

**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**

Gross Area: 77.564 acres  
Right-of-Way: 2.842 acres  
Net Area: 74.722 acres  
Number of Lots: 1

### **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*.

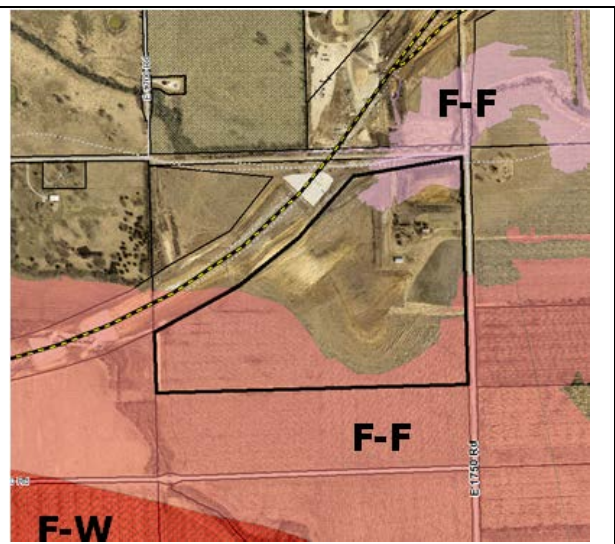
To the south:

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)



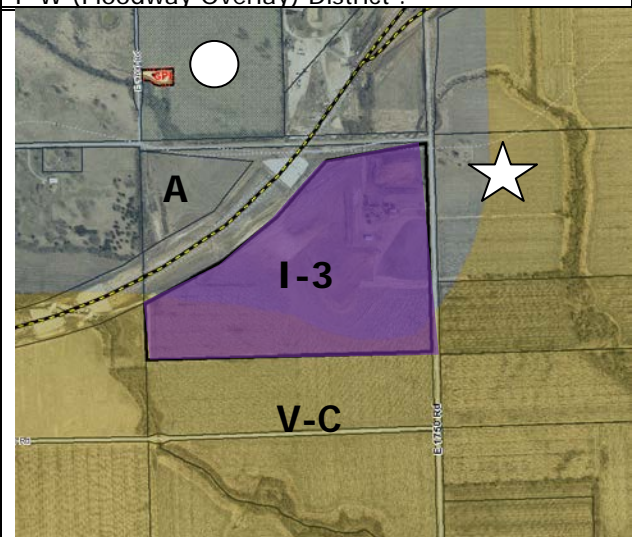
**Figure 2a.** Property is currently zoned A (Agriculture) and V-C (Valley Channel).



**Figure 2b.** F-F (Floodway Fringe Overlay) District. F-W (Floodway Overlay) District.

### 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 2c.** 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)

<b>Table 1. I-3 District Height, Area, and Bulk Standards</b>		
	<b>Required</b>	<b>Provided</b>
<b>Minimum Lot Area</b>	15,000 sq ft	77.564 acres
<b>Minimum Lot Width at Right-of-Way</b>	100 ft	951.38 ft
<b>Minimum Lot Depth</b>	150 ft	1,280 ft

### **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 31<sup>st</sup> Street through the area. Where 31<sup>st</sup> Street will cross the subject property (northeast corner) additional right-of-way is being dedicated to accommodate the realignment of 31<sup>st</sup> 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.

## Easements and Rights-of-way

**Figure 3.** Right of way. Existing right-of-way for the SLT/K10 highway in tan. Right-of-way being dedicated with this plat for N 1300 and E 1750 Roads in orange.

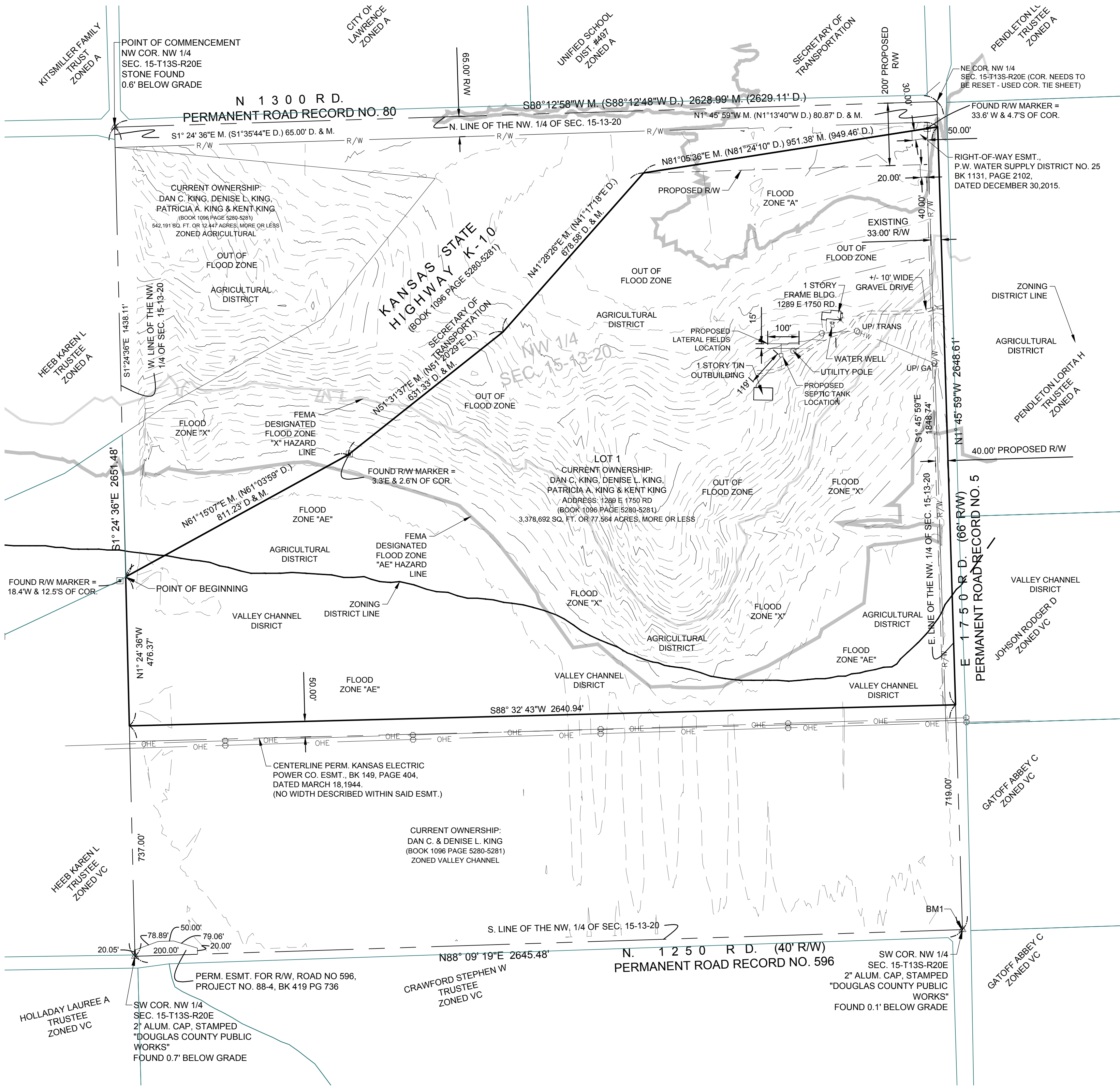
however, due to the location of the SLT/K10 right-of-way, the right-of-way width varies in this area. The east side of the property has frontage on E 1750 Road which is classified as a Major Collector. The Subdivision Design Standards require 80 ft of right-of-way for Major Collectors. One-half the required 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.





## Legend

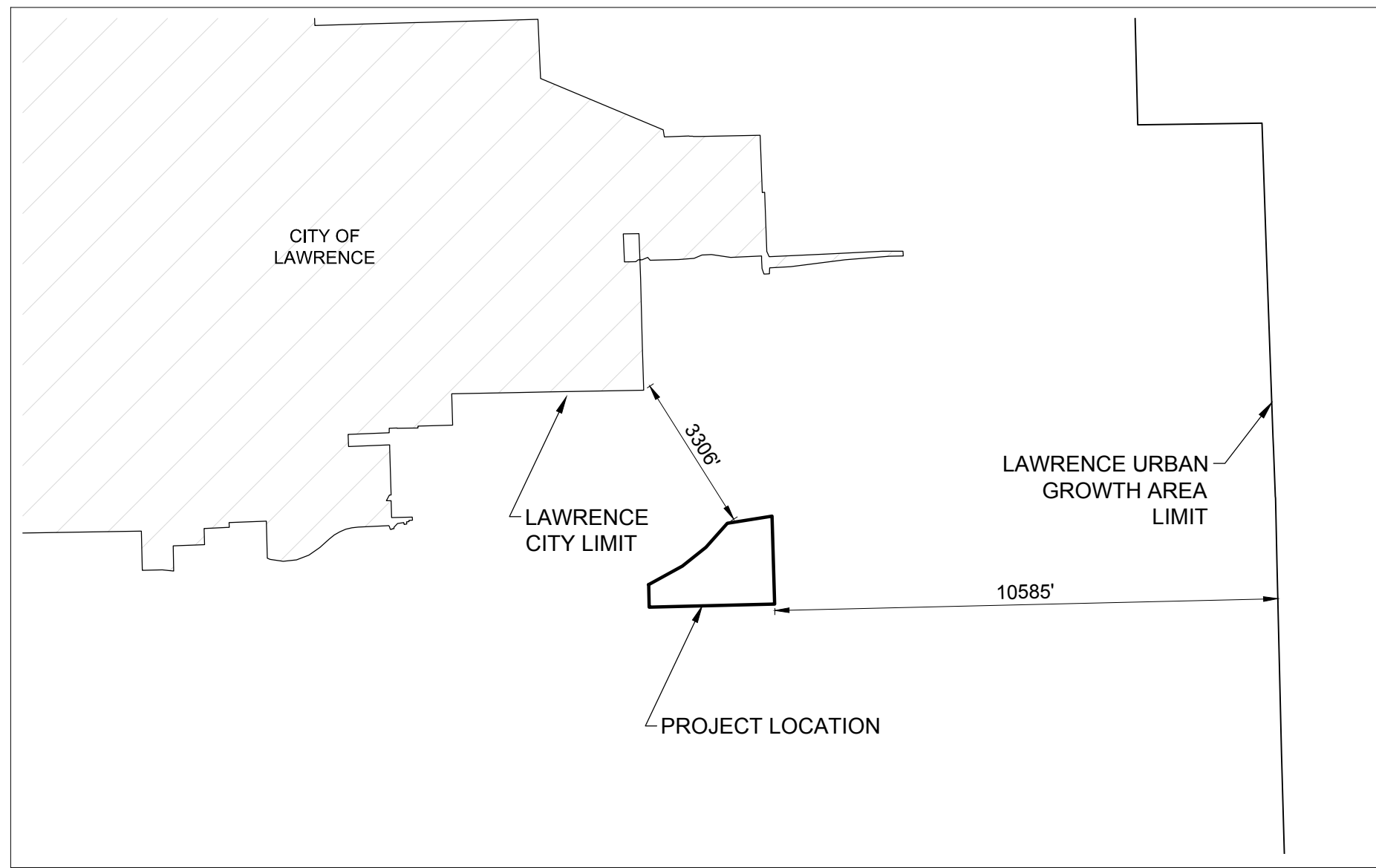
- UTILITY POLE  
■ R/W MARKER
- FLOOD ZONE AE: SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD (BASE FLOOD ELEVATIONS DETERMINED)
- FLOOD ZONE A: SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD (NO BASE FLOOD ELEVATIONS DETERMINED)
- FLOOD ZONE X: AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

## Benchmarks

BM1 2" ALUM. CAP. STAMPED "DOUGLAS COUNTY PUBLIC WORKS" AT THE SOUTHWEST CORNER OF THE NORTHWEST CORNER OF SECTION 15-T13S-R20E

SCALE: 1" = 200'

## GENERAL MAP:



## General Notes

- OWNER: DAN C. KING, DENISE L. KING, PATRICIA A. KING, KENT KING  
1310 MAKARUSA DRIVE  
2015 WALNUT STREET  
OSKALOOSA, KANSAS 66066-4000
- LAND PLANNER/ENGINEER: LANDPLAN ENGINEERING, P.A.  
1310 MAKARUSA DRIVE  
LAWRENCE, KS 66049
  - TOPOGRAPHIC INFORMATION OBTAINED FROM 2012 DOUGLAS COUNTY LIDAR AERIAL DATA.
  - EXISTING LAND USE: BORROW PIT / AGRICULTURAL
  - PROPOSED LAND USE: RECYCLE CENTER; AGRICULTURAL/SINGLE FAMILY HOME/BORROW PIT
  - EXISTING ZONING: AGRICULTURAL / VALLEY CHANNEL
  - PROPOSED ZONING: L-3
  - PROPOSED OPERATION OF THE BORROW PIT / RECYCLE CENTER REMOVE MATERIAL FROM BORROW PIT, DELIVER TO CONSTRUCTION SITE, DEVELOP POND, STABILIZE ALL DISTURBED AREAS, RECYCLE CONSTRUCTION MATERIAL (CONCRETE, BRICK, ASPHALT, CONCRETE BLOCKS, STONE)
  - A STORMWATER POLLUTION PREVENTION PLAN (SWP3) HAS BEEN SUBMITTED TO KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) AND IS ON FILE.
  - A KANSAS DEPARTMENT OF AGRICULTURE, DIVISION OF WATER RESOURCES PERMIT IS NOT REQUIRED AS ONLY BORROW, NO FILL, WILL OCCUR AT THE SITE.
  - TYPICAL SOIL TYPES: PAWNEE CLAY LOAM, 1 TO 3 PERCENT SLOPES - PAWNEE CLAY LOAM, 3 TO 7 PERCENT SLOPES - PAWNEE CLAY LOAM, 3 TO 7 PERCENT SLOPES, ERODED - WABASH SILTY CLAY LOAM, OCCASIONALLY FLOODED - WABASH SILTY CLAY, OCCASIONALLY FLOODED - SIBLEYVILLE LOAM, 3 TO 7 PERCENT SLOPES
  - ALL NEW TELEPHONE, CABLE TELEVISION AND ELECTRIC LINES (EXCEPT HIGH VOLTAGE LINES) WILL BE LOCATED UNDERGROUND, PER SECTION 20-809(F)(4)(v) OF THE CITY CODE

## Site Summary

GROSS AREA:	3,378,692 SF / 77.564 AC
RIGHT-OF-WAY AREA:	123,818 SF / 2.842 AC
NET AREA:	3,254,874 SF / 74.722 AC
AVG. LOT SIZE:	3,254,874 SF / 74.722 AC
TOTAL LOTS:	1

## Legal Description

### LOT 1

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 20 EAST IN DOUGLAS COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE SOUTH 01 DEGREE 24 MINUTES 36 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 1438.11 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF KANSAS HIGHWAY K-10 AS DESCRIBED IN GENERAL WARRANTY DEED, BOOK 1096 AT PAGE 5280-5281, DATED JANUARY 8TH, 2013 RECORDED IN SAID COUNTY AND STATE AND THE POINT OF BEGINNING; THENCE NORTH 61 DEGREES 15 MINUTES 07 SECONDS EAST ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 811.23 FEET; THENCE NORTH 51 DEGREES 31 MINUTES 37 SECONDS EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 631.33 FEET; THENCE NORTH 41 DEGREES 28 MINUTES 26 SECONDS EAST CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 878.58 FEET; THENCE NORTH 81 DEGREES 05 MINUTES 36 SECONDS EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 951.38 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, ALSO BEING 80.87 FEET SOUTH OF THE NORTHEAST CORNER THEREOF; THENCE SOUTH 01 DEGREE 45 MINUTES 59 SECONDS EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 1848.74 FEET TO A POINT 50 FEET NORTHERLY OF THE CENTERLINE OF A KANSAS ELECTRIC POWER COMPANY EASEMENT, AS DESCRIBED IN BOOK 149 AT PAGE 404, DATED MARCH 18, 1944 AND RECORDED IN SAID COUNTY AND STATE (NO WIDTH DESCRIBED IN SAID EASEMENT); THENCE SOUTH 88 DEGREES 32 MINUTES 43 SECONDS WEST, BEING 50 FEET NORTHERLY OF AND PARALLEL WITH THE CENTERLINE OF SAID ELECTRIC EASEMENT, A DISTANCE OF 2640.94 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE NORTH 01 DEGREE 24 MINUTES 36 SECONDS WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 476.37 FEET TO THE POINT OF BEGINNING, CONTAINING 3,378,692 SQUARE FEET OR 77.564 ACRES, MORE OR LESS.

A Preliminary Plat for

FOUR KING'S  
SUBDIVISION

IN THE NORTHWEST QUARTER (NW<sup>1</sup>/<sub>4</sub>)  
OF SECTION 15-T13S-R20E  
DOUGLAS COUNTY, KANSAS



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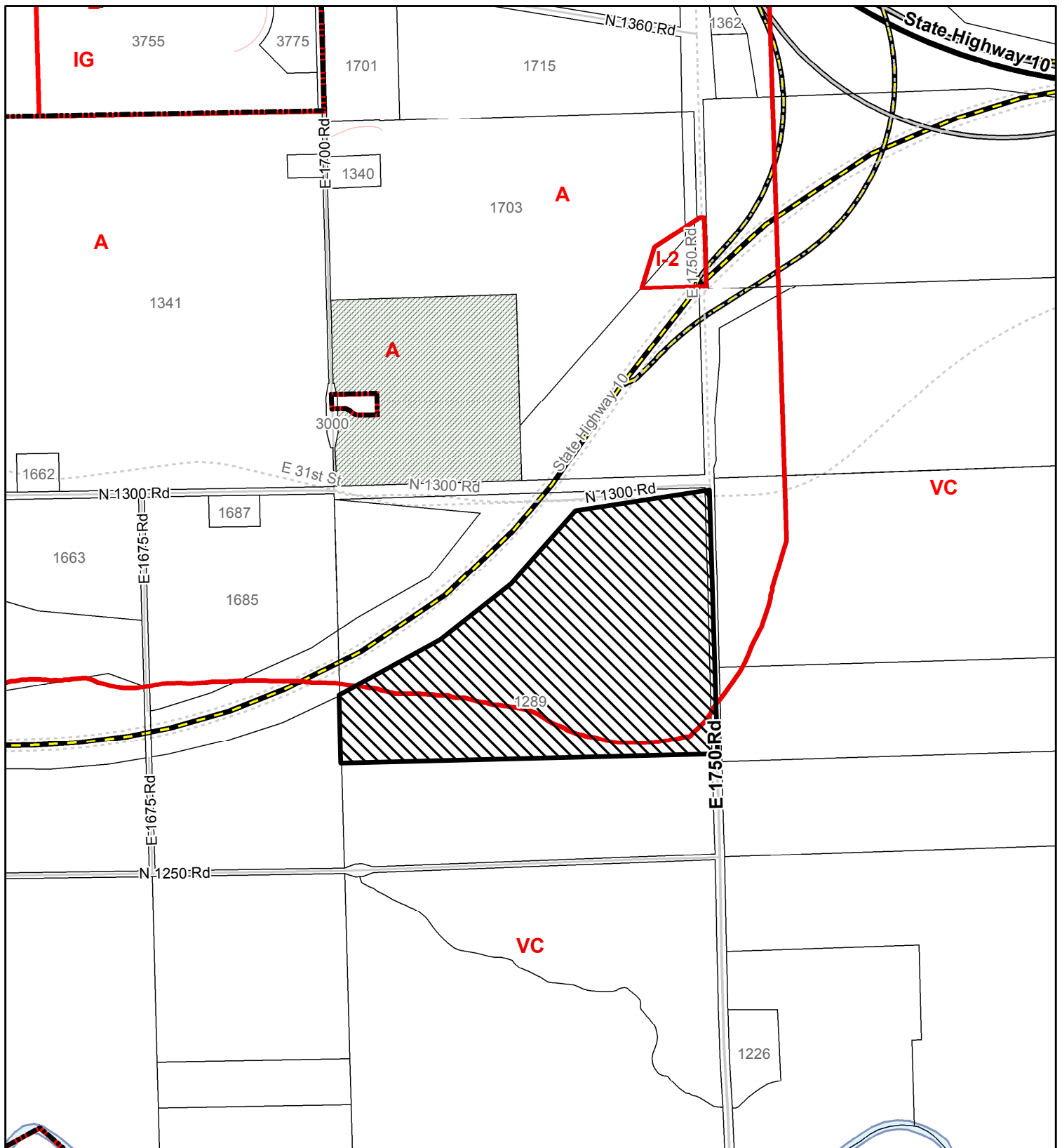
PRELIMINARY PLAT  
FOUR KING'S SUBDIVISION  
IN THE NORTHWEST QUARTER (NW<sup>1</sup>/<sub>4</sub>)  
OF SECTION 15-T13S-R20E  
DOUGLAS COUNTY, KANSAS

REV	DATE	DESCRIPTION
1	2/22/16	ZONING NOTE
2	3/2/16	ADDITIONAL R/W
3	3/9/16	OWNERS UPDATE
4	4/13/16	CITY COMMENTS

DATE:	2/22/2016
PROJECT NO.:	133027
DESIGNED BY:	
DRAWN BY:	DV
CHECKED BY:	JJ

ISSUE	SHEET NO.
A	1
OF	1 SHEETS





**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**