

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
01/25/2012

ITEM NO. 8A IG TO IL; .20 ACRES; 920 & 920 ½ DELAWARE ST (SLD)

Z-11-26-11: Consider a request to rezone approximately .20 acres from IG (General Industrial) to IL (Limited Industrial), located at 920 and 920 ½ Delaware Street. Submitted by Struct/Restruct, LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately .20 acres from IG (General Industrial) to IL (Limited Industrial), located at 920 and 920 ½ Delaware Street based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the following condition:

1. Publication of an ordinance that indicates the following uses are prohibited:
 - a. Animal Services; Kennel
 - b. Eating & Drinking Establishments; Fast Order Food, Drive-In
 - c. Office; Financial, Insurance & Real Estate
 - d. Retail Sales & Service; Mixed Media Store
 - e. Transient Accommodation; Hotel, Motel, Extended Stay,
 - f. Vehicle Sales & Service;
 - i. Cleaning (Car Wash)
 - ii. Gas and Fuel sales
 - iii. Heavy Equipment Repair
 - iv. Heavy Equipment Sales/Rental
 - v. Inoperable Vehicles Storage
 - vi. RV and Boats Storage
 - g. Industrial Facilities; Scrap and Salvage Operation
 - h. Wholesale, Storage & Distribution; Mini Warehouse and
 - i. All uses included in the Agriculture group

Reason for Request: *To down-zone to IL from IG in order to open up a coffee shop in the 920 Delaware building.*

KEY POINTS

- Existing development.
- Small and unusually shaped parcel.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- PP-11-11-11; Even Lower East Side Addition

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 applicable to residential request

ATTACHMENTS

- Area Map
- Use Table

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Letter from neighborhood regarding allowed uses.

Project Summary: The purpose of this rezoning request is to permit a wider range of uses that is currently not allowed in the IG district. Specifically, the applicant has indicated a desire to provide a coffee shop in one of the buildings. This use is a commercial use included in the Eating and Drinking Establishments group included in Article 4 Use Tables of the Development Code. This application is accompanied by a preliminary plat as a predevelopment requirement.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The request to down zone to IL would allow for fast order food (coffee shop) business. The idea of a coffee shop meets various criteria in Horizon 2020 such as; neighborhood diversity, mixed use and zoning transect based structures and pedestrian friendly businesses. A coffee shop would be the likes of an "inner neighborhood commercial center" and establish a node at 9th & Delaware in anticipation of the future development of the East Lawrence Neighborhood."*

Horizon 2020 supports neighborhood preservation, infill development and redevelopment as well as the protection and preservation of environmental and historic features. The property is located within the Burroughs Creek Corridor described in *Horizon 2020, Chapter 7, Industrial and Employment*. No change to the inclusion of the property within the Burroughs Creek Corridor is proposed. The proposed request, if approved, would retain the industrial character of this property. Approval of the request will modify the uses allowed for development of this property.

A key goal of the Industrial Policies is to *"encourage the retention, redevelopment and expansion of established industrial and employment-related areas."* (Page 7-11). The purpose of the request is to provide options for a generally underutilized property.

Staff Finding – The proposed request does not modify the boundary of the Burroughs Creek Corridor but provides an opportunity to consider other uses than currently permitted in the IG district. Approval of the request may allow for the mixing of uses and provide for the existing construction business to remain in its current location. This request is consistent with land use recommendations of *Horizon 2020*.

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

Current Zoning and Land Use:	IG (General Industrial) District; existing contractor's office and woodworking shop.
Surrounding Zoning and Land Use:	IG (General Industrial) District to the north, south and east; Allen Press to the north and east, residence to the south. RS5 (Single-Dwelling Residential) District to the west; existing detached homes.

The property is located on the east side of Delaware Street. The east side of Delaware Street is zoned and developed with industrial uses except for the property immediately to the south (934 Delaware Street). The west side of Delaware Street is zoned and developed residentially except for the parcel located on the southwest corner of 9th Street and Delaware (901 Delaware Street).

Staff Finding – Surrounding uses include large scale industrial uses and detached residential homes. This request, with restrictions, is compatible with the existing zoning and uses of the neighborhood.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *"Diverse mixed use properties ranging from single family residences to medium sized business like Potters mechanic shop to large corporations like Allen Press. Proposed developments in the neighborhood include dense apartment complexes along with retail shops."*

The property is located within the East Lawrence Neighborhood. This diverse neighborhood includes a range of uses including industrial uses, commercial businesses and a mix of residential uses throughout the neighborhood. The area located on the east side of Delaware Street is characterized as an existing industrial area.

The property is in the environs of the East Lawrence Industrial Historic District, National Register of Historic Places and Register of Historic Kansas Places. It is also in the environs of Hobbs Park (702 E 11th), Lawrence Register of Historic Places.

Staff Finding – East Lawrence is a dynamic neighborhood with a wide range of residential and non-residential uses located throughout the neighborhood. This request is compatible with the character of the neighborhood.

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

This property is located within the plan boundaries of the East Lawrence Neighborhood Revitalization Plan adopted in 2000 and included in *Horizon 2020* by reference in Chapter 14, Specific Plans. The Neighborhood Plan included six major goals that provide the foundation for the strategies of the Plan. One of these goals states: "Protect and strengthen the viability of neighborhood businesses" (Page 1).

The plan discusses the presence of industrial uses in the neighborhood and the importance of these uses to the "long-term viability of the neighborhood." The plan acknowledges the presence of the industrial uses and states: "there is a separation between residential and industrial uses." This separation is generally Delaware Street in this portion of the neighborhood. The Neighborhood Plan does not include a land use map or specific land use recommendation for property within the neighborhood. Specific implementation strategies related to the proposed request include the development of design standards that reflect the character of East Lawrence, especially off-street parking and landscaping for small neighborhood business sites (Page 30).

Approval of the request would allow the development of other uses for this property consistent with plan recommendations that encourage investment in the neighborhood. However, any uses should be compatible with the residential uses in the immediate vicinity of the request. As such, some uses included in the IL district would not be consistent with Plan recommendations. Specific use restrictions are discussed later in this report.

Staff Finding – An area plan was adopted in 2000 for the East Lawrence Neighborhood. However, the plan does not include a land use element. The plan provides policy recommendations regarding the continued investment in the neighborhood along with the need to recognize that many design standards are not applicable in this neighborhood setting. Approval of the request would allow more flexibility of use for this property consistent with Plan recommendations that "support long term viability of the neighborhood."

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

Applicant's Response: *"The current zone is IG and allows for our construction sales and services is suitable for the surrounding zoning and neighborhood criteria, but (IL) zoning would also be suitable in that construction sales & services would be allowed as well as fast order food (coffee shop)."*

The current zoning (IG) is proposed as a district: *"Primarily intended to accommodate moderate and high-impact industrial uses including large scale or specialized industrial operations requiring good transportation access and public facilities and services. This district is generally incompatible with residential areas and low-intensity commercial areas"* per Section 20-216. This district is associated with a minimum lot area of 5,000 SF.

The proposed IL district is intended *"primarily to accommodate low-impact industrial, wholesale and warehouse operations that are employment-intensive and compatible with commercial land uses"* per Section 20-215. This district is associated with a 20,000 SF minimum lot area.

The subject property is irregularly shaped and only 8,701 SF in size. This smaller lot size is reflected in the preliminary plat with a request for a variance from the lot size standard.

The property is developed with two existing structures. The buildings currently house a contractor's office and custom woodworking shop. Numerous redevelopment proposals have been brought to staff in an effort to better utilize the existing improvements. Several uses included a residential element. The zoning restrictions, limited size of the property, arrangement of existing improvements and the inability to acquire additional land have been factors limiting redevelopment opportunities.

Approval of the request maintains the property as part of the City's industrial inventory and the historical industrial boundary of the East Lawrence Neighborhood. Approval of the request modifies the list of allowed uses that may be developed for this property.

Staff Finding – The current zoning severely limits the ability for this property to redevelop or provide complementary uses to the existing business. Given the size of the property as a separate parcel from the adjacent development, the current IG zoning is not suitable.

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

Applicant's Response: *"It hasn't been vacant as zoned."*

The property is developed with two structures. The property was zoned IG in 2006 with the adoption of the Development Code. From 1966 to 2006 the property was zoned M-3 (Intensive Industrial). This district reflected the proximity to the railroad, located east of Allen Press.

Staff Finding – This site is developed with two structures. Based on aerial photography these buildings have been present since at least 1966.

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

Applicant's Response: *"The only possible detriment to nearby properties would be the amount of user traffic, whether it be vehicular, or pedestrian."*

If approved, the property could be allowed to develop additional uses including several commercial and food service type uses. The size of the property, limited parking options, and arrangement of

existing improvements provide some natural limits on the intensity of development. Delaware is a designated local street. Residential uses are located immediately south and west of the property. Any redevelopment or changes of use will be subject to site plan approval and design review. These requirements should mitigate impacts on adjacent properties. Delaware Street between 9th Street and 11th Street is part of the designated delivery truck route. Residents along this segment of Delaware Street should be aware of this type of traffic activity. Approval of the request is not likely to impact truck traffic in this area. Approval of the request would allow uses that may generate consumer oriented traffic in this area.

Staff Finding – The proposed request will not result in a detrimental impact to adjacent properties other than potential parking demands in the immediate area.

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 would be the ability to have a business that would provide services to better the everyday welfare of the neighborhood. There wouldn't necessarily be any hardship imposed on the owner if not approved. We would just keep on keeping on."*

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.

This proposed request will not have an impact on the larger public welfare. The impact assessment is narrowly focused. Benefits to the property owner result by providing additional land use choices that are compatible with smaller lot sizes. The Neighborhood benefits by property owner investment in the improvements. The community benefits result from the expansion of the commercial base and potential employment.

Denial of the request will result in the continued underutilization of this property.

Staff Finding – Gains to the public are marginal but increase as the focus of the impact of the land use change narrows. Denial of the request would result in the applicant being denied the opportunity to consider other uses for this property.

9. PROFESSIONAL STAFF RECOMMENDATION

Several development proposals for this property have been presented to staff over the years. The size and configuration of the property and its improvements severely limit the options for redevelopment. Two key neighborhood policies expressed in the East Lawrence Neighborhood Plan are the protection of the residential character and the enhancement of businesses in the neighborhood.

However, this property is located mid-block and immediately adjacent to existing residential uses. Uses that may be appropriate for a corner property would not be appropriate for this site. Additionally, uses that generate high amounts of traffic such as banks and drive-through restaurants would also not be appropriate in this location. As such, staff recommends use restrictions if this rezoning is approved.

Uses Restrictions

Residential uses are generally not allowed in either the existing IG or the proposed IL district. Rezoning to IL would permit a “Work/Live Unit” that is not currently allowed on this property. Section 20-404 of the Development Code provides the complete list of uses and is attached to this report. A copy of the use restrictions for the 8th and Penn project is also attached for reference. Similar use restrictions are recommended for this property.

CONCLUSION

The proposed request modifies the allowed uses and retains the property in the industrial inventory. The small size of the property provides natural limitations on the use. Restricting the uses future mitigates the impact of future development of the site on the adjacent residential uses. The proposed request is compatible with the surrounding land uses and zoning of the area as well as consistent with the Comprehensive Plan.