

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
12/15/14

**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 RECOMMENDATION: Staff recommends approval of the rezoning request 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.

REASON FOR REQUEST

Applicant's Response:

"The subject property (the "Property") is currently zoned for a mix of residential, commercial, and office uses, following a traditional pattern of using single and multi-family residential districts to buffer the commercial areas from adjacent properties. The City approved the Property's current zoning districts before the adoption of the CC600 zoning district (and related amendments to Horizon 2020 and the West of K-10 Sector Plan), and prior to the approval and construction of Rock Chalk Park and the City's Recreation Center. The presence of Rock Chalk Park and the City's Recreation Center materially affects the development pattern of the Property, and renders the designation of RS7 and other defined residential districts unnecessary and undesirable (both from a planning and economic perspective). The CC600 district creates an opportunity for greater flexibility in the location and orientation of retail and commercial uses that more appropriately reflects development patterns at the intersection of K-10 and Highway 40."

KEY POINTS

- The property is located within the boundaries of the *West of K-10 Sector Plan*, adopted April 10, 2013.
- The property is in the process of being platted with 2 final plats and one preliminary plat having been approved subject to conditions. These plats shall be considered 'withdrawn' as the proposed layout is being revised with this rezoning.
- The term 'commercial' is used in this staff report as defined in *Horizon 2020*: "... 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: 1. Sector 44-45: Retail Trade; 2 Subsector 722: Food Services and Drinking Places; 3. Subsector 811: Repair and Maintenance; and Subsector 812: Personal and Laundry Services." (Page 6-3)
- The amount of commercial uses permitted in the Northeast Corner of the node will increase slightly from the previously approved 359,600 sq ft to 360,000 sq ft.
- This rezoning request consolidates the current multiple districts into one uniform district that can accommodate a mix of uses as the property develops. With the CC600 Zoning, the property may be developed without a residential component or multi-dwelling residential uses may be developed as part of a mixed use development.

ASSOCIATED CASES

REZONING:

The City Commission approved the following rezoning requests, contingent upon the approval and recording of a final plat, on May 9, 2006. The condition to plat was later removed and the ordinances were published on June 5, 2012.

- Z-01-10-05: A (County-Agricultural) to RS-2 (Converted to RS7, Single-Dwelling Residential); 25.82 acres; Ordinance No. 8720.
- Z-01-11-05: A(County-Agricultural) to RM-D (Converted to RM12D, Multi-Dwelling Residential); 7.63 acres; Ordinance No. 8721.
- Z-01-12-05: A (County-Agricultural) to RM-2 (Converted to RM24, Multi-Dwelling Residential); 12.77 acres; Ordinance No. 8722.
- Z-03-05-06: A (County-Agricultural) to PCD-2 (Converted to PD-Mercato, Planned Commercial Development); 45.31 acres; Ordinance No. 8723.
- Z-03-06-06: A (County-Agricultural) to RO-1A (Converted to RMO, Multi-Dwelling Residential-Office); 31.12 acres; Ordinance No. 8724.
- Z-10-17-09: UR (Urban Reserve) to CC400 District; City Commission approved the rezoning on January 19, 2010 with the adoption of Ordinance No 8481.

PLATTING:

- PP-01-02-06 Mercato; 122.65 acres – approved by Planning Commission on April 17, 2006
- PF-06-15-06 Mercato Addition 1st Plat, approximately 50 acre residential subdivision; City Commission accepted dedications on April 17, 2007.
- PF-03-04-07 Mercato Addition 2nd Plat; approximately 72 acre subdivision; City Commission accepted dedications on May 15, 2012.
- PP-10-05-09 Revised Preliminary Plat for lots 7,8 and 9 Block Four and Lots 2, 3, and 4, Block Seven as shown on the approved Preliminary Plat for Mercato dated 4/26/06; City of Commission accepted dedications on January 5, 2010 subject to conditions of approval, which included the revisions of the previously approved final plats to conform with this preliminary plat.

Plat approvals have been extended to June 30, 2016.

OTHER ACTION REQUIRED

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Withdrawal of the current preliminary and final plats and platting of the property through the Major Subdivision process: preliminary plat submitted for Planning Commission approval and final plat submitted for administrative review and placement on the City Commission agenda for acceptance of dedications.
- Submittal and approval of revised Public Improvement Plans and provision of means of assurance of completion prior to recording of the final plat with the Register of Deeds.
- Submittal and administrative review/approval of site plans as development is proposed.
- Application and release of building permits prior to development.

ATTACHMENTS

Attachment 1: rezoning history

Attachment 2: permitted use table, CC600 District

PUBLIC COMMENT

No public comment was received prior to the publication of this report.

Project Summary

Rezoning requests were submitted for the property in the northeast corner of the intersection of W 6th Street/Highway 40 and K-10 Highway in 2005 following annexation of the property. Two of the rezoning requests were revised with new applications in 2006. The rezoning request for the CC400 District was submitted in 2009 after the zoning approvals for the property to the south expired and more commercial development area became available. The 2005/2006 rezonings were approved subject to a condition that the final plats be recorded.

In March of 2012, the City Commission removed the condition requiring the property be platted prior to publication of the rezoning ordinances. The rezoning ordinances were adopted and published at that time to create the zoning districts shown in Figure 1. This zoning background is listed in Attachment 1.

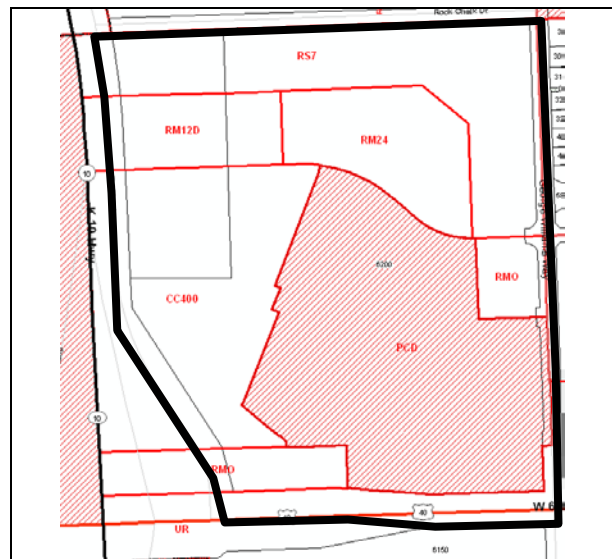


Figure 1. Layout of current zoning districts in the NE corner of the intersection of W 6th Street/Hwy 40 and K-10. (subject property outlined)

The PCD zoning is shown in hatched lines to denote this is conditional zoning. Zoning conditions were applied to the PCD-Mercato Zoning to maintain the specific requirements of the Sector Plan and the Comprehensive Plan for Community Commercial Zoning. Similar conditions will be applied to the subject CC600 rezoning, if approved. The zoning shown in Figure 1 is the current zoning of the property. The request is to rezone all the property in the northeast corner of the K-10 and W 6th Street/Hwy 40 intersection to the CC600 District.

The applicant indicated that this rezoning was in response to the development of the KU sports facility and the City recreation facility to the north of the subject property as they feel commercial or mixed uses would be more compatible with the scope of the sports/recreation

development to the north than detached homes and strictly residential uses. Rezoning the property from the RS7, RM12D and RM24 to the CC600 District will limit residential development to multi-dwelling uses which are part of a mixed-use development. The CC600 District permits multi-dwelling development when they are constructed as part of a mixed-use development and do not make up more than 50% of the gross floor area (>50% must be developed with non-residential uses).

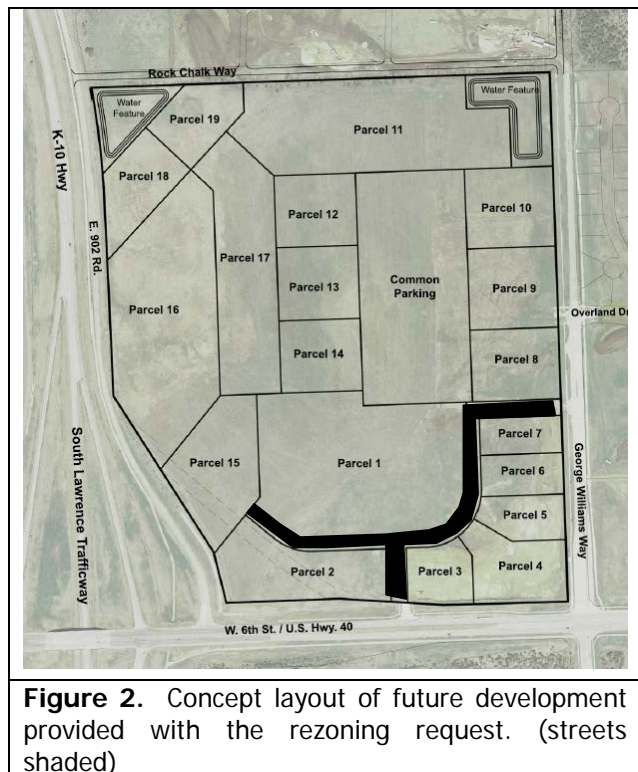
The PCD Zoning provides more flexibility as far as setbacks, building height and parking than the CC600 district; but the uses permitted in each district are very similar. The PCD zoning permits the following uses which are not allowed in the CC District:

- 1) *Detached and attached dwellings,*
- 2) *Halfway houses and service oriented rehabilitation center or residence.*
- 3) *Nursing home or rest home*
- 4) *Rehabilitation center for persons with disabilities*
- 5) *Sanitarium*
- 6) *Sexually Oriented Media Store*

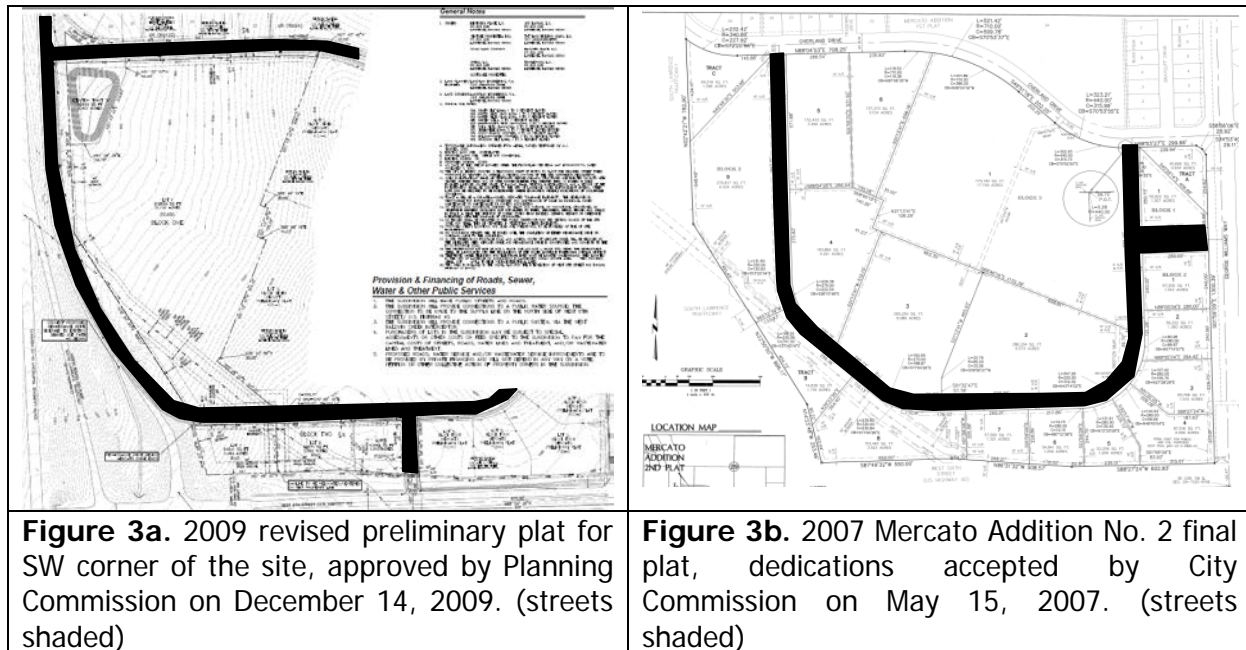
Rezoning from PCD to CC600 will result in the loss of a few uses and the loss of the flexibility that is available with a planned development, but the project will be a uniform commercial zoning district which will result in a simplified development process and clearer requirements than the current mixture of pre-2006 (PCD) and post-2006 requirements and standards.

The applicant provided a conceptual lay-out plan of the future lots/development. (Figure 2) There are some variations in this concept plan from the layout of the previously approved plats. (The plats have not been recorded.) One significant change is the layout and extension of Renaissance Drive. This drive was included on the 2009 revised preliminary plat to provide access to the area north of the property. The previously approved final plats for the Mercato Development included an internal street connection through the development to W 6th Street. This street network not only provides connectivity between the developments but also provides a necessary second fire access into the property to the north. (See Figure 3)

The 2007 final plat included an interior street network to provide connectivity throughout the site. The 2009 revised preliminary plat included an access point on W 6th Street and the extension of Renaissance Drive to the north to provide access throughout the site. A Traffic Impact Study has not been provided for the revised development proposal. The access provided with the concept plan will need to be reviewed with the preliminary plat, both from the life/safety perspective of the Fire Code and from the Development Code requirement to provide connectivity to other properties in the area.



The concept plan is not being approved with this rezoning and it is important to note that a connection through the development to the area to the north will be reviewed when the property is platted.



REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's response:

"Horizon 2020, Chapter 6, pp. 6-21, designates only the intersection of West 6th Street (40 Highway) and K-10 Highway as a CC600 district. The northwest corner of the intersection is presently zoned CC600. The West of K-10 Sector Plan, p. 28, affirms the designation of the entire intersection as CC600, and allocates 360,000 square feet to the Property (reflecting the currently approved retail allocation for the Property.)"

A review of the Comprehensive Plan recommendations follows with staff's comments in red.

The term 'commercial' as used in the Commercial chapter of Horizon 2020 refers to *"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: 1. Sector 44-4S: Retail Trade; 2 Subsector 722: Food Services and Drinking Places; 3. Subsector 811: Repair and Maintenance; and Subsector 812: Personal and Laundry Services."* (Pg 6-3) When determining the area that is available for commercial uses, these classifications will be used rather than the use classifications in the Development Code.

Policy 3.10 provides following criteria for CC600 Centers (Page 6-37):

- The district shall be located at the intersection of 2 state or federally designated highways.
The proposed location is at the intersection of W 6th Street/US Highway 40 and K-10 Highway, a state highway.
- A maximum of 600,000 sq ft of commercial retail space is permitted in the District. (There is no area limitation on uses of a non-retail nature.)

The amount of commercial retail space for the node has been increased to 600,000 with the creation of the CC600 District; which will be divided between the 4 quadrants of the node. The *West of K-10 Sector Plan* provides the following commercial/retail allocation: NE Quadrant: 360,000 sq ft; NW Quadrant: 155,000 sq ft; SW Quadrant: 25,000 sq ft; and SE Quadrant: 60,000 sq ft. (The Sector Plan is discussed in Section 4 of this report.)

- A maximum of 90% of the commercial square footage, as defined in the Commercial Chapter of the Comprehensive Plan, shall be located on 2 corners of the intersection. The northwest corner has approval for 155,000 sq ft of commercial uses and the northeast has approval for 359,640 sq ft of commercial uses. The 359,640 sq ft figure was arrived at by adding 175,000 sq ft of commercial area that became available when the zoning approval for the property to the south expired to the amount that had been approved for the Mercato PCD (184,640 sq ft) with the rezoning to the CC400 District.

This area limitation was increased from 359,640 sq ft to 360,000 sq ft with the *West of K-10 Sector Plan*. The two north corners of the intersection will contain 515,000 sq ft of commercial/retail space or 85.8% of the available retail space, which is compliant with the Comprehensive Plan Recommendation. The area limitation will be included in the ordinance.

- The remaining 10% of the permitted commercial square footage, as defined in the Commercial Chapter of the Comprehensive Plan, shall be located on one or both of the remaining 2 corners.
14.2% of the commercial area remains available for development on the remaining 2 corners.
- No more than 2 commercial buildings over 100,000 gross square feet each may be located on a single corner of the node.
Plans have not been submitted for the overall development; this restriction will be included in the rezoning ordinance to insure compliance.
- A nodal or area plan must be completed before a development proposal for any corner of a CC600 Center is forwarded to the Planning Commission.
The area is within the boundaries of the *West of K-10 Sector Plan*. A request to revise the area plan was submitted and is being reviewed with this rezoning request.
- CC600 Centers shall develop in a manner that is consistent with the city's adopted design guidelines.
All development proposals will be reviewed for compliance with the adopted Commercial Design Guidelines.

The following policies are included in *Goal 4, Transportation Considerations*, (Page 6-42):

- Promote a multi-modal transportation system that provides or improves access and circulation within and adjacent to commercial areas.
This will be addressed at the platting stage with the development of a transportation network to serve the property.
- The expansion of existing or new commercial development shall not occur until the surrounding street system can provide an acceptable level of service.
W 6th Street and George Williams Way should be capable of providing an acceptable level of service for the proposed development. Traffic Impact Studies will be required

with development proposals and any necessary improvements to the street network to accommodate the development will be provided.

- Prohibit direct vehicular access from commercial developments to local residential streets.

The commercial development is bounded on the south by a Principal Arterial and on the east and north by Major Collectors. The frontage road on the west, if retained, is planned for improvement as a Major Collector in the major Thoroughfares Map. The traffic from this commercial development will not directly access local streets.

- Discourage commercial traffic through residential neighborhoods.
The bounding collector and arterial streets should allow traffic to access the development without travelling through nearby residential neighborhoods.
- Limit the principal access of commercial development to arterial, collector or access/frontage streets.
The subject property is bounded on the south by an arterial and on the east by a collector street. Principal access will be limited to these two streets.
- Develop ways to improve access to commercial centers through improved bike and pedestrian paths, bus access and parking areas, public transportation, and vehicular access.
This will be addressed with the platting and site planning processes.
- Lot access and street configurations shall be designed to avoid curb cuts and local street intersections on arterial streets and to coordinate access with adjacent developments.
Limited access points on the adjacent streets have been proposed with the previously approved plats. This will be addressed with the platting of the property.

The Comprehensive plan recommends the intersection of W 6th Street and K-10 as a potential location for a new CC600 Center on Page 6-21 and in the map of existing and potential commercial land use locations. (Map 6-1)

This area was identified as a suitable CC600 location with Comprehensive Plan Amendment, CPA-4-2-12 adopted by the City Commission on March 26, 2013. The CC600 Zoning District was created with this amendment and recommended areas for location were identified. The rezoning request is compliant with the recommendations for new CC600 Centers.

Staff Finding – The rezoning request for a CC600 Community Commercial Center complies with recommendations for commercial development in the Comprehensive Plan and with the recommended locations for CC600 Centers.

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

Current Zoning and Land Use: 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; *Undeveloped*

Surrounding Zoning and Land Use:

To the north: GPI (General Public and Institutional Use) District; Rock Chalk Park and the City Recreation Center/ *Active Recreation, Passive Recreation, Participant Sports and Recreation and Entertainment and Spectator Sports*

To the west:
 CC600 (Community Commercial) District;
Undeveloped.

To the southwest: A (County-Agricultural) District;
Religious Assembly.

To the south:
 UR (Urban Reserve) District; *Detached Dwelling and Undeveloped.*

To the east:
 RM12D (Multi-Dwelling Residential) District; Platted residential subdivision currently undergoing development.
 RM12 (Multi-Dwelling Residential) District;
Undeveloped
 UR (Urban Reserve) District; *Undeveloped*

(Figure 4)

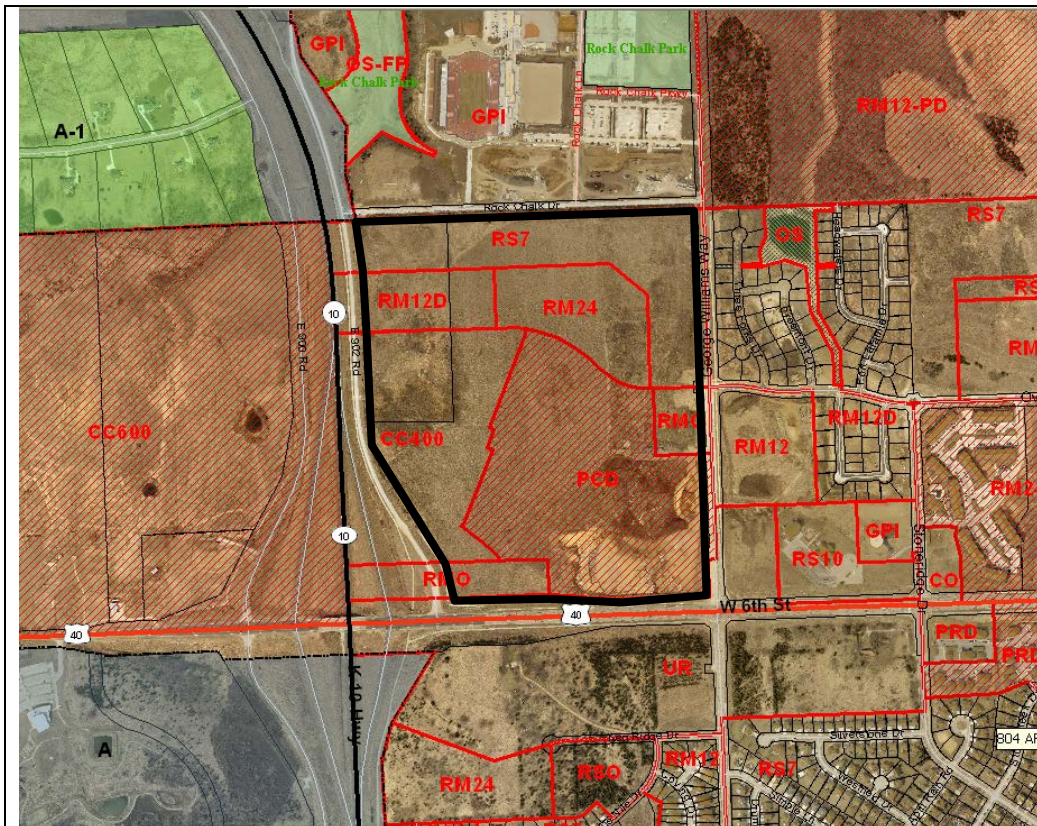


Figure 4. Zoning and land uses in the area. (Subject property outlined.)

Staff Finding – The W 6th Street/Hwy 40 and K-10 node is on the western fringe of the City of Lawrence and is partly developed. The north portion of the node is currently undeveloped, while development has occurred on the southern portion. A Religious Institution is located in the SW quadrant of the node and there has been residential development in the SE quadrant; however, the area closest to W 6th Street/Hwy 40 has yet to be rezoned or developed. The proposed rezoning is compatible with the zonings and land uses in the area.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"The Property is adjacent to GPI and OS-FP districts to the north, relative to Rock Chalk Park and Recreation Center development. RM12D, RM12 and UR districts immediately to the east (which buffer RS10 and RS7 districts located further east), a UR district to the south (planned for retail and commercial development as part of the West of K-10 Sector Plan), and a CC600 district to the West (across the South Lawrence Trafficway). The parcels southwest of the Property are zoned Douglas County A, a portion of which is also planned for retail and commercial development as part of the West of K-10 Sector Plan."

The neighborhood is on the western edge of the City and is intersected by the major transportation network, with W 6th Street/Hwy 40 passing east and west through the area and K-10 passing north and south, with an interchange providing access from the area to both.

A recent annexation (May 22, 2012) expanded the City limits to the northwest quadrant of the K-10 and W 6th Street/Hwy 40 intersection. Except for this property, the area west of K-10 Highway remains outside of the City limits. No urban development has occurred at this time west of K-10 Highway, and the properties to the west are used primarily for agriculture and rural residential uses. The area east of K-10 Highway is in various stages of development. Residential uses have been developed south of W 6th Street/Highway 40, but the area adjacent to the street remains undeveloped. Recent developments in the area include the construction of a 300 unit multi-dwelling development to the east, Hunter's Ridge, and a KU Sports Facility and City Recreational Center to the north. The Oregon Trail Subdivision to the east of the subject property was platted in 2009 and is currently being developed. The Links at Lawrence, an 840 unit multi-dwelling residential development with a 9-hole golf course, proposed to the east of the Rec Center, has preliminary development approvals.

The 6th Street/ Hwy 40 and K-10 Highway intersection is identified as a gateway into the City of Lawrence in the *West of K-10 Plan*.

Staff Finding – This is a developing area at the western edge of the City with access to the major transportation network (K-10 and 6th Street/Hwy 40). Residential and recreational uses have been constructed in the area, but the commercial portions of the node have yet to be developed. The proposed rezoning will not increase the amount of commercial uses possible in this quadrant of the intersection and should result in a development that is compatible with the character of the area.

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

The property is within the boundary of the *West of K-10 Sector Plan*. The plan notes that *"The future land use map in this Section is conceptual and should not be used to determine precise zoning boundaries."* The recommended land uses, zoning districts, and densities are the

'maximum recommended' and less intensive land uses, zoning districts, or densities are appropriate.

The northwest corner of Hwy40/6th Street and K-10 Highway is expected to have a mix of uses including retail and other commercial uses. Total allocated retail space for this corner is 155,000 sq ft. The plan notes that 25,000 sq ft of commercial/retail uses are allocated for the SW quadrant and 60,000 sq ft for the SE quadrant. 360,000 sq ft of commercial/retail space is allocated for the NE Quadrant. Page 28 of the West of K-10 Plan: This area limitation should be included in the rezoning ordinance.

The plan recommends that residential development be limited to the northern half of the area to serve as transition area between the more intensive retail and commercial uses planned within this corner and the planned recreation center and low density residential uses north and east of the study area. (Page 28) A Comprehensive Plan Amendment submitted concurrently with this rezoning request proposes revisions to the West of K-10 Plan to revise the recommendation for strictly residential uses along the north of the property to allow a mixed use development throughout the property.

Connected streets provide multiple route options for vehicles which can help eliminate the choke points that are created when cars are forced onto a limited amount of streets that carry traffic in and out of neighborhoods. (Page 34, *West of K-10 Sector Plan*). This recommendation emphasizes the need for a connected street network in this area.

Staff Finding – The proposed rezoning is compliant with the *West of K-10 Sector Plan* with the exception of the recommendation that residential uses be located on the north portion of the property to serve as a transition. A Comprehensive Plan Amendment has been submitted to revise this recommendation to allow mixed commercial/office/residential uses in this area. The concept plan does not include a connected street network, but this will be provided with the platting of the property. The rezoning request is compliant with the *West of K-10 Sector Plan* as recommended for approval by Planning Staff.

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

Applicant's response:

"With the sole exception of the RS7 district currently approved on the Property, the CC600 district generally permits all of the other uses currently approved at the Property. The suitability of the RS7 district (or lack thereof), given the subsequent development of the area, is a primary motivator for this rezoning request, as is the need for greater flexibility in marketing and developing the Property for the mixed uses permitted within the CC600 district."

The CC400 and CC600 Districts have the same permitted uses, the only difference is in the amount of commercial/retail space that is permitted in each. The property was well suited for the PCD zoning and the CC600 District is very similar with some restrictions which were noted earlier in this report. In staff's opinion, the property is well suited for single- and multi-dwelling development with appropriate site design and layout. The property is also suited for the mixed-use development that is possible with the CC600 Zoning.

Staff Finding – The property is well suited to the uses to which it is restricted under the existing zoning regulations and to the uses it will be restricted to if the rezoning request is approved. The rezoning of the CC400 and PCD Districts to the CC600 will not change the

permitted uses significantly and will align the actual zoning with that recommended in the adopted sector plan. It will also create uniform standards and development processes throughout the area. The property is suited for residential development, but the location of the sports complex to the north would require effective layout and site design to mitigate the impact of the higher intensity use. The rezoning to the CC600 will permit multi-dwelling residential development as part of a mixed use development; however, residential uses are not a requirement of the CC600 District.

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

Applicant's Response:

"The Property has been vacant as zoned since March 2012."

As noted in the zoning history, Attachment A, the rezoning for the property was approved in 2006; however, the ordinance was not adopted and published until 2012. The property has not been developed since the property was annexed into the city and rezoned to urban designations. This may have been in part due to the need for the extension of infrastructure to serve the area, as was noted in the extension requests which were submitted and approved for the preliminary and final plats of the property as well as market factors.

Staff Finding – The property has been vacant since the zoning ordinances were published in 2012, and also since the first urban zoning designation received City Commission approval in 2006. The lack of development was due to the need for the extension of infrastructure to serve the area and market factors.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicants Response:

"The rezoning has no detrimental affect on nearby properties because the allocation of 360,000 retail square feet is unchanged, and the CC600 district permits multi-dwelling structures, offices, and non-retail commercial uses. The Property is not adjacent to any single-family zoning districts. The site planning review process includes buffering requirements and other safeguards to promote compatibility with adjacent properties. To capitalize on the community's investment in Rock Chalk Park and the Recreation Center, it is critical that the Property have optimal zoning to attract uses that accommodate anticipated increased tourism and development which such amenities are expected to create."

The revised zoning will place the entire property under a uniform zoning district. The amount of Commercial/retail uses is being increased slightly with this rezoning; from 359,640 sq ft to 360,000 sq ft which is compliant with the recommendations in the *West of K-10 Sector Plan*. The remainder of the property can be developed with a mix of uses including office, non-commercial/retail, and multi-dwelling residential uses. The rezoning will remove the detached and duplex dwelling component from the project; but this should have no impact on adjacent properties. Detached and duplex dwellings are typically used to transition from higher intensity commercial uses to lower intensity residential uses.

The property to the north has been developed with a sports/recreation facility so there is no need to transition to the north. The property to the east has not had any development proposals and has not been rezoned to an urban zoning designation. The future land use map (Map 3-2) of *Horizon 2020* shows the area to the east as Community Facility along 6th Street and low density residential north of 6th. The Oregon Trail Addition is located east of the subject

property along with a property that hasn't been rezoned to an urban designation. The Oregon Trail Addition has multi-dwelling zoning along the west boundary. With appropriate bufferyards and site design, the CC600 development should be compatible with the adjacent properties.

Staff Finding – With appropriate bufferyards and site design, the CC600 development should be compatible with the surrounding properties, which include multi-dwelling development to the east, sports/recreation facility to the north, additional CC600 development to the west across K-10, and land to the south that has not been rezoned to an urban designation.

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:

"The city of Lawrence has made a substantial investment in the development of the West 6th Street and K-10 Highway intersection, and has earmarked that intersection as a CC600 node. Before the adoption of the West of K-10 Sector Plan and the creation of the CC600 district in the first quarter of 2013, the Northwest Area Plan (adopted October 2, 1996) anticipated single family or office uses for the area now known as Rock Chalk Park and the City's Recreation Center. The outdated Northwest Area Plan influenced the Property's current land use approvals. The multi-family zoning districts immediately east of the Property provide adequate buffering to the single family districts further east. Maintaining the relatively inflexible and (in the case of a now-infeasible RS7 zoning) impractically rigid current zoning districts may significantly hinder the Property's ability to attract the retail and commercial uses that are necessary to support Rock Chalk Park and the City's plans for westward expansion. Approving this rezoning request enables the Property to be proactive in its marketing and attraction efforts, while a denial of the same would be contrary to the City's prior support and desire for the Property's prompt development. The Applicant has invested substantial sums in infrastructure that serve the entire area and can only be amortized with an appropriate large scale commercial development. If the rezoning is not granted the Applicant may have squandered its investment."

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.

The rezoning request will result in one uniform zoning district over the property, the CC600 District, which will provide the developer flexibility in the configuration and design of the project. In addition, it will remove the Planned Development Zoning, PD-Mercato, which is a special base district for properties that were rezoned to PCD prior to the adoption of the Development Code. The development standards and the uses permitted in the PD-Mercato District are listed in the pre-2006 Zoning Ordinance. Rezoning the property to CC600 will allow the Mercato Development to be wholly reviewed under the standards and requirements of the Land Development Code.

Staff Finding – There would be no gain to the public health, safety, and welfare through the denial of the rezoning request. Approval of the rezoning request will provide greater design flexibility for the developer and will allow the Mercato Development to be wholly reviewed under the standards and requirements of the 2006 Land Development Code.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, the Area Plan, and the Golden Factors, and for compatibility with surrounding development. The rezoning request is compliant with these factors and staff recommends approval of the rezoning request, as conditioned, and forwarding it to the City Commission with a recommendation for approval.

PCD (Planned Commercial Development)			
Rezoning request for approximately 62 acres from A (County Agricultural) to PCD-2 submitted in 2005, Z-01-08-05	Rezoning request replaced by Z-03-05-06, [A to PCD-2]. Area reduced to app. 45 acres with this revised rezoning. CC approved May 9, 2006,	July 1, 2006: effective date of Land Development Code: PCD-2 converted to PCD-[Mercato].	CC removed condition to plat on March 27, 2012. Rezoning Ordinance 8723 adopted on second reading on June 5, 2012. <ul style="list-style-type: none"> Conditions were applied to the zoning to reflect the retail conditions in the area plan and standards of the PCD-2 District.
RMO (Multi-Dwelling Residential-Office)			
Rezoning request for approximately 20 acres from A (County Agricultural) to RO-1A (Residence Office) submitted in 2005, Z-01-09-05.	Rezoning request replaced by Z-03-06-06 [A to RO-1A]. Area increased to approximately 31 acres. CC approved May 9, 2006.	July 1, 2006: effective date of Land Development Code: RO-1A converted to RMO (Multi-Dwelling Residential-Office) District.	CC removed condition to plat on March 27, 2012. Ordinance 8724 adopted on second reading on June 5, 2012.
RS7 (Single-Dwelling Residential)			
Rezoning request for approximately 26 acres from A (County Agricultural) to RS-2 (Single-Family Residence) District submitted in 2005, Z-01-10-05. Approved by CC on May 9, 2006.	July 1, 2006: effective date of Land Development Code: RS-2 converted to RS7 (Single-Dwelling Residential) District.		CC removed condition to plat on March 27, 2012. Ordinance 8720 adopted on second reading on June 5, 2012.
RM12D (Multi-Dwelling Residential)			
Rezoning request for approximately 8 acres from A (County Agricultural) to RM-D (Duplex Residence) submitted in 2005, Z-01-11-05. Approved by CC on May 9, 2006.	July 1, 2006: effective date of Land Development Code: RM-D converted to RM12D (Multi-Dwelling Residential) District.		CC removed rezoning condition to plat on March 27, 2012. Ordinance 8721 adopted on second reading on June 5, 2012.
RM24 (Multi-Dwelling Residential)			
Rezoning request for approximately 13 acres from A (County Agricultural) to RM-2 (Multiple-Family Residence) submitted in 2005, Z-01-12-05. Approved by CC on May 9, 2006.	July 1, 2006: effective date of Land Development Code: RM-2 converted to RM24 (Multi-Dwelling Residential) District.		CC removed rezoning condition to plat on March 27, 2012. Ordinance 8722 adopted on second reading on June 5, 2012.
CC400 (Community Commercial)			
Rezoning request for approximately 24 acres from the UR (Urban Reserve District with RO-1A/RMO zoning approval pending platting) District to the CC-400 (Community Commercial) District, Z-10-17-09. Approved by CC on January 5, 2010.			Ordinance 8481 adopted on second reading on January, 19, 2010.

Uses Permitted in the CC200, CC400, and CC600 Districts*	
HOUSEHOLD	PARKING FACILITIES
Multi-Dwelling Structure (mixed use)	Accessory (Accessory)
Non-Ground Floor Dwelling	Commercial
Work/Live Unit	RETAIL SALES & SERVICES
GROUP LIVING	Building Maintenance
Group Home, General (SUP)	Business Equipment
COMMUNITY FACILITIES	Business Support
Cemetery	Construction Sales and Service
College/University	Food and Beverage
Cultural Center/Library	Mixed Media Store
Day Care Center	Personal Convenience
Day Care Home	Personal Improvement
Lodge, Fraternal, & Civic Assembly	Repair Service, Consumer
Postal & Parcel Service	Retail Sales, General
Public Safety	Retail Establishment, Large
School	Retail Establishment, Medium
Funeral and Interment	Retail Establishment, Specialty
Temporary Shelter (SUP or Accessory)	SEXUALLY ORIENTED BUSINESSES
Social Service Agency	Sex Shop
Community Meal Program (SUP or Acc.)	Sexually Oriented Theater
Utilities Minor	TRANSIENT ACCOMMODATION
Utilities Major (SUP)	Campground
MEDICAL FACILITIES	Hotel, Motel, Extended Stay
Health Care Office, Clinic	VEHICLE SALES & SERVICE
Outpatient Care Facility	Cleaning (car wash)
RECREATIONAL FACILITIES	Fleet Storage
Active Recreation	Gas and Fuel Sales
Entertainment & Spectator Sports	Heavy Equipment Repair
Participant Sports and Recreation	Heavy Equipment Sales/Rental
Passive Recreation	Inoperable Vehicle Storage
Nature Preserve/Undeveloped	Light Equipment Repair
Private Recreation	Light Equipment Sales/Rental
RELIGIOUS ASSEMBLY	RV and Boat Storage
Campus or Community Institution	INDUSTRIAL FACILITIES
Neighborhood Institution	Laundry Service
ANIMAL SERVICES	Mfg & Production, Limited (SUP)
Kennel	Mfg & Production, Technical
Livestock Sale (SUP)	Research Service
Sales and Grooming	WHOLESALE STORAGE & DISTRIBUTION
Veterinary	Exterior Storage (Accessory)
EATING & DRINKING ESTABLISHMENTS	Heavy (SUP)
Accessory Bar (Accessory)	Light
Bar or Lounge	Mini-Warehouse
Brewpub	AGRICULTURAL
Fast Order Food	Agricultural Sales
Fast Order Food with Drive-in	Agriculture, Crop
Private Dining Establishments	COMMUNICATION TOWERS
Restaurant, Quality	Amateur & Receive Only Antennas (accessory)
OFFICE	Communication Service Establishment
Administrative and Professional	Telecommunications Antenna (accessory)
Financial, Insurance & Real Estate	Telecommunications Tower (SUP)
Other	Satellite Dish (accessory)
	RECYCLING FACILITIES
	Large and Small Collection

* Uses which meet the Comp Plan definition of 'Commercial' are highlighted. It is possible that specific uses in the non-highlighted use groups may also meet the definition, on a case-by-case basis.