

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
09/23/2013

ITEM NO. 5 UR TO CO; 15,625 SF (SLD)

Z-13-00319: Consider a request to rezone approximately 4.767 acres, including right-of-way, from UR (Urban Reserve) District to CO (Office Commercial) District, located at 4930 Overland Drive and 450 Wakarusa Drive. Submitted by Colliers International on behalf of EBRPH LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 4.767 acres from UR (Urban Reserve) District to CO (Commercial-Office) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Applicant's Reason for Request:

These lots are currently assigned a zoning classification of UR. The UR classification does not provide potential uses with any clarity on whether or not their specific use would be allowed, which make the properties almost impossible to effectively market. If the properties were to be rezoned under the CO classification, we believe that would be attractive to a number of uses which would be compatible with the surrounding area, blend with current traffic patterns, and provide the proximate neighborhoods with increased availability of desired goods and services.

KEY POINTS

- Existing UR zoning is not suitable for development of property.
- Proposed district includes two parcels of land located on the north side of Overland Drive bisected by Wakarusa Drive.
- The 1.12-acre parcel located on the east side of Wakarusa Drive is adjacent to USD 497 property – Lawrence Free State High School.
- The 1.65-acre parcel located on the west side of Wakarusa Drive is adjacent to a future city park.
- The proposed CO District is platted property included in the Wakarusa Place Addition.

ATTACHMENTS

- 2001 Zoning Map
- Wakarusa Place Addition Final Plat

ASSOCIATED CASES/OTHER ACTION REQUIRED

- A-12-21-00 – part of a 49.536 acre annexation generally known as Wakarusa Place.
- Z-12-56-00 – part of a 52.326 acre (included ROW) request for PCD-2 zoning. [Application was withdrawn and a revised set of applications were submitted]
- Z-8-30-01 part of an 8.440 acre request from A to POD-1. Approved subject to conditions. Conditions of approval not met. Ordinance 7472 was not published.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Telephone request for clarification from USD 497 regarding allowed uses in the CO District.

Project Summary:

Proposed request is for rezoning two undeveloped platted lots and adjacent right-of-way to a commercial-office district as a preliminary development action. These properties are located on the north side of Overland Drive and are separated by Wakarusa Drive. The properties are also bounded on the north and east by existing public properties.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The request is compatible with Goal 3 of the Criteria for cCommercial Development on page 6-30 of Horizon 2020. Under Section F; Compatibility with adjacent Land Uses: it 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. The change from UR to CO would allow for a limited list of locally oriented services businesses that would fit within the goals and criteria of Horizon 2020.*

Key features of *Horizon 2020*, listed in Chapter 3, General Plan Overview, provide the framework for more specific land use recommendations in the Plan. Features applicable to this request include the following:

- *"The Plan supports infill development and redevelopment which provides a range of residential, commercial, office, industrial and public uses within these parcels, consistent with and compatible with the established land use pattern in surrounding areas."*
- *"The Plan proposes the progression of land uses to help achieve a transition in land use and intensity levels, and to help avoid major or abrupt changes in density and building type."*

Nodal commercial development is recommended in *Horizon 2020*. Along Wakarusa Drive commercial uses are clustered along W. 6th Street. Overland Drive is the northern boundary of the commercial area. Uses north of Overland Drive transition from the intensive commercial activity along W. 6th Street to lower intensity residential uses to the north. The proposed district is bounded on the north by public property owned by the City, for a future park and USD 497 as the Free State High School campus. The boundary of the proposed CO District will not expand beyond these boundaries unless there is a change in both the land ownership and land use plans for the area.

Horizon 2020 does not provide specific land use recommendations for this area. It does provide policy recommendations related to land use transition between higher and lower intensity uses, building orientations and compatibility to the surrounding area. These elements will be evaluated with the submission of a site plan for specific development of the lots included in this request.

Horizon 2020 addresses new commercial areas in *Chapter 6 – Commercial Land Use*. The Plan states:

"All new commercial and office development shall occur in accordance with the plan recommendations. New commercial, retail and related uses shall be developed as a node with shared parking areas, common access drives, and related design and appearances..."

"Commercial nodes include other important community services and facilities, such as satellite post offices, police, fire and emergency services, religious facilities, community centers and other services and institutions. Inclusion of these uses assist the integration of

the commercial into the overall neighborhood, serving multiple communities and service needs in a single location, and creating physically distinctive use areas apart from traditional commercial areas.

The proposed request is not part of the W. 6th Street and Wakarusa commercial node. This area is transitional between W. 6th Street to the south and lower intensity uses to the north. The CO District accommodates transitional land uses within the surrounding neighborhood.

Staff Finding – The proposed request is consistent with the general policy recommendations included in *Horizon 2020*.

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

Current Zoning and Land Use:

UR (Urban Reserve) District; undeveloped platted lots.

Surrounding Zoning and Land Use:

GPI (General Public and Institutional District) to the east and northeast (west side of Wakarusa Drive and north side of Overland Drive); USD 497 Lawrence Free State High School Campus.

PD-[Bauer Farm PCD] to the southeast developing commercial area.

CO (Commercial Office) District and PD- [6Wak PCD] to the southwest, south side of Overland Drive; Wal-Mart and undeveloped commercial pad site.

OS (Open Space) District to the north on the west side of Wakarusa Drive. Future park site.

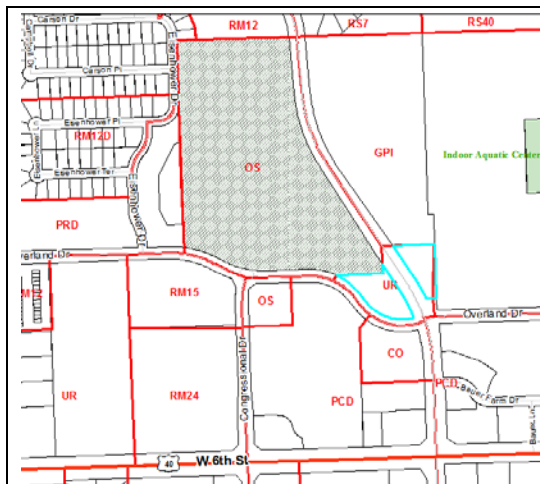


Figure 1 Existing Zoning

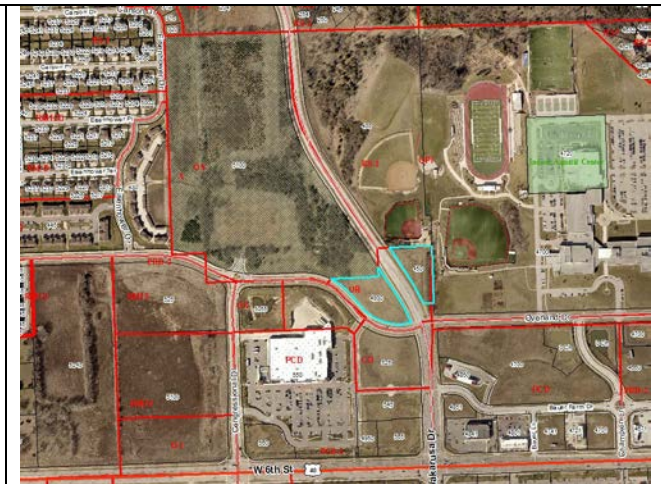


Figure 2 Existing Land Use

Staff Finding – This property is surrounded by commercial and public zoning. The area to the north is generally associated with open space and includes a future park site and athletic fields. The area to the south is a developing commercial node.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The neighborhood is a mix of retail and public uses, along with a blend of several multi-family apartment projects and further north there is a single-family subdivision. The lots are central to this mix with the immediately surrounding uses being largely retail and public.*

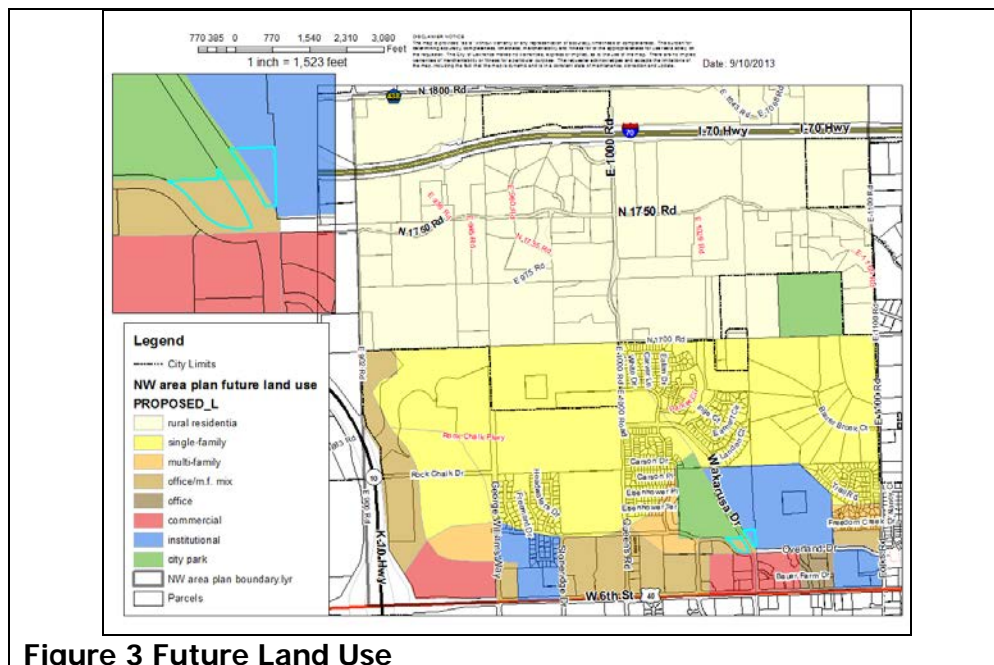
This property is located within the West Lawrence Neighborhood Boundary. The area between W. 6th Street and Overland Drive, along Wakarusa Drive, is a developing commercial node. The area north of Overland Drive transitions from intensive commercial uses along W. 6th Street to public uses and low density residential uses north toward the Peterson Road alignment. The area to the immediate north and east of the proposed CO District is zoned OS (Open Space) and GPI (General Public and Institutional) District. The area includes a future park and the existing Lawrence Free State High School campus.

If approved, the CO District boundary will be expanded from the southwest corner of Wakarusa Drive and Overland Drive to the northeast and northwest corners of the intersection. The district boundary is limited by the public ownership of land along the north and east sides of the property.

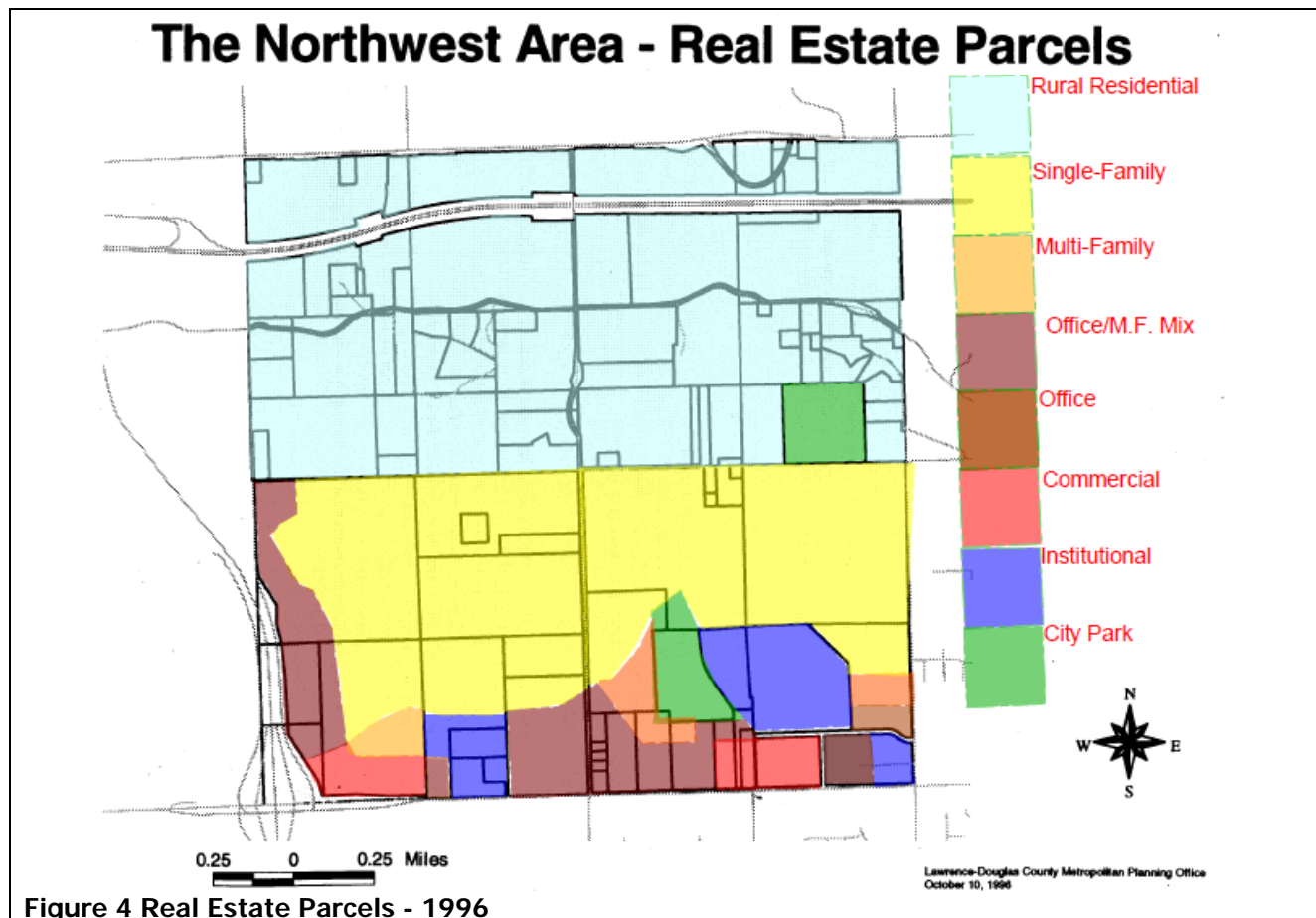
Staff Finding – This portion of the West Lawrence Neighborhood is characterized by commercial development between W. 6th Street and Overland Drive. Lower intensity uses are located north of Overland Drive.

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

This property is located within the boundary of the *Northwest Plan*. Within this general area land east of Wakarusa Drive and north of Overland Drive was anticipated as *Intitutional*. Land west of Wakarusa and north of Overland Drive was anticipated for *Office/Multi-Family Mix*. The existing School District boundary for Lawrence Free State High School campus does not include the 1.21 acre lot on the northeast corner of the intersection as originally anticipated by the *Northwest Plan*.



The following graphic shows the future land use layer with the parcel boundary at the time of the plan preparation. At the time the alignment of Overland Drive and Wakarusa Drive had not been fully established. Additionally, ownership boundaries have changed as the area has developed. The future land use boundaries depicted in the plan were not intended to be site specific since some land uses bisect land parcels as shown below.



The resulting pattern of land use, zoning boundaries, and parcel boundaries are a result of land use decisions since the adoption of the plan in January 1997. Portions of the planning area have been modified by the more recent nodal plans for 6th and Wakarusa, 6th and K-10 and the West of K10 Plans.

Staff Finding – The north side of the intersection of Overland Drive and Wakarusa Drive was anticipated for mixed uses including office/multi-family and institutional uses. The current zoning and land use patterns are the result of both more recent planning and development actions within this area.

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

Applicant's Response: *There are no suitable uses for the property under the current zoning classification. In section 20-233 of the Development Code the UR classification it states in article (b)(1) "The only principal uses allowed in the UR district are crop agriculture..."*

Staff concurs that the UR zoning is no longer desirable given plans expressed by the property owner to develop these lots. The current zoning serves as a holding zone until property is ready for development. The proposed request is for the CO District to accommodate limited commercial and office development.

The CO District includes various design standards and use restrictions contained in Article 5 of the Land Development code. These standards and restrictions limit the amount and intensity of commercial activities allowed within the CO District. Section 20-525 (3) *Retail Sales, General* standards that apply in the CO District limit the floor area of the use not to exceed 10% of the total gross floor area of the office building or of all buildings in the office complex in which the use is located.

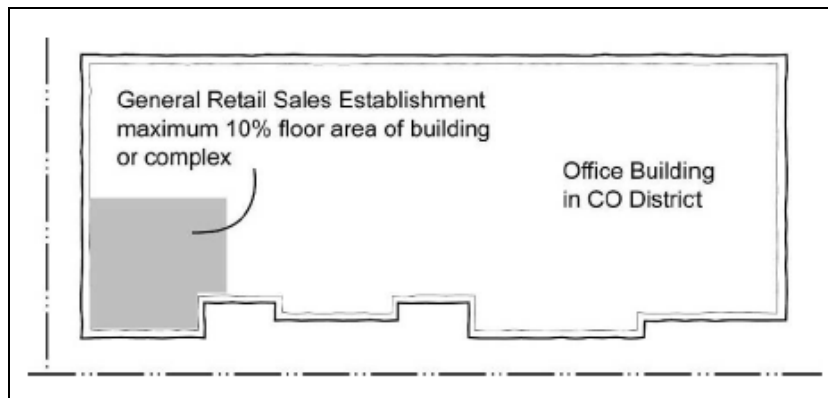


Figure 5 floor area graphic

In the CO District, this same standard is also applicable to:

- *Fast Order Food*, 20-511 (4);
- *Food and Beverage Sales*, 20-522 (2); and
- *Retail Sales, General*, 20-525 (3)

The CO District prohibits the following uses:

- *Household Living*;
- *Sexually Oriented Businesses*;
- *Transient Accommodations*;
- *Vehicle Sales & Service*; and
- *Industrial Uses* with the exception of *Research Service* uses.

This district provides a land use transition between the commercial areas to the south and the open space and school facility uses to the north.

Staff Finding – The existing UR (Urban Reserve) District is no longer a suitable zoning district for this property since development applications are intended to be submitted. The proposed CO District is suitable for this location.

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

Applicant's Response: *The subject property has been vacant as zoned for 11 years.*

This property is undeveloped and zoned UR (Urban Reserve). This zoning was established in 2006 with the adoption of the Land Development Code. Prior to 2006 the property was zoned A (Agricultural), a County zoning district designation.

The CO District includes limitations on development intensity as part of the structure of the zoning district. The purpose of the CO District is “intended to function as a medium-intensity office zoning district. This district is intended to prevent strip commercial development by allowing office uses but not allowing other commercial uses and to serve as a land use buffer between arterial or

collector streets and residential neighborhoods. The District allows freestanding office buildings as well as office parks.” [20-209, Land Development Code].

Staff Finding – The proposed request is consistent with the purpose of the district in terms of location. Previous planning approvals have addressed access to the properties which will limit impact on adjacent properties.

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: *There would definitely be gain to the public health, safety and welfare if these properties were to be rezoned. If they were rezoned, there would be an increase in valuation, thus in collected property taxes if a viable user were to purchase the lots and construct improvements. A new business would also provide employment opportunities for local residents, and depending on the nature of the business, sales taxes might also be collected. Denying the application will not allow the land owner to effectively market or sell the property to any prospective users.*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

Staff concurs with the applicant's conclusions that the existing UR zone is not beneficial for future development of these properties. Denial of the request will postpone development of the property and it's inclusion in the commercial/office inventory within the community.

Staff Finding – Public benefits are nominal for this property. The area was anticipated for development as expressed in both *Horizon 2020* and in the *Northwest Plan*. The property has been platted and is ready for development with access restrictions in place to ensure appropriate vehicular circulation as the lots related to the adjacent street network.

9. PROFESSIONAL STAFF RECOMMENDATION

This property was anticipated to be developed and zoned for offices uses as anticipated in the 2001 rezoning applications and platting of the property. The proposed CO District is a mixed commercial office district but does not include a residential element.

Staff recommends approval of the proposed CO (Commercial-Office) District.

CONCLUSION

This request is consistent with anticipated development of the area. The proposed district provides an appropriate land use transition within the neighborhood.