

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
06/20/16

ITEM NO. 3: GPI TO IG 7.7 ACRES; 711 E 23RD STREET (MKM)

Z-16-00147: Consider a request to rezone approximately 7.7 acres located at 711 E 23rd Street from GPI (General Public and Institutional Uses) District to IG (General Industrial) District. Submitted by Lawrence Public Schools USD #497 and BG Consultants, Inc. for Douglas County, the property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 7.7 acres from GPI (General Public and Institutional Uses) 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.

REASON FOR REQUEST

Applicant's Response:

"Lawrence Public Schools is in the process of purchasing this property from the County. They would like to have the option of storing fleet vehicles on the site. That use requires IG zoning. The new County shops were built in the IG zoning."

KEY POINTS

- The previous uses, the DG County Public Works Facility and the Household Hazardous Waste Facility, were installed on the site when the property was zoned M-2 (General Industrial) District. The property was rezoned to the GPI (General Public and Institutional Uses) District with the adoption of the 2006 Development Code.
- The School District plans to use this site for their Operations and Facilities and as a parking area for the school busses. The parking of the school busses is classified in the Development Code as *Fleet Storage*. *Fleet Storage* is not an allowed use in the GPI District but is permitted in commercial and industrial districts. The overall nature of the previous use and the proposed use, Lawrence Public Schools Facilities and Operations Headquarters, are industrial in nature; therefore, industrial zoning is appropriate.
- The property is not located within the boundaries of a registered neighborhood association but was included in the planning boundary for the Burroughs Creek Corridor Plan.

OTHER ACTION REQUIRED

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Submittal and approval of a site plan application for any proposed site improvements.
- Submittal of construction plans to Development Services for processing of building permits. Building Permit must be obtained prior to construction activity.

PUBLIC COMMENT

The owner of the adjacent property to the east inquired about the future use and provided an email to Planning noting that the School District would be a good neighbor and he had no concerns with the rezoning which would allow them to park school busses on their property.

Project Summary

The property at 711 E 23rd Street contains approximately 7.7 acres and was previously used by Douglas County as their Public Works Facility and the Household Hazardous Waste Facility. The Public Works Facility and the Household Hazardous Waste Collection Facility were recently relocated and the property has been unused since that time. The School District Facilities and Operations would be relocated to the subject site from the current location at 146 Maine Street. (Figure 1) The current site has access on W 2nd Street, which is classified as a Local Street. The proposed site has access on E 23rd Street / K10 Hwy, a Principal Arterial. The use is very similar to the former use; however, the school district also



Figure 1. Current USD # 497 Facilities and Operation site.

plans on moving the bus system to the property. This use, *Fleet Storage*, is not permitted in the GPI District; therefore, rezoning to an industrial district has been requested.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The request is in compliance with the Comprehensive Plan."

Recommendations in *Horizon 2020* are discussed below, with staff comments in red.

The property is located within the boundaries of the Burroughs Creek Corridor. The Comprehensive Plan recommends that future development of this area be in accordance with the Burroughs Creek Corridor Plan. (Page 7-4, *Horizon 2020*)

The recommendations of the Burroughs Creek Corridor Plan will be discussed in Section 4 of this report.

Goal 1: Development in Established Industrial and Employment-Related Areas:

Encourage the retention, redevelopment and expansion of established industrial and employment-related areas.

Policy 1.1: Retain Established Development and Encourage New Development in Existing Industrial and Employment-Related Areas (Page 7-11, *Horizon 2020*)

The proposed rezoning will accommodate the reuse of the facility which is located within an Industrial and Employment-Related Area, (Figures 2a and 2b)

Staff Finding – The proposed rezoning and reuse of the facility is compliant with recommendations in *Horizon 2020*.

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

Current Zoning and Land Use: GPI (General Public and Institutional Uses) District; former Douglas County Public Works Facility and Household Hazardous Waste Facility, uses included: *Exterior Storage, Light and Heavy Equipment Repair, Recycling Processing Facility*, and Accessory Office.

Surrounding Zoning and Land Use:

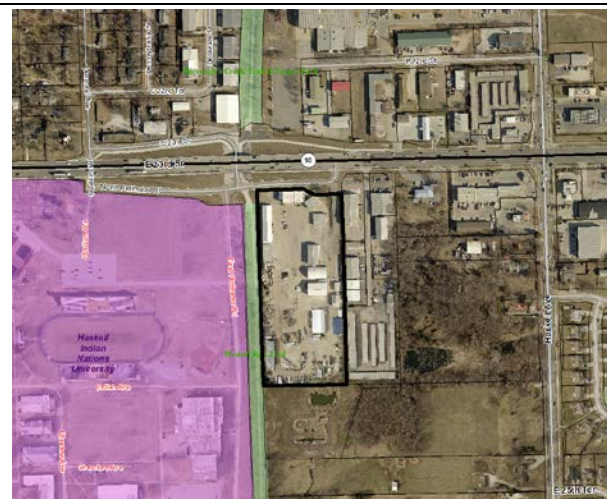
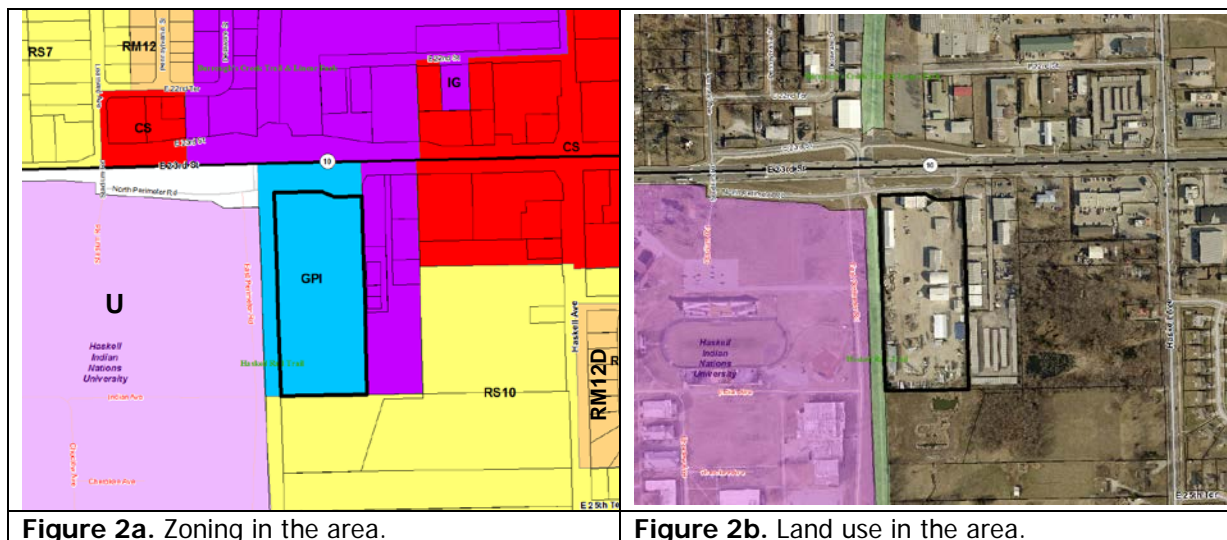
To the north:
IG (General Industrial) District; *Construction Sales and Services*

To the west:
U (University-Haskell Indian Nations University) District; University

To the east:
IG (General Industrial) District; *Manufacturing and Production, Limited; Mini-Warehouse*

To the south:
RS10 (Single-Dwelling Residential) District; property is owned by City of Lawrence and designed to filter stormwater runoff from the facility before it discharges into the wetlands to the south.

(Figure 2)



Staff Finding – The area contains a mix of zonings and land uses. The subject property is part of the industrial Burroughs Creek Corridor and is surrounded on the east and north by property that is zoned and used for industrial land uses, on the west by Burroughs Creek Trail, a linear park and beyond that, the Haskell Indian Nations University. The property to the south is zoned residential, but is used as stormwater management for the subject

property. The proposed zoning is compatible with the existing zoning and land uses in the area.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"The property fronts on K-10 highway and has IG zoning on the north and east sides. Haskell University is located to the west along with the Burroughs Rail Trail. The south portion of the property is adjacent to an undeveloped area that is currently zoned RS10."

The term 'neighborhood' in this case refers to the area surrounding the subject property. For the purpose of this evaluation the neighborhood is bounded generally by Massachusetts Street on the west and Silicon Avenue on the east, E 27th Street on the south and E 20th Street (extended) on the north. (Figure 3)

This area is divided north and south by E 23rd Street / K10 Highway, a principal arterial, and east and west by the Burroughs Creek Trail, a multi-use path for pedestrians and bicyclists. Haskell Indian Nations University is a principal feature of the area.

Land Uses listed with the Douglas County Appraiser's Office are mapped in Figure 4. The principal land use west of Learnard Street is residential. Residential uses to the east of Learnard Avenue are set back from E 23rd Street/K10 Highway. Industrial uses border the Burroughs Creek Trail and a mix of industrial and commercial uses border East 23rd Street/K10 Highway, east of Learnard.

Staff Finding – This is a mixed use neighborhood which has the Haskell Indian Nations University as a key feature. Residential, industrial, and commercial uses are the other predominate uses in the area. Residential uses are located primarily in the west and southeast portion of the neighborhood and commercial uses are concentrated along 23rd Street/ K10 Highway east of the corridor. Industrial uses are located along the Burroughs Creek Corridor and are interspersed with the commercial uses. Rezoning to the IG District will maintain the industrial land use of the property and maintain the character of the neighborhood.

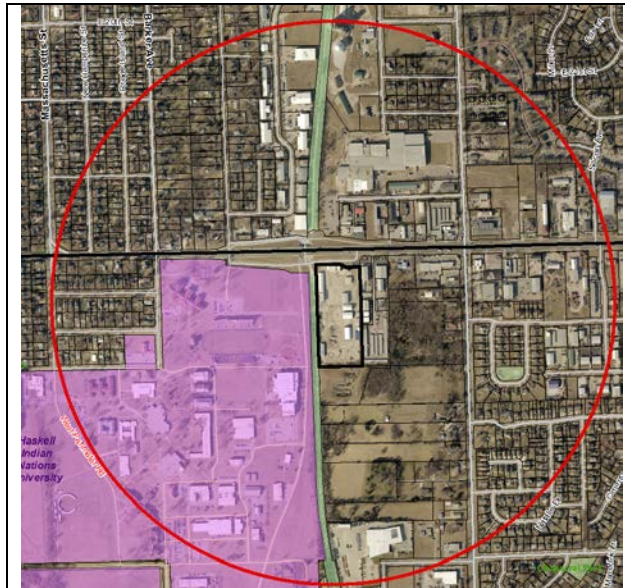


Figure 3. Neighborhood Area

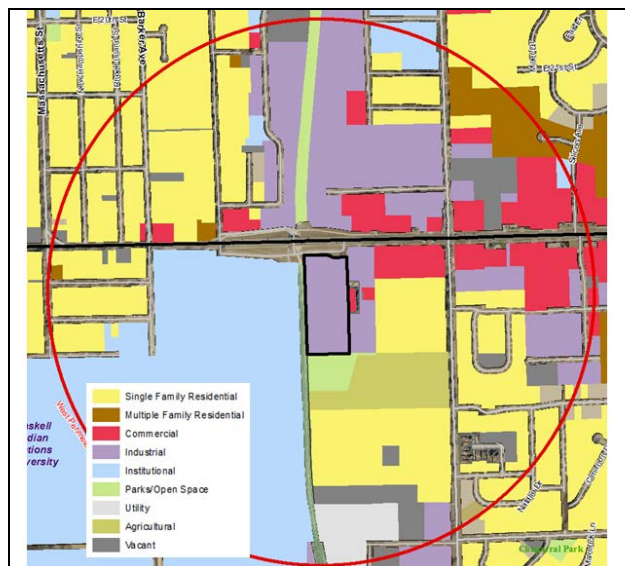


Figure 4. Land Uses in the area, per the DG County Appraisers records.

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

The property is located within the boundaries of the Burroughs Creek Corridor Plan. This plan was requested by the Old East Lawrence, Barker, and Brook Creek Neighborhood Associations. The plan notes that the neighborhoods would like to emphasize residential infill and neighborhood friendly redevelopment of industrial and commercial areas that are presently underutilized. A large part of the redevelopment they would like to see is the transition of the railroad right-of-way to a linear park and recreation trail. The plan does not provide specific land use recommendations for properties in the planning area but recommends that when redevelopment of industrially zoned areas is proposed, these areas should be scrutinized for neighborhood compatibility. (Page 14, *Burroughs Creek Corridor Plan*) Any redevelopment of the site will require site plan approval and the plans will be reviewed for compatibility with nearby uses and the character of the neighborhood. The *Burrough Creek Corridor Plan* listed properties that were recommended for rezoning to residential, commercial, or office uses. The subject property was not included in that list.

Staff Finding – The rezoning will allow for the reuse of the former Douglas County Public Works Facility site. The *Burroughs Creek Corridor Plan* stressed neighborhood compatibility with the redevelopment of industrial sites. As recommended by the plan, any site plan submitted for changes to the site will include a review for neighborhood compatibility and may include additional screening or buffering if necessary.

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

Applicant's Response:

"The existing zoning does not permit the future owner from utilizing the space to provide fleet parking for buses."

The property is well suited to many of the uses of an industrial nature which are permitted in the GPI District, based on its current development. While the individual uses included in the Public Works Facility were allowed in the GPI District, the intent of the District is to accommodate institutional uses. Rezoning to the IG District will allow a broader spectrum of industrial uses on the property and will remove the institutional uses such as *College, Cultural Center, Lodge, School, Community Mental Health Facility, Health Care Office, and Outpatient Care Facility* that the property, as developed, is not suited for.

Staff Finding – The property has been developed for uses of an industrial nature. Many of these uses are permitted in the current GPI Zoning. The property, as developed, is not appropriate for the various institutional and community facility uses that are permitted in the GPI District; but is well suited for the uses which are permitted in the IG District.

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

Applicant's Response:

"Approximately 2 years."

Staff Finding – The Douglas County Public Works Facility and the Household Hazardous Waste Facility were relocated in 2014. Most of the equipment and materials were removed by August, 2015.

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

Applicants Response:

"The rezoning will not detrimentally affect nearby properties. The proposed use will be similar to the former use and the rezoning will allow the transfer of property to USD 497 which will keep the property from sitting vacant."

The removal of restrictions that would occur with this rezoning will allow the property to be used in a similar fashion as before with the additional use of *Fleet Storage*. The addition of this use will allow the school bus system to be relocated to the site. The addition of the bus system will increase the traffic load on this portion of E 23rd Street / K10 Highway at certain times of the day. The busses currently access E 23rd Street/K10 Highway near the intersection with Harper Street. When the facility is site planned, any impact the additional traffic would have at this location will be evaluated through the review of a Traffic Impact Study. If the traffic was found to be significant enough to have a negative impact, mitigation measures, if necessary, would be determined based on the study. This review at the site plan stage will insure the additional traffic at this location does not have a negative impact on nearby properties.

The site is screened from Haskell Indian Nations University to the west by the Burroughs Creek Corridor Trail and its bordering vegetation and from properties to the south by the open space parcel that provides stormwater management. (Figure 5) The property to the east is developed in a similar fashion and is compatible with the facility.



Figure 5. Haskell Indian Nations University's athletic field and open space is located to the west of the subject property and other industrial uses are located to the east.

Staff Finding – The removal of the restrictions will allow *Fleet Storage* on the property which could result in additional traffic on this portion of E 23rd Street/K10 Highway. The impact of the additional traffic will be evaluated and mitigated, if necessary, at the site plan review stage through the review of a Traffic Impact Study. The property, as developed, is

compatible with the surrounding properties to the west, south, and east. The removal of restrictions should have no negative impact on 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

Applicants Response:

"If the rezoning is approved, the property will be redeveloped to serve as the Lawrence Public Schools Facilities and Operations headquarters. If the rezoning is denied, the property will remain vacant and continue to deteriorate."

If approved, the property would provide one location for the School District Facilities and Operations and their bus system. Facilities and Operations currently operate out of an approximately one acre property at the intersection of W 2nd Street and Maine Street, both local streets. Moving the facility to the proposed location of 7.7 acres will provide more space in a more central location with access to a principal arterial street. In addition, the property currently has shops that were designed for vehicle repair which could be used for servicing the school busses. Approval of the rezoning request would increase the efficiency of the School District operations and provide a centralized location. If the request is denied, the School District would need to maintain the Facilities and Operations and bus storage in their current locations or look for another site to consolidate the facilities.

Staff Finding – Approval of the rezoning request would benefit the public health, safety, and welfare by allowing the reuse of the property for the consolidation of the School District's Facilities and Operations and Bus System. The rezoning would provide a more appropriate location for the Facilities and Operations on a Principal Arterial rather than a Local Street and would result in efficiencies due to the shared use of the property for the Facilities and Operations and Bus System.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, adopted plans for the area, the Golden Factors, and compatibility with surrounding development.

Staff recommends approval of the rezoning request for approximately 7.7 acres from GPI (General Public and Institutional Use) 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.