PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

ITEM NO. 7: A & B1 TO CC600; 146 ACRES; W 6TH ST & K-10 (MKM)

Z-4-5-12: Consider a request to rezone approximately 146 acres located in the NW quadrant of the intersection of West 6th Street/Hwy 40 and Kansas Hwy 10 (K-10) from County A (Agriculture) District and County B1 (Neighborhood Business) District to the pending City of Lawrence District CC600 (Community Commercial) District to accommodate a regional recreation facility. *Initiated by City Commission on 4/10/12 with property owner's consent.*

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 146 acres from A (County-Agriculture) District and B-1 (County-Neighborhood Business) District to CC600 (Community Commercial) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report and subject to the following condition:

The permitted uses in this District shall be limited to those listed in Table 1 of this staff report.

ATTACHMENTS

- **A:** Comparison table of uses permitted in the CC District and those recommended for this district through conditional zoning.
- **B:** Statement from City regarding the recreation center/wellness center.
- **C:** Communications regarding the development proposal which were submitted by neighboring property owners with the annexation request.
- **D:** Preliminary concept plan the property owner submitted a concept plan on May 15th to aid in reflecting and discussing the possibilities for the recreation center site. This concept plan serves for illustrative purposes only and is a starting point for discussing the potential development of the site as a regional recreation center with surrounding neighbors and stakeholders of the recreation facility.

PROPERTY OWNER'S REASON FOR REQUEST

"To permit the strategic alliance of private and public entities who wish to join for the purpose of developing a first class regional recreation center for multiple sports and activities, a health and wellness center, fitness facilities, amenities including concessions, lodgings, trails, and parking."

KEY POINTS

- The subject property complies with locational criteria for the CC600 District included in a Comprehensive Plan Amendment which is scheduled for consideration at the May Planning Commission.
- The property is currently located outside the city limits. An annexation request for the subject property was initiated by the City Commission on March 27, 2012 and recommended for approval by the Planning Commission at their April 23, 2012 meeting. The annexation request and ordinance was approved by City Commission on May 15, 2012.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

This is currently a rural area in the City of Lawrence Urban Growth Area with predominately agricultural and rural residential uses. A church with an accessory day care center is located to the south across Highway 40. The area has good access to the transportation network, with the intersection of KS Hwy 10 Bypass and US Hwy 40 located at the east of the area and Hwy 40 travelling through the area from east to west.

CONFORMANCE WITH HORIZON 2020

 The proposed rezoning request from A (Agriculture) District and B-1 (Neighborhood Business) District to CC600 (Community Commercial) District is consistent with land use recommendations found in *Horizon 2020*, with revisions being proposed.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated items being considered at the May Planning Commission meeting:

- CPA-4-2-12: Amendment to Chapter 6 of Horizon 2020 to create CC600 District policies and to Chapter 14 Specific Plans, to revise the West of K-10 Plan and A Nodal Plan for the Intersection of West 6th Street & Kansas Highway 10 (K-10) designating the node of 6th Street and K-10 as a CC600. Initiated by City Commission on 4/10/12.
- TA-4-3-12: Text Amendment to the City of Lawrence Land Development Code to create a CC600 Zoning District. Initiated by 4/10/12.

Other action required:

- Publication of annexation ordinance.
- City Commission approval of rezoning and adoption of ordinance.
- Publication of rezoning ordinance.

OTHER ACTIONS REQUIRED PRIOR TO DEVELOPMENT

- Platting of the property through the Major Subdivision process.
- Site plan approved prior to release of building permits.

PUBLIC COMMENT

 No public comments were received prior to the printing of this staff report; however, several public communications were received in regards to this development with the annexation request. These public communications were provided with the annexation request, but will also be included as communications in Attachment C since they speak to the rezoning of the property as well as the annexation.

GENERAL INFORMATION

Current Zoning and Land Use:

A (County-Agriculture) and B-1 (County-Neighborhood undeveloped land with a Business) District:

communications tower.

Surrounding Zoning and Land To the north:

A-1 (County-Suburban Home); 13-lot platted rural Use:

subdivision partially developed with detached homes.

To the west:

Z-4-5-12

A (County-Agriculture) District; rural residences.

To the east:

CC 400 (Community Commercial) District and UR (Urban Reserve) District with rezonings to the RS7, RM12D, RM24, RMO, and PCD-Mercato pending publication of ordinances; undeveloped property in the process of being platted. Preliminary Development Plan approved for the PCD-Mercato property.

To the south:

A (County-Agriculture); Hwy 40 and a church with accessory day care center.

Project Summary

The subject property is owned by Tanglewood LC and Hanover Place LC. The project will be a public /private partnership including the donation of 50 acres to the city to construct a regional recreational center. While many details need to be finalized, the recreation center project may include basketball courts, indoor recreation track, cardio facilities, recreation areas, an arena capable of holding sporting or entertainment events, potential uses for the University of Kansas, and other ancillary uses typical of such a facility – retail merchandise, food/drink, etc.

In addition to the 50-acre recreation facility, the remaining acreage is planned to support the facility with expansion opportunities, additional recreation uses, and commercial uses – restaurant, retail, hotel, office etc.

The property owner had originally requested rezoning to the IL, IG, and CN2 District; however, not all the uses being proposed with this project are permitted within these districts; therefore, commercial zoning was necessary to accommodate this project. The City initiated a rezoning to the CC600 District at their April 10, 2012 meeting with the property owner's consent.

With the uses being proposed for the regional recreational center, the use would fit the definition of *Active Recreation, Participant Sports and Recreation,* and *Entertainment and Spectator Sports.* These uses are permitted in the CC (Community Commercial Center), the CR (Regional Commercial) and the CS (Commercial Strip) Districts. The other complementary/associated uses being suggested would also be permitted within these Commercial Districts.

The Development Code prohibits the zoning of any new undeveloped parcel to the CS District except in the case where an undeveloped parcel is adjacent to an existing CS District to allow the expansion of an existing use. The CR District is intended to accommodate up to 1.5 million gross square feet of commercial space. The scale and intensity of the development associated with a Regional Commercial Center may not be appropriate for this location. An amendment to the Comprehensive Plan to create the CC600 Zoning District was initiated by the City Commission and will be considered by the Planning Commission at their May 2012 meeting.

While the property may be appropriate for the CC600 District based on its proximity to the intersection of a State and Federal Highway, not all uses permitted in the CC600 District may be appropriate and complementary to the project being proposed. In order to insure the development of a regional recreational facility with complementary or associated uses, staff recommends that the CC600 Zoning be conditioned to prohibit uses which may not be compatible with the project. The list of permitted uses being recommended for this District is included in Table 1.

REVIEW & DECISION-MAKING CRITERIA

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Property Owner's Response:

- "A. The announced opportunity to create a first class regional recreation center with the support of private and public entities meets the <u>Horizon 2020</u> General Goal, "to provide within the range of democratic and constitutional processes, for the optimum in public health, safety, convenience, general social and physical environment and individual opportunities for all the residents of the community, regardless of racial, ethnic, social or economic origin." <u>Horizon 2020, p 1-3</u>
- B. The regional recreation center and its amenities will epitomize the goal of "Pursuit of Quality...with and emphasis on increased efficiency, improved service and stronger interrelationships among public and private organizations." <u>Horizon 2020, p 1-3</u>
- C. It is consistent with the visionary goals of the Parks and Recreation chapter of <u>Horizon 2020</u>, which emphasizes the need for coordinated and cooperative planning and development (Goal 1, p. 9-11); the need to expand the existing park and recreation opportunities to stay ahead of growth and meet anticipated community demand (Goad 3, p. 9-16) and the area is identified as a future park and recreation area (Map 9-1).

The Lawrence Future Land Use Map in *Horizon 2020* (page 3-4) shows this property in the Urban Growth Area. This area is included in both the Nodal Plan for the Intersection of West 6th Street and Kansas Highway 10 (K-10) adopted 2003, and the West of K-10 Plan Area Plan, adopted 2009.

Specific recommendations regarding land uses in this area are contained within these nodal and area plans found in Chapter 14, *Horizon 2020*.

Nodal Plan for Intersection of W 6th Street and Kansas Highway 10 (K-10)

This nodal plan looked at properties surrounding the intersection of W 6th Street and K-10 Highway and recommended specific land uses and policies for the development of the node. This plan recommended that 95% of the commercial rezoning be provided on the eastern corners of the intersection due to the following: "As part of the recommendations in this plan, it should be noted that the eastern half of the nodal study area is currently within the city limits of Lawrence. Both the northeast and southeast corners of the West 6th Street/k-10 intersection area are under pressure to develop. The majority of commercial uses have been allocated on the eastern edges of the nodal study area in recognition of this development pressure. Also, as indicated in the inventory and analysis portion of this plan, city services, including substantial infrastructure improvements, are more readily available to serve the

eastern portion of the nodal study area in the immediate future compared to the western portion." (Page 23)

As city services are now available, or can be made available, to serve the property west of the K-10 Highway development to the west of K-10 is appropriate. A Comprehensive Plan Amendment to revise the long-range plans in Chapter 14 to accurately reflect the status of the western corners of this intersection and to deal with the increasing development pressures at this area was initiated and is part of the Comprehensive Plan Amendment being considered at the May Planning Commission meeting.

Chapter 6 of *Horizon 2020* is being revised to include recommendations for the CC600 District. The following is a review of the proposed rezoning with the recommendations for the CC600 District:

- 1. The purpose of the CC600 Center is listed as "to provide opportunities for development of new Community Commercial Centers for fringe areas as neighborhoods grow and develop."
- 2. The center is limited to no more than 600,000 sq ft of commercial retail space.
- 3. The center shall be located at the intersection of 2 state or federally designated highways.
- 4. Chapter 6 specifically recommends the intersection of K-10 and W 6th Street (Highway 40) as a location for a CC600 District.

The rezoning request is in conformance with these recommendations in the comprehensive plan.

Staff Finding – The proposed rezoning request conforms with *Horizon 2020* policies in the West of K-10 Plan and in Chapter 6, as amended. The area has been planned for urbanization and city sewer and water are available to be extended to serve the property.

ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

The predominate use of nearby property is agriculture and rural residential, a platted rural residential subdivision in the A-1 (County-Suburban Home) Zoning District to the north which developed with residences and rural residences to the the west of subject property in the Α (Agricultural) Zonina District. A church and accessory day care center are south of Hwy 40 in the A District. The land to the east of the K-10 is within the city limits of Lawrence and has commercial zoning (CC400 published, and



Figure 2. Land use of nearby properties. Subject property is outlined.

PCD pending adoption of ordinance), multi- and single-dwelling residential zoning and multi-dwelling residential-office zoning approved pending adoption of ordinance.

Staff Finding – Zoning in the area consists of A (County Agriculture), A-1 (County Suburban Home) and B-1 (County-Neighborhood Business) Districts and CC400 (Community Commercial Center) District. Zonings to the RM24, RS7, RM12D, PCD-Mercato, and RMO Districts have been approved for property east of the K-10 and are pending adoption and publication of ordinances. Land uses in the area consist primarily of rural residences, agriculture, and a church. With appropriate site design, the proposed use would be compatible with the surrounding land uses.

CHARACTER OF THE AREA

Property Owner's Response:

"It is predominately rural that is urbanizing. There is one residence to the west, a few to the north, a church to the south, and the rest is vacant agricultural land with broadcast tower. The subject property is at the intersection K-10 and US 40."

The subject property abuts the Lawrence city limits on the east and is being annexed into the City. The area consists of agricultural land with rural residences with a church to the south of Highway 40. The area has good access to the transportation network with the K-10 and Highway 40 intersection. The character will change as urbanization occurs. Beyond the commercial note, office and multi-dwelling uses are planned. Hwy 40 will be improved and city sewer and water will be extended.

Staff Finding – The area contains a mix of agriculture and rural residences as well as a major transportation network in the form of the intersection of K-10 and US Hwy 40. The character of the area will change with more urbanized development over time given its location in the UGA.

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

The subject property is included in the West of K-10 Plan. An amendment to the West of K-10 Plan is before the Planning Commission at their May 2012 meeting. The plan, as amended, recommends a mix of retail, office and recreation center uses, with up to 600,000 sq ft of retail space to be located at this intersection. The intensity of these uses is anticipated to be 'medium'. The total allocated retail space for the northwest corner of the intersection is approximately 180,000 sq ft; though other non-retail commercial, office, and recreation uses can be developed without this area restriction.

Staff Finding – The proposed rezoning is in conformance with plans for the area as reflected in the revised West of K-10 Plan.

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

Property Owner's Response:

"The property has been suitable for its current restrictions, but it is the only large size tract on the edge of or within Lawrence that is suitable for a major regional recreation center for multiple sports and activities and other amenities that can also provide for expansion and support of those activities to create a regional destination as well as a community recreation facility."

The property is currently zoned A (Agricultural). The Agricultural District is intended to provide for a full range of agricultural activities. Uses permitted within the A District include agricultural uses, animal hospitals, commercial dog kennels, commercial riding stables, detached dwellings, schools, and churches. The property is suited for uses permitted within the A District; but is also suited for more urban uses given the proximity to the transportation network, the pending annexation into the City, and the availability of City services.

Staff reviewed the uses which are permitted in the CC600 District based on the following criteria:

- uses which could complement or enhance a regional recreation center
- uses which would have intensity of activity which would be compatible with the surrounding area.

Given the type of development that is being proposed and the development that currently exists in the area, staff recommends restricting the uses permitted in the CC600 District for this property as noted in the table below.

Several uses may not meet the criteria noted above, in staff's opinion. For example, Large Retail Establishments ("big box"), certain Vehicle Sales and Services uses, Animal Services uses, and the Mini-warehouse use, to name just a few, would not enhance the site as a regional recreation facility. The property owner is in agreement with this list of uses. A comparison of the uses permitted in the CC600 District and the recommended uses is provided in Attachment A.

TABLE 1. Recommended Uses	
Residential	Offices
Multi-Dwelling Structure (mixed use, 50% non-residential)	Administrative and Professional
Non-Ground Floor Structure (mixed use, 50% non-	Financial, Insurance and Real Estate
residential)	
Work-Live Unit (mixed use, 50% non-residential)	Other
Community Facilities	Parking
College/University	Accessory
Cultural Center/Library	Retail Sales and Services
Day Care Center	Business Support
Lodge, Fraternal and Civic Assembly	Food and Beverage
Postal and Parcel Service	Personal Convenience
Public Safety	Personal Improvement
Social Service Agency	Retail Sales, General (65,000 sq ft limit)
Utility Minor (P or SUP)	Transient Accommodations
Utility Major (SUP)	Hotel Motel, Extended Stay
Medical Facilities	Vehicle Sales & Service
Health Care Office/Clinic	Cleaning (car wash)
Outpatient Care Facility	Gas and Fuel Sales
Recreational Facilities	Industrial Facilities
Active Recreation	Manufacturing and Production Ltd (SUP)

Entertainment and Spectator Sports (General and Limited)	Manufacturing and Production Tech
Participant Sports and Recreation (Indoor and Outdoor)	Research Service
Passive Recreation	Wholesale Storage and Distribution
Nature Preserve / Undeveloped	Light
Private Recreation	Agriculture
Religious Assembly	Crop Agriculture
Religious Institution (Community or Neighborhood)	Communications Facilities
Eating and Drinking Establishments	Amateur and Receive Only (accessory)
Accessory Bar	Communications Service Establishment
Bar or Lounge	Telecommunication Antennae (accessory)
Brewpub	Telecommunication Tower (SUP)
Fast Order Food	Satellite Dish (accessory)
Fast Order Food with Drive-In	Recycling
Private Dining Establishments	Large Collection
Quality Restaurant	Small Collection

<u>Staff Finding</u> – The property is suitable for the uses to which it is restricted with the current A Zoning. However, given the proximity of 2 major highways, the pending annexation of the property into the City of Lawrence, the adopted plans for urbanizing this area, and the availability of City utilities to serve this property, the property is also suited to the uses permitted within the CC600 District. The permitted uses are recommended to be restricted as shown in Table 1, to maintain the character of the project as proposed as a Regional Recreational Facility with associated or complementary uses.

LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Property Owner's Response:

"It has been farmed and been the site of a rural residence since it was zoned."

<u>Staff Finding</u> – The subject property is undeveloped with the exception of a communications tower and a storage building.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Property Owner's response:

"There may be some activity that could affect the rural residences that are north and west of the subject area."

The property, as currently zoned, would permit uses that are allowed in the Agricultural District. The commercial uses being recommended are those which are considered to be associated with or complementary to a regional recreational facility. Outdoor activity, lighting, and parking could have impacts on nearby properties. These impacts should be addressed during the site planning stage with sensitive site design and appropriate screening and buffering from adjacent residential properties.

<u>Staff Finding</u> –Impacts to nearby properties may be possible from the proposed commercial and recreational development. These should be addressed through appropriate site design and layout, buffering, and screening.

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

Property Owner's Response:

"See statement from City of Lawrence on March 8, 2012." (Attachment B)

Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

If the rezoning request were denied, the property could remain in agricultural uses or other uses which are permitted in the A District. This may help alleviate the negative impacts which could occur from urbanization of the area; however, the list of permitted uses were restricted to permit only uses which would enhance the recreational facility and would be of an intensity that would be compatible with the area. It the rezoning were approved, the limited uses would serve to create a more compatible development. Communities are striving to provide more opportunities for their citizens to exercise and participate in recreation. These activities provide health benefits which would benefit the community as a whole.

Staff Finding – Uses which are considered incompatible, or may be of too great an intensity for the area are restricted with the conditional zoning. The denial of the rezoning request, as conditioned, would have no beneficial impact for the public. Approval of the rezoning request could result in a high-quality, recreational/wellness center that could be a major amenity to the community and will make health benefits available to the community.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends the approval of the rezoning request from A and B-1 to the CC600 District based on the recommendations in Chapter 6 and 14 of *Horizon 2020* and the findings of fact listed in this staff report subject to the condition that the uses be restricted to those included in Table 1 of this report.

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Permitted Uses CC District	Uses Recommended For this District
Residential	Residential
Multi-Dwelling Structure (mixed use,50% non-residential)	Multi-Dwelling Structure (mixed use,50% non-residential)
Non-Ground Floor Structure(mixed use,50% non- residential)	Non-Ground Floor Structure (mixed use,50% non-residential)
Work-Live Unit (mixed use,50% non-residential)	Work-Live Unit (mixed use,50% non-residential)
Group Home (SUP)	Work Live of it (mixed use) both from residentially
Community Facilities	Community Facilities
Cemetery	
College/University	College/University
Cultural Center/Library	Cultural Center/Library
Day Care Center	Day Care Center
Day Care Home	
Lodge, Fraternal and Civic Assembly	Lodge, Fraternal and Civic Assembly
Postal and Parcel Service	Postal and Parcel Service
Public Safety	Public Safety
Funeral and Internment	
Temporary Shelter (accessory or SUP)	
Social Service Agency	Social Service Agency
Community Meal Program (accessory or SUP)	
Utility Minor	Utility Minor
Utility Major	Utility Major
Medical Facilities	Medical Facilities
Health Care Office/Clinic	Health Care Office/Clinic
Outpatient Care Facility	Outpatient Care Facility
Recreational Facilities	Recreational Facilities
Active Recreation	Active Recreation
Entertainment and Spectator Sports (General and Limited)	Entertainment and Spectator Sports (General and Limited)
Participant Sports and Recreation (Indoor and Outdoor)	Participant Sports and Recreation (Indoor and Outdoor)
Passive Recreation	Passive Recreation
Nature Preserve / Undeveloped	Nature Preserve / Undeveloped
Private Recreation	Private Recreation
Religious Assembly	Religious Assembly
Religious Institution (Community or Neighborhood)	Religious Institution (Community or Neighborhood)
Animal Services	
Kennel	
Livestock Sales	
Animal Sales and Grooming	
Veterinary	
Eating and Drinking Establishments	Eating and Drinking Establishments
Accessory Bar	Accessory Bar

Bar or Lounge	Bar or Lounge
Brewpub	Brewpub
Fast Order Food	Fast Order Food
Fast Order Food with Drive-In	Fast Order Food with Drive-In
Private Dining Establishments	Private Dining Establishments
Quality Restaurant	Quality Restaurant
Offices	Offices
Administrative and Professional	Administrative and Professional
Financial, Insurance and Real Estate	Financial, Insurance and Real Estate
Other	Other
Parking	Parking
Accessory	Accessory
Commercial Parking Facilities	
Retail Sales and Services	Retail Sales and Services
Building Maintenance	
Business Equipment	
Business Support	Business Support
Construction Sales and Service	
Food and Beverage	Food and Beverage
Mixed Media Store	
Personal Convenience	Personal Convenience
Personal Improvement	Personal Improvement
Repair Service, Consumer	
Retail Sales, General (65,000 sq ft limit)	Retail Sales, General (65,000 sq ft limit)
Retail Establishment , Large (100,000 sq ft or more)	
Retail Establishment, Medium (less than 100,000 sq ft)	
Retail Establishment, Specialty	
Sex Shop	
Sexually Oriented Theater	
Transient Accommodations	Transient Accommodations
Campground	
Hotel Motel, Extended Stay	Hotel Motel, Extended Stay
Vehicle Sales & Service	Vehicle Sales & Service
Cleaning (car wash)	Cleaning (car wash)
Fleet Storage	
Gas and Fuel Sales	Gas and Fuel Sales
Heavy Equipment Repair	
Heavy Equipment Sales/ Rental	
Inoperable Vehicles Storage	

Light Equipment Repair	
Light Equipment Sales/Rental	
RV and Boats Storage	
Industrial Facilities	Industrial Facilities
Laundry Service	
Manufacturing and Production Ltd (SUP)	Manufacturing and Production Ltd (SUP)
Manufacturing and Production Tech	Manufacturing and Production Tech
Research Service	Research Service
Wholesale Storage and Distribution	Wholesale Storage and Distribution
Exterior Storage (when accessory)	
Heavy (SUP)	
Light	Light
Mini-warehouse	
Adaptive Reuse	
Designated Historic Property	
Agriculture	Agriculture
Agricultural Sales	
Crop Agriculture	Crop Agriculture
Communications Facilities	Communications Facilities
Amateur and Receive Only (accessory)	Amateur and Receive Only (accessory)
Communications Service Establishment	Communications Service Establishment
Telecommunication Antennae (accessory)	Telecommunication Antennae (accessory)
Telecommunication Tower (SUP)	Telecommunication Tower (SUP)
Satellite Dish (accessory)	Satellite Dish (accessory)
Satellite Distriaccessury)	3.
Recycling	Recycling
, ,,	Recycling Large Collection