

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

PC Staff Report  
08/24/2012

**ITEM NO. 4B CN2 TO CS; 7.26 ACRES; 2525 IOWA ST (SLD)**

**Z-15-00330:** Consider a request to rezone approximately 7.26 acres from CN2 (Neighborhood Commercial Center) District to CS (Commercial Strip) District, located at 2525 Iowa St. Submitted by Landplan Engineering, for 2525 Iowa LLC, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 7.26 acres, from CN2 (Neighborhood Commercial Center) 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 a single developed commercial lot.
- The existing development shares access and parking with adjacent commercial development to the west and south.
- Existing uses provide services to more than a neighborhood commercial scale.
- Uses are considered to be Retail Establishment, Medium.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- SP-14-8-68; Gibson's (grocery store)
- SP-15-9-68; Gibson's (grocery store)
- SP-9-28-72; Egbert Oil Co.
- SP-12-69-78; Addition to Falley's – application withdrawn
- SP-2-4-79 Falley's Grocery Addition
- SP-4-33-88; Golden Goat (Behind Food 4 Less)
- SP-6-63-89; building addition for Food 4 Less
- SP-9-48-94; Existing Food for Less, proposed addition, and Existing Sacs
- SP-5-32-97; Office Depot Addition/remodel, existing Food 4 Less and future tenant space.
- SP-2-6-10; Discovery Furniture – currently vacant

**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 District Use Table
3. Commercial Zoning Pattern
4. Existing S. Iowa Street Commercial Corridor Map

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None received to date regarding this property.

**Project Summary:**

Proposed request is for rezoning an existing commercial property that is developed with a multi-tenant building. The property is located on the southwest corner of W. 25<sup>th</sup> Street and Iowa Street, 2525 Iowa Street. This application includes 6.63 acres (excluding right-of-way). The property is a single platted lot, under one ownership with 495' of frontage along W. 25<sup>th</sup> Street and 510' of frontage along Iowa Street. This property includes shared access with the adjacent commercial development (zoned CS) to the immediate west and south.

**1. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

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

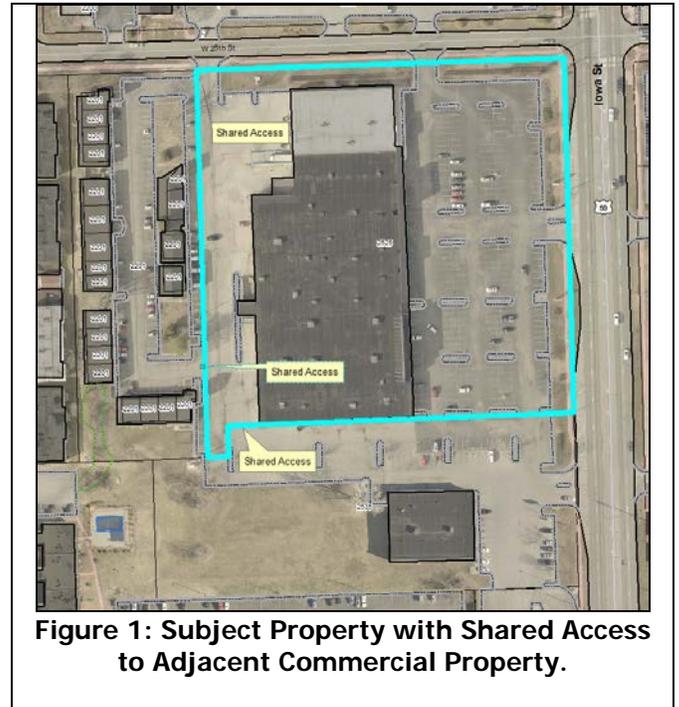
This property is located along and within the S. Iowa commercial corridor. *Horizon 2020* identifies S. Iowa Street between 23<sup>rd</sup> Street and the South Lawrence Trafficway as an existing commercial center within Lawrence. This corridor is described as an existing "strip commercial" development 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.

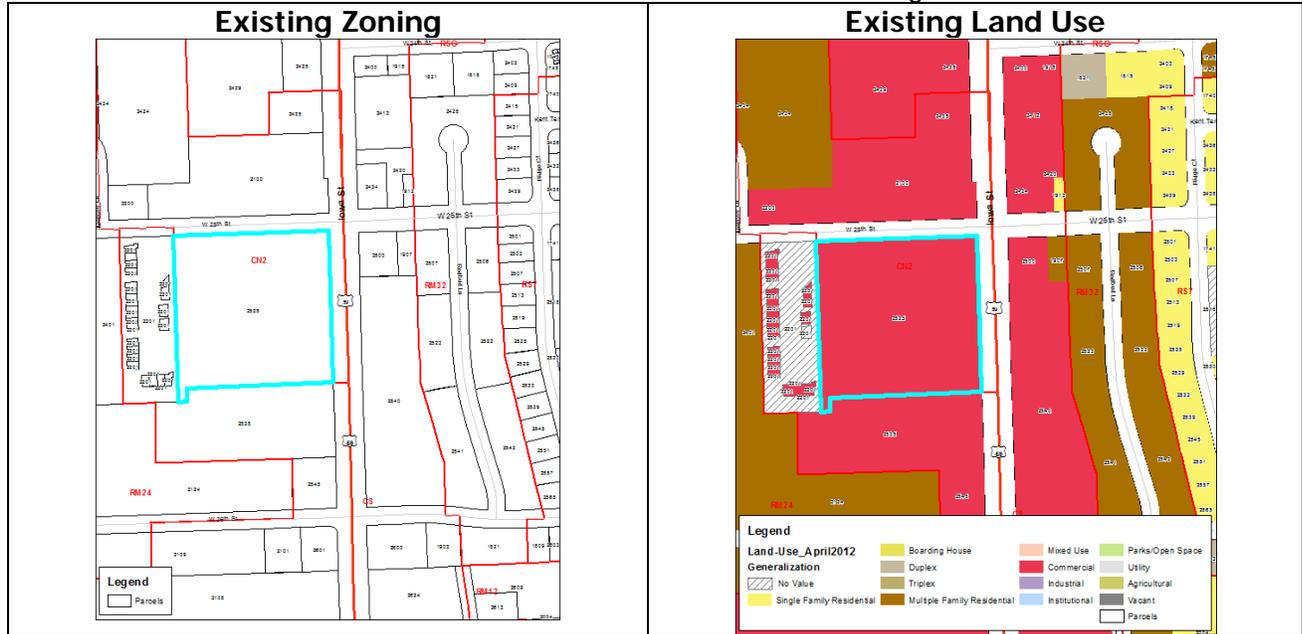
**Staff Finding** – The proposed request is consistent with *Horizon 2020*.

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

- |                                  |   |
|----------------------------------|---|
| Current Zoning and Land Use:     | CN2 (Neighborhood Commercial) District; existing retail uses in multi-tenant building.  |
| Surrounding Zoning and Land Use: | CS (Commercial Strip) District to the west and south. Existing mixed commercial and offices uses to the west and automotive service use to the south. |
|                                  | CS (Commercial Strip) District to the east. Existing commercial buildings located along the east side of Iowa Street.                                 |



CN2 (Neighborhood Commercial) District, proposed CS (Strip Commercial) District per Z-15-00329 to the north on the north side of W. 25<sup>th</sup> Street. Existing commercial uses in multi-tenant buildings.



**Staff Finding** – This property is surrounded by CS zoning to the east, west and south. The property to the north is proposed to be rezoned to the CS District consistent with zoning along the Iowa Street corridor.

### 3. CHARACTER OF THE NEIGHBORHOOD

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

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 within 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 27<sup>th</sup> 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 27<sup>th</sup> Street. The existing development pattern along the outside edges of the corridor limit further expansion of commercial use into the adjoining commercial neighborhoods to the east and west.

The proposed request is consistent with the existing development pattern.

**Staff Finding** – The proposed request is consistent with the established neighborhood character of the S. Iowa Street corridor.

**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 states: *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). Property to the immediate west and south were rezoned to a more intensive commercial district in the 1980’s and 1990’s. The subject property and the adjacent property to the west and south shared access and parking yet the property with direct proximity to the intersection has the less intensive zoning designation. The current CN2 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.

<b>20-208 CN2, NEIGHBORHOOD COMMERCIAL CENTER DISTRICT</b>	<b>20-213 CS, COMMERCIAL STRIP DISTRICT</b>
<p><b>(a) Purpose</b> The CN2, Neighborhood Shopping Center District, is primarily intended to implement the <a href="#">Comprehensive Plan’s</a> “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 <a href="#">Collector/Arterial Street</a> intersections or at <a href="#">Arterial/Arterial Street</a>.</p>	<p><b>(a) Purpose</b> The CS, Commercial Strip District, is primarily intended to provide for existing commercial strip development along the City’s Major <a href="#">Arterial Streets</a>. No new undeveloped <a href="#">Parcel</a> shall be zoned CS, except in the case where an undeveloped <a href="#">Parcel</a> is adjacent to an existing CS, then the adjacent undeveloped <a href="#">Parcel</a> may be zoned to the classification CS to allow for expansion of an existing CS use onto the undeveloped adjacent <a href="#">Parcel</a>.</p>

The property is developed with a large format building that has been subdivided into three tenant spaces as follows:

- 9,637 SF – Tuesday Morning
- 34,872 SF – Office Depot
- 45,738 SF – Former Discovery Furniture (currently vacant)
- 90,247 SF – Total

Because the total retail space is less than 100,000 SF the Land Use is categorized as *Retail Establishment, Medium*.

A key difference in the allowed uses between the CN2 District and the CS District is the intensity of the uses. Several uses in the CN2 district are restricted in size while the same use in the CS District is allowed greater floor area. Some uses in the CN2 district require Special Use approval while in the CS district are allowed subject only to Site Plan approval. Attached to this report is the list of permitted uses as found in Article 4 of the Land Development Code for reference.

**Staff Finding** – The current zoning has functioned adequately for the existing and previous land uses but is outdated and not suitable for facilitating reinvestment and redevelopment of the site for future tenants. Rezoning the property to CS increases the suitability of the property by providing increased flexibility of an existing commercial property along an existing commercial corridor.

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

Applicant's Response: *The property has been used as commercial for the past 40 years.*

The property is not vacant. A site plan for development of this property was approved in 1968 for a grocery store use. Various site plans have been approved for additions and revisions to create tenant spaces since the original development. 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 property appears to have been rezoned between 1966 and 1977. It most likely was rezoned around the time of the Final Plat approval in 1968. At that time, the C-2 District extended both sides of W. 25<sup>th</sup> 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.

Land use has changed over time and is reflected in the various site plan approvals that include modification and renovations of the building to accommodate tenants. The existing building includes three tenant spaces. Two spaces are occupied with retail uses. The largest tenant space is currently vacant.

**Staff Finding** – The district boundary has remained consistent since 1997. The property is not currently vacant and has been developed and used for commercial uses since 1968.

#### **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.*

The surrounding area is developed with commercial uses. The property to the immediate west and south is currently zoned CS and includes shared access and parking with the subject property. The property to the north, north side of W. 25<sup>th</sup> Street is proposed to be rezoned to CS per application Z-15-00329. There are no detrimental impacts anticipated with this proposed change.

**Staff Finding** – There are no detrimental impacts anticipated with this proposed change.

#### **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. 25<sup>th</sup> Street, however, the more intensive zoning district boundary is located both west and south. 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**

The subject property is located on the southwest corner of an existing commercial area. The property is also located within the designated S. Iowa Commercial Corridor. A more intensive zoning district surrounds this property to the immediate west and south and across Iowa Street to the east. The existing CN2 district represents a relatively small portion of the overall corridor approximate 18 acres compared to the 313 acres or 6% of the total commercial area along S. Iowa Street.

The property shares direct access with the commercial development to the west and south. The subject property is sufficiently large enough with adequate frontage and depth to accommodate redevelopment in the future. The CN2 district is more restrictive than the immediately surrounding property. The existing zoning can be characterized as obsolete. Approval of the request positions the property for efficient use of existing commercial space for future tenants or complete site redevelopment. There is no current site plan or redevelopment application for this property. Staff recommends approval of the proposed rezoning.

## **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.