

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
06/22/2009

ITEM NO. 4 Z-4-5-09: GPI (General Public and Intuitional) District to IG (Industrial General); Lawrence Municipal Airport (SLD)

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 502.62 Acres from GPI (General Public and Institutional) District to IG (Industrial General) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *Initiated 320 acres by the City Commission on April 7, 2009.*
Initiated 183 acres by the City Commission on May 26, 2009.

KEY POINTS

- Existing airport operation.
- Portions of airport were rezoned from M-2 to GPI in 2006. Rezoning created non-conforming uses at the airport.
- Existing tenants, of an industrial nature, leasing space.
- Existing Air Space Overlay District (ASO). No changes to overlay.
- Existing Floodplain Overlay District (FP). No changes to overlay.
- 443 acres of the airport was surveyed in 2001 to provide a boundary description. Additional property has been acquired by the City since the 2001 survey.
- 25 acres located in the south portion of the airport property was platted for airport related development in 2001.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Publication of ordinance.
- Eventual platting of airport property.
- Site plan of property as new tenants are located to airport.

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 IG industrial request.

ATTACHMENTS

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| <ul style="list-style-type: none">• Area Map• Airspace Overlay Map• Floodplain Overlay Map• Pre July 2006 Zoning Boundary Map | <ul style="list-style-type: none">• Soils Map• Tenant List and Land Use Classification Table• Development Potential Map• Airport Master Plan Development Map, January 1992 |
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PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Project Summary: Lawrence Municipal Airport is owned and operated by the City of Lawrence. It serves as a general aviation facility for the business community and recreational users in northeastern Kansas. Land is leased by the City to tenants for the location and operation of various businesses as well as storage of private aircraft at the facility. The property is generally located on the north side of Highway 24/40 in North Lawrence. The property is not contiguous to the main body of the City Limits.

This rezoning was recently initiated by the City Commission to facilitate airport-related development and to correct the unintended consequences rezoning the airport to GPI as part of the City wide zoning conversions with the adoption of the 2006 Land Development Code. . The proposed request, if approved, would amend

the base zoning district. The Air Space Overlay District (ASO) and the Floodplain Overlay District (FP) would not be altered.

For ease of administration the rezoning would affect the entire airport property that follows the surveyed boundaries of the property and recently property additions. A map of the development potential is included with this report. This map is not a survey but is a generalized analysis of areas that could be developed. The area south of Highway 24/40 is encumbered by restrictive easement and is a "no build area." Staff estimates that approximately 69 acres are potentially buildable. A portion of that area includes flood prone area and existing development. Also included in the attachments is a future development map originally prepared for the Lawrence Municipal Airport Master Plan (January 1992). This map indicates planned development for the airport and aviation-related uses for more than 20 years.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The plans reviewed with regard to this rezoning request are: The *Lawrence Airport Master Plan* (1990 and updates), *Horizon 2020*, and *Transportation 2030*.

A copy of the plan update, *Airport Layout Plan Report–July 2001* is available on the City's Website: http://www.lawrenceks.org/airport_layout_plan_report. The Plan shows graphically, an area for future aviation-related development, but does not address the land use in detail. The plan acknowledges the need for additional hangar space at the airport. The City has recently received approval from the Federal Aviation Administration to prepare a new master plan for the Municipal Airport. This study is anticipated to start in late 2009 or early 2010.

The current Chapter 7, Industrial and Employment Related Land Use of *Horizon 2020* provides key strategies that may be applied to this rezoning:

- *Recognize the need to protect, enhance and retain existing industrially-related land use areas serving the community.*
- *Continue to address the needs of existing local employers and industrialists to ensure their retention and to facilitate expansion plans for the future.*
- *Work with developers and industrialists to make available sites, improvements and amenities which best respond to market demands while meeting community objectives for the type and quality of development. (Page 7-1).*

Current goals and policies of Chapter 7 reflect the purpose to retain industrial users and accommodate expansion in established industrial areas (Goal 1, Page 7-7).

The proposed Chapter 7, Industrial and Employment Related Land Use (June 2009 edition) of *Horizon 2020*, approved by the City Commission on June 2, 2009, includes a description of the Airport as an existing industrial area. Draft language is as follows:

The Lawrence Municipal Airport, located in North Lawrence along US-24/40/59, is a newly developing industrial area of the community. Aviation enterprises are present and there is the potential for additional aviation and related enterprises.

While there has been public discussion regarding soil conserving agri-industry businesses at the Lawrence municipal Airport site, the plan makes a distinction between aviation related uses and the potential for industrial development outside of the Airport boundaries.

The Airport is identified in *Transportation 2030* in one goal and three action items within the plan noted as follows:

Chapter 4 - Transportation Goals and Objectives

Goal 1: Support the Economic Vitality of the Region

Objective 1.2: Enhance All Transportation Facilities

- *Continue to develop the Lawrence Municipal Airport for private and commercial aviation and aviation-related business development in accordance with the adopted Airport Master Plan. Protect the airport's approaches and air space from encroachment through height and land*

use restrictions. Utilize the Airport Master Plan to assist in the projected aviation activity of the airport, allowing effective usage of the facility.

Chapter 11 - Intermodal, Freight, and Other Transportation

Intermodal Action 3: Consider Adjacent Land Use

- *To the extent possible, heavy truck traffic should be separated from light vehicle traffic and sensitive land uses (e.g., neighborhoods, schools, parks, etc.). Industrial land uses should be isolated from residential and commercial areas. Land use planning activities for areas near the airport should carefully consider noise and other impacts so that only compatible uses occur.*

Intermodal Action 7: Establish a Multimodal Passenger Hub

- *The identification of a strategic location where multiple modes can come together is an important step in establishing intermodal passenger connections to other regions. Ideally, this facility will be located in close proximity to downtown Lawrence and the airport. Close coordination with the Lawrence Transit System, Greyhound, Amtrak, other jurisdictions, and freight railroad companies is necessary to make the hub a success.*

Intermodal Action: 8: Implement the Recommendations of the Airport Master Plan

- *Implement the improvements recommended in the Airport Master Plan including:*
 - *Extension of Runway 15/33 by 400 feet,*
 - *Extension of Taxiway A by 400 feet,*
 - *Construction of additional aircraft hangars,*
 - *Expanded vehicle parking,*
 - *Lighting improvements, and*
 - *Sanitary sewer improvements.*
- *An additional consideration of airport improvements is the protection of the airport's approaches and air space from encroachment through height and land use restrictions.*

Future platting of the property could include the dedication (description of) specific easements for aviation and no build zoned. These techniques provide additional restriction to implement the plan policies.

Staff Finding – Approval of the request will position the City to market the available space at the Airport to aviation-related users. Approval will facilitate expansion opportunities for existing uses by providing a conforming base zoning district. When a use is non-conforming expansion options are limited. This rezoning complies with several adopted planning documents.

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

Current Zoning and Land Use:

GPI (General Public and Institutional) District; existing airport facility including tenant space with airport related uses.
Air Space Overlay District (ASO)
Floodplain Overlay District (FP)

Land uses include both municipal aviation facilities as well as private business and support services that are aviation related.

Surrounding Zoning and Land Use:

A (Agricultural) District on all sides with the exception of small areas of I-1 (Limited Industrial) and I-2 (Light Industrial), county Industrial zoning districts along the east and west sides. The predominant use surrounding the airport is agricultural crop land.

Staff Finding – The surrounding area is characterized by agricultural uses. US-24/40 highway is located along the south property line of the main airport area.

3. CHARACTER OF THE NEIGHBORHOOD

The Lawrence Municipal Airport, located in North Lawrence along US-24/40, is a developing industrial area of the community. Aviation enterprises are present and there is the potential for additional aviation and related businesses. Currently, the airport is an island surrounded by some County industrial land use, but mostly agricultural land uses. The US-24/40 corridor is a major thoroughfare. As the City begins initiating long range planning activities for improved municipal services to and stormwater management within this area, development pressures are likely to increase.

Staff Finding – The airport is a developing area of the community. Approval of the request will both facilitate development and provide compliance for existing businesses currently located at the facility.

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

A facility master plan for the Lawrence Municipal Airport was adopted in 1990. The 2001 *Airport Layout Plan* provided an update to that 1990 plan. The 2001 plan primarily focuses on specific improvement recommendations for runways and related facility improvements. However, the plan also notes in section 4.5 that *“Specific general-aviation, hangar-development recommendations include construction of additional individual corporate hangars through the year 2020. T-hangar development should occur as demand dictates.”* The City currently has a waiting list for hangar rental space.

The City is preparing for the development of a new master plan study for the facility to begin in late 2009 or early 2010.

Staff Finding – The Lawrence Municipal Airport is recognized as having aviation-related uses. The adopted master Plan anticipates that these related uses will continue and grow in the future.

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

Staff recently determined that while the GPI District allows the airport, it does not permit the aviation-related business activities that are located at the Municipal airport and those types of businesses that are envisioned by the Lawrence Airport Master Plan.

Airports are defined as Major Utilities in the Development Code. They are permitted by right in the IG District and by Special Use Permit in the IL District. The IG district permits a variety of manufacturing, assembly, and storage uses that would be aviation-related. The existing and proposed zoning districts are described in Article 2 of the Land Development Code. The table below provides a comparison of the two districts.

IG Proposed Zoning	GPI Existing Zoning
Purpose. The IG, General Industrial District, is primarily intended to accommodate moderate- and high-impact industrial uses, including large scale or specialized industrial operations requiring good transportation Access and public facilities and services. The District is generally incompatible with residential areas and low-intensity commercial areas.	Purpose. The GPI District is a <i>Special Purpose Base District</i> primarily intended to accommodate Institutional Uses occupying significant land areas but not appropriate for development in the H District or on property designated on the official zoning map as U. The District regulations are designed to offer the institution maximum flexibility for patterns of uses within the District while ensuring that uses and development patterns along the edges of the District are compatible with adjoining land uses.
The uses listed in the Use Categories <i>Group Living</i> , <i>Medical Facilities</i> , and <i>Transient Accommodations</i> are removed from the potential list of land uses if the property is rezoned to IG.	
Conversely, the uses allowed in the categories <i>Animal services</i> , <i>Office</i> , <i>Vehicles Sales and Service</i> , <i>Industrial Facilities</i> , <i>Wholesale</i> , <i>Storage & Distribution</i> , and <i>Recycling Uses</i> are added to the list of potential land uses	

for the developable portion of the Airport property if the proposed zoning is approved.

Approval of the request will facilitate future aviation-related development of the airport. Approval of the request will also result in existing land uses being established as conforming uses in the base zoning district. (Refer to table of existing tenants attachment.) The GPI district functions well for single use municipal or public properties. It is not designed to accommodate a hybrid property that has both municipal and private land uses.

Staff Finding –Approval of the proposed IG district more accurately reflects the Lawrence Municipal Airport as a mix of both public and private land use that include a major utility (airport) and industrial businesses.

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

As part of the adoption of the 2006 Land Development Code, the GPI District, a new Special Purpose Base Zoning District, was created to accommodate Institutional Uses occupying significant land areas but not appropriate for development in either the H (Hospital) or U (University) District. The Lawrence Municipal Airport was one of these properties zoned to GPI. When the GPI zoning district was approved for multiple publicly owned community facility properties, an independent site analysis was not specifically performed.

Prior to the adoption of the Development Code in July 2006, the southern portion of the airport property had been zoned M-2 (General Industrial) to accommodate airport-related businesses. The northern portion had been zoned RS-1 (Single-Family)Residential), a district that had often been used as a 'holding zone' following annexation.

Staff Finding – The zoning prior to 2006 allowed for industrial uses in the southern portion of the airport property that is designated for aviation-related development. The rezoning re-establishes the proper zoning for the existing businesses at the Airport.

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

The airport includes platted land along Airport Road that is intended for aviation related development. Approval of the IG District is reflective of the land use activities found at the airport. The surrounding area is used for agricultural activities. Approval of the request will allow for continued development of the airport property for aviation-related uses. Building height is restricted as part of the Air Space Overlay District (ASO).

Staff Finding – Development of the airport is generally anticipated in *Horizon 2020* and specifically described in the updated *Airport Master Plan*. A portion of the property was platted along Airport Road in anticipation of aviation-related uses. Approval of the request will facilitate development. It will also provide a compliant base zoning district for existing land uses.

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

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 request facilitates the community's ability to attract new business to the airport as intended and provides assurances to existing tenants of the conformance of the land use to the base zoning district.

Staff Finding – The City of Lawrence is the applicant of this request. The gain to the public, as stated above, is the facilitation and ultimate development of additional businesses in the community. Denial of

the application would result in the continuation of non-conforming land uses at the airport and a limitation of potential economic development opportunities.

9. PROFESSIONAL STAFF RECOMMENDATION

The Municipal airport is a hybrid land use that incorporates both public and private activities. A portion of the southern airport property was platted to provide lots for airport-related land uses. The existing businesses would be brought into conformance with the base zoning district if this request was approved.

Finding – Approval of the proposed zoning change affects the base zoning district, facilitates future airport-related development, and brings existing airport related uses into conformance. The proposed change does not alter the applicability of the Airspace Overlay District or the Floodplain Overlay District Regulations. .

CONCLUSION

The proposed zoning change has been identified by staff as necessary to facilitate continued development at the airport.

The ASO District establishes additional regulations and standards to those uses permitted in the base district. Section 20-302 (j) designates the Lawrence Douglas County Metropolitan Planning Commission as the Airport Zoning Commission (AZC). The responsibility of the AZC is to review all permit applications to determine conformance to the Airspace Overlay District regulations. There is no permit associated with the change of zoning at this time.

The Floodplain Overlay District (FP) also establishes additional regulations and standards for development. Such regulations are considered prior to issuance of a building permit and are subject to administrative review and approval. Typically, this review occurs concurrently with a site plan or other development request that results in grading changes or property improvements.