Updated:
8/24/15 @ 2:00pm
Added Item 6 - Text Amendment for Parking & Access Standards

8/24/15 @ 1:00pm
Added communications for the following items:
Items 1 & 2A-2B - Southpoint; SE corner SLT & US-59 Hwy
Items 3A-3C - Rezoning, Special Use Permit, & Preliminary Development Plan for Alvamar; Crossgate Dr

8/21/15 @ 3:00pm
Added July 2014 Planning Commission minutes and previous packet link for Southpoint; SLT & US-59 Hwy

8/19/15 @ 5:00pm
Added the following items:
Items 3A-3C - Rezoning, Special Use Permit, & Preliminary Development Plan for Alvamar; Crossgate Dr

8/18/15 @ 4:30pm
The following items will be added when available:
Items 3A-3C - Rezoning, Special Use Permit, & Preliminary Development Plan for Alvamar; Crossgate Dr
Item 6 - Text Amendment for Parking & Access Standards

LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
AUGUST 24 & 26, 2015  6:30PM - 10:30PM

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES
Receive and amend or approve the minutes from the Planning Commission meeting of July 22, 2015.

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

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

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION’S DISCRETION
REGULAR AGENDA (AUGUST 24, 2015) MEETING
PUBLIC HEARING ITEMS:

ITEM NO. 1 COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTERS 6 & 14 (JSC)

CPA-15-00335: Consider a Comprehensive Plan Amendment to Horizon 2020 Chapter 6 to change the designation from Auto-Related Commercial to Regional Commercial, and Chapter 14 (Revised Southern Development Plan) to revise the future land use designations from medium-density residential, traditional neighborhood design, open space, and auto-related commercial uses to commercial use at the southeast corner of the intersection of South Lawrence Trafficway and US-59. Submitted by Landplan Engineering, P.A. for Armstrong Management L.C. and Grisham Management L.C., owners of record.

ITEM NO. 2A RS10 TO CR; 63.89 ACRES; SE CORNER SLT & US-59 (JSC)


ITEM NO. 2B RS10 TO OS; 2.61 ACRES; SE CORNER SLT & US-59 (JSC)


ITEM NO. 3A RS7, RM12, PUD TO RM24-PD OVERLAY; 51.85 ACRES; 1800, 1809, 2021 CROSSGATE DR (SLD)

Z-14-00552: Consider a request to rezone approximately 51.85 acres from RS7 (Single-Dwelling Residential) District, RM12 (Multi-Dwelling Residential) District, and PUD [Alvamar] (Planned Unit Development) District to RM24-PD Overlay (Multi-Dwelling Residential Planned Development Overlay) District including property located at 1800, 1809, and 2021 Crossgate Dr. Submitted by Paul Werner Architects on behalf of Alvamar Inc, property owner of record. Deferred by Planning Commission on 2/23/15.

ITEM NO. 3B SPECIAL USE PERMIT FOR ALVAMAR; 1800 & 1809 CROSSGATE DR (SLD)

SUP-15-00389: Consider a Special Use Permit for Active Recreation uses in the Alvamar Planned Development, 1800 and 1809 Crossgate Drive, proposed lots 1 and 3, including tennis courts, swimming pools, and accessory structures to community recreation uses. Submitted by Paul Werner Architects, for Alvamar Inc, property owner of record.

ITEM NO. 3C PRELIMINARY DEVELOPMENT PLAN FOR ALVAMAR; 1809 CROSSGATE DR (SLD)

PDP-15-00247: Consider a Preliminary Development Plan for Alvamar, containing approximately 50 acres and located at 1809 Crossgate Drive. The plan proposes the construction of a new entrance road from Bob Billings Parkway, Multi-Dwelling Structures containing 292 dwelling units, Active and Passive Recreation uses including a new clubhouse and event center, and Assisted and Independent Living uses containing 124 dwelling units. Submitted by Paul Werner Architects, for Alvamar Inc, property owner of record.
ITEM NO. 4A  CN2 TO CS; 4.87 ACRES; 2100 W 25TH ST & 2435 IOWA ST (SLD)

Z-15-00329: Consider a request to rezone approximately 4.87 acres from CN2 (Neighborhood Commercial Center) District to CS (Commercial Strip) District, located at 2100 W 25th St & 2435 Iowa St. Submitted by Landplan Engineering, for Holiday Lawrence LLC and 2435 Iowa Partners LLC, property owners of record.

ITEM NO. 4B  CN2 TO CS; 7.26 ACRES; 2525 IOWA ST (SLD)

Z-15-00330: Consider a request to rezone approximately 7.26 acres from CN2 (Neighborhood Commercial Center) District to CS (Commercial Strip) District, located at 2525 Iowa St. Submitted by Landplan Engineering, for 2525 Iowa LLC, property owner of record.

ITEM NO. 5  IG TO IL; 2.66 ACRES; 808 E 28TH ST (BJP)

Z-15-00332: Consider a request to rezone approximately 2.66 acres from IG (General Industrial) District to IL (Limited Industrial) District, located at 808 E 28th St. Submitted by Allen Belot Architect, for Glenn E Bohmann Trustees, property owner of record.

ITEM NO. 6  TEXT AMENDMENT FOR PARKING & ACCESS STANDARDS (SMS)

TA-13-00235: Continue discussion related to proposed Text Amendments to the City of Lawrence Land Development Code, Article 9 and related sections of Chapter 20, for comprehensive revisions to parking and access standards. Discussion will focus on defining types of Major Recreational Equipment and identifying permitted parking locations for this equipment on residential properties. Action on this item will not occur until after the commission completes their discussion on several of the elements of the code language and a final draft is available for their review.

**DEFERRED**

ITEM NO. 7——SPECIAL USE PERMIT FOR ROCK CHALK PARK; 100 ROCK CHALK LN (MKM)

SUP-15-00334: Consider a Special Use Permit for an indoor/outdoor KU Tennis Facility at Rock Chalk Park, located at 100 Rock Chalk Lane. Submitted by Paul Werner Architects, for RCP LLC, property owner of record.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1  INITIATE TEXT AMENDMENT (JSC)

Initiate a Text Amendment to the City of Lawrence Land Development Code, Chapters 4, 5, 9 and 17, to define and create an Event Center use.

MISC NO. 2  MINOR SUBDIVISION VARIANCE FOR UNIVERSITY FIELD SUBDIVISION NO. 6; 1745 W 19TH TERR (SLD)

Minor Subdivision, MS-15-00342, variance request to reduce the right-of-way radii for an existing cul-de-sac and to allow subdivision to exclude construction of public sidewalks along W. 19th Terrace per section 20-813(g) of the Land Development Code for University Field Subdivision No. 6, located at
1745 W. 19th Terrace. Submitted by Matthew and Jessica Douglas for Mountain Top LLC, owners of record.

ADJOURN

CALENDAR

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

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

<table>
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<tr>
<th>Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM (*Friday Meeting)</th>
<th>Mid-Month Topics</th>
<th>Planning Commission Meetings 6:30 PM, Mon &amp; Wed</th>
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<td>Jan 14</td>
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<td>Legal Review – Open Meetings &amp; Communication Issues</td>
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<td>Discussion of Future Land Uses at Iowa Street/K-10 interchange</td>
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<td>Oct 9**</td>
<td>PC Orientation – all day Friday</td>
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### Suggested topics for future meetings:

- How City/County Depts interact on planning issues
- Stormwater Stds Update – Stream Setbacks
- Overview of different Advisory Groups – potential overlap on planning issues
- Joint meeting with other Cities’ Planning Commissions
- Joint meeting with other Cities and Townships – UGA potential revisions
- New County Zoning Codes
- Tour City/County Facilities
- Water Resources

### Communication Towers – Stealth Design, # of co-locations, notice area
- WIFI Connectivity & Infrastructure Planning
- Oread Overlay Districts & Design Guidelines
- Comprehensive Plan – Goals & Policies
- Sustainability
- Affordable Housing
- Retail Market Impacts
- Cultural Plan/9th Street Corridor
- Case Studies

### Meeting Locations

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

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

Revised 08/07/15
### 2015 Planning Commission Attendance

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PLANNING COMMISSION MEETING
July 22, 2015
Meeting Minutes

July 22, 2015 – 6:30 p.m.
Commissioners present: Butler, Britton, Culver, Kelly, Liese, Sands, Struckhoff, von Achen
Staff present: McCullough, Stogsdill, Day, A. Miller, M. Miller, Pepper, Simmons, Ewert

PLANNING COMMISSION MINUTES
Receive and amend or approve the minutes from the Planning Commission meeting of June 22, 2015.

Motioned by Commissioner Kelly, seconded by Commissioner Butler, to approve the June 22, 2015 Planning Commission minutes.

Motion carried 6-0-2, with Commissioner Culver and Liese abstaining.

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

Commissioner Kelly said the Horizon 2020 committee met for a public feedback session. He said they would meet again August 10 to finalize the issue action report.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST
- Ex parte:
  Commissioner Kelly said he talked to Mr. Gary Rexroad regarding Item 4 and the process of going through the Planning Department.

  Commissioner Sands said he received a call from Mr. Tom Larkin regarding Item 5. He said Mr. Larkin asked if he read the packet and if he had any questions.

- Abstentions:
  Commissioner Kelly said he would abstain from all of Item 7 due to his employer being involved in it.
ITEM NO. 1 CONDITIONAL USE PERMIT FOR BURNING BARREL; 292 N 2100 RD (MKM)


STAFF PRESENTATION
Ms. Mary Miller presented the item.

APPLICANT PRESENTATION
Mr. Brian Strecker said his business was a small scale operation. He said he was creating a living for himself and partner. He said he wanted to supply people with a quality product. He said he would be purchasing hogs from a company in Trimble, MO because they source a lot of their hogs from Kansas raised farms and the meat is USDA inspected. He said a local company, Meat LLC, would provide the delivery of hogs to the site.

Commissioner Liese asked who James Myers was.

Mr. Strecker said James Myers was the current owner and it was under contract to change ownership to him.

PUBLIC HEARING
Ms. Sandy Jacquot, Lecompton Mayor, said this was about as expansive as the use could get at that current location under the Conditional Use Permit. She said it did not sound like it could get much larger. She asked about the truck traffic.

Ms. Miller said there was a maximum structure size limit of 10,000 square feet, so it could grow, but it would require a revised Conditional Use Permit. She said there would be no more than two trips a day for traffic.

Ms. Jacquot said the size of the building and increased truck traffic were the two main concerns that Lecompton had. She said it sounded like the truck traffic was going to be minimal.

Mr. Kris Kobach, owner of 160 acres near the proposed site, said he did not think the application met the conditions of a Conditional Use Permit under Kansas law and County regulations. He felt this was a dramatic alteration to the County Comprehensive Plan. He said hog processing was a radical departure from the current use of the property. He said the seven mile drive from Lecompton to Big Springs, heading west, was one of the most beautiful scenic drives in Kansas. He said the Shawnee County line was dramatically different than Douglas County because they had granted Special Use Permits over time. He said the application did not obtain enough information for Planning Commission to accurately assess the departure from the current site line. He said it would substantially reduce property values and that he would have never purchased his property had he known there would be a hog processing operation there. He said odors from the site would create a nuisance in the area and that an ozone generator would not eliminate the odor, only mitigate it. He stated the application did not include sufficient information to assess the waste disposal, health effects, and site impact. He said it was not compatible with the Comprehensive Plan because it was not an agriculture use. He stated there were other locations in Douglas County that do this. He said
it did not meet the County’s definition of agriculture use because the product was not raised on the property.

**Mr. Paul Bahnmaier** wondered if a Conditional Use Permit had been withdrawn in the past 20 years because they failed to meet the criteria presented. He said some of the material he received was regarding an orchard at the site. He expressed concern about increased truck traffic and the danger it would create for this residential area of Lecompton.

**Mr. Todd Kofford** expressed concern about waste from the hogs, such as bone and fat. He agreed with Mr. Kobach’s points.

**Mr. Paul Hamersly** said he owned the property next to the proposed Burning Barrel site. He said he was not in favor or against it. He said his concern was regarding any gluten that may be smoke because his wife had a gluten allergy. He also expressed concern about his property value.

**Ms. Elsie Middleton** expressed concern regarding additional heavy truck traffic.

**Mr. Tom Gibson** said he owned property ¼ mile west of the proposed site. He expressed concern about his property value.

**Ms. Sherilyn LaDuke** said she owned property across the road. She said she liked living in a rural area and expressed concern regarding her quality of life and maintaining that. She wondered if three miles west of Lecompton was where a hog processing site should be located.

**Ms. Robin Kofford** said Lecompton was a small rural community and that it shouldn’t grow too big and too fast. She wanted to preserve the historic heart and value of the town and keep it on a small local aspect for growth of businesses. She felt this business would compete with her own business, Kroegers Country Meats. She expressed concern about how rendering and waste would be transported. She felt a lot more information was needed for the process.

**APPLICANT CLOSING COMMENTS**

Mr. Strecker said regarding changing the scenic drive in the area he had to meet the standards put forth by the City so it would not be an eyesore. He said it would match the surrounding area and actually be an improvement with the removal of the trailer home and a brand new facility put on the site. He said the outside of the building would be designed to look like a house. He said regarding property decline, the City put forth guidelines and restrictions for him to follow. He said as long as he was following the restrictions he shouldn’t be affecting anyone’s property value as far as he could tell. He said the perceivable odor could be completely eliminated with an ozone generator because it would add a charge to the particles which would immediately treat and alleviate any odor leaving the property line. He said it would be no more detrimental, as far as odor goes, than someone burning something in their chimney or fire at their house. He said the site used to burn trees, which would have emitted more odors than what he would even come close to. He said his use fit the agricultural aspect by raising cattle and farming. He said now days most farmers needed two jobs to support their families. He stated the size of the facility would maintain small. He said rendering plants emit a horrible smell due to rendering fat, blood, hair, feathers, and guts. He said he would be rendering a clean fat product with water with full utilization of the animal. He said it would be a low emission rendering and that he had done it for years. He stated he was a professional cook for 15 years and was the executive chef at Pachamama’s. He said regarding the size of the facility, he had no intentions to grow into a 10,000 square foot facility. He said regarding truck deliveries, he would get deliveries one day a week, which was less traffic than the Christmas tree farm received during its
season. He stated regarding the pet food process, he would be producing a high quality human 
consumption pet food. He said it would not be distributed on a mass scale.

**COMMISSION DISCUSSION**

Commissioner Liese asked the Lecompton mayor to respond to public comments.

Ms. Jacquot said many in the Lecompton community were opposed to the project. She said others 
felt that it would not have much of an impact on the community at all. She said the community was 
split on the issue. She said additional traffic was a concern and that big trucks should not go through 
that area at all. She said the majority of comments she heard from residents were in opposition.

Commissioner Liese asked staff to respond to Mr. Kobach’s comments regarding the application not 
being consistent with the Comprehensive Plan.

Mr. McCullough said staff did not identify any legal issues with the case. He said the Conditional Use 
Permit was derived out of the County Zoning Code and was intended to fit uses that did not fit nicely 
into the zoning district. He said they were allowed with a Conditional Use Permit so that Planning 
Commission could make a recommendations to County Commission that if impacts were mitigated 
through conditions it could be compatible with adjacent uses. He said staff looks at the 
Comprehensive Plan but that the Comprehensive Plan operates at a pretty high policy level. He said this was a smaller specific use. He said Mr. Randy Larkin was the city attorney and that the county 
attorney would have to be consulted if that was their wish.

Commissioner Liese asked Mr. Kobach if he thought this violated the seven Golden Factors that were 
based on case law.

Mr. Kobach said the legal deficiencies he was referring to were the deficiencies in the application and 
allowing Planning Commission to make the assessment without sufficient detail. He said several of 
the Golden Factors would not be satisfied, such as suitability and compatibility, and health and safety 
with regard to the waste disposal. He said one of the Golden Factors covered odors as well. He said 
according to County Zoning Regulations 12-306 “the purpose of the district is to provide for a full range of agricultural activities including processing and sale of agricultural products raised on the premises.”

Commissioner Liese said property value was not within the purview of Planning Commission.

Mr. McCullough said Planning Commission was encouraged to make their decision in an informed 
way with studies or data. He said often times property values have no studies to support the 
differing opinions on whether or not a particular use will change the property value.

Commissioner Liese said the purpose of the Conditional Use Permit was to deal with the zoning. He 
stated character and suitability were a concern. He asked staff to comment on conformance with the 
Comprehensive Plan.

Mr. McCullough said staff made a finding that it was compliant with the Comprehensive Plan as a whole.

Commissioner von Achen asked the applicant to talk further about the waste, such as bones and the 
heads of the carcass.
Mr. Strecker said the carcass heads could be cooked down into head cheese. He said there would be some waste but the amount would not be any more than a 50 gallon trash can could take care of on a weekly basis.

Commissioner von Achen asked if the meat products would be sitting out in a trash can waiting for the weekly trash service.

Mr. Strecker said no, a healthy premise had to be maintained per the Kansas Department of Agricultural guidelines.

Commissioner von Achen inquired about the type of waste that would be at the site.

Mr. Strecker said many of the bones could be smoked and turned into dog treats. He said backbones could be turned into stock and hooves could be sold for soups. He said it didn't make sense for him to throw the product away if he could make money off of the full utilization.

Commissioner Sands asked how much unprocessed product the delivery truck would be carrying.

Mr. Strecker said at maximum capacity four hogs per week would be delivered to his site.

Commissioner Sands inquired about where packaging would be.

Mr. Strecker showed a floor plan on the overhead. He said packaging would be in the kitchen preparation area.

Commissioner Sands asked about the size of the cooler.

Mr. Strecker said 8’x8’.

Commissioner Sands asked if the waste would be in cooler before it goes to the curb.

Mr. Strecker said yes. He said there was extra room for refrigeration if needed.

Commissioner Kelly said the staff recommendation stated that noise, light, vibration, or odor associated with the production may not be perceptible beyond the site boundary/property lines. He said the Douglas County Zoning section on equipment says that in either case the associated noise, light, and vibration from the production operation. He said there was discussion on odor and he wanted to know which to follow.

Ms. Miller said a text amendment was adopted by the County Commission but had not been codified and added to the Zoning Codes due to the Director position not currently being filled. She said odor was added as an offsite impact.

Commissioner von Achen inquired about the concerns expressed regarding the scenic view being disturbed by this. She said the trailer would be removed and a shipping container brought in. She asked staff if screening should be added.

Ms. Miller said if it were just a shipping container than staff would probably recommend screening. She said it would be designed to look more like a home with a roof and paint. She stated it would be set back from the road and would not be an eyesore.
Commissioner Britton asked staff to comment on the sufficiency of the application raised by Mr. Kobach.

Ms. Miller said Mr. Kobach was correct in saying that it was not an agricultural use, which was why it was before Planning Commission tonight. She said agricultural uses were not regulated. She said this particular use was not agriculture which was why it needed a Conditional Use Permit. She said this application was a very typical Conditional Use Permit application.

Commissioner Culver asked about the scale or size.

Ms. Miller said any increase in the Conditional Use Permit activity would have to come back to Planning Commission for the public hearing process.

Commissioner Struckhoff said the Hank Charcuterie meat shop at 19th and Massachusetts was similar. He asked if they used an ozone generator there.

Ms. Miller said Hank Charcuterie had a smoker and processed pre-slaughtered animals. She did not know if they had an ozone generator.

Mr. Strecker said Hank Charcuterie did not do pet processing at the site and that they were doing more production and selling on the premise. He said Hank Charcuterie did not have an ozone generator. He encouraged people to visit the site to see that there was no odor. He said it was no different than any BBQ restaurant in town that uses a smoker. He said he was willing to modify his program regarding the smell if needed. He said he wants to be compliant.

Commissioner Liese said the Golden Factors were important and they were part of case law for Planning Commission. He asked staff to comment on Golden Factor VI that says “relative gain to the public health, safety and welfare by the destruction of the value of the petitioner’s property as compared to the hardship imposed upon the individual landowners.”

Mr. McCullough said essentially it was the evaluation of relative gain/benefits to the community at large versus the benefit of the owners of the subject property.

Commissioner Liese said Mr. Strecker’s experience in food service and his commitment to the community were in his favor. He said he seemed like a trustworthy guy and that he liked the proposal because it passed most the Golden Factors. He said he would still not vote in favor because the community he lived in said that the character of the area would be damaged.

Commissioner Butler inquired about the comparison made between what the applicant proposed and Hank Charcuterie.

Ms. Miller said it was similar. She said Hank Charcuterie had a retail and restaurant component.

Commissioner Butler asked staff if they knew of any complaints regarding odor from Hank Charcuterie.

Ms. Miller said she was not aware of any.

Commissioner Britton said most of the concerns expressed by the public were pretty precisely addressed by the conditions. He said he was not sure how he would vote.
Commissioner Kelly appreciated the public sharing their concerns. He said the County Commission created a value added agricultural use and put certain conditions on that process so it could happen. He felt the applicant had done a nice job of addressing those. He said he struggled with odor because he liked to be able to back up his arguments with data. He said one person may hate the smell of BBQ and another may love it. He said he was not sure how to measure that. He said the public expressed a concern about there not being enough in the application to make a judgement. He cautioned against that argument because there could always be a desire to have more information. He said requiring so much information could discourage entrepreneurial businesses. He felt they had enough information to make a decision. He said he was leaning toward voting in favor of the item. He felt it met the County Zoning standards.

Commissioner Sands expressed concern about the amount of waste being able to fit in the current scope of the plan and that the business had the potential to process 20 hogs a week. He said he was inclined to vote in opposition.

Commissioner Culver said the zoning and uses of property nearby do go to the core of the value added agricultural. He said the small scale of the project with conditions would be a fit. He said regarding the character of the area, the use should be able to fit on the 30 acre site and the character of the area. He said conformance with the Comprehensive Plan talks about the goal of creating local and regional food supply to help become more self-sustainable. He felt that this type of application would fit that goal. He said based on conditions placed on the Conditional Use Permit and findings of fact in staff report he would support it as proposed.

Commissioner Struckhoff agreed with Commissioner Culver’s comments on the character of the area. He said the scale of this operation was a small rural business that went toward the value added agricultural ideals. He suggested possibly limiting the number of hogs or trips per week to contain expansion. He said he lived one block from Hank Charcuterie and never smelled anything unless he was walking behind their building. He said he was inclined to support the item.

Commissioner Britton inquired about the extent to which conditions as proposed would allow or not allow expansion.

Ms. Miller said there was not a condition on volume because they would want it to be successful but there were standards set on physical characteristics. She said the site was limited to two trips a day. She said another condition could limit the number of large trucks to less per week.

Mr. McCullough said it was self-limiting by the size of the building and lockers. He stated that any expansion, if approved, would need to come back through the process. He said he would prefer to set a specific condition that any expansion would go through the public process.

Commissioner Britton asked Mr. Strecker to comment on an additional condition that would limit the number of trips.

Mr. Strecker said there was no way he could facilitate 20 hogs per week. He said he would only be processing approximately 16-20 hogs per month. He said during the first year he would be at the site by himself growing the business. He said a typical hog weighed around 200 pounds and that he was aiming for 95% usage of that.

Commissioner Britton said an additional condition on volume of deliveries may not be necessary given the physical limitations of the site. He said if any physical limitations changed it would go through the whole public process again. He said that could be subject to more discussion at the
County Commission level. He said he was confident there wouldn't be a massive expansion that wouldn't come back through the public process to make sure it was still compatible with the Golden Factors and character of the neighborhood.

Mr. McCullough said any expansion would need to go back through process. He said any expansion of the building used for production of hogs would go back through public hearing process.

Commissioner Liese inquired about a condition to limit commercial trucks.

Mr. Strecker said his own vehicle would be one vehicle out there. He said the delivery of hogs would be once a week. He also said there may be a UPS delivery from time to time.

Commissioner Liese asked what Mr. Strecker would be comfortable limiting it to.

Mr. Strecker said at a maximum it could be two commercial vehicles per week.

Commissioner von Achen felt it was important to safeguard rural areas. She felt the Golden Factors had been satisfied and that it would be unfair to deny a business that had complied with the standards. She hated to deny it based on the “what ifs.” She said it seemed exactly the kind of business the value added agriculture was intended for. She said she would support this.

Commissioner Britton agreed with Commissioner von Achen. He said the applicant had been very cooperative in saying he would comply with the conditions. He said they could not operate under the assumption that the applicant won't comply. He asked staff to comment on enforcement of Conditional Use Permits.

Ms. Miller said it was similar to how it works in the city with Special Use Permits. She said complaints would be made to the County Zoning and Codes department. She said they would investigate and issue cease and desist letters and stop activity if they are not in compliant. She said they could work with the applicant to bring them into compliance. She said the County Commission could revoke, suspend, or amend a Conditional Use Permit.

Commissioner Britton said he was inclined to support this because the conditions staff proposed should meet most the objections of the neighbors. He said it was important that when someone had a business idea that was consistent with the Golden Factors that they be able to determine the highest and best use of their property. He appreciated the comments from the public.

Lecompton Planning Commission did not have an official vote due to receiving information after their meeting.

Commissioner Struckhoff said the truck traffic issue existed before this and he didn’t want to see a business not succeed because of another businesses practices.

**ACTION TAKEN**

Motioned by Commissioner Struckhoff, seconded by Commissioner Britton, to approve the Conditional Use Permit, CUP-15-00229, for a specialty meat processing shop, a *Value-added Agricultural Business* use, based on the staff report and Golden Factors, subject to the following conditions:

1. The following standards apply to the use:
   a. A maximum of 4 full-time equivalent employees are permitted.
b. Structures are required to comply with commercial building code requirements if used for more than the storage of agricultural commodities.

c. Noise, light, vibration, or odor associated with the production may not be perceptible beyond the site boundary/property lines.
   i. If necessary, an Ozone Generator shall be installed on the smoker to manage smoke and odor.

d. The production of the value-added product must comply with EPA water and air quality standards.

e. All equipment used in the production of the value-added product shall be located wholly within a building or structure or be screened from the public rights-of-way and adjacent residential buildings.

f. Product shall be stored within a building or structure so that it is not visible from the property lines.

g. Deliveries from commercial vehicles with a GVW (Gross Vehicle Weight) that exceeds 5 tons in capacity are limited to no more than 2 trips (to and from the site) per week.

h. Slaughtering is not permitted on the premises.
   i. No retail sales shall occur on the premises.

2. Any increase to the building size will be processed through the Planning Commission public hearing process.

3. A new septic system shall be installed prior to the operation of the use, per Health Department approval.

   Motion carried 6-2, with Commissioners Liese and Sands voting in opposition.
Commissioner Liese excused himself from the rest of the meeting.

ITEM NO. 2 SPECIAL USE PERMIT FOR 2110 HARPER ST (BJP)

SUP-15-00241: Consider a Special Use Permit for an Institutional Development Plan for the Douglas County Fairgrounds Master Plan located at 2110 Harper St. The plan includes the removal of several existing buildings, barns and the baseball fields and construction of a new Open Pavilion Building, Meeting Hall, Outdoor Meeting Area and restrooms. The plan also includes removal and replacement of the Outdoor Arena. Parking and interior circulation areas will also be modified and improved. Improvements are being made to provide code compliant facilities to serve a variety of Community Facility activities that take place at the fairgrounds. Submitted by Landplan Engineering & Treanor Architects on behalf of Douglas County, property owner of record.

STAFF PRESENTATION
Ms. Becky Pepper presented the item.

APPLICANT PRESENTATION
Mr. CL Maurer, Landplan Engineering, provided a presentation and overview of the project.

PUBLIC HEARING
Ms. KT Walsh inquired about the gravel cut-thru road that connected 19th Street to 23rd Street.

Ms. Sarah Plinsky, Interim County Administrator, said that was a private drive and it was closed.

Mr. Paul Rahua wondered how the staging of animals would be placed so that they don’t run out in the street. He said he would like to see a fence east of the arena. He also expressed concern regarding the horse waste from shows.

APPLICANT CLOSING COMMENTS
Mr. Maurer said the staging area would be north of the open pavilion. He said they would look into the fence issue.

COMMISSION DISCUSSION
Commissioner Culver thanked the County for their willingness to update and upgrade the facility. He said he was glad to see in the plan that a photometric review would make sure light was not shining toward the residential areas and that runoff would be addressed.

Commissioner Butler asked the applicant about additional buildings and increased traffic going to the fairgrounds and if it would be during the summer months or the school year.

Ms. Plinsky said the fairgrounds were used year round. She said the hope was that it could handle the existing capacity. She stated that it would not necessarily impact the school district any more than now.

Commissioner Butler asked Ms. Plinsky to respond to the public question about parking.

Ms. Plinsky said parking was increased onsite with this plan by taking the ball fields out. She said the space would be used more efficiently.
Commissioner Kelly asked if the plan had a washing area on the east side which would allow for staging.

Mr. Maurer said that was correct.

Commissioner von Achen inquired about the ball fields being removed.

Ms. Plinsky said the current ball fields were not maintained or played on. She said they were just practice facilities used by the neighbors.

Mr. McCullough said the Parks and Recreation Department were aware.

Ms. Pepper said the leagues no longer use the facilities due to ADA issues.

Commissioner von Achen inquired about the amount of increased square footage/footprint.

Ms. Plinsky said the square footage was only the addition of one barn.

**ACTION TAKEN**

Motioned by Commissioner Kelly, seconded by Commissioner Bulter, to approve Special Use Permit, SUP-15-00241, for an Institutional Development Plan (IDP) for the Douglas County Fairgrounds Master Plan located at 2110 Harper Street and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

1. Dedicate the 15’ utility easement and 20’ sanitary sewer easement by separate instrument.
2. Applicant shall request a waiver for the gravel roadway from the City Engineer. If approved, the site plan will be updated to include note regarding waiver.
3. Prior to release of the SUP, applicant shall provide the following:
   a. A photometric plan including lighting fixture details for review and approval prior to issuance of a building permit.
   b. Details requested during SUP review by Utility Manager and Stormwater Engineer for further review and approval.
   c. Revised site plan that includes:
      i. A note referencing the Book & Page for the files 15’ utility easement and 20’ sanitary sewer easement.
      ii. Updated Landscape Schedule to include perimeter parking lot landscaping
   d. Execution of a site plan performance agreement.
4. Filing the approved IDP at the Register of Deeds and publication of an ordinance for the Special Use Permit.

Commissioner Britton said this sounded like a good plan.

Unanimously approved 7-0.
ITEM NO. 3  PRD TO RM15; 9.818 ACRES; 2101 EXCHANGE CT (KES)


STAFF PRESENTATION
Ms. Katherine Simmons presented the item.

APPLICANT PRESENTATION
Ms. Katherine Stinebocker, CFS Engineers, was present for questions.

PUBLIC HEARING
No public comment.

ACTION TAKEN
Motioned by Commissioner Kelly, seconded by Commissioner Culver, to approve the rezoning request (Z-15-00243) from PRD (Planned Residential Development) District to RM15 (Multi-Dwelling Residential) District for 2101 Exchange Ct and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Unanimously approved 7-0.
ITEM NO. 4     SPECIAL USE PERMIT FOR 1045 PENNSYLVANIA ST (BJP)

SUP-15-00256: Consider a Special Use Permit to permit a Limited Manufacturing & Production business that will manufacture and sell dog treats on-site in the existing building located at 1045 Pennsylvania St. Submitted by Gary & Angie Rexroad, property owners of record.

STAFF PRESENTATION
Ms. Becky Pepper presented the item.

APPLICANT PRESENTATION
Ms. Angie Rexroad said she and her husband started a pet food business two years ago and that it was growing. She said recently they purchased the rights to a brand and purchased 1045 Pennsylvania for production. She said the site was a good fit for their expansion plans. She said they would lease the front of the building to a retail pet business. She said they held a neighborhood open house and talked to the neighbors and neighborhood association. She said all of the feedback was positive.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Commissioner von Achen said it sounded like a good fit for the location.

Commissioner Britton said he liked older buildings being used for infill.

ACTION TAKEN
Motioned by Commissioner von Achen, seconded by Commissioner Sands, to approve a Special Use Permit (SUP-15-00256) to permit a Limited Manufacturing and Production business in the existing building located at 1045 Pennsylvania and forwarding the request to the City Commission with a recommendation of approval.

Unanimously approved 7-0.
ITEM NO. 5  SPECIAL USE PERMIT FOR 804 PENNSYLVANIA ST (MKM)

SUP-15-00261: Consider a Special Use Permit for a Bar located at 804 Pennsylvania St. Submitted by Flint Hills Holdings Group LLC, for Ohio Mortgage LLC, property owner of record.

STAFF PRESENTATION
Ms. Mary Miller presented the item.

APPLICANT PRESENTATION
Mr. Tom Larkin showed an updated exhibit on the overhead. He provided background on the project. He said he had yet to attract an operator due to their concerns about the pending variables with the Special Use Permit process. He said food trucks would remain a staple of the concept and food would be sold from inside the building as well. He said he met with neighbors and tried to address their concerns. He drafted an operator agreement that he proposed to be separate from the Special Use Permit that touched upon things that were not relevant to the Special Use Permit. He said the agreement would include such things as using washable silverware instead of disposable silverware, trash cans painted by Van Go, and additional recycling reciprocals. He said efforts had been made to reduce noise concerns. He said he was invested in the Bistro and the neighborhood and was in it for the long run. He felt the Special Use Permit was a good compromise for both the Bistro and the neighborhood. He said the use was consistent with the area.

PUBLIC HEARING
Mr. Phil Collison, East Lawrence Neighborhood Association, said he was ready for the item to go to litigation. He expressed concern regarding the closing time, food service, and noise. He stated the Special Use Permit was getting close but he wanted something measurable so that it would be easy to determine. He said he was looking forward to having a restaurant at that site. He liked the aspects of a restaurant over the aspects of a bar. He hoped the Special Use Permit could get to some standards that the neighborhood could live with and allow it to be a successful restaurant.

Ms. KT Walsh expressed concern about food being served, noise, and the closing time. She felt they needed to protect downtown from becoming Aggieville in Manhattan. She stated noise was an issue and the neighbors on New Jersey Street were concerned. She felt the noise ordinance needed to be tweaked and possibly include a decimal level that was appropriate for residential areas.

Ms. Peggy Robinson expressed concern about the noise level and emissions from food trucks. She also wondered about the 3 hour time limit for the food trucks.

Mr. Arch Naramore said the plan was bad.

APPLICANT CLOSING COMMENTS
Mr. Larkin said regarding the food sales requirement the 55% was removed because they needed to be able to have a measurable that was observable. He said that was where the idea for having a substantial food item at all times was set up. He said having substantial food items for sale at all times requires staffing, inventory, and infrastructure. He stated there was no incentive not to push food sales once the parameters were in place. He said he had every reason to try and sell as much as he could. He said selling food items would keep people on the property longer to buy beverages. He said regarding noise from food trucks, the site plan required power for them to plug into so they wouldn’t have to use generators.

COMMISSION DISCUSSION
Commissioner Sands asked the applicant why the 55% food sales was unachievable.

Mr. Larkin said it wasn’t necessarily unachievable but it was hard to sell that to an operator using food trucks as a model because there was not a precedent showing how much they could sell. He stated the food truck concept was not healthy enough in Lawrence because there weren’t enough places to sell yet.

Commissioner Britton asked staff for the dates of when they saw this item in the past.

Ms. Miller said the rezoning was before them in 2011 to rezone from CS to RM12D and there was a non-conforming duplex there at the time. She said in 2013 it was rezoned back to CS and the applicant requested the bar use. She said staff recommended setting standards on it and that was when they opted to have two years to meet the 55% food sales. She said in May of 2015 the applicant came back with the request and staff recommended the Special Use Permit rather than putting standards on the zoning.

Commissioner Kelly said he struggled with this item. He said he was comfortable when Planning Commission was charged was land use and looking at the Development Code, but he was uncomfortable when an applicant asks for Planning Commission to remove conditions so their business can work. He said one neighbor might say 11:00pm is too late for music while another may say no music at all. He felt that was a tricky role for them to balance. He said one thing he struggled with was the idea that the choice was given for the applicant to either accept the 55% rule or become a bar with conditions of the Special Use Permit. He said if the applicant doesn’t want either he would be inclined to vote against it. He said the neighborhood wanted food and there were some provisions for food. He said a win-win outcome almost never happens for both sides of an issue.

Commissioner Sands said food trucks were small businesses that were required to provide proof of sales for taxes so he was confused as to why they can’t participate in tracking sales.

Commissioner Britton said from a business proposition they were afraid to make the investment of being there and signing an agreement to be there for a certain amount of time if they would have to meet the 55% and get the receipts from the operators.

Mr. Larkin said the City cannot request the sales reporting to IRS for food trucks. He said there would be multiple businesses operating at the Bistro.

Commissioner Culver said a lot of progress had been made in trying to create a compromise with the invested parties. He said the conditions protected the neighbors but also allowed for an operator at that site. He felt there was still some disconnect on the operating hours and what could be used outside. He said he was struggling with the fact that limiting it would make it harder for an investor to feel confident that they were able to competitively build a business. He said food sales would be part of this without over-structured requirements. He asked about any benefit to putting a timeframe on it.

Mr. McCullough said generally the investment to go in and construct a facility like this moves it away from a timeframe. He said the applicant could always request to revise the Special Use Permit to change the framework in the future, if needed.

Commissioner Britton said he was bothered that they had seen this item three to four times. He felt noise could be the main impact on the neighborhood and wanted to mitigate that.
Commissioner von Achen said she was satisfied with the food issue. She said the hours of operation boiled down to what kind of noise would be going on during those hours of operation. She said to her the amplified music was the sticking point.

Commissioner Kelly looked up the recent George Clinton concert and said it ended at 10:00pm. He said he was encouraged that the applicant was willing to restrict the number of days. He felt they should reduce the amount of music time. He said he was satisfied with the food sales.

Commissioner Britton asked the applicant if the food trucks would run off power and not generators.

Mr. Larkin said yes.

Commissioner Sands asked if the engine to the food truck would be turned off as well.

Mr. Larkin said yes.

Commissioner Butler inquired about the hours of operation.

Mr. Larkin said they intended to open for breakfast and if food trucks wanted to be there we would encourage that. He said the idea is to have the food truck rotate. He said the hours would be dependent on the operator but generally 7:00am-2:00am and food trucks would most likely not be there the entire time.

Commissioner Struckhoff asked if the applicant preferred to omit the operation hours from the restrictions. He said that would mean people would be on the porch until the truck left at 2:00am.

Mr. Larkin said yes.

Commissioner Struckhoff said he was comfortable with food conditions. He thought the live music needed some tweaking. He said regarding the operating hours on the outside he struggled with that. He said the nearest residence was a block away on New Jersey Street.

Mr. Larkin said he would like the food trucks to be on site to the end of the establishment hours. He said if the inside was open and the patio was not there would be weird in between section going on. He said they did not intend for anything other than conversation to be going on outside.

Commissioner Culver suggested looking at reducing the times and days of the week that amplified music would be allowed. He said he would support reducing the time for amplified music and operating hours of outdoor seating. He felt that could be the best way to protect the neighborhood from noise.

Commissioner Struckhoff suggested possible restrictions during weeknights. He said a food truck parked on Pennsylvania facing north/south might provide a buffer between the patio and houses on New Jersey Street. He said he liked the idea of people sitting outside and less amplified music overall.

Commissioner Britton said he would be uncomfortable allowing amplified music for multiple nights. He suggested adjusting condition D to say live music allowed Thursday-Saturday until 9:00pm. He said he would support this with that change to amplified music. He suggested getting rid of the restrictions on the outdoor seating area and let it stay open until closing.
Commissioner Kelly suggested that exterior amplified music on the outside shall cease at 9:00pm.

Commissioner Britton said he struggled with ambient level and how to enforce or define that. He said a bar/socializing area without music would be pretty dull.

Mr. McCullough said staff worked with the noise ordinance all the time and that police ticket people and bars for being too loud. He said a condition to go by would be helpful.

Commissioner Britton said if you’re in a nearby house/structure and can hear the music after a certain time then it’s too loud.

Mr. McCullough said the idea behind the condition for ambient music was to create atmosphere, not music to get up and dance to or karaoke to.

Commissioner Sands said the sound ordinance for vehicles was 50’.

Mr. John Gascon said the rail track was 100’ away from his home and that he was not concerned about the noise from this particular endeavor.

Ms. Robinson said she loved the sound of the train. She said the George Clinton concert and Replay Lounge that were mentioned were downtown.

Commissioner Britton suggested amplified live music be allowed Thursday-Saturday until 9:00pm and Sunday until 8:00pm. He said all other music shall be kept to an ambient level, not perceptible beyond 50’ of the subject property. No amplified music Monday-Wednesday.

Commissioner Struckhoff suggested amplified live music be allowed Friday and Saturday until 10:00pm but said he was comfortable with 9:00pm. He said the nearest house was almost 200’ away on New Jersey Street.

Commissioner Britton suggested getting rid of condition 3C.

**ACTION TAKEN**

Motioned by Commissioner Britton, seconded by Commissioner Sands, to approve a Special Use Permit, SUP-15-00261, for a Bar at 804 Pennsylvania Street subject to the following conditions:

1. Prior to release of the Special Use Permit for issuance of a building permit the applicant shall provide an executed site plan performance agreement to the Planning Office.
2. Any physical changes to the site which are required as a result of this Special Use Permit must be reviewed and approved by the Historic Resource Commission prior to the release of the site plan for building permits.
3. The following standards apply to this use:
   a. **Occupancy.** No more than 75 persons may be within the outside dining area at any one time. The interior of the building is limited to no more than 44 persons by the Fire Code. (The site shall be signed with this occupancy limit.)
   b. **Seating.** The number of tables and chairs, as shown on the approved site plan, shall be provided to patrons during all hours that the outside dining area is open, including during Temporary Special Events.
   c. **Operating Hours.** The outdoor seating area shall be closed (unoccupied) at 11:00 p.m. Sunday through Thursday and 12:00 a.m. Friday and Saturday. Business hours inside the building are unrestricted.
d. **Sound Level.** Amplified live music on the outside dining area shall **be permitted only on the following days and times:** Thursday through Saturday until 9:00 p.m. and Sunday until 8:00 p.m. cease at 10:00 p.m. Sunday through Thursday, and at 11:00 p.m. Friday and Saturday. Other music (live acoustical and digital or stereo sources) **is permitted at any time but must be kept to ambient levels, not perceptible past 50 ft from the property line.** shall be kept at an ambient level after those times.

e. **Outside Seating Area.** A 4 ft high railing should be installed along the 18” wall around the outdoor seating area to clearly demarcate the area and prevent patrons from spilling over into the parking area.

f. **Food Sales:**
   i. Food shall be available for purchase at all times the establishment is open. The food may be provided within the building or by food trucks on site.
   ii. The food shall consist of menu items more substantial in nature than the typical nuts and/or popcorn offered at bars. Items such as pastries, breakfast food, sandwiches and sides, or meals will meet the intent of this requirement.

4. **Provision of a revised site plan with the following changes:**
   a. Addition of a note listing the standards applied with this SUP to the *Bar* use.
   b. Addition of a note listing the revised restricted uses per Zoning Ordinance No. 9101.
   c. Addition of a 4 ft high railing along the 18” high wall around the outdoor seating area.

   Commissioner Butler asked if other music would only be Thursday thru Sunday.

   Commissioner Britton said other music, at an ambient level, would be allowed at all times not perceptible past 50’.

   Unanimously approved 7-0.
GENERAL PUBLIC COMMENT
Ms. Eileen Smith discussed copper laden water coming out of her pipes that was making her sick. She referenced Erin Brockovich and her case regarding contaminated drinking water. She said the water coming out of her pipes was blue. She stated she was not sure if she should go to City or her landlord first. She wondered about the process for water quality. She wondered if the issue was related to corroded copper pipes. She said she needed help paying for it to be tested.

Commissioner Britton said that Planning Commission could unfortunately not do anything about her water.

Mr. McCullough asked Ms. Smith to get with staff member Sheila Stogsdill for her to look into.
PC Minutes 7/22/15

ITEM NO. 6 PRELIMINARY PLAT FOR NORTH LAWRENCE RIVERFRONT ADDITION;
401 NORTH 2ND ST (SLD)

PP-2-1-12: Consider a Preliminary Plat for North Lawrence Riverfront Addition, located at 401 North 2nd Street. This subdivision includes variances related to block length, right-of-way dedication for N. 2nd Street as a principal arterial, and connection of a local street to an arterial street. Submitted by Paul Werner Architects, for North Mass Redevelopment, LLC, Douglas County Kaw Drainage District, City of Lawrence, Kaw River Estates, LLC, HDD of Lawrence LLC, D & D Rentals of Lawrence LLC, Jeffrey W. Hatfield, Exchange Holdings LLC, Loosehead Investments LLC, and Riverfront Properties of Lawrence LLC, property owners of record.

STAFF PRESENTATION
Ms. Sandra Day presented the item.

APPLICANT PRESENTATION
Mr. Paul Werner, Paul Werner Architects, was present for questioning.

PUBLIC HEARING
No public comment.

ACTION TAKEN on Variances
Motioned by Commissioner Kelly, seconded by Commissioner Culver, to approve variances:
1. Staff recommends approval of a block length in excess of 800’.
2. Staff recommends approval of reduced right-of-way dedication for N. 2nd Street as a principal arterial street.

Unanimously approved 7-0.

ACTION TAKEN on PP
Motioned by Commissioner Kelly, seconded by Commissioner Culver, to approve Preliminary Plat for North Lawrence Riverfront Addition, PP-2-1-12, subject to the following condition:

1. Provision of a revised drawing to include access around tower per staff approval.

Unanimously approved 7-0.
Commissioner Kelly abstained from Items 7A-7E and left the meeting.

ITEM NO. 7A  CN2 TO OS; .193 ACRES; 6300 BOB BILLINGS PKWY (SLD)

Z-15-00244: Consider a request to rezone approximately .193 acres from CN2 (Neighborhood Commercial Center) District to OS (Open Space) District, located at 6300 W Bob Billings Pkwy. Submitted by Tim A Herndon, for RSR Holdings LLP, property owner of record.

ITEM NO. 7B  OS TO CN2; .992 ACRES; 6300 BOB BILLINGS PKWY (SLD)

Z-15-00245: Consider a request to rezone approximately .992 acres from OS (Open Space) District to CN2 (Neighborhood Commercial Center) District, located at 6300 W Bob Billings Pkwy. Submitted by Tim A Herndon, for RSR Holdings LLP, property owner of record.

ITEM NO. 7C  RM24, RM12D, RS7 TO RS5; 11.15 ACRES; 6300 BOB BILLINGS PKWY (SLD)

Z-15-00251: Consider a request to rezone approximately 11.15 acres from RM24 (Multi-Dwelling Residential) District, RM12D (Multi-Dwelling Residential) District, RS7 (Single-Dwelling Residential) District to RS5 (Single-Dwelling Residential) District, located at 6300 Bob Billings Pkwy. Submitted by Tim Herndon, for RSR Holdings LLP, property owner of record.

ITEM NO. 7D  RM12D TO RS5; 3.255 ACRES; 6304-6323 SERENADE CT (SLD)


ITEM NO. 7E  PRELIMINARY PLAT FOR LANGSTON COMMONS; BOB BILLINGS PKWY & LANGSTON WAY (SLD)

PP-15-00246: Consider a Preliminary Plat for Langston Commons, located northwest of Bob Billings Pkwy and Langston Way. This subdivision includes 17.5 acres for neighborhood commercial development and 48 lots for residential development. Submitted by BG Consultants, for RSR Holdings LLP and KS Secretary of Transportation, property owners of record.

STAFF PRESENTATION
Ms. Sandra Day presented items 7A-7E together.

APPLICANT PRESENTATION
Mr. Tim Herndon was present for questioning. He said regarding the sidewalk, the Zoning Code required sidewalks on both sides of the street. He said they extended two sidewalks to the west from Langston Heights development to tie into the South Lawrence Trafficway recreation path.

PUBLIC HEARING
Mr. Michael Kelly said Mr. Herndon was 99% right about the sidewalk issue. He said there were great connections to pathways and sidewalks on both sides of the street. He was in favor of the project but felt there should be direct pedestrian access from all directions to the school. He felt the developer should dedicate a pedestrian easement and construct a concrete pathway. He referenced
Dr. Rick Doll, Lawrence School District Superintendent, agreed with the staff recommendation. He did not feel the playground greenspace west of Langston Hughes should be dissected by a sidewalk that was not needed.

Mr. Matt Crawford expressed concern regarding the RS5 zoning off Silver Rain and felt it should be zoned RS7. He felt the sidewalk access was good already.

**APPLICANT CLOSING DISCUSSION**
Mr. Herndon felt there were plenty of sidewalks. He said Mr. Kelly was suggesting an additional 900 feet of unnecessary sidewalk that would not be lit or within the public view.

**COMMISSION DISCUSSION**
Commissioner von Achen asked about crossing guards at Harvard.

Dr. Doll said there was a City provided crossing guard at the Harvard roundabout.

Commissioner von Achen asked if kids were running across the street where they shouldn’t be crossing.

Dr. Doll said on the school property there were sidewalks for children to travel and cross safely. He said some parents park across the street and kids run across. He said he did not necessarily know how to stop that.

Mr. Kelly said parents parking on the north side of Diamondhead Drive was an issue that the school community should address. He said the crossing guard on the southeast corner of the Harvard traffic circle was only 5’4” tall and that she could not see over the 6’ vegetation to see the northwest corner where kids come down.

Commissioner Britton asked staff to respond to Mr. Kelly’s description of Transportation 2040 stating there should be direct access to schools.

Mr. McCullough said staff respectfully disagreed with Mr. Kelly’s interpretation of the Code issues. He said if the school didn’t have the extension of Renaissance Drive from the west into the property on their capital improvement plan staff would likely be submitting the condition themselves. He said staff agreed that there needed to be multiple, reasonable access points to a public institution like a public school. He said staff believed they were fulfilling that policy of Transportation 2040 through the future Renaissance Drive extension. He said in terms of the block length, if the block exceeded 800’, a connection through the block to another public way, not another property development, would be required. He stated staff believed the site was Code compliant as presented.

Commissioner Culver said he would support the recommendation by staff. He said from a safety standpoint the other two potential access points would not be lit or in plain sight.

Commissioner Britton agreed with Commissioner Culver.

**ACTION TAKEN on Item 7A**
Motioned by Commissioner Culver, seconded by Commissioner von Achen, to approve the request to rezone (Z-15-00244) approximately .193 acres, from CN2 (Neighborhood Commercial) District to OS
(Open Space) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Motion carried 6-0-1, with Commissioner Kelly abstaining.

**ACTION TAKEN on Item 7B**
Motioned by Commissioner Culver, seconded by Commissioner von Achen, to approve the request to rezone (Z-15-00245) approximately .992 acres from OS (Open Space) District to CN2 (Neighborhood Commercial Center) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Motion carried 6-0-1, with Commissioner Kelly abstaining.

**ACTION TAKEN on Item 7C**
Motioned by Commissioner Culver, seconded by Commissioner von Achen, to approve the request to rezone (Z-15-00251) approximately 11.15 acres from RM24 (Multi-Dwelling Residential) District, RM12D (Multi-Dwelling Residential) District and RS7 (Single-Dwelling Residential) District to RS5 (Single-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Motion carried 6-0-1, with Commissioner Kelly abstaining.

**ACTION TAKEN on Item 7D**
Motioned by Commissioner Culver, seconded by Commissioner von Achen, to approve the request to rezone (Z-15-00252) approximately 3.225 acres from RM12D (Multi-Dwelling Residential) District to RS5 (Single-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Motion carried 6-0-1, with Commissioner Kelly abstaining.

**ACTION TAKEN on Item 7E**
Motioned by Commissioner Culver, seconded by Commissioner von Achen, to approve the Preliminary Plat (PP-15-00246) of Langston Commons.

Commissioner Britton said to Mr. Crawford the difference between RS5 and RS7 was negligible enough that he trusted the developer with consistency issues that RS5 would be appropriate next to the already developed RS7.

Motion carried 6-0-1, with Commissioner Kelly abstaining.
ITEM NO. 8A  TEXT AMENDMENT FOR FLOODPLAIN OVERLAY DISTRICT MAPS


ITEM NO. 8B  TEXT AMENDMENT FOR FLOODPLAIN OVERLAY DISTRICT MAPS


STAFF PRESENTATION
Ms. Amy Miller presented the item.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Commissioner Britton said these items were the product of the text amendments that were initiated last month.

Commissioner Sands asked if the City would have to commit additional funds to this.

Ms. Miller said if an owner was investing more than 50% of the cost of the market value of the structure than they would need to bring it into full compliance with the floodplain regulation. She said that was on a per permit basis currently today. She stated that cumulative improvement was added to track that over a five year period.

ACTION TAKEN on Item 8A
Motioned by Commissioner von Achen, seconded by Commissioner Sands, to approve the revised text for Article 12 and forwarding of the proposed text amendments (TA-15-00253) to Chapter 20, Article 12 to the City Commission for approval and adoption.

Unanimously approved 6-0.

ACTION TAKEN on Item 8B
Motioned by Commissioner von Achen, seconded by Commissioner Sands, to approve the proposed text amendment (TA-15-00254) regarding changes to the Zoning Regulations, Chapter 12, Article 28 of the Code of the County of Douglas, Kansas and forwarding a recommendation for approval to the Board of County Commissioners.

Unanimously approved 6-0.
ITEM NO. 9  DESIGN GUIDELINES FOR NORTH LAWRENCE RIVERFRONT ADDITION

Design Guidelines as a condition of the zoning for North Lawrence Riverfront Addition, 401 N 2nd St.

*Item 9 was deferred prior to the meeting.*
ITEM NO. 10A   RS7, RM12, PUD TO RM24-PD OVERLAY; 51.85 ACRES; 1800, 1809, 2021 CROSSGATE DR (SLD)

Z-14-00552: Consider a request to rezone approximately 51.85 acres from RS7 (Single-Dwelling Residential) District, RM12 (Multi-Dwelling Residential) District, and PUD [Alvamar] (Planned Unit Development) District to RM24-PD Overlay (Multi-Dwelling Residential Planned Development Overlay) District including property located at 1800, 1809, and 2021 Crossgate Dr. Submitted by Paul Werner Architects on behalf of Alvamar Inc, property owner of record. Deferred by Planning Commission on 2/23/15.

ITEM NO. 10B   PRELIMINARY DEVELOPMENT PLAN FOR ALVAMAR; 1809 CROSSGATE DR (SLD)

PDP-15-00247: Consider a Preliminary Development Plan for Alvamar, containing approximately 50 acres and located at 1809 Crossgate Drive. The plan proposes the construction of a new entrance road from Bob Billings Parkway, Multi-Dwelling Structures containing 292 dwelling units, Active and Passive Recreation uses including a new clubhouse and event center, and Assisted and Independent Living uses containing 124 dwelling units. Submitted by Paul Werner Architects, for Alvamar Inc, property owner of record.

Items 10A and 10B were deferred prior to the meeting.
MISCELLANEOUS NEW OR OLD BUSINESS
Consideration of any other business to come before the Commission.

MISC NO. 1 OREAD DESIGN GUIDELINES SUBCOMMITTEE MEMBER
Appoint Planning Commissioner to Oread Design Guidelines Subcommitee.

Commissioner Culver will continue serving on the committee.

They discussed possible dates for Planning Commission orientation, October 2 or 9, 2015.
There will be no mid-month meeting in August, 2015.

ADJOURN 11:36pm

Complete audio from the meeting can be found online:
http://www.lawrenceks.org/boards/planning-commission/agendas
Planning Commission

Key Links

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**Plans & Documents**
- Horizon 2020
- Sector/Area Plans
- Transportation 2040
- 2012 Retail Market Study

**Development Regulations**
- Community Design Manual
- County Zoning Regulations
- Land Development Code
- Subdivision Regulations

**Online Mapping**
- City of Lawrence Interactive GIS Map
- Douglas Co. Map Viewer
- Submittals to the Planning Office

**Planning Commission**
- Bylaws
- Mid-Months & Special Meetings
- Minutes
- Planning Commission Schedule/Deadlines
PLANNING COMMISSION REPORT
Regular Agenda – Action Item

PC Staff Report
8/24/15

ITEM NO. 1: COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 6, CHAPTER 14, AND TO THE REVISED SOUTHERN DEVELOPMENT PLAN (JSC)

CPA-15-00335: Consider a Comprehensive Plan Amendment to Horizon 2020 Chapter 6 to change the designation from Auto-Related Commercial to Regional Commercial, and Chapter 14 (Revised Southern Development Plan) to revise the future land use designations from open space and auto-related commercial uses to open space and commercial use at the southeast corner of the intersection of South Lawrence Trafficway and US-59. Submitted by Landplan Engineering, P.A. for Armstrong Management L.C. and Grisham Management L.C., owners of record.

STAFF RECOMMENDATION: Staff recommends forwarding a recommendation of approval of this comprehensive plan amendment to Horizon 2020, to the Lawrence City Commission and the Douglas County Board of Commissioners to amend Chapter 6, and the Revised Southern Development Plan to expand the South Iowa Regional Commercial center to incorporate the proposed development.

STAFF RECOMMENDATION: If appropriate, approve and authorize the Chair to sign Planning Commission Resolution PCR-15-00366.

KEY POINTS

1. The amendment is requested by the applicant to allow for approximately 246,050 gross square feet of commercial use, of which 236,250 gross square feet would be retail uses.
2. Proposal would expand one of the two Regional Commercial nodes within the City of Lawrence and remove 1 of 3 identified Auto-Related Commercial locations.
3. Proposal is a departure from the adopted form, level, and type of commercial development envisioned for this site, though both the Auto-Related Commercial and Regional Commercial designation encourages higher-intensity commercial development.
4. Proposal would expand the commercially designated land in the South Iowa Regional Commercial center from 399.6 acres to 463.5 acres (15.9% overall increase) and increase square footages from 2.07 Million square feet to 2.3 Million square feet (11.9% overall increase).
5. Proposal could potentially have a positive effect on the City's pull factor and tax revenue.
6. Proposal could impact the timing of development for other entitled, but entirely or partially undeveloped, commercial areas including Mercato, Fairfield Farms, North Mass, Bauer Farms, and Menards properties; thereby potentially under serving these areas of the community.

SUMMARY

The applicant has requested an amendment to:

1) *Horizon 2020: Chapter 6, Commercial Land Use*, to change the designation from Auto-Related Commercial to Regional Commercial.

2) *Chapter 14, Specific Plans* amending the *Revised Southern Development Plan* to revise the future land uses designations from auto-related commercial uses to commercial use.

The reason for this Comprehensive Plan Amendment is to bring *Horizon 2020* and the *Revised Southern Development Plan* into alignment with the proposed commercial center.

![Figure 1: Portion requesting the Modification of Future Land Use Designations & Associated Applications with this Request](image-url)
Items related to this Comprehensive Plan Amendment include:


**STAFF REVIEW**

The applicant is requesting revisions to the adopted future land use map and commercial node designation on the southeast corner of the intersection of S. Iowa Street (US-59) and N. 1250 Road, at the interchange of S. Iowa Street and the South Lawrence Trafficway (K-10). The request would modify Chapter 6: Commercial, and Chapter 14, specifically the Revised Southern Development Plan, to allow a proposed commercial center to be located at this intersection. The development concept would entail extending the South Iowa Regional Commercial center by adding approximately 246,050 gross square feet of commercial use, of which approximately 9,800 gross square feet would be specifically restaurant uses and 236,200 gross square feet would be for general retail.

The maps in Figures 2 and 3 are the adopted Future Land Use maps options within the Revised Southern Development Plan. Policy 1 of the adopted Sector Plan specifies, “Traditional Neighborhood Design (TND) is encouraged where identified.” Also, Policy 3 of the Revised Southern Development Plan also states, "Future commercial development and/or redevelopments of existing commercial areas shall be in the form of Planned Development Overlays."

The Revised Southern Development Plan contains two possible types of development plans. Figure 2 shows a more conventional development pattern that anticipates a Euclidean segregation of uses. Figure 3 shows a development pattern that includes an integration of uses within a single development (the TND option).

The Revised Southern Development Plan contains a policy that, "Future commercial development and/or redevelopments of existing commercial areas shall be in the form of Planned Development Overlays" (p. 23). Given the details of this project, Planning Staff does not believe that requiring the PD Overlay for this project would further the purposes of the Planned Development Overlay District outlined in Section 20-701 and does not recommend the application of the overlay at this time. If the Planning Commission believes otherwise, an option to satisfy the policy would be to recommend that the site plan be reviewed by the City Commission to ensure that that scope of the project is given proper consideration as it proceeds to construction.
Figure 2: Currently Adopted *Revised Southern Development Plan*: Future Land Use Map 3-1

Figure 3: Currently Adopted *Revised Southern Development Plan*: Future Land Use TND Option Map 3-2
The anticipated commercial acreage under the currently adopted plan is smaller in area and of a different type than that proposed. The anticipated commercial acreage was originally planned to be approximately 42 acres to support the travel/auto-related commercial uses envisioned. Horizon 2020 identifies an Auto-Related Commercial Center as:

A unique type of commercial development is an Auto-Related Commercial Center. These centers include a wide variety of uses such as auto sales and repair, restaurants, hotels, and other similar uses that attract a large amount of the traveling public. However, these uses are not limited to Auto-Related Commercial Centers. A common feature of all these uses is that they typically have a small amount of commercial square footage under roof, but require a large amount of acreage for parking or sales display.

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

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

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

This proposal would increase the commercial acreage to approximately 59.80 acres to support the regional commercial scale of the proposed conventional retail development. Of the 59.80 acres, 28.82 acres are within the South Lawrence Trafficway right-of-way. This would also reduce the open space designated lands that currently are along the southern portion of the site.

This proposed development would be appended to the existing South Iowa Street Regional Commercial Center, which is northerly adjacent across the South Lawrence Trafficway. Horizon 2020 defines this regional commercial center as:

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

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

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

In general, development and redevelopment along the Iowa Street segment shall emphasize consolidated access, frontage roads, coordinated site planning and design, and high quality development. Development signage should be in scale with sites and should complement and not compete with signage of adjoining parcels. Improved landscaping would enhance the visual appeal of the corridor. Landscaped transition yards should be established between residential and non-residential uses.
Retail Market Study:
Staff is providing a retail market analysis of the proposed project’s impact on the retail market per Policy 3.15 in Horizon 2020 and Section 20-1303 (g) (10) of the Land Development Code. Policy 3.15 of Horizon 2020 requires a project specific retail market study for projects that would create 150,000 square feet or more of commercial space. Section 20-1303 (g) (10) of the Land Development Code applies to zoning applications that could create 100,000 square feet of retail space and states:

"For proposals that will create more than 100,000 square feet of retail space within the city: the impact of the proposed project on the retail market. Staff will provide an analysis based on the addition of the square footage to the retail market, vacancy rate trends, square footage per capita trends, and current demand trends, including but not limited to population, income, pull factors, and retail sales using the latest available city-wide retail market report."

Staff is reviewing this project for compliance with the Land Development Code, in addition to the criteria in Horizon 2020, based on the comprehensive plan amendment request and the rezoning request. Staff is conducting this analysis based on the most recent city-wide retail market study completed in 2012, and updating the supply figures based on this request to add roughly 247,000 square feet of commercial (retail) uses.

(http://www.lawrenceks.org/assets/pds/planning/documents/2012Retail.pdf)
Currently, there is a discrepancy between the requirements of the Land Development Code and those of Horizon 2020, specifically regarding the requirements for a retail market analysis of a proposed project. The Land Development Code was amended in 2013 to remove the requirement that an independent market study be submitted by an applicant. Instead, staff now provides the analysis based on the most recently adopted city-wide retail market study per the zoning map amendment criteria located in Section 20-1303 (g). Horizon 2020 still contains the requirement for an independent market study to be submitted; however, staff recognizes that the language in the Land Development Code is the most current and will provide the majority of the analysis provided below based on the Land Development Code. Even though there is no longer a requirement in the Land Development Code for the applicant to submit an independent market analysis for this project, the applicant has supplied one with this submittal and it is included in the packet as supplemental information. Staff has neither accepted nor rejected the independent market study submitted by the applicant.

<table>
<thead>
<tr>
<th>Projected City Wide Vacancy Rate with Southpoint Retail Project</th>
<th>Total Built</th>
<th>Occupied</th>
<th>Vacant</th>
<th>Vacant % - City Wide</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012 City Wide Retail Market Analysis</td>
<td>9,105,151</td>
<td>8,451,929</td>
<td>653,222</td>
<td>7.2%</td>
</tr>
<tr>
<td>Southpoint Retail (247,000 sf) - 100% Vacant</td>
<td>9,352,151</td>
<td>8,451,929</td>
<td>900,222</td>
<td>9.6%</td>
</tr>
<tr>
<td>Southpoint Retail (247,000 sf) - 50% Vacant</td>
<td>9,352,151</td>
<td>8,575,429</td>
<td>776,722</td>
<td>8.3%</td>
</tr>
<tr>
<td>Southpoint Retail (247,000 sf) - 0% Vacant</td>
<td>9,352,151</td>
<td>8,698,929</td>
<td>653,222</td>
<td>7.0%</td>
</tr>
</tbody>
</table>

Horizon 2020, Policy 3.15 (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." Horizon 2020 uses a vacancy rate threshold of 8% as one factor in order to determine market health, and the most recent city-wide retail market study figured the city-wide vacancy rate at 7.2%, slightly higher than the 2010 vacancy rate of 7.0% and the 2006 vacancy rate of 6.7%. The addition of this project, when completed and entirely vacant, will push the city-wide vacancy rate to 9.6%. Staff also has conducted further analysis that takes into consideration other commercial projects that have received approvals, but have not been fully constructed to date. The table below illustrates the impact that other major projects, that have been approved, will have on the overall vacancy rate.
<table>
<thead>
<tr>
<th>Total Current Retail Inventory</th>
<th>Total Square Feet</th>
<th>Total Occupied Square Feet</th>
<th>Total Vacant Square Feet</th>
<th>City-wide Vacancy Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>31st &amp; Ousdahl – Phase I (Mendards)</td>
<td>189,988</td>
<td>189,988</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approved Northwest corner – 6th and K-10 Node</td>
<td>155,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approved Northeast corner- 6th and K-10 Node (Mercato)</td>
<td>360,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approved Southside - 6th and K-10 Node</td>
<td>85,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fairfield Farms</td>
<td>200,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Mass*</td>
<td>217,337</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Langston Commons**</td>
<td>125,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31st &amp; Ousdahl – Phase II</td>
<td>65,340</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total (without Southpoint) - 100% Vacant</td>
<td>10,502,816</td>
<td>8,641,917</td>
<td>1,860,899</td>
<td>17.7%</td>
</tr>
<tr>
<td>Total (without Southpoint) - 0% Vacant</td>
<td>10,502,816</td>
<td>9,849,594</td>
<td>653,222</td>
<td>6.2%</td>
</tr>
<tr>
<td>Southpoint</td>
<td>247,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total with Southpoint project - All projects 100% Vacant</td>
<td>10,749,816</td>
<td>8,641,917</td>
<td>2,107,899</td>
<td>19.6%</td>
</tr>
<tr>
<td>Total with Southpoint project- Only Southpoint 100% Vacant</td>
<td>10,749,816</td>
<td>9,849,594</td>
<td>900,222</td>
<td>8.4%</td>
</tr>
<tr>
<td>Total with Southpoint project- All projects 0% Vacant</td>
<td>10,749,816</td>
<td>10,096,594</td>
<td>653,222</td>
<td>6.1%</td>
</tr>
</tbody>
</table>

*This figure is taken from the project’s market study and includes space that may not be truly retail in nature.

**This figure is taken from the project’s zoning and is considered a maximum.

If all commercial space that has been approved were constructed and vacant, the city-wide vacancy rate would rise to 19.6%. If all approved commercial spaces that have been approved were to be constructed but occupied, except for the subject of this request (Southpoint), the city-wide vacancy rate would be 8.4%.

While the market study shows that the project, upon completion and vacant, 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. While new commercial development can lead to vacancies in other parts of town, the current economic conditions have all but halted speculative commercial building in Lawrence. The current development trend is that buildings are built with known users or
committed tenants, and therefore, it is unlikely that the space will be vacant upon completion. In addition, this request for additional retail square footage is being made with the understanding that the majority of the space is already leased to retailers.

In staff’s opinion, the Lawrence retail market has remained healthy for the last 10 years because of the minimal fluctuation in the retail vacancy rate, and therefore, this project should have minimal impact on the market as a whole.

<table>
<thead>
<tr>
<th>Demand Factor Analysis</th>
<th>Avg. Annual % Change Population</th>
<th>Avg. Annual % Change Sales Tax</th>
<th>Avg. Annual % Change Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avg. Annual Change 2006-2011</td>
<td>0.8%</td>
<td>-1.1%</td>
<td>-0.9%</td>
</tr>
<tr>
<td>Avg. Annual Change 2000-2005</td>
<td>2.1%</td>
<td>0.2%</td>
<td>0.7%</td>
</tr>
<tr>
<td>Avg. Annual Change 1995-2000</td>
<td>1.8%</td>
<td>1.7%</td>
<td>3.7%</td>
</tr>
<tr>
<td>Avg. Annual Change 1990-1995</td>
<td>2.4%</td>
<td>3.7%</td>
<td>1.8%</td>
</tr>
</tbody>
</table>

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 2012 Retail Market Report identified that from 2006-2011, population increased an average of .8% annually. However, during that same time period retail sales tax collections had an average annual decrease of 1.1%, and per capita income had an average annual decrease of .9%, adjusting all dollar figures for inflation.

<table>
<thead>
<tr>
<th>Average Annual Retail Square Footage Trend</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Avg. Annual 2006-2012 Change</td>
<td>4.3%</td>
</tr>
</tbody>
</table>

On the supply side of the market, retail stock has shown an average annual increase of 4.3% from 2006-2012. While demand may not have risen with supply, the relatively stable vacancy rates and positive pull factor (discussed below) signal that the market is relatively healthy.
With the 2012 Retail Market Report, in Lawrence there were approximately 97 square feet of retail space per capita in 2012. With the addition of this project’s square footage to the market, as well as the addition of the Menards store’s square footage since they have started construction, there would be approximately 101 square feet of retail space per capita. However, this analysis does not take into consideration any of the other approved commercial development. If all approved projects were added, there would be 112 square feet of retail space per capita, and if the Southpoint project were added on top of that, this figure would rise to 114 square feet per capita. By the time the project is fully constructed and occupied in 2017, population will have grown (using our average annual growth rate to around 97,000 people, which would result in 98 square feet of retail space per capita, not including other approved projects. Staff does not view the addition of this retail space as having a significant impact on the retail market in terms of square feet per capita.
**Lawrence Trade Pull Factors and Trade Capture Area Figures**

<table>
<thead>
<tr>
<th>Year</th>
<th>Collections</th>
<th>Per Capita</th>
<th>Pull Factor</th>
<th>Trade Area Capture (People)</th>
<th>% of County Sales</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2014</td>
<td>$82,384,844</td>
<td>$907</td>
<td>1.04</td>
<td>94,760</td>
<td>93.00%</td>
<td>90,811</td>
</tr>
<tr>
<td>FY 2013</td>
<td>$81,747,115</td>
<td>$913</td>
<td>1.07</td>
<td>95,424</td>
<td>92.90%</td>
<td>89,512</td>
</tr>
<tr>
<td>FY 2012</td>
<td>$79,524,295</td>
<td>$896</td>
<td>1.07</td>
<td>94,639</td>
<td>93.00%</td>
<td>88,727</td>
</tr>
<tr>
<td>FY 2011</td>
<td>$74,699,896</td>
<td>$852</td>
<td>1.07</td>
<td>93,560</td>
<td>92.80%</td>
<td>87,643</td>
</tr>
<tr>
<td>FY 2010</td>
<td>$61,696,381</td>
<td>$674</td>
<td>1.02</td>
<td>93,630</td>
<td>92.40%</td>
<td>91,611</td>
</tr>
<tr>
<td>FY 2009</td>
<td>$67,723,146</td>
<td>$696</td>
<td>0.99</td>
<td>89,630</td>
<td>92.30%</td>
<td>90,083</td>
</tr>
<tr>
<td>FY 2008</td>
<td>$63,864,019</td>
<td>$714</td>
<td>0.99</td>
<td>88,638</td>
<td>92.50%</td>
<td>89,415</td>
</tr>
<tr>
<td>FY 2007</td>
<td>$61,894,678</td>
<td>$702</td>
<td>1.02</td>
<td>89,985</td>
<td>92.40%</td>
<td>88,168</td>
</tr>
<tr>
<td>FY 2006</td>
<td>$60,892,108</td>
<td>$748</td>
<td>1.12</td>
<td>90,982</td>
<td>91.30%</td>
<td>81,379</td>
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<tr>
<td>FY 2005</td>
<td>$58,300,971</td>
<td>$716</td>
<td>1.11</td>
<td>90,058</td>
<td>90.90%</td>
<td>81,417</td>
</tr>
</tbody>
</table>

*The pull factor figures and population estimates are from the Kansas Department of Revenue.

Also important is 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 early 2015, states that Lawrence’s pull factor was 1.04 in 2014, which is lower than the 1.07 pull factor that has held steady since 2011. While the pull factor has fallen slightly in the last year, the positive pull factor these last five years means that the City is attracting retail sales to the community.

In staff’s opinion, proposals to add retail space should be carefully scrutinized with respect to the indicators above. The proposed additional retail square footage at this node has a focus of drawing local and non-local visitors by providing retail space that could potentially offer more choices and types of retail than currently exist in the market. Even though this project could push the vacancy rate above the 8% threshold identified in the comprehensive plan, it is unlikely that this development will be speculative in nature. The current economic conditions are showing a trend that buildings are built with committed tenants. In addition, the vacancy rate has remained steady since 2006, signaling a healthy retail market. The community also has been attracting retail sales in the last three years, and this development could serve to increase that attraction, thereby increasing the pull factor.

One challenge with this proposal is that the designation of this area for this amount of retail square footage may cause other identified, undeveloped commercial nodes (6th and SLT, Fairfield Farms, etc.) to delay development. Demand has not increased at the same rate that supply has increased; however, the stable vacancy rate and positive pull factor indicate a healthy retail market.

**Retail Market Analysis Finding:** Considering all factors noted above, this proposal should have a negligible impact on the health of the community’s retail market.
Staff reviewed this amendment based upon the Comprehensive Plan Amendment review criteria listed below, as identified in Chapter 17 (Implementation) of Horizon 2020. The applicant’s responses are also provided below:

COMPREHENSIVE PLAN AMENDMENT REVIEW

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

Applicant’s response: Staff and Commissioners should bear in mind that this proposed Comprehensive Plan Amendment (CPA) is centered on discrete differences between proposed commercial land uses. The attached rezoning request proposes rezoning approximately 63 acres of land at the south end of the South Iowa commercial corridor from RS10 to CR (Regional Commercial). The location, size and intensity of this commercial rezoning request all generally comply with the policies and maps of the current Comprehensive Plan. The distinguishing factor is the land use type associated with the rezoning. The applicant proposes to extend the South Iowa Regional Commercial Center by developing a destination retail shopping center which would consist of large, medium and small retail stores and restaurants. The current Comprehensive Plan proposes an Auto Related Center at this location which might consist of car and RV dealerships, car washes and truck plazas. This CPA is not intended to provoke the typical debates over location, size or even intensity of land use. It focuses in on what types of commercial land uses Lawrence wants to see at its southern gateway.

Two factors are worth noting when discussing unforeseen conditions not understood at the time this portion of the Comprehensive Plan was adopted. In recent years, there has been significant expansion and redevelopment of auto related commercial properties across the City. Dealerships such as Briggs Subaru, Lawrence Kia, Jack Ellena Honda and Dale Willey Automotive have all invested additional capital toward their current locations. Such local redevelopment may reduce the demand to develop more vehicle sales and service uses in the future at the subject site.

The second factor to consider is that Lawrence's retail market is as strong as we have seen it in recent years. As reported in January by the local office of Colliers International and the Lawrence Journal World, at the end of 2014 the retail vacancy rate in Lawrence was 3.9%, as compared to 6.5% nationally and 8.5% regionally. These same reports indicated that the vacancy rate along the South Iowa corridor was 3.8%. As local, regional and national retailers continue to flock within this thriving commercial corridor, the demand for retail development, such as that being proposed by this CPA, rises.

Staff’s response: Staff agrees that there is less identified need for auto-related uses now than at the time the Revised Southern Development Plan was adopted, which is a changed perspective since the plan’s adoption. Other circumstances and conditions have not changed since the plan was adopted. The plan anticipates urbanization of this area with the completion of the South Lawrence Trafficway, and seeks to employ a reasonable development pattern to address the intersection of two state highways, as well as a local street to the east. While staff
believes the current plan addresses these conditions well, the applicant’s proposal is also viable in this area since it primarily only changes the form of the commercial project encouraged at this site.

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

Applicant’s response: *The proposed CPA would facilitate the extension of the South Iowa Regional Commercial Center southward across the SLT to include the subject site. Such development would bring significant public improvements to the street and utility infrastructure at this location. It would also help to increase City sales tax revenue. More importantly, this development would provide an appropriate gateway to the southern entrance of our City. As opposed to the small service buildings and large car lots and truck plazas centers often associated with auto-related commercial centers, the proposed development would offer attractively designed retail buildings, graciously landscaped streets and parking lots and an appropriate open space buffer between it and the Wakarusa River and Baker Wetlands to the south and east.*

Staff’s response: *As planned in Horizon 2020 and the Revised Southern Development Plan, Auto-Related Commercial Centers,*

> “include a wide variety of uses such as auto sales and repair, restaurants, hotels, and other similar uses that attract a large amount of the traveling public. However, these uses are not limited to Auto-Related Commercial Centers. A common feature of all these uses is that they typically have a small amount of commercial square footage under roof, but require a large amount of acreage for parking or sales display.” *(Horizon 2020, p. 6-12)*

This area is designated to accommodate auto-related commercial uses, including vehicle sales and service. In recent years, major redevelopment of existing vehicle sales and service uses has occurred in the area surrounding Four Wheel Drive and along South Iowa Street. That redevelopment may reduce the demand to develop more vehicle sales and service uses as originally intended. The proposal, while intensifying the type and amount of retail, could also accommodate certain auto-related uses such as restaurants, hotels, gas stations, vehicles sales and service, etc.

The amendment arguably advances the public purpose to address the gateway into Lawrence from the south. The change to more buildings in lieu of parking helps lessen the visual appearances of the site than was seen in previous applications. The application of the Commercial Design Guidelines at the time of site planning will help mitigate the appearances of large, unbroken surface parking lots.

3. **Is the proposed amendment consistent with the long-range goals and policies of the plan?**
Applicant's response: The proposed CPA is consistent with multiple goals and policies laid out in Chapter 6 of Horizon 2020. It provides for compatible transition from commercial development to less intensive land uses through an open space buffer (Policy 2.6). It follows the design criteria for Regional Commercial Centers (Policy 3.13). The applicant has already begun discussion with staff at KDOT to ensure that traffic impacts are analyzed and mitigated as set forth by this Chapter (Goal 4). Horizon 2020 currently prescribes auto-related commercial uses for this location. This CPA seeks to maintain commercial land uses at this location; however, it proposes land uses better suited to this gateway location than what is typically associated with an auto related center.

Staff's response: While the Revised Southern Development Plan anticipated commercial uses to be located at this intersection, it envisioned a different form and scale of a commercial center. The plan anticipated the commercial uses to be auto-related, mainly due to the location next to S. Iowa Street (US-59) and the South Lawrence Trafficway. The concept plan provided not only indicates a different form, but also an increase in size of 13.46 acres (77.48% increase) over the originally anticipated 17.45 acres. The expectation was that auto-related commercial uses were to provide goods and services for people traveling along K-10/South Lawrence Trafficway. The intent and scope of a Regional Commercial Center is to attract a retail market greater than the local community as a shopping destination.

The applicant is proposing to develop 30.98 acres of a 37.05 acre parcel. The remaining 6.07 acres are proposed to be zoned OS, since they are currently located in the Wakarusa River floodplain. A portion of the acreage proposed for development of commercial uses also lies in the regulatory floodplain. The Land Development Code does not prohibit development within the floodplain, and the expansion of commercial land use into this space would be subject to the floodplain regulation.

Below is Policy 3.13: Criteria for Regional Commercial Centers from Horizon 2020, and the criteria associated with this policy:

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

   Staff Finding: The proposal is not to create a new Regional Commercial Center, but to expand the existing South Iowa Regional Commercial Center.

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

   Staff Finding: This application fulfills this criterion as the applicant is seeking to amend the comprehensive plan to expand the South Iowa Regional Commercial Center.

C. Design Criteria

   1. The commercial development plan for a corner shall have a minimum of 40 acres;
Staff Finding: The proposal is partially consistent with this criterion. The proposed total site is approximately 37 acres and is proposing Open Space zoning to buffer along the portion that is closest to the stream on-site.

2. The development shall have a minimum of 1,400 linear feet of frontage on a public street;

Staff Finding: This proposal has approximately 650 linear feet of frontage along S. Iowa Street/US-59, and also 1,446 linear feet of frontage along the South Lawrence Trafficway. The proposal is consistent with this criterion.

3. A Regional Commercial Center shall not have more than 1.5 million gross square feet of commercial space; and

Staff Finding: The South Iowa Regional Commercial Center currently has 2.07 million gross square feet of commercial space. This proposal will add 246,050 square feet, giving the center a total of 2.31 million square feet of commercial space. The center was already above this limit before this request.

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.

Staff Finding: The proposal is consistent with this criterion.

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

Staff Finding: The Revised Southern Development Plan does cover this particular site.

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

Staff Finding: The concept plan for this proposal is early in development, and this criterion will be addressed at the time of site planning.

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

Staff Finding: The concept plan for this proposal is early in development, and this criterion will be addressed at the time of site planning.

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

Staff Finding: The concept plan for this proposal is early in development, and this criterion will be addressed at the time of site planning.

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

Staff Finding: The concept plan for this proposal is early in development, and this criterion will be addressed at the time of site planning.
I. 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.

Staff Finding: The concept plan for this proposal is early in development, and this criterion will be addressed at the time of site planning.

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

Staff Finding: The proposal is consistent with this criterion.

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

Staff Finding: The concept plan for this proposal is early in development, and this criterion will be addressed at the time of site planning. Items requesting Regional Commercial designation would require compliance with the Community Design Manual guidelines for new construction.

While the South Iowa Regional Commercial Center corridor exceeds the policy of not having more than 1.5 million square feet, when analyzing the totality of the criteria, the proposal meets the criteria outlined in Horizon 2020 for incorporating this area into the South Iowa Regional Commercial Center.

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

Applicant’s response: Please see the response to question #1. In general, this proposed CPA focuses on what types of commercial land uses are most appropriate for the subject site. Public discussion surrounding this development last summer has very much shaped this proposed CPA and the attached rezoning requests. During last summer, Planning Commissioners and members of the public voiced concern over the size of the proposed development and its appropriateness at this precise location. In response to such concerns, the applicant has curtailed the size of the development and is ready to further engage in a debate over what makes most sense at Lawrence’s southern gateway: an auto related center or destination retail shopping center.

Staff’s response: At present, there has not been a change in public policy. High-intensity commercial development is still viewed as appropriate for this location. Horizon 2020 did provide a differentiation between the Regional Commercial and Auto-Related Commercial land uses when it was adopted. A key distinction between the two use categories is in the envisioned end users. The plan anticipated that the end users of the Auto-Related Commercial use would be oriented to travelers passing through the community, while the Regional Commercial was intended to be an attraction destination, drawing in people outside of Lawrence and Douglas County. Another key distinction Horizon 2020 defines is in the site’s typology. Following the site information included within Chapter 6, Auto-Related Commercial would call for the construction of a higher than needed amount of parking to serve the high
frequency turnover of customers that is usual with these types of development. While Regional Commercial would emphasize the opposite, seeking to have buildings being the dominant feature of the site instead of the parking.

While there are subtle differences in the use and site design for the two land use categories within Horizon 2020, the Land Development Code does not provide a zoning designation for Auto-Related Commercial because envisioned uses are contained within the CC and CR Zoning classifications.

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

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

Applicant’s response: The proposed CPA would facilitate significant public improvements and extensions to infrastructure just south of the SLT. The applicant has held multiple meetings with KDOT and City staff to discuss these matters on a preliminary level. Further analysis will be provided at the time of preliminary plat and site plan review.

Staff’s response: Infrastructure development will be required to ensure adequate support of this commercial development. Further analysis regarding the details towards traffic impacts and infrastructure capacity will be addressed in the forthcoming development proposal, site plan, and final plat approvals.

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

Applicant’s response: The proposed CPA conforms to land use transitions already prescribed by the current Comprehensive Plan. The proposed commercial development will about state and federal highways to the north and west. An attached rezoning request ensures an open space buffer between the proposed commercial development and the Wakarusa River floodplain to the south.

Staff’s response: The site is adjacent to the South Lawrence Trafficway to the north and US-59 to the west. Otherwise, it is surrounded by farmland to the east and south. The primary compatibility issue for this proposal is with the medium-density residential uses planned to the east. A Type 2 buffer yard of 15 to 25 feet will be required, depending on the proposed landscape design. (Section 20-1005) However, the Revised Southern Development Plan anticipated this with the current designations of commercial for this subject property with residential uses anticipated due east of this site.

7. Will the proposed change advance the interests of the citizens of Lawrence and Douglas County as a whole, not solely those having immediate interest in the affected area?
Applicant’s response: The proposed CPA would facilitate a commercial development which would provide not only greater retail shopping opportunities for City and County residents but greater sales and property tax revenue for the City and County governments, as well. The proposed CPA will extend the South Iowa commercial corridor to its logical southern terminus, thereby establishing a generous open space buffer adjacent to the Wakarusa River and an attractive gateway to the southern entrance of the City.

Staff’s response: This proposed amendment would provide expanded shopping opportunities for Douglas County and the City of Lawrence, and it could potentially have a positive effect on the city’s tax base by increasing its pull factor.

While economic conditions have changed since the adoption of the Revised Southern Development Plan, the original vision for this portion involved a different intensity and form of commercial development, specifically oriented to automobile/travel support, not as a principal commercial destination. An intensification of the South Iowa Regional Commercial Center as proposed will potentially impact the city-wide retail market in terms of potentially detracting from other planned commercial areas. That impact will be somewhat mitigated by the phasing-in of this project, the potential increase in retail sales draw, and by this development most likely forming the new terminus to the South Iowa Regional Commercial Center. Staff does not anticipate continuing the strip-style commercial development pattern further south with the anticipated South of the Wakarusa Sector Plan.

Also factoring into this proposal is the consideration of the potential impact it could have on already entitled commercial areas within the City. The concern is not the addition of this retail square footage to the Lawrence market, but instead of the ability of other approved, undeveloped commercial nodes to attract retail tenants. If this project is approved, other approved, yet undeveloped commercial nodes may have to extend their development time frames in order to attract retail tenants, thus potentially underserving these areas of the community.
Due to the location of the proposed development, this project would serve as a primary gateway entry to traffic entering Lawrence along US-59, and also travelling along K-10/South Lawrence Trafficway. Space for the relocation of the community gateway signage, the detail and quality of four-sided building and landscape architecture will be given substantial consideration during site planning.

PROFESSIONAL STAFF RECOMMENDATION
Staff recommends forwarding a recommendation of approval of this comprehensive plan amendment to Horizon 2020, to the Lawrence City Commission and the Douglas County Board of Commissioners to amend Chapter 6, and the Revised Southern Development Plan with staff’s suggested language in order to expand the South Iowa Regional Commercial center to incorporate the proposed development.
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.
- Douglas County Board of County Commissioners May 18, 1998.
45. Amendment to Chapter Six – Lawrence Existing Commercial Areas, S. Iowa Street (23rd Street to K-10) & Chapter Fourteen – Revised Southern Development Plan
Lawrence-Douglas County Metropolitan Planning Commission – May 20, 2013
Lawrence City Commission – June 18, 2013
Douglas County Board of County Commissioners – June 12, 2013
Effective date – June 28, 2013

46. Update to Chapter Eight – Transportation
Lawrence-Douglas County Metropolitan Planning Commission – August 26, 2013
Lawrence City Commission – October 8, 2013
Douglas County Board of County Commissioners – September 25, 2013
Effective date – October 28, 2013

47. Amendment to Chapter Six – Lawrence Existing Commercial Areas, W. 6th Street and Wakarusa Drive & Chapter Fourteen – An Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive
Lawrence-Douglas County Metropolitan Planning Commission – April 21, 2014
Lawrence City Commission – May 13, 2014
Effective date – May 16, 2014

48. Amendment to Chapter Fourteen – An Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive
Lawrence-Douglas County Metropolitan Planning Commission – January 26, 2015
Lawrence City Commission – February 17, 2015
Effective date – February 26, 2015

49. Amendment to Chapter 6 – Commercial & Chapter 14 – Revised Southern Development Plan
Lawrence-Douglas County Metropolitan Planning Commission - <DATE PENDING>
Douglas County Board of Commissioners - <DATE PENDING>
Lawrence City Commission - <DATE PENDING>
The Plan’s goal is to strengthen and reinforce the role and function of existing commercial areas within Lawrence and Douglas County and promote economically sound and architecturally attractive new commercial development and redevelopment in selected locations.

STRATEGIES: COMMERCIAL DEVELOPMENT

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

- Support downtown Lawrence as the Regional Retail/Commercial/Office/Cultural Center with associated residential uses through the careful analysis of the number, scale, and location of other mixed-use commercial/retail developments in the community. Downtown Lawrence is the cultural and historical center for the community and shall be actively maintained through implementation of the adopted design guidelines that regulate the architectural and urban design character of this regional center.

- Establish and maintain a system of commercial development nodes at selected intersections which provide for the anticipated neighborhood, community and regional commercial development needs of the community throughout the planning period.

- Require commercial development to occur in "nodes", by avoiding continuous lineal and shallow lot depth commercial development along the city’s street corridors and Douglas County roads.

- Encourage infill development and/or redevelopment of existing commercial areas with an emphasis on Downtown Lawrence and existing commercial gateways. Sensitivity in the form of site layout and design considerations shall be given to important architectural or historical elements in the review of development proposals.

- Improve the overall community image through development of site layout and accessibility plans that are compatible with the community’s commercial and retail areas.

- Require new Commercial Centers in the unincorporated portion of Douglas County to be located at the intersection of two hard surfaced County Routes or the intersection of a hard surfaced county route and a state or federally designated highway and no closer than four miles to another Commercial Center in the unincorporated portion of Douglas County.
**NODAL DEVELOPMENT**

The Goals and Strategies in this chapter center on the Nodal Development Concept for new commercial development and the definitions of the four different categories of commercial nodes: Neighborhood, CC200, CC400, CC600, and Regional Commercial. The Nodal Development Concept encompasses all four corners of an intersection, although all four corners do not need to be commercially developed. The concept of nodal development shall also be applied to the redevelopment of existing commercial areas when the redevelopment proposal enlarges the existing commercial area. The following text provides a detailed description of the appropriate uses and development patterns for each respective category of commercial development.

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

**DESIGN STANDARDS**

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

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

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

1. Site design features, such as building placement, open space and public areas, outdoor lighting, landscaping, pedestrian and bicycle amenities, interfacings with adjacent properties, site grading and stormwater management, parking areas and vehicular circulation (including access management).

2. Building design features, such as architectural compatibility, massing, rooflines, detailing, materials, colors, entryways, window and door treatments, backsides
COMMERCIAL CENTER CATEGORIES

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

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

- **Commercial Uses**

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

1. Sector 44-45: Retail Trade;
2. Subsector 722: Food Services and Drinking Places;
3. Subsector 811: Repair and Maintenance; and
4. Subsector 812: Personal and Laundry Services

- **Downtown Commercial Center**

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

The Downtown Commercial Center is the Regional Retail/Commercial/Office/Cultural Center for the community and is considered a destination driver that attracts and serves the area beyond that of the local community. The Downtown Commercial Center has an established
development and architectural/urban design pattern. Unique among commercial centers in Lawrence, the Downtown Commercial Center combines a variety of land uses, including governmental, retail, office, public facilities, institutions, churches, and residential. Linear in design, the Downtown Commercial Center is focused along Massachusetts Street with New Hampshire and Vermont Streets serving as secondary activity areas. General building patterns are urban. Mixed-use, multi-story buildings are the most common building form and parking is provided on-street and through community parking lots and parking structures. Building designs and public improvements are focused on providing a pedestrian-oriented commercial experience. Massachusetts Street has a distinct streetscape with sawtooth parking and a focus on first floor (pedestrian oriented) retail use. Vermont and New Hampshire Streets provide the major vehicular movement patterns and provide access to the majority of the community parking areas. Alleyways, which provide service access, are one of the main character-defining elements that distinguish the Downtown Commercial Center from other commercial centers. To ensure there are a variety of commercial uses, the maximum footprint for an individual store is limited to approximately 25,000 gross square feet. One of the keys to the success of the Downtown Commercial Center is the ability to provide a wide range of leasable square footage that is both flexible and capable of being tailored to a specific use. Construction within the Downtown Commercial Center is regulated by a set of design guidelines administered through an Urban Conservation Overlay Zoning District.

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

- **Neighborhood Commercial Centers**

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

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

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

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

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

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

**Mixed-Use Redevelopment Center**

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

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

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

The City of Lawrence includes areas where infill and new development opportunities exist that would appropriately be developed or redeveloped as a mixed-use district. Such areas present potential opportunities for development and redevelopment as mixed-use districts, offering a mix of residential and non-residential uses. This mixed use is encouraged in individual structures as well as throughout the area. There are also areas that are currently mixed use in nature that should be preserved.

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

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

Inner-Neighborhood Commercial Centers

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

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

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

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

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**COMMERCIAL**
corner. In a situation where all the corners maybe considered appropriate for commercial uses, the location of the commercial space will be dictated by the timing of the development application and the development standards located in this chapter.

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

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

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

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

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

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

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

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

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

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

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

The market analysis study shall be required, at a minimum, to analyze the proposed Regional Commercial Center based on the following criteria: 1) the overall viability of the commercial proposal and the impact of the proposal on the community’s 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 (rezing, plat, preliminary development plan, etc.) submitted to the Planning Department for any portion of the node. The creation of the nodal plan may involve input from landowners within the nodal area, adjoining neighborhoods and property owners, and appropriate local and state entities. The appropriate governing body (City or County Commission) shall approve the nodal plan before 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...
A unique type of commercial development is an Auto-Related Commercial Center. These centers include a wide variety of uses such as auto sales and repair, restaurants, hotels, and other similar uses that attract a large amount of the traveling public. However, these uses are not limited to Auto-Related Commercial Centers. A common feature of all these uses is that they typically have a small amount of commercial square footage under roof, but require a large amount of acreage for parking or sales display.

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

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

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

Recreational Uses

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

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

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

The acreage used to accommodate a Recreational Use may be used to meet the minimum acreage requirements for a respective Commercial Center, if the Recreational Use and additional commercial uses at the corner of the node are integrated together.

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

**LAWRENCE - EXISTING COMMERCIAL AREAS**

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

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

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

- **Downtown Lawrence**

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

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

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

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

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

• **N. 2nd Street and N. 3rd Street**

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

Marginal, obsolete and underutilized sites and incompatible uses along this corridor should be redeveloped or reconstructed. For example, existing heavy industrial uses along the northern portion of the corridor should be relocated within the planning area and the sites redeveloped with compatible commercial, service or retail uses. New development and redevelopment shall include improved parking, signage and landscaping improvements that enhance the overall aesthetic and environmental conditions along the corridor. The city should encourage and work with land owners to undertake property improvement within the area. The city should consider special financing mechanisms, such as benefit districts or tax increment financing to assist in private and public improvement projects for the area.

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

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

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

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

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

  K-10 provides a physical barrier and edge to the commercial corridor that has developed. Additional retail commercial uses shall not occur south of the highway, except for the possible location of an Auto-Related Commercial Center. Two of the four corners of the intersection have existing auto-related uses. Located at the northwest corner is a hotel and an automobile dealership is located on the northeast corner. Because of access to two major highways (K-10 and US-59) the area south of K-10 could be a location for an Auto-Related Commercial Center. Both corners are an appropriate location for an Auto-Related Commercial Center, provided that the floodplain issues for the southwest corner can be addressed.
In general, development and redevelopment along the Iowa Street segment shall emphasize consolidated access, frontage roads, coordinated site planning and design, and high quality development. Development signage should be in scale with sites and should complement and not compete with signage of adjoining parcels. Improved landscaping would enhance the visual appeal of the corridor. Landscaped transition yards should be established between residential and non-residential uses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

  The intersection of W. 6th Street and Wakarusa Drive is an existing Community Commercial Center limited to 600,000 square feet of commercial gross square footage (CC600 Center) with a nodal development pattern.

  Portions of the intersection of W. 6th Street and Wakarusa Drive are still developing. However, the southern half of the intersection is almost completely developed and shall not be expanded beyond Congressional Drive to the west. The northern half of the intersection is undeveloped. Commercial development of this portion of the intersection shall not extend beyond Overland Drive (extended) to the north, Congressional Drive (extended) to the west; and Champion Lane (extended) to the east.

- **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 current uses at this corner are a bank and small shopping center. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property.

- **W. 15th Street and Kasold Drive**

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

- **W. 9th Street (Kentucky Street to Illinois Street)**
This area is an existing Neighborhood Commercial Center with a strip development pattern that serves as a gateway into Downtown Lawrence. The group of buildings at the northeast corner of W. 9th Street and Indiana Street has a scale and configuration of structures similar to Downtown Lawrence. The majority of the development along this corridor is characterized by stand-alone structures with multiple curb cuts. New development and redevelopment proposals along this corridor shall include consolidation of curb cuts and cross access easements to adjoining properties. Because the corridor serves as a gateway to Downtown Lawrence, the Downtown Architectural Design Guidelines should be amended to specifically address this area.

<table>
<thead>
<tr>
<th>Existing Commercial Areas</th>
<th>Strip</th>
<th>Nodal</th>
<th>Approximate Built Square Footage*</th>
<th>Neighborhood Commercial</th>
<th>Existing Strip Commercial</th>
<th>CC200</th>
<th>CC400</th>
<th>CC600</th>
<th>Regional Commercial</th>
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</thead>
<tbody>
<tr>
<td>Downtown</td>
<td>X</td>
<td></td>
<td>1.3 million</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N. 2nd St and N. 3rd St</td>
<td>X</td>
<td></td>
<td>225,000</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Iowa (Harvard Rd to W. 6th St)</td>
<td>X</td>
<td></td>
<td>190,000</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. Iowa (23rd St to K-10)</td>
<td>X</td>
<td></td>
<td>1.3 million</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. 23rd St (Iowa St to Louisiana St)</td>
<td>X</td>
<td></td>
<td>660,000</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>E. 23rd St (Learnard St to Harper St)</td>
<td>X</td>
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<td>190,000</td>
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<tr>
<td>8th St (Alabama to Iowa St)</td>
<td>X</td>
<td></td>
<td>140,000</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. 6th St (Iowa to Kasold)</td>
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<td></td>
<td>209,000</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>W. 6th St &amp; Monterey Way</td>
<td>X</td>
<td></td>
<td>100,000</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
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<td>X</td>
<td></td>
<td>480,000</td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>Clinton Pkwy &amp; Kasold Dr</td>
<td>X</td>
<td></td>
<td>119,000</td>
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<td></td>
<td>28,000</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>E. 19th St &amp; Massachusetts St</td>
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<td></td>
<td>95,000</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E. 19th St &amp; Haskell Ave</td>
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<td></td>
<td>27,000</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. 13th St &amp; Kasold Dr</td>
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<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. 15th St &amp; Wakarusa Dr</td>
<td>X</td>
<td></td>
<td>19,000</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9th St (Kentucky St to Illinois St)</td>
<td>X</td>
<td></td>
<td>40,000</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

The definitions of Neighborhood, Existing Strip Commercial, CC200, CC400, CC600 and Regional Commercial Centers are on pages 6-3 through 6-12.

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

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

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

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

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

- **Inner-Neighborhood Commercial Centers**

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

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

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

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

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

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

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

• **Community Commercial Centers (CC200)**

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

1. E. 23rd Street and O’Connell Road

• **Community Commercial Centers (CC400)**

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

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

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

• **Community Commercial Centers (CC600)**

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

1. W. 6th Street and K-10
• **Auto-Related Commercial Centers**

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

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

• **Regional Commercial Centers**

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

**UNINCORPORATED DOUGLAS COUNTY - EXISTING COMMERCIAL AREAS**

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

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

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

**UNINCORPORATED DOUGLAS COUNTY - NEW COMMERCIAL AREAS**

Commercial locations in both unincorporated Douglas County and Douglas County communities together provide reasonable accessibility in terms of distance and the type of goods and services available. As Douglas County continues to urbanize, the need for additional commercial space in the unincorporated portions of Douglas County will increase. New commercial areas shall not be located within a four mile radius of any existing commercial area. There are already a number of existing commercially zoned areas in the unincorporated portions of Douglas County. Most of these locations are well placed at the intersection of a
Areas that are already zoned commercially and are located at the intersection of a hard surfaced county route and state or federally designated highway should be expanded to serve any increased demand for commercial space in the county. The Comprehensive Plan recommends that only one new commercial area be created in the unincorporated portion of the county. The southeastern area of the county does not have any commercially zoned areas. To serve this area a commercial development could be located at the intersection of US-56 and K-33 or US-56 and County Route 1061.

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

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

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

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

GOAL 1: Established Commercial Area Development

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

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

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

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

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

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

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

Policy 1.3: Assure Compatibility of Development

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

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

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

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

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

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

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

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

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

Policy 1.6: Maintain an Inventory of Commercial Land

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

Policy 1.7: Monitor Economic Impact of Commercial Growth

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

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

C. The matrix shall be updated annually.

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

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

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

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

The above matrix will be completed for each quadrant of the city, plus an additional table summarizing the totals for the entire city.
Guidelines are needed to allow for a compatible transition from commercial development to residential neighborhoods and other less intensive land uses. These guidelines are needed throughout the community, including both established commercial areas and anticipated development areas.

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

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

**Policy 2.1: Use Appropriate Transitional Methods**

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

B. Use landscaped transition yards between residential and non-residential uses that include additional lot depth, berms, landscape screening, and/or fences and walls to provide additional buffering between differing land use intensities.

C. Compatible transition from commercial uses to less intensive land uses shall consider:

1. **Site Orientation**
   - a. Vehicular access shall be from collector, arterial or access streets.
   - b. Pedestrian access shall be designed to provide internal and external circulation from adjacent neighborhoods.
   - c. Streets designed with elements to provide visual or physical buffering may serve as boundaries between different intensities of land uses.

2. **Building Relationships**
   - a. A back-to-back relationship is preferable between uses.
   - b. Commercial buildings and parking lots shall not have lesser setbacks than those required of abutting residential uses.
   - c. The height and massing of commercial buildings and accessory structures shall be oriented to avoid creating a negative visual effect on residential neighborhoods.
d. Vehicular access to commercial activities should be separated from pedestrian access.

3. Land Features
   a. Encourage the integration of mature trees, natural vegetation, and natural and environmentally sensitive areas whenever feasible to buffer commercial developments from other more or less intensive land uses.
   b. Encourage the use of existing topography to separate commercial developments and other more or less intensive land uses.

4. Screening and Landscaping
   a. Encourage creative and extensive use of landscaping and berming techniques for natural transitions between differing intensities of land uses.
   b. Fences shall not be used as a sole method of providing screening and buffering between differing intensities of land uses.
   c. Encourage site design that uses existing vegetation, such as stands of mature trees, as natural buffers or focal points.
   d. Encourage the use of high quality materials in the construction of screening and landscape areas to decrease long-term maintenance costs.

5. Lighting
   a. Lighting used to illuminate parking areas, signs or structures should be placed to deflect light away from adjoining properties or public streets through fixture type, height and location.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**GOAL 3:** Criteria for Commercial Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy 3.3: Criteria for Inner-Neighborhood Commercial Centers

A. Encourage redevelopment of existing Inner-Neighborhood Commercial Centers through alternative standards for:
   1. Required parking;
   2. Open space requirements;
   3. Required setbacks; and
   4. Required lot size.

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

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

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

Policy 3.4: Criteria for Mixed-Use Redevelopment Centers

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

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

C. Mixed-Use Redevelopment Centers shall include a mix of the following uses within the subject area and where possible, include mixed-use structures:
   1. Residential;
   2. Civic;
   3. Office;
4. Small-scale commercial:
   a. Total commercial spaces shall not exceed 25% of the net floor area
      within the subject area, and
   b. A single retail space shall not occupy more than 16,000 square feet
      of ground-floor level, net floor area of a structure; and

5. Open space.

D. Mixed-Use Redevelopment Centers shall maintain the character of the
   surrounding neighborhoods by:
   1. Achieving integration with adjacent land uses by providing transitions
      between uses through alleyways and use and landscape buffers;
   2. Incorporating existing structures wherever possible;
   3. Maintaining general structure spacing, massing, scale, and street frontage
      relationship when incorporating new structures.

E. Mixed-Use Redevelopment Centers shall provide multi-modal services to include
   the following options:
   1. Pedestrian, including pedestrian-scaled street furnishings, plantings and
      gathering spaces;
   2. Bicycle, including bicycle parking;
   3. Vehicular; and
   4. Transit, if available.

Policy 3.5: Criteria for Mixed-Use Districts

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

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

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

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

   a. Pedestrian oriented public spaces, which shall include pedestrian-scaled street furnishings, and plantings;

   b. Bicycle, including bicycle parking;

   c. Vehicular; and

   d. Transit.

Policy 3.6: Criteria for Neighborhood Commercial Centers

A. Neighborhood Commercial Centers shall be located at the arterial/arterial or arterial/collector street intersections.

B. Limit the commercial uses in neighborhood centers to one corner of the intersection.

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

D. Neighborhood Commercial Centers shall contain no more than 100,000 gross square feet of commercial space with the exception of Neighborhood Commercial Centers that include a grocery store. Neighborhood Commercial Centers with a grocery store of 60,001 or more gross square feet may have up to a total of 125,000 gross square feet of commercial space.

E. No one commercial use in a Neighborhood Commercial Center shall occupy an area larger than 40,000 gross square feet. The only exception is a grocery store, which may occupy an area up to 80,000 gross square feet.

F. A nodal plan shall be completed before a proposal for a Neighborhood Commercial Center goes before the Planning Commission.

G. Locate office, public, semi-public, parks and recreation or medium- and higher-density residential developments on remaining corners of intersection to avoid excessive concentrations of commercial traffic and unnecessary duplication of commercial services.

H. Low-density residential uses may be located at the remaining corners of the intersection if sufficient screening measures are provided to offset noise and views of the intersection are provided.

I. Integrate neighborhood commercial centers into the surrounding residential neighborhoods by including pedestrian access, appropriate transitional elements and, if possible, the location of public or semi-public uses or parks and recreation uses adjacent to the commercial development.

J. Neighborhood Commercial Centers shall be designed with pedestrian mobility as a top priority.
1. Pedestrians shall be able to easily walk to all stores in a neighborhood center without using a vehicle.

2. Parking lots shall provide pedestrian accessways to reduce the potential of pedestrian/vehicle conflicts.

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

L. Neighborhood Centers should have dedicated open space areas that are usable by the Center’s employees and shoppers.

M. Neighborhood Commercial Centers shall not expand into the surrounding portions of the neighborhood.

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

O. Neighborhood Commercial Centers shall develop in a manner that is consistent with the city’s adopted design guidelines.

Policy 3.7: Criteria for Existing Strip Commercial areas

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. At least 95 percent of the commercial gross square footage in a new CC400 Center shall be located on two corners of the intersection. The remaining five percent shall be located on one of the remaining two corners.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Policy 3.11: Nodal Plan Criteria**

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

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

C. A nodal plan shall include the following information:

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

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

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

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

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

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

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

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

Policy 3.13: Criteria for Regional Commercial Centers

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

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

C. Design Criteria

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

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

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

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

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

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

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

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

L. CC400 Centers shall develop in a manner that is consistent with the city’s adopted design guidelines.
Policy 3.14: Criteria for Commercial Development in Unincorporated Areas

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

B. Encourage new commercial development at key access points on major corridors only if served by adequate infrastructure, community facilities and services.

C. The commercial gross square footage of a development shall be limited to a total of 15,000 gross square feet.

D. The only new commercial area shall be located at the intersection of either US-56 and K-33 or US-56 and County Route 1061.

Policy 3.15: Require a Market Impact Analysis

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

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

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

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

   a. The overall viability of the proposal;
   b. The validity of the proposal considering any community retail vacancy, sales/square foot and square footage/capita data as outlined in Policy 1.7;
   c. How the proposal will impact existing commercial development in the community;
   d. How the mix and sizes of proposed uses of the development will impact the viability of Downtown Lawrence;
   e. A building phasing schedule based upon the community’s ability to absorb the additional commercial square footage; and
   f. Any other additional information required by the Planning Commission.
B. The project shall not be approved if the market study indicates the commercial project or any proposed phase cannot be absorbed into the community within three years from the date of its estimated completion, or that it would result in a community-wide retail vacancy rate of greater than eight percent.

**Policy 3.16: Criteria for Auto-Related Commercial Centers**

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

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

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

GOAL 4: Transportation Considerations

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

Policy 4.1: Levels of Service

The expansion of existing or new commercial development shall not occur until the surrounding street system can provide an acceptable level of service.

Policy 4.2: Evaluate Traffic Impacts

An evaluation of the traffic impacts of a development on the surrounding area shall consider the existing and projected traffic conditions in relation to the existing transportation system. This evaluation should be based on planned improvements identified in the Capital Improvement Plan (CIP), the Comprehensive Plan, and/or the Long-Range Transportation Plan. These plans shall be updated periodically to recognize changes in priorities and to add new projects with designated priorities.

Policy 4.3: Minimize Traffic Diversion

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

B. Discourage commercial traffic through residential neighborhoods.

Policy 4.4: Ensure Adequate Ingress and Egress

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

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

Policy 4.5: Limit Access

A. Minimize curb cuts along arterial and collector streets.

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

**Policy 4.6: Provide Vehicular Circulation**

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

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

**Policy 4.7: Provide Pedestrian Access**

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

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

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

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

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

**Policy 4.8: Provide Bicycle Access**

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

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

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

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

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

**Policy 4.10: Utilize Outlying Parking Lots**

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

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

Legend
- Auto-Related Center
- CC - 200
- CC - 400
- CC - 600
- Neighborhood
- Regional
- Existing Ship Commercial
- City Lands
- Urban Growth Area

Future Thoroughfares T2040
- future collector
- future freeway
- future minor arterial
- future principal arterial
- local minor collector
- principal arterial
- principal arterial
- freeway
- collector/local major collector
- minor arterial

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

Revised: April 4, 2014
SPECIFIC PLANS
CHAPTER FOURTEEN – SPECIFIC PLANS

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

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

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

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

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

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

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

- **6th and Wakarusa Area Plan**
  - **Location:** The intersection of 6th Street and Wakarusa Drive
  - **Adoption Date:** December 2, 2003 by Lawrence City Commission
    - REVISED July 10, 2012 by Lawrence City Commission
    - REVISED May 13, 2014 by Lawrence City Commission
    - REVISED February 17, 2015 by Lawrence City Commission
  - **Review Date:** 2017

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

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

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

- **Revised Southern Development Plan**
  - **Location:** Bounded roughly to the north by W. 31st Street and the properties north of W. 31st Street between Ousdahl Road and Louisiana Street; to the west by E. 1150 Road extended (Kasold Drive); to the south by the north side of the Wakarusa River; and to the east by E. 1500 Road (Haskell Avenue).
  - **Adoption Date:** December 18, 2007 by Lawrence City Commission
    - January 7, 2008 by Douglas County Board of Commissioners
    - REVISED June 18, 2013 by Lawrence City Commission
    - June 12, 2013 by Douglas County Board of Commissioners
    - REVISED <DATE PENDING> by Lawrence City Commission
    - REVISED <DATE PENDING> by Douglas County Board of Commissioners

HORIZON 2020 14-2 SPECIFIC PLANS
• Southeast Area Plan
  
  **Location:** Bounded roughly to the north by E. 23rd Street/K-10 Highway; to the west by O’Connell Road; to the south by the northern boundary of the FEMA designated floodplain for the Wakarusa River; and to the east by E. 1750 Road (Noria Road).

  **Adoption Date:**
  - January 8, 2008 by Lawrence City Commission
  - January 28, 2008 by the Douglas County Board of Commissioners
  - REVISED
  - June 14, 2008 by Lawrence City Commission
  - July 24, 2008 by Douglas County Board of Commissioners
  - REVISED
  - October 7, 2008 by Lawrence City Commission
  - November 10, 2008 by Douglas County Board of Commissioners
  - UPDATED
  - September 27, 2011 by Lawrence City Commission
  - November 11, 2011 by Douglas County Board of Commissioners

  **Review Date:** 2021

• Farmland Industries Redevelopment Plan
  
  **Location:** The former Farmland Industries property is located east of Lawrence along K-10 Highway and just west of the East Hills Business Park. It is approximately one half mile south of the Kansas River.

  **Adoption Date:**
  - March 11, 2008 by Lawrence City Commission
  - March 31, 2008 by Douglas County Board of Commissioners

  **Review Date:** 2013

• K-10 & Farmer’s Turnpike Plan
  
  **Location:** Generally located around the intersection of I-70 and K-10 and to the east approximately four miles.

  **Adoption Date:**
  - December 9, 2008 by Lawrence City Commission
  - January 7, 2009 by Douglas County Board of Commissioners

  **Review Date:** 2019

• Lawrence SmartCode Infill Plan
  
  **Location:** General areas are: 19th St. and Haskell Ave., 23rd St. and Louisiana St.

  **Adoption Date:**
  - January 27, 2009 by Lawrence City Commission
  - February 23, 2009 by Douglas County Board of Commissioners
• **West of K-10 Plan**  
  **Location:** Generally located north and south of Highway 40 and west of K-10 Highway. It does contain some land east of K-10 Highway  
  **Adoption Date:** June 9, 2009 by Lawrence City Commission  
  May 6, 2009 by Douglas County Board of Commissioners  
  **REVISED**  
  March 26, 2013 by Lawrence City Commission  
  April 10, 2013 by Douglas County Board of Commissioners  
  **Review Date:** 2019

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

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

• **Northeast Sector Plan**  
  **Location:** Generally located north and east of Lawrence and north of the Kansas River to the Douglas County line.  
  **Adoption Date:** September 11, 2012 by Lawrence City Commission  
  June 13, 2012 by Douglas County Board of Commissioners  
  **Review Date:** 2022
Revised Southern Development Plan

Lawrence-Douglas County Planning Commission Approved 11/28/07
Lawrence City Commission Approved 12/18/07
Board of County Commissions Approved 1/7/08

REVISED
Lawrence-Douglas County Planning Commission Approved 5/20/13
Lawrence City Commission 6/18/13
Board of County Commissions Approved 6/12/13
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Revised Southern Development Plan
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INTRODUCTION

Background and Purpose

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

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

Description of Planning Area

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

- to the north: W. 31st Street and the properties north of W. 31st Street between Ousdahl Road and Louisiana Street;
- to the west: E. 1150 Road extended;
- to the south: the north side of the Wakarusa River;
- to the east: E. 1500 Road (Haskell Avenue).
Map 1-1 Planning Area
Revised Southern Development Plan
**Policy Framework**

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

EXISTING CONDITIONS

Current Land Use

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

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<table>
<thead>
<tr>
<th>Appraiser’s Land Use Classification</th>
<th>Acres</th>
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<tr>
<td>Single Family Residential</td>
<td>37.03</td>
</tr>
<tr>
<td>Mobile Home</td>
<td>0.74</td>
</tr>
<tr>
<td>Multiple Family</td>
<td>16.48</td>
</tr>
<tr>
<td>Mobile Home Park</td>
<td>96.87</td>
</tr>
<tr>
<td>Residential - Other</td>
<td>0.87</td>
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<tr>
<td>Vacant Residential</td>
<td>63.44</td>
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<tr>
<td>Farm</td>
<td>111.40</td>
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<tr>
<td>Farm Residence</td>
<td>1.41</td>
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<tr>
<td>Vacant Farm</td>
<td>692.24</td>
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<tr>
<td>Commercial</td>
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<tr>
<td>Commercial-Auto</td>
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<td>Commercial-Service/Office</td>
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<tr>
<td>Vacant Commercial</td>
<td>8.10</td>
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<tr>
<td>Transport/Communication/Utility</td>
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<tr>
<td>Vacant Transport/Communication/Utility</td>
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<td>Vacant Parks/Rec/Open Space</td>
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<tr>
<td>Public/Institutional</td>
<td>31.52</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td>2,038.13</td>
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</table>
Map 2-1 Current Land Use (As Classified by the Douglas Co. Appraiser)
Revised Southern Development Plan
Current Zoning

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

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

Table 2-2

<table>
<thead>
<tr>
<th>City Zoning</th>
<th>District Name</th>
<th>Comprehensive Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS10</td>
<td>Single-Dwelling Residential (10,000 sq. feet per dwelling unit)</td>
<td>Low-Density Residential</td>
</tr>
<tr>
<td>RS7</td>
<td>Single-Dwelling Residential (7,000 sq. feet per dwelling unit)</td>
<td>Low-Density Residential</td>
</tr>
<tr>
<td>RM12</td>
<td>Multi-Dwelling Residential (12 dwelling units per acre)</td>
<td>Medium-Density Residential</td>
</tr>
<tr>
<td>PRD</td>
<td>Planned Residential Development</td>
<td>N/A</td>
</tr>
<tr>
<td>CO</td>
<td>Office Commercial</td>
<td>Office or Office/Research</td>
</tr>
<tr>
<td>CS</td>
<td>Strip Commercial</td>
<td>N/A</td>
</tr>
<tr>
<td>PCD</td>
<td>Planned Commercial Development</td>
<td>N/A</td>
</tr>
<tr>
<td>GPI</td>
<td>General Public and Institutional</td>
<td>N/A</td>
</tr>
<tr>
<td>UR</td>
<td>Urban Reserve</td>
<td>N/A</td>
</tr>
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Table 2-3

<table>
<thead>
<tr>
<th>County Zoning</th>
<th>District Name</th>
<th>Comprehensive Plan Designation</th>
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<tbody>
<tr>
<td>A</td>
<td>Agricultural District</td>
<td>Agriculture</td>
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<tr>
<td>B-2</td>
<td>General Business District</td>
<td>N/A</td>
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<td>V-C</td>
<td>Valley Channel District</td>
<td>N/A</td>
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</table>
Map 2-2 Current Zoning
Revised Southern Development Plan

Map Date: September 4, 2007
**Current Infrastructure**

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

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

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

**Gas**
Southern Star Gas has pipes that pass though a large portion of the planning area. These pipelines are shown on Map 2-4.
Map 2-3 City Sanitary Sewer and Water Revised Southern Development Plan

Legend

- City Limits
- Water Bodies
- Planning area
- Private Water Main
- Sanitary Sewer Main
- Water Main
- Lift Station
- Water Hydrant
Map 2-4 City Storm Water and Southern Star Gas
Revised Southern Development Plan
Floodplain

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

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

The Haskell-Baker Wetlands is located on the eastern edge of the planning area and includes approximately 583 acres of wetlands. These wetlands are jointly owned by Baker University, Haskell Indian Nations University, the Kansas Department of Wildlife and Parks, and University of Kansas. The wetlands are a National Natural Landmark and they support 471 documented species of vascular plant, 254 species of bird, and 61 additional vertebrate species. A self guided tour of the wetlands via a boardwalk is provided through the wetlands.
Map 2-6 Parks and Recreational Facilities
Revised Southern Development Plan
Transportation

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

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

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

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

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

- Route 7, South Iowa/Downtown, travels through the planning area along Lawrence Avenue, W. 31st Street, Neider Road, Four Wheel Drive, W. 33rd Street, Ousdahl Road, and S. Iowa Street.

- Route 8, KU/South Iowa/Downtown, travels through the planning area along Lawrence Avenue, W. 31st Street, Neider Road, Four Wheel Drive, W. 33rd Street, Ousdahl Road, and S. Iowa Street.
Map 2-7 Road Classification
Revised Southern Development Plan
RECOMMENDATIONS

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

Low-Density Residential:
The intent of the low-density residential use is to allow for single-dwelling type uses.
Density: 6 or fewer dwelling units per acre
Intensity: Low
Applicable Areas:
- Property southwest of the intersection of Kasold Drive and W. 31st Street, and west and east of E. 1200 Road.
- Property southwest of the intersection of Four Wheel Drive and W. 33rd Street.
Zoning Districts: RS7 (Single-Dwelling Residential), RS5 (Single-Dwelling Residential), RM12 (Multiple-Dwelling Residential), RM12D (Multi-Dwelling Duplex Residential), PD (Planned Development Overlay)
Primary Uses: Single-family dwellings, duplex, attached dwellings, group home, public and civic uses

Medium-Density Residential:
The intent of the medium-density residential use is to allow for a variety of types of residential options for the area.
Density: 7-15 dwelling units per acre
Intensity: Medium
Applicable Areas:
- Property to the south of W. 31st Street and west and east of Lawrence Avenue.
- Property to the southwest of the intersection of Four Wheel Drive and W. 31st Street.
- Property between Ousdahl Road and Louisiana Street, south of W. 31st Street.
- Property to the north and west of the intersection of Louisiana Street and W. 31st Street, north of the floodplain.
- Property to the southwest of N. 1250 Road.
Zoning Districts: RS5 (Single-Dwelling Residential), RS3 (Single-Dwelling Residential), RM12 (Multiple-Dwelling Residential), RM12D (Multi-Dwelling Duplex Residential), RM15 (Multiple-Dwelling Residential), PD (Planned Development Overlay)
Primary Uses: Single-family dwellings, duplex, attached dwellings, multi-dwelling structures, group home, civic and public uses
Residential/Office:
The intent of the residential/office use is to allow a mix of office use with low-density residential uses.
Density: 4-15 dwelling units per acre
Intensity: Low-Medium
Applicable Areas:
- Property along the east side of Ousdahl Road, south of W. 31st Street.
Zoning Districts: RSO (Single-Dwelling Residential-Office), PD (Planned Development Overlay)
Primary Uses: Single-family dwellings, duplex, group home, civic and public uses, veterinary, offices, personal improvement

Office:
The intent of the office use is to allow for general office uses that would be minimally evasive to nearby residential uses.
Intensity: Medium
Applicable Areas:
- Property to the south of W. 31st Street and west and east of Lawrence Avenue.
Zoning Districts: CO (Commercial Office), PD (Planned Development Overlay)
Primary Uses: Civic and public uses, medical offices, veterinary office and grooming, general office

Traditional Neighborhood Development (TND):
The intent of Traditional Neighborhood Development areas are characterized by mixed land uses, grid like street patterns, pedestrian circulation, intensively-used open spaces, architectural character, and a sense of community.
Density: Variable
Intensity: Variable
Applicable Areas:
- Property between Ousdahl Road and Louisiana Street, south of W. 31st Street.
- Property to the southwest of N. 1250 Road
Zoning Districts: T3, T4, T5, T5.5
Primary Uses: Residential, retail, office, civic
Commercial:
The intent of the commercial use is to allow for retail and service type uses geared toward the community as a whole and auto-related uses geared toward traffic from Hwy K-10.
Intensity: Medium to High
Applicable Areas:
- Property to the south of W. 31st Street and west and east to the floodplain of Iowa Street/Hwy 59. (Regional Commercial Center)
- Property to the southeast and southwest of the intersection of K-10 and Hwy 59. (Auto-Related Commercial Center)
Zoning Districts: CC (Community Commercial Centers District), PD (Planned Development Overlay)
Primary Uses: Civic and public uses, animal services, eating and drinking establishments, general office, retail sales and services, vehicle sales and services

Open Space:
The intent of the open space use is to protect the FEMA designated floodplain by allowing very minimal development for the public use.
Intensity: Minimal
Applicable Areas:
- Property to the north of the Wakarusa River.
- Property designated by FEMA to be 100 year floodplain or floodway.
Zoning Districts: OS (Open Space), UR (Urban Reserve)
Primary Uses: Passive recreation, nature preserve, agricultural

Public/ Institutional:
The intent of the public/institutional use is to allow for public and civic uses, recreational facilities, and utility uses.
Intensity: Variable
Applicable Areas:
- Residential care facility south of the intersection of W. 31st Street and Lawrence Avenue.
- Social service facility south of the intersection of W. 31st Street and Harrison Avenue.
- Property at the northwest corner of W. 31st and Louisiana Streets.
Zoning Districts: GPI (General Public and Institutional)
Primary Uses: Civic and public uses, recreational facilities, utility services
Map 3-2 Future Land Use Map, TND Option
Revised Southern Development Plan

Map Date: August 12, 2015
Policies

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

Gateways
1. Development shall enhance ‘Gateways’ by creating an aesthetically pleasing view into the city.

2. Aesthetically pleasing landscaped entry way along Gateways shall be required. Both public and private property owners are responsible for achieving and maintaining this aesthetically pleasing landscaping.

3. Fencing installations shall incorporate continuous landscaping at the base and edges of the fence to integrate the fence with site and landscaping.

4. High quality, aesthetically pleasing building materials should be used.

5. Pedestrian friendly connectivity between properties shall be incorporated.

Commercial
1. Encourage diversity and gradation of uses with access restricted to arterial, frontage road, or collector streets. Commercial curb cuts on major arterials shall be discouraged and frontage roads shall be encouraged.

2. Planned Development Overlay zones shall be self-contained with consideration given to: independent traffic networks; land use buffers; and/or a gradation of land uses, as well as, landscaped buffer(s) along the perimeter of the planned commercial development.

3. Future commercial development and/or redevelopments of existing commercial areas shall be in the form of Planned Development Overlays.
Residential
1. Landscaped or open space buffers shall occur between major arterials and residential developments (exclusive of dedicated right-of-way).

2. The gradation of residential intensities of land uses is encouraged as this area develops or redevelops. Medium intensity areas shall be used as buffers between more intensive developments and low-density residential areas. Low-density residential developments shall be encouraged to develop on the interior of the neighborhoods units.

3. Single-family lots shall be designed to take access only from local streets.

4. Planned Residential Developments are encouraged where creative design solutions are warranted.

5. Property northwest of the intersection of W. 31st and Louisiana Streets, north of the FEMA designated floodplain shall:
   - have a gross density of no more than 8 dwelling units per acre, and
   - develop with similar residential character to the neighborhood to the north including such structures as single-family dwellings, duplexes, triplexes, and rowhouses.

Open Space/Floodplain
1. Encourage recreational uses that do not alter the natural character of the area.

2. Encourage preservation of the floodplain or open space through private or public/private partnerships.

3. Areas within the regulatory floodplain shall not be counted as contributing more than 50% of the open space used in the computation of density for Planned Development Overlays e.g., areas designated as open space/floodplain cannot be used to justify increased residential development densities.

4. Encourage connection between public lands and bicycle/pedestrian trails along the South Lawrence Trafficway (SLT).

5. Encourage acquisition or development of land for neighborhood recreational paths.
Landscaping
1. Encourage extensive open space and/or berming between different land use categories (e.g., commercial and residential) to provide noise and visual buffers.

2. Encourage native/low-maintenance landscape materials on public lands.

Transportation Network and Corridors
1. Proposed development along W. 31st Street east of S. Iowa Street should assist in the cost of the interim W. 31st Street and Louisiana Street intersection improvements.

2. Commercial vehicular circulation patterns shall be primarily self-contained within the commercially zoned and developed area.

3. Limit access points onto arterial streets through the use of frontage roads and encourage reverse frontage road(s) access to be located at mid-points of blocks.

4. Sufficient area, outside of the required street rights-of-way, shall be required to provide screening along major transportation corridors. This area shall be restricted in use to providing for: utility needs, berming, and landscaping needs.

5. Churches and other community facilities shall be located where access is available from collector or arterial streets.

6. Transportation 2030 or subsequent long-range transportation plans, once adopted, shall supersede any recommendations, actions, or policies referenced in Transportation 2025.

Signage
1. Signs shall be restricted to one building face (side).

2. Signage on the site (in addition to the building face sign) shall be restricted to monument type signs.

3. Allow only interior illuminated (or comparable) signs.
Utilities

1. Future utility transmission lines and existing overhead lines shall be placed underground when installed or replaced.

2. Easements for utility lines shall not coincide with easements dedicated for another specific purpose e.g., greenspace, drainage, or to protect environmental or natural characteristics such as wetlands areas.

3. All utilities should be provided, whether public or private, before development is allowed to proceed.

Exterior Lighting

1. Encourage maximum efficiency, low wattage, downward directional exterior lighting. The point source shall be screened from view off-site.
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<td>Table I-B &amp; Graph          Douglas County Retail Pull Factors by Category 2012</td>
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<tr>
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<tr>
<td>Table II-B &amp; Graph          County and Lawrence Retail Pull Factors 2000-2014</td>
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<td>Table IV-C                 Lawrence Commercial Vacancy Rates 2006 – 2014</td>
<td>17</td>
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<td>Table IV- D                Southpoint Opening Schedule</td>
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<td>Table IV-E &amp; Graph         Commercial Vacancy Rates 2006 – 2020</td>
<td>19</td>
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</table>
Executive Summary

A retail market study has been prepared on behalf of Collett for the company’s commercial center, Southpoint, planned on South Iowa Street at K-10/South Lawrence Trafficway in Lawrence, Kansas scheduled for opening in 2017.

Southpoint will offer the Lawrence market area national retail companies that currently do not have a retail outlet in Lawrence. These businesses will occupy at least one-half of the retail space at Southpoint. However, as a result of their addition to the Douglas County market, Douglas County and Lawrence will be able to increase its retail sales capture rate (pull factor) through new and expanded retail offerings and attract shoppers who historically spend a portion of their retail dollars outside of Douglas County.

Southpoint Center Locational Map, Lawrence, Douglas County

The Southpoint project also plans to accommodate one existing retail establishments in Lawrence. Their relocation to Southpoint offers this business building space that is more tailored to their operations as well as an easily accessible location to all Douglas County residents.

In summary, the results of this retail market study quantify the following key economic indicators:

I. The amount and type of retail sales leakage occurring in Douglas County;
II. The projected amount of retail sales generated by Southpoint (see Table A on the following page);
III. The net projected retail sales impact on the City of Lawrence; and
IV. An analysis of the projected impact of Southpoint on Douglas County and the City of Lawrence’s pull factors and commercial vacancy rate.
Based on the findings of this analysis, **Southpoint will generate approximately $1,267,125 in additional sales tax revenue to the City of Lawrence** upon build out in 2019 and **increase the city’s retail pull factor from 1.07 to 1.11** as summarized in the following Table A and described in detail in this market study.

**Table A**  
**Projected Lawrence Retail Sales Taxes and Pull Factor 2010 – 2020**

<table>
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<th>Year</th>
<th>Actual / Projected Sales Taxes (@ 1.55%)</th>
<th>Plus: Southpoint Net Sales Taxes</th>
<th>Revised Total Sales Taxes with Southpoint</th>
<th>Existing / Projected Pull Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>$21,812,424</td>
<td>$ -</td>
<td>$ -</td>
<td>1.02</td>
</tr>
<tr>
<td>2012</td>
<td>$22,906,979</td>
<td>$ -</td>
<td>$ -</td>
<td>1.07</td>
</tr>
<tr>
<td>2013</td>
<td>$23,347,479</td>
<td>$ -</td>
<td>$ -</td>
<td>1.07</td>
</tr>
<tr>
<td>2014</td>
<td>$24,627,520</td>
<td>$ -</td>
<td>$ -</td>
<td>1.07</td>
</tr>
<tr>
<td>2015 (Budget)</td>
<td>$25,858,896</td>
<td>$ -</td>
<td>$ -</td>
<td>N/A</td>
</tr>
<tr>
<td>Est. 2016</td>
<td>$27,15,800</td>
<td>$ -</td>
<td>$ -</td>
<td>1.07</td>
</tr>
<tr>
<td>Est. 2017</td>
<td>$28,509,400</td>
<td>$790,500</td>
<td>$29,299,900</td>
<td>1.10</td>
</tr>
<tr>
<td>Est. 2018</td>
<td>$29,934,900</td>
<td>$970,327</td>
<td>$30,905,227</td>
<td>1.10</td>
</tr>
<tr>
<td>Est. 2019</td>
<td>$31,431,600</td>
<td>$1,267,125</td>
<td>$32,698,725</td>
<td>1.11</td>
</tr>
<tr>
<td>% Change 2017 - 2019</td>
<td>15.0%</td>
<td>N / A</td>
<td>20.4%</td>
<td>4.0%</td>
</tr>
</tbody>
</table>

Source: City of Lawrence; RICHARD CAPLAN & ASSOCIATES.
I. Douglas County Retail Sales Analysis

An analysis of Lawrence and Douglas County, Kansas retail sales has been performed that quantifies the retail sales leakage by major retail categories. The results of these findings are beneficial in strategically planning for those businesses committed to Southpoint, potential retail tenants being solicited by Collett and existing businesses seeking expansion in Douglas County. These findings also will result in the City of Lawrence and Douglas County increasing their retail pull factors and local sales as discussed in greater detail in Section II of this market study.

Southpoint Market Area
This analysis utilized Douglas County retail sales data since the county provides a more comprehensive insight into the potential retail for Southpoint. The primary market area for Southpoint is all of Douglas County, Kansas, not only the City of Lawrence.

Southpoint market area is based on a combination of the following factors:
- The presence of national retailers, many not currently serving Douglas County shoppers;
- The size and mix of new tenants of the center;
- The central location within Douglas County;
- The South Iowa Street location adjacent to the Lawrence’s largest commercial district; and
- The visibility and direct access to the site from K-10/South Lawrence Trafficway and U.S. 59 Highway providing easy access and visibility to all Douglas County residents.

Southpoint will also attract some shoppers from Franklin County, located south of the site on U.S. Highway 59 and others who will utilize the new K-10/South Lawrence Trafficway between Topeka to the west and Johnson County, Kansas to the east.

Douglas County, Kansas: Southpoint Site
Retail Sales Categories

Retail sales are paid to and reported by the Kansas Department of Revenue according to the standardized NAICS (North American Industry Classification System). There are 11 major retail reporting categories. These categories and the most common type of retail establishments found in each category are presented in the following Table I-A (“NAICS Retail Classifications”).

### Table I - A
**NAICS Retail Classifications**

<table>
<thead>
<tr>
<th>Code</th>
<th>Sector</th>
<th>Businesses in the Subsector</th>
</tr>
</thead>
<tbody>
<tr>
<td>441</td>
<td>Motor Vehicle and Parts Dealers</td>
<td>New car dealers, Used car dealers, Recreational vehicle dealers, Motorcycle, boat, and other motor vehicles, parts and tire stores</td>
</tr>
<tr>
<td>442</td>
<td>Furniture and Home Furnishings</td>
<td>Furniture and home furnishings stores, floor covering stores and Window treatment stores</td>
</tr>
<tr>
<td>443</td>
<td>Electronics and Appliances</td>
<td>Electronics and appliance stores, Computer and software stores, camera and photographic supplies stores</td>
</tr>
<tr>
<td>444</td>
<td>Building Materials and Garden Equipment</td>
<td>Building material and garden equipment and supplies dealers, Home centers, Paint and wallpaper stores, Hardware stores, Lawn and garden equipment, Nurseries, garden center, and farm supply stores</td>
</tr>
<tr>
<td>445</td>
<td>Food and Beverage</td>
<td>Grocery stores, Supermarkets, Convenience stores, Specialty food stores, Meat markets, Baked goods stores, Confectionery and nut stores; Beer, wine, and liquor stores</td>
</tr>
<tr>
<td>446</td>
<td>Health and Personal Care</td>
<td>Pharmacies and drug stores, Cosmetics, beauty supplies, and perfume stores, Optical goods stores and food (health) supplement stores</td>
</tr>
<tr>
<td>447</td>
<td>Gasoline</td>
<td>Gasoline stations and stations with convenience stores</td>
</tr>
<tr>
<td>448</td>
<td>Clothing</td>
<td>Clothing and clothing accessories stores; Men’s clothing stores; Women’s clothing stores; Children’s and infants’ clothing stores; shoe stores, jewelry, luggage, and leather goods stores</td>
</tr>
<tr>
<td>451</td>
<td>Sporting Goods, Hobby and Books</td>
<td>Sporting goods stores, Hobby, toy, and game stores, Sewing, needlework, Musical instrument and supplies stores, Book, periodical, and music stores, News dealers, Compact disc and dvd stores</td>
</tr>
<tr>
<td>452</td>
<td>General Merchandise</td>
<td>Department stores, Discount department stores, Warehouse clubs, Florists, Office supplies, stationery, gift, novelty stores, Used merchandise, Pet, pet supplies, Art dealers &amp; Tobacco stores</td>
</tr>
<tr>
<td>722</td>
<td>Food and Drinking Places</td>
<td>Meals, snacks, and beverages to customers for immediate on-premises and off-premises consumption, drinking places</td>
</tr>
</tbody>
</table>

Source: U.S. Census.

Eight of the retail categories are planned to be located in Southpoint. The retail uses not planned to be tenants in Southpoint are well represented north of Southpoint along the South Iowa Street corridor, as well as elsewhere in Lawrence. Category 444 will be well served by the addition of Menards to the Lawrence market in 2015.
Douglas County Retail Sales Leakage by Category

In order to perform this leakage analysis, sales tax data reported to the State of Kansas was analyzed for 2012. The pull factor for Douglas County in 2013 and 2014 has remained the same as 2012.

Douglas County has a retail pull factor of 0.91. This pull factor, analyzed in Section III, indicates that $0.09 cents of every Douglas County retail dollar is spent outside of the county. In summary, this analysis finds that only four retail categories exceeded the 0.91 retail pull factor for the county. (See Table & Graph I – B “Douglas County Retail Pull Factors by Category.”) More importantly, only two retail categories exceeded 1.00 retail pull factor, indicating an inflow of dollars into the county. Altogether, this leakage offers an opportunity for retail growth, especially among those sectors where the sales leakage is greatest.

Not surprisingly, Douglas County’s two retail pull factors over 1.00 can be attributed to the demographic fact that Lawrence is home to more than 24,400 University of Kansas students, as well as full-time university students at Haskell Indian Nations University (student enrollment 1,000) and Baker University (student enrollment 3,280) also in Douglas County in nearby Baldwin City. More specifically,

- **Food and Beverage Stores (NAICS 445)** has a pull factor of 1.05. This sales factor is greatly influenced by university students who buy groceries and beverages. Furthermore, many students are, in fact, not accounted for in the Douglas County official population but rather counted by the U.S. Census in their permanent place of residence when it is not Douglas County. This does not reflect itself in the sales expenditure data but impacts the pull factor. The precise number of full-time college students not accounted for is uncertain.

- **Sporting Goods, Hobby and Book Stores (NACIS 451)** has a pull factor of 1.24. This category’s high pull factor is due to the inclusion of book stores. Given the quantity and prices of college textbooks, as well as related materials sold to college students, this high pull factor is to be expected. Analysis of confidential information in this category indicates that the retail sales attributed to sporting goods and hobby related expenditures are below 1.00.

The other nine retail categories presented in the following table (Table I-B – “Douglas County Retail Pull Factors by Category”) and depicted in the accompanying graph reflect opportunities for real retail expansion in Lawrence and Douglas County achieved, in part, by the introduction into the market of a greater selection of goods and products in these retail areas.
Table I - B & Graph
Douglas County Retail Pull Factors by Category 2012

<table>
<thead>
<tr>
<th>NAICS Category</th>
<th>State Taxes Collected Per Capita (@ 1%)</th>
<th>1% Douglas County Sales Taxes Collected Per Capita</th>
<th>Douglas County Retail Pull Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>441 Motor Vehicle and Parts Dealers</td>
<td>$137.</td>
<td>$101.</td>
<td>0.74</td>
</tr>
<tr>
<td>442 Furniture and Home Furnishings Stores</td>
<td>$23.</td>
<td>$14.</td>
<td>0.59</td>
</tr>
<tr>
<td>443 Electronics and Appliance Stores</td>
<td>$18.</td>
<td>$16.</td>
<td>0.93</td>
</tr>
<tr>
<td>444 Building Materials, Garden Equipment</td>
<td>$60.</td>
<td>$41.</td>
<td>0.69</td>
</tr>
<tr>
<td>445 Food and Beverage Stores</td>
<td>$94.</td>
<td>$99.</td>
<td>1.05</td>
</tr>
<tr>
<td>446 Health and Personal Care Stores</td>
<td>$14.</td>
<td>$12.</td>
<td>0.86</td>
</tr>
<tr>
<td>447 Gasoline Stations</td>
<td>$27.</td>
<td>$15.</td>
<td>0.58</td>
</tr>
<tr>
<td>448 Clothing and Clothing Accessories Stores</td>
<td>$35.</td>
<td>$22.</td>
<td>0.62</td>
</tr>
<tr>
<td>452 General Merchandise Stores</td>
<td>$165.</td>
<td>$97.</td>
<td>0.59</td>
</tr>
<tr>
<td>722 Food and Drinking Places</td>
<td>$94.</td>
<td>$88.</td>
<td>0.94</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$608.</strong></td>
<td><strong>$553.</strong></td>
<td><strong>0.91</strong></td>
</tr>
</tbody>
</table>

The sectors with the lowest pull factors in Douglas County offer real potential sales that can be achieved with increased product availability and selection.
II. Southpoint Projected Retail Sales

Upon full build out in 2019, Southpoint is planned to have 247,000 square feet of commercial use which includes 18,000 square feet of office users. The following rendering displays the site plan and the square footage for each site, space or building. Southpoint is planned to contain a mix of 19 commercial businesses. These 19 businesses include the relocation of one existing establishment to Southpoint. (See Table II-A – “Southpoint Tenant Mix by Category and Size”) This business will occupy one of the anchor sites and may result in an interim increase of vacant square feet to the Lawrence retail inventory, at least on a temporary basis. The Lawrence market has routinely refilled prime retail spaces vacated due to a variety of market factors.

Table II - A  
Southpoint Tenant Mix by Category and Size

<table>
<thead>
<tr>
<th>NAISC</th>
<th>Category</th>
<th>Number in Southpoint</th>
<th>Total Square Feet Planned</th>
<th>Opening Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>441</td>
<td>Motor Vehicle and Parts Dealers</td>
<td>None</td>
<td>N / A</td>
<td>N / A</td>
</tr>
<tr>
<td>442</td>
<td>Furniture and Home Furnishings</td>
<td>2</td>
<td>28,000</td>
<td>2017, 2019</td>
</tr>
<tr>
<td>443</td>
<td>Electronics and Appliances</td>
<td>None</td>
<td>N / A</td>
<td>N / A</td>
</tr>
<tr>
<td>444</td>
<td>Bldg. Materials &amp; Garden Eqpmnt.</td>
<td>None</td>
<td>N / A</td>
<td>N / A</td>
</tr>
<tr>
<td>445</td>
<td>Food and Beverage</td>
<td>2</td>
<td>22,300</td>
<td>2018, 2019</td>
</tr>
<tr>
<td>446</td>
<td>Health and Personal Care</td>
<td>1</td>
<td>1,900</td>
<td>2018</td>
</tr>
<tr>
<td>447</td>
<td>Gasoline Station with C-Store</td>
<td>None</td>
<td>N / A</td>
<td>N / A</td>
</tr>
<tr>
<td>448</td>
<td>Clothing Stores</td>
<td>3</td>
<td>24,900</td>
<td>2017, 2018, 2019</td>
</tr>
<tr>
<td>451</td>
<td>Sporting Goods, Hobby &amp; Books</td>
<td>2</td>
<td>117,000</td>
<td>2017</td>
</tr>
<tr>
<td>452</td>
<td>General Merchandise</td>
<td>2</td>
<td>17,500</td>
<td>2018</td>
</tr>
<tr>
<td>722</td>
<td>Food and Drinking Places (3 sit down restaurants; 2 fast food establishments)</td>
<td>5</td>
<td>30,500</td>
<td>2017, 2018, 2019</td>
</tr>
<tr>
<td>Other:</td>
<td>Office uses, Medical offices</td>
<td>2</td>
<td>4,900</td>
<td>2018, 2019</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>8 Categories; 19 businesses (a)</td>
<td>247,000 Sq. feet</td>
<td>-</td>
</tr>
</tbody>
</table>

(a) Includes one existing Lawrence establishment.

Source: Collett; RICHARD CAPLAN & ASSOCIATES.
Projected Retail Sales

Southpoint is projected to result in a net increase of over $60 million in retail sales to Lawrence and Douglas County. (See Table II–E “Southpoint Projected Retail Sales”).

Sales for the retailers are based on the proposed tenant list and projected other uses provided on a confidential basis for this study by Collett. These sales projections incorporate a combination of the following economic and market factors:

- Average store data published for those Southpoint tenants that are publicly owned companies as reported in the company’s most recent SEC filing;
- Confidential data provided to Collett by several of the national retailers that have committed to locate in the Southpoint project;
- Historical retail sales trends for Lawrence and Douglas County including number and reported retail sales of the retailers already in Douglas County;
- Retail industry averages by category as published by the Urban Land Institute’s Dollar and Cents of Shopping Centers;
- Key Douglas County and Lawrence demographic trends and conditions especially population growth and per capita income; and
• Recapturing Douglas County retail sales leakage described on the following pages offering a combination of new national retailers to the community and expanding the selection of goods and products to residents.

The local retail pull factors are significant in that Douglas County remains below 1.00, a balanced retail sales threshold, declining to 0.91 in 2012 from a peak of 0.99 in 2005, and the City of Lawrence has declined 10.2% from its pull factor peak of 1.18 indicating retail sales dollars are increasingly leaving Douglas County. These figures reflect the potential for both the city and county to return, in not exceed, their high pull factor levels recorded in the last decade.

Table II - B
City of Lawrence and Douglas County Retail Pull Factors 2000 – 2013

<table>
<thead>
<tr>
<th>Year</th>
<th>City of Lawrence Pull Factor</th>
<th>Douglas County Pull Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>1.13</td>
<td>0.93</td>
</tr>
<tr>
<td>2001</td>
<td>1.18</td>
<td>0.93</td>
</tr>
<tr>
<td>2002</td>
<td>1.13</td>
<td>0.92</td>
</tr>
<tr>
<td>2003</td>
<td>1.08</td>
<td>0.93</td>
</tr>
<tr>
<td>2004</td>
<td>1.11</td>
<td>0.96</td>
</tr>
<tr>
<td>2005</td>
<td>1.11</td>
<td><strong>0.99</strong></td>
</tr>
<tr>
<td>2006</td>
<td>1.12</td>
<td>0.97</td>
</tr>
<tr>
<td>2007</td>
<td>1.02</td>
<td>0.87</td>
</tr>
<tr>
<td>2008</td>
<td>0.99</td>
<td>0.85</td>
</tr>
<tr>
<td>2009</td>
<td>0.99</td>
<td>0.85</td>
</tr>
<tr>
<td>2010</td>
<td>1.02</td>
<td>0.86</td>
</tr>
<tr>
<td>2012</td>
<td>1.07</td>
<td>0.91</td>
</tr>
<tr>
<td>2013</td>
<td>1.07</td>
<td>0.91</td>
</tr>
<tr>
<td>2014</td>
<td>N/A</td>
<td>0.91</td>
</tr>
</tbody>
</table>

Range 2000 – 2014:
- Highest Level: 1.18
- Lowest Level: 0.99

2013/14 Difference from Highest Pull Factor Level:
- (10.2%)
- (9.9%)

Source: Kansas Department of Revenue.
Douglas County leaks 9% of its retail sales. Furthermore, although Douglas County is the 5th most populated county in Kansas, it ranks 6th among the 10 most populated counties in Kansas. (See Table II-C – “Pull Factors for Kansas 10 Most Populated Counties 2014”)

Table II – C
Pull Factors for Kansas’ 10 Most Populated Counties 2014

<table>
<thead>
<tr>
<th>Pull Factor Rank</th>
<th>Kansas County</th>
<th>2014 Population</th>
<th>FY 2014 Retail Pull Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Saline</td>
<td>55,755</td>
<td>1.32</td>
</tr>
<tr>
<td>2</td>
<td>Johnson</td>
<td>574,272</td>
<td>1.28</td>
</tr>
<tr>
<td>3</td>
<td>Sedgwick</td>
<td>508,803</td>
<td>1.14</td>
</tr>
<tr>
<td>4</td>
<td>Shawnee</td>
<td>178,406</td>
<td>1.04</td>
</tr>
<tr>
<td>5</td>
<td>Reno</td>
<td>63,794</td>
<td>1.03</td>
</tr>
<tr>
<td>6</td>
<td>Douglas</td>
<td>116,585</td>
<td>0.91</td>
</tr>
<tr>
<td>7</td>
<td>Wyandotte</td>
<td>168,036</td>
<td>0.88</td>
</tr>
<tr>
<td>8</td>
<td>Riley</td>
<td>75,195</td>
<td>0.77</td>
</tr>
<tr>
<td>9</td>
<td>Butler</td>
<td>66,208</td>
<td>0.73</td>
</tr>
<tr>
<td>10</td>
<td>Leavenworth</td>
<td>78,979</td>
<td>0.54</td>
</tr>
</tbody>
</table>

Source: U.S. Census; Kansas Department of Revenue.

There is significant opportunity to increase Lawrence’s retail sales. In 2013, the City of Lawrence’s retail pull factor is lower than seven Kansas cities nearest to Lawrence in population. Lawrence’s pull factor is 8th among the 10 mid-size populated cities in Kansas (cities with a population between 30,000 and 120,000 persons). Lawrence’s retail pull factor is ranked 17th among the State of Kansas’ 25 1st class cities. Consequently, retail sales in Lawrence and Douglas County have the potential to grow by approximately 10%. This growth is achievable as it reflects past pull factors reached by both the City of Lawrence and Douglas County.

In conclusion, because Lawrence is the employment center for Douglas County, is located at the convergence of all major highways in Douglas County and houses 79% of the county’s population, the city and county have the potential to grow their retail base and recapture the county’s sales leakage. Based on the realistic opportunity for Lawrence and Douglas County to grow their retail pull factors based on past sales levels and through the addition of national name brands add to the local market, Southpoint will add approximately $81.7 million in sales to the local economy upon full opening of the development. The projected phasing for the opening of the Southpoint from 2017 until 2019 is summarized in the following Table II - D.
Table II – D
Southpoint Square Feet by Year and Projected Retail Sales & Sales Tax Receipts

<table>
<thead>
<tr>
<th>Year Opened</th>
<th>No. of Businesses</th>
<th>Square Feet Open</th>
<th>Projected Sales (in Opening Year)</th>
<th>Projected Sales in 2019 (100% Open)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>5</td>
<td>168,500</td>
<td>$51,000,000</td>
<td>$56,330,000</td>
</tr>
<tr>
<td>2018</td>
<td>6</td>
<td>190,600</td>
<td>$9,001,000</td>
<td>$9,510,000</td>
</tr>
<tr>
<td>2019</td>
<td>8</td>
<td>247,000</td>
<td>$15,900,000</td>
<td>$15,910,000</td>
</tr>
<tr>
<td>Less Net from Relocation</td>
<td>N / A</td>
<td>(Confidential)</td>
<td>(~$13,000,000)</td>
<td>N / A</td>
</tr>
<tr>
<td>NET TOTAL SALES</td>
<td>19</td>
<td>247,000</td>
<td>N / A</td>
<td>$81,750,000</td>
</tr>
<tr>
<td>City of Lawrence Sales Tax Receipts</td>
<td></td>
<td></td>
<td></td>
<td>$1,267,125</td>
</tr>
</tbody>
</table>
The total sales tax rate in Lawrence is 9.05% that includes the State of Kansas and Douglas County. The City of Lawrence share of sales tax is 1.55%.

Based on retail pull factors achieved by the City of Lawrence in 2001 and Douglas County in 2005, there is the potential to recapture Douglas County sales leakage and grow Lawrence retail sales by up to 10% based on historical data and through increasing the selection of products and an expanded choice of brand name national retailers.

Based on Southpoint projected City of Lawrence sales of $81.7 million (in 2015 dollars) upon full development, this will result in a net increase of approximately at least 6.7% in retail sales growth to the city.

Southpoint will generate a total annual increase in Lawrence sales taxes of $1,259,387 per year by 2019 (See Table III-A - “Projected Southpoint Annual Sales and City of Lawrence Tax Receipts.”) These projections project the net change in retail sales from the three existing Lawrence tenants planning to relocate to Southpoint.

Sales tax from the project will build over the three year period (2017 – 2019) that the project is under development. The build out is presented in the following graph III-A Southpoint Total Square Feet by Year.

Based on this three year build out, total projected sales are presented in the following Graph and Table III – A.
### Table III – A
**Projected Southpoint Sales and City Sales Tax Receipts 2017 - 2019**

<table>
<thead>
<tr>
<th>Year; Total Square Feet Open</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total Sales (in 2015 $)</td>
<td>City Sales Taxes (@1.55%)</td>
<td>Total Sales (in 2015 $)</td>
</tr>
<tr>
<td>2017: 168,500 s.f.</td>
<td>$51,000,000</td>
<td>$790,500</td>
<td>-</td>
</tr>
<tr>
<td>2018: 190,600 s.f.</td>
<td>$62,600,000</td>
<td>$970,300</td>
<td>-</td>
</tr>
<tr>
<td>2019: 247,000 s.f.</td>
<td>$81,600,000</td>
<td>$1,264,800</td>
<td></td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$51 million</strong></td>
<td><strong>$790,500</strong></td>
<td><strong>$62.6 million</strong></td>
</tr>
</tbody>
</table>

Note: Sales taxes reflect the net change in retail sales from the existing Lawrence tenant planning to relocate to Southpoint.
IV. Projected Impact on Lawrence Vacancy Rate

This study projects the impact on the Lawrence commercial vacancy rate upon adding Southpoint to the city’s inventory and considering the impact of relocations from elsewhere in the city. These findings also provide insight into the ability of the project to achieve full occupancy. Upon occupancy of the Southpoint, the city-wide vacancy rate will decline by 0.4% to 6.8%. (See Table IV - D - “Proposed Development Impact on Lawrence Vacancy Rate”).

Background

There has been an average over 334,000 added square feet of commercial development in Lawrence from 1995 through 2014. Since 1993, according to the City of Lawrence Planning & Development Services 2012 Retail Market Report. This amount has fluctuated from during periods of the city’s highest population growth rates from 2002 to 2004 and declined during the national recession. For this reason, projecting commercial development based on a 20 year annual average has been used from 2015 through 2020. The projected absorption incorporates Southpoint and all outstanding major commercial projects approved by the City of Lawrence as summarized in the following Table. (See Table IV– A – “Lawrence, Kansas Unbuilt Commercial Inventory”). Excluding Southpoint, the City of Lawrence has an approved unbuilt inventory of 1,184,968 commercial square feet. Southpoint’s addition to the market will raise this amount to 1,431,968 square feet.

Table IV - A
Lawrence, Kansas Unbuilt Commercial Inventory

<table>
<thead>
<tr>
<th>Project</th>
<th>Approved Square Feet</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fairfield Farms</td>
<td>200,000</td>
<td>Unknown</td>
</tr>
<tr>
<td>Gateway</td>
<td>155,000</td>
<td>Unknown</td>
</tr>
<tr>
<td>Mercato</td>
<td>359,640</td>
<td>Unknown</td>
</tr>
<tr>
<td>31st &amp; Ousdahl Phase I (Menards)</td>
<td>189,988</td>
<td>2015</td>
</tr>
<tr>
<td>31st &amp; Ousdahl Phase II</td>
<td>65,340</td>
<td>Unknown</td>
</tr>
<tr>
<td>North Mass</td>
<td>215,000</td>
<td>Unknown</td>
</tr>
<tr>
<td><strong>SUB-TOTAL</strong></td>
<td><strong>1,184,968</strong></td>
<td>-</td>
</tr>
<tr>
<td><strong>SOUTHPOINT</strong></td>
<td><strong>247,000</strong></td>
<td><strong>2017 - 2019</strong></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>1,431,968</strong></td>
<td>-</td>
</tr>
<tr>
<td>Projected Annual Average 2015-2020 (IF all constructed)</td>
<td>238,661</td>
<td>-</td>
</tr>
</tbody>
</table>

Source: City of Lawrence Planning & Development Services.
Phase I at 31st & Ousdahl, Menards, is under construction expects to be open in 2015. In addition, it should be noted that the sales category, Building materials and supplies category is not in competition with any of the expected tenants at Southpoint. In 2015, the city is also adding 39,075 square feet of predominantly food related sales at Bauer Farms.

The Lawrence commercial market has demonstrated stability and its ability to absorb new commercial space. As noted elsewhere in this market study, the City has absorbed an average of 265,070 square feet since 2006. This is due, in part, to the permanence of city's economic base – the students, faculty and staff of the University of Kansas, as well as Haskell Indian Nations University.

This absorption projection in this study covers from 2017 through 2019, the years that Southpoint is planned to enter the market during which time the new K10/U.S. 59 (South Iowa Street) interchange immediately adjacent to Southpoint will be completed and opened.

If all of these projects are completed and phased into local market by 2020, an unlikely scenario since one or more the sites may compete for the same national tenants as Southpoint, this will result in adding an average increase of 238,661 square feet per year. This amount is comparable to the 231,936 square feet annual average amount that has been absorbed by the Lawrence market between 2006 and 2013 and more than any five year period since 1995.

Graph IV - B
Lawrence Commercial Development Trends 1995 - 2020

<table>
<thead>
<tr>
<th>Year Period</th>
<th>New Commercial Added (in Square Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-2005</td>
<td>+2,321,467 sq.ft.</td>
</tr>
<tr>
<td>2006-2013</td>
<td>+1,855,491 sq.ft.</td>
</tr>
<tr>
<td>Maximum Projected 2015-2020</td>
<td>+1,431,968 sq. ft.</td>
</tr>
</tbody>
</table>

| Annual Average | 351,153 sq. ft. | 386,911 sq. feet | 231,936 sq. feet | 238,661 sq. feet |

Source: City of Lawrence Planning & Development Services 2012 Retail Market Study.
Commercial vacancy data is collected and reported by the City of Lawrence on a periodic basis, most recently published in 2013 for 2012. In addition to the city’s vacancy data, the Lawrence office of a leading international commercial real estate firm, Colliers International, tracks and reports Lawrence commercial occupancy and vacancy on an annual basis. Since 2006, vacancy rates ranged from 3.9% to 7.2% and the city has absorbed an average of 279,733 per year. These figures, along with historical absorption rates, are a major barometer of projecting the city’s future vacancy rate upon full build out of Southpoint. (See Table A – “Lawrence Commercial Vacancy Rates 2006 – 2014”).

The following table reflects the City of Lawrence and private source’s commercial vacancy data for the city since 2006. The city reported data reflects the fact that more has been absorbed in the last six years than was added to the market.

**Table IV – C**  
**Lawrence Commercial Vacancy Rates 2006 - 2014**

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Commercial Square Feet</th>
<th>Occupied Commercial Square Feet</th>
<th>Vacancy Rate</th>
<th>Retail Vacancy Rate</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>7,249,660</td>
<td>6,771,182</td>
<td>6.6%</td>
<td>3.9%</td>
<td>Development Strategies</td>
</tr>
<tr>
<td>2007</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
<td>5.1%</td>
<td>Grubb &amp; Ellis</td>
</tr>
<tr>
<td>2008</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
<td>5.3%</td>
<td>Grubb &amp; Ellis</td>
</tr>
<tr>
<td>2009</td>
<td>N / A</td>
<td>N / A</td>
<td>6.6%</td>
<td>5.4%</td>
<td>Grubb &amp; Ellis</td>
</tr>
<tr>
<td>2010</td>
<td>8,800,567</td>
<td>8,184,527</td>
<td>7.0%</td>
<td>N / A</td>
<td>N / A</td>
</tr>
<tr>
<td>2012</td>
<td>9,105,151</td>
<td>8,449,580</td>
<td>7.2%</td>
<td>5.4%</td>
<td>Colliers International</td>
</tr>
<tr>
<td>2013</td>
<td>Est. 9.1 million</td>
<td>N / A</td>
<td>N / A</td>
<td>4.4%</td>
<td>Colliers International</td>
</tr>
<tr>
<td>2014</td>
<td>N / A</td>
<td>N / A</td>
<td>N / A</td>
<td>3.9%</td>
<td>Colliers International</td>
</tr>
<tr>
<td>2006 – 2013 Average</td>
<td>265,070 per year</td>
<td>279,733 per year</td>
<td>6.8%</td>
<td>4.9%</td>
<td></td>
</tr>
</tbody>
</table>
As stated, Southpoint’s square feet are projected to be opened beginning in 2017 through 2019 in the stages as summarized in the following Table IV – D and site plan.

### Table IV – D
**Southpoint Opening Schedule 2017 – 2019**

<table>
<thead>
<tr>
<th>Year Opening</th>
<th>Square Feet Completed</th>
<th>Total Square Feet Opened</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>168,500</td>
<td>158,500</td>
</tr>
<tr>
<td>2018</td>
<td>22,100</td>
<td>190,600</td>
</tr>
<tr>
<td>2019</td>
<td>56,400</td>
<td>247,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>247,000</strong></td>
<td><strong>247,000</strong></td>
</tr>
</tbody>
</table>

### Southpoint Site Plan - Phasing

Phase I: 168,000 square feet
Findings and Conclusion

In conclusion, the city’s commercial vacancy has been projected to be 7.2% upon completion of the Southpoint project in 2019. This projection is based on the following:

1. The city’s average annual absorption rate since 1995;
2. The city’s historically stable vacancy rate ranging from 6.6% to 7.2% in the last decade;
3. The phasing of building over three years through 2019 for Southpoint; and
4. The amount of commercial space that has been approved but unbuilt may be absorbed by the Douglas County market by 2020.

Furthermore, the attraction of new tenants to the Douglas County market will add more than $81 million in retail sales and $1.266,000 in sales tax receipts to the City of Lawrence by 2019.

In conclusion, upon occupancy of the Southpoint, the city-wide vacancy rate will remain within the range of 6.6% to 6.7% based upon the city’s continued ability to absorb an average of 238,661 square feet annually, less than the amount since 2006 but incorporating all outstanding major projects and Southpoint. (See Table IV - D - “Commercial Vacancy Rate 2006 – 2019 and Proposed Development Impact on Lawrence Vacancy Rate”). This represents the city’s historic average absorption and vacancy rates from 2006 through 2013. This vacancy projection incorporates the build out of the total approved inventory. This total build out amount represents less than the amount of square footage that has been added to the Lawrence market since 2006.

Graph IV - E
Commercial Vacancy Rates 2006 - 2019

![Graph showing commercial vacancy rates from 2006 to 2019]

Source: City of Lawrence Planning & Development Services; Development Strategies; Colliers International.
Table IV - E
Lawrence Commercial Square Footage and Vacancy Rates 2012 - 2019

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Square Footage</th>
<th>Southpoint Square Footage Opened (a)</th>
<th>MAXIMUM Increase in Square Footage (Table IV-B)</th>
<th>Net Annual Absorption in Sq. Feet</th>
<th>Total Vacant Sq. Feet (b)</th>
<th>Projected Vacancy Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>9,105,151</td>
<td>N / A</td>
<td>N / A</td>
<td>2006-2012: 279,733</td>
<td>653,222</td>
<td>7.2%</td>
</tr>
<tr>
<td>2014</td>
<td>9,336,979</td>
<td>N / A</td>
<td>238,661</td>
<td>70,914</td>
<td>637,427</td>
<td>6.8%</td>
</tr>
<tr>
<td>2015 (c)</td>
<td>9,568,807</td>
<td>N / A</td>
<td>238,661</td>
<td>222,432</td>
<td>637,427</td>
<td>6.7%</td>
</tr>
<tr>
<td>2016</td>
<td>9,807,468</td>
<td>N / A</td>
<td>238,661</td>
<td>222,432</td>
<td>653,656</td>
<td>6.7%</td>
</tr>
<tr>
<td>2017</td>
<td>10,046,129</td>
<td>168,500</td>
<td>238,661</td>
<td>222,432</td>
<td>669,885</td>
<td>6.7%</td>
</tr>
<tr>
<td>2018</td>
<td>10,284,790</td>
<td>22,100</td>
<td>238,661</td>
<td>222,432</td>
<td>686,114</td>
<td>6.7%</td>
</tr>
<tr>
<td>2019</td>
<td>10,523,451</td>
<td>56,400</td>
<td>238,661</td>
<td>222,431</td>
<td>702,343</td>
<td>6.7%</td>
</tr>
<tr>
<td>2015 - 2019 Change / Average</td>
<td>1,193,305; 238,661 per year</td>
<td>247,000; 21% of total</td>
<td>1,193,305</td>
<td>1,112,160; 222,432 per year</td>
<td>142,399</td>
<td>(0.0%)</td>
</tr>
</tbody>
</table>

(a) Assumes that 100% of Southpoint will be absorbed by the market due to pre-lease commitments;
(b) Conservatively assumes that 93.2% will absorbed, average 6.8% vacant, by the market through 2019;
(c) Includes Menards and Bauer Farms additions in 2015 that are fully absorbed.

These projections assume that all major outstanding commercial projects will be built by 2020 (see Table IV-A) and that each phase of Southpoint will be fully occupied in the year opened as each anchor and our parcel will be preleased prior to construction. They also assume that space vacated space by relocations within Lawrence to Southpoint will be re-occupied by other commercial tenants by 2019.

This retail market study has been prepared exclusively for the use of Collett and the City of Lawrence in planning a commercial development in Lawrence, Kansas. Otherwise, any use or reproduction of the material in this study without the expressed consent of RICHARD CAPLAN & ASSOCIATES is prohibited.
Southpoint Retail Market Study
Addendum:
Economic Impact on the City of Lawrence

August 16, 2015
City of Lawrence Property Taxes

In 2014, the property tax mill levy for land within the City of Lawrence was 124.808 mills. Of this total, 23.7% of this total, 29.534 mills is the City of Lawrence share of the total and remitted to the City of Lawrence. Southpoint will pay $207,138 per year (in 2015 dollars) to the City of Lawrence in property taxes for 46.10 acres upon full build out of the project.

The following table summarizes by the property tax payments by year beginning in FY 2018 through Southpoint build out projected in FY 2020.

The major assumptions for these figures are based on the average assessed values assigned by the Douglas County Appraiser’s Office for comparable, recently appraised commercial land and commercial buildings in the City of Lawrence in 2015 and are described following Table A - 1.

Table A - 1
Southpoint Property Taxes to the City of Lawrence

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Land (a)</th>
<th>Improvements (b)</th>
<th>City of Lawrence TOTAL TAXES</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>$86,558</td>
<td>$82,260</td>
<td>$168,818</td>
</tr>
<tr>
<td>2019</td>
<td>$86,558</td>
<td>$93,048</td>
<td>$179,606</td>
</tr>
<tr>
<td>2020</td>
<td>$86,558</td>
<td>$120,580</td>
<td>$207,138</td>
</tr>
</tbody>
</table>

Source: City of Lawrence, Douglas County Assessor.

Assumptions:
(a) The assessed value of the land will average $250,000 per acre.
(b) The assessed value of the improvements will average $65.00 per square foot of improvements.

Douglas County Projected Employment

Southpoint will generate 442 direct employment opportunities in Lawrence and Douglas County upon full build out of the development.

Restaurant and hotel employment figures are based on national industry averages adjusted for the State of Kansas. Retail employment is based on the actual average retail employment per square foot in Lawrence. The following Table A -2 summarizes these employment figures by job category and year available.
Table A - 2
Southpoint Employment by Labor Market Category

<table>
<thead>
<tr>
<th>Year Opened</th>
<th>Retail Services</th>
<th>Food Services</th>
<th>Office Workers</th>
<th>TOTAL JOBS</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>202</td>
<td>27</td>
<td>0</td>
<td>229</td>
</tr>
<tr>
<td>2018</td>
<td>9</td>
<td>76</td>
<td>10</td>
<td>95</td>
</tr>
<tr>
<td>2019</td>
<td>56</td>
<td>47</td>
<td>15</td>
<td>118</td>
</tr>
<tr>
<td>2019 Total</td>
<td>267</td>
<td>150</td>
<td>25</td>
<td>442</td>
</tr>
</tbody>
</table>

% of Total

<table>
<thead>
<tr>
<th>Year Opened</th>
<th>Retail Services</th>
<th>Food Services</th>
<th>Office Workers</th>
<th>TOTAL JOBS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>60%</td>
<td>34%</td>
<td>6%</td>
<td>442</td>
</tr>
</tbody>
</table>

Source: National Restaurant Association; Kansas Department of Labor; Bureau of Labor Statistics.
ITEM NO. 3  COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTERS 6 & 14 (JSC)

CPA-14-00107: Consider a Comprehensive Plan Amendment to Horizon 2020 Chapter 6 and Chapter 14 (Revised Southern Development Plan) to revise the future land use designations from medium-density residential, traditional neighborhood development, and auto-related commercial uses to commercial use; and to designate the node as Regional Commercial from Auto-Related Center at the southeast intersection of US-59 Hwy and N. 1250 Road. Submitted by Landplan Engineering PA.

ITEM NO. 4A  ANNEX 102.64 ACRES; E SIDE OF S IOWA ST & S SIDE OF N 1250 RD (SLD)

A-14-00104: Consider a request to annex approximately 102.64 acres located along the east side of S. Iowa Street and the south side of N. 1250 Road (Armstrong Road). Submitted by Landplan Engineering PA on behalf of Armstrong Management LC and Grisham Management LC, property owners of record. Initiated by City Commission on 4/8/14.

ITEM NO. 4B  RS10 & A TO CR & CR-FP; 122.96 ACRES; SE CORNER SLT & US-59 HWY (SLD)

Z-14-00105: Consider a request to rezone approximately 122.96 acres from RS10 (Single-Dwelling Residential) District and County A (Agricultural) District to CR (Regional Commercial) District and CR-FP (Regional Commercial Floodplain Overlay) District, located at the SE corner of the South Lawrence Trafficway and US-59 Hwy. Submitted by Landplan Engineering PA, on behalf of Armstrong Management LC and Grisham Management LC, property owners of record.

ITEM NO. 4C  RS10, A, & VC TO OS-FP; 46.10 ACRES; SE CORNER SLT & US-59 HWY (SLD)

Z-14-00106: Consider a request to rezone approximately 46.10 acres from RS10 (Single-Dwelling Residential) District, County A (Agricultural) District, and County VC (Valley Channel) District to OS-FP (Open Space-Floodplain Overlay) District, located at the SE corner of the South Lawrence Trafficway and US-59 Hwy. Submitted by Landplan Engineering PA on behalf of Armstrong Management LC and Grisham Management LC, property owners of record.

STAFF PRESENTATION
Mr. Jeff Crick presented Item 3.
Ms. Amy Miller presented the Retail Market Study.
Ms. Sandra Day presented Items 4A-4C.

APPLICANT PRESENTATION
Mr. Dan Watkins, attorney representing Collett Development, said there were challenges to developing the property. He said he viewed this as an extension of the South Iowa Regional Commercial Center. He said he had conversations with Mr. Roger Boyd and Mr. John Boyd regarding this area being an extension of the Baker Wetlands. He said he also reached out to KDOT because of its location. He said they were working through some of the issues with them. He said the project would provide new and expanded retail opportunities for the community.

Mr. Robert Collett, Collett Development, thanked staff and Planning Commission for the open dialogue and fair process.

Mr. Chris Challis, Collett Development, said Lawrence had a great downtown and he knew the importance of preserving the main street character. He said he knew how important a gateway was to the community as well. He felt the project location was ideal for retail development. He felt it would be an extension of the south
Lawrence corridor. He said discussions with the Corps of Engineers involved conserving the open space portion of the property and putting it into a conservation easement and managed by the Baker Wetlands. He discussed some of the content from the retail analysis regarding retail development.

Commissioner Rasmussen asked if the Corps of Engineers would be granting wetland permits for the project.

Mr. Challis said yes.

Commissioner Rasmussen consulted staff attorney Mr. Randy Larkin and then said he would recuse himself. Commissioner Rasmussen said as of October 1, 2014 he would be a Corps of Engineer employee and would be providing environmental legal support. He said it was possible he could be involved in providing legal counsel on permitting activities for this project after October 1, 2014. He said he did not feel comfortable participating in the project. He did not want to create a legal problem with any conflict of interest.

Mr. Watkins asked if it would be better to have additional members of Planning Commission present.

Mr. McCullough said Planning Commission could consider deferring the item since multiple Planning Commissioners were absent.

Mr. Watkins said he was comfortable moving forward if Planning Commission was.

Commissioner Josserand said he was a little uncomfortable with multiple Planning Commissioners being absent but that staff and the applicant were comfortable moving forward.

Mr. Brian Sturm, Landplan Engineering, said the site was less than ideal for medium density or traditional residential development. He said the ground was adjacent to special natural amenities and located at the threshold of the city. He said regarding the annexation, the request met the recommendations of Horizon 2020. He said regarding the rezoning, it accommodated retail and floodplain practices. He said a large area of the commercial zoning district that would remain green to offset some of the other impacts by the development. He said the open space was consistent with the Comprehensive Plan.

PUBLIC HEARING

Ms. Laura Routh, 2235 East Drive, said she was disappointed that not all of the Planning Commissioners were present this evening. She said her primary complaint with the proposal was developing in the floodplain. She did not feel this development would be a good gateway to the community. She said the notion that somehow this development would provide a buffer or some benefit to what’s left of the wetlands after the construction of the South Lawrence Trafficway, was offensive. She said the amount of runoff that would come from this development would not benefit the wetlands.

Ms. Erica Fox Zabusky, 1026 Ohio St, said it was laughable to think people would drive to Lawrence to shop at a strip development. She expressed concern about the pull factor away from Massachusetts Street. She felt this kind of project on the extremity of town would put stress on the infrastructure and transportation system.

Ms. Mary Jo Shaney, attorney on behalf of K-10/40 Development LC, said the proposal as presented tonight was not consistent with Horizon 2020. She said the proposal leapfrogs over the task force that the City set up in October of 2013 to begin to study and amend Horizon 2020. She felt the goals of Horizon 2020 would be compromised by the proposal. She said the project was 193% larger than the present auto related plan that was in place.

Ms. Betty Alderson, 1400 Lilac Lane, said she thought it had been established years ago that a mall was not wanted by the residents of Lawrence, especially at the proposed location. She felt the development would be harmful to downtown. She also stated that local stores would not be a part of this project.
Mr. Kirk McClure, 707 Tennessee St, said a well functioning market should have growth and supply. He said if they fail to have growth and demand they should not have growth and supply. He said shoppers pay the sales tax, not the vendors. He said without new income and new spending there would be no new sales tax. He said this would not be a regional mall, it would just be another strip mall. He said Planning Commission lacked growth managing tools. He felt the development was very premature.

Mr. Jim Bowers, White Goss Law Firm, representing the property owners of the northwest corner of 6th & K-10 Hwy. He discussed the planning process and interpretation of the plan by staff. He requested that the project be tabled or denied. He said the project violates the Horizon 2020 plan and policies which limits the development of commercial retail projects. He said they would be changing the Comprehensive Plan to bring the Comprehensive Plan into alignment with the project. He said the County and the City appointed a steering committee in October 2013 for the purpose of reviewing Horizon 2020. He felt it was inappropriate for Planning Commission to consider this application prior to the completion of the steering committees review and update of Horizon 2020. He said the Comprehensive Plan prohibited new regional commercial centers. He said the project would damage existing retail centers in Lawrence.

Ms. Candice Davis said she was astonished by what had been presented tonight. She wondered why she had just heard of the project a month ago. She said it appeared that planning in the community was a free-for-all. She said the recent Horizon 2020 study that was conducted revealed that downtown needed to be a focus. She said downtown was a unique destination and it was at risk.

Mr. Gary Rexroad said the project was a positive step forward for Lawrence. He said the project had a positive endorsement from the Planning staff. He said when Horizon 2020 was written it provided guidance and it had been followed as much as it could be. He said they had a responsibility to take advantage of opportunities and adjust as they go. He said the project offered a number of things beyond just the straight forward elements. He said it appreciated the environment and wetlands around it. He thought downtown was precious and protected by density. He felt the project represented a great opportunity for sales tax dollars.

Ms. Bonnie Johnson, 2601 Belle Crest Drive, said the reasons to say no to the project included floodplain issues, the revised Southern Development Plan was completed with knowledge of the South Lawrence Trafficway, a recent community survey said growth management was a top issue, the impact of the South Lawrence Trafficway on 23rd Street, and in previous discussions about Menards it was decided that retail should not be at this location. She felt this development might be premature.

Mr. Roger Boyd, manager of the Baker Wetlands, said he had no objections to the development. He said the open space component would soften the impact to the agricultural land that would still be in place. He said the open space would also provide the opportunity for educational trails.

Ms. Heidi Simon, 5723 Westfield Drive, asked Planning Commission for support of the project to move it forward. She said the development would help balance the wants and needs of the community. She said the developer was not asking for special financing and would only bring revenue.

Mr. Brad Finkeldei, 821 Sunset Drive, said from a land use point of view if you look at a map of Lawrence to see where retail should go, the intersection of SLT and K-10 made perfect sense. He said Planning Commission created this location for retail and also created a new subcategory in Horizon 2020 of auto related. He said the location was considered to be a perfect location for the most intense use retail. He felt this was a downgrade in zoning compared to what the Southern Development Plan stated. He said there was a provision that said no retail development south of K-10, except for the auto related zone. He referenced a 2006 blog in which Mr. McClure said that if Walmart was approved it would cause vacant space, blighted shopping areas, and widespread vacancy. Mr. McClure also said that if Walmart was approved as a grocery store it would cause Dillons and Hy-Vee to close. In 2007 Mr. McClure said overbuilding would create vacancy. In 2008 Mr. McClure said Bauer Farm would create vacancies and blighted areas. In 2009 Mr. McClure said there would be damaging oversupply, blight, and vacancy. In 2012 and 2014 Mr. McClure said they had the same problem.
Mr. Finkeldei did not feel they had a problem with blight downtown or losing businesses. He felt Planning Commission should support the project.

Mr. Michael Almon, 1311 Prairie Ave, said the proposed site was the site of the 1978 cornfield mall was which was wisely rejected. He said Horizon 2020 does not support increasing the size or number of new commercial center but may consider small new inter neighborhood centers as part of new planned neighborhoods. He said the proposed project would be a two auto oriented strip malls across the street from each other. He said Horizon 2020 does require a nodal plan for a new regional commercial center be created. He felt the developer had moved too soon. He felt the sewer systems would be overloaded.

Ms. Janet Gerstner, 413 Vine Drive, expressed concern about the proposal. She was concerned about diluting the existing market. She said three retailers would relocate from existing locations. She did not feel the project would pull shoppers and that retailers would not be different than Topeka or Kansas City. She felt the developers would be rewarded for not adhering to plans. She wanted to sustain downtown and she felt this project may damage it. She stated it may also undermine the new Rock Chalk Park.

Ms. Marci Francisco, 1101 Ohio St, said commercial areas should be easily reached by transit. She felt the development would add traffic to the extension of Louisiana Street.

Mr. Tim Bateman, 6212 Berando Ct, said he wanted a strong downtown. He did not think adding retail to other locations in town would hurt downtown. He felt the project may help to keep shoppers from going other places. He said the project could help increase sales tax dollars.

Ms. Cille King, League of Women Voters, said regarding retail she did not think this was a draw. She said the stores would be scaled down versions and smaller than the ones in Topeka and Kansas City.

APPLICANT CLOSING COMMENTS

Mr. Watkins said nobody wants downtown to suffer. He said the community had worked through many issues over the years to mitigate concerns regarding development in Lawrence. He said the location was the perfect site for retail.

Mr. Challis said the plan did not include a faux main street experience. He said the project did not focus on small specialty shops. He said downtown Lawrence was extraordinarily successful and was a great destination. He said it was not the same battle as the cornfield mall. He said the project was not looking to recreate downtown.

Mr. Watkins did not feel putting a moratorium on the project until Horizon 2020 was revised was the appropriate way to go.

COMMISSION DISCUSSION

Commissioner Liese said Planning Commission had three options; vote, delay, or choose to end the meeting.

Commissioner Josserand said there was a fourth option of asking questions.

Mr. McCullough said Planning Commission should consider all the information obtained from the public hearing and staff report. He said they had quorum and it was their duty to act on the request. He said deferral was an option but typically that was for additional information. He said Planning Commission was making a recommendation to City Commission. He said if they needed additional information the items could be deferred to get specific information.

Commissioner Liese asked what happened if they did not extend the meeting.

Mr. McCullough said he would not advise that as an option.
Commissioner Josserand said Planning Commission had the ability to defer.

Mr. McCullough said that was correct.

Commissioner Josserand said the numbers in the retail market study, retail development report, and letter from Mr. McClure, over the past 8-10 years show declining sales tax revenue.

Ms. Miller said when adjusted for inflation the sales tax collections have declined.

Commissioner Josserand asked if that was unhealthy.

Ms. Miller said when determining the health of the market all of the factors needed to be looked at, not just one indicator.

Commissioner Josserand asked Mr. Finkeldei to comment about too much retail space on the market.

Mr. Finkeldei said it was an issue of whether or not you believe the market corrects. He said too much retail could be built in one place that could cause something else to happen. He said the question becomes if you look at the health of the environment. He said Mr. McClure said for years that it would cause vacancy and blight but today he said there wasn't vacancy problems, but rather retail problems. He said there had been adaption within the city and market so there have been historically low vacancy rates over the last 10 years. He said a healthy vacancy rate was fine.

Commissioner Josserand said he forgot to mention earlier that he had ex parte communications with Mr. Chris Challis. He asked staff if this kind of development would be considered four sided development.

Mr. McCullough said it would be considered with the site plan application. He said four sided architecture at a gateway location was typically the buildings you could see from the road.

Commissioner Josserand asked Mr. Finkeldei about other retail areas.

Mr. Finkeldei said there were discussions about commercial areas, for example Walmart in Bauer Farm, and how much retail should go there. He said Horizon 2020 had a limit on it depending on the size of the node. He said regional centers had different characteristics than commercial centers.

Commissioner Liese inquired about building on a floodplain.

Mr. McCullough said the proposal was to fill a portion of the floodplain which the Code allowed so it would be Code compliant. He said any development in the area would seek the same type of development.

Commissioner Liese asked staff to talk about the public comment that accommodations should be made so as not to threaten the environment and Baker Wetlands.

Mr. McCullough said that would be a change of philosophy and Code for the entire City of Lawrence to prohibit development in the floodplain. He said it would be Code compliant.

Commissioner Liese asked staff to talk about traffic on Louisiana Street.

Mr. McCullough said there would be an impact to the traffic system and that was being studied right now. He said it would be a little pre-mature to study every part of the technical studies. He said Louisiana, Michigan, and 31st Streets could expect traffic as the area urbanizes.

Commissioner Denney expressed concern about pedestrian connectivity.
Mr. McCullough said there would likely be a sidewalk required on the new Michigan Street.

Commissioner Denney asked if Michigan Street would go all the way through to 31st Street.

Ms. Day said yes. She said regarding pedestrian connectivity, the SLT project included extensive extension of the recreation path. This proposed project would have an expectation to tie the interior sidewalks back to the overall recreation path for full connectivity. She said during previous discussions about Menards there was a clear expectation that the commercial along the north and south sides of 31st Street would be the limit of where the commercial would go.

Commissioner Culver inquired about the comments made regarding the Horizon 2020 task force.

Mr. McCullough said generally speaking there was a public process going on to identify issues that may need to be addressed in a major revision to the current Comprehensive Plan. He said many of the sites they were discussing tonight had undergone Comprehensive Plan Amendments to change what was adopted into what the proposal would accommodate. He said the plan update itself was in a public identification phase and that the steering committee would work on what issues to land on for ultimately a plan amendment process in 2015 and 2016. He said he had not been directed to place a moratorium on Comprehensive Plan Amendments as they come forward.

Commissioner Culver inquired about the project being an extension of South Iowa.

Mr. McCullough said the crux of the project was mostly about changing the medium density residential on the east side of the proposed project from residential to commercial. He said essentially it had commercial designation with the auto related commercial use. He said the plan intent was a very intense commercial use.

Commissioner von Achen asked staff to comment on Mr. Almon’s observations about wastewater and runoff.

Ms. Day said the design of a new wastewater and pump station was already in process and would be seen by Planning Commission next month. She said when those two facilities go online they will be capable of accommodating the site. She said runoff would be part of the H&H study, drainage study and more specifics of the site development in the future.

Commissioner Liese asked about the concern expressed about a shopping center not being a gateway.

Mr. Sturm said there would be a parking lot like any commercial or retail development. He showed renderings on the overhead. He said the buildings would have a mixture of materials and the architecture would highlight the stores as a place shoppers would want to visit. He said there were development standards in place for the K-10 corridor that require 50’ of greenspace between the edge of K-10 right-of-way on the north and any development. He said the topography would lend itself for people driving on K-10 to see the greenspace and then the stores. He said it would be the most modern retail center in the community. He said it was a chance for Lawrence to put forth its retail design guidelines, corridor, and landscaping guidelines.

Commissioner Josserand asked the developer if they anticipate requesting economic incentives from the City.

Mr. Challis said the retail development did not require incentives and they did not intend to ask. He said part of the project included potentially realigning 35th Street. He said there are times when a project may add additional infrastructure beyond that which the project was demanding itself. He said he did not know what the engineering report would turn out to be.

Commissioner Struckhoff said that just because Horizon 2020 was in the process of a revision did not mean developments would come to a halt. He said a development like this will and must come to Lawrence. He said since first adopted the Comprehensive Plan had been amended 47 times. He said the plan reflected the will of the community. He said this was a massive project and the kind that Lawrence had envisioned for the
northwest corridor. He said his main problem with the proposal was the location. He said he could not support the project at this location.

Commissioner Culver said he was concerned about setting a precedent for outward development south. He said he could not support the project at this location.

Commissioner von Achen said she was afraid that such a large project would undermine commitments made to other retail projects in other areas of the community. She reviewed the staff responses to the Comprehensive Plan Amendment. She did not feel the responses overwhelmingly supported the plan. She said she would not support the proposal.

Commissioner Liese reviewed the Golden Factors.

Commissioner Denney said there were two factors; whether there should be a change to the Comprehensive Plan and from there everything else follows. He said the time to change the plan is when there was an error or when circumstances change. He said perhaps the plan did need to be clarified. He said it was unrealistic to consider K-10 a barrier. He said without looking at the zoning issue he was supportive of changing the Comprehensive Plan. He did not feel the project would cause harm to downtown. He said downtown was an entertainment and specialty destination. He said in the long run it should be businesses that decide where they put their business ventures. He said if he remembered correctly the result of the denial of the cornfield mall was the Tanger Outlet and Riverfront mall. He said he did not want to see car lots at the proposed location and a shopping center would be a better gateway. He said he would support the proposal.

Commissioner Josserand thanked the applicant for a thoughtful plan. He said the staff recommendation for the Comprehensive Plan was a little weak. He wondered if the project would negatively impact other retail within the community. He felt that too much retail had a toxic effect on existing development. He was not sure they should aspire to be a retail demand center. He did not feel new retail space necessarily created new retail sales. He said approval of this proposal at this time could be unbalancing of more even development. He said the area may be right for development later on.

Commissioner Liese said he was pleased to hear Mr. Challis say that the development was not designed to compete with downtown. He said he would support a motion for deferral to obtain more information about any changes that may be made to Horizon 2020. He said he would also vote in favor of all four proposals if that was the motion. He said the alternative to the proposal was a gigantic parking lot.

**ACTION TAKEN on Item 3**
Motioned by Commissioner Struckhoff, seconded by Commissioner Josserand, to deny the Comprehensive Plan Amendment, CPA-14-00107, to Horizon 2020 Chapters 6 and 14.

Motion carried 4-2-1, with Commissioners Denney and Liese voting in opposition. Commissioner Rasmussen abstained.

**ACTION TAKEN on Item 4A**
Motioned by Commissioner Struckhoff, seconded by Commissioner von Achen, to deny annexation, A-14-00104, of 102.64 acres on the east side of South Iowa and the south side of N 1250 Rd.

Motion carried 4-2-1, with Commissioners Denney and Liese voting in opposition. Commissioner Rasmussen abstained.

**ACTION TAKEN on Item 4B**
Motioned by Commissioner Struckhoff, seconded by Commissioner Culver, to deny rezoning, Z-14-00105, 122.96 acres at the southeast corner of SLT and US-59 Hwy.
Motion carried 4-2-1, with Commissioners Denney and Liese voting in opposition. Commissioner Rasmussen abstained.

**ACTION TAKEN on Item 4C**
Motioned by Commissioner Struckhoff, seconded by Commissioner Culver, to deny rezoning, Z-14-00106, 46.10 acres at the southeast corner of SLT and US-59 Hwy.

Motion carried 4-2-1, with Commissioners Denney and Liese voting in opposition. Commissioner Rasmussen abstained.
The previous Southpoint packet items, heard at the July 21, 2014 Planning Commission Agenda, can be found online here (pg 74):

August 12, 2015

Dear Commissioner Britton and members of the Lawrence Douglas County Planning Commission, Mayor Farmer and members of the Lawrence City Commission
c/o Director of Planning Scott McCullough:

Some friends and I were sitting around talking the other afternoon after one of our get-togethers and the subject of the retail project that had been proposed for K-10 and South Iowa last summer came up in discussion. We were all fairly baffled as to why the project had not proceeded, and did a little research as to some of the issues surrounding this application. The result of our education was disappointment in the resistance we learned was directed toward the earlier project, and we wanted to share some thoughts with you to encourage you to approve the revised application.

The members of our group are between the ages of 55 – 75. Most of us are retired from professional careers. We continue to be involved in the community and support a variety of local social service and arts organizations through our contributions and service on boards. Those include organizations such as the Lawrence Art Center, the Lawrence Schools Foundation, Cottonwood, Bert Nash, the Boys and Girls Club, Rotary and many others. We love going to movies at Liberty Hall, eating at downtown restaurants, and frequenting our delightful mix of local retailers.

In addition to shopping downtown, we all also shop on South Iowa and we all shop in Kansas City. We collectively agree that we would like to shop less in Kansas City. If we had Old Navy, DSW, Home Goods and the mix of other stores that have made commitments to the Southpoint location, we would patronize those stores instead of spending those dollars at Oak Park, Town Center or the Legends. We understand the value of keeping our sales tax dollars local, and while none of us claims we would never shop in Kansas City again, we would definitely go less often and spend more money here if this project is approved.

Lawrence has struggled over the years to combat a reputation of being a hard place to do business. We see nothing but positives with this project and hope the developer gets a warmer welcome this time than was offered last summer. They seem to be professional and experienced and are requesting the opportunity to make a multi-million dollar investment in our community. They have commitments from numerous desirable retailers who want to be part of this project in this location. The project already received a positive recommendation from our professional planning staff last summer. This is being offered to us at a time when the state continues to cut funding for our schools and social services, and we are being asked to pick up those costs locally. We have among us retired teachers and are all strong supporters of public education. We support the city’s plan to hire new police officers, build bike trails, and we support the homeless shelter and other not for profit organizations and agencies the city funds. Those are all desirable goals for our community that we should be able to afford without taxing ourselves out of our homes and businesses. This project would generate significant sales and property tax that could pay for many of the items on our community wish list. It is also our understanding that the developer is asking for an opportunity to make this multi-million dollar investment in our community without a request for any incentives.

We believe there are more than satisfactory answers to any and all of the objections and comments made against the project last year. These are as follows:

1. Competition with downtown. We do not believe this will be completion for downtown. We have even spoken with downtown merchants who do not believe this will be competition. In fact they believe that any project that keeps Lawrence shoppers in town rather than heading to Kansas
City will benefit downtown, and that downtown merchants will capture an additional share of the dollars we currently lose to other communities. Additionally, having multiple sites and opportunities for retailers to locate will keep retail rents at competitive market rates, which will in turn allow our wonderful eclectic mix of locally owned “mom and pop” downtown businesses able to continue to operate successfully.

2. Competition with other developments. Retailers spend millions of dollars each year researching the best locations for their business to be successful. These retailers have determined their optimum chance for success is this south Iowa site. Other developments will evolve over time, and attract different businesses that are more compatible with their specific demographics. It is important to have a variety of sites for retailers to locate, just as it is important to have a variety of sites for industrial users to locate. That gives Lawrence the best opportunity to capture the most sales and property tax dollars, and generate the most jobs and employment opportunities, and keep rents affordable for all businesses.

3. Developing south of the SLT. For the last four decades I don’t know that anyone really thought we would actually ever drive on this highway. It has only been within the last two years that this has started to become a reality. Additionally we are soon going to see increases in our water bills to pay for the new waste water treatment plant the city is currently constructing on the Wakarusa River. The Lawrence school district boundary ends at Rock Chalk Park to the north, but it goes south of the Wakarusa for several miles. The combination of these factors will open up significant area for future growth south of the river. There is no better location than the intersection of two major highways, K-10 and US 59, to locate an attractive shopping center that will welcome guests and residents to our community.

4. Size. We understand one of the biggest concerns was the size of the project. We have learned that it has been reduced by more than 50%, which should address any concerns regarding size.

5. Planning. Our research indicates the area plan already shows this site as being appropriate for retail; and the only thing the developer is asking is for a change to traditional retail rather than auto related retail. We have no shortage of gas stations or fast food restaurants in town, and don’t ever leave Lawrence to buy gas or get fast food. We do however leave Lawrence to shop at the stores on the developer’s list. Traditional retail makes much more sense at this location; it is more aesthetically pleasing, it captures more of our leaking sales tax dollars, and it will attract new visitors and shoppers to our community. We believe it is a completely appropriate land use for this site.

Our group gets together in various ways several times a month. We try to stay current with local events and activities, but we very rarely make any comment or speak up on issues. This discussion about this project, and our continued curiosity about its status evolved to the point we became interested enough to write to you with our thoughts. We believe we are like most Lawrence residents in this regard; we are always interested but not often actively engaged, and trust you as our elected and appointed officials to make decisions that represent our interests. This time we felt it important to let you know what those interests are.

Our interests are encouraging you to roll out the red carpet for this project and say “thank you” to this developer and to these retailers. We would commit to patronizing their stores and shift a great deal of our Kansas City shopping to their cash registers. We also believe that our dozen or so members are highly representative of hundreds (and even thousands) of people in our community who share our opinion about this, and we encourage you to approve this project.

You may have received this same letter from other members of our group, it was a collaborative effort based on our joint discussions. Thank you again for consideration of our thoughts.

Respectfully yours,

[Signature]
Hi Clay

I wanted to reach out to you and see if you had any concerns or comments on the captioned property slated for discussion at the August 24th Planning Commission meeting. I am part of the applicant group and we would very much appreciate your support. As you are no doubt aware, we did not receive a positive vote the last time we made application back in July of 2014. We listened to all comments and I believe we’ve made adjustments that will please the commission.

The main argument we heard at the last meeting in July of 2014 was that the project was too big. We have reduced the size of the project by around 60%. We still have commitments from our major tenants, so sales tax revenue, jobs and property tax should still be of strong benefit, not to mention construction jobs. But the size of the overall center is significantly smaller.

We are still not asking for any assistance from the city or county in the way of TIF, CID, TDD, etc. Other proposed developments cannot claim that.

The other main argument for not approving last year was “it is in the wrong place.” We assumed from those comments that officials wanted to give the Mercato development a chance to find and bring new tenants to their project. We respectfully submit that The Mercato has now had 8 years to sign tenants to their project and as of the writing of this email, I am not aware of one tenant willing to locate in that project. We cannot tell retailers where to locate their stores. They tell us. And they are telling us they want to be at Southpoint, not Mercato. Mercato will no doubt be developed with the success of Rock Chalk Park in mind. But it will not attract these types of retailers, at least not for awhile. I’m guessing Mercato will attract motels, restaurants and smaller retailers who will cater to the weekend attendees at Rock Chalk. If Academy Sports, Marshalls Home Goods, Old Navy, Designer Shoe Warehouse and others were attracted to Mercato, they would be building there now. The site is approved and has been for years. These retailers are waiting for our development to be approved. And with your vote we can welcome them to Lawrence.

There was an argument made that this project should not be approved because it would require an amendment to Horizon 2020. Respectfully, Mercato also required an amendment to be approved and just recently required another amendment to be increased in size. Horizon 2020 has been amended over 40 times including the amendments for Mercato. And frankly, the amendment for this project is far less reaching than the ones for Mercato. This ground is already approved for commercial activity, we just want to broaden the use groups.

Someone said they thought this project would “kill downtown Lawrence.” I heard the same argument when I brought Target to Lawrence in the ’90s, as well as when we brought Kohl’s, Home Depot, etc. These stores help Lawrence keep shoppers here, which benefits downtown. Also, Downtown Lawrence is healthier than it’s ever been with more living units coming and more businesses eyeing it for development. I’ve lived here all my life and have been in the commercial real estate business for 28 years and I’ve never seen our downtown stronger.

Finally, as was discussed last year, this will become a “gateway” entrance to Lawrence. The zoning is already in place to allow car dealerships, car repair shops, convenience stores, truck stops, etc. I think we could all agree that a high end shopping area with beautiful amenities such as the ones we propose would be nicer at the entrance to South Lawrence than these already approved “vehicle related” uses. This will also be a nice amenity for commuters to Topeka and Kansas City traveling on the bypass.

Please let us know if you will not be able to attend this meeting. Last year we were very surprised that three commissioners were absent for our presentation and one had to abstain. Therefore, we only had six commissioners available to hear our comments. We’d very much like to be heard by all of you.
Thanks for your time on this. We appreciate all you do for our community by serving on this board. Please don't hesitate to contact me with comments or questions regarding this development.

Highest Regards,

Doug Brown  
Senior Commercial Partner  
McGrew Commercial  
1501 Kasold Drive  
Lawrence, Kansas 66047  
785-838-8244 D  
785-766-9355 C  
785-843-2466 F  
dougbrown@askmcgrew.com

"Principles mean more than any money or success"
August 2015

Dear Commissioner Britton and members of the Lawrence Douglas County Planning Commission, and Mayor Farmer and members of the Lawrence City Commission

c/o Director of Planning Scott McCullough:

Some friends and I were sitting around talking the other afternoon after one of our get-togethers and the subject of the retail project that had been proposed for K-10 and South Iowa last summer came up in discussion. We were all fairly baffled as to why the project had not proceeded, and did a little research as to some of the issues surrounding this application. The result of our education was disappointment in the resistance we learned was directed toward the earlier project, and we wanted to share some thoughts with you to encourage you to approve the revised application.

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We believe there are more than satisfactory answers to any and all of the objections and comments made against the project last year. These are as follows:

1. **Completion with downtown.** We do not believe this will be completion for downtown. We have even spoken with downtown merchants who do not believe this will be competition. In fact they believe that any project that keeps Lawrence shoppers in town rather than heading to Kansas City will benefit downtown, and that downtown merchants will capture an additional share of the dollars we currently lose to other communities. Additionally, having multiple sites and opportunities for retailers to locate will keep retail rents at competitive market rates, which will in turn allow our wonderful eclectic mix of locally owned “mom and pop” downtown businesses able to continue to operate successfully.

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You may receive this same letter from other members of our group, so I want to let you know that it is the result of a collaborative effort based on our joint discussions.

Respectfully yours,

Karen Cochran

--
Karen Cochran
321 Woodlawn Drive
Lawrence, KS 66049
785-550-5052
kccochran321@gmail.com
August 11, 2015

Dear Commissioner Britton and members of the Lawrence Douglas County Planning Commission, Mayor Farmer and members of the Lawrence City Commission
c/o Director of Planning Scott McCullough:

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We believe there are more than satisfactory answers to any and all of the objections and comments made against the project last year. These are as follows:
1. Completion with downtown. We do not believe this will be completion for downtown. We have even spoken with downtown merchants who do not believe this will be competition. In fact they believe that any project that keeps Lawrence shoppers in town rather than heading to Kansas City will benefit downtown, and that downtown merchants will capture an additional share of the dollars we currently lose to other communities. Additionally, having multiple sites and opportunities for retailers to locate will keep retail rents at competitive market rates, which will in turn allow our wonderful eclectic mix of locally owned “mom and pop” downtown businesses able to continue to operate successfully.

2. Competition with other developments. Retailers spend millions of dollars each year researching the best locations for their business to be successful. These retailers have determined their optimum chance for success is this south Iowa site. Other developments will evolve over time, and attract different businesses that are more compatible with their specific demographics. It is important to have a variety of sites for retailers to locate, just as it is important to have a variety of sites for industrial users to locate. That gives Lawrence the best opportunity to capture the most sales and property tax dollars, and generate the most jobs and employment opportunities, and keep rents affordable for all businesses.

3. Developing south of the SLT. For the last four decades I don’t know that anyone really thought we would actually ever drive on this highway. It has only been within the last two years that this has started to become a reality. Additionally we are soon going to see increases in our water bills to pay for the new waste water treatment plant the city is currently constructing on the Wakarusa River. The Lawrence school district boundary ends at Rock Chalk Park to the north, but it goes south of the Wakarusa for several miles. The combination of these factors will open up significant area for future growth south of the river. There is no better location than the intersection of two major highways, K-10 and US 59, to locate an attractive shopping center that will welcome guests and residents to our community.

4. Size. We understand one of the biggest concerns was the size of the project. We have learned that it has been reduced by more than 50%, which should address any concerns regarding size.

5. Planning. Our research indicates the area plan already shows this site as being appropriate for retail; and the only thing the developer is asking is for a change to traditional retail rather than auto related retail. We have no shortage of gas stations or fast food restaurants in town, and don’t ever leave Lawrence to buy gas or get fast food. We do however leave Lawrence to shop at the stores on the developer’s list. Traditional retail makes much more sense at this location; it is more aesthetically pleasing, it captures more of our leaking sales tax dollars, and it will attract new visitors and shoppers to our community. We believe it is a completely appropriate land use for this site.

Our group gets together in various ways several times a month. We try to stay current with local events and activities, but we very rarely make any comment or speak up on issues. This discussion about this project, and our continued curiosity about its status evolved to the point we became interested enough to write to you with our thoughts. We believe we are like most Lawrence residents in this regard; we are always interested but not often actively engaged, and trust you as our elected and appointed officials to make decisions that represent our interests. This time we felt it important to let you know what those interests are.

Our interests are encouraging you to roll out the red carpet for this project and say “thank you” to this developer and to these retailers. We would commit to patronizing their stores and shift a great deal of our Kansas City shopping to their cash registers. We also believe that our dozen or so members are highly representative of hundreds (and even thousands) of people in our community who share our opinion about this, and we encourage you to approve this project.

Respectfully yours,
Connie Friesen
3604 Quail Creek Court
Lawrence, KS 66047-2133
Scott, Clay and Leslie:

I wanted to add my vote of support to the South Iowa Project.

I know you are getting letters from other ladies, voicing their support, so am not going to duplicate that message.

However, I believe that there is synergy from development and the re-sized development proposal will be a good draw to increase our retail sales tax base; and it will not take away from our vibrant downtown.

I understand this proposal will come before the Planning Commission on August 24, and then before the City Commission.

I appreciate your consideration and support of this project.

Joan Golden
1132 West Hills Pky
Lawrence, KS  66044
785-842-7544
Dear Commissioner Britton and members of the Lawrence Douglas County Planning Commission,
Mayor Farmer and members of the Lawrence City Commission
c/o Director of Planning Scott McCullough:

Some friends and I were sitting around talking the other afternoon after one of our get-togethers and
the subject of the retail project that had been proposed for K-10 and South Iowa last summer came up in discussion. We were all fairly baffled as to why the project had not proceeded, and did a little research as to some of the issues surrounding this application. The result of our education was
disappointment in the resistance we learned was directed toward the earlier project, and we wanted to
share some thoughts with you to encourage you to approve the revised application.

The members of our group are between the ages of 55 – 75. Most of us are retired from professional
careers. We continue to be involved in the community and support a variety of local social service and
arts organizations through our contributions and service on boards. Those include organizations such as
the Lawrence Art Center, the Lawrence Schools Foundation, Cottonwood, Bert Nash, the Boys and
Girls Club, Rotary and many others. We love going to movies at Liberty Hall, eating at downtown
restaurants, and frequenting our delightful mix of local retailers.

In addition to shopping downtown, we all also shop on South Iowa and we all shop in Kansas City. We
collectively agree that we would like to shop less in Kansas City. If we had Old Navy, DSW, Home
Goods and the mix of other stores that have made commitments to the Southpoint location, we would
patronize those stores instead of spending those dollars at Oak Park, Town Center or the Legends.
We understand the value of keeping our sales tax dollars local, and while none of us claims we would
never shop in Kansas City again, we would definitely go less often and spend more money here if this
project is approved.

Lawrence has struggled over the years to combat a reputation of being a hard place to do business.
We see nothing but positives with this project and hope the developer gets a warmer welcome this time
than was offered last summer. They seem to be professional and experienced and are requesting the
opportunity to make a multi-million dollar investment in our community. They have commitments from
numerous desirable retailers who want to be part of this project in this location. The project already
received a positive recommendation from our professional planning staff last summer. This is being
offered to us at a time when the state continues to cut funding for our schools and social services, and
we are being asked to pick up those costs locally. We have among us retired teachers and are all
strong supporters of public education. We support the city’s plan to hire new police officers, build bike
trails, and we support the homeless shelter and other not for profit organizations and agencies the city
funds. Those are all desirable goals for our community that we should be able to afford without taxing
ourselves out of our homes and businesses. This project would generate significant sales and property
tax that could pay for many of the items on our community wish list. It is also our understanding that
the developer is asking for an opportunity to make this multi-million dollar investment in our community
without a request for any incentives.

We believe there are more than satisfactory answers to any and all of the objections and comments
made against the project last year. These are as follows:
1. Competition with downtown. We do not believe this will be competition for downtown. We have even spoken with downtown merchants who do not believe this will be competition. In fact they believe that any project that keeps Lawrence shoppers in town rather than heading to Kansas City will benefit downtown, and that downtown merchants will capture an additional share of the dollars we currently lose to other communities. Additionally, having multiple sites and opportunities for retailers to locate will keep retail rents at competitive market rates, which will in turn allow our wonderful eclectic mix of locally owned “mom and pop” downtown businesses able to continue to operate successfully.

2. Competition with other developments. Retailers spend millions of dollars each year researching the best locations for their business to be successful. These retailers have determined their optimum chance for success is this south Iowa site. Other developments will evolve over time, and attract different businesses that are more compatible with their specific demographics. It is important to have a variety of sites for retailers to locate, just as it is important to have a variety of sites for industrial users to locate. That gives Lawrence the best opportunity to capture the most sales and property tax dollars, and generate the most jobs and employment opportunities, and keep rents affordable for all businesses.

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You may have received this same letter from other members of our group, it was a collaborative effort based on our joint discussions. Thank you again for consideration of our thoughts.

Respectfully yours,

Sheryl Jacobs
I am very much in favor of the South Lawrence shopping center. Among many other things, I think it would keep many people from doing their shopping in KC. Lawrence could use and would support more good shopping.

Marcia Oelschlager
TO: Lawrence-Douglas County Metropolitan Planning Commission  
    Amalia Graham (amalia.graham@gmail.com)  
    Jim Denney (denney1@sunflower.com)  
    Patrick Kelly (pkelly@usd497.org)  
    Pennie von Achen (squampva@aol.com)  
    Julia Butler (julia.v.butler@gmail.com)  
    Clay Britton (clay.britton@yahoo.com)  
    Bryan Culver (bculver@gmail.com)  
    Bruce Liese (bruce@kansascitysailing.com)  
    Rob Sands (Robert.c.sands@gmail.com)  
    Eric Struckhoff (eric.c.struckhoff@gmail.com)

CC: Scott McCullough, Director, Planning and Development Services  
    (smccullough@lawrenceks.org)

FROM: Price T. Banks

DATE: August 24, 2015

RE: South Point Shopping Center

Please see the attached letter prior to tonight’s Planning Commission hearing.
August 22, 2015

City of Lawrence Planning Commission
PO Box 708
Lawrence, Kansas 66044

Re: South Point Shopping Center

Commissioners:

The purpose of this communication is to voice opposition to the South Point Shopping Center proposals before you that fly in the face of good planning practices, and violate the policies and principals set out in the Comprehensive Plan for Lawrence and Douglas County.

I have been asked by a law firm to consult with landowners and others about the staff report findings generally and about whether the simultaneous action to amend the Comprehensive Plan and to rezone the subject property reflects the goals of the Comprehensive Plan.

By way of introduction:

I hold a Bachelor’s degree in Urban Planning, and a Master’s degree in “Community Development from Michigan State University. I hold a JD from Cooley School of Law.

I was Planning Director for Lawrence and Douglas County for 12 years from 1982 to 1994.

I have been a professional Planner for 47 years, and practiced Land Use Law and Municipal Law for over 20 years. I’ve worked in dozens of communities in Kansas, Missouri and Michigan, and have served as a City Attorney, and as a County Administrator.

I’ve taught Planning classes at the Graduate School for Urban Planning at the University of Kansas.

I presided over the ad-hoc committee that drafted the original version of the current Kansas Planning & Zoning Enabling Legislation.

I have drafted Land Use regulations for many Cities and Counties.

I am writing to encourage the Planning Commission to engage in sound, accepted planning practices when dealing with the South Point applications, and to uphold the
tradition of planning excellence in Lawrence and Douglas County. Moreover, I urge you to resist being rushed into decisions that imperil the existing commercial properties.

Horizon 2020 is the result of years of study and dialogue of many of the true stakeholders in Lawrence and Douglas County. Those were not efforts to be taken lightly. Amendments to the Comprehensive Plan should follow the same procedures and involve the same stakeholders. While the Plan has been amended many times in relatively minor ways, more significant amendments were carefully studied, and were not adopted until the planning commission and the governing bodies determined that there was a community consensus.

Community planning was originally conceived so that citizens, public officials and property owners would have policies and procedures on which they could base decisions regarding investments, both public and private. It was conceived as a mechanism to improve the quality of life in a community. Although plans must not be set in concrete, they should not be changed whenever a proposal is inconvenienced by those plans. They need to provide a steadying feature to assist planners to achieve a positive influence on the quality of life in the community. If they are amended on a reactive basis, they become meaningless.

About thirty two years ago, Lawrence denied an application for commercial zoning for what became known as the “Cornfield Mall” at the site of the current proposal. That application was denied, and the courts affirmed the action, and affirmed the right of our community to map a future that could be depended on by the citizens.

In the present case, it is suggested that the purpose of the amendment is to bring Horizon 2020 and the Revised Southern Development Plan into alignment with the proposed commercial center.

That simply stated is putting the cart before the horse. A development proposal should be in alignment with Horizon 2020, or should not be considered. Any proposal needs to meet all of the criteria of the Plan or it should not be considered. Piecemeal leapfrog amendments to the Comprehensive Plan are not planning but are anti-planning, and take us back to the days when there was no planning at all.

The present proposal expands the regional center to intrude into lower intensity land uses including agricultural land and open space and regulated flood plain, and therefore is contrary to the provisions of the Comprehensive Plan. It meets none of the design criteria of the Plan. It expands the center far beyond the set maximum of 1.5 million square feet, and creates a precedent for additional expansion and a precedent for a gauntlet of strip commercial land uses, signs and the resulting traffic congestion.

I urge you to deny the request to amend Horizon 2020, and to preserve the tradition of excellent planning practice in Lawrence and Douglas County.

Sincerely,

Price Banks
August 23, 2015

Dear Commissioner Britton and members of the Lawrence Douglas County Planning Commission, Mayor Amyx and members of the Lawrence City Commission
c/o Director of Planning Scott McCullough:

I would like to express my support for the retail area being proposed for K-10 and South Iowa and encourage you to send it on to the city commission with a favorable recommendation.

We have a developer who is willing to invest their money in our community asking very little in return – only a zoning change from auto retail to general retail. What better place for this center than at a major intersection of two major roads. This center will keep shopping here in Lawrence and Douglas County as well as drawing from smaller communities around Lawrence.

This project would generate significant sales and property tax dollars that could help pay for many of the items on our community wish list. Many downtown merchants agree that this project will benefit their businesses and having additional shoppers, who make multiple stops in their shopping day, a positive for the city. Additional retail locations will keep the rents lower and benefit all of us.

Please give a favorable vote for the Southpoint development project.

Regards,

Jane Bateman
926 West 29th Street
Lawrence, KS 66046
August 22, 2015

TO: Mr. Clay Britton, Chair, and Members of the Lawrence-Douglas County Metropolitan Planning Commission


The League of Women Voters is opposed to the request to amend Horizon 2020 and to rezone the acres under discussion. A Horizon 2020 Steering Committee has been updating the plan since February 2014 and they have received valuable public input along the way. The Committee next meets on August 31, 2015 to consider recommending that the Planning Commission, City Commission and County Commission accept their Issue Action Report. The League believes it would be irresponsible for the Planning Commission to acquiesce to a rezoning request until it has had the opportunity to accept and review the Steering Committee’s Report.

Should the Committee decide to continue with the current agenda, we would like to point out that a quick perusal of two commercial realty websites identified 41 retail properties for lease in the city of Lawrence, including eight located in the downtown area. While several of those are small, one is 30,000 square feet and another 20,226 square feet. The vacant Discovery Furniture/Roombakers building on Iowa Street is 47,979 square feet and, of course Mercato, adjacent to Rock Chalk Park, is 600,000 square feet of vacant retail space.

For those reasons, we respectfully request that you deny the amendment to Horizon 2020 and the rezoning requests.

Sincerely,

Debra Duncan, President

Alan Black, Chairman Land Use Committee

PO Box 1072 Lawrence, KS 66044-1072
lawrenceksleague@gmail.com - www.lawrenceleague.com
www.facebook.com/lwvlde - www.twitter.com/lwvlde
August 24, 2015

VIA ELECTRONIC MAIL

Amalia Graham (amalia.graham@gmail.com)
Jim Denney (denney1@sunflower.com)
Patrick Kelly (p.kelly@usd497.org)
Pennie von Achen (squampva@aol.com)
Julia Butler (julia.v.butler@gmail.com)
Clay Britton (clay.britton@yahoo.com)
Bryan Culver (bceculver@gmail.com)
Bruce Liese (bruce@kancitysailing.com)
Rob Sands (Robert.c.sands@gmail.com)
Eric Struckhoff (eric.c.struckhoff@gmail.com)
Lawrence-Douglas County Metropolitan Planning Commission
City of Lawrence, Kansas
City Hall
6 East 6th Street
Lawrence, KS 66044

Re: South of K-10 Commercial and Retail Applications, CPA-15-00335; Z-15-00327; Z-15-00328

Dear Members of the Planning Commission:

I represent K-10/40 Development, L.C., whose managers have an interest in commercial properties in Lawrence, Kansas, including in downtown Lawrence and in the Mercato retail and commercial development at the northeast corner of Highways 40 (6th St.) and 10 in Northwest Lawrence. Tonight, the Commission will consider a Comprehensive Plan Amendment to Horizon 2020 Chapters 6 and 14 relating to an application for commercial development south of K-10, along with considering two rezoning requests affecting the same Project (the “Project”). For the reasons outlined here, the Commission should not recommend approval of the changes to the Lawrence Comprehensive Plan and related zoning.

The proposed Comprehensive Plan Amendment does not conform to certain Horizon 2020 policies. Staff acknowledges the proposed Project is a departure from the adopted form, level and type of commercial development envisioned for the site. Traditional neighborhood design is encouraged at this location and development should be undertaken in the form of Planned Development Overlays (p. 1-3), but these policies are proposed to be abandoned at the point in time they should be considered, that is, now (p. 1-3).
Further, staff notes in multiple places that a number of retail and commercial developments will be negatively affected by the Project because it could impact the timing of development for other properties (p. 1-2) and by potentially underserving the areas around these other locations (p. 2A-13). This includes Mercato and a number of other sites mentioned in the report, and there are businesses and locations that are not mentioned in the report. The pending requests veer from existing policies and implicate significant questions of public policy and planning.

These are not abstract considerations. There are approximately 1.3 million square feet of commercial inventory already available in the City (p. 1-9). The City should not change its Comprehensive Plan to add another 247,000 square feet -- what the Project applicants seek -- at the risk of damaging what exists.

Horizon 2020’s goals and criteria for directing land use decisions center on the Nodal Development Concept for new commercial development (Horizon 2020, 6-2). Nodal Development is the antithesis of "strip development." Yet, tonight's proposed Comprehensive Plan Amendment and related zoning amendments would allow the extension of the already largest strip center in the City to jump across K-10 and into the flood plain.

Critically, staff states that the reason for the Comprehensive Plan Amendment is to "bring Horizon 2020 and the Revised Southern Development Plan into alignment with the proposed commercial center." But this approach assumes the Project itself should dictate what Horizon 2020 and the SDP should contain, rather than the other way around, that is, that the City's policies should dictate whether the Project is appropriate. This is a significant and sharp departure from public policy and Horizon 2020.

The direction established in Horizon 2020 for this location is that regional commercial “shall not” occur south of K-10. K-10 is viewed in Horizon 2020 as a “barrier” to commercial development of the kind now being proposed.

The central issue for tonight is to address whether the City process and directives under Horizon 2020 are being followed. Staff recognizes that there has not been a change in public policy (see p. 1-17 of the report). That the City has been working with a task force to review Horizon 2020 establishes that it is premature to change or gauge public policy.

The Project proposed is smaller than the proposal disapproved by the Commission last year, but the same planning principles that applied to the denial then apply with as much force now. The Project proposed is a smaller but no less potent dose of the type of development that has not been contemplated by or authorized under the City's Comprehensive Plan, and staff acknowledges that nearby properties will be entitled to further commercial development (p. 2A-13).
The proper focus for the Project plan is against the backdrop of the City’s Comprehensive Plan policies and goals. We urge the Commission to adhere to Horizon 2020 and to vote against this Project until the public process has been properly engaged.

Very truly yours,

[Signature]
Mary Jo Shaney

MJS:hkm
cc: Scott McCullough, Director, Planning and Development Services,
    via e-mail smccullough@lawrenceks.org
    James C. Bowers, Jr., Esq., via e-mail jbowers@whitegoss.com
Dear Commissioners,

First, I want to thank you for your time and commitment to Lawrence in your planning commissioner roles. What you do matters greatly to our amazing city and I know you fulfill this role with little recognition and appreciation. So, thank you!

I am writing today because I can’t be at the meeting on Monday and I want to voice my strong support for the approval of the items on your agenda to rezone the Southeast corner of SLT and US-59.

I did attend the meeting last year and I was disappointed when the vote conversation turned from “rezoning” to how people feel about the development. My take on the vote is the following:

1. This area is already zoned for some type of commercial use. A vote for this is simply changing the type of zoning from auto-related to regional commercial. There will be development in this area. The question becomes what do we want this commercial development to add to our community (both visually and in tax dollars). I love me some Lawrence, KS, but one of my least favorite first impression/gateways to our city is the east 23rd st./K-10 entrance. All of the businesses along this corridor are great for Lawrence, however they just don’t create a very welcoming entry point to Lawrence. I’m afraid if we keep the current zoning on the Southeast corner as auto-related, we will indeed have another E. 23rd st. entry to Lawrence.

2. Other developers in town might suggest that changing this to regional commercial will take away from other areas that are already zoned for this use. Before the Rock Chalk Park development I might have supported this thought. However, since RCP it is clear to me that area has special opportunities for development that won’t work in other areas of the city. It is my personal belief that the RCP area would benefit most from hotels, restaurants and movie theatres. Not to mention, retail wants to be by other retail. I believe this be one of the biggest reasons it’s not already developed. So even if we want this to happen, we can’t make the retailers want this.

3. Tax dollars. I’m not sure if the developers estimates are exactly correct on the amount of money this development will bring to our city, but I know it’s more than zero, which is the current amount. We are in desperate need of dollars staying in our city and coming into our city. I read somewhere that some say the stores coming in won’t bring in more money, it will just shift it from other businesses in Lawrence. Although this may happen in few instances, it is a fact that millions of dollars leave our community for the exact type of stores that this development will be adding. I am an example of this and pretty much everyone else I know is too. This will keep money in Lawrence and will add money to Lawrence from our smaller communities surrounding us.

4. It is my understanding the developers are not asking for any tax breaks or incentives. This is unheard of. How can we turn this down when we so desperately need more tax dollars to come to and stay in Lawrence and on top of it they aren’t asking for tax breaks?

5. I miss Old Navy.

At the end of the day, this really comes back to my first point. Do we want this to be auto-related or regional commercial? I want this commercial area to add tax dollars and a well-planned/ designed/ sculptured/ landscaped area. Let’s get this right.

Thank you for your time and I would be grateful to receive a response that you have at least read this email.
Heidi Simon
5503 Chameny Ct.
Lawrence, KS 66049
August 21, 2015

Lawrence-Douglas County Planning Commission  
City of Lawrence, Planning & Development Services  
P.O. Box 708  
Lawrence, Kansas 66044

Re: Supplemental Memorandum to the Lawrence-Douglas County  
“Planning Commission Report” for the August 24, 2015 Planning  
Commission Meeting

Dear Chairman Britton and Members of the Planning Commission:

I am writing on behalf of Collett in support of the opportunity the Commission has at its  
August 24, 2015 meeting to consider and recommend approval of the following agenda items:

**Item 1:** Comprehensive Plan Amendment to Horizon 2020 Chapters 6 & 14;  
**Item 2A:** Rezoning from RS10 to CR at the Southeast Corner of SLT & US-59; and  
**Item 2B:** Rezoning from RS10 to OS at the Southeast Corner of SLT & US-59.

Each of the foregoing applications was filed by Landplan Engineering on behalf of the  
owners of the subject property, Armstrong Management and Grisham Management (collectively,  
the “Applicant”). After withdrawing its previous application to address concerns stated at the prior  
Planning Commission hearing that the project be scaled-down, the Applicant has reduced the  
proposed development consistent with the Planning Commission’s comments.

**INTRODUCTION**

By recommending approval of the three (3) requests above, the Planning Commission has  
an opportunity to benefit the entire City of Lawrence by creating expanded shopping opportunities  
that will prevent existing spending from exiting Lawrence and draw new dollars to the City, which  
will increase City sales and property tax revenues (to the tune of nearly $1.5 million annually),  
and create nearly 500 new jobs for Lawrence and Douglas County residents.

But perhaps more importantly, SouthPoint presents the ideal opportunity to create an  
attractively-designed, graciously-landscaped southern “gateway” to the City of Lawrence at the
The proposed shopping center generally complies with the long-term vision set forth in Horizon 2020, and enumerated in the Land Development Code, yet improves upon that vision, and brings it in-line with the significant opportunity that exists to grow Lawrence’s retail market.

**PLANNING COMMISSION REPORT**

Upon receipt of staff’s Planning Commission Report on August 18, 2015 (the “Staff Report”), the Applicant was pleased that staff recommended approval of all three (3) applications. In addition to staff’s findings regarding the potential “positive effect on the City’s pull factor and tax revenue” (Item No. 1-1), the Applicant generally agrees with the conclusions of the Staff Report. This memorandum is intended to highlight, and in some instances clarify, a few of the facts and findings contained therein.

A. **The Current Zoning (RS10) is Inappropriate for the Subject Property and was Merely Intended to Serve as a “Holding Zone”**

As noted in the Staff Report, the existing residential zoning designation is a remnant of a past practice to apply low-density residential zoning automatically upon annexation. See *e.g.* Staff Report, at Item No. 2B-9 (“In 1979, as properties were annexed into the City Limits, the RS-1 district was commonly used as a holding zone.”).

Thus, a residential zoning designation was never intended to be the permanent zoning for the site, nor is it the most effective use of this highway-interchange location or a desirable spot to place single-family homes.

In fact, Horizon 2020 already prescribes a very high intensity use for the site (auto-related commercial). The question is not *if* the site should be rezoned, but which of the two options before you (auto-related commercial or regional commercial) is the more appropriate alternative.

B. **The Requested Comprehensive Plan Amendment Represents a Lateral Move to a Similar-in-intensity, But More Appropriate and Desirable Alternative for the Southern “Gateway” to the City**

As set forth at Item 1-2 of the Staff Report, the Applicant is requesting that Horizon 2020 be amended to change the future land use designation from Auto-Related Commercial to Regional Commercial. These uses are essentially equivalent in terms of intensity and are subject to many of the same provisions under Horizon 2020. There is one major difference, however, in that auto-related commercial centers are not particularly attractive, and typically comprise small service buildings and large car lots and truck plazas. This stands in contrast to the attractively-designed and graciously-landscaped southern “gateway” that SouthPoint offers.
As the Staff Report explains:

SouthPoint will “provide a more substantial buffer for the Wakarusa River riparian areas,” and “[t]he public stands to gain . . . through preservation of a linear connection of the riparian lands leading into the Baker Wetlands.” See Staff Report, at Item No. 2B-1, -12.

In addition to the economic, aesthetic and environmentally-conscious factors that make SouthPoint a preferable alternative to an auto-related commercial center, the City has experienced significant redevelopment of auto-related commercial uses in recent years. Dealerships such as Briggs Subaru, Lawrence Kia, Jack Ellena Honda, Crown Toyota and Dale Willey Automotive have all invested significant additional capital toward enhancing and/or expanding their current locations. The result of this redevelopment is a limited demand for auto-related uses at the corner of SLT and US 59.

The Lawrence retail market, by contrast, is primed to see significant growth in the next few years through appropriate development, such as extending the South Iowa Regional Commercial Center to its logical southern terminus at SouthPoint. A commercial zoning designation not restricted to auto-related uses is the much more appropriate and desirable alternative.

C. SouthPoint Embraces the Significant Opportunity that Exists to Grow Lawrence’s Retail Market

According to a recent study by Caplan & Associates, SouthPoint is the ideal location for a retail development based on a variety of factors. With the addition of national retailers who do not yet serve Douglas County shoppers and its prime location adjacent to Lawrence’s largest commercial district, SouthPoint is projected to increase City sales and property tax revenues by a combined $1.5 million annually. See SouthPoint Retail Market Study, prepared by Richard Caplan & Associates, at 12 (Aug. 14, 2015) (attached to Staff Report as exhibit to Item No. 1). The development will also create expanded shopping opportunities and nearly 500 new jobs for Lawrence and Douglas County residents. Id.

SouthPoint is Designed to Attract New-to-Market Tenants. The Applicant has assembled a mix of tenants that will allow the shopping center to thrive in Lawrence’s retail market. As noted in the Caplan Study referenced above, Douglas County currently has a pull factor of 0.91, meaning the County “leaks” $0.09 of every dollar to be spent elsewhere. Lawrence similarly ranks 17th out of the State’s 25 first-class cities. “Altogether, this leakage offers an opportunity for retail growth, especially among those sectors where the sales leakage is greatest.” Id. at 6.

Eight of the eleven major retail categories designated by NAICS are planned to be located at SouthPoint, including two of the poorest performing sectors in terms of pull factor:
As framed by Caplan & Associates, this results in a “significant opportunity to increase Lawrence’s retail sales.” *Id.* at 11. SouthPoint seeks to take advantage of that opportunity by adding 237,000 square feet of retail space, an amount easily consumed by the market based on Lawrence’s demonstrated ability to absorb new commercial space.

The SouthPoint Project will be Absorbed at the City’s Historic Absorption Rate. According to the Caplan study, “the City has absorbed an average of 265,070 square feet since 2006.” *Id.* at 16. Lawrence has an approved unbuilt inventory of approximately 1,184,968 square feet, which increases to 1,431,968 square feet upon the inclusion of SouthPoint. But even in an unlikely scenario where “all of these projects are completed and phased into the local market by 2020 . . . this will result in adding an average increase of [only] 238,661 square feet per year,” an amount less than that averaged since 2006. *Id.*

Upon occupancy of SouthPoint, the city wide vacancy rate is, therefore, projected to drop from 7.2% to approximately 6.7%. These projections are actually quite conservative, however, in that they assume *all* approved unbuilt inventory will be completed and phased into the market by 2020. But as discussed in greater detail below, several of these undeveloped concepts are either unlikely to be completed in the near future, or involve commercial-retail categories that will not compete with any of the expected tenants at SouthPoint.

D. Unlike Various Entitled, but Undeveloped Commercial Areas in the City, SouthPoint is Ready to Break Ground in 2016 and Provide Lawrence Residents with New-to-Market, National Tenants Shortly Thereafter

Staff states that the “[p]roposal could impact the timing of development for other entitled, but entirely or partially undeveloped, commercial areas . . . thereby potentially under serving these areas of the community.” *Id.* at 2. It is important to clarify, however, that several of the development examples for this assertion are either unlikely to be completed in the near future, or involve commercial-retail categories that will not compete with any of SouthPoint’s tenants.

Menards is in the building materials and supplies category, for example, which “is not in competition with any of the expected tenants at SouthPoint.” *Id.* at 16.

The Mercato development, on the other hand, appears to need additional rooftops in the vicinity before retailers are willing to locate there. After attempting for several years to obtain tenants and move the project forward, the Commission has no evidence that Mercato will experience meaningful progress in the near future. There has been no public announcement of
tenants, nor have any development plans been submitted to the City. SouthPoint, by contrast, has tenants ready to go if it receives approval of the requested plan amendment and rezoning, and the Applicant plans to break ground in the Spring of 2016. These tenants recognize the significant opportunity that exists to grow Lawrence’s retail market by being strategically positioned in a modern retail development at the southern entrance to the City.

E. **SouthPoint Meets or Exceeds Each of the Requisite Factors Set Forth in the Land Development Code and Identified Under Kansas Case Law**

Finally, from a purely legal and land use perspective, SouthPoint meets and/or exceeds each of the factors required to be considered under Section 20-1303(g) of the Land Development Code; the same factors identified by the Supreme Court of Kansas in *Golden v. Overland Park* as the quintessential items to be considered in making any rezoning determination.

SouthPoint is consistent with the character of the neighborhood and complements the zoning and uses of nearby properties. The current zoning is not at all conducive to maximizing the value of this uniquely-situated property, evidenced by the fact that the property, as zoned, has remained vacant and underutilized for more than thirty-five (35) years. The *rezoning* will, therefore, provide a benefit, rather than a detriment, to nearby properties, whereas denial of the application will harm the public by depriving Lawrence and Douglas County residents of the numerous benefits discussed in this memorandum. Finally, staff recommended approval of all three (3) applications upon finding, among other things, that “Horizon 2020 lists several key strategies that are applicable to the proposed development and support the proposed request.” See *Staff Report*, at Item No. 2B-3.

**CONCLUSION**

SouthPoint will provide a number of benefits, including an attractive southern “gateway” to the City, increased sales and property tax revenues, expanded shopping opportunities and new jobs for Lawrence and Douglas County residents. It will facilitate completion of the much-needed public improvements that are currently underway, and the scope of the requested amendments meet and/or exceed the quintessential zoning factors established in *Golden v. Overland Park* and in the City’s Land Development Code.

SouthPoint represents a lateral move to a land use that is similar-in-intensity, but much preferable to that currently contemplated by Horizon 2020. The development will have a positive impact on the retail market, and help to alleviate the leakage of retail sales currently experienced in Lawrence as well as in Douglas County.
For the foregoing reasons and others, we respectfully request that you recommend approval of all three (3) applications, as did staff.¹ We look forward to discussing the project further at the August 24, 2015 Planning Commission meeting.

Sincerely,

Dan Watkins

¹ For the exact wording of staff’s recommendations with respect to all three (3) applications discussed in this memorandum, please refer to Exhibit A attached hereto.
EXHIBIT A

STAFF RECOMMENDATIONS

ITEM NO. 1:
COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 6, CHAPTER 14, AND TO THE REVISED SOUTHERN DEVELOPMENT PLAN (JSC)

“Staff recommends forwarding a recommendation of approval of this comprehensive plan amendment to Horizon 2020, to the Lawrence City Commission and the Douglas County Board of Commissioners to amend Chapter 6, and the Revised Southern Development Plan to expand the South Iowa Regional Commercial center to incorporate the proposed development.”

ITEM NO. 2A:
RS10 TO CR; 59.80 ACRES; SOUTHEAST CORNER SLT & US-59 HIGHWAY (JSC)

“Staff recommends approval of rezoning 59.80 acres from RS10 (Single-Dwelling Residential) District to CR (Regional Commercial) District, and forward it to the City Commission with a recommendation for approval based on the findings of fact found in this staff report.”

ITEM NO. 2B:
RS10 TO OS; 6.07 ACRES; SE CORNER SLT & US-59 HWY (JSC)

“Staff recommends approval of the request to rezone 6.07 acres from RS10 (Single-Dwelling Residential) District to OS (Open Space) District, located at the southeast corner of the South Lawrence Trafficway and US-59 Highway based on the findings presented in this staff report, and forwarding it to the City Commission with a recommendation for approval, subject to the following condition:

1. The following uses shall be prohibited:
   a. Public and Civic Use Groups:
      i. Community Facilities; Cemetery, Cultural Center/Library and Funeral and Interment, Utility Minor, and Utility Major
      ii. Recreation Facilities; Active Recreation and Entertainment & Spectator Sports, Limited
   b. Commercial Use Groups:
      i. Transient Accommodation; Campground
      ii. Parking; Accessory Parking
   c. Other Use Groups:
      i. Communication Facilities; Amateur & Receive-Only Antennas, Telecommunications Antenna, Telecommunications Tower and Satellite Dish
      ii. Recycling Facilities; Small Collection Recycling Facilities”
August 21, 2015

Lawrence –Douglas County Planning Commission
C/o City Hall
6 E. 6th St.
Lawrence, KS  66044

RE: Proposed Retail Development at SLT and South Iowa

Dear Commission members:

I understand that the Lawrence-Douglas County Planning Commission will hear arguments for and against the proposed project for a new shopping center at the southeast corner of the SLT and Iowa Street interchange at its evening meeting on Monday, August 24th at City Hall. The Downtown Lawrence, Inc. board of directors has asked me to share their thoughts with the Planning Commission on this proposal.

In the past both the City Commission and the Planning Commission have been vigilant in maintaining Downtown Lawrence as the heart of the City. As far as this proposed project is concerned, we would ask the Planning Commission and the City Commission to continue this tradition of supporting locally owned, small and specialty businesses. Maintaining our retail mix and keeping Downtown vibrant and healthy are important not only to DLI but to our community as a whole. In the past year Downtown Lawrence has been named the number one tourist destination in the state by Trip Advisor and Parade Magazine, and the number two city for finding great local gifts by Yelp!. This is due in large part to the hard work of our local business owners and the excellent products and services that they offer.

Doubtless there are some advantages to welcoming new retail offerings to the community. As the discussion of it proceeds we would hope that the Planning Commission and the City Commission would be aware of the plans to include smaller, specialty businesses in the development and what effect that might have on downtown. Our goal and mission is to promote, preserve, and enhance this historic business district and to continue to engage the community and provide a place for locals and visitors alike to gather and enjoy our special brand of hospitality and tradition of unparalleled customer service.

Downtown Lawrence, Inc. would like to see the Planning Commission and City staff further explore this project including the various types of proposed retail businesses that might be included in it before any official recommendation or approval is determined. DLI wants to be an involved and active participant in the conversation as the conversation on this project proceeds.

Sincerely,

Sally Zogry
Executive Director
PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
8/24/15

ITEM NO. 2A  RS10 TO CR; 59.80 ACRES; SOUTHEAST CORNER SLT & US-59 HIGHWAY (JSC)


STAFF RECOMMENDATION: Staff recommends approval of rezoning 59.80 acres from RS10 (Single-Dwelling Residential) District to CR (Regional Commercial) District, and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in this staff report.

PROPERTY OWNER’S REASON FOR REQUEST

Applicant’s Response: This rezoning request, as well as an associated comprehensive plan amendment, proposes the development of a retail/commercial center at this location. As indicated on the attached Concept Plan, this rezoning request for Regional Commercial (CR) entails 247,000 gross square feet (GSF) of commercial land uses, of which 30,000 GSF is restaurant and 217,000 GSF is general retail.

KEY POINTS
• This request is intended to facilitate new commercial development.
• Location is at intersection of two state-designated highways (K-10 and US-59).
• Property includes lands encumbered by regulatory floodplain.
• Request is for the extension of the existing South Iowa Regional Commercial Center

ASSOCIATED CASES/OTHER ACTION REQUIRED

CPA-15-00335: Consider a Comprehensive Plan Amendment to Horizon 2020 Chapter 6 to change the designation from Auto-Related Commercial to Regional Commercial, and Chapter 14 (Revised Southern Development Plan) to revise the future land use designations from open space and auto-related commercial uses to open space and commercial use at the southeast corner of the intersection of South Lawrence Trafficway and US-59. Submitted by Landplan Engineering, P.A. for Armstrong Management L.C. and Grisham Management L.C., owners of record.

Z-15-00328: Consider a request to rezone approximately 6.07 acres from RS10 (Single-Dwelling Residential) District to OS (Open Space) District, located at the southeast corner of the

OTHER ACTION REQUIRED:
- City Commission approval of rezoning and adoption of ordinance.
- Publication of rezoning ordinance.

PLANS AND STUDIES REQUIRED
- Traffic Study – Not required for rezoning, though Kansas Department of Transportation, Planning Staff, and the Applicant are discussing access issues.
- Downstream Sanitary Sewer Analysis – Not required for rezoning
- Drainage Study – Not required for rezoning
- Retail Market Study – Provided below

Note regarding development study requirements: A traffic study, drainage study, and sanitary sewer studies have been discussed with the applicant. These studies will be provided with the submission of a preliminary plat and will be considered throughout the development process as the detail of the project is defined. Floodplain Development Permits will also be required for structures constructed in the regulatory floodplain.

PUBLIC COMMENT
General inquiries from public regarding scope of development requests. Staff has clarified for callers that the current requests are for the Comprehensive Plan Amendment and zoning. A concept plan has been submitted with the development package. Specific development proposals are not available at this time.

GENERAL INFORMATION:

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<td>6.07</td>
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<tr>
<td>CR Zoning (Z-15-00327)</td>
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Project Summary
This property is located at the southeast of K-10 Highway and US-59. The proposed zoning includes the adjoining highway right-of-way for a contiguous boundary description. This application is independent of the proposed Open Space zoning district to the south (Z-15-00328).

Included with this request is a concept plan illustrating the potential development of the proposed CR zoned area. This concept plan includes individual buildings and tenant spaces as well as generalized pad sites to the north side of the proposed new 35th Street, which would replace existing N. 1250 Road.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant’s Response: This request conforms to multiple policies in Chapter 6 of H2020 such as Policy 2.1 regarding appropriate transitions to less intensive uses and Policy 3.13 regarding design criteria for Regional Commercial Centers. While both Chapters 6 & 14 of H2020 recommend an Auto-Related Commercial Center for this location, this request generally conforms to the scope and intensity of such prescribed development. An accompanying rezoning request proposes to place the balance of the property within an OS district. Please see the attached Comprehensive Plan Amendment for additional information.

The City Commission approved an amendment to Horizon 2020 and the Revised Southern Development Plan as part of the approval for CR zoning for the Menards project, expanding commercial development east along W. 31st Street (CPA-13-00067/SP-14-00423). This current rezoning application has been submitted concurrently with a request to modify Horizon 2020 and the related Revised Southern Development Plan (CPA-15-00335). If approved, this would expand the S. Iowa Regional Commercial Center south of K-10 Highway.

Current Plan
Horizon 2020 and the Revised Southern Development Plan both designate this intersection for an “Auto Related Center.” This particular type of commercial use is described as a, “unique type of commercial development.” Horizon 2020 also notes that:

“These centers include a wide variety of uses such as auto sales and repair, restaurants, hotels, and other similar uses that attract a large amount of the traveling public. However, these uses are not limited to Auto-related commercial centers. A common feature of all these uses is that they typically have a small amount of commercial square footage under roof, but require large amount of acreage for parking or sales display.” (p. 6-12)

Uses listed in this section of the plan can occur in other commercial zoning districts, including CS, CR and CC.

Another characteristic of this specific commercial use outlined in Horizon 2020 is the intensive nature of these commercial centers, and the need to be directed to locations that have an ability to handle the intensive nature associated with Auto-Related Commercial Center. The
plan specifically recommends Auto-Related Commercial Centers to be located at the intersection of two state or federally designated highways.

The comprehensive plan also notes that all designated Auto-Related Centers serve as “gateways” to Lawrence. Applicable development standards, such as increased landscaping and higher quality architecture, should be anticipated by the developer as part of the future site planning process.

K-10 Highway is identified in Horizon 2020 as the physical boundary and edge to the commercial corridor that has developed for South Iowa Street (23rd Street to K-10) for the existing South Iowa Regional Commercial Center (p. 6-15). Commercial uses south of K-10 are not recommended except for the possible location of an Auto-Related Commercial Center. The plan also notes that 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." (p. 6-20). The plan also states that it does not support, "increasing the size or number of new Commercial Centers"; however, it “may consider small, new inner-neighborhood centers as part of new planned neighborhoods.” (p. 6-20).

The proposed location at US-59 and K-10 is one of the three locations designated in Horizon 2020 for a potential Auto-Related Commercial Center. The request complies with the general criteria for Auto-Related Commercial Centers as follows:

**Policy 3.16: Criteria for Auto-Related Commercial Centers (P. 6-41)**

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

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

C. **As Auto-Related Centers are located in areas that serve as "gateways" to the city, any proposal shall be closely scrutinized for architectural appearance, landscaping, signage, etc.**

*Horizon 2020* provides several policies applicable to the proposed request. The Comprehensive Plan recommends compatible transition between commercial development and other less intensive land uses (Goal 2). Buffering can be achieved through the use of landscaping, setbacks, and open space. The concurrent rezoning request includes 6.07 acres of open space to the south (Z-15-00328).

Goal 3 addresses specific criteria for commercial development. This includes support for nodal development versus strip commercial development, appropriate vehicular access, site development that avoids substantial disruption of natural drainage and vegetation, and appropriate public improvements. The proposed request is bounded on the north and west by existing highway rights-of-way and existing open space/agricultural lands to the south and east.

The design standards ensure that a new regional commercial center is capable of development with a critical mass of uses including multiple big box buildings, parking, and other physical development considerations. South Iowa Regional Commercial Center is an existing designated
commercial center. Map 6-1 of Horizon 2020 depicts both the existing and future commercial land use locations.

This rezoning request is for CR (Regional Commercial) zoning. Section 20-201 of the Land Development Code provides a matrix that shows how each base district is intended to be applied to the Comprehensive Plan. The Land Development Code does not include a specific zoning district that correlates to the Comprehensive Plan designation of “Auto-Related Commercial Center”. The CC and CR zoning districts are reasonable districts to consider which reflects both the intensity of the Auto-Related Commercial Center, as well as the applicant’s request to extend the existing Community Regional corridor south to this location.

If CPA-15-00335 is not approved, then the rezoning request would not align with the Comprehensive Plan as it would not conform to the commercial intensity as designated in Chapter 6 “Commercial.” The designation as regional commercial would align with development that is more in style and use that is presently seen along S. Iowa Street. Maintaining the designation of Auto-Related Commercial would require that the development propose uses that are more in keeping with this Horizon 2020 policy, which would require restricting uses to hotels, auto and truck service plazas, and a variety of automobile/recreational vehicle dealerships.

**Revised Plan**

CPA-15-00335 addresses the changes to Horizon 2020 revising the description and type of commercial node that would be applied to the US-59 and K-10 intersection. Changes to Horizon 2020 include changes to Chapter 14 Specific Plan – Revised Southern Development Plan. The Revised Southern Development Plan is discussed later in this report.

This staff report assumes approval of the corresponding Comprehensive Plan Amendment.
Staff Finding – The request for CR zoning at this location is consistent with recommended changes to Horizon 2020 goals and policies and specific land use recommendations included in the Revised Southern Development Plan per CPA-15-00335. It would be appropriate to still consider the CR Zoning for commercial development, and consider use restrictions for this district that are consistent with Auto-Related Commercial Center uses.

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

Current Zoning and Land Use: RS10 (Detached Residential Development) District; existing agricultural use.

Surrounding Zoning and Land Use: To the north: Along the north side of K-10 Highway PCD-[Crown Toyota (Playless Cashways) PCD], A (County Agricultural) District and RM15 (Multi-Dwelling Residential) District. Existing uses include an automotive dealership, communication tower, and vacant lots for multi-dwelling residential development.

To the east: Along the east side of Michigan Street extended, A (County-Agricultural), VC (Valley Channel), Districts; Wetlands Mitigation Areas/ Baker Wetlands, and Baker Wetlands Visitor Center Complex (SUP-12-00248).

To the west: Along the west side of Highway 59, VC (Valley Channel), and FW –FF (County Floodway and Floodway Fringe Overlay) Districts; existing agricultural uses.

To the south: Proposed OS (Open Space) District per Z-15-00328. Existing use is agricultural. Proposed use is open space.

Staff Finding: The existing zoning and land uses in this immediate area includes both city and county zoning, while a significant amount is vacant or in use for agricultural purposes. This area includes two state highways and is dominated by regulatory floodplain.

3. CHARACTER OF THE AREA

Applicant’s Response: The subject property lies at the southeast corner of the interchange between Kansas Highway 10, a.k.a. the South Lawrence Trafficway, or SLT, and U.S. Highway 59, a.k.a. S. Iowa Street. The property is bounded to the north by N 1250 Road and SLT right-of-way. Further north rests the southern end of the South Iowa commercial corridor. The property is bounded to the west by Hwy 59 right-of-way. Nearby properties to the west and south are generally located within the Wakarusa River floodplain and are actively farmed. The
property to the east is agricultural land under the same ownership as the subject property. Further east rests the Baker Wetlands.

The subject property is located within Service Area 4 of the Horizon 2020 Urban Growth Area. This is a rural area with agriculture and open space being the primary land uses. Natural features in the area include the Wakarusa River south of the subject property; riparian woodlands along the Wakarusa River, floodplain, and wetlands. The South Lawrence Trafficway is currently being constructed north of the subject property.

A feature in the area is the Baker Wetlands and the Baker Wetlands Visitor Center. The open space use to the south is further discussed in the staff report for Z-15-00328. This portion of Douglas County is not located within a designated neighborhood, and development in the area could create a new neighborhood for the City of Lawrence.

There is minimal area for development within the area between K-10 Highway to the north and the Wakarusa River to the South. As this area develops the character of the area will be impacted by the amount of developable area and the presence of significant area dedicated for open space activity and the regulatory floodplain.

While the area is dominated by the intersection of two major highways, the signage for the requested commercial area would have to comply with the City of Lawrence sign code, and would not be allowed freestanding signage scaled for visibility from the two highways. All signage on the site would have to comply with Chapter 5, Article 18 of the Lawrence City Code.

**Staff Finding:** This area is dominated by two state highways, regulatory floodplain, and the Baker Wetlands. The current character of the area south along K-10 Highway is open space and agricultural. Applying gateways features, such as landscaping and buffer yards, the zoning will be compatible with the area.

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

This property is included within the planning boundary of the Revised Southern Development Plan, which was adopted in June 2013 anticipating Auto-Related Commercial at this location.
Figure 1: Proposed Rezoning & FEMA Flood Map

Figure 2: Existing Revised Southern Development Plan (Map 3-2) with Rezoning Applications Illustrated
An Auto-Related Commercial Center is identified south of K-10 Highway along US-59 in both Horizon 2020 and the Revised Southern Development Plan. This use is shown to be buffered by a medium-density residential use between Michigan Street on the east and Ousdahl Road (extended) on the west. This residential development included a conventional development option, and also a Traditional Neighborhood Design (TND) as shown in map 3-2 of the Plan. A copy of the plan is included in the Comprehensive Plan Amendment staff report for reference. These areas encourage development that is consistent with the City’s Smart Code utilizing zoning districts T3, T4, T5, and T5.5. As the time of printing, no developer has approached the City of Lawrence intending to utilize the Smart Code option.

The Revised Southern Development Plan contains a policy that, "Future commercial development and/or redevelopments of existing commercial areas shall be in the form of Planned Development Overlays" (p. 23). Given the details of this project, Planning Staff does not believe that requiring the PD Overlay for this project would further the purposes of the Planned Development Overlay District outlined in Section 20-701 and does not recommend the application of the overlay at this time. If the Planning Commission believes otherwise, an option to satisfy the policy would be to recommend that the site plan to be reviewed by the City Commission to ensure that that scope of the project is given proper consideration as it proceeds to construction.

A majority of the subject site is shown as open space in the Revised Southern Development Plan. This open space corresponds with the regulatory floodplain in this immediate area. Portions of the commercial request are encumbered by the floodplain, and are proposed to be rezoned CR.

If CPA-15-00335 is approved, the revised future land use plan will designate a portion of the existing open space with commercial designation.
Staff Finding: The proposed commercial rezoning conforms to proposed land use recommendations in the Revised Southern Development Plan to extend the commercial use south. If CPA-15-00335 is not approved, then the rezoning request would not be supported by the Revised Southern Development Plan.

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

Applicant’s Response: The subject property is currently zoned RS10, due to the past practice of automatically applying low-density residential zoning to land upon annexation as a temporary zoning measure. The subject property is located at what will soon be a full interchange between a state, and federal highway. Furthermore H2020 already prescribes high intensity commercial land uses for this location. Given those facts, the suitability of the subject property for low-density residential land uses under the existing RS10 zoning district is quite low.

The present RS10 District is a remnant of a past practice to apply low-density residential zoning automatically to a site upon annexation into the City of Lawrence as a temporary holding zone. Several significant development actions are occurring in this area, including the extension and improvement of utility infrastructure and the South Lawrence Trafficway. The proximity and imminent completion of the South Lawrence Trafficway and street network within the next year, as well as the construction of the Waste Water Treatment Plant and pump station, make utility access feasible.
The subject property is located within the Lawrence Urban Growth Area and has previously been planned for commercial development. The property’s proximity to the two highways provides access for this site’s development.

![Figure 4: Existing Future Land Use Map for Subject Property](image)

The CR district permits for a variety of uses, which are listed in Section 20-402 of the Land Development Code. Residential and Mining uses are the only two use groups that are fully prohibited in the CR district. A range of Community Facility, Medical Facility, Recreational Facility, Commercial, and Industrial uses are permitted in the CR district. The applicant has not proposed any specific use restrictions for this request.

**Staff Finding:** The property is suitable for the commercial zoning, and consistent with land use recommendations relating to changes to Horizon 2020 and the Revised Southern Development Plan.

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

Property Owner’s Response: "The subject property has remained vacant since annexed into the City limits in 1979.

The RS portion of the property was annexed in 1979 (Ordinance No. 5026.) At that time, when properties were annexed into the City of Lawrence, a zoning designation of RS-1 was automatically applied. The RS-1 zoning was then converted to RS10 upon the adoption of the Land Development code in 2006."
**Staff Finding:** Since 1966, the property has remained undeveloped. It continued to remain undeveloped after annexation into the City of Lawrence in 1979, at which time it was zoned RS-1. It was subsequently zoned RS10 with the adoption of the Land Development Code in 2006.

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

Applicant’s response: Approval of this rezoning will have negligible impact to nearby properties. This request is appropriate considering the significant transportation improvements currently under construction in this part of the City. The request will facilitate commercial development at a scale similar to that recommended in the Revised Southern Development Plan (incorporated into H2020 as part of Chapter 14). The accompanying OS rezoning request will ensure an appropriate transition to the Wakarusa River floodplain to the south.

This property is bounded on the north and west by highway right-of-way with limited access. The property is also bounded on the south by existing and proposed open space. These land uses provide a definite edge to the development. The area shown on the Revised Southern Development Plan on the east side of Michigan Street (on the south side of the South Lawrence Trafficway) has been incorporated into the Baker Wetland Visitor Center, and is unlikely to be redeveloped in the future as a more intensive use. Development of the commercial area is unlikely to have an impact on land uses to the west and south in terms of nuisance activity. Appropriate designs must be implemented at the time of platting and site planning to mitigate and buffer the uses as applicable to its adjacent lands.

![Figure 5: Existing and Proposed Wetlands](image-url)
This site is isolated by the highways and floodplain in the vicinity. Traffic and floodplain management are two key development subjects that will require additional study and review to ensure unintended impacts are not incurred by general public, surrounding property owners, and other users.

Approval of this request would entitle additional commercial area for future development. There are several existing commercial areas including Mercato, Fairfield Farms, and North Massachusetts Street with commercial development approvals where development timing could be hindered by the addition of more retail area, thereby potentially underserving the area around these other locations until they are developed. This topic is also discussed in CPA-15-00335.

![Figure 6: Approved & Developing Commercial Centers](image)

**Staff Finding:** Approval of this request entitles additional land area for commercial development. Impacts on nearby properties are minimal and subject to mitigation and buffering requirements between uses. Approval of the request could hinder development of the presently approved commercial areas throughout the City of Lawrence.

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: *Approval of this request will facilitate commercial development at this highway interchange location at a scale and intensity similar to that recommended by H2020. Denial of the request would strongly suggest that future applicants must pursue a more auto-
related mix of commercial land uses for this location, such as auto dealerships and truck service centers.

Evaluation of these criteria includes weighing the benefits to the public versus the benefits for the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety, and welfare.

If the rezoning request were denied, the property could remain used as agricultural property. If the rezoning were approved, the allowed uses change from residential/agricultural to commercial with a wide variety of potential commercial uses. Limiting uses could serve to create a development with specific objectives.

Approval of the request would facilitate development and investment along the South Lawrence Trafficway at an intersection currently designated for commercial uses.

**Staff Finding:** Benefits to the community include the investment in property within existing utility, transportation, and service corridors. Denial of the request would require the applicant to develop the property as an Auto-Related Commercial Center per the currently approved Revised Southern Development Plan.

9. **RETAIL MARKET STUDY. FOR PROPOSALS THAT WILL CREATE MORE THAN 100,000 SQUARE FEET OF RETAIL SPACE WITHIN THE CITY: THE IMPACT OF THE PROPOSED PROJECT ON THE RETAIL MARKET. STAFF WILL PROVIDE AN ANALYSIS BASED ON THE ADDITION OF THE SQUARE FOOTAGE TO THE RETAIL MARKET, VACANCY RATE TRENDS, SQUARE FOOTAGE PER CAPITA TRENDS, AND CURRENT DEMAND TRENDS, INCLUDING BUT NOT LIMITED TO POPULATION, INCOME, PULL FACTORS, AND RETAIL SALES USING THE LATEST AVAILABLE CITY-WIDE RETAIL MARKET REPORT.**

**Retail Market Study:**
Staff is providing a retail market analysis of the proposed project’s impact on the retail market per Policy 3.15 in Horizon 2020 and Section 20-1303 (g) (10) of the Land Development Code. Policy 3.15 of Horizon 2020 requires a project specific retail market study for projects that would create 150,000 square feet or more of commercial space. Section 20-1303 (g) (10) of the Land Development Code applies to zoning applications that could create 100,000 square feet of retail space and states:

“For proposals that will create more than 100,000 square feet of retail space within the city: the impact of the proposed project on the retail market. Staff will provide an analysis based on the addition of the square footage to the retail market, vacancy rate trends, square footage per capita trends, and current demand trends, including but not limited to population, income, pull factors, and retail sales using the latest available city-wide retail market report.”

Staff is reviewing this project for compliance with the Land Development Code, in addition to the criteria in Horizon 2020, based on the comprehensive plan amendment request and the rezoning request. Staff is conducting this analysis based on the most recent city-wide retail market study completed in 2012, and updating the supply figures based on this request to add roughly 247,000 square feet of commercial (retail) uses.
Currently, there is a discrepancy between the requirements of the Land Development Code and those of Horizon 2020, specifically regarding the requirements for a retail market analysis of a proposed project. The Land Development Code was amended in 2013 to remove the requirement that an independent market study be submitted by an applicant. Instead, staff now provides the analysis based on the most recently adopted city-wide retail market study per the zoning map amendment criteria located in Section 20-1303 (g). Horizon 2020 still contains the requirement for an independent market study to be submitted; however, staff recognizes that the language in the Land Development Code is the most current and will provide the majority of the analysis provided below based on the Land Development Code. Even though there is no longer a requirement in the Land Development Code for the applicant to submit an independent market analysis for this project, the applicant has supplied one with this submittal and it is included in the packet as supplemental information. Staff has neither accepted nor rejected the independent market study submitted by the applicant.

<table>
<thead>
<tr>
<th>Projected City Wide Vacancy Rate with Southpoint Retail Project</th>
<th>Total Built</th>
<th>Occupied</th>
<th>Vacant</th>
<th>Vacant % - City Wide</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012 City Wide Retail Market Analysis</td>
<td>9,105,151</td>
<td>8,451,929</td>
<td>653,222</td>
<td>7.2%</td>
</tr>
<tr>
<td>Southpoint Retail (247,000 sf) - 100% Vacant</td>
<td>9,352,151</td>
<td>8,451,929</td>
<td>900,222</td>
<td>9.6%</td>
</tr>
<tr>
<td>Southpoint Retail (247,000 sf) - 50% Vacant</td>
<td>9,352,151</td>
<td>8,575,429</td>
<td>776,722</td>
<td>8.3%</td>
</tr>
<tr>
<td>Southpoint Retail (247,000 sf) - 0% Vacant</td>
<td>9,352,151</td>
<td>8,698,929</td>
<td>653,222</td>
<td>7.0%</td>
</tr>
</tbody>
</table>

*Horizon 2020, Policy 3.15 (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." Horizon 2020 uses a vacancy rate threshold of 8% as one factor in order to determine market health, and the most recent city-wide retail market study figured the city-wide vacancy rate at 7.2%, slightly higher than the 2010 vacancy rate of 7.0% and the 2006 vacancy rate of 6.7%. The addition of this project, when completed and entirely vacant, will push the city-wide vacancy rate to 9.6%. Staff also has conducted further analysis that takes into consideration other commercial projects that have received approvals, but have not been fully constructed to date. The table below illustrates the impact that other major projects, that have been approved, will have on the overall vacancy rate.*
<table>
<thead>
<tr>
<th>Total Current Retail Inventory</th>
<th>Total Square Feet</th>
<th>Total Occupied Square Feet</th>
<th>Total Vacant Square Feet</th>
<th>City-wide Vacancy Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>31st &amp; Ousdahl – Phase I (Mendards)</strong></td>
<td>189,988</td>
<td>189,988</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approved Northwest corner – 6th and K-10 Node</td>
<td>155,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approved Northeast corner- 6th and K-10 Node (Mercato)</td>
<td>360,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approved Southside - 6th and K-10 Node</td>
<td>85,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fairfield Farms</td>
<td>200,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Mass*</td>
<td>217,337</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Langston Commons**</td>
<td>125,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>31st &amp; Ousdahl – Phase II</strong></td>
<td>65,340</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Total (without Southpoint) - 100% Vacant | 10,502,816 | 8,641,917 | 1,860,899 | 17.7% |
| Total (without Southpoint) - 0% Vacant | 10,502,816 | 9,849,594 | 653,222 | 6.2% |
| Southpoint | 247,000 | | | |
| **Total with Southpoint project - All projects 100% Vacant** | 10,749,816 | 8,641,917 | 2,107,899 | 19.6% |
| **Total with Southpoint project- Only Southpoint 100% Vacant** | 10,749,816 | 9,849,594 | 900,222 | 8.4% |
| **Total with Southpoint project- All projects 0% Vacant** | 10,749,816 | 10,096,594 | 653,222 | 6.1% |

*This figure is taken from the project’s market study and includes space that may not be truly retail in nature.

**This figure is taken from the project’s zoning and is considered a maximum.

If all commercial space that has been approved were constructed and vacant, the city-wide vacancy rate would rise to 19.6%. If all approved commercial spaces that have been approved were to be constructed but occupied, except for the subject of this request (Southpoint), the city-wide vacancy rate would be 8.4%.

While the market study shows that the project, upon completion and vacant, 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. While new commercial development can lead to vacancies in other parts of town, the current economic conditions have all but halted speculative commercial building in Lawrence. The current development trend is that buildings are built with known users or committed tenants, and therefore, it is unlikely that the space will be vacant upon completion.
In addition, this request for additional retail square footage is being made with the understanding that the majority of the space is already leased to retailers.

In staff’s opinion, the Lawrence retail market has remained healthy for the last 10 years because of the minimal fluctuation in the retail vacancy rate, and therefore, this project should have minimal impact on the market as a whole.

<table>
<thead>
<tr>
<th>Demand Factor Analysis</th>
<th>Avg. Annual % Change Population</th>
<th>Avg. Annual % Change Sales Tax</th>
<th>Avg. Annual % Change Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avg. Annual Change 2006-2011</td>
<td>0.8%</td>
<td>-1.1%</td>
<td>-0.9%</td>
</tr>
<tr>
<td>Avg. Annual Change 2000-2005</td>
<td>2.1%</td>
<td>0.2%</td>
<td>0.7%</td>
</tr>
<tr>
<td>Avg. Annual Change 1995-2000</td>
<td>1.8%</td>
<td>1.7%</td>
<td>3.7%</td>
</tr>
<tr>
<td>Avg. Annual Change 1990-1995</td>
<td>2.4%</td>
<td>3.7%</td>
<td>1.8%</td>
</tr>
</tbody>
</table>

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 2012 Retail Market Report identified that from 2006-2011, population increased an average of .8% annually. However, during that same time period retail sales tax collections had an average annual decrease of 1.1%, and per capita income had an average annual decrease of .9%, adjusting all dollar figures for inflation.

<table>
<thead>
<tr>
<th>Average Annual Retail Square Footage Trend</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Avg. Annual 2006-2012 Change</td>
<td>4.3%</td>
</tr>
</tbody>
</table>

On the supply side of the market, retail stock has shown an average annual increase of 4.3% from 2006-2012. While demand may not have risen with supply, the relatively stable vacancy rates and positive pull factor (discussed below) signal that the market is relatively healthy.
<table>
<thead>
<tr>
<th>Retail Space per capita</th>
<th>Total SF</th>
<th>Population</th>
<th>SF per capita</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2012 City Wide Retail Market Study</strong></td>
<td>9,105,151</td>
<td>93,944</td>
<td>97</td>
</tr>
<tr>
<td>31st &amp; Ousdahl – Phase I (Menards)</td>
<td>189,988</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approved Northwest corner – 6th and K-10 Node</td>
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<td>217,337</td>
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</tr>
<tr>
<td>Langston Commons</td>
<td>125,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31st &amp; Ousdahl – Phase II</td>
<td>65,340</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total of all approved projects without Southpoint</strong></td>
<td>10,502,816</td>
<td>93,944</td>
<td>112</td>
</tr>
<tr>
<td>Southpoint</td>
<td>247,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total of all approved projects with Southpoint</strong></td>
<td>10,749,816</td>
<td>93,944</td>
<td>114</td>
</tr>
<tr>
<td><strong>Total of 2012 City Wide RMS plus Menards with Southpoint (but not all approved projects)</strong></td>
<td>9,477,151</td>
<td>93,944</td>
<td>101</td>
</tr>
</tbody>
</table>

With the 2012 Retail Market Report, in Lawrence there were approximately 97 square feet of retail space per capita in 2012. With the addition of this project’s square footage to the market, as well as the addition of the Menards store’s square footage since they have started construction, there would be approximately 101 square feet of retail space per capita. However, this analysis does not take into consideration any of the other approved commercial development. If all approved projects were added, there would be 112 square feet of retail space per capita, and if the Southpoint project were added on top of that, this figure would rise to 114 square feet per capita. By the time the project is fully constructed and occupied in 2017, population will have grown (using our average annual growth rate to around 97,000 people, which would result in 98 square feet of retail space per capita, not including other approved projects. Staff does not view the addition of this retail space as having a significant impact on the retail market in terms of square feet per capita.
Lawrence Trade Pull Factors and Trade Capture Area Figures

<table>
<thead>
<tr>
<th></th>
<th>Collections</th>
<th>Per Capita</th>
<th>Pull Factor</th>
<th>Trade Area Capture (People)</th>
<th>% of County Sales</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2014</td>
<td>$82,384,844</td>
<td>$907</td>
<td>1.04</td>
<td>94,760</td>
<td>93.00%</td>
<td>90,811</td>
</tr>
<tr>
<td>FY 2013</td>
<td>$81,747,115</td>
<td>$913</td>
<td>1.07</td>
<td>95,424</td>
<td>92.90%</td>
<td>89,512</td>
</tr>
<tr>
<td>FY 2012</td>
<td>$79,524,295</td>
<td>$896</td>
<td>1.07</td>
<td>94,639</td>
<td>93.00%</td>
<td>88,727</td>
</tr>
<tr>
<td>FY 2011</td>
<td>$74,699,896</td>
<td>$852</td>
<td>1.07</td>
<td>93,560</td>
<td>92.80%</td>
<td>87,643</td>
</tr>
<tr>
<td>FY 2010</td>
<td>$61,696,381</td>
<td>$674</td>
<td>1.02</td>
<td>93,630</td>
<td>92.40%</td>
<td>91,611</td>
</tr>
<tr>
<td>FY 2009</td>
<td>$67,723,146</td>
<td>$696</td>
<td>0.99</td>
<td>89,630</td>
<td>92.30%</td>
<td>90,083</td>
</tr>
<tr>
<td>FY 2008</td>
<td>$63,864,019</td>
<td>$714</td>
<td>0.99</td>
<td>88,638</td>
<td>92.50%</td>
<td>89,415</td>
</tr>
<tr>
<td>FY 2007</td>
<td>$61,894,678</td>
<td>$702</td>
<td>1.02</td>
<td>89,985</td>
<td>92.40%</td>
<td>88,168</td>
</tr>
<tr>
<td>FY 2006</td>
<td>$60,892,108</td>
<td>$748</td>
<td>1.12</td>
<td>90,982</td>
<td>91.30%</td>
<td>81,379</td>
</tr>
<tr>
<td>FY 2005</td>
<td>$58,300,971</td>
<td>$716</td>
<td>1.11</td>
<td>90,058</td>
<td>90.90%</td>
<td>81,417</td>
</tr>
</tbody>
</table>

*The pull factor figures and population estimates are from the Kansas Department of Revenue.

Also important is 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 early 2015, states that Lawrence’s pull factor was 1.04 in 2014, which is lower than the 1.07 pull factor that has held steady since 2011. While the pull factor has fallen slightly in the last year, the positive pull factor these last five years means that the City is attracting retail sales to the community.

In staff’s opinion, proposals to add retail space should be carefully scrutinized with respect to the indicators above. The proposed additional retail square footage at this node has a focus of drawing local and non-local visitors by providing retail space that could potentially offer more choices and types of retail than currently exist in the market. Even though this project could push the vacancy rate above the 8% threshold identified in the comprehensive plan, it is unlikely that this development will be speculative in nature. The current economic conditions are showing a trend that buildings are built with committed tenants. In addition, the vacancy rate has remained steady since 2006, signaling a healthy retail market. The community also has been attracting retail sales in the last three years, and this development could serve to increase that attraction, thereby increasing the pull factor.

One challenge with this proposal is that the designation of this area for this amount of retail square footage may cause other identified, undeveloped commercial nodes (6th and SLT, Fairfield Farms, etc.) to delay development. Demand has not increased at the same rate that supply has increased; however, the stable vacancy rate and positive pull factor indicate a healthy retail market.

**Retail Market Analysis Finding:** Considering all factors noted above, this proposal should have a negligible impact on the health of the community’s retail market.
PROFESSIONAL STAFF RECOMMENDATION

The focus of this report is the specific CR zoning request. This application was submitted with a concept plan for a specific development pattern, which includes a mix of retail uses and pad site development along the south side of K-10 Highway and east of US-59.

The timing of this development is intended to coincide with the completion of the South Lawrence Trafficway, associated street network, and utility infrastructure improvements actively being constructed in the vicinity.

As discussed, a portion of this proposed rezoning property is encumbered by the regulatory floodplain. The impact of this zoning designation is that:

1. A local floodplain development permit will be required for development on the site. Such a permit is typically submitted concurrently with a site plan or applicable development plan.
2. Any new development requires an approved hydrologic and hydraulic study at the time of platting demonstrating there will be no rise in the Base Flood Elevation, as well as no increase in the flood velocities at any point resulting from the proposed development.
3. Fill may not be placed in a setback.
4. Structural design of buildings and improvements must meet minimum flood proofing standards, including elevating 1 foot above the base flood elevation.
5. Exterior storage of goods and materials is required to be adequately flood proofed including being raised 1 foot above Base Flood Elevation.

Various site studies, such as traffic and hydrologic and hydraulic, have not yet been submitted but are anticipated with the submission of a preliminary plat application and site plan for this property, pending approval of the two rezoning applications.

The Land Development Code provides certain design standards such as buffer yards, landscaping, a limitation on impervious surface coverage, building and surface parking setbacks as they apply to the base CR zoning district, overlay districts, and commercial design standards.

Additionally, Section 20-307 of the Land Development Code requires certain design considerations for development adjacent to the SLT/K-10 Transportation Corridor. This boundary extends 500 feet on either side of the centerline of the South Lawrence Trafficway requiring additional setback and landscaping, which will be evaluated at platting and site planning phases of development.
A number of existing site design and development standards will be applicable as the property proceeds to development. Staff recommends approval of the proposed CR zoning.

CONCLUSION
If CPA-15-00335 is found to be appropriate and approved, then the findings in this report support the requested rezoning. If CPA-15-00335 is found to be not appropriate, then it would be appropriate to still consider the CR Zoning for commercial development, and consider use restrictions for this district that are consistent with Auto-Related Commercial Center uses.
20-201 THE DISTRICTS

(a) Base Districts
The Zoning Districts presented in this chapter are referred to as “Base Districts” because they establish the basic zoning regulations that apply to all properties classified in, or shown on, the Official Zoning District Map as in that Zoning District. All land in the City has a Base District classification. Base District regulations control the types of uses allowed and the way in which uses and Buildings may be developed on a site. The Base District regulations are the default regulations—they always control unless expressly overridden by or pursuant to any applicable Overlay Zoning District regulations.

(b) Districts Established
The following Base Districts are included in this Development Code. The Base Districts established by this Development Code are intended to be applied in accordance with the Comprehensive Plan.

<table>
<thead>
<tr>
<th>District Name</th>
<th>Map Symbol</th>
<th>Corresponding Comprehensive Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS, Single-Dwelling Residential Districts [sq. ft. per Dwelling Unit]:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Dwelling Residential -- 40,000 sq. feet</td>
<td>RS40</td>
<td>Very Low-Density</td>
</tr>
<tr>
<td>Single-Dwelling Residential -- 20,000 sq. feet</td>
<td>RS20</td>
<td>Low-Density</td>
</tr>
<tr>
<td>Single-Dwelling Residential -- 10,000 sq. feet</td>
<td>RS10</td>
<td>Low-Density</td>
</tr>
<tr>
<td>Single-Dwelling Residential -- 7,000 sq. feet</td>
<td>RS7</td>
<td>Low-Density</td>
</tr>
<tr>
<td>Single-Dwelling Residential -- 5,000 sq. feet</td>
<td>RS5</td>
<td>Low or Medium-Density</td>
</tr>
<tr>
<td>Single-Dwelling Residential -- 3,000 sq. feet</td>
<td>RS3</td>
<td>Medium-Density</td>
</tr>
<tr>
<td>RSO, Single-Dwelling Residential-Office District [sq. ft. per Dwelling Unit]:</td>
<td>RSO</td>
<td>Low or Medium-Density</td>
</tr>
<tr>
<td>Single-Dwelling Residential-Office -- 2,500 sq. feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RM, Multi-Dwelling Residential Districts [Dwelling Units per acre]:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Dwelling Residential -- 12 d.u. per acre</td>
<td>RM12/ RM12D</td>
<td>Medium-Density</td>
</tr>
<tr>
<td>Multi-Dwelling Residential -- 15 d.u. per acre</td>
<td>RM15</td>
<td>Medium-Density</td>
</tr>
<tr>
<td>Multi-Dwelling Residential -- 24 d.u. per acre</td>
<td>RM24</td>
<td>High-Density</td>
</tr>
<tr>
<td>Multi-Dwelling Residential -- 32 d.u. per acre</td>
<td>RM32</td>
<td>High-Density</td>
</tr>
<tr>
<td>RMG, Multi-Dwelling Residential-Greek Housing District:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Dwelling Residential-Greek Housing</td>
<td>RMG</td>
<td>High-Density</td>
</tr>
<tr>
<td>RMO, Multi-Dwelling Residential-Office District [Dwelling Units per acre]:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Dwelling Residential-Office -- 22 d.u. / acre</td>
<td>RMO</td>
<td>High-Density</td>
</tr>
</tbody>
</table>

C, Commercial Districts:

<table>
<thead>
<tr>
<th>District</th>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inner Neighborhood Commercial</td>
<td>CN1</td>
<td>NA</td>
</tr>
<tr>
<td>Office Commercial</td>
<td>CO</td>
<td>Office or Office/Research</td>
</tr>
<tr>
<td>Neighborhood Shopping Center</td>
<td>CN2</td>
<td>Neighborhood Commercial Center</td>
</tr>
<tr>
<td>Downtown Commercial</td>
<td>CD</td>
<td>Regional Commercial Center</td>
</tr>
<tr>
<td>Community Commercial</td>
<td>CC</td>
<td>Community Commercial Centers</td>
</tr>
<tr>
<td>Regional Commercial</td>
<td>CR</td>
<td>Regional Commercial Center</td>
</tr>
<tr>
<td>Strip Commercial</td>
<td>CS</td>
<td>NA</td>
</tr>
</tbody>
</table>
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Executive Summary

A retail market study has been prepared on behalf of Collett for the company’s commercial center, Southpoint, planned on South Iowa Street at K-10/South Lawrence Trafficway in Lawrence, Kansas scheduled for opening in 2017.

Southpoint will offer the Lawrence market area national retail companies that currently do not have a retail outlet in Lawrence. These businesses will occupy at least one-half of the retail space at Southpoint. However, as a result of their addition to the Douglas County market, Douglas County and Lawrence will be able to increase its retail sales capture rate (pull factor) through new and expanded retail offerings and attract shoppers who historically spend a portion of their retail dollars outside of Douglas County.

Southpoint Center Locational Map, Lawrence, Douglas County

The Southpoint project also plans to accommodate one existing retail establishments in Lawrence. Their relocation to Southpoint offers this business building space that is more tailored to their operations as well as an easily accessible location to all Douglas County residents.

In summary, the results of this retail market study quantify the following key economic indicators:

I. The amount and type of retail sales leakage occurring in Douglas County;
II. The projected amount of retail sales generated by Southpoint (see Table A on the following page);
III. The net projected retail sales impact on the City of Lawrence; and
IV. An analysis of the projected impact of Southpoint on Douglas County and the City of Lawrence’s pull factors and commercial vacancy rate.
Based on the findings of this analysis, Southpoint will generate approximately $1,267,125 in additional sales tax revenue to the City of Lawrence upon build out in 2019 and increase the city’s retail pull factor from 1.07 to 1.11 as summarized in the following Table A and described in detail in this market study.

Table A
Projected Lawrence Retail Sales Taxes and Pull Factor 2010 – 2020

<table>
<thead>
<tr>
<th>Year</th>
<th>Actual / Projected Sales Taxes (@ 1.55%)</th>
<th>Plus: Southpoint Net Sales Taxes</th>
<th>Revised Total Sales Taxes with Southpoint</th>
<th>Existing / Projected Pull Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>$21,812,424</td>
<td>$ -</td>
<td>$ -</td>
<td>1.02</td>
</tr>
<tr>
<td>2012</td>
<td>$22,906,979</td>
<td>$ -</td>
<td>$ -</td>
<td>1.07</td>
</tr>
<tr>
<td>2013</td>
<td>$23,347,479</td>
<td>$ -</td>
<td>$ -</td>
<td>1.07</td>
</tr>
<tr>
<td>2014</td>
<td>$24,627,520</td>
<td>$ -</td>
<td>$ -</td>
<td>1.07</td>
</tr>
<tr>
<td>2015 (Budget)</td>
<td>$25,858,896</td>
<td>$ -</td>
<td>$ -</td>
<td>N/A</td>
</tr>
<tr>
<td>Est. 2016</td>
<td>$27,15,800</td>
<td>$ -</td>
<td>$ -</td>
<td>1.07</td>
</tr>
<tr>
<td>Est. 2017</td>
<td>$28,509,400</td>
<td>$790,500</td>
<td>$29,299,900</td>
<td>1.10</td>
</tr>
<tr>
<td>Est. 2018</td>
<td>$29,934,900</td>
<td>$970,327</td>
<td>$30,905,227</td>
<td>1.10</td>
</tr>
<tr>
<td>Est. 2019</td>
<td>$31,431,600</td>
<td>$1,267,125</td>
<td>$32,698,725</td>
<td>1.11</td>
</tr>
<tr>
<td>% Change 2017 - 2019</td>
<td>15.0%</td>
<td>N / A</td>
<td>20.4%</td>
<td>4.0%</td>
</tr>
</tbody>
</table>

Source: City of Lawrence; RICHARD CAPLAN & ASSOCIATES.
I. Douglas County Retail Sales Analysis

An analysis of Lawrence and Douglas County, Kansas retail sales has been performed that quantifies the retail sales leakage by major retail categories. The results of these findings are beneficial in strategically planning for those businesses committed to Southpoint, potential retail tenants being solicited by Collett and existing businesses seeking expansion in Douglas County. These findings also will result in the City of Lawrence and Douglas County increasing their retail pull factors and local sales as discussed in greater detail in Section II of this market study.

Southpoint Market Area
This analysis utilized Douglas County retail sales data since the county provides a more comprehensive insight into the potential retail for Southpoint. The primary market area for Southpoint is all of Douglas County, Kansas, not only the City of Lawrence.

Southpoint market area is based on a combination of the following factors:
- The presence of national retailers, many not currently serving Douglas County shoppers;
- The size and mix of new tenants of the center;
- The central location within Douglas County;
- The South Iowa Street location adjacent to the Lawrence’s largest commercial district; and
- The visibility and direct access to the site from K-10/South Lawrence Trafficway and U.S. 59 Highway providing easy access and visibility to all Douglas County residents.

Southpoint will also attract some shoppers from Franklin County, located south of the site on U.S. Highway 59 and others who will utilize the new K-10/South Lawrence Trafficway between Topeka to the west and Johnson County, Kansas to the east.

Douglas County, Kansas: Southpoint Site
Retail Sales Categories

Retail sales are paid to and reported by the Kansas Department of Revenue according to the standardized NAICS (North American Industry Classification System). There are 11 major retail reporting categories. These categories and the most common type of retail establishments found in each category are presented in the following Table I-A (“NAICS Retail Classifications”).

Table I - A
NAICS Retail Classifications

<table>
<thead>
<tr>
<th>Code</th>
<th>Sector</th>
<th>Businesses in the Subsector</th>
</tr>
</thead>
<tbody>
<tr>
<td>441</td>
<td>Motor Vehicle and Parts Dealers</td>
<td>New car dealers, Used car dealers, Recreational vehicle dealers, Motorcycle, boat, and other motor vehicles, parts and tire stores</td>
</tr>
<tr>
<td>442</td>
<td>Furniture and Home Furnishings</td>
<td>Furniture and home furnishings stores, floor covering stores and Window treatment stores</td>
</tr>
<tr>
<td>443</td>
<td>Electronics and Appliances</td>
<td>Electronics and appliance stores, Computer and software stores, camera and photographic supplies stores</td>
</tr>
<tr>
<td>444</td>
<td>Building Materials and Garden Equipment</td>
<td>Building material and garden equipment and supplies dealers, Home centers, Paint and wallpaper stores, Hardware stores, Lawn and garden equipment, Nurseries, garden center, and farm supply stores</td>
</tr>
<tr>
<td>445</td>
<td>Food and Beverage</td>
<td>Grocery stores, Supermarkets, Convenience stores, Specialty food stores, Meat markets, Baked goods stores, Confectionery and nut stores; Beer, wine, and liquor stores</td>
</tr>
<tr>
<td>446</td>
<td>Health and Personal Care</td>
<td>Pharmacies and drug stores, Cosmetics, beauty supplies, and perfume stores, Optical goods stores and food (health) supplement stores</td>
</tr>
<tr>
<td>447</td>
<td>Gasoline</td>
<td>Gasoline stations and stations with convenience stores</td>
</tr>
<tr>
<td>448</td>
<td>Clothing</td>
<td>Clothing and clothing accessories stores; Men’s clothing stores; Women’s clothing stores; Children's and infants’ clothing stores; shoe stores, jewelry, luggage, and leather goods stores</td>
</tr>
<tr>
<td>451</td>
<td>Sporting Goods, Hobby and Books</td>
<td>Sporting goods stores, Hobby, toy, and game stores, Sewing, needlework, Musical instrument and supplies stores, Book, periodical, and music stores, News dealers, Compact disc and dvd stores</td>
</tr>
<tr>
<td>452</td>
<td>General Merchandise</td>
<td>Department stores, Discount department stores, Warehouse clubs, Florists, Office supplies, stationery, gift, novelty stores, Used merchandise, Pet, pet supplies, Art dealers &amp; Tobacco stores</td>
</tr>
<tr>
<td>722</td>
<td>Food and Drinking Places</td>
<td>Meals, snacks, and beverages to customers for immediate on-premises and off-premises consumption, drinking places</td>
</tr>
</tbody>
</table>

Source: U.S. Census.

Eight of the retail categories are planned to be located in Southpoint. The retail uses not planned to be tenants in Southpoint are well represented north of Southpoint along the South Iowa Street corridor, as well as elsewhere in Lawrence. Category 444 will be well served by the addition of Menards to the Lawrence market in 2015.
Douglas County Retail Sales Leakage by Category

In order to perform this leakage analysis, sales tax data reported to the State of Kansas was analyzed for 2012. The pull factor for Douglas County in 2013 and 2014 has remained the same as 2012.

Douglas County has a retail pull factor of 0.91. This pull factor, analyzed in Section III, indicates that $0.09 cents of every Douglas County retail dollar is spent outside of the county. In summary, this analysis finds that only four retail categories exceeded the 0.91 retail pull factor for the county. (See Table & Graph I – B “Douglas County Retail Pull Factors by Category.”) More importantly, only two retail categories exceeded 1.00 retail pull factor, indicating an inflow of dollars into the county. Altogether, this leakage offers an opportunity for retail growth, especially among those sectors where the sales leakage is greatest.

Not surprisingly, Douglas County’s two retail pull factors over 1.00 can be attributed to the demographic fact that Lawrence is home to more than 24,400 University of Kansas students, as well as full-time university students at Haskell Indian Nations University (student enrollment 1,000) and Baker University (student enrollment 3,280) also in Douglas County in nearby Baldwin City. More specifically,

- **Food and Beverage Stores (NAICS 445) has a pull factor of 1.05.**
  This sales factor is greatly influenced by university students who buy groceries and beverages. Furthermore, many students are, in fact, not accounted for in the Douglas County official population but rather counted by the U.S. Census in their permanent place of residence when it is not Douglas County. This does not reflect itself in the sales expenditure data but impacts the pull factor. The precise number of full-time college students not accounted for in Douglas County is uncertain.

- **Sporting Goods, Hobby and Book Stores (NACIS 451) has a pull factor of 1.24.**
  This category’s high pull factor is due to the inclusion of book stores. Given the quantity and prices of college text books, as well as related materials sold to college students, this high pull fact is to be expected. Analysis of confidential information in this category indicates that the retail sales attributed to sporting goods and hobby related expenditures are below 1.00.

The other nine retail categories presented in the following table (Table I-B – "Douglas County Retail Pull Factors by Category") and depicted in the accompanying graph reflect opportunities for real retail expansion in Lawrence and Douglas County achieved, in part, by the introduction into the market of a greater selection of goods and products in these retail areas.
Table I - B & Graph
Douglas County Retail Pull Factors by Category 2012

<table>
<thead>
<tr>
<th>NAICS Category</th>
<th>State Taxes Collected Per Capita (@ 1%)</th>
<th>1% Douglas County Sales Taxes Collected Per Capita</th>
<th>Douglas County Retail Pull Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>441 Motor Vehicle and Parts Dealers</td>
<td>$137.</td>
<td>$101.</td>
<td>0.74</td>
</tr>
<tr>
<td>442 Furniture and Home Furnishings Stores</td>
<td>$23.</td>
<td>$14.</td>
<td>0.59</td>
</tr>
<tr>
<td>443 Electronics and Appliance Stores</td>
<td>$18.</td>
<td>$16.</td>
<td>0.93</td>
</tr>
<tr>
<td>444 Building Materials, Garden Equipment</td>
<td>$60.</td>
<td>$41.</td>
<td>0.69</td>
</tr>
<tr>
<td>445 Food and Beverage Stores</td>
<td>$94.</td>
<td>$99.</td>
<td>1.05</td>
</tr>
<tr>
<td>446 Health and Personal Care Stores</td>
<td>$14.</td>
<td>$12.</td>
<td>0.86</td>
</tr>
<tr>
<td>447 Gasoline Stations</td>
<td>$27.</td>
<td>$15.</td>
<td>0.58</td>
</tr>
<tr>
<td>448 Clothing and Clothing Accessories Stores</td>
<td>$35.</td>
<td>$22.</td>
<td>0.62</td>
</tr>
<tr>
<td>452 General Merchandise Stores</td>
<td>$165.</td>
<td>$97.</td>
<td>0.59</td>
</tr>
<tr>
<td>722 Food and Drinking Places</td>
<td>$94.</td>
<td>$88.</td>
<td>0.94</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$608.</td>
<td>$553.</td>
<td>0.91</td>
</tr>
</tbody>
</table>

The sectors with the lowest pull factors in Douglas County offer real potential sales that can be achieved with increased product availability and selection.
II. Southpoint Projected Retail Sales

Upon full build out in 2019, Southpoint is planned to have 247,000 square feet of commercial use which includes 18,000 square feet of office users. The following rendering displays the site plan and the square footage for each site, space or building. Southpoint is planned to contain a mix of 19 commercial businesses. These 19 businesses include the relocation of one existing establishment to Southpoint. (See Table II-A – “Southpoint Tenant Mix by Category and Size”) This business will occupy one of the anchor sites and may result in an interim increase of vacant square feet to the Lawrence retail inventory, at least on a temporary basis. The Lawrence market has routinely refilled prime retail spaces vacated due to a variety of market factors.

Table II - A
Southpoint Tenant Mix by Category and Size

<table>
<thead>
<tr>
<th>NAISC</th>
<th>Category</th>
<th>Number in Southpoint</th>
<th>Total Square Feet Planned</th>
<th>Opening Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>441</td>
<td>Motor Vehicle and Parts Dealers</td>
<td>None</td>
<td>N / A</td>
<td>N / A</td>
</tr>
<tr>
<td>442</td>
<td>Furniture and Home Furnishings</td>
<td>2</td>
<td>28,000</td>
<td>2017, 2019</td>
</tr>
<tr>
<td>443</td>
<td>Electronics and Appliances</td>
<td>None</td>
<td>N / A</td>
<td>N / A</td>
</tr>
<tr>
<td>444</td>
<td>Bldg. Materials &amp; Garden Eqpmnt.</td>
<td>None</td>
<td>N / A</td>
<td>N / A</td>
</tr>
<tr>
<td>445</td>
<td>Food and Beverage</td>
<td>2</td>
<td>22,300</td>
<td>2018, 2019</td>
</tr>
<tr>
<td>446</td>
<td>Health and Personal Care</td>
<td>1</td>
<td>1,900</td>
<td>2018</td>
</tr>
<tr>
<td>447</td>
<td>Gasoline Station with C-Store</td>
<td>None</td>
<td>N / A</td>
<td>N / A</td>
</tr>
<tr>
<td>448</td>
<td>Clothing Stores</td>
<td>3</td>
<td>24,900</td>
<td>2017, 2018, 2019</td>
</tr>
<tr>
<td>451</td>
<td>Sporting Goods, Hobby &amp; Books</td>
<td>2</td>
<td>117,000</td>
<td>2017</td>
</tr>
<tr>
<td>452</td>
<td>General Merchandise</td>
<td>2</td>
<td>17,500</td>
<td>2018</td>
</tr>
<tr>
<td>722</td>
<td>Food and Drinking Places (3 sit down restaurants; 2 fast food establishments)</td>
<td>5</td>
<td>30,500</td>
<td>2017, 2018, 2019</td>
</tr>
<tr>
<td>Other: 523</td>
<td>Office uses, Medical offices</td>
<td>2</td>
<td>4,900</td>
<td>2018, 2019</td>
</tr>
<tr>
<td>TOTAL</td>
<td>8 Categories; 19 businesses (a)</td>
<td></td>
<td>247,000 Sq. feet</td>
<td>-</td>
</tr>
</tbody>
</table>

(a) Includes one existing Lawrence establishment.

Source: Collett; RICHARD CAPLAN & ASSOCIATES.
Projected Retail Sales

Southpoint is projected to result in a net increase of over $60 million in retail sales to Lawrence and Douglas County. (See Table II–E “Southpoint Projected Retail Sales”).

Sales for the retailers are based on the proposed tenant list and projected other uses provided on a confidential basis for this study by Collett. These sales projections incorporate a combination of the following economic and market factors:

- Average store data published for those Southpoint tenants that are publicly owned companies as reported in the company’s most recent SEC filing;
- Confidential data provided to Collett by several of the national retailers that have committed to locate in the Southpoint project;
- Historical retail sales trends for Lawrence and Douglas County including number and reported retail sales of the retailers already in Douglas County;
- Retail industry averages by category as published by the Urban Land Institute’s Dollar and Cents of Shopping Centers;
- Key Douglas County and Lawrence demographic trends and conditions especially population growth and per capita income; and
Recapturing Douglas County retail sales leakage described on the following pages offering a combination of new national retailers to the community and expanding the selection of goods and products to residents.

The local retail pull factors are significant in that Douglas County remains below 1.00, a balanced retail sales threshold, declining to 0.91 in 2012 from a peak of 0.99 in 2005, and the City of Lawrence has declined 10.2% from its pull factor peak of 1.18 indicating retail sales dollars are increasingly leaving Douglas County. These figures reflect the potential for both the city and county to return, in not exceed, their high pull factor levels recorded in the last decade.

Table II - B
City of Lawrence and Douglas County Retail Pull Factors 2000 – 2013

<table>
<thead>
<tr>
<th>Year</th>
<th>City of Lawrence Pull Factor</th>
<th>Douglas County Pull Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>1.13</td>
<td>0.93</td>
</tr>
<tr>
<td>2001</td>
<td><strong>1.18</strong></td>
<td>0.93</td>
</tr>
<tr>
<td>2002</td>
<td>1.13</td>
<td>0.92</td>
</tr>
<tr>
<td>2003</td>
<td>1.08</td>
<td>0.93</td>
</tr>
<tr>
<td>2004</td>
<td>1.11</td>
<td>0.96</td>
</tr>
<tr>
<td>2005</td>
<td>1.11</td>
<td><strong>0.99</strong></td>
</tr>
<tr>
<td>2006</td>
<td>1.12</td>
<td>0.97</td>
</tr>
<tr>
<td>2007</td>
<td>1.02</td>
<td>0.87</td>
</tr>
<tr>
<td>2008</td>
<td>0.99</td>
<td>0.85</td>
</tr>
<tr>
<td>2009</td>
<td>0.99</td>
<td>0.85</td>
</tr>
<tr>
<td>2010</td>
<td>1.02</td>
<td>0.86</td>
</tr>
<tr>
<td>2012</td>
<td>1.07</td>
<td>0.91</td>
</tr>
<tr>
<td>2013</td>
<td>1.07</td>
<td>0.91</td>
</tr>
<tr>
<td>2014</td>
<td>N/A</td>
<td>0.91</td>
</tr>
</tbody>
</table>

Range 2000 – 2014:

Highest Level: 1.18
Lowest Level: 0.99

2013/14 Difference from Highest Pull Factor Level:
(10.2%) (9.9%)

Source: Kansas Department of Revenue.
Douglas County leaks 9% of its retail sales. Furthermore, although Douglas County is the 5th most populated county in Kansas, it ranks 6th among the 10 most populated counties in Kansas. (See Table II-C – “Pull Factors for Kansas 10 Most Populated Counties 2014”)

**Table II – C**
**Pull Factors for Kansas’ 10 Most Populated Counties 2014**

<table>
<thead>
<tr>
<th>Pull Factor Rank</th>
<th>Kansas County</th>
<th>2014 Population</th>
<th>FY 2014 Retail Pull Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Saline</td>
<td>55,755</td>
<td>1.32</td>
</tr>
<tr>
<td>2</td>
<td>Johnson</td>
<td>574,272</td>
<td>1.28</td>
</tr>
<tr>
<td>3</td>
<td>Sedgwick</td>
<td>508,803</td>
<td>1.14</td>
</tr>
<tr>
<td>4</td>
<td>Shawnee</td>
<td>178,406</td>
<td>1.04</td>
</tr>
<tr>
<td>5</td>
<td>Reno</td>
<td>63,794</td>
<td>1.03</td>
</tr>
<tr>
<td>6</td>
<td>Douglas</td>
<td>116,585</td>
<td>0.91</td>
</tr>
<tr>
<td>7</td>
<td>Wyandotte</td>
<td>168,036</td>
<td>0.88</td>
</tr>
<tr>
<td>8</td>
<td>Riley</td>
<td>75,195</td>
<td>0.77</td>
</tr>
<tr>
<td>9</td>
<td>Butler</td>
<td>66,208</td>
<td>0.73</td>
</tr>
<tr>
<td>10</td>
<td>Leavenworth</td>
<td>78,979</td>
<td>0.54</td>
</tr>
</tbody>
</table>

Source: U.S. Census; Kansas Department of Revenue.

There is significant opportunity to increase Lawrence’s retail sales. In 2013, the City of Lawrence’s retail pull factor is lower than seven Kansas cities nearest to Lawrence in population. Lawrence’s pull factor is 8th among the 10 mid-size populated cities in Kansas (cities with a population between 30,000 and 120,000 persons). Lawrence’s retail pull factor is ranked 17th among the State of Kansas’ 25 1st class cities. Consequently, retail sales in Lawrence and Douglas County have the potential to grow by approximately 10%. This growth is achievable as it reflects past pull factors reached by both the City of Lawrence and Douglas County.

In conclusion, because Lawrence is the employment center for Douglas County, is located at the convergence of all major highways in Douglas County and houses 79% of the county’s population, the city and county have the potential to grow their retail base and recapture the county’s sales leakage. Based on the realistic opportunity for Lawrence and Douglas County to grow their retail pull factors based on past sales levels and through the addition of national name brands add to the local market, Southpoint will add approximately $81.7 million in sales to the local economy upon full opening of the development. The projected phasing for the opening of the Southpoint from 2017 until 2019 is summarized in the following Table II - D.
**Table II – D**  
Southpoint Square Feet by Year and Projected Retail Sales & Sales Tax Receipts

<table>
<thead>
<tr>
<th>Year Opened</th>
<th>No. of Businesses</th>
<th>Square Feet Open</th>
<th>Projected Sales (in Opening Year)</th>
<th>Projected Sales in 2019 (100% Open)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>5</td>
<td>168,500</td>
<td>$51,000,000</td>
<td>$56,330,000</td>
</tr>
<tr>
<td>2018</td>
<td>6</td>
<td>190,600</td>
<td>$9,001,000</td>
<td>$9,510,000</td>
</tr>
<tr>
<td>2019</td>
<td>8</td>
<td>247,000</td>
<td>$15,900,000</td>
<td>$15,910,000</td>
</tr>
<tr>
<td>Less Net from Relocation</td>
<td>N / A</td>
<td>(Confidential)</td>
<td>(~$13,000,000)</td>
<td>N / A</td>
</tr>
<tr>
<td>NET TOTAL SALES</td>
<td>19</td>
<td>247,000</td>
<td>N / A</td>
<td>$81,750,000</td>
</tr>
</tbody>
</table>

City of Lawrence Sales Tax Receipts  
$1,267,125
III. Southpoint  Projected Sales Tax to City of Lawrence

The total sales tax rate in Lawrence is 9.05% that includes the State of Kansas and Douglas County. The City of Lawrence share of sales tax is 1.55%.

Based on retail pull factors achieved by the City of Lawrence in 2001 and Douglas County in 2005, there is the potential to recapture Douglas County sales leakage and grow Lawrence retail sales by up to 10% based on historical data and through increasing the selection of products and an expanded choice of brand name national retailers.

Based on Southpoint projected City of Lawrence sales of $81.7 million (in 2015 dollars) upon full development, this will result in a net increase of approximately at least 6.7% in retail sales growth to the city.

Southpoint will generate a total annual increase in Lawrence sales taxes of $1,259,387 per year by 2019 (See Table III-A - “Projected Southpoint Annual Sales and City of Lawrence Tax Receipts.”) These projections project the net change in retail sales from the three existing Lawrence tenants planning to relocate to Southpoint.

Sales tax from the project will build over the three year period (2017 – 2019) that the project is under development. The build out is presented in the following graph III-A Southpoint Total Square Feet by Year.

Based on this three year build out, total projected sales are presented in the following Graph and Table III – A.

Southpoint Total Sales by Year

<table>
<thead>
<tr>
<th>Year</th>
<th>Sales (2015 dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>$51 m sales</td>
</tr>
<tr>
<td>2018</td>
<td>$62 m sales</td>
</tr>
<tr>
<td>2019</td>
<td>$81.6 m sales</td>
</tr>
</tbody>
</table>

City Sales Tax Receipts

- 2017: $790,500
- 2018: $970,327
- 2019: $1,267,125
Table III – A
Projected Southpoint Sales and City Sales Tax Receipts 2017 - 2019

<table>
<thead>
<tr>
<th>Year; Total Square Feet Open</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total Sales (in 2015 $)</td>
<td>City Sales Taxes (@1.55%)</td>
<td>Total Sales (in 2015 $)</td>
</tr>
<tr>
<td>2017: 168,500 s.f.</td>
<td>$51,000,000</td>
<td>$790,500</td>
<td>-</td>
</tr>
<tr>
<td>2018: 190,600 s.f.</td>
<td>-</td>
<td>$62,600,000</td>
<td>$970,300</td>
</tr>
<tr>
<td>2019: 247,000 s.f.</td>
<td>-</td>
<td>$81,600,000</td>
<td>-</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$51 million</td>
<td>$790,500</td>
<td>$62.6 million</td>
</tr>
</tbody>
</table>

Note: Sales taxes reflect the net change in retail sales from the existing Lawrence tenant planning to relocate to Southpoint.
IV. Projected Impact on Lawrence Vacancy Rate

This study projects the impact on the Lawrence commercial vacancy rate upon adding Southpoint to the city’s inventory and considering the impact of relocations from elsewhere in the city. These findings also provide insight into the ability of the project to achieve full occupancy. Upon occupancy of the Southpoint, the city-wide vacancy rate will decline by 0.4% to 6.8%. (See Table IV - D - “Proposed Development Impact on Lawrence Vacancy Rate”).

Background

There has been an average over 334,000 added square feet of commercial development in Lawrence from 1995 through 2014. Since 1993, according to the City of Lawrence Planning & Development Services 2012 Retail Market Report. This amount has fluctuated from during periods of the city’s highest population growth rates from 2002 to 2004 and declined during the national recession. For this reason, projecting commercial development based on a 20 year annual average has been used from 2015 through 2020. The projected absorption incorporates Southpoint and all outstanding major commercial projects approved by the City of Lawrence as summarized in the following Table. (See Table IV– A – “Lawrence, Kansas Unbuilt Commercial Inventory”). Excluding Southpoint, the City of Lawrence has an approved unbuilt inventory of 1,184,968 commercial square feet. Southpoint’s addition to the market will raise this amount to 1,431,968 square feet.

Table IV - A
Lawrence, Kansas Unbuilt Commercial Inventory

<table>
<thead>
<tr>
<th>Project</th>
<th>Approved Square Feet</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fairfield Farms</td>
<td>200,000</td>
<td>Unknown</td>
</tr>
<tr>
<td>Gateway</td>
<td>155,000</td>
<td>Unknown</td>
</tr>
<tr>
<td>Mercato</td>
<td>359,640</td>
<td>Unknown</td>
</tr>
<tr>
<td>31st &amp; Ousdahl Phase I (Menards)</td>
<td>189,988</td>
<td>2015</td>
</tr>
<tr>
<td>31st &amp; Ousdahl Phase II</td>
<td>65,340</td>
<td>Unknown</td>
</tr>
<tr>
<td>North Mass</td>
<td>215,000</td>
<td>Unknown</td>
</tr>
<tr>
<td><strong>SUB-TOTAL</strong></td>
<td><strong>1,184,968</strong></td>
<td>-</td>
</tr>
<tr>
<td>SOUTHPOINT</td>
<td><strong>247,000</strong></td>
<td><strong>2017 - 2019</strong></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>1,431,968</strong></td>
<td>-</td>
</tr>
<tr>
<td>Projected Annual Average 2015-2020 (IF all constructed)</td>
<td>238,661</td>
<td>-</td>
</tr>
</tbody>
</table>

Source: City of Lawrence Planning & Development Services.
Phase I at 31st & Ousdahl, Menards, is under construction expects to be open in 2015. In addition, it should be noted that the sales category, Building materials and supplies category is not in competition with any of the expected tenants at Southpoint. In 2015, the city is also adding 39,075 square feet of predominantly food related sales at Bauer Farms.

The Lawrence commercial market has demonstrated stability and its ability to absorb new commercial space. As noted elsewhere in this market study, the City has absorbed an average of 265,070 square feet since 2006. This is due, in part, to the permanence of city's economic base – the students, faculty and staff of the University of Kansas, as well as Haskell Indian Nations University.

This absorption projection in this study covers from 2017 through 2019, the years that Southpoint is planned to enter the market during which time the new K10/U.S. 59 (South Iowa Street) interchange immediately adjacent to Southpoint will be completed and opened.

If all of these projects are completed and phased into local market by 2020, an unlikely scenario since one or more the sites may compete for the same national tenants as Southpoint, this will result in adding an average increase of 238,661 square feet per year. This amount is comparable to the 231,936 square feet annual average amount that has been absorbed by the Lawrence market between 2006 and 2013 and more than any five year period since 1995.

**Graph IV - B**
**Lawrence Commercial Development Trends 1995 - 2020**

<table>
<thead>
<tr>
<th>Year Period</th>
<th>New Commercial Added (in Square Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000 - 2005</td>
<td>+2,321,467 sq. ft.</td>
</tr>
<tr>
<td>2006 - 2013</td>
<td>+1,855,491 sq. ft.</td>
</tr>
<tr>
<td>Maximum Projected</td>
<td>+1,431,968 sq. ft.</td>
</tr>
</tbody>
</table>

**Annual Average**
- 351,153 sq. ft.
- 386,911 sq. feet
- 231,936 sq. feet
- 238,661 sq. feet

Source: City of Lawrence Planning & Development Services 2012 Retail Market Study.
Commercial vacancy data is collected and reported by the City of Lawrence on a periodic basis, most recently published in 2013 for 2012. In addition to the city’s vacancy data, the Lawrence office of a leading international commercial real estate firm, Colliers International, tracks and reports Lawrence commercial occupancy and vacancy on an annual basis. Since 2006, vacancy rates ranged from 3.9% to 7.2% and the city has absorbed an average of 279,733 per year. These figures, along with historical absorption rates, are a major barometer of projecting the city’s future vacancy rate upon full build out of Southpoint. (See Table A – “Lawrence Commercial Vacancy Rates 2006 – 2014”).

The following table reflects the City of Lawrence and private source’s commercial vacancy data for the city since 2006. The city reported data reflects the fact that more has been absorbed in the last six years than was added to the market.

**Table IV – C**  
**Lawrence Commercial Vacancy Rates 2006 - 2014**

<table>
<thead>
<tr>
<th>Year</th>
<th>City of Lawrence Data</th>
<th>Private Real Estate Data</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total Commercial Square Feet</td>
<td>Occupied Commercial Square Feet</td>
</tr>
<tr>
<td>2006</td>
<td>7,249,660</td>
<td>6,771,182</td>
</tr>
<tr>
<td>2007</td>
<td>N / A</td>
<td>N / A</td>
</tr>
<tr>
<td>2008</td>
<td>N / A</td>
<td>N / A</td>
</tr>
<tr>
<td>2009</td>
<td>N / A</td>
<td>N / A</td>
</tr>
<tr>
<td>2010</td>
<td>8,800,567</td>
<td>8,184,527</td>
</tr>
<tr>
<td>2012</td>
<td>9,105,151</td>
<td>8,449,580</td>
</tr>
<tr>
<td>2013</td>
<td>Est. 9.1 million</td>
<td>N / A</td>
</tr>
<tr>
<td>2014</td>
<td>N / A</td>
<td>N / A</td>
</tr>
<tr>
<td>2006 – 2013 Average</td>
<td>265,070 per year</td>
<td>279,733 per year</td>
</tr>
</tbody>
</table>
As stated, Southpoint’s square feet are projected to be opened beginning in 2017 through 2019 in the stages as summarized in the following Table IV – D and site plan.

### Table IV – D
**Southpoint Opening Schedule 2017 – 2019**

<table>
<thead>
<tr>
<th>Year Opening</th>
<th>Square Feet Completed</th>
<th>Total Square Feet Opened</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>168,500</td>
<td>158,500</td>
</tr>
<tr>
<td>2018</td>
<td>22,100</td>
<td>190,600</td>
</tr>
<tr>
<td>2019</td>
<td>56,400</td>
<td>247,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>247,000</strong></td>
<td><strong>247,000</strong></td>
</tr>
</tbody>
</table>

### Southpoint Site Plan - Phasing

- **Phase I**: 168,000 square feet
Findings and Conclusion

In conclusion, the city’s commercial vacancy has been projected to be 7.2% upon completion of the Southpoint project in 2019. This projection is based on the following:

1. The city’s average annual absorption rate since 1995;
2. The city’s historically stable vacancy rate ranging from 6.6% to 7.2% in the last decade;
3. The phasing of building over three years through 2019 for Southpoint; and
4. The amount of commercial space that has been approved but unbuilt may be absorbed by the Douglas County market by 2020.

Furthermore, the attraction of new tenants to the Douglas County market will add more than $81 million in retail sales and $1.266,000 in sales tax receipts to the City of Lawrence by 2019.

In conclusion, upon occupancy of the Southpoint, the city-wide vacancy rate will remain within the range of 6.6% to 6.7% based upon the city’s continued ability to absorb an average of 238,661 square feet annually, less than the amount since 2006 but incorporating all outstanding major projects and Southpoint. (See Table IV - D - “Commercial Vacancy Rate 2006 – 2019 and Proposed Development Impact on Lawrence Vacancy Rate”). This represents the city’s historic average absorption and vacancy rates from 2006 through 2013. This vacancy projection incorporates the build out of the total approved inventory. This total build out amount represents less than the amount of square footage that has been added to the Lawrence market since 2006.

Graph IV - E
Commercial Vacancy Rates 2006 - 2019

Source: City of Lawrence Planning & Development Services; Development Strategies; Colliers International.
Table IV - E
Lawrence Commercial Square Footage and Vacancy Rates 2012 - 2019

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Square Footage</th>
<th>Southpoint Square Footage Opened (a)</th>
<th>MAXIMUM Increase in Square Footage (Table IV-B)</th>
<th>Net Annual Absorption in Sq. Feet</th>
<th>Total Vacant Sq. Feet (b)</th>
<th>Projected Vacancy Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>9,105,151</td>
<td>N / A</td>
<td>N / A</td>
<td>2006-2012: 279,733</td>
<td>653,222</td>
<td>7.2%</td>
</tr>
<tr>
<td>2014</td>
<td>9,336,979</td>
<td>N / A</td>
<td>238,661</td>
<td>70,914</td>
<td>637,427</td>
<td>6.8%</td>
</tr>
<tr>
<td>2015 (c)</td>
<td>9,568,807</td>
<td>N / A</td>
<td>238,661</td>
<td>222,432</td>
<td>637,427</td>
<td>6.7%</td>
</tr>
<tr>
<td>2016</td>
<td>9,807,468</td>
<td>N / A</td>
<td>238,661</td>
<td>222,432</td>
<td>653,656</td>
<td>6.7%</td>
</tr>
<tr>
<td>2017</td>
<td>10,046,129</td>
<td>168,500</td>
<td>238,661</td>
<td>222,432</td>
<td>669,885</td>
<td>6.7%</td>
</tr>
<tr>
<td>2018</td>
<td>10,284,790</td>
<td>22,100</td>
<td>238,661</td>
<td>222,432</td>
<td>686,114</td>
<td>6.7%</td>
</tr>
<tr>
<td>2019</td>
<td>10,523,451</td>
<td>56,400</td>
<td>238,661</td>
<td>222,431</td>
<td>702,343</td>
<td>6.7%</td>
</tr>
<tr>
<td>2015 - 2019 Change / Average</td>
<td>1,193,305; 238,661 per year</td>
<td>247,000; 21% of total</td>
<td>1,193,305</td>
<td>1,112,160; 222,432 per year</td>
<td>142,399</td>
<td>(0.0%)</td>
</tr>
</tbody>
</table>

(a) Assumes that 100% of Southpoint will be absorbed by the market due to pre-lease commitments;
(b) Conservatively assumes that 93.2% will absorbed, average 6.8% vacant, by the market through 2019;
(c) Includes Menards and Bauer Farms additions in 2015 that are fully absorbed.

These projections assume that all major outstanding commercial projects will be built by 2020 (see Table IV-A) and that each phase of Southpoint will be fully occupied in the year opened as each anchor and our parcel will be preleased prior to construction. They also assume that space vacated space by relocations within Lawrence to Southpoint will be re-occupied by other commercial tenants by 2019.

This retail market study has been prepared exclusively for the use of Collett and the City of Lawrence in planning a commercial development in Lawrence, Kansas. Otherwise, any use or reproduction of the material in this study without the expressed consent of RICHARD CAPLAN & ASSOCIATES is prohibited.
Southpoint Retail Market Study
Addendum:
Economic Impact on the City of Lawrence

August 16, 2015
City of Lawrence Property Taxes

In 2014, the property tax mill levy for land within the City of Lawrence was 124.808 mills. Of this total, 23.7% of this total, 29.534 mills is the City of Lawrence share of the total and remitted to the City of Lawrence. Southpoint will pay $207,138 per year (in 2015 dollars) to the City of Lawrence in property taxes for 46.10 acres upon full build out of the project.

The following table summarizes by the property tax payments by year beginning in FY 2018 through Southpoint build out projected in FY 2020.

The major assumptions for these figures are based on the average assessed values assigned by the Douglas County Appraiser’s Office for comparable, recently appraised commercial land and commercial buildings in the City of Lawrence in 2015 and are described following Table A - 1.

Table A - 1
Southpoint Property Taxes to the City of Lawrence

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Land (a)</th>
<th>Improvements (b)</th>
<th>City of Lawrence TOTAL TAXES</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>$86,558</td>
<td>$82,260</td>
<td>$168,818</td>
</tr>
<tr>
<td>2019</td>
<td>$86,558</td>
<td>$93,048</td>
<td>$179,606</td>
</tr>
<tr>
<td>2020</td>
<td>$86,558</td>
<td>$120,580</td>
<td>$207,138</td>
</tr>
</tbody>
</table>

Source: City of Lawrence, Douglas County Assessor.

Assumptions:
(a) The assessed value of the land will average $250,000 per acre.
(b) The assessed value of the improvements will average $65.00 per square foot of improvements.

Douglas County Projected Employment

Southpoint will generate 442 direct employment opportunities in Lawrence and Douglas County upon full build out of the development.

Restaurant and hotel employment figures are based on national industry averages adjusted for the State of Kansas. Retail employment is based on the actual average retail employment per square foot in Lawrence. The following Table A -2 summarizes these employment figures by job category and year available.
### Table A - 2
**Southpoint Employment by Labor Market Category**

<table>
<thead>
<tr>
<th>Year Opened</th>
<th>Retail Services</th>
<th>Food Services</th>
<th>Office Workers</th>
<th>TOTAL JOBS</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>202</td>
<td>27</td>
<td>0</td>
<td>229</td>
</tr>
<tr>
<td>2018</td>
<td>9</td>
<td>76</td>
<td>10</td>
<td>95</td>
</tr>
<tr>
<td>2019</td>
<td>56</td>
<td>47</td>
<td>15</td>
<td>118</td>
</tr>
<tr>
<td>2019 Total</td>
<td>267</td>
<td>150</td>
<td>25</td>
<td>442</td>
</tr>
</tbody>
</table>

% of Total  
60% 34% 6%

Source: National Restaurant Association; Kansas Department of Labor; Bureau of Labor Statistics.
KDOT worked with the USACE, FHWA, Baker University, and the public to develop wetland mitigation plans for this area. The mitigation agreement includes:

- More wetlands will be created. To replace approximately 58 acres of wetlands and habitat impacted, the state will create or restore 317 acres.
- Habitat restored. 37 acres of Upland Prairie and 16 acres of Riparian Habitats will be preserved, restored or created.
- Enhanced educational facilities. A wetland education and research center will be built dedicated to studying the role of wetlands in the environment. The facility will be run by Baker University.
- Enhanced access. The completion of the South Lawrence Trafficway represents the “final piece” in an otherwise efficient transportation system serving Douglas, Johnson and Shawnee counties, and an important step toward improving safety, reducing congestion, and supporting regional industry.
- Hike and bike trails from Iowa Street to Haskell Avenue.
- Camp site for educational use and parking areas within mitigation area.
- Preservation of the Baker Wetlands for future generations. To assist Baker University in its role as steward of the wetlands, the state will provide an endowment to cover the maintenance, operations and administration of wetlands enhancements.
- Provide a single transportation corridor through a sensitive area. 31st Street will be located closer to the South Lawrence Trafficway to reduce noise and light impacts in the Haskell Wetlands.
- Reduce noise and light impacts. Haskell Avenue and Louisiana Avenue will be relocated farther from the original Baker Wetlands.
- Noise walls will be constructed through the wetlands to minimize freeway noise impacts.
- Additional measures include:
  - A narrower median (46’ wide) will be used through the wetlands (vs. a typical 60’ wide median).
  - Limits on highway lighting through the wetlands.
  - No disturbance of the east-west historic berm (just south of existing 31st Street).
  - No grubbing in the wetlands.
  - Special construction procedures to minimize disturbance of existing soils in the wetlands.
  - All highway runoff will be diverted away from the wetlands.

**Economic Benefits**

This six-mile, four-lane freeway is projected to have a regional economic benefit of $3.7 billion, the greatest of any project under the T-WORKS program. KDOT determines economic benefit through use of a computer-modeling tool called TREDIS, which analyzes transportation benefits, including:

- Congestion relief
- Travel time savings
- Market access expansion
- Safety impacts
- Contingent development
- New population markets

The completion of the South Lawrence Trafficway represents the “final piece” in an otherwise efficient transportation system serving Douglas, Johnson and Shawnee counties, and an important step toward improving safety, reducing congestion, and supporting regional industry.

**CONTACT INFORMATION**

Kimberly Qualls  
NE Kansas KDOT Public Affairs Manager  
785.296.3881  
kqualls@ksdot.org  

For additional information on the SLT visit www.ksdot.org/TWORKS

**Mitigation Plans for Baker Wetlands**

KDOT worked with the USACoE, FHWA, Baker University, and the public to develop wetland mitigation plans for this area. The mitigation agreement includes:

- preservation of the Baker Wetlands for future use.
- Campsite for educational use and parking areas within the mitigation area.
- Hike and bike trails from Iowa Street to Haskell Avenue.
- Enhanced educational facilities.
- Habitat restored. 37 acres of Upland Prairie and 16 acres of Riparian Habitats will be preserved, restored or created.
- Enhanced access.
- Hike and bike trails from Iowa Street to Haskell Avenue.
- Camp site for educational use and parking areas within the mitigation area.
- Preservation of the Baker Wetlands for future generations.
- To assist Baker University in its role as steward of the wetlands, the state will provide an endowment to cover the maintenance, operations and administration of wetlands enhancements.

- Provide a single transportation corridor through a sensitive area. 31st Street will be located closer to the South Lawrence Trafficway to reduce noise and light impacts in the Haskell Wetlands.
- Reduce noise and light impacts. Haskell Avenue and Louisiana Avenue will be relocated farther from the original Baker Wetlands.
- Noise walls will be constructed through the wetlands to minimize freeway noise impacts.
- Additional measures include:
  - A narrower median (46’ wide) will be used through the wetlands (vs. a typical 60’ wide median).
  - Limits on highway lighting through the wetlands.
  - No disturbance of the east-west historic berm (just south of existing 31st Street).
  - No grubbing in the wetlands.
  - Special construction procedures to minimize disturbance of existing soils in the wetlands.
  - All highway runoff will be diverted away from the wetlands.

**Study Goals**

During the years of study, Kansas Department of Transportation (KDOT) examined in detail, twelve different alignment options including the option of doing nothing (“no build”). The detailed reviews evaluated each of the alternatives based on:

- Safety — projected crash rates
- Efficiency — congestion relief, volume of traffic diverted from city streets, length of alignment
- Environmental impacts — farmland impacts, visual and noise impacts, wetland impacts, cultural and historic resource impacts (avoidance, minimization, and mitigation for impacts taken into account)

KDOT examined in detail, twelve different alignment options including the option of doing nothing (“no build”). The detailed reviews evaluated each of the alternatives based on:

- Safety — projected crash rates
- Efficiency — congestion relief, volume of traffic diverted from city streets, length of alignment
- Environmental impacts — farmland impacts, visual and noise impacts, wetland impacts, cultural and historic resource impacts (avoidance, minimization, and mitigation for impacts taken into account)

Based on these criteria, two federal agencies, the Federal Highway Administration (FHWA) and the U.S. Army Corps of Engineers (USACE) approved the preferred “32nd Street” alignment, which is shown above and in greater detail inside this brochure.

**BY THE NUMBERS**

- **Location** — Complete K-10 from South Junction of US 59/K-10 to East K-10
- **Cost** — $150 Million
- **Construction Cost** — Length — 6 Miles
- **Economic Impact** — $3.7 Billion
- **Benefit to the Kansas Economy** — Fall 2013 Begin Construction
- **Fall 2016 Open to Traffic”

As part of the 2010 T-WORKS transportation program, the South Lawrence Trafficway (SLT) was identified as the number one priority for the state of Kansas and has the highest economic benefit of all the projects in the T-WORKS program. After years of study, the SLT is moving forward.

K-10 and I-70 are vital links for the state - connecting Manhattan, Topeka, Lawrence and Johnson County. These corridors are paramount in supporting commerce, education and culture.

For additional information on the SLT visit www.ksdot.org/TWORKS  

KDOT Project #10-23 K-8392-04

Kimberly Qualls  
NE Kansas KDOT Public Affairs Manager  
785.296.3881  
kqualls@ksdot.org  

For additional information on the SLT visit www.ksdot.org/TWORKS
1. Complete diamond interchange at Iowa Street
2. Shared use path along north side of K-10
3. Relocate Louisiana Street south of 31st Street
4. Remove existing Louisiana Street
5. Relocated Louisiana Street goes over K-10
6. Relocated New Louisiana Street ties into existing Louisiana Street
7. Relocate Louisiana Street north of 31st Street, connects eastern sidewalk into new shared use path (under 31st Street and under K-10)
8. Remove existing 31st Street
9. Relocate 31st Street
10. Shared use path
11. Noise Walls (S. side of SLT and between SLT and relocated 31st Street)
12. Bridge over historic berm
13. Folded diamond interchange at Haskell Avenue
14. Eradicate existing Haskell Avenue
15. Relocate Haskell Avenue
16. K-10 over O’Connell Road
17. City 31st Street construction project/potential county 31st Street project
18. Fully directional interchange
19. K-10 over relocated E. 31st Street
20. Noria Road/E. 1750 Road over K-10
21. Noria Road/E. 1750 Road over 23rd Street
22. Wetlands education and research facility
23. Horizon Frontage Road
24. Firehouse entrance
Z-15-00327: Rezone 63.89 acres from RS10 District to CR District &
Z-15-00328: Rezone 2.61 acres from RS10 District to OS District
Located at Southeast Corner of US 59 Highway (Iowa Street) & East Leg of K-10 Highway

Lawrence-Douglas County Planning Office
August 2015

[Map showing areas covered by rezoning requests]
August 12, 2015

Dear Commissioner Britton and members of the Lawrence Douglas County Planning Commission, Mayor Farmer and members of the Lawrence City Commission
c/o Director of Planning Scott McCullough:

Some friends and I were sitting around talking the other afternoon after one of our get-togethers and the subject of the retail project that had been proposed for K-10 and South Iowa last summer came up in discussion. We were all fairly baffled as to why the project had not proceeded, and did a little research as to some of the issues surrounding this application. The result of our education was disappointment in the resistance we learned was directed toward the earlier project, and we wanted to share some thoughts with you to encourage you to approve the revised application.

The members of our group are between the ages of 55 – 75. Most of us are retired from professional careers. We continue to be involved in the community and support a variety of local social service and arts organizations through our contributions and service on boards. Those include organizations such as the Lawrence Art Center, the Lawrence Schools Foundation, Cottonwood, Bert Nash, the Boys and Girls Club, Rotary and many others. We love going to movies at Liberty Hall, eating at downtown restaurants, and frequenting our delightful mix of local retailers.

In addition to shopping downtown, we all also shop on South Iowa and we all shop in Kansas City. We collectively agree that we would like to shop less in Kansas City. If we had Old Navy, DSW, Home Goods and the mix of other stores that have made commitments to the Southpoint location, we would patronize those stores instead of spending those dollars at Oak Park, Town Center or the Legends. We understand the value of keeping our sales tax dollars local, and while none of us claims we would never shop in Kansas City again, we would definitely go less often and spend more money here if this project is approved.

Lawrence has struggled over the years to combat a reputation of being a hard place to do business. We see nothing but positives with this project and hope the developer gets a warmer welcome this time than was offered last summer. They seem to be professional and experienced and are requesting the opportunity to make a multi-million dollar investment in our community. They have commitments from numerous desirable retailers who want to be part of this project in this location. The project already received a positive recommendation from our professional planning staff last summer. This is being offered to us at a time when the state continues to cut funding for our schools and social services, and we are being asked to pick up those costs locally. We have among us retired teachers and are all strong supporters of public education. We support the city’s plan to hire new police officers, build bike trails, and we support the homeless shelter and other not for profit organizations and agencies the city funds. Those are all desirable goals for our community that we should be able to afford without taxing ourselves out of our homes and businesses. This project would generate significant sales and property tax that could pay for many of the items on our community wish list. It is also our understanding that the developer is asking for an opportunity to make this multi-million dollar investment in our community without a request for any incentives.

We believe there are more than satisfactory answers to any and all of the objections and comments made against the project last year. These are as follows:

1. Competition with downtown. We do not believe this will be completion for downtown. We have even spoken with downtown merchants who do not believe this will be competition. In fact they believe that any project that keeps Lawrence shoppers in town rather than heading to Kansas
City will benefit downtown, and that downtown merchants will capture an additional share of the dollars we currently lose to other communities. Additionally, having multiple sites and opportunities for retailers to locate will keep retail rents at competitive market rates, which will in turn allow our wonderful eclectic mix of locally owned “mom and pop” downtown businesses able to continue to operate successfully.

2. Competition with other developments. Retailers spend millions of dollars each year researching the best locations for their business to be successful. These retailers have determined their optimum chance for success is this south Iowa site. Other developments will evolve over time, and attract different businesses that are more compatible with their specific demographics. It is important to have a variety of sites for retailers to locate, just as it is important to have a variety of sites for industrial users to locate. That gives Lawrence the best opportunity to capture the most sales and property tax dollars, and generate the most jobs and employment opportunities, and keep rents affordable for all businesses.

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You may have received this same letter from other members of our group, it was a collaborative effort based on our joint discussions. Thank you again for consideration of our thoughts.

Respectfully yours,

[Signature]
Hi Clay

I wanted to reach out to you and see if you had any concerns or comments on the captioned property slated for discussion at the August 24th Planning Commission meeting. I am part of the applicant group and we would very much appreciate your support. As you are no doubt aware, we did not receive a positive vote the last time we made application back in July of 2014. We listened to all comments and I believe we've made adjustments that will please the commission.

The main argument we heard at the last meeting in July of 2014 was that the project was too big. We have reduced the size of the project by around 60%. We still have commitments from our major tenants, so sales tax revenue, jobs and property tax should still be of strong benefit, not to mention construction jobs. But the size of the overall center is significantly smaller.

We are still not asking for any assistance from the city or county in the way of TIF, CID, TDD, etc. Other proposed developments cannot claim that.

The other main argument for not approving last year was “it is in the wrong place.” We assumed from those comments that officials wanted to give the Mercato development a chance to find and bring new tenants to their project. We respectfully submit that The Mercato has now had 8 years to sign tenants to their project and as of the writing of this email, I am not aware of one tenant willing to locate in that project. We cannot tell retailers where to locate their stores. They tell us. And they are telling us they want to be at Southpoint, not Mercato. Mercato will no doubt be developed with the success of Rock Chalk Park in mind. But it will not attract these types of retailers, at least not for awhile. I’m guessing Mercato will attract motels, restaurants and smaller retailers who will cater to the weekend attendees at Rock Chalk. If Academy Sports, Marshalls Home Goods, Old Navy, Designer Shoe Warehouse and others were attracted to Mercato, they would be building there now. The site is approved and has been for years. These retailers are waiting for our development to be approved. And with your vote we can welcome them to Lawrence.

There was an argument made that this project should not be approved because it would require an amendment to Horizon 2020. Respectfully, Mercato also required an amendment to be approved and just recently required another amendment to be increased in size. Horizon 2020 has been amended over 40 times including the amendments for Mercato. And frankly, the amendment for this project is far less reaching than the ones for Mercato. This ground is already approved for commercial activity, we just want to broaden the use groups.

Someone said they thought this project would “kill downtown Lawrence.” I heard the same argument when I brought Target to Lawrence in the ’90s, as well as when we brought Kohl’s, Home Depot, etc. These stores help Lawrence keep shoppers here, which benefits downtown. Also, Downtown Lawrence is healthier than it’s ever been with more living units coming and more businesses eyeing it for development. I’ve lived here all my life and have been in the commercial real estate business for 28 years and I’ve never seen our downtown stronger.

Finally, as was discussed last year, this will become a “gateway” entrance to Lawrence. The zoning is already in place to allow car dealerships, car repair shops, convenience stores, truck stops, etc. I think we could all agree that a high end shopping area with beautiful amenities such as the ones we propose would be nicer at the entrance to South Lawrence than these already approved “vehicle related” uses. This will also be a nice amenity for commuters to Topeka and Kansas City traveling on the bypass.

Please let us know if you will not be able to attend this meeting. Last year we were very surprised that three commissioners were absent for our presentation and one had to abstain. Therefore, we only had six commissioners available to hear our comments. We’d very much like to be heard by all of you.
Thanks for your time on this. We appreciate all you do for our community by serving on this board. Please don't hesitate to contact me with comments or questions regarding this development.

Highest Regards,

Doug Brown
Senior Commercial Partner
McGrew Commercial
1501 Kasold Drive
Lawrence, Kansas 66047
785-838-8244 D
785-766-9355 C
785-843-2466 F
dougbrown@askmcgrew.com

"Principles mean more than any money or success"
August 2015

Dear Commissioner Britton and members of the Lawrence Douglas County Planning Commission, and Mayor Farmer and members of the Lawrence City Commission

c/o Director of Planning Scott McCullough:

Some friends and I were sitting around talking the other afternoon after one of our get-togethers and the subject of the retail project that had been proposed for K-10 and South Iowa last summer came up in discussion. We were all fairly baffled as to why the project had not proceeded, and did a little research as to some of the issues surrounding this application. The result of our education was disappointment in the resistance we learned was directed toward the earlier project, and we wanted to share some thoughts with you to encourage you to approve the revised application.

The members of our group are between the ages of 55 – 75. Most of us are retired from professional careers. We continue to be involved in the community and support a variety of local social service and arts organizations through our contributions and service on boards. Those include organizations such as the Lawrence Art Center, the Lawrence Schools Foundation, Cottonwood, Bert Nash, the Boys and Girls Club, Rotary and many others. We love going to movies at Liberty Hall, eating at downtown restaurants, and frequenting our delightful mix of local retailers.

In addition to shopping downtown, we all also shop on South Iowa and we all shop in Kansas City. We collectively agree that we would like to shop less in Kansas City. If we had Old Navy, DSW, Home Goods and the mix of other stores that have made commitments to the Southpoint location, we would patronize those stores instead of spending those dollars at Oak Park, Town Center or the Legends. We understand the value of keeping our sales tax dollars local, and while none of us claims we would never shop in Kansas City again, we would definitely go less often and spend more money here if this project is approved.

Lawrence has struggled over the years to combat a reputation of being a hard place to do business. We see nothing but positives with this project and hope the developer gets a warmer welcome this time than was offered last summer. They seem to be professional and experienced and are requesting the opportunity to make a multi-million dollar investment in our community. They have commitments from numerous desirable retailers who want to be part of this project in this location. The project already received a positive recommendation from our professional planning staff last summer. This is being offered to us at a time when the state continues to cut funding for our schools and social services, and we are being asked to pick up those costs locally. We have among us retired teachers and are all strong supporters of public education. We support
the city’s plan to hire new police officers, build bike trails, and we support the homeless shelter and other not for profit organizations and agencies the city funds. Those are all desirable goals for our community that we should be able to afford without taxing ourselves out of our homes and businesses. This project would generate significant sales and property tax that could pay for many of the items on our community wish list. It is also our understanding that the developer is asking for an opportunity to make this multi-million dollar investment in our community without a request for any incentives.

We believe there are more than satisfactory answers to any and all of the objections and comments made against the project last year. These are as follows:

1. Completion with downtown. We do not believe this will be completion for downtown. We have even spoken with downtown merchants who do not believe this will be competition. In fact they believe that any project that keeps Lawrence shoppers in town rather than heading to Kansas City will benefit downtown, and that downtown merchants will capture an additional share of the dollars we currently lose to other communities. Additionally, having multiple sites and opportunities for retailers to locate will keep retail rents at competitive market rates, which will in turn allow our wonderful eclectic mix of locally owned “mom and pop” downtown businesses able to continue to operate successfully.

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You may receive this same letter from other members of our group, so I want to let you know that it is the result of a collaborative effort based on our joint discussions.

Respectfully yours,

Karen Cochran

--

Karen Cochran
321 Woodlawn Drive
Lawrence, KS 66049
785-550-5052
kccoehran321@gmail.com
August 11, 2015

Dear Commissioner Britton and members of the Lawrence Douglas County Planning Commission, Mayor Farmer and members of the Lawrence City Commission

c/o Director of Planning Scott McCullough:

Some friends and I were sitting around talking the other afternoon after one of our get-togethers and the subject of the retail project that had been proposed for K-10 and South Iowa last summer came up in discussion. We were all fairly baffled as to why the project had not proceeded, and did a little research as to some of the issues surrounding this application. The result of our education was disappointment in the resistance we learned was directed toward the earlier project, and we wanted to share some thoughts with you to encourage you to approve the revised application.

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Lawrence has struggled over the years to combat a reputation of being a hard place to do business. We see nothing but positives with this project and hope the developer gets a warmer welcome this time than was offered last summer. They seem to be professional and experienced and are requesting the opportunity to make a multi-million dollar investment in our community. They have commitments from numerous desirable retailers who want to be part of this project in this location. The project already received a positive recommendation from our professional planning staff last summer. This is being offered to us at a time when the state continues to cut funding for our schools and social services, and we are being asked to pick up those costs locally. We have among us retired teachers and are all strong supporters of public education. We support the city’s plan to hire new police officers, build bike trails, and we support the homeless shelter and other not for profit organizations and agencies the city funds. Those are all desirable goals for our community that we should be able to afford without taxing ourselves out of our homes and businesses. This project would generate significant sales and property tax that could pay for many of the items on our community wish list. It is also our understanding that the developer is asking for an opportunity to make this multi-million dollar investment in our community without a request for any incentives.

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Our interests are encouraging you to roll out the red carpet for this project and say “thank you” to this developer and to these retailers. We would commit to patronizing their stores and shift a great deal of our Kansas City shopping to their cash registers. We also believe that our dozen or so members are highly representative of hundreds (and even thousands) of people in our community who share our opinion about this, and we encourage you to approve this project.

Respectfully yours,
Scott, Clay and Leslie:

I wanted to add my vote of support to the South Iowa Project.

I know you are getting letters from other ladies, voicing their support, so am not going to duplicate that message.

However, I believe that there is synergy from development and the re-sized development proposal will be a good draw to increase our retail sales tax base; and it will not take away from our vibrant downtown.

I understand this proposal will come before the Planning Commission on August 24, and then before the City Commission.

I appreciate your consideration and support of this project.

Joan Golden
1132 West Hills Pky
Lawrence, KS  66044
785-842-7544
August 12, 2015

Dear Commissioner Britton and members of the Lawrence Douglas County Planning Commission,  
Mayor Farmer and members of the Lawrence City Commission  
c/o Director of Planning Scott McCullough:

Some friends and I were sitting around talking the other afternoon after one of our get-togethers and  
the subject of the retail project that had been proposed for K-10 and South Iowa last summer came up  
in discussion.  We were all fairly baffled as to why the project had not proceeded, and did a little  
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You may have received this same letter from other members of our group, it was a collaborative effort based on our joint discussions. Thank you again for consideration of our thoughts.

Respectfully yours,

Sheryl Jacobs
I am very much in favor of the South Lawrence shopping center. Among many other things, I think it would keep many people from doing their shopping in KC. Lawrence could use and would support more good shopping.

Marcia Oelschlager
TO: Lawrence-Douglas County Metropolitan Planning Commission
   Amalia Graham (amalia.graham@gmail.com)
   Jim Denney (denney1@sunflower.com)
   Patrick Kelly (pkelly@usd497.org)
   Pennie von Achen (squampva@aol.com)
   Julia Butler (julia.v.butler@gmail.com)
   Clay Britton (clay.britton@yahoo.com)
   Bryan Culver (bculver@gmail.com)
   Bruce Liese (bruce@kansascitysailing.com)
   Rob Sands (Robert.c.sands@gmail.com)
   Eric Struckhoff (eric.c.struckhoff@gmail.com)

CC: Scott McCullough, Director, Planning and Development Services
    (smccullough@lawrenceks.org)

FROM: Price T. Banks

DATE: August 24, 2015

RE: South Point Shopping Center

Please see the attached letter prior to tonight’s Planning Commission hearing.
City of Lawrence Planning Commission  
PO Box 708  
Lawrence, Kansas 66044  

Re: South Point Shopping Center  

Commissioners:  

The purpose of this communication is to voice opposition to the South Point Shopping Center proposals before you that fly in the face of good planning practices, and violate the policies and principals set out in the Comprehensive Plan for Lawrence and Douglas County.  

I have been asked by a law firm to consult with landowners and others about the staff report findings generally and about whether the simultaneous action to amend the Comprehensive Plan and to rezone the subject property reflects the goals of the Comprehensive Plan.  

By way of introduction:  

I hold a Bachelor’s degree in Urban Planning, and a Master’s degree in “Community Development from Michigan State University. I hold a JD from Cooley School of Law.  

I was Planning Director for Lawrence and Douglas County for 12 years from 1982 to 1994.  

I have been a professional Planner for 47 years, and practiced Land Use Law and Municipal Law for over 20 years. I’ve worked in dozens of communities in Kansas, Missouri and Michigan, and have served as a City Attorney, and as a County Administrator.  

I’ve taught Planning classes at the Graduate School for Urban Planning at the University of Kansas.  

I presided over the ad-hoc committee that drafted the original version of the current Kansas Planning & Zoning Enabling Legislation.  

I have drafted Land Use regulations for many Cities and Counties.  

I am writing to encourage the Planning Commission to engage in sound, accepted planning practices when dealing with the South Point applications, and to uphold the
tradition of planning excellence in Lawrence and Douglas County. Moreover, I urge you to resist being rushed into decisions that imperil the existing commercial properties.

Horizon 2020 is the result of years of study and dialogue of many of the true stakeholders in Lawrence and Douglas County. Those were not efforts to be taken lightly. Amendments to the Comprehensive Plan should follow the same procedures and involve the same stakeholders. While the Plan has been amended many times in relatively minor ways, more significant amendments were carefully studied, and were not adopted until the planning commission and the governing bodies determined that there was a community consensus.

Community planning was originally conceived so that citizens, public officials and property owners would have policies and procedures on which they could base decisions regarding investments, both public and private. It was conceived as a mechanism to improve the quality of life in a community. Although plans must not be set in concrete, they should not be changed whenever a proposal is inconvenienced by those plans. They need to provide a steadying feature to assist planners to achieve a positive influence on the quality of life in the community. If they are amended on a reactive basis, they become meaningless.

About thirty two years ago, Lawrence denied an application for commercial zoning for what became known as the “Cornfield Mall” at the site of the current proposal. That application was denied, and the courts affirmed the action, and affirmed the right of our community to map a future that could be depended on by the citizens.

In the present case, it is suggested that the purpose of the amendment is to bring Horizon 2020 and the Revised Southern Development Plan into alignment with the proposed commercial center.

That simply stated is putting the cart before the horse. A development proposal should be in alignment with Horizon 2020, or should not be considered. Any proposal needs to meet all of the criteria of the Plan or it should not be considered. Piecemeal leapfrog amendments to the Comprehensive Plan are not planning but are anti-planning, and take us back to the days when there was no planning at all.

The present proposal expands the regional center to intrude into lower intensity land uses including agricultural land and open space and regulated flood plain, and therefore is contrary to the provisions of the Comprehensive Plan. It meets none of the design criteria of the Plan. It expands the center far beyond the set maximum of 1.5 million square feet, and creates a precedent for additional expansion and a precedent for a gauntlet of strip commercial land uses, signs and the resulting traffic congestion.

I urge you to deny the request to amend Horizon 2020, and to preserve the tradition of excellent planning practice in Lawrence and Douglas County.

Sincerely,

Price Banks
August 23, 2015

Dear Commissioner Britton and members of the Lawrence Douglas County Planning Commission, Mayor Amyx and members of the Lawrence City Commission c/o Director of Planning Scott McCullough:

I would like to express my support for the retail area being proposed for K-10 and South Iowa and encourage you to send it on to the city commission with a favorable recommendation.

We have a developer who is willing to invest their money in our community asking very little in return – only a zoning change from auto retail to general retail. What better place for this center than at a major intersection of two major roads. This center will keep shopping here in Lawrence and Douglas County as well as drawing from smaller communities around Lawrence.

This project would generate significant sales and property tax dollars that could help pay for many of the items on our community wish list. Many downtown merchants agree that this project will benefit their businesses and having additional shoppers, who make multiple stops in their shopping day, a positive for the city. Additional retail locations will keep the rents lower and benefit all of us.

Please give a favorable vote for the Southpoint development project.

Regards,

Jane Bateman
926 West 29th Street
Lawrence, KS 66046
August 22, 2015

TO: Mr. Clay Britton, Chair, and Members of the Lawrence-Douglas County Metropolitan Planning Commission


The League of Women Voters is opposed to the request to amend Horizon 2020 and to rezone the acres under discussion. A Horizon 2020 Steering Committee has been updating the plan since February 2014 and they have received valuable public input along the way. The Committee next meets on August 31, 2015 to consider recommending that the Planning Commission, City Commission and County Commission accept their Issue Action Report. The League believes it would be irresponsible for the Planning Commission to acquiesce to a rezoning request until it has had the opportunity to accept and review the Steering Committee’s Report.

Should the Committee decide to continue with the current agenda, we would like to point out that a quick perusal of two commercial realty websites identified 41 retail properties for lease in the city of Lawrence, including eight located in the downtown area. While several of those are small, one is 30,000 square feet and another 20,226 square feet. The vacant Discovery Furniture/Roommakers building on Iowa Street is 47,979 square feet and, of course Mercato, adjacent to Rock Chalk Park, is 600,000 square feet of vacant retail space.

For those reasons, we respectfully request that you deny the amendment to Horizon 2020 and the rezoning requests.

Sincerely,

Debra Duncan, President

Alan Black, Chairman Land Use Committee

PO Box 1072 Lawrence, KS 66044-1072
lawrenceksleague@gmail.com - www.lawrenceleague.com
www.facebook.com/lwvlde - www.twitter.com/lwvlde
August 24, 2015

VIA ELECTRONIC MAIL

Amalia Graham (amalia.graham@gmail.com)
Jim Denney (denney1@sunflower.com)
Patrick Kelly (pkelly@usd497.org)
Pennie von Achen (squampva@aol.com)
Julia Butler (julia.v.butler@gmail.com)
Clay Britton (clay.britton@yahoo.com)
Bryan Culver (bcculver@gmail.com)
Bruce Liese (bruce@kansascitysailing.com)
Rob Sands (Robert.c.sands@gmail.com)
Eric Struckhoff (eric.c.struckhoff@gmail.com)
Lawrence-Douglas County Metropolitan Planning Commission
City of Lawrence, Kansas
City Hall
6 East 6th Street
Lawrence, KS 66044

Re: South of K-10 Commercial and Retail Applications, CPA-15-00335; Z-15-00327; Z-15-00328

Dear Members of the Planning Commission:

I represent K-10/40 Development, L.C., whose managers have an interest in commercial properties in Lawrence, Kansas, including in downtown Lawrence and in the Mercato retail and commercial development at the northeast corner of Highways 40 (6th St.) and 10 in Northwest Lawrence. Tonight, the Commission will consider a Comprehensive Plan Amendment to Horizon 2020 Chapters 6 and 14 relating to an application for commercial development south of K-10, along with considering two rezoning requests affecting the same Project (the “Project”). For the reasons outlined here, the Commission should not recommend approval of the changes to the Lawrence Comprehensive Plan and related zoning.

The proposed Comprehensive Plan Amendment does not conform to certain Horizon 2020 policies. Staff acknowledges the proposed Project is a departure from the adopted form, level and type of commercial development envisioned for the site. Traditional neighborhood design is encouraged at this location and development should be undertaken in the form of Planned Development Overlays (p. 1-3), but these policies are proposed to be abandoned at the point in time they should be considered, that is, now (p. 1-3).
Further, staff notes in multiple places that a number of retail and commercial developments will be negatively affected by the Project because it could impact the timing of development for other properties (p. 1-2) and by potentially underserving the areas around these other locations (p. 2A-13). This includes Mercato and a number of other sites mentioned in the report, and there are businesses and locations that are not mentioned in the report. The pending requests veer from existing policies and implicate significant questions of public policy and planning.

These are not abstract considerations. There are approximately 1.3 million square feet of commercial inventory already available in the City (p. 1-9). The City should not change its Comprehensive Plan to add another 247,000 square feet -- what the Project applicants seek -- at the risk of damaging what exists.

Horizon 2020’s goals and criteria for directing land use decisions center on the Nodal Development Concept for new commercial development (Horizon 2020, 6-2). Nodal Development is the antithesis of "strip development." Yet, tonight's proposed Comprehensive Plan Amendment and related zoning amendments would allow the extension of the already largest strip center in the City to jump across K-10 and into the flood plain.

Critically, staff states that the reason for the Comprehensive Plan Amendment is to "bring Horizon 2020 and the Revised Southern Development Plan into alignment with the proposed commercial center." But this approach assumes the Project itself should dictate what Horizon 2020 and the SDP should contain, rather than the other way around, that is, that the City's policies should dictate whether the Project is appropriate. This is a significant and sharp departure from public policy and Horizon 2020.

The direction established in Horizon 2020 for this location is that regional commercial “shall not” occur south of K-10. K-10 is viewed in Horizon 2020 as a “barrier” to commercial development of the kind now being proposed.

The central issue for tonight is to address whether the City process and directives under Horizon 2020 are being followed. Staff recognizes that there has not been a change in public policy (see p. 1-17 of the report). That the City has been working with a task force to review Horizon 2020 establishes that it is premature to change or gauge public policy.

The Project proposed is smaller than the proposal disapproved by the Commission last year, but the same planning principles that applied to the denial then apply with as much force now. The Project proposed is a smaller but no less potent dose of the type of development that has not been contemplated by or authorized under the City's Comprehensive Plan, and staff acknowledges that nearby properties will be entitled to further commercial development (p. 2A-13).
The proper focus for the Project plan is against the backdrop of the City’s Comprehensive Plan policies and goals. We urge the Commission to adhere to Horizon 2020 and to vote against this Project until the public process has been properly engaged.

Very truly yours,

Mary Jo Shaney

MJS:hkm
cc: Scott McCullough, Director, Planning and Development Services, via e-mail smccullough@lawrenceks.org
    James C. Bowers, Jr., Esq., via e-mail jbowers@whitegoss.com
From: Heidi Simon [mailto:heidi.j.simon@gmail.com]
Sent: Friday, August 21, 2015 4:42 PM
To: clay.britton@yahoo.com; Patrick Kelly <PKelly@usd497.org>; Amalia.graham@gmail.com; Julia.v.butler@gmail.com; bculver@gmail.com; Robert.c.sands@gmail.com; Denney1@sunflower.com; squampva@aol.com; bruce@kansascitysailing.com; Eric.c.struckhoff@gmail.com
Cc: mikeamyx515@hotmail.com; lsoden@lawrenceks.org; sboley@lawrenceks.org; matthewjherbert@gmail.com
Subject: SouthPoint Rezoning

Dear Commissioners,

First, I want to thank you for your time and commitment to Lawrence in your planning commissioner roles. What you do matters greatly to our amazing city and I know you fulfill this role with little recognition and appreciation. So, thank you!

I am writing today because I can’t be at the meeting on Monday and I want to voice my strong support for the approval of the items on your agenda to rezone the Southeast corner of SLT and US-59.

I did attend the meeting last year and I was disappointed when the vote conversation turned from “rezoning” to how people feel about the development. My take on the vote is the following:

1. This area is already zoned for some type of commercial use. A vote for this is simply changing the type of zoning from auto-related to regional commercial. There will be development in this area. The question becomes what do we want this commercial development to add to our community (both visually and in tax dollars). I love me some Lawrence, KS, but one of my least favorite first impression/gateways to our city is the east 23rd st./K-10 entrance. All of the businesses along this corridor are great for Lawrence, however they just don’t create a very welcoming entry point to Lawrence. I’m afraid if we keep the current zoning on the Southeast corner as auto-related, we will indeed have another E. 23rd st. entry to Lawrence.

2. Other developers in town might suggest that changing this to regional commercial will take away from other areas that are already zoned for this use. Before the Rock Chalk Park development I might have supported this thought. However, since RCP it is clear to me that area has special opportunities for development that won’t work in other areas of the city. It is my personal belief that the RCP area would benefit most from hotels, restaurants and movie theatres. Not to mention, retail wants to be by other retail. I believe this be one of the biggest reasons it’s not already developed. So even if we want this to happen, we can't make the retailers want this.

3. Tax dollars. I’m not sure if the developers estimates are exactly correct on the amount of money this development will bring to our city, but I know it’s more than zero, which is the current amount. We are in desperate need of dollars staying in our city and coming into our city. I read somewhere that some say the stores coming in won’t bring in more money, it will just shift it from other businesses in Lawrence. Although this may happen in few instances, it is a fact that millions of dollars leave our community for the exact type of stores that this development will be adding. I am an example of this and pretty much everyone else I know is too. This will keep money in Lawrence and will add money to Lawrence from our smaller communities surrounding us.

4. It is my understanding the developers are not asking for any tax breaks or incentives. This is unheard of. How can we turn this down when we so desperately need more tax dollars to come to and stay in Lawrence and on top of it they aren’t asking for tax breaks?

5. I miss Old Navy.

At the end of the day, this really comes back to my first point. Do we want this to be auto-related or regional commercial? I want this commercial area to add tax dollars and a well-planned/designed/sculptured/landscaped area. Let’s get this right.

Thank you for your time and I would be grateful to receive a response that you have at least read this email.
Heidi Simon
5503 Chameny Ct.
Lawrence, KS 66049
August 21, 2015

Lawrence-Douglas County Planning Commission
City of Lawrence, Planning & Development Services
P.O. Box 708
Lawrence, Kansas 66044

Re: Supplemental Memorandum to the Lawrence-Douglas County “Planning Commission Report” for the August 24, 2015 Planning Commission Meeting

Dear Chairman Britton and Members of the Planning Commission:

I am writing on behalf of Collett in support of the opportunity the Commission has at its August 24, 2015 meeting to consider and recommend approval of the following agenda items:

**Item 1**: Comprehensive Plan Amendment to Horizon 2020 Chapters 6 & 14;

**Item 2A**: Rezoning from RS10 to CR at the Southeast Corner of SLT & US-59; and

**Item 2B**: Rezoning from RS10 to OS at the Southeast Corner of SLT & US-59.

Each of the foregoing applications was filed by Landplan Engineering on behalf of the owners of the subject property, Armstrong Management and Grisham Management (collectively, the “Applicant”). After withdrawing its previous application to address concerns stated at the prior Planning Commission hearing that the project be scaled-down, the Applicant has reduced the proposed development consistent with the Planning Commission’s comments.

**INTRODUCTION**

By recommending approval of the three (3) requests above, the Planning Commission has an opportunity to benefit the entire City of Lawrence by creating expanded shopping opportunities that will prevent existing spending from exiting Lawrence and draw new dollars to the City, which will increase City sales and property tax revenues (to the tune of nearly $1.5 million annually), and create nearly 500 new jobs for Lawrence and Douglas County residents.

But perhaps more importantly, SouthPoint presents the ideal opportunity to create an attractively-designed, graciously-landscaped southern “gateway” to the City of Lawrence at the
The current zoning (RS10) is inappropriate for the subject property and was merely intended to serve as a “Holding Zone”

As noted in the Staff Report, the existing residential zoning designation is a remnant of a past practice to apply low-density residential zoning automatically upon annexation. See e.g. Staff Report, at Item No. 2B-9 (“In 1979, as properties were annexed into the City Limits, the RS-1 district was commonly used as a holding zone.”).

Thus, a residential zoning designation was never intended to be the permanent zoning for the site, nor is it the most effective use of this highway-interchange location or a desirable spot to place single-family homes.

In fact, Horizon 2020 already prescribes a very high intensity use for the site (auto-related commercial). The question is not if the site should be rezoned, but which of the two options before you (auto-related commercial or regional commercial) is the more appropriate alternative.

The requested comprehensive plan amendment represents a lateral move to a similar-in-intensity, but more appropriate and desirable alternative for the southern “Gateway” to the City

As set forth at Item 1-2 of the Staff Report, the Applicant is requesting that Horizon 2020 be amended to change the future land use designation from Auto-Related Commercial to Regional Commercial. These uses are essentially equivalent in terms of intensity and are subject to many of the same provisions under Horizon 2020. There is one major difference, however, in that auto-related commercial centers are not particularly attractive, and typically comprise small service buildings and large car lots and truck plazas. This stands in contrast to the attractively-designed and graciously-landscaped southern “gateway” that SouthPoint offers.
As the Staff Report explains:

SouthPoint will “provide a more substantial buffer for the Wakarusa River riparian areas,” and “[t]he public stands to gain . . . through preservation of a linear connection of the riparian lands leading into the Baker Wetlands.” See Staff Report, at Item No. 2B-1, -12.

In addition to the economic, aesthetic and environmentally-conscious factors that make SouthPoint a preferable alternative to an auto-related commercial center, the City has experienced significant redevelopment of auto-related commercial uses in recent years. Dealerships such as Briggs Subaru, Lawrence Kia, Jack Ellena Honda, Crown Toyota and Dale Willey Automotive have all invested significant additional capital toward enhancing and/or expanding their current locations. The result of this redevelopment is a limited demand for auto-related uses at the corner of SLT and US 59.

The Lawrence retail market, by contrast, is primed to see significant growth in the next few years through appropriate development, such as extending the South Iowa Regional Commercial Center to its logical southern terminus at SouthPoint. A commercial zoning designation not restricted to auto-related uses is the much more appropriate and desirable alternative.

C. SouthPoint Embraces the Significant Opportunity that Exists to Grow Lawrence’s Retail Market

According to a recent study by Caplan & Associates, SouthPoint is the ideal location for a retail development based on a variety of factors. With the addition of national retailers who do not yet serve Douglas County shoppers and its prime location adjacent to Lawrence’s largest commercial district, SouthPoint is projected to increase City sales and property tax revenues by a combined $1.5 million annually. See SouthPoint Retail Market Study, prepared by Richard Caplan & Associates, at 12 (Aug. 14, 2015) (attached to Staff Report as exhibit to Item No. 1). The development will also create expanded shopping opportunities and nearly 500 new jobs for Lawrence and Douglas County residents. Id.

SouthPoint is Designed to Attract New-to-Market Tenants. The Applicant has assembled a mix of tenants that will allow the shopping center to thrive in Lawrence’s retail market. As noted in the Caplan Study referenced above, Douglas County currently has a pull factor of 0.91, meaning the County “leaks” $0.09 of every dollar to be spent elsewhere. Lawrence similarly ranks 17th out of the State’s 25 first-class cities. “Altogether, this leakage offers an opportunity for retail growth, especially among those sectors where the sales leakage is greatest.” Id. at 6.

Eight of the eleven major retail categories designated by NAICS are planned to be located at SouthPoint, including two of the poorest performing sectors in terms of pull factor:
As framed by Caplan & Associates, this results in a “significant opportunity to increase Lawrence’s retail sales.” *Id.* at 11. SouthPoint seeks to take advantage of that opportunity by adding 237,000 square feet of retail space, an amount easily consumed by the market based on Lawrence’s demonstrated ability to absorb new commercial space.

**The SouthPoint Project will be Absorbed at the City’s Historic Absorption Rate.** According to the Caplan study, “the City has absorbed an average of 265,070 square feet since 2006.” *Id.* at 16. Lawrence has an approved unbuilt inventory of approximately 1,184,968 square feet, which increases to 1,431,968 square feet upon the inclusion of SouthPoint. But even in an unlikely scenario where “all of these projects are completed and phased into the local market by 2020 . . . this will result in adding an average increase of [only] 238,661 square feet per year,” an amount less than that averaged since 2006. *Id.*

Upon occupancy of SouthPoint, the city wide vacancy rate is, therefore, projected to drop from 7.2% to approximately 6.7%. These projections are actually quite conservative, however, in that they assume *all* approved unbuilt inventory will be completed and phased into the market by 2020. But as discussed in greater detail below, several of these undeveloped concepts are either unlikely to be completed in the near future, or involve commercial-retail categories that will not compete with any of the expected tenants at SouthPoint.

### D. Unlike Various Entitled, but Undeveloped Commercial Areas in the City, SouthPoint is Ready to Break Ground in 2016 and Provide Lawrence Residents with New-to-Market, National Tenants Shortly Thereafter

Staff states that the “[p]roposal could impact the timing of development for other entitled, but entirely or partially undeveloped, commercial areas . . . thereby potentially under serving these areas of the community.” *Id.* at 2. It is important to clarify, however, that several of the development examples for this assertion are either unlikely to be completed in the near future, or involve commercial-retail categories that will not compete with any of SouthPoint’s tenants.

Menards is in the building materials and supplies category, for example, which “is not in competition with any of the expected tenants at SouthPoint.” *Id.* at 16.

The Mercato development, on the other hand, appears to need additional rooftops in the vicinity before retailers are willing to locate there. After attempting for several years to obtain tenants and move the project forward, the Commission has no evidence that Mercato will experience meaningful progress in the near future. There has been no public announcement of

<table>
<thead>
<tr>
<th>NAICS CATEGORY</th>
<th>DOUGLAS COUNTY RETAIL PULL FACTOR</th>
<th>SOUTHPOINT TENANT</th>
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<tr>
<td>442 Furniture and Home Furnishings Stores</td>
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<td>DSW or Off Broadway Shoes</td>
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tenants, nor have any development plans been submitted to the City. SouthPoint, by contrast, has tenants ready to go if it receives approval of the requested plan amendment and rezoning, and the Applicant plans to break ground in the Spring of 2016. These tenants recognize the significant opportunity that exists to grow Lawrence’s retail market by being strategically positioned in a modern retail development at the southern entrance to the City.

E. SouthPoint Meets or Exceeds Each of the Requisite Factors Set Forth in the Land Development Code and Identified Under Kansas Case Law

Finally, from a purely legal and land use perspective, SouthPoint meets and/or exceeds each of the factors required to be considered under Section 20-1303(g) of the Land Development Code; the same factors identified by the Supreme Court of Kansas in *Golden v. Overland Park* as the quintessential items to be considered in making any rezoning determination.

SouthPoint is consistent with the character of the neighborhood and complements the zoning and uses of nearby properties. The current zoning is not at all conducive to maximizing the value of this uniquely-situated property, evidenced by the fact that the property, as zoned, has remained vacant and underutilized for more than thirty-five (35) years. The rezoning will, therefore, provide a benefit, rather than a detriment, to nearby properties, whereas denial of the application will harm the public by depriving Lawrence and Douglas County residents of the numerous benefits discussed in this memorandum. Finally, staff recommended approval of all three (3) applications upon finding, among other things, that “Horizon 2020 lists several key strategies that are applicable to the proposed development and support the proposed request.” See Staff Report, at Item No. 2B-3.

CONCLUSION

SouthPoint will provide a number of benefits, including an attractive southern “gateway” to the City, increased sales and property tax revenues, expanded shopping opportunities and new jobs for Lawrence and Douglas County residents. It will facilitate completion of the much-needed public improvements that are currently underway, and the scope of the requested amendments meet and/or exceed the quintessential zoning factors established in *Golden v. Overland Park* and in the City’s Land Development Code.

SouthPoint represents a lateral move to a land use that is similar-in-intensity, but much preferable to that currently contemplated by Horizon 2020. The development will have a positive impact on the retail market, and help to alleviate the leakage of retail sales currently experienced in Lawrence as well as in Douglas County.
For the foregoing reasons and others, we respectfully request that you recommend approval of all three (3) applications, as did staff.¹ We look forward to discussing the project further at the August 24, 2015 Planning Commission meeting.

Sincerely,

Dan Watkins

¹ For the exact wording of staff’s recommendations with respect to all three (3) applications discussed in this memorandum, please refer to Exhibit A attached hereto.
EXHIBIT A

STAFF RECOMMENDATIONS

ITEM NO. 1:
COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 6, CHAPTER 14, AND TO THE REVISED SOUTHERN DEVELOPMENT PLAN (JSC)

“Staff recommends forwarding a recommendation of approval of this comprehensive plan amendment to Horizon 2020, to the Lawrence City Commission and the Douglas County Board of Commissioners to amend Chapter 6, and the Revised Southern Development Plan to expand the South Iowa Regional Commercial center to incorporate the proposed development.”

ITEM NO. 2A:
RS10 TO CR; 59.80 ACRES; SOUTHEAST CORNER SLT & US-59 HIGHWAY (JSC)

“Staff recommends approval of rezoning 59.80 acres from RS10 (Single-Dwelling Residential) District to CR (Regional Commercial) District, and forward it to the City Commission with a recommendation for approval based on the findings of fact found in this staff report.”

ITEM NO. 2B:
RS10 TO OS; 6.07 ACRES; SE CORNER SLT & US-59 HWY (JSC)

“Staff recommends approval of the request to rezone 6.07 acres from RS10 (Single-Dwelling Residential) District to OS (Open Space) District, located at the southeast corner of the South Lawrence Trafficway and US-59 Highway based on the findings presented in this staff report, and forwarding it to the City Commission with a recommendation for approval, subject to the following condition:

1. The following uses shall be prohibited:
   a. Public and Civic Use Groups:
      i. Community Facilities; Cemetery, Cultural Center/Library and Funeral and Interment, Utility Minor, and Utility Major
      ii. Recreation Facilities; Active Recreation and Entertainment & Spectator Sports, Limited
   b. Commercial Use Groups:
      i. Transient Accommodation; Campground
      ii. Parking; Accessory Parking
   c. Other Use Groups:
      i. Communication Facilities; Amateur & Receive-Only Antennas, Telecommunications Antenna, Telecommunications Tower and Satellite Dish
      ii. Recycling Facilities; Small Collection Recycling Facilities”
August 21, 2015

Lawrence –Douglas County Planning Commission
C/o City Hall
6 E. 6th St.
Lawrence, KS 66044

RE: Proposed Retail Development at SLT and South Iowa

Dear Commission members:
I understand that the Lawrence-Douglas County Planning Commission will hear arguments for and against the proposed project for a new shopping center at the southeast corner of the SLT and Iowa Street interchange at its evening meeting on Monday, August 24th at City Hall. The Downtown Lawrence, Inc. board of directors has asked me to share their thoughts with the Planning Commission on this proposal.

In the past both the City Commission and the Planning Commission have been vigilant in maintaining Downtown Lawrence as the heart of the City. As far as this proposed project is concerned, we would ask the Planning Commission and the City Commission to continue this tradition of supporting locally owned, small and specialty businesses. Maintaining our retail mix and keeping Downtown vibrant and healthy are important not only to DLI but to our community as a whole. In the past year Downtown Lawrence has been named the number one tourist destination in the state by Trip Advisor and Parade Magazine, and the number two city for finding great local gifts by Yelp!. This is due in large part to the hard work of our local business owners and the excellent products and services that they offer.

Doubtless there are some advantages to welcoming new retail offerings to the community. As the discussion of it proceeds we would hope that the Planning Commission and the City Commission would be aware of the plans to include smaller, specialty businesses in the development and what effect that might have on downtown. Our goal and mission is to promote, preserve, and enhance this historic business district and to continue to engage the community and provide a place for locals and visitors alike to gather and enjoy our special brand of hospitality and tradition of unparalleled customer service.

Downtown Lawrence, Inc. would like to see the Planning Commission and City staff further explore this project including the various types of proposed retail businesses that might be included in it before any official recommendation or approval is determined. DLI wants to be an involved and active participant in the conversation as the conversation on this project proceeds.

Sincerely,

Sally Zogry
Executive Director
PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

ITEM NO. 2B   RS10 TO OS; 6.07 ACRES; SE CORNER SLT & US-59 HWY (JSC)


STAFF RECOMMENDATION: Staff recommends approval of the request to rezone 6.07 acres from RS10 (Single-Dwelling Residential) District to OS (Open Space), located at the southeast corner of the South Lawrence Trafficway and US-59 Highway based on the findings presented in this staff report, and forwarding it to the City Commission with a recommendation for approval, subject to the following condition:

1. The following uses shall be prohibited:
   a. Public and Civic Use Groups:
      i. Community Facilities; Cemetery, Cultural Center/Library and Funeray and Interment, Utility Minor, and Utility Major
      ii. Recreation Facilities; Active Recreation and Entertainment & Spectator Sports, Limited
   b. Commercial Use Groups:
      i. Transient Accommodation; Campground
      ii. Parking; Accessory Parking
   c. Other Use Groups
      i. Communication Facilities; Amateur & Receive-Only Antennas, Telecommunications Antenna, Telecommunications Tower and Satellite Dish
      ii. Recycling Facilities; Small Collection Recycling Facilities

Reason for Request:
This rezoning request is part of a package of development applications, including a commercial zoning request and a comprehensive plan amendment that proposes retail/commercial center development at this location.

KEY POINTS
- Property includes areas encumbered by regulatory floodplain.
- This designation would provide a more substantial buffer for the Wakarusa River riparian areas from the proposed commercial development.
- Automatic designation as –FP (Floodplain) is not applicable as this property is currently within the City of Lawrence.
ASSOCIATED CASES/OTHER ACTION REQUIRED

CPA-15-00335: Consider a Comprehensive Plan Amendment to Horizon 2020 Chapter 6 to change the designation from Auto-Related Commercial to Regional Commercial, and to Chapter 14 (Revised Southern Development Plan) to revise the future land use designations from open space and auto-related commercial uses to open space and commercial use at the southeast corner of the intersection of South Lawrence Trafficway and US-59. Submitted by Landplan Engineering, P.A. for Armstrong Management L.C. and Grisham Management L.C., owners of record.


PLANS AND STUDIES REQUIRED

- Traffic Study – Not required for rezoning
- Downstream Sanitary Sewer Analysis – Not required for rezoning
- Drainage Study – Not required for rezoning
- Retail Market Study – Not applicable to request

Note regarding development study requirements: Traffic study, drainage study, and sanitary sewer studies have been discussed with the applicant. These studies will be provided with the submission of a preliminary plat and will be considered throughout the development process as the details of the project are defined. Floodplain Development Permits will also be required for structures constructed in the regulatory floodplain.

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PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

General inquiries from public regarding scope of development requests. Staff has clarified for callers that the current requests are for the Comprehensive Plan Amendment and zoning. A concept plan has been submitted with the development package. Specific development proposals are not available at this time.

Project Summary:
The proposed request is for the southern portion of the development known as Southpoint Center. This area of the development has the most substantial encumbrance of floodplain within the immediate area. The map to the right shows the various applications and intended zoning districts associated with this project.
1. **CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Applicant’s Response: This request conforms to the land use recommendations of the Revised Southern Development Plan (incorporated into H2020 as part of Chapter 14) as well as key strategies in Chapter 9 of H2020 by reserving land encumbered by floodplain for open space land uses.

A key feature of the Comprehensive Plan (Horizon 2020, Chapter 3) states: *The plan recommends the protection and preservation of the extensive floodplains and riparian ways throughout the planning areas. These resources often are a constraint to urban development.*

The Wakarusa River, and its attendant floodplain, establishes a southern boundary for development of the current urban area for the City of Lawrence. The subject property is located between the boundary of the South Lawrence Trafficway (K-10 Highway) and the Wakarusa River. Development south of the Wakarusa River at this time would be considered leapfrog development, which is not supported by the Comprehensive Plan.

The proposed OS zoning designation would protect the floodplain and establish a buffer between the proposed commercial rezoning (Z-15-00327) and the Wakarusa River. A map of the wetlands mitigation areas related to the South Lawrence Trafficway project is attached to this report.

**Horizon 2020: Chapter 9 Parks, Recreation, Open Space Areas and Facilities:**

Chapter 9 of *Horizon 2020* lists several key strategies that are applicable to the proposed development and supports the proposed request.
STRATEGIES: PARK, RECREATION, OPEN SPACE AREAS AND FACILITIES

The principal strategies for the development and maintenance of park, recreation, and open space areas and facilities are:

• Continue to develop and improve the community’s park, recreation, and open space system, building upon the existing system and integrating recommendations and direction from the PRCMP, this Comprehensive Plan, and relevant area and neighborhood plans.

• Preserve, protect and utilize natural and environmental features as focal points for new development areas and to the extent possible, new parks and recreational facilities should extend and enhance the existing and/or future open space system.

• Coordinate parks, recreation, and open space planning and development between the City of Lawrence and unincorporated Douglas County to provide overlapping and connecting park and recreation opportunities. Additionally, the City and County should more carefully coordinate park and open space acquisition in the Lawrence Urban Growth Area.

• Development of the park, recreation, and open space system for the City of Lawrence should be based on priorities contained within the PRCMP.

• Improve coordinated planning efforts between the Park and Recreation Department/Advisory Board and the Lawrence/Douglas County Metropolitan Planning Office/Commission in recommendations involving the location and features of future park, recreation, and open space sites.

• Develop a communication network between all city and county departments, the partners who aide in parks and recreation, and the community to increase awareness, understanding, and advocacy.

• Create a better understanding and support of operational costs and funding with key city and county leaders during the design of all capital projects to ensure the operational and maintenance dollars are available prior to construction.

• Develop regional parks that create a strong sense of community pride and livability.

• Coordinate with private property owners to provide additional opportunities for open space preservation beyond publicly owned parks, such as, through agricultural use, land trusts, buffers, and easements.

Chapter 9 predominantly focuses on public parks. Open space preservation can occur within a park, as well as through private designations such as the OS zoning the applicant is proposing with this application.

The South Lawrence Trafficway project includes many connecting links for non-motorized access (bike lanes, bike routes, and recreation paths) that will extend the network east of US-59. As development plans become defined in this proposed location, additional links and connections
between the proposed open space area and the existing/planned open space areas to the east can become viable. Approval of this request will facilitate these interests.

Chapter 16 of *Horizon 2020* addresses several natural environment issues including water resource management. The plan states that floodplain areas should be protected. This application does not include a Floodplain Overlay District designation that would be applied to the entire property if it was being annexed into the City of Lawrence as part of this process.

**Staff Finding:** The proposed rezoning request conforms with *Horizon 2020* policies related to community facilities/public utilities and open space, as well as floodplain.

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

**Current Zoning and Land Use:** RS10 (Single-Dwelling Residential – 10,000 square feet); existing agricultural.

**Surrounding Zoning and Land Use:**

- To the north: Proposed CR (Community Regional) District. Existing use is agricultural. See Z-15-00327 regarding proposed zoning.

- To the east (east side of future Michigan Street): A (County-Agricultural), VC (Valley Channel) Districts; Wetlands Mitigation Areas/ Baker Wetlands, and Baker Wetlands Visitor Center Complex (SUP-12-00248).

- To the west (west side of US-59): A (County-Agricultural), VC (Valley Channel), and FW – FF (County Floodway and Floodway Fringe Overlay) Districts. Existing agricultural.

- To the south: A (County-Agricultural), VC (Valley Channel) District and FW – FF (County Floodway and Floodway Fringe Overlay) District. Existing agricultural use.
Staff Finding: Nearby properties are zoned V-C (Valley Channel) and A (Agricultural) with F-F (Floodway Fringe) and F-W (Floodway) Overlay Districts. Agriculture and natural open space are the principal land uses in the vicinity.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant’s Response: The subject property lies at the southeast corner of the interchange between Kansas Highway 10, a.k.a. the South Lawrence Trafficway, or SLT, and U.S. Highway 59, a.k.a. S. Iowa Street. The property is bounded to the north by N 1250 Road and SLT right-of-way. The property is bounded to the west by Hwy 59 right-of-way. Nearby properties to the west and south are generally located within the Wakarusa River floodplain and are actively farmed. The property to the east is agricultural land under the same ownership as the subject property. Further east rests the Baker Wetlands.

The subject property is located within the City of Lawrence. This is a rural area with agriculture and open space being the primary land uses. Natural features in the area include the Wakarusa River, south of the subject property; riparian woodlands along the Wakarusa River; floodplain; and wetlands. A major thoroughfare, the South Lawrence Trafficway, is under construction north of the subject site.

A dominating feature in the area is the Baker Wetlands and the Baker Wetlands Visitor Center to the east of the proposed project area.
Staff Finding: The area contains primarily natural open space and agricultural land uses. The subject property is located adjacent to a major transportation corridor within the Lawrence Urban Growth Area. There are no specific established neighborhoods in this area. The proposed Open Space zoning is consistent with the planned land use for the area in the Revised Southern Development Plan regardless of any additional consideration of the proposed commercial development to the north.

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

This property is included within the plan boundary of the Revised Southern Development Plan. An application for a Comprehensive Plan Amendment (CPA-15-00335) was concurrently submitted with the commercial rezoning (Z-15-00327) and this application. The proposed changes do not impact the approved open space recommendations included in the Revised Southern Development Plan. This proposed request for Open Space District can be independently evaluated from the commercial request.

The plan identifies existing floodplain areas as appropriate for open space designation. This plan identifies the area along the Wakarusa River and associated floodplain as suitable for open space uses. The proposed request is consistent with recommended land use noted in the Revised Southern Development Plan, though at a reduced area than what the plan designates. This OS zoning will implement the land use recommendations of the Revised Southern Development Plan.
There is a difference in the terminology for “open space” between the Land Development Code and the Revised Southern Development Plan. The zoning designation of open space in the Land Development Code as, “The OS, Open Space District, is a Special Purpose Base District intended to preserve and enhance major Open Space and recreational areas by protecting the natural amenities they possess and by accommodating development that is compatible with those natural amenities.” (Section 20-218) The Land Development Code does permit for development to occur within the regulatory floodplains, subject to review and approval to all applicable codes. While within the Revised Southern Development Plan, the open space designation is intended to, "Encourage recreational uses that do not alter the natural character of the area," and, "Encourage preservation of the floodplain or open space through private or public/private partnerships." The plan also, "Encourage(s) connection between public lands and bicycle/pedestrian trails along the South Lawrence Trafficway (SLT)."

While differing intended purposes exist between the policies of the Revised Southern Development Plan versus the Land Development Code, both the Open Space zoning and Open Space sector plan designation work to protect sensitive lands, but have differing end results. Therefore, while a portion of land may be indicated as Open Space within the Revised Southern Development Plan, it does not prevent development from occurring under the Land Development Code.

**Staff Finding:** The proposed OS rezoning conforms to land use recommendations in the Revised Southern Development Plan. This land use recommendation is not altered by the proposed Comprehensive Plan Amendment (CPA-15-00335) associated with this project.
5. **SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS**

Applicant’s Response: *The subject property is currently zoned RS10, due to the past practice of automatically applying low density residential zoning to land upon annexation as a temporary zoning measure. The subject property is located entirely within regulatory floodplain and accordingly H2020 recommends open space uses for this area. Given those facts, the suitability of the subject property for low-density residential land uses under the existing RS10 zoning district is quite low.*

Prior to 2006, this property was zoned RS-1. In 1979, as properties were annexed into the City Limits, the RS-1 district was commonly used as a holding zone. In 2006, a new zoning district was developed for this purpose titled UR (Urban Reserve). The proposed OS zoning accommodates the anticipated land use as an open space and facilitates the protection of floodplain areas.

![Figure 5: Proposed OS Rezoning in relation to FEMA Flood Maps](image)

**Staff Finding:** The current RS10 zoning is no longer appropriate for the existing use. The proposed OS District accommodates the anticipated continued use as open space and provides protections by limiting uses within the designated floodplain in this area.

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

Applicant’s Response: *The subject property has remained vacant since annexed into the City limits in 1979.*
This portion of the property was annexed by Ordinance No. 5026 in 1979. At that time, when county properties were annexed into the City of Lawrence, a zoning designation of RS-1 was applied automatically. The RS-1 zoning was subsequently converted to RS10 with the adoption of the Land Development code in 2006.

Staff Finding: Since 1966, the property has been undeveloped. The proposed location was zoned RS-1 in 1979, and was converted to RS10 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: Approval of this rezoning will provide tangible benefits to nearby properties. This request will facilitate the preservation of low-lying riparian woodlands located immediately upstream from the Baker Wetlands. Rezoning this ground from RS10 to OS ensures low impact use of this area.

Nearby properties include the Baker Wetlands Visitor Center and Baker Wetlands to the east, agricultural land to the south and the US-59 right-of-way to the immediate west. Commercial development is proposed to the north. The OS zoning district includes a limited number of uses and is generally considered low-impact. Community Facilities, Utilities, Recreational Facilities, Campgrounds, and Communication Facilities are allowed uses in the OS district. Some of these uses are allowed by right, and some require a Special Use Permit such as a cell tower, campground, some utilities, recreation facilities, and community facilities. Uses included in these groups are Cultural Center/Library, Active Recreation, Entertainment & Spectator Sports, Limited, and Campground. A complete list of uses is found in Article 4 of the Land Development Code, and these uses are specifically defined in Article 17.

The applicant has expressed a desire to align the OS District request with the development intent thus has included the following list of uses that would be restricted within this district. If approved the zoning district would be mapped as a conditional zoning district. Restricted uses would be included in an ordinance for this property.
### Use Group Table per Section 20-402

#### Permitted Use Groups

Highlighted uses are proposed to be restricted by applicant.

<table>
<thead>
<tr>
<th>Residential Use Group</th>
<th>Not permitted in the OS District.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public and Civic Use Group</td>
<td>Community Facilities</td>
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<tr>
<td></td>
<td>Cemetery</td>
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<tr>
<td></td>
<td>Cultural Center/Library</td>
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<tr>
<td></td>
<td>Funeral and Internment (Accessory)</td>
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<tr>
<td></td>
<td>Utility Minor (P or SUP)</td>
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<tr>
<td></td>
<td>Utility Major (SUP)</td>
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<tr>
<td>Medical Facilities</td>
<td>Not permitted in the OS District</td>
</tr>
<tr>
<td>Recreational Facilities</td>
<td>Active Recreation (SUP)</td>
</tr>
<tr>
<td></td>
<td>Entertainment &amp; spectator sports, Limited (SUP)</td>
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<tr>
<td></td>
<td>Passive Recreation</td>
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<tr>
<td></td>
<td>Nature Preserve/Undeveloped</td>
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<tr>
<td></td>
<td>Passive Recreation</td>
</tr>
<tr>
<td>Religious Assembly</td>
<td>Not permitted in the OS District</td>
</tr>
<tr>
<td>Commercial Use Group</td>
<td>Animal Services</td>
</tr>
<tr>
<td></td>
<td>Not permitted in the OS District</td>
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<tr>
<td>Eating and Drinking Establishments</td>
<td>Not permitted in the OS District</td>
</tr>
<tr>
<td>Office</td>
<td>Not permitted in the OS District</td>
</tr>
<tr>
<td>Parking Facilities</td>
<td>Accessory (Accessory)</td>
</tr>
<tr>
<td>Retail Sales and Service</td>
<td>Not permitted in the OS District</td>
</tr>
<tr>
<td>Sexually Oriented Businesses</td>
<td>Not permitted in the OS District</td>
</tr>
<tr>
<td>Transient Accommodations</td>
<td>Campground (SUP)</td>
</tr>
<tr>
<td>Vehicle Sales &amp; Service</td>
<td>Not permitted in the OS District</td>
</tr>
<tr>
<td>Industrial Use Group</td>
<td>Industrial Facilities</td>
</tr>
<tr>
<td></td>
<td>Not permitted in the OS District</td>
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<tr>
<td>Wholesale, Storage &amp; Distribution</td>
<td>Not permitted in the OS District</td>
</tr>
<tr>
<td>Other Use Group</td>
<td>Adaptive Reuse</td>
</tr>
<tr>
<td></td>
<td>Designated Historic Property (SUP)</td>
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<tr>
<td>Agricultural</td>
<td>Not permitted in the OS District</td>
</tr>
<tr>
<td>Communications Facilities</td>
<td>Amateur &amp; receive only antennas (Accessory)</td>
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<td></td>
<td>Telecommunication antenna (Accessory)</td>
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<tr>
<td></td>
<td>Telecommunications Tower (SUP)</td>
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<tr>
<td></td>
<td>Satellite Dish (Accessory)</td>
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<tr>
<td>Mining</td>
<td>Not permitted in the OS District</td>
</tr>
<tr>
<td>Recycling Facilities</td>
<td>Not permitted in the OS District</td>
</tr>
</tbody>
</table>

In addition to the applicant’s list of restricted uses, Staff recommends also restricting Utility, Minor, Utility Major, Accessory Parking, and Designated Historic Property.

The applicant has indicated that they are working with the Baker Wetlands to provide a connection along the OS zoned portion of the project allowing a nature trail to potentially be constructed. This is in-line with the policies of the Revised Southern Development Plan, and would also provide greater connections and linear recreation opportunities along the Wakarusa River. If completed in a manner that is sensitive to the existing natural surroundings and floodplain consideration, the use would be appropriate given this particular area within the county.

**Staff Finding:** Zoning this property to OS for low impact, passive recreation uses will not generate detrimental effects to adjacent property resulting from this zoning application. Development of recreation facilities, such as a nature trail, may require significant mitigation in design because of the presence of the regulatory floodplain. Staff supports restricting the allowed uses to ensure low-impact use of 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: Approval of this request will facilitate the preservation of regulatory floodplain. Denial of this and the accompanying development applications will compel future applicants to pursue a different mix of commercial and open space land uses for this location.

Evaluation of this criterion includes weighing the benefits to the public versus the benefits for the subject owners’ property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare. The public stands to gain by preserving a portion of the environmentally sensitive lands adjacent to the Wakarusa River, and also through the preservation of a linear connection of the riparian lands leading into the Baker Wetlands.

**Staff Finding:** The proposed rezoning facilitates public purposes by providing more protection to the designated floodplain.

9. **PROFESSIONAL STAFF RECOMMENDATION**

This application facilitates protection of designated floodplain areas along the Wakarusa River. The OS zoning designation is consistent with land use recommendations for the area in the *Revised Southern Development Plan*. Restriction of uses using conditional zoning further mitigates the potential development impact on the surrounding area. This recommendation is independent of the proposed commercial development included in the application for CR zoning adjacent north (Z-15-00327).

**CONCLUSION**

The proposed OS rezoning is consistent with the planned future land use anticipated for this area. Staff recommends approval of the proposed OS district for this portion of the subject property.
SOUTHPOINT CENTER
CONCEPT PLAN
PREPARED FOR SLT, LLC
AUGUST, 2015

COMMERCIAL LAND USE SUMMARY

ANCHOR STORES 117,000 GSF
JUNIOR ANCHORS 65,400 GSF
SMALL SHOPS 18,660 GSF
OUT PARCELS 45,000 GSF
TOTAL 246,060 GSF
Z-15-00327: Rezone 63.89 acres from RS10 District to CR District &
Z-15-00328: Rezone 2.61 acres from RS10 District to OS District
Located at Southeast Corner of US 59 Highway (Iowa Street) & East Leg of K-10 Highway
August 12, 2015

Dear Commissioner Britton and members of the Lawrence Douglas County Planning Commission, Mayor Farmer and members of the Lawrence City Commission
c/o Director of Planning Scott McCullough:

Some friends and I were sitting around talking the other afternoon after one of our get-togethers and the subject of the retail project that had been proposed for K-10 and South Iowa last summer came up in discussion. We were all fairly baffled as to why the project had not proceeded, and did a little research as to some of the issues surrounding this application. The result of our education was disappointment in the resistance we learned was directed toward the earlier project, and we wanted to share some thoughts with you to encourage you to approve the revised application.

The members of our group are between the ages of 55 – 75. Most of us are retired from professional careers. We continue to be involved in the community and support a variety of local social service and arts organizations through our contributions and service on boards. Those include organizations such as the Lawrence Art Center, the Lawrence Schools Foundation, Cottonwood, Bert Nash, the Boys and Girls Club, Rotary and many others. We love going to movies at Liberty Hall, eating at downtown restaurants, and frequenting our delightful mix of local retailers.

In addition to shopping downtown, we all also shop on South Iowa and we all shop in Kansas City. We collectively agree that we would like to shop less in Kansas City. If we had Old Navy, DSW, Home Goods and the mix of other stores that have made commitments to the Southpoint location, we would patronize those stores instead of spending those dollars at Oak Park, Town Center or the Legends. We understand the value of keeping our sales tax dollars local, and while none of us claims we would never shop in Kansas City again, we would definitely go less often and spend more money here if this project is approved.

Lawrence has struggled over the years to combat a reputation of being a hard place to do business. We see nothing but positives with this project and hope the developer gets a warmer welcome this time than was offered last summer. They seem to be professional and experienced and are requesting the opportunity to make a multi-million dollar investment in our community. They have commitments from numerous desirable retailers who want to be part of this project in this location. The project already received a positive recommendation from our professional planning staff last summer. This is being offered to us at a time when the state continues to cut funding for our schools and social services, and we are being asked to pick up those costs locally. We have among us retired teachers and are all strong supporters of public education. We support the city’s plan to hire new police officers, build bike trails, and we support the homeless shelter and other not for profit organizations and agencies the city funds. Those are all desirable goals for our community that we should be able to afford without taxing ourselves out of our homes and businesses. This project would generate significant sales and property tax that could pay for many of the items on our community wish list. It is also our understanding that the developer is asking for an opportunity to make this multi-million dollar investment in our community without a request for any incentives.

We believe there are more than satisfactory answers to any and all of the objections and comments made against the project last year. These are as follows:

1. Competition with downtown. We do not believe this will be completion for downtown. We have even spoken with downtown merchants who do not believe this will be competition. In fact they believe that any project that keeps Lawrence shoppers in town rather than heading to Kansas City will benefit the downtown merchants.

We look forward to supporting this project.
City will benefit downtown, and that downtown merchants will capture an additional share of the dollars we currently lose to other communities. Additionally, having multiple sites and opportunities for retailers to locate will keep retail rents at competitive market rates, which will in turn allow our wonderful eclectic mix of locally owned “mom and pop” downtown businesses able to continue to operate successfully.

2. Competition with other developments. Retailers spend millions of dollars each year researching the best locations for their business to be successful. These retailers have determined their optimum chance for success is this south Iowa site. Other developments will evolve over time, and attract different businesses that are more compatible with their specific demographics. It is important to have a variety of sites for retailers to locate, just as it is important to have a variety of sites for industrial users to locate. That gives Lawrence the best opportunity to capture the most sales and property tax dollars, and generate the most jobs and employment opportunities, and keep rents affordable for all businesses.

3. Developing south of the SLT. For the last four decades I don’t know that anyone really thought we would actually ever drive on this highway. It has only been within the last two years that this has started to become a reality. Additionally we are soon going to see increases in our water bills to pay for the new waste water treatment plant the city is currently constructing on the Wakarusa River. The Lawrence school district boundary ends at Rock Chalk Park to the north, but it goes south of the Wakarusa for several miles. The combination of these factors will open up significant area for future growth south of the river. There is no better location than the intersection of two major highways, K-10 and US 59, to locate an attractive shopping center that will welcome guests and residents to our community.

4. Size. We understand one of the biggest concerns was the size of the project. We have learned that it has been reduced by more than 50%, which should address any concerns regarding size.

5. Planning. Our research indicates the area plan already shows this site as being appropriate for retail; and the only thing the developer is asking is for a change to traditional retail rather than auto related retail. We have no shortage of gas stations or fast food restaurants in town, and don’t ever leave Lawrence to buy gas or get fast food. We do however leave Lawrence to shop at the stores on the developer’s list. Traditional retail makes much more sense at this location; it is more aesthetically pleasing, it captures more of our leaking sales tax dollars, and it will attract new visitors and shoppers to our community. We believe it is a completely appropriate land use for this site.

Our group gets together in various ways several times a month. We try to stay current with local events and activities, but we very rarely make any comment or speak up on issues. This discussion about this project, and our continued curiosity about its status evolved to the point we became interested enough to write to you with our thoughts. We believe we are like most Lawrence residents in this regard; we are always interested but not often actively engaged, and trust you as our elected and appointed officials to make decisions that represent our interests. This time we felt it important to let you know what those interests are.

Our interests are encouraging you to roll out the red carpet for this project and say “thank you” to this developer and to these retailers. We would commit to patronizing their stores and shift a great deal of our Kansas City shopping to their cash registers. We also believe that our dozen or so members are highly representative of hundreds (and even thousands) of people in our community who share our opinion about this, and we encourage you to approve this project.

You may have received this same letter from other members of our group, it was a collaborative effort based on our joint discussions. Thank you again for consideration of our thoughts.

Respectfully yours,

[Signature]
Hi Clay

I wanted to reach out to you and see if you had any concerns or comments on the captioned property slated for discussion at the August 24th Planning Commission meeting. I am part of the applicant group and we would very much appreciate your support. As you are no doubt aware, we did not receive a positive vote the last time we made application back in July of 2014. We listened to all comments and I believe we've made adjustments that will please the commission.

The main argument we heard at the last meeting in July of 2014 was that the project was too big. We have reduced the size of the project by around 60%. We still have commitments from our major tenants, so sales tax revenue, jobs and property tax should still be of strong benefit, not to mention construction jobs. But the size of the overall center is significantly smaller.

We are still not asking for any assistance from the city or county in the way of TIF, CID, TDD, etc. Other proposed developments cannot claim that.

The other main argument for not approving last year was “it is in the wrong place.” We assumed from those comments that officials wanted to give the Mercato development a chance to find and bring new tenants to their project. We respectfully submit that The Mercato has now had 8 years to sign tenants to their project and as of the writing of this email, I am not aware of one tenant willing to locate in that project. We cannot tell retailers where to locate their stores. They tell us. And they are telling us they want to be at Southpoint, not Mercato. Mercato will no doubt be developed with the success of Rock Chalk Park in mind. But it will not attract these types of retailers, at least not for awhile. I’m guessing Mercato will attract motels, restaurants and smaller retailers who will cater to the weekend attendees at Rock Chalk. If Academy Sports, Marshalls Home Goods, Old Navy, Designer Shoe Warehouse and others were attracted to Mercato, they would be building there now. The site is approved and has been for years. These retailers are waiting for our development to be approved. And with your vote we can welcome them to Lawrence.

There was an argument made that this project should not be approved because it would require an amendment to Horizon 2020. Respectfully, Mercato also required an amendment to be approved and just recently required another amendment to be increased in size. Horizon 2020 has been amended over 40 times including the amendments for Mercato. And frankly, the amendment for this project is far less reaching than the ones for Mercato. This ground is already approved for commercial activity, we just want to broaden the use groups.

Someone said they thought this project would “kill downtown Lawrence.” I heard the same argument when I brought Target to Lawrence in the ’90s, as well as when we brought Kohl’s, Home Depot, etc. These stores help Lawrence keep shoppers here, which benefits downtown. Also, Downtown Lawrence is healthier than it’s ever been with more living units coming and more businesses eyeing it for development. I’ve lived here all my life and have been in the commercial real estate business for 28 years and I’ve never seen our downtown stronger.

Finally, as was discussed last year, this will become a “gateway” entrance to Lawrence. The zoning is already in place to allow car dealerships, car repair shops, convenience stores, truck stops, etc. I think we could all agree that a high end shopping area with beautiful amenities such as the ones we propose would be nicer at the entrance to South Lawrence than these already approved “vehicle related” uses. This will also be a nice amenity for commuters to Topeka and Kansas City traveling on the bypass.

Please let us know if you will not be able to attend this meeting. Last year we were very surprised that three commissioners were absent for our presentation and one had to abstain. Therefore, we only had six commissioners available to hear our comments. We’d very much like to be heard by all of you.
Thanks for your time on this. We appreciate all you do for our community by serving on this board. Please don't hesitate to contact me with comments or questions regarding this development.

Highest Regards,

Doug Brown  
Senior Commercial Partner  
McGrew Commercial  
1501 Kasold Drive  
Lawrence, Kansas 66047  
785-838-8244 D  
785-766-9355 C  
785-843-2466 F  
dougbrown@askmcgrew.com

"Principles mean more than any money or success"
August 2015

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c/o Director of Planning Scott McCullough:

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the city’s plan to hire new police officers, build bike trails, and we support the homeless shelter and other not for profit organizations and agencies the city funds. Those are all desirable goals for our community that we should be able to afford without taxing ourselves out of our homes and businesses. This project would generate significant sales and property tax that could pay for many of the items on our community wish list. It is also our understanding that the developer is asking for an opportunity to make this multi-million dollar investment in our community without a request for any incentives.

We believe there are more than satisfactory answers to any and all of the objections and comments made against the project last year. These are as follows:

1. Completion with downtown. We do not believe this will be completion for downtown. We have even spoken with downtown merchants who do not believe this will be competition. In fact they believe that any project that keeps Lawrence shoppers in town rather than heading to Kansas City will benefit downtown, and that downtown merchants will capture an additional share of the dollars we currently lose to other communities. Additionally, having multiple sites and opportunities for retailers to locate will keep retail rents at competitive market rates, which will in turn allow our wonderful eclectic mix of locally owned “mom and pop” downtown businesses able to continue to operate successfully.

2. Competition with other developments. Retailers spend millions of dollars each year researching the best locations for their business to be successful. These retailers have determined their optimum chance for success is this South Iowa site. Other developments will evolve over time, and attract different businesses that are more compatible with their specific demographics. It is important to have a variety of sites for retailers to locate, just as it is important to have a variety of sites for industrial users to locate. That gives Lawrence the best opportunity to capture the most sales and property tax dollars, and generate the most jobs and employment opportunities, and keep rents affordable for all businesses.

3. Developing south of the SLT. For the last four decades I don’t know that anyone really thought we would actually ever drive on this highway. It has only been within the last two years that this has started to become a reality. Additionally we are soon going to see increases in our water bills to pay for the new waste water treatment plant the city is currently constructing on the Wakarusa River. The Lawrence school district boundary ends at Rock Chalk Park to the north, but it goes south of the Wakarusa for several miles. The combination of these factors will open up significant area for future growth south of the river. There is no better location than the intersection of two major highways, K-10 and US 59, to locate an attractive shopping center that will welcome guests and residents to our community.

4. Size. We understand one of the biggest concerns was the size of the project. We have learned that it has been reduced by more than 50%, which should address any concerns regarding size.

5. Planning. Our research indicates the area plan already shows this site as being appropriate for retail; and the only thing the developer is asking is for a change to traditional retail rather than auto related retail. We have no shortage of gas stations or fast food restaurants in town, and don’t ever leave Lawrence to buy gas or get fast food. We do however leave Lawrence to shop at the stores on the developer’s list. Traditional retail makes much more sense at this location; it is more aesthetically pleasing, it captures more of our leaking sales tax dollars, and it will attract new visitors and shoppers to our community. We believe it is a completely appropriate land use for this site.

Our group gets together in various ways several times a month. We try to stay current with local events and activities, but we very rarely make any comment or speak up on issues. This discussion about this project, and our continued curiosity about its status evolved to the point we became interested enough to write to you with our thoughts. We believe we are like most Lawrence residents in this regard; we are always interested but not
often actively engaged, and trust you as our elected and appointed officials to make decisions that represent our interests. This time we felt it important to let you know what those interests are.

Our interests are encouraging you to roll out the red carpet for this project and say “thank you” to this developer and to these retailers. We would commit to patronizing their stores and shift a great deal of our Kansas City shopping to their cash registers. We also believe that our dozen or so members are highly representative of hundreds (and even thousands) of people in our community who share our opinion about this, and we encourage you to approve this project.

You may receive this same letter from other members of our group, so I want to let you know that it is the result of a collaborative effort based on our joint discussions.

Respectfully yours,

Karen Cochran

--

Karen Cochran
321 Woodlawn Drive
Lawrence, KS 66049
785-550-5052
kccochran321@gmail.com
August 11, 2015

Dear Commissioner Britton and members of the Lawrence Douglas County Planning Commission, Mayor Farmer and members of the Lawrence City Commission

c/o Director of Planning Scott McCullough:

Some friends and I were sitting around talking the other afternoon after one of our get-togethers and the subject of the retail project that had been proposed for K-10 and South Iowa last summer came up in discussion. We were all fairly baffled as to why the project had not proceeded, and did a little research as to some of the issues surrounding this application. The result of our education was disappointment in the resistance we learned was directed toward the earlier project, and we wanted to share some thoughts with you to encourage you to approve the revised application.

The members of our group are between the ages of 55 – 75. Most of us are retired from professional careers. We continue to be involved in the community and support a variety of local social service and arts organizations through our contributions and service on boards. Those include organizations such as the Lawrence Art Center, the Lawrence Schools Foundation, Cottonwood, Bert Nash, the Boys and Girls Club, Rotary and many others. We love going to movies at Liberty Hall, eating at downtown restaurants, and frequenting our delightful mix of local retailers.

In addition to shopping downtown, we all also shop on South Iowa and we all shop in Kansas City. We collectively agree that we would like to shop less in Kansas City. If we had Old Navy, DSW, Home Goods and the mix of other stores that have made commitments to the Southpoint location, we would patronize those stores instead of spending those dollars at Oak Park, Town Center or the Legends. We understand the value of keeping our sales tax dollars local, and while none of us claims we would never shop in Kansas City again, we would definitely go less often and spend more money here if this project is approved.

Lawrence has struggled over the years to combat a reputation of being a hard place to do business. We see nothing but positives with this project and hope the developer gets a warmer welcome this time than was offered last summer. They seem to be professional and experienced and are requesting the opportunity to make a multi-million dollar investment in our community. They have commitments from numerous desirable retailers who want to be part of this project in this location. The project already received a positive recommendation from our professional planning staff last summer. This is being offered to us at a time when the state continues to cut funding for our schools and social services, and we are being asked to pick up those costs locally. We have among us retired teachers and are all strong supporters of public education. We support the city’s plan to hire new police officers, build bike trails, and we support the homeless shelter and other not for profit organizations and agencies the city funds. Those are all desirable goals for our community that we should be able to afford without taxing ourselves out of our homes and businesses. This project would generate significant sales and property tax that could pay for many of the items on our community wish list. It is also our understanding that the developer is asking for an opportunity to make this multi-million dollar investment in our community without a request for any incentives.

We believe there are more than satisfactory answers to any and all of the objections and comments made against the project last year. These are as follows:

From: Connie Friesen [mailto:confriesen@aol.com]
Sent: Tuesday, August 11, 2015 12:36 PM
To: Scott McCullough; Clay Britton; Jeremy Farmer
Subject: South Iowa project support request letter
1. Completion with downtown. We do not believe this will be completion for downtown. We have even spoken with downtown merchants who do not believe this will be competition. In fact they believe that any project that keeps Lawrence shoppers in town rather than heading to Kansas City will benefit downtown, and that downtown merchants will capture an additional share of the dollars we currently lose to other communities. Additionally, having multiple sites and opportunities for retailers to locate will keep retail rents at competitive market rates, which will in turn allow our wonderful eclectic mix of locally owned “mom and pop” downtown businesses able to continue to operate successfully.

2. Competition with other developments. Retailers spend millions of dollars each year researching the best locations for their business to be successful. These retailers have determined their optimum chance for success is this south Iowa site. Other developments will evolve over time, and attract different businesses that are more compatible with their specific demographics. It is important to have a variety of sites for retailers to locate, just as it is important to have a variety of sites for industrial users to locate. That gives Lawrence the best opportunity to capture the most sales and property tax dollars, and generate the most jobs and employment opportunities, and keep rents affordable for all businesses.

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Respectfully yours,
Scott, Clay and Leslie:

I wanted to add my vote of support to the South Iowa Project.

I know you are getting letters from other ladies, voicing their support, so am not going to duplicate that message.

However, I believe that there is synergy from development and the re-sized development proposal will be a good draw to increase our retail sales tax base; and it will not take away from our vibrant downtown.

I understand this proposal will come before the Planning Commission on August 24, and then before the City Commission.

I appreciate your consideration and support of this project.

Joan Golden
1132 West Hills Pky
Lawrence, KS  66044
785-842-7544
August 12, 2015

Dear Commissioner Britton and members of the Lawrence Douglas County Planning Commission,
Mayor Farmer and members of the Lawrence City Commission
c/o Director of Planning Scott McCullough:

Some friends and I were sitting around talking the other afternoon after one of our get-togethers and
the subject of the retail project that had been proposed for K-10 and South Iowa last summer came up
in discussion. We were all fairly baffled as to why the project had not proceeded, and did a little
research as to some of the issues surrounding this application. The result of our education was
disappointment in the resistance we learned was directed toward the earlier project, and we wanted to
share some thoughts with you to encourage you to approve the revised application.

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careers. We continue to be involved in the community and support a variety of local social service and
arts organizations through our contributions and service on boards. Those include organizations such
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Girls Club, Rotary and many others. We love going to movies at Liberty Hall, eating at downtown
restaurants, and frequenting our delightful mix of local retailers.

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never shop in Kansas City again, we would definitely go less often and spend more money here if this
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You may have received this same letter from other members of our group, it was a collaborative effort based on our joint discussions. Thank you again for consideration of our thoughts.

Respectfully yours,

Sheryl Jacobs
I am very much in favor of the South Lawrence shopping center. Among many other things, I think it would keep many people from doing their shopping in KC. Lawrence could use and would support more good shopping.

Marcia Oelschlager
TO: Lawrence-Douglas County Metropolitan Planning Commission  
    Amalia Graham (amalia.graham@gmail.com)  
    Jim Denney (denney1@sunflower.com)  
    Patrick Kelly (pkelley@usd497.org)  
    Pennie von Achen (squampva@aol.com)  
    Julia Butler (julia.v.butler@gmail.com)  
    Clay Britton (clay.britton@yahoo.com)  
    Bryan Culver (bculver@gmail.com)  
    Bruce Liese (bruce@kansascitysailing.com)  
    Rob Sands (Robert.c.sands@gmail.com)  
    Eric Struckhoff (eric.c.struckhoff@gmail.com)  

CC: Scott McCullough, Director, Planning and Development Services  
    (smccullough@lawrenceks.org)  

FROM: Price T. Banks  

DATE: August 24, 2015  

RE: South Point Shopping Center  

Please see the attached letter prior to tonight’s Planning Commission hearing.
August 22, 2015

City of Lawrence Planning Commission
PO Box 708
Lawrence, Kansas 66044

Re: South Point Shopping Center

Commissioners:

The purpose of this communication is to voice opposition to the South Point Shopping Center proposals before you that fly in the face of good planning practices, and violate the policies and principals set out in the Comprehensive Plan for Lawrence and Douglas County.

I have been asked by a law firm to consult with landowners and others about the staff report findings generally and about whether the simultaneous action to amend the Comprehensive Plan and to rezone the subject property reflects the goals of the Comprehensive Plan.

By way of introduction:

I hold a Bachelor’s degree in Urban Planning, and a Master’s degree in “Community Development from Michigan State University. I hold a JD from Cooley School of Law.

I was Planning Director for Lawrence and Douglas County for 12 years from 1982 to 1994.

I have been a professional Planner for 47 years, and practiced Land Use Law and Municipal Law for over 20 years. I’ve worked in dozens of communities in Kansas, Missouri and Michigan, and have served as a City Attorney, and as a County Administrator.

I’ve taught Planning classes at the Graduate School for Urban Planning at the University of Kansas.

I presided over the ad-hoc committee that drafted the original version of the current Kansas Planning & Zoning Enabling Legislation.

I have drafted Land Use regulations for many Cities and Counties.

I am writing to encourage the Planning Commission to engage in sound, accepted planning practices when dealing with the South Point applications, and to uphold the
tradition of planning excellence in Lawrence and Douglas County. Moreover, I urge you to resist being rushed into decisions that imperil the existing commercial properties.

Horizon 2020 is the result of years of study and dialogue of many of the true stakeholders in Lawrence and Douglas County. Those were not efforts to be taken lightly. Amendments to the Comprehensive Plan should follow the same procedures and involve the same stakeholders. While the Plan has been amended many times in relatively minor ways, more significant amendments were carefully studied, and were not adopted until the planning commission and the governing bodies determined that there was a community consensus.

Community planning was originally conceived so that citizens, public officials and property owners would have policies and procedures on which they could base decisions regarding investments, both public and private. It was conceived as a mechanism to improve the quality of life in a community. Although plans must not be set in concrete, they should not be changed whenever a proposal is inconvenienced by those plans. They need to provide a steadying feature to assist planners to achieve a positive influence on the quality of life in the community. If they are amended on a reactive basis, they become meaningless.

About thirty two years ago, Lawrence denied an application for commercial zoning for what became known as the “Cornfield Mall” at the site of the current proposal. That application was denied, and the courts affirmed the action, and affirmed the right of our community to map a future that could be depended on by the citizens.

In the present case, it is suggested that the purpose of the amendment is to bring Horizon 2020 and the Revised Southern Development Plan into alignment with the proposed commercial center.

That simply stated is putting the cart before the horse. A development proposal should be in alignment with Horizon 2020, or should not be considered. Any proposal needs to meet all of the criteria of the Plan or it should not be considered. Piecemeal leapfrog amendments to the Comprehensive Plan are not planning but are anti-planning, and take us back to the days when there was no planning at all.

The present proposal expands the regional center to intrude into lower intensity land uses including agricultural land and open space and regulated flood plain, and therefore is contrary to the provisions of the Comprehensive Plan. It meets none of the design criteria of the Plan. It expands the center far beyond the set maximum of 1.5 million square feet, and creates a precedent for additional expansion and a precedent for a gauntlet of strip commercial land uses, signs and the resulting traffic congestion.

I urge you to deny the request to amend Horizon 2020, and to preserve the tradition of excellent planning practice in Lawrence and Douglas County.

Sincerely,

Price Banks
August 23, 2015

Dear Commissioner Britton and members of the Lawrence Douglas County Planning Commission, Mayor Amyx and members of the Lawrence City Commission c/o Director of Planning Scott McCullough:

I would like to express my support for the retail area being proposed for K-10 and South Iowa and encourage you to send it on to the city commission with a favorable recommendation.

We have a developer who is willing to invest their money in our community asking very little in return – only a zoning change from auto retail to general retail. What better place for this center than at a major intersection of two major roads. This center will keep shopping here in Lawrence and Douglas County as well as drawing from smaller communities around Lawrence.

This project would generate significant sales and property tax dollars that could help pay for many of the items on our community wish list. Many downtown merchants agree that this project will benefit their businesses and having additional shoppers, who make multiple stops in their shopping day, a positive for the city. Additional retail locations will keep the rents lower and benefit all of us.

Please give a favorable vote for the Southpoint development project.

Regards,

Jane Bateman
926 West 29th Street
Lawrence, KS 66046
August 22, 2015

TO: Mr. Clay Britton, Chair, and Members of the Lawrence-Douglas County Metropolitan Planning Commission


The League of Women Voters is opposed to the request to amend Horizon 2020 and to rezone the acres under discussion. A Horizon 2020 Steering Committee has been updating the plan since February 2014 and they have received valuable public input along the way. The Committee next meets on August 31, 2015 to consider recommending that the Planning Commission, City Commission and County Commission accept their Issue Action Report. The League believes it would be irresponsible for the Planning Commission to acquiesce to a rezoning request until it has had the opportunity to accept and review the Steering Committee’s Report.

Should the Committee decide to continue with the current agenda, we would like to point out that a quick perusal of two commercial realty websites identified 41 retail properties for lease in the city of Lawrence, including eight located in the downtown area. While several of those are small, one is 30,000 square feet and another 20,226 square feet. The vacant Discovery Furniture/Roommakers building on Iowa Street is 47,979 square feet and, of course Mercato, adjacent to Rock Chalk Park, is 600,000 square feet of vacant retail space.

For those reasons, we respectfully request that you deny the amendment to Horizon 2020 and the rezoning requests.

Sincerely,

Debra Duncan, President

Alan Black, Chairman Land Use Committee
August 24, 2015

VIA ELECTRONIC MAIL

Amalia Graham (amalia.graham@gmail.com)
Jim Denney (denney1@sunflower.com)
Patrick Kelly (pkelly@usd497.org)
Pennie von Achen (squampva@aol.com)
Julia Butler (julia.v.butler@gmail.com)
Clay Britton (clay.britton@yahoo.com)
Bryan Culver (bculver@gmail.com)
Bruce Liese (bruce@kansascitysailing.com)
Rob Sands (Robert.c.sands@gmail.com)
Eric Strukhoff (eric.c.strukhoff@gmail.com)
Lawrence-Douglas County Metropolitan Planning Commission
City of Lawrence, Kansas
City Hall
6 East 6th Street
Lawrence, KS 66044

Re: South of K-10 Commercial and Retail Applications, CPA-15-00335; Z-15-00327; Z-15-00328

Dear Members of the Planning Commission:

I represent K-10/40 Development, L.C., whose managers have an interest in commercial properties in Lawrence, Kansas, including in downtown Lawrence and in the Mercato retail and commercial development at the northeast corner of Highways 40 (6th St.) and 10 in Northwest Lawrence. Tonight, the Commission will consider a Comprehensive Plan Amendment to Horizon 2020 Chapters 6 and 14 relating to an application for commercial development south of K-10, along with considering two rezoning requests affecting the same Project (the “Project”). For the reasons outlined here, the Commission should not recommend approval of the changes to the Lawrence Comprehensive Plan and related zoning.

The proposed Comprehensive Plan Amendment does not conform to certain Horizon 2020 policies. Staff acknowledges the proposed Project is a departure from the adopted form, level and type of commercial development envisioned for the site. Traditional neighborhood design is encouraged at this location and development should be undertaken in the form of Planned Development Overlays (p. 1-3), but these policies are proposed to be abandoned at the point in time they should be considered, that is, now (p. 1-3).
Further, staff notes in multiple places that a number of retail and commercial developments will be negatively affected by the Project because it could impact the timing of development for other properties (p. 1-2) and by potentially underserving the areas around these other locations (p. 2A-13). This includes Mercato and a number of other sites mentioned in the report, and there are businesses and locations that are not mentioned in the report. The pending requests veer from existing policies and implicate significant questions of public policy and planning.

These are not abstract considerations. There are approximately 1.3 million square feet of commercial inventory already available in the City (p. 1-9). The City should not change its Comprehensive Plan to add another 247,000 square feet -- what the Project applicants seek -- at the risk of damaging what exists.

Horizon 2020’s goals and criteria for directing land use decisions center on the Nodal Development Concept for new commercial development (Horizon 2020, 6-2). Nodal Development is the antithesis of "strip development." Yet, tonight's proposed Comprehensive Plan Amendment and related zoning amendments would allow the extension of the already largest strip center in the City to jump across K-10 and into the flood plain.

Critically, staff states that the reason for the Comprehensive Plan Amendment is to "bring Horizon 2020 and the Revised Southern Development Plan into alignment with the proposed commercial center." But this approach assumes the Project itself should dictate what Horizon 2020 and the SDP should contain, rather than the other way around, that is, that the City's policies should dictate whether the Project is appropriate. This is a significant and sharp departure from public policy and Horizon 2020.

The direction established in Horizon 2020 for this location is that regional commercial "shall not" occur south of K-10. K-10 is viewed in Horizon 2020 as a “barrier” to commercial development of the kind now being proposed.

The central issue for tonight is to address whether the City process and directives under Horizon 2020 are being followed. Staff recognizes that there has not been a change in public policy (see p. 1-17 of the report). That the City has been working with a task force to review Horizon 2020 establishes that it is premature to change or gauge public policy.

The Project proposed is smaller than the proposal disapproved by the Commission last year, but the same planning principles that applied to the denial then apply with as much force now. The Project proposed is a smaller but no less potent dose of the type of development that has not been contemplated by or authorized under the City's Comprehensive Plan, and staff acknowledges that nearby properties will be entitled to further commercial development (p. 2A-13).
Members of the Planning Commission
August 24, 2015
Page 3

The proper focus for the Project plan is against the backdrop of the City’s Comprehensive Plan policies and goals. We urge the Commission to adhere to Horizon 2020 and to vote against this Project until the public process has been properly engaged.

Very truly yours,

Mary Jo Shaney

MJS:hkm
cc: Scott McCullough, Director, Planning and Development Services, via e-mail smccullough@lawrenceks.org
    James C. Bowers, Jr., Esq., via e-mail jbowers@whitegoss.com
Dear Commissioners,

First, I want to thank you for your time and commitment to Lawrence in your planning commissioner roles. What you do matters greatly to our amazing city and I know you fulfill this role with little recognition and appreciation. So, thank you!

I am writing today because I can’t be at the meeting on Monday and I want to voice my strong support for the approval of the items on your agenda to rezone the Southeast corner of SLT and US-59.

I did attend the meeting last year and I was disappointed when the vote conversation turned from “rezoning” to how people feel about the development. My take on the vote is the following:

1. This area is already zoned for some type of commercial use. A vote for this is simply changing the type of zoning from auto-related to regional commercial. There will be development in this area. The question becomes what do we want this commercial development to add to our community (both visually and in tax dollars). I love me some Lawrence, KS, but one of my least favorite first impression/gateways to our city is the east 23rd st./K-10 entrance. All of the businesses along this corridor are great for Lawrence, however they just don’t create a very welcoming entry point to Lawrence. I’m afraid if we keep the current zoning on the Southeast corner as auto-related, we will indeed have another E. 23rd st. entry to Lawrence.

2. Other developers in town might suggest that changing this to regional commercial will take away from other areas that are already zoned for this use. Before the Rock Chalk Park development I might have supported this thought. However, since RCP it is clear to me that area has special opportunities for development that won’t work in other areas of the city. It is my personal belief that the RCP area would benefit most from hotels, restaurants and movie theatres. Not to mention, retail wants to be by other retail. I believe this be one of the biggest reasons it’s not already developed. So even if we want this to happen, we can't make the retailers want this.

3. Tax dollars. I’m not sure if the developers estimates are exactly correct on the amount of money this development will bring to our city, but I know it’s more than zero, which is the current amount. We are in desperate need of dollars staying in our city and coming into our city. I read somewhere that some say the stores coming in won’t bring in more money, it will just shift it from other businesses in Lawrence. Although this may happen in few instances, it is a fact that millions of dollars leave our community for the exact type of stores that this development will be adding. I am an example of this and pretty much everyone else I know is too. This will keep money in Lawrence and will add money to Lawrence from our smaller communities surrounding us.

4. It is my understanding the developers are not asking for any tax breaks or incentives. This is unheard of. How can we turn this down when we so desperately need more tax dollars to come to and stay in Lawrence and on top of it they aren’t asking for tax breaks?

5. I miss Old Navy.

At the end of the day, this really comes back to my first point. Do we want this to be auto-related or regional commercial? I want this commercial area to add tax dollars and a well-planned/designed/sculptured/landscaped area. Let’s get this right.

Thank you for your time and I would be grateful to receive a response that you have at least read this email.
Heidi Simon
5503 Chameny Ct.
Lawrence, KS 66049
August 21, 2015

Lawrence-Douglas County Planning Commission  
City of Lawrence, Planning & Development Services  
P.O. Box 708  
Lawrence, Kansas 66044

Re: Supplemental Memorandum to the Lawrence-Douglas County  
“Planning Commission Report” for the August 24, 2015 Planning  
Commission Meeting

Dear Chairman Britton and Members of the Planning Commission:

I am writing on behalf of Collett in support of the opportunity the Commission has at its  
August 24, 2015 meeting to consider and recommend approval of the following agenda items:

**Item 1:** Comprehensive Plan Amendment to Horizon 2020 Chapters 6 & 14;

**Item 2A:** Rezoning from RS10 to CR at the Southeast Corner of SLT & US-59; and

**Item 2B:** Rezoning from RS10 to OS at the Southeast Corner of SLT & US-59.

Each of the foregoing applications was filed by Landplan Engineering on behalf of the  
owners of the subject property, Armstrong Management and Grisham Management (collectively,  
the “Applicant”). After withdrawing its previous application to address concerns stated at the prior  
Planning Commission hearing that the project be scaled-down, the Applicant has reduced the  
proposed development consistent with the Planning Commission’s comments.

**INTRODUCTION**

By recommending approval of the three (3) requests above, the Planning Commission has  
an opportunity to benefit the entire City of Lawrence by creating expanded shopping opportunities  
that will prevent existing spending from exiting Lawrence and draw new dollars to the City, which  
will increase City sales and property tax revenues (to the tune of nearly $1.5 million annually),  
and create nearly 500 new jobs for Lawrence and Douglas County residents.

But perhaps more importantly, SouthPoint presents the ideal opportunity to create an  
attractively-designed, graciously-landscaped southern “gateway” to the City of Lawrence at the
doorstep of the new K-10 expansion. The proposed shopping center generally complies with the long-term vision set forth in Horizon 2020, and enumerated in the Land Development Code, yet improves upon that vision, and brings it in-line with the significant opportunity that exists to grow Lawrence’s retail market.

PLANNING COMMISSION REPORT

Upon receipt of staff’s Planning Commission Report on August 18, 2015 (the “Staff Report”), the Applicant was pleased that staff recommended approval of all three (3) applications. In addition to staff’s findings regarding the potential “positive effect on the City’s pull factor and tax revenue” (Item No. 1-1), the Applicant generally agrees with the conclusions of the Staff Report. This memorandum is intended to highlight, and in some instances clarify, a few of the facts and findings contained therein.

A. The Current Zoning (RS10) is Inappropriate for the Subject Property and was Merely Intended to Serve as a “Holding Zone”

As noted in the Staff Report, the existing residential zoning designation is a remnant of a past practice to apply low-density residential zoning automatically upon annexation. See e.g. Staff Report, at Item No. 2B-9 (“In 1979, as properties were annexed into the City Limits, the RS-1 district was commonly used as a holding zone.”).

Thus, a residential zoning designation was never intended to be the permanent zoning for the site, nor is it the most effective use of this highway-interchange location or a desirable spot to place single-family homes.

In fact, Horizon 2020 already prescribes a very high intensity use for the site (auto-related commercial). The question is not if the site should be rezoned, but which of the two options before you (auto-related commercial or regional commercial) is the more appropriate alternative.

B. The Requested Comprehensive Plan Amendment Represents a Lateral Move to a Similar-in-intensity, But More Appropriate and Desirable Alternative for the Southern “Gateway” to the City

As set forth at Item 1-2 of the Staff Report, the Applicant is requesting that Horizon 2020 be amended to change the future land use designation from Auto-Related Commercial to Regional Commercial. These uses are essentially equivalent in terms of intensity and are subject to many of the same provisions under Horizon 2020. There is one major difference, however, in that auto-related commercial centers are not particularly attractive, and typically comprise small service buildings and large car lots and truck plazas. This stands in contrast to the attractively-designed and graciously-landscaped southern “gateway” that SouthPoint offers.
As the Staff Report explains:

SouthPoint will “provide a more substantial buffer for the Wakarusa River riparian areas,” and “[t]he public stands to gain . . . through preservation of a linear connection of the riparian lands leading into the Baker Wetlands.” See Staff Report, at Item No. 2B-1, -12.

In addition to the economic, aesthetic and environmentally-conscious factors that make SouthPoint a preferable alternative to an auto-related commercial center, the City has experienced significant redevelopment of auto-related commercial uses in recent years. Dealerships such as Briggs Subaru, Lawrence Kia, Jack Ellena Honda, Crown Toyota and Dale Willey Automotive have all invested significant additional capital toward enhancing and/or expanding their current locations. The result of this redevelopment is a limited demand for auto-related uses at the corner of SLT and US 59.

The Lawrence retail market, by contrast, is primed to see significant growth in the next few years through appropriate development, such as extending the South Iowa Regional Commercial Center to its logical southern terminus at SouthPoint. A commercial zoning designation not restricted to auto-related uses is the much more appropriate and desirable alternative.

C. SouthPoint Embraces the Significant Opportunity that Exists to Grow Lawrence’s Retail Market

According to a recent study by Caplan & Associates, SouthPoint is the ideal location for a retail development based on a variety of factors. With the addition of national retailers who do not yet serve Douglas County shoppers and its prime location adjacent to Lawrence’s largest commercial district, SouthPoint is projected to increase City sales and property tax revenues by a combined $1.5 million annually. See SouthPoint Retail Market Study, prepared by Richard Caplan & Associates, at 12 (Aug. 14, 2015) (attached to Staff Report as exhibit to Item No. 1). The development will also create expanded shopping opportunities and nearly 500 new jobs for Lawrence and Douglas County residents. Id.

SouthPoint is Designed to Attract New-to-Market Tenants. The Applicant has assembled a mix of tenants that will allow the shopping center to thrive in Lawrence’s retail market. As noted in the Caplan Study referenced above, Douglas County currently has a pull factor of 0.91, meaning the County “leaks” $0.09 of every dollar to be spent elsewhere. Lawrence similarly ranks 17th out of the State’s 25 first-class cities. “Altogether, this leakage offers an opportunity for retail growth, especially among those sectors where the sales leakage is greatest.” Id. at 6.

Eight of the eleven major retail categories designated by NAICS are planned to be located at SouthPoint, including two of the poorest performing sectors in terms of pull factor:
As framed by Caplan & Associates, this results in a “significant opportunity to increase Lawrence’s retail sales.” *Id.* at 11. SouthPoint seeks to take advantage of that opportunity by adding 237,000 square feet of retail space, an amount easily consumed by the market based on Lawrence’s demonstrated ability to absorb new commercial space.

**The SouthPoint Project will be Absorbed at the City’s Historic Absorption Rate.**

According to the Caplan study, “the City has absorbed an average of 265,070 square feet since 2006.” *Id.* at 16. Lawrence has an approved unbuilt inventory of approximately 1,184,968 square feet, which increases to 1,431,968 square feet upon the inclusion of SouthPoint. But even in an unlikely scenario where “all of these projects are completed and phased into the local market by 2020 . . . this will result in adding an average increase of [only] 238,661 square feet per year,” an amount less than that averaged since 2006. *Id.*

Upon occupancy of SouthPoint, the city wide vacancy rate is, therefore, projected to drop from 7.2% to approximately 6.7%. These projections are actually quite conservative, however, in that they assume *all* approved unbuilt inventory will be completed and phased into the market by 2020. But as discussed in greater detail below, several of these undeveloped concepts are either unlikely to be completed in the near future, or involve commercial-retail categories that will not compete with any of the expected tenants at SouthPoint.

**D. Unlike Various Entitled, but Undeveloped Commercial Areas in the City, SouthPoint is Ready to Break Ground in 2016 and Provide Lawrence Residents with New-to-Market, National Tenants Shortly Thereafter**

Staff states that the “[p]roposal could impact the timing of development for other entitled, but entirely or partially undeveloped, commercial areas . . . thereby potentially under serving these areas of the community.” *Id.* at 2. It is important to clarify, however, that several of the development examples for this assertion are either unlikely to be completed in the near future, or involve commercial-retail categories that will not compete with any of SouthPoint’s tenants.

Menards is in the building materials and supplies category, for example, which “is not in competition with any of the expected tenants at SouthPoint.” *Id.* at 16.

The Mercato development, on the other hand, appears to need additional rooftops in the vicinity before retailers are willing to locate there. After attempting for several years to obtain tenants and move the project forward, the Commission has no evidence that Mercato will experience meaningful progress in the near future. There has been no public announcement of

<table>
<thead>
<tr>
<th>NAICS CATEGORY</th>
<th>DOUGLAS COUNTY RETAIL PULL FACTOR</th>
<th>SOUTHPOINT TENANT</th>
</tr>
</thead>
<tbody>
<tr>
<td>442 Furniture and Home Furnishings Stores</td>
<td>0.59</td>
<td>HomeGoods (Marshall’s)</td>
</tr>
<tr>
<td>448 Clothing and Clothing Accessories Stores</td>
<td>0.62</td>
<td>DSW or Off Broadway Shoes</td>
</tr>
</tbody>
</table>
tenants, nor have any development plans been submitted to the City. SouthPoint, by contrast, has tenants ready to go if it receives approval of the requested plan amendment and rezoning, and the Applicant plans to break ground in the Spring of 2016. These tenants recognize the significant opportunity that exists to grow Lawrence’s retail market by being strategically positioned in a modern retail development at the southern entrance to the City.

E. **SouthPoint Meets or Exceeds Each of the Requisite Factors Set Forth in the Land Development Code and Identified Under Kansas Case Law**

Finally, from a purely legal and land use perspective, SouthPoint meets and/or exceeds each of the factors required to be considered under Section 20-1303(g) of the Land Development Code; the same factors identified by the Supreme Court of Kansas in *Golden v. Overland Park* as the quintessential items to be considered in making any rezoning determination.

SouthPoint is consistent with the character of the neighborhood and complements the zoning and uses of nearby properties. The current zoning is not at all conducive to maximizing the value of this uniquely-situated property, evidenced by the fact that the property, as zoned, has remained vacant and underutilized for more than thirty-five (35) years. The rezoning will, therefore, provide a benefit, rather than a detriment, to nearby properties, whereas denial of the application will harm the public by depriving Lawrence and Douglas County residents of the numerous benefits discussed in this memorandum. Finally, staff recommended approval of all three (3) applications upon finding, among other things, that “Horizon 2020 lists several key strategies that are applicable to the proposed development and support the proposed request.” See Staff Report, at Item No. 2B-3.

**CONCLUSION**

SouthPoint will provide a number of benefits, including an attractive southern “gateway” to the City, increased sales and property tax revenues, expanded shopping opportunities and new jobs for Lawrence and Douglas County residents. It will facilitate completion of the much-needed public improvements that are currently underway, and the scope of the requested amendments meet and/or exceed the quintessential zoning factors established in *Golden v. Overland Park* and in the City’s Land Development Code.

SouthPoint represents a lateral move to a land use that is similar-in-intensity, but much preferable to that currently contemplated by Horizon 2020. The development will have a positive impact on the retail market, and help to alleviate the leakage of retail sales currently experienced in Lawrence as well as in Douglas County.
For the foregoing reasons and others, we respectfully request that you recommend approval of all three (3) applications, as did staff.¹ We look forward to discussing the project further at the August 24, 2015 Planning Commission meeting.

Sincerely,

Dan Watkins

¹ For the exact wording of staff’s recommendations with respect to all three (3) applications discussed in this memorandum, please refer to Exhibit A attached hereto.
EXHIBIT A

STAFF RECOMMENDATIONS

ITEM NO. 1:
COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 6, CHAPTER 14, AND TO THE REVISED SOUTHERN DEVELOPMENT PLAN (JSC)

“Staff recommends forwarding a recommendation of approval of this comprehensive plan amendment to Horizon 2020, to the Lawrence City Commission and the Douglas County Board of Commissioners to amend Chapter 6, and the Revised Southern Development Plan to expand the South Iowa Regional Commercial center to incorporate the proposed development.”

ITEM NO. 2A:
RS10 TO CR; 59.80 ACRES; SOUTHEAST CORNER SLT & US-59 HIGHWAY (JSC)

“Staff recommends approval of rezoning 59.80 acres from RS10 (Single-Dwelling Residential) District to CR (Regional Commercial) District, and forward it to the City Commission with a recommendation for approval based on the findings of fact found in this staff report.”

ITEM NO. 2B:
RS10 TO OS; 6.07 ACRES; SE CORNER SLT & US-59 HWY (JSC)

“Staff recommends approval of the request to rezone 6.07 acres from RS10 (Single-Dwelling Residential) District to OS (Open Space) District, located at the southeast corner of the South Lawrence Trafficway and US-59 Highway based on the findings presented in this staff report, and forwarding it to the City Commission with a recommendation for approval, subject to the following condition:

1. The following uses shall be prohibited:
   a. Public and Civic Use Groups:
      i. Community Facilities; Cemetery, Cultural Center/Library and Funeral and Interment, Utility Minor, and Utility Major
      ii. Recreation Facilities; Active Recreation and Entertainment & Spectator Sports, Limited
   b. Commercial Use Groups:
      i. Transient Accommodation; Campground
      ii. Parking; Accessory Parking
   c. Other Use Groups:
      i. Communication Facilities; Amateur & Receive-Only Antennas, Telecommunications Antenna, Telecommunications Tower and Satellite Dish
      ii. Recycling Facilities; Small Collection Recycling Facilities”
August 21, 2015

Lawrence –Douglas County Planning Commission
C/o City Hall
6 E. 6th St.
Lawrence, KS  66044

RE: Proposed Retail Development at SLT and South Iowa

Dear Commission members:
I understand that the Lawrence-Douglas County Planning Commission will hear arguments for and against the proposed project for a new shopping center at the southeast corner of the SLT and Iowa Street interchange at its evening meeting on Monday, August 24th at City Hall. The Downtown Lawrence, Inc. board of directors has asked me to share their thoughts with the Planning Commission on this proposal.

In the past both the City Commission and the Planning Commission have been vigilant in maintaining Downtown Lawrence as the heart of the City. As far as this proposed project is concerned, we would ask the Planning Commission and the City Commission to continue this tradition of supporting locally owned, small and specialty businesses. Maintaining our retail mix and keeping Downtown vibrant and healthy are important not only to DLI but to our community as a whole. In the past year Downtown Lawrence has been named the number one tourist destination in the state by Trip Advisor and Parade Magazine, and the number two city for finding great local gifts by Yelp!. This is due in large part to the hard work of our local business owners and the excellent products and services that they offer.

Doubtless there are some advantages to welcoming new retail offerings to the community. As the discussion of it proceeds we would hope that the Planning Commission and the City Commission would be aware of the plans to include smaller, specialty businesses in the development and what effect that might have on downtown. Our goal and mission is to promote, preserve, and enhance this historic business district and to continue to engage the community and provide a place for locals and visitors alike to gather and enjoy our special brand of hospitality and tradition of unparalleled customer service.

Downtown Lawrence, Inc. would like to see the Planning Commission and City staff further explore this project including the various types of proposed retail businesses that might be included in it before any official recommendation or approval is determined. DLI wants to be an involved and active participant in the conversation as the conversation on this project proceeds.

Sincerely,

Sally Zogry
Executive Director
PLANNING COMMISSION REPORT  
Regular Agenda - Public Hearing Item

PC Staff Report  
08/24/2015

ITEM NO. 3A  RS7, RM12, PUD TO RM24-PD; 51.85 ACRES; 1800, 1809, & 2021 CROSSGATE DR (SLD)

Z-14-00552: Consider a request to rezone approximately 51.85 acres from RS7 (Single-Dwelling Residential) District, RM12 (Multi-Dwelling Residential) District, and PUD [Alvamar] (Planned Unit Development) District to RM24-PD Overlay (Multi-Dwelling Residential Planned Development Overlay) District including property located at 1800, 1809, and 2021 Crossgate Dr. Submitted by Paul Werner Architects on behalf of Alvamar Inc, property owner of record. Deferred by Planning Commission on 2/23/15 with direction to add a Planned Development overlay to the rezoning request.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 51.85 acres from RS7 (Single-Dwelling Residential) District, RM12 (Multi-Dwelling Residential) District, and PUD [Alvamar] (Planned Unit Development) District to RM24-PD (Multi-Dwelling Residential Planned Development Overlay) District based on the findings presented in the staff report subject to the following conditions:

1. Only the following non-residential uses shall be allowed as reflected in the Preliminary Development Plan:
   a. Retail Uses as accessory to the golf course;
   b. Office uses accessory to the direct operation of the golf course and banquet facility or management of accessory uses directly associated with the golf course;
   c. Eating and Drinking Establishments to include a Nightclub (to be operated as a banquet/reception facility only, Fast Order Food; Quality Restaurant; and Accessory Bar uses.
   d. Transient Accommodations to include a Hotel with not more than 24 guest rooms.

Reason for Request: Proposed residential and golf course development.

KEY POINTS
• Property includes developed golf course improvements and open space.
• Project proposes adding significant residential density and increased traffic from nonresidential uses associated with the golf course redevelopment.
• The proposed development is intended, in part, to maintain the Alvamar Golf Course as a viable amenity to the community.
• The impacts to the infrastructure serving the development – streets/traffic, storm water improvements, sewer and water, as well as the compatibility of this request with adjacent uses, depends in large part on the specific development density and size of the nonresidential uses associated with the golf course.
• This application has been revised to include a Planned Development Overlay.
• Section 20-701(f)(1) allows commercial uses in addition to those otherwise permitted by right in a PD, with a base RS or RM District.

ASSOCIATED CASES/OTHER ACTION REQUIRED
• PP-14-00554; Alvamar One Preliminary Plat – included in PDP review
• PDP-15-00247; Preliminary Development Plan – includes Preliminary Plat review
SUP-15-00389; Active Recreation Uses in a RM24 District

PLANS AND STUDIES REQUIRED
- Traffic Study – Not required for rezoning
- Downstream Sanitary Sewer Analysis – Not required for rezoning
- Drainage Study – Not required for rezoning
- Retail Market Study – Not applicable to residential request

Refer to related Preliminary Plat/Preliminary Development Plan for these studies.

ATTACHMENTS
1. Area Map
2. List of communications from previous consideration
5. Article 4 Use Group Table

Project Summary:
The Proposed request is for infill development that includes mixed residential and recreational uses accessory to the golf course. Residential uses include Multi-Dwelling Residential Uses. The original application also included an Assisted Living Facility, proposed for Lot 4 of the Preliminary Development Plan but this use has been removed. Golf course amenities include both Passive and Active Recreational Uses, specifically a banquet/reception facility, outdoor snack bar and grill, swimming pools, clubhouse, fitness/wellness center, space for the Kansas Golf Hall of Fame and associated office space for the golf course. Planned improvements also include a Hotel with 24 guest rooms to be included in the banquet facility as an additional accessory use to the golf course amenities. Access to this area is from Crossgate Drive, a local street that intersects Clinton Parkway on the south, and a proposed new public street extension to the north intersecting Bob Billings Parkway.

The RM24 zoning district and associated Preliminary Development Plan provides a framework for the development of the property included in this development request. This report establishes the background and Land Use entitlements required to accommodate the development proposal. Successive applications and reports provide additional detail for specific uses and development proposed within the area. Uses not specifically identified, in the rezoning ordinance and as part of the Preliminary Development Plan, are not permitted. Any change in proposed uses shall require reconsideration through the applicable public hearing process. Such a request may include a concurrent consideration of zoning and revised development plan applications.

Table 1: Summary of Uses

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>Non Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>292 multi-dwelling units</td>
<td>New golf clubhouse [Accessory to Passive Recreation Use.]</td>
</tr>
<tr>
<td></td>
<td>Lockers, pro-shop, restaurant [Retail Sales and Eating and Drinking Establishment and/or Accessory Use to Active and Passive Recreation Uses]</td>
</tr>
<tr>
<td></td>
<td>18,482 SF banquet/reception facility [Eating and Drinking Establishment – Nightclub]</td>
</tr>
<tr>
<td></td>
<td>Outdoor snack bar/grill [Fast Order Food or Accessory Use to Active Recreation Use.]</td>
</tr>
<tr>
<td></td>
<td>2-3 swimming pools [Active Recreation]</td>
</tr>
<tr>
<td></td>
<td>15,500 SF fitness center [Accessory Use to Active Recreation]</td>
</tr>
</tbody>
</table>
Uses allowed in RM24:
- Multi-Dwelling Residential Uses
- Additional Commercial Uses when proposed and approved with a Preliminary Development Plan
- Active Recreation Uses (require a Special Use Permit)

**Preliminary Development Plan Reference**
This application differs from the previous plan (deferred by the planning Commission on 2/23/15) by including only one type of residential use; Multi-Dwelling Residential. The previous application included not only Multi-Dwelling but townhouses (duplex units) and attached housing. This project also includes off-site changes to the golf course including modifications to pond areas, Tee-boxes, and fairways. These improvements are outside of the boundary of the proposed RM24-PD.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant’s Response: See attached letter from applicant.

Basic residential strategies are listed in Chapter 5 of Horizon 2020. They include:

- Infill residential development should be considered prior to annexation of new residential areas.
- A mixture of housing types, styles and economic levels should be encouraged for new residential and infill development.
- Compatible densities and housing types should be encouraged in residential neighborhoods by providing appropriate transition zones between low density residential land uses and more intensive residential development, and between higher density residential uses and non-residential land uses.

Horizon 2020 does not specifically address this area. The plan recommends the preservation of neighborhood character and appearance, Policy 3 Neighborhood Conservation. Included in this set of policies are recommendations to minimize traffic impacts, encroachment of nonresidential uses, and encourage compatible infill development with regard to lot size, housing type, scale and general architectural style of the area. A Planned Development Overlay designation allows for a detailed review of these elements.

Residential density is variable by lot size, housing type and residential density bonuses that may be considered for a Planned Development. This project includes:

1. 292 Multi-Dwelling Residential Units on 15.98 Acres, or 18.27 DU/Acre;

The previous application included a total of 1,198 total units on 49.92 acres or 24 units per acre. The previous application included residential uses on all of the proposed lots including apartment units on upper floors of the golf course amenities. This proposed plan establishes the higher density residential development to the north with access to Bob Billings Parkway from Crossgate Drive extended. The Assisted Living use proposed at the south end of the development closer to Clinton Parkway is no longer part of the proposed Preliminary Development Plan. No use is proposed for Lot 4 at this time. Active and passive recreation uses are located in the central portion of the site. Refer to the Preliminary Development Plan for specific uses of each lot.

Evaluation of the compatibility and intensity, as recommended in Horizon 2020, must be considered concurrently with the Preliminary Development Plan. This application represents infill development and introduces Multi-Dwelling as a housing type that is not currently located within the interior of the surrounding neighborhood.

Additional development will increase traffic. Traffic mitigation is limited by the existing development pattern of the surrounding area. There are only two access points to this area; North from Bob Billings Parkway along Crossgate Drive (a private street segment) or South from Clinton Parkway along Crossgate Drive. Any additional access to other local streets in the area would
result in more disruption to the golf course and substantial changes to the street network in the area.

The applicant’s response to traffic impacts includes construction of a new public street segment between Bob Billings Parkway extended to the south to limit intrusion into the northern neighborhoods. This design feature is discussed further in the Preliminary Development Plan.

**Staff Finding** — *Horizon 2020* does not specifically address this area but provides general policies that are applicable to development, if approved. Substantial consideration should be given to compatibility of the surrounding area with regard to intensity and housing form and appearance as well as appropriate transitions and mitigation of impacts such as traffic. When considered concurrently with the Preliminary Development Plan, traffic impact is mitigated to a reasonable extent.

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

This section describes the existing and surrounding zoning and land use for the immediate area of the proposed RM24 District.

<table>
<thead>
<tr>
<th>Current Zoning and Land Use:</th>
<th>PD-[Alvamar PUD] District; Part of a 422-acre development including golf course and residential development.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RS7 (Single-Dwelling Residential) District; Existing parking lot and portion of golf course area.</td>
</tr>
<tr>
<td></td>
<td>RM12 (Multi-Dwelling Residential) District; existing clubhouse located at 1809 Crossgate Drive.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding Zoning and Land Use:</th>
<th>See Attached Map for Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>To the South/Southwest:</td>
<td>PD-[Alvamar PUD] District; RM12 (Multi-Dwelling Residential) District; RS7 (Single-Dwelling Residential District and RM12D (Multi-Dwelling-Residential) District. Existing residential uses and golf course areas along Quail Run and Crossgate Drive</td>
</tr>
<tr>
<td></td>
<td>To the west: PD-[Alvamar PUD] District; Existing Alvmar Golf Course.</td>
</tr>
<tr>
<td>To the North</td>
<td>PD-[Alvamar PUD] District; Existing residential uses along the north leg of Crossgate Drive, a private street and Alvmar Golf Course.</td>
</tr>
<tr>
<td>To the east</td>
<td>PD-[Alvamar PUD] District; Alvmar Golf Course and residential uses along El Dorado Drive, Alvmar Drive and Quail Creek Ct.</td>
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</tbody>
</table>

This area includes approximately 324 acres of golf course that includes the fairways and clubhouse/parking areas and several platted residential subdivisions designed with rear yards adjacent to the golf course. Developed subdivisions in the area include both detached and attached housing. With the exception of the golf course facility uses, non-residential uses are located along the periphery of the neighborhood. Golf course amenity uses are located along Crossgate Drive, a local street.
**Staff Finding** – The majority of the area is surrounded by the Alvamar Planned Unit Development and existing golf course. Clusters of residential uses are located along public and private streets that are adjacent to the proposed request or are separated by portions of the golf course.

3. **CHARACTER OF THE NEIGHBORHOOD**

Applicant’s Response: *The Neighborhoods currently in the PUD consist of apartments, duplexes, townhouses, and a mix of mid to high end single family residences. All of these different housing types can be found backing up to the golf course.*

This neighborhood area is described as the Alvamar Neighborhood. This neighborhood has developed around the Alvamar Golf Course and includes multiple platted subdivisions. It is bounded on the north by Bob Billings Parkway, Clinton Parkway on the south, Kasold Drive on the east and Wakarusa Drive on the west. It is not a registered neighborhood within the City of Lawrence. A small area known as Quail Ridge East is a registered neighborhood and is located in the northeast corner of the Alvamar PUD. The east half of the neighborhood was developed as part of a Planned Unit Development. The western half was developed through conventional zoning and subdivision platting processes. The existing PUD boundary currently includes approximately 449 acres.

There are three main vehicular paths that provide north south connectivity within this area between Bob Billings Parkway and Clinton Parkway. They are:

1. St. Andrews Drive; Tam O’Shanter Drive; Quail Creek Drive - all local streets;
2. Crossgate Drive – a local street with public and private street segments; and
3. Inverness Drive - a collector street.

The north 550’ of Crossgate Drive is as a private drive that includes access through the parking lot of the clubhouse area. Only Inverness Drive was developed as a through street within the neighborhood. It is not located within the Alvamar PUD.

Residential uses include both attached and detached housing as well as multi-dwelling residences. Common attached housing types include duplex, typically referred to as townhouses, as well as triplex and four-plex units that have also been referred to as townhouses throughout the development.

Multi-dwelling residential uses are located within the Alvamar Planned Unit Development along Waterford Avenue on the north side of Clinton Parkway, the east side of Quail Creek Drive, and the...
south side of Seminole Drive. The current development pattern includes low, medium, and high
density residential development within the Alvamar PUD. Lots along the south leg of Crossgate
Drive are not within the boundary of the Alvamar PUD.

The main portion of the golf course activity area is located at the north end of Crossgate Drive
where it changes from a public street to a private street. Site plans were approved in 1983 and
2008 for the clubhouse and the Jayhawk Golf Training Facility. The clubhouse is located outside of
the boundary of the Alvamar PUD.

This area includes several creeks and streams. Several ponds are located throughout the golf
course area. If approved, the proposed development includes modifications to some ponds and
natural drainage ways in the area that are outside of the area included in the subdivision
associated with this request. Changes to these features must maintain an appropriate relationship
to the existing development and character of the area.

If approved, the proposed request would add residential development along Crossgate Drive and
increase the existing amenities associated with the golf course in the same central area.
The heights of the buildings on Lot 2 seeks to be compatible if the character of the residential
structures to the north by increasing in height to 45’ as the buildings go south.

**Staff Finding** – The character of the area is defined by the boundaries and presence of the golf
course and amenities. The area includes mixed density and housing types. Main portions of the
golf course are located along Crossgate Drive. Higher density residential development is typically
located along the boundary of the neighborhood with proximity to Kasold Drive and Clinton
Parkway. The subject request introduces 3 and 4 story multi-dwelling structures in the interior of
the neighborhood but seeks to locate them in the least obtrusive way. Such development would be
compatible if the densities, height, buffer yards, etc. are kept to these reflected on the Preliminary
Development Plan.

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

Only a very small and isolated area is within a registered Neighborhood boundary. There are no
adopted plans for this area. The eastern area was part of a Planned Unit Development originally
approved in the late 1960s. Various revisions to the plan over time have been made through
Zoning, Subdivision Plats, Site Plans and Uses Permitted Upon Review (Special Use Permit).

Staff reviewed the history of the Alvamar development in an effort to establish a base density for
the current and any remaining development with the Alvamar Planned Unit Development as a
proxy plan for this area. The Development Plan, approved by the City Commission on February
28, 1993, shows the total area of the PUD as 378 acres with 243 acres of golf course. The plan
also shows 2,153 total dwelling units permitted and 712 dwelling units shown on the plan. An
annotated copy of the plan is attached to this report. The following table summarizes the
development per this plan for the area. There are disparities in the plan that are not reconcilable.

**Table 2: Land Use Summary 1993 Alvamar PUD**

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Area in PUD</strong></td>
<td><strong>378 Acres</strong></td>
</tr>
<tr>
<td>Golf Course</td>
<td>243 acres</td>
</tr>
<tr>
<td>Residential Area</td>
<td>135 acres</td>
</tr>
</tbody>
</table>
Apartments 227 dwelling units
Townhouses 96 dwelling units
Duplexes 46 dwelling units
Single Family 275 dwelling units

Total Dwelling Units All Housing Types 644 dwelling units
Living Units Shown 712 dwelling units
Living Units Permitted 2,153 dwelling units

Density per Family* Gross 26,246 SF (1.6 dwelling units per acre)
Density per Family Net 23,126 SF (1.8 dwelling units per acre)

Note: *Density per Family was the calculation used in the early development plans and refers to density per residential lot and is not a typical density calculation.

<table>
<thead>
<tr>
<th>Non Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
</tr>
<tr>
<td>Not in PUD; Northwest corner of Kasold Drive and Clinton Parkway.</td>
</tr>
<tr>
<td>24 Acres</td>
</tr>
<tr>
<td>Residential Office</td>
</tr>
<tr>
<td>Not in PUD; Southwest corner of Kansold Drive and Bob Billings Parkway.</td>
</tr>
<tr>
<td>9 Acres</td>
</tr>
<tr>
<td>Future Residential</td>
</tr>
<tr>
<td>Outside of City Limits/ Not in PUD</td>
</tr>
<tr>
<td>104 Acres</td>
</tr>
<tr>
<td>Street Right-of-Way</td>
</tr>
<tr>
<td>Within Residential PUD</td>
</tr>
<tr>
<td>51 Acres</td>
</tr>
<tr>
<td>Street Right-of-way</td>
</tr>
<tr>
<td>Not in PUD</td>
</tr>
<tr>
<td>6 Acres</td>
</tr>
</tbody>
</table>

Notes:
1. 378 Acres. This total does not appear to account for 3 acres withdrawn from PUD in 1989 (375 Acres).
2. Townhouses typically refer to triplex and quad-plex buildings throughout the plans.

The above information is shown on the face of the 1993 Alvamar Planned Unit Development Plan. The total number of existing dwelling units including all housing types is estimated by staff to be 647 dwelling units. That number of dwelling units, within the existing Alvamar PD, represents an approximate density of 1.4 dwelling units per acre. This number is comparable to the summary information included in the 1993 plan noted above that showed 644 dwelling units.

The proposed request, if approved, would add additional density. The proposed development identifies the addition of 292 residential dwelling units. The following formula shows an estimation of the increase of density within the Alvamar PD area.

\[
\text{647 Existing Dwelling Units estimated by staff} \\
\text{292 New Dwelling Units (Lot 2, Per Preliminary Development Plan)} \\
\text{939 Total Dwelling Units}
\]

Total Alvamar PUD = 378 Acres. 934 DU existing and proposed /449 AC = 2.09 dwelling units per acre.

This summary addresses only the residential impact. Assessment of the amenities associated with the golf course are reviewed through the related Preliminary Development Plan applicable to the project. There are typically no residential densities associated with recreation uses.

**Staff Finding** – There are no adopted area or neighborhood plans for the area included in the proposed zoning and immediately surrounding area. The Alvamar PUD includes only the eastern portion of 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 suitable for the current uses it is restricted to however, expanding recreational uses on the property would also fit the character of the neighborhood and provide additional recreational amenities.*

The current zoning allows *Active Recreation* uses in all residential zoning districts subject to approval of a Special Use Permit. *Passive Recreation* uses and *Private Recreation* uses are allowed by-right in all residential zoning districts. Additionally, the Planned Development overlay allows the addition of commercial uses if the following conditions are met:

1. if the PD includes a minimum area of 10 acres or
2. if the PD includes more than 100 Dwelling units.

This project meets both of these conditions. The code provision does not establish a cap on the amount, intensity or uses that may be included.

Golf course uses are frequently associated with accessory uses such as club houses, pools, restaurants, limited retail related to the facility and other amenities. Uses must be listed on the face of the Preliminary Development Plan.

- **Active Recreation Uses** include athletic fields and courts, as well as community recreation buildings, accessory structures including public restrooms, refreshment stands, concession shops selling sporting goods, and miniature golf.
- **Passive Recreation Uses** include greens and commons, gardens, arboretums, pedestrian, bicycle and equestrian paths and trails, plaza and seating areas, picnic areas and golf courses.
- **Private Recreational Areas** are set aside as open or recreational uses as part of a residential development.

The structure of zoning for this property includes a Planned Unit Development (PUD) approved originally in the late 1960s at the time the zoning was adopted. The zoning was considered to be an overlay or special purpose district with a base zoning district. The base zoning for this property included both RS-1 and RS-2 (Single-dwelling Residential) Districts. The attached image shows the boundary of the zoning prior to the adoption of the 2006 Land Development Code. See attachment #3.

When the Land Development Code was adopted in 2006 properties that were zoned PUD, regardless of whether the PUD was an overlay or an independent zoning district. These became a Special Purpose District. This history is relevant to the question of suitability because the development of the area within the Alvamar PUD has occurred in a fragmented and inconsistent manner with regard to the applicable base zoning district.

As requested, approval of this application would remove property from the existing Alvamar PUD and establish it as a conventional RM zoning district with a PD overlay consistent with the current zoning regulations. The purpose of the request is to facilitate new residential development, enhancement of the golf course and development of related amenities and accessory uses. Because of the mix of uses intended for this project a Preliminary Development Plan and a Special Use Permit are required.
Based on the existing zoning and approved development plans, site plans and subdivisions it appears the PUD was approved with some total amount of residential units. That total “permitted units” of 2,153 units within 375 acres of the Planned Development is equivalent to approximately 5 dwelling units per acre. The 1993 plan states a total of 712 living units were shown. A review of individual developments within the Alvamar PUD finds a wide range of density and housing types. Therefore, additional housing units can be added on the area considered with previous approved density.

The area requested for rezoning is predominantly used for the golf course and open areas associated with that function. In order to facilitate infill residential development with a mix of housing types, an alternative base zoning district is needed.

The current zoning, assuming the underlying base zoning is RS10 and RS7 (converted from the RS-1 and RS-2 pre 2006 districts), is suitable for the existing uses but does not support a request for development of additional residential units in this area.

**Staff Finding** – The current zoning is obsolete given the adoption of the Land Development Code in 2006. Assessing development and suitability are complicated by the fact that no previous development plan for the area clearly articulates a maximum build out of the area. If future improvements are limited to only those related to the golf course and accessory uses, a change in zoning is not required. To facilitate additional infill development, rezoning the base district is necessary to accommodate the Multi-Dwelling housing type proposed.

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

Applicant’s Response: The property is not vacant and has existed with a golf course and a range of housing types since the early 1980’s.

This area has developed over a period of years starting in the late 1960s. The original approval appears to date to May 1967 and included a total of 1,583 units on 252 acres. The development described areas that were both inside and outside of the existing 1967 City Limits and include the Alvamar Hills Golf Course. The commercial areas shown on the early plans located on the northwest corner of Kasold Drive and Clinton Parkway were not part of the Planned Unit Development.

Additionally, area zoned RO in the northeast corner of the property at Kasold Drive and Bob Billings Parkway was also removed from the PUD as part of a revised plan approved through the Use Permitted Upon Review (UPR) process (UPR-6-4-76). Another plan, revised development through the UPR process (UPR-11-11-76), shows the Planned Unit Development including 381 acres.

Prior to 2006, the majority of the golf course was zoned RS-2 (Single-Family Residence) District with a planned unit development overlay. Over time the boundary of the PUD has been modified. Areas located in the northwest and northeast corners have been removed from the original PUD. The area along St. Andrews Drive in the northeast portion of the development was rezoned in 1972 to RO and was removed from the PUD. In 1989 the area around Prestwick Court was also withdrawn from the PUD.

Throughout the Alvamar Planned Unit Development density has been transferred within the development from one area to another as each specific subdivision has been platted and built out.
An example of this transfer of density is shown in UPR-11-11-76. This phase of the Planned Unit Development modified earlier plans from 48 townhouses to 25 detached residences located along Medinah Road/Circle. Other examples occur in individual subdivisions that were platted for detached dwelling units but individuals built across lot lines and effectively combined two or more lots into a single parcel.

The earliest plans included the extension of a public street between what is today Clinton Parkway and Bob Billings Parkway known as Greenbrier Drive (as shown in the 1967 plan attached). Plans from the mid 1970's show Greenbrier Drive extended from Clinton Parkway north to the center part of the site terminating with a street called Club Drive. Greenbrier Drive was renamed Crossgate Drive in later plans. Crossgate Drive did not extend to Bob Billings Parkway until revisions were made for the Woodfield Meadows Development at the north end of Crossgate Drive in the early 1980's. The approved plan from 1986 shows a public street for Crossgate Drive extended to the golf club area in the central portion of the development and a private access from Bob Billings Parkway south to the club area.

Golf club activity areas have historically been located in the central portion of the development. The proposed development would continue to locate the activity areas in the central portion of the development.

**Staff Finding** – The property is not vacant. Zoning within the Alvamar PUD has been modified over time to accommodate development of individual subdivision, multi-dwelling projects, and amenities associated with the golf course.

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

Applicant’s Response: *Rezoning for this project is necessary to allow new recreational uses other than the golf course to be built. The proposed housing is already an allowed use and exists in the current PUD in the form of apartments, townhomes, duplexes and single-family homes.*

With a few exceptions, this proposed rezoning is surrounded by the existing golf course. The significant feature of the request is the addition of development intensity associated with both the golf course and the additional residential uses proposed. Approval of the request will add additional traffic along Crossgate Drive. Crossgate Drive is the only access for 7 existing subdivisions between Bob Billings Parkway to the north and Clinton Parkway to the south.

Residents have contacted planning staff regarding traffic concerns as well as obstruction of their view of the golf course, water runoff, compatibility and style of development consistent with the surrounding residential character of the existing residential uses. Traffic is an acknowledged issue as there are limited options for providing street access to this area without substantially changing the surrounding neighborhood. This plan includes a new street segment providing a direct public street connection to Bob Billings Parkway.

The Traffic Study submitted did not include this proposed street extension. The public street extension was a result of previous discussions with the residents located along the north leg of Crossgate Drive (private street segment) and staff. Staff did concur with the conclusions regarding the need for signal timing changes for the Clinton Parkway and Crossgate Drive intersection.
A feature of the PD overlay is the allowance or accommodation of commercial uses. However, the intensity and size of commercial uses is not prescribed in the district and must be considered concurrently with the Preliminary Development Plan.

**USE GROUP DISCUSSION**

**Residential Use Groups**
The RM24 District allows a variety of uses. The complete use table is attached to this report. In addition to Household Living Uses [i.e. Attached, Detached, Multi-Dwelling housing types] this district also allows Group Living [i.e. Assisted Living, Congregate Living and Group Homes]. This project includes Multi-Dwelling Uses on Lot 2 as shown on the Preliminary Development Plan. No other residential use is proposed for the Preliminary Development Plan at this time. The Assisted Living previously shown on the Preliminary Development Plan on Lot 4 has been withdrawn. These uses are all considered to be Residential Use Groups.

**Recreational Facilities Use Group**
Recreational Facilities include a variety of uses listed in the table below and are a subset of the Public and Civic Use Group.

- Public and Civic Use Groups
  - Recreational Facilities
    - Refer to SUP report for definitions of these uses

Recreation uses are a significant consideration as they relate to this project. The proposed development is focused around the primary use of an existing golf course. A golf course is a Passive Recreation use and is allowed in the RM24 District. For this application most of the existing golf course is outside of the proposed changes but has context to the proposed development. The following table provides a summary of the allowed recreation uses that are permitted in the RM24 District or which require a Special Use Permit.

<table>
<thead>
<tr>
<th>Recreation Facilities –</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Active Recreation</td>
<td>Special Use Required</td>
</tr>
<tr>
<td>Entertainment &amp; Spectator Sports, General</td>
<td>Not permitted</td>
</tr>
<tr>
<td>Entertainment &amp; Spectator Sports, Limited</td>
<td>Not Permitted</td>
</tr>
<tr>
<td>Passive Recreation</td>
<td>Permitted</td>
</tr>
<tr>
<td>Nature Preserve/Undeveloped</td>
<td>Permitted</td>
</tr>
<tr>
<td>Private Recreation</td>
<td>Permitted</td>
</tr>
<tr>
<td>Participant Sports &amp; Recreation, Indoor</td>
<td>Not Permitted</td>
</tr>
<tr>
<td>Participant Sports &amp; Recreation, Outdoor</td>
<td>Not Permitted</td>
</tr>
</tbody>
</table>

A swimming pool or other area that is set aside for the exclusive use of a residential development would be considered “Private Recreation” and would be a development feature to be considered in the development plan process. When recreation uses are of a public nature, that extend beyond the exclusive use of the residential development they are considered Active Recreation Uses require a Special Use Permit [SUP-15-00389]. This report assumes that recreation uses will not be further restricted for this proposed development.

**Commercial Use Groups**
This series of uses has a potential to be detrimental to the surrounding area and should be considered carefully in this application as well as through the Development Plan application to
mitigate impacts. Section 20-701 (f)(1)(ii) permits commercial uses in certain situations. Except as noted within the PD overlay with the Preliminary Development Plan, commercial uses would not be permitted in the RM 24 District. Proposed Commercial uses include:

1. A Hotel with 24 guest rooms
2. Retail as an accessory use to the golf course
3. Eating and Drinking Establishments that are listed as a banquet/reception facility (Nightclub) snack bar (Fast Order Food and Accessory Bar) and restaurant (Quality Restaurant).
4. Office uses as accessory uses to the golf course operations.

A component of this application includes 24 guest rooms as part of the banquet facility. This use, as a Transient Accommodation, Hotel type use, is a commercial use allowed in an RM District only with approval of a PD Overlay and as listed as use on the a Preliminary Development Plan. The scope and intensity of the use may be regulated as part of the zoning ordinance and as part of the development plan process. For example, the total number of guest rooms could be restricted or the total amount of commercial area (square feet) could be limited or confined to certain areas within the development.

A concurrent submittal of a Preliminary Development Plan along with the rezoning application is intended to provide a public review process of the details of the project in order to mitigate impacts on existing subdivisions within the area.

The primary impacts will be increased traffic, lights and noise. Traffic impacts north of the clubhouse are mitigated by realigning Crossgate Drive to a new point on Bob Billings Parkway. The effect of increased traffic will be more noticeable for residents south of the clubhouse.

Staff Finding – In staff’s opinion, the rezoning will create additional traffic, noise and light for nearby properties; however, the planned improvements to Crossgate Drive, Bob Billings Parkway and Clinton Parkway will accommodate the increased traffic. Appropriate site design will address lighting and landscaping. the request must be assessed concurrently with the Preliminary Development Plan.

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 health, safety and welfare would be additional recreational opportunities to provide people with more health and active lifestyle. The hardship imposed upon the landowner would be they would not be able to sell the property and the course itself would decline.

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.

Development within this area, as proposed, will require extension of municipal services such as sanitary sewer and water lines. Additional improvements to the street network are needed including traffic calming methods that have been approved for Crossgate Drive but not yet installed (south street segment to Clinton Parkway). Additionally, improvements to the golf course and stormwater runoff are anticipated to support this development that are outside of the
boundary of the rezoning and proposed preliminary plat. The traffic study states that turn lanes are needed at Crossgate Drive and Bob Billings Parkway as well as changes to signal timing at Crossgate Drive and Clinton Parkway. Fully satisfying these issues will be made with subsequent development applications.

Approval of the rezoning provides a framework to assess land uses and gross density. Conventional zoning will not address basic design considerations such as transition between housing types. The addition of a Planned Development Overlay district provides more information to assure compatibility concerns are addressed and integrated into the overall development project and allows those with a vested interest in the development, the nearby owners, to have necessary information to more fully assess the impacts.

Approval of the request, as proposed, allows for additional development intensity and residential development within the existing city limits and as infill within an existing neighborhood with an established character.

Benefit could be gained by regenerating golf course amenities and adding residential use to enhance the Alvamar Development.

**Staff Finding** — If issues such as traffic, density, compatibility, etc. are adequately addressed through site planning, then the Alvamar Development and adjacent owners should benefit by keeping the golf course open and successful.

### 9. PROFESSIONAL STAFF RECOMMENDATION

Numerous changes in the original 1966 zoning ordinance and the adoption of the Land Development Code in 2006 make the current zoning for this area difficult to administer. Rezoning the area to a current zoning district is beneficial in establishing development potential for the area. A Planned Development Overlay is the appropriate tool to assure both coordination of infrastructure improvements to the area and compatibility of the development with the surrounding area are sufficiently addressed.

Staff recommends approval of the proposed rezoning with conditions as discussed in the body of the staff report.

**CONCLUSION**

The rezoning application, as conditioned, is suitable for the area.
ARTICLE 4. USE TABLE

20-401 USE TABLE
The Use Table of this article lists the Principal Uses allowed within all of the Base Districts except the UR District (See Section 20-223(b) for UR District use regulations). The symbols used in the Use Table are defined in the following paragraphs.

(a) [P] Permitted Uses
A “P” indicates that a use is permitted by right, subject to compliance with all other applicable local, State and Federal regulations, including the regulations of this Development Code.

(b) [S] Special Uses
An “S” indicates that a use is allowed only if reviewed and approved in accordance with the Special Use procedures of Section 20-1306.

(c) [A] Accessory Uses
An “A” indicates that a use is permitted as accessory to a Principal Use, subject to compliance with all other applicable local, State and Federal regulations, including the regulations of this Development Code.

(d) Uses Not allowed
Cells containing a dash (–) indicate that the listed use is not allowed in the respective Zoning District.

(e) Use-Specific Standards
Many allowed uses, whether permitted by-right or by Special Use, are subject to compliance with use-specific standards and conditions. An Asterisk (*) after the P, S, or A use code identifies the use is subject to use-specific standards and conditions. The sections in which these standards and conditions are located are identified in the far right column titled Use Specific Standard.

(f) Unlisted Uses
If an application is submitted for a use that is not listed in the use table of this section, the Planning Director is authorized to classify the new or unlisted use into an existing land use category that most closely fits the new or unlisted use, using the interpretation criteria of Section 20-1702(b). If no similar use determination can be made, the Planning Director shall initiate an amendment to the text of this Development Code to clarify where such uses will be allowed.
## Article 4 – Use Table

### Land Development Code

**Effective July 1, 2006**

**Amended March 27, 2015**

### 20-402  RESIDENTIAL DISTRICT USE TABLE

<table>
<thead>
<tr>
<th>Key:</th>
<th>A = Accessory</th>
<th>P = Permitted</th>
<th>S = Special Use</th>
<th>* = Standard Applies</th>
<th>- = Use not allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Zoning Districts</td>
<td>RS40</td>
<td>RS20</td>
<td>RS10</td>
<td>RS7</td>
<td>RS5</td>
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#### RESIDENTIAL USE GROUP

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<th>RS20</th>
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Effective July 1, 2006  
Land Development Code  
Amended March 27, 2015
## Key:
- **A** = Accessory
- **P** = Permitted
- **S** = Special Use
- **= Standard Applies**
- **= Use not allowed**

### Base Zoning Districts

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Key:
- **A** = Accessory
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- **-** = Use not allowed

Effective July 1, 2006
Land Development Code
Amended March 27, 2015
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### Article 4 – Use Table

**Key:**
- **A** = Accessory
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**Effective July 1, 2006**

**Land Development Code**

**Amended March 27, 2015**
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### 20-403 NONRESIDENTIAL DISTRICT USE TABLE

**Key:**
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## Article 4 – Use Table

**Key:**
- **A** = Accessory
- **P** = Permitted
- **S** = Special Use
- ***** = Standard Applies
- **-** = Use not allowed

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## Article 4 – Use Table

| Key: |
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| P = Permitted |
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| **Animal Services**              |     |     |    |    |   |    |    |    |      |    |    |    |    |     |    |
| Kennel                           | –   | –   | –  | –  | – | P  | P  | P   | P   | – | – | – | – | –   | 509 |
| Livestock Sale                   | –   | –   | –  | –  | – | S  | S  | S   | –   | P | – | – | – | –   | 509 |
| Sales and Grooming               | P   | P   | P  | P  | P | P  | P  | P   | –   | P | – | – | – | –   | 509 |
| Veterinary                       | –   | P   | P  | P  | P | P  | P  | P   | P   | P | – | – | – | –   | 509 |

| **Eating & Drinking Establishments** |     |     |    |    |   |    |    |    |      |    |    |    |    |     |    |
| Accessory Restaurant             | –   | –   | –  | –  | – | –  | –  | –   | A   | – | – | – | – | –   | 509 |
| Bar Or Lounge                    | –   | P/S*| S* | –  | P*| P* | P* | P*  | –   | – | – | – | – | –   | 509 |
| Brewpub                          | –   | P*  | S* | –  | P*| P* | P* | P*  | –   | – | – | – | – | –   | 509 |
| Fast Order Food                  | P*  | P*  | P  | P* | P*| P* | P* | P*  | –   | P*| – | – | – | –   | 511/509 |
| Fast Order Food, Drive-In        | –   | S   | –  | –  | – | P  | P  | P   | –   | P | – | – | – | –   | 509 |
| Nightclub                        | –   | –   | –  | –  | – | P* | –  | P*  | P*  | – | – | – | – | –   | 509 |
| Private Dining Establishments    | P*  | P*  | –  | P* | P*| P* | P* | P*  | –   | – | – | – | – | –   | 539 |
| Restaurant, Quality              | P*  | P*  | P  | P* | P*| P* | P* | P*  | –   | – | – | – | – | –   | 524 |

| **Office**                       |     |     |    |    |   |    |    |    |      |    |    |    |    |     |    |
| Administrative and Professional  | P*  | P   | P* | P  | P | P  | P  | P   | P   | P | A | – | P  | A   | 518 |
| Financial, Insurance & Real Estate | P* | P   | P  | P  | P | *  | *  | P   | P   | – | – | – | – | –   | 510 |
| Payday Advance, Car Title Loan Business | P* | P   | P  | P  | P | P  | P  | P   | P   | P | – | – | – | –   | 510 |
| Other                            | P   | *   | P* | P  | P | *  | P  | P   | P   | P | A | P | – | –   | 543 |

| **Parking Facilities**           |     |     |    |    |   |    |    |    |      |    |    |    |    |     |    |

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**Base Zoning Districts**

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<tr>
<th>Key:</th>
<th>A = Accessory</th>
<th>P = Permitted</th>
<th>S = Special Use</th>
<th>* = Standard Applies</th>
<th>- = Use not allowed</th>
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</table>

### INDUSTRIAL USE GROUP

#### Industrial Facilities

- **Explosive Storage**
- **Industrial, General**
- **Industrial, Intensive**
- **Laundry Service**
- **Maker Space, Limited**
- **Maker Space, Intensive**
- **Manufacturing & Production, Ltd.**
- **Manufacturing & Production, Tech.**
- **Research Service**
- **Scrap and Salvage Operation**

#### Wholesale, Storage & Distribution

- **Exterior Storage**
- **Heavy**
- **Light**
- **Mini-Warehouse**

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**Use-Specific Standards** (Sec. 20)
**Key:**
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Effective July 1, 2006
Land Development Code
Amended March 27, 2015
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Z-14-00552: Rezone 51.85 acres from RS7, RM12 and PUD [Alvamar] Districts to RM24-PD District

PDP-15-00247: Preliminary Development Plan for Alvamar

Located in Alvamar Golf Course
August 7, 2015

Planning & Development Services
City of Lawrence
6 East 6th Street
PO Box 708
Lawrence, KS 66046

RE: Alvamar Rezoning (Z-14-00552), Special Use Permit (SUP-15-00389), and Preliminary Development (PDP-15-00247)

As a resident of the Crossgate Court development (including 2100-2112 Crossgate Circle and 4000-4033 Crossgate Court) we believe it is imperative that we provide input regarding the development considered at the current Alvamar Country Club. We have spoken at length with Ms. Sandra Day in order to better understand the plan and the specifics of the requested changes.

For background, we purchased our home in 2012. We retired from our jobs in Wichita and moved to Lawrence in the summer of 2013. We are both retired educators and could have moved anywhere in the country, but chose Lawrence. Since our move we have loved the city and have spent a great deal of time and money remodeling our retirement home to be exactly what we want. Our neighborhood is peaceful, quiet and one we enjoy. It is disconcerting to find that our “little slice of heaven” is to be disrupted by large equipment, excess noise and a great increase in traffic.

We know that progress is inevitable, and support well planned progress. We carefully selected Crossgate Court. It is a small neighborhood of about 20 homes. We make it a point to watch out for each other. Some of the homes are investment properties, others are homeowners like us. Regardless, we care about where we live. Our homeowners association is responsible for the maintenance of our own streets, including snow removal. We have personally purchased gravel at our own expense to repair the potholes on the city street at the entrance to Crossgate Court to protect our neighbor’s vehicles. We do, however, have concerns about the proposed project.

Our first concern is that the increased construction traffic followed by increased residential traffic from Clinton Parkway north on Crossgate will result in a deterioration of Crossgate, people choosing to turn around in our cul-de-sacs due to safety reasons will cause a deterioration of our private streets as well. We should not be required to pay for public street traffic if the street is in fact a private street. How does the city plan to limit traffic on our streets or does the city plan to take over the maintenance of the Crossgate Court streets?

Our second concern is the obvious increase in traffic. At this time Crossgate Street from Clinton Parkway to Alvamar is not a heavily travelled street, although traffic is steady. Even so, parking is allowed on the East side of Crossgate and we have experienced several near head-on collisions attempting to maneuver around the parked cars. We are not so naive to believe that the residents of the proposed apartment complex won’t travel south on Crossgate as that is the closest route to the
nearest grocery store. The increase in traffic causes greater concern when parking is allowed on the street. What is the city’s plan to guarantee safe travel on Crossgate?

Our final concern is the pending, dare we say unspoken, request for a “banquet facility with overnight accommodations”. We cannot and will not support this type of structure. Call it what you will, it’s a hotel. We do not believe that a hotel belongs in a residential district. We would support the banquet facility as we know Lawrence needs more facilities for large groups. Lawrence is, however, a small town. It takes mere minutes to get to a hotel from any place in town. We do not believe that sleeping accommodations are necessary to “sell” a good banquet facility.

We are hopeful that the city realizes that these concerns, although small, will quickly become city problems, not developer’s problems once the approval for this project is in place. We filled out the survey for the city and we rated the infrastructure and safety of Lawrence at the top of our list. Your careful consideration of this project and our concerns is appreciated.

Sincerely,

John and Joan Blazek
4013 Crossgate Ct.

Mailing address: PO Box 3111, Lawrence, KS 66046

Telephone: 316-655-9315
or
316-655-5475
Dear Ms. Day,

We are opposed to the development and rezoning detailed in your letter. It has been proposed by the potential new owners of Alvamar. We are concerned about our property values being lowered.

Carol & Mike Modrell
8-6-15
August 8, 2015

Lawrence- Douglas County Metropolitan Planning Commission

Dear Staff,

In response to the attached letter dated July 31, 2015, and mailed to Alvamar area residents, I have the following comments:

I am an Alvamar homeowner and Alvamar Country Club member since it opened. I am fully in favor of the proposed rezoning, Special Use Permit, and Preliminary Development Plan as described in this letter.

The reason is simple:

If this plan does not materialize, I believe the whole Alvamar group of golf, dining, swimming, and tennis facilities will be in serious risk of going downhill for lack of monetary support, leading to a future for the whole area much less desirable than this plan.

The fact that this plan is proposed by an established, vested, experienced local group, makes it the best and most favorable plan for the future of the whole Alvamar area, and therefore the City of Lawrence at large.

Other alternatives that may come up in the future, if this plan does not move forward, are simply scary.

Sincerely,

Dave Rueschhoff  4705 Carmel Place
My husband and I are very active members of Alvamar and strongly support the current proposals submitted to the Lawrence Planning Commission. We lived in Topeka until work transferred us to St. Paul, MN. Upon retirement we moved back to Kansas and chose to build a home in Lawrence for several reasons, one of which was the Alvamar Golf Course. We have told several of our Topeka golf friends about the proposed upgrades to Alvamar, and they have shown not only a great interest in the golf enhancements, but are also excited about potential to purchase housing around the Alvamar grounds, which would bring tax revenue to the City of Lawrence. We hope you vote Yes!
August 22, 2015

Planning Commission
City of Lawrence Douglas County
Planning & Development Services
6 East 6th Street
P.O. Box 708
Lawrence, Kansas 66044

Re: Z-14-00552; SUP-15-00389; & PSP-15-00247

Dear Members of the Planning Commission:

This letter is a follow-up to our original letter dated February 11, 2015 that we send on behalf of my husband and myself in regard to the proposed Application filed by Paul Werner Architects on behalf of Alvamar Inc. to re-zone and re-plat certain properties that was deferred by the Planning Commission on February 23, 2015 with the direction to add a Planned Development overlay to the rezoning request. Once again, we want to thank Planning Staff for its assistance in explaining the process to us on the revised submitted requests before the Planning Commission at this time.

As a brief reminder, the residential area we live in is part of the Quail’s Nest at Alvamar Condominium and is accessed by a private drive directly to the South of Alvamar Country Clubhouse. The private drive is owned by the Homeowner’s Association with a shared access off of South Crossgate and is shared by Quail’s Nest and Alvamar Country Club. My husband and I live at 1909 Quail Run, which is fronted by the private drive and #one tee box on the private side of the golf course and the back of our condo is close to #9 green on the private side of the golf course.

As I understand it, the Applicant, Paul Werner Architects on behalf of Alvamar Inc. at the direction of the Planning Commission on the February 23, 2015 meeting, has re-submitted its application with more details, which include a request that all lots to be re-zoned RM 24-PD. Instead of 6 lots there are now 4 lots, with Lot 1 being the lot where the existing clubhouse is located and is adjacent to our Homeowner’s Association land.

As a reminder, Lot 1 is currently zoned RM12, which is the same zoning that our Quail’s Nest Condo Association has. Lot 1 is contiguous with our neighborhood, Quail’s Nest to the north, is “four doors up” from my home. We will be significantly impacted by any change in
zoning that allows for more building, more businesses and more traffic.

Jay and I purchased our house deliberately to live on the golf course. We support the overall proposal of Applicant to find a way to maintain the Alvamar Golf Courses, as viable amenities to the Lawrence community, however, we have serious concerns relating to the specific details or should we say “lack of details” in Applicants submittals.

According to Staff Report Site Summary, Item No. 3C-4, Lot 1 is 2.63 acres in size. “If RM24 PD is allowed the maximum number of units is 63 units and 0 units are proposed. The existing clubhouse is to be removed in future plans. Proposed use not identified. Residential uses are not proposed for this lot at this time. Parking lot noted to remain after clubhouse is razed. Required 100 parking spaces for existing clubhouse; 138 parking spaces existing and 63 remaining after Development of Lot 2”.

It is our understanding that since there are no identified proposed uses at this time, that if RM24 PD were to be approved for Lot 1, any plans for development filed by purchaser (developer) would have to be presented to the Planning Commission for approval and that it is a public hearing item, except for the zoning of RM24.

We would like it clarified that note 1.c. in Staff Recommendation on Preliminary Development Plan-PDP-15-00247, Item No. 3C-1 does not apply to Lots 1 and Lots 4 and that property owners do not waive rights to protest. Obviously, we strongly object to waiving any rights to protest or participate in any future application, particularly since the purpose of the PD overlay is to allow a public process.

At this time, we would specifically like to address our concerns regarding Lot 1-current site of existing clubhouse and adjacent to our Homeowner’s Association property.

1. **Density:** We are still concerned about density. There are no plans for Lot 1 at this time, however, the RM24 PD allows 63 units, which would equate to a minimum of 126 individuals and cars (2 per unit). In addition, Site Summary allows for 1,198 units, which is easily 2,396 individuals (1,198 x 2). While there are not that many proposed units at this time, the RM24 PD zoning allows that density. We must assume that the property will be developed to that level.

2. **Access:** The existing clubhouse located on Lot 1 is currently accessed in part by a private drive directly to the South of Alvamar Country Clubhouse. The private drive is owned by the Homeowner’s Association with a shared access off of South Crossgate and is shared by Quail’s Nest and Alvamar Country Club for the benefit of both entities. Currently, there is no information that addresses how the changes in zoning and increase in traffic, parking and density will have a negative impact our ownership rights’ to this access without regard for the increased costs of maintenance we will be forced to bear.

3. **Timing:** There is no development plan that sets forth timing of development. The only thing known about Lot 1 is that the clubhouse will be demolished at some point in the
future. The timing and future use is totally at the discretion of the developer. Obviously, uncertainty negatively impacts our ownership and could impact property values.

4. **Setbacks and Buffers**: At some point, Lot 1 will be developed. The Applicant has stated that the existing clubhouse will be demolished and a new use proposed. As stated herein, we have absolutely no idea what will be proposed, however, our only protection is that the preliminary plan will have to be presented to the planning commission for approval and we have the right to provide input through the public process. The RM24 PD zoning will allow up to 63 units, if residential. We are unclear if commercial will be allowed. But the site will look very different from what it does now and we have no idea what that will look like.

Currently, our residences blend into the golf course environment. The layout of our subdivision deliberately incorporated the greens of the golf course, the fairways of the golf course and the putting green located on Lot 1 adjacent to the clubhouse. Quail’s Nest residences were developed as part of the original development of the clubhouse. The clubhouse itself is an organic structure that blends into the environment. The north side of the first resident to the north (1901 Quail Run) looks out on the putting green by the main clubhouse. The setback at that side is less than 23’ and the visual incorporates the putting green into the aesthetics of the neighborhood. This was deliberately planned when the clubhouse was built and as our residences were built.

Therefore, it becomes imperative that the future development of Lot 1 not change the character of our neighborhood that has lasted for greater than 33 years. It also becomes imperative that if Lot 1 is no longer the site of the clubhouse that very generous setbacks between the two property lines be required and that aesthetic buffers be required to maintain the views and beautiful, peaceful environment of the neighborhood. Measures must be taken to ensure that whatever is done to Lot 1 that it still fits with the residential/golf complex as when originally developed.

In summary, my husband and I support the maintenance of Alvamar Golf Courses as viable amenities to the Lawrence community and we believe that in order to redevelop Alvamar and maintain the two 36 hole golf courses there are compromises to be made, however, the care and oversight that formed this area in its creation must continue. Therefore, we support the rezoning for all lots to be RM24-PD, provided that such rezoning assures us that the actual development of Lot 1 and Lot 4 is a public process that is presented to the Planning Commission for approval with the right to make public comments in regard to the actual development plan. At such time, we will be specifically looking to make sure that such plan has addressed our concerns set forth today and how such plan will impact us as adjacent property owners.

Thank you for your time.

Sincerely,

Lori L. Heasty and John B. Patterson
Sandy, I am writing this note in support of the rezoning request submitted by Bliss Sports and Alvamar, Inc. Please share with your staff and the members of the Planning Commission.

It seems to me that what is being requested is well within what is allowed in current zoning regulations, and by updating the zoning, current code language will apply going forward. This has to be a positive for City Planners!

There is no doubt this is the best opportunity for the Alvamar Golf operations and the property owners in the western area of Lawrence. For sure it is the best opportunity for the continued success of the recreational activities which are enjoyed by members as well as the public at large! To be sure this facility remains "state of art" for KU golf teams is incredibly important to them as well as the City of Lawrence.

In the interest of full disclosure, I must say that I represent the shareholder group of present Alvamar owners. We are a "tired" group most of whom have been invested in Alvamar for almost 40 years. We have neither the energy nor the resources to move Alvamar into the future. We are incredibly fortunate to have a "local" investor who is willing to take up this challenge! What is being proposed will allow the new owners to have the wherewithal to make Alvamar the best it can be! This is clearly in the best interest of the greater community, especially those most closely impacted by the recreational facilities!

Golf is an incredibly competitive business and it is becoming more difficult to manage a free standing operation which depends solely upon direct revenue for support. It is very difficult to build the estimated $400,000 annual cost for property taxes and water into the green fee and dues structure. For this reason, it is critical that there be other sources of revenue such as rental income to support operations! Please do not limit their chances for success by limiting density to an unreasonable number.

As former resident of the Alvamar neighborhood and a long time (and current) member of the golf club, I truly believe this is best for Lawrence as a city, and for each of us as residents! It is my hope the Planning Commission will approve and pass on to the City Commission this plan for development!

Robert C. Johnson
957 Coving Drive
Lawrence  Ks  66049
785-331-6884
Dear Ms. Day,

I live in the neighborhood of Alvamar Golf Course and I've been a member for six years. I'm writing to you to express my support for the rezoning changes, special use permits, and preliminary development plans. Since I've been a member I know the owners have expressed a desire to sell the course. They've not had very many offers on it. The present offer is from a local resident who has a vision for the property that will make it a golf and event destination and enhance it's standing in the community. They have listened to the members and adjoining property owners and I believe this might be the best opportunity for a smooth transition of owners. I urge the Planning Commission to support the changes.

Thanks for your consideration.

Rick Kuhle
City of Lawrence Douglas County  
% Ms. Sandra Day  
Planning & Development Services  
6 East 6th Street  
P. O. Box 708  
Lawrence, KS 66044

Ref: Z-14-00552; SUP-15-00389; PDP-15-00247

Dear Planning Commission:

Thank you for the opportunity to provide input for the above referenced requests which include Rezoning, Special Use Permit, and a Preliminary Development Plan. Our interest in this is from being long term residents of the Lawrence community since 1967, shareholders of Alvamar, Inc., and members of the Alvamar Golf and Country Club community.

As you know the development of Alvamar to the west grew from the vision of two men, Bob Billings and Mel Anderson. At the time in the late 60’s Bob Billings was working in the Financial Aid office at the University of Kansas, and Mel Anderson was the golf course superintendent at a local country club. Mel Anderson pitched the idea to Bob about building a golf course. And, to this day that changed the landscape of Lawrence to the west.

Over the years the vision of these two men grew to a PUD of 378 acres which was approved by the Lawrence City Commission on February 28, 1993. This included 243 acres for a golf course, and 2,153 total dwelling units. As estimated by the City Planning Staff 647 of the 2,153 approved dwelling units exist today. After substantial growth and popularity, construction of a second golf course began in 1970. This is now what is referred to as the Member’s course and makes Alvamar only one of two thirty-six hole golf facilities in the state of Kansas. Also, over the years the Alvamar Golf and Country Club complex grew to include recreational facilities at the current location of the Bishop Seabury Academy. Located at that facility was a swimming pool, tennis academy to include both indoor and outdoor tennis, and a fitness center.

The construction and maintenance of two golf courses, public and private clubhouses, cart barns, swimming pool, indoor/outdoor tennis facilities, and a fitness center were all made possible because of the development land around the golf courses being sold for dwelling units (227 Apartments, 96 Townhouses, 46 Duplexes, and 275 Single Family). Also, substantial investments from Bob Billings, and 125+ investors of Alvamar, Inc. were used to build these facilities and maintain the golf courses over the years.

Sadly, Bob Billings, a Kansas University alumnus who changed the face of Lawrence to the west with his work as a developer, philanthropist, and community leader died on February 13, 2003. With his vision and plans for Alvamar not complete, and with the investors of Alvamar, Inc. hoping to see a return on their investments the funds for the upkeep and expansion of the Alvamar Golf and Country Club complex became limited over the past twelve years. In 2002,
Bishop Seabury acquired the complex that housed the swimming pool, indoor/outdoor tennis facility, and fitness center used by Alvamar. With this sale the fitness center and tennis facilities were no longer available. The swimming pool has been leased by Alvamar since the sale to Seabury in 2002. However, the pool has deteriorated over the years and must have substantial repairs or be replaced. Additionally, the deferred maintenance on the golf courses, equipment, clubhouses, parking lots, and streets is substantial!!

Alvamar is fortunate to have a local developer (Bliss Sports, Thomas and Dru Fritzel) with the development experience and financial means interested in buying the Alvamar Golf and Country Club golf courses, equipment, and facilities. It's interesting to note that being involved with development at Alvamar isn't new to the Gene Fritzel family. In 1984, Gene Fritzel partnered with Bob Billings to build the current Alvamar Country Club Clubhouse, and the eight townhomes currently located to the south of the clubhouse.

When Bob Billings began to build the public golf course and facilities in the late 60's he needed to be able to develop the land around the course and sell it to builders of apartments, townhomes, duplexes, and single family homes. The proceeds from this development were used to build the golf course and facilities along with ongoing maintenance. The same is true with the current buyer of Alvamar, Bliss Sports. They need to be able to do infill development at Alvamar which will provide part of the funding to revitalize the entire Alvamar Golf and Country Club courses and facilities. Alvamar is very, very "tired!" The golf courses and irrigation ponds need to be updated, and new facilities are needed to include a clubhouse, swimming pools, fitness center, banquet/reception facility, and a cart barn.

Alvamar has been a major part of Lawrence to the west for over 50 years!! It has been a recreational facility that has served thousands of people from Lawrence and from all over the United States and other countries. With the approval of the requests before the Planning Commission, Alvamar once again will become a high quality golf and recreational complex as it was in 1970 to 1990's. The approval also will be of major benefit for the Lawrence Community, the neighborhoods that surround the current golf courses, The University of Kansas, The University of Kansas Golf Program, Lawrence and Free State Golf teams, Haskell Indian Nations University, Baker University Golf Program, Public patrons of the golf course, and the Alvamar Country Club membership!!

We are fully in favor of the proposed rezoning, Special Use Permit, and Preliminary Development Plan as described in the documentation released by the City Planning staff.

Thank you for your time!

Sincerely,

Jerry & Janet Magnuson

Jerry and Janet Magnuson
Ms. Day-

Good afternoon.

As a property owner in the Alvamar neighborhood (indeed, on one of the golf courses), I write in support of the proposed redevelopment and ask the planning commission approve the plans.

The Alvamar property is a wonderful part of Lawrence, but there's no question it needs an update to stay viable into the foreseeable future. It would be a shame to see this critical part of Lawrence fall into further disrepair. The proposed redevelopment will be good for Alvamar, its members, and all of Lawrence.

Again, I urge the planning commission, along with the city council, to approve the proposed redevelopment.

Thank you for your consideration.

Best,

Riley Scott
4517 Nicklaus Dr.
Lawrence, KS 66047
August 24, 2015

Cheryl Troxel
1504 Alvamar Drive
Lawrence, KS 66047

Ms. Sandra Day, AICP
City of Lawrence
6 East 6th Street
Lawrence, KS 66044

RE: PDP-15-00247

I am writing to express my concerns regarding the proposed construction of a new entrance road onto Bob Billings Parkway.

In April, I attended a meeting hosted by the City of Lawrence Public Works Department that discussed expected increased traffic on Bob Billings Parkway as a result of the new interchange at Bob Billings Parkway and K10. There were discussions about roundabouts, lane widths, additional turn lanes and a reduced number of access points onto Bob Billings. It was made very clear to all those in attendance there were not enough funds to make all, or even most, of the requested improvements and to maintain the existing Bob Billings.

Given the lack of funding available for needed improvements and maintenance, I believe financing for any additional roadways required to support increased development should be a part of the approval process and all of the cost for the new entrance road as well as any required improvements to Bob Billings shouldered by the developer. These changes to Bob Billings Parkway will impact our neighborhoods and property values for years to come.

Sincerely,

Cheryl Troxel
Communications and request for information from:

1. Lori Heasty & John Patterson, 1909 Quail Run – **See Attached Letter dated 2.11.15**
2. Richard Fanter, 4608 Turnberry Drive – **See Attached Letter dated 2.18.15**
3. Jenni and Steve Koger, 2004 Crossgate Drive – **See Attached Letter dated 2.20.15**
4. Marty Smith, 1906 Crossgate Drive – **See Koger Letter**
5. Kay Mueller, 1908 Crossgate Drive – reported flooding – **See Koger Letter**
   a. 2008 and 2012 Crossgate Drive – reported flooding
7. Pat Webb, 1910 Crossgate Drive – **See Koger Letter**
8. 4011 vintage Ct.
9. 1540 Alvamar Dr.
10. 1709 Kasold Drive
11. 1431 Anthony Michael Drive (north side of BBP)
12. 3604 Hartford Ct.
13. 2101 Quail Creek
14. 4311 Quail Pointe Drive
15. 2105 Greenbriar
16. 2202 Crossgate Drive
17. Paul Davis representing multiple homeowners associations along Crossgate Drive (north leg)
18. Dianne Karls, 3522 Tam O’Shanter
19. Gordon E. Abernathy, 1530 St. Andrews Drive – **See Attached Letter**
20. Bill Mauch, 1501 Crossgate Drive
21. Cheryl Troxel, 1504 Alvamar Drive – **See attached letter dated 2.23.15**
22. Donna Geisler, 1800 Inverness Drive – **See Attached Letter dated. 2.24.15**
23. Tony Mynsted, 1545 Alvamar Drive – **See Attached Letter dated 2.24.15**
24. Michael and Carol Moddrell, 3506 Tam O’Shanter – **See Attached Letter dated 3.17.15**
25. Related to the RS7 Request:
   a. 3712 Quail Creek Court, Bill and Marlene Penny
   b. 3706 Quail Creek Court, Chris and Teresa Hanna
   c. 3604 Quail Creek Court, Connie Friesen
   d. 3601 Quail Creek Court, Sandy and Mark Praeger
Issues:

1. View shed along Crossgate looking over existing golf course and no buildings in line of sight
2. What will total building height include?
3. Springs located along Fairway 1. Reported flooding along south leg of Crossgate Drive
4. Size and scope of tennis use
5. Banquet use and hotel; Banquet hold up to 800 people. Hotel not characteristic of area.
6. Changes in traffic
7. Purpose and character of Alvamar PUD did not include proposed intensity.
8. What is structure of north leg of Crossgate Drive, easement agreement that includes Alvamar and Homeowner’s Association for cost share 50/50. What is maintenance and improvement proposed.
Sandra Day  
City of Lawrence Douglas County  
Planning & Development Services  
6 East 6th Street  
P.O. Box 708  
Lawrence, Kansas 66044  

Re: Z-14-00552; Z-14-00553; PP-14-00554; PP-14-00555  

Dear Ms. Day:  

I am writing you on behalf of my husband and myself in regard to the proposed Application filed by Paul Werner Architects on behalf of Alvamar Inc. to re-zone and re-plat certain properties as described in the above referenced submittals. I want to thank you and the Planning Staff for your assistance in explaining the process to me and the submitted requests before the Planning Commission.  

The residential area we live in is part of the Quail’s Nest at Alvamar Condominium and is accessed by a private drive directly to the South of Alvamar Country Clubhouse. The private drive is owned by the Homeowner’s Association with a shared access off of South Crossgate and is shared by Quail’s Nest and Alvamar Country Club. My husband and I live at 1909 Quail Run, which is fronted by the private drive and #one tee box on the private side of the golf course and the back of our condo is close to #9 green on the private side of the golf course.  

As I understand it, the Applicant, Paul Werner Architects on behalf of Alvamar Inc. has submitted two re-zoning requests and two corresponding preliminary plats, one of 51.85 acres from RS 7, RM12 & PUD (Alvamar) Districts to RM 24, which then will re-plat said acreage into 6 lots; and then one of 5.18 acres from PUD (Alvamar) to RS7. The area for proposed replatting is contiguous with our neighborhood, Quail’s Nest to the north, is “four doors up” from my home; it also is directly across the street to the east and runs to the south. We will be significantly impacted by any change in zoning that allows for more building, more businesses and more traffic.  

The Applicant has requested that “conventional zoning” be used with no “overlay” district requirements. “Overlay” really means “oversight.” Therefore, if the proposed application were approved as submitted, then any subsequent re-zoning and preliminary plats would be fairly summarily approved, with little opportunity for input from adjacent property
owners until after the formal process began and perhaps long after the informal discussions with city planners began. There would be no opportunity for input from the City’s elected officials.

The carte blanche the Applicant seeks, to reconfigure this area created under a PUD, may never be appropriate in any case, given the care and commitment required to create a PUD in the first place. But the carte blanche now requested should be denied given that it has the potential to recreate an area that is so important to the City at large and to an extremely large group of Lawrence citizens who through their home purchases made lifetime investments in the Alvamar area as it exists today. This is what the Summer 2013 edition of the Lawrence Business Magazine wrote:

Few businesses have as much of an impact on Lawrence as Alvamar. The club boosts 36 holes, a swimming pool and countless real estate holdings. The 36-hole facility covers most of the land from the intersection of Bob Billings Ave and Kasold to the intersection of Clinton Parkway and Wakarusa.

“It’s hard to argue the impact of Alvamar,” says J. Taylor, Director of Memberships at Alvamar Country Club. “West Lawrence was literally built around the golf courses.”

At this time, the Applicant has submitted “concept plans” only, which are admittedly attractive drawings of what could be or might be. But the drawings decidedly are not what necessarily will be; in fact, the Applicant has provided no plans for what is proposed particularly as to what is being done with the re-plat of the 51.85 acres into 6 lots that is so close to our home.

The Applicant has given the planning staff a list of intended development for the 6 lots, which said development includes over 600 dwelling units that range from two 120 unit apartment complexes, condominiums, patio homes, and “luxury” condominiums. However, based on the current Application, if re-zoning and re-platting were to occur even the list of intended development could change as long as the requirements of RM 24 (that is 24 units per acre) are not violated. This means that some 1244 dwelling units could actually be built on these 51.85 acres.

Therefore, this Applicant’s requests are completely open-ended in favor of the Applicant and the future purchaser of all the realty owned by Alvamar, Inc. This request also completely eliminates the present requirement (which, as I understand it, has been in place since the creation of the golf course and its environs) to take into consideration the overall PUD of the surrounding area. As we all know this land in question is part of the Alvamar Country Club golf course under a purchase agreement at this time by a known developer’s company.

At this time we oppose the Application for re-zoning and re-platting as submitted, particularly with respect to the 51.85 acres, for the following reasons.
1. This area is a mature developed area that was developed over the last four decades as a Planned Unit Development with two 18 hole golf courses and surrounding residential areas that created a blend of uses that benefit our Lawrence community as a whole. Landuse tenets that first gave the green light for the then-innovative PUD, made clear that a PUD must be created for the benefit of the whole community and not for the individual property owner alone. Otherwise the PUD would amount to an illegal spot zoning.

In this case, the original development was part of a PUD and now the proposed Application wishes to change the zoning without recognition of the original PUD and the potential negative impact on all of the other parcels that make up the original PUD, ie Alvamar golf course complex.

Even though the two steps are remote in time, the Applicant seeks to defeat the original requirements imposed upon this PUD by breaking it apart in a way that significantly changes the original Alvamar development and, we contend, does significant harm to property owners within the original development who are nearby the areas proposed for re-platting. The mere passage of time should not remove the care and oversight that the PUD overlay process requires and that the City and its citizens deserve.

2. While original Alvamar development may have contemplated greater number of residential and/or multi family structures, the final development in the proposed 51.85 acres were PUD (Alvamar-for golf course) and RM12. There is nothing that has changed within the original PUD to compel a change in zoning in any part of it. Our residential area is comprised of eight condominiums of some 4000 square feet each with covenants and restrictions that were filed by the original developer to create and maintain the control of the residential area so that it would continue to fit into and enhance the golf course complex and the other residential areas. These declarations were filed for many of the residential areas surrounding Alvamar golf course and those areas adjacent to or directly impacted by the proposed re-zoning and re-platting. Implicit within those covenants and restrictions was the commitment that the owner of the golf course and its environs would not adversely impact our residential enclave. Denying the present re-plat is the only way to guarantee that homeowners and golf course owners will continue their “win-win” relationship established by the rules and requirements of the original PUD.

3. The proposed preliminary plat of the 51.85 acres divides the acreage into 6 lots, with the following number of dwellings suggested:

- Lot 1- 120 apartments and 24 patio homes/condominiums
- Lot 2- 120 apartments and 24 patio homes/condominiums
- Lot 3- golf course and 48 condominiums
- Lot 4- 92 units
- Lot 5- 48 patio homes and 48 condominiums
- Lot 6- 88 “luxury” condominiums
Plus the following additions and/or changes to golf complex facilities:
Club house
15,000 sq. ft. facility
Outdoor snack bar/grill
2-3 swimming pools
Fitness center
Golf Hall of Fame
4000 sq. ft. office building with part to be rented to tenant

That is a lot of proposed “concept” development with no objective standards or requirements or other criteria that might help the Staff and the Planning Commission evaluate how it enhances or benefits the existing area. In fact, if this Application were approved, there could be even more dwellings if the land is re-zoned to RM24. Currently, there are no apartments in the area and that was by design by the original developer and controlled through the declarations of each homeowner’s association created and filed at the time of development. To allow the potential for this intensive a change to the existing layout of the PUD, is essentially to embolden the Applicant to pack as much development into these locations as is in its financial best interests regardless of the impact upon other areas of the PUD and its environs. To allow the re-plat is to arm the Applicant with the argument that somehow these “concepts” tacitly were approved by this process, so there is no further need for the careful overlay/oversight built in to the regular PUD process.

Lot 6 is adjacent to land owned by the Quail’s Nest Homeowner’s Association. Currently, the clubhouse is an organic structure that blends into the environment. While my husband and I do not absolutely object to a new structure there with nearby “luxury” condominiums, we fear the impact that “88” condominiums, particularly if they are not owner-occupied and really are 88 apartments occupied by tenants who do not have a financial stake in their home, let alone in the PUD and its environs. In addition, there is no height limitation. Therefore, there could be a seven story structure that blocks views and does not fit within the entire look of the residential/golf complex.

It is our understanding that the majority if not all of Lot 6 is already zoned RM12. If we are truly looking at luxury condominiums, isn’t the current zoning adequate and if not, what reason is given to change that zoning other than to just have the right to build more units?

4. Based on the proposed number of at least 600 dwelling units plus the golf complex buildings there is a serious problem with the access and potential increased traffic to this area. This area is the “oasis” in the middle of two 18 hole golf courses. There is one public road in from the South (Crossgate). Crossgate from the North is a private road and is too narrow at this time to accommodate the increased traffic; the private road cannot be widened because of the structures in the way. It was discussed that South Crossgate, the public road, be extended to gain greater access, however, that is still just one road with only one point of egress, which is onto Clinton Parkway. Certainly until such time as it is ascertained that the private road can be
widened to provide the kind of access to Bob Billings Parkway that any kind of good planning requires, the re-plat should be denied for this reason alone.

The proposed number of dwelling units will sharply increase traffic, congestion and change the usage of the neighborhood. In order to accommodate the proposed units in Lot 4 and Lot 5, there will have to be streets that are accessed off of South Crossgate. The potential burden of that traffic has to be considered in the proposal and it is not at this time. There is no information at all available to the public and what the potential negative impact is.

In our particular case, our homeowner’s association owns a private drive that is accessed off of South Crossgate over a mutual access drive for the benefit of our Quail’s Nest Condominiums and Alvamar Country Club. Obviously, an increase in traffic will have a negative impact in our access without regard for the increased costs of maintenance we will be forced to bear.

5. The proposed Application also creates a parking issue. Currently, when Alvamar has large golf course tournaments and both courses are used, there is not enough parking. Cars are parked on Crossgate to the South and to the North to accommodate the events. It is hard to contemplate the amount of additional parking that will be required to accommodate the changes in the golf complex plus increase in dwellings.

In summary, my husband and I feel that the proposed Application is truly a redevelopment of the Alvamar Golf Complex and surrounding residential areas. While the overall future purchase of the golf courses is a benefit to Lawrence and the residents, the process that is being used by the Applicant is the incorrect process.

This development began in 1966 and was subsequently developed in stages which resulted in a comprehensive, complex and desirable area, which includes residential properties and multifamily properties of high value along with a nationally recognized golf course. This area deserves to be re-developed through a Planned Urban Development process with an “overlay” to insure that the integrity of the area and the overall integration of the area stays as it was originally intended. This is only accomplished with more defined plans, transparency by the developer and public input. Therefore, we request that the Application for re-zoning and preliminary plat known as Z-14-00552; Z-14-00553; PP-14-00554; PP-14-00555 be denied as submitted.

In closing, we would like to say that when Bob Billings passed away, 15th Street was renamed to honor his long-term vision and accomplishment with the Alvamar area, which includes more than just the golf courses. In addition, the Honorable Dennis Moore of Kansas placed in the House of Representatives’ record a Tribute to the Late Bob Billings of Lawrence, Kansas, which in part states, “There is a quality of life around here (Alvamar) that would not exist if he had not been the active, optimistic, visionary, enthusiastic person he was.” “Most notably, Bob Billings designed and developed the Alvamar development, more than 3000 acres
of residential and commercial property, a nationally recognized public golf course and country club complex."

We feel that Bob’s legacy can live on through the redevelopment of Alvamar, but the care and oversight that formed this area in its creation must continue. Bob’s memory deserves this; so do the citizens surrounding Alvamar, as well as the City at large.

Thank you for your time.

Sincerely,

[Signature]

Lori L. Heasty and John B. Patterson
February 18, 2015

Dear Commissioners:

The planning commission should consider the overall outlook for the properties Z-14-00552, Z-1400553, PP-14-0054 and PP-14-00555. It is a well documented fact the number of golfers is declining. Many golf courses across the country have closed due to a lack of funding caused by declining membership and fewer golfers. The game of golf just takes too long for today’s fast passed society. Fewer and fewer people have the 6 hours available to play a round of golf.

Recently Alvamar sold part of itself to a local developer under the assumption the new owner would continue to main the golf club. To maintain an 18 hole golf course costs about 1 million dollars a year. The developer needs the zoning changes and resulting revenue stream of property sales to meet the financial obligation he has committed too since course usage will not generate all of the income needed to maintain the golf course. What we are looking at is a continued shrinkage of the golf coarse over the next decade as course revenue continues to fall. The owner will next want to rezone 9 holes of the course for development. Each rezoning is not in the public interest it is in the new owner’s financial interest.

If the new owner thinks my comments are not correct than he should be willing to put up a 10 year performance bond that will contribute $500,000 per year to coarse maintence if golf fees fall short. If the owner fails to produce the other $500,000 needed to maintain the 18 hole coarse the performance bond would fulfill the owners obligation.

Since KU is involved in this whole ownership change process the University has a great deal of underutilized property on the south east corner of W 15th Street (Bob Billings) and Kasold which the university could make available for residential development. This is based on the assumption that the planning commission what’s to have a higher population density west of Iowa Street and east of Wakarusa Drive.

Our Mayor has stated he thinks Lawrence will grow for the foreseeable future. It will be wonderful to have large green spaces in the middle of our growing and prosperous city. Take a look at Chicago and how wonderful the green spaces make the city feel. The planning commission should keep in mind the long term goals of our people and community. I realize you are under a great deal of pressure from developers who are in the business of making money. Let’s not let the short term do ill-reputable harm to the livability of our community.

The possibility to delay a decision might be considered since the request closely follows on the heels of the property acquisition. Since the submission has already been prepared by Paul Werner it is obvious the plan was well underway before the property actually changed hands. It is my opinion if the planning commission is really interested in the public good a delay of six months or more would be a prudent course of action.

Respectfully Submitted by:

Richard Fanter
4608 Turnberry Drive
Lawrence, Ks 66047
February 19, 2015

Lawrence Metropolitan Planning Commission
c/o Sandra Day, AICP
Planner II
City of Lawrence
PO Box 708
Lawrence, KS  66044

Dear Commissioners:

This letter is written to register the comments of the undersigned concerning item Z-14-00552 scheduled to be considered at the February 23, 2015 meeting of the Planning Commission. We own homes located along the west side of #1 Fairway (Lot 5) on Alvamar’s Public Course. The back of our homes look east across #1 and #9 Fairways. The zoning request’s Master Plan calls for “residential transition to lower density” along #9 Fairway.

We reviewed materials mailed to us by Sandra Day and also met separately with Ms. Day and Paul Werner.

We believe the Master Plan conceptuais would benefit the Alvamar area and are generally supportive of seeing the plan accomplished. We have several questions and requests we hope the Planning Commission will consider in its discussion of the proposed zoning changes:

- **Structure Height** – We prefer to have a continued unobstructed view of the land east of our homes. That being said, we otherwise hope and respectfully request that houses built in the area along #9 Fairway east of our homes have a lower profile, preferably not to exceed one story above grade.

- **Water Runoff** – Several underground springs require year-round sump pump operation for a number of our homes. Storm runoff also produces problems. We would like to be assured that construction activities and future structures identified in the Master Plan will involve appropriate engineering solutions to eliminate the possibility of exacerbating our current drainage conditions.

- **Traffic/Access** – We understand the area where the public clubhouse is located may be the site of higher density residential structures that will increase traffic volumes and possibly stress Crossgate Drive particularly at its north entrance intersecting with Bob Billings Avenue. We assume these issues will be addressed and managed.

- **Location of #1 Fairway** – It is our understanding that the #1 tee box may be relocated somewhat to the east of its present location, but that the balance of #1 Fairway would not be moved west and closer to our property lines. We would be concerned with any change that moves #1 Fairway closer to our property lines. Doing so would be inconsistent with the original Alvamar Planned Unit Development and increase the number of errant golf balls flying onto our properties that create personal safety issues.

The Master Plan is understandably non-specific at this stage. We assume this proposal is under consideration for conventional zoning and that this might limit our opportunity to receive additional information and offer feedback once the plan is further defined. Therefore, we prefer that a Planning Development
Overlay be approved that would provide all parties an opportunity to confirm that the Master Plan concepts are consistent with final build out plans.

In closing, we wish to reiterate our support for the development concepts described within the Master Plan. We believe the concerns we have identified can be satisfactorily resolved and that the project will benefit Alvamar and its neighborhoods.

Thank you for your consideration of our thoughts.

Respectfully submitted,

Marty Smith
1906 Crossgate Dr

Lew & Carolyn Phillips
2000 Crossgate Dr

Kay Mueller
1908 Crossgate Dr

Steve & Jenni Koger
2004 Crossgate Dr

Pat Webb
1910 Crossgate Dr
Gordon E. Abernathy  
1530 St. Andrews Drive  
Lawrence, KS 66047  
February 9, 2015

City of Lawrence  
Douglas County  
Planning & Development Services  
6 East 6th Street  
P. O. Box 708  
Lawrence, KS 66044

Re: Z-14-00552  
Z-14-00553  
PP-14-00554  
PP-14-00555

Gentlemen:

I would strenuously object to the above requested rezoning requests and preliminary plat requests from Alvamar, Inc. for the following reasons:

(1) These changes would do away with open green space which is essential for the ecological balance of the area. The golf course, even though designed for a specific use, provides open green space. This should be preserved. Lawrence, a city which prides itself on being “green,” certainly shouldn’t allow this to happen.

(2) These requested changes would pack additional residents in an already crowded residential area. The multi-family dwellings, particularly, would detract from the beauty of the green space the golf course provides. Multiple cars, trash carts, etc., brought about by multiple family dwelling space should not be allowed in these areas.

(3) The city infrastructure, particularly the streets leading into the area, Bob Billings Parkway, Clinton Parkway, and Crossgate Drive, are not adequate to carry the additional traffic that these additional residences would generate. They are inadequate to handle the traffic that exists today; and the City’s current practice of calming traffic by installing roundabouts in congested areas would only aggravate the problems.

I would ask the Planning Commission to deny these requested changes.

Respectfully submitted,

Gordon E. Abernathy
Caitlyn, per our tel/com this afternoon, the following is an outline of my request:
I believe the Alvamar project will be good for the Lawrence community. My concern is the ratio of apartments to residences (350 apartments vs. 612 total). I suggest the ratio should be in the 20% range.

Apartments will:
- Significantly increase traffic concerns
- Increase security
- Non owner population
- Constant turnover
- Increased density contribute to many additional community services
- Lowers the value of the present neighborhoods

As I review the developer’s view of the project, I find that there is a significant amount of information that has not been presented to the public. Maybe they all do that to get their zoning approved with the lease amount of public resistance.

I would appreciate it if you would gather the detailed project information from the developer and apply the due diligence to enhance the project.
The developer should be able to make the project successful with less apartments and more residence (They could make the planned apartments into condominiums where the residence will own the property)
If you need additional information, please contact me.
Cheryl Troxel  
1504 Alvamar Drive  
Lawrence, KS 66047  

Ms. Sandra Day  
City of Lawrence Douglas County  
Planning & Development Services  
6 East 6th Street  
P.O. Box 708  
Lawrence, Kansas 66044  

*Re: Z-14-00552; Z-14-00553; PP-14-00554; PP-14-00555*

Dear Ms. Day:

I am writing you in regard to the proposed Application filed by Paul Werner Architects on behalf of Alvamar Inc. to re-zone and re-plat certain properties as described in the above referenced submittals.

As I understand it, the Applicant, Paul Werner Architects on behalf of Alvamar Inc. has submitted two re-zoning requests and two corresponding preliminary plats, one of 51.85 acres from RS 7, RM12 & PUD (Alvamar) Districts to RM 24, which then will re-plat said acreage into 6 lots; and then one of 5.18 acres from PUD (Alvamar) to RS7.

The Applicant has requested that “conventional zoning” be used with no “overlay” district requirements. “Overlay” really means “oversight.” Therefore, if the proposed application were approved as submitted, then any subsequent re-zoning and preliminary plats would be approved, with little opportunity for input from property owners until after the formal process began and perhaps long after the informal discussions with city planners began.

The carte blanche the Applicant seeks, to reconfigure this area created under a PUD, may never be appropriate in any case, given the care and commitment required to create a PUD in the first place. But the carte blanche now requested should be denied given that it has the potential to recreate an area that is so important to the community at large and to a large group of Lawrence citizens who through their home purchases made investments in the Alvamar area as it exists today.

At this time, the Applicant has submitted “concept plans” only, which are admittedly attractive drawings of what could be or might be. But the drawings decidedly are not what necessarily will be; in fact, the Applicant has provided no plans for what is proposed.

The Applicant has given the planning staff a list of intended development for the 6 lots, which includes over 600 dwelling units that range from two 120 unit apartment complexes, condominiums, patio homes, and “luxury” condominiums. However, based on the current Application, if re-zoning and re-platting were to occur even the list of intended development
could change as long as the requirements of RM 24 are not violated. This means that 1244 dwelling units could actually be built on these 51.85 acres.

At this time I oppose the Application for re-zoning and re-platting as submitted, particularly with respect to the 51.85 acres, for the following reasons.

This area is a mature developed area that was developed over the last four decades as a Planned Unit Development with two 18 hole golf courses and surrounding residential areas that created a blend of uses that benefit the Lawrence community as a whole. Landuse tenets that first gave the green light for the then-innovative PUD, made clear that a PUD must be created for the benefit of the whole community and not for the individual property owner alone.

In this case, the original development was part of a PUD and now the proposed Application wishes to change the zoning without recognition of the original PUD and the potential negative impact on all of the other parcels that make up the original PUD, ie Alvamar golf course complex.

Even though the two steps are remote in time, the Applicant seeks to defeat the original requirements imposed upon this PUD by breaking it apart in a way that significantly changes the original Alvamar development and, we contend, does significant harm to property owners within the original development who are nearby the areas proposed for re-platting. The mere passage of time should not remove the care and oversight that the PUD overlay process requires and that the City and its citizens deserve.

While original Alvamar development may have contemplated greater number of residential and/or multi family structures, the final development in the proposed 51.85 acres were PUD and RM12. There is nothing that has changed within the original PUD to compel a change in zoning any part of it.

This area deserves to be re-developed through a Planned Urban Development process with an “overlay” to insure that the integrity of the area and the overall integration of the area stays as it was originally intended. This is only accomplished with more defined plans, transparency by the developer and public input. Therefore, we request that the Application for re-zoning and preliminary plat known as Z-14-00552; Z-14-00553; PP-14-00554; PP-14-00555 be denied as submitted.

Thank you for your time.

Sincerely,

Cheryl J Troxel
City of Lawrence, Douglas County
Lawrence Metropolitan Planning Commission

Attention: Sandra Day, AICP, Planner II

Thank you for your letter of January 30, 2015, explaining requested zoning changes and asking for input from residents of the Alvamar neighborhoods.

I purchased a lot and built my home on Alvamar after it was a fully developed golf course community. I am against rezoning for multi-dwelling units, hotels, apartment buildings, a KU Tennis Center and the 800-person banquet facility on the proposed properties listed as Z-14-00552, Z-14-00553, PP-14-00554, and PP-14-00555.

I am not against improving the two 18-hole courses themselves or their buildings. The courses need to stay profitable. I am against all plans that devalue the courses themselves by moving too many fairways and greens and eliminating too many wooded areas, thereby making them less desirable to play. I am concerned that the existing access via Crossgate from 15th Street is not meeting today's needs with single-lane traffic that has to snake around traffic barriers and yield to oncoming traffic. Building more homes along this street increases traffic and alters two golf holes and reduces practice ranges.

I would be in favor of some additional single family homes, as long as they are of equal or greater value to surrounding residences. I would also support the addition of cabins to be used as rentals for golf packages, if they blend with the existing homes and are of appropriate values. Both of these proposals would need to not harm the values of the courses or surrounding homes.

I am not in favor of multi-story condominiums being built on this property because we already have that at Bob Billings and Inverness. That development group already has zoning approved and plans to build two more multi-story buildings at their location, which overlooks the 12th and 13th fairways on the private course. These haven't been built because the demand has not materialized.

I am against any apartments being built. These would lower the value of existing homes as well as add noise and traffic, while destroying the views across the course, and they wouldn't add to improving the golf experience.

I am against the development of a hotel on the course, (again anything over two stories would destroy the views and increase noise and traffic). Is there a need for another hotel in Lawrence and should it be wedged into this space? How this does improved the golf experience?

I am against the addition of an 800-person banquet hall. It seems too large for existing needs. I am also concerned about the parking required for this facility in addition to golfers. Is there a need for such a space in Lawrence and does it support improving the golf courses?

K.U. Tennis has facilities now and is there enough land to also add this and still have viable golf courses? I am not against building a K.U. Tennis Center, but this doesn't seem like the right place for it. Why doesn't K.U. use their undeveloped land?
I think it is unfair to rezone an established, mature neighborhood that has been fully invested in. When I made my residential investment, I knew that the adjacent properties were fantastic golf courses with views and woods. As a result, I paid a premium for the land. I did not locate here to look at high rise buildings that house apartments, condominiums and hotels.

If the city and this developer want to de-value the surrounding residences, then would the city and the developer be willing to purchase our homes at the current market prices before new developments begin?

This issue leads me to reconsider the value of retiring in Lawrence. This group is purchasing two 18-hole golf courses that are the foundation for some of the most expensive neighborhoods in Lawrence. These courses need to remain viable as golf courses, not random business ventures designed to make quick profits at others’ expense. All requests and proposals for additions and changes should focus on making the two courses better for golfers, while supporting existing property values of the surrounding residences.

Sincerely,

Donna Geisler
1800 Inverness Drive
Lawrence, Kansas 66047
3/12/15

City of Lawrence Douglas County Planning and Development Services

P.O. Box 708
Lawrence, Kansas  66044

To Whom it May Concern:

My husband Michael Moddrell and I are opposed to any and all of the proposed developments on the Alvamar Course.

Thank you for your attention.

Sincerely,

Michael D. Moddrell

Carol A Moddrell M.D.
February 27, 2015

Dear Property Owner:

The Lawrence-Douglas County Metropolitan Planning Commission will hold its regular meeting on **Monday, March 23, 2015, beginning at 6:30 p.m., in the Commission Meeting Room on the first floor of City Hall, 6 E. 6th Street, Lawrence.** The following items may be of interest to you:

**Z-14-00553:** Consider a request to rezone approximately 5.18 acres from PUD [Alvamar] (Planned Unit Development) District to RS7 (Single-Dwelling Residential) District located along the north side of Quail Creek Drive. **PP-14-00555:** Consider a Preliminary Plat for Alvamar Inc Two Addition, a one lot subdivision containing 5.18 acres with frontage on the north side of Quail Creek Drive. The subdivision is proposed to support future low-density residential development. Submitted by Paul Werner Architects on behalf of Alvamar Inc, property owner of record.

Please view the accompanying map for the property area that will be considered at the March 23 meeting. It is a portion of the overall Alvamar project request.

Rezoning requests are considered public hearing items and the public will be given the opportunity to make oral comments on such requests at the meeting. Preliminary Plat requests are considered non-public hearing items though oral comments are accepted by the Commission at the time of discussion. Written comments are welcomed and encouraged. The Commission has established a **deadline for receipt of all written communications of no later than 10:00 a.m. on Monday, March 23, 2015.** This deadline allows time for the Commission to receive and review comments prior to the meeting.

**The following items, also associated with the Alvamar request, will be considered at a future meeting of which date you will be notified:**

**Z-14-00552:** Consider a request to rezone approximately 51.85 acres from RS7 (Single-Dwelling Residential) District, RM12 (Multi-Dwelling Residential) District, and PUD [Alvamar] (Planned Unit Development) District to RM24 (Multi-Dwelling Residential) District including property located at 1800, 1809, and 2021 Crossgate Dr.

**PP-14-00555:** Consider a Preliminary Plat for Alvamar Inc Two Addition, a one lot subdivision containing 5.18 acres with frontage on the north side of Quail Creek Drive. The subdivision is proposed to support future low-density residential development.

A complete legal description for this property is available at the Planning Office, 6 E. 6th Street, Monday - Friday from 8:00 a.m. until 5:00 p.m. If you have questions relating to this matter, please contact me at 832-3161.

**PLEASE NOTE:** If you have recently transferred ownership of your property in the area of this request, or if such property is under a contract purchase agreement, we ask you to please forward this letter to the new owner or the contract purchaser.

Sincerely,

Sandra Day
AICP
Planner II
PLANNING COMMISSION REPORT  
Regular Agenda – Public Hearing Item

PC Staff Report  
8/24/15

ITEM NO. 3B   SPECIAL USE PERMIT FOR ALVAMAR; 1800 & 1809 CROSSGATE DR (SLD)

SUP-15-00389: Consider a Special Use Permit for Active Recreation uses in the Alvamar Planned Development, 1800 and 1809 Crossgate Drive, proposed Lot 3, including, swimming pools, and accessory structures to Active Recreation uses. Submitted by Paul Werner Architects, for Alvamar Inc, property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of a Special Use Permit for Active Recreation uses to be incorporated in the Alvamar PD located at 1800 and 1809 Crossgate Drive, proposed Lot 3 Alvamar Preliminary Development Plan, including, swimming pools and accessory structures to community recreation uses and forwarding the request to the City Commission with a recommendation of approval.

Reason for Request: The Alvamar Golf Course is being redeveloped to include active recreation uses such as swimming pools, fitness centers, meeting rooms and accessory structures to community recreation such as public restrooms, concessions and sporting goods shops.

KEY POINTS
• Phased development. This application is intended to secure the conceptual design of uses associated with a golf course and residential development.
• Application is submitted concurrently with rezoning and a Preliminary Development Plan.
• This report addresses uses while the Preliminary Development Plan addresses site specific elements.
• Refer to Article 17 of the Land Development Code for complete list of definitions.

ASSOCIATED CASES/OTHER ACTION REQUIRED
Associated Items Being Considered At The August Planning Commission Meeting:
• Z-14-00552; rezoning from RS7, RM12 and PUD [Alvamar] to RM24-PD
• PDP-15-00247; Preliminary Development Plan for Residential and golf course related uses.

Other Action Required
• City Commission approval of rezoning and adoption of ordinance.
• Publication of rezoning ordinance.
• Submission and approval of a Final Development Plan.
• Submission and approval of a Final Plat.
• Submission and approval of public improvement plans.

PLANS AND STUDIES REQUIRED
• Traffic Study – Submitted with original subdivision application. See discussion in related PDP-15-00247 staff report.
• Downstream Sanitary Sewer Analysis – The downstream sanitary sewer analysis and cover letter dated January 11, 2015 provided by Landplan Engineering has been reviewed and is accepted for this project to satisfy the criteria required for the DSSA as outlined in Administrative Policy 76.
• **Drainage Study** – A drainage study is required and has not been received. The applicant acknowledges this study is required and is seeking conceptual approval of land uses prior execution of required development studies.

• **Retail Market Study** – Not applicable to this request

**ATTACHMENTS**

1. Area Map
2. Site Plan
3. Public and Civic Use Groups Defined
4. Off-Street Parking Summary Table

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

• Comments to date have been related to access and the residential component of the development as well as the transient accommodation use proposed with the Banquet facility. Some communications have included general comments indicating opposition to “any” proposed development.

### Passive and Active Recreation Lot Summary

<table>
<thead>
<tr>
<th></th>
<th>Proposed Lot 1</th>
<th>Proposed Lot 3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Size:</strong></td>
<td>2.63 Acres</td>
<td>13.99 Acres</td>
</tr>
<tr>
<td><strong>Building Summary.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing 17,547 SF (clubhouse)</td>
<td></td>
<td>Existing 4,961 (clubhouse)</td>
</tr>
<tr>
<td>Existing 1,977 SF (training facility)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing 2,389 SF (cart storage)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Impervious Cover:</strong></td>
<td>Unavailable at this time</td>
<td>Unavailable at this time</td>
</tr>
<tr>
<td><strong>Pervious Cover:</strong></td>
<td>Unavailable at this time</td>
<td>Unavailable at this time</td>
</tr>
<tr>
<td><strong>Required Open space = 20%</strong></td>
<td>.53 Acres</td>
<td>2.80 Acres</td>
</tr>
<tr>
<td><strong>Provided Open Space</strong></td>
<td>1.74 Acres</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

Required 20% established by Planned District. Proposed application is conceptual at this time addressing uses and general building placement. If approved, a Final Development Plan will be required for this site.

![Figure 1: Proposed Lot 1 and 3 Passive and Active Recreation Areas](image)
### GENERAL INFORMATION

| Current Zoning and Land Use: | PD-[Alvamar PUD] District. Part of a 422-acre development including golf course and residential development.  
| | RS7 (Single-Dwelling Residential) District; Existing parking lot and portion of golf course area.  
| | RM12 (Multi-Dwelling Residential District; existing clubhouse located at 1809 Crossgate Drive.  
| Surrounding Zoning and Land Use: | This summary is provided for the *Active Recreation Use* proposed within the Alvmar PUD. Surrounding zoning is provided for the proposed uses rather than the entire PD.  
| To the North: | PD-[Alvamar Planned Unit Development]. Platted Jayhawk Golf Training Center Addition. Existing practice Tee and 970 SF practice center building (SP-01-04-08) and Existing Clubhouse and parking lot (SP-10-48-80).  
| | Also, PD-[Alvamar Planned Unit Development] unplatted golf course.  
| | Proposed RM24-PD (Multi-Dwelling Residential – Planned Development) proposed apartment development.  
| To the East: | PD-[Alvamar Planned Unit Development] Unplatted golf Course and platted residential subdivision.  
| To the South: along the east side of Crossgate Drive. | RS7 (Single-Dwelling Residential) District, Unplatted golf course and PD-[Alvamar Planned Unit Development] Unplatted golf course.  
| | Proposed RM24-PD (Multi-Dwelling Residential Planned Development) District; Lot 4 Planned Development, no proposed use.  
| To the South: along the west side of Crossgate Drive. | RS7 (Single-Dwelling Residential) District, Unplatted golf course and RM12 (Multi-Dwelling Residential) District; Existing multi-dwelling (Quails Nest Condominiums SP-06-31-83).  

### Summary of Request

This application addresses primarily proposed Lot 3 as it pertains to the proposed Preliminary Development Plan for the PD-[Alvamar] infill development project. Much of the development application is conceptual, for that reason Lot 1 was also included in the application. Non-residential uses that are intended to be supportive and accessory to the primary use of the Alvamar Golf Course are included in the Preliminary Development Plan and are located on Lots 1 and 3 as shown on the plan.

This application specifically addresses *Active Recreation Uses* as they require a Special Use Permit in the RM24 base zoning district.

*Accessory Uses* are defined in Section 20-1755 of the Land Development Code. *Active Recreation* is a subset of the Use Group Recreational Facilities in the Public and Civic Use Group Category.
20-1755 RECREATIONAL FACILITIES
Recreational, social, or multi-purpose uses typically associated with parks, play fields, golf courses, or community recreation Buildings.

(1) Active Recreation
   (i) Areas and facilities used or designed for active or group sports and recreational activities, including spectator areas associated with such facilities. Such areas include but are not limited to: athletic fields and courts, playgrounds and play apparatus;
   (ii) skating rinks and swimming pools;
   (iii) boat docks and launches;
   (iv) zoos;
   (v) community recreation Buildings, including but not limited to meeting rooms, class or lecture rooms, band shelters or gazebos, and gymnasiu;
   (vi) Structures accessory to community recreation uses, such as public restrooms, refreshment stands, concession shops selling sporting goods, and miniature golf.

This project includes swimming pools and related concessions, as well as other accessory building and structures located on Lot 3.

Proposed non-residential uses are listed in the applicant’s Traffic Impact Study (TIS) that was submitted with the original application. Not all uses listed in the TIS are shown on the Preliminary Development Plan. The following table provides a summary of the proposed uses and the correlating Land Use as defined in the Land Development Code.

<table>
<thead>
<tr>
<th>Proposed Use/Activity</th>
<th>Land Development Code Defined Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Golf Course</td>
<td>Passive Recreation</td>
</tr>
<tr>
<td>7,500 Cart Storage</td>
<td>Accessory to Passive Recreation Use</td>
</tr>
<tr>
<td>New golf clubhouse 15,500 SF</td>
<td>Accessory to Passive Recreation Use</td>
</tr>
<tr>
<td>Lockers, pro-shop, and restaurant</td>
<td>Retail Sales and Eating and Drinking Establishment and/or Structures Accessory to Active and Passive Recreation Uses</td>
</tr>
<tr>
<td>18,482 SF banquet/event facility</td>
<td>Eating and Drinking Establishment - Nightclub</td>
</tr>
<tr>
<td>Outdoor snack bar/grill</td>
<td>Fast Order Food and/or Accessory to Active Recreation Use</td>
</tr>
<tr>
<td>2-3 swimming pools and 3 cabanas</td>
<td>Active Recreation</td>
</tr>
<tr>
<td>11,800 SF Fitness/Wellness center</td>
<td>Accessory to Active Recreation Use</td>
</tr>
<tr>
<td>1,200 SF Kansas Golf Hall of Fame</td>
<td>Cultural Center</td>
</tr>
<tr>
<td>Hotel with 24 guest rooms</td>
<td>Transient Accommodations</td>
</tr>
<tr>
<td>4,000 SF Office Space</td>
<td>Office Use and/or Accessory Use to administrative operations of a primary use.</td>
</tr>
</tbody>
</table>

The actual golf course is not included within the boundary of the various applications related to this redevelopment. The golf course is an existing use. Modifications to the surrounding golf course related to the redevelopment project are not subject to a Special Use Permit.

Review and Decision-Making Criteria (Land Development Code Section 20-1306(i))

1. WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE
Applicant’s Response: The proposed use does comply with the provisions of the Development Code via the SUP application.
The review of this application request is required because *Active Recreation Uses* are allowed in the RM24 District subject to a Special Use Permit. The intent of the review is to address the required processing standards of the Development Code. Redevelopment of this site includes rezoning to RM24-PD and a concurrent application for a Preliminary Development Plan. Land Uses are generally discussed in this staff report and are also discussed in the Preliminary Development Plan. This application is not expected or intended to be the final review of the proposed development. The primary action of this review is to procedurally address allowed uses in the proposed base district and Planned Development. Detailed site development and specifications are expected with the submission of a Final Development Plan to assure that parking, landscaping, building articulation, and other site details are adequately addressed. Any approval of this Special Use Permit is subject to the approval of a Final Development Plan prior to issuance of a building permit.

**Staff Finding** – This use complies with the applicable provisions of the Development Code as an allowed use in the RM24-PD district subject to a Special Use Permit and as conditioned.

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

Applicant’s Response: *The proposed use is compatible with uses already present on site and the operating characters will be compatible with neighboring uses.*

The proposed *Active Recreation uses* are intended as accessory to the golf course. This type of overall use typically includes a membership of some sort so that it is not generally open to the public as a commercial operation similar to many many independent uses found in other parts of the community. This specific group of uses is intended to form an amenity package that is complementary to the golf course and surrounding residential development.

The Alvamar Golf Course currently includes a pool located at 4120 Clinton Parkway, within an outdoor area for volleyball and other uses. Weddings and catering services up for to 350 guests are provided in the existing “Alvamar Country Club” located at 1809 Crossgate Drive. This building includes a restaurant dining room and space for meetings and banquets. Facility information available online indicates that there is also a bar and grill use that is in seasonal operation associated with the club house building. Approval of this request will combine the existing facilities in one central location.

Many of the uses proposed in the redevelopment are existing in some form with the current development. Specifically, the swimming pool use is currently located on the southern fringe of the Alvamar neighborhood but not technically within the boundary of the Planned Development.

Sheet 5 of the Preliminary Development Plan shows the conceptual use and arrangement of non-residential uses associated with the proposed redevelopment. Proposed Lot 3 is identified as the primary activity area within the redevelopment. This project shifts the clubhouse uses currently located on proposed Lot 1 to Lot 3 and includes separate buildings for uses associated with the golf course amenities. *Active Recreation Uses* are noted on the following graphic as “AR”.
The existing KU practice facility/driving range, existing 1,324 SF building and cart barn, are proposed to remain in their current location. This application separates the clubhouse from the banquet facility with 24 guest rooms (Transient Accommodations) and provides a separate fitness/wellness building and two outdoor pools with three cabana buildings. These buildings provide services for the pool area that in addition to locker and restroom facilities could also include a snack bar and private changing rooms. The location of the pool area is new to this portion of the development area. However, it does group all golf course amenities into one area. Activity is buffered by the existing golf training facility located to the north and the proposed residential uses on Lot 2. No use is identified for Lot 4 to the south.

The clubhouse is considered to be accessory to the golf course use but when containing “community recreation uses, such as public restrooms, refreshment stands and concession shops selling sporting goods” it is considered to be an Active Recreation Use. The banquet facility and 24-room hotel uses are considered commercial uses as Nightclub and Hotel by code and discussed further with the Preliminary Development Plan. These uses share parking with the active and passive recreation and other accessory uses to the golf course.

All buildings are noted to be one or two story buildings. The property slopes from the west to the east allowing for the buildings to be incorporated into the grade reducing the overall height of the buildings.

Existing residential development that will have direct proximity to this area is Alvamar Heights Subdivision located to the east. The current activity area is predominately located on the south side of Crossgate Drive to the southwest of the proposed improvements (Alvamar Country Club No. 2 Subdivision).
Outdoor pools tend to be seasonal. General operations of the facilities are expected to follow current operations of the existing pool located along Clinton Parkway.

Compatibility with site design is retained by providing natural features along the eastern side of the proposed activity area. Additional landscaping will be required and will be reviewed in detail with the submission of a future Final Development Plan for this phase of the development.

**Staff Finding** – The proposed use is generally compatible with the adjacent uses in terms of size, massing, orientation, hours of operation and other external impacts. Additional details related to building facades and landscaping to assure continued compatibility are deferred to the submission of a future application for a Final Development Plan.

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

Applicant’s Response: *The proposed use will likely increase property values and the development is being carefully designed to insure this happens.*

This project includes many unique features including an existing development pattern that limits building and street placement. Lots designed in the original phases of the Alvamar PUD included direct views to the golf course with the activity area located in a central location of the
neighborhood. This application separates activity uses within the overall redevelopment project to focus specifically on those that are defined by code as Active Recreation. The general area includes a more concentrated group of uses to be located on the east side of Crossgate Drive and expands the area dedicated to Active Recreation and commercial uses than currently exists in this location. The significant impact of the proposed redevelopment is the addition of traffic to the area in addition to the direct changes to the golf course.

Increase in traffic as well as the addition of the Transient Accommodations (18,482 SF banquet facility and Hotel with 24 guest rooms) and multi-story residential development have been identified by members of the public as concerns for diminution of value on property within the Alvamar Neighborhood. Discounting for the proposed the multi-dwelling use and the Transient Accommodation – Hotel Use the focus for this review remains the proposed amenities and the associated traffic.

The proposed development includes a large parking area for the activity area that includes approximately 359 spaces as conceptually shown as part of the Preliminary Development Plan. The current clubhouse use located to the west includes a parking area with approximately 138 spaces shown on the 2014 aerial maps. The provision of a larger more efficient parking lot is expected to provide relief from extensive on-street parking that currently degrades the traffic circulation in the area. Improvement of off-street parking as well as access improvements in the area will result in improvement to the overall traffic flow in the area. Parking and related traffic must be a predominant concern through the review of all phases of redevelopment for this area.

The residential subdivision is separated from the proposed activity area by an existing cart/walking path and a mix of open space and treed areas. The following image highlights the general location of the proposed Lot 3, activity area and the proximity of the redevelopment to the existing residents. The view does not appear to be totally obscured by existing vegetation maintained as part of the golf course.

Staff Finding — Substantial diminution of other property values in the area is not anticipated.

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

The concern for adequate access and utility services has been continuously discussed by City Staff and the applicant. This project has been revised to include a new public street extension from Bob Billings Parkway to the south that will intersect with the north leg of Crossgate Drive (private street segment) north of the existing clubhouse. Crossgate Drive (public street segment) is proposed to be extended north to end in a cul-de-sac north of the existing clubhouse.
Additionally, street improvements will be required for the north (private) street segment of Crossgate Drive where it currently intersects Bob Billings Parkway to mitigate and limit traffic on that street segment. Some changes are proposed at the intersection of Crossgate Drive and Clinton Parkway to improve traffic turning movements as a result of the proposed project. The location of the Clinton Parkway Frontage Road limits the ability to make significant improvements to the area. There is insufficient separation between the frontage road and Clinton Parkway to provide additional stacking and turn separations. This is a function of the existing development pattern along Clinton Parkway. Traffic is further discussed in the proposed Preliminary Development Plan.

One consideration that has been identified by staff and members of the public is timing related to construction. The proposed development is a significant project. Development of the active recreation areas is not recommended until a second public access is constructed from the north.

Other utility services can be extended to serve the proposed development.

**Staff Finding** – Adequate public facilities and transportation access is accommodated for this proposed development.

5. **WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED**

The proposed request provides an enforceable tool to address the use and continued maintenance of the property with regard to landscaping, exterior activity, and off-street parking. Ultimately, development of the site will require a Final Development Plan that will be recorded with the Douglas County Register of Deeds. The zoning combined with this Special Use Permit restricts land uses to those listed in the approval and will be part of the ordinances. Modifications to the site and changes to land use will require revision to the Zoning, Special Use Permit, and revisions to the Development Plan.
**Staff Finding** – Adequate assurances of continued maintenance are inherent in the use and the Special Use Permit approval process.

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

Applicant’s Response: The proposed development will be managed appropriate per state regulations to minimize changes on the environment. Vegetation will be appropriately planted to further increase the natural aspects of the site.

The assessment of this factor is intended to address the “natural environment” or that area that is undisturbed by development and includes floodplains, jurisdictional wetlands, stream corridors and stands of mature trees as well as archaeological and historic sites. This property is developed with a golf course and associated uses and amenities. The majority if the land is no longer in its natural state.

A natural creek is located on the eastern side of the development area and travels through proposed Lot 3 and Lot 4. Residents have also commented to staff that there are natural springs in the area generally located in the rear of the 1900 block of Crossgate Drive. The natural springs are not within the land area being considered for the Active Recreation Use, the topic of this staff report.

The concept plans show a new pond in the general location of the existing pond on the east side. The applicant has been advised that a drainage study is required for this project. A drainage study will provide information regarding the proposed development and how stormwater runoff will be addressed as part of the development. The applicant has stated they acknowledge that the study is required. The applicant has also stated that they intend to include ponds designed to provide irrigation as well as stormwater management for this development. Because the study is unavailable at this time for review, any further assessment of impact on this finding is incomplete at this time. The requirement to meet this standard is reflected as a condition of approval.

**Staff Finding** – The proposed development is subject to regulatory controls to protect the significant natural features including the existing site drainage. This property is free from regulatory floodplain encumbrances. Additional documentation is required prior to submission of a Final Development Plan for this property to ensure that adverse impacts on the natural environment are mitigated and that stormwater runoff is properly addressed.
7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME
THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PEMRIT AND, IF SO,
WHAT THAT TIME PERIOD SHOULD BE

This Special Use Permit is required to accommodate a specific use in this district. The purpose of
this district is to accommodate multi-dwelling residential development as an RM District. However, a
Planned Development (PD) is intended to ensure development consistent with the Comprehensive
Plan and that it can be conveniently, efficiently and economically served by City and other private
utility services. It is also intended to "allow design flexibility that results in greater public benefits
than could be achieved using conventional zoning District Regulations, preserves environmental and
historic resources, and promotes attractive and functional residential, nonresidential, and mixed use
developments that are compatible with the character of the surrounding area." (Section 20-701)

This project is intended to be considered concurrently with the Preliminary Development Plan. As
such, a Final Development Plan is also required for the development of the proposed "Active
Recreation Uses". The intent of this current step of the development review is the assessment of the
proposed uses. These uses are designed to be supplemental and accessory to the Alvamar Golf
Course. If at some future time the Golf Course is abandoned, then the appropriateness of some or all
of these uses may need to be reconsidered.

As independently operating commercial uses, open to the general public, and not directly serving a
particular neighborhood or membership these uses would not be considered to be appropriate
within a neighborhood context. When considered concurrently with the proposed development plan
and as part of the larger Alvamar neighborhood and original Planned Development, the proposed
Active Recreation Uses are appropriate. A time limit is not necessary so long as the proposed uses
are operated as accessory to and an amenity to the Alvamar Golf Course.

Staff Finding – Staff does not recommend a time limit on the Special Use Permit.

STAFF REVIEW
This section of the staff report typically addresses the site plan elements of the proposed use. This
application is submitted concurrently with a Preliminary Development Plan (PDP-15-00247). The
uses and locations are shown on the plan conceptually. Building elevations are not available at this
time. The project includes non-residential uses that are accessory and amenities to the Alvamar Golf
Course and the surrounding residential neighborhood.

As a conceptual project seeking preliminary land use approval, a more detailed site plan will be
submitted with the Final Development Plan. General comments on various site specific items are
provided in the following summary.

A. Access and Parking
See attached parking summary for reference to this section of the report.

Access: Access to this site is provided via a single street extension, Crossgate Drive intersecting
with Bob Billings Parkway to the north and Clinton Parkway to the south. There are no other access
options for this property.

B. Design Standards
Site Design:
The proposed plan provides approximate locations and areas for non-residential uses within Lots 1 and 3 of the proposed development. Beyond basic building placement, details are not available at this time with this application. Additional review will be required with the submission of a Final Development Plan. Substantial deviations from uses, building orientations and placement will result in the need for a new public hearing for this phase of the development as a revised Preliminary Development Plan.

**Building Elevations:**
At this time building elevations are not available. Appropriate building scale will be required and reviewed with future applications for this phase of the development. Residential and commercial design elements are expected in building design. Non-residential uses should include strong pedestrian entryways that include awnings or some kind of entry cover.

**Pedestrian accessibility:**
The application shows only limited pedestrian connectivity at this time. The conceptual plan includes a protected pedestrian way through the parking lot to the front of the banquet facility. Strong pedestrian connections will be required and will be reviewed at all phases of the development. Final Plans submitted should anticipate inclusion of a detailed pedestrian plan that shows connections between buildings and uses.

Public and private streets will be required to include sidewalks on both sides of the street. Pedestrian connections between the proposed residential uses and the *Active Recreation* areas will be required.

**C. Landscaping and Screening**

**Street Trees:**
Street trees will be required along all public and private streets. A Master Street Tree Plan will be required with a Final Plat. Street tree requirements will also be coordinated with the Subdivision and the future Final Development Plan for this property.

**Bufferyard:**
This design standard is generally applicable to the periphery of a development where different zoning districts abut. In this application the proposed property is uniformly zoned, within the project boundaries. Areas located on the perimeter of the proposed district abut property zoned PD-[Alvamar Planned Unit Development] which is improved with the golf course.

Within the development, proposed Lots 1 and 3 abut proposed residential to the north (Lot 2) and future uses to the south (Lot 4). Interface of these uses within the development will be further reviewed with the submission of a Final Development Plan. The following graphic highlights the location where buffer yards and transition areas need to be considered.
**Figure 8: Areas Applicable to Bufferyard Standards.**

**Interior and Perimeter Landscaping:**
The plan shows general placement of landscaping and interior islands that appear consistent with the City’s design standards for these elements. The plan does not provide, at this time, a detail calculation of the required space or a summary of the required and provided landscape materials. Landscape plans are generally deferred to the submission of a Final Development Plan when located in a Planned Development. Conventional Zoning, without a Planned Development Overlay requirement, would mandate these details at this time.

**Alternative Compliance:**
None is proposed with this request at this time.

**Mechanical Equipment Screening:**
This detail will be required with the consideration of a Final Development Plan.

**D. Lighting**
This detail will be required with the consideration of a Final Development Plan.

**E. Floodplain**
The proposed areas related to the Active Recreation as well as the other non-residential uses are not encumbered by the regulatory floodplain. However, the golf course and some existing subdivisions in the area are encumbered. The applicant does propose work on the golf course that may have floodplain implications. A Drainage Study is required for the overall development project. This application provides a basic consideration of land uses; the Final Development Plans are subject to the full weight and requirements of the Land Development Code including the submission of a Drainage Study for review and approval by the City Stormwater Engineer.

**CONCLUSION**
As noted throughout this report the focus has been on the assessment of the land use as an Active Recreation use in the proposed RM24-PD district. Approval of the Special Use Permit does not
convey approval to move on to a building permit for the Active Recreation Uses. A Final Development Plan demonstrating compliance with this application as well as the Preliminary Development Plan and satisfying the requirement for additional studies as noted in the report is required to complete the next step in the entitlement process.

Based on the findings in this report, and as conditioned, staff recommends approval of the proposed Special Use Permit.
## NONRESIDENTIAL USES

<table>
<thead>
<tr>
<th>Proposed Use/Activity</th>
<th>Land Development Code Defined Use</th>
<th>Required Parking</th>
<th>Estimated Required Parking by Staff</th>
<th>Total Required Parking</th>
</tr>
</thead>
</table>

### GOLF COURSE – PASSIVE RECREATION WITH ACCESSORY USES

<table>
<thead>
<tr>
<th>Golf Course</th>
<th>Passive Recreation</th>
<th>Schedule D [Determined by Planning Director and Parking Study]</th>
<th>4 spaces per hole 2 courses @ 18 holes each + 20 spaces for practice areas</th>
<th>72</th>
</tr>
</thead>
</table>

**Total spaces = 164**

<table>
<thead>
<tr>
<th>7,500 Cart Storage</th>
<th>Accessory to Passive Recreation Use</th>
<th>Accessory use parking not required.</th>
<th>0 spaces required. Counted in golf course requirement</th>
<th>0</th>
</tr>
</thead>
</table>

**Total Spaces = 72**

<table>
<thead>
<tr>
<th>15,500 Clubhouse</th>
<th>Accessory to Passive Recreation Use and Pro-shop</th>
<th>Accessory use. Parking not required except for Restaurant use.</th>
<th>0 spaces required. Counted in golf course requirement</th>
<th>0</th>
</tr>
</thead>
</table>

| Restaurant accessory to clubhouse | Eating and Drinking Establishment as Accessory to Passive Recreation Use and as primary use for non-golf members. | Eating and Drinking – Fast Order Food or Quality Restaurant 1 space per 100 SF of customer service area plus 1 space per employee based on largest shift. | 75% of main floor for restaurant use.¹ Employee number not estimated for this use. | 72 |

**Total Spaces = 236**

### SUBTOTAL

**236 spaces**

### BANQUET FACILITY – EATING AND DRINKING ESTABLISHMENT [NIGHTCLUB¹] USE

| 15,500 SF banquet/event facility | Eating and Drinking Establishment - Nightclub | 1 space per 3 persons based on maximum occupancy plus 1 space per employee based on largest shift. | Maximum 800 people at 1/3 occupancy = 267 spaces. Estimated employee at maximum shift = 20 | 267 |

**Total spaces = 287**

| 1,200 SF Kansas Golf Hall of Fame | Cultural Center or Accessory to banquet facility | 1 space per 500 SF | 3 spaces counted as exhibit space in banquet facility use. | 0 |

**SUBTOTAL**

**287 Spaces**

### OUTDOOR SWIMMING POOL – ACTIVE RECREATION USE

| 2-3 swimming pools | Active Recreation | Schedule D [Determined by Planning Director and Parking Study] | 1 space per 500 SF of 62,120 total area. | 125 |

**Total spaces = 125**

| Outdoor snack bar/grill Use identified in Traffic Study but not shown individually on face of PDP. Assumed to be contained in cabana building | Fast Order Food and/or Accessory to Active Recreation Use | Eating and Drinking – Fast order food 1 space per 100 SF of customer service area plus 1 space per employee based on largest shift | 1 space per 100 SF of 1,200 SF cabana Estimated employees 3 | 12 |

**Total spaces = 15**

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¹ 75% of total floor area used as estimated per 1966 Zoning Code practices.
² Banquet Facility or Event Center is not a listed use in the Land Development Code. Nightclub use has been applied as the most similar use for the purposes of estimating off-street parking requirements. Future Text Amendment to define this use separately in the use tables.
### SUBTOTAL – COMMERCIAL USE

<table>
<thead>
<tr>
<th>Description</th>
<th>Spaces per Requirement</th>
<th>Required Spaces</th>
<th>Total Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FITNESS CENTER – COMMERCIAL USE</strong></td>
<td></td>
<td></td>
<td>140 spaces</td>
</tr>
<tr>
<td>11,800 Sf Fitness/Wellness Center Accessory to Active Recreation Use and/or</td>
<td>1 space per 200 SF</td>
<td>59 spaces</td>
<td></td>
</tr>
<tr>
<td>Sports and Recreation, Participant, Personal Improvement at 1 space per 200</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SF</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td></td>
<td>59 spaces</td>
<td></td>
</tr>
<tr>
<td><strong>HOTEL – COMMERCIAL USE</strong></td>
<td></td>
<td></td>
<td>59 spaces</td>
</tr>
<tr>
<td>24 guest rooms Transient Accommodations 1 space per guestroom + 1 space</td>
<td></td>
<td>28 spaces</td>
<td></td>
</tr>
<tr>
<td>per 1.5 employees.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td></td>
<td>28 spaces</td>
<td></td>
</tr>
<tr>
<td><strong>OFFICE – ACCESSORY USE TO MULTIPLE USES IN PROPOSED DEVELOPMENT.</strong></td>
<td></td>
<td></td>
<td>28 spaces</td>
</tr>
<tr>
<td>4,000 Sf Office Space Office Use and/or Accessory Use to administrative</td>
<td>1 space per 300 SF</td>
<td>14 spaces</td>
<td></td>
</tr>
<tr>
<td>operations of a primary use.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL NONRESIDENTIAL USES</strong></td>
<td></td>
<td>764 spaces</td>
<td></td>
</tr>
</tbody>
</table>

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3 Phasing of development to provide enough parking for demand will be required.

4 Shared parking is being discussed with applicant and is included in design on some level.
# RESIDENTIAL USES

<table>
<thead>
<tr>
<th>Proposed Use/Activity</th>
<th>Land Development Code Defined Use</th>
<th>Required Parking</th>
<th>Parking shown on Preliminary Development Plan.</th>
<th>Total Parking Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>APARTMENTS – MULTI-DWELLING RESIDENTIAL LAND USE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>287 units²</td>
<td>Multi-Dwelling Residential</td>
<td>1 space per bedroom plus 1 space per 10 units</td>
<td>287 total units shown on Preliminary Development Plan, sheet 4.</td>
<td>29 Total Space = 451</td>
</tr>
<tr>
<td>422 bedrooms</td>
<td></td>
<td></td>
<td></td>
<td>422</td>
</tr>
<tr>
<td><strong>TOTAL RESIDENTIAL USES</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>451 SPACES</strong></td>
</tr>
</tbody>
</table>

## Total Parking Summary

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Nonresidential and residential parking required</td>
<td>768 spaces for Nonresidential uses</td>
<td>1,219 spaces required</td>
</tr>
<tr>
<td>Lot 1 – Existing Clubhouse</td>
<td>138 spaces existing</td>
<td>138 spaces existing</td>
</tr>
<tr>
<td>Lot 2 – Proposed Residential Uses</td>
<td>544 spaces proposed</td>
<td>544 spaces proposed</td>
</tr>
<tr>
<td></td>
<td>• 93 total excess spaces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• 91 angled spaces located along Crossgate Drive</td>
<td></td>
</tr>
<tr>
<td>Lot 3 – Proposed Nonresidential uses</td>
<td>359 spaces</td>
<td>359 spaces proposed</td>
</tr>
<tr>
<td>Lot 4</td>
<td>No uses or spaces identified at this time.</td>
<td>0 spaces proposed</td>
</tr>
<tr>
<td>Total spaces existing and proposed</td>
<td></td>
<td><strong>1,041 spaces total</strong></td>
</tr>
<tr>
<td>Parking deficit</td>
<td></td>
<td><strong>-178 spaces</strong></td>
</tr>
</tbody>
</table>

---

5 Residential Parking based on units shown/listed on Preliminary Development Plan sheet 4. Bedroom count is based on notes shown on sheet two of development plan. Plan must be revised to correct parking and units consistently through document.
August 7, 2015

Planning & Development Services
City of Lawrence
6 East 6th Street
PO Box 708
Lawrence, KS 66046

RE: Alvamar Rezoning (Z-14-00552), Special Use Permit (SUP-15-00389), and Preliminary Development (PDP-15-00247)

As a resident of the Crossgate Court development (including 2100-2112 Crossgate Circle and 4000-4033 Crossgate Court) we believe it is imperative that we provide input regarding the development considered at the current Alvamar Country Club. We have spoken at length with Ms. Sandra Day in order to better understand the plan and the specifics of the requested changes.

For background, we purchased our home in 2012. We retired from our jobs in Wichita and moved to Lawrence in the summer of 2013. We are both retired educators and could have moved anywhere in the country, but chose Lawrence. Since our move we have loved the city and have spent a great deal of time and money remodeling our retirement home to be exactly what we want. Our neighborhood is peaceful, quiet and one we enjoy. It is disconcerting to find that our “little slice of heaven” is to be disrupted by large equipment, excess noise and a great increase in traffic.

We know that progress is inevitable, and support well planned progress. We carefully selected Crossgate Court. It is a small neighborhood of about 20 homes. We make it a point to watch out for each other. Some of the homes are investment properties, others are homeowners like us. Regardless, we care about where we live. Our homeowners association is responsible for the maintenance of our own streets, including snow removal. We have personally purchased gravel at our own expense to repair the potholes on the city street at the entrance to Crossgate Court to protect our neighbor’s vehicles. We do, however, have concerns about the proposed project.

Our first concern is that the increased construction traffic followed by increased residential traffic from Clinton Parkway north on Crossgate will result in a deterioration of Crossgate, people choosing to turn around in our cul-de-sacs due to safety reasons will cause a deterioration of our private streets as well. We should not be required to pay for public street traffic if the street is in fact a private street. How does the city plan to limit traffic on our streets or does the city plan to take over the maintenance of the Crossgate Court streets?

Our second concern is the obvious increase in traffic. At this time Crossgate Street from Clinton Parkway to Alvamar is not a heavily traveled street, although traffic is steady. Even so, parking is allowed on the East side of Crossgate and we have experienced several near head-on collisions attempting to maneuver around the parked cars. We are not so naive to believe that the residents of the proposed apartment complex won’t travel south on Crossgate as that is the closest route to the
nearest grocery store. The increase in traffic causes greater concern when parking is allowed on the street. What is the city’s plan to guarantee safe travel on Crossgate?

Our final concern is the pending, dare we say unspoken, request for a “banquet facility with overnight accommodations”. We cannot and will not support this type of structure. Call it what you will, it’s a hotel. We do not believe that a hotel belongs in a residential district. We would support the banquet facility as we know Lawrence needs more facilities for large groups. Lawrence is, however, a small town. It takes mere minutes to get to a hotel from any place in town. We do not believe that sleeping accommodations are necessary to “sell” a good banquet facility.

We are hopeful that the city realizes that these concerns, although small, will quickly become city problems, not developer’s problems once the approval for this project is in place. We filled out the survey for the city and we rated the infrastructure and safety of Lawrence at the top of our list. Your careful consideration of this project and our concerns is appreciated.

Sincerely,

John and Joan Blazek
4013 Crossgate Ct.

Mailing address: PO Box 3111, Lawrence, KS 66046

Telephone: 316-655-9315
          or
          316-655-5475
Dear Ms. Day

We are opposed to the development & rezoning detailed in your letter. It has been proposed by the potential new owners of Alvamar. We are concerned about our property values being lowered.

Carol & Mike Moddrell
8-6-15
August 8, 2015

Lawrence- Douglas County Metropolitan Planning Commission

Dear Staff,

In response to the attached letter dated July 31, 2015, and mailed to Alvamar area residents, I have the following comments:

I am an Alvamar homeowner and Alvamar Country Club member since it opened.

I am fully in favor of the proposed rezoning, Special Use Permit, and Preliminary Development Plan as described in this letter.

The reason is simple:

If this plan does not materialize, I believe the whole Alvamar group of golf, dining, swimming, and tennis facilities will be in serious risk of going downhill for lack of monetary support, leading to a future for the whole area much less desirable than this plan.

The fact that this plan is proposed by an established, vested, experienced local group, makes it the best and most favorable plan for the future of the whole Alvamar area, and therefore the City of Lawrence at large.

Other alternatives that may come up in the future, if this plan does not move forward, are simply scary.

Sincerely,

Dave Rueschhoff   4705 Carmel Place
My husband and I are very active members of Alvamar and strongly support the current proposals submitted to the Lawrence Planning Commission. We lived in Topeka until work transferred us to St. Paul, Minnesota. Upon retirement we moved back to Kansas and chose to build a home in Lawrence for several reasons, one of which was the Alvamar Golf Course. We have told several of our Topeka golf friends about the proposed upgrades to Alvamar, and they have shown not only a great interest in the golf enhancements, but are also excited about potential to purchase housing around the Alvamar grounds, which would bring tax revenue to the City of Lawrence. We hope you vote Yes!
August 22, 2015

Planning Commission
City of Lawrence Douglas County
Planning & Development Services
6 East 6th Street
P.O. Box 708
Lawrence, Kansas 66044

Re: Z-14-00552; SUP-15-00389; & PSP-15-00247

Dear Members of the Planning Commission:

This letter is a follow-up to our original letter dated February 11, 2015 that we send on behalf of my husband and myself in regard to the proposed Application filed by Paul Werner Architects on behalf of Alvamar Inc. to re-zone and re-plat certain properties that was deferred by the Planning Commission on February 23, 2015 with the direction to add a Planned Development overlay to the rezoning request. Once again, we want to thank Planning Staff for its assistance in explaining the process to us on the revised submitted requests before the Planning Commission at this time.

As a brief reminder, the residential area we live in is part of the Quail’s Nest at Alvamar Condominium and is accessed by a private drive directly to the South of Alvamar Country Clubhouse. The private drive is owned by the Homeowner’s Association with a shared access off of South Crossgate and is shared by Quail’s Nest and Alvamar Country Club. My husband and I live at 1909 Quail Run, which is fronted by the private drive and #one tee box on the private side of the golf course and the back of our condo is close to #9 green on the private side of the golf course.

As I understand it, the Applicant, Paul Werner Architects on behalf of Alvamar Inc. at the direction of the Planning Commission on the February 23, 2015 meeting, has re-submitted its application with more details, which include a request that all lots to be re-zoned RM 24-PD. Instead of 6 lots there are now 4 lots, with Lot 1 being the lot where the existing clubhouse is located and is adjacent to our Homeowner’s Association land.

As a reminder, Lot 1 is currently zoned RM12, which is the same zoning that our Quail’s Nest Condo Association has. Lot 1 is contiguous with our neighborhood, Quail’s Nest to the north, is “four doors up” from my home. We will be significantly impacted by any change in
zoning that allows for more building, more businesses and more traffic.

Jay and I purchased our house deliberately to live on the golf course. We support the overall proposal of Applicant to find a way to maintain the Alvamar Golf Courses, as viable amenities to the Lawrence community, however, we have serious concerns relating to the specific details or should we say “lack of details” in Applicants submittals.

According to Staff Report Site Summary, Item No. 3C-4, Lot 1 is 2.63 acres in size. “If RM24 PD is allowed the maximum number of units is 63 units and 0 units are proposed. The existing clubhouse is to be removed in future plans. Proposed use not identified. Residential uses are not proposed for this lot at this time. Parking lot noted to remain after clubhouse is razed. Required 100 parking spaces for existing clubhouse; 138 parking spaces existing and 63 remaining after Development of Lot 2”.

It is our understanding that since there are no identified proposed uses at this time, that if RM24 PD were to be approved for Lot 1, any plans for development filed by purchaser (developer) would have to be presented to the Planning Commission for approval and that it is a public hearing item, except for the zoning of RM24.

We would like it clarified that note 1.c. in Staff Recommendation on Preliminary Development Plan-PDP-15-00247, Item No. 3C-1 does not apply to Lots 1 and Lots 4 and that property owners do not waive rights to protest. Obviously, we strongly object to waiving any rights to protest or participate in any future application, particularly since the purpose of the PD overlay is to allow a public process.

At this time, we would specifically like to address our concerns regarding Lot 1-current site of existing clubhouse and adjacent to our Homeowner’s Association property.

1. **Density**: We are still concerned about density. There are no plans for Lot 1 at this time, however, the RM24 PD allows 63 units, which would equate to a minimum of 126 individuals and cars (2 per unit). In addition, Site Summary allows for 1,198 units, which is easily 2,396 individuals (1,198 x 2). While there are not that many proposed units at this time, the RM24 PD zoning allows that density. We must assume that the property will be developed to that level.

2. **Access**: The existing clubhouse located on Lot 1 is currently accessed in part by a private drive directly to the South of Alvamar Country Clubhouse. The private drive is owned by the Homeowner’s Association with a shared access off of South Crossgate and is shared by Quail’s Nest and Alvamar Country Club for the benefit of both entities. Currently, there is no information that addresses how the changes in zoning and increase in traffic, parking and density will have a negative impact our ownership rights’ to this access without regard for the increased costs of maintenance we will be forced to bear.

3. **Timing**: There is no development plan that sets forth timing of development. The only thing known about Lot 1 is that the clubhouse will be demolished at some point in the
future. The timing and future use is totally at the discretion of the developer. Obviously, uncertainty negatively impacts our ownership and could impact property values.

4. Setbacks and Buffers: At some point, Lot 1 will be developed. The Applicant has stated that the existing clubhouse will be demolished and a new use proposed. As stated herein, we have absolutely no idea what will be proposed, however, our only protection is that the preliminary plan will have to be presented to the planning commission for approval and we have the right to provide input through the public process. The RM24 PD zoning will allow up to 63 units, if residential. We are unclear if commercial will be allowed. But the site will look very different from what it does now and we have no idea what that will look like.

Currently, our residences blend into the golf course environment. The layout of our subdivision deliberately incorporated the greens of the golf course, the fairways of the golf course and the putting green located on Lot 1 adjacent to the clubhouse. Quail’s Nest residences were developed as part of the original development of the clubhouse. The clubhouse itself is an organic structure that blends into the environment. The north side of the first resident to the north (1901 Quail Run) looks out on the putting green by the main clubhouse. The setback at that side is less than 23’ and the visual incorporates the putting green into the aesthetics of the neighborhood. This was deliberately planned when the clubhouse was built and as our residences were built.

Therefore, it becomes imperative that the future development of Lot 1 not change the character of our neighborhood that has lasted for greater than 33 years. It also becomes imperative that if Lot 1 is no longer the site of the clubhouse that very generous setbacks between the two property lines be required and that aesthetic buffers be required to maintain the views and beautiful, peaceful environment of the neighborhood. Measures must be taken to ensure that whatever is done to Lot 1 that it still fits with the residential/golf complex as when originally developed.

In summary, my husband and I support the maintenance of Alvamar Golf Courses as viable amenities to the Lawrence community and we believe that in order to redevelop Alvamar and maintain the two 36 hole golf courses there are compromises to be made, however, the care and oversight that formed this area in its creation must continue. Therefore, we support the rezoning for all lots to be RM24-PD, provided that such rezoning assures us that the actual development of Lot 1 and Lot 4 is a public process that is presented to the Planning Commission for approval with the right to make public comments in regard to the actual development plan. At such time, we will be specifically looking to make sure that such plan has addressed our concerns set forth today and how such plan will impact us as adjacent property owners.

Thank you for your time.

Sincerely,

[Signature]

Lori L. Heasty and John B. Patterson
Sandy, I am writing this note in support of the rezoning request submitted by Bliss Sports and Alvamar, Inc. Please share with your staff and the members of the Planning Commission.

It seems to me that what is being requested is well within what is allowed in current zoning regulations, and by updating the zoning, current code language will apply going forward. This has to be a positive for City Planners!

There is no doubt this is the best opportunity for the Alvamar Golf operations and the property owners in the western area of Lawrence. For sure it is the best opportunity for the continued success of the recreational activities which are enjoyed by members as well as the public at large! To be sure this facility remains "state of art" for KU golf teams is incredibly important to them as well as the City of Lawrence.

In the interest of full disclosure, I must say that I represent the shareholder group of present Alvamar owners. We are a "tired" group most of whom have been invested in Alvamar for almost 40 years. We have neither the energy nor the resources to move Alvamar into the future. We are incredibly fortunate to have a "local" investor who is willing to take up this challenge! What is being proposed will allow the new owners to have the wherewithal to make Alvamar the best it can be! This is clearly in the best interest of the greater community, especially those most closely impacted by the recreational facilities!

Golf is an incredibly competitive business and it is becoming more difficult to manage a free standing operation which depends solely upon direct revenue for support. It is very difficult to build the estimated $400,000 annual cost for property taxes and water into the green fee and dues structure. For this reason, it is critical that there be other sources of revenue such as rental income to support operations! Please do not limit their chances for success by limiting density to an unreasonable number.

As former resident of the Alvamar neighborhood and a long time (and current) member of the golf club, I truly believe this is best for Lawrence as a city, and for each of us as residents! It is my hope the Planning Commission will approve and pass on to the City Commission this plan for development!

Robert C. Johnson
957 Coving Drive
Lawrence  Ks  66049
785-331-6884
Dear Ms. Day,

I live in the neighborhood of Alvamar Golf Course and I've been a member for six years. I'm writing to you to express my support for the rezoning changes, special use permits, and preliminary development plans. Since I've been a member I know the owners have expressed a desire to sell the course. They've not had very many offers on it. The present offer is from a local resident who has a vision for the property that will make it a golf and event destination and enhance it's standing in the community. They have listened to the members and adjoining property owners and I believe this might be the best opportunity for a smooth transition of owners. I urge the Planning Commission to support the changes.

Thanks for your consideration.

Rick Kuhle
City of Lawrence Douglas County
% Ms. Sandra Day
Planning & Development Services
6 East 6th Street
P. O. Box 708
Lawrence, KS 66044

Ref: Z-14-00552; SUP-15-00389; PDP-15-00247

Dear Planning Commission:

Thank you for the opportunity to provide input for the above referenced requests which include Rezoning, Special Use Permit, and a Preliminary Development Plan. Our interest in this is from being long term residents of the Lawrence community since 1967, shareholders of Alvamar, Inc., and members of the Alvamar Golf and Country Club community.

As you know the development of Alvamar to the west grew from the vision of two men, Bob Billings and Mel Anderson. At the time in the late 60’s Bob Billings was working in the Financial Aid office at the University of Kansas, and Mel Anderson was the golf course superintendent at a local country club. Mel Anderson pitched the idea to Bob about building a golf course. And, to this day that changed the landscape of Lawrence to the west.

Over the years the vision of these two men grew to a PUD of 378 acres which was approved by the Lawrence City Commission on February 28, 1993. This included 243 acres for a golf course, and 2,153 total dwelling units. As estimated by the City Planning Staff 647 of the 2,153 approved dwelling units exist today. After substantial growth and popularity, construction of a second golf course began in 1970. This is now what is referred to as the Member’s course and makes Alvamar only one of two thirty-six hole golf facilities in the state of Kansas. Also, over the years the Alvamar Golf and Country Club complex grew to include recreational facilities at the current location of the Bishop Seabury Academy. Located at that facility was a swimming pool, tennis academy to include both indoor and outdoor tennis, and a fitness center.

The construction and maintenance of two golf courses, public and private clubhouses, cart barns, swimming pool, indoor/outdoor tennis facilities, and a fitness center were all made possible because of the development land around the golf courses being sold for dwelling units (227 Apartments, 96 Townhouses, 46 Duplexes, and 275 Single Family). Also, substantial investments from Bob Billings, and 125+ investors of Alvamar, Inc. were used to build these facilities and maintain the golf courses over the years.

Sadly, Bob Billings, a Kansas University alumnus who changed the face of Lawrence to the west with his work as a developer, philanthropist, and community leader died on February 13, 2003. With his vision and plans for Alvamar not complete, and with the investors of Alvamar, Inc. hoping to see a return on their investments the funds for the upkeep and expansion of the Alvamar Golf and Country Club complex became limited over the past twelve years. In 2002,
Bishop Seabury acquired the complex that housed the swimming pool, indoor/outdoor tennis facility, and fitness center used by Alvamar. With this sale the fitness center and tennis facilities were no longer available. The swimming pool has been leased by Alvamar since the sale to Seabury in 2002. However, the pool has deteriorated over the years and must have substantial repairs or be replaced. Additionally, the deferred maintenance on the golf courses, equipment, clubhouses, parking lots, and streets is substantial!!

Alvamar is fortunate to have a local developer (Bliss Sports, Thomas and Dru Fritzel) with the development experience and financial means interested in buying the Alvamar Golf and Country Club golf courses, equipment, and facilities. It's interesting to note that being involved with development at Alvamar isn't new to the Gene Fritzel family. In 1984, Gene Fritzel partnered with Bob Billings to build the current Alvamar Country Club Clubhouse, and the eight townhomes currently located to the south of the clubhouse.

When Bob Billings began to build the public golf course and facilities in the late 60's he needed to be able to develop the land around the course and sell it to builders of apartments, townhomes, duplexes, and single family homes. The proceeds from this development were used to build the golf course and facilities along with ongoing maintenance. The same is true with the current buyer of Alvamar, Bliss Sports. They need to be able to do infill development at Alvamar which will provide part of the funding to revitalize the entire Alvamar Golf and Country Club courses and facilities. Alvamar is very, very "tired!" The golf courses and irrigation ponds need to be updated, and new facilities are needed to include a clubhouse, swimming pools, fitness center, banquet/reception facility, and a cart barn.

Alvamar has been a major part of Lawrence to the west for over 50 years!! It has been a recreational facility that has served thousands of people from Lawrence and from all over the United States and other countries. With the approval of the requests before the Planning Commission, Alvamar once again will become a high quality golf and recreational complex as it was in 1970 to 1990's. The approval also will be of major benefit for the Lawrence Community, the neighborhoods that surround the current golf courses, The University of Kansas, The University of Kansas Golf Program, Lawrence and Free State Golf teams, Haskell Indian Nations University, Baker University Golf Program, Public patrons of the golf course, and the Alvamar Country Club membership!!!

We are fully in favor of the proposed rezoning, Special Use Permit, and Preliminary Development Plan as described in the documentation released by the City Planning staff.

Thank you for your time!

Sincerely,

Jerry & Janet Magnuson

Jerry and Janet Magnuson
Ms. Day-

Good afternoon.

As a property owner in the Alvamar neighborhood (indeed, on one of the golf courses), I write in support of the proposed redevelopment and ask the planning commission approve the plans.

The Alvamar property is a wonderful part of Lawrence, but there's no question it needs an update to stay viable into the foreseeable future. It would be a shame to see this critical part of Lawrence fall into further disrepair. The proposed redevelopment will be good for Alvamar, its members, and all of Lawrence.

Again, I urge the planning commission, along with the city council, to approve the proposed redevelopment.

Thank you for your consideration.

Best,

Riley Scott
4517 Nicklaus Dr.
Lawrence, KS 66047
I am writing to express my concerns regarding the proposed construction of a new entrance road onto Bob Billings Parkway.

In April, I attended a meeting hosted by the City of Lawrence Public Works Department that discussed expected increased the traffic on Bob Billings Parkway as a result of the new interchange at Bob Billings Parkway and K10. There were discussions about roundabouts, lanes widths, additional turn lanes and a reduced number of access points onto Bob Billings. It was made very clear to all those in attendance there were not enough funds to make all, or even most, of the requested improvements and to maintain the existing Bob Billings.

Given the lack of funding available for needed improvements and maintenance, I believe financing for any additional roadways required to support increased development should be a part of the approval process and all of the cost for the new entrance road as well as any required improvements to Bob Billings shouldered by the developer. These changes to Bob Billings Parkway will impact our neighborhoods and property values for years to come.

Sincerely,

Cheryl Troxel
PC Staff Report
8/24/15

ITEM NO. 3C     PRELIMINARY DEVELOPMENT PLAN FOR ALVAMAR; 1809 CROSSGATE DR (SLD)

PDP-15-00247: Consider a Preliminary Development Plan for Alvamar, containing approximately 51.85 acres and located at 1809 Crossgate Drive. The plan proposes the construction of a new entrance road from Bob Billings Parkway, Multi-Dwelling Structures containing 292 dwelling units, Active and Passive Recreation uses including a new clubhouse and event center, and commercial uses including a 24 room Hotel, fitness center and banquet/reception facility. The Assisted and Independent Living use containing 124 dwelling units has been removed from the proposed application. Submitted by Paul Werner Architects, for Alvamar Inc., property owner of record.

STAFF RECOMMENDATION ON PRELIMINARY DEVELOPMENT PLAN: Planning Staff recommends approval of Alvamar Preliminary Development Plan (also serving as the Preliminary Plat) based upon the findings of fact presented in the body of the staff report and forwarding a recommendation for approval to the City Commission subject to the following conditions:

1. Provision of a revised Preliminary Development Plan to include the following notes and changes:
   a. Proposed Zoning for all lots should be listed as “RM24-PD”.
   b. A complete list of allowed uses, as reflected in this report, shall be added to the face of the Preliminary Development Plan.
   c. Revise plan to include a note regarding property owners waiving rights to protest changes to the plan. Lacking such note, all property owners will be required to participate in any future application or change to the approved plan.
   d. Revised plan shall include a note that states the applicant shall submit a complete drainage study for review and approval by the City Stormwater Engineer prior to the submission of a Final Development Plan for any lot or phase of the development.
   e. Revised plan shall include a note that states sidewalks shall be required on both sides of all public and private streets.
   f. Provision of a note on the face of the plan stating that the property owner shall maintain common open space.
   g. Provision of a revised plan to include specific notes regarding proposed Lot 2:
      i. Sheet two shall be revised and parking summary updated to correctly reflect total proposed units 292 residential units and 422 bedrooms for Lot 2.
      ii. Provision of a site summary for Lot 2 that includes existing and proposed building cover, surface coverage, and open space.
iii. Provision of a note that states that the required recreational open space for residential uses on Lot 2 shall be satisfied through resident use of the pool amenities located on Lot 3.

h. Applicant shall submit drainage plan for review and approval by the City Stormwater Engineer prior to the approval of any Final Development Plan.

i. Provision of a note on the plan that indicates that the Final Development Plans for this property are required to be presented to the Planning Commission for approval following the notice requirements of Section 20-1301(q).

j. Revision of the Preliminary Development Plan to include a note that a phasing plan shall be submitted with the first Final Development Plan for demolition of the existing clubhouse on Lot 1, construction of improvements proposed on Lots 2 and 3, and street and utility installation. Said phasing plan shall address construction routes to the development areas.

k. Provision of a note on the plan that shared parking review and final parking space requirements will occur with review of each Final Development Plan submission.

l. Provision of a note on the plan that states the banquet/reception facility shall only be used for conventional banquet/reception uses. The Nightclub use assigned to this facility for Development Code purposes shall not provide a right to use the facility as a Bar or Nightclub operation.

m. Provision of a note that states a revised Traffic Impact Study, stating proposed uses, shall be required with the submission of a future application for a Preliminary Development Plan for Lot 1 and Lot 4.

n. Provision of a revised plan to show and/or note that private parking along the golf course holes will be screened from errant golf balls per Staff approval.

2. The following notes and changes are required to meet minimum Subdivision Requirements:

   a. Revise right-of-way for Crossgate Extension to show 60’ of right-of-way for a local street.

   b. Revise plan to add a note that roundabouts will need to be designed appropriately with Public Improvement Plans to support turning truck traffic and pedestrian crossings.

   c. Revise drawing to show access connection to existing parking lot on Lot 1 and connection to Quail Run, the existing private street on the west side of the Crossgate Drive extension.

   d. Revise drawing to clearly show proposed lot boundaries and existing lot boundaries of the Jayhawk Golf Training Center Addition and include a note stating the lot will be replatted with a future Final Plat that includes Lot 2 and/or Lot 3, whichever occurs first.

Reason for Request: Requirement for concurrent submission with RM24-PD overlay district zoning. Application intended to provide preliminary information and address initial land use approvals prior to additional review of this property.
KEY POINTS

• A Preliminary Development Plan includes a Preliminary Plat review. The applicant has previously submitted a separate application for a Preliminary Plat. Subdivision review is included in this review. This application replaces the previous Preliminary Plat application.

• Exact uses for proposed Lot 1 and Lot 4 have not been identified. These lots will be subject to the approval of a revised Preliminary Development Plan and related public hearing in the future.

• Allowed uses shall be approved as part of the Development Plan and a list of uses shall be included on the face of the Plan.

• Section 20-701(f)(1) allows commercial uses in the RS and RM districts as part of a Planned Development when a PD includes at least 10 acres and over 100 dwelling units.

• This project includes a private street segment located in the center of the proposed residential development along the existing alignment of Crossgate Drive that will connect to a public street segment at the north and south ends.

• The total number of residential units proposed for Lot 2 is 292. The applicant will revise notes on sheet 2 of the proposed development plan to correspond with the design concept shown on sheet 4 of the plan.

• The original application included land use for Lot 4 as an Assisted Living residential use. This use has been excluded from the site revisions and no specific use is proposed for Lot 4 at this time.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases

• Z-14-00552; proposed RM24-PD District.
• SUP-15-00389; Active Recreation Uses in RM24-PD district.
• PP-14-00554; Alvamar One Preliminary Plat; application replaced by PDP-15-00247.

Other Action Required

• City Commission approval of Preliminary Development Plan and requested modifications.

• Submission and approval of Final Development Plan and Final Plat.

• Submission and approval of Public Improvement Plans prior to recording Final Plats.

• Recording of Final Development Plan and Final Plat with the Douglas County Register of Deeds.

• Building permits must be obtained prior to construction of structures.

ATTACHMENTS

1. Area Map
2. Existing Golf Course Map
3. Preliminary Development Plan
4. Residential Building Elevations
5. Off-Street Parking Summary

PUBLIC COMMENT

• See attached list.

GENERAL INFORMATION

• For current and surrounding zoning and land use please refer to Z-14-00552.

• Standard applications include a site surface summary for each individual lot within a proposed development. At this time that information is not available.
<table>
<thead>
<tr>
<th>Lot</th>
<th>Area (Acres)</th>
<th>Maximum Density Allowed at 24 DU/AC</th>
<th>Proposed Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 1</td>
<td>2.63</td>
<td>Maximum: 63 Units Proposed: 0 Units</td>
<td>Existing Clubhouse to be removed in future phase. Proposed use not identified. Residential uses are not proposed for this lot at this time. Parking lot noted to remain after clubhouse is razed. Required 100 parking spaces for existing clubhouse; 138 parking spaces existing and 63 remaining after development of Lot 2.</td>
</tr>
<tr>
<td>Lot 3</td>
<td>13.99</td>
<td>Maximum: 336 Units Proposed: 0 Units</td>
<td>Mixed uses including Active and Passive Recreation and Commercial uses including banquet/reception facility, Hotel and fitness center as well as accessory uses to golf course facility. Residential uses are not proposed on this lot at this time. Required parking 768 spaces; 359 parking spaces proposed.</td>
</tr>
<tr>
<td>Lot 4</td>
<td>17.32</td>
<td>Maximum: 416 Units Proposed: 0 Units</td>
<td>Future development, with no use identified at this time. Original application for Planned Development included an Assisted Living use. No review on Lot 4 is provided. Public Hearing for development of Lot 4 as a Preliminary Development Plan will be required.</td>
</tr>
<tr>
<td>Total</td>
<td>49.92</td>
<td>Maximum allowed by requested RM24 zoning: 1,198 Units Proposed: 292 Units</td>
<td>1,226 required parking spaces per staff calculation 812 required parking spaces per applicant calculation 966 spaces proposed – all uses</td>
</tr>
</tbody>
</table>

**PART A: Preliminary Plat Review**

**Subdivision Review Summary**
The proposed Preliminary Development Plan replaces the separate application for a preliminary plat submitted in 2014. The original development concept included 6 individual lots. This revised plan includes only 4 lots. The project also includes the extension of public street right-of-way north from Clinton Parkway and south from Bob Billings Parkway. Perimeter utility easements are proposed around lots and a 30’ combined access and utility easement is proposed through Lot 2.

- Proposed lots exceed the minimum lot size requirements for the RM24 district as shown in the Site Summary table.
- Each new lot includes access to a public street via the extended Crossgate Drive right-of-way.
- Additional easement review will be required as part of a Final Plat and future Final Development Plan applications.

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1 Required off-street parking is provided in separate exhibit and details parking by use for proposed development.
Compliance with Zoning Regulations
The proposed lot sizes exceed the 6,000 square feet minimum lot size for the proposed RM24 Base Zoning District. All lots are adjacent to a public street. The proposed lots include both existing platted and unplatted land. Notably, the remaining portion of the Final Plat of Jayhawk Golf Training Center Addition will be required to be replatted as a result of this project. Based on the proposed development, that remaining property would not have direct access to a public street as pictured below.

A future final plat for Lots 2 or 3 that includes any portion of the existing Jayhawk Golf Training Center Addition subdivision will need to address the remaining portion of the existing platted lot. A variance will be required for creation of a lot without direct access to a public right-of-way. Access to the partial lot is provided through proposed Lot 3. The remaining portion of the Jayhawk Golf Training Center Addition lot is outside of the boundary of the proposed development. Staff recommends this Preliminary Development Plan be revised to clearly show the lot boundary and to include a note regarding the replatting of the lot at the time any portion of Lot 2 or 3 is final platted in the future.
Streets and Access
Access to this area is provided by Crossgate Drive. This local street includes public right-of-way and an access easement (Private Street). The proposed plat extends the public portion of the right-of-way to the north as a cul-de-sac. An extended access easement will connect the two public street segments.

New Crossgate Drive, North Leg: An additional public street extension is proposed south from Bob Billings Parkway, Inset A. This street will be located west of the homes in Woodfield Meadows West Subdivision. The street will be required to meet minimum City design standards and at least 60’ of ROW is required. Design will require sidewalks on both sides of the street.

Details of this proposed street are shown on page 3 of the Preliminary Development Plan. In addition to this street improvement, turn lanes on Bob Billings Parkway are also being considered by the City. The intersection of the existing private street segment of Crossgate Drive that serves the Woodfield Meadows West Subdivision will include additional design changes at both the north and south ends to prevent cut-through traffic. The design of these intersections has not been completed at this time and will be included as part of a future Final Development Plan, Final Plat and public improvement plans. Options for access could include a restricted gate access, one-way traffic control at one or both ends, or other unidentified traffic calming measures.

Crossgate Drive extended, South Leg: The project also includes a public street extension of Crossgate Drive that begins at the existing cul-de-sac that serves the existing clubhouse and Quail's Nest at Alvamar Condominiums. Insets B and C below show the existing and proposed public street extension of Crossgate Drive to the north. The proposed plan shows 60’ of right-of-way along proposed Lot 4 and changing to 50’ of right-of-way from the existing cul-de-sac to the north where it terminates in a new cul-de-sac in the central portion of the development. This street segment is shown on sheets 5 and 6 of the Preliminary Development Plan. A 50’ street design standard is applicable for “limited local streets” per Section 20-810 (5). Staff recommends the plan be revised to show a full 60’ of right-of-way to the cul-de-sac due to the number of dwelling units and nonresidential uses this street will serve.
Crossgate Drive, Private Street Segment, Middle Leg: The private street segment of Crossgate Drive is an existing condition that arguably is not currently designed to accommodate the proposed density. It does not meet the City street standards. Private Streets are allowed in Planned Developments. This street segment is proposed as a 30’ access easement, typical of private streets. The easement does not include the angled parking which is located outside of the easement.

The current application shows the private street segment of Crossgate Drive, Inset D as a 30’ access easement. The benefit of the use of the easement is to provide reduced building setbacks measured from the curb line to allow buildings to be set closer to the “street” than would be allowed with a public street and full public right-of-way. The applicant proposes, in addition to the 30’ of access easement an additional 10’ of utility easement on the west side and 20’ of utility easement on the east side. This combined space is equal to a public street right-of-way width for a local street. Preliminary review indicates this street configuration will accommodate the increased traffic with the improvements that are proposed.
**Proposed Lot 1** is the location of the existing clubhouse located at the north end of Crossgate Drive, public street segment in the center of the development. No changes are proposed at this time to the existing development of this part of the project.

This property is only affected by the future subdivision that will replat the boundary and will include both portions of an existing platted subdivision and unplatted land that is part of the existing golf course. The lot exceeds the minimum area requirements and is adjacent to a public street through the extension of Crossgate Drive to the north.

The applicant has indicated that the existing clubhouse will be removed and a future Preliminary Development Plan will be submitted. The plan also notes that the existing parking lot with 63 spaces will remain. Extension of the public street will result in loss of some of the existing parking. The plan does not provide timing for the removal of the existing clubhouse. (Refer to sheet 5 of the Preliminary Development Plan.) No new residential uses are proposed on Lot 1 with this application. Future uses, residential or otherwise, on this lot will require a revised Preliminary Development Plan subject to a public hearing. The original submittal did include a residential component. The density, building type and specific land use in this application is unknown.

<table>
<thead>
<tr>
<th><strong>Existing Site Summary</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Platted Lot</strong></td>
</tr>
<tr>
<td><strong>Proposed Platted Lot</strong></td>
</tr>
<tr>
<td><strong>Existing Site Plan</strong></td>
</tr>
<tr>
<td>Zoning at time of approval was RM-1 and RS-2</td>
</tr>
<tr>
<td><strong>Required Parking</strong></td>
</tr>
<tr>
<td>138 spaces provided per aerial.</td>
</tr>
<tr>
<td><em>63 spaces to remain</em></td>
</tr>
<tr>
<td><strong>Existing Use</strong></td>
</tr>
<tr>
<td><strong>Proposed Use</strong></td>
</tr>
</tbody>
</table>
**Proposed Lot 2** is located at the north end of the development area between the existing clubhouse and the south end of the Woodfield Meadows PUD. Access to this area would include the extension of a public street from Bob Billings Parkway some distance, then changing to a private street through the proposed residential development and intersecting the south leg of Crossgate Drive extended north from Clinton Parkway. This area is currently used for the golf course. The existing private street segment of Crossgate Drive would be generally retained. This area also includes portions of the Jayhawk Golf Training Center. Like proposed Lot 1, this property includes both platted and unplatted land.

The proposed plan for this lot includes 9 multi-story, multi-dwelling buildings with both surface and covered parking. The private street through the center of the multi-dwelling residential development is designed to connect at the north and south ends to a public street and designed with angled parking. Public Streets do not generally include “required parking.”

The plan notes that this lot will include a total of 292 units with an overall density of 18.27 units per acre. This density is less dense than the RM24 District would permit. Fully developed, at the maximum density of 24 dwellings units per acre, 384 units could be developed on this lot.

Off-street parking for this use is required at one space per bedroom plus one space per each 10 units. The plan indicates that the 292 units will include 422 bedrooms. The ratio of bedrooms per unit is not identified. The plan notes that 465 parking spaces are required for 422 bedrooms in 292 units. This is an error and should be shown as 452 spaces required. The plan notes 544 parking spaces provided. These excess spaces are located along both sides of the private street outside of the 30’ access easement. The existing private street has been noted by area residents as frequently used for parking during golf tournaments because the facility lacks adequate parking today. This excess parking is expected to accommodate uses within the development as shared parking. Parking is discussed in detail later in this report.

Excess parking requires mitigation of stormwater impacts. This project has been submitted without a drainage study. A comprehensive drainage study is required for this development. Additional review of this element will be required with the future application of both a Final Plat and a Final Development Plan.
**Existing Site Summary**

<table>
<thead>
<tr>
<th>Existing Platted Lot</th>
<th>Site includes unplatted land and portion of platted property known as Jayhawk Golf Training Center Addition.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Platted Lot</td>
<td>15.98 Acres</td>
</tr>
<tr>
<td>Existing Site Plan</td>
<td>There are no site plan or subdivision plats that show existing development. Golf course is unplatted.</td>
</tr>
<tr>
<td>Existing Use</td>
<td>Existing improvements include private street – Crossgate Drive and portions of Alvamar Golf Course.</td>
</tr>
<tr>
<td>Proposed Use</td>
<td>292 Multi-Dwelling Residential Units 9 multi-story buildings; 422 bedrooms.</td>
</tr>
</tbody>
</table>

292 Units and 422 Bedrooms noted on sheet 2.
*287 units noted on sheet 4. Table does not include all spaces provided, only those shown in parking areas near individual buildings.

<table>
<thead>
<tr>
<th>Building</th>
<th>Units</th>
<th>Stories</th>
<th>Parking provided by unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>8</td>
<td>2</td>
<td>23</td>
</tr>
<tr>
<td>B</td>
<td>8</td>
<td>2</td>
<td>26</td>
</tr>
<tr>
<td>C</td>
<td>30</td>
<td>3</td>
<td>71</td>
</tr>
<tr>
<td>D</td>
<td>40</td>
<td>4</td>
<td>65</td>
</tr>
<tr>
<td>E</td>
<td>64</td>
<td>4</td>
<td>28</td>
</tr>
<tr>
<td>F</td>
<td>36</td>
<td>3/4</td>
<td>54</td>
</tr>
<tr>
<td>G</td>
<td>41</td>
<td>3/4</td>
<td>54</td>
</tr>
<tr>
<td>H</td>
<td>36</td>
<td>3</td>
<td>66</td>
</tr>
<tr>
<td>J</td>
<td>24</td>
<td>3</td>
<td>49</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>9</td>
<td>436 spaces</td>
</tr>
</tbody>
</table>

Off street parking is generally distributed through the residential development providing parking options immediately adjacent to all buildings. Some areas within the residential portion of the development include excess parking along the interior portion of the development. The graphic above highlights the individual buildings and parking throughout proposed Lot 2. All parking located on both sides of Crossgate Drive (private street segment) is not anticipated for regular use by the residents or guests, and will function for overflow parking during large events.
Proposed Lot 3 is discussed in much detail in the related application SUP-15-00389. The details of this lot are conceptual at this time. The Special Use Permit application is intended to address the procedural code requirements that pertain to Active Recreation Uses located in the RM24 District. All other nonresidential uses are subject to the Preliminary Development Plan. Because these uses are interrelated, the parking discussion included in the Special Use Permit report is also applicable in this staff report.

In addition to the recreation uses associated with proposed Lot 3, the proposed commercial uses, banquet/reception facility, fitness center, and Hotel are also included as uses for this Lot.

Like Lot 2, Lot 3 includes both platted and unplatted land that will need to be addressed fully with a future submission of a Final Plat and Final Development Plan. Existing improvements include a clubhouse area, portions of the Jayhawk Golf Training Center and portions of the existing golf course. Proposed lot improvements include redesign of the pond that will extend beyond the proposed lot line. A large gas line easement is shown on the Sheet 5 as extending north and south through the golf course and partially encumbering the lot on the east side.

A Final Development Plan is anticipated to address final building elevations, specific parking and landscape standards as well as other code required elements. As a Final Development Plan that review would be administrative and would not be subject to the Planning Commission’s review. Staff has recommended a condition that the Final Development Plans for this project be approved by the Planning Commission following proper notice.

<table>
<thead>
<tr>
<th>Existing Site Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Platted Lot</td>
</tr>
<tr>
<td>Proposed Platted Lot</td>
</tr>
<tr>
<td>Existing Site Plan</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Proposed Use</td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
</tr>
</tbody>
</table>
**Proposed Lot 4** is located at the south end of the proposed development along the east side of Crossgate Drive south of the clubhouse. This Preliminary Development Plan application was submitted with a conceptual development for an Assisted Living Facility that includes 70 assisted living units and 54 independent living units. This use has been abandoned at this time and no use is proposed for Lot 4. The original application included residential uses and detached cabins.

Since no uses are proposed for Lot 4 there is no review of the proposed lot other than the elements related to the subdivision requirements for lots. The proposed lot exceeds the minimum area and is adjacent to a public street (Crossgate Drive). This property includes unplatted land.

The lot includes dense vegetation along the west side of the property. Future development of this lot will require, at a minimum, a revised Preliminary Development Plan and a Final Development Plan. Proposed changes to the existing golf course should be shown on any future application for context and compatibility with the immediately surrounding subdivisions. Currently the existing residential developments that back up to the golf course have a long view of the open space that is the golf course. Development of this lot will alter that view. Mitigation of development such as low profile buildings and/or dense landscaping can provide transition between the existing development and future development in the area.

<table>
<thead>
<tr>
<th><strong>Existing Site Summary</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Platted Lot</td>
<td>Site includes unplatted land.</td>
</tr>
<tr>
<td>Proposed Platted Lot</td>
<td>17.302 Acres</td>
</tr>
<tr>
<td>Existing Use</td>
<td>Golf course</td>
</tr>
<tr>
<td>Proposed Use</td>
<td>Unlisted; Revised Preliminary Development Plan and Final Development Plan will be required prior to site redevelopment. No residential uses are proposed for this lot at this time.</td>
</tr>
</tbody>
</table>
PART B: PRELIMINARY DEVELOPMENT PLAN REVIEW

Off Street Parking
Only uses for proposed Lot 2 are sufficiently detailed to be able to assess final off-street parking requirements. The Preliminary Development Plan provides adequate off-street parking for the residential uses with excess parking that can also be shared with other uses in the development. This phase of the development appears to provide excess parking. Typically, excess parking must be mitigated through implementation of best management practices for stormwater runoff; however, the design is intended to accommodate overflow parking during large events associated with the Golf Course. A detailed drainage study is required for further evaluation. Additionally, the extension of Crossgate Drive as a private street segment includes “on-street” parking that is intended to accommodate overflow parking during events that demand higher than average off-street parking.

Private streets must be designed to meet minimum City public street standards. This will require adequate travel lanes, sidewalks, and curbs. Public improvement plans will also be required for this development. Sufficient notes will be required on the face of the Final Development Plan to address these elements if approved.

Off Street Parking calculated by applicant for Lot 2

<table>
<thead>
<tr>
<th>LOT 2 - PARKING INFORMATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.2 PARKING REQUIRED:</td>
</tr>
<tr>
<td>3.3 TYPE</td>
</tr>
<tr>
<td>REGULAR</td>
</tr>
<tr>
<td>ACCESSIBLE</td>
</tr>
<tr>
<td>TOTAL</td>
</tr>
</tbody>
</table>

Per this summary total units would include 430 units with 422 bedrooms. Maximum units allowed per RM24 is 384 units. Note on plan states 292 units. Drawing shows 287 units. These inconsistencies need to be corrected and are addressed in conditions of approval.

For the purposes of this review, staff calculated parking based on 292 units and 422 bedrooms. Off street parking for Multi-Dwelling residential uses is required at 1 space per bedroom plus one space per 10 units. Parking required for this development intensity is 422 + 30 = 452 spaces.

Off-street parking proposed for Lot 3 is conceptual. Lot 3 includes both Active and Passive Recreation uses as well as Commercial use: banquet/reception facility listed as a Nightclub in the Land Development Code, a 24 room Hotel, and a fitness center. Eating and Drinking Establishments uses such as Fast Order Food or Quality Restaurant uses are included as snack bars and restaurant uses as accessories and amenities of the golf course. A separate table is attached to this report and was also discussed in the related Special Use Permit report for the Active Recreation use.

The applicant calculates that the required parking is 347 spaces for the uses proposed including Active and Passive Recreation uses, Commercial uses, Eating and Drinking Establishment; and a 24 room Hotel. The proposed parking shows 359 spaces. Some uses listed in the applicant’s documentation are clearly accessory to the primary activities, such as a golf cart storage
building or locker rooms. Regardless, it is staff’s opinion that parking within Lot 3 is insufficient to meet the proposed uses based on the information provided.

**Off Street Parking Calculated by applicant for Lot 3**

<table>
<thead>
<tr>
<th>Lot 3 - Parking Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>36</td>
</tr>
<tr>
<td>FITNESS &amp; WELLNESS (PERSONAL IMPROVEMENT SERVICE)</td>
</tr>
<tr>
<td>POOL (PARTICIPANT SPORTS &amp; RECREATION, OUTDOOR)</td>
</tr>
<tr>
<td>CLUBHOUSE (PARTICIPANT SPORTS &amp; RECREATION, INDOOR)</td>
</tr>
<tr>
<td>BANQUET FACILITY (QUALITY AND ACCESSORY RESTAURANT)</td>
</tr>
<tr>
<td>HOTEL (HOTEL, MOTEL, EXTENDED STAY)</td>
</tr>
</tbody>
</table>

Per this summary total required off-street parking is 347 spaces.

The attached parking table provides a summary of the uses and minimum required parking estimated by staff based on the available data. Excess parking may be provided on Lot 1, especially if the existing building is removed and the parking lot remains. The plan notes that Lot 1 currently includes 63 spaces. Proposed Lot 2 includes 91 spaces along the private segment of Crossgate Drive. These two parking areas add 154 spaces to the total development.

<table>
<thead>
<tr>
<th>Total Parking Summary</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Nonresidential and Residential parking required</td>
<td>774 spaces for Nonresidential uses 452 spaces for Residential uses.</td>
</tr>
<tr>
<td>Provided Parking – Existing and Proposed</td>
<td>1,226 spaces required</td>
</tr>
<tr>
<td>Lot 1 – Existing Clubhouse</td>
<td>63 spaces existing</td>
</tr>
<tr>
<td>Lot 2 – Proposed Residential Uses</td>
<td>544 spaces proposed • 92 total excess spaces • 91 spaces located along Crossgate Drive</td>
</tr>
<tr>
<td>Lot 3 – Proposed Nonresidential uses.</td>
<td>359 spaces</td>
</tr>
<tr>
<td>Lot 4</td>
<td>No uses or spaces identified at this time.</td>
</tr>
<tr>
<td>Total spaces existing and proposed</td>
<td>966 spaces total</td>
</tr>
<tr>
<td>Parking deficit</td>
<td>-254 spaces</td>
</tr>
</tbody>
</table>

The Development Code permits the use of shared parking to meet parking requirements in multi-use developments. A specific evaluation will be made during the Final Development Plan review to determine the sufficiency of parking provided for the various uses within the entire project area.

**Density Review**

Per Section 20-701(f)(3), a Planned Development project is allowed to calculate density based on the number of bedrooms rather than the number of dwelling units. In this case, the project does not need this allowance to meet the density permitted in proposed zoning district. Therefore, the residential density is calculated on the gross number of units per acre for each lot. Gross density is 18.27 dwelling units as proposed.

\[ \text{Density: 292 Units/15.98 Acres = 18.27DU/AC} \]

High Density residential development is defined as being between 16 and 21 dwelling units per acre. This density is consistent with the proposed RM24-PD District proposed for this property.
Residential uses for Lots 1, 3 or 4 are not proposed at this time. The addition of residential uses to Lots 1 and 3 will require additional parking and a revision to the Preliminary Development Plan as well as submission and approval of a Final Development Plan. Since no specific use is proposed for Lot 4 at this time, a revised Preliminary Development Plan and submission and approval of a Final Development will also be required. The maximum residential density was identified at the beginning of this report. Based on the total area included in each lot and the maximum density allowed at 24 DU/Acre, a total of 1,198 dwelling units could be added. At this time only 292 units are proposed, all located on Lot 2.

**Building Height Review**

This project includes proposed building elevations and cross sections through the residential development for reference. Buildings identified for Lot 2 include 2, 3 and 4 story buildings. The maximum building height for this base district is 45’. Section 20-701(g) allows building height to be increased in a Planned Development. Building height increases must include additional building setback from the boundary of the district. Additional dimensions are needed on the drawing to clearly show the building and parking lot setbacks proposed with this development.

Lot 2 is a “through lot” with street frontage at both the north and south ends of the lot. Building setback from the adjacent street is 25’. Lot lines are not clearly drawn on the Preliminary Development Plan; however, buildings appear to exceed the required setback. The east and west property lines were reviewed as side yards, the minimum building setback for interior side yards is only 5’. All buildings (including covered garages) are located a minimum of 10’ setback from the side lot lines.

A cross section was provided that seems to indicate that the multi-dwelling buildings are greater than the 45’ height permitted by district. The plan must be revised to correctly show maximum building height. The plan includes a note on sheet 2 stating the maximum height of 45’. Building height will continue to be reviewed with the submission of a Final Development Plan for Lot 2 and as a revised Preliminary Development Plan as applicable for the other lots.

Building elevations show the 4-story side and the end sections of the buildings. Building elevations, showing the 3-story side of the buildings, should also be provided for reference.

The plan notes that buildings proposed for Lot 3 are shown as 2 story buildings with the exception of the accessory buildings around the pools.

**Open Space Review**

Within a Planned Development, a minimum of 20% of the land area is required to be open space. Of that 20% one-half must be “developed as Recreational Open Space”. This application, as proposed, does not provide a summary of proposed open space. Lot 2 requires a minimum of 3.19 acres to meet this design standard. Additionally, 50% of that space is required to be “Recreational Open Space” per Section 20-701(j). Active Recreation uses for the entire development are accommodated in a centralized area located on Lot 3. The plan should state that residents shall have access to the Active Recreation areas included on Lot 3. This plan appears to provide adequate open space around each building with the exception of Building E which has only limited open space and abuts the pool area to the south. Additional review of open space requirements will be included in the submission of a Final Development Plan for this phase. The following graphic highlights staff’s estimation of common open space located in this phase. Required Open Space is 139,218 SF. Estimated Open Space is 141,684 SF.
If the development plan submitted for final approval substantially deviates from the approved plan, then a re-hearing of the revised Preliminary Development Plan is required. This could include changes that increase the residential density by more than 5%, involve a reduction of area set aside of common open space or the increase of building cover more than 5%. For this reason, this Preliminary Development Plan should be revised to show a site summary for Lot 2 that includes the building cover proposed as well as the total pervious and impervious area. This provides a measure for assessment of the proposed project’s consistency of a Final Development Plan with an approved Preliminary Development Plan. This recommendation is reflected as a condition of approval.

Landscape Review
Section 20-701(d) states that all of the standards of the Development Code apply to development within a PD District except as expressly authorized by regulations of Section 20-701. Insufficient information is provided to adequately review landscape requirements for this development. A detailed landscape plan is required with the submission of a Final Development Plan. Each lot will be required to meet landscape requirements for open space, street trees, interior and perimeter parking lot design standards. The property is largely undeveloped or golf course. Staff does not anticipate that waivers and reductions in landscaping will be proposed with Final Development Plan for this property.
**Preliminary Development Plan Review Summary**

The proposed Preliminary Development Plan for Alvamar PD has been evaluated based upon findings of fact and conclusions per Section 20-1304(d)(9) of the Development Code for the City of Lawrence, requiring consideration of the following nine items:

1) **The Preliminary Development Plan’s consistency with the Comprehensive Plan of the City.**

But for the golf course, high-density residential development would not typically be located interior to an established neighborhood. These uses are typically located adjacent to arterial and collector streets. The range and scope of uses may result in future reclassification of Crossgate Drive as a collector street. Collector streets typically require a total of 80’ of right-of-way. The majority of the street was constructed with only 60’ of right-of-way. Collector street right-of-way is not requested with this application. The center of the golf course is located in the center of the proposed development. The proposed activity area will become a hub within the development.

This property is proposed for high-density residential development with a Planned Development overlay. Recommendations for medium- and higher-density residential development from Chapter 5 of *Horizon 2020* are listed below.

“Development proposals shall be reviewed for compatibility with existing land uses. The review should include use, building type, density and intensity of use, architectural style, scale, access and its relationship to the neighborhood, and the amount and treatment of screening and open space.” (Policy 1.1, page 5-23)

“Encourage new and existing medium- and higher-density residential development which is compatible in size, architectural design, orientation, and intensity with the surrounding land uses in established areas.” (Policy 3.4, page 5-29)

This project must consider and respond to the existing development within the larger neighborhood. The proposed multi-dwelling development does include massive buildings compared to the architectural style in the area. However, these buildings are generally located some distance from and separated by portions of the golf course that mitigate the size of the buildings.

The proposed development for Lot 2 includes two smaller apartment buildings (2-story, 8 units each) located at the north end as a transition between the existing development to the north and the larger multi-story buildings to the south.

Planned Developments of a certain size allow commercial uses. Proposed Lot 3 includes nonresidential uses that support and augment the golf course and are commercial in nature. The uses as described, and on a limited scale, are compatible with the surrounding area of existing and planned development. These would be the only uses permitted unless the applicant decided to pursue a new rezoning request to permit other commercial uses.

<table>
<thead>
<tr>
<th>Proposed Non Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passive Recreation Use</td>
</tr>
<tr>
<td>Golf Course</td>
</tr>
<tr>
<td>7,500 Cart Storage</td>
</tr>
<tr>
<td>15,500 New Golf Clubhouse</td>
</tr>
<tr>
<td>9,500 SF 1st floor</td>
</tr>
<tr>
<td>6,000 SF 2nd floor</td>
</tr>
<tr>
<td>Lockers, pro-shop, restaurant</td>
</tr>
<tr>
<td>Active Recreation Area</td>
</tr>
<tr>
<td>2-3 swimming pools</td>
</tr>
<tr>
<td>1,200 SF cabana</td>
</tr>
<tr>
<td>1,200 SF cabana</td>
</tr>
<tr>
<td>2,400 SF cabana</td>
</tr>
<tr>
<td>Estimated 62,102 SF area total</td>
</tr>
<tr>
<td>Outdoor snack bar/grill</td>
</tr>
<tr>
<td>Commercial Uses</td>
</tr>
<tr>
<td>18,482 SF banquet facility</td>
</tr>
<tr>
<td>[Nightclub maximum occupancy of 800]</td>
</tr>
<tr>
<td>1,200 SF Kansas Golf Hall of Fame</td>
</tr>
<tr>
<td>Hotel with 24 guest rooms and 5 staff</td>
</tr>
<tr>
<td>11,800 SF Fitness and Wellness Center</td>
</tr>
<tr>
<td>4,000 SF Office Space</td>
</tr>
</tbody>
</table>
Staff Finding— Given its context within a golf course, the proposal is consistent with policies of Horizon 2020.

2) Preliminary Development Plan’s consistency with the Planned Development Standards of Section 20-701 including the statement of purpose.

Applicant’s Response: "A Planned Development is being suggested for this development in order to give the neighborhoods surrounding Alvamar voice in the process. The attempt to proceed without a PD overlay was met with much opposition."

The purpose statement includes the following (staff comments follow in italics):

a) **Ensure development that is consistent with the comprehensive plan.**
   This is a unique infill development centered on an existing golf course. Each lot within the development must be considered individually. Only limited information is available at this time. The primary justification of the Planned Development Overlay is to provide a wider range of public input for the proposed development especially as it pertains to the residential elements.

   Provision of the direct public street access to Bob Billings Parkway facilitates the ability to accommodate higher density residential development and incorporate that development into the surrounding golf course. Similar high-density residential development at the south end of the development area (Lot 4) would not meet the consistency test.

   *As discussed previously, the development is consistent with the comprehensive plan as conditioned.*

b) **Ensure that development can be conveniently, efficiently and economically served by existing and planned utilities and services.**
   A general review of this proposed development based on the available data shows that the property can be adequately provided with municipal services.

c) **Allow design flexibility which results in greater public benefits than could be achieved using conventional zoning district regulations.**
   The intent of the developer is to provide a mixed use development that supplements and augments the Alvamar Golf Course. Because of the large scope of the project, the applicant is seeking preliminary land use approvals of key uses prior to submission of detailed studies and plans for consideration.

   The proposed development includes both public street and private street improvements for access. The benefit of the private street as proposed for the multi-dwelling residential development is the placement of buildings and the providing of "on-street" parking. Details for Lots 1 and 4 are generally not available for review and will require a revised Preliminary Development Plan prior to further development.

d) **Preserve environmental and historic resources.**
   There are no known historical or environmental resources on this property.
e) Promote attractive and functional residential, nonresidential, and mixed-use developments that are compatible with the character of the surrounding area.

The nature of the proposed Multi-Dwelling residential use within this project is of a significantly higher density and comprised of larger buildings than in the immediately surrounding subdivisions though the buildings are buffered by distance and trees. The functionality of the design provides excess parking that can be accommodated along the proposed private street. This design could alleviate existing parking problems in the area that result from large events.

The mixed-use character of the development is derived from the Active Recreation, Passive Recreation and Commercial uses proposed as accessory to the golf course. The most unique feature of the development is combining the Hotel use within the proposed banquet/reception facility as an amenity. It should not be assumed that the Hotel use will only be utilized during special events. If approved, these units will be added to the community inventory for overnight guest stays. It is not reasonable or feasible to consider enforcement of a restriction that such use can only be occupied during special events associated with the golf course or other amenities.

Limiting the amount of commercial uses can be reasonably managed and enforced through the base zoning and the combined development plan approval.

Staff Finding – The proposed Preliminary Development Plan is consistent with the Statement of Purpose of Planned Development as conditioned.

3) The nature and extent of the common open space in the Planned Development.

Section 20-701(j) notes that 20% of the site must be developed as common open space. As each phase of development is submitted for review minimum open space requirements must be met. If the applicant’s intent is that the activity area shown on Lot 3 is intended to serve as the required open space all of the development, then the plan should be revised to include this note. As each phase of development is refined adequate pedestrian connections must be provided to ensure these elements are compatible and useable to future residents.

Staff Finding – This plan includes planned open spaces within the development. Additional detail will be required with future applications for individual lot development.

4) The reliability of the proposals for maintenance and conservation of the common open space.

Additional detail will be required regarding long term maintenance of open space. Any residential development should include a minimum amount of open space for exclusive use of the residential occupants. This project includes amenities directly related to the golf course and are expected to be desirable to existing and new residents in the area. Shared common open space within the development is expected. Adequate pedestrian connections will be required.

Staff Finding – The review assumes the property owner will own and maintain the common open space. The placement of the note on the Preliminary Development Plan will identify the ownership and maintenance responsibilities.
5) **The adequacy or inadequacy of the amount and function of the common open space in terms of the densities and dwelling types proposed in the plan.**

The minimum outdoor area, as required on Article 20-601(a) is based on the total calculated Dwelling Unit count and not the actual number of dwelling units.

A minimum of 20% of common open space shall be provided for a Planned Development. Within that space, one-half shall be developed as “Recreational Open Space.”

This development includes approximately 16.62 acres (Lots 1 and 3) that will provide common open space within the development as part of the redevelopment of the golf course facility. Reasonable open space should also be provided for the proposed residential development to be located on Lots 2 and 4. The current plan provides only conceptual design. This element will continue to be reviewed with future applications for Final Development Plan.

**Staff Finding** – The amount and function of the common open space appears to meet the requirements of the Development Code.

6) **Whether the Preliminary Development Plan makes adequate provisions for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment.**

This project includes public street access from Bob Billings Parkway to the north and Clinton Parkway to the south. These two access points for this area are a result of the surrounding development. Access from the east or west is not anticipated for this property. This project includes a new public street extension between Bob Billings Parkway and the proposed development. This new access is in response to concerns from residents and property owners located at the north end of the Alvamar PUD (outside of the proposed development project). The current access at the north end is not a public street and is not designed as a public street. The proposed north leg of Crossgate Drive will be constructed as a public street.

The remaining segment of access at the north end will be reconfigured to limit or restrict access from Bob Billings Parkway to the proposed development. The exact plans have not been determined but will be required with the submission of a Final Plat and Final Development Plan. This could include removing the access drive connection to Bob Billings Parkway or restricting turning movements at the north or south end where it will intersect with the new public street.

Amenities of light and air, recreation and visual enjoyment are generally protected. The orientation of buildings to the golf course should continue to be reviewed with future applications.

**Staff Finding** – The Preliminary Development Plan’s provisions for Fire/Medical access will continue to be reviewed as part of the Final Development Plan as well as the construction documents.

7) **Whether the plan will measurably and adversely impact development or conservation of the neighborhood area by:**

   a) **Doubling or more the traffic generated by the neighborhood;**
   
   This property is located south of Bob Billings Parkway and north of Clinton Parkway. The proposed development is self-contained within the Alvamar PUD and will result in increased
traffic. A new public street extension is proposed to mitigate traffic in the north end of the development. Other recommended improvements include turn lanes and signal timing changes to also improve the traffic in the area.

\textit{b) Proposing housing types, building heights or building massings that are incompatible with the established neighborhood pattern; or}

The building type for the residential uses includes multi-story multi-dwelling structures on Lot 2. Much of the surrounding area is open space as a part of the golf course facility. Additional residential uses include detached, attached, and multi-dwelling uses surrounding the golf course. The proposed request is clearly a deviation from the existing development pattern. Multi-dwelling uses are typically located at the fringes of the neighborhood. The proposed multi-dwelling residential use includes 2, 3 and 4 story buildings. The nonresidential uses include 1 and 2 story buildings. Maximum building height in this district is 45’. The Preliminary Development Plan does require revisions to the drawing to show compliance with this maximum height.

Specific land uses for Lot 1 and Lot 4 are not provided at this time. Building elevations for proposed improvements are not provided for development of Lot 3. Buildings are noted as 2-story. The Commission could include restrictions on the maximum building height and or total number of stories as a condition of approval.

\textit{c) Increasing the residential density 34% or more above the density of adjacent residential properties.}

The proposed development is predominantly surrounded by the golf course. Residential development south of proposed Lot 1 includes duplex housing with a private street providing access to these dwellings known as Quail’s Nest at Alvamar. Density of this area is 4 dwelling units per acre. The residential development immediately north of proposed Lot 2 along the existing private street segment of Crossgate Drive known as Woodfield Meadows is developed at 5 dwelling units per acre. Development along the south leg of Crossgate Drive and Greenbrier Drive is also approximately 4 dwelling units per acre. The proposed development at 18 dwelling units per acre is approximately 56% higher density than the surrounding area.

\textbf{Staff Finding—} The proposed development is unique in that it does not immediately abut residential development except in some specific areas. Access is limited to this overall area and change will be noticeable as the area develops. Traffic impacts and building type and massing have been two dominant concerns expressed by residents in the area.

An additional impact on residents will be construction activity. Staff recommends that the north leg of Crossgate Drive be constructed prior to any phase of development for this project and then used as the primary construction access for development of Lots 2 and 3.

\textit{8) Whether potential adverse impacts have been mitigated to the maximum practical extent.}

Potential adverse impacts with multi-dwelling apartments can occur with lighting that extends onto adjacent properties, or with balconies that overhang single-dwelling residences. A photometric plan will be required prior to approval of the Final Development Plan to insure there is no negative impact from the exterior lighting.

Traffic is partially mitigated as discussed with the addition of the new street extension south of Bob Billings Parkway and intersection improvements at Clinton Parkway. Staff recommends
these public improvements be constructed as an initial phase of development prior to any development of the project.

Details are unavailable for development of Lots 1, 3, and 4 except as described conceptually for Lot 3. It is anticipated that multiple revisions to the Preliminary Development Plan will be required as Lot 1 and Lot 4 are developed in the future.

**Staff Finding** – Possible adverse impacts of exterior lighting will be addressed with a photometric plan to insure there is no spillover light. Traffic impacts are recommended to be mitigated initially as part of the construction of the project. Additional review will be required as more detail is made available for development of Lot 1 and Lot 4.

9) The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the Planned Unit Development in the case of a plan that proposes development over a period of years.

Full development of the property included in the boundary of the project is expected to be phased. The applicant has not provided a phasing plan. Specific improvements must be made initially to support the development as well as the initial construction. These improvements should be noted on the face of the plan. A development phasing plan is also recommended and should be provided prior to the submission of a Final Development Plan for any phase of the project.

**Staff Finding**- As conditioned adequate protections for the surrounding neighborhood are addressed.

**Staff Review and Conclusion**
The proposed Preliminary Development Plan conforms to the basic development requirements and is, in this application, intended to address broad topics such as land use, maximum allowed density and general placement of uses. Nonresidential development is intended to be accessory to and supportive to the existing golf course that surrounds the development. A varying degree of additional documentation is needed prior to the development of individual lots as discussed in the body of the report.
ALVAMAR

PRELIMINARY DEVELOPMENT PLAN

LAWRENCE, KANSAS
<table>
<thead>
<tr>
<th>Proposed Use/Activity</th>
<th>Land Code Defined Use</th>
<th>Required Parking</th>
<th>Estimated Required Parking by Staff</th>
<th>Total Required Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NONRESIDENTIAL USES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>GOLF COURSE – PASSIVE RECREATION WITH ACCESSORY USES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf Course</td>
<td>Passive Recreation</td>
<td>Schedule D [Determined by Planning Director and Parking Study]</td>
<td>4 spaces per hole 2 courses @ 18 holes each + 20 spaces for practice areas</td>
<td>72 Total spaces = 164</td>
</tr>
<tr>
<td>7,500 SF Cart Storage</td>
<td>Accessory to Passive Recreation Use</td>
<td>Accessory use parking not required.</td>
<td>0 spaces required. Counted in golf course requirement</td>
<td>0 Total Spaces = 82</td>
</tr>
<tr>
<td><strong>15,500 SF Clubhouse</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lockers/Restroom</td>
<td>Accessory to Passive Recreation Use and Eating and Drinking Establishment as Accessory to Passive Recreation Use and as primary use for non-golf members.</td>
<td>Accessory use. Parking not required except for Restaurant use.</td>
<td>0 spaces required. Counted in golf course requirement</td>
<td>0 0 0</td>
</tr>
<tr>
<td>Pro-shop</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurant accessory to clubhouse</td>
<td>Eating and Drinking Establishment as Accessory to Passive Recreation Use and as primary use for non-golf members.</td>
<td>Eating and Drinking – Fast Order Food or Quality Restaurant 1 space per 100 SF of customer service area plus 1 space per employee based on largest shift.</td>
<td>75% of main floor for restaurant use.¹ Employee number estimated at 10 for this use.</td>
<td>82</td>
</tr>
<tr>
<td>• 9,500 SF 1st floor</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 6,000 SF 2nd floor</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td>246 spaces</td>
</tr>
<tr>
<td><strong>BANQUET FACILITY – EATING AND DRINKING ESTABLISHMENT [NIGHTCLUB² USE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>15,500 SF banquet/event facility</strong></td>
<td>Eating and Drinking Establishment - Nightclub</td>
<td>1 space per 3 persons based on maximum occupancy plus 1 space per employee based on largest shift.</td>
<td>Maximum 800 people at 1/3 occupancy = 267 spaces. Estimated employee at maximum shift = 20</td>
<td>267 Total spaces = 287</td>
</tr>
<tr>
<td>1,200 SF Kansas Golf Hall of Fame</td>
<td>Cultural Center or Accessory to banquet facility</td>
<td>1 space per 500 SF</td>
<td>3 spaces counted as exhibit space in banquet facility use.</td>
<td>0</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td>287 Spaces</td>
</tr>
<tr>
<td><strong>OUTDOOR SWIMMING POOL – ACTIVE RECREATION USE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-3 swimming pools</td>
<td>Active Recreation</td>
<td>Schedule D [Determined by Planning Director and Parking Study]</td>
<td>1 space per 500 SF of 62,120 total area.</td>
<td>125 Total spaces = 125</td>
</tr>
<tr>
<td>• 1,200 SF cabana</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 1,200 SF cabana</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 2,400 SF cabana</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated 62,102 SF area total</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor snack bar/grill Use identified in Traffic Study but not shown individually on face of PDP. Assumed to be contained in cabana building</td>
<td>Fast Order Food and/or Accessory to Active Recreation Use</td>
<td>Eating and Drinking – Fast order food 1 space per 100 SF of customer service area plus 1 space per employee based on largest shift.</td>
<td>1 space per 100 SF of 1,200 SF cabana Estimated employees 3</td>
<td>12 3 Total spaces = 15</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td>140 spaces</td>
</tr>
</tbody>
</table>

¹ 75% of total floor area used as estimated per 1966 Zoning Code practices.
² Banquet Facility or Event Center is not a listed use in the Land Development Code. Nightclub use has been applied as the most similar use for the purposes of estimating off-street parking requirements. Future Text Amendment to define this use separately in the use tables.
<table>
<thead>
<tr>
<th><strong>FITNESS CENTER – COMMERCIAL USE</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>11,800 SF Fitness/Wellness Center</strong></td>
<td>Accessory to Active Recreation Use and/or Sports and Recreation, Participant,</td>
</tr>
<tr>
<td></td>
<td>Personal Improvement at 1 space per 200 SF</td>
</tr>
<tr>
<td></td>
<td>1 space per 200 SF = 59 spaces</td>
</tr>
<tr>
<td></td>
<td>59</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td><strong>Total spaces = 59</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>HOTEL – COMMERCIAL USE</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>24 guest rooms</strong></td>
<td><strong>Transient Accommodations</strong></td>
</tr>
<tr>
<td></td>
<td>1 space per guestroom + 1 space per 1.5 employees.</td>
</tr>
<tr>
<td></td>
<td>24 guest rooms</td>
</tr>
<tr>
<td></td>
<td>5 employees</td>
</tr>
<tr>
<td></td>
<td>25</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td><strong>Total spaces = 28</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>OFFICE – ACCESSORY USE TO MULTIPLE USES IN PROPOSED DEVELOPMENT.</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4,000 SF Office Space</strong></td>
<td><strong>Office Use and/or Accessory Use to administrative operations of a primary use.</strong></td>
</tr>
<tr>
<td></td>
<td>1 space per 300 SF</td>
</tr>
<tr>
<td></td>
<td>14 spaces. Counted as accessory uses to active and passive recreation, banquet/reception, hotel, and fitness uses within development</td>
</tr>
<tr>
<td></td>
<td>14</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td><strong>Total spaces = 14</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>TOTAL NONRESIDENTIAL USES</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3 Phasing of development to provide enough parking for demand will be required.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>4 Shared parking is being discussed with applicant. Determining final parking requirements will be a function of the Final Development Plan review.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>774 SPACES</strong></td>
<td></td>
</tr>
</tbody>
</table>
## RESIDENTIAL USES

<table>
<thead>
<tr>
<th>Proposed Use/Activity</th>
<th>Land Development Code Defined Use</th>
<th>Required Parking</th>
<th>Parking shown on Preliminary Development Plan.</th>
<th>Total Parking Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>APARTMENTS – MULTI-DWELLING RESIDENTIAL LAND USE</td>
<td>292 (287 units)</td>
<td>Multi-Dwelling Residential</td>
<td>1 space per bedroom plus 1 space per 10 units</td>
<td>30 Total Space = 452</td>
</tr>
<tr>
<td></td>
<td>422 bedrooms</td>
<td></td>
<td>292 total units (applicant revising total shown on Preliminary Development Plan, sheet 4.)</td>
<td>422</td>
</tr>
<tr>
<td>TOTAL RESIDENTIAL USES</td>
<td></td>
<td></td>
<td></td>
<td>452 SPACES</td>
</tr>
</tbody>
</table>

### Total Parking Summary

<table>
<thead>
<tr>
<th>Provided Parking – Existing and Proposed</th>
<th>Total Nonresidential and Residential parking required</th>
<th>1,226 spaces required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 1 – Existing Clubhouse (to be removed upon completion of new clubhouse)</td>
<td>774 spaces for Nonresidential uses 452 spaces for Residential uses.</td>
<td></td>
</tr>
<tr>
<td>Lot 2 – Proposed Residential Uses</td>
<td>138 spaces existing</td>
<td>63 spaces remaining</td>
</tr>
<tr>
<td>Lot 3 – Proposed Nonresidential Uses</td>
<td>544 spaces proposed 93 total excess spaces 91 angled spaces located along Crossgate Drive</td>
<td>544 spaces proposed</td>
</tr>
<tr>
<td>Lot 4</td>
<td>359 spaces</td>
<td>0 spaces proposed</td>
</tr>
<tr>
<td>Total spaces existing and proposed</td>
<td>966 spaces provided</td>
<td>966 spaces provided</td>
</tr>
<tr>
<td>Parking deficit</td>
<td>- 260 spaces⁶</td>
<td>- 260 spaces⁶</td>
</tr>
</tbody>
</table>

---

⁵ Residential Parking conflicts with the plan sheets and must be revised to correct parking and units consistently through document.

⁶ Shared parking is being discussed with applicant. Determining final parking requirements will be a function of the Final Development Plan review.
Z-14-00552: Rezone 51.85 acres from RS7, RM12 and PUD [Alvamar] Districts to RM24-PD District
PDP-15-00247: Preliminary Development Plan for Alvamar
Located in Alvamar Golf Course
August 7, 2015

Planning & Development Services
City of Lawrence
6 East 6th Street
PO Box 708
Lawrence, KS 66046

RE: Alvamar Rezoning (Z-14-00552), Special Use Permit (SUP-15-00389), and Preliminary Development (PDP-15-00247)

As a resident of the Crossgate Court development (including 2100-2112 Crossgate Circle and 4000-4033 Crossgate Court) we believe it is imperative that we provide input regarding the development considered at the current Alvamar Country Club. We have spoken at length with Ms. Sandra Day in order to better understand the plan and the specifics of the requested changes.

For background, we purchased our home in 2012. We retired from our jobs in Wichita and moved to Lawrence in the summer of 2013. We are both retired educators and could have moved anywhere in the country, but chose Lawrence. Since our move we have loved the city and have spent a great deal of time and money remodeling our retirement home to be exactly what we want. Our neighborhood is peaceful, quiet and one we enjoy. It is disconcerting to find that our “little slice of heaven” is to be disrupted by large equipment, excess noise and a great increase in traffic.

We know that progress is inevitable, and support well planned progress. We carefully selected Crossgate Court. It is a small neighborhood of about 20 homes. We make it a point to watch out for each other. Some of the homes are investment properties, others are homeowners like us. Regardless, we care about where we live. Our homeowners association is responsible for the maintenance of our own streets, including snow removal. We have personally purchased gravel at our own expense to repair the potholes on the city street at the entrance to Crossgate Court to protect our neighbor’s vehicles. We do, however, have concerns about the proposed project.

Our first concern is that the increased construction traffic followed by increased residential traffic from Clinton Parkway north on Crossgate will result in a deterioration of Crossgate, people choosing to turn around in our cul-de-sacs due to safety reasons will cause a deterioration of our private streets as well. We should not be required to pay for public street traffic if the street is in fact a private street. How does the city plan to limit traffic on our streets or does the city plan to take over the maintenance of the Crossgate Court streets?

Our second concern is the obvious increase in traffic. At this time Crossgate Street from Clinton Parkway to Alvamar is not a heavily travelled street, although traffic is steady. Even so, parking is allowed on the East side of Crossgate and we have experienced several near head-on collisions attempting to maneuver around the parked cars. We are not so naïve to believe that the residents of the proposed apartment complex won’t travel south on Crossgate as that is the closest route to the
nearest grocery store. The increase in traffic causes greater concern when parking is allowed on the street. What is the city’s plan to guarantee safe travel on Crossgate?

Our final concern is the pending, dare we say unspoken, request for a “banquet facility with overnight accommodations”. We cannot and will not support this type of structure. Call it what you will, it’s a hotel. We do not believe that a hotel belongs in a residential district. We would support the banquet facility as we know Lawrence needs more facilities for large groups. Lawrence is, however, a small town. It takes mere minutes to get to a hotel from any place in town. We do not believe that sleeping accommodations are necessary to “sell” a good banquet facility.

We are hopeful that the city realizes that these concerns, although small, will quickly become city problems, not developer’s problems once the approval for this project is in place. We filled out the survey for the city and we rated the infrastructure and safety of Lawrence at the top of our list. Your careful consideration of this project and our concerns is appreciated.

Sincerely,

John and Joan Blazek
4013 Crossgate Ct.

Mailing address: PO Box 3111, Lawrence, KS 66046

Telephone: 316-655-9315
or
316-655-5475
Dear Ms. Day,

We are opposed to the development & rezoning detailed in your letter. It has been proposed by the potential new owners of Alvamar. We are concerned about our property values being lowered.

Carol & Mike Moddrell
8-6-15
August 8, 2015

Lawrence- Douglas County Metropolitan Planning Commission

Dear Staff,

In response to the attached letter dated July 31, 2015, and mailed to Alvamar area residents, I have the following comments:

I am an Alvamar homeowner and Alvamar Country Club member since it opened.

I am fully in favor of the proposed rezoning, Special Use Permit, and Preliminary Development Plan as described in this letter.

The reason is simple:

If this plan does not materialize, I believe the whole Alvamar group of golf, dining, swimming, and tennis facilities will be in serious risk of going downhill for lack of monetary support, leading to a future for the whole area much less desirable than this plan.

The fact that this plan is proposed by an established, vested, experienced local group, makes it the best and most favorable plan for the future of the whole Alvamar area, and therefore the City of Lawrence at large.

Other alternatives that may come up in the future, if this plan does not move forward, are simply scary.

Sincerely,

Dave Rueschhoff  4705 Carmel Place
My husband and I are very active members of Alvamar and strongly support the current proposals submitted to the Lawrence Planning Commission. We lived in Topeka until work transferred us to St. Paul, Minnesota. Upon retirement we moved back to Kansas and chose to build a home in Lawrence for several reasons, one of which was the Alvamar Golf Course. We have told several of our Topeka golf friends about the proposed upgrades to Alvamar, and they have shown not only a great interest in the golf enhancements, but are also excited about potential to purchase housing around the Alvamar grounds, which would bring tax revenue to the City of Lawrence. We hope you vote Yes!
August 22, 2015

Planning Commission
City of Lawrence Douglas County
Planning & Development Services
6 East 6th Street
P.O. Box 708
Lawrence, Kansas 66044

Re: Z-14-00552; SUP-15-00389; & PSP-15-00247

Dear Members of the Planning Commission:

This letter is a follow-up to our original letter dated February 11, 2015 that we send on behalf of my husband and myself in regard to the proposed Application filed by Paul Werner Architects on behalf of Alvamar Inc. to re-zone and re-plat certain properties that was deferred by the Planning Commission on February 23, 2015 with the direction to add a Planned Development overlay to the rezoning request. Once again, we want to thank Planning Staff for its assistance in explaining the process to us on the revised submitted requests before the Planning Commission at this time.

As a brief reminder, the residential area we live in is part of the Quail’s Nest at Alvamar Condominium and is accessed by a private drive directly to the South of Alvamar Country Clubhouse. The private drive is owned by the Homeowner’s Association with a shared access off of South Crossgate and is shared by Quail’s Nest and Alvamar Country Club. My husband and I live at 1909 Quail Run, which is fronted by the private drive and #one tee box on the private side of the golf course and the back of our condo is close to #9 green on the private side of the golf course.

As I understand it, the Applicant, Paul Werner Architects on behalf of Alvamar Inc. at the direction of the Planning Commission on the February 23, 2015 meeting, has re-submitted its application with more details, which include a request that all lots to be re-zoned RM 24-PD. Instead of 6 lots there are now 4 lots, with Lot 1 being the lot where the existing clubhouse is located and is adjacent to our Homeowner’s Association land.

As a reminder, Lot 1 is currently zoned RM12, which is the same zoning that our Quail’s Nest Condo Association has. Lot 1 is contiguous with our neighborhood, Quail’s Nest to the north, is “four doors up” from my home. We will be significantly impacted by any change in
zoning that allows for more building, more businesses and more traffic.

Jay and I purchased our house deliberately to live on the golf course. We support the overall proposal of Applicant to find a way to maintain the Alvamar Golf Courses, as viable amenities to the Lawrence community, however, we have serious concerns relating to the specific details or should we say “lack of details” in Applicants submittals.

According to Staff Report Site Summary, Item No. 3C-4, Lot 1 is 2.63 acres in size. “If RM24 PD is allowed the maximum number of units is 63 units and 0 units are proposed. The existing clubhouse is to be removed in future plans. Proposed use not identified. Residential uses are not proposed for this lot at this time. Parking lot noted to remain after clubhouse is razed. Required 100 parking spaces for existing clubhouse; 138 parking spaces existing and 63 remaining after Development of Lot 2”.

It is our understanding that since there are no identified proposed uses at this time, that if RM24 PD were to be approved for Lot 1, any plans for development filed by purchaser (developer) would have to be presented to the Planning Commission for approval and that it is a public hearing item, except for the zoning of RM24.

We would like it clarified that note 1.c. in Staff Recommendation on Preliminary Development Plan-PDP-15-00247, Item No. 3C-1 does not apply to Lots 1 and Lots 4 and that property owners do not waive rights to protest. Obviously, we strongly object to waiving any rights to protest or participate in any future application, particularly since the purpose of the PD overlay is to allow a public process.

At this time, we would specifically like to address our concerns regarding Lot 1-current site of existing clubhouse and adjacent to our Homeowner’s Association property.

1. **Density:** We are still concerned about density. There are no plans for Lot 1 at this time, however, the RM24 PD allows 63 units, which would equate to a minimum of 126 individuals and cars (2 per unit). In addition, Site Summary allows for 1,198 units, which is easily 2,396 individuals (1,198 x 2). While there are not that many proposed units at this time, the RM24 PD zoning allows that density. We must assume that the property will be developed to that level.

2. **Access:** The existing clubhouse located on Lot 1 is currently accessed in part by a private drive directly to the South of Alvamar Country Clubhouse. The private drive is owned by the Homeowner’s Association with a shared access off of South Crossgate and is shared by Quail’s Nest and Alvamar Country Club for the benefit of both entities. Currently, there is no information that addresses how the changes in zoning and increase in traffic, parking and density will have a negative impact our ownership rights’ to this access without regard for the increased costs of maintenance we will be forced to bear.

3. **Timing:** There is no development plan that sets forth timing of development. The only thing known about Lot 1 is that the clubhouse will be demolished at some point in the
future. The timing and future use is totally at the discretion of the developer. Obviously, uncertainty negatively impacts our ownership and could impact property values.

4. Setbacks and Buffers: At some point, Lot 1 will be developed. The Applicant has stated that the existing clubhouse will be demolished and a new use proposed. As stated herein, we have absolutely no idea what will be proposed, however, our only protection is that the preliminary plan will have to be presented to the planning commission for approval and we have the right to provide input through the public process. The RM24 PD zoning will allow up to 63 units, if residential. We are unclear if commercial will be allowed. But the site will look very different from what it does now and we have no idea what that will look like.

Currently, our residences blend into the golf course environment. The layout of our subdivision deliberately incorporated the greens of the golf course, the fairways of the golf course and the putting green located on Lot 1 adjacent to the clubhouse. Quail’s Nest residences were developed as part of the original development of the clubhouse. The clubhouse itself is an organic structure that blends into the environment. The north side of the first resident to the north (1901 Quail Run) looks out on the putting green by the main clubhouse. The setback at that side is less than 23’ and the visual incorporates the putting green into the aesthetics of the neighborhood. This was deliberately planned when the clubhouse was built and as our residences were built.

Therefore, it becomes imperative that the future development of Lot 1 not change the character of our neighborhood that has lasted for greater than 33 years. It also becomes imperative that if Lot 1 is no longer the site of the clubhouse that very generous setbacks between the two property lines be required and that aesthetic buffers be required to maintain the views and beautiful, peaceful environment of the neighborhood. Measures must be taken to ensure that whatever is done to Lot 1 that it still fits with the residential/golf complex as when originally developed.

In summary, my husband and I support the maintenance of Alvamar Golf Courses as viable amenities to the Lawrence community and we believe that in order to redevelop Alvamar and maintain the two 36 hole golf courses there are compromises to be made, however, the care and oversight that formed this area in its creation must continue. Therefore, we support the rezoning for all lots to be RM24-PD, provided that such rezoning assures us that the actual development of Lot 1 and Lot 4 is a public process that is presented to the Planning Commission for approval with the right to make public comments in regard to the actual development plan. At such time, we will be specifically looking to make sure that such plan has addressed our concerns set forth today and how such plan will impact us as adjacent property owners.

Thank you for your time.

Sincerely,

Lori L. Heasty and John B. Patterson
Sandy, I am writing this note in support of the rezoning request submitted by Bliss Sports and Alvamar, Inc. Please share with your staff and the members of the Planning Commission.

It seems to me that what is being requested is well within what is allowed in current zoning regulations, and by updating the zoning, current code language will apply going forward. This has to be a positive for City Planners!

There is no doubt this is the best opportunity for the Alvamar Golf operations and the property owners in the western area of Lawrence. For sure it is the best opportunity for the continued success of the recreational activities which are enjoyed by members as well as the public at large! To be sure this facility remains "state of art" for KU golf teams is incredibly important to them as well as the City of Lawrence.

In the interest of full disclosure, I must say that I represent the shareholder group of present Alvamar owners. We are a "tired" group most of whom have been invested in Alvamar for almost 40 years. We have neither the energy nor the resources to move Alvamar into the future. We are incredibly fortunate to have a "local" investor who is willing to take up this challenge! What is being proposed will allow the new owners to have the wherewithal to make Alvamar the best it can be! This is clearly in the best interest of the greater community, especially those most closely impacted by the recreational facilities!

Golf is an incredibly competitive business and it is becoming more difficult to manage a free standing operation which depends solely upon direct revenue for support. It is very difficult to build the estimated $400,000 annual cost for property taxes and water into the green fee and dues structure. For this reason, it is critical that there be other sources of revenue such as rental income to support operations! Please do not limit their chances for success by limiting density to an unreasonable number.

As former resident of the Alvamar neighborhood and a long time (and current) member of the golf club, I truly believe this is best for Lawrence as a city, and for each of us as residents! It is my hope the Planning Commission will approve and pass on to the City Commission this plan for development!
Dear Ms. Day,

I live in the neighborhood of Alvamar Golf Course and I've been a member for six years. I'm writing to you to express my support for the rezoning changes, special use permits, and preliminary development plans. Since I've been a member I know the owners have expressed a desire to sell the course. They've not had very many offers on it. The present offer is from a local resident who has a vision for the property that will make it a golf and event destination and enhance it's standing in the community. They have listened to the members and adjoining property owners and I believe this might be the best opportunity for a smooth transition of owners. I urge the Planning Commission to support the changes.

Thanks for your consideration.

Rick Kuhle
Jerry Magnuson  
Janet Magnuson  
1520 Fountain Dr.  
Lawrence, KS 66047  
785-331-6160  

August 22, 2015  

City of Lawrence Douglas County  
% Ms. Sandra Day  
Planning & Development Services  
6 East 6th Street  
P. O. Box 708  
Lawrence, KS 66044  

Ref: Z-14-00552; SUP-15-00389; PDP-15-00247  

Dear Planning Commission:  

Thank you for the opportunity to provide input for the above referenced requests which include Rezoning, Special Use Permit, and a Preliminary Development Plan. Our interest in this is from being long term residents of the Lawrence community since 1967, shareholders of Alvamar, Inc., and members of the Alvamar Golf and Country Club community.  

As you know the development of Alvamar to the west grew from the vision of two men, Bob Billings and Mel Anderson. At the time in the late 60’s Bob Billings was working in the Financial Aid office at the University of Kansas, and Mel Anderson was the golf course superintendent at a local country club. Mel Anderson pitched the idea to Bob about building a golf course. And, to this day that changed the landscape of Lawrence to the west.  

Over the years the vision of these two men grew to a PUD of 378 acres which was approved by the Lawrence City Commission on February 28, 1993. This included 243 acres for a golf course, and 2,153 total dwelling units. As estimated by the City Planning Staff 647 of the 2,153 approved dwelling units exist today. After substantial growth and popularity, construction of a second golf course began in 1970. This is now what is referred to as the Member’s course and makes Alvamar only one of two thirty-six hole golf facilities in the state of Kansas. Also, over the years the Alvamar Golf and Country Club complex grew to include recreational facilities at the current location of the Bishop Seabury Academy. Located at that facility was a swimming pool, tennis academy to include both indoor and outdoor tennis, and a fitness center.  

The construction and maintenance of two golf courses, public and private clubhouses, cart barns, swimming pool, indoor/outdoor tennis facilities, and a fitness center were all made possible because of the development land around the golf courses being sold for dwelling units (227 Apartments, 96 Townhouses, 46 Duplexes, and 275 Single Family). Also, substantial investments from Bob Billings, and 125+ investors of Alvamar, Inc. were used to build these facilities and maintain the golf courses over the years.  

Sadly, Bob Billings, a Kansas University alumnus who changed the face of Lawrence to the west with his work as a developer, philanthropist, and community leader died on February 13, 2003. With his vision and plans for Alvamar not complete, and with the investors of Alvamar, Inc. hoping to see a return on their investments the funds for the upkeep and expansion of the Alvamar Golf and Country Club complex became limited over the past twelve years. In 2002,
Bishop Seabury acquired the complex that housed the swimming pool, indoor/outdoor tennis facility, and fitness center used by Alvamar. With this sale the fitness center and tennis facilities were no longer available. The swimming pool has been leased by Alvamar since the sale to Seabury in 2002. However, the pool has deteriorated over the years and must have substantial repairs or be replaced. Additionally, the deferred maintenance on the golf courses, equipment, clubhouses, parking lots, and streets is substantial!!

Alvamar is fortunate to have a local developer (Bliss Sports, Thomas and Dru Fritzel) with the development experience and financial means interested in buying the Alvamar Golf and Country Club golf courses, equipment, and facilities. It's interesting to note that being involved with development at Alvamar isn't new to the Gene Fritzel family. In 1984, Gene Fritzel partnered with Bob Billings to build the current Alvamar Country Club Clubhouse, and the eight townhomes currently located to the south of the clubhouse.

When Bob Billings began to build the public golf course and facilities in the late 60's he needed to be able to develop the land around the course and sell it to builders of apartments, townhomes, duplexes, and single family homes. The proceeds from this development were used to build the golf course and facilities along with ongoing maintenance. The same is true with the current buyer of Alvamar, Bliss Sports. They need to be able to do infill development at Alvamar which will provide part of the funding to revitalize the entire Alvamar Golf and Country Club courses and facilities. Alvamar is very, very “tired!” The golf courses and irrigation ponds need to be updated, and new facilities are needed to include a clubhouse, swimming pools, fitness center, banquet/reception facility, and a cart barn.

Alvamar has been a major part of Lawrence to the west for over 50 years!! It has been a recreational facility that has served thousands of people from Lawrence and from all over the United States and other countries. With the approval of the requests before the Planning Commission, Alvamar once again will become a high quality golf and recreational complex as it was in 1970 to 1990's. The approval also will be of major benefit for the Lawrence Community, the neighborhoods that surround the current golf courses, The University of Kansas, The University of Kansas Golf Program, Lawrence and Free State Golf teams, Haskell Indian Nations University, Baker University Golf Program, Public patrons of the golf course, and the Alvamar Country Club membership!!

We are fully in favor of the proposed rezoning, Special Use Permit, and Preliminary Development Plan as described in the documentation released by the City Planning staff.

Thank you for your time!

Sincerely,

Jerry & Janet Magnuson

Jerry and Janet Magnuson
Ms. Day-

Good afternoon.

As a property owner in the Alvamar neighborhood (indeed, on one of the golf courses), I write in support of the proposed redevelopment and ask the planning commission approve the plans.

The Alvamar property is a wonderful part of Lawrence, but there's no question it needs an update to stay viable into the foreseeable future. It would be a shame to see this critical part of Lawrence fall into further disrepair. The proposed redevelopment will be good for Alvamar, its members, and all of Lawrence.

Again, I urge the planning commission, along with the city council, to approve the proposed redevelopment.

Thank you for your consideration.

Best,

Riley Scott
4517 Nicklaus Dr.
Lawrence, KS 66047
August 24, 2015

Cheryl Troxel
1504 Alvamar Drive
Lawrence, KS 66047

Ms. Sandra Day, AICP
City of Lawrence
6 East 6th Street
Lawrence, KS 66044

RE: PDP-15-00247

I am writing to express my concerns regarding the proposed construction of a new entrance road onto Bob Billings Parkway.

In April, I attended a meeting hosted by the City of Lawrence Public Works Department that discussed expected increased traffic on Bob Billings Parkway as a result of the new interchange at Bob Billings Parkway and K10. There were discussions about roundabouts, lanes widths, additional turn lanes and a reduced number of access points onto Bob Billings. It was made very clear to all those in attendance there were not enough funds to make all, or even most, of the requested improvements and to maintain the existing Bob Billings.

Given the lack of funding available for needed improvements and maintenance, I believe financing for any additional roadways required to support increased development should be a part of the approval process and all of the cost for the new entrance road as well as any required improvements to Bob Billings shouldered by the developer. These changes to Bob Billings Parkway will impact our neighborhoods and property values for years to come.

Sincerely,

Cheryl Troxel
PLANNING COMMISSION REPORT  
Regular Agenda - Public Hearing Item

PC Staff Report  
08/24/2015

ITEM NO. 4A  CN2 TO CS; 4.87 ACRES; 2100 W 25TH ST & 2435 IOWA ST (SLD)

Z-15-00329: Consider a request to rezone approximately 4.87 acres from CN2 (Neighborhood Commercial Center) District to CS (Commercial Strip) District, located at 2100 W 25th St & 2435 Iowa St. Submitted by Landplan Engineering, for Holiday Lawrence LLC and 2435 Iowa Partners LLC, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 4.87 Acres, from CN2 (Neighborhood Commercial) District to CS (Commercial Strip) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: Current Zoning does not support all the retail center has to offer at this time. The surrounding zoning is CS.

KEY POINTS
- Request includes multiple parcels and developed property.
- 2100 W. 25th Street is an existing strip commercial building with a mix of uses.
- 2435 Iowa Street is an existing building that includes a development request for redevelopment that includes demolition of the existing improvements in preparation for construction of a fast order food with a drive-thru.
- The current zoning does not allow a drive-thru use without a Special Use Permit.

ASSOCIATED CASES/OTHER ACTION REQUIRED
2435 Iowa Street
- SP-3-6-79; site plan for bank use
- SP-15-00350; site plan for demolition and redevelopment for fast order food with drive-thru. (In Process)
2100 W. 25th Street/2449 Iowa Street – Holiday Plaza Development
- SP-12-50-76; south building
- SP-11-64-77; north building
- SP-8-55-95; parking lot striping plan

PLANS AND STUDIES REQUIRED
- Traffic Study – Not required for rezoning
- Downstream Sanitary Sewer Analysis – Not required for rezoning
- Drainage Study – Not required for rezoning
- Retail Market Study – Not applicable to residential request

ATTACHMENTS
1. Zoning Exhibit
2. Nonresidential Use Table
3. Regional Commercial Center Map
5. Existing Use Table for 2100 W. 25th Street

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
1. Property owner 2200 W. 25th Street requesting additional information
2. Tenant of existing commercial building requesting additional information.
Project Summary:
Proposed request is for multiple properties that are developed with commercial uses. The property is located along a designated commercial corridor. This application includes property located at 2435 Iowa Street and property located at 2100 W. 25th Street. The property at 2435 Iowa Street also includes an application for a site plan for the redevelopment of the property for a fast order food use with a drive through. There are no current development applications other than this zoning for the property at 2100 W. 25th Street.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN
Applicant’s Response: Map 3-2 Lawrence Future Land Use of Horizon 2020 this area is shown on this map up and down Iowa Street to be commercial.

This property is located along and within the S. Iowa commercial corridor. Horizon 2020 identifies S. Iowa Street between 23rd Street and the South Lawrence Trafficway as an existing commercial center within Lawrence. This corridor is described as an existing “strip commercial” development area. S. Iowa Street is a designated Regional Commercial Center. The total corridor includes CN2, CS, PCD, PRD, CR, and CR-FP zoning districts. A map of the S. Iowa Street commercial corridor is attached to this report.

The Plan states: "development and redevelopment along the Iowa Street segment shall emphasize consolidated access, frontage roads, coordinated site planning and design, and high quality development." This property includes shared access with the adjacent commercial development (zoned CS). Rezoning the property to the CS zoning similar to the adjacent property to the west and south may facilitate redevelopment of the property in the future by providing a more flexible and therefore more desirable zoning district. The proposed rezoning is more reflective of the existing development pattern and description of the area.

Staff Finding – The proposed request is consistent with Horizon 2020.
### Zoning and Use of Nearby Property, Including Overlay Zoning

<table>
<thead>
<tr>
<th>Current Zoning and Land Use:</th>
<th>CN2 (Neighborhood Commercial) District. Existing commercial development.</th>
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</thead>
<tbody>
<tr>
<td>Surrounding Zoning and Land Use:</td>
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<tr>
<td><strong>To the north:</strong></td>
<td>CS (Strip Commercial) District. Existing commercial development including strip commercial buildings with multiple tenants.</td>
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<tr>
<td></td>
<td>CN2 (Neighborhood Commercial) District. Existing multi-dwelling development.</td>
</tr>
<tr>
<td><strong>To the east:</strong> east side of Iowa Street between 24th Place and 25th Street.</td>
<td>CS (Strip Commercial) District. Existing detached commercial buildings.</td>
</tr>
<tr>
<td><strong>To the south:</strong> south side of 25th Street at 2525 W. 25th Street</td>
<td>CN2 (Neighborhood Commercial) District. Existing strip commercial building with multiple tenants. This property is also proposed to be rezoned to CS (Strip Commercial) District (Z-15-00330).</td>
</tr>
<tr>
<td><strong>To the West:</strong> north side of 25th Street.</td>
<td>CN2 (Neighborhood Commercial) District. Existing office and multi-dwelling uses at 2200 W. 25th Street and 2424 Melrose Lane west of 2100 W. 25th Street (part of this request).</td>
</tr>
<tr>
<td></td>
<td>CS (Strip Commercial) District. Existing commercial building at 2429 Iowa, west of 2435 Iowa Street (part of this request).</td>
</tr>
</tbody>
</table>

![Existing Zoning](image1.png) ![Existing Land Use](image2.png)

The commercial area between Clinton Parkway and W. 25th Street includes interconnected parking lots and access aisles that allow multiple commercial properties including the properties included in this request to function as a single commercial center. Attached to this report is an exhibit that shows the interior circulation.

**Staff Finding** — The area is generally surrounded with commercial uses with the exception of the existing Multi-dwelling uses located to the rear (east of the property).
3. CHARACTER OF THE NEIGHBORHOOD

Applicant’s Response: This lot is adjacent to CS commercial zoned land to the north and east. The area to the west zoned CN but is used for apartments. The area to the south is zoned CN but is also being requested to be rezoned to CS to match the CS zoning to the south.

A review of the neighborhood map for the City of Lawrence shows a wide corridor along S. Iowa Street that is not within a boundary of any specific neighborhood. The corridor functions as type of “commercial neighborhood”. There are a variety of uses located along the corridor that include “strip” buildings with multiple tenants also called in-line buildings and free standing commercial buildings or pad sites.

The overall commercial corridor is narrower north of 27th Street compared to the portion south of 27th Street. Additionally, the commercial zoning on the west side of Iowa Street is deeper compared to the area along the east side, again, north of 27th Street. The existing development pattern along the outside edges of the corridor limit further expansion of commercial uses into the adjoining neighborhoods to the east and west.

![Figure 1: Iowa Street Commercial Corridor](image)

This commercial area has direct access connectivity with the existing commercial properties to the north between Clinton Parkway and W. 25th Street. The majority of the area is zoned CS. The remaining parcels that are zoned CN2 includes an office building at 2200 W. 25th Street and an apartment complex located at 2424 Melrose Lane. Neither of these two properties have a direct vehicular connection to the commercial corridor along Iowa Street.

**Staff Finding** – The proposed request is consistent with the established neighborhood character of the S. Iowa Street Corridor and the adjacent commercial development to the north.
4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

The Land Development Code identifies multiple Major Transportation Corridor Overlay districts. Iowa Street is one such corridor. However, the boundaries and development standards have not been established. Generally these details are adopted following a corridor study of a particular district. Section 20-307(a) provides a general purpose statement applicable to all overlay districts as follows:

*The TC, Major Transportation Corridor Overlay District, is intended to protect properties adjacent to the transportation corridors from the noise, activity, light and dust of vehicular traffic by requiring Building setbacks and Landscaping along the corridors.*

**Staff Finding** – There are no additional neighborhood plans that address this property and the immediately surrounding area.

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

Applicant’s Response: *The use of the site as a commercial which matched the requested zoning.*

The property is currently zoned CN2 (Neighborhood Commercial). This district is generally not consistent with the existing development pattern along S. Iowa Street. The CS district was developed in response to the adoption of the Land Development Code to provide for the “existing commercial strip development along the City’s Major Arterial Streets.

The following table provides a comparison of the existing and proposed districts.

<table>
<thead>
<tr>
<th>20-208 CN2, NEIGHBORHOOD COMMERCIAL CENTER DISTRICT</th>
<th>20-213 CS, COMMERCIAL STRIP DISTRICT</th>
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<tbody>
<tr>
<td><strong>(a) Purpose</strong></td>
<td><strong>(a) Purpose</strong></td>
</tr>
<tr>
<td>The CN2, Neighborhood Shopping Center District, is primarily intended to implement the Comprehensive Plan’s “Neighborhood Commercial Centers” policy of providing for the sale of goods and services at the neighborhood level. Neighborhood Commercial Centers are generally located at least one mile from another Commercial Center. Developments in CN2 Districts are intended for Collector/Arterial Street intersections or at Arterial/Arterial Street.</td>
<td>The CS, Commercial Strip District, is primarily intended to provide for existing commercial strip development along the City’s Major Arterial Streets. No new undeveloped Parcel shall be zoned CS, except in the case where an undeveloped Parcel is adjacent to an existing CS, then the adjacent undeveloped Parcel may be zoned to the classification CS to allow for expansion of an existing CS use onto the undeveloped adjacent Parcel.</td>
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</table>

The properties included in this request are developed with a mix of uses. A separate summary of existing uses is attached to this application. The property located at 2435 Iowa Street is also the subject of an application for a new eating and drinking establishment with a drive-thru. The drive-thru use is allowed in the CN2 district subject to a Special Use Permit. A drive thru is allowed by right in the CS district and does not require a separate Special Use Permit. The site plan has been submitted with the assumption that the rezoning for the property will be approved. Approval of the request will reduce the required processing for the redevelopment of the site.
The property at 2100 W. 25th Street includes four buildings with multiple tenants. Individual uses within the buildings are not anticipated to be impacted by the proposed change. There are no current records with the City indicating existing tenants and building/occupancy area. When tenants, in multi-use buildings, change a determination is made by staff what, if any, additional building or site plan requirements must be met. Approval of the proposed base zoning district will not alter that assessment if and when it is required for individual tenants.

**Staff Finding** — The proposed rezoning is suitable for the property given the location and relationship to the surrounding area. The area functions more as part of a larger commercial center than a stand-alone neighborhood shopping center.

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

Applicant’s Response: The property has been used as commercial for the past 45 years.

The property is not vacant. A site plan was approved for a bank use in 1979 for 2435 Iowa Street. This site is also the subject of a redevelopment application for a fast food with drive-thru.

The property at 2100 W. 25th Street includes four primary buildings and multiple addresses and uses. The site as developed between 1976 and 1982. An attached list of the tenant is provided with this staff report. There are no additional proposed changes to the property at 2100 W 25th Street.

The current CN2 zoning was established with the adoption of the Land Development Code in 2006. Prior to 2006 the property was zoned C-2 (Neighborhood Commercial Center). The C-2 District extended both sides of W. 25th Street on the west side of Iowa Street.

During the mid-1980’s the original C-2 District boundary was revised and reduced with property being rezoned to C-5 (current CS District). The district boundary stayed stable between 1997 and the current date.

**Staff Finding** — The District boundary has remained consistent since 1997. The property is not currently vacant.

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

Applicant’s Response: Approving this rezoning application will not adversely affect the neighboring properties.

Approval of the request will not detrimentally affect nearby properties. The proposed zoning is the same as the property to the north. The property included in this request shares access and parking with the abutting commercial development to the north. The properties that will remain CN2 to the west of the subject property will not be impacted by the proposed change.

**Staff Finding** — There is no anticipated detrimental impact that will result from the proposed change from CN2 to CS.
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:** *Approval of this application will align the uses with the zoning.*

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

The current zoning does not accurately reflect the existing or future development potential for this property. The property is located at the immediate intersection of Iowa Street and W. 25th Street, however, the more expansive zoning district boundary is located to the north and east. Approval of the proposed change from Neighborhood Commercial to Strip Commercial zoning allows a wider variety of land uses and development options than currently is allowed. Approval of the request positions the property for future tenants or redevelopment that is consistent with the character of the corridor of S. Iowa Street.

Denial of the request limits the ability of the property to be redeveloped in the future for uses that are more consistent with the commercial corridor in which the property is located.

**Staff Finding** – Approval of the request facilitates redevelopment and re-investment of commercial uses along the Iowa Street corridor.

9. **PROFESSIONAL STAFF RECOMMENDATION**

This property was developed with direct vehicular access and circulation integrated with the development to the north. The north property is zoned CS and allows a wide variety of commercial uses that either not allowed or allowed but on a restricted basis in the CN2 district. The property is located at the immediate intersection of S. Iowa Street and W. 25th Street. The property to the south is also proposed to be rezoned CS. This property is already included as part of the S. Iowa Street commercial center in the City’s Retail Market Report. The CN2 district in this location is obsolete. The proposed CS zoning is more reflective of the character of the corridor and the nature of the uses. All existing uses are permitted in the CS District.

**CONCLUSION**

Staff recommends approval of the proposed rezoning from CN2 to CS. This change establishes a cohesive commercial corridor along this segment of S. Iowa Street.
FROM CN2 TO CS
2435, 2525 IOWA ST. AND 2420 W 25 ST.
REZONING EXHIBIT

LEGAL DESCRIPTION:

This is a legal description for rezoning the following portion of Lots 1 & 2 College Market and North Portion 2318 Iowa, Rezoning CN to CS.
## 20-403 NONRESIDENTIAL DISTRICT USE TABLE

### Key:
- **A** = Accessory
- **P** = Permitted
- **S** = Special Use
- **=** Standard Applies
- **-** = Use not allowed

### Base Zoning Districts

<table>
<thead>
<tr>
<th>Use</th>
<th>CN1</th>
<th>CN2</th>
<th>MU</th>
<th>CO</th>
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<th>CS</th>
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<th>Use-Specific Standards (Sec. 20)</th>
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<td><strong>RESIDENTIAL USE GROUP</strong></td>
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<td>Accessory Dwelling</td>
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<td>Detached Dwelling</td>
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**Key:**
- **A** = Accessory
- **P** = Permitted
- **S** = Special Use
- ***= Standard Applies
- **-** = Use not allowed

**Medical Facilities**
- Community Mental Health Facility
- Extended Care Facility, General
- Extended Care Facility, Limited
- Health Care Office, Health Care Clinic
- Hospital
- Outpatient Care Facility

**Recreational Facilities**
- Active Recreation
- Entertainment & Spectator Sports, General
- Entertainment & Spectator Sports, Limited
- Participant Sports & Recreation, Indoor
- Participant Sports & Recreation, Outdoor
- Passive Recreation
- Nature Preserve/Undeveloped
- Private Recreation
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# Article 4 – Use Table

**Key:**
- **A** = Accessory
- **P** = Permitted
- **S** = Special Use
- **= Standard Applies**
- **-** = Use not allowed

## Base Zoning Districts

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### Sexually Oriented Businesses

| Sexually Oriented Media Store | P* | P* | P* | P* | P* | P* | P* | P* |   |   |   |   |   |   | 528 |
| Physical Sexually Oriented Business | P* | P* | P* | P* | P* | P* | P* | P* |   |   |   |   |   |   | 528 |
| Sex Shop                     | P* | P* | P* | P* | P* | P* | P* | P* |   |   |   |   |   |   | 528 |
| Sexually Oriented Theater    | P* | P* | P* | P* | P* | P* | P* | P* |   |   |   |   |   |   | 528 |

### Transient Accommodation

| Bed and Breakfast | P* | P* | P* | P* | P* | P* | P* | P* |   |   |   |   |   |   | 504 |
| Campground        | P | P | P | P | P | P | P | P | S |   |   |   |   |   |    |
| Hotel, Motel, Extended Stay | P | P | P | P | P | P | P | P | P | A |

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Effective July 1, 2006  
Land Development Code  
Amended March 27, 2015
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<td><strong>Wholesale, Storage &amp; Distribution</strong></td>
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### Article 4 – Use Table

**Key:**  
A = Accessory  
P = Permitted  
S = Special Use  
* = Standard Applies  
- = Use not allowed  

<table>
<thead>
<tr>
<th>OTHER USES GROUP</th>
<th>Use Specific Standards (Sec. 20)</th>
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<tr>
<td><strong>Adaptive Reuse</strong></td>
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<tr>
<td>Designated Historic Property</td>
<td>S* S* S* S* S* S* S* S* S* S* S* S* S* S* S* 501</td>
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<tr>
<td>Greek Housing Unit</td>
<td>- - - - - - - - - - - - - - - - - - -</td>
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<tr>
<td><strong>Agriculture</strong></td>
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<td>Agricultural Sales</td>
<td>- - - - - P P P - P - P - - -</td>
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<td>Agriculture, Animal</td>
<td>- - - - - - - - - - - - - - - - - - -</td>
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<tr>
<td>Agriculture, Crop</td>
<td>P P P P - P P P P P P P A</td>
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<tr>
<td><strong>Communications Facilities</strong></td>
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<tr>
<td>Broadcasting Tower</td>
<td>- - - - S - - - - P P P P - - A</td>
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<td>Communications Service Establishment</td>
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<td>Processing Center</td>
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DISCLAIMER NOTICE
The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.
### Holiday Plaza Tenant Summary

Records and Data provided County Appraisal Records

#### Primary Address: 2100 W. 25th

<table>
<thead>
<tr>
<th>Building</th>
<th>Supplemental Address</th>
<th>Tenant</th>
<th>SF</th>
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<tr>
<td><strong>South Building</strong>: Primary Address: 2100 W. 25th Street</td>
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<tr>
<td>Year Built 1976</td>
<td>2100 A</td>
<td>The Wine Cellar</td>
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<td></td>
<td>2100 B</td>
<td>Hair Experts</td>
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<td></td>
<td>2104 A</td>
<td>Low cost tobacco</td>
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<tr>
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<td>2104 B</td>
<td>Weight Watchers</td>
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<td></td>
<td>2104 C</td>
<td>Holiday Plaza Offices</td>
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<td></td>
<td>2104 D</td>
<td>H &amp; R Block</td>
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<td>2112</td>
<td>Paisano’s</td>
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<tr>
<td>Year Built 1977</td>
<td>2120</td>
<td>Vacant space</td>
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<td></td>
<td>2120</td>
<td>Meyers Chiropractic/Damien’s Barber Shop</td>
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<td></td>
<td>2120</td>
<td>Touchstone Counseling Services</td>
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<td></td>
<td>2120</td>
<td>Angel Property Management</td>
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<td><strong>North Building</strong>: Primary Address: 2449 Iowa Street</td>
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<td>Year Built 1978</td>
<td>2449 A</td>
<td>Edward Jones</td>
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<td>Mea Sewing Center</td>
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<td></td>
<td>2449 D</td>
<td>La Estrella Mexican Store</td>
<td>3rd floor</td>
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<td></td>
<td>2449 L</td>
<td>Vacant</td>
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</tr>
<tr>
<td></td>
<td>2449 O</td>
<td>Ultimate Tan and Spa</td>
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<td></td>
<td>2449 G</td>
<td>Studio alpha</td>
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<td></td>
<td>2449 Q</td>
<td>Dr. Mark Howater Chiropractor</td>
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<td><strong>TOTAL</strong></td>
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<tr>
<td><strong>Stand Alone Store</strong>: Primary Address: 2200 W. 25th Street</td>
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<tr>
<td>Year Built 1982</td>
<td>2200</td>
<td>Kretyen Fair Trade Gifts and Coffee</td>
<td><strong>TOTAL</strong></td>
</tr>
</tbody>
</table>

August 2015
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Date: 8/3/2015

1 inch = 178 feet
Z-15-00329: Rezone 4.87 acres from CN2 District to CS District
Located at 2100 W 25th Street & 2435 Iowa Street

Lawrence-Douglas County Planning Office
August 2015

Subject Property
PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

ITEN NO. 4B  CN2 TO CS; 7.26 ACRES; 2525 IOWA ST (SLD)

Z-15-00330: Consider a request to rezone approximately 7.26 acres from CN2 (Neighborhood Commercial Center) District to CS (Commercial Strip) District, located at 2525 Iowa St. Submitted by Landplan Engineering, for 2525 Iowa LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 7.26 acres, from CN2 (Neighborhood Commercial Center) District to CS (Commercial Strip) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: Current zoning does not support all the retail center has to offer at this time. The surrounding zoning is CS.

KEY POINTS
- Request includes a single developed commercial lot.
- The existing development shares access and parking with adjacent commercial development to the west and south.
- Existing uses provide services to more than a neighborhood commercial scale.
- Uses are considered to be Retail Establishment, Medium.

ASSOCIATED CASES/OTHER ACTION REQUIRED
- SP-15-144-68; Gibson’s (grocery store)
- SP-15-154-68; Gibson’s (grocery store)
- SP-15-28-72; Egbert Oil Co.
- SP-12-69-78; Addition to Falley’s – application withdrawn
- SP-12-4-79 Falley’s Grocery Addition
- SP-4-33-88; Golden Goat (Behind Food 4 Less)
- SP-6-63-89; building addition for Food 4 Less
- SP-10-4-84; Existing Food for Less, proposed addition, and Existing Sacs
- SP-5-32-97; Office Depot Addition/remodel, existing Food 4 Less and future tenant space.
- SP-2-6-10; Discovery Furniture – currently vacant

PLANS AND STUDIES REQUIRED
- Traffic Study – Not required for rezoning
- Downstream Sanitary Sewer Analysis – Not required for rezoning
- Drainage Study – Not required for rezoning
- Retail Market Study – Not applicable to residential request

ATTACHMENTS
1. Zoning Exhibit
2. Nonresidential District Use Table
3. Commercial Zoning Pattern
4. Existing S. Iowa Street Commercial Corridor Map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- None received to date regarding this property.
Project Summary:
Proposed request is for rezoning an existing commercial property that is developed with a multi-tenant building. The property is located on the southwest corner of W. 25th Street and Iowa Street, 2525 Iowa Street. This application includes 6.63 acres (excluding right-of-way). The property is a single platted lot, under one ownership with 495’ of frontage along W. 25th Street and 510’ of frontage along Iowa Street. This property includes shared access with the adjacent commercial development (zoned CS) to the immediate west and south.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN
Applicant’s Response: Map 3-2 Lawrence Future Land Use of Horizon 2020 this area is shown up and down Iowa Street to be commercial.

This property is located along and within the S. Iowa commercial corridor. Horizon 2020 identifies S. Iowa Street between 23rd Street and the South Lawrence Trafficway as an existing commercial center within Lawrence. This corridor is described as an existing “strip commercial” development area. S. Iowa Street is a designated Regional Commercial Center. The total corridor includes CN2, CS, PCD, PRD, CR, and CR-FP zoning districts. A map of the S. Iowa Street commercial corridor is attached to this report.

The Plan states: "development and redevelopment along the Iowa Street segment shall emphasize consolidated access, frontage roads, coordinated site planning and design, and high quality development." This property includes shared access with the adjacent commercial development (zoned CS). Rezoning the property to the CS zoning similar to the adjacent property to the west and south may facilitate redevelopment of the property in the future by providing a more flexible and therefore more desirable zoning district. The proposed rezoning is more reflective of the existing development pattern and description of the area.

Staff Finding — The proposed request is consistent with Horizon 2020.

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

Current Zoning and Land Use: CN2 (Neighborhood Commercial) District; existing retail uses in multi-tenant building.

Surrounding Zoning and Land Use: CS (Commercial Strip) District to the west and south. Existing mixed commercial and offices uses to the west and automotive service use to the south.

CS (Commercial Strip) District to the east. Existing commercial buildings located along the east side of Iowa Street.

<table>
<thead>
<tr>
<th>Existing Zoning</th>
<th>Existing Land Use</th>
</tr>
</thead>
</table>

Staff Finding – This property is surrounded by CS zoning to the east, west and south. The property to the north is proposed to be rezoned to the CS District consistent with zoning along the Iowa Street corridor.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant’s Response: This lot is adjacent to CS commercial zoned to the south and east. The area to the west zoned CN but is used for apartments and commercial. The area to the north is zoned CN but is also being requested to be rezoned to CS to match the CS zoning to the north.

A review of the neighborhood map for the City of Lawrence shows a wide corridor along S. Iowa Street that is not within a boundary of any specific neighborhood. The corridor functions as type of “commercial neighborhood”. There are a variety of uses located within the corridor that include “strip” buildings with multiple tenants also called in-line buildings and free standing commercial buildings or pad sites.

The overall commercial corridor is narrower north of 27th Street compared to the portion south of 27th Street. Additionally, the commercial zoning on the west side of Iowa Street is deeper compared to the area along the east side, again, north of 27th Street. The existing development pattern along the outside edges of the corridor limit further expansion of commercial use into the adjoining commercial neighborhoods to the east and west.

The proposed request is consistent with the existing development pattern.

Staff Finding – The proposed request is consistent with the established neighborhood character of the S. Iowa 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 Land Development Code identifies multiple Major Transportation Corridor Overlay districts. Iowa Street is one such corridor. However, the boundaries and development standards have not been established. Generally these details are adopted following a corridor study of a particular district. Section 20-307(a) provides a general purpose statement applicable to all overlay districts states: The TC, Major Transportation Corridor Overlay District, is intended to protect properties adjacent to the transportation corridors from the noise, activity, light and dust of vehicular traffic by requiring Building setbacks and Landscaping along the corridors.

Staff Finding – There are no additional neighborhood plans that address this property and the immediately surrounding area.

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

Applicant’s Response: the use of the site as a commercial which matched the requested zoning.

The property is currently zoned CN2 (Neighborhood Commercial). Property to the immediate west and south were rezoned to a more intensive commercial district in the 1980’s and 1990’s. The subject property and the adjacent property to the west and south shared access and parking yet the property with direct proximity to the intersection has the less intensive zoning designation. The current CN2 district is generally not consistent with the existing development pattern along S. Iowa Street. The CS district was developed in response to the adoption of the Land Development Code to provide for the “existing commercial strip development along the City’s Major Arterial Streets.”

The following table provides a comparison of the existing and proposed districts.

<table>
<thead>
<tr>
<th>20-208 CN2, NEIGHBORHOOD COMMERCIAL CENTER DISTRICT</th>
<th>20-213 CS, COMMERCIAL STRIP DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Purpose</td>
<td>(a) Purpose</td>
</tr>
<tr>
<td>The CN2, Neighborhood Shopping Center District, is primarily intended to implement the Comprehensive Plan’s “Neighborhood Commercial Centers” policy of providing for the sale of goods and services at the neighborhood level. Neighborhood Commercial Centers are generally located at least one mile from another Commercial Center. Developments in CN2 Districts are intended for Collector/Arterial Street intersections or at Arterial/Arterial Street.</td>
<td>The CS, Commercial Strip District, is primarily intended to provide for existing commercial strip development along the City’s Major Arterial Streets. No new undeveloped Parcel shall be zoned CS, except in the case where an undeveloped Parcel is adjacent to an existing CS, then the adjacent undeveloped Parcel may be zoned to the classification CS to allow for expansion of an existing CS use onto the undeveloped adjacent Parcel.</td>
</tr>
</tbody>
</table>

The property is developed with a large format building that has been subdivided into three tenant spaces as follows:

- 9,637 SF – Tuesday Morning
- 34,872 SF – Office Depot
- 45,738 SF – Former Discovery Furniture (currently vacant)
- 90,247 SF – Total

Because the total retail space is less than 100,000 SF the Land Use is categorized as Retail Establishment, Medium.
A key difference in the allowed uses between the CN2 District and the CS District is the intensity of the uses. Several uses in the CN2 district are restricted in size while the same use in the CS District is allowed greater floor area. Some uses in the CN2 district require Special Use approval while in the CS district are allowed subject only to Site Plan approval. Attached to this report is the list of permitted uses as found in Article 4 of the Land Development Code for reference.

**Staff Finding** – The current zoning has functioned adequately for the existing and previous land uses but is outdated and not suitable for facilitating reinvestment and redevelopment of the site for future tenants. Rezoning the property to CS increases the suitability of the property by providing increased flexibility of an existing commercial property along an existing commercial corridor.

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

   Applicant’s Response: *The property has been used as commercial for the past 40 years.*

   The property is not vacant. A site plan for development of this property was approved in 1968 for a grocery store use. Various site plans have been approved for additions and revisions to create tenant spaces since the original development. The current CN2 zoning was established with the adoption of the Land Development Code in 2006. Prior to 2006 the property was zoned C-2 (Neighborhood Commercial Center). The property appears to have been rezoned between 1966 and 1977. It most likely was rezoned around the time of the Final Plat approval in 1968. At that time, the C-2 District extended both sides of W. 25th Street on the west side of Iowa Street.

   During the mid-1980’s the original C-2 District boundary was revised and reduced with property being rezoned to C-5 (current CS District). The district boundary stayed stable between 1997 and the current date.

   Land use has changed over time and is reflected in the various site plan approvals that include modification and renovations of the building to accommodate tenants. The existing building includes three tenant spaces. Two spaces are occupied with retail uses. The largest tenant space is currently vacant.

   **Staff Finding** – The district boundary has remained consistent since 1997. The property is not currently vacant and has been developed and used for commercial uses since 1968.

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

   Applicant’s Response: *Approving this rezoning application will not adversely affect the neighboring properties.*

   The surrounding area is developed with commercial uses. The property to the immediate west and south is currently zoned CS and includes shared access and parking with the subject property. The property to the north, north side of W. 25th Street is proposed to be rezoned to CS per application Z-15-00329. There are no detrimental impacts anticipated with this proposed change.

   **Staff Finding** – There are no detrimental impacts anticipated with this proposed 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: *Approval of this application will align the uses with the zoning.*

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

The current zoning does not accurately reflect the existing or future development potential for this property. The property is located at the immediate intersection of Iowa Street and W. 25th Street, however, the more intensive zoning district boundary is located both west and south. Approval of the proposed change from Neighborhood Commercial to Strip Commercial zoning allows a wider variety of land uses and development options than currently is allowed. Approval of the request positions the property for future tenants or redevelopment that is consistent with the character of the corridor of S. Iowa Street.

Denial of the request limits the ability of the property to be redeveloped in the future for uses that are more consistent with the commercial corridor in which the property is located.

**Staff Finding** – Approval of the request facilitates redevelopment and re-investment of commercial uses along the Iowa Street corridor.

**9. PROFESSIONAL STAFF RECOMMENDATION**

The subject property is located on the southwest corner of an existing commercial area. The property is also located within the designated S. Iowa Commercial Corridor. A more intensive zoning district surrounds this property to the immediate west and south and across Iowa Street to the east. The existing CN2 district represents a relatively small portion of the overall corridor approximate 18 acres compared to the 313 acres or 6% of the total commercial area along S. Iowa Street.

The property shares direct access with the commercial development to the west and south. The subject property is sufficiently large enough with adequate frontage and depth to accommodate redevelopment in the future. The CN2 district is more restrictive than the immediately surrounding property. The existing zoning can be characterized as obsolete. Approval of the request positions the property for efficient use of existing commercial space for future tenants or complete site redevelopment. There is no current site plan or redevelopment application for this property. Staff recommends approval of the proposed rezoning.

**CONCLUSION**

Staff recommends approval of the proposed rezoning from CN2 to CS. This change establishes a cohesive commercial corridor along this segment of S. Iowa Street.
FROM CN2 TO CS
2435, 2525 IOWA ST, AND 2100 W 25 ST
REZONING EXHIBIT

LEGAL DESCRIPTION:

Lot 2, Frequency No. 2, as described as follows:

The north portion of 525th Iowa, rezoning to CS.

SECTION 9, TOWNSHIP 13, SOUTH 1/2, RANGE 3 EAST, CONTAINING 7.5 ACRES MORE OF 80 Acres, MORE OR LESS.

The northwest quarter of Section 11, Township 13 South, Range 3 East, containing 7.5 acres, more or less.

The centerline of 25th Street, 750 feet to the intersection of 25th Street and Iowa Street.

Beginning at the northwest corner of Lot 1, a final plat of Iowa Properties in the City of

IOWA ST.

W 25TH ST.

LEGAL DESCRIPTION:
## 20-403 NONRESIDENTIAL DISTRICT USE TABLE

### Key:
- **A** = Accessory
- **P** = Permitted
- **S** = Special Use
- * = Standard Applies
- - = Use not allowed

### Base Zoning Districts

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<thead>
<tr>
<th>Base Zoning Districts</th>
<th>CN1</th>
<th>CN2</th>
<th>MU</th>
<th>CO</th>
<th>CD</th>
<th>CC</th>
<th>CR</th>
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### PUBLIC AND CIVIC USE GROUP

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### Effective July 1, 2006

**Land Development Code**

**Amended March 27, 2015**
## Article 4 – Use Table

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## Article 4 – Use Table Notes

- **Key:**
  - **A** = Accessory
  - **P** = Permitted
  - **S** = Special Use
  - **= Standard Applies**
  - **-** = Use not allowed

- **Base Zoning Districts:**
  - **CN1:** Commercial North
  - **CN2:** Commercial North Extension
  - **MU:** Multiple Use
  - **CO:** Commercial Office
  - **CR:** Commercial Retail
  - **CC:** Commercial Core
  - **IBP:** Industrial Business Park
  - **IL:** Industrial Light
  - **IM:** Industrial Medium
  - **IG:** Industrial General
  - **OS:** Office Special
  - **GPI:** General Planning District
  - **H:** Highway

- **Effective July 1, 2006**
- **Land Development Code**
- **Amended March 27, 2015**
## Key:
- **A** = Accessory
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**Effective July 1, 2006**

**Land Development Code**

**Amended March 27, 2015**
## Article 4 – Use Table

**Key:**
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Effective July 1, 2006
Land Development Code
Amended March 27, 2015
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**Key:**
- **A** = Accessory
- **P** = Permitted
- **S** = Special Use
- ***= Standard Applies
- **-= Use not allowed

Effective July 1, 2006

Land Development Code

Amended March 27, 2015
### Key:
- **A** = Accessory
- **P** = Permitted
- **S** = Special Use
- *** = Standard Applies
- **-** = Use not allowed

### Base Zoning Districts

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Commercial Zoning Pattern

1977 Zoning Map

1986 [Z-9-31-86]

1988 [Z-4-11-88]

1997 Zoning Map

2005

2015

Subject Property

Boundary of C-2 District
Existing S. Iowa Street Commercial corridor Map
Z-15-00330: Rezone 7.26 acres from CN2 District to CS District
Located at 2525 Iowa Street
PLANNING COMMISSION REPORT  
Regular Agenda - Public Hearing Item

PC Staff Report  
08/24/2015

ITEM NO. 5 Z-15-00332  IG to IL; 2.66 Acres; 808 E 28th Street (BJP)

Z-15-00330: Consider a request to rezone approximately 2.66 acres from IG (General Industrial) District to IL (Limited Industrial) District, located at 808 E 28th St. Submitted by Allen Belot Architect, for Glenn E Bohmann Trustees, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 2.66 acres, from IG (General Industrial) District to IL (Limited Industrial) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: "This property has been completely developed in accordance with an approved, three-phase, site plan. Since the 'Rails to Trails', which abuts the parcel along its entire Eastern boundary, has been developed the Owner has been experiencing a dramatic increase in burglaries and property damage. Security cameras have not been successful either as a deterrence or tool in capturing the perpetrators. In order to secure the site more effectively, the Owner is proposing to add a work/live unit to the original 4,000 gsf excavating equipment building to allow for a resident manager on-site to monitor the property 24-7. The current zoning, IG, does not allow work/live units but the proposed IL zoning will."

KEY POINTS
• The intent of this proposal is to rezone the property to IL (Limited Industrial) District, which permits a Work/Live use.

ASSOCIATED CASES/OTHER ACTION REQUIRED
• SP-03-24-05: A Site Plan for Bohmann Excavating; 808 E. 28th Street
• SP-05-34-07: A Site Plan for 2 mini-warehouse structures (16 storage units and 28 storage units) for Bohmann Excavating, located at 808 E 28th Street.

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

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
• None

Project Summary:
The proposed request is for the rezoning of the property at 808 E 28th Street from IG District to the IL District. The property currently contains an excavating equipment storage building, a covered RV and boat storage structure, and a 28-unit mini-warehouse building. Due to security issues, the applicant would like to have a resident manager on-site at all times by way of a
Work/Live use. The Work/Live use is not permitted in the IG District, however it is allowed in the IL District. Given this, applicant has requested to rezone the property to the IL District.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant’s Response: “This subject property is located within the Lawrence Industrial Park, a platted 83 acre area zoned with a mix of IL & IG uses. This entire Park is consistent with the Goals stated in Horizon 2020 & specifically,

Goal 1: Development in Established Industrial and Employment Related Area
Encourage the retention, redevelopment and expansion of established industrial and employment-related areas.

Furthermore, this parcel is also adjacent, along its entire eastern boundary, to The Southern Segment of the Burroughs Creek Corridor (the former Santa Fe Railroad Corridor) that stretches from East 31st Street to the Kansas River in East Lawrence. Parts of the corridor area offer smaller land parcels and provides opportunities for small business owners to coexist with neighboring residential uses. The proposed development on this parcel would be in accordance with the Burroughs Creek Corridor Plan.”

Rezoning of the subject property to IL District would be in conformance with Goal 1: Development in Established Industrial and Employment Related Area of Horizon 2020. This purpose of this goal is defined as, “Encourage the retention, redevelopment and expansion of established industrial and employment-related areas”. Rezoning to an industrial district that will allow a Work/Live use is an adequate step in retaining an existing industrial business on the subject property. Policy 1.3 of Goal 1 also states that an appropriate supply of industrially zoned land should be maintained so that site choices are available. While the proposal is a rezoning, the subject property will remain zoned for industrial uses, therefore industrially zoned land will be maintained.

Staff Finding – The proposed rezoning would conform with the Comprehensive Plan.

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

Current Zoning and Land Use: IG (General Industrial) District; Construction Sales and Service, RV and Boats Storage, and Mini Warehouse.

Surrounding Zoning and Land Use: IG District to north, east and south; Boroughs Creek Trail along the east property boundary. Industrial Development to the northeast, east and south.

U (University) District to the west; Haskell University.
Staff Finding – The subject property is surrounded by university and industrial land uses. Haskell University is located to the west of the property. The north, east, and south sides of the property are zoned IG District. Within the industrial area surrounding the subject property, there are parcels zoned IL District, which includes a parcel to the north and a parcel located at the northeast corner of Haskell and E 31st Streets.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant’s Response: “Surround on the South, East & North by fully developed IG zoned uses & on the West by Haskell Indian Nations University.”

The subject property is located in an industrially zoned area. The land uses currently associated with the subject property include Mini-Warehouse, Construction Sales and Service, and RV and Boat Storage. The change associated with the rezoning proposal is the addition of a work/live unit on the property. The addition of this land use will not increase the intensity of uses on the subject property.

Staff Finding – The subject property is located in an industrial zoned district. The rezoning will permit the addition of a work/live unit on the property. Given that the land uses associated with the subject property are not increasing in intensity, the character of the neighborhood will not be affected.

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

The subject property is located in the Burroughs Creek Corridor. Horizon 2020 states that future development of this area should be in accordance with the Burroughs Creek Corridor Plan. The Burroughs Creek Corridor Plan identifies the subject property as zoned M-2 (General Industrial) District. The M-2 zoning district corresponds to the zoning code that was applicable when the Plan was created. Goal 2 of the Plan states, “Emphasize new residential infill development in the Burroughs Creek study area over more industrial uses by encouraging neighborhood friendly reuse of underutilized commercial and industrial sites.” One way this would be achieved would be to “modify zoning to reflect existing use wherever appropriate and consistent with surrounding property.” In this situation, the subject property is not an underutilized site and the current and proposed zonings are consistent with the surrounding property.
Staff Finding – Approval of the request is consistent with land use plans for the area.

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

Applicant’s Response: “This property has been a phased development beginning in 2004 & completed in 2011 with the uses described above, consistent with the zoning and in compliance with approved Site Plans & HRC reviews.”

The intent of the rezoning application is to permit a Work/Live use, which is not currently permitted under the current zoning of the property. The Work/Live use will allow personnel to reside on-site adding 24-hour security through presence and surveillance. No other changes to land use are proposed with this land use. The existing land uses associated with the subject property, Mini-Warehouse, Construction Sales and Service, and RV and Boats Storage are permitted by right in the current zoning and will continue to be permitted if rezoned to the IL District.

Staff Finding – The subject property is suited for the addition of the Work/Live use.

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

Applicant’s Response: "This property has not been vacant since 2004.”

Staff Finding – Records from the Douglas County Appraisers Office indicate that the first structure was built on the property in 2005. The property has not been vacant since that time.

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

Applicant’s Response: “Current zoning of surrounding properties in the industrial park is IG with exception of one other parcel zoned IL. For the proposed additional use to this fully developed parcel, there is little difference between the surrounding IG zoning uses & the requested IL zoning other than allowing a live/work unit to be associated with this parcel.”

The subject property is located in an industrially zoned area. With the proposed rezoning, the property would remain zoned for industrial uses. The intent of the rezoning is to allow for a Work/Live use.

The Land Development Code defines the IL District as “primarily intended to accommodate low-impact industrial, wholesale and warehouse operations that are employment-intensive and compatible with commercial land use.” The IG District is defined as “primarily intended to accommodate moderate- and high-impact industrial uses”. As defined, the proposed rezoning would potentially lessen the impact of any possible future land uses if ownership of the property ever changes.

Staff Finding – Approval of the rezoning will not detrimentally affect nearby properties.
8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE
DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED
UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant’s Response: "With the addition of a resident manager on-site, security of the surrounding
businesses at the termination of this dead end street will be enhanced with a human presence &
activity 24/7."

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 – Rezoning to the IL District would permit a Work/Live use on the subject
property. The intent of this would be to increase the security of the subject property by
providing on-site living quarters for a resident manager, which could provide a positive gain on
the public safety and welfare. The increased level of presence and surveillance could benefit
the properties surrounding the property, as well as individuals using the adjacent Burroughs
Creek Trail.

9. PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the proposed rezoning of approximately 2.66 acres from IG to IL
District as it is an appropriate zoning district for the subject property. The IL District matches the
existing, and long-term, use of the property. Therefore, this is an appropriate zoning district for
the property.
# Article 4 – Use Table

## 20-403 NONRESIDENTIAL DISTRICT USE TABLE

### Key:
- **A** = Accessory
- **P** = Permitted
- **S** = Special Use
- *** = Standard Applies
- **-** = Use not allowed

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Effective July 1, 2006  
Land Development Code  
Amended March 27, 2015
### Article 4 – Use Table

#### Base Zoning Districts

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**Key:**
- A = Accessory
- P = Permitted
- S = Special Use
- * = Standard Applies
- - = Use not allowed

**Effective July 1, 2006**

**Land Development Code**

**Amended March 27, 2015**
### Article 4 – Use Table

#### Key:
- **A** = Accessory
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- **S** = Special Use
- *** = Standard Applies**
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#### Base Zoning Districts

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Effective July 1, 2006

Land Development Code

Amended March 27, 2015
### Article 4 – Use Table

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<td>Sexually Oriented Theater</td>
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<td>Bed and Breakfast</td>
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<td>Hotel, Motel, Extended Stay</td>
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</tbody>
</table>
## Base Zoning Districts

### Key:
- **A** = Accessory
- **P** = Permitted
- **S** = Special Use
- *** = Standard Applies**
- **- = Use not allowed**

<table>
<thead>
<tr>
<th><strong>Vehicle Sales &amp; Service</strong></th>
<th><strong>Use</strong></th>
<th><strong>Specific Standards</strong> (Sec. 20-)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleaning (Car Wash)</td>
<td>A</td>
<td>P P P P P A P</td>
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<td>Fleet Storage</td>
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<td>Gas and Fuel Sales</td>
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<td>Truck Stop</td>
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<td>Heavy Equipment Repair</td>
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<td>Heavy Equipment Sales/Rental</td>
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<td>Inoperable Vehicles Storage</td>
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<td>P P P P P -</td>
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<td>Light Equipment Repair</td>
<td>- S</td>
<td>S P P P - A</td>
</tr>
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<td>Light Equipment Sales/Rental</td>
<td>- P*</td>
<td>- S P P P - 545</td>
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<tr>
<td>RV and Boats Storage</td>
<td>-</td>
<td>P P P P - -</td>
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### INDUSTRIAL USE GROUP

<table>
<thead>
<tr>
<th><strong>Industrial Facilites</strong></th>
<th><strong>Use</strong></th>
<th><strong>Specific Standards</strong> (Sec. 20-)</th>
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<tbody>
<tr>
<td>Explosive Storage</td>
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<tr>
<td>Industrial, General</td>
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<td>Industrial, Intensive</td>
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<tr>
<td>Laundry Service</td>
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<tr>
<td>Maker Space, Limited</td>
<td>P P P P</td>
<td>P P P P - A/S</td>
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<td>Maker Space, Intensive</td>
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<td>S S S P P - A/S</td>
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<tr>
<td>Manufacturing &amp; Production, Ltd.</td>
<td>- P S S S P P</td>
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</tr>
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<td>Manufacturing &amp; Production, Tech.</td>
<td>- S P P P P</td>
<td>P P P - -</td>
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<td>Research Service</td>
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<td>- A A -</td>
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<tr>
<td>Scrap and Salvage Operation</td>
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<table>
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<tr>
<th><strong>Wholesale, Storage &amp; Distribution</strong></th>
<th><strong>Use</strong></th>
<th><strong>Specific Standards</strong> (Sec. 20-)</th>
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<tr>
<td>Heavy</td>
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<td>Mini-Warehouse</td>
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</table>
## Key:
- **A** = Accessory
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- *** = Standard Applies**
- **- = Use not allowed**

### Base Zoning Districts

<table>
<thead>
<tr>
<th>Use</th>
<th>CN1</th>
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<th>MU</th>
<th>CO</th>
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</table>
Z-15-00332: Rezone 2.66 acres from IG District to IL District
Located at 808 East 28th Street
Memorandum
City of Lawrence
Douglas County
Planning & Development Services

TO: Planning Commission

FROM: Sheila Stogsdill, Planning Administrator

Date: August 24, 2015

RE: Item No. 6: TA-13-00235 – Proposed Section 20-910 – Parking
FOR DISCUSSION ONLY

Background
The Planning Commission has spent the past year discussing and reviewing appropriate locations for large recreational vehicles and utility trailers on residential properties. This discussion has been deliberative as individual types and sizes of equipment have been evaluated in terms of location in front, rear and side yards.

Attached is a proposed Section 20-910 which addresses several deficiencies in the current code.

Weight Limit – as research has indicated, the automotive industry/departments of transportation no longer use the ‘ton rating’ to classify sizes of trucks. The size class of trucks is now defined by the gross vehicle weight rating (GVWR) which is the weight of the vehicle and its carrying capacity. The most common trucks on the road are Class 1 through 3, and are used for either light labor or passenger transportation.

Locational Standards - Recreational Equipment and Utility Trailers Proposed locations for storage/parking are proposed in tables showing types of vehicles/equipment and permitted yard locations based on previous Planning Commission discussions.

Additional Standards such as number of items, occupancy, condition, signage are proposed based on previous Planning Commission discussions.

Action: Feedback requested regarding format and standards identified. Planning Commission discussion requested, if time permits this evening. If this format is acceptable, Staff will move forward with proposed revisions to the remaining sections in Article 9. Future discussion will occur later this fall.
20-910 USE OF OFF-STREET PARKING SPACES AND LOADING AREAS

(a) Vehicle Parking Spaces in Residential Districts for Motor Vehicles Only
In all residential districts, required off-street parking spaces and loading areas are to be used solely for loading, unloading, and the Parking of licensed motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease for sale or lease or for long-term storage of vehicles, boats, truck trailers, motor homes, campers, Mobile Homes, Manufactured Homes, or components thereof, or Building materials.

(1) Detached Dwelling, Attached Dwelling and Duplex Lots

(i) Surfacing
Passenger vehicles, motorcycles and trucks shall be parked on an improved driveway surface in the front, side or rear yards as identified in Section 20-913.

(b) Weight Limit
In residential Zoning Districts, required off-street Parking Areas may only be used by vehicles of up to one ton manufacturer's rated capacity.

(ii) Weight Limit
No commercial may be parked or stored in a residential district unless the vehicle or trailer:

a. Is classified by the US DOT Federal Highway Administration as a Light or Medium Vehicle having a gross vehicle weight rating (GVWR) of less than 14,000 pounds [Classes 1 – 3] 49,500 pounds [Classes 1 – 5]; or

b. Is stored within a garage that complies with all applicable standards of this ordinance.

c. Commercial motor vehicles and trailers that are making normal and reasonable service calls at the property are exempt from this provision.

(iii) Location and Improvement Standards for Major Recreational Equipment
Major Recreational Equipment, for the purposes of this chapter include: motorized recreational vehicles (RVs/motorhomes); towable RVs (travel trailers, folding camping trailers, fifth-wheel trailers, truck campers); boats and boat trailers; and sport utility trailers (watercraft, dirt bikes). Major Recreational Equipment is permitted on residential lots as shown in the table below:
### Proposed 20-910

**Discussion Only – No Action**

<table>
<thead>
<tr>
<th></th>
<th>Passenger Cars, Trucks &amp; Motorcycles</th>
<th>Motorized Recreational Vehicles</th>
<th>Non-motorized Recreational Vehicles</th>
<th>Watercraft, Boats &amp; Associated Trailers</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Park between street curb and front building line</strong></td>
<td>Yes</td>
<td>Yes, if 18’ from curb</td>
<td>Yes, if 18’ from curb</td>
<td>Yes, if 18’ from curb</td>
</tr>
<tr>
<td><strong>Park in side yard</strong></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Park in rear yard</strong></td>
<td>Yes, if alley or detached garage on site</td>
<td>Yes, with screening</td>
<td>Yes, with screening</td>
<td>Yes, with screening</td>
</tr>
<tr>
<td><strong>Park in enclosed structure</strong></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

a. In all yards, Major Recreational Equipment shall be parked on an improved driveway surface as defined in 20-913;

b. Improved driveway surfaces shall be located at least 2 feet from interior side property lines;

c. Where screening is required, a 6 foot high fencing or view reducing shrubs shall be provided; and

d. Distance from the curb should be at least 18 feet from the rear bumper of the Major Recreational Equipment.

### (iv) Utility Trailers and Commercial Vehicles

**Utility Trailers**, for the purposes of this chapter, include both single-axle and dual-axle flatbed trailers for personal use or business use. **Commercial Motor Vehicles**, for the purposes of this chapter, include vehicles classified by the US Dept. of Transportation (USDOT) as a Medium or Heavy Vehicle having a gross vehicle weight rating (GVWR) of 14,001 pounds or more [Classes 4 – 8]. Trailers and Commercial Vehicles are only permitted on residential lots as shown in the table below.

<table>
<thead>
<tr>
<th></th>
<th>Commercial Trucks</th>
<th>Utility Trailers</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Park between street curb and front building line</strong></td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td><strong>Park in side yard</strong></td>
<td>No</td>
<td>Yes, without equipment stored on them</td>
</tr>
<tr>
<td><strong>Park in rear yard</strong></td>
<td>No</td>
<td>Yes, without equipment stored on them</td>
</tr>
<tr>
<td><strong>Park in enclosed structure</strong></td>
<td>Yes</td>
<td>Yes, with equipment</td>
</tr>
</tbody>
</table>
a. In all yards, Utility Trailers shall be parked on an improved driveway surface as defined in 20-913;

b. Improved driveway surfaces shall be located at least 2 feet from interior side property lines;

(iv) Additional Standards for Major Recreational Equipment, Utility Trailers and Commercial Vehicles

a. **Limit**
   i. No more than two (2) Major Recreational Equipment items, Utility Trailers or Commercial Vehicles, in any combination, may be parked on an individual residential lot containing a Detached Dwelling or Duplex. Only one (1) such item may be parked in the front or exterior side yard, in accordance with the standards of this section.

b. **Occupancy**
   Major Recreational Equipment items, when parked, shall not:
   i. Be used for living, sleeping or housekeeping purposes; or
   ii. Be used for any business activity.

c. **Condition**
   No Major Recreational Equipment, Utility Trailer, or Commercial Vehicle shall be stored outside of a structure if it is inoperable or unsafe for the function for which it is intended nor may it be stored if its appearance is considered blighted under the City's Property Maintenance Code.

d. **Sight Triangle**
   No Major Recreational Equipment shall be parked or stored on a corner lot within the sight triangle defined in Section 20-1102.

e. **Storage Only for Occupant’s Property**
   Major Recreational Equipment, Utility Trailer, or Commercial Vehicle parked on a residential lot shall be owned or leased by the resident of the property.

f. **Signage or Commercial Message**
   Only one vehicle with a business name or commercial message may be parked on a residential lot.
Memorandum
City of Lawrence/Douglas County Planning & Development Services

TO: Lawrence-Douglas County Planning Commission
FROM: Jeff Crick, AICP, Planner II
Date: For August 24th, 2015 Planning Commission Meeting: Misc. No. 1
RE: Text Amendment Initiation to City Land Development Code to create “Event Center” Use

Staff has identified an absence in the present Land Development Code that would provide a clearly labeled and accounted for use of an event center. It is envisioned that an “Event Center” would be a facility, including the structures and/or grounds, that hosts events such as, but not limited to, weddings, receptions, parties, corporate events, conferences, meetings, or any other gathering (formal or informal) that is temporary in nature. These locations would include establishments that hold intermittent events throughout the year or on an infrequent basis, such as a banquet space, conference/convention centers, reception halls, exhibition spaces, and other similar gathering locations that are not currently included within Article 4 of the Land Development Code.

The purpose of the proposed text amendment would be to clearly define space requirements, uses, and to designate the zoning districts that would be appropriate for this particular use, with or without additional design standards. The text amendment could be constructed to make “Event Center” a permitted use in appropriate zoning district(s), and/or also require the use to be approved via a Special Use Permit in other districts.

Specific sections of the Land Development Code anticipated to be modified through this text amendment include:

- Article 4: Use Tables
- Article 5: Use Regulations
- Article 9: Parking, Loading and Access
- Article 17: Terminology

**Action Requested:**
Initiate a text amendment to create “Event Center” use in the Land Development Code, Chapter 20 of the Code of The City of Lawrence, Kansas, providing a clearly defined use for private facilities, including the structures and/or grounds, used for hosting intermittent events.
Memorandum
City of Lawrence
Planning and Development Services

TO: Planning Commission
FROM: Planning Staff
CC: Scott McCullough, Planning and Development Services Director
Date: August 14, 2015

RE: Minor Subdivision, MS-15-00342, variance request to reduce the right-of-way radii for an existing cul-de-sac and to allow subdivision to exclude construction of public sidewalks along W. 19th Terrace per Section 20-813(g) of the Land Development Code for University Field Subdivision No. 6, located at 1745 W. 19th Terrace. Submitted by Matthew and Jessica Douglas for Mountain Top LLC, owners of record.

Attachment A: Minor Subdivision MS-15-00342

Minor Subdivisions are processed administratively. Planning Commission approval is required for variances from the Subdivision Design Standards. This Minor Subdivision is subject to Planning Commission approval for the reduced right-of-way for the existing cul-de-sac bulb and for the exclusion of constructing a public sidewalk along W. 19th Terrace. A copy of the Minor Subdivision is included with this memo for context; no action is required for Minor Subdivision approval.
The property is located along the south side of W. 19th Terrace. This is a developed area with residential uses on both sides of the street. The area was developed with a narrower cul-de-sac bulb right-of-way than is currently required and prior to requirements for the construction of sidewalks on either one or both sides of a public street. The property is currently platted as three lots. The western lot is developed with a residence. The proposed Minor Subdivision proposes to adjust the interior lot lots to create a fourth residential lot.

The Subdivision Regulations state that an applicant may request a variance from the Design Standards in accordance with the variance procedures outlined in Section 20-813(g). This section lists the criteria that must be met in order for a variance to be approved. The requested variance is evaluated for compliance with the approval criteria below.

**VARIANCE #1:** Reduction in the width of the right-of-way bulb from 60’ to 40’ as required for a cul-de-sac per Section 20-810(e)(5). The current design standard for a cul-de-sac bulb is 60’. This area is developed with a smaller cul-de-sac bulb that terminates W. 19th Terrace.

**VARIANCE #2:** The proposed Minor Subdivision includes the creation of 4 new residential lots where there are currently only 3 lots. Per Section 20-811(c) public sidewalks are required. Local streets require the construction of a minimum 5’ wide sidewalk. This request seeks to exclude construction of a new sidewalk along this existing street segment as there are no sidewalks along the remainder of W. 19th Terrace.

**Criteria 1:** *Strict application of these regulations will create an unnecessary hardship upon the subdivider.*

**R-O-W:** This area is developed with residences on both sides of the street. W. 19th Terrace is an existing local street. The proposed Minor Subdivision includes property along the south side of the street and a portion of the existing cul-de-sac. There are no plans to improve or widen the existing street.

The existing cul-de-sac provides access to existing residences. A parking lot for a multi-dwelling residential development abuts the cul-de-sac on the north. Increasing the width of right-of-way for the cul-de-sac bulb will result in a reduced building setback for the existing residence at 1745 W. 19th Terrace. Since the two properties to the north are not included in the proposed Minor Subdivision, the r-o-w would not be uniform. Acquiring additional right-of-way from the properties to the north will impact them by reducing the building setback for the residence and would also result in loss of off-street parking spaces for the existing multi-dwelling residential use. There is no expectation that the street must be reconstructed to serve the proposed Minor Subdivision. Dedication of the additional right-of-way and reconstruction of the street is not necessary to serve one additional lot in this area.
**Sidewalk:** This application seeks to exclude the construction of sidewalk along W. 19th Terrace. The proposed application will revise the three platted lots (with one existing residence) to 4 platted lots. There is no existing sidewalk along any part of this street between the cul-de-sac and Ousdahl Road to the east. There are no plans to construct sidewalk on either side of the existing W. 19th Terrace. This subdivision and the surrounding area was developed prior to sidewalk improvements being required. Requirement to construct the sidewalk would be unfair when no other property owner in the area would be required to construct sidewalk along their individual properties. Sidewalks along W. 19th Terrace west of Ousdahl Road do not meet any sidewalk gap in the overall pedestrian network of the surrounding neighborhood.

**STAFF FINDING:** Strict application of the regulations would require acquiring additional right-of-way that is out of the applicant’s control. Reconstruction of the street to current design standards would result in creating non-conforming building setbacks for the two existing residential structures that take access from W. 19th Terrace.

Requirement to construct the sidewalk would result in a partial sidewalk segment along only one side of the street with no reasonable expectation that it will be extended to the east to connect with the Ousdahl Road sidewalk.

**Criteria 2: The proposed variance(s) is (are) in harmony with the intended purpose of these regulations.**

The proposed request does not alter the development pattern. The intent of the land division is to create three buildable lots where there are two platted but undeveloped lots and one platted developed lot. Dedication of additional right-of-way results in creating a non-conforming building setback for the existing residence. Construction of the sidewalk does not substantially benefit anyone in the immediate area. The proposed development is consistent with the existing development pattern in the surrounding area.

**STAFF FINDING:** Granting this requested variance from the required right-of-way and exempting the construction of a sidewalk is not opposed to the purpose and intent of the regulations.

**Criteria 3: The public health, safety, and welfare will be protected.**

The current width for right-of-way for a cul-de-sac primarily provides turning space emergency apparatus. Construction of new streets must meet this design standard. Current design standards require public sidewalks on both sides of streets. Both of these standards are applicable in new development. This application represents infill development through the Minor Subdivision process creating one additional residential lot above the existing design.

**STAFF FINDING:** Granting this requested variances from the required right-of-way and construction of a sidewalk will not harm the public health, safety or welfare.
STAFF RECOMMENDATION
Approve the variance requested for a Minor Subdivision, MS-15-00342, to reduce the right-of-way from Section 20-810(a)(5) for a cul-de-sac bulb from 60’ to 40’ and to allow the exemption for the construction of a new sidewalk per Section 20-813(g) of the Land Development Code for property located at 1745 W 19th Terrace.