

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item:

PC Staff Report
12/10/12

**ITEM NO. 2: SPECIAL USE PERMIT; METERING STATION; 4100 O'CONNELL RD
(MKM)**

SUP-12-00220: Consider a Special Use Permit for Baldwin City and RWD#4 Metering Station, a Minor Utility, located at 4100 O'Connell Rd. Submitted by the City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of SUP-12-00220, a Special Use Permit for Baldwin City and RWD No. 4 Metering Station, a *minor utility*, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Provision of a revised Special Use Permit plan with the following changes:
 - a. The site summary table revised to include only the building and pavement areas as impervious surface.
 - b. If the Board of Zoning Appeals approves the variance from the Floodplain Management Regulations a note indicating the variance and the date of approval should be added. If the variance is not approved, the plan should be revised to remove the fill from the setback.
2. A copy of the recorded access easement shall be provided to the Planning Office prior to the release of the SUP plans for building permits and the book and page number shall be noted on the plan.
3. Approval of the Special Use Permit is contingent upon approval of a Floodplain Development Permit. The SUP will be released to Development Services for a building permit following the approval of a Floodplain Development Permit.

Applicant's Reason for Request: *“SUP required to obtain building permit for proposed metering station.”*

KEY POINTS

- The proposed metering station is a *minor utility* which serves more than one specific development; therefore approval is required through a Special Use Permit per Section 20-530 of the Development Code.
- The proposal is to relocate the existing metering station from its current location near 31st Street and Haskell Avenue in anticipation of the construction of the South Lawrence Trafficway.
- The improvements will be located on approximately 22,400 sq ft within the 536 acre site which has been annexed and rezoned to accommodate the Wakarusa Water Reclamation Facility. (Figure 1)

FACTORS TO CONSIDER

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

ASSOCIATED CASES/OTHER ACTION REQUIRED

- A-04-02-07, Annexation request for approximately 536 acres to accommodate the Wakarusa Water Reclamation Facility. Approved by City Commission on October 9, 2007. Annexation Ordinance 8181.
- Z-08-16-07, Rezoning of approximately 536 acres from A and V-C to GPI-FP (General Public and Institutional Uses and Floodplain Management Regulations Overlay) District to accommodate the Wakarusa Water Reclamation Facility. Approved by City Commission on October 9, 2007. Rezoning Ordinance 8187.
- PP-04-04-07, Preliminary Plat for Wakarusa Water Reclamation Facility property. Approved by Planning Commission on May 23, 2007. City Commission accepted dedications on October 9, 2007. City Commission approval expired as conditions were not met and a final plat was not submitted prior to October 9, 2008.
- SUP-04-04-07, Special Use Permit application for Wakarusa Water Reclamation Facility. City Commission approved on October 9, 2007 with conditions. Approval expired on October 9, 2008 as a building permit had not been obtained within the required timeframe.
- B-12-00268, Variance from the requirements in Article 12 to allow fill to be placed within the setback. This variance is scheduled for the Board of Zoning Appeals December 6, 2012 meeting.

Other action required:

- City Commission approval of the Special Use Permit and adoption of ordinance.
- Publication of Special Use Permit ordinance.
- Administrative review and approval of Floodplain Development Permit.
- Variance from the Floodplain Management Regulations.
- Release of Special Use Permit site plan to Development Services for Building Permits.
- Recording of access easement for the subject property.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for project.
- *Downstream Sanitary Sewer Analysis* – The City Utility Engineer indicated that a DSSA is not required.
- *Drainage Study* – A drainage study is not required for this project as downstream flooding is entirely confined within the limits of the 100-year floodplain as defined by the Federal Flood Insurance Study (FIS) current at the time the development is proposed. [Stormwater Management Criteria Section 1.6.E.2.a]
- *Retail Market Study* – Not applicable to project.

PUBLIC COMMENT

No public comment was received prior to the printing of this staff report.

GENERAL INFORMATION

Current Zoning and Land Use:

GPI-FP (General Public and Institutional Uses and Floodplain Management Regulations Overlay) District; agriculture.

Surrounding Zoning and Land Use:

To the north and east within the Wakarusa Water Reclamation Facility (WWRF) property:
GPI-FP (General Public Institutional Uses and Floodplain Management Regulations Overlay) District;

agriculture.

To the north and east beyond the WWRF property:
V-C (County-Valley Channel), F-W (Floodway Overlay) and F-F (Floodway Fringe Overlay) Districts;
agriculture with scattered rural residences.

To the south and west:

A (Agricultural) and V-C (County-Valley Channel) F-W (Floodway Overlay) and F-F (Floodway Fringe Overlay) Districts; agriculture.

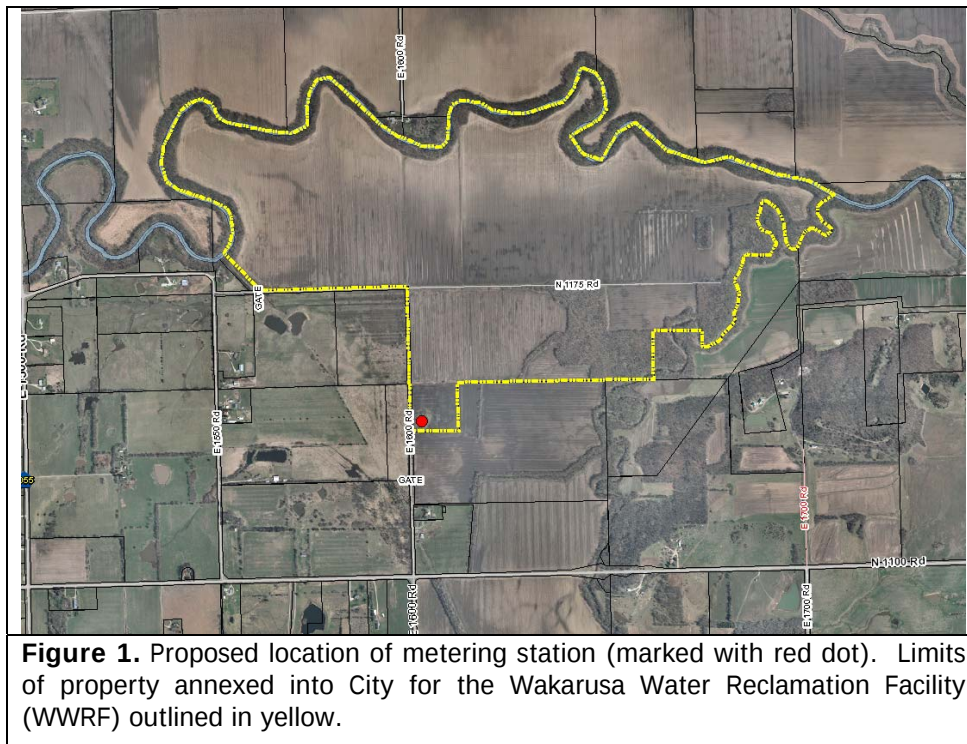


Figure 1. Proposed location of metering station (marked with red dot). Limits of property annexed into City for the Wakarusa Water Reclamation Facility (WWRF) outlined in yellow.

Summary of Special Use

The Baldwin City and Rural Water District No. 4 Metering Station is currently located in an underground vault near the intersection of E 31st Street and Haskell Avenue. The station is being moved to the south due to changes being made with the construction of the South Lawrence Trafficway.

The metering station 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:	Approx. 536 Acres	Approx. 536 Acres	-
Site Area (sq ft):	22,400	22,400	-
Total Impervious Area (sq ft):	0	650 (2.9% of site area)	+ 650 sq ft
Total Pervious Area (sq ft):	22,400	21,750 sq ft	- 650 sq ft

Site Plan Review

The metering station will be located at the southern tip of the property which was annexed and rezoned in 2007 to accommodate the Wakarusa Water Reclamation Facility (WWRF). The metering equipment will be located in a structure which will be sold to the City of Baldwin City and Rural Water District No. 4 and a Permanent Access Easement will be dedicated to allow Rural Water District No. 4 and Baldwin City access to the metering station. A copy of the permanent access easement should be provided for the file and the recording information included on the SUP plan.

Floodplain encumbers the entire WWRF property. Fill will be placed on the property to allow the station to be elevated above the floodplain. A Floodplain Development Permit is required for the addition of fill and the construction of the new facility. As fill is proposed within the required 40 ft setback, a variance from the Floodplain Management Regulations has been requested. The Board of Zoning Appeals will consider this variance at their December 6, 2012 meeting. If the variance is approved it should be noted on the plan.

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

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

The proposed use, a *minor utility* which serves more than one subdivision, is an allowed use in the GPI (General Public and Institutional Uses) District subject to Special Use Permit approval. As the property is encumbered with the Regulatory Floodplain, a Floodplain Development Permit is required per Section 20-1203 and must be approved prior to any development activity.

A minimum of one off-street parking space is required for *minor utilities*. The site will be accessed by utility trucks for routine maintenance and there will be no employees regularly on site; therefore, only one parking space is required. One parking space is provided on the site plan. The Development Code prohibits parking areas within 15 ft of the street right-of-way and this parking space is not within that setback.

A photometric plan is not required as no exterior lighting will be utilized with this facility.

The setbacks in the GPI District are as follows: Front—40 ft from the right-of-way; Interior boundary abutting non-residential—15 ft. The structure is shown outside of these setbacks on the plan.

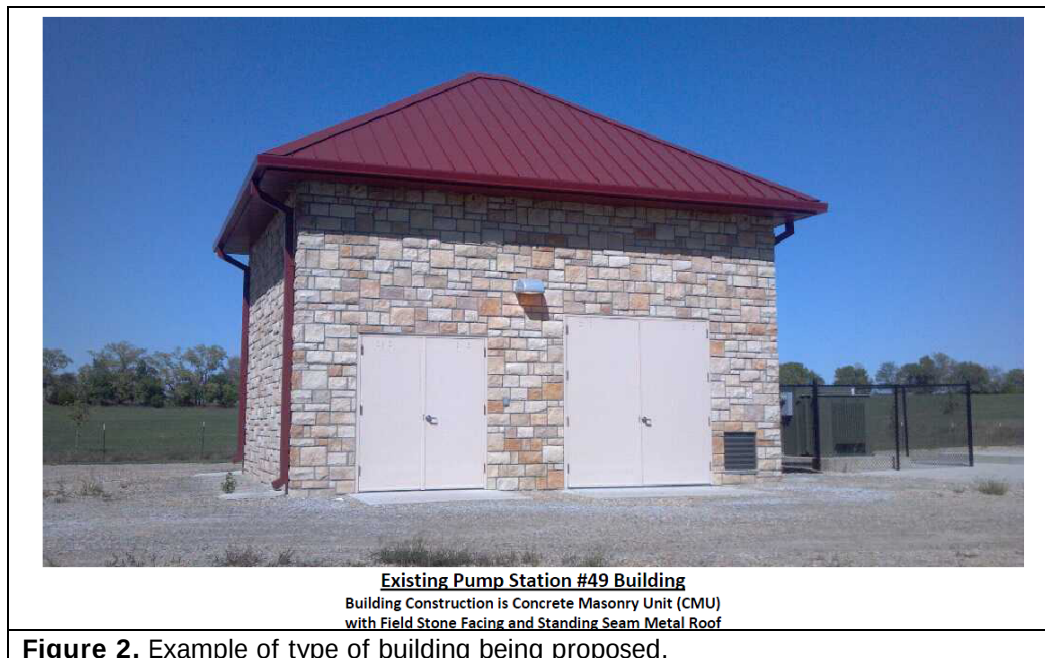
The subject property is not a platted lot or tract. The land has not been in this configuration since the adoption of the Subdivision Regulations in 2006 so platting would typically be required. However, given the unique circumstances in this case: that the *minor utility* must be relocated due to the approaching construction of the South Lawrence Trafficway, and that the Wakarusa

Water Reclamation Facility property will be platted when the City determines it is appropriate to move ahead with the development of the facility, the Planning Director determined it would not be appropriate to require the platting of the 536 acre property at this time. Street trees will be required along E 1600 Road when the property is platted. Landscaping is typically installed to screen the facility from the adjacent roadway or residences. E 1600 Road is gated south of this property so the only traffic to this facility will be the water district or city maintenance vehicles. Existing vegetation will be retained on site to provide screening from the south. The nearest residence to the west is approximately 2000 ft away and is oriented away from the facility. No screening is required along E 1600 Road with this SUP.

Staff Finding – The Special Use Permit site plan complies with the requirements set out in the Development Code.

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

This site was rezoned to the GPI (General Public and Institutional Uses) District to accommodate a water reclamation facility, a *major utility*. An SUP allows the design and configuration of the site to be tailored to minimize any negative impacts to the area. No exterior lighting is being proposed for this facility. There should be no noise present, as the facility does not include a pump or other mechanical equipment. This facility will meter potable water being purchased from the City of Lawrence by Rural Water District No. 4 and the City of Baldwin City; therefore, there should be no odor associated with the use. The use should generate only occasional traffic with 1 maintenance trip per month being typical. An example of the structure being constructed is provided in Figure 2.



Staff Finding – The proposed metering facility will have minimal external impacts and 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

The metering facility will be located on land which has zoning approval for a water reclamation facility. The facility will not have external lighting, will generate very low traffic, (is expected to have 1 maintenance visit per month), and will not generate noise or odor.

Staff Finding – The metering facility 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 metering facility is a public service intended to serve the area within the Rural Water District 4 boundaries and Baldwin City. Westar indicated they currently have no power at this site but will be able to provide service.

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: *"The proposed use for this project is a minor utility use which will include the construction of a metering station to provide potable water service to both Rural Water District #4 and the City of Baldwin. The proposed metering station will contain piping, water meters, backflow prevention assemblies, and electronic control (SCADA) equipment. No chemicals or hazardous materials of any kind will be stored on site. In the event of a pipe failure the only material discharged to the environment would be potable water which would not result in adverse effects to the natural environment. Additionally, the project site, while completely encumbered by floodplain, has been designed such that the amount of impervious surface being added and planned area of disturbance during construction activities has been kept to a minimum."*

Staff Finding – The proposed use 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. The metering 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; therefore, it would not be appropriate to place a time limit on this use.

Conclusion

The proposed metering station will maintain the provision of clean drinking water to the Baldwin City and Rural Water District No. 4 by relocating the facility south of the proposed construction of the South Lawrence Trafficway. The use is compatible with, and appropriate for, this location and staff recommends approval of the Special Use Permit with the conditions noted.