

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

PC Staff Report  
05/21/12

**ITEM NO. 6      TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE;  
AMENDING VARIOUS SECTIONS TO ADD A CC600 DISTRICT (SMS)**

**TA-4-3-12:** Consider a text amendment to the City of Lawrence Land Development Code, Articles 1, 2 and 13, to provide for a CC600 (Community Commercial) District. *Initiated by City Commission on 4/10/12.*

**RECOMMENDATION:** Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendment TA-4-3-12 to the Land Development Code to the City Commission based on the analysis in the staff report.

**Reason for Request:** To create a commercial center that permits an amount of commercial development between the 400,000 square feet allowed in a CC400 District and the 1.5 million square feet allowed in the CR District.

**RELEVANT GOLDEN FACTOR:**

- This text amendment will implement proposed revisions to the comprehensive plan.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

– None

**OVERVIEW OF PROPOSED AMENDMENT**

The amendment proposes creation of an additional Community Commercial District which would allow up to 600,000 gross square feet of commercial development at a CC600 designated commercial node. Such nodes would be limited to locations at the intersection of two state or federal highways. Uses permitted in the CC200 and CC400 Districts would be allowed in the new district.

*Horizon 2020* currently states on page 6-3: "... the term 'commercial' means retail businesses that sell goods and services on-site for which sales tax is collected. This definition does not include offices or similar uses." The related Comprehensive Plan Amendment (CPA-4-2-12) proposes to modify this definition and substitute the definition used in Section 20-1107 of the Land Development Code. The proposed CPA includes the following:

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

- i. Sector 44-4S: Retail Trade;*
- ii. Subsector 722: Food Services and Drinking Places;*
- iii. Subsector 811: Repair and Maintenance; and*
- iv. Subsector 812: Personal and Laundry Services*

Therefore, a CC600 designation would permit more than 600,000 square feet of overall development, but would set the maximum square footage of retail uses at that designated node.

The proposed Comprehensive Plan Amendment (CPA-4-2-12) includes the criteria that a new CC600 Center must be located at the intersection of two state or federal highways. The CPA proposes the designation of the intersection of US-40/(W 6<sup>th</sup> Street) and K-10 as a CC600 node. Additional CC600 sites are not identified at this time.

### **CONFORMANCE WITH THE COMPREHENSIVE PLAN**

This request accompanies a related Comprehensive Plan Amendment to provide for CC600 nodes in *Horizon 2020* and to specifically designate the intersection of West 6<sup>th</sup> Street & K10 as such a node. This Development Code amendment would provide the implementation tool for the proposed revision to *Horizon 2020*.

### **CRITERIA FOR REVIEW AND DECISION-MAKING**

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

**1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and**

*Horizon 2020*, Chapter 6 anticipates changes and additions to the commercial framework over time. The proposed Comprehensive Plan Amendment is a result of changing circumstances that have occurred. The comprehensive plan provides for two CC centers, CC200 and CC400 which would allow a maximum of 400,000 square feet of commercial space for the node. The Commercial Regional designation is the next larger district, allowing a maximum of 1.5 million square feet of commercial space. Staff has identified that a designation is needed somewhere in the middle, one that would reasonably accommodate roughly 600,000 square feet of commercial space.

This proposed amendment to the Land Development Code would implement the proposed revision to *Horizon 2020*.

**2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).**

If the related Comprehensive Plan Amendment (CPA-4-2-12) is approved, the proposed text amendments will implement the policies related to the new Community Commercial Center designation, CC600.

### **Staff Review**

The City Commission has initiated various changes to the *City Code* and the *Land Development Code* to add

The proposed changes are located in Article 1 – Introductory Provisions, Article 2 – Base Districts and in Article 13 – Development Review Procedures. Descriptions of the proposed changes are below.

- Article 1 – Introductory Provisions. The revision adds the CC600 District to the table of Zoning District Names.

**20-110 TRANSITIONAL PROVISIONS**

**(e) Zoning District Names**

The **Official Zoning District Map** designations in effect before the **Effective Date** are converted as follows:

Previous Map Designation	New Map Designation
<b>RS, Single-Dwelling Residential Districts</b>	
RS-A	RS40
RS-E	RS20
RS-1	RS10
RS-2	RS7
None (New)	RS5
None (New)	RS3
<b>RSO Single-Dwelling Residential-Office Districts</b>	
RO-1B and RO-2	RSO
<b>RM, Multi-Dwelling Residential Districts</b>	
RMD	RM12D
RM-1	RM12
None (New)	RM15
RM-2 and RM-2A	RM24
RM3 and RD	RM32
None (New)	RMG
<b>RMO, Multi-Dwelling Residential-Office Districts</b>	
RO-1 and RO-1A	RMO
<b>C, Commercial Districts</b>	
C-1	CN1
O-1	CO
C-2	CN2
C-3	CD
C-4	CS
C-5	CS
C-4A	CD
None (New)	CC200
None (New)	CC400
<u>None (New)</u>	<u>CC600</u>
None (New)	CR
<b>I, Industrial Districts</b>	
M-1	IBP
M-1A	IL
M-2	IG
M-3	IG
M-4	IG
<b>Special Purpose Base Districts</b>	
None (New)	GPI
None (New)	H
None (New)	OS
None (New)	UR

Previous Map Designation	New Map Designation
None (New)	U/U-KU
Planned Unit Development (All: PUD, PRD, PCD, PID, POD)	PUD[name], PRD[name], PCD[name], POD [name] or PID[name]
Overlay Districts	
Airspace Control Overlay	-ASO
Floodplain Overlay District	-FP
None (New)	-PD
South Lawrence Trafficway Overlay	-TC(SLT)
Downtown Urban Conservation Overlay	-UC(Downtown)

- Article 2 – Base Districts

The proposed changes to Article 2 are to Section 211. The Community Commercial District description is revised to include the CC600 District. In addition, site and street access requirements reflecting the CC600 policy statements proposed in Horizon 2020 are identified in this section.

**20-211 CC, COMMUNITY COMMERCIAL DISTRICT**

**(a) Purpose**

(1) The CC, Community Commercial Centers District, is primarily intended to implement the Comprehensive Plan’s Community Commercial Centers policy for commercial development at a community scale to serve multiple neighborhoods. Within the Community Commercial Center classification there are ~~two~~ **three** categories of commercial centers; the CC200 Center, ~~and the CC400 Center~~ **and the CC600 Center**. Permitted uses are the same in **all three** categories. ~~Density and dimensional standards are greater in the CC400 Center than in the CC200 Center.~~

(2) The Primary Purpose of the CC200 Center is to provide for the redevelopment of existing Community Commercial Centers and to provide an alternative for the existing highway strip commercial areas.

(3) The Primary Purpose of the CC400 **and CC600** Centers is to provide opportunities for development of new Community Commercial Centers for fringe areas as neighborhoods grow and develop.

**(b) Principal Uses**

Principal Uses are allowed in CC Districts in accordance with the Use Table of Article 4.

**(c) Accessory Uses and Accessory Structures**

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Additionally, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Home Occupations are subject to the regulations of Section 20-532 et seq.

**(d) Density and Dimensional Standards**

Unless otherwise expressly stated, all development in CC Districts shall comply with the City’s Comprehensive Land Use Plan and Density and Dimensional Standards of Article 6, as modified by the design standards set forth in Section 20-526. The following additional Density and Dimensional Standards shall apply in the CC District:

**(1) Site Requirements**

- (i) Not all corners of a CC200 **Commercial Node** shall be devoted to commercial uses. For a Center that has **Buildings** between 40,000 and 100,000 gross square feet in size, the maximum gross square feet of the Center shall not exceed 50% of the allowable commercial square feet for a CC200 **Commercial Node**.
- (ii) A minimum of 95% of the commercial gross square feet of a new CC400 Center shall be located on two (2) or fewer corners of the **Commercial Node** intersection. If there are remaining allowable square feet at a **Node** (intersection) after two or fewer corners are developed, one of the remaining corners may have 50% or less of the remaining 400,000 gross square feet of allowable commercial space. Any corner of an intersection where the gross square feet of commercial space is 20,000 or more shall have a minimum site area of 20 acres and a width to depth ratio between 1:1 and 3:2.
- (iii) **A maximum of 90% of the commercial gross square feet of a new CC600 Center shall be located on two (2) corners of the Commercial Node intersection.**

**(2) Lot Requirements**

**Lot Area** of any development within the CC Centers District shall maintain a width-to-depth ratio between 1:1 and 3:2. ~~A maximum **Building** coverage of 25% shall apply to all development within the CC Centers District.~~ **Site Area and Lot Area requirements within the CC Districts are provided in 20-601(b).** (Staff note - this building coverage change is in TA-8-12-11 which is on hold at city commission.)

**(3) Floor Area Requirements**

- (i) CC200 Centers: CC200 Centers shall contain no more than 200,000 gross square feet of the entire **Node's** commercial space as provided in Chapter 6 of Horizon 2020. **Floor Area** of any **Structure** for a **Principal Use** within a CC200 Center shall not exceed 100,000 gross square feet. Within a **Large Retail Establishment**, no more than 15% of the **Floor Area** may be devoted to ancillary uses separate in management or operation from the principal retail use. Ancillary uses shall take their public **Access** internally from the larger Retail Establishment. General retail stores (including general merchandise and apparel) shall not exceed 65,000 gross square feet.
- (ii) CC400 Centers: CC400 Centers shall contain no more than 400,000 gross square feet of the entire **Node's** commercial space as provided in Chapter 6 of Horizon 2020. **Floor Area** of any **Structure** for a **Principal Use** within a CC400 Center shall not exceed 175,000 gross square feet. Within a **Large Retail Establishment**, no more than 15% of the **Floor Area** may be devoted to ancillary uses separate in management or operation from the principal retail use. Ancillary uses shall take their public **Access** internally from the larger Retail Establishment.
- (iii) **CC600 Centers: CC600 Centers shall contain no more than 600,000 gross square feet of the entire Node's commercial space as provided for and defined in Chapter 6 of Horizon 2020 and Article 11 of this Development Code.**
  - a. **No more than two commercial buildings containing more than 100,000 gross square feet may be located on a single corner of the node.**

**(e) Street Access**

Development in the CC Centers District shall take **Access** from a **Collector Street**, **Arterial Street**, or designated highway. CC200 Centers shall be located at **Collector/Arterial Street** intersections or **Arterial/Arterial Street** intersections. CC400 Centers shall be located at the intersection of two **Arterial Streets** that have at least a four-lane cross section or at the intersection of a four-lane **Arterial Street** with a State or Federally designated highway. **CC600 Centers shall be located at the intersection**

of two State or Federally designated highways. Whenever possible, CC Centers development shall share direct or indirect [Access](#) through common curb cuts or private [Access](#) roads. When the CC Center site abuts a controlled intersection, [Access](#) shall be directed to a side street with adequate distance between the intersection and the site [Access](#) point(s).

**(f) Other Regulations**

There are a number of other Development standards that may apply to development in [Base Districts](#), including but not limited to the following:

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>(1) <b>General Development Standards</b></li> <li>(2) <b>Landscaping</b></li> <li>(3) <b>Off-Street Parking and Loading</b></li> <li>(4) <b>Outdoor Lighting</b></li> <li>(5) <b>Overlay Districts</b></li> </ul> | <ul style="list-style-type: none"> <li><b>See Article 11.</b></li> <li><b>See Article 10.</b></li> <li><b>See Article 9.</b></li> <li><b>See Section 20-1103.</b></li> <li><b>See Article 3.</b></li> </ul> |
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**(g) Occupancy Limits**

In non-RS Districts, no more than one [Family](#), as that term is defined in Section 20-1701(1), (2), and (3)(b), shall occupy a [Dwelling Unit](#).

- Article 13 – Development Review Procedures. The Lesser Change Table is modified to include the CC600 District option.

**20-1303 ZONING MAP AMENDMENTS (REZONINGS)**

**(c) Public Hearing Notice**

Newspaper, posted and mailed notice of the [Planning Commission](#)'s public hearing shall be provided in accordance with Section 20-1301(p)(3). For purposes of K.S.A. §12-757, any [Zoning District](#) listed in the right-hand column of the Lesser Change Table that follows shall be considered a "lesser change" than a change to the [Zoning District](#) listed in the left-hand column of the same row of the table; in accordance with the cited section, a recommendation or action to amend the zoning map to assign the "lesser change" [Zoning District](#) to the land, rather than the [Zoning District](#) advertised in the notice, shall not require further notice. A recommendation or action to amend the Zoning Map to assign any [Zoning District](#) other than the one advertised in the notice or one included in the corresponding right-hand column of the Lesser Change Table will be inconsistent with the advertised hearing and shall require re-advertising and the holding of a new hearing, after proper notice. Such recommendation or action by the [Planning Commission](#) or the City Commission shall be construed as an instruction to the [Planning Director](#) to set a new hearing and to give notice of the proposed hearing, including the new [Zoning District](#) in the notice.

Table of Lesser Changes	
Advertised/Proposed <a href="#">Zoning District</a>	Districts to be Considered a "Lesser Change"
RS40	None
RS20	RS40
RS10	RS20 or RS40
RS7	RS10, RS-20 or RS40
RS5	Any other RS except RS3 or RSO
RS3	Any other RS except RSO
RSO	Any other RS except RS-3
RM12, RM12D	Any RS except RSO
RM15	RM12 or any RS except RSO

Table of Lesser Changes	
Advertised/Proposed Zoning District	Districts to be Considered a "Lesser Change"
RM24	RM15, RM12 or any RS except RSO
RM32	Any RM or any RS
RMG	Any RM or any RS
RMO	RM15, RM12 or any RS
CN1	None
CN2	CN1, RSO or RMO
CD	CN1, CN2 or CC200
CC200	CN1 or CN2
CC400	CC200 or CN2
<u>CC600</u>	<u>CC400, CC200, CN2</u>
CR	<u>CC600</u> , CC400 or CC200
CS	CN1, CN2 or CO
IBP	None
IL	IBP or CN2
IG	IL, IBP, or CN2
Other Zoning Districts	Not Applicable