

**PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item:**

PC Staff Report
03/23/15

ITEM NO. 3: SPECIAL USE PERMIT FOR 12TH & HASKELL RECYCLE CENTER; 1010 E. 11TH STREET. (SLD)

SUP-15-00019: Consider a Special Use Permit for 12th & Haskell Recycle Center, to permit expansion of a Scrap and Salvage Operation, in conjunction with a Recycling, Collection and Processing Center, located at 1010 E. 11th Street on approximately 5.83 acres. Submitted by Bartlett & West, Inc., for Robert B. Killough, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of SUP-15-00019, a Special Use Permit for the expansion of a Scrap and Salvage Operation, in conjunction with a Recycling, Collection and Processing Center, located at 1010 E. 11th Street, 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. Submission of a revised plan to include the following notes that states: *"All manholes shall be maintained and clear of material storage to allow access to manholes as necessary by the City."*

Applicant's Reason for Request: *According to Section 20-527 of the City of Lawrence Development Codes, a special use permit is required for any scrap and salvage operations.*

KEY POINTS

- The Special Use Permit is requested to permit the Scrap and Salvage Operation.
- The submitted plan acts as the site plan for the Recycling-Collections and Processing Center and the SUP for the Scrap and Salvage Operation.
- Existing buildings will be reused for proposed operations.
- This request expands the operation to include property located at 1010 E. 11th Street and a vacant parcel located to the southeast of the existing operation.
- As discussed with the Planning Director on Jan. 6, the property will not need to be replatted until improvements requiring a building permit are proposed.
- The property is not currently in the regulatory floodplain, however the preliminary FEMA maps (to be adopted this fall) do include a majority of the property in the regulatory floodplain.
- This request revises and updates the operation.

ASSOCIATED CASES/ OTHER ACTION REQUIRED

- SP-9-61-95; Site Plan for Consolidated Lumber
- SUP-5-4-12; approved Special Use Permit for current operation located at 1106 E. 11th Street.
- Approval of a local floodplain development permit FP-15-00042

PLANS AND STUDIES REQUIRED

- *Traffic Study* – No updated required. Refer to SUP-5-4-12.
- *Downstream Sanitary Sewer Analysis* – No updated required. Refer to SUP-5-4-12.

- *Drainage Study* – A drainage study is not required for this project because downstream flooding is confined to the regulatory floodplain. [Stormwater Management Criteria Section 1.6.E.2.a].
- *Retail Market Study* – Not applicable to this request.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No comments prior to publication

ATTACHMENTS

- Area map
- Existing and Proposed Floodplain Boundary Maps
- Site Plan

GENERAL INFORMATION	
Current Zoning and Land Use:	IG (General Industrial) District; existing recycling and salvage operation.
Surrounding Zoning and Land Use:	IG (General Industrial) District; to the northwest, west, and south. Existing Railroad right-of-way surrounds the property. Warehouse uses to the east and south. GPI (General Public and institutional) District to the northeast, City of Lawrence wastewater treatment facility.

Summary of Request

This request is for the expansion of an existing recycling and scrap and salvage operation. This use was relocated from 1146 Haskell Avenue to 1000 E. 11th Street in 2012. Existing buildings on the site are used for the operation. This application expands the use to include property at 1010 E. 11th Street that includes an existing building and an adjacent parcel that is undeveloped. The existing building will be used for metal storage and the undeveloped lot will be used for trailer and truck parking. The image to the right shows the original site at 1146 Haskell Avenue and the current location of the operation.

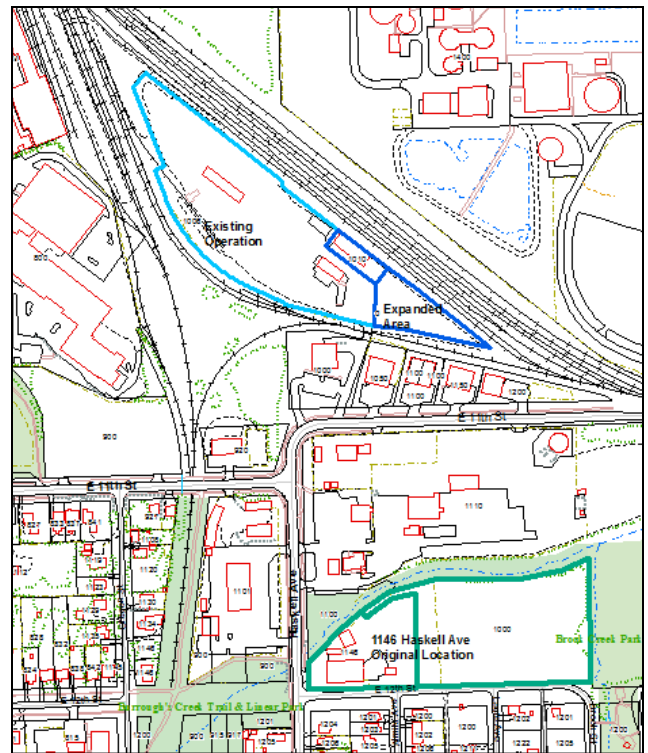
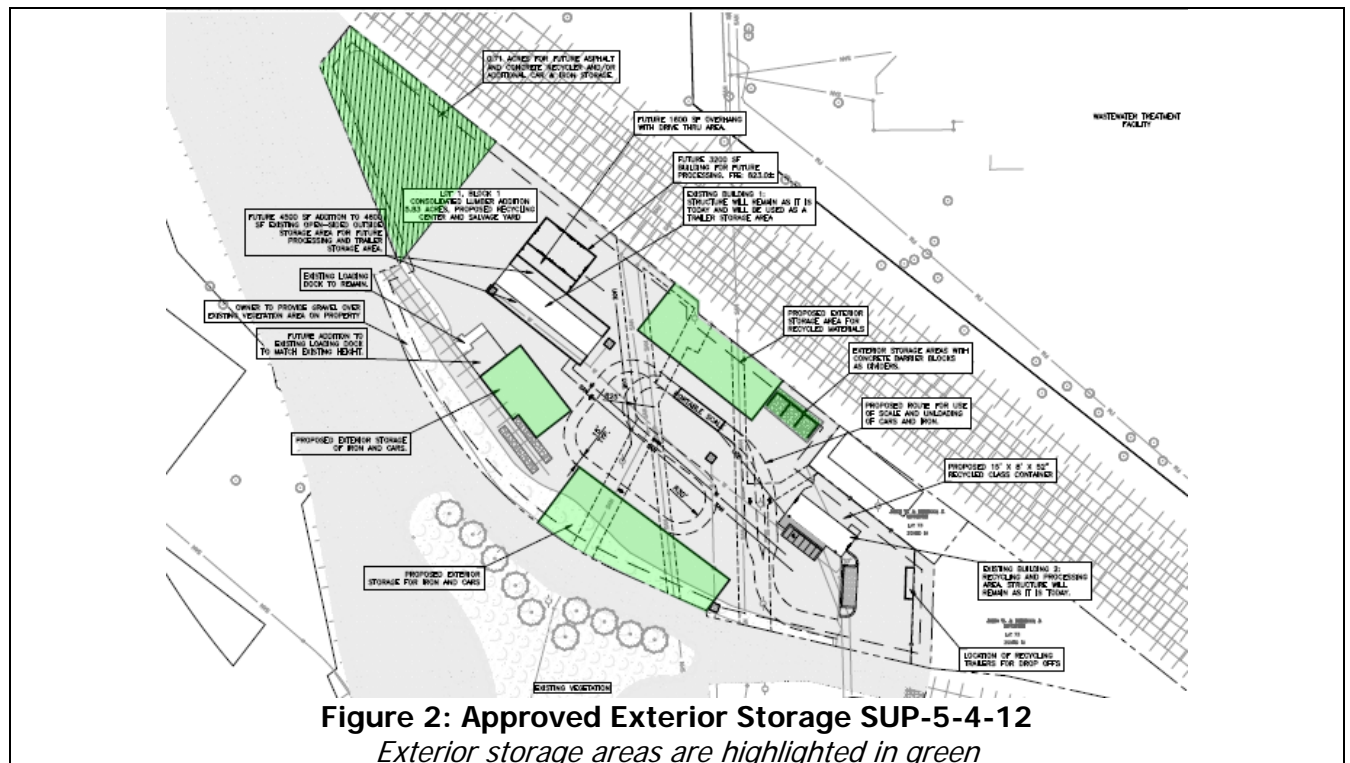


Figure 1: Development Location

Site Plan Review:

This site plan shows the existing buildings and uses associated with the operation of the 12th & Haskell Recycling Center. The use includes outdoor storage as well as buildings used for recycling/processing operations and associated office use for the business. The original approval of this use noted that open shed building (labeled Existing Building 1) will be used for trailer storage in the short term. Long term plans include the expansion of the shed building and enclosing it to provide additional processing and enclosed storage space. This application does not include any changes to the existing building only the expansion of the trailer and truck storage area to the southeast of the main operation and the incorporation of the building at 1010 Haskell Avenue. The property will include two primary uses: Scrap and Salvage Operations; and, Recycling Processing Center. These uses are defined at the end of this report.

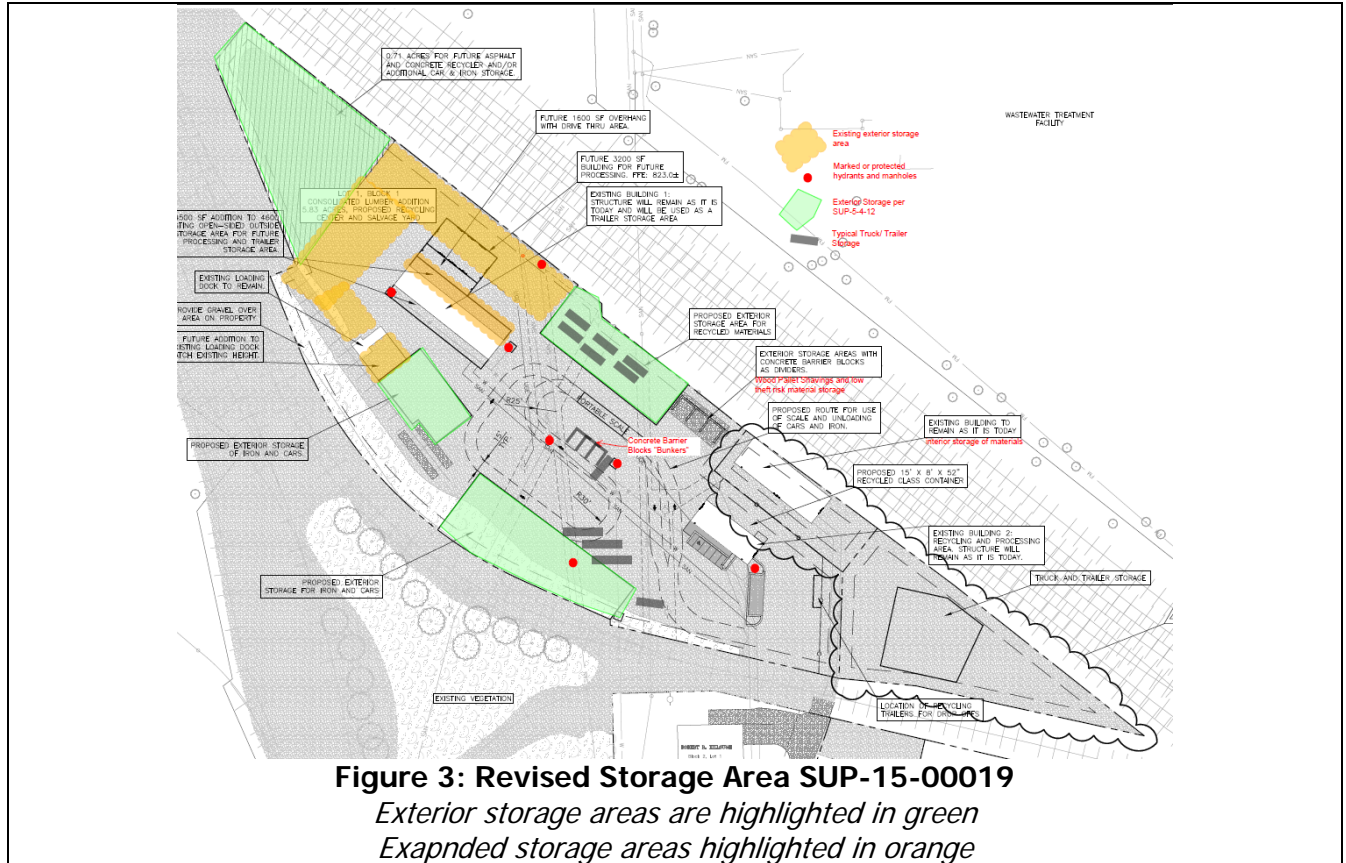
This use also includes exterior storage activity. Approval of this revised Special Use Permit will allow for additional storage of trucks and trailers to the southeast of the current operation.



The acquisition of land to this existing operation has resulted in a revision to the planned improvements to this property. The approved plan shows a future expansion of a building located in the north part of the site. The building located at 1010 E. 11th will be used for indoor storage. The open sided structure, shown, will remain in its current size and configuration. This allows an expanded area for exterior storage of recyclable materials.

The previous plan also shows the location of three bunker areas along the north side of the site designated for exterior storage. The applicant has relocated these bunkers to the center of the lot to mitigate theft of materials. This space is now used for storing recycled pallets that have been processed into mulch. Recyclable material that is theft prone is stored in the central part of the lot away from perimeter fencing.

Another change to the site includes the intended relocation of trailers to the south side of the property. This will enhance the interior circulation of the site as trailers are filled and prepared to be transported to other destinations.



This application expands the operation to include property at 1010 E. 11th Street but also updates the site to reflect the current operations of the site. Approval of the request is intended to provide more flexibility to the operation needs of this use as well as to respond to changing demands and trends in recyclable materials. An example of this trend is in the wood pallet industry where the used pallets are ground for use as landscape mulch.

Regardless of the material being recycled the basic operations of this use are as follows:

1. Receive Materials
2. Sort materials
3. Bail/Containerize/Bundle Materials
4. Ship Materials.

Review and Decision-Making Criteria (20-1306(i))

1. WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE

Applicant's Response: Yes. Please see attached site plan for details of the future site.

Recycling Facilities – Large Collection and Processing Centers are permitted in the IG (General Industrial) District, subject to Site Plan approval. Scrap and Salvage Operations are permitted in the IG District, subject to approval of a Special Use Permit. Exterior storage uses are also governed by the use standards of Article 5. These standards regulate the location of exterior storage areas on a property, prescribe minimum setbacks and require a specific landscape bufferyard where exterior storage areas abut public right-of-way. This property is unique in its shape and lack of direct access to a public street. The proposed storage areas do not abut public street right-of-way and are not visible from nearby streets.

Section 20-527 has specific requirements regarding Scrap and Salvage Operations. Specifically, 20-527 requires screening and pile height restrictions when the property abuts an arterial or collector street. This property abuts neither and is well screened from the surrounding street network by natural vegetation and other industrial uses. Further, Section 20-527 states that open burning is prohibited. This restriction is shown on the face of the site plan.

This request expands the use to include additional interior storage in the building at 1010 E. 11th Street and establishes an area for storage of trucks and trailers outside of the main processing area.

20-540(5)(ii)(a) states: Small or Large Collection Facilities shall be located on a paved surface. The majority of the site is gravel and various bins will be established for the collection of certain products. An administrative waiver was granted with the site plan to permit the location of recycling collection bins/trailers on a non-paved surface per Section 20-1305(b)(3)(v) of the Development Code.

Staff Finding – The proposed use is compliant with all applicable provisions of the Development Code as conditioned.

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

Applicant's Response: [Yes. The property is surrounded on three sides by land owned by the railroad. The areas surrounding the railroad are local businesses/warehouses with similar operating hours and zoning.](#)

The proposed uses are industrial in nature in terms of scale and operating characteristics. The property is surrounded by railroad right-of-way with various warehouses and industrial uses backing up to this area providing additional buffering and land use transition for the area. This request expands the operation within the area bound by the existing railroad lines in the area.

While not technically located in a specifically designated neighborhood, this property is located at the convergence of the East Lawrence and Brook Creek Neighborhoods. This portion of the neighborhood is industrial in nature with noise and vibration created by the railway operation and odors created by the City's wastewater treatment plant; however, the operating characteristics of the proposed uses can impact an area farther than the adjacent industrial uses if not restricted. Noise, vibration, dust and litter are the primary potential impacts related to this use given the potential to crush vehicles and load bulk materials. Except for the rail and wastewater treatment plant as noted above, the other industrial uses in this area have limited outdoor impacts.

The salvage and recycling processing center uses have been operating for approximately one year in this location. A residential project is being constructed to the northwest of the property along Delaware Street. A coffee shop is also open and operating at 902 Delaware. The nearest residentially zoned property is approximately 790 feet away and substantial mature trees exist between the properties, reducing much of the potential impact. These trees are located within the existing railroad right-of-way. Existing railroad tracks on the south side of the property are not in active operation and are in place but not actively maintained.

Previous approval of this use included restrictions for hours of operation. These approved restrictions are not altered by this expansion request.

Staff Finding – There are no new operational conditions of approval associated with this application. The proposed uses are compatible with adjacent and nearby 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

Applicant's Response: [No. The surrounding sites are of the same industrial type usage along with the City's property to the south and the wastewater treatment facility to the north.](#)

This property is located east of the East Lawrence Neighborhood and north of the Brook Creek Neighborhood. The property is also north of the Burrough's Creek Trail and Linear Park. A large portion of the land area located along the railroad and along the Kansas River is zoned and developed with industrial uses including the City's wastewater treatment plant. Per previous approval, the business was relocated to property outside of the Brook Creek Neighborhood and within an industrial corridor along the railroad.

The expanded use establishes an area for exterior parking of trucks and trailers in the southeast part of the expanded site. This area is located to the rear of existing uses and businesses that front to E. 11th Street and are separated by existing railroad right-of-way.

Staff Finding – The proposed use will not cause a substantial diminution in the value of surrounding property.

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

This property is located within the City of Lawrence. Multiple sanitary sewer lines cross this property connecting the City's treatment facility to the existing sanitary sewer network. These lines are high pressure lines and not suitable for individual property connections. The water main is located on the north side of E. 11th Street. Capacity in the system is available to serve this site.

East 11th Street includes both arterial and collector street designations. Haskell Avenue and the E. 11th Street segment to the west are designated as an arterial street. Where Haskell Avenue turns into E. 11th Street to the east, the street is designated a collector. A traffic study was provided by the applicant with the original 2012 application. Staff concurred with the findings that no street improvements associated with this project are required. The expansion of the use modifies the operations and does not require a new traffic study.

It was noted in the review that recycling materials may be located over an existing sanitary sewer manhole. A site visit made during the review of the application confirmed that the sanitary sewer manholes are both marked and clear of materials. There are no current barricades around the manholes as there are around the fire hydrants. Staff recommends the application be revised to provide a note that states all manholes shall be maintained clear of material storage to allow access to manholes as necessary by the City.

The applicant has been advised that future changes to the water service to existing buildings will require City approval.

Staff Finding – Public safety, transportation and utility services are currently available and a sufficient level of such services is available to support the proposed use. New utility services are not proposed to the expanded operation.

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 conditions of approval.

6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT

Applicant's Response: The existing site was used for storage of materials and is gravel. The proposed storage of recycled materials shall not cause a negative impact on the environment. It will be the owner's responsibility to follow all rules and regulations set forth by the City, State and Federal Governments.

This property is located in an area surrounded by railroad right-of-way. The site is comprised of a gravel surface and limited vegetation located along the fringe of the site. The property is currently not encumbered by the regulatory floodplain. However, in September 2015, this property will be encumbered by regulatory floodplain when new FEMA FIRM's are adopted. The existing and future floodplain boundaries are attached to this report for reference.

This change in floodplain designation will have an impact on the operations of the existing use. Many buildings along E. 11th Street and the area proposed for truck and trailer storage are above the base elevations and not located in the regulatory floodplain. Additional requirements regarding the exterior storage of smaller recyclable materials may be required to be elevated or contained in a manner to prevent material from becoming a hazard during a flood event. The applicant has submitted a floodplain development permit concurrently with this application. The Local Floodplain Development Permit is being processed by staff as an administrative item. Changes that result from the floodplain review may require modifications to the site plan and will be coordinated by staff with the applicant.

Staff Finding – The proposed use will not cause adverse impacts on the natural environment. Changes in the federally designated floodplain boundaries do impact this property and may require operation changes to the site.

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.

Scrap and Salvage Operations are subject to a Special Use Permit. Exterior storage areas are permitted as an accessory use in most nonresidential zoning districts to provide space for outdoor storage of materials related to the business of the principal use.

It may be necessary to monitor this site as it pertains to the floodplain requirements and this will be covered by the Floodplain Development Permit currently under review.

Staff Finding – It is not appropriate to place a time limit on this type of Special Use given the nature of the use and the site improvements required to implement the use with the exception of the regulatory floodplain.

Site Plan Review

This section of the report focuses on the proposed physical improvements of the site.

A. Site Summary

SITE SUMMARY – SUP-5-4-12		
	Existing	Proposed
Property Area (sq ft):	253,979 (5.83 acres)	253,979 (5.83 acres)
Building Area (sq ft):	7,630	16,874
Paved Area (sq ft):	4,465	8,342 (3.3%)
Total Impervious Area (sq ft):	12,095	25,216 (9.9%)
Total Pervious Area (sq ft):	241,884	228,763 (90.1%)
Site Summary – SUP-15-00019		
Property Area (sq ft):	306,643 (7.04 acres)	306,643 (7.04 acres)
Building Area (sq ft):	12,556	21,800
Paved Area (sq ft):	4,465	8,342
Total Impervious Area (sq ft):	17,021	30,142
Total Pervious Area (sq ft):	289,622	276,501

The overall area dedicated to this use has been expanded by 1.21 acres. There are no new buildings proposed with this use. There is no new parking lot (pavement) proposed with this use. The previous plan that included a future building expansion is no longer included in this revised application. The applicant is working with the engineer to revise and update the use of the existing development per discussions and clarification with Planning staff.

B. Access and Parking

Access to this property is accommodated via an existing access easement from E. 11th Street. The access crosses the railroad right-of-way. There are no active lines in this portion of the right-of-way. No changes to access are proposed with this development.

The site plan shows a designated parking area located at the southeast end of the property near the recycling/processing building. This area includes new landscape islands within the site, installed per the previous plan that will help to direct vehicular circulation within this property. No additional parking is needed. The proposed request relocates existing truck and trailer parking to the south

end of the site outside of the operation activity area of the site. The applicant is more fully using the 5.86 acres for the scrap and salvage operation. This change does not increase the required parking.


Parking Summary		
Use	Parking Requirements	Spaces Required/Provided
Scrap and Salvage Operations 1006 E. 11 th only	1 parking space/ AC	Approved: 5.26 acres less recycling building and vehicular parking spaces= 6 spaces Proposed: 5.26 acres less recycling building and vehicular Parking Spaces= 6 spaces
Recycling-Processing Center 1006 E. 11 th Street Recycling-Processing Center 1010 E. 11th	1 space per 1,000 SF [1-20,000 SF] Indoor storage	Office Building/Sorting 2,984 SF = 3 spaces Covered storage Area 5,594 SF = 0 spaces New indoor storage 4,928 SF = 5 spaces Total Spaces paces = 8
		
Total Approved Plan 9 spaces required 11 spaces Provided at 1006 E. 11th		Total Proposed Plan 14 spaces required 11 spaces at 1006 E. 11 th Street 4 spaces at 1010 E. 11th Street 15 spaces provided

Table 1: Parking Summary

The existing parking spaces at 1006 E. 11th Street for the current operation are concrete pavement. The access drives internal to the site and the area proposed for truck and trailer parking are not paved. These areas are a compacted gravel surface. This gravel surface is included in the “pervious area” summary for the site. The proposed use of the building at 1010 E. 11th Street is for interior

storage and will not fundamentally change the off-street parking requirements. If off-street parking is required an additional 5 spaces would be required. Off-street parking is available to the south of the existing building. Three spaces are generally identified by concrete barricades along the north property line. There is sufficient area for parking up to four (4) vehicles in this location. The current arrangement of the buildings, overhead doors, established parking and site circulation is not conducive to expansion of the parking areas around the primary building at 1006 E. 11th Street. Adequate off-street parking is accommodated on site.

The access between E. 11th Street and the south side of the railroad crossing is an existing concrete pavement drive. North of the railroad tracks the surface type is compacted gravel.

This property is a low point of the immediate area. The permeable surface facilitates stormwater runoff via percolation for this property. The City Stormwater Engineer recommends this approach for this site. The City Engineer approved the original parking lot design as shown on the Site Plan.

C. Industrial Design Standards

There are no changes to these elements with the expansion of the operation.

Industrial Design Standards were reviewed with the original application. Existing buildings are used "As Is". This request eliminated the need for building addition to the pole barn structure shown in the previous approval. No building improvements are proposed for this site at this time.

Fencing and Screening:

No changes to the existing fencing and screening are proposed with this application.

This property is located behind developed industrial properties and along existing railroad right-of-way and is not considered a High Visibility or Sensitive Area. This property is one of the least visible areas with regard to aesthetics and the need for screening. The site is currently fenced with a chain-link fence material and is not proposed to be altered with this application. The railroad right-of-way along the west and south sides of the property are inactive and characterized with large mature trees forming a dense vegetative buffer. Screened fencing at this time is not needed.



The additional area for truck and trailer parking will not be fenced at this time. This space is intended as an area to accommodate trailers and trucks that have been loaded prior to transport to other locations.

Pedestrian accessibility:

Sidewalks are constructed along E. 11th Street but do not extend along the access easement to this property. This use is not associated with a high level of pedestrian activity nor would it be considered a pedestrian destination. The interior site circulation is not intended for pedestrians. The site is designed to provide small vehicles customer access to the facility on the south and east side of the property and heavier truck traffic and vehicular circulation in the central part of the site. Minimal pedestrian areas are provided along the recycling building and the parking area to accommodate small volume customers from the parking area to the building.

D. Landscaping and Screening

Landscape and screening requirements were reviewed with the original application. There are no changes to these elements with the expansion of the operation.

This property does not include frontage along any public street. Street Trees and perimeter landscaping are not applicable to this property. Small landscape islands around the constructed parking lot area were required with the original approval to address interior landscape standards. Section 20-1006 of the Development Code requires that mechanical equipment be screened from adjacent properties and rights-of-way. A note to this effect is included on the face of the site plan.

E. Lighting

The original approval included a photometric plan for the extent of the property included in the original application. The applicant is not proposing to add any additional lighting to the expanded area to be used for storage of trucks and trailers. Any new lighting would be subject to compliance with the City's lighting standards, including submission of a revised photometric plan and provision of fixture details. Since any new lighting would require an electrical permit the requirements could be reviewed through the building permit process. It is not necessary to condition this application at this time.

F. Floodplain

This property is not currently encumbered by the regulatory floodplain. However, as discussed above in the report changes to the regulatory floodplain will become effective in September 2015 and will impact this property requiring a local floodplain development permit.

Conclusion

The proposed Special Use Permit addresses the changes to exterior storage activity related to this use and includes the expansion of the operation to include two parcels to the north and east of the current operation. The main salvage operation will remain within the existing fenced area. The expanded land area will be used for truck and trailer parking and the existing building will be used for indoor storage of materials. The location of this property, within an industrial corridor and along the railroad right-of-way, is suited for the proposed use with no additional improvements to the site.