

PLANNING COMMISSION REPORT
REGULAR AGENDA - NON-PUBLIC HEARING ITEM

PC Staff Report
10/24/07

ITEM NO. 16E: PRELIMINARY PLAT FOR AIRPORT BUSINESS PARK NO. 1; E 1500 ROAD & US HWY 24/40 (PGP)

PP-06-07-07: Preliminary Plat for Airport Business Park No. 1, located at E 1500 Road & US Hwy 24/40. Submitted by Landplan Engineering, for Roger Pine, Pine Family Investments, LC, and Kathleen and Brian Pine, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the Preliminary Plat of Airport Business Park No. 1, subject to the following conditions:

1. Revision of the Preliminary Plat to reflect the following changes:
 - a. Addition of a note stating that a Transfer of Ownership to the City of Lawrence for the pump station properties will be executed before the first final plat is recorded.
 - b. Removal of the utility easements encompassing the entirety of the pump station sites, as ownership of the pump station sites will be transferred to the City. Additional utility easements may need to be dedicated for the sanitary sewer mains with the final siting of pump stations.
 - c. Revision of the pump station sites to appropriate sizes. The sizes of these sites may need to be slightly altered at a later date based on the layout of the pump stations.
 - d. Addition of a note stating that ownership of the property on which the temporary pump station is located will revert to the adjacent property owners when the pump station is decommissioned.
 - e. Addition of a note stating that funds will be placed in escrow after the approval of the final plat for the future decommissioning and modification of the temporary pump station, and that no building permits will be issued until the funds are in escrow.
 - f. As the access waiver requests for direct access to US 24/40 were denied, the first sentence of General Note #9 will need to be revised to read as follows: "Direct driveway access onto US Hwy. 24/40 is prohibited." Hatch marks shall be shown along the entirety of US 24/40 within the project boundaries.
 - g. Inclusion of a note stating that one temporary access point for the temporary sanitary sewer pump station will be permitted from Block Five, Lot 1 to N. 7th Street. If the location of the access point is known, it shall be shown on the plat, with hatch marks included along the remainder of the west side of N. 7th Street
 - h. Block Five, Lots 2 and 4 will be reoriented so they both have frontage on proposed Pine Family Drive.
 - i. Inclusion of a note stating that access from Block Four, Lot 1 will be offset 125 feet from the centerline of Pine Family Drive. If the locations of the access points are known, they shall be shown on the plat, with hatch marks included along the remainder of the northern lot line.
 - j. Dedication of any additional required Right-of-Way, per the approval of the City Engineer.
 - k. Revision of Note #15 in the General Notes section to state that the pedestrian ways within pedestrian easements are to be constructed concurrent with the paving of the most adjacent roadway.
 - l. Inclusion of information regarding final plat phasing. This phasing shall be concurrent with phasing of the Downstream Sanitary Sewer Study.

- m. Revision to include the airspace overlay zones as described in the Development Code Section 20-302.
- n. Removal of General Note #16e.
- o. Revision of General Note #16f to remove the following language: "Timing of the installation of such improvements will be per the discretion of the property owner(s) [in the instance of private financing] and per the City [in the instance of public financing]. General Notes #16a through f may need to be further revised, based on the outcome of discussions related to financing of infrastructure improvements at the City Commission meeting.
- p. Dedication of the full right-of-way for E 1500 (N. 7th Street) and US 24/40. Properties that are not part of the associated annexation and subject Preliminary Plat applications will need to be annexed as part of this r-o-w dedication.

Reason for Request: The subject property is required to be platted prior to submittal of site plans.

KEY POINTS

- The property lies outside the City limits, within Service Areas 2 and 4 of the Urban Growth Area.
- The Preliminary Plat request is accompanied by three rezoning requests and an annexation request.
- Portions of the subject property are encumbered by the 100-year floodplain and Airspace Overlay District.
- A Downstream Sanitary Sewer Study and Retail Market Study have been approved by City staff. A stormwater drainage letter was also submitted and approved by staff.
- A revised Traffic Impact Study (TIS) was submitted to the Planning Office. City planning and engineering staff, as well as Kansas Department of Transportation (KDOT) staff are in the process of reviewing and responding to the revised TIS. The review and subsequent response were not completed by the time of staff report printing. Based on information gleaned from the revised study, a TIS update memo may be forthcoming prior to or by the time of the October 24, 2007 Planning Commission meeting. The Preliminary Plat may need to be further revised based on the outcome of the TIS review.
- The proposed development will occur in phases. Phasing of the final plats concurrent with the phasing of the Downstream Sanitary Sewer Study will need to be shown on the Preliminary Plat.
- The Planning Commission is also acting as the Airport Commission in the review of this project.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- No unusual or specific citations of the Subdivision Regulations have been identified with the review of this application.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Annexation

- A-06-05-07: Annexation of 144.959 acres; Airport Business Park No. 1. *[Also on the October 24, 2007 Planning Commission agenda.]*
- Approval of annexation by City Commission and ordinance publication is required.

Platting

- Acceptance of dedication of rights-of-way and easements (as shown on Preliminary Plat) by City Commission is required.

- Submittal and administrative approval of final plats are required.
- Approval of Public Improvement Plans by the City Public Works Department and Utilities Department is required prior to recordation of the final plat.
- Written certification from the City Engineer that all required public improvements have been completed or submittal of a means of ensuring completion of required public improvements listed in Section 20-811(h)(2) of Article 8 of the Land Development Code is required prior to recordation of the final plat.

Rezoning

- Z-06-09-07: County A and B-2 to IL with restrictions; 99.31 acres at E 1500 and US Hwy. 24/40. *[Also on the October 24, 2007 Planning Commission agenda.]*
- Z-06-10-07: County A and B-2 to IL; 43.48 acres at E 1500 and US Hwy. 24/40. *[Also on the October 24, 2007 Planning Commission agenda.]*
- Z-06-11-07: County A and B-2 to IL-FP; 26.22 acres at E 1500 and US Hwy. 24/40. *[Also on the October 24, 2007 Planning Commission agenda.]*
- Approval of rezonings by City Commission and ordinance publication is required.

Site Planning

- Submittal and administrative approval of site plans prior to obtaining building permits.
- Filing of Notice of Proposed Construction or Alteration with the Federal Aviation Administration for each proposed structure in accordance with Federal Regulation Title 14 Part 77 is required prior to obtaining building permits.

Text Amendment

- TA-06-13-07: A text amendment request from Landplan Engineering to amend Section 20-812 of the Development Code to modify Preliminary Plat requirements for topographical surveys was unanimously approved by the City Commission on August 23, 2007. Language requiring topography based on a field survey was removed. The revised language generally states that topography for undeveloped property shall be consistent with City of Lawrence or Douglas County aerial topography.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- A meeting was held with City staff, the Grant Township Board of Trustees, and the public at Grant Township Community Center on July 11, 2007. Approximately 100 people were in attendance. Among others, concerns regarding stormwater, traffic, and loss of prime agricultural land, among others, were expressed.
- Several citizens called regarding the project, expressing concern about the impact of the property on the rural area and requesting information.
- Letters and e-mails from Nancy Thellman, Chet Fitch, Anne Burgess, Jes Santaularia, and Grant Eichhorn have been included in the staff report packet.
- A meeting was held with the development team, property owners, City staff, the Grant Township Board of Trustees, and the public at Grant Township Community Center on September 17, 2007. Approximately 100 people were in attendance. Concerns regarding stormwater, traffic, loss of prime agricultural land, and infrastructure financing among others, were expressed.

GENERAL INFORMATION

Current Zonings and Land Uses:

County A (Agricultural) and B-2 (General Business) Districts; agricultural and rural residential uses. [City IL (Limited Industrial), IL with restrictions (Limited Industrial with restrictions), and IL-FP (Limited Industrial-Floodplain) are under consideration.]

Surrounding Zoning and Land Uses: County A (Agricultural) and City GPI (General Public and Institutional Use) Districts to the north; agricultural and rural residential uses and Lawrence Municipal Airport.

County B-1 (Neighborhood Business), B-2 (General Business) and A (Agricultural) Districts and Interstate 70 to the south; hotel, photography studio, and agricultural, rural residential and interstate uses.

County B-1 (Neighborhood Business) County B-2 (General Business), A (Agricultural), and City GPI (General Public and Institutional Use) Districts to the east; hotel, photography studio, agricultural and rural residential uses, and Lawrence Municipal Airport.

County I-2 (Light Industrial), City OS (Open Space), County B-2 (General Business), County A (Agricultural), City RS10 (Single-Dwelling Residential), and City IG (General Industrial) to the west; industrial, civic, commercial, open space, office, and interstate uses.

STAFF REVIEW

The preliminary plat includes property located on the northeast, northwest, and southwest corners of the E 1500 (N. 7th Street) and US 24/40 intersection. The property south of US 24/40 is within Service Area 2 and the property north of US 24/40 is within Service Area 4. Annexation and rezoning requests are also on the October 24, 2007 Planning Commission agenda.

Zoning and Land Use

Within the project boundaries, the northwest and southwest corners of the E 1500 and US 24/40 intersection are zoned B-2 (General Business) District, while the remainder of the property is zoned A (Agricultural) District. The property is surrounded by a variety of zoning districts, including the following: A (Agricultural), B-1 (Neighborhood Business), B-2 (General Business), I-2 (Light Industrial), OS (Open Space), GPI (General Public and Institutional), and IG (General Industrial). Surrounding land uses also vary, including the following: Lawrence Municipal Airport, Interstate 70, Maple Grove Cemetery, as well as industrial, commercial, office, agricultural, and rural residential uses.

The applicant proposes to develop an 18-lot industrial and commercial project on approximately 145 acres. Annexation and rezonings are necessary to accomplish this development; therefore, these requests are also being considered at the October Planning Commission meeting.

Infrastructure and Utility Extensions

Sanitary Sewer

The City's Utilities Department has reviewed the Downstream Sanitary Sewer Analysis and Airport Business Park No. 1 Preliminary Plat. The developer is proposing to construct a temporary pump station to serve the first 40 acres, with the permanent pump station construction triggered by the subsequent phase of the project. The temporary station will need to be constructed to City standards and decommissioned when the ultimate pump station is constructed.

The temporary pump station is proposed to be located near the southeast corner of Block Five, Lot 1, and the permanent pump station is proposed to be located near the southeast corner of

Block One, Lot 6. The temporary access for the temporary pump station is located off N. 7th Street. The access for the permanent pump station will need to be revised to come off an internal roadway. A waiver from the City Engineer was approved for the temporary access point off N. 7th Street. Access will need to come off of Pine Family Drive when it is developed. A waiver from the City Engineer was denied for the requested access point off US 24/40 for the permanent pump station. If the waiver for the access point off US 24/40 had been granted by the City Engineer, the applicant would have been required to also pursue an access permit from KDOT.

Per General Note #16c on the Preliminary Plat, the developer is requesting public funding for portions of the sanitary sewer improvements. Public funding for a double 6" force main sanitary sewer force main extension of approximately 4,900 feet, to the existing discharge manhole located at North Street, has been requested by the applicant. The City Commission will consider the funding request when the project is considered by the Commission. Approval of sanitary sewer public improvement plans is required prior to filing of the Final Plat.

As a condition of approval, a note shall be included on the plat, stating that a Transfer of Ownership to transfer the pump station properties to the City of Lawrence will need to be executed prior to recordation of the final plat. Ownership of the temporary pump station will revert to the original owner upon decommissioning of the temporary pump station. Additionally, a note shall be included, stating that the applicant must escrow funds for the decommissioning and modification of the temporary pump station.

Water

Extensions of water mains and adequate fire flow are required. Per Note #16b on the Preliminary Plat, the developer is requesting that portions of the watermain improvements publicly funded. Public funding for 5,000 linear feet of 12-inch ductile iron pipe along 7th Street to connect to the existing water line along Highway 24/40 has been requested by the applicant. The City Commission will consider the funding request when the project is considered by the Commission. Approval of waterline public improvement plans is required prior to filing of the Final Plat.

Stormwater

A drainage letter has been approved by the City's Stormwater Engineer. The letter states that the Airport Business Park No. 1 Preliminary Plat follows the recommendations outlined in the North Lawrence Drainage Study. The developer has requested that any off-site stormwater improvements be publicly funded. Improvements are recommended in the North Lawrence Drainage Study, and are located south of US 24-40 and west of N. 7th Street. Approval of stormwater public improvement plans for off-site improvements is required prior to filing of the first Final Plat.

Public Rights-of-Way

The subject property is located within the vicinity of the U.S. Hwy. 24/40 and N. 7th Street (E 1500 Road) intersection. Zoysia Lane, Pine Family Drive, and Bluegrass Drive are proposed as new roadways. Bluegrass Drive is shown on Map 8-1 (Major Thoroughfares Map – City of Lawrence) from *Horizon 2020* as a minor arterial. Also shown on the Major Thoroughfares Map are U.S. Hwy. 24/40, a principal arterial, and N. 7th Street, a minor collector north of U.S. 24/40 and a minor arterial/major collector south of U.S. 24/40. Appropriate rights-of-way are shown for proposed dedication per the existing Transportation Plan. The Planning Commission is currently in the process of update the Transportation Plan. Based upon the revised TIS and meetings with the applicant, a condition is being requested that the applicant dedicate any additional required Right-of-Way, per the approval of the City Engineer.

A revised Traffic Impact Study (TIS) has been reviewed by the City of Lawrence and Kansas Department of Transportation. According to the TIS, a left-turn lane on U.S. 24/40 is currently warranted for westbound traffic at the intersection of N. 7th Street. For the future full build-out scenario, single left-turn lanes may be warranted on the other three legs of this intersection. The developer is requesting that these intersection improvements be publicly funded. Agreements Not to Protest the Formation of Benefit Districts for Improvements to U.S. 24/40, N. 7th Street, and the intersections identified in the Traffic Impact Study will be required as conditions of final plat approval. Additional right-of-way would be required for these intersection improvements at U.S. Highway 24/40 and N. 7th Street. These intersection improvements would impact the property owners at this intersection.

Sidewalks, per the Development Code, will be required on both sides of each new street – 5-foot wide on each side of all local streets (Zoysia Land and Pine Family Drive) and 6-foot wide on one side, with a 10-foot wide bike/rec. path on the other side, of each arterial (Bluegrass Drive, a portion of N. 7th Street, and US 24/40). Approval of roadway and sidewalk Public Improvement Plans is required prior to recordation of the Final Plat.

Regarding the phasing of the project in relation to Public Improvement Plans, the Development Code states that all improvement plans to serve the subdivision are to be provided concurrently with the phase which will first be served by those improvements.

Public Financing of Infrastructure

The applicant has requested assistance in financing the public infrastructure to the project. While the responsibility for determining where and how public dollars are used lies with the City commission, an effort will be made at the Planning Commission meeting to provide additional information on the costs of the improvements and the alternatives for bringing services to the general area, including this project.

Easements

As the entirety of the property is currently located outside City limits, the property does not include City easements. Utility easements for sanitary water and sewer service have been included on the Preliminary Plat. The plat also includes 20-foot wide planting easements, as the Development Code requires planting easements for double-frontage lots.

Block lengths are not permitted to exceed 800 feet unless pedestrian connections are provided. Therefore, 15-foot wide combined pedestrian and utility easements have been added between lots that span Pine Family Drive and N. 7th Street and between lots that span Zoysia Lane and US 24/40.

The Preliminary Plat includes an avigation easement that was previously established through a condemnation action. As a condition of approval, the court order and case number for this action will need to be included on the plat. The plat notes that this easement is intended to be utilized as open space and in accordance with Federal Aviation Administration regulations.

The plat includes utility easements for the temporary and permanent pump stations. As a condition of approval, these easements will need to be removed, as the land will need to be deeded to the City as a condition of final plat approval. A note should be included on the plat, stating that a Transfer of Ownership will need to be executed prior to recordation of the final plat. The plat will also need to include a note stating that ownership of the property on which the temporary pump station is located will revert to the original property owner when the pump station is decommissioned.

Floodplain Overlay District

The northwest portion of the property includes the Maple Grove Stream. As such, this area is encumbered by the FEMA-designated Special Flood Hazard Areas Inundated by 100-year Flood (Zone AE) and Floodway Areas in Zone AE. The Preliminary Plat notes that the areas encumbered by the 100-year floodplain will be utilized as open space. Areas inundated by the 100-year floodplain, in addition to areas identified per the guidelines set out in Article 12 (Floodplain Management Regulations) of the Development Code, have been requested for rezoning to the IL-FP (Limited Industrial - Floodplain Overlay) District. This Overlay District designation is required per the City's Floodplain Management Regulations. Any proposed construction within the Floodplain Overlay District requires approval of a Floodplain Development Permit.

Airspace Overlay District and Airport Layout Plan

Airspace zones, per the Development Code, will need to be labeled on the subject Preliminary Plat. The Plat includes areas encumbered by three of the five zones – Non-Instrument Approach Zone, Transition Zone, and Horizontal Zone. The Code includes height restrictions within each zone. Site plans for individual buildings will need to be evaluated for conformance with the height restrictions noted in each zone.

Per the Airport Layout Plan, an aviation easement and runway protection zone are noted on the plat. The airport plan states that existing land uses are compatible with the airport, but the plan does not include an evaluation of the proposed industrial and commercial uses. As such, it will be important to consult Federal Aviation Administration (FAA) at each step of the development process. A Notice of Proposed Construction or Alteration will need to be filed with the Federal Aviation Administration for each proposed structure, including light poles and power poles, in accordance with Federal Regulation Title 14 Part 77 prior to obtaining building permits.

Conformance

Horizon 2020

Per Map 3-1 in Chapter 3 of *Horizon 2020*, General Plan Overview, and the policies outlined in Chapter 4, Growth Management, the subject property is located within Service Areas 2 and 4 of the Urban Growth Area. The property is not identified on the Future Land Use Map in *Horizon 2020*. Regarding Service Area 2, the Comprehensive Plan states the following: “*Development of these areas to urban densities should be allowed only after coordination with the phasing of municipal services and public infrastructure improvements to serve these new urban densities of development*” (page 4-3). *Horizon 2020* states the following regarding Service Area 4: “*The land uses north of US 24/40 shall be primarily non-residential uses such as industrial, warehouse, and office. Urban development in Service Area 4 north of the Kansas River shall not occur until after an extensive drainage study for the area north of the Kansas River has been completed*” (page 4-4).

Growth management policies address the need to evaluate the proposed development with respect to the provision of services, protection of topographic and drainage concerns, and applicable land use criteria. *Horizon 2020* gives priority to properties that abut existing city limits. It also supports the approach that adequate facilities and services are provided or assured in connection with development (page 4-1). The annexation request is consistent with the growth management policies found in *Horizon 2020*.

Chapter 6, Commercial Land Use, includes a designation of Neighborhood Commercial Center for the E 1500/ US 24/40 intersection. This designation limits commercial uses to one corner,

commercial space for a single store to 40,000 gross square feet, and total commercial space to 100,000 gross square feet. *Horizon 2020* also states that the need to create a nodal plan for a specific intersection is to be triggered by the first development request for any portion of the node. The rezoning request is not consistent with the Neighborhood Commercial Center designation. As the area immediately surrounding the subject site does not include predominantly residential uses and areas abutting airports are appropriate for industrial uses, staff recommends that, as a condition of rezoning approval, the Lawrence-Douglas County Planning Commission recommend initiation of a Comprehensive Plan text amendment to remove this designation for the subject intersection. Industrial designations for the area are discussed below.

An update of Chapter 7, Industrial and Employment-Related Land Use, was approved by the City Commission on December 6, 2005 and the Board of County Commissioners on January 8, 2007. The ordinance was adopted on second reading by the City Commission on October 2, 2007. On October 8, 2007, the County Commission voted not to approve the adopting ordinance/resolution and referred the chapter back to the Planning Commission for consideration of specific issues. The County Commission did not indicate any opposition to the identification of this area for industrial development.

Chapter 7 is the most recent planning effort and includes a map labeled "General Locations for Future Industrial and Business Park Development". This map recommends a potential industrial and business park development for the general location of US 24/40 and N. 3rd Street. It also includes the following three recommendations: "Work-Live Campus-Type Center" near the airport, between 24/40 and North Street; "Office Research" uses at the intersection of 24/40 and N. 3rd Street; and "Industrial/Business/Research Park" for the 24/40/59 corridor and in proximity to the airport. The rezoning request is in conformance with the recommendations of the updated Industrial and Employment-Related Land Use chapter.

Chapter 8, Transportation, includes reference to the Lawrence Municipal Airport. It states the following: "*Continue to develop the Lawrence Municipal Airport for private and commercial aviation and aviation-related business development in accordance with the adopted Airport Master Plan*" (page 8-7). Map 8-1, Major Thoroughfares Map – City of Lawrence, includes designations of roadways. The Airport Business Park No. 1 Preliminary Plat includes appropriate rights-of-way, per the Code, for all existing and proposed roadways. Bluegrass Drive, a proposed east-west roadway south of US 24/40, is shown on the Major Thoroughfares Map as a minor arterial. Pine Family Drive and Zoysia Lane are proposed as local streets and are not shown on the Major Thoroughfares Map.

While the annexation and associated rezoning requests do not conform with the Neighborhood Commercial Center recommendation of Chapter 6, it does conform with the recommendations of Chapters 4, 7, and 8. An update of Chapter 6, Commercial Land Use, became effective in 2004. Chapter 7, Industrial and Employment-Related Land Use, was more recently updated, with City Commission approval on December 6, 2005, and Board of County Commissioners approval on January 8, 2007.

Development Code

The proposal generally conforms with Section 20-809 (Major Residential and Non-Residential Subdivisions) of the Development Code.

The City's Development Code lists the CN2 (Neighborhood Commercial Center) District as the District for implementing the Neighborhood Commercial Center policies in the Comprehensive Plan. This project does not conform to this designation. Therefore, staff recommends that a

Comprehensive Text amendment be initiated and drafted to remove the Neighborhood Commercial Center designation of the US 24/40 and N. 7th Street intersection. The area will continue to include the Industrial/Business/Research Park designation listed in the proposed revised Industrial Comprehensive Plan Chapter.

North of North Street Area Plan

The subject property is located in an area which is not served by an area or neighborhood plan. Further, a *North of North Street Area Plan* was drafted several years ago and was put on hold in 2000 in anticipation of completion of the North Lawrence Watershed Drainage Study. As the drainage study has been completed, an update of the previous draft of the *North of North Street Area Plan* is scheduled to proceed in the future as resources allow. The *North of North Street Area Plan* recommends industrial uses between I-70 and US 24/40. As part of the plan update, the area north of US 24/40 will be included in the plan. It is important to note that, in conformance with the recommendations of *Horizon 2020*, the *North of North Street Area Plan* includes a Neighborhood Commercial Center designation for US 24/40 and N. 7th Street. As staff is recommending that this designation be removed from the Comprehensive Plan, this change will also be reflected in the final version of the *North of North Street Area Plan* as it proceeds.

Summary of Request

The land is currently zoned for agricultural and general business uses. Portions of the property are contiguous to the City limits. A mix of uses abuts the property to the west, with the Lawrence Municipal airport abutting the property to the north and I-70 abutting the property to the south. Agricultural land uses also abut the property. The applicant proposes a project with predominantly industrial land uses, but also some commercial uses. Proposed land uses are discussed in more detail with the evaluation of the rezoning requests.

The subject property is located within the City of Lawrence Urban Growth Area and, therefore, is located in an area anticipated for future urban growth. *Horizon 2020* supports the provision of adequate facilities and services or assurances of adequate facilities in connection with development. Municipal utilities must be extended to serve this area. Sanitary sewer, water, off-site stormwater, and roadway improvements are proposed. Applicable public improvement plans will need to be submitted and approved, prior to filing the related final plats at the Register of Deeds' Office.