

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
3/24/10

ITEM NO. 5 Z-1-1-10 IG (General Industrial) District to IL (Limited Industrial) District; 151 McDonald Dr.; 5.252 AC (MJL)

Z-1-1-10: Consider a request to rezone approximately 5.252 acres from IG (General Industrial) to IL (Limited Industrial), located at 151 McDonald Dr. Submitted by Paul Werner Architects, for Princeton Place Investment Associates #2.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 5.252 acres, from the IG (General Industrial) District to IL (Limited Industrial) District based on the findings presented in the staff report with the following conditions and forwarding it to the City Commission with a recommendation for approval.

1. In lieu of submission and approval of a retail market study (per Section 20-1107), there shall be no more than 50,000 square feet of retail uses, as defined by 20-1107 (b) (1), permitted on the 5.252 acres being rezoned with this application.
2. The following uses shall not be permitted on property:
 - a. Mobile Home
 - b. Detention Facilities
 - c. Cemetery
 - d. Livestock Sales
 - e. Fast Order Food, with Drive-In
 - f. Commercial Parking Facilities
 - g. Retail Sales and Services Food and Beverage
 - h. Mixed Media Store
 - i. Retail Sales and Services-Personal Convenience
 - j. Retail Sales and Services-Personal Improvement
 - k. Retail Sales, General
 - l. Cleaning (Vehicle Sales and Services)
 - m. Gas and Fuel Sales
 - n. Heavy Equipment Sales/Rental
 - o. Inoperable Vehicles Storage
 - p. RV and Boats Storage
 - q. Heavy, Wholesale, Storage & Distribution
 - r. Recycling Facilities Large Collection
 - s. Recycling Facilities Processing Center

Reason for Request: To develop the property.

KEY POINTS

- The proposed IL District zoning would allow the development of industrial type uses, with recommended use restrictions, and be consistent with the future land use map in *Horizon 2020* which identifies this property as industrial use.
- The property will act as a transition between more intensive uses to the north and residential property to the west.
- The character of the area is a mix of residential, office and industrial uses.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- TA-1-2-10: Addition of the Hotel/Motel/Extended Stay uses to the IL District

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* – In lieu of submission and approval of a retail market study (per Section 20-1107), there shall be no more than 50,000 square feet of retail uses, as defined by 20-1107 (b) (1), permitted on the 5.252 acres being rezoned with this application.

ATTACHMENTS

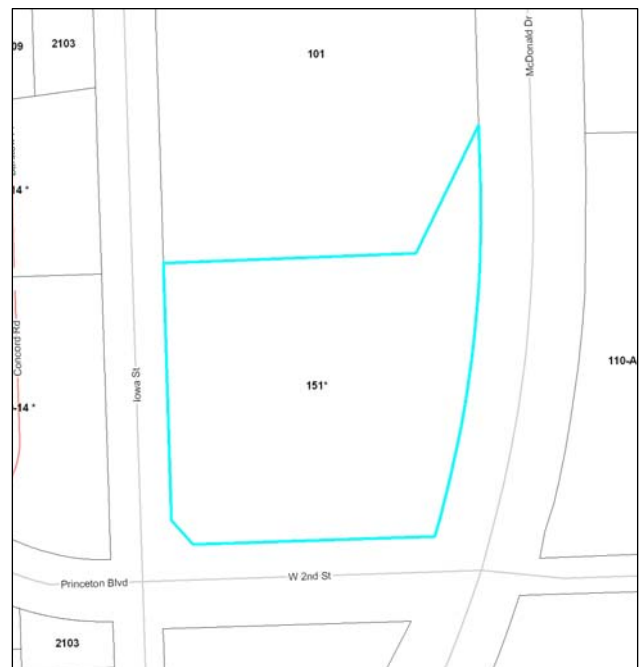
- Property map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Project Summary:

The request is to rezone the property at 151 McDonald Dr. from the IG District to the IL District. The property is located just south of the N. Iowa St. interchange on I-70 and the Hallmark Plant. The property is surrounded by Iowa Street, W. 2nd Street and McDonald Drive. Currently the property is vacant.



1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *This request conforms with the Horizon 2020 by remaining an industrial zoned property as shown on the Future Land Use Map. In addition, page 7-15 of H2020 suggests compatible transitions should occur from industrial and employment-related development to less intensive uses. The request to rezone this property from IG to IL certainly meets that requirement by providing less intense industrial uses on a property that abuts residentially zoned property to the west and south.*

Staff Finding – Staff finds that the proposal is generally in conformance with the comprehensive plan. Policy 3.2 (a) states, "Consider low-intensity commercial or office

development as a transition between industrial and employment-related development and low-density residential neighborhoods.” many uses in the IL District support this policy. By rezoning to a low-intensity industrial district, the property can develop with many industrial uses and with limited commercial development with the use restrictions recommended by staff.

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

Current Zoning and Land Use:	IG (General Industrial) District; vacant
Surrounding Zoning and Land Use:	North: IG District; Hallmark Cards plant West: RM12 (Multi-Dwelling Residential) District; 4-plex residential development South: RS10 (Single-Dwelling Residential) District; National Guard Armory East: GPI (General Public Institutional) District; USD 497 district offices Southeast: CS (Commercial Strip) District; hotel

Staff Finding – The property to the north is zoned IG and developed with a factory. The property to the west is zoned RM12 and developed with 4-plexes. The property to the east is zoned GPI and developed with offices. The property to the south is zoned RS10 and developed with a National Guard Armory. The property to the southeast is zoned CS and developed with the Holidome hotel.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The character of the neighborhood consists of IG zoned property to the north, RM12 to the west, RS10 to the southwest and south, CS to the southeast and GPI to the east. The property is fronted on three sides by arterial streets. Iowa Street is located on the west side of the property, Princeton Boulevard is on the south side and McDonald Drive is on the east side. The properties surrounding the subject site are Hallmark to the north (IG), medium density residential to the west, single family residential to the southwest (RS10), the National Guard Armory (RS10) to the south, the Holidome to the southeast (CS) and an office building (GPI) to the west.*

Staff Finding – The subject property is located in an area that is a mix of uses and zonings. The IL District zoning would allow for the transition of uses into the neighborhood and maintain an appealing gateway to the city.

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

Staff Finding – There are no approved sector or neighborhood plans for the area and no plans for any in the near future. *Horizon 2020* shows this area as industrial on the Future Land Use Map.

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

Applicant's Response: *The subject property is suitable for the current IG zoning designation however, the property is more suitable for uses not allowed in the IG zoning designation, such as hotels and some commercial uses, which is why this rezoning request is also being submitted with a text amendment to allow hotels in IL zoning. Commercial uses which are not allowed on this lot due to an agreement between Hallmark and the Owner are fast food restaurants, gas stations, convenience stores, theaters, thrift stores, or adult-themed retail or shows. This is a high profile, high traffic corner in Lawrence and for it to be used to its highest potential by allowing it to house some commercial uses would best suit the Owner and the City of Lawrence.*

Staff Finding – The subject property is suited for industrial use. The property, if rezoned to the IL District, would maintain the majority of the same industrial uses as the current IG District permits. The IL District additionally permits some commercial uses. Staff has recommended conditioning the zoning to exclude many of the commercial uses to maintain the property as more of a light industrial district as *Horizon 2020* does not identify this area as a commercial center. An unrestricted rezoning would potentially allow substantial commercial development and, in staff's opinion, would require a Comprehensive Plan Amendment to designate this intersection as a new commercial node.

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

Applicant's Response: *The subject property has always been vacant as zoned.*

Staff Finding – The subject property has never been developed and has remained industrially zoned since 1966.

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

Applicant's Response: *The nearby properties will not be detrimentally affected by rezoning the property from IG to IL since the uses will be less intense and disruptive and the height requirement would be considerably less than the 75' in height allowed on IG zoned property.*

Staff Finding – With the current IG District zoning, a more intensive industrial use could potentially develop on the property. The IL District zoning with use restrictions offers a transition between uses and less intensive uses on the property.

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 to the public health, safety, and welfare should this rezoning request be approved would be that a less intensive industrial development will occur on this site than could currently be developed. If the application were to be denied the hardship placed upon the owner would be that the property cannot be developed to its highest potential causing interested buyers to lose interest in the property.*

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 – Staff feels that there would be no gain to the public health, safety and welfare if the rezoning was denied. The request is to a less intensive industrial district. Denial may result in the property remaining vacant and underutilized. If rezoned, the community has the opportunity for the development of tax base and enhancement of one of the gateways to the city.

9. PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the request to rezone approximately 5.252 acres, from the IG (General Industrial) District to the IL (Limited Industrial) District based on the findings presented in the staff report with the following conditions and forwarding it to the City Commission with a recommendation for approval with conditions.

1. In lieu of submission and approval of a retail market study (per Section 20-1107), there shall be no more than 50,000 square feet of retail uses, as defined by 20-1107 (b) (1), permitted on the 5.252 acres being rezoned with this application.
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CONCLUSION

The subject property is located in one of the gateways into Lawrence off of I-70. This property is currently zoned General Industrial District and is proposed to be zoned Limited Industrial District. *Horizon 2020* speaks to maintaining our stock of industrially zoned property. By restricting the permitted commercial uses in this IL District, the property would conform to *Horizon 2020* and offer a transition of uses to the residential properties to the west. The restricted uses were based on the definitions and the appropriateness of the subject property to develop in relation to a gateway, surrounding neighborhood and surrounding uses. The intent is for this area to be a low-intensity industrial district, not a commercial district. Many of the uses excluded are geared toward individual consumers, would have high traffic generation, are very intense for the site and/or are retail in nature. Many industrially compatible retail uses remain to allow for business support. Some of restricted uses are already deed restricted on the site.