

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
12/18/2013

**ITEM NO. 4A A TO OS-FP; 8.68 ACRES; NW CORNER OF W 31ST ST & LOUISIANA ST
(SLD)**

Z-13-00445: Consider a request to rezone approximately 8.68 acres from County A (Agricultural) District and FF (County-Floodway Fringe Overlay) to OS-FP (Open Space-Floodplain Overlay) District, located on the northwest corner of 31st St & Louisiana Street also known as 3055 Louisiana Street. Submitted by the City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to 8.68 acres from A (Agricultural) District and F-F (County-Floodway Fringe Overlay) to OS-FP (Open Space-Floodplain Overlay) 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: *Required for use of property as pump station site.*

KEY POINTS

- Planned public facility.
- Property includes areas encumbered by regulatory floodplain.
- Property was recently annexed into the City of Lawrence, current county zoning designation is no longer appropriate.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- PP-13-00447; Preliminary Plat for Pump Station No. 10.
- Annexation Ordinance No. 8924.

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 request

ATTACHMENTS

- Area map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received prior to publication

Project Summary:

Proposed request is for a future pump station. This property has recently been annexed into the City of Lawrence making the existing county zoning designation inappropriate.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The proposed pump station will provide influent flow to the City's (proposed) second wastewater treatment plant located south of the Wakarusa River. The need for a second wastewater treatment plan was identified in Horizon 2020.*

A guiding feature of the plan states; *“The plan promotes development in the UGA through an adopted annexation policy which anticipates well-planned development of fringe areas.”* This property until recently annexed was located within Service Area 1 of the Urban Growth Area. The recent annexation makes the current County zoning designation obsolete.

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

Horizon 2020: Chapter 9 Parks, Recreation, Open Space Areas and Facilities:

The plan states that in development of the City's Parks and Recreation Comprehensive Master Plan the community expressed an *“emphasis on improving existing parks...including linking neighborhood parks with walking and biking trails, enhancing the landscape, expanding open spaces and improving playgrounds.”* (Page 9-3). Approval of this request will facilitate these stated interests.

Horizon 2020: Chapter 10 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 located on City owned land. The subject location was selected by the City Utilities Department as the optimal location for the station due primarily to the location of existing sanitary sewer mains in the area. Adequate screening shall be required as part of the Special Use Permit plan to screen the utility from the roadway as applicable. Development of the site will include connections to planned recreation paths in the area.

The plan supports infill development as well as implementation of appropriate land use transitions between land uses. Development of this site is anticipated for a specific public purpose (pump station). As a public project, applicable screening and site development techniques as well as incorporation of open space amenities can be accommodated through site design.

Horizon 2020: Chapter 16 Environment:

This chapter of *Horizon 2020* addresses several natural environmental issues including Water Resource Management. The plan states that floodplain areas should be protected. This application includes a Floodplain Overlay District designation that will be applied to the entire property rather than only that portion of the property encumbered by the regulatory floodplain.

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

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

Current Zoning and Land Use: A (County-Agricultural), FF (County-Floodway Fringe Overlay) and FW (County-Floodway Overlay) Districts; undeveloped. Property has been filled in the past.

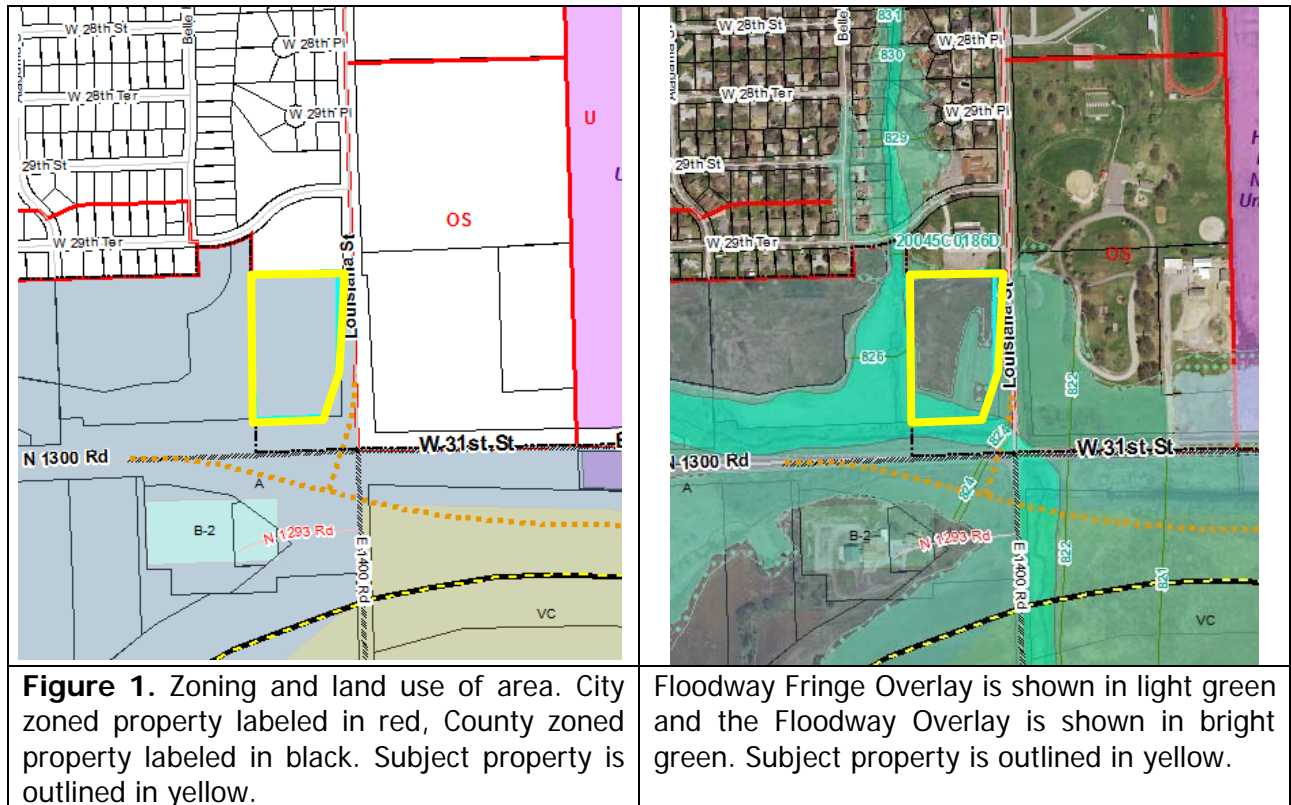
Surrounding Zoning and Land Use: To the east:
OS (Open Space) District; Broken Arrow Park (Douglas County Portion).

To the west:

A (County-Agricultural) and FF (County Floodway Fringe Overlay) Districts; undeveloped. Proposed OS-FP (Open Space and Floodplain Overlay) District; extension of Naismith Valley Park.

To the north:

RS7 (Single-Dwelling Residential) District; existing church and accessory residence.



Staff Finding – This property is surrounded by a variety of zoning districts that are located within the Lawrence City Limits and adjacent unincorporated Douglas County. The prevailing zoning for the area is Open Space. Multiple community facility uses are located within close proximity to this property.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *Residential neighborhood northwest of the site. A church is an adjacent neighbor to the north. Park and open space located east of the site. Rural residential/agricultural zoning to the south across 31st Street.*

This property is located within the Indian Hills Neighborhood, a predominantly residential neighborhood. The east neighborhood boundary is Louisiana Street, and the south boundary is 31st Street. This use will be buffered by an existing church to the north and park property to the west. This portion of the neighborhood is characterized by a substantial area dedicated to park and open spaces uses.

This portion of the neighborhood is encumbered by the regulatory floodplain and bounded by arterial streets (Louisiana Street and 31st Street). The proposed use of this property is for a *Minor Utility* – pump station. The pump station improvements are anticipated to be unmanned, thus having little impact on the surrounding neighborhood.

Staff Finding – The subject property is located at the southeast corner of the Indian Hills Neighborhood. This part of the neighborhood includes multiple community facility uses in the immediate vicinity as well as open space and regulatory floodplain. The proposed zoning is consistent with the planned land use for the area.

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

This property is included within the plan boundary of the *Revised Southern Development Plan* adopted in June 2013 anticipating commercial development to the west (Menards application) as well as residential and open space uses of the Snodgrass property and pump station at the corner of 31st Street and Louisiana Street. The plan identifies existing floodplain areas as appropriate for open space and as a boundary to the commercial land use to the west.

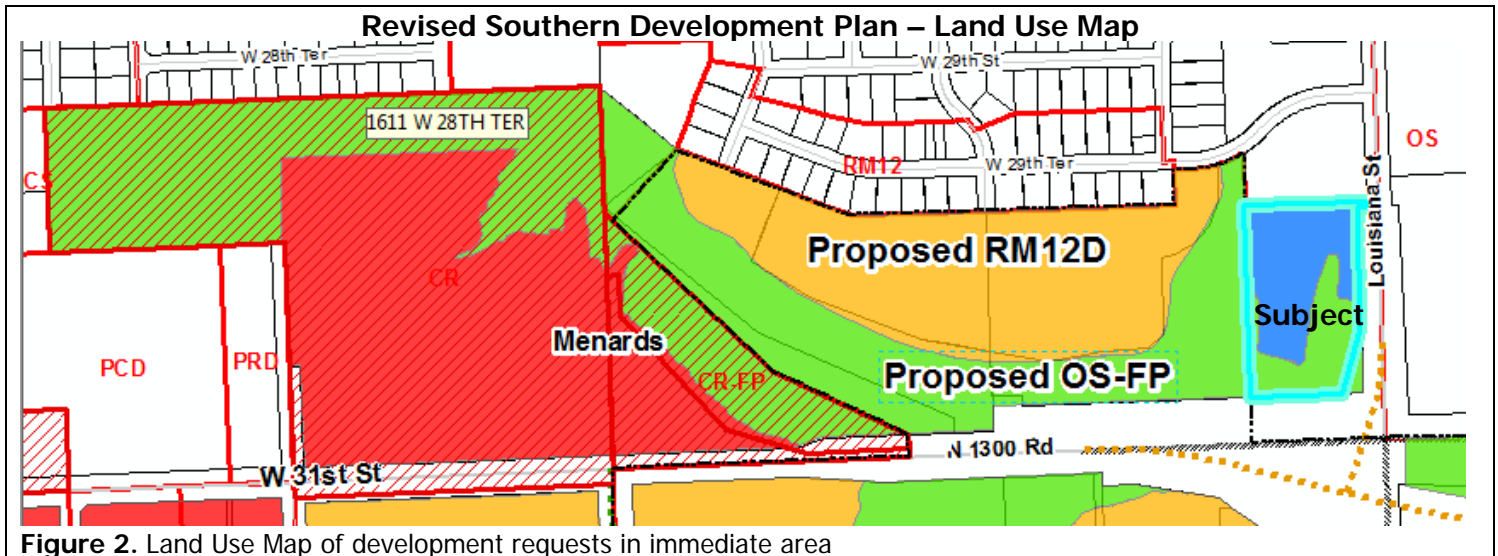


Figure 2. Land Use Map of development requests in immediate area

This plan identifies the northwest corner of Louisiana Street and 31st Street as suitable for public and open space uses. The proposed request is consistent with this recommended land use. The proposed FP Overlay reflects the existing floodplain encumbrance of this property as a recognized land use within the plan and is intended to be applied to the entire property



Figure 3. Land being dedicated to City as open space



Figure 4. Land acquired by the City for pump station.

These uses along with the proposed commercial use will implement the land use recommendations of the *Revised Southern Development Plan*.

Staff Finding – The proposed open space –floodplain rezoning conforms with land use recommendations in the *Revised Southern Development Plan*.

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

Applicant's Response: *Property is suited for proposed use as a pump station site.*

This property was annexed into the City limits per Ordinance No. 8924. Upon annexation, the existing county zoning is no longer appropriate. The proposed zoning accommodates the anticipated use as a pump station and facilitates the protection of floodplain areas.

Staff Finding – The current zoning is no longer appropriate upon annexation of this property into the Lawrence city limits. The proposed OS-FP District accommodates the anticipated use and provides protections (by limiting uses) to the designated floodplain in this area.

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

Applicant's Response: *Unknown*

This property is undeveloped and has been zoned A (Agricultural) since 1966. The property was annexed into the Lawrence city limits in October 2013.

Staff Finding – This property is undeveloped and has been zoned A (Agricultural) since 1966.

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

Applicant's Response: *No detrimental effect to adjacent properties.*

As noted in the description of the neighborhood character above, this property is located in the southeast corner of the neighborhood, bounded on the east and south by arterial streets, buffered by open space, and located near existing community facility uses. This property includes an existing large sanitary sewer line.

Development of the site for a pump station will require a Special Use Permit that will address site-specific elements such as landscaping and screening. Among planned improvements to the site for utility purposes, the Naismith Valley recreation path is planned to be expanded through this property, with a future connection to the multi-use path near the intersection of 31st Street and Louisiana Street.

Staff concurs with the applicant's conclusion that there will be no detrimental effect to adjacent properties.

Staff Finding – There will be no detrimental effects to adjacent property resulting from this proposed OS-FP zoning application.

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: *Improved efficiency, reliability, and capacity of sanitary sewer service to the community at large. Denial would require selection of an alternative site for the influent pump station and result in project delays.*

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.

This property was specifically selected for the sole purpose of constructing a pump station at this location as part of the system improvement that includes the wastewater treatment plant to the south. The public gains are noted in the applicant's statement regarding overall system improvements that accommodate existing as well as future development of Lawrence.

Upon annexation of this property, the existing County zoning designation is inappropriate.

Denial of the request would result in a delay of the project to either consider a different zoning district for this use such as GPI (General Public and Institutional) or consider an alternative location for the proposed pump station.

Approval of the request allows the public open space to be extended in this area. The FP designation is required by the Land Development Code for that portion of the property that is within the regulatory floodplain per Section 20-1201.

Staff Finding – The proposed rezoning facilitates public purposes identified in the Utility Master Plan. Additionally, this proposed zoning will provide benefits in protection of designated floodplain.

9. PROFESSIONAL STAFF RECOMMENDATION

This application facilitates planned Utility Department infrastructure improvements and provides additional benefit to the community with the Floodplain Overlay designation. The OS zoning designation is consistent with previous approvals for other pump stations in Lawrence. If the facility included office space, meeting rooms or other improvements associated with daily employee activity a more applicable zoning district would be GPI (General Public and Institution). However, since this property is intended to be developed with a conventional pump station and no employee office/work spaces, the OS district is more appropriate and consistent with previous rezoning of similar applications.

CONCLUSION

The proposed rezoning is consistent with the planned land use development anticipated for this area. Staff recommends approval of the proposed OS-FP district for this property.