

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
08/24/2015

ITEM NO. 4A CN2 TO CS; 4.87 ACRES; 2100 W 25TH ST & 2435 IOWA ST (SLD)

Z-15-00329: Consider a request to rezone approximately 4.87 acres from CN2 (Neighborhood Commercial Center) District to CS (Commercial Strip) District, located at 2100 W 25th St & 2435 Iowa St. Submitted by Landplan Engineering, for Holiday Lawrence LLC and 2435 Iowa Partners LLC, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 4.87 Acres, from CN2 (Neighborhood Commercial) District to CS (Commercial Strip) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *Current Zoning does not support all the retail center has to offer at this time. The surrounding zoning is CS.*

KEY POINTS

- Request includes multiple parcels and developed property.
- 2100 W. 25th Street is an existing strip commercial building with a mix of uses.
- 2435 Iowa Street is an existing building that includes a development request for redevelopment that includes demolition of the existing improvements in preparation for construction of a fast order food with a drive-thru.
- The current zoning does not allow a drive-thru use without a Special Use Permit.

ASSOCIATED CASES/OTHER ACTION REQUIRED

2435 Iowa Street

- SP-3-6-79; site plan for bank use
- SP-15-00350; site plan for demolition and redevelopment for fast order food with drive-thru. (In Process)

2100 W. 25th Street/2449 Iowa Street – Holiday Plaza Development

- SP-12-50-76; south building
- SP-11-64-77; north building
- SP-8-55-95; parking lot striping plan

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not applicable to residential request

ATTACHMENTS

1. Zoning Exhibit
2. Nonresidential Use Table
3. Regional Commercial Center Map
4. Commercial Zoning Pattern exhibit.
5. Existing Use Table for 2100 W. 25th Street

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

1. Property owner 2200 W. 25th Street requesting additional information
2. Tenant of existing commercial building requesting additional information.

Project Summary:

Proposed request is for multiple properties that are developed with commercial uses. The property is located along a designated commercial corridor. This application includes property located at 2435 Iowa Street and property located at 2100 W. 25th Street. The property at 2435 Iowa Street also includes an application for a site plan for the redevelopment of the property for a fast order food use with a drive through. There are no current development applications other than this zoning for the property at 2100 W. 25th Street.



1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Map 3-2 Lawrence Future Land Use of Horizon 2020 this area is shown on this map up and down Iowa Street to be commercial.*

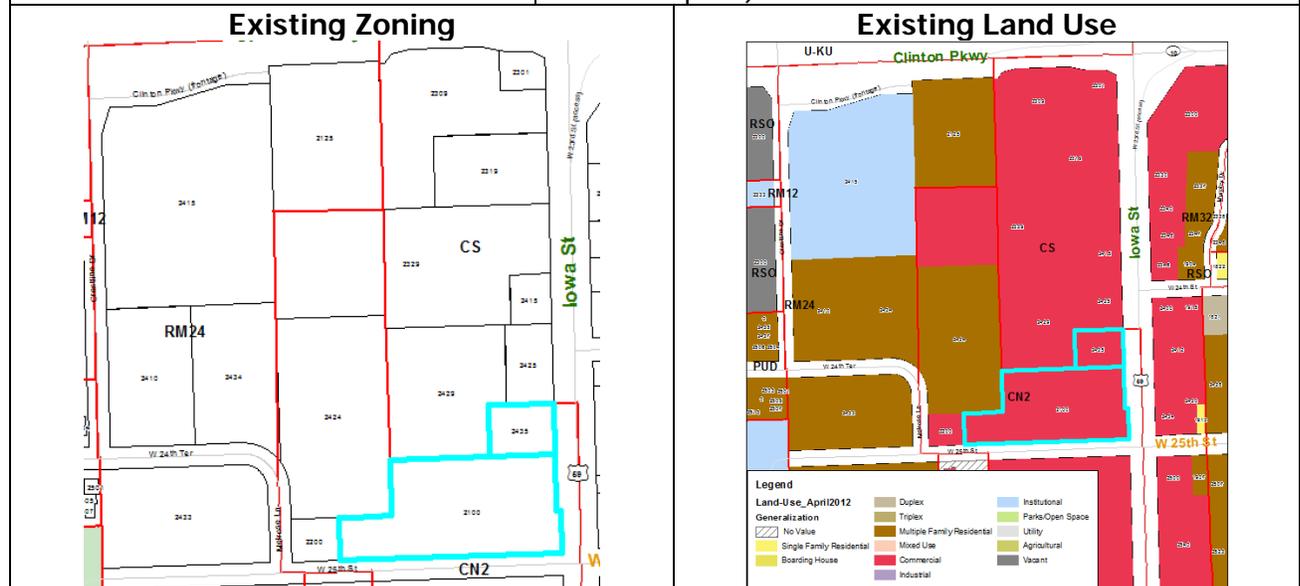
This property is located along and within the S. Iowa commercial corridor. *Horizon 2020* identifies S. Iowa Street between 23rd Street and the South Lawrence Trafficway as an existing commercial center within Lawrence. This corridor is described as an existing "strip commercial" development area. S. Iowa Street is a designated Regional Commercial Center. The total corridor includes CN2, CS, PCD, PRD, CR, and CR-FP zoning districts. A map of the S. Iowa Street commercial corridor is attached to this report.

The Plan states: *"development and redevelopment along the Iowa Street segment shall emphasize consolidated access, frontage roads, coordinated site planning and design, and high quality development."* This property includes shared access with the adjacent commercial development (zoned CS). Rezoning the property to the CS zoning similar to the adjacent property to the west and south may facilitate redevelopment of the property in the future by providing a more flexible and therefore more desirable zoning district. The proposed rezoning is more reflective of the existing development pattern and description of the area.

Staff Finding – The proposed request is consistent with *Horizon 2020*.

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

Current Zoning and Land Use:	CN2 (Neighborhood Commercial) District. Existing commercial development.
Surrounding Zoning and Land Use:	
To the north:	CS (Strip Commercial) District. Existing commercial development including strip commercial buildings with multiple tenants. CN2 (Neighborhood Commercial) District. Existing multi-dwelling development.
To the east: east side of Iowa Street between 24 th Place and 25 th Street.	CS (Strip Commercial) District. Existing detached commercial buildings.
To the south: south side of 25 th Street at 2525 W. 25 th Street	CN2 (Neighborhood Commercial) District. Existing strip commercial building with multiple tenants. This property is also proposed to be rezoned to CS (Strip Commercial) District (Z-15-00330).
To the West: north side of 25 th Street.	CN2 (Neighborhood Commercial) District. Existing office and multi-dwelling uses at 2200 W. 25 th Street and 2424 Melrose Lane west of 2100 W. 25 th Street (part of this request). CS (Strip Commercial) District. Existing commercial building at 2429 Iowa, west of 2435 Iowa Street (part of this request).



The commercial area between Clinton Parkway and W. 25th Street includes interconnected parking lots and access aisles that allow multiple commercial properties including the properties included in this request to function as a single commercial center. Attached to this report is an exhibit that shows the interior circulation.

Staff Finding – The area is generally surrounded with commercial uses with the exception of the existing Multi-dwelling uses located to the rear (east of the property).

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *This lot is adjacent to CS commercial zoned land to the north and east. The area to the west zoned CN but is used for apartments. The area to the south is zoned CN but is also being requested to be rezoned to CS to match the CS zoning to the south.*

A review of the neighborhood map for the City of Lawrence shows a wide corridor along S. Iowa Street that is not within a boundary of any specific neighborhood. The corridor functions as type of "commercial neighborhood". There are a variety of uses located along the corridor that include "strip" buildings with multiple tenants also called in-line buildings and free standing commercial buildings or pad sites.

The overall commercial corridor is narrower north of 27th Street compared to the portion south of 27th Street. Additionally, the commercial zoning on the west side of Iowa Street is deeper compared to the area along the east side, again, north of 27th Street. The existing development pattern along the outside edges of the corridor limit further expansion of commercial uses into the adjoining neighborhoods to the east and west.

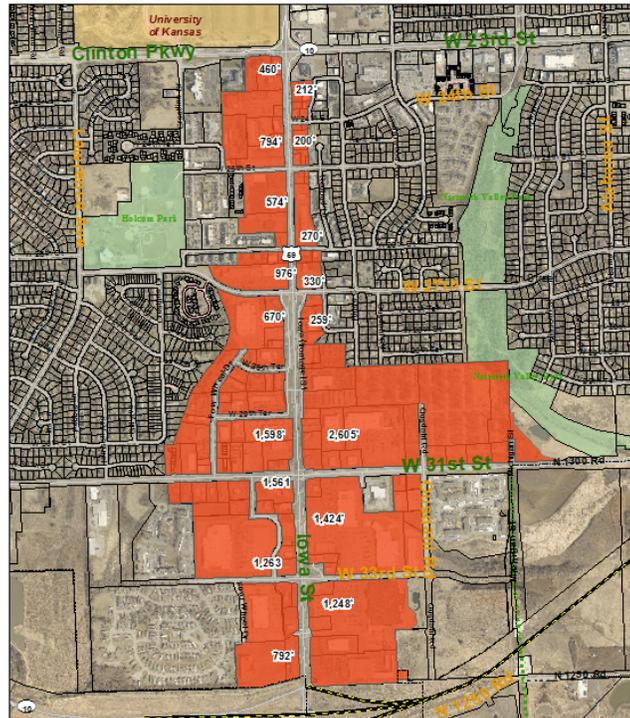


Figure 1: Iowa Street Commercial Corridor

This commercial area has direct access connectivity with the existing commercial properties to the north between Clinton Parkway and W. 25th Street. The majority of the area is zoned CS. The remaining parcels that are zoned CN2 includes an office building at 2200 W. 25th Street and an apartment complex located at 2424 Melrose Lane. Neither of these two properties have a direct vehicular connection to the commercial corridor along Iowa Street.

Staff Finding – The proposed request is consistent with the established neighborhood character of the S. Iowa Street Corridor and the adjacent commercial development to the north.

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

The Land Development Code identifies multiple Major Transportation Corridor Overlay districts. Iowa Street is one such corridor. However, the boundaries and development standards have not been established. Generally these details are adopted following a corridor study of a particular district. Section 20-307(a) provides a general purpose statement applicable to all overlay districts as follows:

*The TC, Major Transportation Corridor **Overlay District**, is intended to protect properties adjacent to the transportation corridors from the noise, activity, light and dust of vehicular traffic by requiring **Building setbacks** and **Landscaping** along the corridors.*

Staff Finding – There are no additional neighborhood plans that address this property and the immediately surrounding area.

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

Applicant’s Response: *The use of the site as a commercial which matched the requested zoning.*

The property is currently zoned CN2 (Neighborhood Commercial). This district is generally not consistent with the existing development pattern along S. Iowa Street. The CS district was developed in response to the adoption of the Land Development Code to provide for the “existing commercial strip development along the City’s Major Arterial Streets.

The following table provides a comparison of the existing and proposed districts.

20-208 CN2, NEIGHBORHOOD COMMERCIAL CENTER DISTRICT	20-213 CS, COMMERCIAL STRIP DISTRICT
<p>(a) Purpose The CN2, Neighborhood Shopping Center District, is primarily intended to implement the Comprehensive Plan’s “Neighborhood Commercial Centers” policy of providing for the sale of goods and services at the neighborhood level. Neighborhood Commercial Centers are generally located at least one mile from another Commercial Center. Developments in CN2 Districts are intended for Collector/Arterial Street intersections or at Arterial/Arterial Street.</p>	<p>(a) Purpose The CS, Commercial Strip District, is primarily intended to provide for existing commercial strip development along the City’s Major Arterial Streets. No new undeveloped Parcel shall be zoned CS, except in the case where an undeveloped Parcel is adjacent to an existing CS, then the adjacent undeveloped Parcel may be zoned to the classification CS to allow for expansion of an existing CS use onto the undeveloped adjacent Parcel.</p>

The properties included in this request are developed with a mix of uses. A separate summary of existing uses is attached to this application. The property located at 2435 Iowa Street is also the subject of an application for a new eating and drinking establishment with a drive-thru. The drive-thru use is allowed in the CN2 district subject to a Special Use Permit. A drive thru is allowed by right in the CS district and does not require a separate Special Use Permit. The site plan has been submitted with the assumption that the rezoning for the property will be approved. Approval of the request will reduce the required processing for the redevelopment of the site.

The property at 2100 W. 25th Street includes four buildings with multiple tenants. Individual uses within the buildings are not anticipated to be impacted by the proposed change. There are no current records with the City indicating existing tenants and building/occupancy area. When tenants, in multi-use buildings, change a determination is made by staff what, if any, additional building or site plan requirements must be met. Approval of the proposed base zoning district will not alter that assessment if and when it is required for individual tenants.

Staff Finding – The proposed rezoning is suitable for the property given the location and relationship to the surrounding area. The area functions more as part of a larger commercial center than a stand-alone neighborhood shopping center.

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

Applicant's Response: *The property has been used as commercial for the past 45 years.*

The property is not vacant. A site plan was approved for a bank use in 1979 for 2435 Iowa Street. This site is also the subject of a redevelopment application for a fast order food with drive-thru.

The property at 2100 W. 25th Street includes four primary buildings and multiple addresses and uses. The site as developed between 1976 and 1982. An attached list of the tenant is provided with this staff report. There are no additional proposed changes to the property at 2100 W 25th Street.

The current CN2 zoning was established with the adoption of the Land Development Code in 2006. Prior to 2006 the property was zoned C-2 (Neighborhood Commercial Center). The C-2 District extended both sides of W. 25th Street on the west side of Iowa Street.

During the mid-1980's the original C-2 District boundary was revised and reduced with property being rezoned to C-5 (current CS District). The district boundary stayed stable between 1997 and the current date.

Staff Finding – The District boundary has remained consistent since 1997. The property is not currently vacant.

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

Applicant's Response: *Approving this rezoning application will not adversely affect the neighboring properties.*

Approval of the request will not detrimentally affect nearby properties. The proposed zoning is the same as the property to the north. The property included in this request shares access and parking with the abutting commercial development to the north. The properties that will remain CN2 to the west of the subject property will not be impacted by the proposed change.

Staff Finding – There is no anticipated detrimental impact that will result from the proposed change from CN2 to CS.

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: *Approval of this application will align the uses with the zoning.*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

The current zoning does not accurately reflect the existing or future development potential for this property. The property is located at the immediate intersection of Iowa Street and W. 25th Street, however, the more expansive zoning district boundary is located to the north and east. Approval of the proposed change from Neighborhood Commercial to Strip Commercial zoning allows a wider variety of land uses and development options than currently is allowed. Approval of the request positions the property for future tenants or redevelopment that is consistent with the character of the corridor of S. Iowa Street.

Denial of the request limits the ability of the property to be redeveloped in the future for uses that are more consistent with the commercial corridor in which the property is located.

Staff Finding – Approval of the request facilitates redevelopment and re-investment of commercial uses along the Iowa Street corridor.

9. PROFESSIONAL STAFF RECOMMENDATION

This property was developed with direct vehicular access and circulation integrated with the development to the north. The north property is zoned CS and allows a wide variety of commercial uses that either not allowed or allowed but on a restricted basis in the CN2 district. The property is located at the immediate intersection of S. Iowa Street and W. 25th Street. The property to the south is also proposed to be rezoned CS. This property is already included as part of the S. Iowa Street commercial center in the City's Retail Market Report. The CN2 district in this location is obsolete. The proposed CS zoning is more reflective of the character of the corridor and the nature of the uses. All existing uses are permitted in the CS District.

CONCLUSION

Staff recommends approval of the proposed rezoning from CN2 to CS. This change establishes a cohesive commercial corridor along this segment of S. Iowa Street.