

**PLANNING COMMISSION REPORT**  
**Regular Agenda - Public Hearing Item**

PC Staff Report  
08/24/2015

**ITEM NO. 5 Z-15-00332 IG to IL; 2.66 Acres; 808 E 28<sup>th</sup> Street (BJP)**

**Z-15-00332:** Consider a request to rezone approximately 2.66 acres from IG (General Industrial) District to IL (Limited Industrial) District, located at 808 E 28<sup>th</sup> St. Submitted by Allen Belot Architect, for Glenn E Bohmann Trustees, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 2.66 acres, from IG (General Industrial) District to IL (Limited Industrial) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

**Reason for Request:**

*"This property has been completely developed in accordance with an approved, three-phase, site plan. Since the 'Rails to Trails', which abuts the parcel along its entire Eastern boundary, has been developed the Owner has been experiencing a dramatic increase in burglaries and property damage. Security cameras have not been successful either as a deterrence or tool in capturing the perpetrators. In order to secure the site more effectively, the Owner is proposing to add a work/live unit to the original 4,000 gsf excavating equipment building to allow for a resident manager on-site to monitor the property 24-7. The current zoning, IG, does not allow work/live units but the proposed IL zoning will."*

**KEY POINTS**

- The intent of this proposal is to rezone the property to IL (Limited Industrial) District, which permits a *Work/Live* use.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- SP-03-24-05: A Site Plan for Bohmann Excavating; 808 E. 28<sup>th</sup> Street
- SP-05-34-07: A Site Plan for 2 mini-warehouse structures (16 storage units and 28 storage units) for Bohmann Excavating, located at 808 E 28<sup>th</sup> Street.

**PLANS AND STUDIES REQUIRED**

- *Traffic Study* – Not required for rezoning
- *Downstream Sanitary Sewer Analysis* – not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not applicable to residential request

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None

**Project Summary:**

The proposed request is for the rezoning of the property at 808 E 28<sup>th</sup> Street from IG District to the IL District. The property currently contains an excavating equipment storage building, a covered RV and boat storage structure, and a 28-unit mini-warehouse building. Due to security issues, the applicant would like to have a resident manager on-site at all times by way of a

*Work/Live* use. The *Work/Live* use is not permitted in the IG District, however it is allowed in the IL District. Given this, applicant has requested to rezone the property to the IL District.

## 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"This subject property is located within the Lawrence Industrial Park, a platted 83 acre area zoned with a mix of IL & IG uses. This entire Park is consistent with the Goals stated in Horizon 2020 & specifically,*

***Goal 1: Development in Established Industrial and Employment Related Area***

*Encourage the retention, redevelopment and expansion of established industrial and employment-related areas.*

*Furthermore, this parcel is also adjacent, along its entire eastern boundary, to The Southern Segment of the Burroughs Creek Corridor (the former Santa Fe Railroad Corridor) that stretches from East 31<sup>st</sup> Street to the Kansas River in East Lawrence. Parts of the corridor area offer smaller land parcels and provides opportunities for small business owners to coexist with neighboring residential uses. The proposed development on this parcel would be in accordance with the Burroughs Creek Corridor Plan."*

Rezoning of the subject property to IL District would be in conformance with *Goal 1: Development in Established Industrial and Employment Related Area* of *Horizon 2020*. This purpose of this goal is defined as, "Encourage the retention, redevelopment and expansion of established industrial and employment-related areas". Rezoning to an industrial district that will allow a *Work/Live* use is an adequate step in retaining an existing industrial business on the subject property. Policy 1.3 of Goal 1 also states that an appropriate supply of industrially zoned land should be maintained so that site choices are available. While the proposal is a rezoning, the subject property will remain zoned for industrial uses, therefore industrially zoned land will be maintained.

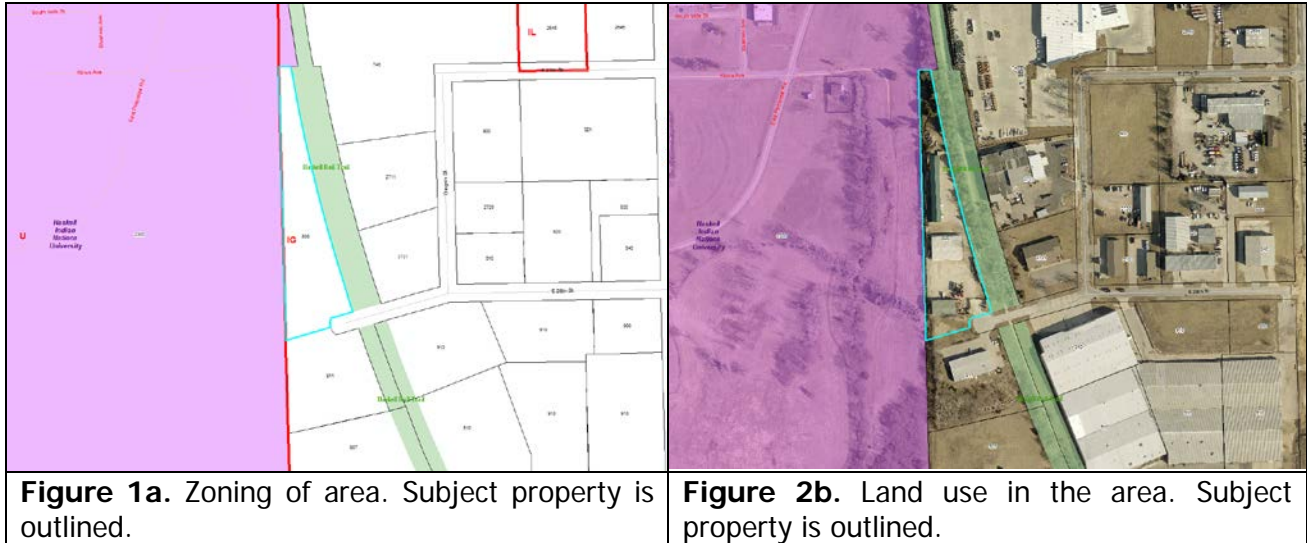
**Staff Finding** – The proposed rezoning would conform with the Comprehensive Plan.

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

Current Zoning and Land Use: IG (General Industrial) District; *Construction Sales and Service, RV and Boats Storage, and Mini Warehouse.*

Surrounding Zoning and Land Use: IG District to north, east and south; Boroughs Creek Trail along the east property boundary. Industrial Development to the northeast, east and south.

U (University) District to the west; Haskell University.



**Staff Finding –** The subject property is surrounded by university and industrial land uses. Haskell University is located to the west of the property. The north, east, and south sides of the property are zoned IG District. Within the industrial area surrounding the subject property, there are parcels zoned IL District, which includes a parcel to the north and a parcel located at the northeast corner of Haskell and E 31<sup>st</sup> Streets.

### 3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *"Surround on the South, East & North by fully developed IG zoned uses & on the West by Haskell Indian Nations University."*

The subject property is located in an industrially zoned area. The land uses currently associated with the subject property include *Mini-Warehouse, Construction Sales and Service, and RV and Boat Storage*. The change associated with the rezoning proposal is the addition of a work/live unit on the property. The addition of this land use will not increase the intensity of uses on the subject property.

**Staff Finding –** The subject property is located in an industrial zoned district. The rezoning will permit the addition of a work/live unit on the property. Given that the land uses associated with the subject property are not increasing in intensity, the character of the neighborhood will not be affected.

### 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 in the Burroughs Creek Corridor. Horizon 2020 states that future development of this area should be in accordance with the Burroughs Creek Corridor Plan. The Burroughs Creek Corridor Plan identifies the subject property as zoned M-2 (General Industrial) District. The M-2 zoning district corresponds to the zoning code that was applicable when the Plan was created. Goal 2 of the Plan states, "Emphasize new residential infill development in the Burroughs Creek study area over more industrial uses by encouraging neighborhood friendly reuse of underutilized commercial and industrial sites." One way this would be achieved would be to "modify zoning to reflect existing use wherever appropriate and consistent with surrounding property." In this situation, the subject property is not an underutilized site and the current and proposed zonings are consistent with the surrounding property.

**Staff Finding** – Approval of the request is consistent with land use plans for the area.

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

Applicant's Response: *"This property has been a phased development beginning in 2004 & completed in 2011 with the uses described above, consistent with the zoning and in compliance with approved Site Plans & HRC reviews."*

The intent of the rezoning application is to permit a *Work/Live* use, which is not currently permitted under the current zoning of the property. The *Work/Live* use will allow personnel to reside on-site adding 24-hour security through presence and surveillance. No other changes to land use are proposed with this land use. The existing land uses associated with the subject property, *Mini-Warehouse, Construction Sales and Service, and RV and Boats Storage* are permitted by right in the current zoning and will continue to be permitted if rezoned to the IL District.

**Staff Finding** – The subject property is suited for the addition of the *Work/Live* use.

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

Applicant's Response: *"This property has not been vacant since 2004."*

**Staff Finding** – Records from the Douglas County Appraisers Office indicate that the first structure was built on the property in 2005. The property has not been vacant since that time.

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

Applicant's Response: *"Current zoning of surrounding properties in the industrial park is IG with exception of one other parcel zoned IL. For the proposed additional use to this fully developed parcel, there is little difference between the surrounding IG zoning uses & the requested IL zoning other than allowing a live/work unit to be associated with this parcel."*

The subject property is located in an industrially zoned area. With the proposed rezoning, the property would remain zoned for industrial uses. The intent of the rezoning is to allow for a *Work/Live* use.

The Land Development Code defines the IL District as "primarily intended to accommodate low-impact industrial, wholesale and warehouse operations that are employment-intensive and compatible with commercial land use." The IG District is defined as "primarily intended to accommodate moderate- and high-impact industrial uses". As defined, the proposed rezoning would potentially lessen the impact of any possible future land uses if ownership of the property ever changes.

**Staff Finding** – Approval of the rezoning will not detrimentally affect nearby 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: *"With the addition of a resident manager on-site, security of the surrounding businesses at the termination of this dead end street will be enhanced with a human presence & activity 24/7."*

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.

**Staff Finding** – Rezoning to the IL District would permit a Work/Live use on the subject property. The intent of this would be to increase the security of the subject property by providing on-site living quarters for a resident manager, which could provide a positive gain on the public safety and welfare. The increased level of presence and surveillance could benefit the properties surrounding the property, as well as individuals using the adjacent Burroughs Creek Trail.

**9. PROFESSIONAL STAFF RECOMMENDATION**

Staff recommends approval of the proposed rezoning of approximately 2.66 acres from IG to IL District as it is an appropriate zoning district for the subject property. The IL District matches the existing, and long-term, use of the property. Therefore, this is an appropriate zoning district for the property.