

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item:

PC Staff Report
05/19/08

ITEM NO. 4A: SPECIAL USE PERMIT FOR EXTERIOR STORAGE ASSOCIATED WITH BC&R STORAGE COMPANY, INC. (JCR)

SUP-03-03-08: Special Use Permit for BC&R Storage located in the 1300 Block of North 3rd Street. Submitted by Grob Engineering Services, for BC&R Storage Company and JGM Properties LLC, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of SUP-03-03-08, a Special Use Permit for exterior storage associated with BC&R Storage Company, Inc. located in the 1300 Block of North 3rd Street, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Receipt of a US Army Corps of Engineers Permit;
2. Execution of a Site Plan Performance Agreement;
3. Publication of an ordinance per Section 20-1306(j);
4. Provision of a Stormwater Pollution Prevention Plan approved by the Stormwater Engineer;
5. Provision of a revised Site Plan to show the following:
 - a. Revise the parking summary to show the required parking figures rounded up for a total of 23 spaces;
 - b. Show proposed sanitary sewer service line to the existing sanitary sewer main;
 - c. The applicant is requesting a waiver from the requirement to construct sidewalks (see Item #4B). If sidewalks are required, amend note #10 on this preliminary plat to state that public improvements will consist of sidewalks;
 - d. Add a note that sanitary sewer manholes will be adjusted to final grade;
 - e. Add a note to identify that the waterline extension is a private fire service line and that the fire hydrant will be painted red;
 - f. Identify the fire lines (and sizes), the 2" domestic service for the existing 60,000 sf building, and the ¾" domestic service for the smaller building;
 - g. Add a note discussing backflow prevention as per City Code Chapter 19, Article 7, Cross Connection Control to address water quality of the proposed private fire service line.

Applicant's Reason for Request: *Request is made to allow exterior storage areas to exceed City Code limit of 50% of the building area. A major function of the business is exterior storage of semi-trailers and large steel storage containers for leasing.*

KEY POINTS

- The Special Use Permit is requested to permit the exterior storage area to exceed 50% of the floor area of the principal building.
- A 66,000 square foot addition to the principal building is proposed for a total floor area of 126,460 square feet. The proposed exterior storage area is 116,975 square feet or 92% of the area of the principal building.
- March 24, 2008: Planning Commission approved rezoning of the subject property from RS10 and CS to IG (General Industrial) District to accommodate the proposed building expansion

and exterior storage use.

- April 29, 2008: Lawrence City Commission approved rezoning of the subject property upon the recommendation of the Planning Commission.

GENERAL INFORMATION

Current Zoning and Land Use: IG (General Industrial) District (pending publication of rezoning ordinance); Existing BC&R Storage Facility including warehouse (interior) storage and exterior storage.

Surrounding Zoning and Land Use: IG (General Industrial) District to the south; warehouse, storage & distribution uses.

CS (Commercial Strip) District to the east; greenhouse, nursery, eating and drinking establishment, manufactured home sales facility and undeveloped land.

County I-2 (Light Industrial) District to the west and north; railroad to the west, metal recycling facility to the north.

FACTORS TO CONSIDER

- Procedural requirements of Section 20-1306; Special Use Permits.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- PP-03-05-08, BC&R Storage Addition (Item 4B).
- Publication of a Rezoning ordinance per Section 20-1303(i).
- Publication of a Special Use Permit ordinance per Section 20-1306(j).
- Submittal, approval and recordation of a final plat at the Register of Deeds.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

None to date.

SITE SUMMARY

	Existing	Proposed	Change
Property Area (sq ft):	412,205	412,205	-
Building Area (sq ft):	60,460	126,460	+66,000
Paved Area (sq ft):	3,850	111,020	+107,170
Total Impervious Area (sq ft):	64,310	237,480	+173,170
Aggregate Surface Area (sq ft):	303,103	114,160	-188,943
Green Space (sq ft):	44,792	60,565	+13,778
Total Pervious Area (sq ft):	347,895	173,975	-173,920

Summary of Special Use

The subject property is located in the 1300 Block of North 3rd Street, just north of Interstate 70/Kansas Turnpike. BC&R Storage Company Inc. currently operates a 60,460 square foot distribution warehouse with exterior storage. The company plans a 66,000 square foot expansion to its distribution warehouse along with an expansion of the outdoor area dedicated to exterior storage. The proposed area dedicated to exterior storage constitutes approximately 92% of the

area of the proposed distribution warehouse. Section 20-538 of the Development Code requires approval of a Special Use Permit for exterior storage areas that exceed 50% of the floor area of the principal building.

Site Plan Review:

The site plan proposes a 66,000 square foot building addition for additional warehouse space. The proposed building expansion is not subject to Special Use Permit review but is subject to administrative site plan review and approval as a Major Development Project. The Special Use Permit site plan shall constitute the site plan reviewed and approved by the Planning Director following the City Commission's approval of the Special Use Permit. The site plan approved by the Planning Director shall satisfy any plan-related conditions of Special Use Permit approval.

Review and Decision-Making Criteria (20-1306(i))

1. WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE

The proposed use is permitted in the IG (General Industrial) District. Exterior storage uses are governed by the use standards of Article 5. These standards regulate the location of exterior storage areas on a property, prescribe minimum setbacks and require a Type 3 landscape bufferyard where exterior storage areas abut public right-of-way. The site plan shows a landscape bufferyard along North 3rd Street which satisfies the bufferyard requirements and will significantly improve the visual appearance of the corridor. Type 3 bufferyards require a fence, wall or berm along the length of the bufferyard in addition to landscaping. The applicant proposes to retain existing large trees within the bufferyard. Continuous berming along the length of the bufferyard may harm the existing trees, therefore the plan shows intermittent berming to exclude those areas where existing trees will be retained. The Development Code permits alternative compliance with landscaping requirements as approved by the Planning Director. The plan proposes an increased quantity of shrubs at locations where berming is impractical. The Planning Director has approved this method of alternative compliance.

Staff Finding – The proposed use is compliant with all applicable provisions of the Development Code.

2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

The proposed use is similar to adjacent uses in terms of scale and operating characteristics. The proposed site design is an improvement over the existing site layout.

Staff Finding – The proposed use is compatible with adjacent uses.

3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROEPRTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED

The property has existed as a distribution warehouse and storage facility with exterior storage since the 1950's. The neighborhood is composed of a mixture of industrial and commercial uses. The site plan shows a landscape bufferyard that will provide a significant improvement to the appearance of the corridor.

Staff Finding –The proposed use will not cause a substantial diminution in the value of surrounding property.

4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT

The subject property is located within the City of Lawrence. New public utility services are not required for the existing building or the proposed exterior storage use. The site plan shows a 20' wide fire access route around the west side of the building to provide fire department access on all sides of the building. The property takes access to North 3rd Street, a principal arterial street. A traffic impact study has been reviewed. The study does not recommend additional improvements to North 3rd Street to serve the proposed use. Private water service lines are proposed to be extended to provide water for fire protection.

Staff Finding –Public safety, transportation and utility services are currently available and a sufficient level of such services is available to support the proposed use.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

Staff Finding –The site plan will function as the enforcement document to assure that maintenance and use of the property is consistent with the approval.

6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT

The proposed use is located in proximity to the Kansas River but is not within the floodplain. The proposed use, building addition and other site improvements will result in a net increase in the amount of impervious surface coverage. The City Stormwater Engineer has reviewed the plan and requests that the applicant provide a stormwater pollution prevention plan that addresses stormwater runoff during construction.

Staff Finding – The proposed use, with conditions, will not cause significant adverse impacts on the natural environment.

7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO WHAT THAT TIME PERIOD SHOULD BE.

Exterior storage areas are permitted as an accessory use in most nonresidential zoning districts to provide space for outdoor storage of materials related to the business of the principal use. Exterior storage uses that exceed 50% of the floor area of the principal building require Special Use Permit approval so that the impact and extent of the accessory may be considered by the Planning

Commission and City Commission. Expansion of the proposed use will require significant site improvements.

Staff Finding – It is not appropriate to place a time limit on this type of Special Use given the nature of the use and the site improvements required to implement the use.

Conclusion

The proposed Special Use Permit site plan proposes an expansion of an existing industrial use in an established industrial/commercial corridor. The proposed expansion will result in a visible aesthetic improvement to the corridor with the installation of a landscape bufferyard. The expansion of the proposed use will not be detrimental to surrounding properties given the similarity of uses in the area.

SPECIAL USE PERMIT/SITE PLAN FOR
B C & R STORAGE
1321 N. 3RD STREET
LAWRENCE, KANSAS

DESIGNED BY	JDC
CHECKED BY	SMC
ISSUE DATE	March 17, 2008
REVISIONS	
April 18, 2008 - CITY COMMENTS	
May 5, 2008 - FIRE DEPARTMENT COMMENTS AND OWNER CHANGES	

LEGAL DESCRIPTION

BC&R STORAGE ADDITION, BLOCK 1 - LOT 1, AND BC&R STORAGE ADDITION, BLOCK 1 - LOT 2, ALL IN THE CITY OF LAWRENCE, DOUGLASS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLASS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE EAST LINE OF SAID QUARTER SECTION, SAID POINT BEING 390.18 FEET NORTH OF THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 11° 31' 13" WEST, 155.00 FEET TO A 1/2" BAR WITH CAP "P&S 1391"; THENCE SOUTH 68° 30' 17" WEST, 322.13 FEET TO A CHISELED "X" IN CONCRETE, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE NORTH 01° 19' 28" EAST ALONG SAID EAST RIGHT OF WAY LINE, 763.40 FEET TO A BAR WITH CAP "P&S 610"; THENCE NORTH 87° 49' 00" EAST, 529.44 FEET TO A POINT ON THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH 02° 14' 31" EAST ALONG SAID EAST LINE, 923.88 FEET TO THE POINT OF BEGINNING, LESS HIGHWAY RIGHT OF WAY.

GENERAL NOTES

- OWNER: BC&R Storage Company Inc.
1321 North 3rd Street
P.O. Box 565
Lawrence, Kansas 66044
1. Land Planner/Engineer: Grob Engineering Services, LLC
3210 Mesa Way, Suite A
P.O. Box 502
Lawrence, Kansas 66049
2. Surveyor: All points Surveying, LLP
P.O. Box 4444
Lawrence, KS 66044
3. Aerial and topographic data obtained from aerial survey performed by Southern Mapping for the City of Lawrence and Douglas County 2006. Specific topographic and boundary information for property is directly adjacent obtained from field survey provided by All Points Surveying, February 2008. Basis for bearings for the property is State Plane Coordinate - North Zone and the East Quarter Section line of the Northwest Quarter of Section 19, Township 12 South, Range 20 East N 2 1/4 31'W Assumed).
4. Proposed Land Use: General Industrial - Light Wholesale, Storage and Distribution with Exterior Storage.
5. Existing Land Use: General Industrial - Light Wholesale, Storage and Distribution with Exterior Storage.
6. Proposed Land Use: General Industrial - Light Wholesale, Storage and Distribution with Exterior Storage. Pursuant to Section 20-538, a Special Use Permit is required because the exterior storage area exceeds 50% of the building area.
7. This area is protected from the one percent annual chance (100-year) flood by levee, dike, or other structures subject to possible failure or overtopping during larger floods. Since property is protected from the 100-year storm, no MEMO's will be designated.
8. No public improvements will be completed as part of this SUE Site Plan.
9. No Public Improvements will be completed as part of this SUE Site Plan.
10. Project Vertical Benchmark: National Geodetic Survey vertical benchmark is a disk marked "8 276 Bevel 1956" set in a concrete headwall at the intersection of Highway 40-59 and 24. The disk is 74.0 feet east of the center line of the northbound lane of Highway 40-59.
11. This site plan has been designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and Facilities, appendix A to 28 CFR, part 36.
12. Egress/Grease locations shown represent public access points. Emergency egress locations which might be required are not shown. Drainage areas generally represent existing and proposed overlaid stormwater flow at the site. Only limited grading will be performed to provide positive drainage.
13. Pursuant to City Code Chapter IX Article 09-303(B), a Stormwater Pollution Prevention Plan (SWPPP) must be provided for this project. This project will not be released for building permits until an approved SWPPP has been obtained.
14. All screening and landscaping shall meet minimum requirements per Article 10 of the City of Lawrence - Land Development Code. Screening shall be incorporated as part of the required landscape buffer along N. 3rd Street. All disturbed areas not shown for trees shall be replanted to match existing conditions.
15. All existing lighting to remain. All lighting shall be shielded to prevent off-site glare. New lighting shall comply with requirements of Article 11 of the City of Lawrence - Land Development Code. A Photometric Plan has been submitted.
16. Parking lot and drive lanes pavement shall meet or exceed the minimum requirement of City of Lawrence - Land Development Code. All parking lot and drive lanes shall be paved with concrete curb & gutter. Concrete curb & gutter will not be provided at exterior storage areas.
17. Proposed utility locations, elevations, and sizes are preliminary and will be finalized during final design of improvements.
18. As the property is located within the 1000-foot levee critical zone, a permit from the Corps of Engineers is required prior to any grading or excavation.
19. All improvements shall be performed before primary structures are erected on lots with slopes greater than 3:1, or non-engineered fill greater than 12 inches. A soils engineer licensed by the State of Kansas shall perform investigations, and a report of the investigation shall be submitted to the City of Lawrence Codes Enforcement Division. Other lots may be required to be investigated where excavation reveals indications of unsuitable conditions.
20. Standard City of Lawrence 2" concrete curb & gutter. Concrete curb & gutter will not be provided at exterior storage areas.
21. Size & type of trees shall be determined by the City of Lawrence Sanitary Department. Due to interior location and no visibility from the street, no screening for dumpster is proposed. City of Lawrence will not be responsible for pavement damage due to direct access to N. 3rd Street/U.S. Highway 59 & 40 from Lot 2 shall be prohibited. A Recreational Cross Access Easement has been platted to allow street access to/from Lot 1.

WAIVERS, VARIANCES, & ALTERNATIVE COMPLIANCE

1. Pursuant to subdivision Design Standards Section 20-811 (COT 110) and Land Development Code Section 20-1106, the Owner requests a waiver to the requirements to install sidewalks along N. 3rd Street. An Agreement is on record at the Douglas County Recorder's Office dated 03/17/08. The City of Lawrence has agreed to waive the requirement to install sidewalks along N. 3rd Street. The above mentioned property has been replatted as part of the BC&R Storage Addition. The owner of this property will sign and execute an Agreement Not to Protest the formation of a benefit district for sidewalk improvements along N. 3rd Street.
2. Pursuant to subdivision Design Standards Section 20-811 (COT 110) and Land Development Code Section 20-1106, the Owner requests a waiver to the requirements to install a full length fence, wall, or berm with a type 3 buffer along N. 3rd Street. An Agreement is on record at the Douglas County Recorder's Office dated 03/17/08. The City of Lawrence has agreed to waive the requirement to install a full length fence, wall, or berm with a type 3 buffer along N. 3rd Street. The above mentioned property has been replatted as part of the BC&R Storage Addition. The owner of this property will sign and execute an Agreement Not to Protest the formation of a benefit district for sidewalk improvements along N. 3rd Street.
3. Pursuant to Land Development Code Section 20-1007(a)(1), the Owner requests a Alternative Compliance to the requirement for a full length fence, wall, or berm with a type 3 buffer along N. 3rd Street. An Agreement is on record at the Douglas County Recorder's Office dated 03/17/08. The City of Lawrence has agreed to waive the requirement to install a full length fence, wall, or berm with a type 3 buffer along N. 3rd Street. The above mentioned property has been replatted as part of the BC&R Storage Addition. The owner of this property will sign and execute an Agreement Not to Protest the formation of a benefit district for sidewalk improvements along N. 3rd Street.
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LEGEND

PROPERTY PIN	EST. OVERHEAD WIRE
CONFEROUS TREE	EST. UNDERGROUND PIPE
DECIDUOUS TREE	EST. : OAS
EST. : SAN. SEWER MH	EST. : WATERLINE
EST. : STORM DRAIN	EST. : SANITARY SEWER LINE
EST. : CITY ANCHOR	PROPERTY LINE
EST. : UTILITY POLE	RIGHT-OF-WAY
EST. : WATER VALVE	UTILITY EASEMENT
EST. : FIRE HYDRANT	PEDESTRIAN/LANDSCAPE EASEMENT
EST. : GAS METER	CROSS ACCESS EASEMENT
EST. : LIGHT POLE	
EST. : SIGN	
EST. : ELECTRIC BOX	
EST. : CABLE TV BOX	
BUILDING INGRESS/EGRESS	

DEVELOPMENT SUMMARY

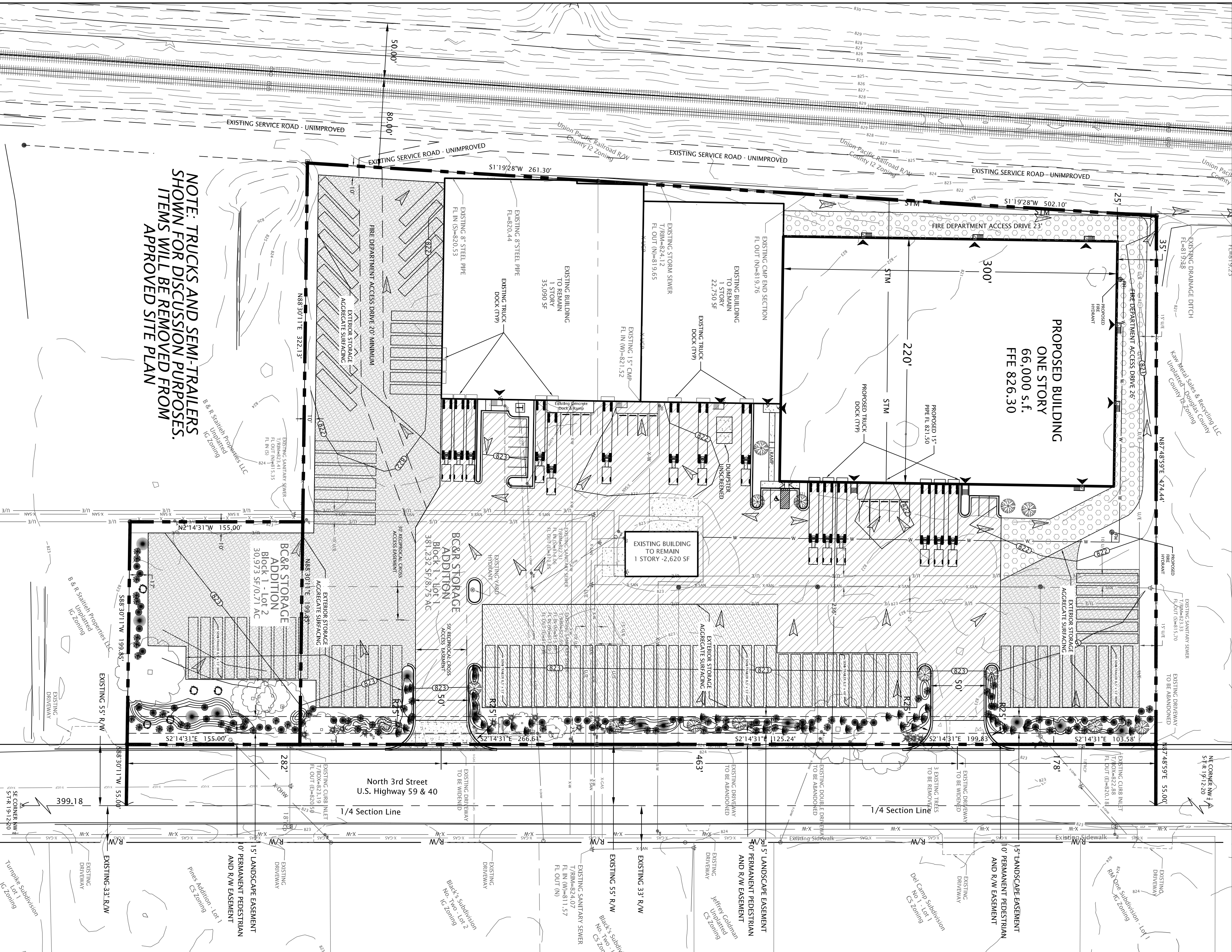
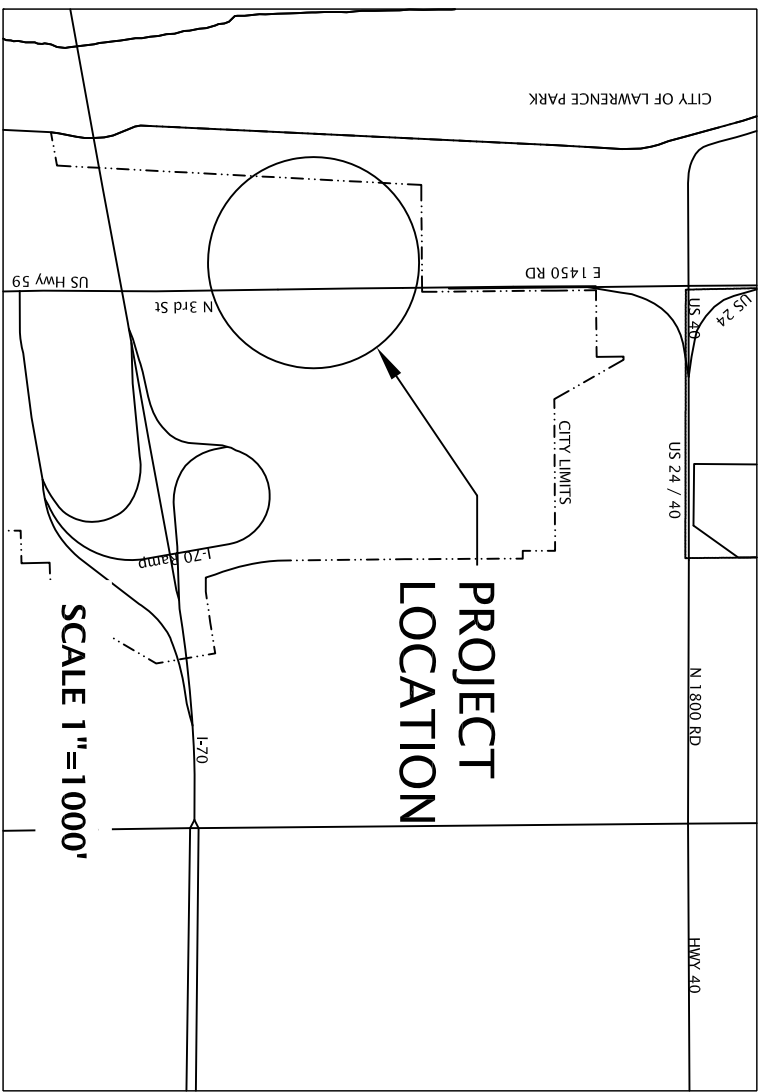
PERVIOUS/IMPERVIOUS SURFACE SUMMARY			
	AREA (SF)		AREA (SF)
Existing Building	60,460	Proposed Buildings	126,460
Existing Pavement	3,850	Proposed Pavement	111,020
Total Existing Impervious	64,310	Total Proposed Impervious	237,480
Existing Pervious Aggregate Surfacing (Exterior Storage)	303,103	Proposed Pervious Aggregate Surfacing (Exterior Storage)	114,160
Existing Greenspace	44,792	Proposed Greenspace	60,565
Total Existing Pervious	347,895	Total Proposed Pervious	173,975
Property Area	412,205		412,205
Lot Coverage 89%		Lot Coverage 85%	
Impervious Lot Coverage 16%		Impervious Lot Coverage 58%	

PARKING SUMMARY		
PARKING REQUIREMENT	QUANTITIES	REQUIRED PARKING
1 PER VEHICLE USED IN BUSINESS	5	5.0
1 PER 10,000 S.F. WAREHOUSING	123,460	12.3
FLOOR AREA		
1 PER 3,000 S.F. MANUFACTURING OR OTHER FLOOR AREA	3,000	1.0
1 PER ACRE OF EXTERIOR STORAGE AREA	2.8	2.8
TOTAL PARKING REQUIRED		22.0
PARKING PROVIDED	24	
TOTAL PARKING SPACES	23	
STANDARD SPACES		
ADA HANDICAP SPACES	1	

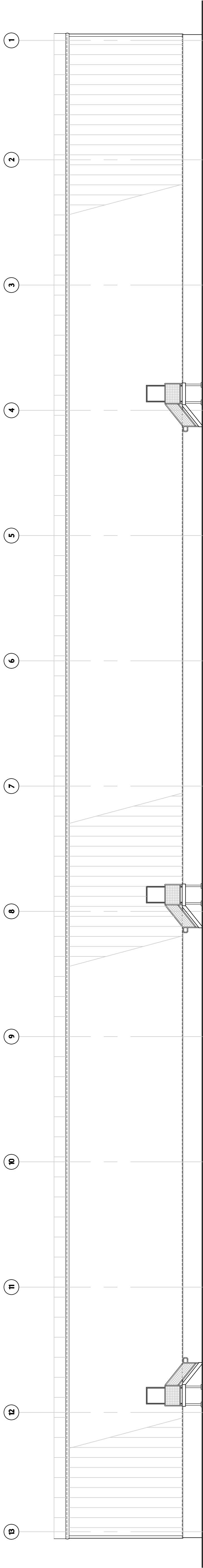
PAVING SCHEDULE	
SYMBOL	AREAS AND PAVING MATERIAL
8" CONCRETE PAVING AT DUMPSTER & DREYENWAY ENTRANCES	8" CONCRETE OR 8" FULL DEPTH ASPHALT
DOUBLE CHIP & SEAL ON 7" AGGREGATE BASE	FULL DEPTH AGGREGATE SURFACING - EXTERIOR STORAGE

LANDSCAPING SCHEDULE			
SYMBOL	QUANT.	NAME	SIZE & COND
15' TYPE 3 BUFFER/ARD IS REQUIRED ON 924 FEET ALONG N. 3RD STREET			
ALTERNATIVE COMPLIANCE TO FULL LENGTH BERM - SHRUBS QUANTITY WILL BE INCREASED BY 33% AT LOCATIONS WHERE BERM IS IMPRACTICAL.			
REQUIRED SHRUBS 138			
ADDITIONAL SHRUBS 19			
	10	EXISTING CONIFEROUS TREE TO REMAIN	VARIES
	10	EXISTING DECIDUOUS TREE TO REMAIN	VARIES
	3	EXISTING TREE TO BE REMOVED	
	14	RED SUNSET MARLE, NORTHERN RED OAK, PLUTINUM PIPER, ASH, BLOODGOOD LONDON PLANE, OR APPROVED EQUAL	2.5" CAL - 888
	12	BOSNIAN PINE, LAMBER PINE, WHITE SPRUCE	5 CAL - CONT.
	51	SPRUEA FLOREBE, GOLD TIP JUNIPER, OR APPROVED EQUAL	2 CAL - CONT.
	38	BURKWOOD VIRGINIAN, ALEGHENY VIRGINIAN, LEATHERLEAF VIRGINIAN, GROW LOW SPONGE, OR MANTON BARBERRY	
	63	CANAERT JUNIPER, KETLEBER JUNIPER, TAYLOR JUNIPER, OR PRAIRIE JUNIPER	
	5	ARISTROCRAT PEAR, CORAL BUST CRABAPPLE, OR EASTERN REDBUD	
ALL UNPAVED AREAS SHALL BE PLANTED WITH TURF GRASSES			

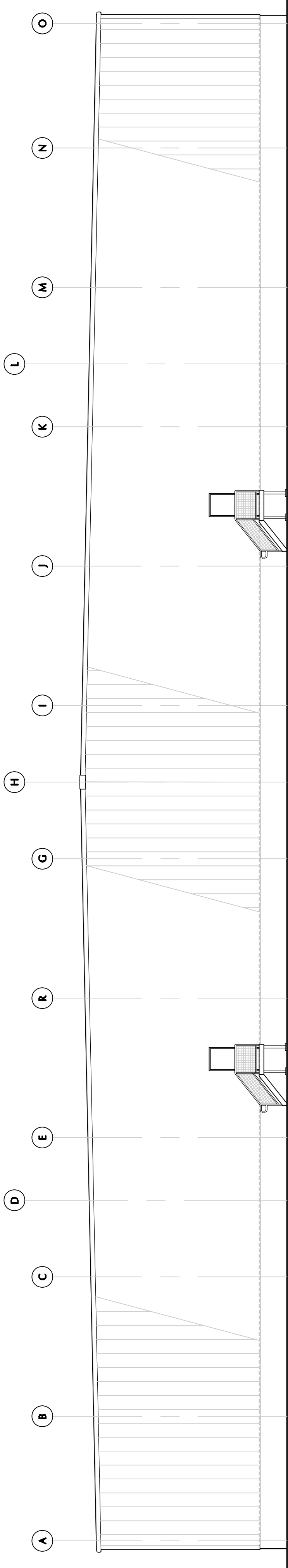
LOCATION MAP



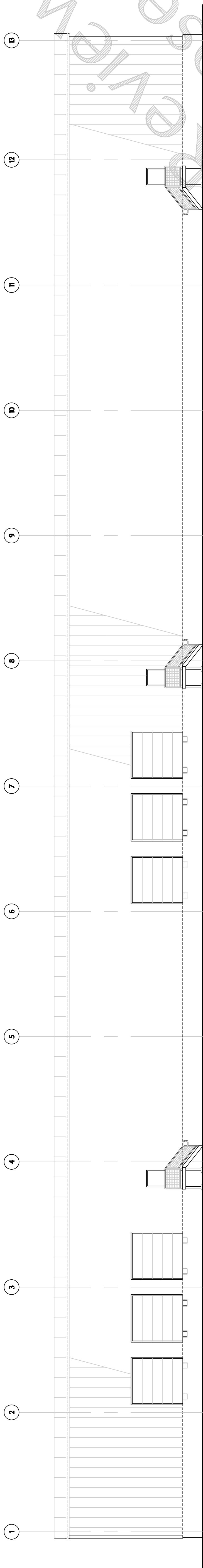
NOTE: TRUCKS AND SEMI-TRAILERS
SHOWN FOR DISCUSSION PURPOSES.
ITEMS WILL BE REMOVED FROM
APPROVED SITE PLAN



C5 WEST ELEVATION
3/32" = 1'-0"



B3 NORTH ELEVATION
3/32" = 1'-0"



A5 EAST ELEVATION
3/32" = 1'-0"