



Updated:

1/25/16 @ 1:00pm

Added communications for the following:

Item 1 - Conditional Use Permit for E 1750 Rd & N 1300 Rd

Item 6 - Special Use Permit for 4300 W 24th Place

1/20/16 @ 11:30am

Added Item 6 - Special Use Permit for 4300 W 24th Place

1/19/16 @ 5:00pm

The following will be added when available:

Item 6 - Special Use Permit for 4300 W 24th Place

Draft December 14, 2015 Planning Commission Minutes will be added when available.

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
JANUARY 25 & 27, 2016 6:30PM - 10:30PM**

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of December 14, 2015.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

COMMUNICATIONS

- a) Receive written communications from the public.
- b) Receive written communications from staff, Planning Commissioners, or other commissioners.
 - Staff Memo regarding By-Laws
 - Staff Memo regarding upcoming joint meetings
- c) Receive written action of any waiver requests/determinations made by the City Engineer.
- d) Disclosure of ex parte communications.
- e) Declaration of abstentions from specific agenda items by commissioners.

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION'S DISCRETION

REGULAR AGENDA (JANUARY 25, 2016) MEETING

PUBLIC HEARING ITEMS:

Recess LDCMPC

Convene Joint Meeting with Eudora Planning Commission

ITEM NO. 1 CONDITIONAL USE PERMIT FOR CALCIO VILLAGE YOUTH SOCCER; E 1750 RD & N 1300 RD (MKM)

CUP-15-00613: Consider a Conditional Use Permit for Calcio Village, an *Athletic Field* complex for youth soccer on approximately 80 acres, located at the intersection of E 1750 Rd & N 1300 Rd. Submitted by Jambars Futbol Club Inc, on behalf of John Pendleton for Lorita H Pendleton, Trustee, property owner of record. *(Joint meeting with Eudora Planning Commission.)*

**Adjourn Joint Meeting
Reconvene LDCMPC**

ITEM NO. 2A RS7 TO RM15-PD; 4.038 ACRES; 5325 W 6TH ST (BJP)

Z-15-00609: Consider a request to rezone approximately 4.038 acres from RS7 (Single-Dwelling Residential) District to RM15-PD (Multi-Dwelling Residential with Planned Development Overlay) District, located at 5325 W 6th St. Submitted by Landplan Engineering PA on behalf of Village Cooperative of Lawrence (contract purchaser). Kansas/Nebraska Association of Seventh Day Adventist Inc. is the property owner of record.

ITEM NO. 2B PRELIMINARY DEVELOPMENT PLAN FOR VILLAGE COOPERATIVE; 5325 W 6TH ST (BJP)

PDP-15-00610: Consider of Preliminary Development Plan for Village Cooperative of Lawrence, located at 5325 W 6th St. The plan proposes the construction of a 3-story structure containing 52 assisted living units, underground & surface parking and site improvements, including the construction of Branchwood Drive north to W. 6th Street. Submitted by Landplan Engineering PA on behalf of Village Cooperative of Lawrence (contract purchaser). Kansas/Nebraska Association of Seventh Day Adventist Inc. is the property owner of record.

****DEFERRED****

~~ITEM NO. 3 — COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 7 (JSC)~~

~~CPA-14-00005:~~ Consider a Comprehensive Plan Amendment to *Horizon 2020* Chapter 7: Industrial Land Use, and Chapter 14: Specific Plans — *K-10 & Farmer's Turnpike Plan*, to revise the Future Land Use Map and include adjacent parcels for additional residential land use sections into the K-10 & Farmer's Turnpike Plan. Submitted by B.G. Consultants, Inc. *PC recommended denial on 6/23/14, City Commission returned to Planning Commission on 12/8/15.*

NON-PUBLIC HEARING ITEMS:

****DEFERRED****

~~ITEM NO. 4A — ANNEX 97.8 ACRES; N 1750 RD & E 902 RD (MKM)~~

~~A-14-00161:~~ Consider an Annexation request for approximately 97.8 acres located south of the intersection of N 1750 Rd and E 902 Rd (extended). Submitted by BG Consultants, Inc. on behalf of Garber Enterprises, Inc., property owner of record. *PC recommended denial on 6/23/14, City Commission returned to Planning Commission on 12/8/15.*

****DEFERRED****

~~ITEM NO. 4B — ANNEX 15 ACRES; N OF ROCK CHALK PARK (MKM)~~

~~A-14-00163:~~ Consider an Annexation request for approximately 15 acres located north of Rock Chalk Park. Submitted by BG Consultants Inc on behalf of Micah Garber, contract purchaser, and Robert and Jan Maxwell Trust, property owner of record. *PC recommended denial on 6/23/14, City Commission returned to Planning Commission on 12/8/15.*

RESUME PUBLIC HEARING:

****DEFERRED****

~~ITEM NO. 4C — A TO RSO; 25 ACRES; N 1750 RD & E 902 RD (MKM)~~

~~Z-15-00602:~~ Consider a request to rezone approximately 25 acres from County A (Agricultural) District to RSO (Single-Dwelling Residential-Office) District, located SW of intersection of N 1750 Rd and E 902 Rd (extended). Submitted by BG Consultants, Inc. on behalf of Garber Enterprises, Inc., property owner of record. *Replaces Z-14-00162. PC recommended denial on 6/23/14, City Commission returned to Planning Commission on 12/8/15.*

~~DEFERRED**~~**

~~ITEM NO. 4D — A TO IL; 11.6 ACRES; N 1750 RD & E 902 RD (MKM)~~

~~Z-15-00617:~~ Consider a request to rezone approximately 11.6 acres from County A (Agricultural) District to IL (Limited Industrial) District, located SW of intersection of N 1750 Rd and E 902 Rd (extended). Submitted by BG Consultants, Inc. on behalf of Garber Enterprises, Inc., property owner of record. *Replaces Z-14-00165. PC recommended denial on 6/23/14, City Commission returned to Planning Commission on 12/8/15.*

~~DEFERRED**~~**

~~ITEM NO. 4E — A TO RS5; 15 ACRES; N 1750 RD & E 902 RD (MKM)~~

~~Z-15-00603:~~ Consider a request to rezone approximately 15 acres from County A (Agricultural) District to RS5 (Single-Dwelling Residential) District, located SE of intersection of N 1750 Rd and E 902 Rd (extended). Submitted by BG Consultants, Inc. on behalf of Micah Garber, contract purchaser, and Robert & Jan Maxwell, Trustees, property owner of record. *Replaces Z-14-00164. PC recommended denial on 6/23/14, City Commission returned to Planning Commission on 12/8/15.*

~~DEFERRED**~~**

~~ITEM NO. 4F — A TO RS5; 61.3 ACRES; N 1750 RD & E 902 RD (MKM)~~

~~Z-15-00618:~~ Consider a request to rezone approximately 61.3 acres from County A (Agricultural) District to RS5 (Single-Dwelling Residential) District, located SE of N 1750 Rd and E 902 Rd (extended). Submitted by BG Consultants, Inc. on behalf of Garber Enterprises, Inc., property owner of record. *Replaces Z-14-00164. PC recommended denial on 6/23/14, City Commission returned to Planning Commission on 12/8/15.*

~~DEFERRED**~~**

~~ITEM NO. 4G — A TO RS5-FP; 0.8 ACRES; N 1750 RD & E 902 RD (MKM)~~

~~Z-15-00619:~~ Consider a request to rezone approximately 0.8 acres from County A (Agricultural) District to RS5-FP (Single-Dwelling Residential with Floodplain Overlay) District, located SE of intersection of N 1750 Rd and E 902 Rd (extended). Submitted by BG Consultants, Inc. on behalf of Garber Enterprises, Inc., property owner of record. *Replaces Z-14-00204. PC recommended denial on 6/23/14, City Commission returned to Planning Commission on 12/8/15.*

ITEM NO. 5 B-3 TO B-2; 6.178 ACRES; E 900 RD (MKM)

Z-15-00608: Consider a request to rezone approximately 6.178 acres from County B-3 District to County B-2 District, located in the 1400 block of E 900 Rd. Submitted by BG Consultants, Inc. on behalf of Fairway LC, property owner of record.

ITEM NO. 6 SPECIAL USE PERMIT FOR FAST ORDER FOOD, DRIVE-IN; 4300 W 24TH PLACE (SLD)

SUP-15-00521: Consider a Special Use Permit for approval of a neighborhood commercial shopping area that includes buildings to house *Fast Order Food, Drive-in*, located at 4300 W 24th Place. The plan proposes 31,625 sq. ft. of commercial development in five buildings with four drive-thru uses indicated. Two drive-thru uses are for *Fast Order Food*. Submitted by Paul Werner Architects, for RPI, LLC, property owner of record.

****DEFERRED****

ITEM NO. 7 — ~~TEXT AMENDMENT TO ZONING REGULATIONS; WIND ENERGY CONVERSION SYSTEMS (SLD)~~

~~TA-15-00571:~~ Consider a Text Amendment to the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas* to add Wind Energy Conversion Systems. *Initiated by County Commission on 10/21/15.*

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN

CALENDAR

December 2015						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

January 2016						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February 2016						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

PCCM Meeting:

(Generally 2nd Wednesday of each month, 7:30am-9:00am)

Sign up to receive the Planning Commission agenda or weekly Planning Submittals via email:

<http://www.lawrenceks.org/subscriptions>

Memorandum

Lawrence-Douglas County

Planning & Development Services

TO: Planning Commissioners
FROM: Planning Staff
DATE: January 19, 2016
RE: PC By-Laws

As we start a new year, Staff wanted to take an opportunity to highlight the Attendance policy identified in the Commission By-Laws. With a full Commission, we again have 10 members so meeting quorum is not typically an issue. The fullest discussions occur when we have the majority of the Commission at meetings.

SECTION 6. ATTENDANCE. Any member who is absent from three (3) consecutive regular meetings shall have such absence reported by the chairperson to the governing bodies. Members who accrue absences beyond a total of four (4) in any Commission year should consider relinquishing their appointments.

Please notify Scott at smccullough@lawrenceks.org, Sheila at sstogsdill@lawrenceks.org, and Denny at dewert@lawrenceks.org if you will be unable to attend a meeting. Advance notice helps us to forecast any concerns regarding quorum issues.

Memorandum

Lawrence-Douglas County

Planning & Development Services

TO: Planning Commissioners
FROM: Planning Staff
DATE: January 19, 2016
RE: Upcoming Joint Meetings & Cancelled Mid-Months

This is a reminder that the Planning Commission will NOT hold their typical 7:30AM Mid-Month Meetings on February 10 and March 9. Instead, the Commission will meet with the Historic Resources Commission and the Sustainability Advisory Board.

**Joint meeting with HRC –
Discussion of Draft Oread Design Guidelines**

http://lawrenceks.org/pds/draft_plans

When: Thursday, February 18, 2016 – 6:00 – 8:00PM

Where: City Commission Room, Lawrence City Hall, 6 E 6th Street

**Joint meeting with SAB –
Discussion of Shared Priorities/Horizon 2020 Update Process**

When: Wednesday, March 9, 2016 – 5:30 – 7:30PM

Where: Meeting Room C, Lawrence Public Library, 707 Vermont Street

For more information about these advisory boards:

HRC - <http://lawrenceks.org/boards/historic-resources-commission>

SAB - <http://lawrenceks.org/boards/sustainability-advisory-board>

2016
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM <i>** alternate day/time</i>	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 13	Article 9 text amendments - Parking		Jan 25	Jan 27
<i>Feb 18 ** Thursday 6:30 PM meeting</i>	<i>Joint meeting with HRC – Oread Design Guidelines</i>		Feb 22	Feb 24
<i>Mar 9 ** Wednesday 5:30 PM meeting</i>	<i>Joint meeting with Sustainability Advisory Board</i>		Mar 21	Mar 23
Apr 13	Retail Market Study		Apr 25	Apr 27
May 11	TBD		May 23	May 25
Jun 8	TBD		Jun 20	Jun 22
Jul 13	TBD		Jul 25	Jul 27
Aug 10	TBD		Aug 22	Aug 24
Sep 14	TBD		Sep 26	Sep 28
Oct 12	TBD		Oct 24	Oct 26
Nov 2	TBD		Nov 14	Nov 16
Nov 30	TBD		Dec 12	Dec 14
	Suggested topics for future meetings: <i>How City/County Depts interact on planning issues</i> <i>Stormwater Stds Update – Stream Setbacks</i> <i>Overview of different Advisory Groups – potential overlap on planning issues</i> <i>Joint meeting with other Cities' Planning Commissions</i> <i>Joint meeting with other Cities and Townships – UGA potential revisions</i> <i>New County Zoning Codes</i> <i>Tour City/County Facilities</i> <i>Water Resources</i>		<i>Communication Towers – Stealth Design, # of co-locations, notice area</i> <i>WiFi Connectivity & Infrastructure Planning</i> <i>Oread Overlay Districts & Design Guidelines</i> <i>Comprehensive Plan – Goals & Policies</i> <i>Affordable Housing</i> <i>Retail Market Impacts</i> <i>Case Studies</i>	
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds				

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Planning Commission

Key Links



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES



Plans & Documents

- [Horizon 2020](#)
- [Sector/Area Plans](#)
- [Transportation 2040](#)
- [2012 Retail Market Study](#)

Development Regulations

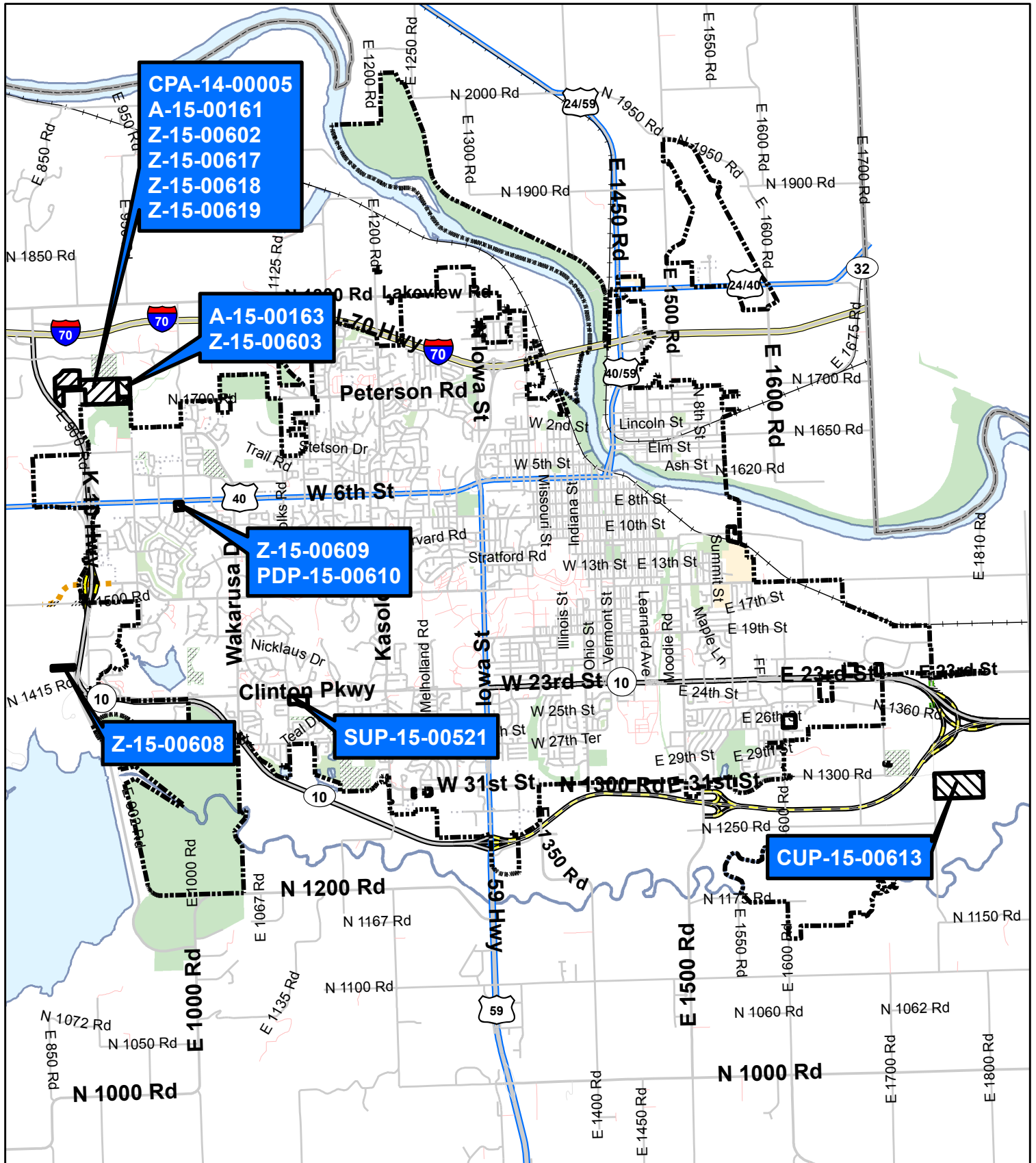
- [Community Design Manual](#)
- [County Zoning Regulations](#)
- [Land Development Code](#)
- [Subdivision Regulations](#)

Online Mapping

- [City of Lawrence Interactive GIS Map](#)
- [Douglas Co. Map Viewer](#)
- [Submittals to the Planning Office](#)

Planning Commission

- [Bylaws](#)
- [Mid-Months & Special Meetings](#)
- [Minutes](#)
- [Planning Commission Schedule/Deadlines](#)



Lawrence-Douglas County Planning Commission January 2016 Public Hearing Agenda Items



PLANNING COMMISSION REPORT
Regular Agenda –Public Hearing Item

PC Staff Report
1/25/16

**ITEM NO. 1 CONDITIONAL USE PERMIT FOR CALCIO VILLAGE YOUTH SOCCER; E
1750 RD & N 1300 RD (MKM)**

CUP-15-00613: Consider a Conditional Use Permit for Calcio Village, an *Athletic Field* complex for youth soccer on approximately 80 acres, located at the intersection of E 1750 Rd & N 1300 Rd. Submitted by Jambars Futbol Club Inc, on behalf of John Pendleton for Lorita H Pendleton, Trustee, property owner of record. (*Joint meeting with Eudora Planning Commission.*)

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for a youth soccer complex, an *Athletic Field* use, and forwarding it to the Board of County Commissioners with a recommendation for approval based upon the findings of fact in the body of the staff report subject to the following condition:

1. The Conditional Use shall be administratively reviewed every 5 years.
2. Provision of additional lighting information to insure the exterior lighting is designed to prevent off-site glare.
3. Provision of a revised CUP plan with the following changes:
 - a. Label the distance from the buildings to the existing E 1750 Rd right-of-way and the future right-of-way for the extension of N 1300 Rd to insure required setbacks are provided.
 - b. Clearly show the location of the chemical toilets.
 - c. Add 2 additional ADA accessible spaces in the large parking area for a total of 6 spaces.
 - d. Add the following general notes:
 - i. *Chemical toilets will be used and potable water brought to the site for visitors use until a public water supply is available. Restrooms shall be installed in the training/concession building when the site is connected to public water.*
 - ii. *Significant improvements to the facility, following the construction of 31st Street, will require the addition of landscape screening along the north side of the parking areas.*

Reason for Request: *"CLYSC (Clinton Lake youth Sports Complex) is under 'exclusive' contract with Kaw Valley Soccer Association which includes a 'non-compete' clause for other potential soccer users of the city owned park. This in turn makes it next to impossible for our group and a number of others to utilize that complex. With the numbers of players, teams, and leagues growing in our community and no alternative, there is a shortage of field space and available time for other groups. Our organization requests to build a new soccer park on land located east of the intersection of E 1750 and N 1300 roads, southeast of the new K-10 interchange. The complex would serve our non-profit soccer club and numerous other groups, clubs, and schools in Douglas county who are in need of soccer specific training and game fields. This park would be in close proximity to the Lawrence Ski Club lake and the Twin Oaks Golf Complex and its use request is similar to 'Westwick', the KU Rugby club fields south of town.*

There would be 5 soccer fields plus smaller training areas. A pit pond would be installed for irrigating the fields and there are plans to light one of the fields right away and the possibility of more in the future. Please see proposed site plan for other detailed information."

KEY POINTS

- The proposal is for Phase 1 of a youth sports soccer facility. A later phase may utilize the remainder of the 80 acre parcel.
- Plans for the extension/improvement of E 31st Street (N 1300 Road) include widening the road and relocating it to the south. The plan notes the proposed location and right-of-way width for the new road and the facility has been designed to accommodate it.

ATTACHMENT

- A --CUP Plans

OTHER ACTION REQUIRED

- Approval of the Conditional Use by the Board of County Commissioners.
- Applicant shall obtain a permit for the Conditional Use from the Zoning and Codes Office prior to commencing the use.
- Applicant shall obtain building permits from the Zoning and Codes Office prior to construction of the structures.

PUBLIC COMMENT

- No public comment was received prior to printing this report.

GENERAL INFORMATION

Current Zoning and Land Use: A (Agricultural), V-C (Valley Channel), and F-F (Floodway Fringe Overlay) Districts; *Agriculture*.

Surrounding Zoning and Land Use: To the west: A (Agricultural) and F-F (Floodway Fringe Overlay) Districts; *Agriculture* and K10 Highway. Further to the west is an area designed as future City parkland and a parcel which has been annexed into the City of Lawrence and developed with a sanitary sewer pump station. This property is zoned GPI (City-General Public and Institutional Use).

To the north and south: A (Agricultural), V-C (Valley Channel), and F-F (Floodway Fringe Overlay) Districts; *Agriculture* throughout and the Wakarusa River Corridor to the south. Parcel zoned I-2 (Light Industrial) District to the northwest has been developed as KDOT right-of-way.

To the east: V-C (Valley Channel), F-F and F-W (Floodway Fringe and Floodway Overlay) Districts; *Agriculture* and the Wakarusa River Corridor. A recreational use, a ski lake is located to the northeast near K10 Highway.

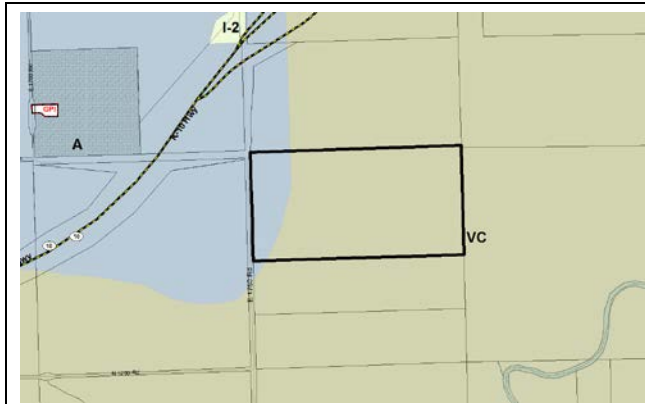


Figure 1a. Zoning of the area: A (Agricultural), V-C (Valley Channel).

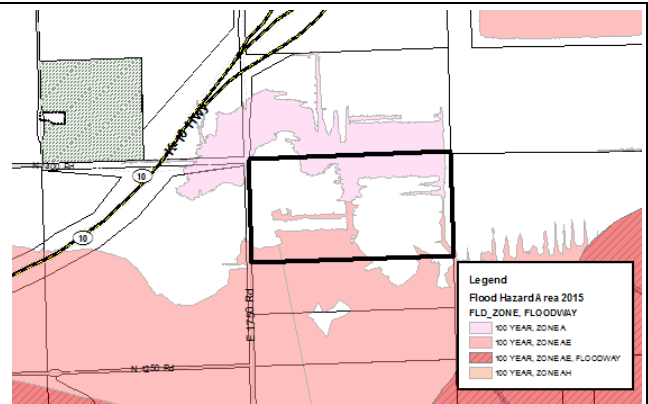


Figure 1b. Floodplain in the area.

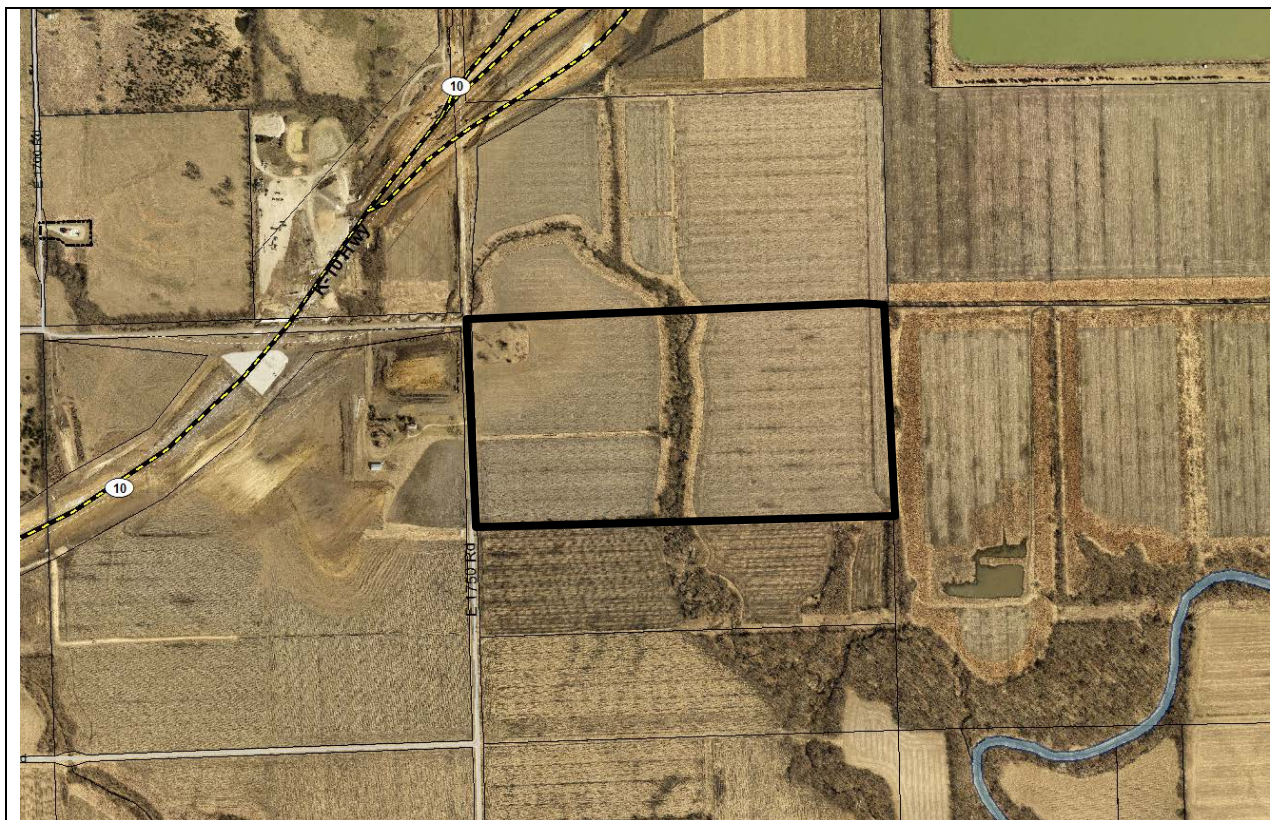


Figure 1c. Land Use in the area.

Summary of Request

Jambers Futbol Inc. is a non-profit organization that is working with the owner of the subject property to develop a youth soccer complex. The applicant indicated that it is difficult to schedule training at the City Youth Soccer Complex. The City Parks and Recreation Department indicated that their agreement with Sporting Kaw Valley is not exclusive but they do have first scheduling rights, which can result in fairly limited space for other users during the spring and fall.

The complex would have 5 full-sized playing fields along with 4 skill training areas and a 180 ft x 120 ft sand court for specialized training. Two structures will be constructed on the site, a 60 ft x 100 ft storage building and a 60 ft x 100 ft concession building for offices and staff/group

meetings. The offices will be used only when the facility is in use and a maximum of 3 staff members will be on site. Restrooms are planned in this building when rural water is available and chemical toilets will be used until then. A parking area with 20 parking spaces is located to the north of the storage building and a larger parking area, with 200 parking spaces, is located to the east of the concession/meeting building. The access drive and parking areas will be surfaced with recycled asphalt and gravel. A grassed overflow parking area with a capacity of 74 vehicles is located to the east of the parking area.

This will be primarily a training facility with adults playing on weekends and children during the week. A local school will use the facility for their matches, approximately 18 games per year. As this is primarily a training facility, few spectators are expected and the school will use busses for their athletes.

The proposed use is permitted when approved with a Conditional Use Permit, as noted below:

12-319-4.02 Athletic field or Baseball Field

The proposed use has been reviewed with the following criteria provided in Section 12-319-1.02 of the Zoning Regulations:

I. ZONING AND USES OF PROPERTY NEARBY

Nearby property is zoned A (Agricultural), V-C (Valley Channel), and FF (Floodway Fringe Overlay) Districts and is used primarily for *Agriculture*. Other sports/recreation uses (a lake which is used by a ski club and a driving range/chip and putt golf course) are located in V-C District to the east. An approximately 40 acre parcel to the west is designated as a future City park. A one-acre parcel in this park area was annexed into the City of Lawrence through an island annexation, rezoned to GPI (General Public and Institutional Uses) District and developed with a City sanitary sewer pump station. (Figure 1c)

Staff Finding –Surrounding land uses are predominantly agricultural in nature. There are recreational uses to the northeast (ski lake and driving range/golf course) as well as future City park and a City utility to the northwest. The Wakarusa River Corridor and associated floodplain is located in the southern portion of the area.

II. CHARACTER OF THE AREA

The area is bounded on the north by the K10 Highway and on the south by the Wakarusa River Corridor and floodplain. The recently constructed K10 bypass crosses through the area from the west and connects to K10 Highway to the north of the subject property. Agriculture is the predominate land use, and there are 2 existing sports/recreation uses in the area: a ski lake and the Eudora driving range/putt and chip golf course located adjacent to K10 Highway. The proposed recreational use would be compatible with the character of the area.

Staff Finding – The area is rural in character with agriculture being the predominate land use. The area also contains other sports/recreational facilities: ski lake and driving range/golf course. The K10 bypass was recently constructed through the area to connect with K10 Highway to the north. The proposed recreational use would be compatible with the character of the area.

III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's Response:

"The property is currently used for agricultural purpose which it is most suited. This is in part why it is perfect for this proposed use and development."

The subject property is zoned A (Agricultural) and V-C (Valley Channel) Districts. Section 12-306 of the County Zoning Regulations provides the following information on the A District:

"...the purpose of this district is to provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises, and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses."

The A District is associated with a majority of the unincorporated portion of Douglas County. Uses allowed in the A District include: farms, truck gardens, orchards, or nurseries for the growing or propagation of plants, trees and shrubs in addition other types of open land uses. It also includes residential detached dwellings, churches, hospitals and clinics for large and small animals, commercial dog kennels, and rural home occupations.

Section 12-314-1 notes the purpose of the V-C Channel District as:

"to prevent, in those areas subject to periodic or potential flooding, such development as would result in a hazard to health or safety, and to insure the general public will not be forced to expend exorbitant funds to remedy flood problems."

Uses allowed in the V-C District include: farms, truck gardens, orchard, nurseries, as well as grazing, hunting and fishing, recreational facilities (provided such structures conform to the requirements of Section 12-314-2 and 12-319), preserves, and accessory uses.

In addition, uses enumerated in Section 12-319 which are not listed as permitted uses in the A or V-C Districts, may be permitted when approved as Conditional Uses. The property has very little grade change and a portion is encumbered with floodplain. The property is well suited for agricultural uses permitted within the A and V-C Districts and is also well suited for the proposed *Athletic Field* use.

Staff Finding – The property is suitable for agricultural uses which are permitted within the A (Agricultural) and V-C (Valley Channel) Districts. The property is also suitable for the proposed *Athletic Fields* use, when approved as a Conditional Use.

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

Staff Finding – The property has been in agricultural production since the adoption of the 1966 Zoning Regulations.

V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's Response:

"There will be an increase in traffic at select times of the day within the area of E 1750 and N 1300 relative to the amount of current traffic at that intersection. Additionally, the field lights might also cause effect to nearby property."

Section 12-319-1.01 of the County Zoning Regulations recognize that *"certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals*

and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited.” The proposed use is included in the Conditional Uses enumerated in Section 12-319-4 of the Zoning Regulations for the Unincorporated Territory of Douglas County as *Public Utility*.

Impacts from this type of use are usually associated with traffic, crowd noise or activity, and lighting. The surrounding properties are in agricultural use and there are no residential uses in the nearby area so the activity/noise on the site should have no negative impacts.

The northwest field will be lighted with LED lights on 70 ft poles and additional fields may be lighted in the future. The lights will be directed away from the road; however, additional lighting information should be provided to insure glare to the roadway is prevented.

The applicant noted that there will be increased traffic in the area due to the facility and provided traffic information to the County Engineer. The County Engineer indicated that no improvements were needed to N 1300 or E 1750 Roads to accommodate the anticipated additional traffic. He noted that both roads were currently substandard due to the construction of the K10 bypass but that KDOT's contractor will restore both roads to their original condition with the completion of the bypass. A maximum of 88 trips are expected for the peak evening hour. The traffic information provided by the applicant indicates that approximately 15% of the traffic will come from the east/south via K10 or 1900 Road, 35% will come from the north via Noria Road, and 50% from the west along the SLT, Haskell Avenue and N 1300 Road. The various routes to the facility from different destination points will reduce the traffic impact on residences in the area. (Figures 2 and 3)

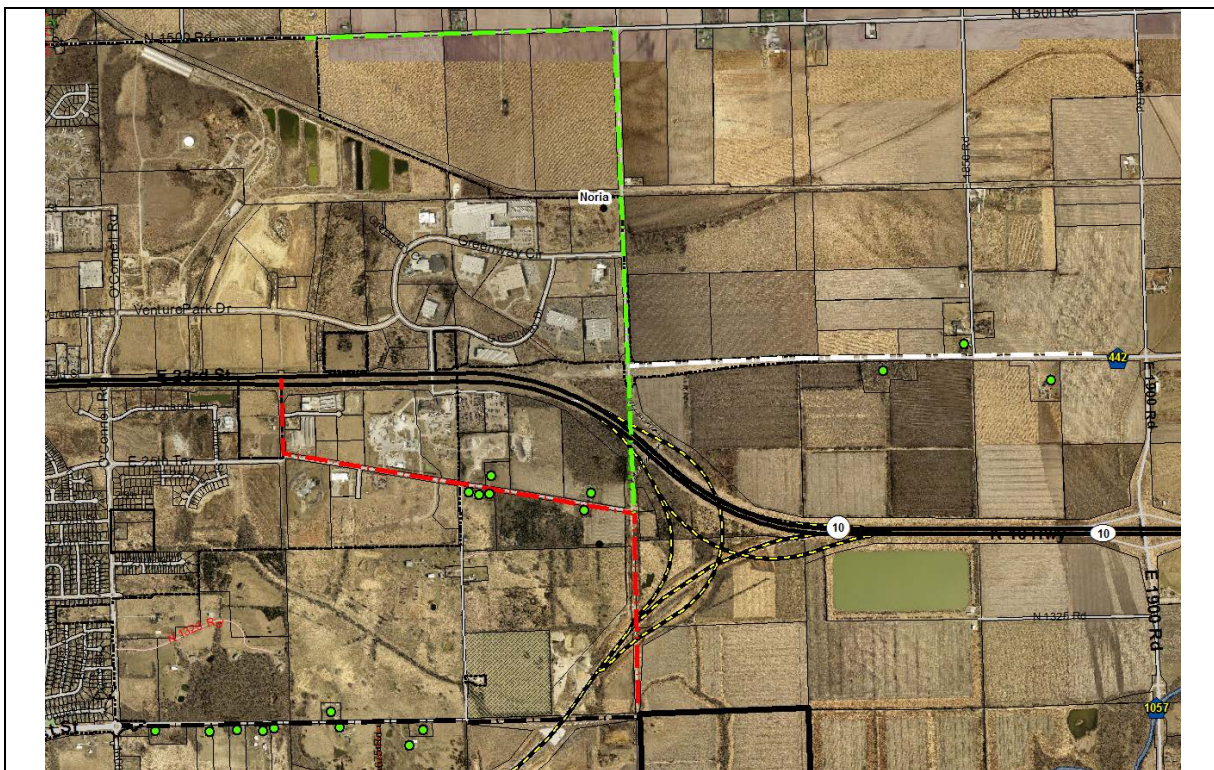


Figure 2. Potential routes to the site. Black dashed line at bottom, is extension of 31st Street/N 1300 Rd. Red dashed line in center is extension of E 25th Street to Noria Road. Green, is extension of 15th Street to Noria Rd, white is County Route 442/N 1400 Rd for traffic from the east.

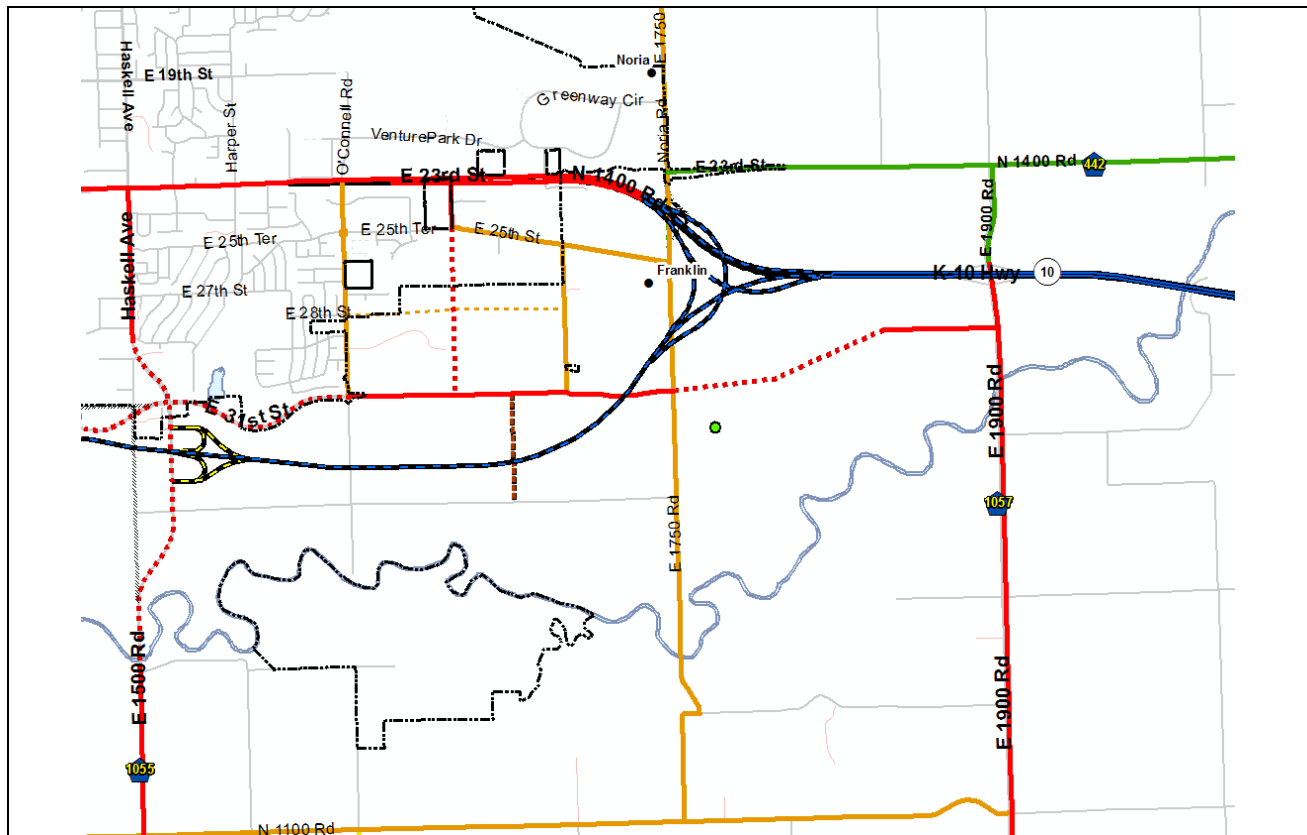


Figure 3. Potential routes current designation in the DG County Access Management Map: 31st Street/ N 1300 Road, Principal Arterial (chip and seal), Noria Road (E 1750 Road) Major Collector (asphalt), County Route 442/N 1400 Road, Minor Arterial (asphalt)

Staff Finding – Due to the agricultural nature of the nearby properties, the activity on the site should have no negative impact. The County Engineer indicated that the expected traffic for the facility can be accommodated without any road improvements. Additional lighting information shall be provided before the item is considered by the County Commission to insure that the exterior lighting will be designed to prevent glare to the adjacent road or adjacent properties.

VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

Applicant's Response:

"Should this property be denied this use it would cause a huge step back in the development of alternate facilities for this use in our community. The property has been long searched and vetted for this use and development. There is no relative gain to denying this application."

Approval of this request would accommodate the development of a rural soccer complex in close proximity to both Lawrence and Eudora. The applicant noted that there was a large demand for a soccer facility in the area. While this phase of the project is focusing on training activities, the facility may be expanded in the next phase to expand the training facility and perhaps include tournaments and matches. This expanded phase would be dependent on the transportation

network in the area to insure it is suited to the traffic demand. Increasing the outdoor recreation areas in Douglas County would directly benefit the public health by increasing opportunities for exercise and outdoor activity.

No benefit would be afforded to the public health, safety, or welfare by the denial of the request as no negative impacts are anticipated with the facility. Denial of the request would require the applicant to find another similar sized property in close proximity to the population areas and the major transportation network.

Staff Finding – In staff's opinion, there would be no gain to the public health, safety, and welfare by the denial of the request. Approval of the request would increase availability of sports/recreational facilities in Lawrence and Douglas County.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"We feel out project's location and vision complies 100% with the Horizon 2020 comprehensive Plan and have attached Chapter 9, which provides recommendations for park, open space, and recreation."

The Comprehensive Plan provides the following recommendations regarding recreation in Douglas County:

This Comprehensive Plan also recommends the continued improvement and development of active recreational facilities at school sites and other Douglas County and Township locations. (Page 9-6, Horizon 2020)

Facilitate the development of new park, recreation, and open space areas and facilities as necessary to stay ahead of anticipated growth and to meet community demand or as unique opportunities arise to do so. (Policy 3.1(b), Page 9-16 Horizon 2020)

Encourage open space uses in the community's privately or publicly owned floodplains and drainageways.

The CUP request is compliant with these recommendations in that it proposes the development of an active recreational facility to meet community demand. In addition the facility consists primarily of open space uses in the form of athletic fields and landscaping in an area that is encumbered with regulatory floodplain.

Staff Finding –The proposed recreation use is in compliance with recommendations in the Comprehensive plan regarding development of active recreational facilities to meet community demand as well as recommendations encouraging open space uses in the floodplains.

CUP PLAN REVIEW

The development area for the facility contains approximately 27 acres in area and includes the following:

- 5 soccer fields. (360 ft x 225 ft / 81,000 sq ft)
- 4 smaller training areas (94 ft x 50 ft / 4,700 sq ft)
- 1 smaller sand field for specialized traling (180 ft x 120 ft / 21,600 sq ft)

- Two structures, both 60 ft x 100 ft (6,000 sq ft x 2 / 12,000 sq ft). One will be a storage building and the other a training/meeting building with plans for a future concession area. Restrooms will be installed when a public water supply is available.
- Gravel/recycled asphalt access drive and parking area
- The plan notes that 15 portapotties (chemical toilets) will be located on site and the Health Department has approved the use. These are shown located west of the large parking lot and between the 2 southeastern fields. The plan should be revised to show the location of the portapotties more clearly.
- An access drive will circle the facility and two access points will be provided on to E 1750 Road to allow ingress/egress without congestion. The plan notes that the access drive will be 25 ft wide. The plan should also note the typical width of the access drives and entry points into the parking areas as a minimum of 24 ft wide.

Height, Area, and Density Standards: The setbacks required in the A District are dependent upon the nature of the adjacent road as noted below:

- The setback for E 1750 Road, a Major Collector Road, is 100 ft (Section 12-318) and is measured 40 ft from the centerline of the road (Section 12-305). The required yard along E 1750 Road is 140 ft from centerline of the road. Based on the scale of the plan, the buildings exceed this setback requirement. The distance from the building to the west property line should be added to the plan to insure the building is properly located.
- The setback for N 1300 Road, a Principal Arterial, is 150 ft and is measured 60 ft from the centerline of the road. The required yard along N 1300 Road (extended) is 210 ft from the centerline of the future road. The distance from the building to the proposed center line of N 1300 Road, extended, should be added to the plan to insure the building is properly located.

Parking and Access: The Zoning Regulations do not specify a parking requirement for an *Athletic Field* use. Typically, the parking for assembly uses is based on the number of seats provided for the event and parking for recreation uses is based on the square footage of the recreation area. The *Athletic Field* use is different from both of these uses as no seating is proposed and the number of occupants is set per team size rather than area. No seating is being proposed with this use and few spectators are anticipated. The applicant provided the following information related to parking:

- Typical team size of 15 players and 2 coaches: 34 plus 4 referees – 38 people per field. 5 fields results in 190 people.

The 200 parking spaces provided would allow 40 parking spaces per field; however, it is not the intent to use all the fields simultaneously. The applicant indicated that some fields are used while others are rested in order to maintain a suitable grassy surface. In addition, it is expected that many participants will be dropped off and the cars won't remain on the site during training. A grassed overflow parking area with 74 additional spaces will be located to the east of the standard parking area to accommodate the possible utilization of all fields or additional spectators. In staff's opinion, the amount of parking provided is adequate for this phase of the project. The Zoning Regulations require 1 ADA accessible space for a parking lot with up to 25 spaces. The parking lot to the north of the storage building has 20 spaces, with 2 of them being ADA accessible. The Zoning Regulations require 6 ADA accessible spaces for a parking lot with between 151 and 200 spaces. The parking lot to the east of the concessions building has 200

spaces, with 4 ADA parking spaces. 2 additional ADA parking spaces should be added to this parking area.

Water/Sewage Management: Rural water is not currently available in this area. The applicant intends to use well water for service water (irrigation, cleaning, etc.) and will bring potable water to the site for athletes and visitors. The Health Department has approved the use of potable water brought to the site, and has approved the proposed location for the septic system. The system will be installed with the first phase of this project; however, restrooms will not be added until a public water supply is available. This should be noted on the plan and the location of the chemical toilets should be shown more clearly on the plans.

Screening:

The plan shows the future extension of 31st Street (N 1300 Rd) so the use can be designed to accommodate the required future right-of-way. There is no road along the north property line at this time, so screening of the parking area from the north is not required at this time. Future improvements to the facility, following the construction of 31st Street, will require the addition of landscape screening along the north side of the parking areas. The small parking area to the north of the storage building is located approximately 100 ft from E 1750 Road. Screening of this parking area is not required due to the narrow width of the parking lot (2 single rows of parking) and the separation from the roadway.

Limits and Conditions:

The use should be administratively reviewed by the Zoning and Codes Office every 5 years to insure compliance with the standards of the Conditional Use Permit. Expiration dates are often applied to Conditional Uses so they may be re-evaluated to determine if they remain compatible with the development in the area. Given the nature of this use, staff does not recommend an expiration date.

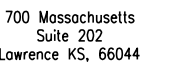
Conclusion

The proposal complies with the County Zoning Regulations and the land use recommendation of *Horizon 2020*. The facility should be compatible with the surrounding land uses.

P.O. BOX 1030
Lawrence Ks, 66044

Calcio Village

N1300 Rd & E1750 Rd
Lawrence,
Kansas



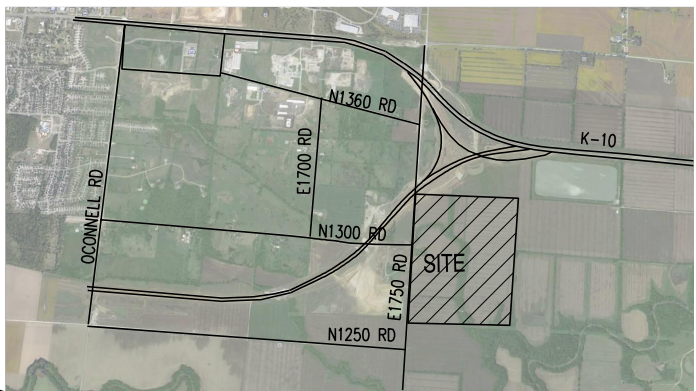
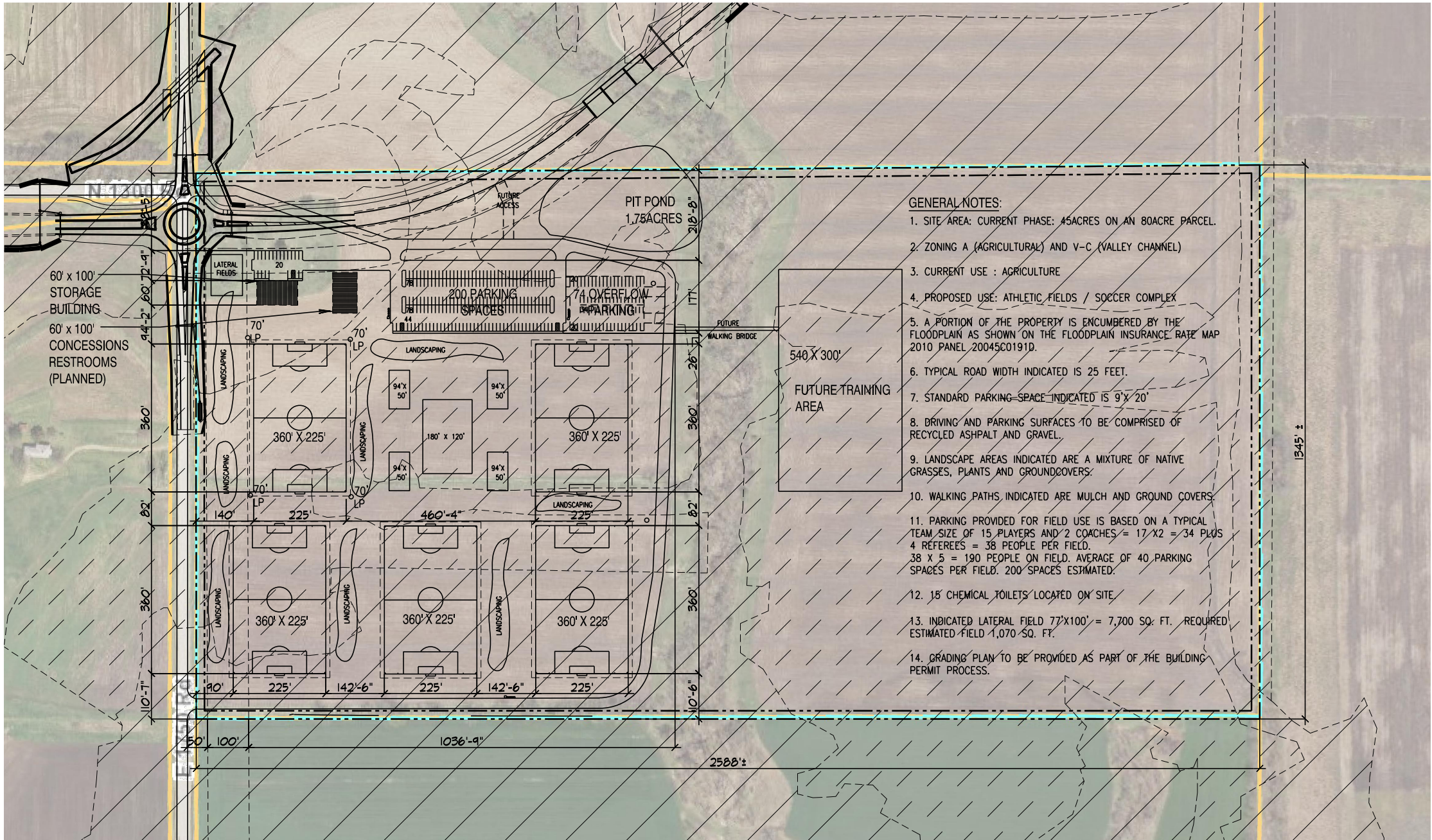
Rel. Date: 12.30.15

S100

SITEPLAN CONDITIONAL USE PERMIT

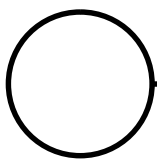
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LEGAL DISCRIPTION:
15-13-20 N 1/2 NE 1/4 WW 35



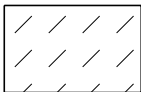
VICINITY MAP

SCALE: NTS



SITE PLAN

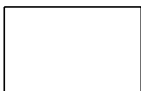
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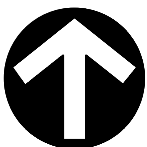
.2 PERCENT CHANCE ANNUAL FLOODING



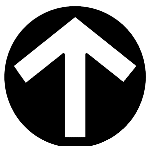
ZONE A - 2 PERCENT CHANCE ANNUAL FLOODING



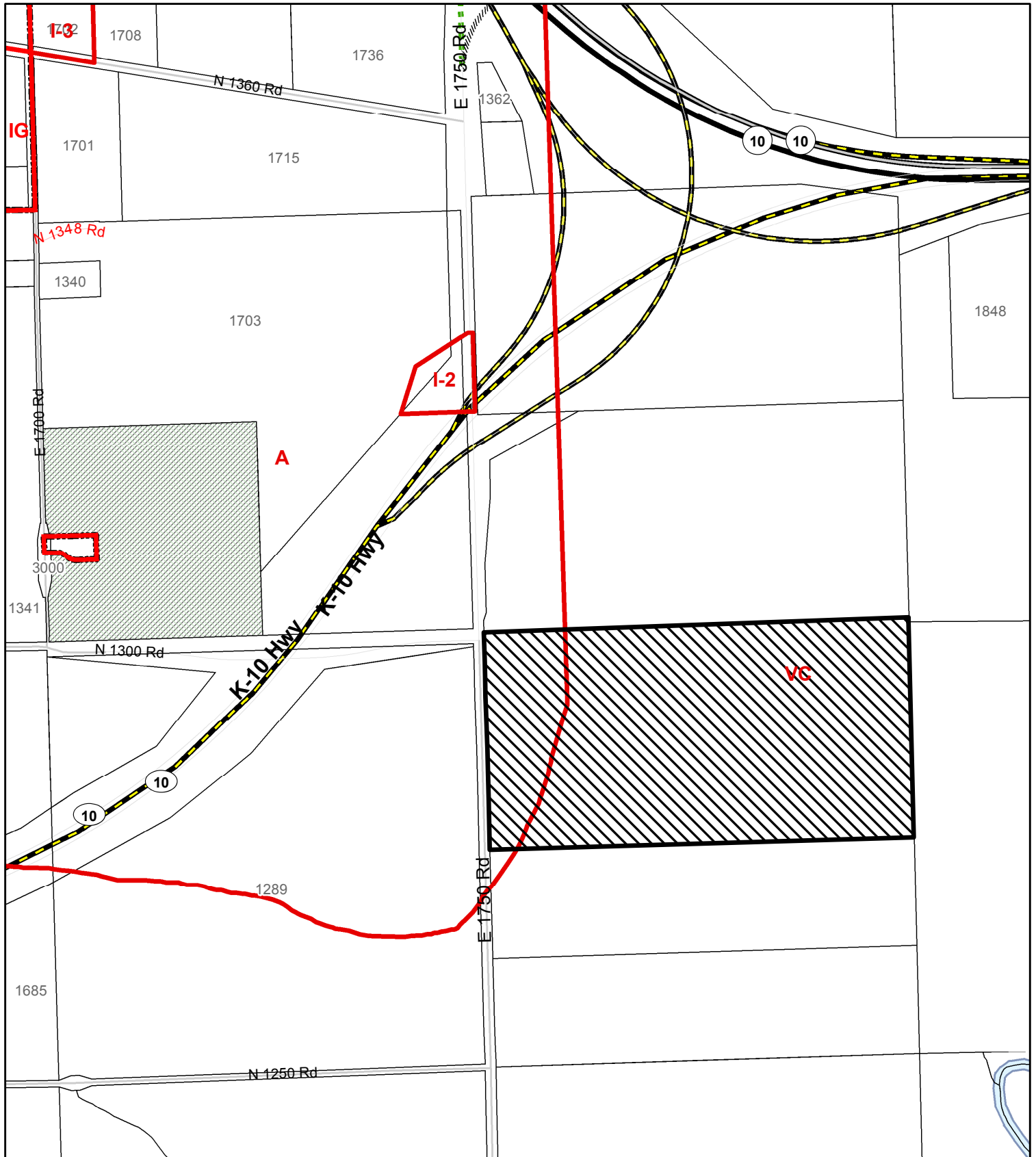
ZONE X - NOT IN FLOOD PLAIN



NORTH



NORTH



**CUP-15-00613: Conditional Use Permit for Calcio Village Youth Soccer Park
Located on the Southeast Corner of E 1750 Road and N 1300 Road (Extended to the East)**

From: [karen heeb](#)
To: [Mary Miller](#); [Karen Heeb](#)
Subject: CUP-15-00613--Calico Village
Date: Wednesday, January 20, 2016 11:14:38 AM

TO : Planning Commission

FROM: Southsiders N 1300 Road Neighborhood Association

We have some concerns and questions regarding the CUP-15-00613--Calico Village:

When will the Athletic Field construction begin and be ready for use?

We are concerned about the additional traffic this would generate on N 1300 Road from O'Connell to E 1750 Road (Noria Road). It appears that this would be the most direct route from the west to the Athletic Field. With the South Lawrence Trafficway (SLT) construction still in progress, E1750 is not accessible from K10 for traffic from the east, either.

We have visited with Keith Browning about the very poor condition of N1300 Road between O'Connell and E 1750 Road. Our understanding is that this road will not be resurfaced until the SLT is open next summer. We think safety is a major factor which should be considered for this road as it currently exists. The speed limit is posted at 35 mph but is mostly ignored by non-residents of this area. Heavy SLT work vehicles still use the road, as well.

Water and sewage is another area of concern. All of our properties depend on well water. The water table is currently in pretty good shape and providing the water we need, but that is only after the great amount of rain we received earlier this year. Our well is 75 feet deep on the lowest portion of our property to provide the limited amount of water we can get. Adding another well or wells for this project would have a negative impact on all of our wells. At least one property depends on two cisterns and has to haul water because the well could no longer provide an adequate water supply. All of our properties have septic systems and once a week hired trash pickup.

How will all of this be handled by the Calico Village?

The idea of Calico Village is very positive and would be a nice addition to the

recreational facilities
available for the youth of our community. However, with the above mentioned
questions and concerns
which will affect all of us and our daily living, we will appreciate the opportunity to
discuss this with
the Planning Commission on Monday evening, January 25th, at 6:30 p.m.

Thank you for your attention and consideration to this matter.

Respectfully,

Karen Heeb, on behalf of:

Steve Eisele
Camilla Geiss
Larry Fish
Denise Fish
Steve Braden
Carolyn Braden
Phil Wentz
John Burggraf

Roger Kitsmiller
Ralph Kitsmiller
Scott Chamberlain
Diana McNish
Dennis McNish
Bill Vervynk
Bernice Vervynk
Vickie Burggraf

From: [John Thomas](#)
To: [Mary Miller](#)
Subject: Soccer Park
Date: Tuesday, January 19, 2016 9:37:02 AM
Attachments: [Buffer.pdf](#)

Mary,

Wak-n-Duk has been developed during the last 9 years into a thriving wildlife conservation area. In partnership with the NRCS team, this property now contains two, large wetland areas and approximately 35ac of native grassland. The wildlife is thriving, which is very exciting for us to see. It chosen to receive a Wildlife Habitat award in 2011 and a Buffer Strip award in 2014. We're proud of what's been accomplished to date and hope to protect this environmental resource for many years.

The purpose of this email is to express our concern about the proposed soccer complex on property adjacent to Wak-n-Duk. We aren't anti-development, it just seems like this group could choose a more suitable location further away from sensitive environmental areas. The combination of lighting, noise and vehicular traffic created by this project, will have an adverse impact on our property.

Possibly the harm could be mitigated by the addition of a noise barrier and an agreement to not develop the eastern half of the property. However it certainly seems appropriate to have this type of project located away from sensitive environmental areas like the Wakarusa river valley.

Attached please find a description of the buffer/filter strip program we have in place. If anyone from the planning commission would like to visit the property, it will be our honor to host them for a tour.

Respectfully,

John Thomas

--

John Thomas
Oread Medical Partners
913-647-6633
785-550-6253 (cell)

CRP Map

Date: 11/15/2006

Customer(s): WAK-N-DUK LLC

District: DOUGLAS COUNTY CONSERVATION DISTRICT

Field Office: LAWRENCE SERVICE CENTER

Agency: NRCS

Assisted By: Joseph Hoffman

Legal Description: 14-13-20 NW4



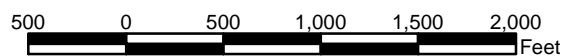
Legend

- Buffer
- Section Lines

Scale 1:12000



Image: drg_ks045.tif



PC Staff Report
01/25/2016

ITEM NO.2A: Z-15-00609 RS7 to RM15-PD; 4.038 acres; 5325 W 6th Street (BJP)

Z-15-00609: Consider a request to rezone approximately 4.038 acres from RS7 (Single-Dwelling Residential) District to RM15-PD (Multi-Dwelling Residential with Planned Development Overlay) District, located at 5325 W 6th St. Submitted by Landplan Engineering PA on behalf of Village Cooperative of Lawrence (contract purchaser). Kansas/Nebraska Association of Seventh Day Adventist Inc. is the property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 4.038 acres, from RS7 (Single-Dwelling Residential) District to RM15-PD (Multi-Dwelling Residential with Planned Development Overlay) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the approval of the associated Preliminary Development Plan (PDP-15-00610).

Reason for Request: *"This rezoning request facilitates the development of a 52-unit senior housing cooperative on the subject property."*

KEY POINTS

- The Development Code requires that rezoning requests to the PD Overlay be accompanied by a Preliminary Development Plan. A Preliminary Development Plan (PDP-15-00610) was submitted with this rezoning request.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- PDP-15-00610: Preliminary Development Plan for Village Cooperative of Lawrence. This item is also being considered by the Planning Commission at their January meeting.
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Submittal and administrative approval of Final Development Plan.
- Recording of Final Development Plan with Register of Deeds Office.
- Application and release of building permits prior to development.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not applicable to residential request

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No public comment was received for this item prior to the printing of this staff report.

Project Summary:

The project includes the rezoning of approximately 4.038 acres located southwest corner of the intersection of W 6th Street and Queens Road, from RS7 District to the RM 15 District to accommodate the development of an Assisted Living Facility. The Planned Development Overlay being requested with this rezoning request provides the means to regulate the design of the project to insure the project's compatibility with the surrounding area.

As part of the proposed 52-unit Assisted Living Facility, Branchwood Drive would be extended to W 6th Street.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"This request conforms to several recommendations in Chapter 5, Residential Land Use, of Horizon 2020. Page 5-2 of this chapter lists elements supporting strong neighborhoods such as mixed housing types and connectivity. This request will add a new senior living land use to the Fox Chase neighborhood and it will also add pedestrian sidewalks and a new vehicular street connection to 6th Street. The request conforms to several parts of Policy 3.3, Encourage Compatible Infill Development, by adding to the variety of housing types within the neighborhood, conforming to the general architectural style of the area, and maintaining the physical form and pattern of the existing neighborhood. The request also conforms to numerous goals and policies for Medium-and Higher-Density Residential Land Use. This project will provide ample open space, not only along the 6th Street corridor but also in its rear yard to the south where it abuts single-family development. The project accounts for transportation considerations such as access and traffic impacts by proposing to extend Branchwood Drive to 6th Street and by placing its driveway close to that intersection so as to minimize impact to the nearby neighborhood. Lastly, the project will use appropriate transition methods such as site orientation, building relationships, and screening and landscaping to effectively serve as a buffer between 6th Street to the north and the Fox Chase subdivisions to the south."*

Chapter Five of *Horizon 2020* provides strategies and goals for residential land use. One strategy listed on page 5-1 states, "The character and appearance of existing residential neighborhoods should be protected and enhanced. Infill development, rehabilitation or reconstruction should reflect architectural qualities and styles of existing neighborhoods." While this project does not meet the definition of 'infill' in that it is not completely surrounded by developed properties, it is in close proximity to existing residential neighborhoods. The Preliminary Development Plan allows an evaluation of the layout of the site and the architectural qualities and style of the development to insure the development protects and enhances the character and appearance.

Another strategy listed on page 5-1 states, "A mixture of housing types, styles and economic levels should be encouraged for new residential and infill developments." There is multi-dwelling housing to the west of the subject property, and single-dwelling development to the south. This development would add to the mixture of housing types in the area by providing a residential option for seniors.

Per *Horizon 2020*, another consideration for a medium density residential land use is the compatibility with existing land uses (Page 5-23). As indicated above, there is an existing multi-dwelling development to the west of the subject property. The area to the north is zoned RM24 District and future multi-dwelling development is planned for the area.

Staff Finding – The proposed request is compatible with the surrounding existing land uses and is consistent with the land use recommendations in *Horizon 2020*.

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

Current Zoning and Land Use: RS7 (Single-Dwelling Residential); undeveloped.

Surrounding Zoning and Land Use: North: UR (Urban Reserve); undeveloped.
RM24 (Multi-Dwelling Residential), undeveloped.

East: UR (Urban Reserve); *Detached Dwelling*.
Southeast: PRD (Planned Residential Development); *Detached Dwellings*.
South: RS7 (Single-Dwelling Residential); *Detached Dwellings*.
West: PRD (Planned Residential Development); *Multi-Dwelling Structure*.

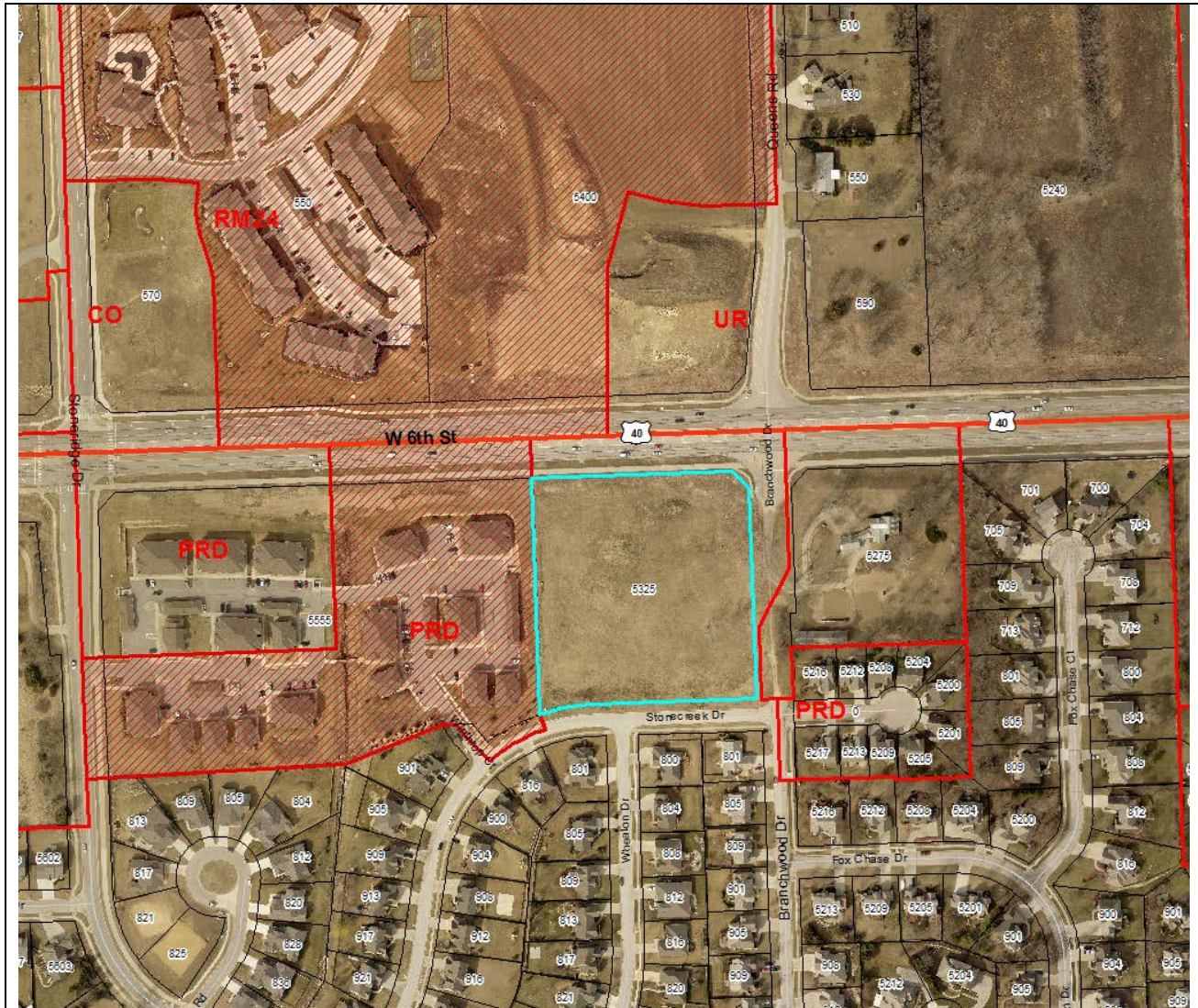


Figure 1: Surrounding zoning of the subject property.

Staff Finding – As proposed, the subject property will be uniformly zoned similar to development property located to the west.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *"The subject property lies at the southwest corner of the intersection of W. 6th Street and Queens Road. It is bounded to the north by W 6th Street, across which is vacant property zoned RM24 and planned for future apartment development. The property to the west is known as the Alvarado apartment complex, is zoned PRD and features a development density of 12 units per acre. The subject property is bounded to the south by Stonecreek Drive, across which*

rest single-family homes in the Fox Chase subdivisions. To the east, across an undeveloped stretch of Branchwood Drive right-of-way, lie single-family homes on Branchwood Court and a circa 1920 single-family house on a 2.3 acre lot zoned Urban Reserve (UR)."

Developed properties in the area consist of low and medium/high density residential development. Access to the major transportation network will be improved with the proposed development with the extension of Branchwood Drive to W 6th Street.

Staff Finding – The neighborhood is mostly developed, but contains some undeveloped parcels. The area contains primarily low density residential uses to the south, and medium/high densities to the west and north. With the extension of Branchwood Drive, there will be a good access to the major transportation network.

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

Staff Finding – No area or neighborhood plans have been adopted for this area. Horizon 2020 is the guiding plan for this area.

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

Applicant's Response: *"The subject property is not highly suitable for single-family development under its current RS7 zoning designation. The property is bounded by an arterial street to the north, a medium-density apartment complex to the west and dedicated right-of-way for a collector street to the east. Furthermore the property features considerable elevation change (38 feet) across an area barely over 4 acres in size. These existing conditions make the subdivision of this property into appropriately-sized and marketable single-family residential lots a nearly impossible task."*

The property is currently zoned RS7 which permits low density residential development with a minimum lot area of 7,000 sq. ft. Other uses which are permitted in the RS7 District include *Religious Assembly, Neighborhood Institution; Cemeteries; Extended Care Facility, Limited; Passive Recreation; Nature Preserve; Private Recreation; and Crop Agriculture. Assisted Living* is permitted with approval of a Special Use Permit. Below, Table 1 lists the uses which are permitted in the RS7 and RM15 Districts.

Uses permitted in the RM15 District are similar to those in the RS7 District with the addition of *Duplex and Multi-Dwelling Structures, Congregate Living, Extended Care Facility, General; and Religious Assembly, Campus Institution.* (Table 1) The property is also well suited for the uses which would be permitted with the RM15 Zoning. The Preliminary Development Plan proposes the permitted use on this property to an *Assisted Living* use. The property is well suited for the use and the use should be compatible with the adjacent properties with the provisions of the Preliminary Development Plan.

RS7	RM15	RS7	RM15
Detached Dwelling	Detached Dwelling (SUP)	Lodges (SUP)	Lodges (SUP)
Mfg Home	Mfg Home (SUP)	Public Safety (SUP)	Public Safety (SUP)
—	Duplex	Utilities (SUP)	Utilities (SUP)
—	Multi-Dwelling Structures	—	Extended Care Facility, General
—	Mobile Home (SUP)	Extended Care Facility, Limited	Extended Care Facility, Limited
—	Mobile Home Park (SUP)	Active Recreation (SUP)	Active Recreation (SUP)
Assisted Living (SUP)	Assisted Living	Passive Recreation	Passive Recreation
Group Home, Limited	Group Home, Limited	Nature Preserve	Nature Preserve
Group Home, General (SUP)	Group Home, General (SUP)	Private Recreation	Private Recreation
—	Congregate Living	Religious Assembly, Neighborhood Inst.	Religious Assembly, Neighborhood Inst.
Adult Day Care Home (SUP)	Adult Day Care Home	—	Religious Assembly, Campus Inst.
Cemeteries	Cemeteries	Bed & Breakfast (SUP)	Bed & Breakfast (SUP)
College/University (SUP)	College/University (SUP)	Telecommunication Tower (SUP)	Telecommunication Tower (SUP)
School (SUP)	School (SUP)	Crop Agriculture	Crop Agriculture
Cultural Center/Library (SUP)	Cultural Center/Library (SUP)	Telecommunication Tower (SUP)	Telecommunication Tower (SUP)
Day Care Center (SUP)	Day Care Center (SUP)		
Day Care Home (Class B) (SUP)	Day Care Home (Class B) (SUP)		

Table 1: Comparison of uses permitted in the RS7 and RM15 Districts. Uses permitted only in the RM15 District are shown in **bold**.

Staff Finding – Due to the topography on site, the property is less suited for the uses allowed in the current RS7 zoning. The site is well suited for the use associated with the proposed RM15-PD zoning.

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

Applicant's Response: *"The subject property has remained vacant since it was annexed into the City limits."*

Staff Finding – City of Lawrence aerial photos indicate that the property has been undeveloped since at least 1995.

7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's Response: *"This rezoning will not result in any significant detriment to nearby properties. Rather, approval of this rezoning will provide tangible benefits to the neighborhood by*

completing development on the northern edge of the Fox Chase neighborhood and extending Branchwood Drive to W. 6th Street."

The permitted use associated with the Preliminary Development Plan is an *Assisted Living* use.

Staff Finding – The permitted use and building type provided with the Preliminary Development Plan are adequate to insure the development will be compatible with the area and should have no negative impact on surrounding 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: *"Approval of this request will facilitate appropriate residential infill of this neighborhood and significant public improvements to the local street and sidewalk networks. Denial of this request and the accompanying Preliminary Development Plan application will perpetuate the vacancy of this property and compel future applicants to pursue a different type of residential land use for this location."*

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.

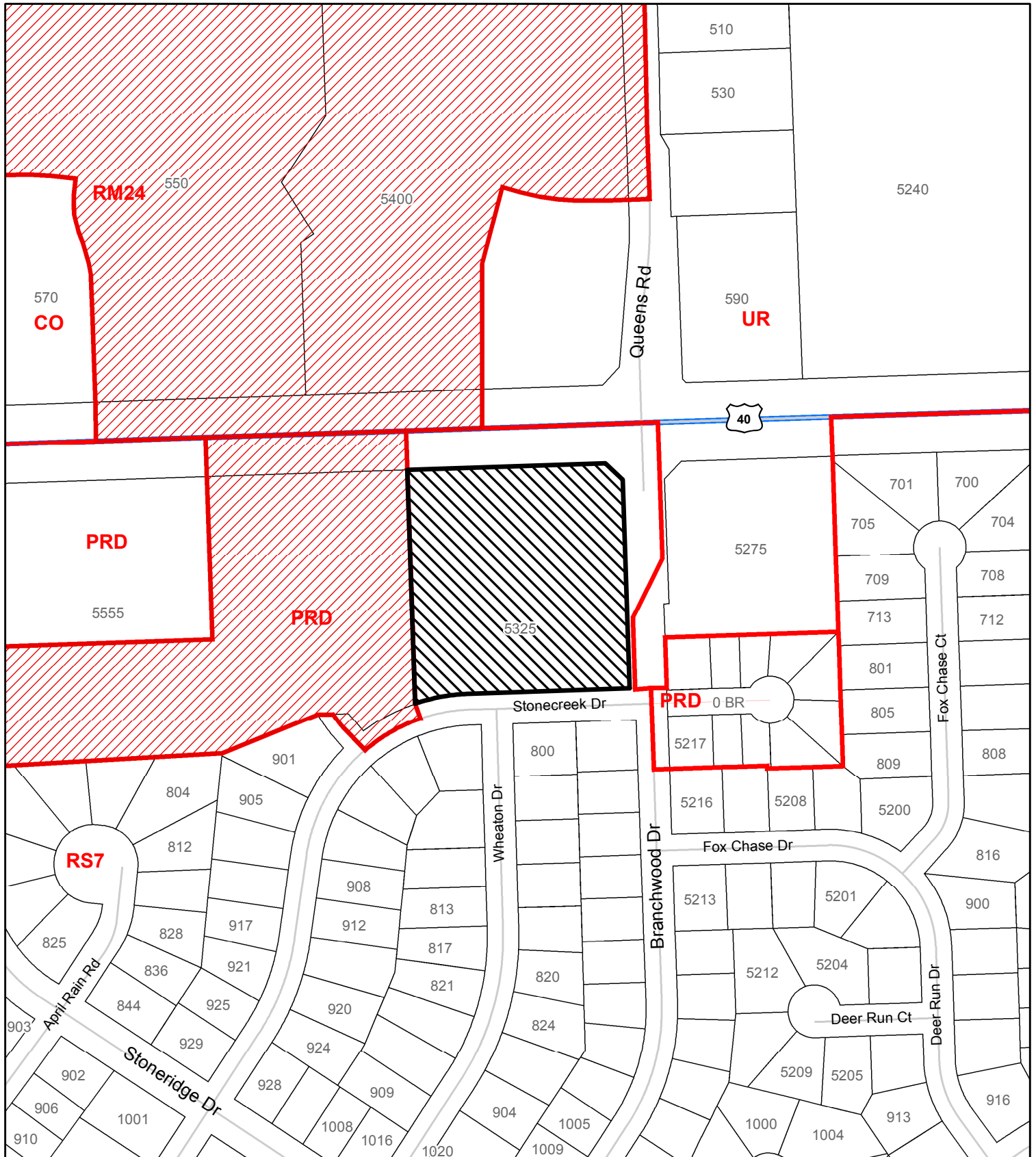
Denial of the rezoning would leave the area open for development of the uses permitted within the RS7 District. This would allow the *Assisted Living* Development to occur with the approval of a Special Use Permit (SUP). The SUP approval often creates financing difficulties for specialized building projects.

The approval of the RM15 rezoning request with a Planned Development Overlay allows the applicant the design flexibility necessary for the project while insuring that the development is compatible with surrounding properties.

Staff Finding – Given the controls on the use and design that are afforded through the use of the Planned Development Overlay, there would be no gain to the public by the denial of the rezoning request.

9. PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the request to rezone approximately 4.038 acres from RS7 District to RM15-PD District as it is an appropriate zoning district for the property subject to the approval of the associated Preliminary Development Plan (PDP-15-00610).



**Z-15-00609: Rezone 4.038 acres from RS7 District to RM15-PD District and
PDP-15-00610: Preliminary Development Plan for Village Cooperative of Lawrence
Located at 5325 W 6th Street**

PLANNING COMMISSION REPORT
Regular Agenda -Public Hearing Item

PC Staff Report
1/25/2016

ITEM NO. 2B: PRELIMINARY DEVELOPMENT PLAN FOR VILLAGE COOPERATIVE OF LAWRENCE; 5325 W 6TH STREET (BJP)

PDP-15-00610: Consider of Preliminary Development Plan for Village Cooperative of Lawrence, located at 5325 W 6th St. The plan proposes the construction of a 3-story structure containing 52 assisted living units, underground & surface parking and site improvements, including the construction of Branchwood Drive north to W 6th Street. Submitted by Landplan Engineering PA on behalf of Village Cooperative of Lawrence (contract purchaser). Kansas/Nebraska Association of Seventh Day Adventist Inc. is the property owner of record.

STAFF RECOMMENDATION ON PRELIMINARY DEVELOPMENT PLAN: Planning Staff recommends approval of Village Cooperative of Lawrence Preliminary Development Plan based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Agreement not to protest the formation of a benefit district for future signal improvements at W 6th Street and Branchwood Drive must be executed by the applicant and provided to the Planning Office before recording of the Final Development Plan.
2. Provision of a revised Preliminary Development Plan with the following changes:
 - a. Add the following note, "We hereby dedicate to the City of Lawrence the right to regulate any construction over the area designated as Common Open Space, open air recreation area, and non-encroachable area and to prohibit any construction within said areas and spaces inconsistent with the approved use or enjoyment of residents, lessees, and owner of the Planned Development".

Reason for Request: Preliminary Development Plan submitted for development of an Assisted Living Facility in conjunction with rezoning request to the RM15 District with a Planned Development Overlay.

KEY POINTS

- The Preliminary Development Plan also serves as the Preliminary Plat.

FACTORS TO CONSIDER

- Conformance with the purpose of Planned Developments (Section 20-701, Development Code).
- Compliance with Development Code.
- Conformance with *Horizon 2020*.
- Conformance with Subdivision Regulations.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases

- Z-15-00609: A rezoning request to the RM15-PD (Multi-Dwelling Residential with Planned Development Overlay) District has been submitted and is also being considered by the Planning Commission at their January meeting.

Other Action Required

- City Commission approval of Preliminary Development Plan.
- Submittal and approval of Final Development Plan and Final Plat.
- Public Improvement Plans submitted to City Public Works and Utilities Departments. The plans must be approved and the means of ensuring completion of public improvements accepted prior to recording the Final Plat.
- Recording of Final Development Plan and Final Plat with the Douglas County Register of Deeds.
- Building permits must be obtained prior to construction of structures.

ATTACHMENTS

1. Preliminary Development Plan

PUBLIC COMMENT

- No public comment was received prior to printing this staff report.

GENERAL INFORMATION

Current Zoning and Land Use: RS7 (Single-Dwelling Residential); undeveloped.

Surrounding Zoning and Land Use: North: UR (Urban Reserve); undeveloped.

East: RM24 (Multi-Dwelling Residential), undeveloped.
UR (Urban Reserve); *Detached Dwelling*.

Southeast: PRD (Planned Residential Development); *Detached Dwellings*.

South: RS7 (Single-Dwelling Residential); *Detached Dwellings*.

West: PRD (Planned Residential Development); *Multi-Dwelling Structure*.

SITE SUMMARY			
	Existing	Proposed	Change
Land Use:	Undeveloped	Assisted Living	Change in use
Land Area:	175,878 sq. ft.	175,878 sq. ft.	---
Total Building:	0 (0%)	30,120 sq. ft. (17%)	+ 30,120 sq. ft.
Total Pavement:	0 (0%)	24,786 sq. ft. (14%)	+24,786 sq. ft.
Total Impervious	0 (0%)	54,906 sq. ft. (31%)	+ 54,906 sq. ft.

Area :			
Total Pervious Area:	175, 878 sq. ft. (100%)	120,972 sq. ft. (69%)	- 54,906 sq. ft.

PARKING SUMMARY			
Use	Req. per Sec. 20-902	Parking Required	Parking Provided
<i>Assisted Living</i>	1 parking space per independent living unit	52 independent living units: 52 parking spaces	84 parking spaces
Bicycle	0	0	0
ADA Spaces	Req. per Sec. 20-912	75-100 total parking spaces provided = 3 auto spaces and 1 van accessible space	3 auto and 1 van

STAFF ANALYSIS

The proposal is to develop a 52-unit assisted living facility. This facility will be a cooperative which owns the building and land, and is comprised of shareholders (the “members”). Membership in the cooperative is legally restricted to individuals 62 years old or older. Ownership of shares in the cooperative entitles shareholders to a living unit in the building. While the members own and inhabit each of the units in the building, the cooperative handles the maintenance of the units and building, as well as the grounds.

The three-story facility will also include a community room, club room, office, 58 underground parking spaces, and an outdoor patio with a fireplace. The project will also include exterior walkways, driveways, surface parking, stormwater detention, and the completion of Branchwood Drive to W 6th Street.

The use meets the definition of *Assisted Living*, “*Building or group of buildings containing dwellings designed for occupancy by persons 55 years or older where the dwelling units are independent but include support services such as central dining and limited medical or nursing care.*” (Section 20-1701, Development Code). The facility will be used for *Independent Living*, which is not defined in the Development Code but is included in the *Assisted Living* category for parking requirements and bonus calculations for Mixed Use Districts. *Independent Living* is a form of assisted living where the residents are more independent than those in assisted living. For example, they may prepare their own meals and may not need nursing care, yet they still may require some support services.

Preliminary Plat Review

The Preliminary Development Plan serves as the Preliminary Plat. There is one lot being created with this plat, which has frontage on W 6th Street. The lot complies with the dimensional requirements in the RM15 District.

COMPLIANCE WITH ZONING REGULATIONS FOR THE RM15 DISTRICT

Per Section 20-601(a), the RM15 District permits a maximum density of 15 dwelling units per acre. Lot 1 consists of approximately 4.038 acres and as such, the maximum density permitted is 60 dwelling units. The proposed development would contain 52 independent living units and would therefore meet the maximum density permitted.

Alternately, the Planned Development Overlay allows that density be calculated based on the number of bedrooms rather than the number of dwelling units. Per 20-701(f)(3)(ii), a studio or 1-bedroom unit shall count as .4 dwelling units and a 2-bedroom shall count as .6 dwelling units. The development will contain 12 one-bedroom units and 40 two-bedroom units. As such, the following calculations show the maximum calculated density of dwelling units per acre:

- 12 one-bedroom units X .4 unit = 5 units
- 40 two-bedroom units X .6 unit = 24 units
- Total = 5 + 24 = 29 units
- 29 units on an area of 4.038 acres is a maximum calculated density of 7.2 dwelling units

For this Preliminary Development Plan, the maximum density requirement allowed for a Planned Development Overlay will be used as the official requirement. The maximum calculated density for this project is 7.2 dwelling units.

STREETS AND ACCESS

The subject property is located on the southwest corner of W 6th Street and Queens Road. The property abuts Stonecreek Drive to the south, and Branchwood Drive to the east of the subject property will be extended north to connect with W 6th Street. Vehicle access will be provided from Branchwood Drive when the roadway is extended. Access will not be provided from W 6th Street.

There is an existing sidewalk located on the north and south side of W 6th Street. The plat indicates that sidewalk will be constructed on the east and west side of Branchwood Drive, and along the north side of Stonecreek Drive.

UTILITIES AND INFRASTRUCTURE

A new public 8' water main will be constructed along the west side of Branchwood Drive. Public Improvement Plans are required for this new main. The new development will tie into existing natural gas and sanitary sewer lines located south of the property.

EASEMENTS AND RIGHT-OF-WAY

There are no new public easements associated with this plat. The new water main will be located within the right-of-way of Branchwood Drive. The plan notes all previously platted easements, which include 15' utility easements on the west property line, south property line, and southern portion of the east property line. There is also a roadway and utility easement on the north and north east portions of the property, which was filed by separate instrument (Book 871, Page 614).

The adjacent street to the north, W 6th Street, is classified as a 'principal arterial' in the Major Thoroughfares Map, which requires 150' of right-of-way. The plan notes that 75' of right-of-way is provided south of the street center line to the property line. Stonecreek Drive is classified as a 'local street' and requires 60' of right-of-way and is indicated on the plat. As part of this project, Branchwood Drive will be extended north to tie into W 6th Street. Branchwood Drive is classified as a 'residential collector', and as such requires 60' of right-of-way. The existing Branchwood

Drive was platted with 60' of right-of-way. This plan notes 70' of right-of-way near Stonecreek Drive to the south of the property, and 80' of right-of-way north.

Preliminary Development Plan Review

The proposed Preliminary Development Plan for Village Cooperative of Lawrence has been evaluated based upon findings of fact and conclusions per Section 20-1304(d)(9) of the Development Code for the City of Lawrence, requiring consideration of the following nine items:

1) *The Preliminary Development Plan's consistency with the Comprehensive Plan of the City.*

The project will achieve a calculated density of 7.2 dwelling units per acre which is considered medium density. Recommendations for medium-density residential development from Chapter 5 of *Horizon 2020* are listed below. Staff discussion of the project's compliance with the recommendation follows in red.

"Development proposals shall be reviewed for compatibility with existing land uses. The review should include use, building type, density and intensity of use, architectural style, scale, access and its relationship to the neighborhood, and the amount and treatment of screening and open space." (Policy 1.1, page 5-23)

The building form, roof type and exterior materials will feature compatible architectural context with the surrounding developments and the community as a whole.

Additional open space is provided with this development as the Planned Development Overlay requires a certain amount of open space for the common use and enjoyment of the residents of the Planned Development. The proposed development is compatible with the nearby land uses.

"Encourage new and existing medium- and higher-density residential development which is compatible in size, architectural design, orientation, and intensity with the surrounding land uses in established areas." (Policy 3.4, page 5-29)

This development is being designed to be compatible with the surrounding land uses.

"Provide pedestrian and/or bicycle path to provide access to all parts of a neighborhood and beyond," (Policy 2.2(b), page 5.25)

New sidewalks will be constructed on the north side of Stonecreek Drive, and on both side of Branchwood Drive with the extension of that roadway. The plan provides internal pedestrian connectivity to these new sidewalks, and the existing sidewalks along W 6th Street.

"Site design should be oriented so that less compatible uses such as trash, loading and parking area are located in the interior of the development and not adjacent to or in close proximity to low-density residential neighborhoods." (Policy 3.1(c)(1)(a), page 5-27)

As shown on sheet 5 of the development plan, the trash and recycling will be collected and housed within the garage. On the morning of collection day, the containers will be taken to the parking lot and placed in the southern end of the fire lane for pick up by City crews. Also, the majority of the parking will be located in a basement garage. The small surface lot will be located south of the building and screened from the adjacent residential neighborhood by a Type 1 bufferyard.

Staff Finding – The proposed development complies with the land use goals and policies for medium- and higher-density residential development of the Comprehensive Plan.

2) Preliminary Development Plan's consistency with the Planned Development Standards of Section 20-701 including the statement of purpose.

Applicant's Response: *"The proposed development complies with all density, dimensional, parking, loading, access, landscaping, screening and general development standards applicable to the RM15 base district. The intent behind this application for a Planned Development is not to receive development bonuses or flexibility around onerous standards, but instead to provide the public an opportunity to thoroughly review the development plan and understand the unique nature of the proposed senior housing cooperative."*

The purpose statement includes the following:

a) Ensure development that is consistent with the comprehensive plan.

As discussed previously, the development is consistent with the comprehensive plan.

b) Ensure that development can be conveniently, efficiently and economically served by existing and planned utilities and services.

The developer is working with the City Utilities Department regarding the construction of the public water main. Public Improvement Plans must be approved and the means of ensuring completion of public improvements accepted prior to recording the Final Plat.

c) Allow design flexibility which results in greater public benefits than could be achieved using conventional zoning district regulations.

The design flexibility allows the property to develop for the 'Assisted Living' use while insuring a density and residential nature that will be compatible with the surrounding properties.

d) Preserve environmental and historic resources.

There are no known historical or environmental resources on this property.

e) Promote attractive and functional residential, nonresidential, and mixed-use developments that are compatible with the character of the surrounding area.

Section 20-701(d) states that all of the standards of the Development Code apply to development within a PD District except as expressly authorized by regulations of Section 20-701. The Dimensional standards in the RM15 District are being met with this development.

The landscaping requirements of Article 10 apply to this development. While the final landscaping details will be determined with the Final Development Plan, landscaping is reviewed with the Preliminary Development Plan to insure adequate area is provided for the required landscaping and to determine if Alternative Compliance or variances may be necessary. A review of the landscaping is provided below.

Landscaping	Requirement	Required	Provided
Street Trees	1 per 40 ft of street frontage	W 6 TH Street: 424 ft. / 40 = 11	W 6 th Street: 11

		Branchwood Drive: 397 ft. / 40 = 10	Branchwood Drive: 10
		Stonecreek Drive: 421 ft. / 40 = 10	Stonecreek Drive: 10
Interior Parking Lot Landscaping	40 sq. ft. for each parking space. 1 tree and 3 shrubs per 10 parking spaces.	40 X 26 parking spaces = 1,040 sq. ft. landscape area 26 parking spaces / 10 = 3 trees & 9 shrubs	1,050 sq. ft. landscape area 3 trees & 9 shrubs
Perimeter Parking Lot Landscaping	1 shade tree per 25 ft. of parking lot frontage along r-o-w PLUS wall, berm, or continuous hedge of evergreen shrubs.	Continuous row of evergreen shrubs	21 evergreen shrubs
Bufferyard Landscaping	Type 1 Bufferyard per ratio listed in Section 20-1005(f)	South: 25 ft. wide, 421 ft. long: 10 trees & 25 shrubs	10 trees & 25 shrubs

Staff Finding – The proposed Preliminary Development Plan is consistent with the Statement of Purpose of Planned Development, and with the standards of Section 20-701 of the Development Code.

3) The nature and extent of the common open space in the Planned Development.

Section 20-701(j) notes that 20% of the site must be located within common open space. The total common open space exceeds the minimum required standard. [35,176 sq. ft. required, 70,000 sq. ft. provided]. The common open space for this project will include an outdoor patio with a fireplace, as well as an undeveloped common open space area on the north portion of the property.

Staff Finding – This plan includes developed common open spaces as well as areas that will remain in their undisturbed condition.

4) The reliability of the proposals for maintenance and conservation of the common open space.

Staff Finding –The plan notes that the common open space will be privately owned and maintained by the owner of this facility.

5) The adequacy or inadequacy of the amount and function of the common open space in terms of the densities and dwelling types proposed in the plan.

The Development Code requires 50 sq. ft. of outdoor area that can be used for recreational purposes for each dwelling unit in the RM15 District. The development plan proposes a total of 52 units which would require 2,600 sq. ft. (52 X 50 sq. ft.) of outdoor area. The Recreational Common Space provided with the Planned Development will serve as the Outdoor Recreation area.

Staff Finding – The common open space required for the Planned Development, 20% of the site (175,878 sq. ft X 0.20 = 35,176 sq. ft), exceeds the outdoor area that is required for a residential development in the base RM15 District. The amount of common open space that is being proposed for this development is adequate.

6) Whether the Preliminary Development Plan makes adequate provisions for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment.

Staff Finding – The Preliminary Development Plan has made adequate provisions for public services and provides adequate control over vehicular traffic with access provided from Branchwood Drive. Adequate access for Fire/Medical is provided by means of a fire lane on the west side of the property.

7) Whether the plan will measurably and adversely impact development or conservation of the neighborhood area by:

a) doubling or more the traffic generated by the neighborhood;

The Traffic Impact Study indicated that the single-dwelling residential development located to the south of the proposed development generates 157 average trips per day, and the development would generate 35 average daily trips. This is an increase of approximately 22%.

b) proposing housing types, building heights or building massings that are incompatible with the established neighborhood pattern; or

The proposed development will be a 3-story building, with compatible architectural context for the established neighborhood. The development will be setback from W 6th Street and align with the existing structures to the west and east. Also, the development will be separated from the southern residential development by a Type 1 bufferyard. The proposed development will be compatible with the established neighborhood pattern.

b) increasing the residential density 34% or more above the density of adjacent residential properties.

The property to the south is zoned RS7 (Single-Dwelling Residential) with a maximum density of 6.2 units per acre. The property to the west, Aberdeen on Sixth, is zoned PRD (Planned Residential Development) with a maximum density of 12 dwelling units per acre. The property to the east is zoned UR (Urban Reserve) and contains an existing detached dwelling. The Foxchase Patio Homes PRD is located southeast of the subject property and has a maximum density of 5.24 dwelling units per acre. The calculated density of this proposed development is 7.2 dwelling units per acre which will not increase the residential density above the density of adjacent residential properties.

Staff Finding – The development will increase the traffic in the area by less than 50%, is proposing building height, design, and massing that is compatible with the area, and will not increase the density by 34% or more above the density of adjacent residential property. The development should not have a measureable or adverse impact on the development or conservation of the neighborhood area.

8) Whether potential adverse impacts have been mitigated to the maximum practical extent.

Potential adverse impacts with the *Assisted Living* use can occur with lighting that extends onto adjacent properties. A photometric plan will be required prior to approval of the Final Development Plan to insure there is no negative impact from the exterior lighting. Parking will be provided via an underground garage, and a small surface lot south of the proposed building. This parking area will be separated from the southern residential neighborhood by open space and a Type 1 bufferyard.

A majority of the property is retained in a natural state or is incorporated into organized common areas throughout the development. There are no nearby single-dwelling residences that will be impacted by this development.

Staff Finding – Possible adverse impacts of exterior lighting will be addressed with a photometric plan to insure there is no spillover light. No other possible adverse impacts have been identified.

9) The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the Planned Unit Development in the case of a plan that proposes development over a period of years.

Staff Finding- A phased development has not been proposed.

Staff Review and Conclusion

The proposed Preliminary Development Plan conforms to the land use recommendations for medium- to high-density residential development in the Comprehensive Plan. The Development Plan complies with the requirements in the Development Code for the RM15 and PD Overlay Districts. There are minor technical changes needed to the plan and these have been listed in the conditions of approval.



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
1/25/16

ITEM NO. 5: B-3 TO B-2; 6.178 ACRES; E 900 RD (MKM)

Z-15-00608: Consider a request to rezone approximately 6.178 acres from County B-3 District to County B-2 District, located in the 1400 block of E 900 Rd. Submitted by BG Consultants, Inc. on behalf of Fairway LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends denial of rezoning request Z-15-00608 and forwarding it to the Board of County Commissioners with a recommendation for denial based on the findings of fact found in the body of the staff report.

REASON FOR REQUEST

Applicant's Response:

"The owner wishes to build small warehouses on the property which are not permitted in the current zoning."

KEY POINTS

- The property is located within the boundaries of the *West of K10 Plan*. The plan recommends 'Commercial--Lake Oriented' uses for this property.
- Access to the property is provided from E 900 Road, a Local Road.
- The adjacent B-3 Zoned property is developed with *Boat/RV Storage*, which is permitted in the B-3 District, and with *Mini-Storage*, which required approval of a Conditional Use Permit in the B-3 District.
- The property was platted as Lot 1 Block 1, Lakeside Vista in conjunction with the rezoning to the B-3 District in 2008.

ASSOCIATED CASES

- Z-05-10-06: Rezoning from A-1 (Suburban Home Residential) District to B-3 (Limited Business) District approved by County Commission on August 16, 2006. Resolution adopted on June 2, 2008 following platting of the property.
- PF-07-07-07: Lakeside Vista Final Plat which was recorded at the Register of Deeds Office on April 4, 2008.
- CUP-04-06-07: Conditional Use Permit for *Mini-Storage* to the south; approved by the Board of County Commissioners on June 11, 2007.

OTHER ACTION REQUIRED

- Board of County Commissioners approval of rezoning application and publication of Resolution.
- Board of County Commissioners approval of site plan prior to development.
- Zoning and Codes Office issuance of building permit prior to development.

ATTACHMENTS

Attachment A: Zoning map

PUBLIC COMMENT

No public comment was received for this item prior to the printing of this staff report.

Project Summary

The subject property is located along the north side of an existing commercial development with boat/RV and mini-storage uses. Fully enclosed warehouse buildings, under 20,000 sq ft each, are proposed on the subject property.

REVIEW & DECISION-MAKING CRITERIA

1. ZONING AND USE OF PROPERTIES NEARBY

Current Zoning and Land Use: B-3 (County- Limited Business) District; *Agriculture*.

Surrounding Zoning and Land Use: To the north:
A-1 (County-Suburban Home Residential) District;
Agriculture

To the west: A-1 (County-Suburban Home Residential) District, A (County-Agricultural) Districts and F-F (Floodway Fringe) Overlay District;
Agriculture

To the south:

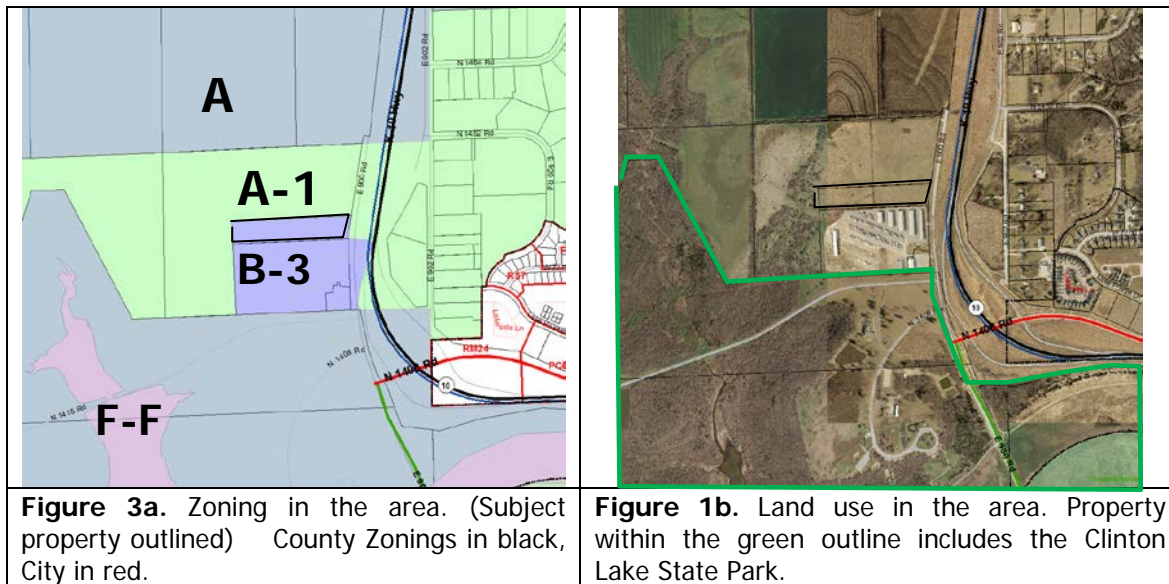
A (County-Agricultural) District and F-F (Floodway Fringe) Overlay District; Army Corps of Engineers Information Center and Facility Yards for Clinton State Lake and Open Space.

To the east:

A-1 (County-Suburban Home Residential) District, K10 Highway and *Single-Family Dwellings*. Property further to the east is within the City of Lawrence and includes RM12 and RM24 (Multi-Dwelling Residential), RS10 and RS7 (Single Dwelling Residential), and PCD (Planned Commercial Development) Districts Zonings;

(Figure 1)

Staff Finding – The area is near the west boundary of the city of Lawrence and contains a mix of rural and urban zonings and land uses. The subject property and the area to the south are zoned for limited commercial uses with County and City residential zoning surrounding the property to the west, north, and east. Property to the south of the commercially zoned property is zoned A (Agriculture) and is part of the Clinton State Park. Land uses in the area include mini-warehouse and boat storage to the south, open space and Army Corps of Engineers facilities further to the south, agriculture to the north and west, and residential to the east.



2. CHARACTER OF THE AREA

The area is divided east and west by the K10 Highway, with the west city limits of Lawrence approximately a quarter mile east of the highway. Properties to the east of the K10 Highway, both within and outside of the city limits, are developed residentially while properties to the west remain undeveloped with the exception of the storage uses in the B-3 District and park offices and facilities for Clinton Lake. The area immediately south of the subject property is developed with storage uses: mini-storage and boat/RV storage. The remainder of the area to the west of E 900 Road and K10 Highway is relatively undeveloped, with the northern portion in Agricultural use and the southern portion containing the Clinton State Park and facilities.

Staff Finding – The area is divided east/west by the K10 Highway. The area west of K10 is primarily rural in nature with agriculture and open space as the primary uses. The area also contains a commercial node with boat- and mini-storage uses. The area east of K10 is more urban residential in nature with residential development in varying densities.

3. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's Response:

"The property has never been developed with the current zoning. With no access to sanitary sewer facilities, any immediate use must be one that will not require sanitary facilities. The proposed warehouses will be able to function without sanitary facilities."

The property is currently zoned B-3 (Limited Business) which is intended to permit and encourage the grouping of certain retail activities and services intended primarily to serve the motoring public. The uses permitted in this district include the following:

Automobile Service Station	Boat Storage	Florist Shop, Greenhouse, Garden Supplies
Antique Sales	Camera Supply Sales	Gift, Novelty and Souvenir Sales

Art Supplies	Drug Store	Grocery Store
Bicycle Sales/Rental/Repair	Equestrian Equipment Sales	Hardware Store (excluding lumber and industrial)
Boat and Equipment Sales & Repair	Fishing and Camping Equipment and Supplies	Restaurant (no service to automobiles)

These uses could be accommodated with the use of an on-site sewage management system. The property is served by Rural Water District No. 1, so a public supply of water is available. The property is suited to the uses which are permitted in the B-3 District.

The B-2 District allows an expanded list of commercial uses in addition to all uses which are permitted in the B-3 District. (Attachment B). The use the applicant is considering is *Wholesale establishment or warehouse in a completely enclosed building as long as floor area devoted to such uses shall not exceed 20,000 square feet* (Section 12-310-2.12, Zoning Regulations).

City services, including water and sanitary sewer infrastructure, have not been extended to the area. Annexation of the property into the city and development at an urban density would not be feasible until city services were extended to serve the area west of K10 Highway. Development of rural commercial uses, using on-site sewage management systems and rural water, would be appropriate prior to annexation.

The property is in close proximity to the K10 Highway and its intersection with E 900 Road, which is classified as a Minor Arterial to the south. E 900 Road is classified as a Local Road to the north of the intersection and dead-ends just north of the subject property. The City Future Thoroughfare map identifies E 900 Road to the north as a Future Collector which will be extended to the north to connect with the extension of N 1457 Road, designated as a Future Minor Arterial. A traffic impact study would need to be provided with any development project to insure the road network is adequate for the anticipated traffic. The extension of E 900 Road and N 1457 Road are proposed in the future; however, the proximity to K10 Highway access would suit commercial uses.

Staff Finding – The property is suitable for the uses to which it is restricted in the B-3 Zoning District and is also suitable for the uses which are permitted in the B-2 District, with limitations that may be placed on the scale and scope of development by the use of rural utilities and the property's access on a Local Road.

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

Staff Finding – The property has not been developed since it was rezoned to the B-3 District in August of 2006.

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

Applicants Response:

"The property to the south is zoned B-3 and is currently used as mini-warehouses and boat/vehicle storage. The property to the north and west is owned by the same owner as the subject property. K-10 Highway is abutting the property on the east side. The proposed zoning will not detrimentally affect the nearby properties."

The uses permitted in the B-2 District, beyond those which are allowed in the B-3 District, include amusement uses such as a skating rink, billiard parlor, or theater; manufacturing uses such as bottling works, plumbing and heating shop, tire sales and service, and general service and repair establishments; as well as drive-in restaurants; motels; and wholesale establishment or warehouse, provided such uses occupy a maximum of 20,000 sq ft. These uses may be incompatible with future development of the residential uses to the north. This area is currently zoned A-1 (Suburban Home District) for rural residences and is recommended for medium density and high density residential development in the *West of K10 Plan*.

Staff Finding – Removal of restrictions could have negative impacts on the future residential use of the property to the north, as currently zoned and as recommended in the *West of K10 Plan*.

6. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

Applicants Response:

"If the rezoning is approved, additional tax revenue will be generated as opposed to the property remaining vacant if the rezoning is denied."

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 were denied, the property would retain the B-3 Zoning and could be developed with uses which are permitted within the B-3 District with site plan approval, or with uses which are listed as Conditional Uses in Section 12-319 when approved as a Conditional Use. The proposed warehouse use would not be possible if the rezoning were denied.

As discussed in Section 7 of this report, the proposed warehouse use, and many of the uses permitted in the B-2 District are not compliant with the land use recommendations in the long range plan for the area, the *West of K10 Plan*. Compliance with the recommendations in the area plan provides predictability for land owners in the area regarding future development. Denial of the proposed rezoning would require the zoning to remain B-3 and would limit the uses which are permitted in the area to lake-oriented uses as recommended in the long range plan.

The Zoning Regulations note that the B-2 (General Business) District is intended to provide sufficient space for a wide variety of business, commercial, and miscellaneous service activities, particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor and noise associated with manufacturing. The area contains the mini-warehouse and boat storage use and a lot with a vacant convenience store. The development of the property to the north with the warehouse use would exceed the 20,000

sq ft that is permitted in the B-2 District. The Code language is unclear if this limit applies per building or for the use overall; however, the purpose language for the B-2 District notes that it should not be characterized by extensive warehousing. Based on the purpose statement, it is staff's opinion that the limitation applies to the use as a whole and not to the individual buildings. The proposed use exceeds the area limitation in the B-2 Zoning District. If the rezoning were approved, the proposed use would need to be altered to fit the use standards of the B-2 District.

Staff Finding –The proposed development of warehouse buildings would not be possible if the rezoning were denied. The proposed warehouse use is not consistent with the land use recommendations in the Comprehensive Plan, the area plan, or with the use standards of the Zoning Regulations. The denial would benefit the public health, safety, or welfare as it would maintain consistency with the adopted long range plan for the area and provide predictability for the future development of the site.

7. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The West of K-10 Plan proposed this area be a Community Commercial Center (CC) which allows a Light Wholesale, Storage and Distribution use."

The property is located within the boundaries of the *West of K10 Plan*. The plan recommends 'Commercial Center-Lake Oriented' uses for this area and recommends CC200 or MU Districts when the property is within the City. The plan notes:

"This lake-oriented commercial development should serve the many visitors to Clinton Lake. Horizon 2020 identifies K-10 and Clinton Parkway as a future Neighborhood Commercial Center. This Plan recommends changing that designation to a Community Commercial Center to reflect the higher intensity of the lake oriented nature of the existing commercial uses. Many of those uses serving the lake, such as boat storage, are not appropriate for a Neighborhood Commercial designation." (Page 27, *West of K10 Plan*)

The primary land uses recommended for this area are 'lake oriented commercial'.

The Comprehensive Plan, which includes the area plan by reference, recommends this area for lake-oriented commercial uses and notes typical uses as bait shops, boat rental, and lodging. (Page 6-23, *Horizon 2020*) Other uses which could be considered lake oriented commercial include bike rental/repair, hiking and camping equipment, restaurants, small grocery store, and fuel/gas sales. The proposed warehouse use is not a lake-oriented use. In addition, many of the uses permitted in the B-2 District are not lake-oriented uses.

Staff Finding – The rezoning request to the B-2 General District is not compliant with the overall recommendations in the Comprehensive Plan or the specific recommendations in the Area Plan, for lake-oriented commercial uses in this location. The proposed use and many of the uses in the B-2 District are not lake-oriented. The B-3 Zoning District contains a limited range of uses which are lake-oriented.

8. PROFESSIONAL STAFF RECOMMENDATION

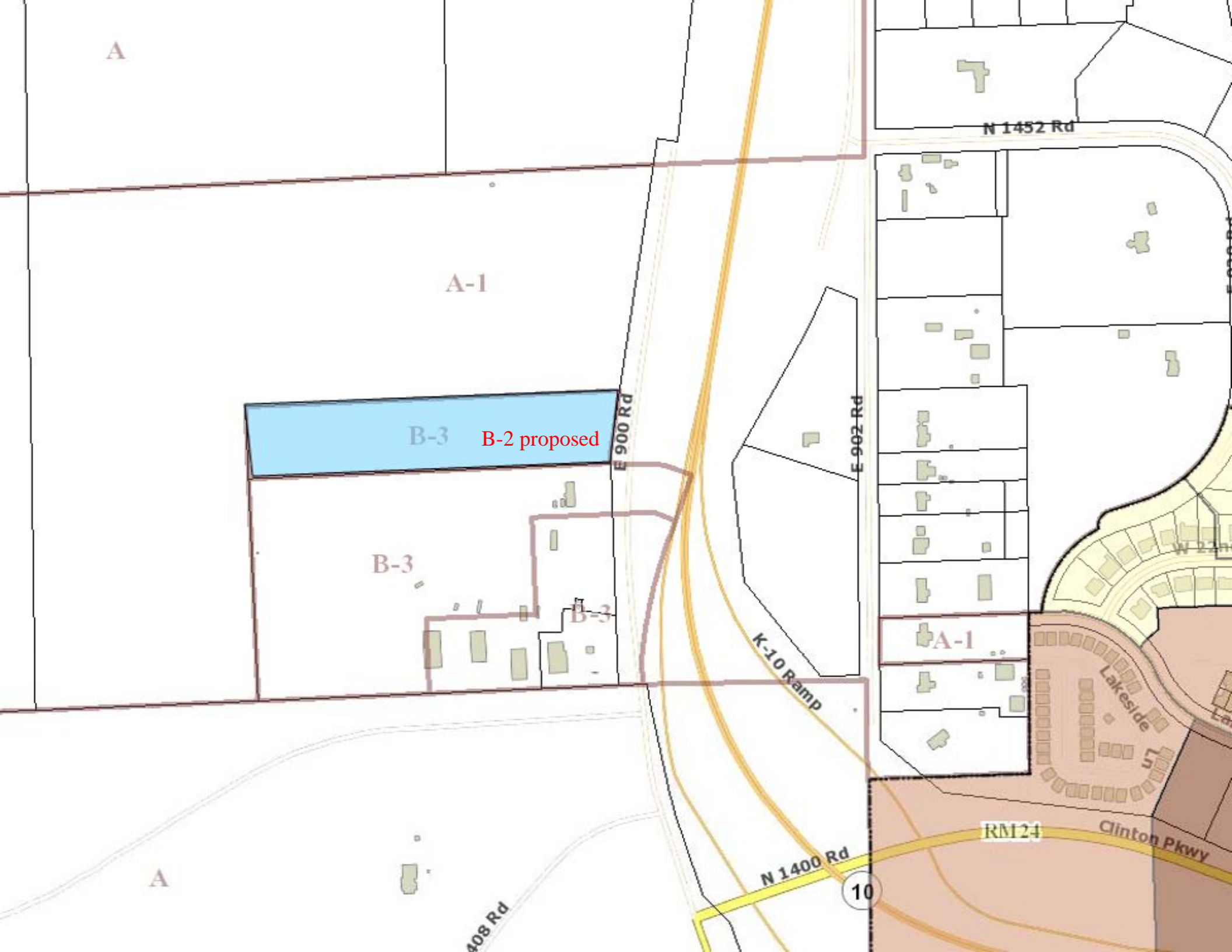
This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The proposed warehouse use, and many other uses permitted in the B-2 Zoning District do

not comply with the recommendation in the Comprehensive and Area Plans for lake-oriented commercial development.

The proposed use would be compatible with other land uses in the area currently; however, the warehouse use could be incompatible with the residential development that is recommended in the Area Plan for the adjacent property.

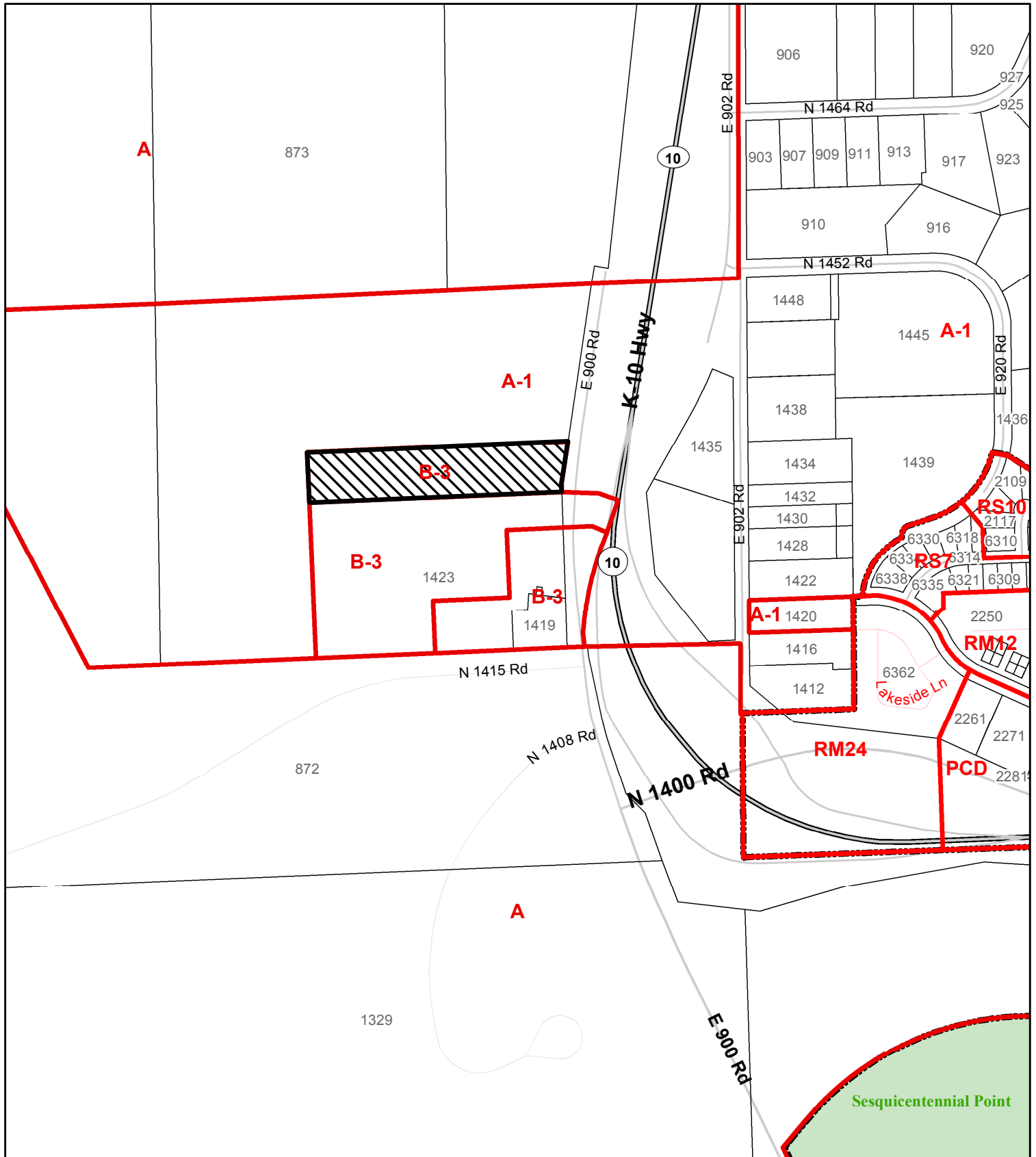
The land is suitable for the proposed use, which could be easily served without any sanitary sewer provisions or, if an office was included, could be served with an on-site sewage management system. The use could be served with rural water and an on-site sewage management system. Fire protection measures and the adequacy of the road network and any improvements that are needed would be determined through the site planning process for the particular use/design that is proposed.

As the rezoning request is not consistent with the recommendations in the Comprehensive and Area Plans, staff recommends denial of this rezoning request.



USES PERMITTED IN B-2 ZONING DISTRICT

- Agriculture
- Single Family Dwelling
- Residential Design Mfg Homes
- Churches, Temples, etc
- Colleges and Schools
- Rural Home Occupations
- Nonprofit Libraries or Museums, Art Galleries
- Public Parks And Playgrounds
- Child Care Home
- Child Care Center
- Parking Lot and Storage Garage
- Display Room for Merchandise to be Sold on Order where Merchandise is Stored Elsewhere
- Dressmaking, Bakery, Appliance And Bicycle Repair, Etc.
- Filling Stations
- Frozen Food Locker
- Animal Hospital or Clinic
- Offices, Including Clinics
- Personal Services: Barber Shops, Banks, Dry Cleaning, Restaurants, Taverns, Undertaking Establishments, Etc.
 - Self Service laundry
- Retail Stores Including Florists and Greenhouses
- Amusement Place, Skating Rink, Swimming Pool or Dance Hall in Completely Enclosed Building; Theater
- Bottling Works, Dyeing and Cleaning Works or Laundry, Plumbing and Heating Shop, General Service and Repair Establishments, Etc.
- Bowling Alley/Billiard Parlor
- Drive-In Restaurants
- Food Storage Lockers
- Hotels, Motels, or Motor Hotels
- Material Storage Yards in Connection with Retail Sales
- Outdoor Advertising Sign
- Printing or Engraving Establishments
- Public Garage
- Wholesale Establishment or Warehouse in a Completely Enclosed Building so Long as Floor Area Devoted to Such Uses Shall Not Exceed 20,000 Sq Ft
- Used Car Lot



**Z-15-00608: Rezone 6.178 acres from County B-3 District to County B-2 District
Located North of Judy's Junction in 1400 Block of E 900 Road**

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
1/25/16

ITEM NO. 6: SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-IN; 4300 W 24TH PLACE (SLD)

SUP-15-00521: Consider a Special Use Permit for approval of a neighborhood commercial shopping area that includes one building to house a *Fast Order Food, Drive-in*, located at 4300 W 24th Place. The plan proposes 31,625 sq. ft. of commercial development in five buildings with four drive-in uses indicated. Submitted by Paul Werner Architects, for RPI, LLC, property owner of record.

STAFF RECOMMENDATION: Planning Staff supports one *Fast Order Food, Drive-in* use at this neighborhood center. However, in order to revise the site plan to provide a more appropriate design that reduces pedestrian/auto conflicts, as discussed in this report, staff recommends deferral of this Special Use Permit request. Additionally, the applicant should be aware of the following potential conditions of approval prior to the Planning Commission voting on this item.

1. Prior to release of the site plan for issuance of a building permit the applicant shall;
 - a. Submit a revised Special Use Permit (site plan) to include building elevations demonstrating compliance with the Commercial Design Guidelines, photometric plan per section 20-1103 for administrative review and approval. This same note shall be included as a note on the face of a revised plan.
2. Provision of a revised site plan to include the following general notes:
 - a. Provision of a note on the face of the plan that limits the number of *Fast Order Food Drive-in* uses for this property to one (1). Any additional *Fast Order Food Drive-in* uses for this property shall require approval of a Special Use Permit prior to construction.
 - b. Add a note that states: *"Any tenant or use shall require review regarding maximum Gross Square Feet allowed per Article 5 of the Land Development Code. Future tenants should be advised that in most cases the maximum gross square feet allowed for an individual use is 3,000 SF."*
 - c. *"All ground mounted and mechanical equipment shall be screened from public view of the public right-of-way and adjacent properties per section 20-1006."*
 - d. Add a note that states: *"A photometric plan per section 20-1103 shall be submitted for review and approval prior to issuance of a building permit."*
 - e. Revised the landscape notes to include street trees required along Clinton Parkway and revise drawing to graphically show the required street trees.

Applicant's Reason for Request: *A fast order food with drive-through is proposed for the site.*

KEY POINTS

- This request complies with the *Inverness Park District Plan* which designates neighborhood commercial uses for this location.
- This application is speculative. Specific tenants or users have not been identified at this time.
- This application is intended to secure the conceptual design of a future commercial development with drive-in uses.

- A Special Use Permit is required for drive-in uses for *Fast Order Food* in the CN2 District. Other retail drive-in uses such as a pick-up window or bank teller window are not subject to a Special Use Permit.
- This CN2 District was approved with a condition of the zoning that any site plan shall first be considered by the City Commission, with notice, prior to approval. Typical Site Plan applications are subject to administrative review.
- If approved, building elevations will require separate review for compliance with the Commercial Design Standards.
- Fast Order Food includes a range of eating and drinking establishments that include high turn-over restaurant uses.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Family Fun Center Related Requests
 - TA-13-00488; Special Use in CN2 District - denied by City Commission
 - Z-13-00483; RSO to CN2 – approved and published
 - SUP-13-00486; Family Fun Center – withdrawn by applicant
 - SUP-14-00026; Retail/restaurant uses with drive-in; included 3.106 acres with two pad sites and two drive-in uses – withdrawn by applicant
- Residential and Commercial Requests
 - Z-15-00198; rezoning request from RSO to CN2 for 10 acres, Ordinance # 9128
 - PP-15-00196; Preliminary Plat including 14 duplex lots and one 7.027 commercial lot approved by the Planning Commission on June 22, 2015.
 - PF-15-00585; Final Plat has been approved.
- Refer to attached history for complete summary.

Other Action Required

- City Commission approval of Special Use Permit and adoption of ordinance.
- Recordation of Final Plat with Register of Deeds Office.
- Approval of Public Improvement Plans and provision of a guarantee prior to Recoding the Final Plat.
- Submission and approval of a site plan for compliance with commercial design guidelines, and photometric plans and any other conditions of approval.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Notice to neighborhood from Paul Werner
- Paul and Marilyn Meier; letter in opposition to development, attached.
- Leanna McRenalds, Raintree Montessori School regarding questions about proposed development, via telephone.
- Dawn Shew, email communication
- Larry Grecian, email communication

ATTACHMENTS

1. Area Map
2. History of Development Memo
3. Inverness Park Neighborhood Land Use Plan
4. Site Plan
5. Site plan from SUP-14-00026
6. Neighborhood letter from Paul Werner with concept plans
7. Updated Traffic Study
8. Off-street parking summary

GENERAL INFORMATION	
Current Zoning and Land Use:	CN2 (Neighborhood Commercial) District, undeveloped land.
Surrounding Zoning and Land Use:	
To the northwest/west:	RM12 (Multi-Dwelling Residential District) a church and duplexes are located west and northwest of the subject property.
To the southwest:	RS7 (Single-Dwelling Residential) District a subdivision of single family residences is located southwest of the property to the west of Inverness Drive. GPI (General Public and Institutional) District: elementary and middle schools located farther southwest along Inverness Drive.
To the south:	PRD-[The Grove] and PRD-[The Legends at KU]: multi-dwelling residences.
To the north:	RM12 (Multi-Dwelling Residential) District; Bishop Seabury Academy campus. PD-[Wimbledon Terraces PRD]; existing multi-dwelling townhouse residential development. RSO (Single-Dwelling Residential-Office) district; Clinton Parkway Animal Hospital.
To the east:	RM15 (Multi-dwelling Residential) District; multi dwelling residences.

Summary of Request

The plan is conceptual and does not include specific building elevations for review as required to demonstrate compliance with Commercial Design Guidelines. This application is for the development of property in the CN2 (Neighborhood Commercial) District to include both *Retail Sales and Services* and *Fast Order Food* uses. At this time specific tenants are not known. The CN2 District allows a variety of land uses that would be permitted subject to only site plan approval. However, *Fast Order Food uses with a Drive-in* specifically require approval of a Special Use Permit in the CN2 (Neighborhood Commercial) District. The focus of this report regards compliance and appropriateness of proposed *Fast Order Food with a Drive-in* uses in this location. It will be helpful to the reader to review the previous application site design. A copy of the previous plan is attached to this report for reference.

The proposed plan shows one *Fast Order Food, Drive-in* use located in the southwest corner of the site nearest the intersection of Inverness Drive and W 24th Place. The site plan shows additional pad sites and two buildings located on the north portion of the site each with a drive-in. Drive-in uses, excluding *Fast Order Food, Drive-in* uses, are allowed in the CN2 district, and do not require a Special Use Permit review. Examples of this type of use include banks, pharmacy, dry cleaning, or liquor store.

Zoning District Summary

This CN2 District was approved in June 2015 consistent with the adopted *Inverness Park District Plan* land use recommendations. The zoning was approved with specific limitations and use restrictions including the following (Ordinance # 9228):

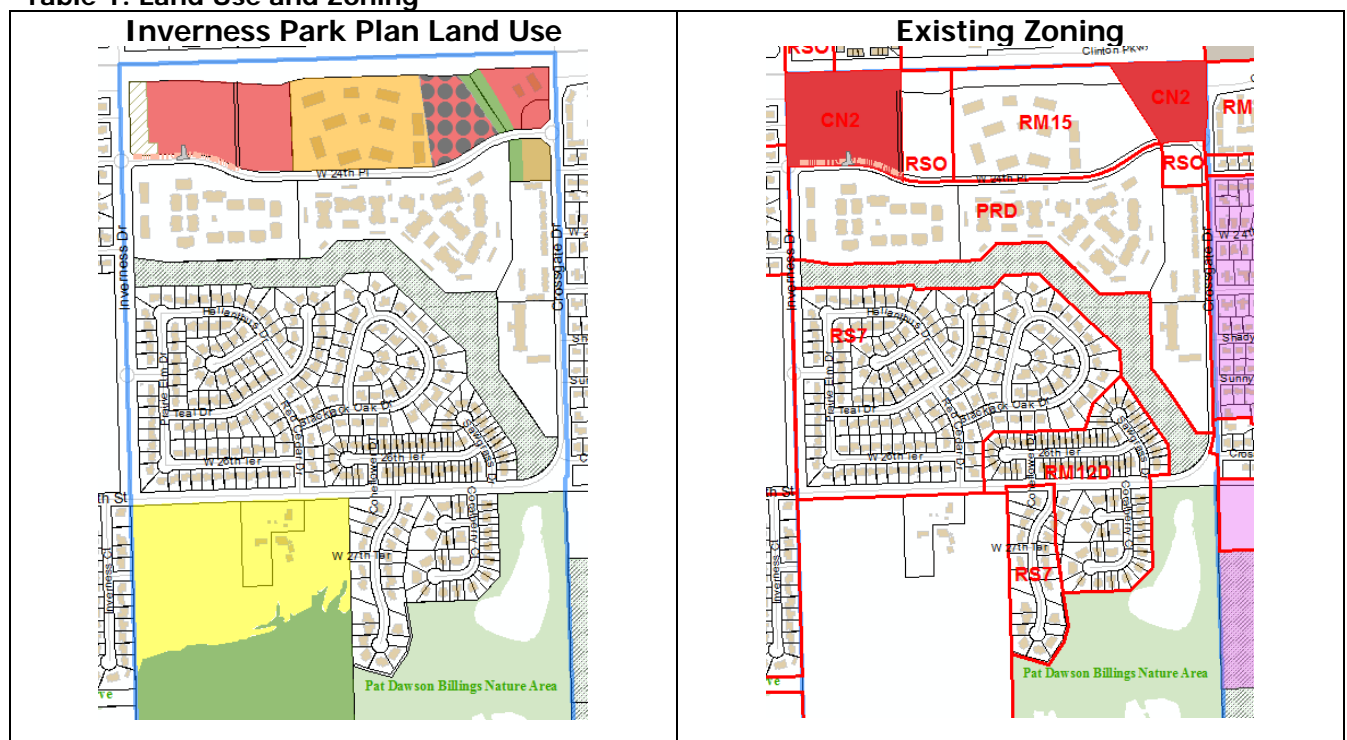
1. City Commission shall review and approve any site plan application prior to issuance of a building permit.

2. Development shall include the extraordinary buffer yard along Inverness Drive and shall be limited to open space, landscaping, and park-type amenities.
3. Residential uses are prohibited.
4. Notice to property owners shall extend 1000'.

As a Special Use Permit, this application will be forwarded to the City Commission for final actions as part of the decision making process. The proposed development includes a wide buffer yard along Inverness Drive. This element is discussed later in this report. There are no proposed residential elements included in this proposed Special Use Permit. Extraordinary notice was provided, per the zoning ordinance, for this application.

The purpose of the CN2 District is for neighborhood commercial uses. These uses can include such things as grocery stores as well as the "sale of good and services." Uses included in a neighborhood commercial development are expected at a minimum to have strong pedestrian connections between the commercial development and the residential areas as discussed in the *Inverness Park District Plan*. That Plan identifies the primary uses as including, "Eating and Drinking Establishments, General Office, Retail Sales and Services, Fuel Sales, Car Wash, Civic and Public Uses, and Medical Facilities." Fast Order Food, Drive-in is a specific use listed under the heading of "Eating and Drinking Establishments."

Table 1: Land Use and Zoning



Duplex residential was approved as part of the zoning and preliminary plat applications considered for this property in June 2015. The commercial rezoning did not include the entire 11-acre parcel included in the *Plan*. By reducing the acreage; the intensity of the commercial development was also reduced. An additional enhancement of the *Plan* included a substantial buffer area along the east side of Inverness Drive. This buffer area was defined in the subdivision plat as a 65' by 350' area. The actual development of the buffer area is included and implemented in this application.

Uses with Specific or Additional Design Standards when located in the CN2 District.

The purpose of the CN2 District is primarily intended to implement the Comprehensive Plan's Neighborhood Commercial Centers policy of providing for the sale of goods and services at the neighborhood level. (Section 20-208). As such, this district includes additional use restrictions for various uses listed in Articles 4 and 5. Below is a summary of some of the restrictions for uses in this district.

- ❖ The maximum amount of commercial space in the CN2 District is 100,000 GSF.
- ❖ If the commercial center includes a grocery store with more than 60,000 GSF, but not to exceed 80,000 SF, then the maximum amount of commercial space permitted in the CN2 District is 125,000 SF.
- ❖ No one building shall exceed 40,000 GSF except a grocery store may exceed this number up to a maximum of 60,000 GSF.
- *Cemetery* use permitted but site does not have direct access to Arterial Street per section 20-505.
- *Day Care Center* uses are permitted. Site can meet design standards per section 20-507.
- Eating and Drinking Establishments are permitted uses excluding an *Accessory Restaurant* and a *Nightclub* per section 20-509.
 - *Accessory Bars* cannot exceed 25% of the floor area of the establishment.
 - *Fast Order Food* establishments may not exceed 3,000 SF
 - Building A [Restaurant] includes 2,600 SF
 - Building B [Restaurant] includes 1,800 SF
 - Building C [Restaurant] includes 2,900 SF
 - Building D [Restaurant] includes 3,200 SF
 - If use is designated as a Brewpub or Restaurant Quality, the 3,000 SF limitations would not be applicable.
 - *Bar or lounge* use permitted not to exceed 3,000 SF. Area larger than 3,000 SF subject to a Special Use Permit.
 - *Quality Restaurants* are permitted without limit on size per section 20-524.
- *Food and Beverage Sales* is permitted not to exceed 3,000 SF (exception for grocery use) per section 20-511.
- *Personal Convenience* uses are permitted not to exceed 3,000 SF per section 20-520.
- *Repair Service, Consumer* uses are permitted not to exceed 3,000 SF per section 20-523.
- *Retail Sales, General* uses are permitted without limit on size per section 20-525 except that Retail Establishment, Large (includes 100,000 SF) is not permitted.
- *Vehicle Sales and Service* uses are permitted subject to limitations on design, number of vehicles stored (12 maximum), and enclosed activities per section 20-545.
 - Building E [Office/Retail] includes 14,125 SF
 - Building F [Office] includes 8,000 SF

This summary is provided here since specific uses are not identified at this time. As uses or tenants are identified, additional review with the building permit will be required to assure the uses comply with these design standards.

Phasing Summary

This site is divided into two phases. Phase 1 includes "Building A, B" and "Building F", located on the west half of the lot. Phase 2 includes "Buildings C", "D", and "E" located on the east half of the lot. The residential uses located on the east side of the commercial development are a separate development project and therefore unrelated to the phasing of the CN2 property.

Two pad-site “restaurant” uses, located in Phase 2, are proposed on the east side of the property along W 24th Place. Two mixed-use buildings, one located in each phase, are designed to accommodate drive-in uses but are not subject to a Special Use Permit. These buildings are noted as office/retail buildings located on the north side of the development.

Drive-in uses related to the non-food related uses are anticipated to be retail-service uses such as a bank, dry cleaners, or other personal service use. This site includes a total of three optional drive-in uses. Only drive-in uses associated with a *Fast Order Food* use are subject to the Special Use Permit review process.

Not only are specific tenants not identified but tenant lease spaces are not indicated as well. While not unusual for commercial development, some uses permitted in the CN2 District have specific area limitations. The purpose to limiting the size of the use is to ensure neighborhood compatibility within the context of the zoning district. If approved, notes should be added to the plan that indicate limitations on specific uses. Any future application for site plan or building permit will require an assessment of the specific use and a determination that the use complies with the zoning restrictions for the district.

STRUCTURE OF THIS REPORT

The first half of this report addresses the Decision-Making criteria set out in Section 20-1306 (i) of the *Land Development Code*. The second half of the report addresses specific site plan design standards. As a conceptual project, only some elements of a site plan can be reviewed at this time. Elements such as building elevations and site lighting are deferred until a more detailed application is available. Staff recommends that if approved, the commercial design elements be subject to the review and approval by the City Commission per Ordinance No. 9228. This condition is intended to provide appropriate public involvement in the final design of the project as it relates to the neighborhood context. Additionally, it provides a timing path for to the developer that is more flexible than the public hearing process than includes a Planning Commission review as well.

PART 1 – REVIEW CRITERIA

Review and Decision-Making Criteria (Land Development Code Section 20-1306(i))

1. WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE

Applicant's Response: *The Development Code allows Fast Order Food in CN2 Districts and permits Fast Order Food with a Drive-in via the SUP process.*

This application is submitted as a conceptual development plan for commercial property located on the northeast corner of W 24th Place and Inverness Drive. Detailed review of certain elements is not possible since final tenants or users are unknown at this time. Additionally, a review for compliance with the Commercial Design Guidelines as they related to specific building elevations is not possible with this application.

The intention of this application is to provide **conceptual approval** of the number and general location of a specific future use; *Fast Order Food, Drive In*.

This development proposes three total drive-in uses that include:

- ❖ one (1) *Fast Order Food , Drive-in* use related and
- ❖ Two (2) non-*Fast Order Food* related drive-in uses.

The Development Code addresses the purpose of the CN2 District (Article 2), permitted uses in specific districts (Article 4), specific design standards (Article 5), density and dimensional standards

(Article 6), parking and landscaping design standards (Articles 9 and 10), and site lighting and residential protection standards (Article 11).

- The proposed uses shown on this plan are clearly allowed uses in the CN2 District. Requirements of Articles 2 and 4 have been met.
- *Fast Order Food* uses are allowed in the CN2 district provided the gross floor area, including any outdoor area, is less than 3,000 SF. The proposed application shows:
 - Building A = 2,600 SF
 - Building B = 1,800 SF with a 800 SF patio
 - Building C = 2,900 SF
- *Brewpub or Quality Restaurant* uses are allowed in the CN2 district and do not have a maximum gross square foot requirement. Buildings shown on the plan larger than 3,000 SF could accommodate these uses.

An additional review will be required with the submission of future applications or building permits to ensure compliance with Article 5 of the Land Development Code. Notes added to the face of the site plan to identify the area restrictions and provide notice to future tenants of the commercial center will be required.

The Commercial Design Guidelines are intended to promote *“sound site planning and design practices for commercial development to”* among other things, *“ensure that site circulations promotes contiguous, efficient and safe pedestrian and vehicular circulation.”* The Guidelines discuss:

- Walkway connections that allow for pedestrian movement within the development and surrounding area.
- Within the development auto oriented conflicts should be minimized.
- Walkways need to be conveniently tied to logical destinations.

Interior walkways and pedestrian connections should be fully integrated into the site design and are discussed in Section E of the Commercial Design Guidelines. The Special Use Permit as proposed does not meet the intent of the guidelines.

At this time, the Special Use Permit plan only lays out the building and parking arrangement but does not provide any building elevations or photometric plans as required by the *Land Development Code*. As such, approval of this SUP would require a condition that additional detail be submitted for review and approval prior to release of the SUP for issuance of a building permit.

Staff Finding – Drive-in services for *Fast Order Food* uses are allowed in the CN2 District subject to approval of a Special Use Permit. Staff is of the opinion that the site conflicts with design guidelines as it relates to pedestrian layout.

2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

Applicant's Response: *The Inverness Park District Area Plan recognizes this site would be developed with more intensification which would lead to more activity, traffic noise and light. A larger 65' landscape buffer has been provided along Inverness Drive to minimize light and noise for the properties west of Inverness Drive.*

This proposed retail use is intended to be integrated and compatible with the developed neighborhood areas. The property is adjacent to Clinton Parkway, an arterial street, to the north and Inverness Drive, a collector street, to the west. Higher intensity uses are located to the south

along W 24th Place (multi-dwelling residential uses). Office, religious assembly, multi-dwelling and education facilities (Bishop Seabury Academy) are located to the north. Lower density uses including detached and duplex uses are located along the west side of Inverness Drive. Public elementary and middle schools are located farther south on Inverness Drive. A recently approved subdivision plat that included 14 duplex lots to the east.

Hours of Operation: The proposed retail uses would presumably have comparable operating hours similar to existing non-residential uses in the area along Clinton Parkway. Uses identified for retail or office use are likely to be in operation between 8:00 A.M. till 5:00 P.M. or similar hours. *Fast Order Food* uses or other *Eating and Drinking Establishment* uses range in operation from 24 hours to morning/afternoon hours to afternoon/evening hours. Mixed commercial developments with a variety of uses are typically more successful in sharing parking and keeping a site activated. Office or business uses that are closed in the evening hours are compatible with residential uses and offer an opportunity to share parking with restaurants that tend to be open during evening hours, such as a sit down dinner establishment, or early morning hours, such as a coffee shop.

A restaurant use, as a Neighborhood Commercial Center activity, is not expected to occur 24/7 as can be found with some *Fast Order Food* uses. Often the drive-in use is extended beyond the hours of operation of the dining room portion of some restaurants. The Planning Commission has the authority to establish restrictions and limitations on hours of operation to ensure compatibility with the surrounding uses.

Traffic Generation: A traffic study was provided for this development and is a generic summary of development since specific uses are unknown at this time. Direct vehicular access to Clinton Parkway and Inverness Drive are expressly prohibited for this development. The only access to this site is from 24th Place. City staff has reviewed several development applications for this property. These previous studies concluded that there were no improvements required for the existing street network serving the area. As the undeveloped properties in the neighborhood develop additional traffic will be added to the area. Traffic congestion occurs in the surrounding area related to the location and operation of several schools in the vicinity of the area.

Previous public comments about traffic signal timing at the intersection of Inverness Drive and Clinton Parkway would suggest a long delay. It should be noted that the primary traffic circulation occurs on Clinton Parkway. Staff will continue to monitor traffic signal function and traffic efficiency of the network in the area. As changes are warranted, modifications to the network will be made.

Lighting: As noted, review of the site lighting must be deferred to the future submittal of application documentation for this design element.

Establishment of key elements, including building arrangement and pedestrian connectivity are critical to the initial approval of this application as it will be the foundation for the ultimate development of the site. Compatibility of this site with the immediately surrounding residential uses to the west and south should be enhanced with better aligned pedestrian connections and pedestrian amenities within the development and appropriate building placement within the site.

Staff Finding – A limited number of drive-in uses within the commercial development can be compatible, and even benefit the development and the neighborhood, if located in a manner that promotes strong pedestrian orientation to the site. Staff supports a development that includes only one *Fast Order Food, Drive-in* at this location. Staff does not support the location of a *Fast Order Food, Drive-in* at the immediate corner of Inverness Drive and W 24th Place.

3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED

Applicant's Response: *The proposed use will not cause neighboring property to decline in value, but instead will provide great amenities to the neighborhood.*

This evaluation criterion is related to the intensity of the development and, more specifically, the traffic generated by the proposed *Fast Order Food* use. Drive-in uses are not inherently pedestrian oriented as they function to provide auto oriented accessibility. Some *Fast Order Food* uses include multiple order and pick up windows, and multiple drive-in lanes, to accommodate a high volume of turn-over traffic. These types of uses often are located near major intersections, highway access points, and with direct access to arterial streets. Other *Fast Order Food* uses are more characteristically sit-down restaurant type uses with drive-in uses being more accessory to the business rather than the primary use if they are even included. Additionally, many high-volume *Fast Order Food* uses include late night drive-in only hours. These types of *Fast Order Food* uses are inconsistent with a neighborhood commercial development.

The Development Code does not distinguish between high volume traffic oriented *Fast Order Food* and other types of *Fast Order Food* uses with a drive-in as an accessory use. This application does not include a specific tenant. It is unlikely that popular chain store type restaurant (*Fast Order Food*) uses would find this particular location desirable as there is no direct access to Clinton Parkway. A lower traffic volume class use is more probable to be patronized and supported by immediate neighborhood customers. Such uses include coffee, pastry, or specialty signature type businesses that could benefit from the existing peak hour traffic associated with the many local school and residential uses in the immediate area. This type of use would likely be considered beneficial to the neighborhood.

Appropriate site design is important to ensure compatibility and minimum buffering standards are met. A development with multiple *Fast Order Food*, *Drive-in* uses would be undesirable in this location and would be considered a diminishment to very low-density uses (to the west). This concern may be mitigated by restricting the number of drive-in uses that may be permitted for this property. Providing site design criteria that manage the expectations for both the future uses and the neighborhood should be established with this application. Specific recommendations are discussed in the Site Design portion of this staff report.

Staff Finding – Substantial diminution of other property values in the area is not anticipated with a low volume *Fast Order Food* use that offer drive-in service as secondary to seating. However, multiple *Fast Order Food* uses offer drive-in services at this site would be considered to be detrimental.

4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT

The applicant has submitted the required drainage, traffic and downstream sanitary sewer studies for the overall project. City staff has accepted all of them and no off-site improvements are required. Adequate public facilities and transportation access are accommodated for this development.

Staff Finding – Adequate public facilities and transportation access are accommodated for this development.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

The proposed request provides an enforceable tool to address the use and continued maintenance of the property with regard to landscaping, exterior activity, and off-street parking. This application for a Special Use Permit is specific to drive-in use as it relates to *Fast Order Food* uses but as a necessity also incorporates design elements such as location and building orientation as part of the approval. This activity is proposed for the Building A as shown on the site plan.

Some uses within the CN2 district allow drive up windows and are not subject to the provisions of a Special Use Permit. Without the proposed *Fast Order Food with Drive-in*, site development would only be subject to site plan approval. Both the Site Plan and the Special Use Permit process provide adequate assurance of continuing maintenance.

Approval of this Special Use Permit should not be considered to be transferable to any of the other tenant spaces within the site. If approved, any future use for *Fast Order Food* use that intends to provide “pick up/order window” shall be required to first secure a Special Use Permit, as a public process. This ensures that neighborhood concerns are addressed as tenants change over time within the development. This will result in additional review time that must be considered by the developer when leasing spaces within the proposed building.

Staff Finding – Adequate assurances of continued maintenance are inherent in the Special Use Permit approval process.

6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT

Applicant's Response: *The natural environment will be improved with substantial landscaping on the site and the proposed uses will not cause adverse impacts on the natural environment.*

There are no identified natural features subject to special protection for this property. Existing vegetation will be augmented or rehabilitated as part of the development of this property especially along Clinton Parkway and Inverness Drive. There is no regulatory floodplain encumbering this property. The north side of the property adjacent to Clinton Parkway includes a significant slope. This feature of the site makes direct access to Clinton Parkway impractical in addition to the access restrictions preventing driveway cuts.

Staff Finding – The proposed development is not subject to regulatory controls to protect the significant natural features. This property is free from regulatory floodplain encumbrances.

7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO, WHAT THAT TIME PERIOD SHOULD BE

This Special Use Permit is required to accommodate a specific use, *Fast Order Food, Drive-in*, in this district. The proposed project was initially submitted as a future phase of a Family Fun Center. Use of the property has evolved to include residential duplex development along the east side of the property through the approved subdivision and rezoning plans for this area.

If approved, the drive-in feature for a *Fast Order Food* use would be considered a permanent and integral part of the site's overall use. However, in the context of the neighborhood design, the Commission can restrict the activity or hours of operation of the drive-in to further ensure compatibility as discussed earlier.

Staff Finding – Staff recommends a condition on the Special Use Permit as it relates to the hours of operation for the drive-in use shall not include overnight hours (24 hour activity).

Part 1 Summary:

Key conclusions of this section of the report find that the maximum number of *Fast Order Food, Drive-In* uses should be restricted to one (1). Additionally, the placement of the drive-in should be prohibited from the immediate intersection of Inverness Drive and W 24th Place to provide for pedestrian-oriented site design. A site design that places a *Fast Order Food, Drive-In* use to the north or central portion of the site would be consistent with a more cohesive design of a neighborhood commercial center and would better implement staff's understanding of the expectations of the Development Plan to manage auto-pedestrian conflicts.

PART 2 – SITE PLAN REVIEW

STAFF REVIEW

The following review provides a summary of the site plan elements of this Special Use Permit request. It is probable that the commercial portion of this property may be subdivided in the future.

Site Summary

Table 2: Use and Parking Comparison Table

Lot 1, 24th Place Addition (Final Plat approved, to be recorded with Register of Deeds)				
Lot Size	7.027 Acres			
Inverness Drive Buffer	65' by 350' = 22,750 SF (.5 acres)			
Building Use per Plan	Phase	Patio Space	Examples of use with similar SF	SF
A – Restaurant with Drive-in	1		Raising Canes Pet World	2,600 SF
B – Restaurant	1	800 SF	Taco John's	1,800 SF
C - Restaurant	2		Panda Garden	2,900 SF
D – Restaurant	2	1000 SF	Beimer's BBQ	3,200 SF
E – Retail / Office Drive-in option	2		Walgreens 23 rd and La.	14,125 SF
F – Retail / Office Drive-in option	1		23 rd Street Brewery	8,000 SF
Total Proposed Building Including patio space	32,625 SF 34,425 SF			
Maximum allowed SF in CN2	Without grocery = 100,000 SF With grocery greater than 60,000 = 125,000 SF Maximum grocery use = 80,000 SF Maximum primary building = 40,000 SF			
Maximum SF for specific uses	3,000 SF			

This table represents a speculative development. The building footprints used in the site plan are also used for calculating off-street parking requirements. Specific uses may be larger or smaller than what is represented in this application. However, some uses are expressly limited to a maximum 3,000 SF in the CN2 district. As specific applications are submitted for tenants within the development, additional development review will be required.

A. Access and Parking

On-site Parking:

The site plan, as proposed, identifies multiple pad sites and buildings that can accommodate one or more tenant spaces as mixed retail/office buildings. Restaurant uses require parking at a ratio of 1 space per 100 SF of customer service area plus 1 space per employee. Additionally, drive-in uses require a minimum of four (4) stacking spaces at an order board or window as well as four (4) stacking spaces for a pick up window. Other commercial uses vary in the required off-street parking; however, most are required to provide parking at 1 space per 200 SF of building area.

Parking shown for the proposed development includes a combined parking requirement of 234 spaces and shows 237 spaces provided. However, the applicant has calculated the *Eating and Drinking* uses at 80% or more of the building footprint dedicated to the customer service area. This ratio is more than double the past seven site plans for *Fast Order Food* and *Restaurant, Quality* uses approved in 2015. If the off-street parking requirement is adjusted to an average of the approved projects, then the required parking is reduced from 234 spaces to 179 spaces. This would suggest the proposed development includes excessive parking. The proposed parking lot design and building orientation both focuses on automobiles as a primary user when a more balanced approach to a pedestrian mix is in order. A separate parking summary is attached to this report for reference.

In accordance with Section 20-901(a), this excess parking must be mitigated through best management practices for stormwater surface runoff. An assessment of the parking finds that there may be as many as 40 excess parking spaces. This supports the position that building orientation may be changed and adequate off-street parking can be provided for the site. Any excess parking should be removed from the site design and additional open space, patio spaces, and pedestrian connections should be made.

Direct Access: Access to this site is provided from W 24th Place. Access to Clinton Parkway and Inverness Drive is prohibited.

Pedestrian access within a neighborhood commercial center should be as prominent as vehicular circulation. Pedestrian access is discussed in detail later in this report.

B. Design Standards

Basic design standards have been evaluated for this proposed commercial development. Specific evaluation of building elevations must be deferred until more specific land use plans and/or specific tenants are identified. Approval of this Special Use Permit secures the ability to provide at least one *Fast Order Food, Drive-in* use on this property. As proposed, this use would be located nearest the existing residential uses at the south end of the property. Staff does not support a plan that includes a drive-in at this location.

This property is uniquely located within the Inverness Park District Plan boundary. This property includes residential uses to the west and south and future duplex use to the east. Building placement, orientation and relationships external to the development, as well as internal, are key to creating an inviting neighborhood commercial development.

The following graphic highlights the buffer areas, initial pedestrian pathways and focal points of the development. Transition areas at the southwest and southeast corners of the site are not appropriate locations for auto oriented uses (drive-in) in this specific neighborhood context.

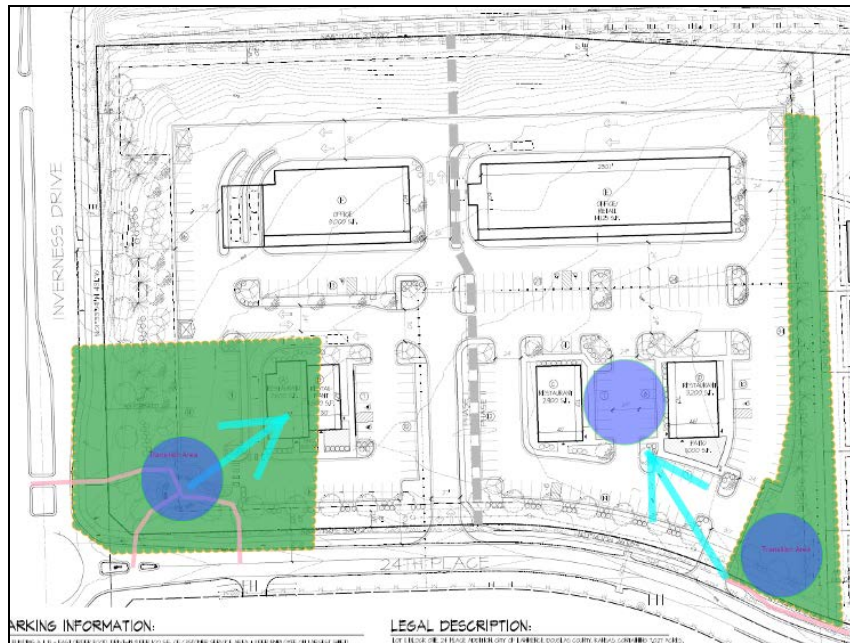


Figure 1: Pedestrian Focal Points

Building Elevations: Prior to issuance of a building permit, a revised plan including building elevations is required to demonstrate compliance with the Commercial Design Guidelines. This requirement is reflected as a future condition of approval.

Pedestrian accessibility and amenities: Several pedestrian connections within the development and from the public sidewalks to the development need to be more fully developed. This plan provides a stronger pedestrian amenity at the intersection than has been seen in previous plans; however, this space immediately connects to a parking lot with crossings through a drive-in lane.



Figure 2: Southwest Corner Development

Previous development discussions of this property, and specifically the southwest corner of this property, have focused on the need for a wide buffer that provides transition between the residential uses to the west and the commercial uses to the east. These discussions have included mini-park like

areas with pedestrian amenities. The following examples of pedestrian amenities are provided for reference and can be found in the Commercial Design Guidelines (page 21).

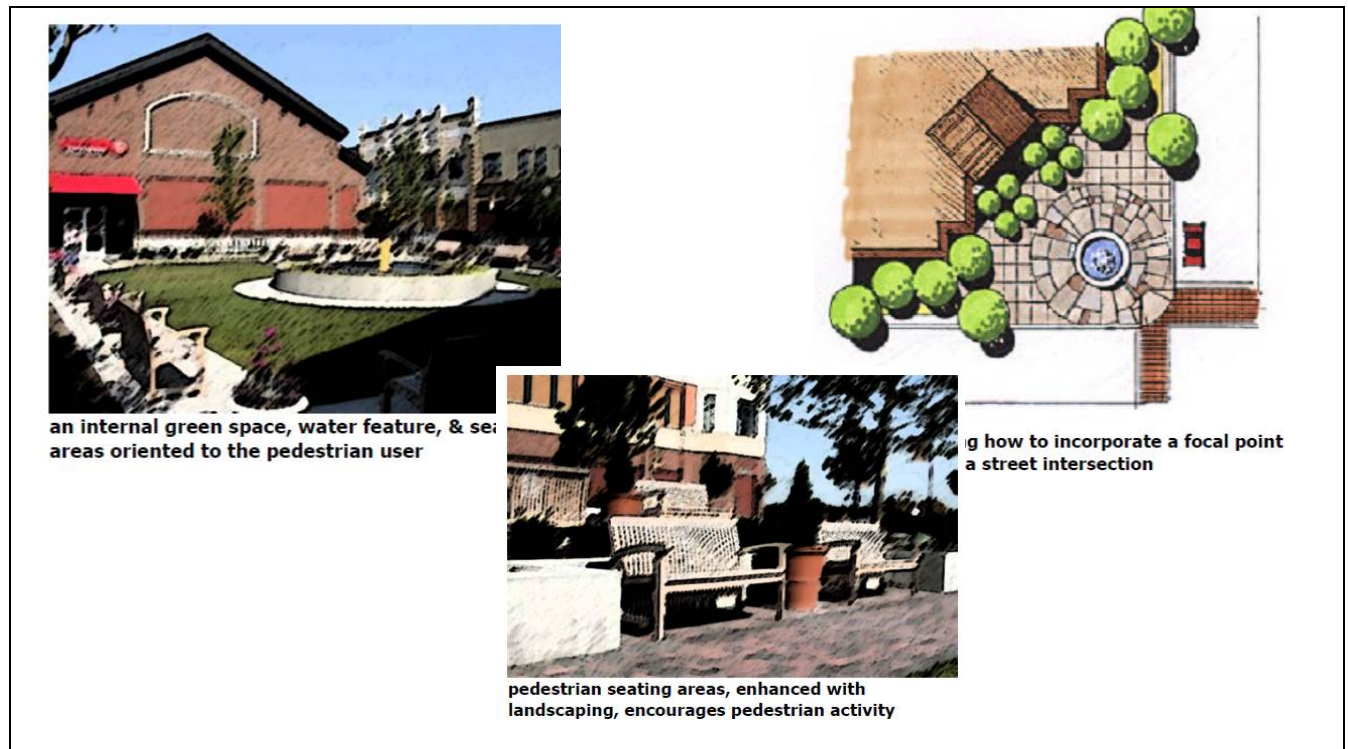


Figure 3: Commercial Design Guideline Examples

By revising the plan and moving the *Fast Order Food, Drive-in* use to the north or central portion of the site, the pedestrian connections within the site can be enhanced and interior green space, open space, or patio/plaza space can be provided that allow customers or diners to overlook something other than a surface parking lot. By moving patio spaces interior to the site, between buildings, the activity is contained and sheltered from the adjacent residential uses. The residential uses on the east side include duplex lots with relatively small year yards. Dense landscaping along the perimeter provides additional buffering between the uses. An example of this shared patio space is shown below.



Figure 4: Development Alternative

The graphic above is intended only to reflect the following values:

- Create a strong pedestrian use at the corner of Inverness Drive and W 24th Place.
- Enhanced pedestrian network for the entire project.
- Provide additional open space in lieu of extra parking

Staff encourages the applicant to incorporate the values into a revised plan.

C. Landscaping and Screening

Street Trees: The proposed plan does not show the required street trees along Clinton Parkway (within the right-of-way). However, along Inverness Drive and W 24th Place, street trees are provided. W 24th Place street trees are setback north of an existing utility easement. Staff has confirmed that some utilities are using parts of the easement along the north side of W 24th Place. The proposed landscape provides trees, shrubs and berms to accommodate screening and buffering required for this development. The applicant's rendered (colored) drawing shows street trees along Clinton Parkway. The plan must be revised to include the required street trees along Clinton Parkway.

Interior Landscaping: The site plan complies with the required interior landscape standards for interior parking. As noted earlier in this report, there is significantly more off-street parking than is likely needed for the proposed uses. Reducing the parking and adding interior green space or other usable spaces provide a more human scale to the development. If approved, staff recommends that the amount of off-street parking be reduced and that additional open space be provided. Within the site, open space may be interior landscaped islands or it may be courtyards, patio spaces or other public spaces within the development. A cautionary note is that as patio space is added for restaurant related activity, additional parking must be accommodated. For this reason, it is appropriate to require a revised plan to show compliance.

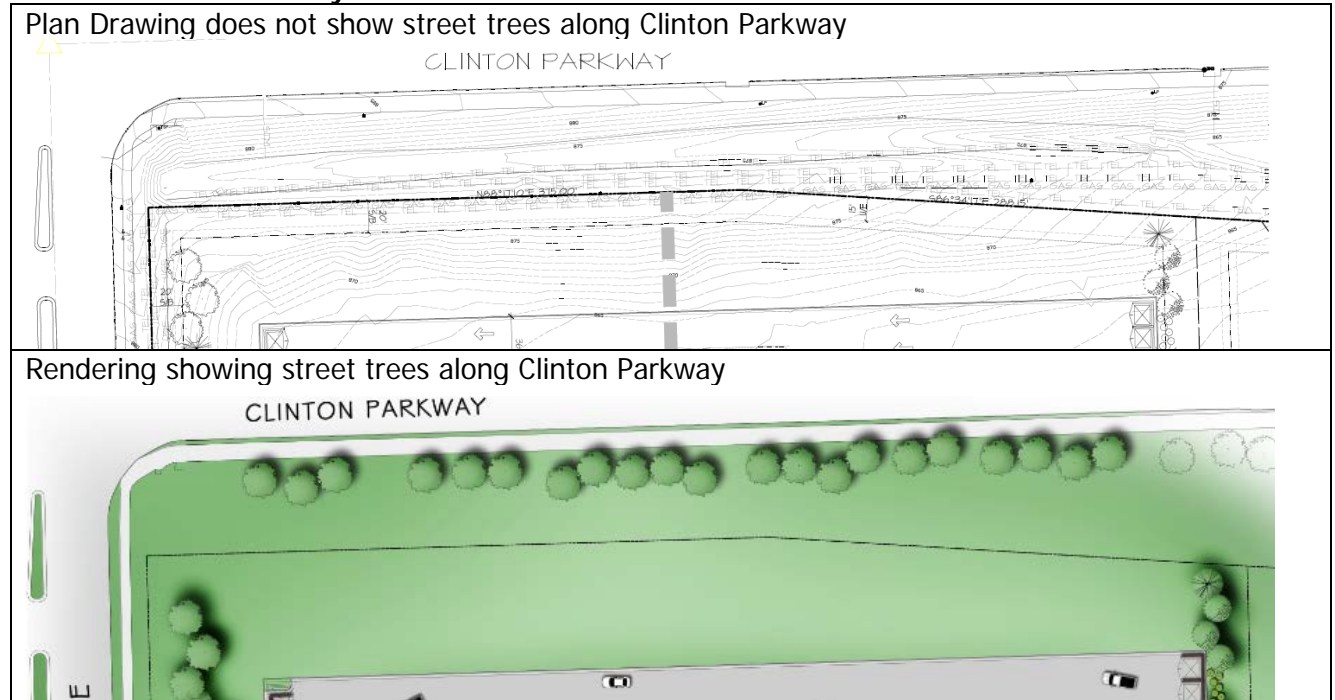
Perimeter Landscaping: This property is adjacent to public streets on three sides. Parking is proposed along Inverness and W 24th Place. A wide buffer yard with dense screening is provided along Inverness Drive. W 24th Place includes a mix of street trees and shrubs that will provide parking lot screening. The parking areas are screened per the Development Code.

Mechanical Equipment Screening: At this time details of the building mechanical plans are not available. A general note on the face of the plan recognizes the requirement that these elements must be screened. Prior to issuance of a building permit, the applicant shall be required to provide building elevations that demonstrate compliance with this standard. Of particular concern is how equipment will be screened from Clinton Parkway. The street elevation is substantially higher than the pad site elevations and anticipated building height. Standard parapet screening of roof equipment may not meet the design standard.

Buffer Yard: Buffer yard standards are applicable to all four sides of this property.

Clinton Parkway Buffer Yard. The north side of the property abuts Clinton Parkway. The existing topography includes a 10' hill with the street elevation much higher than the pad site of the buildings. The hill side creates a natural buffer between the proposed use and Clinton Parkway. The rear building facades and service areas are likely to be screened by the natural topography. It is probable that only the rooftops of the buildings will be visible from the public street.

Table 3: Clinton Parkway Street Tree Exhibit



Inverness Drive Buffer Yard. Inverness Drive is the dividing line between the proposed commercial use on the east side of the street and low density residential uses on the west side of the street. The plan exceeds the required landscape planting standards for screening along Inverness Drive. This transition area is specifically shown in the *Inverness Park District Plan*. The plan does not prescribe a specific width of the buffer yard. It is assumed from the graphic representation and the text contained on page 19 of the plan the buffer would be more substantial than the minimum area requirements set out in the Development Code. A described buffer area along Inverness Drive was created as part of the subdivision process establishing this commercial lot. A Type 1 Buffer yard along Inverness Drive is required for this development.

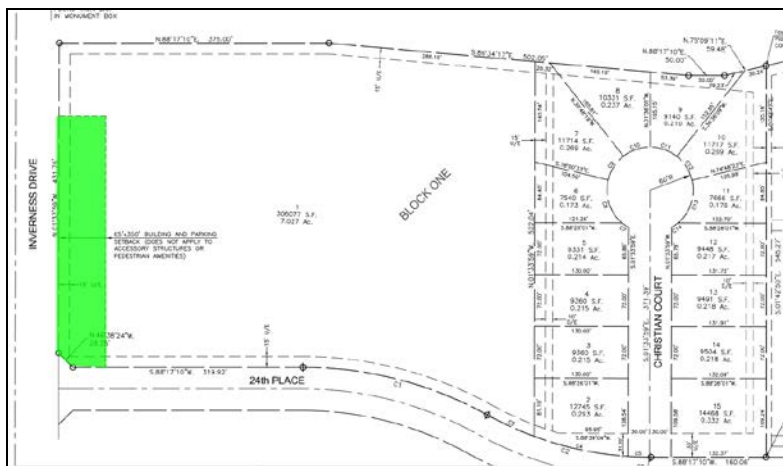


Figure 5: Subdivision Plat with Dedicated Buffer Yard

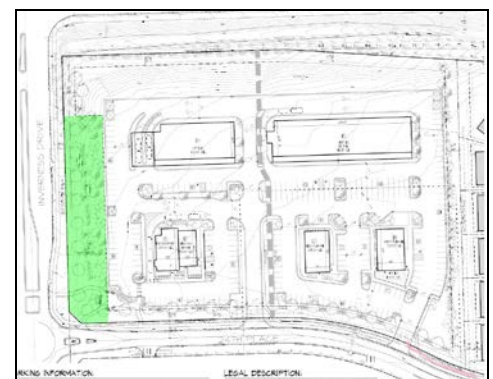


Figure 6: Site Plan with Buffer Yard

Green space extends to the north along Inverness Drive and to the east along W 24th Place. The proposed plan provides a code compliant buffer yard along Inverness Drive as shown in the following images.

W 24th Place Buffer Yard. The interface between the neighborhood and the proposed development occurs along W 24th Place. Within this area pedestrian connections are made between the public sidewalk and the individual businesses. The intersection of Inverness Drive and W 24th place provide a focal point for the transition between the low density development to the west and the higher intensity uses to the east. The site includes appropriate street trees and parking lot screening to both buffer and transition higher and lower intensity uses.

East Property Line Buffer Yard. The east property line represents the area between commercial and residential land uses. There is no public street separating uses along the east property line as there are on the other three sides of the property. The site plan includes dense vegetation to provide a buffer separation between uses in this buffer yard application.

D. Lighting

The applicant has not provided a photometric plan at this time. A photometric plan will be required prior to the issuance of a building permit. Staff recommends a note be added to the plan to clarify that a building permit for any part of this development shall not be issued until a photometric plan required per section 20-1103 has been submitted for review.

E. Floodplain

There are no regulatory floodplain encumbrances on this property.

CONCLUSION

As discussed in the body of this staff report several changes are needed to the plan. Key decisions regarding this development must address:

1. The location of drive-in uses
2. The allowance of parking between buildings and the property line in the southwest corner of the site.
3. Appropriate pedestrian connections within the site.

Additional approval of the buildings for compliance with Commercial Design Guidelines and lighting plans are required prior to issuance of building permits for this property.

Memorandum

City of Lawrence

Planning & Development Services

TO: Lawrence Douglas County Metropolitan Planning Commission

FROM: Planning Staff

Date: May 20, 2015
Updated November 25, 2015

RE: Inverness Park Area Development History

This memo provides a brief summary of land use for the area included in the Family Fun Center development applications (Z-13-00483, SUP-13-00486 and SUP-14-000026). The subject property proposed for CN2 zoning is part of an area known as Inverness Park. This area is also included in the *Inverness Park Area Plan*. The Plan was developed in response to several development applications for medium density residential uses on the remaining undeveloped land in Inverness Park. It was initiated in 2010 and approved in the fall of 2011. The Plan was then revised and approved by the City Commission in June 2012.

The history of development applications is provided below. This includes a summary of the distinct areas located within the original 160+ acre Inverness Park area. Following this description is a timeline identifying the various development proposals and rezoning actions that have occurred over the past 15 years in this area.

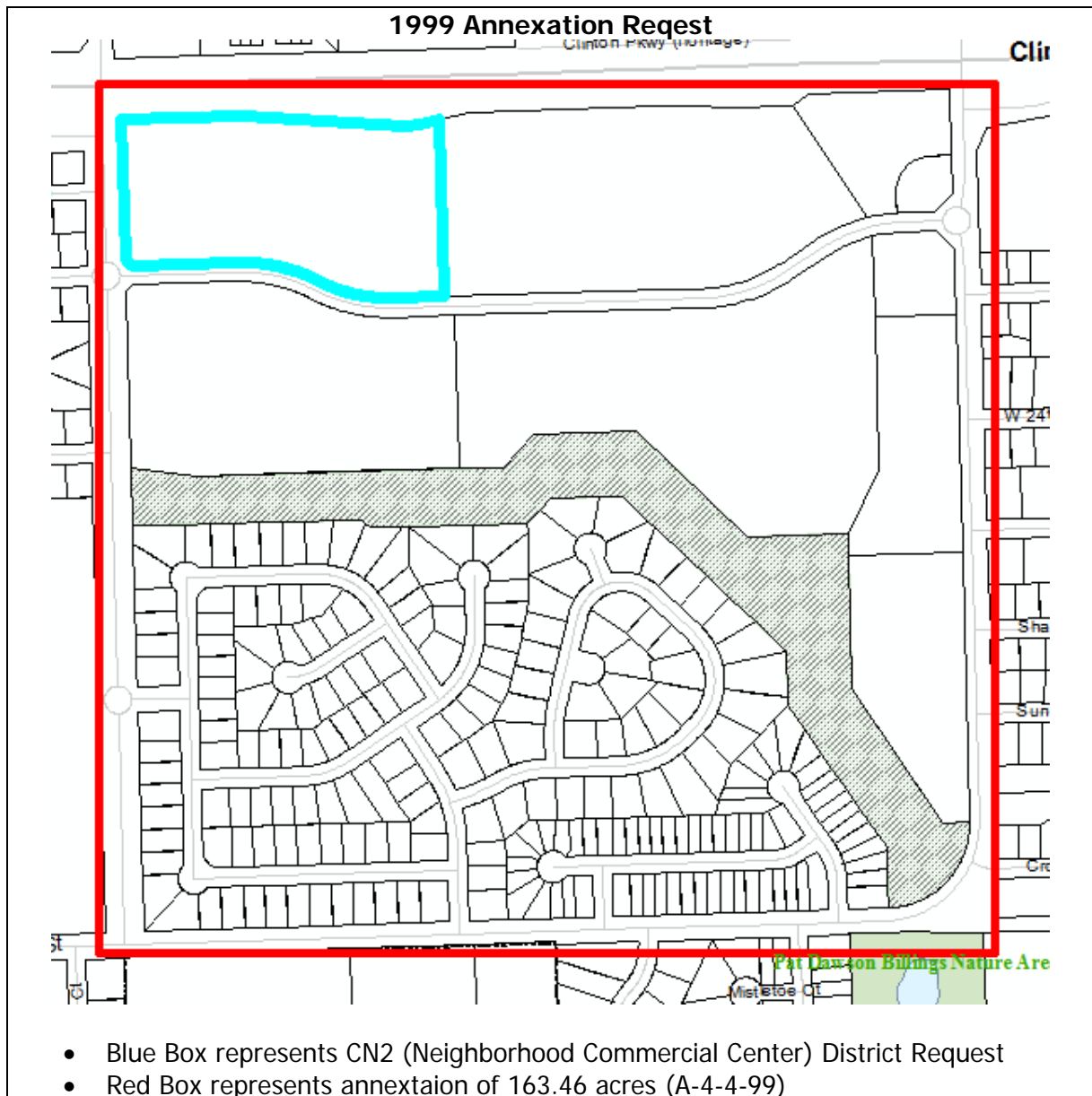
History

An annexation request for 163 acres was approved in 1999. The development application included multiple rezoning requests. Large tracts were platted along Clinton Parkway and zoned RO-1B for the most intensive part of the development of the 163 acres. The area south of W 24th Place but north of the open space/drainage area was designated as the transition area to the lower density, detached residential home lots to the south. The area south of W 24th Place was zoned PRD-2 with a maximum density of 12 dwelling units per acre. W 24th Place was designed to provide access to all lots in the area with access prohibited to Clinton Parkway as well as limitations placed on Inverness Drive and Crossgate Drive.

The preliminary plat for the entire 163 acres was approved in October 1999, and later revised in February 2001. The revisions affected the single-family area by reducing lot size and creating more lots than the original approval. The large lot configuration along Clinton Parkway and W 24th Place did not change. The preliminary plat served as the master plan for the development of the site. It provided the basic boundary of the various zoning districts planned for the 163 acres.

Much of the original land use discussion focused on the need to provide adequate public facilities such as streets and other infrastructure, as well as the land use scheme and transition through the entire acreage included in the Inverness Park Addition. At the time only the area on the west side of Inverness Drive was developed with single-family uses.

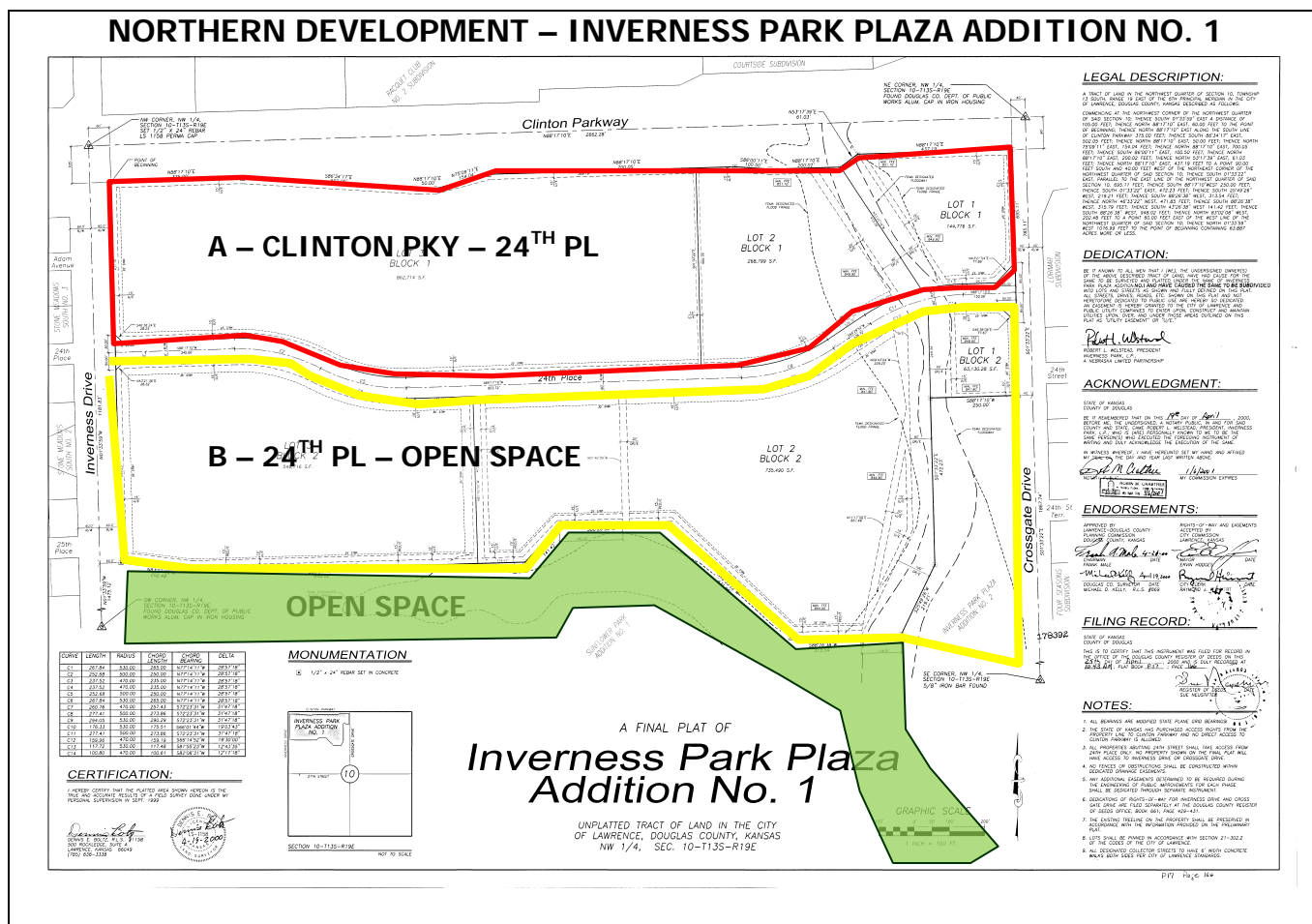
Multiple land use decisions made since 1999 have resulted in deviations in the land use pattern first proposed for the original 160 acre plan. The location of boundary streets isolates the remaining undeveloped property from connectivity with the larger surrounding neighborhood.



The area included requests for conventional detached single-family residential, duplex, office, planned commercial and planned residential zoning. The office zoning (21.63 acres) was located along the south side of Clinton Parkway adjacent to Inverness Drive. However, this zoning was withdrawn by the applicant in 1999.

Development of the area included subdivision approval that established the structure of the developing neighborhood. This included large lots along Clinton Parkway, an east-west street connection south of Clinton Parkway (W 24th Place) and large lots south of W 24th Place. The natural boundary for the higher-intensity uses in the north portion of the area was identified as the drainage area located in the central portion of the overall site and a tributary that runs north-south in the eastern portion of the

property. The area south of the drainage way was platted and developed with low-density residential uses (single-family and duplex housing) between 1999 and 2002.



A - Clinton Parkway to 24th Place

Zoning along the entire Clinton Parkway frontage, north of W 24th Place between Crossgate Drive and Inverness Drive, was zoned RO-1B prior to 2006. This district allowed a maximum density of 12 dwelling units per acre. Allowed uses included single-dwelling residential, multi-dwelling residential, and office uses. When the Land Development Code was adopted in 2006, this zoning designation converted to RSO. While still allowing office uses, RSO districts do not allow multi-dwelling uses. On December 19, 2007, the Planning Commission voted unanimously to recommend rezoning 15 acres of land along Clinton Parkway from RSO to RM15 as part of the Remington Square development. The City Commission approved the rezoning on March 11, 2008 via Ord. No. 8223.

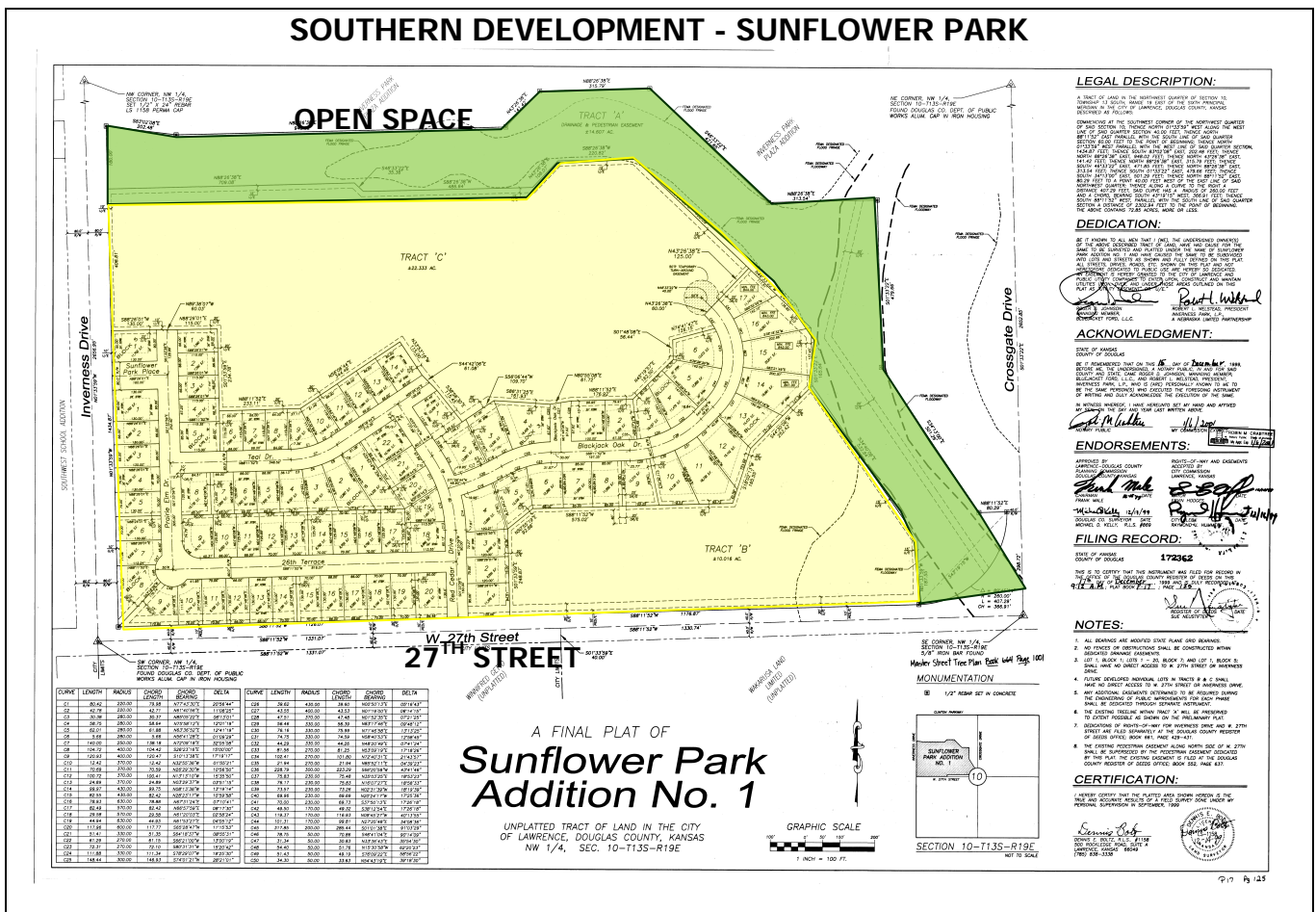
B - 24th Place to the Open Space

The zone for the large lots along the south side of W 24th Place was approved as PRD-2 with a maximum gross residential density cap of 12 dwelling units per acre via Ord. No. 7170, which was approved by the City Commission on November 16, 1999. The property, at 4301 W 24th Place, The Grove, (*aka* Legends at KU Phase II) was rezoned via Ord. No. 7828. This zoning was approved by the City Commission on September 14, 2004 with a limitation on the maximum gross residential density to 13.7 dwelling units per acre. Special attention was paid to the development pattern along Inverness Drive. This section of the plan required a transitional building type and dense landscaping to buffer the development from the existing detached homes west of Inverness Drive.

Three lots are located along Crossgate Drive south of W 24th Place. One lot at the corner of W 24th Place & Crossgate Drive is zoned RSO. The other two lots are currently zoned PRD-1. This zoning was approved in 1999 via Ord. No. 7169 and restricted residential development to not more than 10 dwelling units per acre. The southernmost lot is developed as Wyndam Place, a retirement facility.

C - Open Space to 27th Street

The first section completed of the 160 acre development included the single-family lots south of the drainage easement. Several final plats were approved for the low density residential development including single-dwelling and duplex homes.



Residential Uses

The original 1999 land use approvals for the 163 acres included residential and residential office uses. The intent of the zoning approval was to establish a transition of uses from north to south with the most intensive uses located closest to Clinton Parkway and the least intensive uses located closest to W 27th Street. The following graphic shows RO-1B zoning along Clinton Parkway, PRD-2 zoning along

W 24th Place and along Crossgate Drive. The area south of the park area includes the RS-2 and RM-D district boundaries.

The southern portion of the original 163 acres developed consistently with planned low-density residential development. The southeast area was zoned and developed with duplex lots. The remaining southern area was developed in phases with detached single-family lots.

Commercial Uses

Commercial uses were not recommended at the intersections of Clinton Parkway & Crossgate Drive or Clinton Parkway & Inverness Drive prior to the adoption of the *Inverness Park Area Plan* in 2011. Previous plans including *Horizon 2020* supported commercial development at specific nodes. Along Clinton Parkway, the commercial nodes designated in this area were at Kasold Drive and Wakarusa Drive.

Through the planning process and the development of the *Inverness Park District Plan* neighborhood commercial uses were identified as appropriate for the corners at Crossgate Drive and Inverness Drive. This use was identified by residents in the area as preferable to the existing residential zoning. Since the adoption of the plan, commercial development has occurred on the southwest corner of Crossgate Drive and Clinton Parkway (Hy-Vee gas station/convenience store) in 2011. Commercial zoning was approved for the southeast corner of Inverness Drive and Clinton Parkway in 2015.

TIMELINE OF DEVELOPMENT ACTIVITY

1999-Annexation Request

163.46 acres bounded by Clinton Parkway on the north, Crossgate Drive on the east, W 27th Street on the south, and Inverness Drive on the west.

Multiple Rezoning Requests

Large tracts were platted along Clinton Parkway and zoned RO-1B for the most intensive part of the development of the 163 acres. The area south of W 24th Place but north of the open space/drainage area was designated as the transition area to the lower density, detached residential home lots to the south. The area south of 24th Place was zoned PRD-2 with a maximum density of 12 dwelling units per acre.

Preliminary Plat

The preliminary plat served as the master plan for the development of the site. It provided the basic boundary of the various zoning districts planned for the 163 acres.

2000-Silvercrest at Inverness

UPR-3-2-00/PDP-3-10-00, Special Use Permit/Preliminary Development Plan for assisted living/independent living senior housing development. **Project never built.**

2001-Revised Preliminary Plat

The revisions affected the single-family area by reducing lot size and creating more lots than the original approval. The large lot configuration along Clinton Parkway and W 24th Place did not change.

2002-The Legends at KU

FDP-2-1-02, Final Development Plan for multi-family residential development located along the south side of W 24th Place. This development was designed as a student oriented residential apartment complex.

2003-Wyndam Place

FDP-12-17-02, Final Development Plan for senior independent living units located along Crossgate Drive.

2004- The Fountains

UPR-9-9-04, a Special Use Permit, located along Clinton Parkway proposed a mixed residential retirement facility. The retirement project expired with conditions of approval not being met. The developer abandoned the project.

2008- Legends at KU -Phase 2

FDP-7-10-04/FDP-2-3-06, Final Development Plans approved for second phase approved, **but not built**.

2008- Minor Subdivision

Modified interior lot lines for lots along Clinton Parkway.

2008- Walgreens

Z-5-12-08, a rezoning request from RSO to CN2 at the southwest corner of Clinton Parkway & Crossgate Drive. The request was approved by the Planning Commission but was **withdrawn by the applicant** prior to the City Commission's consideration of the item.

2009- The Grove

FDP-7-5-09, Final Development Plan for multi-family residential development revised Phase 2 of the Legends at KU with new owners was approved. This development was designed as a student oriented residential apartment complex.

2009-Remington Square

Development request for property located on the north side of W 24th Place that included a request to rezone to RM15 as well as a final plat and site plan for multi-family residential development.

2009- Clinton Parkway Casitas

SP-9-40-09, a site plan for an attached multi-family residential development located on the southeast corner of Clinton Parkway & Inverness Drive. The applicant **withdrew** the request in October 2009.

2010- W 24th Place Casitas

SP-1-2-10, a revised site plan for multi-family residential development submitted following public comment to address landscaping. This project was also **withdrawn**.

2010- Inverness Park District Plan Initiated

Plan initiated by the City Commission on November 9, 2010 after concerns raised by residents in the area about the proliferation of multi-family uses and the impact they were having in the area. Plan specifically focused on the remaining undeveloped parcels in the neighborhood.

2010- Remington Square

Rezoning request for property located on the north side of W 24th Place to increase in density from RM15 to RM24 to accommodate additional development on the east side of the property. The zoning request **was denied**.

2011-Hy-Vee Gas Station

Z-7-21-11, a rezoning request from RSO to CN2 and SUP-7-4-11, Special Use Permit for Hy-Vee gas station with future carwash for the southwest corner of Clinton Parkway & Crossgate Drive.

2011- Inverness Park District Plan Approved

Plan approved October 2011.

2011- Crossgate Casita

FPD-11-11-10, Final Development Plan for attached multi-family residential development located north of the senior living facility along Crossgate Drive.

2012- Revised Inverness Park District Plan Approved

Plan revised to provide additional land use guidance for undeveloped portion of Remington Square and approved June 2012.

2012-Minor Subdivision

A minor subdivision was approved, which subdivided the lot on the southwest corner of Clinton Parkway & Crossgate Drive for the Hy-Vee gas station. This division created two commercial lots at the corner.

2013- Family Fun Center

TA-13-00488; Special Use in CN2 District] City Commission denied text amendment on May 27, 2014.

Z-13-00483, rezoning request from RSO to CN2 for 15.3 acres; Withdrawn by applicant prior to City Commission consideration.

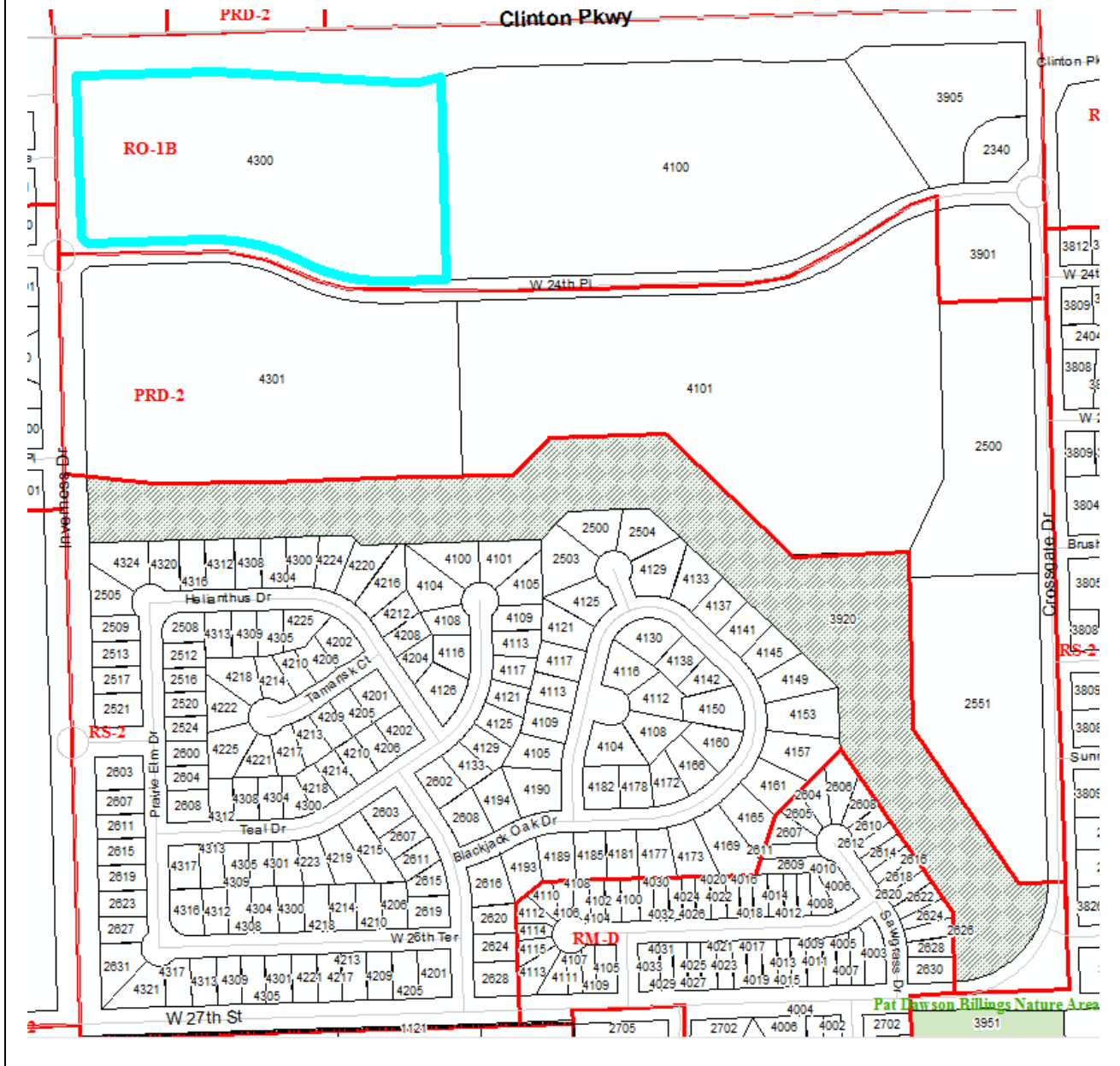
SUP-13-00486; Family Fun Center [Required a text amendment]. Withdrawn by applicant prior to City Commission consideration.

SUP-14-00026; Inverness Corner Retail Development (with drive-thru) – Staff recommend approval with conditions. Withdrawn by applicant prior to City Commission consideration.

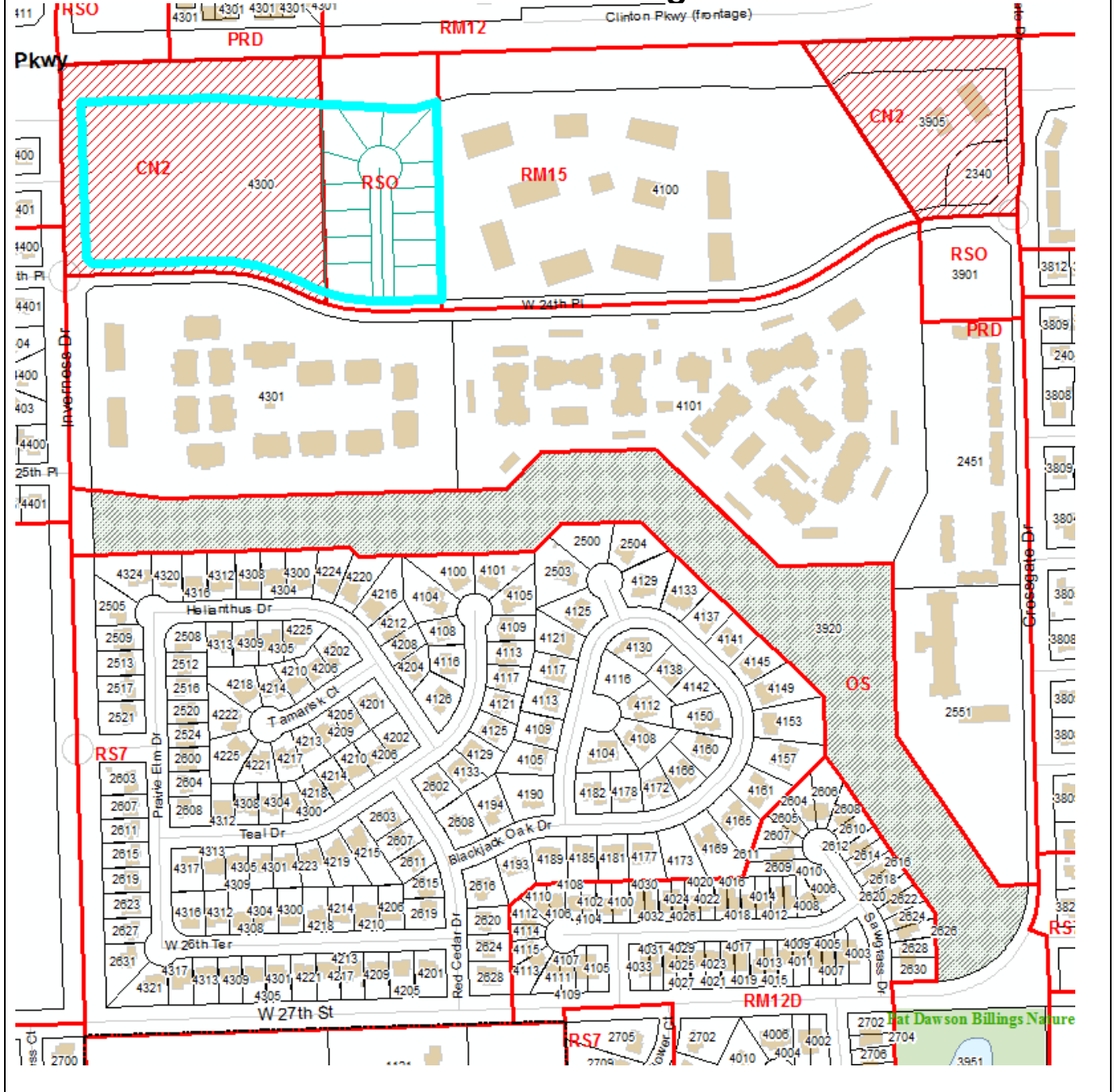
2015 – Residential and commercial

Z-15-00198; rezoning request from RSO to CN2 for 10 acres, Ordinance # 9128. PP-15-00196; Preliminary Plat including 14 duplex lots and one 7.027 commercial lot approved by the Planning Commission on June 22, 2015. PF-15-00585; Final Plat submitted for review and being processed.

Zoning prior to 2006

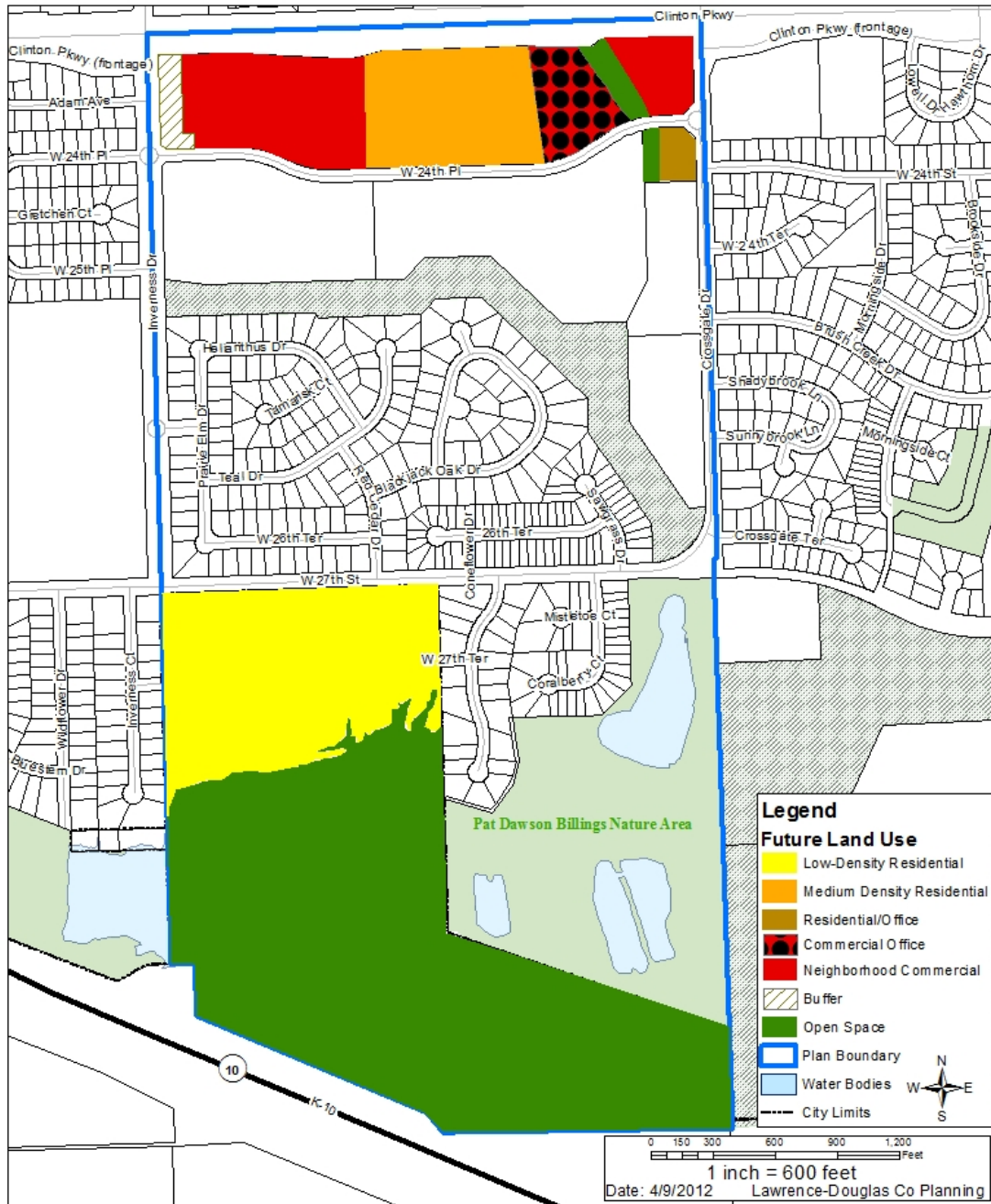


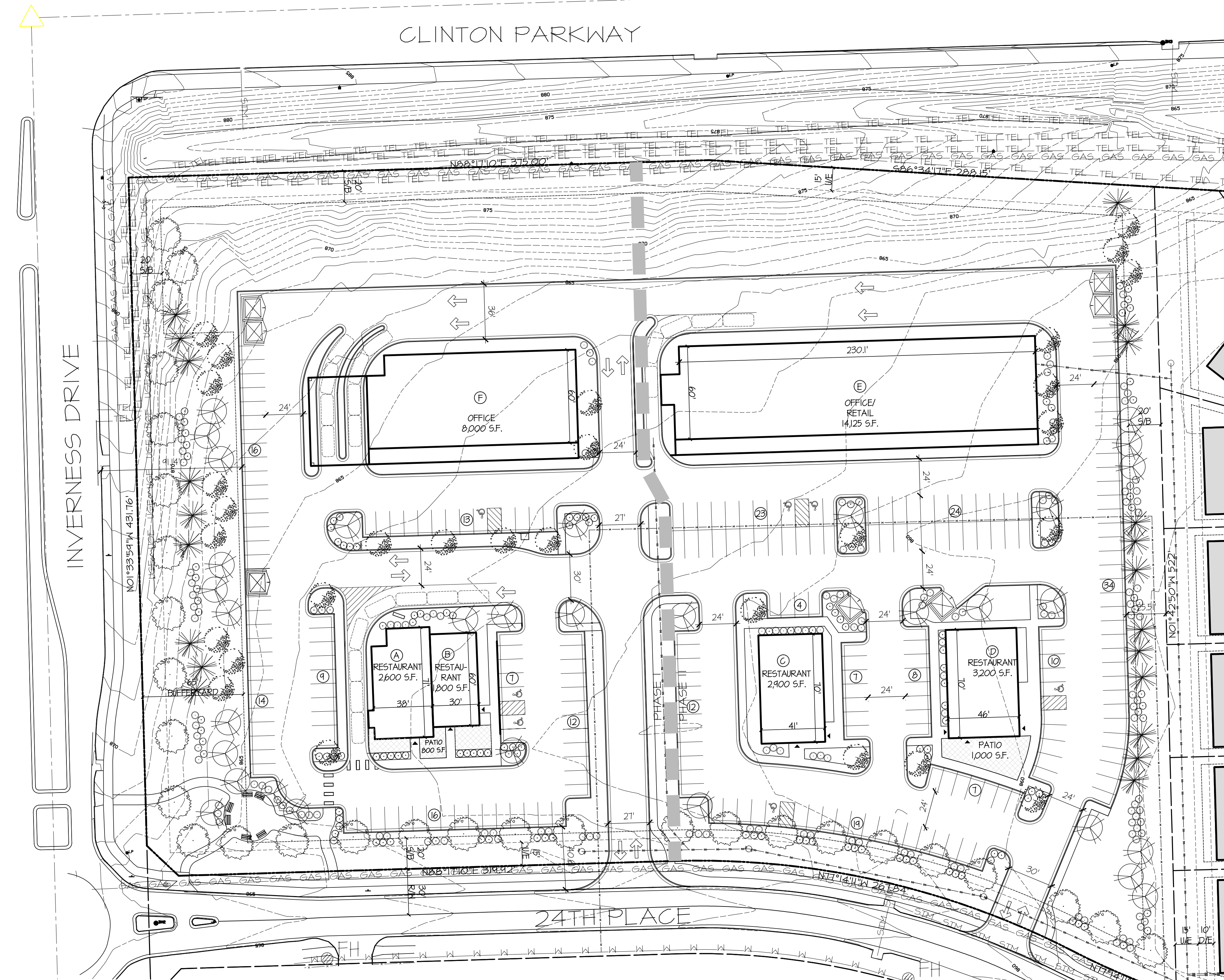
Current Zoning



Map 4-1 – Future Land Use

Inverness Park District Plan Future Land Use





PARKING INFORMATION:

- 3.1 BUILDING A & B - FAST ORDER FOOD, DRIVE-IN (1 PER 100 S.F. OF CUSTOMER SERVICE AREA + 1 PER EMPLOYEE ON LARGEST SHIFT)
REQUIRED PARKING: 4320 S.F. OF CUSTOMER SERVICE AREA (INCLUDES PATIO)/100 = 44 SPACES + 16 FOR EMPLOYEES = 60 SPACES
PROVIDED PARKING: 60 SPACES
- BUILDING C - FAST ORDER FOOD, DRIVE-IN
REQUIRED PARKING: 2320 S.F. OF CUSTOMER SERVICE AREA/100 = 24 SPACES + 10 EMPLOYEES = 34 SPACES
PROVIDED PARKING: 34 SPACES
- BUILDING D - QUALITY RESTAURANT (1 PER 100 S.F. OF CUSTOMER SERVICE AREA + 1 PER EMPLOYEE ON LARGEST SHIFT)
REQUIRED PARKING: 2360 S.F. OF CUSTOMER SERVICE AREA/100 = 36 SPACES + 14 EMPLOYEES = 50 SPACES
PROVIDED PARKING: 50 SPACES
- BUILDING E - OFFICE (1 PER 300 S.F.), RETAIL (1 PER 200 S.F.)
REQUIRED: 5/25 S.F. OF OFFICE/300 = 18 SPACES, 9,000 S.F. OF RETAIL/200 = 45 SPACES, TOTAL = 63 SPACES
PROVIDED: 64 SPACES
- BUILDING F - OFFICE (1 PER 300 S.F.)
REQUIRED: 8,000 S.F. OF OFFICE/300 = 27 SPACES
PROVIDED: 24 SPACES
- 3.2 TYPICAL DIMENSIONS: R' SPACES - 9' X 18' (16.5' + 1.5' OVERHANG AT SIDEWALKS)
SIDEWALKS SHALL BE 4" CONCRETE - 5' OR 6.5' WIDE DEPENDING UPON THE LOCATION.
H' SPACES - 9' X 16.5' OR 18' (5' OR 9' AISLE)
- 3.3 PAVEMENT: APPROACHES: T" - 4000 PSI CONCRETE W/ #5 BARS 12" O.C.B.W.
DRIVES: MIN. 6" ASPHALT ON 4" GRAVEL OR 5" CONCRETE
PARKING AREAS: MIN. 5" ASPHALT ON 4" GRAVEL OR 4" CONCRETE
CURB & GUTTER: THROUGHOUT SITE
- 3.4

LEGAL DESCRIPTION:

LOT 1, BLOCK ONE, 24 PLACE ADDITION, CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, CONTAINING 7.021 ACRES.

PROJECT SUMMARY:

- 1.1 CURRENT ZONING: CN2
1.2 CURRENT USE: VACANT
1.3 PROPOSED USE: FAST ORDER FOOD, DRIVE-IN
1.4 LAND AREA: 7.021 ACRES (306,071 SQ. FT.)

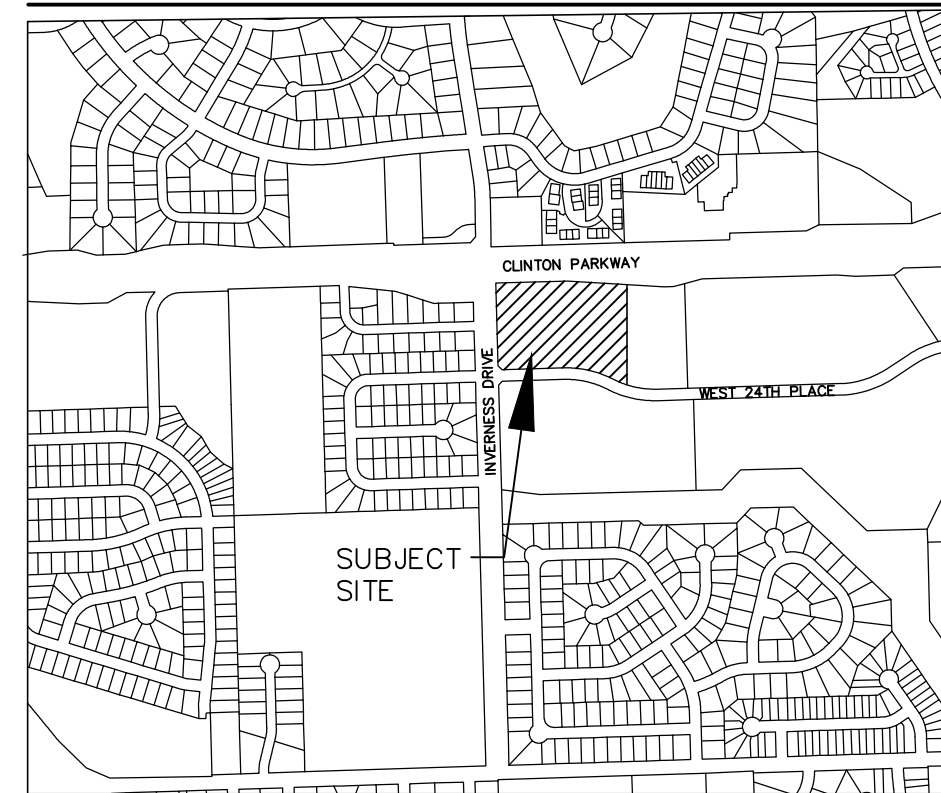
IMPERVIOUS SURFACE SUMMARY:

PROJECT SITE: 7.021 ACRES (306,071 SQ. FT. +/-)			
EXISTING CONDITIONS:		PROPOSED CONDITIONS:	
	SQ. FT.		%
LAND AREA	306,071	LAND AREA	306,071
BUILDING FOOTPRINT:	0	BUILDING FOOTPRINT:	32,625
PAVEMENT AREAS:	0	PAVEMENT AREAS:	142,216
TOTAL IMPERVIOUS:	0	TOTAL IMPERVIOUS:	174,843
TOTAL PERVIOUS:	306,071	TOTAL PERVIOUS:	151,234

SPECIAL USE PERMIT:

SPECIAL USE PERMIT PERTAINS TO BUILDING A & C ONLY

LOCATION MAP



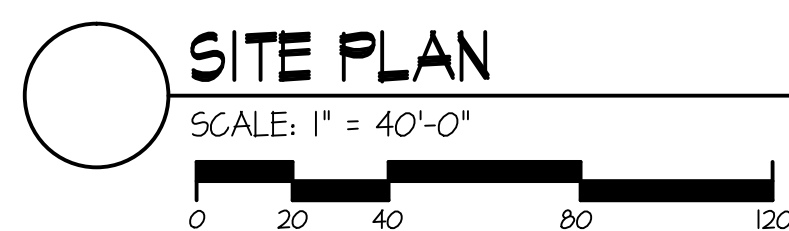
GENERAL NOTES:

- 2.1 ALL GROUND MOUNTED MECHANICAL UNITS SHALL BE SCREENED IN ACCORDANCE WITH SECTION 20-14A04.
- 2.2 ALL ACCESSIBLE SIDEWALK RAMP BY ADA STANDARDS.
- 2.3 SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28CFR PART 36.
- 2.4 THE CITY OF LAWRENCE WILL NOT BE HELD RESPONSIBLE FOR DAMAGE CAUSED BY TRASH TRUCKS.
- 2.5 PLAN FOR CITY APPROVAL ONLY. CONSTRUCTION DOCUMENTS TO BE FURNISHED AT THE REQUEST OF OWNER.
- 2.6 INFORMATION TAKEN FROM SURVEY COMPLETED BY BG CONSULTANTS, AERIAL PHOTOS AND, AVAILABLE DOCUMENTS.
- 2.7 ALL TRAFFIC CONTROL SIGNS PLACED ON PRIVATE PROPERTY OPEN TO THE GENERAL PUBLIC SHALL COMPLY WITH THE "MANUAL ON UNIFORMS TRAFFIC CONTROL DEVICES" AND "STANDARD HIGHWAY SIGNS," PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION, WITH RESPECT TO SIZE, SHAPE, COLOR, RETROREFLECTIVITY, AND POSITION.
- 2.8 ANY PROPOSED EASEMENTS SHALL BE DEDICATED WITH THE FINAL PLAT AND/OR BY SEPARATE INSTRUMENT PRIOR TO THEIR CONSTRUCTION.
- 2.9 SIGN APPROVAL AND PERMITTING IS NOT PART OF THE SITE PLAN APPROVAL. SEPARATE APPROVAL IS REQUIRED THROUGH NEIGHBORHOOD RESOURCES.
- 2.10 SUP. IS REQUESTED FOR THE FAST ORDER FOOD, DRIVE-IN USE.
- 2.11 ALLOWED RESTAURANT USES: COFFEE SHOP, ICE CREAM, BAKERY, YOGURT OR SMOOTHIE STORE, LOCALLY BASED QUALITY/FAST FOOD RESTAURANT, PIZZA STORE, PANERA, CHIFOTLE

LANDSCAPING NOTES:

SYM.	DESCRIPTION	QTY.	APPROVED TYPES	BOTANICAL NAMES	SIZE	COND.
	EXISTING TREES	0	REFER TO SITE PLAN		REFER TO SITE PLAN	
	STREET TREES	24	SAN TOOTH OAK NORWAY SPRUCE THORNLESS HONEY LOCUST	QUERCUS ACUTISSIMA ACER PLATANOIDES 'NORWEGIAN SUNSET' GLADISTIA TRIACANTHOS VAR. INERMIS	2'-2 1/2" CAL.	B & B
	SHADE TREES	32	SHIMARD OAK SHANTING MAPLE FRONTIER ELM	QUERCUS SHIMARDII ACER TRUNCATUM ULMUS 'FRONTIER'	2'-2 1/2" CAL.	B & B
	ORNAMENTAL TREES	30	CLEVELAND SELECT PEAR KUSA DOGWOOD CORAL BURST CRABAPPLE EASTERN REDBUD	PYRUS CALLERYANA 'CHANTELEER' CORUS KUSA MALUS 'CORALBURST' CERCIS CANADENSIS	1 1/2"-2" CAL.	B & B
	EVERGREEN TREES	22	WHITE PINE BLUE SPRUCE	PINUS STROBUS PICEA PUNGENS	6'-8" HT.	B & B
	DECIDUOUS SHRUBS	133	DWARF JAPANESE BARBERRY LEATHERLEAF VIBURNUM BEAUTY BUSH DWARF KOREAN LILAC	BERBERIS THUNBERGII 'CRIMSON PYGMY' VIBURNUM RHYTIDOPHYLLUM KOLKATZIA AMABALIS SYRINGA MEYERI 'PALIBIN'	18"-24" HT.	CONT
	EVERGREEN SHRUBS	134	BLUE PFITZER JUNIPER BAR HARBOR JUNIPER CREEPER ARMSTRONG CHINESE JUNIPER	JUNIPERUS CHINENSIS 'PFITZERIANA GLAUCA' JUNIPERUS HORIZONTALIS 'BAR HARBOR' JUNIPERUS CHINENSIS 'ARMSTRONGII'	24"-36" HT.	CONT

- 4.1 THERE MUST BE A MIN. OF (2) SPECIES USED IN EACH CATEGORY.
- 4.2 ALL TURF AREAS TO BE SEEDED WITH K-31 FESCUE
- 4.3 STREET TREES (1 PER 40 L.F. OF STREET FRONTAGE)
24TH PLACE - 688.03/40 = 18 TREES REQUIRED, 18 TREES PROVIDED
INVERNESS DRIVE - 431.16/40 = 11 TREES REQUIRED, 11 TREES PROVIDED
- 4.4 INTERIOR PARKING LOT LANDSCAPING (40 SQ.FT. OF LANDSCAPED AREA PER PARKING SPACE & 1 SHADE TREE AND 3 SHRUBS PER 10 PARKING SPACES):
BUILDING A&B: 60 SPACES X 40 = 2400 SQ.FT. OF REQUIRED LANDSCAPED AREA; PROVIDED 2416 SQ.FT.
60 PARKING SPACES / 10 = 6 TREES AND 18 SHRUBS PROVIDED 6 TREES AND 18 SHRUBS
BUILDING C: 34 SPACES X 40 = 1360 SQ.FT. OF REQUIRED LANDSCAPED AREA; PROVIDED 2916 SQ.FT.
34 PARKING SPACES / 10 = 4 TREES AND 12 SHRUBS PROVIDED 4 TREES AND 12 SHRUBS
BUILDING D: 50 SPACES X 40 = 2000 SQ.FT. OF REQUIRED LANDSCAPED AREA; PROVIDED 2,042 SQ.FT.
50 PARKING SPACES / 10 = 5 TREES AND 15 SHRUBS PROVIDED 5 TREES AND 15 SHRUBS
BUILDING E: 64 SPACES X 40 = 2560 SQ.FT. OF REQUIRED LANDSCAPED AREA; PROVIDED 2,786 SQ.FT.
64 PARKING SPACES / 10 = 7 TREES AND 21 SHRUBS PROVIDED 7 TREES AND 21 SHRUBS
BUILDING F: 21 SPACES X 40 = 840 SQ.FT. OF REQUIRED LANDSCAPED AREA; PROVIDED 4,004 SQ.FT.
21 PARKING SPACES / 10 = 3 TREES AND 9 SHRUBS PROVIDED 3 TREES AND 9 SHRUBS
- 4.5 PARKING LOT PERIMETER LANDSCAPING
24TH PLACE BUILDING A&B: 146 L.F./25 = 6 TREES
INVERNESS DRIVE BUILDING A&B: 346 L.F./25 = 14 TREES
24TH PLACE BUILDING C&D: 200 L.F./25 = 8 TREES
- 4.6 BUFFERYARD
EAST PROPERTY LINE - TYPE I - 10' WIDE = 522 L.F./100 = 21 TREES AND 53 SHRUBS REQUIRED, 21 TREES AND 53 SHRUBS PROVIDED
24TH PLACE - TYPE I - 10' WIDE = 660 L.F./100 = 21 TREES AND 66 SHRUBS REQUIRED, 21 TREES AND 61 SHRUBS PROVIDED
INVERNESS DRIVE - TYPE I - 25' WIDE (65' WIDE PROVIDED) = 450 L.F./100 = 9 TREES AND 23 SHRUBS REQUIRED, 34 TREES AND 24 SHRUBS PROVIDED



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24TH AND INVERNESS
WEST 24TH PLACE & INVERNESS DRIVE
LAWRENCE, KANSAS

PROJECT # 213-T30

RELEASE: 1.0
DATE: 10.12.15

SUP - I

PROPERTY OWNERS OF RECORD:

PROPERTY OWNER:
CORPORATE HOLDINGS, LLC
PO BOX 1800
OLATHE, KS 66051

LEGAL DESCRIPTION:

REMINGTON SQUARE ADDITION NO. 1, REPLAT OF LOTS 2 & 3, BLOCK 1 INVERNESS PARK PLAZA
ADDITION NO. 1, WEST 300 FEET OF BLOCK 1, LOT 2, IN DOUGLAS COUNTY, KANSAS.

GENERAL NOTES:

- 1.1 ALL REQUIRED ACCESSIBLE SIDEWALK RAMP PER A.D.A. STANDARDS.
- 1.2 SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28CFR PART 36.
- 1.3 THE CITY OF LAWRENCE WILL NOT BE HELD RESPONSIBLE FOR PAVEMENT DAMAGE CAUSED BY TRASH TRUCKS.
- 1.4 PLAN FOR CITY APPROVAL ONLY! CONSTRUCTION DOCUMENTS TO BE FURNISHED AT THE REQUEST OF OWNER.
- 1.5 INFORMATION TAKEN FROM AERIAL PHOTOS, SURVEY PERFORMED BY BG CONSULTANTS.
- 1.6 ALL TRAFFIC CONTROL SIGNS PLACED ON PRIVATE PROPERTY OPEN TO THE GENERAL PUBLIC SHALL COMPLY WITH THE "MANUAL ON UNIFORMS TRAFFIC CONTROL DEVICES" AND "STANDARD HIGHWAY SIGNS," PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION, WITH RESPECT TO SIZE, SHAPE, COLOR, RETROREFLECTIVITY, AND POSITION.
- 1.7 PHOTOMETRIC PLAN FOR EXTERIOR LIGHTING TO BE SUBMITTED AND APPROVED PRIOR TO THE RELEASE OF BUILDING/ELECTRICAL PERMITS FOR EXTERIOR LIGHTING.
- 1.8 EXTERIOR GROUND-MOUNTED OR BUILDING-MOUNTED EQUIPMENT INCLUDING, BUT NOT LIMITED TO, MECHANICAL EQUIPMENT, UTILITY BOXES AND METERS, SHALL BE FULLY SCREENED FROM VIEW OF ADJACENT PROPERTIES AND FROM STREET RIGHTS-OF-WAY (AS MEASURED 6 FT ABOVE GROUND LEVEL). SCREENING SHALL BE IN THE FORM OF LANDSCAPE PLANTING OR AN ARCHITECTURAL TREATMENT COMPATIBLE WITH THE ARCHITECTURE OF THE THE PRINCIPAL BUILDING.
- 1.9 PER CITY CODE SECTION 9-402, ANY OUTDOOR DINING AREA WILL BE MANAGED TO PREVENT STORMWATER POLLUTION. FOOD WASTE, TRASH, CIGARETTES AND OTHER SOLID WASTES MUST BE CONTAINED, COLLECTED, AND DISPOSED PROPERLY. COLLECTION MUST BE FREQUENT ENOUGH TO PREVENT WASTES CARRIED OFF BY WIND OR STORMWATER RUNOFF. FLUID WASTE, INCLUDING WASTEWATER FROM PAVEMENT OR FURNITURE CLEANING, WILL BE COLLECTED AND DISCHARGED TO THE SANITARY SEWER SYSTEM.
- 1.10 ALL CURB INLETS WILL BE CONSTRUCTED PER CITY STORM SEWER STANDARD DETAILS. PER CITY CODE CHAPTER IX ARTICLE 9-403(B)

PROJECT SUMMARY:

2.1	CURRENT ZONING:	RSO
2.2	PROPOSED ZONING:	CN2
2.3	CURRENT USE:	VACANT
2.4	PROPOSED USE:	FAST ORDER FOOD, DRIVE-IN, PERSONAL IMPROVEMENT SERVICE; FOOD AND BEVERAGE RETAIL SALES
2.5	LAND AREA:	3,106 ACRES (135,328 SQ. FT. +/-)
2.6	PROJECT PROPOSED:	PAD SITES

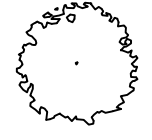

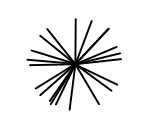

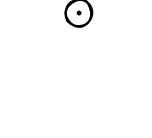
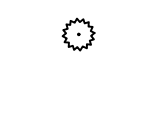
PROPERTY SURFACE SUMMARY:

EXISTING SUMMARY:		PROPOSED SUMMARY:	
	SQ. FT.	AC.	
TOTAL BUILDINGS:	0	0	TOTAL BUILDINGS FOOTPRINT:
TOTAL PAVEMENT:	0	0	10,700
TOTAL IMPERVIOUS:	0	0	71,963
TOTAL PERVIOUS:	0	0	1,651
TOTAL PROPERTY AREA:	135,328	3,106	TOTAL IMPERVIOUS:
			82,663
			1,641
			TOTAL PERVIOUS:
			52,665
			1,204
			TOTAL PROPERTY AREA:
			135,328
			3,106

PARKING INFORMATION:

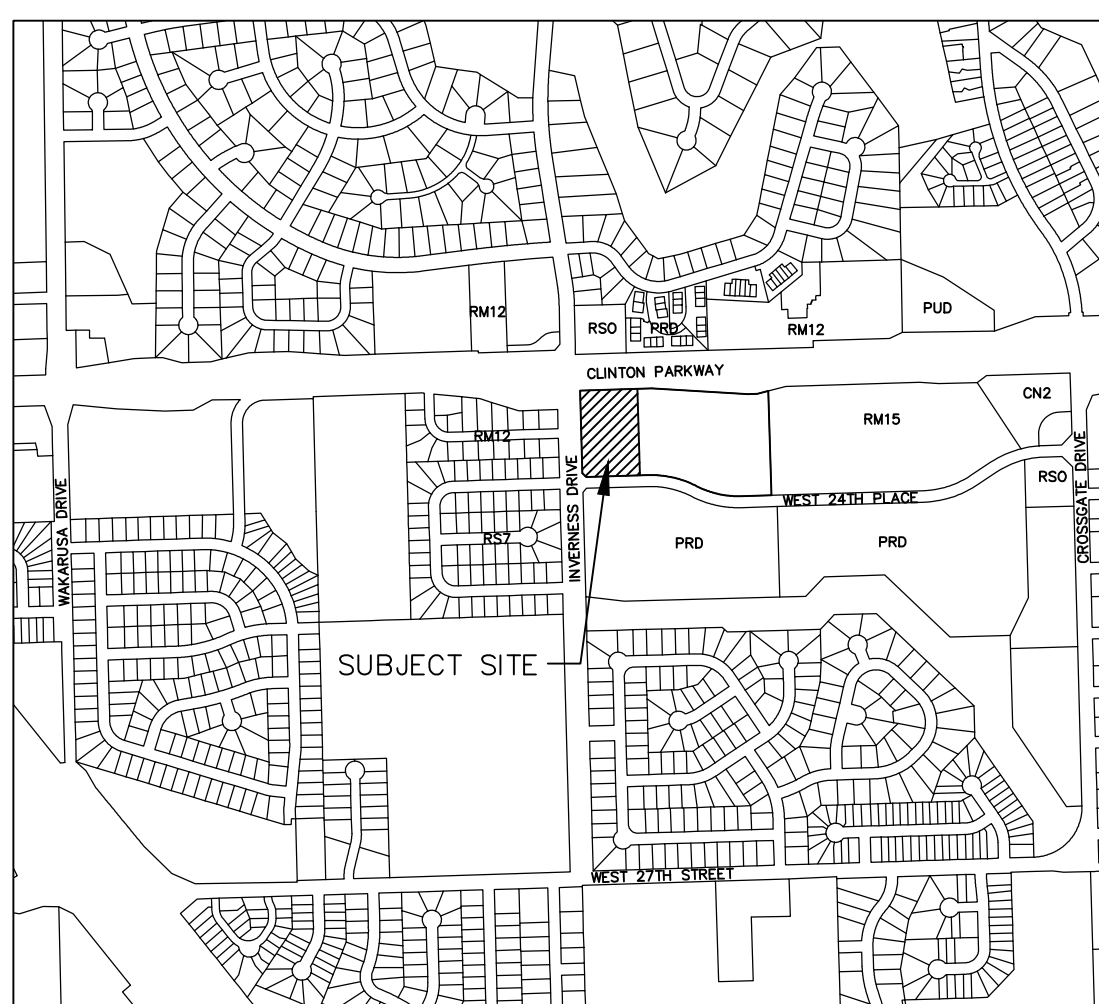
- 2.1 PARKING: PHASE III
REQUIRED/ PROVIDED
A - FAST ORDER FOOD, DRIVE-IN: 1 SPACE PER 100 S.F. OF CUSTOMER SERVICE AREA + 1 PER EMPLOYEE
1,680 S.F. / 100 = 16.8 = 17 SPACES + 6 EMPLOYEES = [23 SPACES REQUIRED/21 PROVIDED]
B - PERSONAL CONVENIENCE SERVICE, DRIVE-IN: 1 SPACE PER 300 S.F. OF CUSTOMER SERVICE AREA + 1 PER EMPLOYEE
1,600 S.F./300 = 5.33 = 5 SPACES + 6 SPACES REQUIRED/21 PROVIDED
C - PERSONAL IMPROVEMENT SERVICE: 1 PER 200 S.F.
4,000 S.F. / 200 = [20 SPACES REQUIRED/22 PROVIDED]
D - FOOD AND BEVERAGE RETAIL SALES: 1 PER 300 S.F.
2,400 S.F. / 300 = [8 SPACES REQUIRED/24 PROVIDED]
BICYCLE: 5 OR 1 PER 10 AUTO SPACES, WHICHEVER IS GREATER = 7 REQUIRED/1 PROVIDED
- 2.2 TYPICAL DIMENSIONS: REGULAR AND HANDICAPPED SPACES - 9' X 18' (16.5' + 1.5' OVERHANGS AT SIDEWALKS OR PERIMETER ROWS)
SIDEWALKS SHALL BE 4' CONCRETE - 5' OR 6' WIDE DEPENDING UPON THE LOCATION.
HANDICAPPED SPACES TO INCLUDE ACCESS AISLE 5' MIN. WIDTH.
- 2.3 PAVEMENT (PER CITY STD.): APPROACHES: 1" CONCRETE W/ #5 BARS 12" O.C.B.W. - PER CITY STANDARDS
PARKING AREAS: 5" CONCRETE ON 4" CRUSHED LIMESTONE
CONCRETE PAVEMENT WILL MEET CITY OF LAWRENCE PUBLIC WORKS STANDARD TECHNICAL SPECIFICATIONS (SECTION 2000 - CONCRETE) FOR 4000 PSI CONCRETE.
- 2.4 PAVEMENT SUBGRADE SHALL BE PREPARED PER THE GEOTECH REPORT

LANDSCAPING NOTES:

SYM.	DESCRIPTION	QTY.	APPROVED TYPES	BOTANICAL NAMES	SIZE	COND.
	STREET TREES	21	LEGACY SUGAR MAPLE SUMMERSHADE NORWAY MAPLE LACEBARK ELM SHAWARD OAK GREENSPIRE LINDEN LONDON PLANE TREE	ACER SAGCHARUM 'LEGACY' ACER PLATANOIDES 'SUMMERSHADE' ULMUS PARVIFOLIA QUERCUS SHAWARDII TILIA CORDATA 'GREENSPIRE' PLATANUS OCCIDENTALIS 'BLOODGOOD'	2"-2 1/2" CAL	B & B
	SHADE TREES	6	ELM, LACEBARK HORNBARK, COLUMNAR MAPLE, AUTUMN BLAZE MAPLE, COLUMNAR NORWAY MAPLE, PACIFIC SUNSET MAPLE, SIENNA GLEN OAK, BUR BALD CYPRESS OAK, NORTHERN RED OAK, SHINGLE ZELKOVA, GREEN VASE OAK, SHAWP WHITE SAH TOOTH OAK THORNLESS HONEY LOCUST	ULMUS PARVIFOLIA CARPINUS BETULUS 'FASTIGIATA' ACER FREEMANII 'JEFFERRED' ACER PLATANOIDES 'COLUMNAR' ACER TRUNCATUM X PLATANOIDES ACER FREEMANII 'SIENNA' QUERCUS MACROCARPA TAXODIUM DISTICHAM QUERCUS RUBRA FAGACEAE QUERCUS ZELKOVA SERRATA QUERCUS BICOLOR QUERCUS ACUTISSIMA ACER PLATANOIDES 'SUPERFORM' GLEDETISIA TRIACANTHOS VAR. INERMIS	2"-2 1/2" CAL	B & B
	EVERGREEN TREES	11	WHITE PINE EASTERN RED CEDAR GREEN GIANT, ARBORVITAE BLUE SPRUCE	FINIS STROBUS JUNIPERUS VIRGINIANA THUJA 'GREEN GIANT' PICEA PUNGENS	6'-8' HT.	B & B
	ORNAMENTAL TREES	7	KOUSA DOGWOOD CORAL BURST CRABAPPLE EASTERN REDBUD GRAB, ARGENTINA PEAR, CLEVELAND SELECT	CORNUS KOUSA MALUS 'CORALBURST' CERISUS CANADENSIS MALUS ARGENTII 'TINA' PYRUS CALLERYANA	1 1/2"-2" CAL	B & B
	DECIDUOUS SHRUBS	75	BARBERRY, CRIMSON PIGMY BURNING BUSH, DWARF SPIREA, MAGIC CARPET NINE BARK, PURPLE LILAC, DWARF KOREAN VIBURNUM ALLEGANY	BERBERIS THUNBERGII 'CRIMSON PYGMY' EUNYMIUS ALATUS 'COMFACTUS' SPIREA X PYNOSCARPUS OPUULIFOLIUS SYRINGA MEYERI 'PALBIN' VIBURNUM X RHYTIDOPHYLLOIDES	18"-24" HT.	CONT
	EVERGREEN SHRUBS	44	DWARF SPREADING YEW JUNIPER, SEA GREEN JUNIPER, CALLERY CARPET HOLLY, BLUE JUNIPER, GREY OHL	TAXUS CUSPIDA DENSEA JUNIPERUS VIRGINIANA 'GREY OHL' JUNIPERUS SADIANA 'MONNA' ILEX X MESERVEAE JUNIPERUS X PFITZERIANA 'SEE GREEN'	24"- 36" HT.	CONT

- 3.1 THERE MUST BE A MIN. OF (4) SPECIES USED IN EACH CATEGORY, (6) SPECIES MIN. FOR STREET TREES.
- 3.2 ALL TURF AREAS TO BE SEEDED WITH K-31 FESCUE, SOD, OR AS ALLOWED BY CITY CODE.
- 3.3 REQUIRED INTERIOR LANDSCAPING AREA = 718 SURFACE SPACES*40 SQ. FT. PER SPACE = 28,720 SQ. FT.; 31,281 SQ. FT. PROVIDED.
- 3.4 BUFFERYARDS
- BUFFERYARD ALONG WEST 24TH PLACE - WAIVER REQUESTED DUE TO 15' W/E BEING AT THE FRONT OF THE SITE. SHRUBS HAVE BEEN PROVIDED IN FRONT OF THE PARKING LOT TO MEET SHRUB REQUIREMENTS HOWEVER THERE IS NO ROOM FOR THE ADDITIONAL 5 TREES NOT PROVIDED VIA STREET TREES.
TYPE 1 - 15' WIDE, 2714.91 IN LENGTH BUFFERYARD = 9 TREES AND 23 SHRUBS REQUIRED/ 0 TREES AND 21 SHRUBS PROVIDED
(5 TREES AND 12 SHRUBS MUST EVERGREEN BUT A WAIVER IS REQUESTED FROM THE EVERGREEN TREES SINCE THEY WOULD BE PLACED IN PARKING LOTS DUE TO SITE CONSTRAINTS. THERE IS NOT ADDITIONAL ROOM FOR EVERGREEN TREES IN PARKING LOT ISLANDS DUE TO STREET TREES BEING PLACED THERE.)
- BUFFERYARD ALONG INVERNESS DRIVE - TYPE 1 - 25' WIDE, 431.16' IN LENGTH, - REQUIRED: 2 TREES AND 5 SHRUBS PER 100' = 9 TREES, 24 SHRUBS (5 TREES AND 11 SHRUBS MUST EVERGREEN), PROVIDED: 24 TREES AND 41 SHRUBS
- BUFFERYARD ALONG CLINTON PARKWAY- A WAIVER IS REQUESTED DUE TO THE SITE FRONTAGE BEING BUFFERED BY THE 10' +/- HILL SOUTH OF CLINTON PARKWAY
- 3.5 INTERIOR PARKING LOT LANDSCAPING
- A - 57 SPACES X 40 S.F. LANDSCAPING AREA PER PARKING SPACE = 2,280 S.F. REQUIRED/1,683 S.F. PROVIDED
1 TREE AND 3 SHRUBS PER 10 SPACES; 5 TREES, 16 SHRUBS REQUIRED/16 TREES, 16 SHRUBS PROVIDED
B - D 61 SPACES X 40 S.F. LANDSCAPING AREA PER PARKING SPACE = 2,480 S.F. REQUIRED/1,401 S.F. PROVIDED
1 TREE AND 3 SHRUBS PER 10 SPACES; 7 TREES, 23 SHRUBS REQUIRED/7 TREES, 23 SHRUBS PROVIDED

LOCATION MAP



- 3.6 STREET TREES
- WEST 24TH PLACE - 2714.91 L.F./40 = 7 TREES REQUIRED/7 TREES PROVIDED
- INVERNESS DRIVE - 451.01 L.F./40 = 12 TREES REQUIRED/12 TREES PROVIDED
- CLINTON PARKWAY - 300 L.F./40 = 8 TREES REQUIRED/8 TREES PROVIDED

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INVERNESS CORNER
WEST 24TH PLACE & INVERNESS DRIVE
LAWRENCE, KANSAS

PROJECT # 213-730

RELEASE: 1.0
1.1
DATE: 1.23.14
2.14.14

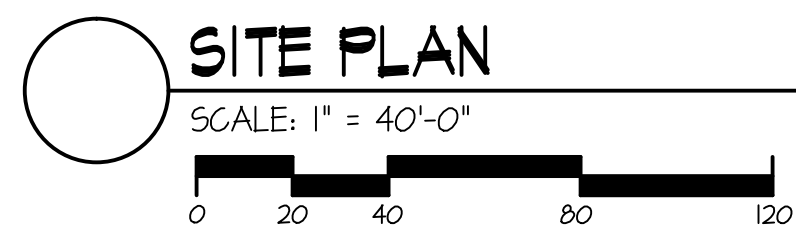
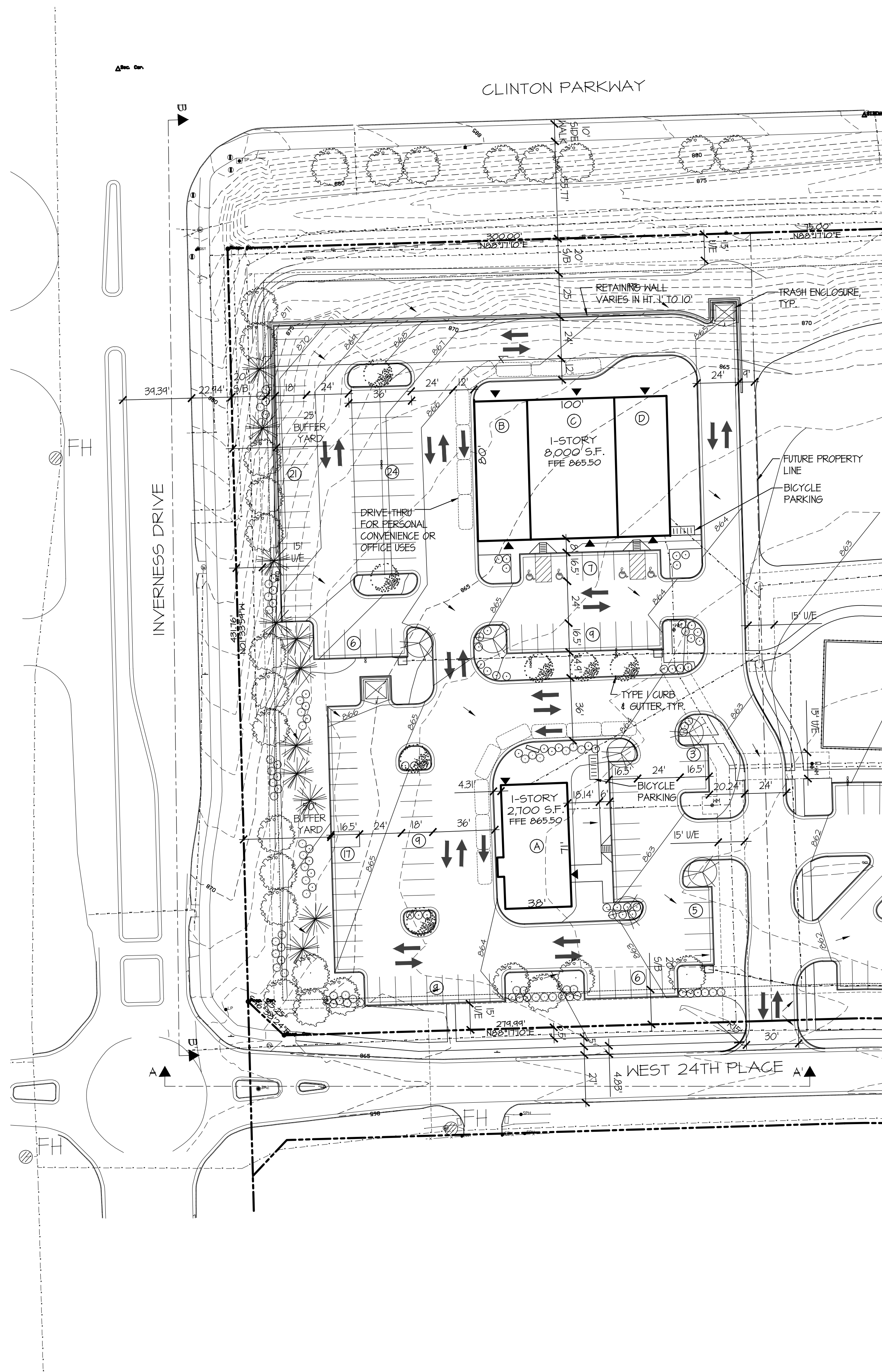
Approved and Released

City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Case No. _____
Approval Date: _____
Release Date: _____
Planner: _____
_____ of _____ Sheets
Asst./Director: _____

SUP-1

J:\Project\213-000\213-730\CAD & CAD PDF\Site\CAD SITE PLAN\213-730 SP SH1 2 - INVERNESS CORNER.dwg, 2/19/2014 9:44:31 AM, DWG To PDF.pc3



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INVERNESS CORNER
WEST 24TH PLACE & INVERNESS DRIVE
LAWRENCE, KANSAS

PROJECT # 213-T30

RELEASE:	DATE:
1.0	1.23.14
1.1	2.19.14

SUP - 2

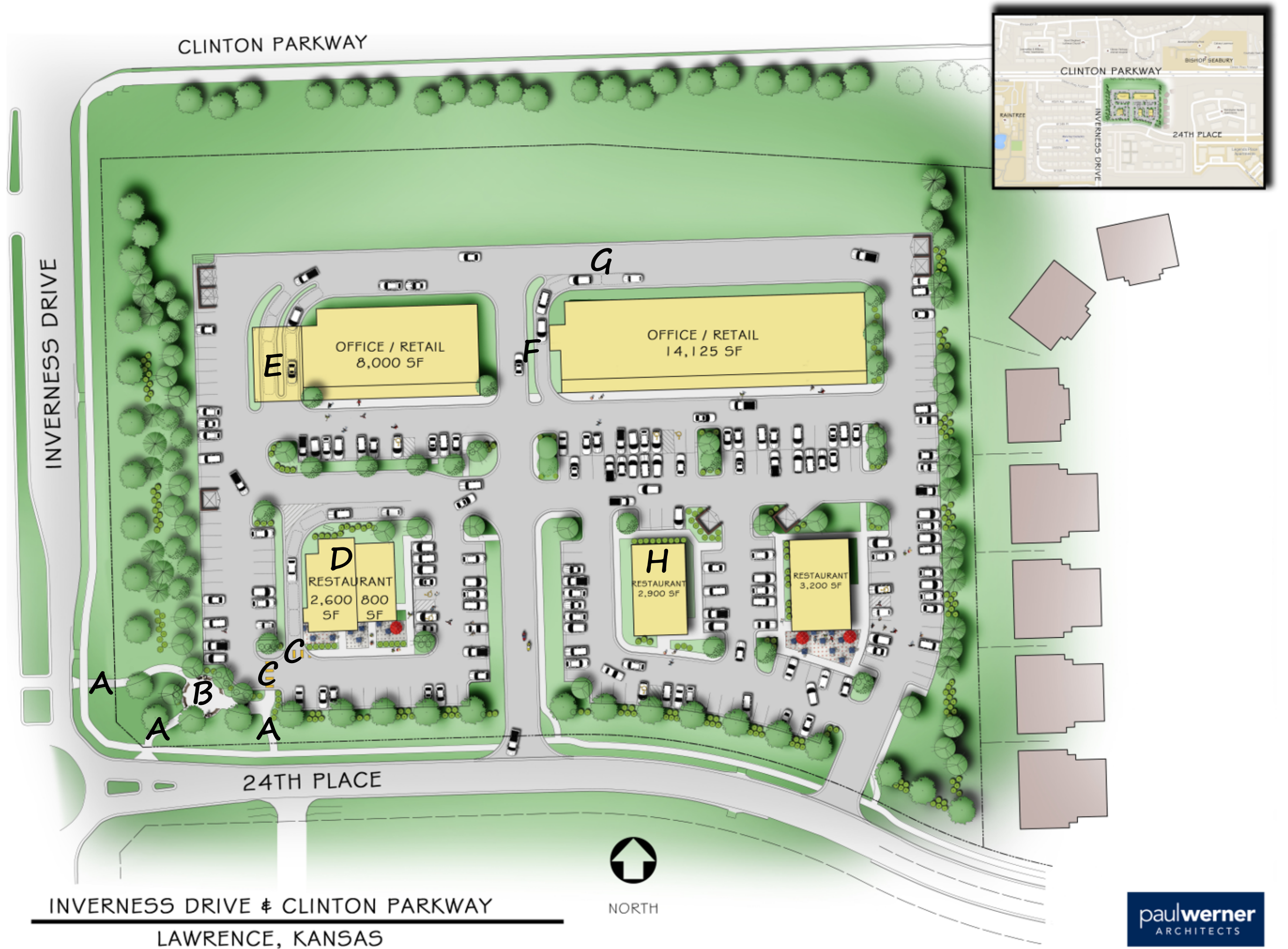
FROM : Joy Rhea
RE : 24th and Inverness Site Plan and SUP
DATE : December 18, 2015

Updates to Plan:

The site plan for the 24th and Inverness project is being re-submitted with changes as described below. These changes were made in order to create a more pedestrian friendly site, improve traffic circulation and update the plan per a known bank in the northwest corner. We believe these changes along with the previously shown 65' bufferyard next to Inverness Drive will continue to make this site an asset to the neighborhood.

- Three pedestrian connections from Inverness Drive and 24th Place have been shown in the southwest corner of the site. (A)
- A plaza area with benches has been added to provide a gathering and seating area for those using the services on the site or for local pedestrians to stop and enjoy a rest. (B)
- A marked pedestrian crossing has been shown from the plaza area into the site. (C)
- Due to market demand the pad site in the southwest corner remains as originally shown except that it has been pushed slightly back to allow more pedestrian gathering and circulation space in front of the businesses. (D)
- Should the southwest pad site be forced to the north edge of the site we believe this development is in danger of failing as a vibrant neighborhood commercial space. The failure would likely be attributed to lack of visibility for such prominent anchor businesses due to rather extreme grade changes between Clinton Parkway and the site. If prominent anchor businesses were asked to locate in the northwest corner it is likely a direct access from Clinton Parkway to the site would be requested. (D)
- Should the southwest pad site be forced to the west we believe this is too close to the 65' bufferyard and the neighborhood to the west.
- A drive-thru for a bank has been shown on the northwest building since we have a good indication from a local bank that they would occupy that space. (E)
- A median has been provided between the two north buildings on the site in order to eliminate conflict points between vehicles using this service drive-through for a business such a Scotch Cleaners. (F)
- Vehicular circulation along the north driveway has been shown as one-way to eliminate conflict points with drive-through. (G)
- The drive-through has been eliminated from the 2nd pad site on the south side of the site. (H)

Office : 123 W. 8th Street, Suite B2 : Lawrence, Kansas : 66044
Mail : PO BOX 1536 : Lawrence, Kansas : 66044-8536
PHONE: 785.832.0804 FAX: 785.832.0890



April 20, 2015

RE: Traffic Impact Study
24th Place Addition
4300 W. 24th Place, Lawrence

Several development scenarios have been analyzed in the recent past for the proposed 11 acre site on the southeast corner of 24th and Inverness. Most recently, in November 2013, a Traffic Impact Study (TIS) was prepared for a proposed development known as the *Family Fun Center at 24th and Inverness*. That development proposed a combination of entertainment and commercial land uses. The following estimate of peak hour trips generated by the site was used to analyze potential traffic impacts. No offsite improvement needs were identified as a part of that TIS.

Previous TIS: Family Fun Center

AM Peak Hour Trips = 180 vehicles per hour (vph)

PM Peak Hour Trips = 274 vph

The current development proposal, *24th Place Addition* proposes to improve this undeveloped property with 14 townhouses (duplexes) and 7 acres of neighborhood commercial improvements. Actual commercial users have not been identified yet so 35,000 square feet of general commercial uses was assumed for a Floor-Area-Ratio of 11%.

An estimate of AM Peak Hour (between 6:00 am and 8:00 am) and PM Peak Hour (between 4:00 pm and 6:00 pm) traffic generated by this site was developed using the *Trip Generation, 8th Edition* manual published by the Institute of Transportation Engineers (ITE). ITE Code 230 (Residential Condominium/Townhouse) was used to estimate trips generated by the residential portion of the site and ITE Code 820 (Shopping Center) was used to estimate trips generated by the commercial portion. Added together, the resulting estimate of peak hour trips are similar to the analysis performed in the prior TIS.

Current Site Development: 24th Place Addition

AM Peak Hour Trips = 97 vph

PM Peak Hour Trips = 315 vph

Based on this information, the traffic generated by the proposed *24th Place Addition* development will be similar in magnitude to the analysis in the prior TIS. Assuming access is provided via 24th Place, we do not anticipate the need for offsite transportation system improvements. The PM Peak Hour site generated trips are anticipated to occur at a time which will not coincide with the afternoon peak hour traffic generated by the nearby schools. Additional analysis of traffic impacts should be considered at a future date when a site plan is developed for the commercial improvements on Lot 1 and potential users are known.

If additional information is needed, please contact me.

Sincerely,
BG CONSULTANTS, INC.



Jason Hoskinson, P.E., PTOE
Principal



Also

Manhattan, KS. • Hutchinson, KS • Emporia, KS

Trip Generation Calculation

Residential Condominium/Townhouse (ITE Code 230)

ITE Trip Generation, 8th Edition

General Information	Site Information
Analyst: <i>Jason Hoskinson, PE, PTOE</i>	Area: <i>24th Place Addition</i>
Agency: <i>BG Consultants, Inc.</i>	Jurisdiction: <i>Lawrence, KS</i>
Project Description: <i>Traffic Impact Study for 24th Place Addition</i>	

X = 28		Dwelling Units	
Typical Weekday			
Number of Studies: 56			
Average Rate: 5.81			
Equation: $LN = 0.87 \ln(X) + 2.46$		$a = 0.87$	$b = 2.46$
$R^2 = 0.80$			
Pass-by Trips: 0%			
Method of Calculation (Selected by Analyst):		2 (Enter 1 for Average Rate or 2 for Regression Equation)	
Total Trips	Ingress/Egress	Entering Trips	Exiting Trips
213	50% 50%	107	107
Method Used: REGRESSION EQUATION			
AM Peak Hour of the Adjacent Street (7:00 AM to 9:00 AM)			
Number of Studies: 59			
Average Rate: 0.44			
Equation: $LN = 0.80 \ln(X) + 0.26$		$a = 0.80$	$b = 0.26$
$R^2 = 0.76$			
Pass-by Trips: 0%			
Method of Calculation (Selected by Analyst):		2 (Enter 1 for Average Rate or 2 for Regression Equation)	
Total Trips	Ingress/Egress	Entering Trips	Exiting Trips
19	17% 83%	3	16
Method Used: REGRESSION EQUATION			
PM Peak Hour of the Adjacent Street (4:00 PM to 6:00 PM)			
Number of Studies: 62			
Average Rate: 0.52			
Equation: $LN = 0.82 \ln(X) + 0.32$		$a = 0.82$	$b = 0.32$
$R^2 = 0.80$			
Pass-by Trips: 0%			
Method of Calculation (Selected by Analyst):		2 (Enter 1 for Average Rate or 2 for Regression Equation)	
Total Trips	Ingress/Egress	Entering Trips	Exiting Trips
22	67% 33%	15	7
Method Used: REGRESSION EQUATION			

Trip Generation Calculation

Shopping Center (ITE Code 820)

ITE Trip Generation, 8th Edition

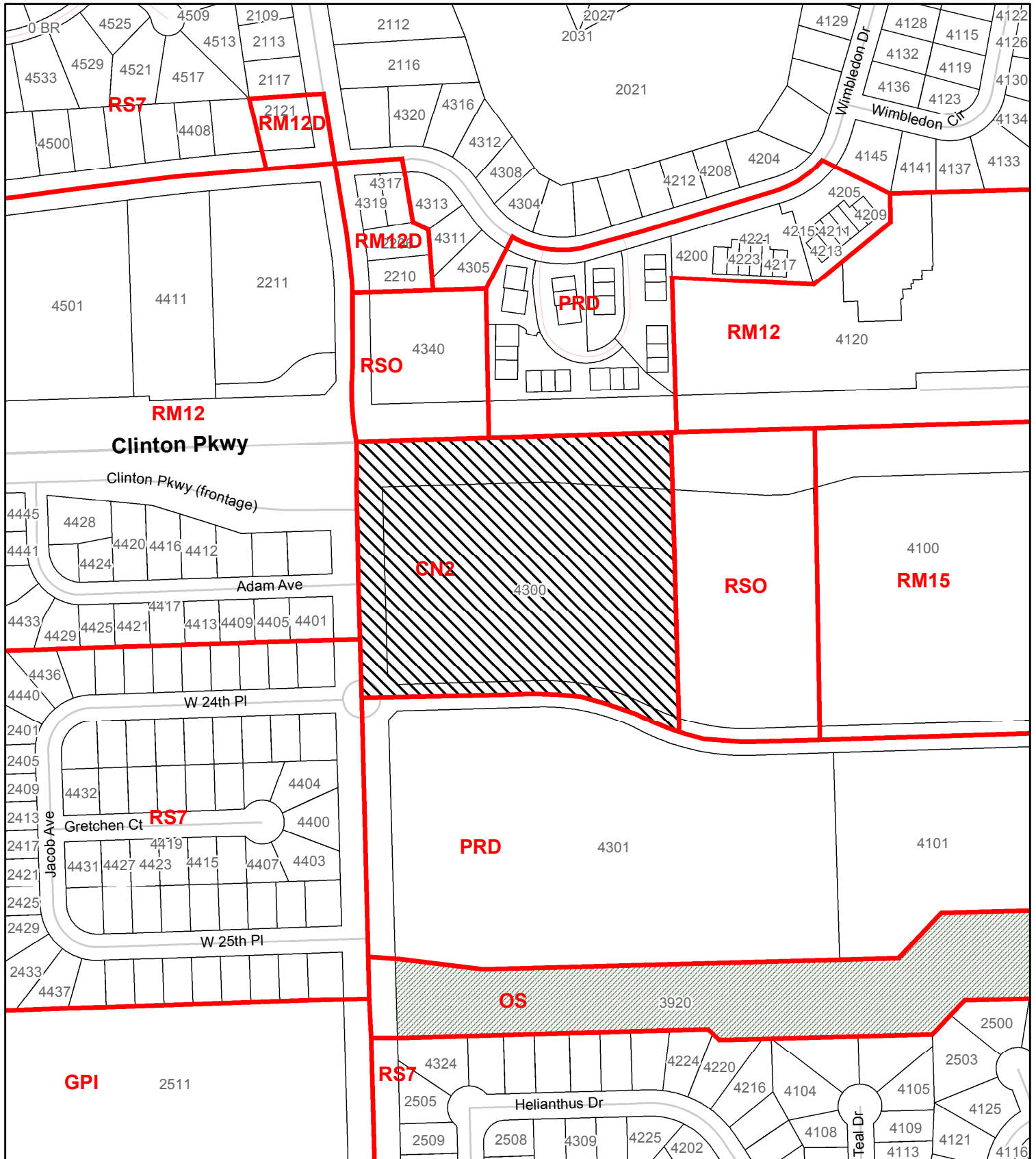
General Information	Site Information
Analyst: <i>Jason Hoskinson, PE, PTOE</i>	Area: <i>24th Place Addition</i>
Agency: <i>BG Consultants, Inc.</i>	Jurisdiction: <i>Lawrence, KS</i>
Project Description: <i>Traffic Impact Study for 24th Place Addition</i>	

X =	35	1,000 Square Feet Gross Floor Area		
Typical Weekday				
Number of Studies: 302				
Average Rate: 42.94				
Equation: $LN = 0.65 \ln(X) + 5.83$		$a = 0.65$	$b = 5.83$	$R^2 = 0.78$
Pass-by Trips: 7%				
Method of Calculation (Selected by Analyst):		2 (Enter 1 for Average Rate or 2 for Regression Equation)		
Total Trips	Ingress/Egress	Entering Trips	Exiting Trips	
3,193	50% 50%	1,597	1,597	
Method Used: REGRESSION EQUATION				
AM Peak Hour of the Adjacent Street (7:00 AM to 9:00 AM)				
Number of Studies: 101				
Average Rate: 1.00				
Equation: $LN = 0.59 \ln(X) + 2.32$		$a = 0.59$	$b = 2.32$	$R^2 = 0.52$
Pass-by Trips: 7%				
Method of Calculation (Selected by Analyst):		2 (Enter 1 for Average Rate or 2 for Regression Equation)		
Total Trips	Ingress/Egress	Entering Trips	Exiting Trips	
78	61% 39%	48	30	
Method Used: REGRESSION EQUATION				
PM Peak Hour of the Adjacent Street (4:00 PM to 6:00 PM)				
Number of Studies: 412				
Average Rate: 3.73				
Equation: $LN = 0.67 \ln(X) + 3.37$		$a = 0.67$	$b = 3.37$	$R^2 = 0.81$
Pass-by Trips: 7%				
Method of Calculation (Selected by Analyst):		2 (Enter 1 for Average Rate or 2 for Regression Equation)		
Total Trips	Ingress/Egress	Entering Trips	Exiting Trips	
293	49% 51%	144	149	
Method Used: REGRESSION EQUATION				

OFF STREET PARKING SUMMARY

Proposed Development 24 th & Inverness								
	Building SF Summary		Percent	Proposed Parking		Adjusted At 45%	Adjusted Parking	
Building/Use	GSF	service area	Service Area	required	provided	SF	required	provided
A - Fast Order Food, Drive-In	2,600					1,700		
B - Fast Order Food, Drive-In	1,800					810		
A & B Combined	(4,400)	4,320	98%	60	60	1,980	36	
Patio	800 SF	800	100%	8	?	800	8	
C - Fast Order Food	2,900	2320	80%	34	34	1,305	24	
D - Quality Restaurant	3,200	2560	80%	50	50	1,440	29	
Patio	1,000	1,000	100%	10	?	1,000	10	
E - mixed office/retail	14,125			63	64		63	64
E - Office	(5,125)			18				
E - Retail	(9,000)			45				
F - Office	8,000			27	29		27	29
Patio Space	1,800							
TOTAL	32,625	11,000		234	237	6,574	179	237
With Patio	34,425						197	237
Note: Plan is not clear if off-street parking for patio space is included.								

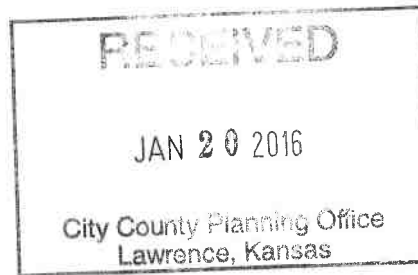
Recently approved site plan – 2015							
	Building Summary		Percent			Parking Summary	
Tenant/Use Zoning Code Use	SF	Service Area				Required Parking	Provided Parking
Leeway Franks Missed use	757	291	38%			5	Shared
Raising Canes Fast Order Food, Drive-In	2853	968	34%			18	40
Texas Road House Quality Restaurant		4358				84	Shared
Qdoba Fast Order Food	2827	1400	50%			24	35
Popeye's Fast Order Food, Drive-In	2887	1223	42%			21	35
Pie Five Pizza Fast Order Food	2400	1195	50%			21	32
Dominos Fast Order Food	2785	1040	37%			13	13
Average			42%				



**SUP-15-00521: Special Use Permit for a Neighborhood Commercial Shopping Area
with 5 Buildings - 4 Buildings having Drive-Thru Uses, 2 being for Fast Order Food
Located at 4300 W. 24th Place**



Lawrence-Douglas County
Metropolitan Planning Commission
6 East 6th St.
P.O. Box 708
Lawrence, KS 66044



January 13, 2016

RE: SUP-15-00521

Dear Commission Members:

I am writing to express my wife and I's concerns and opposition to the above Special Use Permit application as home owners in the affected area. There are several aspects of this proposed item that are problematic and make the proposition a bad one for all residents in the area.

This sort of commercial shopping area within a residential area would mean a greater volume of car traffic causing greater congestion and putting pedestrian and bicycle users at increased risk. There is a good amount of pedestrian and bicycle traffic in this area on a regular basis. This proposal would negatively affect such use--desirable for health and well-being as well as residents walking of dogs, another frequent activity on the well used sidewalks along this stretch of 23rd street and Inverness. The proposed development also reduces aesthetically pleasing green space in the area, and would eliminate an ecological corridor for bird and wildlife habitat.

It should be anticipated that such a commercial development will increase the volume of traffic on **the residential thoroughway of Inverness** as it is the cross street for the main thoroughfare of 23rd street directly to the area in question. Inverness cannot physically tolerate such increased traffic, (relatively recent extensive repairs yet a high-rate of erosion continues), and should not as it is already at a maximum traffic volume for a residential street being the only way many residents can get out from their home street. This in itself was unfortunately a poor street planning design, generally tolerable only as long as Inverness does not become even more congested. Inverness is already a frequently used trafficway between 15th and 23rd.

Having been a homeowner at our current residence for over 8 years we have witnessed an unfortunate increase in the traffic noise from 23rd street with the addition of multiple apartment complexes. Louder and heavier traffic is a direct result, and has not only increased but has become frequently extended into the late night, especially on the weekends, accompanied by many more drunk driver pullovers in this area as well. This proposal can logically be anticipated to increase these negative aspects as the commercial businesses proposed clearly include fast order junk food drive-thru operations.

No doubt the desire of the proposers of the SUP have in mind to exploit the many lower income, generally young and transient population that lives in the cheaply built apartments nearby. I will hazard a guess that the food being offered will not be of a healthy variety, and thus also not in the health interests of the "young and the restless". I also assume that the other commercial

businesses being proposed will not be in the general interest, need or desire of the majority of homeowners in the affected area.

This proposal is not in the best interests of those of us living in the area, especially homeowners. The negative impacts I've touched on will occur should this proposal go through, and will thus also negatively affect home values, with virtually no positive impact for the majority of area residents or Lawrence citizens as a whole.

Commercial developments such as this should either be done at the intersections of two major traffic arteries or else should not be built at all because of their long-term negative impacts on residential areas. They are not conducive to the economic sustenance of residential areas nor to the health and well-being of those in residence.

Sincerely,

A handwritten signature in cursive script, appearing to read "Randy Hershey".

Randy Hershey
Homeowner
4133 Wimbledon Circle
Lawrence, KS 66047

From: [Dawn Shew](#)
To: [Joy Rhea](#)
Cc: [kayteekate@hotmail.com](#); [markandrewsimpson@yahoo.com](#); [sclark@sunflower.com](#); [lfinger@douglas-county.com](#); [mmulloy@ku.edu](#); [wecare@cpah.com](#); [jamiehulse@att.net](#); [Leanne Cooper](#); [angelamk@swbell.net](#); [critter_72@yahoo.com](#); [donschawang@seaburyacademy.org](#); [vhammond1@hotmail.com](#); [itsgreen@sunflower.com](#); [aeversole@ku.edu](#); [garberprop@aol.com](#); [mrsdeltachi@yahoo.com](#); [lleanna@raintreemontessori.org](#); [jtedder@sunflower.com](#); [go-gre@peoplepc.com](#); [Robbie Farha](#); [Christopher King](#); [Sandra Day](#); [Paul Werner](#); [Scott McCullough](#)
Subject: Re: 24th and Inverness Site Plan Update
Date: Tuesday, January 12, 2016 11:26:15 AM

Hello all,

I remain concerned about the quantity and types of traffic that this development will bring to this area, specifically:

- The roundabout at 24th Place and Inverness. As it stands currently, residents often have difficulty leaving our street during heavy pick up and drop off times for Raintree, Southwest, and Sunflower schools. Rather than turning left onto Inverness, Raintree parents come around the roundabout. Adding a commercial area that receives access from this roundabout will exacerbate this problem, as each car approaching from 23rd will be forced to come around the roundabout to continue onto 24th place.
- The lack of a school zone along a heavily pedestrian area frequented by children-- Inverness, made more dangerous by increased traffic from outside the residential area (i.e. a parent dropping off their child is more likely to be aware of walking students than someone coming in from Topeka on 23rd who is swinging in for coffee.) There are three large schools on this street, and there is no school zone on Inverness south of 23rd at all.

My first suggestion would be to move the entrance and exits for this development onto 23rd street, which has precedence a busy thoroughfare with other entrances and exits east of this development. At the very least, moving traffic away from this residential pedestrian area and schools would be ideal.

Obviously many of the residents of this area would prefer that this land not be used for commercial zoning at all, as it is in the middle of a residential area. Our immediate area is not currently serviced by parks or playgrounds other than the public schools, and this would likely be our ideal use pattern for the space. However, if commercial development must occur, giving consideration to those who live here (and are most likely to spend their dollars here) seems like good business sense and good citizenry.

I want to iterate that I speak only for myself, not any organized effort of this neighborhood. However, my children are constantly outside, running, and riding bikes up and down the sidewalks on Inverness. I would assume that when wide, pedestrian-friendly sidewalk was built on this street, that was the intent-- a vibrant, pedestrian neighborhood that could traverse the route to school safely. I believe that addressing these traffic issues is paramount to your intent to develop this property.

Sincerely,
Dawn Shew

On Tue, Jan 12, 2016 at 9:58 AM, Joy Rhea <joyr@paulwernerarchitects.com> wrote:

| Good Morning,

Please see the attached letter and images regarding the development at 24th and Inverness. Feel free to forward this information to other neighbors whom I do not have email addresses for.

If you have recently moved out of the neighborhood and would like to be removed from future updates on this site please let me know.

Joy Rhea, RLA

Landscape Architect

paul**werner** ARCHITECTS

123 West 8th, Suite B2, Lawrence, KS 66044

P: [785.832.0804](tel:785.832.0804) | F: [785.832.0890](tel:785.832.0890) | joyr@paulwernerarchitects.com

www.paulwernerarchitects.com

From: [Larry](#)
To: [Dawn Shew](#); [Joy Rhea](#)
Cc: [kayteekate@hotmail.com](#); [markandrewsimpson@yahoo.com](#); [sclark@sunflower.com](#); [lfinger@douglas-county.com](#); [mmulloy@ku.edu](#); [wecare@cpah.com](#); [jamiehulse@att.net](#); [Leanne Cooper](#); [angelamk@swbell.net](#); [critter_72@yahoo.com](#); [donschawang@seaburyacademy.org](#); [vhammond1@hotmail.com](#); [itsgreen@sunflower.com](#); [aeversole@ku.edu](#); [garberprop@aol.com](#); [mrstdeltachi@yahoo.com](#); [lleanna@raintreemontessori.org](#); [jtedder@sunflower.com](#); [go-gre@peoplepc.com](#); [Robbie Farha](#); [Christopher King](#); [Sandra Day](#); [Paul Werner](#); [Scott McCullough](#)
Subject: Re: 24th and Inverness Site Plan Update
Date: Tuesday, January 12, 2016 12:10:10 PM

I will gather my thoughts more on this and will attend the meeting at City Hall. My first reaction is "here we go again" and that we all have been told half-truths through this entire debacle. We hear no drive-through restaurants, then we hear "quality" drive-through restaurants, then we hear that other options may appear.

Mr. Werner and Mr. Lemesany -- who gave me their words last year that they agree that they will work with homeowners -- seem to change their minds and postpone City Council meeting and decisions. Is it to wear us all down to bend to their wills?

I would remind all of you who are monitoring this situation that the Council agreed that the philosophy of the Clinton Parkway area was to cater to neighborhoods close in proximity to the area. It seems high-volume, traffic clogging would NOT facilitate our needs.

More to come.

--Larry Grecian

-----Original Message-----

From: Dawn Shew <2shews@gmail.com>

Sent: Jan 12, 2016 11:26 AM

To: Joy Rhea

Cc: [kayteekate@hotmail.com](#), [markandrewsimpson@yahoo.com](#), [sclark@sunflower.com](#), [lfinger@douglas-county.com](#), [mmulloy@ku.edu](#), [wecare@cpah.com](#), [jamiehulse@att.net](#), [Leanne Cooper](#), [angelamk@swbell.net](#), [critter_72@yahoo.com](#), [donschawang@seaburyacademy.org](#), [vhammond1@hotmail.com](#), [itsgreen@sunflower.com](#), [aeversole@ku.edu](#), [garberprop@aol.com](#), [mrstdeltachi@yahoo.com](#), [lleanna@raintreemontessori.org](#), [jtedder@sunflower.com](#), [go-gre@peoplepc.com](#), [Robbie Farha](#), [Christopher King](#), [Sandra Day](#), [Paul Werner](#), [Scott McCullough](#)

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Joy Rhea, RLA

Landscape Architect

paulwerner ARCHITECTS

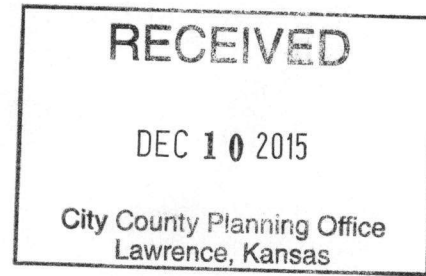
123 West 8th, Suite B2, Lawrence, KS 66044

P: [785.832.0804](tel:785.832.0804) | F: [785.832.0890](tel:785.832.0890) | joyr@paulwernerarchitects.com

www.paulwernerarchitects.com

December 7, 2015

Sandra Day, AICP
City of Lawrence Douglas County
6 East 6th Street
Lawrence, KS 66044



Dear Ms. Day:

Re: SUP-15-00521 – Special Use Permit for a Neighborhood Commercial Shopping Area with 5 Buildings

This letter is to protest the proposed building of a commercial shopping area at 4300 W. 24th Place.

Our house is located on Wimbledon Drive and would suffer if such a commercial venture were to be built. It would lower the value of our home and the homes in our neighborhood. The quality of life in our neighborhood would also be affected negatively because of the noise level, heightened traffic and glare of the lights of such a project. We purchased our home that backs on to the golf course because of the quietness and believing that commercial building could not encroach. Don't you think there are enough such commercial sites in Lawrence already without building in neighborhoods where families would like to live in peace and quiet?

We strongly oppose this building permit being issued and hope you will consider the negative effect such a project would have on one of the nicest and most picturesque neighborhoods in Lawrence.

Thank you for your consideration:

A handwritten signature in cursive script, appearing to read "Paul and Marilyn Meier".

Paul and Marilyn Meier
4316 Wimbledon Drive
Lawrence, KS 66047
785-856-3486



LEAGUE OF WOMEN VOTERS
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED

JAN 25 2016

City County Planning Office
Lawrence, Kansas

President

Debra Duncan

Vice President

Cille King

Treasurer

Marjorie Cole

Directors:

Margaret Arnold

Marci Francisco

Janice Friedman

Midge Grinstead

Carol Klinknett

Marlene Merrill

Marlaine Stoor

Austin Turney

Melissa Wick

January 24, 2016

TO: Members of the Lawrence-Douglas County Metropolitan Planning Commission

Re: Item No. 6 SPECIAL USE PERMIT FOR FAST ORDER DRIVE IN; 4300 W 24 PLACE (SLD)

The League of Women Voters is in favor of shopping and recreational spaces within walking distance for residents of each neighborhood; but we also believe they should have the right to walk, ride bicycles and safely enjoy their neighborhood – without worry and while being protected from heavy traffic. A fast order drive-in, next to a residential area, especially one housing two schools and, therefore, teeming with children, will not meet this goal.

Although permissible in a CN2 District, drive-ins, and even some drive-thrus are not appropriate for this area. This was recognized by the Planning Staff last June. In the June 22, 2015, Staff Report that addressed rezoning the area from ROS to CN2, Planning Staff noted that the CN2 District allows for the following types of eating and drinking establishments: Bar or Lounge; Brew Pub; Fast Food; Fast Food with a Drive-Thru (with SUP); Private Dining Establishment; or a Restaurant. Staff further noted to protect the public interests, a drive-thru or pick-up window would require a Special Use Permit to evaluate the appropriateness of the use in a Neighborhood Commercial Center, stating "High volume, multiple peak-hour traffic generators such as a chain "fast order food" use would not be consistent with neighborhood- oriented commercial development". Staff noted that some types of drive-thrus, such as a coffee shop, might be acceptable because it could easily serve neighborhood residents. Because these very different uses fell under the same definition (drive-thru) staff specifically did not recommend prohibition of this use from the proposed CN2 district, noting instead that this use would require a Special Use Permit ensuring neighborhood compatibility is preserved within the Inverness Park District.

The League does not oppose a neighborhood commercial center which might include a coffee shop, restaurant and various businesses which would benefit the neighborhood and the residents. Although the drive-in proposal doesn't rise to the level of the highly invasive Fun Center proposed in 2014, it would bring in enough noise and traffic to have a profound negative effect on the Inverness Park District.

For these reasons, we ask that instead of deferring the project, as recommended by staff, you deny the proposed special use permit. Thank you for your consideration.

Sincerely,

Debra Duncan
President

Alan Black
Chairman, Land Use Committee

PO Box 1072 Lawrence, KS 66044-1072

lawrenceksleague@gmail.com - www.lawrenceleague.com

www.facebook.com/lwvldc - www.twitter.com/lwvldc

From: Amy Waldron [<mailto:amywaldron@gmail.com>]

Sent: Wednesday, January 20, 2016 12:40 PM

To: Patrick Kelly <PKelly@usd497.org>; julia.v.butler@gmail.com; bcculver@gmail.com; robert.c.sands@gmail.com; jecarpener15@gmail.com; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com

Subject: Concerns for SUP-15-00521

Dear Committee,

I am saddened to hear that, once again, plans for the 11-acre tract of land at Inverness and Clinton Parkway include commercial development. When my family and I moved to Lawrence from Kansas City nearly 4 years ago, one of the things we looked forward to was having more green space around us. We didn't realize at the time that the lovely, open grassy area near to where our girls would go to school was designed, in City Plan Horizon 2020, to stay a parkway. We were just grateful it was there!

From anywhere, it's only a short distance to any shop here in Lawrence, especially with the convenience of the by-pass. We have never wished we had more commercial buildings nearby; instead, we have often congratulated ourselves for upping stakes and moving here where all of the conveniences of a big city are cleverly melded with both the mindful consideration and aesthetic of nature. Both are present, currently, without having to make a special trip to either.

One of the wonderful and unique things about Lawrence is the people and how progressive and educated they are. Cities like Lawrence are built by communities that understand the valuable presence of busy farmers markets, efficient bus routes, and extensive bike paths. Stretches of natural space bring much more value to this community than more commerce, and while a few individuals might benefit enormously, Lawrence is worlds better than that stereotypical sentiment of the "rich getting richer." We are all richer for keeping it simple.

I add my voice to the number of residents who disagree with and even resent the suggestion of development of this lovely patch of land. Please consider the voice of the community and leave this area as a neighborhood free of the blight of commercialism. We really appreciate and value what it is already.

Very Sincerely,

Amy Waldron