

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item:

PC Staff Report
06/25/12

ITEM NO. 5C: SPECIAL USE PERMIT FOR LAWRENCE RECYCLE CENTER; 1783 E 1450 ROAD. (SLD)

SUP-05-05-12: Special Use Permit for Lawrence Recycle Center; located at 1783 E 1450 Road (also known as 1545 N. 3rd Street). Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of SUP-05-05-12, a Special Use Permit for a Scrap and Salvage Operation located at 1783 E 1450 Road, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Provision of a copy of a letter from Kansas Department of Health and Environment confirming compliance of the project with KDHE requirements.
2. Receipt of a US Army Corps of Engineers Permit.
3. Execution of a Site Plan Performance Agreement.
4. Submission and approval of a stormwater pollution prevention plan (SWP3) must be provided for this project, Per City Code Chapter IX Article 9-903(B) prior to issuance of a building permit.
5. Approval of a local Floodplain Development Permit prior to release of the site plan for issuance of a building permit Per City Code 20-1308(a).
6. Submission and approval by staff of a plan detailing the use and arrangement of activity and storage for the exterior storage area compliant with the Floodplain Development Regulations.
7. Provision of a revised site plan per the approval of the Stormwater Engineer to include the following notes and changes:
 - a. Add the following notes to the site plan:
 - i. *"A large portion of the subject property is located within the one percent annual chance (100-year) floodplain according to the Federal Emergency Management Agency, Flood Insurance Rate Map, Map Numbers 2004C0088D & 2004C0176D, Effective Date: August 5, 2010. The base flood elevation (BFE) = 823."*
 - ii. *Construction activity, including soil disturbance or removal of vegetation shall not commence until an approved SWP3 has been obtained.*
 - iii. *"The "retention area" and the connecting drainage swale will be maintained to provide 540 cubic yards (0.33 acre-feet) of additional floodplain volume within the site boundary."* [Change "retention" area to "detention" area].
 - iv. *"This site falls under guidelines set forth by the Kansas Department of Health & Environment, refer to KDHE Project No. C4-023-71903 & EUCA No. 07-EUC-0001 for reference."*
 - v. Add a note to the site plan that indicates borrow soil for fill needs to comply with KDHE BER Policy #BER-RS-048.
 - b. Show the flow line elevations of the 36" CMP under the gravel road on the north side of the property.
 - c. Show the existing curb inlet locations on the west side of N. 3rd Street. Show the elevations of the top of the curb inlets as well as outfall elevations. Show the

- corresponding cross road pipes extending to the east under N. 3rd Street including material type and diameter.
8. Provision of a revised Site Plan to show the following:
 - a. The applicant is requesting a waiver from the requirement to construct sidewalks (refer to preliminary plat discussion). If sidewalks are required the drawing must be amended to show the sidewalk.
 - b. Provision of a fencing detail per staff approval consistent with the Industrial Design Guidelines.
 - c. Show building entrances.
 - d. Revise off-street parking summary per staff report and provide one (1) additional parking space.
 - e. Provision of a note on the face of the site plan that states chain-link fencing is prohibited along Highway 40/59 except for the portion north of the north driveway. Future replacement of the fence north of the driveway shall be consistent with the approved gateway treatment of the site.
 - f. Provision of a note that states: *"All mechanical equipment shall be screened in accordance with Section 20-1006 of the Development."*
 - g. Label areas on plan that will be openspace. Include a general note that states turf areas will be open space.
 9. Provision of a revised landscape plan to include the following notes and changes:
 - a. Show 8 street trees along the north property line at a ratio of 1 tree per 40'.
 - b. Provision of a note that states: *"Existing trees used for screening or other required landscape standards lost or removed for any reason shall be replanted consistent with the size and species requirements of the landscape plan."*
 - c. Update the interior landscape summary to reflect the increase in off-street parking standards for this use.
 - d. Update the street tree summary to include the 314.62' of frontage along the north property line [8 street trees].
 - e. Revise the plan schedule to show minimum tree size of 4" caliper and minimum container size of shrubs as 5 gallon 18 – 24".
 - f. Provision of a note that specifies the planting materials to be used for all turf areas.

Applicant's Reason for Request: *This site is within the UGA and has utilities close to the site; Based on the city standards this property can be serviced by the City of Lawrence.*

KEY POINTS

- The Special Use Permit is requested to permit the Scrap and Salvage Operation.
- Existing buildings will be demolished except for one building located at the south end of the property to be reused for equipment storage.
- New 14,400 SF building proposed.
- The primary exterior storage area is 55,125 SF located in the southwest corner of the site. Additional storage area is located for palletized material on pad sites surrounding the mail building.

ASSOCIATED CASES/ OTHER ACTION REQUIRED

- Annexation request [A-5-2-12].
- Rezoning request [Z-5-7-12] from I-2 (Light Industrial) County District to IG-FP (General Industrial - Floodplain Overlay) District.

- Special Use Permit [SUP-5-5-12] for the salvage/recycling operation.
- FP-5-6-12; local Floodplain Development Permit.
- Submission and approval of applicable public improvement plans.
- Final Plat submission, review and approval and recording at Register of Deeds Office.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – received and approved by staff.
- *Downstream Sanitary Sewer Analysis* – Received and approved by staff.
- *Drainage Study* – Received and approved by staff including documentation as required for floodplain assessment.
- *Retail Market Study* – Not applicable to this request.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Inquiries via phone regarding proposed development. Concerns expressed by callers related to planned improvements to the right-of-way and screening of the use from the street.

ATTACHMENTS

- Site Plan
- Site renderings

GENERAL INFORMATION	
Current Zoning and Land Use:	I-2 (County-Light Industrial); vacant property previously used as a salvage and automotive related use.
Surrounding Zoning and Land Use:	<p>To the North: I-2 (Light Industrial) District and A (Agricultural) District existing warehouse and exterior storage and agricultural field.</p> <p>To the Northeast: OS (Open Space); KDOT maintenance facility and storage.</p> <p>To the South: IG (General Industrial) City District; existing Storage facility.</p> <p>To the East: B-2 (General Business) County District) Tee Pee Junction. Also to the east RS10 (Single-Family Residential) District) "White School House".</p> <p>To the Southeast and East on the east side of US 40/59 (N. 3rd Street): CS (Commercial Strip) City District and IG (General Industrial) City District; office warehouse and industrial uses.</p> <p>To the West: I-2 (Light Industrial) District and OS (Open Space) City District. Existing railroad tracks and Riverfront Park.</p>

Summary of Request

This request and the associated Annexation, Zoning and Preliminary Plat are intended to facilitate redevelopment of the site for a Scrap and Salvage Operations and a Recycling and Processing Center. Most of the existing site improvements will be demolished to accommodate a new building, interior access, and a pad site for exterior storage and processing.

Site Plan Review:

The site plan proposes a new 14,400 square foot building and surrounding space for limited exterior storage. The improvements include the demolition of existing structures with the exception of a 3,612 SF building located at the south end of the site. The request also includes a 225' by 245' pad site for exterior storage and processing of metals. The proposed use includes both salvage and recycling operations.

Scrap and Salvage Operations are defined as: *The storage, sale, dismantling, or other processing if used, source-separated, or waste materials not intended for reuse in their original form. Typical uses include automotive wrecking yards, junk yards, and salvage yard, but not including "recycling facilities".* (20-1760)

Recycling Facilities are defined as: *A facility for the collection and/or processing of Recyclable Materials. A recycling facility does not include storage containers or processing activity located on the Premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:*

(1) Collection Facilities

A center or facility for the acceptance by donation, redemption, or purchase of Recyclable Materials from the public. A Small Collection Facility may occupy a maximum area of 500 square feet. Large Collection Facilities may occupy greater land area. Both facilities may include:

- (i) Attended or unattended mobile collection units such as all weather roll-off containers, bins or boxes, which are not permanently affixed to the ground;*
- (ii) Reverse vending machines or kiosks that may include permanent Structures;*
- (iii) Indoor facilities, ancillary to the primary activity of a business or organization.*

(2) Processing Center

A Building or enclosed space used for the collection and processing of Recyclable Materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

The significant issues associated with this project are the compliance with the local floodplain Development Regulations and the treatment of the site consistent with the Industrial Design Guidelines. Floodplain compliance is cursorily discussed in this report. A local Floodplain Development Permit is required for this development and is an administrative review item.

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

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

Applicant's Response: Yes. This proposed use and development will match the existing zoning in the County and the proposed zoning in the City of Lawrence.

The proposed use is permitted in the IG (General Industrial) District. Exterior storage uses are governed by the use standards of Article 5. These standards regulate the location of exterior storage areas on a property, prescribe minimum setbacks and require a specific landscape bufferyard where exterior storage areas abut public right-of-way. The Proposed storage areas do not abut public right-of-way with regard to streets. The primary storage area abuts the railroad right-of-way along the west property line. The buffer yard is not interpreted to require buffering between this use and the railroad corridor.

The site development must also comply with the industrial design guidelines. Additional information on this element and site fencing are required and reflected as a condition of approval.

Staff Finding – The proposed use is compliant with all applicable provisions of the Development Code as conditioned.

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, this proposed use in terms of scale and site design fit the corner lot. The amount of green space that surrounding the proposed use help buffer the lighting and noise that could be generated by this use. The street and drainage configuration also help buffer this development. There are no adjoining neighbors to this development.

The proposed use is similar to adjacent uses in terms of scale and operating characteristics. The proposed site design is an improvement over the existing site layout. Existing buildings that encroach into the front setback will be demolished with the exception of the south building to remain. A new street curb line will be constructed for Highway 40/59 and two specific driveways will be created for this site. This is a significant improvement at it relates to access management along this segment of the corridor.

The corridor is largely industrial with warehouse and automotive related uses. The property immediately to the south is a use that also includes exterior storage. Development of the site and the hours of operation are similar to the existing development surrounding this property.

Appropriate screening of the exterior storage area is critical to the enhancement of the corridor as a community gateway. The project includes berming and fencing along the east property line with a fence and landscape materials as the primary means of screening the storage area. Details related to the fencing are required. Chain-link fencing (with or without a slat application) is not considered an acceptable solution for screening. As this area redevelops appropriate gateway treatments of the corridor are required.

Staff Finding – The proposed use is compatible with adjacent uses as conditioned.

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

Applicant's Response: No this lot will not change the surrounding property value of commercial and industrial uses. This development will provide a useful service to surrounding property.

The neighborhood is composed of a mixture of industrial and commercial uses. This property was previously used as an automotive salvage yard. The proposed require include significant redevelopment of the site. Improvements to the site are expected to have a positive impact on the surrounding properties through the enhancement of the corridor and the removal of the wide “curb cut” along the east property line.

Staff Finding –The proposed use will not cause a substantial diminution in the value of surrounding property.

4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT

The subject property will be located within the City of Lawrence upon annexation. New public utility services are not required for this property. The south driveway is provided for emergency apparatus access if needed. It is not intended to provide general access to the employees or customers of this site.

The property takes access to North 3rd Street, a principal arterial street. A traffic impact study has been reviewed. The study does not recommend additional improvements to Highway 40/59 to serve the proposed use. Private water service lines are proposed to be extended to provide water for fire protection.

Staff Finding –Public safety, transportation and utility services are currently available and a sufficient level of such services is available to support the proposed use.

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: [There will be no impacts to the natural environment. This development will help clean up a vacant ground and buildings.](#)

The proposed use is located in proximity to the Kansas River and the Maple Grove Drainage Tributary. The property is encumbered by the regulatory floodplain. The extreme northeast corner of the property is located in the floodway. As such this property is subject to review and approval of a local Floodplain Development Permit.

The proposed use, building addition and other site improvements will result in a net decrease in the amount of impervious surface coverage. The City Stormwater Engineer has reviewed and approved the plan.

A portion of the site is contaminated with several chemical associated with the long term use as Kaw Metal Sales and Recycling Company. The south portion of the site is capped by AB-3 limestone gravel referred to as an aggregate cover area. This cap is intended to remain on site. A portion of

the area will be further capped by the concrete pad in the southeast area to be used for exterior storage. Staff recommends the addition of a condition related to the KDHE concern are recommended to provide assurance of compliance of the project.

Staff Finding – The proposed use, with conditions, will 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 PEMRIT AND, IF SO WHAT THAT TIME PERIOD SHOULD BE.

Scrap and Salvage Operations are subject to a Special Use Permit. Exterior storage areas are permitted as an accessory use in most nonresidential zoning districts to provide space for outdoor storage of materials related to the business of the principal use.

Staff Finding – It is not appropriate to place a time limit on this type of Special Use given the nature of the use and the site improvements required to implement the use.

Site Plan Review

This section of the report focuses on the proposed physical improvements of the site.

A. Site Summary

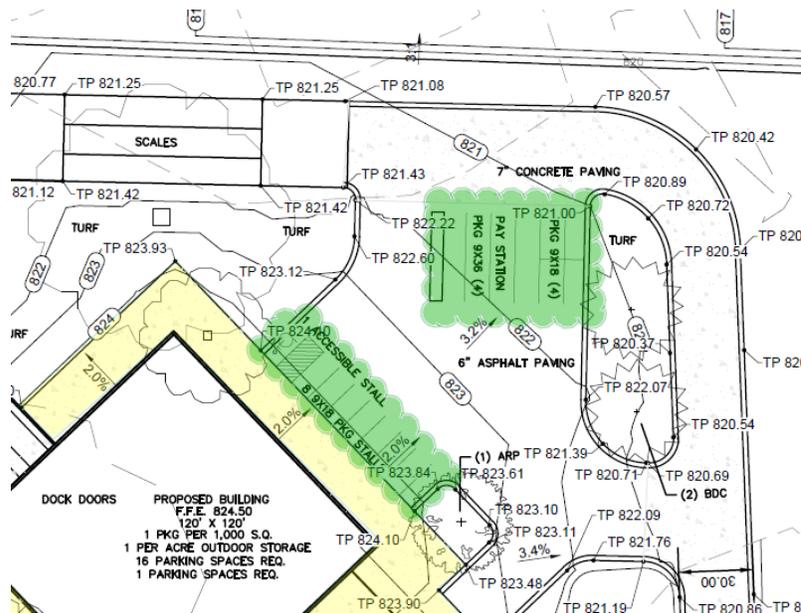
SITE SUMMARY			
	Existing	Proposed	Change
Property Area (sq ft):	522,684 (11.9 acres)	522,684 (11.9 acres)	
Building Area (sq ft):	18,907	18,012 14,400 SF new 3,612 remaining	895 SF
Paved Area (sq ft):	198,108	127,188	70,920
Total Impervious Area (sq ft):	217,015	145,200	71,815
Total Pervious Area (sq ft):	305,669	377,484	71,815

B. Access and Parking

This property abuts a local road along the north property line (N1800 Road extended) and a primary arterial street along the east property line of Highway 40/59 (also known as N 3rd street). Redevelopment of the site is concentrated in the south two-thirds of the property. Access to the site includes a primary entrance at the north end of the activity area and a secondary access for emergency apparatus access at the south end of the site. Improvement of the site includes establishment of a regular curb line along the east property line providing improved access management to the site. Parking provided on site accommodates both large trucks and passenger size vehicles.

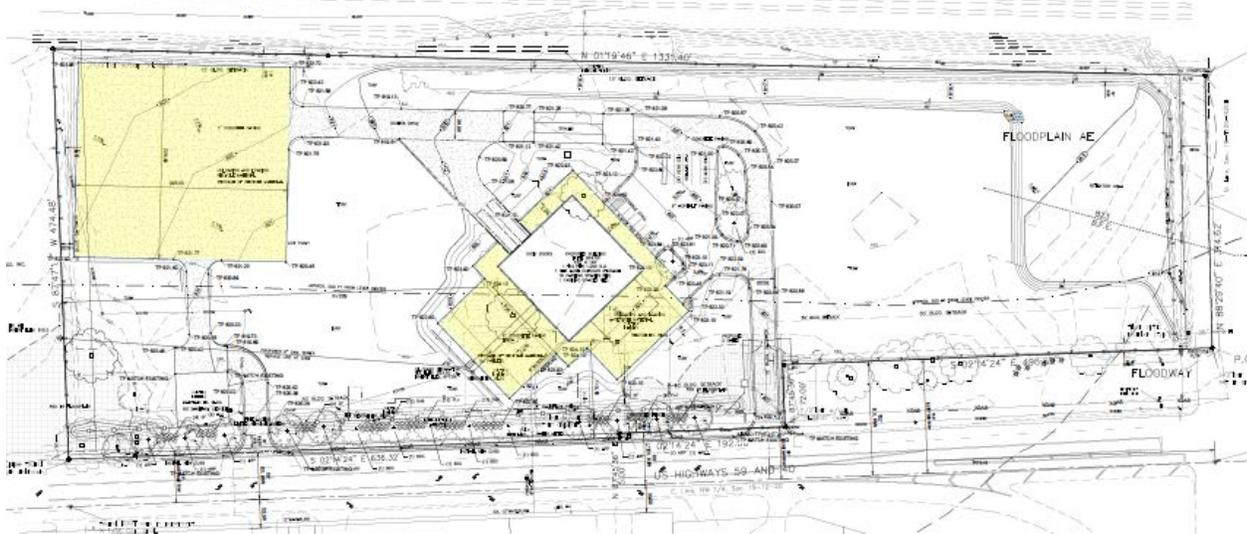
Parking Summary			
Use	Parking Requirements	Spaces Required	Spaces Provided
Scrap and salvage operations	1 parking space per acre	1.26 acre pad site = 2 spaces .724 acres around building = 1 space	9 spaces at front of building 8 paces northeast of scales.
Recycling-processing center	1 space per 1,000 SF [1-20,000 SF]	14,400 SF = 15 spaces	
Equipment storage building	No parking assigned	3,612 SF = 0 spaces	
Total		18	

Vehicular parking is accommodated at the front of the building and additional spaces are located along the access drive northeast of the scales. Four spaces are designed to accommodate a truck and trailer combination. These spaces are labeled as “pay station” but are parking spaces.



There are two exterior storage areas located on this site. The large area in the southwest portion of the site will accommodate truck turning movements, portable equipment for processing larger metals, as well as exterior storage. In effect the entire area will not be used for storage. At this time, however, the aggregate area is included in the parking summary as if it were all used for storage.

The second area identified for exterior storage is the concrete pad located around the building. This area will be used for palletized material. The northeast area of the pad site includes two spaces that function as a “receiving” area for customers with generally smaller loads to directly access the warehouse/processing center.



Based on staff's assessment of the required parking one additional space is required. The applicant has been notified of this requirement and will revise the site plan accordingly. The provision of the additional space is included as a condition as a crosscheck to ensure the plan is appropriately revised.

C. Industrial Design Standards

The redevelopment of this site is subject to conformance to the Industrial Design Guidelines. At this time only conceptual information is available regarding the building and fencing elevations proposed for this site. Staff recognizes that this property is currently zoned for industrial uses and that industrial character is intended to continue. The nature of the use requires a utilitarian building and exterior operations. This does not preclude the expectations that the building will include materials and design consistent with the Design Guidelines. It does acknowledge that some side of the building will include large overhead doors and loading docks.

Fencing and Screening:

A significant concern identified by staff during the review process and noted in the related reports is the screening of the exterior storage area and the gateway treatment along the highway. Fencing is the most frequently used method to screening specific areas. The proposed plan shows the use of berms, landscape materials and fencing to provide screening of the exterior storage area. The site orientation and design place the large storage area in the stream southwest corner of the site farthest from the public right-of-way. However, because of the floodplain encumbrance the pad site will be elevated somewhat.

The Industrial Design Guidelines state with regard to applicability:

1. *High Visibility or Sensitive Areas:*

The standards and guidelines should be applied to the greatest degree practical for properties within this category. Properties subject to this category are those with the following attributes:

- a. Properties located along or visible from arterial streets, collector streets, or highways, or*
- b. Properties located adjacent to residential development, or*
- c. Properties located along gateways identified in the Long Range Transportation Plan. (Page 3-2)*

The subject property is located along a designated arterial street. N 3rd Street [Highway 40/59] is designated as a gateway. Strict adherence to the design guidelines is applicable to this property.

With regard to Walls and Fences the Guidelines state:

H. Walls and Fences

STANDARD:

Walls and fences shall contribute to the visual quality of the project and character of the surrounding area when visible from the public street frontage or an adjacent non-industrial use.

GUIDELINES:

- 3. Walls and fences longer than 100 feet should contain periodic offsets or architectural elements designed to prevent monotony.*
- 4. Walls and fences should be designed in such a manner as to create an attractive appearance and complement the project's architecture.*
- 5. Gates provided in walls or fences should be aesthetically pleasing if viewed from the street.*
- 6. High perimeter walls, **chain link fence**, and walls topped with barbed wire, or razor wire should not be used adjacent to public street frontage or non-industrial uses (page 3-8)*

Staff recommends a condition that states chain-link fencing shall be prohibited from use along any public right-of-way. This material may be used interior to the site and along the rear and sides of the property. Additionally, the existing chain link fencing along the north end of the property is not proposed to be removed at this time. This portion of the site includes mature vegetation that mitigates the presence of the fence in this location.

To facilitate this project moving forward in the approval process staff recommends a condition be added that requires submission and approval of building and fencing elevations, subject to staff review prior to issuance of a building permit.

Pedestrian accessibility:

As noted in the preliminary plat, a variance from the requirement to construct a sidewalk at this time has been requested. This corridor is not identified as a high pedestrian activity area. The interior site circulation is not intended for pedestrians. The site is designed to provide smaller customer access to the facility on the north side and heavier truck traffic to the east and south.

D. Landscaping and Screening

Street Trees:

This property includes frontage along the north and east property lines that are subject to street trees. The north portion of the site includes mature vegetation. Much of the vegetation along the north property line will be removed to construct the detention area as shown on the plan. The site plan should be revised to show the required street trees along the north property line.

A master street tree plan for this site will be required with the final plat of this property. Credit may be given for the existing trees north of the north access drive. A note should be added to the face of the plan that states loss or removal of existing vegetation shall require the replacement of street trees consistent with the master street tree plan with regard to species.

Interior Landscaping

A total of 18 parking spaces are required for this development. A total of 720 SF of interior green space is required for this development. The plan indicates that a total of 13,750 SF of interior green space is provided. The minimum planning for the interior space is 1 tree and 3 shrubs per each 10 spaces. This development would require: 1.8 trees (2 total trees) and 5.4 shrubs (6 shrubs). The plan indicates that there are 4 shade trees provided. The Development Code allows trees to be substituted for shrubs. It should be noted that minor changes to the parking summary impact the landscape summary. Staff recommends the landscape plan be revised to reflect the applicable changes. The proposed development exceeds the minimum design requirement for interior landscape.

Perimeter Landscaping

This standard is applicable to parking adjacent to public right-of-way. The parking for this development is designed to be located interior to the site.

Mechanical Equipment Screening: Section 20-1006 of the Development Code requires that mechanical equipment be screened from adjacent properties and rights-of-way. Ground mounted equipment is not shown on the site plan. Any such equipment is required to be screened. Staff recommends that a general note be added to provide a reference to the minimum code standard. Screening of mechanical equipment, including roof mounted equipment, will be further reviewed for compliance as part of the final elevations when available.

The proximity of the redevelopment to the gateway and the proposed use necessitate the need for substantial landscaping materials to be installed initially. Several revisions are noted at they pertain to the landscape plan. To facilitate the screening of the exterior storage related to this use larger plant sizes are recommended. The development Code requires trees with a minimum 2 1/2" caliper. Staff recommends installations of trees with a 4" caliper. The landscape plan notes that shrubs are to be space at 36" apart but does not state the planting size. Staff recommends shrubs be installed with a minimum size of 5 gallon and 18" to 24" in height.

E. Lighting

The site plan includes a general note about lighting and that it will be shielded and directed down. A minimum requirement of development is the provision of a photometric plan per Section 20-1103 of the Development Code this is reflected as a condition of approval.

F. Floodplain

This property is encumbered by the regulatory floodplain. A local floodplain development permit is required as part of the approval process and is an administrative review item. No action is required by the Planning Commission with regard to the floodplain permit.

Conclusion

The proposed Special Use Permit is a significant redevelopment of the site within an established industrial/commercial corridor. The proposed redevelopment will result in a visible aesthetic improvement to the corridor with the installation of landscape materials along the frontage. The proposed use will not be detrimental to surrounding properties given the similarity of uses in the area.