

**PLANNING COMMISSION REPORT**  
**Regular Agenda – Public Hearing Item:**

PC Staff Report  
07/22/2009

**ITEM NO. 8E      SPECIAL USE PERMIT FOR PUMP STATION 25 (MKM)**

**SUP-5-6-09:** Special Use Permit for Pump Station 25, a minor utility serving more than one development. 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 SUP-5-6-09, a Special Use Permit for Pump Station 25, a minor utility based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Execution of a Site Plan Performance Agreement.
2. Publication of an ordinance per Section 20-1306(j).
3. Applicant shall provide a revised site plan with the following changes:
  - a. The wooded areas to remain shall be delineated on the plan.
  - b. The following note regarding protection measures for the trees shall be added:  
"Protective fencing should be installed along the dripline bordering the pump station area to prevent construction machinery or vehicles from damaging the trees. No trenching or grading is to occur within 10 ft of trees which are designated for protection."

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

**KEY POINTS**

- Pump Station 25 is a minor utility which serves more than one specific development; therefore approval is required through a Special Use Permit.
- Pump Station 25 is an existing pump station which is located on a utility easement at 3800 Greenway Circle. The proposal is to relocate and expand the pump station to accommodate future development in the area.

**FACTORS TO CONSIDER**

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

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

**On the July Planning Commission Agenda**

- Annexation request [A-5-1-09]
- Preliminary Plat [PP-5-1-09]
- Rezoning Request [Z-5-9-09] from I-4 (Heavy Industrial) to OS (Open Space) District
- Rezoning Request [Z-5-8-09] from OS (Open Space) District to OS-FP (Open Space Floodplain Overlay) District

**Future Action**

- City Commission approval of annexation and publication of ordinance.
- City Commission approval of the rezoning requests and publication of ordinances.

- City Commission acceptance of easements and road right-of-ways as shown on the preliminary plat.
- Final plat submittal for administrative review/approval and recordation at the Douglas County Register of Deeds.
- Special Use Permit for the pump station approved by the City Commission and publication of ordinance.

**Other**

- Administrative review and approval of floodplain development permit [FP-5-7-09] for development within the floodplain.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

None have been received.

**GENERAL INFORMATION**

Current Zoning and Land Use:

I-4 (Heavy Industrial) District and the Floodplain Overlay District / Rezoning requests to OS (Open Space) and the OS-FP (Open Space with Floodplain Overlay) District has been recommended for approval.

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.

**Summary of Special Use**

Pump Station 25 is currently located on an utility easement at 3800 Greenway Circle. The Lawrence City Commission has authorized the design and construction of the Pump Station 25 and Force Main Upgrade Project to provide expanded sanitary sewer capacity to the areas east of O'Connell Road and north and south of K10/23rd Street including the East Hills Business Park and the former Farmland property. This project is a recommended improvement in the *2003 Wastewater Master Plan*. The location of the pump station and the alignment for a new force main sewer will be determined through surveys and site visits in the coming weeks. Currently, an existing easement and force main generally run parallel to the BNSF Railroad. The location of the new force main will parallel the existing force main where space permits. In some instances, additional permanent and temporary easements will be needed to construct the project.

The proposed use is defined in section 20-1758 of the Development Code as:

*20-1765 MINOR UTILITIES. Public utilities that have a local impact on surrounding properties. Typical uses include electrical and gas distribution substations, lift stations, telephone switching boxes, water towers. Excludes 'Wireless Telecommunication Facilities' use types.*

A pump station is also known as a 'lift station'. The applicant has proposed this SUP in order to relocate and expand Pump Station 25.

#### **SITE SUMMARY**

	<b>Existing</b>	<b>Proposed</b>	<b>Change</b>
Property Area (sq ft):	174,458	174,458	-
Building cover (sq ft):	0	220	+ 220
Total Impervious Area (sq ft):	0	11,564	+ 11,564
Total Pervious Area (sq ft):	174,458	162,894	- 11,564

#### **Site Plan Review**

The site plan shows the proposed location of Pump Station 25 in the southwest corner of the site. The pump station will consist primarily of underground mechanical equipment which is accessed through manholes on the pavement. The aboveground equipment will consist of a transformer, a generator and a 220 sq ft electrical building.

The property is currently wooded and the applicant intends to retain much of the tree coverage onsite. The plan should be revised to show the wooded areas which will remain undisturbed and provide information regarding the protection measures to be used to protect the trees during construction. Protective fencing should be installed along the dripline bordering the pump station area to prevent construction machinery or vehicles from damaging the trees.

Off-street parking for minor utilities is required at a ratio of 1 parking space per 1.5 employees. As this is an un-manned station, there will be no employees on site. No off-street parking is required. The site will be accessed by utility trucks for routine maintenance and these will park on the paved area.

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

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

**Staff Finding** – The site plan complies with the information requirements set out in the Development Code. The proposed use is an allowed use in the proposed OS (Open Space) District subject to Special Use Permit approval. A Floodplain Development Permit has been submitted in accordance with Section 20-1203 and must be approved prior to building permits being obtained.

##### **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**

Applicant's Response: *"Yes, The proposed use will be less intensive than the surrounding uses."*

The proposed use will be located north of an industrial facility. The pump station is a low impact use as the only traffic it will generate is the traffic necessary for maintenance of the station and the majority of the mechanical equipment will be underground; with a transformer, generator and electrical building being above grade. Lighting will be installed on the south and west sides of the electrical building and will be shielded to prevent glare onto adjoining properties. The property is wooded and the applicant intends to retain as many trees as possible. The low impact use and the wooded character of the property will minimize any negative impacts associated with the use.

**Staff Finding** – The proposed office research service use will be compatible with adjacent uses.

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

Applicant's Response: *"No. The proposed use will provide a needed utility service."*

The proposed use will inhabit a small portion of the 4 acre lot (11,564 sq ft or approximately 6% of the total area). The remainder of the site will remain as wooded open space. The proposed pump station will be low impact and should have no negative impact on other properties. The pump station will accommodate future development in the area which should not diminish, and would possibly increase, the value of other property in the neighborhood.

**Staff Finding** – No diminution of value is anticipated if approved.

**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 proposed pump station is a public service intended to serve the surrounding area. The access easement will provide adequate access for the traffic anticipated for the maintenance of the facility. Access to the facility is taken through a municipal/fire access easement; therefore public safety vehicles could access the facility if necessary.

**Staff Finding** – No public services are currently provided to the property and the proposed use, a minor utility, is a public service. Sufficient safety, transportation and utility facilities will be available to serve the subject property.

**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**

Applicant's Response: *"No. The proposed use will allow sanitary sewer service to be maintained and it will help prevent future sanitary sewer overflows."*

The City will utilize a independently certified Environmental Management System in conformance with ISO 14001 elements to establish appropriate environmental controls and meet all regulatory requirements for this project and the subsequent operations of these facilities. This is required under City Policy #101 as approved by the City Commission on May 16, 2006.

**Staff Finding** – The proposed use, with the protection measures required by Federal, State and Local governments, should 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.**

Time limits are established on Special Use Permits to permit a periodic review to determine if the use remains compliant with the area or if a rezoning would be appropriate. A pump station is part of necessary infrastructure for the area whose life span will be determined by demand and operational characteristics. It would not be appropriate to place a time limit on this use.

**Staff Finding** – The project provides necessary infrastructure; therefore, it would not be appropriate to place a time limit on this use.

**Conclusion**

The proposed pump station will have a positive impact on the area and the community. The station will improve sanitary sewer services in the area and will accommodate future growth. The station has a low-impact (underground) design which will minimize any negative impact on neighboring properties. The use is compatible and appropriate for this location and staff recommends its approval with the conditions noted.