

PLANNING COMMISSION REPORT

Regular Agenda – Public Hearing Item

PC Staff Report
6/23/14

ITEM NO. 3E: A TO IL; 13.3 ACRES; SW OF N 1750 RD & E 902 RD (MKM)

Z-14-00165: Consider a request to rezone approximately 13.3 acres from County A (Agricultural) District to IL (Limited Industrial) District, located SW of N 1750 Rd & E 902 Rd. Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 13.3 acres southwest of N 1750 and E 902 Roads from A (County-Agricultural) District to IL (Limited 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 subject to the following conditions:

1. The rezoning is contingent upon the approval of the associated annexation request and will be in effect only after the publication of the annexation ordinance.
2. Any future use proposed for this property shall comply with the primary uses listed for the Office/Research classification in the *K-10 & Farmer's Turnpike Plan* and any amendments to the plan.

REASON FOR REQUEST

Applicant's Response:

"Annexation has been requested and rezoning is part of the process."

KEY POINT

- The property is located within the boundaries of the *K-10 & Farmers Turnpike Plan*.
- A Comprehensive Plan Amendment to expand the boundaries of the *K-10 & Farmers Turnpike Plan* and to revise the future land use recommendations has been submitted and is also on the June Planning Commission agenda as part of this item.

ASSOCIATED CASES

- CPA-14-00005: Revision and expansion of *K-10 & Farmer's Turnpike Plan*.
- A-14-00161: Annexation of approximately 100 acres.
- A-14-00163: Annexation approximately 15 acres.
- Z-14-00162: Rezoning of approximately 25 acres A (County-Agricultural) to RS5 (Single Dwelling Residential) District.
- Z-14-00164: Rezoning of approximately 75 acres from A (County-Agricultural) to RS7 (Single-Dwelling Residential) District.
- Z-14-00204: Rezoning of approximately .8 acres from A (County-Agricultural) to RS7-FP (Single-Dwelling Residential and Floodplain Management Regulations Overlay) District.

These associated cases were submitted as part of the same development project and are being considered at the June Planning Commission meeting.

OTHER ACTION REQUIRED

- City Commission approval of Comprehensive Plan Amendment and adoption/publication of ordinance/resolution.
- City Commission approval of annexation request and adoption/publication of annexation ordinance.
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Platting of property through the Major Subdivision process.
- Submittal and administrative review/approval of site plan for industrial development.
- Application and release of building permits prior to development.

ATTACHMENTS

Attachment A: Zoning map

Attachment B: Concept plan

PUBLIC COMMENT

No public comment was received for this item prior to the printing of this staff report.

Project Summary

The subject property is located in an area that is undergoing development. Rock Chalk Park, a KU/regional sport facility, and a City Recreation Center are under construction to the southeast. Other developments such as Mercato and the Links at Lawrence have preliminary approvals. Growth in this area had previously been limited by the lack of City infrastructure; however, the extension of the Baldwin Creek Sanitary Sewer Interceptor Line in 2009 and adoption of a Wastewater Masterplan with plans for future main extensions in the area have made development possible. An annexation request was submitted for this property and is before the Commission as part of this item.

The subject rezoning request to the IL (Limited Industrial) District is not compliant with the recommendations in the *K-10 & Farmer's Turnpike Plan* but may be appropriate given the nature of the development immediately to the east, the Westar Baldwin Creek Substation. Westar has plans to expand this facility and a Conditional Use Permit application is on the June Planning Commission agenda for consideration. A warehouse use may be more compatible with the larger substation and additional transmission lines being proposed. A Comprehensive Plan Amendment to revise the *K-10 & Farmer's Turnpike Plan* was submitted by the applicant to revise the plan's future land use recommendations to permit a warehouse use in this location.

The property owner indicated that the proposed use is a *Mini-Warehouse*. The concept plan shows the proposed layout of the warehouse. Principal factors to consider with the site design are buffering from the residential or residential/office uses to the north, E 902 Rd, and the appearance of the warehouse, both from the nearby residential areas and K-10 Highway. These would be considered with the site planning process and the implementation of the *Industrial Design Standards and Guidelines*.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The staff report for CPA-14-00005 indicates that the proposed rezoning is in general conformance with Horizon 2020. The zoning request has been slightly modified to reflect the findings of the staff report."

The subject property is within the planning boundaries of the *K-10 & Farmer's Turnpike Plan*, which is discussed in Section 4 of this report. The rezoning will be reviewed in this section for compliance with general recommendations of the Comprehensive Plan. Policies from the Comprehensive Plan are below, with staff comments in red.

Horizon 2020 recommends that new industrial development *substantially* meet the following locational criteria for Industrial Development in Chapter 7:

- Have feasible access to Federal and State transportation networks
- Be of adequate parcel size, generally over forty acres
- Lie primarily outside of the regulatory floodplain
- Have minimal average slopes. (page 7-4)

The subject location substantially meets these criteria. The parcel is less than 40 acres; however, the area provided, 13.3 acres, is adequate for the limited industrial use that is being proposed.

Policy 3.1 Transitional Methods

- a. *"Encourage industrial, office research and warehouse distribution facilities to have a positive impact on neighboring land uses through the use of natural area separations, broad landscaped yards, or other means of buffering."*

The warehouse would be separated from the development to the north by open space which will contain the access drive and buffering landscaping.

Policy 4.3 Vehicular circulation and Access

- b. *"Prohibit direct vehicular access from industrial and employment-related developments to local residential streets. Industrial and employment-related traffic through residential areas is strongly discouraged."*

The proposed warehouse would take access directly from E 902 Road, which is classified in the Major Thoroughfares Map as a future Major Collector in this location.

Staff Finding – The rezoning request is compliant with the recommendations of Industrial Chapter of the Comprehensive Plan. The redevelopment proposal will be evaluated with the recommendations of the sector plan in Section 4 of this report.

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

Current Zoning and Land Use: A (County-Agricultural); Agriculture.

Surrounding Zoning and Land Use: To the north:
A (County-Agricultural), F-W (Floodway Overlay), and F-F (Floodway Fringe Overlay) Districts; Baldwin Creek, wooded stream corridor, and *Agriculture*.
To the west:
A (County-Agricultural); *Agriculture* and K-10 Highway.
To the east:
A (County-Agricultural); *Utility*, Electric Substation.

To the south:

A (County-Agricultural); Agricultural land uses and accessory structures and K-10 Highway.

(Figure 1)

Staff Finding – The subject property is included in an annexation request for adjacent land to the north and land east of E 902 Road. The properties to the west and south are outside of the City limits, are zoned A (Agricultural) and are currently used for Agricultural uses. The property to the east is zoned A, but has a Conditional Use Permit for a Utility, an electric substation. The property to the north is currently zoned A, but has a rezoning request to the RS5 District for a proposed residential development. The proposed IL zoning and *Mini-Warehouse* land use is compatible with the existing and proposed zonings and land uses in the area.

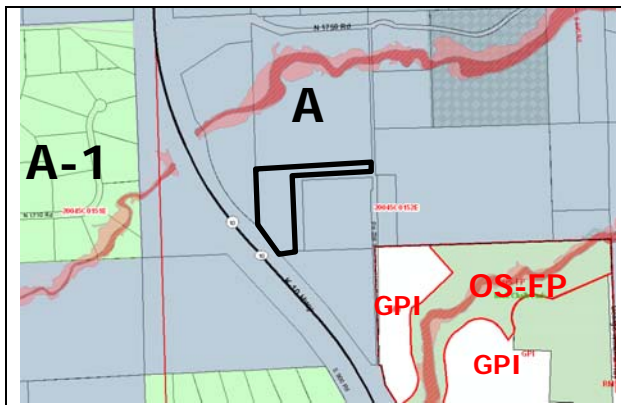


Figure 1a. Zoning in the area. (Subject property outlined, approximate area.) County Zonings in black, City in red.



Figure 1b. Land use in the area. City parkland highlighted in green, future parkland in green hatched area.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

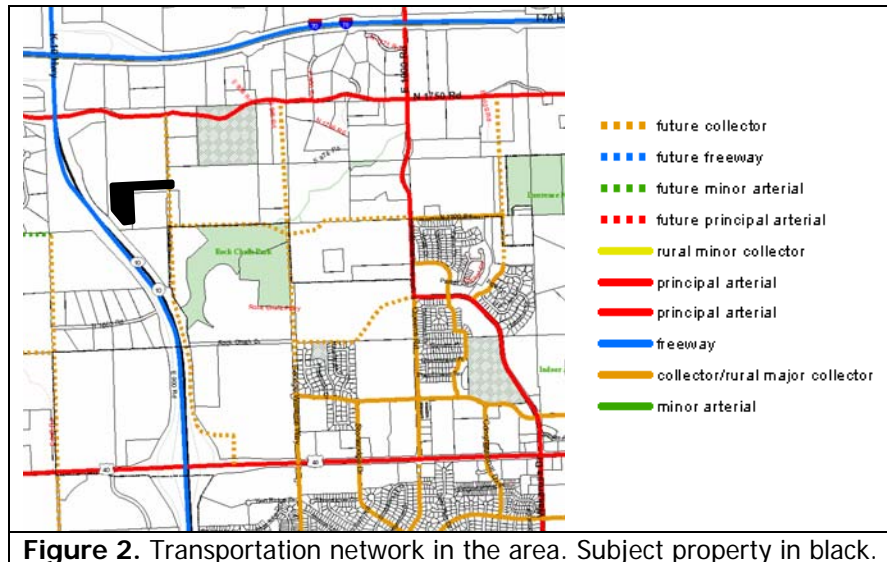
"The character of the neighborhood has been recently changed with the recent construction of Rock Chalk Park. The properties are influenced by the character of the area, which includes K-10 Highway, Rock Chalk Park and the Westar Substation."

The area is bounded on the west by K-10 Highway, which is classified in the Major Thoroughfares Map as a Freeway, and on the north by N 1750 Road, which is classified as a Principal Arterial. Future Collector Streets connect N 1750 Road to W 6th Street/Highway 40 to the south and provide east/west connections to E 1000 Rd and Wakarusa Drive, Principal Arterials. The area has access to the major transportation network. (Figure 2)

Current land uses in the area are agriculture, rural residential, woodlands, and utility; however urban properties in the area are in various stages of development. Construction of the KU/regional sports center, Rock Chalk Park, and the City Recreation Center is nearly complete. The Mercato development to the south of Rock Chalk Park and the Links at Lawrence, a multi-dwelling development proposed to the east of Rock Chalk Park have preliminary development approvals. The area that is within the City limits is experiencing development.

The utility use, an electric substation, is also developing. A CUP has been submitted to allow for the expansion of the facility.

The Baldwin Creek floodplain and riparian corridor are significant environmental features of the area. Open space is available in the area in the form of City parklands, with the Rock Chalk Park to the southeast of the subject property and a future City parkland to the northeast.



Staff Finding – The area contains a network of collector streets that provide connections to arterials bordering the area on the north (N 1750 Road), east (E 1000 Road and Wakarusa Drive) and south (W 6th Street/Highway 40). The utility and the portion of the area that is within the City limits is experiencing development. Open space (Baldwin Creek Floodplain and riparian corridor, and City parklands) is present in the area. The proposed use would access a Future Major Collector Street, E 902 Road, which connects to W 6th Street/Highway 40 to the south and Wakarusa Drive to the east and should have no negative impact on environmental features or open space in the area. With appropriate site design, the use should be compatible with the existing and proposed uses in the area.

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

The subject property is located within the planning boundary of the *K-10 and Farmer's Turnpike Plan*. The plan recommends this area as Residential/Office on the Future Land Use Map (Page 3-11 of the plan; Figure 3) The plan lists the following uses as being appropriate in the Residential/Office area: mixed use development of administrative and professional offices with varying degrees of residential that may be achieved through the use of work/live units. Primary uses recommended are: work/live units, non-ground floor dwellings, attached dwellings, multi-dwelling structures, civic and public uses, and offices. The applicant submitted an application for a Comprehensive Plan Amendment (CPA) to revise the recommendations of the sector plan to permit a *Mini-Warehouse*, use in this location.

The CPA, also on the Planning Commission's June agenda for consideration, recommends revising the land use map so that the subject property is recommended for Office/Research uses. Light wholesale storage and distribution is one of the recommended primary uses. (Section 3.2.1.7, *K-10 & Farmer's Turnpike Plan*) Office/Research primary uses include: professional offices, research services, manufacturing and production limited and technology, light

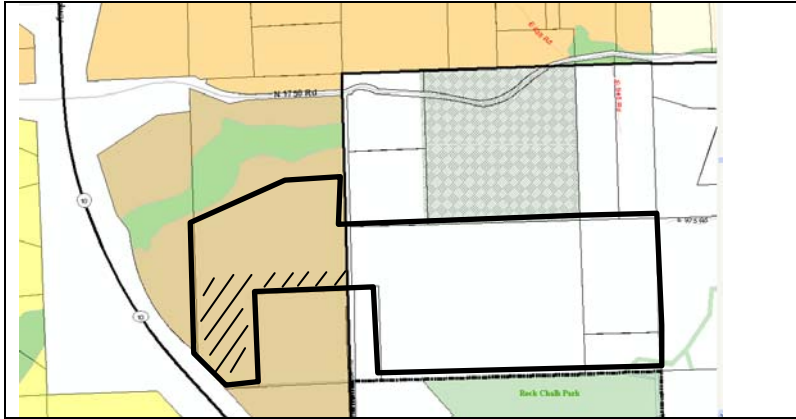


Figure 3. Land use recommendations in current *K-10 & Farmer's Turnpike Plan*. Westar substation marked with yellow dot. Brown area is designated as Residential/Office Development in the plan. Property within total development proposal is outlined. Property that is the subject of this rezoning is hatched.

wholesale storage and distribution. The plan recommends a restricted list of uses and, if the CPA and rezoning request are approved, the rezoning should be restricted to those uses listed in the plan for Office/Research uses.

Staff Finding – The property is located within the limits of the *K-10 & Farmer's Turnpike Plan* which recommends Residential/Office as a future land use. The proposed rezoning is not compliant with the current recommendations; however, staff's recommendation on the Comprehensive Plan Amendment is to revise the future land use recommendations for this property from Residential/Office to Office/Research. The proposed use complies with the future land uses recommendations of the sector plan, with changes recommended by staff with CPA 14-00005

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

Applicant's Response:

"The property currently has a County zoning designation which is unsuitable once it is annexed into the City."

The property is currently zoned A which permits agricultural uses as well as other low intensity uses in the County. A *Mini-Warehouse* is a permitted use in the A District when approved with a Conditional Use Permit. Standards which would apply include: 1) Property must be within the Urban Growth Area, 2) Direct access must be taken to a paved road with a classification of 'Collector' or higher. The property is suitable for uses which are permitted within the A District; however, annexation is appropriate prior to development given the proximity of the property to the City limits.

The property is suitable for the *Mini-Warehouse* use which has been proposed. A limited industrial use would be compatible with the adjacent uses: K-10 Highway, a freeway, and agricultural land uses to the west; and an electric substation to the east. The property will be separated from the development to the north by an easement for electric transmission lines.

Staff Finding – The property is suitable for the uses to which it is restricted; however, annexation is appropriate with this development given the proximity of the City limits and the

ability of the City to provide services. Once annexed, the property must be rezoned to an urban zoning designation. The IL District is an appropriate zoning district, pending approval of the Comprehensive Plan Amendment.

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

Applicant's Response:

"The property has never been developed."

Staff Finding – The property has not been developed since the adoption of zoning regulations in the unincorporated area of the County, 1966. Rezoning is being requested to accommodate development following annexation.

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

Applicants Response:

"The zoning request will not detrimentally affect nearby properties."

A *Mini-Warehouse* facility would be permitted in the County-A District with a Conditional Use Permit or in the City IL District with a site plan. Rezoning to the IL District could permit a range of other uses; however, the site plan review criteria in Section 20-1305(j) of the Development Code requires that the site plan complies with the adopted neighborhood or area plans. As this area has an adopted sector plan, any proposed use would be evaluated for compliance with the recommendations of the *K-10 & Farmer's Turnpike Plan*. The primary uses the plan recommends for Office/Research include: professional offices, research services, manufacturing and production limited and technology, and light wholesale storage and distribution. The rezoning should be conditioned to clarify that the uses are limited to those recommended by the area plan.

Given the property's location to the K-10 Highway and future adjacent residential/office development (recommended in area plan), the redevelopment of the property should receive stringent review with the *Industrial Design Standards and Guidelines* to insure compatibility with the neighborhood and an aesthetically pleasing view from K-10 Highway.

Staff Finding – The rezoning to the IL District will permit additional uses to be developed on the property than would have been possible with the A Zoning. The rezoning should be conditioned to restrict the permitted uses to those listed in the Office/Research category per Section 3.2.1.7 of the *K-10 & Farmer's Turnpike Plan*. Given the proximity of the property to K-10 Highway and future residential/office uses, any development proposal should receive stringent review with the *Industrial Design Standards and Guidelines* to insure compatibility with the neighborhood and an aesthetically pleasing view from K-10 Highway.

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:

"The expansion of available industrial and residential land will provide new opportunities for the community as a whole. It will also be a valuable contribution to the future growth and development of the part of the Urban Growth Area once services are available."

Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

If the Comprehensive Plan Amendment is approved so that Office/Research uses are permitted, there would be no gain to the public from the denial of the rezoning. The rezoning should be conditioned to reflect that the permitted uses are those listed in the 'primary uses' section of the *K-10 & Farmer's Turnpike Plan* to insure those uses which have been determined to be compatible with the area are those uses which are permitted.

If the rezoning were denied, the applicant could withdraw the annexation request and submit an application to develop the *Mini-Warehouse* as a Conditional Use.

Staff Finding – The approval of the rezoning would allow the development of a *Mini-Warehouse*, a use the property owner feels is more compatible with the electric substation than residential or office uses. Given the safeguards that are provided with the current Code: use restrictions in the area plan, and design standards in the Industrial Design Standards and Guidelines, there would be no benefit to the public health, safety, and welfare due to the denial of the application.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The rezoning request is compliant with recommendations for industrial development in *Horizon 2020*. The request is not compliant with the current plan for the area, but does comply with staff recommendations on the Comprehensive Plan Amendment.

Staff recommends approval of the rezoning request subject to the following conditions:

1. The rezoning is contingent upon the approval of the associated annexation request and will be in effect only after the publication of the annexation ordinance.
2. Any future uses proposed for this property shall comply with the primary uses listed for the Office/Research classification in the *K-10 & Farmer's Turnpike Plan*, and any future amendments or revisions.

RS5

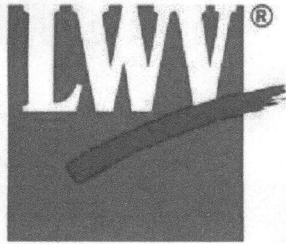
IL

RS7



Scale: 1"=500'





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JUN 23 2014

City County Planning Office
Lawrence, Kansas

To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

RE. AGENDA ITEMS 2 AND 3A THROUGH 3E, K-10 & FARMERS' TURNPIKE PLAN
CHANGES, AND ANNEXATIONS, AND REZONINGS

Dear Chairman Culver and Planning Commissioners

We ask that you deny all of the proposed changes in the Agenda Item No. 2, the revision of the K-10 & Farmers' Turnpike Plan, and all of Agenda Items 3A through 3E, the annexation and rezonings. This includes not only the proposed changes to the Future Land Use Map, but also the proposed policy changes to the designated Residential/Office area that would change its boundaries, and most importantly that would add detached dwellings to the "Primary Uses" policies, pages 3-8, and all other changes currently proposed for this Area Plan. In conjunction, we ask that you not annex this land or rezone any of it at this time.

We believe that this is an extremely important issue. By allowing these changes to this Plan, and consequently this area, it would remove an important location that could provide needed employment-related uses to this most important new location, the connection of the South Lawrence Trafficway to the Turnpike. We ask that *none* of these changes be approved and that the Plan remain unrevised. We believe our reasons for this involve the future well-being of the City.

1. The policy change on pages 3-8, (3.2.1.5) under "Applicable Areas" that would allow the Residential/Office to change its boundaries, thereby allowing the intrusion of the IL District zoning, regardless of whether the mini-storage area is built, would decrease the needed area for the Residential/Office, reducing its likelihood of being used for that purpose, and at the same time not provide a sufficiently large Office/Research area to be a benefit.

2. A mini-storage use being built in that area would be highly visible from the K-10 connection and for that reason undesirable, as well.

3. a) The policy change on pages 3-8 (3.2.1.5) under "Primary Uses" would add "Detached dwellings" to the permitted uses. This would allow the change of the primary use of the Residential/Office designation from the intended employment-related uses to nothing but single-family residences. This change would become a major loss of future opportunity for the City.

b) Also, the change here would seem to dictate that this policy would become general and extend to the Residential/Office category everywhere, permitting single-family detached residences and thus removing the mixed-use, employment-related purpose of this category and eliminating predictability of this designation.

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4. Annexing and rezoning the residential area north of the Rock Chalk Park, which is now part of the Northwest Plan, is not treating the area as was originally intended. The Northwest Plan recommended, because of the extreme terrain, that this area be low and very low density. The rezoning of this area to RS7 is too dense for the terrain. We suggest, first of all, that it not be annexed or included in the Farmers' Turnpike Plan, and when it is rezoned to residential that it be rezoned to RS10 or RS20 and developed as a cluster development in order to avoid intrusion into the flood plain, vegetation, and rough terrain.
5. As a future consideration, we ask that you attempt to plan residential areas as neighborhoods incorporating smaller portions of them into larger planned areas that have in them, or planned for them, the essential amenities. These include schools, parks, neighborhood centers and transportation systems with complete streets that interconnect within the neighborhoods, allowing convenient pedestrian access.

We hope that you consider our suggestions useful. Thank you.

Sincerely yours,

Cille King

Cille King, President

Alan Black

Alan Black, Chairman
Land Use Committee