

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
5/23/2018

ITEM NO. 5 REZONING 14.13 ACRES FROM PID TO IG; 3641, 3660, 3661 THOMAS CT & 3640-3660 E 25TH ST (BJP)

Z-18-00131: Consider a request to rezone approximately 14.13 acres from PID (Planned Industrial Development) District to IG (General Industrial) District, located at 3641, 3660, 3661 Thomas Court and 3640 & 3660 E. 25th St. Submitted by Paul Werner Architects on behalf of Arbor Properties LLC & Roger Johnson, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 14.13 acres, from PID (Planned Industrial Development) District to IG (General Industrial) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Applicant's Reason for Request: *The existing PID zoning on the subject site was zoned under the old development code in which planned developments were encouraged. Although planned developments are allowed under the new development code, the process is often times unnecessary as there are other tools such as site plans which allow review by planning staff, but limit the need for the process of a public hearing for property being developed in conformance with the existing industrial zoning and Horizon 2020.*

KEY POINTS

- The subject properties are located at the eastern edge of Lawrence on the south side of E 23rd Street, east of Franklin Road, and on the north side of E. 25th Street. The project consists of 5 parcels which are included in the Mt. Blue Planned Industrial Development (Figure 1). The original Preliminary Development Plan was approved by the City Commission in 1997.
- The rezoning would remove the subject properties from the Planned Development District; however, the property is not needed to meet any density or open space requirements of the Planned Development.
- The subject property is located within the boundaries of the *Southeast Area Plan*. The proposed zoning is consistent with the recommendations of that plan.

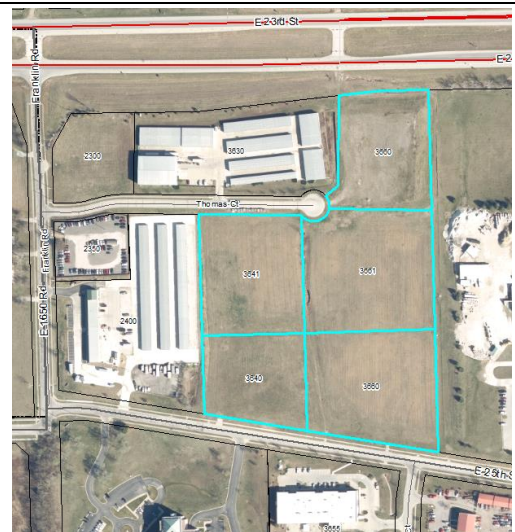


Figure 1. Subject properties.

OTHER ACTION REQUIRED

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Submittal and approval of a site plan application for any proposed site improvements.

- Submittal of construction plans to Development Services for processing of building permits. Building permits must be obtained prior to construction activity.

ATTACHMENTS

Attachment A: Concept Plan

Attachment B: Use Memo

Attachment C: Permitted Uses in PID

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

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

Project Summary:

The request proposes to rezone approximately 14.13 acres from the PID-[Mt. Blue] (Planned Industrial Development) District to the IG (General Industrial) District to accommodate development of 'garage condos', defined by the applicant as units "for large and small vehicle storage and hobby space that may not be available in a typical garage. Uses for the storage units will include storage of recreational vehicles such as classic cars, boats, campers, motor homes, four wheelers, motorcycles, etc." The concept plan provided by the applicant is included in Figure 2 and Attachment A.

The property was zoned PID prior to the adoption of the 2006 Land Development Code. This zoning designation converted to PID-[Mt. Blue] with the adoption of the 2006 Code; however, the standards of the PID District remain applicable.

The use is permitted in the PID District; however, the property owner elected to rezone to the IG District, which is a base zoning district under the 2006 Land Development Code. By doing so, development of the properties can occur through approval of a site plan.

The storage of vehicles as described by the applicant would be categorized as *Mini-Warehouse* and *Recreational Vehicle and Boats Storage* uses, which are permitted uses in the IG District. The 'hobby space' component of the proposed development would require further evaluation by staff to determine the appropriate use classification. This clarification may be made through a text amendment that staff is currently undertaking. On April 17, 2018, the City Commission initiated a text amendment to the Land Development Code to define certain types of storage uses. As the 'garage condo' is a new concept, staff recognizes that it is not fully addressed in the Land Development Code. As such, the concept may be included as part of that text amendment. As previously mentioned, the vehicle storage component of the proposed development is currently permitted under the Land Development Code as *Mini-Warehouse* and *Recreational Vehicle and Boats Storage* uses.

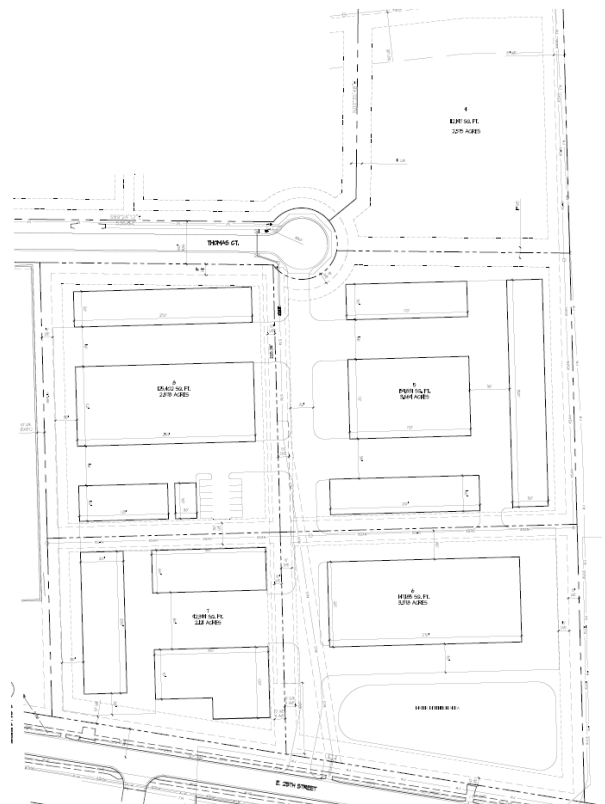


Figure 2. Concept plan

Because many uses are permitted in the IG District, this staff report is not an evaluation of this very specific 'garage condo' use. Rather, the staff report examines the appropriateness of rezoning the subject properties from the PID District to the IG Districts.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Horizon 2020 indicates this property should be zoned Office Research and Industrial/Warehouse/Distribution uses. The property as it exists is already in conformance with Horizon 2020.*

Recommendations from *Horizon 2020* related to this development are listed below with staff discussion following in red.

Industrial and Employment-Related Land Use Goals and Policies (page 7-11)

- Goal 1: Development in Established Industrial and Employment-Related Areas
"Encourage the retention, redevelopment and expansion of established industrial and employment-related areas."
The proposed rezoning accommodates development of undeveloped parcels currently zoned for industrial uses. The lots have not been developed since the approval of the original Preliminary Development Plan in 1997. The proposed project would encourage retention of an established industrial area. Undeveloped parcels would be developed with a use compatible with the industrially zoned area, and the properties will retain industrial zoning.
- Policy 1.2: Ensure Compatibility of Development
"Encourage best management practices or 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."
If the rezoning request is approved, the development process will include submittal of the site plan that would be reviewed for compliance with the Land Development Code. The code provides standards related to site landscaping requirements, dimensional requirements (such as building setbacks, building height, and impervious surface maximums), and off-street parking requirements.
- "Encourage building design techniques that include, but are not limited to, the consideration of façade and exterior wall articulation, materials and colors, rooflines, entryways, signage, and energy and resource conservation."
Future development will be reviewed for compliance with the Industrial Design Guidelines found in the Community Design Manual. The building form, roof type, and exterior materials will be reviewed for compatible architectural context with the surrounding developments and the community as a whole.

Staff Finding – The area is identified for industrial zoning and land uses in *Horizon 2020* and the *Southeast Area Plan* and the subject properties are currently zoned for industrial uses. The request is to update the zoning to a current industrial zoning district so that it can develop under the standards of the 2006 Land Development Code. The proposed rezoning complies with the general industrial land use provisions found in *Horizon 2020*.

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

GENERAL INFORMATION

Current Zoning and Land Use: PID (Planned Industrial Development) District; vacant.

Surrounding Zoning and Land Use:

To the north:
PID (Planned Industrial Development) District;
Wholesale, Storage, and Distribution, Light.
North of E 23rd Street
A (Agricultural) District; Franklin Catholic Cemetery.
IG (General Industrial) District; vacant.

To the south:
GPI (General Public and Institutional Use) District;
Douglas County Sherriff's Office and Douglas County
Jail (*Public Safety and Detention Facility*).
PID (Planned Industrial Development) District;
Lawrence Community Shelter (*Temporary Shelter*).

To the southeast:
IG (General Industrial) District; Douglas County Public
Works Facility (*Administrative Office, Fleet Storage,
Light and Heavy Equipment Repair, and Exterior
Storage*).

To the east:
PID (Planned Industrial Development) District;
Asphalt facility and concrete plant (*General
Industrial*).

To the west:
PID (Planned Industrial Development) District; *Mini
Storage, Office/Retail*.

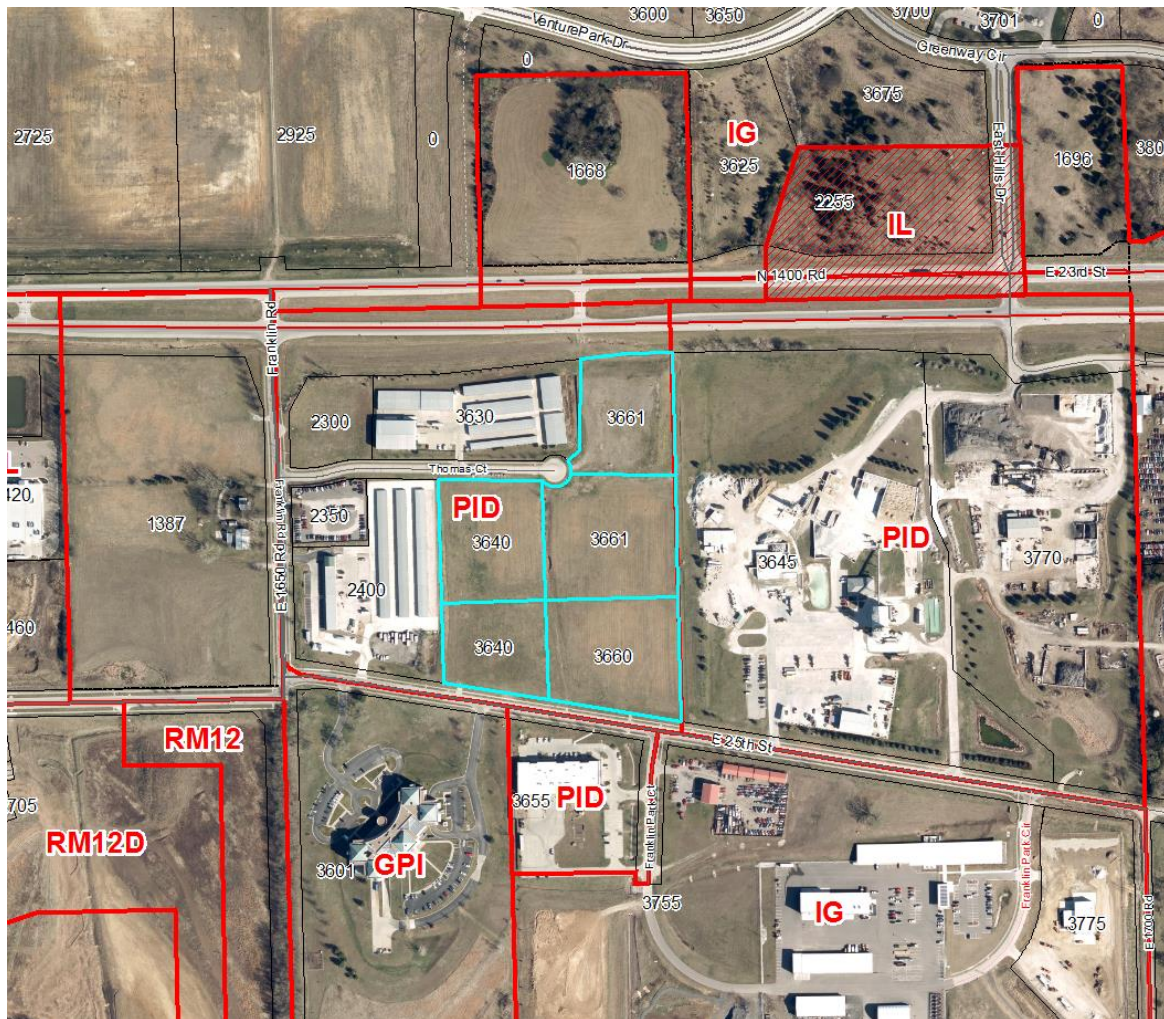


Figure 3. Zoning of surrounding area. Subject property outlined.

Staff Finding – The subject properties are primarily surrounded by industrial zoning and uses. The proposed rezoning is compatible with the zoning and land uses in the area.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The neighborhood is generally comprised of industrial zoning. There is a small portion north of K-10 still zoned A and south of the site the location of the jail sits on GPI zoned property. Surrounding uses included a concrete plant to the east, the jail, community shelter and the Douglas County offices to the south, mini-storage to the west and north. K-10 borders a portion of the property to the north. The site can be accessed from Thomas Court on the north and E. 25th Street on the south.*

The subject properties are undeveloped parcels located on the east edge of the city on the south side of E. 23rd Street. The properties are bounded by 2 mini-storage facilities to the west, the Douglas County Jail, the Lawrence Community Shelter, and the Douglas County Public Works facility to the south, and industrial uses to the east that include an asphalt and concrete plant and an excavation company.

Staff Finding – The properties are in an industrial corridor at the eastern edge of the city. Changing the zoning from a PID District to the IG District would maintain the existing industrial

character of the area. As such, the proposed rezoning is compatible with the character of the neighborhood.

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

The subject properties are located within the *Southeast Area Plan*, which identifies the properties along the south side of E. 23rd Street for industrial uses. The plan also identifies the appropriate zoning districts for the recommended industrial areas as IL (Limited Industrial) District, IG (General Industrial) District, and PD (Planned Development Overlay) District.

Staff Finding – The proposed rezoning complies with the land use recommendations of the *Southeast Area Plan*.

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 restricted to industrial use with a planned development. Although the planned development is suitable for the site it is not ideal for the Owner or the City as it takes quite a few hours to prepare for a Planning Commission hearing which is not necessary on this site since it is developing within the uses it is restricted to.*

The property is currently zoned PID-[Mt. Blue] (Planned Industrial Development) District. The PID District permits uses listed in the 1966 Zoning Regulations for the following use groups: Use Groups 7 (Community Facilities – Public Utilities), 8 (Temporary Uses), 9 (Professional Offices), 9A (Limited Services), 10 (Off Street Parking), 13 (Automotive Services and Retail Sales), 14 (Retail-Wholesale Sales and Service), 17 (Manufacturing – Low Nuisance), 18 (Research and Testing), 19 (Industrial – Medium Nuisance), 20 (Industrial – High Nuisance). The list of uses permitted within these use groups is provided in Attachment C.

Table 1 lists the permitted uses in the IG District under the current Land Development Code. To assist in the comparison of the two districts, uses which were not specifically listed in the PID-[Mt. Blue] use groups are shown in red italics. Some of the differences in permitted uses may be attributed to changing conditions. Uses such as *Public Safety*, *Social Service Agency*, and *Temporary Shelter* were not included as uses in any Use Group in the pre-2006 Code.

A comparison of the permitted uses in the PID-[Mt. Blue] and the IG District shows that while some uses in the IG District were not included in the PID-[Mt. Blue] District, the IG District permits fewer overall uses than the PID. Some non-industrial uses are permitted in the PID-[Mt. Blue] District but are not permitted in the IG District. Examples of these uses include child care home, museum, community building, church, health center, hospital, library, nursing home, sanitarium, grade school and high school, live theater, funeral home, automotive sales, amusement park, and home improvement center.

The property remains suitable for the uses to which it is restricted. The rezoning to the IG District will place additional restrictions on the permitted uses to those which are more industrial in nature. There are some community facilities, such as *Temporary Shelter* and *Community Meal Program*, that are added with the IG District; however, these specific uses are not individually listed in the pre-2006 code but simply fell into the 'Community Facilities' category.

Table 1. Uses permitted in IG District, (uses not specifically identified in the 1966 Code in the PID District shown in <i>red italics</i> .)	
Permitted by right	Permitted with Special Use Permit
Household Living	
<i>Mobile Home</i>	
Community Facilities	
College/University	<i>Detention Facility (SUP)</i>
Day Care Center	<i>Community Meal Program (SUP)</i>
Postal & Parcel Service	<i>Temporary Shelter (SUP)</i>
<i>Public Safety</i>	
<i>Social Service Agency</i>	
Utilities Minor	
Utilities Major	
Recreational Facilities	
Passive Recreation	Active Recreation (SUP)
Nature Preserve/Undeveloped	
Animal Services	
Kennel	
Livestock Sale	
Sales and Grooming	
Veterinary	
Office	
Administrative and Professional	
Other	
Parking Facilities	
Accessory (permitted as accessory use)	
Commercial	
Retail Sales & Service	
Agricultural Sales	
Building maintenance	
Business Support	
Construction Sales and Services	
Vehicle Sales & Service	
Cleaning (Car Wash)	Truck Stop (SUP)
Fleet Storage	
<i>Gas and Fuel Sales</i>	
Heavy Equipment Repair	
Heavy Equipment Sales/Rental	
Inoperable Vehicles Storage	
Light Equipment Repair	
Light Equipment Sales/Rental	
<i>RV and Boats Storage</i>	
Industrial Facilities	
<i>Explosive Storage</i>	<i>Scrap and Salvage Operation (SUP)</i>
Industrial, General	
Industrial, Intensive	
Laundry Service	
Maker Space, Limited	

Maker Space, Intensive	
Manufacturing & Production, Ltd.	
Manufacturing &U Production, Tech.	
Research Service	
Wholesale Storage & Distribution	
Exterior Storage (accessory)	
Heavy	
Light	
Mini-Warehouse	
Adaptive Reuse	
	Designated Historic Property (SUP)
Urban Agriculture	
Agriculture, Crop	Farmers Market (SUP)
Agriculture, Small Animal (accessory)	
On-Site Agricultural Sales (accessory)	
Urban Farm	
Communication Facilities	
Amateur & Receive Only Antennas (accessory)	Wireless Support Structure (SUP)
Broadcasting Tower	
Communications Service Establishment	
Wireless Facility - Antenna (accessory)	
Satellite Dish (accessory)	
Mining	
	Mining (SUP)
Recycling Facilities	
Large Collection	Processing Center (SUP)
Small Collection	

Staff Finding – The property is suitable for the uses to which it is restricted with the current PID zoning. The property is also well suited to the uses to which it will be restricted with the proposed IG zoning.

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

Applicant's Response: *The subject site has been vacant since being zoned.*

Staff Finding – The subject properties have been undeveloped since the original Preliminary Development Plan was approved by the City Commission in 1997.

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

Applicant's Response: *Rezoning to IG will not detrimentally affect the nearby properties. Nearby owners will still be notified when a site plan is submitted to the Planning Office for review. Since the underlying industrial zoning designation will remain, detrimental affects will not occur.*

As discussed in an earlier section, rezoning to the IG District will place additional restrictions on the uses that are permitted on the subject properties. The proposed development is permitted in both the current PID and proposed IG districts. Rezoning to a Land Development Code base district will

allow the property to be developed with site planning rather than the current requirement of a preliminary and final development plan. One reason that PID zoning was used as a tool prior to the adoption of the current code was to provide additional buffering elements and design flexibility to ensure compatible development. Since PID-[Mt. Blue] District was approved by the City Commission in 1997, provisions have been adopted that ensure compatible development without the need for a planned development. The 2006 Land Development Code contains buffering requirements, which were not included in the pre-2006 Code for base zoning districts, and the Industrial Design Guidelines have been adopted.

Staff Finding – The rezoning to the IG District should not detrimentally affect nearby properties as the IG District has a more restrictive list of permitted uses. Design standards in the Land Development Code and the Industrial Design Guidelines would further ensure compatible development with adjacent properties.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response: *Since this property is already zoned for industrial development the gain to the public health, safety and welfare would not change from its current status with rezoning to the general industrial use. The hardship imposed upon the landowner as a result of denial would be lengthier more cumbersome process to develop the property.*

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.

There would be no public benefit to the denial of this application. The proposed use is permitted in the current PID-[Mt. Blue] District. The Planned Development zoning was intended to provide greater design flexibility and included buffer requirements ensuring compatible development. As these measures have been included in the current Land Development Code for base zoning districts, and the Industrial Design Guidelines have been adopted, compatible development can be achieved without the need for a planned development.

If the rezoning were denied, a preliminary development plan would need to be submitted for approval by the Planning and City Commissions. The PID-[Mt. Blue] District is a special purpose district for those planned developments which are rezoned prior to the adoption of the 2006 Land Development Code. These are permitted to continue, but development must adhere to the standards in the pre-2006 Code. Rezoning to a current base district will allow this property to be developed to current standards.

Staff Finding – There would be no gain to the public in the denial of this application. Denial of the rezoning would require the property to be developed as a Planned Development subject to the standards of the pre-2006 Code. Approval would allow the property to be developed to current standards. The Land Development Code and Industrial Design Guidelines provide adequate provisions to ensure compatible development.

9. PROFESSIONAL STAFF RECOMMENDATION

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

Staff recommends approval of the rezoning request for approximately 14.13 acres from the PID (Planned Industrial Development) District to the IG (General Industrial) District, and forwarding it to the City Commission with a recommendation for approval based on the findings of facts listed in this report.