



LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY



President
Melinda Henderson

October 22, 2012

President-Elect
David Burress

Mr. Bruce Liese, Chair and Members, Lawrence-Douglas County Metropolitan Planning Commission
Mayor Schumm, Mayor and Members of the City Commission
City Hall • Lawrence, KS 66044

Vice President
Milton Scott

RE. ITEM NO. 5: TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; TRUCK STOP USE (MJL)

Dear Chairman Liese and Planning Commissioners, Mayor Schumm and City Commissioners:

Secretary
Caleb Morse

After reviewing the minutes from the August 28, 2012, City Commission meeting, we are of the understanding that that the City Commission asked that the truck stop use be removed from all zoning districts in our Land Development Code except for the IG District, and with that change, only permitted with a Special Use Permit.

Treasurer
Marjorie Cole

We have attached the three pages from the minutes of that City Commission meeting for your review, but here are some important excerpts:

Directors
Margaret Arnold

From the minutes for the CC Meeting 8/28/12:

"Cromwell said ... He thought we shouldn't think we will never have a truck stop, and he favored having it with an SUP in IG and not allowed in the other districts. Schumm said he agreed. Carter said he agreed with those suggestions. He thought a truck stop was unlikely but maybe add this to the work list. McCullough said they could initiate it. McCullough asked if Cromwell's intent was to allow truck stop in IG but no other district, not even CR. Cromwell said correct. Schumm asked what CR would be. McCullough said there are two, South Iowa and Downtown, that are designated CR in the comp plan, though they aren't zoned CR."

Bonnie Dunham

James Dunn

Sally Hayden

Cille King

Ruth Lichtwardt

"Amyx said if it is appropriate under IG, should it be equally allowed under CR with an SUP. Cromwell said he didn't know how to understand that since we don't have any CR yet. McCullough said South Iowa is designated in the comp plan for CR. Dever said it is in our plan to use the area as automobile related land use such as car dealers. We may get some people up in arms if someone wants to zone South Iowa IG. Cromwell said having truck stop as an SUP in CR may be appropriate. Amyx said he would suggest SUP in CR. Schumm said let's go on to recycling. He said he supported Cromwell's position."

Marlene Merrill

"Moved by Cromwell, seconded by Carter, to initiate text amendments to revise the recycling processing center use in the IL district from permitted to permitted with a special use permit; and to revise the truck stop use in the IG district from permitted to permitted with a special use permit. Motion carried unanimously."

We would appreciate your taking the action to follow this request by the City Commission and remove the Truck Stop use completely from the CR District, so that it does not exist in any of the districts except the IG, and then only with the Special Use Permit (SUP) requirement.

Thank you for considering our request.

Sincerely yours,

Melinda Henderson
President

Alan Black
Chair, Land Use Committee

Attachments: CC Minutes 8/28/12, Planning Staff Report for CC meeting 8/28/12

Memorandum

City of Lawrence

Planning and Development Services

TO: David L. Corliss, City Manager

FROM: Planning Staff

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

Date: June 12, 2012

RE: Potential Text Amendment to the Land Development Code Regarding
the Truck Stop and Recycling Facilities

This memo provides information on the Truck Stop and Recycling Processing Center uses per the direction of the City Commission.

Background

At the April 17, 2012 City Commission meeting, the Commission approved the separation of the Truck Stop use from the Gas and Fuel Sales use as part of the text amendment that created the IM (Medium Industrial) District.

Prior to the recent code amendments, the Truck Stop use was permitted in the CN2 (Neighborhood Commercial) and MU (Mixed Use) Districts with a Special Use Permit and in the CC (Community Commercial), CR (Regional Commercial), CS (Commercial Strip), IL (Limited Industrial), and IG (General Industrial) Districts by right. There are currently no Truck Stops within the city limits. With the approval of TA-10-16-11 on April 17, 2012, the Truck Stop use is now permitted only in the CR District with a Special Use Permit and IG District by right. The amendment prompted a discussion of the Truck Stop use's potential negative impact to a surrounding area and whether the Development Code should be revised so that the Truck Stop use is permitted only with a Special Use Permit in the CR and IG districts or even prohibited outright in the city. There are significant amounts of IG zoning in the city though there no properties currently zoned CR in the city.

The Commission also requested a review and discussion of the Recycling Processing Center use and its impacts on surrounding properties.

Discussion - Truck Stop

Currently the Truck Stop use is defined in Section 20-1766(4) of the Land Development Code and permitted as follows. There are no use standards for Truck Stop use.

TRUCK STOP

A fuel dispensing facility designed to primarily accommodate the trucking industry. Accessory uses common to a truck stop may include a convenience store, restaurant, shower facilities, overnight parking areas for semis and other commercial vehicles and scale facilities.

Key:		
P =		<i>Base Zoning Districts</i>

Permitted S= Special Use - = Use not allowed	CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H
Truck Stop	-	-	-	-	-	-	S	-	-	-	-	P	-	-	-

The land use externalities associated with Truck Stops include: truck and passenger vehicle traffic, parking lot lighting, sound and smell from idling engines, substantial amounts of pavement, and other activity similar to a high activity commercial use. These impacts will vary depending on the size and amenities provided at the truck stop, such as convenience store, hotel, restaurant, etc. These impacts can be mitigated to an extent via special use approval in the CR district and with appropriate site planning in the IG district. The Development Code requires that certain elements, such as buffer yards, light mitigation, impervious limits, etc. be present to effectively transition between land uses.

During recent public comment, statements were made regarding the potential for criminal activity at truck stops. Drug trafficking, prostitution, theft, etc. can occur at truck stops; however, these crimes can and do occur at other types of land uses as well – hotels, bars, gas stations, etc. Through site design, including employing elements of Crime Prevention Through Environmental Design (CPTED), many of the crimes associated with truck stops can be deterred. The goal of CPTED is to prevent crime by influencing human behavior through the physical environment. Adequate lighting, security cameras, access control, limited amounts of truck parking, security signs, etc. can aid in mitigating the potential for crime at truck stops. The Lawrence Police Department currently reviews site plans and offers recommendations on such matters for other land use types and would participate in the review of a truck stop if one were proposed.

Whether there is demand for a truck stop of significant size within city limits is questionable since the trucking industry seems to be served, currently at least, by the Lawrence Service Center, milepost 209, along the Kansas Turnpike. It may be more likely that a supersized gas station, that technically meets the definition of a Truck Stop by accommodating a certain number of trucks and associated amenities, is developed at a location along K-10 Highway under the current code.

While there is a low likelihood of establishing a truck stop in the city due to the Lawrence Service Center on the Kansas Turnpike, if the Commission believes that the externalities mentioned above require Commission review, then a special use permit process would ensure that all issues were identified and addressed. The Development Code would need to be revised to require a special use permit for the use in the IG district.

City Commission options on this matter:

1. Maintain the Truck Stop use as currently permitted in the Land Development Code – special use in the CR district and permitted outright in the IG district.
2. Remove the use from the CR and IG districts in the Land Development Code.
3. Revise the code to require Special Use Permit approval for the Truck Stop use in the IG district similar to the CR district.
4. Revise the code to add use standards (such as site area, buffering, lighting, etc.) for the Truck Stop use.

Staff recommendation – Due to the low likelihood of this development type in the community and the land use transition elements required through the Development Code, staff recommends Option 1. If greater land use controls are desired, the Commission should consider implementing option 3 and initiate a text amendment to require special use permit approval for the Truck Stop use in the IG district.

Discussion - Recycling Processing Center

Currently the Recycling Processing Center use is defined in Section 20-1735 of the Land Development Code and

permitted as follows. There are no use standards for the Recycling Processing Center use.

RECYCLING FACILITIES

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:

(2) Processing Center

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.

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed	Base Zoning Districts														
	CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H
Recycling Processing Center	-	-	-	-	-	-	-	-	-	P	S	P	-	-	-

The Recycling Processing Center use has been the subject of much discussion as it has related to the 12th and Haskell Recycling Center code issues. In that case, the use creating the offsite impacts was not, by code, a Recycling Processing Center, but rather an Open Use of Land. The Recycling Processing Center use is required, by definition, to be operated within a building or an enclosed space (Walmart processing center for example). The equivalent use in the current code for the use that caused impact for the neighbors at 1146 Haskell is the Salvage Operation use. The Salvage Operation use is permitted in IL and IG districts with a Special Use Permit.

There are currently two active applications to establish a recycling center in the community – one in North Lawrence and the relocation of 12th and Haskell Recycle Center. In both cases, a Special Use Permit for the Salvage Operation is required, even if there may be an element of Recycling Processing Center on the site. The code permits more than one primary use and the Recycling Processing Center would need to be within the building or enclosed space and the outdoor collection requires the Special Use Permit.

In staff's opinion, the Recycling Processing Center does not generate onerous externalities for the districts in which it is permitted. Staff does not believe any change is necessary for this use.

City Commission Options on this matter:

1. Revise the code to require Special Use Permit approval for the Recycling Processing Center use in the IL and IG districts.
2. Maintain the current code and find that the use generates minimal negative externalities.

Staff recommendation – Staff recommends that the Commission maintain the current code by implementing option 2.

Action Requested

Direct staff as appropriate.

ATTACHMENT B

Day said they looked at higher density, but they didn't get into the number of bedrooms, etc. They are entitled to the same volume, we just want to shape the volume through the guidelines.

Carter asked if there are additional places in the guidelines where mixed uses make sense.

McCullough said the plan itself does address that, but not necessarily guidelines.

Mayor Schumm called for public comment.

Candice Davis said she would like to thank staff for their work. This is fantastic. The consultants have done a great job. The neighborhood is unique and complicated. Guidelines are going to be important to the future of the neighborhood.

Marci Francisco thanked staff and the consultants. She said they had good conversations. They responded very well to insistence that we look at our alleys. This is a good starting point.

Carter said this was a great start, coupled with the good neighbor program which is in its infancy. We have in the past dealt more with the symptoms than the issues, and now we are getting at the issues. He said he was impressed with what he has seen so far.

Moved by Carter, seconded by Cromwell, to initiate the rezoning process to create Overlay Districts for the 5 areas identified in the Oread Neighborhood Plan and initiate text amendments to the Land Development Code to various sections regarding the design guidelines and consistency with the code. Motion carried unanimously.

2. **Review staff memo related to the Truck Stop use and the Recycling Processing Center use and direct staff as appropriate.**

Scott McCullough, Director of Planning & Development Services, presented the staff report.

Schumm asked why not have a special permit for recycling processing in IG.

McCullough said they could create a continuum of use, but one of the overwhelming public sentiments in this process was to not revise IG and IL while creating IM. This use wouldn't have the impacts of a truck stop. Here it was probably appropriate to have it as a SUP in IM.

Mayor Schumm called for public comment.

Gwen Klingenberg thanked staff for separating the truck stop issue out. We don't want to be business unfriendly, but if you did #3 and #4 and then mitigate the impacts it is business friendly and community friendly. She encouraged the use of the SUP and a mitigation plan.

Cromwell said regarding recycling it was okay to permitted use in IG but special use permit in the lighter districts. He thought we shouldn't think we will never have a truckstop, and he favored having it with an SUP in IG and not allowed in the other districts.

Schumm said he agreed.

Carter said he agreed with those suggestions. He thought a truck stop was unlikely but maybe add this to the work list.

McCullough said they could initiate it. McCullough asked if Cromwell's intent was to allow truck stop in IG but no other district, not even CR.

Cromwell said correct.

Schumm asked what CR would be.

McCullough said there are two, South Iowa and Downtown, that are designated CR in the comp plan, though they aren't zoned CR.

Schumm asked if there are undeveloped area at K10 and Iowa that could be developed as a truck stop.

McCullough said he believed so.

Amyx asked if there are other places in IG that are appropriate and available for a truck stop.

McCullough said they looked at some of the newly created IG, such as at Farmers Turnpike and K10. It is somewhat hard to see it happening, considering the KTA stops nearby. A large fueling station could perhaps accommodate a truck or two.

Amyx said we could probably initiate it and have the full discussion later. When you look at the IG ground available he said he questions whether a truck stop would be appropriate. He asked if we currently have any CR zoning.

McCullough said no, but we anticipate development further south on Iowa at some point and CR may be appropriate.

Amyx said if it is appropriate under IG, should it be equally allowed under CR with an SUP.

Cromwell said he didn't know how to understand that since we don't have any CR yet.

McCullough said South Iowa is designated in the comp plan for CR.

Dever said it is in our plan to use the area as automobile related land use such as car dealers. We may get some people up in arms if someone wants to zone South Iowa IG.

Cromwell said having truck stop as an SUP in CR may be appropriate.

Amyx said he would suggest SUP in CR.

Schumm said let's go on to recycling. He said he supported Cromwell's position.

Dever asked if we are creating a new designation for recycling. What happens if someone is currently doing it?

McCullough said of the two noted in the memo, one had IG and one had an SUP for a scrap and salvage outdoor use. If initiated we would look to see if we are creating any nonconformities.

Amyx asked if we should do that first before initiating.

Dever said it could be computer recycling or some smaller operation that is unknown to us yet.

Amyx said he was okay with the suggestion to look at nonconforming use.

McCullough said it might be most efficient to initiate it and we would concurrently look at those issues and have them ready for the City Commission's consideration.

Moved by Cromwell, seconded by Carter, to initiate text amendments to revise the recycling processing center use in the IL district from permitted to permitted with a special use permit; and to revise the truck stop use in the IG district from permitted to permitted with a special use permit. Motion carried unanimously.

3. **Consider adopting Resolution No. 6988, establishing a public hearing date of October 2, 2012 for the South Project Plan for the Redevelopment Plan on the 9th and New Hampshire Tax Increment Finance (TIF) District and consider adopting Resolution No. 6990, establishing a public hearing date of October 2, 2012 on the proposed Transportation Development District (TDD) for the 9th and New Hampshire Redevelopment District.**

Diane Stoddard, Assistant City Manager, presented the staff report.

Amyx asked if this had any change in the Springsted study.

Stoddard said no.

Mayor Schumm called for public comment. None was received.

Moved by Amyx, seconded by Dever, to adopt Resolution No. 6988, establishing a public hearing date of October 2, 2012 for the South Project Plan for the Redevelopment Plan on the 9th and New Hampshire Tax Increment Finance (TIF) District, and adopt Resolution No. 6990, establishing a public hearing date of October 2, 2012 on the proposed Transportation Development District (TDD) for the 9th and New Hampshire Redevelopment District

4. **Consider motion to recess into executive session for approximately one hour for the purpose of consultation with attorneys for the City deemed privileged under the attorney-client relationship. The justification for the executive session is to keep discussions with the attorneys for the City confidential at this time.**