

**PLANNING COMMISSION REPORT**  
**Regular Agenda – Public Hearing Item**

PC Staff Report  
7/22/2015

**ITEM NO. 4      SPECIAL USE PERMIT FOR 1045 PENNSYLVANIA STREET**

**SUP-15-00256:** Consider a Special Use Permit to permit a *Limited Manufacturing and Production* business that will manufacture and sell dog treats on-site in the existing building located at 1045 Pennsylvania Street. Submitted by Gary and Angie Rexroad, property owners of record.

**STAFF RECOMMENDATION:** Planning Staff recommends approval of SUP-15-00256, a Special Use Permit to permit a *Limited Manufacturing and Production* business in the existing building located at 1045 Pennsylvania and forwarding the request to the City Commission with a recommendation of approval.

**Applicant's Reason for Request:** *Bake treats – this is considered production by City Code.*

**ASSOCIATED CASES**

- SP-7-41-93: Site Plan for an appliance repair, sales and service facility located in the existing building at 1045 Pennsylvania Street.
- SP-2-8-98: Site Plan for change of use for L&S Home Improvement Center located at 1045 Pennsylvania Street.
- B-12-37-00: Board of Zoning Appeals side yard setback variance for 1045 Pennsylvania. The approved variance was from the required 12' side yard setback to a minimum of a 5' along the north property line to accommodate a building expansion on the subject property. The variance was approved on September 6, 2001, however the building expansion was not constructed.

**Other Action Required**

- City Commission approval of the Special Use Permit and adoption of ordinance.
- Publication of ordinance.

**KEY POINTS**

- Subject property is zoned CS (Commercial Strip), and previous use included a Home Improvement Center.
- Applicant is proposing to manufacture and sell dog treats on-site, a *Limited Manufacturing and Production* Use. This use is allowed with a Special Use Permit in the CS District.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

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

**ATTACHMENTS**

1. Area Map
2. Site Plan

**GENERAL INFORMATION**

Current Zoning and Land Use:                      CS (Commercial Strip) District; vacant commercial building.

Surrounding Zoning and Land Use: To the north, south, east, & southwest:  
RS5 (Single-Dwelling Residential) District; *Detached Dwellings* and *Social Service Agency*

To the northwest:  
RM12D (Multi-Dwelling Residential) District; *Duplex*

### Summary of Request

The property at 1045 Pennsylvania is zoned CS District. The applicant is proposing to use the existing building for uses that include *Retail Sales and Service*, *Light Warehouse*, and *Limited Manufacturing and Production*. *Retail Sales and Service* and *Light Warehouse* uses are permitted by right in the CS District. The *Limited Manufacturing and Production* use is allowed in the CS District with the approval of a Special Use Permit. The proposed activities would include a retail and pet grooming business, which would be located in the front half of the building. The back half of the building would be used as a storage area for dog food that is associated with the applicant's business, Love Grub. The manufacturing activity would involve baking natural pet treats.

The activities associated with the property will be initiated in a phased approach. Upon occupation of the building, the applicant will proceed with the activities associated with the *Retail Sales and Service* and *Light Warehouse* uses. If the Special Use Permit is approved, the *Limited Manufacturing and Production* use will be pursued at a future point when the steps necessary to obtain a building permit for commercial kitchen equipment can be completed.

Per Section 20-1306(k)(1), a Special Use Permit expires 24 months past the approval date if the property owner fails to obtain a building permit within that timeframe. The applicant intends to pursue the *Limited Manufacturing and Production* use prior to that expiration period.

### Review and Decision-Making Criteria (Land Development Code Section 20-1306(i))

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

Applicant's Response: *N/A*

The proposed use of *Limited Manufacturing and Production* is allowed with a Special Use Permit. There are no applicable use standards (Article 5) that are related to the *Limited Manufacturing and Production* use associated with this operation. The activity associated with this use is located indoors. This use does not include any exterior storage of materials. The applicant has been working with the city's Development Services Staff to address building code requirements separate from the applicable zoning regulations.

**Staff Finding** – The proposed use is allowed in the CS District subject to the approval of a Special Use Permit. This use complies with the applicable provisions of 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

Applicant's Response: *Yes*

The property is zoned Commercial Strip and located in a residential area. The majority of the property is surrounded by *Detached Dwellings*, with the exception of a *Duplex* to the west and a *Social Service Agency* (Penn House) to the north. While the property is situated in a residential area, commercial uses have existed on-site in the past. The existing structure was built in 1955 for the purpose of commercial uses. In 1993, the subject property was site planned for an appliance repair, sales and service facility (SP-7-41-93). Later, in 1998, the property was site planned for a Home Improvement Center.

The applicant has indicated that the activity level on-site will be low for this use. The retail pet supply and pet grooming business that will be located in the front portion of the building will produce the majority of the activity. The applicant also indicated that the use associated with the Special Use Permit (manufacturing of pet treats) will not be noticed or have any impact on the surrounding area.

The Director of Development and Administrative Services with the Ballard Center indicated that the organization is very excited about the pet business moving in next door to the Penn House.

**Staff Finding** – The proposed use is compatible with the adjacent uses in terms of size, massing, orientation, hours of operation and other external impacts.

**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 – Use of now empty building will enhance neighborhood.*

The subject property is zoned CS and has previously contained commercial activities on-site. There are no changes proposed to the building or the subject property with this Special Use Permit application. There will be no adverse effects generated by *the Limited Manufacturing and Production* use associated with the Special Use Permit.

**Staff Finding** – Substantial diminution of other property values in the area is not anticipated.

**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**

**Staff Finding** – The subject property is an existing improved property and no changes to services are being proposed, therefore there is no detrimental impact on public safety, transportation and services.

**5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED**

The proposed request provides an enforceable tool to address the use and continued maintenance of the property with regard to landscaping, exterior activity, and off-street parking.

**Staff Finding** – Adequate assurances of continued maintenance are inherent in the use and the Special Use Permit approval process.

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

Applicant's Response: *No*

The use associated with this Special Use Permit, the production of pet treats, will have minimal impacts on the natural environment. This *Limited Manufacturing and Production* activities is associated with small-scale food production operations. The treats will be baked with natural ingredients in a commercial oven on-site.

**Staff Finding** – The subject property is located within a developed urban neighborhood with no changes to the existing site.

**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**

The requirement for a Special Use Permit is specific to the portion of activity associated with the *Limited Manufacturing and Production* activities on-site. These activities will be small-scale food production, rather than mass production. The limited scale of the activities will have minimal impact to the surrounding area.

**Staff Finding** – Staff does not recommend a time limit on the Special Use Permit.

**STAFF REVIEW**

The following section of this report addresses the existing physical site development of the subject property. There are no proposed changes to the existing site for this use.

**A. Site Summary**

Site Summary	Existing	Proposed
Total area:	11,700 sq. ft.	11,700 sq. ft.
Building:	2,500 sq. ft.	2,500 sq. ft.
Impervious Cover:	8,478 sq. ft.	8,478 sq. ft.
Pervious Cover: Percent:	3,222 sq. ft. 27.5%	3,222 sq. ft. 27.5%

**B. Access and Parking**

***On-site Parking:***

Parking Summary			
Use	Parking Requirements	Spaces Required	Spaces Provided
Retail (~500 sq. ft.)	1/300 sq. ft.	2	14
Warehouse and Manufacturing (~1,730 sq. ft.)	1/1,000 sq. ft. + 1/company vehicle	2+0	

**Access:** Access to this site is provided via a driveway intersecting with Pennsylvania Street, a local street. There is also access from the alley that abuts the property to the west.

Pedestrian access is provided by existing sidewalks along the east and west sides of Pennsylvania Street, and the north side of E 11<sup>th</sup> Street.

### **C. Design Standards**

#### ***Site Design:***

This project does not propose any changes to the physical site.

On June 3, 1993 the Board of Zoning Appeals granted two variances for the subject property. The board granted a variance from the required 15' off-street parking setback from the street right-of-way to a minimum 0'. The Board also granted a variance from the requirement of providing curb and gutter around the perimeter of the parking lot. With these approved variances, the site design complies with the Development Code.

### **D. Landscaping and Screening**

This project does not propose any changes to the landscaping or screening.

### **E. Lighting**

A photometric plan is not required for this special use as no changes are proposed to the existing site or lighting.

### **F. Floodplain**

The property is not located within the regulatory floodplain.

### **CONCLUSION**

Section 20-402 of the Land Development Code requires a Special Use Permit for the *Limited Manufacturing and Production* use in the CS District. The use, as planned, is compatible with this location. Staff recommends approval of the Special Use Permit.

ADDRESS:  
1045 PENNSYLVANIA STREET, LAWRENCE, KANSAS 66044

LEGAL DESCRIPTION:  
LOTS 83 & 85, ORIGINAL TOWN SITE - OREAD ADDITION, CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

TOPOGRAPHY:  
TOPOGRAPHIC INFORMATION TAKEN FROM CURRENT CITY OF LAWRENCE PLANOMETRIC MAPS (2006). TOTAL GRADE CHANGE APPROX 4' ACROSS SITE NE TO SW (-1.54') 2.5% SLOPE.

AREA OF SITE:  
11,700 SF (0.27 ACRES)

CURRENT ZONING:  
CS - COMMERCIAL STRIP

CURRENT USE:  
VACANT

PROPOSED USE:  
RETAIL AND WAREHOUSE.

BUILDING INFORMATION:  
EXISTING 1-STORY BUILDING 2,230 GSF (~1,784 NSF)

PROPERTY SURFACE SUMMARY	
EXISTING	AFTER PROJECT COMPLETION
TOTAL BLDGS:	2,230 SF
TOTAL PAVEMENT:	5,796 SF
TOTAL IMPERVIOUS:	8,478 SF
TOTAL PERVIOUS:	3,222 SF
TOTAL AREA:	11,700 SF

PARKING INFORMATION:  
RETAIL (~500 GSF):  
OFF-STREET PARKING SCHEDULE B:  
1-45,000 GSF REQUIRES 1 SPACE PER 300 GSF.  
-500 GSF/300 GSF= 1.67 ROUNDED TO 2 SPACES REQUIRED.

WAREHOUSE/PRODUCTION (~1,730 GSF):  
OFF-STREET PARKING SCHEDULE C:  
1-20,000 GSF REQUIRES 1 SPACE PER COMPANY VEHICLE + 1 SPACE PER 1,000 GSF.  
-NO COMPANY VEHICLES  
-1,730 GSF/1,000 GSF= 1.73 ROUNDED TO 2 SPACES REQUIRED.

PARKING PROVIDED INCLUDING 1 HANDICAPPED- 14 SPACES

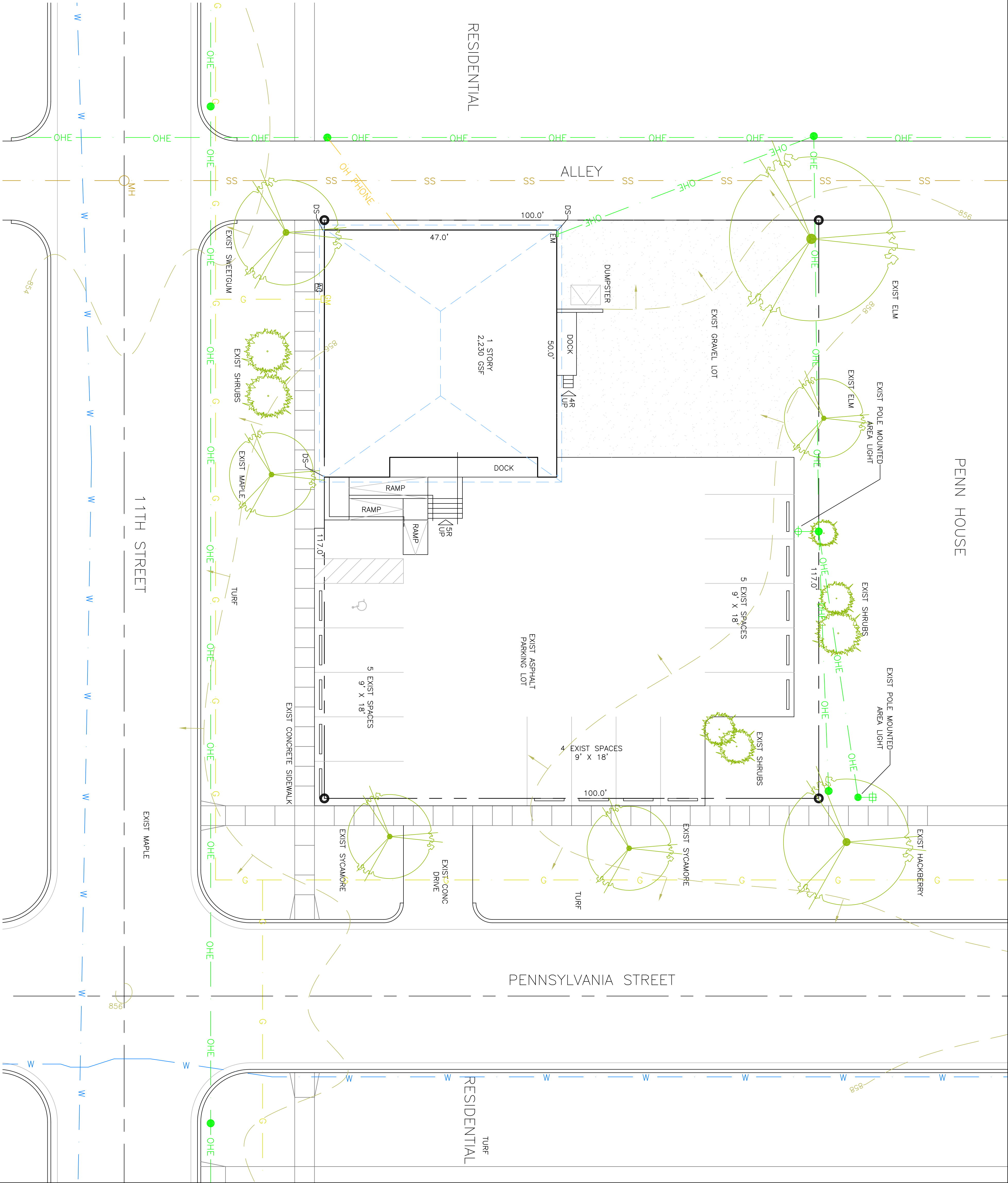
DETENTION CALCULATIONS:			
EXISTING-	AC	%	COEFF.
BUILDING:	0.062	23	0.90
PAVEMENT:	0.133	49	0.85
GRAVEL:	0.051	19	0.70
UNIMPROVED:	0.023	9	0.30
TOTALS:	0.269	100	

Required Volume Detained:  
(0.784 - 0.3) (6.08) (0.269) = 0.792 CFS  
(0.792) (15) (60) = 712.8 CF

PROPOSED:  
RUNOFF TO REMAIN IDENTICAL TO EXISTING; NO DETENTION REQUIRED.

PLANT SCHEDULE:  
RETAIN EXISTING LANDSCAPE, NO NEW LANDSCAPE MATERIALS REQUIRED.

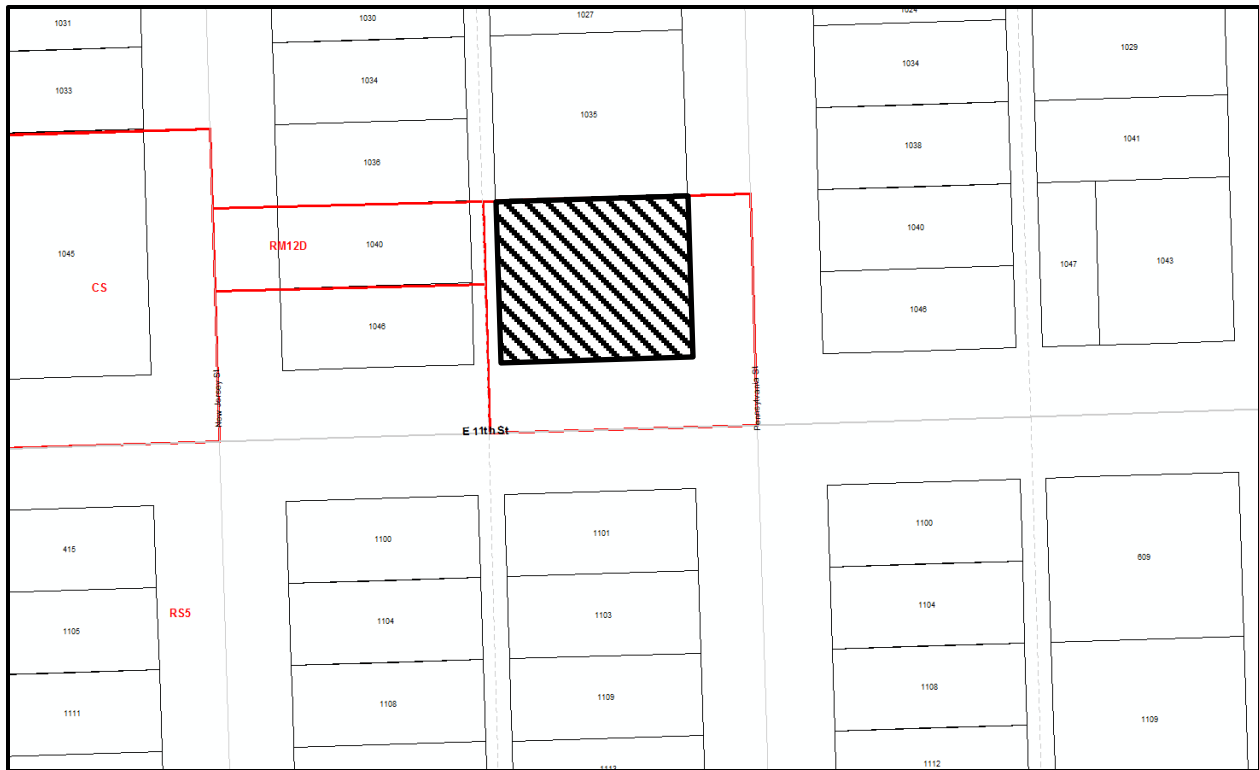
NOTE:  
EXISTING GRADES TO REMAIN UNCHANGED  
THE FOLLOWING VARIANCES (B-5-14-93), GRANTED ON JUNE 3, 1993 BY THE BOARD OF ZONING APPEALS APPLY:  
1.) 15' PARKING SETBACK IS REDUCED TO 0'.  
2.) REQUIRED FOR PARKING PERIMETER CURB AND GUTTER IS WAIVED.



REXROAD APG  
1122 N. El Paso  
Colorado Springs, CO 80903-2500  
719-475-9911

REXROAD PROPERTY MANAGEMENT  
1045 Pennsylvania Street, Lawrence, Kansas, 66044

Date: 1 June 2015  
Revised: 9 July 2015



## SUP-15-00256: Special Use Permit for 1045 Pennsylvania



Subject Property





**SUP-15-00256: Special Use Permit for a Dog Treat Manufacturing Business to be Located at 1045 Pennsylvania Street**

