

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

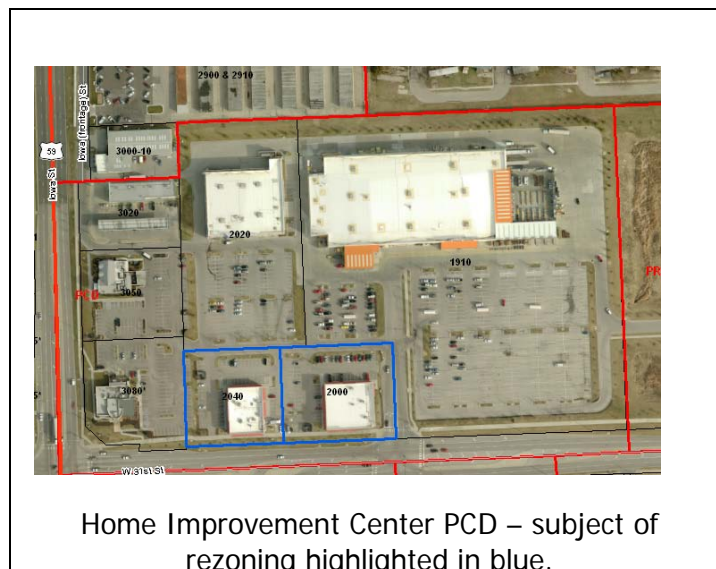
ITEM NO. 3: PD-[HOME IMPROVEMENT CENTER-PCD-2 WITH USE RESTRICTITONS] TO PD-[HOME IMPORVEMENTS CENTER- PCD-2 WITH USE RESTRICIONS AMENDED TO INCLUDE OFFICE USES]; 2040 AND 2000 W. 31ST STREET (SLD)

Z-3-4-10: Consider a request to rezone approximately 2.61 acres from PD-[Home Improvement Center PCD-2 (Planned Commercial Development)] with uses restricted to retail and restaurant uses) to PD- [Home Improvement Center PCD-2 (Planned Commercial Development) to additionally permit office uses], located at 2000 & 2040 W 31st St. Submitted by Landplan Engineering, for Broadway Plaza II Lawrence Inc., property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 2.61 acres Lot 2, First National Addition No.2, a replat of Lots 1 & 4 First National Addition, and Lot 3, First National Addition from PD-[Home Improvement Center PCD-2] with use restrictions to PD-[Home Improvement Center PCD-2] with modified use restrictions to include office uses and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

REASON FOR REQUEST

"Based on the new development code this property to come in compliance with the code, the property must be rezoned to match the use."



KEY POINTS

- The request affects only the two pad sites identified in the legal description for the overall PCD.
- The change will not affect uses approved for other phases of the PCD
- No physical changes to the building exteriors are proposed with this change.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- Existing commercial corridor.

CONFORMANCE WITH *HORIZON 2020*

- Proposed change conforms with land use recommendations in Article 6 of *Horizon 2020*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- See attached document for summary of related historical cases.
- FDP-3-4-10; Revised Final Development to amend applicable notes allowing office uses.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Email from Peter Dellaportas
- Email from Sheryl Vickers

GENERAL INFORMATION

Current Zoning and Land Use:

PD –[Home Improvement Center PCD]; existing retail pad sites including 5 Guys Burgers restaurant and vacant building.

Surrounding Zoning and Land Use:

PD-[Home Improvement Center PCD] to the north, east and west. Existing commercial development.

PD –[Pine Ridge Plaza PCD]; existing commercial development to the south.

GPI (General Public and Intuition) District; existing post office to the southeast.

Project Summary

This request is to amend the permitted uses within an existing Planned Development (PD-[Home Improvement Center – PCD] for two specific pad sites of the development:

2040 W. 31st – [Lot 3, First National Addition] Pad Site “C” – 5 Guys Burgers;
2000 W. 31st – [Lot 2, First National Addition #2] Pad Site “D” – vacant building

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: [“This change in zoning would conform to the basic commercial land use as maintaining a system of commercial development nodes at selected intersections which provide for the anticipated neighborhood, community and regional commercial development needs of the community throughout the planning period.”](#)

The property is part of the S. Iowa Street Regional Commercial Center. Basic land use recommendations in this section specific to this area include the need to upgrade properties

to remain viable. (Pg 6-12) This recommendation is directed toward landscaping and amenities to address aesthetics as properties redevelop or uses change. The plan states:

“Commercial property exists both east and west of S. Iowa Street along 31st Street. Emphasis shall be given to maintain this commercial node and requests to extend the commercial corridor for additional retail development shall not be considered; however office and office research activities would be appropriate land uses along this arterial corridor.” (Pg 6-15)

The proposed request does not seek to expand the commercial uses beyond the existing confines. The proposed request would allow office uses within the commercial center if approved.

Staff Finding -- This section cited above address the 31st Street corridor within the S. Iowa Regional Center. The proposed zoning change to allow office uses is consistent with the Comprehensive Plan.

2. ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Staff Finding -- The property is surrounded by planned commercial development. The two lots proposed to be rezoned are part of a larger PCD known as Home Depot. Surrounding uses are listed in General Information section of this report.

3. CHARACTER OF THE AREA

Applicant's Response: *“The neighborhood is generally commercial and retail use with restaurants to the west and northwest. Commercial/retail exists adjacent to the subject property on the east. Commercial/retail exists on the south across 31st Street and west along Iowa Street.”*

Staff Finding -- The area is part of the S. Iowa Street (23rd Street to K-10) Regional Commercial Center. The area is characterized with a variety of retail uses including restaurants and entertainment uses.

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

Staff Finding – The subject property is not included in any adopted area and/or sector plans. *Horizon 2020* is the guiding plan for this property.

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

Applicant's Response: *“The proposed PCD-2 zoning is to accommodate adding the use group of “Professional Offices to Lot 2, First National Addition No. 2 and to Lot 3, First National Addition. According to the Land Development Code “professional Offices” are allowed per permitted use - Planned Unit Development Districts (b)(1)(b) Use Group 9 – Professional Offices. The existing uses conform; the proposed Professional Office use group was restricted from this particular PCD-2 zoning.”*

The original zoning was granted under the 1966 Zoning Code. As a PCD-2 the allowed uses included the following: <http://www.lawrenceplanning.org/documents/OldCode.pdf> [Refer to Articles 6, 7, and 7A for a complete list of uses]

- Residential Dwelling Units
- Use Group 7- Community Facilities -Public Utilities
- Use Group 8 - Temporary Uses
- Use Group 9 - Professional Offices
- Use Group 9A - Limited Services
- Use Group 11 - Inner Neighborhood Commercial uses
- Use Group 12 - Retail Stores -Personal Services
- Use Group 13 – Automotive Services -; Retail Sales; Other
- Use Group 14 – Retail- Wholesale Sale and Services ad
- Use Group 15 – Amusement, Recreational and Cultural Facilities.

As part of the rezoning (Z-7-28-01) of the property establishing the PCD-2 district uses were restricted as noted on the face of the Preliminary Development Plan. The PCD was restricted to the following uses: PDP-7-6-01; original Preliminary Development Plan;

- “Home Improvement Store” (specific use listed in Use Group 13)
- “Retail Electronics Store” (Similar to Computer Store listed in Use Group 12)
- “Restaurant/ Retail” (specific use listed in Use Group 11 *without drive-up facilities*)

The development plan was revised in 2002 incorporating (annexing) in several lots along Iowa Street. These lots were rezoned from C-4 and C-5 to PCD-2 (Z-11-41-01). The associated Preliminary Development Plan is PDP-2-6-03. Uses are restricted as follows:

- “Home Improvement Store”
- “Retail Electronic Store”
- Restaurant/Retail”

Two of the current use restrictions are related to very specific uses in Use Groups 12 and 13 of the 1966 Development code. There was not a specific listed use “retail store” in the 1966 code. The use is generally includes a variety of uses specifically listed in Use Groups, 11, 12 and 13. The text accompanied with the Development Plan would prohibit entertainment uses (theaters and bowling alleys) and automotive service (sales and service) with the exception of the approval for the property at 3020 Iowa a gas/convenience store.

If approved the following uses would be allowed within the development, but restricted to 2040 W. 31st and 2000 W. 31st Street:

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| <p>Use Group 9 – Professional Offices. Office for medical, professional and governmental purposes and accessory uses, but not including retail sales to the public that are of a nature that may be located adjacent to or combined with residential uses without harmful effects to said residential use.</p> <ol style="list-style-type: none">1. Medical and Related Offices, Chiropody, Chiropractic, dental, electrology, medical, optical, optometric, osteopathic, including a clinic.2. Ambulatory (Outpatient) Surgery Center3. Professional and Government Offices, Accounting, architecture, engineering, governmental, insurance sales, law, real estate and sales and brokerage, motion |
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- picture studios (enclosed)
4. Veterinarian office and incidental boarding, with no open kennel or yard where animals are confined or exercised
 5. Financial Institutions
 6. Studio for Professional work or for teaching of any form of fine arts e.g. photography, music, dancing, drama, etc.
 7. Other offices, All other offices which (1) are similar to the listed uses in function, traffic-generating capacity, effects on other land use, and (2) are not included in any other use group.
 8. Accessory Uses.

Staff Finding – As zoned the uses are very restrictive for the development. The addition of offices uses would not be out of character with the development and would allow occupancy options for currently vacant space within the two pad sites along 31st street. These two buildings were designed to be multi-tenant user buildings. Approval of the change will not alter that design element.

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

Applicant's Response: "The property is not vacant. Proposing to add the use group of "Professional Office" as an upgrade to the existing PCD-2 development."

The buildings located at 2000 W. 31st Street and 2040 W. 31st Street were constructed in 2005. Both buildings are 12,000 SF. Currently 2040 W. 31st Street is fully occupied. Temporary occupancy was granted for a small leasing office space to accommodate timing of this rezoning request.

Staff Finding – The properties are developed with two free standing structures.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's Response: "This PCD-2 zoned area has been in this location beginning in late 2003 (31st and Iowa Street FDP) with no problems or affect to the existing nearby properties. With this change to add the use group "Professional Office" to the existing PCD-2 zoned area it will increase business and support to neighboring businesses and properties."

Many office uses are considered to be less intensive than commercial uses based on parking requirements. Some uses such as banks are equal to or more intensive and are typically associated with drive-through windows, ATM's and similar services. This is not a permitted activity per the design of the development plan at this time. The uses listed in Use Group 9- Professional Offices are not associated with drive-through elements found in automotive related use groups such as Use Group 12 and 13.

Staff Finding – No detrimental effects are anticipated by approval of the proposed change of use to allow office uses in this PCD.

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: "Rezoning would allow proposed improvement, under the Land Development Code to be in compliance. Hardship, due to denial of this request, would result in the inability of the Owner to make necessary improvements."

Staff Finding – Approval of the request will result in improvements to the tax base to the public. Approval of the request provides a greater ability for the applicant to secure tenants from a wider pool of uses for the center.

9. PROFESSIONAL STAFF RECOMMENDATION

The proposed change affects only two specific properties within the existing commercial development. The proposed change does not result in a need to change physical elements of the site. A related Final Development Plan (FDP-3-4-10) has been submitted for administrative approval to update use restrictions on the face of the Final Development Plan. Staff recommends approval of the proposed zoning change to allow office uses for approximately 2.61 acres Lot 2, First National Addition No.2, a replat of Lots 1 & 4 First National Addition, and Lot 3, First National Addition also known as 2000 W. 31st Street and 2040 W. 31st Street.