



**Updated:**

**3/26/12 @ 11:15am**

**Added staff memo for Item 1 - FDP Bauer Farm; Theatre Lawrence; 4700 Bauer Farm Dr**

**Added communications for the following items:**

**Item 1 - FDP Bauer Farm; Theatre Lawrence; 4700 Bauer Farm Dr**

**Item 2 - Inverness Park District Plan**

**Item 3 - TA Agritourism**

**Item 4 - TA Parking Space Per Bedroom Standard**

**3/23/12 @ 4:00pm**

**Added the following items:**

**Item 5 - US-40 & K-10 Area Transportation Plan presentation**

**Communications for Item 2 – Inverness Park District Plan**

**Draft February Planning Commission minutes**

**3/20/12 @ 4:00pm**

**The Draft February Planning Commission minutes will be added when available**

**\*\*The Wednesday, March 28<sup>th</sup> Planning Commission meeting has been cancelled\*\***

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION  
CITY HALL, 6 EAST 6<sup>TH</sup> STREET, CITY COMMISSION MEETING ROOM  
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS  
MARCH 26 & 28, 2012 6:30 - 10:30 PM**

**GENERAL BUSINESS:**

**PLANNING COMMISSION MINUTES**

Receive and amend or approve the minutes from the Planning Commission meeting of February 27 & 29, 2012.

**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 (MARCH 26, 2012) MEETING**

## NON-PUBLIC HEARING ITEM:

### ITEM NO. 1 FINAL DEVELOPMENT PLAN FOR BAUER FARM PHASE 7; THEATRE LAWRENCE; 4700 BAUER FARM DR (MKM)

**FDP-1-1-12:** Consider a Final Development Plan for Bauer Farm Phase 7, for Theatre Lawrence, approximately 34.59 acres located at 4700 Bauer Farm Drive. Submitted by Treanor Architects, PA, for Theatre Lawrence, Inc., property owner of record.

## PUBLIC HEARING ITEMS:

### ITEM NO. 2 INVERNESS PARK DISTRICT PLAN (DDW)

**CPA-2-1-12:** Consider revisions to the Inverness Park District Plan. *Initiated by City Commission on 1/17/12.*

### ITEM NO. 3 TEXT AMENDMENT TO THE DOUGLAS COUNTY ZONING REGULATIONS; AGRITOURISM (MKM)

**TA-8-11-11:** Consider a Text Amendment to the Douglas County Zoning Regulations for the Unincorporated Territory of Douglas County to establish *Agritourism* as a use in the County A (Agriculture) District. *Deferred by Planning Commission on 2/29/12.*

### ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARKING SPACE PER BEDROOM STANDARD (SDM)

**TA-2-1-12:** Consider a text amendment to the Land Development Code to revise the minimum amount of area of a structure needed to be eligible for a .5 parking space per bedroom standard from 3,500 square feet to 4,500 square feet. *Initiated by City Commission on 1/24/12.*

## NON-PUBLIC HEARING ITEM:

### ITEM NO. 5 US-40 & K-10 AREA TRANSPORTATION PLAN

Receive presentation on the US-40 & K-10 Area Transportation Plan.

**\*\*DEFERRED\*\***

### ~~ITEM NO. 6 TEXT AMENDMENT TO THE DOUGLAS COUNTY ZONING REGULATIONS; SPECIAL EVENT PERMIT PROCESS (MKM)~~

~~**TA-8-10-11:** Consider a Text Amendment to the Douglas County Zoning Regulations for the Unincorporated Territory of Douglas County to establish a Special Event Permit Process and associated Standards for certain temporary uses in various zoning districts.~~

## MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

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**ADJOURN**



## CALENDAR

February 2012						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29			

March 2012						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

April 2012						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

**PCCM Meeting:**

(Generally 2<sup>nd</sup> Wednesday of each month, 7:30am-9:00am)

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**PLANNING COMMISSION MEETING**  
**February 27 & 29, 2012**  
**Meeting Minutes **DRAFT****

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February 27, 2012 – 6:30 p.m.

Commissioners present: Belt, Blaser, Britton, Burger, Culver, Finkeldei, Hird, Liese, Singleton

Staff present: McCullough, Day, Larkin, A. Miller, Ewert

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**MINUTES**

Receive and amend or approve the minutes from the Planning Commission meeting of January 23 & 25, 2012.

Commissioner Belt said on page 14 under the ex parte section the name should be Matt Jones.

Commissioner Hird said his name was spelled incorrectly in a sentence.

Motioned by Commissioner Culver, seconded by Commissioner Singleton, to approve the January 23 & 25, 2012 Planning Commission minutes with the minor changes noted above.

Motion carried 6-0-2, with Commissioners Blaser and Liese abstaining. Commissioner Finkeldei was not present for the vote.

**COMMITTEE REPORTS**

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

Commissioner Blaser said the MPO met and talked about the Public Participation Plan and it was on the website now.

Commissioner Liese said there was also an MPO re-election.

Commissioner Hird said the Agritourism Committee continued to meet and the text amendment was on the Wednesday night agenda.

Mr. McCullough said Commissioners Belt and Hird attended the kick-off meeting for the Oread Overlay District. He said the consultant toured the Oread neighborhood and meet with groups.

**COMMUNICATIONS**

Receive written action of any waiver requests/determinations made by the City Engineer.

- Access standards for the Library Minor Subdivision, MS-12-9-11

Motioned by Commissioner Liese, seconded by Commissioner Blaser, to receive written action of the waiver request/determination made by the City Engineer for the Library Minor Subdivision, MS-12-9-11.

Approved 8-0, with Commissioner Finkeldei not present for the vote.

**EX PARTE / ABSTENTIONS / DEFERRAL REQUEST**

- Ex parte:  
Commissioner Belt said he spoke with Mr. Dan Hughes and Mr. Ted Boyle regarding the North Mass Development.

Commissioner Burger spoke with a family who lives in North Lawrence and briefly discussed the North Mass Development.

- No abstentions.

PC Minutes 2/27/12 **DRAFT**

**ITEM NO. 1A RM12D & RS7 TO RM12D; 14.52 ACRES; SOUTH & EAST OF 25<sup>TH</sup> TERR & O'CONNELL RD (SLD)**

**Z-12-37-11:** Consider a request to rezone approximately 14.52 acres from RM12D (Multi-Dwelling Residential) and RS7 (Single-Dwelling Residential) to RM12D (Multi-Dwelling Residential) and RS7 (Single-Dwelling Residential), to adjust zoning boundaries, located south and east of 25<sup>th</sup> Terrace & O'Connell Road. Submitted by Johnson Group, LLC, for Fairfield Investors, property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**APPLICANT PRESENTATION**

Mr. Aaron Gaspers, Johnson Group, was present for questioning.

**PUBLIC HEARING**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Singleton, seconded by Commissioner Blaser, to approve the request to modify the boundary line of the RM12D and RS7 district boundary affecting 14.52 acres in the area located southeast of 25<sup>th</sup> Terrace and O'Connell Road based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 8-0. Commissioner Finkeldei was not present for the vote.

PC Minutes 2/27/12 **DRAFT**

**ITEM NO. 1B PRELIMINARY PLAT FOR FAIRFIELD FARMS EAST ADDITION 1; SOUTH & EAST OF 25<sup>TH</sup> TERR & O'CONNELL RD (SLD)**

**PP-12-15-11:** Consider a Preliminary Plat for Fairfield Farms East Addition 1, located south and east of 25<sup>th</sup> Terrace & O'Connell Road, including considerations of a waiver to install sidewalks on only one side of the street. Submitted by Johnson Group, LLC, for Fairfield Investors, property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented item 1B.

**APPLICANT PRESENTATION**

Mr. Aaron Gaspers, Johnson Group, was present for questioning.

**PUBLIC COMMENT**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Belt inquired about the recent work done with complete streets and what part that played in the discussions.

Ms. Day said there was strong support for many to require sidewalks on both sides of the street. She said a lot of planning had gone into this area specifically and that it had been platted for some time but not constructed. She said there were sidewalks on both sides of the streets for the collector and arterial streets but that the interior local street piece would be applicable to the variance.

Commissioner Blaser inquired about the statement 'if there is no sidewalk and the street is of standard width then I can go the direction I want to go anyway.' He asked if that meant someone would have to cross the street.

Ms. Day said yes, to stay on the sidewalk someone would need to cross mid-block or at the intersection.

Commissioner Blaser said a lot of work was going into Complete Streets and he felt the issue would come up again. He said in this case he would not vote to approve the variance. He found it hard to believe that section of sidewalk was the expense that would break this job. He felt sidewalks should be on both sides of the street and the City Code should be followed. He expressed concern for the safety of children and the handicapped.

Commissioner Liese said it would not hurt the discussion to know what additional cost would be associated with a sidewalk.

Ms. Day said the City Engineer did a back of the envelope calculation and it was \$4,000-6,000 per lot estimate.

Mr. Gaspers said it would be an additional \$1,000 per lot.

Commissioner Blaser asked how many lots would not have a sidewalk.

Ms. Day said she did not know off the top of her head.

Mr. Gaspers said roughly there would be a sidewalk on one side of the street. He said roughly half of the lots would not have a sidewalk in the R-O-W in front of their lot.

Commissioner Hird said he agreed with Commissioner Blaser. He said having sidewalks on both sides of the street becomes more important in a residential area. He said he might vote in favor of the plat but did not agree with the variance portion of it.

Commissioner Singleton said she lives in an older neighborhood that does not have sidewalks and she does not experience any problems with that. She said her main concern was low cost housing in Lawrence and that outweighed the issue of sidewalks on the other side of the street. She said it was not enough of an issue for her not to vote for it.

Commissioner Britton asked the applicant what the cost to the homeowner would be.

Mr. Gaspers said the number \$1,000 was re-spread out over all the lots in the subdivision.

Commissioner Britton asked what the cost to the buyer would be.

Mr. Gaspers said it would be passed on to the buyer.

Mr. McCullough said there are several subdivisions platted under the old Code, such as Doo Little Farm. He said there may be more requests that have been platted under one set of Codes who come in for replatting so this would be helpful in setting precedence for the future.

Commissioner Liese said the hardest thing about serving on Planning Commission was separating fact from emotion. He didn't know the facts supported the idea that the absence of a sidewalk would result in childhood deaths. He did not think this was a child welfare issue. He said he would support the variance because affordable housing was needed and he was not convinced that the absence of sidewalks would be a real problem.

Commissioner Belt said sidewalks on the other side of the street would be twice the safety. He said it may not be worth shortcutting just to save a little bit of money because one of the roles of the Planning Commission was public safety.

Commissioner Burger said she liked having sidewalks on both sides of the street but the traffic here would not be heavy. She said although she would like to support what Complete Streets was trying to do she did not feel in this case it was appropriate.

Commissioner Britton inquired about why the Code changed in 2006.

Mr. McCullough said it was probably to get toward the Complete Streets philosophy.

Commissioner Britton asked what the total cost to consumers would be.

Mr. Gaspers said he would have to talk to his client but that it would vary.

Commissioner Britton wondered what effect it would have on the ability for a consumer to afford the house. He said he lives in a neighborhood with a sidewalk on only one side of the street and he didn't think it was that big of a deal for safety or aesthetics. He did not think it seemed like that big of a burden and he was not sure it should have an exception from the Code.

Mr. McCullough said there was currently an approved plat on the books and the applicant could implement with a sidewalk on one side of the street.

Commissioner Culver said to keep the price points where they were designed to be he did not think a variance in this situation was uncalled for. He said he would support the plat.

Commissioner Hird said he had reservations about not having sidewalks on both sides of the street but would support the plat. He said given the limited circumstances the variance was justified. He stated he was hesitant to agree to not having sidewalks on future developments.

#### **ACTION TAKEN**

Motioned by Commissioner Singleton, seconded by Commissioner Liese, to approve the following: Variance request from Section 20-811 which requires sidewalks on both sides of the street and allow sidewalks on one side of the subdivision streets.

Preliminary Plat of the Fairfield Farms Addition No. 2 and forwarding it to the City Commission for consideration of acceptance of easements and right-of-way and subject to the following condition:

1. Provision of a revised Preliminary Plat that states: Phasing may or may not occur in the numerical order shown. Adequate facilities for public infrastructure shall be reviewed with each final plat as the area develops and may be reflected in public improvement plan recommendations.

Motion carried 6-2, with Commissioners Belt and Blaser voting in opposition. Commissioner Finkeldei was not present for the vote.

PC Minutes 2/27/12 **DRAFT**

**ITEM NO. 2 SPECIAL USE PERMIT FOR LAWRENCE COMMUNITY SHELTER; 214 W 10<sup>TH</sup>/944 KENTUCKY ST (SLD)**

**SUP-12-7-11:** Consider a Special Use Permit for a renewal of a temporary shelter (Lawrence Community Shelter), located at 214 West 10<sup>th</sup> /944 Kentucky Street. Submitted by Loring Henderson, for James Dunn, property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**APPLICANT PRESENTATION**

Mr. Loring Henderson, Lawrence Community Shelter, was present for questioning.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Liese asked Mr. Henderson his thoughts about the staff recommendation to extend to the end of the year.

Mr. Henderson said he was not sure what the staff reasoning was but that December 31<sup>st</sup> was a livable margin of time and was acceptable.

**ACTION TAKEN**

Motioned by Commissioner Liese, seconded by Commissioner Blaser, to approve the renewal of the Lawrence Community Shelter Special Use Permit for the time period noted below and forwarding the request to the City Commission with a recommendation of approval and the ordinance for adoption on first reading, subject to the following conditions:

1. The Special Use Permit shall expire on December 31, 2012.
2. Provision of a note on the face of the site plan that states that the car port shall be removed by December 21, 2012 or concurrently with the vacating of the property by the Lawrence community Shelter, or plans submitted for a structure compliant with the Historic Resources guidelines.
3. Publication of an ordinance per Section 20-1306(j).

Unanimously approved 8-0. Commissioner Finkeldei was not present for the vote.



PC Minutes 2/27/12 **DRAFT**

**ITEM NO. 3      FINAL DEVELOPMENT PLAN FOR BAUER FARM PHASE 6; 4700 W 6<sup>TH</sup> ST (SLD)**

**FDP-12-5-11:** Consider a Final Development Plan for Bauer Farm Phase 6, for a 4,607 SF building for retail and restaurant uses and including a drive-thru, located at 4700 West 6<sup>th</sup> Street. Submitted by Landplan Engineering, for Free State Holdings, Inc., property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**APPLICANT PRESENTATION**

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

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Blaser asked if there was a distance requirement between the entrance and roundabout.

Ms. Day said the roundabout was considered an intersection and it was designed with a known access point.

Mr. McCullough said it was a local street versus a collector or arterial.

**ACTION TAKEN**

Motioned by Commissioner Hird, seconded by Commissioner Culver, to approve the Final Development Plan based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

1. Submission and approval of a photometric plan prior to the release of the plan for issuance of building permits.
2. Provision of a mylar and applicable recording fees.

Unanimously approved 8-0. Commissioner Finkeldei was not present for the vote.

PC Minutes 2/27/12 **DRAFT**

**ITEM NO. 4      COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 6; NORTH MASS DEVELOPMENT (AAM)**

**CPA-11-8-11:** Consider a Comprehensive Plan Amendment to Chapter 6 of Horizon 2020 to expand the identified boundaries of Downtown Lawrence to accommodate a proposed mixed use project known as the *North Mass Development*. The request includes a proposal to exempt the proposed *North Mass Development* from the current requirement that individual stores in the Downtown Commercial Center have a maximum footprint of no more than 25,000 square feet. Proposed by Paul Werner Architects.

**STAFF PRESENTATION**

Ms. Amy Miller presented the item.

**APPLICANT PRESENTATION**

Mr. Paul Werner, Paul Werner Architects, said this was an exciting project and would be a long process. He thanked staff for their work and he agreed with the staff recommendation. He said regarding the vacancy rate it was all about timing. He said if it could get platted and rezoned this year that would be good progress. He said it took 1 ½ years for the Army Corps of Engineers to figure out where the levy was defined. He said the 25,000 sq ft was an opportunity to get it lifted. He felt it was arbitrary. He said a lot of grocery stores were 45,000 sq ft.

**PUBLIC HEARING**

Mr. Dan Hughes, Sunflower Outdoor and Bike Shop, said he was not against development along the river. He appreciated the efforts of Mr. Rick Renfro and his group to clean up and improve North Lawrence. He expressed concern about retail vacancies. He said in order to increase the pull factor of luring out of town shoppers to Lawrence there needed to be unique destinations that were not available elsewhere and provide a special experience. He said this project, as presented, did not fulfill those requirements. He said the proposal was being pitched as a compliment to downtown but he felt it was mostly a reproduction of the existing downtown. He said it would end up being a downtown A. and downtown B. He said it had the potential to further divide the retail pie to a point where nobody would operate a sustainable business. He said the one glaring addition would be allowing a 25,000+ sq ft 'big box' retailer, which had the potential to crush already established businesses downtown. He said Mr. Renfro told him he did not want a 'big box' retailer and all he wanted was a new Johnny's, some residential, possibly a movie theatre, hotel, and grocery store. He said the developer was asking for carte blanche to build anything they could. He did not feel now was the time to add more retail space. He urged Planning Commission to vote no to the Comprehensive Plan Amendment and rezonings at this time.

Mr. Rob Riley, Lawrence Jiu-Jitsu, supported what Mr. Hughes said. He expressed concern about vacancies downtown. He also expressed concern about the possibility of his business being pushed out.

Mr. Peter Zacharias, Downtown Lawrence Inc. Board of Directors, said he visited with the developers several times. He expressed concern about vacancies. He did not see how the North Mass Development could ever be part of downtown. He felt the North Mass Development would affect downtown negatively. He felt it should just be limited to residential development with moderate commercial but that was not what was proposed. He urged Planning Commission to vote against the project until there was more demand in Lawrence and less vacancies. He said he would like to see the use linked to the zoning before a decision was made.

Mr. Ted Boyle, North Lawrence Improvement Association, said this was an exciting project and felt it would be good for North Lawrence. He said regarding the vacancies mentioned by other speakers the uniqueness of the North Mass Development was the river. He felt it was about time to break the barrier of separating North Lawrence from the rest of the city. He said it would bring money to North Lawrence. He stated the stormwater would dictate what could be built there and define what could be developed. He said the developer would not be able to tie into the city stormwater project and would have to have another big pump, which could cost 5 million dollars. He felt the North Mass Development would benefit the entire community.

Mr. Kirk McClure, Old West Lawrence Association, discussed market conditions, the absence of development controls, and the process. He said Planning Commission did not have sufficient information to make a decision tonight. He stated Lawrence was horribly overbuilt and adding to it would only make the situation worse. He said the City of Lawrence allowed a retail bubble to be built from 1997-2005 and during that time period the stock of retail space grew 34%, adding 1.6 million square feet. During that time the demand for retail only grew 10%. He said the recession slowed the rate of absorption. He felt the North Mass Development, as proposed, would threaten the one unique destination shopping Lawrence has; downtown. He said new 'big boxes' on the other side of the river would not be complementary to downtown and would only compete with it. He said the developer should not be trusted to provide the market studies. He said if the market study was correct then the numbers show the city was more over built than his own numbers. He felt more should be asked of Planning staff since they were the only people who had the demand side data. He recommended the project be denied.

Mr. Chuck Magerl asked Planning Commission to look at the numbers associated with the project. He referenced Horizon 2020 where it states *'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.'*

He said he didn't know how an estimated completion could be established to create a benchmark. He said the Land Development Code established a maximum threshold of 100 sq ft per resident to help maintain market health. He said right now the challenge was that the City was disputing the resident count with the Census Bureau. He said until there was a sense of confidence that the numbers were real, the guidelines of Horizon 2020 and the Land Development Code pose real questions about the merit of increasing additional retail and commercial development within the city. He asked them to make sure the numbers justified the idea of seeing something new and growing in the community.

#### **APPLICANT CLOSING COMMENTS**

Mr. Werner said there was no development plan in front of them and that the Comprehensive Plan Amendment was about the boundary of the downtown commercial area. He said the amount of retail and residential needed to be talked about. He said currently the land was zoned industrial. He said he was currently working on four storefronts downtown and was aware of the vacancies downtown. He said he was currently working on a 36 room addition for the Eldridge Hotel and they were not concerned about competition. He said sometimes the private sector doesn't need other people to protect them or they would be present tonight at the meeting. He said residential would probably be the first thing built for the North Mass Development. He said 'big boxes' would not want to locate there.

#### **COMMISSION DISCUSSION**

Commissioner Hird asked if staff was satisfied regarding the thoroughness and completeness of the retail market study.

Mr. McCullough said staff summarized on page 106 of the packet that the proposal does go past some of the indicators of supply and demand. He said what had changed since the indicators were established as indicators to review with any development proposal, was that staff was not seeing speculative building in the market right now, they are real projects. The economy has changed that for the most part in Lawrence. He said yes, in theory if everything was vacant, indicators would suggest that this should not be an approved project. He said the private sector was waiting for real tenants before bringing forth projects.

Commissioner Hird inquired about the limitation of 25,000 square feet on a building downtown.

Mr. McCullough said the applicant made some points regarding the dynamics of the pattern, street, ally, block, and lot size, that would be different with this development. He said there would perhaps be a little more room for a bigger project. He said staff did not want a 'big box' to compete with that market.

Commissioner Hird asked how the proposal prevented a 'big box' from competing.

Mr. McCullough said 'big boxes' were typically larger than 50,000 square feet.

Commissioner Hird asked how 'big box' was defined.

Mr. McCullough said an example of a small 'big box' would be Wal-Mart on 6<sup>th</sup> Street, which was approximately 99,000 square feet.

Commissioner Burger asked staff what the square footage of the former Borders building was.

Ms. Miller said it was roughly 20,000 square feet. She said regarding the 50,000 square feet staff was trying to accommodate the applicants proposed idea with the potential for a movie theatre.

Commissioner Hird said a grocery store was needed in North Lawrence and nobody would object to that but he was not interested in a 'big box' store on the edge of downtown.

Mr. McCullough said it would be a linear progression of approvals, starting with the umbrella policies and then getting down to the site plan and details. He said it was a unique enough area that when the zoning presentation was heard tonight they would see a recommendation for design guidelines to help guide the details of the aesthetics, physical development, ratios of residential to commercial, etc. He said there was a lot of work still to be done on the project.

Ms. Miller clarified that there was no definition of 'big box' in the Land Development Code but it is listed in the table and refers to Retail Establishment - Large, which is a store over 100,000 square feet.

Commissioner Burger referred to page 95 of packet where it states *'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.'* She wondered if there was any history information to support that statement.

Ms. Miller said that was existing original language in the Comprehensive Plan from its conception in the mid 1990's so she could not provide history.

Commissioner Blaser said he was surprised that Downtown Lawrence Inc. sent a letter of support but then spoke in opposition tonight.

Mr. Zacharias said from the audience that Downtown Lawrence Inc. did not see the final plan until today.

Commissioner Blaser expressed concern regarding the pull factor. He said what Lawrence was doing was not working. He said the auto industry and 'big box' industry figured out that it may be better to have competition. If there is competition then it draws customers. He said Lawrence does not draw customers. He said he was not sure what the answer was. He said North Lawrence on 2<sup>nd</sup> Street was one of the entrances to the city and he was in favor of cleaning up that area. He thought the proposal was a great idea and would help downtown. He said there would be some logistics to be worked out for getting across the bridge. He said unless he heard strong arguments he would vote in favor of this because he felt something needed to be done.

Commissioner Singleton said she did not think most people were aware of the project since there were only five people present tonight. She felt that changing the boundaries of the heart of the community needed a much more comprehensive study than what they had. She said the proposal was nice but that the best waterfront property in Lawrence was now Abe and Jake's and the Marriott. She felt there would be more conversations if more people were aware of the topic. She was not comfortable changing the borders of downtown. She said the market study did not seem to be accurate with what she sees downtown. She said the economy and culture fundamentally changed with how businesses are developed and loans being granted, as a result of the collapse of the economy. She said she was not comfortable changing the boundaries of the heart of the community based on the information received tonight.

Commissioner Burger said the plan was ambitious and creative. She said the language the Comprehensive Plan included was from a mid 1990's context. She said in the mid 1990's there was somewhat of a boom. She agreed with some of the speakers this evening on a few issues. She discussed a 'new to new' type of customer that goes to the newest area. She said when the newness wears off and there's another new area there's a lot of infrastructure that everyone is invested in. She said there was the potential for locally owned businesses to suffer and perhaps not make it through that wave. She had concerns regarding environmental issues. She wondered if the project had been put forth before insurance agents to see if it would work. She was concerned this wasn't the right time for a project like this that seemed to be driven by a boom market concept. She stated the former Borders building was still empty and that Sears and Old Navy had left as well. She did not think this was the right Comprehensive Plan. She said labeling it North Mass was a nice idea but with the river it may not be the best way to do something good for North Lawrence. She said a good Comprehensive Plan would include an increase in residential to bring more people into North Lawrence before the retail component. She said a theatre was a nice idea but a grocery store was a great idea. She would like to see more change in the Comprehensive Plan to be more specific in those areas. She appreciated the creative and ambitious thinking behind the project and thanked the developers for wanting to invest in North Lawrence. She said the retail component was too critical and she agreed that they may not have the right information to be able to make a decision. She did not think that was necessarily what the Comprehensive Plan indicated with the mid 1990's content. She appreciated the public comment. She said she could not support the plan at this point.

Commissioner Liese inquired about the rationale for a Comprehensive Plan Amendment. He asked about the parameters of what the developers could do in North Lawrence without the Comprehensive Plan Amendment.

Mr. McCullough said this was not in a neighborhood plan currently. He said with the proposed mixed-use type development staff looked to the Comprehensive Plan first which says that to do that kind of development pattern you need to look at expanding downtown. He said there may have been a different avenue to take with designating it for mixed-use but it was the most efficient and best path with the fact that the applicant wanted to use the CD zoning and mixed-use nature of it. He said the proximity of this to downtown led to looking at that section of the Comprehensive Plan which already talked about a need to expand downtown.

Ms. Miller said the current sites are zoned to a multitude of zoning categories. She said in looking at the Comprehensive Plan the only thing identified in the area were some heavy commercial uses. She said there were no other categories in the Comprehensive Plan that specifically talk about this piece directly north of the Kansas River.

Commissioner Culver had some concerns with the openness of establishing a policy amendment to extend downtown. He said there were a lot of things that were exciting, promising, and opportunistic about expanding downtown into North Lawrence. He agreed with Commissioner Blaser regarding the pull factor and bringing in retail dollars, which wouldn't change if they continued to do the same thing. He thought there was opportunity with this area to follow some of the guidelines within the Comprehensive Plan which seemed to fit. He said he had some difficulty when looking at a current snapshot of some of the vacant buildings discussed this evening. He said buildings may be sitting open today but that it was just a snapshot and they needed to look ahead and start somewhere. He said if plans were not put in place and moved forward the opportunity may diminish. He said the area was an underutilized area of the community with a lot of opportunity. He felt they would be rushed to discount the amendment to the Comprehensive Plan completely and felt they should do their due diligence in looking at it as an opportunity.

Commissioner Britton said he was struggling with this one. He was exciting about the prospect of anything new. He agreed that Massachusetts Street and the historic downtown was the heart of the community and the number one priority needed to be to protecting that. He did not know if this would be a threat to that or not. He said if there was better or more comprehensive information out there then they should take it slow and know they are going in the right direction with the proper controls. He thought in general this was a great dream development to have but he did not feel like he had enough information and surety that Massachusetts Street would come out as healthy or healthier. He said he looked forward to being able to support something like this but could not support it tonight.

Commissioner Liese said he had all the confidence in the world that the businesses on Massachusetts Street would do fine with competition introduced. He said a really good development would bring in more business. He felt this project was great and he would support it 100%. He felt the pull factor would be great for Massachusetts Street. He wished Mr. Renfro and others from the community were present tonight for more input.

## **ACTION TAKEN**

Motioned by Commissioner Liese, seconded by Commissioner Belt, to defer and direct staff to provide more information to address issues raised.

Commissioner Hird said he would vote against the motion to defer. He said Mr. McClure's comments about vacancy rates were well taken. He said it was always a difficult decision process with this type of proposal. He said it would expand boundaries of downtown to accommodate a mixed-use project that nobody knows what will look like yet. He had great reservations about the square footage limitation and whether that should be doubled for this project. He felt the people from North



Lawrence who want development in North Lawrence should be heard. He said it was an exciting proposal in terms of using the waterfront for a change as an asset to the city. He did not want to defer it because he wanted to get this in front of the City Commission so that the elected officials could weigh in and shape it.

Commissioner Liese felt the support Mr. Boyle claims existed in North Lawrence should be present at the meeting. He felt Mr. Boyle representing North Lawrence was inadequate. He wanted more input from the North Lawrence residents.

Commissioner Hird said Mr. Boyle representing the North Lawrence residents was entirely adequate and he didn't personally need ten more people saying the same thing.

Commissioner Singleton said she was not supportive of a deferral because 30 days would not necessarily give her the information she would need to vote to change the boundaries of downtown Lawrence. She said even if they vote it down that did not mean it would not be brought back. She wanted more information and a comprehensive understanding of what would be built.

Commissioner Blaser said he was not sure what kind of information Commissioner Singleton would need to be more confident. He said the Comprehensive Plan Amendment was only to extend the boundary of downtown. He said the plan was not set in stone. He said buildout would not occur until they had someone to pay the bill. He said he would like to move forward with it.

Motion failed 2-6. Commissioners Belt and Liese voted in favor of the motion. Commissioners Blaser, Britton, Burger, Culver, Hird, and Singleton voted in opposition.

Motioned by Commissioner Singleton, seconded by Commissioner Britton, to deny the Comprehensive Plan Amendment.

Commissioner Liese said he thought it was a good idea to extend the boundaries. He said as much as he loved Massachusetts Street and the business represented tonight there was something going on that was reducing the amount of pull Massachusetts Street has. He opposed the motion. He felt it was a mistake to overlook the residents of North Lawrence who want this project.

Commissioner Burger said she would vote in favor of the motion but would really like to see a project in North Lawrence with this density of residential and a grocery store. She said beyond that she would need a lot of convincing. She said it was an exciting project from a design standpoint. She hoped City Commission would give the public the opportunity to fully process this at their level.

Commissioner Hird asked if Planning Commission denies this would City Commission have to have a super majority to approve it.

Mr. McCullough said that was correct. He said City Commission's options would be to send it back to Planning Commission with further direction or override the Planning Commission decision with a 4/5 vote.

Commissioner Belt felt a lot of good could come from the project but he wanted more information and a lot more input from the public. He said downtown was currently expanding to Vermont Street and New Hampshire Street and that there was continued pressure for real estate on those streets because that's where people want to be, although that's not to say they wouldn't also be equally attracted to North Lawrence.

Commissioner Britton said he really liked the idea and wanted to be certain Massachusetts Street would be okay with assurances that the market could sustain that.

Commissioner Burger said Johnny's was a big component in the North Mass proposal and she had no objection to that.

Commissioner Hird felt it was an exciting project. He felt sending it to City Commission with a recommendation of denial would send the wrong message. He felt they should forward it to City Commission with a recommendation of approval and let the process take place at the City Commission level and then again at the Planning level for the proper platting and development of the project. He did not see what would be gained by saying no and hoping the developer would come back with a different proposal. He said he would vote against the motion.

Commissioner Liese said it looked like the vote would be an even split. He said if that was the case he would move for approval of the project.

Commissioner Blaser said he would vote against the motion and agreed with Commissioner Hird that sending it forward to City Commission with a recommendation of denial would send the wrong message since everybody was enthused about the project.

Commissioner Burger asked staff if the Comprehensive Plan Amendment was approved would it enable anybody at any level to reduce the amount of retail, or would this be giving by right the developer to do retail beyond 25,000 sq ft.

Mr. McCullough said the Comprehensive Plan Amendment only sets policy guidance in Horizon 2020. The next application would be where they would have a greater sense of control. He said the zoning would provide those uses by right, restrictions, conditions, etc. He said the Development Code requires a project be consistent with the Comprehensive Plan, which is why the amendment is required with the zoning when it's not consistent with the Comprehensive Plan. He said the Comprehensive Plan Amendment helps the zoning application to be in alignment with the Comprehensive Plan.

Commissioner Liese said in the Comprehensive Plan, Chapter 6, it states downtown Lawrence was expected to change over time. He said he viewed the Comprehensive Plan Amendment as an opportunity to preserve downtown. He did not see any data that it would detract from Massachusetts Street. He said the Comprehensive Plan Amendment would just support the concept of spreading downtown over the bridge.

Mr. McCullough said a Comprehensive Plan policy could be set as specific as they wanted.

Motion failed 4-4. Commissioners Belt, Britton, Burger, and Singleton voted in favor of the motion. Commissioners Blaser, Culver, Hird, and Liese voted in opposition.

Motioned by Commissioner Liese, seconded by Commissioner Blaser, to approve the Comprehensive Plan Amendment.

Commissioner Liese said this was just a Comprehensive Plan Amendment, not a zoning, plats, etc.



Commissioner Britton said the Comprehensive Plan was not law but was very important. He was not comfortable with this and did not support it. He said he was excited about the concept down the road if he could be assured that historic downtown Lawrence would not be negatively affected. He said he would oppose the motion.

Commissioner Burger said she would not support the motion. She said there was too much text in the document that they would be voting to send forward that she did not think had been proven. She said the project was unique and exciting but felt that by adopting the plan they would be indebted to a certain extent to approve future and pending rezonings that she did not want to be forced to vote for.

Motion failed 4-4. Commissioners Blaser, Culver, Hird, and Liese voted in favor of the motion. Commissioners Belt, Britton, Burger, and Singleton voted in opposition.

PC Minutes 2/27/12 **DRAFT**

**ITEM NO. 5A IG & CS TO CD; 1.38 ACRES; 401 & 415 N 2<sup>ND</sup> ST (SLD)**

**Z-12-29-11:** Consider a request to rezone approximately 1.38 acres from IG (General Industrial) and CS (Commercial Strip) to CD (Downtown Commercial), located at 401 & 415 North 2<sup>nd</sup> Street. Submitted by Paul Werner Architects, for Exchange Holdings LLC, property owner of record.

**ITEM NO. 5B IG TO CD; 2.14 ACRES; 0 & 100 LINCOLN ST AND 151 & 100 PERRY ST (SLD)**

**Z-12-30-11:** Consider a request to rezone approximately 2.14 acres from IG (General Industrial) to CD (Downtown Commercial), located at 0 & 100 Lincoln Street and 151 & 100 Perry Street. Submitted by Paul Werner Architects, for D&D Rentals of Lawrence, LLC, property owner of record.

**ITEM NO. 5C IG & CS TO CD; .83 ACRES; 409 & 501 N 2<sup>ND</sup> ST (SLD)**

**Z-12-32-11:** Consider a request to rezone approximately .83 acres from IG (General Industrial) and CS (Commercial Strip) to CD (Downtown Commercial), located at 409 & 501 North 2nd Street. Submitted by Paul Werner Architects, for Jeffrey Hatfield, property owner of record.

**ITEM NO. 5D OS & CS TO CD; .34 ACRES; 300, 311, & 317 N 2<sup>ND</sup> ST (SLD)**

**Z-12-33-11:** Consider a request to rezone approximately .34 acres from OS (Open Space) and CS (Commercial Strip) to CD (Downtown Commercial), located at 300, 311, & 317 North 2nd Street. Submitted by Paul Werner Architects, for Riverfront Properties of Lawrence, LLC, property owner of record.

**ITEM NO. 5E IG TO CD; 1.61 ACRES; 139 PERRY ST, 505 N 2<sup>ND</sup> ST, 141 MAPLE ST (SLD)**

**Z-12-34-11:** Consider a request to rezone approximately 1.61 acres from IG (General Industrial) to CD (Downtown Commercial), located at 139 Perry Street, 505 North 2<sup>nd</sup> Street & 141 Maple Street. Submitted by Paul Werner Architects, for HDD of Lawrence, LLC, property owner of record.

**ITEM NO. 5F IG TO CD; .55 ACRES; 133 PERRY ST (SLD)**

**Z-12-35-11:** Consider a request to rezone approximately .55 acres from IG (General Industrial) to CD (Downtown Commercial), located at 133 Perry Street. Submitted by Paul Werner Architects, for Kaw River Estates, LLC, property owner of record.

**ITEM NO. 5G IG TO CD; 1.38 ACRES; 600 N 1<sup>ST</sup> ST (SLD)**

**Z-12-36-11:** Consider a request to rezone approximately 1.38 acres from IG (General Industrial) to CD (Downtown Commercial), located at 600 North 1<sup>st</sup> Street, Block 3. Submitted by Paul Werner Architects, for Abfield Investments, property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented items 5A-5G together.

**APPLICANT PRESENTATION**

Mr. Paul Werner, Paul Werner Architects, displayed drawings on the overhead. He said the stormwater would drive the project because of the drainage underneath the levy. He said there were

some options for traffic. He said the primary mixed use was split up into three areas; primary, secondary, and tertiary. He showed a concept plan on the overhead. He said the best method for the project was the Design Guidelines.

## **PUBLIC HEARING**

Mr. Ted Boyle, North Lawrence Improvement Association, said he had been the elected president of the North Lawrence Improvement Association for 18 years. He said the neighborhood association had discussed this topic for four years and that he was elected to speak on behalf of the neighborhood. He said North Lawrence had been left behind for so many years. He said this would create jobs in North Lawrence. He thought it might also create more exposure and government funds for the Hydroelectric plants along the river. He said the North Lawrence Improvement Association endorses the project.

Mr. Kirk McClure, Old West Neighborhood Association, said the oldest principal of planning law was to plan first and zone second, not backwards. He asked them to deny this. He said there had not been any work done for what the town could absorb for hotel space. He said the applicant spoke to the Design Guidelines, which were necessary but not sufficient. He said they lacked development controls.

Mr. Dan Hughes said regarding the comment Commissioner Liese made about retail, one of the calling cards of downtown Lawrence was a mix of eclectic mom and pop type retailers who are always on the margin of not being there. He said competition does make things better but it can be the straw that breaks the camel's back. He said unless people stop buying on the internet what was the point of building more brick and mortar. He displayed a plan on the overhead. He wondered why they were chasing marginal retail dollars with huge amounts of infrastructure.

## **APPLICANT CLOSING COMMENTS**

Mr. Werner said he had been working on this for five years and the drawing that was included in the packet was one of many concept plans. He said the CD district required 55% food sales on liquor licenses. He said if someone really wanted to build a miniature Power and Light District this would be a good place to do it but that the CD district did not allow that so zoning CD provided protection. He said they were not trying to build a bunch of bars on the other side of the river.

## **COMMISSION DISCUSSION**

Commissioner Liese asked staff how advisable it was to consider the rezoning when it would contradict the Comprehensive Plan Amendment.

Mr. McCullough said staff were aligned with Mr. McClure's statement that planning should occur before zoning. He said that was why the Comprehensive Plan was on the agenda before the zoning. He said the Development Code requires alignment with the Comprehensive Plan. He said the state statute does not require alignment with the Comprehensive Plan but that the local Development Code does, but there was subjectiveness to it as well. He said when Planning Commission and City Commission are asked to judge a zoning request to the Comprehensive Plan there are different perspectives and opinions about whether or not it meets the Comprehensive Plan. He said that was why the more specific they got the harder it was sometimes to meet that specific of a plan. He said he agreed in concept that planning should occur and then zoning should occur.

Commissioner Liese said if Planning Commission approved it then it would be a contradiction of the Comprehensive Plan.

Mr. McCullough said it would. He said the staff report presumed approval because that was what the recommendation was for the Comprehensive Plan Amendment.

Commissioner Finkeldei said Planning Commission was a recommending body so even if they moved to approve the Comprehensive Plan Amendment they would still be voting on zoning without knowing if City Commission would vote for the Comprehensive Plan Amendment. He said they would be sending the Comprehensive Plan Amendment to City Commission with no recommendation. He said they could vote to send the rezonings on with no recommendation or they could vote to deny or approve it but that it would still get to the City Commission. He felt it would be a disservice to not talk about it. He said it could be different when it gets to City Commission and they vote down the Comprehensive Plan Amendment then they know their answer for the next step.

Commissioner Singleton said before they make a motion they should consider the 50,000 gross square feet. She asked if this would not be published until after there were Design Guidelines were completed.

Ms. Day said that was correct.

Commissioner Burger asked if there were Design Guidelines with Bauer Farm.

Ms. Day said that project was looked at for uses that were approved with that zoning for that development and its compliance with the Commercial Design Guidelines, for such things as the four sided architecture and pedestrian scale. She said there was not a specific set for that project.

Commissioner Burger asked if the use of Design Guidelines was a new tool.

Ms. Day said it was not new. She said it had been used for the downtown area for 10+ years. She said the implementation of the industrial and commercial Design Guidelines had been around for approximately 6 years. She said it was a tool used by many communities for many years.

Mr. McCullough said Bauer Farm was a Planned Development so they had specific ideas about such things as lot size, lot use, and building design. He said Design Guidelines better serve an area like downtown that was ever changing or an entire district like 8<sup>th</sup> & Penn.

Commissioner Finkeldei said he thought Bauer Farm was an example of a Planned Development that did not work particularly well. He said when they approved it as one big project they thought they were getting one thing and over time Bauer Farm changed several things. He said with the Design Guidelines that govern an entire area there would be a much better feel of what the end result would be. He said he supported the Design Guidelines in this proposal. He said he would support the request to rezone. He said this was an exciting area and could do a lot for the community. He said it was important to look at it in relation to downtown and North Lawrence. He said this was the start of a long process that he felt would pay off in the end.

## **ACTION TAKEN**

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the request to rezone approximately 20.36 acres, from IG (General Industrial), CS (Commercial Strip) and OS (Open Space) Districts to CD (Downtown Commercial) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the following conditions:

1. The maximum footprint of an individual store shall not exceed 50,000 gross square feet.

2. Due to the unique characteristics of the Downtown Commercial District (city-provided parking), current Section 20-901 (f) of the Land Development Code exempts uses in the CD district from the requirement to provide off-street parking and off-street loading spaces. One of the characteristics of the subject rezoning is that the city will not provide parking; therefore, the Downtown Commercial District of the subject request shall not have said exemption and shall instead provide parking at the code prescribed ratio for the allowed uses as outlined in the Land Development Code or as adjusted in approved design guidelines.
3. Submission and approval by the City Commission, with a recommendation by the Planning Commission, of design guidelines to address development standards as identified in the staff report.

Commissioner Finkeldei noted for the record that Planning Commission was forwarded the Comprehensive Plan Amendment to City Commission with no recommendation, which was different than what was recommended in the staff report.

Commissioner Liese said he supported Mr. McClure's statement that planning should proceed zoning. He said he would not assume that this would be against planning and violate the Comprehensive Plan. He said it would violate his own beliefs if he didn't vote in favor of the rezoning because he did not believe the area should be general industrial. He said he would support the rezonings with the complete understanding that planning comes first. He said they were making a recommendation and that should guide the City Commission to think about the Comprehensive Plan.

Commissioner Hird said he would support the motion but had hesitation on the 50,000 gross square feet for an individual store. He said if it was a grocery store or theatre he didn't think anyone would have a problem with it but he did not want to see a 'big box' store right next to downtown.

Commissioner Finkeldei said the Design Guidelines could have the square footage smaller than that.

Motion carried 5-4, with Commissioners Blaser, Culver, Finkeldei, Hird, and Liese voting in favor. Commissioners Belt, Britton, Burger, and Singleton voted in opposition.

## **MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

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**Recess at 9:53pm until 6:30pm on February 29, 2012.**

PC Minutes 2/29/12 **DRAFT**

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Reconvene February 29, 2012 – 6:30 p.m.

Commissioners present: Belt, Blaser, Britton, Burger, Culver, Finkeldei, Hird, Liese, and Student  
Commissioner Cory Davis  
Staff present: McCullough, Larkin, Leininger, M. Miller, Ewert

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**BEGIN PUBLIC HEARING (FEBRUARY 29, 2012):**

**COMMUNICATIONS**

Mr. McCullough said there were no new communications.

**EX PARTE / ABSTENTIONS / DEFERRAL REQUEST**

- Ex parte:  
Commissioner Britton said he received a letter from Ms. Jane Eldredge from Barber Emerson.

All the other Commissioners said they received the same letter.

Mr. McCullough said the letter was received after the deadline so it will be sent on to City Commission. He asked Commissioner Britton to summarize the letter from Ms. Eldredge.

Commissioner Britton said the letter was in favor of the Industrial Text Amendment.

- No abstentions.

PC Minutes 2/29/12 **DRAFT**

**ITEM NO. 6      FINAL PLAT FOR BAUER FARM FIFTH PLAT FOR THEATRE LAWRENCE;  
4700 BAUER FARM DR (MKM)**

**PF-12-7-11:** Consider a Final Plat for Bauer Farm Fifth Plat for Theatre Lawrence, a one-lot subdivision consisting of approximately 4 acres located at 4700 Bauer Farm Drive. Submitted by Landplan Engineering, for Free State Group, LLC, property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**APPLICANT PRESENTATION**

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

**ACTION TAKEN**

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the Final Plat for the Bauer Farm 5<sup>th</sup> Plat Subdivision and forwarding it to the City Commission for acceptance of easements and rights-of-way, subject to the following conditions:

1. Provision of executed Master Street Tree Plan for recording.
2. Pinning of lots in accordance with Section 20-811(k) of the Subdivision Regulations.

Unanimously approved 8-0. Student Commission David voted in the affirmative.

PC Minutes 2/29/12 **DRAFT**

**ITEM NO. 7      TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE;  
INDUSTRIAL DISTRICTS (MJL)**

**TA-10-16-11:** Consider a text amendment to Chapter 20 of the City Code, Land Development Code, to review the uses of the existing industrial districts, explore creating a new district that permits uses with intensities between the IL (Limited Industrial) district and IG (General Industrial) district, review the Gas and Fuel Sales use and create a Truck Stop use which could affect commercial and industrial zoned properties. *Deferred by Planning Commission on 1/23/12.*

**STAFF PRESENTATION**

Ms. Michelle Leininger presented the item.

Commissioner Hird inquired about the thought process of not allowing certain uses in the IM district.

Ms. Leininger said in the IL district a lot of the uses were struck out and either permitted in the IM district as a Special Use or not permitted at all. She said it was the hierarchy effect that they were trying to accomplish, but that by removing other districts out of that you end up with voids in the middle.

Mr. McCullough said it fell in line with the charge to create a district that deleted the heaviest uses and some of the commercial uses. He said the definition of heavy equipment allowed more intensive uses. He said the section still followed the basic concept of removing the impactful heavy industrial uses as well as some of the commercial retail uses.

Ms. Leininger said through this process the Commission gave direction to ease up on using the Special Use Permit process.

Commissioner Liese asked if there was a car and truck sales category.

Ms. Leininger said the category of Light Equipment Repair/Sales/Rentals would include the typical every day automobile. She said the Heavy Equipment Repair/Sales/Rental would be more commercial, agricultural, large vehicle. She said the Light Equipment Repair/Sales/Rentals was more consumer oriented while the Heavy Equipment Repair/Sales/Rental was more business and large scale items that would have less traffic than a Honda Dealership, for example.

**PUBLIC HEARING**

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, said she was excited about this. She thought some more items, such as large animal veterinary, could be added. She said truck stops were one of the big issues that neighborhoods did not want. She said neighborhoods did not have a problem with small gas stations. She appreciated truck stops would require a Special Use Permit.

Mr. Hank Booth, Lawrence Chamber of Commerce, said when the Chamber originally approached staff with a plan they could all live with he was not sure this was the direction they had in mind but that it seemed some issues had been resolved and allowed the opportunity for economic development function of creating primary jobs. He wanted to be able to offer properties that were contiguous and not constantly being interrupted with changes to the process. He thanked staff and the Planning Commission for their work.

**COMMISSION DISCUSSION**



Mr. McCullough said on page 215 of the packet, staff was charged with keeping constant the IL and IG district standards about uses permitted. He said as they add the truck stop use and remove it from the gas and fuel sales use that there was a change to a few districts. He stated any district that allows gas and fuel sales, if the definition gets amended and truck stops are removed, it would remove that use from all those districts.

Commissioner Britton inquired about the possibility of someone opening a gas station that may not be designed to accommodate the trucking industry but would have diesel sales in addition to regular car fuel sales.

Mr. McCullough said that would have to be a determination by staff when presented with that type of application in terms of what the use would be.

Commissioner Liese said Ms. Klingenberg made an important point about the concern for truck stops. He asked how truck stop got into the category. He said he would not be able to support it with it in the category.

Mr. McCullough said the exercise to divorce truck stop from gas and fuel sales and create its own category was the direction from Planning Commission. He said staff's recommendation was that it show up in the IM district as a Special Use Permit. He said it could be appropriate given the specific context of the area that it's in and size in the IM district.

Commissioner Liese asked if the Special Use was something that Planning Commission would review.

Mr. McCullough said yes.

Commissioner Finkeldei said for example, when and if the South Lawrence Trafficway was completed, there might be IM zoning on K-10 and might be a fine place for a truck stop. He said there were some areas where a truck stop in an IM district could make sense. He said the Special Use Permit was the compromise by making it difficult but allowable.

Commissioner Liese said he did not have an issue with fueling trucks. He said he thought of a truck stop as a place where truckers sleep.

Commissioner Finkeldei said the definition was 'fuel sales primarily targeted to truckers.' He said even if there wasn't a convenient store, showers, or parking, it would still be a truck stop. He said that's the advantage of the Special Use Permit, it would give control over what was allowed.

Commissioner Blaser asked if Special Use Permits were allowed even in IG would that make everyone happier.

Commissioner Finkeldei said there were some people that did not want their IG changed. He said currently truck stops were allowed in IL and IG.

Commissioner Liese asked if it was too late to think about the difference between truck stop versus truck fueling center.

Mr. McCullough said that was up to the Planning Commission. He said staff could draft language.

Commissioner Finkeldei said that if there was a Special Use Permit and someone proposed a large truck stop Planning Commission could say no to that with the Special Use Permit.

Mr. McCullough said the Special Use Permit could be tailored to be specifics of the site.

Commissioner Liese said he was not interested in defining the final term of truck stop but something more like a truck refueling site.

Commissioner Finkeldei asked if he was thinking that in an IM district a truck refueling center would be allowed but not a truck stop.

Commissioner Liese said 'stop' implies overnight.

Commissioner Hird did not feel creating yet another definition was necessary because with the Special Use Permitting process you could control all the elements. He said if they wanted it to only be a fueling center that could be approved with a Special Use Permit. He said to categorically say it should not be allowed in an IM district was a mistake because it might fit there.

Mr. McCullough said he thought Commissioner Liese was saying revise truck stop to truck fueling center and revise the element of the definition to exclude the overnight stay of trucks.

Commissioner Liese asked Ms. Klingenberg about her thoughts on the distinction between truck stop versus truck fueling center.

Ms. Klingenberg said the issue was the amount of trucks and the problems that could come with it, such as theft. She said a truck place where they could get gas and leave was a fuel stop, not a large truck station where they stay. She said the issue was not the fuel part, it was the actual truck stop. She said this would be a new use and it was important that the development community know what they have access to. She said a cleaner more precise definition of what they want would be better for everyone.

Commissioner Liese said he would not be in favor of a Special Use Permit, particularly in an IM district.

Commissioner Burger asked if passing this as is would make any existing properties non-compliant.

Ms. Leininger said there were currently no IM districts and that Lawrence did not currently have any truck stops.

Commissioner Burger said a lot of these different uses in the new district were expansive asphalt type of facilities. She asked how the class I and II soils played into this.

Ms. Leininger said in Lawrence that typically does not come into play. She said the Code outlines the amount of impervious surface on a lot and the amount of green space and landscaping.

Mr. McCullough said the concentration of class I and II soils was in Grant Township.

Commissioner Burger asked if any existing IG in the Northeast Sector Plan would be permitted to become a truck stop.

Mr. McCullough said yes.

Commissioner Finkeldei said just because the plan says it might be IG one day in the future it doesn't have that right until rezoned and annexed into the city.

Commissioner Britton asked if under the current definition of gasoline and fuel sales a truck stop would be allowed.

Mr. McCullough said yes.

Commissioner Britton asked if a property was currently zoned IG could it have a truck stop.

Mr. McCullough said yes.

Commissioner Britton asked if they wanted to leave that use in IG they would have to leave a truck stop use and create a truck refueling center use that would be permitted in IM but not permitted anywhere else.

Mr. McCullough said if they wanted to keep it as a permitted use in IG. He said it was permitted in other districts, not just IG. He said it would affect all the commercial districts and the IL district. He said one way to do it was to modify gas and fuel sales to get truck stop out, create a truck stop use that puts it all back in the commercial and industrial districts, and then create a truck fueling center use for the IM district.

Commissioner Britton said he generally agreed with Commissioners Hird and Finkeldei that the Special Use Permit gave the ability to make sure a truck stop was appropriate for a particular location. He was comfortable with it giving the appropriate controls. He said if they wanted to go through the process of creating another new definition for a truck refueling center he did not necessarily have any opposition to that, but felt it was unnecessary.

Commissioner Blaser agreed the Special Use Permit covered it. He felt a truck stop might be appropriate in some areas.

Commissioner Finkeldei suggested instead of creating a third category maybe they could define truck stop to say 'a fuel dispensing facility designed primarily to accommodate the overnight parking of trucks' and in the definition of fuel sales say 'the retail sale from the premises of vehicular and truck fuel.'

Commissioner Liese said he would support that suggestion.

Commissioner Hird felt it could create a situation where trying to stop one use may inadvertently create a ripple effect. He said if a truck stop required a Special Use Permit in the IM district there may be situations where a truck stop was necessary or advisable for a particular location in the IM district. He felt the Special Use Permit allowed proper protections and flexibility. He felt they were making this unnecessarily complicated. He was not in favor of removing truck stop from the IM district. He said they should not assume that all truck stops would have 1,700 trucks a day.

Commissioner Culver agreed with Commissioner Hird. He felt the Special Use Permit was an appropriate tool to use sparingly and would allow flexibility and control to protect the various stakeholders that might be involved with a specific application.

Commissioner Belt said the current Text Amendment was much easier to understand compared to previous versions. He felt there were sufficient restrictions that would allow adjustments to plans. He thanked staff for their work.

Commissioner Burger agreed with Commissioner Belt that the Text Amendment was more efficient and clear. She felt it took care of the people currently in IG. She felt there may be locations where a truck stop may be a benefit to the community. She thought a Special Use Permit in the IM district gave protection to the neighborhoods. She said she would support it as is.

**ACTION TAKEN**

Motioned by Commissioner Blaser, seconded by Commissioner Finkeldei, to approve the proposed amendments, TA-10-16-11, to the Land Development Code and forwarding to the City Commission.

Motion carried 7-1, with Commissioner Liese voting in opposition. Student Commissioner Davis voted in the affirmative.

PC Minutes 2/29/12 **DRAFT**

**ITEM NO. 8A ANNEXATION; .34 ACRES; PUMP STATION 35 (MKM)**

**A-12-6-11:** Consider annexation of approximately .34 acres located east of intersection of N Michigan Street and Riverridge Road to accommodate a sanitary sewer pump station. Submitted by the City of Lawrence, property owner of record.

**ITEM NO. 8B A TO OS-FP; .34 ACRES; PUMP STATION 35 (MKM)**

**Z-12-31-11:** Consider a request to rezone approximately .34 acres located east of intersection of N Michigan Street and Riverridge Road from County A (Agricultural) to OS-FP (Open Space with Floodplain Management Regulations Overlay) District to accommodate a sanitary sewer pump station. Submitted by the City of Lawrence, property owner of record.

**ITEM NO. 8C PRELIMINARY PLAT FOR PUMP STATION 35 (MKM)**

**PP-12-13-11:** Consider a Preliminary Plat for Pump Station No. 35, a one-lot subdivision of approximately .34 acres, located east of intersection of N Michigan Street and Riverridge Road and a variance from Section 20-810(b) of the Subdivision Regulations to permit the creation of a lot without frontage on a public street or road. Submitted by the City of Lawrence, property owner of record.

**ITEM NO. 8D SPECIAL USE PERMIT FOR PUMP STATION 35 (MKM)**

**SUP-12-6-11:** Consider a Special Use Permit for Pump Station No. 35, a *minor utility*, located east of intersection of N Michigan Street and Riverridge Road. Submitted by the City of Lawrence, property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented items 8A-8D together.

**PUBLIC HEARING**

Mr. David Lee, Professional Engineering Consultants, said he was working with the City Utility Department to replace several pump stations in Lawrence. He agreed with the staff report and was present for questioning.

**COMMISSION DISCUSSION**

Commissioner Liese thanked staff for their work.

**ACTION TAKEN on Item 8A**

Motioned by Commissioner Liese, seconded by Commissioner Britton, to approve the requested annexation of approximately .34 acres, located east of the intersection of North Michigan Street and Riverridge Road.

Unanimously approved 8-0. Student Commissioner Davis voted in favor.

**ACTION TAKEN on Item 8B**

Motioned by Commissioner Liese, seconded by Commissioner Culver, to approve the rezoning request for approximately .34 acres from A (Agriculture) District to OS-FP (Open Space with Floodplain Management Regulations Overlay) District, and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Unanimously approved 8-0. Student Commissioner Davis voted in favor.

**ACTION TAKEN on Item 8C**

Motioned by Commissioner Liese, seconded by Commissioner Britton, to approve the Preliminary Plat for Pump Station No. 35, a one-lot subdivision of approximately .34 acres, located east of intersection of N Michigan Street and Riverridge Road and a variance from Section 20-810(b) of the Subdivision Regulations to permit the creation of a lot without frontage on a public street or road. Submitted by the City of Lawrence, property owner of record.

Unanimously approved 8-0. Student Commissioner Davis voted in favor.

**ACTION TAKEN on Item 8D**

Motioned by Commissioner Liese, seconded by Commissioner Blaser, to approve the Special Use Permit (SUP-12-6-11) for Pump Station 35, a minor utility, based upon the findings presented in the body of the staff report and subject to the following condition:

1. Applicant shall provide a revised site plan with the following changes:
  - a. Addition of a note that the Planning Director granted a waiver from surfacing requirements in Section 20-913(e) to allow the use of aggregate surfacing material for the drive due to the location within the Floodplain Management Regulations Overlay District and limited anticipated use.

Commissioner Burger said in the packet there was a letter from a resident in the neighborhood that lived quite a bit to the north and west of the property so in her opinion, from the Special Use Permit standpoint, it was remote enough from their property to have any adverse impact on the property value.

Unanimously approved 8-0. Student Commissioner Davis voted in favor.

PC Minutes 2/29/12 **DRAFT**

**ITEM NO. 9A                      VARIANCE FOR PUMP STATION 37 (MKM)**

Variance associated with Minor Subdivision for Sunflower Addition No. 2 (MS-2-1-12), from the sidewalk requirement in Section 20-811(c)(1)(i) of the Subdivision Regulations, and from the right-of-way requirement in Section 20-810(e)(5). Submitted by the City of Lawrence, property owner of record.

**ITEM NO. 9B                      SPECIAL USE PERMIT FOR PUMP STATION 37 (MKM)**

**SUP-12-8-11:** Consider a Special Use Permit for Pump Station 37, a *minor utility*, located at 2100 E 15<sup>th</sup> Street. Submitted by the City of Lawrence, property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented items 9A-9B together.

**PUBLIC HEARING**

Mr. David Lee, Professional Engineering Consultants, said he was working with the City Utility Department to replace several pump stations in Lawrence. He agreed with the staff report and was present for questioning.

Mr. Ron Helmick said he owned property to the north of the pump station and he wondered about screening.

Ms. Miller said they would be moving some of the trees along 15<sup>th</sup> Street for the water line and storm sewer line. The plan was to leave enough to provide screening so the only thing that would be needed was screening for the meter board.

Mr. Helmick asked what kind of water line it would be.

Ms. Miller said a city water line.

Mr. Helmick said he was trying to establish native grassland on the north side.

Ms. Miller said the water line would go to 15<sup>th</sup> Street but would not cross the centerline so there should be no disturbance to the north side.

**ACTION TAKEN on Item 9A**

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the variance requested from Section 20-811(c) to defer the installation of a sidewalk or bicycle/recreation path along E 15<sup>th</sup> Street until such time as future development has occurred in the area and E 15<sup>th</sup> Street has been improved to City standards.

Unanimously approved 8-0. Student Commissioner Davis voted in favor.

**ACTION TAKEN on Item 9B**

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the Special Use Permit, SUP-12-8-11, for Pump Station 37 based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Applicant shall provide a revised site plan with the following changes:
  - a. Note the dimensions of the meter board (control panel).

- b. If the Planning Commission approves the variance from the requirement in Section 20-810(c) to install sidewalks a note to that effect shall be added to the SUP plan, along with any conditions imposed on the variance by the Planning Commission. If the waiver is not approved the site plan shall be revised to show the sidewalk.
- c. Addition of a note that the Planning Director granted a waiver from Section 20-913(e) to allow an aggregate surface for the access drive.

Unanimously approved 8-0. Student Commissioner Davis voted in favor.



PC Minutes 2/29/12 **DRAFT**

**ITEM NO. 10 TEXT AMENDMENT TO THE DOUGLAS COUNTY ZONING REGULATIONS;  
AGRITOURISM (MKM)**

**TA-8-11-11:** Consider a Text Amendment to the Douglas County Zoning Regulations for the Unincorporated Territory of Douglas County to establish *Agritourism* as a use in the County A (Agriculture) District.

**STAFF PRESENTATION**

Ms. Mary Miller presented item 10.

**PUBLIC HEARING**

Mr. Hank Booth, Lawrence Chamber of Commerce, thanked staff and the committee for their work. He felt like it was a solid document.

Ms. Natalya Lowther, Pinwheel Farms, said she was impressed with how the regulations had been clarified and consolidated. She thought it might be helpful to include a definition or criteria for what a working farm or ranch was. She suggested that an elected board, such as Planning Commission, determine if a use was actually agritourism instead of being determined by one individual. She wondered if regarding the structure and building codes maybe the county could take some of the responsibility with that.

**COMMISSION DISCUSSION**

Commissioner Hird thanked Ms. Lowther for her letter. He said there were some tradeoffs in the document and nobody got entirely everything they wanted in the process. He said one of the major things was that they included in 12-319-7.01b was an addition to the state definition that says '*In order to be considered an agritourism use under these Regulations, the activity must occur on a working farm or ranch or other agricultural land.*' He said that was not a requirement of the state statute and it was not something he was personally in favor of but that there were some members of the committee that felt it should be included. He said all of this was in the agricultural district and he felt it was unnecessary. He gave an example of an agritourism use that was recognized by the state, a bed and breakfast on the edge of the Flint Hills. He said guests can take hikes into the Flint Hills but that the bed and breakfast was not on a working farm or ranch but it was an agritourism use that drew people to the area. He said regarding 12-319-7.03 on Structures and Building Codes the committee was all over the place in discussions. He said some that felt agricultural buildings should be exempt completely. He gave the example of a winery tasting room that was allowed to be built by right without any registration process. He said if it was an agricultural building it did not have to comply with the Code for things such as sprinkler systems, egress, and ingress. He said it was an exempt agricultural building. He said the minute the winery sells a wine glass or t-shirt it becomes ancillary sales that draws the whole thing within the umbrella of Building Codes. He did not feel that made sense that the sale of a wine opener should somehow make the entire use subject to a set of Codes that did not apply if they just sold wine. He said they needed to meet middle ground on it. He said the Maryland statute that staff found had language about exemptions which was okay. He said if they had to comply with Building Code there had to be two ingress and egress doors. He said that many morton buildings only had one side entrance door, one window, and a big sliding door. He said the entrance door would count as ingress and egress but the 15' wide sliding door wouldn't count because it slides instead of opening out and doesn't have panic hardware. He said anyone with that type of building would have to supply a second egress door in order to have kids come in to watch them milk cows. He felt that a sliding barn door should count as an ingress and egress point. He felt they could do some fine tuning of the Building Code. He said a sliding barn door ought to be enough to get people in and out. He referenced the exceptions in 12-319-7.03

Structures and Building Codes that state '*Occupies only levels of the building with two ground-level points of ingress and egress.*' He did not have a problem with that if a barn door was considered one of those doors. He said regarding the exception '*Occupancy does not exceed 50 people at any one time.*' he thought that number was taking out of thin air because that's what was in the Maryland statute. He thought they may want to thoroughly discuss that. He said regarding the exception '*The use does not include overnight stays or the addition of a kitchen.*' it was fine but he thought there could be structures that had catering kitchens that were not full kitchens. He said he would like to see Planning Commission give direction and send back to the committee for one more final look at it.

Commissioner Finkeldei said some of the comments at the Mid-Month meeting were focused on the balancing between encouraging agritourism versus protecting neighbors. He asked if the committee had discussions regarding that.

Commissioner Hird said that was a topic of discussion for well over a year. He said there was currently a sound/nuisance ordinance that would protect neighbors from each other. He said they elected not to add additional requirements since the point of this was to facilitate agritourism.

Commissioner Liese referenced a business named Art's Mexican Products that makes salsa and other foods out of an apartment that qualified as an agritourism use. He wondered how they would protect agritourism from people who would take advantage of it.

Commissioner Hird said if Art's Mexican Products was located in the agricultural district of Douglas County then they would fall under this text amendment. He said the problem with Art's Mexican Products was that it was located on Southwest Boulevard in Kansas City, KS with no connection to agritourism. He said the text amendment would only apply in the agri-district to begin with.

Commissioner Liese inquired about putting agritourism in other districts.

Commissioner Hird said he had not given any thought to doing that.

Ms. Miller said staff did think about that at first but there weren't many other districts where it would apply. She said they decided agriculture seemed like the one district it would fit in.

Commissioner Britton asked Commissioner Hird if he would like Planning Commission to recommend the removal of the extra local definition of agritourism.

Commissioner Hird said that would be his preference.

Commissioner Britton said maybe the reason the local definition was proposed was to prevent someone who had a house on land zoned agricultural from qualifying for this promotion, and to restrict it to folks who were actually using the land for agricultural purposes.

Commissioner Hird said it would need to be tied to a use and fall within the definition.

Commissioner Burger said this was a program that was trying to promote people to use their land in a different way and she did not want to create criteria that would have to be met before they would qualify when they were trying to encourage them to develop something new. She said she would support the elimination of the criteria in 12-319-7.01b.

Commissioner Culver said he would also support eliminating that bullet point b because it may be more prohibitive than promoting of agritourism.

Commissioner Britton asked if the committee discussed conservation as a goal.

Commissioner Hird said they talked about it in the context of keeping people out on the land. He said someone could have the most beautiful spot in Kansas but if they can't use it in such a fashion to make money chances are it would be difficult to stay.

Ms. Miller said they were trying to balance a lot of different things and it depended on how you looked at it. She said when you look at some of the State uses there was someone who had a four wheel drive truck rally who held races on their land. She said it did not help a farm and people weren't really benefiting from the rural experience so that was why they tried to link it to agriculture in some way.

Commissioner Finkeldei said the fundamental question was what they were trying to accomplish with the Text Amendment. He said if they could agree with what they were trying to accomplish with the Text Amendment then the answer becomes easier. He said if their goal was to promote agritourism in Douglas County then they need to take out bullet point b. He said adding bullet point b and adding in some of the things in 703 were all about trying to make that balance a little different. He said it depended where you fell on that spectrum on how much additional regulation you put in there. He said he agreed with Commissioner Hird and would rather have a Code that encourages agritourism but if they discover people abusing it they will have to change the Code.

Commissioner Blaser agreed that a sliding barn door should count as an ingress and egress point.

Commissioner Liese suggested working on the language regarding ingress and egress points.

#### **ACTION TAKEN**

Motioned by Commissioner Liese, seconded by Commissioner Britton, to defer Text Amendment (TA-8-11-11) to consider 12-319-7.03 on Structures and Building Codes, the registration approval process of 12-319-7.01b, and the definition of working farm or ranch

Commissioner Britton said he would like to see subpart b removed but would also like to work in some other control so that locally they could have an opt out.

Mr. McCullough referenced language in 12-319-7.02 that says '*After the use has been registered with the State, a copy of the Agritourism Promotion Act Registration Form shall be provided to the Douglas County Zoning and Codes Office to register the agritourism use with the County.*'

Motion carried 8-0. Student Commissioner Davis voted in the affirmative.

PC Minutes 2/29/12 **DRAFT**

**MISCELLANEOUS NEW OR OLD BUSINESS**

**MISC NO. 1**

Extension request for PP-10-5-09, a revised Preliminary Plat for lots 7,8 and 9 Block Four and Lots 2, 3, and 4, Block Seven as shown on the approved Preliminary Plat for Mercato dated 4/26/06. (MKM)

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**APPLICANT PRESENTATION**

Ms. Jane Eldredge, Barber Emerson, was present for questioning.

**ACTION TAKEN**

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the extension request for Preliminary Plat, PP-10-5-09.

Unanimously approved 8-0. Student Commissioner Davis voted in favor.

Consideration of any other business to come before the Commission.

Mr. McCullough said regarding the Aspen Heights development they accepted a design fully in the public right-of-way with the input of the Home Depot manager that would discourage turns into Home Depot from the North from Aspen Heights.

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**ADJOURN 9:00pm**

**2012**  
**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION**  
**MID-MONTH & REGULAR MEETING DATES**

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 11	Industrial Districts TA		Jan 23	Jan 25
Feb 8	Agritourism		Feb 27	Feb 29
Mar 14	Northeast Sector Plan		Mar 26	Mar 28
Apr 11			Apr 23	Apr 25
May 9	APA Conference follow-up		May 21	May 23
Jun 13 or 15	PC Training – all day Friday?		Jun 25	Jun 27
Jul 11 or 13	PC Training – all day Friday?		Jul 23	Jul 25
Aug 8			Aug 20	Aug 22
Sep 12			Sep 24	Sep 26
Oct 10			Oct 22	Oct 24
---			Nov 12	Nov 14
---			Dec 10	Dec 12
	<b>Suggested topics for future meetings:</b> <i>How City/County Depts interact on planning issues</i> <i>Stormwater Stds Update – Stream Setbacks</i> <i>Overview of different Advisory Groups – potential overlap on planning issues</i> <i>Open Space Acquisition/Funding Mechanisms – what do other states do?</i> <i>Library Expansion Update</i> <i>Joint meeting with other Cities’ Planning Commissions</i> <i>Joint meeting with other Cities and Townships – UGA potential revisions</i>		<i>Presentation from KC-metro Planning Directors</i> <i>Tour City/County Facilities</i> <i>2010 Census Data</i> <i>Oread Overlay Districts</i> <i>KDOT 5-County Regional Transportation Study</i> <i>US40/K-10 Area Transportation Plan</i> <i>Water/Wastewater Master Plan Update</i>	
<b>Meeting Locations</b>	The Planning Commission meetings are held in the City Commission meeting room on the 1 <sup>st</sup> floor of City Hall, 6 <sup>th</sup> & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services   Lawrence-Douglas County Planning Division   785-832-3150   <a href="http://www.lawrenceks.org/pds">www.lawrenceks.org/pds</a>				

Revised 1/24/12

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** Planning Commission

**FROM:** Mary Miller, Planning Staff

**CC:** Scott McCullough, Planning and Development Services Director  
Sheila Stogsdill, Assistant Planning Director

**Date:** For March 26, 2012 meeting

**RE:** Agenda Item No. 1: FDP-1-1-12: Final Development Plan for Bauer Farm Phase 7; Theatre Lawrence; 4700 Bauer Farm Dr.

Following the posting of the Planning Commission packet online, the Planning Office received public comment regarding the lack of screening for the eastern perimeter of the parking lot for the Bauer Farm FDP from the residential development proposed to the east. The approved Preliminary Development Plan included trees and shrubs while the Final Development Plan proposes only trees in this area. Planning also identified an access issue with the sidewalk on the east side of the detention pond. These two items are discussed separately in the following memo.

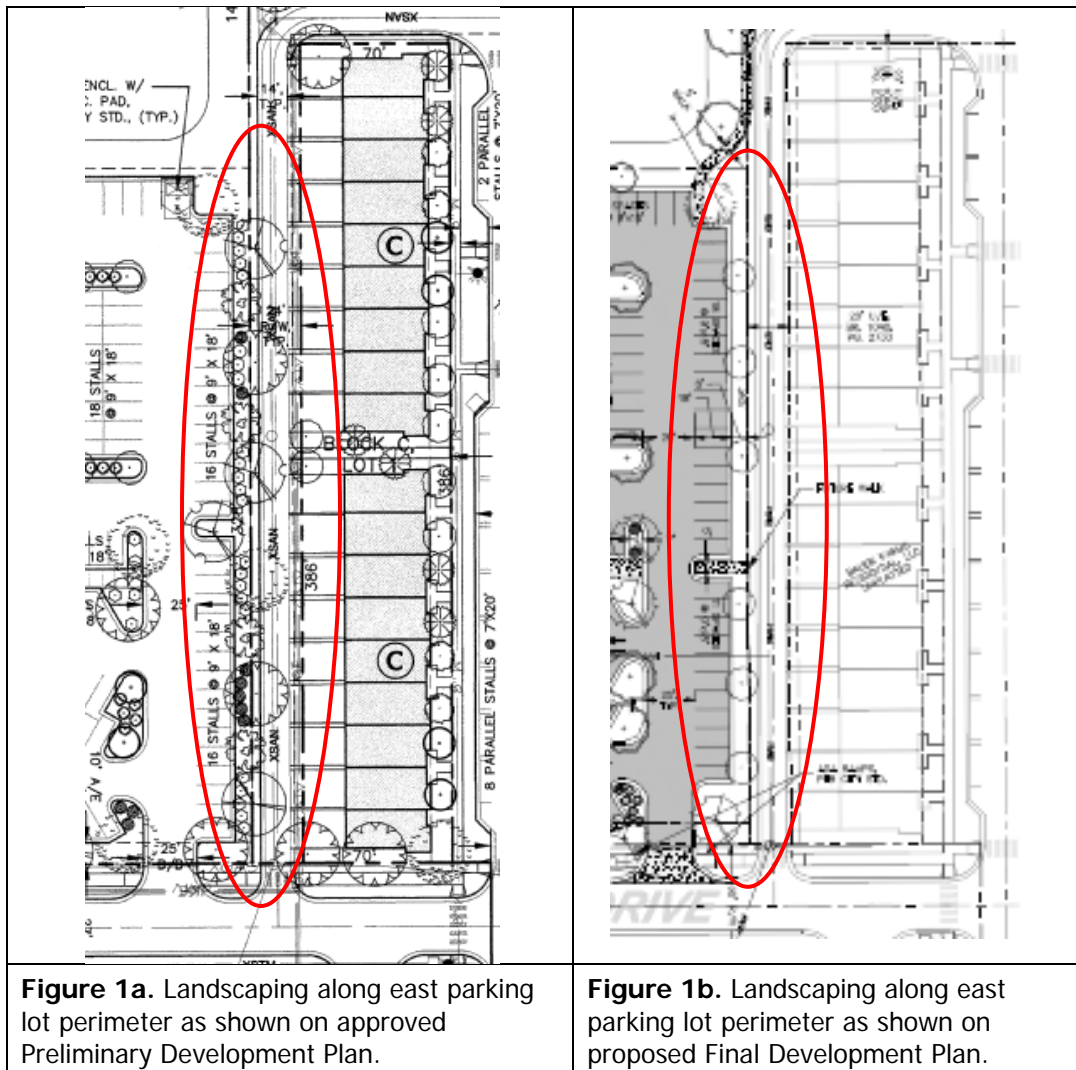
#### PARKING LOT SCREENING

As noted in the staff report, the Final Development Plan is to be consistent with the approved Preliminary Development Plan. Staff overlooked the landscaping which was approved with the Preliminary Development Plan on the east side of the parking lot when reviewing this Final Development Plan. While a revision in the landscaping, such as the removal of shrubs, would be considered a change that the Planning Commission could approve this was not identified in the staff report as a change from the preliminary plan.

The applicant indicated that the property owner would prefer to not install the landscaping at this time, due to the fact that the property to the east has not yet developed and that fencing may be installed along the alley on the residential side which would shield the residences from the parking lot lighting. While this is possible, it is not shown on the approved Preliminary Development Plan and the standard is meant to screen the impacts of the subject development regardless of the development proposed to the east. Staff understands the theater's need to keep construction costs low, but one of the principal planning concepts is insuring compatibility between uses by minimizing negative impacts.

The headlights from the parking lot could negatively impact the residential properties to the east; therefore, staff recommends that the conditions of approval be revised to include a condition that the landscaping plan be revised to include landscaping on the east side of the parking lot as shown on the previously approved Preliminary Development Plan. A

comparison of the screening on the approved Preliminary Development Plan and the proposed Final Development Plan is provided in Figure 1.



#### PEDESTRIAN WALKWAY EAST OF DETENTION POND

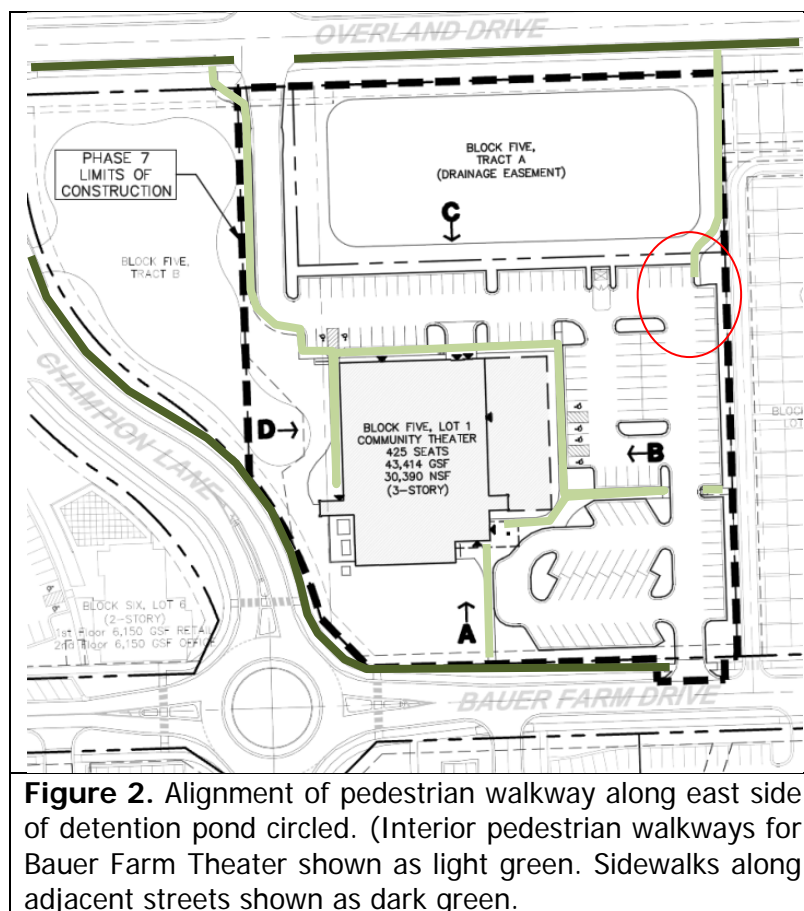
The applicant provided a revised development plan which included a pedestrian walkway on the east side of the detention pond; however, the walkway leads into a parking space and would not function well for pedestrians, particularly the disabled. This walkway should be relocated and/or reconfigured to provide an unobstructed pedestrian access into the parking area. (Figure 2)

#### REVISED RECOMMENDATIONS

Staff recommends the Planning Commission approve the Final Development Plan subject to the following revised conditions of approval (new text is in **bold**).

1. A revised photometric plan and cut sheets for the lighting fixtures shall be provided and approved prior to release of the plan for building permits.
2. The final plat for the subject property, Bauer Farm Addition No 5, shall be recorded with the Register of Deeds, prior to the recordation or release of the Final Development Plan.

3. Submission of revised Final Development Plan with the following changes:
- a. Addition of a note indicating that the property owner will provide the future walk from the main entry area to the development to the east when development occurs on the property to the east.
  - b. The word 'future' removed from the label for the western sidewalk to Overland Drive. Both sidewalks connecting to Overland Drive, the sidewalk west of the drive to Overland Drive and the sidewalk to the east of the detention pond shall be provided when the building is constructed.
  - c. Note the amount of bicycle parking that is required (14 spaces) and that which is provided (16).
  - d. The final orientation/location of the dumpster is contingent upon approval of the City Solid Waste Division.
  - e. **The landscaping plan shall be revised to include screening landscaping as shown on the most recently approved Preliminary Development Plan, PDP-12-4-19.**
  - f. **The pedestrian walkway along the east side of the detention pond shall be relocated and/or reconfigured to provide an unobstructed pedestrian access into the parking area.**





**PLANNING COMMISSION REPORT  
Non-Public Hearing Item**

PC Staff Report  
03/26/12

**ITEM NO. 1      FINAL DEVELOPMENT PLAN FOR BAUER FARM PHASE 7; THEATRE  
LAWRENCE; 4700 BAUER FARM DR (MKM)**

**FDP-1-1-12:** Consider a Final Development Plan for Bauer Farm Phase 7, for Theatre Lawrence, approximately 34.59 acres located at 4700 Bauer Farm Drive. Submitted by Treanor Architects, for Theatre Lawrence, Inc., property owner of record.

**STAFF RECOMMENDATION:** Planning staff recommends approval of the Final Development Plan based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

1. A revised photometric plan and cut sheets for the lighting fixtures shall be provided and approved prior to release of the plan for building permits.
2. The final plat for the subject property, Bauer Farm Addition No 5, shall be recorded with the Register of Deeds, prior to the recordation or release of the Final Development Plan.
3. Submission of revised Final Development Plan with the following changes:
  - a. Addition of a note indicating that the property owner will provide the future walk from the main entry area to the development to the east when development occurs on the property to the east.
  - b. The word 'future' removed from the label for the western sidewalk to Overland Drive. Both sidewalks connecting to Overland Drive, the sidewalk west of the drive to Overland Drive and the sidewalk to the east of the detention pond shall be provided when the building is constructed.
  - c. Note the amount of bicycle parking that is required (14 spaces) and that which is provided (16).
  - d. The final orientation/location of the dumpster is contingent upon approval of the City Solid Waste Division.

**Reason for Request:** The Final Development Plan serves as a site plan for the development of a community theater in a portion of the Bauer Farm Planned Commercial Development.

**Attachments:**

- Proposed Final Development Plan
- Development History Summary

**Design Standards to Consider**

- Consistency with approved Preliminary Development Plan, PDP-12-4-10.
- Consistency with Article 10 of the 1966 Zoning Code.

**KEY POINTS:**

- Final Development Plans for projects with preliminary approvals prior to the adoption of the 2006 Development Code require Planning Commission approval.

- A revised Preliminary Development Plan for Bauer Farms PCD [PDP-12-4-10] which modified the commercial portion of the development to reconfigure two lots on W 6<sup>th</sup> Street was administratively approved by the Planning Director on October 22, 2009.
- The proposed development is in substantial conformance with the approved Preliminary Development Plan.

### **ASSOCIATED CASES/OTHER ACTION REQUIRED**

- Refer to attachment for case history.

### **PUBLIC COMMENT**

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

### **PLANS AND STUDIES REQUIRED**

- *Traffic Study* – Study provided and accepted with preliminary development plan.
- *Downstream Sanitary Sewer Analysis* - Provided and accepted with preliminary development plan.
- *Drainage Study* – Provided and accepted with preliminary development plan.
- *Retail Market Study* – Not applicable to application.

### **GENERAL INFORMATION**

Current Zoning and Land Use:

PCD-Bauer Farm (Planned Commercial Development) District. Property is currently undeveloped but does contain a stormwater detention pond.

Surrounding Zoning:

To the west and south:

PCD-Bauer Farm (Planned Commercial Development) District. A *Fast Order Food* restaurant to the south, and a detention pond to the west.

To the north:

PCD-Bauer Farm (Planned Commercial Development) District; detention pond and GPI (General Public and Institutional Uses) District north of Overland Drive; *School*, Free State High School and *Participant Sports & Recreation, Indoor*, Lawrence Indoor Aquatic Center.

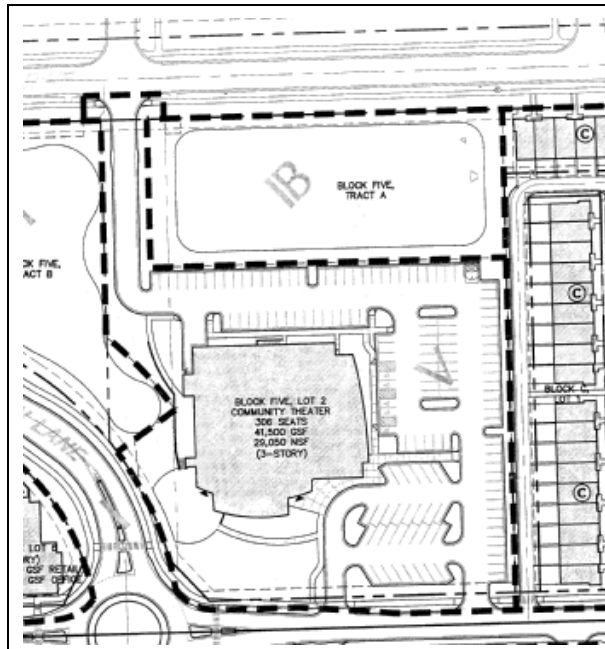
To the east:

PRD-Bauer Farm (Planned Residential Development) District; preliminary development plans approved for residential development to the east; the majority of the property is undeveloped but a *Multi Dwelling Structure*, an independent living facility, is located in the northeast corner of the Bauer Farm development.

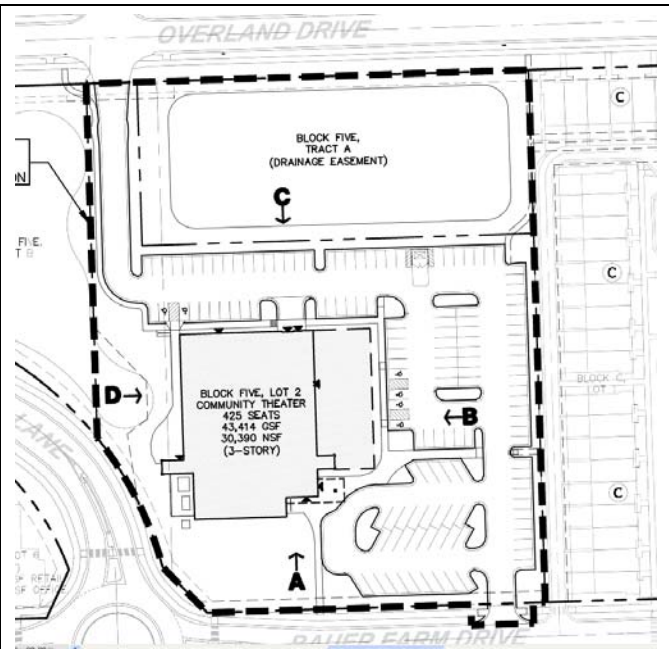
### **STAFF SUMMARY**

This Final Development Plan proposes the development of a 43,414 sq ft community theater which is classified as a *Spectator Sport/Entertainment, limited* use in the Development Code Permitted Use Table. The theater lot will have access on Bauer Farm Drive and Overland Drive. The proposed Final Development Plan conforms with the most recently approved Preliminary Development Plan, approved February 2011, with the exception of slight variations to the

theatre building design and pedestrian walkways to the southwest of the building. (Figure 1) The walkways in the southwest corner of the lot have been removed and the theater is being proposed to be built in two phases. The total square footage of the theater has been increased slightly from 41,500 sq ft approved on the Preliminary Development Plan to the 43,414 sq ft shown on the final plan. The changes being proposed meet the criteria for 'substantial compliance' with the previously approved preliminary development plan outlined in Section 20-1013(b) of the pre-2006 Code; therefore, a public hearing is not required for this Final Development Plan.



**Figure 1A.** Development as shown on PDP-12-4-10



**Figure 1B.** Development as shown on subject FDP (FDP-1-1-12)

In addition to the theater lot, Lot 1, Block Five, a tract with a detention pond is included in the development plan. The detention pond was constructed earlier to accommodate other development but is included in this phase of the project.

### Site Summary

### Area (sq ft)/% of site

Lot 1, Block Five, Bauer Farm Fifth Plat .....	128,134(100%)
Building Footprint.....	25,084 (20%)
Proposed Pavement.....	64,463 (50%)
Total Impervious .....	89,547 (70%)
Total Pervious .....	38,552 (30%)
Tract A, Block Five, Bauer Farm Fifth Plat .....	50,341(100%)
Proposed Impervious.....	453 ( 1%)
Proposed Pervious .....	49,888 (99%)

<b>Parking Summary</b>	<i>Entertainment and Spectator Sports, Ltd.</i>
Parking Requirements .....	1 space per 4 seats 425 seats=107 spaces
Proposed Parking .....	139 spaces
ADA Parking Required .....	5 (4 auto and 1 van accessible)
ADA Parking Proposed .....	6 (all van accessible)
Bicycle Parking Required .....	1 per 10 auto spaces= 14 spaces
Bicycle Parking Provided .....	16 spaces

The proposed parking exceeds the minimum requirement of the development but is consistent with previous Preliminary Development Plan approval. The bicycle parking is compliant with the Code, but the number of spaces required and provided should be noted in the parking summary on the plan.

### **STAFF REVIEW**

The Bauer Farm Development was proposed and planned as a New Urbanism type of development which would utilize several Traditional Neighborhood Design concepts. The waivers which were approved by the Planning Commission were necessary to accommodate these TND concepts such as smaller lots, narrower rights-of-way, and reduced peripheral setbacks. Several Development Plans have been approved for both the commercial and residential portions of the development. A plat has recently been approved for this property but has not yet been recorded with the Register of Deeds. The approval of the Final Development Plan is contingent upon the recording of the final plat.

### **Variation from Approved Preliminary Development Plan [PDP-12-04-10]**

The items on the Final Development Plan which vary from the approved Preliminary Development Plan include the following:

- 1) Increase of the overall building size from 41,500 sq ft to 43,414 sq ft.
- 2) Total off-street parking has been revised from '102 required and 143 provided' to '107 required and 139 provided'.

The Planning Commission is responsible for the final decision-making of a Final Development Plan) of the pre-2006 Code. The proposed changes do not alter the density or intensity of the use, increase the total floor area, or increase the building coverage or building height as specified by the limitation of changes per section 20-1013 (b); therefore, a public hearing is not required.

### **Common Open Space**

A minimum of 20% of the area in the Planned Development is required to be placed into Common Open Space. Common open space within the commercial development typically occurs as peripheral yards and interior open space. The figures indicate that open space provided for the development exceeds this requirement for this phase.

### **Access and Circulation**

Vehicular access to this site is provided from Bauer Farm Drive and Overland Drive. While the spacing of the drive on Overland Drive from Champion Drive is not consistent with the current City Access Management Standards it is compliant with that approved on the Preliminary

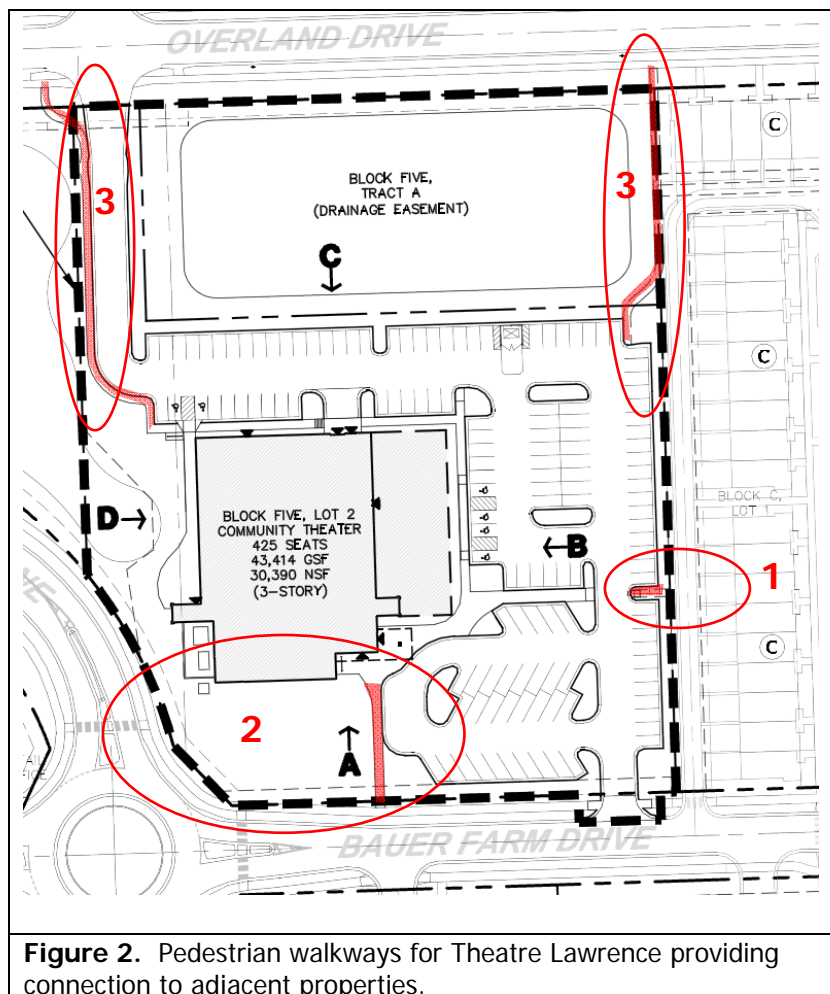
Development Plan. Adequate bicycle parking is being provided and is being located near the main entrance on both the ground floor and the basement.

### Pedestrian Connectivity

Internal pedestrian walkways are provided throughout the development. The following discussion pertains to pedestrians walkways identified in Figure 2. The applicant indicated that a future connection to the east directly in-line with the main entry has been planned for and requested that the requirement to provide this connection to the development to the east be deferred until that area has had a final development plan approved to ensure the appropriate location of the walkways. A note should be added on the plan indicating that the property owner will provide a pedestrian connection from the main entry area to the development to the east when development occurs on this property. (Area '1', Figure 2)

As noted earlier, the pedestrian connection in the southwest corner to Champion Lane has been removed. The applicant indicated that the outdoor plaza area had been revised to reflect the current floor plan of the theatre as well as the site grading. Due to the mechanical yard at the southwest corner of the building access to this area is not desired. Adequate pedestrian connection is provided south of the theater to Bauer Farm Drive. (Area '2', Figure 2)

A pedestrian walkway is included on the west side of the entrance drive from Overland Drive. Staff had recommended an additional walkway on the east side of the detention basin to accommodate visitors from the east. The applicant requested that this sidewalk be deferred until future development has occurred to the east. The independent living facility located in the northeast corner of the Bauer Farm Residential Development contains a number of residents who may be interested in visiting the theater. As Bauer Farm Drive has not yet been connected east to west, their only option will be to travel along Overland Drive. Staff recommends that the eastern sidewalk be installed with this development, in addition to the sidewalk parallel to the drive to Overland Drive, to accommodate the expected pedestrian traffic to this community facility. (Areas '3', Figure 2)



## Lighting

A point by point photometric plan was provided for the parking lot lighting being proposed with this development. The lighting levels were compliant with the standards in Section 20-1103(d)(3) with the exception of the lighting levels in the southeast corner of the property. A revised photometric plan and cut sheets for the lighting fixtures should be provided and approved prior to release of the plan for building permits.

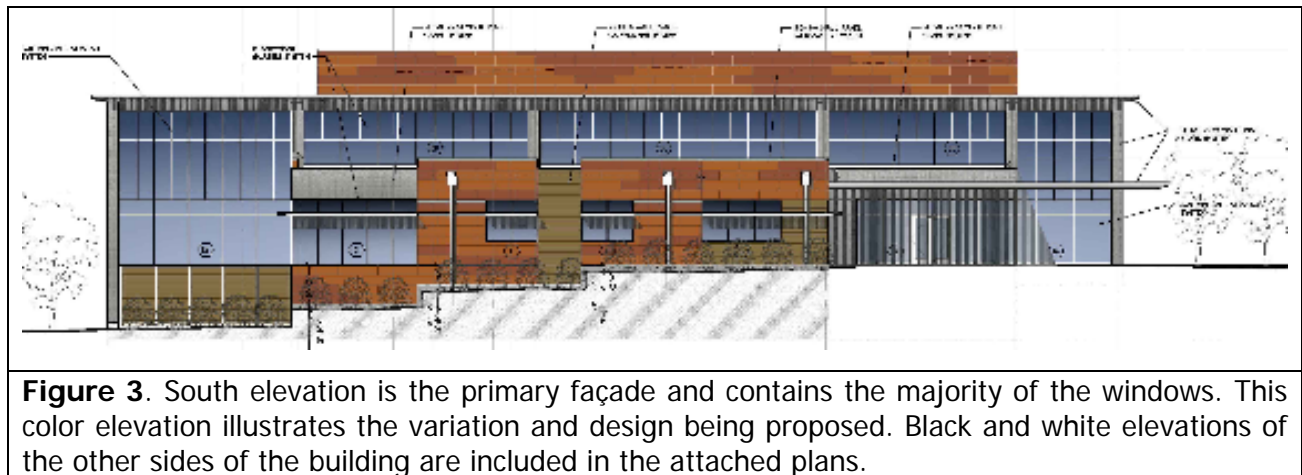
## Commercial Design Standards

As the overall design of the site was approved with the Preliminary Development Plan, the changes being proposed to the site and the building façade were reviewed with the Commercial Design Standards included as Section Two of the Community Design Manual. The site provides for good pedestrian and vehicular access. The loss of the public area to the southwest of the building was a concern, but the applicant explained that this was due to revisions to the interior of the building. As mechanical equipment has been relocated to the southwest area it is not suitable as a public area. A patio on the west of the building has been provided as public open space.

The proposed façade is compliant with the Commercial Design Standards. The building façade contains both vertical and horizontal variation and a mix of materials are being used. (Figure 3) Due to the theater use of the building, windows on all sides would not be appropriate. Windows are provided in various locations and other architectural features provide the remainder of the visual variety.

## Conclusion

The proposed development is consistent with the planned development for this area and is compliant with the provisions of the Development Code and the Commercial Design Standards.



**Zoning Summary**

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**(COMMERCIAL--West portion of project)**

- **Z-3-14-95;** A to PCD-2; 22.254 acres Bauer Property
- **Z-4-15-99;** A to PCD-2; 30.57 ac.; Bauer property
- **Z-6-19-03;** 18.93 acres; A to PCD-2; Ord. 7756 [original request]. Includes list of restricted uses.
- **Z-6-07-07;** PCD-2 to PCD-2; 31 acres; Ord. 8359

**(OFFICE--Southeast portion of project)**

- **Z-3-16-05;** 2.59 acres, PRD-2 to POD-1 [southeast portion of project; unpublished].  
On October 24, 2005, the Planning Commission on a 5-4 vote recommended an approval of the above rezoning, subject to conditions. The zoning ordinance has not yet been published.

**(RESIDENTIAL--East portion of project)**

- **Z-6-20-03;** 25.214 acres, A to PRD-2; Ord. 7757
- **Z-6-08-07;** 16.53 acres PRD-2 to PRD-3; CC approved on 8/28/11 subject to conditions. [The rezoning ordinance will be placed on City Commission agenda shortly for adoption as all conditions have been met, with the exception of the requirement to plat due to changes in Planning Office policies.].

**Preliminary Development Plans    (Serve as a preliminary plat as well as preliminary development plan)**

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- **PDP-03-02-05 (PCD);** Bauer Farms – Phase 1 CC 3.4.08 (revision 1.18.08) note: document also functions as preliminary plat. Original Approval of Phase I commercial approved by CC on 3/4/08
- **PDP-06-01-09 (PRD);** Bauer Farms – Revised Phase 3 ( tunnel car wash amended Block 6, Lots 1 & 2) Approved by City Commission on September 8, 2009
- **PDP-01-01-10 (PRD);** Bauer Farms – Revised Phase 2 Harvest Development – Retirement 4430 Bauer Farm Dr. Approved by City Commission on April 6, 2010
- **PDP-12-04-10 (PCD);** Bauer Farms – Revision to Phase 1C (Burger King and Adjacent lot reconfigured drive-thru orientation and changes lot sizes). City Commission approved on February 15, 2010.

**Final Plats**

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- **PF-05-04-08;** Final Plat Bauer Farms First Plat; (Portion of PCD Tracts A & B; 4851, 4841, 4801, 4741, 4721, 4701 and 4651 Bauer Farm Drive). City Commission accepted dedications on August 5, 2008.
- **PF-09-07-09;** Bauer Farm Third Plat (Portion of PCD – carwash 4850 Bauer Farm Drive). City Commission accepted dedications on December 1, 2009.
- **PF-04-03-10;** Bauer Farm 4<sup>th</sup> Plat (1 lot PRD portion – retirement housing; 4430 Bauer Farm Drive). City Commission accepted dedications on July 6, 2010.
- **MS-12-10-10;** Champion Addition (two lots east of Champion Lane 4671 and 4661 Bauer Farm Drive); Administratively approved February 15, 2011

**Final Development Plans**

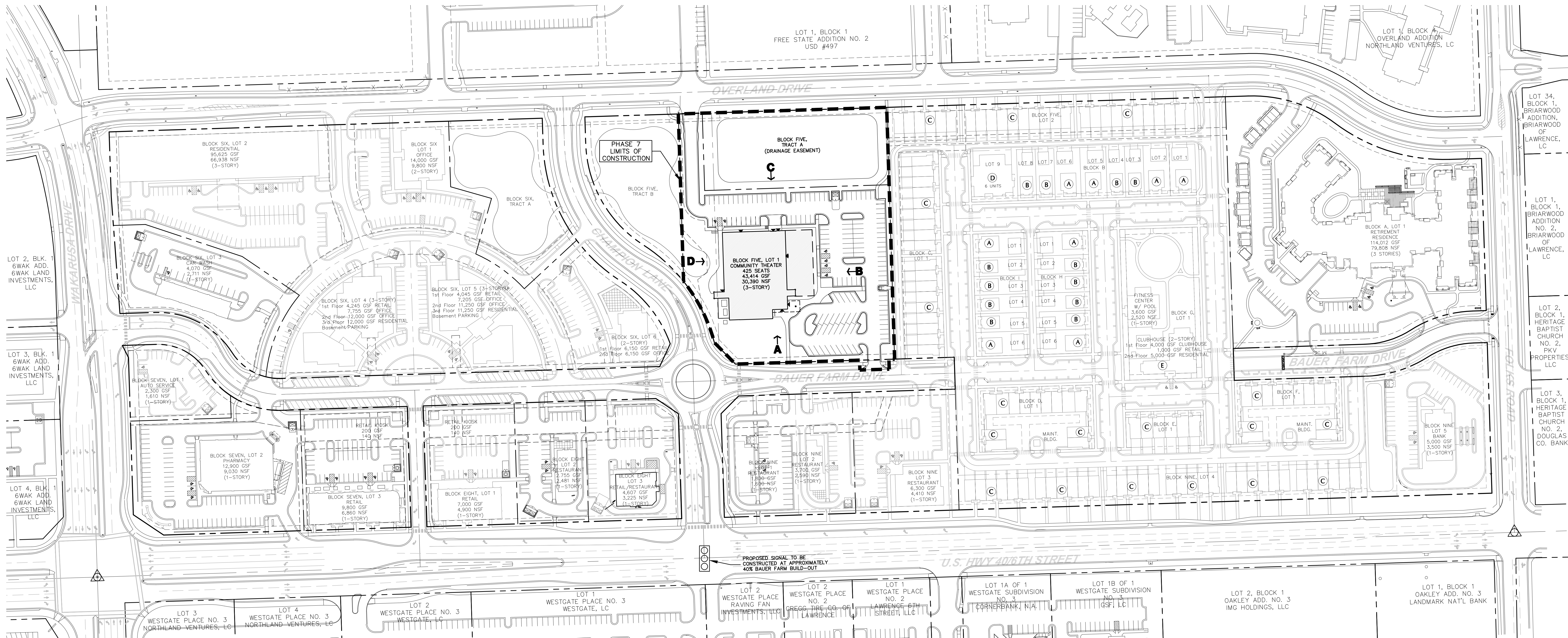
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- **FPD-05-07-08 (PCD);** Bauer Farms – Phase 1 (CVS, Taco Bell, Spec Building) PC on 7/21/08 recorded 10/20/08.
- **FDP-09-08-09 (PCD);** Bauer Farms – Phase 3 (carwash lot only) 4850 Bauer Farm Dr. Minor changes approved 12/08/09, Recorded February 16, 2010.
- **FDP-01-01-10 (PCD);** Bauer Farms – Revised Phase 1 (Smash Burger includes: CVS, Taco Bell, Spec Building) Admin: (Portion of PCD Tracts A & B; 4851, 4841, 4801, 4741, 4721, 4701 and 4651 Bauer Farm Dr.); minor change. Recorded February 3, 2010
- **FDP-04-06-10 (PRD);** Bauer Farms – Phase 2 (Harvest Development – Retirement) Recorded September 3, 2010
- **FDP-05-02-11 (PCD);** Bauer Farms – Phase 1C (Burger King lot only). Approved by Planning Commission on June 20, 2011



# BAUER FARM

## PHASE 7



### COMMERCIAL (PCD) BUILDING INFORMATION & PARKING SUMMARY

BLOCK, LOT	BUILDING AREA (SF)	LOT AREA (SF)	GROSS FLOOR AREA (SF)	NET FLOOR AREA (SF)	PARKING RATIO	PARKING REQUIRED	PARKING PROVIDED	ADA PARKING REQUIRED	ADA PARKING PROVIDED
BLOCK FIVE, LOT 1	25,084	128,099	43,414 (425 SEATS)	N/A	1 SP. / 4 SEATS	107	139	5	6
BLOCK SIX, LOT 1	7,000	50,981	14,000	9,800	1 SP. / 200 N.S.F.	49	53	3	3
BLOCK SIX, LOT 2	31,875	104,636	95,625 RESIDENTIAL (84 2-BR UNITS)	N/A	1.5 SP. / 2-BR UNIT	126	148*	5	5
BLOCK SIX, LOT 3	4,070	51,961	4,070 RETAIL	2,711	1 SP. / 500 N.S.F.	6	13	1	1
BLOCK SIX, LOT 4	12,000	53,359	4,245 RETAIL	2,392	1 SP. / 200 N.S.F.	104	71**	3	3
			19,755 OFFICE	13,829	1 SP. / 200 N.S.F.				
			12,000 RESIDENTIAL (13 2-BR UNITS)	N/A	1.5 SP. / 2-BR UNIT				
			4,045 RETAIL	2,832	1 SP. / 200 N.S.F.				
BLOCK SIX, LOT 5	11,250	53,397	18,455 OFFICE	12,919	1 SP. / 200 N.S.F.	99	72**	3	3
			11,250 RESIDENTIAL (13 2-BR UNITS)	N/A	1.5 SP. / 2-BR UNIT				
			6,150 RETAIL	4,305	1 SP. / 200 N.S.F.				
			6,150 OFFICE	4,305	1 SP. / 200 N.S.F.				
BLOCK SEVEN, LOT 1	2,300	22,135	2,300	1,610	1 SP. / 200 N.S.F.	9	15	1	1
BLOCK SEVEN, LOT 2	12,900	70,200	12,900	9,030	1 SP. / 200 N.S.F.	46	70	3	3
BLOCK SEVEN, LOT 3	10,000	45,622	10,000	7,417	1 SP. / 200 N.S.F.	38	54	3	3
BLOCK EIGHT, LOT 1	7,200	38,735	7,200	5,040	1 SP. / 200 N.S.F.	26	43	2	2
BLOCK EIGHT, LOT 2	2,755	30,191	2,755	2,481	1 SP. / 200 N.S.F.	13	24	2	2
BLOCK EIGHT, LOT 3	4,607	39,074	4,607	3,225	1 SP. / 200 N.S.F.	17	45	2	2
BLOCK NINE, LOT 1	1,800	24,877	1,800	1,260	1 SP. / 200 N.S.F.	7	11	1	1
BLOCK NINE, LOT 2	3,700	30,618	3,700	2,590	1 SP. / 200 N.S.F.	13	35	2	2
BLOCK NINE, LOT 3	6,300	44,038	6,300	4,410	1 SP. / 200 N.S.F.	23	63	3	3
MISC. ON-STREET PARKING	N/A	N/A	N/A	N/A	N/A	61	N/A	3	3
TOTAL		827,080	290,721			727	945	41	45
TOTAL COMMERCIAL/RETAIL			70,072						
TOTAL OFFICE/BANK			58,360						
TOTAL CIVIC/CULTURAL			43,414						
TOTAL RESIDENTIAL			118,875 (110 2-BR UNITS)						

\* INCLUDES 64 UNDERGROUND STALLS  
\*\* INCLUDES 26 UNDERGROUND STALLS

#### PCD RESIDENTIAL DENSITY, PER SECTION 20-100B(A):

GROSS PCD ACREAGE	COMMERCIAL BLDG. AREA, R/W, TRACTS & D/E	NET RESIDENTIAL ACREAGE	TOTAL DWELLING UNITS	DWELLING UNIT DENSITY
25.89	9.22 AC	16.67	110	6.60

### RESIDENTIAL (PRD) BUILDING INFORMATION & PARKING SUMMARY

BUILDING TYPE	TOTAL UNITS	1 BEDROOM	2 BEDROOM	3 BEDROOM	PARKING RATIO	PARKING REQUIRED	PARKING PROVIDED
"A" CUSTOM HOME	8		N/A		2 SP. / UNIT		
CARRIAGE HOUSE	8	8	0	0	1.5 SP. / 1&2 BR UNIT	28	24
"B" STARTER HOME	12		N/A		2 SP. / UNIT	24	24
"C" ROW HOME	110	0	66	44	2 SP. / UNIT	220	220
"D" MANSION HOUSE	6	1	3	2	1.5 SP. / 1 BR UNIT	13	12 (TANDEM)
					1.5 SP. / 2 BR UNIT		
"E" CLUBHOUSE (4,000 GSF/2,800 NSF)	N/A		N/A		N/A	10	0
					1 SP. / 200 NSF		
RETAIL (1,000 GSF/700 NSF)	N/A				1 SP. / 200 NSF		
RESIDENTIAL (5,000 GSF)	4	0	4	0	1.5 SP. / 2 BR UNIT	N/A	0
FITNESS CENTER (3,600 GSF/2,520 NSF)	N/A		N/A		N/A	N/A	0
RETIREMENT RESIDENCE	124	106	18	0	1.5 SP. / 1&2 BR UNIT	186	77
MISC. ON-STREET PARKING	N/A		N/A		N/A	N/A	104
TOTAL	272					343	461

#### PRD RESIDENTIAL DENSITY, PER SECTION 20-100T(A):

GROSS PRD ACREAGE	COMMERCIAL BLDG. AREA, R/W, TRACTS & D/E	NET RESIDENTIAL ACREAGE	TOTAL DWELLING UNITS	DWELLING UNIT DENSITY
16.44	5.36	11.08	272	24.55

#### PRD COMMON OPEN SPACE, PER SECTION 20-100B(O):

GROSS PRD ACREAGE	R/W & OFF-STREET PKG.	NET RESIDENTIAL USE ACREAGE	REQUIRED OPEN SPACE ACREAGE (20% OF NET)	PROVIDED OPEN SPACE ACREAGE
16.44	7.23	9.21	1.84	3.30

### OFFICE (POD) BUILDING INFORMATION & PARKING SUMMARY

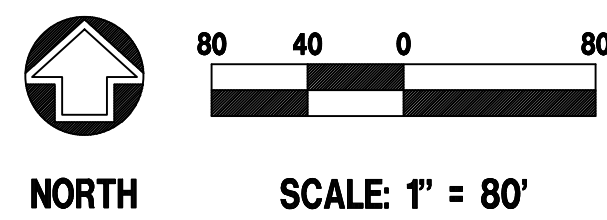
BLOCK, LOT	BUILDING AREA (SF)	LOT AREA (SF)	GROSS FLOOR AREA (SF)	NET FLOOR AREA (SF)	PARKING RATIO	PARKING REQUIRED	PARKING PROVIDED	PARKING PROVIDED
BLOCK NINE, LOT 5	5,000	59,988	5,000	3,500	1 SP. / 200 N.S.F.	18	42	2

### GENERAL NOTES

- Owner: Theatre Lawrence  
1501 New Hampshire Street  
Lawrence, KS 66044
- Land Planner: Treanor Architects  
110 McDonald Drive  
Suite 192  
Lawrence, KS 66044  
Landplan Engineering, P.A.  
1310 Wakarusa Drive  
Lawrence, KS 66049
- Engineer/Surveyor: Landplan Engineering, P.A.  
1310 Wakarusa Drive  
Lawrence, KS 66049
- Existing Land Use: Undeveloped
- Proposed Land Use: Entertainment and Spectator Sports, Limited/Theater
- Existing Zoning: PCD [Bauer Farm] District
- Proposed Zoning: PCD [Bauer Farm] District

### LEGAL DESCRIPTION

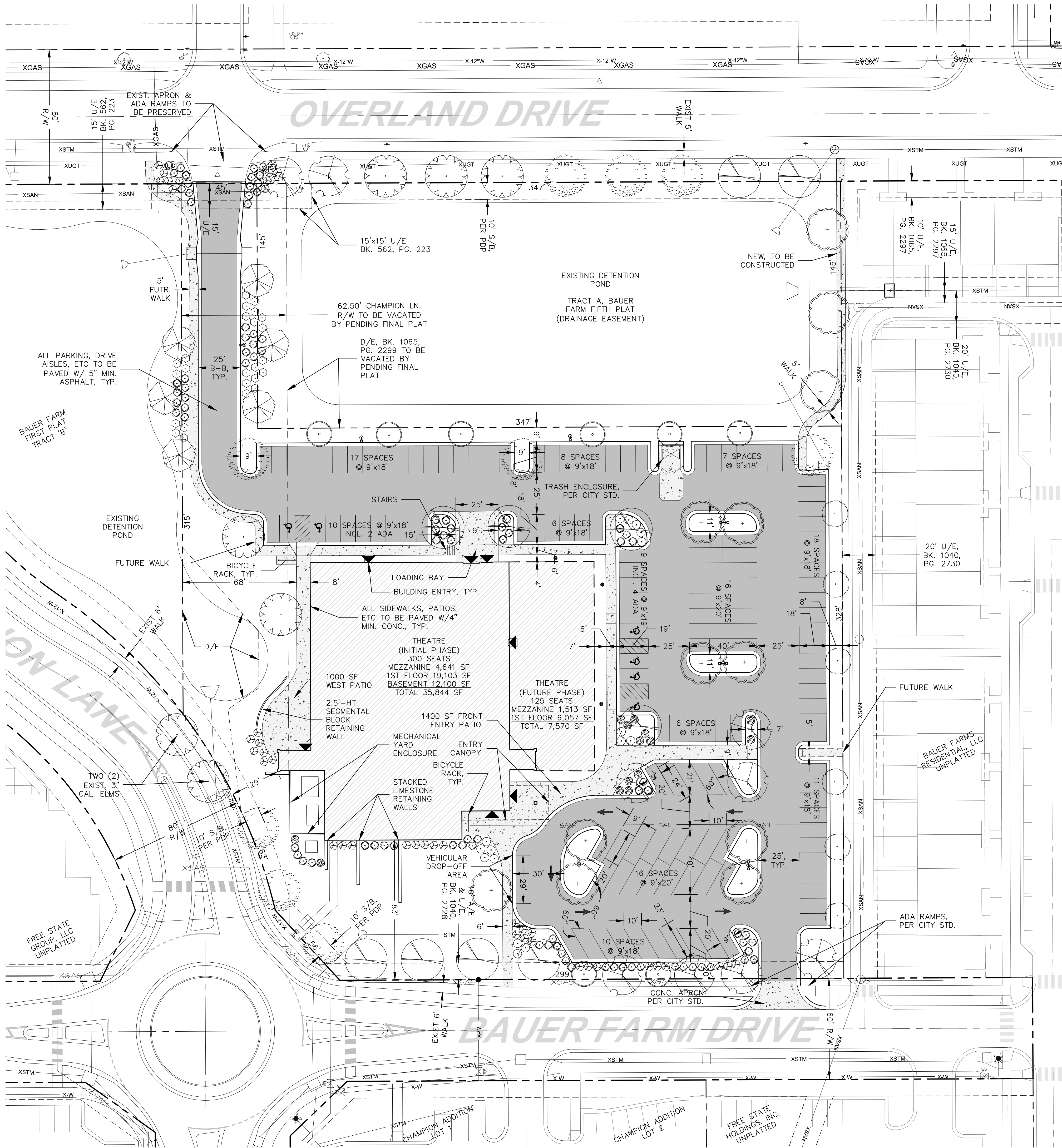
LOT 1 AND TRACT "A" BASED ON THE [PENDING] FINAL PLAT OF BAUER FARM FIFTH PLAT, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.



THIS DOCUMENT IS FOR  
PLANNING PURPOSES ONLY—NOT  
FOR CONSTRUCTION

A Final Development Plan for  
**BAUER FARM – Phase 7**  
Lawrence, Kansas





## SITE SUMMARY

GROSS AREA: 1,911,476 S.F. / 43.88 ACRES  
R/W AREA: 404,739 S.F. / 9.29 ACRES  
NET AREA: 1,506,687 S.F. / 34.59 ACRES

EXISTING		PROPOSED		
PCD/BLOCK FIVE, TRACT A		BLOCK FIVE, TRACT A		
Existing Buildings	0	Proposed Buildings	0 (0%)	
Existing Pavement	0	Proposed Pavement	453 (1%)	
Existing Impervious	0	Proposed Impervious	Subtotal	0
Existing Permeous	50,341	Proposed Permeous	49,888 (99%)	
Property Area	50,341	Proposed Permeous	50,341	
PCD/BLOCK FIVE, TRACT B		BLOCK FIVE, TRACT B		
Existing Buildings	0	Proposed Buildings	0 (0%)	
Existing Pavement	0	Proposed Pavement	0 (0%)	
Existing Impervious	0	Proposed Impervious	Subtotal	0
Existing Permeous	39,107	Proposed Permeous	39,107 (100%)	
Property Area	39,107	Proposed Permeous	39,107	
PCD/BLOCK FIVE, LOT 1		BLOCK FIVE, LOT 1		
Existing Buildings	0	Proposed Buildings	75,884 (20%)	
Existing Pavement	0	Proposed Pavement	64,463 (16%)	
Existing Impervious	0	Proposed Impervious	Subtotal	89,547
Existing Permeous	128,099	Proposed Permeous	36,552 (30%)	
Property Area	128,099	Proposed Permeous	128,099	
PCD/BLOCK SIX, TRACT A		BLOCK SIX, TRACT A		
Existing Buildings	0	Proposed Buildings	0 (0%)	
Existing Pavement	0	Proposed Pavement	4,589 (10%)	
Existing Impervious	0	Proposed Impervious	Subtotal	4,589
Existing Permeous	46,562	Proposed Permeous	41,913 (90%)	
Property Area	46,562	Proposed Permeous	46,562	
PCD/BLOCK SIX, LOT 1		BLOCK SIX, LOT 1		
Existing Buildings	0	Proposed Buildings	7,000 (13%)	
Existing Pavement	0	Proposed Pavement	29,329 (58%)	
Existing Impervious	0	Proposed Impervious	Subtotal	36,329
Existing Permeous	50,861	Proposed Permeous	14,652 (29%)	
Property Area	50,861	Proposed Permeous	50,861	
PCD/BLOCK SIX, LOT 2		BLOCK SIX, LOT 2		
Existing Buildings	0	Proposed Buildings	31,875 (30%)	
Existing Pavement	0	Proposed Pavement	44,766 (43%)	
Existing Impervious	0	Proposed Impervious	Subtotal	76,641
Existing Permeous	104,636	Proposed Permeous	27,995 (27%)	
Property Area	104,636	Proposed Permeous	104,636	
PCD/BLOCK SIX, LOT 3		BLOCK SIX, LOT 3		
Existing Buildings	0	Proposed Buildings	4,070 (8%)	
Existing Pavement	0	Proposed Pavement	25,227 (48%)	
Existing Impervious	0	Proposed Impervious	Subtotal	29,297
Existing Permeous	51,961	Proposed Permeous	22,644 (44%)	
Property Area	51,961	Proposed Permeous	51,961	
PCD/BLOCK SIX, LOT 4		BLOCK SIX, LOT 4		
Existing Buildings	0	Proposed Buildings	12,000 (22%)	
Existing Pavement	0	Proposed Pavement	27,480 (52%)	
Existing Impervious	0	Proposed Impervious	Subtotal	39,480
Existing Permeous	53,359	Proposed Permeous	13,879 (26%)	
Property Area	53,359	Proposed Permeous	53,359	
PCD/BLOCK SIX, LOT 5		BLOCK SIX, LOT 5		
Existing Buildings	0	Proposed Buildings	1,200 (2%)	
Existing Pavement	0	Proposed Pavement	29,954 (56%)	
Existing Impervious	0	Proposed Impervious	Subtotal	40,904
Existing Permeous	53,397	Proposed Permeous	12,493 (23%)	
Property Area	53,397	Proposed Permeous	53,397	
PCD/BLOCK SIX, LOT 6		BLOCK SIX, LOT 6		
Existing Buildings	0	Proposed Buildings	6,100 (18%)	
Existing Pavement	0	Proposed Pavement	21,204 (62%)	
Existing Impervious	0	Proposed Impervious	Subtotal	27,304
Existing Permeous	39,157	Proposed Permeous	11,806 (30%)	
Property Area	39,157	Proposed Permeous	39,157	
PCD/BLOCK SEVEN, LOT 1		BLOCK SEVEN, LOT 1		
Existing Buildings	0	Proposed Buildings	2,300 (11%)	
Existing Pavement	0	Proposed Pavement	10,259 (48%)	
Existing Impervious	0	Proposed Impervious	Subtotal	12,559
Existing Permeous	22,135	Proposed Permeous	9,576 (43%)	
Property Area	22,135	Proposed Permeous	22,135	
PCD/BLOCK SEVEN, LOT 2		BLOCK SEVEN, LOT 2		
Existing Buildings	0	Proposed Buildings	12,900 (18%)	
Existing Pavement	0	Proposed Pavement	43,192 (62%)	
Existing Impervious	0	Proposed Impervious	Subtotal	56,092
Existing Permeous	70,200	Proposed Permeous	14,108 (20%)	
Property Area	70,200	Proposed Permeous	70,200	
PCD/BLOCK SEVEN, LOT 3		BLOCK SEVEN, LOT 3		
Existing Buildings	0	Proposed Buildings	10,000 (22%)	
Existing Pavement	0	Proposed Pavement	27,605 (61%)	
Existing Impervious	0	Proposed Impervious	Subtotal	37,605
Existing Permeous	45,622	Proposed Permeous	8,017 (17%)	
Property Area	45,622	Proposed Permeous	45,622	
PCD/BLOCK EIGHT, LOT 1		BLOCK EIGHT, LOT 1		
Existing Buildings	0	Proposed Buildings	7,200 (18%)	
Existing Pavement	0	Proposed Pavement	21,780 (57%)	
Existing Impervious	0	Proposed Impervious	Subtotal	28,980
Existing Permeous	38,735	Proposed Permeous	9,755 (25%)	
Property Area	38,735	Proposed Permeous	38,735	
PCD/BLOCK EIGHT, LOT 2		BLOCK EIGHT, LOT 2		
Existing Buildings	0	Proposed Buildings	2,700 (9%)	
Existing Pavement	0	Proposed Pavement	18,685 (62%)	
Existing Impervious	0	Proposed Impervious	Subtotal	21,440
Existing Permeous	30,191	Proposed Permeous	8,751 (29%)	
Property Area	30,191	Proposed Permeous	30,191	
PCD/BLOCK EIGHT, LOT 3		BLOCK EIGHT, LOT 3		
Existing Buildings	0	Proposed Buildings	4,600 (12%)	
Existing Pavement	0	Proposed Pavement	26,204 (58%)	
Existing Impervious	0	Proposed Impervious	Subtotal	30,761
Existing Permeous	39,074	Proposed Permeous	8,263 (21%)	
Property Area	39,074	Proposed Permeous	39,074	
PCD/BLOCK NINE, LOT 1		BLOCK NINE, LOT 1		
Existing Buildings	0	Proposed Buildings	1,800 (7%)	
Existing Pavement	0	Proposed Pavement	13,719 (55%)	
Existing Impervious	0	Proposed Impervious	Subtotal	15,519
Existing Permeous	24,877	Proposed Permeous	9,358 (38%)	
Property Area	24,877	Proposed Permeous	24,877	
PCD/BLOCK NINE, LOT 2		BLOCK NINE, LOT 2		
Existing Buildings	0	Proposed Buildings	3,700 (12%)	
Existing Pavement	0	Proposed Pavement	18,283 (60%)	
Existing Impervious	0	Proposed Impervious	Subtotal	21,983
Existing Permeous	30,618	Proposed Permeous	8,625 (28%)	
Property Area	30,618	Proposed Permeous	30,618	
PCD/BLOCK NINE, LOT 3		BLOCK NINE, LOT 3		
Existing Buildings	0	Proposed Buildings	6,300 (14%)	
Existing Pavement	0	Proposed Pavement	25,799 (59%)	
Existing Impervious	0	Proposed Impervious	Subtotal	32,099
Existing Permeous	44,038	Proposed Permeous	11,939 (27%)	
Property Area	44,038	Proposed Permeous	44,038	
PRD/BLOCK A, LOT 1		BLOCK A, LOT 1		
Existing Buildings	0	Proposed Buildings	46,898 (21%)	
Existing Pavement	0	Proposed Pavement	56,295 (30%)	
Existing Impervious	0	Proposed Impervious	Subtotal	103,184
Existing Permeous	184,610	Proposed Permeous	81,628 (44%)	
Property Area	184,610	Proposed Permeous	184,610	
PRD (REMAINING)		PRD (REMAINING)		
Existing Buildings	0	Proposed Buildings	153,317 (55%)	
Existing Pavement	0	Proposed Pavement	58,511 (20%)	
Existing Impervious	0	Proposed Impervious	Subtotal	191,828
Existing Permeous	298,971	Proposed Permeous	107,143 (36%)	
Property Area	298,971	Proposed Permeous	298,971	
POD/BLOCK NINE, LOT 5		BLOCK NINE, LOT 5		
Existing Buildings	0	Proposed Buildings	5,000 (8%)	
Existing Pavement	0	Proposed Pavement	27,050 (45%)	
Existing Impervious	0	Proposed Impervious	Subtotal	32,050
Existing Permeous	59,388	Proposed Permeous	27,938 (47%)	
Property Area	59,388	Proposed Permeous	59,388	

## PLANT SCHEDULE

SYMBOL	NAME	CONDITION	SIZE
	Silver Linden - Tilia tomentosa 'Green Mountain'	B&B	2" CAL.
	Dynasty Elm - Ulmus parvifolia 'Dynasty'	B&B	2" CAL.
	Imperial Locust - Gleditsia triacanthos 'Imperial'	B&B	2" CAL.
	Northern Red Oak - Quercus rubra	B&B	2" CAL.
	Pacific Sunset Maple - Acer truncatum x platanoides 'Warrenred'	B&B	2" CAL.
	Amur Maple - Acer ginnala 'Flame'	B&B	2" CAL.
	Eastern Redbud - Cercis canadensis 'Forest Pansy'	B&B	2" CAL.
	Goldenrain tree - Koeleruteria paniculata	B&B	2" CAL.
	Kousa Dogwood - Cornus kousa	B&B	Multi-Stem
	River Birch - Betula Nigra	B&B	2" CAL.
	Serviceberry - Amelanchier grandiflora 'Autumn Brilliance'	B&B	2" CAL.
	Snowdrift Crabapple - Malus 'Snowdrift'	B&B	2" CAL.
	Black Hills Spruce - Picea glauca 'Densata'	B&B	6' HT.
	Eastern White Pine - Pinus strobus	B&B	6' HT.
	Blue Muffin Viburnum - Viburnum dentatum 'Christom'	CONT.	36" HT.
	Dwarf Winged Burning Bush - Euonymus alatus 'Compactus'	CONT.	36" HT.
	Gold Flame Spirea - Spirea x bumalda 'Goldflame'	CONT.	36" HT.
	Miss Kim Lilac - Syringa patula 'Miss Kim'	CONT.	36" HT.
	Sea Green Juniper - Juniperus chinensis 'Sea Green'	CONT.	36" HT.

## TREE REQUIREMENTS

Section 20-14204.3  
Street Trees Required: 1 Tree/40 LF R.O.W.  
876 LF R.O.W./40 = 22  
23  
Section 20-14204.3(c)  
Site Trees Required: 1 Tree per 3,000 SF OPEN SPACE;  
89,552 SF OPEN SPACE/3,000 = 30  
44  
Site Trees provided:

## INTERIOR PARKING LANDSCAPE SUMMARY

BLOCK, LOT	PARKING STALLS PROVIDED	LANDSCAPE AREA REQUIRED (if stalls x 40 sf)	LANDSCAPE AREA PROVIDED	TREES & SHRUBS REQUIRED (1 tree & 3 shrubs/10 stalls)	TREES & SHRUBS PROVIDED
BLOCK FIVE, LOT 2	139	5,560	5,570	14, 42	18, 60

CHAIR  
LAWRENCE - DOUGLAS COUNTY PLANNING COMMISSION

SECRETARY  
LAWRENCE - DOUGLAS COUNTY PLANNING COMMISSION

30 15 0 30

NORTH SCALE: 1" = 30'

THIS DOCUMENT IS FOR  
PLANNING PURPOSES ONLY--NOT  
FOR CONSTRUCTION

A Final Development Plan for  
**BAUER FARM - Phase 7**  
Lawrence, Kansas

Civil Engineering  
Landscape Architecture  
Community Planning  
Surveying

Landplan Engineering, P.A.

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7

BAUER FARM - Phase 7

BAUER FARM DRIVE & CHAMPION LANE  
LAWRENCE, KANSAS

BAUER FARM - Phase 7

LAYOUT  
&  
LANDSCAPE  
PLAN

REVISIONS  
3.6.12 - PER DEPT. COMMENTS  
3.16.12 - PER DEPT. COMMENTS

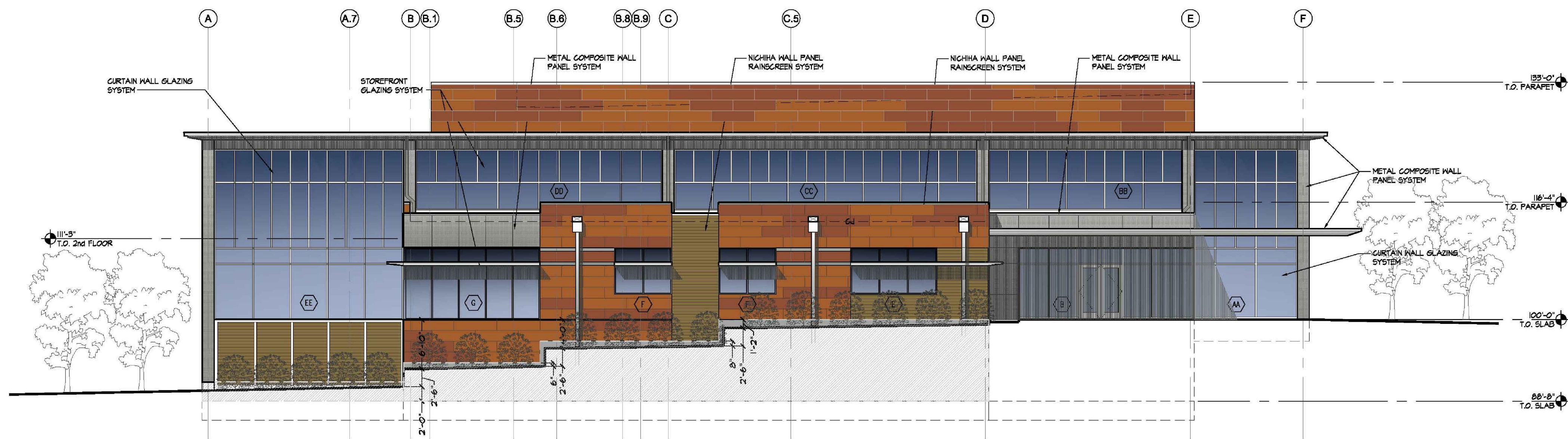
DATE: 1/23/2012  
PROJECT NO.: 2011192  
DESIGNED BY: LPE/TA  
DRAWN BY: BS  
CHECKED BY: BS

SHEET NO.  
**2**  
OF 4 SHEETS

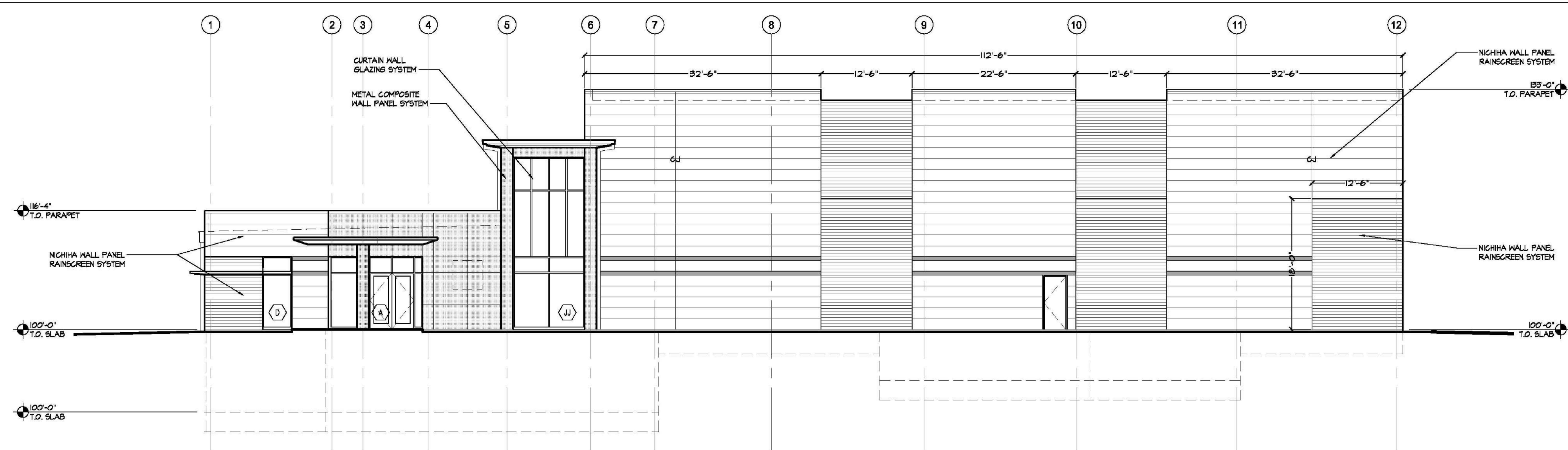




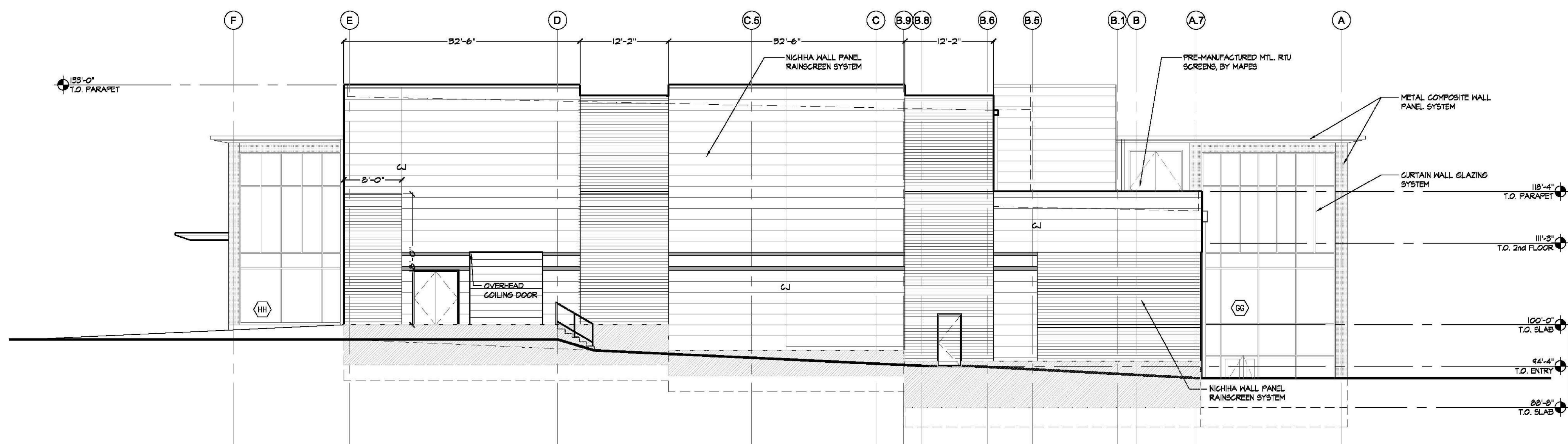




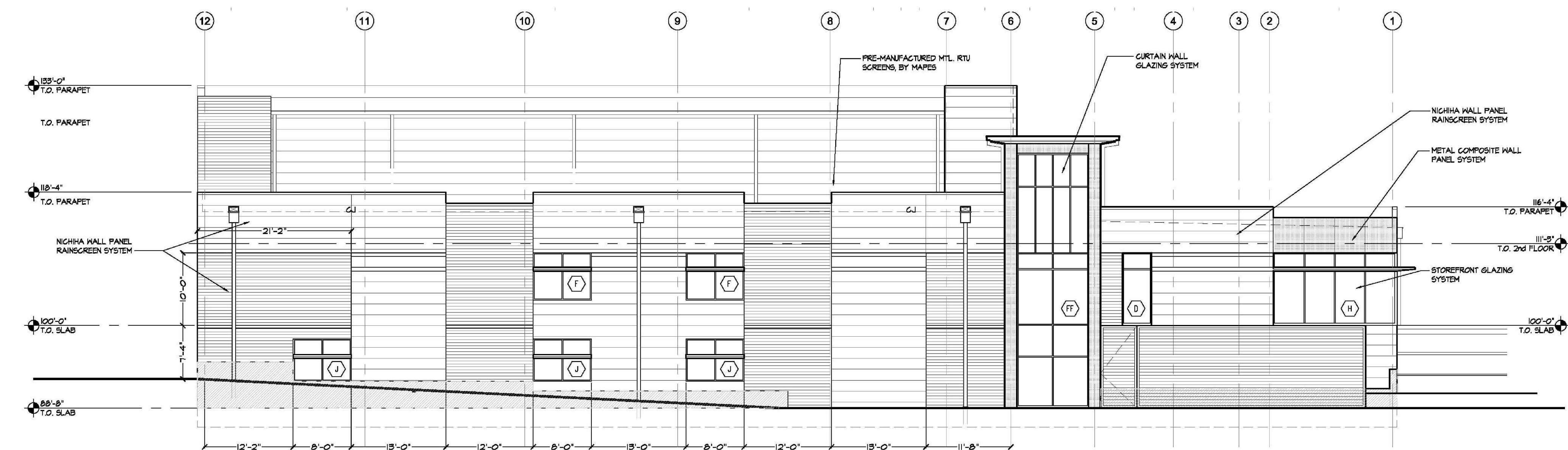
SOUTH ELEVATION "A"



EAST ELEVATION "B"



NORTH ELEVATION "C"



WEST ELEVATION "D"

CHAIR  
LAWRENCE - DOUGLAS COUNTY PLANNING COMMISSION

SECRETARY  
LAWRENCE - DOUGLAS COUNTY PLANNING COMMISSION

NOTE: SEE SHEET 1 of 4 FOR  
ELEVATION ARROWS

THIS DOCUMENT IS FOR  
PLANNING PURPOSES ONLY—NOT  
FOR CONSTRUCTION

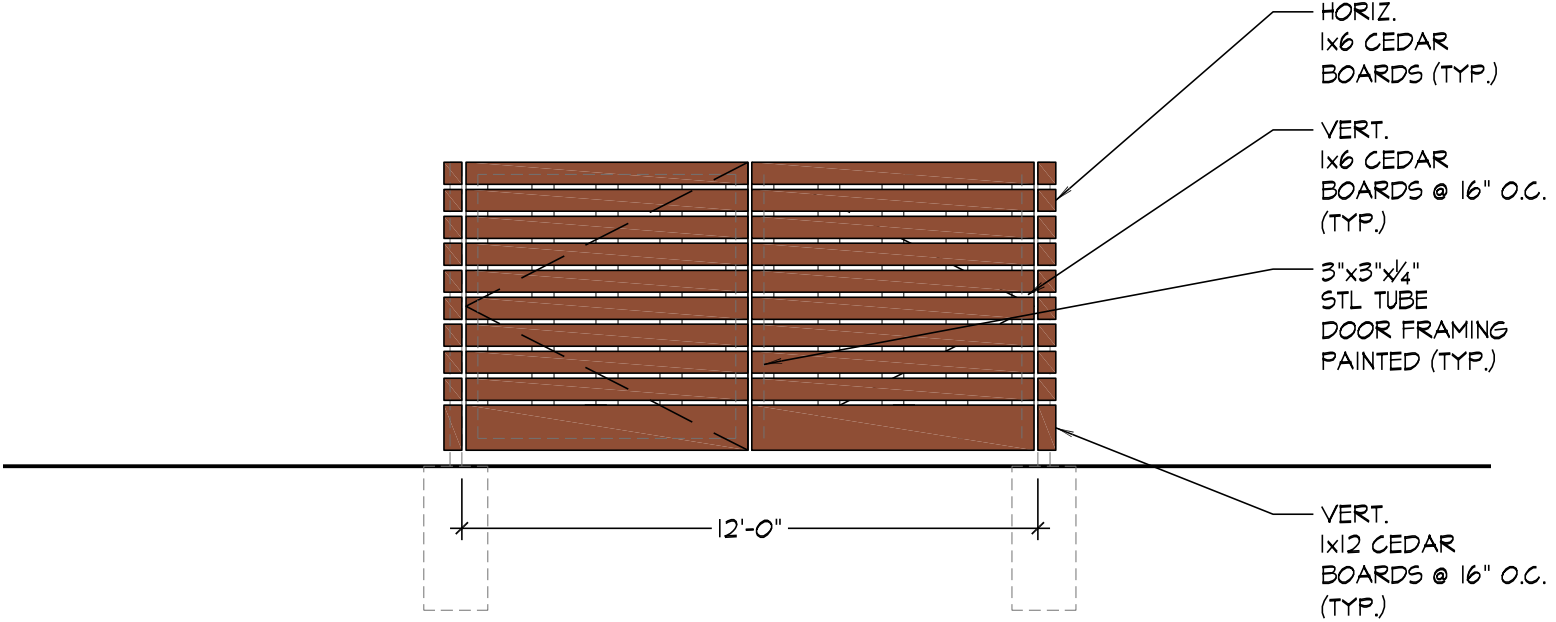
A Final Development Plan for  
**BAUER FARM - Phase 7**  
Lawrence, Kansas

REVISIONS	
3.6.12 - PER DEPT. COMMENTS	
3.16.12 - PER DEPT. COMMENTS	

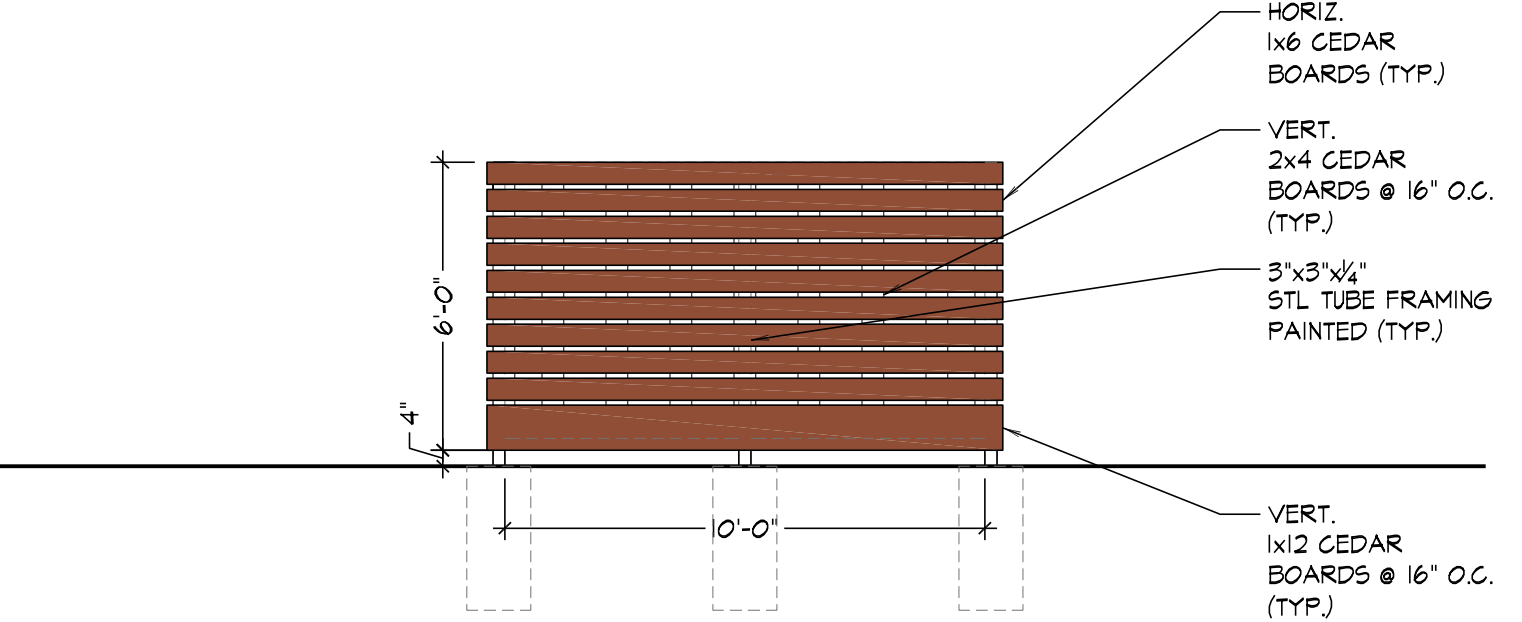
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CHECKED BY:	BS

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OF 4 SHEETS	

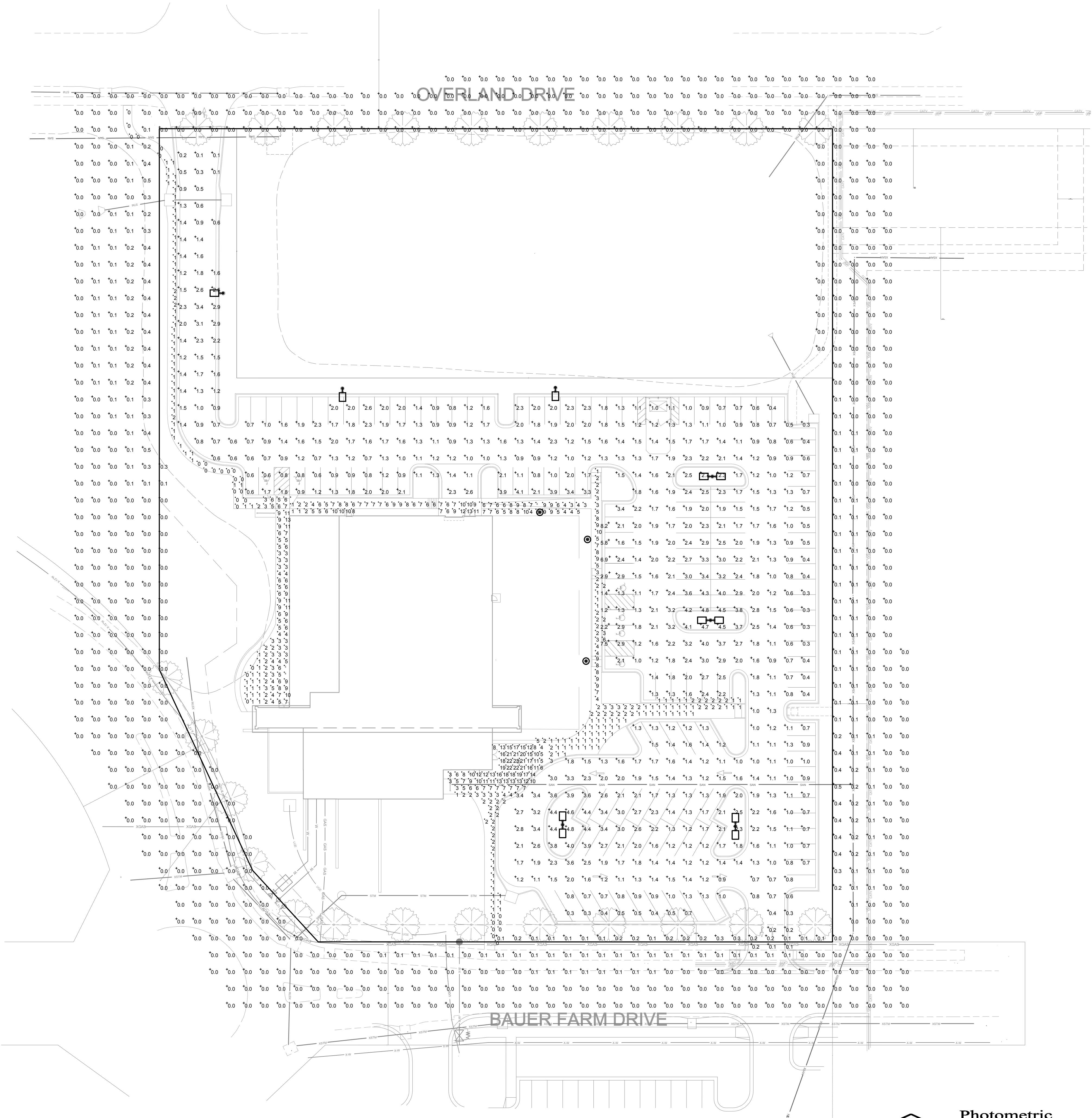




\* MECHANICAL ENCLOSURE TO BE SIMILAR CONSTRUCTION.



\* MECHANICAL ENCLOSURE TO BE SIMILAR CONSTRUCTION.



**Photometric  
MEP Site Plan**  
Scale: 1"=30'-0"

**H&B**  
HOSS & BROWN  
ENGINEERS  
4910 Corporate Centre Drive  
Suite 177  
Lawrence, Kansas 66047  
(785) 832-1103 phone  
(785) 832-1236 fax  
mail@hbeengineersdk.com  
H&B Project Number: 11068

LS10.020.00P

# Lawrence Community Theater

Bauer Farms, Lawrence, KS 66049

**APPROVED BY:**  
Name: --- Date: ---  
Name: --- Date: ---  
Name: --- Date: ---

**TREANOR**  
ARCHITECTS P.A.  
110 McDonald Drive, Suite 192  
Lawrence, Kansas 66044-1063  
Office: 785.842.4858  
Fax: 785.842.7536  
www.treanorarchitects.com

REVISIONS	
X	Comment: - Date: -
	Comment: - Date: -
	Comment: - Date: -
	Comment: - Date: -

Rel. Date: 03/16/12

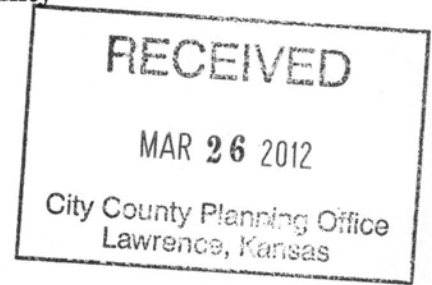
MPE2

**League of Women Voters of Lawrence-Douglas County**

P.O. Box 1072, Lawrence, Kansas 66044

March 25, 2012

Mr. Richard Hird, Chairman  
Members  
Lawrence-Douglas County Metropolitan Planning Commission  
City Hall  
Lawrence, Kansas 66044



RE: ITEM NO. 1; FINAL DEVELOPMENT PLAN FOR BAUER FARM PHASE 7; THEATRE LAWRENCE; 4700  
BAUER FARM DR.

Dear Chairman Hird and Planning Commissioners:

This letter is to address a problem that we see in the Final Development Plan of Theatre Lawrence.

We ask that you require a view-blocking screen to be added to the Theatre Lawrence eastern-most parking lot boundary that will provide protection from this parking lot for the abutting residential area immediately to the east.

The parking area on the east side of the Theatre Lawrence lot ends directly on the inner edge of their Block 5, Lot 1. Their parking lot spaces are arranged in a way that permits cars parked in these spaces to be facing the backs of the proposed lots in the Bauer Farms residential area. Although now vacant and unplatted, this adjacent residential area is planned so that their yards would be directly in line to receive lights from parked cars facing their backs. At night the lights would be very intrusive. During the day the location of the parked cars could affect their privacy.

The problem: although the landscaping plan for Theatre Lawrence shows trees, there is no landscaping screening such as an evergreen hedge or solid fencing shown on their landscaping plan separating the parking area from the backs of this adjacent residential area. Without this, the parking area has the potential for seriously blighting the adjacent residential area and preventing it from developing according to the current plan.

Again, we ask that you require a view-blocking barrier to be added to the Theatre Lawrence eastern-most parking lot boundary that will provide such a screen.

We would appreciate your review of this issue.

Sincerely yours,

A handwritten signature in cursive script that reads "Kay Hale".

Kay Hale  
President

A handwritten signature in cursive script that reads "Alan Black".

Alan Black, Chairman  
Land Use Committee

# Memorandum

## City of Lawrence – Douglas County Planning & Development Services

**To:** Lawrence-Douglas County Planning Commission

**From:** Dan Warner, AICP, Long Range Planner

**Date:** For March 26, 2012 Planning Commission Meeting

**RE:** CPA-2-1-12: Comprehensive Plan Amendment to Horizon 2020 Chapter 14 to consider changes to the Inverness Park District Plan.

### Introduction:

The Inverness Park District Plan was approved by the Lawrence-Douglas County Planning Commission on July 17, 2011. The Lawrence City Commission approved the Plan on September 13, 2011 and the Douglas County Board of Commissioners approved the Plan on October 12, 2011.

The Lawrence City Commission denied a rezoning request for the Remington Square property on December 12, 2011 to rezone to a higher residential density to accommodate additional multi-family development on the undeveloped portion of the property. Since the Inverness Park District Plan designated the Remington Square property as High Density Residential, the City Commission subsequently initiated a Comprehensive Plan Amendment on January 17, 2012 to change the Inverness Park District Plan.

The City Commission directed Planning Staff to make changes to the Remington Square property by planning for the undeveloped portion of the property to be a future non-residential use.

### Remington Square Proposal

This proposal designates the existing Remington Square property as High Density Residential to account for the fact that if the undeveloped portion is separated from the developed portion the density of the property will no longer be medium density as it exists today. The High Density category would recognize that the property owner would need to rezone the property to a higher density in order to be compliant with a zoning district after the separation of the undeveloped portion.

The undeveloped portion is classified as Commercial Office, which the corresponding permitted zoning district would be CO (Commercial Office) District. The CO zoning district does not permit residential uses. It permits office uses, religious uses, some community facilities, medical facilities, etc. The commercial retail that is permitted in this category is limited to mixed use situations within an office development. Commercial retail is generally not permitted as a stand-alone use. A summary of the

permitted uses (P), special use permit (S), and accessory uses (A) for the CO District, including descriptions of particular use standards (\*) that apply to the CO District:

Use	P/S/A	Use Standard
<b>Group Living</b>		
Group Home, General (11 or more)	S	
<b>Community Facilities</b>		
Cemetery	P*	505
College/University	P	
Cultural Center/Library	S	
Day Care Center	S*	507
Lodge, Fraternal & Civic Assembly	S*	512
Postal & Parcel Service	P	
Public Safety	P	
School	P	
Funeral and Interment	P*	505
Temporary Shelter	S*/A*	544/522
Social Service Agency	P	
Community Meal Program	S/A*	522
Utilities, Minor	P*/A*	530
Utilities and Service, Major	S	
Extended Care Facility, General	P	
<b>Medical Facilities</b>		
Health Care Office, Health Care Clinic	P	
Outpatient Care Facility	P*	519
<b>Recreation Facilities</b>		
Active Recreation	S	
Passive Recreation	P	
Nature Preserve/Undeveloped	P	
<b>Religious Assembly</b>		
Campus or Community Institution	P*	522
Neighborhood Institution	P*	522
<b>Animal Services</b>		
Sales and Grooming	P	
Veterinary	P	
<b>Eating and Drinking Establishments</b>		
Accessory Bar	A*	509
Fast Order Food	P*	511 & 509 – Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
Private Dining Establishments	P*	539
Restaurant, Quality	P*	524 - Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
<b>Office</b>		
Administrative and Professional	P*	518
Financial, Insurance & Real Estate	P*	510
Other	P*	537
<b>Parking Facilities</b>		
Accessory	A*	535 – Accessory parking for a use permitted in a



		C Zoning District may be permitted in an RO or RM Zoning District, provided that the parking area shall be no greater than 10,000 square feet.
Commercial	S	
Retail Sales & Service		
Business Support	P	
Food and Beverage	P*	511 – Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
Mixed Media Store	P*	516 – Gross floor area shall not exceed 5,000 square feet.
Retail Sales, General	P*	525 - Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
Industrial Facilities		
Research Service	S	
Adaptive Reuse		
Designated Historic Property	S*	501

Future land use description changes (the amended future land use map is found at the end of this memo):

### **Residential – High Density**

The intent of the high-density residential category is to allow for compact residential development. These developments are primarily located at the intersection of two major roads or adjacent to commercial or employment uses. In this District Plan, only the ~~area located adjacent to the east of what is~~ currently named Remington Square Apartments is designated for this land use. Residential development in the High Density Residential category is limited to 1-bedroom 2-story apartments. That is a similar use to the existing Remington Square property.

~~A public process for site planning this property, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement is in place due to the property's unique situation of its location on a major thoroughfare, its location in a developed area, and the public interest in the potential infill development of the remaining portion of the property. A public process for site planning will permit the governing body the ability to require the development to exceed certain Development Code minimums such as open space, landscaping, building design, etc.~~

While the existing density of the Remington Square property is medium density, this category recognizes that the property will have a higher density in the event the undeveloped portion to the east is separated from the existing development. The Residential – High Density category will permit the property owner to seek a rezoning to a higher density zoning district in order to bring the property's new density into compliance. No additional development density or intensity is anticipated on the Remington Square property with this designation.

**Primary Uses:** 1-bedroom, 2 story multi-dwelling structures

**Zoning Districts:** RM24 (Multi-Dwelling Residential) and ~~PD (Planned Development Overlay) District~~

**Density:** ~~16+ dwelling units/acre, not to exceed~~ 24 dwelling units per acre

### **Commercial Office**

The intent of the Commercial Office category is to function as a medium-intensity office zoning district. It is also intended to prevent strip commercial development by allowing office uses and only limited commercial retail uses and to serve as a land use buffer between Arterial streets and residential neighborhoods. The category allows freestanding office buildings as well as office parks.

The category permits general office uses along with other uses such as medical offices, community facilities, religious institutions, etc. The category permits limited commercial retail uses, generally limited to being a part of a mixed use office development and not as free standing commercial uses. The Commercial Office category **does not** permit residential uses.

**Primary Uses:** offices, medical offices, churches, schools, social service agency, post office, limited retail, and banks

**Zoning Districts:** CO (Commercial Office)

**Density:** medium

### Neighborhood Commercial

It's also important to note that the Plan as originally approved contains language in the Neighborhood Commercial future land use description discouraging residential development in the commercial district. Therefore, no change is proposed to the Neighborhood Commercial category. Note the existing description below with the emphasis added to the relevant language:

### **Commercial – Neighborhood Center**

The intent of the commercial use is to allow for retail and service uses. A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level.

*Multi-family residential uses are not appropriate for this category. The planning area contains a number of existing multi-family residential uses. Additional multi-family uses in areas designated as Neighborhood Commercial are not suitable for the area.*

The property on the Inverness corner is approximately 11 acres and could support a commercial strip center or one large anchor with a smaller center. This intensification would lead to more activity, traffic, noise, and light while providing the benefit of additional commercial services within walking distance for residents in the area. For comparison purposes, the neighborhood commercial centers around Lawrence with similar land areas include the Hy-Vee center at Kasold Drive and Clinton Parkway (13.6 acres), the Orchards center at

Bob Billings Parkway and Kasold Drive (9 acres), the Hy-Vee center at Monterey Way and 6<sup>th</sup> Street (12 acres), and the center at Bob Billings Parkway and Wakarusa Drive (8 acres).

Particular attention should be paid to properly designing a large-scale development on the Inverness corner to fit into the context of a developed residential area. Preserving open space to help mitigate the size and scale of the development should be a priority. In addition, 4-sided architecture will be critical here because the property has road frontage on 3 sides (including Clinton Parkway) and is surrounded by a developed residential area. Providing easy pedestrian connections into the development from the residential areas and from the multi-use pathway on Clinton Parkway is also important. New commercial development will have to comply with the Commercial Design Standards. Further, a review of the use table at the time of rezoning may be appropriate to analyze uses that limit impacts from traffic, noise, etc.

The property on the Crossgate corner is approximately 3 acres and could be developed with retail uses. This smaller property should have less impact with regards to traffic, noise, and light compared with the Inverness corner, while still providing commercial services within a walkable distance for neighborhood residents. New commercial development should provide pedestrian connections, will need to include 4-sided architecture and comply with the Commercial Design Standards.

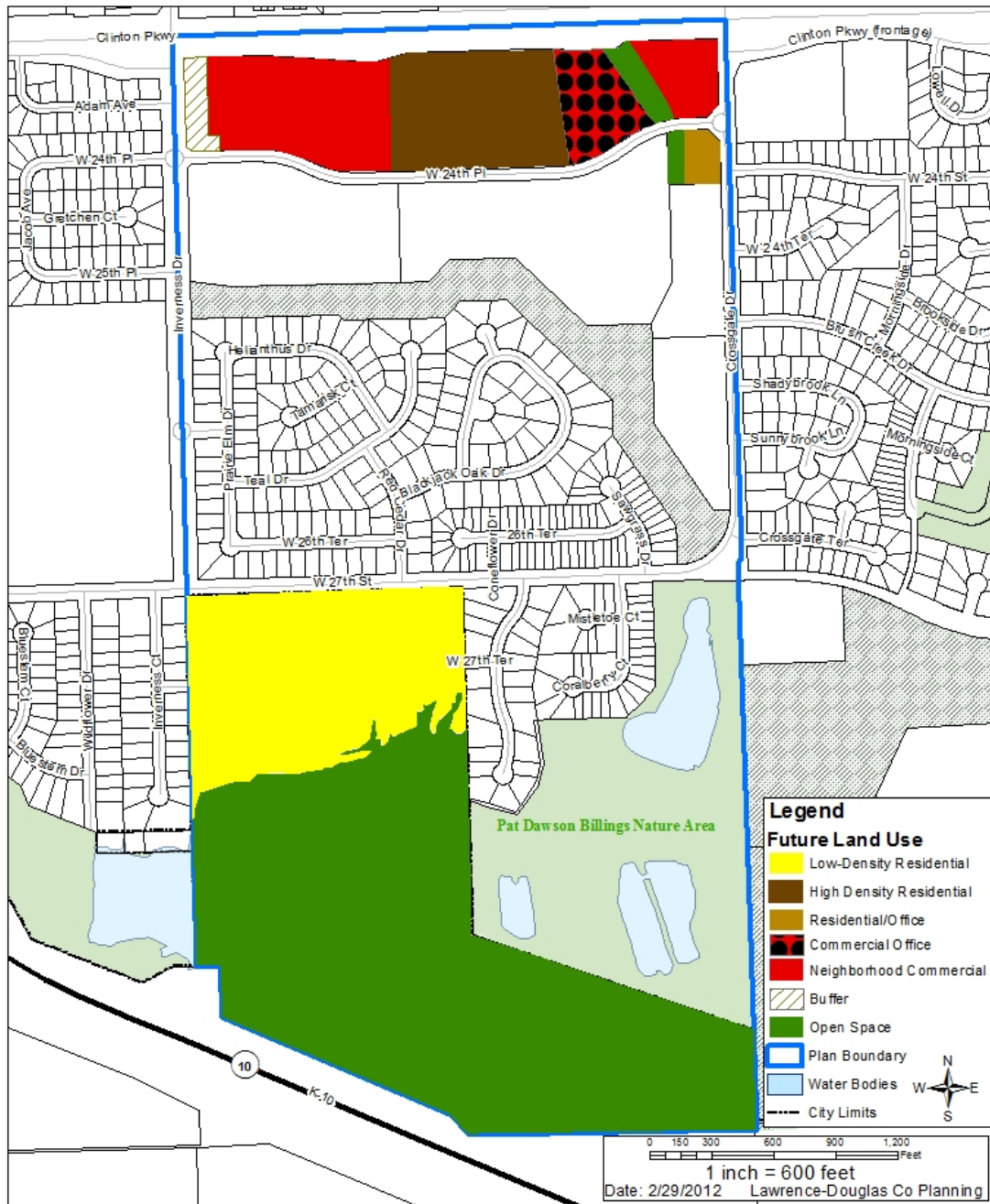
A public process for site planning these properties, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement applies to these properties because of their location on Clinton Parkway, the fact they are within a developed neighborhood, and because there is public interest in the potential infill development of these properties. A public process for site planning will permit the governing body the ability to require the development to exceed certain Development Code minimums such as open space, landscaping, building design, etc.

**Primary Uses:** eating and drinking establishments, general office, retail sales and services, fuel sales, car wash, civic and public uses, medical facilities

**Zoning Districts:** CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), CO (Office Commercial) District and PD (Planned Development Overlay) District

**Intensity:** medium-high

## Inverness Park District Plan Future Land Use



**PLANNING COMMISSION REPORT**  
**Regular Agenda – Public Hearing Item**

PC Staff Report  
3/26/12

**ITEM NO. 2: CPA-2-1-12 (DDW)**

**CPA-2-1-12** Amend Horizon 2020, Chapter 14, Inverness Park District Plan, to revise the District Plan.

**STAFF RECOMMENDATION:** Staff recommends approval of this comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 – Inverness Park District Plan – to revise the Inverness Park District Plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

**STAFF RECOMMENDATION:** If appropriate, approve and sign Planning Commission Resolution 3-2-12.

**BACKGROUND**

The Inverness Park District Plan was approved by the Lawrence-Douglas County Planning Commission on July 17, 2011. The Lawrence City Commission approved the Plan on September 13, 2011 and the Douglas County Board of Commissioners approved the Plan on October 12, 2011.

The Lawrence City Commission denied a rezoning request for the Remington Square property on December 12, 2011 to rezone to a higher residential density to accommodate additional multi-family development on the undeveloped portion of the property. Since the Inverness Park District Plan designated the Remington Square property as High Density Residential, the City Commission subsequently initiated a Comprehensive Plan Amendment on January 17, 2012 to change the Inverness Park District Plan.

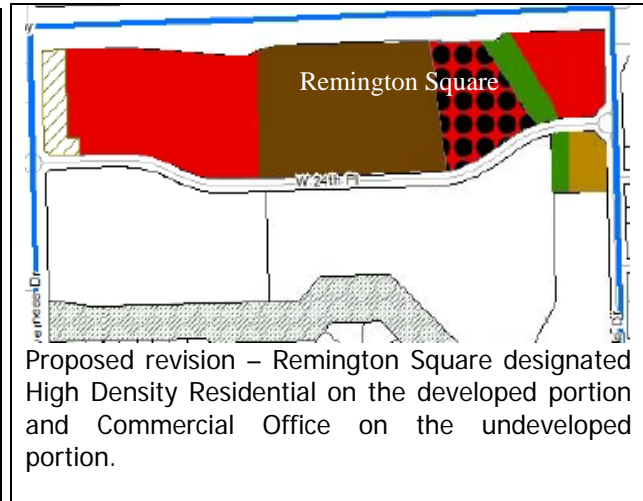
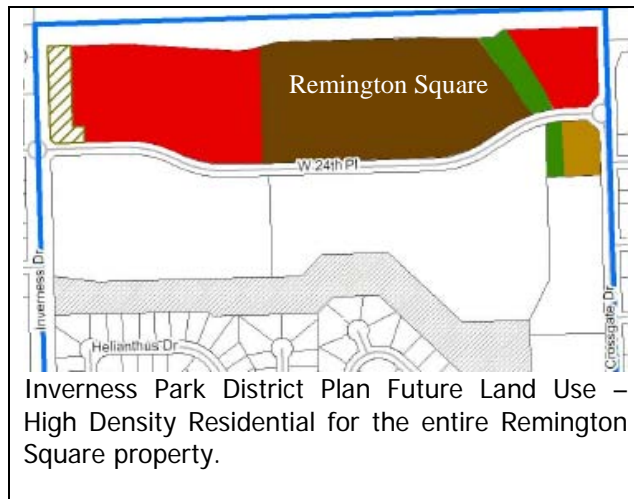
The City Commission directed Planning Staff to make changes to the Remington Square property by planning for the undeveloped portion of the property to be a future non-residential use.

**STAFF REVIEW**

The approved *Inverness Park District Plan* designates the entire property known as Remington Square as High Density Residential. The proposal to revise the Plan designates the existing development portion of the Remington Square property as High Density Residential to account for the fact that if the undeveloped portion is separated from the developed portion the density of the property will no longer be medium density residential as it exists today. The High Density category would recognize that the property owner would need to rezone the property to

a higher density in order to be compliant with a zoning district after the separation of the undeveloped portion.

The proposed revision designates the undeveloped portion of the Remington Square property as Commercial Office, which the corresponding permitted zoning district would be CO (Commercial Office) District. The CO zoning district does not permit residential uses. It permits office uses, religious uses, some community facilities, medical facilities, etc. The commercial retail that is permitted in this category is limited to mixed use situations within an office development. Commercial retail is generally not permitted as a stand-alone use.



A summary of the permitted uses (P), special use permit (S), and accessory uses (A) for the CO District, including descriptions of particular use standards (\*) that apply to the CO District:

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College/University	P	
Cultural Center/Library	S	
Day Care Center	S*	507
Lodge, Fraternal & Civic Assembly	S*	512
Postal & Parcel Service	P	
Public Safety	P	
School	P	
Funeral and Interment	P*	505
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Social Service Agency	P	
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Health Care Office, Health Care Clinic	P	
Outpatient Care Facility	P*	519
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Passive Recreation	P	
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Industrial Facilities		
Research Service	S	
Adaptive Reuse		
Designated Historic Property	S*	501

Staff reviewed this amendment based upon the comprehensive plan amendment review criteria listed below which are identified in Chapter 17, Implementation, of *Horizon 2020*.

## COMPREHENSIVE PLAN AMENDMENT REVIEW

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

The proposed amendment is a result of the City Commission revising their position on how the undeveloped portion of Remington Square should be developed. This is a revised plan that provides more clarity regarding the recommended future land use designation of the undeveloped Remington Square property.

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

The proposed amendment is an advancement of a clear public purpose and is consistent with the long-range planning goals and policies of the community. The proposed amendment helps further the goals and policies by guiding development in the planning area while staying consistent with the overall intent of *Horizon 2020* and the goals and policies relating to residential land use, transportation, parks and recreation, and the various other components of the comprehensive plan. The amendment helps to provide a framework for future development and is more specific regarding policies for the planning area.

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

The Inverness Park District Plan was approved by the Lawrence-Douglas County Planning Commission on July 17, 2011. The Lawrence City Commission approved the Plan on September 13, 2011 and the Douglas County Board of Commissioners approved the Plan on October 12, 2011.

The Lawrence City Commission denied a rezoning request for the Remington Square property on December 12, 2011 to rezone to a higher residential density to accommodate additional multi-family development on the undeveloped portion of the property. Since the Inverness Park District Plan designated the Remington Square property as High Density Residential, the City Commission subsequently initiated a Comprehensive Plan Amendment on January 17, 2012 to change the Inverness Park District Plan. The City Commission directed Planning Staff to make changes to the Remington Square property by planning for the undeveloped portion of the property to be a future non-residential use.

**PROFESSIONAL STAFF RECOMMENDATION**

Staff recommends approval of this comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 – Inverness Park District Plan – to revise the Inverness Park District Plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.



# Inverness Park District Plan

**Lawrence-Douglas County Planning and Development Services**

**Lawrence-Douglas County Planning Commission –  
Lawrence City Commission –  
Douglas County Board of County Commissioners –**

Proposed revisions are found on pages: 17, 18, 21, and 22. Proposed new language is underlined while proposed deleted language is ~~struck through~~. The proposed new future land use map is located on page 22.

## Table of Contents

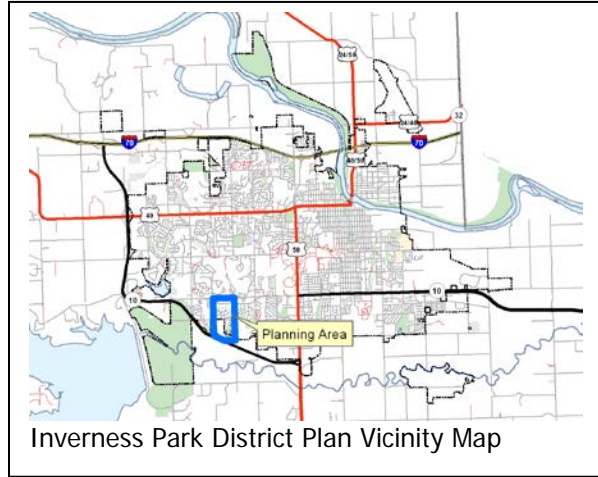
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	Page
Section 1 Introduction and Purpose	
Location, Setting, and Background .....	1
Purpose.....	2
Relation to Other Plans.....	2
Process .....	2
Section 2 Existing Conditions	
Current Land Use .....	4
Current Zoning .....	5
Flood Hazard Area .....	10
Parks and Recreation Facilities .....	10
Transportation .....	10
Schools .....	15
Section 3 Goals and Guiding Principles	
Goals .....	16
Guiding Principles .....	16
Section 4 Future Land Use	
Future Land Use Descriptions .....	17
Section 5 Clinton Parkway	
Access Management.....	21
Section 6 Implementation	
Implementation Actions.....	23
Tables	
2-1 City Zoning .....	6
2-2 County Zoning .....	6
Maps	
2-1 Existing Land Use.....	7
2-1a Aerial.....	8
2-2 Existing Zoning .....	9
2-3 Flood Hazard Area.....	11
2-4 Parks and Recreation Facilities .....	12
2-5 Future Thoroughfares.....	13
2-6 Bicycle Facilities .....	14
4-1 Future Land Use .....	20

## I. Introduction and Purpose

### Location

The Inverness Park planning area is located south of Clinton Parkway between Inverness and Crossgate Drives south to K-10 Highway.



### Setting

The area is primarily urban in nature with most of the planning area within the city of Lawrence, but there is a rural residence and undeveloped county farm land in the southern portion of the planning area. Clinton Parkway, a principle arterial roadway, is the northern boundary of the planning area. There are public and private schools west and north of the planning area and park land in the southeastern portion of the planning area.

### Background

The Inverness Park area began developing when an annexation request for 163.46 acres was approved in 1999. The development application for the area included multiple rezoning requests. Large tracts were platted along Clinton Parkway and zoned RO-1B to accommodate a mix of multi-family and office uses for the most intensive part of the development of the 163 acres. The area south of W. 24<sup>th</sup> Place, but north of the open space/drainage area was designated as the transition area to the lower density, detached residential home lots to the south. The area south of W. 24<sup>th</sup> Place was zoned PRD-2 with a maximum density of 12 dwelling units per acre. W. 24<sup>th</sup> Place was designed to provide access to all lots in the area with restrictions prohibiting access to Clinton Parkway as well as access limitations placed on Inverness Drive and Crossgate Drive.

The preliminary plat for the entire 163 acres was approved in October 1999 and later revised in February 2001. The revisions reduced the lot size of the single-family area and created more lots than the original approval. The large lot configuration along Clinton Parkway and W. 24<sup>th</sup> Place did not change. The preliminary plat served as the master plan for the development of the site. It provided the basic boundary of the various zoning districts planned for the 163 acres.

Much of the original land use discussion focused on the need to provide adequate public facilities such as improved streets and other infrastructure as well as the land use pattern and transition of land

uses throughout the entire acreage included in the Inverness Park Addition.

Multiple land use decisions made since 1999 have resulted in a land use pattern that has deviated from the original 163-acre plan with more apartments being developed than originally planned.

### **Purpose**

The purpose of the Inverness Park District Plan is to plan for the urban development of the remaining undeveloped property within the planning area. Concerns have been raised by residents in the area about the proliferation of multi-family uses and the impact they are having on the area. This Plan will primarily act as the City's official land use guide for development of the remaining undeveloped land in the Inverness Park District Plan planning area. Development on the property in the unincorporated area is not anticipated until annexed into the city.

### **Relation to Other Plans**

This Plan constitutes an amendment to *Horizon 2020*. The Plan deviates from some elements of *Horizon 2020*. Additional policy guidance has foundation in the following plans:

- *Transportation 2030*, Lawrence/Douglas County Long Range Transportation Plan. Lawrence/ Douglas County Metropolitan Planning Office and Parsons Brinkerhoff. March 26, 2008.
- Lawrence-Douglas County Bicycle Plan, Lawrence/Douglas County Metropolitan Planning Office. May 2004.
- City of Lawrence, Kansas Water Master Plan. Black & Veatch. December 2003.
- City of Lawrence, Kansas Wastewater Master Plan. Black & Veatch. December 2003.

### **Process**

The Lawrence City Commission initiated the Inverness Park District Plan on November 9, 2010. A kick-off meeting for the Inverness Park District Plan was held on February 3, 2011. Stakeholders were asked to provide their thoughts on the Strengths, Weaknesses, Opportunities, and Threats (SWOT exercise) for the planning area and participate in a small group future land use exercise. The 2<sup>nd</sup> public meeting for the plan was held on March 3, 2011. Those that attended the meeting reviewed the SWOT exercise results and the draft goals and policies and were also asked to provide comments on future land use options. The group also heard a presentation from developers interested in the Inverness and Clinton Parkway corner. Planning Staff developed the 1<sup>st</sup> draft of the Plan with input from property owners within the planning area and other stakeholders.

The 1<sup>st</sup> draft of the Plan was reviewed by the Lawrence-Douglas County Planning Commission at their meeting on May 25, 2011. The Commission took public comment and provided direction to staff. The 2<sup>nd</sup> draft of the Plan was released on July 5, 2011. The Planning

Commission approved the plan at their meeting on July 27, 2011. The Lawrence City Commission approved the plan on September 13, 2011 and the Douglas County Board of Commissioners approved the plan on October 12, 2011.

## **II. Existing Conditions**

### **A. Current Land Use**

The planning area consists of approximately 303 acres of land. The primary land use in the planning area is residential, with single family, duplex and multi-family uses having been developed in the past decade. The majority of the planning area is urbanized and within Lawrence, but there are approximately 70 acres which is located within unincorporated Douglas County south of 27<sup>th</sup> Street that contains a rural residential and agriculture use. Existing and future parks are also uses within the planning area. See Map 2-1.

#### **Undeveloped Property**

The Inverness Park District Plan is focusing on providing future land use guidance for the remaining undeveloped property within the planning area. Those properties are described below (each is numbered and labeled on Map 2-1 and Map 2-1a):

No. 1: The southeast corner of Clinton Parkway and Inverness Drive is an approximately 11 acre parcel currently zoned RSO (previously zoned RO-1B). The property lies at the signalized intersection of Clinton Parkway and Inverness Drive. The access management policy in place along Clinton Parkway (described in Section V) prohibits direct access to Clinton Parkway for this property. Access to Inverness Drive is also restricted by plat, meaning this property would take access from W. 24<sup>th</sup> Place. There is an existing round-a-bout at W. 24<sup>th</sup> Place and Inverness Drive.

Issues:

- This is a larger parcel capable of accommodating neighborhood scale commercial and multi-family residential.
- Landscape buffer to buffer the higher intensity uses from the residential neighborhood to the west.
- Neighbor interest in park vs. feasibility of development potential due to location.

No. 2: The Remington Square property contains approximately 5 acres (out of a total of 15 acres) that is undeveloped and east of the existing apartments. The existing use of the property is multi-family residential. The property is zoned RM15 (originally zoned RO-1B – RSO and rezoned to RM15), and contains 40 1-bedroom units, which represents the maximum density permitted on the entire 15 acres parcel. The property owner has expressed an interest in rezoning the property to allow a higher density so that he can develop the remaining 5 acres with multi-family structures. The property contains regulatory flood hazard area along the eastern edge that will limit development.

Issues:

- The property is at maximum density, yet it is 1 bedroom development. More intensity is possible through renovation to add more bedrooms.
- Owner plans to maintain 1 bedroom development.

No. 3: The property on the southwest corner of Clinton Parkway and Crossgate Drive is approximately 3 acres and is zoned RSO (previously zoned RO-1B). This property has regulatory flood hazard area along the west property line. Access management along Clinton Parkway and plat restrictions along Crossgate Drive meaning this property would take access from W. 24<sup>th</sup> Place. There is an existing round-a-bout at W. 24<sup>th</sup> Place and Crossgate Drive.

Issues:

- The Lawrence-Douglas County Planning Commission supported commercial zoning for a Walgreens at this location in 2008.

No. 4: The property on the southwest corner of Crossgate Drive and W. 24<sup>th</sup> Place is approximately 1 acre and is also zoned RSO. Access is restricted along Crossgate Drive by plat meaning this property would take access from W. 24<sup>th</sup> Place. This property also has regulatory flood hazard area along the west property line.

Issues:

- 1 acre size of property is challenging for development.

No. 5: There are two properties south of W. 27<sup>th</sup> Street that are within unincorporated Douglas County. The two parcels total approximately 70 acres. One parcel is a rural residential use and the other is an agriculture use. A large portion of the property contains regulatory flood hazard area, which will impact the developable area of the properties. This property has low density urban development to the north, west and east. The property is close to schools and parks, which makes it desirable for future urban low density development.

No. 6: Finally, there is another property within unincorporated Douglas County that is immediately south of the Pat Dawson Billings Nature Area that contains approximately 22 acres. This property is entirely encumbered by regulatory flood hazard area.

## **B. Current Zoning**

The City of Lawrence *Land Development Code* and the Douglas County *Zoning Regulations* 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 planning area is primarily located in the city and partially within the county. Map 2-2 shows the current zoning designations and Tables 2-1 and 2-2 below describe the map designations.

Table 2-1

<b>City Zoning</b>	<b>District Name</b>	<b>Comprehensive Plan Designation</b>
RS7	Single-Dwelling Residential (7,000 sq. feet per dwelling unit)	<b>Low-Density Residential</b>
RSO	Single-Dwelling Residential-Office (2,500 sq. feet per dwelling unit)	<b>Low or Medium-Density Residential</b>
RM12D	Multi-Dwelling Residential (12 dwelling units per acre)	<b>Medium-Density Residential</b>
RM15	Multi-Dwelling Residential 15 dwelling units per acre	<b>Medium-Density Residential</b>
PRD	Planned Residential Development	<b>N/A</b>
OS	Open Space	<b>N/A</b>

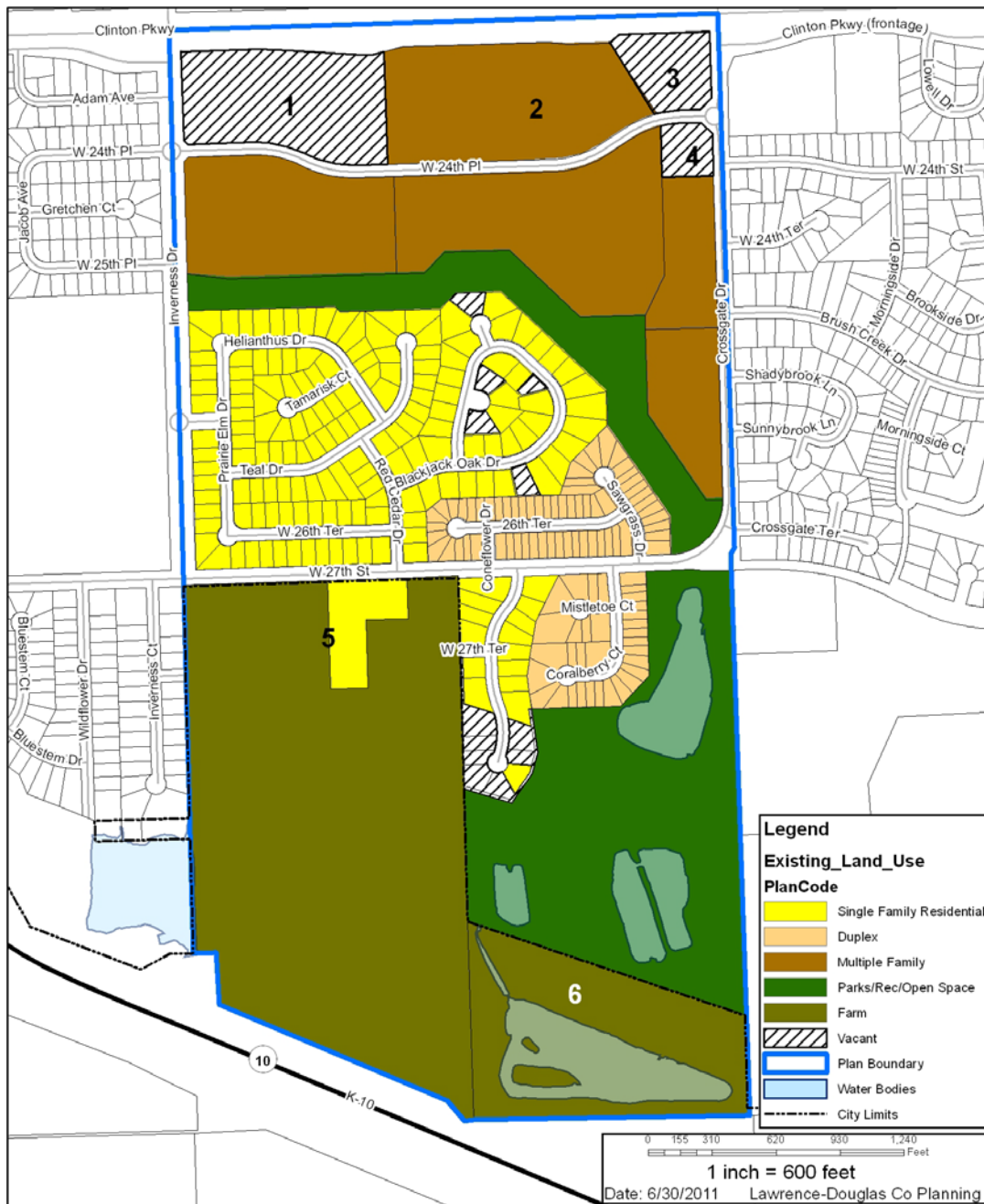
Table 2-2

<b>County Zoning</b>	<b>District Name</b>	<b>Comprehensive Plan Designation</b>
A	Agricultural	<b>Agriculture</b>
VC	Valley Channel	<b>N/A</b>



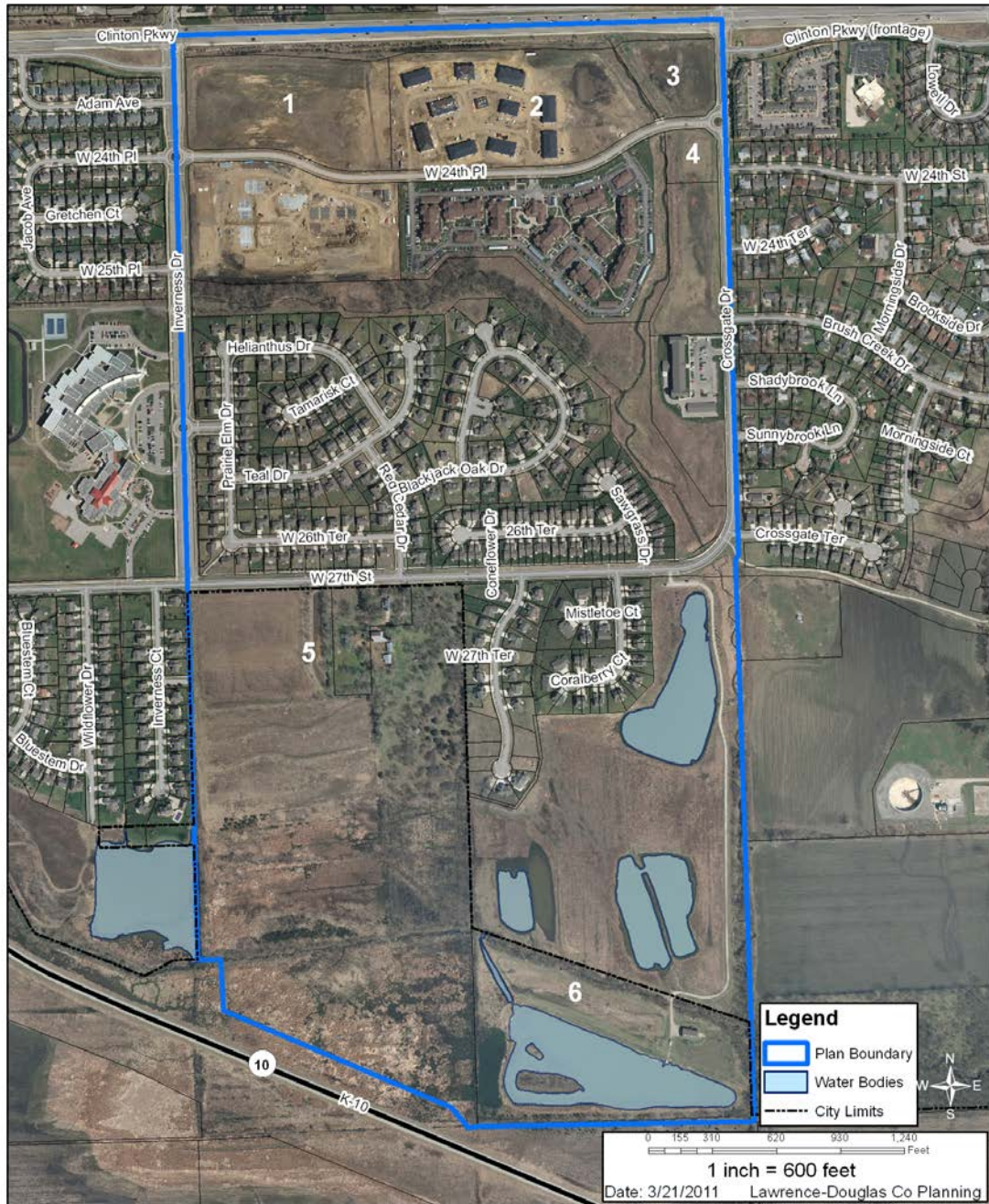
## Map 2-1 Existing Land Use

### Inverness Park District Plan Existing Land Use



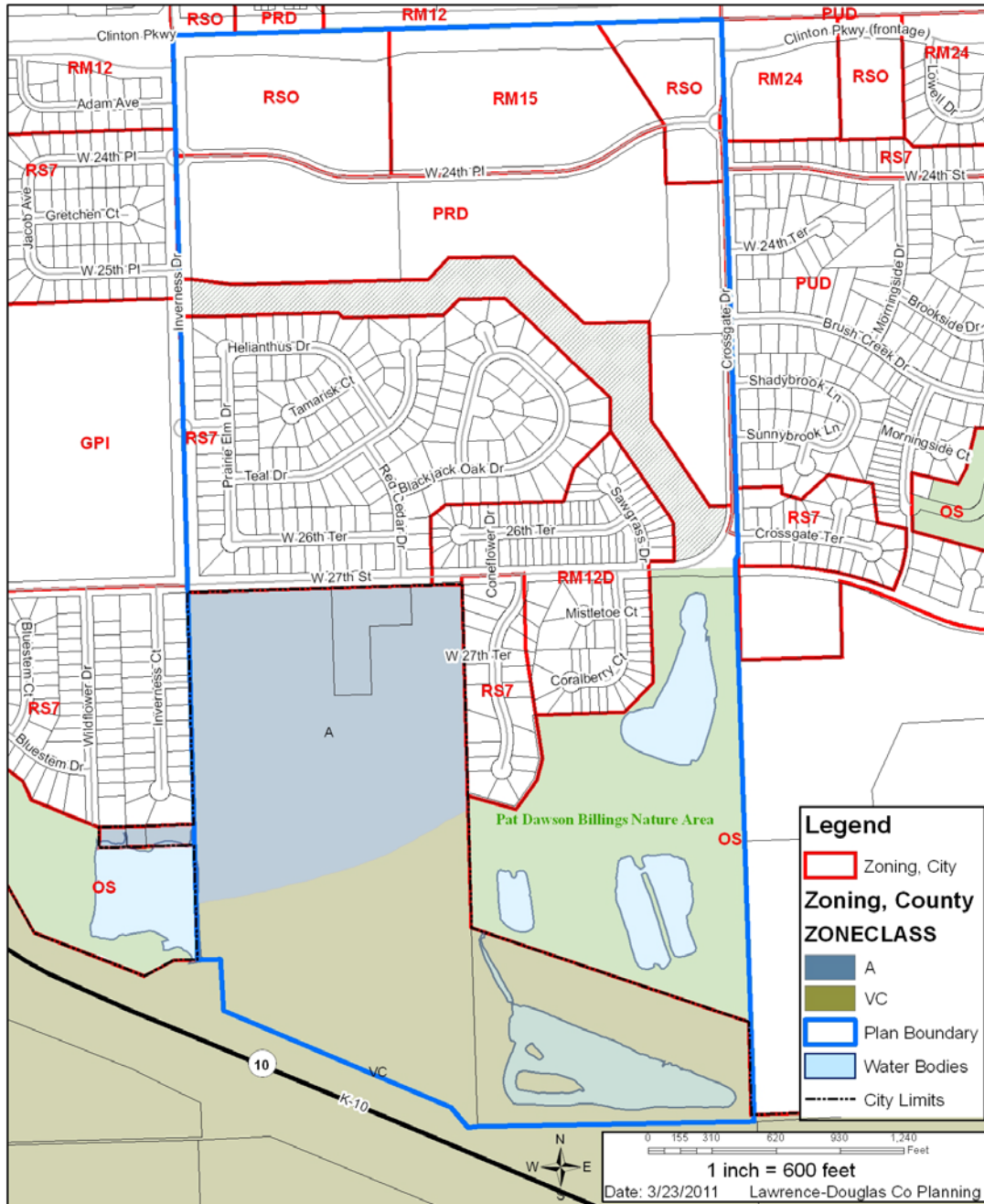
Map 2-1a Aerial

### Inverness Park District Plan Aerial



Map 2-2 Existing Zoning

# Inverness Park District Plan Existing Zoning





### **C. Flood Hazard Area**

There is Federal Emergency Management Agency (FEMA) designated floodplain and floodway located within the planning area. See Map 2-3. 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 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.

### **D. Parks and Recreational Facilities**

There are currently existing parks or park properties located in the planning area. The Pat Dawson Billings Nature Area is located south of 27<sup>th</sup> Street in the southeastern portion of the planning area. A future linear park is located south of the Legends at KU and The Grove properties, which are south of W. 24<sup>th</sup> Place. See Map 2-4.

### **E. Transportation**

*Transportation 2030* (T2030) is the comprehensive, long-range transportation plan for the metropolitan area. T2030 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-5. 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. Clinton Parkway is designated as a principle arterial. Inverness Drive, Crossgate Drive and W 27<sup>th</sup> Street are designated as collectors. The remaining streets within the planning area are local streets.

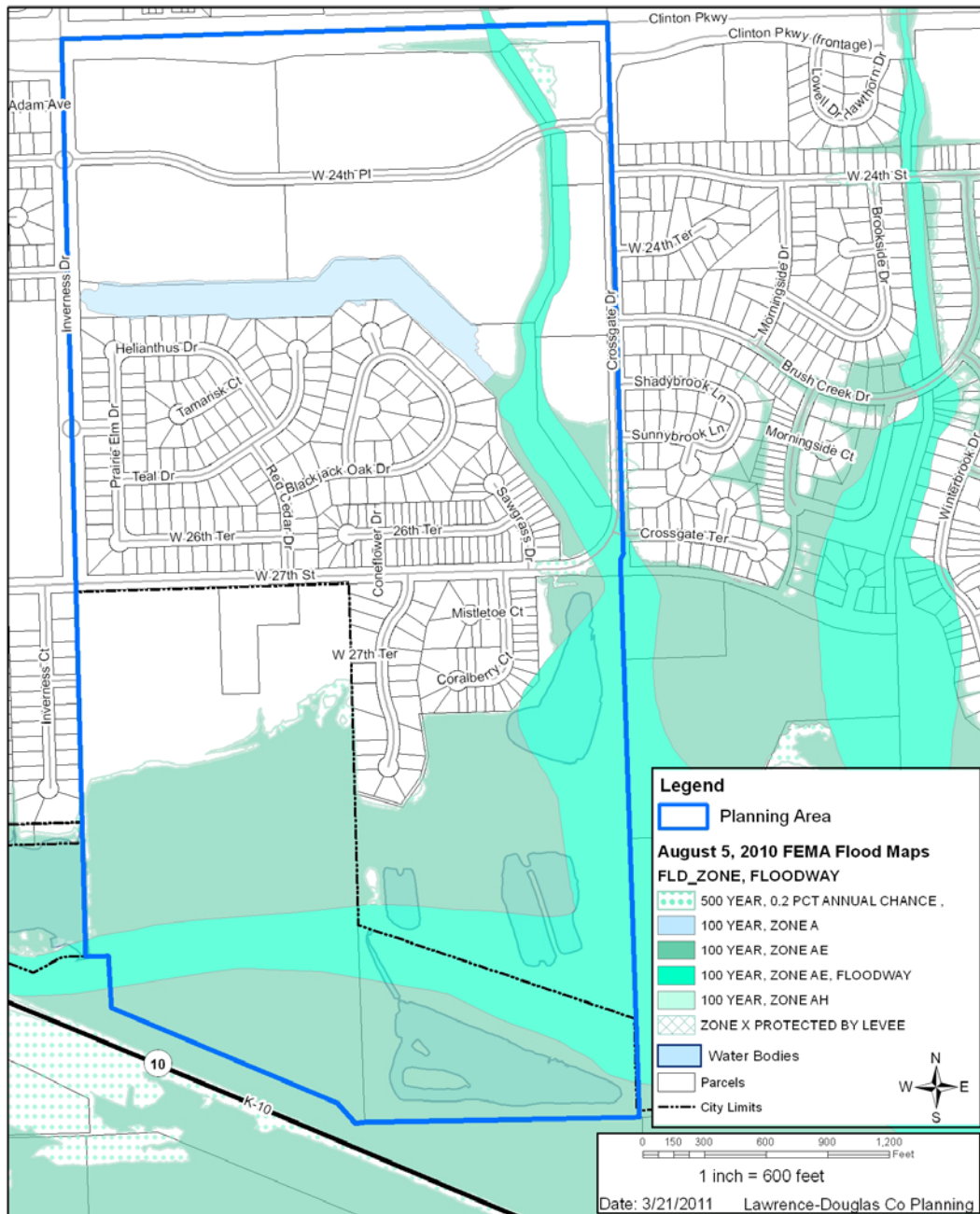
There currently are transit routes that travel to or through the planning area.

The planning area includes existing and future bike routes, lanes, and recreational paths identified by T2030 and these are shown on Map 2-6. Bike lanes are a separate space designated with striping, signage or pavement markings for exclusive use by bicycles with a street or road. 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.

Different types of bicycle facilities are linked to a certain street classification. Recreational Paths are part of Arterials, Bike Lanes are part of Collectors, and Bike Routes are also part of Collectors. Clinton Parkway, Inverness Drive, and W. 27<sup>th</sup> Street are designated as shared use paths. Crossgate Drive is designated as a bike route.

## Map 2-3 Flood Hazard Area

### Inverness Park District Plan Flood Hazard Area



## Map 2-4 Parks and Recreation Facilities

### Inverness Park District Plan Existing and Future Parks and Recreation Facilities



Map 2-5 Future Thoroughfares

## Inverness Park District Plan Future Thoroughfares



## Map 2-6 Bicycle Facilities

### Inverness Park District Plan Bicycle Facilities





## **F. Schools**

### School Districts

The planning area is located entirely within the Lawrence USD 497 school district.

### School Locations

Public schools Sunflower Elementary and Southwest Jr. High are located just west of the planning area across Inverness Drive. Private schools are also located near the planning area. Bishop Seabury is located north of the planning area across Clinton Parkway and Raintree Montessori School is located west of the planning area along Clinton Parkway.

### **III. Goals and Guiding Principles**

The following policy statements in Sections III - V are for the development of the remaining undeveloped property in the Inverness Park District Plan planning area.

Revisions to the goals and policies that were released at the 2<sup>nd</sup> public meeting on March 3, 2011 are shown with strikethroughs for deleted language and underlines for new language.

#### **Goals**

Encourage nonresidential land uses at the Inverness and Crossgate corners of Clinton Parkway that are compatible with the residential uses in the planning area.

Develop a strong park/trail system.

Develop single-family residential uses south of 27<sup>th</sup> Street at densities compatible with adjacent densities.

Protect the regulatory flood hazard areas from development.

#### **Policies**

Allow for neighborhood-level commercial, office, civic, institutional and recreation activities on the Inverness and Crossgate corners of Clinton Parkway.

Encourage mixed use development (i.e. residential and non-residential uses) along Clinton Parkway.

Limit additional multi-family uses in the Planning Area.

Develop single-family residential uses south of 27<sup>th</sup> Street.

Encourage a creative mixture of development in the area south of 27<sup>th</sup> Street that includes small lots, but also large lots that can use the regulatory flood hazard areas as an amenity that is protected from development.

Ensure that adequate public facilities are available prior to developing the remaining undeveloped property within the planning area.

Develop a pedestrian trail on the future park land south of the Legends at KU and The Grove developments.

Maintain the integrity of Clinton Parkway as an access restricted thoroughfare.

Redevelopment of any existing properties should maintain their land use designations as reflected on Map 2-1.

#### IV. Future Land Use

The Inverness Park District Plan Future Land Use Section illustrates conceptual guides for future development of the remaining undeveloped properties within the planning area that embody the vision and goals presented in Section III. The future land use map in this Section is conceptual and should not be used to determine precise zoning boundaries. The following land uses, zoning districts, and densities are the “maximum recommended” and assume that less intensive land uses, zoning districts, or densities are appropriate.

##### Future Land Use Categories

###### Residential – Low Density

The intent of the low-density residential use is to allow for single-dwelling, duplex, and attached dwellings but emphasis is placed on residential type uses. Development in this area should be compatible with single-family character, which could include such uses as churches, small-scale daycares and institutional uses.

**Primary Uses:** Detached dwellings, attached dwellings, group home, public and civic uses

**Zoning Districts:** RS10 (Single-Dwelling Residential), RS7 (Single-Dwelling Residential), RS5 (Single-Dwelling Residential), PD (Planned Development Overlay)

**Density:** 6 or fewer dwelling units/acre

###### Residential – High Density

The intent of the high-density residential category is to allow for compact residential development. These developments are primarily located at the intersection of two major roads or adjacent to commercial or employment uses. In this District Plan, only the ~~area located adjacent to the east of what is~~ currently named Remington Square Apartments is designated for this land use. Residential development in the High Density Residential category is limited to 1-bedroom 2-story apartments. That is a similar use to the existing Remington Square property.

~~A public process for site planning this property, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement is in place due to the property's unique situation of its location on a major thoroughfare, its location in a developed area, and the public interest in the potential infill development of the remaining portion of the property. A public process for site planning will permit the governing body the ability to require the development to exceed certain Development Code minimums such as open space, landscaping, building design, etc.~~

While the existing density of the Remington Square property is medium density, this category recognizes that the property will have a higher density in the event the undeveloped portion to the east is separated from the existing development. The Residential – High Density category will permit the property owner to seek a

rezoning to a higher density zoning district in order to bring the property's new density into compliance. No additional development density or intensity is anticipated on the Remington Square property with this designation.

***Primary Uses:*** 1-bedroom, 2 story multi-dwelling structures

***Zoning Districts:*** RM24 (Multi-Dwelling Residential) ~~and PD (Planned Development Overlay) District~~

***Density:*** ~~16+ dwelling units/acre, not to exceed~~ 24 dwelling units per acre

### **Residential Office**

The intent of the residential/office use is to accommodate mixed use development of administrative and professional offices with medium density residential. This category can serve as a buffer between higher intensity uses and major roads to lower intensity/density land uses.

***Primary Uses:*** office, detached dwellings, duplex dwellings

***Zoning Districts:*** RSO (Single Dwelling Residential-Office)

***Density/Intensity:*** 7-15 dwelling units/acre/medium

### **Commercial Office**

The intent of the Commercial Office category is to function as a medium-intensity office zoning district. It is also intended to prevent strip commercial development by allowing office uses and only limited commercial retail uses and to serve as a land use buffer between Arterial streets and residential neighborhoods. The category allows freestanding office buildings as well as office parks.

The category permits general office uses along with other uses such as medical offices, community facilities, religious institutions, etc. The category permits limited commercial retail uses, generally limited to being a part of a mixed use office development and not as free standing commercial uses. The Commercial Office category does not permit residential uses.

***Primary Uses:*** offices, medical offices, churches, schools, social service agency, post office, limited retail, and banks

***Zoning Districts:*** CO (Commercial Office)

***Density:*** medium

### **Commercial – Neighborhood Center**

The intent of the commercial use is to allow for retail and service uses. A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level.

Multi-family residential uses are not appropriate for this category. The planning area contains a number of existing multi-family residential uses. Additional multi-family uses in areas designated as Neighborhood Commercial are not suitable for the area.

The property on the Inverness corner is approximately 11 acres and could support a commercial strip center or one large anchor with a smaller center. This intensification would lead to more activity, traffic, noise, and light while providing the benefit of additional commercial services within walking distance for residents in the area. For comparison purposes, the neighborhood commercial centers around Lawrence with similar land areas include the Hy-Vee center at Kasold Drive and Clinton Parkway (13.6 acres), the Orchards center at Bob Billings Parkway and Kasold Drive (9 acres), the Hy-Vee center at Monterey Way and 6<sup>th</sup> Street (12 acres), and the center at Bob Billings Parkway and Wakarusa Drive (8 acres).

Particular attention should be paid to properly designing a large-scale development on the Inverness corner to fit into the context of a developed residential area. Preserving open space to help mitigate the size and scale of the development should be a priority. In addition, 4-sided architecture will be critical here because the property has road frontage on 3 sides (including Clinton Parkway) and is surrounded by a developed residential area. Providing easy pedestrian connections into the development from the residential areas and from the multi-use pathway on Clinton Parkway is also important. New commercial development will have to comply with the Commercial Design Standards. Further, a review of the use table at the time of rezoning may be appropriate to analyze uses that limit impacts from traffic, noise, etc.

The property on the Crossgate corner is approximately 3 acres and could be developed with retail uses. This smaller property should have less impact with regards to traffic, noise, and light compared with the Inverness corner, while still providing commercial services within a walkable distance for neighborhood residents. New commercial development should provide pedestrian connections, will need to include 4-sided architecture and comply with the Commercial Design Standards.

A public process for site planning these properties, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement applies to these properties because of their location on Clinton Parkway, the fact they are within a developed neighborhood, and because there is public interest in the potential infill development of these properties. A public process for site planning will permit the governing body the ability to require the development to exceed certain Development Code minimums such as open space, landscaping, building design, etc.

**Primary Uses:** eating and drinking establishments, general office, retail sales and services, fuel sales, car wash, civic and public uses, medical facilities

**Zoning Districts:** CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), CO (Office Commercial) District and PD (Planned Development Overlay) District

**Intensity:** medium-high

**Open Space**

The intent of the open space use is to provide space for opportunities for public and private recreational facilities and natural area preservation. This category primarily includes the regulatory flood hazard areas within the planning area.

**Primary Uses:** Park and open space

**Zoning Districts:** GPI (General Public and Institutional District), OS (Open Space), UR (Urban Reserve)

**Intensity:** light

**Buffer**

This designation is provided on the property that is on the southeast corner of Inverness Drive and Clinton Parkway. It is to provide a landscape buffer for the low density residential uses that are west of the property across Inverness Drive. This area should be designed in a way to provide an effective buffer from the light and noise impacts associated with the commercial development on the Inverness corner. Compliance with the buffer will be required with site plan/development plan approval.

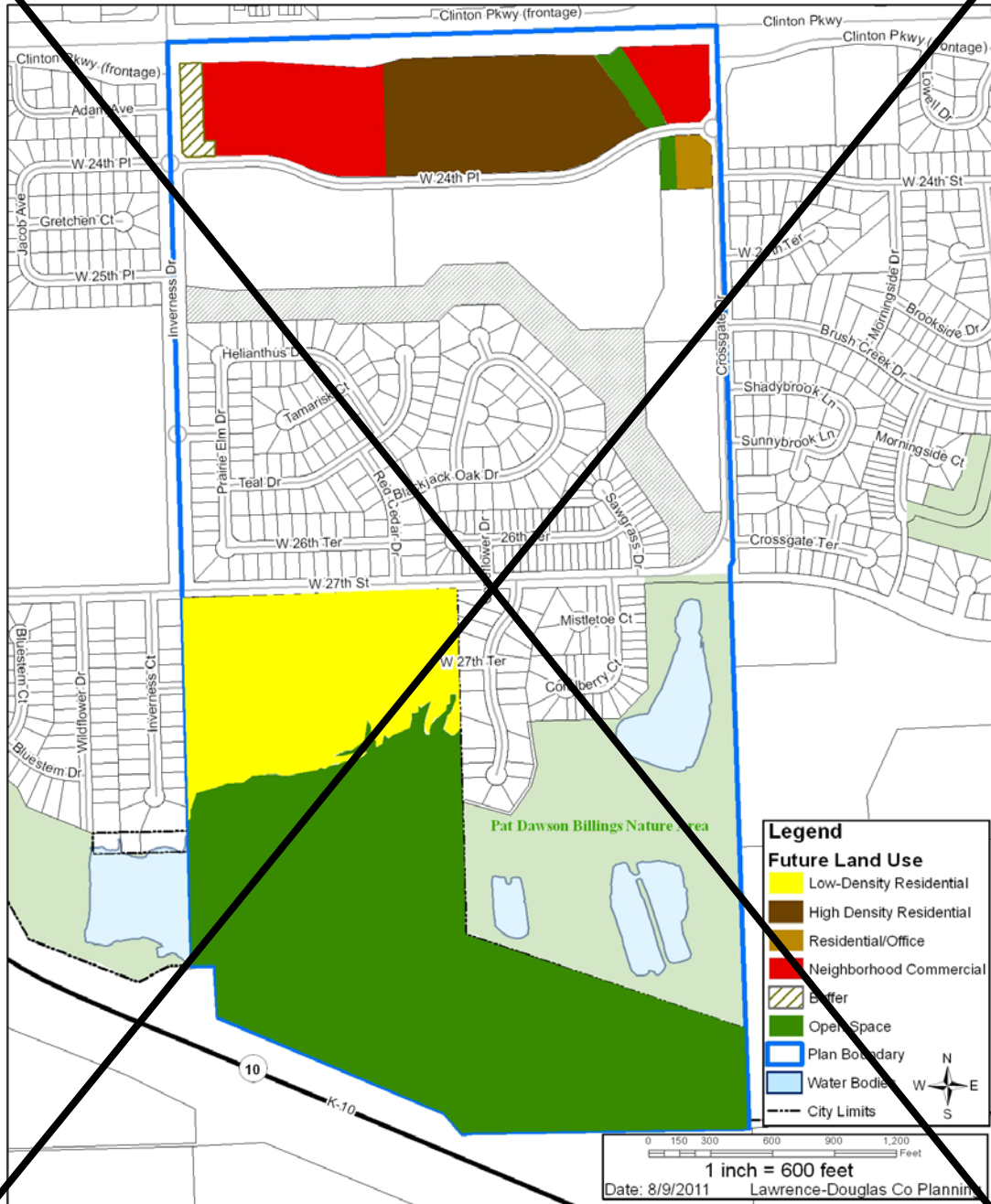
**Primary Uses:** Open Space/Landscaping

**Zoning Districts:** Same as the entire property is zoned

**Intensity:** light

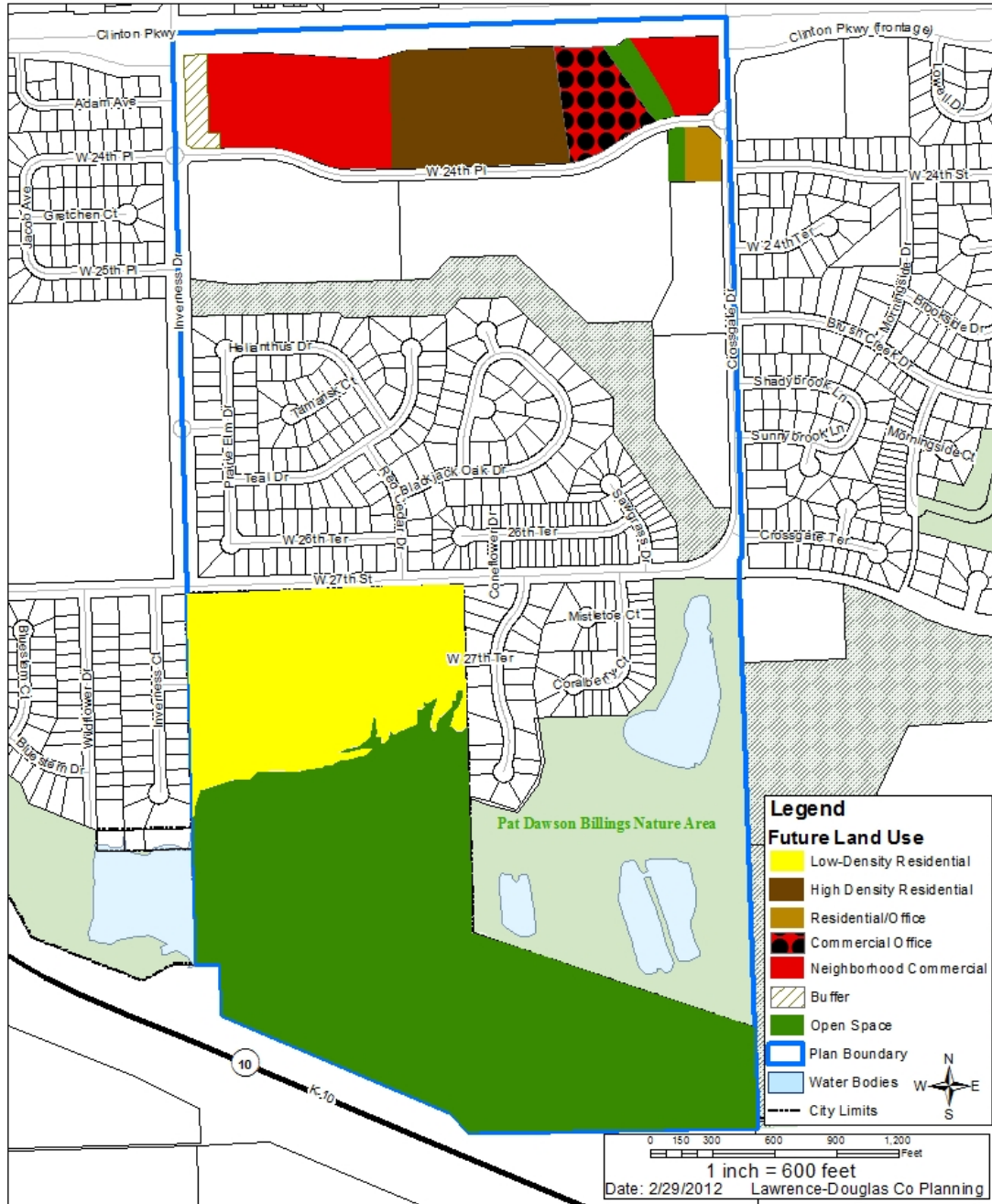
**Map 4-1 — Future Land Use**

**Inverness Park District Plan  
Future Land Use**



Map 4-1 – Future Land Use

### Inverness Park District Plan Future Land Use





## V. Clinton Parkway

### Access Management

The City of Lawrence and the Board of County Commissioners of Douglas County approved a Resolution in October of 1970 concerning access management along Clinton Parkway. The Resolution said this about Clinton Parkway:

RESOLUTION NO. 3727

WHEREAS, the Governing Body of the City of Lawrence, Kansas, and the Board of Commissioners of Douglas County, Kansas, recognize that the area within the boundaries of the City of Lawrence and within the growth pattern of the City is one urbanizing area, and

WHEREAS, it is the mutual desire and express intention of the abovenamed governing bodies that the aforementioned area should develop in an orderly manner that will provide a safe, efficient, convenient, and comfortable living environment for residents of said area and

WHEREAS, both bodies realize the importance of the proposed Clinton Reservoir to the economy and general welfare of Lawrence and Douglas County, and

WHEREAS, it is expressly understood and agreed that Clinton Parkway (that portion of 23rd Street west of Iowa Street to the proposed Jayhawk Park) will be the main access to Clinton Reservoir for residents and visitors to the community, and

WHEREAS, preliminary engineering plans have been prepared, showing limited access for Clinton Parkway at approximately every quarter mile along said roadway;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, AND THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

That it is the mutual desire and intention of the Governing Body of the City of Lawrence, Kansas, and the Board of Commissioners of Douglas County, Kansas, that Clinton Parkway shall be a limited access road with no direct access except for intersecting collector roads and streets.

PASSED AND APPROVED this 6th day of October, 1970, by the Governing Body of the City of Lawrence.

THE CITY OF LAWRENCE, KANSAS

by Donald E. Metzler  
Donald E. Metzler, Mayor

ATTEST:

Vera Mercer  
Vera Mercer, City Clerk

PASSED AND APPROVED this 9th day of October, 1970, by the Governing Body of Douglas County, Kansas.

THE BOARD OF COMMISSIONERS OF  
DOUGLAS COUNTY, KANSAS

Travis E. Glass  
Travis E. Glass, Chairman

Arthur E. Heck  
Arthur E. Heck

Raymond Ice  
Raymond Ice

ATTEST:

Delbert Mathia  
Delbert Mathia, County Clerk

Clinton Parkway ultimately was constructed with limited access in a manner agreed to by the governing bodies with no direct access except at collector street intersections. Any action to seek relief from this access management decision will require appropriate governing body approval.

The result of the access management put in place has created a highly functioning roadway. This Plan does not support additional access to Clinton Parkway that will degrade the functionality of Clinton Parkway.

However, if the property at the southeast corner of Inverness Drive and Clinton Parkway is designated for commercial uses, consideration may be given to providing some limited access to Clinton Parkway. This could help to limit the impact to Inverness Drive that could result from the traffic generated by the property that would have to use Inverness Drive (and the round-a-bout) to get to W. 24<sup>th</sup> Place in order to access the property. Any consideration for limited access should only be given after a careful and detailed study of a land use proposed. The impact to the traffic signal synchronization along Clinton Parkway should also be part of that study.

## **VI. Implementation**

The purpose of this section is to provide actions that should happen as this Plan is adopted and urban development starts to occur in the planning area. Each implementation action is assigned a group or groups ultimately responsible for completing or approving the action.

- Amend Horizon 2020 Chapter 14, Specific Plans, to include the Inverness Park District Plan by reference.

**Who:** Planning Commission, City Commission, County Commission

- Amend Horizon 2020 Chapter 6, Commercial, to designate the southeast corner of Inverness Drive and Clinton Parkway and the southwest corner of Crossgate Drive and Clinton Parkway as Neighborhood Commercial Centers.

**Who:** Planning Commission, City Commission, County Commission

fits right in with the values we want to see funded. This had potential to fund itself and hopefully won't need continued funding. He said he was in favor of granting the one time request.

Amyx said he appreciated those comments but thought we had a program set up for these kind of requests. He said some of them had been told no, and he couldn't tell them no and then approve this.

**Moved by Carter, seconded by Schumm,** to approve request from Heartland Community Health Center for a one-time payment of \$25,000 for a medical biller position. Motion carried 4-1 with Amyx in the negative.

3. **Consider authorizing staff to receive qualification statements for engineering services for the design of the Maple Street Pump Station and corresponding stormwater sewer improvements. The project is being funded with Sales Tax Revenue.**

David Corliss, City Manager, introduced the project.

Matt Bond, Storm Water Engineer, presented the staff report.

Mayor Cromwell called for public comment.

Ted Boyle, North Lawrence Improvement Association, said he encouraged the Commission to continue to have staff move forward on this project. They had been looking forward to this for many years, since before the drainage system. Many people thinking of flooding as the river, but this is storm water flooding. The railroad tracks act as a dam. Around Lyon's Park we can have 3-4 feet of water standing after a few inches of rain.

Cromwell said it was a simple request to continue our work.

Schumm said it was a slam dunk.

**Moved by Carter, seconded by Schumm,** to authorize staff to receive qualification statements for engineering services for the design of the Maple Street Pump Station and corresponding storm water sewer improvements. Motion carried unanimously.

4. **Discuss initiation of changes to the Inverness Park District Plan.**

Dan Warner, Planner, presented the staff report.

Carter asked about the plan the neighbors supported.

Warner said it was one or two, it wouldn't have been three. He wasn't sure they landed on one.

Mayor Cromwell called for public comment.

Scott Meyers said for the 35 that met through that process, the preference was no more multi family and keep it the way it was. He thought we need to look at our zoning laws on multifamily and look at population density. Also to make sure the site planning process clearly defines open space. Those clarifications would have eliminated this whole mess that we had been dealing with for two years.

Dever asked if in the meeting there was agreement for no changes to the plan.

Meyers said not to change the currently approved zoning. No more commercial use. Leave it alone and don't change it. Whether they waffled as a group between one and two, they understood the way it was planned now no one could develop the open space. The emphasis of the neighbors was no more multifamily.

Dever asked about the plan, whether they wanted no changes to the zoning to any of the parcels in the plan.

Meyers said yes.

Jamie Hulse said it was never put to a vote, but what most people thought at the meetings was to come up with a plan that would allow development but no more multifamily. If there was a way to allow commercial instead of multifamily. Her question was whether we could come up with a way to have no more multifamily and Warner had said no, so many people wondered why they were having the meetings. She said that the majority of the Planning Commissioners were not in favor of multifamily which was why they were surprised when it was approved. She said we should stop using the term vacant because it was open space, a piece

of the developed parcel. She said they were in support of having commercial with no option for multifamily.

Cromwell said he wanted to be clear that the idea of accomplishing some commercial on the open ground, she was suggesting some sort of commercial which would require upzoning. He said at Clinton and Inverness Parkway, on slide 5.

Hulse said there was a risk supporting a plan for commercial, because multifamily would be a downzoning.

Cromwell said if there was a way to accomplish that, there may be support for that. He understood that additional multifamily was not attractive to the neighbors.

Hulse said that was correct. The only opposition was from people that lived directly adjacent, and they didn't want a restaurant. Everyone else was supportive.

Cromwell thought he remembered that discussion, but that some people were opposed.

Schumm said he was trying to be very clear. He understood that the NW corner, commercial would be acceptable. The NE corner was Hy-Vee. The 5 acres of open area, did she see something possible there.

Hulse said that would change the density there.

Cromwell said that was what he was trying to ask previously.

Hulse said her feeling was that it was 15 acres, and it was maxed out already. If you choose to leave 5 acres open you shouldn't be able to come back later and make it more dense.

Schumm said previously Hulse had said the neighbors said no more multifamily.

Hulse said nothing at all on the 15 acres.

Carter said we heard clearly no more multifamily. He thought from there we need to determine what is the best use for that area, including the 15 acre lot. The best use may be open space. His concern was how that 5 acres would look. Would that be better open or not?

Schumm said something else to keep in mind was that if we say it is going to be open space, that is good as long as this commission sits here. A new commission could change it,

even to multifamily. He said realistically that 5 acres would get developed at some point. He couldn't see it staying open forever. Does it make sense to decide something positive that should go there?

Amyx said we could redo the district plan, but every Tuesday night we are asked to make decisions on requests that come forward. We are going to make those decisions on the best information offered by staff and the public. Something would probably be built on that 5 acres some day. Some 3 or 4 commissioners some day would probably decide the best use of that land was to develop something, based on the best information available at the time.

Carter said when it comes to this plan, are you...

Amyx said a few years ago we decided neighborhood commercial would be appropriate at the corner. He asked if we were ready to direct staff to initiate that, as far as the text of the district plan.

Carter said it already has that.

Amyx asked if a larger amount. The 5 acres on the east side of Remington Square.

Carter asked if it is the best use of that land is to remain empty or to direct something for that land, even directing that no downzoning to multifamily. He asked if Amyx was in favor of leaving that undeveloped.

Cromwell said currently we have a plan calling for higher density, but without specific zoning. A request came before us and we denied it. The question was if that wasn't what we wanted, maybe we should change the plan to be clear to developers what we want there. We are being asked to provide today clarification of what the future might hold for that area. It is difficult when you see a vacant patch of grass not to think someone would want to develop it someday. That is something we have to consider and that is what we are asked to determine.

Schumm said regarding the 5 acre open space, what can go on there other than multifamily that would fit in a plan like that.

McCullough said small office uses, daycares, service facilities. That open space is considered developed from a land use perspective because it was included in the existing developed Remington Square. The exercise would be to determine what was appropriate.

Schumm said it could be a residential office.

McCullough said yes.

Schumm said it could be written in that no multifamily was allowed.

McCullough said yes. The commercial designation at Inverness is a little more open ended.

Schumm said he lived in a neighborhood with residential office and it works well with the neighborhood.

Cromwell asked how much the actual corner, where the lot line is.

McCullough pointed to the map. He said we were looking at 40,000-50,000 square foot and some outbuildings that could possibly fit there.

Carter said one solution might be to take what is in the plan and remove the open space that is part of the 15 acres. He didn't think we wanted to leave the plan unchanged. The other question is whether we want to do more and designate it as something else or open space. Does it really add value as open space or would it be better as commercial.

Schumm asked if planning this was a function of the planning commission.

McCullough said if a change was initiated it would receive a public hearing at the planning commission, and recommendations would come back to the city commission.

Dever said he thought we were talking about making alterations to one portion, not the entire plan. Maybe we are trying to rectify a loophole we had seen. He liked Carter's idea of removing the language. He asked what the densities could be.

McCullough said 16 dwelling units per acre.

Dever said we have to admit that as this area develops the value of those 5 acres will increase and the pressure to develop it will increase. Let's be honest and identify if we are or



are not interested in steering the development of that parcel. We either need to value the RM15 type development and dictate no more development, or identify this parcel and specify a land use.

Cromwell said the best thing we could do was to specify and recognize that someone is going to do something there someday. We should consider now what would be beneficial, recognizing that we don't desire more multifamily. Perhaps some buffer of residential office might be a good design practice. He said he thought that protects the value to the neighborhood and acknowledges some value of development to the area.

Dever said the neighbors were assuming this was open space and that is all that was intended and there should be nothing else.

Cromwell said he agreed with that, but someone would come in later and want to develop it. We needed to acknowledge and plan for that.

Schumm said we heard that argument and didn't know if that was an argument against multifamily or against any development. It would not stay vacant forever. How do we help that be what we want it to be. The neighborhood has said no more multifamily. The answer to the questions Dever posed would be answered at the Planning Commission. A transition between land uses would be considered also.

Amyx asked what is the natural progression. If additional multifamily is not used, what is the natural progression.

McCullough said we would study that and present it to the Planning Commission.

Cromwell said in making a change and saying it is okay to develop that open space as something, what is plausible on the existing developed area.

McCullough said we had tools to apply to that, like conditional zoning.

Cromwell said he would be interested in that.

Carter asked what is typically the transitional development there.

McCullough said the plan has to have specific language. Perhaps it calls out specific categories of land use. It will be difficult to remain at the sector plan level. It will have to be more specific, churches, office, single story buildings.

Cromwell said specificity will be helpful. Calling out specific land uses and preventing additional density will be the best course of action.

Schumm said we all hear substantial comment about notification and we want people to be notified so we don't have backlash that people weren't notified when it comes back to us.

Cromwell said it is difficult to keep up with this but he appreciated everyone's attention in following it.

**Moved by Carter, seconded by Schumm**, to initiate a text amendment to remove language on the 5 acre parcel specifying it to be high density multifamily and come up with specific appropriate uses for development. Motion carried unanimously.

At 8:43 p.m. the City Commission recessed for a short break.

At 8:52 p.m. the City Commission returned to regular session.

**5. Consider land use information related to recently adopted code amendments (TA-6-17-09) for Congregate Living and Multi-Dwelling Structures. (Requested by City Commission at their July 12, 2011 regular meeting and considered at their October 4, 2011 meeting and returned to Planning Commission. Considered by the Planning Commission at their November 14, 2011 meeting.)**

Scott McCullough, Director of Planning/Development Services, presented the staff report.

Cromwell said we hadn't talked about what is a basement and what is an attic. He had been in basements that were 4 feet high and some that were 8 foot high.

McCullough said we would have to get to that level of detail.

Cromwell said that becomes difficult. When do you stop being a crawlspace and when do you become a basement.

McCullough said we get into those kinds of discussions.

Carter said we do have strict definitions of what is habitable.

**From:** Larry James [mailto:ljplbuzz@sunflower.com]  
**Sent:** Monday, March 05, 2012 7:43 PM  
**To:** Dan Warner  
**Subject:** Inverness Park District

Planning Commission

I still feel that the one thing overlooked is the fact of traffic in and out of this area the way it is right now the people who live in this area blast down 24<sup>th</sup> street to Kasold Dr. like it's their private driveway. What's it going to take someone's child being hit before you see that entry to this has to be different or something to slow the traffic on 24<sup>th</sup> east? It's very bad now and this is going to make it worse with a lot more vehicles. The way it looks they have one street West to Inverness or East to Crossgate back to Clinton Parkway or on East on 24<sup>th</sup> to Kasold that is a lot to route on these small streets. Think about it if you lived in this area would you want all this extra traffic blasting down your streets when there is already a problem with people speeding down your street now!

Thank you  
Larry James

**From:** David Kleier [mailto:dbison@earthlink.net]

**Sent:** Thursday, March 15, 2012 5:53 PM

**To:** Dan Warner

**Subject:** Inverness Park District Plan

Mr. Warner,

As a homeowner south of Clinton Parkway in the Inverness Park area, my biggest concern is increased traffic volume, particularly coming onto Clinton Parkway from Inverness and Crossgate.

Thank you for taking into account existing neighborhood concerns.

David Kleier

-----Original Message-----

From: Stephen Slade [mailto:sfxslade@gmail.com]

Sent: Tuesday, March 13, 2012 3:25 PM

To: Dan Warner

Subject: Inverness Park District Plan - March 1, 2012 letter

Planning Commission:

I had a chance to review the package and wish to express my sincere appreciation to you, the Council and Planning Board for working towards re-zoning the Inverness Park District for other uses in contrast to the high density housing.

The city has a number of options to elect and light commercial use of the property would fit in much better with the area.

Thank you for your work towards this end. I would be there in person but business takes me out of town that week.

Regards,  
Stephen Slade  
4219 Teal dr  
Lawrence KS 66047

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(1911-1998)

GLEE S. SMITH, JR.  
OF COUNSEL

Matthew S. Gough  
Email: [mgough@barberemerson.com](mailto:mgough@barberemerson.com)

March 21, 2012

**VIA E-MAIL AND U.S. MAIL**

Lawrence/Douglas County  
Planning and Development Services Department  
Attn: Dan Warner  
City Hall - 6 E. 6<sup>th</sup> Street  
Lawrence, KS 66044-0708

*Re: Proposed Amendment to Inverness Park District Plan (the "Plan")*

Dear Dan:

I am writing on behalf of Remington Square, L.C. ("**Remington**"), the owner of 4100 W. 24<sup>th</sup> Place (the "**Property**"). Remington consents to and supports the adoption of the proposed amendments to the Plan, as described in the March 26, 2012 Planning Commission agenda packet. The City Commission requested that the Planning Commission analyze potential non-residential uses for the undeveloped five-acre portion of the Property, and the proposed amendment appropriately identifies several non-residential options. The undeveloped tract may one day be an ideal site for a church, residential office, or other use permitted in the CO District.

Thank you for your continued hard work and diligence.

Very truly yours,

BARBER EMERSON, L.C.



Matthew S. Gough

MSG:plh

cc: The Lawrence-Douglas County Metropolitan Planning Commission (via e-mail only)  
Scott McCullough, Planning Director (via e-mail only)  
Remington Square, L.C. (via e-mail only)



**From:** Jamie Hulse [mailto:jamiehulse@att.net]

**Sent:** Sunday, March 25, 2012 10:41 PM

**To:** gradually@hotmail.com; cblaser@sunflower.com; bradfink@stevensbrand.com;  
laraplancomm@sunflower.com; bculver@bankingunusual.com; rhird@pihhlawyers.com; squampva@aol.com;  
clay.britton@yahoo.com; kenzieingleton@hotmail.com; bruce@kansascitysailing.com; cdavis2@ku.edu

**Cc:** Dan Warner; Scott McCullough

**Subject:** Vote no to increased density for Inverness Park District Plan

Dear Planning Commissioners,

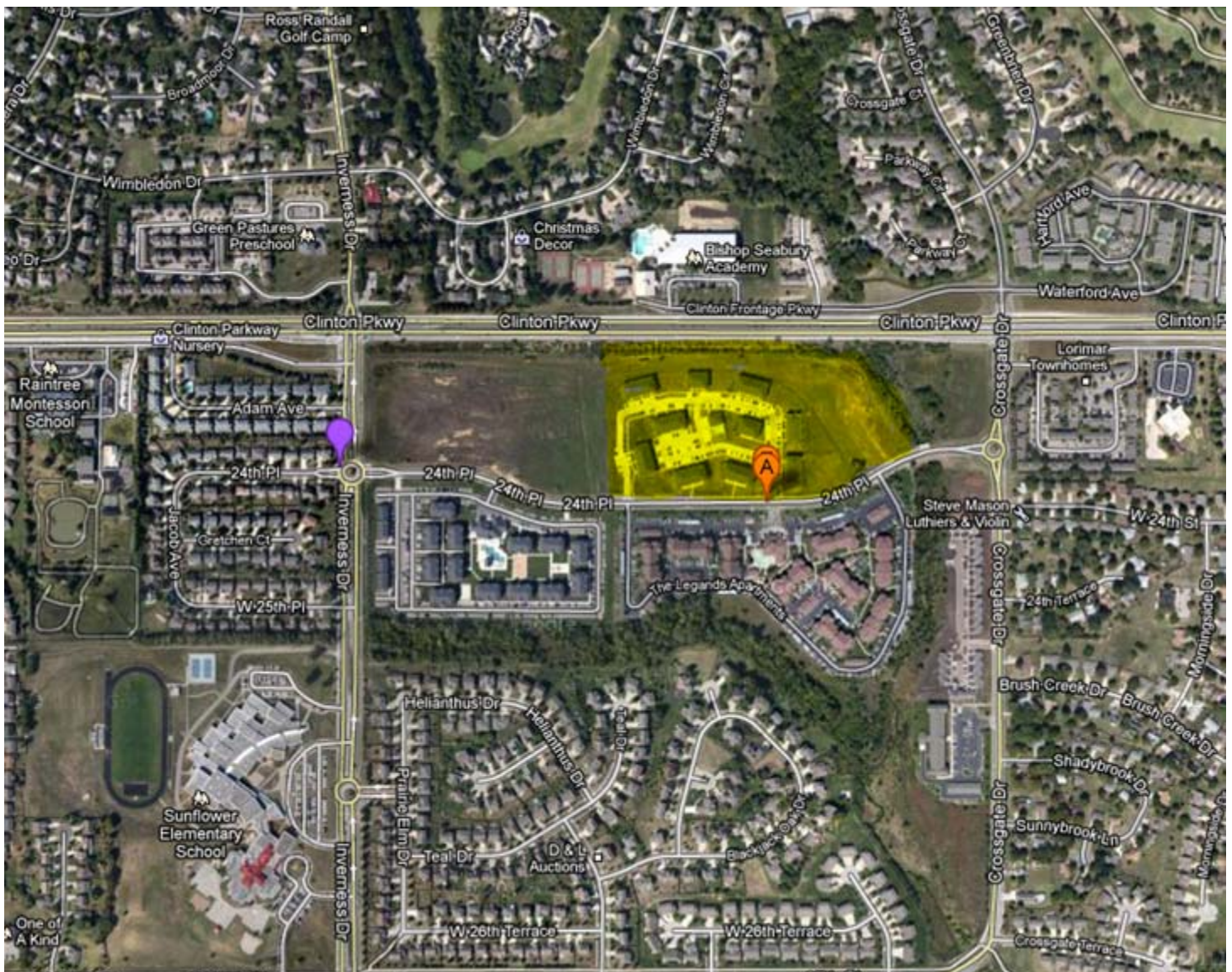
Please vote no to the proposed change to the Inverness Park District Plan.

**Direct Planning Staff to remove RM24 zoning from the Inverness Park District Plan AND to add language that disallows any future multi-family from Inverness Park unless it meets the current zoning (RSO).**

---

In 1999, Planning Staff, Planning Commissioners and City Commissioners all agreed that density for the Inverness Park area should "not exceed 7/10/12 units per acre (depending on lot)", or there would be a **negative impact on existing neighborhoods** (see multiple highlighted areas in attached Planning Staff report).

If Planning Staff/Planning Commissioners/City Commissioners determined in 1999 that more than 12 units an acre would have a detrimental impact on surrounding single family neighborhoods, a position which is still supported by **Horizon 2020**, how can there be any logical justification for doubling that to 24 units an acre 12 years later, when density for the Inverness Park area along W. 24th Place is now at 12-15 units/acre?



## Highlighted area = Remington Square 15 acre tract

The 5 acres to the east side of the tract is described in the site plan as "open space". The density is maxed out for the 15 acre tract at 15 dwelling units/acre.

Planning Staff and Remington Square continue to refer to the "open space" as a "vacant 5 acre lot", which has confused people into thinking it is a separate lot.

The difference in landscaping maintenance standards for the eastern 5 acres and western 10 acres adds to the confusion, and appearance that the 5 acres is a "vacant lot".

The eastern 5 acre "open space" is the equivalent of a back yard for a single family home.

(This map shows The Casitas and The Grove, as opposed to the aerial map included in the proposed Inverness Park District Plan.)

- Remington Square asked for RM24 to build more apartments, and the request was denied.
  - Now staff is recommending an increased density of RM24 for the western 2/3 of the 15 acres, to allow the property owner to subdivide the 15 acres, selling the eastern 5 acres for a Commercial Office use.
  - This is the equivalent of me asking for approval to build a duplex in my backyard which has street frontage along Inverness, and having my request denied. Then staff recommends approval of a Commercial Office use for my backyard, because it is "vacant ground".
  - If the proposed change is approved, you are opening the door for increased density for Remington Square, and for the remaining 2 vacant lots. Applicants will argue that increased density is appropriate because of RM24 (exceeds high density) and commercial zoning at the corner of Clinton Parkway and Crossgate.
  - The argument that increasing density from RM15 to RM24 is appropriate and supported by Planning Staff because surrounding properties are either vacant, or are other multi-family complexes, and soon-to-be commercial, is flawed and not valid. Especially when considering the Horizon 2020 references and Planning Staff recommendations in the attached document. Surrounding future property values will actually be negatively impacted MORE with previously approved increased density for Legends Place, The Grove and Remington Square.
  - In Fall 2010, City Commissioners directed Planning Staff to work with neighbors to develop a district plan for the remaining lots that neighbors could support, which would include language for no additional multi-family.
  - Planning Staff presented a plan to neighbors, that included RM24 for Remington Square. Many neighbors expressed frustration, and threw up their hands saying "staff and planning commissioners have never listened to us".
  - For the last year (regarding the Remington Square request), neighbors attended meetings and wrote emails opposing the plan, but every commission approved the district plan anyway...which has completely baffled neighbors.
  - Neighbors supported commercial zoning for HyVee convenience store & carwash at the corner of Crossgate & Clinton Parkway in order to achieve "mixed use", and to avoid the possibility of more apartments.
  - It is inexcusable to now penalize the surrounding neighborhoods for that support by citing Horizon 2020 , saying RM24 next to commercial is an appropriate "step down" or "transition".
-



## Multi Dwelling Development in Inverness Park

	Density - Apt Units per Acre	Actual Apt Units
Remington Place (existing) (Proposed)	15 (24)	224 (224)
Legends	12	200
The Grove	14	172
Wyndam	10	45
Crossgate Casitas	10	46
Current Total		687

- 
- Residential densities are defined in **Horizon 2020** as follows:
    - Low density residential development = 6 or fewer dwelling units per acre
    - Medium density residential development = 7-15 dwelling units per acre
    - High density residential development = 16-21 dwelling units per acre
    - 24 dwelling units per acre exceeds the city definition of High Density!

**Vote to remove RM24 zoning from the Inverness Park District Plan AND vote to add language that disallows any future multi-family from Inverness Park unless it meets the current zoning (RSO).**

Sincerely,

Jamie Hulse  
4403 Gretchen Ct.  
785-393-2942

## **AGENDA ITEMS NOS. 16 through 18H.**

This document is written to serve as a comprehensive review and report of the planning and zoning items submitted for the 160+ acre tract of land known locally as the "Getto Property", which is located on the south side of Clinton Parkway, between Crossgate and Inverness Drives, and bounded on the south by 27<sup>th</sup> Street.

The order of presentation of information in this report is: annexation request; rezoning applications [A to RS-2, A to RM-D, A to RM-1, A to RO-1 B, A to PRD-2, A to O-1, A to PCD-1, and A to PCD-2]; and the preliminary plat for the entire tract. Where logical and to prevent repetition, the reviews of the zoning applications have been combined to present the information in a non-repetitive and coherent manner.

**[Item No. 16] A-4-4-99: ANNEXATION REQUEST FOR 163.46 ACRES, NW 1/4 AND NORTH 40 FEET OF THE WEST HALF OF THE SW 1/4 OF SECTION 10-13-19**

**Summary:** A request to annex approximately 163.46 acres into the City of Lawrence. The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. Submitted by Peridian Group for the Winnifred and Paul Getto Limited Partnership, the property owners of record.

### **General Information:**

Current Zoning and Land Use                      A (Agricultural District); agricultural fields.

Surrounding Zoning and Land Use      RS-1 (Single-Family Residence) District, RS-2 (Single Family Residence) District, and RM-1 (Multiple-Family Residence) District to the west; developed with an elementary and junior high school complex, single-family residences, and duplexes respectively.

RO-2 (Residence-Office) District, PRD-2 (Planned Residential Development) District, and RM-1 (Multiple-Family Residence) District to the north; developed with an animal hospital, multiple-family residences, private recreation facilities and multiple-family residences, respectively.

RM-2 (Multiple-Family Residence) District and RS-2 (Single-Family Residence) District to the east; developed with multiple-family residences and single-family residences, respectively.

RS-2 (Single-Family Residence) District and A (Agricultural) District to the south; undeveloped agricultural uses.

**Annexation Authority:** The property owners have petitioned for annexation of this quarter section of ground. This tract is an island within the incorporated boundaries of Lawrence, being adjacent to unincorporated area for only a small distance (approximately 1/8 mile), on the southwest corner of the

tract.

When a property owner petitions for annexation of land which is contiguous to the city limits, Kansas law (K.S.A. 12-510 et seq) provides for annexation by ordinance of the City Commission. The City's policy requires annexation requests for parcels of land over ten acres in size to be forwarded to the Lawrence/Douglas County Planning Commission for review.

The zoning ordinance, Chapter 20 of the City Code, section 20-504 requires that upon annexation property shall be rezoned to a compatible City classification. The related rezoning requests associated with this annexation are Agenda Items Nos. 18A-H. Agenda Item No. 17, a preliminary plat (Inverness Park) submitted for the entire 163 acres, is also included in this report.

### **Application Review:**

#### **Site Characteristics:**

The subject property is located within Service Area 1 of the Urban Growth Area identified in H2020 and is anticipated for the nearest term development timing. The property is adjacent to Clinton Parkway, a major arterial as designated in Transportation 2020, and three collector streets; Crossgate Dr., Inverness Dr., and 27<sup>th</sup> St. The site is undeveloped and has been used for agricultural purposes. A drainageway exists in the form of two separate creeks that flow through the property with the natural slope from northwest to southeast, converging at the southeast corner.

#### **Infrastructure and Utility Extension:**

*Rural Water:* City policy indicates that any compensation required for rural water facilities shall be provided to the City by the developer. The applicant has indicated that there are no rural water facilities on site which are subject to this policy.

*Sewer:* The preliminary plat submitted with this request for annexation shows the location of an existing sanitary sewer main line through the center of the drainageway on the subject property. Service lines have been proposed to extend to this sewer main from the future development on the property.

Black & Veatch Corporation has reviewed the proposed annexation and rezonings based on criteria presented in the Master Plan for sanitary sewer services for the City of Lawrence and have concluded that the anticipated wastewater flows from this proposed development will not have an adverse impact on the existing sanitary system. A 24-inch sanitary sewer interceptor currently carries wastewater flows along the drainageway from north to south through the subject property. The City Stormwater Engineer has indicated that this existing sanitary sewer line must be relocated because it will be within a drainage easement that will be dedicated with this development. The City Utility Department has stated that the new sanitary sewer line should be upgraded to a larger size in order to handle future increases in capacity. The applicant has agreed to install a larger line which will be included in the preliminary plat for this property.

*Private Utilities:* Generally, telephone, electric and gas service can be extended to serve the subject property. The surrounding areas to the west, north, and east are platted and utility easements exist to extend service.

*Public Right-of-Way Dedications:* The subject property is bounded by four existing streets. Rights-of-way for each of these and for streets within the future development would be dedicated as part of the platting process and provide the framework for the developing street network for the area. Coordination will be required between the applicant and adjacent property owners to assure that adequate right-of-way is in place for the public use of the property and can be addressed in more detail during other phases of the development process.



Crossgate Drive along the length of the east property line, 27<sup>th</sup> St. along the south property line, and Inverness Drive along the west side are proposed collector streets. An 80' total width dedication is necessary for construction of W. 27<sup>th</sup> St, and 40' of dedication is necessary for both Crossgate Drive and Inverness Drive. Street dedications are a requirement of the platting process. The applicant has proposed a phasing schedule for street improvements within and adjacent to the development. Development of portions of this property will be contingent upon the completion of related infrastructure improvements.

#### Stormwater Management Improvements:

Substantial stormwater improvements will be necessary on the property in order for development to occur. The applicant has proposed a phasing program for public improvements. The removal of the existing storm structure and county road at the southeast corner of the property (intersection of Crossgate Drive and 27<sup>th</sup> St.) as well as all drainage channel improvements to Tract 'A' are in the first phase of development. The subsequent replacement of a storm structure is in the second phase of development.

#### Comprehensive Plan:

**Horizon 2020**, the City and County's Comprehensive Plan, indicates that this area is suitable for urban development. One of the key features of the Plan states:

*"The plan promotes development in the urban growth area through an adopted annexation policy which anticipates well-planned development of fringe areas."*

Annexation policy #1 states that the *City of Lawrence will actively seek voluntary annexation of land within the urban growth area as development is proposed*. As shown on the Lawrence Urban Growth Area map (Figure 9), the subject property is within the Urban Growth Area. Additionally, it is within Service Area 1, an area anticipated for development in the near future coincident with the improvements and construction of major utilities and streets. A primary goal expressed in **Horizon 2020** is to encourage development, which is consistent with a service delivery plan and to coordinate development with the reasonable extension of municipal services.

#### Summary of Comprehensive Plan

The subject property is clearly located within the area most readily anticipated for urban development. **Horizon 2020** supports a definitive approach that utility services and major street improvements should be in place prior to development.

Generally, the majority of this area is suitable for low-density residential development and related uses within that district. The projected land uses identified in these plans are generally reflected in the accompanying rezoning requests associated with the proposed annexation.

#### **SUMMARY OF FINDINGS:**

In summary, the comprehensive plan indicates that expansion of the city limits in this area is anticipated and expected. The proposed development intent of the applicant is to rezone this property for a mixture of residential, office, and commercial development.

Municipal utilities, including water and sanitary sewer, are available and can be extended or relocated to serve this property. Primary trunk lines are currently in place and/or can be reasonably extended. Additionally, no Rural Water Districts have facilities located within the subject area.

Staff supports the proposed annexation. The subject area is within Service Area 1 and is reasonably expected to respond to growth in the form of urban development.

#### **ANNEXATION REQUEST**

**Staff Recommendation:** Staff recommends approval of the petition for annexation of 163.46 acres, known as the "Getto Tract", and forwarding of a recommendation for approval of this petition to the City Commission for approval and annexation.



## **ZONING APPLICATIONS FOR THE 163.46 ACRES KNOWN AS THE "GETTO TRACT"**

**A TO RS-2 , 67.18 ACRES [ITEM NO. 18A] A  
RM-D, 11.62 ACRES [ITEM NO. 18B] A RM-  
1, 10.35 ACRES [ITEM NO. 18C] A RO-1 B,  
13.74 ACRES [ITEM NO.18D] A PRD-2,  
17.81 ACRES [ITEM NO. 18E] A 0-1, 21.63  
ACRES [ITEM NO. 18F] A PCD-1, 6.64  
ACRES [ITEM NO. 18G]  
A PCD-2, 5.19 + 10.35 ACRES [ITEM NO. 18H]**

The 163 acres, which is the aggregate of the above applications for rezoning, represent the largest privately planned area development proposal submitted in the past several years.

Dial Realty, a contractual purchaser of the above referenced property, has been working with the Peridian Group, Inc., a local planning and engineering firm, to develop plans for the property.

Current and surrounding zonings and land uses were previously listed as part of the annexation report.

### **CHARACTER OF THE AREA**

#### **Proposed areas for RS-2, RM-D, and RM-1 Zoning Districts**

The subject property is undeveloped and is the southern half of the 160 acres bounded by Clinton Parkway to the north, Inverness Drive to the west, Crossgate Drive to the east, and 27<sup>th</sup> St. to the south. This portion of the property has right-of-way frontage on 27<sup>th</sup> St. to the south, Inverness Drive to the west, and Crossgate Drive to the east. The property is currently used for agricultural purposes and is bordered on the north by a natural drainageway and agricultural land proposed to be rezoned to RO-1 B, PRD-2, and PCD-2 Zoning Districts. Undeveloped RS-2 property and unincorporated county land zoned A (Agricultural) exists to the south. Southwest Junior High School, Sunflower Elementary School, and single-family residences (RS-2 Zoning) exist to the west. Single-family residences (RS-2 Zoning) as part of a PUD development also exist to the east.

#### **Proposed areas for RO-1 B, PRD-2, 0-1, PCD-1 and PCD-2**

The subject property is undeveloped and is the northern half of the 160 acres bounded by the above-referenced streets. This portion of the property has right-of-way frontage on a proposed local frontage road (24<sup>th</sup> St.). The property is currently used for agricultural purposes and is bordered on the south by a natural drainageway and agricultural lands proposed to be rezoned to RS-2 and RM-1 Zoning. Single-family and multi-family uses exist to the east and west. Property north of Clinton Parkway contains apartments, a tennis/racquet club and a veterinarian office.

The different rezoning requests received for this portion of the property, if approved, would greatly change the character of the area. The residential predominance would be lessened with the addition of office and commercial development proposed.

- **Staff Findings:** The character of the area for the RS-2, RM-D, and RM-1 zoning applications [Z-4-6-99, Z-4-7-99, and Z-4-8-99] is undeveloped land used for agricultural purposes surrounded by primarily single-family and multiple-family residential land uses. A

drainageway flows along the north side of the requests and passes through it to the southeast.

The character of the area for zoning applications RO-1 B, PRD-2, O-1, PCD-1, and PCD-2 [Z-4-9-99, Z-4-10-99, Z-4-11-99, Z-4-12-99 and Z-4-13-99] is undeveloped land used for agricultural purposes surrounded by primarily single-family and multiple-family residential land uses. A drainageway flows along the south and east sides of the area.

**III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED [This criteria evaluation applies to Z-4-6-99; Z-4-7-99; Z-4-8-99; Z-4-9-99; Z-4-10-99; Z-4-11-99; Z-4-12-99; and Z-4-13-99]**

The subject property is suitable for the current zoning designation. The property is within Service Area 1 as defined in Horizon 2020. The plan document anticipates this area to be incorporated within the near future. Upon annexation the "A (Agricultural)" zoning designation would not be consistent with the City zoning regulations and would also be considered as "unsuitable." The specific property included in this rezoning request is located within the unincorporated area of Douglas County. Section 20-504 of the Code of the City of Lawrence requires:

*"Zoning of Newly Annexed Areas. All territory which may hereafter be included within the zoning jurisdiction of the City of Lawrence shall retain its county zoning district designation upon annexation into the city and shall be subject to the provisions set forth in the Zoning Regulations for unincorporated Territory in Douglas County, Kansas. A rezoning request shall be initiated immediately by the property owner or City."*

The Zoning Ordinance provides that a rezoning request shall be initiated immediately upon the property's annexation to the City. Consequently, upon annexation, the county zoning designation of A (Agricultural District) would no longer be appropriate for the subject property. In staff's opinion, the rezoning should be contingent upon the annexation of the subject property.

The property is suited for agricultural uses; however, developmental pressures and surrounding zonings and land uses make continuing agricultural practices less desirable or practical.

- **Staff Finding** - The Zoning Ordinance provides that a rezoning request shall be initiated immediately upon the property's annexation to the City. Consequently, upon annexation, the county zoning designation of A (Agricultural District) would no longer be appropriate for the subject property. Suitability of the land use is directly related to the status of annexation as well as surrounding and anticipated development.

**IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED [This criteria evaluation applies to Z-4-6-99; Z-4-7-99; Z-4-8-99; Z-4-9-99; Z-4-10-99; Z-4-11-99; Z-4-12-99; and Z-4-13-99]**

The subject property is currently undeveloped. The existing zoning has been in place since the adoption of zoning in 1966. The individual zoning areas have not yet been annexed and are part of the 160+ acre tract.

- **Staff Finding** - The subject property is currently undeveloped and has remained vacant as zoned since 1966.

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

**[This criteria was evaluated separately for the zoning applications based upon similarities in the proposed land uses effects on nearby properties. The reviews were consolidated into 4 segments, which are presented below]**

**Applicable to zoning applications: Z-4-6-99 (A to RS-2) and Z-4-7-99 (A to RM-D).** The surrounding area is currently developed primarily with low-density residential uses. Therefore,



detrimental effects will likely include those impacts that occur with new residential development including increased traffic on collector streets and loss of "open space". Residential development is generally anticipated as the city limits expand to incorporate this area.

- **Staff Finding** - The most significant detrimental effect anticipated is the loss of "open space" by adjacent property owners and the introduction of residential development. However, the area is anticipated for residential development, and in the long term, this change is appropriate.

**Applicable to Z-4-8-99 (A to RM-1)**

The surrounding area is currently developed primarily with low-density residential uses. Therefore, detrimental effects will likely include those impacts that occur with new residential development including increased traffic on collector streets and loss of "open space".

The subject property is also directly across Crossgate Drive from an RS-2 development with single-family residences. The proposed rezoning to RM-1 would allow a maximum density of 12 units per acre, a density that would be double the allowed density on the east side of Crossgate Drive without the benefit of a natural buffer, screening, or back-to-back relationship. In staff's opinion, a zoning designation of PRD-1, that allows a maximum density of 7 dwelling units per acre, is more appropriate in this location, and allows for greater street setbacks and more flexibility in design given the property's shape, floodprone tendencies, and developable area. (See **Conformance with the Comprehensive Plan**)

- **Staff Finding** - The most significant detrimental effect anticipated is the location of medium-density residential located across from existing single-family residential development without the benefit of a natural buffer or back-to-back relationship. Rezoning to PRD-1 is more appropriate given the adjacent uses, the properties floodprone tendencies, and the developable area.

**Applicable to Z-4-9-99 (A to PRD-2) and Z-4-10-99 (A to RO-1 B)**

Areas immediately to the north, east and south of the areas proposed for PRD-2 and RO-1 B are currently undeveloped and have rezoning requests pending. The rezoning of this area is not expected to have a detrimental effect on those areas located within the overall 160 acre tract.

Based on the location of the RO-1 B and PRD-2 rezoning requests within the overall 160 acre tract, the property to the west, which is currently developed, would be the most affected. Property to the west is residential in nature with a maximum allowable density range from 6 to 12 units per acre. Stone Meadows South No. 3, zoned RM-1, has an approximate developed density of 6 dwelling units per acre and Stone Meadows South No. 2, zoned RS-2, has an



approximate density of 3 units per acre. The allowable density in an RO-1 B District is 12 units per acre, and the allowable density in a PRD-2 District is 15 units per acre. Without having a development plan for the area requested to be rezoned, it is difficult to determine if enough buffering would be provided to separate the different land uses and what the proposed density would be on the subject area. The RO-1 B zoning district requires a building setback of 25' from the property line. PRD zoning requires a perimeter setback of 30' from the property line.

Sunflower Elementary and Southwest Junior High are located southwest of this request.

In order to limit the allowable density, the area proposed for RO-1 B could be rezoned to PRD-1, with a limit of 7 dwelling units per acre. It would also be possible to rezone to PRD-2 consistent with the proposed PRD-2 to the east, and then limit the density on both. By rezoning to a Planned Residential District, the density can be regulated and other features such as perimeter setbacks and open space can be utilized to ensure adequate buffering between land uses.

There is merit in limiting the allowable density. With 13 acres and an allowable density of 12 units per acre on the RO-1 B, approximately 156 units could be constructed. The PRD-2 district permits development of a maximum of 15 dwelling units which would allow a maximum of 267 units. Obviously, other elements such as setbacks, height and parking requirements might reduce this density, but the allowable density is higher than what is located across Inverness Drive to the west. Development of intensive multiple-family units may have significant traffic effects on the perimeter roads (Inverness and Crossgate) and their respective intersections with Clinton Parkway. Improvements to these perimeter streets will need to be in place prior to multiple-family development to minimize the projected traffic impacts on nearby properties.

- **Staff Finding** - The removal of the agricultural restrictions are not expected to adversely affect nearby properties; however, the density of the requests may result in negative impacts to adjacent properties. A rezoning to a Planned Residential Development (PRD-1 or PRD-2 with a density restriction of 12 units per acre) would be more appropriate adjacent to the existing single-family residential development to the west. A density restriction of 12 units per acre would also be more appropriate for the area proposed for PRD-2 given the overall nature of the surrounding low-density residential neighborhood.

**Applicable to Z-4-11-99 (A to O-1); Z-4-12-99 (A to PCD-1); and Z-4-13-99 (A to PCD-2) Areas**  
immediately to the south and west of this area are currently undeveloped and have rezoning requests pending. The rezoning of this area is not expected to have a detrimental affect on the areas located within the overall 160 acre tract.

Based on the location of this rezoning request within the overall 160 acre tract, the properties to the east and west, which are currently developed, would be the most affected. Property to the east is residential in nature with a maximum allowable density range from 6 (RS-2) to 21 (RM-2) units per acre. Lorimar Subdivision, zoned RM-2, has an approximate developed density of 18 dwelling units per acre and the Four Seasons Subdivision, zoned RS-2, has an approximate developed density of less than 5 units per acre. Property to the west is residential in nature with a maximum allowable density range from 6 to 12 units per acre. Stone Meadows South No. 3, zoned RM-1, has an approximate developed density of 6 dwelling units per acre and Stone Meadows South No. 2, zoned RS-2, has an approximate developed density of 3 units per acre.

Without having a development plan for the area requested to be rezoned, it is difficult to determine if enough buffering would be provided to separate the different land uses and what the intensity would be on these areas. Additionally, the O-1 zoning district allows limited commercial uses, the PCD-1 zoning district allows for commercial land uses, and the PCD-2



zoning district allows for *intense* commercial land uses. The Comprehensive Plan does not support commercial development in this area and is restrictive in the placement of office development. (Discussed in more detail under the Comprehensive Plan Review.) Crossgate Drive, based upon the location of this request, would become the major route to this commercial site. In addition to the 5 acres requested for PCD-2 on the northeast corner and the 7 acres requested for PCD-1 adjacent to the west, a five acre tract also proposed for PCD-2 is located south of these requests and adjacent to the single and multiple-family residential area to the east.

It is Staff's opinion that the proposed O-1, PCD-1, and PCD-2 are more appropriate for development using the RO-1 B zoning category (which can be approved using the Lesser Change Table). These modifications to the zoning applications would allow for a residential aspect to be introduced and the allowed uses are less intense, thus not detrimentally affecting the residential property located to the east.

- **Staff Finding** - Based on the surrounding land uses and current agricultural restrictions, removal of the restrictions is not expected to detrimentally affect nearby property. However, the intensity of proposed zonings and uses allowed in the O-1, PCD-1, and PCD-2 District have potential for negative impacts to adjacent properties. The proposed O-1, PCD-1, and PCD-2 areas are more appropriate for development as RO-1 B, based on the Lesser Change Table.

**VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS. [This criteria evaluation applies to Z-4-6-99; Z-4-7-99; Z-4-8-99; Z-4-9-99; Z-4-10-99; Z-4-11-99; Z-4-12-99; and Z-4-13-99]**

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public's health, safety and welfare.

Denial of the RO-1 B, 0-1, PCD-1 and PCD-2 requests may provide some relative gain to the public's health, safety and welfare by limiting the allowable density and intensity and encouraging the property owner to develop the property in a manner which is consistent with the Comprehensive Plan and the characteristics (density and land use) of the surrounding area.

A rezoning which would introduce residential or office elements, limiting the density and intensity of development, would not pose a hardship upon the applicant since the agricultural restrictions would be removed, but may delay the development timeline for portions of the project. Rezoning the property to less intense uses would benefit the public's health, safety and welfare and would allow the property to conform with the Comprehensive Plan and surrounding land use patterns.

In Staff's opinion, denial of the more intense requests for nonresidential zonings would not destroy the value of the petitioner's property. Those portions of the tract could continue to be either utilized as agricultural, or could be developed under another less intense zoning district. The most obvious hardship to the applicant, if the petitions for RO-1B, 0-1, PCD-1 and PCD-2 were denied, would be the postponement of development on the northern portion of this tract. The proposed land uses in the PRD-2 request area are appropriate, with a density restriction of 12 dwelling units per acre, for development as the City Limits are expanded and utilities and infrastructure are extended. The proposed land uses in the southern portion (RS-2, RM-D) are appropriate for development as the City Limits are expanded and utilities and infrastructure are extended. In staff's opinion, the proposed rezoning to RM-1 could have a negative impact on the public health, safety, and welfare. Rezoning to PRD-1 is more appropriate given the adjacent uses and the shape and size of the property. The property is clearly within the growth pattern for the City of Lawrence.

As stated above, properties to the east and west of the 160 acre tract have already been developed and some property to the south of the 160 tract has been residentially (RS-2) zoned. Property to the north is developed as well.

- **Staff Finding** — Denial of the RO-1B, 0-1, PCD-1 and PCD-2 rezonings, as requested, would protect the public health, safety and welfare. Rezoning the RO-1 B request to PRD-2, with a density restriction of 12 dwelling units per acre and rezoning the 0-1, PCD-1 and PCD-2 requests to RO-1B, through the lesser change table, are appropriate based on conformance with the Comprehensive Plan and the surrounding land use pattern. The proposed rezonings to RS-2 and RM-D are appropriate densities for the property and therefore would not have a negative impact to the public health, safety, and welfare. The proposed rezoning

to PRD-2 permits multiple-family residential development. With associated infrastructure improvements and by limiting the density, proposed development can be designed to minimize impacts to the public health, safety, and welfare. The proposed rezoning to RM-1 is an inappropriate density for the property and therefore could have a negative impact to the public health, safety, and welfare. Rezoning to PRD-1 is more appropriate given the adjacent uses and the shape and size of the property. Denial of rezonings, which are consistent with surrounding land use density and intensity and the Comprehensive Plan, would impose a hardship upon the landowner. Denial of the rezonings of the property would not destroy its value, although the hardship imposed on the landowner would be the postponement of development on the property.

## **VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

An evaluation of the conformance of this rezoning request with the City's Comprehensive Plan is based on



key features, goals, policies and recommendations of the plans.

As noted previously, the subject property of 160 acres is within "Service Area 1" which is anticipated as the primary short-term growth area. The land use map shows a designation of low density residential for the majority of the property, and an open space designation for the existing drainageway. Clearly residential land uses are projected for the subject area. The appropriate density/intensity of development is the primary issue for this particular request.

Residential densities are defined in Horizon 2020 as follows:

1. Low density residential development = 6 or fewer dwelling units per acre
2. Medium density residential development = 7-15 dwelling units per acre
3. High density residential development = 16-21 dwelling units per acre

**Applicable to zoning applications: Z-4-6-99 (A to RS-2) and Z-4-7-99 (A to RM-D)** Low-density residential is defined as, *"reflecting a density of 6 dwelling units per acre.. "*, and, *"While this classification includes densities that would encompass duplex and some townhome housing, emphasis is placed on single-family detached development"*

Horizon 2020 provides a range of applicable densities. However, the Zoning district conveys only one maximum density. Within conventional zoning, it is the site planning process that allows negotiation of the range and mix of density and housing type. The proposed RS-2 district allows a maximum density of approximately 6 dwelling units per acre, and the RM-D district would allow a maximum density of up to 12 dwelling units per acre. The size and shape of the proposed RM-D Zoning District as well as the restriction of development to single family and duplex building types, will together limit the possible developed density of the property. Additionally, a preliminary plat has been submitted with this rezoning that proposes a net density of approximately 8 units per acre.

The Comprehensive Plan supports low and medium density residential where there are similar low and medium density residential uses and where barriers and screening exist between it and more intensive land uses. One of the principal strategies of new residential areas is that, "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..."(pg. 43)

Medium density development is recommended at *"selected locations along major roadways, near high-intensity activity areas"* and as *"transitional locations between single family neighborhoods and office/commercial areas."* (Pg. 45)

Additionally, Horizon 2020 states that development should, "promote the integration of mature trees, natural vegetation, natural and environmentally sensitive areas whenever possible to buffer low-density developments from other more intensive land uses". The proposed drainageway could be considered as a transition between the proposed land use and the medium density residential proposed to the north and east. The applicant has proposed that a large portion of the drainageway and natural vegetation be retained in "Tract A" as shown on the preliminary plat, creating a setback and screening barrier between the proposed low-density residential and medium-density residential/office uses.

\* **Staff Finding** - The proposed requests are generally consistent with the City's Comprehensive Plan, Horizon 2020.

**Applicable to Z-4-8-99 (A to RM-1) and Z-4-9-99 (A to PRD-2)**

Horizon 2020 provides a range of applicable densities. However, the Zoning district conveys only one maximum density. Within conventional zoning, it is the site planning process that allows negotiation of the range and mix of density and housing type. The proposed RM-1 district would allow a maximum density of up to 12 dwelling units per acre. Staff has recommended that the subject property be rezoned to PRD-1



based on the Lesser Change Table, consistent with the staff-recommended PRD-2 to the north and the existing RS-2 district to the east.

The proposed PRD-2 district would allow a maximum density of up to 15 dwelling units per acre. Staff has recommended a maximum allowed density of 12 units per acre for the proposed PRD-2, consistent with the staff-recommended PRD-2 to the west and RO-1 B districts recommended to the north.

The Planning Unit Concept (pg. 44, Horizon 2020) representing one square mile of developed property, shows medium density residential development as a transitional use between low density residential and office or retail and located near the intersections of collector and arterial streets. The Plan also states that medium density development is recommended at *"selected locations along major roadways, near high-intensity activity areas"* and as *"transitional locations between single family neighborhoods and office/commercial areas."* (Pg. 45) Furthermore, Policy 1.3 of the criteria for location of medium and higher-density residential development states that such development *"should be arranged in small clusters as transitions from more intensive land uses or located at the intersection of major streets."*

The Comprehensive Plan clearly supports medium density residential as a transition use between lower and higher density residential. One of the principal strategies of new residential areas is that, *"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..."*. (pg. 43) The RM-1 district allows a maximum of 12 units per acre, a density that is double the potential density of the adjacent RS-2 district. The PRD-2 district allows a maximum of 15 units per acre, a density that is at the high end of the medium density residential category. Additionally, Policy 2.6 (pg. 65) states that *"The number of dwelling units per*

*acre in any residential category should be viewed as representing a potential density range rather than a guaranteed maximum density. Potential development should be approved based upon consideration of natural features, public facilities, streets and traffic patterns, neighborhood character, and surrounding zoning and land use patterns."*(emphasis added)

In staff's opinion, the proposed RM-1 district is not supported by the Comprehensive Plan, and the density of the PRD-2 district is not supported by the Comprehensive Plan. Staff has also determined that the proposed PCD districts proposed to the north of the subject property is not supported by the Comprehensive Plan as outlined in the staff reports of those items (Item No. 18G and 18H) and has recommended a medium density residential/office district (RO-1 B) for those parcels.

As per the Planning Unit Concept described above and the support from the Comprehensive Plan for transitional uses from major arterials, the staff-recommended PRD-1 in place of the RM-1 is appropriate given the adjacent single-family residential development as well as the size and shape of the property. This density would also be appropriate given the natural drainageway and vegetation that exist between it and the proposed higher-density residential to the northwest. The unique shape of the parcel will likely require development with a private street. Development through a PRD provides a mechanism to establish a guarantee for the maintenance of private streets in the long term. The proposed PRD-2 is appropriate with a restriction of a maximum density of 12 dwelling units per acre. This density would be consistent with medium-density residential zoning districts such as the RM-1 and RO-1 B and would provide a transition to the low-density residential proposed to the south.

As stated previously, Horizon 2020 states that development should, "promote the integration of mature trees, natural vegetation, natural and environmentally sensitive areas whenever possible to buffer low-density developments from other more intensive land uses". The proposed drainageway would be an appropriate buffer between the PRD-1 (low-density residential) and the medium density residential proposed to the northwest. The applicant has provided a revised preliminary plat that provides retention of a significant amount of vegetation and greenspace within this drainageway



area.

- **Staff Finding** - The proposed request for rezoning to RM-1 is not consistent with the City's Comprehensive Plan, Horizon 2020 with respect to compatibility with surrounding land uses and is not appropriate given staff's recommendations on the residential and commercial zonings to the north. A more appropriate zoning is PRD-1 which would allow a maximum density of 7 units per acre.

The proposed request for rezoning to PRD-2 is generally consistent with the City's Comprehensive Plan, Horizon 2020 with a restriction of a maximum density of 12 units per acre.

**Applicable to Z-4-10-99 (A to RO-1 B) and Z-4-11-99 (A to O-1)**

Chapter 7 – Industrial and Employment Related Land Use, Industrial and Employment Related Land Use Categories states *"The Plan designates several areas for future industrial and employment related development"*. This area has not been designated by the plan as a site for future industrial and employment related development. This is evident by the section entitled Lawrence – New Industrial and Employment Related

Areas. This section states *"The plan recommends the development of new employment area. These may include: E. 23<sup>rd</sup> Street; S. Iowa Street at the South Lawrence Trafficway; and the southeast corner of the intersection of Hwy. 24/40 and N. 3<sup>rd</sup> Street"*. The section states *"these may include"* the areas listed. It does not necessarily preclude office development from this area, but it is not identified as a site in the Comprehensive Plan.

Goal 2: Compatible Transition from Industrial/Employment-Related Development to Less Intensive Uses states *"Ensure a compatible transition between industrial and employment related developments and less intensive land uses"*. As proposed, the RO-1 B and O-1 districts are located directly adjacent to single and multiple family residential districts. No transition is evident. The office component permitted in the RO-1 B zoning district in the proposed location does not conform to Goal 2, and the O-1 office district zoning in the proposed location does not conform to Goal 2.

Rezoning the O-1 district to RO-1 B would permit a mix of residential and office uses in this area.

Policy 2.1: Use Appropriate Transitional Methods builds upon the above statements. The area requested for RO-1 B zoning does not conform to Policy 2.1.

Policy 2.2: Locate Less Compatible Uses Toward the Interior of Industrial Areas states *"Encourage higher intensity and/or less compatible uses to locate in the interior of office research, warehouse distribution and industrial park sites or adjacent to arterial streets rather than adjacent or in close proximity to residential neighborhoods."* This policy indicates that the higher intensity uses should be located along arterial streets. The proposed O-1 zoning district is located near an arterial street; however, the policy also states higher intensity uses should not be located near residential neighborhoods. Single and multi-family neighborhoods exist immediately to the west. By reducing the intensity of the rezoning request and eliminating or mitigating the commercial aspects, this policy could be met. In order to do this, RO-1 B zoning should be considered.

Policy 2.5: Higher Density Residential Development as Transitional Use states *"Encourage the integration of higher density residential development through compatible design with industrial*



*developments and the surrounding low density residential neighborhoods':* Though the RO-1 B rezoning does not entail industrial uses, the use of medium and higher density residential as transitional uses is important. The rezoning of the property to PRD-2 with a limit of 12 units per acre would allow for a transition to occur. Property to the north of this area is proposed to be rezoned to office. A medium-high density zoning district with a limit of 12 units per acre would allow for a good transition between the offices proposed along Clinton Parkway and the low density residential proposed south of this site and the existing residential development located west of this area.

• **Staff Finding** - The rezoning to RO-1 B, as proposed, is not consistent with Horizon 2020. Rezoning to PRD-2, with density restrictions, would provide an appropriate transition development between proposed office uses to the north and low-density residential uses to the south.

The rezoning to O-1, as proposed, is not consistent with Horizon 2020. Rezoning to RO-1 B would provide office uses without a more intense commercial component

**Applicable to Z-4-12-99 (A to PCD-1) and Z-4-13-99 (A to PCD-2)**

Chapter Six – Commercial Land Use states *"The plan strives to strengthen and reinforce the role and function of existing commercial areas within Lawrence and Douglas County and promote quality new commercial developments in selected locations"* As demonstrated in the section entitled Lawrence – New Commercial Areas, Community Commercial Centers *"Most new commercial areas planned in the Comprehensive Plan are community commercial locations. New community commercial areas may include the following locations: portions of the intersection of W. Sixth Street and Wakarusa Drive; and intersections along the South Lawrence Trafficway at West 6<sup>th</sup> Street, West 15<sup>th</sup> Street, Clinton Parkway, South Iowa Street and El 700 Road. Additionally, a community commercial site may be developed along the Eastern Parkway at its intersection with East 15<sup>th</sup> Street. The development of these nodes should carefully follow the commercial goals and policies"*. The area requested for the PCD rezoning is not consistent with these recommendations.

Commercial Land Use Goals and Policies, Goal 1: Established Commercial Area Development states *"Encourage the retention, redevelopment and expansion of established commercial areas of the community"* Commercial developments are currently located and planned 1 mile to the west (Clinton Parkway and Wakarusa) and 1/2 mile to the east (Clinton Parkway and Kasold) of this site. These commercial developments are designed to serve the community. Additional commercial property may adversely affect the existing commercial developments. The area requested for the PCD rezoning is not consistent with these plan recommendations.

Goal 3: Criteria for Location of Commercial Development, Policy 3.1 (f) Compatibility with Adjacent Land Uses states *"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"* By examining Figures 12 and 13 in the Plan, the proposed development does not fit the physical definition of "node" as provided in the plan. Additionally, commercial development at this location is not warranted, as commercial facilities fulfilling the needs of the community are located within one mile of the site.

Policy 3.3: Utilize Locational Criteria for Community Centers (a) Use the following criteria in reviewing commercial development requests:

1. *Limit development of community commercial centers to designated intersections of arterial and collector streets and limit total nodal development to not more than 10-30 acres at an individual intersection.* This area is not designated as a commercial intersection. The applicant is proposing a total of approximately 12 acres for commercial development in this general area.
2. *Commercial centers located at the intersection of arterial or collector streets should not extend deeper into the surrounding neighborhood than adjacent nonresidential development.* The proposed



commercial districts would extend further into the surrounding neighborhood as no nonresidential development is adjacent to this site.

3. Corners of designated intersections not developed with commercial uses should be utilized for office, employment-related uses, public uses, parks and recreation, and with extensive on-site screening, 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. The sites are not designated as a commercial intersection in the Plan. Office and higher-density residential uses have been encouraged and are in general conformance with the surrounding land uses, neighborhood characteristic and Comprehensive Plan.

The larger overall development proposes two different commercial rezoning requests at the intersection of Clinton Parkway and Crossgate Drive. The overall size of the requests defines the commercial area as a community commercial development. If each rezoning is looked upon separately, a neighborhood commercial classification could be generated from the Comprehensive Plan. As stated in the section entitled Lawrence - New Commercial Areas, *"The Plan anticipates new neighborhood commercial developments where existing commercial zoning exists. These include: the northeast corner of Peterson Road and Kasold Drive; the southeast corner of the intersection of 15<sup>th</sup> Street and Wakarusa Drive; the northwest corner of Wakarusa Drive and Clinton Parkway; and the intersection of the South Lawrence Trafficway and Wakarusa Drive"* As demonstrated in this section, this location is not designated as a neighborhood commercial development and is not supported by the Comprehensive Plan.

As defined in the Comprehensive Plan, a **neighborhood** is *an area with social, physical and political identity*. Further, the **neighborhood concept** is defined as *1. Planning concept which suggests that least intensive land uses are located toward the interior of a neighborhood with more intensive land uses at the edges and consideration given to siting to ensure compatibility of adjacent land uses. 2. A neighborhood includes the following defining features a) boundaries – permanent features such as arterial streets or natural barriers; b) population to support neighborhood shopping or school; c) should include at least one park within walking distance of majority of residents; d) more intense uses located at the periphery to minimize conflicts; e) pedestrian orientation; and f) through traffic is discouraged by street design*. With this definition, a neighborhood in this location is much larger than the 160 acre tract and most likely would extend from Wakarusa to Kasold.

The Comprehensive Plan does not support commercial zoning at this location. The Comprehensive Plan generally supports a mixture of office and higher density residential land uses.

- **Staff Finding** - The rezoning application, as proposed, is not consistent with Horizon 2020. The Comprehensive Plan generally supports a mixture of office and higher density residential land uses.

## **SUMMARY AND RECOMMENDATIONS**

### **Summary of applications for rezoning and review:**

The overall development proposal consists of annexation, platting and related rezoning requests. The 160 acre tract is generally bounded on the north by Clinton Parkway, on the east by Crossgate Drive, on the south by W. 27<sup>th</sup> Street and on the west by Inverness Drive. A large drainage area is located on the property.

Expansion of the city limits in this area is anticipated and expected with the annexation request. The proposed development intent of the applicant is to rezone this property for a mixture of residential, office, and commercial development. Municipal utilities, including

water and sanitary sewer, are available and can be extended or relocated to serve this property.

The RS-2 and RM-D requests are generally consistent with the adopted comprehensive plan in terms of land use and base density. The RM-1, RO-1B, O-1, PRD-2, PCD-1 and PCD-2 requests are generally not



supported by the adopted comprehensive plan. In Staff's opinion, the Comprehensive Plan generally supports a transition from more intense and higher density land uses along the arterial boundary on the north to low density residential land uses along the collector boundary on the south. Staff has proposed alternative zoning districts which are in general conformance with the Comprehensive Plan.

The applicant proposes to plat in order to create residential, office, and commercial lots. Site plans or development plans will be required for any future development.

- The applicant has generally dedicated sufficient land for streets and utility easements.
- The applicant has provided a phasing sequence of development that includes public improvements for streets, stormwater improvements and sanitary sewer lines. Staff has concerns regarding the timing of the stormwater improvements with respect to the development sequence. The City Stormwater Engineer has conceptually accepted the drainage study and has placed conditions of approval on the preliminary plat.
- The City Traffic Engineer has conceptually accepted the traffic study, although additional information is needed prior to approval of the study.
- The State of Kansas has purchased access rights to Clinton Parkway, allowing no direct access to this property from Clinton Parkway.
- The applicant has requested a variance from the radius of curvature on local streets. Staff is in support of the variance.

A vegetative barrier currently exists along the drainageway. The applicant is proposing to preserve portions of this barrier as shown on the preliminary plat in order to aid in the buffering of land uses.

#### **18A: Summary – Z-4-6-99**

The subject area is located at the southwest corner of the development area. A large drainage area is located on the north and east side of this property and would separate the proposed RS-2 district from the more intensive RO-1 B, PRD-2 and RM-1 districts proposed to the north and west. An unimproved primary collector street, W. 27<sup>th</sup> St., and a partially improved collector street, Inverness Drive, serve the subject property. W. 27<sup>th</sup> St. will need to be improved, and Inverness Drive will need to be widened as part of this development.

The request is generally consistent with the adopted comprehensive plan in terms of land use and base density. In staff's opinion, the development of the area is not suitable until major infrastructure improvements have been completed, as discussed in the

Annexation Report. Therefore, staff recommends that as a condition of approval, the approval of the rezoning request be contingent upon the approval and publication of the annexation request.

**Staff Recommendation on Z-4-6-99.** A to RS-2 [Item no. 18A] - Planning Staff recommends approval of the rezoning of 67.18 acres based upon the findings of fact presented in this report and forwarding of it to the City Commission with a recommendation for approval, subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Approval of the Preliminary Plat.

**[Recommended motion: A motion to approve the request to rezone from A to RS-2, based upon the findings of fact and subject to the annexation and approval of the preliminary plat.]**



**18B: Summary – Z-4-7-99**

The subject area is located at the southeast corner of the development area. A large drainage area proposed to be zoned RS-2 is located on the west and north sides of this property and would separate the proposed RM-D and RM-1 districts. An unimproved primary collector street serves the subject property (W. 27<sup>th</sup> St.) and will need to be improved as part of this development.

The request is generally consistent with the adopted comprehensive plan in terms of land use and base density. In staff's opinion, the development of the area is not suitable until major infrastructure improvements have been completed, as discussed in the Annexation Report. Therefore, staff recommends that as a condition of approval, the approval of the rezoning request be contingent upon the approval and publication of the annexation request.

**Staff Recommendation on Z-4-7-99.** A to RM-D [Item no. 18B] - Planning Staff recommends approval of the rezoning of 11.62 acres based upon the findings of fact presented in this report and forwarding of it to the City Commission with a recommendation for approval, subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Approval of the Preliminary Plat.

[Recommended motion: A motion to approve the request to rezone from A to RM-D, based upon the findings of fact and subject to the annexation and approval of the preliminary plat.

**18C: Summary – Z-4-8-99**

The subject area is located on the east side of the development area. A large drainage area is located on the west and south sides of this property and would separate the property from the proposed RS-2 and PRD-2 districts. A collector street, Crossgate

Drive, serves the subject property and will be improved via a benefit district as part of this development.

The request is not consistent with the adopted comprehensive plan in terms of its compatibility with adjacent uses and proposed density. Staff has recommended approval of a rezoning to PRD-1 based on the Lesser Change Table. In staff's opinion, the development of the area is not suitable until major infrastructure improvements have been completed, as discussed in the Annexation Report. Therefore, staff recommends that as a condition of approval, the approval of the rezoning request be contingent upon the approval and publication of the annexation request.

**Staff Recommendation on Z-4-8-99.** A to RM-1 [Item no. 18C] – Planning Staff recommends denial of the rezoning of 10.35 acres to RM-1 based upon the findings of fact presented in the body of the Staff Report and forwarding of it to the Lawrence City Commission with a recommendation for denial. Planning Staff recommends approval of rezoning 10.35 acres from A to PRD-1, based on the Lesser Change Table and forwarding of it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Submission and Approval of a Preliminary Development Plan.

[Recommended motion: A motion to approve a rezoning from A to PRD-1, based on the Lesser Change Table and forwarding of it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Submission and Approval of a Preliminary Development Plan.]

#### **18D: Summary–Z-4-9-99**

The subject area is located in the central northeast portion of the development area. A large drainage area is located on the south and west sides of this property and would separate the proposed PRD-2 district from the proposed RS-2 and RM-1 districts. A local frontage road will serve the subject property (24<sup>th</sup> St.) and will be constructed as part of this development.

The request is generally consistent with the adopted comprehensive plan in terms of land use with a maximum density of 12 dwelling units per acre. In staffs opinion, the development of the area is not suitable until major infrastructure improvements have been completed, as discussed in the Annexation Report. Therefore, staff recommends that as a condition of approval, the approval of the rezoning request be contingent upon the approval and publication of the annexation request.

**Staff Recommendation on Z-4-9-99.** A to PRD-2 [Item no. 18E] – Planning Staff recommends approval of the rezoning of 17.81 acres from A to PRD-2, with restrictions,

and forwarding of it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Gross density limited to 12 dwelling units per acre.
3. Submission and Approval of a Preliminary Development Plan.

[Recommended motion: A motion to approve a rezoning from A to PRD-2, with restrictions, and forwarding of it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Gross density limited to 12 dwelling units per acre.
3. Submission and Approval of a Preliminary Development Plan.]

#### **18E: Summary – Z 4-10-99**

The subject area is located on the west side of the development area. A large drainage area is located on the south side of this property and would separate the property from the proposed RS-2 district. A local frontage road will serve the subject property (24<sup>th</sup> St.) and will be constructed as part of this development.

The request is not consistent with the adopted comprehensive plan in terms of its compatibility with adjacent uses and proposed density. Staff has recommended approval of a rezoning to PRD-2, with a density restriction of 12 dwelling units per acre, based on the Lesser Change Table. This would allow for the necessary flexibility and buffering that needs to occur between this area and the existing single and multiple family development to the west and the proposed development to the east and south. In staff's opinion, the development of the area is not suitable until major infrastructure improvements have been completed, as discussed in the Annexation Report. Therefore, staff recommends that as a condition of approval, the approval of the rezoning request be contingent upon the approval and publication of the annexation request.



The density of the RO-1 B district is 12 units per acre. The density limitation of 12 on the PRD-2 district would not inhibit the density, except that a 30' perimeter setback is required. The PRD-2 district does not allow the professional offices that are allowed in the RO-1 B district. Office use in this location is not supported by the Comprehensive Plan.

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**Staff Recommendation on Z-4-10-99,** A to RO-1 B [Item no. 18D] – Planning Staff recommends denial of the rezoning of 14.19 acres to RO-1 B based upon the findings of fact presented in the body of the Staff Report and forwarding of it to the Lawrence City Commission with a recommendation for denial. Planning Staff recommends approval of the rezoning of 14.19 acres to PRD-2, with restrictions, based upon the Lesser Change

Table and the findings in the Staff Report and forwarding of it to the Lawrence City Commission with a recommendation for approval.

1. Approval and publication of the annexation request for the subject property.
2. Gross density limited to 12 dwelling units per acre.
3. Submission and Approval of a Preliminary Development Plan.]

[Recommended motion: A motion to approve a rezoning from A to PRD-2, with restrictions, and forwarding of it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Gross density limited to 12 dwelling units per acre.
3. Submission and Approval of a Preliminary Development Plan.]

#### **18F: Summary — Z 4-11-99**

The 0-1 subject area is located on the north side of the development area. A local frontage road will serve the subject property (24<sup>th</sup> St.) and will be constructed as part of this development.

Based on the Comprehensive Plan, the surrounding densities and proposed land uses and zonings within the 160 acre tract, Staff does not support the 0-1 request. It is Staff's opinion that a RO-1 B zoning district, would allow for the necessary buffering that needs to occur between this area and the existing single and multiple family development to the west and the proposed development to the east and south.

In staff's opinion, the development of the area is not suitable until major infrastructure improvements have been completed, as discussed in the Annexation Report. Therefore, staff recommends that as a condition of approval, the approval of the rezoning request be contingent upon the approval and publication of the annexation request.

**Staff Recommendation on Z-4-11-99,** A to 0-1 [Item no. 18F] - Planning Staff recommends denial of the rezoning of 21.63 acres to 0-1 based upon the findings of fact presented in the body of the Staff Report and forwarding of it to the Lawrence City Commission with a recommendation for denial. Planning Staff recommends approval of the rezoning of 21.63 acres to RO-1 B, based upon the Lesser Change Table, and forwarding of it to the Lawrence City Commission with a recommendation for approval.

[Recommended motion: A motion to approve a rezoning from A to RO-1 B, based on the Lesser Change Table and forwarding of it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report.]

**18G: Summary – Z-4-12-99**

The subject area is located on the northwest side of the development area. A local frontage road will serve the subject property (24<sup>th</sup> St.) and will be constructed as part of this development.

Based on the Comprehensive Plan, the surrounding densities and proposed land uses and zonings within the 160 acre tract, Staff does not support the PCD-1 request. It is Staff's opinion that a RO-1 B zoning district, would allow for the necessary buffering that needs to occur between this area and the existing residential development to the east and the proposed development to the south. The RO-1 B district would allow office uses consistent with the O-1 district without the commercial land uses. Commercial zoning in this area is not supported by the Comprehensive Plan.

In staff's opinion, the development of the area is not suitable until major infrastructure improvements have been completed, as discussed in the Annexation Report. Therefore, staff recommends that as a condition of approval, the approval of the rezoning request be contingent upon the approval and publication of the annexation request.

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**Staff Recommendation on Z-4-12-99**, A to PCD-1 [Item no. 18G] - Planning Staff recommends denial of the rezoning of 6.64 acres to PCD-1 based upon the findings of fact presented in the body of the Staff Report and forwarding of it to the Lawrence City Commission with a recommendation for denial. Planning Staff recommends approval of the rezoning of 6.64 acres to RO-1 B, based upon the lesser change table, and forwarding of it to the Lawrence City Commission with a recommendation for approval.

[Recommended motion: A motion to approve a rezoning from A to RO-1 B, based on the Lesser Change Table and forwarding of it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report.]

**18H: Summary – Z-4-13-99**

The subject area is located on the northwest side of the development area. A local frontage road will serve the subject property (24<sup>th</sup> St.) and will be constructed as part of this development.

Based on the Comprehensive Plan, the surrounding densities and proposed land uses and zonings within the 160 acre tract, Staff does not support the PCD-2 request. It is Staff's opinion that the RO-1 B zoning district would allow for the necessary buffering that needs to occur between this area and the existing residential development to the east and the proposed development to the south and would provide for the suggested density as stated in the Comprehensive Plan. Commercial zoning in this area is not supported by the Comprehensive Plan.

In staff's opinion, the development of the area is not suitable until major infrastructure improvements have been completed, as discussed in the Annexation Report. Therefore, staff recommends that as a condition of approval, the approval of the rezoning request be contingent upon the approval and publication of the annexation request.

**Staff Recommendation on Z-4-13-99**, A to PCD-2 [Item no. 18H] - Planning Staff recommends denial of the rezoning of 5.19 acres to PCD-2 based upon the findings of fact presented in the body of the Staff Report and forwarding of it to the Lawrence City Commission with a recommendation for denial. Planning



Staff recommends approval of the rezoning of 5.19 acres to RO-1 B, based upon the lesser change table, and forwarding of it to the Lawrence City Commission with a recommendation for approval.

[Recommended motion: A motion to approve a rezoning from A to RO-1 B, based on the Lesser Change Table and forwarding of it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report.]

[Item No. 17] **PRELIMINARY PLAT OF INVERNESS PARK**

**A SUMMARY**

**Preliminary Plat of Inverness Park** is a 160-acre mixed use plat that containing undeveloped land proposed for future residential, office, and commercial development. The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on

the south. Submitted by The Peridian Group for Winnifred & Paul Getto Limited Partnership, property owner of record.

**B. GENERAL INFORMATION** Current Zoning and Land Use      A (Agricultural District); undeveloped.

Surrounding Zoning and Land Use RS-1 (Single-Family Residence) District, RS-2 (Single Family Residence) District, and RM-1 (Multiple-Family Residence) District to the west; developed with an elementary and junior high school, single-family residences, and duplexes respectively.

RO-2 (Residence-Office) District, PRD-2 (Planned Residential) District, and RM-1 (Multiple-Family Residence) District to the north; developed with an animal hospital, multiple-family residences, a recreation facility and multiple-family residences, respectively.

RM-2 (Multiple-Family Residence) District and RS-2 (Single-Family Residence) District to the east; developed with multiple-family residences and single-family residences, respectively.

RS-2 (Single-Family Residence) District and A (Agricultural) District to the south; undeveloped agricultural uses.

**Site Summary:**

Acres	163.46 acres
Total number of lots	195 Single-family
Residential 156	
Duplex Residential	31
Multi-family Residential	2
Residence-Office	1
Office	1
Commercial	3

Rights-of-Way dedicated:      Total area = 23.14 acres  
Dedication of local streets within RS-2 and RM-D districts  
60' street dedication for total length of 24<sup>th</sup> St.  
40' street dedication for east half of Inverness Dr. 40' street dedication for west half of Crossgate Dr. 80' street dedication for the west portion of 27<sup>th</sup> St. and 40' street dedication for the eastern portion of 27<sup>th</sup> St.

Easements dedicated:      Utility, pedestrian, and drainage easements as shown on the preliminary plat.

## **Review and Comments From Other Departments/Agencies:**

### *Public Works/Engineering:*

1. Cannot do anything without the **geometry.(Provided)**
2. Developer must improve 27<sup>th</sup> St., Crossgate Drive, and add the additional two lanes planned for Inverness Drive.**(Streets proposed to be improved via Benefit Districts)**
3. 24<sup>th</sup> St. needs to line up with 24<sup>th</sup> St. in Four Seasons.**(24<sup>th</sup> St. configuration OK)**
4. Developer needs to pay for traffic signal at Clinton Pkwy. and Crossgate. **(Condition of Approval)**
5. Plat must be tied to two section corners.**(Condition of Approval)**
6. Sanitary sewer study submitted but not yet **reviewed.(Sanitary sewer study approved by Utilities Department)**
7. Mains must touch each lot. Drawing too small to check.**(OK)**
8. The applicant must talk to the County (Michael Kelly). There may be county sewer fees. This drawing is too small to check their main layout.**(OK)**
9. No access to 27<sup>th</sup> or Inverness from any lots that touch them.**(Note provided on plat)**
10. All driveways must meet city requirements.**(OK)**
11. The r.o.w. is not called out on all the streets. Where are the collectors? Which are the **locals? (Revised)**
12. What is the offset, Cornflower and Prairie Rose must be 125' minimum.**(OK)**
13. Cul-de-sac scales at 800'.**(OK)**
14. What are the proposed grades? Call out on **preliminary.(Condition of Approval)**
15. Any floodplain?**(Shown on preliminary plat)**
16. Traffic Engineer must approve all street names. Take "Street" and "Terrace" out of Court and 26<sup>th</sup> Terrace.**(Revised)**
17. Dove and Mourning Dove are confusing. Hidden Valley too close to Hidden Lane in Fall Creek. **(Condition of Approval)**
18. Sunflower already exists on KU. Too many "Prairie's in Prairie Meadow.**(Condition of Approval)**

### *Stormwater Engineering:*

*Drainage study meets the specified requirements and is **approved.***

*Plan documents meet the specified requirements with the following **conditions:***

### **Conditions of approval:**

1. Tract 'A' must be labeled "Tract 'A' Drainage and Pedestrian Easement." This requirement exists regardless of the City ownership issue.
2. Based on the Stream Cross Sections submittal, the D/E's along the PCD, PRD and RM-1 lots are not wide enough. Drainage easement widths must provide the calculated depth of flow plus freeboard as it has been determined on the cross sections. This appears to be 70' each side of CL minimum and more in some locations. The 120' D/E should be widened and identified by width on each property.
3. The existing sanitary sewer must be relocated outside the proposed channel. Provide the necessary U/E and show the system relocation.
4. Identify the box culvert necessary for 24<sup>th</sup> Street and show this structure on the preliminary plat.
5. The Phase 1 / Phase 2 line is not visible in the residential area. Show this line. Add a note to the plat that states "The proposed public drainage improvements in Tract 'A' shall be



completed prior to application for building permits on any lots other than those in Phase 1 of the RS-2 development."

6. The preliminary plat is incomplete. No storm drainage system is shown. Preliminary street grades are not shown. Show all street grades and proposed inlet and pipe locations to justify the D/E layout.
7. Additional D/E's are required within the RS-2 development to provide graded swales for concentrated flow. Provide 15' D/E's at the following:  
East line Lot 17, Block 6 West line  
Lot 14, Block 6 West line Lot 11,  
Block 2  
West line Lots 30, 29, 28, 27, 26, 25, and 24, Block 3

*Traffic Engineering:*

- Resubmit TIS signed, sealed, and dated.(TIS **signed, sealed, dated**)
- Increase walkability and pedestrian friendliness (suggest connecting streets instead of cul-de-sacs and sidewalks on both sides of the street. This neighborhood will probably cater to families with children due to proximity of schools).(Revised)
- Plan for roundabouts on Inverness @ 24<sup>th</sup> 27<sup>th</sup> and access to residential area (this will keep speeds low adjacent to the schools and provide safe crossing points).(Condition of **Approval**)
- Move intersection on 27<sup>th</sup> St. away from curve at **Crossgate.(Revised)**
- Plan for a 3-lane cross-section for 27<sup>th</sup> St. and Crossgate Dr.(OK)

*Municipal Utilities:*

See attached note on impact to downstream sanitary sewers.

*Building Inspection:* OK.

*Parks Department:*

1. 10' easements are too small and useless – need at least **25'.**(Revised)
2. SLT bike path not shown on plan – put in trail system before people move in (no surprises for them **later**).**(Existing shown; plat indicates possible path through Tract A)**
3. Keep bikepath above drainage plain and out of tree area.(See **Staff Review**)
4. Make greenbelt at least 400' wide to allow for utility construction and **amenities.****(Drainage easement/greenbelt will be approximately 120 – 140' wide as per Stormwater Engineer and Parks Dept.)**
5. Area for neighborhood park – 5 to 10 acres according to adopted plan.(Tract **A will be approx. 14 acres**)
6. See notes about easements on drawings. Should developer put in walks?(Easements will be **dedicated, walks built at site plan stage or as part of public improvements in the RS-2 area**)
7. Is Tract A wide enough for future pathway from schools thru area to 27<sup>th</sup> and Crossgate? Lots of bridges needed over creek.(Tract **`A' width determined by Stormwater Engineer and ability to provide vegetation and pathway**)
8. Sewer line construction is shown in Riparian Conservation areas. Will this kill existing trees, change the drainage pattern causing more erosion and runoff? Could greenbelt be expanded to more completely protect trees? Perhaps be 300' wide. Will bikepath go



through this greenbelt? Not neighborhood park as shown in this development plan. Where will it be? Could floodplain land along Crossgate be used for open sports playing fields?(See Staff Review)

9. Street tree plan not shown – tree species may need to be site specific for hydric and mesic soil zones.(Street tree plan required at final plat stage)
10. This plan could be improved in design to have less impact on existing trees – there is a direct link between tree protection and reducing storm water runoff.
11. What are the construction procedures for working around trees?
12. Would be interested in walking site with engineers.

*Sanitation Department:*

OK. This area will be provided with curbside service. Once a week service for cans and bags or polycarts.

*Police Department:* No comments.

*Fire Department:*

Install hydrants per City code.(Required hydrants must be shown on plat)

*KPL:*

Please make all perimeter u/e's 15' minimum.(Revised)

Need 10' We to ends of all cul-de-sacs for street lights.(Revised)

Where is u/e Lot 56 – 63 blocks?(Revised)

*KPS:*

Kansas Public Service has a 6" steel high pressure gas main on the south side of Clinton Parkway and a 4" plastic high-pressure gas main on the west side of Inverness Dr., as well as a 2" plastic high-pressure gas main on the east side of Crossgate Dr.

*Williams Natural Gas:*

WGP is clear.

*Southwestern Bell:*

Increase perimeter u/e's to 15' width u/e along Crossgate.(Revised)

Utility easement along south side of 24<sup>th</sup> St.(Revised)

If don't want trees disturbed along drainage area, increase width of Life's. (Revised)

## **STAFF REVIEW**

The subject property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. The applicant proposes to plat in order to create residential, office, and commercial lots. Site plans or development plans will be required for any future site development.

## **Easements/Dedications**

The applicant has dedicated sufficient land for streets and utility easements. Additional pedestrian easements have been provided within the single-family residential lots south of the drainageway to allow for greater pedestrian-orientation within the subdivision, to the adjacent drainageway/park, and easier access to the schools to the west. As a condition of approval,

staff has recommended an additional 20' pedestrian easement along the south side of Lots 3 and 4, Block 7 to allow for the construction of a pedestrian and bicycle path that will not remove substantial portions of the vegetative barrier described below.

### **Stormwater Drainage Study**

The City Stormwater Engineer has conceptually accepted the drainage study and has indicated that many more specific pieces of information are needed.

The Tract 'A' must be labeled "Tract 'A', Drainage and Pedestrian Easement". The ownership of this tract is currently in negotiation between the City and the applicant and it must be labeled as a drainage and pedestrian easement irrespective of the ownership issue. Such a designation will allow for the ability to prevent development in the drainage easement and will preserve areas for bike and pedestrian trails.

The Stormwater Engineer has also indicated that the drainage easements widths must be revised, the existing sanitary sewer line must be relocated out of the drainage easement and placed in a separate utility easement, and additional utility easements are needed within the proposed RS-2 zoning district. According to the City Utilities Department, the relocation of the sanitary sewer line should include a larger sanitary sewer line. These conditions of approval are listed at the conclusion of the staff report.

### **Phasing of Development and Streets**

The applicant has informed staff of their intentions regarding the phasing sequence of development.

Phase I of the development is proposed as follows:

- All public improvements for 24<sup>th</sup> Street and adjacent lots.
- All public improvements for the first 78 single-family residential lots (located in the southwest portion of the plat)
- All public improvements for the drainage channel and sanitary sewer lines.
- Public improvements on Crossgate Drive (via Benefit District) from Clinton Parkway to 24<sup>th</sup> St.
- Installation of the traffic signal at Clinton Parkway and Crossgate Drive (via Benefit District).
- Demolition of the existing storm structure and county road at the southeast corner of the development as a temporary solution to the stormwater drainage issues.

Phase II of the development is proposed as follows:

- All public improvements to the RM-D area.
- All public improvements for 27<sup>th</sup> St. from Inverness Drive east to Crossgate Drive (via Benefit District).
- Reconstruction of the county road and the required storm structure.

Phase III of the development is proposed as follows:

- All public improvements for the remaining single-family lots north of those constructed in Phase I.
- All public improvements to Inverness Drive (the addition of the east 2 lanes in a parkway layout) via Benefit District.
- All public improvements to Crossgate Drive from 24<sup>th</sup> St. south to 27<sup>th</sup> St.
- Public improvements required for the RM-1 lot adjacent to Crossgate Drive.



Staff is concerned with a number of items within the phasing sequence. First, in staff's opinion, if public improvements for single-family lots are constructed, there should be no access to W 27<sup>th</sup> St. if it is not improved at the same time. This will not be a burden upon the proposed single-family residential neighborhood, because access to the east will be restricted due to the demolition of the existing storm structure and removal of the existing intersection of Crossgate Drive and 27<sup>th</sup> Street. This will limit access for existing residents in the Four Seasons area. All travel to the schools will be required to be routed along Clinton Parkway until the storm drainage and intersection improvements are reconstructed, or until 24<sup>th</sup> St. is completed. Staff has recommended that the traffic signal at the intersection of Crossgate Drive and all improvements to 24<sup>th</sup> St. must be *completed* prior to the demolition of the intersection of 27<sup>th</sup> St. and Crossgate Drive. These improvements will provide a safe access for residents in the Four Seasons area to the schools, and will ensure safe left-turning movements for these same residents onto westbound Clinton Parkway. Staff has also recommended that the applicant place a note on the plat that no portion of the bicycle/pedestrian path be removed.

Second, the City Engineer has expressed concern with the condition of Crossgate Drive and the increased traffic that will be using that street in its unimproved state. The applicant has proposed the improvements to Crossgate Drive in the last stages of development via a benefit district. Following the construction of the storm structure in Phase II and improvements to W. 27<sup>th</sup> St., increased traffic from the proposed RS-2 and schools to the west could create a public safety hazard on the unimproved Crossgate Drive. The construction of Crossgate Drive is currently scheduled to receive KDOT funding in the year 2002. In staff's opinion, public improvements for Crossgate Drive should be constructed in conjunction with the storm structure improvements in the southeast corner of the property.

#### **Traffic Study**

The City Traffic Engineer has indicated that the traffic study is conceptually acceptable and has indicated that more information is needed prior to approval of the traffic study. The Traffic Engineer has indicated that the annexation, rezonings, and preliminary plat may be approved with the condition of an approved traffic study.

#### **Access Restrictions**

The State of Kansas has purchased the access rights of the property to Clinton Parkway. Therefore, no direct access from this property is allowed on to Clinton Parkway. Staff has recommended as a condition of approval that the applicant provide a note on the face of the plat that the State has purchased the access rights and no direct access is allowed.

Staff is also concerned about properties that may take access onto the collector streets of Inverness Drive and Crossgate Drive close to the intersection of those streets with Clinton Parkway. Staff has recommended as a condition of approval that access be restricted to 24<sup>th</sup> St. only from all properties that abut that right-of-way.

#### **Variance for Street Radius**

The applicant is requesting a variance from the requirement for a radius of curvature on local streets to be 100' as per Sec. 20-607.5 of the Zoning Code. Variances may be granted by the Planning Commission as per Section 21-802 which states that, "In cases where there is a hardship in carrying out the literal provisions of these regulations (such as design criteria pertaining to lot width, lot depth, block depth, etc.), the planning commission may grant a variance from such provisions".

The variance shall not be granted unless all of the following apply:

1. Strict application of these regulations will create an undue hardship upon the subdivider;



2. The proposed variance is in harmony with the intended purpose of these regulations; and,
3. The public health, safety and welfare will be protected.

In staff's opinion, the variance request fulfills all three of the above criteria. In discussions between staff and the applicant, staff indicated that street connectivity was an important aspect of this neighborhood given its proximity to Southwest Junior High and Sunflower Elementary schools and in providing access to the adjacent drainageway for recreational purposes. This increased street connectivity was achieved through the use of the 90-degree eyebrows as shown on the preliminary plat with a radius of curvature of less than 100'. The variance request is in response to staff's concerns and is in harmony with the intended purpose of the regulations which states that the purpose is to, *"assure that the subdivision of land...will be in the public interest and for the general welfare"* Increased street connectivity will ensure that the public health, safety and welfare will be protected. Finally, strict application of these regulations will create an undue hardship upon the subdivider as they are balancing staff's concerns with the existing lot configuration.

### **Vegetative Barrier**

Staff has reviewed the preliminary plat with the understanding that a significant amount of the existing vegetation on the subject property will be preserved. Such a natural buffer has been proposed by the applicant and staff has used this buffer to justify the transition of low-density residential to medium-high-density residential uses in a number of accompanying zoning applications (Items No.18A-H). Therefore, staff recommends that a condition of approval will be a note placed on the plat stating that the existing treeline on the property must be preserved in accordance with the information provided on the preliminary plat. This information indicates a preserved treeline of no less than 40' along the length of the drainageway and up to 110' in some areas. As it is critical to maintain the **existing** vegetation and trees so that a visual and noise barrier is already in place, the planting of new trees and shrubs in these areas is encouraged but is not acceptable as a replacement to the existing vegetation.

### **Conformance**

The plat meets the minimum lot frontage, depth requirements and minimum lot area outlined for all requested zoning districts. The replat is in conformance with the Zoning Ordinance and Subdivision Regulations.

**Recommendation:** Planning Staff recommends approval of the preliminary plat subject to the following conditions:

1. Revise the preliminary plat to include the following items:

- a. Show all sidewalks on both sides of collector streets and one side of local streets.
- b. Show the grades of all streets. The applicant must resubmit the preliminary plat to request a variance if any street grades exceed 10%.
- c. Show the dimensions of the median on Sunflower Place.
- d. Show the square footage of all lots.
- e. Show the required minimum habitable floor area on all lots adjacent to drainage easements and on drainageways.
- f. Show traffic circles on the preliminary plat at the intersections of Inverness Drive and 24<sup>th</sup> St., and Inverness Drive and 27<sup>th</sup> St.
- g. Show the dividing line between Phase I and Phase II of the single-family residential



- development.
- h. Provide an additional 20' pedestrian easement along the south side of Lots 3 and 4, Block 7.
  - i. Change the names of Dove Ct., Prairie Rose Ln., and Hidden Valley Ln. to names approved by the City Engineer.
  - j. Provide a note on the plat that the existing treeline on the property must be preserved in accordance with the information provided on the preliminary plat.
  - k. Provide a note on the plat that no portion of the bicycle/pedestrian path may be removed.
  - l. Provide a note on the plat that the State of Kansas has purchased access rights from the property to Clinton Parkway and that no direct access to Clinton Parkway is allowed.
  - m. Provide a note on the plat that all properties abutting 24<sup>th</sup> St. must take driveway access off of 24<sup>th</sup> St. only.
2. Approval of the submitted traffic study by the City Traffic Engineer.
  3. Execute phasing of development as shown in the staff report with the exception of:
    - a. Access will be restricted from the single-family residential (RS-2) district until such time as W. 27<sup>th</sup> St. is improved; and
    - b. Public improvements for Crossgate Drive must be constructed in conjunction with the construction of the storm structure in the southeast corner.
  4. The following items must be submitted and approved by the City Stormwater Engineer:
    - a. Tract 'A' must be labeled "Tract 'A' Drainage and Pedestrian Easement."
    - b. Provide sufficient width for drainage easements approved by the Stormwater Engineer along the proposed PCD, PRD and RM-1 lots. Drainage easement widths must provide the calculated depth of flow plus freeboard as it has been determined on the cross sections. This appears to be 70' each side of CL minimum and more in some locations. The 120' drainage easement must be widened and identified by width on each property.
    - c. Relocate the existing sanitary sewer line outside the proposed channel and provide a larger line to be approved by the Utilities Department. Provide the necessary utility easement and show the system relocation on the preliminary plat.
    - d. Show the box culvert necessary for 24<sup>th</sup> Street on the preliminary plat.
    - e. Add a note to the plat that states "The proposed public drainage improvements in Tract 'A' shall be completed prior to application for building permits on any lots other than those in Phase 1 of the RS-2 development."
    - f. Show the storm drainage system including inlet and pipe locations. These must justify the proposed drainage easement.
    - g. Provide additional drainage easements within the RS-2 development to provide graded swales for concentrated flow. Provide 15' D/E's at the following:
      - East line Lot 17, Block 6
      - West line Lot 14, Block 6
      - West line Lot 11, Block 2
      - West line Lots 30, 29, 28, 27, 26, 25, and 24, Block 3
  5. Dedicate all drainage easements by separate instrument or through the filing of a final plat. All improvements to be constructed within future right-of-way dedications may not be constructed until the right-of-w
  6. Approval of the annexation request for the subject property.

**Chrm. Male reconvened the recessed meeting of Wednesday, June 23, 1999, at 6:32**

p.m. on Wednesday, July 7, 1999. Commissioners present: Male, Schenewerk, Ramirez, McElhaney, Heck, Bateman, Plants, Durflinger and Werner.

**Swearing in of speakers who were not sworn in at the June 23<sup>d</sup> meeting.**

***Planning Commission considered Items 16, 17, 18A-18H simultaneously. NON-PUBLIC HEARING ITEM***

**ITEM NO.16: ANNEXATION OF APPROXIMATELY 163.46 ACRES**

**A-4-4-99:** Consider a request for the annexation of approximately 163.46 ac. into the City of Lawrence. The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Related to rezoning requests Z-4-6-99 thru Z-4-13-99 and Preliminary Plat of Inverness Park Addition.]*

**ITEM NO. 17: PRELIMINARY PLAT OF INVERNESS PARK ADDITION**  
**PUBLIC HEARING ON VARIANCE REQUEST ONLY**

**Preliminary Plat of Inverness Park Addition** is a 195-lot mixed use development containing approximately 163.46 acres. The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. Submitted by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Related to annexation request A-4-4-99 and rezoning requests Z-4-6-99 thru Z-4-13-99.]*

**RESUME PUBLIC HEARING ITEMS:**

**ITEM NO. 18A: REZONING APPROXIMATELY 67.184 ACRES FROM A TO RS-2**

**Z-4-6-99:** A request to rezone approximately 67.184 acres from A (Agricultural District) to RS-2 (Single-Family Residence District). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

**ITEM NO. 18B: REZONING APPROXIMATELY 11.616 ACRES FROM A TO RM-D Z-**

**4-7-99:** A request to rezone approximately 11.616 acres from A (Agricultural District) to RMD (Residence-Duplex District). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

**ITEM NO. 18C: REZONING APPROXIMATELY 10.346 ACRES FROM A TO RM-1**

**Z-4-8-99:** A request to rezone approximately 10.346 acres from A (Agricultural District) to RM-1 (Multiple-Family Residence District). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the

south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership,

property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*



**ITEM NO. 18D: REZONING APPROXIMATELY 17.812 ACRES FROM A TO PRD-2 Z-4-9-99:** A request to rezone approximately 17.812 acres from A (Agricultural District) to PRD-2 (Planned Residential Development). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

**ITEM NO. 18E: REZONE APPROXIMATELY 13.738 ACRES FROM A TO RO-1B**

**Z-4-10-99:** A request to rezone approximately 17.738 acres from A (Agricultural District) to RO-1 B (Residence-Office District). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

**ITEM NO. 18F: REZONING APPROXIMATELY 21.634 ACRES FROM A TO 0-1**

**Z-4-11-99:** A request to rezone approximately 21.634 acres from A (Agricultural District) to 0-1 (Office District). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

**ITEM NO. 18G: REZONING APPROXIMATELY 6.643 ACRES FROM A TO PCD-1**

**Z-4-12-99:** A request to rezone approximately 6.643 acres from A (Agricultural District) to PCD-1 (Planned Commercial Development). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

**ITEM NO. 18H: REZONING APPROXIMATELY 5.194 ACRES FROM A TO PCD-2 Z-4-13-99:** A request to rezone approximately 5.194 acres from A (Agricultural District) to PCD-2 (Planned Commercial Development). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

## **B. STAFF PRESENTATION**

Mr. Pedrotti said there were ten items for consideration: an annexation, a preliminary plat and eight rezonings on 160 acres. Clinton Parkway borders the property on the north, Inverness

Drive on the west, Crossgate Drive on the east, and West 27<sup>th</sup> Street on the south. The proposed rezonings are not supported by Horizon 2020.

t side)

RM-1 (east side)  
PCD-1 (corner)  
PCD-2 (corner)  
PRD-2

Staff has recommended the following:



## Staff Recommendation

### RO-1 B

PRD-2 (recommends 12 units per acre; 15 units per acre is allowable.)

PRD-1 RO-1 B RO-1 B

PRD-2 (recommends 12 units per acre; 15  
units per acre is allowable.)

In accordance with Horizon 2020, Staff anticipates a transition of uses from Clinton Parkway to 27<sup>th</sup> Street; higher intensity uses adjacent to Clinton Parkway consistent with the surrounding uses, decreasing in intensity as development proceeded south.

The applicant changed their rezoning request from A to RO-1 B for the 21.634 acres originally proposed for rezoning to O-1. During recent meetings, however, Staff understands that the applicant would like to obtain/retain an O-1 zoning for the 21.634 acres with restrictions of allowed uses. Staff's recommendation for rezoning to RO-1 B is erroneously based on the Lesser Change Table. The Planning Commission may withdraw the request for rezoning to O-1, or may table the item to the July meeting and withdraw it at that time.

The applicant has requested the annexation be conditioned on the approval of the rezonings, and Staff agreed to this condition.

Mr. Pedrotti said a variance had been requested on the proposed preliminary plat for a radius of curvature on local streets. There are many issues with the preliminary plat including phasing of development, the sanitary sewer line, and storm water improvements.

Ms. Finger said Staff had met with the applicant and representatives today and they were no longer interested in replacing the O-1 rezoning with RO-1 B. They would like the Planning Commission to consider O-1. The applicant also requests the Planning Commission consider restrictions to the RM-1 zoning along the southeast side of the property rather than PRD-1. Ms. Finger said Staff did not have time to present a formal opinion, and there were issues which needed to be discussed with Legal Services.

## **C. APPLICANT PRESENTATION**

Jim Harpool, with Dial Realty of Kansas City, said they were not in complete agreement with Staff. He said their firm was interested in a quality project. Because of the size of the project, the development will be a neighborhood in itself, but fitting in with the surrounding neighborhood and a part of the community. They had tried to balance public interest as well as the property owners' interest with good design.

Mr. Harpool introduced Bob Walstead, President of Dial Realty Development Corporation, Omaha, Nebraska; Jane Eldredge, attorney; Mike Keeney with Peridian Group, and Michael

Treanor with Michael Treanor Architects. He said Rich Kaplan, Kaplan and Associates, had conducted a market study; Forrest Erickson, G O Systems, conducted soil testing, and John Kahl with Terra Technologies, was the consultant for drainage and the park which goes through the project.

Mr. Harpool said the Getto family had farmed the property for generations and owned an additional 80 acres to the south of this property. They wanted to protect this property by controlling development of this 160 acres and were not interested in dividing the parcel. He felt a master plan for the development would benefit the City.

The project has been ongoing for almost 16 or 17 months with the concept to develop a mixed-use project that incorporated many uses and amenities within walking distance. Describing the adjoining area, Mr. Harpool said Alvarado Golf & Country Club Facility was on the north; multi-family residences on the



northeast corner; the east contains multi-family and single family residences; there are multi-family and single family dwellings to the west, and also two schools. The Getto family owns part of the vacant land to the south. The site is currently undeveloped and the zoning has been in place since 1966. It is surrounded by major streets which all need improvement with the exception of Clinton Parkway. A major issue will be drainage ways from the north to the southeast corner and from the east to the west. The drainage ways are undeveloped and there are drainage problems to the north and east which will not be cleared up until this site is developed. An existing drainage structure on the southeast corner will need to be replaced with a larger structure.

Mr. Harpool said their goal has been to develop a project that respected the surrounding neighborhood by not overpowering surrounding uses, and provide a transition of uses. The Peridian Group and Terra Technologies were employed to retain the natural features of the site by taking advantage of the topography. The linear park (drainage way) through the project uses natural vegetation to minimize the impact on ecological systems, and preserves the trees. A total of approximately 19.5 acres has been dedicated to green space, which doesn't include landscaping on individual parcels. Dial Realty tried to provide a mix of housing, both in building type and economical levels, and limited commercial, office and retail uses so the residents could work close to their home, dine within walking distance, and shop for neighborhood services. A bike/walking path that connects to existing paths is planned.

**RS-2:** Mr. Harpool said single-family residential consists of 154 lots, ranging from \$140,000 to \$400,000. The largest lots will be adjacent to the green belt so additional trees can be saved. They want to create small neighborhoods, and build a residential project that provides access to the park and school. Access points are Inverness and 27<sup>th</sup> Street. They are in agreement with Staff on this zoning.

**RM-D:** This is planned for duplexes to provide another level of housing. There are 32 lots for a total of 64 units. Two access points are planned as well as access to the green belt. This zoning will work well with what is planned long term on the south side. Mr. Harpool said they were in agreement with Staff regarding front and rear setbacks, and other conditions.

**RM-1:** Located on the east side of the project and planned for town homes. To alleviate Staffs concerns about the surrounding single-family residences, they have agreed to restrict the density to 12 units per acre and have proposed a minimum rear yard of 30' along Crossgate. Townhome height will be limited to two stories to minimize impact. Access will be internal to reduce the impact to Crossgate. They will also have access to the greenbelt (drainage way).

**PRD-2:** Mr. Harpool said they were in agreement with Staff to limit the density to 12 units per acre. Development will be with multi-family with access to the green belts. Access from the project will be 24<sup>th</sup> Street.

**RO-1 B:** A specific user has not been identified for this parcel although it could be developed as independent or assisted living. This parcel, too, would also have access to the greenbelt, with

major access off of 24<sup>th</sup> Street. In accordance with Staffs recommendations, Dial Realty has committed to minimum setbacks along Inverness Drive; the first 200' will be limited to two story dwellings, and three-story buildings will be limited within the first 300', to provide a transition.

**O-1:** Staff has recommended that this zoning should be RO-1 B with restrictions. Mr. Harpool said an attempt had been made to place high-density uses in the middle, transitioning outward. All access from the O-1 ground would be off 24<sup>th</sup> Street with no direct access onto Clinton Parkway. Dial Realty envisioned an office park with three story buildings surrounding courtyards. To address Staffs concern about transition to the west, Dial Realty would propose a minimum building setback of 50' along Inverness, minimum 25' landscape buffer, and a maximum building height of two stories within 200' of Inverness. Although there are many retail uses permitted in the O-1 zoning Mr. Harpool said they would agree to limit



all retail uses with the exception of a bank or financial institution.

**PCD-1 and PCD-2:** Mr. Harpool said the original request for the northeast corner had been for PCD-1 for the 6 acres and PCD-2 for 5 acres. Staff has proposed eliminating the PCD-2 and making it part of the RM-1 ground. Dial Realty would propose changing the PCD-2 to PCD-1, agreeing to additional restrictions eliminating automobile uses, liquor sales, bowling alleys and other uses.

Mr. Harpool said the retail zoning was perceived as being "neighborhood" retail, not a massive project, but could also serve adjoining neighborhoods. The buildings would be multi-sided, well landscaped and screened, with no massive amounts of parking. To summarize, Mr. Harpool said it had been a complicated project but felt it was well designed, unique, and financially feasible.

Comm. Bateman noted that the drainage ditch at the southeast corner would be removed in the first phase and not replaced until the second phase. She questioned why there was such a long time span, and what would happen to the area when the drainage area wasn't there.

Mr. Mike Keeney, Peridian Group, said there is a structure in the southeast corner that acts as a dam. When the water cannot get through the structure it backs up through the low, dense, and wooded area. Phase 1a and 1b would develop the residential lots, access off Inverness, improvements to 24<sup>th</sup> Street up to the planned traffic light, sewers, substantial improvements to the ditch for drainage, and remove the storm structure. Phase 1 should solve the drainage problem by directing the water through the site and into the floodplain. The drainage ditch will be a very wide shallow ditch, looking more like a golf course. Phase 2, which should occur soon after Phase 1, will improve 27<sup>th</sup> Street and Crossgate Drive.

Comm. Bateman asked why the drainage area was not part of Phase 1. The longer it took to reconstruct the more problems it would create for the neighbors.

Mr. Harpool said the drainage issue will be resolved by removing the structure, which presently acts as a dam. A larger replacement structure will be built but it will take time and money to build which must be provided by the phasing of Phase 2. Taking out the structure in conjunction with the ditch improvement will solve the drainage problem. Mr. McGrew owns lots in the area and favors any improvements; he has made a commitment to solve the drainage problems in conjunction with the City.

Comm. Werner said there was a conflict between the width of the drainage area and the preservation of trees.

Mr. Harpool said Terra Technologies will be in charge of developing a green belt which doesn't have any concrete and will leave as many trees as possible.

Comm. Heck asked what the square footage would be in the proposed retail project. Mr.

Harpool said approximately 52,000 feet.

,Comm. Heck asked what the maximum square footage would be for the acreage.

Mr. Keeney said it would be 25% of the ground coverage, for a maximum of 60,000 feet.

Comm. Heck asked what the minimum setback from Inverness would be along Inverness Drive in the RO-1 B zoning.

Mr. Harpool said 35' on the RO-1 B, 50' on the O-1. Height is restricted adjacent to Inverness. Two stories within 200' and three stories within the 300' range.

Comm. Heck said Staff had recommended approval of the preliminary plat with conditions. He asked if the applicant was in agreement.

Mr. Keeney said two variances were requested. The first variance from the requirement for a radius of curvature on local streets would allow for street connectivity and slowing down traffic. The second variance requests connection to the existing 24" trunk main. The storm water code states that sanitary sewers must be outside of drainage easements. Mr. Voigt supplied a list of five conditions to satisfy concerns, leaving the sanitary sewer in the storm water easement, but flood-proofing it.

Addressing the conditions for approval, Mr. Keeney said they were not opposed to 1-k but wanted to point out that the bridge was a City project and was not sized correctly; right now it acts as a dam. They felt the City should provide the physical bridge with Dial Realty providing installation. Mr. Keeney said they were in agreement with Condition 1-n but felt their cost share of the benefit district for the street light should be 25%. Condition 4-c should be revised to reflect the latest memo received from Chad Voigt. Considering the time line for this project to appear before the City Commission, Mr. Harpool has family commitments on July 20 and they would like to have the hearing scheduled for July 27, 1999.

Comm. Ramirez asked what type of uses were envisioned for the "neighborhood" retail center, and what neighborhood would be served by the uses.

Mr. Harpool listed single tenant users, drugstores, dry cleaners, mortgage offices, tanning salons, Mr. Goodcents, Subway Shop, or a Kinkos. Neighborhood type services and retail that would be quick and convenient. They also envisioned a restaurant that could take advantage of the green space.

Comm. Schenewerk asked Mr. Harpool to compare the area proposed for apartment dwellings to something similar in Lawrence.

Ms. Finger said the townhomes that are just west of Hy-Vee would be comparable, or the Amli Apartments at Alvarado.

Comm. Schenewerk asked if the market study supported that kind of density.

Mr. Harpool said the project would take 7 years to build out and many things could change in the economic market. He felt this development, with its amenities and location, would be supported.

Mr. Werner asked if the apartments in the PRD-2 zoning would be restricted to two stories.

Mr. Harpool said that was hard to answer at this time. Dial Realty wanted to be the master developer of the project and be able set and approve design guidelines in order to maintain a quality development.

Chrm. Male asked if the water problem would be eliminated by removing the bridge.

Mr. Harpool said the drainage problem could be solved with all interested parties working together.

Comm. Heck asked how the Crossgate and 27<sup>th</sup> Street intersection would be improved. Mr. Keeney described the engineered structure.

Comm. McElhaney thought the drainage problem seemed to be coming from the east and going west and trying to cross Brookside. He asked if this water problem would be addressed.

Mr. Keeney said the ditch would be sized in both directions (north/south and east/west) in an attempt



to address all problems. Curb and guttering on Crossgate Drive as well as the public storm sewer would make a difference.

#### **D. STAFF PRESENTATION**

Mr. Pedrotti said Staff had received one letter signed by 55 adjacent property owners, and two additional letters. All letters were in opposition to the project citing numerous objections such as flooding, drainage, density, increased traffic, preservation of existing vegetation, and the sanitary sewer line.

Condition 4-c could be amended to state that any of the conditions requested for the sanitary sewer line would need to be approved by the Storm Water and City Engineers. Mr. Pedrotti said he had received suggestions from the Storm Water Engineer today that outline conditions that would need to be executed if the variance were granted.

Mr. Pedrotti said some of the most recent recommendations proposed by the applicant (maximum height, minimum setbacks and density restrictions) address some of Staff's concerns. However, there are no conventional zonings with these types of restrictions, which would present an enforcement problem. Staff recommended PRD's because they allow for flexibility and restrict uses.

Staff recommended PRD-1 in place of RM-1, allowing 7 units per acre. Today the applicant requested a density of 10 units per acre. Staff would need time to evaluate the proposal.

Discussing the commercial zoning, Mr. Pedrotti presented the planning unit concept from Horizon 2020 depicting a square mile and a neighborhood. Retail centers are located at the intersection of two arterial streets. By this concept, the Inverness Park property would have a collector street intersecting an arterial street. At arterial and collector intersections there are generally medium and low density residential as well as some office. The concept restricts retail

commercial to the intersection of arterials.

Mr. Pedrotti displayed a map showing different land uses of the area surrounding Inverness Park Addition. Applying the Comprehensive Plan, Staff doesn't believe that Inverness Park is a neighborhood within itself. The neighborhood encompasses the whole area and is served by the two commercial centers that are on either side.

Comm. Heck asked what the maximum allowable density would be in a PRD-1 district. Mr.

Pedrotti said 7 units per acre.

Comm. Bateman asked if a bank was retail.

Mr. Pedrotti said a bank is allowed in the O-1 and RO-1 B districts. It is also allowed in commercial districts.

Comm. Bateman asked if a restaurant was retail. Mr.

Pedrotti said it was.

Comm. Bateman asked Staff to comment about the timing or phasing of the drainage area at the southeast corner.

Mr. Pedrotti said Staff had relied on the Storm Water Engineer and the City Engineer to present appropriate conditions for the engineering work.



Comm. Bateman asked if Staff and the Engineers were comfortable with what was proposed. Ms. Finger said their biggest concern was what would happen to the bicycle/pedestrian path because many people in the community use it. At this point it is an unknown.

Mr. Pedrotti said Condition 1-k addressed the bicycle/pedestrian path. Condition 1-n would route traffic out of the way leaving 24<sup>th</sup> Street as a connection between the neighborhoods.

Comm. Bateman said review comments in the Staff Report indicated that a condition of approval would be that the plat must be tied to two section corners and that the developer would need to pay for a traffic signal at Clinton Parkway and Crossgate. She said these weren't listed in the revised PC Staff Report conditions.

Ms. Finger said she didn't know if the actual plat had been revised to show that, but the final one would.

Comm. Bateman asked if Tract A ownership had been decided. She asked if the decision was important at this time.

Mr. Pedrotti said Tract A was the drainage tract. The decision should be made before the final plat.

Comm. Bateman asked Staff to comment on some of most recent suggestions made by the applicant, and that they would be hard to enforce or control.

Ms. Finger said enforcement was hard in standardized zoning, but not impossible. Unusual setbacks can be put on a plat, but limiting height of buildings would need to be tracked on every site plan. She said the ideas recently presented by the applicant have not been studied or

discussed with legal counsel. Ms. Finger said thought they could be cited as conditions, but wasn't sure how they could occur as conditions.

Mr. Pedrotti said the applicant had proposed extra setbacks and height restrictions for the RO-1 B and the O-1 districts. Staff does concur with those restrictions. The applicant has also proposed to limit the commercial uses on the O-1, which would be limited services 9-A. Staff feels the RO-1 B zoning accomplishes the same goals. Staff has suggested that the RO-1 B district should be PRD-2. This will allow for flexibility the applicant proposed, but would take away the office component.

## **E. PUBLIC COMMENT**

Mr. George Ryan said he lived in the Stone Meadows Development. He wanted to know what density could be in an RO-1 B zoning, and what type of construction could take place. He thought the RS-2 district would generate a lot of traffic with only two outlets. It would also create more traffic on Inverness. He said there was a lot of multi-family residences in the area with the Aberdeen apartment complex and the proposed Aberdeen south. Aberdeen traffic exists onto a frontage road along Clinton Parkway and then exits onto Inverness. He asked if the frontage road would be maintained and how people would be able to make a right turn with the new median.

Mr. Pedrotti said the RO-1 B allows a density of 12 units per acre. Staffs proposal of PRD-2 would also limit the density to 12 units per acre. He asked Mr. Ryan to explain this second concern.

Mr. Ryan said if the intersection at Inverness and Clinton Parkway expanded into four lanes, the frontage road would not be able to access as close to the intersection allowing people to make left turns onto Clinton Parkway. This would force them to make a right turn, do a u-turn across the median to go north on Inverness, or create traffic through the neighborhood.

Mr. Mieras said the Aberdeen South Apartments preliminary development plan proposes that

Scottsdale Road will connect with 27<sup>th</sup> Street thereby eliminating some of the traffic from the complex. If Inverness were widened to four lanes, a median would eliminate any left turns from the frontage road.

Chrm. Male asked if there would be a median the entire length of Inverness.

Mr. Mieras said future plans are that Inverness Drive will be a boulevard with a median, much like Kasold.

Chrm. Male said that would mean there would be no left turns from the frontage road. Mr.

Mieras said probably not. A traffic circle might eliminate U-turns.

Comm. Durflinger asked if traffic from the frontage road could go south on Inverness and connect with 24<sup>th</sup> Street to access Crossgate.

Mr. Harpool said that would be possible but a traffic circle had been requested.

Comm. Schenewerk asked when Inverness Drive would be completed.

Mr. Pedrotti said there were four phases and Inverness Drive would be improved in Phase 3. Phase 1 would be the single family development, removing the existing storm structure, installation of a traffic light and improvements to Crossgate from 23<sup>d</sup> to 24<sup>th</sup>. Phase 2 improvements would be the RM-D district and improvements to 27<sup>th</sup> Street from Inverness to

Crossgate. Phase 3 would be Inverness Drive.

Mr. Scott McDanel said he was concerned about the proposed commercial development that would be within 150' of his property. He said there were already multiple retail stores within a 15 minute walk of his residence. In addition, more houses were needed instead of multi-family dwellings which would only increase the traffic.

Comm. Ramirez asked if the Mr. McDanel would object to offices.

Mr. McDanel said it would depend on the type of office and the amount of traffic it would draw. He was opposed to both offices and retail and would rather have residential.

Mr. Wayne Osness, Managing Partner of Parkway 4000 which is immediately north, said he was concerned with the drainage flow through the property. Three years ago there was considerable damage to their property. The ditch west of their property has been improved but it carries water from 6<sup>th</sup> Street and there seems to be more and more hard surface all the time. He asked how the drainage or flow capacity south related to the two concrete ditches that go through Clinton Parkway, and how does this fit into the phase plan; would it be done early or late.

Mr. Keeney said the drainage had been engineered to carry the 100-year storm plus another foot of freeboard. The ditch will be engineered first, the sanitary sewer second and the streets will be third.

Chrm. Male asked for a review of the capacity through Clinton Parkway.

Mr. Harpool said future development is sized to continue the present capacity. Staff has restricted when building permits can be pulled thus certain construction cannot be done until a number of infrastructure improvements are in place.



Comm. Bateman said she thought the speaker was asking if the improvements being done from north to south would connect to what was going under Clinton Parkway.

Mr. Keeney said that was correct.

Comm. Werner asked if the first phase of improvements to the ditch would also include the ditch to Clinton Parkway.

Mr. Keeney said that was correct.

Mr. Jacobson said he was responsible for the 55 letters, video footage of the storm and the still photos. He would like to see the property developed as single family residences. Mr. Jacobson said he didn't understand how annexation could take place without specific plans for specific areas. He didn't think there was a need for further commercial development in the area, and there would not be a buffer between the multi-family and single family dwellings. Mr. Jacobson said flooding was a real concern in this area, and he didn't understand how it was possible to put in a drainage ditch and maintain all trees. He expressed concern for the safety of children who walked the flooded streets and who would be rerouted through construction areas during the phasing. Improving 27<sup>th</sup> Street would only create a raceway. Although annexation is important for local construction economy, he understood that companies from Texas and other areas were approaching the developer for work.

Mr. Brad Boydston said neither the City nor County claim responsibility for the flooded property. He was concerned about the potential for overcrowding the schools in the area.

Chrm. Male asked Mr. Boydston's opinion about removing the drainage structure and closing 27<sup>th</sup> Street until a later phase.

Mr. Boydston said taking out the two structures might help some, but thought his neighbor and people further south would still flood. He thought it should be done earlier. He said if the bike path were removed it should be replaced with another route for the safety of children.

Mr. Bill Green said improving Hidden Valley downstream and trying to get rid of some of the restrictions south of 27<sup>th</sup> Street was a good idea. He said the development might not agreeable to everyone but something would be developed on the property sooner or later.

#### **F. APPLICANT'S RESPONSE**

Mr. Harpool said that Staff has made clear that the drainage way must be completed. Onsite improvements previously outlined, in conjunction with Mr. McGrew's cooperation, should solve the water problems. It has been made clear that when the bike path is removed it needs to be replaced immediately, or a new structure could be built before taking it out.

Mr. Harpool said there was a lot of cost associated with infrastructure for this project; total over-all cost is estimated at 4 % million dollars. Although the plan may not satisfy everyone they had tried to put together an overall plan which allowed for development of the entire acreage. Dial Realty tried to address many issues, and felt it was a plan which provided the financial feasibility to complete the entire project.

Ms. Eldredge said they had met with Staff and Legal Services Director, Mr. Corliss, about the new restrictions proposed for some of the districts. Mr. Corliss said legal documents could be crafted to set up these conditions in a conventional zoning.

She said the Commission had voiced on several occasions that it would be better planning to annex large tracts of land for development. This project is a large annexation with proposed development. She said Dial Realty specialized in mixed-use development. The development was consistent with the goals and ideals of Horizon 2020.

Ms. Eldredge displayed a map of the existing uses in the surrounding area. The Aberdeen development, in close proximity to this project, is planned as neighborhood commercial. Horizon 2020 indicates there should be neighborhood commercial along 27<sup>th</sup> Street. Since the developer is requesting this area be zoned residential multi-family, it would be appropriate to use the neighborhood commercial in another location. Ms. Eldredge said Horizon 2020 does not indicate that the identified places for neighborhood commercial are fixed, but identify development standards and where neighborhood commercial is necessary. Ms. Eldredge said this plan proposed neighborhood commercial, which is less than 10 acres, in the scaled down PCD-1.

Comm. Ramirez asked Ms. Eldredge to identify what difficulties would be created if the Planning Commission decided the rezoning on the northern portion didn't comply with Horizon 2020.

Ms. Eldredge said there would be severe economic problems.

Mr. Harpool said it would be both a timing and economic issue. The ground could not be purchased in parcels, and he needed to be assured of the zonings. Mr. Harpool said they had filed a request for RO-1 B zoning in place of the O-1. He said without the requested zonings in the northeast section the project would not be financially feasible.

#### **G. PLANNING COMMISSION DELIBERATION/ACTION TAKEN**

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### **ITEM NO. 16: ANNEXATION OF APPROXIMATELY 163.46 ACRES**

#### **A. SUMMARY**

**A-4-4-99:** Consider a request for the annexation of approximately 163.46 ac. into the City of Lawrence. The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Related to rezoning requests Z-4-6-99 thru Z-4-13-99 and Preliminary Plat of Inverness Park Addition.]*

#### **B. ACTION TAKEN**

It was moved by Comm. Heck, and seconded, to approve annexation of 163.46 acres [Getto Tract] contingent upon the rezoning and forwarding it to the City Commission with a recommendation for approval.

The motion was approved unanimously (9-0-0).

Ms. Eldredge said the annexation would be contingent upon the zonings being granted. If the zoning is not granted, they did not want the annexation.

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**ITEM NO. 17: PRELIMINARY PLAT OF INVERNESS PARK ADDITION PUBLIC HEARING ON VARIANCE REQUEST ONLY**

**A. SUMMARY**

**Preliminary Plat of Inverness Park Addition** is a 195-lot mixed use development containing approximately 163.46 acres. The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. Submitted by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Related to annexation request A-4-4-99 and rezoning requests Z-4-6-99 thru Z-4-13-99.]*

Comm. Heck asked Staffs reaction to changing condition 1-k.

Ms. Finger said the City is not responsible for the bridge because the County installed it using Federal Funds when the South Lawrence Traffic way was built. Since it would be a high cost item the decision could not be made here but would have to be agreed upon by the City Commission or the City Manager.

Comm. Heck asked if the City was responsible for maintaining any of the bridge that is within the . City limits.

Ms. Finger didn't know if an agreement had been worked out between the City and the County.

Comm. Heck said since the original bridge had been improperly installed, he felt it would be too burdensome to expect the applicant to bear the entire cost of replacing it with the correct size.

Ms. Finger said Condition 1-k could state that the parties responsible for the bicycle/pedestrian path issue should be resolved prior to the final plat.

Comm. Heck asked Ms. Finger to respond to the applicant's request regarding Condition 1-n and only wanting to finance 25% of the signalization of Crossgate.

Ms. Finger said it would be a part of City development regulations. She said the condition could state that the actual percentage should be resolved prior to the final plat.

Comm. Ramirez thought the condition should be more specific and state that infrastructure improvements must be addressed before the final plat.

Ms. Finger said Conditions 1-k and 1-n should be predicated on those two issues being resolved prior to the final plat being submitted.

Comm. Heck said Condition 4-c addressed relocating the sanitary sewer line. He asked if Staff had recommended that it would be all right to leave in place if it had the approval of the City Storm Water Engineer.

Ms. Finger said that was correct. **B.**

**ACTION TAKEN**

**VARIANCE:**

It was moved by Comm. Heck, and seconded, to recommend approval of the variance for a radius of curvature on local streets.

The motion carried unanimously (9-0-0).

It was moved by Comm. Heck, and seconded, to recommend approval of the Preliminary Plat for Inverness Park Addition subject to the conditions outlined in the revised Staff Report, with the understanding that conditions 1-k and 1-n are to be resolved prior to the filing of the final plat, and that Condition 4-c be revised to allow the sewer line to remain in place subject to the City Storm Water Engineer.

Ms. Finger said the "filing of the Final Plat" means filing of the Final Plat with Staff.

1. Revise the preliminary plat to include the following items:

- a. Show all sidewalks on both sides of collector streets and one side of local streets.
- b. Show the grades of all streets. The applicant must resubmit the preliminary plat to request a variance if any street grades exceed 10%.
- c. Show the dimensions of the median on Sunflower Place.
- d. ~~Show the square footage of all lots.~~
- e. Show the required minimum habitable floor area on all lots adjacent to drainage easements and on drainageways.
- f. Show traffic circles on the preliminary plat at the intersections of Inverness Drive and 24<sup>th</sup> St., and Inverness Drive and 27<sup>th</sup> St.
- g. Show the dividing line between Phase I and Phase II of the single-family residential development.
- h. Provide an additional 29'15" pedestrian easement along the south side of Lots 3 and 4, Block 7.
- i. Change the names of Dove Ct., Prairie Rose Ln., and Hidden Valley Ln. to names approved by the City Engineer.
- j. Provide a note on the plat that the existing treeline on the property ~~must be preserved in accordance with the information provided on the preliminary plat within Tract 'A'~~ **will be preserved to the extent possible as shown on the preliminary plat and that no trees may be removed on Lots 1-4, Block 7 unless in accordance with an approved site plan or final development plan.**
- k. ~~Provide a note on the plat that no portion of the bicycle/pedestrian path may be removed.~~ **Provide a note on the plat that if any portion of the existing bicycle/pedestrian path on the south side of the property is removed, that portion will be re-constructed to provide continuous bicycle and pedestrian access.**
- l. Provide a note on the plat that the State of Kansas has purchased access rights from the property to Clinton Parkway and that no direct access to Clinton Parkway is allowed.
- m. Provide a note on the plat that all properties abutting 24<sup>th</sup> St. must take driveway access off of 24<sup>th</sup> St. only.
- n. **Provide a note on the plat that the traffic signal at the intersection of Crossgate Drive and all improvements to 24<sup>th</sup> St. must be completed prior to the demolition of the intersection of 27<sup>th</sup> St. and Crossgate Drive.**

2. Approval of the submitted traffic study by the City Traffic Engineer.

3. Execute phasing of development as shown in the staff report with the exception of:

- a. Access will be restricted from the single-family residential (RS-2) district until such time as W. 27<sup>th</sup> St. is improved; and
- b. Public improvements for Crossgate Drive must be constructed in conjunction with the



construction of the storm structure in the southeast corner.

4. The following items must be submitted and approved by the City Stormwater Engineer:
  - a. Tract 'A' must be labeled "Tract 'A' Drainage and Pedestrian Easement."
  - b. Provide sufficient width for drainage easements approved by the Stormwater Engineer along the proposed PCD, PRD and RM-1 lots. Drainage easement widths must provide the calculated depth of flow plus freeboard as it has been determined on the cross sections. This appears to be 70' each side of CL minimum and more in some locations. The 120' drainage easement must be widened and identified by width on each property.
  - c. Relocate the existing sanitary sewer line outside the proposed channel and provide a larger line to be approved by the Utilities Department. Provide the necessary utility easement and show the system relocation on the preliminary plat.
  - d. Show the box culvert necessary for 24<sup>th</sup> Street on the preliminary plat.
  - e. Add a note to the plat that states "The proposed public drainage improvements in Tract 'A' shall be completed prior to application for building permits on any lots other than those in Phase 1 of the RS-2 development."
  - f. Show the storm drainage system including inlet and pipe locations. These must justify the proposed drainage easement.
  - g. Provide additional drainage easements within the RS-2 development to provide graded swales for concentrated flow. Provide 15' D/E's at the following:
    - East line Lot 17, Block 6
    - West line Lot 14, Block 6
    - West line Lot 11, Block 2
    - West line Lots 30, 29, 28, 27, 26, 25, and 24, Block 3
5. Dedicate all drainage easements by separate instrument or through the filing of a final plat. All improvements to be constructed within future right-of-way dedications may not be constructed until the right-of-way is dedicated.
6. Approval of the annexation request for the subject property.

The motion carried unanimously (9-0-0).

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#### **ITEM NO. 18A:**

#### **REZONING APPROXIMATELY 67.184 ACRES FROM A to RS-2**

##### **A. SUMMARY**

**Z-4-6-99:** A request to rezone approximately 67.184 acres from A (Agricultural District) to RS-2 (Single-Family Residence District). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

##### **B. ACTION TAKEN**

It was moved by Comm. Bateman, and seconded, to recommend approval of the request to rezone 67.18 acres from A to RS-2 based upon the findings of fact presented in the Staff Report and subject to the following conditions:

1. Approval and publication of the annexation request.
2. Approval of the Preliminary Plat.

## **FINDINGS OF FACT**

**ZONING AND USES OF PROPERTY NEARBY** - The existing zoning is A (Agriculture) District. Surrounding uses of the entire 160-acre property include single-family residential, duplex and a school to the west, multiple-family residential, offices, and a recreation center to the north, single and multiple-family residences to the east, and undeveloped agricultural uses to the south.

**CHARACTER OF THE AREA** - The character of the area for the RS-2, RM-D, and RM-1 zoning applications [Z-4-6-99, Z-4-7-99, and Z-4-8-99] is undeveloped land used for agricultural purposes surrounded by primarily single-family and multiple-family residential land uses. A drainageway flows along the north side of the requests and passes through it to the southeast.

**SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED** - The Zoning Ordinance provides that a rezoning request shall be initiated immediately upon the property's annexation to the City. Consequently, upon annexation, the county zoning designation of A (Agricultural District) would no longer be appropriate for the subject property. Suitability of the land use is directly related to the status of annexation as well as surrounding and anticipated development.

**EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY** - The most significant detrimental effect anticipated is the loss of "open space" by adjacent property owners and the introduction of residential development. However, the area is anticipated for residential development, and in the long term, this change is appropriate.

**LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED** — The subject property is currently undeveloped and has remained vacant as zoned since 1966.

**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** - Denial of the RO-1 B, 0-1, PCD-1 and PCD-2 rezonings, as requested, would protect the public health, safety and welfare. Rezoning the RO-1 B request to PRD-2, with a density restriction of 12 dwelling units per acre and rezoning the 0-1, PCD-1 and PCD-2 requests to RO-1 B, through the lesser change table, are appropriate based on conformance with the Comprehensive Plan and the surrounding land use pattern. The proposed rezonings to RS-2 and RM-D are appropriate densities for the property and therefore would not have a negative impact to the public health, safety, and welfare. The proposed rezoning to PRD-2 permits multiple-family residential development. With associated infrastructure improvements and by limiting the density, proposed development can be designed to minimize impacts to the public health, safety, and welfare. The proposed rezoning to RM-1 is an inappropriate density for the property and therefore could have a negative impact to the public health, safety, and welfare. Rezoning to PRD-1 is more appropriate given the adjacent uses and the shape and size of the property. Denial of rezonings, which are consistent with surrounding land use density and intensity and the Comprehensive Plan, would impose a hardship upon the landowner. Denial of the rezonings of the property would not destroy its value, although the hardship imposed on the landowner would be the postponement of development on the property.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN** — The proposed requests are generally consistent with the City's Comprehensive Plan, Horizon 2020.



The motion carried unanimously (9-0-0).

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**ITEM NO 18B:                      REZONING APPROXIMATELY 11.616 ACRES FROM A TO RM-D**

**A        SUMMARY**

**Z-4-7-99:** A request to rezone approximately 11.616 acres from A (Agricultural District) to RMD (Residence-Duplex District). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

**B.       ACTION TAKEN**

It was moved by Comm. Bateman, and seconded, to recommend approval of the request to rezone approximately 11.616 acres from A to RM-D based upon the findings of fact presented in the Staff Report and subject to the following conditions:

1. Approval and publication of the annexation request
2. Approval of the Preliminary Plat

**FINDINGS OF FACT**

**ZONING AND USES OF PROPERTY NEARBY** - The existing zoning is A (Agriculture) District. Surrounding uses of the entire 160-acre property include single-family residential, duplex and a school to the west, multiple-family residential, offices, and a recreation center to the north, single

and multiple-family residences to the east, and undeveloped agricultural uses to the south.

**CHARACTER OF THE AREA** - The character of the area for the RS-2, RM-D, and RM-1 zoning applications [Z-4-6-99, Z-4-7-99, and Z-4-8-99] is undeveloped land used for agricultural purposes surrounded by primarily single-family and multiple-family residential land uses. A drainageway flows along the north side of the requests and passes through it to the southeast.

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

- The Zoning Ordinance provides that a rezoning request shall be initiated immediately upon the property's annexation to the City. Consequently, upon annexation, the county zoning designation of A (Agricultural District) would no longer be appropriate for the subject property. Suitability of the land use is directly related to the status of annexation as well as surrounding and anticipated development.

**EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY** - The most significant detrimental effect anticipated is the loss of "open space" by adjacent property owners and the introduction of residential development. However, the area is anticipated for residential development, and in the long term, this change is appropriate

**LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED** — The subject property is currently undeveloped and has remained vacant as zoned since 1966.

**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** - Denial of the RO-1 B, 0-1, PCD-1 and PCD-2 rezonings, as requested, would protect the public health, safety and welfare. Rezoning the RO-1 B request to PRD-2, with a density restriction of 12 dwelling units per acre and rezoning the 0-1, PCD-1 and PCD-2 requests to RO-1 B, through the lesser change table, are appropriate based on conformance with the Comprehensive Plan and the surrounding land use pattern. The proposed rezonings to RS-2 and RM-D are appropriate densities for the property and therefore would not have a negative impact to the public health, safety, and welfare. The proposed rezoning to PRD-2 permits multiple-family residential development. With associated infrastructure improvements and by limiting the density, proposed development can be designed to minimize impacts to the public health, safety, and welfare. The proposed rezoning to RM-1 is an inappropriate density for the property and therefore could have a negative impact to the public health, safety, and welfare. Rezoning to PRD-1 is more appropriate given the adjacent uses and the shape and size of the property. Denial of rezonings, which are consistent with surrounding land use density and intensity and the Comprehensive Plan, would impose a hardship upon the landowner. Denial of the rezonings of the property would not destroy its value, although the hardship imposed on the landowner would be the postponement of development on the property.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN** – The proposed requests are generally consistent with the City's Comprehensive Plan, Horizon 2020.

The motion carried unanimously (9-0-0).

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**ITEM NO. 18C:                      REZONING APPROXIMATELY 10.346 ACRES FROM A to RM-1**

**A SUMMARY**

**Z-4-8-99:** A request to rezone approximately 10.346 acres from A (Agricultural District) to RM-1 (Multiple-Family Residence District). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

Ms. Eldredge requested that as part of the motion the Planning Commission restrict the density to 10 units per acre, require a minimum 30' rear yard setback, no direct access for the units onto Crossgate, and maximum building height of 35', which would be two-story units. She said covenants reflecting these restrictions would be filed with the Register of Deeds.

Comm. Heck asked if Staff was in agreement with the restrictions.

Ms. Finger said at this time they were not in agreement because there had been no time for research or discussions with Mr. Corliss. She said the Planning Commission could consider a lesser change but the City Commission could not.

Comm. Werner asked if the RM-1 zoning was the reason for the covenants. He asked if these restrictions could be placed on a PRD.



Ms. Finger said the same restrictions could be placed on a PRD.

Ms. Finger said RM-1 density is 10 units; PRD-1 zoning restricts to 7 units per acre. Another option would be a PRD-2 zoning restricting back from 15 to 10 units per acre.

Ms. Eldredge said the setback requirement would then be 35'. She said Mr. Corliss explained that covenants had occurred in the past. She said the City would have the ability to enforce the covenants. The reason for making the covenants as a condition of the zoning is that if the covenants should fail the zoning would fail.

Comm. Durflinger asked what objection there would be to PRD with restrictions. Ms.

Eldredge the difference in the side yard; 35' versus the 30'.

Ms. Finger said the offset would be a smaller yard; 15' from the public street rather than 25'. The front yard is reduced and rear yard is enlarged. The distance of 10' between dwelling units would still be the same. It would also allow for three-stories.

Ms. Eldredge said they were requesting two-story units.

Ms. Finger said their request could be done through covenants, but said she was uncomfortable with 10 units. She said she couldn't recall density ever being restricted in conventional zoning through covenants.

Comm. Durflinger asked what made these covenants different.

Ms. Finger said the City would have to be a party to them or else they would be unenforceable.

Ms. Eldredge said these covenants would be similar to cross-access easements. She said cross-access easements are recorded instruments but these covenants would go further making the City a part of the agreement.

Ms. Finger said they would be most similar to covenants in a PUD.

Comm. Male said he would be comfortable with a PRD-2 zoning and restricting it to 10 units. He didn't think a 30' vs. 35' setback was an issue. There should not be access to Crossgate and two story units would be adequate. He felt there was enough flexibility to make the project work.

Comm. Werner thought 10 units per acre was still too much for the existing houses across the street. He would rather vote for a PRD-1.

Comm. Durflinger felt PRD-2 zoning would be a better vehicle to enable the Planning Commission to place restrictions to appropriately buffer the neighborhood.

Comm. Schenewerk said approving restrictive covenants would be setting a precedent; it would negate the PRD Ordinance and the reasons for its presence might become muddled. He would favor the PRD-2 zoning, restricting it to 10 units per acre.

Ms. Eldredge they were concerned with timing but they would accept the PRD-2 if it could be for the 10 acres. The timing issue would be how long it took to get the two preliminary development plans done as opposed to the site plan.

Comm. Male said after listening to the discussion he had changed his opinion and thought a PRD-1 with lesser density would be more appropriate.

Comm. Ramirez said he was concerned about the density and the amount of traffic that would be generated. He said he would not favor lots facing Crossgate. He did not like the idea of entering into covenants and thought the ordinances should be used. He said one of the criteria to be considered when establishing zoning was the character of the neighborhood and the neighborhood to the east is single family residential. He said the public had expressed their view that this would adversely affect their neighborhood. He thought the PRD-1 zoning would fit without adversely affecting the neighborhood.

#### **B. ACTION TAKEN**

It was moved by Comm. Ramirez, and seconded, to recommend approval of rezoning of 10.346 acres from A to PRD-1, based on the Lesser Change Table, and forwarding it to the City Commission with a recommendation for approval based upon the findings of fact presented in the staff report and subject to the following conditions:

2. Approval and publication of the annexation request for the subject property.
3. Submission and approval of a Preliminary Development Plan.

#### **FINDINGS OF FACT**

**ZONING AND USES OF PROPERTY NEARBY** - The existing zoning is A (Agriculture) District.

Surrounding uses of the entire 160-acre property include single-family residential, duplex and a school to the west, multiple-family residential, offices, and a recreation center to the north, single and multiple-family residences to the east, and undeveloped agricultural uses to the south.

**CHARACTER OF THE AREA** - The character of the area for the RS-2, RM-D, and RM-1 zoning applications [Z-4-6-99, Z-4-7-99, and Z-4-8-99] is undeveloped land used for agricultural

purposes surrounded by primarily single-family and multiple-family residential land uses. A drainageway flows along the north side of the requests and passes through it to the southeast.

#### **SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED**

- The Zoning Ordinance provides that a rezoning request shall be initiated immediately upon the property's annexation to the City. Consequently, upon annexation, the county zoning designation of A (Agricultural District) would no longer be appropriate for the subject property. Suitability of the land use is directly related to the status of annexation as well as surrounding and anticipated development.

#### **EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY**

**PROPERTY** - The most significant detrimental effect anticipated is the location of medium-density residential located across from existing single-family residential development without the benefit of a natural buffer or back-to-back relationship. Rezoning to PRD-1 is more appropriate given the adjacent uses, the properties floodprone tendencies, and the developable area.

**LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED** – The subject property is currently undeveloped and has remained vacant as zoned since 1966.

**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** - Denial of the RO-1 B, 0-1, PCD-1 and PCD-2 rezonings, as requested, would protect the public health, safety and welfare. Rezoning the RO-1 B request to PRD-2, with a density restriction of 12 dwelling units per acre and rezoning the 0-1, PCD-1 and PCD-2 requests to RO-1 B, through the lesser change table, are appropriate based on conformance with the Comprehensive Plan and the surrounding land use pattern. The proposed rezonings to RS-2 and RM-D are appropriate densities for the property and therefore would not have a negative impact to the public health, safety, and welfare. The proposed rezoning to PRD-2 permits multiple-family residential development. With associated infrastructure improvements and by limiting the density, proposed development can be



designed to minimize impacts to the public health, safety, and welfare. The proposed rezoning to RM-1 is an inappropriate density for the property and therefore could have a negative impact to the public health, safety, and welfare. Rezoning to PRD-1 is more appropriate given the adjacent uses and the shape and size of the property. Denial of rezonings, which are consistent with surrounding land use density and intensity and the Comprehensive Plan, would impose a hardship upon the landowner. Denial of the rezonings of the property would not destroy its value, although the hardship imposed on the landowner would be the postponement of development on the property.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN** – The proposed request for rezoning to RM-1 is not consistent with the City's Comprehensive Plan, Horizon 2020 with respect to compatibility with surrounding land uses and is not appropriate given staffs recommendations on the residential and commercial zonings to the north. A more appropriate zoning is PRD-1 which would allow a maximum density of 7 units per acre.

The motion carried unanimously (9-0-0).

**ITEM NO. 18D:                      REZONING APPROXIMATELY 17.812 ACRES FROM A TO PRD-2 A**

**SUMMARY**

**Z-4-9-99:** A request to rezone approximately 17.812 acres from A (Agricultural District) to

PRD-2 (Planned Residential Development). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

Mr. Pedrotti said Staff is recommending PRD-2, with the approval and publication of the annexation request, and submission and approval of a Preliminary Development Plan. An additional condition would limit the density to 12 units per acre.

**B. ACTION TAKEN**

It was moved by Comm. Bateman, and seconded, to recommend approval of rezoning of 17.812 acres from A to PRD-2, with restrictions, and forwarding it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Gross density limited to 12 dwelling units per acre.
3. Submission and approval of Preliminary Development Plan.

**FINDINGS OF FACT**

**ZONING AND USES OF PROPERTY NEARBY** - The existing zoning is A (Agriculture) District. Surrounding uses of the entire 160-acre property include single-family residential, duplex and a school to the west, multiple-family residential, offices, and a recreation center to the north, single and multiple-family residences to the east, and undeveloped agricultural uses to the south.

**CHARACTER OF THE AREA** – The character of the area for zoning applications RO-1 B, PRD-2, O-1, PCD-1, and PCD-2 [Z-4-9-99, Z-4-10-99, Z-4-11-99, Z-4-12-99 and Z-4-13-99] is undeveloped land



used for agricultural purposes surrounded by primarily single-family and multiple-family residential land uses. A drainageway flows along the south and east sides of the area.

**SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN**

**RESTRICTED** - The Zoning Ordinance provides that a rezoning request shall be initiated immediately upon the property's annexation to the City. Consequently, upon annexation, the county zoning designation of A (Agricultural District) would no longer be appropriate for the subject property. Suitability of the land use is directly related to the status of annexation as well as surrounding and anticipated development.

**EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY**

**PROPERTY** - The removal of the agricultural restrictions are not expected to adversely affect nearby properties; however, the density of the requests may result in negative impacts to adjacent properties. A rezoning to a Planned Residential Development (PRD-1 or PRD-2 with a density restriction of 12 units per acre) would be more appropriate adjacent to the existing single-family residential development to the west. A density restriction of 12 units per acre would also be more appropriate for the area proposed for PRD-2 given the overall nature of the surrounding low-density residential neighborhood.

**LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED** – The subject property is currently undeveloped and has remained vacant as zoned since 1966.

**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**

- Denial of the RO-1 B, O-1, PCD-1 and PCD-2 rezonings, as requested, would protect the public health, safety and welfare. Rezoning the RO-1 B request to PRD-2, with a density restriction of 12 dwelling units per acre and rezoning the O-1, PCD-1 and PCD-2 requests to RO-1 B, through the lesser change table, are appropriate based on conformance with the Comprehensive Plan and the surrounding land use pattern. The proposed rezonings to RS-2 and RM-D are appropriate densities for the property and therefore would not have a negative impact to the public health, safety, and welfare. The proposed rezoning to PRD-2 permits multiple-family residential development. With associated infrastructure improvements and by limiting the density, proposed development can be designed to minimize impacts to the public health, safety, and welfare. The proposed rezoning to RM-1 is an inappropriate density for the property and therefore could have a negative impact to the public health, safety, and welfare. Rezoning to PRD-1 is more appropriate given the adjacent uses and the shape and size of the property. Denial of rezonings, which are consistent with surrounding land use density and intensity and the Comprehensive Plan, would impose a hardship upon the landowner. Denial of the rezonings of the property would not destroy its value, although the hardship imposed on the landowner would be the postponement of development on the property.

The proposed request for rezoning to PRD-2 is generally consistent with the City's Comprehensive Plan, Horizon 2020 with a restriction of a maximum density of 12 units per acre.

The motion carried unanimously (9-0-0).

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**ITEM NO. 18E:**

**REZONE APPROXIMATELY 13.738 ACRES FROM A TO RO-1 B**

**A. SUMMARY**

**Z-4-10-99:** A request to rezone approximately 13.738 acres from A (Agricultural District) to RO-1 B (Residence-Office District). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. Requested by The Peridian



Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

Mr. Pedrotti said the size of the rezoning was actually 13.738 acres and Staff was recommending rezoning to PRD-2 with a maximum gross density of 12 units per acre, which is essentially the same as the adjacent property. The two conditions of approval and publication of the annexation request and submission and approval of a Preliminary Development Plan would also apply.

Ms. Eldredge said the applicant had requested RO-1 B zoning with the three conditions: 35' minimum setback, and maximum height limits of two stories within 200' of Inverness and three stories within 300' of Inverness.

## **B. ACTION TAKEN**

It was moved by Comm. Heck, and seconded, to recommend approval of rezoning of 13.738 acres from A to PRD-2, with restrictions, based on the Lesser Change Table, and forwarding it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the staff report and subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Gross density limited to 12 dwelling units per acre.
3. Submission and approval of a Preliminary Development Plan.

## **FINDINGS OF FACT**

**ZONING AND USES OF PROPERTY NEARBY** - The existing zoning is A (Agriculture) District.

Surrounding uses of the entire 160-acre property include single-family residential, duplex and a school to the west, multiple-family residential, offices, and a recreation center to the north, single and multiple-family residences to the east, and undeveloped agricultural uses to the south.

**CHARACTER OF THE AREA**— The character of the area for zoning applications RO-1 B, PRD-2, O-1, PCD-1, and PCD-2 [Z-4-9-99, Z-4-10-99, Z-4-11-99, Z-4-12-99 and Z-4-13-99] is undeveloped land used for agricultural purposes surrounded by primarily single-family and multiple-family residential land uses. A drainageway flows along the south and east sides of the area.

## **SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED**

- The Zoning Ordinance provides that a rezoning request shall be initiated immediately upon the property's annexation to the City. Consequently, upon annexation, the county zoning designation of A (Agricultural District) would no longer be appropriate for the subject property. Suitability of the land use is directly related to the status of annexation as well as surrounding and anticipated development.

## **EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY**

**PROPERTY** - The removal of the agricultural restrictions are not expected to adversely affect nearby properties; however, the density of the requests may result in negative impacts to adjacent properties. A rezoning to a Planned Residential Development (PRD-1 or PRD-2 with a density restriction of 12 units per acre) would be more appropriate adjacent to the existing single-family residential development to the west. A density restriction of 12 units per acre would also be more appropriate for the area proposed for PRD-2 given the overall nature of the surrounding low-density residential neighborhood.

## **LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED —**

The subject property is currently undeveloped and has remained vacant as zoned since 1966.

**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** - Denial of the RO-1 B, 0-1, PCD-1 and PCD-2 rezonings, as requested, would protect the public health, safety and welfare. Rezoning the RO-1 B request to PRD-2, with a density restriction of 12 dwelling units per acre and rezoning the 0-1, PCD-1 and PCD-2 requests to RO-1 B, through the lesser change table, are appropriate based on conformance with the Comprehensive Plan and the surrounding land use pattern. The proposed rezonings to RS-2 and RM-D are appropriate densities for the property and therefore would not have a negative impact to the public health, safety, and welfare. The proposed rezoning to PRD-2 permits multiple-family residential development. With associated infrastructure improvements and by limiting the density, proposed development can be designed to minimize impacts to the public health, safety, and welfare. The proposed rezoning to RM-1 is an inappropriate density for the property and therefore could have a negative impact to the public health, safety, and welfare. Rezoning to PRO-1 is more appropriate given the adjacent uses and the shape and size of the property. Denial of rezonings, which are consistent with surrounding land use density and intensity and the Comprehensive Plan, would impose a hardship upon the landowner. Denial of the rezonings of the property would not destroy its value, although the hardship imposed on the landowner would be the postponement of development on the property.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN** – The rezoning to RO-1 B, as proposed, is not consistent with Horizon 2020. Rezoning to PRD-2, with density restrictions, would provide an appropriate transition development between proposed office uses to the north and low-density residential uses to the south.

The motion carried unanimously (9-0-0).

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**ITEM NO. 18F:                      REZONING APPROXIMATELY 21.634 ACRES FROM A TO 0-1 A**

**SUMMARY**

**Z-4-11-99:** A request to rezone approximately 21.634 acres from A (Agricultural District) to 0-1 (Office District). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east,

Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

Mr. Pedrotti said Staff recommends republication and rezoning to RO-1 B, and also approval and publication of the annexation request and approval of the Preliminary Plat.

Ms. Finger said Staff would request the item be tabled until the July 28, 1999 meeting so the RO-1 B zoning could be considered, which would not be a lesser change.

Comm. Werner asked about a POD-1 zoning that with a lesser change. Ms.

Finger said there wasn't any residential in a POD-1.

Comm. Ramirez said he wasn't that concerned about there not being a residential component. He



thought this location would be appropriate for an office setting and what the applicant had in mind. He asked how the other Commissioners would feel about using a POD-1 and applying a Lesser Change Table.

Comm. Bateman asked what would be allowed in the POD-1 besides offices.

Mr. Pedrotti said the POD-1 allows Use Group 7, which are community facilities and public buildings. Use Group 9 allows for professional offices. Use Group 9-A is also permitted. POD-1 zoning is intended to be a non-residential district which can be developed with uses which may buffer more intensive uses from less intensive uses. The POD-2 district allows any use permitted in the POD-1 and professional offices and residential dwelling units. The ordinance also states that residential cannot be built until 50% of the office development has been built.

Comm. Heck said he didn't see any difference between O-1 and POD-1 except that temporary uses are allowed in POD-1.

## **B. ACTION TAKEN**

Ms. Eldredge said the applicant would prefer for this item to be tabled because they would prefer RO-1 B Zoning rather than the POD zoning.

Chrm. Male said this item would be tabled until the July 28, 1999 Planning Commission meeting.

----- Page Break -----

## **ITEM NO. 18G: REZONING APPROXIMATELY 6.643 ACRES FROM A TO PCD-1**

### **A. SUMMARY**

**Z-4-12-99:** A request to rezone approximately 6.643 acres from A (Agricultural District) to PCD-1 (Planned Commercial Development). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

Mr. Pedrotti said Staff has recommended approval of RO-1 B based on the Lesser Change Table with approval and publication of the annexation request and approval of the Preliminary Plat.

Comm. Heck agreed with Staff that the applicant's request was not consistent with Horizon 2020. He could not find sufficient justification to deviate from Horizon 2020 to allow commercial zoning.

Comm. Male felt sufficient shopping was available with Hy-Vee to the east and potential commercial at 23<sup>rd</sup> and Wakarusa.

Comm. Werner agreed that commercial zoning was a viable concern for the applicant in order to develop the property. Commercial would be helpful in improving the drainage channel which would help the site. He would consider approval of PCD on this portion, but not the portion to the east. He thought some commercial, or perhaps a restaurant, would compliment the 20 acres. Offices and restaurants do not generate considerable traffic and some commercial would allow for improvements.

Comm. Durflinger said financial concerns should not be the biggest consideration in zoning or development. He said within one-half mile in either direction of this property there was commercial development. He would concur with Staff's recommendation.



Comm. Bateman said commercial uses would permit another strip mall, which have negative connotations, and create considerable traffic which is not needed in the area. She agreed there was sufficient commercial in the area and would recommend the RO-1 B zoning.

Comm. Schenewerk thought zoning from 24<sup>th</sup> Street to Clinton Parkway should be consistent and the node west of the drainage way should be commercial. He thought the east corner should probably be commercial because it is next to streets with good traffic flow and accessibility. The commercial should be developed with neighborhood needs in mind. He agreed with Staff recommendation on this parcel but the east tract should be zoned PCD-2.

## **B. ACTION TAKEN**

It was moved by Comm. Ramirez, and seconded, to recommend approval of rezoning of 6.643 acres from A to RO-1 B based on the Lesser Change Table and forward it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the Staff Report, subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Approval of the Preliminary Plat.

## **FINDINGS OF FACT**

**ZONING AND USES OF PROPERTY NEARBY** - The existing zoning is A (Agriculture) District.

Surrounding uses of the entire 160-acre property include single-family residential, duplex and a school to the west, multiple-family residential, offices, and a recreation center to the north, single and multiple-family residences to the east, and undeveloped agricultural uses to the south.

**CHARACTER OF THE AREA** — The character of the area for zoning applications RO-1 B, PRD-2, 0-1, PCD-1, and PCD-2 [Z-4-9-99, Z-4-10-99, Z-4-11-99, Z-4-12-99 and Z-4-13-99] is undeveloped land used for agricultural purposes surrounded by primarily single-family and multiple-family residential land uses. A drainageway flows along the south and east sides of the area.

## **SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED**

- The Zoning Ordinance provides that a rezoning request shall be initiated immediately upon the property's annexation to the City. Consequently, upon annexation, the county zoning designation of A (Agricultural District) would no longer be appropriate for the subject property. Suitability of the land use is directly related to the status of annexation as well as surrounding and anticipated development.

**EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY** - Based on the surrounding land uses and current agricultural restrictions, removal of the restrictions is not expected to detrimentally affect nearby property. However, the intensity of proposed zonings and uses allowed in the 0-1, PCD-1, and PCD-2 District have potential for negative impacts to adjacent properties. The proposed 0-1, PCD-1, and PCD-2 areas are more appropriate for development as RO-1 B, based on the Lesser Change Table.

**LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED** — The subject property is currently undeveloped and has remained vacant as zoned since 1966.

**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** - Denial of the RO-1 B, 0-1, PCD-1 and PCD-2 rezonings, as requested, would protect the public health, safety and welfare. Rezoning the RO-1 B request to PRD-2, with a density restriction of 12 dwelling units per acre and rezoning the 0-1, PCD-1 and PCD-2 requests to RO-1 B, through the lesser change table, are appropriate based on conformance with the Comprehensive



Plan and the surrounding land use pattern. The proposed rezonings to RS-2 and RM-D are appropriate densities for the property and therefore would not have a negative impact to the public health, safety, and welfare. The proposed rezoning to PRD-2 permits multiple-family residential development. With associated infrastructure improvements and by limiting the density, proposed development can be designed to minimize impacts to the public health, safety, and welfare. The proposed rezoning to RM-1 is an inappropriate density for the property and therefore could have a negative impact to the public health, safety, and welfare. Rezoning to PRD-1 is more appropriate given the adjacent uses and the shape and size of the property. Denial of rezonings, which are consistent with surrounding land use density and intensity and the Comprehensive Plan, would impose a hardship upon the landowner. Denial of the rezonings of the property would not destroy its value, although the hardship imposed on the landowner would be the postponement of development on the property.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN** — The rezoning application, as proposed, is not consistent with Horizon 2020. The Comprehensive Plan generally supports a mixture of office and higher density residential land uses.

The motion carried (8-1-0). Comm. Werner against.

**ITEM NO. 18H:                    REZONING APPROXIMATELY 5.194 ACRES FROM A TO PCD-2**

**A. SUMMARY**

**Z-4-13-99:** A request to rezone approximately 5.194 acres from A (Agricultural District) to PCD-2 (Planned Commercial Development). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27<sup>th</sup> Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

Mr. Pedrotti said Staff had recommended that this property be rezoned to RO-1 B based on the Lesser Change Table with the condition of the approval and publication of the annexation request and approval of the Preliminary Plat.

Ms. Finger said the applicant had an alternate proposal for the portion south of 24<sup>th</sup> Street.

Comm. Ramirez asked if consideration should be given to rezoning the tract immediately to the south. The tract is isolated on the left by the drainage way and on the north by the road.

Ms. Finger said they could state in the motion that the portion of the PCD which lies south of 24<sup>th</sup> Street be approved through lesser change to PRD-1 with the same restrictions.

Ms. Eldredge said she wanted to state that the applicant had withdrawn their request based on the zonings approved.

**B. ACTION TAKEN**

It was moved by Comm. Ramirez, and seconded, to recommend approval of rezoning of 1.48 acres, which lies south of 24<sup>th</sup> Street, from A to PRD-1 (to be consistent with the tract to the south) based on the Lesser Change Table and forwarding it to the City Commission with a recommendation for approval, based upon the Findings of Fact presented in the body of the Staff Report, subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Approval of the Preliminary Plat.

The motion carried unanimously (9-0-0).

It was moved by Comm. Bateman, and seconded, to recommend approval of rezoning of the remaining 3.7 acres (approximate) from A to RO-1 B based on the Lesser Change Table and forward it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the body of the Staff Report, subject to the following conditions:

1. Approval and publication of the annexation request.
2. Approval of the Preliminary Plat.

Comm. Heck said this parcel would not have the potential for a mass amount of commercial retail and he asked Comm. Schenewerk to discuss his reasoning on rezoning this tract to PCD-2.

Comm. Schenewerk felt commercial uses would have been developed on the interior rather than along primary thoroughfares on the other tract, whereas this tract was right on a thoroughfare and

readily accessible and visible. The extended neighborhood of Wakarusa to Kasold, and from Clinton Parkway south, would have many homes to facilitate neighborhood commercial use. He said this project was a opportunity for a unique development that would be sensitive to east and west but could

also take advantage of the thoroughfare.

Comm. Durflinger asked what the zoning was for the property directly east. Staff responded RM-2 and a traffic light is projected for this project in phase 1. Comm.

Male asked what was allowed in a PCD-1.

Mr. Pedrotti said PCD-1 allowed residential units (attached, detached or mixed), Use Group 7, community facilities; Use Group 9, professional offices; Use Group 11, inner neighborhood commercial uses; Use Group 12, retail stores and personal services.

Chrm. Male asked if that allowed for fast-food restaurants.

Mr. Pedrotti said not in a PCD-1. A regular restaurant would be allowable and a food convenience store including gasoline sales.

Comm. Ramirez said the zoning did not fit within Horizon 2020, and felt it would severely impact the character of the neighborhood. He felt there was ample commercial within walking distance. He thought Clinton Parkway is, or would, be a major gateway to the City and thought additional commercial was not appropriate. He would support the motion.

Comm. Durflinger felt they were creating an island to acquiesce to the request of the applicant and he didn't think it was a necessary component of the neighborhood. He would support the motion.

## **FINDINGS OF FACT**

**ZONING AND USES OF PROPERTY NEARBY** - The existing zoning is A (Agriculture) District. Surrounding uses of the entire 160-acre property include single-family residential, duplex and a school to the west, multiple-family residential, offices, and a recreation center to the north, single and



multiple-family residences to the east, and undeveloped agricultural uses to the south.

**CHARACTER OF THE AREA**— The character of the area for zoning applications RO-1 B, PRD-2, O-1, PCD-1, and PCD-2 [Z-4-9-99, Z-4-10-99, Z-4-11-99, Z-4-12-99 and Z-4-13-99] is undeveloped land used for agricultural purposes surrounded by primarily single-family and multiple-family residential land uses. A drainageway flows along the south and east sides of the area.

**SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED** - The Zoning Ordinance provides that a rezoning request shall be initiated immediately upon the property's annexation to the City. Consequently, upon annexation, the county zoning designation of A (Agricultural District) would no longer be appropriate for the subject property. Suitability of the land use is directly related to the status of annexation as well as surrounding and anticipated development.

**EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY** - Based on the surrounding land uses and current agricultural restrictions, removal of the restrictions is not expected to detrimentally affect nearby property. However, the intensity of proposed zonings and uses allowed in the O-1, PCD-1, and PCD-2 District have potential for negative impacts to adjacent properties. The proposed O-1, PCD-1, and PCD-2 areas are more appropriate for development as RO-1 B, based on the Lesser Change Table.

Page Break

**LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED** — The subject property is currently undeveloped and has remained vacant as zoned since 1966.

**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** - Denial of the RO-1 B, O-1, PCD-1 and PCD-2 rezonings, as requested, would protect the public health, safety and welfare. Rezoning the RO-1 B request to PRD-2, with a density restriction of 12 dwelling units per acre and rezoning the O-1, POD-1 and PCD-2 requests to RO-1 B, through the lesser change table, are appropriate based on conformance with the Comprehensive Plan and the surrounding land use pattern. The proposed rezonings to RS-2 and RM-D are appropriate densities for the property and therefore would not have a negative impact to the public health, safety, and welfare. The proposed rezoning to PRD-2 permits multiple-family residential development. With associated infrastructure improvements and by limiting the density, proposed development can be designed to minimize impacts to the public health, safety, and welfare. The proposed rezoning to RM-1 is an inappropriate density for the property and therefore could have a negative impact to the public health, safety, and welfare. Rezoning to PRD-1 is more appropriate given the adjacent uses and the shape and size of the property. Denial of rezonings, which are consistent with surrounding land use density and intensity and the Comprehensive Plan, would impose a hardship upon the landowner. Denial of the rezonings of the property would not destroy its value, although the hardship imposed on the landowner would be the postponement of development on the property.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN** — The rezoning application, as proposed, is not consistent with Horizon 2020. The Comprehensive Plan generally supports a mixture of office and higher density residential land uses.

The motion carried (5-4-0). Commissioners Schenewerk, McElhaney, Plants and Werner against.

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** Planning Commission

**FROM:** Mary Miller, Planning Staff

**CC:** Scott McCullough, Planning and Development Services Director  
Sheila Stogsdill, Assistant Planning Director

**Date:** For March 26, 2012 meeting

**RE:** Agenda Item No. 3: TA-8-11-11, Agritourism

#### **Attachments:**

- A: Revised draft language
- B: Public communications received in February
- C: Committee discussion of text amendment and revisions

The Planning Commission considered the draft language for the Agritourism text amendment, TA-8-11-11, at their February 29, 2012 meeting and returned it to the Agritourism Committee with direction for revisions. The revisions which have been made to the draft are summarized at the end of this memo.

The committee held a special meeting on March 8<sup>th</sup> to discuss the Planning Commission's direction and develop revised language. The committee has not reach consensus on all items in the amendment; therefore, committee members were requested to provide their dissenting opinions or discussion on the amendment to be included with this agenda item so that complete information could be provided to the Commission. Comments provided by committee members are included in attachment C. The Comments provided by Linda Finger were submitted after the deadline for the February PC packet, but many of the revisions to the draft language were in response to her comments.

#### **Summary of changes:**

- 1) Removal of Section 12-319-7.01 (b) which contained an additional criteria for agritourism uses in Douglas County; that they be conducted on a working farm, ranch, or other agricultural land.
- 2) Addition of a note to the new Section 12-319-7.01(b) that camping is not included within the list of agritourism uses. This was done to clarify the uses which are permitted as Agritourism. In the absence of standards for camping within Douglas County, the addition of camping as an agritourism use at this time was not seen as appropriate.

- 3) Section 12-319-7.02 revised based on comments provided by Linda Finger to clarify that uses which are agriculturally exempt are not regulated by this provision and to add 'other uses' so the use is not restricted to only those listed.
- 4) Section 12-319-7.02 revised based on Planning Commission's direction and Natalya Lowther's February communication to allow a sliding barn door to count as a form of ingress/egress and to place a size limitation on the requirement to have 2 points of ingress/egress.
- 5) Various other wordsmithing changes throughout the document, based on Linda Finger's comments, to provide more clarity.



## Agritourism

(Sections of the Zoning Regulations with proposed revisions are below. New language is shown in **bold**. Comments are in red. Changes made in response to the Planning Commission's February direction are shown in **bold red**. Other changes proposed by the Committee are also in **bold red**. The changes since the February draft are discussed in the March Planning Commission staff memo.)

### 12-303

### DEFINITIONS

**12-303-1.92 ANCILLARY RETAIL SALES:** Sales of goods or services that differ from or enhance the principal use. Ancillary retail sales are subsidiary, supplementary, or secondary to the principal use.

**12-303-1.93 FARM STAY:** Overnight accommodations in a farm or ranch house for guests while they are vacationing at the farm/ranch as part of a registered Agritourism Use.

### 12-306

### "A" AGRICULTURAL DISTRICT REGULATIONS

**12-306-1** The regulations set forth in this section, or set forth elsewhere in this Resolution, when referred to in this section are the regulations in the "A" Agricultural District. The purpose of this district is to provide for a full range of agricultural activities, including **agritourism**, and the processing and sale of agricultural products raised on the premises; and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses. The District is also intended for purposes of protecting watersheds and water supplies to provide for spacious development, to protect forest areas, and scenic areas, and to conserve fish and wildlife, to promote forestry, the growing of natural crops and grazing, and to prevent untimely scattering of more dense urban development. For the purpose of restricting outdoor advertising signs, the area within this district shall be considered as defined for residential purposes only.

Add the following to the list of permitted uses in the A District:

**12-306-2.26 Agritourism – Subject to conditions in Section 12-319.7.**

### SECTION 12-319 SUPPLEMENTAL USE REGULATIONS-CONDITIONAL USES-TEMPORARY USES

#### 12-319-7 AGRITOURISM SUPPLEMENTAL USE REGULATIONS

Agritourism is recognized as a vital tool for sustaining the family farm and represents significant economic potential for the community in general. These regulations are intended to foster and promote agritourism in keeping with the State of Kansas policy of encouraging Agritourism, while ensuring that the public health, safety, and welfare is protected.

#### 12-319-7.01 AGRITOURISM

- a. Agritourism is the intersection of agriculture and tourism, when the public visits rural areas for recreation, education, enjoyment, entertainment, adventure or relaxation. Agritourism uses the rural experience as a tool for economic development.

~~b. In order to be considered an agritourism use under these Regulations, the activity must occur on a working farm or ranch or other agricultural land.~~

- b. Typical Agritourism uses include, but are not limited to, the following:
- Farm markets/roadside stands,
  - U-pick operations,
  - Wineries and winery tours and tastings,
  - Local products retail operations (local crafts, food products),
  - Corn mazes,
  - Farm-related interpretive facilities, exhibits, and tours,
  - Agriculturally related educational and learning experiences, including volunteer workers.
  - Agriculturally related events/fairs/festivals,
  - Farm stays,
  - Bed and breakfast establishments,
  - Recreation related operations (fishing, hunting, bird watching, hiking, etc),
  - Horseback riding,
  - Garden, nursery tours and exhibits,
  - Pumpkin patch visits and activities,
  - Weddings, receptions and other assembly type uses,
  - Ancillary retail sales, or the ancillary sale of products made by other local producers
  - Other **Uses** that may be determined on a case by case basis if it meets the purpose and intent of the regulations.
- i. **These Agritourism provisions do not apply to camping.**

#### **12-319-7.02 REGISTRATION AND APPROVAL PROCESS OF AGRITOURISM USES**

After the use has been registered with the State, a copy of the Agritourism Promotion Act Registration Form shall be provided to the Douglas County Zoning and Codes Office to register the agritourism use with the County. Agritourism uses which meets the definition set forth in these Regulations and are registered with the State and with the County may occur without any additional review under these Regulations.

- a. Agritourism uses which are **exempt from these Zoning Regulations by virtue of being agricultural uses [K.S.A.19-2960(d)]** ~~permitted by right as Agricultural Uses in the A District~~ are not required to register with the State or County; however, registration is encouraged so the agritourism use can take advantage of incentives that have been developed for agritourism uses. Uses which are **exempt from these**

**Zoning Regulations by virtue of being agricultural uses ~~permitted by right~~ and do not require registration ~~are~~ include:**

- i. Temporary stands for seasonal sale of products raised on the premises;
  - ii. U-Pick Operations;
  - iii. Farm tours;
  - iv. Retail sale of agricultural products raised on the premises; and
  - v. Wineries and Tasting Rooms;
  - vi. **And other uses as determined by the Director of Zoning and Codes.**
- b. Agritourism uses which are not ~~permitted by right as exempted from these Zoning Regulations by virtue of being~~ agricultural uses ~~in the A District~~, but that meet the definition of Agritourism provided in Section 12-319-7.01, may occur in the A District without any additional review under these Regulations when registered with the State and the County; although other State and local regulations shall apply.
- c. Agritourism uses which do not meet the criteria noted in this section require approval through the Conditional Use Permit process or must be located in a Zoning District in which it is a permitted use.

#### **12-319-7.03 STRUCTURES AND BUILDING CODES**

Structures for agritourism uses which are not permitted by right as Agricultural Uses, listed in Section 20-319-7.02(a), are required to comply with Douglas County Building Codes with the following exception:

- a. An existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if the subordinate use of agritourism:
  - i. Occupies only levels of the building with **the following ingress/egress:**
    1. Two ground-level points of ingress and egress **for structures which exceed 250 sq ft in area.**
    2. **One ingress/egress is permitted for structures with less than 250 sq ft in area.**
    3. **For the purpose of this exemption a sliding barn or shed door is considered an acceptable ingress/egress.**
  - ii. Occupancy does not exceed 50 people at any one time;
  - iii. The use does not include overnight stays or the addition of a kitchen.



## Mary Miller

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**From:** Natalya Lowther [natalyalowther@hotmail.com]  
**Sent:** Sunday, February 26, 2012 10:53 PM  
**To:** Mary Miller  
**Subject:** Comments on proposed Agritourism regulation

Hi, Mary! Here are my written public comments on the Agritourism regulation:

First and foremost, I would like to express my overall positive impression of the version of the proposed regulation that will be presented to the Planning Commission on Wednesday. It has been a few months since I was able to participate in any of the committee sessions, but I can see that a great deal of work has been done to simplify and clarify the proposed regulation and the results are impressive!

The proofreader in me would like to point out two apparent typographical errors:

1. In the introductory paragraph for 12-319-7.02, "Agritourism uses which meetss" should more correctly be "Agritrouism uses which meet" for grammatical correctness.
2. In 12-319-7.03, the internal reference appears to be incorrect. It looks like it should reference 12-319-7.02, not 20-319-7.02.

\*\*\*

In 12-319-7.02, I would like to suggest that "Uses which are permitted by right and do not require registration are" should end with "include" instead of "are", since this is actually a fairly narrow range of activities compared with what is actually permitted by right in the Agricultural zoning codes at 12-306 et seq. Let's leave it up to the ingenuity of our innovative Kansas farmers to make the most of their farms' particular resources!

The list of "permitted by right" agricultural uses includes "wineries and wine tasting rooms", yet I am not able to determine from the Agricultural zoning code how a wine tasting room, specifically, is permitted by right! Many other items in the list of "Agritourism uses" at 12-319-7.01(c) seem more clearly indicated as "permitted by right" in the Agricultural zoning codes, yet are not listed here as "permitted by right". It is hard to understand why a preference is given to tasting wine over, for example, "horseback riding" when "commercial stables" are clearly permitted by right in the zoning code!

\*\*\*

I have several concerns about 12-319-7.03.

1. I am very concerned with the wording specifying "existing structures" as the only ones exempt from building codes. This places an unfair burden on agritourism operators newly entering the sector in future years by prohibiting them from adaptive re-use of structures built after enactment of this regulation (not "existing") but built without the intent of using them for agritourism and therefore not code compliant. For example, a few years from now a reclusive hay farmer builds a barn for storing hay. He's never even heard of agritourism. Some years later, he retires and sells the farm to his children. They are gregarious types and want to operate an agritourism enterprise from the barn that was "new" after these Agritourism regulations were passed. Under this wording of the regulation, they would need to upgrade that hay barn to meet the building codes (commercial codes? what codes would apply?). Meanwhile, their neighbor down the road has a similar barn just a few years older (predating the regulation). He decides to go into competition with them using his older building, and has a significant business advantage because his hay barn is few years older. He can start his enterprise without the expense of bringing his slightly older building into compliance with the building codes. Not only does he get to start business cheaper, he can start it tomorrow without having to do any renovations. This might have a beneficial effect of improving the value of rural properties with older buildings, but doesn't really fully encourage the creative use of resources available at hand in future generations.

It also places an unfair burden on an agritourism operator who endures a significant loss--for example a storm destroying an old barn which serves partly as agricultural storage and partly as agritourism retail sales space--who then must rebuild the structure at a much greater cost than its insured value in order to meet the building codes from which the old barn

was exempt. Again, this business would have a hard time competing with the one down the road that the tornado missed, which carries on in its quaint old unimproved barn unconcerned with building codes.

2. The regulation specifies two egress/ingress points without consideration for the size of the building or its intended use, for any except a very narrow range of activities that don't include actual farming activities. For an agritourism business based on hands-on "farm adventures" or "agri-education", this is very limiting. Instead of referencing the abbreviated list of agritourism activities in 12-319-7.02, the actual Agricultural zoning codes should be referenced.

As written, I would need to rebuild small chicken houses, small tool sheds, sheep sheds, etc. to include an unneeded second door in order to allow one or two agritourists at a time to use these small, unique buildings as temporary writing or art studios for a "farm art" workshop, or as spiritual retreat spaces during a farming retreat...or if a youth group had a farm-based educational "scavenger hunt" as part of their farm visit.

Many existing small farm sheds are not designed to allow the addition of a second door...for example, my prefabricated corrugated steel tool shed. Many ready-made small agricultural buildings are not designed with two doors. Likewise, in the case of an open shed, there might be only one egress/ingress but it might be the entire side of the building, or half the side of the building.

Perhaps this could be amended to exclude buildings under a certain square footage (120 sq. ft. is the maximum size allowed for a garden shed within the City of Lawrence? Or maybe the size of a standard garage is something that would not require more than one egress?).

3. The occupancy limit might also be a way of dealing with buildings that don't allow a second egress. For example, a building with only one standard pedestrian door might be acceptable for up to 10 people; one with a wide door (6 feet or wider) or half-open front might permit up to 20 people; while any number of people greater than 20 would require two doors. The number and size of rooms used might be another consideration. A table could easily organize this information.

\*\*\*\*

While I hope these comments will be duly considered in the final version of the Agritourism regulations, I want to close by affirming the work of the committee and the regulatory language they have produced. This is a concise section that will open up the way for many wonderful and diverse Agritourism opportunities in Douglas County and support economic growth, as well as preserving family farms. I'm very excited about this new regulation!

Blessings,

Natalya Lowther  
Pinwheel Farm  
1480 N. 1700 Rd.  
P.O. Box 1561  
Lawrence, KS 66044  
785-979-6786  
natalyalowther@hotmail.com  
www.pinwheelfarm.org

**Agritourism Committee Discussion on Text Amendment Language**

1. Comments provided by Linda Finger include a discussion on the staff report and draft language in pdf format. If you hover the mouse over the highlighted area the comment will appear. She also provided other information regarding various counties in Kansas.
2. Comments provided by Mary Miller regarding Section 12-310-7.01(b).



**PLANNING COMMISSION REPORT**  
**Regular Agenda -- Public Hearing Item**

PC Staff Report  
2/29/12

**ITEM NO. 10     TEXT AMENDMENT TO THE DOUGLAS COUNTY ZONING REGULATIONS;  
AGRITOURISM (MKM)**

**TA-8-11-11:** Consider a Text Amendment to the Douglas County Zoning Regulations for the Unincorporated Territory of Douglas County to establish *Agritourism* as a use in the County A (Agriculture) District. *Initiated by Planning Commission on 7/27/11.*

**RECOMMENDATION:**

Staff recommends approval of the amendments to Articles 12-303, 12-306, and 12-319 of the Zoning Regulations for the unincorporated Territory of Douglas County, Kansas to establish 'Agritourism' as a use in the A District based on the analysis provided in the Staff Report.

**Reason for Request:**     The Lawrence Douglas County Metropolitan Planning Commission initiated the text amendment to facilitate agritourism activities in Douglas County.

**RELEVANT FACTOR:**

- Conformance with the Comprehensive Plan.

**PUBLIC COMMENT**

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

**ATTACHMENTS**

Attachment A: Agritourism Committee June Report and Recommendation  
Attachment B: Planning Commission minutes, June and July 2011  
Attachment C: Kansas Agritourism Promotion Act and Application  
Attachment D: Proposed Amendment, TA-8-11-11, *Agritourism*

The Agritourism Committee of the Lawrence Douglas County Metropolitan Planning Commission was formed in January of 2010 to study agritourism and make recommendations to the Planning Commission regarding options which could be undertaken to promote and facilitate agritourism activities as well as possible revisions to the Zoning Regulations which would ensure the public health, safety, and welfare is protected while agritourism is facilitated.

The Planning Commission received the Agritourism Committee's report and recommendations in June of 2011, Attachment A, and voted unanimously at their July meeting to initiate a text amendment creating *agritourism* as a permitted use in the A District and establishing standards.

The Committee met with various stakeholders and groups to determine the most effective means of promoting and facilitating agritourism activities while insuring the public health and safety are protected. Attachment C with this memo contains the State Agritourism Promotion Act which the Committee used as a guide. This attachment also contains a list of agritourism uses in NE Kansas and a map showing the location of agritourism uses in Douglas County.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Horizon 2020 discusses the need for the protection of agricultural lands and incentives to retain agricultural land in production. Agritourism is an economic tool which allows farmers to make an additional income from their farmland, thereby maintaining its viability and keeping it in production.

## CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

**1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and**

Agritourism represents a significant revenue source for many farmers across the nation, as shown in the table below from the K-State report "Agritourism: If We Build it Will They Come?" written by Dan Bernardo, Luc Valentin, and John Leatherman. Kansas is located in the Prairie Gateway Region.

<b>Region</b>	<b>Annual Total Income</b>	<b>Average Income/Farm</b>	<b>% of Farms w/Recreation Income</b>	<b>Avg. Income for Farms w/ Recreation</b>
Heartland	\$38,500,000	\$90	7%	\$1,286
Northern Crescent	\$298,000,000	\$963	2%	\$48,150
Northern Plains	\$14,000,000	\$138	5%	\$2,760
<b>Prairie Gateway</b>	<b>\$79,000,000</b>	<b>\$267</b>	<b>4%</b>	<b>\$6,675</b>
Eastern Uplands	\$5,000,000	\$14	1%	\$1,400
Southern Seaboard	\$37,800,000	\$161	3%	\$5,366
Fruitful Rim	\$278,600,000	\$1,127	3%	\$37,566
Basin & Range	\$36,700,000	\$437	6%	\$7,283
Mississippi Portal	\$8,000,000	\$69	1%	\$6,900
<b>TOTAL</b>	<b>\$796,000,000</b>	<b>\$368</b>	<b>2%</b>	<b>\$9,200</b>

As this table shows, agritourism is a mean of economic opportunity for farmers and ranchers, allowing them to maintain the rural/agricultural lifestyle, and increasing the long-term sustainability of family farms.

The text amendment addresses a changing situation: the need for increased economic opportunities for farms to allow them to remain viable.

**2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).**

The Comprehensive plan provides the following recommendations regarding the preservation of agricultural land uses and promotion of agritourism:

**Chapter 5, Residential,** *"Agricultural uses should continue to be the predominant land use within the areas of the county beyond the designated urban growth/service areas (rural area). Uses permitted in the rural area should continue to be limited to those which are compatible with agricultural production and uses. Uses which allow farmers to sell directly to the consumer, such as seasonal farm stands and pick-your-own farm operations, provide flexibility and incentives to retain agricultural land in production. Residential development should be limited in these areas so that new development does not unnecessarily remove productive land from agricultural use."* (page 5-6)

**Chapter 5, Residential, Policy 2.1(a)** *"Continue to support and recognize the importance of preserving the agricultural use of land in unincorporated areas of Douglas County."* (page 5-14)

**Chapter 16, Environment, Policy 2.7(d)** *"Encourage and develop policies that support agri- and eco-tourism, as well as a sustainable local/regional food system."* (page 16-15)

The amendment will facilitate and foster agritourism as a tool for preserving the family farm which is in conformance with the policies in *Horizon 2020*.

### **OVERVIEW OF PROPOSED AMENDMENT**

The following changes are being proposed to the Zoning Regulations:

**Section 12-303** has been revised to include definitions of the following terms being used with Agritourism uses: 'Farm Stay' and 'Ancillary Retail Sales'.

**Section 12-306** has been revised to add 'Agritourism' to the list of uses permitted in the A District.

Section 12-319 has been revised to include a new subsection, (7), with the regulations that apply to agritourism.

This section identifies the purpose of the Agritourism regulations, which is to foster and promote agritourism while ensuring that the public health, safety, and welfare is protected.

A critical component of this amendment is a clear definition of 'Agritourism'. This section provides a definition that is based on the State's definition in the Agritourism Promotion Act. An agritourism use does not have to be agricultural in nature but must occur on a working farm, ranch, or other agricultural land. The state's definition does not require agritourism uses to occur on a working farm, ranch, or other agricultural land (land in agricultural production) but this was added to our definition as a means to achieve one of the primary goals of agritourism, the preservation of family farms.

This section notes the agritourism uses which are permitted by right and those which require registration. Uses which are considered 'agricultural' uses include temporary farm stands, the sale of products raised on the farm, U-pick operations, farm tours, and winery tasting rooms. These uses are specifically listed in the draft language and do not require registration. These uses are permitted today as agriculturally exempt uses and no change is being proposed to these uses with this amendment. Agritourism uses which are not agriculturally exempt uses must register with the Douglas County Zoning and Codes Office. Agritourism uses, as defined in the Zoning Regulations, which are registered with the County require no further review under the Zoning Regulations; however other state and local regulations will apply.

One of the issues that were raised as obstacles to agritourism was the cost of bringing an existing agricultural building into compliance with the Douglas County Building Codes. An exemption was created from the building code requirement to allow agritourism uses in existing agricultural buildings to occur without requiring compliance with the building code. All other structures must comply with Code. An example of this would be a Christmas Tree Farm which sells Christmas Trees and decides to also sell hot cider and snacks and ornaments or other accessory items in the barn with the Christmas Trees. The addition of 'retail sales' would require the barn (or that portion of the barn if the area being used for sales is separated from the remainder of the barn) to be brought into compliance with Building Codes. The intent of this language is to provide some flexibility for smaller operations.

The exception proposed is for an existing agricultural building used for the subordinate use of agritourism if the following criteria are met:

- 1) The activity must occur on a floor with 2 ground-level points of ingress/egress;
- 2) Occupancy is limited to 50 people at any one time; and
- 3) The use does not involve overnight stays or the addition of a kitchen.

Any other structures used for agritourism uses must comply with Building Codes.

### **Staff Recommendation**



Staff recommends approval of proposed revisions to Articles 12-303, 12-306, and 12-319 of the Zoning Regulations for the unincorporated Territory of Douglas County, Kansas to establish 'Agritourism' as a use in the A District.

## **Agritourism**

(Sections of the Zoning Regulations with proposed revisions are below. New language is shown in **bold**. Comments are in red.)

### **12-303 DEFINITIONS**

**12-303-1.92 ANCILLARY RETAIL SALES:** Sales of goods or services that differ from or enhance the principal use. Ancillary retail sales are subsidiary, supplementary, or secondary to the principal use.

**12-303-1.93 FARM STAY:** Overnight accommodations in a farm or ranch house for guests while they are vacationing at the farm/ranch as part of a registered Agritourism Use.

### **12-306 "A" AGRICULTURAL DISTRICT REGULATIONS**

**12-306-1** The regulations set forth in this section, or set forth elsewhere in this Resolution, when referred to in this section are the regulations in the "A" Agricultural District. The purpose of this district is to provide for a full range of agricultural activities, including **agritourism**, and the processing and sale of agricultural products raised on the premises; and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses. The District is also intended for purposes of protecting watersheds and water supplies to provide for spacious development, to protect forest areas, and scenic areas, and to conserve fish and wildlife, to promote forestry, the growing of natural crops and grazing, and to prevent untimely scattering of more dense urban development. For the purpose of restricting outdoor advertising signs, the area within this district shall be considered as defined for residential purposes only.

Add the following to the list of permitted uses in the A District:

**12-306-2.26 Agritourism – Subject to conditions in Section 12-319.7.**

### **SECTION 12-319 SUPPLEMENTAL USE REGULATIONS-CONDITIONAL USES-TEMPORARY USES**

#### **12-319-7 AGRITOURISM SUPPLEMENTAL USE REGULATIONS**

Agritourism is recognized as a vital tool for sustaining the family farm and represents significant economic potential for the community in general. These regulations are intended to foster and promote agritourism in keeping with the State of Kansas policy of encouraging Agritourism, while ensuring that the public health, safety, and welfare is protected.

#### **12-319-7.01 AGRITOURISM**

- a. Agritourism is the intersection of agriculture and tourism, when the public visits rural areas for recreation, education, enjoyment, entertainment, adventure or relaxation. Agritourism uses the rural experience as a tool for economic development.

- b. In order to be considered an agritourism use under these Regulations, the activity must occur on a working farm or ranch or other agricultural land.
- c. Typical Agritourism uses include, but are not limited to, the following:
- Farm markets/roadside stands,
  - U-pick operations,
  - Wineries and winery tours and tastings,
  - Local products retail operations (local crafts, food products),
  - Corn mazes,
  - Farm-related interpretive facilities, exhibits, and tours,
  - Agriculturally related educational and learning experiences, including volunteer workers.
  - Agriculturally related events/fairs/festivals,
  - Farm stays,
  - Bed and breakfast establishments,
  - Recreation related operations (fishing, hunting, bird watching, hiking, etc),
  - Horseback riding,
  - Garden, nursery tours and exhibits,
  - Pumpkin patch visits and activities,
  - Weddings, receptions and other assembly type uses,
  - Ancillary retail sales, or the ancillary sale of products made by other local producers
  - Others that may be determined on a case by case basis if it meets the purpose and intent of the regulations.

#### **12-319-7.02 REGISTRATION AND APPROVAL PROCESS OF AGRITOURISM USES**

After the use has been registered with the State, a copy of the Agritourism Promotion Act Registration Form shall be provided to the Douglas County Zoning and Codes Office to register the agritourism use with the County. Agritourism uses which meets the definition set forth in these Regulations and are registered with the State and with the County may occur without any additional review under these Regulations.

- a. Agritourism uses which are permitted by right as Agricultural Uses in the A District are not required to register with the State or County; however, registration is encouraged so the agritourism use can take advantage of incentives that have been developed for agritourism uses. Uses which are permitted by right and do not require registration are:
- i. Temporary stands for seasonal sale of products raised on the premises;
  - ii. U-Pick Operations;
  - iii. Farm tours;
  - iv. Retail sale of agricultural products raised on the premises; and
  - v. Wineries and Tasting Rooms.



- b. Agritourism uses which are not permitted by right as Agricultural Uses in the A District, but that meet the definition of Agritourism provided in Section 12-319-7.01, may occur in the A District without any additional review under these Regulations when registered with the State and the County; although other State and local regulations shall apply.
- c. Agritourism uses which do not meet the criteria noted in this section require approval through the Conditional Use Permit process or must be located in a Zoning District in which it is a permitted use.

#### **12-319-7.03 STRUCTURES AND BUILDING CODES**

Structures for agritourism uses which are not permitted by right as Agricultural Uses, listed in Section 20-319-7.02(a), are required to comply with Douglas County Building Codes with the following exception:

- a. An existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if the subordinate use of agritourism:
  - i. Occupies only levels of the building with two ground-level points of ingress and egress;
  - ii. Occupancy does not exceed 50 people at any one time;
  - iii. The use does not include overnight stays or the addition of a kitchen.

## Kansas Counties: Planning & Zoning Status – September 2010

COUNTY NAME (COUNTY SEAT)	COUNTYWIDE ZONING	PARTIAL COUNTY ZONING	CITY ETJ ONLY	NO KNOWN ZONING IN COUNTY
Allen (Iola)	Yes			
Anderson (Garnett)	Yes			
Atchison (Atchison)				√
Barber (Medicine Lodge)				√
Barton (Great Bend)	Yes			
Bourbon (Fort Scott)			√	
Brown (Hiawatha)			√	
Butler (El Dorado)	Yes			
Chase (Cottonwood Falls)				√
Chautauqua (Sedan)				√
Cherokee (Columbus)				√
Cheyenne (St Francis)				√
Clark (Ashland)				√
Clay (Clay Center)	Yes			
Cloud (Concordia)			√	
Coffey (Burlington)	Yes			
Comanche (Coldwater)				√
Cowley (Winfield)		Yes		
Crawford (Girard)		Yes		
Decatur (Oberlin)			√	
Dickinson (Abilene)	Yes			
Doniphan (Troy)	Yes			
Douglas (Lawrence)*	Yes			
Edwards (Kinsley)	Yes			
Elk (Howard)				√
Ellis (Hays)	Yes			
Ellsworth (Ellsworth)			√	
Finney (Garden City)	Yes			
Ford (Dodge City)	Yes			
Franklin (Ottawa)*	Yes			
Geary (Junction City)*	Yes			

COUNTY NAME (COUNTY SEAT)	COUNTYWIDE ZONING	PARTIAL COUNTY ZONING	CITY ETJ ONLY	NO KNOWN ZONING IN COUNTY
Gove (Gove)			√	
Graham (Hill City)				√
Grant (Ulysses)				√
Gray (Cimarron)	Yes			
Greeley (Tribune)				√
Greenwood (Eureka)	Yes			
Hamilton (Syracuse)				√
Harper (Anthony)	Yes			
Harvey (Newton)	Yes			
Haskell (Sublette)				√
Hodgeman (Jetmore)	Yes			
Jackson (Holton)	Yes			
Jefferson (Oskaloosa)	Yes			
Jewell (Mankato)			√	
Johnson (Olathe)*	Yes			
Kearny (Lakin)	Yes			
Kingman (Kingman)	Yes			
Kiowa (Greensburg)				√
Labette (Oswego)			√	
Lane (Dighton)			√	
Leavenworth (Lansing)	Yes			
Lincoln (Lincoln)			√	
Linn (Mound City)	Yes			
Logan (Oakley)			√	
Lyon (Emporia)	Yes			
Marion (Marion)	Yes			
Marshall (Marysville)			√	
McPherson (McPherson)	Yes			
Meade (Meade)				√
Miami (Paola)*	Yes			
Mitchell (Beloit)			√	
Montgomery (Independence)		Yes		
Morris (Council Grove)				√
Morton (Elkhart)			√	

COUNTY NAME (COUNTY SEAT)	COUNTYWIDE ZONING	PARTIAL COUNTY ZONING	CITY ETJ ONLY	NO KNOWN ZONING IN COUNTY
Nemaha (Seneca)			√	
Neosho (Erie)	Yes			
Ness (Ness City)				√
Norton (Norton)				√
Osage (Lyndon)	Yes			
Osborne (Osborne)				√
Ottawa (Minneapolis)			√	
Pawnee (Larned)	Yes			
Phillips (Phillipsburg)				√
Pottawatomie (Westmoreland)	Yes			
Pratt (Pratt)			√	
Rawlins (Atwood)				√
Reno (South Hutchinson)		Yes		
Republic (Belleville)			√	
Rice (Lyons)	Yes			
Riley (Grandview Plaza)	Yes			
Rooks (Stockton)				√
Rush (LaCrosse)	Yes			
Russell (Russell)	Yes			
Saline (Salina)	Yes			
Scott (Scott City)				√
Sedgwick (Derby)*	Yes			
Seward (Liberal)	Yes			
Shawnee (Topeka)*	Yes			
Sheridan (Hoxie)			√	
Sherman (Goodland)			√	
Smith (Smith Center)				√
Stafford (St John)	Yes			
Stanton (Johnson City)				√
Stevens (Hugoton)	Yes			
Sumner (Wellington)*	Yes			
Thomas (Colby)			√	
Trego (Wakeeney)			√	
Wabaunsee (Alma)	Yes			



COUNTY NAME (COUNTY SEAT)	COUNTYWIDE ZONING	PARTIAL COUNTY ZONING	CITY ETJ ONLY	NO KNOWN ZONING IN COUNTY
Wallace (Sharon Springs)				√
Washington (Washington)				√
Wichita (Leoti)				√
Wilson (Fredonia)	Yes			
Woodson (Yates Center)	Yes			
Wyandotte (Kansas City)*	Yes			

Sub-categories:

- 29 Counties that are unzoned
- 50 Counties that have countywide zoning
- 26 Counties that have cities with zoning or ETZ

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105

\* indicate counties that have adopted some type of building codes; although they may not be county-wide.

Discussion on Section **12-319-7.01 (b)**, removed,

*"In order to be considered an agritourism use under these Regulations, the activity must occur on a working farm or ranch or other agricultural land."*

- 1) **Purpose of the criteria:** Many land uses are permitted in the A District other than 'agriculture'. Churches, schools, country clubs, and rural residences on as little as 3 acres are permitted. If the purpose of agritourism is to preserve agricultural land and we are developing incentives to make it easier for the family farmer to get into the agritourism business, why would we apply these incentives to non-agricultural land uses? Non-agricultural land uses could still participate in these activities but would need a CUP or appropriate zoning, depending on the proposed use.

This criteria differentiates *agritourism* from rural or other forms of tourism.

- 2) **The terms 'working farm, ranch or other agricultural land':** The committee discussed using the term 'working farm or ranch' at one of our earlier meetings, but realized there would be disagreement on what does 'working' mean and what is meant by a 'farm or ranch'. The purpose of 'other agricultural land' is to include ag land that may not meet the definition of a working farm or ranch but to distinguish it from other non-ag uses in the County. (residential, for instance) The County has a standard which they use to determine if land is agricultural when determining if a property is exempt from the zoning regulations. I believe the standard is a minimum area of 40 acres or an ag income, listed on the appropriate income tax form, of \$1000 a year. Perhaps the use of the term 'working farm or ranch or other agricultural land' would be more appropriate if a definition, for the purpose of agritourism, was provided.
- 3) **Planning Commission directed us to remove this additional criteria but to set other conditions so we could determine if an agritourism use met our definition.** The definition we are proposing is basically the same as the State's with the exclusion of 'camping' and that the use must occur in the A District.

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

March 25, 2012

RECEIVED

MAR 26 2012

City County Planning Office  
Lawrence, Kansas

Mr. Richard Hird, Chairman  
Members  
Lawrence-Douglas County Metropolitan Planning Commission  
City Hall  
Lawrence, Kansas 66044

RE: ITEM NO. 3; TEXT AMENDMENT TO THE DOUGLAS COUNTY ZONING REGULATIONS; AGRITOURISM

Dear Chairman Hird and Planning Commissioners:

This letter suggests that the prospective proprietor of an Agritourism use be required to first consult with the Douglas County Zoning and Codes authority.

We have no objection to adding Agritourism to the Douglas County Zoning Regulations. Our problem with these regulations is the wording. We find it difficult to determine which Agritourism uses would be permitted as agricultural uses with no required registration and, on the other hand, those which would require registration both with the County Zoning and Codes department and the State of Kansas.

We suggest that one of the requirements of this use in general be that the property owner of the proposed use consult with the Douglas County Zoning and Codes authority: i.e., whoever is the official in charge of administering these regulations for instruction on how to proceed.

We hope that this is an acceptable suggestion.

Sincerely yours,

*Kay Hale*

Kay Hale  
President

*Alan Black*

Alan Black, Chairman  
Land Use Committee

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** Planning Commission

**FROM:** Scott McCullough, Director

**Date:** For March 26, 2012 Planning Commission Agenda

**RE:** TA-2-1-12 Congregate Living and Multi-Dwelling Parking Standards – (revising standards created with TA-6-17-09)

On January 24, 2012 the City Commission initiated a text amendment to the Land Development Code to revise the minimum amount of area for a structure being converted to the Congregate Living Use or Multi-Dwelling use.

The code currently requires that, "Whenever a structure 3,500 gross square feet or larger as of February 11, 2011 on a property 8,775 square feet in size or less is renovated as a [Multi-Dwelling Structure](#) or [Congregate Living](#) use, parking shall be provided at the overall rate of 0.5 spaces per one (1) bedroom."

See attached documentation reviewed by the City Commission for background as to why the amendment was initiated and how the City Commission concluded that 4,500 square feet clarifies the intent of the current code standard.

After review and consideration of all of the information and the Planning Commission minutes of November 14, 2011, the City Commission directed that the language be revised so that a structure being converted to one of the uses noted above needs to contain 4,500 gross square feet and that for the purposes of calculating the structure's area the following shall be considered to be included and in existence at the time of making application for use of the parking standard:

- Living Area, including attic space that is accessed by a permanent stairway.
- Total Basement Area, finished or unfinished and of a height to meet building code for livable area.
- Enclosed Space, Not Living Area, i.e. enclosed porches, sunrooms, and breezeways that are seasonal in nature and that may or may not be connected to the structure's HVAC system.

One of the intentions of the amendment was to reduce the number of potentially eligible properties in the Oread Neighborhood able to qualify for the reduced parking standard. The Planning Commission reported their similar intention at their meeting of November 14, 2011. The 3,500 square feet yielded 83 new (net) or 18.7% of properties in the



Oread Neighborhood as eligible for the .5 parking standard. Increasing to 4,500 square feet lowers the potential number of eligible properties in the Oread Neighborhood to 15 (net) or 3.4%.

To implement the City Commission's direction, staff offers the code language below for consideration. Only the footnote of the parking table related to this issue is being revised and is highlighted in yellow below.

It is important to note that at least two site plans have been approved under the parking standard revised in January 2011. Because of other code revisions made at the same time to Article 15, Nonconformities, the structures associated with these site plans would be able to be rebuilt, if damaged, without seeking variances if they are reconstructed within 12 months of being damaged.

### Proposed Language

#### 20-902 OFF-STREET PARKING SCHEDULE A

Unless otherwise expressly stated in this article, Off-street [Parking Spaces](#) shall be provided in accordance with the minimum ratios of the following, Schedule A.

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
RESIDENTIAL USE GROUPS		
HOUSEHOLD LIVING		
<a href="#">Accessory Dwelling Unit</a>	See 20-534 for standards	None
<a href="#">Attached Dwelling</a>	2 per <a href="#">Dwelling Unit</a>	
<a href="#">Cluster Dwelling</a>		
<a href="#">Detached Dwelling</a>	1 per bedroom	
<a href="#">Duplex</a>		
<a href="#">Manufactured Home</a>	2 per <a href="#">Dwelling Unit</a>	
<a href="#">Manufactured Home, Residential-Design</a>		
<a href="#">Mobile Home</a>	2 per <a href="#">Dwelling Unit</a> (1 may be located in common area)	
<a href="#">Mobile Home Park</a>		
<a href="#">Multi-Dwelling Structure</a>	1 per bedroom, + 1 per 10 units (visitors and guests) <sup>[1]</sup>	1 per 4 auto spaces
<a href="#">Non-Ground Floor Dwelling</a>	1 per bedroom	None
<a href="#">Work/Live Unit</a>	1 per <a href="#">Dwelling Unit</a>	
<a href="#">Zero Lot Line Dwelling</a>	2 per <a href="#">Dwelling Unit</a>	
<a href="#">Home Occupation, Type A or B</a>	See 20-537 for standards	
GROUP LIVING		
<a href="#">Assisted Living</a>	1 per independent living unit; 0.5 per Assisted Living unit	None
<a href="#">Congregate Living</a>	1 per bedroom <sup>[1]</sup>	1 per 4 auto spaces
<a href="#">Dormitory</a> and Scholarship Halls	0.75 per lawful occupant	
Fraternity and Sorority Houses	0.75 per lawful occupant	
<a href="#">Group Homes, General</a>	1 + 1 per employee	None

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Group Homes, Limited	2 per Dwelling Unit	
PUBLIC AND CIVIC USE GROUPS		
COMMUNITY FACILITIES		
Adult Day Care	1 per 1.5 employees	None
Cemetery	per Schedule D (Section 20-905)	
College / University	1 per 4 employees + 1 per 10 students [based on average annual attendance]	1 per 5 students
Cultural Center / Library	1 per 500 square feet	5 or 1 per 4 auto spaces, whichever is greater
Day Care Center	1 per 1.5 employees + 4 spaces	None
Day Care Home, Class A	1 per 1.5 employees	
Day Care Home, Class B		
Detention Facilities	per Schedule D (Section 20-905)	1 per 10 auto spaces
Lodge, Fraternal and Civic Assembly	1 per 500 square feet	None
Postal Service	per Schedule D (Section 20-905)	5 or 1 per 10 auto spaces, whichever is greater
Public Safety	per Schedule D (Section 20-905)	None
School, Grades K–9	1 per 1.5 teachers and employees	1 per 5 students
	1 per 1.5 teachers and employees + 1 per 3 students	5 or 1 per 10 auto spaces, whichever is greater
Grades 10+		
Funeral and Interment Cremating Interring Undertaking	1 per vehicle used in the business; 1 per vehicle used in the business; 1 per 300 square feet	None
Temporary Shelter	1 per 1.5 employees	1 per 5 clients
Social Service Agency	1 per 300 square feet	1 per 10 auto spaces
Community Meal Program	1 per 1.5 employees + 1 per 5 seats	5 or 1 per 10 auto spaces, whichever is greater
Utilities, Minor	1 space	1 per 10 auto spaces
Utilities and Service, Major	1 per 1.5 employees	
MEDICAL FACILITIES		
Extended Care Facilities, General and Limited	1 per 3 beds	5 or 1 per 10 auto spaces, whichever is greater
Health Care Office; Health Care Clinic	1 per 300 square feet	1 per 10 auto spaces
Hospital	1 per 3 beds	5 or 1 per 10 auto spaces, whichever is greater
Outpatient Care Facilities	1 per 300 square feet	1 per 10 auto spaces
RECREATIONAL FACILITIES		

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Active Recreation	Per Schedule D (Section 20-905)	5 or 1 per 4 auto spaces, whichever is greater
Entertainment & Spectator Sports, General	1 per 3 seats	1 per 10 auto spaces
Entertainment & Spectator Sports, Limited	1 per 4 seats	5 or 1 per 10 auto spaces
Participant Sports & Recreation, Indoor	1 per 500 square feet of customer/activity area	1 per 10 auto spaces
Participant Sports & Recreation, Outdoor	1 per 500 square feet of customer/activity area	
Nature Preserve / Undeveloped	Per Schedule D (Section 20-905)	
Passive Recreation		
Private Recreation		
RELIGIOUS ASSEMBLY		
Campus or Community Institution	1 per 4 seats in sanctuary or principal worship or assembly space plus spaces required for permitted <a href="#">Accessory Uses</a>	5 or 1 per 10 auto spaces, whichever is greater
Neighborhood Institution		
COMMERCIAL USE GROUPS		
ANIMAL SERVICES		
Kennel	1 per 500 square feet	None
Livestock Sales	1 per 600 square feet	None
Sales and Grooming	1 per 300 square feet	1 per 10 auto spaces
Veterinary	1 per 400 square feet	None
EATING AND DRINKING ESTABLISHMENTS		
Accessory Bar	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift	None
Accessory Restaurant	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift	
Bar or Lounge	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift	5 or 1 per 10 auto spaces, whichever is greater
Brewpub		
Fast Order Food	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift	
Fast Order Food, Drive-In		
Nightclub	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift	
Private Dining Establishment	Per Section 20-539	Per Section 20-539
Restaurant, Quality	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift	5 or 1 per 10 auto spaces, whichever is greater

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
OFFICE		
Administrative and Professional	1 per 300 square feet	1 per 10 auto spaces
Financial, Insurance and Real Estate		
Other		
PARKING FACILITIES		
Accessory	None	None
Commercial		
RETAIL SALES AND SERVICE		
Building Maintenance Service	1 per 500 square feet	1 per 10 auto spaces
Business Equipment Sales and Service	1 per 300 square feet	
Business Support Service	1 per 400 square feet	
Construction Sales and Service	1 per 500 square feet of Building area + 1 space per acre of outdoor storage or assembly	1 per 10 auto spaces
Food and Beverage Retail Sales	1 per 300 square feet	5 or 1 per 10 auto spaces
Mixed Media Store	1 per 300 square feet	5 or 1 per 10 auto spaces
Personal Convenience Service	1 per 300 square feet	1 per 10 auto spaces
Personal Improvement Service	1 per 200 square feet	1 per 10 auto spaces
Repair Service, Consumer	1 per 400 square feet	
Retail Sales, General	per Schedule B (Section 20-903)	
Retail Establishment, Large	per Schedule B (Section 20-903)	1 per 10 auto spaces
Retail Establishment, Medium		
Retail Establishment, Specialty		
SEXUALLY ORIENTED BUSINESSES		
Sexually Oriented Media Store	1 per 300 square feet	5 or 1 per 10 auto spaces
Physical Sexually Oriented Business		
Sex Shop		
Sexually Oriented Theater	1 per 4 seats	
TRANSIENT ACCOMMODATION		
Bed and Breakfast	1 per guest room + 1 per 1.5 employees	None
Campground	1 per camp space	None
Elderhostel	1 per guest room + 1 per 1.5 employees for associated uses	as required for associated uses
Hotel, Motel, Extended Stay		
VEHICLE SALES AND SERVICE		
Cleaning (Car Wash)	2 + stacking spaces per Section 20-911	None
Fleet Storage	1 per 1.5 employees	
Gas and Fuel Sales	1 per 300 square feet of retail sales area + 2 per pump island	



Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Heavy Equipment Repair	2 per service bay, not counting the bay or Access way to the bay	
Heavy Equipment Sales/Rental	1 per 5,000 square feet of open sales area + 1 per 500 square feet of enclosed sales area + 2 per service bay	
Inoperable Vehicles Storage	1 per 1.5 employees	
Light Equipment Repair	2 per service bay, not counting the bay or Access way to the bay	
Light Equipment Sales/Rental	1 per 5,000 square feet of open sales area + 1 per 500 square feet of enclosed sales area + 2 per service bay	
Recreational Vehicle and Boat Storage	1 per 25 storage spaces	
INDUSTRIAL USE GROUPS		
INDUSTRIAL FACILITIES		
Explosive Storage	per Schedule C (Section 20-904)	None
Industrial, General		
Industrial, Intensive		
Laundry Service		
Manufacturing and Production, Limited		
Manufacturing and Production, Technological		
Research Service	per Schedule C (Section 20-904)	1 per 10 auto spaces
Scrap and Salvage Operation	1 per acre	None
WHOLESALE, STORAGE AND DISTRIBUTION		
Exterior Storage	per Schedule C (Section 20-904)	None
Heavy		
Light		
Mini-Warehouse	4 + 1 per 25 rental spaces	
OTHER USE GROUPS		
ADAPTIVE REUSE		
Designated Historic Property	As established at time of Special Use approval per Section 20-501	As established at time of Special Use approval per Section 20-501
Greek Housing Unit		
AGRICULTURE		
Agricultural Sales	1 per 500 square feet of Building area + 1 space per acre of outdoor storage or assembly	1 per 10 auto spaces
Agricultural Services	1 per 1.5 employees	1 per 10 auto spaces
Agriculture, Animal	None	None
Agriculture, Crop	None	None
COMMUNICATIONS FACILITIES		
Amateur and Receive Only Antennas	None	None
Broadcasting Tower	1 space	None

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Communications Service Establishment	1 per 400 square feet	1 per 10 auto spaces
Telecommunications Antenna	None	None
Telecommunications Tower	1 space	None
Satellite Dish	None	None
<b>MINING</b>		
Mining	per Schedule D (Section 20-905)	None
<b>RECYCLING FACILITIES</b>		
Large Collection	per Schedule C (Section 20-904)	None
Small Collection		
Processing Center	per Schedule C (Section 20-904)	None
<b>Footnotes:</b>		
<p>[1] Whenever a structure <del>3,500</del> <b>4,500</b> gross square feet or larger as of <del>February 11, 2011</del> <b>(Effective Date of Ordinance)</b> on a property 8,775 square feet in size or less is renovated as a <b>Multi-Dwelling Structure</b> or <b>Congregate Living</b> use, parking shall be provided at the overall rate of 0.5 spaces per one (1) bedroom. <b>For purposes of calculating the structure's gross square feet, the following shall be considered to be included and in existence at the time of making application for use of the parking standard:</b></p> <ol style="list-style-type: none"> <li>1. <b>Finished and unfinished area that is able to comply with the building code standard for livable space ceiling height without structural alterations, including the following:</b> <ol style="list-style-type: none"> <li>a. <b>Attic space when it is accessed by a permanent stairway.</b></li> <li>b. <b>Basement space.</b></li> <li>c. <b>Enclosed space such as enclosed porches, sunrooms, and breezeways that are seasonal in nature and that may or may not be connected to the structure's heating, ventilation, and air conditioning system.</b></li> </ol> </li> </ol>		

## January 24, 2012 City Commission Agenda Packet attachments:

Consider land use information related to recently adopted code amendments (TA-6-17-09) for Congregate Living and Multi-Dwelling Structures. (Requested by City Commission at their July 12, 2011 regular meeting and considered at their October 4, 2011 meeting and returned to Planning Commission. Considered by the Planning Commission at their November 14, 2011 meeting.) *This item was continued from the 01/17/12 City Commission Meeting. Additional information will be posted before the meeting.*

### Staff Memo & Attachments - Added 01/20/12

### Correspondence – Updated 01/24/12

#### **01/17/12 Meeting Information:**

[Staff Memo](#) [Staff Memo to PC](#) [Proposed Language](#) [Staff Memo to PC - Different Structure Sizes](#)  
[Oread Neighborhood RM32 Houses Min 4000 SF](#) [Oread Neighborhood RM32 Houses Min 4500 SF](#)  
[Re-Initiate Memo](#) [Oread Neighborhood RM32 Zoning and Residential Housing](#) [06/21/11 CC](#)  
[Minutes](#) [01/25/11 CC Minutes](#) [Ordinance No. 8606](#) [12/13/10 PC Staff Memo](#) [12/13/10 PC](#)  
[Minutes](#) [Correspondence](#) [11/14/11 PC Minutes](#)

## January 17, 2012 City Commission Agenda Packet attachments:

Consider land use information related to recently adopted code amendments (TA-6-17-09) for Congregate Living and Multi-Dwelling Structures. (Requested by City Commission at their July 12, 2011 regular meeting and considered at their October 4, 2011 meeting and returned to Planning Commission. Considered by the Planning Commission at their November 14, 2011 meeting.) [Staff Memo](#) [Staff Memo to PC](#) [Proposed Language](#) [Staff Memo to PC - Different Structure Sizes](#) [Oread Neighborhood RM32 Houses Min 4000 SF](#) [Oread Neighborhood RM32 Houses Min 4500 SF](#) [Re-Initiate Memo](#) [Oread Neighborhood RM32 Zoning and Residential Housing](#) [06/21/11 CC Minutes](#) [01/25/11 CC Minutes](#) [Ordinance No. 8606](#) [12/13/10 PC Staff Memo](#) [12/13/10 PC Minutes](#) Correspondence - Updated 01/17/12 [11/14/11 PC Minutes](#)



## Lawrence Association of Neighborhoods

*Neighborhoods Working Together*

Dear City Staff and Planning Commissioners,

3-23-12

The Lawrence Association Neighborhoods (LAN) is writing in support of the City Commission's recommendation to increase the size of a structure being converted to the Congregate Living Use or Multi-Dwelling use that would qualify for a parking "exception" of .5 parking spaces per bedroom. The standard parking requirement for congregate living is one parking space per bedroom, the same as all other rental units. An "exception" to the standard should be modest and infrequent.

LAN has in the past supported the parking standard for congregate living units of one space per bedroom in order not to favor one type of rental unit over another. As written the present amendment with a .5 parking "exception" impacts nearly 20% of the all structures in the Oread Neighborhood. This is not an exception and will surely add to the congested parking problems in the Oread Neighborhood.

The November 14, 2011 Planning Commission meeting clarified that their past intention of a parking "exception" for congregate living units was to have a very small percent of properties qualify. Increasing the qualification from 3,500 to 4,500 square feet lowers the potential number of eligible properties in the Oread Neighborhood from 83 or 18.7% to 15 (net) or 3.4% of properties.

LAN is hopeful that the Planning Commission will support changing the code interpretation for a congregate living parking "exception" from 3,500 sq ft to 4,500 sq ft to reflect their original "exception" intent and support the recommendations of the City Commission. Overlay districts planned for this area will provide an opportunity for more planning specificity if needed in the future.

Thank you for your time and consideration,

Gwendolyn L. Klingenberg  
Lawrence Association of Neighborhoods - President



Dear City Staff and Planning Commissioners,

3-23-12

Over the last 5 years, Oread residents have been disheartened and concerned about the proliferation of boarding houses/congregate living units in the Oread Neighborhood as they have been creating parking congestion, trash, and noise disturbances. This increase has been largely due to a reduced parking requirement (.75 spaces per bedrooms versus 1 space per bedroom) and the ability to increase the numbers of renters in a single dwelling unit beyond the normal 4 unrelated individuals. On 1-25-11 the City Commission passed the Boarding House/Congregate Living code amendment that would require congregate living units to meet the city-wide rental standards of one parking space per bedroom.

While the amendment appeared to achieve an equitable parking standard, the footnoted parking “exception” of .5 spaces per bedroom for structures that are 3,500 sq ft or larger including unfinished spaces did not. This is slightly larger than an average size house in Oread. Most all boardinghouses/congregate living units are already that size, now making this kind of rental unit even more desirable to investors (not residents) than it was in the past.

The November 14, 2011 Planning Commission meeting indicated that the commission’s past intention for a parking “exception” to the congregate living code amendment was to have included a very small percent of qualifying properties. Increasing the qualification from 3,500 to 4,500 square feet lowers the potential number of eligible properties in the Oread Neighborhood from 83 or 18.7% to 15 (net) or 3.4% of properties.

The Oread Residents Association supports the City Commission’s recommendation of granting a parking “exception” of .5 spaces per bedroom to units that are 4,500 sq ft. or larger, counting unfinished spaces. This would eliminate the difficulty of determining what is finished and what is not finished space. Overlay districts planned for this area will provide an opportunity for more planning specificity if other unique properties are identified as appropriate for such a parking “exception”.

Thank you for your consideration,

ORA Representatives, Candice Davis and Dustin Brown



# AREA TRANSPORTATION PLAN

US-40 | West 6th Street and K-10 Interchange



December 2011

Prepared by BG Consultants, Inc. and Wilbur Smith Associates







Lawrence Before 1940  
 Area: 2,610.576 acres (4.08 sq. miles)  
 1940 Census Population: 14,390  
 Population Density: 3,527 persons/sq. mile



Lawrence Before 1950  
 Area: 3,025.398 acres (4.73 sq. miles)  
 1950 Census Population: 23,351  
 Population Density: 4,937 persons/sq. mile



Lawrence Before 1960  
 Area: 5,156.96 acres (8.06 sq. miles)  
 1960 Census Population: 32,858  
 Population Density: 4,077 persons/sq. mile



Lawrence Before 1970  
 Area: 10,837.305 acres (16.93 sq. miles)  
 1970 Census Population: 45,698  
 Population Density: 2,699 persons/sq. mile



Lawrence Before 1980  
 Area: 12,484.872 acres (19.51 sq. miles)  
 1980 Census Population: 52,738  
 Population Density: 2,703 persons/sq. mile



Lawrence Before 1990  
 Area: 14,641.61 acres (22.88 sq. miles)  
 1990 Census Population: 65,608  
 Population Density: 2,867 persons/sq. mile

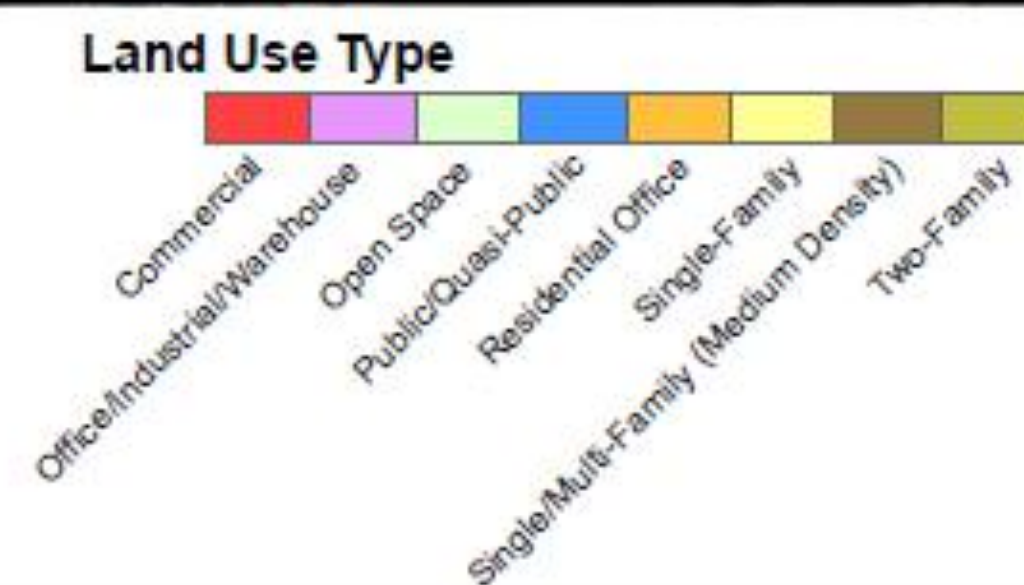
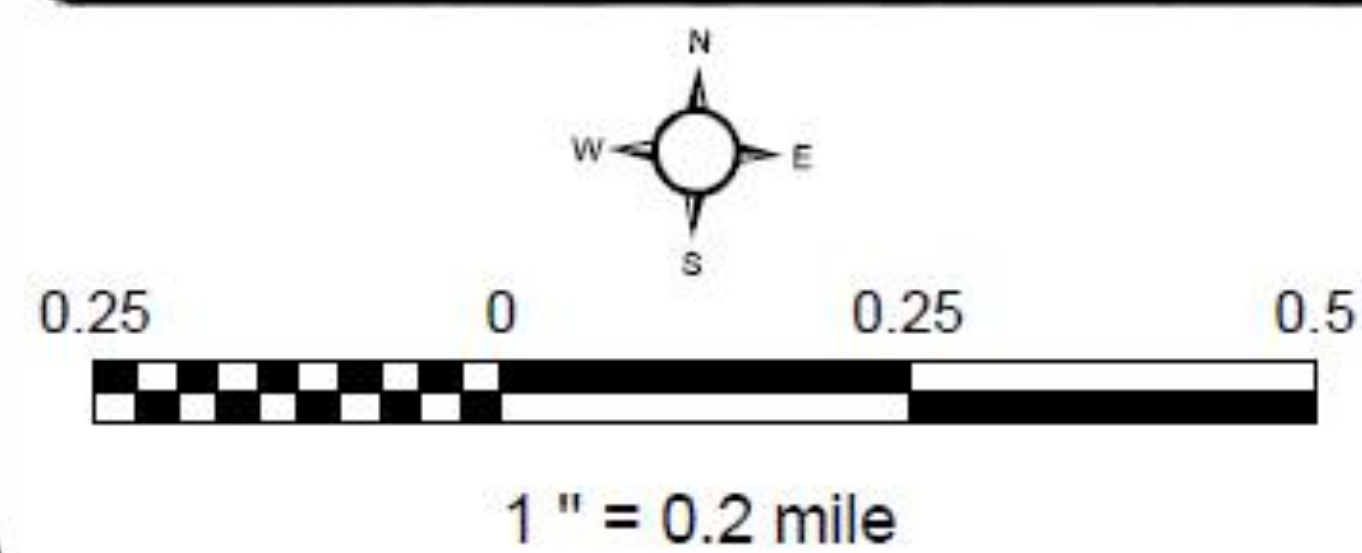
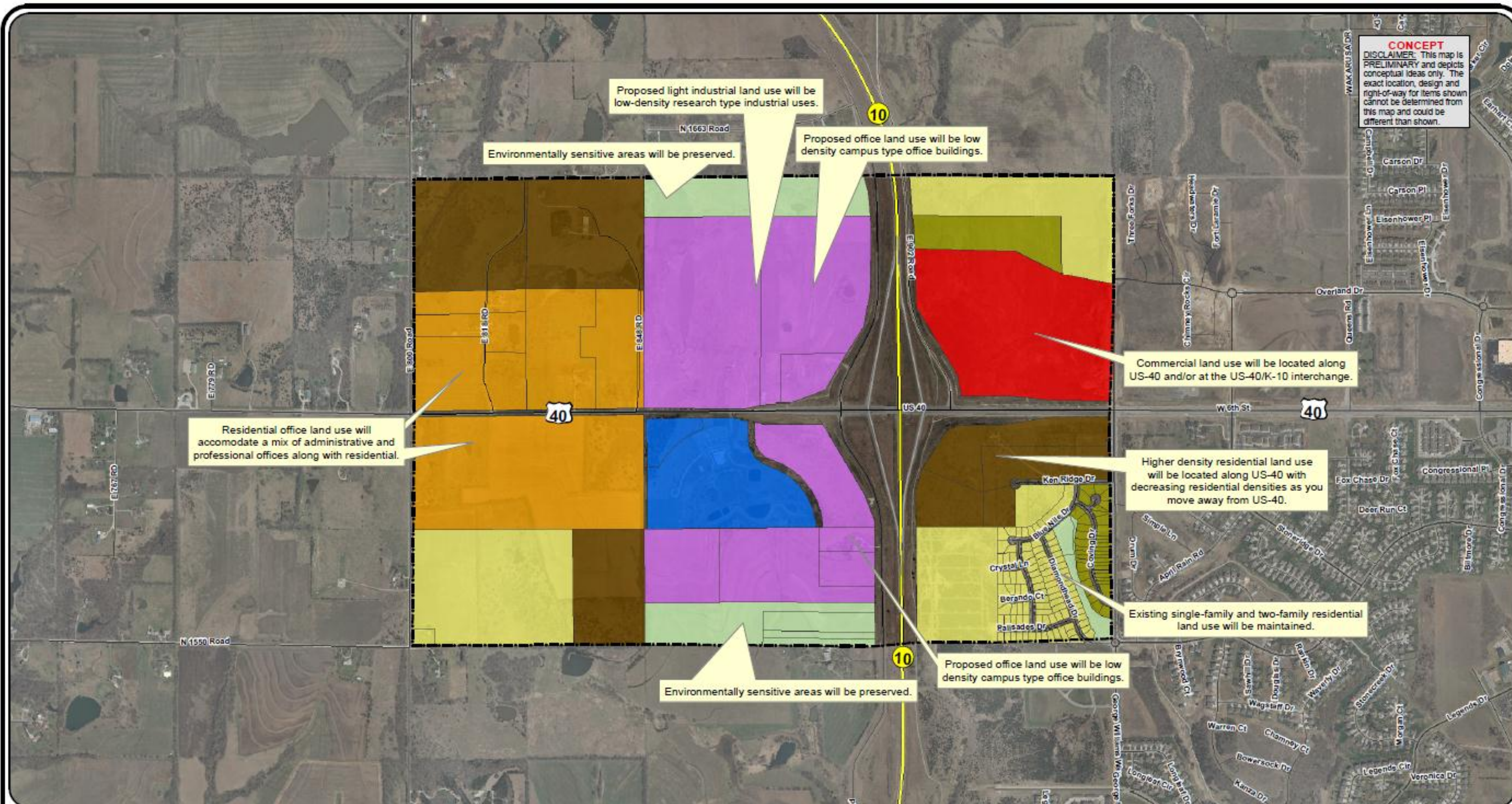


Lawrence Before 2000  
 Area: 17,932.595 acres (28.02 sq. miles)  
 2000 Census Population: 80,098  
 Population Density: 2,859 persons/sq. mile



Lawrence Today  
 Area: 20,882.98 acres (32.63 sq. miles)  
 Planning and Development Services Department  
 December 28, 2007





## Exhibit 3.2: Anticipated Land Use Scenario

### AREA TRANSPORTATION PLAN

US-40/West 6th Street and K-10 Interchange



KDOT Project: 40-23 KA-1869-01  
Date Prepared: December 2011



**Average Daily Traffic (west of K-10)**

2010: 6,200 veh./day

2040: 29,000 veh./day (estimated)

**Average Daily Traffic (east of K-10)**

2010: 10,650 veh./day

2040: 33,000 veh./day (estimated)

**to Topeka**

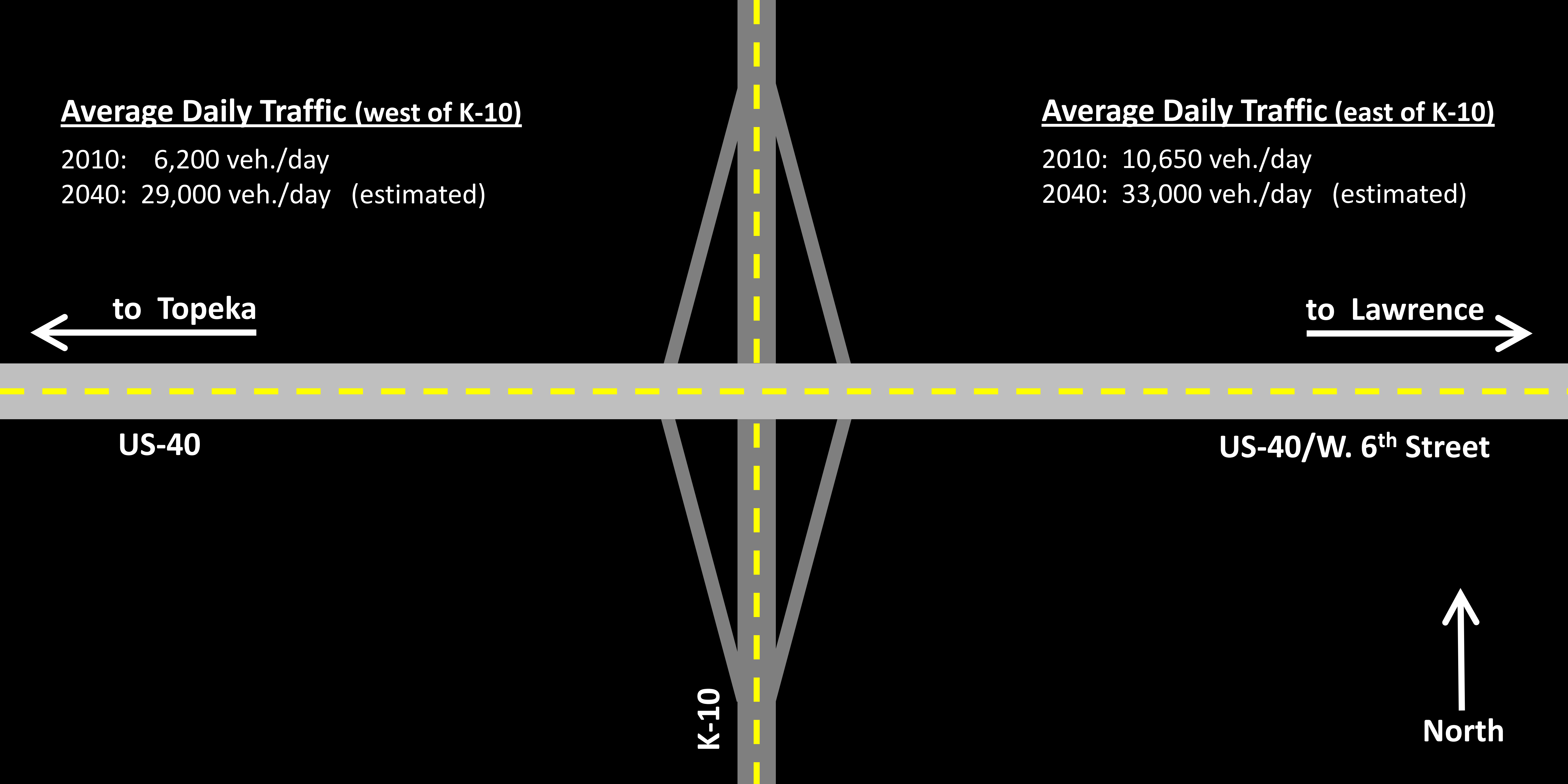
**to Lawrence**

**US-40**

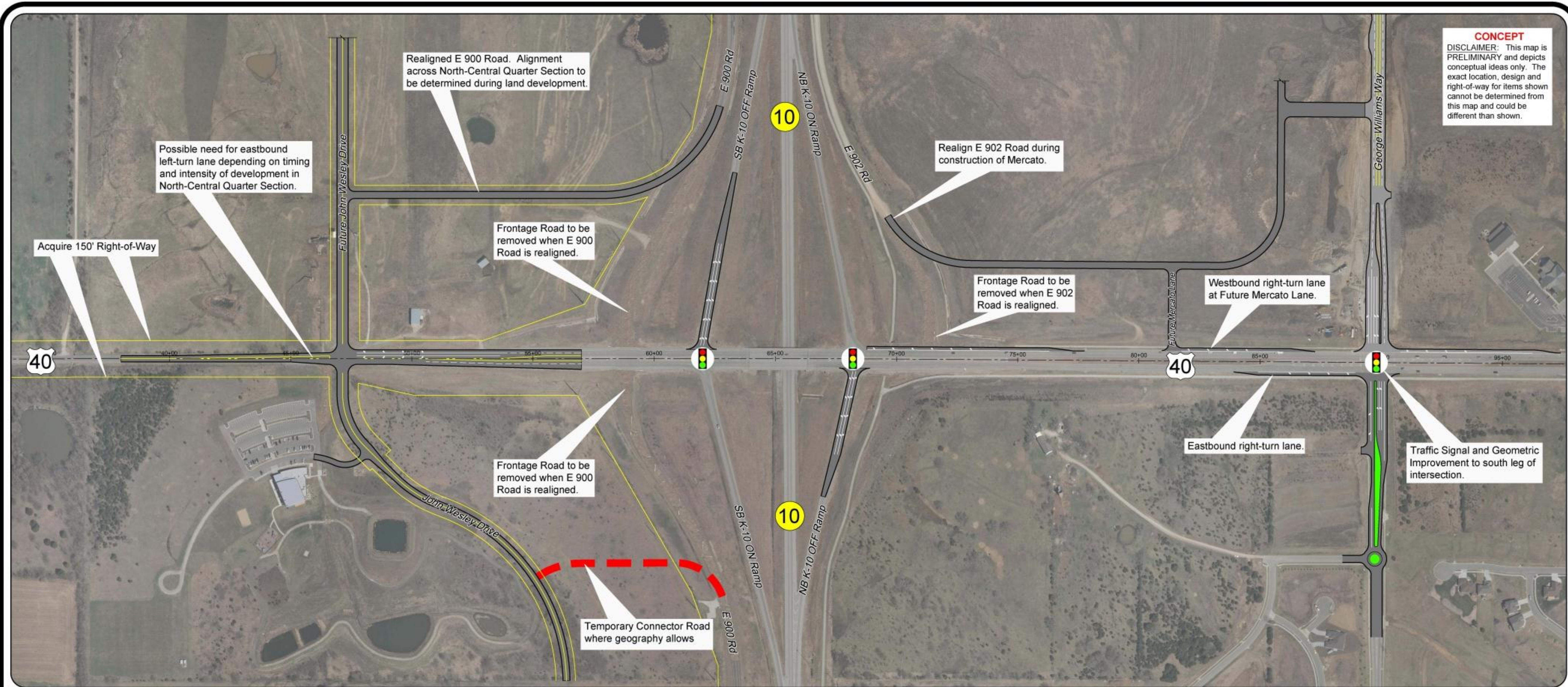
**US-40/W. 6<sup>th</sup> Street**

**K-10**

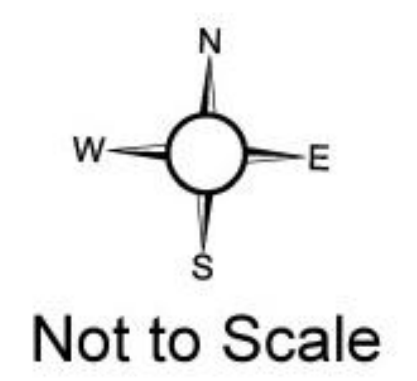
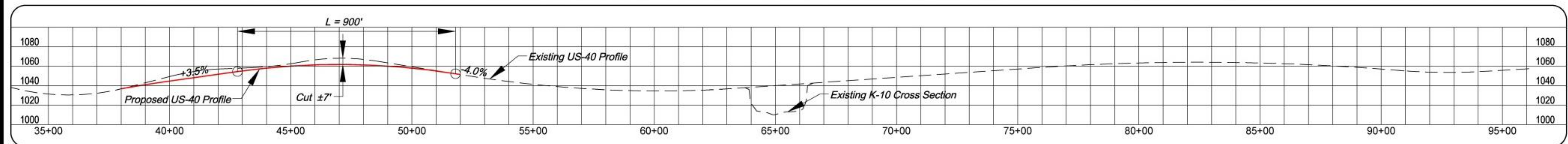
**North**







**CONCEPT**  
 DISCLAIMER: This map is PRELIMINARY and depicts conceptual ideas only. The exact location, design and right-of-way for items shown cannot be determined from this map and could be different than shown.



- Future Right-of-Way west of K-10 (approx.)
- Future US-40 Profile
- Traffic Signal Controlled Intersection

## Exhibit 6.1: Short Term Needs

### AREA TRANSPORTATION PLAN US-40/West 6th Street and K-10 Interchange



KDOT Project: 40-23 KA-1869-01  
 Date Prepared: December 2011



