

PLANNING COMMISSION REPORT
Regular Agenda –Public Hearing Item

PC Staff Report
11/16/15

**ITEM NO. 5 CONDITIONAL USE PERMIT FOR PUBLIC WHOLESALE WATER
SUPPLY DISTRICT NO. 25; E 1300 RD & N 650 RD (MKM)**

CUP-15-00474: Consider a Conditional Use Permit for a Water Storage Tank & Booster Pump Station for Public Wholesale Water Supply District No. 25, on approximately 3 acres in the southeast corner of the intersection of E 1300 Rd & N 650 Rd/County Route 460. Submitted by Public Wholesale Water Supply District No. 25, for Harrison Family Farms LLC, property owner of record, and Public Wholesale Water Supply District No. 25, contract purchaser.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for a Rural Water District standpipe and booster pump station, a *Utility* use, and forwarding it to the Board of County Commissioners with a recommendation for approval based upon the findings of fact in the body of the staff report subject to the following condition:

- a. The Conditional Use shall be administratively reviewed every 5 years.

Reason for Request: *"This 3 acres will be developed into a site for a water tower and a water booster pump station for Public Wholesale Water Supply District No. 25 which will wholesale water to 2 rural water districts in Douglas and Osage Counties."*

KEY POINTS

- The Subdivision Regulations exempt utility uses from the requirement to plat; therefore, the acreage for the water standpipe and booster station can be divided from the larger parcel by survey, without the need for a plat.
- The remainder of the property from which the utility parcel is created will need to be divided in accordance with the Subdivision Regulations in order to develop with any use other than *Agriculture*. Adequate frontage and area remains for future subdivision of the remaining parcel.

ATTACHMENT

- A --CUP Plans

ASSOCIATED CASES

- CUP-13-00281; Conditional Use Permit for Public Wholesale Water Supply District No. 25 water treatment plant at the intersection of E 1750 and N 1500 Roads. A one-year extension for this CUP was approved by the Board of County Commissioners at their October 21, 2015 meeting.

OTHER ACTION REQUIRED

- Approval of the Conditional Use by the Board of County Commissioners.
- Applicant shall obtain a permit for the Conditional Use from the Zoning and Codes Office prior to commencing the use.
- Applicant shall obtain building permits from the Zoning and Codes Office prior to construction of the structures.

PUBLIC COMMENT

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

GENERAL INFORMATION

Current Zoning and Land Use: A (Agricultural) District; *Agriculture*.

Surrounding Zoning and Land Use: A (Agricultural) District; *Agriculture* and *Residential Detached Dwellings*.

F-F (Floodway Fringe Overlay) District to the southwest and southeast.
(Figure 1)

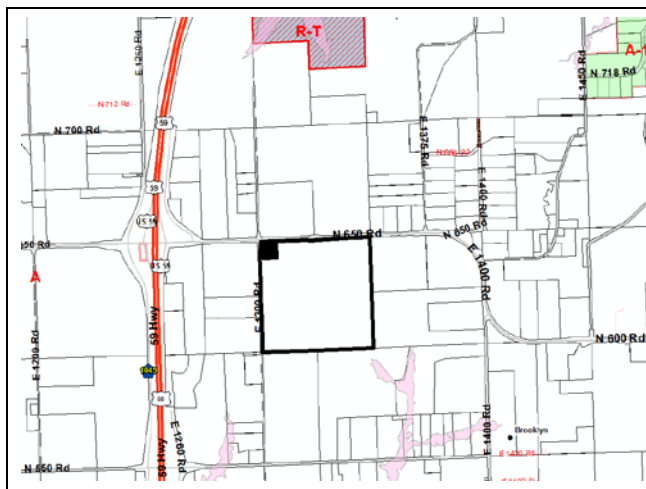


Figure 1a. Zoning of the area: A (Agricultural), A-1 (Suburban Home Residential) District, R-T (Rural Tourism) District. Regulatory floodplain in pink.



Figure 1b. Land use in the area.

Summary of Request

Public Wholesale Water Supply District No. 25 is in the process of developing a water treatment facility and distribution network. They've obtained approval of a Conditional Use Permit to construct a water treatment facility near the intersection of N 1500 and E 1750 Roads. In conjunction with this treatment plant, the water district is in the process of obtaining easements for the extension of water lines through the area. This request is associated with the water treatment plant and will assist in transporting the water through this area of the county.

The water district intends to purchase approximately 3 acres from the Harrison Family Farms LC for their facility. A copy of the executed temporary easement and option to purchase for the purpose of constructing a water standpipe and booster station was provided with the application. The proposed facility includes a 25 ft x 17 ft (425 sq ft) booster pump station which will be approximately 15 ft in height and a 32 ft diameter storage tank, stand pipe, which will be approximately 85 ft in height. These structures will be similar to those in Figure 2.



Figure 2a. Example of stand pipe



Figure 2b. Example of pump station

The Subdivision Regulations exempt division of lands for public utilities from the requirement to plat, when no new road or easement of access is involved. (Section 20-801(d)(2)(iv), Subdivision Regulations) As the subject property meets that criteria it is not necessary to plat. The remainder of the property will lose its vested right to a building permit with the land division. It will be necessary for the remainder of the property to be divided through a Certificate of Survey, if residential development is proposed, or through a plat, if non-residential development is proposed. The remaining property has adequate frontage and area for future subdivision.

Traffic to the site will be minimal, with only Rural Water District maintenance vehicles, typically ½ ton pick-ups, accessing the site. Two exterior lights will be mounted on the building, one on the west and one on the south side of the building. These will be directed downward to light a portion of the building and the gravel area and to contain the light on the site. The plan should note that the lights will be directed downward. An emergency back-up generator will be installed on the south side of the building. The applicant indicated that the generator will operate only during power outages and would have a noise level similar to vehicles on the adjacent roadway. The plan should note that the generator would be used only during power outages.

The proposed use is permitted when approved with a Conditional Use Permit, as noted below:

12-319-4.10 Public Utilities:

Construction, maintenance and repair businesses that provide services primarily to utility companies or public service uses, buildings, structures or appurtenances thereto."

The proposed use has been reviewed with the following criteria provided in Section 12-319-1.02 of the Zoning Regulations:

I. ZONING AND USES OF PROPERTY NEARBY

The majority of the nearby property is zoned A (Agricultural) District and is used for *Agriculture* and *Residential Detached Dwellings*. There are narrow portions of F-F (Floodway Fringe Overlay) Districts along stream corridors to the southeast and southwest of the subject property. Woodlands are also located throughout the area.

Staff Finding –Surrounding uses are predominantly rural residential and agricultural. There are woodlands and narrow strips of floodplain in the area. The proposed project should be compatible with the nearby land uses and zonings, given the low intensity use being proposed.

II. CHARACTER OF THE AREA

In addition to the Agricultural zoning in the area, a property to the north is zoned R-T (Rural Tourism) for future development of a rural tourism use that would include cabins, a conference/lodge, and hunting/fishing areas. To the northeast are platted rural subdivisions zoned A-1 (Suburban Home Residential) Districts. This is primarily an agricultural and rural residential area with woodlands and stream corridors throughout. The 25 ft by 17 ft utility building, with a height of 15 ft, will be similar to agricultural buildings throughout the area and the 85 ft tall water tower/standpipe is similar to other standpipes or silos throughout the county.

Staff Finding – The area is rural in character and is zoned A (Agricultural) District with land to the southeast and southwest zoned F-F (Floodway Fringe Overlay) and F-W (Floodway Overlay) Districts. The utility building and standpipe should be compatible with and maintain the rural character of the area.

III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's Response:

"The subject property consists of 3 acres of crop ground. The existing 3 acres is suitable for Ag use."

The subject property is zoned A (Agricultural) District. Section 12-306 of the County Zoning Regulations notes *"...the purpose of this district is to provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises, and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses."* The A District is associated with a majority of the unincorporated portion of Douglas County.

Uses allowed in the A District include: farms, truck gardens, orchards, or nurseries for the growing or propagation of plants, trees and shrubs in addition other types of open land uses. It also includes residential detached dwellings, churches, hospitals and clinics for large and small animals, commercial dog kennels, and rural home occupations. In addition, uses enumerated in Section 12-319 which are not listed as permitted uses in the A District, may be permitted when approved as Conditional Uses. The property is currently in agricultural production and is well suited for uses permitted within the A District. The property will have direct access to E 1300 Road and is also suitable for the proposed *Public Utility* use.

Staff Finding – The property is in agricultural production and would be suitable for uses which are permitted within the A (Agricultural) District. The property is also suitable for the proposed *Public Utility* use, when approved as a Conditional Use.

IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Staff Finding – The property has been in agricultural production since the adoption of the 1966 Zoning Regulations.

V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's Response:

“Removal of these restrictions will not detrimentally affect nearby property. The proposed water tower and booster pump station will not create noise issues, traffic issues. The owner’s access to this site will be 3 to 4 times per week.”

Section 12-319-1.01 of the County Zoning Regulations recognize that *“certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited.”* The proposed use is included in the Conditional Uses enumerated in Section 12-319-4 of the Zoning Regulations for the Unincorporated Territory of Douglas County as *Public Utility*.

The building will be approximately 25 ft x 17 ft (425 sq ft) and 15 ft in height. The standpipe will be 32 ft in diameter and approximately 85 ft tall. The area is fairly level, the utility structure would have little impact on adjacent properties but the standpipe will be much taller than other features in the area. This would vary from other structures in the area; however, the height is similar to other standpipes throughout the county.

The property has frontage on both N 650 Road/County Route 460 and E 1300 Road, but access will be taken from E 1300 Road. The utility will generate little traffic. The Rural Water District representative indicated that the facility will be unmanned and maintenance vehicles would access the site approximately 4 times a week.

Staff Finding – The proposed facility will include a standpipe and a booster station, similar to other water district utilities throughout the county. Approximately 4 trips maintenance trips are anticipated to the site per week. Given the nature of the facility and the low traffic generation, no negative impacts are anticipated on nearby properties.

VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER’S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property.

Approval of this request would accommodate the placement of a booster station and standpipe in this location to facilitate the transmission of public water throughout the area.

No benefit would be afforded to the public health, safety, or welfare by the denial of the request as the utility use is small scale and low impact. Denial of the request would require the applicant to find another similar property in the area to accommodate the need for a booster station.

Staff Finding – In staff’s opinion, there would be no gain to the public health, safety, and welfare by the denial of the request. Approval of the request may increase availability of public water in this portion of the county.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan recommends that agricultural uses continue to be the predominant land use within the areas of the county beyond the designated urban growth areas and that uses

permitted in the rural area should continue to be limited to those which are compatible with agricultural production and uses. The subject property is not located within an identified urban growth area.

The Comprehensive Plan provides the following recommendation regarding the visual appearance of utility improvements:

"The visual appearance of utility improvements will be addressed to ensure compatibility with existing and planned land use areas." (Page 10-11, Strategies: Utilities; Horizon 2020)

The appearance of the booster station and standpipe should be compatible with land uses in the area. Screening will be provided along E 1300 Road, as the facility is fairly close to this roadway.

The Plan addresses Community Facilities including educational facilities, municipal buildings and facilities, and utilities in Chapter 10 where it notes that the presence or absence of major utilities directly influences the locations and pace of future development. The Plan recognizes the need to carefully plan for and select locations for new and expanded utilities. (Page 10-15, *Water Supply and Distribution Facilities, Horizon 2020*) The wholesale water district treatment facility and the proposed booster station and water standpipe is intended to increase accessibility to a reliable public water supply.

Staff Finding –The proposed use is part of the necessary infrastructure needed to expand access to a public water supply in the rural portion of the county and is consistent with recommendations in the Comprehensive Plan.

CUP PLAN REVIEW

The development area for the facility is approximately 196 ft by 120 ft (23,520 sq ft) in area and includes the following:

- A 25 ft by 17 ft booster station, with emergency generator.
- A 32 ft diameter by 85 ft tall water storage tank.
- Gravel access drive and parking/access area for maintenance vehicles.
- Perimeter 6 ft tall chain link fencing with 3-strands of barbed wire.

Height, Area, and Density Standards: The A District allows a maximum height of 35 ft, but Section 12-321.3.01(q) of the Zoning Regulations provides an exception from this standard for water towers and standpipes. The setbacks required in the A District are dependent upon the nature of the adjacent road as noted below:

- The setback for E 1300 Road, a Local Road, is 50 ft (Section 12-318) and is measured 40 ft from the centerline of the road (Section 12-305). The required yard along E 1300 Road is 90 ft from centerline.
- The setback for N 650 Road, a Principal Arterial, is 150 ft and is measured 60 ft from the centerline of the road. The required yard along N 650 Road is 210 ft from the centerline of the road.

Parking and Access: The Zoning Regulations do not specify a parking requirement for an unmanned utility use; however, adequate area must be provided for the maneuvering and parking of vehicles. The gravel area, approximately 109 ft x 64 ft, should provide adequate area for access and maneuvering of maintenance vehicles, which the applicant indicated were typically ½ ton pickups.

The property has frontage on both N 650 Road/County Route 460, which is classified in the Douglas County Access Management Standards map as a Principal Arterial, and E 1300 Road, a Local Road. Access will be taken from E 1300 Road.

Screening:

Evergreen trees will be planted on 30 ft centers between the right-of-way for E 1300 Road and the west side of the development area to screen the facility from the roadway. The development area is set back from N 650 Road/County Route 460 approximately 220 ft and screening is not necessary in this area.

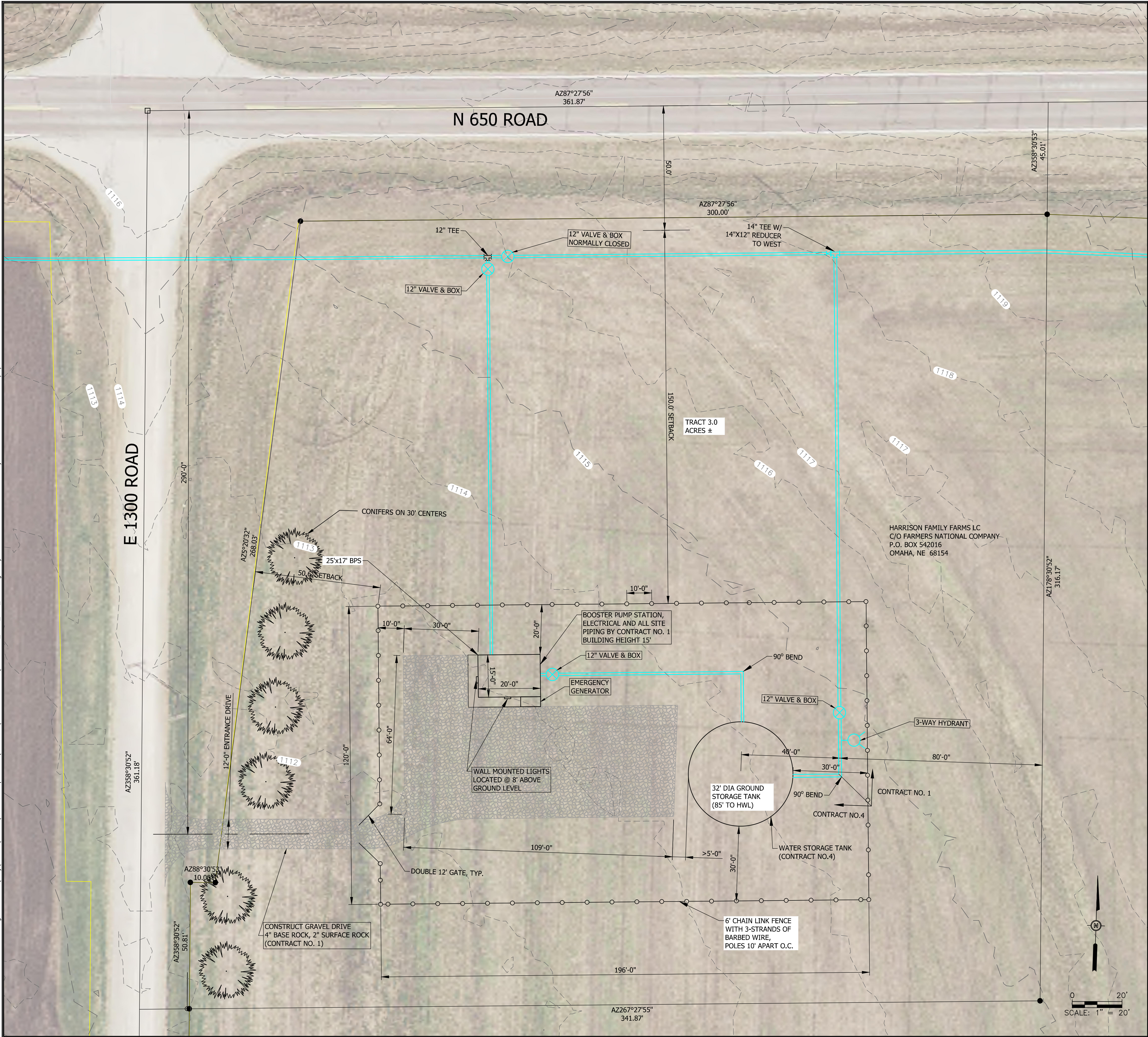
Limits and Conditions:

The use should be administratively reviewed by the Zoning and Codes Office every 5 years to insure compliance with the standards of the Conditional Use Permit. Expiration dates are often applied to Conditional Uses so they may be re-evaluated to determine if they remain compatible with the development in the area. Given the utility nature of this use, staff does not recommend an expiration date.

Conclusion

The proposal complies with the County Zoning Regulations and the land use recommendation of *Horizon 2020*. The facility should be compatible with the surrounding land uses, given the limited intensity of the use.

Drawing Name: W:\Proj\14000\14366\AutoCad\Plan Set\14366.600 Tank\14366.600 Tank_Site_CUP.dwg Layout Name: TankSite Plotted By: ALB00077 Plotted on: 11/6/2015 11:28:10 AM
Last edit on: 00/00/00



DESCRIPTION:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 14 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE ON AN ASSUMED NORTH AZIMUTH OF 87 DEGREES 27 MINUTES 55 SECONDS, 361.87 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, ON AZIMUTH 178 DEGREES 30 MINUTES 52 SECONDS, 361.18 FEET; THENCE ON AZIMUTH 267 DEGREES 27 MINUTES 55 SECONDS, 361.87 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE ON AZIMUTH 358 DEGREES 30 MINUTES 52 SECONDS, 361.18 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 3.00 ACRES

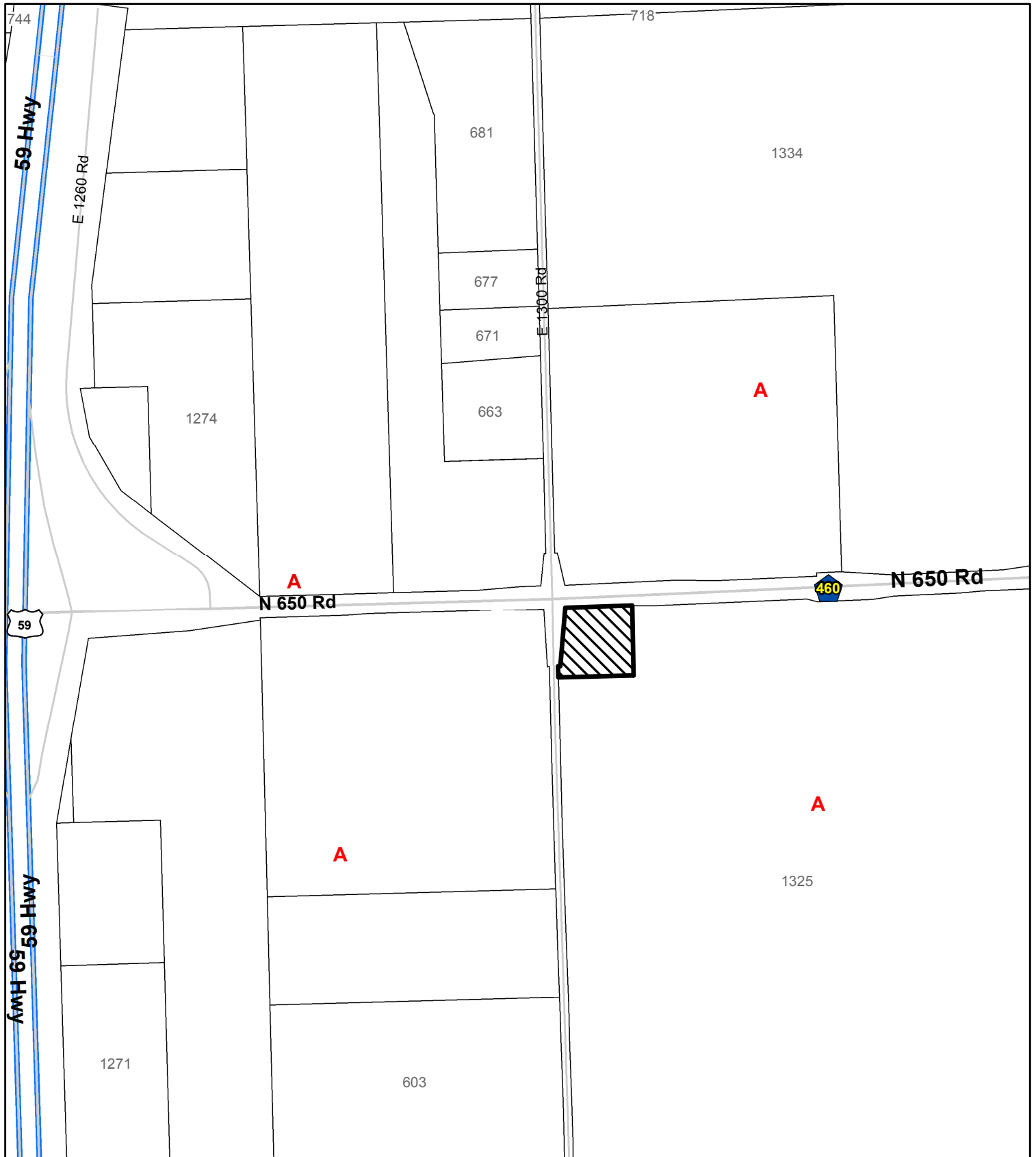
SURVEY NOTES:

1. THIS SURVEY DOES NOT CERTIFY OWNERSHIP.
2. ALL DISTANCES ARE MEASURED UNLESS OTHERWISE NOTED.
3. THERE ARE NO GAPS OVERLAPS OR KNOWN DISCREPANCIES BETWEEN OWNERSHIP OR POSSESSION, UNLESS SHOWN.
4. THE CLIENT DID NOT PROVIDE A TITLE INSURANCE POLICY. THERE MAY BE EASEMENTS OF RECORD OTHER THAN THOSE SHOWN HEREON.

NOTES:

1. THE CONIFEROUS TREES BEING USED FOR SCREENING WILL BE, AT A MINIMUM, 6 FT (BALLED AND BURLAPPED).
2. THE WALL MOUNTED LIGHTS ARE DIRECTED DOWNWARD TO PREVENT OFF-SITE GLARE.
3. THE BACK-UP GENERATOR WILL BE OPERATED ONLY DURING POWER OUTAGES.
4. THE CONDITIONAL USE SHALL BE ADMINISTRATIVELY REVIEWED EVERY 5 YEARS.
5. ZONING: A (AGRICULTURE) DISTRICT
6. ACRES OUTSIDE THE REGULATORY FLOODPLAIN: TRACT 1, 4.198 Acres, TRACT 2, 5.856 Acres
7. PROPOSED USE: UTILITY, RURAL WATER DISTRICT BOOSTER STATION AND STANDPIPE
8. AREA OF PROPERTY: 3 ACRES
9. DEVELOPMENT AREA: .54 ACRE (23,520 SQ FT)

BY	
DESCRIPTION	
#	DATE
BARTLETT & WEST	
1200 SW EXECUTIVE DRIVE - TOPEKA, KS 66615-3850 PHONE 781.277.5725 WWW.BARTWEST.COM	
CONDITIONAL USE PLAN	
WATER STORAGE TANK & BOOSTER PUMP STATION PUBLIC WHOLESALE WATER SUPPLY DISTRICT NO. 25 DOUGLAS COUNTY, KANSAS	
DESIGNED BY:	ARO
DRAWN BY:	ALB
APPROVED BY:	JAR
DESIGN PROJ:	14366.600
CONST PROJ:	----
SCALE:	AS NOTED
DATE:	AUG 2015
DRAWING NO:	1
SHEET NO:	1 of 1



**CUP-15-00474: Conditional Use Permit for a Water Storage Tank & Booster Pump Station for Public Wholesale Water Supply District No. 25
Located on Southeast Corner of E 1300 Road and N 650 Road**



November 15, 2015

City of Lawrence-Douglas County
Planning & Development Services
6 East 6th Street
P.O. Box 708
Lawrence, Kansas 66044

Dear Commissioners:


We request the Lawrence-Douglas County Metropolitan Planning Commission reconsider the location of the Water Storage Tank & Booster Pump Station for Public Wholesale Water Supply District 25. The proposed location at the southeast corner of E 1300 Rd & N 650 Rd/County Route 460 is located immediately south and adjacent to a rural sub-division.

If this facility with its 85' standpipe/water tower and pump station proceeds it will increase vehicle traffic, increase noise, diminish and obscure the natural landscape of the country side and will de-value our properties.

The Green residence (663 E 1300 Rd) faces in a southeast direction and will view the standpipe/water tower and pump station from their front door. For anyone this would not be a desirable view.

This facility would be best suited in a less noticeable and intrusive location.

Respectfully,

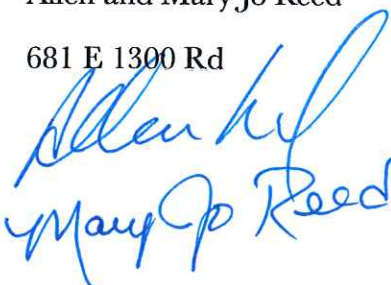


Doug and Sharon Green

663 E 1300 Rd

Allen and Mary Jo Reed

681 E 1300 Rd



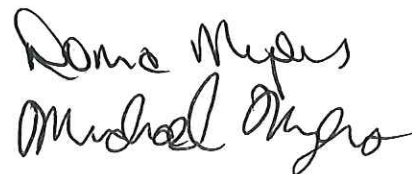
Michael and Donna Myers

671 E 1300 Rd



Stan and Lois Zaremba

718 E 1300 Rd



View from 663 E 1300 Rd



View from 663 E 1300 Rd

