

ITEM NO. 7 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; INDUSTRIAL DISTRICTS (MJL)

TA-10-16-11: Consider a text amendment to Chapter 20 of the City Code, Land Development Code, to review the uses of the existing industrial districts, explore creating a new district that permits uses with intensities between the IL (Limited Industrial) district and IG (General Industrial) district, review the Gas and Fuel Sales use and create a Truck Stop use which could affect commercial and industrial zoned properties.
Deferred by Planning Commission on 1/23/12.

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Commissioner Hird inquired about the thought process of not allowing certain uses in the IM district.

Ms. Leininger said in the IL district a lot of the uses were struck out and either permitted in the IM district as a Special Use or not permitted at all. She said it was the hierarchy effect that they were trying to accomplish, but that by removing other districts out of that you end up with voids in the middle.

Mr. McCullough said it fell in line with the charge to create a district that deleted the heaviest uses and some of the commercial uses. He said the definition of heavy equipment allowed more intensive uses. He said the section still followed the basic concept of removing the impactful heavy industrial uses as well as some of the commercial retail uses.

Ms. Leininger said through this process the Commission gave direction to ease up on using the Special Use Permit process.

Commissioner Liese asked if there was a car and truck sales category.

Ms. Leininger said the category of Light Equipment Repair/Sales/Rentals would include the typical every day automobile. She said the Heavy Equipment Repair/Sales/Rental would be more commercial, agricultural, large vehicle. She said the Light Equipment Repair/Sales/Rentals was more consumer oriented while the Heavy Equipment Repair/Sales/Rental was more business and large scale items that would have less traffic than a Honda Dealership, for example.

PUBLIC HEARING

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, said she was excited about this. She thought some more items, such as large animal veterinary, could be added. She said truck stops were one of the big issues that neighborhoods did not want. She said neighborhoods did not have a problem with small gas stations. She appreciated truck stops would require a Special Use Permit.

Mr. Hank Booth, Lawrence Chamber of Commerce, said when the Chamber originally approached staff with a plan they could all live with he was not sure this was the direction they had in mind but that it seemed some issues had been resolved and allowed the opportunity for economic development function of creating primary jobs. He wanted to be able to offer properties that were contiguous and not constantly being interrupted with changes to the process. He thanked staff and the Planning Commission for their work.

COMMISSION DISCUSSION

Mr. McCullough said on page 215 of the packet, staff was charged with keeping constant the IL and IG district standards about uses permitted. He said as they add the truck stop use and remove it from the gas and fuel sales use that there was a change to a few districts. He stated any district that allows gas and fuel sales, if the definition gets amended and truck stops are removed, it would remove that use from all those districts.

Commissioner Britton inquired about the possibility of someone opening a gas station that may not be designed to accommodate the trucking industry but would have diesel sales in addition to regular car fuel sales.

Mr. McCullough said that would have to be a determination by staff when presented with that type of application in terms of what the use would be.

Commissioner Liese said Ms. Klingenberg made an important point about the concern for truck stops. He asked how truck stop got into the category. He said he would not be able to support it with it in the category.

Mr. McCullough said the exercise to divorce truck stop from gas and fuel sales and create its own category was the direction from Planning Commission. He said staff's recommendation was that it show up in the IM district as a Special Use Permit. He said it could be appropriate given the specific context of the area that it's in and size in the IM district.

Commissioner Liese asked if the Special Use was something that Planning Commission would review.

Mr. McCullough said yes.

Commissioner Finkeldei said for example, when and if the South Lawrence Trafficway was completed, there might be IM zoning on K-10 and might be a fine place for a truck stop. He said there were some areas where a truck stop in an IM district could make sense. He said the Special Use Permit was the compromise by making it difficult but allowable.

Commissioner Liese said he did not have an issue with fueling trucks. He said he thought of a truck stop as a place where truckers sleep.

Commissioner Finkeldei said the definition was 'fuel sales primarily targeted to truckers.' He said even if there wasn't a convenient store, showers, or parking, it would still be a truck stop. He said that's the advantage of the Special Use Permit, it would give control over what was allowed.

Commissioner Blaser asked if Special Use Permits were allowed even in IG would that make everyone happier.

Commissioner Finkeldei said there were some people that did not want their IG changed. He said currently truck stops were allowed in IL and IG.

Commissioner Liese asked if it was too late to think about the difference between truck stop versus truck fueling center.

Mr. McCullough said that was up to the Planning Commission. He said staff could draft language.

Commissioner Finkeldei said that if there was a Special Use Permit and someone proposed a large truck stop Planning Commission could say no to that with the Special Use Permit.

Mr. McCullough said the Special Use Permit could be tailored to be specifics of the site.

Commissioner Liese said he was not interested in defining the final term of truck stop but something more like a truck refueling site.

Commissioner Finkeldei asked if he was thinking that in an IM district a truck refueling center would be allowed but not a truck stop.

Commissioner Liese said 'stop' implies overnight.

Commissioner Hird did not feel creating yet another definition was necessary because with the Special Use Permitting process you could control all the elements. He said if they wanted it to only be a fueling center that could be approved with a Special Use Permit. He said to categorically say it should not be allowed in an IM district was a mistake because it might fit there.

Mr. McCullough said he thought Commissioner Liese was saying revise truck stop to truck fueling center and revise the element of the definition to exclude the overnight stay of trucks.

Commissioner Liese asked Ms. Klingenberg about her thoughts on the distinction between truck stop versus truck fueling center.

Ms. Klingenberg said the issue was the amount of trucks and the problems that could come with it, such as theft. She said a truck place where they could get gas and leave was a fuel stop, not a large truck station where they stay. She said the issue was not the fuel part, it was the actual truck stop. She said this would be a new use and it was important that the development community know what they have access to. She said a cleaner more precise definition of what they want would be better for everyone.

Commissioner Liese said he would not be in favor of a Special Use Permit, particularly in an IM district.

Commissioner Burger asked if passing this as is would make any existing properties non-compliant.

Ms. Leininger said there were currently no IM districts and that Lawrence did not currently have any truck stops.

Commissioner Burger said a lot of these different uses in the new district were expansive asphalt type of facilities. She asked how the class I and II soils played into this.

Ms. Leininger said in Lawrence that typically does not come into play. She said the Code outlines the amount of impervious surface on a lot and the amount of green space and landscaping.

Mr. McCullough said the concentration of class I and II soils was in Grant Township.

Commissioner Burger asked if any existing IG in the Northeast Sector Plan would be permitted to become a truck stop.

Mr. McCullough said yes.

Commissioner Finkeldei said just because the plan says it might be IG one day in the future it doesn't have that right until rezoned and annexed into the city.

Commissioner Britton asked if under the current definition of gasoline and fuel sales a truck stop would be allowed.

Mr. McCullough said yes.

Commissioner Britton asked if a property was currently zoned IG could it have a truck stop.

Mr. McCullough said yes.

Commissioner Britton asked if they wanted to leave that use in IG they would have to leave a truck stop use and create a truck refueling center use that would be permitted in IM but not permitted anywhere else.

Mr. McCullough said if they wanted to keep it as a permitted use in IG. He said it was permitted in other districts, not just IG. He said it would affect all the commercial districts and the IL district. He said one way to

do it was to modify gas and fuel sales to get truck stop out, create a truck stop use that puts it all back in the commercial and industrial districts, and then create a truck fueling center use for the IM district.

Commissioner Britton said he generally agreed with Commissioners Hird and Finkeldei that the Special Use Permit gave the ability to make sure a truck stop was appropriate for a particular location. He was comfortable with it giving the appropriate controls. He said if they wanted to go through the process of creating another new definition for a truck refueling center he did not necessarily have any opposition to that, but felt it was unnecessary.

Commissioner Blaser agreed the Special Use Permit covered it. He felt a truck stop might be appropriate in some areas.

Commissioner Finkeldei suggested instead of creating a third category maybe they could define truck stop to say 'a fuel dispensing facility designed primarily to accommodate the overnight parking of trucks' and in the definition of fuel sales say 'the retail sale from the premises of vehicular and truck fuel.'

Commissioner Liese said he would support that suggestion.

Commissioner Hird felt it could create a situation where trying to stop one use may inadvertently create a ripple effect. He said if a truck stop required a Special Use Permit in the IM district there may be situations where a truck stop was necessary or advisable for a particular location in the IM district. He felt the Special Use Permit allowed proper protections and flexibility. He felt they were making this unnecessarily complicated. He was not in favor of removing truck stop from the IM district. He said they should not assume that all truck stops would have 1,700 trucks a day.

Commissioner Culver agreed with Commissioner Hird. He felt the Special Use Permit was an appropriate tool to use sparingly and would allow flexibility and control to protect the various stakeholders that might be involved with a specific application.

Commissioner Belt said the current Text Amendment was much easier to understand compared to previous versions. He felt there were sufficient restrictions that would allow adjustments to plans. He thanked staff for their work.

Commissioner Burger agreed with Commissioner Belt that the Text Amendment was more efficient and clear. She felt it took care of the people currently in IG. She felt there may be locations where a truck stop may be a benefit to the community. She thought a Special Use Permit in the IM district gave protection to the neighborhoods. She said she would support it as is.

ACTION TAKEN

Motioned by Commissioner Blaser, seconded by Commissioner Finkeldei, to approve the proposed amendments, TA-10-16-11, to the Land Development Code and forwarding to the City Commission.

Motion carried 7-1, with Commissioner Liese voting in opposition. Student Commissioner Davis voted in the affirmative.