

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
4/25/16

ITEM NO. 7 IG to CS; 3.82 ACRES; 1235 N 3rd St. (KES)

Z-16-00066: Consider a request to rezone approximately 3.82 acres from IG (General Industrial) District to CS (Commercial Strip) District, located at 1235 N 3rd St. Submitted by Allen Belot Architect, for Don E. Westheffer and Wanda L. Westheffer, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request from IG (General Industrial) District to CS (Commercial Strip) 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.

REASON FOR REQUEST

Applicant's Response:

“The owners of this property have been having occasional public/private events (music concerts, wedding receptions, corporate events, etc.) over the past several years. Each time an event is scheduled, under the current zoning, a special event permit must be issued before the event can take place. A modification to Article 4 of the Land Development Code was recently adopted adding Event Center, Small & Event Center, Large uses to Zoning Districts MU through IL without requiring a special event permit to be issued. This new event category does not apply to the current zoning, IG but is allowed in Zoning Districts CS thus, the owner is requesting a change in zoning to CS to allow the events they hold to be allowed by use rather than applying for a special event permit each time.”

KEY POINTS

- The property is located just to the north of Interstate 70 on the west side of N. 3rd St.
- The property has historically been used for occasional events through the Special Event Permit process.
- The proposed zoning change would permit the events use after approval of a Site Plan for an Event Center without requiring the issuance of a Special Event Permit for each event.

ASSOCIATED CASES

SP-07-64-08 Site Plan; Westheffer Company, Inc.; Approved July 28, 2008, Temporary use for Hamm, Inc. offices in addition to existing Westheffer Company, Inc.

OTHER ACTION REQUIRED

- City Commission approval of rezoning.
- Publication of rezoning ordinance if approved.

PUBLIC COMMENT

N/A – no communications received.

Project Summary

The proposed rezoning would accommodate an special Event Center use on site. The property has historically been used to hold occasional special events through the Special Event Permit process. The rezoning would allow the use without having to obtain multiple special event permits. There is no construction or building development proposed. A site plan and building permit would be required to address land development and building code requirements for a Event Center use.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's response:

"The Comprehensive Plan recommends that N. 2nd Street and N. 3rd Street play an enhanced role in the community as a commercial corridor, acting as an important entryway/gateway to Lawrence. This corridor is considered to be an existing Strip Commercial area. The Comprehensive Plan identifies the intersection of the N. 3rd Street and I-70 as a possible location for an Auto-Related Commercial Center. Marginal, obsolete and underutilized sites and incompatible uses along this corridor should be redeveloped or reconstructed. For example, existing heavy industrial uses along the northern portion of the corridor should be relocated within the planning area and the sites redeveloped with compatible commercial, service or retail uses. New development and redevelopment shall include improved parking, signage and landscaping improvements that enhance the overall aesthetic and environmental conditions along the corridor. The city should encourage and work with land owners to undertake property improvement within the area. The city should consider special financing mechanisms, such as benefit districts or tax increment financing to assist in private and public improvement projects for the area."

This property is currently zoned IG (General Industrial). This rezoning to CS (Commercial Strip) District would accommodate the Event Center use that is currently happening on this property under the Special Event Permit process. The change in zoning would accommodate the commercial uses that the property has been used for in the past and would be in compliance with the Comprehensive Plan.

Staff Finding – The proposed rezoning does not change the overall character of development in the area and the request is in conformance with the land use recommendations in the Comprehensive Plan. The rezoning provides an under-utilized property to become a more actively used site along the corridor.

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

Current Zoning and Land Use: IG (General Industrial) District; *Existing retail and warehouse with occasional special events.*

Surrounding Zoning and Land Use: To the east: OS (Open Space) District; *Railroad and Riverfront Park.*

To the south: CS (Commercial Strip) District and RS10 (Single-Dwelling Residential) District; A portion of I-70

is zoned RS10 and south are existing *Commercial structures that are part of the I-70 Business Center*

To the west: IG (General Industrial) District and CS (Commercial Strip) District; *Vacant lot and Pine's Nursery and Retail.*

To the north: IG (General Industrial) District; *Existing Industrial and Warehouse structures.*

The property is currently zoned IG (General Industrial) District. Adjacent zoning in the area is primarily IG (General Industrial) and CS (Commercial Strip). The requested rezoning is consistent with existing zoning in the existing development. The request complies with the Comprehensive Plan land use projections in the area.

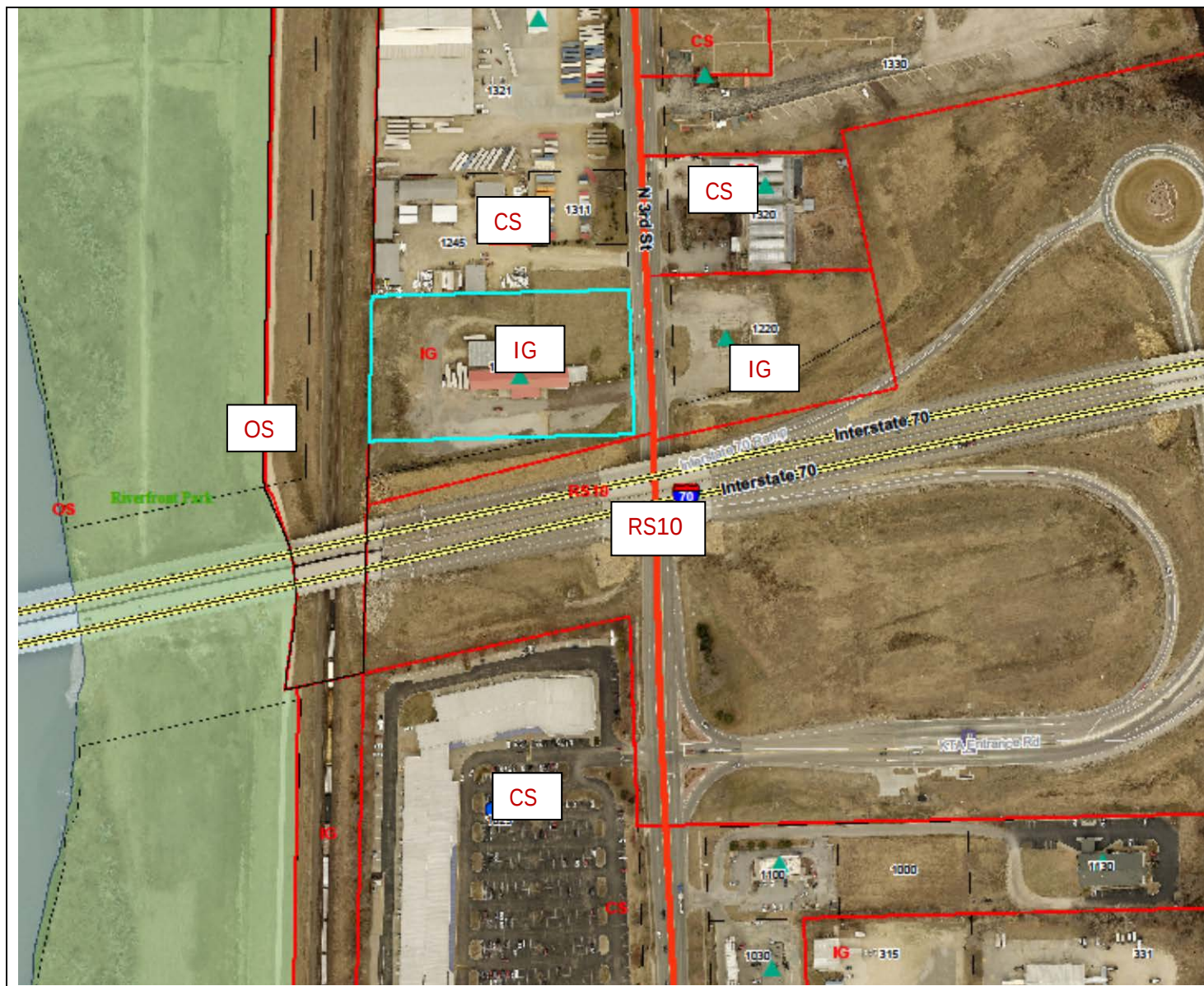


Figure 1. Zoning and land use in the area. Subject property is outlined in cyan.

Staff Finding – The subject property is adjacent to properties zoned for Commercial Strip and Industrial land uses. The properties are already developed with the exception of a vacant lot across N. 3rd St. The proposed rezoning is compatible with the zoning and land uses, existing and approved, in the area.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"Directly to the north is a light manufacturer of small farm equipment and farther north is a large indoor/outdoor commercial storage facility. Across North 3rd Street is an unimproved lot that has display and retail sales office for modular storage buildings. To the North of that is a large retail nursery/greenhouse and beyond that is a restaurant/bar. The south border of this property is the Kansas Turnpike/I-70 but beyond that is the I-70 Business Center and various commercial uses on that opposite side of the street."

This area is currently zoned industrial and commercial. The properties surrounding the subject property are established with both industrial and commercial structures that fall into these uses.

Staff Finding – The proposed rezoning is in keeping with the development in the area. The proposed rezoning would allow uses that are compatible with the character of the area.

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

Applicant's response:

Generally, this property is suitable for the restrictions placed on it by the current IG zoning. However, Horizon 2020 encourages redevelopment of marginal and under-utilized properties in this specific area. Under the current zoning the owner can continue to have occasional special events with proper permits with no changes to the facility required. With rezoning to CS, the property will be required to upgrade the landscaping, parking and building design if they wish to continue with the events they would like to book for the future."

Staff Finding – The property is suitable for the IG District, however the site size would limit any future industrial development. The rezoning does not alter plans for the area and is consistent with the existing development. The proposed rezoning would also encourage improvements to the existing site consistent with the Comprehensive Plan's vision for an updated 3rd Street corridor.

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

Applicant's Response:

"The property has not been vacant but until a couple of years ago was under-utilized with tenant selling wholesale household items and miscellaneous hardware along with outdoor storage of over the road tractors and trailers plus some limited warehouse space. Since that time the owner has substantially cleaned the property, painted and eliminated the outdoor storage and is prepared to invest more in upgrades with this impending rezoning request."

Staff Finding – The property is not vacant. It has been zoned IG since adoption of the Land Development Code in 2006. Prior to that, the property had been zoned IG-2, an industrial district, since 1974.

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

Applicant's Response:

"There should not be detrimental effect on surrounding properties as the type of business proposed is ongoing at the current time with no known ill effect to the surrounding property owners. This ongoing business would continue under the new zoning with the added benefit to the neighbors of additional landscaping along North 3rd Street, improvements to the on-site parking areas and upgrading the existing building façade to comply with the Commercial Design Guidelines."

Staff Finding – The CS zoning is in keeping with surrounding zoning. The rezoning would allow for the existing uses to continue and accommodate the Event Center use on a permanent basis. The rezoning would be compatible with the nearby uses and should have no detrimental effect.

7. 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:

"Enhanced aesthetic appeal along the North 3rd Street 'Gateway' with improved landscaping and pedestrian connectivity. Compliance with current on-site parking standards, compliance with the current Commercial Design Standards and compliance with ADAGG accessibility inside and out. Increased traffic in the area, when other surrounding business are normally closed, will increase general security to the area."

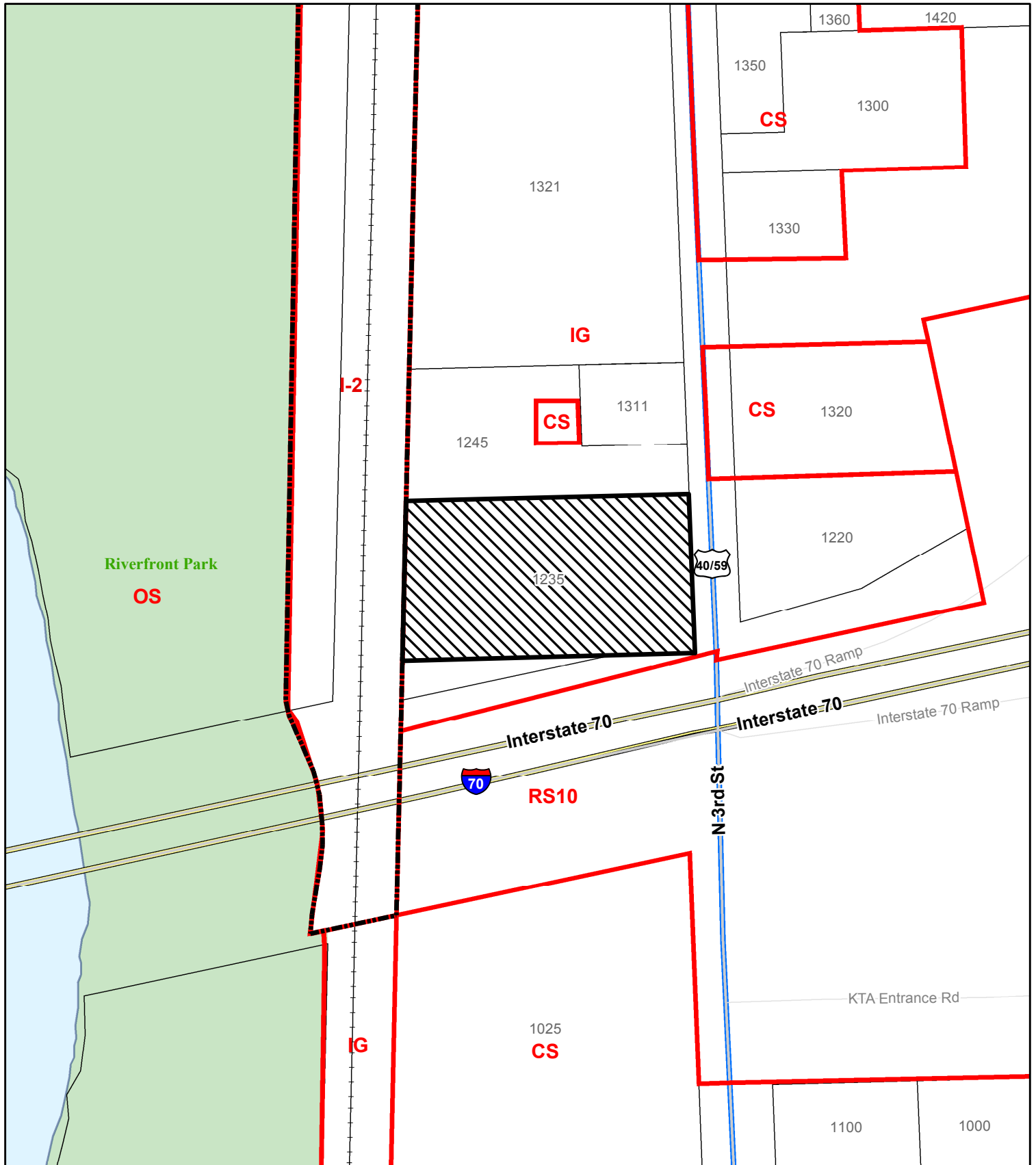
Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

The proposed rezoning will provide the owner with the opportunity to site plan the property with a permanent Event Center use through the Site Planning process, potential impacts will be evaluated and mitigated if necessary.

Staff Finding - Denial of the rezoning request could leave an underutilized site at the gateway to the community. Investment in the site upgrades are expected with the Site Planning process. The improvement of gateway properties provides a benefit to the public health, safety and welfare.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan and the Golden Factors, and for compatibility with surrounding development. The rezoning request is consistent with the Comprehensive Plan and would be compatible with surrounding development. Staff recommends approval of the rezoning request.



**Z-16-00066: Rezone 3.82 acres from IG District to CS District
Located at 1235 N 3rd Street**