

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
04/20/2009

ITEM NO. 1 IG TO IL; 4.48 ACRES; 725 North 2nd Street (SLD)

Z-1-1-09: Consider a request to rezone 4.48 acres located at 725 North 2nd Street from IG (Industrial General) to IL (Industrial Limited). Submitted by Landplan Engineering submitted by Steve Glass for North Town Development, LLC; Rick E. & Lori J. Combs; Bishop Properties, LLC; Richard L. Jantz; Big Bear Investments, LLC; and Bruce S. Liese & Cathy A. Tripp, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 4.48 acres, from IG (Industrial General) to IL (Industrial Limited) based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *The property was zoned M-3 when it was developed in 2004 and was re-zoned to IG when the current Land Development Code was adopted in 2006. After reviewing both existing and anticipated uses we have determined that IL is a more appropriate zoning category.*

KEY POINTS

- Proposed project is consistent with *Horizon 2020*.
- Subject property is part of the N. 2nd Street Corridor area.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- SP-2-5-09; site plan for G Force Athletics tenant finish.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

None to date

ATTACHMENTS

- Page Map
- Applicant comparison table

Project Summary:

The subject property is located on the west side of N. 2nd Street and is built with a 57,613 SF building. The building includes multiple tenant spaces for individual occupancy. Some of the spaces are occupied. The proposed request is for the tenant finish of units U and V for G-Force Athletics a *Participant Sports and Recreation, Indoor* use which is not a permitted use in the IG District. The proposed rezoning will allow a greater range of uses in the existing development if approved.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *During the 2004 rezoning and site plan approval process the plan and use were determined by Planning staff to conform to Horizon 2020.*

The subject property is located within the N. 2nd Street corridor. This area of North Lawrence is predominantly considered Existing Strip Commercial (page 6-15). The corridor is interspersed with a variety of uses and zoning designations.

The proposed zoning change facilitates the use of the property with a wider range of allowable land uses. The intensity of uses is reduced by the change from IG to IL with an increase in the potential commercial types of uses on the property.

Staff Finding – The proposed request conforms to the land use recommendations outlined in *Horizon 2020*.

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

Current Zoning and Land Use IG (General Industrial) District; existing building and parking lot.

Surrounding Zoning and Land CS (Commercial Strip) District to the north and east. Existing commercial development.

IG (General Industrial) District to the south and west; undeveloped lot to the south. Railroad right-of-way to the west.

Legal Description: Lot 1, Block 1 North Town Addition.

Staff Finding – The subject property is surrounded by both commercial and industrial zoning districts. The property is developed and positioned to accommodate shared access with the abutting properties to the north and south upon redevelopment in the future. The subject property abuts the existing railroad right-of-way to the west which will retain the IG zoning.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The neighborhood is commercial and industrial on a four-lane highway.*

The property is part of the North Lawrence Neighborhood that includes a mix of industrial, commercial and residential uses throughout the neighborhood. The area along N. 2nd Street is an existing non-residential corridor. The immediately surrounding area includes both undeveloped and developed parcels.

Staff Finding – The subject property is located within an existing commercial/industrial corridor.

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

The subject property is located within the boundary area defined in the North Lawrence Neighborhood Plan. One objective listed in the plan is to “delineate separate areas for land uses”

to reduce the potential for conflict. The plan recommends industrial uses for areas along N. 2nd Street and in areas adjacent to the railroad tracks through the central part of the neighborhood.

Staff Finding – Approval of IL industrial zoning retains the industrial characteristic of the area while allowing a greater range of commercial land uses. This change could facilitate the occupancy of the existing building. The proposed request is consistent with the adopted neighborhood 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 the uses allowed under IG; however, the uses allowed in the IL are more appropriate.*

This property was developed in 2004 as a speculative building designed to accommodate contractor shop type uses. The site is relatively shallow and does not provide space for exterior storage. The approval of the proposed zoning could facilitate the occupancy of the building by allowing for a greater range of land use activities.

Staff Finding –The proposed change lessens the intensity with regard to specific industrial uses, but increases the commercial opportunities for the existing development.

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

Applicant's Response: *Property is developed.*

Staff Finding – The property was rezoned from M-3 to IG upon the adoption of the Development Code in July 2006. The M-3 zoning existed for the entire site from June 2004 to July 2006. Prior to June 2004 the property included 1.59 acres of C-4 zoning. The property was rezoned to a single zoning district in 2004 in anticipation of development of the property (Z-05-17-04).

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

Applicant's Response: *Because the development and the use of the site will not change no detrimental impact will occur on the nearby properties.*

No changes to the existing surrounding development will result from the proposed change from IG to IL. Approval of the request does alter the allowable uses for the subject property. Very intensive industrial activity was not generally contemplated for the development based on the improvements to the site. Warehousing and construction related activities will continue to be allowed for the site.

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 existing land use in 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: *The gain is that several heavy industrial uses will no longer be allowed. There is no hardship to the landowner.*

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.

Approval of the proposed change does not remove the subject property from the inclusion of industrial land within the community.

Staff Finding –Approval of the IL District may facilitate the occupancy of the development consistent with the surrounding area.

9. PROFESSIONAL STAFF RECOMMENDATION

The proposed request allows for a variety of uses that the more restrictive IG District prohibited. If approved, the property will still be considered part of the industrial land use inventory.

In 1966, M-3 and M-4 zoning was established along the railroad corridors in North Lawrence in anticipation of intensive land uses and potential rail access. Development patterns have changed in this area creating a more commercial environment along N. 2nd Street versus the traditional heavy industrial activity associated with the early development of the area. The M-3 District in the 1966 Code allowed all industrial uses with the exception of salvage activities.

The size and configuration of the property is not likely to support an intensive industrial operation with exterior storage, frequent and heavy truck access or activities that require space for bulk manufacturing and assembly. The suite size units accommodate light industrial and commercial activities that are smaller in scale.

CONCLUSION

The origination for the request is a tenant finish of space within the existing building for a *Participant Sports* use that is not allowed in the IG District. Approval of the proposed request accommodates the immediate need of this specific tenant. The long term effect is to facilitate a range of uses in the existing development consistent with the surrounding land use pattern along the corridor. The uses permitted in the IL District could increase the number of businesses in the development and provide enhancement of the corridor as a gateway through good property maintenance and busy storefronts.

The proposed request is consistent with development expectations of the property for use as individual tenant space and expands the opportunity to market the property to a wider range of businesses without removing it from the industrial inventory.

Attachment: Comparison Tables provided by applicant

SELECTED COMPARISON OF PERMITTED USES IN M-3, IG AND IL ZONING				
USE				
GROUP	DESCRIPTION	M-3	IG	IL
7	COMMUNITY FACILITIES			
	Day care	yes	yes	yes
	Church	yes	no	yes
	Club or lodge	yes	no	yes
	Health center	yes	no	yes
	Private recreation facility	yes	no	yes
	School	yes	no	no
	Public utilities	yes	yes	yes
8	TEMPORARY USES	yes	?	?
9	PROFESSIONAL OFFICES			
	Medical	yes	no	yes
	Professional & governmental	yes	yes	yes
	Veterinarian	yes	yes	yes
	Financial institution	yes	no	yes
	Other offices	yes	yes	yes
13	AUTO SERVICES & RETAIL SALES			
	Auto parts store	yes	no	yes
	Auto repair & services	yes	yes	yes
	Auto sales, service, rental	yes	yes	yes
	Business machine rental, repair, sales	yes	no	yes
	Eating establishment	yes	no	yes
	Food convenience store	yes	no	yes
	Glass sales & cutting shop	yes	no	yes
	Home improvement center	yes	no	yes
	Office equipment/supplies, sales & service	yes	no	yes
	Motorcycle sales, service and rental	yes	?	?
	Pet shop	yes	yes	yes
	School, commercial or trade	yes	no	no
14	RETAIL-WHOLESALE SALES & SERVICES			
	Auto body shop	yes	yes	yes
	Contractor or construction offices & shops	yes	?	yes
	Hardware, industrial sales	yes	no	yes
	Pawnshop	yes	?	?
	Wholesaling establishment, incl. storage	yes	yes	yes
17	MANUFACTURING-LOW NUSIANCE	yes	yes	yes
18	RESEARCH & TESTING	yes	yes	yes
19	INDUSTRIAL-MEDIUM NUSIANCE	yes	yes	yes
20	INDUSTRIAL-HIGH NUSIANCE	yes	yes	no
<p>Note - Use category terminology differ substantially between the previos zoning ordinance and the current development code, therefore permitted uses are based on our best interpretation of the language in both documents.</p>				

