

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
5/21/14

ITEM NO. 9A: IL TO GPI; 11.66 ACRES; 2900 & 2920 HASKELL AVE (SMS)

Z-14-00108: Consider a request to rezone approximately 11.66 acres from IL (Limited Industrial) District to GPI (General Public and Institutional Use) District, located at 2900 & 2920 Haskell Ave (east of the proposed relocated Haskell Avenue). Submitted by Landplan Engineering PA, on behalf of Unified School District 497, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 11.66 acres from IL (Limited Industrial) District to GPI (General Public and Institutional Use) 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:

"Current zoning does not support school uses. The subject property has been an existing parking lot for the industrial use."

KEY POINTS

- The subject property is a portion of the Hiper Technology property that is located near the northeast corner of 31st and Haskell. A portion of the parcel has been acquired by KDOT for the relocated Haskell Avenue improvements related to the K-10 interchange. The remaining portion is being replatted into two lots. This lot is to be used for the new Lawrence College & Career Center and the adjacent lot (containing the existing Hiper building) will be developed by the EDC for workforce training.

ASSOCIATED CASES

- PP-14-00109: Preliminary Plat for LCCC and Peaslee Addition, a two-lot institutional and industrial subdivision.
- SUP-14-00110: Special Use Permit for an Institutional Development Plan for the Lawrence College & Career Center located at 2900 & 2920 Haskell Ave (east of the proposed relocated Haskell Avenue). The project proposes the construction of a new two-phase structure containing 56,000 sq. ft. and associated parking and site improvements.

OTHER ACTION REQUIRED

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Planning Commission approval of Preliminary Plat, PP-14-00109.
- Planning Commission consideration and recommendation of Special Use Permit application.
- City Commission approval of Special Use Permit application, SUP-14-00110, and adoption/publication of ordinance.
- Submittal and administrative approval of site plans prior to release of Building Permits.

- Administrative approval of the Final Plat.
- Recording of the Final Plat with the Douglas County Register of Deeds.
- Application and release of Building Permits prior to development.

PUBLIC COMMENT

- None as of the printing of staff report.

Project Summary

This project includes the rezoning of approximately 11.66 acres located on the east side of Haskell Avenue between E 29th Street and relocated E 31st Street from IG to GPI (General Public & Institutional). The property is being rezoned and replatted to accommodate the development of the proposed Lawrence College & Career Center proposed by USD 497. The adjacent property is proposed to be developed with the Dwayne Peaslee Technical Training Center. Because the school district property exceeds ten acres, an Institutional Development Plan approved through the SUP process is required in Section 20-1307 of the *Land Development Code*.



Figure 1. Zoning Exhibit. Subject property outlined.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"Map 3-2 Lawrence Future Land Use of Horizon 2020 – this area is shown Industrial Use. The surrounding area is shown Single-family Residential to the north and Industrial Use to the west and south."

A review of the Comprehensive Plan recommendations follows.

- **The Lawrence Future Land Use Map (Map 3-2, page 3-4)**, shows this area as Office, Research, and Industrial/Warehouse Distribution. The property is currently zoned in compliance with these recommendations as it is zoned for industrial uses (IL). The proposed use, a school owned and operated by USD 497, is a 'Community Facility' type use which is not permitted in this zoning district.

The *Land Development Code* specifically created a district to accommodate public and semi-public uses including public school facilities. The GPI District is a Special Purpose Base District primarily intended to accommodate institutional uses occupying significant land areas. The district regulations are designed to provide the school district with flexibility for patterns of uses while ensuring that development patterns along the edges of the site are compatible with adjoining uses.

- **Chapter 10 - Community Facilities (page 10-1 & 10-3)**

The introduction to Chapter 10 notes that public and semi-public uses are often difficult land uses to project in the future. Needs arise and the community must seek the appropriate locations for such uses dependent upon the populations they will serve.

A number of educational-related needs were identified during the *Horizon 2020* process. One of particular relevance was the need to develop a county-wide vocational and technical training center to support workforce skill gaps vital to the future success of existing businesses. The proposed project, in conjunction with programs to be provided by the EDC, will be a significant step toward meeting this need.

Staff Finding – The proposed rezoning request conforms to *Horizon 2020* policies related to community facilities, specifically educational needs, as well as economic development policies.

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

Current Zoning and Land Use: IL (Limited Industrial) District; parking lot and vacant portion of the former Hiper Technology property.

Surrounding Zoning and Land Use: To the north and east:
RS7 (Single-Dwelling Residential) District; *Detached Dwellings*

To the south and west:
IL (Limited Industrial) District; *vacant portion of former Hiper Technology parcel and Manufacturing Uses*

To the west across Haskell Avenue:
IG (General Industrial) District; *existing Industrial Uses and Gas & Fuel Sales*

Staff Finding – The subject property is located near properties that are zoned for single-dwelling residential and industrial uses. Residential uses abut the property on the north and east sides. Industrial uses are located to the south and west. Additional nonresidential uses are anticipated to the west following the completion of the Haskell Avenue & K-10 interchange. The proposed rezoning to the GPI District will accommodate educational facilities that are compatible with the adjacent uses.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"This lot is adjacent to single-family residential to the east and north. The area to the west is vacant but has been planned for industrial uses. The area to the south is also planned for industrial uses."

Staff Finding – While the property abuts residential uses on the north and east, the existing street system does not provide vehicular access. The property's character is more closely aligned with the existing nonresidential uses at the 31st & Haskell intersection.

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

Staff Finding – No area or neighborhood plans have been adopted for this area. The Comprehensive Plan is the guiding plan for this area.

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

Applicant's Response:

"The uses of the site as a College & Career Center are suitable uses for the site."

Staff Finding – The property is currently IL (Limited Industrial) and is suitable for *Industrial* uses. Due to its proximity to the new K-10 interchange, the property is also suitable for the proposed GPI (General Public and Institutional) District. The proposed educational uses are not permitted in the IL District, but are uses that are compatible with the surrounding uses and access from a major arterial street.

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

Applicant's Response:

"The property has been used as a parking lot since being annexed in the 1960s, with little or no expressed interest in the site to enlarge the existing facility."

Staff Finding – The property is currently part of a developed lot. This portion of the property contains an overflow parking lot and undeveloped property.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicants Response:

"Approving this rezoning application will not adversely affect the neighboring properties."

Staff Finding – Rezoning this property from IL to GPI removes the industrial uses from the district. The proposed GPI District provides additional safeguards to the abutting residential properties with a 40' setback along those property lines. The potential uses in the GPI District are compatible with the existing industrial uses to the south and west. Approval of the proposed rezoning should 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

Applicants Response:

"Approval of this application will fill a need of the community for College and Career Center. The adjacent building will be used to expansion of the classroom at a later date."

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.

Staff Finding – The proposed USD 497 College & Career Center cannot be developed in the current IL zoning district. The use is compatible with the nearby residential and nonresidential uses and will complement the proposed EDC Training Center to be located in the Hiper building to the south. Rezoning to GPI allows the development while providing increased safeguards to the abutting residential properties with the larger setback restrictions in the proposed district.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed location for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The rezoning request is compliant with recommendations in *Horizon 2020*. Staff recommends approval of the rezoning request for approximately 11.66 acres from IL (Limited Industrial) District to GPI (General Public and Institutional Use) District from 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.