

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
11/15/2017

ITEM NO. 2 REZONING FROM IG TO IL; NW OF 31ST & HASKELL (SLD)

Z-17-00534: Consider a request to rezone approximately 8.745 acres, from IG (General Industrial) District to IL (Limited Industrial) District, located northwest of the intersection of E. 30th Terrace & Haskell Lane, 800 E 30th St, 3035 Haskell Ln, 930 E 30th St, 2910 Haskell Ln. Submitted by Paul Werner Architects, for Stanley R & Lois J Zarembo Trustee, Zaroco Inc, and Glen Hunter LLC, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 8.745 acres, from IG (General Industrial) District to IL (Limited Industrial) 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:	<i>The existing property to the east of Haskell Lane is zoned IL. Under a separate preliminary plat application, the Haskell Lane right-of-way would be submitted for vacation. Once this occurs, it would be beneficial to have all properties along the previous Haskell Lane zoned for the same use in order to provide a more continuous planned corridor. The corridor would include amenities to serve the existing employees and residents in the area in addition to providing services such as gas and fuel sales for travelers on K-10.</i>
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KEY POINTS

- Specific development proposal is not included with this request but would provide an opportunity to established any of the commercial uses permitted in the IL zoning district.
- Request seeks to amend base zoning only.
- Conceptual plans include vacation of existing right-of-way and reconfiguration of lot arrangements and access within area.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- City Commission approval of the Rezoning and adoption/publication of ordinance.
- No other applications have been submitted at this time.
- Future application for Preliminary Plat, Final Plat, Public Improvement Plans, Site Plans.

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 this request.

ATTACHMENTS

1. Area Map
2. Concept Plan
3. List of Allowed Uses
4. Burroughs Creek Area Map
5. Industrial Zoning Map and fact sheet

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Property Owner of 920 E. 30th Street has contacted staff requesting additional information on application.

Project Summary:

Proposed request is only for the rezoning of land adjacent to the Haskell Lane /E. 30th Terrace intersection from the IG District to the IL District. The application assumes future approval of the vacation of right-of-way. To date, the applicant has not submitted a preliminary plat to the Planning Office. The applicant has provided a conceptual development plan with this application. The review of this application is not an assessment of a specific development proposal. The question the Planning Commission is asked to answer is "*should the property included in this request be rezoned from IG to IL, thus permitting both industrial and certain commercial uses at this property?*"

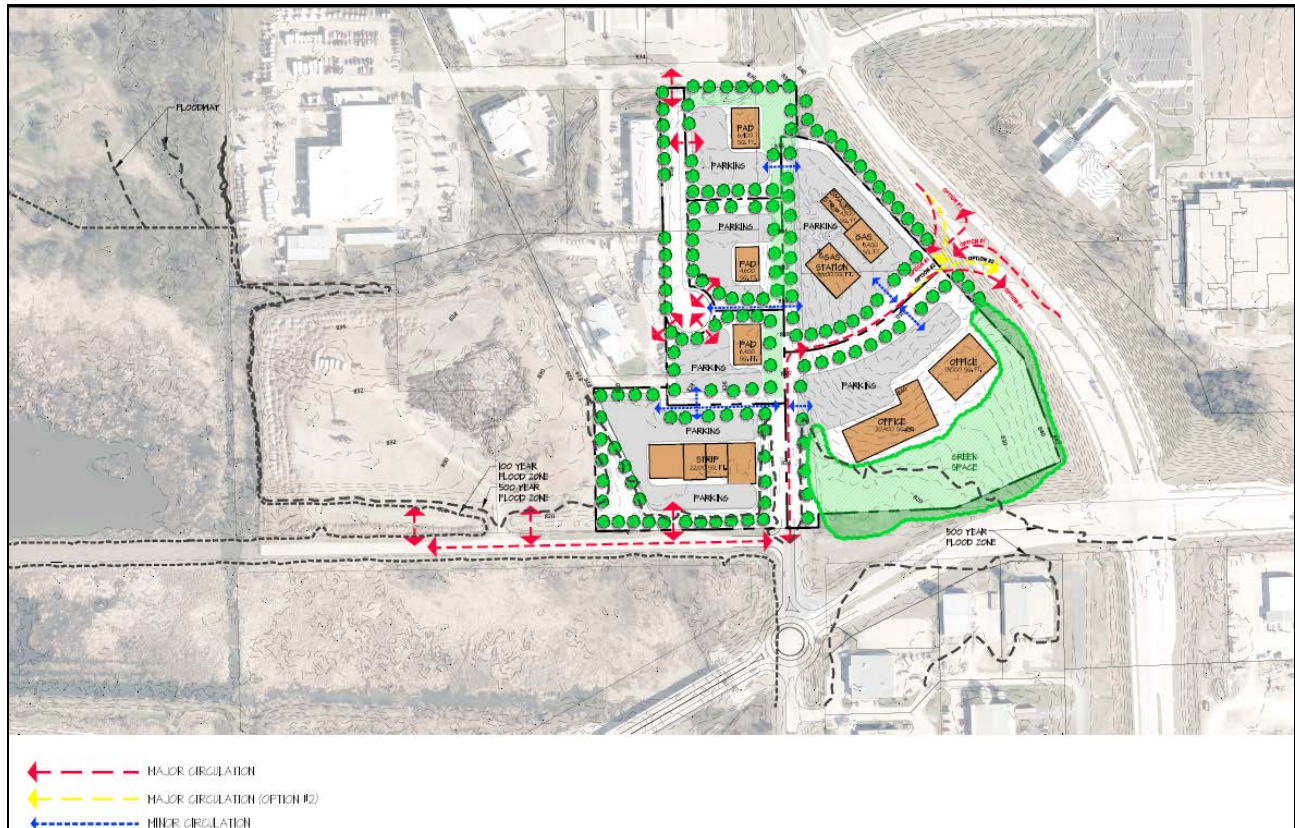


Figure 1: Applicant's Concept Development Plan

The concept plan shown above is provided for context. Approval of this request does not convey approval of the development shown in the conceptual image above.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Horizon 2020 per map 3-2 shows the property as being zoned Office Research/Industrial Warehouse/Distribution. The proposed IL zoning meets this requirement.*

Horizon 2020 discusses Industrial and Employment Related Uses in Chapter 7. It states: "...there is a recognized need that more industrial and business development is necessary to provide local job opportunities. Of particular interest to the community is the attraction of industries and employment-related uses that are based in biosciences, agricultural and natural resources, technology, and telecommunications." [Pg. 7-1 Horizon 2020]

Key Strategies include:

- Protect, enhance, and retain existing industrial-related land use areas serving the community.
- Encourage site availability, site improvements, and community amenities, which best respond to the market demands for industrial and business development while maintaining the community objectives for the type and quality of such development.
- Minimize impacts to the natural environment in the identification of new industrial and business development areas or in the redevelopment of existing areas. Whenever possible, industrial and business development should encourage the retention of open space to serve a variety of purposes, including stormwater management, preservation of wildlife habitat and ecological functions, recreation opportunities, and reduction of visual impacts on surrounding areas.

Horizon 2020 differentiates Industrial Land Uses from Employment Related Land Uses. Table 1 lists the uses by Land Use.

Table 1: Industrial and Employment Related Land Use Categories

Industrial Land Use Categories	Employment Related Land Use Categories
Warehouse and Distribution	Office
Industrial	Office Research
Work-live Campus-type Center	Work-Live Campus-type Center
Industrial/Business/Research park	Industrial/Business/Research park

The request to rezone this property to the IL Zoning District continues allowing for industrial uses, while also permitting the area to provide community amenities to support the existing industrial and other uses, including residential and educational uses, in the surrounding area. The IL Zoning District creates a bridge between a pure industrial zoning district, such as IG or IM Districts, and a pure commercial zoning district like the CO or CN2 Districts. While the IL District allows for limited retail/food service uses, it also continues to permit both general and specialized industrial uses.

Allowing a limited and incidental amount of retail/food service uses would be in keeping with *Horizon 2020's* encouragement of industrial site availability and providing commercial/retail community amenities responding to current development patterns present in this area of our community. This proposed rezoning is in keeping with the overall goal to allow for both industrial users, but also provide a variety of other supporting and beneficial uses to support this existing industrial area.

Goal 1: Development in Established Industrial and Employment Related Areas [pg. 7-11]

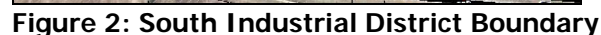
Encourage the retention, redevelopment and expansion of established industrial and employment-related areas.

Specific policies include the consolidation of land to provide infill sites for redevelopment and expansion; maintenance of appropriately zoned supply of industrial land; improvement of services to support redevelopment opportunities including stormwater management, vehicular and pedestrian access, and water and wastewater infrastructure.

Goal 2 is not discussed as it pertains to location criteria for new industrial and employment related land. The property included in the request is within an identified existing industrial area described in *Horizon 2020* as the Burroughs Creek Corridor. The boundary of the district extends to the centerline of Haskell Lane north of E. 30th Street. The following goals and policies are applicable to this request.

Encourage a compatible transition between industrial and employment-related developments and less intensive land uses.

The area included in this request is part of the existing industrial land inventory. The property included in the concept plan includes an adjacent six-acre parcel of land that is covered with a contiguous stand of mature trees and vegetation (Figure 3). That parcel is undeveloped and currently zoned IL.



Area labeled A has not been annexed into the City Limits. Future Land use is shown on the Revised Southern Development Plan as Open Space.

Policies in this section address the needs related to minimum levels of service, traffic impact evaluations as well as vehicular circulation and access. The applicant's plan for the submission

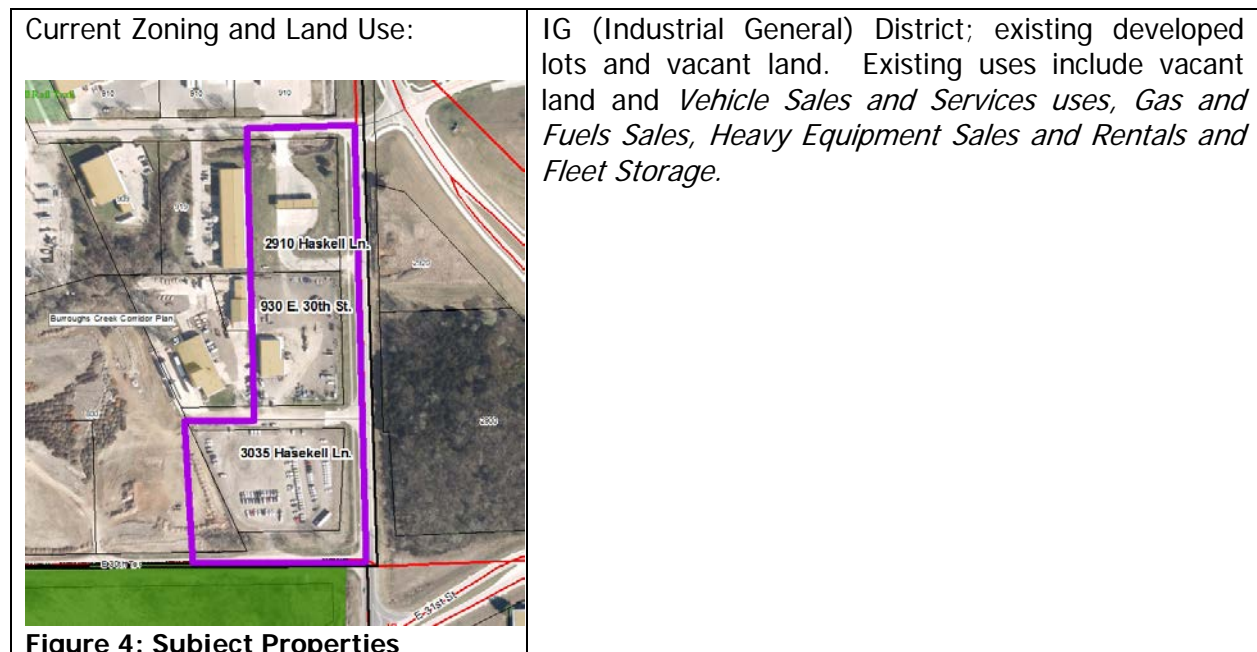
of a future preliminary plat, including vacation of right-of-way would have an impact on the overall vehicular circulation in the area and for individual properties.

Haskell Avenue and E. 31st Street are both designated arterial streets. The existing street network provides a direct connection to K-10 Highway at the Haskell Avenue intersection. In addition to Haskell Avenue, several local streets provide individual access to the existing industrial development in this immediate area.

The applicant states that map 3-2 included in *Horizon 2020* shows the property as being designated Office Research/Industrial Warehouse/Distribution. It should be noted that the map included in *Horizon 2020* was prepared in 1997 as part of the original plan adoption. The map is intended to convey broad and collapsed land uses. The "Office Research/ Industrial/ Warehouse/Distribution" title used in the map encompasses all types of industrial and employment related land uses. The text descriptions included in *Horizon 2020* categorize the property included in this request as part of the Burroughs Creek Corridor and as part of the existing Industrial Land Use inventory.

Staff Finding – The property included in this application is part of an existing Industrial District and included in the industrial land use inventory. The comprehensive plan provides a range of development typologies within both the Industrial Land Use Category and the Employment-Related Land Use Category. The plan recommends the conservation and protection of industrial land. The proposed rezoning maintains a strong range of industrial uses, while also permitting limited commercial/retail uses to support the existing industrial land uses. The plan recommends the conservation and protection of industrial land. The plan specifically states: *"Future development of this area should be in accordance with the Burroughs Creek Corridor Plan."* The proposed rezoning maintains the industrial zoning and land uses and allows development in conformance with the plan.

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



Surrounding Zoning and Land Use:

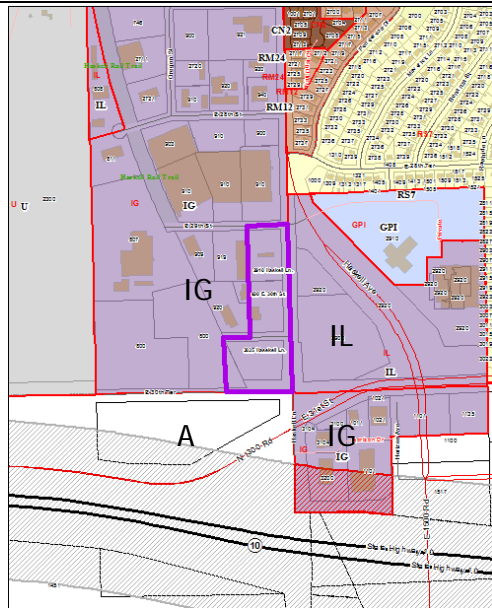


Figure 5: Existing Zoning

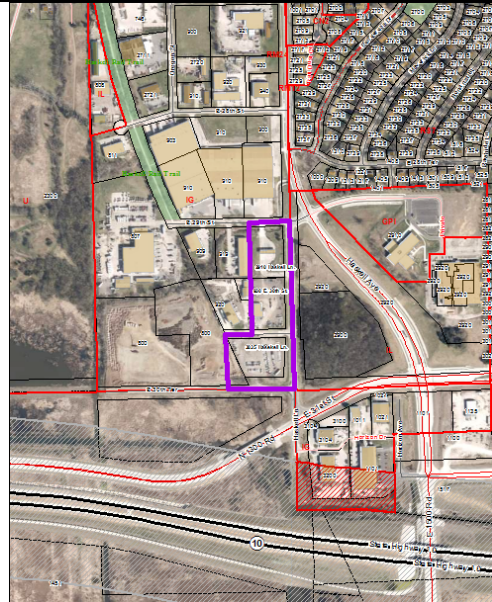


Figure 6: Existing Land Use

IG (Industrial General) District; existing warehouse building to the north along the north side of E. 29th Street. *Warehouse Distribution* Building (former E and E Display manufacturing] - 910 E. 29th Street.

IL (Limited Industrial) District to the east; undeveloped land located between Haskell Lane and Haskell Avenue. Land is included in applicant's concept plan for redevelopment.

A (Agricultural) County District to the south, south of E. 30th Terrace. *Open Space* owned by the University of Kansas.

IG (Industrial General) District to the southeast, on the southeast corner of Haskell Lane and E. 31st Street. Existing *Warehouse and Office* buildings.

IG (Industrial General) District to the west between E. 29th Street and E. 30th Terrace. Existing businesses east of old railroad right-of-way.

- *Warehouse* building- 919 E. 29th Street.
- Kirk Welding – 909 E. 29th Street.
- Eagle Trailer *Manufacturing* – 920 E. 30th Street.
- West of RR ROW undeveloped

Staff Finding – The surrounding zoning, within the city limits is zoned IG along the west side of Haskell Lane and to the southeast and developed with existing manufacturing, warehouse, and distribution uses. The area on the east side of Haskell Lane, within the City Limits, is zoned IL and is undeveloped land. Farther to the east includes both IL and GPI zoning. These two properties are developed with the Lawrence College and Career Center and the Peaslee Technical Training Center. Both are education oriented uses. The A zoning to the south is unlikely to be developed. It is owned by the University of Kansas and is currently part of the wetlands mitigation area for the K-10 Highway project.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The site is situated at the south end of an industrial area. Much of the property in the developed area was recently adjusted for the 31st Street and K-10 improvements. Access to the area was previously limited however; the road improvements provide possibilities for amenities to serve this area and the community. To the east of the site lies the Dwayne Peaslee Technical Training Center and the Hyper business. To the northeast of the property is the edge of the Prairie Park neighborhood and to the Northwest are more industrial uses.*

The property included in this request is uniquely situated with respect to several formal and informal neighborhoods. The Prairie Park Neighborhood is located on the east side of Haskell Avenue and the north side of E. 30th Street. The neighborhood specifically excludes the Lawrence College and Career Center and Peaslee Technical Training Center.

The property is north of the Revised Southern Development Plan Boundary and within close proximity to the K-10 Highway corridor. The property is also east of the Haskell Indian Nations University Campus and within the Burroughs Creek Corridor plan.

Haskell Avenue has traditionally been the dividing line between the residential and non-residential areas in this portion of southeast Lawrence. The area is shaped by the location of the street and highway right-of-way and the former railroad corridor. Uses to the west of Haskell Avenue are generally non-residential with the notable exception of an area one block north and south of E. 25th Street along the west side. Local streets provide direct access to non-residential uses within the immediate area. Uses in this area are industrial in nature and include *Manufacturing, Warehouse, Storage and Distribution, Construction Sales and Service* uses as well as *Vehicle Sales and Service* uses.

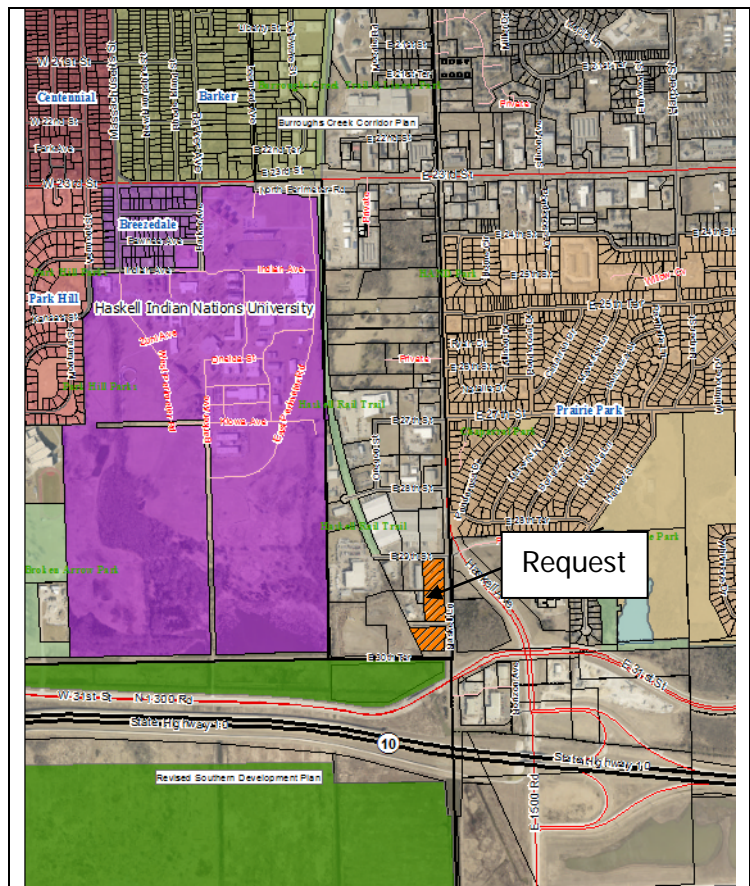


Figure 7: Surrounding Neighborhoods

Staff Finding – This property is located within an existing industrial area with direct proximity to an arterial street and a state highway.

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

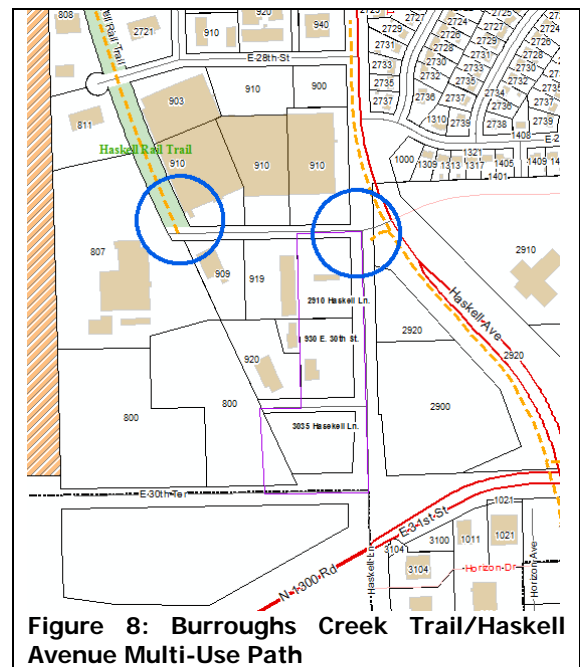
The property included in this request is within the boundary of the Burroughs Creek Plan. As noted in the section above, the Prairie Park Neighborhood is located to the northeast and the Haskell Indian Nations University is located to the west. Burroughs Creek extends as far north as E. 9th Street and as far south as E. 31st Terrace. The plan extended 500' in all directions along the

abandoned Burlington Northern Santa Fe railroad right-of-way. Haskell Avenue is the eastern boundary. The western boundary varies by segment. The report focuses on the southern portion of the corridor between E. 23rd Street and the south boundary. The area within the plan boundary between E. 23rd and E. 30th Terrace is zoned IG with exceptions.

Within the more residential portions of the Plan area, recommendations included infill and rezoning consistent with the residential development pattern. A key goal of the plan was designating areas related to the extension of the “rails-to-trails” linear park system.

The City Burroughs Creek Trail is located along the western boundary of the Plan area at 23rd Street and follows the curving right-of-way that terminates at E. 29th Street. The trail continues on Haskell Avenue and extends south to E. 31st Street and the South Lawrence Trafficway. Assuming a connection is made between these two points (sidewalk, multi-use path, or other facility) the trail would extend across the north side of the subject property. Future development of the area should include coordination with the planned improvements in the area.

The Burroughs Creek Plan does not provide specific land use recommendations for the southern portion of the corridor. As vacant properties develop or redevelopment applications are considered, the relationship of the land uses to the surrounding area and proximity to residential uses must be considered for impact.



This application seeks to rezone property from a more intensive industrial district to a less intensive industrial district.

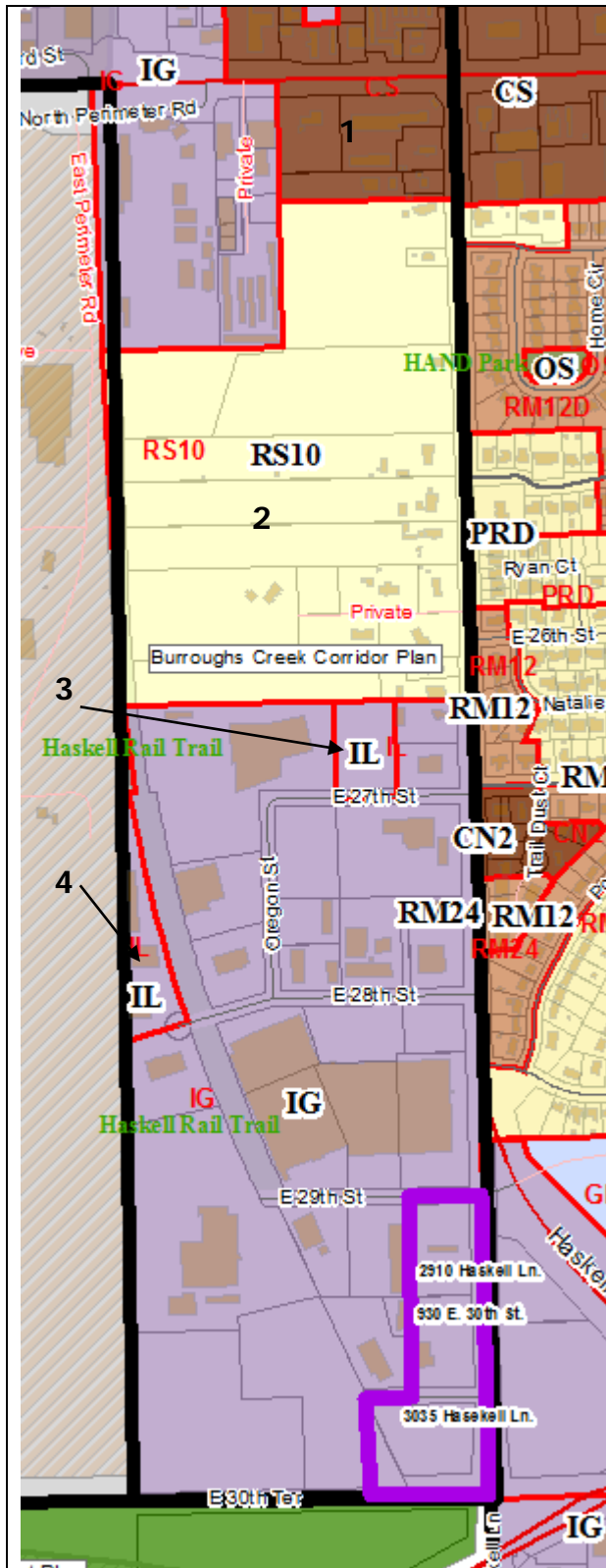


Figure 9: Southern Portion - Burroughs Creek Plan Boundary

1. CS (Commercial Strip) District; 900 Block along E. 23rd Street.
2. RS10 (Single Dwelling Residential) District; Block of residential E. 24th Street to E. 26th Street.
3. IL (Industrial Limited) District; 800 block E. 27th Street (M-2 prior to 2006) Z-5-9-12 IG to IL; to allow VFW (Lodge, Fraternal & Civic Assembly use not permitted in the IG District. Site Plan (SP-12-00296) submitted but withdrawn by applicant.
4. IL (Industrial Limited) District; 808 E. 28th Street (M-2 prior to 2006) Z-15-00332 IG to IL; purpose to add resident manager use (Work/Live Unit) for security. Residential use in IG not permitted. No change to scope or intensity of existing uses of the site.

Staff Finding – This property is located within the boundary of the Burroughs Creek Corridor Plan. The plan does not include any specific land use recommendations for this portion of the plan area. Redevelopment of the property included in this request would be subject to review for compliance with other design regulations including the Subdivision Regulations and the Industrial Design Guidelines in addition to the Land Development Code.

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

Applicant's Response: *The subject property is suitable for the existing zoning and the old traffic alignment of Haskell Lane. However, with the planned future vacation of Haskell Lane it would be beneficial to have the IL zoning on the East side of the existing Haskell Lane extended across the vacated right-of-way to capture the existing gas station and equipment rental business as well as the vehicle storage lot to the west.*

This application includes multiple parcels located on the west side of Haskell Lane between E. 29th Street and E. 30th Terrace.

Table 2: Existing Uses

Parcels Included in Request	Existing Use	Permitted Zoning District
2910 Haskell Lane	Vehicle Sales and Services -Gas and Fuel Sales	Permitted in IG and IL
930 E. 30 th Street	Vehicle Sales and Services – Heavy Equipment Sales and Rentals	Permitted in IG and IL
3035 Haskell Lane	Vehicles Sales and Services – Fleet Storage	Permitted in IG and IL
Portion of unplatted land on the North side of E. 30 th Street west of the RR ROW.	Vacant Land	Permitted in IG and IL

Additional land use entitlements will be required for the properties to redevelop. Approval of the request will not result in the existing businesses becoming non-conforming per Article 15 of the Land Development Code. Approval of the proposed request alters the allowed uses but retains the property within the community Industrial Inventory.

The IG District purpose is intended to *accommodate moderate and high-impact industrial uses, including large scale or specialized industrial operations requiring good transportation access and public facilities and services. (Section 20-217)*. The IL District purpose is intended to *accommodate low-impact industrial, wholesale and warehouse operations that are employment-intensive and compatible with commercial land uses. (20-215)*.

Staff assessed the uses permitted in the IL and IG Districts. Generally, most Industrial Uses permitted in the IG District would also be permitted in the IL District with the exception of *Explosive Storage* and *Intensive Industrial* uses which are not permitted in the IL District. The IL and the IG Districts both permit all types of *Wholesale, Storage, and Distribution* Uses except that *Heavy* Uses in the IL District require a Special Use Permit.

All *Vehicle Sales and Services* uses permitted in the IG District are also permitted in the IL District, except *Truck Stop* Uses. They are only permitted in the IG District with a Special Use Permit. The *Vehicle Sales and Services* use group includes *Gas and Fuel Sales, with or without convenience stores*.

The primary distinction between the IL and the IG Districts with regard to permitted use is in the Commercial Use Group. Permitted commercial uses in the IL District include the following. This

report lists typical uses to help clarify the use category and definition. The Land Development Code defines specific uses in detail in Article 17.

COMMERCIAL USES

Use Group: Eating and Drinking Establishments

Accessory Bar
Fast Order Food
Fast Order Food, Drive-In
Quality Restaurant

Use Group: Office

Finance, Insurance, and Real Estate
Payday Advance, Car Title Loan

Use Group: Parking Facility

Commercial

Use Group: Retail Sales and Services

Business Equipment, Sales, and Service:

Typical Uses: office equipment and supply, machine repair.

Food and Beverage Sales:

Typical Uses: for home consumption, grocery store, convenience store, package liquor stores.

Mixed Media Store:

Typical Uses: business offering goods for sale or rent that is not a sex shop or sexually oriented media store but includes more than 10 of GFA or more than 10% of stock in trade that is devoted to sexually oriented media.

Personal Convenience Services:

Typical Uses: convenience stores, drugstores, smoke shops, laundromats, dry cleaners, beauty/barber shops.

Personal Improvement Services:

Typical Uses: fine arts studios, martial arts centers, yoga studios.

Consumer Repair Services:

Typical Uses: appliance repair, locksmiths, shoe and apparel repair, musical instrument repair.

Retail Sales, General:

Typical Uses: maximum 65,000 GSF of floor area, merchandise, apparel, furniture

Use Group: Transient Accommodation

Hotel, Motel, Extended Stay

PUBLIC AND CIVIC USE GROUPS

Use Group: Medical Facilities

Extended Care Facility, General
Health Care Office, Health Care Clinic

Use Group: Recreation Facilities

Indoor Participant Sports:
Typical Uses: bowling alleys, billiards parlors, physical fitness centers.
Outdoor Participant Sports:
Typical Uses: driving ranges, miniature golf, swimming pools

If the goal is to accommodate service uses that support industrial and employment activities then the IG District is not suitable. Approving the proposed request expands the IL District on the northwest corner of Haskell Avenue and E. 31st Street. This would allow uses such as fast order

food, restaurants, and personal services to develop and serve the surrounding neighborhood residents and industrial area employees.

Staff Finding – The property as zoned is suitable for the existing uses. However, the ability to provide services in the immediate area to the surrounding businesses is restricted by the existing zoning district that limits commercial and services uses. Approval of the request allows an expansion of uses and retains the property within the community industrial inventory.

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

Applicant's Response: *A portion of the property has been developed and the remaining vacant land has never been developed.*

Development as an industrial area initiated with subdivision in 1967 of area. The area initially developed between 1966 and 1976. The area includes a mix of developed and undeveloped land. This area has also been impacted by major construction projects related to SLT. The specific properties included in this request have been zoned for intensive industrial uses since 1966.

Staff Finding – This property has been zoned for industrial uses since 1966. The majority of parcels have been developed for over 40 years.

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

Applicant's Response: *The properties are already zoned IG. Down zoning to IL would allow more uses than currently allowed however, heavy industrial uses would not intensify. By vacating Haskell Lane, right-of-way traffic flow would be simplified through the sight. Traffic flow to the area will likely increase since a vacant lot is being developed however; the surrounding streets are well suited to address traffic increases.*

Approval of the request would introduce uses, such as fast-food restaurants, personal services and retail uses to the area. The construction of the Haskell interchange with K-10 Highway adds an opportunity for destination uses with accompanying traffic to the area. How traffic is addressed is a function of the development patterns that may be established through lot consolidation and redevelopment of the area.

Staff Finding – Changes to traffic patterns should be anticipated if the property is redeveloped with uses that are attractive to passenger vehicle traffic. The proximity to the Highway interchange is attractive to both commercial uses as well as uses associated with industrial truck traffic. This mix of traffic may be considered undesirable by some businesses in the area or commercial traffic may conflict with truck traffic. Careful attention to vehicular circulation will be required as part of any future development application to ensure compatibility between vehicle types and other modes of transportation and to mitigate conflicts.

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: *The gain to the public would be the ability to provide amenities to better serve the employees and residents in the area and additionally to travelers along the newly developed Haskell and K-10 interchange in the form of businesses such as gas and fuel sales.*

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.

- Denial of the request would not affect the existing land uses as they can continue to operate in the IG District.
- Approval of the request can potentially consolidate the existing IL (located between Haskell Lane and Haskell Avenue) into a contiguous district. This would accommodate redevelopment of the property per the applicant's concept including the future vacation of the Haskell Lane right-of-way.
- Approval of the request would permit the development of small-scale retail uses that would support the employees/students, users of the Burroughs Creek Trail, and residents in the surrounding area, as well as serve motorists on K-10 Highway.
- Redevelopment of multiple parcels can be coordinated and designed to provide opportunities for community open space (floodplain and woodland areas) and pedestrian and shared use paths in the area.

Staff Finding – Community gains include activating vacant and underutilized property along the Haskell Avenue corridor. Development/redevelopment should be balanced with public benefits to protect natural resources (open spaces and floodplain) and provide enhancements to street, sidewalk, and multi-use paths in the area.

9. PROFESSIONAL STAFF RECOMMENDATION

Haskell Lane (old Haskell Avenue south of E. 29th Street) separates the Burroughs Creek Industrial area from the IL District to the east. Prior to the construction of the South Lawrence Trafficway, Haskell Avenue was the dividing line between the industrial and residential district with the exception of the property located on the northeast corner of Haskell Avenue and E. 31st Street. HiPer Technology, a manufacturing use included the entire northeast corner of Haskell Avenue and 31st Street. The land was divided because of the highway improvement project that realigned Haskell Avenue to the east (Figure 10). The east side of Haskell Avenue has been developed as the Lawrence College and Career Center and the Dwayne Peaslee Technical Training Center. An additional use will be the Boys and Girls Club facility in the future. The career center is zoned GPI reflecting its public institution use while the Peaslee Center is zoned IL which accommodates a range of uses located in the building. These uses add employment/student population to the area that did not exist prior to the original development of the area.

The parcel of land located on the west side of Haskell Avenue and east side of Haskell Lane is the undeveloped remnant property of the original parcel. This parcel would be incorporated into the proposed IL zoning that is shown on the concept plan.

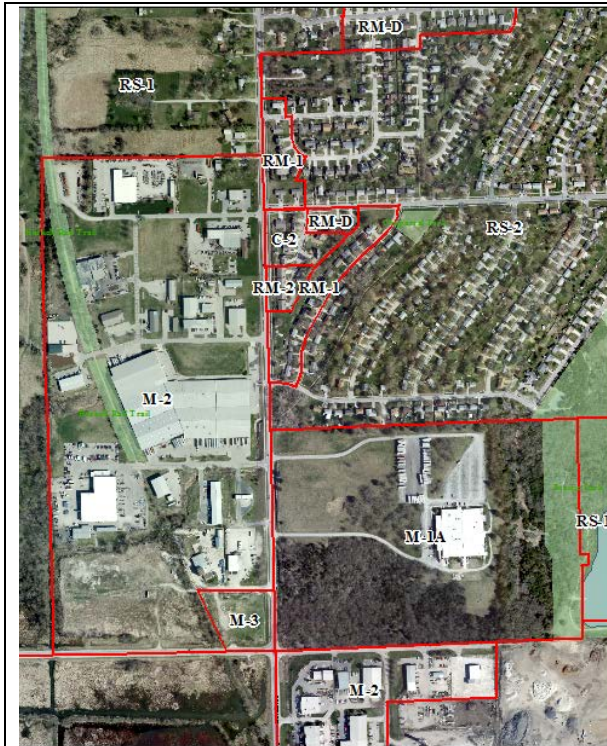


Figure 10: Zoning and Development Pattern 2006



Figure 11: Zoning and Development Pattern 2017

The applicant's argument states that upon vacation of Haskell Lane it "would be beneficial to have all properties along the previous Haskell Lane zoned for the same use in order to provide a more continuous planned corridor." It should not be assumed that all or a portion of the street will be vacated. Additional land use entitlements are required.

CONCLUSION

This application is the first step required for redevelopment of the area with the addition of commercial and services uses to support the area. The proposed request retains the property within the community industrial inventory but allows for the provision of services uses to support employment activity in the area. The area has the advantage of proximity to the highway to capture pass-by and destination traffic within the area.