

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

PC Staff Report  
03/22/10

**ITEM NO. 2C      SPECIAL USE PERMIT FOR LAWRENCE PUMP STATION 09; SE OF W  
27<sup>TH</sup> ST & CROSSGATE DR (MKM)**

**SUP-1-2-10:** Consider a Special Use Permit for the City of Lawrence Pump Station 09 Wet Weather Storage Expansion, a minor utility, on approximately 8.18 acres, located southeast of W 27<sup>th</sup> St. & Crossgate Dr. Submitted by the City of Lawrence, property owner of record..

**STAFF RECOMMENDATION:** Staff recommends approval of SUP-1-2-10, a Special Use Permit for a wet weather storage expansion for Pump Station 09, a minor utility, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Publication of an ordinance per Section 20-1306(j).
2. Approval of a Floodplain Development Permit required prior to release of Special Use Permit for building permits.
3. Approval and recordation of a Final Plat required prior to release of Special Use Permit for building permit.
4. Applicant shall provide a revised site plan with the following changes:
  - a. Label the 30 ft easement along the east side of the property which provides access to the facility as a 'municipal access and utility easement'.
  - b. Note dimensions of holding tank—diameter.
  - c. Note the Base Flood Elevation on the plan.
  - d. Note the type and maximum wattage of the new lighting.
  - e. Label the width of the access drive.
  - f. Add the following notes:  
Current zoning PUD  
Proposed zoning OS;  
Current Use: Pump station and wet weather detention;  
Proposed Use: Additional wet weather detention for pump station
  - g. Add City of Lawrence as property owner:  
*City of Lawrence, KS*  
*PO Box 708*  
*Lawrence, Kansas 66044*  
*785.832.3000*

**Applicant's Reason for Request:** *"The 2003 Wastewater Master Plan identified there was a need for additional wet weather storage capacity at Pump Station 09. In order to increase the storage capacity and therefore facilitate the continued growth in West Lawrence, the construction and operation of an additional 2.5 million gallon holding basin is required."*

**KEY POINTS**

- Pump Station 09 is a minor utility which serves more than one specific development; therefore

approval is required through a Special Use Permit.

- Pump Station 09 is an existing pump station with a wet weather basin. The proposal is to add another wet weather basin, similar to the existing one, to improve service and accommodate additional growth.

### **FACTORS TO CONSIDER**

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

### **ASSOCIATED CASES/OTHER ACTION REQUIRED**

#### **On the March Planning Commission Agenda**

- Preliminary Plat [PP-1-1-10] of Four Seasons Pump Station Addition
- Rezoning Request [Z-1-2-10] from PUD (Planned Development-Four Seasons) to OS (Open Space) District for subject property.

#### **Future Action**

- City Commission approval of the rezoning request and publication of ordinance.
- City Commission acceptance of easements and right-of-ways as shown on the preliminary plat.
- City Commission approval of Special Use Permit and publication of ordinance.
- Administrative review and approval of final plat. Recordation of final plat at the Douglas County Register of Deeds.
- Administrative review and approval of floodplain development permit for development within the floodplain.

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

None have been received.

### **GENERAL INFORMATION**

Current Zoning and Land Use:

PUD-Four Seasons (Planned Unit Development) and Floodplain Overlay Districts. Rezoning request to OS (Open Space) District has been submitted and is being considered concurrently with this SUP.

Surrounding Zoning and Land Use:

To the north and west: PUD-Four Seasons (Planned Unit Development) and Floodplain Overlay Districts; property is owned by the City and is being platted as part of the Four Seasons Pump Station Addition; agricultural land uses.

To the east: OS (Open Space) and Floodplain Overlay Districts; City parkland.

To the south: OS (Open Space) District and floodplain; property owned by the City with woodland and row crops.

### Summary of Special Use

Pump Station 09 is currently located on the subject property. This Special Use Permit would expand the wet weather storage with the addition of one wet weather detention basin. The Special Use Permit will also document the existing utility which was established prior to the adoption of the 2006 Development Code.

The pump station and wet weather detention is defined as a *minor utility* in Section 20-1765 of the Development Code:

*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.*

### SITE SUMMARY

	Existing	Proposed	Change
Property Area (sq ft):	356,410	356,410	-
Total Impervious Area (sq ft):	39634	39770	+ 136
Total Pervious Area (sq ft):	316,776	316,640	- 136

### Site Plan Review

The site plan shows the proposed location of the proposed open, wet weather detention basin for Pump Station 09 in the northwest corner of the site. This site is being platted as Lot 2 with the Four Seasons Pump Station Addition plat. The plan also shows the existing pump station and holding or detention basins in lighter line weight. The existing facilities consist of two underground holding basins for wet weather storage, one covered and one uncovered, and one concrete building for housing pump controls (Figures 1-3).

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; therefore, 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.

A photometric plan is not required as the site is separated from development on all sides by open space and the proposed new lighting is within the interior of the site. In addition, the lights will be used only during major wet weather events which require maintenance activity, which is quite infrequent. The City Utility Engineer indicated that the existing lights are typically used about 3 times per year. The new lighting being proposed is a 250 watt metal halide fixture with a 4-fixture mounting arrangement on a 25' pole. This lighting information should be noted on the face of the plan.

### 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 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 is required per Section 20-1203 and must be approved prior to the release of building permits.

**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 new basin is the same size and type as the existing basin. There will be no changes in operational hours or staffing."*

The proposed wet weather holding basin is identical to the existing one. There will be new lights installed; however, they will be turned on only when there is a major wet weather event which requires maintenance to the facility. The utility engineer stated that exterior lighting at the site is used approximately 3 times a year. The engineer also indicated that the amount of noise, odor, dust and other external impacts should not be increased with the addition of this new holding basin.

**Staff Finding** – The proposed wet weather holding basin 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 expansion of similar existing facilities and operations will have no substantial increase in off-site impacts."*

The pump station and the proposed wet weather holding basin are located on City-owned property and the proposed wet weather basin is within the interior of the property. (Figure 3) The pump station and the detention basins are separated from other property by parks or large areas of City owned property. The property is encumbered with both the regulatory floodway and floodway fringe, which will limit additional development in this area. (Figure 4) The pump station will accommodate future development in the area community which should not diminish the value of other property in the neighborhood.

**Staff Finding** – An additional wet weather detention basin in this location is not anticipated to result in any diminution of value of other property in the neighborhood.

**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 wet weather holding basin 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. This easement is identified as a construction and maintenance easement on the SUP, but is being renamed on the preliminary plat to a 'municipal access and utility' easement. The name should also be revised on the SUP plan.

**Staff Finding** – The proposed use, a minor utility, is a public service which would serve the surrounding area. 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. All storm water and other environmental requirements will be met during construction. Operation of the new basin will help protect the environment by reducing the likelihood of sanitary sewer over-flows during wet weather events."."*

The City will meet all regulatory requirements for this project and the subsequent operations of these facilities as 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.

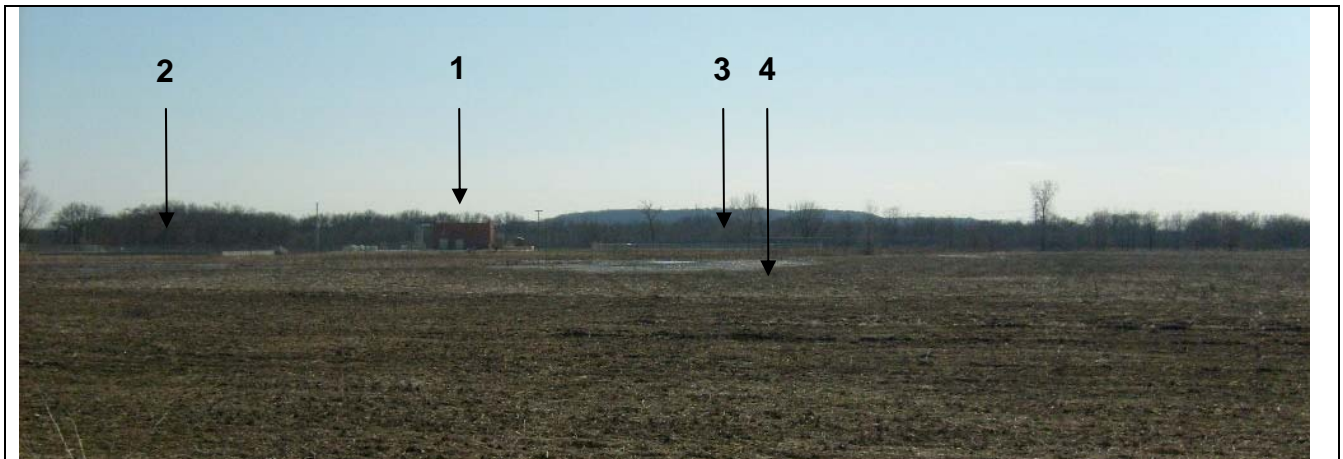
**7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO WHAT THAT TIME PERIOD SHOULD BE.**

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 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 for surrounding developments; therefore, it would not be appropriate to place a time limit on this use.

**Conclusion**

The proposed wet weather holding basin will have a positive impact on the area and the community by improving sanitary sewer services in the area accommodating future growth. The use is compatible with, and appropriate for, this location and staff recommends approval of the Special Use Permit with the conditions noted.

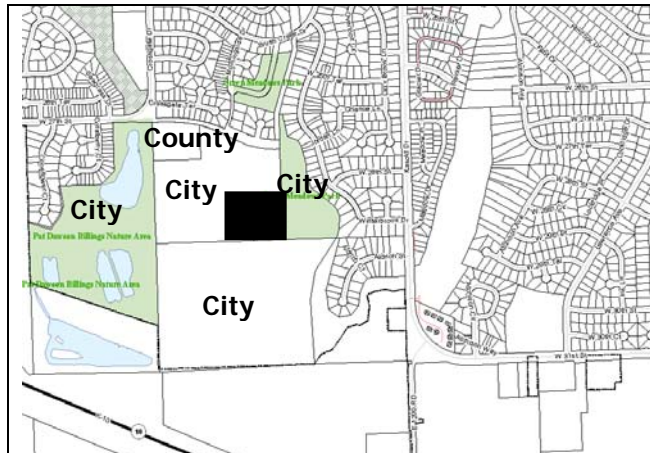


**Figure 1.** View of facility from the north. Pump station (1), covered detention basin (2) open detention basin (3) and proposed location of new open detention basin (4).

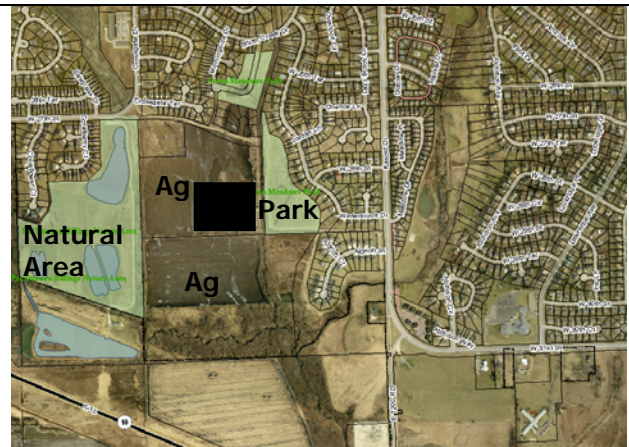


**Figure 2.** Detail of wet weather detention basin. Above ground portions include a low concrete wall with fencing.

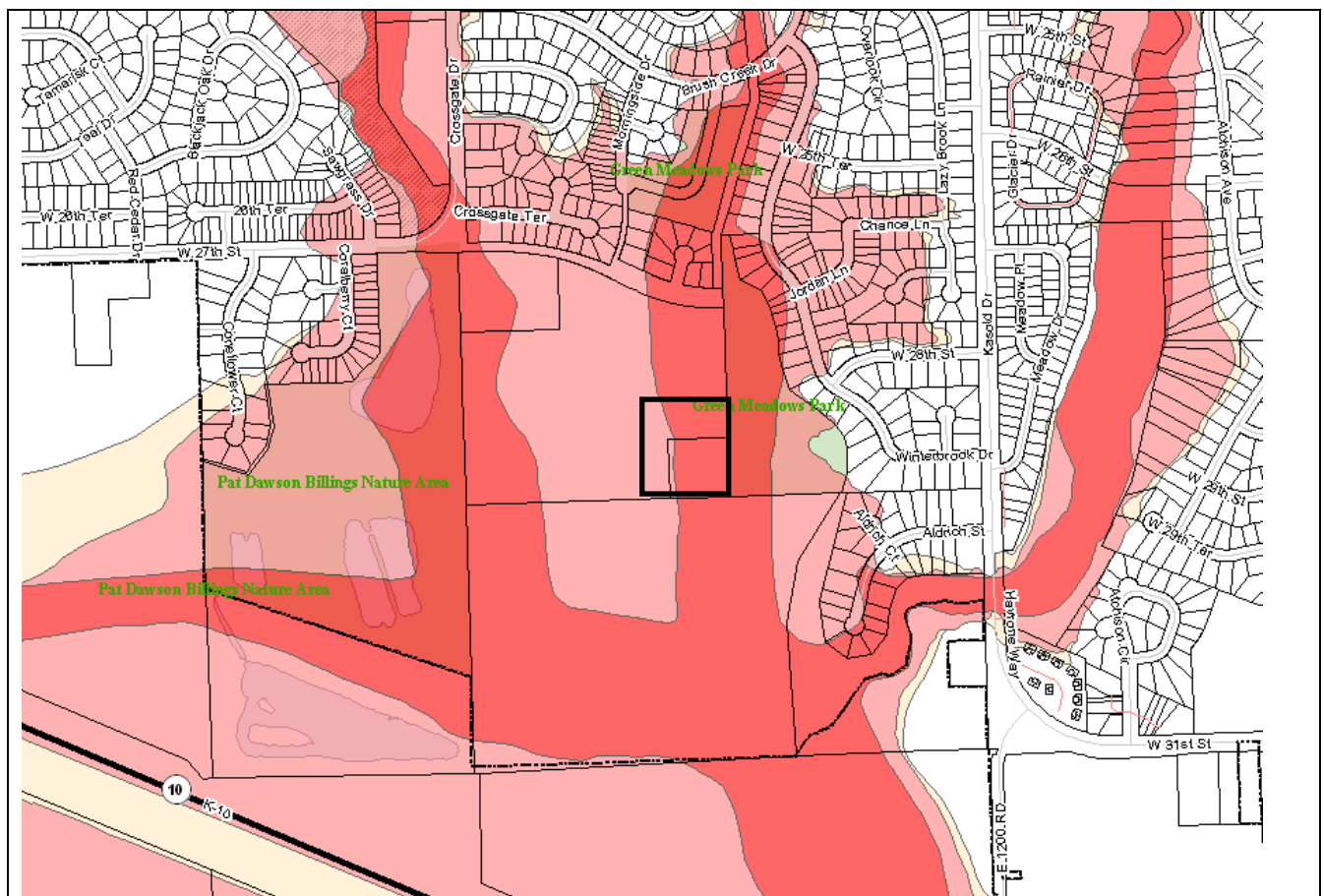




**Figure 3 (a)** Ownership of property surrounding Pump Station 09.



**Figure 3 (b)** Land use of property surrounding Pump Station 09.



**Figure 4.** Floodplain in the area surrounding Pump Station 09 (proposed lot for new facility generally shown in the bold outlined area). Floodplain consists of the regulatory floodway, shown in red; the regulatory floodway fringe, shown in pink; and the 500 year floodplain, which the City does not regulate, shown in tan.