

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
2/29/12

**ITEM NO. 7 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE;
INDUSTRIAL DISTRICTS (MJL)**

TA-10-16-11: Consider a text amendment to Chapter 20 of the City Code, Land Development Code, to review the uses of the existing industrial districts, explore creating a new district that permits uses with intensities between the IL (Limited Industrial) district and IG (General Industrial) district, review the Gas and Fuel Sales use and create a Truck Stop use which could affect commercial and industrial zoned properties. *Deferred by Planning Commission on 1/23/12.*

Updated from the January 2012 staff report

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendments TA-10-16-11 to the Land Development Code to the City Commission.

Reason for Request: The City Commission directed staff to provide a medium-intensity industrial zoning district that precludes most commercial uses and the highest-intensity industrial uses.

RELEVANT GOLDEN FACTOR:

- This text amendment is consistent with the comprehensive plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Prior to the 11/14/11 meeting, staff met with the Chamber of Commerce, Scenic Riverway Community Association, and LAN to present the amendments and solicit initial comments before the November PC meeting. The proposed language was revised to address many of the comments received, though some comments were not accepted by staff.
- Staff held a public meeting on 12/15/11 for stakeholders to discuss the proposal.
- Letter from Frank Male, Lawrence Landscape dated 12/20/12

OVERVIEW OF PROPOSED AMENDMENT

The amendments propose a new industrial zoning district to address issues with permitted uses within the city of Lawrence's existing industrial districts. The IL District permits many commercial and retail uses and the IG District permits some very intensive industrial uses. These uses may not be appropriate in every situation. Staff's direction is to create an industrial district that includes moderate-intensity industrial type uses but removes the commercial uses allowed in the IL District and the intensive industrial uses permitted in the IG District.

At the November Planning Commission meeting, the Commission directed staff to review the text amendment based on the following comments: hold a meeting and invite stakeholder groups for comments, review the use of the special use permit in the IM District proposal, review the incompatibility statement in the purpose statement in the IG District, and review situations where a use is permitted in the IL and IG District but not proposed to be permitted in the IM District.

Additional direction at the January 12 PC midmonth included: continue to strike the incompatibility

statement in the IG District, use Special Uses sparingly, consider this TA from the perspective of creating a continuum of intensities between IL, IM and IG except when nonconformities are created, and remove the Truck Stop use from the Gas and Fuel Sales use and make it its own use in the Use Table and in Article 17.

At the January PC meeting, the Commission directed staff to only propose changes regarding the IM District with the addition of changing the Gas and Fuel Sales use to remove the truck stop use and make a new Truck Stop use to be included in the Use Tables and Definitions.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Horizon 2020 discusses the need for the creation of new primary jobs in the community. This new district offers an industrial district that does not permit the potential for development of commercial uses and erosion of industrial property base but also provides for protection to the surrounding property owner from highly intensive industrial uses.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and

The inconsistency in the code is that there is no industrial district that only permits industrial uses without permitting the most intense uses or permitting commercial uses. This issue results in insecurities in properties zoned either the IL or IG District because there is the potential for the conversion of industrially zoned land to commercial use and for the development of intensive industrial uses which may impact surrounding properties. This district should help alleviate these issues without having to use the option of conditional zoning.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).

The comprehensive plan discusses compatibility, sustainability and diversity of employment. This new district creates the opportunity to zone property for industrial uses to create the opportunity for development of industry and employment in the community.

STAFF REVIEW

At the November PC meeting, the Commission directed staff to hold a meeting and invite stakeholder groups for comments on the proposed district, review the use of the special use permit in the IM District proposal, review the incompatibility statement in the purpose statement of the IG District, and review situations where a use is permitted in the IL and IG District but not proposed to be permitted in the IM District.

Staff held a stakeholder meeting on December 15th and discussed the proposal at the January 11th Mid-Month meeting. At the January Planning Commission meeting, the Commission directed staff to not make any changes to other districts as proposed and bring back only changes for the proposed IM District. Additionally, the Commission initiated a related text amendment to the Gas and Fuel Sales use to remove the truck stop use and create a separate use for this with a definition. Staff has made these changes and they are discussed below and the textual changes are attached. The Articles 2, 4, 5, 6, 9,

10, 13 and 17 are proposed to be amended with the proposed changes. Deletions are ~~struck~~ through in red and additions are underlined and in red.

- Article 2 – Base Districts

General changes to this article were made to add a base district description which then caused renumbering of certain sections of the article. The IM District description was added and is proposed to be the new Section 20-216. The majority of the text mimics the IL and IG Districts to include a purpose, principal uses, accessory uses and accessory structures, density and dimensional standards, street access, and other regulation sections which generally give direction as to where these standards can be found elsewhere in the code.

The proposed changes that are not directly related to the IM District have been removed and only the changed regarding the addition of the IM District remain.

- IM District Purpose

The IM, Medium Industrial District, is intended to accommodate moderate-impact industrial facilities and wholesale, storage and distribution operations.

- Article 4 – Use Table

The addition of the IM District column was made to the table. Below is a list of the uses permitted, permitted as an accessory use or with a Special Use Permit in the IM District. The addition of the Truck Stop use is shown in the table with the district's proposed to permit the use. No changes have been made in this section regarding the IM District from the proposal made in January meeting. Other district proposed changes have been removed with the exception of the addition of the Truck Stop use.

The truck stop use is currently listed under the Gas and Fuel Sales use. The Gas and Fuel Sales use is permitted in the CN2 (SUP), MU (SUP), CC, CR, CS, IL, and IG Districts. With the proposal of making the Truck Stop use its own use and removing it from the Gas and Fuel Sales use, some districts will lose the potential to develop a truck stop use. Staff is proposing permitting the Truck Stop use only in the CR, IM (SUP), and IG District. This is a loss of that use in the CN2 (SUP), MU (SUP), CC, CS, and IL Districts.

- Day Care Center – Accessory use
 - Detention Facility – Special Use
 - Postal and Parcel Service – Permitted
 - Public Safety – Permitted
 - Utilities, Minor – Permitted/Special Use
 - Utilities and Service, Major – Permitted
 - Passive Recreation - Permitted
 - Nature Preserve/Undeveloped - Permitted
 - Administrative and Professional Office – Accessory use
 - Office Other – Accessory use
 - Accessory Parking – Accessory use
 - Commercial Parking – Permitted use
 - Building Maintenance – Permitted use
 - Business Equipment – Permitted use
 - Business Support – Permitted use
 - Vehicle Cleaning – Accessory use

- Fleet Storage - Permitted use
- Gas and Fuel Sales – Permitted use
- Truck Stop (New use)
 - CR: Permitted
 - IM: Special Use
 - IG: Permitted
- Heavy Equipment Repair – Permitted use
- Inoperable Vehicles Storage – Permitted use
- General Industrial – Permitted use
- Laundry Service – Permitted use
- Manufacturing and Production, Limited – Permitted use
- Manufacturing and Production, Technological – Permitted use
- Research Service – Permitted use
- Exterior Storage – Accessory use
- Light Wholesale, Storage and Distribution – Permitted use
- Adaptive Reuse Designated Historic Property – Special Use
- Crop Agriculture – Permitted use
- Amateur and Receive-Only Antennas – Accessory use
- Broadcasting Tower – Permitted use
- Telecommunications Antenna – Accessory use
- Telecommunications Tower – Permitted use
- Satellite Dish – Accessory use
- Large Collection Recycling Facility – Permitted use
- Processing Center Recycling Facility – Special Use

• Article 5 – Use Regulations

Article 5 speaks to specific use regulations. Section 20-538, Exterior Storage, is the only section with proposed changes. This section specifically references industrial districts, where exterior storage can be located on the industrial lots, screening requirements, and the surfacing required. The IM District is proposed to be referenced where the IL and IG Districts are referenced.

• Article 6 – Density and Dimensional Standards

The proposed changes to the Density and Dimensional Standards article add standards for the IM District. Staff is proposing the IM District have the same Density and Dimensional Standards as the IL District.

Standard	CN1	CO	CN2	CD	CC	CR	CS	IBP [10]	IL/IM	IG	OS
Min. Site Area	5,000 sq. ft.	5,000 sq.ft.	2 Ac.	2,500	5 Ac.	40 Ac	-	5 Ac.	20,000 sq.ft.	5,000 sq.ft.	-
Max. Site Area	1 Ac.	-	15 Ac.	-	-	-	-	-	-	-	-
Min. Lot Area (sq. ft.)	5,000	5,000	20,000	2,500	20,000	20,000	5,000	20,000	20,000	5,000	-
Min. Lot Width (ft.) [12]	50	50	100	25	100	150	50/100	200	100	50	-
Min. Setbacks (ft.)											
Front [9]	[6]	20	20	0	25	25	25	[1]	[1]	[1]	[3]
Side (Exterior) [2] [9]	[3]/20	[3]/20	[3]/20	[3]/0	[3]/20	[3]20	[3]15	[1]	[1]	[1]	35
Side (Interior-adj. R) [9]	10	20	20	20	25	45	12	[1]	[1]	[1]	20
Side (Interior-adj. Non-R)	0	5	0	0	0	0	0	[1]	[1]	[1]	15
Rear [4] [9]	20/25	15/25	20/25	0	12/25	30	12/25	[1]	[1]	[1]	0
Max. Front Setback	[6]	NA	NA	5[7]	20	0	NA	NA	NA	NA	NA

Max. Lot Coverage (%)	65 [5][11]	65 [5][11]	75 [5][11]	100	85 [5][11]	80 [5][11]	80 [5][11]	65 [5][11]	85 [5][11]	85 [5][11]	NA
Max. Impervious Lot Cover (%)	75 [5][11]	75 [5][11]	80 [5][11]	100	80[5] [8][11]	75[5] [8][11]	80 [5][11]	75 [5][11]	75 [5][11]	75 [5][11]	NA
Min. Outdoor Area (per unit)											
Area (sq. ft.)	50	-	50	-	-	-	50 [5][11]	-	-	-	-
Dimensions (ft.)	5	-	5	-	-	-	5 [5][11]	-	-	-	-
Max. Height (ft.) [13]	25	50	45	90 [7]	50	75	45	60	45	75	35

[1] Minimum Setbacks are as follows:

District	Abutting Street Right-of-Way			Abutting Other Lot Lines	
	Across From R District	Across From Non- R District		Abutting R District or Lawrence SmartCode District	Abutting Non-R District
		Arterial	Collector		
IBP [10]	40	40	40	40	15
IL/IM	50[14]	50	25	20[15]	15
IG	50 [14]	50	25	50 [15]	15

- [2] First number represents minimum Exterior Setback to an abutting Side Lot Line. Second number represents minimum Exterior Setback to an abutting Rear Lot Line
- [3] Same as Front Yard of abutting Lot
- [4] First number represents minimum Rear Setback for Single Frontage Lot. Second number represents minimum Rear Setback for double Frontage (or through) Lot
- [5] Applies only to Lots platted after the Effective Date.
- [6] Setback of Building constructed after the Effective Date shall be within 1 foot of the average Setback of existing Buildings on the same Block on the same side of the Street.
- [7] Subject to location and Height limitations in Downtown Design Guidelines and Downtown Design Standards.
- [8] Maximum Building coverage in CC and CR districts is 25%.
- [9] Additional Setback restrictions apply to properties developed adjacent to RS zoned properties where expressly required elsewhere in the Development Code.
- [10] Density and Dimensional Standards for the GPI and H Districts shall be the same as those established in the IBP District.
- [11] Applies to any Significant Development Project.
- [12] First number represents the minimum existing Lot Width. The second number represents the required Lot Width for a Lot platted after the Effective Date.
- [13] Maximum Height may be subject to the standards of Section 20-602(h)(2) when located adjacent to RS properties.
- [14] Setback shall be 25 feet for all IG and IL properties zoned M-2 under the previous zoning code.
- [15] Setback shall be 20 feet for all IG and IL properties zoned M-2 under the previous zoning code.

• **Article 9 – Parking, Loading and Access**

The proposed changes to the parking standards add the IM District to the list in Section 20-908(c) which provides a standard as to where the off-street parking can be located and the parking lot setbacks. The IM District standard is proposed to be the same as the other industrial districts.

District	Allowed Location	Minimum Setback (feet)	
		From Right-of-Way	From Residential Lot Lines
CN1	Not allowed between the Facade of the Building with the main entrance and the Street.	15	10
CO			
CN2			
CD	Prohibited between a Building and any Street		
CC	No restriction except as specified in Article 5.		
CR			

CS			
IBP			
IL			
IM			
IG			
H			
GPI			
OS			
MU	Prohibited in the Primary Development Zone and prohibited between a Building and any Street in a Secondary Development Zone . No restriction in a Tertiary Development Zone .		

- **Article 10 – Landscaping and Screening**

The proposed changes to Article 10 are to Section 20-1005 Bufferyards. This section outlines the type of bufferyard required for property adjacent to different zoned property. The IM District was added to this table.

Developing Site's Zoning	Adjacent Site's Zoning						
	RS	RM	CN1, CO, CN2	MU, CD	CC, CR, CS	IBP, IL, IM, IG	GPI, H
RS Districts (Residential uses)	–	1	1	2	2	3	3
RS Districts (Nonresidential uses)	1	1	1	1	2	3	2
RM Districts	1	–	1	–	2	3	2
CN1, CO and CN2 Districts	1	1	–	–	1	2	1
MU and CD Districts	2	–	–	–	–	–	–
CC, CR and CS Districts	2	2	1	–	–	1	1
GPI and H Districts	3	2	2	–	–	1	–
IBP, IL, IM and IG Districts	3	3	2	–	1	–	1

- **Article 13 – Development Review Procedures**

The proposed changes in Article 13 are in Section 1303 Zoning Map Amendments (Rezoning) and 1305 Site Plan Review. Section 1303 contains the lesser change table and the IM District has been added to the table and added as a lesser change for the IG District.

Section 1305 speaks to the criteria for the different types of site plans and what changes trigger these site plans. The code currently allows a larger site improvement in the IG District before the entire site is required to be brought up to city standards. The IM District is proposed to have these same allowances.

- **Article 17 – Terminology**

The proposed changes to the terms are Development Project, Major, Development Project, Standard, and Significant Development Project. These definitions include the same text providing the IG District more allowance for expansion as explained in Article 13. The proposed changes keep the text consistent throughout the code.

Revisions to the Gasoline and Fuel Sales definition are proposed. Staff is proposing to move it under the Vehicle Sale and Service use group category. The Gas and Fuel Sales definition is the

only definition not listed under the overall group category. Changes to the definition itself include adding Food and Beverage Sales into the definition to allow for the typical gas station which includes convenience stores. Gas stations providing only gas and a few incidentals are not as common as they used to be. More often today a gas station with an associated convenience store is the norm.

Truck Stop use was added under the Vehicle Sales and Service use group category to keep it consistent with all the other uses in that group. A proposed definition is shown below in the changes.

20-1766 VEHICLE SALES AND SERVICE

Sales of motor vehicles or services related to motor vehicles. The following are vehicle sales and service use types:

(1) **Cleaning**

Washing and polishing of automobiles. Typical uses include car washes.

(2) **Fleet Storage**

Fleet storage of vehicles used regularly in business operation and not available for sale, or long-term storage of operating vehicles. Typical uses include taxi fleets, buses, mobile-catering truck storage, and auto storage garages.

(3) **Gasoline and Fuel Sales**

Retail sale from the Premises of petroleum products vehicular fuels with incidental sale of tires, batteries and replacement items, lubricating services, minor repair services, and Food and Beverage Sales. Typical uses include automobile vehicle service stations, and gas filling stations with or without convenience stores and truck stops.

(4) **Truck Stop**

A fuel dispensing facility designed to primarily accommodate the trucking industry. Accessory uses common to a truck stop may include a convenience store, restaurant, shower facilities, overnight parking areas for semis and other commercial vehicles and scale facilities.

~~(3)~~(5) **Heavy Equipment Repairs**

Repair of trucks and other heavy equipment as well as the sale, installation, or servicing of automotive equipment and parts together with body repairs, painting, and steam cleaning. Typical uses include engine repair shops, body shops and motor freight maintenance groups.

~~(4)~~(6) **Light Equipment Repairs**

Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include tire repair and alignment, muffler shops, auto or motorcycle repair garages and auto glass shops.

~~(5)~~(7) **Heavy Equipment Sales/Rentals**

Sale, retail or wholesale, and/or rental from the **Premises** of heavy construction equipment, trucks and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.

~~(6)~~(8) **Light Equipment Sales/Rentals (including automobiles)**

Sale, retail, wholesale, or rental from the **Premises** of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, motor homes and

boat dealers, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies with accessory wash bays and vehicle storage and recreational vehicles sales and rental agencies.

~~(7)~~(9) Storage of Non-operating Vehicles

Storage of non-operating motor vehicles. Typical uses include storage of private parking tow-a-ways and impound yards.

~~(8)~~(10) Storage of Recreational Vehicles and Boats

Storage of recreational vehicles and boats. Typical uses include the collective storage of personal recreational vehicles and boats.