

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

**ITEM NO. 8C : COUNTY I-4 TO OS; PUMP STATION 25; NORTH OF 3800  
GREENWAY CIR (MKM)**

**Z-5-9-09:** Consider rezoning approximately 4 acres from County I-4 (Heavy Industrial) to OS (Open Space) for Pump Station 25, located in the NW ¼ of S3-T13S-R20E, generally located north of 3800 Greenway Circle. Submitted by BG Consultants for the City of Lawrence, property owner of record.

1. **STAFF RECOMMENDATION:** Staff recommends approval of the rezoning request for 4 acres from I-4 (Heavy Industrial) District to OS (Open Space) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

**APPLICANT'S REASON FOR REQUEST**

*"Annexation and rezoning is required for the development of a pump station at this location."*

**KEY POINTS**

- The intent of the applicant is to rezone the site to OS to permit development of a pump station.
- The City's 2003 Wastewater Master Plan recommends enlarging Pump Station 25, located at 3800 Greenway Circle.
- The property lies outside the city limits, in Service Area 1 of the Urban Growth Area. An annexation request was submitted concurrently with this rezoning request and is also being considered at the July Planning Commission meeting.

**GOLDEN FACTORS TO CONSIDER**

**CHARACTER OF THE AREA**

- The area contains significant amounts of floodplain. The subject property and the property to the north and east are located within the 100 year regulatory floodway fringe and the property to the south is located within the 500 year regulatory floodway fringe. Industrial uses are located south and west of the subject property and agricultural uses to the north and east.

**CONFORMANCE WITH *HORIZON 2020***

- The proposed rezoning request from I-4 (Heavy Industrial) District to OS (Open Space) District is consistent with land use recommendations found in *Horizon 2020*.

**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-5-8-09] from OS (Open Space) to OS-FP (Open Space Floodplain Overlay District)

- Special Use Permit [SUP-5-6-09]

#### **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.

#### **Associated Cases**

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

#### **PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None.

#### **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 and within the 100 year floodplain.

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

#### **Project Summary**

The City's 2003 Wastewater Master Plan recommends the expansion of Pump Station 25 which is currently located at 3800 Greenway Circle. In order to accommodate future development in this area, the Utility Department determined that a larger pump station would be required and is proposing to locate it on the subject property, just north of 3800 Greenway Circle. Access to the pump station is currently taken through an access easement on 3800 Greenway Cir and the easement will be increased to provide utility access to the new pump station. (Figure 1)

As the subject property has no road frontage, it would not be appropriate for industrial uses. Per Sections 20-214, 215, and 216 of the Development Code, all industrial districts within the City are intended for implementation along arterial or collector streets. The lack of street access makes this property unsuitable for industrial development unless it was incorporated into the property to the south.

The proposal is to construct a pump station, with most of the mechanical equipment below grade. A small (220 sq. ft.) electrical building, a transformer, and a generator are the only above grade items. This small development will have minimal impact on the surrounding properties. The proposal is to disturb only the area necessary for the construction of the pump station and to leave the remainder of the wooded lot undisturbed.

## **REVIEW & DECISION-MAKING CRITERIA**

### **CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Applicant's Response:

*"The request conforms with Horizon 2020, specifically Policy 2.4 of Chapter 10."*

The Lawrence Future Land Use Map in *Horizon 2020* (page 3-4) shows this property in Service Area 1 and recommends industrial uses in this area.

Following are sections of *Horizon 2020* that relate to this development:

#### **Parks, Recreation and Open Space:**

Policy 3.1 Identify Future Parklands and Open Space Areas:

(e) Encourage open space uses in the community's privately or publicly owned floodplains and drainageways. (Page 9-16)

As the property is completely encumbered with floodplain, the rezoning to OS would be in conformance with the open space recommendation in *Horizon 2020*. The property contains 4 acres and less than 1/3 of an acre will be utilized for the pump station. This will result in 3.73 acres, or 93.4% of the site, to be used as open space.

**Community Facilities:** Policy 2.4: Utilize Locational Criteria for Utility Structures: Choose locations and design sites in a manner which minimizes the impact on adjacent properties. (Page 10-17)

The pump station is being located on City owned land and the isolated location coupled with the wooded character of the property will minimize the impact on adjacent properties.

**Staff Finding** -- The proposed rezoning request conforms with *Horizon 2020* policies related to community facilities/public utilities and open space.

## **ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING**

**Staff Finding** -- The subject property is surrounded by industrial zoning to the east and west (I-4; Heavy Industrial, unincorporated portions of the County) and south (IG; General Industrial, within the City limits). Manufacturing/warehouse uses are located in an industrial park to the south and the properties to the east and west are undeveloped. The area to the north is zoned V-C (Valley Channel), a district in the unincorporated portions of the County intended to protect areas subject to periodic or potential flooding. This area is used for agriculture and a farm residence.

#### **CHARACTER OF THE AREA**

The subject property is located at the border of industrial and agricultural land uses. The subject property and the parcel to the west are undeveloped, wooded properties; while industrial uses are located to the south and west and agriculture is the predominate land use to the north and east. Floodplain is a major feature of the area, with the 100 year floodway fringe being located on the subject property and extending to the north and east. The majority of the property to the west and south is within the 500 year floodway fringe.

**Staff Finding** -- The area contains both industrial and agricultural uses in a floodplain area.

#### **PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY**

The subject property is not included in any adopted area and/or sector plans. *Horizon 2020* is the guiding plan for this property. The Farmland Industries Redevelopment Plan was adopted for the property to the west which contains the abandoned Farmland Industries. This plan recommends a mix of industrial, civic, and open space uses for the Farmland property and recommends open space as the future land use for the area adjoining the subject property. (Figure 2)

#### **SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS**

Applicant's Response:

*"The project is not suitable for the existing zoning as the property does not have direct access to a public roadway."*

The property is currently zoned I-4 (Heavy Industrial). According to the County Zoning Regulations the primary purpose of the Heavy Industrial District is to provide for industrial operations of all types. The property is not suitable for industrial uses; however, as it has no road access.

A request has been submitted for the annexation of the property into the City of Lawrence. Rezoning to City Zoning Districts is required with annexation and the applicant is requesting a rezoning to the OS District. Per the Development Code, the OS District is intended to preserve and enhance major open space and recreational areas by protecting the natural amenities they possess and by accommodating development that is compatible with those natural amenities.

The Farmland Industries Redevelopment Plan recommends that the area west of the subject property be used as open space.

**Staff Finding** -- The property is not suitable for the uses to which it is restricted with the current I-4 Zoning given the lack of road access. The proposed use is more suitable to the Open Space District as the adjacent area is recommended as open space in the Farmland Industries Redevelopment Plan and a pump station is a permitted use in the Open Space District.

**LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED**

Applicant's Response:

*"The property has never been developed."*

**Staff Finding** – The property has never been developed.

**EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES**

Applicant's response:

*"The rezoning will not detrimentally affect nearby properties."*

The pump station will be unmanned and will generate very little traffic. The majority of the mechanics of the pump station will be underground and will generate little noise. A small (220 sq ft) electrical building, a transformer pad, and a generator pad will be located above ground. Given that the properties to the south are developed with industrial uses, and the pump station which currently exists on the property will be decommissioned when the new station is online, the new pump station will not have a negative impact.

The property is wooded and the trees outside the construction site shall remain on the site. The only exterior lighting proposed for the facility will be two wall pack lights which will be mounted on the south and west side of the electrical building. These lights are required to be shielded away from surrounding properties.

**Staff Finding** – Negative impacts associated with the development should be minimal, as the facility is unmanned and is designed to produce very little noise or odor. The property has no road frontage and therefore, requires no screening from the roadway.

**THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION**

Applicant's Response:

*"The approval of the rezoning will allow the construction of a pump station which is needed to convey wastewater flows to the treatment plans. Denial of the zoning would not allow construction of the needed pump station."*

The pump station is a minor utility which will benefit the City as a whole by accommodating future growth in the area.

**Staff Finding** – The rezoning will have positive public impact by providing a utility service to accommodate future growth in the area. If the rezoning were denied, future growth in the area would be restricted.

Staff recommends the approval of the rezoning request to the Open Space District as that is an appropriate zoning district for property encumbered with the floodplain. As the Open Space District can be used for greenways, and wildlife habitat, it does not have as strong a need for street access as the other zoning districts within the City.





