

PLANNING COMMISSION REPORT

Regular Agenda -- Public Hearing Item

PC Staff Report
3/24/10

**ITEM NO. 7: TEXT AMENDMENT TO PERMIT HOTEL/MOTEL/EXTENDED STAY USE
IN THE IL (LIMITED INDUSTRIAL) DISTRICT (MJL)**

TA-1-2-10: Consider a Text Amendment to Sections 20-403, 20-601(b) and 20-601(b)(1), to permit Hotel/Motel/Extended Stay Use as an allowed use in IL Zoning. *Initiated by City Commission on 2/2/10.*

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for approval of the following portions of TA-1-2-10 to amend the Land Development Code to the City Commission with a recommendation for approval:

1. Amend Section 20-403 Nonresidential District Use Table, to permit the Hotel, Motel, Extended Stay use in the IL and IBP Districts; and
2. Amend Section 20-601(b) Nonresidential Districts, Density and Dimensional Standards, for the IL District, for the maximum building height to be 45'.

Staff recommends that the Planning Commission forward a recommendation for denial of the following portions of TA-1-2-10 to amend the Land Development Code to the City Commission with a recommendation for denial:

1. Amendments to Section 20-601(b)[1] minimum setbacks for the industrial districts, and
2. Amendments to Section 20-601(b)[14] and Section 20-601(b)[15].

Reason for Request: To permit the Hotel/Motel/Extended Stay use in the IL District revise the maximum height in the IL District and revise the minimum setbacks in industrial districts.

RELEVANT GOLDEN FACTOR:

- This request is generally in conformance with the comprehensive plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No public comment received prior to printing

OVERVIEW OF PROPOSED AMENDMENT

Proposed amendment to Sections 20-403, 20-601(b) and 20-601(b)[1]. The amendments in 20-403 are to the Nonresidential District Use Table to permit the Hotel, Motel, Extended Stay use in the IL District. The amendment for Section 20-601(b) are to the Nonresidential Districts density and dimensional standards to revise the setbacks in the industrial districts and increase the maximum height in the IL District.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Chapter 7, Goal 3 of *Horizon 2020* supports the use of transitions between more intensive and lesser intensive uses for Industrial and Employment Related Land Uses. Additionally Goal 3.2 discusses low-intensity commercial or office uses as a transitional method.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and

There is a general change in condition that recognizes the positive benefits of mixed use development and less need to segregate uses. A hotel, motel, extended stay use could be a use that supports other industrial uses in industrial districts.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).

Staff believes the text amendments are consistent with *Horizon 2020* because the proposed use provides an opportunity to transition uses. Additionally the text amendments are consistent with the stated purpose to protect the health, safety and general welfare of the citizens.

The text amendment request is for Sections 20-403 and 20-601 of the *Land Development Code*. Below is the applicant response summary and staff response for each section of the amendment.

Section 403 (Nonresidential District Use Table)

Applicant Request: *We are requesting that Hotel, Motel, Extended Stay use become an allowed use in the IL zoning.*

1. Does the proposed text amendment correct an error or inconsistency in the Development Code?

APPLICANT RESPONSE: *This amendment does correct an error. Hotels can only be located in MU, CD, CR and CS zoning districts as the zoning code currently exists and they'd also be suited to serve other areas of Lawrence not currently zoned MU or commercial land use districts.*

STAFF RESPONSE: Staff believes this is not an error that the Hotel, Motel, Extended Stay use was not a permitted use in the IL District. The previous code also did not permit this type of use in the M-1A District to which the IL District was converted to. Traditionally the Hotel, Motel, Extended Stay uses were to be located in commercial zoning districts.

2. Does the proposed amendment meet the challenge of a changing condition?

APPLICANT RESPONSE: *Hotels can only be located in MU, CD, CR and CS zoning districts. The difficulty with these limited zoning districts is that not every place a hotel should be located can be zoned MU and the CD zoning district is limited to downtown. The next allowable place for a hotel, other than CS which is not allowed to expand, is CR which is limited in its locations as well. With that in mind it's not necessarily the changing condition that the amendment meets but it's important that the Development Code change to allow more flexibility in the location for hotels.*

STAFF RESPONSE: Offering amenities and more mixed use areas both for residents and visitors is becoming more of a commonality. Permitting uses that could help to support industry and travelers is important. Additionally to offer these uses in various areas of town is important for different users.

3. Is the proposed amendment consistent with Horizon 2020?

APPLICANT RESPONSE: *Horizon 2020 says offices, office research, warehouse, and distribution and/or industrial business activities are allowed in industrial areas. A hotel located on the outskirts of the industrial areas in an IL district would certainly serve those uses as well as the rest of Lawrence.*

STAFF RESPONSE: Chapter 7, Policy 3.2(a) discusses that low-intensity commercial or office development as a transition between industrial and employment-related development and low-density residential neighborhoods should be considered. A hotel, motel, extended stay use could be considered a low-intensity commercial use.

4. Is the proposed amendment consistent with the stated purpose of the Development Code?

APPLICANT RESPONSE: *These text amendments in no way endanger health, safety and the general welfare of the citizens of Lawrence.*

STAFF RESPONSE: The purpose of the Land Development Code is to “implement the Lawrence/Douglas County Comprehensive Land Use Plan and other applicable plans adopted by the City Commission...in a manner that protects, enhances and promotes the health, safety, and general welfare of the citizens of Lawrence.” Staff finds by permitting the Hotel, Motel, Extended Stay use in the IL District, it would not endanger the health, safety or welfare of the citizens. The Hotel, Motel, Extended Stay use is less intense than many uses currently permitted in the district.

Section 601(b) (IL District maximum building height)

Applicant Request: *Height limit for IL district should be changed to 45' to accommodate the Hotel, Motel, Extended Stay use being proposed in 20-403.*

1. Does the proposed text amendment correct an error or inconsistency in the Development Code?

APPLICANT RESPONSE: *This amendment does not correct an error it simply allows for the proposed use to be built.*

STAFF RESPONSE: Staff believes this is not an error that the IL District has a maximum height of 35'. The previous code had a maximum height of 35' in the M-1A District to which the IL District was converted to.

2. Does the proposed amendment meet the challenge of a changing condition?

APPLICANT RESPONSE: *If IL zoning changes to allow Hotels as a use then the height increase must change to accommodate the use.*

STAFF RESPONSE: The purpose of the IL District is “primarily to accommodate low-impact industrial, wholesale, and warehouse operations that are employment-intensive and compatible with commercial

land uses.” By allowing the additional 10’, the uses in the district could develop with a taller structure more comparable to other nonresidential districts. The IL District maximum building height is one of the lowest permitted nonresidential building heights in the *Land Development Code*. The CN1 (Inner Neighborhood Commercial) District and OS (Open Space) District have 25’ and 35’ maximum building heights respectively. Additionally, the IL District can be utilized as a transition between the higher intensity districts and the residential districts. The high density residential districts allow a maximum height of 45’. A more appropriate transition would be able to be accomplished with at least the same maximum height.

Residential District Max Height (ft)													
RS40	RS20	RS10	RS7	RS5	RS5	RS3	RSO	RM12/ RM12/D	RM15	RMO	RM24	RM32	RMG
35	35	35	35	35	35	35	35	35	45	45	45	45	35
Nonresidential District Max Height (ft)													
CN1	CO	CN2	CD	CC	CR	CS	IBP	IL	IG	OS			
25	50	45	90	50	75	45	60	35	75	35			

3. Is the proposed amendment consistent with Horizon 2020?

APPLICANT RESPONSE: *Horizon 2020 does not give a direct guidance on the allowable height but it states in Chapter 7, Policy 3.1 part d.2.c, the height and massing of industrial and employment-related building and accessory structures should be oriented away from residential neighborhoods to avoid creating a negative visual effect. Industrial building height and massing should be complementary and reflect the residential architecture and neighborhood character when adjacent to such development.” This amendment does not conflict with Horizon 2020 but would be governed by the Development Code and the Planning Office.*

STAFF RESPONSE:

Horizon 2020 supports a transition of uses to less intensive uses. By permitting the increase, the height of the IL District could at least match building height of adjacent high density areas and to transition to less intensive uses in the interior of the neighborhood.

4. Is the proposed amendment consistent with the stated purpose of the Development Code?

APPLICANT RESPONSE: *These text amendments in no way endanger health, safety and the general welfare of the citizens of Lawrence.*

STAFF RESPONSE: The purpose of the Land Development Code is to “implement the Lawrence/Douglas County Comprehensive Land Use Plan and other applicable plans adopted by the City Commission...in a manner that protects, enhances and promotes the health, safety, and general welfare of the citizens of Lawrence.” Staff finds by increasing the maximum height in the IL District to be 45’, it would not endanger the health, safety or welfare of the citizens. The change would allow for transition of uses by way of building height to a less intensive use.

Section 406(1)[1] (Nonresidential District Use Table, Industrial District Minimum Setbacks)

Applicant Request: *While we were looking at the IL zoning we were thinking the following setbacks should be looked at as well.*

- The column for "Across from R District" located under the "Abutting Street Right-Of-Way" heading should be changed to "Across from RS District" and all setback distances should remain the same.
- A column should be added for "Across from RM District" located under the "Abutting Street Right-Of-Way" heading and the setbacks should be 40' for IBP, 25' for IL and 40' for IG.
- Setbacks for zoning across from Non-R district along an arterial should be 30' for IBP, 25' for IL and 40' for IG.
- Setbacks for zoning across from Non-R district along a collector should be 30' for IBP, 25' for IL and IG.
- Setbacks for zoning abutting other lot lines adjacent to an R district or Lawrence Smart Code District should be 30' for IBP, 20' for IL and 40' for IG.
- Setbacks for zoning abutting other lot lines for a Non-R District would remain at 15' for IBP, IL and IG.
- 20-601 (b)[14] Setback shall be 25 feet for all IL and IG properties zoned M-2 under the previous zoning code.
- 20-601(b)[15] Setback shall be 20 feet of all IL and IG properties zoned M-2 under the previous zoning code.

Applicant proposed changes shown in table highlighted in yellow

Standard	CN1	CO	CN2	CD	CC	CR	CS	IBP [10]	IL	IG	OS
Min. Site Area	5,000 sq. ft	5,000 sq.ft.	2 Ac.	2,500	5 Ac.	40 Ac	-	5 Ac.	20,000 sq.ft.	5,000 sq.ft.	-
Max. Site Area	1 Ac.	-	15 Ac.	-	-	-	-	-	-	-	-
Min. Lot Area (sq. ft.)	5,000	5,000	20,000	2,500	20,000	20,000	5,000	20,000	20,000	5,000	-
Min. Lot Width (ft.) [12]	50	50	100	25	100	150	50/100	200	100	50	-
Min. Setbacks (ft.)											
Front [9]	[6]	20	20	0	25	25	25	[1]	[1]	[1]	[3]
Side (Exterior) [2] [9]	[3]/20	[3]/20	[3]/20	[3]/0	[3]/20	[3]/20	[3]/15	[1]	[1]	[1]	35
Side (Interior-adj. R) [9]	10	20	20	20	25	45	12	[1]	[1]	[1]	20
Side (Interior-adj. Non-R)	0	5	0	0	0	0	0	[1]	[1]	[1]	15
Rear [4] [9]	20/25	15/25	20/25	0	12/25	30	12/25	[1]	[1]	[1]	0
Max. Front Setback	[6]	NA	NA	5[7]	20	0	NA	NA	NA	NA	NA
Max. Lot Coverage (%)	65 [5][11]	65 [5][11]	75 [5][11]	100	85 [5][11]	80 [5][11]	80 [5][11]	65 [5][11]	85 [5][11]	85 [5][11]	NA
Max. Impervious Lot Cover (%)	75 [5][11]	75 [5][11]	80 [5][11]	100	80[5] [8][11]	75[5] [8][11]	80 [5][11]	75 [5][11]	75 [5][11]	75 [5][11]	NA
Min. Outdoor Area (per unit)											
Area (sq. ft.)	50	-	50	-	-	-	50 [5][11]	-	-	-	-
Dimensions (ft.)	5	-	5	-	-	-	5 [5][11]	-	-	-	-
Max. Height (ft.) [13]	25	50	45	90 [7]	50	75	45	60	35	75	35

[1] Minimum **Setbacks** are as follows:

District	Abutting Street Right-of-Way				Abutting Other Lot Lines	
	Across From RS District	Across From RM District	Across From Non- R District		Abutting R District or Lawrence SmartCode District	Abutting Non-R District
			Arterial	Collector		
IBP [10]	40	40	40 30	40 30	40 30	15
IL	50	25	50 25	25	20	15
IG	50 [14]	40	50 40	25	50 [15] 40	15

- [2] First number represents minimum Exterior Setback to an abutting Side Lot Line. Second number represents minimum Exterior Setback to an abutting Rear Lot Line
- [3] Same as Front Yard of abutting Lot
- [4] First number represents minimum Rear Setback for Single Frontage Lot. Second number represents minimum Rear Setback for double Frontage (or through) Lot
- [5] Applies only to Lots platted after the Effective Date.
- [6] Setback of Building constructed after the Effective Date shall be within 1 foot of the average Setback of existing Buildings on the same Block on the same side of the Street.
- [7] Subject to location and Height limitations in Downtown Design Guidelines and Downtown Design Standards.
- [8] Maximum Building coverage in CC and CR districts is 25%.
- [9] Additional Setback restrictions apply to properties developed adjacent to RS zoned properties where expressly required elsewhere in the Development Code.
- [10] Density and Dimensional Standards for the GPI and H Districts shall be the same as those established in the IBP District.
- [11] Applies to any Significant Development Project.
- [12] First number represents the minimum existing Lot Width. The second number represents the required Lot Width for a Lot platted after the Effective Date.
- [13] Maximum Height may be subject to the standards of Section 20-602(h)(2) when located adjacent to RS properties.
- [14] Setback shall be 25 feet for all IL and IG properties zoned M-2 under the previous zoning code.
- [15] Setback shall be 20 feet for all IL and IG properties zoned M-2 under the previous zoning code.

1. Does the proposed text amendment correct and error or inconsistency in the Development Code?

APPLICANT RESPONSE:

20-601 (b)(1)

This amendment does correct an error. The setbacks for IBP, IL and IG have been set at the extreme. This leaves very little buildable area for lots located across from R districts and for lots located next to an arterial. Such large setbacks don't encourage development in Lawrence when such a large percentage of the site is undevelopable.

20-601(b)[14] .and [15]

This amendment does correct an error because if IG can have reduced setbacks if it was previously zoned M-2 why wouldn't that also apply to IL zoning which is less intense.

STAFF RESPONSE: Staff reviewed the setback table for a text amendment in 2008 and the addition of footnotes 14 and 15 were the only changes made to the setback table. During the 2008 TA review, staff extensively studied the effects of the proposed changes thought the community. Staff believes that any inconsistencies would have been proposed to be changed at that time after the review. Changing the footnotes (14 & 15) to add the IL District as an exception is not appropriate as the change was to make the setbacks consistent with what was in the previous code. The setbacks in the previous M-1A District were never the same as the previous M-2 District and thus not a justification for the change to the IL District

2. Does the proposed amendment meet the challenge of a changing condition?

APPLICANT RESPONSE:

20-601(b)(1)

The proposed changes to this section are not due to conditions changing but rather to allow land to be developed in a more useable manner.

20-601(b)[14] and [15]

The proposed changes to this section are not due to conditions changing but rather to allow land to be developed in a more useable manner.

STAFF RESPONSE: No changing conditions have been identified regarding these sections. Typically staff would see consistent variances for a situation regarding setbacks if they were a deterrent to development. No variances have been applied for regarding these setbacks. In 2008, the setback table was reviewed and amended to address any of the issues that had been identified.

3. Is the proposed amendment consistent with Horizon 2020?

APPLICANT RESPONSE:

20-601 (b)(1)

The proposed amendment is consistent in the setback requirements being greater than the required setbacks of abutting residential uses with the exception of the IL setbacks being proposed differ due to the IL district being less intense.

20-601(b)[14] and [15]

This amendment is simply being proposed so that the current conditions provided for IG zoning would apply to IL zoning which is less intense.

STAFF RESPONSE:

Horizon 2020 speaks to transitions such as landscaped areas as a transitional use. By reducing the setback, you lose some of the greenspace for the buffer would be lost.

4. Is the proposed amendment consistent with the stated purpose of the Development Code?

APPLICANT RESPONSE: *These text amendments in no way endanger health, safety and the general welfare of the citizens of Lawrence.*

STAFF RESPONSE: The purpose of the Land Development Code is to "implement the Lawrence/Douglas County Comprehensive Land Use Plan and other applicable plans adopted by the City Commission...in a manner that protects, enhances and promotes the health, safety, and general welfare of the citizens of Lawrence." Staff finds by changing the setbacks for the industrial districts, it could endanger the health, safety and general welfare by not allowing for as much greenspace between an industrial district and a residential district. Bufferyards should be provided for all abutting residential uses and whether the residential use is a RS District or a RM District shouldn't matter.

STAFF RECOMMENDATION

Currently the Hotel, Motel, Extended Stay use is permitted in the MU, CD, CC, CR, and CS Districts. Staff believes it would be appropriate to permit the Hotel, Motel, Extended Stay use in the IL District. The purpose of the IL District is “primarily to accommodate low-impact industrial, wholesale, and warehouse operations that are employment-intensive and compatible with commercial land uses.” Staff believes that a Hotel, Motel, Extended Stay use would complement and industrial area because many industrial areas are near the gateways to the city and along major thoroughfares. The Hotel, Motel, Extended Stay use would be able to target travel along the highways in addition to industrial clientele.

After further review, staff would recommend that the Hotel, Motel, Extended Stay use be a permitted use in the IBP (Industrial/Business Park) District Park zoning as well as the IL District. The purpose of the IBP District is to “provide space in attractive and appropriate locations for certain low-impact employment and manufacturing uses in a planned industrial/business park setting.” For the same reasons as the IL District, staff believes that the Hotel, Motel, Extended Stay use would be appropriate in the IBP District.

Staff believes it is appropriate to change the maximum height in the IL District to 45’ from the current 35’. The IL District has the potential to be used as a transitional district between higher intensity uses and lower intensity uses. Because of this, it is believed that a comparable height maximum would help achieve a transition by way of structure height.

In staff’s opinion, the minimum setbacks in the industrial districts were reviewed in 2008 and minimal amendments were made at that time; therefore no additional amendments are needed at this time. The variance procedure can be used to evaluate setback issues for site specific situations. The footnotes that were added to address nonconforming issues in the IG district for setbacks are not the same situation as what is discussed between the change from the M-1A District and the IL District and not an appropriate change.

Summary:

Staff recommends that the Planning Commission forward a recommendation for approval of the following portions of TA-1-2-10 to the Land Development Code to amend the City Commission with a recommendation for approval:

3. Amend Section 20-403 Nonresidential District Use Table, to permit the Hotel, Motel, Extended Stay use in the IL and IBP Districts; and
4. Amend Section 20-601(b) Nonresidential Districts, Density and Dimensional Standards, for the IL District, for the maximum building height to be 45’.

Staff recommends that the Planning Commission forward a recommendation for denial of the following portions of TA-1-2-10 to amend the Land Development Code to the City Commission with a recommendation for denial:

3. Amendments to Section 20-601(b)[1] minimum setbacks for the industrial districts, and
4. Amendments to Section 20-601(b)[14] and Section 20-601(b)[15].