

ITEM NO. 5A IG & CS TO CD; 1.38 ACRES; 401 & 415 N 2ND 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 2nd 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 2ND 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 2ND 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 2ND 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 2nd 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 1ST 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 1st 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 8th & 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.