

**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.

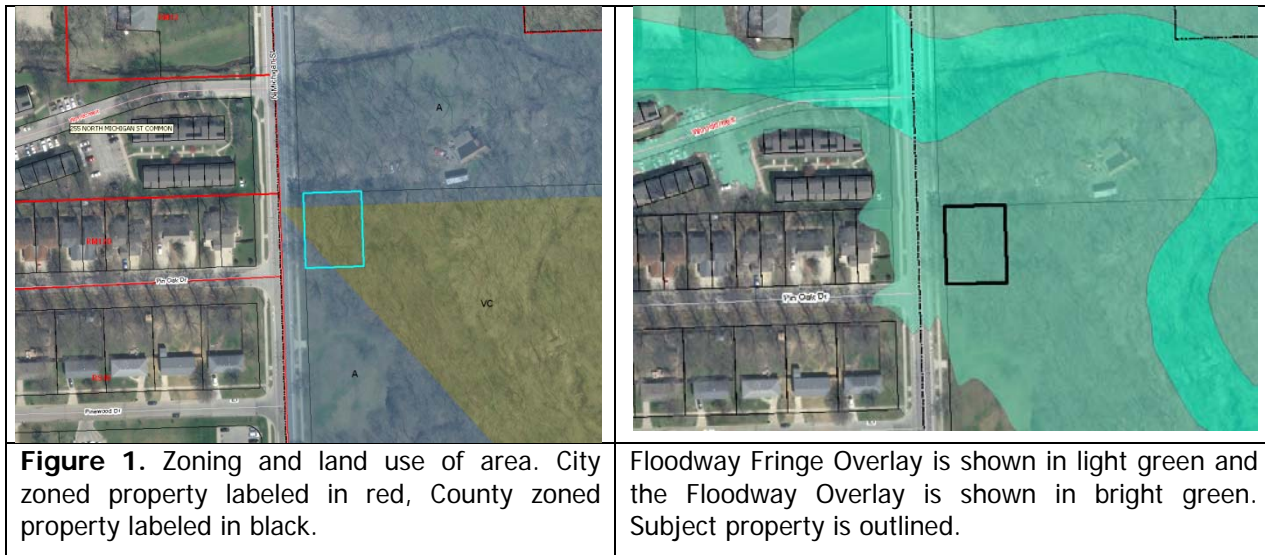
To the south:  
A (County-Agricultural), V-C (County-Valley Channel) and FF (County Floodway Fringe Overlay) Districts; undeveloped.

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*.