

ITEM NO. 2 COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 14 (JSC)

CPA-14-00459: Consider a Comprehensive Plan Amendment to Horizon 2020: Chapter 14 (West of K-10 Plan) to change designations from Low Density Residential, High Density Residential, and Residential Office, to Commercial Center - CC600, located at 6200 W. 6th Street. Submitted by Steven B. Schwada and Timothy B. Fritzel, co-managers of K-10/40 Development LC on behalf of TAT Land Holding Company LC, JDS Kansas LC, Kentucky Place LC, Venture Properties Inc, Sojac Land Company LC, Scotsdale Properties LC, and Tanglewood LC, property owners of record.

ITEM NO. 3 CC400, RS7, RM12D, RM24, PCD, RMO TO CC600; 120.6 ACRES; 6200 W 6TH ST (MKM)

Z-14-00458: Consider a request to rezone approximately 120.6 acres located at 6200 W 6th St from CC400 (Community Commercial Centers) District, RS7 (Single-Dwelling Residential) District, RM12D (Multi-Dwelling Residential) District, RM24 (Multi-Dwelling Residential) District, PCD (Planned Commercial Development) District, and RMO (Multi-Dwelling Residential–Office) District to CC600 (Community Commercial) District. Submitted by Steven B. Schwada and Timothy B. Fritzel, co-managers of K-10/40 Development LC on behalf of TAT Land Holding Company LC, JDS Kansas LC, Kentucky Place LC, Venture Properties Inc, Sojac Land Company LC, Scotsdale Properties LC, and Tanglewood LC, property owners of record.

STAFF PRESENTATION

Mr. Jeff Crick presented item 2.
Ms. Mary Miller presented item 3.

APPLICANT PRESENTATION

Mr. Matt Gough, Barber Emerson Law Firm, said in October of 1996 when the Northwest Area Plan was approved it contemplated single-family uses over the area now known as Rock Chalk Park and Sports Pavilion Lawrence. He said in 2006 and 2009 when Mercato development obtained its land use approvals the Northwest Area Plan and planned residential uses immediately north of the site influenced the current zoning of the Mercato development which was why there was RS7 and buffered residential districts that presently exist. He said the request was not intended to be controversial but merely squared up the actual development of the site immediately north and enabled K-10/40 development to be flexible. He stated buffering concerns had been diminished. He said there would be no detrimental or increase of commercial space

PUBLIC HEARING

Ms. Gwen Klingenberg said she was concerned about the amount of traffic on George Williams Way and Langston Hughes. She wanted to be sure there would be some kind of buffer. She agreed with the League of Women Voters letter about moving partial bits around. She said it was an ongoing process of moving things around. She said it would be nice to have single-family on the corner.

COMMISSION DISCUSSION

Commissioner Britton asked what the reason was for no more than two buildings over 100,000 square feet.

Ms. Miller said that was taken from Horizon 2020 to avoid a lot of big box development.

Mr. McCullough said it was a policy of the CC600 node. He said the policy was for each corner.

Commissioner Josseland said he was not a great supporter of increased commercial square footage but he believed a decision had been made to put commercial at that node. He felt flexibility was good and that it should be done in a smart way. He said the footprint of where the 360,000 square foot could go was being expanded by about 30% which was significant. He said the natural inclination of a developer would be several big boxes and fast food on the corners. He said it would be committing it for commercial purposes. He said it

would almost be set up as an incentive to make that whole quasi-quarter section pretty commercial which gave him heartburn. He said they recently looked at a plat on the north end.

Mr. McCullough said that plat was prior to Rock Chalk Park.

Commissioner von Achen asked staff to show on the overhead a slide of the permitted uses in CC600 (page 138 of the packet).

Ms. Miller said only the yellow uses were under the 360,000 square footage but all of the other uses in the table were allowed in CC600.

ACTION TAKEN on Item 2 for CPA

Motioned by Commissioner Culver, seconded by Commissioner Struckhoff, to approve the Comprehensive Plan Amendment, CPA-14-00459, to *Horizon 2020* Chapter 14: Specific Plans, specifically to revise the future land use map in the *West of K-10 Plan* to expand the Commercial Center - CC600, and recommends forwarding this Comprehensive Plan Amendment to the Douglas County Commission and the Lawrence City Commission with a recommendation for approval.

Commissioner Britton asked staff about the list of uses. He asked if the uses in yellow went toward the 360,000 square footage cap. He asked if this would open it up for more space of the non-highlighted uses.

Ms. Miller nodded yes.

Commissioner Josserand said it opened up additional land to commercial as well as those uses, as long as the commercial was not more than 360,000 square feet.

Commissioner Britton said it increased the square footage allowed for those non-highlighted uses but did not increase the square footage for the highlighted uses.

Commissioner Josserand said he would vote against the motion because he was fearful commercial would be above 360,000 square feet and he felt it was not appropriate at this time. He agreed with the observations of the League of Women Voters.

Commissioner Britton said he shared the same concerns as Commissioner Josserand. He said this would be the next gateway to Lawrence and he was hesitant to tweak things that would send the area onto a different path. He said he had heartburn about doing anything with that piece of property that felt too easy. He did not think it was realistic to say that sliver of property would be single family or low density along 6th Street. He said he could not find anything specific that gave him worry but he was worried about the general area.

Commissioner Kelly asked staff to address the next steps about what they might see before development begins.

Mr. McCullough said the intersection of two state highways was for non-residential development and *Horizon 2020* recognizes that. He said Planning Commission and City Commission would see platting in the future. He said the request tonight did not push for any more commercial retail. He said all the corners had greater potential from a land area perspective to do more than the retail allocated toward it. He said one of the good things about CC600 and bringing in office use, recreation use, religious institution, and multi-family was that hopefully the market would help determine a mixture of those uses.

Commissioner Culver said looking at the node in regards to CC600 it was worth looking at the West of K-10 Plan and Future Land Use Map (page 105 of packet) and the variety of uses. He said looking at the area at a higher level gave him reassurance.

Commissioner Josserand asked about the multi-family aspect in CC600 and the intensity.

Mr. McCullough said the multi-family would have to be part of a mixed-use.

Commissioner Josserand said that made him feel better.

Commissioner Denney said they were changing the plan because something had changed, which was Rock Chalk Park. He said Planning Commission had talked on many occasions about wanting development in this section of the city and this would help that. He was concerned about the overgrowth of square footage and ending up with two regional centers competing with each other. He said he would support the change to the plan because there had been changes.

Commissioner von Achen asked about the height limitation on the buildings in the area.

Mr. McCullough said 50' or about four stories.

Commissioner von Achen asked if there was a reason for that limitation.

Mr. McCullough said the density dimensional standards contained appropriate heights for different tiers of zoning. He said the CC district had 50' height limit, the downtown district had 90' height limit, the CN2 district had 45' height limit, the CN1 district had 25' height limit, and the IG district had 75' height limit.

Commissioner von Achen said it seemed like a good place to lift that height limit because she would rather see more height at this location versus downtown. She said it would also limit sprawl. She said she was reluctant because it was a gateway to the community but also felt it was not appropriate for single-family with the opening of Rock Chalk Park. She hoped they could retain some kind of control in the site development. She said she would support the motion.

Commissioner Struckhoff said he also had concerns about opening up the site but understood flexibility was needed. He said it currently did not open up more retail space and that he would put trust in future commissions. He said he would support the motion.

Commissioner Britton said the reason he asked about two buildings with 100,000 square feet because he was thinking about wanting tall buildings. He liked Commissioner von Achen's idea about lifting the height limit later.

Mr. McCullough said the applicant could ask for a Planned District Overlay once a tenant was identified.

Commissioner Britton said that kind of flexibility would be useful to developers. He said it seemed like this area of the city would be where they would want to do this. He liked the idea of building up and not out. He said they had done their due diligence and he felt comfortable voting in favor of the motion. He said they did not foresee additional retail square footage beyond the 360,000 square feet approved right now and that they want it to be a mixed-use development. He said he would support the motion and was eager to see what would happen with the property.

Commissioner Kelly said Bauer Farm had a similar limitation and the market resulted in the zoning being changed. He said they need to think about their own practices and what could come down the line in the future. He said he would vote in favor of the motion but shared the same concerns of Commissioner Josserand.

Motion approved 8-1, with Commissioner Josserand voting in opposition.

ACTION TAKEN on Item 3 for Rezoning

Motioned by Commissioner Culver, seconded by Commissioner von Achen, to approve the rezoning request, Z-14-00458, from CC400 (Community Commercial), PCD (Planned Commercial Development), RM24 (Multi-Dwelling Residential), RM12D (Multi-Dwelling Residential), RMO (Multi-Dwelling Residential-Office) and RS7 (Single-Dwelling Residential) Districts 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 subject to the following conditions:

- 1) Approval of the Comprehensive Plan Amendment, CPA-14-00459, revising the land use recommendations in the *West of K-10 Sector Plan* to allow a mix of uses throughout the property.
- 2) The maximum area of commercial/retail uses (as defined in the Comprehensive Plan) that may be located within this CC600 District boundary is 360,000 sq ft.
- 3) No more than 2 commercial buildings over 100,000 gross sq ft each may be located within this CC600 District boundary.

Unanimously approved 9-0.