

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.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Brad Finkeldei, attorney for the applicant, agreed with the staff report. He said the City of Lawrence would abut the property on several sides. He said for any sounds that extended past the boundary line there would be conditions on the hours of operation, which did not exist at the current location.

PUBLIC HEARING

Mr. John McClure said he owns property next to this location. He did not want to be excluded from the final planning stage.

Mr. Michael Almon, Sustainability Action Network, considered this a watershed event. He appreciated the owner taking the legal route. He said this was a much better location but expressed concern about the environmental impacts. He said this location would still be close to residential neighborhoods. He felt the facility should be 100% enclosed within a building.

Ms. Melinda Henderson said she lives within 200' of the current location. She expressed concern about noise associated with crushing of cars and other metal objects and would like the applicant to look at noise barriers. She inquired about the location on the site plan where the crushing would take place.

Ms. Linda Klinker, Cans for the Community, supported the 12th & Haskell Recycle Center.

APPLICANT CLOSING COMMENTS

Mr. Finkeldei pointed on the map where the crushing would occur. He said a sound wall was discussed for the current location but the new location would have a massive stand of trees. He did not agree that all activities should occur inside and the Code does not require that.

STAFF CLOSING COMMENTS

Mr. McCullough said there were two primary uses on the property. He said a collection facility, by definition, was indoors and a permitted use. He said the secondary primary use was scrap and salvage operation, which was an exterior use. He said there were some use standards associated with scrap and salvage operations in terms of screening and pile height, but only when it was adjacent to a collector or arterial road. He said the new property would not have any direct road frontage and had plenty of natural landscaping. He said the Code did not require scrap and salvage to be contained within a building so the site plan was Code compliant at this point.

COMMISSION DISCUSSION

Commissioner Hird asked what Mr. McClure's building was currently used for.

Mr. McClure said mostly it was just used to store equipment. He said his concern was primarily the future property value. He said he was not concerned about the operation.

Commissioner Hird inquired about who monitored industrial sites for ecological impacts.

Mr. McCullough said scrap and salvage operations require a license from the Kansas Department of Transportation (KDOT). He said the Kansas Department of Health and Environment (KDHE) responds to complaints about different ecological concerns.

Commissioner Blaser inquired about the owner being responsible for maintaining the property.

Mr. McCullough said these were some of the issues that exist at the current location that had received complaints. He said they wanted to make it clear there was a higher level of enforcement with the Special Use Permit if it was highlighted in the conditions. He said the permit could be rescinded in the future if needed.

Commissioner von Achen inquired about the sanitary sewer analysis.

Mr. McCullough said they did not anticipate any issues with the sanitary sewer system but that it was required to make sure there was capacity in the City system.

ACTION TAKEN

Motioned by Commissioner Blaser, seconded by Commissioner Culver, to approve Special Use Permit, SUP-05-04-12, 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

Unanimously approved 8-0.