

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
6/25/2012

ITEM NO. 5B: I-2 to IG-FP; 12.29 ACRES EXCLUDING RIGHT-OF-WAY; 1783 E 1450 ROAD (SLD)

Z-5-7-12: Consider a request to rezone approximately 12.29 acres from I-2 (Light Industrial) County Zoning District to IG-FP (General Industrial-Floodplain Overlay) District, located at 1783 E. 1450 Road (also known as 1545 N. 3rd Street). Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 12.29 acres, from I-2 (Light Industrial) County Zoning District to IG-FP (General Industrial - Floodplain Overlay) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *Current zoning is in the county under industrial. Once annexed into the City of Lawrence zoning needs to match existing use and zoning. The property was used for a salvage yard in the county at one time. It has been vacant for a number of years. The surrounding land uses are industrial.*

KEY POINTS

- Existing industrially zoned property.
- Previous uses included automotive salvage yard.
- Proposed use requires General Industrial District Zoning with approval of a Special Use Permit.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Annexation request [A-5-2-12].
- Rezoning request [Z-5-7-12] from I-2 (Light Industrial) County District to IG -FP (General Industrial - Floodplain Overlay) District.
- Preliminary Plat [PP-5-4-12]; Lawrence Recycle Addition.
- Special Use Permit [SUP-5-5-12] for a scrap and salvage operation.
- FP-5-6-12; local Floodplain Development Permit.

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 request

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Inquiries via phone regarding proposed development. Concerns expressed by callers related to planned improvements to the right-of-way and screening of the use from the street.

ATTACHMENTS

- Area map
- Floodplain map

Project Summary:

Proposed request is for industrial zoning to accommodate a metal salvage/recycling operation classified in the Development Code as a "Scrap and Salvage Operation" and a Recycling-Processing Center". The property is encumbered by regulatory floodplain. This request presumes approval of the annexation of the same property.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Map 3-2 Lawrence Future Land Use of Horizon 2020 this area is shown white. The surrounding area is shown as Industrial use. This request is consistent with the surrounding use of the area.*

Comp Plan Review:

- 1) The Plan supports infill development and redevelopment which provides a range of residential, commercial, office, and industrial and public uses within these parcels, consistent and compatible with the established land use pattern in surrounding areas.
- 2) The Plan promotes development in the UGA through an adopted annexation policy which anticipates well-planned development of fringe areas.
- 3) The Plan defines the urbanizing areas of the county and directs development to these areas.
- 4) The Plan defines the limits of the UGA for the planning period. Through adoption of an annexation policy, development can be anticipated to occur in areas most easily served by public facilities and where future development can be scheduled in concert with planned infrastructure improvements. (Chapter 3, Page 3-1)

The plan speaks to the appropriateness of annexing property within the Urban Growth Area. This property is both in the Urban Growth Area, Service Area 2, and adjacent to existing city limits. The land use map in Chapter 3 does not define land uses in detail for Service Area 2. The Land Use Map in the Transportation Chapter indicates this area as greenspace, presumably because of the presence of the floodplain. This area is also within the boundary of the Northeast Sector Plan approved by the Planning Commission May 21, 2012. This plan indicates industrial use along this segment of the corridor.

Staff Finding – The proposed request is consistent with the historic and future land uses identified in various planning documents including *Horizon 2020*.

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

GENERAL INFORMATION	
Current Zoning and Land Use:	I-2 (County-Light Industrial); vacant property previously used as a salvage and automotive related use.
Surrounding Zoning and Land Use:	To the North: I-2 (Light Industrial) District and A (Agricultural) District existing warehouse and exterior storage and agricultural field. To the Northeast: OS (Open Space); KDOT maintenance facility and storage.

	<p>To the South: IG (General Industrial) City District; existing Storage facility.</p> <p>To the East: B-2 (General Business) County District) Tee Pee Junction. Also to the east RS10 (Single-Family Residential) District) "White School House".</p> <p>To the Southeast and East on the east side of US 40/59 (N. 3rd Street): CS (Commercial Strip) City District and IG (General Industrial) City District; office warehouse and industrial uses.</p> <p>To the West: I-2 (Light Industrial) District and OS (Open Space) City District. Existing railroad tracks and Riverfront Park.</p>
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Staff Finding – This property is adjacent to a variety of land uses and zoning districts. The property also abuts an active railroad corridor. The proposed request is consistent with corridor development and planned uses in the area. This property is also encumbered by the regulatory floodplain.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *This lot is adjacent to industrial use to the east and north. The area to the west has access to the existing railroad and levee. The area to the south is used for storage of trucks and trailers.*

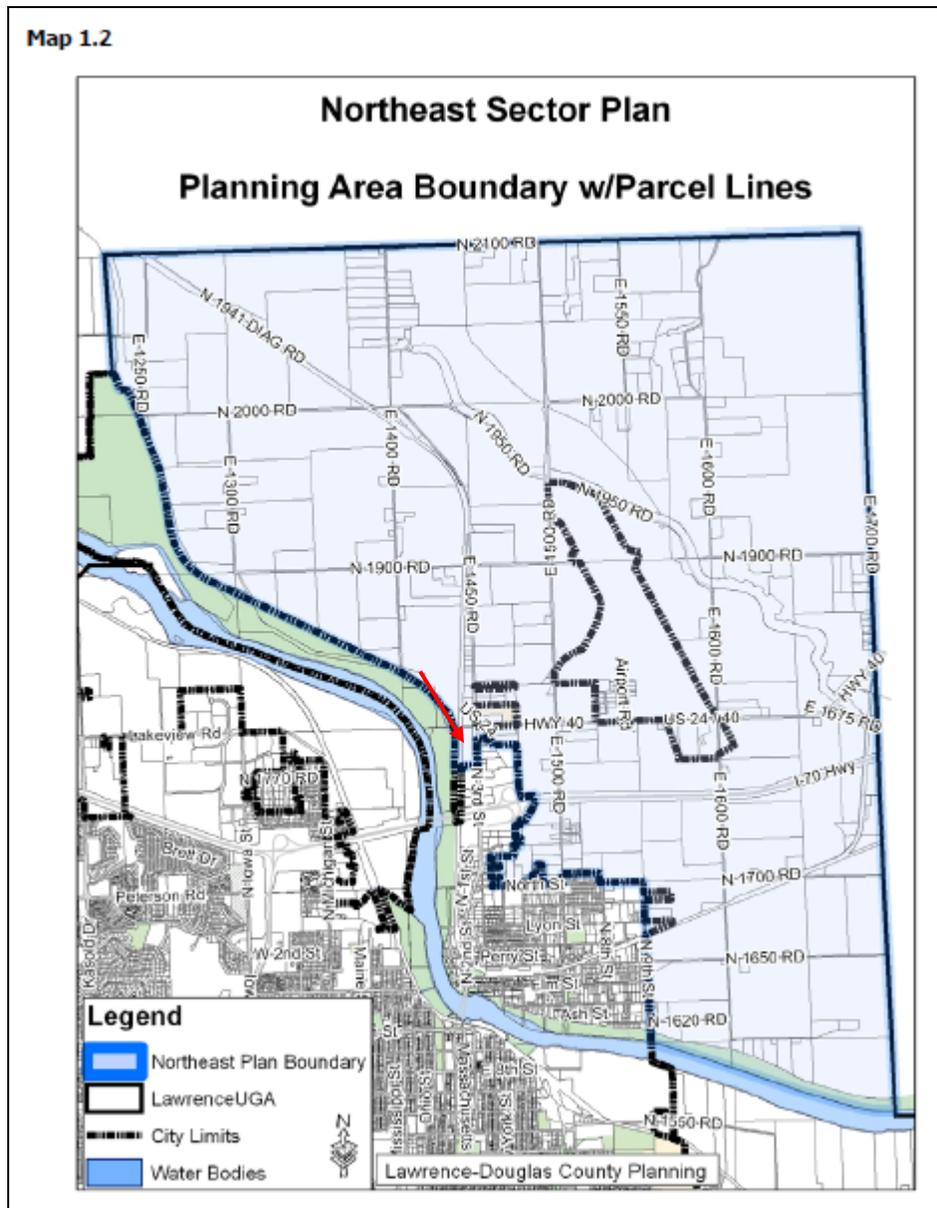
This property is located along Highway 40/59. This area is developed with a variety of industrial and commercial uses that include warehouse and exterior storage. The area is within the influence of the Lawrence Municipal Airport to the northeast and the North Lawrence Neighborhood to the south. The property is also located within Service Area 2 of the Lawrence Urban Growth Area. Development in this immediate area is characterized by highway uses and shallow lots. The highway and railroad corridors limit the lot depth in this area. The property is currently within unincorporated Douglas County and adjacent to the City limits along the south property line and a portion of the east property line.

Staff Finding – This area is developed with a variety of highway industrial uses and is within the City of Lawrence Urban Growth Area.

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

Applicant's Response: *This lot is adjacent to industrial use to the east and north. The area to the west has access to the existing railroad and levee. The area to the south is used for storage of trucks and trailers.*

As noted above this property is located within the boundary of the Northeast Sector Plan. Upon its final approval, the plan will be amended into *Horizon 2020*.



This property is also noted to be within the gateway corridor and located along a principal arterial road. The plan recognizes the existence of industrial zoning within the planning area and supports existing industrial uses in the planning area. While the property is currently vacant, it has historically been used for intensive automotive related uses. Approval of the request facilitates redevelopment of the site to City standards and implementation of applicable gateway and industrial development recommendations for design.

Staff Finding – The proposed request is consistent with the recommended plans and land use of the pending Northeast Sector Plan.

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

Applicant's Response: *The existing zoning is I-2 in Douglas County the requested zoning in the City of Lawrence is IG which allows recycling center in the zoning. The uses will match from one area to the next area.*

This property is zoned I-2 (Light industrial District), a County industrial designation. The purpose of this district is intended primarily for light manufacturing, fabricating, warehousing, and wholesale distributing in low buildings with off-street loading and off-street parking for employees with access by major thoroughfares or railroads in either central or outlying locations.

The I-2 district allows for the manufacturing and fabrication of "Metals and metal products" including Blacksmithing or Welding Shops, Foundry Products Manufacturing (electrical only), Iron (ornamental) Fabrication, Sheet metal Products, Structural Iron and Steel Fabrication, and similar uses listed in 12-312-2.03.

This property abuts Highway 40/59 along the east property line and the railroad along the west property line. Upon annexation of this property a suitable City zoning district is required. The proposed IG (General Industrial) District is reflective of the past and proposed uses of this property and the intensive nature associated with vehicle trips and exterior storage of materials. Due to the property's location in the regulatory floodplain, rezoning to include the Floodplain Overlay District is required.

Staff Finding – Upon annexation the existing county industrial zoning will no longer be suitable. The proposed IG-FP zoning is appropriate for this area and the intended use of the property.

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

Applicant's Response: *the property has remained vacant since 2009 with little or no expressed interest in the site for redevelopment.*

Staff Finding – The property is currently vacant but developed with several buildings related to the previous salvage use. The County Commission considered a site plan in 2003 for a change of use for a salvage/towing and storage facility known as Kaw Valley Motors. There was no record of a site plan or Conditional Use Permit for this site prior to 2003.

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

Applicant's Response: *Approving this rezoning application will not adversely affect the neighboring properties. Rezoning for adjacent properties is being requested to ensure compatibility with surrounding neighborhoods.*

This segment of the corridor is typified by intensive industrial uses that include exterior storage and highway related uses. Potential impacts associated with development will be mitigated through the application of appropriate design review of the specific use and of the regulatory floodplain development. The proposed IG district accommodates a variety of land uses consistent with the character of the highway corridor.

Staff Finding – No detrimental impacts are anticipated as a result of rezoning the property to IG-FP district. Applicable design guidelines, building setbacks and screening will mitigate concerns and address gateway treatments along 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: *Approval of this application will fill a need of the City of Lawrence for more recycling. At present time the property is vacant with no activity in the existing structures. The new use will also close off one long existing curb cut along US 59 Highway. This will also improve one the entrances into the City of Lawrence.*

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.

Approval of this request adds 12.29 acres to the industrial inventory within the City Limits. The location along a highway corridor is desirable given the traffic associated with industrial uses. Approval of the IG-FP District allows a diverse range of uses for the property. Denial of this request would hinder the applicant's plans for a specific use of the property as a recycling/salvage operation.

Staff Finding – Approval of the request expands the tax base and inventory of industrial zoning with the City Limits with an opportunity for intensive industrial uses that rely on good transportation access.

9. PROFESSIONAL STAFF RECOMMENDATION

The current zoning is a County district and not appropriate upon annexation. The proposed IG-FP District is reflective of the corridor characteristic and consistent with the Northeast Sector Plan. Regardless of the end use, the district will accommodate a variety of industrial uses.

This property is encumbered by the regulatory floodplain. Per 20-1201 (c) of the Development Code requires the additional zoning designation of FP Overlay District. A map of the property showing the presence of the regulatory floodplain is attached. The FP (Floodplain Management Regulations Overlay) District is an appropriate zoning district for property encumbered with the floodplain.

CONCLUSION

Staff recommends approval of the rezoning request to the IG-FP District.