

MINUTES
MANHATTAN BOARD OF ZONING APPEALS
City Commission Room, City Hall
1101 Poyntz Avenue
Wednesday, November 8, 2006
7:00 PM

MEMBERS PRESENT: Connie Hamilton, Calvin Emig, Harry Hardy, Kate Watson

MEMBERS ABSENT: Chuck Jackson, Chair Person

STAFF PRESENT: Steve Zilkie, Senior Planner, AICP; Jeremy Frazzell, Planner

CONSIDER THE MINUTES

Hardy moved to approve the October 11, 2006 minutes which was seconded by Watson and passed with a vote of 4-0.

A PUBLIC HEARING TO CONSIDER AN EXCEPTION AT 3513 STAGECOACH CIRCLE IN THE R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO ALLOW A REDUCTION OF THE MINIMUM TWENTY FIVE (25) FOOT FRONT YARD SETBACK TO ZERO (0) FEET FOR A PROPOSED FENCE. THE FENCE WAS RECENTLY APPROVED TO BE LOCATED AT SIX (6) FEET. (APPLICANT/OWNER: RICHARD HILL).

Frazzell presented the Staff Report with a recommendation for approval of the Exception with two conditions.

Richard Hill, 3513 Stagecoach Circle, said there was an error with the last request which was approved to have the fence located at six feet as the previous fence which was dilapidated and torn down was located at zero feet. He said other fences to the north and south are at zero feet and his request would be in line with what previously existed and with other properties.

Hamilton closed for Public Hearing and opened for Board discussion.

Hardy stated he could support the request based on the staff report as the fence at zero feet is consistent with other properties in the neighborhood.

Watson agreed with Hardy and stated she could support the request as it made sense.

The Board made the following findings of fact for the Exception at 3513 Stagecoach Circle:

A. The property currently complies with all applicable regulations except for what the Exception is being requested.

B. Adjacent and to the west of Lot 113 is Hudson Ave., a collector street with approximately 70-ft. of right-of-way. Further to the west are single-family residences located slightly below grade of Lot 113 and within the R, Single-Family Residential District. The existing 6-foot tall,

wood privacy fence, generally located at zero feet along the west property line of Lot 113, provides screening of the back of the house on Lot 113. The fence is screened to the west by landscaped vegetation including multiple medium sized cedar trees. To the north, south, and east are single-family residences located within the R-1, Single-Family Residential District. Fences enclosing the functional rear yards are not uncharacteristic of the residential neighborhood along Hudson Ave. The existing fence on Lot 113 screens Lot 113 from the west and south lot. The purposed location of the fence is not out of character with the surrounding neighborhood homes, which have existing fences at the (0) foot setback along Hudson Ave. Approval of the Exception should not adversely impact the surrounding neighborhood.

C. The proposed wooden privacy fence does cross over the eight (8) foot utility easement located at the northwest corner of the lot. The proposed fence will only cover a small portion of the easement, which will still be accessible from the east and is not anticipated to pose a problem. The proposed Exception is not anticipated to have an adverse effect on the public's health, safety, or general welfare.

D. Lot 113 is a through lot, with a twenty-five (25) foot front yard setback along the east property line, a six (6) foot front yard setback along the west property line, and eight (8) foot side yard setbacks along the north and south property lines. Although Lot 113 is relatively large in size, the odd shape of the lot and the previous double twenty-five (25) foot front yard setbacks greatly reduce the buildable area on the lot. On September 13 2006, an Exception was approved to reduce the minimum twenty-five (25) foot front yard setback along Hudson Ave. to six (6) feet. The applicant has proposed to reduce the front yard setback to zero (0) feet, allowing the proposed fence to maintain consistency and symmetry with the existing fence along Hudson Avenue, which is currently set at zero (0) feet. The strict application of the setback regulations is unnecessary when all facts and circumstances are considered.

Hardy moved to approve an EXCEPTION based on the staff report to allow a reduction in the previously approved (6) foot front yard setback to (0) feet for a proposed fence located at 3513 Stagecoach Circle, in the R-1, Single-Family Residential District with the following conditions:

1. The Exception shall be for a proposed fence as outlined in the application documents and site plan.
2. The fence shall be maintained in good condition.

Emig seconded which passed with a vote 4-0.

A PUBLIC HEARING TO CONSIDER AN EXCEPTION AT 447 EDGERTON AVENUE IN THE R, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO ALLOW A REDUCTION IN THE MINIMUM TWENTY-FIVE (25) FOOT FRONT YARD SETBACK TO NINE (9) FEET ALONG GRANDVIEW DRIVE, FOR A PROPOSED ADDITION TO AN EXISTING HOUSE. (APPLICANT/OWNER: RONALD AND TREVA JOHNSON).

Frazzell presented the staff report and recommended approval with three conditions.

Ron Johnson, 447 Edgerton, stated he appreciated the Board's consideration of the project and explained the proposed addition is located directly off of the existing kitchen and is generally where the existing laundry area currently exists.

Watson stated for the record that letters of support had been given to the board. She asked the applicant if existing trees would be removed and confirmed the addition is only one story tall.

Johnson responded stating the addition is one story and the trees would remain, but would be pruned back.

Hamilton closed for Public Hearing and opened for Board discussion.

Emig stated he could support the request as the addition does not extend further than what currently exists.

Hardy stated he could support the request given the unique shape of the lot, the fact that the addition was not intrusive, and given the general support of the community.

Hamilton said she appreciated the proposed location for the addition as it does not further intrude into the setback than what currently exists with the existing house. She said the reduced setback would be of greater good to the applicant than denial would be to the community and stated she could support the request.

The Board made the following findings of fact for the Exception at 3513 Stagecoach Circle:

A. The property currently complies with all applicable regulations other than one for which the Exception is being requested.

B. 447 Edgerton Ave, Lot 39 is in the R, Single Family Residential District. In general, surrounding properties have previously been approved for front yard setback reductions along Grandview Avenue, as well as along surrounding area streets. These setback reduction approvals have included attached garages, houses additions, and fences. The proposed addition is not expected to obstruct the line of sight along Grandview Drive, Edgerton Ave, or from neighboring lots. The existing house on Lot 39 is already positioned within the front yard setback along Grandview Drive and is at a setback of less than nine (9) feet. The condition of the existing house has existed since at least 1959 and may have been part of the original construction. The approval to reduce the front yard setback from twenty-five (25) feet to nine (9) feet for the proposed addition is not anticipated to have an adverse impact on surrounding properties.

C. The proposed addition will not encroach into the five (5) foot utility easement located along the west property line. The proposed location of the addition will not affect the adjacent rights-of-way or vision clearance triangles. The proposed Exception is not anticipated to have an adverse effect on the public's health, safety, or general welfare.

D. Lot 39 is a corner lot, with a minimum twenty-five (25) foot front yard setback along the north and east property lines and a minimum eight (8) foot side yard setback along the south

and west property lines. The existing house is already positioned within the minimum required twenty-five (25) foot front yard setback along Grandview Drive, the north property line. The Exception to allow a nine (9) foot front yard setback for the proposed addition, which will not abut or extend past the existing house, will not further encroach the frontage setback along the north property line. When all facts and circumstances are considered, requiring strict application of the regulations for the existing and proposed improvements is unnecessary and unreasonable.

Emig moved to approve an EXCEPTION based on the staff report, at 447 Edgerton Avenue in the R, Single-Family Residential District to allow a reduction of the minimum twenty-five (25) foot front yard setback to nine (9) feet along Grandview Drive frontage for the proposed addition to the existing house with the following conditions:

1. The Exception shall be limited to the proposed addition as outlined in the application documents and site plan.
2. The proposed addition shall be maintained in good condition.
3. All applicable permits shall be obtained.

Hardy seconded which passed 4-0.

A PUBLIC HEARING TO CONSIDER A VARIANCE AT 338 SETH CHILD RD. IN THE C-5, HIGHWAY SERVICE COMMERCIAL DISTRICT, TO NOT PROVIDE SIGHT OBSCURING SCREENING FOR A PROPOSED OUTDOOR STORAGE AREA. (APPLICANT/OWNER: WATERS, INC.).

Frazzell presented the staff report and recommended approval with two conditions.

Watson expressed concern that Linear Trail would not be screened if the request was approved. She asked if Parks and Recreation Department had been advised of the request.

Frazzell explained City Administration has a development review meeting each month and the request would have been discussed at that time.

Jim Waters, 4172 E. Magnolia, Salina, explained part of Linear Trail is actually located on his lot. He said what he is proposing to store in the outdoor storage area is primarily green goods for the True Value store. He said he would also like to store rental equipment associated with the Just Ask Rental business located on the lot. He explained the green goods could be similar to what is found in a nursery and explained that there is not a zoning designation in the City for nurseries. He continued by stating that automobiles and boats could be stored outside without screening and further stated the appearance of the equipment was important to the success of the business. He stated he planned on having the equipment closer to the west property line, in order for it to be more visible to patrons, and the green goods would likely be closer to the east property line by the Linear Trail.

Watson asked Waters if he could clarify the definition of green goods.

Waters explained green goods would entail trees, shrubs, and other types of greenery. He said he would keep the rental equipment looking nice.

Watson said she would like to hear from Parks and Recreation Department as she did not feel that she

had the information that she needed.

Waters stated that there is a time frame for purchasing green goods for the next year and that time frame was now. He said if the request was delayed or not approved a hardship would be imposed as he would not be able to purchase the green goods.

Hamilton said she would like to see the trail screened with natural vegetation.

Watson asked if there was any guarantee to the placement of the green goods and equipment.

Waters said he would rather have the rental equipment in front and not along Linear Trail as he would like the equipment to be visible for rent. Green goods would then be likely to be placed near the Linear Trail.

Hamilton closed for Public Hearing and opened for Board discussion.

Emig said he could follow the staff's recommendation for approval. He said he drove by several times on Seth Child and was not able to see the proposed storage area from the road. He said users of Linear Trail would not likely be adversely impacted. He said the previous use on the lot was similar and said the applicant was making quality improvements to the lot which would likely continue.

Hardy agreed with Emig and said he did not see screening green goods with green goods as being necessary. He commented that the City had reviewed the request and there did not appear to be a concern. He said he could support the request based on the staff report.

Watson said she drove by and did not see a problem with the aesthetics along Seth Child Rd. She said she was concerned that the trail was not being screened and said she would take the applicant's word that the applicant would protect the aesthetics along the portion of storage area adjacent to the trail.

Hamilton said she could support the request only if the staff report and findings reflect the concern of the aesthetics along Linear Trail. She asked that the staff report and findings reflect the intention of the applicant to place the equipment at the front of the storage area and the green goods to the rear to protect Linear Trail from the aesthetics of large equipment.

The Board made the following findings of fact for the Variance at 338 Seth Child Rd:

1. Lot 1, Allingham Addition is an existing, 3.37 acre, irregularly shaped lot with frontage along Seth Child right-of-way. Lot 1 is located at the north end of Seth Child Frontage Road, with large unimproved, naturally vegetated lots located to the north and east. Topographically, Lot 1 has an elevation of 1050, while Seth Child Rd. has an elevation of 1068, an 18-foot difference. A combination of steep slopes and natural vegetation within the Seth Child right-of-way currently provides screening of the north portion of Lot 1.

2. To the north and east are unimproved, naturally vegetated lots with a portion of Wildcat Creek and the linear trail crossing through them. The lots adjacent to the east and northeast are zoned I-2, Industrial Park District. To the west and northwest is Seth Child Rd., a four lane arterial road with varying right-of-way width, zoned C-5, Highway Service Commercial District. To the south is a self service carwash followed by a muffler shop, and a car lot selling

new vehicles. Properties to the south are all in the C-5, Highway Service Commercial District. The proposed location for the outdoor storage is currently screened to the north and west by existing natural vegetation. The location for the outdoor storage area is currently visible to the linear trail along the east property line, however further to the east is dense natural vegetation. Property to the south is separated in distance by approximately 500-feet from the proposed location for the outdoor storage and display area. Not providing the required screening is not anticipated to have an adverse effect on surrounding properties.

3. Between Lot 1 and the east edge of Seth Child Rd., the right-of-way varies with an average width of approximately fifty feet. The right-of-way is steeply sloped (approximately 18-feet from Seth Child Rd. to Lot 1) with dense native vegetation consisting of grasses and trees, providing a natural screening of the north portion of Lot 1. Requiring strict application of the regulations would require the proposed outdoor storage to be enclosed with a minimum of six (6) foot high sight obscuring screening. In this case however, screening is unreasonable as the lot which has the greatest visibility and potentially the greatest impact is to the north and west of Lot 1, part of Seth Child right-of-way, which is approximately 18-feet higher than Lot 1. Requiring strict application of the regulations potentially could result in screening trees, shrubs, and other “green goods” with similar types of sight obscuring materials or given the elevation changes, could be ineffective in screening the rental equipment. Currently, sales lots for boats and motor vehicles are exempted from the screening requirement.

4. It is anticipated that the outdoor storage and display items could be viewed by passersby regardless whether the minimum screening was provided. Not providing the required screening is not anticipated to have an adverse effect on the overall health, safety, or general welfare of the community at large.

Not providing screening of the outdoor storage area could allow the rental equipment to be visible to users of Linear Trail. The applicant at the Board of Zoning Appeals meeting on November 8, 2006 stated he intended on placing the rental equipment in the front of the storage area (generally west portion of the lot) and placing the green goods in the rear of the lot (generally east portion of the lot) in order to make the rental equipment more visible to prospective renters and would in turn protect the aesthetics of Linear Trail.

5. The C-5, Highway Service Commercial District provides for businesses offering accommodations, supplies, or services to motorists, and for certain specialized activities which require access to major streets and highways. The display items to be located on the site are associated with permitted uses within the C-5, Highway Service Commercial District. Outdoor storage of these items however, requires sight obscuring screening. To not require screening could allow a variety of items to be displayed on the site, although it is anticipated these items could be viewed with the required screening given the change in topography in this area. The intent of the screening regulation is to screen from view the outdoor storage and display items associated with the permitted and conditional uses within the C-5, Highway Service Commercial District other than sales lots for boats and motor vehicles.

Hardy moved to approve a Variance based on the staff report with Hamilton’s addition to not

provide sight obscuring screening for outdoor storage at 338 Seth Child Rd, in the C-5, Highway Service Commercial District with the following conditions of approval:

1. The Variance shall apply only to the “Waters True Value Hardware” and “Just Ask Rental” outdoor storage and display items.
2. The outdoor storage area and display shall be maintained in good condition.

Emig seconded which passed with a vote 4-0.

A PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AT 909 SETH CHILD RD. IN THE C-5, HIGHWAY SERVICE COMMERCIAL DISTRICT, TO ALLOW FOR AN ADDITION TO THE EAST SIDE OF LITTLE APPLE VETERINARY HOSPITAL. (APPLICANT/OWNER: DR. ELIZABETH AND TOM LINDQUIST).

Watson stepped down.

Frazzell presented the staff report with a recommendation of approval with two conditions.

Tom Lindquist, 4080 W. 69th Ave., explained that pet playtime has become very popular to patrons utilizing the Little Apple Veterinary services. He explained that on cold and rainy days, an indoor play area would allow playtime to continue in a secure area.

Hamilton asked how the drive up window was working.

Lindquist said the window was working well, allowing patrons to obtain medications and food supplies through the window.

Hamilton closed for Public Hearing and opened for Board discussion.

Hardy commended the applicant for a nice facility and a quality addition. He stated he could support the request based on the staff report.

Hamilton stated she could support the request provided that a modification was made to the staff report to reflect the new floor plan.

The Board made the following findings of fact for the Conditional Use at 909 Seth Child Rd:

A. The existing lot is a large primarily wooded lot consisting of approximately 4.80-acres. The west property line is a front property line with a minimum twenty-five (25) foot front yard setback. The existing facility is located approximately ninety-four (94) feet from the front property line. The north and south property lines are side property lines with zero (0) foot side yard setbacks. The east property line is a rear property line with a zero (0) foot rear yard setback. The existing facility is approximately 3,800 sq. ft. in area, and the proposed addition is approximately 808 sq. ft. in area. Total lot coverage with the addition is approximately 3%. The existing facility with proposed addition complies with all applicable regulations, including lot size requirements, bulk regulations, and use limitations.

B. The subject property is located within a C-5, Highway Service Commercial District. The adjacent property to the north is the Manhattan Plaza Planned Unit Development (PUD) that is

developed as a Home Depot with an out lot, with the use yet to be determined. The adjacent property to the south is located within an R, Single-Family Residential District and is developed as the Riley County Law Enforcement Center. The adjacent property to the east is also located within an R District, however it is an undeveloped lot that is largely within the floodway and 100-year floodplain. The subject property is heavily vegetated and has a steep gully along the north and east property lines. The existing structure is setback approximately 125-feet from the north property line and 100-feet from the south property line. The proposed addition is not anticipated to have an adverse effect on surrounding properties.

C.

1. The subject property is a 4.80-acre lot with approximately 300-feet of frontage along the Seth Child frontage road. The existing structure is located in the southern portion of the property and has a front yard setback of 94-feet, a 123-foot side yard setback from the north property line, a 62-foot side yard setback from the south property line, and a rear yard setback of approximately 350-feet. The lot size and proposed setbacks are much greater than the 10,000 square foot, 25-foot front yard setback, and zero (0) foot rear and side yard setbacks required for a property and structure within the C-5 District.

The proposed addition is an irregularly shaped building, which will be connected to the east façade of the existing structure. In general, the proposed addition is approximately 36-feet wide and 25-feet long. The proposed addition will have a similar architectural design as the existing facility and will be composed of similar materials, generally consisting of natural wood colored siding and a gable roof design. The internal floor plan is proposed to consist of a play area, isolation room, mechanical room and laundry room.

2. No landscaping or screening has been proposed with the proposed addition. The subject lot is a wooded lot with existing trees along the north, south, west, and east property lines. Additional existing landscaping consists of lawn, shrubbery, trees and other plantings along the existing building and parking lot.

D. The existing structure without mechanical rooms and storage is approximately 3,072 sq. ft. The floor area of the proposed addition is approximately 723 sq. ft. With a minimum off-street parking requirement of at least one (1) parking space for each 200 sq. ft. of floor area for business and commercial establishments, a total of nineteen (19) off-street parking spaces is required. Twenty (20) off-street parking spaces currently exist and are sufficient for the use.

E. The subject property has adequate provision for drainage. Wildcat Creek runs along the north and eastern property lines and the topography of the site results in the water to naturally drain to the creek. Adequate public utilities currently service the site.

F. Access to the site is provided by a 20-foot wide driveway off of the Seth Child Frontage Road. The site contains twenty parking spaces and a drive-up window. The drive-up window will be accessed by a semi-circle drive that gains entrance from the west side. The drive-up window area extends approximately 6-feet from the main structure to allow ease of access and overhead roof protection. The proposed access is adequate for the existing use and proposed

addition.

Hardy moved to approve a CONDITIONAL USE PERMIT based on the staff report and as modified by Hamilton to allow for an addition to Little Apple Veterinary Hospital, an existing Animal Hospital located at 909 Seth Child Road, in the C-5, Highway Service Commercial District with the following conditions:

1. The Conditional Use Permit shall apply only to the use and addition as outlined in the application documents and site plan.
2. All applicable permits shall be obtained.

Emig seconded which was approved 3-0.

A PUBLIC HEARING TO CONSIDER AN EXCEPTION AT 607 S. 8TH STREET IN THE LM-SC, LIGHT MANUFACTURING-SERVICE COMMERCIAL DISTRICT TO ALLOW A REDUCTION IN THE MINIMUM TEN (10) FOOT FRONT YARD SETBACK TO ZERO (0) FEET FOR A PROPOSED POLE SIGN ALONG FT. RILEY BLVD.; AND A REDUCTION IN THE MINIMUM TWENTY-FIVE (25) FOOT FRONT YARD SETBACK TO FIFTEEN (15) FEET ALONG S. 8TH STREET FOR PROPOSED OFF-STREET PARKING. (APPLICANT/OWNER: AUTOMOTIVE WAREHOUSE DISTRIBUTORS INC./MIKE MILLESON).

Frazzell presented the staff report and informed the board that the applicant had withdrawn the request to reduce the S. 8th Street setback for proposed off-street parking. Frazzell recommended approval for the reduced setback for the sign with conditions.

Mike Milleson, 7730 Rockwood Rd, Milford, provided a letter to the board from a neighboring property owner expressing support for the request. He stated the sign would be approximately twenty feet from the street. He said he was trying to keep consistent with his competitors along Ft. Riley. He said putting the sign on the west side of the lot would put the sign virtually in the neighbor's windows and he did not want that. He said if S. 8th Street is vacated he would extend the landscaping along the north portion of the lot to buffer the parking.

Watson asked for clarification about the access to the lot and asked if S. 8th Street was to be opened. Milleson responded that KDOT would not allow S. 8th Street to be opened.

Emig asked if the east drive was curb and gutter.

Milleson said it was and that there was a drain by the sign.

Hamilton clarified that the request was only for the sign setback and not for the reduction for off-street parking.

Hamilton closed for Public Hearing and opened for Board discussion.

Watson said the proposed location for the pole made a lot of sense and she could support the request.

Hardy said he could support the request based on the staff report.

Emig said he could support the request.

The Board made the following findings of fact for the Exception at 607 S. 8th Street.

A. The property complies with all applicable requirements of these regulations, other than the one for which exceptions are being requested.

B. To the west is South 8th Street, a dead end street with access only from Fair Lane, a fifteen foot wide alley. Further to the west are two, single-family residential homes used as rental homes and zoned LM-SC District. To the south is Fair Lane followed by the City Street Shop. To the east are commercial properties consisting of a vacant car lot, an automotive shop, and vacuum shop. Further to the east is S. Juliette Ave. followed by Auto Zone all of which are zoned LM-SC, Light Manufacturing-Service Commercial District. To the north is Ft. Riley Blvd., a four lane arterial street with approximately eighty (80) feet of public right-of-way. The distance between the north property line and the back of curb along Ft. Riley Blvd. is approximately 19-feet. The applicant has been given permission from KDOT to utilize six feet of the right-of-way adjacent to the north lot line, for planting the required parking lot landscape buffer. Further to the north and northwest is Powell Brother's plumbing, which is zoned R-2/TNO District.

The proposed sign is an internally illuminated sign with two parts. The top portion of the sign will consist of the NAPA Auto Parts logo and is 7'-1" tall and 8'-8" wide. The lower portion of the sign is a changeable copy board with four rows of 8-inch changeable copy and is 4'-1" tall and 8'-8" wide. Together, the two parts of the sign are 11'-4" high and 8'-8" wide. The pole portion of the sign consists of a single pole which will extend approximately 11-feet from the ground. The entire pole sign is proposed to have a total height of 22'-4", the same height of the new building. The type of sign, illumination, maximum gross surface area, and height of the sign itself conform to the sign regulations for the LM-SC District as outlined in Section 6-210 of the Manhattan Zoning Regulations. The proposed setback reduction for the proposed pole sign at zero feet is anticipated to appear consistent with similar pole sign locations along Ft. Riley Blvd and is not anticipated to have an adverse effect on surrounding properties.

C. The proposed location for the sign does not encroach into any utility easements and will not encroach into the vision clearance triangle. The sign is proposed to be internally illuminated much like other pole signs along Ft. Riley Blvd. Similar types of signage are consistent with the character and order along Ft. Riley Blvd. The proposed location of the sign is not anticipated to have an adverse effect on the general health, safety, or general welfare.

D. The proposed location for the sign will generally be consistent with other pole signs along Ft. Riley Blvd. There is approximately 19-feet of right-of-way allocated along the north portion of the zoning lot, which in general is greater than other lots along Ft. Riley Blvd. Requiring strict application of the regulations would require the sign to be located within a

portion of the east driveway or on the west side of the lot closer to the existing single-family residences on S. 8th Street. The proposed location of the pole sign with the reduced setback is anticipated to have less negative effect on the surrounding neighborhood and public as a whole than relocating the sign along the west property line. When all facts and circumstances are considered, requiring strict application of the regulations is unnecessary.

Emig moved to approve an EXCEPTION based on the staff report with modification to reduce the minimum ten (10) foot front yard setback to zero (0) feet for a proposed pole sign along Ft. Riley Blvd. at 607 S. 8th Street, in the LM-SC, Light Manufacturing Service Commercial District, with the following conditions:

1. The Exception for the pole sign shall be as proposed in the application documents and site plan.

A PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AT 625 S. 10TH STREET IN THE I-3, LIGHT INDUSTRIAL DISTRICT, TO ALLOW FOR AN EXISTING RECYCLING CENTER USE AND A PROPOSED EXPANSION, IN THE I-3, LIGHT INDUSTRIAL DISTRICT. (APPLICANT/OWNER: HOWIE'S RECYCLING, INC./WILSON VALLEY LLC.).

Frazzell presented the staff report and recommended approval with four conditions.

Greg Wilson, 9040 Tonya Terrace, stated he believed the additional expansion made sense and would improve operations of the recycling center.

Watson asked if the recycling center would operate the same or would have a different use.

Wilson said the addition would allow an expansion of the existing use.

Emig asked if Wilson planned on closing the existing loading docks off of 10th Street or if those would remain open.

Wilson said the existing loading docks would remain open, but would be reduced in their use. He stated one of the main reasons for the new loading docks was to increase safety by preventing loading trucks from backing over the railroad tracks.

Hamilton closed the public hearing and opened for board discussion.

Hardy stated he could support the request and commended the applicant for providing the recycling service to the community.

Hamilton stated she could support the request.

Watson agreed and said she could support the request.

The Board made the following findings of fact for the Conditional Use at 625 S. 10th Street.

A. The applicant currently owns the entire block south of Fair Lane, between S. 9th Street and S. 10th Street. The large zoning lot is approximately 1.37 acres and has two front property lines with twenty-five (25) foot front yard setbacks along S. 9th Street and S. 10th Street, and two side lot lines with zero (0) side yard setbacks along Fair Lane and the Railroad right-of-way. The existing facility is approximately 30-feet high, 120-feet deep and 201-feet long with an approximate area of 24,120 sq. ft. The proposed addition will consist of a 30-foot high, 120-foot deep and 25-foot long addition with an approximate area of 3,000 sq. ft. Total lot coverage with the addition is approximately 45%. The maximum lot coverage allowed in the I-3, District is 75%. The existing facility with proposed addition complies with all applicable regulations, including lot size requirements, and bulk regulations.

B.

(1) **NORTH:** Fair Lane, an alley, followed by a lot with a structure used for organ repair and an adjoining vacant lot. Fort Riley Boulevard is further to the north. The lots are all zoned LM-SC, Light Manufacturing Service Commercial.

(2) **SOUTH:** Railroad Right of Way followed by residential properties in an R-2, Two-Family Residential District.

(3) **EAST:** South 9th Street, followed by three Community Garden lots, followed by three vacant lots, followed by two lots with trailer houses, followed by South 8th Street. The lots are all zoned LM-SC, Light Manufacturing Service Commercial.

(4) **WEST:** South 10th Street, followed by three lots owned by Wilson Valley LLC, the same owners of Howie's Recycling. The lots are all zoned I-3, Light Industrial District.

The existing neighborhood generally consists of repair and service commercial uses, Community Garden lots, and several vacant lots. The organ repair and Precision Air companies to the north and northeast are of a light manufacturing, service character. Additional surrounding properties are either owned by the applicant and used for recycling, light industrial use, are vacant, or used as Community Garden plots. The railroad right of way to the south provides a buffer to the R-2, Two Family Residential District.

C. The recycling center has existed since 1993 and has had no known implications to the neighborhood. An expansion is not anticipated to have detrimental effect on surrounding properties.

1. The existing building is a fabricated metal building which is approximately 30-feet in height, 201-feet in length, and 120-feet in width. The proposed addition is approximately 30-feet in height, 25-feet in length and 120-feet in width. Total square footage of the existing building with addition is approximately 27,120 sq. ft. The proposed addition will contain three new loading doors with a 36-foot wide loading dock pit. The area generally to the south of the loading docks and east of the building addition, up to the east front yard setback, is proposed for outdoor storage. The area

of the outdoor storage area is approximately 8,200 square feet. An 8-foot high, poured concrete wall is proposed to extend 100-feet from the southeast corner of the new addition, to the twenty-five (25) foot front yard setback along the east property line. At the twenty-five foot front yard setback, the poured concrete wall is proposed to extend to the north, twenty (20) feet. An 8-foot tall, concrete block wall is proposed to continue north, from the poured concrete wall, for approximately 57-feet along the east front yard setback. According to the applicant, the concrete blocks to be used are 5-feet long, 2-feet high, and 30-inches deep. An 8-foot tall, 65-foot long, sliding steel fence will be used to extend from the concrete block to the north, along the east front yard setback. Three (3) feet from the north property line, an 8-foot tall steel fence is proposed which will begin at the east front yard setback, and will extend approximately 100-feet to the west. A swinging gate will be used to close the 22-foot access between the north fence and the proposed addition. When the loading area is not in use, the east sliding fence will connect to the north fence to enclose the outdoor storage area and loading dock.

2. Currently there is not any landscaping on the zoning lot and none is required with the proposed addition. Screening is required around the proposed outdoor storage area and in general will consist of a 100-foot long, 8-foot tall, poured concrete wall; an 8-foot tall, 57-foot long, concrete block wall; an 8-foot tall, 65-foot long, steel type sliding fence; and an 8-foot tall, 100-foot long, steel type fence. No lighting was proposed with the application, however the applicant indicated lighting on the proposed addition would be similar to existing lighting on the existing building.

D. Patron loading/unloading of recyclables will continue to be located directly off of S. 10th Street. Existing large truck loading docks are located off of S. 10th Street and are proposed to remain. The proposed addition will consist of three new truck loading docks and outdoor storage which will be accessed from Fair Lane and S. 9th Street. The proposed location for the new loading docks will prevent large loading trucks from backing over the railroad tracks as is the current condition on S. 10th Street. Existing off-street parking is located along the north portion of the lot and consists of a 90-degree configuration. With the Conditional Use Permit application, the applicant striped the existing off-street parking spaces located along the north portion of the lot.

E. Adequate sanitary sewer and water services currently exist for the existing recycling center use. The area east of the proposed addition previously contained Community Garden plots, which consisted of pervious material. The proposed addition and outdoor storage area is proposed to be completely paved, which will increase the amount of stormwater runoff from the site. The associated stormwater is not anticipated to be significant and will be diverted to the storm sewer inlets at the northeast corner of S. 10th Street and Fair Lane and the north end of S. 9th Street.

F. Access to the existing recycling center is primarily from S. 10th Street and Fair Lane. S. 9th Street is a dead end street to the north and south and does not provide access off of Ft. Riley Blvd. According to the site plan, circulation for large trucks approaching the new loading

docks associated with the proposed addition is as follows: Trucks will enter Fair Lane from S. 10th Street; proceed onto S. 9th Street by driving through the 22-foot area between the proposed north fence and new building addition on the northeast portion of the subject lot; and back into the proposed loading docks. Trucks backing into the loading docks have the potential of temporarily blocking Fair Lane, however according to the application documents, approximately ten trucks are loaded out each week. Businesses currently located on S. 9th Street are service oriented and are not large traffic generators. Anticipated impact on the traffic along Fair Lane is anticipated to be minimal.

Hardy moved to approve a CONDITIONAL USE PERMIT to allow for an existing recycling center use and a proposed expansion, at 625 S. 10th Street, in the I-3, Light Industrial District with the following conditions:

1. The Conditional Use Permit shall only apply to the existing recycling center and proposed addition as outlined in the application documents and site plan.
2. All outdoor storage shall be completely enclosed with sight obscuring screening as required by the use limitations outlined in Section 4-303(E).
3. Future expansions shall require a new Conditional Use Permit.
4. All applicable permits shall be obtained.

Emig seconded which was approved 4-0.

With no further business, Hamilton adjourned the meeting.

Respectfully Submitted,

Jeremy Frazzell, Planner.

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