

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

April 22, 2012

RECEIVED

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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: INVERNESS PARK DISTRICT PLAN; CPA-2-1-12 TO REVISE THE DISTRICT PLAN

Dear Chairman Hird and Planning Commissioners:

We understand that there are two proposed comprehensive plan amendments (CPA) to the Inverness Park District Plan in Horizon 2020. The first proposed amendment is to recommend a Commercial/Office (CO) designation for the five-acre vacant tract on the Remington Square Apartment 15-acre lot. This would require subdividing the currently vacant land from the built-up parcel. However, doing this would render the built-up Remington Square Apartment area non-conforming because, being 5-acres smaller, the current density of the new lot would exceed its official zoning district density allotment, which now is the maximum density allowed for the 15-acre development under its RM15 District zoning. Therefore, the second recommendation of the CPA for the District Plan would be to allow the zoning on the existing apartments to be increased to RM24 in the event that this built-up lot be made smaller by subdividing off the 5-acre tract.

In discussing this issue and its recommended resolution, the Land Use Committee came to the conclusion that this approach would be rewarding a mistake that should not have happened, and could lead the way to rewarding future similar mistakes. This could encourage the practice, with unfortunate consequences.

The Committee had no objections to the vacant land becoming a CO District. However, the Committee did object to the recommendation to rezone the existing apartments to a district with a higher density. The Committee made several alternative suggestions to that of rezoning the existing apartments to RM24:

1. Develop the vacant land with a commercial/office use. Allow the existing apartment complex to be non-conforming. We recognize that this status has some disadvantages.
2. Develop the vacant land with a commercial/office use. Allow the owner to voluntarily eliminate some of the apartments to reduce their density to a conforming status.
3. Continue with the current situation and develop the vacant land as usable open space for the apartment complex.

Thank you for your attention to this issue. We hope that you will take our suggestions seriously.

Sincerely yours,

Milton Scott  
Vice President

Alan Black

Alan Black, Chairman  
Land Use Committee

**From:** Jamie Hulse [mailto:jamiehulse@att.net]  
**Sent:** Monday, April 23, 2012 4:43 AM  
**To:** Dan Warner  
**Subject:** Inverness Park District Plan

Dear Chair of the Planning Commission,

Please leave the **Inverness Park District Plan Map** showing the 15 acre Remington Square lot as **Medium Density**.

If someone at some point in the future wants to purchase the five acres of open space on the east side of the 15 acre lot, (which would require a lot split and upzoning the 10 acres of apartments), let them go through the planning process, including public hearing.

As one PC stated...If you approve this change, you disallow the ability of the owner to donate the five acres to the city as park or green space.

Changing the map confuses planning commissioners and the public into believing the 15 acres is actually divided into 2 lots.

Based on comments by Planning commissioners at meetings, several PC's are already confused about the zoning for the lot directly west of Remington Square, which is currently zoned RSO, but shown as Neighborhood Commercial on the map.

There are PC's who believe the zoning has already been changed.

At the previous PC meeting about this item, one Planning Commissioner said he owned a house on two lots, and decided to sell one of the lots to someone who built a house on it. Neighbors said "you can't do that - it's always been part of your yard."

This is not the same thing. The appropriate comparison would be an owner who had one house on one lot, and had a Planning Map showing his side yard as a separate lot.

Changing the map increases density to the 15 acres to an area that has already maxed out density. I am unable to attend the planning commission meeting, which does not reflect my concern for the outcome of the meeting.

Sincerely,

Jamie Hulse  
4403 Gretchen Ct.  
Lawrence, KS 66047

**From:** Leann Cooper [mailto:lcooper@gcsaa.org]  
**Sent:** Monday, April 23, 2012 8:20 AM  
**To:** Dan Warner  
**Subject:** Tonight: Planning Comm to vote on Inverness Park District Plan

Dear Chair of the Planning Commission,

Please leave the **Inverness Park District Plan Map** showing the 15 acre Remington Square lot as **Medium Density**.

If someone at some point in the future wants to purchase the five acres of open space on the east side of the 15 acre lot, (which would require a lot split and upzoning the 10 acres of apartments), let them go through the planning process, including public hearing.

Just because the developer did not choose to use that acreage as part of the original development, does not mean that it should be treated/zoned differently without additional planning or a public hearing. I'm not really sure why we are still having this discussion, or why we need to continually give our input as neighbors. The neighborhood has been pretty clear as to our feelings on increasing the density in that area!

Please do not change the map to make it look like there are two lots, when there is actually just one. Changing the map increases density to the 15 acres to an area that has already been maxed out. Changing the map confuses everyone.

I am unable to attend the planning commission meeting, which does not reflect my concern for the outcome of the meeting.

Sincerely,

Leann Cooper  
4408 Gretchen Ct.  
Lawrence, KS 66047



**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; r hird@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

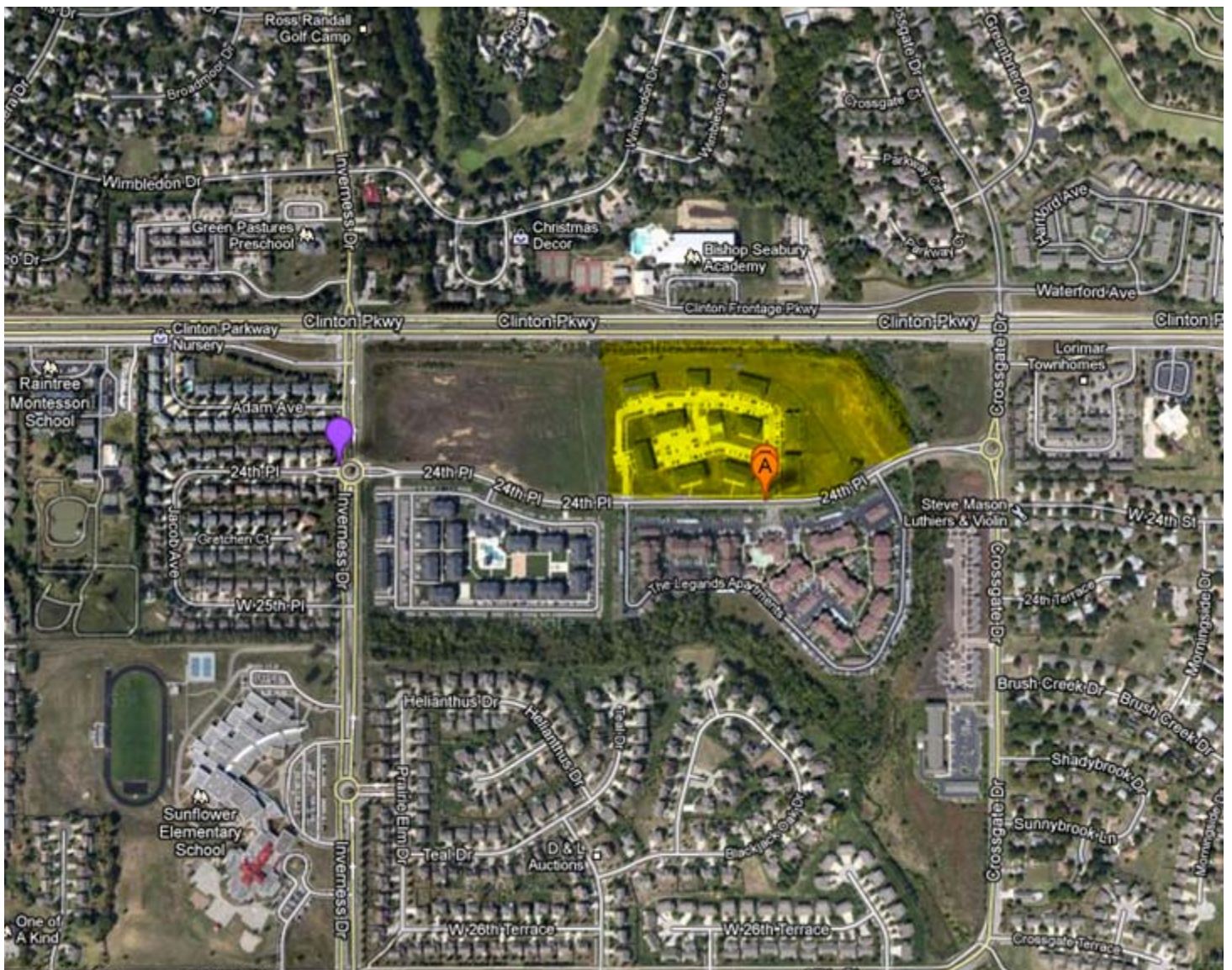
Dear Planning Commissioners,

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) <b>(Proposed)</b>	15 <b>(24)</b>	224 <b>(224)</b>
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/4 AND NORTH 40 FEET OF THE WEST HALF OF THE SW/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 is 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, 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.

**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 0-1)**

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 0-1 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 0-1 office district zoning in the proposed location does not conform to Goal 2.

Rezoning the 0-1 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 0-1 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, Durlinger 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.

**0-1:** 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 0-1 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 0-1 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 Alvamar.

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. Durlinger 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 McDaneld 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. McDaneld would object to offices.

Mr. McDaneld 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 on 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<sup>1</sup>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, 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.

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. Durlinger 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 RMD 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.

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**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.



LAW OFFICES  
**BARBER EMERSON, L.C.**

1211 MASSACHUSETTS STREET  
POST OFFICE BOX 667  
**LAWRENCE, KANSAS 66044**  
(785) 843-6600  
FACSIMILE (785) 843-8405

JOHN A. EMERSON  
BYRON E. SPRINGER  
RICHARD L. ZINN  
CALVIN J. KARLIN  
JANE M. ELDREDGE  
MARK A. ANDERSEN\*  
TERRENCE J. CAMPBELL\*  
MATTHEW S. GOUGH\*

LINDA K. GUTIERREZ  
CATHERINE C. THEISEN  
MATTHEW B. TODD  
EDWARD H. TULLY\*

RICHARD A. BARBER  
(1911-1998)

GLEE S. SMITH, JR.  
OF COUNSEL

Matthew S. Gough  
Email: mgough@barberemerson.com

\*ADMITTED IN KANSAS AND MISSOURI

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:** 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