

PLANNING COMMISSION REPORT NON-PUBLIC HEARING ITEM

PC Staff Report
07/22/09

ITEM NO. 8A: ANNEXATION FOR PUMP STATION 25; NORTH OF 3800 GREENWAY CIR (MKM)

A-5-1-09: Consider annexing approximately 4 acres for Pump Station 25, located in the NW ¼ of S3-T13S-R20E, generally located north of 3800 Greenway Circle. Submitted by BG Consultants, Inc. for the City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the requested annexation of approximately 4 acres located north of 3800 Greenway Circle.

Applicant's Reason for Request: *"Construction of Pump Station 25."*

KEY POINTS

- This is a request for annexation of approximately 4 acres for construction of a sanitary sewer pump station which is a 'minor utility'.
- Subject property is located within Service Area 1 of the Urban Growth Area, so annexation is required prior to development.
- This request is accompanied by two rezoning requests, a preliminary plat and a special use permit application.
- Condemnation proceedings have recently been completed and the City of Lawrence is now the owner of the property.

COMPREHENSIVE PLAN FACTORS TO CONSIDER

- The proposal is compliant with the Comprehensive Plan.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Items being considered at the July Planning Commission meeting:

- Rezoning request [Z-5-9-09] for 4 acres from I-4 (Heavy Industrial) to OS (Open Space)
- Rezoning request [Z-5-8-09] for 4 acres from OS (Open Space) to OS-FP (Floodplain Overlay District)
- Preliminary Plat [PP-5-1-09] Pump Station No. 25.
- Special Use Permit [SUP-5-6-09] for the pump station.

Other action required:

- City Commission approval of annexation and adoption of ordinance.
- City Commission approval of rezoning requests and adoption of ordinances.
- City Commission approval of the Special Use Permit and adoption of ordinance
- Publication of rezoning, annexation and special use permit ordinances.
- City Commission acceptance of dedication of easements and rights-of-way for the Preliminary Plat.
- Dedication of access easement on 3800 Greenway Circle by separate instrument.
- Submittal and administrative approval and recordation of Final Plat.

Other

- Administrative review and approval of Floodplain Development Permit for construction of pump station.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

EXISTING CONDITIONS

Current Zoning and Land Use: I-4 (Heavy Industrial) District and Floodplain Overlay District; undeveloped land in the unincorporated portion of the County.

Surrounding Zoning and Land Use: To the west and east: I-4 (Heavy Industrial) District and the Floodplain Overlay District; undeveloped land in the unincorporated portion of the County.

To the north: a strip of I-4 (Heavy Industrial) District; railroad right-of-way and V-C (Valley Channel) and Floodplain Overlay District; agricultural uses and farm residence.

To the south: IG (General Industrial) District and Floodplain Overlay District; manufacturing and warehouse facility within the city limits.

Site Summary

Gross Area: 4.005 acres

Gross Area requested for annexation: 4.005 acres

Subject property is located within Service Area 1 of the Urban Growth Area as defined in *Horizon 2020*.

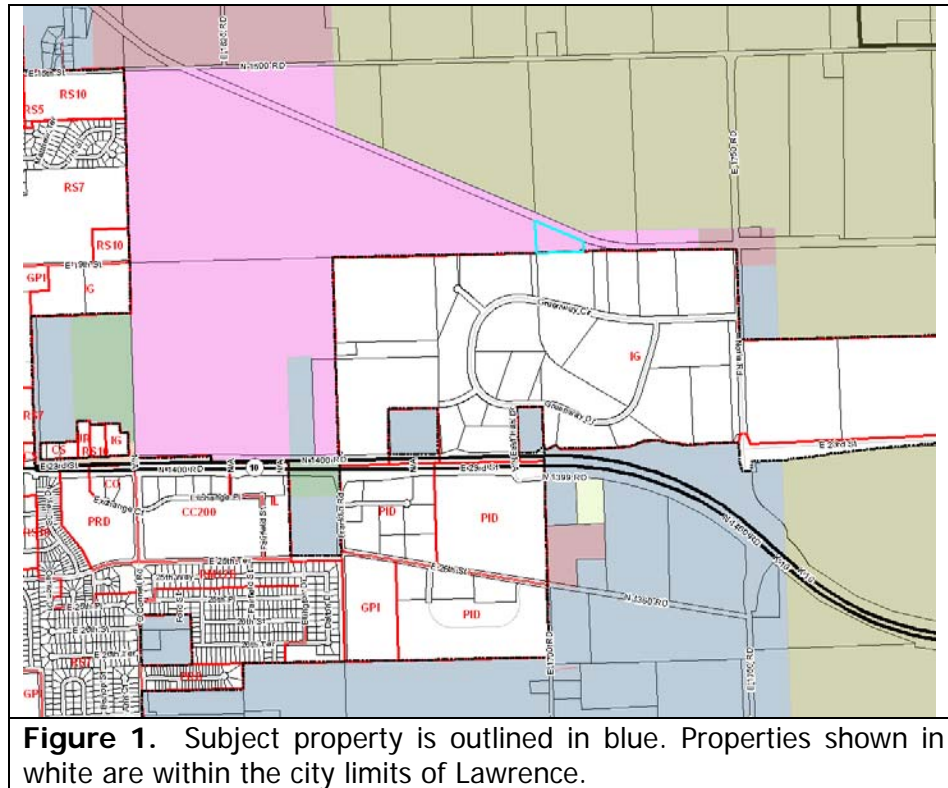
STAFF REVIEW

Annexation Procedure

Lawrence City policy requires the Lawrence-Douglas County Metropolitan Planning Commission to review all annexation requests in excess of ten acres. This annexation request is not in excess of ten acres, but is being brought before the Planning Commission with the other related items for this proposal. Related rezoning requests have been submitted for this property from I-4 (Heavy Industrial) to OS (Open Space) District and to the Floodplain Overlay District. Minor utilities are permitted uses in the Open Space District with either a site plan or a Special Use Permit, depending on the scope of the utility.

General Location and Site Characteristics

The site requested for annexation is located west of the intersection of E 1750 and N 1500 Roads. The property is bounded by City property on the south, and property outside the city limits on the north, east and west. The subject property does not have road frontage but is located adjacent to the northern property line of 3800 Greenway Circle, which is within the City limits. (Figure 1)



The subject property is currently zoned I-4 (Heavy Industrial) District. The property is located entirely within the floodplain; therefore a rezoning request to the floodplain overlay district is requested and a floodplain development permit has been submitted for the construction of the pump station.

Infrastructure and Utility Extension

A pump station is currently located on 3800 Greenway Circle just south of the subject property. This pump station has reached its capacity and the new station is a replacement to accommodate future development in the area.

Public Right-of-Way: The subject property does not abut any roads or streets. The only abutting right-of-way is railroad right-of-way. The landlocked property is not suitable for development, but its location adjacent to the current pump station makes it a convenient location for the new station.

COMPREHENSIVE PLAN

Several goals and policies provided in *Horizon 2020* relate to development timing and are found in Chapter 4, Growth Management. Growth management includes specific annexation policies and the establishment of an Urban Growth Area and service delivery areas for the purpose of extending municipal utilities. *"The growth management policies seek to ensure that adequate facilities and services are provided or assured in connection with development."* (*Horizon 2020*, page 4-1). The intent of the Growth Management recommendations is to insure that infrastructure and utility service is available to development and to coordinate development with the timing of improvements.

The subject property is located within Service Area 1 of the Urban Growth Area as shown in Map 3-1 of *Horizon 2020*. This area includes lands which are proximate to the existing city limits and can

be readily served by community facilities and services. The Annexation Policies listed on page 4-5 of *Horizon 2020* states that annexation shall be required prior to development in Service Area 1 of the Lawrence Urban Growth Area. This annexation request is also considered under the Community Facilities Chapter of *Horizon 2020* since it is an extension of public utility services to accommodate orderly growth.

Community Facilities Policy 2.4: Utilize locational Criteria for Utility Structures (page 10-17 *Horizon 2020*) recommends that utility location and design be such that impact on adjacent properties is minimized and that public uses that are potential nuisances should be buffered by screening, distance and/or landscaping. The proposed site is located north of the industrial property at 3800 Greenway Circle and is not adjacent to any roadways. The pump station will be located in the southwest corner of the property and the tree cover on the property will serve as a buffer from the adjacent properties.

The City of Lawrence Administrative Annexation Policy (AP-74) requires that the costs associated with compensation to a Rural Water District be made by the applicant for Rural Water District facilities serving the property to be annexed. This area is not served by a Rural Water District, so no compensation is necessary.

The annexation request is consistent with the growth management and community facilities policies found in *Horizon 2020*.

SUMMARY OF LAND USE AND REQUEST

The subject property is currently zoned for industrial uses. The surrounding property is zoned for industrial uses and the Valley Channel District with industry, and agriculture being the primary land uses. The area is encumbered with floodplain. The proposed land use is for a pump station which is a minor utility. Requests to rezone the property from I-4 to OS (Open Space) and from OS to OS-FP (Floodplain Overlay) District have been submitted for this property and are also being considered by the Planning Commission at their July meeting. Uses permitted in the Open Space District include cemeteries, minor utilities, passive or private recreation and nature preserve.

The subject property is located within the area anticipated for future urban growth (Service Area 1 of the UGA). *Horizon 2020* recommends that lands in Service Area 1 be annexed prior to development. This land use proposal will provide the facility and service to accommodate future development in this area.