

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
09/22/08

ITEM NO. 4B UR TO IL; 14.784 ACRES; E OF O'CONNELL ROAD BETWEEN K-10 & 25th TERRACE (SLD)

Z-06-14-08: Consider a request to rezone a tract of land located east of O'Connell Road between K-10 and 25th Terrace, approximately 14.784 acres from UR (Urban Reserve) to IL (Limited Industrial) for Fairfield Farms East Addition No. 2. Submitted by Peridian Group Inc, for Eastside Acquisitions LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 14.784 acres, from UR (Urban Reserve) to IL (Limited Industrial) based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *To conform with Southeast Area Plan*

KEY POINTS

- Proposed project is consistent with *Horizon 2020*.
- Subject property is part of the Southeast Area Plan.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Fairfield Farms East Subdivision
 - PP-06-07-08; Preliminary Plat
 - PF-06-09-08; Final Plat
- Z-06-38-05: A to RM-D; 35.835 acres; (Fairfield Farms East Addition);
 - *PC approved 7-3 on 12/14/05*
 - *Ord. No. 7994; adopted 7/11/06, published on 7/16/06*
- Z-06-39-05: A to RM-2; 12.329 acres; (Fairfield Farms East Addition);
 - *PC approved 9-0 on 1/23/06*
 - *Ord. No. 7999; adopted 10/17/06, published 10/20/06*
- Z-06-40-05: A to RS-2; 37.580 acres; (Fairfield Farms East Addition);
 - *PC approved 7-3 on 12/14/05*
 - *Ord. No. 7993, published on 7/16/06*
- Z-06-41-05: A to M-1; 17.889 acres; (Fairfield Farms East Addition);
 - ***PC approved 9-0 on 1/23/06 TO PID-1 – without UG 9A***
 - **Ord. No. 8000 – Not Published**
- Z-06-42-05: A to C-5; 28.833 acres; (Fairfield Farms East Addition);
 - ***PC approved 9-0 on 1/23/06 TO PCD-2 – without UG 1A***
 - **Ord. No. 8001 – No Published**

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

None to date

ATTACHMENTS

- Page Map
- Southeast Area Plan future land use map

Project Summary:

The subject property is proposed to be rezoned to IL to accommodate a planned industrial development. The property is adjacent to E. 23rd Street on the north and 25th Terrace on the south. The existing UR area, included in the proposed rezoning request, was ultimately approved for industrial development as a PID. The total area included in the original request was 17.889 acres. This proposed request reduces the total area proposed for industrial development along E. 23rd Street. That area is shifted into the CC200 request (Z-06-13-08). The development request also includes the submission of a Preliminary Plat, Final Plat, and a rezoning request for CC200 (Item 4A and 4C on this agenda).

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Complies with the Southeast Area Plan.*

The subject property is included in the Southeast Area Plan which is included in *Horizon 2020*, the City's comprehensive plan, by reference.

The adopted Chapter 7 of *Horizon 2020* specifically identifies the area south of 23rd Street and east of E 1600 Road [O'Connell Youth Ranch Road] as appropriate for new office research/planned industrial area.

The Draft Industrial Chapter describes the general area as follows:

Southeast Area

Transportation: State Highway access

Parcel Size: 200+ acres (with an additional 30 identified for Warehouse)

Floodplain: None

Slope: Minimal (0-3%)

The Southeast Industrial Area is located on the south side of East 23rd Street/Kansas Highway 10, south of East Hills Business Park. This area consists of general industrial land uses and it is anticipated this area will experience increased industrial development as noted in the Southeast Area Plan. That plan recommends less intense Industrial uses, such as Warehouse and Distribution and Office Research for approximately 30 acres south of N 1360 Road between E 1700 Road and E 1750 Road. The plan recommends more intense industrial uses for the roughly 200 acres for the area northwest of the intersection of 25th Terrace and Franklin Road, the area east of Franklin Road, north of E. 25th Street and N. 1360 Road, west of E. 1750 Road (Noria Road), and south of E. 23rd Street/K-10 Highway and the area north and south of Franklin Park Circle. Like East Hills Business Park, the Southeast Industrial Area will serve as the eastern gateway to the community. This site has access to Kansas Highway 10 and lies outside of the 100-year floodplain. The area is generally covered by minimal (0-3%) slopes.

Specific policies regarding location criteria are set out in the draft Chapter 7 of the industrial chapter for *Horizon 2020* as follows:

GOAL 2: Criteria for Location of New Industrial and Employment-Related Development

Provide industrial and employment-related areas to meet the economic needs of the community.

Policy 2.1: Utilize Locational Criteria for All Industrial and Employment-Related Development

*1. A given site, whether located within City limits, in the UGA, or in unincorporated areas of Douglas County, should substantially meet the following **general** locational criteria:*

- a. have feasible access to Federal and State transportation networks;*
- b. be of adequate parcel size, generally over forty acres;*
- c. lie primarily outside of the regulatory floodplain;*
- d. have minimal average slopes.*

*2. After identifying a general location for potential industrial and employment park development, further site analysis and environmental suitability should be conducted considering site-specific criteria. Sites should substantially meet the following **specific** criteria on a site plan or development plan level:*

- a. preserve environmentally sensitive areas, including vegetative cover and wildlife habitat, to act as buffers and site amenities;*
- b. encourage natural stormwater management, including locations that permit direct discharge to the floodplain;*
- c. have available and adequate utilities, infrastructure and services for the proposed use;*
- d. be compatible with existing and future zoning/land use patterns, including the use of appropriate buffers between land uses;*
- e. be annexed before development if adjacent to municipal boundaries.*
- f. Utilize the following general locational criteria in reviewing industrial and employment-related development request.*

The subject property represents only a portion of the recommended land use described in the long range planning documents for the area. The request is consistent with the recommended land use and location.

Staff Finding – The proposed request conforms to the land use recommendations outlined in *Horizon 2020* and the reference to the Southeast area plan.

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

Current Zoning and Land Use: UR (Urban Reserve); vacant land. The UR portion of this request was previously approved for PID subject to the approval of a preliminary development plan. This zoning is pending publication dependant upon submission and approval of a preliminary development plan as was required prior to the adoption of the current development code.

Surrounding Zoning and Land Use: UR (Urban Reserve) to the west; vacant land.¹

¹ The UR portion of this request was previously approved for PCD-2 subject to the approval of a preliminary development plan. This zoning is pending publication dependant upon submission and approval of a preliminary development plan as was required prior to the adoption of the current development code.

RM24 (Multi-Dwelling Residential) District to the west; vacant land included in the CC200 request Z-06-13-08.

RM12D (Multi-Dwelling Residential) District to the south; platted lots for duplex development. Under construction.

PRD (Planned Residential District) [Fairfield West PRD] and CO (Commercial Office) District to the west; undeveloped.

County zoning I-4 (Heavy Industrial) District to the north; Farmland plant.

Staff Finding – The subject property is surrounded by a variety of zoning districts. Much of the immediate area is undeveloped.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *Existing undeveloped (proposed residential) to the south, existing vacant (proposed residential and office) to the west, existing industrial to the north, vacant to the east.*

The subject property is part of a larger 120-acre parcel developed as Fairfield Farms East. The area is also located in the southeast portion of Lawrence and within the boundary of the Southeast Area Plan. The subject property is not currently included in any designated neighborhood association. The existing area is best described as a developing neighborhood east of O'Connell Road. Surrounding land uses include residential, commercial and industrial uses.

Staff Finding – The subject property is located within a developing neighborhood.

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

The subject area is included in the *Southeast Area Plan*. The proposed amendment to the Southeast Area Plan shows the area north of 25th Terrace as including commercial and industrial land use. There is also an area shows as open space along E. 23rd Street. This area is reflected in the subdivision plat for the subject property as a drainage/detention area. The applicable land use will be open space in the form of detention ponds for development of the subject property. This detention area is included in the boundary of the industrial request. The subdivision plat and the development requirements of the area will ensure that adequate open space is provided within the area identified in the area plan as open space.

Staff Finding – Approval of industrial zoning must be based on and reflected in the comprehensive plan and adopted plans for the area prior to consideration of industrial development. As such the proposed request is consistent with the adopted sector plan.

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

Applicant's Response: *Subject property is suitable for both existing and proposed zoning uses.*

The current UR zoning is essentially a place holder for properties newly annexed. The UR designation was applied to the subject property upon the adoption of the Development Code in

2006. As such, the UR district is not appropriate for long term usage and it does not allow for development of the property until a base zoning district is established. Previous land use considerations of this property included a request for M-1 (1966 zoning code) but was recommended by the Planning Commission to be rezoned to PID (Planned Industrial Development), subject to approval of a development plan to assure neighborhood considerations in the design and development of the property would be addressed. To date no such plan has been prepared or submitted. The adoption of the Southeast Area Plan provides support for the IL request. To date there are no adopted industrial design guidelines. However, if adopted prior to submission of a site plan for development of the property, such guidelines would be applicable. Current parking, landscape, and buffer yard separation requirements would apply to development if approved for IL zoning.

Staff Finding –The UR zoning should be rezoned to IL consistent with plans for the area. Development of the UR district is not allowed per the Development Code section 20-222.

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

Applicant's Response: *2 years.*

The subject property was included in a development initiated in 2005 and approved in 2006. The commercial and industrial portions of the original rezoning requests have not been published (thus making them effective) because conditions of approval have yet to be satisfied. The residential portions of the 120-acre original development have been in place since 2006.

Staff Finding – The subject property is currently vacant and has been zoned UR since 2006. Development of the UR portion of the subject property requires rezoning prior to development to a suitable and appropriate zoning district as required in section 20-222 (b)(1).

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

Applicant's Response: *Minimal affect. Rezoning changes the tract from commercial and multi-family to light industrial and warehouse.*

The proposed request includes only UR zoned property. The inclusion of the multi-family as part of the application was made in error in the description. The area (in acreage) and legal description are correct. The residential area described is included in the request for CC200 (Item 4A).

The purpose and intent of the IL district is set out in Article 2 of the development code. The purpose is defined as follows: *20-215 IL, Limited Industrial District: The IL, Limited Industrial District, is primarily intended to accommodate low-impact industrial, wholesale and warehouse operations that are employment-intensive and compatible with commercial land uses.*

Staff Finding –Approval of the IL district is consistent with planned land use for the area.

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: *Will provide additional industrial uses and employment opportunities to the City of Lawrence and Douglas County.*

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

The UR portion of the subject property has previously been considered and approved for industrial zoning under the previous zoning code as a Planned Industrial District (PID). Approval of IL zoning for the subject property is consistent with plans for the area and will provide development opportunities within the community.

Staff Finding – Approval of the request to an appropriate zoning designation is a prerequisite of development. Approval of the IL district will facilitate the development consistent with the Southeast Area Plan.

10. PROFESSIONAL STAFF RECOMMENDATION

The proposed request is substantially similar but somewhat smaller than the original request. This reduction in acreage is a result of shifting to the CC200 request along E. 23rd Street. The proposed request is consistent with previously Planning Commission actions and with adopted plans for the area.

CONCLUSION

The proposed request is consistent with previous land use decisions to establish industrial zoning in this area. The request is consistent with the general location as noted in *Horizon 2020* as well as the Southeast Area Plan. The Development Code has more specific provisions for buffering and screening than the original 1966 code for conventional industrial zoning. City Staff is currently working on industrial design guidelines that could be applicable to development of the subject property if adopted prior to submission of a site plan for the subject property.

Southeast Area Plan Map 3-1 Future Land Use

