

**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.

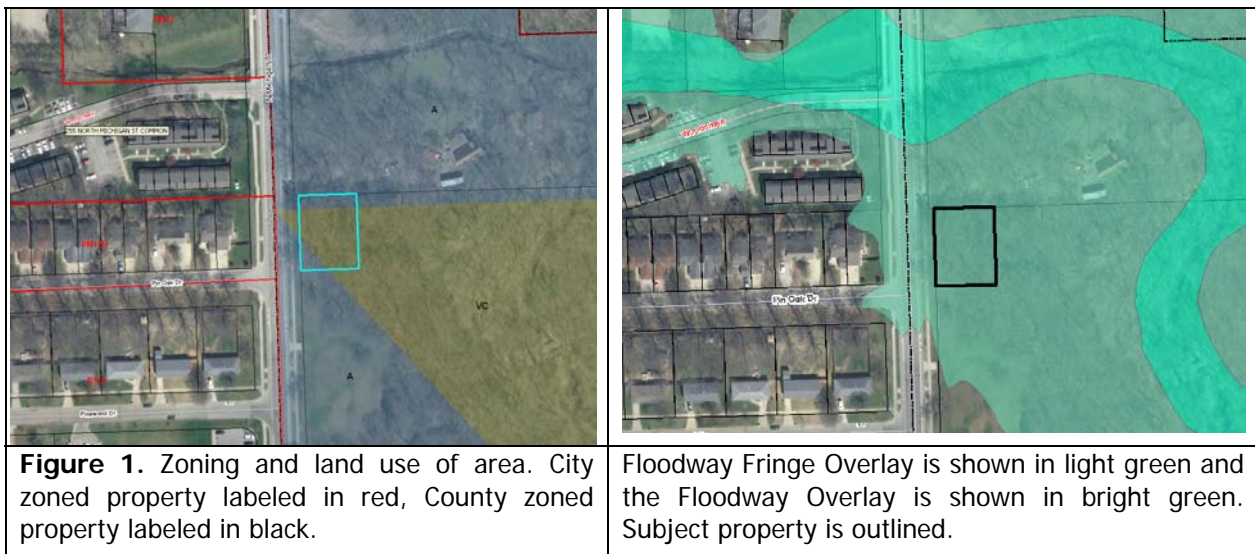
To the south:

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 5<sup>th</sup> 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

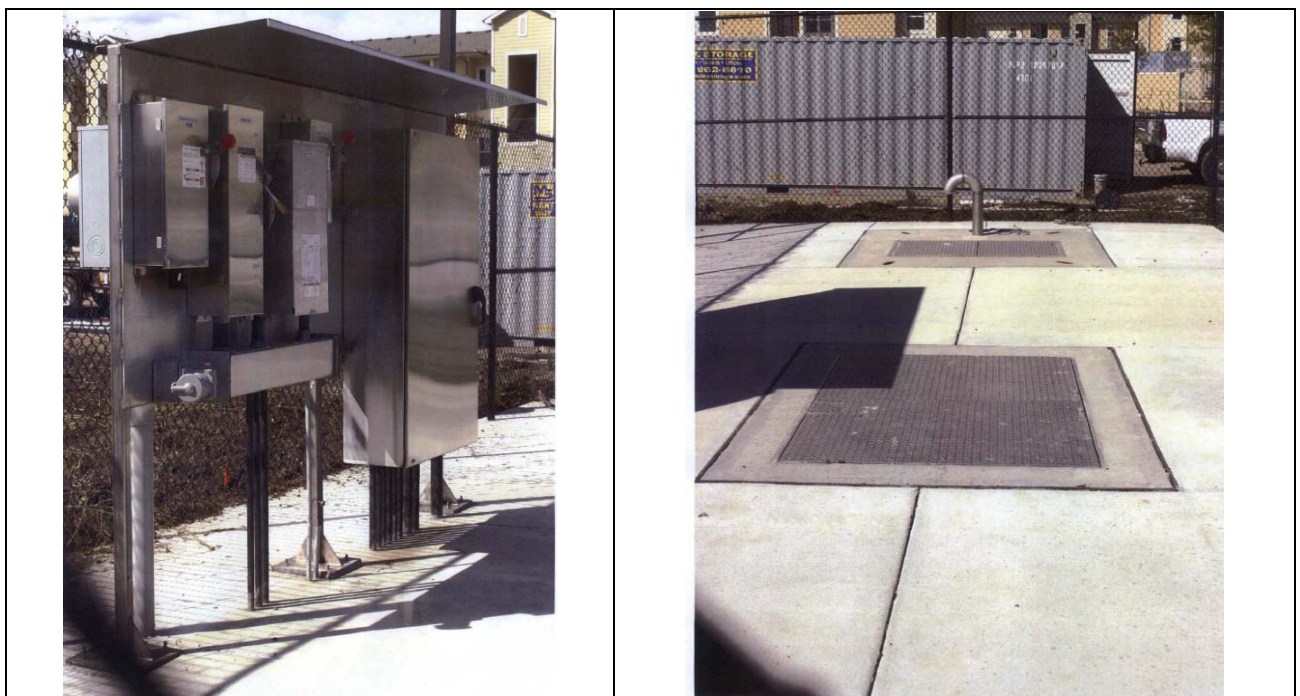
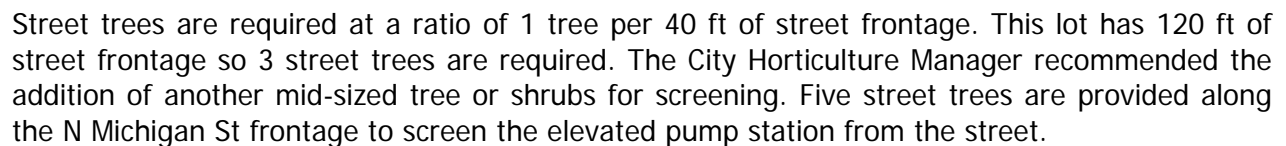


Figure 3. Above-ground equipment associated with the upgraded pump stations.





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.

**Staff Finding** – The proposed relocated pump station will be compatible with adjacent 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

An above ground pump station is currently located in this area. This proposal will relocate the pump station site from private property to City-owned property and will upgrade the facility so it is primarily underground. This may serve to enhance the value of the property on which it is currently located and should not diminish the value of other properties. The pump station will insure a high level of sanitary sewer service in the neighborhood.

**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.