

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

PC Staff Report
01/26/2015

ITEM NO. 2 SPECIAL USE PERMIT FOR 512 E 9th STREET (SLD)

SUP-14-00509: Consider a Special Use Permit for Lawrence Creates, a multi-use facility that includes the following: Personal Improvement and Limited Manufacturing and Production uses, located at 512 E 9th. Submitted by Lawrence Creates Inc., for Hill Family Investments LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of SUP-14-00509 Lawrence Creates, a multi-use facility that includes the following: Personal Improvement and Limited Manufacturing and Production uses, located at 512 E 9th based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Execution of a Site Plan Performance Agreement.
2. Provision of a revised site plan to include a note that states:
 - a. *“Exterior storage of materials, equipment or products is prohibited. Exterior fabrication of products is prohibited.”*
 - b. *“Doors shall remain closed when fabricating in working shop area.”*

Applicant’s Reason for Request: *“The Lawrence Creates Makerspace involves a different use than is currently permitted.”*

KEY POINTS

- The proposed use is located in an existing building.
- There are no exterior changes to the building or site other than parking lot striping.
- Lawrence Creates accommodates multiple uses in one facility.
- The Sub is required for the Limited Manufacturing and Production Use in the CS District.

ASSOCIATED CASES

- SP-23-12-70; Wilson Glass Company addition of warehouse building including 820 SF of office and 3,600 SF of warehouse space.
- SP-7-73-88; Phillip’s Confections
- SP-3-17-98; Off-Street Parking summary for uses.
- DR-14-00473; Design Review for Culinaria
- SP-14-00402; Change of use for the establishment of nightclub in a multi-tenant building located at 512 E. 9th Street, Culinaria Catering to include a new dining area

OTHER ACTION REQUIRED

- City Commission approval and publication of a Special Use Permit ordinance per Section 20-1306(j).

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Request for more information from Arch Narramore.

GENERAL INFORMATION	
Current Zoning and Land Use:	CS (Commercial Strip) District; existing commercial development with three separate buildings and surface parking lot.

Surrounding Zoning and Land Use:	RM24 (Multi-Dwelling Residential) District to the north and west, existing residential uses. RS7 (Single-dwelling Residential) District to the southwest. Existing religious institution. GPI (General Public and Institutional) District to the south; existing New York Elementary School. CS (Commercial Strip) District to the east and southeast. Existing office warehouse buildings.
Legal Description:	Lots 41, 43, 45 and 47 New Jersey Street

Summary of Special Use Request

The proposed request is for a change of use to an existing building to facilitate the current operation of "Lawrence Creates". This use includes a combination of multiple primary uses that are allowed in the base zoning district or are allowed with a Special Use Permit.

Lawrence Creates operates from an existing building located at 512 E. 9th Street. This property includes three buildings with multiple primary uses. A recent site plan has been approved for one of the buildings for a change of use, for a business known as Culinaria, SP-14-00402. "Lawrence Creates Makerspace" is located in the building referred to as "The Warehouse Building" situated at the north end of the property. Lawrence Creates includes the following individual uses:

1. Personal Improvement and
2. Limited Manufacturing and Production uses

Personal Improvement uses include instructional classes as well as space for fine arts studios associated with Lawrence Creates activities. *Personal Improvement* is a use group allowed in all commercial districts "by-right" subject only to site plan approval. *Limited Manufacturing and Production* uses are allowed in the CS district subject to a Special Use Permit. This use has been operating at this location since June 2013. A review of uses and proposed improvements to the building for Culinaria resulted in an assessment of all uses on the site. It was determined that a Special Use Permit and building permit to change the building's use would be required for "Lawrence Creates Makerspace". The applicant and the property owner have been working with City Staff to address all compliance issues for this site.

Lawrence Creates includes multiple areas that provide space for developing products and works of art as well as space for hobbyists and inventors. They provide a workshop with woodworking tools, hand tools, glass studio, large format prints, design studio space, training, exhibition, performance and practice spaces, and similar areas and uses within the building.

The Planning Commission has initiated a text amendment to consider defining "makerspace uses" and determining the appropriate zoning category and applicable design standards for such a use. At this time, a separate use definition for a "makerspace" is not included in the Development Code and staff has determined that the makerspace type uses are contained in the Limited Manufacturing and Production use. A future text amendment, TA-14-00535, will be forwarded to the Planning Commission for consideration at a future meeting.

Review and Decision-Making Criteria (20-1306(i))

1. WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE

Applicant's Response: *"Yes, this proposed use is compliant with the development regulations of the City of Lawrence."*

Some individual uses included in the "Lawrence Creates Makerspace" are allowed in the CS district subject to site plan approval. Other elements associated with the use are allowed in the CS district with a Special Use Permit. The applicant has been working with the city's Development Services Staff to address building code requirements separate from the applicable zoning regulations.

This application, for a Special Use Permit for the *Limited Manufacturing and Production* elements of the "Lawrence Creates Makerspace" operation, is intended to address the requirements of the Development Code. There are no applicable use standards (Article 5) that are related to either the Limited Manufacturing and Production use or the Personal Improvement use associated with this operation.

The activity associated with this use is located indoors. The building includes overhead doors that can be opened to accommodate delivery of materials as needed or to extend activity space during warm weather or during special events. This use does not include any exterior storage of materials.

Staff Finding – With approval of the Special Use permit, the proposed use complies with the provisions and design standards of the Land Development Code.

2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

Applicant's Response: *"Yes, the proposed use is compatible with the neighborhood. The Lawrence Creates Makerspace will not generate significant externalities such as noise, dust, light, or traffic generation on the adjacent properties or the neighborhood."*

The construction of the warehouse occurred in the late 1960's. An addition to the warehouse building was completed in 1970 for the Wilson Glass Company. Previous uses included a video production studio and printing facility. The warehouse building has a historical context within this neighborhood and along the E. 9th Street corridor. The location and orientation of the building on the site focuses the activity to the E. 9th Street side of the building, away from the residential uses to the north. Alley access serves both the commercial and residential uses in that immediate area.

"Lawrence Creates Makerspace" is located within a building located at the north end of a commercial property. Two commercial buildings are located to the south of "Lawrence Creates Makerspace" on the same parcel. The property abuts residential uses to the north and west. The residential uses to the west are separated by an alley. This alley provides service access to the residences and circulation to the commercial parking lot to the east. The alley also provides access to the west overhead door of the warehouse building. Uses to the south include a church and an elementary school. Other industrial/warehouse uses are located to the east and southeast, on the east side of New Jersey Street, along E. 9th Street.

The overhead door that opens to the alley (west side of building) provides direct access to the woodshop area of the building. Work in this space can include typical electrically powered tools such as saws, drills, nail guns and other times that can become a nuisance to the abutting residents to the west and north as a result of the noise. Staff recommends that overhead doors should not be open when the woodshop is in operation.

The applicant has stated that activity on the site is generally very low for this use. They have not reported an issue with parking. City Staff has not received complaints about off-street parking as a neighborhood problem. This use can be associated with higher activity levels during large group meetings, exhibits, and events.

The operating characteristics of all of these uses, in this area, are unique. Some of these use characteristics are symbiotic allowing for "off-site parking" for the commercial uses when the industrial/warehouse uses are not active. An example of this symbiotic relationship of use is off-site parking provided on the property to the east (602 E. 9th Street, Patchen Electric and Industrial Supply, Inc.) for the commercial uses, particularly Culinaria located at 512 E. 9th Street. This relationship is formalized through a shared parking agreement and site plan. Another example of this relationship occurs between the church and school to the south. Parking on the school property is provided for church services when school is not in session.

Also, schools often have events in the evening hours including parent teacher conferences, school meetings, performances and similar activities. The proposed use that encompasses Lawrence Creates is anticipated to operate in a similar fashion to other non-residential uses in the immediate area.

Exterior storage of materials or outdoor work such as fabrication is not recommended for this use at this location and should be noted on the plan as prohibited.

Staff Finding – As conditioned, this proposed use is compatible with the existing uses in the neighborhood.

3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED

Applicant's Response: *"No, recent improvements, including painting and a solar awning, have converted a rather plain industrial building into a neighborhood asset."*

The city is engaged in efforts along the E. 9th Street Corridor to encourage new investment. This application represents an ongoing investment in private property along the corridor. There are no exterior physical changes to the building or site, other than parking lot striping. The use will not extend beyond the physical boundaries of the site, consistent with the current configuration. There is no encroachment of the use on the abutting residential and non-residential uses surrounding this site.

Residential property owners often consider or perceive dissimilar uses as a potential threat to property values. The 9th Street Corridor project includes in the grant application the following statement: *"Over 300 artists work in studios along the corridor and are read to integrate their work into community spaces."*¹ Staff was not able to confirm the number or location of artist

¹ Reference to uses in the area is located in the document on line at <http://www.lawrenceks.org/assets/documents/9th-st-corridor/9th-st-RFQ.pdf>

studio's within the corridor. However, the presence of related artistic/fabrication uses in immediate area may find higher tolerance for similar use thus would not perceive this use as an impact to diminution of property value.

The potential for impact to the residents in the immediate area could arise if the applicant's use expands beyond the limits of the building and/or the applicant attempts to use exterior area for storage of supplies, materials and equipment. Limiting the use to indoors is anticipated to prevent this condition.

Staff Finding – As conditioned no diminution in value of other property in the neighborhood is anticipated.

4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT

This property will be served by existing municipal water and sanitary sewer. No improvements are required for this change of use. Access points to the property exist on New Jersey Street and E. 9th Street. This property is within the E. 9th Street Corridor planning area.

Access changes along E. 9th Street or infrastructure improvements along the E. 9th Street Corridor, and thus this property, may be recommended in the future as part of the "ArtPlace Grant."

Staff Finding – Adequate public facilities and transportation access exist for this development. This request is for a change of use to an existing developed property. The use is currently operating. The proposed use does not preclude the ability to service the existing uses in respect to public safety, transportation, and utilities.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

This property is developed with multiple buildings, mixed uses and shared parking. The property is under single ownership. There are no maintenance agreements associated with common areas and access drives between buildings. There is no phasing to development associated with this application.

Staff Finding – Adequate assurances of continuing maintenance will be address with the site plan performance agreement.

6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT

Applicant's Response: *"No, the CO2 footprint of the building has dropped, due to the addition of solar panels, and the surrounding natural environment will not be harmed by this use."*

The property is located within an existing urban area. The site is developed with buildings and pavement. Only a small area of the property is pervious. There are no existing natural elements such as mature trees or floodplain that are affected by the change of use represented in this application.

Staff Finding – The proposed use will not cause significant adverse impacts on the natural environment.

7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO WHAT THAT TIME PERIOD SHOULD BE.

This application represents a change of use for this site. The requirement for a Special Use Permit is specific to the portion of activity associated with the *Limited Manufacturing and Production* activities of this site. The base zoning of the site is CS (Commercial Strip) District. This district allows a wide variety of intensive commercial uses. The *Limited Manufacturing and Production* activities are associated with developing “prototypical” products rather than mass production, on a limited scale.

It is possible that this use could grow over time and need more space than the current site can accommodate. It would be anticipated that the use would then relocate to another suitable place. Conversely, this use could be self-limited by the available space with no future need to expand. If and when individual business are developed from association with this use, the newly created business would then relocate to an appropriate place.

The Development Code, Section 20-1305 (I), includes a process to revoke an approved Special Use Permit. Other than non-compliance with the scope or conditions of approval reasons for revocation could include nuisance complaints from adjacent property owners or some future incompatibility with the neighborhood. This provision provides an opportunity to monitor the use as needed.

Staff Finding – Staff does not recommend a time limit on the Special Use Permit.

STAFF REVIEW

A. Site Summary

The following table summarizes the site surface summary. A majority of the property is developed with buildings and parking lot areas.

SITE SUMMARY		
	Existing	Proposed
Land Use:	Mixed Use	Mixed Use
Land Area:	.541 AC	.541 AC
(sq ft)	23,591	23,591
Total Building Calculated per GIS	10,191	10,191
Total Pavement (est)	11,523	11,523
Total Impervious Area (sq ft):	21,714	21,714
% Impervious	92%	92%
Total Pervious Area (sq ft):	1,877	1,877

B. Access and Parking

Vehicular access to this site is provided from E. 9th Street and New Jersey Street. Both existing driveways do not meet current design standards for the turning radii at the curb lines. Future site improvements will need to address appropriate design.

Additionally, this property is located along the future 9th Street Arts Corridor. As street improvements are made within the corridor, the existing parking spaces located in the 9th Street right-of-way may be altered. This may reduce the parking for this site.

On-site Parking:

This project includes surface parking only. The parking spaces are arranged to accommodate the number of parking spaces required by code. This use is located on property that includes two additional buildings and multiple primary uses. A detailed discussion of parking is included in SP-14-00402. "Lawrence Creates Makerspace" requires 19 off-street parking spaces. All uses on the property require 41 off-street parking spaces. The site as designed provides 17 spaces on site and 4 spaces located in the right-of-way along E. 9th Street (21 total spaces). The property owner has executed an agreement with another property located to the east for off-site parking through a shared parking agreement. The off-street parking requirements are met for this property.

C. Design Standards

This application represents a change of use and to specifically allow for Limited Manufacturing and Production uses associated with Lawrence Creates. A design review has been assigned to the building permit, DR-14-00473 as it related to the Culnaria application and related building changes. No changes to the warehouse building exterior are proposed with this application. A previous review for the building was completed in July 2014 for the addition of the solar panel addition, DR-14-00260.

Site changes include restriping the parking lot and marking and signing accessible parking spaces.

Conclusion

Section 20-402 of the Land Development Code requires a Special Use Permit for the Limited Manufacturing and Production use in the CS district.

A related issue to this application is a text amendment for incubator space for business/entrepreneurial collaboration and prototyping. The Lawrence Creates operation focuses on visual arts with support provided through a membership framework. Other similar uses may have a different focus such as small business center with space for product development. These types of uses can be found in both public sector (in public libraries or museums) or the private sector such as this application represents. The text amendment will be considered at a future Planning Commission Meeting.