to be built. The expanded Bauer Farm retail development would encompass an increase of 145,551 square feet above the 72,000 square feet already approved by the City of Lawrence for the site. This net increase represents approximately 21 to 25 percent of this citywide projected demand during the next five years or 11 to 13 percent of the citywide project demand during the next 10 years. (See Table O – “Projected Capture Rate for Expanded Bauer Farm Development.”)

The potential retail use, a home improvement store, at the Bauer Farm is discussed in the body of this retail market study. In addition to meeting the city’s retail demand, Lawrence and Douglas County’s increasing sales leakage evidenced by the City of Lawrence falling below 1.00 in 2008 and Douglas County’s 0.85 “pull factor” indicates that additional retail space targeted to overcome the county’s leakage can is warranted.

Significant changes are occurring in the retail industry as a result of the current national recession. These changes will influence the construction and occupancy of new retail development for the foreseeable future, including Bauer Farm. More specifically, construction of new retail development will be driven by either build-to-suit and/or owner-occupants seeking a new building as compared to the financing practices and construction of speculative retail space that occurred in the past decade. The result of this fundamental shift in the retail industry is that the majority of future retail development will occur where and when specific tenants are committed to occupy the new retail building(s).

In Lawrence, this change is illustrated by the recent construction of two national drugstore stores - one at the southwest corner of 23rd Street and Iowa Street and one at Bauer Farm. Both of these retail projects were constructed to satisfy the specific needs of each retail user. Consequently, the construction of a large retail building at the Bauer Farm site will not occur until or unless a specific retail tenant is contractually committed to the site. This new retail development condition also means that upon completion of this proposed addition at Bauer Farm, the total amount of occupied retail space in Lawrence will increase while the citywide retail vacancy rate will decline. (See Table M – “Proposed Development Impact on Lawrence Vacancy Rate.”)

This analysis further concludes that West Lawrence sub-market area can expect to accommodate a significant portion of Lawrence’s projected retail demand. Given the amount of new residential development, approved residential subdivisions and recent pace of residential growth in northwest Lawrence and West Lawrence’s below average share of the citywide retail market, approximately one-half of this citywide demand may be absorbed by the West 6th Street sub-market area, at least 361,000 square feet of this projected demand not withstanding Lawrence overcoming the current city and countywide sales leakage.

These absorption projections are based on the following findings and conclusions:

1. Lawrence has absorbed an annual average of 152,046 square feet of retail development since 2000.

2. Despite continued retail development, the Kansas Department of Revenue reports that Douglas County's "pull factor" continues to reveal sales leakage, and Lawrence's "pull factor" has declined by 16.8 percent in the past decade, reflecting the fact that the Lawrence retail market is not satisfying the needs of the city's growing population (See Table B – "Lawrence and Douglas County Retail Pull Factor 1998 – 2008"). Douglas County's "pull factor" has declined by 2.9 percent in the past year. Therefore, there is the potential for Lawrence to capture greater retail sales with a retail center that attracts residents from outside of the Lawrence city limits and for the City of Lawrence's pull factor to reverse this decline in "pull factor" from the past decade.

3. The amount of commercial development planned in the original Horizon 2020 which influenced the amount of land zoned for commercial uses reflected a smaller population than Lawrence has realized. The latest version of Horizon 2020 projects a population for Lawrence of 95,178 (middle scenario) in 2010 and 110,404 in 2020. Given the 2008 U.S. Census of 90,520 residents for Lawrence and 116,383 for Douglas County in 2009, the latest version of Horizon 2020 substantiates continued demand for additional retail through the coming decade.

4. Lawrence's retail demand is underserved as evidenced by a below regional and national retail vacancy rates.

The proposed development is not expected to negatively impact the viability of Downtown Lawrence for a combination of the following reasons:

- The site is approximately 4 miles from Downtown Lawrence and serves a trade area to the west and north;
- Downtown Lawrence has increasingly become a one-of-a-kind specialty retail and entertainment district destination competing less and less with the city's other regional center, South Iowa Street;
- The site can easily serve residents of northwest Lawrence and Douglas County, as well as Douglas County employees who reside in neighboring Jefferson and Shawnee Counties; and
- The Bauer Farm site may accommodate larger tenants that cannot be physically contained in Downtown Lawrence where Downtown Lawrence's vacant spaces average 3,000 to 5,000 square feet (See Table J – "Lawrence Retail Space and Vacancy by Sub-Market Area 2008").

II. HISTORIC and CURRENT RETAIL MARKET CONDITIONS

This section of the study describes the prevailing conditions and factors that influence the retail market in Lawrence – retail sales, population, employment, income and retail occupancy and vacancy rates.

Recent Retail Sales Trends

The most accurate reflection of the Lawrence retail market condition can be seen in retail sales, population and retail square footage growth. Since 1995, retail sales tax collections in the City of Lawrence have grown at a faster rate than both city population and total retail square footage, although after adjusting for inflation, retail sales have increased 1.8 percent since 2000, less than population growth. This lower percentage is also reflected in the decline in the city's retail pull factor from 1.13 in 2000 to 1.02 in 2007.

Lawrence has added an average of 152,046 square feet of new retail space since 2000. Since that time, retail sales have increased 24.6 percent while the population has grown approximately 13 percent overall and 1.8 percent after adjusted for inflation. (See Table A - "Lawrence Retail Development and Sales 1995 - 2008"). The following table summarizes the growth in these key indicators since 1995. Sales tax collections since 2006 have been flat reflecting the city's sales leakage and decline in retail pull factor.

Table A
Lawrence Retail Development and Sales 1995 – 2008

Year	Lawrence Population	Retail Square Feet	City Retail Sales Tax Collections	Adjusted Retail Sales Tax Collections – 2006/2008 \$ @
1995	74,748	4,209,000	\$ 8,427,203	\$10,959,907
2000	80,098	5,375,530	\$10,348,071	\$11,866,772
2001	83,495	5,424,030	\$10,739,915	\$11,995,391
2002	83,495	5,491,923	\$10,789,837	\$11,906,452
2003	85,282	5,671,364	\$10,914,097	\$11,813,913
2004	87,184	5,708,314	\$11,438,872	\$12,090,374
2005	88,664	Est. 5,929,200	\$11,841,727	\$12,130,856
2006	89,690	Est. 6,150,100	\$12,260,437	\$12,260,437
2007	90,475	Est. 6,371,000	\$12,453,791	\$12,108,693
2008	90,520	Est. 6,591,900	\$12,898,143	\$12,076,913
2000 – 2008 Total Change	10,422	1,216,370	\$2,550,072	\$210,141
2000 – 2008: Average / Year	1,303	152,046	\$318,759	\$26,268
Percent Change 2000 – 2008	13.0%	22.6%	24.6%	1.8%

@ = U.S. Bureau of Labor Statistics inflation calculator through 2006 adjusted to 2006 dollars; 2007 and 2008 adjusted to 2008 dollars.

Source: U.S. Census; Lawrence/Douglas County Planning Department; City of Lawrence Finance Department; Grubb Ellis/Winbury Group.

Despite this population and retail development growth, Lawrence has declined in attracting the city's fair share of retail demand. Lawrence's retail sales data and "pull factor" reflect the fact that the Lawrence retail market serves a population base that extends beyond city residents. A "pull factor" is a measure of the market share captured in a community by all of the retail businesses and is used to compare the magnitude of sales activity to the level of business activity on a per capita basis. It is calculated by dividing city or county per capita sales tax collections by state per capita sales tax collections. A pull factor above 1.00 indicates that the community is attracting business while one that is below 1.00 indicates that the community is losing business to other places.

Lawrence's pull factor in 2008 was 0.99, according to Kansas Department of Revenue (See Table B – "Lawrence and Douglas County Retail Pull Factors 1998 – 2008"). This reflects a decline of 16.8 percent in the past decade for Lawrence. This is the first time in the last Department of Revenue pull factor reporting that Lawrence has fallen below 1.00. Douglas County has also declined over the past decade. As a result of these trends, **there remains potential for both Lawrence and Douglas County to recapture retail sales leakage.**

Table B
City of Lawrence and Douglas County Retail Pull Factors 1998 – 2008

Year	City of Lawrence Pull Factor	Douglas County Pull Factor
1998	1.19	0.98
1999	1.16	0.96
2000	1.13	0.93
2001	1.18	0.93
2002	1.13	0.92
2003	1.08	0.93
2004	1.11	0.96
2005	1.11	0.99
2006	1.12	0.97
2007	1.02	0.87
2008	0.99	0.85
1998 – 2008: Total Change	(0.20)	(0.13)
Percent Change	(16.8%)	(13.3%)

Source: Kansas Department of Revenue.

It is also significant is the fact that Douglas County remains below 1.00, declining to its lowest level, 0.85 in 2008, from a peak of 0.99 in 2005, indicating retail sales dollars are increasingly leaving Douglas County. The latest Lawrence pull factor figure illustrates the fact that the City of Lawrence is now losing retail activity from beyond its own population.

The city's pull factor is lower than eight Kansas cities nearest to Lawrence in population. (See Table C – "Major Kansas Cities Retail Pull Factor 2007 - 2008".) Lawrence's 0.99 pull factor is 9th among the 10 medium sized cities in Kansas with population between 30,000 and 120,000 persons and declined by 2.9 percent over the past year, the 8th highest rate of decline among the 10 cities measured.

Because Lawrence is the employment center for Douglas County, is located at the convergence of all major roads in Douglas County and houses approximately 80 percent of the county's population, the city and county have the potential to grow its retail base and recapture this retail sales leakage.

Table C
Major Kansas Cities Retail Pull Factors 2007 - 2008

City	Retail Pull Factor 2007	Retail Pull Factor 2008	Percent Change 2007 - 2008
1. Lenexa	1.58	1.69	7.0%
2. Salina	1.48	1.44	-2.7%
3. Topeka	1.47	1.44	-2.0%
4. Hutchinson	1.35	1.36	0.7%
5. Manhattan	1.28	1.25	-2.3%
6. Olathe	1.28	1.21	-5.5%
7. Leawood	1.26	1.23	-2.4%
8. Shawnee	1.04	0.98	-5.8%
9. Lawrence	1.02	0.99	-2.9%
10. Leavenworth	0.79	0.77	-2.5%

Source: Kansas Department of Revenue.

The fact that Lawrence and Douglas County pull factors have declined over the past decade and are below the 1.00 level for sales equilibrium further indicates an inadequate selection of goods within the city to satisfy all consumers. The larger and more convenient the selection of goods that Lawrence can offer, the more likely Lawrence and Douglas County's retail sales leakage can recover from this trend and be overcome.

Lawrence and Douglas County's potential to expand their pull factors can be attributed to a range of factors influencing the local retail market:

1. The city and county are projected to continue to expand their populations, although population growth does not, by itself, influence a pull factor.

2. The site is located on the primary highway connecting Lawrence to Topeka. Many Lawrence residents employed in Shawnee County use West 6th Street (U.S. Highway 40) to commute to Shawnee County.
3. Douglas County attracts 7,000 workers from outside Douglas County according to 2000 U.S. Census data (See Table D – Douglas County Work Force Place of Residency”).

Lawrence and Douglas County have the ability to increase sales from Jefferson, Franklin and Shawnee Counties because of Douglas County’s employment opportunities. More than 7,000 persons commute into Douglas County for employment. Jefferson and Shawnee Counties provide the largest number of workers. Over 3,000 of Douglas County’s workers are from Shawnee and Jefferson Counties entering Lawrence from the northwest portion of the city.

Table D
Douglas County Work Force Place of Residency 2000

County of Residence	Number of Douglas County Workers	Percent of Labor Force
Douglas County	41,186	84.0%
<u>Non-Douglas County:</u>	<u>7,845</u>	<u>16.0%</u>
Jefferson County	1,640	3.3%
Shawnee County	1,317	2.7%
Franklin County	961	1.9%
Leavenworth County	785	1.6%
All Other	3,142	6.5%
Total Employees	49,031	100%

Source: 2000 U.S. Census.

The City of Lawrence has not updated its retail base in several years. However, the amount space occupied exclusively by retail in Lawrence in 2008 was estimated to be 6,591,900 according to the local commercial real estate firm of Grubb/Ellis (Table E – “Lawrence Retail Square Feet 1998 - 2008”). There are alternative public and private sources for the amount of retail space depending, in part, on whether or not non-retail users located in retail centers are counted. Updating the City of Lawrence commercial figures for this study to include recent Bauer Farm retail development, there is an estimated 7,649,460 square feet.

Table E
Lawrence Retail Square Feet 1998 - 2008

Year	Population	Total Retail Square Feet	Annual Change / Annual Average
1998	79,190	4,875,000	N / A
1999	79,644	5,163,677	288,677
2000	80,098	5,375,530	211,853
2001	83,495	5,424,030	48,500
2002	85,282	5,491,923	67,893
2003	86,040	5,671,364	179,441
2004	87,184	5,708,314	36,950
2005	88,664	Est. 5,929,200	220,886
2008	90,520	Est. 6,591,900	220,900

Source: City of Lawrence Finance Department; U.S. Census; Grubb & Ellis/Winbury Group.

Note: City of Lawrence total square footage includes office uses located within retail centers.

Projected Population

Population growth is one of the key factors influencing retail demand. In the past decade, Lawrence has added an average of 1,303 new residents. The most recent population figure reported by the U.S. Census Bureau in 2008 set the city's population at 90,520.

The most recent version of Horizon 2020 projects the city's population to increase to approximately 95,178 (the plan's middle population scenario) by 2010 and approximately over 110,400 by 2020 contributing to an on-going demand for additions to the city's retail supply. Although the pace of residential development has declined since 2008, Northwest Lawrence continues to be the most active area of the city for new residential development. New retail construction is predominantly planned in the two areas of Lawrence experiencing the most new residential growth – northwest Lawrence followed by a lesser amount in southeast Lawrence. The South Iowa Street commercial corridor is nearly built out. New retail in Downtown Lawrence will only occur only through redevelopment.

Table F
Lawrence Population 1990 - 2020

Year	Estimated Lawrence Population
1990	65,608
2000	80,098
2007	90,475
2008	90,520
Est. 2009	93,853
Est. 2010	95,178
Est. 2015	103,987
Est. 2020	110,406
1990 - 2000	14,490
2000 - 2008	10,422
2000 - 2008 Avg./Year	1,303
2000 - 2010 Total Change	15, 444
2000 - 2010 Avg./Year	1,544
2010 - 2020 Total Change	15,228
2000 - 2020 Avg./Year	1,523

Source: Lawrence/Douglas County Planning Department Horizon 2020; U.S. Census.

From 1990 to 2000, that section of Lawrence in the northwest quadrant of the city, the area located within the Northwest Lawrence 66049 ZIP Code, experienced the largest increase in population growth. The 61.2 percent increase was almost triple the rate of the city's 22 percent increase during the 1990's. Northwest Lawrence contained 23 percent of the city's population in 2000 and has increased its share of the city since that time as a result of the amount of new residential development that has occurred in the area since 2000.

Table G
Lawrence Population by ZIP Code Area 1990 – 2000

ZIP Code: Area of Lawrence	66044 Central	66046 Southern	66047 Southwest	66049 Northwest	TOTAL
1990	30,021	16,345	9,194	12,615	68,608
2000	31,131	19,981	15,122	20,338	86,572
Net Change	1,110	3,636	5,928	7,723	17,964
Percent Change	3.7%	22.2%	64.5%	61.2%	27.0%
2000 Percent of Total Population	36%	23%	17%	23%	100%

Source: U.S. Census.

Douglas County Employment and Unemployment Rates

Cities with large concentrations of employment require retail support regardless of population trends. Employment growth in Douglas County is concentrated in Lawrence and further contributes to the growth in local sales tax collections and retail demand. The number of jobs in Douglas County increased by 4.8 percent, or 2,749 jobs, from 56,816 in 2000 to 59,565 in 2008 according to the most recent data published by the Bureau of Labor Statistics. Despite the recent economic recession, Douglas County's unemployment rate in February 2010 was 5.6 percent, lower than Kansas' 6.8 percent unemployment rate and significantly lower than the U.S. unemployment rate.

Douglas County Per Capita Income

In addition to population growth, the amount of retail space in a community is a direct function of the amount of disposable income. In 2007, Douglas County had a per capita income of \$30,365 according to data published by the U.S. Department of Commerce Bureau of Economic Analysis. It is widely acknowledged that countywide income levels are weighted lower due to the influence in Douglas County of the number of college students factored into per capita income calculations. Douglas County's per capita income is 85 percent of the statewide average. Nevertheless, since 2000, Douglas County's per capita income has been stable after adjusting for inflation. (See Table H - "Douglas County Per Capita Income 2000 – 2007 (in 2007 consumer price index inflation adjusted dollars).")

Table H
Douglas County per Capita Income 2000 – 2007

Year	Douglas County Per Capita
2000	\$24,200
2007 Actual	\$30,365
2000 Inflation Adjusted to 2007	\$30,257
2000 – 2007 Percent Change	25.4%
2000 – 2007 Inflation Adjusted Change	0.3%

Source: U.S. Department of Commerce Bureau of Economic Analysis; U.S. Department of Labor CPI.

III. WEST LAWRENCE RETAIL MARKET OVERVIEW

Northwest Lawrence is the fastest growing residential section of the city. A key indicator of the condition of a retail market and strength of retail demand are retail vacancy rates. The 2 West Lawrence retail submarkets contain approximately 1,161,455 square feet which includes the existing 25,455 square feet at Bauer Farm. This submarket area represents 20.2 percent of the total Lawrence retail market although the area has approximately 23 percent of the city's population in 2000. The West Lawrence retail sub-market area includes two areas defined as 6th Street & Wakarusa and 6th & North areas.

A key indicator of the current condition of a retail market and influence on retail demand are retail vacancy rates. In 2009, the average retail vacancy rate for the nation's 50 largest major metropolitan areas was 9.8 percent according to Integra Realty Resources, Inc. Viewpoint 2009. The metropolitan Kansas City area retail vacancy rate was 13.9 percent. In 2006, the City of Lawrence data reported a city-wide retail vacancy rate of 6.4 percent, lower than the region and the nation. Lawrence's largest commercial real estate firm independently tracks retail vacancy in Lawrence as well. According to Grubb & Ellis data, Lawrence's updated retail vacancy rate in 2009 was estimated to be 5.4 percent. West Lawrence currently has a vacancy rate of approximately 6.8 percent (see Table J - "Lawrence Retail Space and Vacancy by Sub-Market Area 2009").

Table J
Lawrence Retail Space and Vacancy by Sub-Market Area 2009

Sub-Market Area	Total Square Feet	Percent of Lawrence Total Retail	Vacant Square Feet	Percent Vacant
Downtown Lawrence	1,214,660	21.7%	22,175	1.8%
<u>West Lawrence:</u>				
6 th St. & Wakarusa (a)	445,755	7.9%	51,873	
(Alvamar & West)				
6 th & North	<u>715,700</u>	<u>12.1%</u>	<u>27,200</u>	
West Lawrence Total	1,161,455	20.2%	73,425	6.8%
All other Lawrence	3,329,240	58.1%	207,400	6.2%
TOTAL	5,733,495	100%	308,648	5.4%

Source: Grubb & Ellis/The Winbury Group; RICHARD CAPLAN & ASSOCIATES.

Note: Total retail square feet excludes office uses located within retail centers.

(a) Includes 25,455 square feet completed at Bauer Farm including 5,648 currently vacant.

Bauer Farm will capture a combination of sales of Douglas County residents now shopping in Topeka, as evidenced by Lawrence and Douglas County's declining pull factors, new residential growth in northwest and west Lawrence and Lawrence commuters shopping in Topeka.

Bauer Farm Site Description

The Bauer Farm site offers direct access from West Sixth Street, Folks Road and Wakarusa Drive. The site also offers excellent visibility and is well suited for expanded retail development because:

- It is located on a principal arterial U.S. Highway 40;
- The site offers excellent visibility and access to passing automobiles;
- It will provide for the sale of goods and services to Northwest Lawrence as well as surrounding unincorporated parts of Douglas County and nearby Jefferson and Shawnee County persons employed in Douglas County; and
- The west Lawrence submarket has a disproportionately lower percentage of the city's total retail inventory.

Proposed Commercial Uses

The expanded development proposes to have a total of 145,551 square feet at Bauer Farm. The proposed uses are intended to serve the West Lawrence sub-market. The site is zoned PCD, Planned Commercial Development, intended to provide a mix of retail, office and related commercial uses. Although contractual commitments about the specific companies have yet to be made, the planned use is for a home improvement center.

Potential Impact on Downtown Lawrence

The proposed commercial use has five other locations in and around Lawrence's sub-markets and Downtown Lawrence. A review of the number of like business establishments in Lawrence and downtown in these categories and the number and percent located in Downtown Lawrence is presented in Table K – "Lawrence Business Inventory Comparisons 2010." There are an estimated 75 existing Lawrence retail establishments offering similar products and services as the potential retail uses at the Bauer Farm. The proposed uses within the Bauer Farm and their numeric comparison to Downtown Lawrence are presented in the following Table M.

**Table K
Lawrence Business Inventory Comparisons 2010**

Major Use	Total Existing Establishments in Lawrence	Establishments Located in Downtown Lawrence	Percent of Total in Downtown
Home Improvement Center / Hardware Stores	6	1	16%

Source: Lawrence Yellow Pages January 2010.

Table K reveals, the five of the six like establishments are not in Downtown Lawrence. Therefore, the proposed use is not expected to impact Downtown Lawrence and does not compete with downtown. The proposed use commonly locates in neighborhood centers serving other parts of the community from downtown because their owners and/or operators seek locations easily served by neighborhood traffic and/or are along a major thoroughfare such as West 6th Street.

Projected Impact on Retail Vacancy Rate

This proposed addition to the Bauer Farm will increase the city-wide vacancy rate in the unlikely event that the proposed project was fully constructed and not occupied. However, the commercial project is intended to be constructed to satisfy a specific tenant and will not be constructed unless and/or until the tenant and/or owner-occupant is committed to the Bauer Farm site. Because of the size of the user, the home improvement center will not be built until or unless a pre-leasing commitment is secured. Therefore, there is no possibility that the proposed development would be partially constructed or completely unoccupied.

Upon occupancy of the building, the city-wide vacancy rate will decline by 0.1 percent to 6.5 percent. If the proposed development is only 50 percent occupied, an unlikely scenario as noted above, the city-wide vacancy rate would increase by 0.8 percent and by 1.7 percent in the unlikely scenario that center is built but not occupied. (See Table L - "Proposed Development Impact on Lawrence Vacancy Rate.")

Table L
Proposed Development Impact on Lawrence Vacancy Rate

	City of Lawrence			With Proposed Project		City-wide Vacancy Rate
Project Occupancy Assumption	Total Square Feet	Total Occupied Square Feet	Total Vacant Square Feet (b)	Project Occupied Square Feet	Project Vacant Square Feet	
Total Retail Inventory (a)	7,720,015	7,210,184	509,831	N / A	N / A	6.6%
<u>With Addition:</u> 100% Occupied	7,865,566	7,355,755	509,831	145,551	0	6.5%
50% Occupied	7,865,566	7,283,960	582,606	72,775	72,775	7.4%
0% Occupied	7,865,566	7,210,184	655,382	0	145,551	8.3%

(a) Source: City of Lawrence Planning Department Retail Inventory adjusted to include approximately 112,800 square foot new Wal-Mart at 6th & Wakarusa, 25,455 square feet constructed at Bauer Farm and a new pharmacy located at the southeast intersection of 23rd and Iowa Streets; total includes some office uses within retail centers.

(b) Vacant includes office space from recently completed 5,658 square feet of vacant retail space at Bauer Farm.

Discussion of the Existing and Maintaining a Commercial Inventory

In most growing cities with a similar or larger population than Lawrence, it is common planning practice and reflects good economic development policy to have an inventory of sites that provides for a choice of commercial development options. It serves a community's interest to maintain an inventory of residential subdivisions, office, industrial and retail sites to stimulate and attract new private investment. Offering multiple sites also prevents inflating real estate asking prices that occurs where and when there is a shortage of or constraint of development opportunities.

Historically, Lawrence has maintained an inventory of approved commercial space that exceeds development activity. For example, since at least 2006 there has been an inventory or more than 600,000 square feet of approved commercial development in no less than four projects across the city. In practice, an average of 152,046 square feet of new retail space has been constructed since 2000. (See Table A - "Lawrence Retail Development and Sales 1995 - 2008"). Despite this added development, there remain more than 600,000 of approved but not constructed commercial development in 2010. This indicates that an annual average of approximately 25 percent of the approved commercial inventory was constructed since 2006. This level of new construction is likely to decline in the future given the more stringent financing standards imposed on real estate development as a result of the national recession and imposed by recent federal financial reform legislation.

Three of the projects in Lawrence where a sizable amount of approved commercial but not constructed space exists and their relevance to Bauer Farm are analyzed as follows:

- Balance of Bauer Farm - The balance of the approved but not constructed retail uses at the Bauer Farm is expected to complement the home improvement center at the site. It is common for a major national retail anchor to attract a range of small, ancillary tenants commercially compatible with a national anchor.
- Mercato - The 359,640 square feet of commercial development plans to include a home improvement center. This use competes with one of the proposed uses at Bauer Farm. The size of the Lawrence and Douglas County retail markets may not be sufficient to absorb both of these competing uses in the short term. However, as stated above, by Lawrence offering alternative sites, the city benefits from attracting the strongest, most economically feasible business.
- Fairfield Farms - There are 200,000 square feet of commercial space approved at Fairfield Farms located on East 23rd Street at O'Connell Road in East Lawrence. The planned development is located within the East Lawrence retail sub-market and is intended to serve the retail needs of East Lawrence residents. Therefore, the project will not compete with the Bauer Farm expansion or other West Lawrence commercial businesses.

In conclusion, local and national financial institutions, the pace of local population and employment growth and retail market conditions will significantly influence the amount of new commercial development in Lawrence. Maintaining a choice of development options endures that the city will attract the most viable businesses.

IV. PROJECTED RETAIL DEMAND ANALYSIS AND CONCLUSION

The Lawrence retail trade area includes all of Douglas County since Lawrence is the major employment center for Douglas County. Approximately eighty percent of the county's population resides inside the city, and the city is geographically central within the county. Therefore, in evaluating the retail market in Lawrence, all of Douglas County's population must be considered.

Based on this analysis, there is a total projected unmet demand for approximately 1.1 to 1.3 million square feet of retail through 2019 in Lawrence. A five year projection period was also used reflecting the proposed additional retail development will not reach the market before 2011 (See Table N – "Projected Capture Rate for Expanded Bauer Farm Development").

This retail demand projection averages two alternative demand scenarios (Table M – "Lawrence Retail Demand Projection 2010 – 2019"). The two alternative scenarios and the methodology used as a basis for this analysis are as follows:

Demand Alternative A: Population Growth from 2000 - 2008 – This projection assumes that Lawrence and Douglas County's population will increase over the next decade at the same level as experienced since 2000 and new retail per capita will remain at the level that currently exists. The projected population reflects an average of 1,304 persons per year (see Table F – "Lawrence Population 1990 – 2020").

Demand Alternative B: Horizon 2020 Moderate Population Growth Projection – This scenario relies on is the city moderate population growth projection found in the Horizon 2020 Plan, or an annual average of 1,523 new residents over the next decade.

The result of these two methodologies finds that there is a projected average annual demand approximately 110,750 to 129,500 square feet of retail space per year (See Table M – "Lawrence Commercial Demand Analysis 2010 – 2019"). Based on this average, there is an overall demand for approximately 553,750 to 631,750 square feet over the next five years to meet the retail demand for Lawrence.

This projected commercial demand maintains the current Lawrence market equilibrium based on the average population growth and amount of retail development that has been absorbed since 1995. To the extent that Lawrence and Douglas County seek to "grow" their pull factors by capturing sales leakage from Jefferson and Shawnee County residents employed in Douglas County, additional retail square feet is warranted.

Table M
Lawrence Commercial Demand Analysis 2010 – 2019

Demand Factor	Persons / Square Feet
2008 Population (a) Commercial Square Feet (b) = Square Feet per Capita	90,520 persons 7,649,460 square feet 85 sq. feet per capita
<u>Alternative A: Based on 2000 – 2008 Actual Growth</u> @ 1,303 average annual population growth (c) since 2000 (See Table F) <u>Average Annual Commercial Demand</u> 10 Year Total Demand: 2010 – 2019 Annual Average	85 sq. ft. x 1,303 persons/year = 110,750 square feet 1,107,590 square feet 110,759 square feet
<u>Alternative B: Horizon 2020 Moderate Growth</u> @ 1,523 projected average annual population increase (See Table F) <u>Average Annual Commercial Demand</u> 10 Year Total Demand: 2010 – 2019 Annual Average	85 sq. ft. x 1,486 persons/year = 129,455 square feet 1,294,550 square feet 129,455 square feet
<u>Bauer Farm Addition Capture Rate:</u> With 145,551 square feet: Over 10 year period With 145,551 square feet: Over 5 year period	11 - 13 percent of total sf demand 22 - 25 percent of total sf demand

Notes to Table N:

- (a) Source: U.S. Census.
- (b) Source is the City of Lawrence Retail Market Report 2006; Amended to include 23rd and Iowa Street project.
- (c) Projected population is based on the fact that Lawrence has grown by an average of 1,303 since 2000 according to U.S. Census Bureau data. (See Table F).

Based on these demand projections, the expansion of Bauer Farm will capture from 22 to 25 percent of the citywide demand through 2014. (See Table N – “Projected Capture Rate for Expanded Bauer Farm Development”.) However, given the fact that the area is the fastest growing part of Lawrence and the area has a disproportionately lower share of retail space given the area’s population and the decline of available commercial land elsewhere in the city, this market share capture rate is realistic.

Table N
Projected Capture Rate for Expanded Bauer Farm Development

Year	Minimum Est. Demand (Sq. Feet)	Maximum Est. Demand (Sq. Feet)	Total Bauer Farm Existing (25,545 Sq. Feet)	Total Bauer Farm Projected Addition (145,551 Sq. Ft.)	Bauer Farm Market Addition Share of Demand
2010	110,750	129,455	25,545	0	N / A
2011	221,500	258,910	25,545		
2012	332,250	388,365	25,545		
2013	443,000	505,250	25,545		
2014	553,750	631,570	25,545	145,551	22 – 25 percent

Conclusion

In conclusion, there is sufficient commercial demand for expanded square feet at West 6th Street between Folks Road and Wakarusa Drive in West Lawrence to absorb the 145,551 square feet. This finding and conclusion is based on the following:

- The proposed development enjoys excellent visibility.
- The site is located in the fastest growing residential area of the city.
- The potential exists for Lawrence and Douglas County to support increased retail in West 6th Street by capturing Douglas County sales leakage.
- The retail market in West Lawrence is under represented in area in comparison to its population.
- Retail sales from rural Douglas County and Jefferson and Shawnee Counties will be attracted to the site.

Finally, the size of the parcel, the four (4) miles distance from Downtown Lawrence make the project suited to satisfy additional commercial development.

This retail market study has been prepared exclusively in consideration of an expanded commercial development in Lawrence, Kansas. It may be used for deliberation by City of Lawrence officials in consideration of this proposed project. Otherwise, any use or reproduction of the material in this report without the expressed consent of RICHARD CAPLAN & ASSOCIATES is prohibited.

Rich Caplan

July 1, 2010

RICHARD CAPLAN & ASSOCIATES

**Bauer Farm Retail Market Study Supplement –
Re: Proposed West 6th Street and Wakarusa Drive Comprehensive Plan Text Amendment**

May 21, 2010

Ozark Civil Engineering Inc.
Attn: Scott McGee, P.E., CPESC
Ozark Civil Engineering Inc.
11285 Strang Line Road
Lenexa, KS 66215

The purpose of this memorandum is to address retail market considerations associated with amending the City of Lawrence Land Development Code and Horizon 2020 to accommodate an increase in the commercial node at West 6th Street and Wakarusa Drive.

An amended commercial center that includes the Bauer Farm development is evaluated within the context of the market criteria outlined in Horizon 2020. These criteria include:

- 1) The overall viability and the impact on the economic vitality and health of the community;
- 2) The appropriateness of phasing the development and the ability to absorb additional commercial square footage; and
- 3) A comparison of costs versus services.

Other relevant factors influencing the retail market addressed in this memo include the area's proximity to Downtown Lawrence, streets and the level of congestion in the commercial area.

1) Overall Viability and Economic Vitality of the Community

As stated in the Bauer Farm Retail Market Study dated April 13, 2010, there are at least three important findings that directly apply to the economic viability of the development. These findings are summarized as follows:

- a) The Build to Suit Factor - The commercial project is planned to satisfy a specific retail tenant, and the building will not be constructed unless and/or until the expected user and/or owner-occupant is financially committed to the Bauer Farm development site.
- b) The City's Declining Retail Pull Factor - Lawrence's 2008 pull factor of 0.99 reflects a decline of 16.8 percent in the past decade. This is the first time that the Kansas Department of Revenue has reported a pull factor for Lawrence below 1.00. Increasing consumer choices in the community is one strategy to reverse this decline.
- c) Below Retail Market Share in West Lawrence - The West 6th Street and Wakarusa Drive commercial node is one of the two nodes that make up the city's defined West Lawrence retail sub-market area. This sub-market area represents 20.2 percent of the Lawrence retail inventory. Yet, West Lawrence had approximately 23 percent of the city's population in 2000 and is still growing.

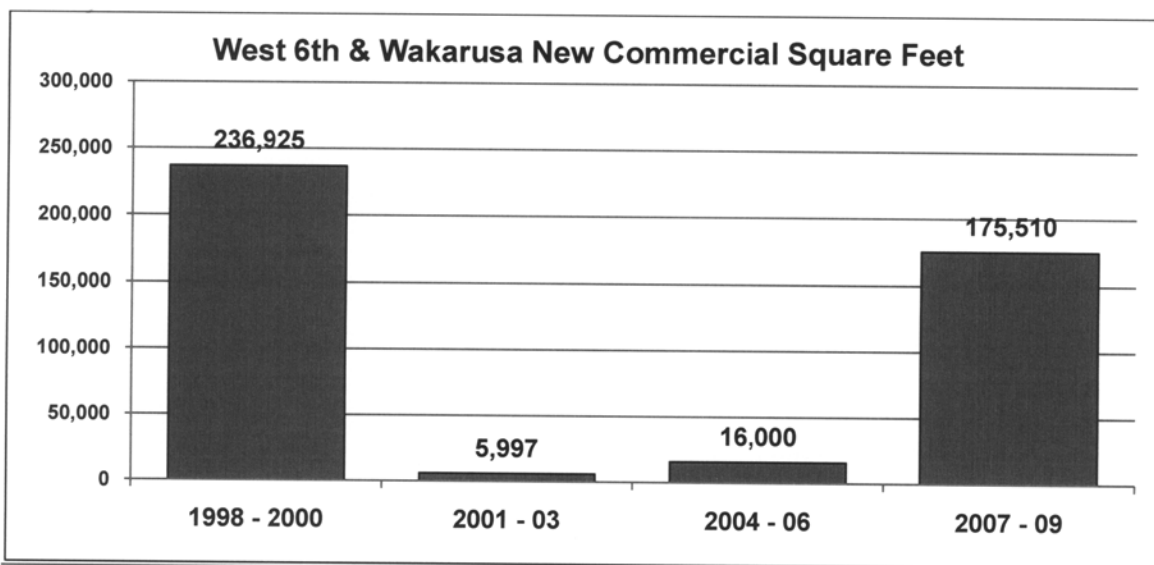
From 1990 to 2000, the population residing in ZIP Code 66049, where the West 6th Street and Wakarusa Drive area is located, grew by 7,723 persons. This population represented 43 percent of the city's increase from 1990 to 2000 and was the fastest

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growing part of the city during that decade. Since 2000, the area within 66049 ZIP Code has remained the fast growing residential area of Lawrence.

2) Appropriateness of Development Phasing

The amount of new commercial development constructed in the West 6th Street and Wakarusa Drive area since 1998 has fluctuated from 2 to 51 percent of the city's new commercial development as measured in three year periods. Horizon 2020 states that "three years is the typical cycle for commercial development in Lawrence to go from a concept to the opening of a store."



Since retail development first opened at West 6th Street and Wakarusa Drive in 1998 through 2009, the node has absorbed 26 percent of the city's new commercial development. More than 90 percent of this space has been absorbed by the Lawrence market. Although the citywide retail vacancy rate has increased from approximately 3.0 percent in 2000 to 6.1 percent in 2009, Lawrence's retail vacancy rate remains significantly lower than vacancy rates in Johnson County, Topeka, Kansas City and the U.S. national average.

The following Table I ("West 6th Street & Wakarusa Drive Commercial Development Phasing 1998 – 2009") presents the net and total changes in population and retail space in Lawrence in three year time frames since the initial commercial development in the West 6th Street and Wakarusa Drive area.

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**Table I
West 6th Street & Wakarusa Drive Commercial Development Phasing 1998 - 2009**

Year / Period	Lawrence Total			Lawrence Net Change		West 6 th Street & Wakarusa Drive	
	Population	Retail Square Feet	Retail Vacancy Rate	Population	Retail Square Feet	Square Feet Built	Percent of New Square Feet
1998	77,960	4,908,900	N / A	N / A	N / A	N / A	N / A
1998 – 2000	80,098	5,375,530	3.0%	2,138	466,630	236,925	51%
2001 – 2003	85,282	5,671,369	5.5%	5,184	295,839	5,997	2%
2004 – 2006	89,282	6,150,100	5.3%	4,000	478,731	16,000	3%
2007 – 2009	93,853	6,591,900	6.1%	4,571	441,800	175,510	40%
Total 1998 - 2009	15,893	1,683,000 Square feet	N / A	15,893	1,683,000 Square feet	434,432 Square feet	26%

Source: U.S. Census; City of Lawrence Planning Department; Horizon 2020; Grubb & Ellis The Winbury Group.

3) Comparison of Costs Versus Services

It is the City's practice that property owners and/or developers are responsible for immediately adjacent project-related off-site improvements (i.e. street widening, sidewalks, etc.). Therefore, there are no additional public costs associated with amending the land use. A substantial amount of infrastructure was constructed in conjunction with the Wal-Mart and therefore many of the necessary road improvements are already in place to accommodate additional square footage.

More importantly, the net annual revenues to the city of accommodating the proposed commercial land use are projected to be at least \$416,000. This amount is calculated based on a 2006 city commissioned study entitled Cost of Land Uses Fiscal Impact Analysis prepared by TischlerBise. The Cost of Land Uses Fiscal Impact Analysis dated March 10, 2006 examined the fiscal impact of 10 land uses being developed or anticipated in the City. The annual costs and revenues were measured to understand the fiscal effect each land use has on the City's budget. The land use categories analyzed included the approved residential mix and proposed commercial use at the Bauer Farm development.

The results were based on the City's fiscal year 2006 budget. It concluded that apartment units generate the largest net deficit to the City at \$341 per unit. (See Table II – "Annual Fiscal Impact of Approved vs. Proposed Commercial Land Uses") Although the apartments require lower municipal costs per unit, they also generate the lowest amount of municipal revenue. Retail land uses generate substantial surpluses to the City with big box (as defined in the TischlerBise analysis) retail generating the largest net annual benefit of \$2,711 per 1,000 square feet. The

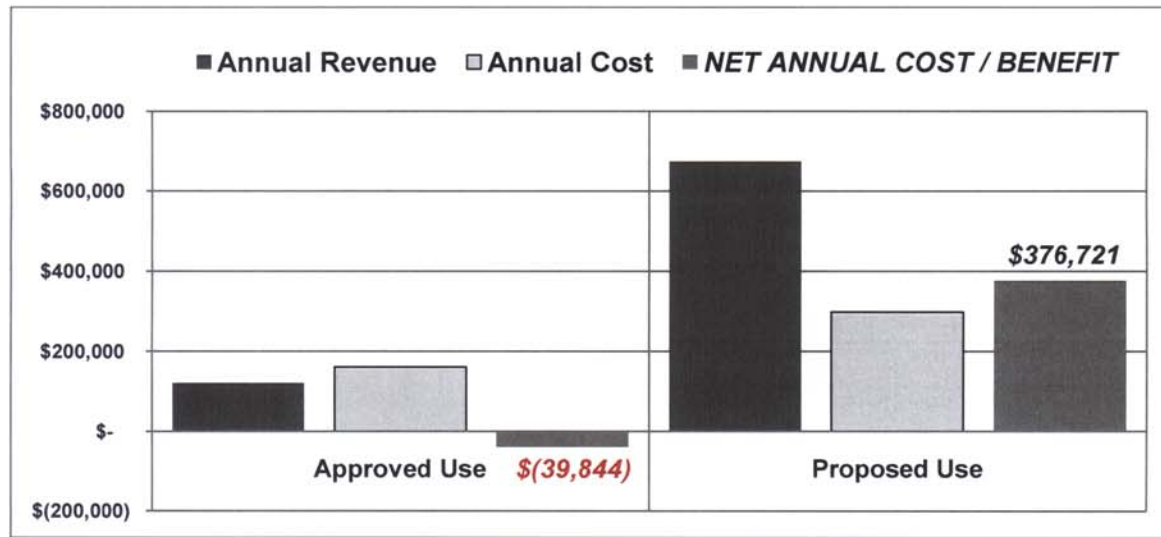
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results of this analysis realize a net benefit of over \$4 million per decade to the City of Lawrence for the proposed Bauer Farm commercial land use.

**Table II
Annual Fiscal Impact of Approved vs. Proposed Bauer Farm Commercial Land Uses**

Land Use	Approved Land Use			Proposed Land Use	Net Fiscal Impact
	Duplex	Multi-Family	Total Residential	Big Box	
Units	32 units	116 units	148 units	138,960 sq. feet	N / A
Annual Revenue per unit; per 1,000 sq. feet	\$1,170	\$725	N/A	\$4,857	N / A
Total Revenue: 148 units 138,960 square feet	\$37,440	\$84,100	\$121,540	\$674,929	\$553,389
Annual Costs per unit; per 1,000 sq. feet	(\$1,179)	(\$1,066)	N/A	(\$2,146)	N / A
Total Annual Cost: 148 units; 138,960 square feet	(\$37,728)	(\$123,656)	(\$161,384)	(\$298,208)	(\$136,824)
NET ANNUAL COST / BENEFIT	(\$288)	(\$39,556)	(\$39,844)	\$376,721	\$416,565

Source: Cost of Land Uses Fiscal Impact Analysis, City of Lawrence, Kansas, TischlerBise, March 10, 2006.



Other Market and Text Amendment Factors

In addition to the criteria cited in Horizon 2020, the following factors also warrant consideration as a part of the text amendment:

A. Proximity to Downtown Lawrence

In establishing a new commercial district at West 6th Street and Wakarusa Drive, the location within the community is relevant. The commercial nodes' distance to Downtown Lawrence is typical in comparison to other cities in the region. Like Lawrence, most communities in the area, indeed nationally, strive to preserve, enhance and strengthen downtown areas. Other cities seek to balance the economic viability of their downtowns with regional commercial centers within the community. Therefore, it is useful to compare the distance between downtown and other major commercial nodes within the city.

The West 6th Street and Wakarusa Drive commercial node is approximately 3.9 miles from Downtown Lawrence. This distance is near the combined average of regional commercial center(s) to from downtowns in Overland Park, Topeka, Emporia and Kansas City, Missouri. (See Table III – “Distance from Downtowns to Regional Commercial Districts”)

Table III
Distance from Downtowns to Regional Commercial Districts

City / Downtown	City's Regional Commercial Development	Distance from Downtown to Commercial Development
Downtown Overland Park	Oak Park Mall	5.1 miles
Downtown Topeka	Wanamaker Corridor	4.5 miles
Downtown Kansas City, Missouri:	Country Club Plaza	4.3 miles
	Crown Center	1.4 miles
Downtown Emporia	Flint Hills Mall	3.8 miles
Downtown Lawrence:	South Iowa Street Corridor	4.6 miles
	West 6th Street & Wakarusa Drive	3.9 miles
Average Downtown to Regional Commercial Center		4.0 miles

Source: Yahoo maps.

B. Street Capacity and Absence of Congestion

The design and capacity of streets is an important factor to the city and to businesses to encourage adequate access. The major streets serving the West 6th Street and Wakarusa Drive commercial node are located on a US highway and are classified the same as the major street serving the South Iowa commercial district. In theory and design, all principle arterials, including

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West 6th Street and Wakarusa Drive, are expected to accommodate the range of land uses in the immediate vicinity. The following Table IV presents the street classification for Lawrence's largest commercial areas.

**Table IV
Lawrence Street Classification By Commercial Area**

Commercial Area	US / State Highway	Major Street(s)	Street Classification
Downtown Lawrence	None	Massachusetts, Vermont, New Hampshire Streets	Major collectors
South Iowa Corridor	US-59; K-10	South Iowa Street	Principal arterial
West 23 rd Street	K-10	West 23 rd Street	Principal arterial
West 6th Street & Wakarusa Drive	US-40	West 6 th Street & Wakarusa Drive	Principal arterials

Source: Horizon 2020.

A number of roadways in Lawrence are experiencing significant congestion during peak periods and report a level of service "E" and "F". These levels of service mean that at times vehicular demand is near or greater than the carrying capacity for these streets. The streets designated with these levels of service include portions of West 6th Street (US-40) from Iowa Street east to downtown Lawrence and sections of Iowa, 23rd, 19th and Haskell Streets. The principle arterials serving the West 6th Street and Wakarusa Drive commercial node are not experiencing congestion. Changes in traffic patterns from amending the land use at this commercial node have been analyzed for the city and found to remain acceptable.

C. Specific Text Amendment Factors

The following factors further respond to the proposed Comprehensive Plan text amendment:

1. Changed Circumstances - Retail market conditions in Lawrence and Douglas County have changed since the Comprehensive Plan was adopted in 1998. The city's retail pull factor has declined by 20 percent decline from 1.19 to 0.99 and Douglas County's pull factor has declined by 13 percent from 0.98 to 0.85 in the past two decades. These declines are in contrast to the city's population growth and increase in KU student enrollment since adoption of the Plan.
2. Public Purpose – The proposed amendment will increase revenues to Lawrence's general fund while requiring fewer municipal service costs than if the land is developed as multi-family residential.
3. Long Range Goals and Policies – The proposed amendment is consistent with the following commercial land use goals and policies of Horizon 2020:

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GOAL 1: Established Commercial Area Development - Encourage the retention, redevelopment and expansion of established commercial areas of the community.

- Policy 1.3: Assure Compatibility of Development - New development and redevelopment shall conform to the applicable adopted design guidelines.
- 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.
- 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.

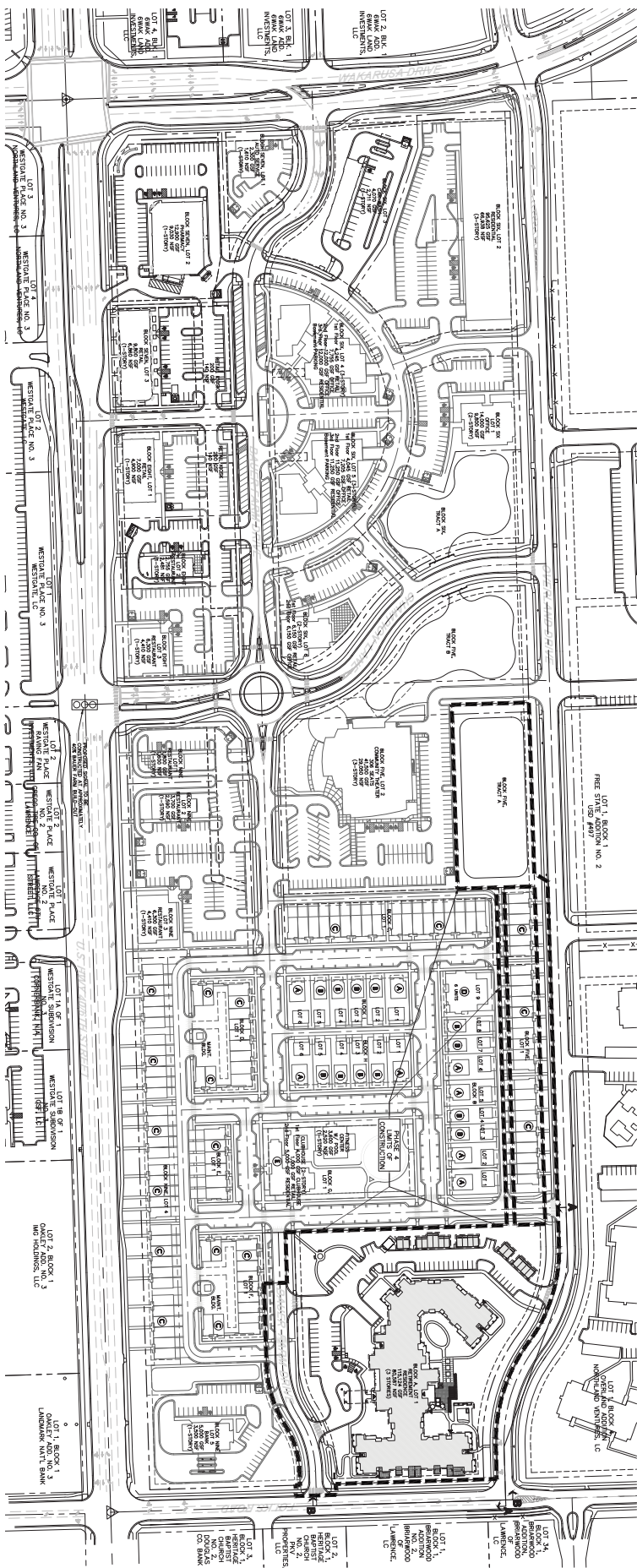
GOAL 3: Criteria for Commercial Development - Provide regional, community and neighborhood shopping opportunities to meet the commercial and retail needs of the community.

- Policy 3.1: Utilize Locational Criteria for Commercial Development - Commercial Nodes: Nodes shall occur at arterial/collector or arterial/arterial intersections depending on the type of commercial center.
- Policy 3.10: Criteria for the Regional Retail/Commercial/Office/Cultural Center 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. (See Bauer Farm Retail Market Study April 13, 2010.)

4. Change in Public Policy – The text amendment proposes a change in public policy.
5. Adequacy of Existing and Planned Services and Facilities – Both the existing and proposed services associated with the proposed text amendment are adequate at the commercial node. A substantial amount of infrastructure was constructed in conjunction with the Wal-Mart at West 6th Street and Wakarusa Drive. Therefore, many of the necessary street improvements are already in place to accommodate additional commercial development.
6. Result in Reasonably Compatible Land Use Relationships – The text amendment will result in compatible land use. The proposed land use is already present at the Bauer Farm development and within the West 6th Street and Wakarusa Drive commercial node.

In conclusion, the West 6th Street and Wakarusa Drive commercial node has the capacity to absorb an increase in the amount of commercial development. The criteria stated by Horizon 2020 and other relevant market considerations can be reasonably satisfied to enable this proposed amendment.

BAUER FARM



COMMERCIAL (POD) BUILDING INFORMATION & PARKING SUMMARY

[illegible]

RESIDENTIAL (PRD) BUILDING INFORMATION & PARKING SUMMARY

[illegible]

OFFICE (POD) BUILDING INFORMATION & PARKING SUMMARY

ROCK LOT	RELING AREA (SQ)	LOT AREA (SQ)	GROSS FLOOR AREA (SQ)	NET FLOOR AREA (SQ)	PAYING RENT	PAYING RECEIVED	PAYING RECEIVED	PAYING RECEIVED
ROCK NW/4 LOT 5	5,000	59,400	5,000	3,595	1.9% / 255 K.E.	18	42	2

GENERAL NOTES

1. Owners:
Free State Group, LLC
Free State Holdings, Inc.
10000 Old Orchard Road
Suite 102
Lawrence, KS 66044
2. Land Planner:
Robert Brown Residential, LLC
10000 Old Orchard Road
Suite 102
Lawrence, KS 66044
3. Engineer/Designer:
Lamborn Engineering, P.A.
10000 Old Orchard Road
Suite 102
Lawrence, KS 66044
4. Existing Land Use: undeveloped
5. Proposed Land Use: Residential
6. Existing Zoning: PCD-2 and PBD-2
7. Proposed Zoning: PCD-2, PBD-2, and PBD-3
8. Proposed Zoning: PCD-2, PBD-3, PBD-1

LEGAL DESCRIPTION

LOT 1 AND ADJACENT EASEMENTS AND RIGHTS-OF-WAY APPLICABLE THERETO, BASED ON THE [PENDING] FINAL PLAT OF BUCKER FARM FOURTH PLAT, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

THIS DOCUMENT IS FOR
PLANNING PURPOSES ONLY—NOT
FOR CONSTRUCTION

NORTH

SCALE 1" = 80'

NORTH **SCALE 1" = 60'**

THIS DOCUMENT IS FOR
PLANNING PURPOSES ONLY—NOT

A Final Development Plan for

BAUER FARM – Phase 4

Lawrence, Kansas

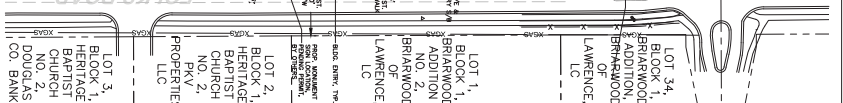


Landplan Engineering, P.A.

**Civil Engineering
Landscape Architecture
Community Planning
Surveying**

1580 Maharson Drive Lawrence, Kansas 66049 tele (785)843-7380 fax (785)845-2410 landplot@landplot-ks.com	Lincoln Exchange Building 1600 Saranoma, Suite 400 Kansas City, Missouri 64112 tele (816)221-2234 fax (816)221-2644 kslandplot@landplot-ks.com
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BAUER FARM – Phase 4

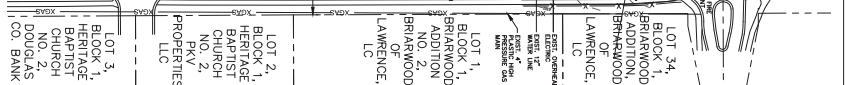


SIBLING		POTBROOD	
COMBLOC NINE, LOT 3	Area 800	BLOCK NINE, LOT 3	Area 800
100% Ownership	1	100% Ownership	1
Legal Description	2	Legal Description	2
Tract	2	Tract	2
Tract Number	2	Tract Number	2
Tract Area	46.525	Tract Area	46.525
Tract Size	46.525	Tract Size	46.525
PROBLOC A, LOT 1	Area 800	BLOCK A, LOT 1	Area 800
100% Ownership	1	100% Ownership	1
Legal Description	2	Legal Description	2
Tract	2	Tract	2
Tract Number	2	Tract Number	2
Tract Area	34.513	Tract Area	34.513
Tract Size	34.513	Tract Size	34.513
NOT REMAINING	Area 800	NOT REMAINING	Area 800
100% Ownership	1	100% Ownership	1
Legal Description	2	Legal Description	2
Tract	2	Tract	2
Tract Number	2	Tract Number	2
Tract Area	34.513	Tract Area	34.513
Tract Size	34.513	Tract Size	34.513

BLOCK NO. LOT 1		Area	Acres
Tract 1A	1	Tract 1A	1.56
Tract 1B	2	Tract 1B	1.56
Tract 1C	3	Tract 1C	1.56
Tract 1D	4	Tract 1D	1.56
Tract 1E	5	Tract 1E	1.56
Tract 1F	6	Tract 1F	1.56
Tract 1G	7	Tract 1G	1.56
Tract 1H	8	Tract 1H	1.56
Tract 1I	9	Tract 1I	1.56
Tract 1J	10	Tract 1J	1.56
Tract 1K	11	Tract 1K	1.56
Tract 1L	12	Tract 1L	1.56
Tract 1M	13	Tract 1M	1.56
Tract 1N	14	Tract 1N	1.56
Tract 1O	15	Tract 1O	1.56
Tract 1P	16	Tract 1P	1.56
Tract 1Q	17	Tract 1Q	1.56
Tract 1R	18	Tract 1R	1.56
Tract 1S	19	Tract 1S	1.56
Tract 1T	20	Tract 1T	1.56
Tract 1U	21	Tract 1U	1.56
Tract 1V	22	Tract 1V	1.56
Tract 1W	23	Tract 1W	1.56
Tract 1X	24	Tract 1X	1.56
Tract 1Y	25	Tract 1Y	1.56
Tract 1Z	26	Tract 1Z	1.56
Tract 1AA	27	Tract 1AA	1.56
Tract 1AB	28	Tract 1AB	1.56
Tract 1AC	29	Tract 1AC	1.56
Tract 1AD	30	Tract 1AD	1.56
Tract 1AE	31	Tract 1AE	1.56
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Tract 1BH	60	Tract 1BH	1.56
Tract 1BI	61	Tract 1BI	1.56
Tract 1BJ	62	Tract 1BJ	1.56
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Tract 1BL	64	Tract 1BL	1.56
Tract 1BM	65	Tract 1BM	1.56
Tract 1BN	66	Tract 1BN	1.56
Tract 1BO	67	Tract 1BO	1.56
Tract 1BP	68	Tract 1BP	1.56
Tract 1BQ	69	Tract 1BQ	1.56
Tract 1BR	70	Tract 1BR	1.56
Tract 1BS	71	Tract 1BS	1.56
Tract 1BT	72	Tract 1BT	1.56
Tract 1BU	73	Tract 1BU	1.56
Tract 1BV	74	Tract 1BV	1.56
Tract 1BW	75	Tract 1BW	1.56
Tract 1BX	76	Tract 1BX	1.56
Tract 1BY	77	Tract 1BY	1.56
Tract 1BZ	78	Tract 1BZ	1.56
Tract 1CA	79	Tract 1CA	1.56
Tract 1CB	80	Tract 1CB	1.56
Tract 1CC	81	Tract 1CC	1.56
Tract 1CD	82	Tract 1CD	1.56
Tract 1CE	83	Tract 1CE	1.56
Tract 1CF	84	Tract 1CF	1.56
Tract 1CG	85	Tract 1CG	1.56
Tract 1CH	86	Tract 1CH	1.56
Tract 1CI	87	Tract 1CI	1.56
Tract 1CJ	88	Tract 1CJ	1.56
Tract 1CK	89	Tract 1CK	1.56
Tract 1CL	90	Tract 1CL	1.56
Tract 1CM	91	Tract 1CM	1.56
Tract 1CN	92	Tract 1CN	1.56
Tract 1CO	93	Tract 1CO	1.56
Tract 1CP	94	Tract 1CP	1.56
Tract 1CQ	95	Tract 1CQ	1.56
Tract 1CR	96	Tract 1CR	1.56
Tract 1CS	97	Tract 1CS	1.56
Tract 1CT	98	Tract 1CT	1.56
Tract 1CU	99	Tract 1CU	1.56
Tract 1CV	100	Tract 1CV	1.56

CHAD LUNDHOLM - DOUGLAS COUNTY PLANNER
SECRETARY LUNDHOLM - DOUGLAS COUNTY PLANNER

BAUER FARM – Phase 4

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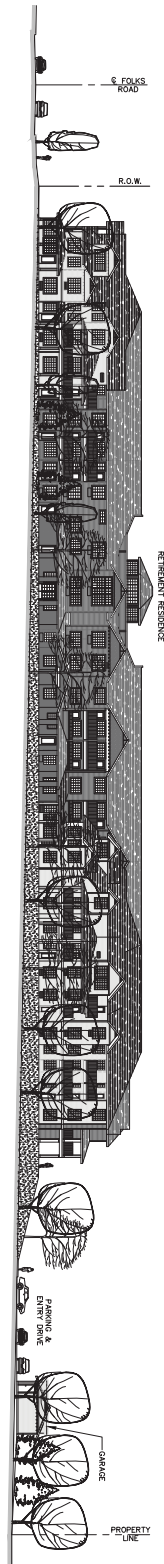
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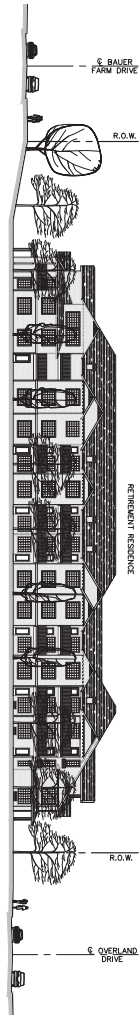
NORTH

SCALE 1" = 50'

 <p>Landplan Engineering, P.A.</p>	<p>Civil Engineering Landscape Architecture Community Planning Surveying</p>	<p>1200 Midwestern Drive Suite 200, P.O. Box 2000 Naperville, IL 60563 Tel. (708)243-2010 Telex 250423 Fax (708)243-2044</p>
	<p>1400 North Exchange Building Suite 200, P.O. Box 281 Naperville, IL 60563 Tel. (708)243-2010 Telex 250423 Fax (708)243-2044</p>	



WEST/EAST SECTION "A"



NORTH/SOUTH SECTION "B"

NOTE SEE SHEET 1 of 4 FOR
SECTION LINES
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OWNER
LAWRENCE - DODDLE COUNTY PLANNING COMMISSION
SUBMITTER - DODDLE COUNTY PLANNING COMMISSION

A Final Development Plan for
BAUER FARM - Phase 4
Lawrence, Kansas



Landplan Engineering, P.A.

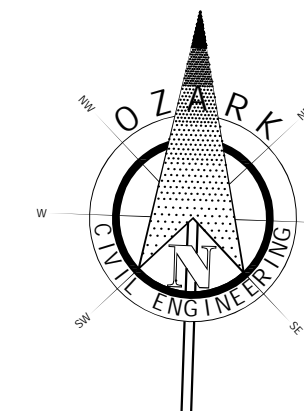
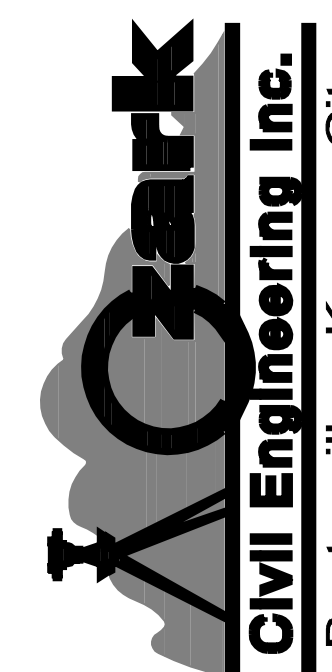
Civil Engineering
Landscape Architecture
Community Planning
Surveying

1100 Midwestern Drive
Lawrence, Kansas 66044
tel (781)441-1100
fax (781)441-1101
www.landplaneng.com

Landplan Engineering, P.A.
1100 Midwestern Drive
Lawrence, Kansas 66044
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fax (781)441-1101
www.landplaneng.com

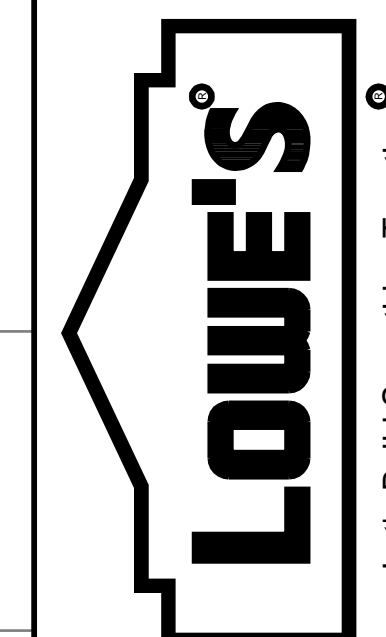
BAUER FARM - Phase 4
OVERLAND DRIVE & POLKS ROAD
LAWRENCE, KANSAS

**SITE
SECTIONS**

[illegible]

LOWE'S HOME CENTERS, II
1605 CURTIS BRIDGE ROAD
REEC DOCK
WILKESBORO, NC 28697
336.658.4000 (V) 336.658.325

THIS DRAWING IS THE PROPERTY OF LOWE'S HOME CENTERS, INC. ANY USE OR REPRODUCTION IN WHOLE OR PART IS PROHIBITED WITHOUT THE EXPRESSED WRITTEN CONSENT OF LOWE'S HOME CENTERS, INC. COPYRIGHT 2009 ALL RIGHTS RESERVED.



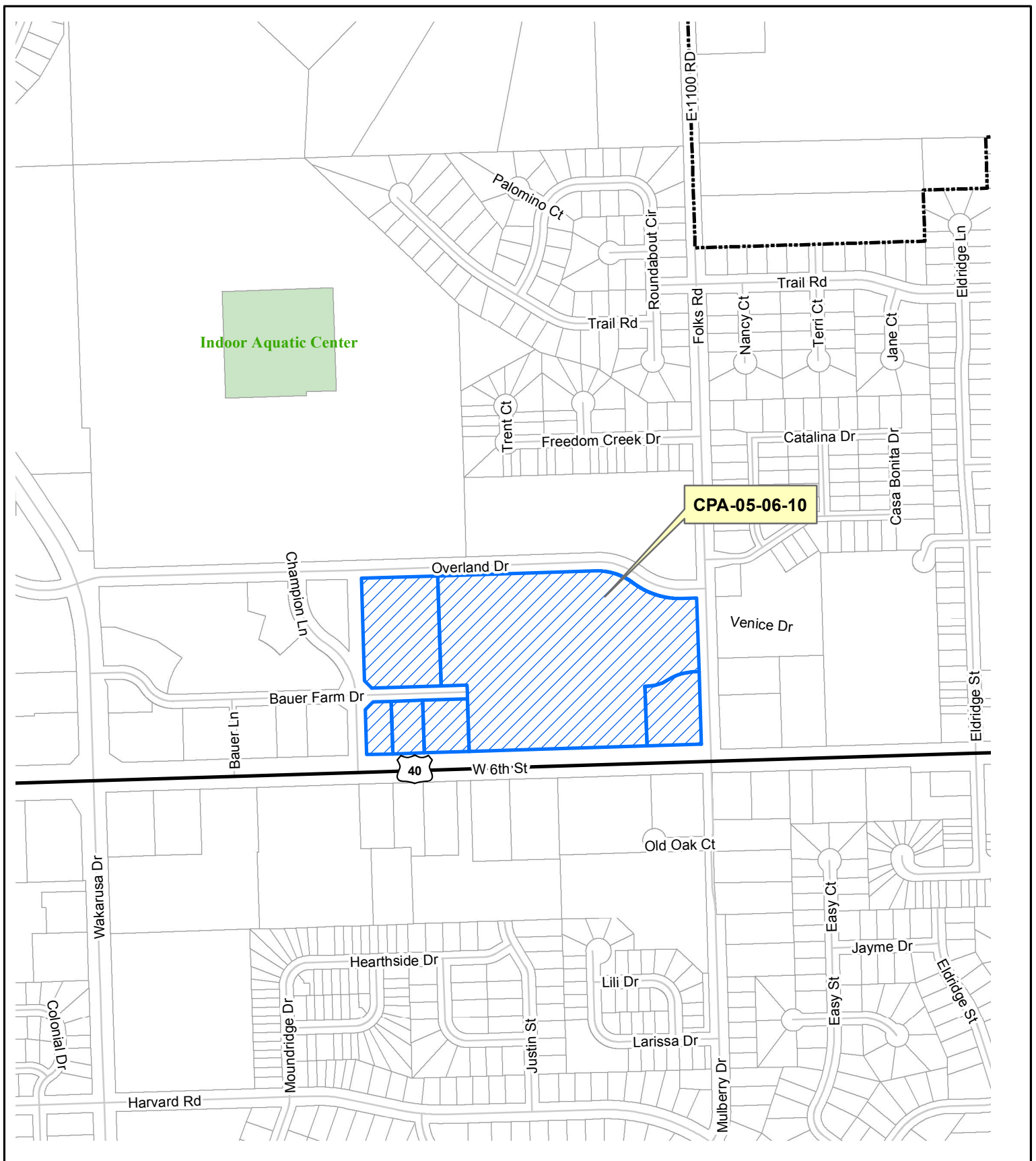
OVERALL SITE PLAN

LOWE'S OF:

LAWRENCE, KS
W. 6TH ST. AND FOLKES RD. LAWRENCE, KANSAS

ORIGINAL	
ISSUE DATE:	07/14/2010
PERMIT SET	
ISSUE DATE:	
CONSTRUCTION SET	
ISSUE DATE:	
DRAWING NUMBER:	

2.0



CPA-05-06-10: Comprehensive Plan Amendment to Horizon 2020

Lawrence-Douglas County Planning Office
August 2010



Area Requested

Scale: 1 Inch = 300 Feet



Lawrence Association of Neighborhoods

Neighborhoods Working Together

Members of the Lawrence / Douglas County Planning Commission
City Hall
6 East 6th Street
Lawrence, Kansas 66044

August 6, 2010

Re: **Regular Agenda Items for the August 23, 2010 Meeting**
Public Hearing Items

- | | | |
|------------|-------------------------------------|---|
| 1. | Comprehensive Plan Amendment | 6th Street and Queens Road |
| 2a. | Comprehensive Plan Amendment | 6th Street and Queens Road |
| 3. | Comprehensive Plan Amendment | 6th Street and Folks Road, Bauer Farms |

Dear Members of the Planning Commission,

The Lawrence Associations of Neighborhoods (LAN) opposes each of the three development proposals along West 6th Street from Folks Road to Queens Roads. LAN agrees with the recommendations of staff on each of these proposals, the applications should be denied.

Northwest Area Plan and the Prevention of a Commercial Strip

The Northwest Area Plan very specifically calls for the protection of West Sixth Street from becoming a commercial strip. It states:

The plan reiterates the goal of Horizon 2020 to terminate the lineal (strip) commercial development along West Sixth Street, west of Monterey Way, by planning commercial land uses only at the intersections of West Sixth Street and Wakarusa Drive and West Sixth Street and the South Lawrence Trafficway.

The development of retail space at Queens Road would violate the promise of the Northwest Area Plan. This would create a commercial strip along West 6th Street. The commercial strip centers would be located within close proximity of the commercial node approved at West 6th Street and Wakarusa Drive.

The shopping needs of this neighborhood are more than adequately served by the stores available at this commercial node.

Overbuilt Retail Market

The retail markets of Lawrence in general and the West 6th Street and Wakarusa Drive in particular are overbuilt. The growth of the supply of retail space has far outpaced the growth in retail spending. From 1995 to 2009, the amount of retail space in Lawrence grew by 48 percent. During the same time period, retail spending after correcting for inflation grew by only 6 percent. Most of this growth was realized in the early years of this time period, but spending has been relatively flat since the late 1990s. To give a sense of scale to the problem, in 1995 the stock of retail space was about 3.8 million square feet. If it had grown by the same 10 percent as the growth in demand at its peak in 2006, the stock would be about 4.2 million square feet today rather than the 5.7 million square feet that we have today. Thus, the surplus stock is about 1.5 million square feet.

The commercial node at West 6th Street and Wakarusa Drive is an extreme case of this overbuilt condition. This node was originally planned for 150,000 square feet of retail space. This grew to 200,000, and now over 400,000. The proposals being considered now would total to over 600,000 square feet. This growth in space has far outstripped the pace of growth of population in this sector of the city.

The Planning Commission should be taking every step possible to resolve this problem. This means, at the very minimum, that the Planning Commission should not be expanding this surplus by adding more retail space.

Capacity of Lawrence to Absorb a Second Home Improvement Center

The proposal to modifying the plan for Bauer Farms for the inclusion of a Lowe's Home Improvement Center is an example of predatory development. The Lawrence area, including all of Douglas County, is only barely large enough to support one home improvement center. Adding a second home improvement center will serve only to force the city's existing home improvement center out of business.

As the table below illustrates, Lawrence has enough population to support one store, but it is actually too small in terms of the number of homeowners normally needed to support that store. If a second store is added, there will be too few people, and especially too few homeowners to support both stores. The result is that one store will probably go out of business. All too often in this type of cutthroat competition, the older store is the one that fails.

The taxpayers of Lawrence are not indifferent to this process. The taxpayers invested heavily, in excess of \$1.5 million to facilitate the development of the Home Depot store at 31st and South Iowa Streets. The taxpayers do not want to see this investment lost. Nor do the taxpayers want to see the Home Depot store become another retail building that becomes vacant and sits for years without a tenant.

**Ratio of Home Improvement Stores to Population and Homeowner Households
Kansas City and Lawrence**

	<i>Kansas City Metropolitan Area</i>	<i>Lawrence Douglas County</i>	<i>Lawrence with Added Center</i>
Home Depot Centers	16	1	1
Lowes Centers	3		1
Total Centers	19	1	2
Population	1,980,619	113,569	
Owner households	538,827	24,800	
Population:centers ratio	104,243	113,569	56,785
Owners:centers ratio	28,359	24,800	12,400

Recommendation

In order to stop the process of turning West 6th Street into a commercial strip, in order to not add to the existing supply of surplus retail space, and to avoid predatory development that will waste the taxpayers' investment, LAN recommends against these three development proposals.

Sincerely,

Gwen Klingenberg
President – Lawrence Association of Neighborhoods



August 23, 2010

Chairman Chuck Blaser and Planning Commissioners
Lawrence/Douglas County Planning Commission
Six E. 6th Street
Lawrence, KS 66044

RE: Consider Comprehensive Plan Amendment to Horizon 2020, including the 6th and Wakarusa Area Plan, to change the designated land use from residential/office to commercial for a portion of the Bauer Farm Development located along 6th Street between Folks Road and Champion

Dear Chairman Blaser and Commissioners:

I am writing you today to express the strong support of the Lawrence Chamber of Commerce for the request to amend the comprehensive plan to Horizon 2020 including the 6th and Wakarusa Area Plan from residential/office to commercial.

It is the Chamber's belief that this request should be approved based upon the following:

- Given the housing and office slowdown that has occurred since 2007/2008, Lawrence now has a five to seven year inventory of housing units and sites. As a result, no demand for the residential and office uses originally approved in this plan exists.
- Changing the plan to allow commercial use will add approximately \$2.5 million to the property tax base which will result in more than \$290,000 in additional property taxes.
- Using an estimated \$18,000,000 in annual sales as a baseline, the city and county will see an additional \$459,000 of revenue in the first year of operation, with approximately \$385,200 accruing to the city and \$73,800 to the county.
- Commercial uses on this property will create 125 new jobs.
- Creating a significant retail concentration at this location will benefit surrounding commercial properties by providing a strong commercial "draw" to the area. The addition of a business cluster will alleviate the higher than normal vacancy rates in the commercial centers surrounding this site.
- Given the strong architectural designs standards of the Bauer Farms project, we believe that commercial use of this parcel can be accomplished in a way that compliments the uses adjacent to the site.

The Planning Commission is well aware that the original Bauer Farms plan took some 38 months to receive city approval (March 2005 to May 2008.) Several factors combined to affect the approval process, including amendments to plans initiated by either the developer or the Planning Commission. Regardless, by the time the project finally came to market, the demand for the residential/office portion of the project had diminished due to a decline in the economy and housing demand. There is no question the developer would have preferred to develop the property as originally approved but that is no longer an option. Given that fact, I believe the community has several options to consider, including:

- Keep the plan as is with no changes. This option basically tells the developer you made your choice and have to live with it. Under this option, I anticipate a five to seven-year gap before the property is developed for residential/office use and as a result will generate only minimal property tax and no sales tax revenue.
- Convert the residential portion of the parcel to multi-family. This option might seem like a reasonable compromise but given the over saturation of multi-family during the last five years, it is not realistic to believe a market exists for yet another large multi-family project in Lawrence.
- Convert to a commercial use. Based on current and future land use demands within the community, this option seems to be the most realistic and beneficial option for the city.

I am aware the city planning staff has recommended this request not be approved. I can respect that position from a purely planning perspective. But when you consider all the factors that come into play on this project and its impact on our community I believe we have to look beyond just a planning perspective.

In the end I believe there are two key questions we must ask as we consider this request. They are:

1. At this point in our community's life what is more important for our community, job growth and tax base expansion or sticking to the principles of our planning process?
2. Given the present economic environment, if this land use change request is not approved, do we choose to have a valuable parcel of land sit vacant so that it does not contribute to the community either aesthetically or economically for the foreseeable future?

Again, the Lawrence Chamber of Commerce believes this request is in the best interest of the community. If you have any questions please feel free to contact me.

Best regards,

A handwritten signature in black ink, appearing to read 'Tom Kern', with a stylized, cursive script.

Tom Kern
President/CEO

From: Suzi Jackson
To: Scott McCullough
Sent: Sat Aug 21 12:18:52 2010
Subject: 6th street-proposed Lowe's site

Please do not let Mr. Compton and his associates secure the rights to build the proposed store on that site. I am not against Lowe's coming to Lawrence but this is not the site to put it. There is land further west that is more appropriate. Walmart on 6th street is not next-door to residential housing This proposed store will be very near Free State and that area is already very congested with traffic which makes it difficult to get on Folks road at certain times of the day. No one in that area wants trucks coming in and out of a big box store constantly. This area has homes and apts with residents who are appreciative of the relative serenity they have. I have been in discussions in groups who oppose this project who may be unable to attend the meeting because of family obligations so we hope the opposing voices can be heard in some manner. In what way can these residents show their opposition? Would a petition be the way? Thank you for listening.

R. Jackson

From: Lawrence66044@aol.com

To: Scott McCullough

Sent: Sat Aug 21 17:17:48 2010

Subject: population v. retail

<http://www2.ljworld.com/news/2010/aug/20/city-planners-developers-square-over-proposal-lowe/>

McCullough also said the department is seeing more signs that Lawrence income levels and population are not keeping up with the increase in the amount of retail space. Planners said it is concerning that studies show that since 2000:

- Lawrence's population has grown by 13 percent.

Scott McCullough,

Has the population of Lawrence really grown 13%?

The population of Lawrence purportedly increased 11,950 from 2000 to 2009, and yet our public school enrollment (students who actually live in USD 497) decreased by 720 students in that same time period. Does that sound right?

If the number of people in each household has held consistent from 2000 to 2009, the population of children should have grown by at least 4000 (if you believe the 11,950 figure), but the 2008 census indicated a loss of children aged 18 and younger from the 2007 census.

Stats and links:

Census 2000, Lawrence, Kansas: population 80,098

<http://www2.ljworld.com/news/2010/jun/22/lawrence-population-makes-surprisingly-large-incre/>

According to Census Bureau estimates, the city's population stood at 92,048 on July 1, 2009 [an increase of 11,950 since the year 2000].

December 11, 2005

http://www2.ljworld.com/news/2005/dec/11/school_enrollment_estimates_will_sway_planning_fut/

In 1999, the district had 10,471 students.

[before we had a virtual school]

August 17, 2009

<http://www2.ljworld.com/news/2009/aug/17/lawrence-public-schools-enrollment-10805-students/>

The preliminary enrollment numbers, released Monday afternoon, list the total district enrollment at 10,805 students, including the Lawrence Virtual School.

September, 22, 2009

<http://www2.ljworld.com/news/2009/sep/22/district-increases-115-students/>

The district has 115 more students than last year, with a total enrollment of 10,817 students. The largest jump in enrollment was at the Lawrence Virtual School

August 31, 2009

<http://www2.ljworld.com/news/2009/aug/31/virtual-school-enrollment-increases-40-percent/>

The Lawrence Virtual School . . . will have 1,125 students, kindergarten through eighth grade, for the 2009-2010 school year. . . The school also had a high school program last school year, but it was discontinued for this year . . . Most Lawrence Virtual School students live in other parts of the state. Only 90 students live in Douglas County and only 13 of those are in the city of Lawrence.

.....

Summary:

USD 497 2009 enrollment

Broken Arrow 272

Cordley 315

Deerfield 502

Hillcrest 329

Kennedy 336

L. Hughes 510

New York 135

Pinckney 275

Prairie Park 427

Quail Run 473

Schwegler 385

Sunflower 482

Sunset Hill 292

Wak. Valley 214

Woodlawn 240
Virtual School 833
Total 6,020 [5,187 actual]

Junior High Enrollment
Central 429
South 570
Southwest 664
West 575
Virtual School 246
Total 2,484 [2,238 actual]

High School Enrollment
Free State 1,066
Lawrence High 1,247
Total 2,313
Total K-12 Enrollment
10,817 (9,738 actual)

[1999 enrollment (10,471) minus actual 2009 enrollment (9,738) = 733
733 - the 13 students who live in Lawrence = 720 = the loss in public school students since 1999.
.....

The Census bureau shows the poverty rate for Lawrence residents aged 18 has increased while the actual population of children has gone down.

US Census Bureau
Lawrence, Kansas
Poverty Status in the Past 12 Months,
Data Set: 2007
Under 18 years
Total: 14,850
Below Poverty Level: 2,919
Percent Below Poverty Level: 19.7%

Data Set: 2008
Under 18 years
Total: 14,796
Below Poverty Level: 3,003
Percent Below Poverty Level: 20.3%
.....

And the KU campus (at Lawrence) is losing enrollment as well:

October 1, 2009
<http://www.kansan.com/news/2009/oct/01/ku-sees-record-number-diversity/>
Total enrollment numbers at the University [KU Lawrence campus] decreased by 1.2 percent this fall
.....

KANSAS BOARD OF REGENTS ENROLLMENT REPORT:
KU (Lawrence Campus) enrollment (2004) = 25,437
KU (Lawrence Campus) enrollment (2009) = 25,182

From: Kim Taylor [mailto:ktaylor0834@sunflower.com]

Sent: Monday, August 23, 2010 7:10 AM

To: Scott McCullough

Subject: Opposition against Lowe's store

I would like to voice my opposition to the proposed building of the Lowe's building supply store at 6th & Folks.

My family lives in the Overland subdivision just north of the proposed building site. I feel the size and scope planned for this store would severely disrupt the residential feel of this small area. I am all for bringing big retailers to town and feel there is a better site for them west of Wakarusa . There is already so much traffic with the high school and with small businesses , I don't think that section of town could handle the traffic flow a big box retailer would bring to that intersection.

I encourage the planning commission to stand strong against the influence of Doug Compton and his paid-for-endorsement architects who try to persuade you into believing the site of 6th & Folks could handle the Lowe's store.

The city WOULD benefit from this retailer joining the community... just NOT AT 6th and FOLKS!!!

Sincerely,
Kimberly Taylor
4508 Range Ct.

From: Bob [bweber@sunflower.com]

Sent: Sunday, August 22, 2010 2:43 PM

To: Scott McCullough

Subject: Feedback from Planning and Development Services contact page

Scott

The Planning dept. must be appointed, because if they were elected they would not make a second term.. Lawrence has high unemployment, not collecting enough sales tax and the planning board is worried about box stores and traffic and if it is build some winey person who build their house by a main road will complain. Of course these people are all employed. Guess what, if you keep headed in the same direction you will have no jobs, no people and no tax money and when the remaining people get tired their taxes going up they will move and you and the planning board can go shopping down town all by yourself and you won't have any traffic to content with. I go to the next town to shop at their box stores and will continue to do so until the planning dept. and city wakes up. All the concern that we the people hear is how is it going to affect down town, I have got to tell you down town and box stores don't sell the same items. "I know, you can add the private business tax to the down town area and leave the rest of us alone."

Bob Weber
877 Coving Dr
Lawrence, KS

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
08/23/10

**ITEM NO. 4: COMPREHENSIVE PLAN AMENDMENT; H2020; CHP 16;
ENVIRONMENT (AAM/MKM)**

CPA-2008-7: Consider adoption of the Comprehensive Plan Amendment to Horizon 2020 to include Chapter 16 – Environment.

STAFF RECOMMENDATION: Staff recommends approval of this comprehensive plan amendment adding Chapter 16: Environment to *Horizon 2020* and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

STAFF RECOMMENDATION: If appropriate, approve and sign Planning Commission Resolution 8-6-10.

SUMMARY/BACKGROUND

The Comprehensive Plans Committee (CPC), in conjunction with Planning Staff, have been working since April 2008 to draft a new chapter in Horizon 2020 concerning environmental issues. This chapter was initiated in April 2008 and the CPC and staff started meeting in September 2008 regarding timeline, process, and the development of a draft overview, strategies, and outline. The draft outline, strategies, and overview were then presented to the Planning Commission in November 2008 to not only get input from the public, but also the Planning Commission. A series of educational meetings were held from December through March 2009 on various sub-topics of the chapter. Community organizations, researchers, and other experts in their fields were invited to give brief presentations to the group in order to help educate staff and the CPC on certain issues.

Staff and the CPC worked over the next year to develop the "April 2010 Draft". The "April 2010 Draft" was posted to the website in early April and comments were received from both the public and Planning Commissioners at the April 28th, 2010 meeting. Staff then worked with the CPC to revise the draft document based on those comments. The "August 2010 Draft" is reflective of those revisions.

A website has been setup to act as a central hub for information regarding the drafting of this chapter (<http://www.lawrenceks.org/pds/H2020-Env>) and the "August 2010 Draft" is posted to this site. In addition, an email distribution list has been created to keep people informed about the chapter as it moves through the process. Members of the public can sign up to be a part of this email distribution list by visiting the City's subscription page (<http://www.lawrenceks.org/subscriptions>) and signing up for the "Horizon 2020 Chapter 16: Environment" list under the Public Meetings heading.

STAFF REVIEW

Chapter 16: Environment is a new chapter to be incorporated into the Comprehensive Plan, Horizon 2020. The CPC adopted the following mission statement in reference to their work on the creation of the new chapter:

"Identify environmental resources present in Douglas County, and draft goals, policies and strategies to support protection, conservation, and management of these resources in the context of development activity, planning, and government operations, to achieve a livable, vibrant, and healthy community."

The chapter covers a wide range of topics, including water resources, land resources, air resources, marketable natural resources, waste management, and the human and built environments. These topics are discussed in terms of how they relate to land use.

COMPREHENSIVE PLAN AMENDMENT REVIEW

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

The proposed amendment is a result of the changing circumstances that have occurred since the comprehensive plan was first written. At the time *Horizon 2020* was written, there was no chapter specifically devoted to environmental issues, but instead some chapters contained a few policies relating to environmental issues. This is a new chapter, devoted entirely to the environment in the context of land use.

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

The proposed amendment is an advancement of a clear public purpose and is consistent with the long-range planning goals and policies of the community. The proposed amendment helps further one of the main strategies in *Horizon 2020* regarding Sustainability: *"We will strive to ensure the sustainability of our physical environment, both natural and built, the health of our economy and the efficient and effective functioning of our community."* (page 1-3)

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

Over time, environmental issues have come more to the forefront in planning policy. The creation of this chapter represents changes in public policy over time.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of this comprehensive plan amendment adding Chapter 16: Environment to *Horizon 2020* and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

Environment

Draft – August 2010

Language removed from the April 2010 Draft is noted in ~~striketrough~~ and language added is in green.

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CHAPTER SIXTEEN - ENVIRONMENT

"The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired, in value."
—Theodore Roosevelt, 1907

OVERVIEW

Douglas County has a rich and valuable heritage that is characterized by a variety of environmental and natural conditions. Prairies, rivers, forests, wetlands, agricultural soils, and other natural features provide scenic beauty, recreation, natural habitats, flood protection, and opportunities for interpretation, appreciation, and education.

Protecting and enhancing Douglas County's environment, including its built environment, is the focus of this chapter. The recommendations are intended to foster a healthy environment that contributes to a growing economy and a livable community. This concept is in line with an overall goal of Horizon 2020 (see Chapter 1) regarding sustainability that 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."*

Environmental quality and appropriate use of natural resources are essential elements of an area's livability and greatly enhance the quality of life for Douglas County residents. Protection of natural resources is an important component in planning for growth and development in Douglas County since all development activities create some level of impact on the air, water and land resources mentioned in this chapter. While land development is important to economic vitality, natural resources and climate protection are increasingly recognized as equally important to the health and vitality of the community and must be protected for future generations. The responsible way to achieve the mutual goals of environmental protection and planned growth is to develop in a sustainable manner, one that is capable of being continued with minimal long term effects on the environment.

There are already a few programs in place that aim to achieve some of the sustainability goals of this chapter, such as the county-wide ECO² program which is a tool used to promote the dual goal of open space preservation and economic development. The program uses a concept of net equity that ~~assumes~~ **states an amount equal to that a portion of** the net-investment of public funds is equal for

industrial development and be used for open space preservation. In addition, the City of Lawrence adopted a Land Development Code in 2006 which addresses some recommendations of this chapter, including standards for impervious surface coverage, open space requirements, and landscaping. The City and Douglas County also have recently revised the subdivision regulations which include provisions for land divisions which contain environmentally sensitive features. The City of Lawrence also has multiple efforts currently underway with similar goals as presented in this chapter, including work by the Sustainability Advisory Board, the Mayor's Climate Protection Task Force, and the Peak Oil Task Force. These advisory boards review issues and make recommendations to the Lawrence City Commission. Douglas County has recently established a Local Food Policy Council to work with stakeholders in creating and maintaining a healthy local food system. This chapter takes into account recommendations that have been made by all advisory boards related to topics discussed. It is important that work on these programs be ongoing in order to further the goals of this chapter. Also, the City and County are committing to internalizing sustainability principles within their operations in order to take the lead in creating a sustainable and livable community.

A variety of management practices are recommended in this chapter, including education of the public and government officials, development of incentives and regulations, and incorporation of green infrastructure strategies. "Green infrastructure strategies actively seek to understand, leverage, and value the different ecological, social, and economic functions provided by natural systems in order to guide more efficient and sustainable land use and development patterns as well as protect ecosystems."¹

The recommendations in this chapter focus on integrating the natural and built environments in order to create a healthy, sustainable community for current and future generations to live, work and play. The City of Lawrence and Douglas County are committed to protecting and enhancing the environment while meeting other community, economic development, housing and infrastructure goals.

Strategies:

Strategies provide a direction or approach to accomplish specific goals or policies of this chapter:

- Identify and protect important environmental features in a manner that also:
 - Accommodates planned urban and rural growth,

¹ *Towards a Sustainable America: Advancing Prosperity, Opportunity, and a Healthy Environment for the 21st Century, May 1999 (The President's Council on Sustainable Development.)*

- Reduces or discourages urban sprawl,
 - Provides for efficient transportation systems,
 - Partners with economic development activities,
 - Considers private property rights,
 - Allows adequate open space for preservation and recreation,
 - Establishes a contiguous network of open space, and
 - Creates a sustainable community.
- Consider the impact upon environmental and natural resources in planning and development efforts.
 - Establish effective incentives and regulations that promote sustainable and efficient management of environmental resources.
 - Develop educational programs to foster community awareness of and support for the protection and enhancement of natural areas, efficient use of natural resources and appropriate waste management.
 - Encourage environmental policies and programs to secure the community's future economic, ecological, animal, plant and human health.

Chapter Organization:

This chapter covers a wide range of subjects and is divided into sections for different environmental categories, such as Water or Land Resources. Each section contains:

- 1) Introduction:** *Presents a broad overview of each category.*
- 2) Summary of Issues:** *Provides brief discussion of topics.*
- 3) Goals and Policies:** *Presents long-range goals of the community and identifies specific courses of action to achieve those goals.*

Chapter Utilization

This chapter presents a comprehensive overview of environmental issues as they relate to land use. Action steps are contained in many of the goals and policies presented in this chapter. Those action steps may involve other agencies or may take time to complete. Development proposals shall be evaluated using the goals and policies contained in this chapter to promote sustainable development that is aligned with the strategies above. Doing so will ensure that there is a balance between environmental and developmental concerns.

- This chapter is meant as a guide that will supplement goals and policies discussed in other chapters in Horizon 2020. This chapter

is meant to integrate with other chapters in the comprehensive plan.

- Code regulations shall be developed to achieve the policies discussed in this chapter.
- Goals and policies discussed in this chapter shall be used in the long-range planning process, as well as long range plans for other city and county departments, such as Parks and Recreation, Utilities, Public Works, etc.
- Development proposals will be reviewed for general conformance with the goals and policies in this chapter to promote sustainable development.

WATER RESOURCES AND MANAGEMENT

This section discusses the variety of water resources in Douglas County, which includes creeks, rivers, streams, lakes, wetlands and groundwater. Each type of water resource can be viewed individually or as a comprehensive, interconnected network to understand their importance and function in the natural environment. They can also be evaluated to determine how actions taken as part of the planning and development process may impact or influence their ability to provide good water quality for human consumption and aquatic habitat, reduce flooding, and provide recreational opportunities.

Summary of Issues:

- 1) Water quality.** *Protection of watersheds, particularly those above public water supply reservoirs, is critical to ensuring that public water quality is maintained at its highest level. Minimizing pollutants that can contaminate ground and surface water and controlling erosion will also help to protect the water quality and help provide high quality aquatic habitats.*
- 2) Flooding.** *Protecting floodplain areas from inappropriate development maintains the carrying capacity of the floodplain, improves water quality, provides wildlife habitat, reduces threats to human life, and minimizes damage to property. In the past, Douglas County has experienced flooding, most notably with the 1951 and 1993 floods. The 1951 flood caused an excess of \$3 million in damage to the City of Lawrence alone, compared with only \$1.2 million in damage after the 1993 flood. The damage in 1993 in the City of Lawrence was significantly lower than the damage in 1951 because the local levee system was completed in 1980, before the 1993 flood. It is important to note that the majority of the damage from the 1993 flood occurred in unprotected areas of Douglas County therefore causing more than \$5.8 million in damage county-wide. Efforts associated with the National Flood Insurance Program (NFIP), including compliance with regulatory standards and the City of Lawrence's participation in the Community Rating System (CRS) program, also led to a decreased vulnerability to flood damage as a result of the 1993 flood. Flooding is considered a serious public hazard and approximately 16% of all of the land in Douglas County is located in the 100-year floodplain.*
- 3) Recreation.** Douglas County contains numerous water resources that provide recreational benefits, such as fishing, boating, and swimming. Clinton Lake, the Kansas River and the Wakarusa River are just a few of the water bodies that contribute to the healthy outdoor lifestyle of residents.

Goals and Policies:

Goal 1: Properly manage all water resources, including Drainage Areas, Surface Watercourses, Wetlands, Sub-surface Waterways, Floodplain areas, and Stormwater runoff, in order to protect natural habitats, mitigate hazards, and ensure water quality.

Policy 1.1 Planning at the watershed level should be encouraged **implemented to mitigate development impacts on a large scale. This could include development of a county wide drainage area plan that would identify the drainage areas and set out goals and policies specific to each area.**

Policy 1.2 Preserve and protect natural surface watercourses.

- a. Develop stream setback regulations for both the City of Lawrence and Douglas County ~~in order to reduce erosion, preserve riparian areas, mitigate flood hazards, and ensure water quality~~ **to establish stream corridors which provide a buffer that stabilizes stream banks, reduces erosion, preserves riparian areas, mitigates flood hazards, and ensures water quality.**
- b. Encourage ~~use of riparian areas~~ **uses of riparian areas that are** low-impact, which may include recreational uses and also serve as connectors to other non-water recreational areas.
- c. Water structures, including dams, shall be permitted and maintained in accordance with applicable Federal, State and local regulations.
- d. Encourage continued alignment with the Kansas Water Plan, which lists the following measures:
 - d.1 Use native plants in yards and gardens; they need fewer chemicals and water.
 - d.2 Use fewer chemicals on lawn, gardens, fields and forests to protect water quality.
 - d.3 Separate livestock operations from streams with a vegetated filter and adequate distance.

Policy 1.3 Improve and maintain water quality, particularly sources of public drinking water, through watershed protection measures.

- a. The City and County shall participate in applicable Watershed Restoration and Protection Strategy (WRAPS) programs, focusing on the protection of the Upper Wakarusa and Lower Kansas Watersheds.
- b. The City and County ~~will~~ **shall** identify and map priority wetlands, surface water buffer areas, and riparian areas within each watershed.
- c. Develop ~~standards~~ **regulations** and incentives for the protection of the inventoried features discussed above with emphasis on protection of public drinking water supply, habitat preservation, **stream stability** and erosion control.

Policy 1.4 Preserve and protect ~~existing~~ wetlands and the various functions they serve.

- a. Inventory and map wetlands in the county; identifying them based on the priority criteria listed in The Wetland Federal Regulations 33 CFR Part 320.4, as amended.
- b. Develop a wetland policy which promotes protection, **enhancement and restoration** of existing high priority wetlands and effective mitigation of wetlands when disturbed.
- c. Develop regulations and incentives for the retention and protection of the wetlands identified through the inventory focusing on impacts from both on-site and off-site development activity that affects the wetlands in question.
- d. Provide education and outreach programs to inform citizens and government employees of the function and values of wetlands and the measures that protect them.

Policy 1.5 Protect sub-surface water resources.

- a. Conduct an inventory of Douglas County and identify any significant areas of groundwater recharge to maximize opportunities for protection of water quality.
- b. Develop programs and regulations, such as pesticide-free park programs and further stormwater regulations, to minimize pollutants

leaching into underlying groundwater systems to help ensure the quality of our groundwater resources.

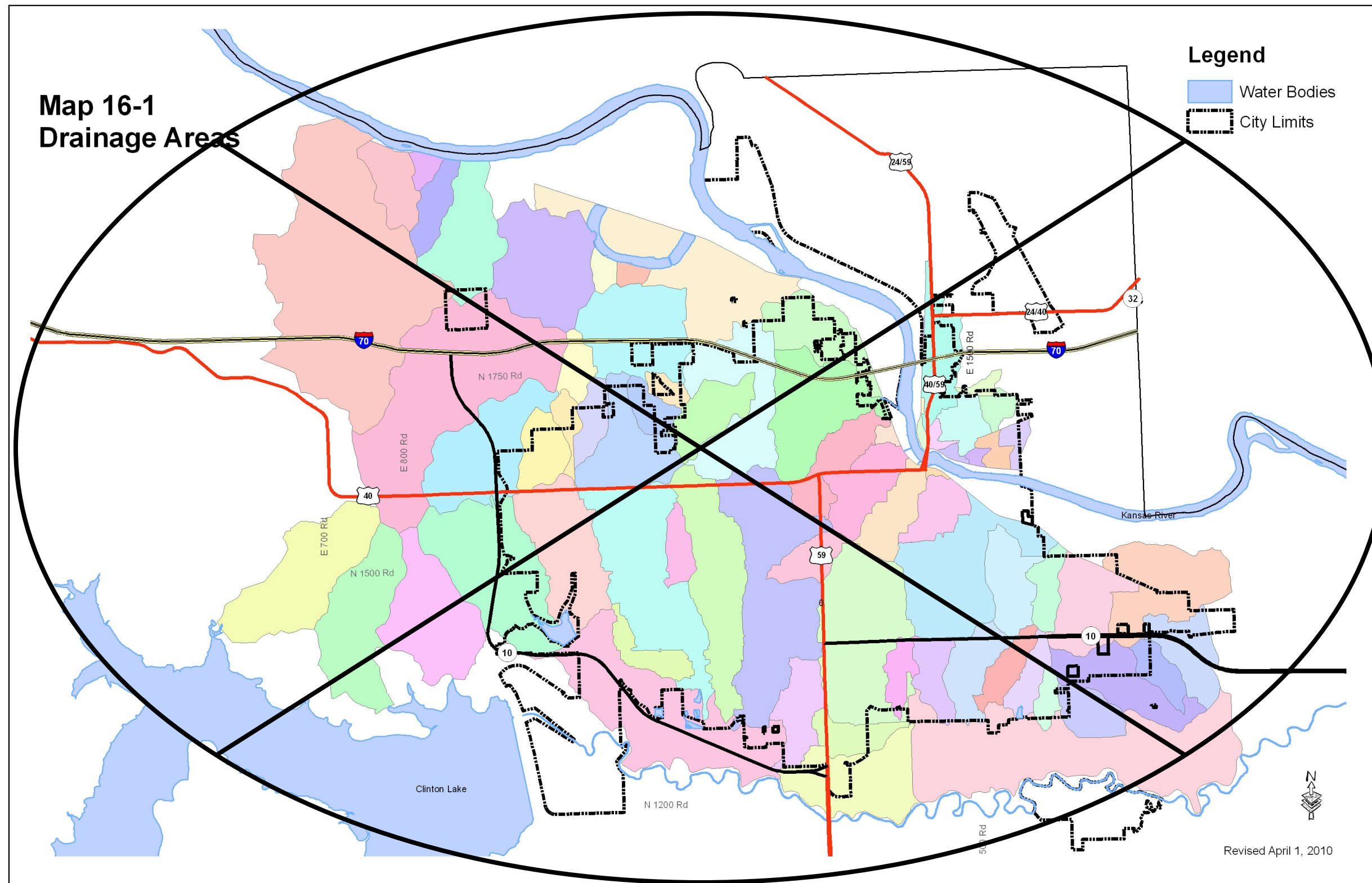
- c. If important areas of groundwater recharge are identified through the inventory, prepare a wellhead protection plan.
- d. Provide education and outreach programs to inform citizens and government employees of the function and values of sub-surface water resources and the measures that protect them.

Policy 1.6 Protect floodplain areas ~~from inappropriate development~~ to maintain the carrying capacity of the floodplain and ~~mitigating~~ mitigate potential hazards to human life.

- a. The City and County shall maintain floodplain regulations that meet or exceed National and State regulations. *Exceeding National and State regulations benefits the community by reducing the threat to human life, reducing property loss and ensuring water quality.* Consider further limiting new development from encroaching into the regulatory floodplain by adopting regulations that promote no adverse impact in flood hazard areas.
- b. Communities shall continue participation in the National Flood Insurance Program (NFIP).
- c. ~~Encourage continued participation by the City of Lawrence~~ *The City of Lawrence should continue participation* in the Community Rating System (CRS) program and increase their level of participation in order to achieve a greater discount to citizens on their flood insurance rates. *Douglas County should investigate participating in the program as well.*
- d. Encourage all property owners living in flood prone areas to purchase flood insurance.
- e. Continue to educate citizens on flood related hazards, floodplain regulations, and other flood related topics to comply with national programs and reduce the flood hazard.





Policy 1.7 Develop stormwater management policies and programs in a manner that ensures water quality and properly controls runoff.

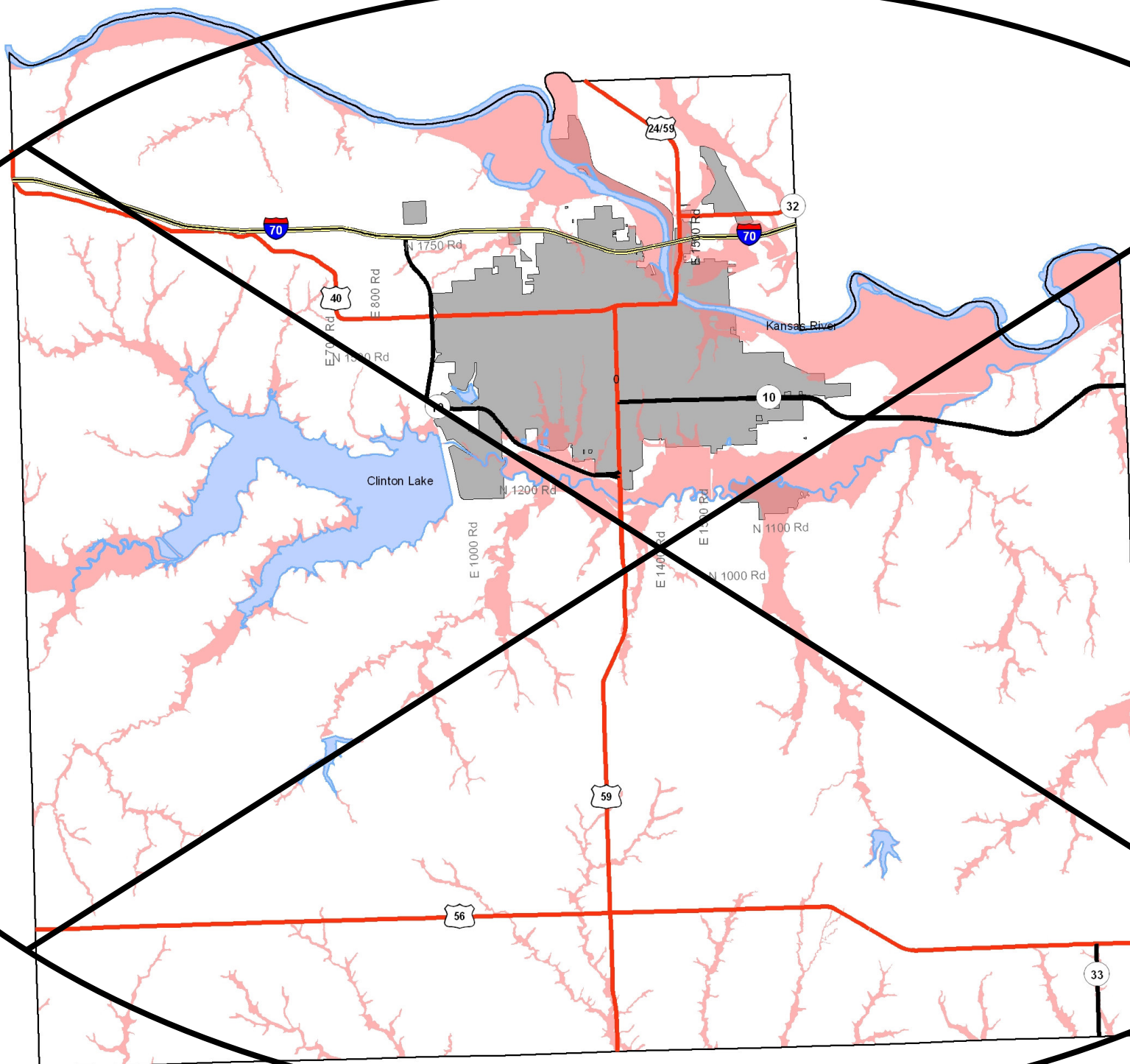
- a. Encourage minimal and appropriate use of fertilizers, pesticides and other chemicals to reduce stormwater pollutants.
- b. Develop strong erosion and sediment control policies on construction sites that include consistent and effective enforcement to improve stormwater quality.
- c. As part of the City of Lawrence's overall stormwater management strategy, maintain regulations and policies that are consistent with the provisions and goals of the Clean Water Act, including its National Pollutant Discharge Elimination System (NPDES) Program, and other federal, state and local requirements for water quality and environmental preservation.
- d. Maintain an inventory of stormwater structures for ongoing inspection, compliance and maintenance procedures. Establish an inspection and maintenance plan with property owners as part of Best Management Practices (BMPs).
- e. Use nonstructural or natural approaches to stormwater system design and management. Encourage stormwater management that uses natural features, rain barrels, rain gardens, bio-retention swales, pervious paving materials, and limits the use of impervious surfaces, etc.
- f. Provide educational opportunities regarding natural stormwater management features, Best Management Practices (BMPs) for stormwater structures and pollutant discharge, erosion and sediment control, and water quality.
- g. Encourage environmentally sensitive farming methods, such as terracing, buffering, the use of no-till farming practices, etc., near surface watercourses to reduce pollution, stabilize streambanks and prevent erosion.
- h. Douglas County ~~should~~ shall adopt stormwater regulations that include submittal of drainage plans and regulations for on-site detention, particularly for properties located in Urban Growth Area's (UGAs) throughout the County.
- i. Establish stormwater retention concepts that strive to achieve or maintain runoff characteristics comparable to a site's runoff characteristics before development.



**Map 16-2
Floodplain**

Legend

-  County Limits
-  City Limits
-  Water Bodies
-  100-year Floodplain

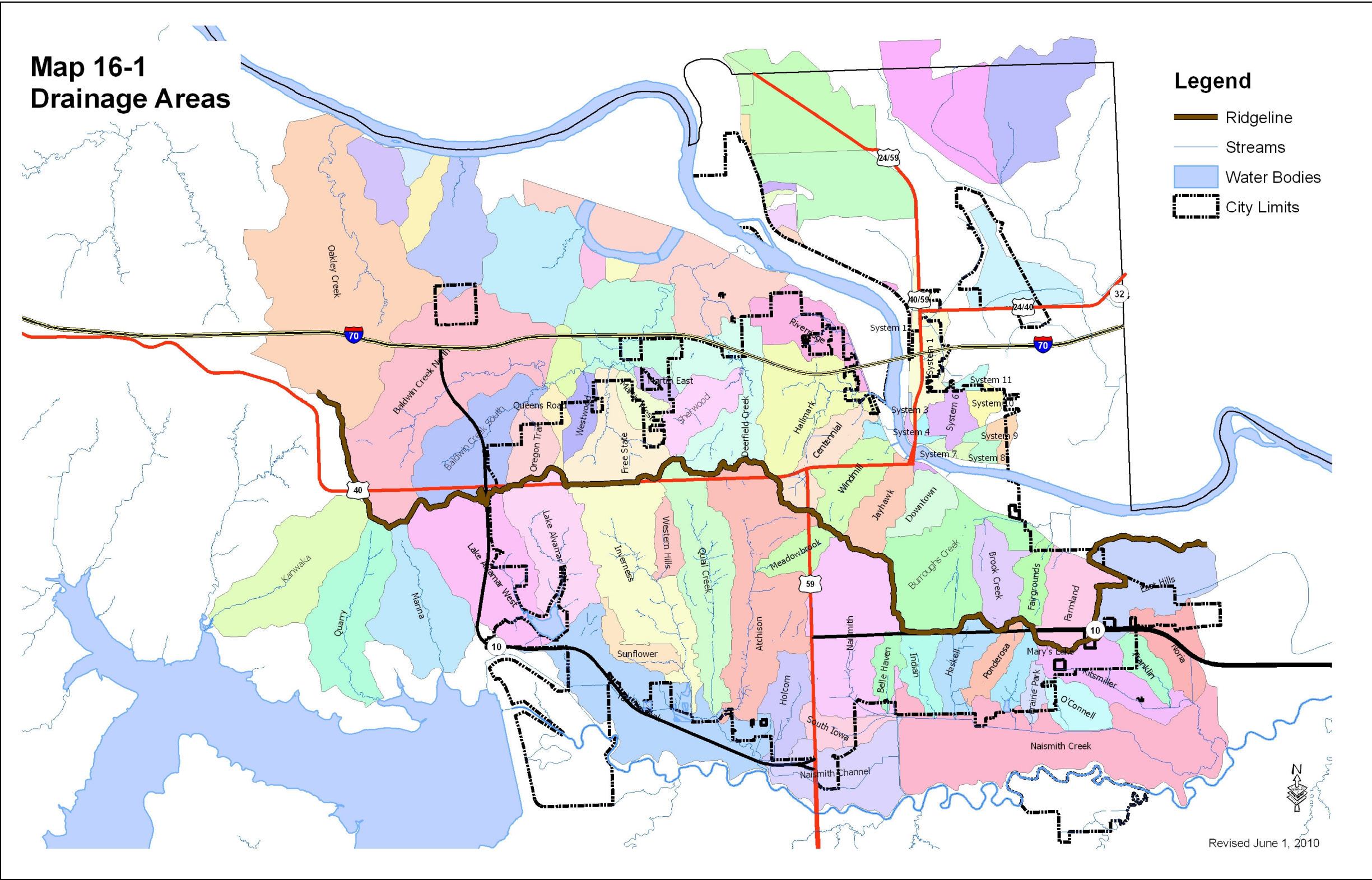


Revised April 1, 2010

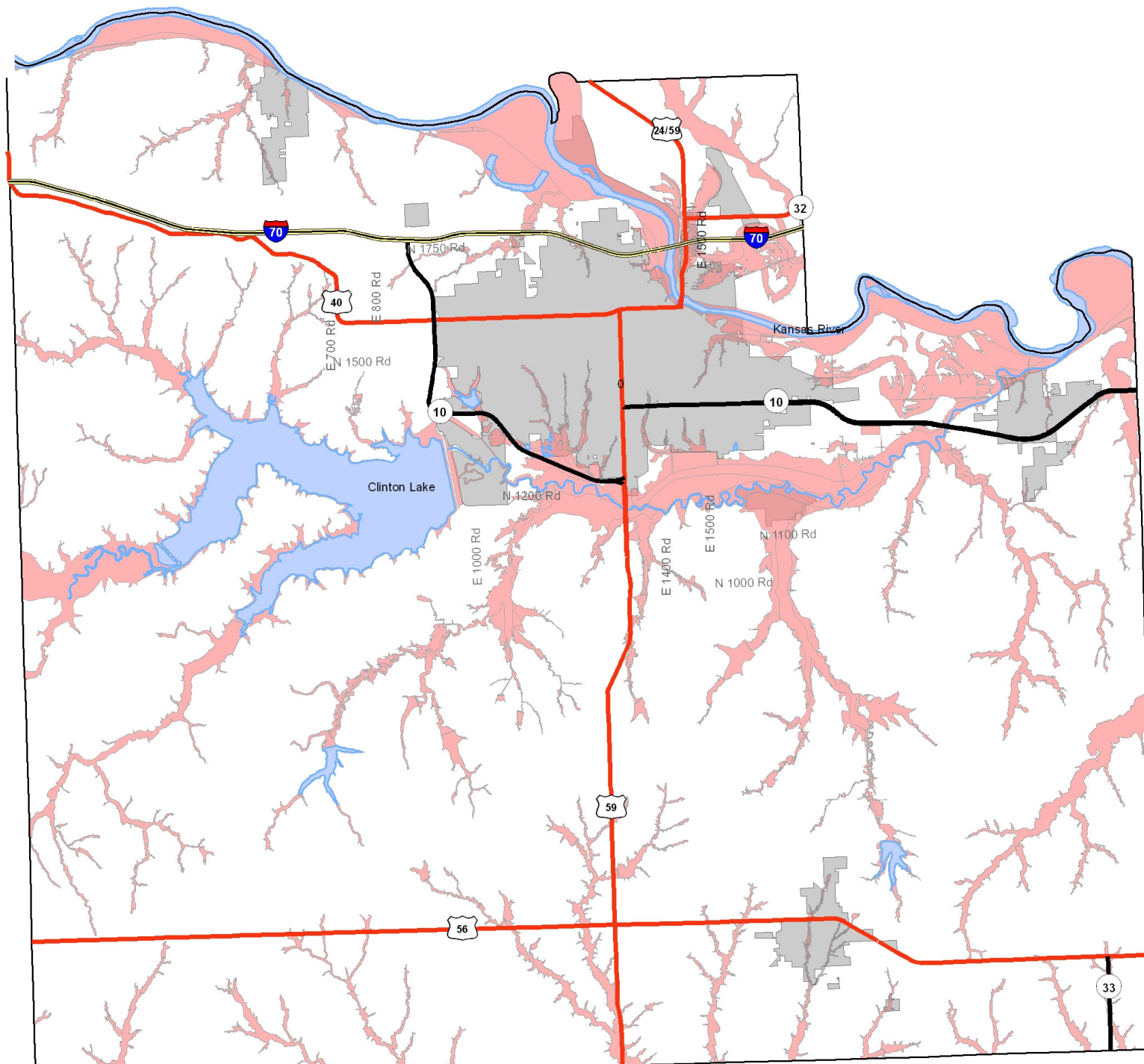
Map 16-1
Drainage Areas

Legend

- Ridgeline
- Streams
- Water Bodies
- City Limits



**Map 16-2
Floodplain**



Legend

- County Limits
- City Limits
- Water Bodies
- 100-year Floodplain



Revised July 30, 2010

LAND RESOURCES AND MANAGEMENT

This section discusses Douglas County's various land resources, which consist of rural woodlands and urban forests, native prairies, and agricultural soils. These resources provide wildlife habitats, viewsheds, and open spaces, as well as, serving as 'Green Infrastructure', as they provide benefits to the natural and built environments. Like many other parts of the country, land resources within Douglas County are being impacted by development pressures and agricultural practices. Benefits of preserving and managing land resources include growth management, flood control, improved water quality, protection of wildlife habitat, and economic advantages to the community, such as a lower cost to the community for development.

Summary of Issues:

- 1) Open space network.** *The creation of an open space network or green infrastructure system minimizes the fragmentation of natural areas and benefits the community by protecting natural habitats, providing appropriate stormwater management, providing open-air recreation areas and promoting sustainable development practices. Open space networks can include:*

Topography: *Developing on steep slopes can be costly and permanently alters the natural slope of the land which may have detrimental effects on other natural features, stormwater runoff and habitats.*

Rural Woodlands and Urban Forests: *The trees in rural woodlands and urban forests provide many valuable benefits ranging from:*

- **Ecological** (improving air and water quality),
- **Biological** (providing wildlife habitat),
- **Physical** (serving as 'green infrastructure' by providing shade and screening),
- **Social** (providing areas of scenic beauty and areas for recreation), and
- **Cultural** (establishing and maintaining the character of the area).

Native Prairies: *The tallgrass prairie has an intrinsic value as an endangered ecosystem which is a feature of our national heritage. The prairies provide recreational and educational opportunities, as well as providing habitats for wildlife and plant species. In addition, native prairies play a valuable role*

in controlling sedimentation, aiding groundwater recharge, and absorbing stormwater runoff.

Endangered Species and Wildlife Habitats: *The protection of critical habitats is a principal means of protecting rare and endangered species and also serves to protect other species that use the same habitat. Because development has resulted in fragmentation of wildlife habitats, corridors connecting them should be maintained. The Kansas Wildlife Conservation Plan² includes protection measures for rare and endangered species and is geared toward practices and policies that would help keep common species from becoming endangered.*

- 2) Agricultural soils.** *High Quality Agricultural Land is recognized as having exceptional quality and fertility, and in Douglas County is generally described as **having** Capability Class (non-irrigated) 1 and 2 soils as defined by the National Resources Conservation Service. This High Quality Agricultural Land is a finite resource that is important to the regional economy. This land requires less intervention to produce high yields of crops with high nutrition and should be protected, preferably for food production.*

Goals and Policies:

Goal 2: Properly manage all land resources, including soils, woodlands, native prairies, wildlife habitats, viewsheds and open spaces, to maintain the functions they provide, ensure the sustainability of the resources, and improve the environmental quality of the City of Lawrence and unincorporated Douglas County.

Policy 2.1 ~~Appropriately develop land to~~ **Development should maintain the natural benefits of existing topography. Development on steep slopes (above 15%) shall **should** be done in a manner that encourages the use of the existing topography with minimal grading to minimize adverse effects.**

Policy 2.2 Preserve and sustain woodlands within Douglas County.

² <http://www.kdwp.state.ks.us/news/Other-Services/Wildlife-Conservation-Plan>

- a. The City and County shall partner with other agencies and institutions to inventory and map woodlands within the county. The inventory and map should identify the different types of woodlands ('high quality natural areas', woodlands which form, or could form, corridors or greenways and riparian woodlands) and provide a ranking system in priority order for protection.
 - a.1 Develop regulations and incentives that provide different levels of protection for the different types of woodlands.
 - a.2 Encourage environmentally sensitive site design practices which minimize the unnecessary physical and visual impacts upon the surrounding landscape caused by removal of woodlands.
 - a.3 Develop regulations and incentives for the protection, maintenance, and improvement of riparian woodlands which include an ordinance defining the stream setbacks and the activity which may occur in the riparian area.
 - a.4 Develop public outreach and educational programs to increase public awareness concerning the importance of woodlands.
- b. Protect and increase the urban forest in Lawrence.
 - b.1 The City shall conduct an inventory of the Urban Forest.
 - b.2 Adopt an Urban Forestry Master Plan and associated policies, programs, and incentives for the preservation and enhancement of Lawrence's urban forest on both public and private property, through development and zoning codes, emphasizing the use of trees appropriate to the climate of this region.
 - b.3 Adopt standards for tree care activities and the regulation of tree maintenance contractors that will prevent the serious damage that inappropriate pruning practices cause to Lawrence's trees. Partner with utility agencies regarding appropriate tree location and pruning practices.
 - b.4 Establish educational programs to foster public/community awareness of, support for, and contribution to Lawrence's urban forestry initiatives, which are directed at establishing the

maximum urban tree canopy, maintaining it in a healthy condition and promoting its conservation.

Policy 2.3 Preserve and protect native prairie.

- a. Partner with the Kansas Biological Survey, other agencies, and individuals to inventory and map the remaining native prairie remnants within Douglas County.
- b. Develop regulations, planning guidelines, management techniques, and incentives for preserving native prairies. The native prairie should be preserved and used as parks and/or open space either through purchase or the use of conservation easements.

Policy 2.4 Preserve and protect natural habitats.

- a. Identify and map areas of 'critical habitat', key habitats, and wildlife corridors, including areas that could link together to increase connectivity throughout the City and County.
- b. Develop incentives to encourage on-site and off-site habitat connections and/or enhancement of natural areas as part of development projects.
- c. Develop regulations that permit only low-impact development with environmentally sensitive design in areas of 'critical habitat'.
- d. Increase awareness of the species and loss of habitat through educational and outreach programs.
- e. Treat areas identified as key habitats as high priority areas for preservation and protection in the development of regulations, protection standards, and incentives.
- f. Develop regulations and incentive programs for the protection and maintenance of wildlife corridors and key habitat areas.
- g. Regulate the placement of roads, trails and utilities with development or infrastructure projects to minimize creation of fragmented natural areas.

- h. Develop a program to encourage and incentivize the connectivity of natural areas whether they are on a particular development site or off-site.
- i. Develop a combination of educational programs, incentives, and development standards that recognize and promote sound management practices by private land owners to maintain the health of natural habitats on private property.

Policy 2.5 **Along with the community members in Douglas County, identify and define important features that contribute to viewsheds, as well as establish possible protections for viewsheds. At such time, further policies relating to viewsheds may need to be addressed.**

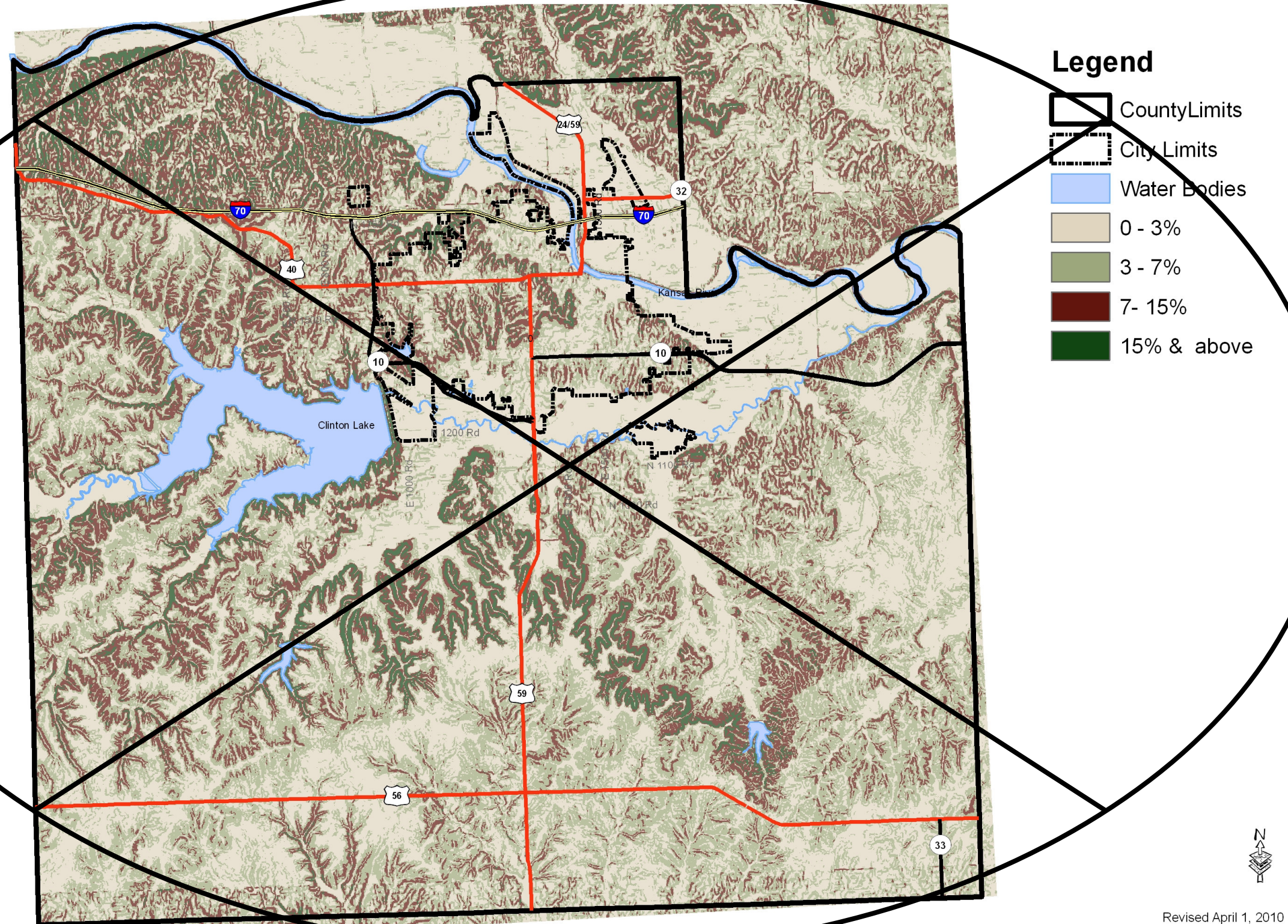
Policy 2.6 **Preserve existing open space and create new open space areas to preserve and expand a sustainable green infrastructure system.**

- a. ~~To maintain a balance between~~ To maximize the advantages to the community that the natural and built environments provide, open space preservation ~~should~~ shall remain a goal especially as it relates to protecting and preserving natural features discussed in the comprehensive plan. This should be done through:
 - a.1 Maintaining and enhancing existing open space.
 - a.2 Creating new designated open space areas.
 - a.3 Creating a large interconnected network of open space.
- b. Incorporate open space evaluation into long range plans.—~~D~~ to determine in advance of development proposals what areas are suitable for development and what areas would serve better as open space.
- c. The acquisition and continued maintenance of open space that is publicly accessible shall be strongly encouraged.
- d. Promote and encourage eco-tourism to sustain open space and natural areas.

Policy 2.7 Encourage the protection of High Quality Agricultural Land in Douglas County for current ~~or~~ and future agricultural use.





- a. The protection of High Quality Agricultural Land ~~should~~ shall be used as a key assumption in the sector planning process.
- b. Establish tools to protect High Quality Agricultural Land for farming and make its protection economically feasible for the land owner, such as an agricultural easement program, development incentives that encourage the protection of this resource, public/private partnerships, or other funding mechanisms.
- c. Encourage ~~and develop policies that support~~ and support efforts that ~~advance effective economic systems related to agri- and eco-tourism,~~ as well as a sustainable local/regional food system.

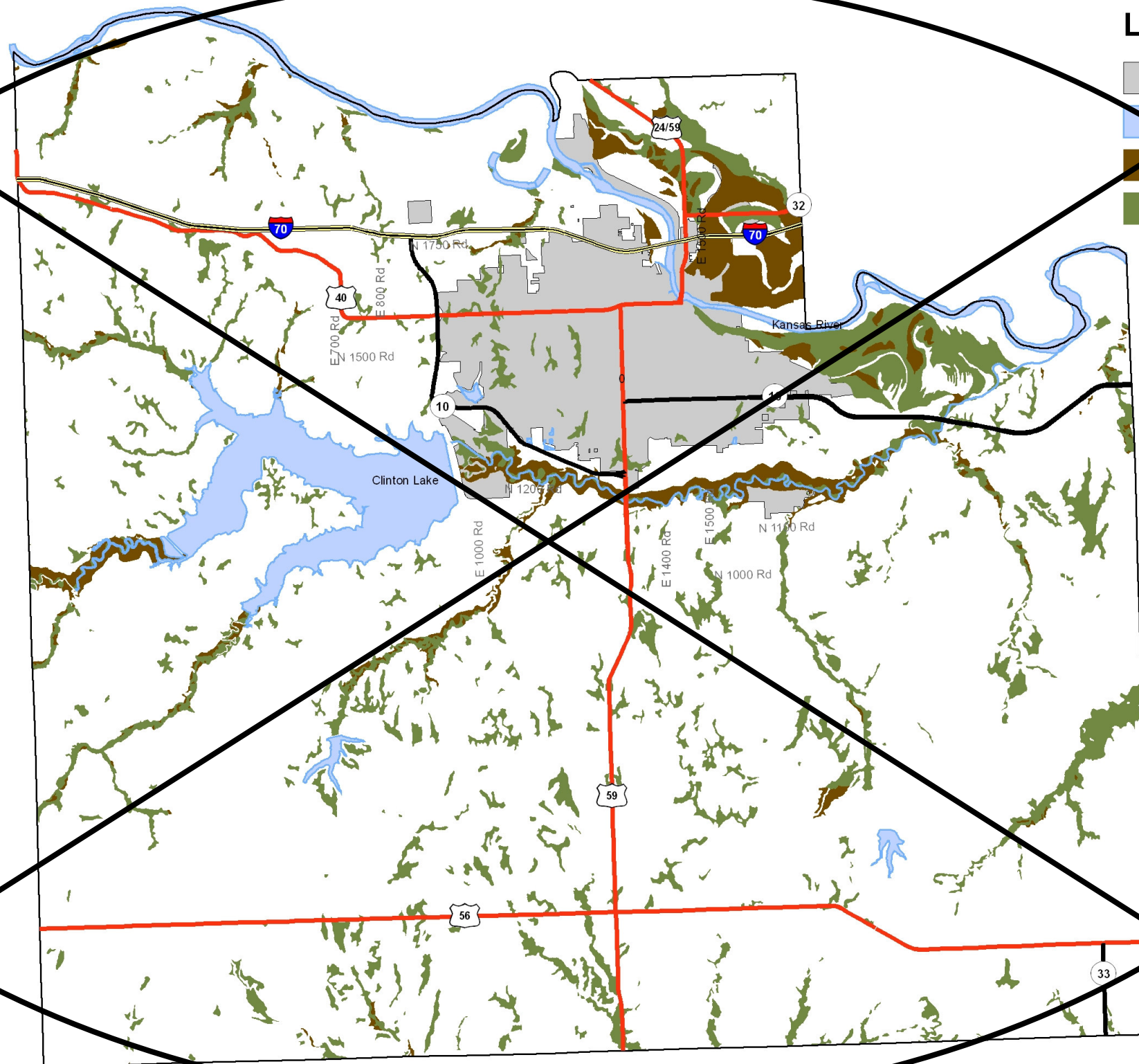
**Map 16-3
Slopes**



**Map 16-4
High Quality
Agricultural Land**

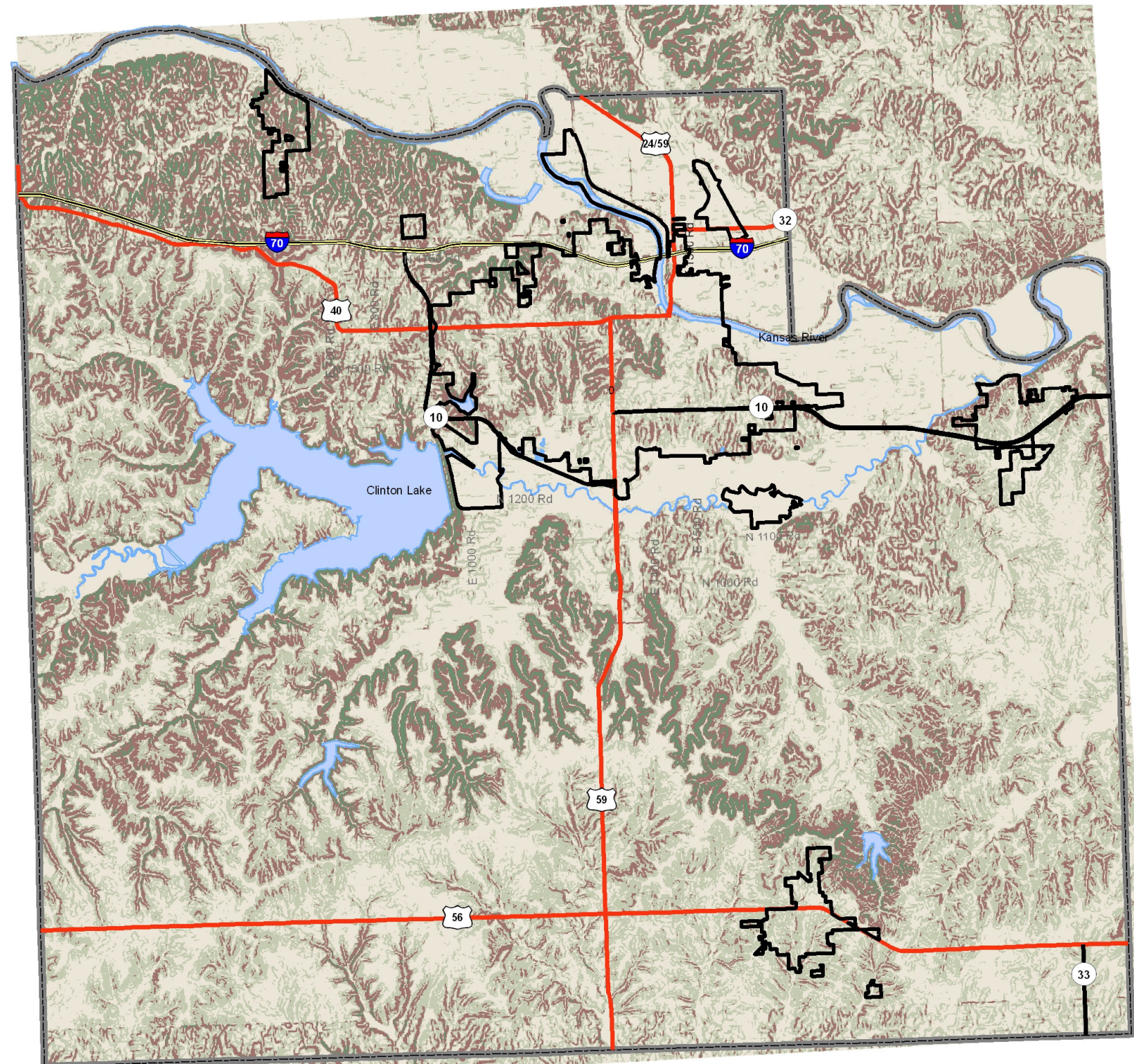
Legend

-  City Limits
-  Water Bodies
-  Capability Class 1
-  Capability Class 2










Revised April 1, 2010

**Map 16-3
Slopes**



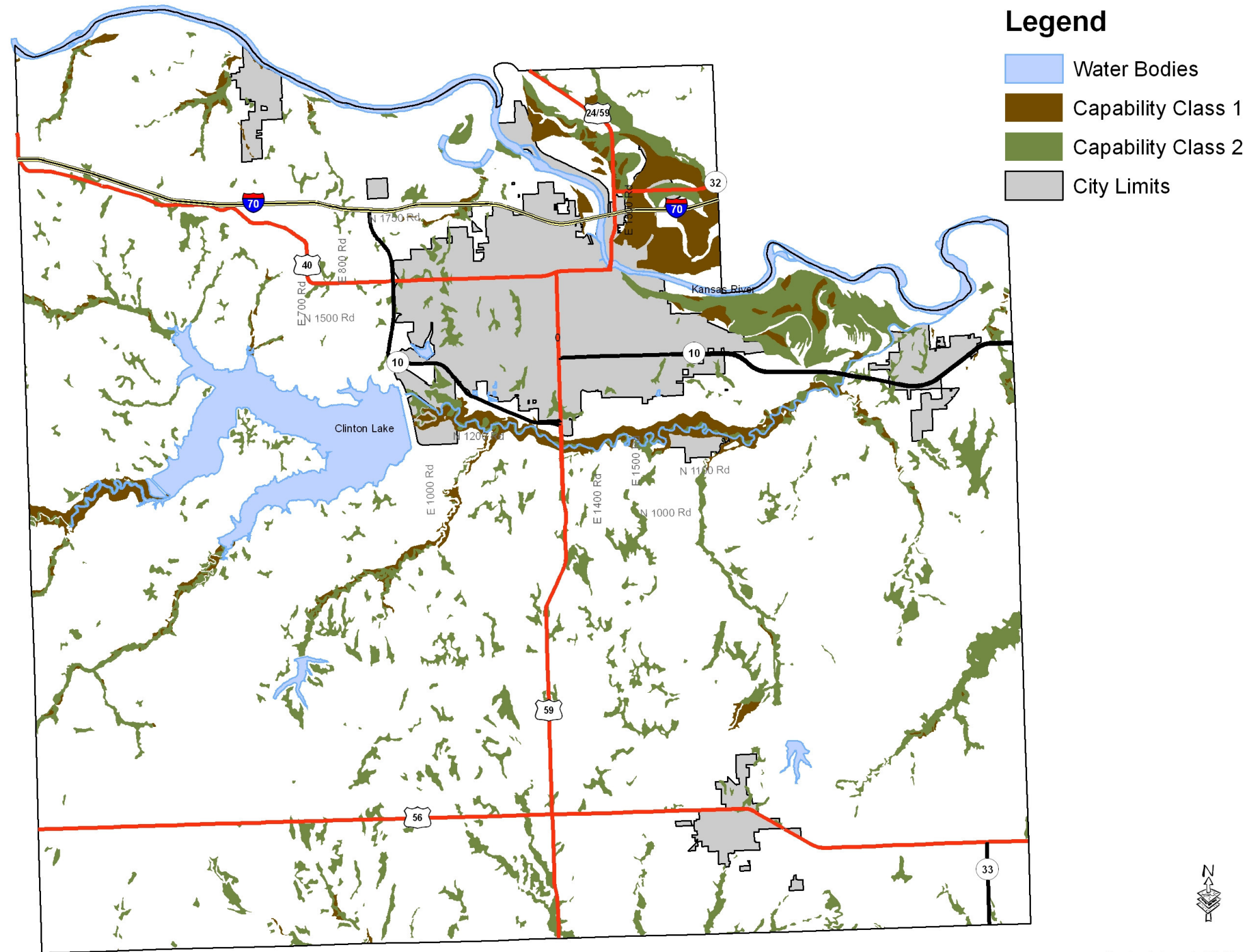
Legend

-  City Limits
-  County Limits
-  Water Bodies
-  0 - 3%
-  3 - 7%
-  7- 15%
-  15% & above



Revised June 1, 2010

Map 16-4 High Quality Agricultural Land



Revised June 1, 2010

AIR RESOURCES AND MANAGEMENT

This section focuses on air quality, which is impacted by the amounts of pollutants present, such as sulfur dioxide, carbon monoxide, nitrogen dioxide, ozone, radon, particulate matter, and lead. Air pollution has a profound impact on the environment and can lead to water contamination, soil contamination and impact the health of humans, animals and plants.

Excess greenhouse gases, such as carbon dioxide, methane, nitrous oxide, and fluorinated gases, are a form of air pollution that can ~~can~~ **may** lead to global warming. The *Climate Protection Plan: Climate Protection Task Force Report* to the Lawrence City Commission provides recommendations for the reduction of greenhouse gas emissions in **the community**. ~~Lawrence, as well as improving the global climate.~~

Summary of Issues:

- 1) **Air quality.** *The quality of air impacts human, plant and animal health.*
 - a. **Outdoor air pollution.** *Minimizing pollutants is critical to maintaining outdoor air quality. Outdoor air pollution can lead to negative health impacts.*
 - b. **Excessive greenhouse gases.** *Reducing greenhouse gases is necessary to limit their negative impacts on the climate.*
 - c. **Indoor air pollution.** *Pollutants, such as radon, second-hand smoke, carbon monoxide and VOCs (volatile organic compounds) affect indoor air quality and have a negative impact on human health.*

Goals and Policies:

Goal 3: Improve indoor and outdoor air quality in order to mitigate impacts to human, animal and plant life in Douglas County.

Policy 3.1 Improve air quality through reduction in emissions from vehicle exhaust by reducing the number of vehicle miles traveled.

- a. Recommend land use and transportation design standards that encourage the use of alternative forms of transportation (other than private vehicle), encourage development in areas that are served or could be served by transit facilities, and provide efficient connections from one mode of transportation to another.

- b. Encourage and provide incentives for mixed use districts which provide live/work/shop opportunities within walkable distance.
- c. Encourage redevelopment and infill where adequate infrastructure currently exists.
- d. Encourage and provide incentives for carpooling or use of mass transit and alternative forms of transportation.
- e. The City and County Governments, in addition to other employers within Douglas County, should develop and implement incentive programs to promote and increase public transit use or forms of alternative transportation (non-vehicular) among their employees.
- f. Provide education to the general public, businesses and government officials regarding the cause and effects of air pollution, focusing on steps everyone can take to reduce air pollution and the intended benefits of local regulations designed to reduce air pollution.
- g. Develop a walkable, complete street program stressing connectivity and street design that safely accommodates all users including non-motorized vehicular traffic.

Policy 3.2 Reduce emissions from vehicle exhaust and encourage the use of more energy efficient vehicles.

- a. Provide education to the general public, businesses and government officials regarding the cause and effects of air pollution focusing on steps everyone can take to reduce air pollution.
- b. The City and County should take a leadership role in reducing emissions from the city/county vehicles and public transit vehicles, purchasing more energy efficient vehicles, and reducing the number of miles traveled when possible.

Policy 3.3 Reduce emissions of non-vehicular air toxics as listed by the EPA.

- a. The City and County should strive to minimize power usage, promote alternate fuel sources, and use environmentally friendly building design and mechanical systems (often referred to as 'green building') in their government buildings to serve as a model to the community.

- b. Encourage education and outreach programs which explain the need for improvement and provide information on steps individuals, businesses, institutions, the City and the County can take to reduce their contribution to emissions in Douglas County.

Policy 3.4 Develop Land Use Planning regulations and incentives to reduce greenhouse gas emissions to acceptable levels.

- a. Develop and implement policies to inventory and increase the amount of urban forest that will help reduce the amount of CO2 in the air.
- b. Develop a Douglas County inventory of greenhouse gas emissions using the guidance materials available from the EPA and use this inventory to monitor success of implemented programs.
- c. Develop a program to accommodate and encourage the increased use of bicycling as a form of transportation. The program should include the following features:
 - c.1 Bicycle/pedestrian level of service standards and guidelines for new developments.
 - c.2 Incentives for provision of additional bicycle parking at existing facilities.
 - c.3 Plans for the retrofit of existing streets where bicycle facilities are needed.
 - c.4 The implementation of a comprehensive network of bicycle facilities identified in the bikeway system map.
- d. Encourage and incentivize energy efficient building design.
- e. Encourage and incentivize transit and forms of non-motorized transportation.
- f. City and County governments should serve as a model for the community by setting goals for reduction of greenhouse gas emissions from construction and operation of government buildings.

Policy 3.5 Improve indoor air quality to maintain and improve the health of our community.

- a. Inform and educate the public to the causes and effects of indoor air pollution as well as the measures to reduce the pollution.
- b. Maintain current building codes aimed at reducing indoor pollutants and consider codes to further improve indoor air quality.

Policy 3.6 Work with agencies to implement the above policies in order to keep Douglas County from becoming a non-attainment area as defined by the Environmental Protection Agency.

RESOURCE MANAGEMENT

This section encourages the responsible use of marketable natural resources within Douglas County through proper extraction and reclamation methods. They are essential to ~~a vibrant economy~~ **sustainable development activity**, primarily in the form of low cost raw materials, such as sand, gravel, **timber, oil, gas**, and stone, **etc.**

Summary of Issues:

- 1) Resources.** *The improper extraction of marketable natural resources can create environmental problems such as erosion, negative impacts on water quality, and degradation of wildlife habitats.*

Goals and Policies:

Goal 4: Properly manage marketable resources to ensure the sustainability of the resources and improve the environmental quality of the City of Lawrence and unincorporated Douglas County.

Policy 4.1 Identify and properly manage marketable natural resources.

- a. **To minimize negative environmental impacts,** ~~the City and County should~~ **shall** work with applicable state agencies to develop appropriate operation standards for **harvesting, collecting, recovery and extraction of marketable natural resources,** ~~quarries and other extraction facilities to minimize negative environmental impacts and provide for effective reclamation of land.~~
- b. Document and map all operating and non-operating quarries. Document any quarries and sand/gravel operations which were in operation prior to the establishment of zoning regulations and work with the operators to minimize negative impacts of operations.
- c. Identify and map marketable mineral deposits to assist in future land use/planning decisions.

WASTE MANAGEMENT

This section provides a general discussion of the proper disposal methods of waste, including solid waste and hazardous waste. In addition, the section also addresses ways to reduce waste production through reuse and recycling. Proper disposal of waste reduces pollution of land, water, air and other natural resources.

Summary of Issues:

- 1) Waste management.** *As part of our daily lives, significant amounts of solid waste are generated and the majority of that solid waste is then diverted to landfills. Disposing of waste in this manner is costly, and can create water, air and land pollution, as well as wasting resources that might otherwise be reused. It is important to reduce, reuse, and recycle waste material.*

Goals and Policies:

Goal 5: Properly manage all waste, including solid and hazardous waste, in order to reduce, reuse and recycle the majority of the waste that is produced in Douglas County .

Policy 5.1 Manage solid waste through a program that emphasizes the principles of Reduce, Reuse, and Recycle.

- a. Encourage recycling efforts, both existing and new, in Douglas County in order to reduce the amount of material being disposed of in landfills.
- b. Encourage waste reduction, reuse and recycling through educational outreach efforts to residents and businesses.
- c. Encourage the recycling of construction and demolition debris.
- d. Encourage and expand the yard waste collection programs to divert more material from landfills and to provide mulch and compost from sustainable sources.
- e. Establish standards for provision of recycling receptacles on multi-family residential and non-residential development proposals.

Policy 5.2 Maintain support for and improve the Lawrence-Douglas County Household Hazardous Waste Program to ensure that household hazardous waste is disposed of properly.

HUMAN AND BUILT ENVIRONMENT

"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development integrates the three pillars of environmental protection, economic development, and social development in decision making. It is not the tradeoff between these pillars, but the synergy between them."³

The majority of this chapter discusses protection of certain environmental and natural features in order to preserve them for the future. This final section of the chapter takes those ideas a step further by identifying how those environmental protection efforts impact the human and built environment to create a sustainable and livable community.

Summary of Issues:

- 1) Sustainability.** *Creating a sustainable community protects and preserves the environment, natural and built, for future generations to enjoy. This can include minimizing negative impacts from development on the environment and promoting sustainable building and land use practices.*
- 2) Healthy and active lifestyles.** *How the physical environment of Douglas County is built has a direct impact on the lifestyles and health of its residents. Making cities and neighborhoods pedestrian and bicycle friendly, creating a system of interconnecting greenspaces, reducing air and water pollution, creating appropriately designed transportation systems, and providing recreation spaces help enhance the health of our citizens. As an example, the Safe Routes to Schools program, sponsored by the State of Kansas Department of Transportation, provides safe zones which make it safer for children to bike or walk to schools.*
- 3) Local/Regional Food.** *Local and regional food programs provide health benefits by encouraging healthy diets made up of adequate amounts of locally grown fresh food and may produce air quality benefits by reducing fossil fuel emissions associated with food-related transportation. In Douglas County, there are approximately 98,000 harvested acres of active farmland. A report, "Eastern Kaw River Region's Local Farm and Food Economy", studied seven counties in eastern Kansas and found that the region loses \$2.1 billion of potential revenue by buying food supplies from*

³ A portion of this definition is taken from Brundtland Report: World Commission on Environment and Development (WCED). *Our common future*. Oxford: Oxford University Press, 1987 p. 43.

outside of the region. This money can be potentially recaptured by implementing a local food program and the Douglas County Local Food Policy Board Council is one way developing strategies to achieve this. Not only does a local and regional food program encourage the preservation of agricultural lands, but it also encourages other diverse forms of food production, such as community gardens and other urban forms of food production, and provides economic benefits to the community.

Goals and Policies:

Goal 6: Mitigate negative impacts to the human and built environment caused by noise pollution, light pollution and development activities in order to promote a sustainable, healthy, and active lifestyle for the residents of Douglas County.

Policy 6.1 Mitigate noise pollution by using appropriate land use buffers, limits on noise levels, and limits on operating hours.

Policy 6.2 ~~Standards should continue to be developed and implemented~~ Continue to develop and implement standards that will limit light trespass, glare and sky glow, by establishing design guidelines for the type and placement of industrial, commercial and residential lighting.

Policy 6.3 The City of Lawrence and Douglas County should encourage the promotion of healthy and active lifestyles for its residents through the use of standards regarding transit options, pedestrian connectivity, multi-use recreational paths, increased open space preservation, etc. Those standards should also include tools, such as Health Impact Assessment, that measure the long-term health effects of projects.

Policy 6.4 Develop a sustainable transportation system.

- a. Encourage land development patterns that utilize transit options and provide for connectivity of pedestrian walkways, bicycle routes, and multi-use recreational paths while providing for appropriate vehicular access options.

- b. In a fiscally responsible manner, the City and County shall use the most environmentally friendly (i.e. fuel efficient) vehicles available on the market for government vehicles, including the publicly-owned transit fleet.
- c. Encourage Travel Demand Management techniques, such as carpooling, vanpooling, signal coordination, etc. to reduce vehicular travel and energy consumption.
- d. Encourage alternative transportation options, such as bus service, van pools, bike paths, etc., for regional commutes.

Policy 6.5 Promote sustainable building practices.

- a. The City of Lawrence and Douglas County should lead the way by requiring that all new public facilities and substantial remodels of existing public facilities be built according to sustainable or “green” industry accepted standards and programs.
- b. Development and building codes should permit and encourage “green” industry accepted standards and programs.

Policy 6.6 Promote the responsible use and conservation of energy, water and other natural resources.

- a. Encourage the use of drought-tolerant native species in public and private landscaping.
- b. Encourage water conservation through the use of alternative irrigation methods such as the use of rain barrels and rain gardens.
- c. Provide education on the use of mulch, drip irrigation, and other features which would reduce water consumption for landscaping.
- d. Provide incentives for building and facility design which minimizes water usage such as water efficient plumbing fixtures, and reuse of gray water for irrigation.
- e. Develop an education and outreach program to inform the public and government officials on the various means to reduce energy consumption.

- f. The City and County governments ~~should~~ **shall** take the lead and set an example of reducing energy consumption for the community in a fiscally responsible manner, and examples may include:
 - f.1 Providing incentive programs for employees to use mass transit or alternative forms of transportation,
 - f.2 Considering travel miles when locating new facilities,
 - f.3 Making energy consumption a major factor when purchasing new vehicles and equipment,
 - f.4 Taking steps to reduce energy consumption in governmental buildings (using an energy audit system), and
 - f.5 Utilizing energy efficient building materials and designs on new facilities.
- g. Develop regulations and incentives for the use of renewable energy sources.
- h. Encourage land use patterns that result in reduced energy usage, such as mixed use development.
- i. The City ~~should~~ **shall** adopt a Complete Street Policy so all road rights-of-way are developed in a manner to ensure the safety and accommodation of all users.

Policy 6.7 ~~The City of Lawrence and Douglas County, along with stakeholders (local merchants, farmers, landowners, institutions, consumers, etc.), will support a local food program. As the community develops a local/regional food program, the City of Lawrence and Douglas County should work with stakeholders (local merchants, farmers, landowners, institutions, consumers, etc.) to assist in developing that program.~~

- a. As a local food program is developed, further policies relating to land use may need to be addressed in this chapter, as well as Chapter 12 – Economic Development.

- b. Encourage zoning laws to permit community gardens, farmer's markets and other uses to promote growing and marketing local food in an urban setting.
- c. The City and County governments should consider establishing local food programs in their operations.

GLOSSARY:

Complete Streets	<i>Streets that are designed and operated to safely accommodate all users, including but not limited to: motorists, pedestrians, bicyclists, transit, and people of all ages and abilities. The entire right-of-way is designed to encompass users of all types and enable users to safely move along and across the road.</i>
Critical Habitats	<i>Habitat that has been designated as essential for the conservation of species that are listed as threatened or endangered.</i>
Drainage Areas	<i>Land areas that contribute surface water to a given location delineated by surface topography. They vary in size and are made up of five interconnected sub-features: Basins, Subbasins, Watersheds, Subwatersheds, and Catchment areas.</i>
Endangered Species	<i>Any species of wildlife whose continued existence as a viable component of the state's wild fauna is determined to be in jeopardy. That term shall also include any species of wildlife determined to be an endangered species pursuant to Pub. L. No. 93-205 (December 28, 1973), the Endangered Species Act of 1973, and amendments thereto.</i>
Energy audit system	<i>An energy audit is an inspection, survey and analysis of energy flows for energy conservation in a building, process or system to reduce the amount of energy input into the system without negatively affecting the output(s).</i>
Floodplain	<i>The land inundated by a flood of a given magnitude as determined by the FEMA Flood Insurance Study or by an approved Hydrologic and Hydraulic Study.</i>
Glare	<i>The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which eyes are adapted, which causes annoyance, discomfort, or loss in visual performance and visibility.</i>
Green Infrastructure	<i>A strategically planned and managed network of natural lands, working landscapes and other open spaces that conserve ecosystem values and functions and provide associated benefits to human populations.⁴</i>
Greenhouse Gases	<i>Gases that trap heat in the atmosphere are often called greenhouse gases. Some greenhouse gases such as carbon dioxide occur naturally and are emitted to the atmosphere through natural processes and human</i>

⁴ Green Infrastructure: Smart Conservation for the 21st Century, www.sprawlwatch.org

	<i>activities. Other greenhouse gases (e.g., fluorinated gases) are created and emitted solely through human activities. The principal greenhouse gases that enter the atmosphere because of human activities are: Carbon Dioxide (CO₂), Methane (CH₄), Nitrous Oxide (N₂O), and Fluorinated Gases such as hydrofluorocarbons or perfluorocarbons which are usually emitted from a variety of industrial processes.</i>
Groundwater Recharge	<i>Water that infiltrates the land surface and percolates downward to the underlying groundwater system.</i>
Health Impact Assessment	<i>A combination of procedures, methods, and tools by which a policy, program, or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population.⁵</i>
High Quality Agricultural Land	<i>Land with good soil quality that is rated as Capability Class (non-irrigated) 1 and 2 as defined by the National Resources Conservation Service.</i>
Key Habitat	<i>Habitat for wildlife that are not listed as endangered or threatened, but that have declined over the last 50 years to the point that they are in danger of being listed as such.</i>
Level of service standards	<i>A qualitative rating of the effectiveness of a highway or highway facility in serving traffic, in terms of operating conditions (speed, travel time, comfort, convenience, traffic interruptions, freedom to maneuver). The Highway Capacity Manual identifies operating conditions ranging from A, for best operations (low volume, high speed) to F, for worst conditions.</i>
Light Pollution	<i>The adverse effect of artificial light including sky glow, glare, light trespass, light clutter, decreased visibility at night, and energy waste.</i>
Light Trespass	<i>When light is directed outside of the given property.</i>
Native Prairies	<i>A prairie is an ecosystem native to central North America, with fire as its primary periodic disturbance. Prairie areas that have remained relatively untouched on undeveloped, untilled portions of properties are 'native prairies'. Native prairies have remained primarily a mixture of native grasses interspersed with native flowering plants. (These areas have not been planted, but are original prairies.)</i>
Open Space Area	<i>An area which provide visual & psychological relief from the built environment; public access via trails & walkways</i>

⁵ <http://www.cdc.gov/healthyplaces/hia.htm>

	<i>to these areas is important to provide passive recreational opportunities where it is compatible with resource protection & environmental regulations; open space areas may or may not be improved, but can include playfields, trails, greenbelts/greenways, community gardens, farmed areas, buffers between land uses of differing intensities, such as residential & commercial or industrial activity, areas within community or neighborhood parks which are left in their natural state, & other environmentally sensitive areas.⁶</i>
Riparian Areas	<i>The part of the watershed that flanks surface watercourses. These areas provide benefits, such as storage of flood waters, storm water conveyance, pollutant filtration, wildlife habitat, shaded areas, recreational areas, and aesthetic amenities.</i>
Sky Glow	<i>An artificial brightening of the night sky.</i>
Slope	<i>Slope is the rate of change in elevation between two points in a given area and is one of the main components of the topography or surface features of a given site.</i>
Steep Slopes	<i>Slopes that are 15% or above.⁷</i>
Stormwater	<i>Water runoff from precipitation events.</i>
Stream Corridor	<i>A strip of land which is centered on the centerline of the stream; including intermittent, perennial and ephemeral streams. The width of the stream corridor is dependent upon various factors including: vegetation, topography, drainage area, soil type and streambed slope.</i>
Stream Setback	<i>An area within the stream corridor in which activity is limited. There may be various types of setbacks which permit differing degrees of activity.</i>
Sub-surface Watercourses	<i>Water that occurs below the surface of the Earth, that moves slowly, and ultimately discharges to streams, lakes, wetlands, and the oceans.</i>
Surface Watercourses	<i>Above ground waterways such as rivers, lakes and streams.</i>
Sustainability	<i>Meeting needs of present generation without compromising the ability of future generations to meet their needs.</i>
Sustainable Development	<i>Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development integrates the three pillars of environmental protection, economic</i>

⁶ From Horizon 2020, Chapter 9: Parks, Recreation, and Open Space

⁷ Marsh, William M., Landscape Planning: Environmental Applications, 2005.

	<i>development, and social development in decision making. It is not the tradeoff between these pillars, but the synergy between them.⁸</i>
Tallgrass Prairies	<i>Prairies are distinguished by the types of grasses they contain. Tallgrass prairies flourish in areas with rich soils and moderate rainfall of around 30 to 35 inches per year. The major grasses of the tallgrass prairie are the big bluestem, the little bluestem, indiangrass and switchgrass.</i>
Threatened Species	<i>Any species of wildlife which appears likely, within the foreseeable future, to become an endangered species. That term shall also include any species of wildlife determined to be a threatened species pursuant to Pub. L. No. 93-205 (December 28, 1973), the Endangered Species Act of 1973, and amendments thereto.</i>
Tree Canopy	<i>The layer of leaves, branches, and stems of trees that cover the ground when viewed from above.</i>
Urban Forest	<i>Trees in the urban and near-urban areas including, but not limited to, street trees, park trees, residential trees, natural riparian habitats, and trees on other private and public properties.</i>
Viewsheds	<i>Viewsheds are areas visible from certain locations that are scenic vistas that are important to a given community. They are generally correlated with other environmental features and can include views of water bodies, significant topography, structures, vegetation or other physical things.</i>
Watershed	<i>Typically between ten and a hundred square miles in area, and defined as areas that drain to a particular watercourse or body of water or the total area above a given point on a stream that contributes water to that flow at that point. The top of each watershed is delineated by ridgelines that naturally control the direction of water.</i>
Wetlands	<i>Any area of predominantly hydric soils where standing water or wet soil conditions exists for a significant part of the growing season of most years.⁹</i>
Wildlife corridor	<i>Habitat pathways or linkages that connect areas of natural open space otherwise separated or fragmented. A</i>

⁸ A portion of this definition is taken from Brundtland Report: World Commission on Environment and Development (WCED). *Our common future*. Oxford: Oxford University Press, 1987 p. 43.

⁹ Kansas Water Plan

	<p><i>wildlife corridor allows wildlife to move between separated habitats, providing an escape route from fire, predators, and human disturbances, and serving as a travel path for individual animals as they wander throughout their home ranges in search of food, water, mates, and other needs.</i></p>
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Memorandum: Comments on Horizon 2020 Environmental Chapter, August 2010 Draft

To: Lawrence-Douglas County Planning Commission

From: City of Lawrence Sustainability Advisory Board

Date: August 11, 2010

Dear Planning Commissioners,

On behalf of the City of Lawrence Sustainability Advisory Board (SAB), we would like you to approve all of the latest language changes, edits, and additions to the Environmental Chapter of the Horizon 2020 document.

Also, we would like to acknowledge the hard work and continuing dedication of Amy Brown and Mary Miller in drafting this document.

Lastly, the SAB thanks the Commission for using some of the wording that our board proposed for this document.

Sincerely,

Sustainability Advisory Board

From: Barbara Clark, Maggie's Farm [mailto:maggiesfarm@sbcglobal.net]

Sent: Monday, August 23, 2010 8:59 AM

To: Chuck Blaser; Lisa Harris; Richard Hird; Charlie Dominguez; Kenzie Singleton; Stan Rasmussen; Bruce Liese; Brad Finkeldei; Hugh Carter; Lara Adams Burger

Cc: Amy Miller

Subject: Chapter 16 - Environment

Dear Commissioners;

I would like to make one request for an addition under Goals and Policies for Chapter 16 - Environment.

It would be within:

**Policy 2.7 Encourage the protection of High Quality
Agricultural Land in Douglas County for current
and future agricultural use.**

**d. Inventory Capability Class I and II soils acreage. Track loss of
these soils to urbanization.**

Thank you all for considering this request.

I would respectfully encourage you to support Chapter 16 - Environment with this policy addition.

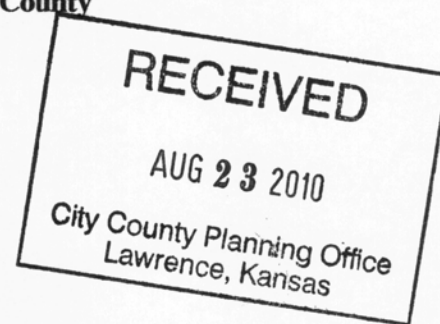
Sincerely,
Barbara Clark

"The history of every nation is eventually written in the way in which it cares for its soil." Franklin Roosevelt

Maggie's Farm
2050 E. 1550 Road
Lawrence, KS 66044

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

August 22, 2010



Mr. Charles Blaser, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 4: COMPREHENSIVE PLAN AMENDMENT; H2020 CH 16, ENVIRONMENT

Dear Chairman Blaser and Planning Commissioners:

Attached is a copy of our comments regarding the current draft of Horizon 2020, Chapter 16, Environment.

We ask that you consider the following suggestions:

- The term "rural development" should be better defined so as not to confuse it with non-agricultural residential expansion. By "rural development" we hope you mean agricultural and related development.
- We ask that the "agricultural soils" to be protected should include more than just the narrow types "Class 1 and 2 Soils." If you don't attempt to support the farming activities on other soils, this narrow definition could work against supporting agriculture and agricultural development in our Rural Area. (Please see attached exhibits.)
- Steep slopes should be protected from most development.
- Greenhouse gases contribute to global warming.
- Wherever possible existing urban forests should be preserved.
- The term "healthy" often is intended to mean "healthful" (for humans, that is). We believe that is what you mean.

We have learned from experience that apparently minor wording changes in our Codes can lead to unintended consequences. We hope that you will accept our suggested changes in this version of the Chapter 16 addition to *Horizon 2020*.

Thank you.

Sincerely yours,

Milton Scott
Vice President

Alan Black

Alan Black, Chairman
Land Use Committee

Attachments

Comments have been annotated onto this draft text from the Land Use Committee, League of Women Voters of Lawrence/Douglas County. Annotated pages are noted below and have been extracted from the Draft Text.

Environment

Draft – August 2010

*Language removed from the April 2010 Draft is noted in ~~striketrough~~ and language added is in **green**.*

Annotated comments are on the following pages:
16-2; 16-16; 16-20; 16-24; 16-25; 16-27; 16-32; 16-38.

industrial development and be used for open space preservation. In addition, the City of Lawrence adopted a Land Development Code in 2006 which addresses some recommendations of this chapter, including standards for impervious surface coverage, open space requirements, and landscaping. The City and Douglas County also have recently revised the subdivision regulations which include provisions for land divisions which contain environmentally sensitive features. The City of Lawrence also has multiple efforts currently underway with similar goals as presented in this chapter, including work by the Sustainability Advisory Board, the Mayor's Climate Protection Task Force, and the Peak Oil Task Force. These advisory boards review issues and make recommendations to the Lawrence City Commission. Douglas County has recently established a Local Food Policy Council to work with stakeholders in creating and maintaining a healthy local food system. This chapter takes into account recommendations that have been made by all advisory boards related to topics discussed. It is important that work on these programs be ongoing in order to further the goals of this chapter. Also, the City and County are committing to internalizing sustainability principles within their operations in order to take the lead in creating a sustainable and livable community.

A variety of management practices are recommended in this chapter, including education of the public and government officials, development of incentives and regulations, and incorporation of green infrastructure strategies. "Green infrastructure strategies actively seek to understand, leverage, and value the different ecological, social, and economic functions provided by natural systems in order to guide more efficient and sustainable land use and development patterns as well as protect ecosystems."¹

The recommendations in this chapter focus on integrating the natural and built environments in order to create a healthy, sustainable community for current and future generations to live, work and play. The City of Lawrence and Douglas County are committed to protecting and enhancing the environment while meeting other community, economic development, housing and infrastructure goals.

Strategies:

Strategies provide a direction or approach to accomplish specific goals or policies of this chapter:

- Identify and protect important environmental features in a manner that also:
 - Accommodates planned urban and rural growth,*

¹ *Towards a Sustainable America: Advancing Prosperity, Opportunity, and a Healthy Environment for the 21st Century, May 1999 (The President's Council on Sustainable Development.)*

in controlling sedimentation, aiding groundwater recharge, and absorbing stormwater runoff.

Endangered Species and Wildlife Habitats: *The protection of critical habitats is a principal means of protecting rare and endangered species and also serves to protect other species that use the same habitat. Because development has resulted in fragmentation of wildlife habitats, corridors connecting them should be maintained. The Kansas Wildlife Conservation Plan² includes protection measures for rare and endangered species and is geared toward practices and policies that would help keep common species from becoming endangered.*

2) Agricultural soils.* *High Quality Agricultural Land is recognized as having exceptional quality and fertility, and in Douglas County is generally described as **having** Capability Class (non-irrigated) 1 and 2 soils as defined by the National Resources Conservation Service. This High Quality Agricultural Land is a finite resource that is important to the regional economy. This land requires less intervention to produce high yields of crops with high nutrition and should be protected, preferably for food production.*

Goals and Policies:

Goal 2: Properly manage all land resources, including soils, woodlands, native prairies, wildlife habitats, viewsheds and open spaces, to maintain the functions they provide, ensure the sustainability of the resources, and improve the environmental quality of the City of Lawrence and unincorporated Douglas County.

Policy 2.1 ~~Appropriately develop land to~~ **Development should maintain the natural benefits of existing topography. Development on steep slopes (above 15%) shall **should** be done in a manner that encourages the use of the existing topography with minimal grading to minimize adverse effects.**

Policy 2.2 Preserve and sustain woodlands within Douglas County.

*See attached file at end of these pages: ks_soil[1]Harney-Ks State Soil.

² <http://www.kdwp.state.ks.us/news/Other-Services/Wildlife-Conservation-Plan>

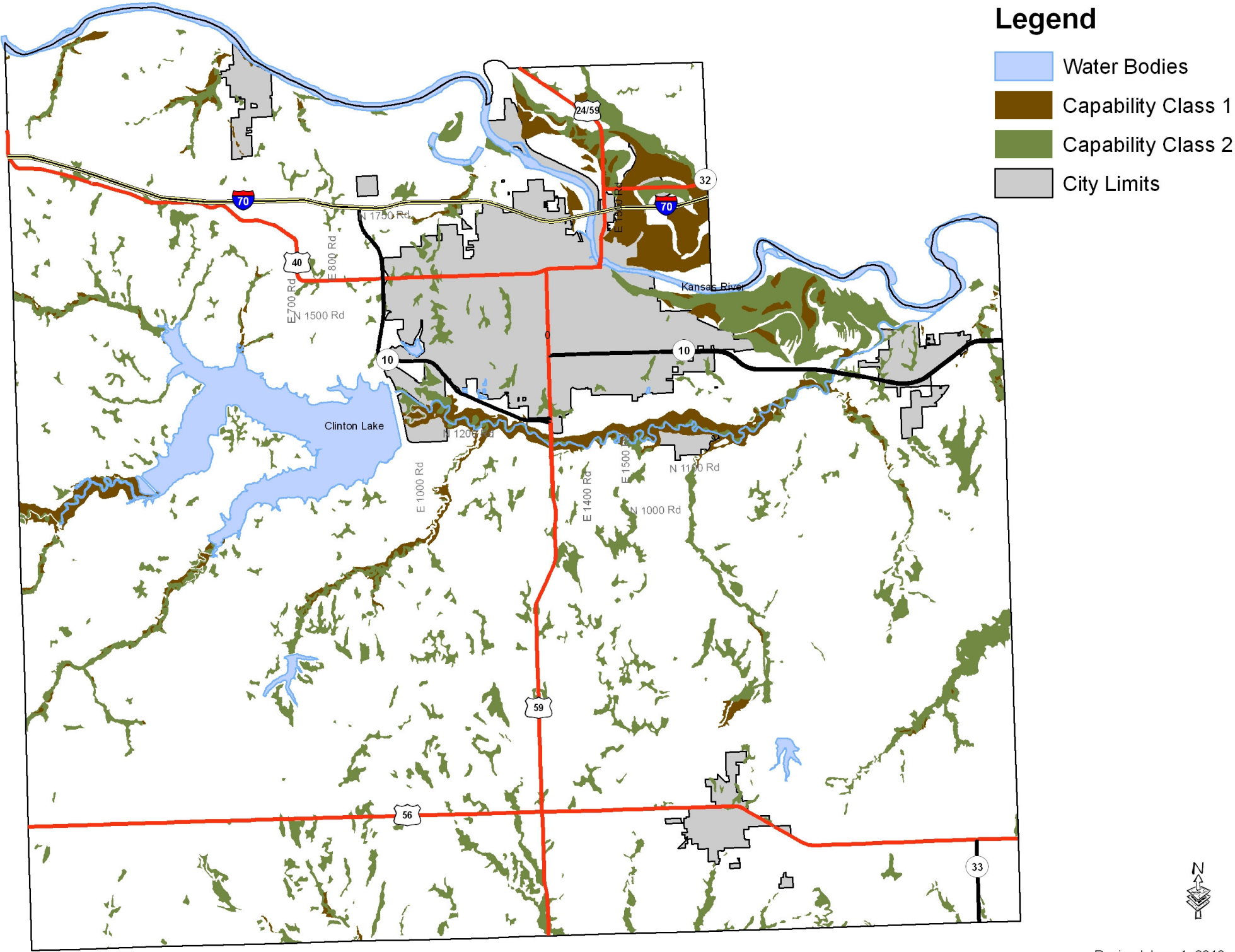
Policy 2.7 Encourage the protection of High Quality Agricultural Land in Douglas County for current ~~or~~ and future agricultural use.

- a. The protection of High Quality Agricultural Land ~~should~~ **shall** be used as a key assumption in the sector planning process.
- b. Establish tools to protect High Quality Agricultural Land for farming and make its protection economically feasible for the land owner, such as an agricultural easement program, development incentives that encourage the protection of this resource, public/private partnerships, or other funding mechanisms.
- c. Encourage **and develop policies that support** ~~and support efforts that advance effective economic systems related to agri- and eco-tourism,~~ **as well as a sustainable local/regional food system.**

Please see previous comments on page 16-16. "High quality" is too limiting to define important farmland and agricultural land. All of the "high quality" shown on the map is in floodplain and former floodplain areas. Upland agricultural land must also be protected. Please see map of "prime agricultural land obtained in 1999 from the NRCS in Salina.

Note: The implication of this map is that only those areas marked in dark green and brown are worth saving for agricultural use or worth saving as agricultural land. This is a misleading concept. When the LWV made its study of agricultural land use in the county almost 80% was being used for agricultural use and a map we received from the SCS in Salina indicated a far greater amount of land was designated as "prime" and considered valuable for agricultural use. Please see the enclosed map at the end of this annotated copy of Draft Chapter 16.

Map 16-4
High Quality
Agricultural Land



Revised June 1, 2010

AIR RESOURCES AND MANAGEMENT

This section focuses on air quality, which is impacted by the amounts of pollutants present, such as sulfur dioxide, carbon monoxide, nitrogen dioxide, ozone, radon, particulate matter, and lead. Air pollution has a profound impact on the environment and can lead to water contamination, soil contamination and impact the health of humans, animals and plants.

Excess greenhouse gases, such as carbon dioxide, methane, nitrous oxide, and fluorinated gases, are a form of air pollution that can ~~may lead to~~ global warming. The *Climate Protection Plan: Climate Protection Task Force Report* to the Lawrence City Commission provides recommendations for the reduction of greenhouse gas emissions in ~~the community~~. Lawrence, as well as improving the ~~global climate~~.

contribute

Summary of Issues:

- 1) **Air quality.** *The quality of air impacts human, plant and animal health.*
 - a. **Outdoor air pollution.** *Minimizing pollutants is critical to maintaining outdoor air quality. Outdoor air pollution can lead to negative health impacts.*
 - b. **Excessive greenhouse gases.** *Reducing greenhouse gases is necessary to limit their negative impacts on the climate.*
 - c. **Indoor air pollution.** *Pollutants, such as radon, second-hand smoke, carbon monoxide and VOCs (volatile organic compounds) affect indoor air quality and have a negative impact on human health.*

Goals and Policies:

Goal 3: Improve indoor and outdoor air quality in order to mitigate impacts to human, animal and plant life in Douglas County.

Policy 3.1 Improve air quality through reduction in emissions from vehicle exhaust by reducing the number of vehicle miles traveled.

- a. Recommend land use and transportation design standards that encourage the use of alternative forms of transportation (other than private vehicle), encourage development in areas that are served or could be served by transit facilities, and provide efficient connections from one mode of transportation to another.

- b. Encourage education and outreach programs which explain the need for improvement and provide information on steps individuals, businesses, institutions, the City and the County can take to reduce their contribution to emissions in Douglas County.

Policy 3.4 Develop Land Use Planning regulations and incentives to reduce greenhouse gas emissions to acceptable levels.

- a. Develop and implement policies to inventory^{,preserve,} and increase the amount of urban forest that will help reduce the amount of CO2 in the air.
- b. Develop a Douglas County inventory of greenhouse gas emissions using the guidance materials available from the EPA and use this inventory to monitor success of implemented programs.
- c. Develop a program to accommodate and encourage the increased use of bicycling as a form of transportation. The program should include the following features:
 - c.1 Bicycle/pedestrian level of service standards and guidelines for new developments.
 - c.2 Incentives for provision of additional bicycle parking at existing facilities.
 - c.3 Plans for the retrofit of existing streets where bicycle facilities are needed.
 - c.4 The implementation of a comprehensive network of bicycle facilities identified in the bikeway system map.
- d. Encourage and incentivize energy efficient building design.
- e. Encourage and incentivize transit and forms of non-motorized transportation.
- f. City and County governments should serve as a model for the community by setting goals for reduction of greenhouse gas emissions from construction and operation of government buildings.

Policy 3.5 Improve indoor air quality to maintain and improve the health of our community.

HUMAN AND BUILT ENVIRONMENT

"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development integrates the three pillars of environmental protection, economic development, and social development in decision making. It is not the tradeoff between these pillars, but the synergy between them."³

The majority of this chapter discusses protection of certain environmental and natural features in order to preserve them for the future. This final section of the chapter takes those ideas a step further by identifying how those environmental protection efforts impact the human and built environment to create a sustainable and livable community.

Summary of Issues:

- 1) Sustainability.** *Creating a sustainable community protects and preserves the environment, natural and built, for future generations to enjoy. This can include minimizing negative impacts from development on the environment and promoting sustainable building and land use practices.*
- 2) Healthy and active lifestyles.** *How the physical environment of Douglas County is built has a direct impact on the lifestyles and health of its residents. Making cities and neighborhoods pedestrian and bicycle friendly, creating a system of interconnecting greenspaces, reducing air and water pollution, creating appropriately designed transportation systems, and providing recreation spaces help enhance the health of our citizens. As an example, the Safe Routes to Schools program, sponsored by the State of Kansas Department of Transportation, provides safe zones which make it safer for children to bike or walk to schools.*
- 3) Local/Regional Food.** *Local and regional food programs provide health ~~benefits by encouraging healthy~~ diets made up of adequate amounts of locally grown fresh food and may produce air quality benefits by reducing fossil fuel emissions associated with food-related transportation. In Douglas County, there are approximately 98,000 harvested acres of active farmland. A report, "Eastern Kaw River Region's Local Farm and Food Economy", studied seven counties in eastern Kansas and found that the region loses \$2.1 billion of potential revenue by buying food supplies from*

healthful

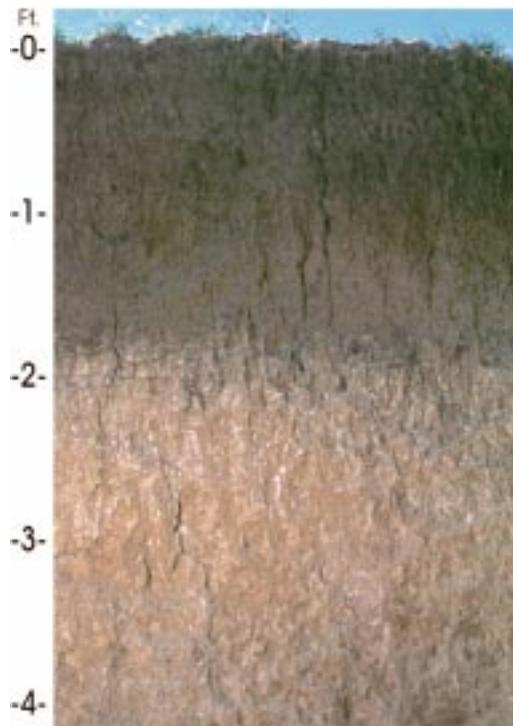
³ A portion of this definition is taken from Brundtland Report: World Commission on Environment and Development (WCED). *Our common future*. Oxford: Oxford University Press, 1987 p. 43.

Please also define prime agricultural land and include it as worthy of protection.

	<i>activities. Other greenhouse gases (e.g., fluorinated gases) are created and emitted solely through human activities. The principal greenhouse gases that enter the atmosphere because of human activities are: Carbon Dioxide (CO₂), Methane (CH₄), Nitrous Oxide (N₂O), and Fluorinated Gases such as hydrofluorocarbons or perfluorocarbons which are usually emitted from a variety of industrial processes.</i>
Groundwater Recharge	<i>Water that infiltrates the land surface and percolates downward to the underlying groundwater system.</i>
Health Impact Assessment	<i>A combination of procedures, methods, and tools by which a policy, program, or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population⁵</i>
High Quality Agricultural Land	<i>Land with good soil quality that is rated as Capability Class (non-irrigated) 1 and 2 as defined by the National Resources Conservation Service.</i>
Key Habitat	<i>Habitat for wildlife that are not listed as endangered or threatened, but that have declined over the last 50 years to the point that they are in danger of being listed as such.</i>
Level of service standards	<i>A qualitative rating of the effectiveness of a highway or highway facility in serving traffic, in terms of operating conditions (speed, travel time, comfort, convenience, traffic interruptions, freedom to maneuver). The Highway Capacity Manual identifies operating conditions ranging from A, for best operations (low volume, high speed) to F, for worst conditions.</i>
Light Pollution	<i>The adverse effect of artificial light including sky glow, glare, light trespass, light clutter, decreased visibility at night, and energy waste.</i>
Light Trespass	<i>When light is directed outside of the given property.</i>
Native Prairies	<i>A prairie is an ecosystem native to central North America, with fire as its primary periodic disturbance. Prairie areas that have remained relatively untouched on undeveloped, untilled portions of properties are 'native prairies'. Native prairies have remained primarily a mixture of native grasses interspersed with native flowering plants. (These areas have not been planted, but are original prairies.)</i>
Open Space Area	<i>An area which provide visual & psychological relief from the built environment; public access via trails & walkways</i>

⁵ <http://www.cdc.gov/healthyplaces/hia.htm>

HARNEY -- KANSAS STATE SOIL



Harney Soil Profile

Surface layer: dark grayish brown silt loam

Subsurface layer: dark grayish brown silty clay loam

Subsoil - upper: grayish brown silty clay loam

Subsoil - middle: light brownish gray, calcarous silty clay loam

Subsoil - lower: light gray, calcarous silt loam

The Harney series was adopted as the Official State Soil of Kansas on April 12, 1990, when Governor Mike Hyden signed Senate Bill 96. The name "Harney" (meaning people) is derived from "harahey," an ancient Wichita Indian term for "Pawnee Indian," stemming from when Coronado journeyed across Kansas.

Harney soils have the ideal qualities of prairie soils. They are recognized as prime farmland and have excellent properties for producing food and fiber crops. These soils occur on about 4 million acres in west-central Kansas. Kansas is one of the top producers of wheat, grain sorghum, and silage in the nation because of Harney and other productive soils.

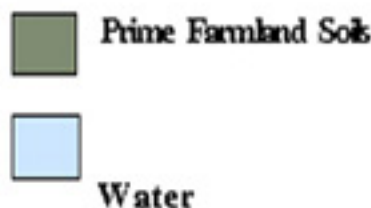
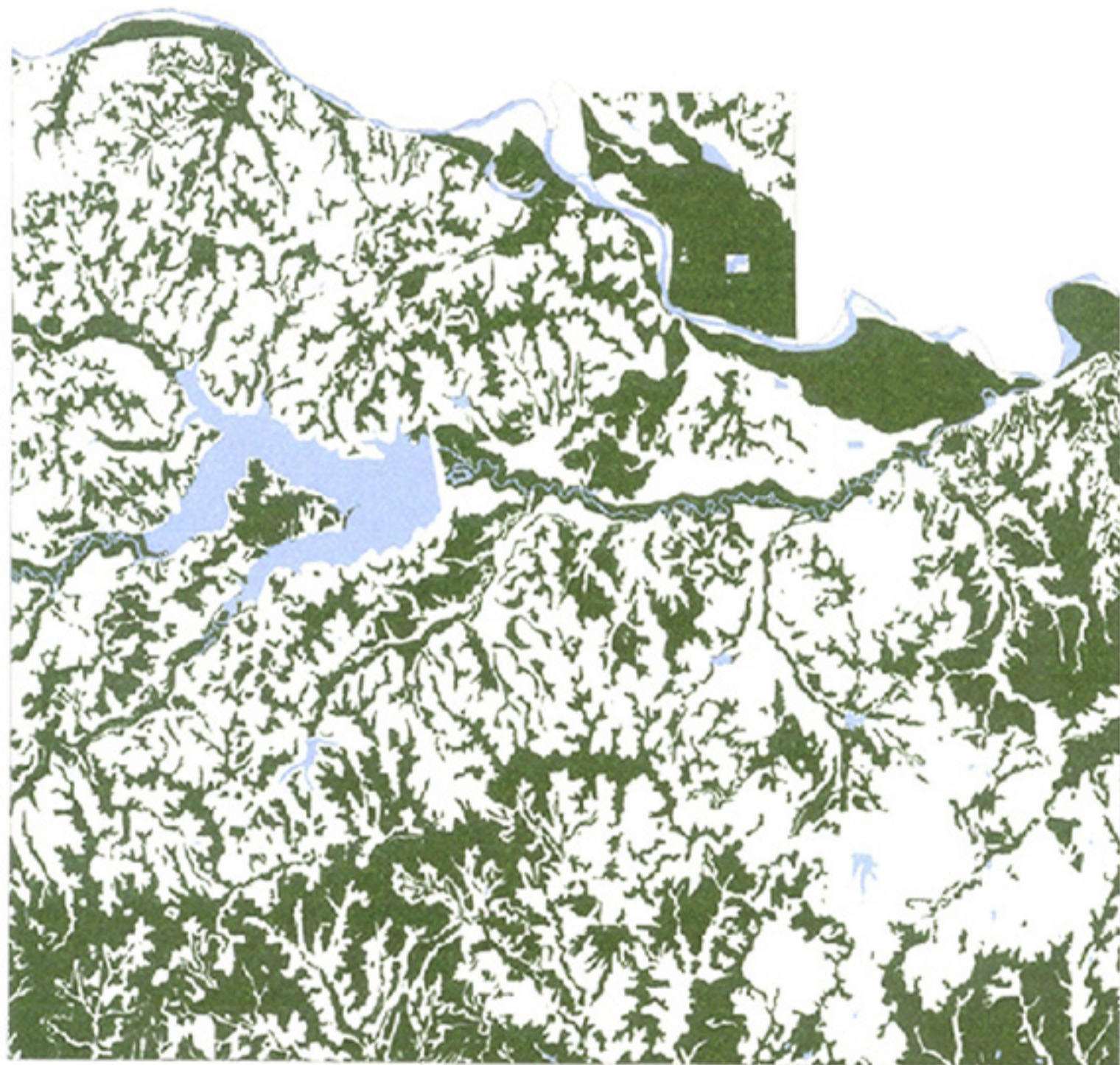


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DOUGLAS COUNTY, KANSAS

1999 GIS Map from USDA-NRCS
Soil Conservation Service



To: The Lawrence-Douglas County Planning Commission

Re: Horizon 2020 Environmental Chapter, August, 2010 Draft

Date: August 23, 2010

Dear Commissioners,

I am writing to request that you approve the Horizon 2020 Environmental Chapter, August, 2010 Draft.

The Chapter incorporates many forward-thinking, constructive guidelines for development policies that should protect and support a healthy environment for humans and wildlife in Douglas County.

I particularly applaud the guidelines that promote planning on the watershed level. This is the type of vision we need if we are to maintain our water quality and supply for the community, agriculture, industry and wildlife. It is also wonderful to see the emphasis on preserving productive farmland and developing ways to support and increase consumption of locally produced food. I'm also grateful for the stress placed in several parts of the document on connecting our open and green spaces so that wildlife can access resources needed for survival.

The Chapter shows understanding of the very important role of open space of various kinds in maintaining the mental and physical health of the community and in protecting our water supply through filtering of pollutants and groundwater recharge. I want to thank planners Amy Miller and Mary Miller for including in the August draft language suggested in April by our local WRAPS groups relating to the importance and understanding of the role played by riparian areas, stream corridors and prairies in maintaining water quality and controlling storm water runoff and flooding.

I hope that all stakeholders in the Lawrence community will become familiar with this document and use it to guide their development plans and dreams so that our beloved place on the earth will stay beautiful, productive and healthy for all the life that makes its home here.

With thanks to all who worked so hard on the Horizon 2020 Environmental Chapter,

Susan Iversen
Member, Stakeholder Leadership Team
Lower Kansas WRAPS

August 22, 2010

To: Lawrence/Douglas County Metropolitan Planning Commission:

Re: Chapter 16 ENVIRONMENT AUGUST 2010 DRAFT

For the most part, I believe that this chapter shows a great deal of forethought and promise that land-use planning will become much more sustainable upon full adoption and implementation of this chapter. However, there are a few key points that need correction:

Page 16-5 "Summary of Issues"

- 1) Water quality. The following sentence should be added at the end of the paragraph:
a. Minimizing soil erosion helps protect water supply reservoirs from premature siltation, thereby protecting water quantity as well.

Reason: The Kansas Water Office has reported that nearly all reservoirs in the state are being silted in far in advance of the projections made at the time of construction of the impoundments.

Page 16-6 Goals and Policies:

Goal 1: Should read: Properly manage all water resources, including: drainage areas, surface water courses, wetlands, ***groundwater***, floodplains, and storm-water runoff, in order to protect natural habitats, mitigate hazards, and ensure water quality.

Reason: The type of geology in Douglas County does not lend itself to "subsurface waterways" which suggests that there are narrow bands of flowing water below the surface. This type of condition is generally found in areas of karst topography. In Douglas County everything below the water table is saturated over a wide area, not in narrow bands. The groundwater then flows slowly in the direction of the gradient toward the discharge areas: streams, rivers and surface water reservoirs.

This change should be made throughout the document:

Page 16-7 Policy 1.5 Protect ***ground*** water resources.

Page 16-8 1.5 d Provide education and values of ***ground*** water resources

Page 16-39 GLOSSARY: Change sub-surface watercourses to ***Groundwater***

Page: 16-9: Policy 1.7 b

Change to: Develop strong erosion and sediment control policies on construction sites that include consistent and effective enforcement to ***eliminate or minimize sediment from reaching storm sewers or natural drainage areas.***

Page 16-25 AIR RESOURCES AND MANAGEMENT:

Should mercury be added to the list of pollutants sometimes present in the air? When present it does pose a serious health hazard.

Page 16-29 RESOURCE MANAGEMENT

It somehow seems incongruent to include timber as a resource for extraction, when a great deal of this document is devoted to explaining why Lawrence and Douglas County citizens should maintain or enhance our county and urban woodlands.

Page 16-31 WASTE MANAGEMENT

I realize that this might be considered somewhat frivolous; however, I'm going to present it any way. I'm appalled at the statistics on the millions of plastic bottle containers that are land filled on a monthly basis nationwide. [At the Container Recycling Institute's web site at the time of this writing, it showed that up to this time in 2010 there are more than 82,697,000,000 plastic bottles land filled, littered or incinerated.] There is so much misinformation about the quality of "bottled water" and if we paid the same amount for a gallon of gas for our vehicles, there would be a near revolution! I would love to see a policy address this issue:

Policy 5.3 Investigate the feasibility of establishing a "bottle deposit" fee in Lawrence and Douglas County to enhance the actual recycling rate of plastic bottles.

Thank you for your attention and consideration to these suggestions. I appreciate your efforts on this important issue.

Sincerely,

Joyce A Wolf

1605 East 318 Road

Lecompton, KS 66050

785-887-6019

**PLANNING COMMISSION REPORT
REGULAR AGENDA
Public hearing on Variance Requests**

PC Staff Report
08/25/10

ITEM NO 5: PRELIMINARY PLAT; RIVERSIDE BUSINESS PARK; 30.527 ACRES; 2030 PACKER COURT (MKM)

PP-6-5-10: Consider a Preliminary Plat for Riverside Business Park, a two lot subdivision containing approximately 30.527 acres, located at 2030 Packer Court and variances from Section 20-810(d)(2)(ii) requiring more than one access to the collector/arterial street network and from Section 20-810(d)(4)(i) requiring additional right-of-way for a principal arterial. Submitted by Bartlett and West for Riverside Development, Inc. and Riverside Business Park LLC, property owners of record.

STAFF RECOMMENDATION ON VARIANCE FROM SECTION 20-810(D)(2)(iii):

Staff recommends approval of the requested variance from the requirement in Section 20-810(d)(2)(iii) for more than one access point to the collector/arterial street system for more than 25,000 sq ft of nonresidential space subject to the following condition of approval:

1. The following note shall be added to the plat: "The property will be developed in compliance with the requirements of the International Fire Code (IFC) which may include sprinklering of buildings or provision of a fire access based on the size of development proposed."

STAFF RECOMMENDATION ON VARIANCE FROM SECTION 20-810(D)(4)(i):

Staff recommends approval of the requested variance from the requirement in Section 20-810(d)(4)(i) to allow the right-of-way for N Iowa Street to remain at 100 ft in this location. The plat shall be revised to indicate that this variance was approved.

STAFF RECOMMENDATION ON PRELIMINARY PLAT:

Staff recommends approval of the Preliminary Plat of the Riverside Business Park-Addition No 2 and forwarding the plat to the City Commission for acceptance of dedications of easements and rights-of-way subject to the following conditions of approval:

1. Provision of a revised plat with the following changes:
 - a. Show the access restriction graphically and add the following note: "No direct access shall be permitted to N Iowa Street".
 - b. Add the following note: *"The drainage, landscape, and utility easements along the south property line will be maintained as 'greenspace' to serve as a buffer for the residential properties to the south."*
 - c. Show the existing and proposed water main per approval of the City Utility Engineer.

Applicant's Reason for Request: To consolidate several lots into a larger lot for future industrial development.

KEY POINTS

- The combination and reconfiguration of lots proposed with this plat can be accomplished through an administrative Minor Subdivision; however, as several easements will be revised and public right-of-way will be vacated, it is being replatted through a Major Subdivision.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Section 20-810(d)(2)(iii) requires 2 or more access points to the arterial and collector street system for new subdivisions with more than 25,000 sq ft of nonresidential space. A variance has been requested from this requirement to permit 1 public access point.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- City Commission acceptance of dedication of easements and rights-of-way as shown on the preliminary plat.
- Final plat submitted to Planning Office for administrative approval and recordation at the Douglas County Register of Deeds.
- Submittal of public improvement plans and provision of assurance of means to complete public improvements prior to recording of the final plat.
- Site planning will be required prior to development.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required with the preliminary plat.
- *Downstream Sanitary Sewer Analysis* – A letter dated June 18, 2010, states that the site use is undetermined and a full downstream sanitary sewer analysis will be completed at the time of the future site plan. Department of Utilities agrees that the DSSA is better addressed when the lot use is known.
- *Drainage Study* – A drainage study will be required with any site plan for this property, but is not required at this time.
- *Retail Market Study* – Not required per Sec. 20-1107 of the Development Code

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Site Summary

Gross Area:	29.380 acres (1,279,792 sq ft)
Number of Lots:	2
Area of Lots:	Lot One 26.333 acres (1,147,000 sq ft)
	Lot Two 3.057 acres (133,152 sq ft)

GENERAL INFORMATION

Current Zoning and Land Use: IG (General Industrial) District; undeveloped.

Surrounding Zoning and Land Use:

To the west:

- IG (General Industrial) District, pet food manufacturing and beverage distribution facility, *General Industrial* uses and an undeveloped property.

To the south:

- IG (General Industrial) District south of Lot 2; undeveloped parcel with County A (Agricultural) District to the south of that, developed with a *detached dwelling*.
- County A-1 (Suburban Home) District; land outside the city limits developed with *detached dwellings*.

To the east:

- County A-1 (Suburban Home) District, land outside the city limits, developed with *detached dwellings*.
- County I-4 (Heavy Industrial) District; land outside the city limits, undeveloped.

To the north:

- County I-4 (Heavy Industrial) District; property used in conjunction with electric power plant, a *major utility*.

STAFF REVIEW

The subject property is platted, but has not been developed. The property is being replatted to provide a larger lot for industrial development.

Zoning and Land Use

The subject property is zoned IG (General Industrial) District which is intended to accommodate moderate and high-impact industrial uses, including large scale or specialized industrial operations. No uses are being proposed at this time.

Streets and Access

A portion of property fronts N Iowa Street. Access will be provided to N Iowa Street from Packer Court. No direct access shall be permitted to N Iowa Street. The previously approved plat for this property did not permit access to N Iowa Street for the frontage included in the proposed Lot 2. The plat should note this access restriction and show it graphically. Packer Court was platted as a 800 ft long cul-de-sac with Riverside Business Park Addition. With this plat, the length of this cul-de-sac will be reduced to approximately 400 ft; therefore, a portion of the right-of-way for Packer Court is being vacated.

Section 20-810(d)(2)(iii) of the Subdivision Regulations requires 2 or more access points to the collector and arterial street system for any property with more than 25,000 sq ft of non-residential space. A variance from this design standard has been requested with this plat and will be discussed later in the report.

Fire Code requires 2 access points unless the buildings will be sprinklered, although they do not both need to be public access. As the use and building size have not been determined at this time a note should be added to the plat which states that the Fire Code requirements adopted at the time of development must be adhered to relative to access.

Section 20-810(d)(2) requires that streets provide for street connections to adjacent undeveloped land. The property was platted as the Anna Hope Subdivision in May of 1981 and was replatted as the Riverside Business Park in June of 2002. An additional 40 Ft of right-of-way for Wisconsin Street was dedicated with the Riverside Business Park so street right-of-way

extended to the southern property line of Lot 20, Wells Acres. As all adjacent lots have access to an improved street, additional right-of-way is not required with this plat.

Utilities and Infrastructure

Sanitary sewer lines are located in utility easements near the northern and southern property lines. These lines and easements will remain. The existing watermain must be shown to ensure that the water main is available to the proposed lots for services, fire lines and fire hydrants. The plat should be revised to show the existing water main and proposed alterations per approval of the City Utility Engineer.

Fire access roads must be provided within 150 ft of the exterior wall of the first floor of any structure. When this property is site-planned it will be necessary to include approved fire apparatus access roads around any structure.

Easements and Rights-of-way

N Iowa Street is designated a 'principal arterial' on the Major Thoroughfares Map. 100 ft of right-of-way is currently provided for N Iowa Street in this location. Section 20-810(d)(4)(i) of the Subdivision Regulations requires 150 ft of right-of-way for principal arterials. The applicant has requested a variance from this design standard. The variance is discussed later in this report.

A drainage easement is located in the northern portion of the property. It is approximately 190 ft wide at the midway point of the northern lot line. A drainage easement is also located in the southeast corner of the property and extends along the southern side of the property to approximately 300 ft from N Iowa Street. A 50 ft landscape easement with a berm is located along the south side of the property just north of this drainage easement. A 20 ft utility easement borders the interior of the drainage or landscape easements. The previously approved plat contained a note that the drainage, landscape, and utility easements would be maintained as 'greenspace' to serve as a buffer for the residential properties to the south. This note should be added to this plat as well.

Environmentally Sensitive Lands

A stream corridor and mature stand of trees, as defined in the Development Code, is located in the northern portion of the property. This area is currently within a drainage easement which is also shown on the replat.

VARIANCES

Section 20-810(d)(2)(iii) of the Subdivision Regulations prohibits approval of any new subdivision in which more than 25,000 sq ft of nonresidential space will have access to the public road system via a single outlet to the arterial and collector street system as shown on the adopted Major Thoroughfares Plan. A variance is being requested to permit one public access to the collector and arterial street system. Section 20-810(d)(4)(i) requires 150 ft of right-of-way for principal arterials. A variance is being requested to permit N Iowa Street right-of-way to remain at 100 ft.

Section 20-813(g) states that the Planning Commission may grant a variance from the design standards of these regulations only if the following three criteria are met: that the strict application of these regulations will create an unnecessary hardship upon the Subdivider, that the proposed variance is in harmony with the intended purpose of these regulations and that the public health, safety and welfare will be protected.

The evaluations below review the proposed development with the criteria necessary for granting a variance.

Variance From Access Requirement in Section 20-810(d)(2)(iii)

Criteria 1: Strict application of these regulations will create an unnecessary hardship upon the Subdivider.

Applicant's Response:

"This is an existing platted site. Lot 1 is land-locked by existing conditions which include landscape easement with berm and residential housing to the south, unplatted county land to the east, drainage easement with existing creek to the north. Existing Wisconsin Street to the SE of the property has been partially vacated and is adjacent to a drainage easement."

The property was previously platted and the street system was laid out with only one access to the collector and arterial street system. This plat is consolidating 5 lots into 1 and slightly enlarging the lot closest to N Iowa Street, Lot 2. The replat permits the construction of a larger industrial building rather than 5 individual building sites. These changes should not result in any higher intensity of use for the area.

A second public access to this property may be possible if an easement were obtained so that a drive could be constructed across the Westar property to the east. However, traffic would then pass through a residential neighborhood south of the Westar property in order to access the nearest collector street, Riverridge Drive, (Figure 1). The type and amount of traffic associated with industrial uses may not be suitable for a local street through a residential neighborhood.

The property was previously platted with one access point to the collector/arterial street system and this replat is reducing the number of lots from 6 to 2. Given the type of change being proposed with this plat, and the possible impact the second access could have on existing neighborhoods, the provision of this additional access would be an unnecessary hardship.

Criteria 2: The proposed variance is in harmony with the intended purpose of these regulations.

Applicant's Response:

"Packer Court is roughly 450 feet in length. The end of Packer Court is a relatively short distance from North Iowa Street. There will be direct access to Lot 1 from the cul-de-sac. We feel this in no way will adversely affect the health, safety and welfare of the public. When Lot 1 is site planned fire protection issues will be addressed as required."

If a second access were provided to the east, industrial traffic would travel through residentially zoned properties to access the site. Maintaining the single access, while reducing the number of lots, would maintain the traffic patterns through the neighborhood which had been previously approved. It is not possible to foretell the impact that the proposed reduction in the number of lots would have on the intensity of use (primarily traffic). The reduced number of lots may reduce the number of different industrial facilities that would be located on the property; however, larger buildings may be possible.

Criteria 3: The public health, safety and welfare will be protected.

"Packer Court is roughly 450 feet in length. The end of Packer Court is a relatively short distance from North Iowa Street. There will be direct access to Lot 1 from the cul-de-sac. We feel this in no way will adversely affect the health, safety and welfare of the public. When Lot 1 is site planned fire protection issues will be addressed as required."

[illegible]

STAFF RECOMMENDATION

Staff recommends approval of the variance request from Section 20-810(d)(2)(iii) to permit the replatting of the subject property with the previously approved single access to the collector or arterial street system. A note should be added to the plat which specifies that the development will comply with the requirements of the adopted Fire Code.

Variance From Right-of-Way Requirement in Section 20-810(d)(4)(i)

Criteria 1: Strict application of these regulations will create an unnecessary hardship upon the Subdivider.

Applicant's Response:

"The existing right-of-way at 100' wide provides adequate width for current and future road improvements along North Iowa Street. Since the property has already been plated and intends to keep the frontage and cul-de-sac access the same as the previous plat, we request the additional 25' of right-of-way be waived in this unique situation."

The majority of N Iowa Street has been developed. (Figure 2) It is often problematic to require the additional right-of-way which is required in the Development Code for principal arterials in areas that have been developed or partially developed. As a 20 ft utility easement is provided along the street right-of-way, and it is highly unlikely that N Iowa Street will be widened in the future, the City Engineer indicated he has no objection to the variance.

As the additional right-of-way has been determined to be unnecessary at this location, dedication of the right-of-way would result in an unnecessary hardship to the applicant.

Criteria 2: The proposed variance is in harmony with the intended purpose of these regulations.

Applicant's Response:

"This variance does not propose any future hardships for traffic planning along North Iowa Street in the future and is in harmony with current land use planning regulations."

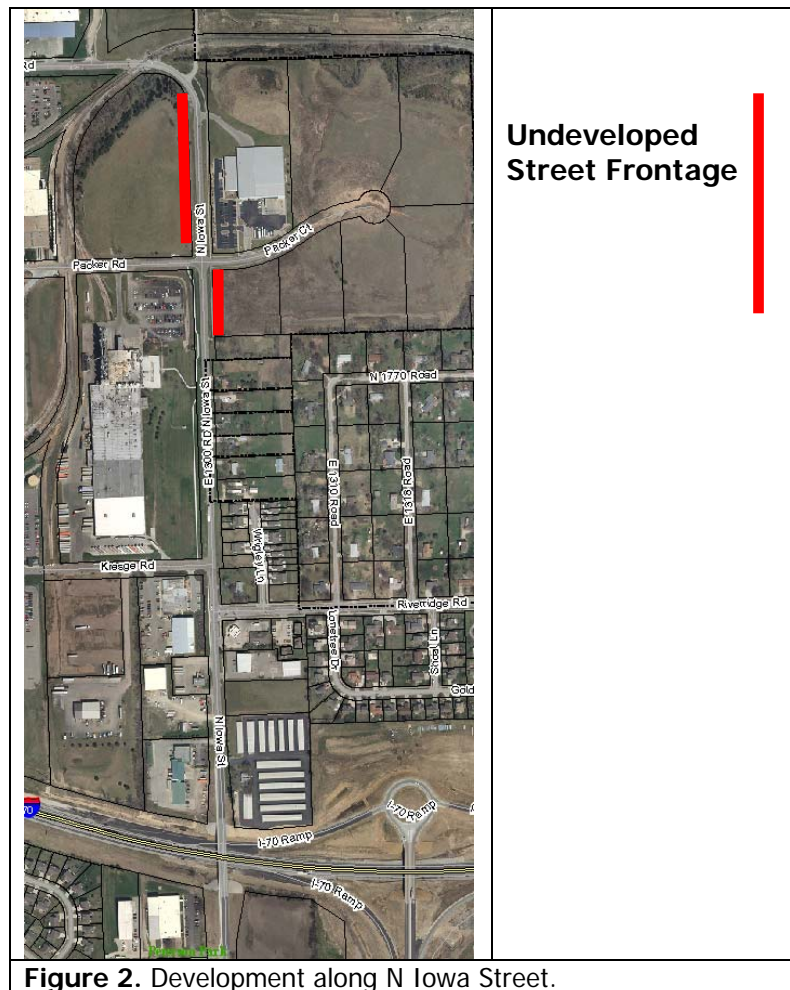
The purpose of the Subdivision Regulations is to provide for the harmonious and orderly development of land and to contribute to conditions conducive to health, safety, aesthetics, convenience, prosperity and efficiency. The wider right-of-way required in the 2006 Subdivision Regulations is intended to provide adequate space for the roadway, utilities, sidewalks and other features. The Subdivision Regulations are also intended to coordinate the development of each parcel of land with the existing community and facilitate the proper development of adjoining land [Section 20-801(2)(iv)]. In this case, the utilities, roadway and sidewalks have been installed and the amount of right-of-way provided is consistent with that provided for the remainder of N Iowa Street. The proposed variance is in harmony with the intended purpose of the Subdivision Regulations.

Criteria 3: The public health, safety and welfare will be protected.

Applicant's Response:

"The acceptance of this variance does not pose any threat to the public health, safety and welfare of the citizens of Lawrence."

The proposed plat will combine existing lots in preparation for industrial development. The lots will each meet the density and dimensional requirements of the IG Zoning District. The variance will permit the right-of-way for Iowa Street to remain at 100 feet in this location, which the City Engineer had indicated was acceptable and is in keeping with the remainder of N Iowa Street. In staff's opinion, there will be no negative impact on the public, health, safety and welfare.



STAFF RECOMMENDATION

Staff recommends approval of the variance request from Section 20-810(d)(4)(i) to permit the right-of-way for N Iowa Street to remain at 100 ft in consistency with the remainder of the street.

Conformance

With the approved variances and recommended conditions, the preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.

A PRELIMINARY PLAT OF RIVERSIDE BUSINESS PARK - ADDITION NO. 2

A REPLAT OF RIVERSIDE BUSINESS PARK
LOTS 1, 2, 4, 5, 6 AND 7
IN THE
CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS,
(BEING THE NW 1/4 OF THE NW 1/4 OF SECTION 24, TWP. 12 S., RANG. 19 E.)

LEGAL DESCRIPTION

A REPLAT OF LOTS 1, 2, 4, 5, 6 AND 7, BLOCK ONE OF RIVERSIDE BUSINESS PARK, A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6TH P.M., CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, CONTAINING 30.527 ACRES, MORE OR LESS.

GENERAL NOTES

- DEVELOPER/APPLICANT:
BLOCK 1, LOT 4
RIVERSIDE DEVELOPMENT, INC.
ATTN: MICHAEL TREANOR
110 McDONALD DRIVE, SUITE 192
LAWRENCE, KS 66044
- DEVELOPER/APPLICANT:
BLOCK 1, LOTS 1, 2, 5, 6 & 7
RIVERSIDE BUSINESS PARK, LLC
ATTN: MICHAEL TREANOR
110 McDONALD DRIVE, SUITE 192
LAWRENCE, KS 66044
- LANDPLANNER:
BARTLETT AND WEST, INC.,
628 VERMONT STREET,
LAWRENCE, KANSAS 66044-2252
- TOPOGRAPHY PROVIDED BY:
STEVE MARINO, R.L.S.,
BARTLETT AND WEST, INC.,
628 VERMONT STREET,
LAWRENCE, KANSAS 66044-2252
- EXISTING ZONING: IG
- EXISTING LAND USE: UNDEVELOPED
- PROPOSED LAND USE: INDUSTRIAL
- TYPICAL SOIL TYPE:
Wb - WOODSON SILT LOAM, 1-3 PERCENT SLOPES
Pd - SHARPSBURG SILT LOAM, 4-10 PERCENT SLOPES
Pc - PAWNEE CLAY LOAM, 3-7 PERCENT SLOPES
Kc - KENNEBEC SOILS, CHANNLED
- POSSIBLE RAIL ROAD RIGHT-OF-WAY WITH NO RECORDED DOCUMENTS. RAILWAY SHOWN NORTH OF PROPERTY.
- PER SECTION 20-811(1) - TELEPHONE, CABLE TELEVISION AND ELECTRICAL LINES SHALL BE LOCATED UNDERGROUND. THIS PROVISION SHALL NOT APPLY TO HIGH VOLTAGE ELECTRICAL LINES.
- PER SECTION 20-811(2)(g) - TREES SHALL NOT BE PLANTED CLOSER THAN 8 FEET FROM AN EXISTING UTILITY LINE, INCLUDING WATERLINE.

PROVISIONS AND FINANCING OF ROADS, SEWERS, WATER AND OTHER PUBLIC SERVICES

- THE SUBDIVISION CONTAINS AN EXISTING PUBLIC STREET (PACKER COURT). A NEW CUL-DE-SAC WILL BE CONSTRUCTED NEAR THE CURRENT END OF THE STREET.
- WATER SERVICE AND WASTEWATER SERVICE WILL BE HANDLED VIA THE CITY OF LAWRENCE.
- ALL INTENDED IMPROVEMENTS WILL BE PAID FOR VIA PRIVATE FINANCING.

BENCHMARK

BM-1
"X" CUT IN NORTH END OF HEADWALL BETWEEN
NORTH IOWA STREET, LAKEVIEW ROAD AND THE
RAILROAD TRACKS, ±100' NORTHWEST OF NW
CORNER OF SECTION 24-12-19.
(INFORMATION FROM ANNA HOPE INDUSTRIAL
PARK FINAL PLAT)
ELEV.: 854.21

ANNOTATIONS

CALC - CALCULATED MEASUREMENT
PLAT - PLATTED MEASUREMENT
MID - MEASURED THIS SURVEY
DEED - DEEDED MEASUREMENT
R/W - RIGHT-OF-WAY
D/E - DRAINAGE EASEMENT
U/E - UTILITY EASEMENT

MONUMENTATION

- EXISTING IRON PIN, ORIGIN UNKNOWN
EXCEPT WHERE NOTED
- EXISTING SECTION CORNER MONUMENT
(UNKNOWN ORIGIN)

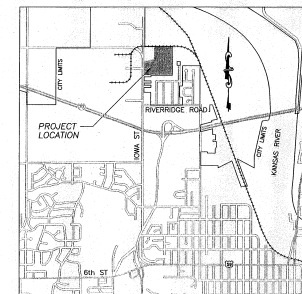
SITE SUMMARY

GROSS AREA: 30.527 ACRES
RIGHT-OF-WAY: 1.147 ACRES
NET AREA: 29.380 ACRES

TOTAL NUMBER OF LOTS: 2
LOT 1 SIZE: 26.333 ACRES
LOT 2 SIZE: 3.057 ACRES
AVERAGE LOT SIZE: 14.695 ACRES

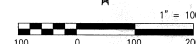
FLOOD PLAIN

ZONE X -
AREAS OF 500 YEAR FLOOD; AREAS OF 100
YEAR FLOOD WITH AVERAGE DEPTHS OF LESS
THAN 1 FOOT OR WITH DRAINAGE AREAS LESS
THAN 1 SQUARE MILE; AND AREAS PROTECTED
BY LEVEES FROM 100 YEAR FLOOD



NOT TO SCALE
LOCATION MAP

CURVE	LENGTH	RADIUS	CHORD	DELTA
C1	344.90'	560.00'	331.42'	142°28'24"
C2	347.47'	80.00'	131.97'	248°31'26"
C3	33.31'	80.00'	33.07'	23°31'26"
C4	314.85'	640.00'	311.69'	28°11'33"



RECEIVED

AUG 11 2010

City Planning Office

Lawrence, Kansas

6/21/10

EXPOSURE FOR CITY COMMENTS

DESIGNED BY: RLW

DRAWN BY: RLW

APPROVED BY: DRA

DESIGN PROJ: 15731.001

15731.001

SCALE: AS SHOWN

DATE: JUNE, 2010

DRAWING NO: PP01

SHEET NO: 1 OF 1

ORIGINAL SUBMITTAL DATE: JUNE 21, 2010

A PRELIMINARY PLAT OF

RIVERSIDE BUSINESS PARK - ADD. NO.2

A REPLAT OF RIVERSIDE BUSINESS PARK

LOTS 1, 2, 4, 5, 6 AND 7

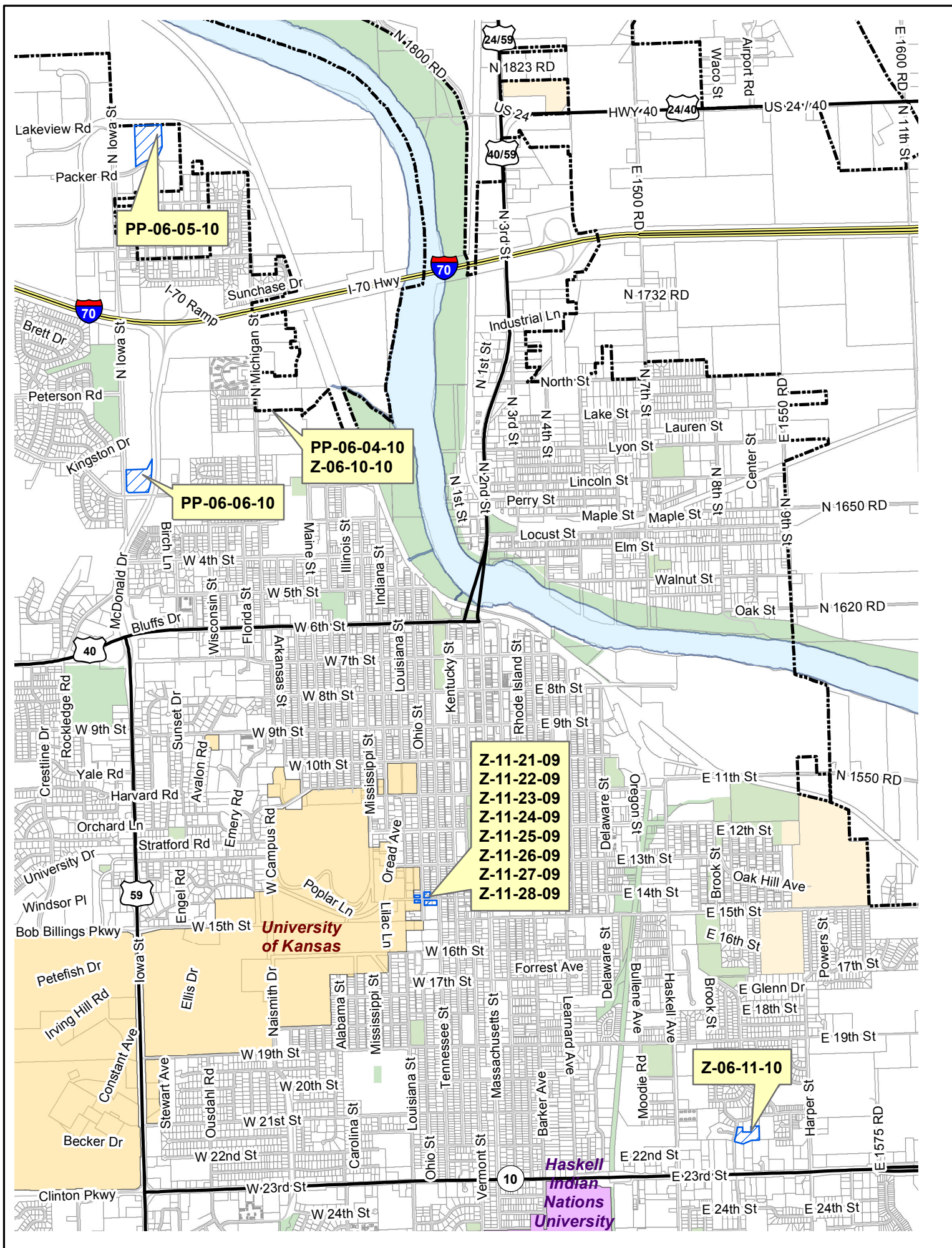
LAWRENCE, DOUGLAS COUNTY, KANSAS

BARTLETT & WEST

628 VERMONT STREET, SUITE 192

LAWRENCE, KANSAS 66044-2252

PHONE: 785-842-4444 FAX: 785-842-4444



**PLANNING COMMISSION REPORT
REGULAR AGENDA**

PC Staff Report
08/25/10

ITEM NO 6: PRELIMINARY PLAT; HALLMARK ADDITION; 5.252 ACRES; 151 MCDONALD DR (MKM)

PP-6-6-10: Consider a Preliminary Plat for Hallmark Addition 3rd Plat, a three lot subdivision containing approximately 5.252 acres, located at 151 McDonald Drive and a waiver request from the requirement in Section 20-811 to provide sidewalks along all street frontages. Submitted by Paul Werner Architects for Downtown Equities II, LC, property owner of record.

STAFF RECOMMENDATION ON WAIVER:

Staff recommends the forwarding of the waiver from the requirement to provide sidewalks along McDonald Drive to the City Commission with a recommendation for approval subject to the following condition:

1. Execution of an Agreement Not to Protest the Formation of a Benefit District for future installation of sidewalk.

STAFF RECOMMENDATION ON PRELIMINARY PLAT:

Staff recommends approval of the Preliminary Plat of the Hallmark Addition 3rd Plat and forwarding the plat to the City Commission for acceptance of dedications of easements subject to the following conditions:

1. Provision of a revised plat with the following changes:
 - a. Relocation of the waterline within the access/utility easement with a connection at North Iowa Street and Princeton Boulevard.
 - b. Re-labeling of 'access easement' as 'access/utility easement'.
 - c. Provision of the following notes regarding the access easement and the joint use driveway: "*The access easement and joint use driveway will be privately-owned and maintained.*" and "*The access easement is provided for the purpose of establishing onsite multi-modal circulation. The easement shall not be gated and shall remain unobstructed for vehicles, pedestrians and bicycles.*"
 - d. Revision of General Note 8 to indicate that the drainage easement will be privately maintained *unless* the City accepts ownership.
 - e. Show Fire Hydrants located no further than 500 ft apart as required in the International Fire Code.
 - f. Revision of legal description to identify the property as Hallmark Addition 3rd Plat.
 - g. Provision of a note which states that access to McDonald Drive, Princeton Boulevard, and N Iowa Street is restricted as shown on the plat.
 - h. Revision of the sanitary sewer to extend straight to the west across N Iowa Street.
 - i. Revision of General Note 10 to indicate that the 6 ft wide sidewalks will be installed with the public improvements.
2. Submittal of Public Improvement Plans to the Public Works Department for acceptance prior to the recording of the final plat.
3. Provision of certification that the public improvements have been completed or one of the means listed in 20-811(h)(2) for ensuring completion of required public improvements prior to the recording of the final plat.
4. Execution of an Agreement Not to Protest the Formation of a Benefit District for sidewalk, stormsewer or street improvements prior to the recording of the final plat.

Applicant's Reason for Request: Division of land to create smaller lots prior to development.

KEY POINTS

- The subject property was divided from Lot 1 Hallmark Addition through a Minor Subdivision, Hallmark Addition 2nd Plat, in 2009. Variances which were approved with this minor subdivision remain applicable and are noted on the preliminary plat.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Variance from right-of-way requirement in Section 20-810(d)(4)(i) of the Subdivision Regulations was requested with a previous minor subdivision for this property, Hallmark Addition 2nd Plat (MS-9-10-08), and was approved by the Planning Commission at their January 28, 2009 meeting.
- On April 2, 2009, the City Engineer approved a waiver request from the access management standards in Section 20-915(e)(2)(ii) to permit a driveway to access Princeton Boulevard in the midpoint of Lot 2 in association with the Minor Subdivision noted above.
- The applicant is requesting a waiver from the requirement to provide sidewalks along the street frontage [Section 20-811(c)] for the frontage along McDonald Drive. The City Commission is the decision making body on this waiver.

ASSOCIATED CASES/OTHER ACTION REQUIRED

PRELIMINARY PLAT

- City Commission acceptance of dedication of easements and right-of-way as shown on the preliminary plat.
- City Commission determination on waiver request from requirement to provide 6 ft wide sidewalk along McDonald Drive. If approved, a note to that effect will be added to the plat. If denied, the sidewalk will be installed with the public improvements.

FINAL PLAT

- Final Plat submitted to Planning Office for administrative approval and recordation at the Douglas County Register of Deeds.
- Submittal of public improvement plans.
- Certification of completion of public improvements or provision of means of ensuring completion of required public improvements.
- An agreement not to protest the formation of a benefit district for sidewalk, stormsewer and street improvements must be executed and provided to the Planning Office for recording with the plat.

SITE PLAN

- Site plans submitted for administrative approval prior to development.
- A Stormwater Pollution Prevention Plan (SWP3) and an Erosion Control Plan (ECP) must be provided and accepted by the Stormwater Engineer prior to any construction activity.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required with the preliminary plat. Will be required with site plan.
- *Downstream Sanitary Sewer Analysis* – The DSSA has been accepted.
- *Drainage Study* – A drainage study was provided and accepted.
- *Retail Market Study* – Not required. Retail uses in this zoning district may not exceed 50,000 sq ft per condition placed on the re-zoning to the IL District. Zoning Ordinance No. 8511.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Site Summary

Gross Area: 5.252 acres (228,764 sq ft)
Number of Lots: 3
Area of Lots: Lot 1- 1.732 acres (75,441 sq ft)
Lot 2- 1.662 acres (72,418 sq ft)
Lot 3- 0.893 acres (38,891 sq ft)

GENERAL INFORMATION

Current Zoning and Land Use: IL (Limited Industrial) with conditions; undeveloped.

Surrounding Zoning and Land Use: To the north: IG (General Industrial) District; Manufacturing and warehousing (Hallmark Cards facility)
To the west: RM12 (Multi-Dwelling Residential) District; multi-dwelling residential units.
To the east: GPI (General Public and Institutional Uses) District; School District administrative offices.
To the south: RS10 (Single-Dwelling Residential) District; National Guard Armory Administrative Offices.

STAFF REVIEW

The subject property is undeveloped and is currently platted as one lot. This plat proposes to divide the existing lot into 3 lots which will share a common access drive from Princeton Boulevard to N Iowa Street.

Zoning and Land Use

The subject property is zoned IL (Limited Industrial) District with conditions. The IL District is intended to accommodate low-impact industrial, wholesale and warehouse operations that are employment-intensive and compatible with commercial land uses. The IL Zoning was approved with conditions which limited the permitted uses in the District and the amount of retail development. The use restrictions are listed in Table 1, below.

The following uses are not permitted in this Zoning District, per Ordinance No 8511:	
Mobile Home	Gas and Fuel Sales
Detention Facilities	Heavy Equipment Sales/ Rental
Cemetery	Inoperable Vehicles Storage
Livestock Sales	RV and Boats Storage
Fast Order Food, with Drive-in	Heavy wholesale, Storage & Distribution
Retail Sales and Services-Food and Beverage	Recycling Facilities, Large Collection
Mixed Media Store	Recycling Facilities Processing Center
Cleaning (Vehicle Sales and Services)	
The following uses are permitted but are limited to a total of 15,000 gross square feet for either one or a combination of these uses:	
Retail Sales and Services-Personal Convenience	
Retail Sales and Services-Personal Improvement	
Retail Sales, General	
Commercial Parking Facilities shall be allowed except that no vehicle with a Gross Vehicle Weight (curb weight plus payload) of more than 6000 lbs is permitted.	
Table 1. Use restrictions per IL (District) Conditional Zoning for this property.	

No uses are being proposed at this time. When uses are proposed, the property will be required to be site planned and only uses that are compliant with the restrictions in Ordinance 8511 will be permitted.

Streets and Access

The property is bounded by McDonald Drive on the east, N Iowa Street on the west and Princeton Boulevard on the south. McDonald Drive and N Iowa Street are classified as principal arterials and Princeton Boulevard is classified as a minor arterial on the Major Thoroughfares Map. N Iowa Street and Princeton Boulevard are located within City right-of-way, but McDonald Drive is located within Kansas Turnpike Authority (KTA) right-of-way. Right-of-way provided for the abutting streets complies with the requirements in Section 20-810(d)(4)(i) with the exception of N. Iowa Street. At the January 28, 2009 meeting, the Planning Commission granted a variance from the right-of-way requirement to permit the N Iowa St. right-of-way to remain at 100 ft at this location. This variance remains applicable with this subdivision and a note referencing this variance has been placed on the plat.

As the property is bounded by arterial streets on 3 sides, access restrictions apply to all sides and are shown on the plat. Per Section 20-915(e)(1)(i) all driveways providing access to arterial streets shall be constructed so that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection is at least 300 feet from the perpendicular curb face of the intersecting street. Per Section 20-915(e)(3)(i) of the Subdivision Regulations, the City Engineer approved a waiver from the access standards for the access point on Princeton Boulevard based on the fact that access is limited by virtue of it being a median separated road and the turning movement would be limited to 'right in/right out' turns only. The KTA representative indicated that a note on the plat indicating that 'any access point on McDonald Drive must be approved by KTA prior to construction' would be adequate for their access restriction. This restriction applies to areas that are beyond the City's restricted access.

Utilities and Infrastructure

A sanitary sewer main will be extended to serve all 3 lots. The plat shows the sanitary sewer line in an easement, which then follows the west property line to the north where it crosses N Iowa Street. The Utility Department approved a different configuration, with the sanitary sewer line continuing straight across N Iowa Street from the sanitary sewer easement. A water main is also required to be extended and the Utilities Department indicated that it would be appropriate to locate the water main in the access easement with a connection to Princeton Boulevard and N Iowa Street. The access easement should be relabeled 'access/*utility*' easement to clearly identify its purpose.

A 6' wide sidewalk is required along the west, south, and east property lines as the property is bordered on all sides by arterials. Per Section 20-811(c)(1)(i) a 10 ft bicycle/recreation path is required on one side of a principal arterial. The Bicycle Route Map indicates that a bicycle/recreation path is planned for North Iowa Street. As park land is located on the west side of N Iowa Street, the bicycle/recreation path would be more appropriate on the west side and a 6 ft wide sidewalk on the east side adjacent to the subject property. The sidewalks are required to be installed with the public improvements and must be shown on the public improvement plans but are not required to be shown on the preliminary plat. As adequate right-of-way is not available for a 6 ft wide sidewalk along Princeton Boulevard, the property owner will dedicate a 'utility/pedestrian access easement' rather than the current 'utility easement' along the southern property line to accommodate the sidewalk.

The applicant requested a waiver from the requirement in Section 20-811(c) to install a sidewalk along McDonald Drive. This waiver will be forwarded to the City Commission for consideration with the preliminary plat and is discussed later in the Staff Report.

Easements and Rights-of-way

The Planning Commission approved a variance from Section 20-810(d)(4)(i) to permit the right-of-way for N Iowa Street to remain at 100 ft at this location, with a minor subdivision [MS-9-10-08] which divided the subject property from the larger Hallmark property to the north. This variance remains applicable with this further subdivision of the property.

A drainage easement was provided on this property when it was originally platted as part of Lot 1, Hallmark Addition in 1997. A portion of this easement is being vacated with this plat and the remainder of the drainage easement will be contained in Tract A. General Note 8 states that the drainage easement will be privately owned and maintained until the City accepts ownership. This language should be revised to '*unless*' the City accepts ownership for clarity.

Utility easements are being provided along the perimeter of the lots. A utility/pedestrian access easement is being dedicated along the Princeton Boulevard street frontage to accommodate the 6 ft wide sidewalk. An access easement is being dedicated to accommodate the shared drive which accesses Princeton Boulevard and N Iowa Street. The easement should be labeled as a 'access/utility' easement as the waterline will also be located within this easement. The plat should note that this easement will be privately owned and maintained and include the following wording "*The access easement is provided for the purpose of establishing onsite multi-modal circulation. The easement shall not be gated and shall remain unobstructed for vehicles, pedestrians and bicycles.*"

Waiver

The applicant is requesting a waiver from the City Commission from the requirement to install a sidewalk along McDonald Drive. Section 20-811 states that the Planning Commission may make a recommendation on such waiver request, but final action on the request shall be by the Governing Body, as part of the preliminary plat review. The applicant listed the following justification for the waiver request:

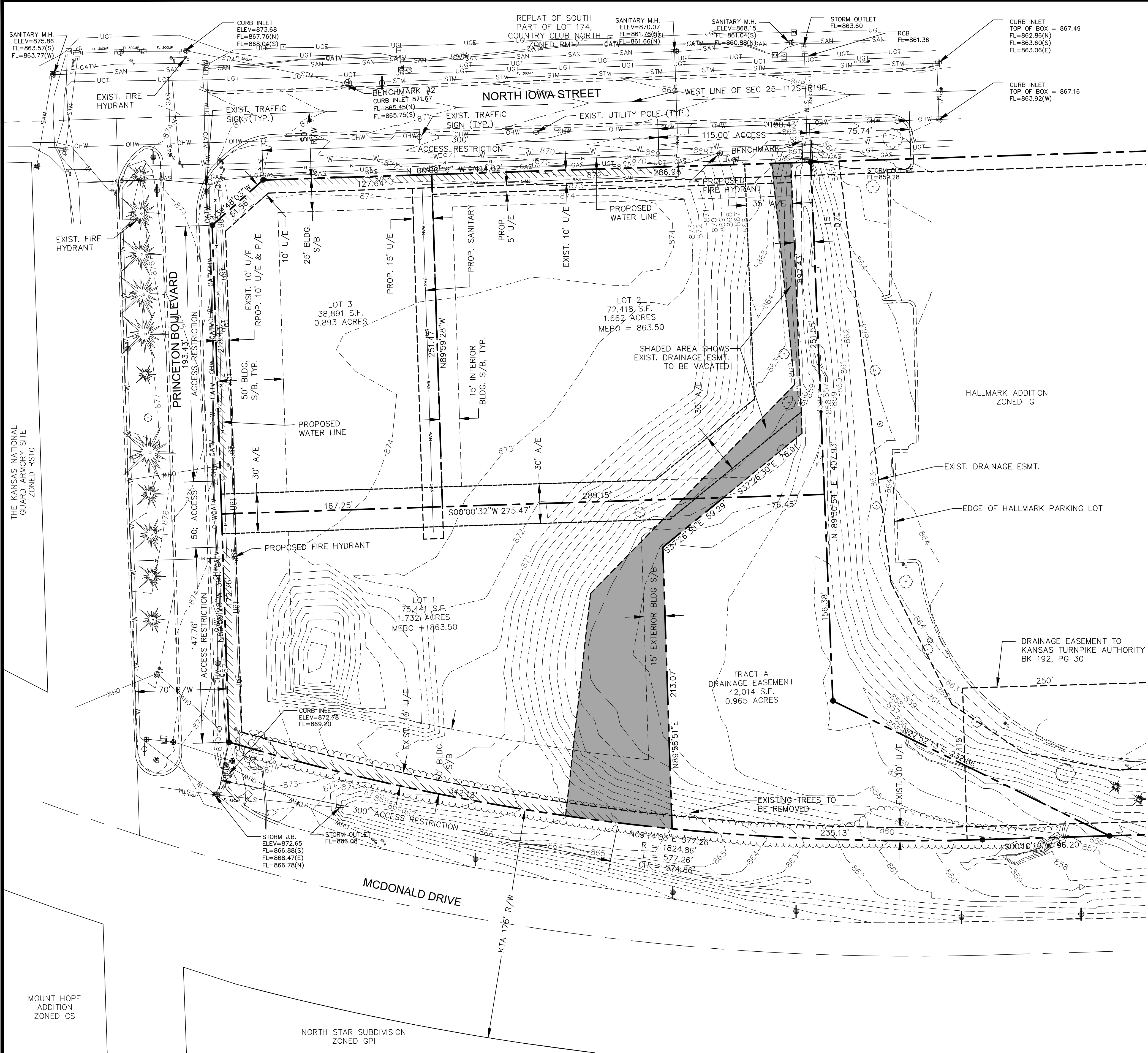
1. *McDonald Drive doesn't have an end destination other than the KTA booth which is obviously car oriented. The need for a sidewalk to that location is relatively non-existent.*
2. *There is not a good location for a sidewalk along McDonald Drive because it will come to the large drainage ditch and culvert on the north side of this proposed development. Without a way to cross the drainage easement pedestrians would have to get onto the McDonald Drive shoulder to continue north. When it comes to pedestrian safety this is not a recommended solution. It is important to note that the proposed development comes to an end before the sidewalk comes to the drainage ditch.*
3. *It's unknown at this time what it would take between the City, private owners and KTA to get a sidewalk/bridge over the drainage ditch but it will be a large cost for a dead end sidewalk that ends at the KTA booth.*
4. *Pedestrian access will be provided on Princeton and Iowa to get pedestrians to Hallmark and the proposed development.*

Staff agrees that there are obstacles to the extension of a sidewalk along McDonald Drive; however, it may be possible to extend a sidewalk to access Hallmark in the future. The KTA toll booth and Interstate Highway to the north would limit pedestrian access further north. Staff recommends approval of the waiver subject to the condition that the Agreement Not to Protest

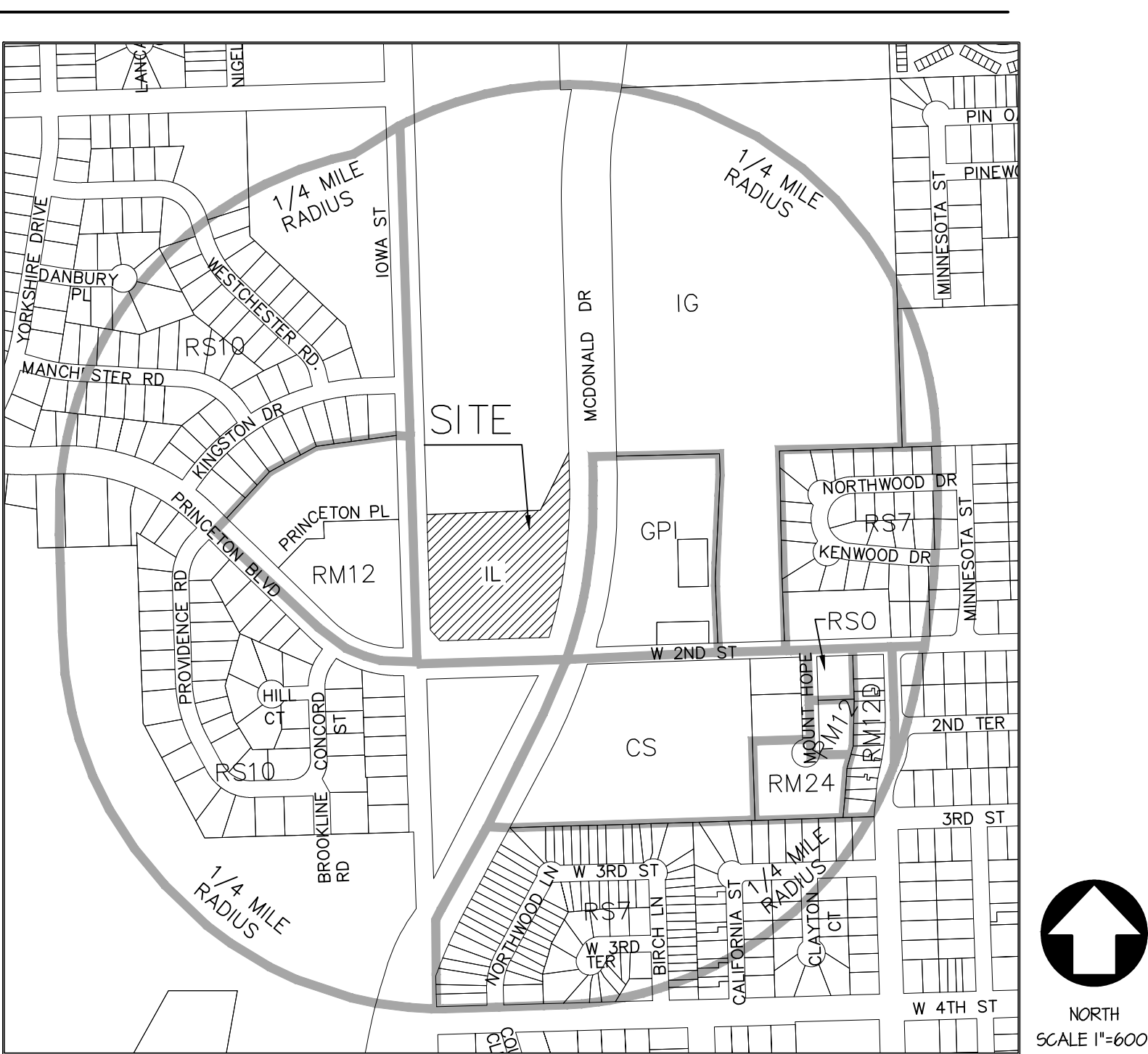
the Formation of a Benefit District include sidewalks as well as stormsewer and street improvements.

Conformance

With the approved variance and recommended conditions, the preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.



LOCATION MAP:



LEGAL DESCRIPTION

LOT 1, 2 AND 3 IN HALLMARK ADDITION 2ND PLAT AN ADDITION TO THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS. CONTAINS 5.252 ACRES, SECTION 25-T12S-R19E.

GENERAL NOTES

- SUBDIVIDER: DOWNTOWN EQUITIES II L.C., 643 MASSACHUSETTES, SUITE 300, LAWRENCE, KS 66044
- LAND PLANNER: PAUL WERNER ARCHITECTS, 123 WEST 8TH STREET, SUITE B2, LAWRENCE, KS 66044
- SURVEYOR: LANDPLAN ENGINEERING, 1310 WAKARUSA DRIVE, LAWRENCE, KS 66049
- NO PART OF THIS SITE IS LOCATED IN THE FLOODPLAIN ACCORDING TO FEMA FLOOD INSURANCE RATE MAP 2004500157D DATED AUGUST 5, 2010.
- SOILS: WOODSON SILT LOAM, 1 TO 3 PERCENT SLOPES, PAWNEE CLAY LOAM, 3 TO 6 PERCENT SLOPES
- THE BUILDING ENVELOPES FOR THIS PLAT ARE BASED ON THE DEVELOPMENT CODE TEXT AMENDMENTS APPROVED BY THE CITY COMMISSION ON 5-4-2010.
- TELEPHONE, CABLE TELEVISION AND ELECTRICAL LINES MUST BE LOCATED UNDERGROUND WHEN LOCATED IN THE CITY OF LAWRENCE. THIS PROVISION SHALL NOT APPLY TO HIGH VOLTAGE ELECTRICAL LINES.
- THE DRAINAGE EASEMENT WILL REMAIN FREE OF ANY NATURAL OR NON-NATURAL STRUCTURES OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHRUBBERY, BERMS, FENCES, AND WALLS). THE DRAINAGE EASEMENT WILL BE PRIVATELY OWNED AND MAINTAINED UNTIL SUCH TIME THE CITY ACCEPTS OWNERSHIP.
- A RECIPROCAL EASEMENT AGREEMENT AND DECLARATION OF RESTRICTIVE COVENANTS SHALL BE RECORDED TO PROVIDE FOR THE JOINT MAINTENANCE OF DRAINAGE AND ACCESS AREAS.
- A 6' SIDEWALK WILL BE PROVIDED ALONG NORTH IOWA AND PRINCETON BOULEVARD. A WAIVER IS BEING REQUESTED FROM THE SIDEWALK ALONG MCDONALD DRIVE.
- ON APRIL 2, 2009, THE CITY ENGINEER APPROVED A WAIVER REQUEST FROM THE ACCESS MANAGEMENT STANDARDS IN SECTION 20-915(E)(2)(II) TO PERMIT A DRIVEWAY TO ACCESS PRINCETON BLVD IN THE MIDPOINT OF LOT 2.
- KTA APPROVAL MUST BE OBTAINED PRIOR TO THE CONSTRUCTION OF ANY ACCESS WAYS ONTO MCDONALD DRIVE.
- PLANNING COMMISSION APPROVED A VARIANCE REQUEST FROM SECTION 20-810(D)(4)(I) AT THEIR JANUARY 28, 2009 MEETING TO PERMIT 100 FT OF R-O-W FOR N IOWA STREET IN THIS LOCATION.

PROVISION AND FINANCING OF ROADS, SEWER AND OTHER PUBLIC SERVICES

- THIS SUBDIVISION WILL NOT HAVE PUBLIC STREETS AND ROADS AND WILL BE SERVED BY PARKING LOTS AND THE NECESSARY DRIVE AISLES.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE WATER SERVICE
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE WASTEWATER SERVICE
- PURCHASERS OF THE LOTS IN THE SUBDIVISION WILL BE SUBJECT TO COSTS OR FEES SPECIFIC TO THE SUBDIVISION TO PAY FOR THE CAPITAL COSTS OF WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT; AND
- THE PROVISION OF IMPROVED WATER SERVICE AND/OR WASTEWATER SERVICE WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

PUBLIC IMPROVEMENTS

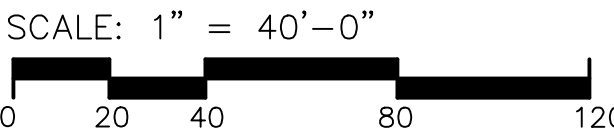
- THE PUBLIC IMPROVEMENTS PROPOSED FOR THIS SUBDIVISION INCLUDE INFRASTRUCTURE FOR WATER AND SANITARY SEWER AND THE DRAINAGE EASEMENT AND WILL BE PROVIDED VIA PRIVATE FINANCING.

SITE SUMMARY

GROSS SITE AREA: 228,764 S.F. / 5.252 ACRES
CURRENT ZONING: IL- WITH CONDITIONS
PROPOSED ZONING: IL- WITH CONDITIONS
TRACT A: 42,014 S.F. / .965 ACRES
TOTAL NUMBER OF LOTS: 3
MAXIMUM LOT SIZE: 75,441 S.F. / 1.732 ACRES
MINIMUM LOT SIZE: 38,891 S.F. / 0.893 ACRES
AVERAGE LOT SIZE: 62,250 S.F. / 1.429 ACRES

BENCHMARKS

- CHISELED " " SOUTHEAST CORNER OF HEADWALL. ELEV=866.84
- CHISELED " " CENTER FRONT FACE OF CURB INLET. ELEV=871.65



PRELIMINARY PLAT FOR
HALLMARK ADDITION 3RD PLAT
151 MCDONALD DRIVE
LAWRENCE, KANSAS

PROJECT# 28460

RELEASE:	DATE:
1	6-21-10
2	7-21-10
3	7-27-10
4	8-12-10

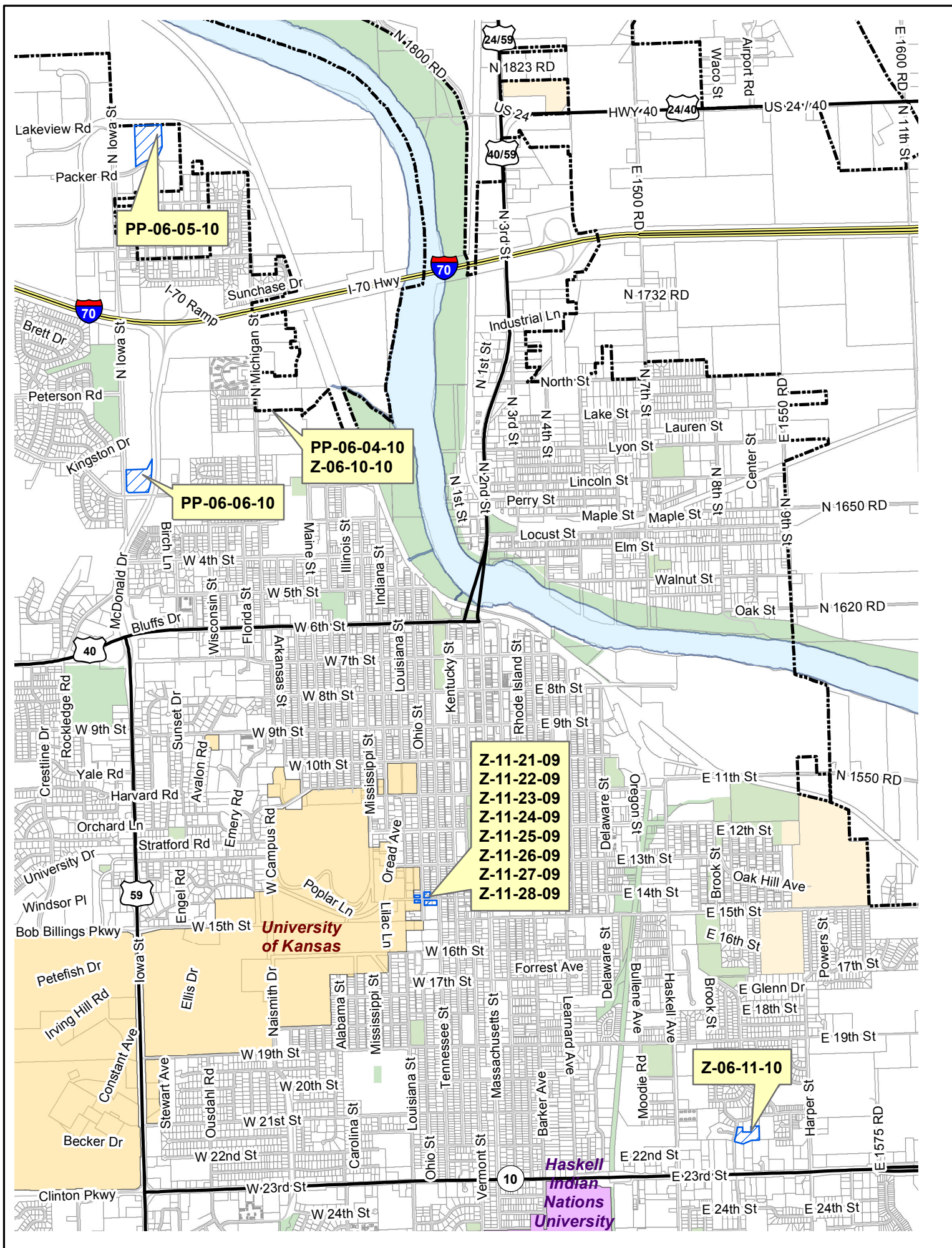
paulwerner
ARCHITECTS

123 W. 8TH STREET
SUITE B2
LAWRENCE, KS 66044

OFFICE: 785.832.0804
FAX: 785.832.0890
INFO@PAULWERNERARCHITECTS.COM

BUILDER:
D.F.C.
643 MASSACHUSETTES
SUITE 300
LAWRENCE, KS 66044
OFFICE: 785.841.6355
FAX: 785.841.6342

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**PLANNING COMMISSION REPORT
REGULAR AGENDA**

PC Staff Report
08/25/10

ITEM NO 7A: PRELIMINARY PLAT; GEORGE SUBDIVISION NO. 4 (NORTHWINDS APARTMENTS); 1.31 ACRES; 200 NORTH MICHIGAN ST (SLD)

PP-6-4-10: Consider a Preliminary Plat for George Subdivision No. 4 (Northwinds Apartments), a one lot residential subdivision containing approximately 1.31 acres, located at 200 North Michigan Street. Submitted by Bartlett & West, Inc., for Northwinds L.L.C., property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat of the George Subdivision No. 4 (Northwinds Apartments) and forwarding it to the City Commission for consideration of acceptance of easements and rights-of-way, subject to the following conditions:

1. Provision of a revised Preliminary Plat to show the following details of the Environmentally Sensitive Lands to be protected:
 - a. Label area as Tract A and show boundaries with dimensions,
 - b. Specify that the ownership shall be private,
 - c. Specify that the maintenance responsibility for the tract is that of the property owner,
 - d. List specific protection measures to be implemented during construction such as fencing and signage,
 - e. List specific protection measures to be implemented for long term uses and improvements such as walking trails to include the following specific notes:
 1. Timber. Cutting of trees and woody shrubs may be accomplished to maintain the character of the protected property, to maintain fences, and to prevent invasion of woody plants on the native vegetation; as long as the same does not adversely affect the conservation values of the protected property. Trees cut for authorized purposes may be utilized for personal use and shall not be sold commercially.
 2. Recreational Use. Property Owner, and its licensees and invitees, may make normal and customary non-commercial recreational uses of the of the Protected Property, such as hiking or unimproved walking trails, as long as the same does not adversely affect the conservation values of the Protected Property.
 3. Fences. Property Owner may construct, repair, replace maintain, improve or remove any additional fencing as deemed necessary to secure the Protected Property, as long as done so in compliance with state and local laws including site planning.
 4. Structures. Structures are prohibited within the sensitive lands area. A structure is defined as: A building or anything constructed that requires permanent location on the ground or attachment to something having a permanent location on the ground, including but not limited to fences, signs, billboards, and Mobile Homes per section 20-1701 of the Development Code. Except, fences may be provided as stated in Note. 3.
2. Update note 7 regarding floodplain to reference August 5, 2010 date and include the FEMA panel number.

Applicant's Reason for Request: Subdivision requirement prior to construction.

KEY POINTS

- Subject property is developed with a detached single-dwelling residence.
- Property is encumbered by regulatory floodplain.
- Property includes more than 500 SF of Environmentally Sensitive Lands.
- The project proposes to preserve more than 20% of the Environmentally Sensitive Lands.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Section 20-813 states that building permits will not be issued for unplatted property.
- Section 20-810 (i) Resource Preservation in the City of Lawrence

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Z-6-10-10: RS10 to RM12 included on this same agenda.
- City Commission acceptance of easements and right-of-way as shown on the Preliminary Plat.
- Final Plat submitted to Planning Office for administrative approval and recordation at the Douglas County Register of Deeds.
- Site Plan approval for the proposed development.
- Building permits prior to construction activity.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required with the preliminary plat.
- *Downstream Sanitary Sewer Analysis* – The City Utility Engineer indicated that a DSSA shall be required with submission of a site plan for the property.
- *Drainage Study* – A drainage study is not required for this project because downstream flooding is confined to the regulatory floodplain. [Stormwater Management Criteria Section 1.6.E.2.a]
- *Retail Market Study* – Not applicable to residential project.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

ATTACHMENTS

- Preliminary Plat
- Sensitive Areas Site Plan

Site Summary

Gross Area:	1.49 acres
Number of Lots:	1
Area of Lot 1:	1.31 acres
Existing ROW:	.15 acre
Additional ROW:	.03 acre

GENERAL INFORMATION

Current Zoning and Land Use: RS10 (Single-Dwelling Residential) District; existing single dwelling residence.

Surrounding Zoning and Land Use: RS10 (Single-Dwelling Residential) District to the west; Children's Learning Center preschool, childcare center.

A (Agricultural) and VC (Valley Channel) District to the north, existing rural residence located outside city limits.

RM12 (Multi-Dwelling Residential) District to the east and south; existing apartment development.

STAFF REVIEW

The property is being considered for redevelopment from a single-dwelling detached to multi-dwelling residential development. The property requires rezoning, platting and site plan approval prior to development.

Zoning and Land Use

The proposed zoning is the RM-12 (Multi-Dwelling Residential) District which allows a variety of Household Living Uses including attached dwellings, cluster housing, duplex and multi-dwelling structures.

Environmentally Sensitive Lands: The property is fully encumbered by floodplain. The eastern portion is located within the 100 year floodplain. The western portion of the property is located within the 500 year floodplain which is not subject to local regulations. This boundary is shown on the face of the Preliminary Plat. Likewise the property is covered with a substantial amount of mature trees.

The property is subject to the standards for Environmentally Sensitive Lands set out in Section 20-810 (i). A "Sensitive Areas Site Plan" is provided to show the boundary of the floodplain, tree line, general slope of the property, and the general makeup of the wooded area with regard to species.

The Development Code sets a maximum protection area of 20% of the total land area. Incentives for the protection of additional land area are included in section 20-1101 (f). The Sensitive Areas Site Plan indicates that 25% of the site will be protected. A boundary line is shown on the face of the exhibit denoting the "limits of construction." Development within this area is prohibited. The area may be used toward density calculations.

The recent amendment (TA-12-20-07) includes a requirement to ensure the protection of environmentally sensitive lands through the dedication of an easement or establishment of a non-buildable tract. The Preliminary Plat should be revised to clearly delineate the boundary of the sensitive lands to be protected and designate the area as a tract.

There is no intention for public access or public maintenance for the area to be protected. Section 20-11-1 (d)(3) also requires the Preliminary Plat to include information regarding ownership and maintenance of the tract. A tract is recommended in this instance. A tract created in this manner will not be eligible for issuance of a building permit.

Streets and Access

The property abuts N. Michigan Street, a collector street. The plat includes the dedication of an additional 7' of right-of-way. The property may be accessed either from N. Michigan or from the abutting property to the south. The development intent is to incorporate this 1.31 acre parcel with the existing multi-dwelling project to the south. Development of the subject property will provide a second access to the existing development.

Utilities and Infrastructure

The property currently has access to water and sanitary sewer lines. It was noted in the review that the sanitary sewer line will be required to be extended for proper connection. Easements are provided around the perimeter of the site for utility needs. Appropriate public improvements and guarantees are required with the final plat.

Easements and Rights-of-way

This proposed plat includes dedication of both right-of-way for N. Michigan Street and perimeter utility easements. The rear property line is not covered with a utility easement. This area is within the floodplain and utilities would not likely need to be extended in this area. Exclusion of the rear property line easement will protect the existing root systems of the mature trees at the rear of the property since trenching would have been required for utility installation.

Conformance

The preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code subject to the condition related to the designation of the environmentally sensitive lands, ownership, and maintenance responsibility for the tract.

Drawing name: W:\Proj\17000\17232\17232.002\AutoCad\Xrefs\17232-002Preliminary Plat.dwg Layout name: Layout1 Plotted by: KES01018 Plotted on: Aug 06, 2010 - 12:49pm
Last edit on: Mar 15, 2010

BENCHMARK

BENCHMARK IS A SET BOX CUT IN THE NORTHWEST CORNER OF THE CONCRETE CURB INLET ON THE NORTH SIDE OF W 6TH STREET. ELEVATION 917.59

A PRELIMINARY PLAT FOR:

GEORGE SUBDIVISION NO. 4

NE QUARTER OF SECTION 25, TOWNSHIP 12 SOUTH, RANGE 19 EAST,
CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

LEGAL DESCRIPTION

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 25; TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6TH P.M.; THENCE S 00°04'30" E, 427.00 FEET TO THE POINT OF BEGINNING; THENCE N 89°54'10" E, 398.95 FEET; THENCE S 00° 04'30" E 90.00 FEET; THENCE S 89°54'10"W, 126.71 FEET; THENCE S 00° 04'30" E, 68.71 FEET; THENCE S 44°05'17" W, 60.01 FEET; THENCE N 89°54'43" W, 230.43 FEET; THENCE N 00°04'30" W, 201.00 FEET TO THE POINT OF BEGINNING. IN THE CITY OF LAWRENCE, IN DOUGLAS COUNTY, KANSAS.

GENERAL NOTES

- DEVELOPER/APPLICANT:
STEVEN L. GEORGE
NORTHWINDS L.L.C.
1311 GEORGE COURT, LAWRENCE, KS 66604
- LANDPLANNER:
BARTLETT AND WEST, INC.,
628 VERMONT STREET,
LAWRENCE, KANSAS 66044-2252
- TOPOGRAPHY PROVIDED BY:
RONALD J. SHANKS, KS. R.L.S. #1255
BARTLETT AND WEST, INC.,
628 VERMONT STREET
LAWRENCE, KANSAS 66044-2252
- EXISTING ZONING: RS10
PROPOSED ZONING: RM12
EXISTING LAND USE: RURAL RESIDENTIAL
PROPOSED LAND USE: MULTI-FAMILY RESIDENTIAL
- UNDERGROUND UTILITIES SHOWN HEREON WERE LOCATED BY THE RESPECTIVE UTILITY OWNERS PURSUANT TO DIGSAFE TICKET NO.10210700
- BEARINGS BASED ON THE WEST LINE OF THE NORTHEAST QUARTER OR SECTION 25 TOWNSHIP 12 SOUTH RANGE 19 EAST.
- FLOOD ZONE INFORMATION WAS TAKEN FROM CITY OF LAWRENCE GIS DATABASE.
- ALL PUBLIC IMPROVEMENTS REQUIRED ON THIS PROPERTY SHALL BE PRIVATELY FINANCED IF APPLICABLE.

ANNOTATIONS

CALC - CALCULATED MEASUREMENT
PLAT - PLATTED MEASUREMENT
MSD - MEASURED THIS SURVEY
DEED - DEEDED MEASUREMENT
R/W - RIGHT-OF-WAY
D/E - DRAINAGE EASEMENT
U/E - UTILITY EASEMENT

MONUMENTATION

- EXISTING IRON PIN, ORIGIN UNKNOWN EXCEPT WHERE NOTED
- △ EXISTING SECTION CORNER MONUMENT (UNKNOWN ORIGIN)

SITE SUMMARY

GROSS AREA: 1.49 ACRES
EXISTING RIGHT-OF-WAY: 0.15 ACRES
ADDITIONAL RIGHT-OF-WAY: 0.03 ACRES
TOTAL RIGHT-OF-WAY TO BE DEDICATED: 0.18 ACRES
NET AREA: 1.31 ACRES
TOTAL NUMBER OF LOTS: 1

FLOOD PLAIN

ZONE AE - 500 YEAR FLOOD; AREAS OF 100 YEAR FLOOD AREAS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100 YEAR FLOOD.

ENTIRE PROPERTY LIES WITHIN ZONE X PORTIONS OF PROPERTY LIE WITHIN ZONE AE AS SHOWN

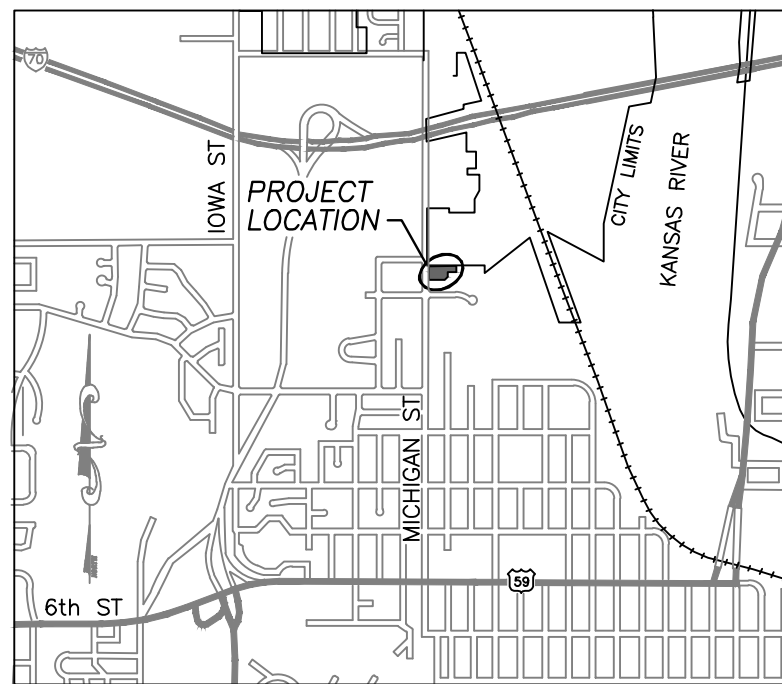
SOILS

SOURCE: USDA

WOODSON SILT LOAM, 1-3 PERCENT SLOPES
-FOUND IN WESTERN PORTION OF SITE.

WABASH SILTY CLAY LOAM, OCCASIONALLY FLOODED
-THROUGHOUT CENTER PORTION OF SITE

KENNEBEC SILT LOAM, FREQUENTLY FLOODED
-FOUND IN EASTERN PORTION OF SITE



LOCATION MAP

A PRELIMINARY PLAT FOR GEORGE SUBDIVISION NO. 4

LAWRENCE, DOUGLAS COUNTY, KANSAS

DESIGNED BY: LJM
DRAWN BY: LJM
APPROVED BY: RJS
DESIGN PROJ: 17232.002
SCALE: 1" = 20'
DATE: JUNE 2010
DRAWING NO: PP01
SHEET NO: 1 OF 1

BARTLETT & WEST
628 VERMONT STREET - LAWRENCE KS 66044-2252
PHONE 785.842.7456
WWW.BARTLETTWEST.COM

DATE: 8/06/10
1
REVISIONS PER CITY COMMENTS

ALL RIGHTS RESERVED. ALL BARTLETT & WEST ENGINEERS PLANS, SPECIFICATIONS AND DRAWINGS ARE PROTECTED UNDER COPYRIGHT LAW, AND NO PART MAY BE COPIED, REPRODUCED, DISPLAYED PUBLICLY, USED TO CREATE DERIVATIVES, DISTRIBUTED, STORED IN A RETRIEVAL SYSTEM OR TRANSMITTED IN ANY FORM BY ANY MEANS WITHOUT PRIOR WRITTEN PERMISSION OF BARTLETT & WEST ENGINEERS.

NE QUARTER OF SECTION 25, TOWNSHIP 12 SOUTH, RANGE 19 EAST,
CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

NE QUARTER OF SECTION 25, TOWNSHIP 12 SOUTH, RANGE 19 EAST,
CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS



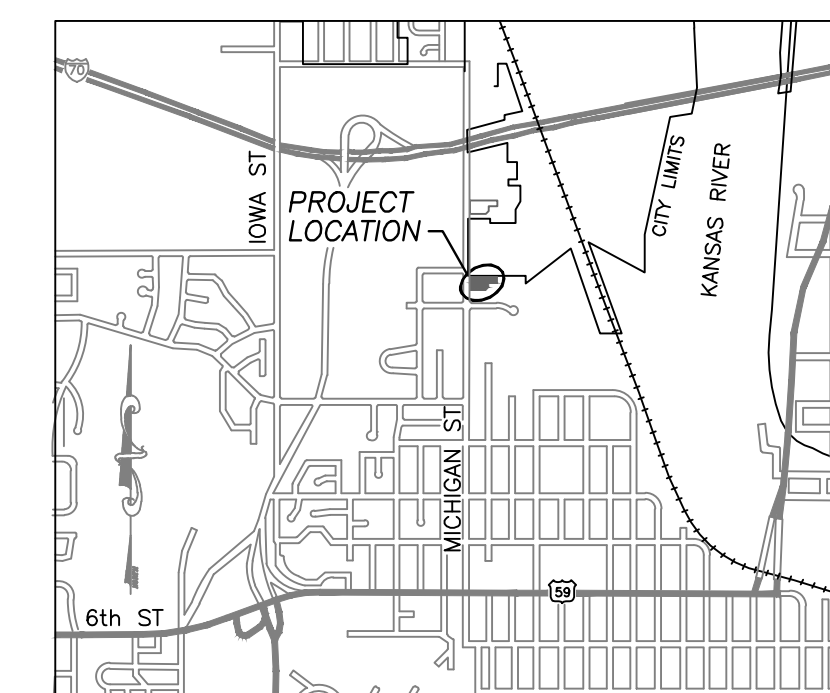
1. DEVELOPER/APPLICANT:
STEVEN L. GEORGE
NORTHWINDS L.L.C.
1311 GEORGE COURT, LAWRENCE, KS 66604
2. LANDPLANNER:
BARTLETT AND WEST, INC.,
628 VERMONT STREET,
LAWRENCE, KANSAS 66044-2252
3. FLOOD ZONE INFORMATION WAS TAKEN FROM CITY
OF LAWRENCE GIS DATABASE.
4. EXISTING ZONING: RS10
PROPOSED ZONING: RM12
EXISTING LAND USE: RURAL RESIDENTIAL
PROPOSED LAND USE: MULTI-FAMILY RESIDENTIAL
5. THE SENSITIVE LANDS OF THE PROPERTY SHALL
BE PROTECTED DURING CONSTRUCTION AND
MAINTAINED PRIVATELY

ANNOTATIONS

CALC - CALCULATED MEASUREMENT
PLAT - PLATTED MEASUREMENT
MSD - MEASURED THIS SURVEY
DEED - DEEDED MEASUREMENT
R/W - RIGHT-OF-WAY
D/E - DRAINAGE EASEMENT
U/E - UTILITY EASEMENT

SITE SUMMARY

GRASS AREA:	1.49 ACRES
EXISTING RIGHT-OF-WAY:	0.15 ACRES
ADDITIONAL RIGHT-OF-WAY:	0.03 ACRES
TOTAL RIGHT-OF-WAY TO BE DEDICATED:	0.18 ACRES
NET AREA:	1.31 ACRES
SENSITIVE LANDS ACREAGE:	.33 ACRES
PERCENT OF NET AREA DEDICATED TO SENSITIVE LANDS AS A TRACT FOR PRIVATE COMMON OPEN SPACE:	25%
TOTAL NUMBER OF LOTS:	1

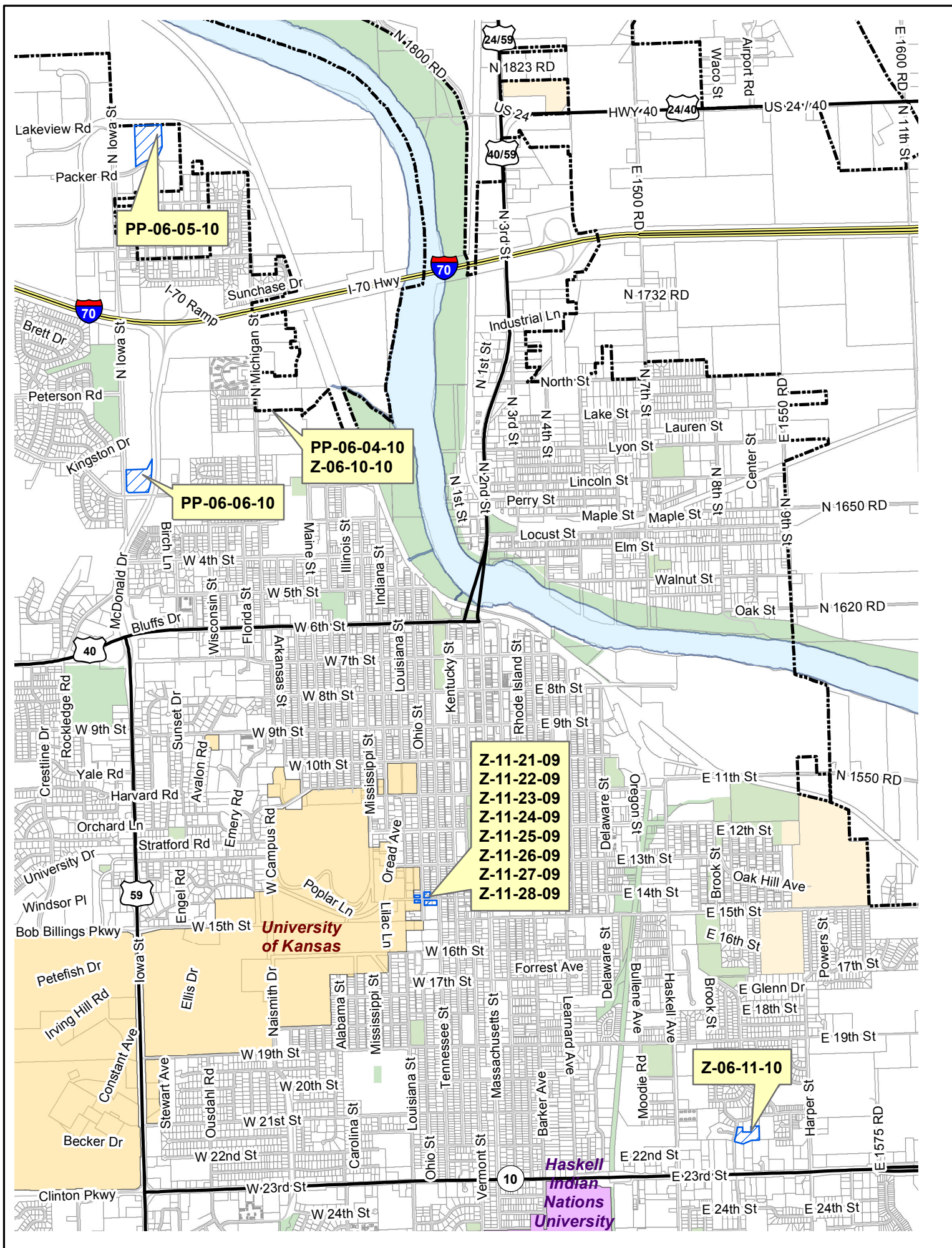


NOT TO SCALE

LOCATION MAP

[illegible]

Drawing name: W:\Proj\17000\17232\17232.002\AutoCad\Xrefs\17232-002Sensitive Lands.dwg
 Plotted by: KES01018
 Layout name: Layout1
 Plotted on: Aug 06, 2010 - 12:44pm
 Last edit on: Mar 15, 2010



August 22, 2010

Mr. Charles Blaser, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 7A: PRELIMINARY PLAT; GEORGE SUBDIVISION NO. 4 (NORTHWINDS APARTMENTS); 1.31 ACRES; 200 NORTH MICHIGAN ST

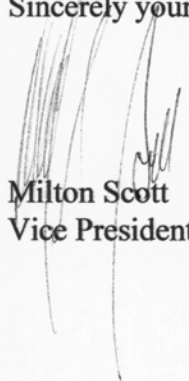
Dear Chairman Blaser and Planning Commissioners:

We believe that this application will include the first sensitive lands site plan submitted under the revised sections regarding environmentally sensitive land. As such, we believe the wording on the conditions applied to this sensitive area site plan and plat will be establishing precedent. We suggest that in order to avoid ambiguity, the wording of Condition No. 1 be corrected regarding cutting timber. We suggest rewording Condition No. 1 to read as follows:

"1. Timber. Cutting of invasive non-native trees and invasive non-native shrubs may be done sparingly to maintain the character of the protected property, as long as this does not adversely affect the conservation [suggested correction] values of the protected property. Trees cut for the above authorized purposes may be utilized only [suggested addition] for personal use and shall not be sold commercially."

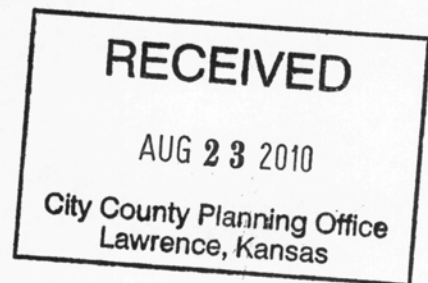
Thank you for considering our suggestion.

Sincerely yours,


Milton Scott
Vice President



Alan Black, Chairman
Land Use Committee



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

ITEM NO. 7B: RS10 (SINGLE-DWELLING RESIDENTIAL) DISTRICT TO RM12 (MULTI-DWELLING RESIDENTIAL) DISTRICT; 200 N. MICHIGAN STREET (SLD)

Z-6-10-10: Consider a request to rezone approximately 1.31 acres from RS10 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District, located at 200 N. Michigan Street. Submitted by Bartlett and West for Northwinds L.L.C., property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning request for approximately 1.31 acres from RS10 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District, located at 200 N. Michigan Street 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.

REASON FOR REQUEST

"The reason for rezoning is to develop the property as an addition to the current Northwinds Apartment Complex"

KEY POINTS

- Property is immediately adjacent to multi-dwelling development to the south.
- Property is encumbered by regulatory floodplain and Environmentally Sensitive Lands.
- Development is intended to incorporate and integrate the existing property with the developed apartment complex to the south.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- Property is located within the Pinckney Neighborhood

CONFORMANCE WITH *HORIZON 2020*

- Land use map (Map 3-2) indicates this area suitable for medium/high density residential use.
- Proposed redevelopment is considered to be infill development, a concept supported as a residential development strategy (page 5-1).

ASSOCIATED CASES/OTHER ACTION REQUIRED

- PP-6-4-10: George Subdivision No. 4.
- Submission, approval and recording of a final plat.
- Submission and approval a site plan.
- Submission and approval of applicable floodplain development permits (state and local).

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

ATTACHMENTS/REFERENCES

- Area map

GENERAL INFORMATION

Current Zoning and Land Use:	RS10 (Single-Dwelling Residential) District; existing residence.
Surrounding Zoning and Land Use:	RS10 (Single-Dwelling Residential) District to the west; Children's Learning Center preschool, childcare center. A (Agricultural) and VC (Valley Channel) District to the north, existing rural residence outside the City Limits. RM12 (Multi-Dwelling Residential) District to the east and south; existing apartment development.

Project Summary

This request is to rezone a parcel of land acquired by the property owner to the south for the expansion of an existing multi-family development.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"The proposed rezoning is consistent with the future land use plan adopted in Horizon 2020. The proposal is consistent with the stated strategy "In addition to providing attractive new housing options within the city, these areas [Medium Density Residential Development] should be designed to help avoid major and abrupt changes in density or use."*

Medium density residential development is recommended at selected locations along major roadways, near high intensity activity areas, and when adjacent to important natural amenities. The property abuts N. Michigan, a collector street. The property is also encumbered by environmentally sensitive lands that include regulatory floodplain and existing mature trees.

Specific land use recommendations regarding development type are implemented through the Development Code with regard to building orientation, screening, setback and parking. These elements are addressed through the Site Plan review process.

Staff Finding – The proposed request is consistent with *Horizon 2020*.

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

Staff Finding – Surrounding zoning includes both single dwelling and multi-dwelling zoning. Immediately surrounding land uses include a child care center, church, Single-family home, and existing apartment development. The property borders the City Limits on the north property line. Much of the area is encumbered by the regulatory floodplain.

3. CHARACTER OF THE AREA

Applicant's Response: *"The character of the neighborhood is predominantly residential. The property is adjacent to the existing Northwinds apartment complex. The other surrounding properties across Michigan Street include a mobile home development, single family houses and a child care facility."*

This property is part of the Pinckney Neighborhood. The neighborhood is diverse and includes commercial uses, non-residential facilities, and a range of housing types. The neighborhood boundary was expanded between 1977 (date of area plan) and the present configuration. The expansion has occurred east of Michigan Street and south of Highway 70 as properties have been annexed into the City. This portion of the neighborhood is characterized by both medium and high density residential uses. Isolated, detached, and duplex subdivisions are found on the west side of N. Michigan. A church and childcare/preschool center are located immediately west of the property. Another private school is located further north of the property on the east side of N. Michigan Street.

Staff Finding –The property is part of the existing Pinckney Neighborhood boundary. This portion of the neighborhood includes residential and non-residential uses in immediate proximity to each other.

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

Horizon 2020 identifies future plans for the general area as appropriate for medium/high density residential development. Key elements of the plan include a preference for infill development over new annexation, provision of a mixture of housing types, styles and economic levels, and the preservation of the character and appearance of existing residential neighborhoods.

Approval of the request will permit alterations to the base density and housing type within this immediate area. Approval of the request will also allow for expansion of the existing apartment complex by incorporating this property into the existing development pattern.

The proposed rezoning is located in the Pinckney Neighborhood. A neighborhood plan was completed in 1978. At that time this property was not located within the city limits and was not included in the plan boundary. Many of the existing surrounding uses were present at that time. The plan recognized that most of the higher density zoning reflected the existing land use at the time. If the neighborhood plan recommendations are extended to this property, the following policies would be applicable (Chapter 2 Pinckney Neighborhood Plan):

- *Reduce undesirable effects on adjacent incompatible land use through buffering.*
- *Locate multi-family areas where they can be served by public facilities, utilities and transportation systems.*
- *Evaluate off-street parking requirements of multi-family developments for realistic conformance with the Pinckney Neighborhood lifestyles and the large percentage of University oriented renters.*

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

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

Applicant's Response: *"The application to rezone and plat the subject property meets current and long-term planning restrictions for multi-residential development"*

The purpose of the RS zoning districts *"is to accommodate predominately single detached dwelling units on individual lots. The districts are intended to create, maintain and promote housing opportunities for individual households, although they do permit nonresidential uses that are compatible with residential neighborhood," per section 20-202.* The property is currently zoned RS10. The district was changed in 2006 from RS-1 to RS10. At the time the RS-1 zoning was established the district was typically used as a transition zone upon annexation until development actions were determined by the property owner.

- The RS zone reflects the current use as a single-detached residence on a large parcel.
- The existing single-dwelling development is isolated from the other single-dwelling part of the neighborhood located to the northwest and southwest.
- N. Michigan is a designated collector street.
- Single-dwelling access to a collector road is not a recommended design.

The purpose of the RM zoning districts *"are to accommodate multi-Dwelling housing. These districts are intended to create, maintain and promote higher density housing opportunities in areas with good transportation access," per section 20-204.*

The property is also located along a designated transit route. Much of the surrounding area is developed with multi-dwelling housing including two mobile home parks and an apartment complex to the north that includes both rental and owner occupied units as a "townhouse" type development. Non-residential uses, including a church and child care center, are located immediately west of the subject property. The property is encumbered by regulatory floodplain and a large stand of mature trees. Development is subject to compliance with the Environmentally Sensitive Areas standards. Approval of the rezoning allows for the dedication of an area set aside for preservation, provides the applicant the ability to include the area in density calculations and provides a more clustered form of development.

Staff Finding – The existing zoning under utilizes the potential for residential development for the parcel. Rezoning the property to a multi-dwelling district with the Environmentally Sensitive Area standards allows for a more compact design and protection of the floodplain and tree covered areas along the stream.

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

Applicant's Response: *"The current property was a one-lot single-family residence prior to this application and has never been platted or rezoned."*

The property is developed with a single-dwelling residence and detached accessory structure. The property was annexed into the City of Lawrence in 1980. This RS-1 zoning was typically enacted upon annexation. The RS-1 district was frequently used as an initial zoning or a holding zone until additional development was proposed for a newly annexed property. The property was zoned to RS10 (Single-Dwelling Residential) with the adoption of the Development Code in 2006.

Staff Finding – The property is not vacant and has been zoned for single-dwelling use since annexation in 1980.

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

Applicant's Response: *"This application proposes to rezone the property to RM12 is consistent with the existing zoning of surrounding properties. The submittal of this application will not detrimentally affect the nearby neighborhood."*

The property is currently restricted to single-dwelling detached and some non-residential uses found in Article 4 of the Development Code.

Approval of the request will allow for the property to be redeveloped and incorporated into the abutting multi-family development located on the south and east sides of the property.

Property further to the north is limited in development options because of the floodplain encumbrance across the property. Development of the subject property will require adequate buffer yard provisions to address screening and change of use. The property to the north is currently not annexed into the City of Lawrence.

Staff Finding – Approval of the request will alter the allowed uses, density and building form allowable but will provide protection of the environmentally sensitive lands through the development process. No detrimental impact is anticipated to result from the approval of the proposed zoning change.

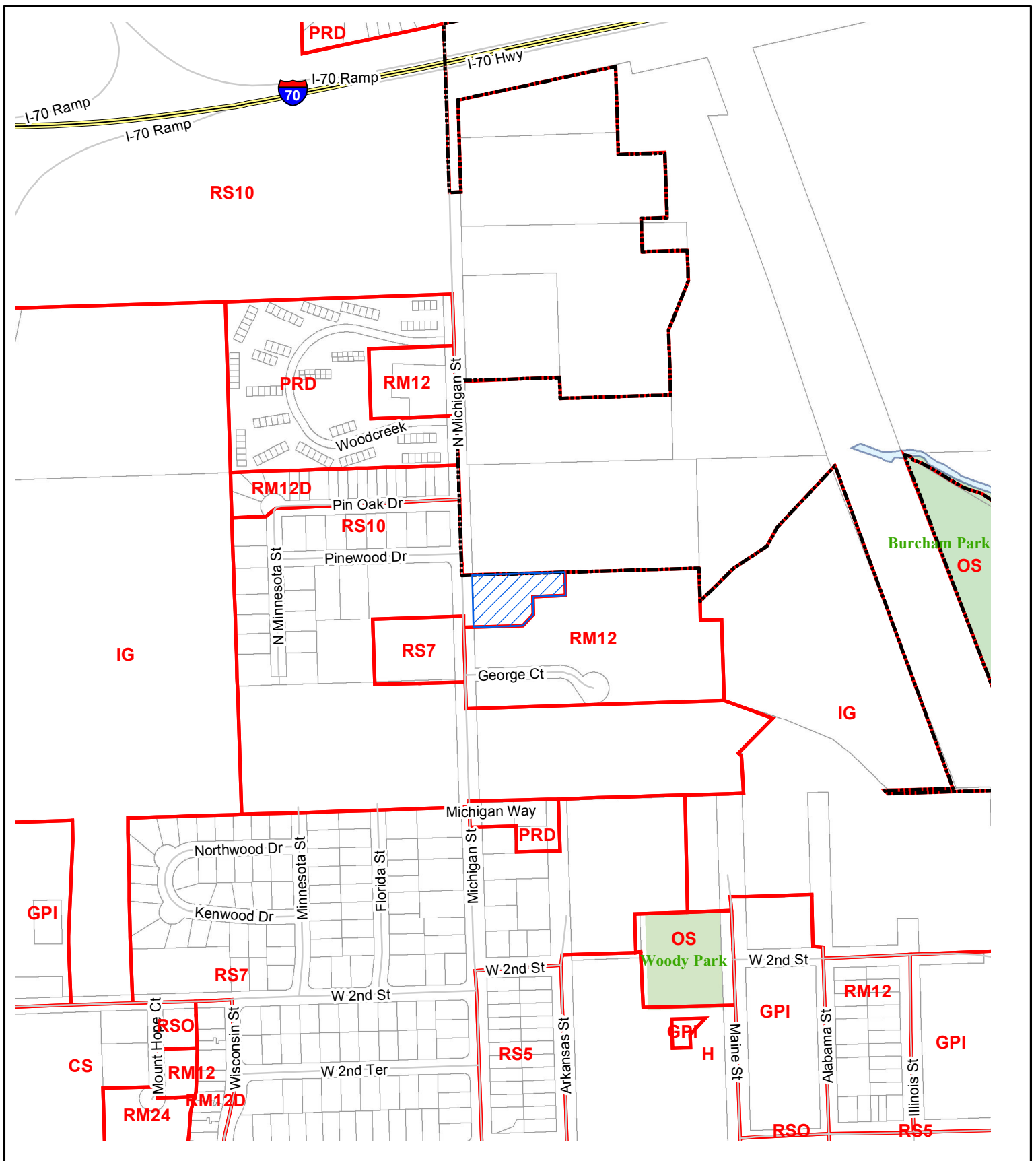
8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response: *"Rezoning this property from RS10 to RM12 represents a relative gain to the public health, safety, and welfare by providing more affordable housing in the Pinckney Neighborhood."*

Staff Finding – Approval of the request will accommodate additional residential options for the property. Proposed options utilize existing infrastructure and improvements on the site. The development process requires minimum protections of the environmentally sensitive area that would not be gained if no development were proposed.

9. PROFESSIONAL STAFF RECOMMENDATION

Approval of the request will allow for a clustered residential development as infill for the neighborhood. The design of the project is intended to provide connectivity with the existing development to the south and east. The existing single-dwelling residence is isolated from its surroundings as currently developed. The significant gain of the project is the identification and preservation of sensitive lands. The Comprehensive Plan supports infill development over greenfield development. This proposed zoning facilitates that goal.



Z-06-10-10: Rezone 1.31 from RS10 to RM12
200 N Michigan St



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
8/25/10

ITEM NO. 8-1 : CS & RM12 TO RM12; 3.92 ACRES; 2130 Silicon Avenue (DDW)

Z-6-11-10: Consider a request to rezone approximately 3.92 acres from CS (Commercial Strip) and RM12 (Multi-Dwelling Residential) to RM12 (Multi-Dwelling Residential), located at 2130 Silicon Avenue for Crosswinds East. Submitted by Bartlett & West, Inc., for Crosswinds L.L.C., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 3.92 acres from CS (Commercial Strip) District & RM12 (Multi-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

REASON FOR REQUEST

The site is part of the Crosswinds Apartment Complex, which was originally platted in 1994. The property at 2130 Silicon Ave. was replatted in 2001 as Lot 1, Block One of Crosswinds East. The property has been determined to be a legal nonconforming use within a multifamily and commercial strip zoning district. There are no improvements planned at this time; the proposed rezoning is simply to make the subject property conform to the zoning district for the rest of the apartment complex. In addition, the commercial strip zoning and legal nonconforming status may make it difficult to sell the property in the future. The applicant is requesting the zoning change to reflect the actual use of the property and make it a conforming use under the Land Development Code.

KEY POINTS

- The intent of the applicant is to rezone the property to RM12 because the current use is nonconforming in the CS District.
- Multi-Dwelling Structures are permitted uses within the RM12 District and the CS District, per Section 20-403 of the Code, but are subject to use specific standards contained in Section 20-517 when located within the CS District, such as units being constructed as part of a mixed-use project.
- The property is platted.
- The property is not located within the regulatory floodplain.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The immediate surrounding area to the north, east, and west is residential use with a mixture of single- and multi-family developments. The property abuts the CS district to the south, which runs along 23rd Street (K-10).

CONFORMANCE WITH *HORIZON 2020*

- The proposed rezoning request to remove the CS (Commercial Strip) District designation and rezone to RM12 (Multi-Dwelling Residential) District is consistent with land use recommendations found in *Horizon 2020*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- City Commission approval of the rezoning request and publication of ordinance.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None.

GENERAL INFORMATION

Current Zoning and Land Use: CS (Commercial Strip) District and RM12 (Multi-Dwelling Residential) District; developed apartment complex.

Surrounding Zoning and Land Use:

To the north: RM12 & RM12D (Multi-Dwelling Residential) District; multifamily homes.

To the east: RMO (Multi-Dwelling Residential – Office) District containing the Sunshine Acres Montessori Center (child care facility); and CS (Commercial Strip) Districts containing an existing self-storage complex.

To the south: CS (Commercial Strip) District; commercial; existing commercial developments, including an auto-repair shop and a gym.

To the west: CS (Commercial Strip) District and RM12 (Multi-Dwelling Residential) District; existing multifamily development, part of Crosswinds Apartment complex and commercial parking lot and gym.

Project Summary

The subject property was built in 2001 as the eastern addition to the Crosswinds Apartment complex, which was built in 1994. In 2000, the City Commission approved a request [Z-10-45-00] to rezone the northern portion of the subject property from RS-2 (Single-family Residential) and C-4 (General Commercial) Districts to RM-1 (Multi-family Residential) District; and a request [Z-12-57-00] to rezone the southern 1.16 acres from C-4 (General Commercial) to the C-5 (Limited Commercial) District. The zoning districts converted from the RM-1 and C-5 Districts to the RM12 and CS Districts with the adoption of the Development Code in 2006.

Multi-dwelling structures are allowed in CS zones as part of mixed-use projects when at least 50% of the Gross Floor Area is developed with nonresidential uses. Therefore, the subject property has been determined to be a legal-nonconforming use. The property is a multi-dwelling residential use in a commercial strip, and as such, the current property owner

wishes to rezone the property to reflect the existing use so that it is a conforming use under today's regulations.

REVIEW & DECISION-MAKING CRITERIA

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The following section of *Horizon 2020* relates to this rezoning request (staff comments are in italics):

Chapter 5 – Residential Land Use:

Goal 1 for Medium- and Higher- Density Residential Land Use: Criteria for Location of Medium- and Higher-Density Residential Development:

Policy 1.2: Protect Areas Planned for Medium- and Higher-Density Development: Avoid reducing medium- and higher-density residential areas designated on the Future Land Use Map (as depicted on Map 3-1) by allowing encroachment of nonresidential land uses which are not typically allowed in residential districts. (Page 5-23)

Policy 1.3: Identify Suitable Sites: Medium- and higher-density developments should be arranged in small clusters as transitions from more intensive land uses, or located at the intersection of major street/roads. (Page 5-23)

GOAL 3: Compatible Transition from Medium-Density and Higher-Density Residential Development to both More Intensive and Less Intensive Land Uses

Policy 3.2: Medium-Density Residential Development as Transitional Use: Encourage the integration of medium-density residential development through compatible design with low-density residential areas and more intensive land uses.

Rezoning the property to RM12 would be consistent with the Future Land Use map, which indicates the subject property as an area of medium-density residential development. Furthermore, rezoning would be in conformance with the goals in Horizon 2020 regarding the reduction medium-density residential areas and with respect to the transition from low-density residential to more intensive nonresidential uses.

Staff Finding -- The proposed rezoning request conforms with the goals and policies of *Horizon 2020* related to medium-density residential development.

ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Staff Finding -- The area to the north, east, and west contains a mixture of single- and multi-family residential uses, with the latter being the predominant use. The original portion of the Crosswinds Apartment complex is zoned RM12 (Multi-Dwelling Residential) and is located to the west of the subject property across Silicon Avenue. There are other multi-dwelling developments also zoned RM12 located to north. Single-family homes zoned RS7 (Single-Dwelling Residential) are located directly to the north of the RM12 District. The abutting property to the east is zoned RMO and contains a daycare use. Existing CS (Commercial Strip) District developments are located to the south along 23rd Street / K-10.

CHARACTER OF THE AREA

The immediate character of the area is most recognizable as residential with multi-dwelling developments to the north, east, and west. The subject property abuts these uses as well as commercial uses to the south.

Staff Finding – The area contains a mixture of residential and nonresidential uses, but the immediate area is primarily multi-family residential uses.

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

Horizon 2020 identifies future plans for the general area as appropriate for medium-density residential uses. Compatible densities and housing types should be encouraged in residential neighborhoods by providing appropriate transition zones between low density residential land uses and more intensive residential development, and between higher density residential uses and nonresidential land uses.

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

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

The subject property is currently zoned for residential and commercial uses. According to Section 20-517 (4) of the Land Development Code for the City of Lawrence, Multi-Dwelling Structures within CS (Commercial Strip) Districts "*shall only be permitted in the CC and CS Districts provided that the residential units are constructed as part of a Mixed-Use project when at least 50% of the Gross Floor Area is developed with nonresidential uses.*"

If the subject property should need to be rebuilt for any reason, then under the current zoning the apartments could not be rebuilt as-is. Any development proposal would be required to include nonresidential uses in at least 50% of the Gross Floor Area. The subject property serves as an important buffer between the more intensive CS (Commercial Strip) District to the south along 23rd Street and the single-family RS7 (Single-Dwelling Residential) District to the north.

Staff Finding – Rezoning the subject property to RM12 would create a uniform zoning designation for the property as well as remove the nonconforming use status from the apartment complex.

LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Staff Finding – The subject property has been zoned for both commercial and multi-dwelling residential development since 2001; the multifamily housing is part of an apartment complex that has existed since 1994, which has been zoned for multi-dwelling residential since that time.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Approval of the proposed request will result in a reduction of allowed uses and increase the boundary of the RM12 District within the overall neighborhood area. Nearby property will

not be detrimentally affected. The uses to the north, west and east include similar existing multifamily development. The area to the south includes commercial development, and if approved, the abutting lots with nonresidential zoning may be required to address screening of the multifamily residential lots in the future.

Staff Finding – The impact on nearby property is one of perspective given the surrounding residential and commercial uses. Approval of the proposed change would be beneficial for those properties currently used for multifamily housing in the immediate area. The proposed change will act as protection against encroachment of nonresidential activities in the immediate area.

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

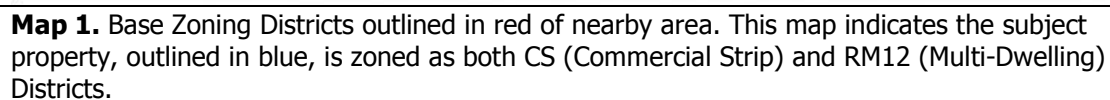
Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

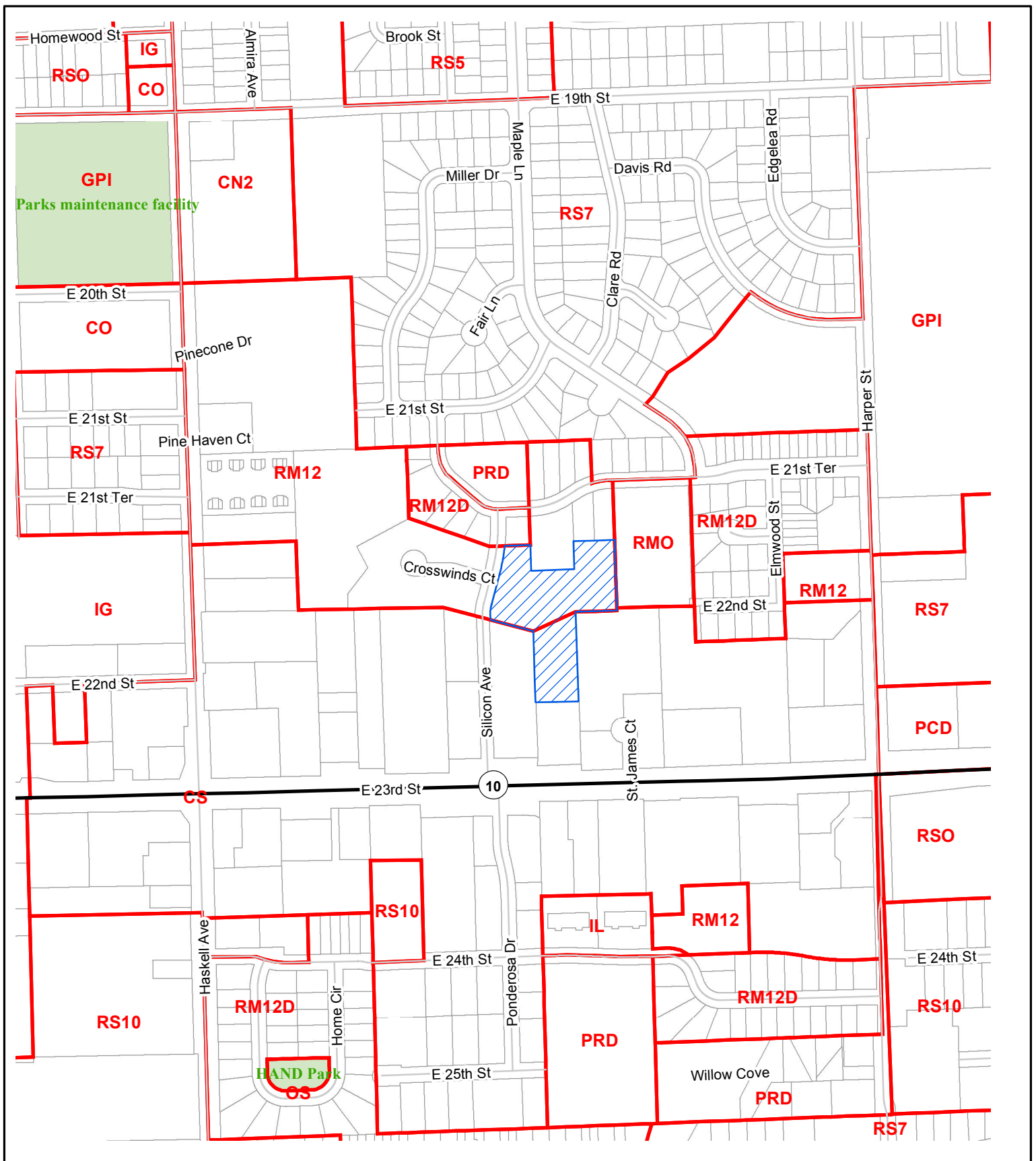
If the rezoning were denied, the property would remain legal nonconforming as zoned for commercial uses. The property is surrounded to the north, east, and west by predominately multifamily developments, while existing commercial development occurs to the south. Redevelopment of the property would result in either an increase in commercial uses or a loss of multifamily housing. The key point is that the multi-dwelling residential zoning will insure that the property will become a legal uses under today's regulations.

Staff Finding – There would be no gain to the public and there would be a hardship to the landowner in the denial of the rezoning request. The rezoning request will assign an appropriate zoning designation to the property for its current and intended land use as an apartment complex.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the rezoning to the RM12 District as it is an appropriate zoning district for this property. The multi-family zoning district matches the existing, and long-term, use of the property. Therefore, this is an appropriate zoning district for this property.





**Z-06-11-10: Rezone 3.92 acres from CS to RM12
2130 Silicon Ave**



PLANNING COMMISSION REPORT Regular Agenda - Public Hearing Item

PC Staff Report
8/25/10

ITEM NO. 9A RM32 TO MU; .13 ACRES; 502 W 14TH ST (MJL)

Z-11-21-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 502 West 14th Street. Submitted by Paul Werner Architects, for Oread Villas, LLC, property owner of record.

ITEM NO. 9B RM32 TO MU; .05 ACRES; 414 W 14TH ST (MJL)

Z-11-22-09: Consider a request to rezone approximately .05 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 414 West 14th Street. Submitted by Paul Werner Architects, for D & D Rentals of Lawrence, LLC, property owner of record.

ITEM NO. 9C RM32 TO MU; .09 ACRES; 1346 OHIO ST (MJL)

Z-11-23-09: Consider a request to rezone approximately .09 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1346 Ohio Street. Submitted by Paul Werner Architects, for D & D Rentals of Lawrence, LLC, property owner of record.

ITEM NO. 9D RM32 TO MU; .13 ACRES; 1340-1342 OHIO ST (MJL)

Z-11-24-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use) including establishing a Bar or Lounge use as an automatic special use permit for The Hawk, located at 1340-1342 Ohio Street. Submitted by Paul Werner Architects, for HDD of Lawrence, LLC, property owner of record.

ITEM NO. 9E RM32 TO MU; .23 ACRES; 1403 TENNESSEE ST (MJL)

DEFERRED

Z-11-25-09: Consider a request to rezone approximately .23 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1403 Tennessee Street. Submitted by Paul Werner Architects, for DJC Holdings, LLC, p record.

ITEM NO. 9F RM32 TO MU; .14 ACRES; 1400 OHIO ST (MJL)

DEFERRED

Z-11-26-09: Consider a request to rezone approximately .14 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1400 Ohio Street. Submitted by Paul Werner Architects, for Wakarusa Partners, property owner of record. DEFERED

ITEM NO. 9G RM32 TO MU; .13 ACRES; 507 W 14TH ST (MJL)

Z-11-27-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use) including establishing a Bar or Lounge use as an automatic special use permit for The Wheel, located at 507 West 14th Street. Submitted by Paul Werner Architects, for John C. Wooden, property owner of record.

ITEM NO. 9H RM32 TO MU; .29 ACRES; 413 W 14TH ST (MJL)

DEFERRED

Z-11-28-09: Consider a request to rezone approximately .29 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 413 West 14th Street. Submitted by Paul Werner Architects, for Douglas J. Compton, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone from the RM32 (Multi-Dwelling Residential) District to MU (Mixed Use) District with all properties identified as a Primary Development Zone based on the findings presented in the staff report with the following condition and forwarding it to the City Commission with a recommendation for approval.

1. The entire MU District shall not contain over 50,000 square feet of retail space.

- Item 9A: Z-11-21-09 502 W. 14th Street
- Item 9B: Z-11-22-09; 414 W. 14th Street
- Item 9C: Z-11-23-09; 1346 Ohio Street
- Item 9D: Z-11-24-09; 1340-1342 Ohio Street including a Special Use Permit for the Bar or Lounge Use
- Item 9G: Z-11-27-09; 507 W. 14th Street including a Special Use Permit for the Bar or Lounge Use

Reason for Request:

This rezoning request is being submitted for the current commercial businesses known as The Wheel which is located at 507 W. 14th and The Hawk located at 1340 and 1342 Ohio in order to make these properties conforming. In addition, this request is also being submitted for the rezoning of the residential properties located at 1346 Ohio and 413 West 14th Sts in order update their zoning to match their historical commercial uses. Rezoning is also being requested for the residential properties located at 1400 Ohio St, 414, and 502 West 14th St. and 1403 Tennessee St. in order to provide continuity to this unique area of Lawrence.

KEY POINTS

- The area is and historically has been a mixed use area.
- The proposal is generally in conformance with the Comprehensive Plan Chapter 6 regarding the Mixed Use Districts.
- The proposed rezoning would make two currently nonconforming Bar uses, The Hawk and The Wheel, conforming and would establish automatic special use permits for these two properties.
- The proposed rezoning is consistent with the draft *Oread Neighborhood Plan*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- DR-07-61-10 502 W 14th Street; Rezoning; Certified Local Government Review.
- DR-07-62-10 414 W 14th Street; Rezoning; Certified Local Government Review.
- DR-07-63-10 1346 Ohio Street; Rezoning; Certified Local Government Review.
- DR-07-64-10 1340-1342 Ohio Street; Rezoning; Certified Local Government Review.
- DR-07-65-10 1403 Tennessee Street; Rezoning; Certified Local Government Review.
- DR-07-66-10 1400 Ohio Street; Rezoning; Certified Local Government Review.
- DR-07-67-10 507 W 14th Street; Rezoning; Certified Local Government Review.
- DR-07-68-10 413 W 14th Street; Rezoning; Certified Local Government Review.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning

- Kirk McClure email

University of Kansas

1300

1314 & 1320

1300 BLK #1

1323

1318 AMINI

1346

1339

1341 #1-4

502 #1-6

507

515-17 & 525

1419 & 1423

1430 #1-12

1432

1433 #1-11

1400

1404;25;26

1400 #1-5

1406 #1-30

1414 #1-6

1416 #1-8

1420

1424 #1-4

1428

1400 #1-3

1314-A-C

1316 #1-3

1322 & 1324

1328 #1-4

1332 #1 & 2

1336

1340

1344 *

1309

1315

1317 #1-8

1323

1325 #1 & 2

1329

1333-A,B

1337

1341

310

1345 #1-3

1400-02 *

1408

1411

1415

1417 #1 & 2

1421

1423-A-C

1425 #1-6

1429

1400-02 *

1408

209-13

1420

1424

1446

W-15th St

W-14th St

Alumni Pl

Ohio St

Tennessee St

Jayhawk Blvd

University of Kansas

1301 KS UNION

1335;1345 ETC

1300 #1-22

1320 #1-4

1324

1328 #1-4

1332

1336

1340

1344

RM32

1343 #1-12

1346 #1-4

1346 #1-4

1346 #1-5

1400 #1-4

1413 #1-9

1403 #1-10

1425

PRIVATE R/W

Hanover Pl

(Note: the original application for rezoning was for the CS District and based on discussion with staff and revisions to the MU district was revised to the MU District. Some responses remain geared towards the CS District but can still apply.)

Applicant's Response: *Horizon 2020, Chapter 3, page 5 states, "strip Commercial land use pattern is discouraged by directing the formation or expansion of existing areas to occur in a more clustered pattern," and "New commercial and office development is required to occur in nodes to avoid continuous lineal commercial development along the city's street corridors ... " The CS zoning designation would be new for the subject properties, however, for some of the properties the proposed use would not be. Commercial uses have existed in the area since 1906 causing this to be an unrecognized commercial node in the city for over 100 years. Rezoning these properties to CS is something that should have already occurred so that the current commercial areas would conform to the zoning to which they have been restricted.*

Horizon 2020, Chapter 3, pg 5 states, "In-fill development and redevelopment of existing commercial areas is encouraged ... " this same section goes on to state that, "... an emphasis on downtown Lawrence and the existing commercial gateways should be considered." This site does not fall into the downtown or commercial gateways categories however it is still existing historical commercial property with a portion of the subject site currently being used as residential property. The property owners would like to see the RM32 properties within this site area zoned CS to bring continuity to the area and allow it to exist as a commercial node as history has allowed. These properties provide an opportunity to serve as a historically sensitive commercial infill development and be an important area for the KU campus and the City of Lawrence as it has been for over 100 years.

Staff Finding – Staff finds that the proposal is generally in conformance with the comprehensive plan. Chapter 6 – Commercial Land Use includes a Mixed Use District under the Commercial Center Category. It states that areas that are currently mixed use in nature should be preserved. Policy 3.14 outlines the criteria for Mixed Use Districts which includes a mix of residential and non-residential uses, and multi-modal services. Currently the area is a mix of multi-family and bar uses and is within a quarter mile of various bus routes. Additionally it is identified on the bikeways map as a future bike route.

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

Current Zoning and Land Use:	RM32 (Multi-Dwelling Residential) District; 414 W. 14 th St.: Boarding House 502 W. 14 th St.: Apartments 507 W. 14 th St.: The Wheel (bar) 413 W. 14 th St.: Apartments 1340-42 Ohio St.: The Hawk (bar) 1346 Ohio St.: Apartments 1400 Ohio St.: Apartments 1403 Tennessee St.: Apartments
Surrounding Zoning and Land Use:	North: RM32 District; apartments West: U-KU (University-University of Kansas) District; Art studios, and Crawford Community Center South: RMG (Multi-Dwelling Residential-Greek Housing) District; Beta Theta Pi Fraternity (John Palmer and Margaret Usher House-National Register of Historic Places) East: RM32 District; apartments

Staff Finding – The properties to the north and east of the subject properties are zoned RM32 and developed with apartments. The property to the west is zoned U-KU and developed as the KU community center and art studios. The property to the south is zoned RMG and developed with a fraternity which is a house listed on the National Register of Historic Places.

3. CHARACTER OF THE NEIGHBORHOOD

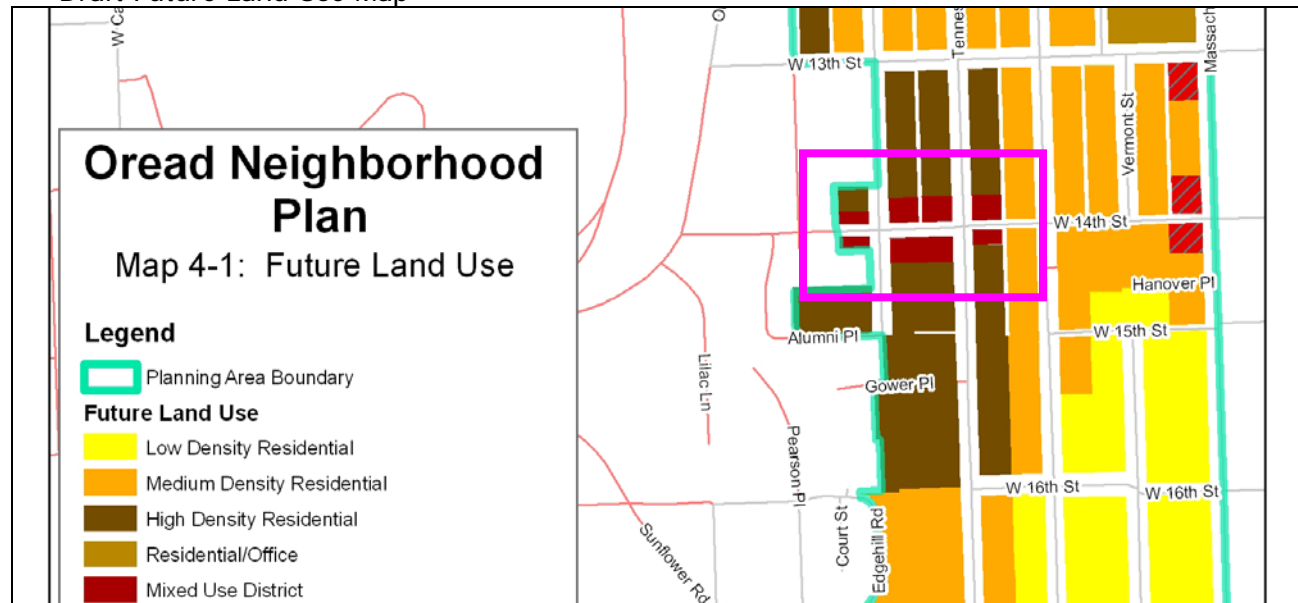
Applicant's Response: *The neighborhood is part of the Oread Neighborhood Association and is surrounded by Kansas University (U-KU) to the east and south as well as Greek housing (RMG) to the South. The remaining neighborhood is composed of mostly rental properties and a few single family homes (RM32).*

Staff Finding – The subject properties are located in a historic area directly adjacent to the main KU campus. Surrounding the subject area is developed with multi-family structures and Greek housing. This area was part of the early development of Lawrence. MU zoning with the recommended frontage zoned would be compatible with the character of the area.

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 area is currently within the planning area of the *Oread Neighborhood Plan* which was approved in 1979. Currently there is a draft of an updated *Oread Neighborhood Plan* which the PC recommended approval 7-0 on January 27, 2010 and is awaiting City Commission consideration. In the 1979 plan the area is identified as high-density residential and in the draft plan the subject area is identified as a mixed use district. The identification of the area as a mixed use district in the draft future land use plan has not been a contentious issue. The draft plan identifies a larger mixed use district than the subject area including approximately the next half block to the east.

Draft 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: *The subject commercial properties are not suitable to the uses to which they have been restricted. The existing residential properties are suitable to their current zoning restrictions however, if the existing commercial uses had been appropriately zoned it would be beneficial to zone the residential properties to fit in with the existing commercial lots.*

Staff Finding – The subject properties are currently zoned for high-density residential uses. Two of the properties are currently developed with nonconforming commercial uses. Historically this area has been a mix of uses. In the past there have been restaurants, barbers, bookstores and various types of residential uses. The residential uses are suitable for the current zoning but the drinking establishments are not suitable for the RM32 District. If damaged past a certain threshold, the bar uses would need to comply with the RM32 uses.

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

Applicant's Response: *These properties are not vacant.*

Staff Finding – The subject properties were developed in the late 1800's and early 1900's and have been a variety of commercial and residential uses overtime. The property was zoned RD (Residence- Dormitory) with the adoption of the 1966 Zoning Ordinance and then converted to the RM32 District with the adoption of the *Land Development Code* in 2006.

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

Applicant's Response: *The foreseen detrimental affects to the public by allowing commercial uses to exist on the proposed site could possibly be an increase in traffic and a need for more parking locations. With future development this site would serve as a unique area of Lawrence and parking for new commercial uses would conform to current requirements. Instead of this development becoming a detriment to the public it could instead serve as a gathering place for students, alumni of KU and the citizens of Lawrence and the possible increase in traffic and parking may not be an issue. The surrounding properties and their uses are of a nature that the proposed MU zoning would not detrimentally affect them but would serve them. In addition, Horizon 2020 states in Chapter 6, Policy 2.3, "Use higher density residential development as a transitional land use between commercial developments and the surrounding low-density residential neighborhoods." The surrounding uses of this site already meet those requirements.*

Staff Finding – The rezoning could result in redevelopment of the district into more intensive uses causing an increase in traffic, both pedestrian and vehicular, in the area.

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 gain to the public would be a unique historical commercial area to serve the surrounding neighborhoods, KU and Lawrence. The hardship that would be imposed on the commercial property owners if the rezoning is denied would be that if their businesses should ever*

be destroyed by a natural disaster or a fire they would not be allowed to rebuild their existing businesses. The hardship that would be imposed on the owners of the existing residential property should rezoning be denied is that these properties would not have the opportunity to be developed to fit in with the surrounding commercial uses causing the incompatibility that currently exists in this small area to remain.

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 – The potential gain to the public health, safety and welfare if the rezoning was denied could be that the area remains as is with the potential future elimination of existing nonconforming uses. There would be less impact as far as a potential increase in traffic and potential uses that could develop with the MU District. The property owners could have a hardship imposed on them if not rezoned and the property is destroyed and not able to be redeveloped with the existing uses.

9. CONCLUSION

Historically this area has been a mix of uses. Currently the uses are multi-dwelling structures and two bars directly adjacent to the KU campus. The area is zoned RM32 but abuts U-KU and RMG Districts.

The subject area is within the historic environs of the John Palmer and Margaret Usher House which is located directly south at 1425 Tennessee St., the William Priestly House located at 1505 Kentucky St., and Spooner Hall on campus. Because these properties are within the historic environs, the Historic Resources Commission must also review and make a determination on the proposed rezonings. Staff will provide a summary memo from the August 19th Historic Resources Commission meeting on Monday, August 23rd. The Historic Resources Administrator has recommended the same primary and secondary zones to the HRC as in the report.

MU District

The MU District is a relatively new zoning district and is currently utilized in only one location in the city located at 1420 Crescent Rd. (Jayhawk Bookstore) on the west side of campus. The MU District is primarily intended to permit a variety of land uses together in one or more structures on a site including governmental, retail, office, public and community facilities, institutional, religious, and residential uses in a pedestrian-oriented and transit-oriented setting. The MU District zoning classification may not be appropriate in all areas of the city. The Code states that to be eligible for rezoning to the MU District, a site proposed for mixed use development shall be:

1. Within one-quarter of a mile of designated transit route at the time the rezoning is initiated; and (meets)
2. Near or adjacent to the intersection of arterial streets as per the adopted major thoroughfares map; or (does not meet)
3. Within one-quarter of a mile of university campuses; or (meets)
4. Within one-quarter of a mile of downtown, the boundaries of which are described in Chapter 6 of Horizon 2020; or (does not meet)
5. Immediately adjacent to public parks or open space; or (does not meet)
6. An existing nonresidential development proposed for redevelopment. (potentially meet in the future)

The Code requires the proposal meet number 1 above and any of number 2-6. This proposal is within one-quarter of a mile of several bus routes, one on Mass St. and several on campus, and within one-quarter of a mile of the university. Additionally the Code requires a minimum of 20,000 square feet of site area for a district. Below is a site summary.

District Area Summary (square feet)		
	Lots	Lots w/ROW
Primary Zone	23,299 (.5 ac)	44,952 (1 ac)
Secondary Zone	25,072 (.6 ac)	45,824 (1 ac)
Total	48,371 (1 ac)	90,776 (2 ac)

Development Zones

The as part of the application, the applicant must designate development zones for the district. Development zones govern permitted density on the site as well as building height, scale and form. The three development zones (primary, secondary and tertiary) are hierarchical in terms of development intensity permitted. A proposal to rezone to the MU District need not designate all three development zones. Development zones shall be designated to ensure compatibility with surrounding existing development. The code defines the development zones as follows:

1. Primary Development Zone

The Primary Development Zone is that area of land within a Mixed Use development which is designated for the most intense development allowed by the District. Primary Development Zones shall contain Vertical Mixed Use Structures with a mixture of both residential and nonresidential uses and no interruption of Building Frontage along the Public Frontage. Where a Primary Development Zone fronts upon a Public Frontage, such area shall be designated as Primary Public Frontage. A Primary Public Frontage shall be designed to accommodate heavy pedestrian traffic and ground-level nonresidential uses. Residential uses shall not be permitted on the ground level of Structures in the Primary Development Zone.

2. Secondary Development Zone

The Secondary Development Zone is that area of land within a Mixed Use development which is designated for less-intense development, relative to that permitted by a Primary Development Zone. Secondary Development Zones may contain Vertical Mixed Use Structures, Horizontal Mixed Use Structures or single-use Structures with interruption of Building Frontage along the Public Frontage allowed only for Access to Parking Areas, for Alleys or service lanes. Where a Secondary Development Zone fronts a Public Frontage such area shall be designated as Secondary Public Frontage. A Secondary Public Frontage shall be designed to accommodate moderate amounts of pedestrian traffic, and if planned, vehicular Access to Parking Areas and service lanes in a manner that minimizes pedestrian-vehicular conflict. Secondary Development Zones may contain both nonresidential ground-level uses as well as ground level residential uses.

3. Tertiary Development Zone

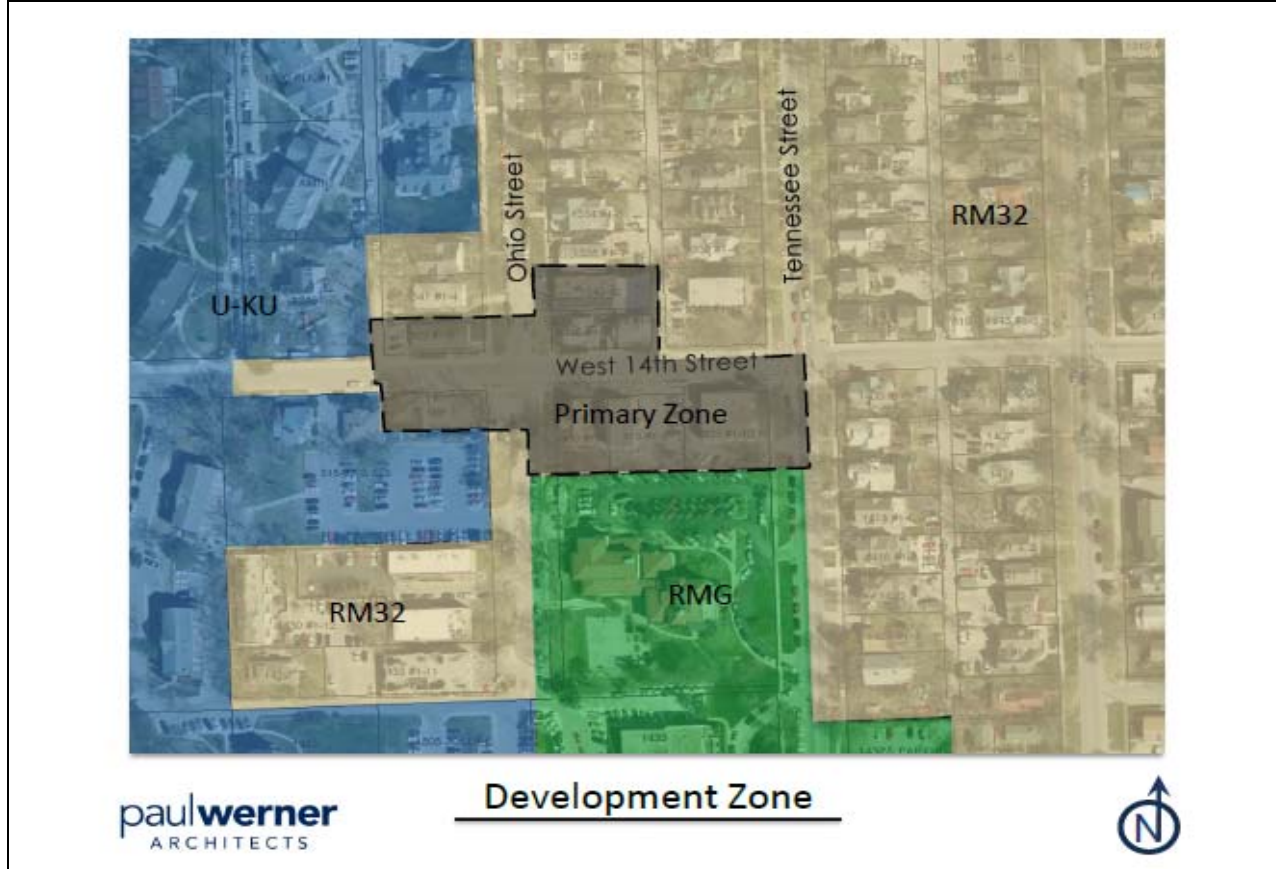
The Tertiary Development Zone is that area of land within a Mixed Use development which is designated for the least-intense development, relative to that permitted in the other zones. Tertiary Development Zones shall permit a

development intensity which is no greater than that of surrounding existing development. Such zones shall permit a development form which is consistent with that of surrounding existing development (i.e. two-story detached residential Dwellings across the street from existing Structures which are of the same form, etc.). Nonresidential uses shall only be permitted in a Tertiary Development Zone if the existing surrounding development contains such nonresidential uses. A Tertiary Development Zone shall only permit a residential use type which exists in surrounding development.

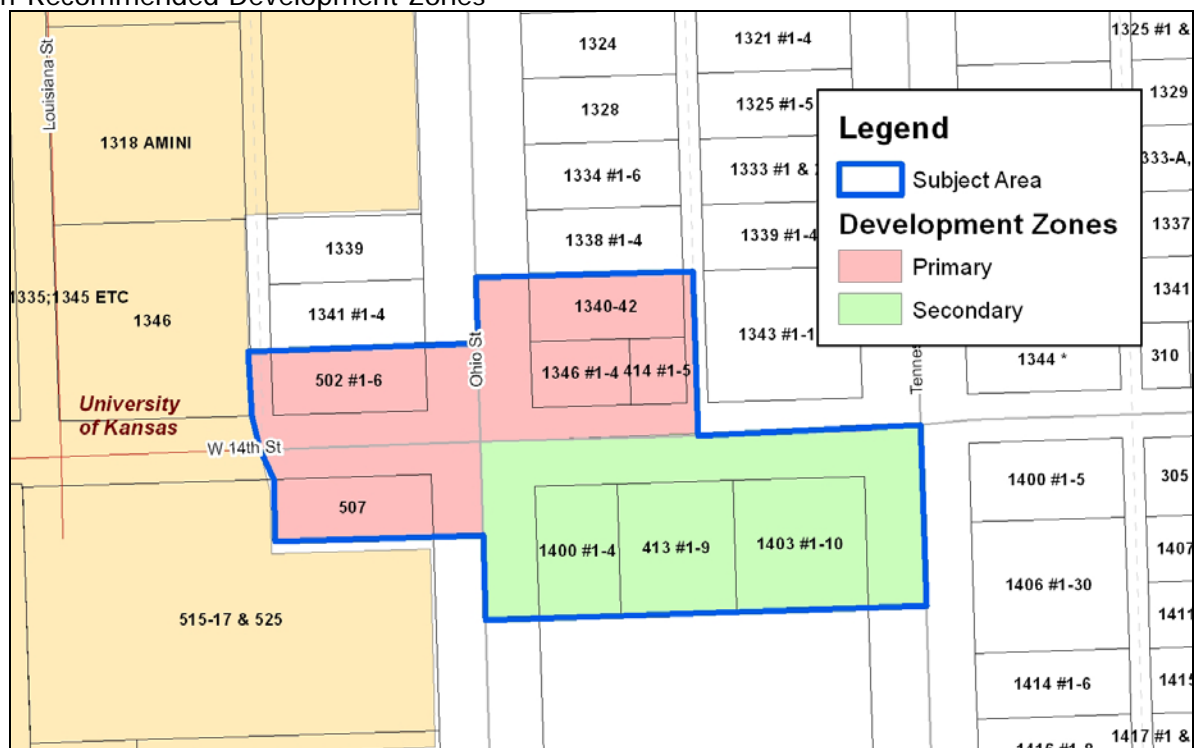
Additionally the Code lays out public frontages for each development zone which can be found in Section 20-1008. These descriptions and diagrams show how these frontages shall be planned and are urban form. These standards must be followed when redeveloping or developing with a Major Development Project.

The designation of the development zones is made by looking at the context of the neighborhood around the proposed district and taking into consideration the subject properties' existing uses and building heights along with the adjacent properties' uses and building heights. The Code states that the developments "shall be compatible with existing development which surrounds the proposed mixed use development." Compatibility is best achieved through a transition in building form, scale and intensity rather than through uses, peripheral buffers or landscaping. Adjacent to the subject area are apartments, KU facility buildings and a fraternity. All of these buildings are 2-3 stories in height. The applicant has designated the entire district as a Primary Development Zone and submitted the supporting information. See attached application packet. This could create a district similar to the feel of downtown with structures abutting each other and no breaks between buildings. The longest block face in the subject area are the 3 lots on the south side of W. 14th St. between Ohio and Tennessee Sts. a comparison, a building developed there could be approximately 50' shorter than Hobbs-Taylor Lofts. Because the surrounding neighborhood is individual structures with front and rear yards, staff believes the largest uninterrupted block face along W. 14th St. between Ohio and Tennessee Sts. should be designated as a Secondary Development Zone. This allows greater setbacks, building breaks and less lot coverage than in the Primary Development Zone in order to be more compatible with the adjacent properties development form. The remaining subject properties staff feels comfortable being designated as Primary Development Zones as requested.

Applicant Proposed Development Zones



Staff Recommended Development Zones



Historic Resources staff believes that a large building with an uninterrupted facade is not consistent with the pattern of the other structures or the historical building pattern of the area. It has been determined that a structure of that type would not meet the Secretary of the Interior Standards and Guidelines for Rehabilitation and would the Standards and Guidelines for Evaluating the Effect of Projects on Environs and would be difficult to obtain approval from the Historic Resources Commission to construct. Therefore, designating the properties as 1400 Ohio St., 413 W. 14th St., and 1403 Tennessee St. as Secondary Development Zone would result in more compatible redevelopment.

Nonconforming Structures

If the subject properties are rezoned to the MU District, some of the structures may become nonconforming, if they are not already nonconforming. The nonconforming structures are permitted by Code to remain until proposed to be modified to the extent of a Major Development Project. Any modifications that qualify as a Minor or Standard Development Project are permitted and the project would not be required to meet the standards of the MU District.

Retail Limit

Section 20-1107 of the Code requires a Retail Market Study for any application for site plan or zoning that could result in 50,000 square feet or more of additional floor area for retail businesses in the City. Because there is the potential for this district to develop with 50,000 square feet or more of retail, a Retail Market Study is required. In place of this requirement, since no redevelopment is proposed, a condition is being requested to be placed on each property that as a whole, the district can not contain more than 50,000 square feet of retail space.

Bars in the MU District

Currently the existing bars are nonconforming uses in the RM32 District and permitted with a Special Use Permit (SUP) in the MU District. The bars, if rezoned to the MU District, would automatically be granted a SUP and the public hearing for the rezoning would also be a public hearing for the SUP. At the public hearing, the Planning Commission has the opportunity to place any conditions on that SUP that are deemed appropriate. This use then is regulated under the SUP section of the Code and the City Commission is able to revoke, suspend, or change the SUP if there are violations of the conditions of the SUP, City Code, or State or Federal Law. At this time, staff is not recommending any conditions be placed on either of the bars located at 507 W. 14th St. or 1340-42 Ohio St.

PROFESSIONAL STAFF RECOMMENDATION

The applicant has requested deferral of item 9E (Z-11-25-09 1403 Tennessee), 9F (Z-11-26-09 1400 Ohio), and 9H (Z-11-28-09 413 W. 14th) to try to work out some issues related to the maximum density in the Secondary Development Zone.

Staff recommends approval of the remaining items of the request (noted below) to rezone from the RM32 (Multi-Dwelling Residential) District to MU (Mixed Use) District with all properties identified as a Primary Development Zone and forwarding it to the City Commission with a recommendation for approval. The recommendation is based on the findings presented in the staff report and made with the following condition.

1. The entire MU District shall not contain over 50,000 square feet of retail space.
 - Item 9A: Z-11-21-09; 502 W. 14th Street
 - Item 9B: Z-11-22-09; 414 W. 14th Street
 - Item 9C: Z-11-23-09; 1346 Ohio Street
 - Item 9D: Z-11-24-09; 1340-1342 Ohio Street - including a Special Use Permit for the Bar or Lounge Use
 - Item 9G: Z-11-27-09; 507 W. 14th Street - including a Special Use Permit for the Bar or Lounge Use

Memorandum

City of Lawrence-Douglas County

Planning & Development Services

TO: Lawrence-Douglas County Planning Commission

FROM: Michelle Leininger, AICP Area/Neighborhood Planner

CC: Scott McCullough, Planning and Development Services Director
Sheila Stogsdill, Assistant Planning Director

Date: August 20, 2010

RE: Agenda Item 9 Update

Agenda Item 9, the rezonings from RM32 District to MU District, are subject to Historic Resources Commission review based on their relation to historically listed properties. The HRC held a public hearing for compliance with the state preservation statute at their regular meeting on Thursday, August 19, 2010. With the exception of the 3 properties that have been deferred, the HRC made the determination that the proposed zoning would not encroach upon, damage, or destroy the environs of one or more listed historic properties.

paulwerner
ARCHITECTS

July 7, 2010

Michelle Leininger
Planning Dept.
6 East 6th Street
Lawrence, KS 66044

RE: 14th and Ohio Rezoning Application

Michelle,

Please find the exhibits you requested for the 14th and Ohio rezoning request. The written narrative describing how the proposed primary development zone is compatible with surrounding existing development is below.

The primary zone is compatible with the existing development in terms of building height due to MU zoning allowing 48' tall buildings. Most of the surrounding residential buildings whether they are apartments, boarding houses, Greek housing or KU buildings exist at or near 45' with the exception of a few apartment buildings being shorter. It is important to note that the historical and historically compatible buildings in the area are at or very near 45'.

Currently there are no plans for new buildings on the subject property. Should redevelopment of the subject properties occur it is anticipated the building form would be compatible with the surrounding neighborhoods and historical buildings and would be overseen by the HRC.

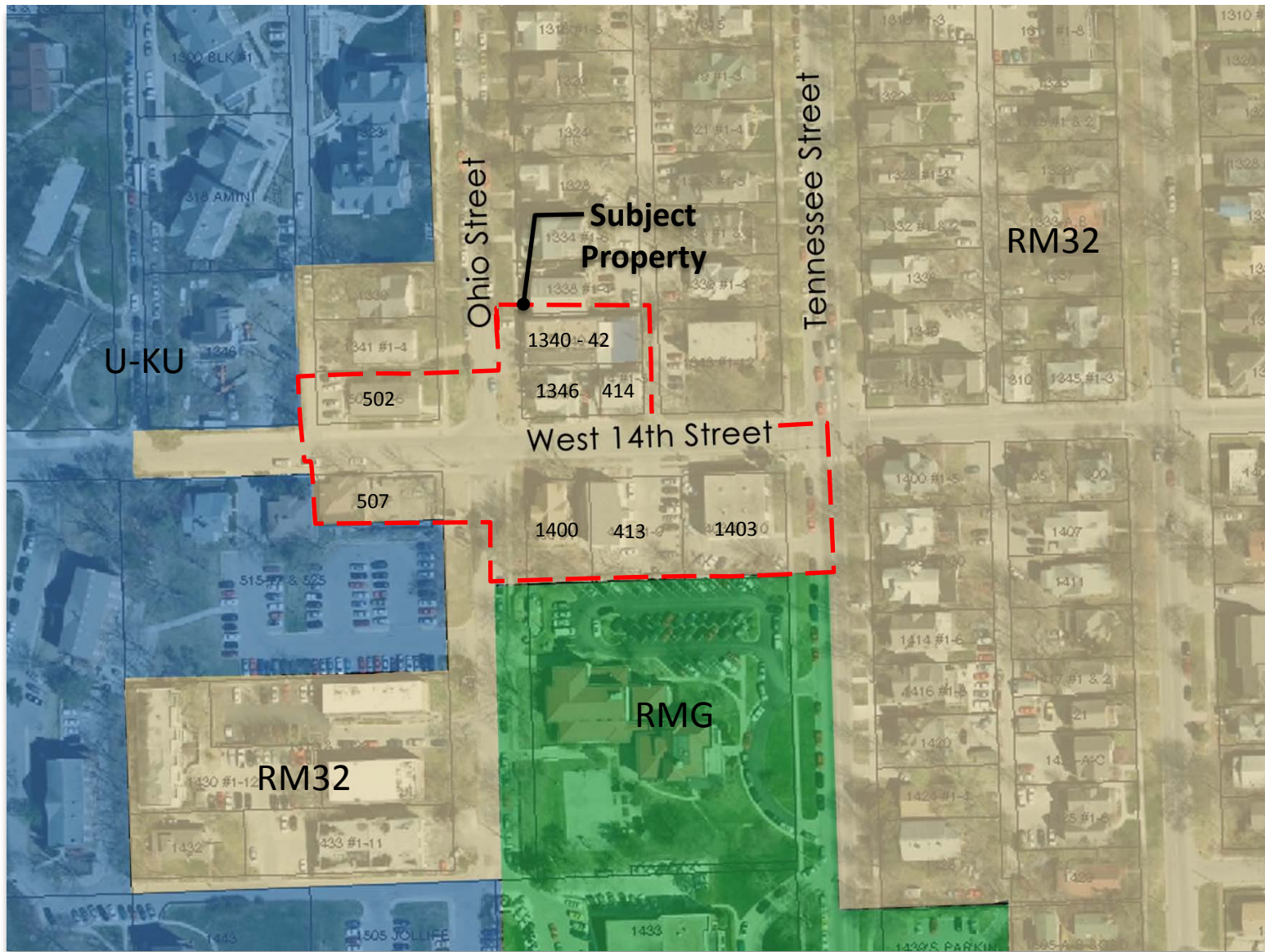
The primary development zone is compatible with the surrounding land uses in density and use because it allows this small commercial node to legally exist and further develop to serve the City of Lawrence and KU which it has been historically doing since 1906.

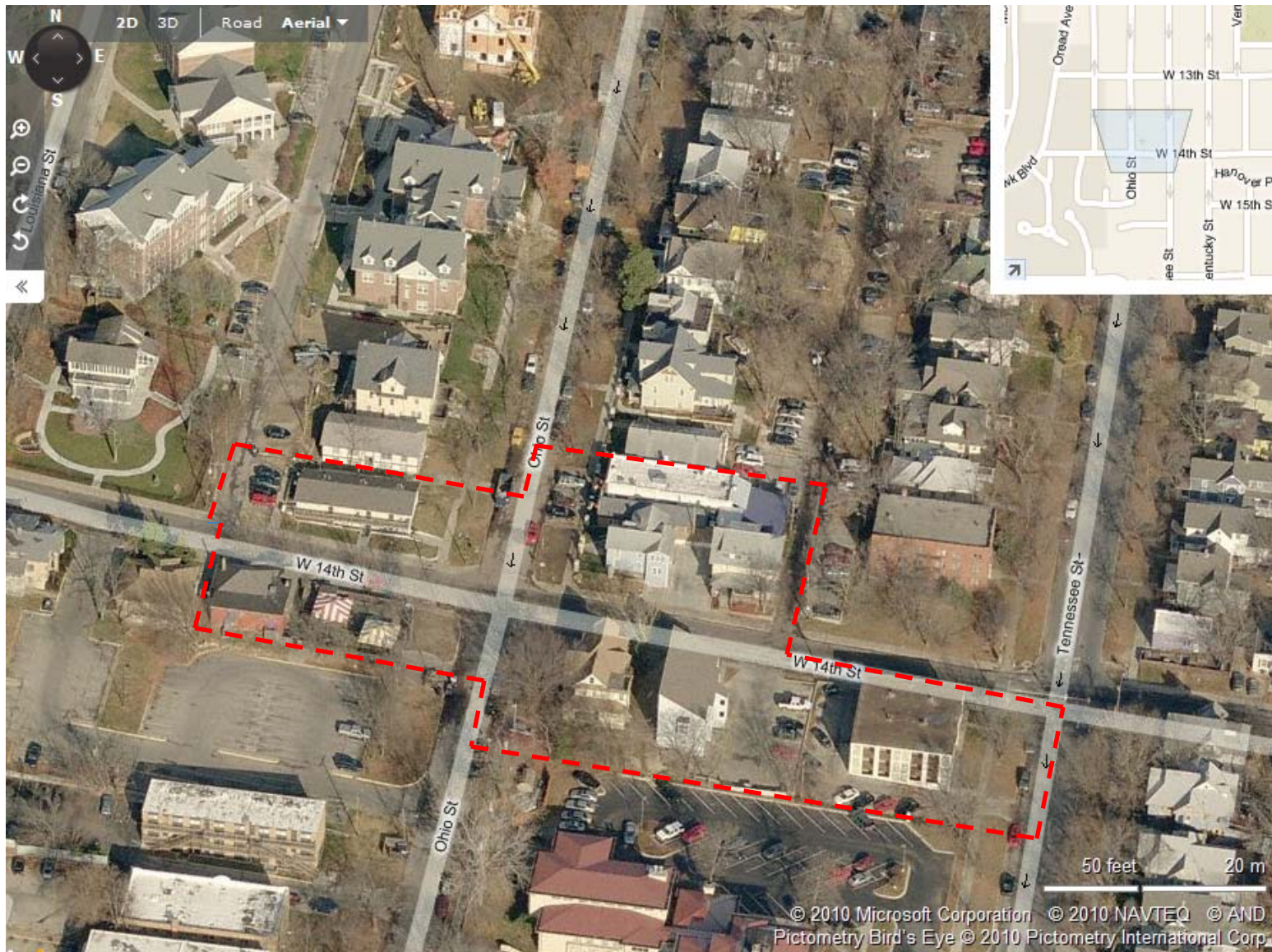
If you need additional information please let me know.

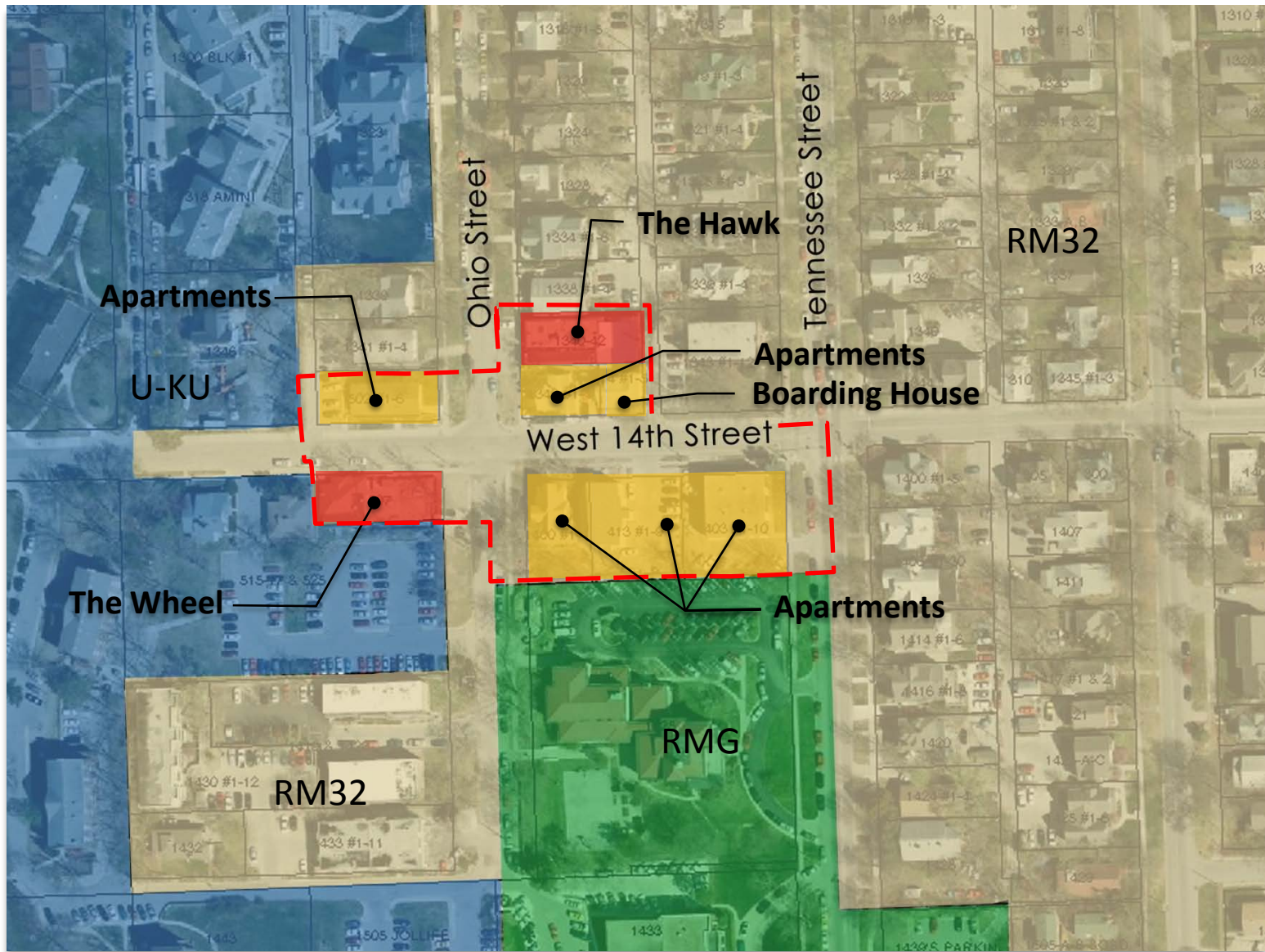
Sincerely,

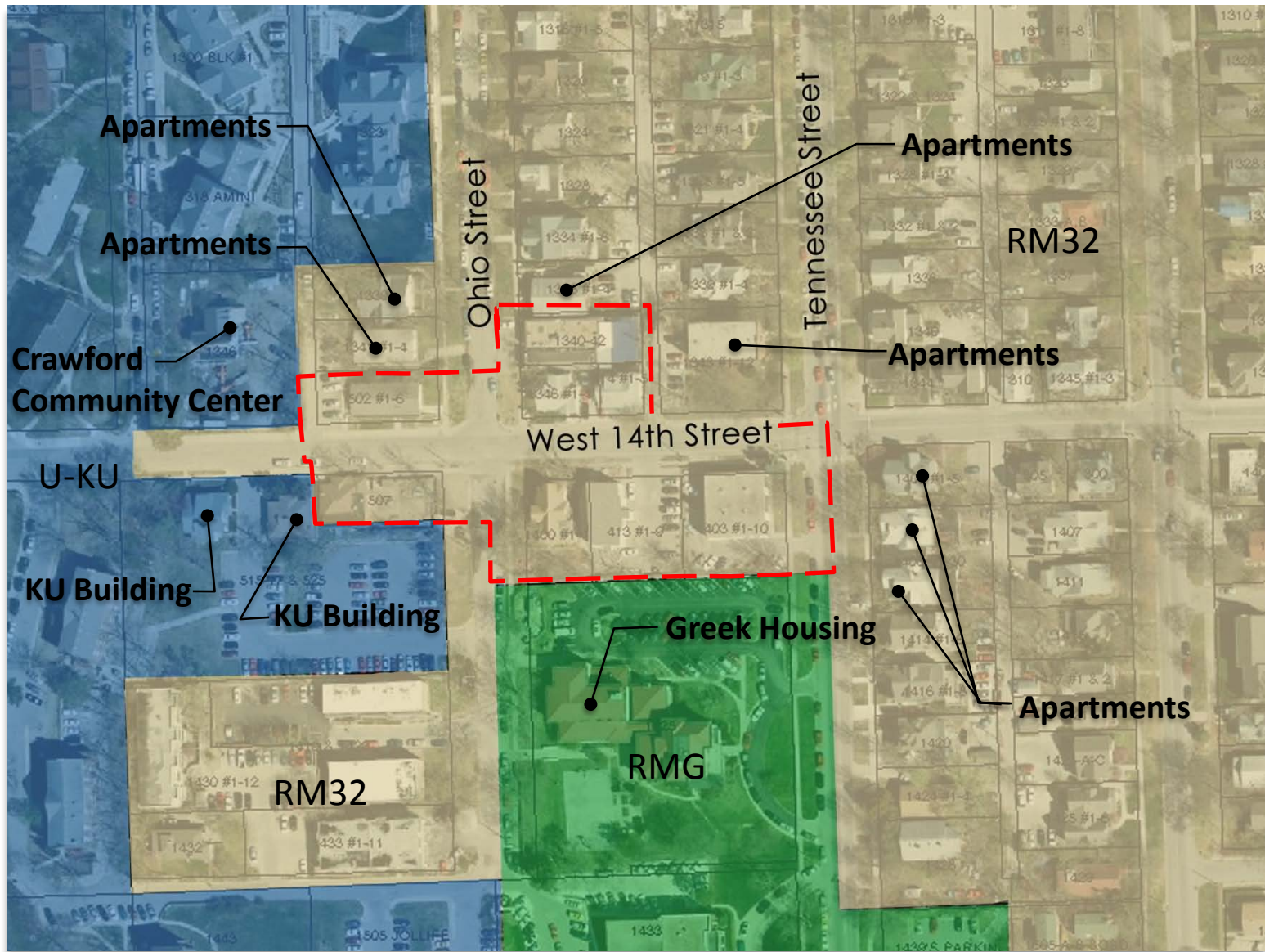


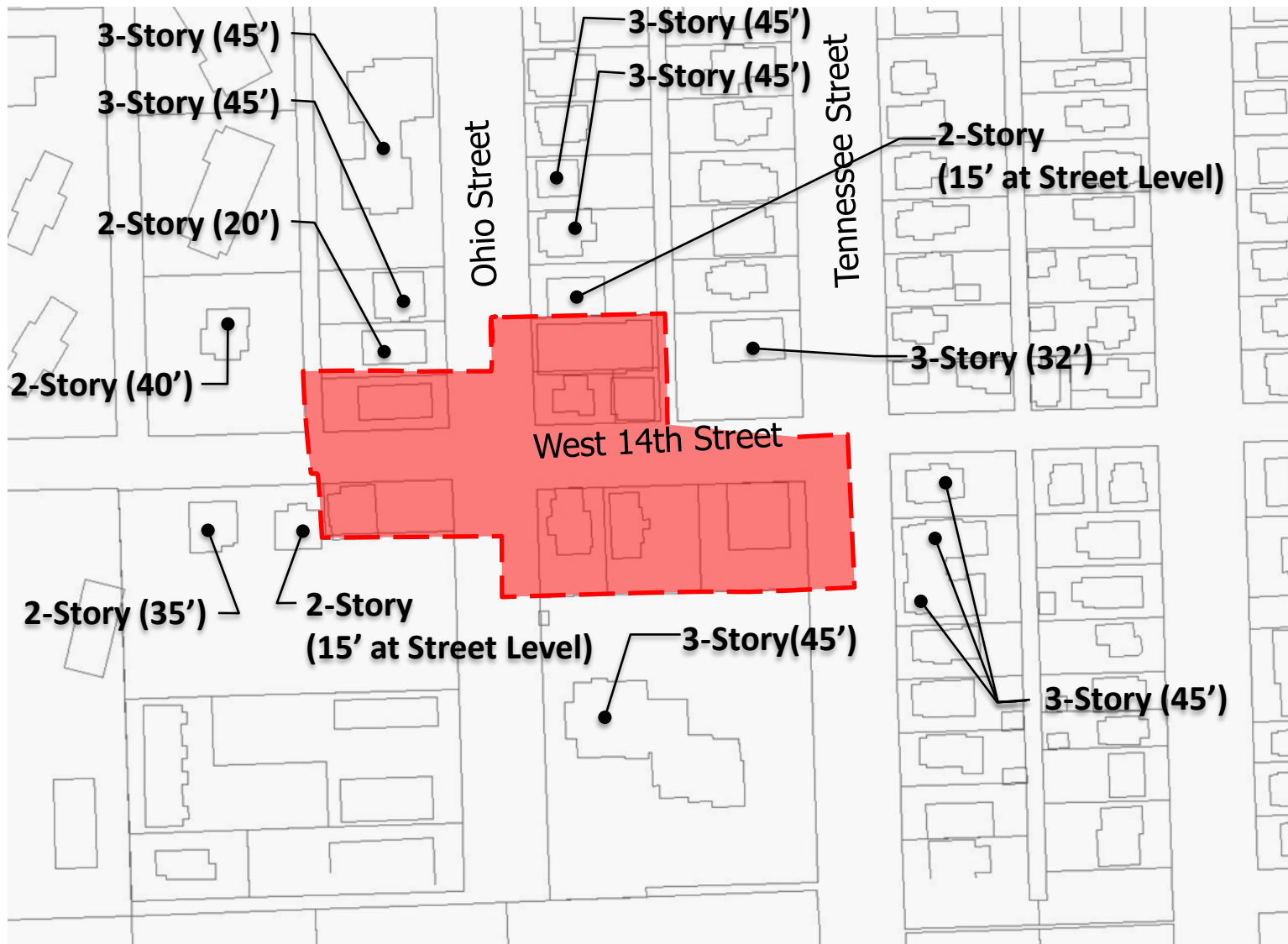
Joy D. Rhea, RLA

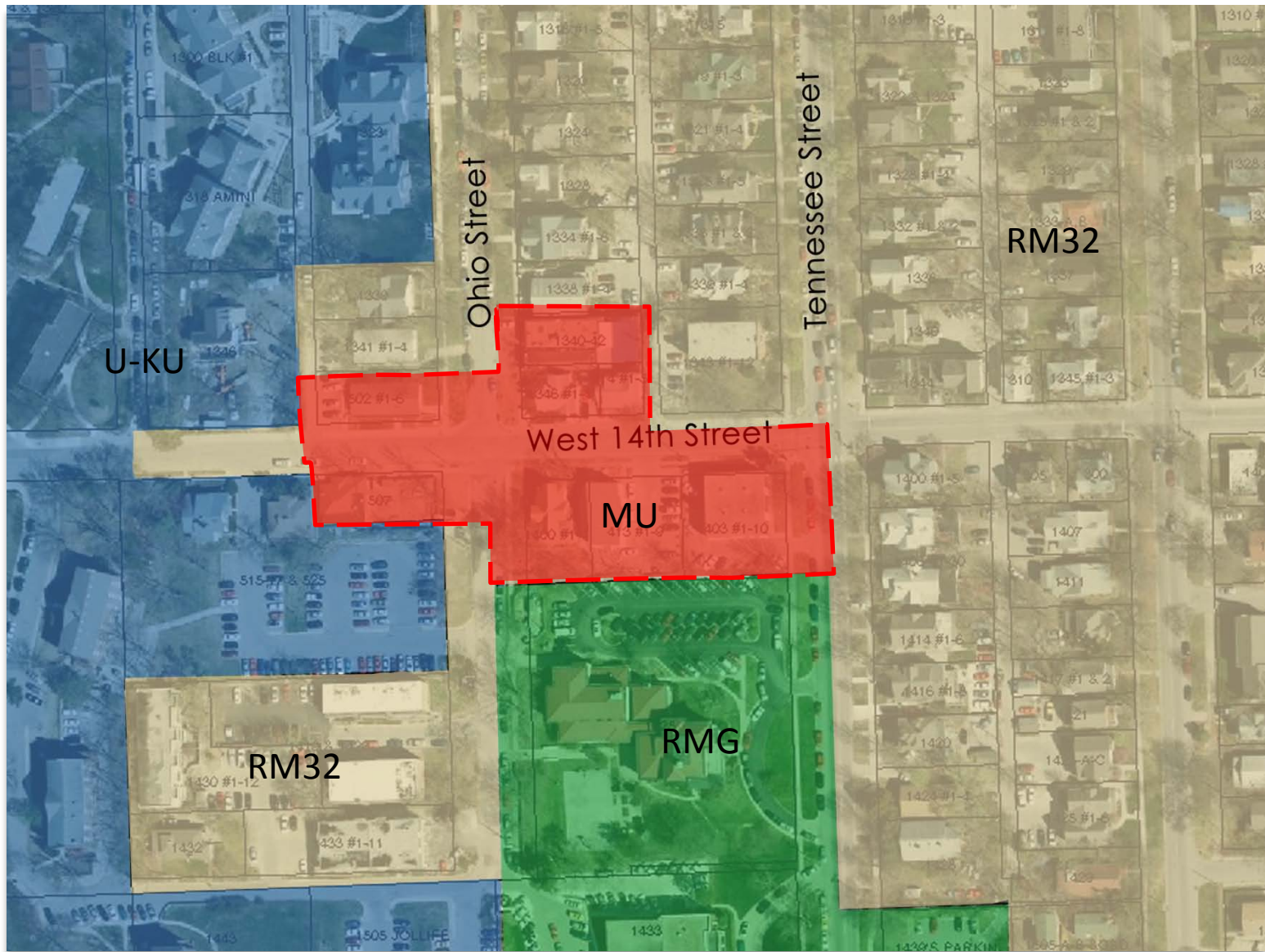


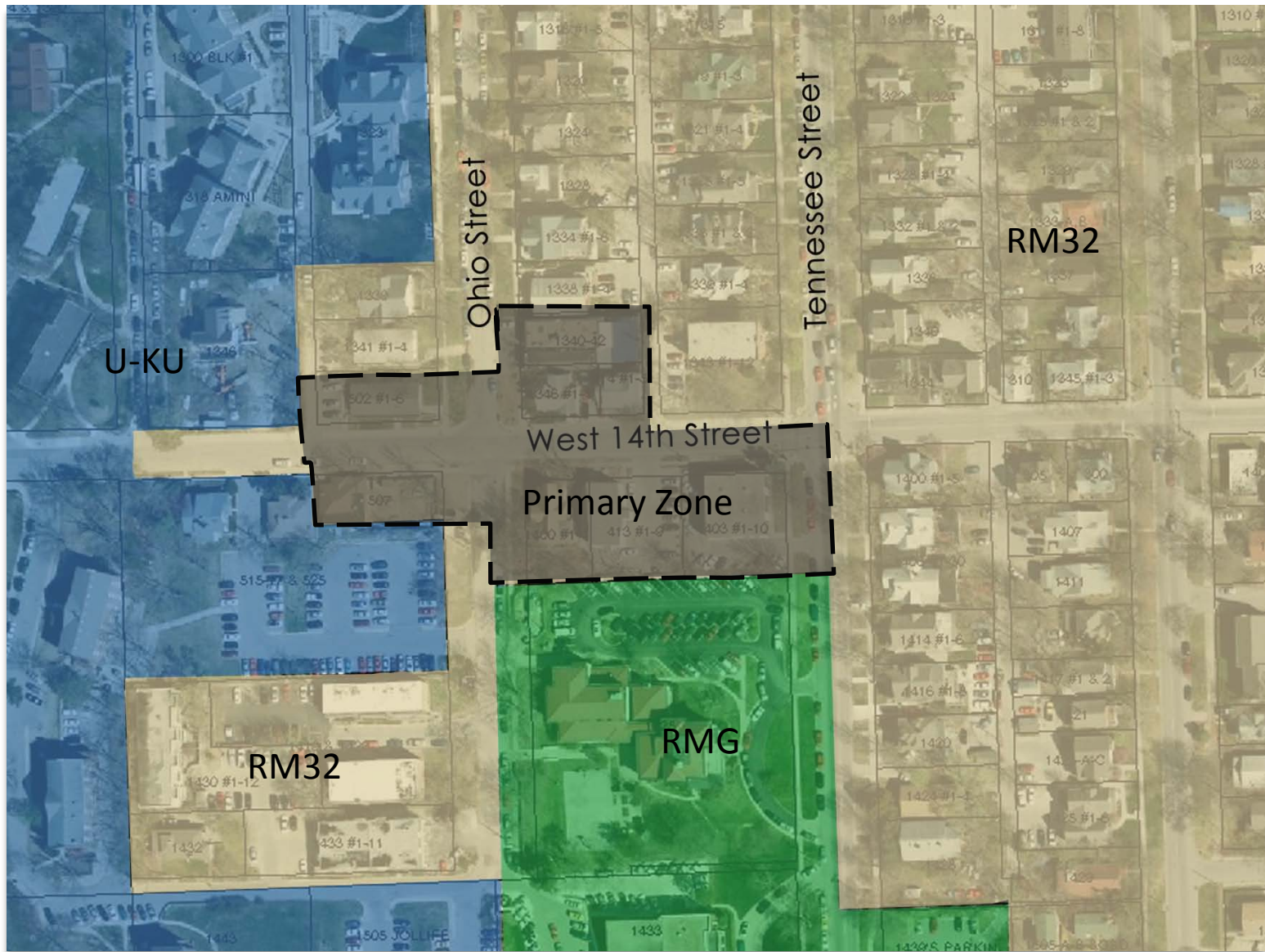


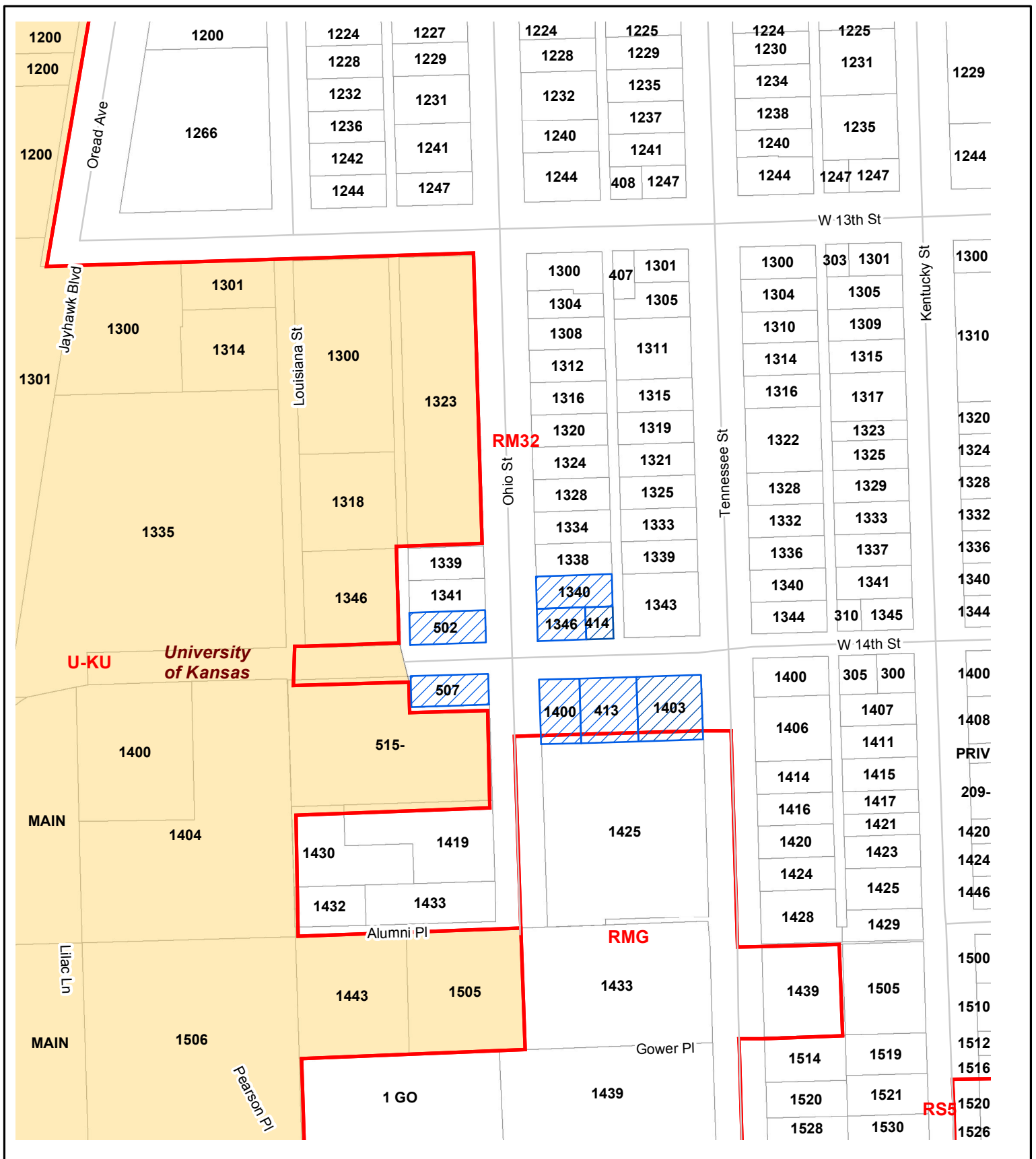












Z-11-21-09: 502 W 14th St

Z-11-22-09: 414 W 14th St

Z-11-23-09: 1346 Ohio St

Z-11-24-09: 1340-1342 Ohio St

Z-11-25-09: 1403 Tennessee St

Z-11-26-09: 1400 Ohio St

Z-11-27-09: 507 W 14th St

Z-11-28-09: 413 W 14th St

**Rezone from
RM32 to MU**

Lawrence-Douglas County Planning Office

August 2010



Area Requested

Scale: 1 Inch = 500 Feet

From: McClure, Kirk [mailto:mcclure@ku.edu]
Sent: Friday, August 13, 2010 2:58 PM
To: Scott McCullough
Subject: RE: Items 9 and 10 on the Planning Commission Agenda

Scott –
Thanks for the note and the clarification.

As I understand it, there are two issues.

First, should the Hawk and the Wheel become conforming uses? My guess is that these two bars are such institutions in the neighborhood, that there will be little problem with that, but I will talk to some of the Oread homeowners to get their feelings.

Second, should other buildings in close proximity be permitted uses other than residential? My guess is that this will all depend upon the uses themselves. If it is a return to the type of commercial shops that existed in this neighborhood in the 1950s and 1960 (e.g.: café, barbershop, clothing, small grocery, etc.) there would be little objection. If the mixed use designation simply becomes a mechanism to develop additional sources of nuisance (e.g.: more bars, live music venues, etc.), then I am sure that the homeowners of the Oread Neighborhood will, with good reason, object.

I am happy for this discussion to be entered into the public comments, but I expect a more detail set of comments to follow.

All the best,

Kirk McClure
Professor
Department of Urban Planning
University of Kansas
1465 Jayhawk Blvd., 317 Marvin Hall
Lawrence, Kansas 66045-7614
Voice telephone: (785) 864-3888
Electronic mail: mcclure@ku.edu

From: Scott McCullough [mailto:smccullough@ci.lawrence.ks.us]
Sent: Friday, August 13, 2010 2:10 PM
To: McClure, Kirk
Subject: RE: Items 9 and 10 on the Planning Commission Agenda

Re: Item 9: There are no development plans conceived currently. The request stems from discussions about the MU district being able to “legalize” The Hawk and The Wheel. The other properties are requested, as I understand it, in order to set them up for future redevelopment that would be in compliance with the draft Oread Neighborhood Plan. Throughout the planning process for the Oread plan, there has been unanimity on this area as appropriate for mixed use development or redevelopment. It would bring back some commercial elements to the area.

Please let me know if you wish this discussion to be included as public comment and I will post to the PC packet.

Scott McCullough, Director - smccullough@ci.lawrence.ks.us
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

From: McClure, Kirk [mailto:mcclure@ku.edu]
Sent: Friday, August 13, 2010 8:54 AM
To: Scott McCullough
Subject: RE: Items 9 and 10 on the Planning Commission Agenda

Scott –
Thanks for the note.

Re: Item 10: Unlimited density in the RM32 district if all other code standards.

I think this is an idea that may work. The trend seems to be running toward smaller units, i.e.: one-bedroom and studio units. The homeowners in the Oread are concerned about parking (too many cars trying to squeeze into the neighborhood) and behavior (noise, trash, crime, etc.)

Re: Item 9: Mixed Use

Suspicion is running high on this. The notion of mixed-use is of a walkable neighborhood that combines residential, commercial and office space. With the problems of boarding houses turning into party houses and new urbanism turning into drive-through strip mall stores, these developers do not have much credibility. What kind of redevelopment is planned? As you can imagine, it is hard for the public to comment on this item until they know what is planned?

All the best,

Kirk McClure
Professor
Department of Urban Planning
University of Kansas
1465 Jayhawk Blvd., 317 Marvin Hall
Lawrence, Kansas 66045-7614
Voice telephone: (785) 864-3888
Electronic mail: mcclure@ku.edu

From: Scott McCullough [mailto:smccullough@ci.lawrence.ks.us]
Sent: Wednesday, August 11, 2010 8:41 PM
To: McClure, Kirk
Cc: Michelle Leininger
Subject: RE: Items 9 and 10 on the Planning Commission Agenda

Professor,

The partial packet posted earlier was done so because some of the items were deferred from July and we had reports complete. We also wanted the PC and public additional time to begin reviewing what is a large PC packet. The other reports, noted below, will be posted early to mid next week, which is our typical practice and so the public will have the normal period of time to review the materials.

To address your specific questions, prior to the reports being posted, I can offer the following:

Item 9 - This is a request for MU zoning by several different owners within one defined area. It includes The Hawk and The Wheel which, if approved, would maintain their bar use as a grandfathered SUP. It also includes the south frontage of 14th Street between Ohio and Tennessee (existing apts). While the entire requested district could be redeveloped, there are no immediate plans to do so and no site plans submitted to redevelop any of the properties. The MU district requires mixing commercial and residential uses. Bars are allowed via SUP.

Item 10 - This is a request to permit unlimited density in the RM32 district if all other code standards (height, parking, setback, lot coverage, open space, etc) are met. The concept being that if the standards are met and parking is provided, then the land use impact of increased density, which is based on calculating dwelling units and bedrooms, may

be minimal. Paul Werner is attempting to demonstrate that a density of 32, 4-bedroom units is equivalent to a density of, say, 62, 2 bedroom units. He argues that a bedroom equivalent should be considered if all other standards are held equal. Staff will be outlining the concepts and options for the PC and we will not be seeking action most likely on this item. There will be implications in the Oread and other areas where RM32 exists.

I hope this begins to answer your questions. The full packets should be available next Tuesday or Wednesday.

Scott

From: McClure, Kirk [mcclure@ku.edu]
Sent: Wednesday, August 11, 2010 4:09 PM
To: Scott McCullough
Subject: Items 9 and 10 on the Planning Commission Agenda

Scott –

I have some questions on items 9 and 10 on the upcoming Planning Commission agenda. The items are listed in detail below.

Unfortunately, the packet does not have any backup material in it yet. It is very hard for the public to have meaningful input at the public hearing with no information.

While we all support the concept of mixed-use, we are concerned with its abuse. We have learned the hard way that “Boarding Houses” and “Adaptive Resuse” can simply become a source of nuisance.

What are the uses intended for the properties listed in item 9?

Will these include any bars, taverns, or even food service that includes alcohol?

What are the implications of the increased density proposed in item 10?

When will the public be able to see more on Paul Werner’s submission and on the proposed text amendment?

Thanks.

All the best,

ITEM NO. 9A RM32 TO MU; .13 ACRES; 502 W 14TH ST (MJL)

Z-11-21-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 502 West 14th Street. Submitted by Paul Werner Architects, for Oread Villas, LLC, property owner of record.

ITEM NO. 9B RM32 TO MU; .05 ACRES; 414 W 14TH ST (MJL)

Z-11-22-09: Consider a request to rezone approximately .05 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 414 West 14th Street. Submitted by Paul Werner Architects, for D & D Rentals of Lawrence, LLC, property owner of record.

ITEM NO. 9C RM32 TO MU; .09 ACRES; 1346 OHIO ST (MJL)

Z-11-23-09: Consider a request to rezone approximately .09 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1346 Ohio Street. Submitted by Paul Werner Architects, for D & D Rentals of Lawrence, LLC, property owner of record.

ITEM NO. 9D RM32 TO MU; .13 ACRES; 1340-1342 OHIO ST (MJL)

Z-11-24-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1340-1342 Ohio Street. Submitted by Paul Werner

Architects, for HDD of Lawrence, LLC, property owner of record.

ITEM NO. 9E RM32 TO MU; .23 ACRES; 1403 TENNESSEE ST (MJL)

Z-11-25-09: Consider a request to rezone approximately .23 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1403 Tennessee Street. Submitted by Paul Werner Architects, for DJC Holdings, LLC, property owner of record.

ITEM NO. 9F RM32 TO MU; .14 ACRES; 1400 OHIO ST (MJL)

Z-11-26-09: Consider a request to rezone approximately .14 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1400 Ohio Street. Submitted by Paul Werner Architects, for Wakarusa Partners, property owner of record.

ITEM NO. 9G RM32 TO MU; .13 ACRES; 507 W 14TH ST (MJL)

Z-11-27-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 507 West 14th Street. Submitted by Paul Werner Architects, for John C. Wooden, property owner of record.

ITEM NO. 9H RM32 TO MU; .29 ACRES; 413 W 14TH ST (MJL)

Z-11-28-09: Consider a request to rezone approximately .29 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 413 West 14th Street. Submitted by Paul Werner Architects, for Douglas J. Compton, property owner of record.

**ITEM NO. 10 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT; CHP 20
ARTICLE 6; RM32 DISTRICT (MJL)**

TA-6-8-10: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, Article 6, Section 20-601 to increase the maximum dwelling units per acre limit in the RM32 (Multi-Dwelling Residential) District. Initiated by City Commission on 7/13/10.

Kirk McClure

Professor

Department of Urban Planning

University of Kansas

1465 Jayhawk Blvd., 317 Marvin Hall

Lawrence, Kansas 66045-7614

Voice telephone: (785) 864-3888

Electronic mail: mcclure@ku.edu

22 August 2010

Mr. Charles Blaser, Chairman, and Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 9: RM32 TO MU

Dear Chairman Blaser and Planning Commissioners:

I am supportive of measures to allow the preservation of the commercial uses at 14th and Ohio, but after seeing the proposal for the rezoning of these properties to an MU district I am not convinced that this is the best way to allow for the continuation of those uses.

Rezoning to MU would allow, and encourage, redevelopment beyond the current uses. The statement of purpose for this zoning is to permit a variety of land uses together in one structure, saying that "Development in the Mixed Use District shall include both residential and nonresidential uses." The current pattern of development is one of adjacent rather than combined uses.

I note that for Item No. 11, the text amendment for boarding houses, there is a call to "Direct staff with regard to initiating a text amendment to review the standards of Article 15 related to non-conforming structures." Consideration should be given to addressing the commercial area at 14th and Ohio as part of a change to these standards for non-conforming uses rather than adopt zoning to encourage redevelopment.

An argument for this change in zoning is that it would be consistent with the draft for changes to the neighborhood plan. At the very least I would hope that the planning commission would defer this matter until the new plan is adopted. If not, the commission is allowing for redevelopment of this area without statements also supporting the continuation of preservation of the existing housing stock and mixed use in the neighborhood.

Thank you for your work for our community and your consideration of my comments.

marci francisco

1101 Ohio
Lawrence, Kansas 66044

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

August 22, 2010

Mr. Charles Blaser, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RECEIVED

AUG 23 2010

City County Planning Office
Lawrence, Kansas

RE: ITEMS NO. 9A, 9B, 9C, 9D, AND 9G REZONING TO MU DISTRICT PRIMARY

Dear Chairman Blaser and Planning Commissioners:

We note that the size of the original application for an MU Primary Zone has been reduced to those five lots that include and are adjacent to the existing commercial areas—the Wheel and the Hawk. We thank the planning staff for effecting this change. However, we have some major concerns about the MU District itself, and some suggestions on how it should be revised and implemented. It is important in the Oread Neighborhood not to create incentives to favor one housing type over another. For example, the planners must be careful not to encourage redevelopment over rehabilitation and preservation when codes are written and policies adopted for this

1. The open-ended criteria for locating the MU Districts are too loose. Almost any area in Lawrence could qualify including most of the Oread Neighborhood. The criteria should be made more specific and less inclusive.
2. A requirement in the code to conform to the area plan in advance of rezoning should be added. Although the not-yet-adopted Oread Plan identifies the 14th Street area as a Mixed Use area, the MU District does not require that this designation in an area plan be a criterion. For this reason, applying the MU District to one area in the Oread Neighborhood creates the same effect as spot zoning; that is, granting this one privilege justifies the same for all. The Oread Neighborhood is unique in that almost all areas in it would qualify for an MU District, defeating the purpose of encouraging preservation of the historical structures, the small-lot scale, and variety in housing types and residents. One requirement should be that the MU District is specifically recommended for a site in an area plan.
3. The SUP that accompanies the MU District for some non-conforming uses should not be so “automatic” that it does not require a public hearing. Any use that requires a SUP should be subject to allowing conditions, and this is especially the case when the experience of a neighborhood indicates the need.
4. Site planning or some form of graphic indication of plans should accompany the rezoning hearings. There should be a commitment as to how the proposal is to be developed.

We hope that you will consider these suggestions as you review this ordinance and its first major application.

Sincerely yours,

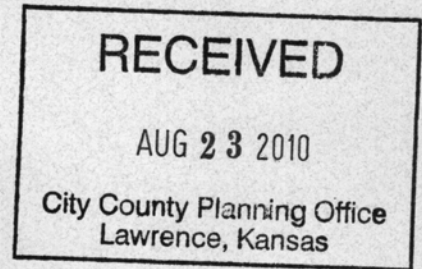
Milton Scott
Vice President



Alan Black, Chairman
Land Use Committee

August 22, 2010

Lawrence – Douglas County Metropolitan Planning Commission
City Hall
6 East 6th Street
Lawrence, KS 66004



Dear Commissioners:

I am writing in reference to Items numbered 9A, 9B, 9C, 9D, and 9G on your Agenda, the requests for rezoning five parcels in the Oread Neighborhood from RM32 to Mixed Use Zoning.

This rezoning request arises out of discussions which occurred among residents and property owners in the neighborhood regarding the Oread Neighborhood Plan. In these discussions, which occurred more than a year ago, MU zoning was identified as one possibility that would give the owners of the Hawk and the Wheel protection from the loss of their businesses in the event of a catastrophic fire or other calamity. The Neighborhood Plan was drafted in a way as to give these businesses protection from loss and also give the neighborhood protection from extensive commercial development through the use of overlay districts.

The passage of the Neighborhood Plan has stalled but this rezoning request is advancing. I am very concerned that passage of the rezoning request will ultimately expand commercial use throughout the neighborhood because there is no up-to-date plan to guide development.

I urge you to ask the Planning Staff to find another way to provide security for the Hawk and the Wheel, and delay any zoning changes in the neighborhood until the Oread Neighborhood Plan is adopted. If you open the door to rezoning Oread without a Plan, you may be causing the commercialization of Oread.

Thank you for your consideration and for your service to the community.

Sincerely,

Carol von Tersch
706 West 12th Street



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

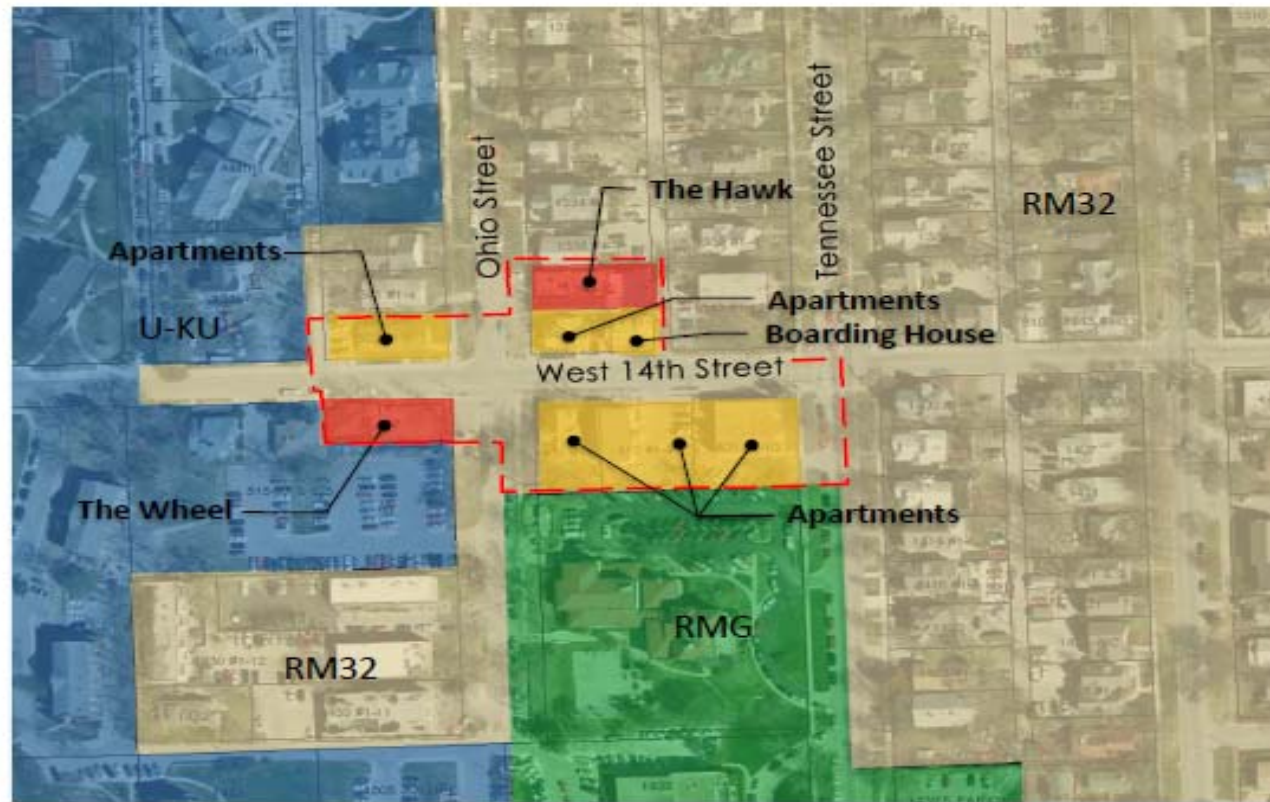
Item 9A-D, 9G

Rezoning from RM32 to MU





Existing Uses



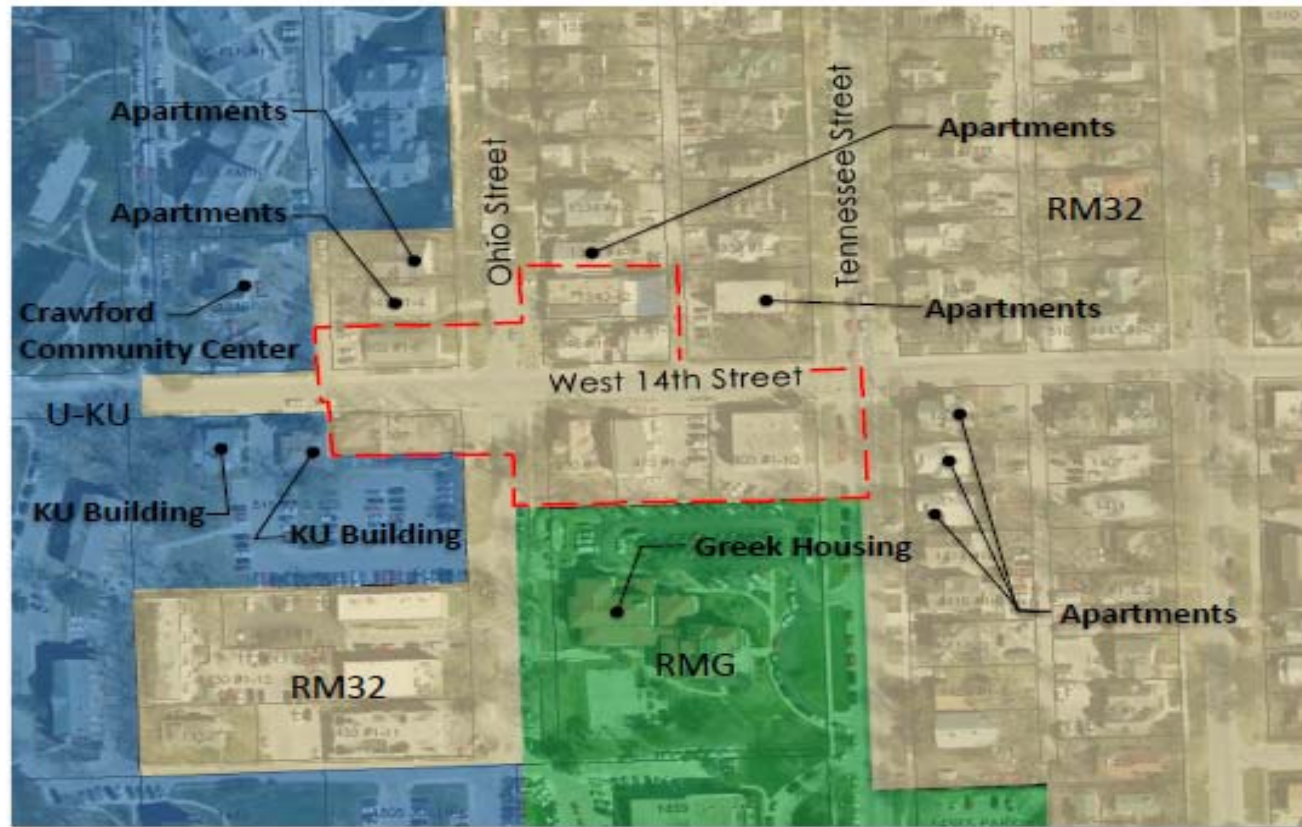
paulwerner
ARCHITECTS

Existing Use
Subject Property





Existing Adjacent Uses



paulwerner
ARCHITECTS

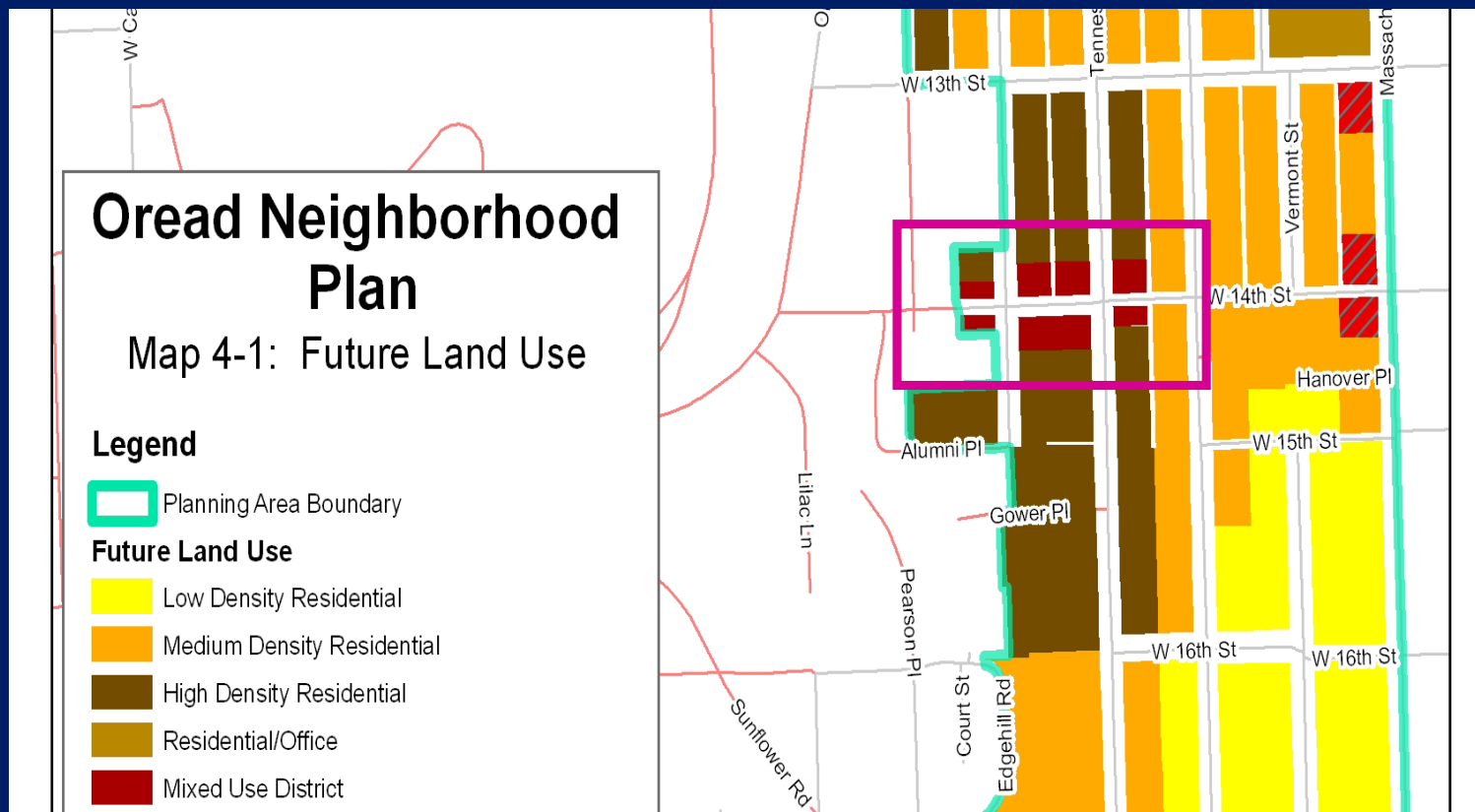
Existing Use
Surrounding Property





Draft Oread Neighborhood Plan

Future Land Use Map





MU District Eligibility

- Section 20-1108(a) [Previously Section 20-223(b)]
 - Within one-quarter of a mile of designated transit route at the time the rezoning is initiated; and (meets)
 - Near or adjacent to the intersection of arterial streets as per the adopted major thoroughfares map; or (does not meet)
 - Within one-quarter of a mile of university campuses; or (meets)
 - Within one-quarter of a mile of downtown, the boundaries of which are described in Chapter 6 of Horizon 2020; or (does not meet)
 - Immediately adjacent to public parks or open space; or (does not meet)
 - An existing nonresidential development proposed for redevelopment. (potentially meet in the future)



Development Zones

- Development zones govern permitted density, building height, scale, and form.
- Types of Development Zones
 - Primary Development Zone
 - most intense development allowed by the district
 - shall contain vertical mixed use structures with a mixture of both residential and nonresidential uses
 - no interruption of building frontage along the public frontage
 - residential uses shall not be permitted on the ground level of structures
 - if the existing surrounding development contains such nonresidential uses



Development Zones Cont.

- Secondary Development Zone
 - less-intense development
 - may contain vertical mixed use structures, horizontal mixed use structures or single-use structures
 - may contain interruption of building frontage for access to parking areas, alleys or service lanes
 - may contain both nonresidential ground-level uses and ground level residential uses
 - nonresidential uses shall only be permitted
- Tertiary Development Zone
 - least-intense development
 - shall permit a development intensity which is no greater than that of surrounding existing development
 - shall permit a development form which is consistent with that of surrounding existing development



Applicant Requested Development Zones



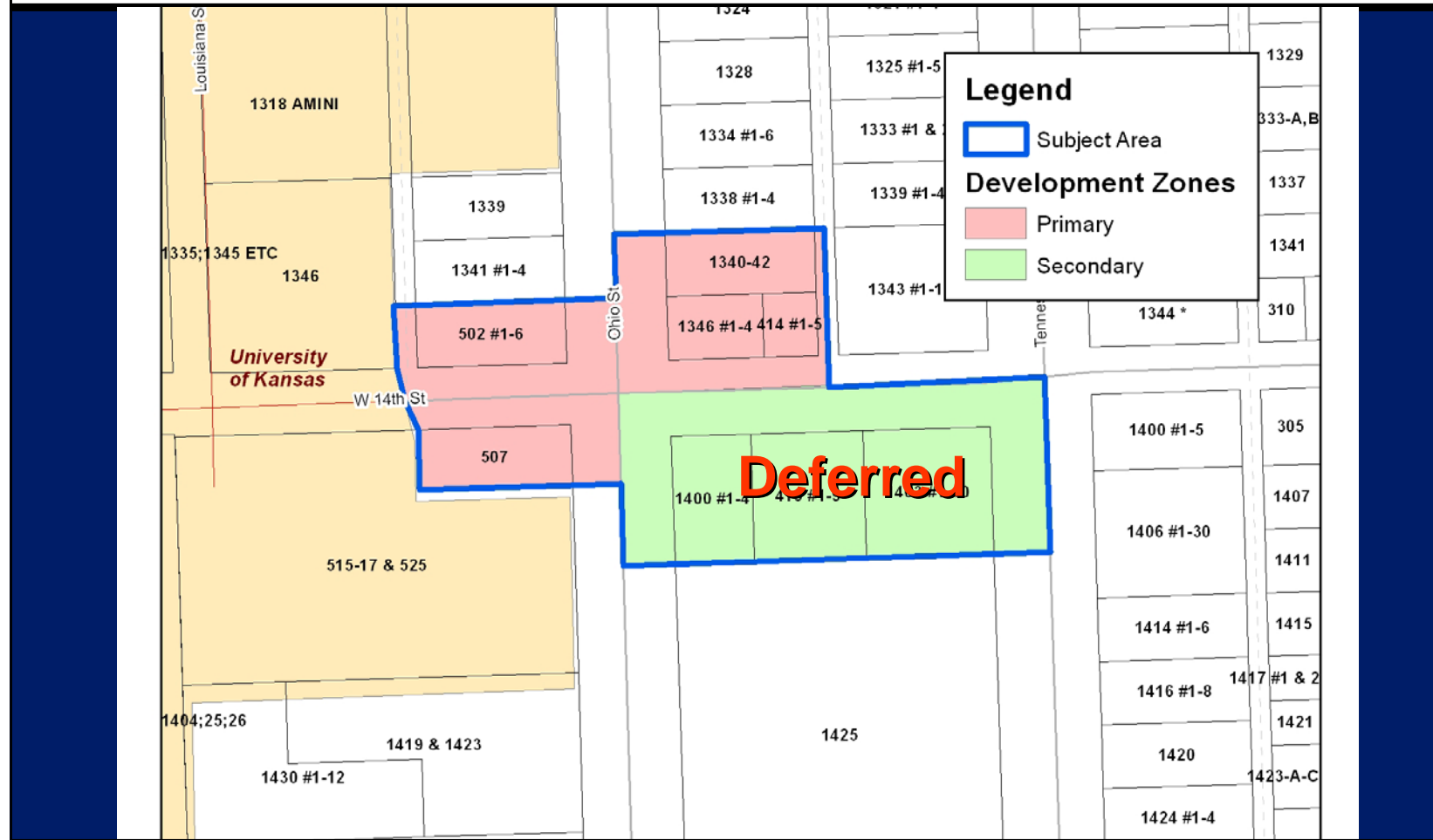
paulwerner
ARCHITECTS

Development Zone





Staff Recommended Development Zones





Neighborhood Structure Context





Bar or Lounge Use

- Permitted by Special Use Permit in the MU District
- 2 existing bars
 - 1340-1342 Ohio St (The Hawk)
 - 507 W. 14th St (The Wheel)
- Automatic SUP for existing bars upon rezoning to MU
- Conditions may be placed on use as part of the rezoning process
- Use regulated under the SUP section of Code after approval



Retail Limit

- Section 20-1107 of the Code requires a Retail Market Study for any application for site plan or zoning that could result in 50,000 sf or more of additional floor area for retail businesses in the City
- potential for 50,000 sf or more of retail in the district
- recommended condition on each property that as a whole, the district can not contain more than 50,000 square feet of retail space.



HRC Action on August 19th

- subject to review based on their relation to historically listed properties
- With the exception of the 3 properties that have been deferred, the HRC made the determination that the proposed zoning would not encroach upon, damage, or destroy the environs of one or more listed historic properties.



Staff Recommendation

- Staff recommends approval of the request to rezone from the RM32 (Multi-Dwelling Residential) District to MU (Mixed Use) District with all properties identified as a Primary Development Zone based on the findings presented in the staff report with the following condition and forwarding it to the City Commission with a recommendation for approval.
 1. The entire MU District shall not contain over 50,000 square feet of retail space.
- Item 9A: Z-11-21-09 502 W. 14th Street
- Item 9B: Z-11-22-09; 414 W. 14th Street
- Item 9C: Z-11-23-09; 1346 Ohio Street
- Item 9D: Z-11-24-09; 1340-1342 Ohio Street including a Special Use Permit for the Bar or Lounge Use
- Item 9G: Z-11-27-09; 507 W. 14th Street including a Special Use Permit for the Bar or Lounge Use

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
8/25/10

**ITEM NO. 10 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP
20 ARTICLE 6; RM32 DISTRICT (MJL)**

TA-6-8-10: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, Article 6, Section 20-601 to increase the maximum dwelling units per acre limit in the RM32 (Multi-Dwelling Residential) District. *Initiated by City Commission on 7/13/10.*

RECOMMENDATION: Staff recommends that the Planning Commission hold a public hearing and continue it to a later date, and provide staff direction regarding this item.

Reason for Request: Current RM zoning has no incentives to help the community achieve one of the goals of the Lawrence/Douglas County Comprehensive Land Use Plan; to encourage redevelopment and development of infill property. We would like to propose that the cap currently on the existing RM32 be removed to allow for increased density provided that all the other restrictions of the RM32 zoning be met under 20-601. [Paul Werner Architects initiation letter to CC dated June 15, 2010]

RELEVANT GOLDEN FACTOR:

This proposal is generally in conformance with the comprehensive plan providing the opportunity to create a mix of residential types, styles and economic levels in the city.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Kirk McClure email

OVERVIEW OF PROPOSED AMENDMENT

The RM32 District is the densest residential district in the Code, permitting 32 dwelling units per acre. The CC initiated consideration of a request which to eliminate the maximum dwelling unit per acre cap, only in the RM 32 District, when all other Development Code requirements are met. Below is a summary of the other requirements that would need to be met:

- Density and Dimensional Standards
 - Minimum lot area: 6,000 square feet
 - Minimum lot width: 50'
 - Minimum lot frontage: 50'
 - Minimum setbacks:
 - Front: 25
 - Side exterior: 25' when abutting an interior side lot line, 10' when abutting a rear lot line
 - Side interior: 5'
 - Rear: 20' single frontage, 25' double frontage
 - Maximum building coverage 60% (applies only to lots platted after the effective date or any improvements which increase the building coverage or impervious coverage.)
 - Maximum impervious cover 80% (applies only to lots platted after the effective

- date or any improvements which increase the impervious coverage or building coverage)
- Minimum outdoor area per dwelling: 50 square feet
- Minimum outdoor area dimensions per dwelling: 5'
- Maximum building height: 45' (approx 4-5 stories)
- Parking (multi-dwelling structure)
 - Vehicle parking: 1/bedroom + 1/10 units
 - Bicycle parking: 1/4 auto spaces
 - Auto parking dimensions (stalls, drive aisles)
- Landscaping
 - Parking lot landscaping (interior and perimeter)
 - Bufferyards
 - Screening of dumpsters and mechanical equipment
- Balconies on a multi-dwelling unit building
 - Balconies above the second story of a multi-dwelling unit building are prohibited along the exterior of a RM development unless the building setback is increased to at least double the required minimum setback and landscaping is enhanced with two or more of the following features: a minimum 4' berm, a solid screening fence (6' minimum height) or a masonry wall (6' minimum height). This provision shall apply only to those exterior sides of a Planned Development that are adjacent to RS zoning or to detached Dwelling Units.
- Photometric Plan (lighting plan)
- Sidewalks along public streets

One of the issues the applicant has presented is related to how the zoning regulations calculate density. The code defines a dwelling unit by the presence of a kitchen and does not differentiate between a 1-bedroom unit and a 4-bedroom unit. Therefore depending on configuration, the same building mass could include equal numbers of bedrooms but significantly different dwelling unit counts which affects calculated density. Staff has seen the apartment market change over time with 1 and 2-bedroom units more marketable than 4-bedroom units. An argument can be made that if the dwelling units are contained in the same building form (regulated by setbacks, height, parking, bufferyards, and outdoor space) the total number of units is not relevant.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

This change is generally in conformance with the comprehensive plan by giving the opportunity to create a mix of residential types, styles and economic levels in the city.

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**

Applicant Response

No

Staff Response

Over the past few years there have been many discussions of higher density development and building up and not out. This change would support this development perspective of increasing density in the multi-family districts and potential of infill development at a higher density while

meeting all other requirements in the code. With the adoption of the SmartCode the community has shown support for higher density development.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).

Applicant Response

Horizon 2020 encourages the redevelopment and development of infill property. This revision will encourage redevelopment of the old apartment structure on RM32 zoned areas, with more modern and energy efficient 1 and 2-bedroom apartments.

The intent of the code is to provide higher density housing close to the University of Kansas and near downtown.

Staff Response

Horizon 2020 supports a mix of housing types and densities in addition to the SmartCode concepts of higher density development and a mixing of uses.

PC DISCUSSION AND DIRECTION

With having to meet all of the other applicable Code regulations, density would not realistically be unlimited.

Things to consider:

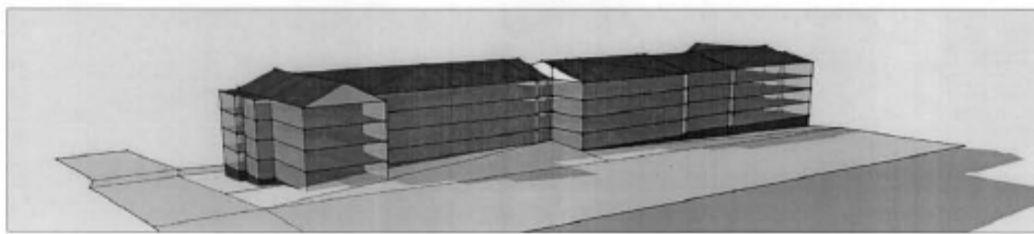
- Variances can be requested for any of the above standards and if obtained, those variances would satisfy the condition for that regulation being met, meaning the property could utilize the unrestricted density cap. This could make it easier to meet all of the Code regulations and utilize the exception.
- RM32 District zoning could be located in any area of the city. Would an unlimited density be appropriate in the outlying areas versus redevelopment areas?
- Would the request potentially be appropriate only around the KU campus and at what distance?
- Would it be more appropriate to create another multi-dwelling district with a higher density maximum?

Action Requested: Consider the following options and direct staff as appropriate.

Options:

- Incentives for utilization of such things as LEED or Energy Star certified, certain percent affordable housing, certain distance to a transit stop, environmental protection, etc. in order to obtain density bonus.
- Adding a footnote permitting density over the 32 dwelling units per acre when all other Code regulations are met but adding a maximum density to the footnote. For example 54 dwelling units. (the previous max in the 1966 code)
- Only permitting the removal of the density cap if the property is within a certain distance from KU campus (1/4 mile)
- Leave the density as it is today
- Permit bonuses if all development standards are met without any BZA variances.

Applicant attachment



SCHEME A OR B GENERAL MASSING



SCHEME A: 4 BED ROOM UNITS



SCHEME B: 1 & 2 BED ROOM UNITS

SUMMARY:

SITE 35,100 SF 0.81 AC TYPICAL 111' X 300' PROPERTY
CURRENT ZONING RMB2
COVERAGE 52.80% (60% ALLOWABLE) HEIGHT 45 FT (45FT ALLOWABLE)
SCHEME A: 4 LEVELS, 74,268 SF 26 UNITS (26) 4 BED 32 D.U.A.
SCHEME B: 4 LEVELS, 74,268 SF 70 UNITS (54) 2 BED (56) 1 BED 87 D.U.A.
REQUIRED PARKING 104 SPACES + 11 GUEST SPACES
PROVIDED PARKING 148 TOTAL SPACES BELOW GRADE

EXHIBIT A

JOB NO. 286-00
10 JUNE 2010

paulwerner



From: McClure, Kirk [mailto:mcclure@ku.edu]
Sent: Friday, August 13, 2010 2:58 PM
To: Scott McCullough
Subject: RE: Items 9 and 10 on the Planning Commission Agenda

Scott –
Thanks for the note and the clarification.

As I understand it, there are two issues.

First, should the Hawk and the Wheel become conforming uses? My guess is that these two bars are such institutions in the neighborhood, that there will be little problem with that, but I will talk to some of the Oread homeowners to get their feelings.

Second, should other buildings in close proximity be permitted uses other than residential? My guess is that this will all depend upon the uses themselves. If it is a return to the type of commercial shops that existed in this neighborhood in the 1950s and 1960 (e.g.: café, barbershop, clothing, small grocery, etc.) there would be little objection. If the mixed use designation simply becomes a mechanism to develop additional sources of nuisance (e.g.: more bars, live music venues, etc.), then I am sure that the homeowners of the Oread Neighborhood will, with good reason, object.

I am happy for this discussion to be entered into the public comments, but I expect a more detail set of comments to follow.

All the best,

Kirk McClure
Professor
Department of Urban Planning
University of Kansas
1465 Jayhawk Blvd., 317 Marvin Hall
Lawrence, Kansas 66045-7614
Voice telephone: (785) 864-3888
Electronic mail: mcclure@ku.edu

From: Scott McCullough [mailto:smccullough@ci.lawrence.ks.us]
Sent: Friday, August 13, 2010 2:10 PM
To: McClure, Kirk
Subject: RE: Items 9 and 10 on the Planning Commission Agenda

Re: Item 9: There are no development plans conceived currently. The request stems from discussions about the MU district being able to “legalize” The Hawk and The Wheel. The other properties are requested, as I understand it, in order to set them up for future redevelopment that would be in compliance with the draft Oread Neighborhood Plan. Throughout the planning process for the Oread plan, there has been unanimity on this area as appropriate for mixed use development or redevelopment. It would bring back some commercial elements to the area.

Please let me know if you wish this discussion to be included as public comment and I will post to the PC packet.

Scott McCullough, Director - smccullough@ci.lawrence.ks.us
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

From: McClure, Kirk [mailto:mcclure@ku.edu]
Sent: Friday, August 13, 2010 8:54 AM
To: Scott McCullough
Subject: RE: Items 9 and 10 on the Planning Commission Agenda

Scott –
Thanks for the note.

Re: Item 10: Unlimited density in the RM32 district if all other code standards.

I think this is an idea that may work. The trend seems to be running toward smaller units, i.e.: one-bedroom and studio units. The homeowners in the Oread are concerned about parking (too many cars trying to squeeze into the neighborhood) and behavior (noise, trash, crime, etc.)

Re: Item 9: Mixed Use

Suspicion is running high on this. The notion of mixed-use is of a walkable neighborhood that combines residential, commercial and office space. With the problems of boarding houses turning into party houses and new urbanism turning into drive-through strip mall stores, these developers do not have much credibility. What kind of redevelopment is planned? As you can imagine, it is hard for the public to comment on this item until they know what is planned?

All the best,

Kirk McClure
Professor
Department of Urban Planning
University of Kansas
1465 Jayhawk Blvd., 317 Marvin Hall
Lawrence, Kansas 66045-7614
Voice telephone: (785) 864-3888
Electronic mail: mcclure@ku.edu

From: Scott McCullough [mailto:smccullough@ci.lawrence.ks.us]
Sent: Wednesday, August 11, 2010 8:41 PM
To: McClure, Kirk
Cc: Michelle Leininger
Subject: RE: Items 9 and 10 on the Planning Commission Agenda

Professor,

The partial packet posted earlier was done so because some of the items were deferred from July and we had reports complete. We also wanted the PC and public additional time to begin reviewing what is a large PC packet. The other reports, noted below, will be posted early to mid next week, which is our typical practice and so the public will have the normal period of time to review the materials.

To address your specific questions, prior to the reports being posted, I can offer the following:

Item 9 - This is a request for MU zoning by several different owners within one defined area. It includes The Hawk and The Wheel which, if approved, would maintain their bar use as a grandfathered SUP. It also includes the south frontage of 14th Street between Ohio and Tennessee (existing apts). While the entire requested district could be redeveloped, there are no immediate plans to do so and no site plans submitted to redevelop any of the properties. The MU district requires mixing commercial and residential uses. Bars are allowed via SUP.

Item 10 - This is a request to permit unlimited density in the RM32 district if all other code standards (height, parking, setback, lot coverage, open space, etc) are met. The concept being that if the standards are met and parking is provided, then the land use impact of increased density, which is based on calculating dwelling units and bedrooms, may

be minimal. Paul Werner is attempting to demonstrate that a density of 32, 4-bedroom units is equivalent to a density of, say, 62, 2 bedroom units. He argues that a bedroom equivalent should be considered if all other standards are held equal. Staff will be outlining the concepts and options for the PC and we will not be seeking action most likely on this item. There will be implications in the Oread and other areas where RM32 exists.

I hope this begins to answer your questions. The full packets should be available next Tuesday or Wednesday.

Scott

From: McClure, Kirk [mcclure@ku.edu]
Sent: Wednesday, August 11, 2010 4:09 PM
To: Scott McCullough
Subject: Items 9 and 10 on the Planning Commission Agenda

Scott –

I have some questions on items 9 and 10 on the upcoming Planning Commission agenda. The items are listed in detail below.

Unfortunately, the packet does not have any backup material in it yet. It is very hard for the public to have meaningful input at the public hearing with no information.

While we all support the concept of mixed-use, we are concerned with its abuse. We have learned the hard way that “Boarding Houses” and “Adaptive Resuse” can simply become a source of nuisance.

What are the uses intended for the properties listed in item 9?

Will these include any bars, taverns, or even food service that includes alcohol?

What are the implications of the increased density proposed in item 10?

When will the public be able to see more on Paul Werner’s submission and on the proposed text amendment?

Thanks.

All the best,

ITEM NO. 9A RM32 TO MU; .13 ACRES; 502 W 14TH ST (MJL)

Z-11-21-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 502 West 14th Street. Submitted by Paul Werner Architects, for Oread Villas, LLC, property owner of record.

ITEM NO. 9B RM32 TO MU; .05 ACRES; 414 W 14TH ST (MJL)

Z-11-22-09: Consider a request to rezone approximately .05 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 414 West 14th Street. Submitted by Paul Werner Architects, for D & D Rentals of Lawrence, LLC, property owner of record.

ITEM NO. 9C RM32 TO MU; .09 ACRES; 1346 OHIO ST (MJL)

Z-11-23-09: Consider a request to rezone approximately .09 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1346 Ohio Street. Submitted by Paul Werner Architects, for D & D Rentals of Lawrence, LLC, property owner of record.

ITEM NO. 9D RM32 TO MU; .13 ACRES; 1340-1342 OHIO ST (MJL)

Z-11-24-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1340-1342 Ohio Street. Submitted by Paul Werner

Architects, for HDD of Lawrence, LLC, property owner of record.

ITEM NO. 9E RM32 TO MU; .23 ACRES; 1403 TENNESSEE ST (MJL)

Z-11-25-09: Consider a request to rezone approximately .23 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1403 Tennessee Street. Submitted by Paul Werner Architects, for DJC Holdings, LLC, property owner of record.

ITEM NO. 9F RM32 TO MU; .14 ACRES; 1400 OHIO ST (MJL)

Z-11-26-09: Consider a request to rezone approximately .14 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1400 Ohio Street. Submitted by Paul Werner Architects, for Wakarusa Partners, property owner of record.

ITEM NO. 9G RM32 TO MU; .13 ACRES; 507 W 14TH ST (MJL)

Z-11-27-09: Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 507 West 14th Street. Submitted by Paul Werner Architects, for John C. Wooden, property owner of record.

ITEM NO. 9H RM32 TO MU; .29 ACRES; 413 W 14TH ST (MJL)

Z-11-28-09: Consider a request to rezone approximately .29 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 413 West 14th Street. Submitted by Paul Werner Architects, for Douglas J. Compton, property owner of record.

**ITEM NO. 10 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT; CHP 20
ARTICLE 6; RM32 DISTRICT (MJL)**

TA-6-8-10: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, Article 6, Section 20-601 to increase the maximum dwelling units per acre limit in the RM32 (Multi-Dwelling Residential) District. Initiated by City Commission on 7/13/10.

Kirk McClure

Professor

Department of Urban Planning

University of Kansas

1465 Jayhawk Blvd., 317 Marvin Hall

Lawrence, Kansas 66045-7614

Voice telephone: (785) 864-3888

Electronic mail: mcclure@ku.edu

22 August 2010

Mr. Charles Blaser, Chairman, and Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 10 TEXT AMENDMENT; CHP 20 ARTICLE 6; RM32 DISTRICT

Dear Chairman Blaser and Planning Commissioners:

We are writing to express our concerns regarding the proposal to lift the density cap for the RM32 district.

We have ownership interest in four properties in Oread zoned RM32: a single family house that had been converted to a duplex, a house divided into six apartments we converted back to single family, a boarding house we renovated with a partnership into four apartments, and the beautifully restored single-family house where we now live. We were well aware of the opportunities and the limits of the current zoning and development regulations, but also of the plan for the neighborhood that encourages the maintenance of the existing housing stock, as we made these investments.

The draft of the neighborhood plan suggests that there may be some areas in the neighborhood that would be appropriate for more dense development, but those certainly did not include the entire area currently zoned RM32. There is very limited opportunity for infill development in the neighborhood; this change would increase the pressures for redevelopment not only of existing apartment structures but also for replacement of historic houses.

Another significant concern arises from the fact that, even after repeated requests to consider more appropriate standards for development within the original townsite of Lawrence so that the regulations would reflect the pattern of development including narrow lots, alleys, and setbacks, we continue to have most of the same standards for new development apply to this area. The standards were again considered with the recent zoning changes and it was decided to allow for overlay districts to address the issue. It would be most inappropriate to adopt this change in the Oread Neighborhood, relying only on meeting the development standards, before appropriate changes to these standards are made. Consideration should be also given to addressing issues of underground parking and greater traffic; another parking garage emptying out onto 11th Street would exacerbate the existing traffic problems.

We do believe that if there is a density bonus to create more sustainable development within the neighborhood that LEED or Energy Star certification standards should be required.

Thank you for your work for our community and your consideration of our comments.

Joe Bickford and marci francisco

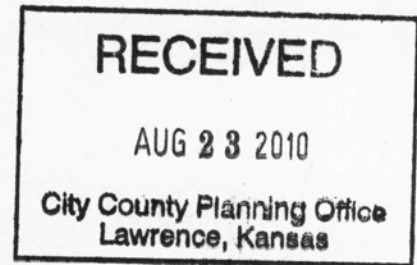
1101 Ohio
Lawrence, Kansas 66044

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

August 22, 2010

Mr. Charles Blaser, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044



RE: ITEM NO.10 TEXT AMENDMENT; CHP 20 ARTICLE 6; RM32 DISTRICT

Dear Chairman Blaser and Planning Commissioners:


We are pleased to see the staff recommendation that additional consideration be given to the proposal to lift the density cap for the RM32 District (the current maximum).

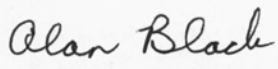
Although we recognize the interest in allowing for infill development or redevelopment of older apartment structures in the Oread Neighborhood, we also recognize that this change would create additional pressures for the redevelopment throughout the areas now zoned RM32. We see no justification for increasing the density throughout a neighborhood where much of the existing housing stock is currently single-family. This would defeat the purpose of encouraging preservation of the historical structures, the small-lot scale, and variety in housing types and residents called for in the neighborhood plan.

We believe there should be some density cap for all zoning districts; there is some limit to the capacity of the infrastructure in an area to support development and there should be some indication to adjacent properties of the potential for future development. Rather than lift the density cap, the adoption of overlay districts to identify specific areas of RM32 zoning that could be appropriately developed to a higher density should be considered as one of the options.

We look forward to further discussion of this issue.

Sincerely yours,


Milton Scott
Vice President


Alan Black, Chairman
Land Use Committee



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Item 10: TA-6-8-10

Text Amendment to Section 20-601
regarding maximum dwelling units in
the RM32 District



Text Amendment Request

- Remove the existing density cap on the RM32 District to allow for increased density provided that all other regulations of the Code be met.



RM32 District Code Requirements

- Density and Dimensional Standards
 - Min lot area: 6,000 square feet
 - Min lot width: 50'
 - Min lot frontage: 50'
 - Min setbacks:
 - Front: 25
 - Side exterior: 25' when abutting an interior side lot line, 10' when abutting a rear lot line
 - Side interior: 5'
 - Rear: 20' single frontage, 25' double frontage
 - Maximum building coverage 60% (applies only to lots platted after the effective date or any improvements which increase the building coverage or impervious coverage.)
 - Maximum impervious cover 80% (applies only to lots platted after the effective date or any improvements which increase the impervious coverage or building coverage)
 - Minimum outdoor area per dwelling: 50 square feet
 - Minimum outdoor area dimensions per dwelling: 5'
 - Maximum building height: 45' (approx 4-5 stories)



RM32 District Code Requirements

- Parking (multi-dwelling structure)
 - Vehicle parking: 1/bedroom + 1/10 units
 - Bicycle parking: 1/4 auto spaces
 - Auto parking dimensions (stalls, drive aisles)
- Landscaping
 - Parking lot landscaping (interior and perimeter)
 - Bufferyards
 - Screening of dumpsters and mechanical equipment



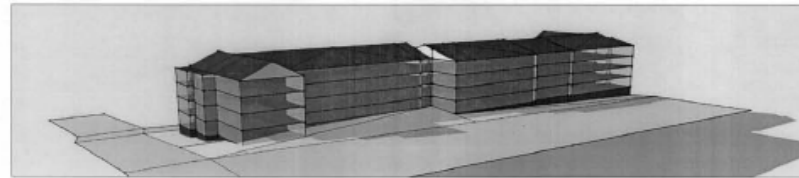
RM32 District Code Requirements

- Balconies on a multi-dwelling unit building
 - Balconies above the second story of a multi-dwelling unit building are prohibited along the exterior of a RM development unless the building setback is increased to at least double the required minimum setback and landscaping is enhanced with two or more of the following features: a minimum 4' berm, a solid screening fence (6' minimum height) or a masonry wall (6' minimum height). This provision shall apply only to those exterior sides of a Planned Development that are adjacent to RS zoning or to detached Dwelling Units.
- Photometric Plan (lighting plan)
- Sidewalks along public streets



Density and Dwelling Units

- One of the issues the applicant has presented is related to how the zoning regulations calculate density.
 - The code defines a dwelling unit by the presence of a kitchen and does not differentiate between a 1-bedroom unit and a 4-bedroom unit.
 - The same building mass could include similar numbers of bedrooms but significantly different dwelling unit counts.
- An argument can be made that if the dwelling units are contained in the same building form, the total number of units is not relevant.



Site plan of a 4-unit residential building. The plan shows a rectangular building with a central corridor. Units are labeled: 4 BED (1800 SQ. FT.), 4 BED (2670 SQ. FT.), 4 BED (1800 SQ. FT.), 4 BED (2670 SQ. FT.), 4 BED (1800 SQ. FT.), and 4 BED (1800 SQ. FT.). Other areas include a POOL DECK, OFFICE, and a 4 BED UNIT ON 3-4. The plan also shows a CENTURINE OF ALLY, GRADE LAWN, and a TYPICAL STREET.

The site plan shows a rectangular development bounded by 10th Street to the north, 11th Street to the south, and West 10th Street to the west. The plan includes the following features:

- Centerline of Alley:** Located at the top of the site.
- Grass Lawn:** Located at the top and bottom of the site.
- Building Footprints:**
 - Top row (from left to right): 1 BED (1200 sq. ft.), 2 BED (1000 sq. ft.), 2 BED (1000 sq. ft.), 2 BED (1000 sq. ft.).
 - Second row (from left to right): 2 BED (1000 sq. ft.), 1 BED (1000 sq. ft.), 1 BED (1000 sq. ft.), 1 BED (1000 sq. ft.).
 - Third row (from left to right): 1 BED (1000 sq. ft.), 1 BED (1000 sq. ft.), 2 BED (1000 sq. ft.), 1 BED (1000 sq. ft.), 1 BED (1000 sq. ft.).
 - Bottom row (from left to right): 1 BED (1000 sq. ft.), 1 BED (1000 sq. ft.), 2 BED (1000 sq. ft.), 1 BED (1000 sq. ft.), 1 BED (1000 sq. ft.).
- Pool Deck:** Located in the center-right of the site.
- Office Clubhouse with Levels 1-2:** Located in the center-right of the site.
- Storage:** Located in the top-left corner.
- Garage:** Located in the top-left corner.
- Driveway:** Located in the top-left corner.
- Entrance:** Located in the center-right of the site.
- Landscaping:** Indicated by hatched areas along the perimeter and around the pool deck.
- Dimensions:** The site is 100' wide and 100' deep.
- Typical Street:** Located at the bottom of the site.

SUMMARY:
 SITE 55,000 SF 0.81 AC TYPICAL 117 X 300' PROPERTY
 CURRENT ZONING RM22
 COVERAGE 52.50% (60% ALLOWABLE) HEIGHT 45 FT (45FT ALLOWABLE)
 SCHEME A: 4 LEVELS 74,260 SF 26 UNITS (26) 4 BED 82 D.U.A.
 SCHEME B: 4 LEVELS 74,260 SF 70 UNITS (34) 2 BED (36) 1 BED 87 D.U.A.
 REQUIRED PARKING 104 SPACES + 11 GUEST SPACES
 PROVIDED PARKING 143 TOTAL SPACES BELOW GRADE

7



Things to Consider

- Variances can be requested for any of the standards and if obtained, those variances would satisfy the condition that all other regulations have to be met.
- RM32 District zoning could be located in any area of the city. Would an unlimited density be appropriate in the outlying areas versus redevelopment areas?
- Would the request potentially be appropriate only around the KU campus and at what distance?
- Would it be more appropriate to create another multi-dwelling district with a higher density maximum?



Action Requested

- Consider the following options and direct staff as appropriate.
 - Incentives for utilization of such things as LEED or Energy Star certified, certain percent affordable housing, certain distance to a transit stop, environmental protection, etc. in order to obtain density bonus.
 - Adding a footnote permitting density over the 32 dwelling units per acre when all other Code regulations are met but adding a maximum density to the footnote. For example 54 dwelling units. (the previous max in the 1966 code)
 - Only permitting the removal of the density cap if the property is within a certain distance from KU campus (1/4 mile)
 - Leave the density as it is today
 - Permit bonuses if all development standards are met without any BZA variances.

Memorandum

City of Lawrence

Planning & Development Services

TO: Planning Commission

FROM: Scott McCullough, Director

Date: For August 25, 2010 Planning Commission Meeting

RE: Boarding House Text Amendment Update – TA-6-17-09

On August 24, October 26, and December 16, 2009 the Planning Commission considered language revising the Lawrence Development Code as it relates to Boarding Houses. The Planning Commission forwarded to the City Commission a recommendation to approve the December 16, 2009 version of the language. On February 2, 2010 the City Commission considered the PC's recommendation and voted 4-1 to return the text amendment to the Planning Commission for further study on the following matters.

1. Simplify the standard related to limiting building additions to 20% of the existing structure.
2. Review the parking standard and consider a standard that requires 1 space per bedroom with variances possible when larger structures are converted to boarding houses.
3. Discuss the processing issue of permitting boarding houses as a "permitted use" or a "special use."

On March 24 and May 26, 2010 the Planning Commission considered revised language attempting to address the City Commission's direction. After public testimony and discussion, the PC indefinitely deferred the item remarking that perhaps the stakeholders could negotiate a proposal that addressed most concerns.

Staff recognizes that the PC and different stakeholders appear to be in gridlock on several aspects of the proposed language. On June 24, 2010, staff presented the amendment to the Oread Neighborhood Association at one of their meetings and observed a range of opinions on what the outcome of the amendment should be. In staff's opinion, the desire to address so many objectives has created an obstacle to making even one or two agreed upon revisions to the code. As a result of the stakeholder discord on this amendment, the options appear to be:

1. Reach majority consensus on the City Commission direction and return the amendment to the City Commission with a recommendation.
2. Recommend to the City Commission to withdraw the amendment and maintain the current Development Code standards.

3. Reduce the amendment to a few key elements that appear to be worth pursuing and make a new recommendation to the City Commission.

In order to move this item back to the City Commission, staff proposes that the amendment address just a few components of the boarding house use – parking, trash receptacles, and redefining the term. These components are justified in that they are creating equity between the boarding house use and the other types of residential structures in the RM districts.

Staff proposes the following responses to the City Commission's direct statements.

1. Simplify the standard related to limiting building additions to 20% of the existing structure.
 - a. Response – Mechanisms, such as lot coverage, setbacks, building height, and historic review are currently established to address building expansions. As such, the standard related to expanding a structure is not necessary and the Planning Commission recommends removing this language from the amendment.
2. Review the parking standard and consider a standard that requires 1 space per bedroom with variances possible when larger structures are converted to boarding houses.
 - a. Response – The PC agrees that 1 parking space per bedroom is justified and equitable in multi-family zoning districts for the boarding house use. The current lesser parking standard, compared to other residential structure types in the RM districts, is arguably unjustified (lacking hard data to justify the relief) and appears to create incentive to renovate existing structures into boarding houses in lieu of other housing types. A mechanism to review and grant variances for all residential uses, based on hardship and site specific conditions, is already established through the Board of Zoning Appeals. Boarding houses should not gain a special privilege over multi-dwelling structures, for example, relative to parking standards as this may encourage one residential use over another without apparent justification. As such, the Planning Commission recommends that special parking variances for large structures are not needed and that the existing variance procedures are aptly established to permit the BZA to consider parking relief for all residential uses.
3. Discuss the processing issue of permitting boarding houses as a "permitted use" or a "special use."
 - a. The Planning Commission recommends that the boarding houses remain as a permitted use without the need to be approved with a Special Use Permit.

Revised language based on these recommended responses is attached for the PC's consideration.

Legal Non-conforming Issues

One impact of revising the parking standard is that formerly approved boarding houses will become non-conforming. While the threshold to bring a property into current code

compliance is high, in staff's opinion, the 25 to 30 approved sites will be non-conforming as to parking if the amendment is adopted.

There has been discussion about reviewing Article 15 of the Development Code to permit such non-conformities to be rebuilt if destroyed. The current code requires structures that are damaged past a certain point to comply with the then existing code. In Lawrence it is the point where the cost to rebuild/repair exceeds 60% of the structure's fair market value. This threshold is higher than the state statute 50% threshold. The exception is that Detached Dwellings (single-family structures) in RS districts can rebuild to non-conforming standards as long as the building permit is obtained within 12 months of the date of damage. No other uses, even duplexes, are permitted to rebuild to non-conforming standards.

In staff's opinion, the boarding house use is more similar to multi-family structures and should not be granted special relief similar to the Detached Dwellings. There are two schools of thought on the matter.

1. Codes are often revised as a community's policies and needs change. Conventional wisdom and practice follows the city's current standards as they relate to non-conformities. This concept permits non-conformities to exist as long as they are not destroyed. If destroyed, it is widely viewed that the insurance proceeds make an owner whole and that the rebuilding to current zoning standards benefits the community. While recent amendments have typically lifted restrictions to development, code amendments do often create non-conformities for otherwise legal properties. Many developments are currently non-conforming in terms of parking and setback due to code amendments in the past. This convention is rooted in state statutes and practiced virtually nationwide. Owners that believe they cannot meet current zoning standards are afforded the variance procedure.
2. An alternative to the conventional practice is to establish a code framework that would permit the rebuilding of legal non-conforming structures as they stood previous to being destroyed as long as life-safety standards (building and fire code) are otherwise met. This would permit the rebuilding to non-conforming setbacks, height, parking, and all other Development Code standards. This would basically allow legal non-conforming structures to perpetually exist without ever being required to meet the zoning standards if that is the desire of the owner.

The non-conforming standards only address *legally* approved projects. Staff seeks direction on whether the PC desires to initiate a text amendment to review Article 15 for all approved uses, not just boarding houses.

Action requested:

1. Adopt the staff proposed responses to the City Commission direction,
2. Adopt the staff proposed text language, and
3. Direct staff with regard to initiating a text amendment to review the standards of Article 15 related to non-conforming structures.

Attach: Candice Davis letter

Dear Planning Department and Planning Commissioners:

4-26-10

Submitted by Candice Davis (SM)

It is the belief of many of us who live in the Oread Neighborhood that a majority of the neighborhood goals listed in the Oread Plan Draft, dated 12-9-09, can be achieved by the suggestions that we have made to the proposed Congregate Living Text Amendment. For your review and consideration, our suggestions are italicized, and sometimes in bold print, in the text below.

We believe that we offer a unique and fair perspective to amendment changes that will be beneficial to the entire Oread Neighborhood. It will take your thoughtful consideration of these suggested changes to adopt an amendment that will help preserve and stabilize this area. Your decision will make an enormous difference to this neighborhood, KU and our downtown in the years ahead. Thank you for your efforts and for your continuing dedication to Lawrence.

OREAD PLAN DRAFT 12-9-09

GOALS

1. **Land Use**- Maintain a variety of housing types to provide a balance in the diversity of people living in the neighborhood while maintaining strong neighborhood scale commercial areas.
2. **Preservation**- Preserve and improve the character of the neighborhood by encouraging the preservation of existing historic structures and features and by supporting infill development that is compatible with the surrounding neighborhood.
3. **Infrastructure**- Promote improvements and maintenance of existing infrastructure on a regular basis, and upgrade infrastructure when redevelopment occurs. (*a rental inspection program*)
4. **Neighborhood Atmosphere**- Promote a healthy and safe living, working, studying, and celebrating environment with a sense of community.

EXPLANATION OF AMENDMENT LANGUAGE-from Scott McCullough

COMMENTS FROM SOME OF THE HOME OWNERS AND RESIDENTS TO CITY AMENDMENT SUGGESTIONS ARE ITALICIZED 3/26-10

Based on these comments, staff has drafted a new version of the amendment for discussion at the March 24 work session to address the comments above as noted.

1. Simplify the 20% rule.

a. This was revised to use as a baseline the building footprint at grade. For example, if a dwelling occupies 1,000 sq. ft. of property at grade, regardless of how many sq. ft. are contained within the three-dimensional structure, then the two-dimensional footprint could not increase greater than 200 sq. ft., regardless of how many additional sq. ft. of floor area is included in multiple stories. ***These restrictions are not needed throughout the city or even throughout the neighborhood; restrictions on expansion are only needed when the expansions are out of scale with the nearby structures. Currently the lower parking standards for congregate living create incentives for out-of-scale expansions; the standard exception that is proposed for structures over 4,000 sq. ft. would also encourage expansions to meet that size requirement to get lowered parking standards. If expansions are allowed both before and after conversion to a congregate living use, an existing structure would only need to be 2,800 sq. ft. to meet the requirement ($2,800 \times 1.2 = 3,360$; $3,360 \times 1.2 = 4,032$). Limitations would be better included in an overlay district if they are meant to protect historic patterns of development.***

2. Restore a limit as to the number of bedrooms allowed in such a house.

a. Staff believes that an 8 bedroom boarding house is sufficient in almost every situation. This allows a doubling of the limitation established with the Family definition and also allows an avenue for variances if a large structure permits additional bedrooms and parking and other code elements can be met. Staff believes the limitation should be included in the use standards instead of the definition of Congregate Living so that an avenue for variance exists for unique situations. ***The wording adopted by the planning commission at the December meeting would allow structures on every standard 50' lot in the neighborhood that can accommodate 5 parking spaces to become a congregate living unit. Realizing this, many of the neighborhood residents expressed our concern to the City Commissioners and requested that there be a minimum number of bedrooms for congregate living in order to avoid a proliferation of this use throughout the neighborhood. To honor the neighborhood plan and provide for a variety of living situations it should read: establish a minimum as well as a maximum # of bedrooms. Min-6, Max-8, except for existing historic structures within an overlay district that is encouraging higher densities. It is very important to maintain the no more than 4 unrelated rule.***

*****NOTE REGARDING required number of parking spaces:***

Fraternities and sororities provide meals as well as lodging, making it easier to live there without a car because you don't have to drive to get groceries. (They also have on-site supervisors.) The same would be true for boarding houses if meals are provided. This is NOT true for congregate living units where meals are not provided. If the need for parking is equivalent to apartments, the parking standards should be the same as for apartments.

3. Include only one parking standard in the code. One space per bedroom

appeared reasonable. **One space per BR will encourage development best suited to the property, expenses and demand, rather than encourage just one type of development, congregate living units, based on the lower parking standards. A variety and diversity of living styles should be encouraged.**

a. The language has been revised to require one parking space per bedroom to be consistent with other forms of residential uses and recognizing that a variance can be requested for situations where it can be justified to relax the parking standards when a large structure exists on a small lot. **Variances should NOT be granted in situations that are created by the owner and not unique to the neighborhood. Concerns for large historic structures should be addressed in the overlay districts where higher densities are deemed to be appropriate.**

4. Consider a standard that would allow reduced parking when large structures on narrow lots would benefit from renovation resulting from conversion to a boarding house.

a. Staff is of the opinion that the code already permits variances to be requested when unique circumstances exist for a property. Designating one type of residential dwelling use over others to afford relaxed parking standards creates an inequitable advantage for that use if the goal is for **diversity in the housing stock**. Large structures can be renovated with other residential uses, such as multi-dwelling uses or mixed uses, as well as boarding houses. With this stated, staff has provided code language at the direction of the City Commission that relaxes parking when structures greater than 4,000 square feet would benefit from additional bedrooms but where the lot is too narrow to provide the code required parking. A typical scenario would be that a large structure exists on a 50' wide lot where only 5 parking spaces can be provided. A structure 4,000 square feet or larger would remain capped at 8 bedrooms but could construct those 8 bedrooms with only 5 parking spaces. **We believe the intent is to encourage reasonable use of existing large historic structures, but not to encourage expansions just to meet the lowered parking requirements. Exceptions should be encouraged only for existing historic structures (ex: not fourplexes) in areas planned for higher density rather than throughout the neighborhood; those areas can be identified in the overlay districts.**

5. The University of Kansas and student stakeholders should be involved.

a. This memo has been forwarded to the Community Affairs Director for the University of Kansas Student Senate and also to the Office of the Chancellor at the University of Kansas.

6. Consider the processing issue of permitting boarding houses as a "permitted use" versus a "special use." (**Could consider an SUP on greater than 8**)

a. Staff is of the opinion that if congregate living facilities are limited to 8 bedrooms, then the potential for negative land use impacts does not rise to the level of requiring a special use permit process. If left unrestricted

as to the total number of bedrooms, then externalities may present themselves and considering a congregate living request through a special use permit process, where adjacent owners are able to provide input on the request, would be helpful in determining whether a request is compatible within a neighborhood.

The revised language essentially can be summarized in the following table.

How permitted By right with use standards

Maximum number of bedrooms Eight (8)

Parking required One (1) space per bedroom except if structure over 4,000 sq. ft. then a minimum of 5 spaces are required for an 8 bedroom house

Limits on expansion 20% of building footprint

Limitation on deck size Uncovered decks and patios limited to 20 sq. ft. per Bedroom

Refuse Trash receptacle required whether or not it is used immediately

The text amendment should provide for both a minimum and maximum number of bedrooms and create consistent parking requirements without encouraging expansions to meet lower parking standards. Exceptions for existing historic structures in overlay districts where higher densities are being encouraged can be allowed through adaptive reuse and overlay districts.

Staff is of the opinion that while Congregate Living uses can be beneficial to the community, they also can create a framework for incompatibility with certain types of land uses if their intensity is left unrestricted. As mentioned previously, it is one of the few land uses that is permitted by right that is not regulated by the limitation contained in the definition of Family. This land use demands mitigation, in staff's opinion, if it is to remain in the Development Code. The revised text mitigates negative externalities by bringing the intensity of the use in closer alignment with the definition of Family and also treating it in a more equitable fashion compared with other multi-family residential uses in terms of parking. ***There is some disagreement as to whether a cap of 8 will mitigate the problem.*** It should be noted that, if approved, this amendment would create legal nonconforming status for those boarding houses and cooperatives that have been approved through the site planning process or through the typical method of determining legal nonconforming status. These standards would be effective for proposals submitted after the effective date of the adopting ordinance. ***OK for legal non-conforming to be grandfathered but NOT for the non-legal non-conforming.***

One indirectly related issue that has been discussed is the treatment of structures that have not been approved through the site planning process and that exist (by permitting more than 4 unrelated persons to occupy the structure) in non-legal nonconforming ways – deficient building standards, noncompliant parking on site, etc. The claim has been that the definition of Family is new to the code and that an amnesty period is required to bring these properties into conformance with the current standards. However, attached is the 1966 version of the zoning ordinance to refute comments made by some that the definition of Family is new to the code. The definition of Family has included a cap of 4 unrelated persons since 1966.

Instead, it appears that many structures have been used or converted in non-compliant ways at the owners' choosing over the years and recent discussions have highlighted the implications for owning a nonlegal noncompliant structure.

The no more than 4 unrelated has been a guidepost for over 40 years.

*****Oread neighbors suggest including a registered agent with the city for each congregate living unit. Name and phone number that is easily available to neighbors and city code enforcement officers.***

Proposed Language – August 25, 2010 PC

20-402 RESIDENTIAL DISTRICT USE TABLE

[illegible]

20-403NONRESIDENTIAL DISTRICT USE TABLE

[illegible]

(1) Applicability

The use-specific standards of this section shall apply to any [Congregate Living](#) use or structure.

(2) Standards

- (i) A [Congregate Living](#) use shall be permitted only with site plan approval.
- (ii) A trash receptacle area compliant with the Development Code, the City Code, and amendments thereto, and with policies established by the Solid Waste Division of the City shall be designated on the site plan and either used or reserved for use on the site to accommodate waste generated by the residents.

20-902 OFF-STREET PARKING SCHEDULE A

Unless otherwise expressly stated in this article, Off-street [Parking Spaces](#) shall be provided in accordance with the minimum ratios of the following, Schedule A.

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
RESIDENTIAL <u>USE GROUPS</u>		
HOUSEHOLD LIVING		
Accessory Dwelling Unit	See 20-534 for standards	None
Attached Dwelling	2 per Dwelling Unit	
Cluster Dwelling		
Detached Dwelling		
Duplex	1 per bedroom	
Manufactured Home	2 per Dwelling Unit	
Manufactured Home, Residential-Design		
Mobile Home	2 per Dwelling Unit (1 may be located in common area)	
Mobile Home Park		
Multi-Dwelling Structure	1 per bedroom, + 1 per 10 units (visitors and guests)	1 per 4 auto spaces
Non-Ground Floor Dwelling	1 per bedroom	None
Work/Live Unit	1 per Dwelling Unit	
Zero Lot Line Dwelling	2 per Dwelling Unit	
Home Occupation, Type A or B	See 20-537 for standards	
GROUP LIVING		
Assisted Living	1 per independent living unit; 0.5 per Assisted Living unit	None
Boarding Houses and Cooperatives <u>Congregate Living</u>	1.5 per 2 lawful occupants <u>1 per bedroom</u>	1 per 4 auto spaces
Dormitory and Scholarship Halls	1.5 per 2 <u>.75 per</u> lawful occupants	1 per 4 auto spaces
Fraternity and Sorority Houses	1.5 per 2 <u>.75 per</u> lawful occupants	1 per 4 auto spaces
Group Homes, General	1 + 1 per employee	None

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Group Homes, Limited	2 per Dwelling Unit	

20-1701 GENERAL TERMS

Boarding House	A <u>Dwelling</u> or part thereof where meals and/or lodging are provided for compensation for one (1) or more persons, not transient guests, and where there are not more than 12 sleeping rooms, nor sleeping space for more than 24 people.
<u>Congregate Living</u>	<u>A Dwelling where 5 or more unrelated residents share kitchen facilities and/or bathing rooms and/or communal living areas and where lodging is provided for compensation for persons who are not transient guests. Congregate Living is commonly referred to as a lodging house, boarding house, rooming house, or cooperative but is not typically considered a Dormitory, fraternity or sorority house, Assisted Living, Extended Care Facility, Group Home or similar group living use.</u>
Family	(1) A person living alone; (2) two or more persons related by blood, marriage, or legal adoption; (3) in an RS Zoning District, a group of not more than three persons not related by blood or marriage, living together as a single Housekeeping Unit in a Dwelling Unit, as distinguished from a group occupying a Dormitory, Boarding House, Congregate Living, lodging house, motel, hotel, fraternity house or sorority house; or (4) in a Zoning District other than RS, a group of not more than four persons not related by blood or marriage, living together as a single Housekeeping Unit in a Dwelling Unit, as distinguished from a group occupying a Dormitory, Boarding House, Congregate Living, lodging house, motel, hotel, fraternity house or sorority house.

20-1731 GROUP LIVING

Residential occupancy of a Dwelling Unit by other than a "Household" and providing communal kitchen/dining facilities. Typical uses include occupancy of fraternity and sorority houses, Assisted Living, Boarding Houses and Cooperatives Congregate Living.

Dear City Staff , Planning Commissioners, City Commissioners,

Our neighborhood wishes to continue steps to update the amendment for boarding houses/congregate living units. We would like to see this back on the Planning Commission agenda and moved along to the City Commission. Our neighborhood has an *limited* area ~~that is high density zoning~~ that will allow boarding houses. We, however, do not want to see the widespread proliferation of this kind of housing over other types of rentals just because it allows for a lower parking requirement. We are aware of the disruptive behaviors that go along with boarding houses. Police calls have gone to boarding houses more than all other types of rentals. There is a known party element that often accompanies this type of housing which becomes a drain on a neighborhood.

We support the following proposal. We would also like to suggest that City Planning staff consider appropriate distinctions from these unsupervised living situations and those that offer services with on-site, live in staff. Other considerations may be needed for such supported living facilities. Parking, however, should remain consistent with the number of bedrooms. Thank you,

*Jeanne Pees, President
Sunset Hills' Neighborhood Assoc.*

****AMENDMENT PROPOSAL -Should honor Neighborhood Plan Goals
20-546 CONGREGATE LIVING - SUGGESTIONS 6-810**

(1) Purpose

The purpose of these use-specific standards is to ensure that Congregate Living uses are compatible with other land uses in the districts in which they are permitted (RM12 or higher).

(2) Applicability

The use-specific standards of this section shall apply to any Congregate Living use or structure in the city of Lawrence.

(3) Standards

(i) A Congregate Living shall be permitted only with site plan approval.

- a. A congregate living unit should consist of 6 bedrooms or greater.
- b. Parking shall be compliant with the City Development Code that requires one parking space per bedroom.
- c. According to city fire code, congregate living units require sprinkling the entire dwelling unit.
- d. An onsite contact person will be designated.

(ii) Parking shall be provided at the following rates.

- a. For conversion of an existing Structure: 1on-site parking space per bedroom.
- b. For new construction: 1on-site parking space per bedroom.
- c. Historic structures over 4500 square feet in an appropriate location, as designated in neighborhood area overlay district maps, may be allowed a parking exception from the standard congregate living parking requirement of one parking space per bedroom.

(iii) Uncovered decks and patios shall be limited to twenty (20) square feet of area per bedroom.

(iv) A trash receptacle area compliant with the Development Code, the City Code, and amendments thereto, and with policies established by the Solid Waste Division of the City shall be designated on the site plan and either used or reserved for use on the site to accommodate waste generated by the residents.

RECEIVED

AUG 18 2010

City County Planning Office
Lawrence, Kansas

From: David Carttar [mailto:David.Carttar@rms.com]

Sent: Friday, August 20, 2010 4:33 PM

To: lharris1540@gmail.com; bradfink@stevensbrand.com; hughcarter@dgcounty.com; cblaser@sunflower.com; laraplancomm@sunflower.com; charlie.dominguez@therenewgroup.com; montanastan62@gmail.com; ksingleton@kcsdv.org; bruce@kansascitysailing.com; rhird@pihlhlawyers.com

Cc: Scott McCullough

Subject: Item No. 11 (8/25/10): Text Amendment to City of Lawrence Development Code; Boarding House (SDM)

Members of the Planning Commission:

On behalf of the Old West Lawrence Neighborhood Association (OWLA), I am writing in support of the proposed text amendment to the City of Lawrence Development Code dealing with Boarding Houses.

OWLA has an obvious interest in the preservation of existing historic structures, and it understands that this preservation will, in exceptional circumstances, mean the conversion of single-family homes into multi-family structures that may include congregate living facilities or "boarding houses." OWLA also supports and promotes mechanisms that reward new improvements, investments, and maintenance of structures in older neighborhoods – particularly those that otherwise would fall into disrepair because of a lack of investment.

That said, OWLA wants to see all older neighborhoods provide a healthy and safe environment to all their residents, so that living, working, studying, and celebrating can take place within a broader context of community. We believe that the proposed text amendments contribute to this goal, by removing incentives that disproportionately favor congregate living units over other types of dwellings. By these means, the proposed amendments encourage diversity in older neighborhoods' housing stock, allowing them to continue meeting the needs of traditional renters and resident owners.

While offering our support to these amendments, we wish to voice our concern that enforcement will be key to their successful application. A development code has little meaning if developers and investors ignore it without consequence. The City of Lawrence must commit itself to the strict enforcement of the development code, so that boarding houses are not allowed to create a nuisance to their neighbors and cause harm to their neighborhoods.

Respectfully,

David Carttar
President, Old West Lawrence Association
741 Tennessee Street
Lawrence, KS 66044



City of Lawrence
Douglas County

PLANNING & DEVELOPMENT SERVICES

TA-6-17-09

August 25, 2010 PC

Boarding Houses & Cooperatives



Why are we doing this?

- ONA submitted letter citing physical and behavioral issues with the Boarding House use in 2009.
- PC identified this issue as an issue worth reviewing in May 2009 and initiated the text amendment.



Current Code

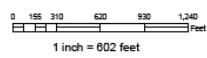
- Boarding Houses and Cooperatives are dwelling units permitted by right in RM12, RM15, RM24, RM32, and RMO Districts
- Permitted with site plan approval for up to 12 sleeping rooms and 24 occupants *if* parking and other standards are upheld
- Parking – 1.5 spaces per 2 lawful occupants (ex – 8 occupants yields 6 required parking spaces)



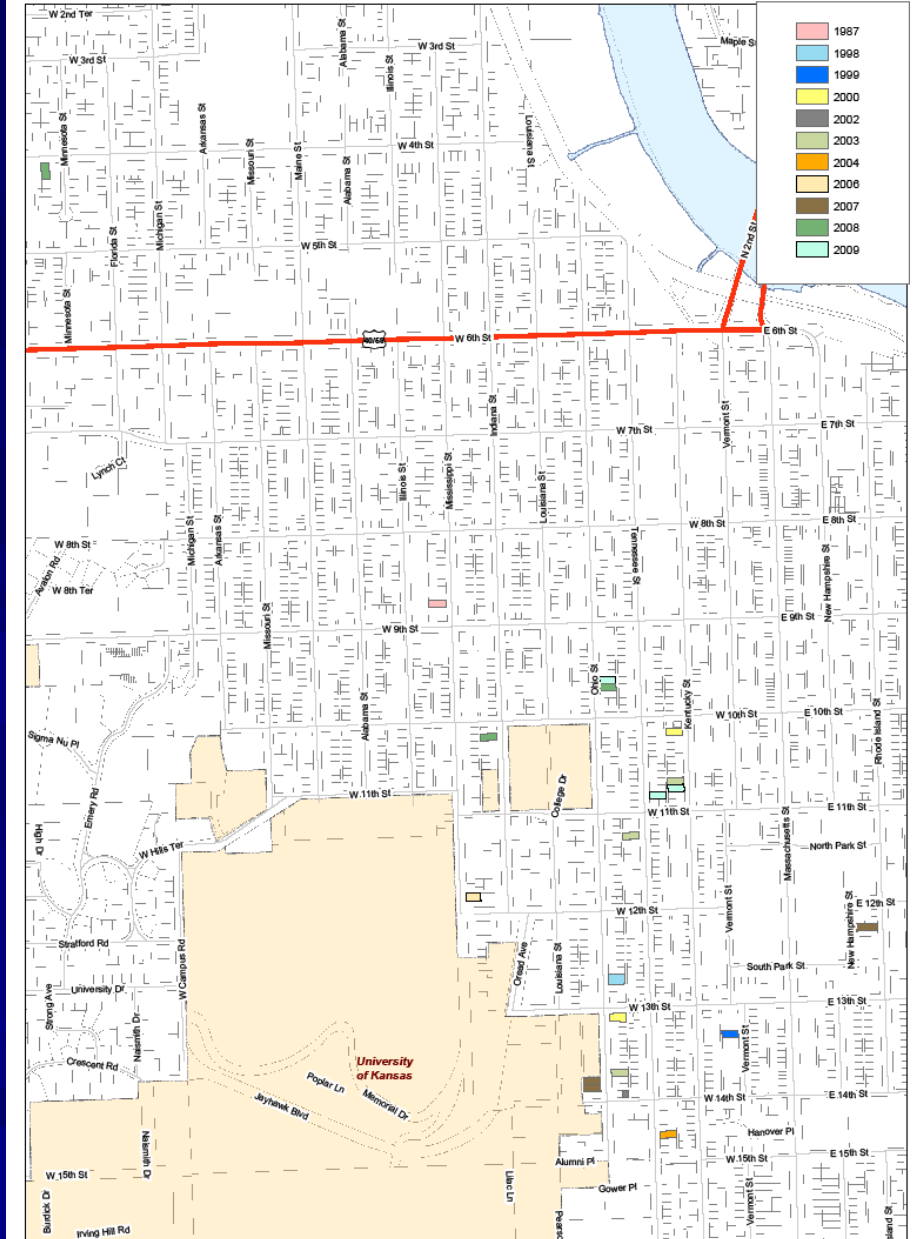
Boarding House Statistics

- 1980s – 1 approved
- 1990s – 2 approved
- 2000s – 21 approved
- Data may be misleading, however, as site planning boarding houses did not receive serious consideration until after 2002 when the definition of “Family” was modified and attention turned to multi-family dwellings that housed more than four unrelated individuals
- The Douglas County Appraiser’s Office identifies 17 boarding houses in the Oread Neighborhood and 25 city-wide

Site Planned Boarding Houses by Year



DISCLAIMER NOTICE
This map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The reader for this map is advised that the map is not a substitute for a professional survey or other data for the purpose of the map. The City of Lawrence makes no representation, warranty or implied, as to the use of the map. There are no implied warranties of accuracy or timeliness for the use of the map. The map is not a substitute for a professional survey or other data for the purpose of the map. The map is not a substitute for a professional survey or other data for the purpose of the map. The map is not a substitute for a professional survey or other data for the purpose of the map.





Key Points

- TA initiated by PC May 20, 2009
- Process running concurrently with Oread Neighborhood Plan
- City-wide implications



Main Issues Identified - CONS

- Definition of Family – conflict between a limit of 4 unrelated persons in multi-family zoning and potential for 24 occupants in a Boarding House (actual range is between 6-12 occupants)
- Parking standards may encourage Boarding Houses (less required compared with apartments)
- Area dedicated to trash facilities lacking
- Behavior associated with communal living versus independent living – noise, parties, trash
- Building additions viewed as uncharacteristic in some instances



Main Issues - PROS

- New investment and re-investment in the community
- Method to bring structures up to current building and fire codes
- Communal living can be viewed as a good alternative for students
- One way, not the only way, to preserve historic structures



Processing History

- PC initiated in May, 2009
- PC hearing – August 24, 2009
- PC hearing – October 26, 2009
- Stakeholder meeting – December 2, 2009
- PC hearing – December 16, 2009
- CC meeting – February 2, 2010
- PC hearing – March 24, 2010
- PC hearing – May 26, 2010



Range of Options (August PC Mtg)

- Option 1 – Delete the Boarding House use from the Land Development Code and rely on other multi-family types of uses to meet the demand for high-density, student housing.
- Option 2 – Maintain the Boarding House use in its current form.
- Option 3 – Revise the definition of Boarding House to reduce the maximum number of bedrooms and sleeping space to a number that would be in less conflict with the restrictions applied in the definition of “Family” – 6 or 8 perhaps - and maintain the current standards for this use.
- Option 4 - Revise the definition of Boarding House to reduce the maximum number of bedrooms and sleeping space to a number that would be in less conflict with the restrictions applied in the definition of “Family” – 6 or 8 perhaps - and create use standards for this use as follows.
 - Prohibit the expansion of a structure to convert it to a Boarding House or limit the expansion of a Boarding House to no more than 10% of the current gross floor area of the structure or some other reasonable amount.
 - Limit the size of any deck structure to no more than 200 square feet or some other reasonable area to accommodate the maximum occupancy of the Boarding House.
 - Require that an area for trash storage be designated on the site regardless of whether a shared trash site will be used to begin operation of the House.



Proposed Language (October)

- Relabel use from “Boarding House and Cooperative” to “Congregate Living” and redefine
- Permitted by right up to 6 bedrooms and 6 occupants
- SUP required after threshold is exceeded
- Parking – 1 space per occupant
- Uncovered decks on side or rear limited to 15 square feet per occupant
- PC split on this language and deferred for additional concept development



Proposed Code Language (December – after stakeholder meeting)

- Relabel use from “Boarding House and Cooperative” to “Congregate Living”
- By right with no SUP requirement and no limit to bedrooms or occupants
- Parking – 1 space per bedroom for new structures; new ratio for converted structures to encourage the use of large structures
- Uncovered decks and patios limited to 20 square feet per occupant (increase from 15 sq. ft. in Oct.)
- Limits on physical expansion established



Proposed Language (Detailed)

1. A Congregate Living use shall be permitted only with site plan approval.
2. Limitations on Expansion
 - For an existing Congregate Living Structure or a Structure converted to a Congregate Living use, the Structure, for the life of the Structure, shall not be enlarged greater than 20% of its existing Floor Area, including livable space, unlivable space, and covered decks and patios.
 - A site plan for a Congregate Living use is not eligible for approval if the Floor Area of the Structure proposed to house the use has been expanded greater than 20% within three years of submitting the site plan application for the Congregate Living use.
 - If a Structure is razed and a new Congregate Living Structure is proposed within three years after its demolition, then the Congregate Living Structure shall not exceed the Floor Area plus 20% of the razed Structure.
 - This section does not apply to expansions in Floor Area occurring prior to _____ (the effective date of this section).
3. Parking shall be provided at the following rates.
 - For new construction: 1 parking space per bedroom
 - For conversion of an existing Structure:
 - 6 or less bedrooms – 4 spaces required
 - 7 or greater bedrooms – 4 plus .5 spaces per bedroom over 6 bedrooms
4. Uncovered decks and patios shall be limited to twenty (20) square feet of area per bedroom.
5. A trash receptacle area compliant with the Development Code, the City Code, and amendments thereto, and with policies established by the Solid Waste Division of the City shall be designated on the site plan and either used or reserved for use on the site to accommodate waste generated by the residents.



City Commission Direction

- Simplify the standard related to limiting building additions to 20% of the existing structure.
- Review the parking standard and consider a standard that requires 1 space per bedroom with variances possible when larger structures are converted to boarding houses.
- Discuss the processing issue of permitting boarding houses as a “permitted use” or a “special use.”



Current Status

- PC considered City Commission direction in March and May, 2010 and deferred the item for additional public involvement

Memorandum
City of Lawrence
Douglas County
Planning & Development Services

TO: Planning Commission

FROM: Sheila M. Stogsdill, Assistant Director

CC: Scott McCullough, Director

Date: For August 25, 2010 Commission Meeting

**RE: Item No. 12 - TA-3-3-10: Text Amendment to City/County
Subdivision Regulations Update**

Staff continues to work on revisions to the City/County Subdivision Regulations to address issues with the Minor & Major Subdivision processes outlined in the code. Amendments to address the Chamber of Commerce's concerns regarding changes between Preliminary and Final Plats have been drafted and are currently being reviewed by staff.

In addition to those suggested revisions, planning staff has reviewed the remainder of Article 8 of the Development Code for consistency and has made or suggested housekeeping revisions throughout (including definitions). No substantive changes have been made to Sections 20-803 through 20-807 which address the administrative divisions of property outside of the city of Lawrence.

This review has resulted in suggested changes to process regarding dedications of easements and rights-of-way to move this step from the Preliminary Plat phase to the Final Plat stage by placing administratively approved plats on the governing body's agenda for acceptance prior to filing the plat at the Register of Deeds office. In staff's opinion, this will simplify the dedications process while maintaining the timing efficiencies gained with administrative approval of final plats and replats. Staff anticipates the text amendment revisions will be ready for Planning Commission review at the September meeting.