

**PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item**

PC Staff Report
05/21/08

**ITEM NO. 11: COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 7 –
INDUSTRIAL AND EMPLOYMENT RELATED LAND USE (AAM)**

CPA-2004-02: Consider revision to a Comprehensive Plan Amendment to Horizon 2020, Chapter 7: Industrial and Employment Related Land Use.

STAFF RECOMMENDATION: Staff recommends approval of the amendment to *Horizon 2020*, Chapter 7 – Industrial and Employment Related Land Use and authorize the chair to sign PC Resolution 2008-04 regarding this amendment.

STAFF REVIEW

History/Background for CPA-2004-02:

This amendment was originally initiated by the Lawrence-Douglas County Planning Commission at their October 27, 2004 regular meeting at the recommendation of the Comprehensive Plans Committee (CPC). The CPC reviewed this chapter as part of the 5-year update process to *Horizon 2020*, the comprehensive land use plan for the City of Lawrence and unincorporated Douglas County.

The Planning Commission held a public hearing on the item at their November 16, 2005 meeting where the comprehensive plan amendment was recommended for approval (10-0) and forwarded it to the City and County Commissions for their approval. The item was considered by the City Commission at their December 6, 2005 meeting, where it was approved unanimously.

The County Commission considered the item at their December 7, 2005 meeting, where consideration was deferred until the Economic Development Board could have a chance to review and comment on the proposed changes. Due to staff changes, the Chamber of Commerce was not contacted until February 2006. The item had been scheduled several times for a hearing before the Economic Development Board; however, they did not hold a meeting due to a lack of quorum. The chapter was forwarded to the Chamber of Commerce, as well as the members of the Economic Development Board for their review and comment. No comments were received. The item was rescheduled for a public hearing before the County Commission at their January 8, 2007 meeting where it was unanimously approved.

History/Background for Joint Ordinance/Resolution:

The joint city ordinance and county resolution was originally scheduled on the April 17, 2007 City Commission agenda for consideration. The Commission indicated that they had received some questions from members of the public and wanted to give staff time to respond to those questions. No questions were received and the item was placed on the July 10, 2007 City Commission agenda. At that meeting, after considerable discussion, the City Commission deferred consideration of this item so that staff could draft alternate language related to office space, incorporate language related to the ECO² process and study the exclusivity of the proposed sites in the chapter. Staff studied all the issues and reported the results back to the City Commission at their September 25, 2007 meeting.

At the September 25, 2007 City Commission meeting, the Commission approved the joint city ordinance and county resolution on a 3-2 vote incorporating changes related specific language concerning office space.

At the October 08, 2007 Board of County Commissioners meeting, the Commission voted 2-1 to deny the joint city ordinance and county resolution and send the CPA back to the Planning Commission for revisions. The majority of the Commission had concerns that the overall plan was not flexible enough to provide for other industrial or employment related land uses in locations outside of those identified on Map 7-2 in the draft chapter. In addition, the Commission also discussed if sites should be allowed in the unincorporated portions of Douglas County, outside of the UGA, and what criteria, if any, those sites would need to follow. One of the main issues for both commissions concerns Map 7-2 and the identification of specific sites for industrial and employment related land use.

Staff brought the item back to the Planning Commission at both their November 28, 2007 and January 28, 2008 meeting in order to gain feedback on the proposed locational criteria that governs site locations and to engage the Planning Commission on their thoughts related to the mapping of industrial and employment related land uses on Map 7-2. The overall sentiment of the Planning Commission was that they still wanted sites to be mapped, but also desired that the chapter allow for flexibility if proposals are brought forth for locations not included on Map 7-2.

Staff worked with the Planning Commission's Industrial Design Sub-committee to fine tune the general locational and site specific criteria. Staff also incorporated comments received from the Planning Commission, Chamber of Commerce, League of Women Voters, and other members of the public into this revised chapter. In essence, the chapter language was revised to be more positive and to provide more flexibility.

Major changes to the chapter include:

1. Separating Industrial and Employment Related land use into two distinct categories.
2. Adding a "Work-live Campus-type Center" to both Industrial and Employment related land uses.
3. Adding a list of non-exclusive sites designated for industrial and employment related land uses on Map 7-2.
4. Clarifying locational criteria that should be used for locating industrial and employment related land use.
5. Giving consideration to the environment, a diversified economy, and a fiscally stable government when making land use decisions.
6. Referencing the work of the ECO² process.
7. Updating numerous goals and policies.

Staff presented the revised chapter to the Planning Commission at their March 26th, 2008 meeting where the item was deferred pending revisions and input from the Industrial Design Sub-committee. A meeting of the Industrial Design Sub-committee took place on April 16th, 2008, where staff presented all issues brought up at the March Planning Commission meeting in order to discuss the items. There were three categories of comments identified at the March Planning Commission meeting: Minor technical changes, Possible changes, and Undecided issues. A summary of these are presented below, with staff comments related to the discussion at the Industrial Design Sub-committee meeting on April 16th in *italics*:

Minor Technical Changes:

1. Change title of Map 7-2 to say "Potential Locations for Future Industrial and Employment Related Land Use" instead of "General Locations for Future Industrial and Employment Related Land Use".
2. Under the Midland Junction section on P. 7-8, add a reference to transportation challenges.
3. In the second sentence under the Highway 56 and Highway 59 paragraph on p. 7-8, change "available" to "availability".
4. Under general locational criteria, change the third criteria to say "regulatory floodplain" instead of "100 year or regulatory floodplain". Also change this under Policy 2.1 on page 7-14.
5. Remove the third sentence in the paragraph that describes East Hills Business Park on p.7-3. ("The majority of land in this park is developed, with less than one-half of total acreage still vacant.")
6. On Map 7-2, change the label that currently says "Hwy 59 & K-33" to "Hwy 56 & K-33".

The Industrial Design Sub-Committee agreed that the above Minor Technical Changes should be incorporated by staff and therefore these changes are reflected in the May 2008 draft of the revised chapter.

Possible Changes:

1. Re-word the first sentence of the second paragraph under Union Pacific Railroad Corridor on p. 7-4.
2. Re-word Policy 2.2 that pertains to Fiscal Impact Analysis.
3. Re-word ECO² references on p. 7-1 and 7-4.
4. Clarify services (including police and fire) in site specific criteria.
5. Airport Site- Is there really access to existing rail lines?

The Industrial Design Sub-Committee went through each of the above Possible Changes with staff and helped develop revised language for items 1-4. Item 5 was researched by staff and determined that there is no rail access to the Airport site. These 5 changes are reflected in the May 2008 draft of the revised chapter.

Undecided Issues:

1. "Proximity" v. "Access" with respect to transportation networks?

The sub-committee felt that this should be left as "proximity" because it is the same language that is referenced in the ECO² plan. The term "proximity" allows more flexibility than "access", which is more of a site specific criterion.

2. Prime Agricultural Farmland

There was a great deal of discussion regarding issues surrounding "Prime Agricultural Farmland". The sentiment of the sub-committee was that it should be removed from the general locational criteria, but that paragraphs should be added (p. 7-8) to the chapter that state what it is, the fact that it is a finite and regionally important resource, and that agri-industry should be encouraged to be located on sites with important agricultural attributes.

3. Farmer's Turnpike Site

The sub-committee worked with staff to revise language regarding the Farmer's Turnpike Site. In addition to changing the name to reflect the site being located in proximity to I-70 and K-10 highways, reference to the interchange being an access point to Lecompton was also added.

The above referenced changes were made to the Chapter and presented back to the Industrial Design Sub-committee at their May 7, 2008 meeting. The sub-committee agreed that the changes made to the chapter were reflective of the sub-committee's previous discussion and therefore the May 2008 Chapter 7 draft is being presented back to the Planning Commission for their consideration.

COMPREHENSIVE PLAN AMENDMENT REVIEW

A. Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the plan was adopted?

The proposed amendment is a result of the changing circumstances that have occurred since the comprehensive plan was first written. Since *Horizon 2020* was written, the market has changed with regard to industrial and employment related land uses. Industrial users are requiring access to transportation networks and larger parcels of land. Existing areas are at or nearing capacity and there is a shortage of already identified land available to accommodate large land-area users. The proposed amendment is also reflective of a stated need to identify additional areas within Lawrence and Douglas County appropriate for industrial and employment-related land uses.

The proposed amendment also addresses an expressed need to better distinguish between industrial land use and employment-related land use. While both types of land uses share similar characteristics, such as the need to occupy large land areas, they also have different qualities, such as traffic generation and intensity of use. The proposed amendment takes into consideration these similarities and differences by addressing each in its own "section."

B. Does the proposed amendment advance a clear public purpose and is it consistent with the long-range goals and policies of the plan?

The proposed amendment is an advancement of a clear public purpose and is consistent with the long-range planning goals and policies of the community. Industrial and employment-related land use is an important facet in any community, and the proposed amendment gives Douglas County and the City of Lawrence a clearer guidance at how to maintain and enhance its existing areas and how to appropriately identify new areas. The proposed amendment helps further the goals and policies for industrial and employment-related land use while staying consistent with the overall intent of *Horizon 2020* and the goals and policies relating to economic development, transportation, parks and recreation, and the various other components of the comprehensive plan.

C. Is the proposed amendment a result of a clear change in public policy?

The proposed amendment to *Horizon 2020* is in direct response to a joint city/county ordinance/resolution #6507/#03-36 (approved in December 2003) that directed the Lawrence/Douglas County Metropolitan Planning Office to begin the process of updating the Industrial Land Use Chapter of *Horizon 2020*. This direction was a result of the updated

Economic Development Element (Chapter 12) of *Horizon 2020* that recommended the identification of an additional one thousand (1,000) acres for industrial and employment-related land uses (refer to Priority 6.1, page 12-6).

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends the following:

1. Approval of the comprehensive plan amendment (CPA 2004-02) to *Horizon 2020*, Chapter 7 – Industrial and Employment Related Land Use and forwarding a recommendation for approval of this CPA to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.
2. Authorize the chair to sign PC Resolution 2008-04.