

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

**ITEM NO. 8B: A TO OS-FP; .34 ACRES; PUMP STATION 35 (MKM)**

**Z-12-31-11:** Consider a request to rezone approximately .34 acres located east of intersection of N Michigan Street and River Ridge Road from A (Agricultural) to OS-FP (Open Space with Floodplain Management Regulations Overlay) District to accommodate a sanitary sewer pump station.. Submitted by the City of Lawrence, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the rezoning request for approximately .34 acres from A (Agriculture) District to OS-FP (Open Space with Floodplain Management Regulations Overlay) 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**

*" Required for site planning/platting for use of property as a pump station site. "*

**KEY POINTS**

- Rezoning to the OS-FP District has been requested to permit relocation of a pump station.
- The City's 2003 Wastewater Master Plan recommends upgrading existing pump stations.
- 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 February Planning Commission meeting.

**GOLDEN FACTORS TO CONSIDER**

**CHARACTER OF THE AREA**

- The area contains a mix of low density rural residential uses and medium-density urban residential uses and railroad right-of-way. The floodway fringe associated with the Kansas River, to the east, is present in the area. The northeast portion of the subject property and the properties to the north and east are encumbered with the 100 year regulatory floodway fringe.

**CONFORMANCE WITH *HORIZON 2020***

- The proposed rezoning request from A (Agriculture) District to OS-FP (Open Space with Floodplain Management Regulations Overlay) District is consistent with land use recommendations found in *Horizon 2020*.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

Items being considered at the February Planning Commission meeting:

- Annexation request [A-12-7-11]
- Preliminary Plat [PP-12-13-11]; Pump Station No. 35 Subdivision.
- Special Use Permit [SUP-12-6-11] for the pump station.

Other action required:

- City Commission approval of annexation and adoption of ordinance.

- City Commission approval of rezoning request and adoption of ordinance.
- 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.
- Submittal and administrative approval and recordation of Final Plat.
- Administrative review and approval of Floodplain Development Permit for construction of pump station.

### **PUBLIC COMMENT**

- No public comments were received prior to the printing of this staff report.

### **GENERAL INFORMATION**

Current Zoning and Land Use: A (County-Agriculture) and F-F (County-Floodway Fringe Overlay) Districts; undeveloped.

Surrounding Zoning and Land Use: To the north:  
A (County-Agriculture) and F-F (County-Floodway Fringe Overlay) Districts; rural residence.

To the south and west:  
A (County-Agriculture) District; rural residence located on the parent parcel from which the subject property was divided.

To the east:  
A (County-Agriculture) and F-F (County-Floodway Fringe Overlay) Districts; undeveloped  
RM12D (Multi-Dwelling Residential); townhouse development.

### **Project Summary**

The City's 2003 Wastewater Master Plan recommends that upgrades be made to existing pump station facilities. In order to maintain a high level of service for the area, the Utility Department determined that the existing above-ground pump station at 1206 Sunchase Drive should be replaced with one which utilizes equipment which can be kept underground. Underground equipment requires less maintenance and reduces the visual impact of the station. The pump station is being relocated from the privately owned lot to City owned property to the west as seen in Figure 1.



**Figure 1.** Current and proposed location of Pump Station 25. Existing location in red, proposed in green.

Access to the pump station is currently taken through a utility/access easement located on the county private road N 1750 Rd. The easement will continue to provide utility access to the new pump station.

As the subject property currently has no road frontage on a public street or road, it would not be appropriate for commercial, residential, or industrial uses. The proposal is to construct a pump station whose only traffic will be that necessary for its maintenance.

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

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

Applicant's Response:

*"Providing utility service to surrounding community."*

The Lawrence Future Land Use Map in *Horizon 2020* (page 3-4) shows this property in Service Area 1 and recommends low density residential uses in this area. The proposed use is not residential, but is intended to provide sanitary sewer service to residences in the area.

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

#### **Chapter 5-Residential Land Use: Specific Recommendations for Select Areas**

**Riverridge Residential Area** (the area adjacent to the subject property):

*"Unlike most other neighborhood areas of the city, the Riverridge neighborhood includes substantial portions which are currently unincorporated and are not served with municipal sewer and water facilities. In order to permit continued and orderly development of the greater neighborhood area, it is desirable that the Riverridge area be serviced with utilities and improved street/roads to enable the extension of the systems to adjoining areas." (Page 5-8)*

The OS Zoning would facilitate the upgrading of utilities systems to serve the neighborhood.

#### **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)

The property is partially encumbered with floodplain; however, per Section 20-1201(c) when property is annexed into the City, additional area must be rezoned to the Floodplain Management Regulations Overlay District. The entire property will be rezoned to the Floodplain Management Regulations Overlay District; therefore, the rezoning to OS would be in conformance with the open space recommendation in *Horizon 2020*.

Even though the property will be developed with a pump station, the majority of the facility will be underground. Above ground improvements include the driveway, meter board/control panel, and vents; with the remainder of the property remaining 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 low profile of the facility 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 as well as floodplain.

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

The subject property is surrounded by City residential zoning on the east and County-agricultural zoning on all other sides. The County-FF (Floodway Fringe Overlay District) is also located in this area. (Figure 2) The surrounding properties are all developed with residences with the exception of the property to the north which had been developed with a paint company storage building. This building is now vacant. The residences outside the city limits are located on parcels ranging from 1 to 11 acres in area. The residence to the east, a duplex within the city limits, is located on a portion of a lot of less than 1/4 acre. The subject property was a part of the rear yard of the residential property located at 1742 E 1350 Road before it was purchased by the City and lies directly across from the storage building at 1358 N 1750 Road.

**Staff Finding** – Zoning in the area consists of County A (Agriculture) and City RM12D (Multi-Dwelling Residential) Districts. Portions of the area to the east and north are encumbered with the 100 year Regulatory Floodway Fringe which is zoned County F-F (Floodway Fringe Overlay) District.



**CHARACTER OF THE AREA**

The subject property abuts the Lawrence city limits on the east and is being annexed concurrently with this rezoning. The property is bounded on the north, west, and south by rural properties ranging from 1 to 11 acres in area. To the east, within the City limits, is

RM12D zoned property which is developed with duplexes. This multi-dwelling development is narrow (about 4 lots deep) due to the railroad right-of-way and floodplain to the east.

Significant areas of floodplain, including the Kansas River floodway, are located in this area. Westar Energy has a large utility facility to the north of the subject property. The predominate land uses in this area are residential, both rural and urban residences, agricultural, utility, and open space.

**Staff Finding –** The area contains a mix of rural and urban residences as well as railroad right-of-way, utilities, agricultural land and open space.

**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.

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

Applicant's Response:

*"Property is suitable for proposed use as a pump station site."*

The property is currently zoned A (Agriculture). The Agriculture District is intended to provide for a full range of agricultural activities. Uses permitted within the A District include agricultural uses, animal hospitals, commercial dog kennels, commercial riding stables, detached dwellings, schools, and churches. The property is suited for agricultural uses; but is not suited for the other uses permitted within the A District due to its limited access on a private road.

A request has been submitted for the annexation of the property into the City of Lawrence. Rezoning to a City Zoning District is required with annexation and the applicant is requesting a rezoning to the OS District. The OS District is intended to preserve and enhance major open space and recreational areas and permitted uses are limited in this district as follows:

Permitted by Right	Require Special Use Permit
Cemetery	Cultural Center/Library
Minor Utility which serves a specific development	Minor Utility which serves more than one specific development
Passive Recreation	Major Utility
Nature Preserve	Active Recreation
	Campground
	Adaptive Reuse of Designated Historic Property
	Telecommunication Tower

The proposed use, a *Minor Utility*, serves more than one specific development; therefore it requires approval of a Special Use Permit. A Special Use Permit entails public review and the evaluation of a use's operational characteristics and site development features to ensure that the proposed use will not have a significant adverse impact on surrounding uses or the

community at large. A Special Use Permit application has been submitted and is also being considered at the February Planning Commission meeting.

**Staff Finding** – The property is suitable for the agricultural uses to which it is restricted with the current A Zoning; however, it is not suitable for the other permitted uses in the A District given the lack of public road access. The property is suitable for the limited uses permitted with the OS Zoning, again because of the lack of public road access. The additional review required with the Special Use Permit will insure compatible development.

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

Applicant's Response:

*"Previously residential property, zoned A. Has been vacant since City acquisition."*

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

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

Applicant's response:

*"No detrimental effect to adjacent land owners/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 so there should be little, if any, negative effects. A meter panel and valves will be located above ground. The pump station is located across N 1750 Road from a vacant storage building in the County and is west of the rear yard of a residence within the City limits. The pump station impact on these properties would primarily be visual, and this should be minimal given the nature of the facility.

A larger pump station is currently located on the property to the east. With this proposal, this station will be removed and a new facility will be installed to the west. The overall impact of this proposal on nearby properties would be positive. (Figure 3)

**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. Screening would be considered with the review of the Special Use Permit.

**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:

*"Improved efficiency and reliability of sanitary sewer service to the community at large."*

Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

The pump station is a minor utility which will benefit the City as a whole by maintaining a high level of service for this area. The City Utilities Engineer indicated that increased capacity to compensate for deficiencies in the existing systems or future expansion of the service areas was accounted for as part of the design phase of the project.

If the rezoning were denied, it would not be possible to relocate the pump station to City owned property, and upgrades would need to be made in place.

**Staff Finding** – The rezoning will have positive public impact by providing an upgraded utility facility to maintain a high level of service in the area. If the rezoning were denied, it would not be possible to relocate or the facility to city owned property.

**PROFESSIONAL STAFF RECOMMENDATION**

The FP (Floodplain Management Regulations Overlay) District is an appropriate zoning district for property encumbered with the floodplain. The OS (Open Space) District is appropriate given the proposed use of a *minor utility* and the limited uses permitted in the OS District and the floodplain on the property. The requirement to review the development proposal through the Special Use Permit process will insure development that is compatible with surrounding properties. Staff recommends approval of the rezoning request to the OS-FP District.



**Figure 3.** Existing pump station on the left. Example of new station (without the fencing) Underground facilities will be level-or slightly elevated and the panel will contain the above ground equipment.