

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
06/25/2012

ITEM NO. 4A: RMO TO CN2; 2.42 ACRES; 650 CONGRESSIONAL DR (SLD)

Z-4-6-12: Consider a request to rezone approximately 2.42 acres from RMO (Multi-Dwelling Residential-Office) to CN2 (Neighborhood Commercial Center), located at 650 Congressional Drive. Submitted by Williams Management, for BWB-WCSC LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 2.42 acres from RMO (Multi-Dwelling Residential-Office) to CN2 (Neighborhood Commercial Center), located at 650 Congressional Drive based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *Applicant desires to develop the property as a multi-tenant commercial development featuring office, retail, and commercial uses. Commercial uses are not permitted in the current RMO zoning district.*

KEY POINTS

- Request consistent with proposed changes to *Horizon 2020*. (CPA-4-3-12)

ASSOCIATED CASES/OTHER ACTION REQUIRED

- SUP-4-3-12; commercial development with drive-thru.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning.
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning.
- *Drainage Study* – Not required for rezoning.
- *Retail Market Study* – Not required for development less than 50,000 SF.

ATTACHMENTS

- Area Map
- Summary of zoning district purpose statements.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Packet of comments delivered to Planning Office related to the development of the site and anticipated tenants of the building. Refer to SUP-4-3-12 for attachments.

Project Summary:

This property is proposed to be rezoned to CN2 to accommodate commercial development with drive-thru services for an eating and drinking establishment and a bank and other potential CN2 uses. The property is located along the W 6th Street corridor and adjacent to commercial development to the east. The property is developed with surface parking and drives providing access to the existing commercial development. This review presumes the approval of CPA-4-3-12, an amendment to *Horizon 2020* and the *Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive* to facilitate commercial development in this location.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The requested rezoning is a sensible expansion of an existing commercial node, and does not constitute strip development. The Applicant is simultaneously submitting a text amendment application to Horizon 2020 and the West 6th Street and Wakarusa Drive nodal plan to clarify that the subject property, which is located at the southeast corner of West 6th Street and Congressional Drive, should appropriately be included in the commercial node at the intersection of West 6th Street and Wakarusa Drive. As the requested text amendments clarify, the proposed development is a reasonable addition to the existing commercial node, because the node has already been extended to the eastern boundary of Congressional Drive north of West 6th Street (i.e., the Wal-Mart development), and because the proposed development is a relatively small addition (approx. 10,000 square feet) to the node. Inclusion of the property in the existing node does not encourage or enable additional future commercial uses to "leap frog" away from the existing node.*

This rezoning application is consistent with the goals and policies of Chapter 6 of Horizon 2020. Most importantly, the project complies with Horizon 2020's central policy of encouraging nodal development. If approved, the southwest portion of the West 6th Street and Wakarusa node will have a clear termination point at the eastern boundary of Congressional Drive (consistent with the northwest portion of the node), with office and high-density residential uses acting as a buffer to the medium and low density residences located west and southwest of the site. Horizon 2020, p. 6.2. The project will require no new access points on Congressional Drive or West 6th Street. The project will be designed in a manner consistent with Horizon 2020's objective to provide an aesthetically pleasing, pedestrian friendly building that integrates not only with the existing commercial development to the east, but also the office and residential areas to the west and south. The project advances Policy 1.6 in Chapter 6 of Horizon 2020, by promoting an appropriate supply of commercial inventory. The project's commercial tenants are anticipated to be local businesses desiring to relocate and/or expand. The presence of adjacent office and high-density uses satisfies Policies 2.1, 2.3 and 2.5, by maintaining adequate buffering to minimize any impact on nearby residential areas. The building's intended orientation, at the northwest corner of the site, also aids in mitigating any impact on neighborhoods south of the intersection of West 6th Street and Congressional Drive. The project is consistent with the locational criteria contained in Policy 3.1.

The Applicant, upon consultation with the Planning Staff, is seeking CN2 zoning because the remainder of the West 6th Street/Wakarusa node is zoned PCD, which is a special purpose base district intended only to provide a suitable classification for pre-existing planned developments, and is expressly unavailable to new projects pursuant to 20-221(a). Without the ability to request the same zoning as the commercial area immediately east of the project, CN2 is the best fit for this tract. The project will have a neighborhood feel because the building's commercial and office tenants' primary target market are residents in northwest Lawrence (although the project will attract business from all parts of the City), and the property is too small to feasibly request a CC designation. Existing sidewalk infrastructure provides easy pedestrian access to the property from the residential areas to the south and north of the project.

Neighborhood Commercial Centers are described in *Horizon 2020* as having the ability to contain more than a single use (Page 6-5). The Plan states: *"To insure there are a variety of commercial uses and that no one use dominates a Neighborhood Commercial Center, no one store shall occupy an area larger than 40,000 gross square feet."* The implied intent is that multiple uses are required to establish a Neighborhood Commercial Center.

Staff Finding – This application is being processed concurrently with amendments to both *Horizon 2020* and the *Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive*. This request for neighborhood commercial zoning is consistent with the proposed amendments to both of these Plans.

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

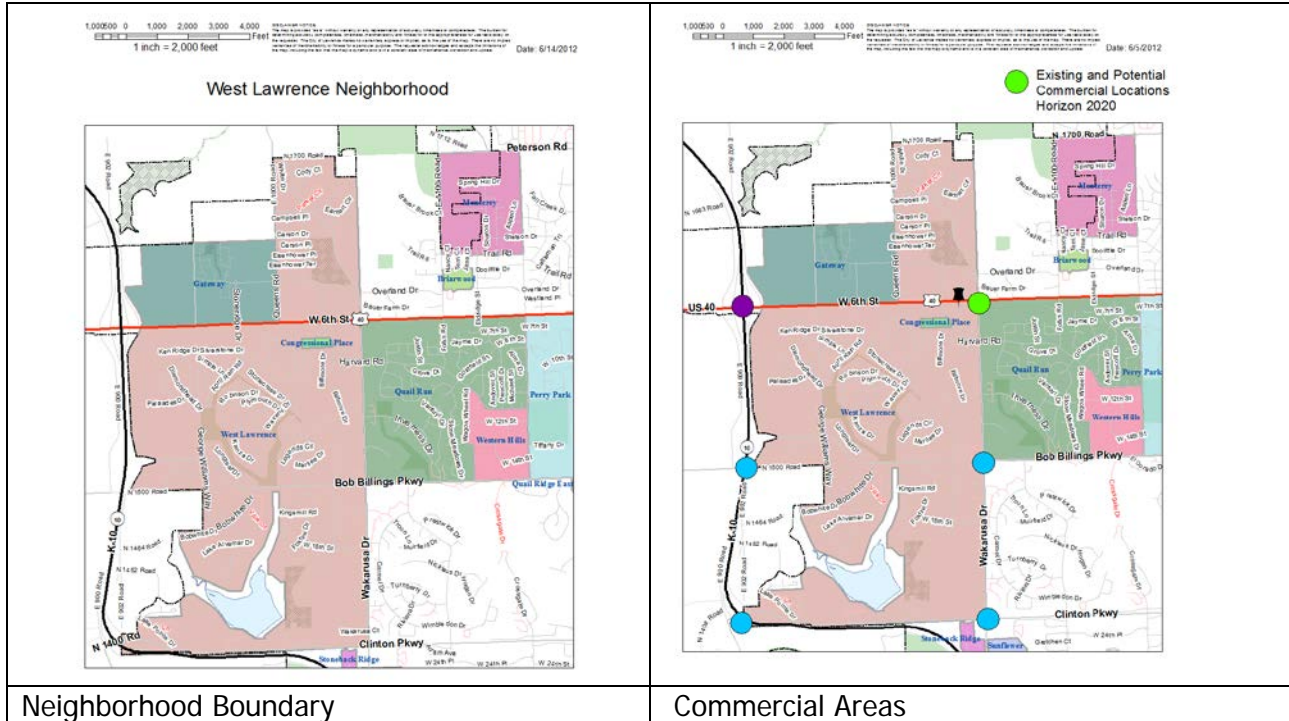
Current Zoning and Land Use:	RMO (Multi-Dwelling Residential-Office) District; existing improvements include surface parking lot supporting the existing development to the east and access drives for customer and service vehicles to the center. There are no buildings currently developed on this property.
Surrounding Zoning and Land Use:	RMO (Multi-Dwelling Residential-Office) District to the west, existing vacant lot along W 6 th Street and multi-family development on the south side of Congressional Circle. RM12D (Multi-Dwelling Residential) District to the southwest; existing duplex development. PUD (Colonial Place Planned Residential Development) to the south; existing duplex development. PUD (Colonial Northeast and Colonial Northwest Planned Commercial Development) to the east; existing commercial development. PUD (6 th and Wak Planned Commercial Development) to the north; Developing commercial project including Wal-Mart and undeveloped pad sites.

Staff Finding – This area includes both residential and non-residential zoning and land uses. Congressional Drive is designated as the western limit of the commercial development of the 6th Street & Wakarusa Drive nodal area.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The property is adjacent to the West 6th Street and Wakarusa commercial node to the east and north, RMO zoned property to the west, and duplexes to the south. Because Congressional Drive curves in a southeasterly direction south of the proposed site of the new building, the residential areas along Congressional Way (south of the property) benefit from maximum screening. The apartment complex located at the intersection of Congressional Circle and Congressional Drive and the vacant RMO zoned parcel immediately west of the site provide buffering to residential areas to the west and south. The nearest residential duplexes are located approximately 375' to 400' from the edge of the proposed building.*

The property is located within the West Lawrence Neighborhood. This neighborhood by far is the largest in the City with more than 1,800 acres. The neighborhood includes area north and south of W 6th Street. The property also abuts the Congressional Place Neighborhood to the southwest, a small sub-neighborhood surrounded by the West Lawrence Neighborhood.



Within the existing neighborhood there are several existing and future commercial areas identified in *Horizon 2020*. Commercial areas are generally located at the intersections of major arterial streets. The portion of the neighborhood, south of W 6th Street and west of Wakarusa Drive, transitions from higher intensity commercial uses to multi-family, duplex and detached development.

Staff Finding – The character of the neighborhood is dominated by residential uses in the central portion of the neighborhood and higher intensity and commercial uses radiating from the center to the arterial streets that traverse and buffer the neighborhood. The proposed request will transition intensive land uses along W 6th Street to the south into the lower intensity residential area located in the core of the Neighborhood.

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

As noted above, the subject property is governed by *Horizon 2020* and the *Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive*. The south side of W 6th Street in this area is largely built out. The north side of W 6th Street includes future commercial pad sites between Congressional Drive and Wakarusa Drive. West of Congressional is undeveloped property with an active development request for multi-family residential development.

Staff Finding – Amendments to *Horizon 2020* and the *Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive* support neighborhood commercial development.

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

Applicant's Response: *The property is ideally suited for use as a multi-tenant commercial building. By way of example, the intended use of the building includes a neighborhood coffee shop, local bank branch, retail site, and indoor recreation facility. The site has ideal access to West 6th Street using existing curb cuts and access points, and primarily targets traffic moving east or west along West 6th Street. The combination of the site's location, access, and targeted use creates a strong development opportunity.*

This property currently provides support services to the commercial development to the east with the access drive configuration and the surface parking. A site plan was approved for development of the site that included a multi-story building with a 6,700 SF footprint. The current RMO District allows a variety of both residential and non-residential uses. Non-residential uses include medical offices, churches, veterinary offices, professional offices and banking uses. Approval of the request would modify the allowed uses and expand the non-residential component to add recreation uses, animal services – sales and grooming, as well as eating and drinking establishments and retail sales and services in a limited manner.

The physical improvements provide secondary access to the existing commercial development and overflow parking accommodations. Two previous site plans have been approved for this property including a site plan for a multi-story office building. Only the parking and access drives were ever constructed. Approval of the request expands the list of allowed uses consistent with the land use recommendations in the amended Comprehensive and Area Plans as they relate to this area. The proposed request for neighborhood commercial zoning is suitable for this area.

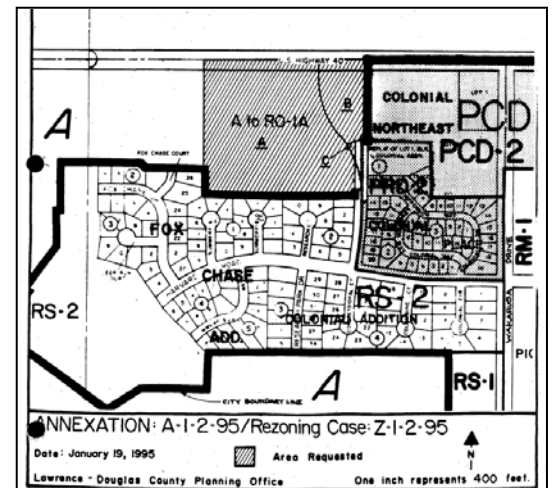
The existing zoning allows a variety of land uses. The proposed neighborhood zoning expands the list of allowable uses and facilitates infill development for this property.

Staff Finding – The proposed request for CN2 zoning is suitable for this property. This district allows additional choices for development, but limits the intensity of development to reflect the neighborhood context of the immediate area.

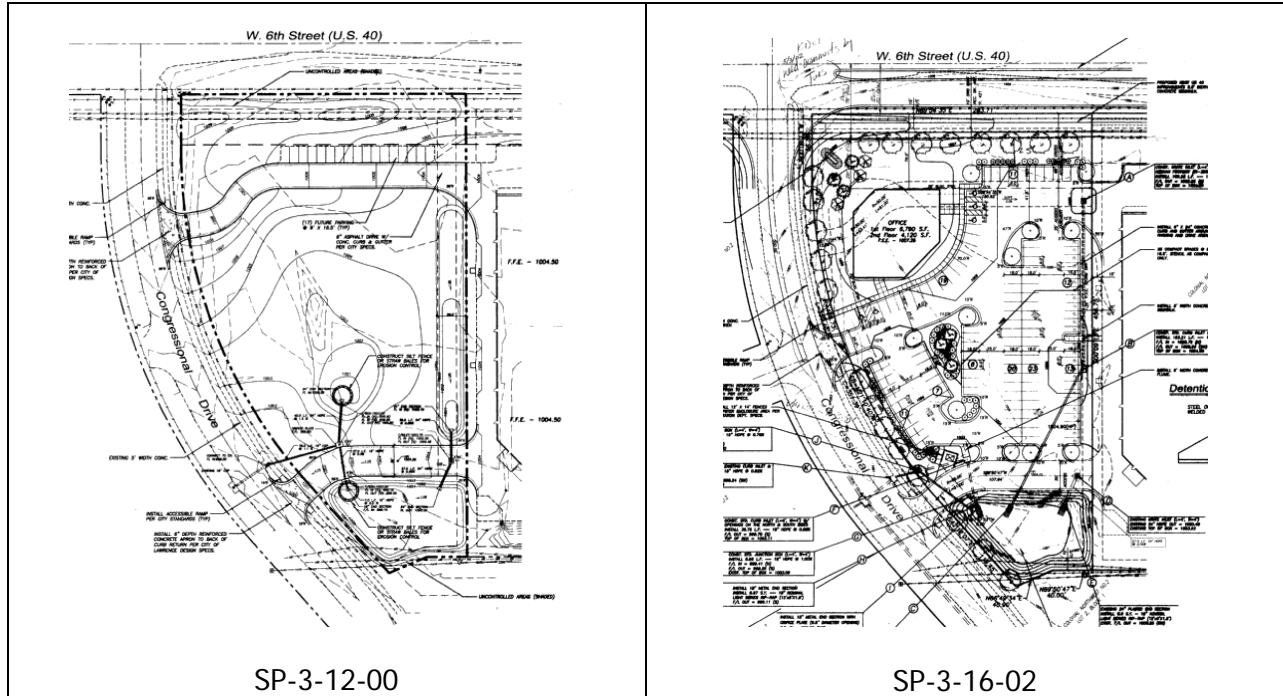
6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response: *The property was platted in 2000 and has seen no development beyond the existing parking lot.*

The property is part of the W 6th Street Corridor. The development of the south side of W 6th Street along this segment began with a 20.5 acre annexation (A-1-2-95) and rezoning to RO-1A (Z-1-2-95) in anticipation of development. Development expanded from Harvard Drive to the north with many of the townhomes and the large multi-family development (at the end of Congressional Circle) developing in the late 1998's. The commercial center located east of the subject property was platted in 1998 as well in preparation for the first phase of the commercial development – McDonalds. The remaining phases of the commercial development continued from 1999 through early part of the 2000 decade. Minor changes to the development of the commercial center have been made in the last 5 years.



In the spring of 2000, the property owner contacted staff to pursue development providing cross access between Congressional Drive and Wakarusa Drive via a site plan (SP-3-12-00). The property was replatted to create the cross access locations that serve as the primary drives between Congressional Drive and Wakarusa Drive.



This plan provided access for service vehicles to the commercial center at the south end and customer access at the north end. The plan was revised in 2002 to provide additional surface parking and a future office building (SP-3-16-02). To date, only the parking lot has been constructed. The detention area included, at one time, a deck area that provided an outdoor play area for a former childcare facility located in the commercial center to the east.



Existing Improvements

2006- Current:	RMSO
2006:	Land Development Code adopted; RO-1A to RMO
1995 to 2006:	RO-1A (Residential-Office) District Z-1-2-95
1995:	<ul style="list-style-type: none"> • Annexed into the City of Lawrence A-1-2-95. • Colonial Northwest Subdivision - 1995 • Colonial Northwest #3 Subdivision – 2001 • SP-3-12-00 – access drives only • SP-3-1602 – office building and parking lot
1966 to 1995:	Z-9-22-89 – RS1 & A to PCD-2, 21.9 acres, only 11.8 acres Colonial Northeast portion approved. A-9-4-89 - annexation A (Agricultural) District.

Staff Finding – The property is currently zoned as a mixed use Residential-Office District. To date the only improvements completed for the site are the access, surface parking lot, and detention area that provide connectivity and overflow parking for the commercial center to the east.

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

Applicant's Response: *Development of the project may cause a slight increase in northbound traffic along Congressional Drive, but the vast majority of the project's patrons are anticipated to originate from and ultimately egress to West 6th Street (a major arterial roadway). Most of the traffic generated by the site will enter and exit the site via West 6th Street or Congressional Drive north of the existing access point. The property is presently used as an overflow parking area for the commercial development to the east, and the addition of the proposed commercial building has no negative impact on the aesthetic or environmental assets of nearby residential areas. There is adequate buffering between the proposed project and the neighborhoods south of the site and ideal transition between the project and the neighborhoods to the south (see below).*

Detrimental effects are generally considered to be traffic, noise, and incompatible land uses. Approval of the comprehensive plan amendment incorporates a change of land use consistent with the proposed request for CN2. Noise and other visual impacts will be addressed through appropriate site design. The proposed use requires approval of a Special Use Permit for development. These physical elements will be addressed in more detail in the SUP staff report.

Traffic is the most obvious potential impact that will affect the surrounding area and road network. The property abuts an arterial street (W 6th Street) on the north, a collector street (Congressional Drive) on the west. Direct access location to W 6th Street is not proposed or recommended. No changes to the Congressional Drive access are proposed. Traffic impacts are also discussed as they relate to a specific development proposal.

Development Code tools applicable to a specific development request will address screening, site landscaping, lighting, and building setback to mitigate any physical impact between this use and the adjacent residential portion of the neighborhood.

Staff Finding – Physical elements such as screening and buffering are addressed through site design requirements (such as setback and landscaping). No detrimental impacts are anticipated to result from approval of this request.

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

Applicant's Response: *Development of the project may cause a slight increase in northbound traffic along Congressional Drive, but the vast majority of the project's patrons are anticipated to originate from and ultimately egress to West 6th Street (a major arterial roadway). Most of the traffic generated by the site will enter and exit the site via West 6th Street or Congressional Drive north of the existing access point. The property is presently used as an overflow parking area for the commercial development to the east, and the addition of the proposed commercial building has no negative impact on the aesthetic or environmental assets of nearby residential areas. There is adequate buffering between the proposed project and the neighborhoods south of the site and ideal transition between the project and the neighborhoods to the south (see below).*

Denial of the request would limit the land use options for this property to the residential-office uses permitted in the RMO district as currently zoned. Approval of the request facilitates infill development, provides a transition between the intensive commercial uses to the east and the lower density residential uses to the south, and increases the opportunity for neighborhood services for the immediately surrounding area. There is no significant positive or negative impact to the public health safety and welfare that is expected to result from this request.

Staff Finding – Denial of the request limits the development choices for the property owner. Approval of the request facilitates infill development and neighborhood commercial options for the immediate area. Overall there is no significant public gain anticipated to result from this request.

9. PROFESSIONAL STAFF RECOMMENDATION

The RO-1A district (RMO District in 2006 Code) would have allowed Professional Office uses but not retail or automotive related uses. This use restriction was carried over to the RMO zoning district. The purpose statement of the CN2 district expresses the connection between the district location and the Comprehensive Plan land use recommendations. The draft amendments to *Horizon 2020* and the *Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive* support neighborhood commercial development at this location. A separate Attachment provides a summary of the purpose statements of the various zoning districts related to this request.

This specific request is accompanied by a Special Use Permit application that accommodates a public review process of a specific development for this property.

The following table is provided to identify the general purpose statements of the existing and proposed zoning districts related to this proposed change.

CONCLUSION

For the reasons noted in this report, staff supports this rezoning request to CN2.