

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
7/23/12

ITEM NO. 4 IG TO IL; 1.74 ACRES; 2645 HASKELL AVE (MJL)

Z-5-9-12: Consider a request to rezone approximately 1.74 acres from IG (General Industrial) to IL (Limited Industrial), located at 2645 Haskell Ave, for the VFW. Submitted by Landplan Engineering, for Hedge Tree LLC, property owner of record

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 1.74 acres, from IG (General Industrial) to IL (Limited Industrial), 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 IG general industrial use. The VFW is in the process of purchasing this property. Rezoning is required for the new use of Lodge, Fraternal & Civic Assembly which is allowed under IL base district.*

KEY POINTS

- The property would maintain an industrial zoning if changed from IG to IL.
- The proposal is consistent with *Horizon 2020*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- None

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

- Concept plan

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Project Summary:

Proposed request is for rezoning from IG to IL in order to build a VFW building. The VFW is classified as a Lodge, Fraternal & Civic Assembly use which is not permitted in the IG District. If zoning is approved, the site plan process will have to be completed.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

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

Staff Discussion: The Future Land Use Map of *Horizon 2020* (Map 3-2), identifies this property as Office Research, Industrial/Warehouse/Distribution. By changing the zoning from IG to IL, the property remains zoned for industrial uses.

Additionally, *Horizon 2020* encourages transitions between more and less intensive uses. The IL District offers the less intensive industrial development opportunities.

Staff Finding –

Changing the zoning of this property from IG to IL remains in conformance with *Horizon 2020* by maintaining an industrial zoning and offering a transition between the residential uses to the north and higher-intensity industrial uses to the south.

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

Current Zoning and Land Use: IG (General Industrial) District; Vacant

Surrounding Zoning and Land Use: North: RS10 (Single-Dwelling Residential) District;
Single dwelling structures and vacant land

West/East/South: IG District;
West: Westar facility
East: Chaney Inc.- HVAC contractor
South: Cutter Repaving Inc. – paving contractor

Staff Finding –

The surrounding property is generally industrial in nature with large lot residential to the north. Changing the zoning to a less intense industrial classification may be more appropriate with the adjacent residential. The IG District permits high-intensity industrial use and the IL District permits low-impact industrial uses that would be more compatible with the adjacent residential use. The Lodge, Fraternal & Civic Assembly use is a lesser intensity use than other industrial type uses.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *This lot is adjacent to industrial use to all sides of this development. Northeast of this development is a residential home which is zoned for medium density residential in the future.*

Staff Discussion: Generally the character of the neighborhood is industrial with large lot residential to the north. The transition to the less intensive use is through the rear of the property and will require buffer yards when developed in order to mitigate any potential negative impact to the residential use.

Staff Finding – Generally the area is industrial in nature with large lot residential to the north. Changing the zoning to a less intense industrial district maintains the existing industrial

character along E. 27th Street but offers a more appropriate transition to the residential to the north.

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: *none*

Staff Discussion: This property falls within the planning area of the *Burroughs Creek Corridor Plan*. The plan mainly speaks to the rail corridor area north of W. 23rd Street. The plan speaks to encouraging new, residential friendly development. Being that the subject property is adjacent to residential uses, this zoning is an appropriate transition to the heavy industrial uses in the area.

Staff Finding – The proposed zoning change is consistent with the “residential friendly development” recommendation of the *Burroughs Creek Corridor 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 IG, the requested zoning down to IL which allows Lodge, Fraternal & Civic Assembly in the zoning district. This will be a less intensity use than the existing zoning.*

Staff Discussion: With the exception of the residential uses to the north, the property is suitably zoned today with the surrounding property to the east, west and south being zoned for industrial development.

Staff Finding – The subject property is currently suitable for small scale industrial development as the majority of the surrounding property is zoned and developed with industrial uses.

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

Applicant's Response: *The property has remained vacant since the development of the industrial park, with little or no expressed interest in the site as for redevelopment.*

Staff Discussion: The property has never been developed.

Staff Finding – The property has never been developed and has had an industrial zoning since 1967.

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. This rezoning for adjacent properties is being requested to ensure compatibility with surrounding neighborhoods.*

Staff Discussion: The proposed zoning is a low-intensity industrial district. The *Land Development Code* requires buffer yards, building and parking lot setbacks and other opportunities to design a site in order to not detrimentally affect nearby properties.

Staff Finding – The change in zoning is proposed to a less intense industrial zoning district. This proposal could potentially have the opposite effect because the IL District permits the less intensive uses.

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 allow the VFW to move to a new location. At present time the property is vacant.

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.

Staff Discussion: If this application is denied, the property owners would not be able to develop their property with the Lodge, Fraternal & Civic Assembly use for which they have purchased the property. The property would remain zoned for high-intensity industrial and could develop with such uses which could cause potential issues for the adjacent residential uses.

Staff Finding – The potential gain to the public with the denial of the application is that the property could remain vacant as it is today. The property owners would then not be able to develop with the proposed Lodge, Fraternal & Civic Assembly use.

9. PROFESSIONAL STAFF RECOMMENDATION

The subject property is zoned for high-intensity industrial uses though it has never been developed. The proposal is to rezone to the IL District which is a low-intensity industrial district. The subject property is primarily adjacent to other industrial uses with the exception of the large lot residential uses to the north.

Horizon 2020 identifies this property as Office Research, Industrial/Warehouse/Distribution and supports proper transition between more intense and less intensive uses. The proposal to IL maintains the industrial land use but offers a better transitional zoning to the residential property to the north.

Staff recommends approval of the request to rezone approximately 1.74 acres, from IG (General Industrial) to IL (Limited Industrial), based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

