

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
07/20/09

ITEM NO. 2B CS & RS10 TO CS; .981 ACRES; 1223 E 23RD ST (SLD)

Z-5-10-09: Consider a request to rezone approximately .981 acres located at 1223 E 23rd Street from CS (Commercial Strip) & RS10 (Single-Dwelling Residential) to CS (Commercial Strip) for Orscheln Farm & Home. Submitted by Peridian Group Inc, for Orscheln Farm & Home LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of approximately .981 acres from CS (Commercial Strip) and RS10 (Single-Dwelling Residential) District to CS (Strip Commercial) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval and subject to the publication of an ordinance.

Reason for Request:

The owner intends to combine the subject property with Lot 1, Jones Subdivision and Lot 1 Williams Subdivision via Final Plat to form one contiguous lot. Along with this, the owner intends to demolish the existing Orscheln Farm and Home store located on Lot 1, Williams Subdivision and construct a new, larger store with associated parking, paving and infrastructure improvements.

KEY POINTS

- Existing commercial development.
- Redevelopment with shared access to the east.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Publication of rezoning ordinance.

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 required. Development included in existing commercial database.

ATTACHMENTS

- Area map
- Land Use Map 3-2

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received prior to completion of this staff report for inclusion in Commission packets.

Current Zoning and Land Use:

CS (Commercial Strip) District and RS10 (Single-Dwelling Residential) District; vacant - recently demolished residential structure.

Surrounding Zoning and Land Use:

CS (Commercial Strip) District to the north, east and west. Existing commercial development and proposed Orschlen's redevelopment project to the east.

RM12 (Multi-Dwelling Residential) District to the southeast; developing multi-family uses.

IL (Limited Industrial) District to the southwest; existing businesses.

Project Summary:

The property included in this request is vacant. All existing improvements have recently been removed to accommodate redevelopment of the new Orscheln's store. Redevelopment will include a subdivision plat approval to combine the assembled parcels into a single platted lot and a site plan to address building and parking arrangement. The two other parcels included in the redevelopment proposal currently have CS zoning.

Per Section 20-1303 (g) Review and Decision – Making Criteria: In reviewing and making decisions on proposed zoning map amendments, review and decision making bodies shall consider at least the following factors:

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The corridor along 23rd Street is intended to be office and/or commercial zoning and use in the Lawrence Future Land Use Plan, (Map 3-2).*

A key feature of *Horizon 2020* states: *"The plan supports infill development and redevelopment which provides a range of residential, commercial, office, industrial and public uses within these parcels, consistent and compatible with the established land use pattern in surrounding areas (Chapter 3)." A commercial strategy noted in Chapter 6 of Horizon 2020 states: "Encourage infill development and/or redevelopment of existing commercial areas with an emphasis on Downtown Lawrence and existing commercial gateways."*

Strip commercial development is characterized by developments that do not meet current standards for lot dimensions and area, frontage, curb cut locations, or presence of internal frontage roads for cross access as described in *Horizon 2020*. The property located at 1223 E. 23rd Street is a fully platted lot with commercial zoning along E. 23rd Street and residential zoning encumbering the southern portion of the platted lot. The minimum lot width is 50 feet for existing CS lots and 100 feet for lots platted after the effective date of the ordinance. The lot, as currently platted, includes only 35' of frontage.

Horizon 2020 states: *"redevelopment within Strip Commercial Development areas shall be approved only when the redevelopment complies with any adopted redevelopment plan or access management plan for the area. Cross access easements and curb cut consolidation should be considered a standard element of any redevelopment plan, as shall a solid screen or buffer along all property lines adjoining residentially zoned or developed areas."* The property includes only one access to E. 23rd Street. Upon redevelopment the access will be closed. Access will be reconfigured for all of the property in the redevelopment and only a single access for the Orscheln development will be provided. Shared access with the property to the east (1547 E. 23rd Street) will provide vehicular circulation. Access is discussed in more detail in the related preliminary plat application PP-5-2-09.

Approval of the rezoning will facilitate planned development applications by removing the non-conforming status of the property reflected with split zoning.

Staff Finding – The property is identified in *Horizon 2020* as an existing commercial strip development area.

2. ZONING AND LAND USES OF NEARBY PROPERTIES

Applicant's Response: *In no way will the proposed rezoning detrimentally affect surrounding properties.*

The property is located within a developed commercial corridor of 23rd Street. The property to the east is included in a related development request that includes platting and site plan applications. A residential development is located immediately south of the property. Otherwise, the surrounding uses are non-residential/commercial in nature.

Staff Finding – The property is adjacent to commercial development on the east and west sides. The area to the south is a developing multi-residential project.

3. CHARACTER OF NEIGHBORHOOD

Applicant's Response: *Parcels to the west, north and east currently consists of retail and commercial use and buildings similar to what is intended for the subject property. Multi-family residential land (RM12) exists to the south of the subject property.*

23rd Street is described in the *23rd Street Corridor Study* as "...a principal arterial street, a major destination as a commercial corridor, and a primary gateway into Lawrence." ¹ The property is located within the Barker Avenue to Harper Street segment of the study. The study notes the mix of uses along this segment as well as other architectural and signage irregularities and the lack of a continuous pedestrian pathway.

Staff Finding – The subject property is located within the E. 23rd Street commercial corridor. This area is characterized with automotive oriented commercial uses. Nearby residential neighborhoods include the Prairie Park Neighborhood to the south and Brook Creek Neighborhood to the north.

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

Horizon 2020 addresses the need to redevelop properties in a more efficient manner along the E. 23rd Street Corridor. The current guiding document for the property is the adopted comprehensive plan, *Horizon 2020*. The property is also located within the boundary of the *23rd Street Corridor Study*.

Staff Finding – *Horizon 2020* contemplates redevelopment along the E. 23rd Street Corridor. This redevelopment is augmented by the *23rd Street Corridor Study*. Approval of the request will expand the footprint of the commercial district and allow easier redevelopment of the combined properties.

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

Applicant's Response: *The subject property is extremely suited for CS zoning as the majority of all the surrounding properties are zoned as such.*

The CS district was created to provide for existing commercial strip development along the City's arterial streets (Section 20-213, Land Development Code). The Development Code further states that "new undeveloped parcels shall not be zoned CS except in the case where an undeveloped parcel is adjacent to an existing CS, then the adjacent undeveloped parcel may be zoned to the classification CS to allow for expansion of an existing CS use onto the undeveloped adjacent parcel." The Development Code addresses the condition of undeveloped parcels. The property at 1547 is improved with a building and parking area.

Until recently the property was developed with a single-dwelling residential structure that has since been demolished. The property is encumbered by two different zoning districts. The proposed redevelopment would extend into the residentially zoned portion of the platted lot. The north 10,000 SF is not suitable for commercial development because of the parcel configuration. The development of the commercial portion would isolate the residential portion with no opportunity to be oriented or combined into a similar residential development. Approval of the request will recognize the existing commercial characteristic of the property. The current residential zoning is not suitable for this segment of the corridor.



¹ View Study at http://www.lawrenceplanning.org/documents/23rd_existingcond.pdf.

Staff Finding – The existing residential zoning is not suitable for the rear portion of the property. Approval of the request will facilitate planned redevelopment of the subject property.

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

Applicant's Response: *Unknown.*

The property improvements were recently demolished in preparation for redevelopment. The site has been preliminarily graded for construction. The residential portion of the site has remained as a remnant zoning since the surrounding area was annexed and developed in the 1960's.

Section 20-213 of the Development Code states that expansion of development in the CS district shall not exceed 25% of the lot area of the development and that expansion on the adjacent lot must implement the goals, policies and strategies of the Comprehensive Land Use Plan. The proposed rezoning expands the existing contiguous CS district by 23% of all the combined property for the redevelopment.

Staff Finding – The property is currently vacant and has been used for past residential uses. The addition of the rear portion of the property to the existing CS district is consistent with the developed pattern of the corridor.

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

Applicant's Response: *There will be no affect as the current use of property is commercial and is surrounded by commercial properties.*

The properties to the east and west are commercially zoned and developed as such. The property to the south is developed with a duplex residential development (multiple units on a single parcel). The development was designed with a type 1 buffer yard (to be installed). Redevelopment of the property for the new Orscheln's will also include a type 1 buffer yard. This will provide dense screening between the commercial and residential land use. No such buffering is required between abutting commercial properties.

Part of the proposed redevelopment includes off-site improvements to accommodate truck traffic to the site via a shared access arrangement with the abutting property to the east. This will result in the removal of a gravel area currently used for access.

The RS10 zoning is one of several remnant single-dwelling residential designations located along the corridor likely resulting from annexation sometime after 1966. The property functions as part of the existing commercial corridor. The residential structure was recently demolished and the site has been preliminarily graded for development.

Staff Finding – No detrimental effects will result from approving the proposed change.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO DENIAL OF THE APPLICATION, AS COMPARED TO THE HARSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response: *The gain to the public health, safety and welfare would be the removal of the unsightly, dilapidated existing structures from the subject property. If denied, the landowner would be in possession of an unusable tract of land. .*

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.

Staff Finding – Approval of the request will result in amending the zoning map. Approval also positions the property such that planned redevelopment of the site will not be hindered by arbitrary residential boundaries within the overall commercial development.

9. THE RECOMMENDATION OF THE CITY'S PROFESSIONAL STAFF

The key benefit of the rezoning is to provide a recognizable commercial corridor and facilitate future redevelopment of the area.

Staff Finding –The proposed change is an expansion of the existing CS district through a technical boundary adjustment to the district description. Staff recommends approval of the proposed zoning change to facilitate redevelopment of the assembled property shown in the Preliminary Plat of Orscheln Addition (PP-5-2-09).