

**PLANNING COMMISSION REPORT  
Regular Agenda – Public Hearing Item**

**ITEM NO. 4D: I-1, B-1, A & IG to IM; 59.0 ACRES; NORTH OF K-10 BETWEEN  
GREENWAY CIRCLE & E 1575 ROAD (SMS)**

**Z-12-00122:** Consider a request to rezone 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 (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 59.0 acres from I-1 (Limited Industrial), B-1 (Neighborhood Business), A (Agricultural) and IG (General Industrial) to IM (Medium 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**

- Former buffer area between Farmland Industries and Douglas County Fairgrounds property and mobile home park west of the fairgrounds access road.
- Majority of property does not have frontage on K-10 and sits behind the commercial properties along the frontage road.

### **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-12-00121] 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.
- 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**

- Email from Kate Dinneen regarding rezoning of A zoned property

**Project Summary:**

This property includes approximately 59 acres. The property has approximately 1227 feet of frontage along E 1575 Road which currently provides limited access to the fairgrounds property. The property also has approximately 350 feet of frontage along K-10/E 23<sup>rd</sup> Street and includes the proposed signalized intersection with O’Connell Road to the south. The request proposes to rezone the property to the IM (Medium 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 transition from west to east with lesser intense uses anticipated in the proposed IM District which borders the fairgrounds property and existing residential uses to the west.

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 civic uses to potentially accommodate expansion of the fairgrounds. The most recent fairgrounds master plan does not anticipate expansion here. Civic uses are permitted in the IM District and moderate uses are a suitable use adjacent to the residential and civic properties to the west.

**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-1 (Limited Industrial), B-1 (Neighborhood Business), A (Agricultural) [County Districts] and IG (General Industrial) District; vacant (southwestern portion of former Farmland Industries property) and portion of Westar electrical sub-station (to be relocated to the north).

Surrounding Zoning and Land Use: To the north:  
IG (General Industrial) District; automotive salvage and recycling.

To the south:  
CS (Commercial Strip), UR (Urban Reserve), RS10 (Single-Dwelling Residential) and CO (Commercial Office) Districts; existing commercial businesses and Knights of Columbus along frontage road and undeveloped property along south side of K-10/E 23<sup>rd</sup> Street.

To the east:  
I-4 (Heavy Industrial) [County District]; former Farmland Industries office building, portion of Westar electrical sub-station (to be relocated to the north) and vacant (southern portion of former Farmland Industries property).

To the west:  
GPI (General Public & Institutional) District and RS7 (Single-Dwelling Residential) District; Douglas County Fairgrounds and existing mobile home park.

**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 east. The properties to the south are commercially zoned properties along the highway frontage road. Property to the west includes the residentially zoned mobile home park and the GPI zoned county fairgrounds. Immediately to the north are industrially zoned auto salvage/recycling businesses.

## 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 buffer area to 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 civic uses to potentially accommodate expansion of the fairgrounds. The most recent fairgrounds master plan does not anticipate expansion here. Civic uses are permitted in the IM District and moderate uses are a suitable use adjacent to the residential and civic properties to the west.

**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 IM 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 Medium Industrial District provides a transition from the lesser intense uses to the west and the planned General Industrial uses to the east.

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

**Staff Finding** – The property is currently undeveloped except for a portion of the Westar substation that was constructed more than 50 years ago. The county zoning designations have been in place since 1966 when the County adopted zoning regulations. The IG portion was zoned M-3 (Intensive Industrial) when the Pyle Subdivision was approved in 1976 and converted to the IG District in 2006. That portion of the property was never developed.

**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 IM District provides a transition of moderate industrial uses on the western edge of the planned business park. 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 with a transition of uses between existing residential, civic and commercial uses to 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 20-216(a) the purpose of the IM District as follows:

*The IM, Medium Industrial District, is intended to accommodate moderate-impact industrial facilities and wholesale, storage and distribution operations.*

This majority of this portion of the former Farmland Industries property does not have highway frontage or visibility since it is located north of the commercial properties along the frontage road and adjacent to the fairgrounds access road. Most of this property will have internal access from the new business park streets and will provide a transition between the residential and fairground uses to the west and the anticipated general industrial uses 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 59.0 acres from I-1 (Limited Industrial), B-1 (Neighborhood Business), A (Agricultural) and IG (General Industrial) to IM (Medium 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.