

PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report
6/24/13

ITEM NO. 2A: PID TO IG; 46 ACRES; E 25TH ST & FRANKLIN PARK CIR (MKM)

Z-13-00145: Consider a request to rezone approximately 46 acres located south of the intersection of E 25th Street & Franklin Park Circle from PID (Planned Industrial Development) District to IG (General Industrial) District. Submitted by Bartlett & West, for Douglas County Board of Commissioners, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 46 acres from PID-Franklin Park (Planned Industrial Development) District 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

"To conform to the land use for the proposed public works facility and to adhere to the suggested use in the Southeast Area Plan."

KEY POINTS

- The subject property consists of 3 separate parcels which were included in the Franklin Park Planned Industrial Development and the vacated right-of-way for Franklin Circle as shown in Figure 1.
- Rezoning to the IG District has been requested to permit development of the Douglas County Public Works Facility.

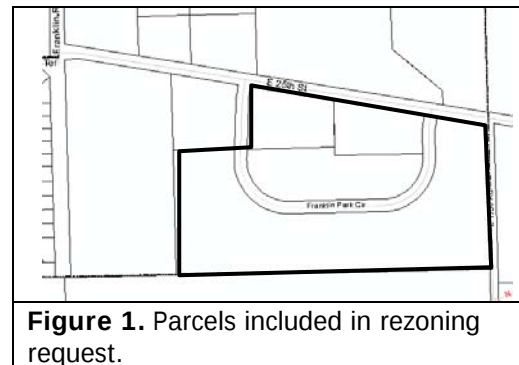


Figure 1. Parcels included in rezoning request.

ATTACHMENTS

A: Permitted uses for PID-Franklin Circle

B: Proposed rezoning exhibit

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

The area is on the urban/rural interface on the east side of Lawrence. The subject of the rezoning request is within the city limits but is adjacent to property in the unincorporated portion of the County on the south and east sides (Figure 3). The area is industrial in nature and has been developed with the County Jail, the Lawrence Community Shelter, a tow-lot, and concrete and asphalt plants.

CONFORMANCE WITH *HORIZON 2020*

The proposed rezoning request from the PID-Franklin Park (Planned Industrial Development) District to the IG (General Industrial) District is consistent with land use recommendations found in *Horizon 2020*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases:

- PP-13-00144: Douglas County Public Works Addition Preliminary Plat; a one-lot subdivision of approximately 46 acres. This plat is also on the Planning Commission's June agenda for consideration.
- SP-13-00206; Site Plan for Douglas County Public Works Facility including administrative offices, vehicle maintenance and storage, and yard with exterior storage.

Other Action Required:

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Planning Commission approval of preliminary plat.
- Submittal of a final plat for administrative review and placement on the City Commission agenda for acceptance of dedications.
- Recording of final plat.
- Administrative approval of site plan for proposed development.
- Application and release of building permit prior to development.

PUBLIC COMMENT

- No public comment was received prior to the printing of this staff report.

Project Summary

The request proposes to rezone approximately 46 acres from the PID-Franklin Park (Planned Industrial Development) District to the IG (General Industrial) District to accommodate the Douglas County Public Works Facility. The use is a permitted use in both the PID and IG Districts. The property owner elected to rezone to the IG District which is a current base zoning district within which development can occur with approval of a site plan. The PID-Franklin Park District is a special purpose base district which was established with the adoption of the 2006 Development Code for those properties which had been rezoned to a planned development district prior to the adoption of the Code. Development in the PID Districts must comply with the standards in the 1966 Zoning Ordinance.

The property consists of 1 platted lot and 2 unplatted parcels and the road right-of-way for Franklin Park Circle. The right-of-way within the boundaries of this plat is being vacated and the lot and 2 parcels are being combined into one lot with the platting of the property. Platting the land into one lot will allow the Public Works Facility use to occur throughout the property. The uses being proposed include shops for public work's vehicles and equipment, offices, storage area for county vehicles, and storage of materials: *Light Equipment Repair Heavy Equipment Repair, Fleet Storage, Administrative and Professional Office, Exterior Storage.*

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The proposed Douglas County Public Works facility and associated land use fits appropriately within the suggested guidelines set forth in Horizon 2020 as well as the more recent Southeast Area Plan."

Chapter 10 of *Horizon 2020*, Community Facilities, notes that the Public Works Department will be improving and upgrading existing facilities. (Page 10-9) The locational criteria on Page 10-17 for utilities would apply to this development as the industrial aspects of the development are similar in nature to a utility use. The criteria include:

- a) *Choose locations and design sites in a manner which minimizes the impact on adjacent properties,*
- b) *Ensure that new public sites and buildings are well-designed to enhance the appearance and image of the city and unincorporated Douglas County, and*
- c) *Public uses that are potential nuisances should be buffered by screening, distance, and/or landscaping.*

The site is within an area that is planned for industrial uses; therefore it is a suitable location. The design of the site will be addressed during the site planning process and will include bufferyard landscaping to buffer the facility from adjacent areas that are not planned for industrial type uses.

The area has been planned through the *Southeast Area Plan*. The Future Land Use Map for this area (page 3-2, *Southeast Area Plan*) designates this area for industrial use. (Figure 2)

Staff Finding – The proposed rezoning request conforms with *Horizon 2020* policies related to Community Facilities and to the future land use recommendations in the *Southeast Area Plan*.



Figure 2. Detail of *Southeast Area Plan* Future Land Use Map.

Purple—Industrial Uses;
Green—Park/Open space.
Brown—High Density Residential
Blue—Public/Institutional
Red—Neighborhood Commercial
Yellow—Low Density Residential
Subject property outlined.

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

Current Zoning and Land Use: PID-Franklin Park (Planned Industrial Development) District; undeveloped with exception of a 4 acre lot which contains the Hillcrest Wrecker and Garage, *Light Equipment Sales and Services* and *Storage of Inoperable Vehicles*.

Surrounding Zoning and Land Use: To the north:

One lot in the Franklin Park PID will retain its PID zoning. This lot is developed with the Lawrence Community Shelter, a *Temporary Shelter*.

Property north of E 25th Street is zoned PID-LRM Industries (Planned Industrial Development); Asphalt facility and concrete plant, *General Industrial*.

To the west:

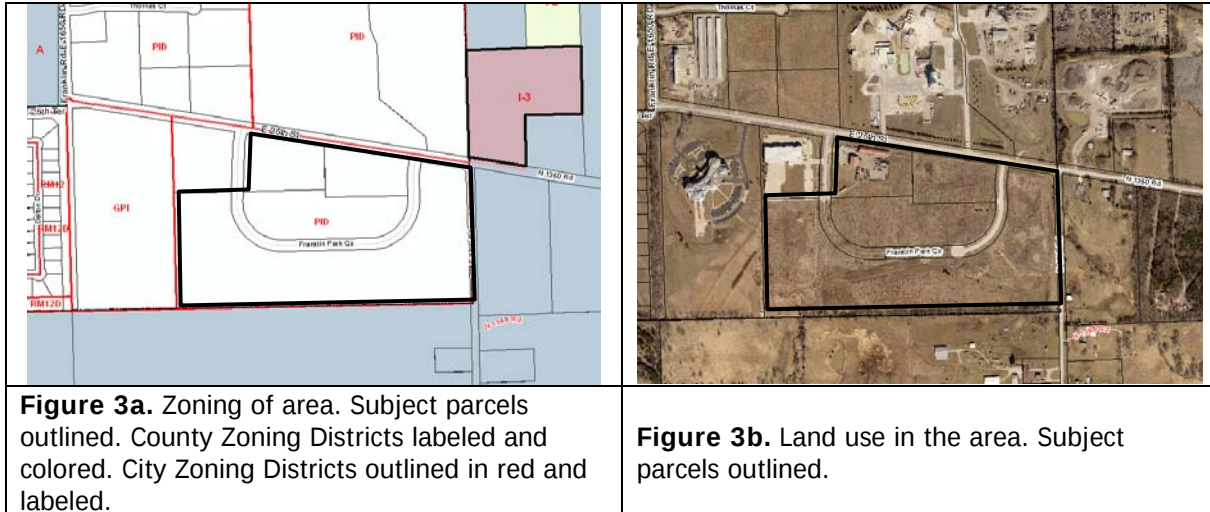
GPI (General Public and Institutional Use) District;

Douglas County Sherriff's Office and Douglas County Jail; *Public Safety and Detention Facility.*

To the south and east:

A (County-Agricultural) District; Agriculture and rural residential.

(Figure 3)



Staff Finding – There are a mix of land uses in the area with the predominate uses being industrial and agricultural. Other uses include community facilities (temporary shelter and jail), and rural residential. The zonings in the area consist of Planned Industrial Developments and County-Industrial, Agricultural and General Public and Institutional Use Districts.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"The existing neighbors surrounding this property are industrial tenants to the north, vacant ground to the east, a large existing farm to the south, and the existing Douglas County Jail along the west. The new homeless shelter is also located near the northwest side of the described property."

The property is located on the east edge of the city. It is bordered by city property on the north and west and by property outside the city limits on the south and east. Nearby property outside the City limits is zoned A (Agricultural) and agriculture and rural residences are the principal land uses. A 38 acre future park and a sanitary sewer pump station are located about ¼ mile south on E 1700 Road.

Nearby property within the City limits to the northwest is zoned PID-Mt Blue and is partially developed with 2 mini-storage facilities. Industrial uses, a concrete and asphalt plant, are located to the north in the PID-LRM Industries zoning district. A general retail store (Tractor Supply) is located west of these industrial uses. The remainder of the area west to O'Connell Road is zoned for residential and commercial development with the following zoning designations: RM12D, RM12, RS7 (Single-Dwelling Residential), and CC200 (Community Commercial Center) Districts. These areas have not yet been developed.

The area is characterized by agricultural and industrial uses as well as community facilities, such as the jail and the temporary shelter. Property to the west of Franklin Road has been zoned and platted for multi-dwelling residential development; but has not yet developed. The area is in close proximity to E 23rd Street, a principal arterial which becomes Hwy K-10 and has good access to the major transportation network.

Staff Finding – The area has a mix of uses, with industrial, agricultural, and community facilities being the predominate uses. Residential uses are planned in the area but have not yet developed. The area is in close proximity to, and has good access to the major transportation network.

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

The subject property is located within the planning area in the *Southeast Area Plan*. The land use recommendations in this plan identify this area for industrial uses.

Staff Finding: The rezoning request to the IG (General Industrial) District is compliant with the recommendations in the adopted area plan.

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

Applicant's Response:

"The proposed rezoning is in clear compliance with any land use restrictions or guidelines that could happen inside the zoning district. The granting of this rezoning application in no way opposes the general spirit of the Zoning Ordinance, Subdivision Regulations, or City of Lawrence Land Development Code."

The property is currently zoned PID-Franklin Park (Planned Industrial Development) District. The PID Districts permit uses listed in Use Groups 7, 8, 9, 9A, 10, 17, 18, 13, 14, 19, 20. (These are use groups in the 1966 Zoning Regulations.) The PID-Franklin Park District had restrictions placed on the permitted uses with the rezoning, Z-4-18-96, in 1996. Attachment A shows the uses which are permitted in the PID-Franklin Park District. Table 1 lists the uses which are permitted in the IG District. To assist in the comparison of the two districts, uses which were not specifically listed in the PID-Franklin Park use groups are shown in red italics. Some of the differences in permitted uses may be attributed to changing conditions. Uses such as Public Safety, Social Service Agency and Temporary Shelter, were not included as uses in any Use Group in the pre-2006 Code.

A comparison of the permitted uses in the PID-Franklin Circle and the IG Districts shows that while some uses in the IG District were not included in the PID-Franklin Circle District, the IG District permits fewer uses than the PID. Non-industrial uses such as child care home, museum, community building, church, health center, hospital, library, nursing home, sanitarium, grade school and high school, live theater, funeral home, automotive sales, amusement park, sexually oriented theater, and home improvement center are not permitted in the IG District but are permitted in the PID-Franklin Park District.

Table 1. Uses permitted in IG District, (uses not specifically identified in the 1966 Code in the PID District shown in *red italics*.

Permitted by right	Permitted with Special Use Permit
Household Living	
<i>Mobile home</i>	
Community Facilities	
College/University	<i>Detention Facility (SUP)</i>
Day Care Center	<i>Community Meal Program (SUP)</i>
Postal & Parcel Service	Active Recreation (SUP)
<i>Public Safety</i>	<i>Temporary Shelter (SUP)</i>
<i>Social Service Agency</i>	
Utilities Minor	
Utilities Major	
Recreational Facilities	
Passive Recreation	
Nature Preserve/Undeveloped	
Animal Services	
Kennel	
Livestock Sale	
Office	
Administrative and Professional	
Other	
Parking Facilities	
Accessory (permitted as accessory use)	
Commercial	
Retail Sales & Service	
Building maintenance	
Business Support	
Construction Sales and Services	
Vehicle Sales & Service	
Cleaning (Car Wash)	Truck Stop
Fleet Storage	
<i>Gas and Fuel Sales</i>	
Heavy Equipment Repair	
Heavy Equipment Sales/Rental	
Inoperable Vehicles Storage	
Light Equipment Repair	
<i>RV and Boats Storage</i>	
Industrial Facilities	
<i>Explosive Storage</i>	<i>Scrap and Salvage Operation</i>
Industrial, General	
Industrial, Intensive	
Laundry Service	
Manufacturing & Production, Ltd.	
Manufacturing &U Production, Tech.	
Research Service	
Wholesale Storage & Distribution	
Exterior Storage (accessory)	
Heavy	
Light	
Min-Warehouse	
Adaptive Reuse	
	Designated Historic Property

Permitted by right	Permitted with Special Use Permit
Agriculture	
Agricultural Sales	
<i>Agriculture, Crop</i>	
Communication Facilities	
Amateur & Receive Only Antennas (accessory)	Telecommunications Tower
Broadcasting Tower	
Communications Service Establishment	
Telecommunication Antenna (accessory)	
Satellite Dish (accessory)	
Mining	
	Mining
Recycling Facilities	
Large Collection	
Small Collection	
Processing	

The property remains suitable for the uses to which it is restricted. The rezoning to the IG District will place additional restrictions on the permitted uses to those which are more industrial in nature. There are some community facilities such as temporary shelter and community meal program that are added with the IG District; however, these specific uses were not individually listed in the pre-2006 Code but simply fell into the 'community facilities' category.

Staff Finding – The property is suitable for the uses to which it is restricted with the current PID zoning; however, the developed plan approved did not contemplate a single large user, such as the proposed Public Works facility. The property is also well suited to the uses to which it will be restricted with the IG Zoning.

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

Applicant's response:

"It was originally zoned PID as a part of the Franklin Park Industrial Development in the late 90's and has remained primarily vacant until the present time"

Staff Finding – The property has not been developed since being rezoned to PID, with the exception of a 4 acre lot which has been developed with a tow company use.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's response:

"The proposed use for a public works facility conforms appropriately with current and future land use goals laid out by the City of Lawrence. We believe the approval of this rezoning request will in no way detrimentally affect nearby properties or their associated business operations."

As discussed in an earlier section, the rezoning to the IG will place additional restrictions on the uses that are permitted on this property. The proposed development is permitted in both the PID and the IG District. Rezoning to a base district will allow the property to be developed with site planning, rather than requirement of a preliminary and final development plan. The planned developments typically included multiple users and were intended to provide additional buffering elements and design flexibility to ensure compatible

development. The 2006 Development Code contains buffering requirements and Industrial Design Guidelines have been adopted. These provisions will ensure compatible development without the need for a planned development.

Staff Finding –

The rezoning to the IG District should not detrimentally affect nearby properties as the IG District has a more restrictive list of permitted uses. Design standards in the Development Code and the Industrial Design Guidelines will insure compatible development with adjacent 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

Applicant's Response:

"This is a unique situation and opportunity for the applicant to ensure adequate zoning and property use of the vacant existing property while offering a potential service benefit for City of Lawrence citizens who use and visit Douglas County Public Works facilities. The individual hardship being imposed on the property owner with denial of this application would be that fulfillment of any rehabilitation use to maximize the potential of the property into a new public asset for Douglas County and the City of Lawrence would be eliminated without the proper zoning required to develop this property."

Evaluation of these criteria includes weighing the benefits to the public versus the benefits of 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.

There would be no public benefit to the denial of this application. The use is a permitted use in the PID-Franklin Park District. The Planned Development zoning was intended to provide greater design flexibility and included buffer requirements to insure compatible development. As these measures have been included in the Development Code for base zoning districts and Industrial Design Guidelines have been adopted, compatible development can be achieved without the need for a planned development.

If the rezoning were denied, a preliminary development plan would need to be submitted for approval by the Planning and City Commission. The PID-Franklin Park District is a special purpose district for those planned developments which were rezoned prior to the adoption of the 2006 Code. These are permitted to continue, but development must adhere to the standards in the pre-2006 Code. Rezoning to a current base district, will allow this property to be developed to current standards.

Staff Finding – There would be no gain to the public in the denial of this application. Denial of the rezoning would require the property to be developed as a Planned Development subject to the standards of the pre-2006 Code. Approval would allow the property to be developed to current standards. The Development Code and Industrial Guidelines provide adequate provisions to insure compatible development.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed location for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The rezoning request is compliant with recommendations in *Horizon 2020* and *the Southeast Area Plan*. Staff recommends approval of the rezoning request for approximately 46 acres from PID-Franklin Park (Planned Industrial Development) District 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.