

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
02/21/2018

ITEM NO. 1 IBP TO IL; 1300 BLOCK RESEARCH PARK DR (SLD)

Z-17-00689: Consider a request to rezone approximately 1.685 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, located in the 1300 Block of Research Park Dr. Submitted by Landplan Engineering, on behalf of Wakarusa Plaza, LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 1.685 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:

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

Reason for Request: *This rezoning request would facilitate the development of a fully enclosed, climate-controlled 370-unit mini-storage facility on the subject property. This application includes a concept plan. The applicant anticipates submitting a site plan application prior to consideration of the Planning Commission. The existing IBP District does not permit this proposed use despite its*

general conformance with the established land use pattern in the immediate neighborhood. The requested IL zoning (with restrictions) would permit the proposed land use while preserving the pattern and character of development already found within the neighborhood. The application proposes to restrict uses within the IL District to the following:

College/University; Day Care Center, Event Center, Small, Event Center, Large, Postal & Parcel Service, Public Safety, Active Funeral And Interment, Temporary Shelter (Special Use Only), Social Service Agency, Community Meal Program (Special Use Only) Health Care Office, Health Care Clinic, Active Recreation, Participant Sports & Recreation, Indoor, Participant Sports & Recreation, Outdoor, Passive Recreation, Natural Preserve/Undeveloped, Veterinary, Accessory Bar (Accessory Use Only), Restaurant, Quality, Administrative And Professional, Financial, Insurance & Real Estate, Payday Advance, Car Title Loan Business, Office, Other, Parking Facility, Commercial, Business Equipment, Business Support, Marker Space, Limited, Maker Space, Intensive, Manufacturing & Production, Limited, Manufacturing & Production, Technological, Research Service, Exterior Storage (Accessory Use Only) Wholesale, Storage & Distribution, Light, Mini-Warehouse, Agricultural, Crop, Agriculture, Small Animal (Accessory Use Only), Farmers Market, On-Site Agricultural Sales (Accessory Use Only), Amateur & Receive-Only Antennas (Accessory Use Only) Broadcasting Tower, Communications Service Establishment, Wireless Facility – Antenna (Accessory Use Only), Wireless Support Structure (Special Use Only), Satellite Dish (Accessory Use Only), Recycling Facilities, Small Collection.

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 a specific use.
ASSOCIATED CASES/OTHER ACTION REQUIRED <ul style="list-style-type: none">• Final Plat Oread West No. 10.• Z-16-00215; 2.11 Acres from IBP to IL, Lot 3, Block 3 Oread West No. 10.• 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">• Phone calls from residents in neighborhood and nearby property owners requesting clarification and intent of request.

Project Summary:

This application is a pre-development request to change the base-zoning district to permit *Mini-Warehouse* or self-storage 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 *Mini-Warehouse* use to the list of permitted uses.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant’s Response: *The rezoning request meets several of the strategies, goals and policies listed for industrial and employment-related land uses in Chapter 7 of Horizon 2020. This rezoning request will permit the expansion of an existing locally owned business (Professional Moving & Storage) and allow that business to open a new location capable of serving a growing customer base living in West Lawrence. This development is locating within an established industrial and employment-related area (Goal 1) and thereby helps the City preserve and maintain an appropriate inventory of industrially zoned land (Policy 1.3). The forthcoming site plan application and its review by City staff will ensure the compatibility of the development of the site and surrounding neighborhood (Policy 1.2)*

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)

Land Use Categories	Industrial Land Use	Employment Related Land Use
	<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 in red.

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 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 interfacing 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 Development Code standards, the development is compatible with the surrounding area.

This application includes a concept plan that shows 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. The applicant has proposed to restrict all other IL uses except for *Mini-Warehouse*.

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 unplatted land.
Surrounding Zoning and Land Use:	IL (Limited Industrial) District to the north; with restrictions. <i>Construction Sales and Service</i> – Rainbow International Restoration (1310 Research Park Drive). IBP to the south, east, and west; Oread West Office Park. Immediately surrounding lots to the south and west are vacant. Lot to the east (1311 Wakarusa Drive) is developed with a <i>Healthcare Office</i> .

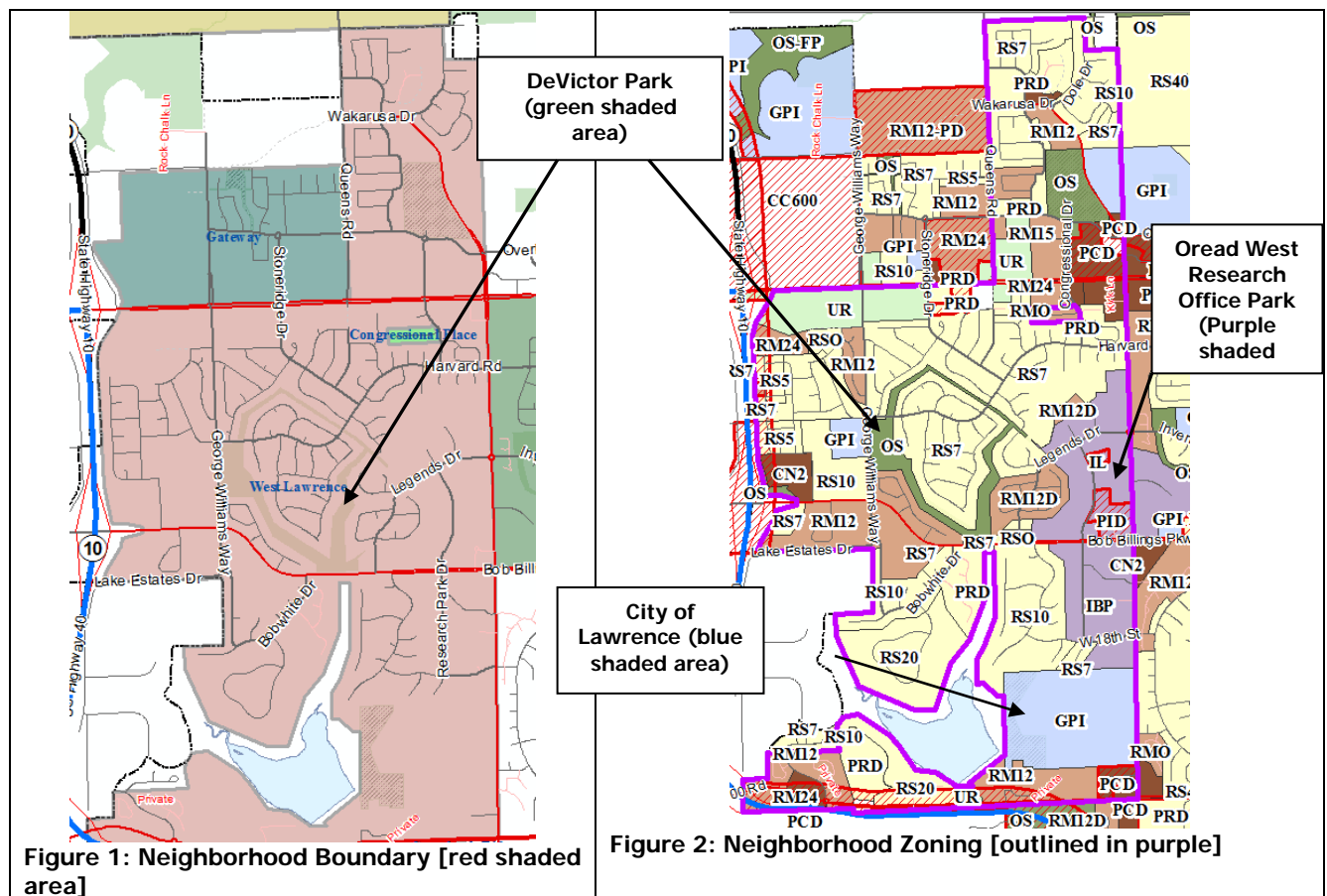
Staff Finding – The subject property is adjacent to IBP zoning to the east, west, and south. IL zoning, with conditions, is located to the north. The lots along the middle section of Research Park Drive are currently undeveloped.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant’s Response: *This property is located in the IBP district in a part of West Lawrence commonly known as the Oread West Research Park. The property is partially surrounded by*

existing low-impact industrial, business and service uses including Lawrence Montessori School to the northwest, Rainbow International Restoration to the north, Neu Physical Therapy to the northeast, Therapy Works and the Wakarusa Plaza office building to the east, and the University of Kansas Center for Research to the southeast. The properties located immediately to the west and south remain vacant.

The property is included in the West Lawrence Neighborhood (Figure 1). It is the largest neighborhood in the City. 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 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 central portion of the business park. A portion of the business park extends east of Wakarusa Drive along Quail Crest Place. Vacant property is located to the south and west of this request. This section of the business park, between Legends Drive and Bob Billings Parkway, 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.

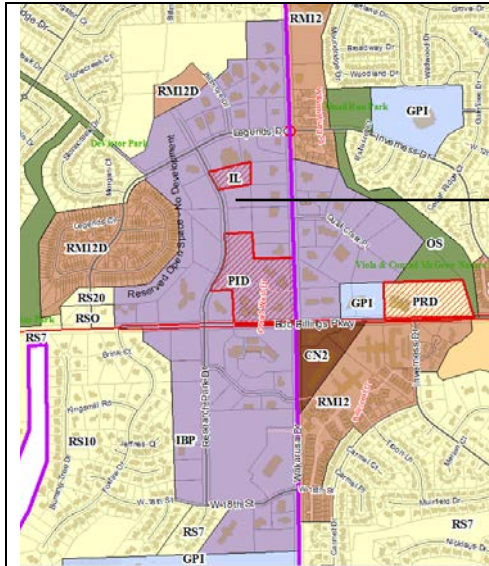


Figure 3: Oread West Research Park

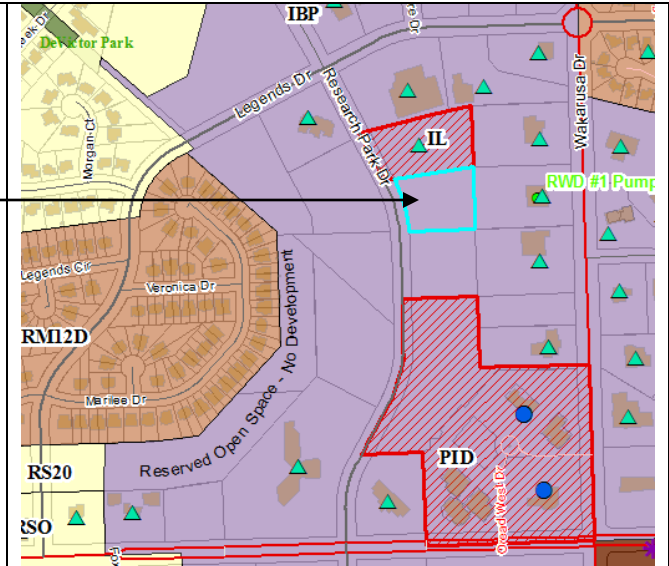


Figure 4: Subject Property/Portion of Oread

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. 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. The 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 subject property is currently zoned IBP and is recommended for industrial land uses by Horizon 2020. The property is not necessarily unsuitable for the uses to which it is currently restricted. However, this property and many others in the surrounding IBP District either have remained vacant or have been slow to develop since their annexation nearly 30 years ago. A slight modification to the industrial uses permitted would promote development of the subject property.*

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, *Mini-Warehouse*, permitted in the IL (not allowed in the IBP District) is proposed as an additional allowed use.

The property immediately to the north of this property was restricted to allow *Construction Sales and Service*, *Work/Live Unit*, *Kennel*, and *Building Maintenance*. 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.

Mini-Warehouse: The use is defined in the Code as:

"Storage or warehousing service within a building for individuals to store personal effects. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant but in no case shall storage spaces in a mini-warehouse facility function as an independent retail, wholesale, business, or service use. Spaces shall not be used for workshops, hobby shops, manufacturing, retail sales, or similar uses. Human occupancy shall be limited to that required to transport, arrange, and maintain stored materials." (Section 20-1767 (1)).

The Use Table of the Development Code indicates that the *Exterior Storage* use is permitted in the IBP and IL Districts as an accessory use subject to the standards in Section 20-538. To align the subject property with the surrounding development and the existing business park aesthetics, the *Exterior Storage* use would be restricted as a principal use; however, it would be permitted as incidental, or accessory, to the principal use. If incidental storage were a component of future development, the location and screening would be evaluated through the site plan review process.

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 and shown in attachment 4. 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*
- *kennel*
- *Livestock Sale*
- *Animal Services; Sales and Grooming*
- *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 *Mini-Warehousing*. The proposed zoning could be described as IBP plus one additional use – *Mini-Warehousing*. 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. This property was included in the application for rezoning Z-15-13-83. This property was later included in preliminary plats in 1989 and 1994.

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

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

Applicant's Response: *Approval of the requested rezoning would pose no detrimental effect to adjacent properties. The request to rezone the property from IBP to IL includes proposed restrictions on many uses otherwise permitted in the IL District. Approval of the rezoning request will permit development of vacant property which has become a repository for trash and construction debris in recent years. The applicant anticipates constructing a facility which will conform to all applicable standards of the Land Development Code and Community Design Manual and complement the existing structures in the immediate neighborhood.*

The proposed change will not cause a detrimental effect. The impact of the request is to retain the currently permitted list of uses with the addition of *Mini-Warehouse*. Other uses permitted in the IL district would be prohibited.

Staff Finding – Approval of the conditional IL 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 approval of this request will facilitate development and investment in this industrial-zoned property which has otherwise remained vacant for decades. Furthermore, approval will allow for the expansion of a locally owned business and permit that business to serve nearby customers who presently have no other such options on the west side of town. Denial of this application will perpetuate the vacancy of this property and effectively force this business to seek a less suitable location for expansion.*

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. 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 *Mini-Warehouse* use. The request allows the use without modifying the Land Development Code by seeking to change the uses permitted in the base district. The proposed development is for a climate controlled self-storage facility. The activity is predominantly indoors (no exterior storage) and compatible with the development pattern of the developing business park. Both IBP and IL Districts are included in the industrial inventory. Staff's recommendation is for approval of the proposed IL District with restrictions.

CONCLUSION

The applicant will be required to submit a site plan for administrative review and approval prior to issuance of a building permit.