

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
02/21/2018

ITEM NO. 5 IBP TO IL; 1900 WAKARUSA DRIVE (KEW)

Z-18-00495: Consider rezoning approximately 2.7 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, located at 1900 Wakarusa Dr. Submitted by Home Sweet Home on behalf of Larry McElwain, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 2.7 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, with use restrictions, 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, subject to the following condition: Permitted uses are limited to those listed below:

- a. College/University*
- b. Day Care Center*
- c. Event Center, Small*
- d. Event Center, Large*
- e. Postal & Parcel Service*
- f. Public Safety*
- g. Active Funeral and Interment*
- h. Temporary Shelter (Special Use only)*
- i. Social Service Agency*
- j. Community Meal Program (Special Use only)*
- k. Utilities, Minor (Special Use only)*
- l. Utilities and Service, major (Special Use only)*
- m. Health Care Office, Health Care Clinic*
- n. Active Recreation*
- o. Participant Sports & Recreation, Indoor*
- p. Participant Sports & Recreation, Outdoor*
- q. Passive Recreation*
- r. Nature Preserve/Undeveloped*
- s. Veterinary*
- t. Kennel*
- u. Sales & Grooming*
- v. Accessory Bar (Accessory Use only)*
- w. Restaurant, Quality*
- x. Administrative and Professional (Office)*
- y. Financial, Insurance & Real Estate (Office)*
- z. Payday Advance, Car Title Loan Business*
- aa. Office, Other*
- bb. Parking Facility, Commercial*
- cc. Business Equipment*
- dd. Business Support*
- ee. Maker Space, Limited*
- ff. Maker Space, Intensive*
- gg. Manufacturing & Production, Ltd.*
- hh. Manufacturing & Production, Tech.*
- ii. Research Service*
- jj. Exterior Storage (Accessory Use only)*
- kk. Wholesale Storage & Distribution, Light*
- ll. Mini-warehouse*
- mm. Agriculture, Crop*
- nn. Agricultural, small animal (Accessory Use Only)*
- oo. Farmer's Market*
- pp. On-site agricultural sales (Accessory Use only)*
- qq. Amateur & Receive-Only Antennas (Accessory Use Only)*
- rr. Broadcasting Tower*
- ss. Communications Service Establishment*
- tt. Wireless Facility - Antenna (Accessory Use only)*
- uu. Wireless Support Structure (Special Use only)*
- vv. Satellite dish (Accessory Use only)*
- ww. Recycling Facilities, Small Collection*

Conditional zoning was initiated at the applicant's request.

Reason for Request: *"The current zoning of IBP includes health care office/health care clinic, but does not include the desired uses of kennel and sales & grooming. These desired uses are permitted in IL zoning."*

KEY POINTS <ul style="list-style-type: none">• Property is included in an existing Industrial Business Park zoning district.• District is described in Chapter 7 of <i>Horizon 2020</i> as part of the industrial inventory.• Proposed use is not permitted in the IBP District.• Applicant proposes restricted zoning to maintain IBP character but permit specific uses.
ASSOCIATED CASES/OTHER ACTION REQUIRED <ul style="list-style-type: none">• Final Plat Oread West No. 14.• SP-10-59-93; Site Plan for Carrousel Printing (not developed)• Submission of a site plan for lot development.
PLANS AND STUDIES REQUIRED <ul style="list-style-type: none">• <i>Traffic Study</i> – Not required for rezoning• <i>Downstream Sanitary Sewer Analysis</i> – Not required for rezoning• <i>Drainage Study</i> – Not required for rezoning• <i>Retail Market Study</i> – Not applicable to this request
ATTACHMENTS <ol style="list-style-type: none">1. Area map2. Concept Development3. Neighborhood Map4. Use Table5. Land Use Map
PUBLIC COMMENT RECEIVED PRIOR TO PRINTING <ul style="list-style-type: none">• No communications or inquiries have been received for this rezoning request.

Project Summary:

This application is a pre-development request to change the base zoning district to permit *Kennel and Sales & Grooming* on a specific parcel of land in the Oread West Research Park. The applicant proposes to condition the zoning and restrict uses to those permitted in the IBP District (as it currently exists) and add the *Kennel and Sales & Grooming* use to the list of permitted uses.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"The project creates an infill development project on existing commercially zoned land. It creates the opportunity for an increase in property tax revenue, while providing the opportunity for the expansion of a local business."*

Industrial and Employment-Related Land Uses are discussed in detail in Chapter 7 of *Horizon 2020*. Specific strategies are listed in Chapter 7 and include increasing the number and diversity of jobs available, protect, enhance and retain existing industrial-related land use areas, continue to address the needs of existing businesses and industries to ensure their retention in the community and to help facilitate expansion plans of those businesses and industries for the future.

Horizon 2020 divides this land use into two groups. See Table 1. The community includes both existing and future areas designated for these land uses described in Chapter 7 in detail. *Horizon 2020* identifies the Oread West Research Park as an existing (Employment Related Area) (Page 7-10).

Table 1 INDUSTRIAL LAND USE CATEGORIES (HORIZON 2020)

	Industrial Land Use	Employment Related Land Use
Land Use Categories	<ul style="list-style-type: none"> • Warehouse and Distribution • Industrial • Work-live Campus-type Center • Industrial/Business/Research Park 	<ul style="list-style-type: none"> • Office • Office Research • Work-live Campus-type Center • Industrial/Business/Research park

Applicable policies in *Horizon 2020* are discussed below, with staff comments.

Industrial and Employment-Related Land Use (Chapter 7, *Horizon 2020*)

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

Policy 1.1 Retain Established Development and Encourage New Development in Existing Industrial and Employment Related Areas.

This policy discusses the need to market and develop existing areas designated for industrial and employment related uses. Approval of this request will facilitate development of vacant land within an existing industrial area.

Policy 1.2: Ensure Compatibility of Development

"Encourage best management practices for site planning and design that include, but are not limited to, building placement and orientation, vehicular and pedestrian circulation patterns, open space, landscaping, lighting, stormwater management, and interfacings with adjacent neighborhoods and development, and appropriate accommodation of the design to the site's natural features."

Staff will review the submitted site plan for compliance with the standards of the Land Development Code, which will include compatibility with the arrangement of buildings, off-street parking, lighting, landscaping, pedestrian walkways and sidewalks, ingress and egress, and stormwater drainage of the surrounding area. Staff will also review a future development application for conformance with the Community Design Manual – Industrial Design Standards. The review will ensure that, by meeting the Land Development Code standards, the development is compatible with the surrounding area.

This application includes a concept plan showing the location of the building with customer parking, rear access and parking, and a shared driveway.

Policy 1.3: Concentrate Industrial and Employment-Related Development

"Maintain an appropriate supply of industrially zoned land so that site choices are available and infrastructure expansion can occur in an efficient and orderly manner."

The rezoning request maintains the industrially zoned land in the Oread West Research Park in a different form. The restrictions associated with the rezoning align the proposed IL zoning to the surrounding IBP zoning of the research park. The uses permitted in the IBP District would be maintained with this rezoning, but the applicant has proposed to restrict all other IL uses except for *Kenel and Sales & Grooming*.

Goals 2, 3, and 4

The goals and policies included in the rest of Chapter 4 address criteria for the location of new industrial and employment-related development, compatible land use transitions, and

transportation considerations. Only policies specific to site design and access would be applicable to this request since the property is currently included in the industrial land inventory.

Staff Finding – Rezoning of the subject property to the IL District would be in conformance with *Goal 1: Development in Established Industrial and Employment Related Area of Horizon 2020*. The proposed rezoning would conform with the comprehensive plan. Approval of the request does not alter the property’s inclusion in the industrial inventory.

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

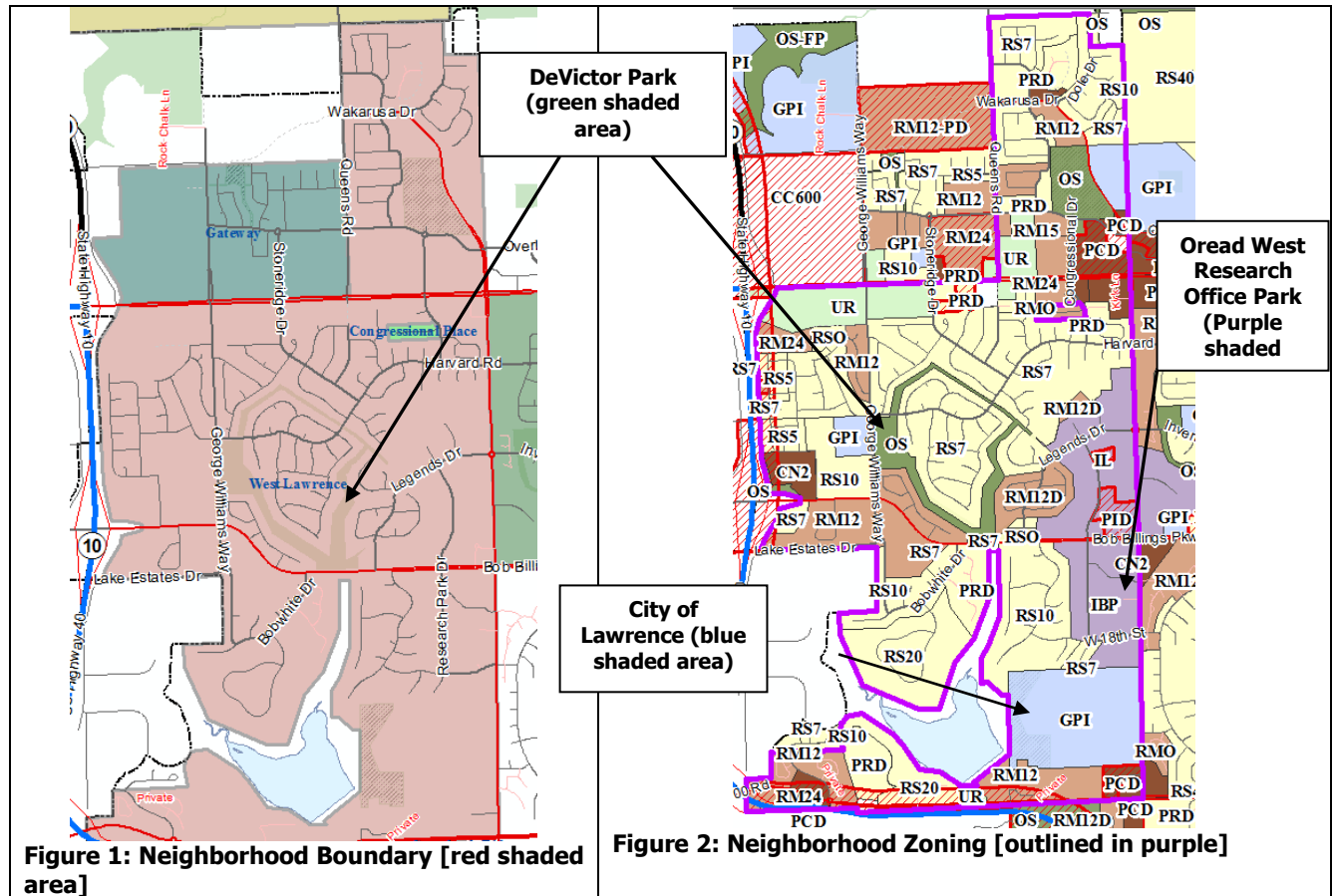
Current Zoning and Land Use:	IBP (Industrial Business Park) District; vacant land.
Surrounding Zoning and Land Use:	<p>IBP (Industrial Business Park) District to the north and west; <i>Healthcare Office/Health Clinic</i> use to the west and <i>Veterinary</i> use and <i>Administrative and Professional Office</i> uses to the north.</p> <p>GPI (General Public and Institutional Use) District to the south; Wastewater Treatment Plant</p> <p>RM12 (Multi-Dwelling Residential) District to the east. Lots to the east are developed with a <i>single-dwelling</i> residential structures.</p>

Staff Finding – The subject property is adjacent to IBP zoning to the north and west, GPI zoning is located to the south. The lots along the east side of Wakarusa Drive are developed with single-dwelling residential structures.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant’s Response: *"The neighborhood is comprised of a mix of commercial, public and residential uses. To the north and west, there exists a veterinary clinic and a health care office/clinic; to the south is a City of Lawrence owned property, and to the east across Wakarusa Drive is a mix of multi-family and single-family residential."*

The property is included in the West Lawrence Neighborhood (Figure 1). It is the largest neighborhood in Lawrence. The neighborhood includes area north of W. 6th Street to Peterson Road and south to Clinton Parkway. The neighborhood is located entirely on the west side of Wakarusa Drive. Land uses along Wakarusa Drive include commercial uses at W. 6th Street and Clinton Parkway. Between these two points, the area includes the *Oread West Business Park* (IBP, PID, and IL zoning) and approximately 118 acres zoned GPI (City of Lawrence Water Treatment Plant, Fire Station, Public Works fueling station, and future parkland). Open space as well as back-to-back zoning relationships are used to transition between uses. Figure 2 shows the location of significant land uses in the neighborhood.



The property included in this request is located within the southern portion of the business park. A portion of the business park extends east of Wakarusa Drive along Quail Crest Place. City owned property is located directly to the south of this request. This section of the business park, is predominantly developed with office and medical office uses (see attachment no. 5). These uses anchor the neighborhood and provide services to the surrounding area.

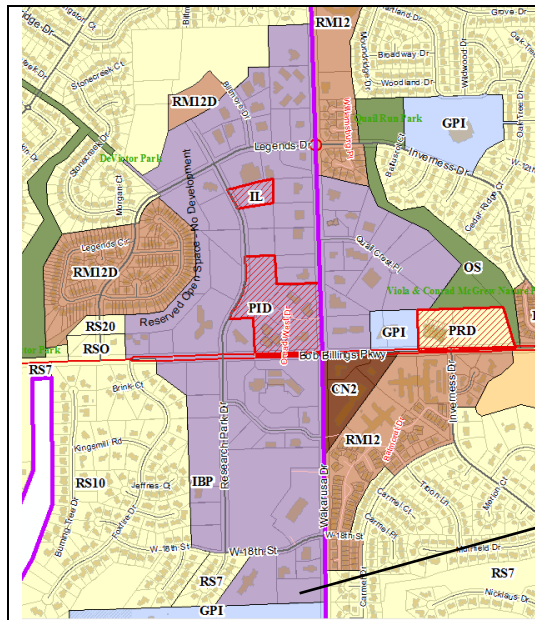


Figure 3: Oread West Research Park

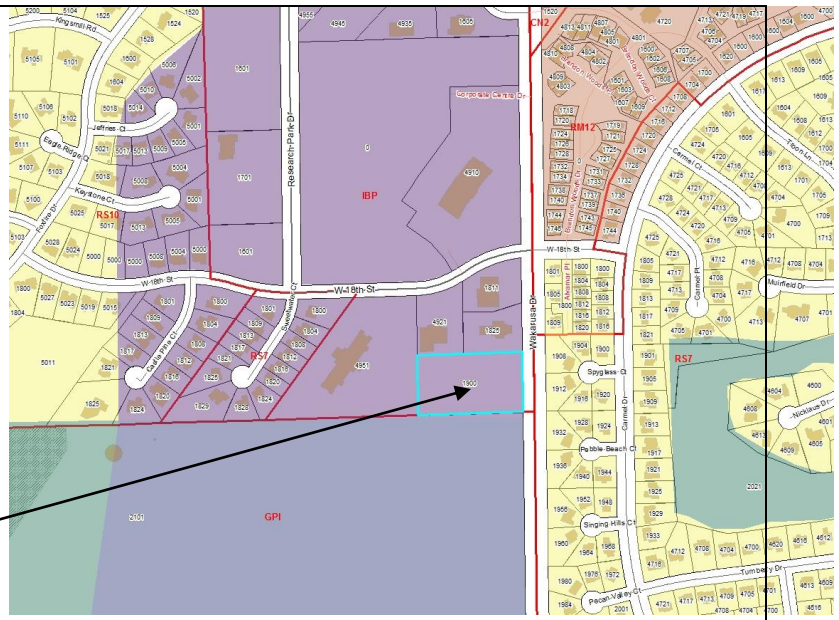


Figure 4: Subject Property/Portion of Oread

Staff Finding – The majority of the neighborhood is residential. Non-residential uses are located along the arterial streets that surround the neighborhood. The Oread West Research Office Park is located in the east-central portion of the neighborhood and includes a mix of office, industrial, and commercial uses.

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

There are no adopted area plans or sector plans that include this property. Map 3-2 in Horizon 2020 identifies the future land use of this parcel as Office Research Industrial. The development pattern has been established through the annexation, zoning, subdivision approvals, and extensions of infrastructure over time. The original IBP District was much larger but has been reduced over time. A property to the north of the proposed request was similarly modified by Z-16-00215 (IBP to IL with conditions).

Staff Finding – The property included in the request has not been included in a specific area or sector plan. The development pattern of the area has been established through the land use entitlement process.

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

Applicant's Response: *"The current IBP zoning will allow for a portion of the proposed project (Symbiotic Behavioral Treatment Center), but not for the kennel, sales & grooming use."*

The property is currently zoned IBP which permits certain low-impact employment and manufacturing uses in a planned industrial/business parking setting. This portion of the staff report analyzes the new use that would be permitted and the uses that would be prohibited with the approval of the request. Attachment 4 shows the uses permitted in the two districts. This rezoning proposes restricting all of the uses normally permitted in the IL District that are not permitted in the IBP District to align the subject property to the surrounding area zoned IBP. Only one use,

Kennel and Sales & Grooming, permitted in the IL (not allowed in the IBP District) is proposed as an additional allowed use.

1310 Wakarusa Drive, to the north of the subject property, was restricted to allow *Construction Sales and Service, Kennel, Work/Live Unit, and Building Maintenance* (Z-16-00215). This rezoning allowed the development of the property for a *Construction Sales and Service* use known as Rainbow International, a contractor's shop and restoration business. This current application follows that precedent. The requested rezoning would accommodate the expansion of an existing business to locate/expand business operation in the western portion of the community.

Kennel and Sales & Grooming: The uses are defined in the Land Development Code as:

"Kennel services for dogs, cats, and small animals, including day care and overnight care. Typical uses include boarding kennels and dog training centers." (Section 20-1710 (2)).

Sales, grooming and day time care of dogs, cates, and similar small animals. Typical uses include pet stores, dog bathing and clipping salons and pet grooming shops, No overnight boarding is allowed." (Section 20-1710 (1)).

USES THAT WOULD BE RESTRICTED

Below is a list of the uses that are allowed in the IBP District that are not allowed in the IL District. If this request were approved, the following uses would no longer be an option for development because they are not allowed in the IL District, but are permitted in the IBP District.

- *Cultural Center Library*
- *Extended Care Facility, General* (permitted with approval of a Special Use Permit)
- *Accessory Restaurant* (permitted as an accessory use)¹
- *Private Dining Establishment*²

The uses normally permitted in the IL District that are proposed to be restricted are listed below. Uses shown in blue are permitted in the IL District with the approval of a Special Use Permit.

¹ Typical uses include snack bars, school cafeterias, and supermarket delicatessens.

² Private Dining uses are accessory to owner-occupied residential uses where the residence is the principal use. Residential uses are not permitted in the IBP District so it is unlikely that the use would ever occur.

- *Mobile Home*
- *Detention Facilities*
- *Lodge, Fraternal & Civic Assembly*
- *Passive Funeral and Internment*
- *Campus or Community Institution*
- *Neighborhood Institution*
- *Livestock Sale*
- *Mini-Warehouse*
- *Veterinary*
- *Fast Order Food*
- *Fast Order Food, Drive-in*
- *Accessory Parking Facilities*
- *Agricultural Sales*
- *Building Maintenance*
- *Construction Sales and Services*
- *Food and Beverage*
- *Mixed Media Store*
- *Personal Convenience Services*
- *Personal Improvement Services*
- *Repair Service, Consumer*
- *Retail Sales, General*
- *Hotel, Motel, Extended Stay*
- *Vehicle Sales & Service; Cleaning*
- *Fleet Storage*
- *Gas and Fuel Sales*
- *Heavy Equipment Repair*
- *Heavy Equipment Sales/Rental*
- *Inoperable Vehicles Storage*
- *Light Equipment Repair*
- *Light Equipment Sales/Rental*
- *RV and Boat Storage*
- *Industrial, General*
- *Laundry Service*
- *Scrap and Salvage Operation*
- *Wholesale Storage & Distribution; Heavy*
- *Wholesale Storage and Distribution; Light*
- *Urban Farm*
- *Recycling; Large Collection*
- *Recycling; Processing Center*

Staff Finding – The proposed request does not alter the suitability of the property for future development of uses permitted in the IBP District, with the exception of allowing *Kennel and Sales & Grooming*. The proposed zoning could be described as IBP plus two additional uses – *Kennel and Sales & Grooming*. Approval of the request does not substantively alter the allowed uses or potential for development.

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

Applicant's Response: *The subject property has remained vacant since its annexation into the City in 1988.*

The property was rezoned to IBP (Industrial Business Park) District in 2006 with the adoption of the Land Development Code. Prior to 2006 the property was zoned M-1 (Research Industrial) District. The M-1 District was established through multiple annexation and rezoning requests from 1983 to 2003.

Staff Finding – The property included in the request has been zoned for industrial development in the current configuration since annexation in 1983. The property is undeveloped.

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

Applicant's Response: *"The rezoning will have no detrimental impact on the nearby properties. The surrounding properties include these uses: veterinary clinic, a health care clinic/office and the City of Lawrence services. The new use would be complimentary and beneficial to the existing properties."*

The proposed change will not cause a detrimental effect. The impact of the request is to retain the currently permitted list of uses of the IBP district, with the addition of *Kennel and Sales & Grooming*. Other uses permitted in the IL district would be prohibited.

Staff Finding – Approval of the conditional IL district request mitigates detrimental effects on nearby properties and retains the property as part of the industrial inventory.

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 current land owner has had the property on the market for many many years. If this proposal is denied, the land will remain undeveloped and continue to produce a lower property tax. When developed, the property tax will increase significantly , and provide a complimentary use to the area as well as help existing businesses grow."*

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.

This IBP District is unique in the City of Lawrence. This area is the only industrial node with this specific designation. The area was developed incrementally and the district boundary has fluctuated with respect to various development demands. Infrastructure is adjacent to this specific area included in the request.

Staff Finding – Denial of the request defers development opportunity of underutilized land. Approval of the request facilitates infill development within the business park portion of the neighborhood.

9. PROFESSIONAL STAFF RECOMMENDATION

The intent of the applicant's request is to retain the uses currently permitted in the IBP district and to allow the *Kennel and Sales & Grooming* uses. The request allows the uses without modifying the Land Development Code by seeking to change the uses permitted in the base district. The proposed development is for a Symbiotic Behavioral Treatment Center facility (therapy with animals) and kennel with grooming. The activity is predominantly indoors (with outside kennel run area) and compatible with the development pattern of the developing business park. All industrial use districts are included in the industrial inventory for this industrial park. Staff recommends approval of the proposed IL District with restrictions.

CONCLUSION

Staff review for conditional zoning was at the applicant's request. The applicant will be required to submit a site plan for administrative review and approval prior to issuance of a building permit.