

**PLANNING COMMISSION REPORT**  
**Regular Agenda – Public Hearing Item**

**ITEM NO. 4: PD-[TANGER PCD-1] TO CS; 1025 N. 3<sup>rd</sup> STREET (SLD)**

**Z-4-5-10:** Consider a request to rezone approximately 11.99 acres from PCD-1 (Planned Commercial Development) to CS (Strip Commercial), located at 1025-1035 North 3<sup>rd</sup> Street. Submitted by KDL, Inc. for I-70 Business Center, LLC., property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the rezoning request for approximately 11.99 acres from PCD-1 (Planned Commercial Development) to CS (Strip Commercial), located at 1025-1035 North 3<sup>rd</sup> Street 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.

**Development Summary:**

The Tanger PCD includes a total of 17.9 acres. The property was zoned in two phases:

- Phase I included 11.99 acres (Wickes Subdivision) - developed as Tanger Outlet Mall and converted to I-70 Business Center.
- Phase II included 5.36 acres (Fosters Subdivision) – undeveloped.

This request is for only Phase I. As part of the development approval uses were restricted within the PCD. An attached summary of uses is included with this report for reference. Uses were categorized and defined differently in the 1966 Zoning Code.

**REASON FOR REQUEST**

*“Additional Uses”*

**KEY POINTS**

- Location of property within identified Commercial Strip area.
- Developed property with significant vacancy.

**GOLDEN FACTORS TO CONSIDER**

**CHARACTER OF THE AREA**

- Property is located within the North Lawrence Neighborhood and along the N 2nd Street/3<sup>rd</sup> Street Commercial Corridor.

**CONFORMANCE WITH *HORIZON 2020***

- The property is zoned and designated for commercial uses. The proposed request modifies the restrictions of the property. Uses allowed in the CS district would be consistent with the adopted land use recommendations for the area.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- Z-11-25-92: M-3 to C-4; 3.67 ac **[replaced by Z-1-7-93]**
- Z-1-7-93: M-3 and C-4 to PCD-1; Ord. 6432.
- Z-6-17-94: M-2 to PCD-1; Ord. 6679.
- Z-12-35-97: PCD-1 to PCD-1 to remove restrictions; Withdrawn by applicant 3/19/98.
- Z-9-24-06: PCD-1 to CC200. File inactive. No action.
- Planning Commission approved PDP Tanger Outlet Mall Phase I 2/24/93.
- City Commission approved PDP Tanger Outlet Mall Phase I 3/16/93 .

- 3/24/93 Planning Commission approved FDP Tanger Outlet Mall Phase I.
- FDP Tanger Outlet Mall Phase I recorded with register of deeds office 7/12/93.
- Planning Commission approved revised FDP Tanger Outlet Mall Phase I – Addition of ATM to parking lot 1/24/96.
- Revised FDP Tanger Outlet Mall Phase I – Addition of ATM to parking lot. Recorded with Register of Deeds Office 4/1/96.

#### **PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None

#### **ATTACHMENTS/REFERENCES**

- Rezoning ordinance number 6432 (uses listed on pages 12-13)
- Refer to Article 4 of the Development Code for complete listing of allowed uses in CS district.

#### **GENERAL INFORMATION**

Current Zoning and Land Use: PD [PCD-1 Tanger]; existing commercial development.

Surrounding Zoning and Land Use: PD [PCD-1 Tanger Phase 2] to the south; approved development plan not constructed. Property currently vacant.

RS10 (Single-Dwelling Residential) to the north; I-70 Turnpike.

OS (Open Space) Riverfront Park and IG (General Industrial) Union Pacific Rail Road to the west.

RS-10 (Single-Dwelling Residential) and CS (Commercial Strip) to the east; existing highway interchange and commercial businesses.

#### **Project Summary**

This request is to amend the permitted uses within an existing commercially zoned area.

#### **REVIEW & DECISION-MAKING CRITERIA**

##### **1. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Applicant's Response: *"We believe it does."*

*Horizon 2020* addresses properties along N. 2<sup>nd</sup> and N. 3<sup>rd</sup> Street in Chapter 6 of the Plan. The plan identifies the *"intersection of N. 3<sup>rd</sup> Street and I-70 as a possible location for an Auto-Related Commercial Center (pg 6-14)."* The current PD zoning restricts land uses that could be considered consistent with the approved development plan. (Uses are listed later in this report). Approval of the request will allow for a greater variety of land uses to occupy the existing development or for the property to be further redeveloped in the future. Such redevelopment would be subject to design standards of the Development Code and the Commercial Design Guidelines.

**Staff Finding** – The proposed request is consistent with *Horizon 2020*.

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

**Staff Finding** – The property is surrounded by a variety of zoning districts including residential and open space districts. The land use, however, includes the turnpike and interchange that are clearly not residential in nature. Much of the N. 2<sup>nd</sup> Street/N. 3<sup>rd</sup> Street corridor is zoned commercially. The open space zoning represents a linear park located along the Kansas River and encompasses the levee in this area as well. The abutting IG district represents the boundary of the Union Pacific Railroad.

## **3. CHARACTER OF THE AREA**

Applicant's Response: *"Business, Manufacturing, retail, warehousing."*

This property is part of the North 2<sup>nd</sup> Street Corridor and part of the North Lawrence Neighborhood. The corridor is recognized as a gateway into the City of Lawrence. Commercial uses are generally located along the corridor south of I-70 Highway regardless of the base zoning district. Some industrial uses are interspersed within the corridor and along the Union Pacific Railroad.

**Staff Finding** –The property is part of the N. 2<sup>nd</sup> Street/N. 3<sup>rd</sup> Street commercial corridor of the North Lawrence Neighborhood. The corridor is characterized by commercial uses and underutilized properties expected to be redeveloped over time.

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

*Horizon 2020* identifies future plans for the general area as appropriate for an auto-related commercial district. A neighborhood plan was completed for North Lawrence in 1981 and an area wide drainage study was completed in January 2006.

Key elements of the neighborhood plan included goals to reduce incompatible land uses, provide adequate transition of uses and to "consider the appropriateness of zoning of under-utilized commercially and industrially zoned area to determine the amount necessary to meet anticipated neighborhood and city needs." (Page 3-3 North Lawrence Neighborhood Plan). The subject property is included in the City's commercial inventory.

Approval of the request will retain the property in the commercial inventory and expand the potential uses on this property.

**Staff Finding** – Approval of the request is consistent with land use plans for the corridor.

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

Applicant's Response: *"Large amount of vacancy of the site"*

The property was developed as a planned unit development per the 1966 code. As part of the approval, uses were restricted including a limitation on the amount of restaurant uses that could be developed within the project. A list of these uses is attached to this report, see pages 12-13 of the original ordinance (ord. No. 6432).

Adoption of the 2006 Development Code stresses the importance of good design, institution of buffer yards and transitions between land uses, and the adoption of Commercial Design Guidelines. The Development Code allows for the limitation or restriction of land uses as part of a conventional zoning district. Prior to the adoption of the 2006 Development Code uses could only be restricted as part of a planned unit development. The Development Code allows for planned unit developments to continue within the boundary of their use approvals. Changes of uses that were not otherwise permitted require a change in zoning. The intent is to move away from planned developments as a matter of course, limiting their use to properties where special circumstances are present.

The continued use of a planned unit development in this location is limited and does not facilitate redevelopment opportunities.

**Staff Finding** – The existing planned commercial development zoning is limited for this portion of the corridor. The standards of the Commercial Design Guidelines and design standards of the Development Code assure appropriate treatment of the property with future redevelopment of the site.

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

Applicant's Response: "More than 5 years +."

The property is developed with two buildings and a supporting parking lot. The north building includes 35,210 SF and the south building includes 58,500 SF. The applicant indicates that the property suffers from lack of tenant occupancy.

**Staff Finding** – While the property is not technically vacant, staff concurs that the property is underutilized and has been so for a number of years.

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

Applicant's Response: "None."

As noted above the property is currently restricted to uses as listed in Ordinance No. 6432. Uses are limited to the following:

1. Use Group 7; Community Facilities;
2. Use Group 9; Professional Offices;
3. Use Group 11; Inner Neighborhood Commercial Uses; and
4. Uses in Use Group 12; Retail Sales- Personal Services which are specified in the memorandum of agreement and listed on the preliminary development plan.
5. No more than 7.5% of the gross leasable space shall be dedicated to food service uses. This equates to 7,000 SF in Phase I.
6. The maximum size of a single store is not allowed to exceed 50,000 GSF

The applicant's specific request that initiated this rezoning was the consideration of a mini-warehouse type use within the existing building. This use was allowed in Use Group 14 "Retail-Wholesale Sales and Services" and Use Group 17 "Manufacturing – Low Nuisance" of the 1966 Code. As such, those use groups were not allowed in a PCD-1 district and would have required rezoning to a PCD-2 or a PID district. Rezoning to a former code district is no longer an option.

The 2006 Development Code includes Mini-Warehouse in the “Wholesale, Storage & Distribution Category”, a sub category of the Industrial Use Group. This use is allowed in the CS district. Refer to Use Tables found in Article 4 of the Development Code for a complete listing of allowed uses.

The original approval included a limitation on the amount of food service related business and a cap on the development that one individual tenant could not exceed 50,000 SF. These limits were established in an effort to reduce potential impacts to downtown. By limiting these two factors it was anticipated that shoppers would be drawn to downtown restaurants and retailers. The development code includes a provision that a market study shall be required for a site plan or rezoning that could result in 50,000 SF of added retail space in the city. However, this requirement is exempted for developments that would reoccupy retail space that is all ready part of the City's retail database. Approval of the request will remove the limitation on leasable space dedicated for food service uses and a tenant that occupies more than 50,000 SF.

**Staff Finding** – Approval of the request will alter the allowed uses but will retain the retail comemrcial character of the property. Approval of the request is intended to facilitate re-purposing the existing development and to accommodate future redevelopment of the corridor.

**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: [“It will broaden the tax base if approved.”](#)

**Staff Finding** – Approval of the request will accommodate a greater variety of tenant options for the property. Proposed options utilize existing infrastructure and improvements on the site.

**9. PROFESSIONAL STAFF RECOMMENDATION**

The purpose of the CS district is to reflect existing strip commercial development. *Horizon 2020* describes this area as existing strip commercial development and designates it as an “Auto Related Commercial Center.” The Development Code does not include a corresponding zoning district to the land use recommendation of “Auto Related Commercial Center.” The current intersection includes a variety of zoning districts, uses, and parcel size. Approval of the CS district will facilitate redevelopment of the area. Staff recommends approval of the proposed zoning change.