



**SP-22-00028:** A site plan for the Stratford Water Tower for the construction of a new approximately 140-foot tall water tower and the demolition of the existing water tower, located at 1225 Sunset Drive. Submitted by the City of Lawrence, property owner of record.

**ADMINISTRATIVE DETERMINATION:** The Planning Director approves the above-described Site Plan.

### **ASSOCIATED CASES**

- SUP-20-00113; *Utilities and Service, Major use*, Planning Commission approved the special use permit on October 28, 2020. The City Commission approved the SUP on December 15, 2020, Ordinance No. 9821.
- Ordinance revised by City Commission on September 13, 2022, Ordinance No. 9930.
- PP-20-00142; preliminary plat of Stratford Tank Addition.
- PF-20-00399; final plat of Stratford Tank Addition.
- Final draft of site plan received by the City Commission at their meeting on July 19, 2022.

### **KEY POINTS**

- The special use permit approved the proposed land use as a major utility use.
- The special use permit expressly prohibited co-location of commercial wireless communication equipment and dictated the location of the tower on the site as well as identified specific conditions to be addressed with the site plan following additional public input.
- A site plan is not intended to be used in substitution of construction documents.
- The special use permit was modified by the City Commission to reduce the west pedestrian pathway from 10 feet to 5 feet and to remove the requirement to provide lighting along the west side of the park by Ordinance No. 9930.
- Conditions were revised by Ordinance No. 9930:
  - a) The owner/applicant shall submit to Planning Staff a landscape plan, as part of the approved site plan, to include all required street trees.
  - b) The owner/applicant shall submit to Planning Staff a revised site plan, locating the proposed water tower 30 to 37 feet to the west of the northcentral location presented to the Governing Body at its December 1, 2020, public meeting.
  - c) Commercial telecommunications equipment is prohibited from being co-located on the proposed water tower.
  - d) The proposed water tower shall be limited to a capacity of no more than 500,000 gallons.
  - e) Fencing of the proposed water tower is prohibited.
  - f) The existing Douglas County Emergency Communications building shall be reused or relocated, if possible, on the west side of the proposed water tower.

### **OTHER ACTION REQUIRED**

- Approval of public improvement plans by applicable state agencies.
- Submission and approval of building permits.

- Initiation and implementation of a master plan for the park by the Parks and Recreation Department.
- Advertise and open public bids on the project. Award bid via City Commission authorization.
- Public information session to share construction schedule and other items.

## PLANS AND STUDIES REQUIRED

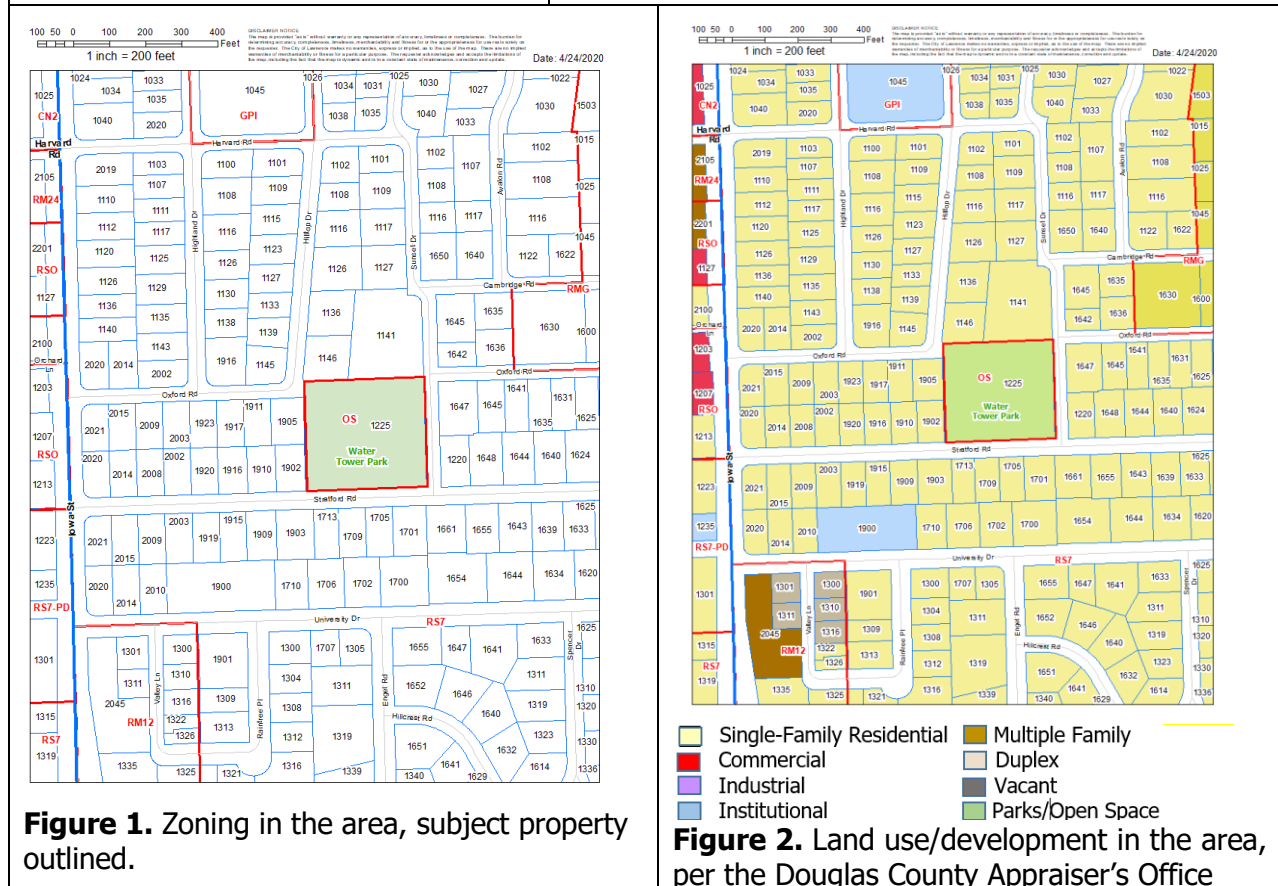
- *Traffic Study* – Not required for this application.
- *Downstream Sanitary Sewer Analysis* - Not required for this application.
- *Historic Review Standards or Other Design Standards* – Not required for this application
- *Drainage Study* – Not required for this application.
- *Retail Market Study* – Not required for this application.

## COMMUNICATIONS RECEIVED

- Extensive communications were received from the public during the special use permit review.

**Table 1: Zoning and Land Use**

<b>Current Zoning and Land Use:</b>	OS (Open Space) District. Existing City Park and <i>Utilities and Services, Major (Water Tower) with Wireless Communication Facility – Antenna</i> ) and accessory buildings.
<b>Surrounding Zoning and Land Use:</b>	RS7 (Single-Dwelling Residential) District in all directions. Existing <i>detached dwellings</i> .



## SUMMARY OF REQUEST

The purpose of this application is for compliance with the special use permit and specifically Ordinance No. 9930. This site plan reflects changes discussed at the City Commission meeting and additional public meetings with the neighborhood to address elements of the site including landscaping, pavement details, and lighting.

<b>Table 2.</b> Summary Table [Area reflected in square feet unless noted]			
	Existing	Proposed 12/1/2020	Revised June 2022
Land Area	117,015	117,015	117,015
Impervious surface coverage	4,215	9,202	14,049
Pervious Area	112,800 (96%)	107,813 (92%)	102,966 (88%)
Building Cover	1,134	991	1,096
Existing tower enclosure	14,179	No fenced enclosure proposed	No fenced enclosure proposed

## PARKING SUMMARY

Off-street parking requirements are summarized below.

<b>Table 3:</b> Off-Street Parking Summary		
<b>Off-Street Parking:</b>		
<b>Use</b>	<b>Required Parking</b>	<b>Provided Parking</b>
Passive Recreation	Schedule D (varies – see narrative)	0 auto spaces provided 0 bicycle spaces provided.
Major Utility and Services	Auto: 1 space per 1.5 employees Bicycle: 1 per 10 auto spaces	
Wireless Communication Facility - Antenna	none	

Off-street parking for the recreation and wireless communication uses within the park are not required at this location. The facility is unmanned and does not require off-street parking spaces. The site is designed for vehicular accessibility for maintenance purposes with a pathway along the north side of the property. This park has been designed and developed without specific off-street parking. Vehicular access and parking are accommodated along the adjacent public streets.

## STAFF REVIEW

The current commercial wireless communications, other than the equipment associated with city operations and emergency communications, will not be permitted on the new tower. As a condition of development, wireless communication is prohibited from co-location on the new water tower structure. This use restriction is codified by the special use permit Ordinance No. 9930, SUP-20-00113. The site plan component was divided from the special use permit process for this project to allow for additional considerations that were codified as part of the ordinance approving the land use for the related water tower in within the park grounds. The following section of this report lists the specific conditions and shows how the site plan complies with the conditions imposed by the City Commission.

## **Compliance with Ordinance No. 9930**

**Condition a:** The owner/applicant shall submit to Planning Staff a landscape plan, as part of the approved site plan, to include all required street trees.

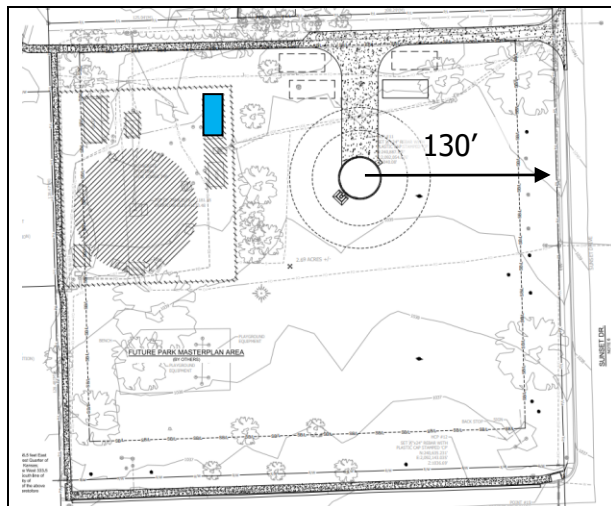
**Staff Response:** The site plan shows existing vegetation that will be removed as part of the project, trees that will be specifically protected during the construction process, and street trees that are required along the public right-of-way, Sunset Drive and Stratford Road.

Certain trees identified on the plan will be protected with fencing following the drip line of the tree during construction. This will prevent damage to the trees and root system by heavy vehicles and equipment and prevent storage of parts and materials that can also damage trees.

Additional plantings in the park may be included as part of a future park master planning effort to be scheduled and administered through the Parks and Recreation Department.

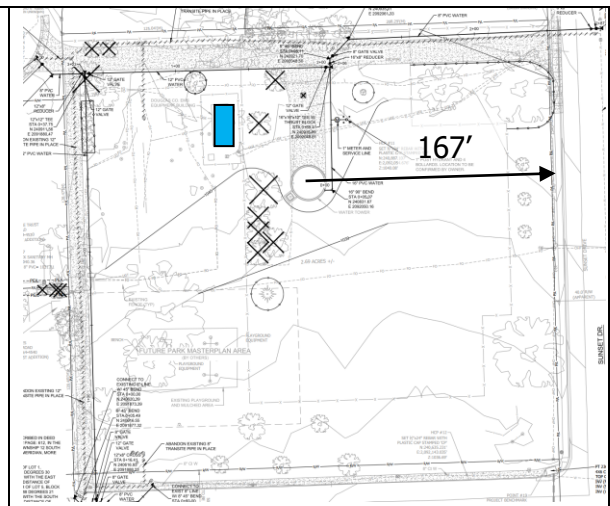
**Condition b:** The owner/applicant shall submit to Planning Staff a revised site plan, locating the proposed water tower 30 to 37 feet to the west of the northcentral location presented to the Governing Body at its December 1, 2020, public meeting.

**Staff Response:** The site plan shows the building setbacks applicable to the district. Within the building envelop an additional structure setback was imposed by the City Commission. The revised site plan shows the location of the proposed tower located an additional 37 feet to the west providing an increased setback from Sunset Drive.



**Figure 3.** City Commission [Exhibit](#) December 1, 2020

■ EMS Building originally proposed to be relocated



**Figure 4.** Current proposed site plan

■ EMS Building proposed to remain

**Condition c:** Commercial telecommunications equipment is prohibited from being co-located on the proposed water tower.

**Staff Response:** This prohibition prevents future commercial wireless communication providers from co-locating on the proposed tower. The City, as the property owner, can deny an applicant from co-locating on City property. Additionally, staff can flag the property in the internal database system so that future applicants can be informed of the prohibition if inquiries are made in the future. Any change to allow a co-location of wireless communication would require the City Commission to hold a new public hearing to amend the special use permit. The prohibition for wireless communication does not extend to city operations or emergency communication equipment.

**Condition d:** The proposed water tower shall be limited to a capacity of no more than 500,000 gallons.

**Staff Response:** The project was revised to reduce the size of the water tower elevated tank component. This requirement will also be reflected in bid documents and construction documents as the project approvals are completed.

**Condition e:** Fencing of the proposed water tower is prohibited.

**Staff Response:** The site plan shows the tower located in in the north-central portion of the park. The tower, upon completion, will not include any kind of security fence. Fencing will be located on the site during construction to meet safety obligations. Fencing of the building housing Douglas County emergency communication equipment will also be provided on the site upon completion. Fencing for the communication building is noted as an ornamental. This provides an appropriate aesthetic within the park and provides the necessary safety redundancy required for the equipment as required by Federal regulations.

The water tower structure is designed in a way that climbing the structure is hindered; therefore, fencing for security purposes is not required. The exiting multi-leg design required fencing to deter unauthorized access to the structure.

**Condition f:** The existing Douglas County Emergency Communications building shall be reused or relocated, if possible, on the west side of the proposed water tower.

**Staff Response:** The site plan shows the location of the existing building on the west side of the new tower. The building will be reused as equipment is upgraded and/or moved from the existing water tower to the new water tower. Figure 4 shows the retention of the building and the addition of ornamental fencing around that structure.

## Findings

Per Section 20-1305, staff shall first find that the following criteria have been met:

### 1) The Site Plan shall contain only platted land.

This property is platted as Stratford Tank Addition.

**2) The site plan shall comply with all standards of the City Code, this Development Code and other adopted City policies and adopted neighborhood or area plan.**

A special use permit was approved allowing for the demolition of an existing water tower structure and the construction of a new water tower structure to the east of the existing improvements. The site plan is provided to show compliance with specific conditions of approval expressed by the City Commission by Ordinance No. 9930. A specific landscape plan is required with this application as it pertains to street trees. Other site plan components include site lighting and pavement types used within the park will be detailed through the future park master plan and the construction documents for the proposed improvements.

**Landscaping and Screening**

Existing trees identified on the site plan to be protected are shown with fencing that will be located a minimum of 10 feet beyond the drip line. The fencing will be a hardy type such as wire or metal rather than orange plastic construction fencing. This information is also included in the preliminary construction documentation; sheet C-10-100.

*Street Trees:* Street trees are required along Sunset Drive and Stratford Road at a rate of 1 tree per 40 feet. That site includes some existing trees that count toward the street tree requirement. The special use permit, approving the use included a condition to provide a landscape plan to include all required street trees. Trees identified by the City Horticultural Manager for Parks and Recreation and the neighborhood included Swamp White Oak, Frontier elm and Kentucky coffee tree varieties. The site plan shows the required number of street trees. Staff has noted for the neighborhoods edification that the existing tree located in the northeast corner of the site is being monitored for health and structural soundness. Past damage to the tree makes it susceptible to future removal for safety reasons.

City Parks and Recreation staff will manage the planting of the street trees at the end of the construction phase.

*Interior Landscaping:* This standard is applicable to off-street parking lots. This project does not include a parking lot; therefore, this standard is not applicable to the project.

*Perimeter:* Perimeter landscaping is applicable the portion of a parking lot abutting public streets. This project does not include a parking lot; therefore, this standard is not applicable to the project.

*Buffer Yard Requirements:* The OS district does not require a bufferyard between uses.

*Mechanical Equipment and Dumpsters:* There are no associated mechanical equipment components associated with the proposed water tower. The site does not provide for a dumpster.

The site plan complies with the design standards of Article 10 of the Land Development Code pertaining to landscaping design standards.

**Access**

The park does not include a parking area and does not include conventional driveway access. The park is predominantly accessed by pedestrian and non-motorized modes of travel. The north pathway is designed to accommodate specific vehicular access on a limited basis. Bollards

are used to prevent unauthorized access. Vehicle access will be limited to Municipal Services & Operations Department, Parks & Recreation Department, Douglas County Emergency Management, and by emergency services. Use of the access drive will be limited to required tower maintenance, testing, water meter management, and as necessary for Douglas County Emergency Management. Access for emergency vehicles is also accommodated in the proposed design.

The north access is designed with a three-foot wide stamped concrete border with an earth-tone color on each side of the East/West multi-use path/access drive. The total width of the drive will be 16 feet, per modified fire code regulations. The center section is wider to accommodate emergency apparatus.

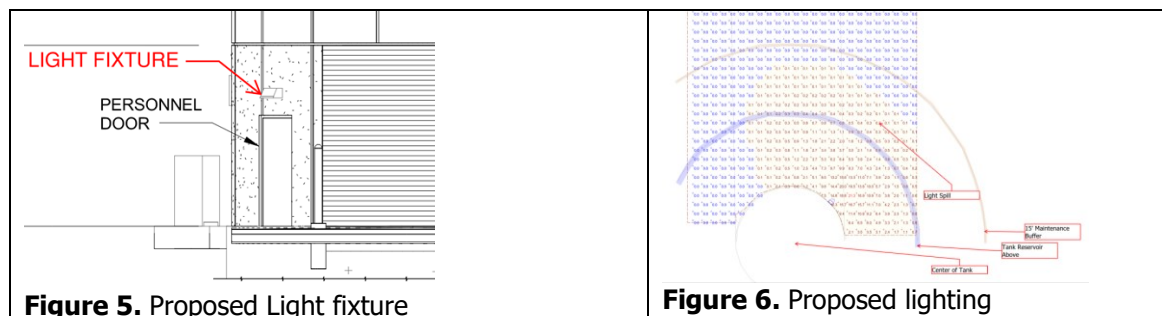
The access drive running north/south directly to the tower will be entirely stamped concrete in the earth-tone color. The specific color to be used will be detailed in the construction documents. A rollback curb will be used at the east and west entrances of the access drive. The bollards at either end of the drive will be collapsible.

Temporary construction access is oriented to the south, from Stratford Road as shown on the preliminary construction documents sheet C-10-103. It is acknowledged that some access from Sunset Drive will be required, but shall be kept to a minimum. Construction fencing will be used for the site and will be moved as activities allow to maximize the available green space use in the park during the construction phases.

## Lighting

Initial discussions with the neighborhood included a proposal for pedestrian scale lighting within the park along designated pathways. During meetings with staff, it became clear that the majority of the neighborhood did not desire lighting throughout the park. Per public engagement with the neighborhood, detailed lighting plans have been deferred and will be developed separately to include more discussion about lighting as part of Parks and Recreation Department's engagement with the neighborhood during the park master planning efforts. During construction of the water tower project, conduit will be installed to accommodate future lighting additions, if desired, but lights throughout the park will not be installed as part of the water tower project.

There will be lighting on the tower itself for security purposes. Such lighting is required to comply with the City's Land Development Code and requires the lighting to be shielded and directed downward. All fixtures must include full cut-off shields. The site plan shows the location of a single fixture located over the door on the north side of the structure. The light spill is confined to the area immediately adjacent to the doorway.



## **Floodplain**

This property is not located within the regulatory floodplain and is not subject to a local floodplain development permit.

### **3) The proposed use shall be allowed in the district in which it is located or be an allowed nonconforming use.**

The site is zone OS (Open Space) District. This district permits a variety of public and civic uses including active and passive recreation uses and community facility uses such as utilities and services subject, to a special use permit. A special use permit was approved to allow for the demolition of the existing water and the construction of a new water tower within the boundary of the property per SUP-20-00113, Ordinance No. 9930.

### **4) Vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well and shall also conform with adopted corridor or access management policies and.**

This site does not include typical vehicular access such as off-street parking. The north portion of the site includes a paved area that will accommodate vehicles as necessary for emergency site access and maintenance from Sunset Drive and Oxford Road. The paved area can be used for pedestrian and non-motorized travel within the park area. There is no public vehicular access use of this paved area.

### **5) The site plan provides for the safe movement of pedestrians within the site.**

Public sidewalks are required along both sides of public streets. Pedestrian circulation is also accommodated by the paved pathway along the north property that also is designed to accommodate emergency apparatus and maintenance vehicles as discussed in the body of the staff report.

The site plan shows the removal and replacement of a sidewalk along the west property line. This pedestrian element was included as a specific condition by the City Commission per Ordinance No. 9821 which originally required a lighted 10-foot wide sidewalk. The condition was removed by Ordinance No. 9930. A 5-foot wide pedestrian pathway is provided along the west property line. This provides additional green space between the sidewalk and the private property while maintaining interior pedestrian access within the park.

## **Conclusion**

The proposed site plan complies with the applicable sections of the Land Development Code and with the conditions set out in Ordinance No. 9930.