

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

**ITEM NO. 4C: I-4, I-1, A and CC-200 to IG; 170.7 ACRES; NORTH OF K-10
BETWEEN GREENWAY CIRCLE & E 1575 ROAD (SMS)**

Z-12-00121: Consider a request to rezone 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 (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 170.7 acres from I-4 (Heavy Industrial), I-1 (Limited Industrial), A (Agricultural) and CC-200 (Community Commercial) to IG (General Industrial) 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 immediate access to an improved arterial street and close proximity to the planned intersection for the completed K-10 by-pass.
- 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

- Property contains a portion of the Westar electrical substation and the majority of the former Farmland Industries industrial plant.
- Includes undeveloped County owned property located between the former plant and the developing East Hills Business Park.

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-12-00119] 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.
- 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-12-00122] 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 170 acres. The property has approximately 2693 feet of frontage along K-10/E 23rd Street. The request proposes to rezone the property to the IG (General Industrial) 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 for a range of uses in the proposed IG District to support new business and industrial development for the community.

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 provides for highway visibility and access.

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), I-1 (Limited Industrial), A (Agricultural) [County] Districts and CC200 (Community Commercial Center) [City] District; former Farmland Industries lab building, portion of Westar electrical sub-station (to be relocated to the north) and vacant (southern and central portions of former Farmland Industries property). [The CC-200 portion is K-10 right-of-way zoned with the Fairfield Farms development.]

Surrounding Zoning and Land Use: To the north:
I-4 (Heavy Industrial) District; majority vacant (northern portion of former Farmland Industries property) with bag house, bulk warehouses and above-ground storage tanks.

To the south:
CC200 (Community Commercial) and IL (Light Industrial) [City] Districts and I-1 (Limited Industrial) [County] District; majority undeveloped and existing Tractor Supply store.

To the east:
I-4 (Heavy Industrial) District proposed to be rezoned to IM (Medium Industrial) and UR (Urban Reserve) Districts; vacant (eastern portion of former Farmland Industries property) proposed for north-south street connection to 19th Street and utility corridor.

To the west:
IG (General Industrial) District; majority undeveloped property between former Farmland Industries and East Hills Business Park and AT&T cell tower (property included in the related Preliminary Plat).

Staff Finding -- The surrounding property is a mix of city and county zoned property. The majority of the area is county industrial property that is the former Farmland Industries property to the north and west. The properties to the east include the undeveloped County owned property (included in the Preliminary Plat) and the developing lots within the East Hills Business Park. The properties to the south are undeveloped multi-family and commercially zoned properties along the highway frontage road. Developed properties in the Mt. Blue PID are also located to the southeast.

3. CHARACTER OF THE NEIGHBORHOOD

Staff Finding -- This area is located between the eastern city limits and the East Hills Business Park along K-10 highway. It had been used as a portion of the fertilizer plant for more than 50 years. 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 provides for highway visibility and access.

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 IG District. Since the property has been annexed into the city, the county zoning designations are no longer appropriate. 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 General Industrial District provides substantial acreage to be developed and marketed for job growth in the community.

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

Staff Finding – The property was developed in the 1950s as a fertilizer plant and remained in operation until 2001. In 2011, the City made extensive progress in demolishing multiple structures; however some of the plant structures remain and will be removed with development of the future business park. The county zoning designations have been in place since 1966 when the County adopted zoning regulations.

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

Staff Finding – The property was annexed in July 2009 and the County Districts are no longer appropriate. The property must be rezoned to a City of Lawrence zoning district prior to development. Rezoning to the IG District provides substantial acreage to be developed and

marketed for job growth in the community. Approval of the request is not anticipated to 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 addition of a substantial number of acres of industrial property and the ability to offer new sites for potential job growth in the community.

9. PROFESSIONAL STAFF RECOMMENDATION

Section 20-217(a) identifies the purpose of the IG District as follows:

The IG, General Industrial District, is 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. The District is generally incompatible with residential areas and low-intensity commercial areas.

This portion of the former Farmland Industries property is well suited to these uses with its highway frontage and location abutting existing IG zoned property to the east. 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 170.7 acres from I-4 (Heavy Industrial), I-1 (Limited Industrial), A (Agricultural) and CC-200 (Community Commercial) to IG (General Industrial) 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.