

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

ITEM NO. 4A: I-4 and VC to UR-FP; 31.7 ACRES; NORTH OF K-10 BETWEEN GREENWAY CIRCLE & E 1575 ROAD (SMS)

Z-12-00119: Consider a request to rezone approximately 31.7 acres (and adjacent railroad r-o-w) from I-4 (Heavy Industrial) and VC (Valley Channel) Districts to UR-FP (Urban Reserve – Floodplain Overlay) District, located in the NE1/4 & NW1/4 Sec 4-13-20 (Former Farmland Industries property, N of K-10 between Greenway Circle & E 1575 Rd). *Initiated by City Commission on 8/7/12.*

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for 31.7 acres from I-4 (Heavy Industrial) and VC (Valley Channel) to UR-FP (Urban Reserve-Floodplain Overlay) District 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.

Applicant's reason for request: *Facilitate development of new business park.*

KEY POINTS

- Sector plan identifies property as suitable for industrial development.
- The property has access to a planned arterial street (E 15th Street).
- Annexation of property requires designation of a suitable city zoning district.
- Chronology of planning efforts related to this property:
 - 2001 -- Farmland Industries plant shut down due to bankruptcy
 - 2005 -- Substantial field work completed under direction by KDHE
 - 2006 -- Site Characterization Report completed by Shaw Environmental, Inc with conclusion that a significant portion of site suitable for reuse in present state
 - 2007 -- City Commission initiated planning process for Farmland Industries Redevelopment Plan
 - 2008 -- Governing Bodies adopted Farmland Industries Redevelopment Plan
 - 2009 -- City annexed property
 - 2009 -- City acquired property
 - 2009 -- Governing Bodies adopted updated Horizon 2020 – Chapter 7 with locational criteria evaluating the site
 - 2010 -- City awarded demolition contract for clean-up of site
 - 2011 -- City Commission hired Bartlett & West/CDM Smith to develop Master Plan
 - 2012 -- Informational meetings held in May with surrounding property owners
 - 2012 -- Rezoning, Preliminary Plat & SUP applications submitted in July

ATTACHMENTS

- Area map.
- Proposed rezoning exhibit.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The property is encumbered by the floodplain and used for agricultural fields.

CONFORMANCE WITH *HORIZON 2020*

- The proposed request is consistent with land use recommendations found in *Horizon 2020* and the *Farmland Industries Redevelopment Plan*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Items being considered at the September Planning Commission meeting:

- Rezoning request [Z-12-00120] approximately 170.4 acres (and adjacent railroad r-o-w) from I-4 (Heavy Industrial) District to UR (Urban Reserve) District, located in the NE1/4 & NW1/4 Sec 4-13-20.
- Rezoning request [Z-12-00121] approximately 170.7 acres (and adjacent highway r-o-w) from I-4 (Heavy Industrial), I-1 (Limited Industrial), A (Agricultural) County Districts and CC200 (Community Commercial Center) City District to IG (General Industrial) District, located in the NW1/4 & SW1/4 Sec 4-13-20.
- Rezoning request [Z-12-00122] approximately 59.0 acres (and adjacent highway r-o-w) from I-1 (Limited Industrial), B-1 (Neighborhood Business); A (Agricultural) [County Districts] and IG (General Industrial) District to IM (Medium Industrial) District, located in the SE1/4 Sec 5-13-20 & SW1/4 Sec 4-13-20.
- Preliminary Plat of the former Farmland Industries property [PP-12-00101]
- Special Use Permit [SUP-12-00100] for relocation and construction of a Westar substation to provide electricity to the Former Farmland Industries property and surrounding properties.

Other action required:

- City Commission approval of rezoning requests and adoption of ordinances.
- City Commission approval of the Special Use Permit and adoption of ordinance.
- Publication of rezoning and Special Use Permit ordinances.
- Submittal of Final Plat for administrative approval and recordation.
- City Commission acceptance of dedication of easements and rights-of-way for the Final Plat.
- Release of Special Use Permit site plan to Development Services for Building Permits.
- Submission and approval of administrative site plans for individual lot development within the business park.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

No public comment was received prior to publication of this staff report.

Project Summary:

This property includes approximately 32 acres. The property has approximately 2,600 feet of frontage along N 1500 Road. The southwesterly edge of the property abuts the BNSF railroad right-of-way for approximately 2,900 feet. The northwestern portion of this tract is encumbered by the regulatory floodplain and the northeastern portion includes high quality agricultural soils. The proposed request is for rezoning the property to the UR-FP (Urban Reserve-Floodplain Overlay) District.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan recognizes the need to identify an adequate amount of available land in Douglas County to meet diverse industrial and business related development needs. *Chapter 7 – Industrial & Employment-Related Land Use (Policy 2.1)*, identifies general locational criteria for industrial developments which include:

- feasible access to Federal and State transportation networks;
- adequate parcel size, generally over forty acres;
- lie primarily outside of the regulatory floodplain; and
- have minimal average slopes.

The Plan identifies this site as meeting these general criteria.

The proposed zoning provides to Urban Reserve-Floodplain Overlay provides a 'holding zone' for property to avoid premature development. The property provides for the planned expansion of the business park as laid out in the Preliminary Plat.

The community's need to identify land for future business parks is again stated in *Chapter 12 – Economic Development, Policy 6: Business Infrastructure, Priority 6.1: Business Park Development*. The chapter states *"Douglas County must identify land for future business and corporate business parks that takes advantage of the airport, the interstate/highway system, and the westward growth of Johnson County. Within the next few years, the City and County Commissions shall identify and designate at least 1000 acres of land for industrial expansion over the next 25 years. The commissions shall also put in motion the capitalization and infrastructure development needed to bring those 1000 acres into productive use."*

The *Farmland Industries Redevelopment Plan* brings together the community goals of creating additional employment and open space by providing a plan to redevelop a brownfield into a major community asset. The plan indicated this portion of the property would be suitable for general industrial uses and ultimately provides for potential access to E 19th Street and possibly to E 15th Street.

Staff Finding -- The proposed rezoning is in conformance with the recommendations in *Horizon 2020* and the *Farmland Industries Redevelopment Plan*.

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

Current Zoning and Land Use: I-4 (Heavy Industrial) and VC (Valley Channel) Districts; agricultural fields.

Surrounding Zoning and Land Use: To the north:
I-3 (Heavy Industrial) and VC (Valley Channel) Districts; agricultural fields.

To the south and west:
I-4 (Heavy Industrial) District; majority vacant (northern portion of former Farmland Industries property) with bag house, bulk warehouses, above-ground storage tanks and remediation ponds.

To the east:
VC (Valley Channel) District; agricultural fields.

Staff Finding -- The surrounding property is predominantly county industrial zoned and used for agricultural fields. Much of the property to the north and east is encumbered by the floodplain. A portion of the parcel also includes Class I soils. The property is bounded on the southwest by the BNSF railroad tracks. The remediation ponds and remaining Farmland structures are located across the tracks.

3. CHARACTER OF THE NEIGHBORHOOD

Staff Finding -- This area has historically been used as agricultural fields due to the proximity of the floodplain. The property to the south was utilized as part of the fertilizer plant since 1954. The City developed around the former Farmland Industries property with the island annexation of East Hills in the mid-1980s. This area has been anticipated as a natural expansion of industrial park sites for many years.

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

Staff Finding – This property was studied in detail through the development of the *Farmland Industries Redevelopment Plan*. The plan brings together the community goals of creating additional employment and open space by providing a plan to redevelop a brownfield into a major community asset. The plan indicated this portion of the property would be suitable for general industrial uses and ultimately provides for potential access to E 19th Street and possibly to E 15th Street.

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

The request is to rezone the property to the UR-FP District. Since the property has been annexed into the city, the county zoning designations are no longer appropriate. The property is adjacent to a boundary line road, E 1500 Road (future E 15th Street) and continues to be used for agricultural fields. *Crop Agriculture* is a use that is permitted in most City zoning districts. It is anticipated for future uses, but is not intended for immediate development.

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

The property is within the boundary of the *Farmland Industries Redevelopment Plan* and within an area designated for future industrial development.

Staff Finding -- The current county zoning designations are no longer appropriate since the property has been annexed into the city. Rezoning to the Urban Reserve-Floodplain Overlay District provides an appropriate city zoning district while the property to the south continues to undergo clean-up and remediation.

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

Staff Finding – The property is currently undeveloped and used as agricultural fields. The county industrial zoning designation has been in place since 1966 when the County adopted zoning regulations. The Valley Channel designation preceded the County's FEMA floodplain designations.

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

Staff Finding – The property was annexed in July 2009 and the County District is no longer appropriate. A portion of the property is located in the regulatory floodplain and therefore, rezoning to the Floodplain Overlay District is required. The property is not proposed for immediate development. Rezoning to the UR District provides a 'holding zone' for property to avoid premature development.

The only principal uses allowed in the UR District are *Crop Agriculture* and any lawful use in existence immediately prior to annexation. The City's Floodplain Management Regulations control property in the FP Overlay District. The property must be rezoned to a City of Lawrence zoning district following annexation. This portion of the property will need to be rezoned to a different City District prior to any development. Rezoning to the UR-FP District will not detrimentally affect nearby properties.

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

Evaluation of this criterion includes weighing the benefits the denial of the rezoning request would provide for the public versus the hardship the denial would impose on the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

Staff Finding – If the rezoning request were denied, the area would remain a mix of zoning districts and could not be developed for future expansion of the community's tax base. Approval of the request provides the opportunity to develop a coordinated business park supporting the general industrial uses planned for the majority of the park. The gain to the public is the potential addition of a substantial number of acres of industrial property following additional remediation efforts and future improvements to E 15th Street.

9. PROFESSIONAL STAFF RECOMMENDATION

Section 20-223(a) identifies the purpose of the UR District as follows:

The UR, Urban Reserve District, is a Special Purpose Base District primarily intended to provide a suitable classification for newly annexed land. The District is intended to avoid premature or inappropriate development that is not well served by infrastructure or community services. It is also intended for implementation in areas where an adopted neighborhood plan or area development plan is not in place. It permits only very low-intensity development until such time that a land use plan and infrastructure and community services are in place.

Section 20-303 states that

The FP, Floodplain Management Regulations are implemented as an Overlay District.

This property is not adjacent to an improved city street, is encumbered by the regulatory floodplain and contains high quality agricultural soils. It is not currently suitable for new development, but may continue to be used for agricultural uses in the interim. The UR District provides a 'holding zone' until such time this property is ready for development. The FP Overlay District is mandated when properties encumbered by the floodplain are annexed into the City.

Rezoning to another City district will be necessary before any new industrial uses may be developed in this part of the park. If this request is approved, additional development standards including final platting, site planning, and compliance with applicable design guidelines will be considered with future development applications.

This staff report reviews the proposed location for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The development proposal meets the locational criteria required for approval. The rezoning request is compliant with recommendations in *Horizon 2020* and *Farmland Industries Redevelopment Plan*. Staff recommends approval of the rezoning request for 31.7 acres from I-4 (Heavy Industrial) and VC (Valley Channel) to UR-FP (Urban Reserve-Floodplain Overlay) District 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.