



Updated:

7/23/12 @ 1:00pm

Added communications for Item 4 - Rezoning 2645 Haskell Ave

Added Misc Item 1 - Variance for St John Catholic Church

7/17/12 @ 1:00pm

****The Wednesday, July 25th Planning Commission meeting has been cancelled****

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
JULY 23 ~~& 25~~, 2012 6:30 - 10:30 PM**

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of May 21, 2012.

Receive and amend or approve the minutes from the Planning Commission meeting of June 25, 2012.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

COMMUNICATIONS

- a) Receive written communications from the public.
- b) Receive written communications from staff, Planning Commissioners, or other commissioners.
- c) Receive written action of any waiver requests/determinations made by the City Engineer.
- d) Disclosure of ex parte communications.
- e) Declaration of abstentions from specific agenda items by commissioners.

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION'S DISCRETION

**REGULAR AGENDA (JULY 23, 2012) MEETING
PUBLIC HEARING:**

ITEM NO. 1 PRD TO RM15; 6 ACRES; 525 CONGRESSIONAL (SLD)

Z-7-20-11: Consider a request to rezone approximately 6 acres from PRD (Planned Residential Development) to RM15 (Multi-Dwelling Residential), located at 525 Congressional Drive. Submitted by Paul Werner Architects, for M & I Regional Properties, LLC, property owner of record.

ITEM NO. 2 SPECIAL USE PERMIT FOR 12TH & HASKELL RECYCLE CENTER; 1000 E 11TH ST (SLD)

SUP-5-4-12: Consider a Special Use Permit for 12th & Haskell Recycle Center, located at 1000 E 11th Street. Submitted by Bartlett & West, Inc., for Robert B. Killough, property owner of record.

NON-PUBLIC HEARING ITEM:

ITEM NO. 3A ANNEXATION OF 15,960 SF; 240 N MICHIGAN ST (MKM)

A-5-3-12: Consider annexation of approximately 15,960 SF, located at 240 N. Michigan Street, to accommodate development of Pump Station No. 15, a *minor utility*. Submitted by The City of Lawrence, property owner of record.

RESUME PUBLIC HEARING:

ITEM NO. 3B A & V-C TO OS-FP; 15,960 SF; 240 N MICHIGAN ST (MKM)

Z-5-8-12: Consider a request to rezone approximately 15,960 SF from County A (Agriculture) and County V-C (Valley Channel) to OS-FP (Open Space-Floodplain Overlay), located at 240 N. Michigan Street, to accommodate development of Pump Station No. 15, a *minor utility*. Submitted by The City of Lawrence, property owner of record.

NON-PUBLIC HEARING ITEM:

ITEM NO. 3C PRELIMINARY PLAT FOR PUMP STATION NO. 15; 240 N MICHIGAN ST (MKM)

PP-5-5-12: Consider a Preliminary Plat for Pump Station No. 15, a .3 acre, one-lot subdivision located at 240 N. Michigan Street. Submitted by The City of Lawrence, property owner of record.

RESUME PUBLIC HEARING:

ITEM NO. 3D SPECIAL USE PERMIT FOR PUMP STATION NO. 15; 240 N MICHIGAN ST (MKM)

SUP-5-6-12: Consider a Special Use Permit for construction of Pump Station No. 15, a *minor utility*, located at 240 N. Michigan Street. Submitted by The City of Lawrence, property owner of record.

ITEM NO. 4 IG TO IL; 1.74 ACRES; 2645 HASKELL AVE (MJL)

Z-5-9-12: Consider a request to rezone approximately 1.74 acres from IG (General Industrial) to IL (Limited Industrial), located at 2645 Haskell Ave, for the VFW. Submitted by Landplan Engineering, for Hedge Tree LLC, property owner of record.

ITEM NO. 5 RSO & CS TO CO; 6.87 ACRES; 2000 BLUFFS DR (MJL)

Z-12-00021: Consider a request to rezone approximately 6.87 acres from RSO (Single-Dwelling Residential-Office) District and CS (Commercial Strip) District to the CO (Office Commercial) District, located at 2000 Bluffs Drive. DST Realty of Lawrence Inc, property owner of record. *Initiated by City Commission on 6/12/12.*

****DEFERRED****

~~ITEM NO. 6 PRELIMINARY PLAT FOR GATEWAY ADDITION; 880 HWY 40 (MKM)~~

~~PP-5-6-12: Consider a Preliminary Plat for Gateway Addition, located at 880 Hwy 40 (NW quadrant of the intersection of W. 6th St/Hwy 40 & Kansas Hwy 10 (K-10). Submitted by Landplan Engineering, for Hanover Place, L.C. and Tanglewood, L.C., property owners of record.~~

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 VARIANCE FOR ST JOHN CATHOLIC CHURCH (MKM)

Variance associated with Minor Subdivision for St John Catholic Church, (MS-5-8-12), from the 60 ft right-of-way requirement in Section 20-810(e)(5) for local streets to allow the right-of-way to remain at 50 ft.

Consideration of any other business to come before the Commission.

ADJOURN

CALENDAR

June 2012						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

July 2012						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

August 2012						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

PCCM Meeting: (Generally 2nd Wednesday of each month, 7:30am-9:00am)

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PLANNING COMMISSION MEETING

May 21, 2012

Meeting Minutes DRAFT

May 21, 2012 – 6:30 p.m.

Commissioners present: Belt, Blaser, Britton, Burger, Culver, Finkeldei, Hird, Liese, von Achen

Staff present: McCullough, Stogsdill, Day, Larkin, Leininger, A. Miller, M. Miller, Warner, Ewert

RECOGNITION

Commissioner Hird presented Commissioner Finkeldei with a certificate of appreciation for his six years of service on Planning Commission.

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of April 23, 2012.

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the April 23, 2012 Planning Commission minutes.

Motion carried 8-0-1, with Commissioner Belt abstaining.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

Commissioner Hird said the Agritourism Committee continues to meet and would hopefully have something before County Commission next month.

Commissioner Blaser said the Metropolitan Planning Organization (MPO) met and Eudora applied for safe route school funding to study how to get students safely across K-10.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Burger said she saw the movie Avengers and there were Planning themes within it.

Commissioner Belt said he received a voicemail from Ms. Jane Eldredge regarding items 5, 6, and 7.

Commissioner Culver said he received a phone call from Ms. Eldredge pertaining to items 5, 6, and 7. He said she asked if he had any questions but he did not.

Commissioner von Achen said she received the same call from Ms. Eldredge.

Commissioner Burger said she received an email from Mr. Dan Sabatini regarding item 2.

- Abstentions:
Commissioner Finkeldei said he would abstain from items 4A and 4B.
Commissioner Hird said he would abstain from items 5, 6, and 7.

PC Minutes 5/21/12 **DRAFT**

ITEM NO. 1 PRELIMINARY PLAT FOR PRAIRIE WIND ADDITION NO. 3; 2504-2548 RYAN COURT (MKM)

PP-3-3-12: Consider a Preliminary Plat for Prairie Wind Addition No. 3, located at 2504-2548 Ryan Court. This subdivision includes variances from the side yard setbacks in Section 20-1007(E)(3) of the Pre-2006 Zoning Ordinance, from the frontage requirement in Section 20-1006(a) of the Pre-2006 Zoning Ordinance, and from the right-of-way requirement in Section 20-810(e)(5)(i) of the Subdivision Regulations. Submitted by Grob Engineering Services, LLC, for Tenants to Homeowners, Inc., property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Ms. Rebecca Buford, Tenants to Homeowners, was present for questioning.

PUBLIC HEARING on Variance Only

No public comment.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the variance requested from Section 20-1007(E)(3) to allow the platting of the property into individual lots without the 10 ft required interior side setback subject to the following condition:

That a 5 ft interior side yard setback shall be observed subject to the exception in Section 20-602(e)(3)(ii) of the Land Development Code.

Unanimously approved 9-0.

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the variance requested from Section 20-1006(a) to allow the platting of the property into individual lots without the required 40 ft of frontage for Lots 2, 3, and 4 of Block One subject to the condition that the minimum frontage not be reduced below that shown on the plat: Lot 2: 33.36 ft; Lot 3: 28.36 ft; and Lot 4: 30.26 ft.

Unanimously approved 9-0.

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the variance requested from Section 20-810(e)(5)(i) to allow the platting of the property with the existing 100 ft of right-of-way for Haskell Avenue currently provided.

Unanimously approved 9-0.

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the Preliminary Plat of the Prairie Wind Addition No 3 subject to the following condition of approval:

1) The preliminary plat shall be revised with the following change:

- a Remove the following wording from General note 4: *"Final Development Plan (FDP) overlay."*

- b The plat should note that 'No parking' signage and/or pavement markings will be installed to identify the access easement on site and that the Final Development Plan shall be revised to eliminate conflict between pedestrian and vehicle traffic on the access easement on Lot 3, Block One.
- c The sanitary sewer stubs shall be shown on the plat as on the Public Improvement Plans or surveyed locations of the service line marker posts.
- d General Note 15 shall be revised to reference the 3 variances being considered with this 'preliminary plat'.

Unanimously approved 9-0.

PC Minutes 5/21/12 **DRAFT**

ITEM NO. 2 SPECIAL USE PERMIT FOR BISHOP SEABURY ACADEMY; 4120 CLINTON PKWY (SLD)

SUP-3-2-12: Consider a Special Use Permit for a parking lot expansion for Bishop Seabury Academy, located at 4120 Clinton Parkway, for an extended parking lot and a 3,200 sq ft building addition. Submitted by Landplan Engineering, for Bishop Seabury Academy, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. C.L. Maurer, Landplan Engineering, was present for questions. He said he agreed with the staff report.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner von Achen asked staff to put the photograph of the parking lot back on the overhead so she could see how far out the new parking would be.

Ms. Day said the parking would extend to the property line and some of the landscaping that would typically be associated with the parking lot would actually be located in the right-of-way.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve a revised Special Use Permit for an expanded parking lot and 3,200 SF building addition for Bishop Seabury located at 4120 Clinton Parkway and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions to be completed prior to the release of the site plan associated with the SUP for building permits:

1. Submission and approval of a local floodplain development permit prior to release of the Special Use Permit for issuance of a building permit.
2. Submission and approval of a photometric plan for the new parking lot.
3. Execution of a use of right-of-way agreement for the Clinton Parkway frontage road.

Unanimously approved 9-0.

PC Minutes 5/21/12 **DRAFT**

ITEM NO. 3 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; MENTAL HEALTH CARE USE (SLD)

TA-4-2-12: Consider a Text Amendment to the City of Lawrence Land Development Code to create a mental health care use within an appropriately determined existing zoning district. *Initiated by City Commission on 4/17/12.*

STAFF PRESENTATION

Ms. Sandra Day presented the item.

PUBLIC HEARING

Mr. David Johnson, Bert Nash, was present for questioning.

Commissioner Liese asked if services were only for 'chronically mentally ill' patients.

Mr. Johnson said the definition was intended to be broad and that they were hoping to create a wellness campus.

Commissioner Liese said if they wanted it to be broad he recommended changing the language to 'individuals with mental health concerns' or something that didn't require a chronic mental illness.

Mr. McCullough said experts in the field, Mr. Johnson and hospital representatives, were involved in the process. He said Planning staff was not of the expertise to decide who was or was not chronically mentally ill. He suggested getting a recommendation from Planning Commission and discussing it with Bert Nash and others to see if it was meaningful to the definition or not.

Mr. Johnson said they were looking to pull together community health partners so that people would have a place to go and receive health care.

Mr. McCullough said he did not think it was meant to be what the layperson would consider chronically mentally ill.

Commissioner Hird said the words 'chronically mentally ill' jumped out at him as well.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner von Achen, to approve the addition of a new definition to Article 17 creating a Community Mental Health Care Facility use and recommending that this use be permitted by right in the GPI District, with a change in the description of mental health facility to provide care to individuals seeking mental health services, and forwarding to the City Commission.

Unanimously approved 9-0.

PC Minutes 5/21/12 **DRAFT**

ITEM NO. 4A PRELIMINARY PLAT FOR RESEARCH PARK ADDITION; 1600 BLOCK RESEARCH PARK DRIVE (SLD)

PP-2-2-12: Consider a Preliminary Plat for Research Park Addition, a two lot subdivision located in the 1600 Block of Research Park Drive. This application includes a variance to reduce the lot width from 200' to 165'. Submitted by Paul Werner Architects, for Mabet #2, LC, Alvamar Development Corporation, property owner of record.

ITEM NO. 4B SPECIAL USE PERMIT FOR AN EXTENDED CARE MEDICAL FACILITY; 1600 BLOCK RESEARCH PARK DRIVE (SLD)

SUP-2-1-12: Consider a Special Use Permit for an Extended Care Medical Facility, located in the 1600 Block of Research Park Drive. Submitted by Paul Werner Architects, for Mabet #2, LC, Alvamar Development Corporation, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 4A and 4B together.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, was present for questioning.

PUBLIC HEARING

No public comment.

ACTION TAKEN on 4A

Motioned by Commissioner Blaser, seconded by Commissioner Liese, to approve the variance requested from Section 20-809(d) (2) to permit creation of a lot having less than 200' width in the IBP District.

Unanimously approved 8-0-1, with Commissioner Finkeldei abstaining.

Motioned by Commissioner Blaser, seconded by Commissioner Belt, to approve the Preliminary Plat of the Research Park Addition and forwarding it to the City Commission for consideration of acceptance of easements subject to the following conditions:

1. Revise drawing to include the date of the variance approval on the face of the preliminary plat. Provision of a revised drawing to include the deed book and page reference for the off-site sewer easement south of Lot 1.

Unanimously approved 8-0-1, with Commissioner Finkeldei abstaining.

ACTION TAKEN on 4B

Motioned by Commissioner Blaser, seconded by Commissioner Belt, to approve a Special Use Permit for an Extended Care Medical Facility located in the 1600 Block of Research Park Drive and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions to be completed prior to the release of the site plan associated with the SUP for building permits:

1. Prior to release of the site plan for issuance of a building permit.
 - a. Submission, approval, and recording of a final plat
 - b. Submission and approval of public improvement
2. Installation of public improvements prior to occupancy.
3. Revise drawing to note phase number on each side of phase line.
4. Provision of a revised Special Use Permit drawing that includes a Landscape note stating that the property owner is responsible for health and success of natural vegetation used for buffering. Loss or removal of existing vegetation shall result in the property owner being required to provide a bufferyard planting compliant with the Development Code.

Unanimously approved 8-0-1, with Commissioner Finkeldei abstaining.

PC Minutes 5/21/12 **DRAFT****ITEM NO. 5 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 6; CC600 DISTRICT (AAM)**

CPA-4-2-12: Consider a Comprehensive Plan Amendment to Chapter 6 of Horizon 2020 to create CC600 District policies and to Chapter 14 Specific Plans, to revise the West of K-10 Plan and A Nodal Plan for the Intersection of West 6th Street & Kansas Highway 10 (K-10) designating the node of 6th Street and K-10 as a CC600. *Initiated by City Commission on 4/10/12.*

ITEM NO. 6 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; AMENDING VARIOUS SECTIONS TO ADD A CC600 DISTRICT (SMS)

TA-4-3-12: Consider a text amendment to the City of Lawrence Land Development Code, Articles 1, 2 and 13, to provide for a CC600 (Community Commercial) District. *Initiated by City Commission on 4/10/12.*

ITEM NO. 7 A & B1 TO CC600; 146 ACRES; W 6TH ST & K-10 (MKM)

Z-4-5-12: Consider a request to rezone approximately 146 acres located in the NW quadrant of the intersection of West 6th Street/Hwy 40 and Kansas Hwy 10 (K-10) from County A (Agriculture) District and County B1 (Neighborhood Business) District to the pending district CC600 (Community Commercial) District to accommodate a regional recreation facility. *Initiated by City Commission on 4/10/12.*

STAFF PRESENTATION

Mr. Scott McCullough presented items 5, 6, and 7 together.

Commissioner Liese asked staff to address the League of Women Voters claim of serious procedural problems.

Mr. McCullough said there were no legal procedural issues. He said the value of the comment was to plan linearly. He stated in this case City Commission directed staff to build them a package with all the zoning tools for their consideration that could accommodate a recreation center at this location. He said staff believed it was fully appropriate to look at them concurrently. He said the Mayor contacted him about a half hour before this meeting and he was aware of some of the procedural questions and wanted him to convey to Planning Commission that during the May 15th City Commission meeting they discussed that when this package gets out of Planning Commission they are likely not to act on the zoning until they vet out and resolve other issues. He said City Commission had a broader scope than Planning Commission.

APPLICANT PRESENTATION

Mr. Dave Corliss, City Manager, said Planning Commissions decisions were land use related; specifically what types of uses would be allowed. He said the City had begun discussions with the property owner and a potential builder. He said they want to seek additional public input regarding what type of City building would be appropriate for the site. He said they scheduled a public meeting on June 6th to conduct that. He said the proposed grant was for a recreation use. He said they discussed with the KU Athletic Department regarding the potential use of the property and that they had not made any agreement with the City. He said one of the challenges with this is that the discussion to date has been that the builder indicated a willingness to put forward a project much larger than the City and KU can afford which presented a unique opportunity and challenge. He said

the road improvements from Folks Road to K-10 were financed from a combination of City and K-10 funding and he would expect that discussion to continue for Hwy 40.

Commissioner Liese inquired about what City Commission has asked Planning Commission to do.

Mr. Corliss said Planning Commissions role was set out in statute. He said at the City level they did not plan on acting on the zoning request before they knew what they plan to do with the 50 acre donation.

Commissioner Liese said there would be a public meeting on June 6th. He wondered how the Planning Commission's decision tonight would relate to that.

Mr. Corliss said the public meeting was a comment/question period on June 6th in the commons area of Free State High School. He said they were trying to hear the pros and cons from the public regarding such things as hours, accessibility, etc.

Ms. Jane Eldredge, Barber Emerson, represented the property owner. She said the property owner had been in discussions with various members of City staff for months about this tract of land.

PUBLIC HEARING

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, expressed concern about the process. She said CC600 could not be picked by the applicant until after approved and published. She felt the neighbors concerns should be addressed. She also felt the stream corridor should be protected. She said the traffic impact study was based on industrial not commercial.

Mr. Dave Reynolds said he was not here to argue against CC600 but wanted to discuss the recommended uses. He said it was a residential neighborhood and that it was low density. He said the plan calls for uses in the CC600 that would be compatible with the recreation uses. He felt the square footage should be restricted to 180,000 square feet max on the commercial side.

Mr. McCullough said Mercato accommodates and accounts for approximately 340,000 of what would be 600,000 of retail square feet. The northwest corner would account for approximately 180,000 square feet of retail space. He said that was not the limit of development on either one of those properties, it was just the retail.

Mr. Reynolds felt there should be a reasonable restriction of total amount of square footage allowed. He inquired about utility major and utility minor and wondered if that meant a power plant or somewhere to pay a bill. He said the neighbors did not want a truck stop and felt there should be specific language addressing that. He said a normal filling station was fine but not a truck stop. He felt some of the allowed uses should be restricted or eliminated, such as communication facilities, recycle centers, hotels and motels.

Commissioner Finkeldei asked if there was currently a cellular tower on the site.

Mr. McCullough said yes, there was one at the location now.

Commissioner Finkeldei said regarding manufacturing limitations it was currently planned for light industrial so there could be a large manufacturing plant there. He asked if Mr. Reynolds wanted to limit the retail uses or would he prefer that to light industrial.

Mr. Reynolds said the recreation center would go right up against residential property with no buffer space. He wanted to limit the intensity so that it wouldn't impact the neighbors.

Ms. Melinda Henderson felt a small collection recycle facility would not be inappropriate and that an example would be something along the lines of the new Ripple glass containers. She encouraged recycling at the site.

Mr. Thomas Johnson expressed concern about the process moving forward too quickly. He requested the items be deferred until after the public meeting on June 6th and when additional information was available.

Mr. Kirk McClure, Old West Lawrence Neighborhood Association, felt more information was needed. He expressed concern about Lawrence being overbuilt. He felt the project should be approached with a smart growth mentality.

Mr. Ron Schneider, attorney for neighbors, disagreed that the procedural process was followed. He said it was illogical and illegal for a change of zone for a site when that zoning classification does not exist. He said the property could not be considered for change of zone because it was not within city boundaries yet. He asked Planning Commission to defer the items. He said there were far more questions than answers. He said the neighbors could not take a position when they did not know the details. He said there were concepts but no project to look at. He expressed concern with the nodal plan green space/buffer area.

APPLICANT CLOSING COMMENTS

Mr. Corliss said he couldn't think of a better buffer area than City owned property that would be used for recreation.

Commissioner Liese asked staff to address questions about the procedural process and if it was legitimate.

Mr. Randy Larkin, staff attorney, said there was nothing in State law or in City ordinances that would preclude Planning Commission from making a recommendation for property outside of City limits.

COMMISSION DISCUSSION

Commissioner Finkeldei asked if that was the same explanation for recommending a rezoning category that does not exist.

Mr. Larkin said that was correct.

Commissioner Finkeldei asked staff to follow up on the legal point of view.

Mr. McCullough said they do that with text amendments to create a new use and rezonings with specific project in mind. He said Planning Commission was only a recommending body.

Commissioner Finkeldei asked staff to respond to Mr. Reynolds inquiry about utility major and utility minor.

Mr. McCullough said the conditional zoning would get at some of how it would develop. He said utility major and minor could span from a water tower to pump station or electrical sub-station, or something necessary to develop and urbanize the property. He stated a recent amendment to the Code removed truck stop from the CC zoning district all together and was not permitted. He stated

manufacturing could be cleared up with that information as well. He said manufacturing uses permitted in the CC district were contained uses within a building.

Commissioner Finkeldei asked staff to respond to the height of a motel/hotel.

Mr. McCullough said the district had height limitations. He said it was not known if Mercato or the northwest corner would ever live up to its full potential of retail uses. He said there were a number of uses that could enhance and compliment the recreation center.

Commissioner Finkeldei asked staff to speak about the buffer zone and the Baldwin Creek drainage area.

Mr. McCullough said staff could not find a reason for the shape of it. He said it was at the top of the Baldwin Creek drainage area and a lot of the sensitive lands as it heads down toward the river were preserved and maintained in the Baldwin Creek sewer easement and some property donated for park purposes. He said it was likely that the drainage bed would be piped, moved, and relocated which was pretty standard development in an area for non-residential uses.

Commissioner Culver asked Mr. McCullough about the traffic impact study based on industrial not retail.

Mr. McCullough said the recent corridor study that KDOT, City, County, and MPO partnered on had as its based assumptions the West of K-10 Plan land use categories and designations. He said this opportunity presented itself as that process was ending its completion. He said BG Consultants essentially said because it was such a high cross section of urban corridor anyway it would work. He said it needed to be studied further to determine such things as how many lanes and lengths. He said the plat would be one of the next steps and KDOT offered to do a full traffic study with new assumptions based on the commercial aspects of the property.

Commissioner Burger asked if the Kansas Department of Revenue factor internet sales in their analysis.

Mr. McCullough said no.

Commissioner Burger asked if going from 400 to 600 was to accommodate the recreation square footage.

Mr. McCullough said partially. He said it was primarily to accommodate the property off the 50 acres as compatible with recreation uses.

Commissioner Burger inquired about class I or II soils.

Mr. McCullough said he did not believe there were any at the site.

Commissioner Burger asked if there was commercial recreational acreage in the county or city that could be considered to be zoned industrial to replace what would be lost if the West of K-10 Plan was approved.

Mr. McCullough said not outside of what was already designated for those uses. He said essentially about 145 acres would be lost.

Commissioner Burger asked if Planning Commission voted to defer the item could staff look at increasing industrial in the West of K-10 Plan.

Mr. McCullough said staff did briefly look at that. He said there were very good reasons for designating it for industrial employment warehouse, such as two state highways and good topography. He said that could be an appropriate land use for the area but this opportunity presenting itself changed that. He did not believe there would be other areas in the West of K-10 Plan that had the same characteristics that this site does for industrial employment zoning.

Commissioner von Achen asked staff to address the stormwater management.

Mr. McCullough said the stormwater management plan was in the beginning stage so there was no full plan yet. He displayed the general aspects of it on the overhead. He said the concept plan showed regional detention.

Commissioner von Achen inquired about the impact to the neighbors to the north.

Mr. McCullough said staff believed it was an opportunity to improve some of the current drainage issues. He said the City Stormwater Engineer would be very involved with the process.

Commissioner von Achen inquired about limiting the size of some of the non-retail buildings.

Mr. McCullough said there could be with conditions placed on the zoning to limit the overall development. He said staff did not think it was necessary because there were compatible uses.

Commissioner von Achen inquired about the lack of need for more retail space that Mr. McClure discussed.

Mr. McCullough said staff disagrees with Mr. McClure on the analysis of some specific areas of the city. He said development does not happen all at once overnight. He said they needed to get somewhat ahead of the market on commercial areas so that it was in place when the market needs it.

Commissioner Burger inquired about funding for improvements needed within the development of the project for the highway going west.

Mr. Corliss said they were working on those details. He said KDOT has indicated they should have available funds to signalize the existing 6th & K-10 intersection. He stated it would not only be a City project but that it would be a State project as well. He said he was in the process of putting together the budget on how the City would be involved with putting in necessary infrastructure. He stated the City project was not likely to proceed if there was no city funding for that. He said the initial numbers indicate it was likely the City would be able to do it over multiple years. He said it was such a unique project that it was likely the City would stretch to do it.

Commissioner Blaser said studies and research indicated facilities were needed in the western part of the City.

Mr. Corliss said that was correct, a recreational facility with indoor gym space was needed on the west side of town.

Commissioner Liese said there were different combinations to think about taking action on this evening. He inquired about the implications of deferral.

Mr. Corliss said if Planning Commission wanted to spend more time on this they would need to be specific on the details they would want. He said the site plan would go before City Commission and they would spend excruciating time on the details. He said there were continued concerns from the neighbors about drainage. He said the City could not negatively exacerbate stormwater issues for the neighbors or the City would end up with a lawsuit. He said the City would be responsible for maintaining the 50 acres so they would need to be smart about the buffering.

Mr. McCullough said if Planning Commission needed more information then staff would like specific information of what was requested.

Commissioner Liese inquired about the noise volume and lights in the Oread neighborhood from KU events at the stadium.

Mr. Corliss said he did not know that it would a similar use as the recreation facility. He said the recreation facilities uses would be indoors. He said the soccer and track field would be outside but that it would not be the same volume and intensity as a KU game.

Commissioner Belt asked if it would be comparable to Lawrence High School.

Mr. Corliss said it may be more appropriate to compare it to Free State High School. He said Free State had some level of distance and separation from the neighborhood. He said the recreation facility site was at the intersection of two state highways and would likely urbanize and develop with something. He said the key was how to do it in a way to help the neighbors and have adequate distance and buffers.

Commissioner Liese asked if it was reasonable to assume that the project would attract enough tourists to bring more retail activity into town.

Mr. Corliss said these types of facilities would not only support local recreational needs but would support regional needs as well.

Commissioner Britton asked if KU had committed to anything.

Mr. Corliss said the University of Kansas Athletic Corporation would be considering the next steps this week. He said their level of commitment was similar to the City and they agree to continue to work on some type of arrangement. He said the City had not accepted the donation of land yet.

Commissioner Britton asked what would happen if the City accepted the donated land but KU does not sign on.

Mr. Corliss said it was the expectation that the property would be accepted for a regional recreational facility.

Commissioner Finkeldei said items 5 & 6 were related but were not dependent on a recreation center going in at the location. He said item 7 was tailored to the recreation center.

Mr. McCullough said that was correct. He said the intersection would be the only designated CC600 in the Comprehensive Plan if approved.

Commissioner Finkeldei asked if a recreation center was not proposed to go in that location would staff support the change.

Mr. McCullough said this intersection had been the subject of debate in context of the 6th and Wakarusa site as to which should hold more intensity of development. He said if presented with an application for an increase of commercial retail at this particular node of 6th & SLT staff would probably support it given the justification, reasons, and findings in the current staff report.

Commissioner Finkeldei said item 7 was dependent on the recreation center.

Mr. McCullough said yes.

Commissioner Finkeldei asked if the donating land owner would be in favor of rezoning the property if the recreation center didn't come with it.

Ms. Eldredge said it was still appropriate to rezone with the limited uses because the recreation facility could still happen in the future. She said the limitations on zoning were still appropriate because there would be provisions for other kinds of retail.

Commissioner Britton asked if all 50 acres would be on the same plan when it gets to the site planning state.

Mr. McCullough said yes. He said Planning Commission would see the plat but City Commission would see the site plan.

Commissioner Finkeldei said items 5 and 6 were pure zoning with or without the recreation center. He said the question was that at the intersection of 6th & SLT was it appropriate to have some retail component at the intersection as opposed to industrial on this corner. He said Diamondhead on the southeast corner originally had a large retail component at the corner. He said Mercato came in later and had a retail component. He said mainly 90% of the retail was divided between Diamondhead and Mercato. He stated then Diamondhead expired and Mercato came back and Planning Commission discussed about was it appropriate to move retail from the southeast to the northeast corner to make Mercato a place where it could have a stronger retail node. So now there was CC400 with 340,000 square feet of retail in the one Mercato corner. He believed that was appropriate because it was decided that was a good location for a big box store. He felt it was the perfect location for something larger than 400,000 square feet. He said currently the Code allows CC400 or regional of 1.5 million, nothing in between. He said the question was if this location was a good place to do something between CC400 and 1.5 million. He believed it was the perfect location to create CC600 and a good location to put in the Comprehensive Plan as to what was wanted at the intersection. He said the limitations of the CC600 to not allow big box stores on the other corners was thought through. He said he would support with or without the recreation center. He said what was actually in the West of K-10 Plan was light industrial and also had a couple other limiting words in there. He said it was never meant to be heavy industrial. He felt the rezoning was specific to a recreation center. He said if the recreation center did not go in then he would not like the limitations on the uses at that intersection. He said it made sense that with the rezoning they would add a condition that the rezoning was contingent upon approval of site plan. He felt it sent the message that they want this zoning to be there after a full public process for the City Commission to address site plan issues. He said when City Commission approves the site plan the zoning can go with it. He felt it was important to address Baldwin Creek and drainage but that it was a site plan issue. He said buffering was important but it was also a site plan issue. He said traffic was important but was also a

site plan issue for the most part. He said he disagreed with Mr. McClure's analysis about retail. He said there was a big difference between what was planned, what was zoned, and what was actually built. He said a lot more was planned for than what was actually built. He said projects get retrofitted such as the Tanger Outlet Mall into office space. He said there was overall support of this being a recreation center. He strongly believed that the pull factor of a regional recreation center would be immense and would help overall retail sales of the city and sales tax. He felt that whatever was built around this will do well and not cause detriment to the rest of the community.

Commissioner Britton said in general he would end up supporting this. He said the property would be developed at some point and this seemed to be a good way to develop a chunk of it. He said the neighbors adequately communicated their concerns and he was confident issues could be addressed to reasonable satisfaction. He felt this was a great way to develop the property and felt it would benefit the community. He was concerned about the retail markets ability to sustain whatever eventually goes there. He said it was a unique and great opportunity and they needed to be cognizant of the details.

Commissioner Blaser said he would support all three items. He felt they needed a recreation center in the northwest section of town. He believed it would become a main gateway to the city and needed to be an appropriate one. He did not feel that CC600 would change much out there but did allow some conditional zoning on the west side. He felt City Commission would do the site plan right and would hopefully solve some of the issues.

Commissioner Culver said the scope of Planning Commission was to focus on land uses. He said the questions in his mind were answered to make a recommendation for the potential land use. He did not feel that by deferring any or all of the items they would obtain additional information that would help with land use decisions. He felt that issues and concerns could be addressed during the site planning stage. He said he would support the rezoning being contingent on City Commission approval of the recreation center.

Commissioner von Achen said through tonight's discussion with the audience most questions were somewhat addressed so she felt more comfortable supporting the items. She felt other concerns would be addressed during the site planning stage. She said her major concerns were the Baldwin Creek area, drainage, traffic, and how they would impact the adjacent neighbors, but she felt they could be addressed.

Commissioner Liese said all his questions were answered and he would support all three items.

Commissioner Belt asked if there was any scenario where Planning Commission could see any of the site plan.

Mr. McCullough said the site plan was an administrative process and City Commission would review and consider it.

Commissioner Belt said he was grateful someone was willing to donate land for a recreation center. He said during the last meeting Mr. Crawford made an important plea about this being a unique opportunity for us and to make sure the public had the opportunity for input. He said in his mind he would like Planning Commission to see more of the plan before it moved forward. He would like the public to have more opportunities to have their say. He said he would not support any of the three items.

Commissioner Burger said she had hesitancy about moving forward with this but that City Commission provided Planning Commission with a package on how to plan faster with the same attention to detail and input. She said City Commission and County Commission had the final say and that there were additional opportunities to talk about this more. She said the plan was very comprehensive and the three items bundled together could be a new efficiency. She said CC600 gave options with responsible restraints. She asked City Commission to look at initiating some type of referral to increase light industrial in the area. She said the opportunity to get a much needed recreation center was exciting. She said she would support all three items. She thanked the public for attending this evening.

ACTION TAKEN on Item 5

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to forward a recommendation of approval of the comprehensive plan amendment to Horizon 2020, to the Lawrence City Commission to amend Chapter 6: Commercial Land Use to create CC600 District policies, Chapter 14: Specific Plans to revise the West of K-10 Plan to change the designation of the 6th and K-10 node to a CC600 commercial center, and to remove A Nodal Plan for the Intersection of West 6th Street and Kansas Highway 10 (K10) from Chapter 14: Specific Plan.

Motion carried 7-1-1, with Commissioner Belt voting in opposition. Commissioner Hird abstained.

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve and sign Planning Commission Resolution PCR-5-4-12.

Motion carried 7-1-1, with Commissioner Belt voting in opposition. Commissioner Hird abstained.

ACTION TAKEN on Item 6

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the proposed amendment TA-4-3-12 to the Land Development Code and forward to the City Commission based on the analysis in the staff report.

Motion carried 7-1-1, with Commissioner Belt voting in opposition. Commissioner Hird abstained.

ACTION TAKEN on Item 7

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the rezoning request for approximately 146 acres from A (County-Agriculture) District and B-1 (County-Neighborhood Business) District to CC600 (Community Commercial) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report and subject to the following condition:

The permitted uses in this District shall be limited to those listed in Table 1 of this staff report.

Motion carried 7-1-1, with Commissioner Belt voting in opposition. Commissioner Hird abstained.

PC Minutes 5/21/12 **DRAFT**

ITEM NO. 8 COMPREHENSIVE PLAN ANNUAL REVIEW (MJL)

Receive the Comprehensive Plan Annual Review.

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Commissioner Belt asked if the topic would be appropriate for a Mid-Month meeting.

Mr. McCullough said yes.

Commissioner Finkeldei said he thought they should undertake it and consider adoption of it with a revised name that does not include a date. He felt it was time to create a new plan and adopt a new fresh document to last for the next 20 years.

Commissioner Burger asked if the plan could study and evaluate the impact of internet sales of the pull factor to the community.

Mr. McCullough said it could be in Chapter 6, Commercial. He said it could be discussed at the Planning Commission Mid-Month meeting.

NO ACTION TAKEN

PC Minutes 5/21/12 **DRAFT**

**ITEM NO. 9 PRELIMINARY PLAT FOR NORTH LAWRENCE RIVERFRONT ADDITION;
401 N 2ND ST (SLD)**

PP-2-1-12: Consider a Preliminary Plat for North Lawrence Riverfront Addition, located at 401 North 2nd Street. This subdivision includes variances related to block length, right-of-way dedication for N. 2nd Street as a principal arterial, and connection of a local street to an arterial street. Submitted by Paul Werner Architects, for North Mass Redevelopment, LLC, Douglas County Kaw Drainage District, City of Lawrence, Kaw River Estates, LLC, HDD of Lawrence LLC, D & D Rentals of Lawrence LLC, Jeffrey W. Hatfield, Exchange Holdings LLC, Loosehead Investments LLC, and Riverfront Properties of Lawrence LLC, property owners of record.

Item 9 was deferred prior to the meeting.

PC Minutes 5/21/12 **DRAFT**

**ITEM NO. 10 CONDITIONAL USE PERMIT FOR ADVANTAGE METALS; 1783 E 1450 RD
(SLD)**

CUP-3-2-12: Consider a Conditional Use Permit to allow a metal recycle center at Advantage Metals, located at 1783 E 1450 Rd. Submitted by Landplan Engineering, for Advantage Metals, property owner of record.

Item 10 was deferred prior to the meeting.

PC Minutes 5/21/12 **DRAFT**

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 NORTHEAST SECTOR PLAN (DDW)

Consider additional Plan revisions that align with the Planning Commission's approval of Option 3 on April 23, 2012, and adopt PC Resolution PCR-5-3-12.

STAFF PRESENTATION

Mr. Dan Warner presented the item.

Commissioner Blaser asked if the only change was the removal of the snowflakes.

Mr. McCullough said it was just carrying forward their action from last month.

Motioned by Commissioner Liese, seconded by Commissioner von Achen, to approve the additional changes to the Northeast Sector Plan that align the other sections of the Plan with the decision to approve Option 3; and, approve PC Resolution PCR-5-3-12.

Commissioner Finkeldei said he voted against option 3 so he would vote against this motion.

Commissioner Hird said he also voted against option 3 and would vote in opposition to this motion.

Motion carried 7-2, with Commissioners Finkeldei and Hird voting in opposition.

Consideration of any other business to come before the Commission.

ADJOURN 10:50pm



PLANNING COMMISSION MEETING

June 25, 2012

Meeting Minutes DRAFT

June 25, 2012 – 6:30 p.m.

Commissioners present: Belt, Blaser, Britton, Burger, Culver, Hird, Josserand, Liese, von Achen

Staff present: McCullough, Stogsdill, Day, Larkin, M. Miller, Warner, Ewert

RECOGNITION

Commissioner Hird presented former Commissioner Singleton with a certificate of appreciation for her service on Planning Commission.

MINUTES

Will receive the minutes from the Planning Commission meeting of May 21, 2012 during the July Planning Commission meeting.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

Commissioner Liese said the Metropolitan Planning Organization (MPO) met and reviewed projects and updates.

Commissioner Hird said a few folks met to discuss the Agritourism Text Amendment and had a productive meeting to clarify some issues.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

ELECTION OF OFFICERS FOR 2012-2013

Accept nominations for and elect Chair and Vice-Chair for the coming year.

Commissioner Culver nominated Commissioner Liese as Chair. The nomination was seconded by Commissioner Britton.

Nomination approved 9-0.

Commissioner Blaser nominated Commissioner Culver as Vice-Chair. The nomination was seconded by Commissioner Liese.

Nomination approved 9-0.

Commissioner Liese presented Commissioner Hird an engraved gavel for his service as Chair of Planning Commission during the past year.

PC Minutes 6/25/12 **DRAFT**

ITEM NO. 1 VARIANCE FOR MIDWEST HEALTH ADDITION (MKM)

Variance associated with Minor Subdivision for Midwest Health Addition, MS-12-10-11, from the required 75' half-width right-of-way dedication and instead maintain the existing 50' half-width for Wakarusa Dr just south of Harvard. Submitted by Landplan Engineering, for Pioneer Ridge LLC, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

No applicant was present.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the variance requested from Section 20-810(e)(5)(i) of Subdivision Regulations to allow the right-of-way for Wakarusa Drive to remain at 100 ft throughout the portion of the frontage that is 50 feet south of Harvard Road. Require dedication of right-of-way at the intersection of Wakarusa Drive and Harvard Road per the graphic in Attachment B of staff report.

Unanimously approved 9-0.

PC Minutes 6/25/12 **DRAFT**

ITEM NO. 2 IG TO GPI; 12.40 ACRES; 138 ALABAMA ST (SLD)

Z-11-27-11: Consider a request to rezone approximately 12.40 acres and adjacent right-of-way from IG (General Industrial) to GPI (General Public and Institutional), located at 138 Alabama Street. Submitted by Treanor Architects, for Alford-Clarke Post #852 VFW, property owner of record and Bert Nash Community Mental Health Center, contract purchaser.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

No applicant was present.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Blaser, seconded by Commissioner Hird, to approve the rezoning of approximately 12.40 acres and adjacent right-of-way from IG (General Industrial) to GPI (General Public and Institutional), located at 138 Alabama Street based on the findings presented in the staff report and forwarding it to the City Commission.

Unanimously approved 9-0.

PC Minutes 6/25/12 **DRAFT**

ITEM NO. 3 WEST 6TH STREET AND WAKARUSA DRIVE AREA PLAN (DDW)

CPA-4-3-12: Consider a Comprehensive Plan Amendment to Chapter 6 of Horizon 2020 to revise the existing commercial centers section, and to Chapter 14 Specific Plans, to revise the West 6th Street and Wakarusa Drive Area Plan.

ITEM NO. 4A RMO TO CN2; 2.42 ACRES; 650 CONGRESSIONAL DR (SLD)

Z-4-6-12: Consider a request to rezone approximately 2.42 acres from RMO (Multi-Dwelling Residential-Office) to CN2 (Neighborhood Shopping Center), located at 650 Congressional Drive. Submitted by Williams Management, for BWB-WCSC LLC, property owner of record.

ITEM NO. 4B SPECIAL USE PERMIT FOR AN OFFICE/RETAIL BUILDING WITH A DRIVE-THRU; 650 CONGRESSIONAL DR (SLD)

SUP-4-3-12: Consider a Special Use Permit for an office/retail building with a drive-thru for an eating and drinking establishment use at 650 Congressional Drive. Submitted by Williams Management, for BWB-WSC, LLC, property owner of record.

STAFF PRESENTATION

Mr. Dan Warner presented item 3.

Ms. Sandra Day presented items 4A and 4B together.

APPLICANT PRESENTATION

Mr. Brad Finkeldei, attorney for Williams Management, agreed with the staff recommendation. He said the Comprehensive Amendment made sense and was an extension of what was there now. He said it would include four tenants and three tenants had been lined up already.

PUBLIC HEARING ON ITEMS 3, 4A, 4B

No public comment.

APPLICANT CLOSING COMMENTS

Mr. Brad Finkeldei said they held a public hearing and invited the neighbors. He said two residents attended for additional information.

COMMISSION DISCUSSION

Commissioner von Achen inquired about the current western boundary.

Ms. Day said it ended at the property line today.

Commissioner von Achen inquired about car stacking in the drive-thru.

Ms. Day used the overhead to show traffic flow.

ACTION TAKEN on Item 3

Motioned by Commissioner Blaser, seconded by Commissioner Culver, to approve this comprehensive plan amendment to Horizon 2020 Chapter 6, Commercial Land Use, to revise the western boundary of the Existing Commercial Area W. 6th Street and Wakarusa Drive, and to amend

the Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission.

Commissioner Hird said it looked like the kind of infill project that would be helpful to the city. He said setting Congressional as the boundary made perfect sense and was consistent with what was adjacent to it. He said there was vacant land west of Congressional and he would not be in favor of extending retail to the west of Congressional.

Unanimously approved 9-0.

Motioned by Commissioner Blaser, seconded by Commissioner Culver, to approve and sign Planning Commission Resolution PCR-12-00013.

Unanimously approved 9-0.

ACTION TAKEN on Item 4A

Motioned by Commissioner von Achen, seconded by Commissioner Hird, to approve the request to rezone approximately 2.42 acres from RMO (Multi-Dwelling Residential-Office) to CN2 (Neighborhood Commercial Center), located at 650 Congressional Drive based on the findings presented in the staff report and forwarding it to the City Commission.

Unanimously approved 9-0.

ACTION TAKEN on Item 4B

Motioned by Commissioner von Achen, seconded by Commissioner Blaser, to approve an office/retail building with a drive-thru for an eating and drinking establishment use at 650 Congressional Drive and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions to be completed prior to the release of the site plan associated with the SUP for building permits:

1. Submission and approval of a photometric plan for the new parking lot.
2. Submission and approval of building elevations compliant with the Commercial Design Guidelines.
3. Submission and approval of a Downstream Sanitary Sewer Analysis per AP-76 prior to the release of the site plan for issuance of a building permit.
4. Provision of a revised site plan to include the following changes:
 - a. Revision of the legal description to reflect the platted lot less the right-of-way acquired for the W. 6th Street project.
 - b. Provision of the deed book and page reference on the face of the plan that amends the cross access for this site to include the vacation of a portion of the existing north access easement.

Unanimously approved 9-0.

PC Minutes 6/25/12 **DRAFT**

ITEM NO. 5A ANNEXATION OF 12.29 ACRES; 1783 E 1450 RD (SLD)

A-5-2-12: Consider annexation of approximately 12.29 acres, located at 1783 E. 1450 Road (also known as 1545 N. 3rd Street), for Lawrence Recycle Center. Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owner of record.

ITEM NO. 5B I-2 TO IG-FP; 12.29 ACRES; 1783 E 1450 RD (SLD)

Z-5-7-12: Consider a request to rezone approximately 12.29 acres from I-2 (Light Industrial) County Zoning District to IG-FP (General Industrial-Floodplain Overlay), located at 1783 E. 1450 Road (also known as 1545 N. 3rd Street). Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owner of record.

ITEM NO. 5C SPECIAL USE PERMIT FOR LAWRENCE RECYCLE CENTER; 1783 E 1450 RD (SLD)

SUP-5-5-12: Consider a Special Use Permit for Lawrence Recycle Center, located at 1783 E. 1450 Road (also known as 1545 N. 3rd Street). Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owner of record.

ITEM NO. 5D PRELIMINARY PLAT FOR LAWRENCE RECYCLE ADDITION; 1783 E 1450 RD (SLD)

PP-5-4-12: Consider a Preliminary Plat for a one lot industrial subdivision for Lawrence Recycle Addition and including a variance from right-of-way and sidewalk requirements, located at 1783 E. 1450 Road (also known as 1545 N. 3rd Street). Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 5A-5D together.

APPLICANT PRESENTATION

Mr. C.L. Maurer, Landplan Engineering, and Mr. Chester Jones, owner of Advantage Metal, were present for questioning.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Josserand inquired about right-of-way variances.

Mr. McCullough said the subjects tonight were existing development and a request was made to vary from the easements so staff met with the City Engineer and the Public Works Department to discuss and explore whether there would be any improvements in the future. He stated staff always recommends the amount of new right-of-way and/or easement necessary to accommodate the traveling public.

Commissioner Josserand expressed concern about over granting reductions of easements costing the City money because they may have to reacquire that right-of-way for transportation improvements. He felt it may prevent development to occur in the next 20 years on that stretch of State Highway.

Ms. Day said typically the intersections were the critical piece in terms of having enough right-of-way for all of the maximum improvements. She said this particular intersection had a lot of right-of-way and that KDOT and the City Engineer also believed there was enough right-of-way farther to the south.

Commissioner Culver inquired about the portion of the staff report that states:

'A portion of the site is contaminated with several chemical associated with the long term use as Kaw Metal Sales and Recycling Company. The south portion of the site is capped by AB-3 limestone gravel referred to as an aggregate cover area. This cap is intended to remain on site. A portion of the area will be further capped by the concrete pad in the southeast area to be used for exterior storage. Staff recommends the addition of a condition related to the KDHE concern are recommended to provide assurance of compliance of the project.'

Commissioner Culver asked if that was part of condition 7 that the applicant agreed to.

Ms. Day said yes, the City Stormwater Engineer had been very closely involved with that. She said it was the southern portion of the property that was subject to the contamination.

Commissioner Blaser asked what would start a benefit district for sidewalks and what the procedure was for that.

Mr. McCullough said it was based on an identified need in the area, typically identified by the City.

Ms. Day said some of that may also come with the future waterline extension. She said the Fire Department would like to see waterlines extended on both sides but that the City does not have immediate plans to do that at this time.

Mr. McCullough said staff does not take this particular waiver lightly and that this was only the second one that he could think of.

Commissioner Blaser asked if the trees and fence on the north side would not be replaced.

Ms. Day said the piece along the north property line, where it abuts a segment of county road, the existing vegetation would probably be disturbed and either be removed or not survive. She said the trees near the proposed improvements for the detention pond would probably be retained.

Commissioner Blaser said he would like to see that site cleaned up since it was a gateway to Lawrence. He asked if the existing building would be rehabbed.

Ms. Day said yes.

Commissioner Liese inquired about number of employees and increased traffic.

Ms. Day said a traffic study was done and staff looked at trying to push the main access drive a little bit further south but there were a number of problems with that. She said regarding the internal circulation of the site KDOT had been following the project as well as the access management. She said there were some improvements with the driveway coming into the site and a secondary driveway for emergency purposes only. She said also with the property the curb line would be extended so there would be a much cleaner piece of right-of-way than what currently exists.

Mr. Maurer said there would be 6-7 employees during the day with somewhere between 20-30 trucks a day, depending on how much was being delivered.

Commissioner Blaser asked if this would also be a heavily used junk yard.

Mr. Maurer said no.

Mr. Jones said it would not be an automobile salvage yard. He said if a car was brought in the fluids would be drained, the car would be crushed and shipped to a shredder in Kansas City. He said the fewer cars at the site the better. He said the parent company of Advantage Metals had been in business for over 125 years and was very environmentally conscious and had strict standards.

ACTION TAKEN on Item 5A

Motioned by Commissioner Hird, seconded by Commissioner Culver, to approve the requested annexation of approximately 12.29 acres subject to payment of rural water district fees.

Commissioner Blaser said he would vote in favor of the project. He felt the site needed to be cleaned up to create a better gateway to the city.

Commissioner von Achen asked if noise was an issue with this project.

Ms. Day said she would assume there would be noise associated with the use but that it was in an IG district where those kind of activities and uses were expected during typical business hours. She said it was an industrial corridor with train tracks and a major intersection of the highway so it was already a busy noisy place.

Commissioner Josserand said he would vote to approve the project and expressed concern about the gateway aspect of that area.

Commissioner Belt asked if Mr. Ted Boyle, North Lawrence Improvement Association, had any comments.

Ms. Day said Mr. Boyle may have called with general questions when it was submitted as a Conditional Use Permit.

Commissioner Liese said he would vote in favor of all aspects of the plan.

Unanimously approved 9-0.

ACTION TAKEN on Item 5B

Motioned by Commissioner Hird, seconded by Commissioner Britton, to approve the request to rezone approximately 12.29 acres, from I-2 (Light Industrial) County Zoning District to IG-FP (General Industrial - Floodplain Overlay) District based on the findings presented in the staff report and forwarding it to the City Commission.

Unanimously approved 9-0.

ACTION TAKEN on Item 5C

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve a Special Use Permit, SUP-05-05-12, for a Scrap and Salvage Operation located at 1783 E 1450 Road, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Provision of a copy of a letter from Kansas Department of Health and Environment confirming compliance of the project with KDHE requirements.
2. Receipt of a US Army Corps of Engineers Permit.
3. Execution of a Site Plan Performance Agreement.
4. Submission and approval of a stormwater pollution prevention plan (SWP3) must be provided for this project, Per City Code Chapter IX Article 9-903(B) prior to issuance of a building permit.
5. Approval of a local Floodplain Development Permit prior to release of the site plan for issuance of a building permit Per City Code 20-1308(a).
6. Submission and approval by staff of a plan detailing the use and arrangement of activity and storage for the exterior storage area compliant with the Floodplain Development Regulations.
7. Provision of a revised site plan per the approval of the Stormwater Engineer to include the following notes and changes:
 - a. Add the following notes to the site plan:
 - i. *"A large portion of the subject property is located within the one percent annual chance (100-year) floodplain according to the Federal Emergency Management Agency, Flood Insurance Rate Map, Map Numbers 2004C0088D & 2004C0176D, Effective Date: August 5, 2010. The base flood elevation (BFE) = 823."*
 - ii. *Construction activity, including soil disturbance or removal of vegetation shall not commence until an approved SWP3 has been obtained.*
 - iii. *"The "retention area" and the connecting drainage swale will be maintained to provide 540 cubic yards (0.33 acre-feet) of additional floodplain volume within the site boundary."* [Change "retention" area to "detention" area].
 - iv. *"This site falls under guidelines set forth by the Kansas Department of Health & Environment, refer to KDHE Project No. C4-023-71903 & EUCA No. 07-EUC-0001 for reference."*
 - v. Add a note to the site plan that indicates borrow soil for fill needs to comply with KDHE BER Policy #BER-RS-048.
 - b. Show the flow line elevations of the 36" CMP under the gravel road on the north side of the property.
 - c. Show the existing curb inlet locations on the west side of N. 3rd Street. Show the elevations of the top of the curb inlets as well as outfall elevations. Show the corresponding cross road pipes extending to the east under N. 3rd Street including material type and diameter.
8. Provision of a revised Site Plan to show the following:
 - a. The applicant is requesting a waiver from the requirement to construct sidewalks (refer to preliminary plat discussion). If sidewalks are required the drawing must be amended to show the sidewalk.
 - b. Provision of a fencing detail per staff approval consistent with the Industrial Design Guidelines.
 - c. Show building entrances.
 - d. Revise off-street parking summary per staff report and provide one (1) additional parking space.
 - e. Provision of a note on the face of the site plan that states chain-link fencing is prohibited along Highway 40/59 except for the portion north of the north driveway. Future replacement of the fence north of the driveway shall be consistent with the approved gateway treatment of the site.

- f. Provision of a note that states: *"All mechanical equipment shall be screened in accordance with Section 20-1006 of the Development."*
 - g. Label areas on plan that will be openspace. Include a general note that states turf areas will be open space.
9. Provision of a revised landscape plan to include the following notes and changes:
- a. Show 8 street trees along the north property line at a ratio of 1 tree per 40'.
 - b. Provision of a note that states: *"Existing trees used for screening or other required landscape standards lost or removed for any reason shall be replanted consistent with the size and species requirements of the landscape plan."*
 - c. Update the interior landscape summary to reflect the increase in off-street parking standards for this use.
 - d. Update the street tree summary to include the 314.62' of frontage along the north property line [8 street trees].
 - e. Revise the plan schedule to show minimum tree size of 4" caliper and minimum container size of shrubs as 5 gallon 18 – 24".
 - f. Provision of a note that specifies the planting materials to be used for all turf areas.

Unanimously approved 9-0.

ACTION TAKEN on Item 5D

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the variance request from Section 20-810(e)(5) which requires the dedication of 25' additional road right-of-way; and instead permit 5' additional road right-of-way dedication and a 15' pedestrian and utility easement. Approve the variance request from Section 20-811(c) which requires the construction of a sidewalk; and instead require the in lieu of the execution of an agreement not to protest the formation of a benefit district for future sidewalk improvements along Highway 40/59 and N 1800 Road. Approve the Preliminary Plat of the Lawrence Recycle Addition subject to the following conditions:

- 1. Revise drawing to include the date of the variance approval on the face of the preliminary plat.
- 2. Provide a note on the face of the Preliminary Plat regarding public improvements and financing per section 20-809 (4)(ii).

Unanimously approved 9-0.

PC Minutes 6/25/12 **DRAFT**

MISCELLANEOUS NEW OR OLD BUSINESS

Commissioner Liese reminded Planning Commission of the orientation on July 13th.

Commissioner von Achen said she would not be present.

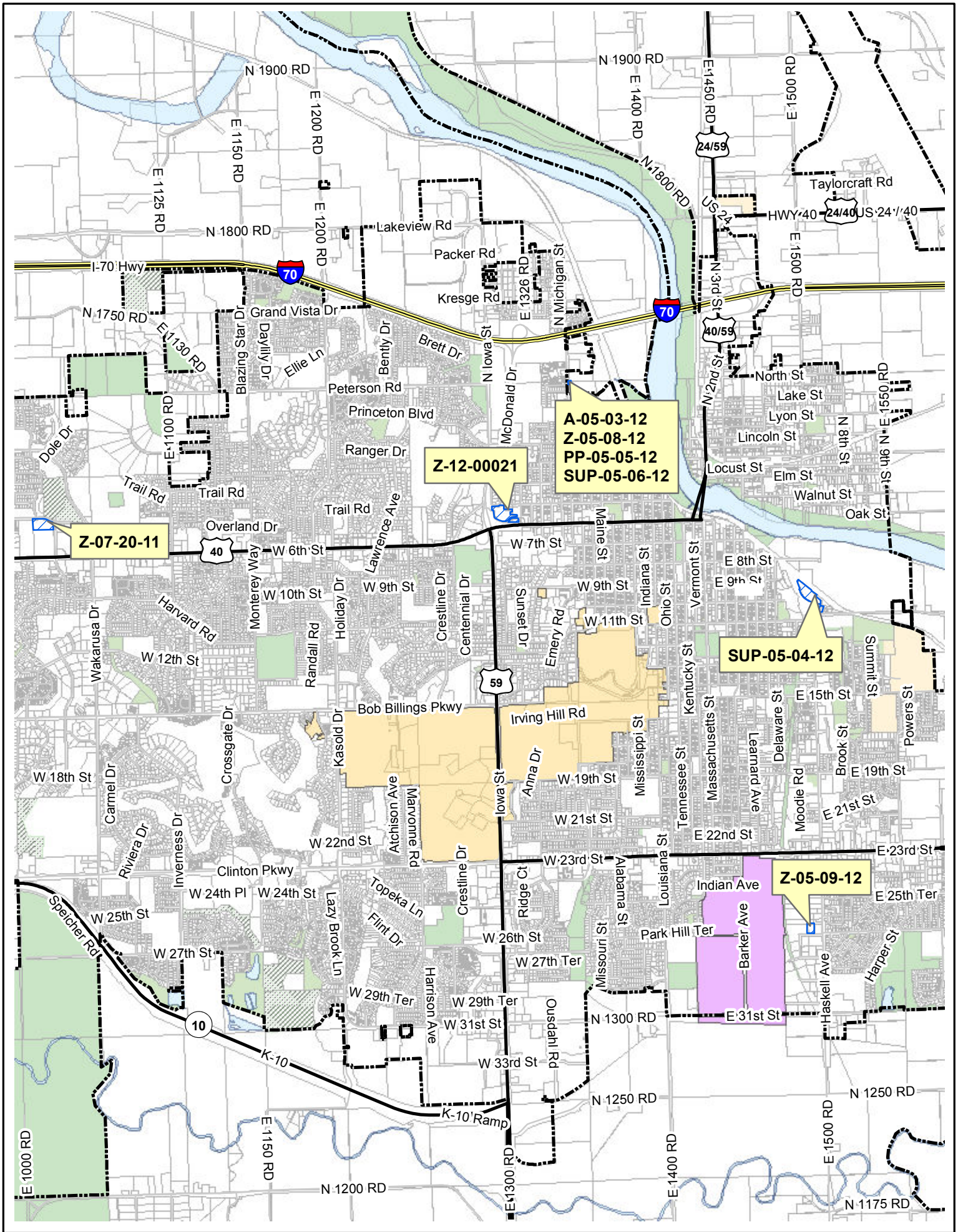
Consideration of any other business to come before the Commission.

ADJOURN 7:50pm

2012
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 11	Industrial Districts TA		Jan 23	Jan 25
Feb 8	Agritourism		Feb 27	Feb 29
Mar 14	Northeast Sector Plan		Mar 26	Mar 28
Apr 11	"Planning for Planning: What we need to do at our upcoming orientation."		Apr 23	Apr 25
May 9	APA Conference follow-up		May 21	May 23
Jun 13			Jun 25	Jun 27
Jul 13	PC Orientation – all day Friday		Jul 23	Jul 25
Aug 8	Legal Review – Start at 8:00AM		Aug 20	Aug 22
Sep 12	Comprehensive Plan – What's it all about & review of Goals and Policies		Sep 24	Sep 26
Oct 10	Development Review Process	Elements of a Site Plan	Oct 22	Oct 24
---			Nov 12	Nov 14
---			Dec 10	Dec 12
	Suggested topics for future meetings: <i>How City/County Depts interact on planning issues</i> <i>Stormwater Stds Update – Stream Setbacks</i> <i>Overview of different Advisory Groups – potential overlap on planning issues</i> <i>Open Space Acquisition/Funding Mechanisms – what do other states do?</i> <i>Library Expansion Update</i> <i>Joint meeting with other Cities' Planning Commissions</i> <i>Joint meeting with other Cities and Townships – UGA potential revisions</i>		<i>Presentation from KC-metro Planning Directors</i> <i>Tour City/County Facilities</i> <i>2010 Census Data</i> <i>Oread Overlay Districts</i> <i>KDOT 5-County Regional Transportation Study</i> <i>US40/K-10 Area Transportation Plan</i> <i>Water/Wastewater Master Plan Update</i>	
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds				

Revised 7/20/12



PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
7/23/2012

ITEM NO. 1 PRD [Village Meadows PRD] District TO RM15 (Multi-Dwelling Residential) District (SLD)

Z-7-20-11: Consider a request to rezone approximately 6 acres from PRD (Planned Residential Development) to RM15 (Multi-Dwelling Residential) District, located at 525 Congressional Drive. Submitted by Paul Werner Architects, for M & I Regional Properties, LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 6 acres, from PRD [Village Meadows] Planned Residential Development District to RM15 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *The reason for this rezoning request is to provide a medium density residential transitional area between existing and proposed commercial and residential to the south, the existing commercial to the east and the existing PRD zoning to the north of Overland Drive.*

KEY POINTS

- Proposed Minor Subdivision consistent with requested zoning district boundary.
- Property originally zoned PRD-2 included as part of a 20 acre request [Z-8-30B-01] intended for multi-dwelling development.
- PRD approved with maximum density of 15 dwelling units per acre.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- A-4-5-01 Annexation.
- Z-8-30B-01; A to PRD [20 acres] approved by the City Commission on 10/23/01.
- Wakarusa Place Addition original Plat.
- Preliminary Development Plan for 6Wak Apartments approved by City Commission on 3/9/04.
- PF-4-6-07; Village Meadows a replat of Wakarusa Place Addition.
- UPR-09-03-04; mixed residential including independent living units and extended care facility-- expired.
- Z-7-20-11; Original Request PRD to CC200 (12.9 acres) and RM15 (5 acres)-- [Lowes]. Replaced by revised request For 6 acres PRD to RM15. [Current Request – July 2012 PC]
- MS-12-00014; Proposed Minor Subdivision to create 3 lots.

Pending Requests

- Z-12-00028; CO to CN2 1.05 acres [for portion of original 20 acres]
- Z-12-00028; PRD and CO to RM24 1.05 acres [for portion of original 20 acres]

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning
- *Downstream Sanitary Sewer Analysis* – not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not applicable to residential request

ATTACHMENTS

- Area Map
- Northwest Plan land use map overlay

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Phone calls from individuals requesting clarification on request.

Project Summary:

Proposed request is for rezoning of 6 acres from a Planned Residential District to a conventional multi-dwelling district.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Horizon 2020 states, "Medium-density residential development, reflecting an overall density of 7 to 15 dwelling units per acre, is recommended as clustered development at selected locations along major roadways, near high-intensity activity areas, and when adjacent to important natural amenities. Pg- 5.4" The subject property fits Horizon 2020's description for the appropriate location of RM15 zoning by being adjacent to existing and proposed commercial areas to the south, proposed high density residential to the south and existing commercial to the east. The open space area to the north east and the major roadways serving this area make this a great location for medium density residential.*

Horizon 2020 also states, "Most of the sites recommended for new medium-density residential development occupy transitional locations between single-family neighborhoods and office/commercial areas. Some sites are recommended near large open space or natural areas. In addition to providing attractive new housing options within the city, these areas should be designed to help avoid major and abrupt changes in density or use. Existing and planned medium-density residential development is widely scattered throughout the city. Pg 5.5" Horizon 2020 does not show the subject property on the Future Land Use Map, however the proposed RM15 zoning will compliment the area and provide appropriate transition from the proposed high density zoning to the south.

Various plans address general land use area in addition to *Horizon 2020*. This property is within the boundary of the *Northwest Plan*. The *6th & Wakarusa Nodal Plan* extends into the *Northwest Plan* boundary and terminates at the east property line of proposed RM15 request. This property is outside of the boundary of that nodal plan. *Horizon 2020* supports infill development over new annexations. Approval of the request would facilitate development of this property. This area is generally described as suitable for multi-family development. The *Northwest Plan* supports medium density residential uses consistent with the proposed zoning.

Staff Finding – The proposed request is consistent with the land use recommendations included in the comprehensive plan.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Current Zoning and Land Use:

PRD [Village Meadows] Planned Residential Development and CO (Commercial – Office) District; undeveloped land. Maximum Density allowed for this PRD is 15 dwelling units per acre.

This request represents a portion of a larger tract subject to additional development requests.

Surrounding Zoning and Land Use:

OS (Open Space) District and PCD [6Wak] Planned Commercial Development to the east. Wal-Mart, detention pond and vacant commercial pad sites.

RMO (Multi-Dwelling Residential-Office) District to the south. Existing apartments and vacant lot.

UR (Urban Reserve) to the west; undeveloped land

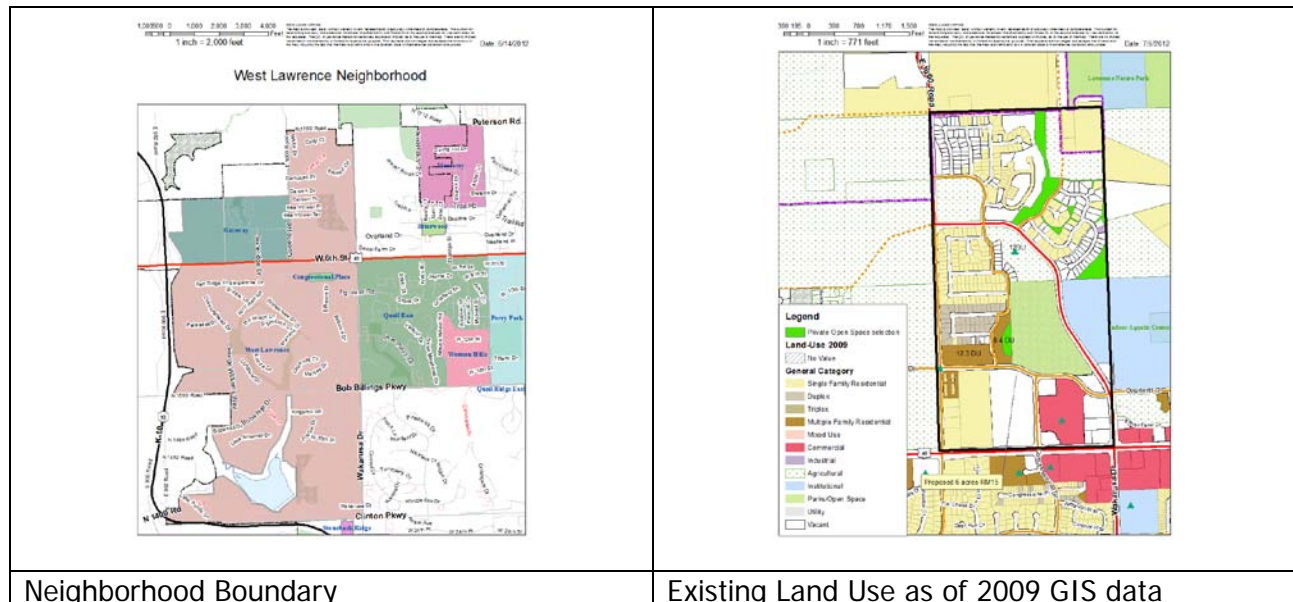
PRD [Parkwest PRD; Camson Villas east of Eisenhower, Park West Gardens, west of Eisenhower Drive, existing multi-dwelling developments

OS (Open Space) District to the north; future undeveloped park

Staff Finding – The density of the PRD portion of the property is consistent with the proposed RM15 District. The surrounding development to the north and northwest are developed with apartment complexes. The area to the south and west is undeveloped at this time.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The character of the neighborhood consists of medium to high density residential to the north and west with a portion of UR zoning directly west of the subject property. The area is further defined by existing and proposed commercial and residential zoning to the south and commercial to the east with open space zoning to the north east. This is a thriving residential and commercial area of Lawrence served by the surrounding collector and arterial streets.*



The property is located within the West Lawrence Neighborhood. This neighborhood by far is the largest in the City with more than 1,800 acres. The neighborhood includes area north and south of W 6th Street. The property is across from a 29 acre future park and within a half mile of the Lawrence Free State High School Campus. The property is also within a quarter mile of commercial uses.

The neighborhood north of W. 6th Street is dominated by residential uses. The southeast corner of the area includes commercial uses (east of Congressional Drive). Major portions of the street network have been constructed in this area with collector and arterial street designations established.

Staff Finding – The character of the neighborhood is dominated by residential uses.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

The subject property is governed by *Horizon 2020* and the *Northwest Plan*. The plan recommends very low density residential uses in the area that is generally north of Peterson Road. Land use intensity is recommended to transition to higher intensity uses from the north to the south with the highest intensity uses located along the arterial streets. The proposed RM15 zoning district is located on the south side of Overland Drive in the area anticipated for higher intensity development. The original approval for PRD zoning included a maximum density of 15 dwelling units per acre for the proposed Village Meadows project. This request represents 6 acres of the planned 17.8 acres. Pending zoning requests address the remaining 11.8 acres. The proposed request is consistent with the adopted plans for this area.

Staff Finding – The proposed request is consistent with the planned development in the area.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response: *The subject property is currently zoned PRD which is allowed under the former Development Code. While the property is suitable for this zoning designation, it is also suitable for RM15 zoning. The previously approved Village Meadows UPR for a retirement facility included 310 dwelling units which would have given the site a density of 17 units per acre.*

The proposed request would remove 6 acres from the existing 17.8 acre PRD. The maximum density allowed would not be altered by this request. The approved density for the Village Meadows project excluded the assisted living and Alzheimer's units from the total calculation. The proposed RM15 district is consistent with previous approval granted for this property. The RM15 district allows attached, clustered, and multi-dwelling residential uses and permits detached housing as a Special Use in this district.

Staff Finding – The suitability for medium density residential development is not altered by this request.

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

Applicant's Response: *The subject property has never been developed and has continued to remain vacant since it was zoned PRD.*

The property is currently undeveloped. The PRD zoning was approved October 23, 2001. The zoning was contingent upon approval of a development plan which became known as Village Meadows. The associated Use Permitted upon Review [UPR-9-3-04] was approved in 2005 but expired. The current zoning has been in place since 2006 upon adoption of the Land Development Code.

Staff Finding – The property is currently vacant.

7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's Response: *No detrimental effects will occur to nearby properties by rezoning this property to RM15 from PRD.*

Approval of the rezoning modifies the development standards applicable to development of the site. Approval of the request does not significantly alter the allowed uses or density for this property. No detrimental effects are anticipated to result from approval of the proposed zoning.

Staff Finding – No detrimental effects are anticipated to result from approval of the proposed zoning.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response: *The gain to the public if this application were approved would be adequate buffering for the residential to the north and provide additional units within walking or short driving distance of this growing commercial area of Lawrence. The hardship of the denial of this application would be the ground would remain undeveloped and become increasingly difficult develop.*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

Approval of the request will facilitate infill development in this area. The property abuts an existing collector street. Commercial destinations and public spaces are located east and northeast of the property. There is no anticipated "cut-through" traffic that would be generated by this development to the lower density areas to the north.

Staff Finding – There is no negative impact anticipated to result from approval of the proposed RM15 zoning.

9. PROFESSIONAL STAFF RECOMMENDATION

The significant change represented by this request, other than the total area, is the change from a planned residential development to a conventional multi-family residential development. The 2006 Development Code was adopted with more detailed design standards for open space than was

provided in the 1966 Zoning Code. These design standards are comparable to many of the open space requirements of a Planned Unit Development in the old Code. Approval of the request for a smaller land area and with conventional zoning will facilitate development of the area.

CONCLUSION

The proposed RM15 District is comparable to the existing density and planned land use for the area. Staff recommends approval of the rezoning of approximately 6 acres to RM15 District.

940 470 0 940 1,880 2,820 3,760

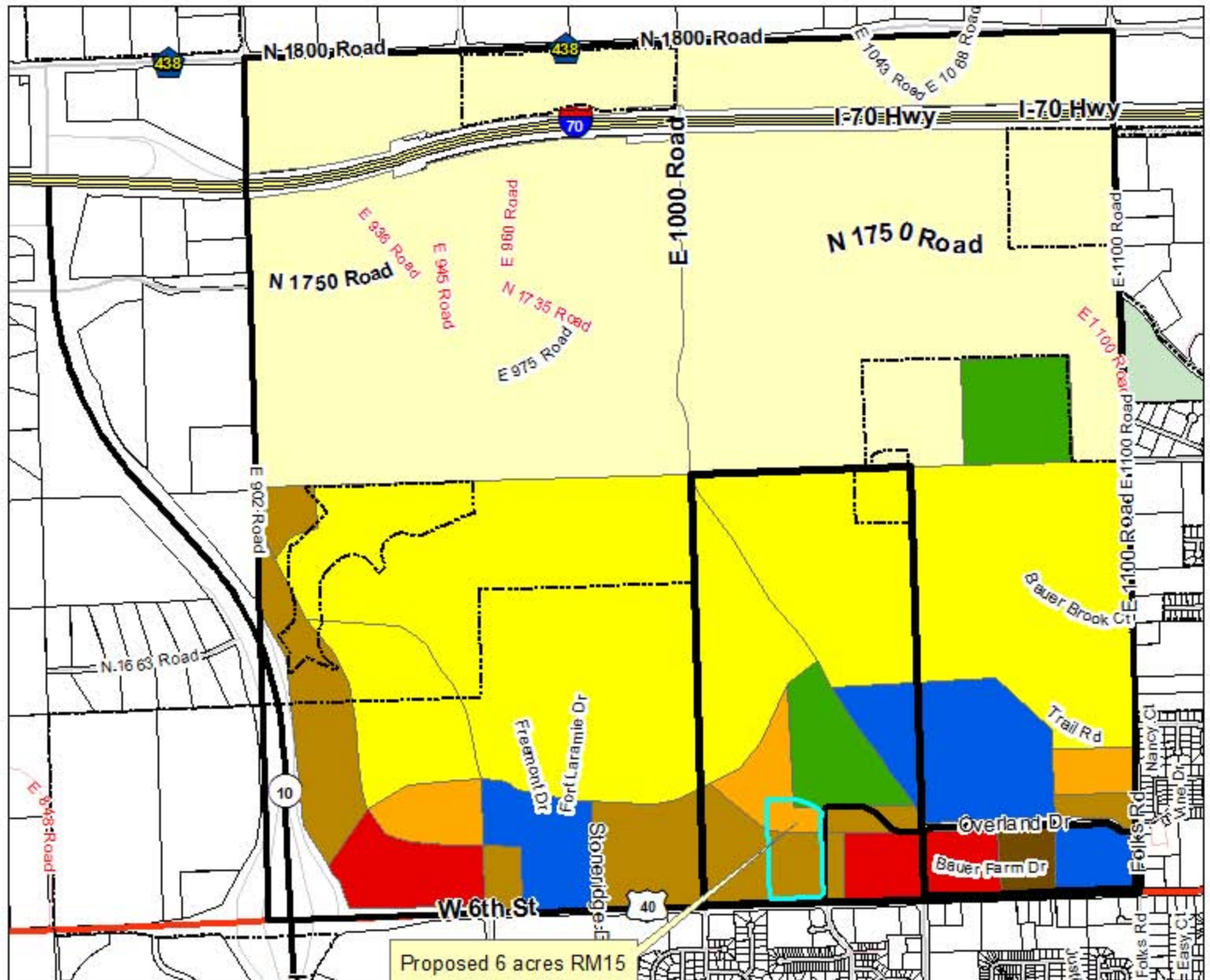
Feet

1 inch = 1,857 feet

DISCLAIMER NOTICE

The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the user. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The user acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

Date: 7/5/2012



Legend

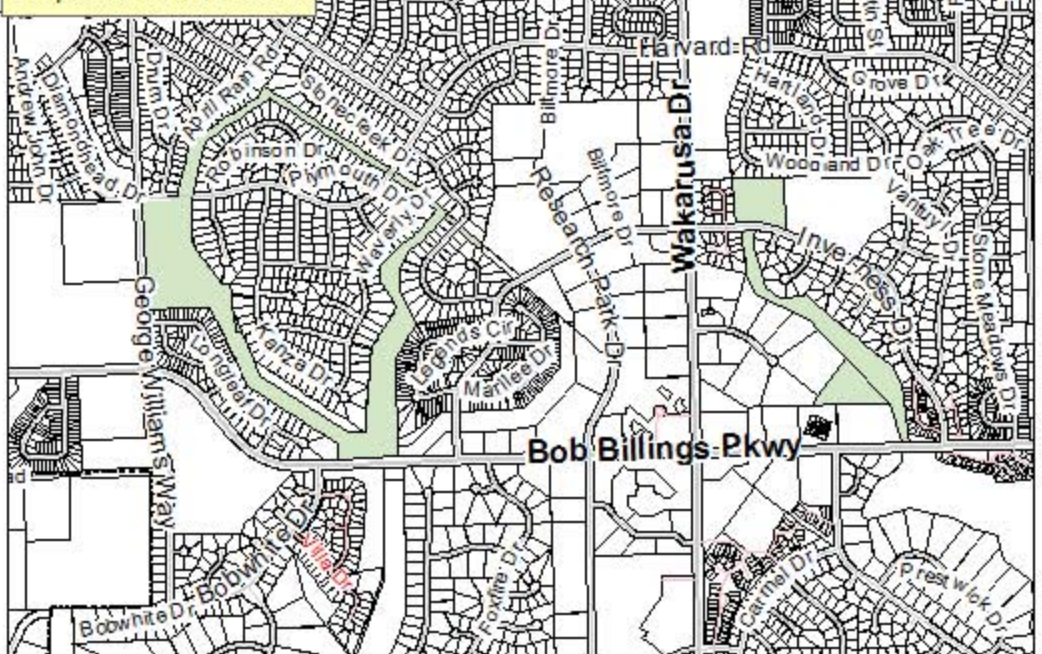
NW area plan boundary.lyr

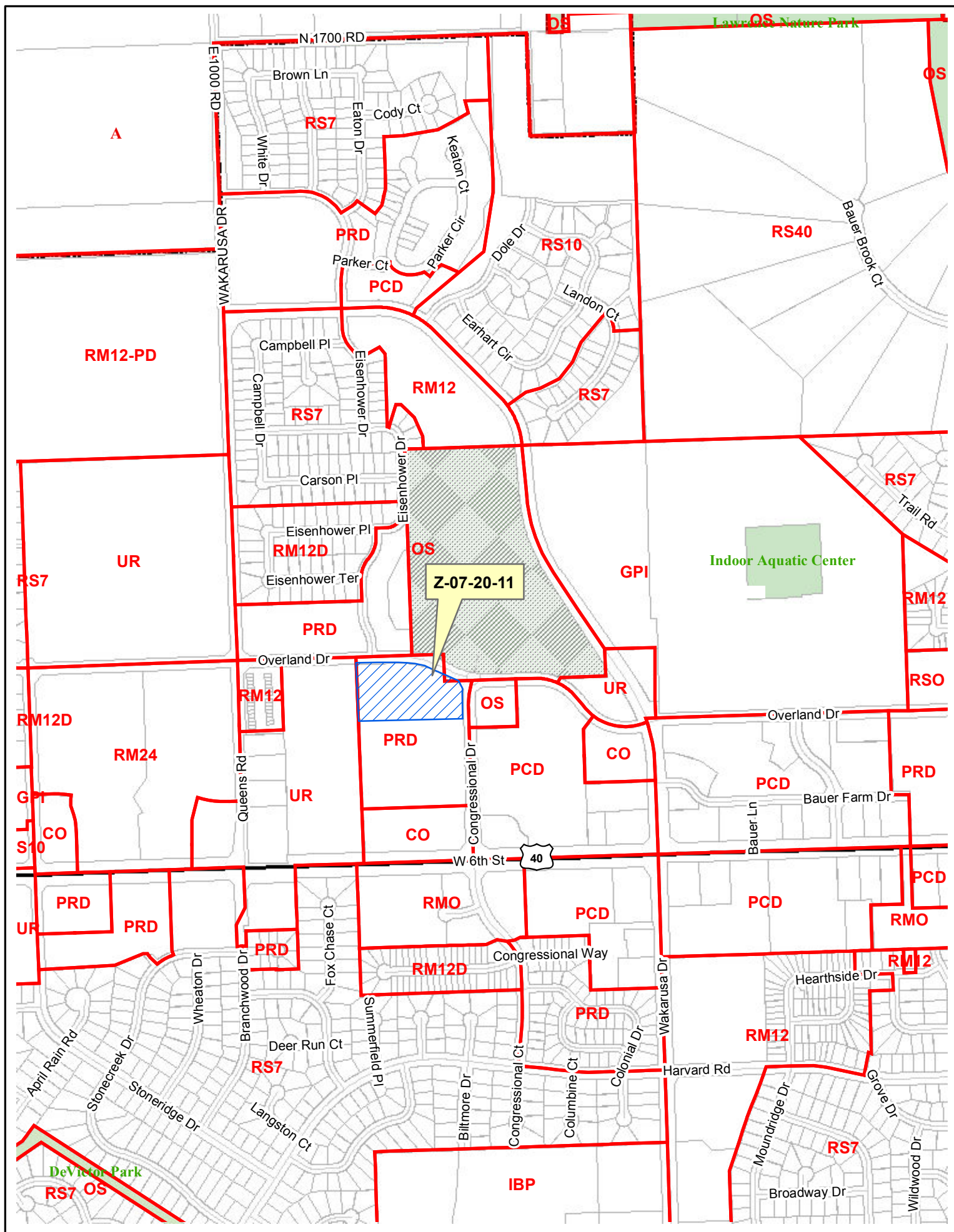
NW Area Plan future land use

PROPOSED_L

- rural residential
- single-family
- multi-family
- office/m.f. mix
- office
- commercial
- institutional
- city park
- 6th & Wak boundary

Proposed 6 acres RM15





PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item:

PC Staff Report
07/23/12

ITEM NO. 2: SPECIAL USE PERMIT FOR 12TH & HASKELL RECYCLE CENTER; 1000 E 11TH STREET. (SLD)

SUP-5-4-12: Consider a Special Use Permit for 12th & Haskell Recycle Center, to permit a Scrap and Salvage Operation, in conjunction with a Recycling, Collection and Processing Center, located at 1000 E 11th Street on approximately 5.83 acres. Submitted by Bartlett & West, Inc., for Robert B. Killough, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of SUP-05-04-12, a Special Use Permit for a Scrap and Salvage Operation, in conjunction with a Recycling, Collection and Processing Center, located at 1000 E 11th Street Road, based upon the findings presented in the body of the staff report and with a recommendation for approval to be forwarded to the City Commission subject to the following conditions:

1. Execution of a Site Plan Performance Agreement.
2. Provision of a photometric plan per 20-1103 of the Development Code for review and approval prior to the release of the site plan for issuance of a building permit.
3. Provision of a revised site plan to show the location and deed book and page reference for any easement dedicated to cover the private services lines that access the public infrastructure crossing separate parcels of land.
4. Provision of a DSSA for the proposed build-out condition of the property per the specifications of the City Utility Department in the form of a fixture count analysis.
5. A site plan note shall be added: "No open burning of junked, salvaged, or discarded materials shall be permitted."
6. The site plan shall be revised to reflect the required amount of 440 sq. ft. of interior landscaping.
7. The site plan shall note that the owner is responsible for maintaining the property, especially the perimeter fencing, in a litter-free manner.
8. The site plan shall note that the operation shall comply with all state and local solid and hazardous waste laws and standards, particularly as they relate to the removal of vehicular fluids.
9. The site plan shall note a restriction on the hours of operation for the outdoor crushing of vehicles and loading of bulk materials into semi-trucks as follows:

Monday through Friday: 8:00 a.m. to 6:00 p.m.

Saturday: 8:00 a.m. to 4:00 p.m.

Sunday: prohibited

Applicant's Reason for Request: *According to Section 20-527 of the City of Lawrence Development Codes, a special use permit is required for any scrap and salvage operations.*

KEY POINTS

- The Special Use Permit is requested to permit the Scrap and Salvage Operation.
- The submitted plan acts as the site plan for the proposed Recycling-Collections and Processing Center and the SUP for the Scrap and Salvage Operation.
- Existing buildings will be reused for proposed operations.

ASSOCIATED CASES/ OTHER ACTION REQUIRED

- SP-9-61-95; Site Plan for Consolidated Lumber

PLANS AND STUDIES REQUIRED

- *Traffic Study* – received and approved by staff.
- *Downstream Sanitary Sewer Analysis* – Additional documentation is required. Water and sanitary sewer connections as proposed are not compliant with City code.
- *Drainage Study* – Received and approved by staff.
- *Retail Market Study* – Not applicable to this request.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Inquiries via phone regarding proposed development. No specific concerns expressed.

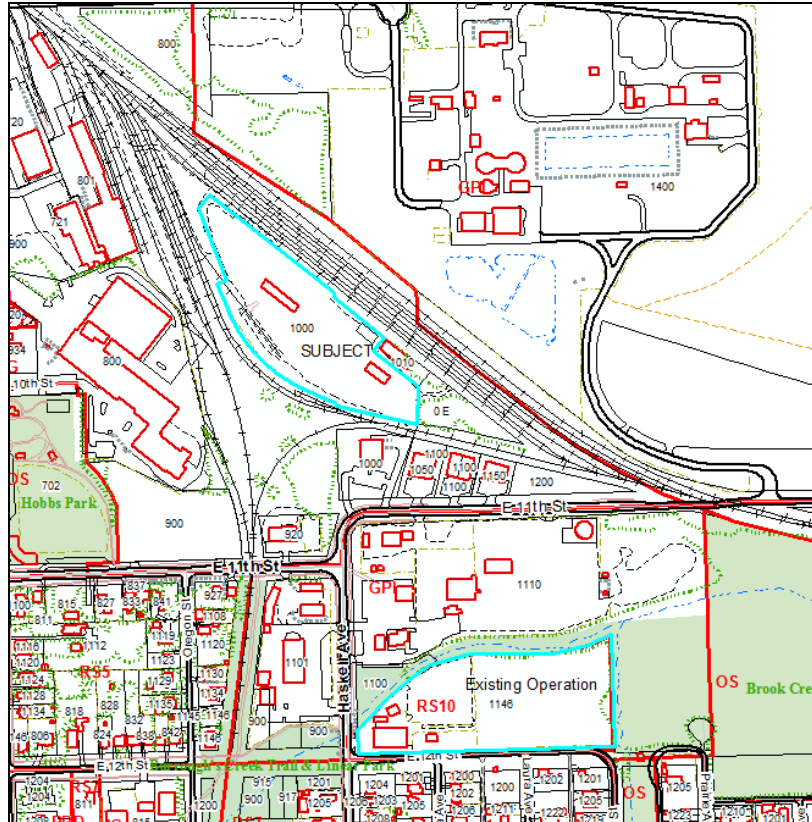
ATTACHMENTS

- Site Plan
- Area map

GENERAL INFORMATION	
Current Zoning and Land Use:	IG (General Industrial) District; vacant property, former lumber yard.
Surrounding Zoning and Land Use:	IG (General Industrial) District; to the northwest, west, and south. Existing Railroad right-of-way surrounds the property. Warehouse uses to the east and south. GPI (General Public and institutional) District to the northeast, City of Lawrence wastewater treatment facility.

Summary of Request

This request is for the relocation of an existing recycling and scrap and salvage operation to be relocated from 1146 Haskell Avenue to 1000 E 11th Street. Existing buildings on the site will be used for the operation.



Site Plan Review:

The site includes an existing warehouse building (labeled ExBldg 2) with a small office located on the southeast end of the property. This building will be used for the recycling/processing operation and office activity associated with the business. The open shed building (labeled ExBldg 1) will be used for trailer storage in the short term. Long term plans include the expansion of the shed building and enclosing it to provide additional processing and enclosed storage space. A new 15' x 70' portable scale will be installed. The site includes a small loading dock on the west side of the property. This loading dock would also be expanded in the future. This expansion is designed to accommodate both truck and rail service in the future. The property will include two primary uses: Scrap and Salvage Operations; and, Recycling Processing Center.

Scrap and Salvage Operations are defined as: *The storage, sale, dismantling, or other processing if used, source-separated, or waste materials not intended for reuse in their original form. Typical uses include automotive wrecking yards, junk yards, and salvage yard, but not including "recycling facilities". (20-1760)*

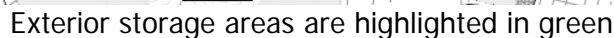
Recycling Facilities are defined as: *A facility for the collection and/or processing of Recyclable Materials. A recycling facility does not include storage containers or processing activity located on the Premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:*

(1) **Collection Facilities**

A center or facility for the acceptance by donation, redemption, or purchase of Recyclable Materials from the public. A Small Collection Facility may occupy a maximum area of 500

- (i) *Attended or unattended mobile collection units such as all weather roll-off containers, bins or boxes, which are not permanently affixed to the ground;*
- (ii) *Reverse vending machines or kiosks that may include permanent Structures;*
- (iii) *Indoor facilities, ancillary to the primary activity of a business or organization.*

*A **Building** or enclosed space used for the collection and processing of Recyclable Materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.*



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

Recycling Facilities – Large Collection and Processing Centers are permitted in the IG (General Industrial) District, subject to site plan approval. Scrap and Salvage Operations are permitted in the IG District, subject to approval of a Special Use Permit. These exterior storage uses are also governed by the use standards of Article 5. These standards regulate the location of exterior storage areas on a property, prescribe minimum setbacks and require a specific landscape bufferyard where exterior storage areas abut public right-of-way. This property is unique in its shape and lack of direct access to a public street. The proposed storage areas do not abut public street right-of-way and are not visible from nearby streets.

Section 20-527 has specific requirements regarding Scrap and Salvage Operations. Specifically, 20-527 requires screening and pile height restrictions when the property abuts an arterial or collector street. This property abuts neither and is well screened from the surrounding street network by natural vegetation and other industrial uses. Further, 20-527 states that open burning is prohibited. This prohibition to burning has been added as a condition of approval.

20-540(5)(ii)(a) states: Small or Large Collection Facilities shall be located on a paved surface. The majority of the site is gravel and various bins will be established for the collection of certain products. An administrative waiver is being granted with the site plan to permit the location of recycling collection bins/trailers on a non-paved surface per Section 20-1305(b)(3)(v) of the Development Code.

Staff Finding – The proposed use is compliant with all applicable provisions of the Development Code as conditioned.

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 surrounded on three sides by land owned by the railroad. The areas surrounding the railroad are local businesses/warehouses with similar operating hours and zoning.

The proposed uses are industrial in nature in terms of scale and operating characteristics. The property is surrounded by railroad right-of-way with various warehouses and industrial uses backing up to this area providing additional buffering and land use transition for the area.

This portion of the neighborhood is industrial in nature with noise and vibration created by the railway operation and odors created by the city's wastewater treatment plant; however, the operating characteristics of the proposed uses can impact an area farther than the adjacent industrial uses if not restricted. Noise, vibration, dust and litter are the primary potential impacts related to this use given the potential to crush vehicles and load bulk materials. Except for the rail and wastewater treatment plant as noted above, the other industrial uses in this area have limited outdoor impacts.

The impacts should be carefully considered given the ongoing revitalization of the 8th Street and Pennsylvania area into residential use that is in near, but not adjacent, proximity to the proposal. The nearest residentially zoned property is approximately 790 feet away and substantial mature trees exist between the properties, reducing much of the potential impact. Even so, staff recommends that hours of operation be established for the outdoor crushing of vehicles and loading of bulk materials into semi-trucks as follows to mitigate any potential for negative impact:

Monday – Friday: 8:00 a.m. to 6:00 p.m.
Saturday: 8:00 a.m. to 4:00 p.m.
Sunday: prohibited

Additionally, staff recommends a site plan note placing the owner on notice that the property should be maintained in a litter-free manner.

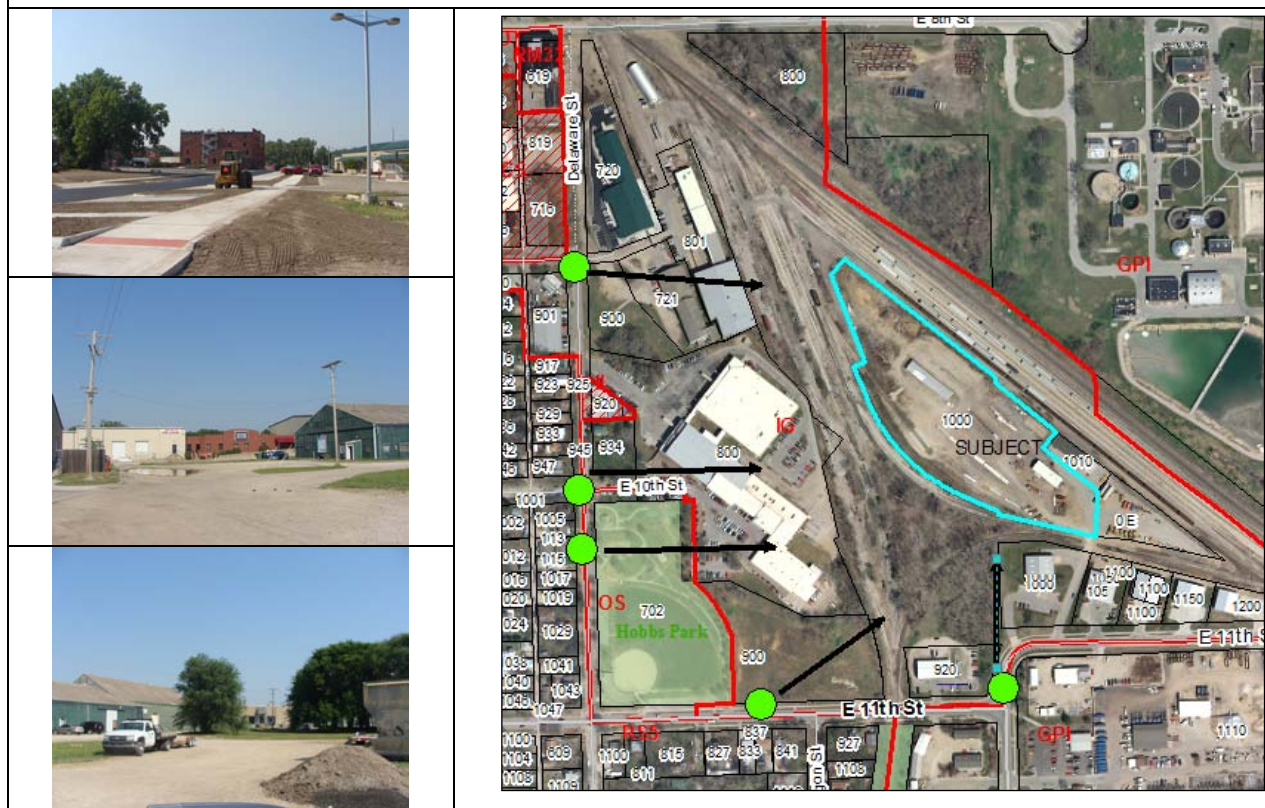
Staff Finding – With the recommended condition, the proposed uses are compatible with adjacent and nearby uses.

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. The surrounding sites are of the same industrial type usage along with the City's property to the south and the wastewater treatment facility to the north.

This property is located east of the East Lawrence Neighborhood and north of the Brook Creek Neighborhood. The property is also north of the Burrough's Creek Trail and Linear Park. A large portion of the land area located along the railroad and along the Kansas River is zoned and developed with industrial uses including the City's wastewater treatment plant. This use is currently located within the boundary of the Brook Creek Neighborhood at 1146 Haskell Avenue. If approved, the business will be relocated to property outside of the neighborhood and within an industrial corridor along the railroad. The property will accommodate improved site circulation and product management compared to the existing site. Additionally this property is not encumbered by regulatory floodplain that reduced the usable area for the operation at its current location. Exterior storage areas will not be visible to the residential portions of the neighborhoods.

Images from surrounding neighborhood

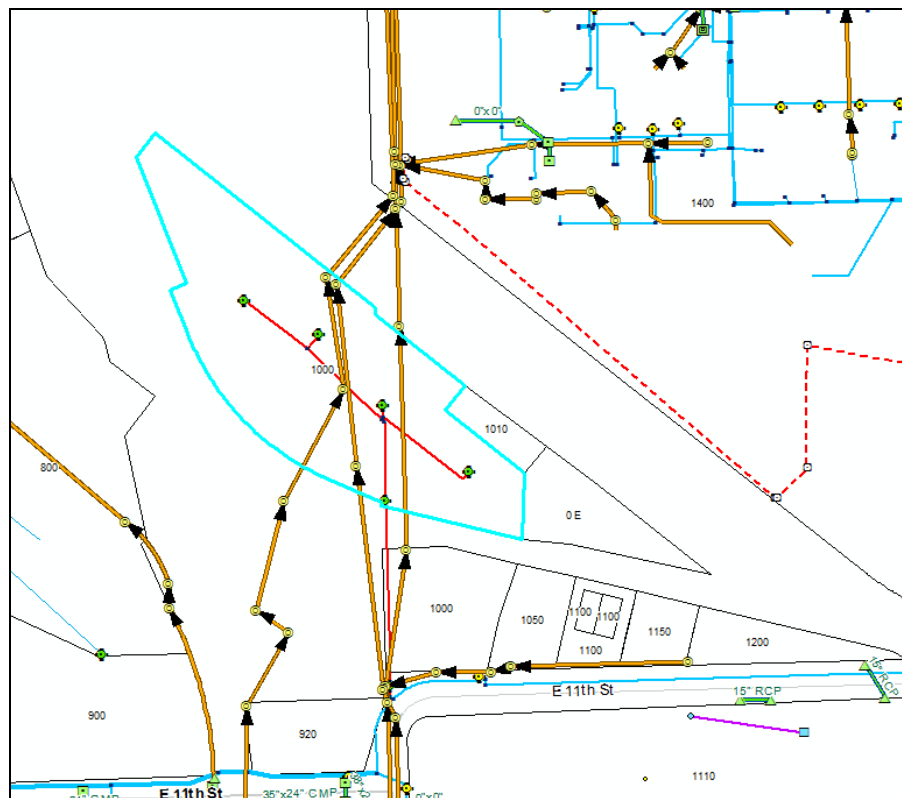




Staff Finding – The proposed use will not cause a substantial diminution in the value of surrounding property.

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

This property is located within the City of Lawrence. Multiple sanitary sewer lines cross this property connecting the City's treatment facility to the existing sanitary sewer network. These lines are high pressure lines and not suitable for individual property connections. The water main is located on the north side of E 11th Street. Capacity in the system is available to serve this site.



East 11th Street includes both arterial and collector street designations. Haskell Avenue and the E 11th Street segment to the west are designated as an arterial street. Where Haskell Avenue turns into E 11th Street to the east, the street is designated a collector. A traffic study was provided by the applicant as required for this project. Staff concurred with the findings that no street improvements associated with this project are required.

Staff Finding – Public safety, transportation and utility services are currently available and a sufficient level of such services is available to support the proposed use.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

Staff Finding – The site plan will function as the enforcement document to assure that maintenance and use of the property is consistent with the conditions of approval.

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

Applicant's Response: The existing site was used for storage of materials and is gravel. The proposed storage of recycled materials shall not cause a negative impact on the environment. It will be the owner's responsibility to follow all rules and regulations set forth by the City, State and Federal Governments.

This property is located in an area surrounded by railroad right-of-way. The site is comprised of a gravel surface and limited vegetation located along the fringe of the site. The property is not encumbered by the regulatory floodplain. Issues related to the existing site have lead to inspections and corrective plans established by the Kansas Department of Health and Environment. Staff recommends that such corrective plans and all of the standards related to solid and hazardous waste be implemented at the new site. With this condition, there are no adverse impacts to the natural environment.

Staff Finding – The proposed use will not cause adverse impacts on the natural environment.

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.

Scrap and Salvage Operations are subject to a Special Use Permit. Exterior storage areas are permitted as an accessory use in most nonresidential zoning districts to provide space for outdoor storage of materials related to the business of the principal use.

Staff Finding – It is not appropriate to place a time limit on this type of Special Use given the nature of the use and the site improvements required to implement the use.

Site Plan Review

This section of the report focuses on the proposed physical improvements of the site.

A. Site Summary

SITE SUMMARY			
	Existing	Proposed	Change
Property Area (sq ft):	253,979 (5.83 acres)	253,979 (5.83 acres)	
Building Area (sq ft):	7,630	16,874	-9,244
Paved Area (sq ft):	4,465	8,342 (3.3%)	+3,877
Total Impervious Area (sq ft):	12,095	25,216 (9.9%)	+13,121
Total Pervious Area (sq ft):	241,884	228,763 (90.1%)	-13,121

B. Access and Parking

Access to this property is accommodated via an existing access easement from E 11th Street. The access crosses the railroad right-of-way. There are no active lines in this portion of the right-of-way. No changes to access are proposed with this development.

The site plan shows a designated parking area located at the southeast end of the property near the recycling/processing building. This area includes new landscape islands within the site that will help to direct vehicular circulation within this property.

Parking Summary		
Use	Parking Requirements	Spaces Required/ Provided
Scrap and Salvage Operations	1 parking space per acre	5.26 acres less recycling building and parking spaces= 6 spaces
Recycling-Processing Center	1 space per 1,000 SF [1-20,000 SF]	2,984 SF = 3 spaces
Total		9 spaces required 11 spaces provided

The site plan shows the parking spaces to include concrete pavement. However the access drives internal to the site are not proposed to be paved. They are currently a compacted gravel surface. This gravel surface is included in the pervious area summary for the site. The access between E 11th Street and the south side of the railroad crossing is an existing concrete pavement drive.

This property is a low point of the immediate area. The permeable surface facilitates stormwater runoff via percolation for this property. The City Stormwater Engineer recommends this approach for this site. The City Engineer has approved the proposed parking lot design as shown on the Site Plan.

C. Industrial Design Standards

The redevelopment of this site requires conformance to the Industrial Design Guidelines. At this time the existing building and pole barn structure will be used “as is” with only minor modifications. The proposed building addition will require a review of the building elevations for compliance at that time.

Staff recognizes that this property is currently zoned for industrial uses and that industrial character is intended to continue. The nature of the use requires a utilitarian building and exterior operations. This does not preclude the expectations that new building and structures will include materials and design consistent with the Design Guidelines. The guidelines acknowledge that some sides of the building will include large overhead doors and loading docks.

This property is unique in that it is not generally visible from public right-of-way or from commercial or residential land uses in the vicinity. The property is located behind existing buildings fronting E 11th Street with street trees, established landscaping, and smaller warehouse buildings. The need for significant architectural detailing is not critical for this property.

Fencing and Screening:

The Industrial Design Guidelines state with regard to applicability:

1. ***High Visibility or Sensitive Areas:***

The standards and guidelines should be applied to the greatest degree practical for properties within this category. Properties subject to this category are those with the following attributes:

- a. Properties located along or visible from arterial streets, collector streets, or highways,*
or
- b. Properties located adjacent to residential development, or*

*c. Properties located along gateways identified in the Long Range Transportation Plan.
(Page 3-2)*

This property is located behind developed industrial properties and along existing railroad right-of-way and is not considered a High Visibility or Sensitive Area. This property is one of the least visible areas with regard to aesthetics and the need for screening. The site is currently fenced with a chain-link fence material and is not proposed to be altered with this application. The railroad right-of-way along the west and south sides of the property are inactive and characterized with large mature trees forming a dense vegetative buffer. Screened fencing at this time is not needed.



Pedestrian accessibility:

Sidewalks are constructed along E. 11th Street but do not extend along the access easement to this property. This use is not associated with a high level of pedestrian activity nor would it be considered a pedestrian destination. The interior site circulation is not intended for pedestrians. The site is designed to provide small vehicles customer access to the facility on the south and east side of the property and heavier truck traffic and vehicular circulation in the central part of the site. Minimal pedestrian areas are provided along the recycling building and the parking area to accommodate small volume customers.

D. Landscaping and Screening

Street Trees:

This property does not include frontage along any public street. This standard is not applicable to this property.

Interior Landscaping

A total of 9 parking spaces are required for this use. The site plan shows a total of 11 spaces provided. A total of 440 SF of interior green space is required for this development. The plan indicates that a total of 407 SF of interior green space is provided. The revised site plan provides interior landscaping for a site that has none currently. The excess spaces result from the configuration of the existing building and provide definition to the site that is currently lacking. Providing 33 additional square feet of interior landscaping should not be onerous given the size of the property. Staff recommends a condition that would require revising the site plan and installing the code required amount of landscaping.

Perimeter Landscaping

This standard is applicable to parking adjacent to public right-of-way. The parking for this development is designed to be located interior to the site. This site does not include frontage to a public street. Access is accommodated via a platted access easement across adjacent property to E 11th Street.

Mechanical Equipment Screening: Section 20-1006 of the Development Code requires that mechanical equipment be screened from adjacent properties and rights-of-way. Ground mounted equipment is not shown on the site plan. Any such equipment is required to be screened. A note to this effect is included on the face of the site plan.

E. Lighting

A minimum requirement of development is the provision of a photometric plan per Section 20-1103 of the Development Code. This is reflected as a condition of approval.

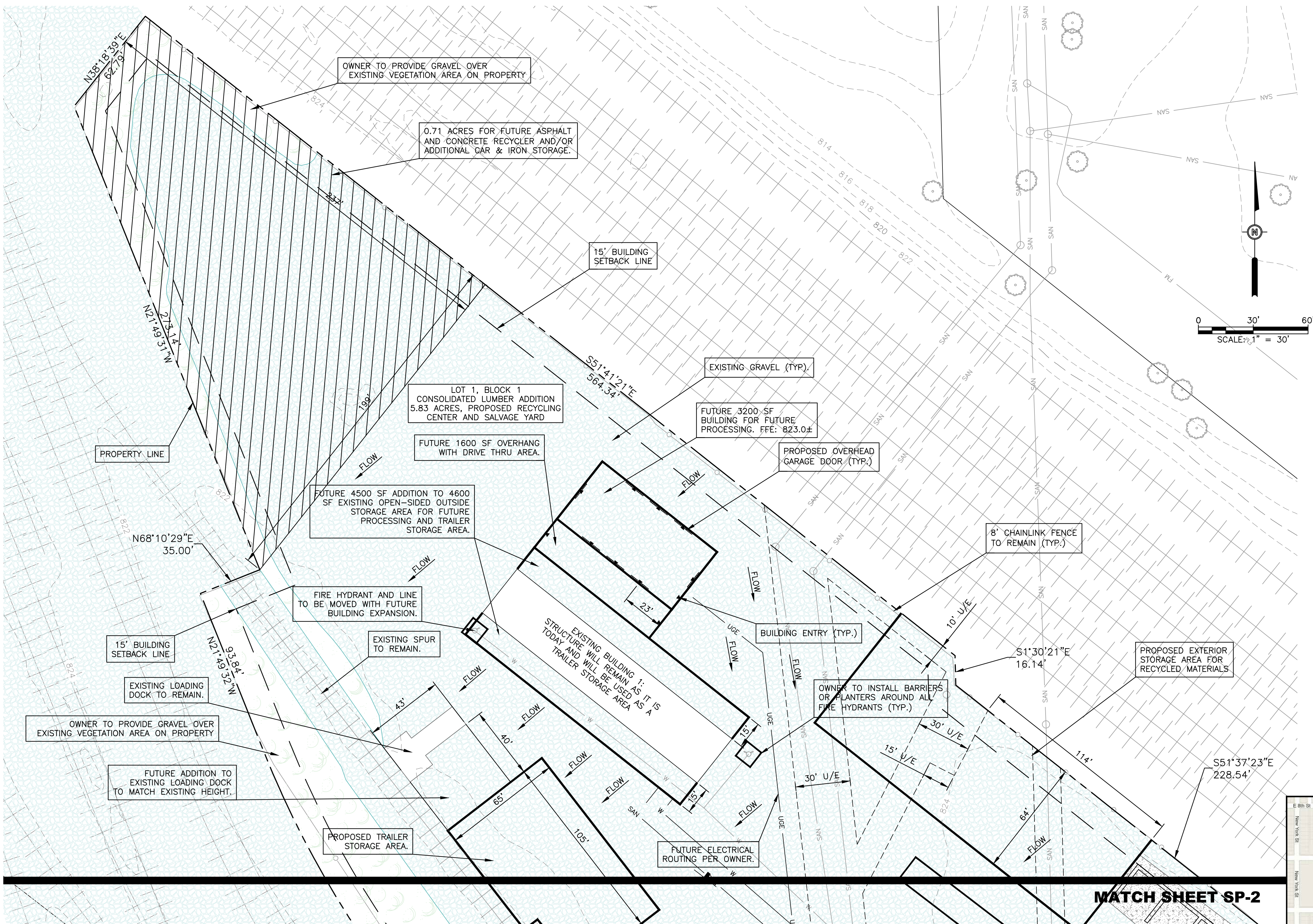
F. Floodplain

This property is not encumbered by the regulatory floodplain. A local floodplain development permit is not required for this property.

Conclusion

The proposed Special Use Permit addresses the exterior storage activity related to this use. The applicant intends to use existing buildings and structures for the operation. The site plan also indicates future site improvements that include enclosing the structure on the north end and providing a larger enclosed space. A revised site plan would be required for any additional future improvements to ensure compliance with the overall use of the site and to update the required parking for the site as applicable.

The location of this property, within an industrial corridor and along the railroad right-of-way, is suited for the proposed use with minimal improvements to the site and with little adverse impact to the surrounding neighborhoods with the proposed conditions of approval.



GENERAL NOTES

- Existing Zoning: IG (General Industrial District)
- Current Use:
Lot 1, Block 1 Consolidated Lumber Addition: Empty, gravel storage yard with an existing building and covered storage area.

Lot 1, Polk Subdivision: Existing building with a paved parking area in the front and a gravel access in the rear.
- Boundary and Topographic information taken from City GIS data and plats. Easement, property lines, structures, etc. were not field verified via a surveyor.
- No changes will be made to Lot 1 of the Polk Subdivision. An additional building, drive through area, scales, loading dock, outside storage areas and concrete parking area are being added to Lot 1, Block 1 Consolidated Lumber Addition.
- Proposed Concrete Pavement to be 6" reinforced concrete on a 4" granular base.
- This site plan has been designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for building and facilities. Appendix A to 28 CFR Part 36.
- Accessible spaces are to be signed and stenciled per Sec. 20-912.
- All mechanical equipment will be screened in accordance with Section 20-1006(b) of the Development Code.
- All traffic control signs placed on private property open to the general public shall comply with the "Manual on Uniform Traffic Control Devices" and "Standard Highway Signs," published by the Federal Highway Administration, with respect to size, shape, color, retroreflectivity, and position.
- Existing water and sanitary location connections for the existing buildings will not change.
- All retaining walls to be segmental block system, unless noted otherwise on the plan.
- All disturbed areas shall be seeded unless noted otherwise.
- Owner to install a Knox Box at the entry of Existing Building 2 for fire safety.
- Refer to Sheet SP-5 for Landscaping Plan. Owner reserves the right to install additional landscaping as they deem necessary and as long as it meets the City of Lawrence Landscape Codes.
- Parking Information:

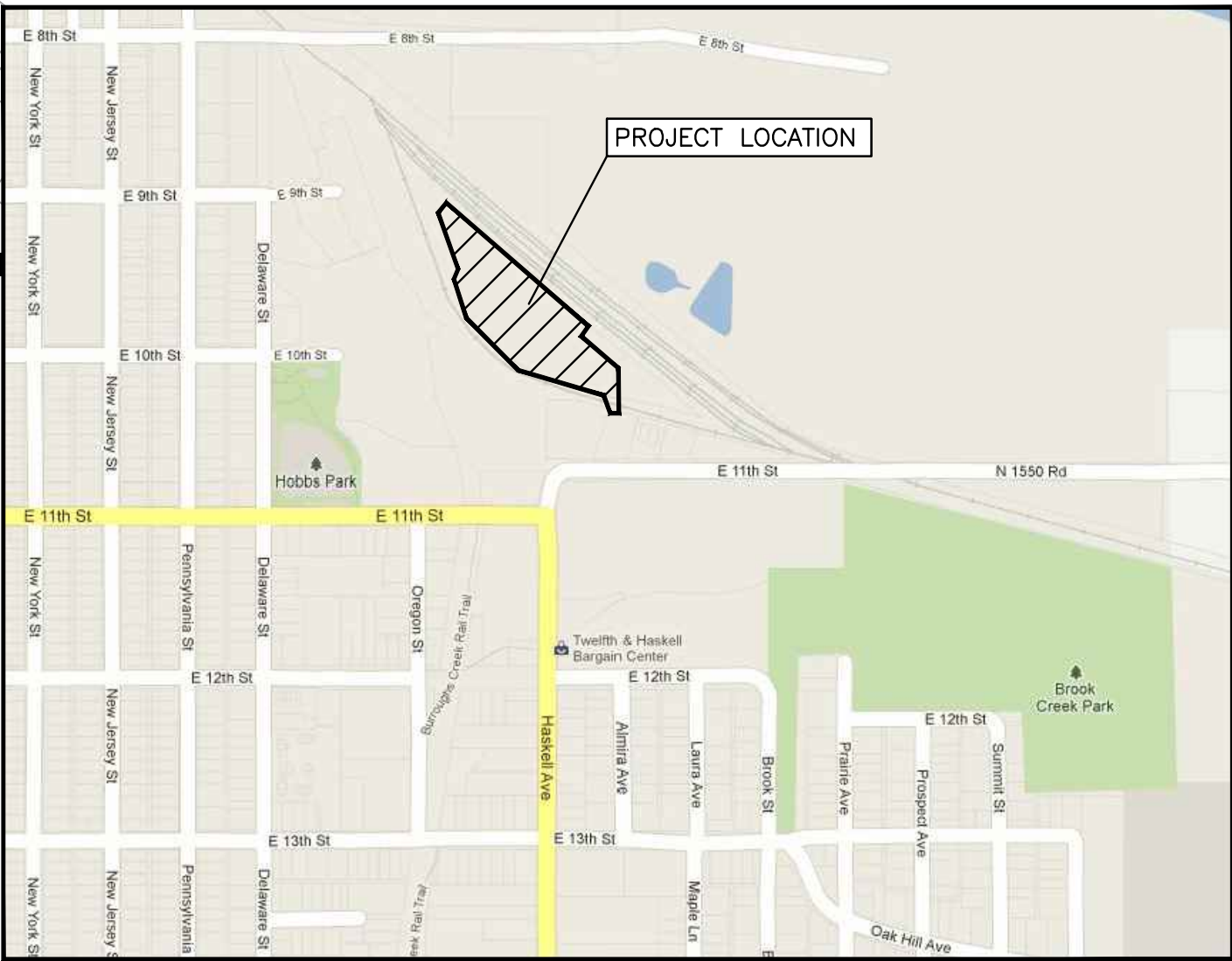
Proposed Parking
Scrap and Salvage Operations Required Parking:
1 Space Per 1 Acre Used in Business
5.26 Acres (Lot Minus Recycling Building and Parking)
= 6 Stalls Required

Recycling-Processing Center Required Parking:
1 Space Per 1,000 Square Feet Floor Area
2,984 SF building = 3 Stalls Required

0 Bicycle Parking Required

Total Parking Required = 9 Stalls

Parking Provided = 11 Stalls (10 + 1 ADA)



LOCATION MAP

NOT TO SCALE

NOT FOR CONSTRUCTION
PLANNING LAYOUT ONLY

SITE SUMMARY

LOT 1, BLOCK 1 CONSOLIDATED LUMBER ADDITION

EXISTING SITE SUMMARY

EXISTING BUILDING:	7,630 SF (0.18 AC.)
EXISTING PAVEMENT:	4,465 SF (0.10 AC.)
TOTAL IMPERVIOUS:	12,095 SF (0.28 AC.)
EXISTING PERVIOUS:	241,884 SF (5.55 AC.)
TOTAL PROPERTY AREA:	253,979 SF (5.83 AC.)

NEW SITE SUMMARY

EXISTING/PROPOSED BLDG:	16,874 SF (0.39 AC.)
PROPOSED PAVEMENT:	8,342 SF (0.19 AC.)
PROPOSED IMPERVIOUS:	25,216 SF (0.58 AC.)
PROPOSED PERVIOUS:	228,763 SF (5.25 AC.)
TOTAL PROPERTY AREA:	253,979 SF (5.83 AC.)

LEGAL DESCRIPTION

LOT 1, BLOCK 1 OF CONSOLIDATED LUMBER ADDITION

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 12 SOUTH, RANGE 20 EAST AND NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE 6TH P.M., CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, CONTAINING 5.83 ACRES MORE OR LESS

PROJECT OWNER/DEVELOPER

ROBERT B. KILLOUGH
1146 HASKELL ST.
LAWRENCE, KS 66044

PAVEMENT SCHEDULE

	EXISTING GRAVEL
	EXISTING CONCRETE PAVEMENT
	PROPOSED 6" REINFORCED CONCRETE
	PROPOSED 4" ADA ACCESSIBLE CONCRETE SIDEWALK

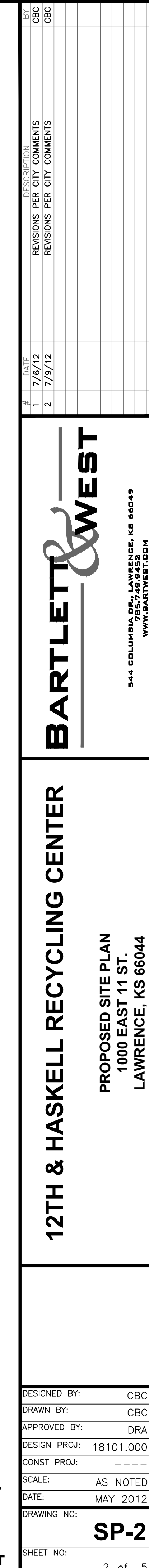
BARTLETT & WEST

12TH & HASKELL RECYCLING CENTER

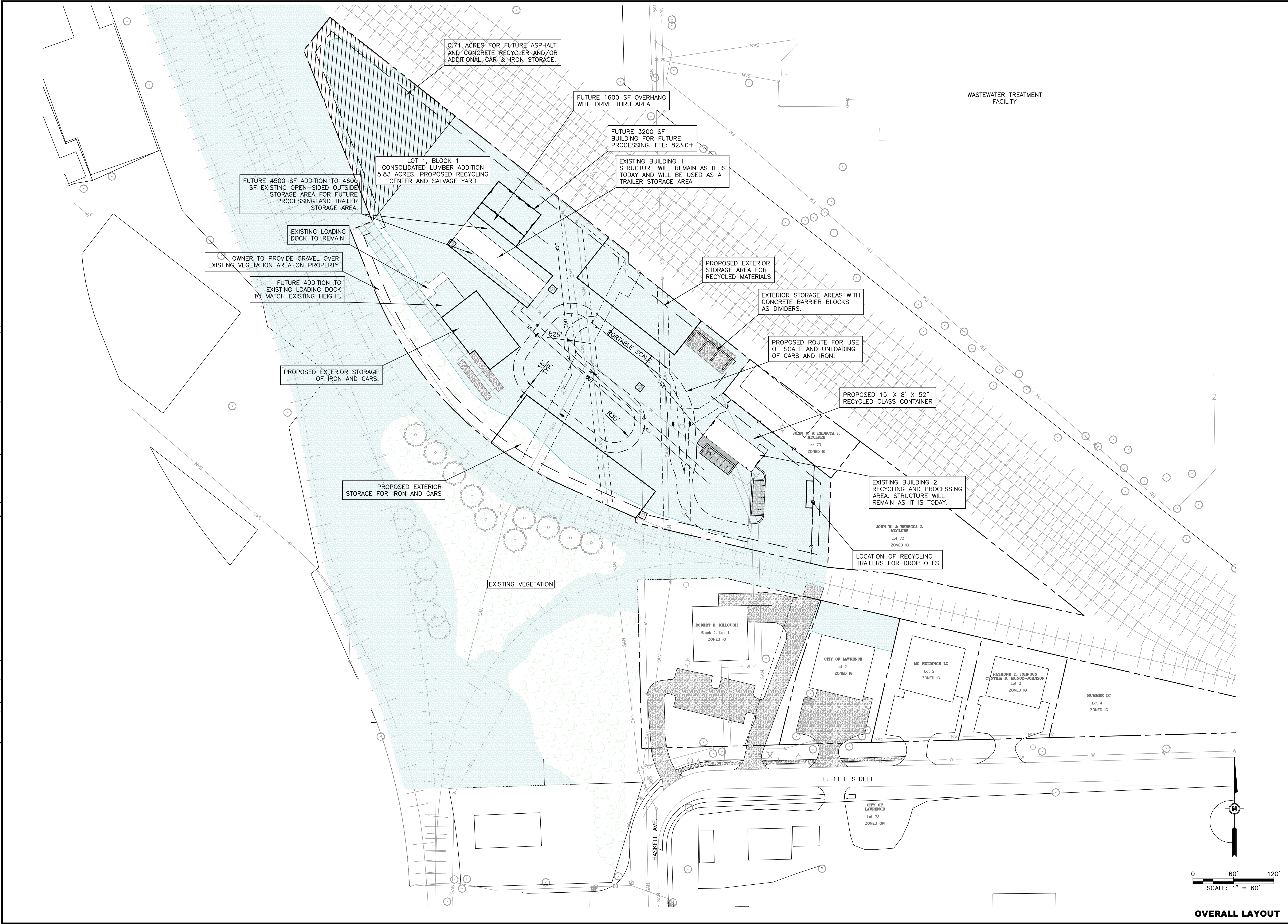
PROPOSED SITE PLAN
1000 EAST 11 ST.
LAWRENCE, KS 66044

DESIGNED BY:	CBC
DRAWN BY:	CBC
APPROVED BY:	DRA
DESIGN PROJ:	18101.000
CONST PROJ:	----
SCALE:	AS NOTED
DATE:	MAY 2012
DRAWING NO:	SP-1
SHEET NO:	1 of 5

LAYOUT



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Last edit on: 00/00/00



0 60' 120'
SCALE: 1" = 60'

OVERALL LAYOUT

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DRAWN BY: CBC	
APPROVED BY: DRA	
DESIGN PROJ: 18101.000	
CONST PROJ: -----	
SCALE: AS NOTED	
DATE: MAY 2012	
DRAWING NO: SP-3	
SHEET NO: 3 of 5	

REVISIONS PER CITY COMMENTS	1	7/6/12
	2	7/9/12

REVISIONS PER CITY COMMENTS	1	
	2	

544 COLUMBIA DR., LAWRENCE, KS 66049
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12TH & HASKELL RECYCLING CENTER

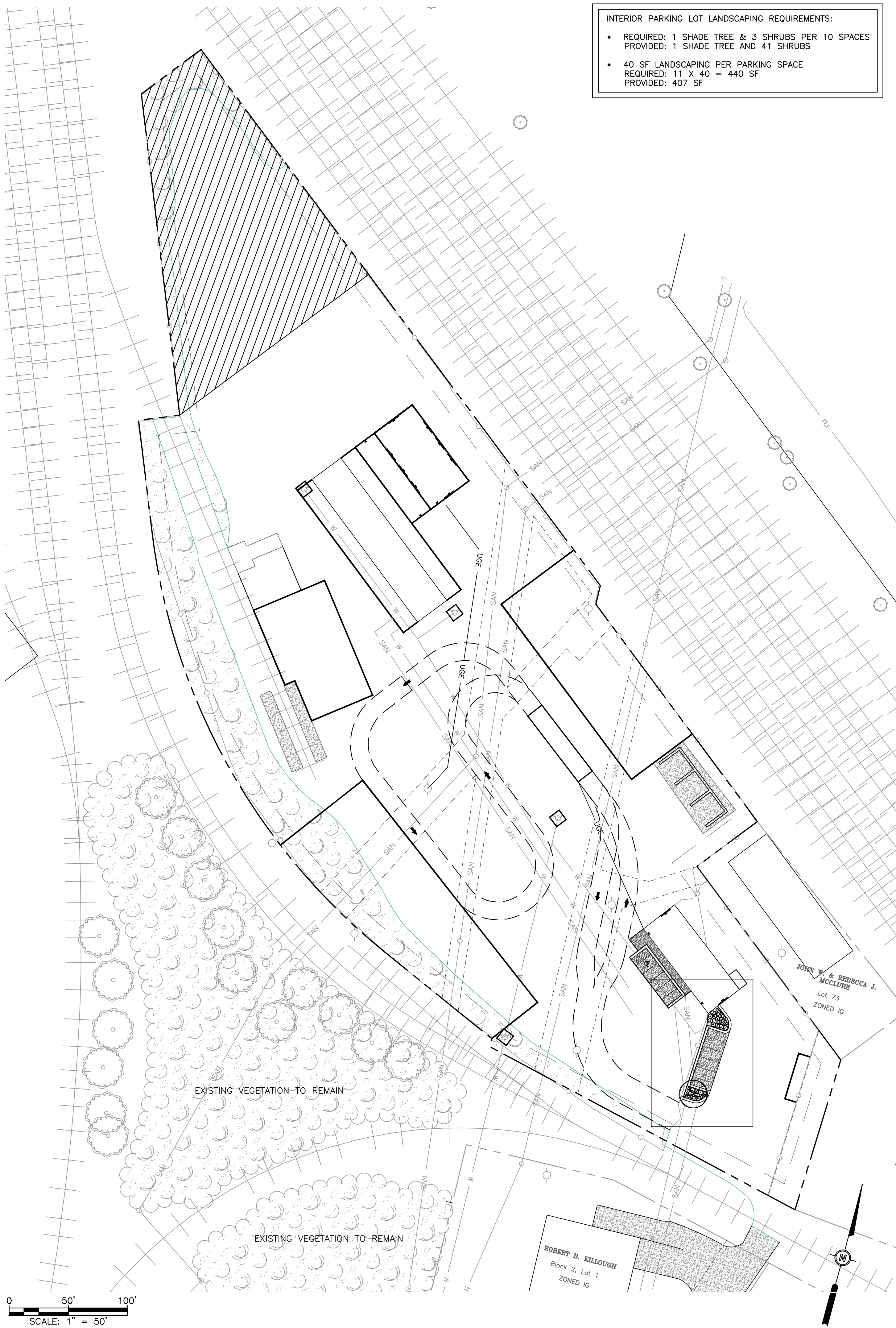
PROPOSED SITE PLAN
1000 EAST 11 ST.
LAWRENCE, KS 66044

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12TH & HASKELL RECYCLING CENTER			PROPOSED SITE PLAN 1000 EAST 11 ST. LAWRENCE, KS 66044		
DESIGNED BY:			CBC		
DRAWN BY:			CBC		
APPROVED BY:			DRA		
CONST PROJ:		18101.000			
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DATE:		MAY 2012			
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SP-4					
SHEET NO:					
4 of 5					

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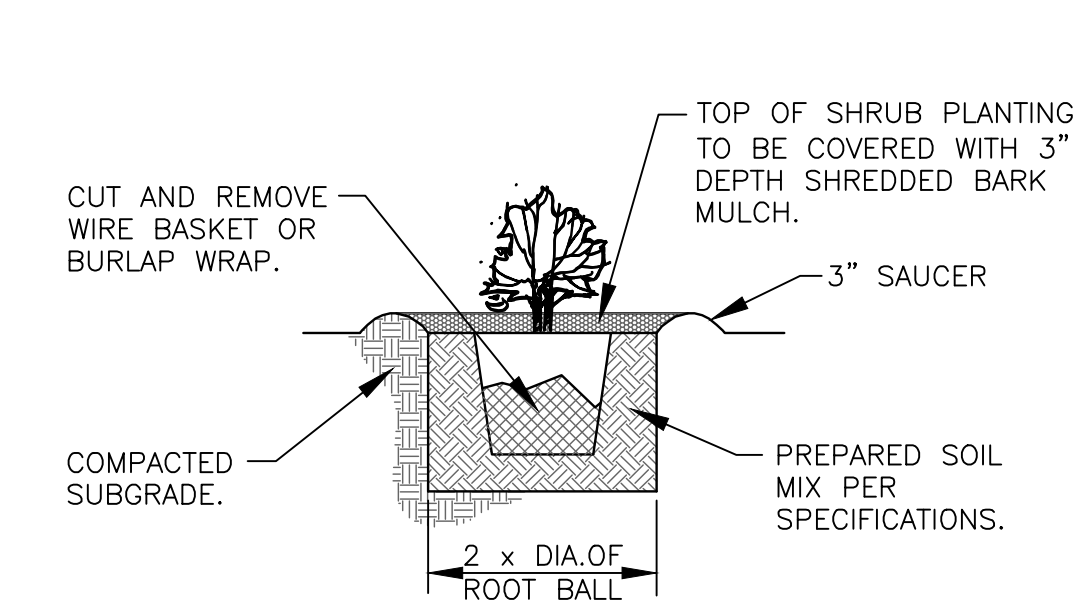


INTERIOR PARKING LOT LANDSCAPING REQUIREMENTS:

- REQUIRED: 1 SHADE TREE & 3 SHRUBS PER 10 SPACES
PROVIDED: 1 SHADE TREE AND 41 SHRUBS
- 40 SF LANDSCAPING PER PARKING SPACE
REQUIRED: 11 X 40 = 440 SF
PROVIDED: 407 SF

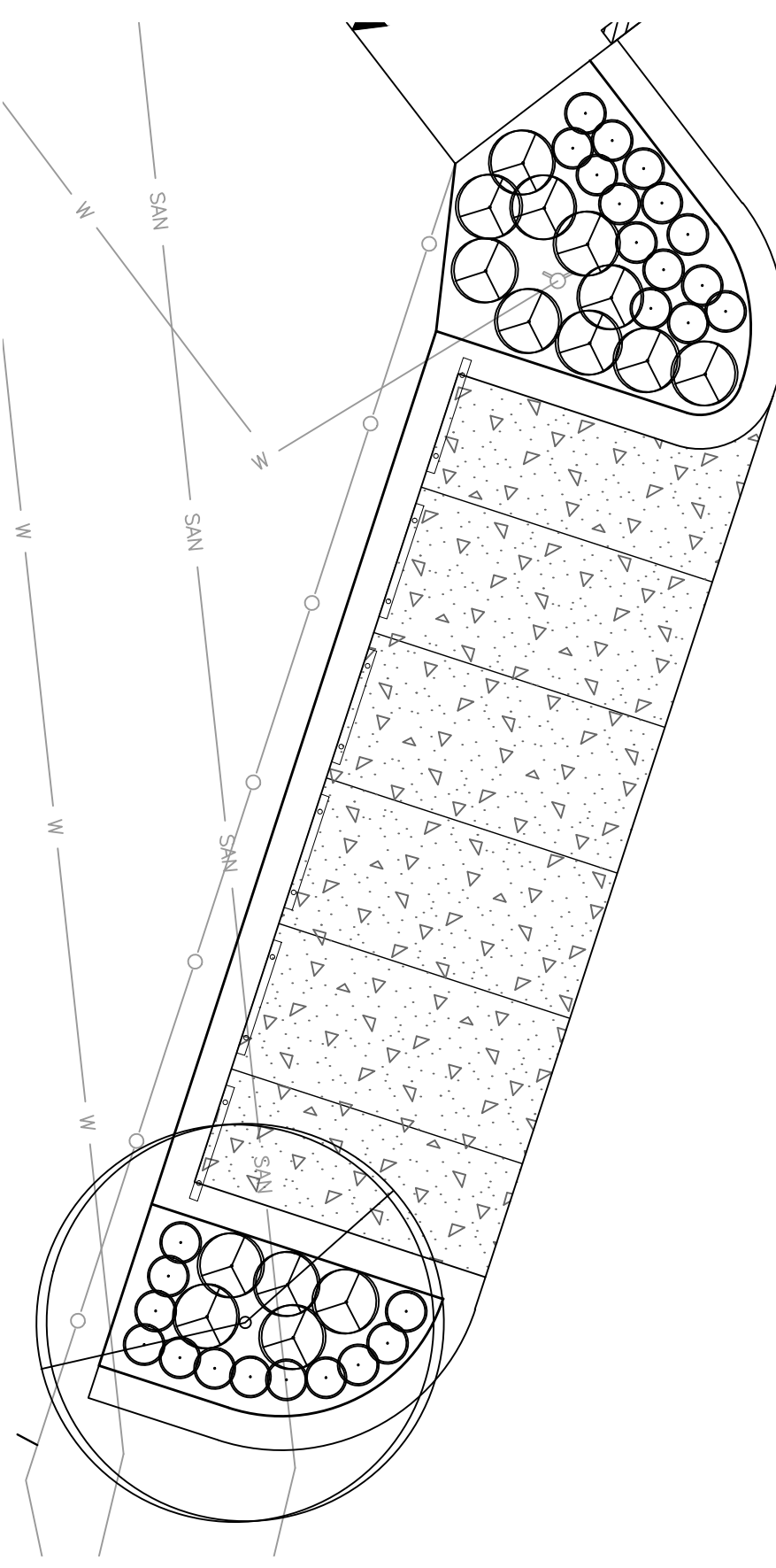
LANDSCAPE NOTES:

- GENERAL CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR FROM DATE OF PROJECT SUBSTANTIAL COMPLETION.
- ALL PLANT MATERIALS SHALL MEET MINIMUM REQUIREMENTS SHOWN IN THE "AMERICAN STANDARDS FOR NURSERY STOCK" (ANSI Z60.1-1990).
- EACH TREE AND SHRUB SHALL BE SECURELY LABELED WITH A WATERPROOF TAG INDICATING BOTANICAL NAME AND COMMON NAME FOR DELIVERY TO SITE.
- NO PLANT MATERIAL SHALL BE SUBSTITUTED WITH OUT THE APPROVAL OF THE OWNER. ALL PLANTING LOCATIONS FOR TREES AND SHRUBS SHALL BE FLAGGED BY THE CONTRACTOR AND APPROVED BY THE OWNER, PRIOR TO INSTALLATION.
- ALL DISCREPANCIES AND/OR FIELD CHANGES SHALL BE REPORTED TO THE OWNER FOR APPROVAL PRIOR TO IMPLEMENTATION. WHEN CONDITIONS DETRIMENTAL TO PLANT GROWTH ARE ENCOUNTERED, SUCH AS RUBBLE FILL, ADVERSE DRAINAGE CONDITIONS OR OBSTRUCTIONS, LANDSCAPE CONTRACTOR SHALL NOTIFY THE OWNER BEFORE PLANTING.
- THE GENERAL CONTRACTOR SHALL VERIFY LOCATION OF AND PROTECT ALL UTILITIES AND STRUCTURES. DAMAGE TO UTILITIES AND STRUCTURES SHALL BE REPAIRED BY THE GENERAL CONTRACTOR TO THE SATISFACTION OF THE OWNER.
- THE LANDSCAPE CONTRACTOR SHALL COORDINATE ALL WORK WITH OTHER CONTRACTORS ON SITE THROUGHOUT THE CONSTRUCTION PROCESS.
- ALL SHRUB AND TREE PLANTING AREAS SHALL BE EXCAVATED AND BACK-FILLED WITH PLANT MIX. PROVIDE FERTILIZER WITH NOT LESS THAN 5% TOTAL NITROGEN, 10% AVAILABLE PHOSPHORIC ACID AND 5% SOLUBLE POTASH. DISCARD SUBSOIL REMOVED FROM PLANTING AREA EXCAVATION; DO NOT MIX WITH PLANT MIX OR USE AS BACK-FILL. SEE DETAILS FOR COMPLETE PLANTING PREPARATION. PREPARE PLANTING AREAS AND INSTALL PLANTS COMPLETELY, PRIOR TO SEEDING.
- PLANT MIX SHALL CONSIST OF TOPSOIL COMPLETELY FREE OF DEBRIS, ROCK IN EXCESS OF 1" IN DIAMETER, STICKS AND CLAY. MIX ONE PART COMPOSTED STABLE MANURE AND THREE PARTS TOPSOIL WITH FERTILIZER AS SPECIFIED ABOVE.
- ALL SHRUBS SHALL BE INSTALLED IN PROPOSED PLANTING BEDS AND COVERED WITH SHREDDED BARK MULCH OR ACCEPTABLE MATERIAL APPROVED BY THE OWNER.
- ALL PLANTED SURFACES SHALL RECEIVE EMULSION TYPE, FILM FORMING, ANTI-DESSICANT AGENT DESIGNED TO PERMIT TRANSPIRATION, BUT RETARD EXCESSIVE LOSS OF MOISTURE FROM PLANTS. ANTI-DESSICANT TO BE DELIVERED IN MANUFACTURER'S FULLY IDENTIFIED CONTAINERS AND MIXED IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS. APPLY PRIOR TO APPLICATION OF MULCH.
- ALL DISTURBED AREAS NOT DESIGNATED AS PAVEMENT OR PLANTING BEDS SHALL BE SEEDED WITH TURF TYPE TALL FESCUE BLEND OR APPROVED EQUAL AT THE DIRECTION OF THE OWNER. ALL TURF AREAS SHALL CONSIST OF A MINIMUM 8" THICKNESS TOPSOIL FREE OF CLAY, DEBRIS, STICKS OR ROCKS IN EXCESS OF 1" IN DIAMETER. ALL TOPSOIL AREAS SHALL BE FINE GRADED AND RAKED, REMOVING RIDGES AND FILLING DEPRESSIONS AS REQUIRED TO MEET FINISHED GRADES AND CREATE POSITIVE DRAINAGE AWAY FROM BUILDINGS. PRIOR TO SEEDING, MOISTEN PREPARED TOPSOIL IF GROUND IS DRY. AFTER ONE MONTH FOLLOWING SEEDING, APPLY FERTILIZER AT THE MANUFACTURER'S RECOMMENDED RATE FOR NEWLY ESTABLISHED LAWNS. AFTER TWO MONTHS FOLLOWING SEEDING, APPLY GYPSUM AT THE RATE OF 100 LBS. PER 1000 SQ. FEET. THE GENERAL CONTRACTOR SHALL MAINTAIN ALL PLANTED OR TURF AREAS THROUGHOUT THE WARRANTY PERIOD AND SHALL PERFORM OPERATIONS SUCH AS ROLLING, REGRADING, RESEEDING, AND/OR REPLANTING AS REQUIRED TO ESTABLISH A SMOOTH TURF SURFACE, FREE OF ERODED OR BARE AREAS TO THE SATISFACTION OF THE OWNER.
- ALL UTILITY INFORMATION SHOWN HEREIN IS BASED ON THE INFORMATION AVAILABLE TO THE ENGINEER AT THE TIME OF DESIGN. THE CONTRACTOR SHALL VERIFY ALL UTILITY DEPTHS AND LOCATIONS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING ALL UTILITY COMPANIES TO FIELD LOCATE AND/OR ADJUST THEIR UTILITY AS REQUIRED FOR CONSTRUCTION. ALL UTILITY LOCATIONS SHOWN ON THE PLANS ARE APPROXIMATE AND THE ENGINEER ASSUMES NO LIABILITY FOR SAME.
- CONTRACTOR SHALL BE RESPONSIBLE FOR CALCULATING THE AREAS AND QUANTITIES OF SEED NEEDED FOR OPTIMUM COVERAGE.
- ALL EDGING IS A NATURAL EARTH EDGE AS SHOWN, CONSTRUCTED WITH A SHARPSHOOTER OR OTHER SUITABLE IMPLEMENT. LINES AND CURVES SHALL BE CONTINUOUS AND SMOOTH, MEETING THE DESIGN INTENT SHOWN ON THE DRAWINGS.
- REMOVE ANY EXCESS SOIL AND DEBRIS FROM AREA AND DISPOSE OF IN AN APPROVED MANNER.
- SPACING SHOWN FOR PLANTS IS FOR INFORMATION ONLY AND SHALL BE ADJUSTED AS REQUIRED TO PROVIDE UNIFORM SPACING WITHIN PLANTING BEDS.

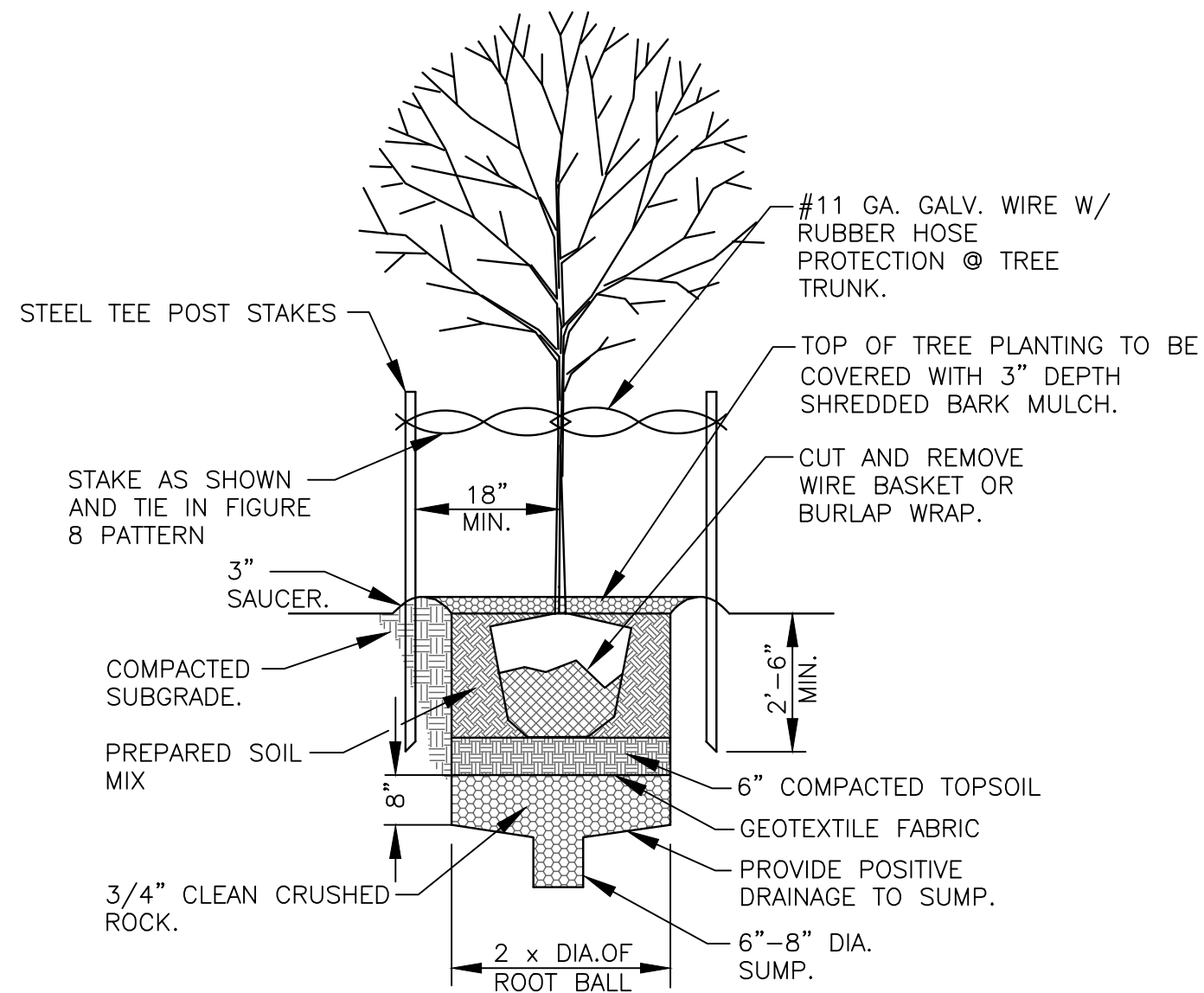


SHRUB PLANTING DETAIL

NTS



ENLARGED AREA



TREE PLANTING & STAKING DETAIL

NTS

PLANT SCHEDULE

SYMBOL	Name	Qty.	Size	Cond.
Trees				
	Pacific Sunset Maple <i>Acer truncatum</i> 'Warrensred'	1	2.5" Cal. Min.	B&B
Shrubs/Grasses				
	Arcadia Juniper- <i>Juniperus sabina</i> 'Arcadia'	15	5 Gal.	Cont.
	The Blues Little Bluestem- <i>Schizachyrium scoparium</i> 'The Blues'	26	1 Gal.	Cont.

Future Proposed Planting Palette: Per Owner's Discretion

Trees	Shrubs/Perennials/Ornamental Grasses	Tall Grass Prairie Seed Mix: 12 LBS/AC Grasses: 10 LBS/AC
Thornless Honeylocust <i>Gleditsia trachanthos</i> var. <i>inermis</i> 'Shademaster'	Lilac <i>Syringa vulgaris</i>	Big Bluestem <i>Andropogon gerardii</i>
Sawtooth Oak <i>Quercus acutissima</i>	Autumn Fire Stonecrop <i>Sedum</i> x 'Autumn Fire'	Little Bluestem <i>Schizachyrium scoparium</i>
Autumn Fantasy Maple <i>Acer freemanii</i> 'Autumn Fantasy'	Apricot Sprite Hyssop <i>Agastache aquatica</i> 'Apricot Sprite'	Side Oats Grama <i>Bouteloua curtipendula</i>
Eastern Redbud <i>Cercis canadensis</i>	Peking cotoneaster <i>Cotoneaster acutifolia</i>	Switchgrass <i>Panicum virgatum</i>
Vanderwolf's Pyramid Pine <i>Pinus flexilis</i> 'Vanderwolf's Pyramid'	Mint Julep Juniper <i>Juniperus chinensis</i> 'Monlep'	Indian Grass <i>Sorghastrum nutans</i>
Hollywood Juniper <i>Juniperus chinensis</i> 'Torulosa'	Color Guard Adam's Needle <i>Yucca filamentosa</i> 'Color Guard'	Forbs: 2 LBS/AC
	Dallas Blues Switch Grass <i>Panicum virgatum</i> 'Dallas Blues'	Purple Prairie Clover <i>Dalea purpurea</i>
		Gray Headed Coneflower <i>Rudbeckia hirta</i>
		Blackeyed Susan <i>Rudbeckia hirta</i>
		Prairie Blazing Star <i>Liatris pycnostachya</i>

**Sample xeriscape planting palette. Owner to make substitutions as necessary to accommodate planting locations and conditions.

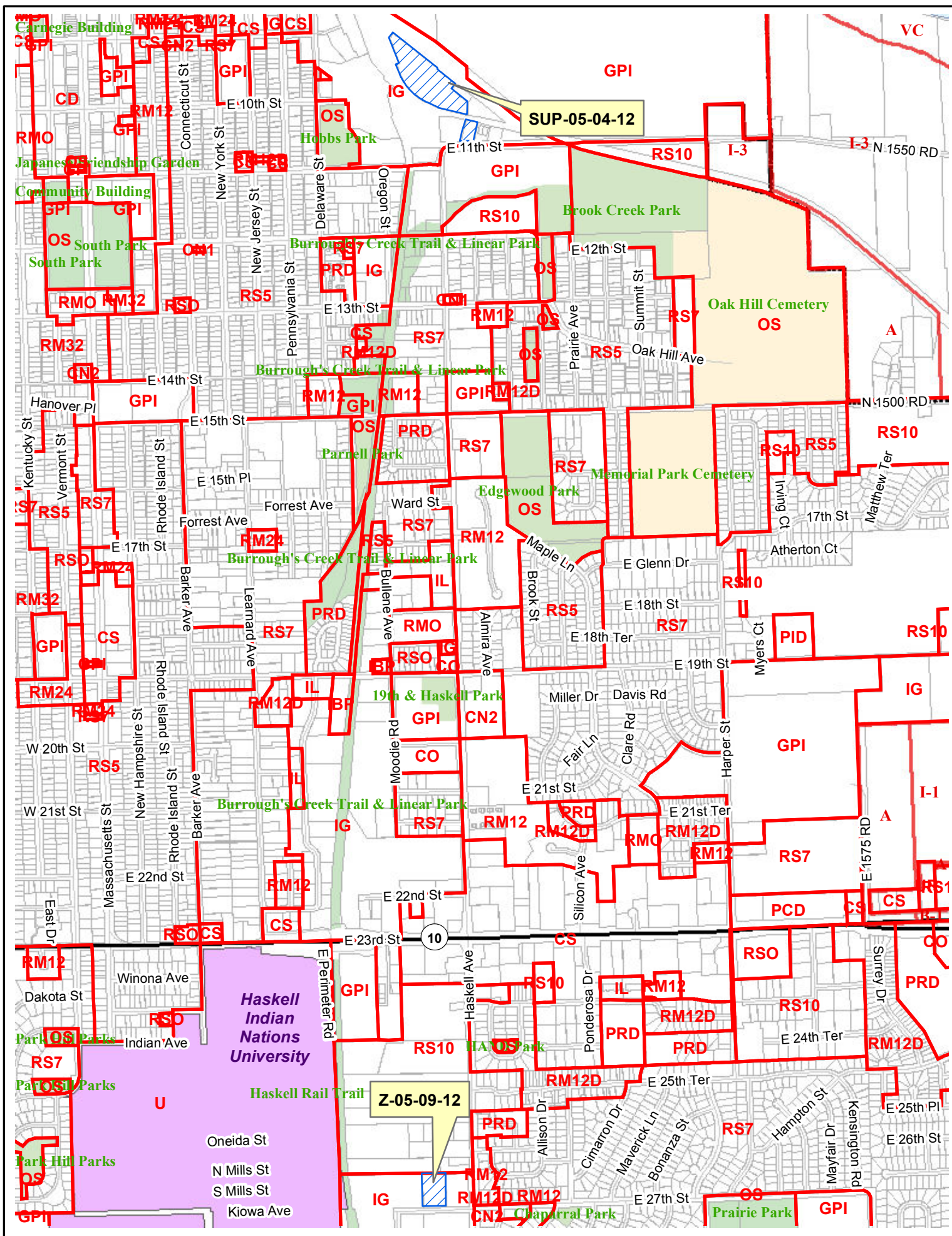
LANDSCAPE PLAN

BARTLETT & WEST

12TH & HASKELL RECYCLING CENTER

PROPOSED SITE PLAN
1000 EAST 11 ST.
LAWRENCE, KS 66044

DESIGNED BY:	KED
DRAWN BY:	KED
APPROVED BY:	DRA
DESIGN PROJ:	18101.000
CONST PROJ:	----
SCALE:	AS NOTED
DATE:	MAY 2012
DRAWING NO:	SP-5
SHEET NO:	5 of 5



PLANNING COMMISSION REPORT
Regular Agenda – Non Public Hearing Item

PC Staff Report
7/23/12

ITEM NO. 3A: ANNEXATION OF 15,960 SF; 240 N MICHIGAN ST (MKM)

A-5-3-12: Consider annexation of approximately 15,960 SF, located at 240 N. Michigan Street, to accommodate development of Pump Station No. 15, a *minor utility*. Submitted by The City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the requested annexation of approximately 15,960 sq ft and adjacent right-of-way and forwarding the request to the City Commission with a recommendation for approval.

Reason for Request: *“Property must be annexed for site planning/platting purposes required for use of property as a pump station site.”*

KEY POINTS

- Annexation of approximately .3 acre is being requested for the construction of a City sanitary sewer pump station which is classified as a ‘minor utility’ use.
- The subject property is located within Service Area 1 of the Urban Growth Area; therefore, annexation is required prior to development.
- Annexation requests less than 10 acres do not require a Planning Commission recommendation, but this annexation is being included with the other applications related to this project.
- This request is accompanied by a rezoning request, a preliminary plat and a special use permit application.
- The subject property is adjacent to the Lawrence city limits.

COMPREHENSIVE PLAN FACTORS TO CONSIDER

- The proposal is compliant with the Comprehensive Plan.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Variance request from side yard setback requirement [B-5-9-12] approved by the Board of Zoning Appeals at their July 5, 2012 meeting to allow the setback to be reduced to 10 feet along north property line, subject to one condition stipulating the approval is valid after the City's annexation and rezoning of the property.

Items being considered at the July Planning Commission meeting:

- Rezoning request [Z-5-8-12] from County Zoning Districts: A (Agricultural), V-C (Valley Channel) and the F-F (Floodway Fringe Overlay District) to OS-FP (Open Space and Floodplain Overlay) District.
- Preliminary Plat [PP-5-5-12]; Pump Station No. 15 Addition, a one-lot subdivision of approximately .3 acres.
- Special Use Permit [SUP-5-6-12] for the construction of the pump station.

Other action required:

- City Commission approval of annexation and adoption of ordinance.
- City Commission approval of rezoning request and adoption of ordinance.

- City Commission approval of the Special Use Permit and adoption of ordinance.
- Publication of rezoning, annexation and special use permit ordinances.
- City Commission acceptance of dedication of easements and rights-of-way for the Final Plat.
- Submittal of final plat for administrative approval and recordation.
- Administrative review and approval of Floodplain Development Permit for construction of pump station.
- Release of Special Use Permit site plan to Development Services for Building Permits.

PUBLIC COMMENT

- No public comments were received prior to the printing of this staff report.

EXISTING CONDITIONS

Current Zoning and Land Use: A (County-Agricultural), V-C (County-Valley Channel) and F-F (County-Floodway Fringe Overlay) Districts; undeveloped.

Surrounding Zoning and Land Use: To the west:
RM12D (Multi-Dwelling Residential) and FP (Floodplain Management Regulations Overlay) Districts; townhouse development west of N Michigan Street.

To the northwest:
PD-Woodcreek Townhouses; Townhouse development, and RM12, Apartments.

To the north:
A (County-Agricultural), F-F (County-Floodway Fringe Overlay), and F-W (County-Floodway Overlay) Districts; large parcel with a rural residence.

To the east:
V-C (County-Valley Channel) and F-F (County-Floodway Fringe Overlay), and F-W (County-Floodway Overlay) Districts; undeveloped.

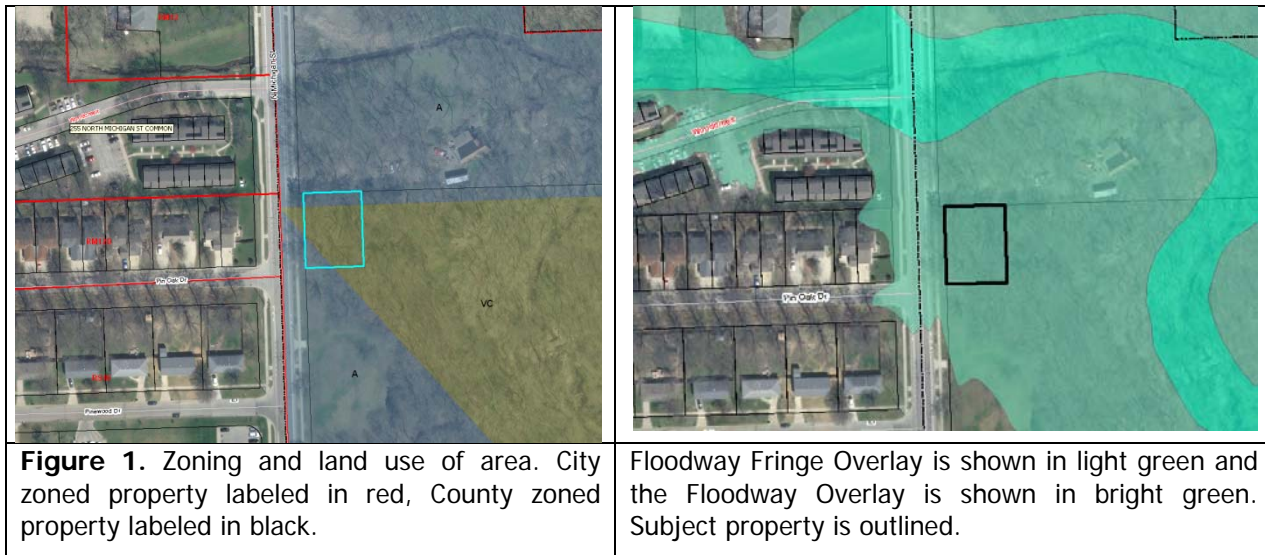
To the south:
A (County-Agricultural), V-C (County-Valley Channel) and FF (County Floodway Fringe Overlay) Districts; undeveloped.

To the southwest:
RS10 (Single-Dwelling Residential) District; Detached homes and a day-care center.
(Figure 1)

Site Summary

Gross Area: 15,960 sq ft (.3 acres) plus 3960 sq ft of right-of-way
Area Requested for Annexation: 19,920 sq ft (.4 acres)

Subject property is located within Service Area 1 of the Urban Growth Area as defined in *Horizon 2020*.



Project Summary:

The proposed annexation is for approximately 1/3 acre located east of the intersection of Michigan Street and Pin Oak Drive (Figure 1). The annexation is necessary so that the property may be developed by the City with a sanitary sewer pump station, a *minor utility*.

Annexation Procedure

City policy requires the Lawrence-Douglas County Metropolitan Planning Commission to review all annexation requests in excess of ten acres. This annexation request is less than ten acres, but is being brought before the Planning Commission with the other related items for this proposal.

A related rezoning request has been submitted for this property from the A (County-Agricultural), V-C (County-Valley Channel) and F-F (County-Floodway Fringe Overlay) Districts to the OS-FP (Open Space and Floodplain Management Regulations Overlay) District. Minor utilities are permitted uses in the Open Space District with either a site plan or a Special Use Permit, depending on the scope of the utility. As this minor utility will serve more than one specific subdivision, a Special Use Permit is required and is also on the July Planning Commission agenda.

The City of Lawrence Administrative Annexation Policy (AP-74) requires that the costs associated with compensation to a Rural Water District be paid to the City by the annexation applicant for Rural Water District facilities serving the property to be annexed. Rural Water District #1 confirmed that the property is not within their district; therefore, compensation is not necessary.

General Location and Site Characteristics:

The site requested for annexation is located east of the intersection of North Michigan Street and Pin Oak Drive (Figure 2). The property is adjacent to City property on the west. The subject property will take direct access to Michigan Street.

The property is encumbered with regulatory floodplain; therefore, a rezoning to the Floodplain Management Regulations Overlay District has been requested and an application for a Floodplain Development Permit will be required for the construction of the pump station.

Infrastructure and Utility Extensions

A pump station is currently located on the west side of Michigan Street just west of the subject property. With this proposal, the pump station will be replaced and the new pump station with

increased capacity will be installed on the City-owned property. Sanitary sewer lines will be extended to the facility with the construction of the pump station. This project is planned to improve the operational characteristics of the pump station and reduce the amount of maintenance needed.

Public Right-of-Way: The subject property abuts Michigan Street. Section 20-810(e) requires that the right-of-way for all boundary line and full maintenance roads that is under the applicant's ownership control be annexed into the city with the preliminary plat. The road right-of-way is included in the annexation request.

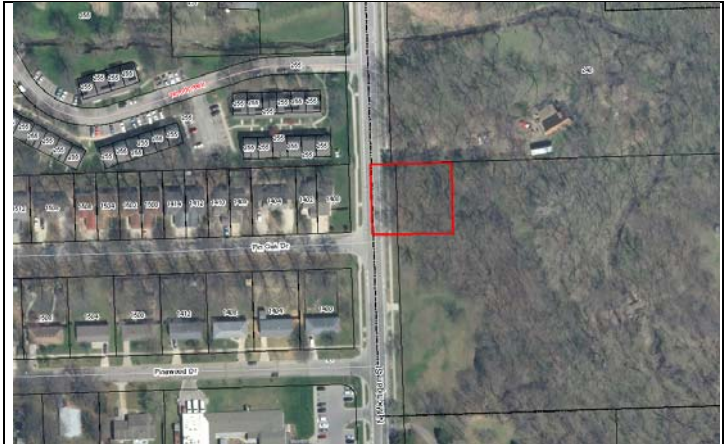


Figure 2. Property included in this annexation request for relocation of Pump Station 15 is outlined in red.

COMPREHENSIVE PLAN:

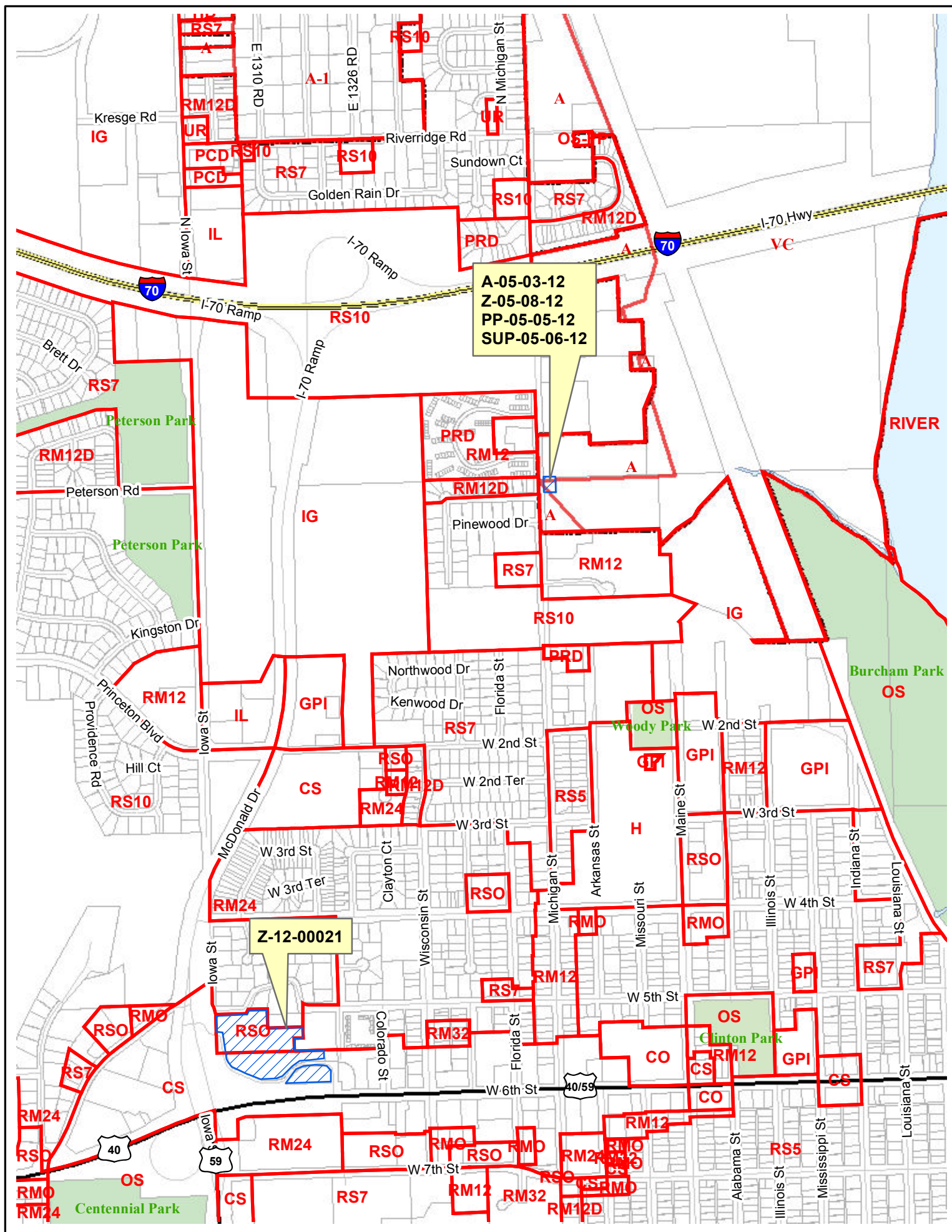
The subject property is located within Service Area 1 of the Urban Growth Area as shown in Map 3-1 of *Horizon 2020*. This area includes lands which are proximate to the existing city limits and can be readily served by community facilities and services. The Annexation Policies listed on page 4-5 of *Horizon 2020* states that annexation shall be required prior to development in Service Area 1 of the Lawrence Urban Growth Area. This annexation request is also considered under the Community Facilities Chapter of *Horizon 2020* since it will facilitate the upgrade of public utility services.

Community Facilities Policy 2.4: Utilize locational Criteria for Utility Structures (page 10-17 *Horizon 2020*) recommends that utility location and design be such that impact on adjacent properties is minimized and that public uses that are potential nuisances should be buffered by screening, distance and/or landscaping. The proposed site is located in the optimal location based on the location of the existing sanitary sewer lines, the topography of the area, and the City Utilities design requirements for pump stations. Screening will be considered with the review of the Special Use Permit site plan.

The annexation request is consistent with the growth management and community facilities policies found in *Horizon 2020*.

CONCLUSION

The subject property is located within Service Area 1 of the UGA. This land use proposal will accommodate an upgrade to utility facilities to maintain a high level of service for development in this area. The proposed annexation is compliant with recommendations of *Horizon 2020*.



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

ITEM NO. 3B: A & V-C TO OS-FP; 15,960 SF; 240 N MICHIGAN ST (MKM)

Z-5-8-12: Consider a request to rezone approximately 15,960 SF from County A (Agriculture) and County V-C (Valley Channel) to OS-FP (Open Space-Floodplain Overlay), located at 240 N. Michigan Street, to accommodate development of Pump Station No. 15, a *minor utility*. Submitted by The City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 15,960 sq ft from A (Agricultural) District and County V-C (Valley Channel) to OS-FP (Open Space with Floodplain Management Regulations Overlay) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

APPLICANT'S REASON FOR REQUEST

"Required for use of property as a pump station site."

KEY POINTS

- Rezoning to the OS-FP District has been requested to permit relocation of a pump station to the subject property.
- The City's 2003 Wastewater Master Plan recommends upgrading existing pump stations.
- The property lies outside the city limits, in Service Area 1 of the Urban Growth Area. Per Section 20-803 of the Subdivision Regulations, property within Service Area 1 is required to annex prior to development. An annexation request was submitted concurrently with this rezoning request and is also being considered at the July Planning Commission meeting.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The area contains lands that are within the City limits as well as land that is located in the unincorporated portion of the County. N Michigan Street is the dividing line in the immediate area between the City and County properties. Land to the west of N Michigan Street is developed residentially, with a mix of housing ranging from detached dwellings to townhomes. The area is heavily encumbered with regulatory floodplain along the Hallmark Tributary.

CONFORMANCE WITH *HORIZON 2020*

- The proposed rezoning request from the A (Agricultural) and V-C Districts to the OS-FP (Open Space with Floodplain Management Regulations Overlay) District is consistent with land use recommendations found in *Horizon 2020*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Variance request from side yard setback requirement [B-5-9-12] was approved by the Board of Zoning Appeals at their July 5, 2012 meeting to allow the interior side setback to be reduced from the 15 ft required in the OS District to 10 ft along north property line, subject to one condition stipulating the approval is valid after the City's annexation and rezoning of the property.

Other items being considered at the July Planning Commission meeting:

- Annexation request [A-5-3-12] for the 15,960 sq ft of the subject parcel and one-half the adjacent road right-of-way to accommodate development of a pump station, a *minor utility*.
- Preliminary Plat [PP-5-5-12]; Pump Station No. 15 Addition, a one-lot subdivision of approximately .3 acres.
- Special Use Permit [SUP-5-6-12] for the construction of the pump station.

Other action required:

- City Commission approval of annexation and adoption of ordinance.
- City Commission approval of rezoning request and adoption of ordinance.
- City Commission approval of the Special Use Permit and adoption of ordinance.
- Publication of rezoning, annexation and special use permit ordinances.
- City Commission acceptance of dedication of easements and rights-of-way for the Final Plat.
- Submittal of final plat for administrative approval and recordation.
- Administrative review and approval of Floodplain Development Permit for development activity associated with the pump station.
- Release of Special Use Permit site plan to Development Services for Building Permits.

PUBLIC COMMENT

- No public comments were received prior to the printing of this staff report.

GENERAL INFORMATION

Current Zoning and Land Use: A (County-Agricultural) and V-C (County-Valley Channel) with F-F (County-Floodway Fringe Overlay) Districts; undeveloped.

Surrounding Zoning and Land Use: To the west:

RM12D (Multi-Dwelling Residential) and FP (Floodplain Management Regulations Overlay) Districts; townhouse development west of N Michigan Street.

To the northwest:

PD-Woodcreek Townhouses; Townhouse development, and RM12, Apartments.

To the north:

A (County-Agricultural), F-F (County-Floodway Fringe Overlay), and F-W (County-Floodway Overlay) Districts; large parcel with a rural residence.

To the east:

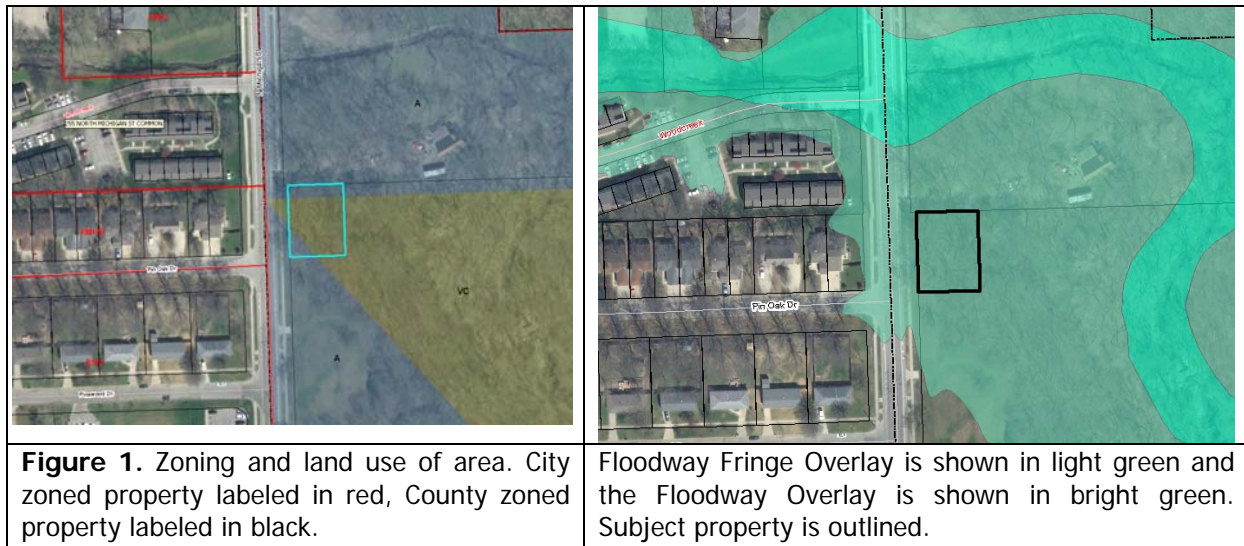
V-C (County-Valley Channel) and F-F (County-Floodway Fringe Overlay), and F-W (County-Floodway Overlay) Districts; undeveloped.

To the south:

A (County-Agricultural), V-C (County-Valley Channel) and FF (County Floodway Fringe Overlay) Districts; undeveloped.

To the southwest:

RS10 (Single-Dwelling Residential) District;
Detached Dwellings and Day Care Center.
(Figure 1)

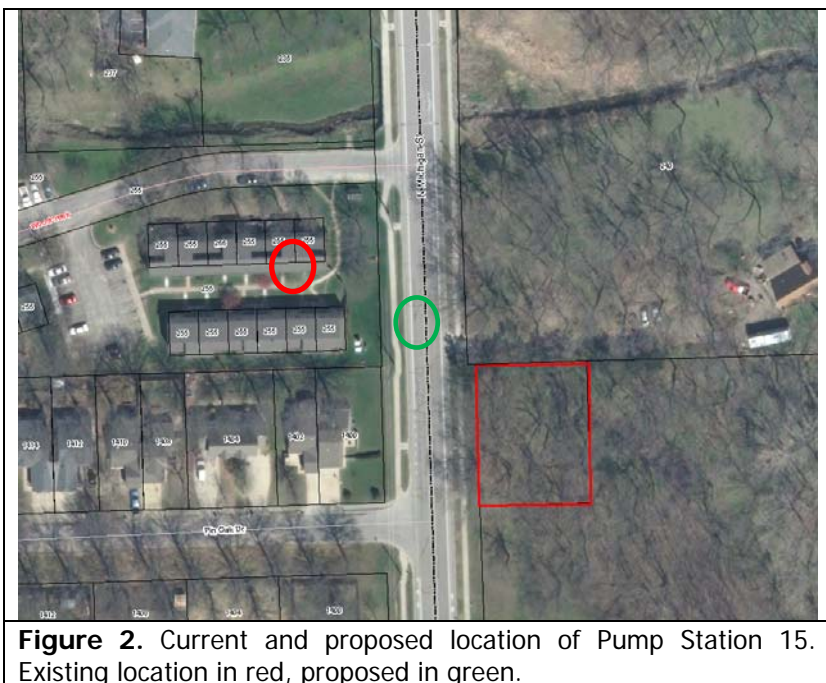


Project Summary

The City's 2003 Wastewater Master Plan recommends that upgrades be made to existing pump station facilities. In order to maintain a high level of service for the area, the Utility Department determined that the existing above-ground pump station located on private property within the PD-Woodcreek Townhouse PRD just west of N Michigan Street, should be replaced with one which utilizes equipment which can be kept underground. Underground equipment requires less maintenance and reduces the visual impact of the station. The pump station site is being relocated from the private property to City owned property as shown in Figure 2.

Access to the pump station will be taken directly from N Michigan Street.

As the subject property is completely encumbered with the regulatory floodplain, it would not be appropriate for commercial, residential, or industrial uses. (Figure 1) The SUP plan delineates an area on the west and south of the pump station where no disturbance to the vegetation or topography is to occur. This will help minimize the impact to the floodplain.



REVIEW & DECISION-MAKING CRITERIA

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"Providing utility service to surrounding community."

The Lawrence Future Land Use Map in *Horizon 2020* (page 3-4) shows this property in Service Area 1 and recommends low density residential uses in this area. The proposed use is not residential, but is intended to provide sanitary sewer service to residences in the area.

Following are sections of *Horizon 2020* that relate to this development:

Chapter 5-Residential Land Use: Specific Recommendations for Select Areas Parks, Recreation and Open Space:

Policy 3.1 Identify Future Parklands and Open Space Areas:

(e) Encourage open space uses in the community's privately or publicly owned floodplains and drainageways. (Page 9-16)

The property is completely encumbered with regulatory floodplain; therefore, the rezoning to OS would be in conformance with the open space recommendation in *Horizon 2020*.

The property will be developed with a pump station; however, the pump station facility will be primarily underground. Above ground improvements include the driveway, meter board/control panel, retaining wall and vents; with the remainder of the property remaining as open space. (Figure 3)

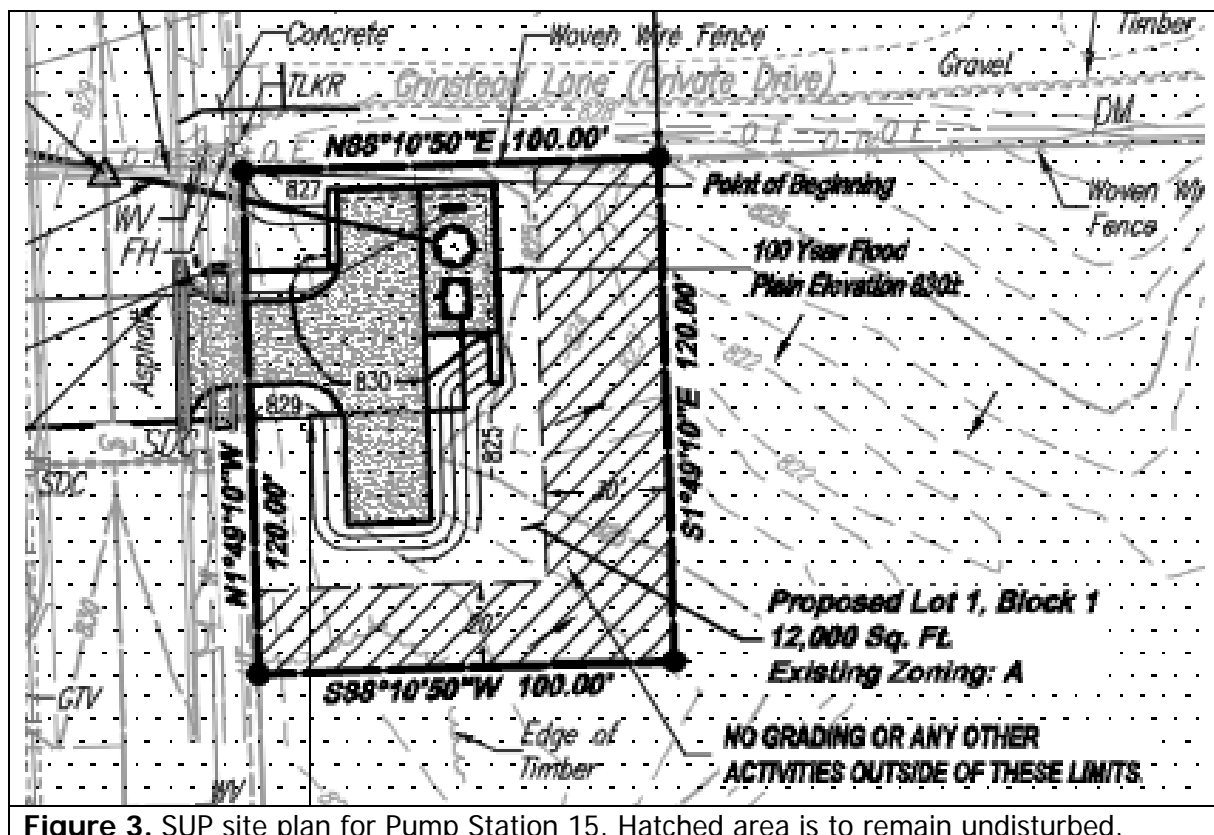


Figure 3. SUP site plan for Pump Station 15. Hatched area is to remain undisturbed.

Community Facilities:

Policy 2.4: Utilize Locational Criteria for Utility Structures: Choose locations and design sites in a manner which minimizes the impact on adjacent properties. (Page 10-17)

The pump station site is being relocated to City owned land. The subject location was selected by the City Utilities Department as the optimal location for the station due primarily on the location of existing sanitary sewer mains in the area. The property is located east of North Michigan Street and is west of a rural residence. Adequate screening shall be required as part of the Special Use Permit plan to screen the utility from the roadway and from adjacent residences.

Staff Finding – The proposed rezoning request conforms with *Horizon 2020* policies related to community facilities/public utilities and open space as well as floodplain.

ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

The subject property is surrounded by City residential zoning (RM12D, RS10, and PD-Woodcreek Townhouses) on the west and County-agricultural zoning (A and V-C) on the north, east and south. The County-FF (Floodway Fringe Overlay and F-W (Floodway Overlay) Districts are also located in this area. (Figure 2) The nearby City properties are developed with residences, a private school and a day care center. The properties outside the city limits contain a rural residence on a parcel of approximately 5 acres and an undeveloped parcel of approximately 8 acres in addition to the subject property. Properties to the north and south, have been annexed into the City and the portions that are not located within the 100 year floodplain have been developed. The subject property was a part of the parcel south of the rural residence and was acquired through condemnation proceedings in April of 2012.

Staff Finding – The predominate land uses and zonings in the area are residential and community facilities. Properties to the west of N Michigan Street have a variety of residential zonings and are developed with detached, attached, and multi-dwelling residences and a day care center. Property east of N Michigan that is within the city limits has been developed with a private school and multi-dwelling residences. The property that remains outside the city limits is heavily encumbered with floodplain and the only development has been a rural residence.

CHARACTER OF THE AREA**Applicant's Response:**

Generally residential to south and west (multi-family).

The subject property abuts the Lawrence city limits along N Michigan Street on the west and is being annexed concurrently with this rezoning. The property is bounded on the north, east, and south by property outside the City limits which is heavily encumbered with the regulatory floodplain including the Hallmark Tributary floodway. A day care center is located southwest and a private school is located north of the subject property; both are located within the City limits.

Staff Finding – The predominate land uses in this area are residential, community facilities (pre-school and private school), and undeveloped open space. The Hallmark Tributary floodplain traverses the area and heavily encumbers the property outside the city limits.

PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

The subject property is not included in any adopted area and/or sector plans. *Horizon 2020* is the guiding plan for this property.

SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response:

"Property is suitable for proposed use as a pump station site."

The property is currently zoned A (Agricultural) and V-C (Valley Channel) Districts. The Agricultural District is intended to provide for a full range of agricultural activities. Uses permitted within the A District include agricultural uses, animal hospitals, commercial dog kennels, commercial riding stables, detached dwellings, schools, and churches. The V-C District permits only agricultural uses and rural residential uses on properties containing more than 5 acres. The property is suited for agricultural uses; but is not suited for the other uses permitted within the A District due to the fact that it is completely encumbered by the regulatory floodplain.

A request has been submitted for the annexation of the property into the City of Lawrence. Rezoning to a City Zoning District is required with annexation and the applicant is requesting a rezoning to the OS District. The OS District is intended to preserve and enhance major open space and recreational areas and permitted uses are limited in this district as follows:

Permitted by Right	Require Special Use Permit
Cemetery	Cultural Center/Library
Minor Utility which serves a specific development	Minor Utility which serves more than one specific development
Passive Recreation	Major Utility
Nature Preserve	Active Recreation
	Campground
	Adaptive Reuse of Designated Historic Property
	Telecommunication Tower

The proposed use, a *Minor Utility*, serves more than one specific development; therefore it requires approval of a Special Use Permit. A Special Use Permit entails public review and the evaluation of a use's operational characteristics and site development features to ensure that the proposed use will not have a significant adverse impact on surrounding uses or the community at large. A Special Use Permit application has been submitted and is also being considered at the July Planning Commission meeting.

Staff Finding – The property is suitable for the agricultural uses to which it is restricted with the current A and V-C Zoning; however, it is not suitable for the other permitted uses in the A District given the presence of the regulatory floodplain. The property is suitable for the limited uses permitted with the OS Zoning, again because it is completely encumbered with the regulatory floodplain. The additional review required with the Special Use Permit will insure compatible development.

LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Staff Finding – The subject property has never been developed.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's response:

"No detrimental effect to adjacent land owners/properties."

The pump station will be unmanned and will generate very little traffic. The majority of the mechanics of the pump station will be underground so there should be little, if any, negative effects. The facility will be raised out of the floodplain, so the area will be elevated and a meter panel and valves will be located above ground in addition to the retaining wall. (Figure 4) The Special Use Permit process will allow the addition of landscaping where necessary to minimize any negative visual impact the raised station may have on the adjacent road right-of-way and adjacent residences.

Allowing the relocation of the pump station site from the west side to the east side of N Michigan Street should result in an overall positive impact on nearby properties due to the improved operational characteristics.

Staff Finding – Negative impacts associated with the development should be minimal, as the facility is unmanned and is designed to produce very little noise or odor. Screening would be considered with the review of the Special Use Permit to minimize the visual impact on the adjacent N Michigan Street right-of-way and on adjacent residences.

THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response:

"Improved efficiency and reliability of sanitary sewer service to the community at large."

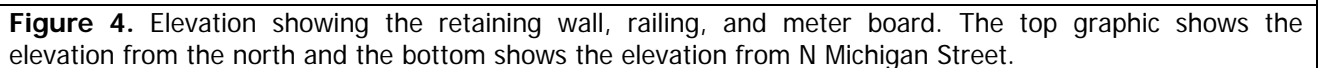
Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

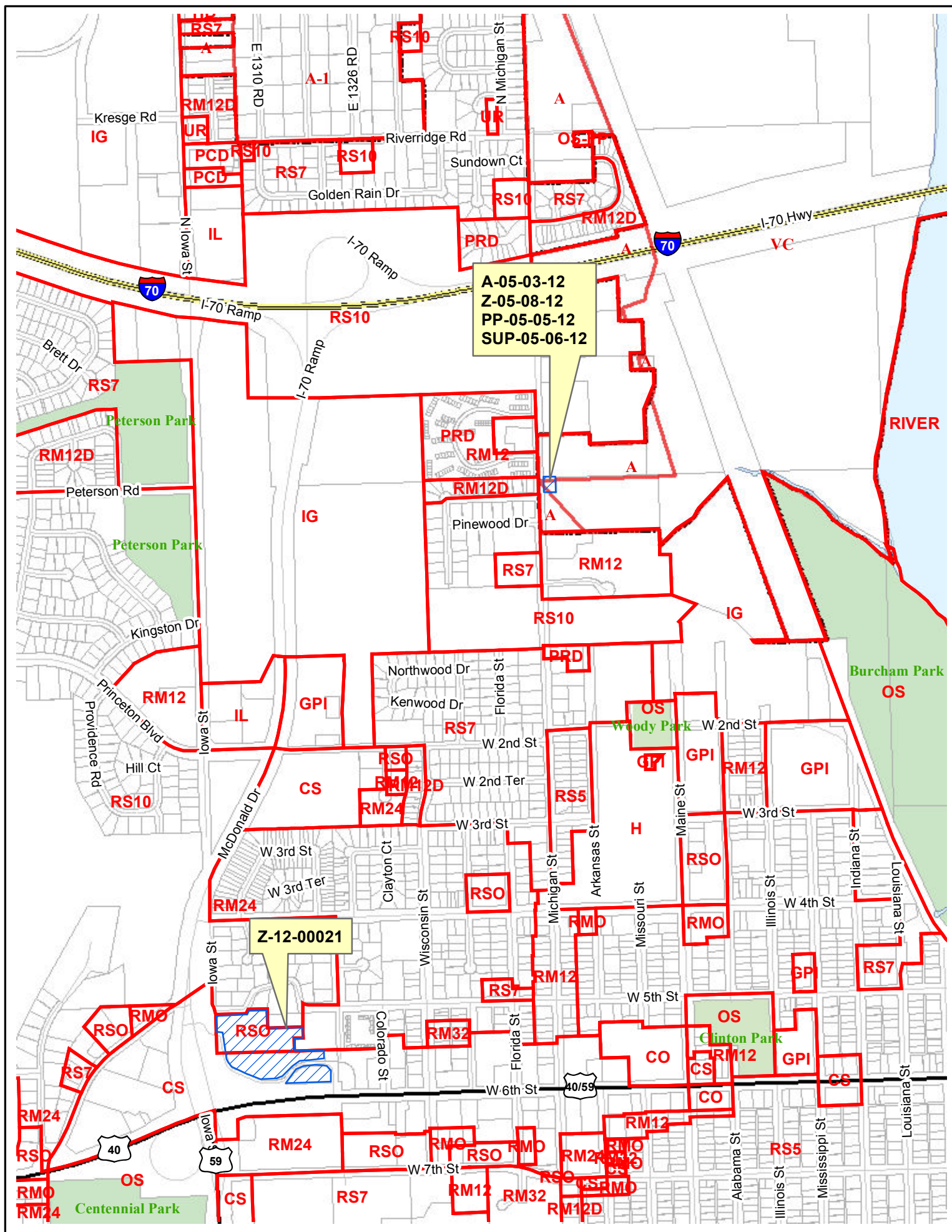
The pump station is a minor utility which will benefit the City as a whole by improving the level of service for this area. The City Utilities Engineer indicated that increased capacity to compensate for deficiencies in the existing systems or future expansion of the service areas was accounted for as part of the design phase of the project.

If the rezoning were denied, it would not be possible to relocate the pump station site to City owned property, and upgrades would need to be made in place.

Staff Finding – The rezoning will have positive public impact by providing an upgraded utility facility to improve the level of service in the area. If the rezoning were denied, it would not be possible to construct the new pump station facility on city owned property.

The OS (Open Space) District is appropriate given the proposed use of a *minor utility* and the limited uses permitted in the OS District and the floodplain on the property. The FP (Floodplain Management Regulations Overlay) District is an appropriate zoning district for property encumbered with the floodplain. The requirement to review the development proposal through the Special Use Permit process will insure development that is compatible with surrounding properties. Staff recommends approval of the rezoning request to the OS-FP District.





**PLANNING COMMISSION REPORT
REGULAR AGENDA**

PC Staff Report
7/23/12

ITEM NO 3C: PRELIMINARY PLAT FOR PUMP STATION NO. 15; 240 N MICHIGAN ST (MKM)

PP-5-5-12: Consider a Preliminary Plat for Pump Station No. 15, a .3 acre, one-lot subdivision located at 240 N. Michigan Street. Submitted by The City of Lawrence, property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat of Pump Station No. 15.

Applicant's Reason for Request:

Subdivision requirement prior to construction of minor utility.

KEY POINTS

- The property is completely encumbered with regulatory floodplain.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Section 20-813 states that building permits will not be issued for unplatted property.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Variance request from side yard setback requirement [B-5-9-12] to allow the interior side setback to be reduced from the 15 ft required in the OS District to 10 feet along north property line, was approved by the Board of Zoning Appeals at their July 5, 2012 meeting subject to one condition stipulating the approval is valid after the City's annexation and rezoning of the property.

Items being considered at the July Planning Commission meeting:

- Annexation request [A-5-3-12] for approximately .3 acres and adjacent road right-of-way, to accommodate development of a pump station, a *minor utility*.
- Rezoning request [Z-5-8-12] from County Zoning Districts: A (Agricultural), V-C (Valley Channel) and the F-F (Floodway Fringe Overlay District) to OS-FP (Open Space and Floodplain Overlay) District.
- Special Use Permit [SUP-5-6-12] for the construction of the pump station.

Other action required:

- City Commission approval of annexation and adoption of ordinance.
- City Commission approval of rezoning request and adoption of ordinance.
- City Commission approval of the Special Use Permit and adoption of ordinance.
- Publication of rezoning, annexation and special use permit ordinances.
- City Commission acceptance of dedication of easements and rights-of-way for the Final Plat.
- Submittal of final plat for administrative approval and recordation.
- Administrative review and approval of Floodplain Development Permit for construction of pump station.
- Release of Special Use Permit site plan to Development Services for Building Permits.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for project.
- *Downstream Sanitary Sewer Analysis* – The City Utility Engineer indicated that a DSSA is not required.
- *Drainage Study* – A drainage study is not required for this project as the property contains less than 1/2 acre. [Stormwater Management Criteria Section 1.6.E.2.d]
- *Retail Market Study* – Not applicable to project.

PUBLIC COMMENT

No public comment was received prior to publication of this staff report.

Site Summary

Gross Area:	15,960 sq ft (.36 acres)
Number of Existing Lots:	0
Number of Proposed Lots:	1 lot
Right-of-Way Dedicated:	4,800 sq ft
Lot Area:	11,160 sq ft (.26 acres)

GENERAL INFORMATION

Current Zoning and Land Use: A (County-Agricultural), F-F (County-Floodway Fringe Overlay) and F-W (County-Floodway Overlay) Districts; undeveloped.

Surrounding Zoning and Land Use:

To the west:

RM12D (Multi-Dwelling Residential) and FP (Floodplain Management Regulations Overlay) Districts; townhouse development west of N Michigan Street.

To the northwest:

PD-Woodcreek Townhouses; Townhouse development, and RM12, Apartments.

To the north:

A (County-Agricultural), F-F (County-Floodway Fringe Overlay), and F-W (County-Floodway Overlay) Districts; large parcel with a rural residence.

To the east:

V-C (County-Valley Channel) and F-F (County-Floodway Fringe Overlay), and F-W (County-Floodway Overlay) Districts; undeveloped.

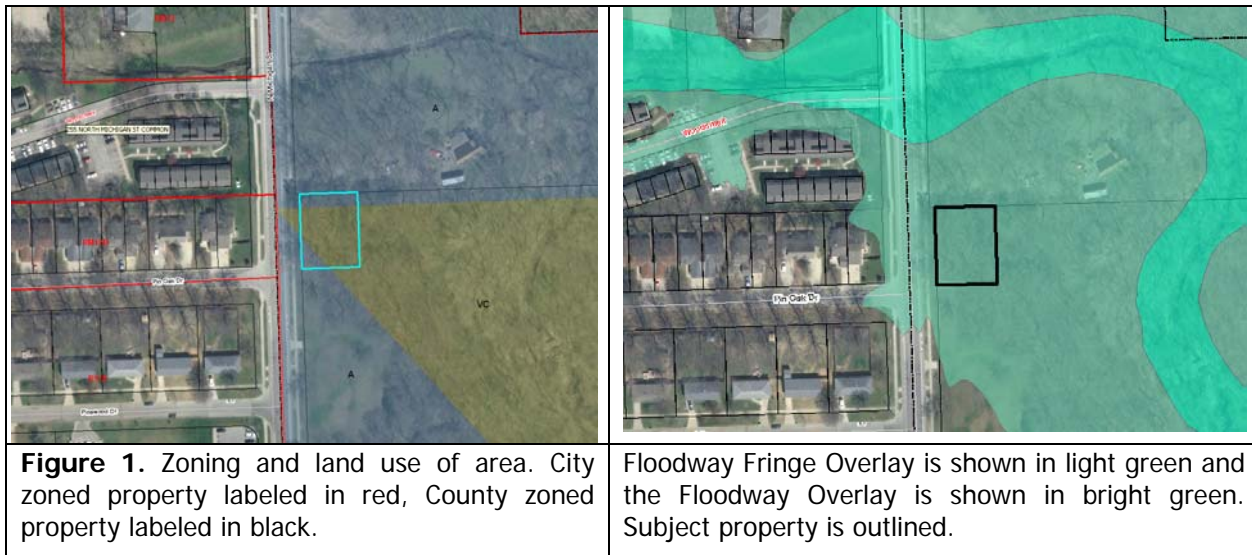
To the south:

A (County-Agricultural), V-C (County-Valley Channel) and FF (County Floodway Fringe Overlay) Districts; undeveloped.

To the southwest:

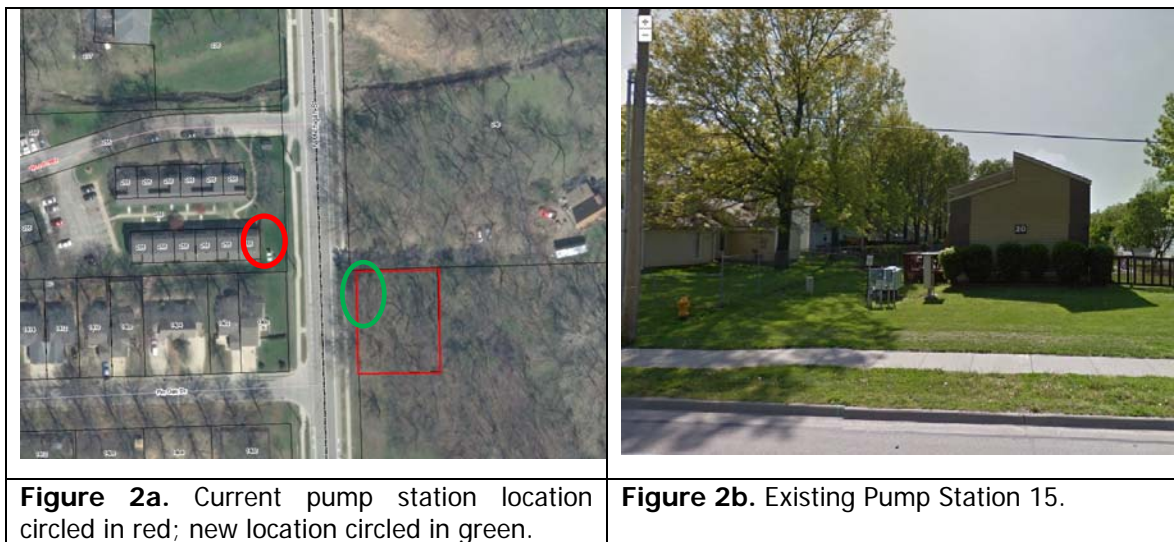
RS10 (Single-Dwelling Residential); Detached Dwellings and Day Care Center.

(Figure 1)



STAFF REVIEW

Pump Station 15 is currently located on private property. Access is not available to the site so City Utility Trucks must park on Michigan Street when servicing the pump station. The pump station site will be relocated to the east side of Michigan Street and a drive will provide access into the site. Figure 2 shows the location of the existing pump station, the proposed site for relocation, and the existing pump station site. The property is being platted so a building permit can be obtained for construction of the pump station.



Compliance with Zoning Regulations for the OS District.

The lot will contain 11,160 sq ft after the dedication of right-of-way and is 120 ft wide by 133 ft deep. The OS District has no minimum lot dimensions; however minimum setbacks do apply, and these will be addressed with the Special Use Permit. The proposed lot complies with the OS District lot requirements.

Zoning and Land Use

The subject property is currently undeveloped. The property is zoned County-A (Agricultural), V-C (Valley Channel) and F-F (Floodway Fringe Overlay) Districts. Requests to annex into the City and rezone to the OS-FP (Open Space with Floodplain Management Regulations Overlay) District are

being considered concurrently with this preliminary plat. When property is annexed the Development Code requires that 2 feet of freeboard be rezoned to the Floodplain Management Regulations Overlay District in addition to the land encumbered with the regulatory floodway or floodway fringe. As the entire lot is encumbered with floodplain, the entire lot will be rezoned to the FP Overlay District.

Streets and Access

The property is located on N Michigan Street and will have direct access to N Michigan.

One-half of the required right-of-way for a collector street, 40 ft, is being dedicated with this plat. The west half of the right-of-way was dedicated with Riverside Addition No 3.

The pump station is unmanned and will require minimal access. Access is not available to the current station and City Utility trucks generally park on Michigan Street when servicing the station. The improved pump station is expected to require fewer maintenance visits and thus generate less traffic.

Utilities and Infrastructure

Utilities and infrastructure to accommodate the new pump station will be developed as part of the project.

Easements and Rights-of-way

The east side of N Michigan St right-of-way is the typical 33 ft county road standard. An additional 7 ft of right-of-way will be dedicated with this plat for N Michigan Street to provide 40 ft of right-of-way, one-half the required right-of-way for a collector street.

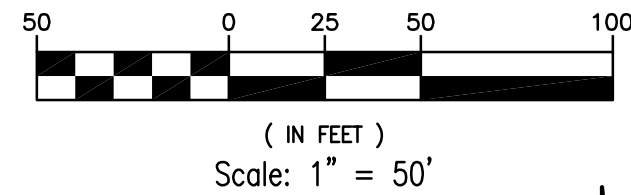
Conformance

The Comprehensive Plan recognizes the need to carefully plan for the continued service to existing areas of Lawrence and to select locations for new and expanded utilities. One strategy recommends that plans should emphasize utility improvements and extensions that provide the highest level of service within existing service areas. (page 10-11, *Horizon 2020*) The proposed improvement is in conformance with the recommendations in *Horizon 2020*.

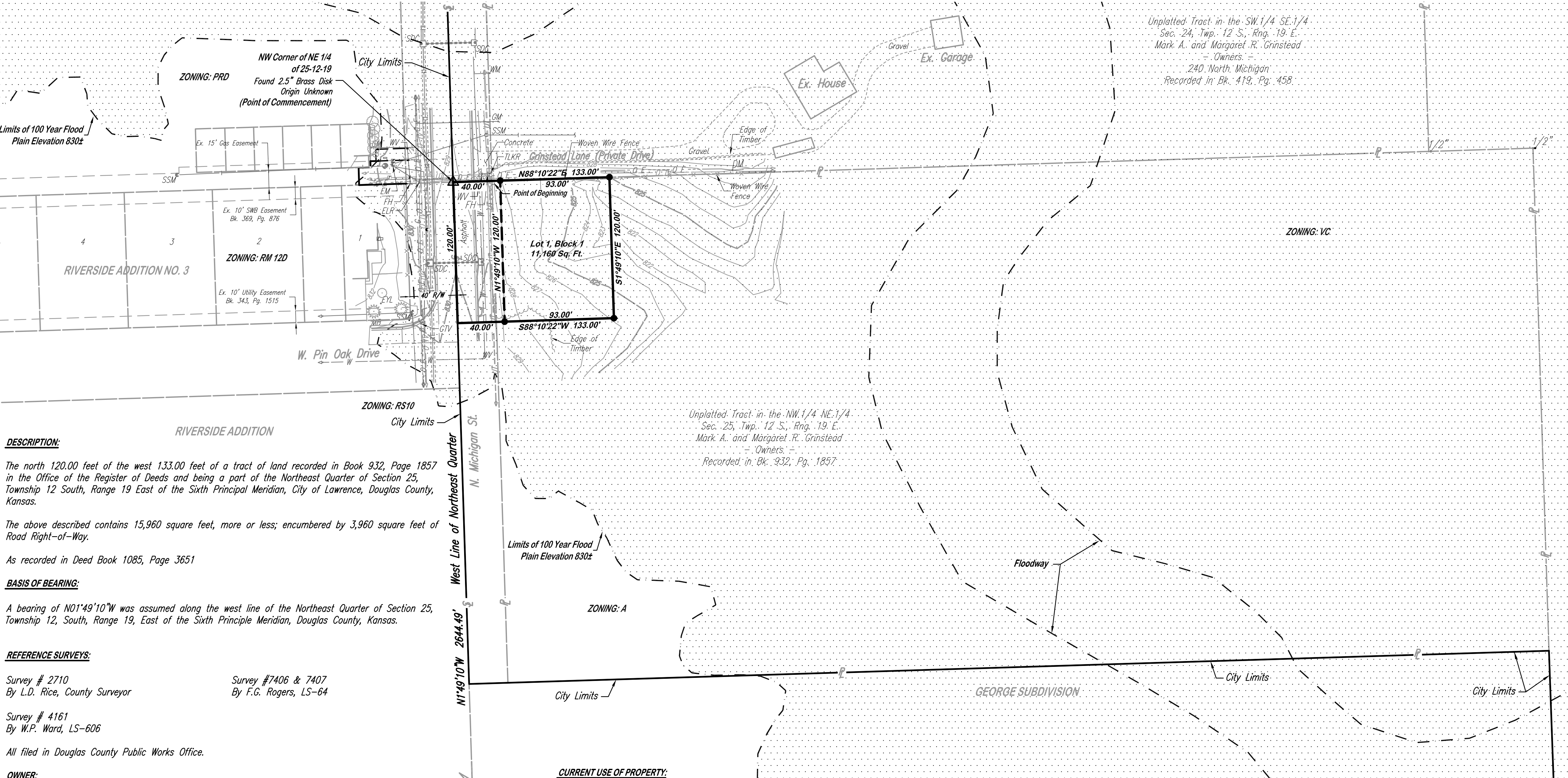
The preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.

PRELIMINARY PLAT
PUMP STATION NO. 15

IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 12 SOUTH, RANGE 19 EAST
OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS



LEGEND	
	Ex. Property Line
	Ex. Property Line
	Ex. Right-of-Way Line
	Prop. Property Line
	Monument Found as Noted
	Set 5/8" x 24" Iron bar
	Drainage Arrow
	Ex. Easement
	Ex. Sanitary Sewer Manhole
	Ex. Sanitary Sewer Line
	Prop. Sanitary Sewer Line
	Ex. Sanitary Force Main
	Prop. Sanitary Force Main
	Ex. Storm Sewer Manhole
	Ex. Storm Sewer Curb Inlet
	Ex. Storm Sewer Area Inlet
	Ex. Storm Sewer Line
	Ex. Water Line
	Ex. Fire Hydrant
	Ex. Water Meter
	Ex. Water Valve
	Ex. Gas Meter
	Ex. Underground Electric Line
	Ex. Electrical Riser
	Ex. Electrical Power Pole
	Ex. Electrical Box
	Ex. Deadman
	Ex. Buried Telephone Line
	Ex. Overhead Telephone Line
	Ex. Telephone Box
	Ex. Telephone Riser
	Ex. Buried Television Line
	Ex. Overhead Television Line
	Ex. Cable Television Box
	Ex. Cable Television Riser



DESCRIPTION:

The north 120.00 feet of the west 133.00 feet of a tract of land recorded in Book 932, Page 1857 in the Office of the Register of Deeds and being a part of the Northeast Quarter of Section 25, Township 12 South, Range 19 East of the Sixth Principal Meridian, City of Lawrence, Douglas County, Kansas.

The above described contains 15,960 square feet, more or less; encumbered by 3,960 square feet of Road Right-of-Way.

As recorded in Deed Book 1085, Page 3651

BASIS OF BEARING:

A bearing of N01°49'10"W was assumed along the west line of the Northeast Quarter of Section 25, Township 12, South, Range 19, East of the Sixth Principle Meridian, Douglas County, Kansas.

REFERENCE SURVEYS:

Survey # 2710
By L.D. Rice, County Surveyor

Survey #7406 & 7407
By F.G. Rogers, LS-64

Survey # 4161
By W.P. Ward, LS-606

All filed in Douglas County Public Works Office.

OWNER:

City of Lawrence
P.O. Box 708
Lawrence, KS. 66044
785-832-7801

SURVEYOR:

W. David Lee LS-1343
Professional Engineering Consultants, P.A.
1263 S. Topeka Blvd.
Topeka, KS. 66612
785-233-8300

BENCHMARK:

BM-15
Chiseled square in the center of a fish "No Dumping" stamp on top of first C.I. north of a 4 barrel RCB on west side of N. Michigan Street, north of W. Pin Oak Drive and a private drive to Wood Creek Apartments.
EI=829.80

FLOODPLAIN DATA:

The entire property is located within the 100 year flood plain, as shown on Flood Insurance Rate Map, Community Panel No. 20045C0157D. Effective date August 5, 2010. Base flood elevation is approximately 830.

CURRENT USE OF PROPERTY:

Undeveloped

PROPOSED USE OF PROPERTY:

Minor Utility: Sanitary Sewer Pump Station

SOILS PRESENT:

Morrill-Sharpsburg-Eudora

SITE SUMMARY:

Gross Area: 15,960 SF
Area to be dedicated as right of way: 4,800 SF
Net Area: 11,160 SF
Area within 100 Year Flood Plain: 11,160 SF

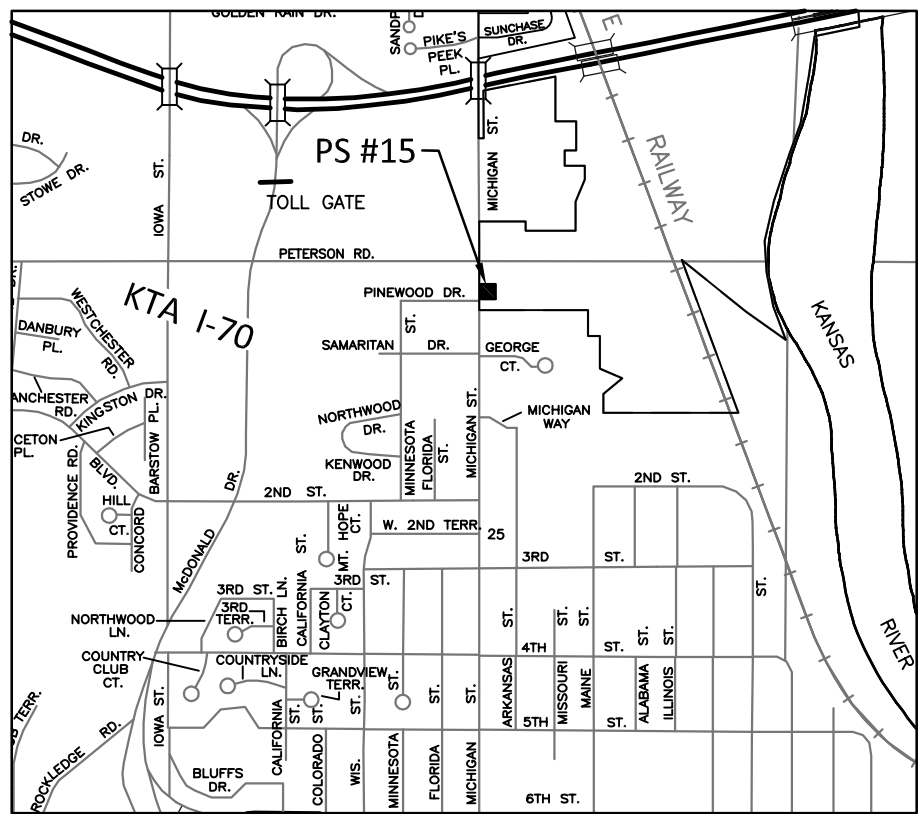
UTILITY NOTE:

All telephone, cable television and electrical services to be located underground.

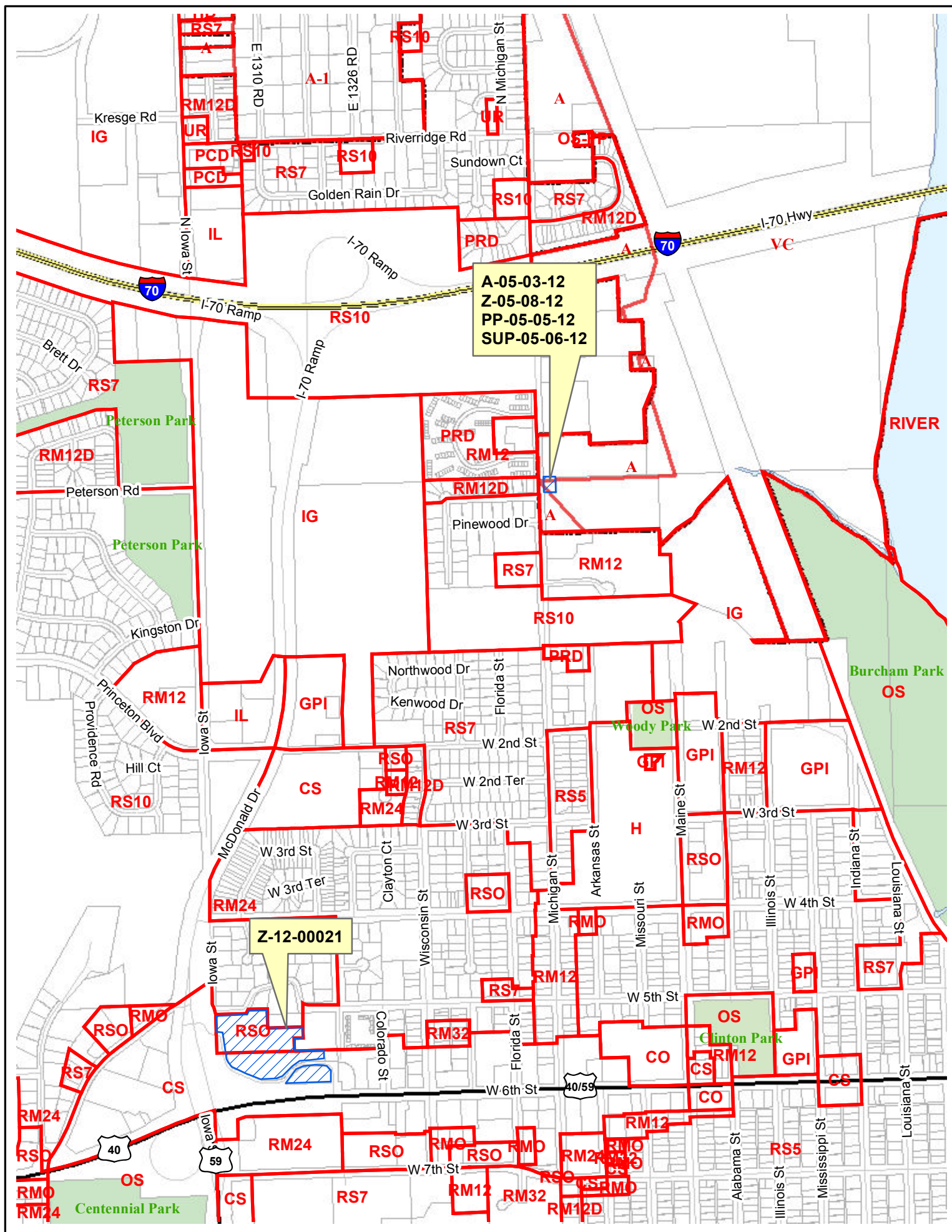
ZONING:

Current Zoning: A & VC
Proposed Zoning: OS-FP

VICINITY MAP



1	Revised Per City Planning Review Comments	DWL	07-10-12
No.	Revision	By	Date
PRELIMINARY PLAT			
PUMP STATION NO. 15			
IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS			
Professional Engineering Consultants, P.A.			
1263 SW. TOPEKA BLVD. • TOPEKA, KANSAS 66612 785-233-8300 • FAX 785-233-8855			
Surveyor	WDL	Job No.	09A51-003
Drawn by	CLM	Date	JUNE 2012
			Sht. 1 of 1



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item:

PC Staff Report
07/23/12

**ITEM NO. 3D: SPECIAL USE PERMIT FOR PUMP STATION NO. 15; 240 N
MICHIGAN ST (MKM)**

SUP-5-6-12: Consider a Special Use Permit for construction of Pump Station No. 15, a *minor utility*, located at 240 N. Michigan Street. Submitted by The City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of SUP-5-6-12, a Special Use Permit for Pump Station No. 15, a *minor utility*, based upon the findings presented in the body of the staff report and subject to the following condition:

1. Applicant shall provide a revised site plan with the following changes:
 - a Addition of a note indicating that the Board of Zoning Appeals approved the requested variance, B-5-9-12, to allow a 10 ft side yard setback on the north property line subject to one condition stipulating the approval is valid after the City's annexation and rezoning of the property.
 - b Provide dimension showing distance from control panel to north property line.
 - c Provide dimensions for the width and length of the retaining wall, and the height of the railing on the retaining wall.
 - d Correction of the impervious surface in the floodplain.
2. Approval of the Special Use Permit is contingent upon approval of a Floodplain Development Permit. The SUP will be released to Development Services for a building permit after a Floodplain Development Permit application has been submitted and approved.

Applicant's Reason for Request: *"SUP required for use of property as a pump station site."*

KEY POINTS

- Pump Station No. 15 is a *minor utility* which serves more than one specific development; therefore approval is required through a Special Use Permit per Section 20-530 of the Development Code.
- The proposal is to relocate the Pump Station No. 15 site from private property to nearby City-owned property and to upgrade the equipment to improve service.

FACTORS TO CONSIDER

- Procedural requirements of Section 20-1306; Special Use Permits.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Variance request from side yard setback requirement [B-5-9-12] was approved by the Board of Zoning Appeals at their July 5, 2012 meeting to allow the interior side setback to be reduced from the 15 ft required in the OS District to 10 ft along north property line, subject to one condition stipulating the approval is valid after the City's annexation and rezoning of the property.

Other items being considered at the July Planning Commission meeting:

- Annexation request [A-5-3-12] for the 15,960 sq ft of the subject parcel and one-half

the adjacent road right-of-way to accommodate development of a pump station, a *minor utility*.

- Rezoning request [Z-5-8-12] from County Zoning Districts: A (Agricultural), V-C (Valley Channel) and the F-F (Floodway Fringe Overlay District) to OS-FP (Open Space and Floodplain Overlay) District.
- Preliminary Plat [PP-5-5-12]; Pump Station No. 15, a one-lot subdivision of approximately .3 acres.

Other action required:

- City Commission approval of annexation and adoption of ordinance.
- City Commission approval of rezoning request and adoption of ordinance.
- City Commission approval of the Special Use Permit and adoption of ordinance.
- Publication of rezoning, annexation and special use permit ordinances.
- City Commission acceptance of dedication of easements and rights-of-way for the Final Plat.
- Submittal of final plat for administrative approval and recordation.
- Administrative review and approval of Floodplain Development Permit for development activity associated with the pump station.
- Release of Special Use Permit site plan to Development Services for Building Permits.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for project.
- *Downstream Sanitary Sewer Analysis* – The City Utility Engineer indicated that a DSSA is not required.
- *Drainage Study* – A drainage study is not required for this project as the property contains less than 1/2 acre. [Stormwater Management Criteria Section 1.6.E.2.d]
- *Retail Market Study* – Not applicable to project.

PUBLIC COMMENT

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

GENERAL INFORMATION

Current Zoning and Land Use:

A (County-Agricultural) and V-C (County-Valley Channel) with F-F (County-Floodway Fringe Overlay) Districts; undeveloped. [Rezoning request to the OS-FP (Open Space and Floodplain Management Regulations Overlay) District is included on the Planning Commission's July agenda.]

Surrounding Zoning and Land Use:

To the west:

RM12D (Multi-Dwelling Residential) and FP (Floodplain Management Regulations Overlay) Districts; townhouse development west of N Michigan Street.

To the northwest:

PD-Woodcreek Townhouses; Townhouse development, and RM12, Apartments.

To the north:

A (County-Agricultural), F-F (County-Floodway Fringe Overlay), and F-W (County-Floodway Overlay)

Districts; large parcel with a rural residence.

To the east:

V-C (County-Valley Channel) and F-F (County-Floodway Fringe Overlay), and F-W (County-Floodway Overlay) Districts; undeveloped.

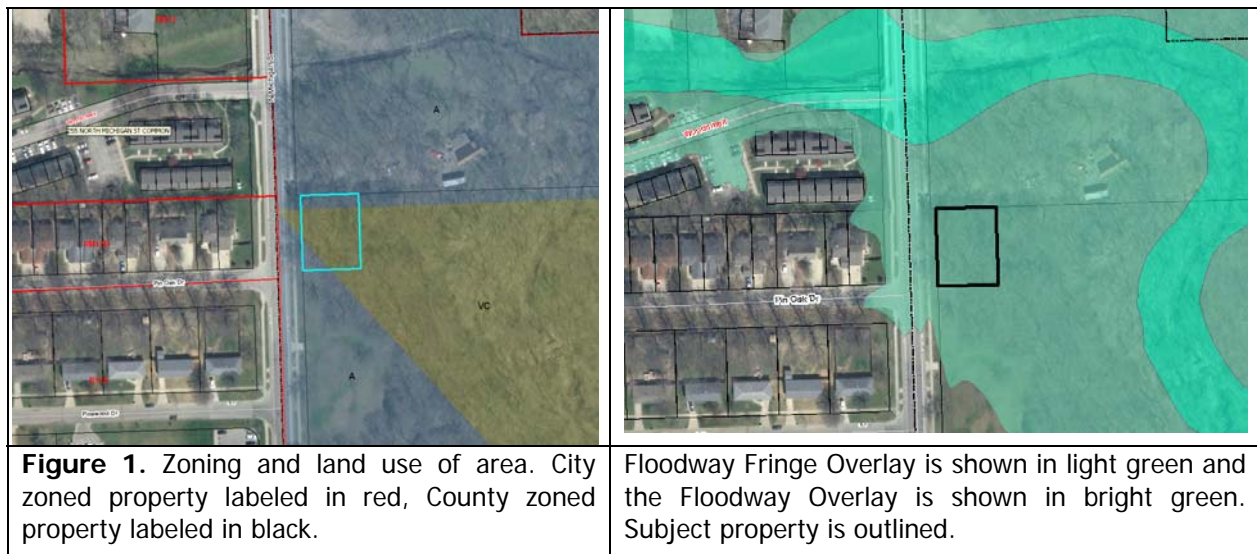
To the south:

A (County-Agricultural), V-C (County-Valley Channel) and FF (County Floodway Fringe Overlay) Districts; undeveloped.

To the southwest:

RS10 (Single-Dwelling Residential) District; Detached dwellings and Day Care Center.

(Figure 1)



Summary of Special Use

Pump Station No. 15 is a *minor utility* that serves development in the area. The pump station is currently located on private property to the west of N Michigan Street. With this proposal, the pump station site will be relocated to City-owned property to the east and upgraded so that the equipment is underground with the exception of the meter cabinet and vents. The presence of floodplain will require the manhole to be elevated 1 ft above Base Flood Elevation; therefore, this pump station site will be raised and will include a retaining wall. The relocation and upgrade will improve service in the area.

The pump station is defined as a *minor utility* in Section 20-1765 of the Development Code:

MINOR UTILITIES. Public utilities that have a local impact on surrounding properties. Typical uses include electrical and gas distribution substations, lift stations, telephone switching boxes, water towers. Excludes 'Wireless Telecommunication Facilities' use types.

SITE SUMMARY

	Existing	Proposed	Change
Property Area (sq ft):	11,160	11,160	-
Total Impervious Area (sq ft):	0	2,665 (23.8%)	+ 2,665
Total Pervious Area (sq ft):	11,160	8,495	- 2,665

Site Plan Review

This site is being platted as Lot 1 with the Preliminary Plat of Pump Station No. 15. The site plan shows the proposed location of the pump station near the north end of the property and also shows the area that is to remain undisturbed with the development of the pump station.

Review and Decision-Making Criteria (20-1306(i))

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

The proposed use, a *minor utility* which serves more than one subdivision, is an allowed use in the proposed OS (Open Space) District subject to Special Use Permit approval. As the property is encumbered with the Regulatory Floodplain, a Floodplain Development Permit is required per Section 20-1203 and must be approved prior to the release of building permits.

A minimum of one off-street parking space is required for minor utilities. The site will be accessed by utility trucks for routine maintenance and there will be no employees regularly on site; therefore, only one parking space is required. One parking space is provided on the site plan. The Development Code prohibits parking areas within 15 ft of the street right-of-way and this parking space is 15.5 ft from the right-of-way.

A photometric plan is not required as no exterior lighting will be utilized with this facility.

The setbacks in the OS District are as follows: Front—the same as front yard for the abutting lot; Interior side adjacent to residential—20 ft; Interior side adjacent to non-residential—15 ft; Rear—0 ft. A variance reducing the interior side yard setback from 15 ft to 10 ft, was approved by the Board of Zoning Appeals at their July 5th meeting. This should be noted on the plan.

The pump station's mechanical equipment will be located underground but a 7 ft x 5 ft meter board will be located on the property. The meter board is located approximately 10 ft from the north side lot line, and is approximately 45 ft from the roadway. A variance from the interior side yard setback was approved to allow the 10 ft setback as shown on the plan.

Staff Finding – With the approved variance and as conditioned the Special Use Permit site plan complies with the requirements set out in 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

The relocation of the pump station site from its current location on private property to City-owned property will reduce the impact on the private property. No exterior lighting is being proposed for this facility. With the mechanical equipment being located underground the amount

of noise and other external impacts should be minimal. The principal changes being made with this pump station are the placement of the mechanics underground and the raising of the pump station so that the manhole cover will be a minimum of 1 ft above base flood elevation. This change in elevation will result in a pump station that will have more of a visual impact than the other below grade stations. The existing pump station is shown in Figure 2. The above ground components of the new pump station are in Figure 3, and Figure 4 provides elevations showing how the raised pump station with retaining wall and railing will appear from the north and from N Michigan right-of-way.



Figure 2. Existing pump station on west side of N Michigan Street

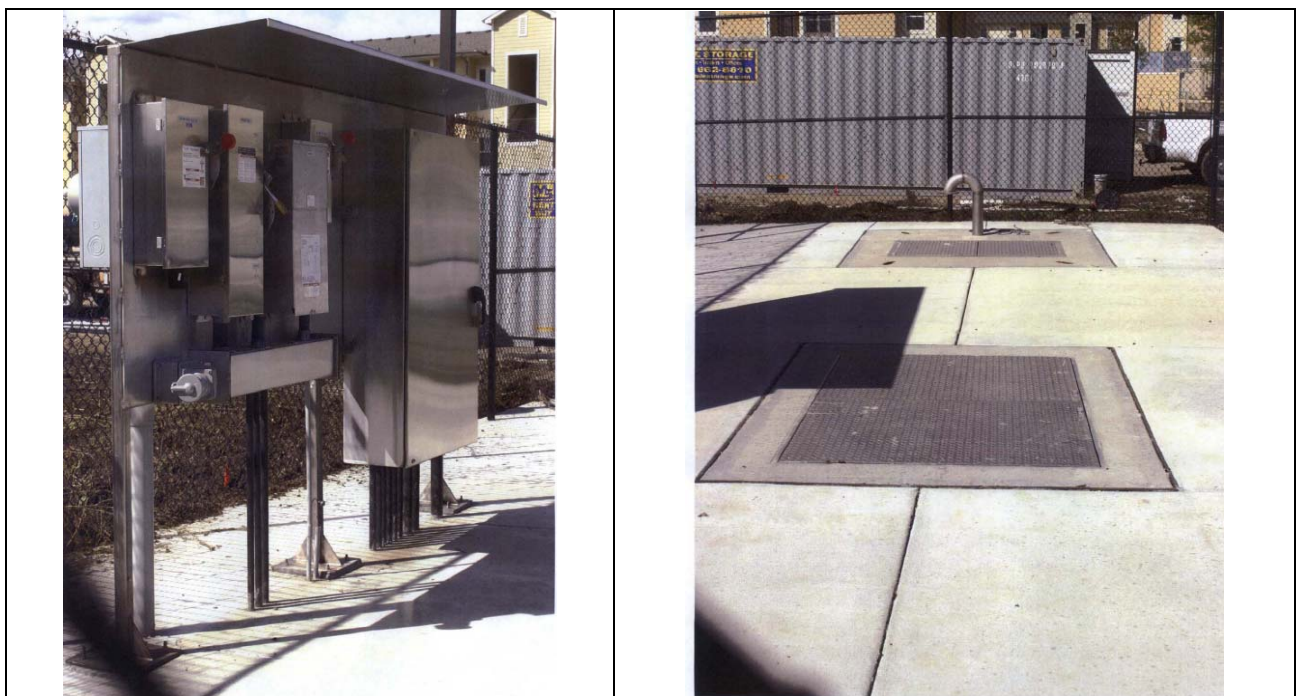
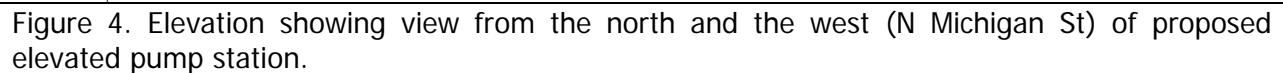


Figure 3. Above-ground equipment associated with the upgraded pump stations.



Currently, City Utility trucks must stop on N Michigan Street to service the pump station. The new pump station will have an off-street parking area to allow the vehicle and equipment to access the pump station. The only traffic to the pump station will be for maintenance on the facility. There will be perhaps less traffic as a result of the mechanical improvements, from that with the existing pump station.

3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED

Staff Finding – The relocation of Pump Station No. 15 is not anticipated to result in any diminution of value of other property in the neighborhood.

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

The pump station is a public service intended to serve the surrounding area.

Staff Finding – The proposed use, a *minor utility*, is a public service which would serve the surrounding area. Sufficient safety, transportation and utility facilities will be available to serve the subject property.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

Staff Finding – The site plan will function as the enforcement document to assure that maintenance and use of the property is consistent with the approval.

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

Applicant's Response: *"No. This is a minor utility use and is regulated and permitted through KDHE."*

Adequate oversight will be provided for the protection of the natural environment through the state regulatory oversight through the KDHE and local floodplain management regulations. The property is completely encumbered with the floodplain; however, the amount of impervious surface being added has been kept to a minimum and areas of 'non-disturbance' have been identified on the plan. The amount of impervious surface noted on the site and the amount within the floodplain differ. As the entire site is within the floodplain, these figures should match. The plan should be revised to accurately reflect the amount of impervious surface that is on the site and within the floodplain.

Staff Finding – The proposed use, with the protection measures required by State and Local governments, should not cause significant adverse impacts on the natural environment.

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.

Time limits are established on Special Use Permits to permit a periodic review to determine if the use remains compliant with the area or if a rezoning would be appropriate. A pump station is part of necessary infrastructure whose life span will be determined by demand and operational characteristics. It would not be appropriate to place a time limit on this use.

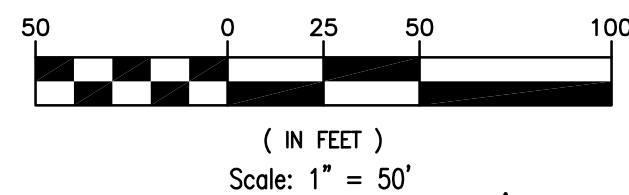
Staff Finding – The project provides necessary infrastructure for surrounding developments; therefore, it would not be appropriate to place a time limit on this use.

Conclusion

The proposed pump station will have a positive impact on the area by improving sanitary sewer services in the area to maintain a high level of service. The use is compatible with, and appropriate for, this location and staff recommends approval of the Special Use Permit with the conditions noted.

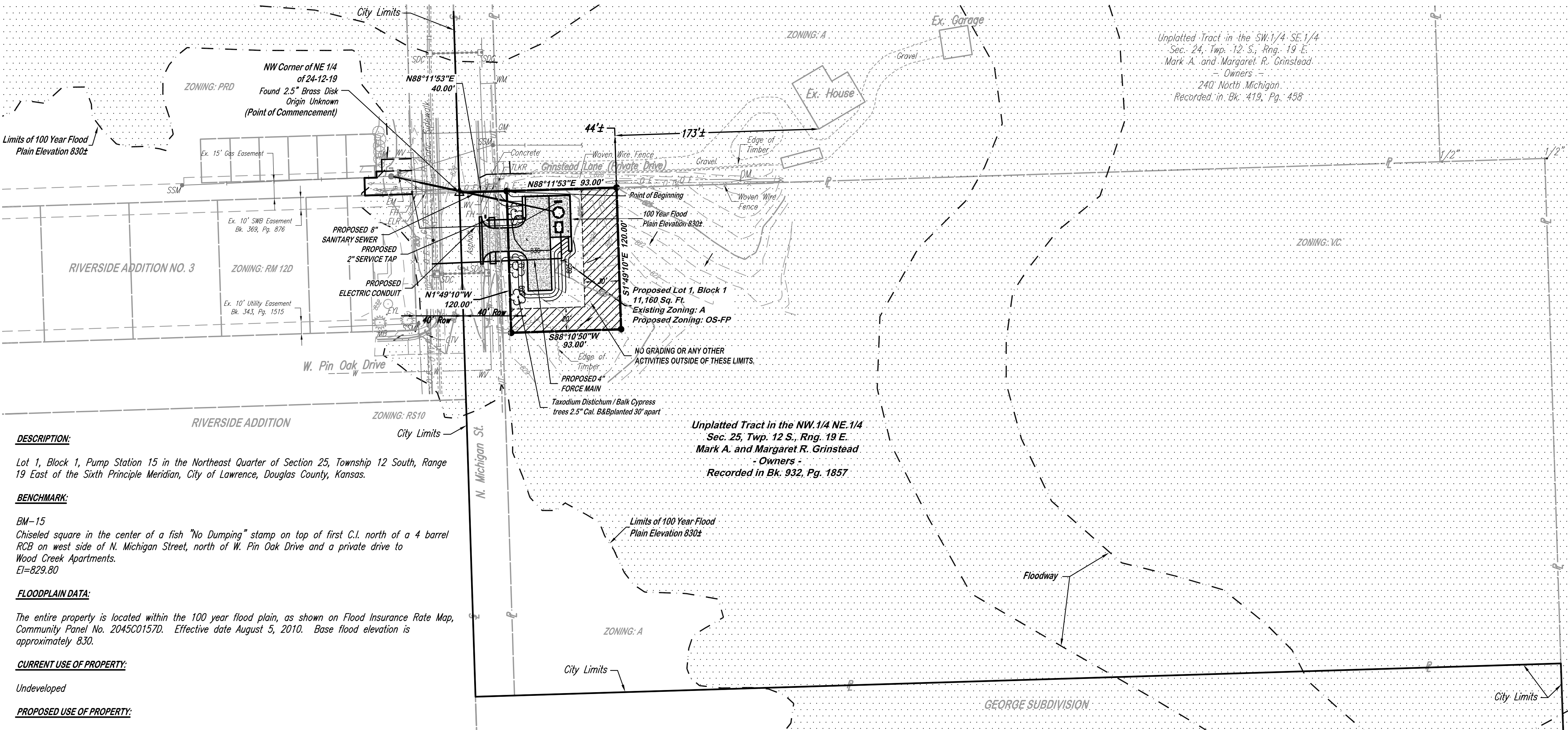
SPECIAL USE SITE PLAN
PUMP STATION NO. 15

IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 12 SOUTH, RANGE 19 EAST
OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS



LEGEND

	Ex. Property Line
	Ex. Property Line
	Ex. Right-of-Way Line
	Monument Found as Noted
	Set 5/8" x 24" Iron bar
	Drainage Arrow
	Ex. Easement
	Ex. Sanitary Sewer Manhole
	Ex. Sanitary Sewer Line
	Prop. Sanitary Sewer Line
	Ex. Sanitary Force Main
	Prop. Sanitary Force Main
	Ex. Storm Sewer Manhole
	Ex. Storm Sewer Curb Inlet
	Ex. Storm Sewer Area Inlet
	Ex. Storm Sewer Line
	Ex. Water Line
	Ex. Fire Hydrant
	Ex. Water Meter
	Ex. Water Valve
	Ex. Gas Meter
	Ex. Underground Electric Line
	Ex. Electrical Riser
	Ex. Electrical Power Pole
	Ex. Electrical Box
	Ex. Deadman
	Ex. Buried Telephone Line
	Ex. Overhead Telephone Line
	Ex. Telephone Box
	Ex. Telephone Riser
	Ex. Buried Television Line
	Ex. Overhead Television Line
	Ex. Cable Television Box
	Ex. Cable Television Riser



DESCRIPTION:

Lot 1, Block 1, Pump Station 15 in the Northeast Quarter of Section 25, Township 12 South, Range 19 East of the Sixth Principle Meridian, City of Lawrence, Douglas County, Kansas.

BENCHMARK:

BM-15
Chiseled square in the center of a fish "No Dumping" stamp on top of first C.I. north of a 4 barrel RCB on west side of N. Michigan Street, north of W. Pin Oak Drive and a private drive to Wood Creek Apartments.
El=829.80

FLOODPLAIN DATA:

The entire property is located within the 100 year flood plain, as shown on Flood Insurance Rate Map, Community Panel No. 2045C0157D. Effective date August 5, 2010. Base flood elevation is approximately 830.

CURRENT USE OF PROPERTY:

Undeveloped

PROPOSED USE OF PROPERTY:

Minor Utility: Sanitary Sewer Pump Station

SOILS PRESENT:

Morrill-Sharpsburg-Eudora

SITE CHARACTERISTICS TABLE:

Existing Buildings	0 SF	Proposed Buildings	0 SF
Existing Pavement	0 SF	Proposed Pavement	1,947 SF
Existing Impervious	0 SF	Proposed Impervious	2,665 SF
Existing Pervious	11,160 SF	Proposed Pervious	8,495 SF
Property Area	11,160 SF		

Total Area within 100 year Floodplain	9,166 SF
Impervious Area within Floodplain	834 SF (9% of Total)

ZONING:

Existing Zoning A & VC
Proposed Zoning OS-FP

GENERAL NOTES:

- One parking space is shown west of the Pump Station per Minor Utility Requirement.
- No exterior lighting is planned for this site.
- Concrete drive/parking area to be constructed per City of Lawrence commercial driveway requirements.
- Silt fence to be installed at toe of slope to delineate construction limits.

OWNER:

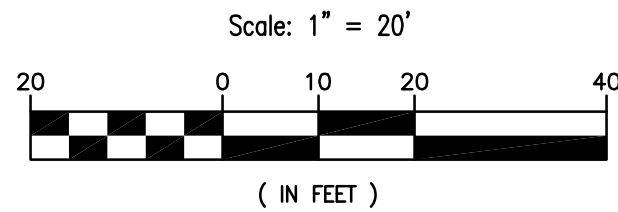
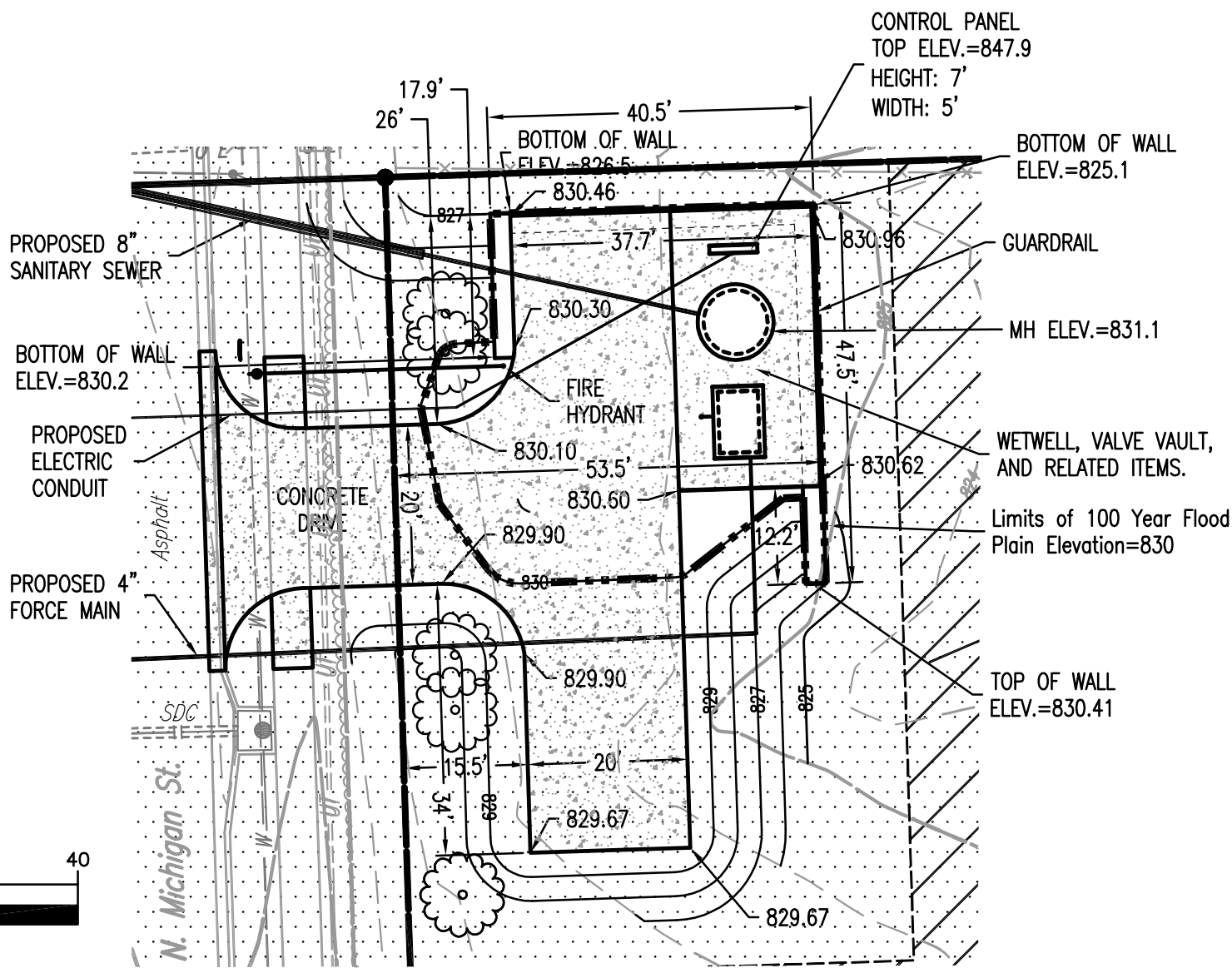
City of Lawrence
P.O. Box 708
Lawrence, KS. 66044
785-832-7801

ENGINEER:

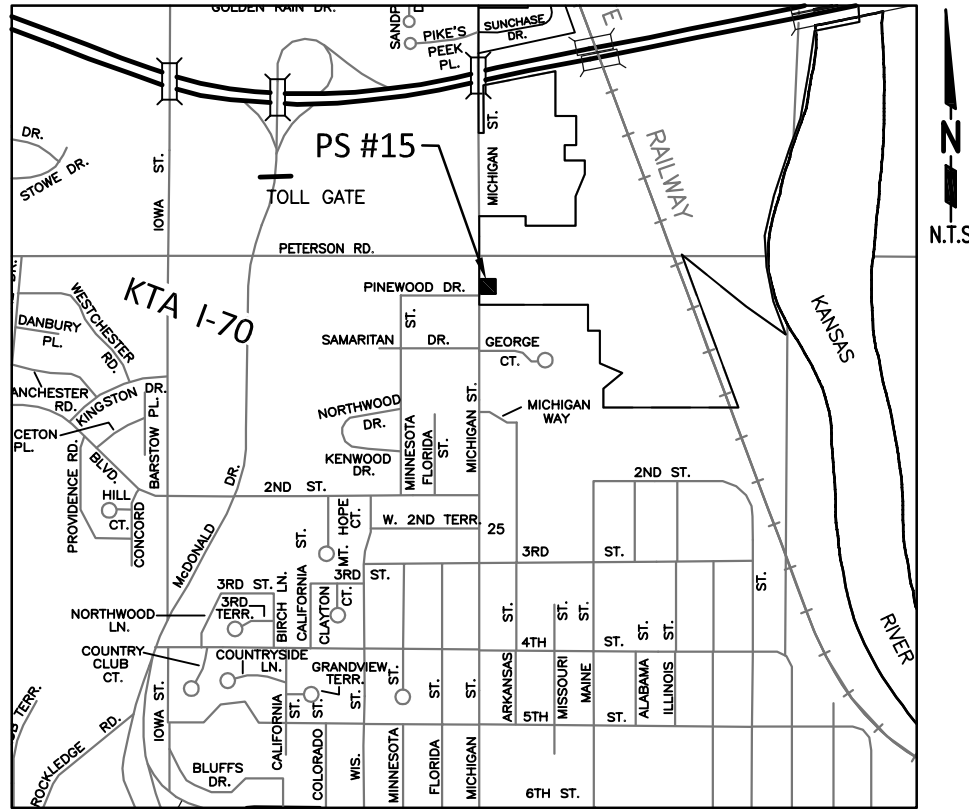
Tyler Pjesky PE-21491
Professional Engineering
Consultants, P.A.
1263 S. Topeka Blvd.
Topeka, KS. 66612
785-233-8300

SURVEYOR:

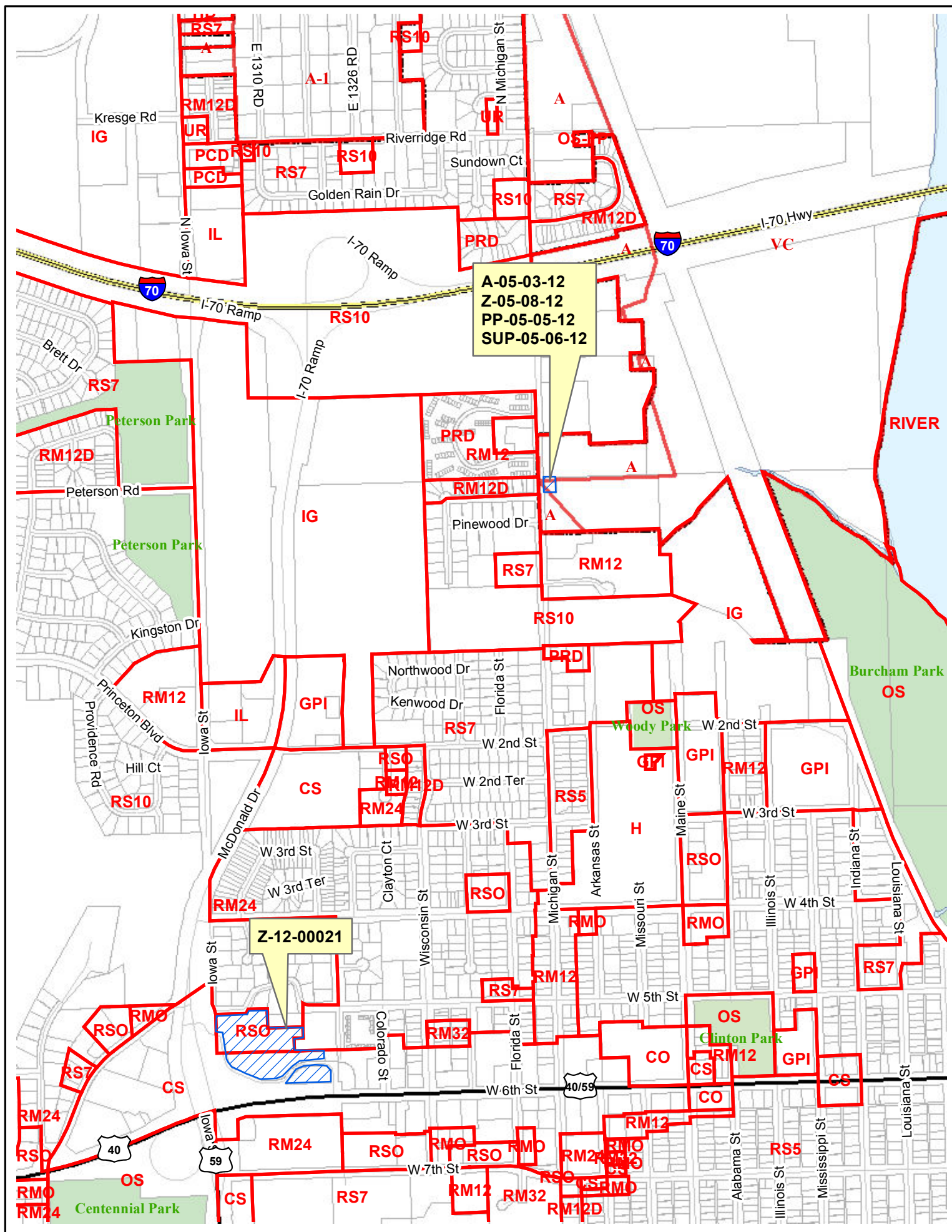
W. David Lee LS-1343
Professional Engineering
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1263 S. Topeka Blvd.
Topeka, KS. 66612
785-233-8300



VICINITY MAP



1	Revised Per City Planning Review Comments	DWL	07-10-12
No.	Revision	By	Date
SPECIAL USE SITE PLAN			
PUMP STATION NO. 15			
IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS			
Professional Engineering Consultants, P.A.			
1263 S.W. TOPEKA BLVD. • TOPEKA, KANSAS 66612			
785-233-8300 • FAX 785-233-8855			
Surveyor	WDL	Job No.	09A51-003
Drawn by	CLM	Date	JUNE 2012
		Sht.	1 of 1



PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
7/23/12

ITEM NO. 4 IG TO IL; 1.74 ACRES; 2645 HASKELL AVE (MJL)

Z-5-9-12: Consider a request to rezone approximately 1.74 acres from IG (General Industrial) to IL (Limited Industrial), located at 2645 Haskell Ave, for the VFW. Submitted by Landplan Engineering, for Hedge Tree LLC, property owner of record

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 1.74 acres, from IG (General Industrial) to IL (Limited Industrial), based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *Current zoning is IG general industrial use. The VFW is in the process of purchasing this property. Rezoning is required for the new use of Lodge, Fraternal & Civic Assembly which is allowed under IL base district.*

KEY POINTS

- The property would maintain an industrial zoning if changed from IG to IL.
- The proposal is consistent with *Horizon 2020*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- None

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning
- *Downstream Sanitary Sewer Analysis* – not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not applicable to residential request

ATTACHMENTS

- Concept plan

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Project Summary:

Proposed request is for rezoning from IG to IL in order to build a VFW building. The VFW is classified as a Lodge, Fraternal & Civic Assembly use which is not permitted in the IG District. If zoning is approved, the site plan process will have to be completed.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Map 3-2 Lawrence Future Land Use of Horizon 2020 this area is shown industrial use. The surrounding area is shown as Industrial Use and Medium Density Residential. This request is consistent with the surround use of the area.*

Staff Discussion: The Future Land Use Map of *Horizon 2020* (Map 3-2), identifies this property as Office Research, Industrial/Warehouse/Distribution. By changing the zoning from IG to IL, the property remains zoned for industrial uses.

Additionally, *Horizon 2020* encourages transitions between more and less intensive uses. The IL District offers the less intensive industrial development opportunities.

Staff Finding –

Changing the zoning of this property from IG to IL remains in conformance with *Horizon 2020* by maintaining an industrial zoning and offering a transition between the residential uses to the north and higher-intensity industrial uses to the south.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Current Zoning and Land Use: IG (General Industrial) District; Vacant

Surrounding Zoning and Land Use: North: RS10 (Single-Dwelling Residential) District;
Single dwelling structures and vacant land

West/East/South: IG District;
West: Westar facility
East: Chaney Inc.- HVAC contractor
South: Cutter Repaving Inc. – paving contractor

Staff Finding –

The surrounding property is generally industrial in nature with large lot residential to the north. Changing the zoning to a less intense industrial classification may be more appropriate with the adjacent residential. The IG District permits high-intensity industrial use and the IL District permits low-impact industrial uses that would be more compatible with the adjacent residential use. The Lodge, Fraternal & Civic Assembly use is a lesser intensity use than other industrial type uses.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *This lot is adjacent to industrial use to all sides of this development. Northeast of this development is a residential home which is zoned for medium density residential in the future.*

Staff Discussion: Generally the character of the neighborhood is industrial with large lot residential to the north. The transition to the less intensive use is through the rear of the property and will require buffer yards when developed in order to mitigate any potential negative impact to the residential use.

Staff Finding – Generally the area is industrial in nature with large lot residential to the north. Changing the zoning to a less intense industrial district maintains the existing industrial

character along E. 27th Street but offers a more appropriate transition to the residential to the north.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

Applicant's Response: *none*

Staff Discussion: This property falls within the planning area of the *Burroughs Creek Corridor Plan*. The plan mainly speaks to the rail corridor area north of W. 23rd Street. The plan speaks to encouraging new, residential friendly development. Being that the subject property is adjacent to residential uses, this zoning is an appropriate transition to the heavy industrial uses in the area.

Staff Finding – The proposed zoning change is consistent with the “residential friendly development” recommendation of the *Burroughs Creek Corridor Plan*.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response: *The existing zoning is IG, the requested zoning down to IL which allows Lodge, Fraternal & Civic Assembly in the zoning district. This will be a less intensity use than the existing zoning.*

Staff Discussion: With the exception of the residential uses to the north, the property is suitably zoned today with the surrounding property to the east, west and south being zoned for industrial development.

Staff Finding – The subject property is currently suitable for small scale industrial development as the majority of the surrounding property is zoned and developed with industrial uses.

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

Applicant's Response: *The property has remained vacant since the development of the industrial park, with little or no expressed interest in the site as for redevelopment.*

Staff Discussion: The property has never been developed.

Staff Finding – The property has never been developed and has had an industrial zoning since 1967.

7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's Response: *Approving this rezoning application will not adversely affect the neighboring properties. This rezoning for adjacent properties is being requested to ensure compatibility with surrounding neighborhoods.*

Staff Discussion: The proposed zoning is a low-intensity industrial district. The *Land Development Code* requires buffer yards, building and parking lot setbacks and other opportunities to design a site in order to not detrimentally affect nearby properties.

Staff Finding – The change in zoning is proposed to a less intense industrial zoning district. This proposal could potentially have the opposite effect because the IL District permits the less intensive uses.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response: Approval of this application will allow the VFW to move to a new location. At present time the property is vacant.

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

Staff Discussion: If this application is denied, the property owners would not be able to develop their property with the Lodge, Fraternal & Civic Assembly use for which they have purchased the property. The property would remain zoned for high-intensity industrial and could develop with such uses which could cause potential issues for the adjacent residential uses.

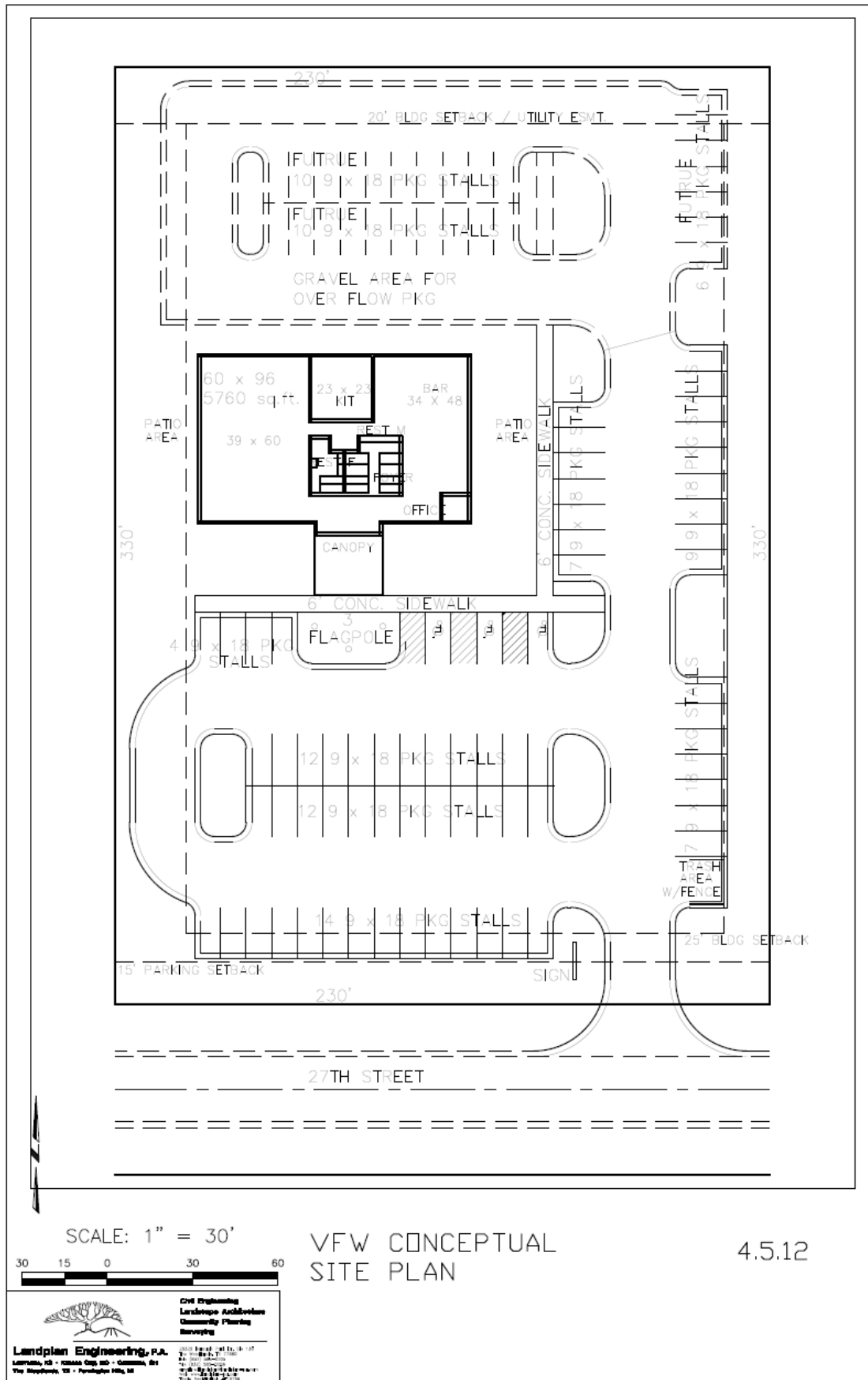
Staff Finding – The potential gain to the public with the denial of the application is that the property could remain vacant as it is today. The property owners would then not be able to develop with the proposed Lodge, Fraternal & Civic Assembly use.

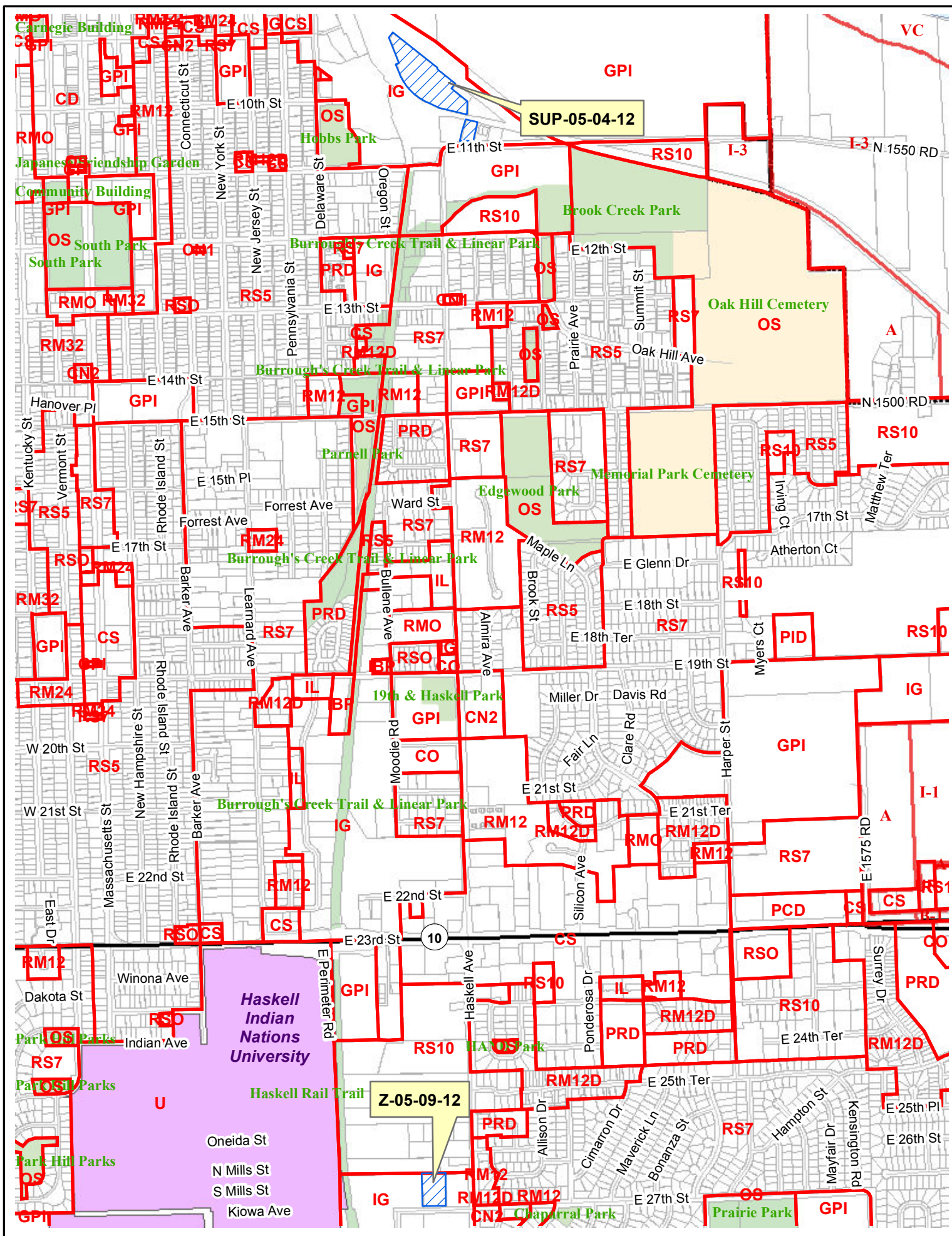
9. PROFESSIONAL STAFF RECOMMENDATION

The subject property is zoned for high-intensity industrial uses though it has never been developed. The proposal is to rezone to the IL District which is a low-intensity industrial district. The subject property is primarily adjacent to other industrial uses with the exception of the large lot residential uses to the north.

Horizon 2020 identifies this property as Office Research, Industrial/Warehouse/Distribution and supports proper transition between more intense and less intensive uses. The proposal to IL maintains the industrial land use but offers a better transitional zoning to the residential property to the north.

Staff recommends approval of the request to rezone approximately 1.74 acres, from IG (General Industrial) to IL (Limited Industrial), based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.





Claude E. Kean
2629 Haskell Avenue
Lawrence, KS 66046

July 22, 2012

Fax Delivery to: 785-832-3160

To: Michelle Leininger and Members of the Lawrence-Douglas County Planning Commission, City of Lawrence, Kansas

**Reference: Item Z-5-9-12 up for Public Hearing Monday July 23, 2012
Regarding the Request for Rezone of General Industrial Property
at 2645 Haskell Avenue for the VFW**

Dear Michelle Leininger and Members of the Planning Commission:

Related to the Rezone of the Industrial Zoned Property at 2645 Haskell for the VFW, I have been asked by the homeowners "most affected" by this Industrial Property to provide this letter of written comments representing these homeowners.

First, there are four (4) homeowners with homes zoned for Residential One Single Family whose lawns and patios have views which directly face this Industrial Property and other Industrial Property next to it where no fence has been put up. The industrial-zoned property used to be vacant land BUT is now used to park and store many unsightly large tractor-trailer rigs and also rusted storage containers directly in sight of the residential property. This morning, there were 13 large unsightly tractor-trailer rig trailers and metal storage containers stored there without a fence to hide the view and junk from the homes zoned Single Family Residential. Allowing this next to land zoned Family Residential lowers the value of the homes within sight of it and makes them and the residential land next to it unappealing to sell.

The four (4) homeowners most affected have told me they have no objection to the zoning change requested by the VFW, and actually welcome the VFW to be there—under the condition we have heard that the VFW will build a solid fence around its property and parking to shield its view from the residential-zoned property north of it.

However, three of us as homeowners living here years before industrial property was allowed to build next door, also have our homes exposed to the trucks and noise of the Westar Energy Electric Service Trucks Complex, which is next to the VFW property. While Westar put up a chain-link security fence, it is a nuisance to our homes that were here first, and zoned family residential. The view to Westar truck parking is ugly and there is noise sometimes from trucks and loud speakers after midnight that is a nuisance to families living nearby. Since Westar has more than doubled the size of its services parking, we feel it is time for Westar to also put up a permanent 7 or 8 foot solid fence to hide its operations from the residential-zoned property.

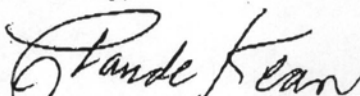
Claude E. Kean Letter to Lawrence-Douglas County Planning Commission
July 22, 2012
Page 2

Three of the mentioned homes have mailboxes on Haskell Avenue; however, their homes are actually on a private drive back to the west so their homes are directly north and in view of the unfenced VFW lot and also the Westar operations.

These homeowners are requesting that the Family Residential-Zoned Home Properties be kept separate by a tall solid fence be installed from the VFW and Westar Industrial Properties. They are: Diane Kennedy (2633 Haskell), Kathy Shuck (2631 Haskell), and Claude Kean (2629 Haskell). A fourth home with residential property land running next to the VFW property and Westar industrial property belongs to Ruth Vervynck, with whom I also spoke. Four home-owners, including their homes, own about 10 acres of land zoned Family Residential next to or just North of this area that has no barrier fence to block the view between Industrial Buildings and property zoned Family Residential.

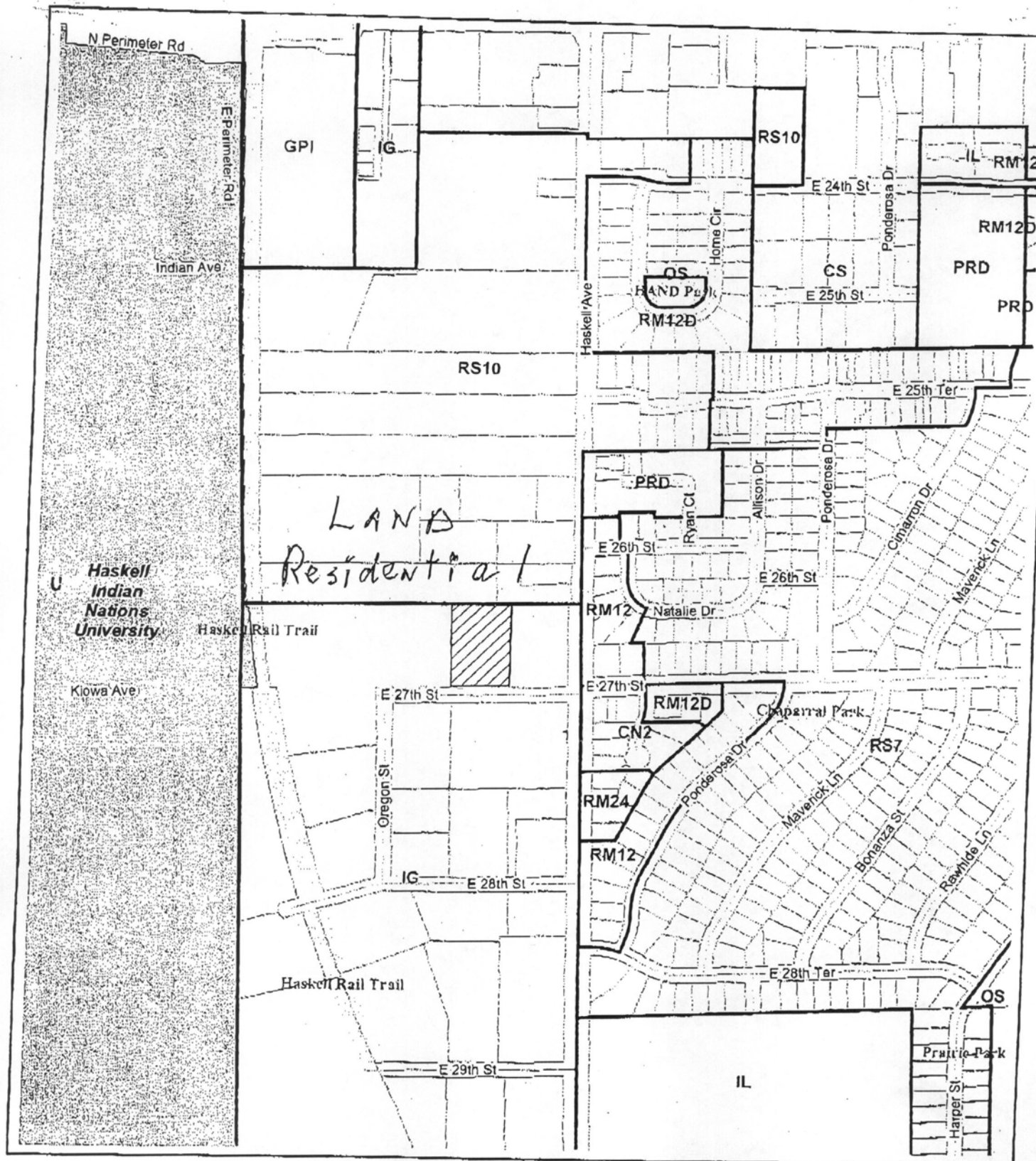
Three of the owners are requesting that the City require a sold fence be built to hide the view of the Industrial area from the homes and land zoned Single Family Residential.

Sincerely,



Claude E. Kean

Cc: Lawrence Journal World
Mayor Bob Schumm



Z-05-09-12: Rezone 1.74 acres from IG to IL
2645 Haskell Ave

Lawrence-Douglas County Planning Office
July 2012



 Area Requested

Scale: 1 Inch = 500 Feet

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
7/23/12

ITEM NO. 5 RSO & CS TO CO; 6.87 ACRES; 2000 BLUFFS DR (MJL)

Z-12-00021: Consider a request to rezone approximately 6.87 acres from RSO (Single-Dwelling Residential-Office) District and CS (Commercial Strip) District to the CO (Office Commercial) District, located at 2000 Bluffs Drive. DST Realty of Lawrence Inc, property owner of record.
Initiated by City Commission on 6/12/12.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 6.87 acres, from RSO (Single-Dwelling Residential Office) District and CS (Commercial Strip) District to CO (Commercial Office) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *To make the property conforming.*

KEY POINTS

- The change remains consistent with *Horizon 2020*.
- The property has become nonconforming as the result of a new code adoption and not as a result of an action of the property owner.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- None

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning
- *Downstream Sanitary Sewer Analysis* – not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not applicable to residential request

ATTACHMENTS

- None

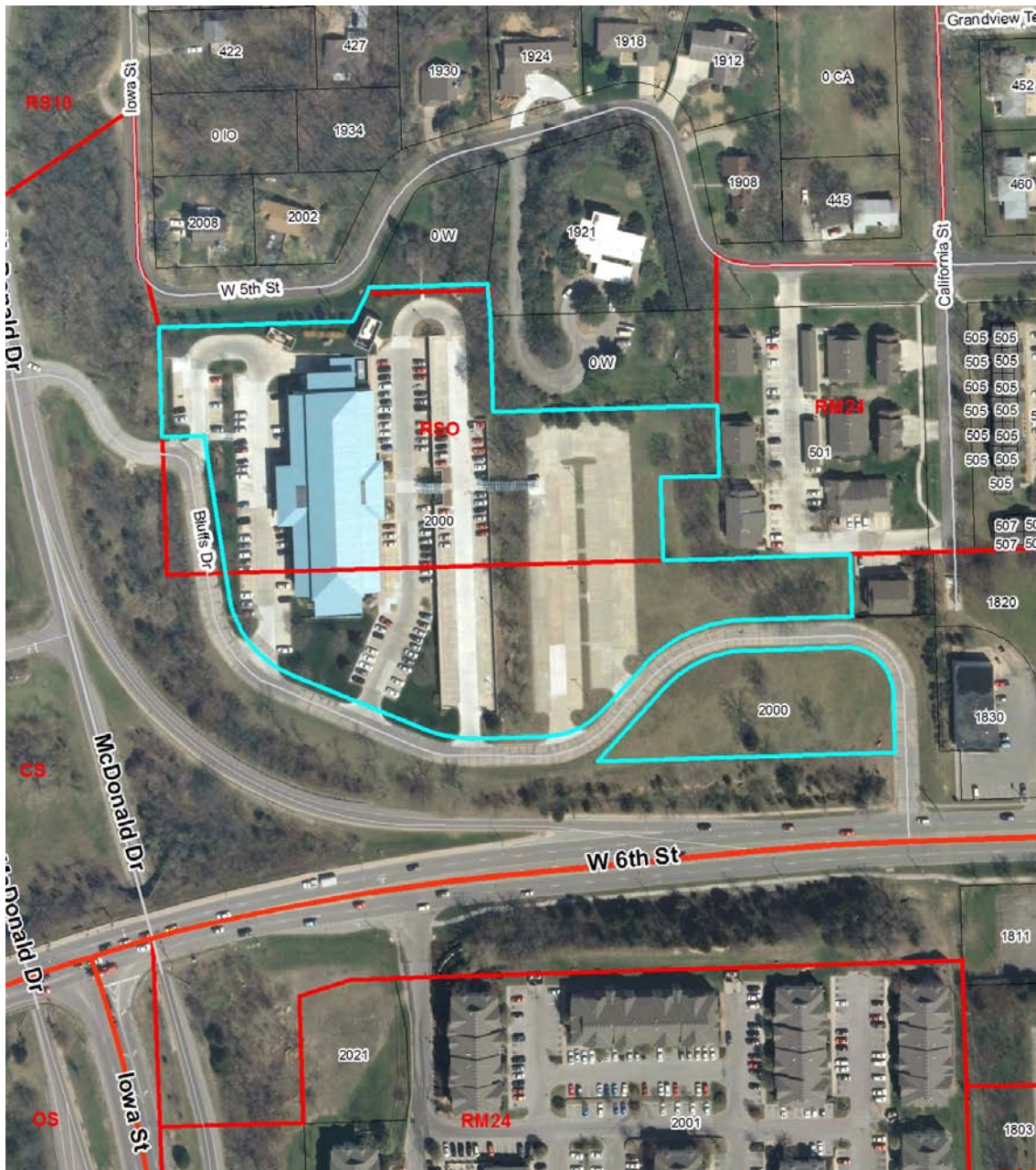
PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Project Summary:

Proposed request is to rezone the subject property from the RSO (Single-Dwelling Residential Office) and CS (Commercial Strip) Districts to the CO (Commercial Office) District. The subject property has split zoning and was developed with an office building under the previous code. Under the previous code, the property was zoned RO-2 (Residence-Office) District and C-5 (Limited Commercial) District. The RO-2 and C-5 Districts did not have a use size standard. With the adoption of the *Land Development Code* in 2006 the RO-2 District converted to RSO District and the C-5 District converted to the CS District. The RSO District under the current code has a standard limiting the gross floor area of a building to a maximum of 3,000 square feet. This property became nonconforming under the current code solely because the structure is 25,628

square feet. The proposed CO District does not have floor area maximum and would allow the property to be a conforming use.



1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Horizon 2020 identifies this property as office and/or commercial uses.

Staff Finding – The subject property is currently developed as a large office. This use is not proposed to change at this time. The property owner is trying to make the property a conforming use under the current code.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Current Zoning and Land Use:	RSO and CS Districts; office use
Surrounding Zoning and Land Use:	North: RS10 (Single-Dwelling Residential) District; single dwelling structures East: RM24 (Multi-Dwelling Residential) District; apartments CS; Car Quest Auto parts South: CS and RM24; apartments West: CS; hotels

Staff Finding – The nearby properties are generally developed with commercial and high-density residential uses. The property to the north is low-density residential uses and zoning.

3. CHARACTER OF THE NEIGHBORHOOD

The character of the neighborhood is a mix of residential, office and commercial uses. The subject property acts as a buffer to the more intensive uses along W. 6th Street.

Staff Finding – The character of the area is a mix of uses. The proposed zoning change would not change this character as the same type of uses are permitted in the office and commercial zoning districts that exist.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

Staff Finding – There are no adopted sector or neighborhood plans for this area.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

The subject property has been restricted further than it was under the previous code causing a nonconformity in regards to the existing use.

Staff Finding – The property itself is suitable for the uses to which it has been restricted as an office use. The issue is that it was developed legally under the previous code and because of a new code and square footage size standard, the property is now nonconforming.

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

Staff Finding – This property was developed in 1987 as an office building and has been used as such since. This property has been zoned for business uses since early zoning in Lawrence.

7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

The property is currently developed and was developed by right under the previous code. There are no proposed changes at this time and the CO District permits similar types of uses as the existing zoning.

Staff Finding – The new zoning will not detrimentally affect nearby properties as the CO District is similar in nature to the existing RSO and CS Districts and the previous RO-2 and C-5 Districts

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

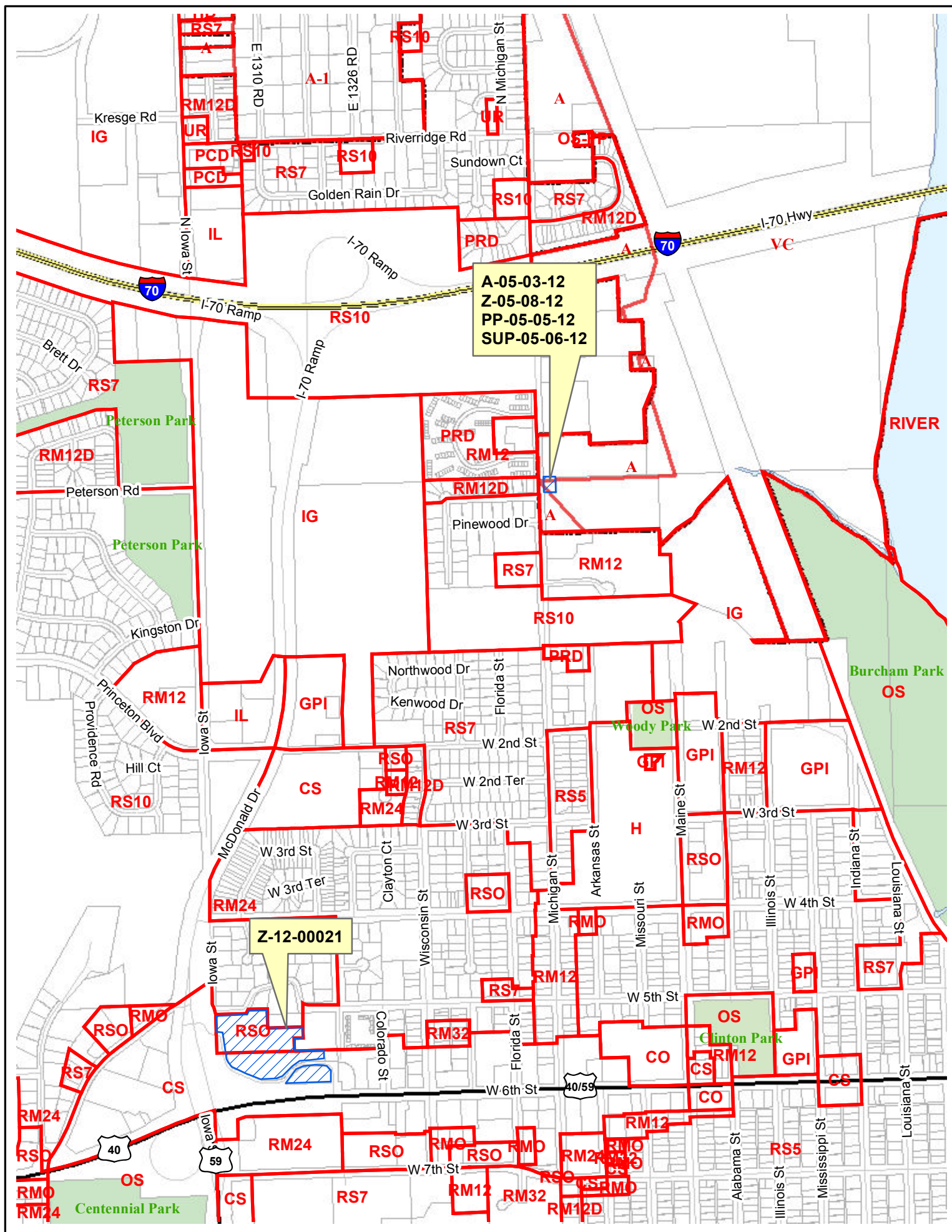
There would be little gain to the public if the property is not rezoned as the uses are similar and the existing use is not proposed to be changed at this time. The hardship for the landowner could be potential issues with financing a property that is a nonconforming use.

Staff Finding – There would be little gain to the public if the application is denied as the proposed zoning is similar in permitted uses as the existing zoning districts. The hardship imposed on the landowner would be greater as there is the nonconforming use label on the property which happened as a result of a new code adoption and not a result of the landowner actions.

9. PROFESSIONAL STAFF RECOMMENDATION

The subject property was developed as a large office structure under the previous code RO-2 and C-5 District regulations. With the adoption of the 2006 code, a portion of the property was rezoned to the RSO District. This district includes a standard that limits office square footage to a maximum of 3,000 sf. The previous code did not have such a restriction. Because of this code change, the subject property has become nonconforming which can cause issues with financing. This nonconforming status is not the result of something the property owner did but the result of code changes. The property owner requested rezoning to bring the property into conformance.

Staff recommends approval of the request to rezone approximately 6.87 acres, from RSO (Single-Dwelling Residential Office) District and CS (Commercial Strip) District to CO (Commercial Office) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.



Memorandum

City of Lawrence

Planning & Development Services

TO: Planning Commission

FROM: Mary Miller, Planning Staff

CC: Scott McCullough, Planning and Development Services Director
Sheila Stogsdill, Assistant Planning Director

Date: For July 23, 2012 meeting

RE: **Misc Item 1:** Variance associated with Minor Subdivision for St John Catholic Church, (MS-5-8-12), from the 60 ft right-of-way requirement in Section 20-810(e)(5) for local streets to allow the right-of-way to remain at 50 ft.

Attachment A: Minor Subdivision MS-5-8-12, St John Catholic Church

The St John Catholic Church Minor Subdivision/Replat [MS-5-8-12] proposes to combine 12 lots located at 1234 Kentucky Street, into one. The church and its accessory uses occupy the entire block. (Figure1). Minor Subdivisions are processed administratively but Planning Commission approval is required for variances from the Subdivision Design Standards. A copy of the Minor Subdivision is included with this memo for context; however, no action is required on the Minor Subdivision.

The subject property is located at 1234 Kentucky Street and has frontage on Kentucky, 12th, 13th and Vermont Streets. All streets have the required right-of-way with the exception of Vermont Street. Vermont is classified as a local street in the Future Thoroughfares Map. Per Section 20-810(e)(5), 60 ft of right-of-way must be dedicated for local streets when platting property. The applicant is requesting a variance from this requirement to allow the right-of-way to remain at 50 ft.

The property on each side of the street is responsible for dedicating one-half of the required right-of-way; therefore, an additional 5 ft would be required along the length of the church property, and an additional 5 ft would be required to the east with future development in South Park.

The Subdivision Regulations state that an applicant may request a variance from the Design Standards in the Regulations in accordance with the variance procedures outlined in Section 20-



Figure 1. Current lot layout of subject property

813(g). This section lists the criteria which must be met in order for a variance to be approved. The requested variance is evaluated with the approval criteria below:

Criteria 1. Strict application of these regulations will create an unnecessary hardship upon the Subdivider.

Applicant's Response:

"With the existing buildings being close to the right-of-way as is, an additional 5 ft will move the right-of-way line back even closer to the buildings which is a concern given much of the population in this area is students."

The subject property was platted with the original Townsite plat. (Figure 2) Vermont Street did not extend between 11th and 13th Street at that time, but 50 ft of right-of-way was dedicated by separate instrument for the extension of Vermont Street at a later date. The existing buildings along Vermont Street are located approximately 19 ft from the right-of-way line and one of the accessory buildings is approximately 10 feet from the right-of-way line. The required rear setback for a double-frontage lot in the RM32 District is 25 ft; therefore the existing structures are located within the required setback.

The area is developed with 50 ft of right-of-way and there are no plans to widen the street. The City Engineer indicated he had no objection to the right-of-way remaining at 50 ft for Vermont Street in this location. The City Historic Resource Administrator recommended that the right-of-way remain at 50 ft to maintain the existing development pattern. Based on these factors, and the fact that the buildings would be located nearer the right-of-way line than they are now requiring the additional right-of-way would be an un-necessary hardship.

Staff Finding: Requiring the dedication of additional right-of-way for Vermont Street would decrease the distance between the existing buildings and the right-of-way line which would increase the encroachment into the rear setback. The dedication would constitute an unnecessary hardship on the property owner as the additional right-of-way is not needed for future street improvements.

Criteria 2. The proposed variance is in harmony with the intended purpose of these regulations.

Applicant's Response:

"The 50 ft right-of-way is in harmony with the current conditions along Vermont Street and it has been this way for a long period of time."

Right-of-way dedication is required when properties are platted to insure the required right-of-way is available for improvements to adjacent roadways. No improvements are proposed for Vermont Street in this area and the City Engineer has no objection to the right-of-way remaining in 50 ft. The Historic Resource Administrator recommended the right-of-way remain at 50 ft in order to maintain the existing development pattern.

Staff Finding: Allowing the right-of-way to remain at 50 ft would continue the established development pattern of Vermont Street. The additional right-of-way is not necessary for planned street improvements. The variance is in harmony with the intended purpose of these regulations.

Criteria 3: The public health, safety, and welfare will be protected.

Applicant's Response:

"With this property being a school and church, the smaller right-of-way provides safe separation between the street area and the existing buildings if there was ever to be a street width increase."

Staff Finding: Maintaining the historical right-of-way width for Vermont Street in this area will help maintain the development pattern. As the applicant noted it will also maintain the existing separation between the church and school buildings and the street. The public health, safety, and welfare will not be negatively impacted with the granting of this variance.

Staff Recommendation:

Approve the variance requested from Section 20-810(e)(5) to allow the Vermont Street right-of-way in this location to remain at 50 ft, rather than the 60 ft required by Code

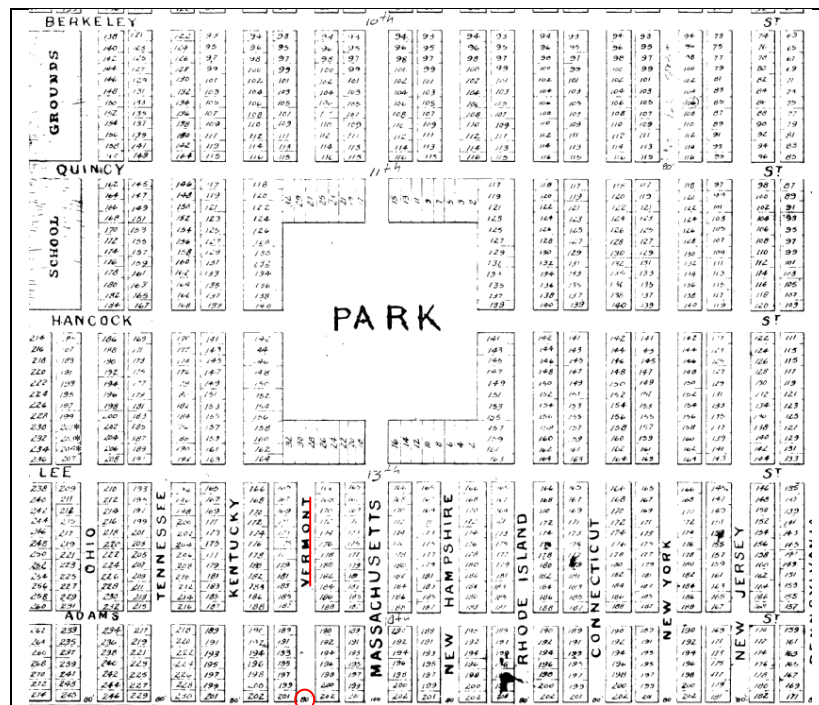


Figure 2. Original Townsite plat. 80' of right-of-way dedicated for Vermont south of 13th Street and north of 11th Street. Right-of-way between 11th and 13th Street was dedicated by separate instrument at a later date.



LOCATION MAP
NOT TO SCALE

DESCRIPTION

LOTS 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162 AND 164 ON KENTUCKY STREET IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, ALONG WITH VACATED 12TH STREET RIGHT OF WAY DESCRIBED IN INSTRUMENT RECORDED IN BOOK _____ PAGE _____ AT THE DOUGLAS COUNTY REGISTER OF DEEDS, CONTAINING 2.55 ACRES MORE OR LESS.

DEDICATION

BE IT KNOWN TO ALL MEN THAT I, THE UNDERSIGNED OWNER OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED AS A MINOR SUBDIVISION UNDER THE NAME OF "SAINT JOHN CATHOLIC CHURCH" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AS SHOWN AND FULLY DEFINED ON THIS PLAT.

ROMAN CATHOLIC ARCHDIOCESE OF KANSAS CITY
FATHER JOHN SCHMIEDLER, PASTOR

ACKNOWLEDGMENT

STATE OF KANSAS
COUNTY OF DOUGLAS

BE IT KNOWN ON THIS _____ DAY ON _____, 2012, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME FATHER JOHN SCHMIEDLER, WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND FULLY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HERUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES

ENDORSEMENTS

REVIEWED IN COMPLIANCE
WITH K.S.A. 58-2005

MICHAEL D. KELLY, L.S. #869
DOUGLAS COUNTY SURVEYOR

DATE

CERTIFICATE OF THE REGISTER OF DEEDS

(STATE OF KANSAS)
(COUNTY OF DOUGLAS) SS:

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY, KANSAS REGISTER OF DEEDS ON THIS DAY _____ OF _____, 2012, AND IS DULY RECORDED AT _____ AM/PM, IN PLAT BOOK _____ PAGE _____.

REGISTER OF DEEDS,
COUNTY OF DOUGLAS
STATE OF KANSAS

APPROVED AS A MINOR SUBDIVISION REPLAT UNDER THE SUBDIVISION REGULATIONS OF THE CITY OF LAWRENCE AND THE UNINCORPORATED AREA OF DOUGLAS COUNTY.

PLANNING AND DEVELOPMENT SERVICES DIRECTOR DATE
SCOTT McCULLOUGH

CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT OF SURVEY REPRESENTS THE TRUE FINDING OF A SURVEY PERFORMED UNDER MY DIRECT SUPERVISION IN FEBRUARY, 2012 AND THE DETAILS OF THIS SURVEY ARE TRUE AND ACCURATE TO THE BEST OF MY BELIEF AND KNOWLEDGE ACCORDING TO THE KANSAS STATE STATUTES.

THE MINOR SUBDIVISION CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

STEVEN D. WILLIAMS KANSAS L.S. #1391
ALL POINTS SURVEYING, LLP
P.O. BOX 4444
LAWRENCE, KANSAS 66046
(785) 832-2121

DATE

PROJECT BENCHMARKS

BM T368 (NAVD 1988) ELEVATION = 827.39
STATION MARK IS A FLANGE ENCASED ROD, 190.9 FEET NORTH OF CENTERLINE OF 13TH STREET AND 23.6 FEET EAST OF THE CENTERLINE OF OREGON STREET.

BM #1 ELEVATION = 875.92
CHISELED SQUARE IN TOP OF CURB AT NORTH END OF THE NORTH CURB RETURN AT THE INTERSECTION OF VERMONT STREET AND SOUTH PARK STREET.

Legend:

- Storm Sewer Manhole
- A/C Unit
- Light Pole
- Gas Meter
- Area Drain
- Game Post
- Bollard
- Flagpole
- Bush
- Deciduous Tree
- Fire Hydrant
- Electric Meter
- Fireline Indicator Post
- Telephone Manhole

- Utility Pole
- Guy Anchor
- Sanitary Manhole
- Water Meter
- Electric Box
- Telephone Box
- Gas Valve
- Coniferous Tree
- Clean-out
- Finish Floor Elev.
- Mailbox
- Sign
- Water Valve
- Water Valve Pit

- Fence Line
- Overhead wire
- U/G pipe
- Storm Sewer
- Sanitary Sewer
- Gas Line
- Water Line
- Brick Sidewalk

SAINT JOHN CATHOLIC CHURCH A MINOR SUBDIVISION REPLAT OF LOTS 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162 & 164 ALL ON KENTUCKY STREET, ORIGINAL CITY OF LAWRENCE DOUGLAS COUNTY, KANSAS (IN THE 1200 BLOCK BETWEEN VERMONT ST. AND KENTUCKY ST.)

BARTLETT & WEST

544 COLUMBIA DRIVE • LAWRENCE KS 66049
PHONE 785.749.9452 • FAX 785.749.5961
WWW.BARTLETTWEST.COM

PLAT PREPARED MAY, 2012

TOPOGRAPHIC SURVEY COMPLETED BY:

ALL
POINTS
SURVEYING

