

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item:

PC Staff Report
07/23/12

ITEM NO. 2: SPECIAL USE PERMIT FOR 12TH & HASKELL RECYCLE CENTER; 1000 E 11TH STREET. (SLD)

SUP-5-4-12: Consider a Special Use Permit for 12th & Haskell Recycle Center, to permit a Scrap and Salvage Operation, in conjunction with a Recycling, Collection and Processing Center, located at 1000 E 11th Street on approximately 5.83 acres. Submitted by Bartlett & West, Inc., for Robert B. Killough, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of SUP-05-04-12, a Special Use Permit for a Scrap and Salvage Operation, in conjunction with a Recycling, Collection and Processing Center, located at 1000 E 11th Street Road, based upon the findings presented in the body of the staff report and with a recommendation for approval to be forwarded to the City Commission subject to the following conditions:

1. Execution of a Site Plan Performance Agreement.
2. Provision of a photometric plan per 20-1103 of the Development Code for review and approval prior to the release of the site plan for issuance of a building permit.
3. Provision of a revised site plan to show the location and deed book and page reference for any easement dedicated to cover the private services lines that access the public infrastructure crossing separate parcels of land.
4. Provision of a DSSA for the proposed build-out condition of the property per the specifications of the City Utility Department in the form of a fixture count analysis.
5. A site plan note shall be added: "No open burning of junked, salvaged, or discarded materials shall be permitted."
6. The site plan shall be revised to reflect the required amount of 440 sq. ft. of interior landscaping.
7. The site plan shall note that the owner is responsible for maintaining the property, especially the perimeter fencing, in a litter-free manner.
8. The site plan shall note that the operation shall comply with all state and local solid and hazardous waste laws and standards, particularly as they relate to the removal of vehicular fluids.
9. The site plan shall note a restriction on the hours of operation for the outdoor crushing of vehicles and loading of bulk materials into semi-trucks as follows:

Monday through Friday: 8:00 a.m. to 6:00 p.m.

Saturday: 8:00 a.m. to 4:00 p.m.

Sunday: prohibited

Applicant's Reason for Request: *According to Section 20-527 of the City of Lawrence Development Codes, a special use permit is required for any scrap and salvage operations.*

KEY POINTS

- The Special Use Permit is requested to permit the Scrap and Salvage Operation.
- The submitted plan acts as the site plan for the proposed Recycling-Collections and Processing Center and the SUP for the Scrap and Salvage Operation.
- Existing buildings will be reused for proposed operations.

ASSOCIATED CASES/ OTHER ACTION REQUIRED

- SP-9-61-95; Site Plan for Consolidated Lumber

PLANS AND STUDIES REQUIRED

- *Traffic Study* – received and approved by staff.
- *Downstream Sanitary Sewer Analysis* – Additional documentation is required. Water and sanitary sewer connections as proposed are not compliant with City code.
- *Drainage Study* – Received and approved by staff.
- *Retail Market Study* – Not applicable to this request.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Inquiries via phone regarding proposed development. No specific concerns expressed.

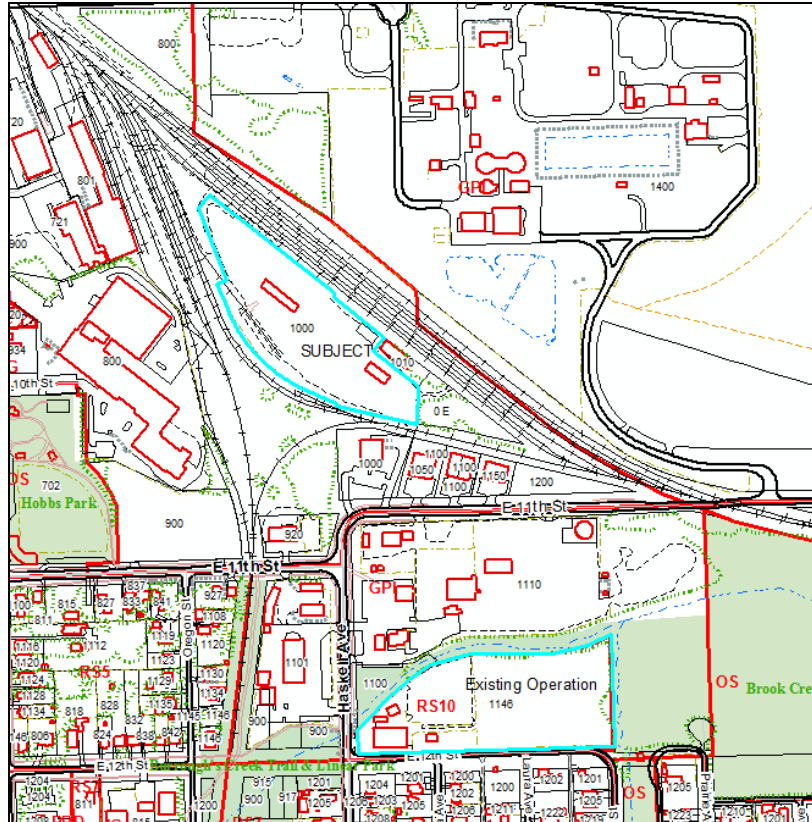
ATTACHMENTS

- Site Plan
- Area map

GENERAL INFORMATION	
Current Zoning and Land Use:	IG (General Industrial) District; vacant property, former lumber yard.
Surrounding Zoning and Land Use:	IG (General Industrial) District; to the northwest, west, and south. Existing Railroad right-of-way surrounds the property. Warehouse uses to the east and south. GPI (General Public and institutional) District to the northeast, City of Lawrence wastewater treatment facility.

Summary of Request

This request is for the relocation of an existing recycling and scrap and salvage operation to be relocated from 1146 Haskell Avenue to 1000 E 11th Street. Existing buildings on the site will be used for the operation.



Site Plan Review:

The site includes an existing warehouse building (labeled ExBldg 2) with a small office located on the southeast end of the property. This building will be used for the recycling/processing operation and office activity associated with the business. The open shed building (labeled ExBldg 1) will be used for trailer storage in the short term. Long term plans include the expansion of the shed building and enclosing it to provide additional processing and enclosed storage space. A new 15' x 70' portable scale will be installed. The site includes a small loading dock on the west side of the property. This loading dock would also be expanded in the future. This expansion is designed to accommodate both truck and rail service in the future. The property will include two primary uses: Scrap and Salvage Operations; and, Recycling Processing Center.

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**

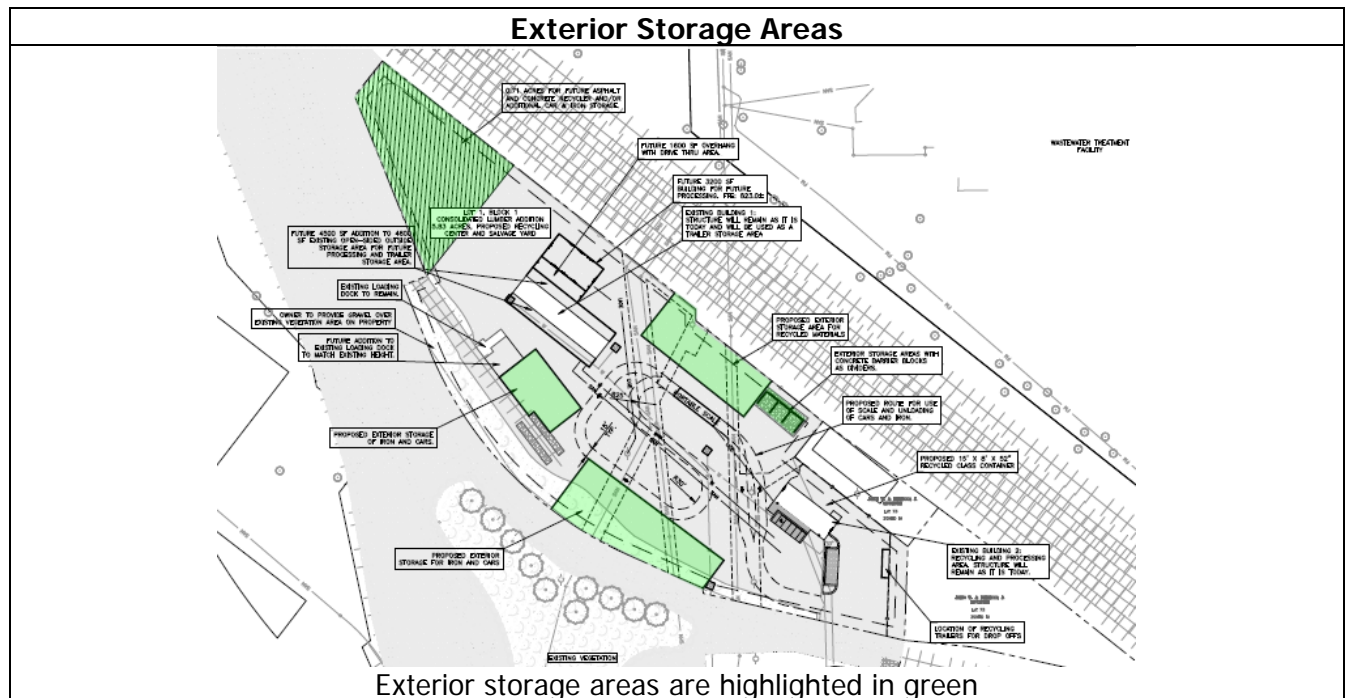
A center or facility for the acceptance by donation, redemption, or purchase of Recyclable Materials from the public. A Small Collection Facility may occupy a maximum area of 500

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.



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. Please see attached site plan for details of the future salvage center site.

Recycling Facilities – Large Collection and Processing Centers are permitted in the IG (General Industrial) District, subject to site plan approval. Scrap and Salvage Operations are permitted in the IG District, subject to approval of a Special Use Permit. These exterior storage uses are also 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. This property is unique in its shape and lack of direct access to a public street. The proposed storage areas do not abut public street right-of-way and are not visible from nearby streets.

Section 20-527 has specific requirements regarding Scrap and Salvage Operations. Specifically, 20-527 requires screening and pile height restrictions when the property abuts an arterial or collector street. This property abuts neither and is well screened from the surrounding street network by natural vegetation and other industrial uses. Further, 20-527 states that open burning is prohibited. This prohibition to burning has been added as a condition of approval.

20-540(5)(ii)(a) states: Small or Large Collection Facilities shall be located on a paved surface. The majority of the site is gravel and various bins will be established for the collection of certain products. An administrative waiver is being granted with the site plan to permit the location of recycling collection bins/trailers on a non-paved surface per Section 20-1305(b)(3)(v) of the Development Code.

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. The property is surrounded on three sides by land owned by the railroad. The areas surrounding the railroad are local businesses/warehouses with similar operating hours and zoning.

The proposed uses are industrial in nature in terms of scale and operating characteristics. The property is surrounded by railroad right-of-way with various warehouses and industrial uses backing up to this area providing additional buffering and land use transition for the area.

This portion of the neighborhood is industrial in nature with noise and vibration created by the railway operation and odors created by the city's wastewater treatment plant; however, the operating characteristics of the proposed uses can impact an area farther than the adjacent industrial uses if not restricted. Noise, vibration, dust and litter are the primary potential impacts related to this use given the potential to crush vehicles and load bulk materials. Except for the rail and wastewater treatment plant as noted above, the other industrial uses in this area have limited outdoor impacts.

The impacts should be carefully considered given the ongoing revitalization of the 8th Street and Pennsylvania area into residential use that is in near, but not adjacent, proximity to the proposal. The nearest residentially zoned property is approximately 790 feet away and substantial mature trees exist between the properties, reducing much of the potential impact. Even so, staff recommends that hours of operation be established for the outdoor crushing of vehicles and loading of bulk materials into semi-trucks as follows to mitigate any potential for negative impact:

Monday – Friday: 8:00 a.m. to 6:00 p.m.
Saturday: 8:00 a.m. to 4:00 p.m.
Sunday: prohibited

Additionally, staff recommends a site plan note placing the owner on notice that the property should be maintained in a litter-free manner.

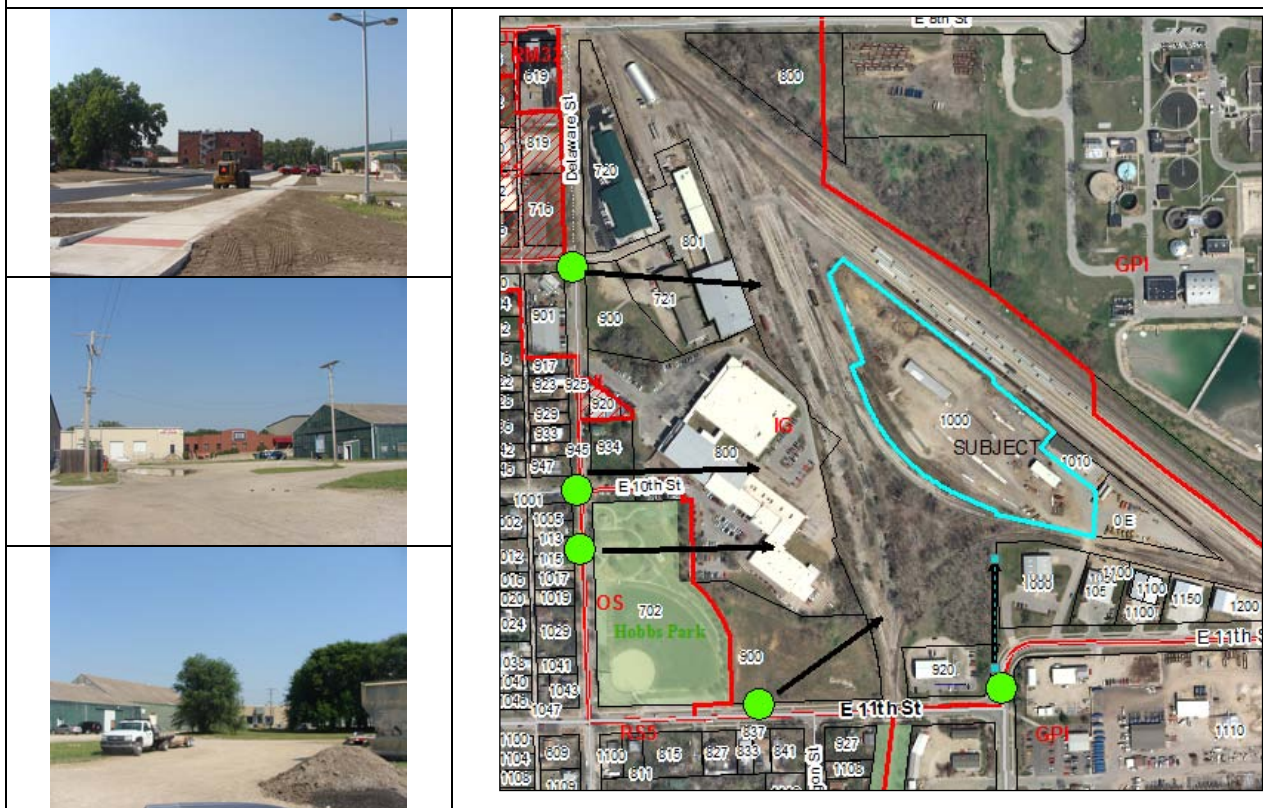
Staff Finding – With the recommended condition, the proposed uses are compatible with adjacent and nearby uses.

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 surrounding sites are of the same industrial type usage along with the City's property to the south and the wastewater treatment facility to the north.

This property is located east of the East Lawrence Neighborhood and north of the Brook Creek Neighborhood. The property is also north of the Burrough's Creek Trail and Linear Park. A large portion of the land area located along the railroad and along the Kansas River is zoned and developed with industrial uses including the City's wastewater treatment plant. This use is currently located within the boundary of the Brook Creek Neighborhood at 1146 Haskell Avenue. If approved, the business will be relocated to property outside of the neighborhood and within an industrial corridor along the railroad. The property will accommodate improved site circulation and product management compared to the existing site. Additionally this property is not encumbered by regulatory floodplain that reduced the usable area for the operation at its current location. Exterior storage areas will not be visible to the residential portions of the neighborhoods.

Images from surrounding neighborhood

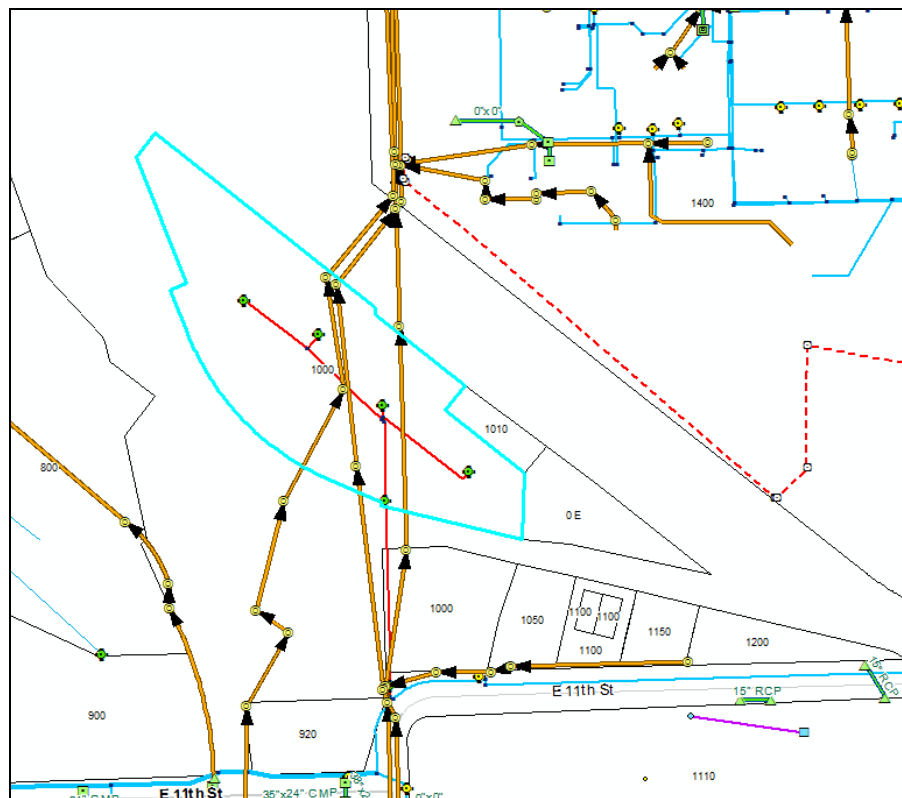




Staff Finding – The proposed use will not cause a substantial diminution in the value of surrounding property.

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

This property is located within the City of Lawrence. Multiple sanitary sewer lines cross this property connecting the City's treatment facility to the existing sanitary sewer network. These lines are high pressure lines and not suitable for individual property connections. The water main is located on the north side of E 11th Street. Capacity in the system is available to serve this site.



East 11th Street includes both arterial and collector street designations. Haskell Avenue and the E 11th Street segment to the west are designated as an arterial street. Where Haskell Avenue turns into E 11th Street to the east, the street is designated a collector. A traffic study was provided by the applicant as required for this project. Staff concurred with the findings that no street improvements associated with this project are required.

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 conditions of approval.

6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT

Applicant's Response: The existing site was used for storage of materials and is gravel. The proposed storage of recycled materials shall not cause a negative impact on the environment. It will be the owner's responsibility to follow all rules and regulations set forth by the City, State and Federal Governments.

This property is located in an area surrounded by railroad right-of-way. The site is comprised of a gravel surface and limited vegetation located along the fringe of the site. The property is not encumbered by the regulatory floodplain. Issues related to the existing site have lead to inspections and corrective plans established by the Kansas Department of Health and Environment. Staff recommends that such corrective plans and all of the standards related to solid and hazardous waste be implemented at the new site. With this condition, there are no adverse impacts to the natural environment.

Staff Finding – The proposed use will not cause 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.

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):	253,979 (5.83 acres)	253,979 (5.83 acres)	
Building Area (sq ft):	7,630	16,874	-9,244
Paved Area (sq ft):	4,465	8,342 (3.3%)	+3,877
Total Impervious Area (sq ft):	12,095	25,216 (9.9%)	+13,121
Total Pervious Area (sq ft):	241,884	228,763 (90.1%)	-13,121

B. Access and Parking

Access to this property is accommodated via an existing access easement from E 11th Street. The access crosses the railroad right-of-way. There are no active lines in this portion of the right-of-way. No changes to access are proposed with this development.

The site plan shows a designated parking area located at the southeast end of the property near the recycling/processing building. This area includes new landscape islands within the site that will help to direct vehicular circulation within this property.

Parking Summary		
Use	Parking Requirements	Spaces Required/ Provided
Scrap and Salvage Operations	1 parking space per acre	5.26 acres less recycling building and parking spaces= 6 spaces
Recycling-Processing Center	1 space per 1,000 SF [1-20,000 SF]	2,984 SF = 3 spaces
Total		9 spaces required 11 spaces provided

The site plan shows the parking spaces to include concrete pavement. However the access drives internal to the site are not proposed to be paved. They are currently a compacted gravel surface. This gravel surface is included in the pervious area summary for the site. The access between E 11th Street and the south side of the railroad crossing is an existing concrete pavement drive.

This property is a low point of the immediate area. The permeable surface facilitates stormwater runoff via percolation for this property. The City Stormwater Engineer recommends this approach for this site. The City Engineer has approved the proposed parking lot design as shown on the Site Plan.

C. Industrial Design Standards

The redevelopment of this site requires conformance to the Industrial Design Guidelines. At this time the existing building and pole barn structure will be used “as is” with only minor modifications. The proposed building addition will require a review of the building elevations for compliance at that time.

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 new building and structures will include materials and design consistent with the Design Guidelines. The guidelines acknowledge that some sides of the building will include large overhead doors and loading docks.

This property is unique in that it is not generally visible from public right-of-way or from commercial or residential land uses in the vicinity. The property is located behind existing buildings fronting E 11th Street with street trees, established landscaping, and smaller warehouse buildings. The need for significant architectural detailing is not critical for this property.

Fencing and Screening:

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)*

This property is located behind developed industrial properties and along existing railroad right-of-way and is not considered a High Visibility or Sensitive Area. This property is one of the least visible areas with regard to aesthetics and the need for screening. The site is currently fenced with a chain-link fence material and is not proposed to be altered with this application. The railroad right-of-way along the west and south sides of the property are inactive and characterized with large mature trees forming a dense vegetative buffer. Screened fencing at this time is not needed.



Pedestrian accessibility:

Sidewalks are constructed along E. 11th Street but do not extend along the access easement to this property. This use is not associated with a high level of pedestrian activity nor would it be considered a pedestrian destination. The interior site circulation is not intended for pedestrians. The site is designed to provide small vehicles customer access to the facility on the south and east side of the property and heavier truck traffic and vehicular circulation in the central part of the site. Minimal pedestrian areas are provided along the recycling building and the parking area to accommodate small volume customers.

D. Landscaping and Screening

Street Trees:

This property does not include frontage along any public street. This standard is not applicable to this property.

Interior Landscaping

A total of 9 parking spaces are required for this use. The site plan shows a total of 11 spaces provided. A total of 440 SF of interior green space is required for this development. The plan indicates that a total of 407 SF of interior green space is provided. The revised site plan provides interior landscaping for a site that has none currently. The excess spaces result from the configuration of the existing building and provide definition to the site that is currently lacking. Providing 33 additional square feet of interior landscaping should not be onerous given the size of the property. Staff recommends a condition that would require revising the site plan and installing the code required amount of landscaping.

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. This site does not include frontage to a public street. Access is accommodated via a platted access easement across adjacent property to E 11th Street.

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. A note to this effect is included on the face of the site plan.

E. Lighting

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 not encumbered by the regulatory floodplain. A local floodplain development permit is not required for this property.

Conclusion

The proposed Special Use Permit addresses the exterior storage activity related to this use. The applicant intends to use existing buildings and structures for the operation. The site plan also indicates future site improvements that include enclosing the structure on the north end and providing a larger enclosed space. A revised site plan would be required for any additional future improvements to ensure compliance with the overall use of the site and to update the required parking for the site as applicable.

The location of this property, within an industrial corridor and along the railroad right-of-way, is suited for the proposed use with minimal improvements to the site and with little adverse impact to the surrounding neighborhoods with the proposed conditions of approval.