

**PLANNING COMMISSION REPORT
REGULAR AGENDA --NON-PUBLIC HEARING ITEM:**

PC Staff Report
07/22/09

ITEM NO. 8B: PRELIMINARY PLAT FOR PUMP STATION 25; NORTH OF 3800 GREENWAY CIR (MKM)

PP-5-1-09: Preliminary Plat and variance from required street frontage for Pump Station 25, a one-lot subdivision, approximately 4 acres, 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 Preliminary Plat of the Pump Station 25 Subdivision and referring it to the City Commission for consideration of dedication of easements subject to the following conditions of approval:

- 1) The preliminary plat shall be revised with the following changes:
 - a. Include the property to the south, in concept form, to show the location of the access easement
 - b. The access easement on the property to the south shall be rededicated to match the existing access drive, renamed to include 'municipal access' as a purpose and the Book and Page number of the access easement shall be noted on the face of the plat.
 - c. The Book and Page number of the recorded appraiser's report shall be listed on the face of the plat as it identifies the property which was included in the condemnation action.

Applicant's Reason for Request: Subdivision requirement prior to construction of minor utility.

KEY POINTS

- The property has no frontage on a public street; therefore a variances is being requested to permit a lot to be created without street frontage for the purpose of open space and a minor utility (both which have limited access requirements).

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Section 20-813 states that building permits will not be issued for unplatted property.
- Section 20-810 (b) requires all lots to have frontage on a public street with some exceptions. As this lot does not meet the exceptions, a variance is being requested.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- City Commission acceptance of easements as shown on the preliminary plat

- Final Plat submitted to Planning Office for administrative approval and recordation at the Douglas County Register of Deeds.
- Dedication of off-site access easement by separate instrument.

Associated applications being considered at the July Planning Commission meeting:

- Annexation request [A-5-1-09]
- Rezoning requests [Z-5-9-09] from I-4 to OS and [Z-5-8-09] from OS to OS-FP
City Commission approval of annexation and rezoning and adoption of ordinances.
- Special Use Permit [SUP-5-6-09] for Pump Station 25, minor utility.
City Commission approval of the special use permit and adoption of ordinance.
- Publication of annexation, rezoning, and special use ordinances.

Other:

Administrative approval of Floodplain Development Permit [FP-5-7-09].

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for project.
- *Downstream Sanitary Sewer Analysis* – The City Utility Engineer indicated that a DSSA is not required.
- *Drainage Study* – A drainage study is not required for this project because downstream flooding is confined to the regulatory floodplain. [Stormwater Management Criteria Section 1.6.E.2.a]
- *Retail Market Study* – Not applicable to project.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Site Summary

Gross Area:	162,894 sq. ft. (4.005 acres)
Number of Lots:	0
Number of Lots:	1

GENERAL INFORMATION

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

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

To the north: strip of I-4 (Heavy Industrial) with railroad right-of-way and beyond that: V-C (Valley Channel) District and the Floodplain Overlay District; agricultural land with residence; all within the unincorporated portions of the county.

To the south: IG (General Industrial) District and the Floodplain Overlay District; manufacturing and warehouse facility within city limits and located within the 500 and 100 year floodplain.

STAFF REVIEW

A pump station currently located south of the subject property on the property at 3800 Greenway Circle is operating at capacity. The City Utilities Department intends to install a new, larger capacity, pump station on the subject property to accommodate the existing and future development in the area. The property's potential for future development is limited due to the lack of street frontage. The OS (Open Space) District permits minor utilities, but has a limited list of other permitted uses; therefore, it was seen as the appropriate zoning district for this use.

Zoning and Land Use

The subject property is zoned I-4 (Heavy Industrial) District. As the property will be developed with a minor utility to serve properties within the city limits, a request has been submitted to annex into the City of Lawrence. Per Section 20-222 of the Development Code, newly annexed land is intended to be rezoned to the UR [Urban Reserve] classification pending a development proposal for land use. As the proposed use, minor utility pump station, is known at this time the property is being rezoned to an appropriate zoning district. A minor utility is permitted in all non-residential zoning districts, with the exception of the Hospital District. This property has been previously divided and is currently landlocked—with no access to a neighboring road or street network. In this configuration, it would not be suitable for any use other than Open Space. In addition, an area plan was recently completed for the former Farmland property to the west of the subject property. The parcels to the west are designated for Open Space land uses on the area plan. A rezoning application has been submitted to rezone the subject property to the OS (Open Space) District. Per Section 20-1201(c)(1) of the Development Code, the property area will be rezoned to the FP (Floodplain) Overlay District as well.

Streets and Access

The property lies north of 3800 Greenway Circle in the East Hills Business Park, (Lots 1 and 2 of East Hills Business Park No. 2) and is separated from 3800 Greenway Circle by a large drainage ditch. The subject property is bounded on the north by railroad right-of-way but has no street frontage. Per Section 20-810(b) lots are required to have frontage on a public street; therefore a variance has been requested from this requirement. The pump station is an unmanned station which will require minimal access. Access to the station will be taken through an extension of the existing access easement which is being used to access the current pump station.

Utilities and Infrastructure

The proposed development is a pump station and adequate utilities will be provided to the station. Infrastructure to accommodate the pump station will be developed as part of the project.

Easements and Rights-of-way

As the property has no street access, there is no right-of-way being dedicated with this plat. An access easement is currently located on 3800 Greenway Circle which will be utilized for access to this pump station. The ownership group of 3800 Greenway Circle has agreed to rededicate

the easement to correct an alignment error with the existing driveway and to include the extension to the north. The easement will serve as a 'municipal/fire access' easement.

VARIANCE

The property owner is requesting a variance from Section 20-810(b) which requires that lots have frontage on public streets.

Section 20-813(g) states that the Planning Commission may grant a variance from the design standards of these regulations with the exception of the standards of the wastewater disposal system standards only if the following three criteria are met: that the strict application of these regulations will create an unnecessary hardship upon the Subdivider, that the proposed variance is in harmony with the intended purpose of these regulations and that the public health, safety and welfare will be protected. Below is a review of the variance request in relation to these criteria.

Criteria 1: Strict application of these regulations will create an unnecessary hardship upon the Subdivider.

Strict application of these regulations would prohibit any development of the subject property. As it has no frontage on a public street and does not meet any of the exceptions listed in Section 20-810(b), it would not be able to be platted as a lot. Section 20-813(e) states that only platted lots are eligible for building permits. The close proximity of the new location would require only minimal changes for the relocation of the pump station. If the subject property could not be used for the pump station location, it would be necessary to extend infrastructure to a new location, which would create an unnecessary hardship.

Criteria 2: The proposed variance is in harmony with the intended purpose of these regulations.

Per Section 20-801(a) of the Subdivision Regulations, these regulations are intended to ensure that the division of land will serve the public interest and general welfare as well as to provide for the conservation of existing neighborhoods.

The division of land requested will result in a lot for which a building permit may be obtained. The pump station includes a small electrical building which will require a building permit. The pump station will expand the existing Pump Station 25 and will improve service and accommodate future development in the area. The improvement of public infrastructure is in the public interest and general welfare. The proposed use of the property, open space and an unmanned pump station, does not require frontage on the public street system.

Criteria 3: The public health, safety and welfare will be protected.

The proposed pump station will protect and enhance the public health, safety and welfare by providing improved sanitary sewer services. The lack of street frontage for a property with such restricted use would not impact the public health, safety or welfare.

Conformance

The Comprehensive Plan recognizes the need to carefully plan for the continued service to existing areas of Lawrence and to select locations for new and expanded utilities. One strategy

recommends that plans should emphasize utility improvements and extensions that provide the highest level of service within existing service areas. (page 10-11, *Horizon 2020*)

With the approved variances and recommended conditions, the preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.