PLANNING COMMISSION REPORT
REGULAR AGENDA -- NON-PUBLIC HEARING ITEM:

PC Staff Report
04/25/16

ITEM NO. 5B: PRELIMINARY PLAT FOR KING’S RECYCLE CENTER; N 1300 RD & E 1750 RD (MKM)

PP-16-00068: Consider a Preliminary Plat for Four King’s Subdivision, an industrial subdivision containing approximately 77.5 acres, located at N 1300 Rd & E 1750 Rd. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record.

STAFF RECOMMENDATION:
In keeping with staff’s recommendation for the denial of the I-3 rezoning request associated with this Preliminary Plat, staff recommends the denial of the Preliminary Plat for the Four Kings Subdivision.

ALTERNATIVE RECOMMENDATION:
If the Planning Commission determines the rezoning request to the I-3 District is appropriate; staff would recommend the approval of the Preliminary Plat of the Four King’s Subdivision.

Attachments:
Attachment A --- Preliminary Plat

Reason for Request: The property is being platted to accommodate development of a construction material recycling facility.

KEY POINTS
- In the unincorporated portion of Douglas County, a property without a vested right to a building permit must be subdivided through the platting process to be eligible for a building permit for a non-residential use.
- Staff is recommending denial of the associated rezoning request to the I-3 (Heavy Industrial) District. The following review and recommendation are being provided in the event the Planning Commission finds the rezoning request appropriate and votes to forward the rezoning to the Board of County Commissioners with a recommendation for approval.
- The continued use of the borrow pit would require approval of a Conditional Use Permit for a Mining and Excavation use in any zoning district. The existing residence would require approval of a Conditional Use Permit for a Single Family Residence in an Industrial District if the property is rezoned to I-3. The proposed construction material recycling facility and truck storage area are both permitted in the I-3 District and would require approval of a site plan. The plans submitted for this project includes all the uses and serves as both the Conditional Use Plan and the Site Plan.

SUBDIVISION CITATIONS TO CONSIDER
- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective December 31, 2006.
• Section 20-813 (Section 12-113 of the County Code) states that building permits in the unincorporated area of the county may be issued only for platted lots, vested land divisions or Residential Development Parcels. As the proposal is to use only a portion of the parcel, platting is necessary for the proposed development.

ASSOCIATED CASES/OTHER ACTION REQUIRED
• Board of County Commissioners approval of rezoning, Z-16-00067, from A and V-C to the I-3 District and adoption of rezoning resolution.
• Final Plat submitted to Planning Office for administrative approval, placement on the County Commission agenda for acceptance of right-of-way and easements, and recordation at the Douglas County Register of Deeds.
• Board of County Commissioners approval of plans for the Conditional Uses, Single-Family Residence in an Industrial District, and Mining and Excavation (borrow pit) and the uses which are permitted in the I-3 District, Recycling Facility and Truck Storage.

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

Site Summary
<table>
<thead>
<tr>
<th>Description</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Area</td>
<td>77.564 acres</td>
</tr>
<tr>
<td>Right-of-Way</td>
<td>2.842 acres</td>
</tr>
<tr>
<td>Net Area</td>
<td>74.722 acres</td>
</tr>
<tr>
<td>Number of Lots</td>
<td>1</td>
</tr>
</tbody>
</table>

GENERAL INFORMATION
Current Zoning and Land Use: A (County-Agricultural) and V-C (County-Valley Channel) Districts with F-F (County-Floodway Fringe Overlay) District; Residential Detached Dwelling, Mining and Excavation (borrow pit), and Agriculture. A rezoning request to the I-3 (Heavy Industrial) District has been submitted and is being considered by the Planning Commission at their April meeting concurrently with this preliminary plat.

Surrounding Zoning and Land Use: To the north:
A (County-Agricultural) District with F-F (Floodway Fringe) Overlay District / and GPI (City-General Public and Institutional Uses) District; Agriculture, Residential Detached Dwelling, undeveloped City park, the SLT/K10 Highway, / and a sanitary sewer pump station, a Minor Utility, in the GPI District.

To the west:
A (County-Agricultural) and V-C (County-Valley Channel) Districts with F-F (Floodway Fringe) Overlay District; Agriculture, the SLT/K-10 Highway, and Residential Detached Dwelling.
To the east:
A (County-Agricultural) and V-C (County-Valley Channel) Districts with F-F (Floodway Fringe) Overlay District; Agriculture, northern parcel has Conditional Use approval for a soccer facility, Athletic Field.

To the south:
V-C (County-Valley Channel) Districts with F-F (Floodway Fringe) and F-W (Floodway) Overlay Districts / and GPI-FP (City-General Public and Institutional Uses with Floodplain Management Regulations Overlay District); Agriculture, the Wakarusa River corridor / and a City Wastewater Treatment Facility, a Major Utility, currently under development in the GPI-FP District.

(Figures 2a – 2c)

**STAFF REVIEW**
The subject property contains approximately 77.5 acres and is located in the southwest corner of the intersection of N 1300 and E 1750 Roads. The SLT/K-10 Highway which was recently constructed in the area divided the quarter section owned by the property owners resulting in two vested parcels, a 13 acre parcel northwest of the highway and a 124.75 acre parcel south of the highway. The property owners intend to divide the southern parcel into 2 parcels. The northern portion, approximately 77.5 acres is the subject of this plat. The southern portion, approximately 47.25 acres, will not be

![Figure 2a](image) Property is currently zoned A (Agriculture) and V-C (Valley Channel).

![Figure 2b](image) F-F (Floodway Fringe Overlay) District.
F-W (Floodway Overlay) District.

![Figure 2c](image) Rezoning Request is for I-3 (Heavy Industrial) District.
subdivided at this time but will remain in agricultural production. This plat will create one lot for a mix of uses: residential, construction materials recycling facility, borrow pit, and truck storage.

**Zoning and Land Use**
As noted earlier, a rezoning request to the I-3 (Heavy Industrial) District has been submitted for the subject property and is being considered at the April Planning Commission meeting concurrently with the Preliminary Plat.

The subject property is currently zoned A (Agricultural) and V-C (Valley Channel) Districts. The southern part of the property is encumbered with the F-F (Regulatory Floodway Fringe Overlay) District. The proposed rezoning, if approved, would change the A and V-C zoning on the subject property to I-3 (Heavy Industrial).

**Zoning and Land Use of Surrounding Area:**
The surrounding area is zoned A (Agricultural) and V-C (Valley Channel) with the F-F (Floodway Fringe) Overlay Zoning in the area (Figure 2). The property marked with a star in Figure 2c received County Commission approval of a Conditional Use Permit for Athletic Fields, a soccer complex. The parcel marked with a circle is future city parkland. A wildlife conservation area is located to the east of the approved soccer facility. The surrounding area is used primarily for agriculture, and residential uses and recreational uses are approved for the area.

**Compliance with Zoning Regulations for the I-3 District**
As shown in the table to the right, the proposed lot meets or exceeds the dimensional requirements for the I-3 District. (Table 3)

<table>
<thead>
<tr>
<th>Table 1. I-3 District Height, Area, and Bulk Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Required</strong></td>
</tr>
<tr>
<td>Minimum Lot Area</td>
</tr>
<tr>
<td>Minimum Lot Width at Right-of-Way</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
</tr>
</tbody>
</table>

**Streets and Access**
N 1300 Road is a full maintenance road classified as a Principal Arterial; however, it is currently developed as a two lane blacktop road. The recycling facility and borrow pit traffic will access the site from N 1300 Road. Plans have been approved for the future extension of 31st Street through the area. Where 31st Street will cross the subject property (northeast corner) additional right-of-way is being dedicated to accommodate the realignment of 31st Street, per the County Engineer’s recommendation. E 1750 Road is classified as a Major Collector and will continue to be used for access to the existing residence.

**Utilities and Infrastructure**
The property is not currently served by a Rural Water District and will use well water. The information the applicant provided to the Lawrence-Douglas County Health Department noted that the recycling facility will have one restroom in the office. There will be one toilet and one sink. The office will also have a break room with a sink. The water usage is 4.2 gpm. The applicant indicated that the rock crusher has a storage tank for water if it is needed. If they do need water, they will pump water from the existing ponds on site. The water usage of the existing residence will not change. The water usage will be limited until such time as the site is served by Rural Water. This limitation will be noted on the CUP/site plan.
Sewage management for the existing residence is provided by a septic system. A separate septic system will be provided for the restroom in the office, per the Douglas County Sanitary Code, and the location is shown on the plan.

**Easements and Rights-of-way**

The property is bounded on the northwest by the SLT/K-10 Highway. Right-of-way was acquired for the construction of the highway and no additional right-of-way is required at this time. The north property line of the subject property has frontage on N 1300 Road which is classified as a Principal Arterial. The Subdivision Design Standards require 120 ft of right-of-way for a Principal Arterial without a median. The County Engineer required additional right-of-way for N 1300 Road to allow for the future realignment when 31st Street is extended through the area. 200 ft of right-of-way is being dedicated from the centerline of N 1300 Road; however, due to the location of the SLT/K10 right-of-way, the right-of-way width varies in this area. The east side of the property has frontage on E 1750 Road which is classified as a Major Collector. The Subdivision Design Standards require 80 ft of right-of-way for Major Collectors. One-half the required right-of-way, 40 ft, is being dedicated with this plat. (Figure 3)

The plat notes an existing easement that was provided for Public Wholesale Water Supply District No. 25 in the northeast corner of the property. This easement has been dedicated by separate instrument. No easements are being dedicated with this plat.

**Preliminary Plat Conformance**

The preliminary plat will create one lot to allow for the development of a construction material recycling facility and borrow pit. The preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Zoning Regulations.
Z-16-00067: Rezone Approximately 77.5 acres from County A District and County VC District to County I-3 District
PP-16-00068: Preliminary Plat for Four King’s Subdivision
CUP-16-00069: Conditional Use Permit for King’s Recycling Center
Located on the Southwest Corner of E 1750 Road and N 1300 Road

Lawrence-Douglas County Planning Office
April 2016