City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Updated:
12/10/12 @ 1:00pm
Added Communication regarding 4A&4C Rock Chalk Park Addition W 6th St & K-10
Added Communication for Items 5A-5D – Langston Heights Addition
Added Staff Memo Regarding Langston Heights
Added General Communication under Public Comment

12/7/12 @ 3:30pm
Added communications for Items 5A-5D - Langston Heights Addition

12/6/12 @ 3:15pm
Added Items 4A & 4C - Rock Chalk Park Addition, W 6th St & K-10
Added communications for Items 5A-5D - Langston Heights Addition

12/5/12 @ 10:00am
Items 4A & 4C - Rock Chalk Park Addition, W 6th St & K-10, will be added when available

****The Wednesday, December 12th Planning Commission meeting has been cancelled****

LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
DECEMBER 10 ~~& 12~~, 2012 6:30 - 10:30 PM

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of October 22 & 24, 2012.

Receive and amend or approve the minutes from the Planning Commission meeting of November 12, 2012.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

COMMUNICATIONS

a) Receive written communications from the public.
b) Receive written communications from staff, Planning Commissioners, or other commissioners.
c) Receive written action of any waiver requests/determinations made by the City Engineer.
d) Disclosure of ex parte communications.
e) Declaration of abstentions from specific agenda items by commissioners.

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION'S DISCRETION

REGULAR AGENDA (DECEMBER 10, 2012) MEETING
PUBLIC HEARING ITEMS:

ITEM NO. 1 2012-2016 CAPITAL IMPROVEMENT PLAN

Approve projects to be included in the 2012-2016 Capital Improvement Plan (CIP) for the City of Lawrence.

ITEM NO. 2 SPECIAL USE PERMIT; METERING STATION; 4100 O'CONNELL RD (MKM)

SUP-12-00220: Consider a Special Use Permit for City of Baldwin and RWD#4 Metering Station, a Minor Utility, located at 4100 O'Connell Rd. Submitted by the City of Lawrence, property owner of record.

ITEM NO. 3 CONDITIONAL USE PERMIT; BOAT STORAGE; 32 N 1000 RD (MKM)

CUP-12-00222: Consider a Conditional Use Permit for Hoyt Boat Storage, located at 32 N 1000 Rd. Submitted by Timothy K Hoyt, property owner of record.

PUBLIC HEARING ITEM on Variance Only:

ITEM NO. 4A PRELIMINARY PLAT; ROCK CHALK PARK ADDITION NO. 2; W 6TH ST & K-10 (MKM)

PP-12-00223: Consider a Preliminary Plat for Rock Chalk Park Addition No. 1, a 2-lot subdivision of approximately 90 acres located in the NE quadrant of the intersection of W. 6th St/Hwy 40 & Kansas Hwy 10 (K-10) and associated variances from the Subdivision Design and Improvement Standards related to street right-of-way dedication and improvements. Submitted by Paul Werner Architects, for Fairway, LC, Property owner of record.

****DEFERRED****

~~**ITEM NO. 4B PRELIMINARY PLAT; ROCK CHALK PARK ADDITION NO. 2; W 6TH ST & K-10 (MKM)**~~

~~**PP-12-00224**: Consider a Preliminary Plat for Rock Chalk Park Addition No. 2, a 1-lot subdivision of approximately 19 acres located in the NE quadrant of the intersection of W. 6th St/Hwy 40 & Kansas Hwy 10 (K-10) and associated variances from the Subdivision Design and Improvement Standards related to street right-of-way dedication and improvements. Submitted by Paul Werner Architects, for Fairway, LC, Property owner of record.~~

RESUME PUBLIC HEARING:

ITEM NO. 4C SPECIAL USE PERMIT; RECREATION CENTER; W 6TH ST & K-10 (MKM)

SUP-12-00225: Consider a Special Use Permit for an Institutional Development Plan for development of General Entertainment and Spectator Sports, Active Recreation, and Outdoor and Participant Sports & Recreation uses on approximately 90 acres located in the NE quadrant of the intersection of W. 6th St/Hwy 40 & Kansas Hwy 10 (K-10). Submitted by Paul Werner Architects, for Fairway, LC, Property owner of record.

PUBLIC HEARING ITEM on Variance Only:

ITEM NO. 5A PRELIMINARY PLAT; LANGSTON HEIGHTS ADDITION; E SIDE OF K-10 & S OF W 6TH ST (SLD)

PP-12-00228: Consider a Preliminary Plat for Langston Heights Addition, a 61 lot subdivision that includes detached, duplex and multi-family residential lots. This subdivision includes a variance from Section 20-811 (c) of the Subdivision Regulations that requires sidewalks on both sides of streets. The property is along the east side of K-10 Highway and south of W. 6th Street, north and south of Crystal Lane and Palisades Drive extended to the west. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record.

RESUME PUBLIC HEARING:

ITEM NO. 5B UR TO RM12D; 8.333 ACRES; N & S OF CRYSTAL LN & PALISADES DR (SLD)

Z-12-00229: Consider a request to rezone approximately 8.333 acres from UR (Urban Reserve) to RM12D (Multi-Dwelling Residential), located north and south of Crystal Lane and Palisades Drive extended, as shown in the preliminary plat of Langston Heights Addition. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record.

ITEM NO. 5C UR TO RS7; 9.206 ACRES; N & S OF CRYSTAL LN & PALISADES DR (SLD)

Z-12-00231: Consider a request to rezone approximately 9.206 acres from UR (Urban Reserve) to RS7 (Single-Dwelling Residential), located north and south of Crystal Lane and Palisades Drive extended, as shown in the preliminary plat of Langston Heights Addition. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record.

ITEM NO. 5D UR TO RM12; 10.025 ACRES; E SIDE OF K-10 & S OF W 6TH ST (SLD)

Z-12-00232: Consider a request to rezone approximately 10.025 acres from UR (Urban Reserve) to RM12 (Multi-Dwelling Residential), located along the east side of K-10 Highway south of W. 6th Street and along the west side of a proposed street known as Renaissance Drive, as shown in the preliminary plat of Langston Heights Addition. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record.

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 REVISED 2013 PLANNING COMMISSION MEETING CALENDAR

Approve the revised 2013 Planning Commission meeting calendar.

Consideration of any other business to come before the Commission.

PUBLIC COMMENT

ADJOURN

CALENDAR

November						2012
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

December						2012
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

January						2013
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

PCCM Meeting: (Generally 2nd Wednesday of each month, 7:30am-9:00am)

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City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

PLANNING COMMISSION MEETING
October 22 & 24, 2012
Meeting Minutes DRAFT

October 22, 2012 – 6:30 p.m.
Commissioners present: Belt, Britton, Burger, Culver, Josserand, Lamer, Liese, von Achen
Staff present: McCullough, Stogsdill, Larkin, Leininger, M. Miller, Ewert

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MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of September 24, 2012.

Motioned by Commissioner von Achen, seconded by Commissioner Culver, to approve the September 24, 2012 Planning Commission minutes.

Motion carried 6-0-2, with Commissioners Belt and Britton abstaining.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

No committee reports.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
  Commissioner Lamer said he had conversations with Mr. Phil Struble, Mr. Dan Watkins, and Ms. Melanie Lorenzo regarding Item 2.

  Commissioner Belt said he had a brief conversation with Mr. Dean Grob regarding Item 4.

  Commissioner Liese said he had a discussion with County Commissioner Jim Flory regarding Item 2 and how commissioners should deal with discrepant information.

- Abstentions:
  Commissioner Lamer said he would abstain from Item 2 because he was the President of Friends of the Kaw and they wrote a letter regarding the item.

PC Minutes 10/22/12 **DRAFT**

ITEM NO. 1 CONDITIONAL USE PERMIT; KANWAKA CORNER SELF STORAGE; HWY 40 & N 1600 RD (MKM)

CUP-12-00154: Consider a Conditional Use Permit for Kanwaka Corner Self Storage, on approximately 3 acres located at the SE corner of U.S. Hwy 40 & Douglas Co Road 442/N 1600 Road. Submitted by Landplan Engineering, for Ryan Sparke, property owner of record.

STAFF PRESENTATION
Ms. Mary Miller presented the item.

APPLICANT PRESENTATION
Mr. Brian Sturm, Landplan Engineering, agreed with staff recommendations.

PUBLIC HEARING
Mr. Walt Spencer, neighbor to the property, said he did not want the proposed wood fence because a pasture fire could burn it. He said he would prefer a non-wood fence. He said the neighbor to the west had people in his backyard without prior warning. He said the property lines established 100 years ago do not agree with the points used by the property owner. He said all the property, 40' from the center road still belongs to state, not the county. He expressed concern about people coming all hours of the day/night pulling in his driveway looking for the storage unit. He wondered if it would be government storage, self storage, and what type of buildings and hours. He said his main concerns were the wood fence, screening, and a way to deter people using his driveway to turn around.

Commissioner Liese asked staff to respond.

Ms. Miller said there were no records of the right-of-way property owner but approval for the improvements was given by KDOT. She said the applicant could consider something other than wood for the fence. She said regarding the historical survey points, the more accurate survey information would be used. She said they could double check with county surveyor for property points. She said she did not know how to keep people out of his driveway but suggested signage might help. She said this was a self-storage facility so it could contain such things as boats and personal belongings. She said regarding security there would be outdoor lighting, fencing that would allow visibility, a keypad for people to gain access so only people using the facility could get into it, but that they would have access 24 hours a day.

Mr. David Conway, property owner to the west, said he did not have a problem with a storage unit being built but that nobody told him about this and he found out about it when he found people in his yard without his permission. He said they put flags in and around his yard and moved the property stake back from its original position. He asked Planning Commission to delay their decision and have someone talk to him about what was intended for the project.

Commissioner Liese asked if Mr. Conway received a notification letter from the Planning Department.

Mr. Conway said yes, he received a letter from the Planning Department about this meeting, but he hadn't seen any plans.

APPLICANT CLOSING COMMENTS
Mr. Sturm said regarding the questions and concerns about property pins and survey points, Landplan Engineering worked with the County Public Works Department and the County Surveyor to

re-establish two section corners in the Highway 40 right-of-way. He stated because the legal description for the property was based off the section line it needed to be re-established and the section corners found to correctly demarcate the boundary. He said in the process of doing the survey Landplan got in touch with all the utility companies which was why flags were placed in the ground. He said the property corners were set by Landplan for the property owner. He apologized for any action that his survey crew may have taken that Mr. Conway wasn't aware of. He said they made attempts to reach Mr. Conway.

Mr. Spencer said the state still owned the right-of-way, 40' from the center line to the west.

Ms. Miller said in the county there were two sections of the Zoning Regulations that relate to setbacks. She said one was the base setback measured from the center line of the highway back a certain distance. She said from that distance it was measured from the base setback line back further. She said since Highway 40 curved in the area the setback would change because the base setback would be different.

Commissioner Lamer asked when Landplan conducted their survey were there any encroachments onto the applicant's property from the neighboring properties.

Mr. Sturm said the property was not encumbered by any title concerns and there were no strange easements crossing property lines. He said there were several stretches of fence that may have been constructed by the property owner to the east or west that were now in fact on the subject property today. He said other than the few stretches of barbed wire fence there were no encroachments.

Commissioner Burger asked if KDOT would have plenty of space to expand.

Ms. Miller said that was the purpose of the base setback. She said KDOT had no issues with the location of the building.

Commissioner Josserand asked if Mr. Spencer's property was to the east.

Mr. Spencer said yes.

Ms. Miller showed a map on the overhead with the access of the property.

COMMISSION DISCUSSION

Commissioner Britton said he was struggling with moving on this when there seemed to be confusion on who owned what property. He was hesitant moving forward on this if things were unsettled.

Mr. McCullough said typically staff takes the documents presented by the applicant as accurate factual record. He said in this case it was unique in terms of where the right-of-way lies. He said they should take the documents presented as factual until challenged in court, outside of this realm. He said there were great questions about encroachments, who shares what, where the fences were, where right-of-way and driveways were, but he advised them to use the record before them tonight. He stated there weren't competing surveys, just one document that showed where the improvements were, submitted by a professional design firm.

Commissioner Liese said in the staff recommendation it says findings of fact so Planning Commission bases their decision on those facts.

Mr. McCullough said the facts of the case were before them.

Commissioner Britton asked what happened if they approved the Conditional Use Permit and then a challenge or lawsuit followed.

Mr. McCullough said they would not determine adverse possession. Planning Commissions decision was based on the record represented today. He said if a court were to provide a different set of facts the applicant may have to change the site plan.

Commissioner Burger asked where Mr. Conroy's property was located.

Ms. Miller showed Mr. Conroy's property on the overhead. She said it was a commercially zoned property used as a residence.

Commissioner Josserand said he was generally inclined to support the applicant. He said the property was zoned for the potential use. He said staff addressed his concern about adverse possession. He said regarding the access issue of people turning into Mr. Spencer's property, he did not see a problem with that. He wondered what they should do with the nature of the fence issue.

Ms. Miller said the requirement was to have a fence and the applicant was putting a fence in but a variance was being requested from another section of the regulations that says there can't be a fence in the front setback.

ACTION TAKEN
Motioned by Commissioner Josserand, seconded by Commissioner Britton, to approve the Conditional Use Permit for Kanwaka Corner Self Storage and forwarding it to the Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following conditions:

1.) The provision of a revised Conditional Use Site Plan with the following changes:
   a. Addition of a note indicating the prohibited activities listed in Section 12-319-4.34(i) of the Zoning Regulations.
   b. Addition of a note that the area shall be policed by the owner or operator for removal of trash and debris.
   c. Addition of a note indicating the potential for the southern unit to be converted into a restroom for the use of storage tenants.
   d. Addition of landscaping along the east 36 ft of the northern border in the southwest corner of the property. Landscaping located to the east and south of this area can be relocated to the west.
   e. Variance shall be required from the prohibition from fencing in the front yard setback to allow the required fencing for the mini-storage facility.

Commissioner Burger asked when this would go to County Commission.

Ms. Miller said normally the earliest it could go was two weeks from Planning Commission's recommendation but that there were a few County Commission meetings cancelled in November.

Commissioner Britton said he was not worried about adverse possession since it would not affect the Conditional Use Permit moving forward. He hoped for patience from the neighbors on the process. He supported the proposal overall and assumed the property owner would make best efforts to make sure the use was not infringing on the adjoining property owners use, to the extent possible.

He encouraged the property owner to work with staff regarding signage and prevent people from using the neighboring driveways.

Commissioner Burger said regarding the land use it was a good opportunity for the property. She felt this type of use had a lot less activity than one might think once it was established. She said County Commission would be very responsive to neighbors concerns.

Commissioner Lamer inquired about other material options for the fence.

Ms. Miller said the building itself was being used as screening in some areas. She said the applicant may have some other fencing suggestions.

Commissioner Liese said given the findings of fact in the staff report he did not feel like he had any choice but to vote to recommend it. He asked Mr. Sturm to comment on some of the concerns.

Mr. Sturm said this was still the beginning of this project for the property owner. He said there would be another public meeting and he would make sure Mr. Spencer and Mr. Conway had his contact information so they could speak with him about any questions. He said they would be happy to work through any issues the neighbors have between now and County Commission, County Board of Zoning Appeals, and through construction. He said regarding the fence on the south property line it had to be an opaque or solid fence to screen the property from the residential use. He said it could be something other than wood, such as a chain link fence with plastic vinyl slats going through the fence. He said Landplan's position was to meet the Douglas County Zoning Regulations and the plan before them tonight does that.

Unanimously approved 8-0.

PC Minutes 10/22/12 **DRAFT**

ITEM NO. 3 CS TO RS5; .1 ACRE; 833 CONNECTICUT ST (MJL)

Z-12-00147: Consider a request to rezone approximately .1 acre from CS (Strip Commercial) to RS5 (Single-Dwelling Residential), located at 833 Connecticut Street. Submitted by Leslie Soden, property owner of record.

STAFF PRESENTATION
Ms. Michelle Leininger presented the item.

APPLICANT PRESENTATION
Ms. Leslie Soden was present for questioning and agreed with the staff report.

PUBLIC HEARING
Ms. K.T. Walsh, East Lawrence Neighborhood Association and the Zoning Subcommittee of East Lawrence, supported the rezoning.

COMMISSION DISCUSSION
Commissioner Belt asked if they could expect more of these types of proposals from the East Lawrence Neighborhood Association.

Ms. Soden said yes, they were hoping to have a big list at some point. She said they had been working with staff to identify properties. She thanked staff for their work.

Commissioner Josserand asked if 837 and 839 Connecticut would also be rezoned at some point.

Ms. Soden said she bought 833 Connecticut from the people who owned 837 and 839 Connecticut so that's why all three properties were zoned CS.

ACTION TAKEN
Motioned by Commissioner von Achen, seconded by Commissioner Belt, to approve rezoning approximately 4,679 SF from CS (Commercial Strip) District to RS5 (Single-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 8-0.

PC Minutes 10/22/12 **DRAFT**

Recess LDCMPC

Convene Joint Meeting with Eudora Planning Commission

ITEM NO. 2 CONDITIONAL USE PERMIT FOR PENNY SAND PIT; N 1500 RD & E 1850 RD (MKM)

CUP-12-00099: Consider a Conditional Use Permit for sand excavation and extraction for Penny Sand Pit, approximately 434 acres located on the NE Corner of N 1500 Road & E 1850 Road. Submitted by Landplan Engineering, for William Penny & Van LLC, property owners of record. *Joint meeting with Eudora Planning Commission. Deferred by Planning Commission on 9/24/12.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Eudora Planning Commissioners present were Kurt von Achen, Jason Hoover, Johnny Stewart, Glenn Bartlett, and Richard Campbell.

Mr. McCullough said the by-laws state the applicant has 10 minutes to present. Staff recommended the applicant have 40 minutes to present with a 5 minute rebuttal after the public hearing. He also suggested granting 5 minutes for each individual audience member instead of 3 minutes.

APPLICANT PRESENTATION

Mr. Dan Watkins, attorney representing property owner, said the staff report did a good job of covering the golden factors and the applicant agreed with the conditions. He said he would discuss one other possible condition to address concerns about monitoring of ground water in the area. He said the application was to move sand dredging from on-river to off-river. He said the Corps of Engineer was restricting on-river dredging over time. He stated in this particular area sand dredging on-river would be restricted as of December 31st. He said there were many off-river sand pit areas in Kansas. He said usually they were right next to the river and many times right next to towns, even in close proximity to ground water supplies and wells. He stated the Conditional Use Permit would utilize the existing Conditional Use Permit so the stockpiling, processing, scale house, and truck loading would all take place where it currently takes place now, with no change. He said the access and truck traffic would stay the same. He said the staff report did a good job of setting out why this particular site was recommended for approval. He said the use of sand dredging was permitted in the valley channel area and had been allowed for the past 30 years. He said the site had excellent access to major transportation networks, was 7,000' from the Eudora wellhead protection area, and outside the FAA 10,000' restrictive area. He said the impacts listed by staff regarding stockpiling, groundwater, river channel, visual, and activity would be the same impacts that have been going on in the area for 30 years. He stated the groundwater issue was already present from the current river dredging. He said the river channel had the potential to change because it changes sometimes, over hundreds of years. He said in 1993 when it flooded, because the banks were fortified by the Penny's operations it didn't cut through. He said visually it would change slightly because there would be dredging in the area as it proceeded south. He said there were few sites that met all the things this site does. He said regarding preservation of the river channel, they would be moving dredging off-river. Regarding preservation of quality soil, this area was currently farmed and most would continue to be farmed for many years as the dredging moved south. He said they had a few neighborhood meetings to talk with the neighbors about the impacts and concerns they have. He said they tried to address some of the concerns with adequate buffers. He said that dredging was highly regulated, by state and federal agencies, with many protections built into this.

Mr. C.L. Maurer, Landplan Engineering, discussed the phasing plan. He said they would strip off areas approximately 10 acres in size and build a berm as they go around. He showed pictures of the dredging machine. He said the noise would be contained by the pit and would bounce upward, not out. He said there would be three observation wells on the western side. He said there would be one control well. He showed slides of the area on the overhead. He also showed slides of active and inactive sand pits in other communities.

Mr. Mehrdad Givechi, traffic engineer, said it would not increase the number of truck traffic in and out of the site because it would not generate additional sand distribution. He stated on average there would be 4-5 trucks in and 4-5 trucks out during the peak hour of operation. He said a few minor items needed to be looked at, none of which would be required, but desired for improved safety. He said they were proposing to realign the driveway on the north side of 1500 Road to make a four-legged intersection so there would be no offset in the driveway and Noria Road to the south. He said they would pave about 100' of the proposed driveway to the north in order to prevent gravel from being tracked to 1500 Road. He said the pavement on 1500 Road was not capable of handling truck traffic. He said the traffic would not use 1500 Road so the intersection would be improved to handle the truck traffic in and out of the site. He stated if the distribution increased there would be a need for an east bound dedicated right turn lane at old K-10 and 1057 Road. He said the pavement was already there but needed to be improved to a full dedicated right turn lane. He said he received comments from KDOT regarding the interchange. He said that the count was higher than usual due to road/bridge improvements in the area and that when traffic was normalized they could look at the intersection functioning with the South Lawrence Trafficway. He said as the South Lawrence Trafficway was built in the area KDOT would close the Noria Road intersection and Noria Road would go over existing K-10. He stated it would only effect background traffic and not traffic in and out of the site. He said the applicant agreed to all of the improvements.

Mr. Phil Struble, Landplan Engineering, discussed groundwater issues and said he would cover six pertinent issues. He said Penny's had a permit through the end of the year and has had one for the last 30 years for dredging sand. He said they had been penetrating the aquifer for 30 years with permission from the EPA and Corps of Engineers. He said the permits were not being suspended due to ground water quality. He said the groundwater was there safely today and that the aquifer had already been fully penetrated. He said dredging was 7,000' from Eudora's wells. He said microorganisms would not survive several hundred feet of ground water conditions and that pollutants in the river water would not last long before they would become ground water and no longer river water. He said if Eudora decided to treat water for surface water they would need a trickling sand filter. The sand pit was 7,000' of sand filter, which was better than what Eudora's sand filter could do by itself. He said a concept had been brought up called nick point, which was the fear that when the river flooded the area it would create a vertical cut in the riverbank all the way up the Kansas River to Bowersock Dam. He said even with flooding in the past 25 years the riverbank had not moved at all because it had been maintained. Mr. Struble showed a table on the overhead from the KDHE design guidelines as it relates to private wells, which showed the minimum required setback was 50' and the recommended was 400'. He stated the nearest private water well to Penny's was 1,200'. He said a sand pit was nothing more than a water well that was measured in acres, not inches. He said there was very little difference between the sand pit and a water well. He said just because there was more water impounded in a pit did not make it draw more water into the pit, away from neighboring uses, than what a water well would. He said it would not make what goes into the pit go out of the pit faster or further than anything else. He said the sand around it did not know it was a pit or a water well. He said there were some differences, such as no water consumption out of the pit. He said the water pulled out of the sand pit was put right back into the pit. He said the State Statutes governed how water evaporation was dealt with and that they would have to go to the State of Kansas if they were in an area that evaporates greater than 18" net

evaporation per year. He said 5-6" evaporation, such as Douglas County receives, does not have to be accounted for to the State. He said Penny's was regulated and had to protect groundwater supply from pollution. He showed a map of Kansas corridor sand pits and water wells. He said there had not been a single instance where a sand pit polluted a private or public well.

PUBLIC HEARING

Mr. Carl McElwee (via prerecorded video that was shown on the overhead) did not want to see industrial activity encroach on three sides of his property. He said there was a petition from 23 local property owners that opposed the sand pit. He expressed concern that historical houses in the area would not be protected and that good agriculture land would be lost. He said once the overburden was stripped off there was the potential for pollution of the very productive underlying aquifer. He said neighboring wells could be affected adversely by lowered water levels and quality problems caused by mixing pit surface water with aquifer water. He felt the Eudora well 'capture curve' would include the sand pit. He said a large flow-thru lake would be created by the pit, which would mix pit surface water with aquifer ground water and send it further down the river, possibly leading to quality issues. He expressed concern about a nick point being created in the river. He felt the aquifer should be safeguarded and agricultural land protected. He asked Planning Commission to deny the Conditional Use Permit.

Mr. Scott Michie, Eudora Consultant Staff Planner, said the City of Eudora finding was that it does conform with land use and planning policies from a development standpoint. He said Eudora's recommendation was based on Mr. Ned Marks study.

Mr. Ned Marks, geologist hired by the City of Eudora, reviewed the report he wrote that was included in the packet. He said if a contaminant entered through the pit it would have access to the deeper portion of the aquifer that the Eudora wells were completed in. He said any contamination that made it to the bottom of the aquifer would move faster than if it had entered through the soil profile. He said no recent data to evaluate the potential negative or positive impact of the proposed pit was available at this time. He said there was some concern that the water level in the pit would be the same as the water level in the river. He felt the options were to either not approve the Conditional Use Permit or to approve with limitations.

Mr. Doug Helmke, geologist with the Kansas Rural Water Association, said he provides technical assistance to public water systems on water rights and source water protection. He said he advised the City of Eudora to oppose the proposed Conditional Use Permit for a sand dredging operation in the vicinity of their well field, as there had been no reliable information presented that would guarantee that the sand pit would not introduce biological or chemical contaminates into the aquifer. He said surface water used for drinking water required much more treatment than ground water, with much higher infrastructure treatment testing and labor expenses. If the water quality was changed to resemble surface water in any way KDHE would likely require a surface water treatment facility to be constructed if Eudora wanted to continue the use of their existing water rights.

Mr. Scott Jackson, lives east of the proposed sand pit, felt it was wasteful to reduce 400 acres of good agricultural land into something that could not be used. He said a 30" berm was a good idea but felt fertilizer, pesticides, and herbicides would blow into the lake and part of the aquifer. He said even if it took 7-12 years to reach the Eudora wells it would still be there and what would they do then.

Ms. K.T. Walsh agreed with what Mr. Jackson said regarding reclaiming the land back to farmland. She said she was a member of Friends of the Kaw and was surprised they were in favor of the Conditional Use Permit. She wanted to see alternatives proposed.

Mr. Kerry Altenbernd said it was prime agricultural land. He stated there were studies that show one thing and other studies that show something different. He said there would be future floods of the area. He asked Planning Commission to be careful with their decision.

COMMISSION DISCUSSION

Eudora Commissioner Johnny Stewart asked who would pull the samples from the monitoring wells.

Mr. Marks said he oversees drilling on a lot of different operations and has been involved with installing monitoring and observation wells so if he was involved with the project he would be onsite when that was done.

Eudora Commissioner Stewart asked who would control the proposed monitoring wells to the west.

Mr. Marks said that would probably be a determination between the applicant and City of Eudora.

Eudora Commissioner Stewart asked if there would be a condition that the City of Eudora would have access to take samples from the wells.

Mr. Marks said one of his recommendations was that the City of Eudora would have access to collect samples and collect water level data at different times of the year.

Eudora Commissioner Richard Campbell inquired about accumulation of data.

Mr. Marks said if he was involved with the project the first thing he would do was pull all the available information he could find and compile it. He said they would look at the historical information and compare it to the present day information. He said the City of Eudora would have to do a well field analysis, an aquifer test, and collect site specific aquifer characteristic data that could be put back into the models to calibrate and verify.

Eudora Commissioner Campbell inquired about the time period.

Mr. Marks said it could easily take 6-8 months.

Eudora Commissioner Stewart asked Mr. Helmke how he became aware of this situation.

Mr. Helmke said the City of Eudora asked for his opinion on the facts presented.

Eudora Commissioner Stewart asked if it was a paid opinion.

Mr. Helmke said no.

Eudora Commissioner Stewart asked what his role was with the Kansas Rural Water Association.

Mr. Helmke said half his time was spent giving advice on water rights, perfecting water rights, and offering opinions on whether other existing water rights should be purchased. He said the other half of his job was development of source water protection plans.

Eudora Commissioner Stewart asked what his key concern was.

Mr. Helmke said there appeared to be beds of gravel in the aquifer and it was his understanding that there may be a minimal amount of filtration in those beds of gravel. He said if the beds of gravel were exposed in the sides of the pit there was a good chance it would create a preferential flow path of water to the wells, which may contain common contaminates such as bacteria and viruses.

Eudora Commissioner Campbell asked if this was his area of expertise.

Mr. Helmke said it was his job to look at the worst case scenarios and try to protect the water supply from those things. He said he was not saying it would happen but that nobody could probably say there was no risk with the sand pit.

Eudora Commissioner Campbell asked if the studies Mr. Marks discussed could be completed in a year or less.

Mr. Helmke said he would have to defer to Mr. Marks because he had more experience with those kind of aquifer studies and well tests.

Eudora Commissioner Campbell inquired about the gravel data.

Mr. Helmke said he had not seen what was at the pit and away from the pit in the direction of Eudora's well field.

Eudora Commissioner Campbell asked if it was a different kind of study.

Mr. Helmke said no, it was what Mr. Marks talked about with understanding how well the wells operate, what drawdown cones they create, and probably an evaluation of what happens in a dry time of year when there would be large demands of the ground water aquifer and also if the water in the river was high.

Eudora Commissioner Stewart asked why the ground water was hard to clean once contaminated.

Mr. Helmke said if the presence of contamination shows up 12 years away from where it was introduced there would still be current contamination coming through the system to the water wells.

APPLICANT CLOSING COMMENTS

Mr. Watkins said there had been no evidence presented that river water would navigate to Eudora wells. He said there were many sand pits and were highly regulated and not contaminating wells in much closer proximity than the Eudora wells. He said there would be no light or oxygen for the ground water and that would limit the possible contaminants to nitrates and salt, primarily. He said KDHE recommends a 100' setback for this particular use and that Penny's would have a 300' setback from Mr. McElwee's house, which was upstream from the sand pit. He said they would be 1200' from any other well in the area and 7,000' from the Eudora wells. He stated the aquifer was already exposed to river water today and had been for 30 years. He said there was no evidence that there was migration or contamination. He said there was a need for sand and that valley channels were the place to get it. He stated the impacts listed by staff were the same that had existed for 30 years. He felt this was as close to an ideal site as any.

Eudora Commissioner Stewart asked Mr. Watkins if samples could be collected from the monitoring wells.

Mr. Watkins said yes, as often as they wanted to.

COMMISSION DISCUSSION

Commissioner Britton asked why the Corps of Engineers was ending the current permit.

Ms. Miller said she believed it was because of damage to the habitat on the river caused by on-river dredging.

Mr. Struble said in 1990 the Corps of Engineers got together with the Kansas River Dredgers and created an operating program that would monitor what happens in the Kansas River and it was a 20 year program that technically started in 1992 and expires at the end of this year. Part of that program was that they shoot cross sections of the entire Kansas River to monitor degradation of the riverbed as it exists on an every other year basis. He said the operating permit says that if any section degradation was more than 2' they would suspend those permits until that section aggregates back up and then permits can be reissued. He said it had nothing to do with environmental issues.

Commissioner Britton asked why it was important for the river to come back up 2'.

Mr. Struble said to maintain the hydraulic grading of the Kansas River through the whole section. He said if one section goes down then there is bank degradation and other negative impacts.

Commissioner Britton said those sounded like environmental factors.

Mr. Struble said the rule was only that if the riverbed degradation was more than 2' than the permit would be suspended.

Commissioner Josserand asked if that was degradation away from the actual dredging site.

Mr. Struble said that was correct.

Commissioner Josserand asked if it would be correct to say that in recent years there had been a concern about in-river dredging and the urging of non-river sand extracting methods.

Mr. Struble said yes but that it was not just limited to Kansas.

Commissioner Josserand asked if there was a shortage of sand that was driving up development costs in Douglas County.

Mr. Struble said yes. He said it had not been unusual in the last 3 years for the majority of sand used in Lawrence to be trucked in from other places. He said the trucking cost becomes part of the cost of sand.

Commissioner Josserand inquired about the potential risks of rechanneling of the river.

Mr. Struble said that was a difficult question to answer. He said rivers move and it was hard to control rivers. He said the approach was that they were trying to do the best they could. He said Penny's rock armored the banks and received compliments from the Corps of Engineers for doing that. He said there was only one access road to the site and Penny's wanted to protect their investment. He said they had had a number of meetings with the Corps of Engineers to discuss these types of issues. He stated they would be willing to a condition to provide rock armor on the back side.

Commissioner Josserand asked if they should we be worried about an evulsion event.

Mr. Struble said the Corps of Engineers responsibility ends at the top of the bank. He said the Corps of Engineers encouraged the dredging to relocate off-river.

Commissioner Josserand asked if the Corps of Engineers had announced any policy in Kansas that they would refuse all river dredging.

Mr. Struble said no. He said they were in the process of negotiating a new 20 year river dredging permit. He said that did not mean that they would get to dredge for 20 years.

Commissioner Culver asked Mr. Struble how many current sand pit operations were in Douglas County.

Mr. Struble said the number extracting sand was zero.

Commissioner Belt inquired about increased demand for sand.

Mr. Struble said there was no change for the demand of sand.

Commissioner Belt wondered if hydraulic fracturing pulled the market in that direction.

Mr. Struble said he was not involved in that and said he would suspect the sand not involved in that.

Commissioner Liese said he was sensitive to times when one city, such as Eudora, draws a conclusion that was different from what Lawrence decides. He asked staff to comment.

Mr. McCullough said staff had some experience with these types of applications. He said they were looking county wide and have an active exercise to try and find out where in the county staff could support these types of uses, taking into account several different elements. He said there was a second application much closer to Eudora where staff supported Eudora's opposition. He said there was a lot of discussion at the time regarding proximity, and if it moved to the west between Lawrence and Eudora would staff support it. He stated when staff weighed all the issues, such as demand, location, prime agricultural soil, traffic, and with this being an existing location for the use of dredging of sand, staff felt obligated to support this. He said regarding the issue of wells, there was an argument that the data was unknown, which could become known through monitoring. He said they did not hear the same type of testimony that they did when it was adjacent and much closer to the wells of Eudora. He said the testimony to date on this site was that there was potential and much farther away. He felt there should be some exercise in determining how steps could be taken to mitigate the impact.

Commissioner Liese asked how the number of years for the 30 year Conditional Use Permit was determined.

Ms. Miller said that was a standard number of years for a quarry because of the time it takes.

Commissioner Liese asked if there were any other conditions regarding testing that could reassure the citizens of Eudora.

Mr. McCullough said he thought they would need to develop a condition that spoke to that very issue. He said if it came out as a recommendation to the County Commission staff would need to take the time to meet with the City of Eudora and applicant to negotiate the condition out.

Commissioner Liese asked if a condition could be that one year of testing take place before further development.

Mr. McCullough said it could be a condition.

Commissioner Liese asked if Bismarck Lake was a sand pit.

Mr. Watkins said it was.

Commissioner Liese asked if there was a sand pit being developed just north of Lecompton on the other side of the river.

Mr. Watkins said yes. He said he thought it was being developed by MPM from Manhattan, who applied for the one that was too close to the airport, so they developed in Jefferson County.

Commissioner Liese asked how big the Penny's sand pit would be compared to the one being built near Lecompton.

Mr. Struble said it would be a third bigger than the one in Lecompton.

Eudora Commissioner von Achen said once a Conditional Use Permit was approved with the intention that testing would be done the horse was already out of the barn. He felt that the item should be deferred until testing could be done. He wondered who would pay for the error if the applicant was wrong. He felt they should negotiate something such as a surety bond, insurance policy, or surcharge on sand sold out of the pit that would establish a fund to take care of any problems that could develop. He said it was a difficult issue because they needed sand but water was a vital resource and they should not be gambling with it.

Commissioner Liese said he was pretty adamant about voting against the last sand pit proposal. He inquired again about conditioning it.

Mr. McCullough said it could be a condition but it would need to be framed very carefully. He said there were different ways to get at the issue.

Commissioner Burger asked if Eudora had a water development plan that was 30 years long.

Eudora Commissioner Stewart said he could not answer that. He stated half the people in the country get their water from ground source. He suggested the option that if contamination was found in the monitoring wells then the Conditional Use Permit would have a clause that would shut down the plant until the cause and effect were known.

Commissioner Liese asked the applicant to respond to that option.

Mr. Struble said it was not unusual for operations like this to have a plan to what would be done. He said the monitoring well plan included a control well. He said they were concerned that if something was found in the monitoring wells they would want to know it was from Penny's or coming through from somewhere else. He stated even if more research was done in 6-8 months, a lot of that water

would not even get to the monitoring wells in that time period. He said depending on whatever pollutant was discovered in the wells there would be a little different progression of plan. He said they were willing to have conversations about it.

Commissioner Burger inquired about monitoring wells in the 10 year area.

Mr. Struble showed possible locations for monitoring wells on the overhead.

Commissioner Burger said the observation wells made sense in 30 years but she wondered what made sense to the engineers and scientists as the process proceeded.

Mr. Struble said his geologist was not present this evening to speak about that.

Commissioner Britton asked why monitoring wells were part of the plan if the whole idea was 1,200'-7,000' of soil and sand would get rid of contaminants that could be cause by the sand pit.

Mr. Struble said the monitoring wells were part of the first comments from the City of Eudora regarding Penny's application. He said they were not part of the original plan.

Commissioner Britton asked if his position was that the monitoring wells were not necessary because even if something showed up in the monitoring wells there was no way it was actually getting to the well being used.

Mr. Struble said that was correct.

Mr. Watkins said there were certain things that do not break down, such as salt and nitrates. He said they would want to know if those were coming through so that was the idea for the observation wells. He said if those were detected then it would need to be determined where they were coming from. He said the existing operation had access to the aquifer. He said there was no evidence that there were nitrates or salt in any well in the valley. He said the monitoring wells provided an answer to the 'what if' questions and would show if it was happening and allow time to do something about it.

Eudora Commissioner von Achen said another theory was that the aquifer had not been penetrated because the river receives its water from the aquifer. He stated only when there is a huge flood is there minimal charging of the aquifer from the river and that was not very much. He said it was contradictory to what they were saying. He said the river had been polluted his whole life and has not polluted the aquifer because the water flowing down the river does not get into the aquifer, but rather the river was charged by the aquifer.

Commissioner Britton asked Mr. Helmke to comment about the filtering process through 1,200'-7000'.

Mr. Helmke said it was not known.

Eudora Commissioner Campbell said both sides had hired experts and consultants but there was one unpaid expert from the State of Kansas that clearly states there was not enough information.

Mr. Helmke said he did not work for the State of Kansas and that the Kansas Rural Water Association was a private non-profit association.

Eudora Commissioner Campbell felt the only prudent way to proceed was to defer for a year.

Commissioner Liese asked if Mr. Helmke could draw conclusions in a year.

Mr. Helmke said there were other experts more qualified to do those analysis.

Commissioner Liese asked if it could be a condition of the Conditional Use Permit.

Mr. McCullough said it would be a complicated framework for the Conditional Use Permit. He said it would be more beneficial to collect additional data and further analysis, if they felt it was needed. He said it may be prudent to allow that to unfold, be collected, and analyzed. He said it depended on where they were at with the data issue and the potential harm to City of Eudora's wells.

Commissioner Liese asked the applicant to respond to the comment of deferral for 1 year

Mr. Watkins said he did not like it. He said there was no evidence presented that this type of operation caused the kind of problem they were talking about. He said they were willing to do safeguards and if there was any evidence of some pollutant migrating then it would be stopped. He said it was a hypothetical situation that hasn't occurred. He asked Planning Commission to act on the Conditional Use Permit and put conditions on it.

Commissioner Burger asked if there was a reason why 400+ acres was needed for the sand pit operation.

Mr. Watkins said it wasn't needed right away, but over a 30 year time period it would be.

Commissioner Britton inquired about class I and II soils being lost.

Mr. Watkins said some of it could be used in the vicinity and they expected 25% of it to be reclaimed. He said they would gradually lose that area as a farming area as some areas would come back as a farming area but there would be a net loss of farming area.

Commissioner Britton asked if it would still be the same class of soil afterward.

Mr. Watkins said it should be because the topsoil would be put back.

Eudora Commissioner von Achen said Eudora Planning Commission did not participate in the Eudora City Commission Council meeting as was stated earlier. He said he recognized the recommendation would go to County Commission.

Eudora Commissioner Stewart felt the applicant had done a good job of stating their case and felt it had much less potential impact to Eudora water than the last sand pit application. He said with the addition of the monitoring wells if pollution was found it would give Eudora 8-12 years to determine how to handle the contamination headed their way. He said with the appropriate conditions of monitoring well, he was leaning in favor of the Conditional Use Permit.

Eudora Commissioner Campbell said the consultant's, Mr. Helmke, opinion was that there was not enough information to do this and he was not paid by either side, which he felt carried great weight.

ACTION TAKEN by Eudora

Motioned by Eudora Commissioner Campbell, seconded by Eudora Commissioner Bartlett, to defer the Conditional Use Permit until the appropriate data was accumulated to let the experts give an opinion.

Eudora Commissioner Kurt von Achen said they needed sand but that water resources were important. He said he would support the motion.

Motion carried 4-1, with Eudora Commissioner Stewart voting in opposition.

Additional COMMISSION DISCUSSION

Mr. McCullough said the resolution that established the joint meeting did not spell out the process. He said even a motion to defer would be a recommendation to County Commission for their decision.

Commissioner Britton asked if they would send separate recommendations to County Commission.

Mr. McCullough said that was correct.

Commissioner Liese asked the applicant to respond to who would take care of Eudora if the water was polluted.

Mr. Watkins said the condition of the monitoring wells would detect if there was an issue and stop any subsequent pollution and require the owner to fix it if the problem was coming from the pit. He said in terms of investment, the operator was willing to install the wells and place the wells so that monitoring could take place. He said they were willing to have that sort of condition as protection for the City of Eudora. He said maybe they could work out an agreement that Eudora could monitor the wells anytime. He stated the condition could say that if a problem was detected the operator would have to address it and not operate until it was fixed.

Mr. McCullough said if Planning Commission chose that condition staff could craft some language and send it to County Commission.

Eudora Commissioner von Achen said if pollution was found neighbors and Eudora should not have to pay for any damage.

Mr. Watkins said they have a damage claim if water was affected.

Eudora Commissioner von Achen said the damage claim goes far past the 30 year Conditional Use Permit. He suggested a surcharge of so many cents a ton on the sand to build a fund to give real dollar protection to people downstream. He said if it will never happen then the applicant should make sure it doesn't cost any money. He felt someone else should take the risk, not the City of Eudora.

Commissioner Liese asked if he was talking about escrow.

Eudora Commissioner Kurt von Achen said some sort of surety bond, insurance policy, or some other way to significantly protect people downstream.

Mr. Watkins said there were liabilities as an operator that were insured. He said you can't contaminate water without people having a claim, so there were certain protections, such as early detection. He said this hypothetical situation had not been borne out anywhere. He said putting the

kind of conditions they were talking about was what protected the public interest. He said he sympathized with the City of Eudora wanting to protect their water supply. He said Eudora suggested the monitoring wells and then decided the risk was too great.

Eudora Commissioner Kurt von Achen said they should assume the risk.

Mr. Watkins said they would be assuming the risk.

Eudora Commissioner Kurt von Achen said they should accept the ongoing risk.

Mr. Watkins said there was no evidence there was significant risk.

Commissioner Pennie von Achen inquired about the USDA rating the sand in the area as poor quality.

Mr. Watkins said he disagreed with that. He said it was more the level at Mr. McElwee's property that you would have to go down to get the sand. He did not think the operator would be trying to get sand out of the area that was not usable.

Commissioner Culver said he believed it was rated as poor because of the depth they would have to go down to extract, not necessarily the quality of the sand.

Commissioner Pennie von Achen asked about the cost to go down so far for sand.

Mr. Watkins said it affects the return on investment. He said there were not many sites in Douglas County to extract sand.

Commissioner Pennie von Achen asked if the overburden would go back into the pit.

Mr. Watkins said yes, it would be recycled back in.

Commissioner Pennie von Achen inquired about contaminates.

Mr. Watkins said the topsoil would be stockpiled and then the overburden would be recycled. He said if contaminates were found they would need to be addressed.

Commissioner Pennie von Achen asked if the overburden was tested for contaminates.

Mr. Watkins said the observation wells would be for detection. He said the overburden was not currently tested.

Commissioner Belt inquired about additional conditions.

Mr. McCullough said Planning Commission would have to have direct staff on what conditions they wanted to grasp on to. He said they discussed monitoring wells as a way to mitigate potential impacts and pollutants to the aquifer and accepted an argument about protecting the financial position of the City Eudora. He said they also discussed process. He stated typically when an item was deferred it was a short time frame to direct the applicant to go get additional information so Planning Commission could make an analysis and decision. He said Eudora's recommendation was a long term deferral to get that information and negotiate with the City of Eudora regarding some of the issues, and let County Commission make the final decision.

Commissioner Belt asked if deferring was reasonable.

Mr. McCullough said they should be specific as possible and provide proactive language in the motion that they want to move it to County Commission, if that was their desire. He said if they wanted to keep it at the Planning Commission level it would typically be a deferral for one or two months to get specific information. He said Eudora's motion was to have a year's worth of data collected to make decisions about the impact to the wells.

Commissioner Britton felt County Commission should be given the opportunity to make that decision now instead of Planning Commission bottling it up for a year with Penny's left not knowing what to do since their permit expires on December 31, 2012. He felt that was a bad position to put Penny's in. He said he would support passing this along to County Commission with a recommendation of deferral, pending any results of a study to be completed by a consultant selected jointly by the City of Eudora and developer. He felt the deferral should be designed to give the developer the opportunity to explore avenues of giving some financial security to the City of Eudora. He said he would not be supportive of an approval at this point.

Commissioner Belt said the applicant did a nice job of covering as many bases they could reasonably be expected to cover that were factually based. He felt they had a fiduciary responsibility to this municipality as well as a responsibility to Eudora. He did not feel comfortable placing specific conditions that were not reasonable with so many unknowns.

Commissioner Burger expressed concern about the size of the Conditional Use Permit and asked about the size of other operations.

Mr. Watkins said this would probably be the largest sand pit operation on the Kansas River. He said many of them were 70-100 acres in size. He said anything smaller than that would not allow room to dredge.

Commissioner Liese said he was uncomfortable with Lawrence Planning Commission deferring it. He said one of their primary roles was making recommendations. He said he would not vote to defer unless it was for specific information over a short period of time.

Commissioner Culver said it was their responsibility to make a recommendation and a shorter term deferral would not give them the information they would need or would be helpful in making this decision. He felt they had an onus to the applicant, City of Eudora, and Douglas County to give it due process and make a recommendation to the governing body. He said he would not support a deferral at this time.

Commissioner Pennie von Achen said she would support a deferral. She felt the proposal put class I and II soils and water at risk. She said she would not vote in favor of it at this point. She said she could vote for denial but would like more information.

Commissioner Britton said he would support a deferral but felt it didn't matter if they called it deferral or denial because it would be because of the same concerns. He said the important thing was that it went to County Commission one way or the other.

Commissioner Josserand said one of the overlying policy considerations, by a number of people, was to move in-river sand dredging to non-river sand dredging. He said he was concerned about the evulsion risk but said the river would change some day. He said he would prefer the Corps of

Engineer be involved to speak to the risks but he understood they were only concerned about the river. He said he was not nearly as concerned for the potential health or water quality risks if there was an appropriate set of monitoring wells. He felt the applicant had tried to explore that issue but it seemed it may not be good enough. He said the only condition he would like to defer to was trying to figure out a better condition regarding testing modification without sending to County Commission but felt they could work with staff on that. He said he would prefer not to defer.

Commissioner Britton said he was sensitive to the issue but not too worried about the impact on neighbors from industrial activity and traffic since that's what's been going on there for several decades. He said it was a valid concern but didn't rise to the level of denial of this request. He said the water issue was a much closer call and was hard to figure out what study to believe or what logical argument to give more weight to. He stated it would make sense to at least explore some sort of method by which the developer could give financial security where they would be on the hook for the cost of addressing a contamination issue. He felt agricultural land and class I and II soils were a much more valuable and rare resource than the sand being extracted. He felt there were ways this could be worked out given more time and opportunity.

Commissioner Liese said Planning Commission was not the deciding body, County Commission was. He said the applicant had done a terrific job of thinking about the community and about the implications of what they were doing. He said he would not vote for denial but would support the proposal with conditions.

Commissioner Culver said he would not support the recommendation for denial. He said Chapter 16 of the Comprehensive Plan, Horizon 2020, says *…encourages the responsible use of marketable natural resources within Douglas County through proper extraction and reclamation methods. They are essential to sustainable development activity, primarily in the form of low cost raw materials, such as sand, gravel, timber, oil, gas, and stone, etc.* He felt there were competing values and that's what makes this difficult. He was concerned about the previous sand pit operation that tried to locate in Douglas County but moved to Jefferson County and now Douglas County has no control or say over that operation. He said if they kick the ball far enough ahead and don't make a decision they would miss the boat to where they could come to a good solution that protects the citizens and allows for natural resources in Douglas County to be utilized in a responsible way. As the applicant mentioned, this was a highly regulated industry with securities, precautions, measurements, and regulations in place for any kind of dredging or sand pit operation and were in place for a reason. He said those would take care of a lot of the issues discussed and continue to evolve to address some of those concerns. He said he supported the application because it was an active site so a lot of the impacts listed in the staff report would remain fairly consistent with the current activity and proposed activity. He said there was a need for sand. He said the applicant was willing to provide an abundance of caution by investing in observation wells and the possibility of discussing the opportunity for the City of Eudora and others to sample the wells on an ongoing basis. He said the unknowns made this difficult. He said they could do years and years of research and still may not know some of the possible effects. He said there was no way to minimize the risk completely. He liked the discussions about ways to protect the City of Eudora and felt the governing body could address some of those. He said he was concerned about the class I and II soils and did not think there was necessarily a full mitigation for that but the applicant was willing to reclaim part of the sand pit area to farmland. He said regarding the pollution concerns there was no evidence of that happening in other sand pit locations. He said it was a tough position because there was a movement to take dredges out of rivers but they hadn't adequately planned for how to replace that. He felt there needed to be alternatives because there was still a need for sand. He was not comfortable supporting a denial but would support recommending approval to County Commission.

Commissioner Liese said Friends of the Kaw were supportive of this proposal but encouraged Planning Commission to carefully consider and address neighbor concerns.

Commissioner Josserand agreed with Commissioner Culver's comments.

Commissioner Burger said she was not comfortable with over 400 acres but the conditions in the staff report were so thorough. She said Horizon 2020 supported this type of resource extraction and Eudora land use documents supported it. She said she would not vote to deny but would be much more comfortable with a similar scale of other sand pits along the river.

ACTION TAKEN BY Lawrence

Motioned by Commissioner Britton, seconded by Commissioner von Achen, to deny the Conditional Use Permit.

> Motion failed 3-4-1, with Commissioners Belt, Britton, and von Achen voting in favor of the motion. Commissioners Burger, Culver, Josserand, and Liese voted in opposition. Commissioner Lamer abstained.

Motioned by Commissioner Culver, seconded by Commissioner Josserand, to approve the Conditional Use Permit for Penny Sand Pit and forwarding it to the Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following conditions:

1.) The approval is contingent upon the issuance of all State and/or Federal permits which are required for this operation.
2.) An agreement designating responsibility for the ongoing maintenance of the berms to the property owner shall be executed and recorded with the Register of Deeds prior to the release of the CUP plans to the Zoning and Codes Office. A copy of the agreement shall be provided to the Planning Office for the file.
3.) A copy of the easement for the off-site access drive shall be provided to the Planning Office for the file prior to the release of the CUP plans to the Zoning and Codes Office.
4.) The applicant shall obtain a Flood Plain Development Permit from the Director of Zoning and Codes prior to the release of the CUP plans.
5.) The reclamation plan shall be revised with the following changes prior to release of the CUP plans:
    a. The plan shall note the requirement that the lake that is being created will have a varied shoreline and will appear natural in appearance.
    b. The plan shall note that the intended use of the lake, when mining and reclamation is complete, is to be a recreational feature.
    c. The plan shall note the maximum slope of the lake shoreline for a specified depth to insure that the slopes are of a grade that it would be possible for a person or animal that accidentally entered the lake to exit.
    d. The plan shall explain the sequential nature of the reclamation process; that overburden produced in one phase will be used to reclaim previously excavated areas.
    e. The reclamation plan shall note that topsoil will be placed over the overburden in areas that are to be reclaimed as farmland, shoreline, or berms. If topsoil is to be stockpiled and stored it must be vegetated to prevent erosion.
6.) The applicant shall submit a revised CUP plan with the following changes:
    a) A detailed landscaping plan for the buffer area surrounding the McElwee house will be submitted.

b) The Book and Page number of the recorded easement for the off-site access road shall be noted on the CUP plan.
c) The ownership shall be noted as Van, LLC as well as Penny's Concrete Inc. on the CUP plan.
d) The on-site residential structure on the east side of the property will be shown on the CUP plan as on the reclamation plan.
e) If stockpiling of overburden is to occur on the subject property, the CUP or operation plan should note the maximum height and approximate location. The stockpiles should be placed as far from the existing residences as possible.
f) List the following CUP conditions on the plan:
   i. Hours of operation are 6:30 AM to 6:30 PM, Monday through Friday. No removal, transfer, or placement of overburden is permitted outside these operating hours; however dredging and extraction of sand may exceed these hours when necessary.
   ii. The approval for this Conditional Use is valid for 30 years. An extension request for the CUP must be submitted prior to the expiration date or a new CUP application must be submitted. The Zoning and Codes office shall conduct 5 year administrative reviews to insure compliance with the CUP, operation, and reclamation plans.
   iii. The only exterior lighting in the areas to be excavated will be the dredge lighting as required by the U.S. Coast Guard.
   iv. The scale house, processing plant, sediment pond, and stockpile area, approved with CUP-2-2-79, will be used to serve the subject property.
   v. Sales of overburden, topsoil, sand or aggregate products will occur only on the portion of the property that contains the scale house on the CUP plan.
   vi. Truck traffic will utilize Noria Road (E 1750 Road), and is restricted from using N 1500 Road or E 1850 Road.
   vii. The applicant shall work with the Army Corps of Engineers to determine how the existing wetlands on the property will be treated. Prior to any excavation in Phase 21, the applicant will provide documentation to the Planning Office on the wetlands indicating whether the wetlands will be maintained on site or if they will be mitigated elsewhere. If the wetlands will be maintained on site, the operation plan will be revised to include the protection measures and the property owner shall submit a revised CUP plan for administrative review/approval of the wetland setbacks. If the wetlands are to be mitigated, a revised CUP plan shall be submitted to note the removal of the wetlands.

7.) The following improvements to nearby roads and intersections shall be completed per the County Engineer's approval before issuance of a permit for the Conditional Use :
   a. Realignment of the entrance to the sand facility so that it opposes the Noria Road intersection at N 1500 Road.
   b. Pavement of a 100 ft long section of the site access drive just north of N 1500 Road, as recommended in the TIS.
   c. Reconstruction of pavement in the Noria Road (E 1750 Road)/N 1500 Road intersection. The existing surfacing is likely a crushed rock base that has been chip sealed. This will not stand up to the increased truck traffic crossing N 1500 Road.
   d. Construction of an eastbound right turn lane on Route 442 (N 1400 Road) at Route 1057 (E 1900 Road). This is mentioned as a desirable improvement in the TIS. Pavement on the existing shoulder at this location is not adequate for the projected amount of truck traffic.
8.) The applicant shall install three observation wells and one control well and that the City of Eudora be allowed to monitor those wells on an ongoing basis.

Commissioner Josserand said he would like the County Commission to examine the scope and size and also examine the possibility of what Eudora Planning Commission made reference to regarding risk.

Commissioner Burger said she was uncomfortable with the acreage but would vote in favor. She expressed concern about the flow and movement of the river.

Commissioner Liese asked if the body of water would be useable for recreation.

Mr. Watkins said it could be.

> Motion carried 4-3-1, with Commissioners Burger, Culver, Josserand, and Liese voting in favor of the motion. Commissioners Belt, Britton, and von Achen voted in opposition. Commissioner Lamer abstained.

Adjourn Joint Meeting
Reconvene LDCMPC

PC Minutes 10/22/12 **DRAFT**

ITEM NO. 4 PRELIMINARY PLAT; LINCOLN SUBDIVISION; 700 BLOCK LINCOLN ST (MKM)

PP-12-00151: Consider a Preliminary Plat for Lincoln Subdivision, an 8 lot subdivision on approximately 3.7 acres located in the 700 Block of Lincoln Street (east of Lyon Park on the north side of Lincoln Street). Submitted by Grob Engineering Services for Bluejacket Ford, LLC, property owner of record.

STAFF PRESENTATION
Ms. Mary Miller presented the item.

Commissioner Liese asked if Mr. Ted Boyle, North Lawrence Improvement Association, was satisfied.

Ms. Miller said yes, Mr. Boyle wanted to know how big the lots were because he did not want the lots to be too small. She said the lots were 10,000 SF and 7,000 SF was what was required. She said Mr. Boyle was happy with that.

APPLICANT PRESENTATION
Mr. Dean Grob, Grob Engineering, was present for questioning

PUBLIC HEARING
No public comment.

ACTION TAKEN
Motioned by Commissioner Lamer, seconded by Commissioner Belt, to approve the Lincoln Subdivision Preliminary Plat subject to the following conditions:

1. Provision of a revised plat with the following changes:
   a. Correction of typographical error in Financing Note No 4.
   b. Addition of Building Envelope (BE) to the legend.
   c. Note the width of the new sidewalk as 5 ft.
2. Provision of a revised drainage study per City Stormwater Engineer's approval.
3. Per the variance approval, recording of the final plat is contingent upon approval of a Floodplain Development Permit.

Unanimously approved 8-0.

PC Minutes 10/22/12 **DRAFT**

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

TA-12-00182: Consider text amendments to the City of Lawrence Land Development Code, Chapter 20, Article 4 to change the Truck Stop use from permitted to permitted with a Special Use Permit in the IG (General Industrial) District. *Initiated by City Commission on 8/28/12.*

STAFF PRESENTATION
Ms. Michelle Leininger presented the item.

PUBLIC HEARING
No public comment.

ACTION TAKEN
Motioned by Commissioner von Achen, seconded by Commissioner Josserand, to approve the proposed amendments TA-12-00182 to Section 20-403 of the Land Development Code and forwarding to the City Commission.

Unanimously approved 8-0.

PC Minutes 10/22/12 **DRAFT**

ITEM NO. 6 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; RECYCLE PROCESSING CENTER USE (MJL)

TA-12-00183: Consider text amendments to the City of Lawrence Land Development Code, Chapter 20, Article 4 to change the Recycle Processing Center use from permitted to permitted with a Special Use Permit in the IL (Limited Industrial) District. *Initiated by City Commission on 8/28/12.*

STAFF PRESENTATION
Ms. Michelle Leininger presented the item.

PUBLIC HEARING
No public comment

COMMISSION DISCUSSION
Commissioner Josserand said it was odd a Special Use Permit was required for medium industrial.

Commissioner Liese said there were past discussions on the issue and they concluded that these were not truly continuous.

Mr. McCullough said there was a rich history in process.

Commissioner Culver asked if they were creating a continuum and if the recommendation was taking lighter industrial from a permitted use to a Special Use Permit.

Ms. Leininger said that was correct.

Mr. McCullough said the IM district was taken to City Commission and there was discussion that they did not want to look at the IL and IG districts at that point. They did bring back the two issues of truck stop use and recycle processing center use to look at the continuum use issue and initiated the text amendments.

ACTION TAKEN
Motioned by Commissioner von Achen, seconded by Commissioner Britton, to approve the proposed amendments TA-12-00183 to Section 20-403 of the Land Development Code and forwarding to the City Commission.

Unanimously approved 8-0.

PC Minutes 10/22/12 **DRAFT**

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 VARIANCE; 3512 & 3514 CLINTON PKWY (MKM)

Variance request from right-of-way requirement in Section 20-810(e)(5)(i) associated with Minor Subdivision for Parkway Plaza No. 5 (MS-12-00033); located at 3512 and 3514 Clinton Parkway.

STAFF PRESENTATION
Ms. Mary Miller presented the item.

ACTION TAKEN
Motioned by Commissioner Lamer, seconded by Commissioner Culver, to approve the variance requested from Section 20-810(e)(5) from the requirement to dedicate additional right-of-way for Clinton Parkway adjacent to Lots 1 and 2, Parkway Plaza No. 5 subject to the following condition:

> The plat shall be revised to include the following note: *"On October 22, 2012, the Planning Commission approved a variance from the requirement in Section 20-810(e)(5) to dedicate 150 ft of right-of-way for principal arterials to allow the right-of-way for Clinton Parkway to remain as shown on this plat."*
>
> Unanimously approved 8-0.

MISC NO. 2 VARIANCE; 2522 & 2530 ALABAMA ST (MKM)

Variance request from right-of-way requirement in Section 20-810(e)(5)(i) associated with Minor Subdivision for Meadow Hill (MS-12-00193); located at 2522 and 2530 Alabama Street.

STAFF PRESENTATION
Ms. Mary Miller presented the item.

ACTION TAKEN
Motioned by Commissioner Belt, seconded by Commissioner Culver, to approve the variance requested from Section 20-810(e)(5) from the requirement to dedicate additional right-of-way for Alabama Street adjacent to Lots 1 and 2, Meadow Hill subject to the following condition:

> *The plat shall be revised to include the following note: "On October 22, 2012, the Planning Commission approved a variance from right-of-way requirements in Section 20-810(e)(5) of the Subdivision Regulations to allow the replatting of this property with the 60 ft of right-of-way currently provided for Alabama Street."*
>
> Unanimously approved 8-0.

Consideration of any other business to come before the Commission.

Recess at 11:50pm until October 24, 2012.

Reconvene October 24, 2012 – 6:30 p.m.

Commissioners present: Belt, Britton, Burger, Culver, Josserand, Liese, von Achen
Staff present: McCullough, Stogsdill, Larkin, A. Miller, Warner, Ewert

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BEGIN PUBLIC HEARING (OCTOBER 24, 2012):

COMMUNICATIONS
Mr. McCullough said there were no new communications.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

PC Minutes 10/24/12 **DRAFT**

ITEM NO. 7 IG TO RS7; 14,317 SQ FT, 513 N 7TH ST (DDW)

Z-12-00194: Consider a request to rezone approximately 14,317 square feet from IG (General Industrial) to RS7 (Single-Dwelling Residential), located at 513 N 7th Street. *Initiated by Planning Commission on 5/25/11.*

ITEM NO. 8 IG TO RS7; 7,887 SQ FT, 529 N 7TH ST (DDW)

Z-12-00196: Consider a request to rezone approximately 7,887 square feet from IG (General Industrial) to RS7 (Single-Dwelling Residential), located at 529 N 7th Street. *Initiated by Planning Commission on 5/25/11.*

STAFF PRESENTATION

Mr. Dan Warner presented items 7 and 8 together.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Josserand inquired about the history of the odd shape of the lot.

Mr. Warner said he was not aware of the property history.

Mr. Steve Spacek, property owner of 513 N. 7th Street, said it was leftover access land for the church that owns the house to the south.

ACTION TAKEN on Item 7

Motioned by Commissioner Belt, seconded by Commissioner Britton, to approve the rezoning request for approximately .3 acres, from IG (General Industrial) District to RS7 (Single-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report

Unanimously approved 6-0. Commissioner Culver was not present for the vote.

ACTION TAKEN on Item 8

Motioned by Commissioner Britton, seconded by Commissioner Belt, to approve the rezoning request for approximately .18 acres, from IG (General Industrial) District to RS7 (Single-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report

Unanimously approved 6-0. Commissioner Culver was not present for the vote.

ITEM NO. 9 W OF K-10 PLAN & NODAL PLAN FOR W 6TH ST & K-10; CC600 (AAM)

CPA-4-2-12: Reconsider a Comprehensive Plan Amendment to Chapter 6 of Horizon 2020 to create CC600 District policies and to Chapter 14 Specific Plans, to revise the West of K-10 Plan and A Nodal Plan for the Intersection of West 6th Street & Kansas Highway 10 (K-10) designating the node of 6th Street and K-10 as a CC600. *Remanded to the Planning Commission by the City Commission on 9/25/12.*

ITEM NO. 10 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; CC600 (MJL)

TA-4-3-12: Reconsider a text amendment to the City of Lawrence Land Development Code, Articles 1, 2 and 13, to provide for a CC600 (Community Commercial) District. *Remanded to the Planning Commission by the City Commission on 9/25/12.*

ITEM NO. 11 A & B1 TO CC600; 146 ACRES; W 6TH ST & K-10 (MKM)

Z-4-5-12: Reconsider a request to rezone approximately 146 acres located in the NW quadrant of the intersection of West 6th Street/Hwy 40 and Kansas Hwy 10 (K-10) from County A (Agriculture) District and County B1 (Neighborhood Business) District to the pending district CC600 (Community Commercial) District to accommodate a regional recreation facility. *Remanded to the Planning Commission by the City Commission on 9/25/12.*

STAFF PRESENTATION
Mr. Scott McCullough presented items 9-11 together.

Commissioner Liese asked if anyone had ex parte to disclose.

Commissioner Josserand said he ran into City Commissioner Bob Schumm and that Mr. Schumm asked him to read his comments from the minutes.

Commissioner Liese said Ms. Jane Eldredge left him a voicemail and they played phone tag but never actually spoke.

Commissioner Belt, Britton, Culver, Josserand, and von Achen said they all received a voicemail from Ms. Eldredge.

APPLICANT PRESENTATION
Ms. Jane Eldredge, Barber Emerson, presented a PowerPoint presentation. She said planning for this area had been going on since at least 1996 when the Northwest Area Plan was planned. She said when it started in 1996 it was just the northeast quadrant which was now the node. She said the 2003 nodal plan was approved by the City Commission but not County Commission, so the County Commission never adopted the industrial planning that was shown on the west side of the nodal plan. She showed the nodal plan on the overhead. She stated the location had great transportation access. She said the applicant offered the northwest quadrant to the City as a regional recreation center to meet the recreation needs of the community and spur economic development. She said this was a highly visible node and the applicant felt it would be a good donation. She said the move of the proposed recreation center was 500' across the South Lawrence Trafficway. She said there was a need for something between the community commercial and the regional commercial. She said planning was an evolving process and things happen over time. She stated the surrounding

infrastructure anticipates extension of utilities so that was not a problem. Staff noted it would provide opportunities for the community as a whole, as well as non-local visitors. She said the idea of retail commercial was to help support the regional recreation center that would be having tournaments and bringing more visitors to town. She said Chapter 12 of Horizon 2020 discusses economic development and this project would meet the goals of that chapter; employment growth, tax base growth, income growth. She said the City hired the sports and leisure company to look at the impact of the regional recreation center and they determined benefits that could not be quantified in terms of numbers, and the spurring of economic growth and ancillary private sector development. They also measured the economic impacts at the time of construction of the recreation center and the ongoing recurring economic impact. She said they also looked at the increase in property values. She said the City also engaged Springstead, a company in Kansas City, to look at whether a transportation development district would be appropriate to use some of the sales tax generated for some of the roads necessary, which would still be a viable option. She showed a zoning map of Mercato on the overhead. She asked that the adjustment necessary be made in the West of K-10 Plan where the northwest quadrant had the recreation center moved out of it and moved across the South Lawrence Trafficway to be adjacent to the northeast quadrant. She asked that they adopt the Comprehensive Plan Amendment and recommend it to City and County Commission for approval, as well as the rezoning. She said this was a unique location and there were neighbors petitioning for commercial zoning.

PUBLIC HEARING

Mr. Lance Johnson said he represented Gateway West Landholding Company, property owner to the south, and they were supportive of the text amendment, comprehensive plan amendment, and rezoning.

Mr. Mike Kelso said his property was just to the north of what was to be the site of the recreation center. He said he attended all meetings associated with the project and met with the developer and property owner regarding the various options for zoning. He said he also spoke with all land owners in the Northwood Estates development who were now in support of the CC600 zoning. He said the CC600 zoning gave them security knowing how the land could be used and how it would not be used. He urged Planning Commission to support the rezoning to CC600.

Ms. Gwen Klingenberg reminded them that City Commission said to take a broad view of this. She said there was a way to do all of this. She stated this was the gateway to Lawrence and an important part of the city. She felt the most important thing was that the Northfield neighborhood was protected with a 200' bufferyard. She said IL zoning would allow for a hotel and some commercial, while IBP zoning would give some lower density kind of items between that and the neighborhood. She said retail only spread income around and did not generate income.

Mr. Ron Crawford said this node was the last remaining gateway into Lawrence and he encouraged Planning Commission to take it seriously in planning and executing it. He felt the conditional zoning was appropriate if done well.

Commissioner Belt asked Mr. Crawford for examples of how he thought the initial plan was not carried out in the way he would have assumed.

Mr. Crawford said 31st Street was a struggle but turned out fairly well in the end. He said the K-10 entrance from the east used to have Farmland Industries which couldn't be fixed at the time. He said there was still the gateway near Hallmark Cards that could have work done over time. He said there were plenty of examples of how work was done to try and improve the situations, some with more success than others.

APPLICANT CLOSING COMMENTS
Ms. Eldredge thanked Planning Commission, staff, and neighbors for their work. She said the property owner offered to do a 200' green buffer as a covenant so regardless who owned the property it would not disappear. She said there would be opportunities with the site plans to look at the details.

COMMISSION DISCUSSION
Commissioner Britton asked staff what made Mercato particularly suitable for big box stores.

Mr. McCullough said at the time the west side was getting its designation from industry. He said it was a period that desired industry. He said in the last several years there had been opportunities open up to get industrial parcels designated and zoned, such as the former Farmland Industrial Park. He said there was history of different land uses. He said the street infrastructure could support a number of uses such as industry, retail, commercial, and high density residential.

Commissioner Britton asked if the northwest corner could accommodate one or two big box stores the way the Mercato area could.

Mr. McCullough said it could.

Ms. Eldredge said the northwest corner was more visible than the northeast corner and a big box store may not be a desirable sight there. She said the neighbors would be happier with a smaller retail, not a big box retail.

Commissioner von Achen asked if Planning Commission should take into account whether the community could financially support this.

Mr. McCullough said he did not know that it enters into the discussion of appropriate land use designation, text amendment to create CC600, or even the rezoning because those were separate development issues that the Planning Commission wasn't necessarily charged with.

Commissioner von Achen asked if they should consider the impact this would have on downtown retail.

Mr. McCullough said he thought they should. He said that was a requirement that was vetted heavily at the May Planning Commission and there was a report included in their packet this evening regarding that. He said the Sports Village could be a draw to the community from outside and would not necessarily harm downtown. He said regarding who pays for infrastructure the development would pay for the infrastructure and cost. He said when the recreation center was on the west side the City was the developer and the community at large would have been paying for a portion of that infrastructure to bring it across K-10.

Commissioner von Achen inquired about Ms. Klingenberg's earlier comment about how many uses could be accommodated under light industrial zoning.

Mr. McCullough said they had not gone through the exercise of any of the industrial districts like they did with the CC600 district to look at the uses. He said essentially the IL and IBP districts had some amount of commercial retail uses associated with it. He said some uses may not be appropriate, such as a big box Home Depot. He said they could probably get to the same place with the

combination of different zoning districts, but the goal with this exercise was to keep it in one zoning district, CC600.

Commissioner von Achen asked if Planning Commission decided they wanted a combination of things, could they use multiple zoning districts.

Mr. McCullough said the CC600 zoning did have a few very light industrial uses permitted.

Commissioner Belt inquired about UR zoning.

Mr. McCullough said UR zoning came up at the City Commission level. He said this was an opportunity to create CC600 as a zoning tool and that it was likely the most appropriate land use pattern for this node and that the zoning district would be a valuable tool. He stated per Code the property was now annexed into the city and needed a city zoning. He said if they believed the CC600 designation was appropriate and they were comfortable with conditional zoning, giving the expectation to everybody about the uses, than CC600 with the conditions was likely the right thing to do at this time. He said UR zoning was a tool used for property annexed into the city and the development was lesser known. He said the property could not sit there with no zoning.

Commissioner Belt asked how long it would take to rezone the property for development if it was zoned UR.

Mr. McCullough said it would go through the rezoning process which would take approximately 3-4 months.

Commissioner Belt inquired about sports oriented retail.

Ms. Eldredge said it generally included hotels/lodging. She said the recommendation was to have one chain type hotel and one smaller fancy hotel. She said it involved various dining opportunities and small retail shops, such as sporting good stores or other kinds of recreation.

Commissioner Belt asked if such things as miniature golf or water slides were options.

Ms. Eldredge said it could include ice skating, roller skating, a lacrosse field, or other kinds of sports that would be interested in being located near a regional recreation center or near some KU facilities that could be privately run.

Commissioner Josserand read mayor Schumm's comments from the September 25, 2012 City Commission minutes:

> *Schumm said he had been pretty adamant that if the rec center failed for any reason he wasn't in favor of rezoning any land that was not needed for that. We have a rec center in the general vicinity, possibly with a larger project than before. The site is now in the 150 acre range, more a park than just a regional rec center. It has grown and grown for the best. We have an obligation to support that with ancillary uses. There is still a need for additional land uses. He was willing to send this back to the Planning Commission and have them look at the whole area. He wanted all property owners notified. He said he wanted to see a comprehensive view of the whole area. The area will be a major commercial, industrial or mixed use area, a major are for activity and he hoped the Planning Commission could come back with some innovative plans for the area. He hoped they could take a broader global view. He would support rescinding and sending it back to Planning.*

Commissioner Josserand said the development was so much larger and on the other side. He wondered if they should take a fresh view at the entire area. He said some of his biggest personal issues were timing and zoning.

Mr. McCullough said he could not necessarily interpret the mayor's direction. He said he thought the mayor wanted Planning Commission to look at the fact that the project had moved to the east and if they were on track with CC600 as a concept. He said there were some challenges in veering too far off of where they had been with the development of the CC600 and the current plan for office industrial warehouse. He said on the east side there were a number of parcels that surrounded the recreation center that had their approvals in place. He said the Links development, some single-family subdivisions that have ongoing plats, and Mercato would make it difficult to do too much in those areas for newly designating something. He said the other challenge was that there had been a several month process with property owners and stakeholders from all four corners that all seemed to be supportive of the commercial node part.

Commissioner Burger inquired about the need expressed in the past by the Chamber of Commerce for industrial options for potential industrial employers. She said with the South Lawrence Trafficway going forward and the improvements KDOT would be doing, they would be remiss if they didn't talk about the stock they would be giving away if they approved this in this location. She wondered if there was something in the packet from the Chamber of Commerce regarding this industrial plot.

Mr. McCullough said he did not believe they were missing any input from the Chamber of Commerce. He said this was an opportunity that was not known when a lot of the planning for the area was done. He said it was a unique and special land use that gave the ability to look at this node fresh. He said there were not a lot of land uses that could change the thinking about two state highways and the need for an employment center to something to accommodate a large sports village concept.

Commissioner Britton asked Mr. Kelso how he would feel about an office park in the area.

Mr. Kelso said he could not speak for the other neighbors regarding an office park but that they did discuss the possible uses under the CC600 that might augment what's going on the other side of the highway. He said he was not sure about an office park.

Commissioner Liese said his impression was that City Commission wanted Planning Commission to start with a clean slate and reaffirm or change our minds. He said there was not opposition to it, it was more to give Planning Commission one more opportunity to allow the community and developer to talk to us.

Mr. McCullough said he thought City Commission was asking Planning Commission to look at all the facts and input that they would in any sector or nodal plan.

Commissioner Liese inquired about Ms. Klingenberg's earlier concept of IL zoning rather than CC600. Ms. Klingenberg was no longer present at the meeting so Commissioner Liese asked if staff could comment about what she said.

Mr. McCullough said Ms. Klingenberg had spoken in earlier meetings about maintaining the industrial designation there.

Commissioner Liese said he didn't hear the community and neighbors saying that was what they wanted. He felt the neighbors had been through enough. He felt like it was a good place for CC600 and that the beauty in it would come during the site planning stage. He thanked City Commission for

sending it back to Planning Commission to allow the opportunity to make sure everyone would be happy.

Commissioner von Achen said it was her understanding that City Commission wanted them to envision something creative, not necessarily just returned to the previous recommendation made by Planning Commission. She said she was struggling with the idea of what 50 more acres of retail would do to other retail areas in the community. She asked about the study that indicated that the recreation center could support 25,000 sq ft of retail and 40 hotel rooms.

Mr. McCullough said that was a study done to get a sense of the economic impact of the recreation center.

Commissioner von Achen asked if they were talking about a lot more than that.

Mr. McCullough said yes. He said all of the retail in the node could not be attributed to the recreation center. He said they recognized the industrial office warehouse wasn't a compatible land use to the recreation center. He stated the recreation center was going to be the primary development of the northwest corner. He said the retail cap was the same 180,000 sq ft whether or not there was 50 acres more of it. He said one of the benefits of CC600 was that it was likely to have a mix of different uses, even within the 146 acres, because it could hold substantially more than 180,000 sq ft of retail. He said they had the ability and opportunity to build a framework of possibilities for a compatible corner of a very important node. He said the recreation center would still be in the vicinity so it would generate some commercial. He stated community growth would generate demand for commercial.

Commissioner Liese hoped a great site plan and really attractive commercial district would draw people from neighboring counties. He felt commercial was needed in that area.

Commissioner Belt said people probably thought the same thing about Tanger Outlet Mall. He stated the main focus of Mr. Greg Williams from the Chamber of Commerce was to attract primary jobs. Commissioner Belt said on this particular issue he wanted to see something really cool there and be proud of that site. He felt they should at least talk about the potential of providing primary jobs at that location.

Mr. McCullough said the reason the study was commissioned was to advise City Commission about what kind of economic development the site would generate. He said there was a belief that tournaments, relays, and events would be a draw to the region in an economic impact development way. He said the sports village concept was the unique project that was driving the discussion about drawing in folks to the area and what's compatible with that. He said a Corporate Woods type campus would be just as beneficial and doable with the CC600 zoning and very compatible with the neighborhood and would allow some flexibility. He said they may be losing industrial designation but were picking up an economic generator in the sports village.

Commissioner Liese inquired about the permitted uses.

Mr. McCullough showed the list of permitted uses on the overhead.

Commissioner Culver asked when the appropriate time in the process would be to implement the 200' buffer yard of green area.

Mr. McCullough said probably in the platting stage. He said there was a buffer requirement but the 200' was something negotiated between the property owner and neighborhood. He said the timing would likely be prior to development.

Commissioner Culver asked Ms. Eldredge to elaborate.

Ms. Eldredge said the agreement was part of the CC600 package.

Commissioner Culver said there were other uses, beyond retail, within CC600. He said he saw advantages with the retail component as well as options and limitations. He thanked the neighbors, developer, staff, and the governing bodies for their discussions. He said it appeared there was some consensus and it was refreshing. He felt it was important for people to be part of the process and be heard. He said however the project unfolded it was reassuring that the stakeholders would be part of the process. He said it would be hard for him to support UR zoning because the neighbors wanted some certainty. He said a lot of the details with the project would be addressed at the site planning level. He said regarding the economic standpoint of it, primary jobs were highly important and he thought that was something that would continue to be focused on. He felt the opportunity to have something like a CC600 with the regional recreation complex was not an opportunity in every part of the community. He said there was some added weight to create some opportunities to enhance and compliment a project of this nature in that area. He said CC600 was innovative because it was a new zoning and filled a need. He said overall he would support the current Planning Commission recommendation from previous discussions. He said looking at it from a comprehensive perspective, without the recreation center project, allowed them to look at it with a cleaner slate and he supported continuing with the previous recommendation.

Commissioner Burger said when they talked about this in May she asked if it was possible to add more primary job creation light industrial type land uses to the west of this location and the response was that it had been looked but because the nature of the land it was not an option. She asked if there would be an option to add the industrial that was being eliminated by approving this farther south on K-10, especially knowing KDOT was committed to making improvements at Bob Billings Parkway & K-10.

Mr. McCullough said this amount of industrial designation was maintained. He said these were the only industrial facility uses maintained in the CC600 because they would be compatible and would maintain the ability to create employment type land uses. He said the reason they liked the industrial and high intensity commercial was the street transportation network and the planning concepts of transitioning land uses. He said going farther west could be looked at for more industrial employment center in nature but it would be getting away from K-10 and I-70.

Commissioner Burger asked if they could go farther west on Hwy 40 or farther west on Bob Billings Parkway.

Mr. McCullough said they could look into going west or south if that was the desire of Planning Commission. He said when looking at the street network and drainage basins it would be more challenging the farther away from the intersection of highways.

Commissioner Burger said the study that suggested the 25,000 sq ft of retail and 43 hotel units was based on Frisco, TX. She said Frisco, TX had a population in 2010 of 116,000, which was not that far off from Lawrence. She said in 2000 Frisco, TX had a population of 30,000, which was a very different dynamic than Lawrence. She said realistically they should plan for less than 25,000 sq ft of retail. She was not sure that this was the right tool to do this plan. She said in her limited time on

Planning Commission they have had projects that looked good on paper but did not end up being quite what she thought. She said that KU purchasing the property on the east side was a wonderful development and unique opportunity. She did not think the previous 2009 plan would allow as much opportunity. She expressed concern about the whole section being CC600. She liked the way the plan was on the south side of Hwy 40 where there was commercial neighborhood, public institutional, and office industrial warehouse. She said she would like to see something that mirror imaged that on the north side of Hwy 40 because it would be a more creative solution for assurances to the neighborhood. She was unsure how to vote on this. She asked what the tool was that required the most amount of esthetic planning.

Mr. McCullough said there were a number of protections built into the Code in terms of buffer yards, Commercial Design Guidelines, landscape requirements for parking areas, and street trees. He said the site plan process had a notice requirement to the public. He said with a project like this it was tougher to do planned development since it would evolve over time and the plan would change constantly as new users came on board. He said the Development Code had all those protections and a public process for site planning as the protection for aesthetics.

Commissioner Burger said she felt this was an important opportunity for the office industrial warehouse/public institutional element of this side of town. She said farther down K-10 there was not the same opportunity. She stated regarding proximity to I-70 this was as good as it would get on this side of Lawrence.

Commissioner Liese asked how far it was from the Shawnee County line to the proposed project.

Mr. McCullough said approximately 9 miles.

Commissioner Liese said he thought there were people that would value this kind of development versus something like an outlet mall. He asked to what extent site planning was important.

Mr. McCullough said site planning was extremely important. He said they would start with the plat that Planning Commission looked at with the input of the owners to the north and work out a reasonable and good transportation system through the property. He said platting would start the layout of the lots and approach of different streets, and then site planning would follow. He said it would be flexible, depending on what the first development would be, but with protections of the Development Code to assist in the process.

Commissioner Britton asked when the City Commission discussed this was there an acknowledgement that the statute required that if Planning Commission did not act to approve or deny at this specific meeting that it would go back to City Commission essentially if it hadn't been referred to Planning Commission in the first place.

Mr. Randy Larkin said the City Commission did not discuss that.

Commissioner Liese said they had a responsibility to do what they had been asked to do. He said City Commission asked for Planning Commission's opinion.

Commissioner Britton said he felt like what City Commission asked Planning Commission to do was a wholesale look at the CC600 and really think of something perhaps innovative and different. He didn't think the new zoning designation of CC600 was necessarily innovative for the area in terms of Lawrence's last gateway. He wondered if the City Commission knew that Planning Commission would

only have one night to discuss this when they sent it back. He did not think they could take a wholesale look at an important node and gateway in just one night.

Mr. Larkin said it was his understanding that the City Commission sent it back to Planning Commission to determine whether the movement of the sports village across the highway would change their opinion regarding the comprehensive plan, text amendment, and rezoning.

Commissioner Liese read aloud some of the City Commission comments from the minutes. He felt that Commissioner Josserand's earlier comments about what mayor Schumm said was too small of a sampling from the City Commission discussion to base their decision on. He felt they had a responsibility to pay attention to everything said. He was excited that the majority of the community was in favor of this project.

Commissioner Britton agreed they had to act on this tonight.

Commissioner Liese said they could make a motion to defer.

Mr. Larkin said if it was deferred it would be treated under the law as inaction and would go back to City Commission as if Planning Commission was giving the same recommendation they gave previously.

Commissioner Josserand inquired about talking about this in a wide sense as opposed to be limited tonight.

Ms. Eldredge said she agreed with Mr. Larkin's interpretation. She said according to the City Commission minutes the only expression of what City Commission wanted them to do was unanimously contained in their motion, to remand the comprehensive plan amendment, text amendment, and rezoning for consideration per the City Commission comments and specific direction as follows:

> *Moved by Carter, seconded by Dever, to remand Comprehensive Plan Amendment CPA-4-2-12, Text Amendment TA-4-3-12, and Rezoning Z-4-5-12 to the Planning Commission for consideration per the City Commission comments tonight and the specific direction as follows: Given the change in circumstance that the regional recreation center/sports village is no 12 longer planned for the Gateway Addition property west of K-10, the City Commission has not approved or dis-approved the applications and directs the Planning Commission to review the comprehensive plan, text amendment and rezoning applications in light of the change in circumstance of the regional recreation center/sports village relocating to a property east of K- 10. Motion carried unanimously.*

Commissioner Josserand said based on the change in the recreation center location one way to proceed was to vote against the recommendation at this time and make a motion to reopen the issues or ask City Commission to reopen it. He said he had too many questions still to vote in favor of approval. He said he would be supportive if others wanted to examine a larger scope.

Commissioner Liese said he had not heard a good argument for denying it. He felt it would be irresponsible to start over again just because there were new Commissioners.

Commissioner Josserand said he was concerned about too much inventory of commercial land. He felt the timing of zoning was important.

Commissioner Liese asked what Commissioner Josserand would want done with the property if they deny it.

Commissioner Josserand said maybe the property shouldn't have been annexed without the recreation center. He said the issues were connected. He felt timing of zoning was an important consideration. He said he liked the CC600 concept and that it helped protect the neighborhood concerns.

Commissioner Britton said moving the recreation center over to the other side of K-10 was a material change as far as he was concerned. He said it seemed like the City Commission viewed that as a material change as well. He said in the previous meeting he asked what would happen if KU didn't commit to the site because that was material to the determination at the time. He said he worried about the other side of the highway having all the accessory uses because it made more sense there. He said it was a real possibility that instead of having big box stores on the east side and accessory commercial on the west side, they would have the recreation center with accessory commercial on the east side and more accessory commercial on the west side. He said it may end up being so haphazard that it may not work right. He said given the fact they had no choice but to act on it tonight he felt the obvious choice was to deny it. He said there were too many issues that they needed more time to discuss and work through. He felt denial was the responsible way to proceed.

ACTION TAKEN
Motioned by Commissioner Britton, seconded by Commissioner Josserand, to deny the comprehensive plan amendment, text amendment, and rezoning.

Commissioner Culver asked Mr. Johnson how he felt about CC600 in relationship to the property to the south.

Mr. Johnson clarified this was not just his property. He said Gateway West Landholding Company owned two lots and was made up of about 120 members. He said they had followed the process from the beginning and were very comfortable with the CC600 and possible uses. He said the church had a membership of over 1,000 members and in general were supportive as well. He said the neighbors to the north of the subject site had vetted it quite a bit too.

Commissioner Liese asked if the motion denied all three items or just the comprehensive plan amendment.

Mr. McCullough said the rezoning would become moot if the text amendment was not approved.

Commissioner Burger asked why the County did not approve the west part of the nodal plan in 2003.

Ms. Eldredge said they simply didn't take it up on their agenda.

Mr. McCullough said previously there wasn't a clear formal process for sector planning.

Commissioner Burger asked for more detail of the timeline of Mercato. She also asked if KU had shared a timeline for their progress.

Mr. McCullough said KU couldn't move fast enough.

Ms. Eldredge said Mercato's zoning was finalized in the Spring. She said Mercato's zoning was initially looked at approximately four years ago and tied to plats and infrastructure. She said there

was a sewer summit which was when the Baldwin Creek sewer came into play. She said nothing could develop until sewer was available, regardless of what the preliminary zoning was. She said approvals were extended as needed to coordinate everything that had to be done by the City and the developer. She said there still needed to be a sewer line placed under George Williams Way. She said Mercato was close to being ripe for development. She said Mercato worked for three years to get the big box zoning and that was largely triggered by the fact that City Commission and Planning Commission felt that 6th & Wakarusa should not be as large as it is in terms of intensity of commercial. She said the idea was to take big box development out to 6th & the South Lawrence Trafficway since there was enough at 6th & Wakarusa. She said it was all part of gradual development. She stated nothing was planned yet for Mercato and that the only space available for commercial was on the corner, which included five pad sites that could be developed with such uses as McDonalds or a bank, but not a hotel. She said a hotel would be more appropriate on the west side to accommodate the recreation facility.

Commissioner Burger asked if big box stores were not secure yet as an occupant.

Ms. Eldredge said no, there was not currently an occupant, but that was the limitation of the zoning. She said the property owners did not want to change that since it was the only designated zoned approved place in the county for additional big box development.

Commissioner Belt asked if the Mercato Development had existing space for 25,000 sq ft to support the recreation center and 43 hotel rooms.

Ms. Eldredge said no.

Commissioner Liese said considering KU wanted to do the recreation center quickly it would be irresponsible to not approve this. He felt they would need the CC600 zoning and was unconvinced that they had the space for all the things that would likely be needed. He said they probably had enough existing space that could accommodate a lot of little shops in the city, but not the space at this location. He felt if they did not approve the comprehensive plan amendment they would have a problem on their hands because it was annexed into the city and it needed to be zoned. He said it would be irresponsible to deny this because it had been so well deliberated in the past even if others were not on the Commission before, it was what neighbors were asking for, it was annexed and needed to be zoned, the space was needed to accommodate the sports facility, and there were a lot of things that could go at this location that could not go anywhere else. He said it would be irresponsible of Planning Commission to send it back to City Commission and deny it when there was a clean plan with so much support for it.

Commissioner Burger inquired about a sizeable grocery store.

Mr. McCullough said with food & beverage sales or general retail sales essentially it allowed up to 65,000 sq ft, which was a fairly sizeable store.

Ms. Eldredge said the 6th & Wakarusa Dillons started at 47,000 sq ft and then added another 15,000 sq ft about four years ago.

Mr. McCullough said it was a limit of 65,000 sq ft for one store, which could accommodate one sporting goods store or grocery store, for example.

Commissioner Burger asked if there was space on the west side for that, as proposed.

Mr. McCullough said there could be.

Commissioner Burger asked if there was space for that in Mercato.

Mr. McCullough said no.

Commissioner Josserand read the following statement he wrote: *'I am new to the commission and did not have the opportunity to participate in previous discussions about this issue. Unfortunately Kansas Law requires me to vote tonight. Given that choice, I cannot support approving the current proposal. The change in the location of the proposed recreation center from the west to the east side of K-10 is material in its impact to this nodal area, both in location and in its magnitude. Also, in my view, the fact that the recreation center will not be on the west side will significantly slow down near term development pressure to the west, because of infrastructure costs. A difficult aspect of land use planning, but one that is significant, is timing. Communities don't want to too much vacant zoned property for development. I am worried about this issue. I would support a "real good comprehensive" review of all four quadrants of that intersection as suggested by at least one city commissioner. I would invite such an effort and would invite the city commission, or our own commission to initiate such a review. After that wider review, I might support a vote for a plan the same or very similar to what is in front of us tonight.'*

Commissioner Britton asked if the current zoning for Mercato was only available for big box stores or could other commercial go in there. He asked if there was a ceiling and/or floor in terms of the square footage of retail commercial.

Mr. McCullough showed a map on the overhead of the commercial zoning area and residential zoning to the north. He said Mercato had a development plan that essentially laid out conceptually two big box stores that would take up about 360,000 sq ft of retail with some out lots. He said it was a typical commercial node layout.

Commissioner Britton wondered if five small box stores could work as it was currently zoned.

Mr. McCullough said the plan could change but it had value today to the property owner with what it represented.

Commissioner Britton wondered whether the Mercato site, as currently zoned, could be accessory commercial to the recreation center.

Mr. McCullough said he wanted to be sure they were framing the discussion of retail appropriately. He said the study commissioned by the City showed that the recreation center would bring a certain demand of commercial and that in no way did staff believe it would happen at this node. He said staff was hopeful that other commercial areas of the city would absorb that commercial, such as existing hotels in the city. He said he didn't know it was exactly framing it honestly to think that either Mercato or the west side would be the sole support of accessory commercial use to the sports village. He said not only did they need accessory commercial within close proximity but also compatibility with the sports village. He wanted them to give significant weight to the evolution and process because it had been a lengthy process. He said all corners of the major node had ownership of this development, partly because some commercial retail had been given to every corner. He said City Commission was asking them, in part, if the proximity of the sports village changed enough to think of the node differently.

Commissioner Britton said he did not see any need to approve something quickly because KU wanted to have it open next year. He said they were being asked to give a thumbs up or thumbs down on whether the northwest corner was an appropriate place for the accessory commercial to the recreation center. He said what they were talking about was a choice between the northwest corner or the northeast corner, or not near the recreation center at all. He said if proximity was not an issue there would be no need to rush because Lawrence had hotels and such throughout the city. He said it was not an either or question with regard to the recreation center because the recreation center was going to happen. He said the question was where to put this on the map. He stated the recreation center moving was a material change and he would like to have more time to discuss it and determine if they could do something that had a better prognosis for attracting primary jobs in that area. He stated that may be a possibility under CC600 but it was certainly only one of many possibilities and it did not seem that was the way people were thinking this would be used.

Commissioner Burger asked if Planning Commission voted to reverse their previous recommendation could City Commission overrule that and do what they wanted to do.

Mr. McCullough said that was correct.

Commissioner Liese asked what happened to property in the city that was unzoned.

Mr. McCullough said it would need to be zoned to something because it was in the city and under the Development Code.

Commissioner Liese said if the motion to deny passed they would need to consider UR as a possibility or some other zoning.

Mr. McCullough said ultimately the property needed to be zoned.

Commissioner Liese said the property owner was eager to develop something that was of great value to the community. He said he would feel irresponsible if he thought he could come up with something better than what the community, developer, and staff did. He said he would feel like his vote to deny would be an irresponsible vote, especially if he didn't have some great idea about what the alternative would be.

Commissioner Burger asked if Planning Commission did not send this forward with approval what would happen to the future land use map.

Mr. McCullough said the City Commission would need to affirm any of the comprehensive plan part of this land use package so what happens to the west of K-10 area would depend, in part, on what the City Commission does with the Planning Commission recommendation.

Commissioner Burger asked if the current West of K-10 Land Use Plan would become the plan.

Mr. McCullough said it was already the current plan. He said if the City Commission denied the comprehensive plan that was the plan of record.

Commissioner Burger asked if it would go back to agriculture.

Mr. McCullough said no, it was not designated as agriculture, it was designated for office industrial warehouse.

Commissioner Culver said based on the specific charge to reevaluate whether these recommendations were still something Planning Commission would support with the change of location for the recreation center, from his standpoint it was not that material. He said it was still extremely close and in the same nodal plan. He said if the circumstances were different and it was further away he could see revisiting this completely but they had put a lot of work into this. He said the various stakeholders had also put a lot of time and effort into this and they were at a point where they felt comfortable moving forward. He felt Planning Commission has some onus to do that too. He said the previously proposed recommendation by Planning Commission for the northeast corner fit the surrounding area and in his opinion supported the small change of location of the recreational center. He said he grew up in smaller town in central Kansas and played sports so they traveled a lot to go to sporting events and tournaments, but Lawrence was never one of the locations. He said everywhere they stayed they looked for lodging, food, sporting equipment, grocery stores, gas within close proximity and spent a lot of time and money in those communities because they were built around a recreational facility. He said the amount of commercial demand in sales revenues, although not primary jobs, potentially created by the regional recreation facility could and would support the area and greater community of Lawrence. He had a hard time thinking they would come up with something that would be that much more valuable or different in going further down this path. He said they had already gone down the path and put time and effort into considering it. He said to see the stakeholders who turned the corner of being initially opposed to such an idea to now being on board with it had value.

Commissioner Belt believed the sports complex and development in the node were imminent. He said the material change was important because of how the intersection was aligned. He said from a Planning standpoint he was confident that the KDOT infrastructure improvements would handle all the traffic sent to the site. He said they could reduce a few hundred or thousands of car trips a year by the way they align what was at this node. He said he was not being dismissive of the process, developers, or neighbors but that Planning Commissioners represents the entire community of Lawrence. He said it was not a question about what services would be at the site but rather where. He said they needed more time to set it up better than how it was currently. He said he would support the motion for denial.

Commissioner Liese felt that denying this and not having a better idea was just kicking the can down the road. He felt it would be terribly irresponsible to deny it without proposing something better. He said he had not heard a single alternative proposed by anyone.

Commissioner Josserand said he objected to being called terribly irresponsible. He said he did not have a magic idea tonight but was a little uncomfortable being forced into a position to vote tonight based on the statute.

Commissioner Liese clarified that he did not think any of the Planning Commissioners were irresponsible people based on their vote tonight, he just meant that he hoped they did not dump it back in the lap of City Commission.

Commissioner Burger clarified her earlier comments regarding the proposed future land use plan. She said the portion south of Hwy 40 was a component of public institutional, office industrial warehouse, and had a component that it did not have before of commercial or retail. She said there could be a mirror image to the north side which would regain some of the office industrial warehouse and public institutional opportunity while retaining the retail opportunity that the neighbors and developers worked toward. She said if they went with the West of K-10 Future Land Use map on page 536 of the packet it would do what Commissioner Belt was talking about as far as

reducing the number of trips over the highway back and forth. She felt they had several options they could send to City Commission.

Ms. Eldredge said Mercato would not change and would not have room for a hotel. She stated it may have room for a fast food restaurant such as McDonalds on one of the pad sites but not anywhere near the kind of retail space they were talking about. She said the recreation center would not only need its own commercial, but there was a lot of residential around there that had been planned but not moved into and it would need servicing. She said when a zoning application was denied the property owner has to wait a year to come back. She urged them to think carefully, in terms of long term planning, for this very unique and special location.

Commissioner Burger asked to see a slide that showed the uses on the east side of K-10, north and south of Hwy 40.

Commissioner Liese said he thought the attorney for the developer was saying it did not matter to them what the uses were on that slide because they had no plans to do anything other than what they were saying.

Commissioner Burger asked if Mercato included what was on the south side of Hwy 40.

Ms. Eldredge said no.

Mr. McCullough said no, the area was currently zoned UR and did not have land use approvals.

Commissioner Josserand inquired about what Ms. Eldredge said regarding the applicant not being able to proceed with a rezoning request for a year if denied.

Ms. Eldredge said the applicant could not apply for another CC600.

Commissioner Josserand asked if the City Commission or Planning Commission could initiate a similar a review for the intersection.

Mr. McCullough said it would have to be substantially different zoning request.

Commissioner Josserand asked if a consideration that included an examination of four quadrants of an intersection be significantly different than the single quadrant of an intersection.

Mr. McCullough said staff would have to study the Development Code to determine that response. He said the southwest corner had not been annexed into the city yet.

Commissioner Josserand said without the city recreation center there the infrastructure cost may be significant. He said he would like to start the process of looking at it now.

Ms. Eldredge said the applicant was capable of making the decision of how to spend their own private money.

Mr. McCullough said the purpose of sector planning was to get ahead of development. He advised them to look very long term about the node in general and think about what the best land use pattern was. He felt the West of K-10 Plan was valid with or without the recreation center. He said they had some options. He said they could fall back on the former plan as Commissioner Burger mentioned or fall to this plan. He said they could also respond with a mix of plans. He said if they

employ the sector planning techniques, they don't have the luxury of starting with a completely blank slate because of the approved Mercato location, the church location, and the recreation center site. He said it was a challenge.

Commissioner Liese asked if they denied it would it change much since there weren't that many options.

Mr. McCullough said there were a few options but it would be a bold step to get outside the node and look at things that already had approval, like Mercato and the Links development. He said that was certainly an option but it would be moving into unchartered territory in this particular process in getting land owners that had certain approvals to now talk about a complete change of that.

Commissioner Burger said Ms. Eldredge was kind enough to point out in one of the slides a small portion of the Farmers Turnpike. Commissioner Burger said she misspoke by saying this was all they had as far as an opportunity for industrial. She said she was unfamiliar with the proximity of the Farmers Turnpike industrial acreage so there was plenty that was not developed.

> Motion failed 3-4. Commissioners Belt, Britton, and Josserand voted in favor of the motion. Commissioners Burger, Culver, Liese, and von Achen voted in opposition.

Motioned by Commissioner Culver, seconded by Commissioner Liese, to approve the comprehensive plan amendment, text amendment, and rezoning previously submitted to the City and County Commissions with two uses in the rezoning of major utilities and large collections excluded.

Commissioner Liese asked what it would mean if both motions for denial and approval were voted down.

Mr. McCullough said the minutes would be sent to City Commission for review.

Ms. Eldredge asked if in the motion included language about taking the recreation center description out of the northwest corner and putting it adjacent in the northeast corner.

Commissioner Culver amended his motion, seconded by Commissioner Liese, to include the language of the recreation center not being on the subject property on the northwest corner but to its new proposed location.

> Motion failed 3-4. Commissioners Culver, Liese, and von Achen voted in favor of the motion. Commissioners Belt, Britton, Burger, and Josserand voted in opposition.

Motioned by Commissioner Belt, seconded by Commissioner Burger, to deny the comprehensive plan amendment and rezoning but approve the CC600 district by means of the text amendment.

Mr. McCullough asked him to elaborate what the goal would be.

Commissioner Belt felt the CC600 district would be a valuable tool for Lawrence and he didn't want to have it delayed by procedural issues.

Mr. McCullough asked if Commissioner Belt wanted to create the framework to use CC600 but not actually used at this specific property.

Commissioner Belt said that was correct.

Commissioner Josserand said he was convinced from reading the materials and listening tonight that there was a great amount of appeal for the creation of the CC600 designation.

Commissioner Burger said everyone had worked hard and she thought it was a good tool. She didn't feel like they got to talk about the southeast quadrant very much and said there was a lot of potential there and that City Commission needed to have a discussion regarding the whole nodal plan.

Commissioner Britton said the reason he liked it was that it made something of all the good work that had been done on creation of the district and the policies that had been worked up and set out in the comprehensive plan. He felt they should solidify that progress and move forward with applying that zone to the appropriate piece of property when the time comes.

Commissioner Liese said he would vote in favor of the motion.

The Commission asked for a recap of the motion.

Mr. McCullough said it was his understanding the motion was to make revisions to create the CC600 policies in Horizon 2020, which was not tied to the recreation center, but would establish the overarching polices for it to be used. He said once policies were established in Horizon 2020 they could be used in sector plans so it was proposed to be used in the West of K-10 Plan, which included the node. He said as he understood it, the motion included denying that item, not revising but essentially falling back on the current W of K-10 Plan. He said then the text amendment was proposed to create the CC600 zoning district and that was a tool that would not go to any specific property until rezoned to it. He said the motion was to approve the text amendment and it would be employed on specific property, which would be the rezoning to the 146 acres. He said Commissioner Belt's motion was to deny the rezoning. He said as he understood it the motion was to approve Horizon 2020 revisions, deny W of K-10 revisions, approve Development Code revisions, and deny the rezoning request.

Commissioner Liese asked if everyone understood the motion.

Commissioner Josserand asked Ms. Eldredge to respond.

Ms. Eldredge said if the CC600 district was created and they took action to deny the rezoning the applicant could not use the created CC600 zoning for at least a year. Ms. Eldredge asked Planning Commission not to put the applicant in that bind.

Commissioner Liese said it would go back in the City Commissions for action.

Commissioner Burger said what she thought she was seconding was the creation of the CC600 land use category. She said she did not mean to second something that would deny specific action to the applicant.

Mr. McCullough said the packet included, for example, the designation of CC600 in Horizon 2020. He said it also included a few pages of policy statements and narrative about where it should be employed. He said typically the narrative and map were married and the map would reflect the narrative in the Chapter 6 of Horizon 2020. He said there was not language yet that reflected the motion, it would have to be created. He said if the motion passed it would go to City Commission and he would present the Planning Commission motion to them and advise them that there was not

language yet to reflect the motion. He stated if the City Commission wanted staff to prepare that language it would be brought back to City Commission for them to decide. He said he thought that was how the process would unfold. He said he interpreted Commissioner Belt's motion to be that they appreciated the fact that Horizon 2020 could include the overarching policies of a CC600 but wouldn't necessarily be shown on a map because the motion did not include designating the node as a CC600. He said the map would likely need to be revised. He said it would be kept at CC400 but build the narrative policies for the CC600. He said that was part A of the comprehensive plan amendment. He said part B would be all the revisions to the map and narrative in the W of K-10 Plan that employs the policies of Horizon 2020, Chapter 6. He said they were not ready to approve that revision yet. He stated the Horizon 2020 policies were not necessarily site specific and the text amendment was not site specific. He said the W of K-10 Plan was site specific and the rezoning was certainly site specific. He said his interpretation of the motion was to approve the non-site specific elements and deny the site specific elements.

Commissioner Liese stated Commissioner Burger's seconding of the motion was invalid because she didn't fully understand the motion.

Commissioner Britton seconded the motion.

Commissioner Liese asked if the difference from the first motion to deny was instead of denying the whole package they would only be denying the rezoning.

Mr. McCullough said it would be denying the rezoning and part of the comprehensive plan amendment that deals with the W of K-10 Plan.

Commissioner Liese asked if the rezoning would be denied if the motion passed.

Mr. McCullough said it would be a recommendation for denial. He said because there was a protest petition on the rezoning the City Commission would need a super-majority vote. He said if the protest petition did not exist, upon its return to City Commission they could act by simple majority vote.

Commissioner von Achen inquired about the implications of the motion failing.

Mr. McCullough said there was a section of the Development Code that states an application cannot be heard for a year if denied. He said the intent was not to wear out neighbors and staff with application after application. He said there had been some debate about who the applicant was and whether a change in applicant was a substantive change for that. He said the value of that was to not bring back the same application. He said a safe thing to think of as an implication was that there would be a year time frame to bring back a CC600 application.

Commissioner Burger asked if the year wait would start with Planning Commission denial or City Commission denial.

Mr. McCullough said City Commission.

Commissioner Burger asked if City Commission voted to deny the clock would start then.

Mr. McCullough said yes. He said City Commission would have to have a super-majority vote on the rezoning because of the protest petition. He said there was some debate. He said there had been a

petition of withdraw. He said staff believed there was a valid protest petition that was submitted after the original hearing which triggers the 4/5 vote by City Commission.

Ms. Eldredge said the proposed zoning amendment eliminated two uses that were not in the original zoning petition so it would be a new zoning to be considered. She said if another protest petition was filed it would require a super-majority vote. She said there would not be a super-majority requirement because it was not exactly the same zoning.

Mr. McCullough said if it comes to that staff would review and advise City Commission appropriately.

Commissioner Liese said he would vote against the motion because of the implications to the applicant of having to wait a year.

Commissioner Britton inquired about the prohibition of bringing a second zoning request. He asked if that came from a city ordinance.

Mr. Larkin said yes, there was a city ordinance.

Commissioner Britton asked if it would also prevent the City from bringing forth an application if the City wasn't the applicant here. He asked if the City Commission could reverse the ordinance to allow it.

Mr. McCullough said not without going through a text amendment process.

Commissioner von Achen suggested the motion could be restated to make things easier by approving the comprehensive plan amendment and text amendment and have the rezoning be a separate motion.

Commissioner Liese said the original assumption was that Commissioner Belt was proposing a modification to the comprehensive plan amendment by taking out the W of K-10 line and simultaneous moving for a text amendment to create CC600. He said a few of the Planning Commissioners didn't realize the rezoning was included in the motion. He asked if Commissioner Belt would consider making separate motions.

Commissioner Belt asked if he could move to approve the text amendment.

Mr. McCullough said the way it was structured they could not do the Development Code zoning district without Horizon 2020. He recommended Planning Commission take separate actions for each of the three items.

Commissioner Belt withdrew his motion.

Motioned by Commissioner Josserand to request City legal council to render an opinion to the City Commission regarding if Planning Commission or City Commission could initiate a comprehensive review of existing Planning and zoning issues at the intersection of K-10 & 6th, which would include all quadrants. Such review would include, but not limited to, considerations of the amendments to the comprehensive plan, sector plans, possible text amendments, possible zoning changes, or other documents considered by Planning Commission during their meeting of October 24, 2012. He said the intent of the motion was to allow Planning Commission to consider a wider set of issues at this intersection because of the material and significant change of the location of the proposed sports village.

Mr. Larkin asked him to clarify his motion.

Commissioner Josserand said the intent was to have City legal staff provide to the City Commission if Planning Commission could proceed on a wider perspective of that intersection.

Mr. Larkin said the City Commission would first have to make a decision on these issues and once they take final action it was a possibility. He said it would depend on what the City Commission would do with the Planning Commission's recommendation. He said there may be no need to look at the bigger picture or there may be a need to look at the bigger picture.

Commissioner Britton asked if the one year prohibition would prohibit Planning Commission from initiating the actions Commissioner Josserand discussed, which included revisions of the comprehensive plan. He asked if the Planning Commission could initiate the rezoning, not subject to the one year prohibition.

Mr. Larkin said the City was the original applicant for the rezoning so they would probably be precluded from doing that. He said he was unsure if the property owner was the applicant in this case.

Commissioner Britton said he understood the motion to mean having something in the pipeline to accomplish all these things but not subject to the one year prohibition.

Commissioner Josserand said City Commission would have several issues to examine and he was trying to let them be unaware of the one year issue. He wanted City Commission to be thoroughly briefed on what that meant.

Commissioner Britton said he was inclined to second the motion but it sounded like it was not feasible with regard to the zoning.

Mr. Larkin said it may or may not be, depending on what happens at City Commission. He said if City Commission were to deny everything and there was a blank slate, at some point in time it would come before Planning Commission again. He said if City Commission were to approve everything then it would be taken off the table and would probably not come back to Planning Commission regarding the node.

Commissioner Josserand said he did not think his motion precluded either alternative, City Commission could do what they wanted, and staff could advise if it was possible.

Mr. Larkin said if City Commission wanted Planning Commission to review the entire comprehensive plan they could ask that to be done.

Commissioner Josserand said it was the one year delay he was concerned about.

Mr. Larkin said it just related to the rezoning of this particular tract.

Commissioner Josserand asked if they could still be allowed to consider rezoning of this tract.

Mr. Larkin said there would have to be an application for rezoning.

Commissioner Josserand asked if the City Commission or Planning Commission could initiate that.

Mr. Larkin said the City was an applicant for this zoning which would preclude them from being an applicant again.

Commissioner Josserand asked if the City would be precluded from any zoning application for that quadrant in the next year.

Mr. Larkin said yes, if it was the same zoning the City would be precluded under the city ordinance. He said it may be possible if there was a substantial difference in zoning.

Commissioner Burger asked if Planning Commission had the authority to initiate the kind of discussion Commissioner Josserand was talking about.

Mr. McCullough said that was exactly what they were doing right now. He said there was an application to do a comprehensive look at the node, zoning, and the text amendments that would accommodate a sports village. He understood some of the frustration was that Planning Commission felt like they didn't have enough time to explore some of the City Commission direction to reexamine that. He said Planning Commission had a lot of discussions this evening on process, impacts, and implications. He felt the City Commission wanted Planning Commission's views on what the impacts of the recreation center moving from west to east would be, what it would mean to the node, and what would be the best land use pattern for the node. He stated that was what City Commission directed Planning Commission to do. He said they needed to get the pending set of applications decided upon and then at that point Planning Commission would have the authority to initiate amendments to the comprehensive plan, the authority to initiate text amendments to the Development Code, and the authority to initiate rezoning of a specific property. He felt they needed to focus on what the City Commission asked Planning Commission to do. He said Planning Commission may not come up with a majority consensus because they were tough items but if they answered the direct questions of City Commission, it would give City Commission the input they were asking for.

Commissioner Liese asked if Mr. McCullough was saying Commissioner Josserand's motion would be redundant.

Mr. McCullough said he was sensing the frustrating that the Planning Commission didn't have more time to explore alternatives. He believed Commissioner Josserand was asking for the ability to get this case to the City Commission, get a decision made, and begin the process over to explore, in light of the fact the recreation center would be in proximity of the node. He said that exercise was what they were in right now.

Commissioner Josserand withdrew his motion.

Motioned by Commissioner Liese, seconded by Commissioner Josserand, to establish CC600 policies in Chapter 6 of Horizon 2020, but to delete the revisions to the W of K-10 Plan.

Commissioner Culver inquired about future ramifications on the rezoning.

Mr. McCullough said it would support future rezoning with no adverse effects.

Commissioner Britton said he would support the motion to create the tool. He said he did not want the motion to be construed that he supported application of that tool to the particular property at the northwest corner of K-10.

Unanimously approved 7-0.

Motioned by Commissioner Britton, seconded by Commissioner Belt, to authorize the Chair of Planning Commission to sign Planning Commission Resolution PCR-5-4-12, and repeal the previous one.

Unanimously approved 7-0.

Motioned by Commissioner Liese, seconded by Commissioner Belt, to approve the proposed amendment TA-4-3-12 to the Land Development Code, Articles 1, 2 and 13, to provide for a CC600 (Community Commercial) District and forward to the City Commission.

Unanimously approved 7-0.

Commissioner Josserand read the following statement written by him: '*I wish to communicate to the City Commission my frustration in the ability to consider a wider set of issues associated with the intersection K-10/US 40. It is my understanding city ordinances may preclude consideration for an entire year the same zoning for the NW quadrant as before us tonight. It would be my desire that such a wider review could proceed more quickly.'*

Mr. McCullough said per State law if Planning Commission failed to deliver a recommendation, which was what they did for the two rezoning and W of K-10 items the City Commission would consider the inaction as a resubmission of the original recommendation.

Commissioner Burger said the way she voted she didn't want to vote to deny because there had been too much work done by everyone involved. She said there wasn't enough work to vote for it.

Mr. McCullough said there were three distinct applications and they took inaction on part of one of the applications and action on the text amendment to support it. He said the process was dictated by State Statute. He said the procedural element was that City Commission asked Planning Commission to look at a certain element of the application and make a recommendation or not make a recommendation. He said if Planning Commission did not take action it would be as if they were submitting their original recommendation.

Commissioner Burger invited someone on the Planning Commission to make a motion to deny the rezoning request and the nodal plan because she could not confirm what was approved previously was appropriate with the changed conditions.

Commissioner Britton felt it was important for City Commission to look at the legal issue of whether the one year prohibition would prevent the City or the applicant from initiating a new rezoning.

Motioned by Commissioner Britton, seconded by Commissioner Belt, to deny the request to rezone the northwest corner.

Commissioner Liese asked if the rezoning application was denied if no application could occur for a year.

Mr. McCullough said Planning Commission's recommendation would go to City Commission.

Commissioner Liese asked if City Commission recommended denial would it be one year before a new application could be submitted.

Mr. McCullough said that was plausible.

Commissioner Liese asked if it was accurate.

Mr. McCullough said staff believed City Commission could not initiate the same application within a year.

Commissioner Liese asked if that meant that for a full year CC600 could not be considered at that location.

Commissioner Britton said it would have to be the same applicant requesting the same zoning relative to the same piece of property. He said CC600 could be rezoned for that property if there was a new applicant or the same applicant could bring forward an application for a different zoning to the same property. He said it did not foreclose it entirely, just an avenue.

Mr. Larkin said it might make a difference if the land owner was not an applicant but it might not.

Commissioner Liese asked if the assumption was that someone other than the land owner would make that application.

Commissioner Britton said one of the things he heard from Mr. Larkin was that there was a question whether the applicant was the land owner or the City, or if they were both the applicant.

Mr. Larkin said that was correct. He said the City was definitely an applicant but that there was some issue about whether or not it was a joint application.

Ms. Eldredge said the applicant went to the City with an application that had multiple zonings. After meeting with the City and the City saying they wanted CC600 the applicant agreed, so the initial application was revised. She said the applicant's fee that was paid at the time of the first application was not refunded to the applicant. She felt the facts were pretty solid about it being a joint application and one with the applicants consent so she felt the rules applied jointly to the City and the applicant.

Commissioner Burger said she thought a lot of people worked very hard and that everybody seemed to be in agreement for the northwest and northeast quadrants. She said she would be very interested if anybody had anything to share about the southeast quadrant but that she didn't need it to vote because what she did know was that City Commission was telling Planning Commission to plan.

Commissioner Liese felt they would be potentially doing an injustice to the neighbors, applicant, and City by denying the rezoning. He felt the message was loud and clear to City Commission that Planning Commission was not ready to make a definitive choice.

Commissioner von Achen asked why they couldn't defer the rezoning.

Mr. McCullough said the process sets out that Planning Commission get the remand at their next available meeting to make their comments and recommendations and send back to City Commission. He said the value of that was so it didn't get tied up in Planning Commission.

Mr. Larkin said a deferral would be treated as the same recommendation they made previously.

Commissioner Liese felt they were making a strong recommendation to City Commission to think very very carefully about this.

> Motion carried 4-3. Commissioners Belt, Britton, Burger, and Josserand voted in favor of the motion. Commissioners Culver, Liese, and von Achen voted in opposition.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN 11:45pm

City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

PLANNING COMMISSION MEETING
November 12, 2012
Meeting Minutes DRAFT

November 12, 2012 – 6:30 p.m.
Commissioners present: Belt, Blaser, Britton, Culver, Hird, Josserand, Lamer, Liese, von Achen
Staff present: McCullough, Stogsdill, Corliss, Larkin, M. Miller, Ewert

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COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

Commissioner Hird said the Agritourism Committee did not meet but that the text amendment would be on the County Commission agenda soon.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
  Commissioner von Achen said she received a phone call from Ms. Jane Eldredge regarding last month's meeting.

  Commissioner Culver said he had two discussions with Ms. Eldredge regarding last month's meeting as well.

  Commissioners Blaser said he received a phone call from Ms. Eldredge today regarding last month's meeting.

  Commissioner Lamer said he received a voicemail from Ms. Eldredge.

  Commissioner Britton said he spoke with Ms. Eldredge in person regarding last month's meeting.

  Commissioner Hird said he received a phone call from Ms. Eldredge today regarding the rezoning on the west side of K-10, not regarding the agenda items this evening.

  Commissioner Liese said he received a phone call from Ms. Eldredge as well as written communication. He stated Ms. Eldredge asked that Planning Commission call a special meeting. He said he consulted with the Planning Director and Staff Attorney for advice. He said he asked staff to continue the communication with Ms. Eldredge because they were in a much better position to speak for Planning Commission regarding legal matters.

  Mr. McCullough said staff responded to Ms. Eldredge's request for a special meeting to reconsider the CC600 items from the October Planning Commission agenda. He said staff responded with several reasons, with legal basis, that a special meeting would not be called by the Chair.

- Abstentions:

Commissioner Hird said he would abstain from Items 2A and 2B.

PC Minutes 11/12/12 **DRAFT**

ITEM NO. 1 CITY HALL UPDATE (DAVE CORLISS)

Receive City Hall Update from City Manager

Mr. Dave Corliss presented a PowerPoint presentation.

MISC NO. 3 DISCUSSION REGARDING RECONSIDERATION OF CC600 ITEMS CPA-4-2-12, TA-4-3-12, Z-4-5-12 FROM OCTOBER PLANNING COMMISSION AGENDA

Commissioner Liese said Commissioner Culver called him this afternoon with some questions that he didn't have the answers to so he looked at the By-Laws and found that some of his questions might be more appropriate as an agenda item. He said according to their By-Laws it would fall under a miscellaneous item and that it could be proposed and voted on as long as a majority of Planning Commission agreed to hear the item.

Commissioner Culver said his discussions with Commissioner Liese and Ms. Jane Eldredge were regarding the two recommendations of the October 24, 2012 Planning Commission meeting for denial of the W of K-10 Plan, specific to the nodal plan at W 6th St & K-10 and the rezoning request for CC600. He said his questions were based on what the current options to reconsider/rescind/amend a recommendation before it was acted upon by the governing bodies.

Commissioner Liese asked if his agenda item would be a question of Planning Commission, staff, and the staff attorney.

Commissioner Culver said that was correct.

Commissioner Liese clarified they would not be rehearing the items, it was simply an opportunity to get questions answered in this forum. He said they would not be voting on anything, it would just consist of questions and discussion.

Commissioner Hird asked if the motion was to place the issue on the agenda under miscellaneous for discussion tonight.

Commissioner Liese said that was correct.

Commissioner Hird asked if from that discussion further motions might be made.

Commissioner Liese said that was correct.

Commissioner Liese asked Commissioner Hird about abstaining from Item 2 on tonight's agenda and if it would be necessary for him to abstain from this discussion.

Commissioner Hird said it was his understanding that the consideration of the CC600 zoning was on the west side of K-10 and he abstained during the September Planning Commission meeting because his law firm represented a client on the west side of K-10. He said he no longer had a conflict and did not have a problem participating in the discussion and any possible actions for matters on the west side of K-10. He said regarding the east side of K-10 he still had a conflict that he would need to recuse himself.

Commissioner Liese said they could put the item at the end of the agenda.

Motioned by Commissioner Culver, seconded by Commissioner von Achen, to add a miscellaneous item at the end of the agenda.

Motion carried 8-1, with Commissioner Belt voting in opposition.

PC Minutes 11/12/12 **DRAFT**

ITEM NO. 2A ANNEXATION OF 110 ACRES; E OF K-10 & N OF W 6TH ST (MKM)

A-12-00190: Consider a request to annex two parcels of approximately 110 acres (90 and 20 acres individually), located east of Kansas Highway 10 (K-10) and north of W 6th Street adjacent to the Baldwin Creek City Park, generally bounded by E 902 Rd on the west and George Williams Way extended on the east. Submitted by Paul Werner Architects, for Fairway, LC, Property owner of record.

ITEM NO. 2B A TO GPI; 110 ACRES; E OF K-10 & N OF W 6TH ST (MKM)

Z-12-00191: Consider a request to rezone approximately 110 acres, from County A (Agricultural) District to GPI (General Public and Institutional Uses) District, located east of Kansas Highway 10 (K-10) and north of W 6th Street adjacent to the Baldwin Creek City Park, generally bounded by E 902 Rd on the west and George Williams Way extended on the east. Submitted by Paul Werner Architects, for Fairway, LC, Property owner of record.

Commissioner Hird recused himself.

STAFF PRESENTATION

Ms. Mary Miller presented items 2A and 2B together.

Commissioner Liese asked staff to comment on the letter from Mr. Rick Hird that states his client does not want the project turned into an entertainment venue instead of a sports village for the community.

Ms. Miller said the use category was Entertainment, Sports, and Recreation which covers all of them so to specify one of those uses would be difficult. She said it could be done at the Special Use Permit level.

Mr. McCullough said the amphitheatre fit into the definition of entertainment use. He said the time to debate whether that should be part of the master plan or Special Use Permit was really at the Special Use Permit level. He said the discussion should be about what uses were appropriate and that the further level of detail review would occur during the Special Use Permit process.

Ms. Miller showed the floodplain area along the stream corridor on the overhead. She said the League of Women Voter letter expressed concern with the floodplain and drainage.

Commissioner Josserand asked staff about the previous plan for the recreational facility on the west side of K-10. He asked if they knew anything more and if they were annexing land not knowing what would happen.

Mr. McCullough said the issues were separate. He said when staff reviews and considers a request to annex property they look at adjacency to city boundaries and how easily it could be served. He said they look at the intended use but that uses and zoning can change. He said they had two separate agenda items, annexation and rezoning. He said the services, such as sewer, water, and streets were right at the property. He said they would see more details of the plan next month.

Commissioner Josserand asked if they considered the same issue in May for a different piece of property.

Mr. McCullough said they did not always have the intended use of an annexation before the request. He said sometimes the property owner wants to be annexed into the city as the first step to development. He said development was a little linear in its process. He said if there was a need for urban services than annexation was the first step. He said there may not be a known user.

Commissioner Josserand asked if the previous annexation they heard was related to the new recreation center.

Mr. McCullough said yes, in that specific case.

Commissioner Liese asked about the applicant for annexation.

Mr. McCullough said this application for annexation was submitted by the current property owner. He said the City was not the applicant but was in some level of partnership with the University of Kansas Endowment Association in developing the project.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, said the site was already surrounded by infrastructure and was an easier site than the previous one. He said this was the perfect zoning for this type of project. He agreed with the staff recommendation and looked forward to having Planning Commission support as well. He said he had met with Mr. Jack Graham and planned to continue to do so going forward. He said Mr. Graham's concerns were lighting and the amphitheatre. He said they were working on lighting plans and there would be a lot more information in a month. He said they submitted a drainage study and it was currently being reviewed by City staff. He said the site would provide detention to the city standards. He said technically when this close to a floodplain, detention did not need to be provided but it would be provided to minimize the downstream impact of the impervious surface due to the parking lots. He said the trails on the City property would be more natural and not paved. He said more details would be presented next month when they discussed the site plan for the Special Use Permit.

PUBLIC HEARING

Mr. Thomas Johnson, Petefish, Immel, Heeb, & Hird law firm, representing Mr. Jack Graham, said he did not object to the annexation and that his comments were regarding the rezoning. He said Institutional uses as defined by the Code were not-for-profit, governmental, educational, or cultural and typically operated by government, utility, or tax exempt organizations. He stated while the City would own and operate the recreation center for the City, KU Endowment would own the land on which the University facilities would be built. He said KU Endowment Association had no intention to operate it but instead it would be leased and operated by a private developer, Bliss Sports (Thomas Fritzel). He said the GPI zoning included entertainment uses, which was something never discussed publicly with respect to the development of the property. He said the original site plan included an amphitheatre. He said if the property was rezoned to GPI that it should be conditionally zoned to be used for a sports village project and no other project; exclude the use of the facilities for outdoor entertainment, such as an amphitheatre; exclude the use of outdoor lighting after 11:00pm; and no sale of alcoholic beverages on the property.

Commissioner Josserand said in Greece they had an amphitheatre based around sports.

Mr. Johnson said he could not think of any sports that would take place in an amphitheatre. He said the project had been proposed as a recreation center. He said KU would be turning over the operation to a for-profit private developer.

Commissioner Belt asked if Mr. Johnson was talking about the recreation center, not the KU facilities.

Mr. Johnson said he was talking about all of it, including the KU facilities.

APPLICANT CLOSING COMMENTS

Mr. Werner said he met with Mr. Graham and knew that the amphitheatre was of concern to him. He pointed on the overhead to the portions that would be owned by the City; the building, tennis courts, and a portion of the parking lot. He said all the other property would be owned by KU Endowment and operated by KU Endowment and KU Athletics. He said they would control what happens on all the ground. He said the hope was that they would allow the City of Lawrence to hold soccer tournaments, but that would be decided by KU Athletics and KU Endowment. He said KU Endowment was the contract purchaser on all the property and if approved they would build a building to sell to the City of Lawrence, so the recreation center building and tennis courts would be on City owned property.

Commissioner Liese asked Mr. Werner to explain the relationship between Bliss Sports and KU Endowment.

Mr. Werner said Bliss Sports was building the complex with KU Endowment.

Commissioner Liese asked if it would be a misconception to think Bliss Sports was doing something totally separate from KU Endowment.

Mr. Werner said it would be inaccurate to think Bliss Sports was running a KU Athletics facility for track & field, soccer, and softball.

Commissioner Josserand asked if the facilities would be administered by KU Athletics.

Mr. Werner said yes.

Commissioner Blaser said the staff report said it would be managed by Bliss Sports.

Mr. Werner said KU Endowment owned this and may hire Bliss Sports to maintain the facilities. He said KU Endowment was the purchaser of the property.

Mr. McCullough said his understanding was the same as Mr. Werner's.

Commissioner Blaser said the letter from the neighbor made the claim about Bliss Sports, not the staff report.

Mr. Werner said to his understanding this was how it would run.

Commissioner von Achen asked what Mr. Fritzel's role would be in the KU part of it.

Mr. Werner said he would oversee the construction and choose sub-contractors to build the facility, in conjunction with KU Athletics and KU Endowment.

Commissioner von Achen asked if Mr. Fritzel's involvement would be finished on the completion of the facility.

Mr. Werner said it was a partnership but that it was a KU athletic sports Olympic village.

Mr. McCullough said the institutional development plan was intended to serve a purpose for this type of project. He stated governmental entities could enter into partnerships with private individuals or businesses to do a number of things. He said it was an evolving relationship and there were many components to developing any project of this scope and magnitude, one of which was the proper zoning, annexation, platting, and Special Use Permit process. He said there was no agreement before them tonight in terms of how the partnership would look like and that they should focus on whether this was an appropriate zoning district and complies with the Comprehensive Plan. He said there were a lot of details about the project being developed for next month's Planning Commission meeting and that many of them were related to the concerns of Mr. Graham. He hoped to continue dialogue with him and others in the neighborhood about how to address their concerns. He felt the concerns were more of a Special Use Permit issue and that the issue he raises are more of an issue of site planning and Special Use Permit conditions. Staff did not think conditional zoning was the right tool for these particular concerns and that it would be very challenging to do through conditional zoning. He said the institutional development plan supported the type of partnership being worked out at the City Commission level and the highest levels of KU Endowment and KU Athletics.

Mr. Werner said he agreed with what Mr. McCullough said.

ACTION TAKEN on Item 2A
Motioned by Commissioner Blaser, seconded by Commissioner von Achen, to approve the requested annexation of approximately 110 acres located in the northeast quadrant of the intersection of W 6th Street/US Hwy 40 and K-10 subject to the following condition:

- *City shall comply with state law requirements in relation to Rural Water District No. 1 pursuant to K.S.A 12-527.*

Approved 8-0-1, with Commissioner Hird abstaining.

Commissioner Liese asked if the Special Use Permit would apply to Entertainment & Spectator Sports General but not Limited.

Mr. McCullough said the Special Use Permit applied to the entire project because of the GPI district and type of facility it was and that it was over 10 acres in size, an institutional development plan was required. He said the vehicle to adopt the master plan for the entire complex was the Special Use Permit process.

Commissioner von Achen said the League of Women Voter letter was requesting that the rezoning be postponed to next month to be heard with the Special Use Permit. She inquired about the advantages and/or disadvantages of doing that.

Mr. McCullough said it would probably not change a great deal in terms of its program. He said the advantage was perhaps the formal application being presented to Planning Commission which could allow them to view it in its complete totality. He said the disadvantage was City Commission was meeting tomorrow night and may be looking for Planning Commission to deliver their first recommendation on the project. He said the real protection was the Special Use Permit versus conditional zoning. He said on the west side it was a case of where it was straight zoning without the Special Use Permit, and was more or less site planning. He said employing the GPI district triggers the Special Use Permit which allows the ability to recommend conditions to mitigate any known impacts through the public hearing process.

ACTION TAKEN on Item 2B

Motioned by Commissioner Blaser, seconded by Commissioner Culver, to approve the rezoning request for approximately 110 acres from A (Agricultural) District to GPI (General Public and Institutional Uses) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Approved 8-0-1, with Commissioner Hird abstaining.

PC Minutes 11/12/12 **DRAFT**

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 3 DISCUSSION REGARDING RECONSIDERATION OF CC600 ITEMS CPA-4-2-12, TA-4-3-12, Z-4-5-12 FROM OCTOBER PLANNING COMMISSION AGENDA

Miscellaneous Item 3 was added at meeting by majority vote of the Planning Commission.

Commissioner Culver said the purpose of having a miscellaneous item added to the agenda was to gain understanding of options and clarification on the procedures and processes of revisiting a recommendation made specifically at last month's meeting.

Mr. Randy Larkin, staff attorney, said there was no case law or anything specific on this, so conclusions had to be drawn from extrapolating what does exist. He said there were a number of situations, for example, a garden variety of rezoning applications, which sometimes could be reconsidered or rescinded. He said because it was a later meeting they would be talking about rescission as opposed to reconsideration. He said in this instance, because it was returned by City Commission to Planning Commission, it was the City Attorney's opinion that there really wasn't anything that could be done to revisit it. He said originally Planning Commission recommended approval of the rezoning application and that went to City Commission. He said City Commission had three options; approve the recommendation, override the recommendation, or return it to Planning Commission with direction. He said in this situation the City Commission chose to return it to Planning Commission and ask them to reconsider the application, in light of the fact that the sports village would not be appearing on the subject property but across the highway. He said upon a return, under K.S.A. 12-757(d), if Planning Commission failed to deliver a recommendation to the governing body after its next regular meeting then such action was deemed inaction and deemed resubmission of the previous recommendation. He said in compliance with the statute, Planning Commission heard it and made a decision to recommend disapproval of the rezoning application. He said a rescission would be no different than deferral, making the decision at a later time. He said the statute required that the recommendation be delivered to City Commission and that had been done so he did not know that Planning Commission had the authority to now withdraw that recommendation from City Commission. He said it was the opinion of the City Attorney's Office that they did not have the authority to revisit the issue.

Commissioner Blaser asked what options the City Commission now had.

Mr. Larkin said the City Commission had the same options it had originally. He said he did not know if it could be returned to Planning Commission, he had not come to a conclusion regarding that because the statute was empty on it. He said the City Commission could approve or disapprove the recommendation and may be able to return it to Planning Commission for further consideration.

Commissioner von Achen asked how many votes it would take by the City Commission to approve or disapprove the Planning Commission recommendation.

Mr. Larkin said to approve the recommendation it would take a simple majority vote by City Commission. He said to override the recommendation it would take a super majority vote, 4 out of the 5 City Commissioners.

Commissioner Culver asked if it was the City's perspective that nothing could be done at this point by Planning Commission.

Mr. Larkin said yes, it was the opinion of the City Attorney's Office that there was nothing more to be done.

Commissioner Hird said City Commission could send it back to Planning Commission if that was their decision. He asked if they could make a separate motion to request the Planning Director communicate to the City Commission that Planning Commission would like this back to reconsider.

Mr. Larkin said that motion could be made.

Motioned by Commissioner Hird, seconded by Commissioner Culver, to request the Planning Director communicate to City Commission that Planning Commission would like these items back for reconsideration.

Commissioner Hird said he was not here for the last meeting and had not seen the minutes. He felt the cleanest way to do this was to reconsider, if possible.

Commissioner Josserand said it was unfortunate the minutes were not ready. He said he wanted staff to examine the larger issues of the entire intersection, all four quadrants, in light of the significant development opportunity that did not exist when those quadrants were originally planned. He said if they rejected the rezoning request they would not be allowed to approve substantially the same rezoning request within a year. He wanted to talk about the whole quadrant. He said he voted to deny the zoning and was trying to make the same motion last month that Commissioner Hird just made and was told he could not make it.

Commissioner Britton said the time limitation of having to deal with it in one night was frustrating. He said the recreation center moving from one side to the other was a big enough change that he felt like they needed to be able to ask more questions if they were going to move forward with rezoning out there. He said if they could get this back and have the opportunity to have those types of discussions that would be favorable.

Mr. Larkin said if it was returned it would be under the same statute and would be a one night deal.

Commissioner Britton asked if staff had the capability to do additional analysis in light of the change of the recreation centers location and give an actual recommendation. He said there was no recommendation last month.

Mr. McCullough said last month staff was acting under the direction of City Commission to return it to Planning Commission for discussion. He said staff could certainly dig deeper and provide further analysis. He said they could put forth any motion to the City Commission. He said staff did not interpret Commissioner Josserand's request last month the same as Commissioner Hird's motion this month.

Commissioner Josserand asked for a broader review of the quadrants.

Commissioner Britton asked if anyone from the public wanted to comment.

PUBLIC COMMENT

Mr. Mike Kelso said the reason he wanted this reconsidered was due to last month being a late meeting as well as the confusion about what was being voted on. He said it was an important

decision and there wasn't consensus on what was being voted on. He felt it needed to be revoted on and restudied.

Ms. Jane Eldredge, Barber Emerson, said a motion to rescind was designed for situations when less than a full commission acted on an item. She said it had not been delivered to the City Commission yet because the minutes were not complete.

Commissioner Liese asked Ms. Eldredge to comment on the motion.

Ms. Eldredge said she would have to take what she could get.

Commissioner von Achen asked if a motion to rescind could be made by anyone or if it needed to be someone who voted in the majority last month.

Mr. Larkin said a motion to rescind could be made by any member of Planning Commission, regardless of how each member voted last time.

Commissioner Hird withdrew his motion, pending any further motions by any other member of Planning Commission, with the understanding he could reassert his motion if there was nothing in the way of rescission.

Commissioner Culver, who seconded the motion, said he was fine with that.

Motioned by Commissioner von Achen, seconded by Commissioner Culver, to rescind the motion made last month on the comprehensive plan amendment and rezoning on the property on the northwest corner of W 6th Street and the South Lawrence Trafficway.

Commissioner Josserand asked on what basis they were rescinding this.

Mr. Larkin said a motion to rescind, because there was no notice beforehand, would need to be at least 2/3 or one more than a majority of the entire membership of the board, whichever was easier to reach.

Commissioner Josserand said there were a different set of Commissioners than last month. He said Roberts Rules of Order puts a supermajority on it so that governing bodies don't do this. He wondered why there were doing this and said if he misses a meeting he may show up and ask to reconsider an item.

Commissioner von Achen said the main reason for asking for this was because there were more Commissioners present this month than last month. She felt it would be a fairer decision if more people were acting on it.

Commissioner Lamer said he was unfortunately not able to make last month's meeting. He said he would have a hard time not following the decision made last month, regardless of how he considered the evidence. He concurred with Commissioner Josserand on the weight given to the Commissioners who were present and considered the evidence.

Commissioner Hird said Mr. Larkin indicated that a motion to rescind was not an appropriate remedy. He asked what the outcome of an improper motion would be.

Mr. Larkin said it would just be void and the original recommendation would move forward.

Commissioner Hird said he had great respect for the Planning Commission. He said the wisest judges and best attorneys he knows are always willing to look at the decisions they have made and make sure they are sound. He said if the majority was correct last month, reconsidering and hearing more information does nothing more than help the process. He said sometimes it was worthwhile to revisit something and this was an important issue for the community. He felt it was a good motion and he would support it.

Commissioner Britton agreed with Commissioner Hird about there being no harm in reopening something and talking about it again. He said if they were right the first time then they'd be right the second time and if they were wrong the first time they'd be right the second time. He said that was all predicated on the idea that there was additional information or reason to believe they would make a better decision or have more evidence to consider. He said he hadn't heard anything about what more they would hear tonight that they couldn't have heard last month. He said if they do not have some anticipation that new information would give them a wider and deeper appreciation for the issues then he was not sure it was appropriate to reopen the issue just to revote on it. He expressed concern about setting a precedent for reopening things just because not everyone was present at a meeting. He did not feel this issue was the kind where they needed to step outside the normal process and potentially undermine it. He felt they should respect the process and respect the fact there was no new information in which to base a new decision. He said he would oppose the motion.

Mr. Larkin said if there was a vote to rescind, assuming it was legal, there would no further vote on the issue, the original recommendation would be deemed submitted. He said if their action from last month was rescinded there would not be a vote on the issue again it would go to the City Commission under the original recommendation.

Commissioner Liese said in both cases, whether there was a motion to have City Commission bring it back to Planning Commission or have it rescinded, they would be letting City Commission know that Planning Commission had concerns about the decision. He felt rescinding it was a potentially negative move.

Commissioner von Achen asked if there would be no further action.

Mr. Larkin said if rescinded it would go to the City Commission as a recommendation of approval. He said the City Commission could act on it and Planning Commission would never see it again or the City Commission also had the ability to return it to Planning Commission. He said either way it would be City Commission's decision.

Commissioner Liese said a more constructive way to start all over would be to ask the City Commission to give it back to Planning Commission to look at again. He said during last month's meeting Planning Commission was asked if circumstances changed would they still vote for it and the answer was yes.

Commissioner Hird suggested a motion to rescind and if that was illegal direct staff to request City Commission send it back to Planning Commission.

Mr. McCullough said if it was legal the impact was the original motion for approval. He said the City Commission would understand the frustration and challenges of the case.

Commissioner Liese said he would like to see a more collaborative motion that they could all agree on because it would be a stronger message to City Commission.

Commissioner Lamer said his statement about opposition to the motion had nothing to do with the merits of the plan put forth. He felt it would be questioning the decision made by the Planning Commissioners who were present last month.

Commissioner von Achen said if they went along with Commissioner Hird's original motion would there be new information that could help move this process along or would it just be a rehash of what they already did.

Mr. McCullough said the direction of that motion was that if the City Commission returned the items that Planning Commission would request staff to provide a deeper analysis. He said there were a number of things that came up in the 5+ hour discussion last month that staff could provide information on.

Commissioner Liese asked if staff could provide information on the draw of downtown when a development occurs.

Mr. McCullough said there was a healthy retail market analysis in the packet but that staff could do what they could to provide any information requested.

Commissioner Josserand said he thought there was a wider set of concerns than just one quadrant.

Commissioner Belt said if they do move with rescission it would immediately kick back to the original approval. He felt the discussion tonight was more peculiar than last month's discussion and he would not support the motion.

Commissioner Hird said finality at Planning Commission did not exist. He gave the example of the many changes with the Northeast Sector Plan. He said Planning Commission was always revisiting things and it was a continual process of readjusting Horizon 2020 to meet the needs and expectations of the community. He said it was an evolving process that never stops. He felt the motion to reconsider was one of the tools that they had as a Commission. He felt it was an exercise of their responsibility when the situation was right to reconsider items. He said it does not bother or offend him that they would revisit something because that's what the Commission does all the time.

Commissioner Britton said they were not talking about reconsidering they were talking about rescinding. He felt rescinding was very different than reconsidering something with new information. He said there was nothing illegitimate about a motion to rescind. He said the minutes reflected that he specifically asked if there was a possibility the recreation center would not end up going there and what would happen procedurally. He felt it was a material change that deserved additional consideration and evidence. He addressed Mr. Kelso's comments about being frustrated with Planning Commission taking a vote last month. He said Planning Commission was frustrated too about having to vote and would have liked additional time to talk about it. He stated under the rules they had to move on it that night and didn't have a choice. He asked Mr. Larkin about his comments regarding a motion to rescind being improper and would not do anything. He asked if they voted to rescind if it would wipe out the recommendation for denial from last month, which would reinstate their previous approval.

Mr. Larkin said if the motion to rescind was valid then that would be the result. He said it was still the City Attorney's opinion that the motion to rescind was not valid, but there were differing opinions regarding that.

Commissioner Blaser said he would like the chance to hear the items again. He suggested going back to Commissioner Hird's motion about asking the City Commission to send it back to Planning Commission to look at again. He said the motion to rescind was not deemed to be legal so he would vote against the motion to rescind.

Commissioner von Achen withdrew her motion so that Commissioner Hird could reinstate his original motion.

Commissioner Culver, who seconded the motion, said he was fine with that.

Commissioner Hird said he wished they had voted on the motion to rescind because they rarely see rezoning applications where everyone is in agreement and it gets turned down. He said he would have preferred to go back to their original motion.

Motioned by Commissioner Hird, seconded by Commissioner Culver, that the Planning Director submit to the City Commission a request to have the items related to the CC600 issues heard at the October Planning Commission meeting returned to the Planning Commission for reconsideration with more than one meeting to consider the items, if needed. If the City Commission returns the items, the Planning Commission requested deeper analysis by staff on the land use options.

Commissioner Josserand inquired about the year moratorium.

Mr. Larkin said a final determination had not been made by City Commission and it would trigger the one year moratorium.

Commissioner Britton asked if the City Commission would have the authority to give Planning Commission more time to reconsider the items.

Mr. Larkin said as he read the law, probably not, but that Planning Commission could always ask for more time.

Commissioner Culver said he supported both motions because his hope was that the City Commission would send this back to Planning Commission to allow for a more comprehensive representation of Planning Commissioners to have a discussion. He hoped they could come to a better informed recommendation with less frustration and confusion. He said the discussion was important because this could potentially have longer term impacts on the applicant and he wanted to be sure they took a thorough look at how they go about making recommendations.

Commissioner Liese asked Commissioner Culver what gave him the confidence there would be better attendance.

Commissioner Culver said he hoped Planning Commissioners would see the importance of the discussion and would want to serve in the capacity of representing the community and engage in those discussions.

Commissioner Britton said if he thought they would have the opportunity to give this the kind of consideration it deserved he would be inclined to support the motion, but it sounded like they would

be in the same situation with little time to discuss and no option to defer. He said he would probably oppose the motion. He hoped City Commission would take a long hard look at the minutes and do what they felt was best.

Commissioner Hird asked if they could use the Planning Commission December Mid-Month meeting to discuss further.

Mr. McCullough said there was no December Mid-Month meeting because the regular Planning Commission meeting was December 10th. He said he was not sure when City Commission would consider this and they would need to take action on it first.

Commissioner Britton said he understood the law to be that if City Commission sent it back that Planning Commission would have to take it up at their next meeting.

Mr. McCullough said that was correct.

> Motion carried 5-4. Commissioners Belt, Britton, Josserand, Lamer voted in opposition. Commissioners Blaser, Culver, Hird, Liese, von Achen voted in favor.

PC Minutes 11/12/12 **DRAFT**

MISC NO. 1 LONG RANGE PLANNING 2013 WORK PROGRAM

Receive Long Range Planning 2013 Work Program.

Mr. McCullough presented the item.

Commissioner Hird thanked staff and said it was very helpful in setting out the roadmap for Planning Commission.

Mr. McCullough said on the January agenda there would be a request to have one or two Planning Commissioners be part of the Oread Neighborhood Overlay District processing.

ACTION TAKEN
Motioned by Commissioner Josserand, seconded by Commissioner Britton, to approve the Long Range Planning 2013 Work Program.

Unanimously approved 9-0.

MISC NO. 2 2013 PLANNING COMMISSION MEETING CALENDAR

Adopt the 2013 Planning Commission meeting calendar.

Motioned by Commissioner Hird, seconded by Commissioner Britton, to approve the 2013 Planning Commission meeting calendar.

Unanimously approved 9-0.

Consideration of any other business to come before the Commission.

ADJOURN 9:25pm

2013
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM	Mid-Month Topics	Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 9	Topics for 2013	Jan 28	Jan 30
Feb 13		Feb 25	Feb 27
Mar 13		Mar 25	Mar 27
Apr 10		Apr 22	Apr 24
May 8	APA Conference follow-up	May 20	May 22
Jun 12		Jun 24	Jun 26
Jul 12**	*PC Orientation – all day Friday*	Jul 22	Jul 24
Aug 14		Aug 26	Aug 28
Sep 11		Sep 23	Sep 25
Oct 9		Oct 21	Oct 23
Nov 6	*tentative*	Nov 18	Nov 20
Dec 4	*tentative*	Dec 16	Dec 18

Suggested topics for future meetings:

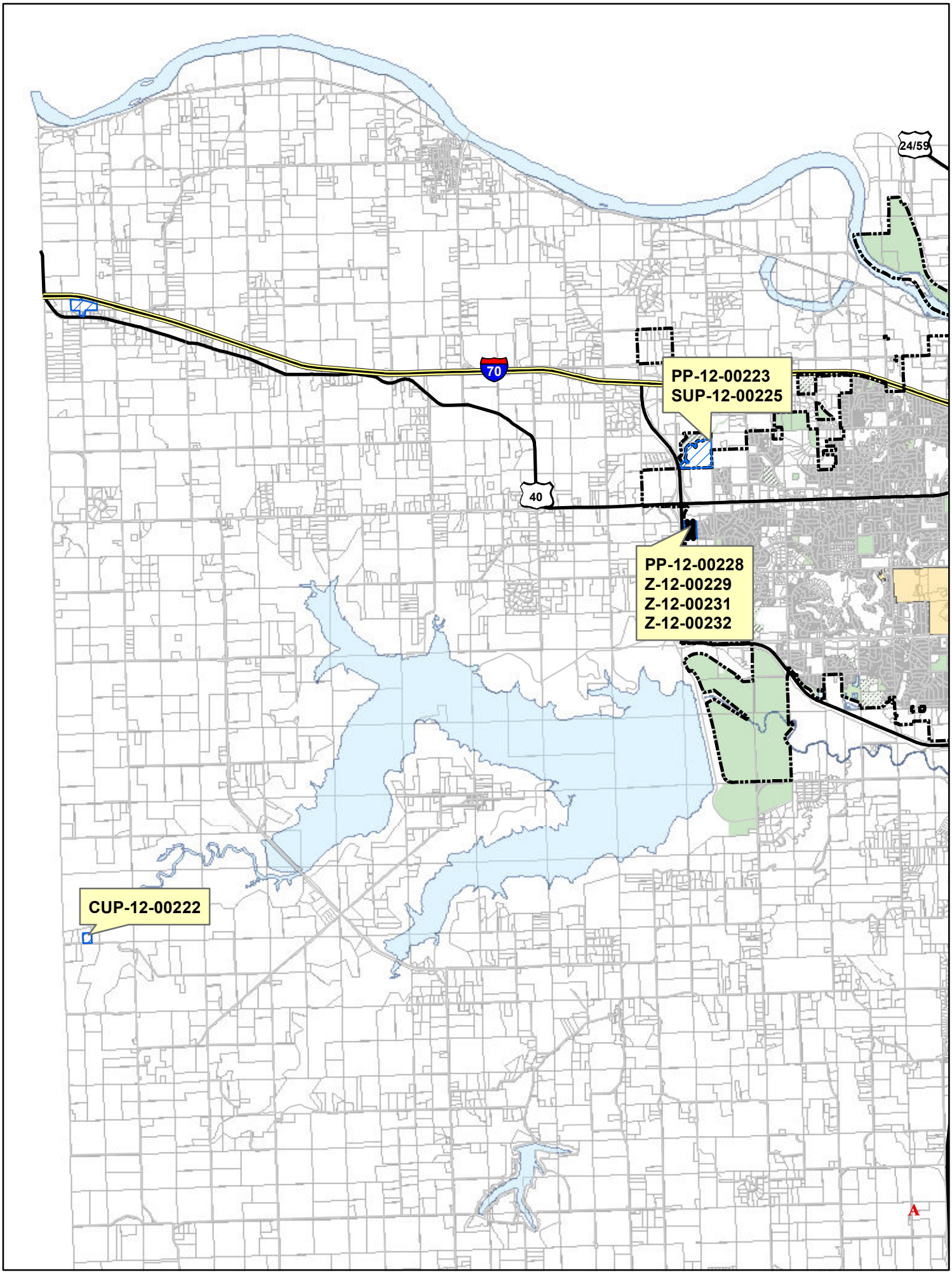
How City/County Depts interact on planning issues
Stormwater Stds Update – Stream Setbacks
Overview of different Advisory Groups – potential overlap on planning issues
Open Space Acquisition/Funding Mechanisms – what do other states do?
Library Expansion Update
Joint meeting with other Cities' Planning Commissions
Joint meeting with other Cities and Townships – UGA potential revisions
Tour City/County Facilities
2010 Census Data
Oread Overlay Districts
Water/Wastewater Master Plan Update
*Downtown Survey Memo – redevelopment options**
*Comprehensive Plan – Goals & Policies**
**new suggestions*

Meeting Locations

The Planning Commission meetings are held in the City Commission meeting room on the 1st floor of City Hall, 6th & Massachusetts Streets, unless otherwise noticed.

Planning & Development Services | Lawrence-Douglas County Planning Division | 785-832-3150 | www.lawrenceks.org/pds

Revised 12/04/12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PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

ITEM NO. 1: 2012 – 2016 CAPITAL IMPROVEMENT PLAN

Approve projects to be included in the 2012-2016 Capital Improvement Plan (CIP) for the City of Lawrence.

STAFF RECOMMENDATION: Staff recommends the Planning Commission make a finding that the projects presented in the 2012 – 2016 CIP Project List are in conformance with the City's comprehensive plan and forward a recommendation to the City Commission for approval.

GENERAL INFORMATION

KSA 12-748 provides the basis for the Capital Improvements Plan (CIP), which is a planning tool that helps guide city investments in constructing public facilities or utilities that are in conformance with the comprehensive plan. The statute emphasizes the link between public improvements and adopted land use plans. The Planning Commission's role in the CIP process is to review the multi-year plan that includes the attached CIP Project List and determine if these proposed projects are consistent with the goals and policies in *Horizon 2020*.

For example, if a street improvement project was proposed that was located miles beyond the adopted Urban Growth Area, the Planning Commission would make a finding that the proposed improvement was not in conformance with the comprehensive plan and provide a report to the governing body identifying how the project did not conform. In staff's opinion, the proposed projects included in the attached CIP Project List do conform to the adopted policies in *Horizon 2020*.

BACKGROUND

The Capital Improvement Plan (CIP) is a planning tool to assist in the provision of city services. The CIP provides a method by which the community may look beyond year-to-year budgeting to determine what, when, where and how future improvements to city infrastructure may be made. Additionally, the CIP assists the City in taking advantage of alternative financing methods for relatively large infrastructre projects, including federal and state assistance.

A capital project is defined as a project with a minimum total cost of $25,000 resulting in the creation of a new fixed asset or enhancement to an existing fixed asset with a life expectance of at least 20 years. Examples include construction or expansion of public buildings, new storm and sanitary sewers, water line upgrades and extensions, street construction, the acquisition of land for public use, and the planning and engineering costs associated with these projects.

The CIP is a list of major public improvement projects. It attempts to look ahead to determine the needs for public improvements, and then schedule them within the capabilities of the City's financial resources. The CIP project list is flexible, and is subject to annual appropriation.

Each year city departments submit capital improvement projects to an administrative review committee. The committee assesses proposed projects and identifies priority projects to be included in the plan. These projects are scheduled according to the City's budget and debt capabilities.

As part of the budgeting process each year, the City Commission considers which projects to fund. Please see the adopted Capital Improvement Budget for 2013 to see each project's funding schedule.
http://www.lawrenceks.org/assets/budget/2013/2013_lawrenceks_adopted_budget.pdf

CIP PROJECT LIST
The CIP project list includes projects underway this year or anticipated for construction/implementation in the next four years. The list is organized into categories of infrastructure, facilities, transit, utilities, parks and maintenance.

- Infrastructure – includes projects that are constructing and/or developing public infrastructure (primarily street improvements and public safety expenditures)
- Facilities – identifies new buildings or work group projects
- Transit – includes vehicles, passenger amenities and a transfer facility
- Utilities – identifies sanitary sewer and water improvements and service delivery programs
- Parks - includes upgrades to existing parks and installation of improvements at new sites
- Maintenance - includes the general maintenance needs of all existing public facilities and infrastructure, which is ongoing and prioritized as needs arise

Each project is followed by a description and justification explaining the details of the project, and the necessary reasons for undertaking the project. Projects are not specifically prioritized in this list. As noted above, the City Commission prioritizes projects as part of the annual budget process.

Map numbers have been provided to link the project descriptions with the location maps that follow the list.

UTILITIES CAPITAL IMPROVEMENT PROJECTS
The projects to improve the City's water and wastewater utilities have been prioritized and planned as part of a multi-year master planning process. The timing of these projects depends on the utility rates set by the City Commission each year. The projects as presented in this plan represent the maximum possible; however, these projects are subject to change based on resources available each year.

PLANNING COMMISSION'S ROLE
The Planning Commission is requested to review all capital improvement projects included in the CIP to ensure conformance with the City's Comprehensive Plan, *Horizon 2020*. All of the projects listed are supported by goals and policies in *Chapter 10 – Community Facilities*:

> **GOAL 1: Provide Facilities and Services to Meet the Needs of the Community**
> Provide quality public and semi-public facilities equitably distributed throughout the community.

Policy 1.1: Maintain Existing Facilities

a. Encourage the adaptive reuse or redevelopment of excess community facilities and sites.

b. Maintain or upgrade existing facilities and services where necessary to serve existing development.

Several of the projects are specifically Transportation projects which are supported in *Chapter 8 – Transportation (Goals 2 & 8):*

GOAL 2: Maintain, Expand and Enhance the Existing Transportation Network

Advance policies that promote roadway connectivity and expand multimodal services.

GOAL 8: Pedestrian and Bicycle Transportation System

Establish an integrated system of bicycle and pedestrian improvements that provides for safe and efficient connections throughout the community, and offers viable choices of travel.

Transportation related projects that are more tied to security or public transportation which are identified in *Chapter 8 – Transportation (Goals 6 or 9):*

GOAL 6: Increase Transportation System Security

Increase the ability of the transportation system to support homeland security and to safeguard the personal security of all motorized and non-motorized system users.

GOAL 9: Public Transportation System

Implement a coordinated public transportation system that offers a viable choice of travel that addresses the needs of individuals and the community as a whole.

Parks projects are supported in both *Chapter 10 – Community Facilities* and *Chapter 9 – Parks Recreation and Open Space (Goals 2, 3 and 4):*

GOAL 2: Protect the Existing Parks, Recreation, and Open Space System

Maintain and enhance the existing parks, recreation, and open space system to meet an expressed community need for improvements to this system and to improve the overall community image.

GOAL 3: Expand the Existing Parks, Recreation, and Open Space System

Acquire new parkland and open space areas to stay ahead of growth and to meet anticipated community demand and locate such areas in a manner that is consistent with the coordinated planning and development efforts of the community. Within urban areas, work towards providing public green spaces within ¼ mile of each residence.

GOAL 4: Connectivity To, From, and Between Park, Recreation, and Open Space Areas and Facilities

Provide linkages to the parks, recreation, and open space system that improve community accessibility to such areas and that take into consideration the variety of linkage types available for active and passive recreational needs.

The projects related to the Farmland Business Park and the Bioscience & Technology Business Center are supported by goals and policies in *Chapter 7 – Industrial and Employment-Related Land Use (Goals 2 and 4)* and *Chapter 12 - Economic Development (Policy 6):*

GOAL 2: Criteria for Location of New Industrial and Employment-Related Development
Provide industrial and employment-related areas to meet the economic needs of the community.

GOAL 4: Transportation Considerations
Promote a multi-modal transportation system which provides or improves access and circulation within and adjacent to industrial and employment-related areas.

POLICY 6: Business Infrastructure
Priority 6.1: Business Park Development
Douglas County must identify land for future business and corporate business parks that takes advantage of the airport, the interstate/highway system, and the westward growth of Johnson County. Within the next few years, the City and County Commissions shall identify and designate at least 1000 acres of land for industrial expansion over the next 25 years. The commissions shall also put in motion the capitalization and infrastructure development needed to bring those 1000 acres into productive use. This area shall be identified in the HORIZON 2020 strategic plan for future opportunities in Lawrence and Douglas County.

PROFESSIONAL STAFF RECOMMENDATION
Staff recommends the Planning Commission make a finding that the projects presented in the 2013 – 2016 CIP Project List are in conformance with the City's comprehensive plan and forward a recommendation to the City Commission for approval.

Capital Improvement Plan - Project List 2012-2016

Type of Capital Project **Infrastructure**	Dept	Project & Description	Justification	Map Number
	Public Works	**Pennsylvania, 8th & 9th Streets; Warehouse Arts District Improvements:** These infrastructure improvements include redevelopment of the Warehouse Arts District surrounding the Poehler Building. These improvements include: 1) 8th Street storm water from Pennsylvania to Delaware; 2) 8th & 9th Street Improvements (overlay, angled parking, curb repair, bulb-outs, lighting).	These infrastructure improvements facilitate further development in the area.	1
	Public Works	**23rd Street & O'Connell Intersection Signal:** Signalize the intersection at 23rd and O'Connell.	Safety for main entrance into new business park (formerly Farmland)	2
	Public Works	**31st Haskell to O'Connell - Phases I & II:** Construct 31st Street between Haskell and O'Connell. This construction will be bid and constructed by KDOT with the South Lawrence Trafficway (SLT).	Needed arterial road	3
	Public Works	**New Business Park Infrastructure (formerly Farmland):** Entrance road, interior streets, water, sewer, stormwater, sidewalks	Needed infrastructure for new business park development	2
	Public Works	**Bob Billings Parkway (BBP) & K-10 Interchange:** KDOT is constructing an interchange at approximately $17 million. Local participation is requested.	Needed interchange	4
	Public Works	**BBP - Crestline to Kasold:** Reconstruction of east bound lanes of BBP from Crestline to Kasold. Improvements include full depth pavement and subgrade reconstruction.	Highly needed street improvement	5
	Public Works	**19th Street - Business Park (formerly Farmland) to Harper:** Construction of 19th Street	Access to new business park (formerly Farmland) from 19th Street	6
	Public Works	**6th & Iowa:** Installation of left turn lane from west-bound 6th Street to south-bound Iowa Street.	This left turn lane will enhance this intersection's capacity.	7
	Public Works	**Street Maintenance:** Repair portions of streets throughout the City. Projects will be selected according to highest need.	Reduced costs by addressing repairs to streets before total reconstruction is required.	
	Police/Fire Medical	**Emergency Communications Center (ECC) Upgrade:** The City funds 66% of the ECC, and Douglas County provides 34%.	No other incorporated cities in Douglas County participate in financing the ECC.	
Facilities	**Dept**	**Project & Description**	**Justification**	**Map Number**
	Parks & Rec / Public Works	**Recreation Center Construction:** Northwest Area Recreation Center ("Sports Village") - Create a large scale recreation center located in the NW part of the City to address a shortage of indoor gym space for residents and local teams, and to attract tournaments to the City. Recreation Center infrastructure improvements include: streets, water, sewer, stormwater, and pedestrian facilities.	Addressing a shortage of indoor gym space for residents and local teams, and to attract tournaments to the city	8
	PDS	**One Stop Shop for Development Review:** Remodel a city facility to accommodate locating all of PDS in one location.	Continuing high recommendation to improve customer services in City's Development processes	

	Police	**Police Facility:** Construct a new Police Department facility that is centrally located to house all divisions and operations to support operations and future expansion for 30 years.	Current facilities are outdated and not designed for modern police use. Police has five locations throughout Lawrence housing personnel and/or equipment. A new facility would return all operations into one location for the first time in over 30 years.	
	Public Works	**Public Works Combined Administration & Maintenance Facility:** Construct a Public Works central facility that will combine administration with maintenance operations.	Creating one, central location will enhance project coordination, and is conducive to utilizing shared equipment and resources.	
	Public Works	**Bioscience & Technology Business Center (BTBC):** The BTBC serves as an incubator for new bioscience-related businesses. The BTBC is expanding its existing facility and research labs. This expansion will be financed by the City, Douglas County, the University of Kansas, and other sources.	The BTBC enhances our community and future economic development efforts.	9
	Public Works	**Library:** Expansion and renovation of the public library facility	Voter approved expansion of the public library, providing greater access to materials.	10
	Public Works	**Maple Street Pump Station - Phase I & II:** Design started in 2012. Phase I of this project is to start construction on the stormwater pump station to better manage the stormwater runoff from "System 6" of the North Lawrence Drainage Study.	To prevent localized street flooding and structure damage	11
	Public Works	**Airport Maintenance Facility:** Construct a maintenance facility at the airport to house airport maintenance personnel and equipment.	Currently, staff uses a T-Hanger that was built to store an airplane. This new maintenance facility will create more needed space.	12
	Public Works	**Downtown Parking Garage Addition:** Additional level to the library parking garage, which will provide approximately 70 new public spaces downtown.	Increase the capacity of parking available downtown	10
Transit	**Dept**	**Project & Description**	**Justification**	
	Transit	**Vehicle Replacement, Passenger Amenities, and Transfer Facility:** Replacement of three (3) paratransit vehicles. Replace light duty fixed route vehicles with heavy duty (long life) buses. Purchase passenger amenities for improved passenger stops. Plan, design, purchase and/or build transfer facility.	Vehicles are meeting the end of their useful life and replacements will be necessary to continue service. Improve passenger amenities at various locations in the City. Downtown transfer location has become difficult to maintain and limited options exist.	

Utilities	Dept	Project & Description	Justification	Map Number
	Utilities	**Oread Water Tank Replacement:** To design and construct a new storage tank and booster pump station (BPS), replacing the existing two Oread storage tanks and BPS.	The two existing Oread water storage tanks and pump station were constructed in 1931 (1 million gallon) and 1954 (1.4 million gallon) and have reached the end of their useful lives due to corrosion of the tank shells and accessories. The Water Master Plan recommends replacement of the two existing tanks with a single 1.75 MG tank.	13
	Utilities	**Harper Tank Booster Pump Station (BPS):** Constructing a small, at grade, BPS at Harper Tank.	A BPS will improve reliability and assure water turnover in the tank. The BPS will also increase system pressures in the areas around the tank.	14
	Utilities	**Tower Coatings:** Removal and replacement of internal and external tank coatings and repair of deteriorated areas on water towers and tanks.	The coatings reduce further deterioration of the tanks and elevated towers.	15
	Utilities	**16" Redundant Supply to North Lawrence:** The water supply to north Lawrence is provided through a single 20" watermain. This project would provide a 16" watermain from the Kaw WTP to N. 3rd Street to provide a looped water supply to north Lawrence.	North Lawrence only has a single watermain feed. In the event of a watermain break on the river bridge, north Lawrence would have only a limited water supply through an emergency feed. The emergency feed could not support fire flows.	16
	Utilities	**Watermain Replacement Program:** Utilities budgets a yearly fund for the replacement of existing watermains within the distribution system. The program is used to address the replacement of watermains due to pipe age, reliability, water quality, and capacity issues.	This program replaces watermains before they become an operational and maintenance problem. The program will help to increase system fire flows, service pressures, and system reliability.	
	Utilities	**Watermain Relocation - Roadways Projects:** Utilities budgets a yearly fund for the replacement of existing watermains within the distribution system for roadways construction projects.	Coordination with proposed mill and overlay and street rehabilitation projects.	
	Utilities	**Kaw Water Treatment Plant Projects:** The projects include the concrete repair of the basins, electrical improvements to replace the motor control centers, and filter media replacements.	The Kaw WTP is over 50 years old and experiencing a general deterioration. Projects will fund the assessment and repair of some of the major components of the WTP.	17
	Utilities	**Clinton Water Treatment Plant Projects:** The projects include expansion of the raw water intake to a firm pumping capacity of 25 MGD, back-up power generators for the intake and treatment plant, basin coatings, and filter media replacements.	The Clinton WTP raw water intake needs to be expanded to provide a firm pumping capacity of 25 MGD which will match the existing treatment capacity of the plant. The plant is also over 30 years old and beginning to experience some general deterioration. Projects will fund the expansion of the raw water intake and the assessment and repair of some of the major components of the WTP.	18

	Utilities	**Kaw & Clinton WTP Process - Taste & Odor , Toxins, Viral Reduction:** This study will evaluate processes that would enhance removal of taste and odor compounds, microtoxins and viruses at the Clinton and Kaw WTPs. The scope of the work would perform the required water testing and analysis, evaluate existing plant processes, and provide conceptual process options and approximate costs and present worth value of options. Options will include, but not limited to oxidation, filtration, and adsorption technologies as well as possibly changing the source of water to alleviate contaminates and reduce overall treatment costs. Work would proceed in coordination with the Kaw WTP study to consider options to repair or replace source water intakes.	Raw water at both treatment plants are susceptible to taste & odor, toxins, and virus water quality issues. The project will provide an analysis of the best options to mitigate or eliminate these issues.	
	Utilities	**Bowersock Dam Improvements:** Construction of upstream dam maintenance improvements by Bowersock Mills & Power Company and the installation of a rubber dam system to impound water in the mill pond above the dam.	Agreement with Bowersock Mills & Power Company	19
	Utilities	**Water Treatment and Distribution System Maintenance Improvements:** These maintenance and rehabilitation projects include variable frequency drive replacements, protective coatings, and mechanical equipment repair and replacement.	These projects improve the reliability and extend the useful service life of the treatment plants and distribution system.	
	Utilities	**Pump Station 32 Expansion and Force Main (Located at 1723 E. 30th):** This project will expand the firm pumping capacity of the station to 1.7 MGD to accommodate population growth through 2030. The expanded pumping capacity requires the construction of a parallel 8-inch force main.	The existing pump station firm capacity of 0.7 MGD is exceeded by the 10-year design storm wet weather peak flows.	20
	Utilities	**Pump Station 23 Expansion (Located at 3003 O'Connell):** This project will expand the firm pumping capacity of the station to 0.1 MGD to accommodate population growth through 2030.	The existing pump station firm capacity of 0.05 MGD is exceeded by the 10-year design storm wet weather peak flows.	21
	Utilities	**Rapid I/I Reduction Program and Inflow & Infiltration (I/I) Removal:** This program is a multi-year project to reduce inflow and infiltration sources that are located in close proximity to the Kansas River WWTP. The first year will include a Sanitary Sewer Evaluation Study prior to beginning rehabilitation work. I/I removal focuses on the rehabilitation of clay pipe and brick manholes throughout the City.	The objective of the program is an overall 35% reduction of I/I within the program area. This results in reduced wet weather flows to the Kansas River WWTP.	22
	Utilities	**31st Street - Extend 12" Watermain to O'Connell:** This project will design and construct a 12-inch watermain from east of 31st and Haskell to the 12" watermain on O'Connell just north of 31st.	This project will eliminate dead-end watermains on 31st and on O'Connell completing a loop feed. The watermain will be constructed with the extension of 31st Street.	23
	Utilities	**Kansas River WWTP Co-generation & Backup Power:** Microturbines will be constructed that use biogas produced in the wastewater treatment process to generate electricity and recover the waste heat from the exhaust for use in process heating. This project spans two years.	The electricity generated would reduce the WWTP energy demand and potentially provide limited backup power for plant operation in the event of total power loss.	24

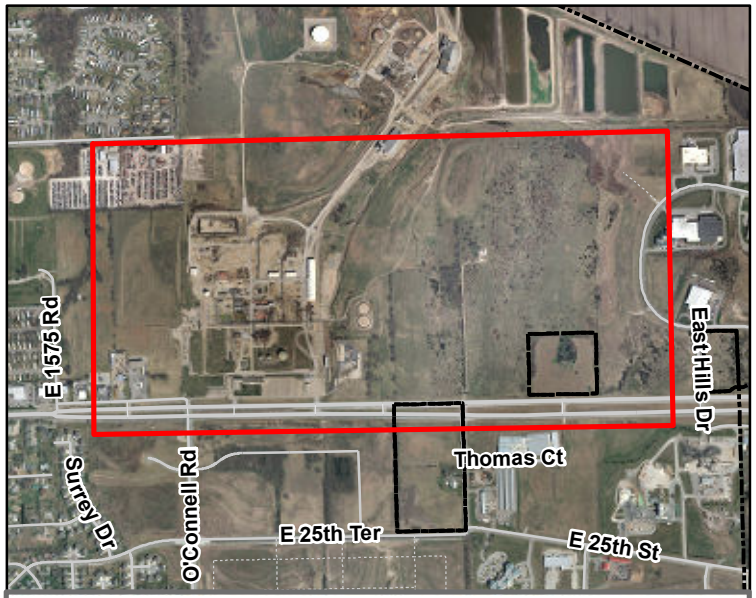
	Utilities	**Wakarusa Wastewater Treatment Plant:** Design & construction of the 2.0 MGD Wakarusa WWTP, 11 MGD influent pump station and conveyance piping, associated roadway, utility, and wet weather storage.	Construction of this WWTP will increase the City's wastewater treatment capacity for future growth, provide relief for collection system capacity issues at pump station 5A/5B, and enhanced effluent discharges by removing additional nutrients.	25
	Utilities	**Wastewater Treatment & Collection System Maintenance Improvements:** These maintenance and rehabilitation projects include variable frequency drive replacements, protective coatings, and pump station modifications for emergency conditions.	These projects will improve the reliability and extend the useful service life of the treatment plant and collection system.	
	Utilities	**Concrete Main Assessment:** The project will quantify the current overall structural condition of the concrete transmission mains, locate active leaks, and locate and quantify areas of corrosion damage and loss of reinforcing pre-stressing wires due to corrosion and breakage. The results of these assessments will provide the information necessary to design and execute any immediate repairs and form the basis for a longer term ongoing evaluation and rehabilitation program.	Concrete transmission mains make up approximately 12.6 miles of the system. These mains were constructed during the 1950s and late 1970s and range in diameter from 16" to 36". The critical nature of the concrete mains to convey raw water to the Clinton WTP as well as move large quantities of treated water from both the Clinton and Kaw WTPs to various areas of the distribution system makes the accurate assessment of their existing condition and expected remaining service life a high priority within the Department's work plan.	26
	Utilities	**16" Watermain from 31st Street & O'Connell to Wakarusa WWTP:** This project will design and construct a 16-inch watermain from 31st Street and O'Connell south along O'Connell to the south property line of the Wakarusa WWTP property.	This project will provide a water supply for the Wakarusa WWTP. It will also provide a new metering location for Baldwin City and Rural Water District #4. The project has the potential to be accelerated due to utility relocations necessary for the construction of the South Lawrence Trafficway.	27
	Utilities	**Kansas River-5C (KR-5C) Relief Sewer:** Design and construction of a 12-inch relief sewer in sub-basin KR-5C.	Gravity sewer surcharging remains in sub-basin KR-5C following the Rapid I/I Removal Program. The relief sewer will eliminate surcharging in the area.	28
	Utilities	**Pump Station 8 Elimination (on Alabama Street between 22nd Terr and 23th St):** This project will design the removal of pump station 8 and a new 21-inch gravity sewer to convey flows to the interceptor sewer tributary to the new pump station 5C.	This project will eliminate an aging pump station that is undersized for design storm flows. It will also eliminate flows to the Kansas River WWTP and direct them to the new Wakarusa WWTP that will help relieve capacity issues in the collection system to the Kansas River WWTP.	29

Parks	Dept	Project & Description	Justification	
	Parks & Rec	**Playground Surfacing:** Upgrade playground surfacing - install rubberized playground surfacing on park playgrounds at Centennial, Veterans, Holcom, and Deerfield	Rubberized playground surfacing is softer and more durable than concrete and woodchip mulch. It is also environmentally-friendly, as it uses recycled materials.	30
	Parks & Rec	**Baldwin Creek Trail:** Construct a new trail along the City's NW corner to connect the SLT trail to Kasold Drive	Hiking and biking trails continue to be identified by the community as one of the City's greatest recreation needs. This trail would extend the existing trail along K-10.	31
	Parks & Rec	**Burroughs Creek Trail - SE Trail Connection:** Extend the concrete trail south of 23rd Street to connect with 31st Street and SLT trails	Hiking and biking trails continue to be identified by the community as one of the City's greatest recreation needs. This trail would connect to existing trails.	32
	Parks & Rec	**Youth Sports Complex Improvements:** Install additional restroom and concession facilities	Use of this complex continues to grow. Additional facilities improve the user experience at the facility.	33
	Parks & Rec	**Dog Park Improvements:** Improve parking and park facilities at the dog park	This popular attraction currently has an unimproved parking area. Additional improvement to the park would enhance the facility.	34
	Parks & Rec	**Broken Arrow Park Renovation:** Renovate existing park shelter and restroom into one facility to provide a year-round use facility	Improvements to this community park would enhance the facility.	35
	Parks & Rec	**DeVictor Park Trail:** Complete concrete trail around park	Hiking and biking trails continue to be identified by the community as one of the City's greatest recreation needs. This trail would connect to existing trails.	36
	Parks & Rec	**Peterson Park Development:** Begin development of park property at Peterson & N. Iowa to include picnic shelters, parking and a trail	Additional park facilities are needed as this part of the community continues to grow.	37
	Parks & Rec	**Green Meadows Park Development:** Begin development of Green Meadows Park Property to include picnic shelters, playground and trail	Additional park facilities are needed as this part of the community continues to grow.	38
Maintenance	**Dept**	**Project & Description**	**Justification**	
	All	**General maintenance of existing public facilities and infrastructure is ongoing, and prioritized as needs arise.**	**Maintenance is an ongoing necessity to maintain public assets and facilities.**	

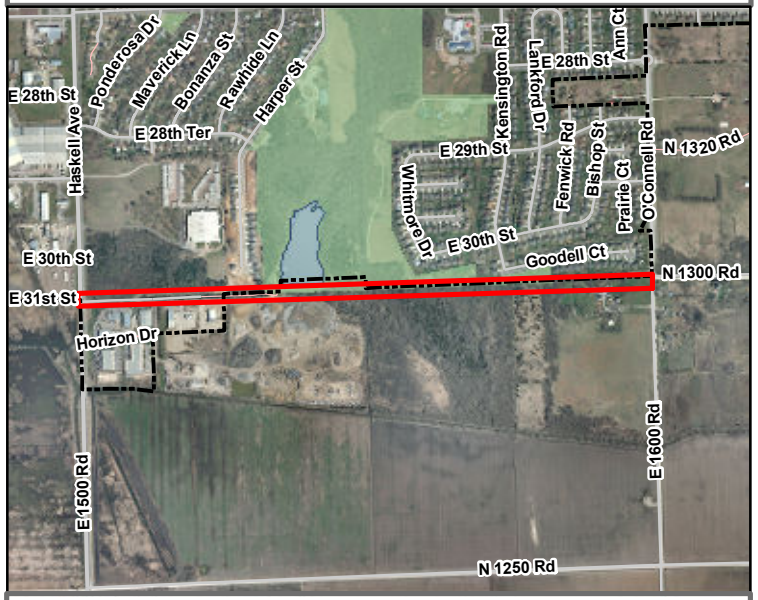
CIP PROJECTS LIST LOCATION MAPS

November 30, 2012

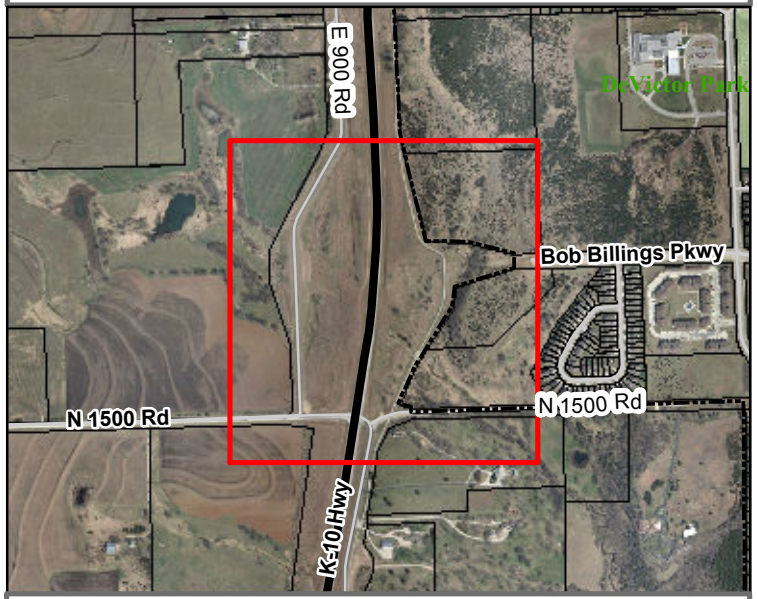
Map 1
Pennsylvania, 8th, & 9th Streets
Warehouse Arts District Improvements



Map 2
23rd Street & O'Connell Intersection Signal
New Business Park Infrastructure



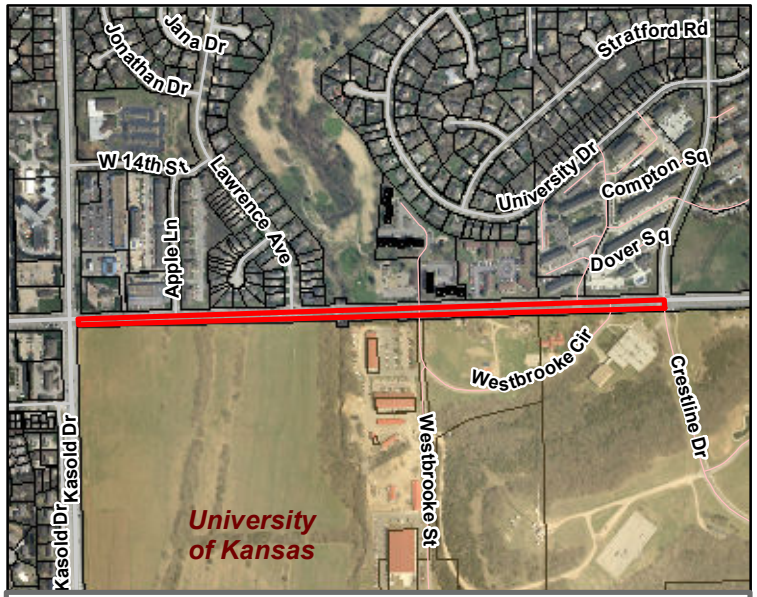
Map 3
31st Haskell to O'Connell - Phases I & II



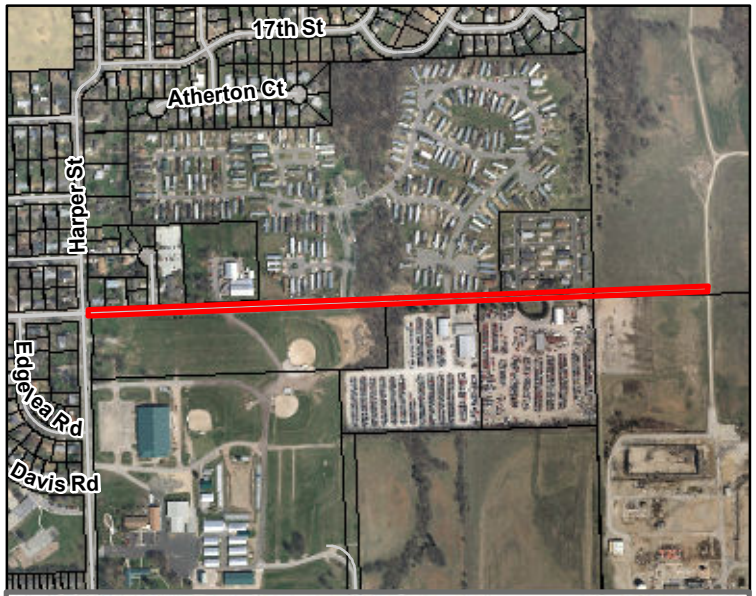
Map 4
Bob Billings Parkway (BBP) & K-10 Interchange

CIP PROJECTS LIST LOCATION MAPS

November 30, 2012

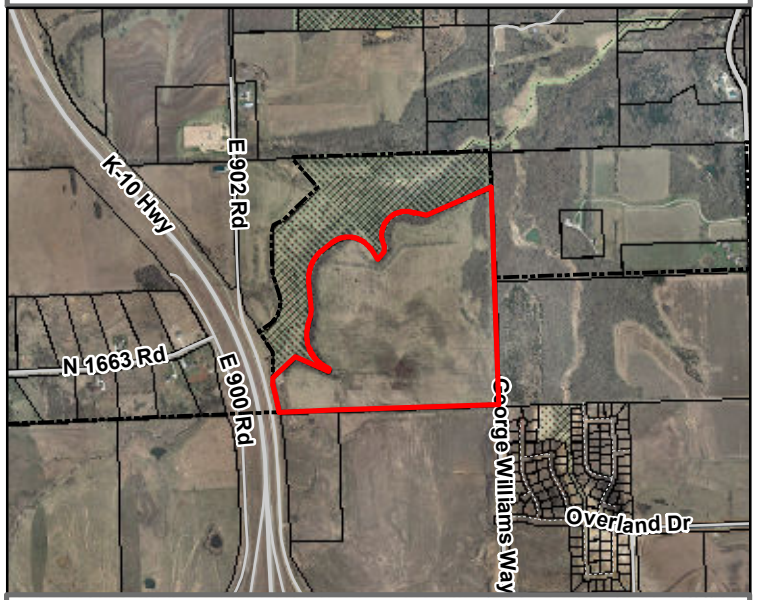


Map 5
BBP - Crestline to Kasold



Map 6
19th Street - Business Park to Harper

Map 7
6th & Iowa Intersection Improvements



Map 8
Recreation Center Construction

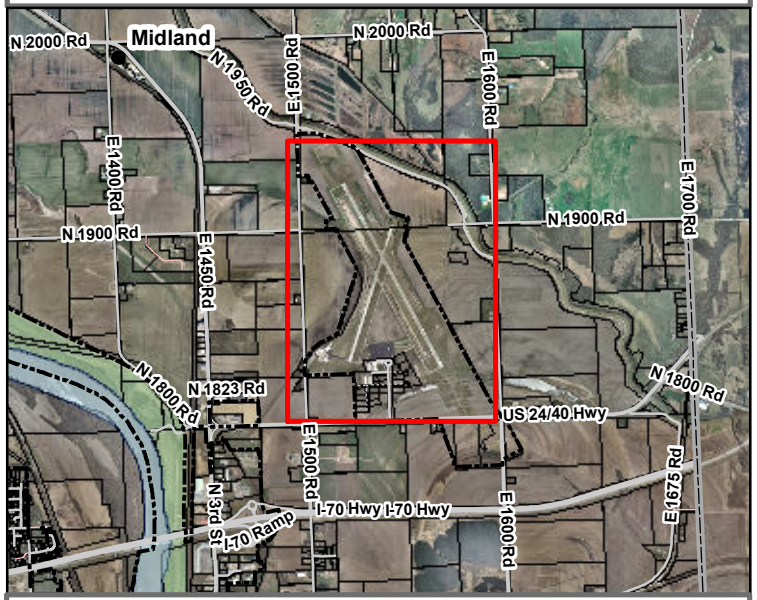
CIP PROJECTS LIST LOCATION MAPS

November 30, 2012

Map 9
Bioscience & Technology Business Center

Map 10
Library & Downtown Parking Garage

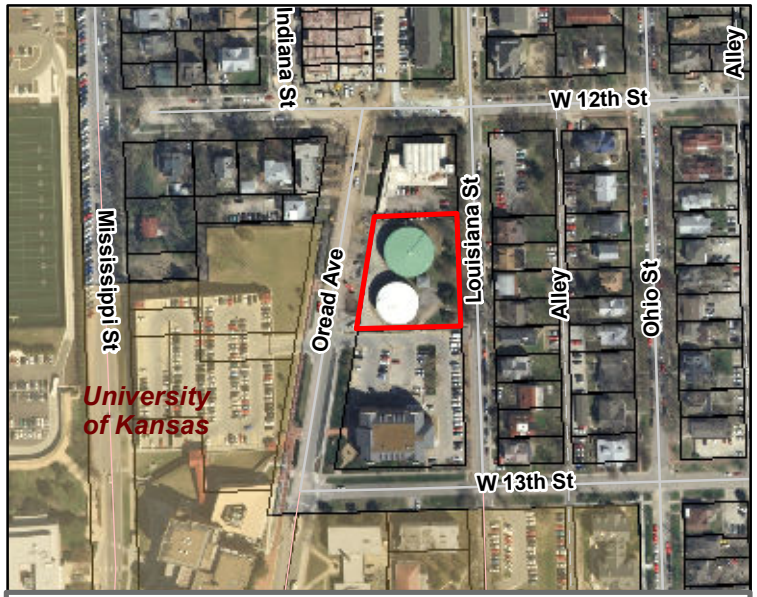
Map 11
Maple Street Pump Station - Phase I & II



Map 12
Airport Maintenance Facility

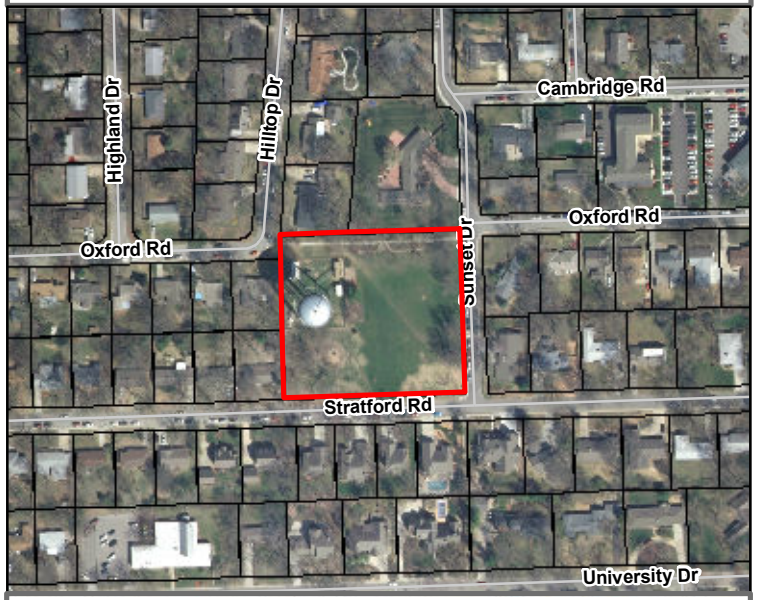
CIP PROJECTS LIST LOCATION MAPS

November 30, 2012

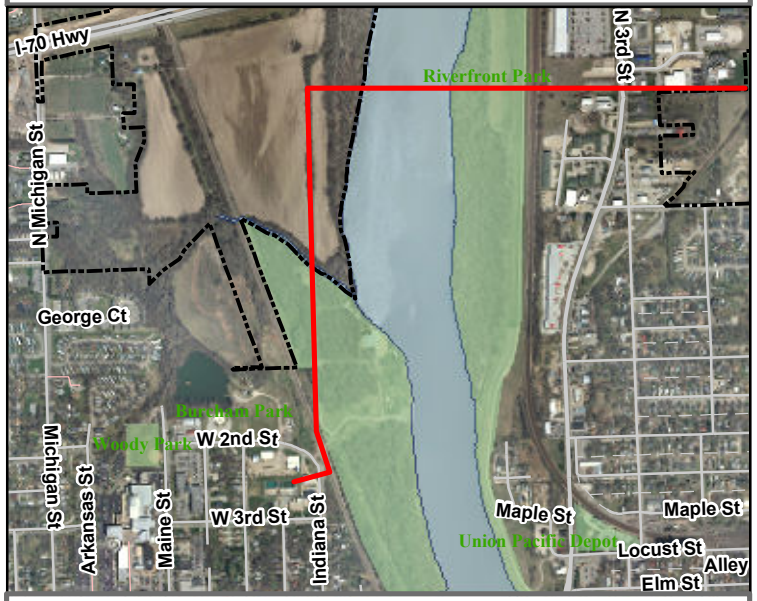


Map 13
Oread Water Tank Replacement

Map 14
Harper Tank Booster Pump Station



Map 15
Tower Coatings-Stratford Tank



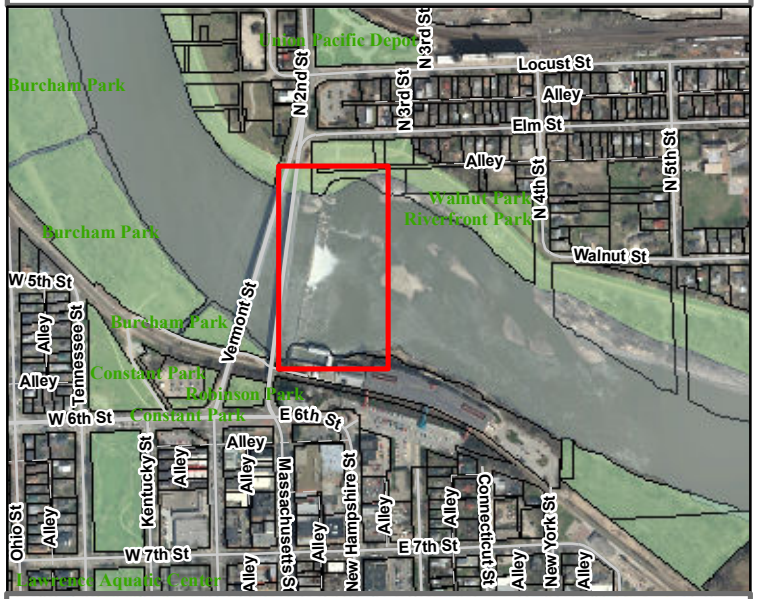
Map 16
16" Redundant Supply to North Lawrence

CIP PROJECTS LIST LOCATION MAPS

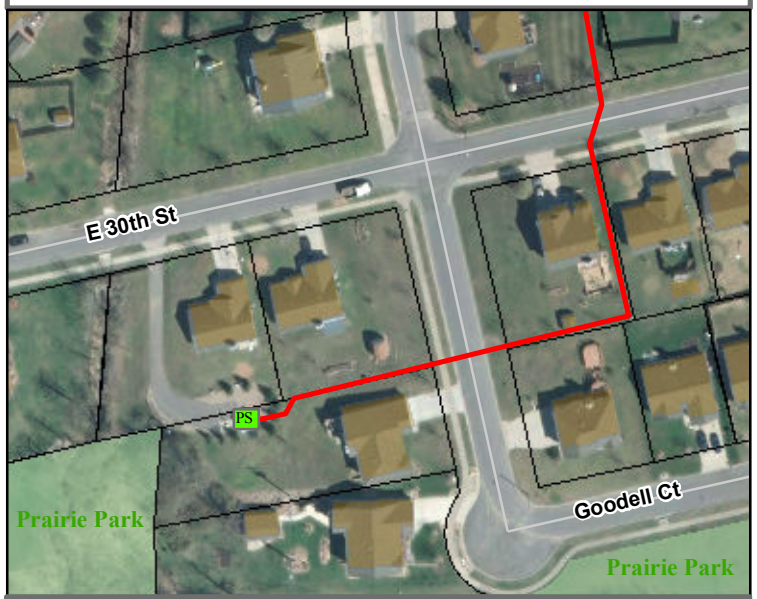
November 30, 2012

Map 17
Kaw Water Treatment Plant Projects

Map 18
Clinton Water Treatment Plant Projects



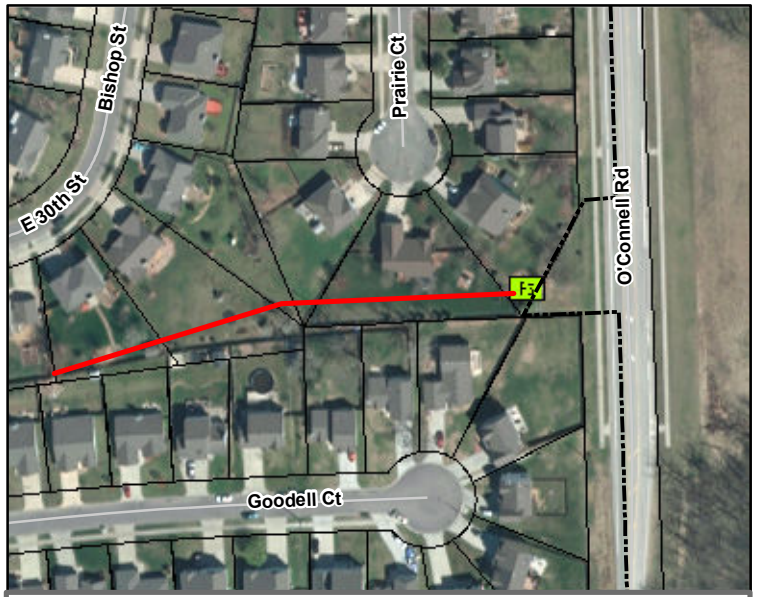
Map 19
Bowersock Dam Improvements



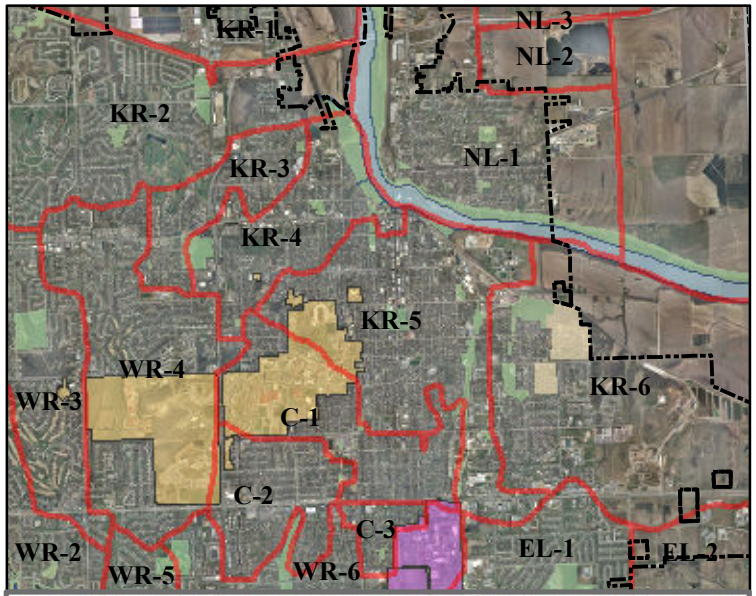
Map 20
Pump Station 32 Expansion and Force Main
1723 E. 30th

CIP PROJECTS LIST LOCATION MAPS

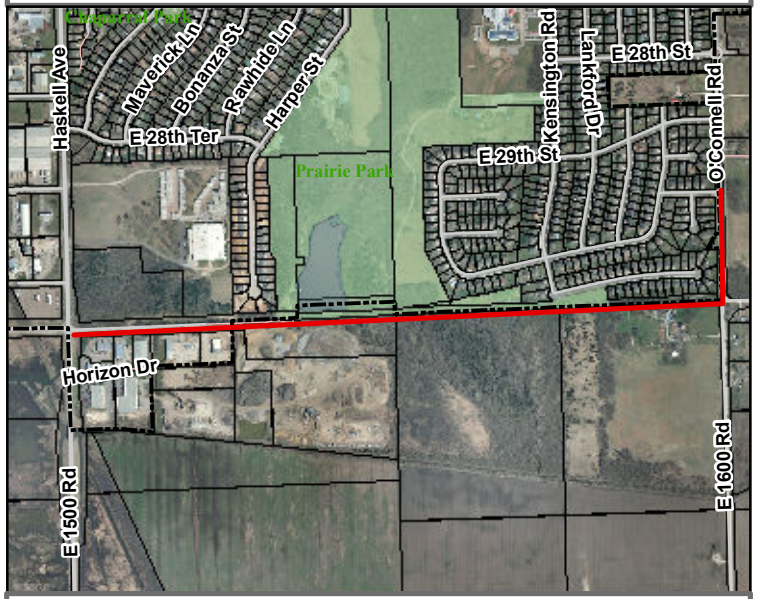
November 30, 2012



Map 21
Pump Station 23 Expansion
3003 O'Connell



Map 22
Rapid I/I Reduction Program & I/I Removal

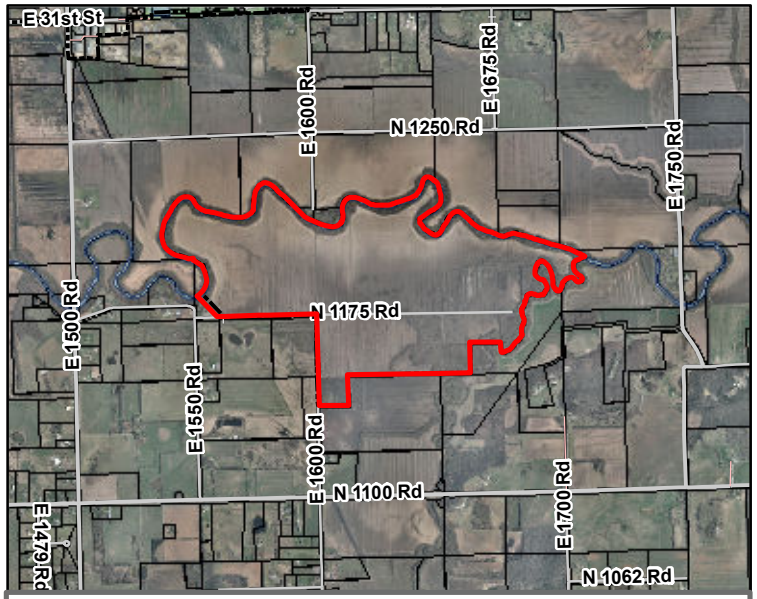


Map 23
31st Street - Extend 12" Watermain to O'Connell

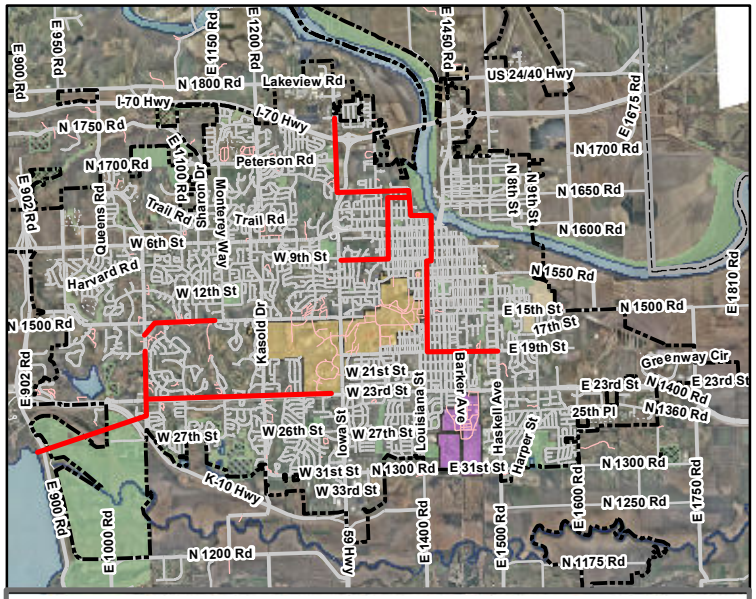
Map 24
Kansas River WWTP
Co-generation & Backup Power

CIP PROJECTS LIST LOCATION MAPS

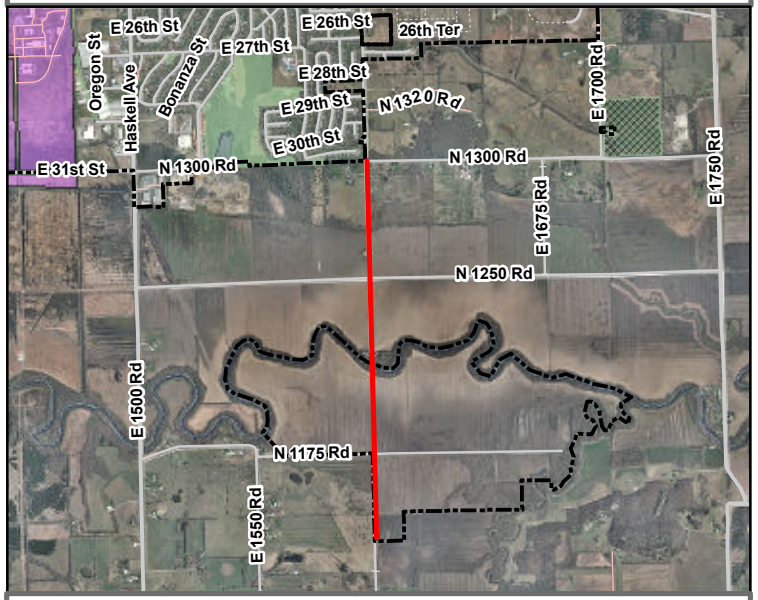
November 30, 2012



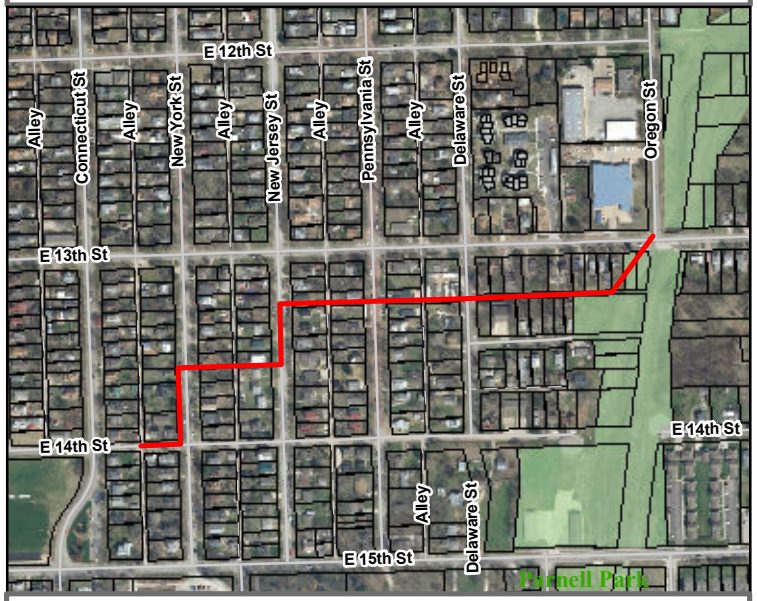
Map 25
Wakarusa Wastewater Treatment Plant



Map 26
Concrete Main Assessment



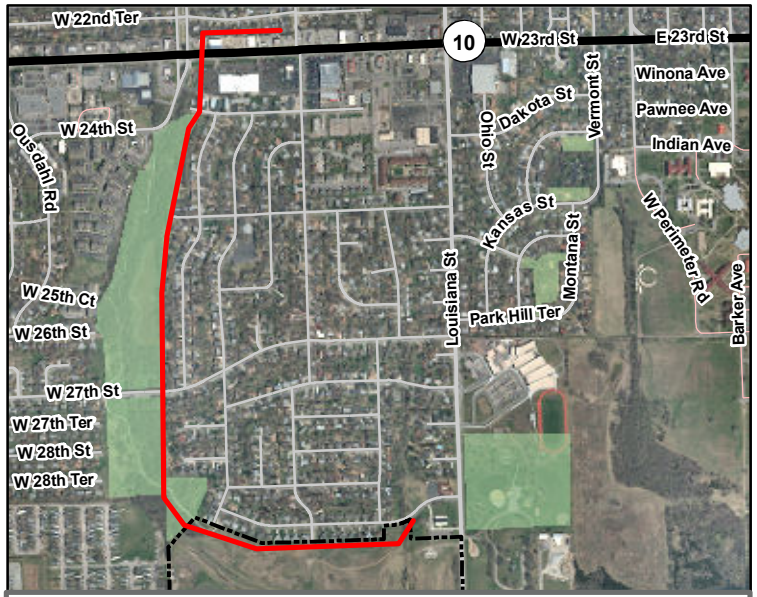
Map 27
16" Watermain from 31st Street & O'Connell to Wakarusa WWTP



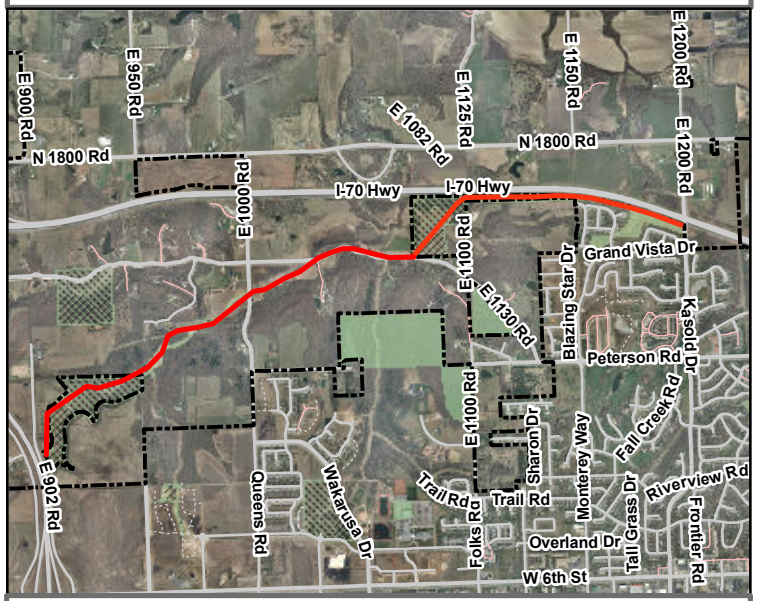
Map 28
Kansas River-5C (KR-5C) Relief Sewer

CIP PROJECTS LIST LOCATION MAPS

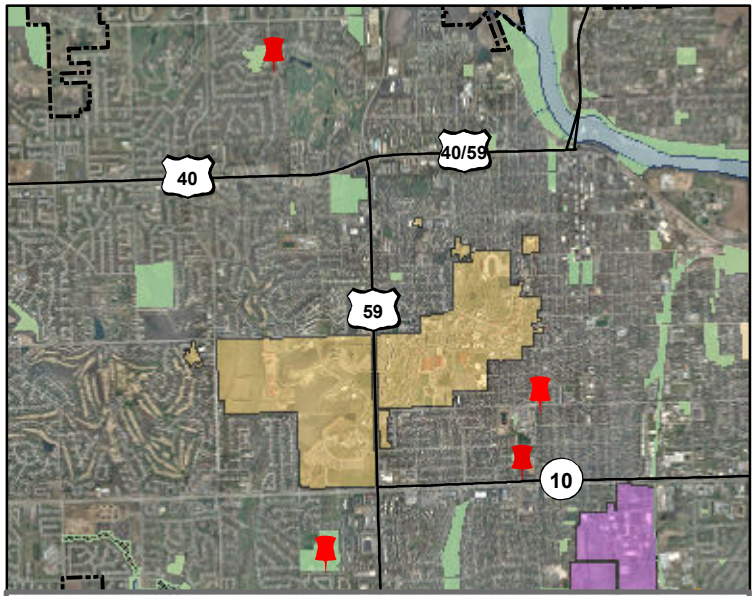
November 30, 2012



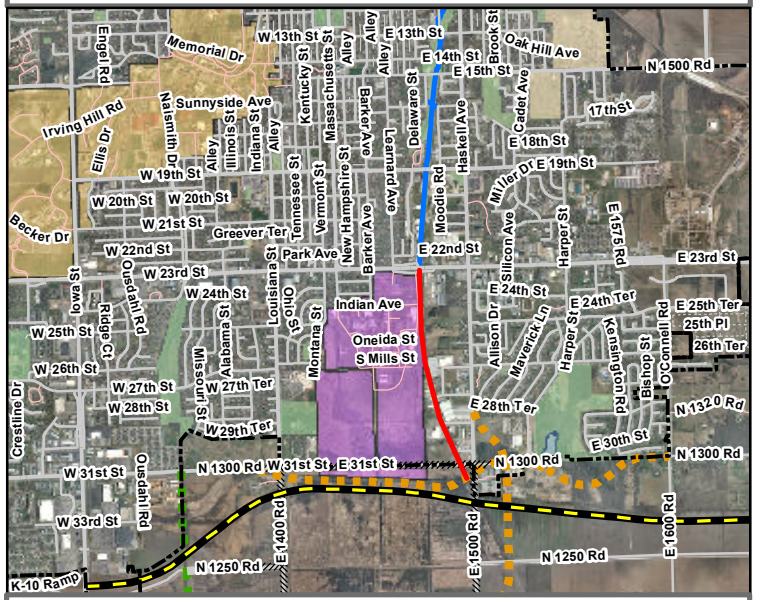
Map 29
Pump Station 8 Elimination
Alabama Street between 22nd Terr and 23th St



Map 31
Baldwin Creek Trail



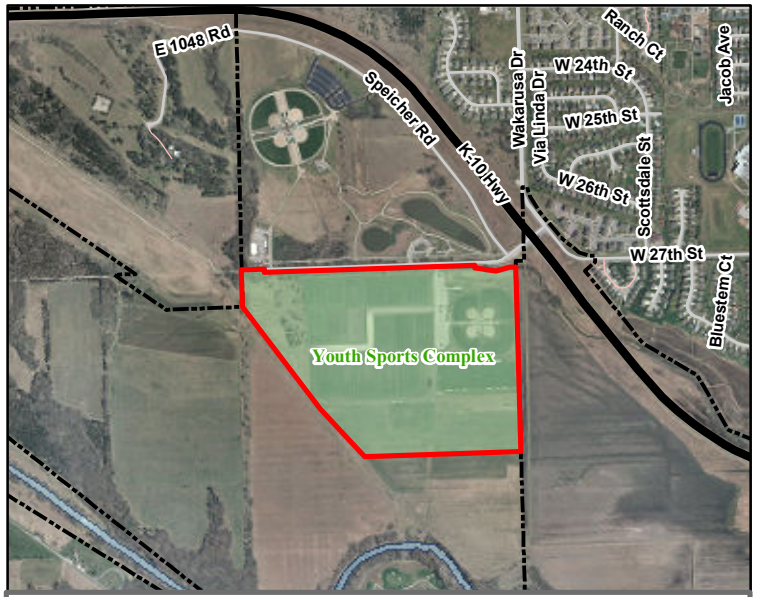
Map 30
Playground Surfacing
Centennial, Veterans, Holcom, and Deerfield



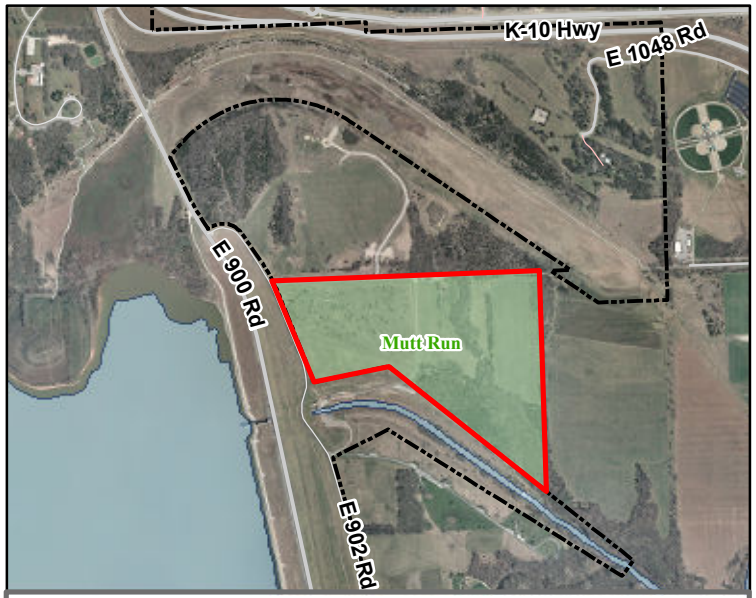
Map 32
Burroughs Creek Trail - SE Trail Connection

CIP PROJECTS LIST LOCATION MAPS

November 30, 2012

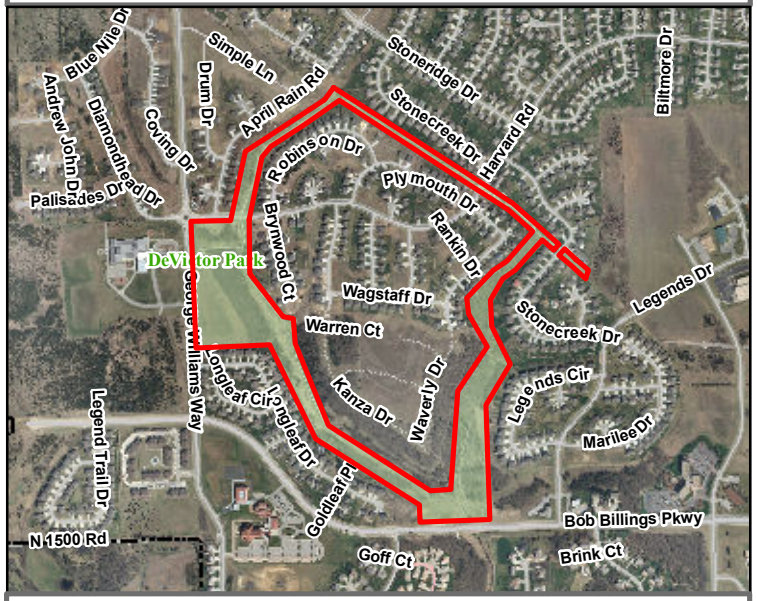


Map 33
Youth Sports Complex Improvements



Map 34
Dog Park Improvements

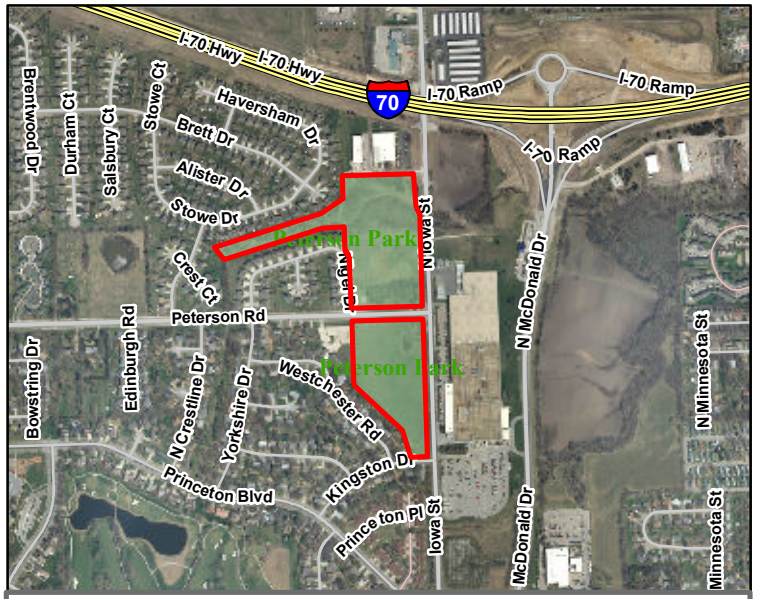
Map 35
Broken Arrow Park Renovation



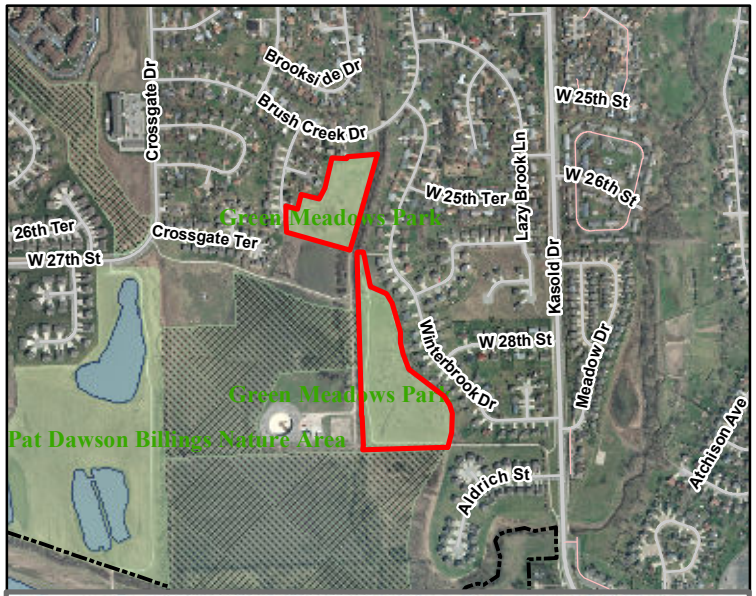
Map 36
DeVictor Park Trail

CIP PROJECTS LIST LOCATION MAPS

November 30, 2012



Map 37
Peterson Park Development



Map 38
Green Meadows Park Development

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item:

PC Staff Report
12/10/12

ITEM NO. 2: SPECIAL USE PERMIT; METERING STATION; 4100 O'CONNELL RD (MKM)

SUP-12-00220: Consider a Special Use Permit for Baldwin City and RWD#4 Metering Station, a Minor Utility, located at 4100 O'Connell Rd. Submitted by the City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of SUP-12-00220, a Special Use Permit for Baldwin City and RWD No. 4 Metering Station, a *minor utility*, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Provision of a revised Special Use Permit plan with the following changes:
    a. The site summary table revised to include only the building and pavement areas as impervious surface.
    b. If the Board of Zoning Appeals approves the variance from the Floodplain Management Regulations a note indicating the variance and the date of approval should be added. If the variance is not approved, the plan should be revised to remove the fill from the setback.
2. A copy of the recorded access easement shall be provided to the Planning Office prior to the release of the SUP plans for building permits and the book and page number shall be noted on the plan.
3. Approval of the Special Use Permit is contingent upon approval of a Floodplain Development Permit. The SUP will be released to Development Services for a building permit following the approval of a Floodplain Development Permit.

Applicant's Reason for Request: *""SUP required to obtain building permit for proposed metering station."*

KEY POINTS

- The proposed metering station is a *minor utility* which serves more than one specific development; therefore approval is required through a Special Use Permit per Section 20-530 of the Development Code.
- The proposal is to relocate the existing metering station from its current location near 31st Street and Haskell Avenue in anticipation of the construction of the South Lawrence Trafficway.
- The improvements will be located on approximately 22,400 sq ft within the 536 acre site which has been annexed and rezoned to accommodate the Wakarusa Water Reclamation Facility. (Figure 1)

FACTORS TO CONSIDER

- Procedural requirements of Section 20-1306; Special Use Permits.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- A-04-02-07, Annexation request for approximately 536 acres to accommodate the Wakarusa Water Reclamation Facility. Approved by City Commission on October 9, 2007. Annexation Ordinance 8181.
- Z-08-16-07, Rezoning of approximately 536 acres from A and V-C to GPI-FP (General Public and Institutional Uses and Floodplain Management Regulations Overlay) District to accommodate the Wakarusa Water Reclamation Facility. Approved by City Commission on October 9, 2007. Rezoning Ordinance 8187.
- PP-04-04-07, Preliminary Plat for Wakarusa Water Reclamation Facility property. Approved by Planning Commission on May 23, 2007. City Commission accepted dedications on October 9, 2007. City Commission approval expired as conditions were not met and a final plat was not submitted prior to October 9, 2008.
- SUP-04-04-07, Special Use Permit application for Wakarusa Water Reclamation Facility. City Commission approved on October 9, 2007 with conditions. Approval expired on October 9, 2008 as a building permit had not been obtained within the required timeframe.
- B-12-00268, Variance from the requirements in Article 12 to allow fill to be placed within the setback. This variance is scheduled for the Board of Zoning Appeals December 6, 2012 meeting.

Other action required:

- City Commission approval of the Special Use Permit and adoption of ordinance.
- Publication of Special Use Permit ordinance.
- Administrative review and approval of Floodplain Development Permit.
- Variance from the Floodplain Management Regulations.
- Release of Special Use Permit site plan to Development Services for Building Permits.
- Recording of access easement for the subject property.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for project.
- *Downstream Sanitary Sewer Analysis* – The City Utility Engineer indicated that a DSSA is not required.
- *Drainage Study* – A drainage study is not required for this project as downstream flooding is entirely confined within the limits of the 100-year floodplain as defined by the Federal Flood Insurance Study (FIS) current at the time the development is proposed. [Stormwater Management Criteria Section 1.6.E.2.a]
- *Retail Market Study* – Not applicable to project.

PUBLIC COMMENT

No public comment was received prior to the printing of this staff report.

GENERAL INFORMATION

Current Zoning and Land Use:	GPI-FP (General Public and Institutional Uses and Floodplain Management Regulations Overlay) District; agriculture.
Surrounding Zoning and Land Use:	To the north and east within the Wakarusa Water Reclamation Facility (WWRF) property: GPI-FP (General Public Institutional Uses and Floodplain Management Regulations Overlay) District;

agriculture.

To the north and east beyond the WWRF property: V-C (County-Valley Channel), F-W (Floodway Overlay) and F-F (Floodway Fringe Overlay) Districts; agriculture with scattered rural residences.

To the south and west:
A (Agricultural) and V-C (County-Valley Channel) F-W (Floodway Overlay) and F-F (Floodway Fringe Overlay) Districts; agriculture.

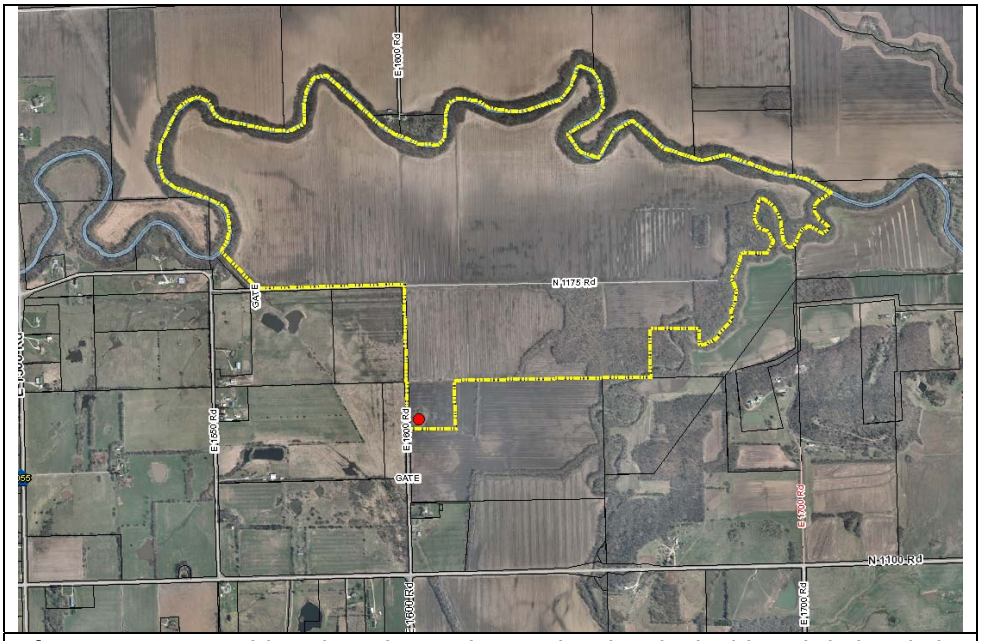


Figure 1. Proposed location of metering station (marked with red dot). Limits of property annexed into City for the Wakarusa Water Reclamation Facility (WWRF) outlined in yellow.

Summary of Special Use

The Baldwin City and Rural Water District No. 4 Metering Station is currently located in an underground vault near the intersection of E 31st Street and Haskell Avenue. The station is being moved to the south due to changes being made with the construction of the South Lawrence Trafficway.

The metering station is defined as a *minor utility* in Section 20-1765 of the Development Code:

> *MINOR UTILITIES. Public utilities that have a local impact on surrounding properties. Typical uses include electrical and gas distribution substations, lift stations, telephone switching boxes, water towers. Excludes 'Wireless Telecommunication Facilities' use types.*

SITE SUMMARY

	Existing	Proposed	Change
Property Area:	Approx. 536 Acres	Approx. 536 Acres	-
Site Area (sq ft):	22,400	22,400	-
Total Impervious Area (sq ft):	0	650 (2.9% of site area)	+ 650 sq ft
Total Pervious Area (sq ft):	22,400	21,750 sq ft	- 650 sq ft

Site Plan Review

The metering station will be located at the southern tip of the property which was annexed and rezoned in 2007 to accommodate the Wakarusa Water Reclamation Facility (WWRF). The metering equipment will be located in a structure which will be sold to the City of Baldwin City and Rural Water District No. 4 and a Permanent Access Easement will be dedicated to allow Rural Water District No. 4 and Baldwin City access to the metering station. A copy of the permanent access easement should be provided for the file and the recording information included on the SUP plan.

Floodplain encumbers the entire WWRF property. Fill will be placed on the property to allow the station to be elevated above the floodplain. A Floodplain Development Permit is required for the addition of fill and the construction of the new facility. As fill is proposed within the required 40 ft setback, a variance from the Floodplain Management Regulations has been requested. The Board of Zoning Appeals will consider this variance at their December 6, 2012 meeting. If the variance is approved it should be noted on the plan.

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

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

The proposed use, a *minor utility* which serves more than one subdivision, is an allowed use in the GPI (General Public and Institutional Uses) District subject to Special Use Permit approval. As the property is encumbered with the Regulatory Floodplain, a Floodplain Development Permit is required per Section 20-1203 and must be approved prior to any development activity.

A minimum of one off-street parking space is required for *minor utilities*. The site will be accessed by utility trucks for routine maintenance and there will be no employees regularly on site; therefore, only one parking space is required. One parking space is provided on the site plan. The Development Code prohibits parking areas within 15 ft of the street right-of-way and this parking space is not within that setback.

A photometric plan is not required as no exterior lighting will be utilized with this facility.

The setbacks in the GPI District are as follows: Front—40 ft from the right-of-way; Interior boundary abutting non-residential—15 ft. The structure is shown outside of these setbacks on the plan.

The subject property is not a platted lot or tract. The land has not been in this configuration since the adoption of the Subdivision Regulations in 2006 so platting would typically be required. However, given the unique circumstances in this case: that the *minor utility* must be relocated due to the approaching construction of the South Lawrence Trafficway, and that the Wakarusa

Water Reclamation Facility property will be platted when the City determines it is appropriate to move ahead with the development of the facility, the Planning Director determined it would not be appropriate to require the platting of the 536 acre property at this time. Street trees will be required along E 1600 Road when the property is platted. Landscaping is typically installed to screen the facility from the adjacent roadway or residences. E 1600 Road is gated south of this property so the only traffic to this facility will be the water district or city maintenance vehicles. Existing vegetation will be retained on site to provide screening from the south. The nearest residence to the west is approximately 2000 ft away and is oriented away from the facility. No screening is required along E 1600 Road with this SUP.

Staff Finding – The Special Use Permit site plan complies with the requirements set out in the Development Code.

2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

This site was rezoned to the GPI (General Public and Institutional Uses) District to accommodate a water reclamation facility, a *major utility*. An SUP allows the design and configuration of the site to be tailored to minimize any negative impacts to the area. No exterior lighting is being proposed for this facility. There should be no noise present, as the facility does not include a pump or other mechanical equipment. This facility will meter potable water being purchased from the City of Lawrence by Rural Water District No. 4 and the City of Baldwin City; therefore, there should be no odor associated with the use. The use should generate only occasional traffic with 1 maintenance trip per month being typical. An example of the structure being constructed is provided in Figure 2.

Existing Pump Station #49 Building
Building Construction is Concrete Masonry Unit (CMU)
with Field Stone Facing and Standing Seam Metal Roof

Figure 2. Example of type of building being proposed.

Staff Finding – The proposed metering facility will have minimal external impacts and will be compatible with adjacent uses.

3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED

The metering facility will be located on land which has zoning approval for a water reclamation facility. The facility will not have external lighting, will generate very low traffic, (is expected to have 1 maintenance visit per month), and will not generate noise or odor.

Staff Finding – The metering facility is not anticipated to result in any diminution of value of other property in the neighborhood.

4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTLITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT

The metering facility is a public service intended to serve the area within the Rural Water District 4 boundaries and Baldwin City. Westar indicated they currently have no power at this site but will be able to provide service.

Staff Finding – The proposed use, a *minor utility*, is a public service which would serve the surrounding area. Sufficient safety, transportation and utility facilities will be available to serve the subject property.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

Staff Finding – The site plan will function as the enforcement document to assure that maintenance and use of the property is consistent with the approval.

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

Applicant's Response: *"The proposed use for this project is a minor utility use which will include the construction of a metering station to provide potable water service to both Rural Water District #4 and the City of Baldwin. The proposed metering station will contain piping, water meters, backflow prevention assemblies, and electronic control (SCADA) equipment. No chemicals or hazardous materials of any kind will be stored on site. In the event of a pipe failure the only material discharged to the environment would be potable water which would not result in adverse effects to the natural environment. Additionally, the project site, while completely encumbered by floodplain, has been designed such that the amount of impervious surface being added and planned area of disturbance during construction activities has been kept to a minimum. "*

Staff Finding – The proposed use should not cause significant adverse impacts on the natural environment.

7. WHETHER IT IS APPROPPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO WHAT THAT TIME PERIOD SHOULD BE.

Time limits are established on Special Use Permits to permit a periodic review to determine if the use remains compliant with the area or if a rezoning would be appropriate. The metering station

is part of necessary infrastructure whose life span will be determined by demand and operational characteristics. It would not be appropriate to place a time limit on this use.

Staff Finding – The project provides necessary infrastructure; therefore, it would not be appropriate to place a time limit on this use.

Conclusion

The proposed metering station will maintain the provision of clean drinking water to the Baldwin City and Rural Water District No. 4 by relocating the facility south of the proposed construction of the South Lawrence Trafficway. The use is compatible with, and appropriate for, this location and staff recommends approval of the Special Use Permit with the conditions noted.

SPECIAL USE SITE PLAN
FOR
CITY OF BALDWIN AND RWD NO. 4 METERING STATION

IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY KANSAS

DESCRIPTION:

TR OF LAND IN SECTIONS 15,16,17,20,21 & 22-13-20 DESC AS:BEGAT SW COR NW QR SD SEC 21 TH ON AZIMUTH (ASSUMED)358DEG38'13" COINCIDENT WITH W LINE OF S ONE HALF NW QR SD SEC 21 1329.24 FT TO NW COR OF SW QR NW QRTH ON AZIMUTH 268DEG17'25" COINCIDENT WITH S LINE OF N ONE HALF NE QR SD SEC 20 1995.5 FT TO INTERSEC OF SD S LINE & ELYR/W LINE AT&SF RR TH ON AZIMUTH 316DEG18'34" COINCIDENT WITHELY R/W LINE SD AT&SF RR 740.93 FT TO PT IN CEN WAKARUSA CR,SD PT BEING 1874.56 FT N & 147.45 FT E OF NW COR SW QR SD SEC 20 TH ALONG CENTERLINE SD WAKARUSA CR THE FOLLOWING COURSES:ON AZIMUTH 38DEG46'26" 119.71 FT AZIMUTH 14DEG39'57" 181.49 FT AZIMUTH 352DEG54'27" 140.41 FT AZIMUTH 357DEG02'28" 58.34 FT AZIMUTH 338DEG22'20" 155.59 FT AZIMUTH 299DEG12'58" 239.18 FT AZIMUTH 288DEG09'29" 508.82 FT AZIMUTH 308DEG03'01" 183.22 FT AZIMUTH 344DEG34'12"208.25 FT AZIMUTH 04DEG43'31" 259.13 FT AZIMUTH 25DEG40'26" 571.74 FT AZIMUTH 50DEG36'10" 145.11 FT AZIMUTH 65DEG49'29" 160.36 FT AZIMUTH 115DEG40'26"131.87 FT TO PT ON W LINE OF SE QR SD SEC 17 THAT IS 1350.68 FT S OF NW COR SE QR SD SEC 17 AZIMUTH 115DEG40'26" 45.95 FT AZIMUTH 154DEG24'56" 218.19FT AZIMUTH 117DEG48'49" 144.2 FT AZIMUTH 101DEG10'56" 626.78FT AZIMUTH 95DEG14'18" 250.94 FT AZIMUTH 62DEG16'33" 244.62 FT AZIMUTH 357DEG17'40" 270.8 FT AZIMUTH 27DEG28'10" 55.36 FT AZIMUTH 08DEG51'44" 128.16 FT AZIMUTH 28DEG57'54" 212.15 FT AZIMUTH 79DEG57'31" 171.56 FT AZIMUTH 132DEG50'55" 966.63 FT AZIMUTH 123DEG44'05" 271.22FT AZIMUTH 112DEG10'41" 84.64 FT TO PT ON W LINE OF SW QR SDSEC 16 THAT IS 729.51 FT N OF SW COR OF SW QR SD SEC 16 AZIMUTH 112DEG10'41" 283.72 FT AZIMUTH 93DEG10'08" 256.15 FT AZIMUTH 45DEG43'31" 137.33 FT AZIMUTH 03DEG03'00" 397.35 FT AZIMUTH 24DEG24'21" 101.45 FT AZIMUTH 57DEG47'48" 103.83 FT AZIMUTH 93DEG08'40" 187.24 FT AZIMUTH 104DEG00'21" 125.23 FT AZIMUTH 120DEG08'23" 183.68 FT AZIMUTH 100DEG30'17" 271.34 FT AZIMUTH 89DEG07'24" 146.68 FT AZIMUTH 72DEG36'50" 588.38 FT AZIMUTH 35DEG12'58" 222.9 FT AZIMUTH 20DEG57'08" 295.71 FT AZIMUTH 110DEG06'36" 207.2 FT AZIMUTH 145DEG20'43" 161.75 FTAZIMUTH 168DEG43'17" 348.65 FTAZIMUTH 212DEG39'54" 197.87 FTAZIMUTH 239DEG54'47" 457.95 FTAZIMUTH 143DEG42'27" 324.61 FTAZIMUTH 107DEG16'31" 210.51 FTTO PT ON E LINE SW QR SD SEC 16 THAT IS 410.55 FT N OF SE COR SW QR SD SEC 16 AZIMUTH 107DEG16'31" 33.4 FT AZIMUTH 30DEG13'47" 452.49 FT AZIMUTH 61DEG19"58" 267.27 FT AZIMUTH 130DEG43'23" 586.28 FT AZIMUTH 108DEG57'25" 528.35 FT AZIMUTH 74DEG44'22" 328.99 FT AZIMUTH 109DEG37'56" 692.6 FT AZIMUTH 102DEG11'26" 292.24 FT TO PT THATIS 2689.35 FT S OF NE COR SE QR SD SEC 16 AZIMUTH 102DEG11'26" 198.78 FT AZIMUTH 118DEG06'16" 391.19 FT TO INTERSEC OF CENTER SD WAKARUSA CR & CENTERLINE COAL CR,SD PT BEING 311.41FT E & 130.43 FT S OF NW COR NW QR SD SEC 22 TH COINCIDENT WITH CENTERLINE SD COAL CR THE FOLLOWING COURSES:AZIMUTH 235D536.88A WHE (ANNEXED TO CITY OF LAWRENCE ORD NO 8181 FILED 10/16/2007 BK 1029/1746)(REPLACES 800861A,862A,880A,894A,904A,905,910,911A & 921)(SEE BK 1029/1746 FOR REMAINDER OF ORD)

BENCHMARK:

Vert. Datum: Sea Level Datum of NAVD 1988
Datum: USC & GS First Order # 5368
Bench Mark: 1986 Elev. = 823.06

FLOODPLAIN DATA:

The Project site is located within the 100 year flood plain, as shown on Flood Insurance Rate Map, Community Panel No. 20045C0189D . Effective date August 5, 2010. Base flood elevation is approximately 818.

CURRENT USE OF PROPERTY:

Undeveloped

PROPOSED USE OF PROPERTY:

Minor Utility. Water Metering Station.

SOILS PRESENT:

Wabash Silty Clay

OWNER:

City of Lawrence
P.O. Box 708
Lawrence, KS 66044
785-832-7801

ENGINEER:

Eric Lars Johnson PE-11107
Wilson & Company Inc., Engineers & Architects
800 E 101st Terrace, Suite. 200
Kansas City, MO 64131
Phone (816) 701-3100

SURVERYOR:

Brandon Espinosa LS-1497
Wilson & Company Inc., Engineers & Architects
800 E 101st Terrace, Suite. 200
Kansas City, MO 64131
Phone (816) 701-3100

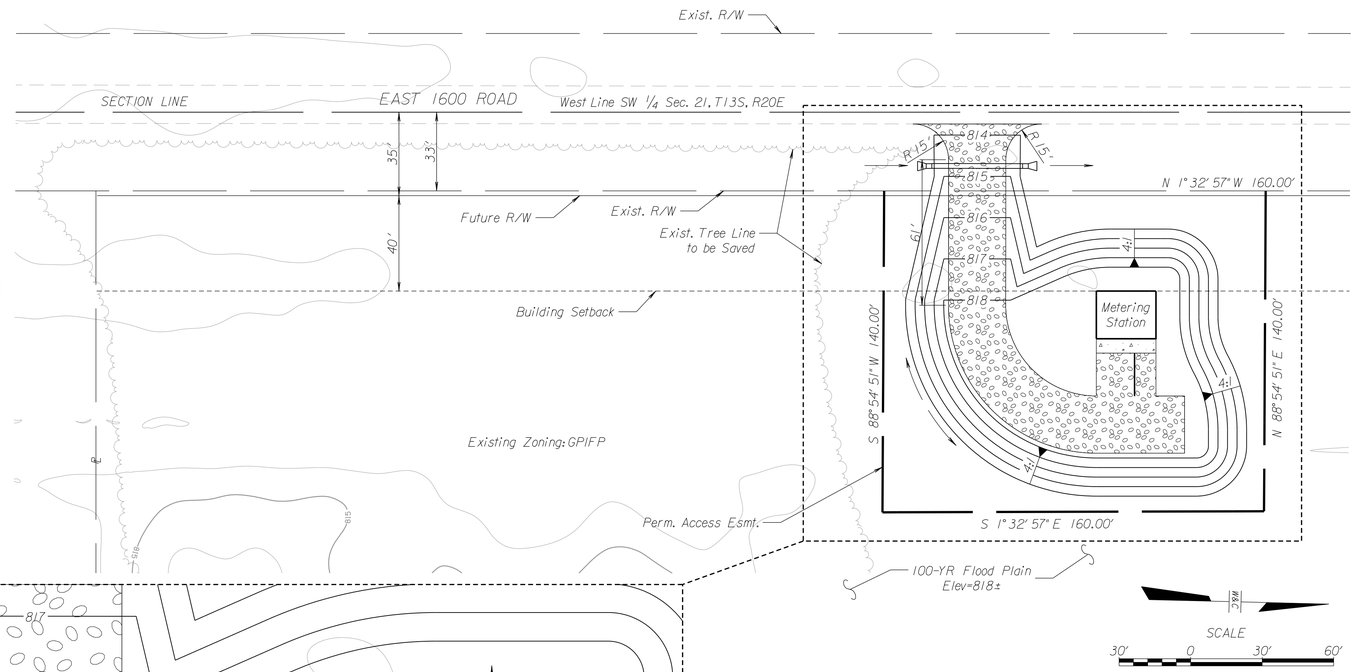
SITE CHARACTERISTICS TABLE:

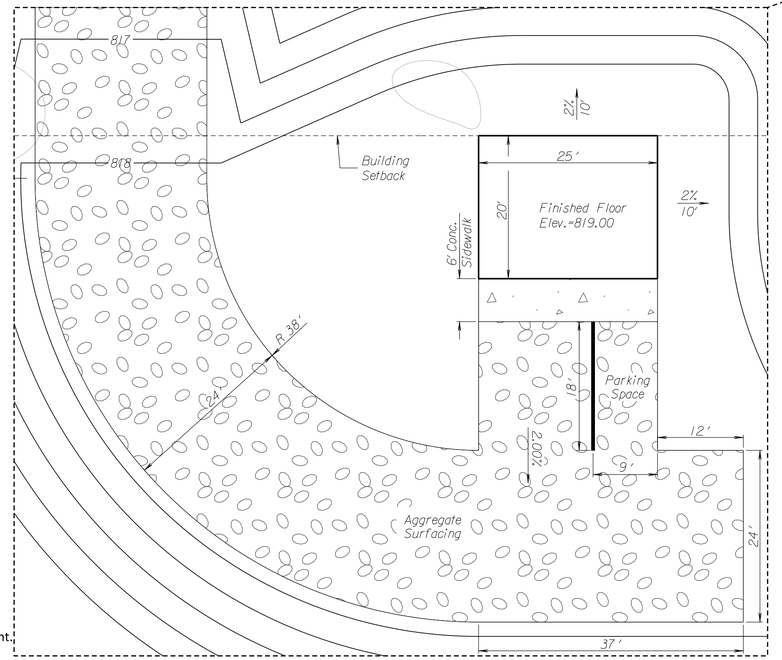
Existing Buildings	0	SF	Proposed Buildings	500	SF
Existing Pavement	0	SF	Proposed Pavement	150	SF
Existing Impervious	0	SF	Proposed Agg. Surface	4350	SF
Existing Pervious	536	AC	Proposed Impervious	5000	SF
Area	536	AC	Proposed Pervious	17400	SF

NOTE: Proposed Area calculations only include area inside Permanent Access Easement.

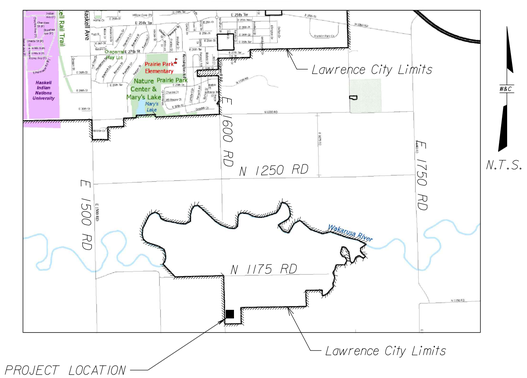
GENERAL NOTES:

1. One parking space is shown East of the Metering Station per Minor Utility Requirement.
2. No exterior lighting is planned for this site.
3. A fire extinguisher will be kept on site.





VICINITY MAP



LEGEND

- SECTION LINE
- EXISTING PROPERTY LINE
- EXISTING RIGHT OF WAY
- EXISTING TRAVELED WAY
- EXISTING EDGE OF TREES
- EXISTING CONTOURS (815)
- PROPOSED CONTOURS (818)
- FUTURE R/W
- BUILDING SETBACK
- PERMANENT ACCESS EASEMENT
- PROPOSED AGGREGATE SURFACING
- PROPOSED CONCRETE SIDEWALK

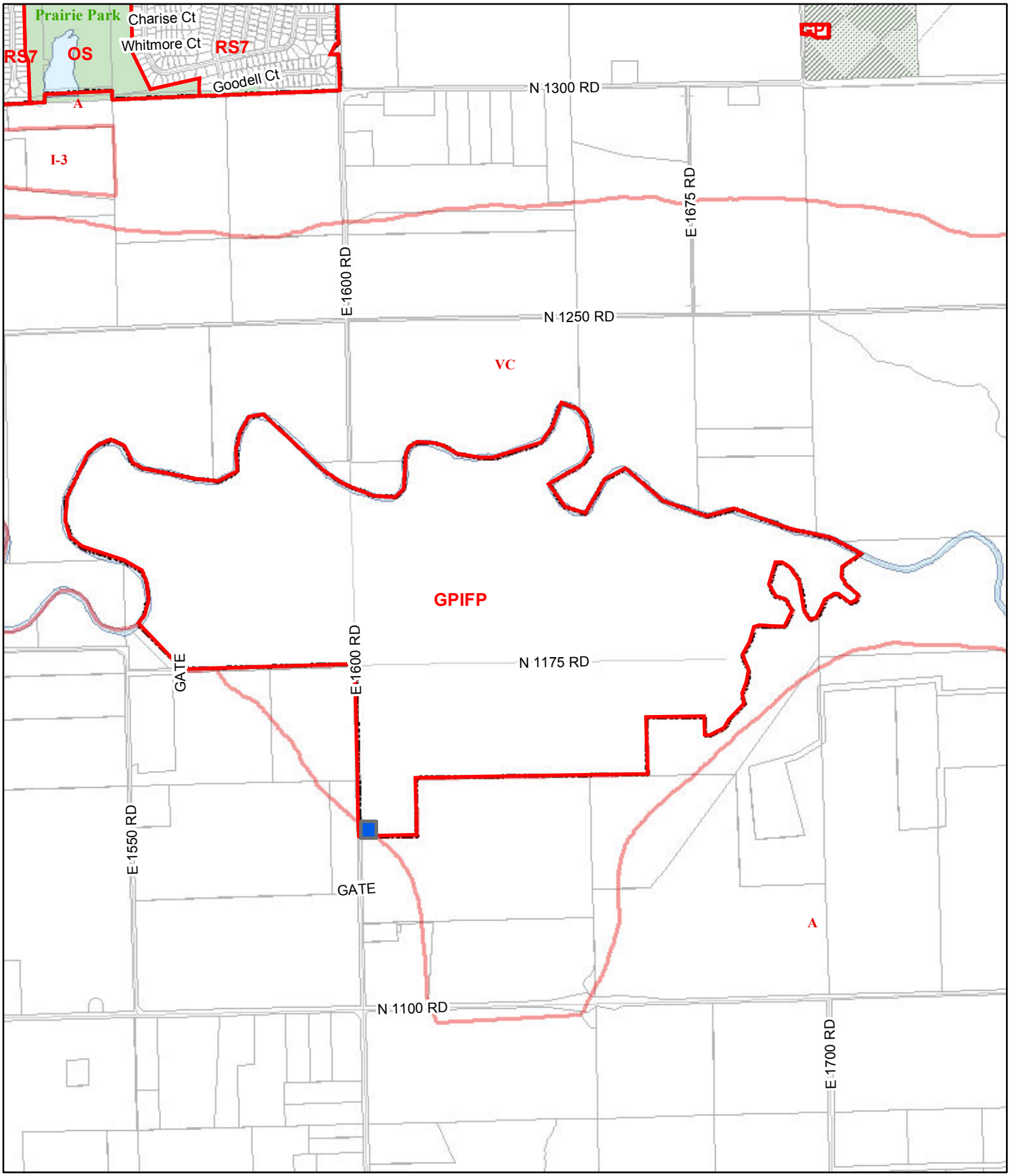
NO.	REVISION	BY	DATE

SPECIAL USE SITE PLAN
FOR
CITY OF BALDWIN AND
RWD NO. 4 METERING STATION
IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY KANSAS

DESIGNED BY JCK	PROJECT NUMBER: 12 200 601.00	
DRAWN BY DJH	FILE $FILEABBREV$	SHEET 1 OF 1
CHECKED BY JCK	DATE $DATE$	

WILSON &COMPANY ENGINEERS & ARCHITECTS
800 E 101st Terrace, Suite. 200
Kansas City, MO 64131
Phone (816) 701-3100

Files: $FILE$ Date: $DATE$ Time: $TIME$ By: $USERNAME$



SUP-12-00220: Special Use Permit for City of Baldwin & RWD #4 Metering Station
4100 O'Connell Rd

Lawrence-Douglas County Planning Office

December 2012

N
W E
S

Area Requested

Scale: 1 Inch = 1500 Feet

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
12/10/12

ITEM NO. 3: CONDITIONAL USE PERMIT; BOAT STORAGE; 32 N 1000 RD (MKM)

CUP-12-00222: Consider a Conditional Use Permit for Hoyt Boat Storage, located at 32 North 1000 Road. Submitted by Timothy K Hoyt, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for the boat storage facility subject to the following conditions:

1) The provision of a revised site plan with the following changes:
   a. Addition of the following notes:
      i. "*All boat storage must be stored entirely inside the buildings.*"
      ii. "*The Conditional Use Permit (CUP-12-00222) will be administratively reviewed by the Zoning and Codes Office in 5 years and will expire in 10 years from the approval date noted on the plan.*"
      iii. *"The County Commission approved the change in use of the non-conforming structure which is setback approximately 50 ft from the centerline of N 1000 Road at their September 19, 2012 meeting."*

Reason for Request: *"The property is about a mile from a boat ramp to Clinton Lake, and trucks pulling boats come by regularly on N 1000 Road. I think some of the boat owners would prefer using boat storage closer to the lake."*

KEY POINTS
- Per Section 12-319-4.11 of the Zoning Regulations for the Unincorporated Territory of Douglas County, *boat storage* is a use which may be approved as a Conditional Use

DESCRIPTION OF USE
The subject property, 32 N 1000 Road, contains a residence and a large agricultural building which consists of a barn near N 1000 Road and a horse arena to the north of the barn. The two buildings are connected by a breezeway and are therefore considered one structure. The proposed use would involve the conversion of the horse arena to an enclosed boat storage facility. No physical changes are being proposed to the site. The boat storage customers would use the existing drive on N 1000 Road and back their boats into the storage facility.

ASSOCIATED CASES/OTHER ACTION REQUIRED
- Board of County Commissioners' approval of the Conditional Use.
- Zoning and Codes Office issuance of a Conditional Use Permit when plans have been released to the Zoning and Codes Office and conditions of approval have been met.
- The change in use would require the building to be brought up to commercial building code. A building permit must be obtained from the Zoning and Codes Office.

PUBLIC COMMENT
No public comment was received prior to the printing of this staff report.

GENERAL INFORMATION

(Figure 1)

Current Zoning and Land Use: A (County-Agricultural) District; rural residence.

Surrounding Zoning and Land Use: A (County-Agricultural) District in all directions. Agriculture, wooded areas, and scattered rural residences.

Site Summary:	
Subject Property:	10.6 acres
Proposed Buildings:	The property is currently developed with a residence and an outbuilding. No new buildings are being proposed.

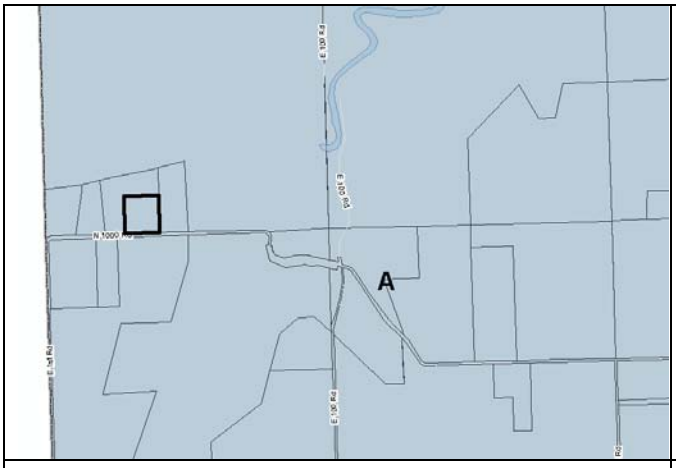


Figure 1a. Zoning of area. Subject property outlined.

Figure 1b. Land use of area.

I. ZONING AND USES OF PROPERTY NEARBY

The subject property is located in Section 26, Township 13S, Range 17E of Douglas County (32 N 1000 Road). The nearby area is zoned for agricultural uses and includes primarily agricultural and rural residential uses in addition to wooded open space.

Staff Finding – Nearby properties are zoned A (Agricultural) and contain agricultural and residential land uses.

II. CHARACTER OF THE AREA

The subject property is located about 1500 ft east of the Douglas/Shawnee County line and is not within the Urban Growth Area of any city. N 1000 Road is a township rock road which is maintained by Marion Township. This is an agricultural area with rural residential uses and large areas of wooded open space. According to the 2010 FEMA Floodplain map, the subject property is not within any floodplain or flood hazard area; however floodplain associated with the Wakarusa River and its tributaries is located throughout the area. Natural features in the area include Clinton Lake, the Wakarusa River and its tributary streams, woodlands, floodplain, and high quality agricultural soils. The road system in the area consists primarily of local roads. (Figure 2)

Staff Finding – This area is rural in nature, with rural residences, woodlands, floodplain, agricultural lands, and Clinton Lake being predominate features.

Figure 2a. Transportation network in area, and proximity of Clinton Lake. (Subject property outlined)

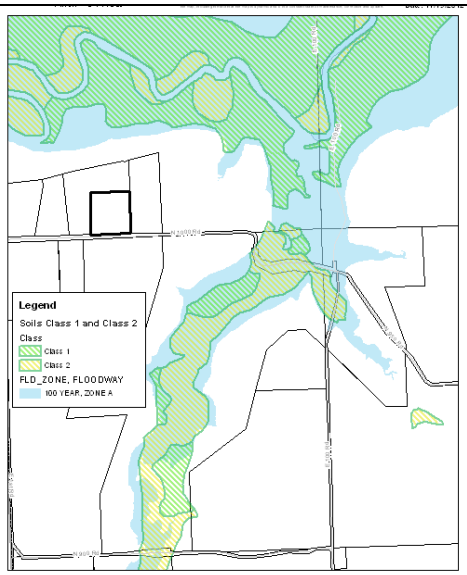


Figure 2b. Floodplain and high quality soils in the area. (Subject property outlined)

III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's response:

"It is 80 ft by 66 ft; formerly used as a horse arena. It is a solid steel building, with two entrances. The building is well lighted. Both entrances have closing doors. There is an outside light."

The current zoning designation for the property is A (Agricultural) District, a district in which many different agriculture-related uses are allowed in addition to animal hospitals, commercial dog kennels, residences, churches, and schools. Boat storage facilities are allowed in the A District with approval of a Conditional Use Permit. The proposed request will not revise the underlying zoning district.

Staff Finding – The property is suitable for agricultural uses. A Conditional Use Permit (CUP) does not change the base, underlying zoning; therefore, the suitability of the property for agricultural uses will not be altered.

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

Staff Finding – The property is not vacant. It is developed with a residence and a barn/riding arena.

V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's Response:

"All boats will be stored within the building. No detrimental effect. Boats are coming down 1000 Road already."

Section 12-319-1.01 of the County Zoning Regulations recognize that "*….certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district…when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited."*

The property is within close proximity to a boat ramp on Clinton Lake and the intended customers are those driving to Clinton Lake with their boats. The applicant indicated that the facility could accommodate about 7 boats. This will be a small scale facility serving primarily customers using the nearby boat ramp. The proposed use should not increase traffic in the area.

The boat storage will be within the building and a note should be added to the plan indicating that all boat storage shall be stored within the building. No exterior boat storage is permitted.

Staff Finding – Given the small scale of the boat storage facility, its enclosed nature, and the fact that it is serving customers utilizing the nearby boat ramp there should be no detrimental effect on surrounding property.

VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

Applicant's Response:
"No measurable effect. No destruction of property."

The purpose of this criterion is to compare the effect of denial of the request on the public health, safety and welfare to the effect on the individual landowner. If the request were denied, the facility could continue to be used as a horse arena but could not be converted to enclosed boat storage. Given the limited exterior changes associated with the proposed use, denial of the use would not generate any gain to the public health, safety and welfare. Granting the request would result in a boat storage facility in close proximity to a boat ramp on Clinton Lake which may reduce the boat traffic on roads in the area.

Staff Finding – As the proposal to convert an existing agricultural building into an enclosed boat storage facility would result in limited exterior physical changes to the site and little or no increased traffic in the area, the approval or denial of the revision would have little impact on the public health, safety, and convenience. The denial of the request would prohibit the applicant from operating the boat storage.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The subject property is not located within an identified urban growth area. The comprehensive plan recommends that agricultural uses continue to be the predominant land use within the areas of the county beyond the designated urban growth areas. Uses permitted in the rural area should continue to be limited to those which are compatible with agricultural production and uses.

Staff Finding – The comprehensive plan recommends that uses in the rural area be limited to those compatible with agricultural uses and that the design should be consistent with the rural character. The boat storage will occur within a converted agricultural building so it will remain rural in nature. A Conditional Use Permit can be used to allow specific non-residential uses subject to approval of a site plan. This tool allows proportional development in harmony with the surrounding area. The proposed request is consistent with the Comprehensive Plan.

STAFF REVIEW

The proposal is to convert a portion of an existing agricultural building into an enclosed boat storage facility. The enclosed storage and the reuse of the existing building should not alter character of the area.

The subject property is approximately 10.6 acres in size and has been developed with a rural residence and a barn/riding arena. The arena being used for the boat storage is attached to the barn with a breezeway and is therefore, considered part of the same structure. The barn is set back from N 1000 Road about 50 ft. The A District requires a minimum setback of 40 ft from the centerline of a township road and 50 ft from that point, or 90 ft in this situation. The County Commission approved a change of use of a non-conforming structure at their Wednesday, September 19, 2012 meeting to allow the use of this building with the nonconforming setback to be changed from horse arena to boat storage subject to the condition that a Conditional Use Permit be submitted and approved for enclosed boat storage.

Conclusion

Approval of a CUP can be tailored to address specific issues such as intensity or frequency of use, include time limitations, and provide screening requirements. This Conditional Use Permit (CUP-12-00222) will allow for the change of use for an agricultural building to an enclosed boat storage facility. This change of use will require a building permit and compliance with the Commercial Building Codes.

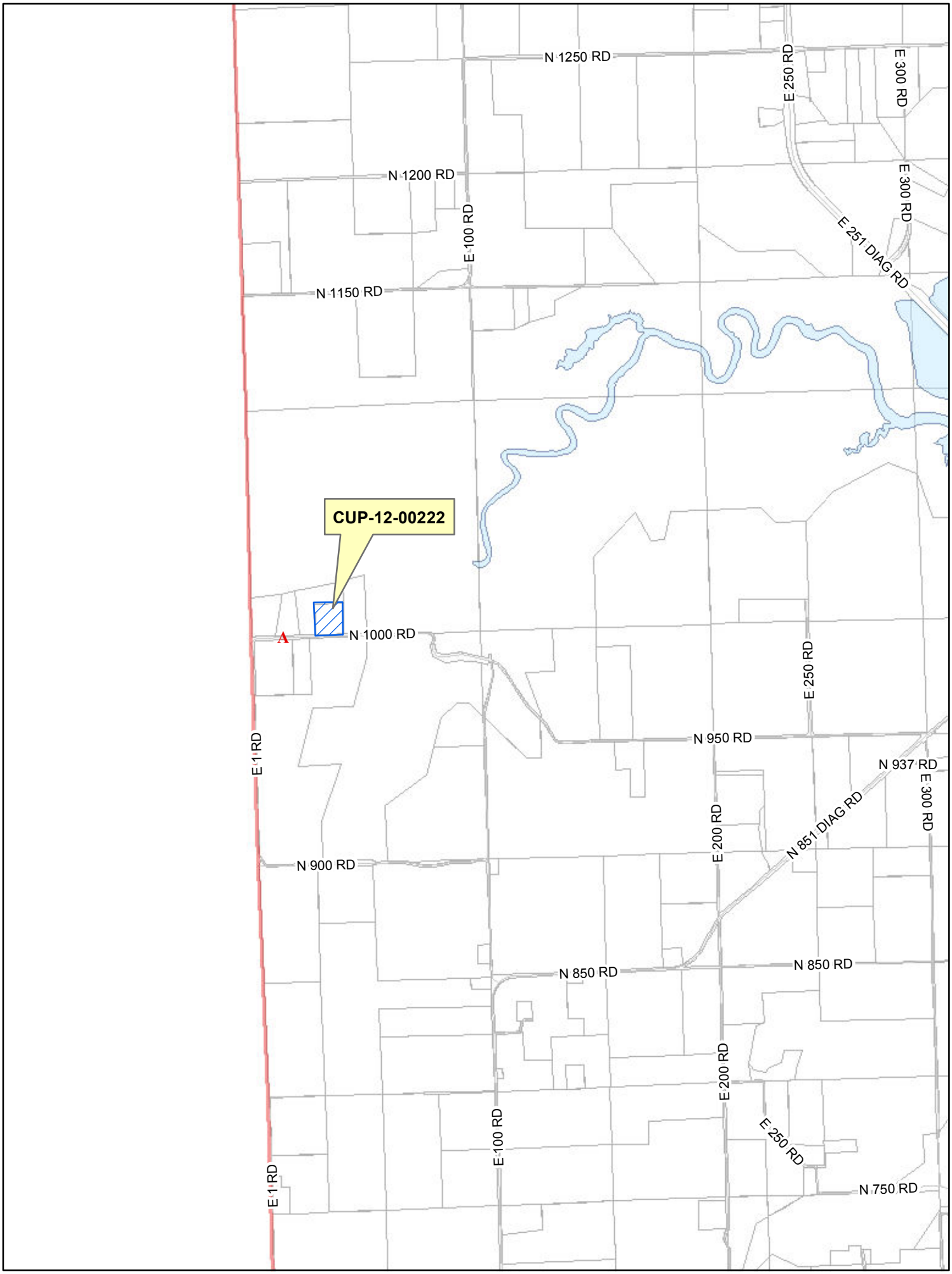
Staff recommends approval of the Conditional Use Permit for enclosed boat storage at 32 N 1000 Road (CUP-12-00222) as conditioned.

Hoyt Boat Storage
Conditional Use Permit Plan
32 N 1000 Road, Overbrook, Kansas

General Notes:

1. Legal: A TRACT OF LAND IN THE SW QUARTER OF SECTION 26, TOWNSHIP 13S, RANGE 17E OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
   COMMENCING AT THE SE CORNER OF SAID SW QUARTER; THENCE SOUTH 89°43'37" WEST (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID SW QUARTER, 520 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°43'37" WEST ALONG SAID SOUTH LINE, 660 FEET; THENCE NORTH 0°06'05" WEST, 700.00 FEET; THENCE NORTH 89°43'37" EAST, 660.00 FEET; THENCE SOUTH 0°06'05"EAST, 700 FEET TO THE POINT OF BEGINNING IN DOUGLAS COUNTY, KANSAS
2. Property Owners: Timothy K Hoyt, Dorthy A Hoyt
3. Property Area: 10.6 acres
4. Zoning: A (Agricultural) District
5. Proposed Use: Enclosed Boat Storage

Parcel Map


N 1250 RD
E 250 RD
E 300 RD
N 1200 RD
E 100 RD
E 251 DIAG RD
E 300 RD
N 1150 RD
CUP-12-00222
A
N 1000 RD
E 250 RD
E 1 RD
N 950 RD
N 937 RD
E 300 RD
N 851 DIAG RD
E 200 RD
N 900 RD
N 850 RD
N 850 RD
E 200 RD
E 100 RD
E 250 RD
E 1 RD
N 750 RD

PLANNING COMMISSION REPORT
REGULAR AGENDA — NON PUBLIC HEARING ITEM
PUBLIC HEARING FOR VARIANCES ONLY

PC Staff Report
12/10/12

ITEM NO 4A: PRELIMINARY PLAT; ROCK CHALK PARK ADDITION NO. 1; W 6TH ST & K-10 (MKM)

PP-12-00223: Consider a Preliminary Plat for Rock Chalk Park Addition No. 1, a 2-lot subdivision of approximately 90 acres located in the NE quadrant of the intersection of W. 6th St/Hwy 40 & Kansas Hwy 10 (K-10) and associated variances from the Subdivision Design and Improvement Standards related to street right-of-way dedication and improvements. Submitted by Paul Werner Architects, for Fairway, LC, Property owner of record.

STAFF RECOMMENDATION - VARIANCE FROM REQUIREMENT TO PROVIDE STREET CONNECTIONS; SECTION 20-810(e)(2)

Staff recommends approval of the variance requested from Section 20-810(e)(2) to allow the property to be platted and developed without requiring George Williams Way to be constructed to the north property line subject to the following condition:

1) An agreement not to protest the formation of a benefit district for the future extension of George Williams Way, including planting of street trees and installation of shared use path, shall be executed and recorded prior to the recording of the final plat.

STAFF RECOMMENDATION - VARIANCE FROM REQUIREMENT TO PROVIDE SIDEWALKS ON BOTH SIDES OF THE STREET; SECTION 20-811(c)(1)(i)

Staff recommends approval of the variance from Section 20-811(c)(1)(i) to allow Rock Chalk Drive to be constructed with a 10 ft shared use path along the north side and no sidewalk on the south side subject to the following conditions:

1) The location of crosswalks providing connections between the development to the south and the shared use path to the north of Rock Chalk Drive shall be shown on the plat.
2) A note shall be included on the plat that best management practices, such as raised pavement, pavement markings, or alternate pavement materials will be used to insure pedestrian safety at the crosswalks.

STAFF RECOMMENDATION - PRELIMINARY PLAT:

Staff recommends approval of the Rock Chalk Park Addition No. 1 Preliminary Plat subject to the following conditions:

1. Provision of a revised plat with the following changes:
   a. Easement widths between Lots 1 and 2 and on the south side of Lot 1 shall be provided per Westar's requirement.
   b. Addition of a note establishing the construction and maintenance responsibilities for the shared access drives.
2. Agreements not to protest the formation of a benefit district for street and sidewalk improvements and street trees for E 902 Road and George Williams Way (if Variance 1 is approved) shall be executed and recorded prior to the recording of the final plat.

Reason for Request:

Subdivision is required prior to development of property.

KEY POINTS

- Several applications have been submitted for development of this property. The annexation and rezoning requests must be finalized through the publication of ordinances before the final plat may be recorded. The final plat must be recorded before the Special Use Permit Institutional Development Plan may be released for Building Permits.
- The Planning Commission is the decision making body for the variances which have been requested from the Subdivision Regulations Design and Public Improvement Standards.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.

ATTACHMENTS

Attachment A: Preliminary Plat

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases:

A-12-00190; Annexation application for subject property. Planning Commission recommended approval at their November 12, 2012 meeting. City Commission approved the annexation at their November 27, 2012 meeting and adopted Ordinance 8823 on first reading. Ordinance adopted on second reading at December 4, 2012 meeting.

Z-12-00191; Rezoning request from the A (Agricultural0 to the GPI (General Public and Institutional Use) District. Planning Commission recommended approval at their November 12, 2012 meeting. The rezoning and Ordinance 8824 are scheduled for consideration by the City Commission at their December 11, 2012 meeting.

SUP-12-00225; Institutional Development Plan for development of Rock Chalk Park, a regional sport/recreation facility. This item is also on the December Planning Commission agenda.

PP-12-00224; Preliminary Plat for Rock Chalk Park Addition No. 2. This item will be on a future agenda.

Other Action Required for Subdivision:

- City Commission adoption of annexation and rezoning ordinances and publication of ordinances in newspaper prior to the recording of the final plat.
- Submittal of final plat for administrative approval and recordation.
- City Commission acceptance of dedication of easements and rights-of-way on the final plat.
- Submittal and approval of public improvement plans and provision of means of assurance of completion prior to the recording of the final plat.

Other Action Required Prior to Development:

- City Commission approval of an Institutional Development Plan through a Special Use Permit, SUP-12-00225 and adoption and publication of SUP Ordinance.
- Submittal and approval of building plans prior to release of building permits for development.

PLANS AND STUDIES REQUIRED

- *Downstream Sanitary Sewer Analysis* – DSSA provided by Landplan Engineering dated November 14, 2012 has been reviewed and is accepted for this project.
- *Drainage Study* – Drainage Study approved with minor revisions.
- *Traffic Impact Study* – Traffic Impact Study is accepted.

PUBLIC COMMENT
No public comment was received prior to printing of this staff report.

Site Summary	
Gross Area (acres):	89.812 acres
Right-of-Way (acres):	6.270 acres
Net Area (acres)	83.542 acres
Number of Existing Lots:	0
Number of Proposed Lots:	2
Minimum Lot Area:	1,138,432 sq ft (26.14 acres)
Maximum Lot Area:	2,480,943 sq ft (56.95 acres)

GENERAL INFORMATION

Current Zoning and Land Use:

GPI (General Public and Institutional Use) District pending City Commission approval and publication of ordinance; agriculture.

Surrounding Zoning and Land Use:

To the north:

Property within the City limits with OS-FP (Open Space with Floodplain Management Regulations Overlay) District pending City Commission approval; city parkland.

To the East:
A (County- Agricultural) District; agriculture, wooded open space and rural residence.

RM12-PD (Multi-Dwelling Residential with a Planned Development Overlay) District; agriculture and wooded open space, development plans for residential development have preliminary approval.

To the south:
Residential zoning: RS7 (Single-Dwelling Residential), RM12D (Multi-Dwelling Residential, duplex), and RM24 (Multi-Dwelling Residential) Districts; agriculture, development plans for residential development as part of the Mercato development have preliminary approval.

To the west:
A (County-Agricultural) District; city parkland and A-1 (County-Suburban Home) District; platted rural residential subdivision west of K-10.

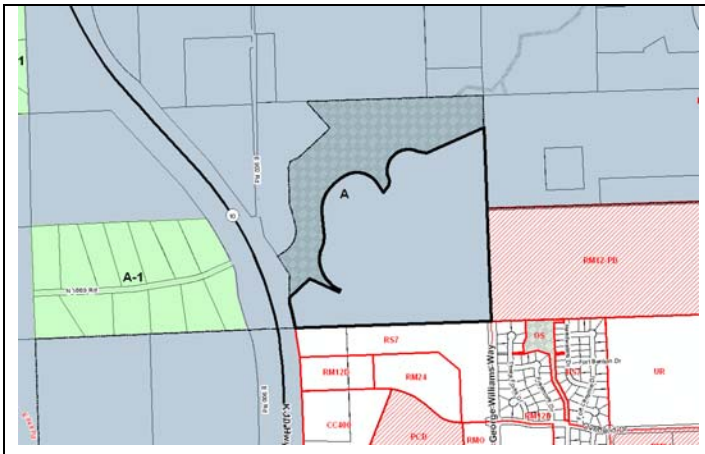


Figure 1a. Zoning of area.

Figure 1b. Land use in area.

STAFF REVIEW

The property is being divided into 2 lots for development as a regional sport/recreation/entertainment facility. A rezoning request to the GPI District was recommended for approval by the Planning Commission at their November meeting and is scheduled for consideration by the City Commission at their December 11, 2012 meeting. The GPI District is intended to provide an appropriate zoning district for public and institutional uses which require larger land areas but are not suitable for development in the H (Hospital) District or in areas designated with U (University District) on the Zoning Map. Development on properties in the GPI Zoning District must be master-planned with an Institutional Development Plan. A Special Use Permit submitted as the Institutional Development Plan for this project is also being considered at the December Planning Commission meeting.

The development proposes a partnership between the City of Lawrence and the Kansas University Endowment Association (KUEA) and/or KU Athletics (KA) and their subsidiaries. Sports, recreation, and entertainment facilities will be built to serve both KA and the City on this property. The City facilities will be located on one lot and the KA facilities on another. The facilities will share parking. Agreements will be developed between the City and KUEA/KA regarding the sharing of parking and the maintenance of the properties. Execution and recording of these agreements should occur prior to the issuance of certificates of occupancy for any structure on the properties.

The Special Use Permit plans provide a context for the preliminary plat, but the plat approval is based upon compliance with the standards listed in Section 20-809 (Major Subdivisions) of the Subdivision Regulations.

Streets and Access

The property is located north of West 6th Street/Highway 40 and is bounded on the east side by George Williams Way (extended), and on the west by E 902 Road, a frontage road along the east side of K-10. George Williams Way will provide connection from the development south to West 6th Street/Highway 40. (Figure 2) E 902 Road currently provides access to W 6th Street/Highway 40 for the resident to the north; however, the amount of traffic anticipated with this development may not be appropriate given the proximity of the E 902 Road access point to the K-10 on-ramp. KDOT indicated that the use of the E 902 Road access point by this development is problematic. This matter is unresolved as KDOT, the City, and the applicant continue to discuss options related to the interaction of E 902 road with W 6th Street/Highway 40. E 902 will be improved to a chip and seal standard with this development.

A local street, Rock Chalk Drive, will be constructed along the south boundary of the subject property to connect George Williams Way to E 902 Road and to provide access into the development from the south.

George Williams Way, a collector street, has been improved to the southeast corner of the subject property. The plat shows George Williams Way being constructed to the first drive into Lot 1, or about 700 ft north of the intersection with Rock Chalk Drive. Lot 1 will have direct access to Rock Chalk Drive to the south and to George Williams Way to the east, both public streets. Lot 2 will access Rock Chalk Drive and George Williams Way through a shared interior drive. (**Figure 3)**

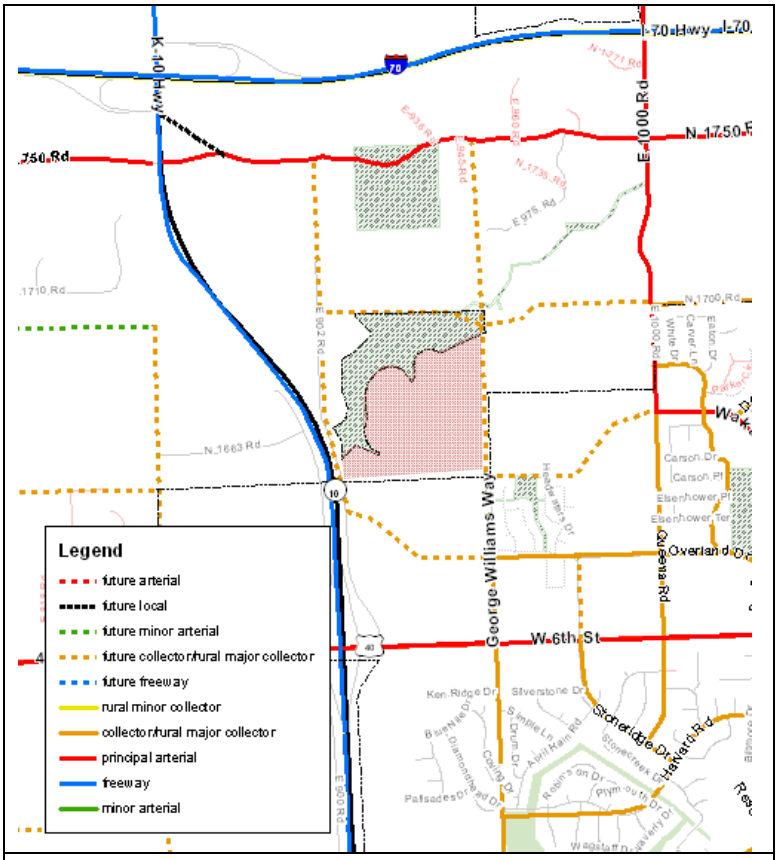


Figure 2. Major Thoroughfares in area. Subject property shown in pink.

George Williams Way is required to be constructed to the north property line per Section 20-810(e)(2)(ii) "*Streets shall provide connections to adjacent undeveloped land in accordance with the adopted Major Thoroughfares Map.*" George Williams Way is shown on the adopted Major Thoroughfares Map as a collector street which connects to the property to the north. (Figure 2) The plat shows George Williams Way being constructed only to the north of the drive on Lot 1, approximately 708 ft from the south boundary of the subject property. A variance from this requirement to allow the construction of George Williams Way only to the north of the first drive into Lot 1 has been requested and will be discussed later in this report.

The plat shows Rock Chalk Drive being extended west of the property line of Lot 1 to connect with E. 902 Road and notes that the developer is responsible for the construction of this connection.

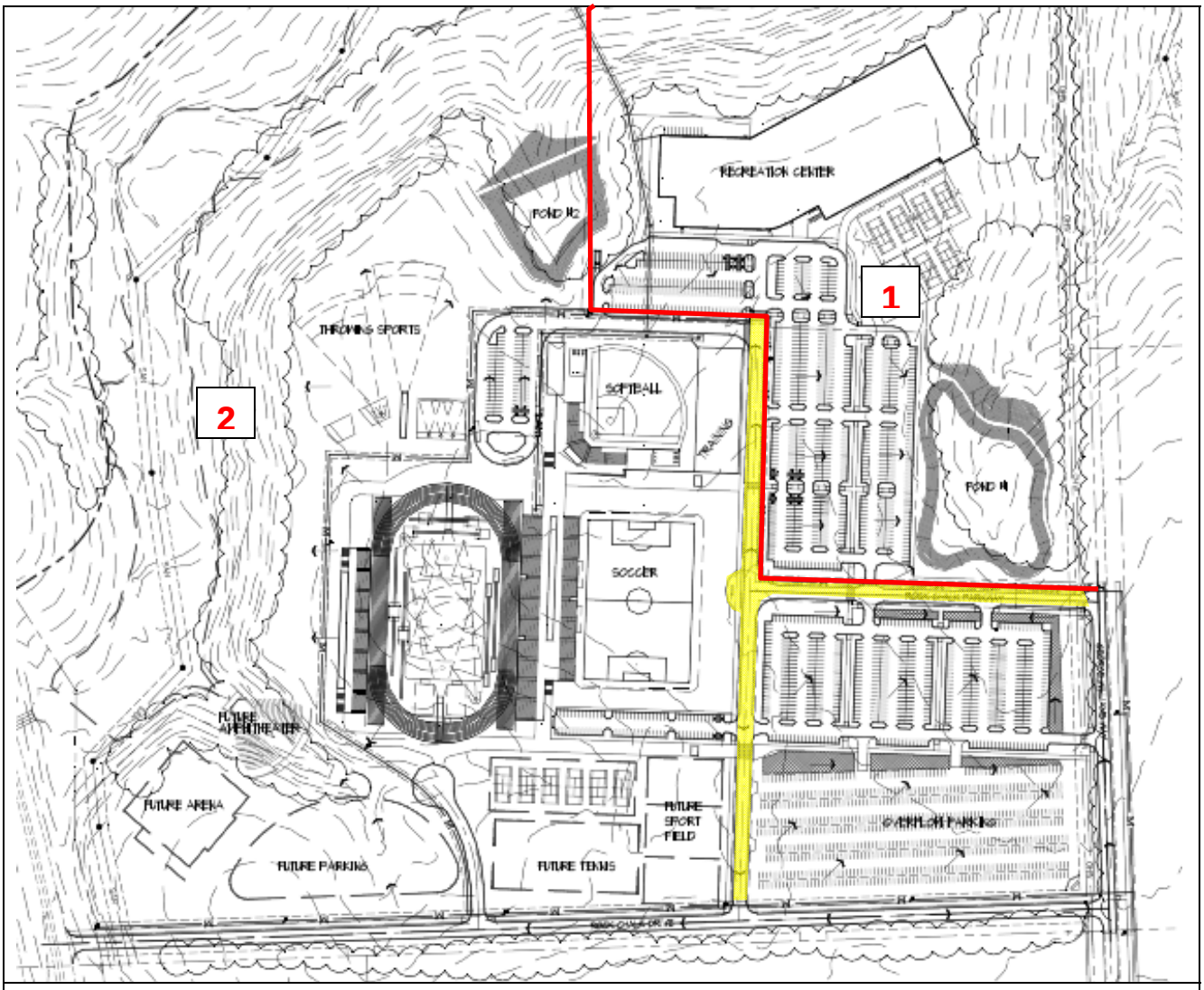


Figure 3. Site layout shown on the SUP. Lot 2 has direct access to George Williams Way to the east and Rock Chalk Drive to the south. Lot 1 has legal frontage along George Williams Way but takes physical access from interior shared access drives (shown in yellow).

Compliance with Zoning Regulations for the GPI District.

The dimensional standards for the GPI District (Section 20-601(b) of the Development Code) are compared with the lots proposed in the preliminary plat in the table below.

Standard	Required	Provided
Minimum site area	5 acres	83.5 acres
Minimum lot area	20,000 sq ft	1,138,432 sq ft
Minimum lot width	200 ft	705 ft (minimum width provided, measured at front setback)

The following development standards apply to properties over 10 acres with Institutional Development Plans (Section 20-1307(c)(2):

Standard	Required	Provided
Sidewalks	Provided on all street frontages as part of the first phase or if not phased at time of development	A variance has been requested from this requirement for Rock Chalk Drive.
Bicycle lanes or recreational paths	Required for sites that include public facilities such as recreation centers	A recreational path is proposed along George Williams Way and Rock Chalk Drive, although this is not shown on the plat. The recreational path should be shown.

The lots being created with this plat comply with these requirements with the exception of the requirement that sidewalks be installed on both sides of streets. The applicant is requesting a variance from the requirement in Section 20-811(c)(i)to provide sidewalks on both sides of the proposed Rock Chalk Drive. This variance will be discussed later in the staff report.

Utilities and Infrastructure

City utilities are available in the area. (Figure 4) Sanitary sewer mains can be extended from the Baldwin Creek Interceptor Line located in the parkland north of the subject property to provide service to the new lots. A water main located near the southeast corner of the subject property can be extended to serve the property. The utilities and easements for the extension of the sanitary sewer and water mains into the property are shown on the plat. Westar indicated they would need a 20 ft utility easement between Lots 1 and 2 and a 15 ft utility easement on the south side of Lot 1. The easements and utilities shown on the plat may be revised slightly in order to provide adequate flow for fire protection. The changes are expected to be relatively minor and technical in detail and should not require reconsideration of the plat by the Planning Commission.

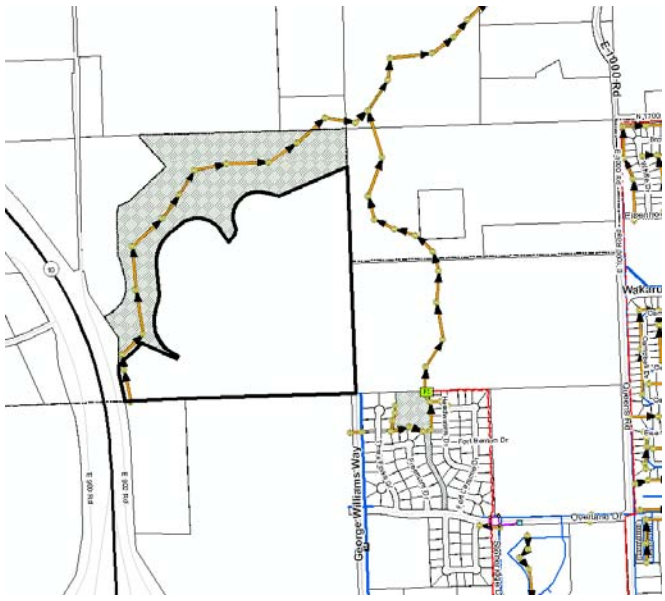


Figure 4. Sanitary sewer interceptor line shown in yellow through the adjacent parkland. City Water main shown in blue near the southeast corner of the subject property.

Easements and Rights-of-way

Easements are required for the extension of the sanitary sewer mains, water mains, and any public stormwater infrastructure located on the property in addition to utility easements which are required by the private utility providers. Utility easements are shown on the plat to accommodate the extension of sanitary sewer and water mains into the property as well as to serve private utilities. As noted earlier, the placement and width of these easements may vary slightly from that shown on the plat.

George Williams Way, a collector street, has been improved to the southeast corner of the subject property. Per Section 20-810(e)(5) of the Subdivision Regulations, a collector street requires 80 ft of right-of-way. One-half of the required right-of-way, 40 ft, is required with this plat and 50 ft of right-

of-way is being dedicated. The other 40 ft would need to be dedicated for the construction of George Williams Way.

80 ft of right-of-way is being dedicated along the south side of Lot 1 for Rock Chalk Drive, a local street. A local street requires 60 ft of right-of-way, but 80 ft is being dedicated to allow a 20 ft landscape easement within the southern portion of the right-of-way. There is an existing tree row in this location and the landscape easement is intended to provide area for the preservation of the tree row. If the tree row is damaged, the 20 ft landscape easement will provide adequate area for replanting of a tree row for buffering and screening of the sports/recreation/entertainment facility from the residentially zoned property to the south.

Stormwater/Drainage
A drainage study was provided to the City Stormwater Engineer. This was approved subject to minor revisions.

Variances.
Variance 1. Street Connections
Section 20-810(e)(2)(i) "*Street connections shall provide access to adjoining lands, existing and proposed streets."* and 20-810(e)(2)(iii) *"Street shall provide connections to adjacent undeveloped land in accordance with the adopted Major Thoroughfares Map."*

The property owner is requesting a variance from Section 20-810(e)(2)(i) and (iii) to allow George Williams Way to be constructed to the north access drive, approximately 704 ft north of the intersection with Rock Chalk Drive.

Per Section 20-813(g), the Planning Commission may grant a variance from the design standards of these regulations if the following three criteria are met:

- That the strict application of these regulations will create an unnecessary hardship upon the subdivider,
- That the proposed variance is in harmony with the intended purpose of these regulations, and
- That the public health, safety and welfare will be protected.

Following is a review of the variance request in relation to these criteria.

Criteria 1: Strict application of these regulations will create an unnecessary hardship upon the Subdivider.
Applicant's response:

> "*The existing condition of the site includes steep grades north of Rock Chalk Addition, No. 1, Lot 1. These grades make extending George Williams Way past Lot 1 impractical at this time since the road will not lead anywhere. Constructing the road at this time would destroy large amounts of vegetation due to extensive grading and construction that will need to occur outside the boundary of the road. In addition, building the road at this time may deter the 'Links' project from cooperating on improvements that will be necessary in the future."*

Strict application of these regulations would impact the subdivider by requiring that the connecting street on the east, George Williams Way, be constructed with the development of the sports/recreation facility to the north property line. The requirement to construct streets to the end of the property in order to provide a connection to adjacent properties and/or streets allows

development to proceed in an orderly fashion, with each developer being responsible for the construction of streets adjacent to their property. The regulations provide a means to insure orderly development and to insure that each developer pays their share of infrastructure costs.

Figure 5 shows the contours and vegetation along the alignment for the George Williams Way extension. As noted above, the extension of George Williams Way to the north would facilitate orderly development in the area. The applicant indicated that given the terrain and the location of the area it is likely that development will not occur in the area for some time. This area is recommended for low-density residential development in the Northwest Area Plan. As this property is outside the boundary for USD 497, the District serving schools within the City of Lawrence, it is likely that residential development may occur in other locations first. Given the constraints to development occurring to the north, constructing George Williams Way to the north property line may be an unnecessary hardship. Deferring the construction of the connecting road until development in the north is approved would be appropriate.

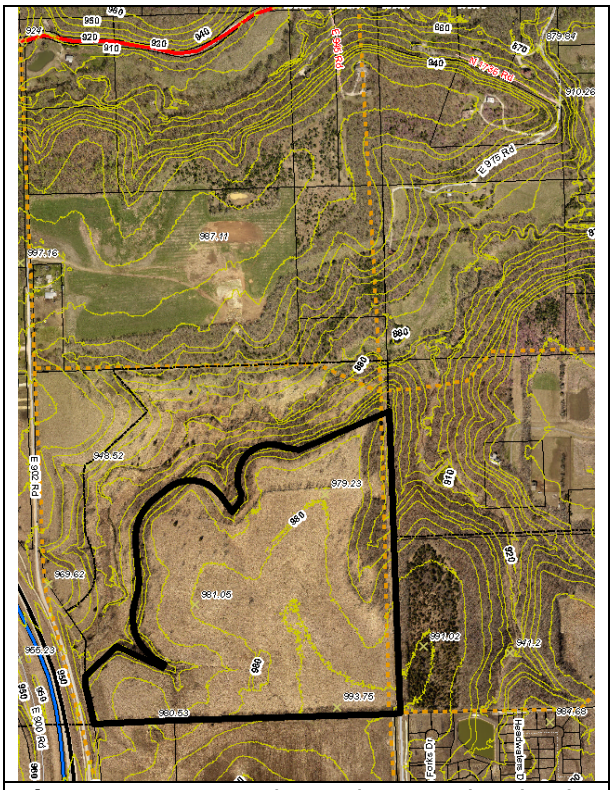


Figure 5. Topography and vegetation in the area. Future extension of George Williams Way shown as dotted yellow line.

Criteria 2: The proposed variance is in harmony with the intended purpose of these regulations.

Applicant's response:

> *"The intent of the Development Code is that necessary connection be provided to adjoining property; however, all adjoining property has existing connections making the extension of George Williams Way unnecessary at this time. The right-of-way for the extension of George Williams Way will be dedicated with the current development project and a non-protest agreement will be provided so the road extension can occur at a later date."*

Per Section 20-801(a) of the Subdivision Regulations, these regulations are intended to ensure that the division of land will serve the public interest and general welfare as well as provide for the harmonious and orderly development of land by making provisions for the continuity of the transportation network. When infrastructure is installed as the property is developed, it provides necessary infrastructure for the adjacent property to develop. This creates for the orderly and predictable development of an area. The provision of an agreement not to protest the formation of a benefit district would allow the developer to defer the construction until development to the north is approved and ensure that they will pay for their share of the improvements. (Street network shown in Figure 2.)

Criteria 3: The public health, safety and welfare will be protected.

Applicant's response:

> *"No adverse affects will occur."*

The current Special Use Permit plan provides adequate access and circulation without the use of an access from Lot 2 onto George Williams Way. Deferring the construction of George Williams Way (extended) until the property to the north develops would not have a negative impact on the public health, safety and welfare.

VARIANCE RECOMMENDATION

Staff recommends approval of the variance request to permit the platting and development of this property with the construction of the adjacent collector street, George Williams Way, to the point shown on the plat subject to the condition that an agreement not to protest the formation of a benefit district be executed and recorded prior to the recording of the final plat and that the improvements in this benefit district include street trees and the shared use path.

Variance 2. From requirement in Section 20-811(c)(1) to construct sidewalks on both sides of the street.

This section indicates that the applicant may request a variance for the requirement to construct sidewalks in the subdivision as part of the preliminary plat review in accordance with the variance procedures and criteria outlined in Section 20-813(g). Following is a review of the variance request in relation to these criteria.

Criteria 1: Strict application of these regulations will create an unnecessary hardship upon the Subdivider.

Applicant's response:

> *"Due to the existing tree line, the sidewalk would require frequent maintenance due to upheaval of the concrete from tree roots."*

Strict application of these regulations would require the subdivider to construct sidewalks on both sides of Rock Chalk Park, the local street to the south which is located within right-of-way being dedicated with this plat and on the east side of E 902 Road. The right-of-way for E 902 Road was not annexed with this development; therefore, the street remains outside the city limits. This road will be improved with a chip and seal surface to serve the development as a secondary access. An agreement not to protest the formation of a benefit district will be executed and recorded for future improvements of this road to City standards when the E 902 access point on W 6th Street/Highway 40 is relocated to the east and E 902 provides full access to the site. Constructing a sidewalk at this time would be an unnecessary hardship as it would be destroyed and need to be replaced when E 902 is improved. Including the sidewalk as one of the improvements in the agreement not to protest would be appropriate.

The existing tree row on the south side of Rock Chalk Park is well established and is intended to serve as a buffer area between the sports/recreation facility and the future single dwelling residential development to the south. The requirement to construct sidewalks on both sides of the streets is an integral part of the Complete Streets Policy, which attempts to make provisions for all users of a transportation system within the right-of-way. Houses to the rear of Rock Chalk Drive would face to the south and the sidewalk would be to the rear. This configuration would reduce the likelihood that the sidewalk would be used by the residents to the south. Connection to the development to the south would be possible with crosswalks on Rock Chalk Drive. Given the landscape easement for the protection of the established tree row and the anticipated limited use of the sidewalk, construction of the sidewalk along the south side of Rock Chalk Drive would be an unnecessary hardship.

Criteria 2: The proposed variance is in harmony with the intended purpose of these regulations.

Applicant's response:

> *"The Development Code requires 5 ft walks on each side of the street. By providing a 10 ft recreation path on the north side of Rock Chalk Drive the intent is still met by providing the same sidewalk width required in the area while at the same time allowing natural vegetation to remain on the south side as a buffer for the residential area."*

Per Section 20-801(a) of the Subdivision Regulations, these regulations are intended to ensure that the division of land will serve the public interest and general welfare as well as provide for the harmonious and orderly development of land by making provisions for the continuity of the transportation network. Sidewalks on both sides of the street serve to provide a safe continuous path for pedestrian traffic, which is a component of the transportation network. The variance would provide pedestrian paths on only one side of the street, requiring pedestrians to cross the streets to access them. Most of the pedestrian traffic from the south would be using the sidewalks provided along the streets in the residential development to access the recreation/sport complex. Providing crosswalks along the proposed street connections from the south to Rock Chalk Drive would provide a continuous pedestrian route. The crosswalks should include measures such as raised pavement and pavement markings or utilize alternate pavement materials to increase visibility and insure public safety.

Criteria 3: The public health, safety and welfare will be protected.

Applicant's response:

> *"The variance would increase public health by providing a recreation path. Safety, morals, order, convenience, prosperity or general welfare will not be adversely affected by granting the variance because the site has been planned for the 10 ft path to connect to the proposed sidewalks to the south in order for connectivity to be provided."*

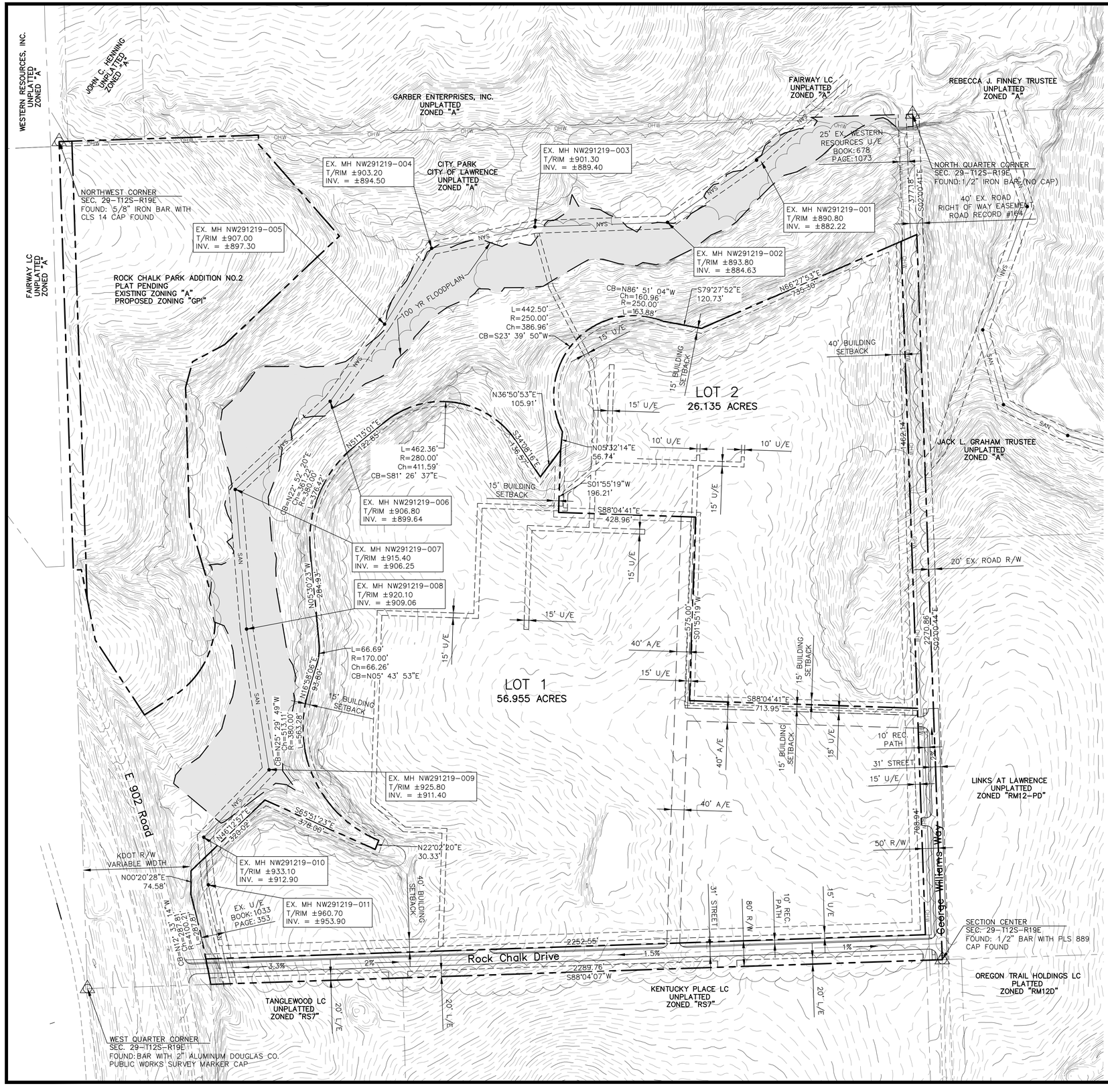
The standard to require sidewalks on both sides of the streets is viewed as a means for protecting the public health and safety be reducing the number of times a pedestrian must cross a street. If a sidewalk is not required on both sides of the streets, adequate safety measures must be taken to insure pedestrian safety. The plat should identify the locations of the proposed cross walks to provide connections to the sidewalks to the south and note that best practice safety measures, such as raised pavement, pavement markings, or alternate paving materials, will be taken to ensure pedestrian safety.

VARIANCE RECOMMENDATION

Staff recommends approval of the variance request to permit the platting and development of this property without requiring the construction of a sidewalk along the south side of Rock Chalk Drive subject to the condition that the location of crosswalks providing connections to the sidewalks to the south be noted on the plat and the plat note that best management practices, such as raised pavement for the crosswalk areas, pavement markings, or alternate pavement materials will be used to insure pedestrian safety.

Conformance

The preliminary plat, as conditioned and with approval of the requested variances, is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.



Legal Description

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6TH PRINCIPAL MERIDIAN IN DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 88° 03' 57" WEST, 2289.78 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION TO THE EASTERLY LINE OF A RIGHT-OF-WAY DEEDED TO THE STATE OF KANSAS; THENCE ON A CURVE TO THE LEFT ALONG SAID RIGHT-OF-WAY, HAVING A RADIUS OF 4069.72 FEET, AN ARC LENGTH OF 287.97 FEET, A CHORD BEARING NORTH 12° 32' 44" WEST AND CHORD DISTANCE OF 287.91 FEET; THENCE NORTH 00° 20' 28" EAST ALONG SAID RIGHT-OF-WAY, 74.58 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY ON A MEASURED BEARING OF NORTH 46° 12' 54" EAST AND MEASURED DISTANCE OF 320.03 FEET; THENCE SOUTH 65° 51' 23" EAST, 378.00 FEET; THENCE NORTH 22° 02' 16" EAST 30.33 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 380.00 FEET, AN ARC LENGTH OF 563.28 FEET, A CHORD BEARING NORTH 25° 29' 49" WEST AND CHORD DISTANCE OF 513.11 FEET; THENCE NORTH 16° 58' 06" EAST, 93.80 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 170.00 FEET, AN ARC LENGTH OF 66.69 FEET, A CHORD BEARING NORTH 05° 43' 53" EAST AND A CHORD DISTANCE OF 66.26 FEET; THENCE NORTH 05° 30' 23" WEST, 284.93 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 380.00 FEET, AN ARC LENGTH OF 376.42 FEET, A CHORD BEARING NORTH 22° 52' 20" EAST AND CHORD DISTANCE OF 361.22 FEET; THENCE NORTH 51° 15' 03" EAST, 122.85 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 280.00 FEET, AN ARC LENGTH OF 462.36 FEET, A CHORD BEARING SOUTH 81° 26' 37" EAST AND CHORD DISTANCE OF 411.59 FEET; THENCE SOUTH 34° 08' 16" EAST, 136.57 FEET; THENCE NORTH 36° 50' 52" EAST, 105.91 FEET; THENCE NORTH 05° 32' 15" EAST, 56.74 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 250.00 FEET, AN ARC LENGTH OF 606.37 FEET, A CHORD BEARING NORTH 42° 26' 34" EAST AND CHORD DISTANCE OF 468.29 FEET; THENCE SOUTH 79° 27' 52" EAST, 120.73 FEET; . THENCE NORTH 66° 27' 53" EAST, 735.30 FEET TO THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH 02° 00' 44" EAST ALONG SAID EAST LINE, 2270.86 FEET TO THE POINT OF BEGINNING. CONTAINING 89.812 ACRES.

General Notes

1. OWNER: Fairway, LC
   Mike Stultz, President, 5200 Bob Billings Parkway, Suite 303, Lawrence, Kansas 66049
2. LANDPLANNER: Paul Werner Architects LLC, 123 W. 8th Street, Suite B2 Lawrence, Kansas 66046
3. SURVEYOR: Landplan Engineering, 1310 Wakarusa Drive, Lawrence, Kansas 66049
4. Topography obtained by County maps, boundary information from survey performed by Landplan Engineering, 2012.
5. Existing Land Use: Vacant
6. Existing Zoning: County "A" (Agriculture); Proposed Zoning: GPI
7. Proposed Land Use: Sports Recreation
8. Typical Soil Types: Sogn-Vinland Complex, Kennebec Silt Loam, Oska Silt Clay Loam, Woodson Silt Loam
9. This project is not located within the 100 year floodplain per FEMA Map #20045C0152D Effective date: August 5th, 2010.
10. All new telephone, cable television and electrical lines must be located underground.
11. Developer is responsible for the cost of any relocation of existing utilities, if necessary to serve the proposed Subdivision.
12. A variance is being requested for street improvements to George Williams Way to end where shown on this plat.
13. A variance is being requested for the sidewalk requirement along both sides of Rock Chalk Drive.
14. The Developer will construct a connection between Rock Chalk Drive and E. 902 Road.

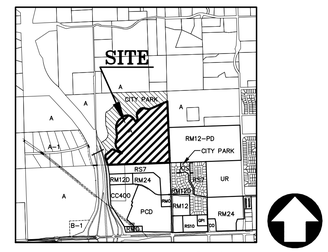
Provisions of Financing of Roads, Sewer, Water and other Public Services

1. The subdivision will have public streets.
2. The subdivision will provide connections to existing City of Lawrence waterlines.
3. The subdivision will provide connections to an existing City of Lawrence sanitary sewer system.
4. Purchasers of lots in the subdivision will not be subject to special assessments or other costs or fees specific to the subdivision.
5. Proposed improvements will not depend on a vote, petition or other collective action of property owners in the subdivision.
6. Financing for installation of the sanitary sewer extension shall be guaranteed by the developer with either an escrow deposit, or a letter of credit.

Site Summary

GROSS AREA:	89.812	acres
RIGHTS-OF-WAY AREA:	6.723	acres
NET AREA:	83.089	acres
PROJECT SUMMARY:		
TOTAL ACRES:	89.812	acres
TOTAL NUMBER LOTS:	2	lots
Average Lot Size:	1,809,688	sq. ft.
Minimum Lot Size:	1,138,432	sq. ft. (Lot 2)
Maximum Lot Size:	2,480,943	sq. ft. (Lot 1)

Location Map



SCALE: 1"=1/2 Mile NORTH

Benchmarks

1. CHISELED SQUARE ON THE SOUTH END OF A REINFORCED CONCRETE BOX GOING UNDER K-10. THE RCB IS ON THE EAST SIDE OF K-10 AND THE EAST SIDE OF THE FRONTAGE ROAD (E902), AND IS APPROXIMATELY 3200 'NORTH OF HWY 40. THE MARK CAN BE FOUND ON THE SOUTHEAST CORNER OF THE HEADWALL.

   ELEVATION = 936.07'

NORTH

SCALE: 1" = 150'

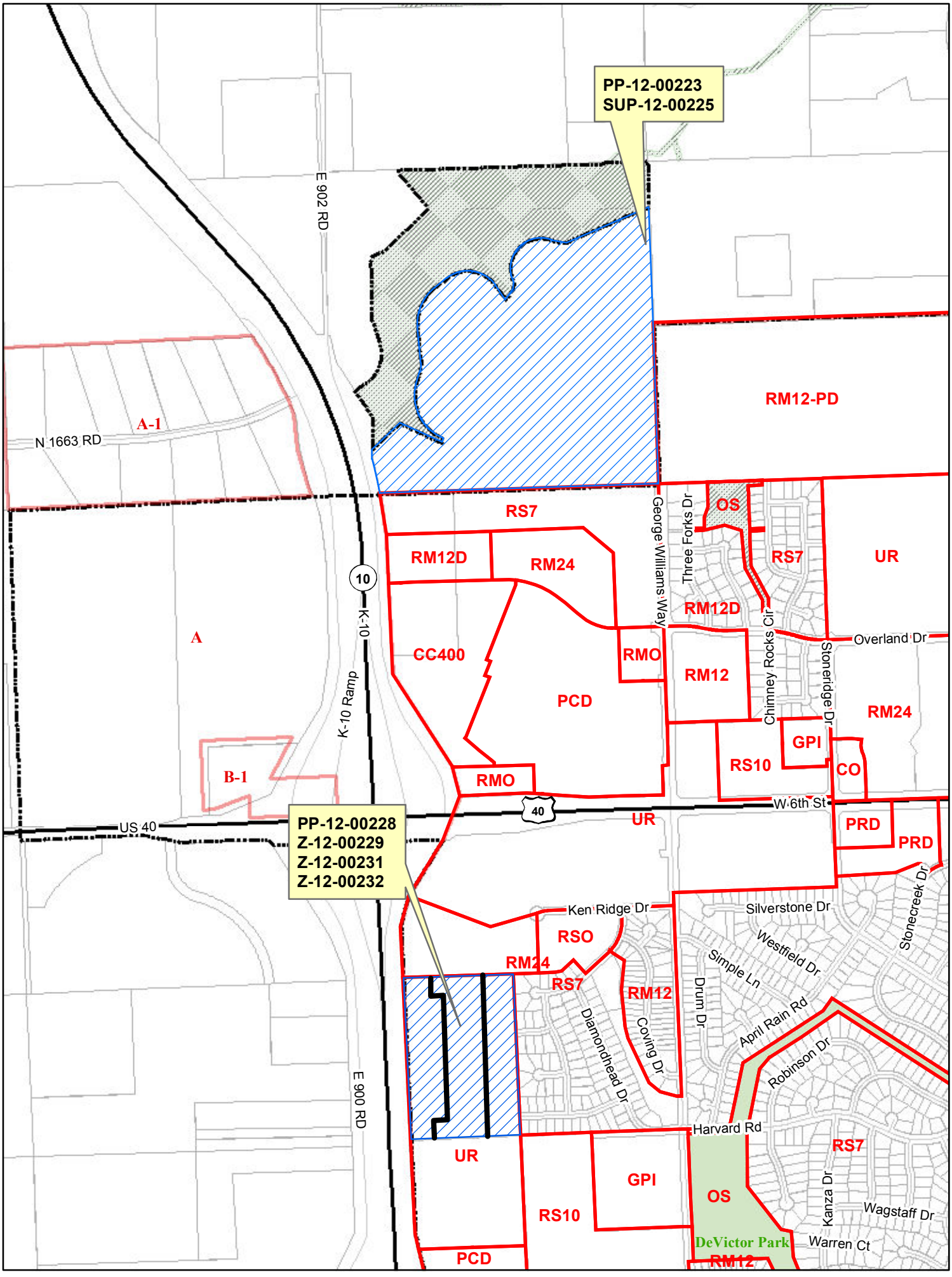
0 75 150 300 450

● = FOUND 1/2" BAR
⊡ = CALCULATED POSITION
(M) = Measured Distance
(P) = Plat Distance
= Fence
= Tree Line

ROCK CHALK PARK ADDITION NO.1

A PRELIMINARY PLAT FOR
A SUBDIVISION IN THE CITY OF LAWRENCE,
DOUGLAS COUNTY, KANSAS
NW 1/4, SEC. 29-T12S-R19E

RELEASE:		
1.0	10.8.12	FIRST SUBMITTAL
1.1	11.5.12	REVISED PER STAFF COMMENTS
1.2	11.15.12	REVISED LOTS AND NOTES
1.3	12.4.12	REVISED LOTS AND NOTES


PP-12-00223
SUP-12-00225
PP-12-00228
Z-12-00229
Z-12-00231
Z-12-00232
E 902 RD
N 1663 RD
A-1
A
B-1
RM12-PD
RS7
RM12D
RM24
CC400
PCD
RMO
RM12
UR
OS
GPI
RS10
CO
PRD
RSO
George Williams Way
Three Forks Dr
Chimney Rocks Cir
Stoneridge Dr
Overland Dr
W 6th St
US 40
K-10
K-10 Ramp
E 900 RD
Ken Ridge Dr
Silverstone Dr
Westfield Dr
Simple Ln
Drum Dr
April Rain Rd
Robinson Dr
Stonecreek Dr
Diamondhead Dr
Coving Dr
Harvard Rd
Kanza Dr
Wagstaff Dr
Warren Ct
DeVictor Park

LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED
DEC 10 2012
City County Planning Office
Lawrence, Kansas

President
Melinda Henderson

President-Elect
David Burress

Vice President
Milton Scott

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors
Margaret Arnold

Bonnie Dunham

James Dunn

Sally Hayden

Cille King

Ruth Lichtwardt

Marlene Merrill

December 10, 2012

To: Lawrence/Douglas County Planning Commission:

Re: Item 4C: Rock Chalk Special Use Permit

The League of Women Voters of Lawrence/Douglas County has had questions about the ownership and management of the Rock Chalk Park enterprise, many of which were incorporated into a letter sent to the City Commission on November 13, 2012 (we have included this letter, for your information). In addition to those questions, we have some new concerns that we hope you consider before approving the SUP for the proposed uses in the Rock Chalk Park.

Because it appears that the development and management arrangements will be in the hands of a private entity, it's possible that many of the activities may be profit-oriented. This could lead to more emphasis on event-oriented uses rather than on the student and public sports-oriented uses originally intended. Some of these events could be more disruptive to the environment and to adjacent areas than originally anticipated. Therefore, we believe that it is important to get details on some of these issues before you approve this SUP. Some of our concerns include:

- A portion of the City-owned Baldwin Creek Park is shown in the Site Plans for the SUP as an "amphitheater." This is publicly-owned park property located in what appears to be a major drainage area. We believe that the sports and event-centered development should not encroach upon our city parkland and that this amphitheater should not be shown as a future development in this location. Please do not include an amphitheater in our Baldwin Creek Park.

- Some of the other uses listed as "special events" under "1. i. vi. f.," could be very damaging and disruptive to a natural outdoor area: "Racing and vehicle exhibitions: BMX and Motorcross *(or motocross)* racing, truck and tractor pulls, etc." These types of events could be very destructive, especially motocross racing. Please do not permit this type of event to be included in this list by modifying the SUP provisions to exclude events of the type listed under "f".

- Some uses and improvements (excluding events already referred to above) are listed as being left for the City Commission to decide. We believe these should be referred to you for your advice.

- Please add the condition that the Parks and Recreation Department shall be responsible for creating the trails that will be included in the Baldwin Creek Park, and that they are walking trails with a natural surface rather than multi-purpose and paved.

We appreciate your careful consideration of these issues. Thank you.

Melinda Henderson
President

Alan Black, Chair
Land Use Committee

Attachment

PO BOX 1072 • LAWRENCE KS 66044-1072
league@sunflower.com • www.lawrenceleague.com
www.facebook.com/lwvldc • www.twitter.com/lwvldc

ATTACHMENT

LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

President
Melinda Henderson

President-Elect
David Burress

Vice President
Milton Scott

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors
Margaret Arnold

Bonnie Dunham

James Dunn

Sally Hayden

Cille King

Ruth Lichtwardt

Marlene Merrill

November 13, 2012

Mr. Bob Schumm, Mayor
Members of the City Commission
City Hall • Lawrence, KS 66044

RE. REGULAR AGENDA ITEM NO. 1: RECEIVE STAFF REPORT REGARDING THE PROPOSED RECREATION CENTER

Dear Mayor Schumm and City Commissioners:

The League of Women Voters of Lawrence/Douglas County has concerns that several important questions regarding the proposed City Recreation Center in the Baldwin Creek Park tract have not been adequately answered in public materials that have been provided. We urge you to obtain full answers to the questions listed below before you make a final decision on this project.

1. Pending granting of all approval processes and ...waiving all city related fees... and approval of industrial revenue bonds for the project..." then KU will purchase the tract of land.

Question: Does this include both the 19 acre and the 90 acre tracts? If it does include both, for what will the 19 acre tract be used?

2. KU will then build its own facilities for KU teams for track & field, softball, and soccer.

Question: What is the construction time line? Does KU build its own facilities first?

3. KU Endowment will build the following facilities and then transfer the responsibility for these specific physical improvements to the City: "The City Recreation Center of 181,000 sq. ft., [plus] 8 lighted tennis courts, [plus] walking trails of five miles, [plus] all interior roads, [plus the] access road to west, [plus] onsite utilities (sewer, water, etc.)," and "all professional fees and services associated with improvements, and landscaping..." all according to City agreements. All professional work will be done by KU selections and under their control.

Question: Who determines the design standards? Does the City have final authority over the design and construction standards? Does this include those for the City Recreation Center (the 181,000 s.f. structure) plus all interior roads, access road to west, onsite utilities (sewer, water, etc.) and "all professional fees and services associated with improvements, and landscaping"?

4. KU will transfer the responsibility for specific physical improvements to the City including "all interior roads, access road to west, onsite utilities and ...services associated with improvements and landscaping." In other words, maintenance of the interior roads.

Question: Will all of these interior roads for which the City will be responsible for maintenance be built to public street standards? Or will they be considered driveways? Note: if they are owned by the City, they are city right-of-way. We urge you to require that all accessways which the city must maintain be built to public street standards and not to lesser standards, such as for driveways.

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5. KU Endowment will own the parking spaces.

Question: Will the city have use of these parking spaces at all times? KU will cover the liability for parking spaces. City will pay a "proportional share." How will this be determined? Will there be an upper cost limit?

6. "Kansas Athletics will not have a need for use of the parking lots or private drives within the development during the winter season..."

Question: Why not? This means that snow removal, etc. is a City responsibility. Does this mean that the City gets use of these facilities only in the wintertime?

7. Water will be purchased from City for "rest rooms and competition fields..." City will pay for water for general landscaping "of all facilities at this location." KUEA will maintain the "lawns and landscaping around the recreation center and tennis courts at no cost to the City."

Question: How are you going to make these distinctions? Will there be meters for KU only? (We detect this and similar situations as sources of conflict.)

Question: How will you resolve maintenance cost, use disputes and other disagreements?

8. KU says it will build the trails.

Question: Will the City continue to own Baldwin Creek Park?

Question: Does the City have final approval of Baldwin Creek Park changes before their development; i.e., the trails? (We are asking that the trails be for walking only, not multi-use, and that they not be paved, but rather, have a natural surface.)

9. Construction, including the City Rec Center, will be managed by Bliss Sports. Bids can be monitored by the City, but there is no mention of the City having a veto option.

Question: Can the City refuse to allow certain construction bids and/or companies to be approved?

10. The City can hire a "construction monitor."

Question: What powers/options would he have? Would he have any veto power? Will the city have any enforcement or veto power? Will all construction have to meet City codes and standards? How will you enforce this?

These questions are based on the most recent communications provided by the KU Endowment Association. We trust that you will get satisfactory answers to these and other questions before you make any positive final decisions on this joint development. We very much appreciate your dedication and service to the citizens of Lawrence. Thank you.

Sincerely yours,

Melinda Henderson, President
League of Women Voters of Lawrence/Douglas County

9 November 2012

To: Lawrence City Commission
c/o David Corliss, City Manager
Joe Caldwell, Chair, City Recreation Advisory Board
Scott McCullough, Director, Planning & Development
John Wilkins, Gould Evans Architects
Ernie Shaw, Parks and Recreation
Mark Hecker, Recreation Maintenance & Operations

Re: Lawrence Community Recreation Facility Planning

Sirs;

After the public meeting Thursday night, and as planning for the Recreation Facility moves along, more than a handful of us (and Ernie, you have been one yourself) as handball, racquetball, or wallyball enthusiasts, continue to be hopeful that a couple of courts could be included in the future planning process.

As you all know, there is only one public court at Holcom Complex, and it is inadequate for group activities or to reserve on a regular basis. The only other courts that are accessible in our community require a healthy membership fee at Lawrence Athletic Club, and even those courts are in jeopardy. Having 2 or more courts in the new facility would allow expanded group dynamics, and even the possibility of limited tournaments that could draw from the Kansas City and Topeka areas (because there are active court participants in those cities). As handball or racquetball followers, most of us know that public courts could be another reason for outsiders to visit Lawrence and this new facility.

The floor space necessary for these courts could double as an area for other limited floor activities, or to provide a secure enclosed area when other major events are planned.

Thank you again for your consideration.

Sincerely,

Edward Manda
940 E 1264 Rd

PETEFISH

PETEFISH, IMMEL, HEEB & HIRD, LLP
Attorneys at Law
Est. 1915

John J. Immel
Richard W. Hird*
Thomas H. Johnson*
Cheryl L. Denton*
Terence E. Leibold*
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rhird@petefishlaw.com

Olin K. Petefish (1912-2001)
Jeffrey O. Heeb (retired)

December 7, 2012

Dr. Bruce Liese, Chairman
Lawrence Douglas County Planning Commission
via email: bruce@kansascitysailing.com

Mr. Scott McCullough
Director, Planning & Development Services
City of Lawrence
6 E. 6th Street
P.O. Box 708
Lawrence, Kansas 66044
via email: smccullough@lawrenceks.org

Confirmed by first class mail

Re: Sports Village Project
December 10, 2012 Planning Commission Meeting
Agenda Item #4A Preliminary Plat for Rock Chalk Park, including requested Variances
Agenda Item $4C, Special Use Permit for Recreation Center

Dear Dr. Liese and Mr. McCullough,

It appears that this project has now morphed from a Sports Village to a venue for tractor pulls with alcohol sales. We represent Jack Graham, who owns and resides on 80 acres of land adjoining the East side of the proposed Rock Chalk Park project. As indicated in my letter of November 9, 2012, Mr. Graham objects to the use of GPI zoning for some of the uses advocated in the Staff Report and objects to the uses allowed by the Special Use Permit as suggested in the Staff Report.

Mr. Graham does not object to the use of the property for a sports and recreation facility. He does have some relatively minor requests with respect to the use of the facility for sports activities. However, the inclusion of unrestricted General Entertainment as an allowed use in a SUP within the GPI zoning would open the door to many uses that have absolutely nothing to do

with a sports village or recreation facility. Initially, the public was told that this project is a partnership between the City and KU Endowment and/or KU Sports for a recreation facility for the City of Lawrence and a sports facility for the University. There was no mention of other activities that have now crept into the project as "non-sport and non-athletic events."

Examples of non-sport and non-athletic related events cited as appropriate in the Staff Report include "Music concerts, Festivals, Fairs, BBQ cook-offs, Farmers' markets and Racing and vehicle exhibitions: BMX and Motocross racing, truck and tractor pulls, etc." (emphasis added) This is not only a "bait and switch" from the sports village project that was sold to the public, but would allow uses that have no nexus to any Institution whatsoever by engaging in an absolutely tortured interpretation of the purpose of GPI zoning. The Commission should make it clear that "non-sport and non-athletic related" uses are not within the scope of a sports village or recreation facility and not approve those uses within the SUP.

1. **The Special Events Permit is not the answer.**

Staff's answer is to kick the difficult question down the road for consideration in yet another process. The Staff Report suggests that the use of the facility for non-sport and non-athletic related events should require approval through the city's Special Event Permit process. That process is not the appropriate answer and provides no protection for neighbors:

- The Special Event Permit process is not a legally available option. Special Event Permits are issued for "...the temporary use of private property for special events..." Code §6-1501. Rock Chalk Park will be publicly owned property; thus, the Special Event Permit is not even available under the Code.

- There is no requirement for notice to neighbors for Special Events permits. None.

- There is no opportunity for any public involvement in the issuance of Special Events Permits. Special Event Type 1 events don't require a permit at all if the minimal standards are met. Code §6-1503. Special Events Types 2, 3, 4 and 5 may be issued administratively if certain conditions are met. Code §6-1504. Some Type 5 Events require City Commission approval, but that doesn't require public participation.

2. **The answer is to condition the SUP by excluding outdoor "non-sport and non-athletic" events.**

There is no future step in the process that ensures the ability for Mr. Graham to even participate. And if the Planning Commission does not exclude non-sport and non-athletic events at this juncture, it is giving implicit approval of any future application for these activities.

As a major compromise, Mr. Graham will not object to non-sport or non-athletic events held inside the facilities. His objection is with respect to events held outside.

3. **Conceptual approval of future uses – including the amphitheatre – should be deleted.**

The Staff Report suggests that "Uses and facilities noted as 'future' are approved conceptually as shown the this SUP; however, the addition of the use will require submittal and approval of a revised SUP application through the SUP process…" "Conceptual approval" of some future use is inherently vague; it really adds nothing and means nothing in terms of the pending SUP and at worst, is highly prejudicial to the process for a future revised SUP.

The 5,000 seat amphitheatre should be deleted from the SUP as a "future use."

4. **The SUP should not allow alcohol sales.**

The use of the facility for entertainment with alcohol sales is a 180 degree departure from the purpose of Rock Chalk Park, as explained to the public. The idea that this facility could be used for a tractor pull with alcohol sales is totally contrary to the manner in which the project has been represented to the public and repugnant to the concept of GPI zoning, i.e., institutional uses. Alcohol sales inevitably leads to elevated noise, trash and related problems. If this is a sports village, then alcohol sales should not be important.

5. **The SUP should require fencing of the East property line.**

Fencing of the East property line will help prevent the public from wandering through the adjoining properties. The proposed jogging trail runs along the East property line and in the absence of fencing, it would be easy for the public to detour through the adjoining woods.

1. **The requested variance from the requirement to provide street connections should be granted with slight modification.**

With respect to the requested variance from the requirement to provide street connections, George Williams Way should be extended to the Southwest corner of Mr. Graham's property. That compromise will relieve the developer from extending George Williams Way all the way to the North property line, but will allow connectivity to at least the corner of Mr. Graham's property.

CONCLUSION

We respectfully request the Planning Commission to take the following actions with respect to the SUP requested for Rock Chalk Park:

1. Exclude outdoor "non-sports and non-athletic" General Entertainment uses.
2. Delete "conditional approval" of future uses.
3. Exclude alcohol sales and consumption.
4. Require fencing on the East side of the property.
5. Require extension of George Williams Way to the Southwest corner of Mr. Graham's property.

The findings and conclusions in the Staff Report should be amended as follows:

AGENDA ITEM 4A:

STAFF RECOMMENDATION – VARIANCE FROM REQUIREMENT TO PROVIDE STREET CONNECTIONS; SECTION 20-810(e)(2)

Staff recommends approval of the variance requested from Section 20-810(e)(2) to allow the property to be platted and developed without requiring George Williams Way to be constructed to the north property line subject to the following conditions:

1) George Williams shall be extended North to the Southwest Corner of the adjoining property owned by Mr. Graham [or substitute the legal description].

~~2~~) An agreement not to protest the formation of a benefit district for the future extension of George Williams Way, including planting of street trees and installation of shared use path, shall be executed and recorded prior to the recording of the final plat.

AGENDA ITEM 4C:

SPECIAL USE PERMIT; RECREATION CENTER; W. 6TH ST & K-10 HWY

Staff recommends approval of the Special Use Permit SUP-12-00225 subject to the following conditions:

1. Provision of a revised plan with the following changes:

***

d. The bufferyard lengths shall be noted on the plan and a bufferyard landscaping table provided. Bufferyard landscaping, trees and shrubs, shall be noted in the table per standards in Section 20-1005. The plan shall include appropriate fencing along the East property line.

***

i. Addition of the following notes:

~~ii. "Uses and facilities noted as 'future' are approved conceptually as shown on this SUP; however, the addition of the use will require submittal and approval of a revised SUP application through the SUP process, including a public hearing before the Planning Commission and approval by the City Commission."~~

***

~~iii. "Alcohol sales and consumption are permitted on the premises with appropriate liquor licensing."~~

***

vi. "The use of the recreation center building, soccer field, softball field, and track stadium shall be unrestricted for sport and athletic event related activities. Sport and athletic event related activities include, but are not limited to, the following, whether at the intercollegiate or other level:

***

Non-sport and non-athletic related events~~,~~ located inside enclosed buildings within the facilities or in the parking lots, shall require approval through the city's Special Event Permit process. Non-sport and non-athletic related activities, including for example, amphitheatres, are not permitted outside enclosed buildings. ~~include, but are not limited to:~~

~~a. Music concerts,~~
~~b. Festivals,~~
~~c. Fairs,~~
~~d. BBQ cook-offs,~~
~~e. Farmers' markets,~~
~~f. Racing and vehicle exhibitions: BMX and Motorcross racing, truck and tractor pulls, etc."~~

I would be most appreciative if you would circulate this letter to the members of the Planning Commission. In accordance with the Bylaws of the Planning Commission, I will recuse myself from the discussion and vote on these agenda items and another member of our firm will appear on behalf of Mr. Graham.

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

Richard W. Hird
Petefish, Immel, Heeb & Hird, LLP

From: lauri di routh [mailto:lauridi@hotmail.com]
Sent: Monday, December 10, 2012 8:52 AM
To: Sheila Stogsdill
Subject: Comments for planning commission meeting 12/11/12

Ms. Stogsdill,

Please accept these comments for tonight's Planning Commission meeting. I respectfully request that these be shared with the Planning Commissioners and staff, and be included in the public record for tonight's meeting.
Please note that my comments herein are not intended to represent any organization or group. I offer these comments solely as an individual citizen and taxpayer.

RE: Long range planning work program, as submitted to the planning commission by Scott McCullough in November 2012.
I wish to express my concern about the City and County opting to postpone implementation of the environmental chapter of H2020 to a work schedule beyond 2013. This plan was crafted over the course of several years, and both citizens and the Sustainability Advisory Board play a role. I am troubled that this plan is being mothballed, at a time when we need it most. Given the current drought and its impact on both the built and natural environment, tending to our community's natural resources is more important now than ever. I ask that the PC make implemenation of the environmental chapter of H2020 a priority for 2013.

RE: Variances requested for the site plan and plat of the proposed Rock Chalk Village Park
I am troubled to see that the developer is requesting variances to the street connection requirements of the code, and also the sidewalk requirement of the code. Both of these items are integral to the City's Complete Streets plan, which was recently approved. While I appreciate the developer's stated intention of preserving trees on the property, without an inventory of said trees or any requirement for monitoring of tree preservation or removal during project construction, using trees as an excuse to minimize developer costs seems a bit disingenuous. In regard to street connectivity, it seems to me that allowing George William Way to remain a dead end street at the north end creates a bottleneck for the City's future rec center, and may create massive traffic problems on the property when large events are held at the KU facilities. At the very least, this variance should be reviewed and vetted, first, by traffic planners, to assess its impact. I believe that the requirements for sidewalks on both sides of the street should be upheld, and the developer's request for variances denied.

RE: Diamondhead Neighborhood Comments
I support the Diamondhead Neighborhood's right to preserve the nature and safety of their neighborhood. I ask that the PC reject the Landplan plat proposal as it would greatly expand the development of duplex and multifamily residential dwellings in this area, to the detriment of the existing neighborhood.

RE: planning commission packet structure

In reviewing the packet for this week's meeting, it is noted that the packet size of 57 MB makes it very difficult to load and open on a standard home computer. I had several people tell me that they had not even tried to do so, for fear that it would crash their computer system. While I understand that the files therein are large, I would like to see the PC use the City Commission's method of transmitting meeting information, using imbedded, topic-specific links on the agenda. This way, individual topic information can be opened and reviewed without the need to download the entire packet of 50+ MB of information. By breaking the packet up into managable chunks, it will make it easier for the public to access needed information and share with others who may wish to comment. Certainly, the PC wants to engage and solicit feedback from the public. I believe that the best way to do this would be to use imbedded links on the agenda, thereby reducing an evident barrier to accessing information.

I appreciate your consideration of my comments.

Sincerely,

Laura Routh
2235 East Drive
Lawrence, KS
979-3918

PLANNING COMMISSION REPORT
REGULAR AGENDA — PUBLIC HEARING ITEM

PC Staff Report
12/10/12

ITEM NO 4C: SPECIAL USE PERMIT; RECREATION CENTER; W. 6TH ST & K-10 HWY (MKM)

SUP-12-00225: Consider a Special Use Permit and Institutional Development Plan for development of General Entertainment and Spectator Sports, Active Recreation, and Outdoor and Participant Sports & Recreation uses on approximately 90 acres located in the NE quadrant of the intersection of W. 6th St/Hwy 40 & Kansas Hwy 10 (K-10). Submitted by Paul Werner Architects, for Fairway, LC, Property owner of record.

STAFF RECOMMENDATION:
Staff recommends approval of the Special Use Permit SUP-12-00225 subject to the following conditions:

1. Provision of a revised plan with the following changes:
   a. Lots 1 and 2 shall be clearly identified and the boundaries delineated on the plan drawings. On Sheet SUP-3 identify Kansas Athletics Facilities identified as Lot 1, and City Facilities as Lot 2.
   b. The named access drives, Rock Chalk Parkway and Rock Chalk Lane, labeled as 'access drives'.
   c. Parking related items:
      i. Location of the racks for the 153 bike parking spaces shall be shown per standards in Section 20-913(g).
      ii. Uses and parking requirements revised in Parking Summary as noted in staff report; include the 700 overflow parking spaces in the summary.
      iii. Dimension parking lot islands to insure compliance with code standards.
      iv. Note that parking lot islands will be landscaped with a minimum of 2 of the following materials: trees, shrubs or ground cover.
      v. Provide 2 additional ADA parking spaces for a total of 32 spaces. Four of the 32 spaces shall be van accessible.
      vi. Note that the Planning Director approved the number of parking spaces provided on the plan and the use of shared parking based on the results of the parking study.
      vii. Addition of recording information for shared parking agreement and maintenance agreement.
      viii. Provide a landscape table listing the interior landscaping for each parking lot per standards in Section 20-1003.
      ix. Add the required shrubs to the interior parking lot landscaping plans.
   d. The bufferyard lengths shall be noted on the plan and a bufferyard landscaping table provided. Bufferyard landscaping, trees and shrubs, shall be noted in the table per standards in Section 20-1005.
   e. Addition of a note on the plan that existing vegetation where indicated on the plan can serve as the bufferyard landscaping, but that bufferyard landscaping as required in Section 20-1005 would be provided in the event the existing vegetation is removed during construction or damaged to the point the City Horticulture Manager determines it needs to be replaced. New trees may be planted within the southern bufferyard to

create a new tree row per the City Forestry Manager's specifications.

f. Show the sight triangles at all intersections.
g. Utility easements shall be revised as necessary for City Utilities Department and Westar approval.
h. Show graphically the stands of trees which will be protected.
i. Addition of the following notes:
   i. "*Uses and facilities noted as 'future' are approved conceptually as shown on this SUP; however, the addition of the use will require submittal and approval of a revised SUP application through the SUP process, including a public hearing before the Planning Commission and approval by the City Commission."*
   ii. *"Trail locations shown on the SUP are approximate. Specific locations and surfacing will be approved by the City Commission."*
   iii. *"Alcohol sales and consumption are permitted on the premises with appropriate liquor licensing."*
   iv. *"The Planning Director administratively waived the requirement for a Type 1 Bufferyard for the west and north lot lines."*
   v. *"The Planning Director waived the perimeter parking lot requirement for a wall or berm and approved the perimeter landscaping as shown on the plan."*
   vi. "*The use of the recreation center building, soccer field, softball field, and track stadium shall be unrestricted for sport and athletic event related activities. Sport and athletic event related activities include, but are not limited to, the following, whether at the intercollegiate or other level:*
      a. Softball, soccer, and track and field competitions, practices, and events;
      b. Parks and Recreation programmed events and athletic programs such as, but not limited, to:
         i. Basketball, volleyball, gymnastics, community recreation programs, etc. contained within the building,
         ii. Tennis play and tournaments at the tennis courts,
         iii. 3-on-3 basketball tournaments in the parking lot, etc.
      c. Recreational level sports – Ultimate Frisbee, flag football, etc. on the KA fields;
      d. Exhibition games and tournaments such as, but not limited to:
         i. Kansas Relays,
         ii. Football/softball/soccer games and tournaments,
         iii. Special Olympics,
         iv. Cross Country meets,
      e. Marching band performances and practices.

      Non-sport and non-athletic related events, located within the facilities or in the parking lots, shall require approval through the city's Special Event Permit process. Non-sport and non-athletic related activities include, but are not limited to:
      a. Music concerts,
      b. Festivals,
      c. Fairs,
      d. BBQ cook-offs,
      e. Farmers' markets,
      f. Racing and vehicle exhibitions: BMX and Motorcross racing, truck and tractor pulls, etc."
   vii. "*Tennis court lights shall be shut off no later than 10:30 PM Sunday through Thursday and no later than 11:00 PM on Friday and Saturday nights. Stadium and other outdoor recreation lights shall be shut off no later than 11:30 PM throughout*

the week."

viii. *"The detention pond/drainage easement will be privately-owned and maintained. The developer is responsible for establishing ownership and maintenance of same via individual owner maintenance. No fences or structures other than necessary retaining walls and/or guardrails will be allowed within the drainage easements."*

ix. *"All curb inlets will be constructed per City storm sewer standard details."*

x. *"Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities boxes and meters, shall be fully screened from view of adjacent properties and from street rights-of-way (as measured 6 ft above ground level). Screening shall be in the form of landscape plantings or an architectural treatment compatible with the architecture of the principal building."*

2. A photometric plan for all exterior lighting shall be provided for review and approval by the City Commission prior to the release of the SUP plans for building permits.
3. A shared parking agreement between the owner of Lot 1 and Lot 2 shall be executed prior to the issuance of building permits for any structure.
4. A maintenance agreement between the owner of Lot 1 and Lot 2 shall be executed prior to the issuance of building permits for any structure.
5. Provision of a revised drainage plan per the City Stormwater Engineer's approval.

Applicant's Reason for Request:

"The Development Code requires a Special Use Permit / Institutional Development Plan for properties within the GPI District that contain more than 10 acres."

FACTORS TO CONSIDER

- Procedural requirements of Section 20-1306; Special Use Permits.

ATTACHMENTS

Attachment A: Special Use Permit Plan
Attachment B: Parking Study

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases:

A-12-00190; Annexation application for subject property. Planning Commission recommended approval at their November 12, 2012 meeting. City Commission approved the annexation at their November 27, 2012 meeting and adopted Ordinance 8823 on first reading. The second reading was adopted on December 4, 2012.

Z-12-00191; Rezoning request from the A (Agricultural) to the GPI (General Public and Institutional Use) District. Planning Commission recommended approval at their November 12, 2012 meeting. The rezoning and Ordinance 8824 are scheduled for consideration by the City Commission at their Jan 8, 2013 meeting.

PP-12-00223; Preliminary Plat for Rock Chalk Park Addition No 1. This item is also on the December Planning Commission agenda.

PP-12-00224; Preliminary Plat for Rock Chalk Park Addition No. 2. This item will be on a future agenda.

Other Action Required for Subdivision:

- City Commission adoption of annexation and rezoning ordinances and publication of ordinances in newspaper prior to the recording of the final plat.

- Submittal of final plat for administrative approval and recordation.
- City Commission acceptance of dedication of easements and rights-of-way on the final plat.
- Submittal and approval of public improvement plans prior to the recording of the final plat.

Other Action Required Prior to Development:

- City Commission approval of an Institutional Development Plan through a Special Use Permit, SUP-12-00225 and adoption and publication of SUP Ordinance.
- Submittal and approval of building plans prior to release of building permits for development.
- A stormwater pollution prevention plan (SWP3) must be provided and approved prior to any construction activity occurring on site.

PLANS AND STUDIES REQUIRED

- *Downstream Sanitary Sewer Analysis* – DSSA provided by Landplan Engineering dated November 14, 2012 has been reviewed and is accepted for this project.
- *Drainage Study* – Drainage Study approved with minor revisions.
- *Traffic Impact Study* – Traffic Impact Study accepted.

PUBLIC COMMENT

No public comment was received prior to printing of this staff report.

GENERAL INFORMATION

Current Zoning and Land Use: A (County-Agricultural) District with zoning to the GPI (General Public and Institutional Use) District pending publication of ordinance; agriculture. A sports/recreation/entertainment facility is proposed with this application.

Surrounding Zoning and Land Use:

To the north:

Property within the City limits with OS-FP (Open Space with Floodplain Management Regulations Overlay) District pending; city parkland.

To the East:

A (County- Agricultural) District; agriculture, wooded open space and rural residence.

RM12-PD (Multi-Dwelling Residential with a Planned Development Overlay) District; agriculture and wooded open space, development plans for residential development have preliminary approval.

To the south:

RS7 (Single-Dwelling Residential), with RM12D (Multi-Dwelling Residential, duplex), RM24 (Multi-Dwelling Residential) CC400 (Community Commercial) and PCD (Planned Commercial) Districts; agriculture, development plans for residential and commercial development as part of the Mercato development have preliminary approval.

To the west:

A (County-Agricultural) District; City parkland and A-1 (County-Suburban Home) District; platted rural residential subdivision west of K-10.

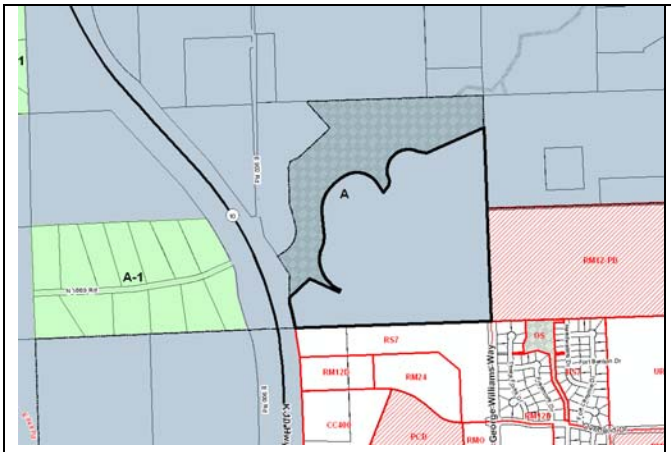


Figure 1a. Zoning of area. Colored areas represent zoning districts in the unincorporated area of the county. (Subject property outlined.)

Figure 1b. Land use in area. (Subject property outlined.)

Site Summary	
Gross Area (acres):	89.812 acres
Net Acreage:	83.542 acres
Total Building Coverage Existing:	0
Total Building Coverage Proposed:	242,000 sq ft
Total Pavement Existing:	0
Total Pavement Proposed:	665,684 sq ft
Total Impervious Existing:	0
Total Impervious Proposed:	907,684 sq ft (34.4% of total site)

SUMMARY OF SPECIAL USE

Development on properties in the GPI Zoning District must be master-planned with an Institutional Development Plan. Site plans can serve as the Institutional Development Plan for sites with less than 10 acres; however, a Special Use Permit is required for sites with greater than 10 acres. This Special Use Permit (SUP) application has been submitted as the Institutional Development Plan for the development of a sport/recreation/entertainment facility.

The property will be developed in phases, thus certain uses are shown conceptually and as future on the site plan. The addition of these uses will require submittal of a revised Special Use Permit site plan and approval through the Special Use Permit process which includes a public hearing before the Planning Commission, action by the City Commission and recording of approved SUP plans.

The development proposes a partnership between the City of Lawrence and the Kansas University Endowment Association (KUEA) and/or KU Athletics (KA) and their subsidiaries. Sports, recreation, and entertainment facilities will be built to serve both KA and the City on this property. The City facilities will be located on one lot and the KA facilities on another. The facilities will share parking. Agreements will be developed between the City and KUEA/KA regarding the sharing of parking and the maintenance of the properties. Execution and recording of these agreements should occur prior to the issuance of building permits for any structure on the properties.

This site is being platted as Lots 1 and 2 with the Rock Chalk Addition No. 1. The preliminary plat for this subdivision is also on the December Planning Commission agenda. The various

sports/recreational and entertainment uses being proposed are listed in Table 1 along with their use classification per Section 20-403 of the Development Code.

LOT	USE PROPOSED	USE CLASSIFICATION
Lot 2 (City)	Community Center with courts, gymnasium, meeting rooms	Active Recreation
	Tennis Courts	
	Trails and walkways	Passive Recreation
Lot 1 (KU)	Sports Fields: Soccer Field, Soft Ball Field, Field for Throwing Sports	Entertainment and Spectator Sports
	Track and Field Stadium	
	Tennis courts	
	Indoor Training Area and softball field	Participant Sports and Recreation, Indoor
Lot 1 (KU) future	Arena,	Entertainment and Spectator Sports
	Amphitheater	
	Tennis and sports fields/ indoor tennis facility.	Participant Sports and Recreation or Entertainment and Spectator Sports depending on plans for spectators.

Table 1. Proposed uses and their use classifications per Code.

These use classifications are defined in Article 17 of the Development Code as:

Recreational facilities: Recreational, social, or multi-purpose uses typically associated with parks, play fields, golf courses, or community recreation buildings.

- **Passive Recreation:** Areas used or designed for passive and individual sports and recreational activities. Such areas include but are not limited to: Greens and commons, gardens, arboretums, and conservatories; pedestrian, bicycle, and equestrian paths, trails, and walkways; benches, plaza or seating areas, and picnic areas; and golf courses.

- **Active Recreation:** Areas and facilities used or designed for active or group sports and recreational activities, including spectator areas associated with such facilities. Such areas include but are not limited to: athletic fields and courts, playgrounds and play apparatus; skating rinks and swimming pools; boat docks and launches; zoos; community recreation buildings, including but not limited to meeting rooms, class or lecture rooms, band shelters or gazebos, and gymnasiums; and structures accessory to community recreation uses, such as public restrooms, refreshment stands, concession shops selling sporting goods, and miniature golf.

Sports and Recreation, Participant: Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis). The following are participant sports and recreation use types (for either general or personal use):

- **Indoor** Those uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, swimming pools, and physical fitness centers.

- **Outdoor** Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses and swimming pools.

Entertainment and Spectator Sports
Provision of cultural, entertainment, athletic, and other events to spectators. Also includes events involving social or fraternal gatherings. The following are spectator sports and entertainment use types:

- **Limited** Those uses conducted within an enclosed building with a capacity of 500 or less people. Typical uses include email theaters and meeting halls.

- **General** those uses generating an attendance of 501 or more people such as theaters, large exhibition halls, field houses, stadiums and sports complexes.

Other uses
While the facility is being planned as a partnership between the City of Lawrence and KUEA/KA, partnerships may occur with other entities. Section 20-532(1) notes "*A use which is permitted in the GPI District as an accessory use must be accessory to a principal use on the site. Two or more institutions may enter into a partnership to utilize the site without affecting the accessory status of the use; further, an institution may partner with a non-institutional entity as long as the institutional use remains the principal use on the site."*

The zoning district and planned facilities can accommodate sport/athletic uses and non-sport uses. The following condition is intended to permit the facilities to be used in an unrestricted way for sports/athletic related uses, but follow the city's special event permit process for non-sport related uses.

> *The use of the recreation center building, soccer field, softball field, and track stadium shall be unrestricted for sport and athletic event related activities. Sport and athletic event related activities include, but are not limited to, the following, whether at the intercollegiate or other level:*
>
> a. *Softball, soccer, and track and field competitions, practices, and events;*
> b. *Parks and Recreation programmed events and athletic programs such as, but not limited, to:*
> i. *Basketball, volleyball, gymnastics, community recreation programs, etc. contained within the building,*
> ii. *Tennis play and tournaments at the tennis courts,*
> iii. *3-on-3 basketball tournaments in the parking lot, etc.*
> c. *Recreational level sports – Ultimate Frisbee, flag football, etc. on the KA fields;*
> d. *Exhibition games and tournaments such as, but not limited to:*
> i. *Kansas Relays,*
> ii. *Football/softball/soccer games and tournaments,*
> iii. *Special Olympics,*
> iv. *Cross Country meets*
> e. *Marching band performances and practices.*
>
> *Non-sport related events, located within the facilities or in the parking lots, shall require approval through the city's Special Event Permit process. Non-sport and athletic related activities include, but are not limited to,*
>
> *a. Music concerts,*

b. Festivals,
c. Fairs,
d. BBQ cook-offs,
e. Farmers' markets,
f. Racing and vehicle exhibitions: BMX and Motorcross racing, truck and tractor pulls, etc."

SITE PLAN REVIEW

This project is unique in that several stakeholders have been involved in the design evolution of the plan – KA, Bliss Sports - the presumed contractor, City Parks and Recreation staff and board members. While the site plan being considered by the Planning Commission reflects accurately the locations of the primary structures and parking lots, many elements should be considered to be in design phase – details of parking lot landscaping, fencing, stormwater system, lighting, etc. Much of this report identifies/discusses technical code standards that need further clarification on the site plan to verify that the items meet the Development Code, but, in any event, will be completed prior to the issuance of building permits and based on the direction of the Planning and City Commissions.

The summary should note that the City portion is located on Lot 2 and the KUEA/KA portion is located on Lot 1. The plan should note the total summary of the property included within the SUP and the legal description should be revised to reference the property as Lots 1 and 2, Rock Chalk Park Addition No. 1.

The site plan shows the proposed location of the community recreation center on the north portion of Lot 2. This lot will include:

- A 181,000 sq ft building which will include:
  - 8 full-size basketball courts, which could be used as 16 half-court basketball or 16 volleyball courts,
  - 21,200 sq ft of turf area, and
  - 4,800 sq feet of gymnastics, cardio, fitness, dance and wellness center.
- 8 lighted tennis courts
- Associated parking (shared per agreement)
- Detention pond

The KU facilities shown on Lot 1 include:

- Soccer field with 2,500 bleacher seats
- Track and field stadium with 7,500 fixed and 2,500 temporary bleacher seats
- Softball field with 1,000 seats, with an additional 1,500 seats proposed in the future
- Indoor training area: 28,000 sq ft building which houses a performance area and a 14,000 sq ft building which houses an indoor softball field.
- Public address system
- Lights at track stadium, soccer field and softball field
- Associated parking (shared per agreement)

Future improvements shown on Lot 1 include:

- Indoor arena with 3,000 seats for sporting events and an additional 800 seats for concerts;
- 4,000 seat amphitheater;
- 8 tennis courts and indoor tennis facility; and a
- Lacrosse field.

Trails and pedestrian pathways are shown throughout the area on the SUP. The locations of these trails are general in nature and will be determined in the future.

Restroom locations are not identified on the SUP plan. Building Codes have specific requirements pertaining to the proximity of restrooms to spectator or activity areas. If additional restrooms are required, an administrative amendment to the site plan would be necessary.

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

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

The proposed uses are allowed uses in the GPI (General Public and Institutional Use) District. Standards for the GPI District include parking requirements in Article 9, landscaping in Article 10, density and dimensional in Article 6, and standards specific to the GPI District in Section 20-1307.

Parking

Parking for the proposed uses associated with the immediate development (not the noted future improvements) is summarized in the following table:

Use	Requirement	Required Parking
Lot 2-City		
Active Recreation	Per Schedule D, based on parking study provided by applicant.	Community Center Study projected 218 vehicles on typical day, 640 on tournament. 640 spaces
Passive Recreation	Per Schedule D, based on parking study provided by applicant.	Trails. Use would occur in conjunction with other uses, no additional parking required. 0 spaces
Lot 1-KU		
Entertainment and Spectator Sports (general)	1 space per 3 seats	2500 seats soccer 1000 seats softball 10,000 Track & field 13,500 seats / 3 = 4,500 4,500 spaces
Participant Sports and Recreation, Indoor	1 space per 500 sq ft of customer or activity area	Training areas: 28,000 sq ft training 14,000 sq indoor softball 42,000/500=84 84 spaces
Passive Recreation	Per Schedule D, based on parking study provided by applicant.	Trails. Use would occur in conjunction with other uses, no additional parking required. 0 spaces
		Total: 5,224 spaces
Vehicle:	ADA:	Bicycle
Required: 5,224 spaces	Over 1000 parking spaces provided: 20 ADA spaces plus 1 per 100 spaces over 1000: 2154 spaces provided=32 Van accessible- 1 per 8 ADA spaces=4 Required: 32 ADA spaces w 4 van accessible	As parking is shared throughout the facility, the same bicycle requirement is calculated throughout: 1 per 10 paved vehicle spaces provided. 1,454 spaces=146 Required: 146 bike spaces
Provided: 1,454 paved/concrete spaces	30 ADA spaces	153 bike spaces

700 unpaved overflow spaces 2,154 total spaces		

Table 2. Parking requirements, Section 20-902 Off-Street Parking Scheduled A.

There are some minor discrepancies between the parking requirements in the table above and that noted in the parking summary on Sheet SUP-3. The parking summary should be revised to reflect the information noted in Table 2. While the parking requirement noted above is based on the heaviest intensity of use at all facilities occurring simultaneously, it is understood that this will not be the case, and in most instances several of the facilities will be dormant while one or two of the facilities are in use. The parking study provided by the applicant notes the following projected parking requirements for typical use scenarios:

1) Typical recreation center daily usage + soccer event. 518 spaces required.
2) Large basketball or volleyball tournament and reduced recreation center usage (20%) plus soccer or softball event. 982 spaces required.

The study recommended that 1,100 paved parking spaces be provided in addition to 600 overflow spaces on unpaved area. The parking provided exceeds this recommendation. The Planning Director approved the number of parking spaces provided on the proposed site plan, a reduction from that required by the code, based on the results of the parking study, subject to the condition that a shared parking agreement be approved and recorded prior to the issuance of certificates of occupancy for any structure.

Bike parking required is 1 per 4 auto spaces for active recreation and 1 per 10 spaces for participant sports or entertainment uses. As the vehicle parking that is provided is to be shared between the various uses, one bicycle parking requirement should be used. Bike parking is calculated at the ratio of 1 space per 10 vehicle parking spaces and is based only on the permanent parking spaces provided, 1,454; therefore, 146 bicycle parking spaces are required throughout the site. The plan notes that 153 are provided. The location of the bike racks should be shown on the plan. These should be near the front entrance of facilities where possible, in a well-lighted area, and separated from other vehicles by a curb or other barrier. The bike racks should be of a type that allows bikes to be securely fastened by the frame.

LARGE EVENT PARKING

The 2,154 on-site parking spaces will accommodate up to approximately 6,462 attendees for a mix of events/recreation uses at a ratio of 3 per vehicle. This will accommodate typical uses of the site. If events generate more than 6,462 participants/spectators to the property, then parking will need to be accommodated off-site and, depending on the location of the off-site parking, shuttles will need to transport participants and spectators. If an event at the track stadium generated full capacity of 10,000 seats and use of the recreation center was occurring at the same time, a minimum of 3,973 parking spaces would be needed to accommodate the uses at the property. This arrangement of accommodating the "normal" peak event demand on-site with additional parking off-site through shuttle service for events with very high parking demand a few times per year is typical when reaching a balance of parking solutions for a mix of uses.

Larger events, such as the Kansas Relays, were not included in the study projections. With these larger events a shuttle bus service could be utilized as well as off-site parking if available. A cursory review of potential sites to accommodate this demand includes the following:

1. Free State High School – 858 spaces, approximately 1 mile to east.

2. Langston Hughes School – approximately 200 spaces including grass areas, approximately 1 mile to the south.
3. KU Park and Ride (near Iowa and Clinton) – 1,400 spaces, approximately 6 miles to the southeast.
4. Nearby churches, farm ground and miscellaneous commercial lots – potentially as much as 500 spaces or more.

The above-noted locations represent over 2,900 potential off-site parking spaces. It is important to note that the city does not control any of the above mentioned properties and this information is being provided as examples of locations that could be part of the parking plan for accommodating very large events at Rock Chalk Park.

LANDSCAPING:
Bufferyards are required along the property lines depending on the type of development or zoning of the adjacent property. The following bufferyards apply to this development

- A Type 3 Bufferyard is required on any side of the property which is adjacent to RS zoning .
- A Type 2 Bufferyard is required on any side of the property adjacent to RM zoning (Section 20-1005(c)).
- A Type 1 Bufferyard is required on all perimeters of a property that is zoned GPI (Section 20-13007(c)(2).

The plan shows a 20 ft Type 3 Bufferyard along the southern property line which is adjacent to RS7 zoning and a 20 ft Type 2 Bufferyard along George Williams Way where the property is adjacent to RM zoning to the east. A Type 3 Bufferyard is also required along the east boundary of the property that is adjacent property outside the city limits (A zoning) as the Northwest Area plan identifies this area for low density single family development. The width and length of these bufferyards should be noted on the plans and the bufferyard landscaping provided noted in the landscape summary.

The Planning Director waived the requirement to install Type 1 Bufferyard around the west and north perimeters as these perimeters abut City parkland and/or K-10 Highway. Trails will connect the development with the City parkland and the two recreational uses are compatible. This waiver should be noted on the plan.

Bufferyard on the south.
A 20 ft wide Type 3 Bufferyard requires 4 trees and 30 shrubs per 100 linear feet. The southern property line is 2,253 ft long which requires 91 trees (22.53 x 4) and 676 shrubs (22.53 x 30). As noted, a stand of trees exists along the south property line and qualifies for the bufferyard. The plan should note the existing landscaping that is being retained to meet this bufferyard requirement, along with protection measures that will be taken during construction. The plan should also provide a bufferyard landscaping plan which will be implemented in the event the existing landscaping is damaged to the point the City Horticulture Manager determines it needs to be replaced.

Bufferyard on the east
As discussed earlier, a Type 2 Bufferyard is required between the GPI District and the RM Zoning to the east and a Type 3 Bufferyard is required between the GPI District and the adjacent property that is outside the city limits. Plantings are proposed for a portion of the east property line where existing trees do not exist or will be removed due to construction. The north half of the east property line contains mature vegetation that qualifies for the buffereyard. A 20 ft wide Type 2 Bufferyard requires 4 trees and 13 shrubs per 100 linear feet. The entire bufferyard length should be dimensioned and labeled and the plan should indicate where existing vegetation will be used to

meet the bufferyard landscaping requirement. The length of the bufferyard should be noted in the landscape summary along with the length of the area that requires landscape plantings and the plantings that are being provided to meet the code standards. A note should be added to the plan which indicates that if the existing vegetation is removed during construction activities, or damaged to the point where it needs to be replaced bufferyard landscaping will be installed per Section 20-1005.

Interior Parking Lot landscaping

The Code requires 40 sq ft of interior parking lot landscaping area per every parking space and requires the planting of 1 tree and 3 shrubs per 10 parking spaces. (Trees may be substituted for shrubs at a ratio of 1 to 3.) In addition, the parking lot islands are required to be landscaped with 2 materials: either trees, shrubs or ground cover. This should be noted on the plan. All landscaped areas used to meet this requirement must have a minimum dimension of 8.5 ft. The plan should be revised to note the dimensions of the parking lot islands.

The landscaping requirements are calculated per parking lot, rather than over the parking areas as a whole. The table below shows the area required for each lot, the area provided, and the landscaping materials provided/required. The plan calculates the landscaping area and plantings for all the KA facilities as a group. These should be separated by parking lot to insure compliance. The plan should be revised to include a landscape summary and to provide the required missing landscaping.

PARKING LOT AND SPACES	Required Landscaped Area	Provided Landscaped Area	Required Plantings	Provided Plantings
1 213 spaces	8,520 sq ft	9,994 sq f	22 trees 66 shrubs	26 trees Extra 4 trees = 12 shrubs. 54 shrubs needed.
2 509 spaces	20,360 sq ft	58,453 sq ft	51 trees 153 shrubs	78 trees Extra 27 trees = 81 shrubs. 72 shrubs needed.
3 554 spaces	22,160 sq ft		56 trees 168 shrubs	78 trees Extra 22 trees = 66 shrubs. 102 shrubs needed.
4 103 spaces	4,120 sq ft		11 trees 33 shrubs	10 trees 1 tree, 33 shrubs needed
5 80 spaces	3,200 sq ft		8 trees 24 shrubs	8 trees 24 shrubs needed
TOTAL 1,459 spaces	58,360 sq ft	68,447sq ft	148 trees 444 shrubs	200 trees 0 shrubs Extra 52 trees = 156 shrubs 288 shrubs needed

Table 3. Interior parking lot landscaping summary.

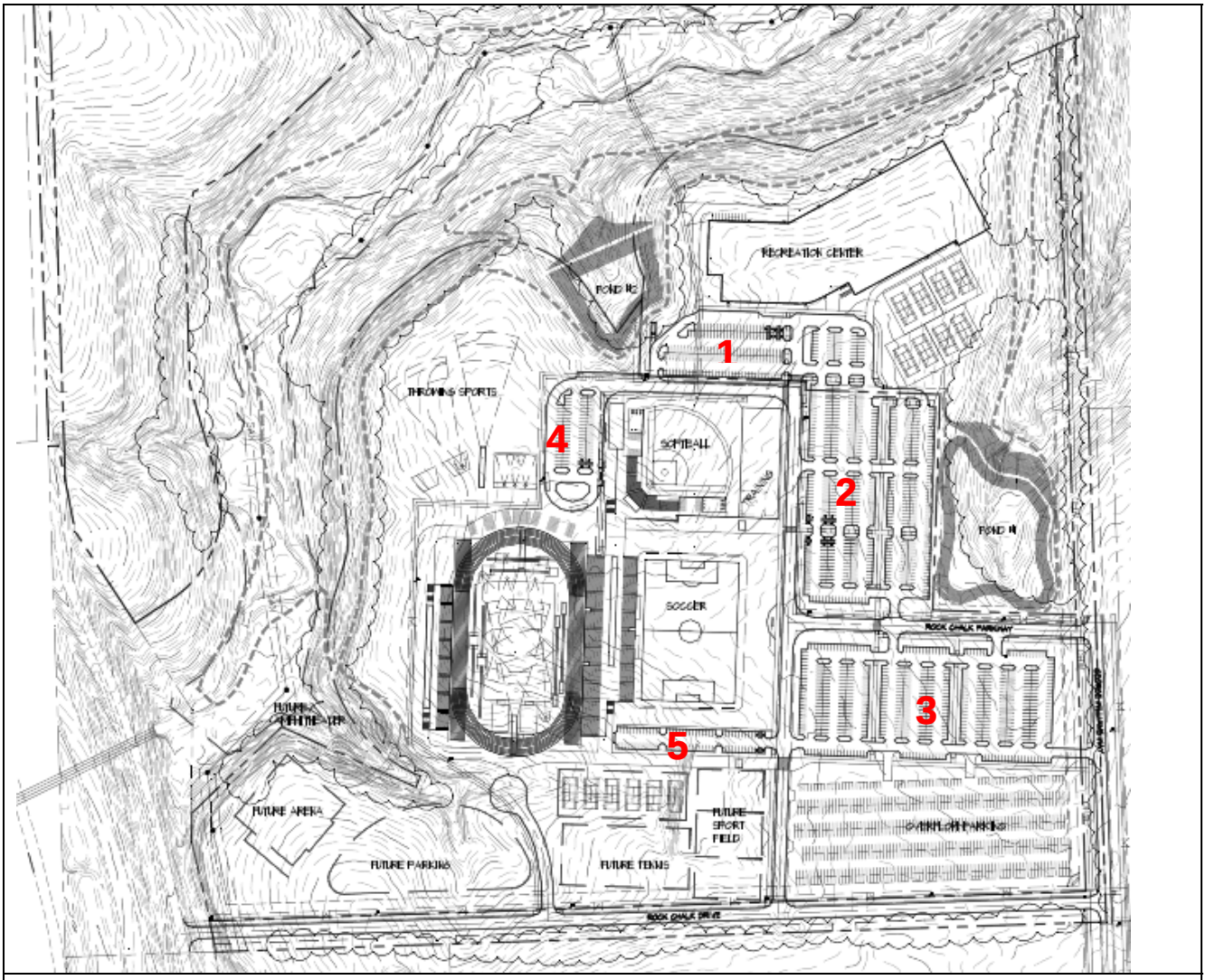


Figure 2. Parking lots in development which require interior parking lot landscaping.

Perimeter Parking Lot Landscaping

Landscaping is required around the perimeter of parking lots to screen view of parking lots from streets and roads. A wall or berm is required in addition to 1 tree per 25 linear feet of parking frontage. As identified in Figure 2, the landscape requirements apply to the east perimeter of parking lot 2 and the east and south perimeter of parking lot 3. As permitted in Section 20-1004(c)(3), the Planning Director waived the perimeter landscaping requirements for the east side of parking lot 2, based on the distance from George Williams Way to allow the landscaping as shown on the plan. The Planning Director also waived the perimeter landscaping requirements for the south side of parking lot 3, based on the distance from Rock Chalk Drive and the location of the overflow parking to allow the landscaping provided in the bioswale at the north side of the overflow parking area to serve as the perimeter landscaping. Perimeter landscaping on the east side of parking lot 3 is required at the ratio of 1 tree per 25 linear foot of parking lot frontage. This parking lot has approximately 285 ft of frontage along George Williams Way; therefore, Bufferyard or street trees are permitted to count toward this requirement. 12 trees are required and 14 trees are provided. A bioswale is located along the east side of this property.

The plan should note that the Planning Director waived the perimeter parking lot landscaping requirements for a berm or wall and approved the perimeter parking lot landscaping as shown on the plan.

Lighting Section 20-1103(d) contains lighting standards for outdoor lighting. These standards would apply to parking lot lights and exterior lights except for those associated with outdoor recreational uses. Standards for outdoor recreational uses provided in Section 20-1103(e) include the following:

1) Lights at outdoor recreation uses may not exceed a maximum permitted post height of 60 feet.
2) No flickering or flashing lights are permitted.
3) Lights may not be illuminated after 11:30 p.m.
4) As-built lighting and photometric plans are required.
5) Lighting shall be designed, to the maximum extent feasible, to minimize adverse impacts on traffic safety and nuisance impacts on R-zoned property. Mitigation can be required via extra landscaping, earlier shut-off times for the lights, cutoff fixtures (where feasible) and other techniques."

Outdoor recreation lighting is proposed with this phase for the tennis courts, the soccer and softball fields, and the track and field stadium. The City tennis court lights is proposed to have a shut-off time of 10:30 Sunday through Thursday and 11:00 PM on Friday and Saturday. The remainder of the recreational lighting on the KA facilities is proposed to have a shut-off time of 11:30 PM as required in Section 20-1103(e)(3).

Other
Trash receptacle locations should be shown on the plan for review by the City Solid Waste Division. Trash receptacles and mechanical equipment must be screened per the requirements in Section 20-1006. The plan should show the location of the trash receptacles/dumpsters and mechanical equipment with the screening proposed. In addition the following note should be added to the plan: *"Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities boxes and meters, shall be fully screened from view of adjacent properties and from street rights-of-way (as measured 6 ft above ground level). Screening shall be in the form of landscape plantings or an architectural treatment compatible with the architecture of the principal building."*

The sight triangle should be shown on the plan to insure that adequate intersection visibility is provided.

The GPI District standards in 20-1307 require that sidewalks be provided on both sides of the streets and that bicycle lanes or recreational paths shall be provided for sites that include public facilities such as recreation centers. A variance from the requirement that sidewalks be provided along both sides of streets has been requested with the preliminary plat. A shared use path is shown on the north side of Rock Chalk Drive.

The setbacks in the GPI District are 40 ft adjacent to street right-of-way or adjacent residential property and 15 ft adjacent to non-residential property. The plan observes these setbacks. The maximum height in the GPI District is 60 ft. The height of the structures should be noted so that compliance with this requirement can be assessed. Maximum impervious lot cover permitted in the GPI District is 75%. The impervious lot coverage for this property at 34.4% complies with this requirement.

The location of the access drives meet the separation requirements from the intersection with Rock Chalk Drive and George Williams Way. Section 20-915(e)(2)(iii) requires a minimum separation of 250 ft between a driveway and a collector street intersection. The proposed driveway on George Williams Way is 340 ft from the intersection.

Staff Finding – With the approved administrative waivers, the subdivision variances, and as conditioned, the site plan complies with the requirements set out in the Development Code.

2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

The proposed development will be bordered on the west by E 902 Road and K-10 Highway and on the north by City parkland. (Figure 3) Property to the north and west of the City parkland is under the same ownership and has a pending rezoning request to the GPI District. Property to the east consists of two parcels. One is zoned A (Agricultural) and contains agricultural land uses, a rural residence, and wooded open space on the west portion nearest the proposed facility. The other parcel is zoned RM12-PD which is a zoning district for multi-dwelling development with a planned development overlay. This property will have apartments fronting George Williams Way and a golf course and apartments throughout the remainder of the property.

The adjacent property to the south is undeveloped but is zoned RS7 (Single-Dwelling Residential) District which permits residential development with a minimum lot size of 7000 sq ft. The proposed design is compatible with the adjacent residential use to the east and proposed residential uses to the east and south.

Property further to the south is zoned for multi-dwelling residential uses and commercial uses. This property is part of the Mercato development which is planned as a mixed use development consisting of residential office and commercial uses. Approximately 359,600 sq ft of commercial uses have been approved for the Mercato portion of the Community Commercial Center at the intersection of W 6th St/Highway 40 and K-10 Highway. The commercial development and the recreation facility are compatible as office or commercial uses associated with the sports/recreation/entertainment facility could locate in close proximity.

Figure 3. Subject property outlined. Current development in area.

To the east

As shown in Figure 4 the recreation center and tennis courts will be separated from the residence to the east by approximately 932 ft. The rec center property is slightly higher in elevation (970) than the residence located to the east (908). The visual impact of the development should be minimal due to the distance between the structures and the existing vegetation; however, lighting fixture specifications and a photometric plan for the tennis court lighting must be provided and reviewed to insure the lighting will be mitigated to the greatest extent possible. Time limitations on

the City tennis court lighting would also reduce any off-site impacts. Staff recommends the following limits: City tennis court lighting may operate until 10:30 Sunday through Thursday and 11:00 Friday and Saturday. The impact of the facility on the property to the east should be minimal given the review of the lighting through the photometric plan and the time limits as well as the distance between the recreational uses and the residence to the east.

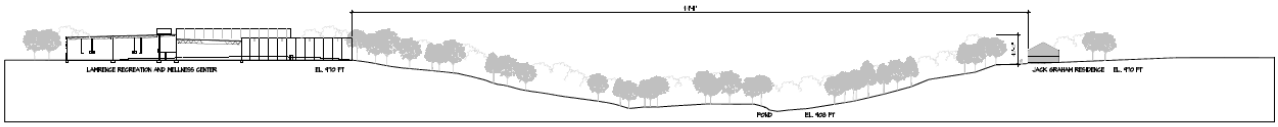


Figure 4. Elevation showing relationship of Rec Center to nearest residence to the east.

To the South.

The property to the south is zoned RS7 for single-dwelling residential development. A landscaped buffer area is required by Code to separate the GPI District from single dwelling residential districts. A tree row located between the proposed development and the residentially zoned property to the south, Figure 5, should be retained if possible to provide additional buffering between the two uses. In order to accommodate this tree row, an extra 20 ft of right-of-way is being dedicated for Rock Chalk Drive which will be constructed on the southern portion of the property. A landscape easement will be dedicated within the southern portion of the right-of-way to insure that landscaping within that area can be retained. An additional landscape easement could be dedicated with the platting of the property to the south as well to insure the retention of the tree row. The plan should note that trees will be planted per the City Forestry Manager's specifications to create a new tree row in the event that the tree row is damaged or trees die and must be replaced.

Figure 5. Tree row between subject property and RS7 zoned property to the south.

Use

Sport activities may occur on the KA and City facilities at any time while non-sport related activities are required to obtain a Special Event Permit. This provides an opportunity for non-sport related activities to occur while the off-site impacts are evaluated on a case-by-case basis. Potential impacts of such events include high traffic volumes, lights, and noise.

Staff Finding – The property is relatively removed from other existing developments and is in close proximity to K-10 Highway and a planned Community Commercial Center. Residential developments are planned to the south and east of the subject property and one rural residence is located to the east. The following measures are recommended to insure compatible development with the existing and proposed residential uses in the area:

- Lighting standards and restrictions,
- A landscape easement along the south property line,
- Bufferyards required for the GPI District,

- Requirement that non-sport related activities must be approved through the Special Event Permit process.

3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED

The proposed use will be an amenity to the community as a whole. This use will create a market for retail uses on the property to the south which is zoned for development as a Community Commercial District. With the measures recommended in the previous section to ensure compatibility with residential uses in the area, the proposed use should not cause a diminution in value of other property in the area.

Staff Finding – There is no evidence to support a finding that the proposed use would cause a diminution in value of other property in the area.

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

Utilities are available to serve the subject property, with a sanitary sewer interceptor line being located in the parkland area to the north and a city water main near the southeast corner of the property.

The Fire Code officials have discussed the proposed development with the applicant and have approved the design shown on the SUP with a few minor changes. The SUP will be revised per the Fire Code Official's approval prior to the release for building permits.

The property is within close proximity of principal arterials with West 6th Street/Highway 40 to the south and K-10 to the west. The site will access this transportation network through George Williams Way to W 6th Street/Highway 40 to the south. The Traffic Impact Study indicates that the intersection of George Williams Way and 6th Street is operating at a level E or worse during morning and afternoon peak hours of a typical workday.

- The study recommends that a traffic signal be installed at this location to mitigate the existing operational deficiency.

The Traffic Impact Study reviewed the impact of the facility on the nearby street network and made the following recommendations:

- Open the second dedicated left-turn lanes for east, north, and west approaches at the George Williams Way/West 6th Street intersection. These lanes are built but not currently utilized.
- Complete the extension of George Williams Way to the north providing access to the site. The study indicated that one through-lane in each direction provides enough capacity to serve the traffic generated by this development. Additional lanes may be required as development occurs to the north and east.
- Construct Overland Drive connection between George Williams Way and Stoneridge Drive; (This access is being planned as part of the Oregon Trail development.)
- Provide connection between E 902 Road and George Williams Way. (This access is being provided with the SUP plan as Rock Chalk Drive.)
- Provide Wakarusa connection between George Williams Way and Queens Road. (This access is being planned as part of the Links Development Plan.)

- Provide dedicated left-turn lanes for all approaches at the intersection of George Williams Way and Overland Drive.
- Provide dedicated left-turn lanes for all but west approach at the intersection of George Williams Way and Wakarusa Drive.

With the initial phase of development, E 902 Road is a secondary road and is intended to serve as emergency access to W 6th Street. It will be improved with a chip and seal surface with this development. The E 902 Road access on W 6th Street/Hwy 40 is expected to be relocated. Its relocation is being triggered by several planned developments – K-10/Hwy 40 interchange improvements, the Mercato development, and the subject sports village development. Its access point with w 6th Street/Hwy 40 is being analyzed by KDOT and remains an outstanding issue.

A bus drop-off location is provided in the front of the City Recreation Center. Shuttle busses may be used for larger events and the parking agreement will outline the proposed locations for bus parking and drop-offs for these events. The City bus service is expected to extend to this property and a bus stop or pull off will be provided on the City property as and when necessary.

Staff Finding – Safety, transportation and utility facilities will be available to serve the subject property with the improvements recommended by the Traffic Impact Study and the revisions noted in the conditions of approval.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

This development will be a partnership between the City of Lawrence and KUEA/KA. A maintenance agreement will be executed between said parties outlining the maintenance responsibilities for the properties.

Staff Finding – The site plan will function as the enforcement document to assure that maintenance and use of the property is consistent with the approval. In addition, a recorded maintenance agreement will outline responsibilities for maintenance of the properties.

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

Drainage from the site will be controlled through stormwater management measures approved by the City Stormwater Engineer as part of the drainage study. Detention ponds are located on site and a bioswale is being used to minimize drainage from the large parking area. The Stormwater engineer required a few revisions to the drainage plan and these must be made prior to the release of the SUP plans for building permits. The City Stormwater Engineer required the following notes be added to the plan: *"The detention pond/drainage easement will be privately-owned and maintained. The developer is responsible for establishing ownership and maintenance of same via individual owner maintenance. No fences or structures other than necessary retaining walls and/or guardrails will be allowed within the drainage easements."* and *"All curb inlets will be constructed per City storm sewer standard details."*

Per City Code Chapter IX Article 9-903(B), a stormwater pollution prevention plan (SWP3) must be provided for this project prior to construction activity. This project will not be released for building permits until an approved SWP3 has been obtained. Construction activity, including soil disturbance or removal of vegetation shall not commence until an approved SWP3 has been obtained.

The area contains stands of mature trees which the applicant has indicated will be retained to the maximum extent possible. The SUP plan should note the stands of trees which will be protected.

Staff Finding – The proposed use should not cause significant adverse impacts on the natural environment.

7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO WHAT THAT TIME PERIOD SHOULD BE.

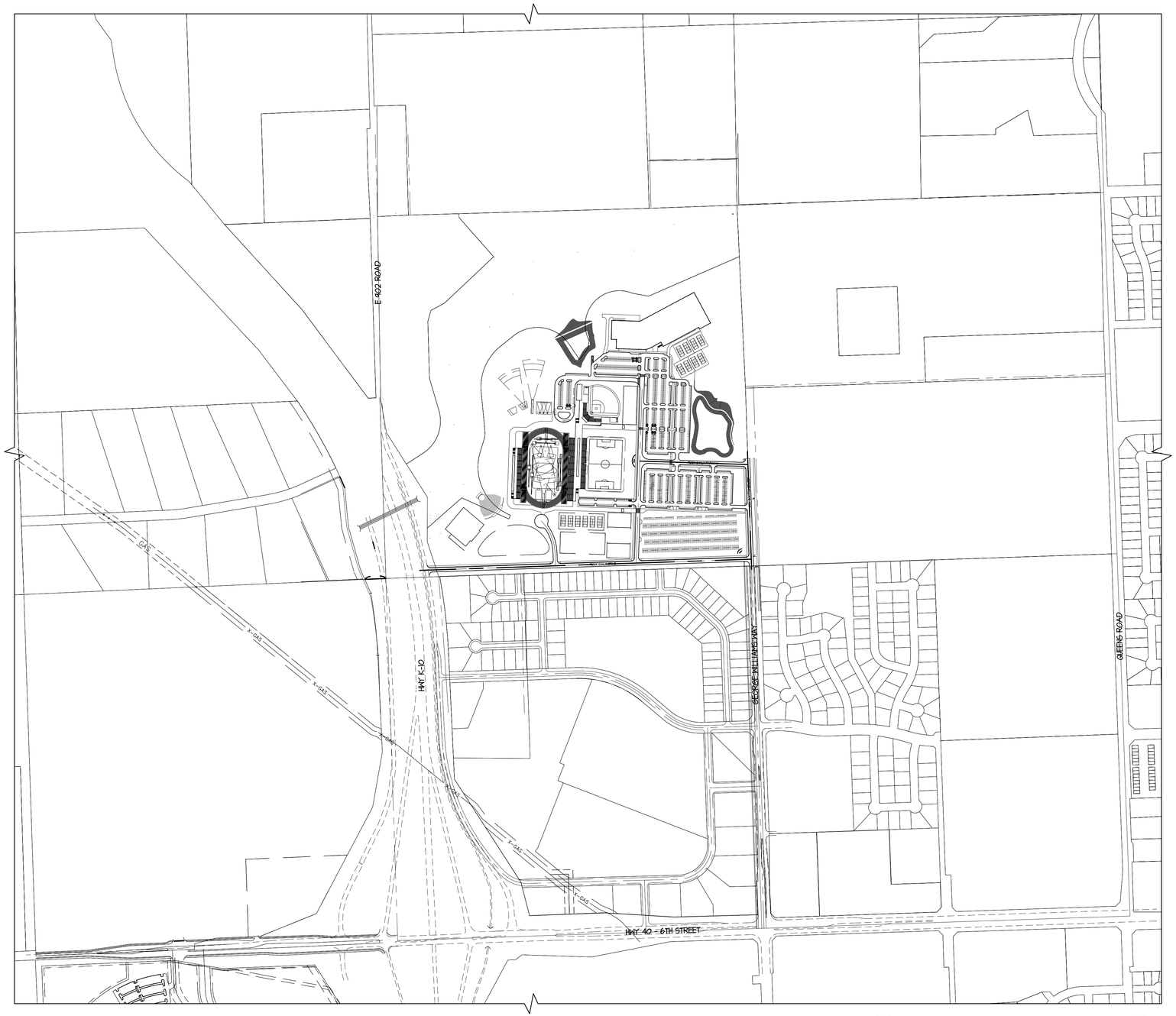
Time limits are established on Special Use Permits to permit a periodic review to determine if the use remains compliant with the area or if a rezoning would be appropriate. The proposed use is intended to provide ongoing sports, recreation, and entertainment opportunities for the community. It would not be appropriate to place a time limit on this Special Use Permit.

Staff Finding – The project provides necessary infrastructure for surrounding developments; therefore, it would not be appropriate to place a time limit on this use.

Conclusion

The proposed sport/recreation/entertainment facility being proposed will serve as an amenity and asset to the community. The use is compatible with, and appropriate for, this location and staff recommends approval of the Special Use Permit with the conditions noted.

ROCK CHALK PARK



AREA PLAN

SCALE: 1" = 400'-0"

0 200 400 800 1200

NORTH

DEVELOPMENT DRAWINGS:

SUP-1	COVER SHEET
SUP-2	OVERALL LAYOUT
SUP-3	GENERAL NOTES
SUP-4	UTILITY LAYOUT
SUP-5	RECREATION CENTER LAYOUT
SUP-6	KANSAS UNIVERSITY FACILITY LAYOUT
SUP-7	KANSAS UNIVERSITY FACILITY LAYOUT
SUP-8	KANSAS UNIVERSITY FACILITY LAYOUT
SUP-9	KANSAS UNIVERSITY FACILITY LAYOUT
SUP-10	KANSAS UNIVERSITY FUTURE FACILITY LAYOUT
SUP-11	KANSAS UNIVERSITY FUTURE FACILITY LAYOUT

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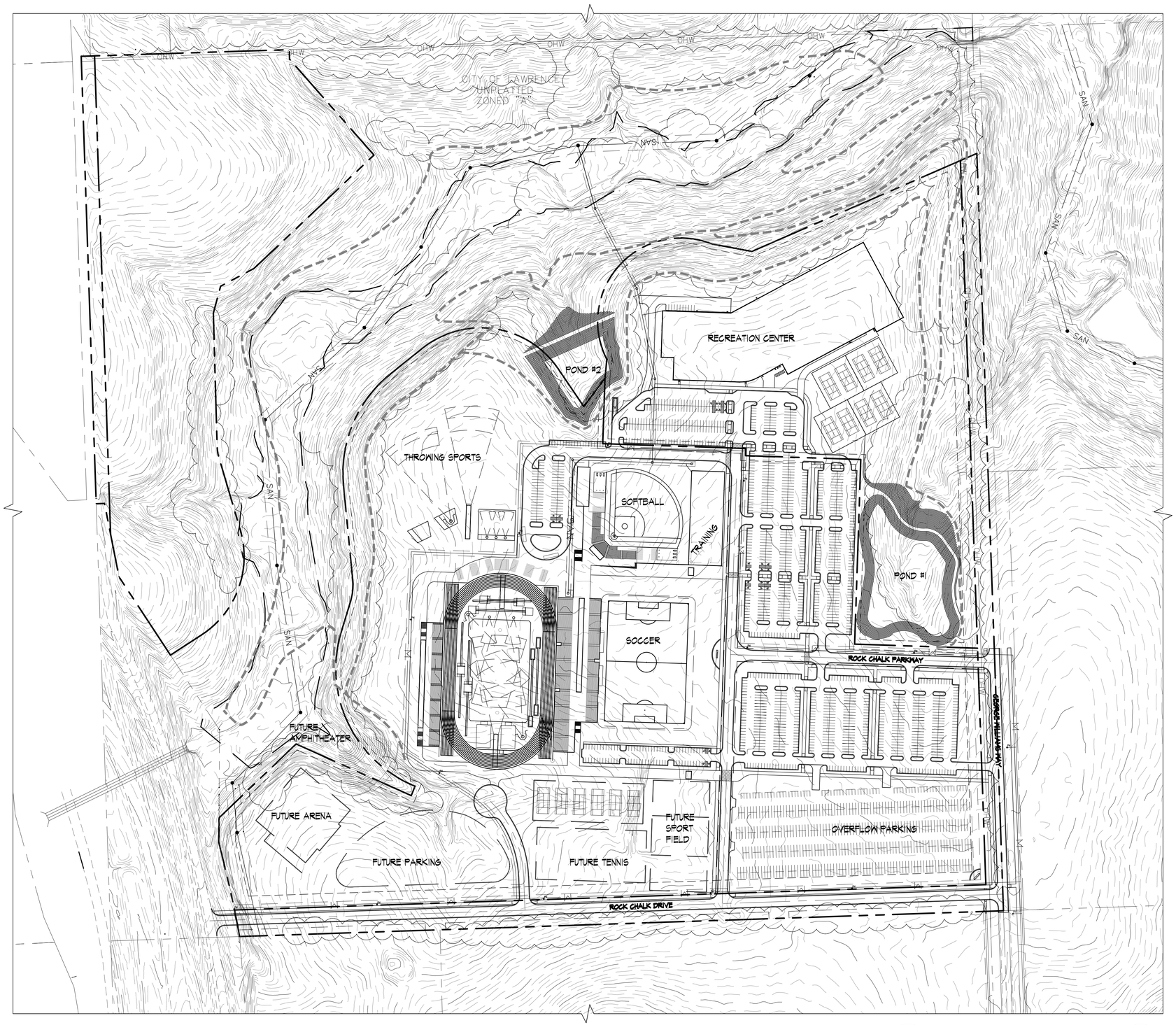
ROCK CHALK PARK
SPECIAL USE PERMIT
GEORGE WILLIAMS WAY
LAWRENCE, KANSAS

PROJECT # 212-140

RELEASE:	DATE:
1.0	10.8.12
1.1	11.26.12

SUP-1



OVERALL LAYOUT

SCALE: 1" = 150'-0"

0 75 150 300 450

NORTH

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ROCK CHALK PARK
SPECIAL USE PERMIT

GEORGE WILLIAMS WAY
LAWRENCE, KANSAS

PROJECT # 212-140

RELEASE:	DATE:
1.0	10.8.12
1.1	11.26.12

SUP-2

PROPERTY OWNERS OF RECORD:

PROPERTY OWNER:
FAIRWAY, LC.
5200 BOB BILLINGS PARKWAY, SUITE 303
LAWRENCE, KS 66044

LEGAL DESCRIPTION:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6TH PRINCIPAL MERIDIAN IN DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 88° 03' 51" WEST, 2284.18 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION TO THE EASTERLY LINE OF A RIGHT-OF-WAY DEEDED TO THE STATE OF KANSAS; THENCE ON A CURVE TO THE LEFT ALONG SAID RIGHT-OF-WAY, HAVING A RADIUS OF 4069.12 FEET, AN ARC LENGTH OF 281.41 FEET, A CHORD BEARING NORTH 12° 32' 44" WEST AND CHORD DISTANCE OF 281.41 FEET; THENCE NORTH 00° 20' 28" EAST ALONG SAID RIGHT-OF-WAY, 74.58 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY ON A MEASURED BEARING OF NORTH 46° 12' 54" EAST AND MEASURED DISTANCE OF 320.03 FEET; THENCE SOUTH 65° 51' 23" EAST, 318.00 FEET; THENCE NORTH 22° 02' 16" EAST 30.33 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 380.00 FEET, AN ARC LENGTH OF 569.28 FEET, A CHORD BEARING NORTH 25° 29' 44" WEST AND CHORD DISTANCE OF 515.11 FEET; THENCE NORTH 16° 58' 06" EAST, 93.80 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 170.00 FEET, AN ARC LENGTH OF 66.64 FEET, A CHORD BEARING NORTH 05° 43' 53" EAST AND A CHORD DISTANCE OF 66.26 FEET; THENCE NORTH 05° 30' 23" WEST, 284.93 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 380.00 FEET, AN ARC LENGTH OF 316.42 FEET, A CHORD BEARING NORTH 22° 52' 20" EAST AND CHORD DISTANCE OF 361.22 FEET; THENCE NORTH 51° 15' 03" EAST, 122.85 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 280.00 FEET, AN ARC LENGTH OF 462.36 FEET, A CHORD BEARING SOUTH 81° 26' 31" EAST AND CHORD DISTANCE OF 411.54 FEET; THENCE SOUTH 34° 08' 16" EAST, 136.51 FEET; THENCE NORTH 36° 50' 52" EAST, 105.91 FEET; THENCE NORTH 05° 32' 15" EAST, 56.14 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 250.00 FEET, AN ARC LENGTH OF 606.31 FEET, A CHORD BEARING NORTH 42° 26' 34" EAST AND CHORD DISTANCE OF 468.24 FEET; THENCE SOUTH 74° 21' 52" EAST, 120.13 FEET; . THENCE NORTH 66° 21' 53" EAST, 135.30 FEET TO THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH 02° 00' 44" EAST ALONG SAID EAST LINE, 2270.86 FEET TO THE POINT OF BEGINNING. CONTAINING 84.812 ACRES.

GENERAL NOTES:

1.1 ALL REQUIRED ACCESSIBLE SIDEWALK RAMPS PER A.D.A. STANDARDS.

1.2 SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28CFR PART 36.

1.3 THE CITY OF LAWRENCE WILL NOT BE HELD RESPONSIBLE FOR PAVEMENT DAMAGE CAUSED BY TRASH TRUCKS.

1.4 PLAN FOR CITY APPROVAL ONLY! CONSTRUCTION DOCUMENTS TO BE FURNISHED AT THE REQUEST OF OWNER.

1.5 INFORMATION TAKEN FROM AERIAL PHOTOS, SURVEY PERFORMED BY LANDPLAN ENGINEERING OCTOBER 2012.

1.6 ALL TRAFFIC CONTROL SIGNS PLACED ON PRIVATE PROPERTY OPEN TO THE GENERAL PUBLIC SHALL COMPLY WITH THE "MANUAL ON UNIFORMS TRAFFIC CONTROL DEVICES" AND "STANDARD HIGHWAY SIGNS," PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION, WITH RESPECT TO SIZE, SHAPE, COLOR, RETROFLECTIVITY, AND POSITION.

1.7 FUTURE USES SHOWN ON PLAN FOR PLANNING AND INFORMATIONAL PURPOSES. A MORE DETAILED SITE PLAN WILL BE PROVIDED FOR FUTURE USES PRIOR TO OBTAINING BUILDING PERMITS.

1.8 PHOTOMETRIC PLAN TO BE SUBMITTED SEPARATELY FOR REVIEW AND APPROVAL.

1.9 UTILITY LOCATIONS TO BE DETERMINED AND SHOWN ON PLAN PRIOR TO APPROVAL.

1.10 EASEMENTS REQUIRED FOR UTILITIES AND ACCESS TO BE RECORDED BY PLAT AND/OR SEPARATE INSTRUMENT.

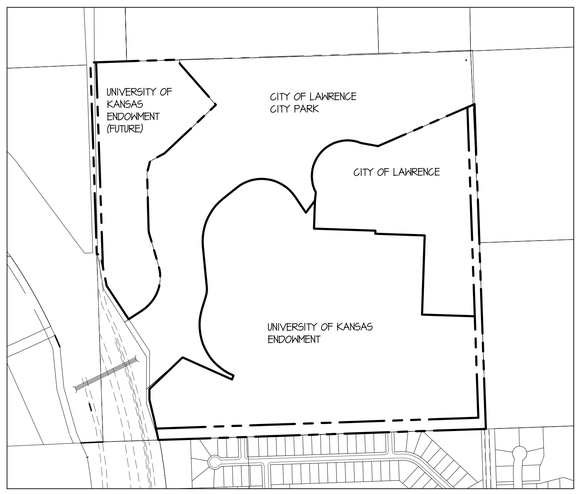
OFF-SITE IMPROVEMENTS

2.1 ACCESS ROAD CONNECTING HWY 40 (6TH STREET) TO THE WEST END OF ROCK CHALK DRIVE SHALL BE SURFACED WITH CHIP & SEAL PER AGREEMENT WITH CITY OF LAWRENCE FIRE DEPARTMENT.

RELEASE:

1.0 SPECIAL USE SITE PLAN SUBMITTAL
1.1 REVISED PLAN PER STAFF COMMENTS

PROPERTY USE MAP



NOTE:
UNIVERSITY OF KANSAS ENDOWMENT FUTURE TRACT IS NOT INCLUDED IN THIS SITE PLAN

CITY OF LAWRENCE

PROJECT SUMMARY:

1.1 CURRENT ZONING: A

1.2 PROPOSED ZONING: GPI

1.3 CURRENT USE: VACANT

1.4 PROPOSED USE: ACTIVE & PASSIVE RECREATION FACILITY, ENTERTAINMENT AND SPECTATOR SPORTS

1.5 LAND AREA: 21.745 ACRES (947,225 SQ. FT. +/-)

1.6 PROJECT PROPOSED: SPORTS AND RECREATION USES FOR THE CITY OF LAWRENCE

PROPERTY SURFACE SUMMARY:

PROJECT SITE: 21.745 ACRES (947,225 SQ. FT. +/-)
EXISTING SUMMARY:

	SQ. FT.	AC
TOTAL BUILDINGS:	0	0.000
TOTAL PAVEMENT:	0	0.000
TOTAL IMPERVIOUS:	0	0.000
TOTAL PERVIOUS:	947,225	21.745
TOTAL PROPERTY AREA:	947,225	21.745

SUMMARY AFTER PROJECT COMPLETION:

	SQ. FT.	AC
TOTAL BUILDINGS:	181,000	4.155
TOTAL PAVEMENT:	93,048	2.136
TOTAL IMPERVIOUS:	274,048	6.291
TOTAL PERVIOUS:	673,177	15.454
TOTAL PROPERTY AREA:	947,225	21.745

BUILDING AREA SUMMARY:

RECREATION CENTER

	SQ. FT.
TOTAL BUILDING AREA:	±181,000

PARKING INFORMATION:

2.1 PARKING REQUIRED: ACTIVE AND PASSIVE RECREATION FACILITY
ENTERTAINMENT AND SPECTATOR SPORTS: 1 SPACE PER 3 SEATS
TOTAL SPACES: 1,400 PARKING SPACES AVAILIBLE PER SHARED USE AGREEMENT

2.2 ACCESSIBLE PARKING REQUIRED: 6 AUTO SPACES AND 1 VAN SPACE

2.3

TYPE:	PROVIDED:
REGULAR:	206
ACCESSIBLE:	7
TOTAL:	213

BICYCLE (1 PER 10 AUTO SPACES) 25 (3 RACKS)

2.4 TYPICAL DIMENSIONS: REGULAR AND HANDICAPPED SPACES - 8.5' X 18' (16.5' + 1.5' OVERHANG AT SIDEWALKS OR PERIMETER ROWS)
SIDEWALKS SHALL BE 4" CONCRETE - 5' OR 6' WIDE DEPENDING UPON THE LOCATION.
RECREATION PATH SHALL BE 10' X 4" CONCRETE.
HANDICAPPED SPACES TO INCLUDE ACCESS AISLE 5' MIN. WIDTH.

2.5 PAVEMENT: APPROACHES: 7" - 4000 PSI CONCRETE W/ #5 BARS 12" O.C.B.W. - PER CITY STANDARDS
DRIVES: MIN. 6" ASPHALT ON 4" GRAVEL OR 5" CONCRETE - PER CITY STANDARDS
PARKING AREAS: MIN. 5" ASPHALT ON 4" GRAVEL OR 4" CONCRETE - PER CITY STANDARDS

LANDSCAPING NOTES:

SYM.	DESCRIPTION	QTY.	APPROVED TYPES	BOTANICAL NAMES	SIZE	COND.
	STREET TREES	9	LEGACY SUGAR MAPLE SUMMERSHADE NORWAY MAPLE LACEBARK ELM SHUMBARD OAK GREENSPIRE LINDEN LONDON PLANE TREE	ACER SACCHARUM "LEGACY" ACER PLATANOIDES "SUMMERSHADE" ULMUS PARVIFOLIA QUERCUS SHUMARDII TILIA CORDATA 'GREENSPIRE' PLATANUS OCCIDENTALIS ' BLOODGOOD'	2"-2 1/2" CAL	B & B
	ORNAMENTAL TREES	23	KOUSA DOGWOOD CORAL BURST CRABAPPLE EASTERN REDBUD CRAB, SARGENTINA PEAR, CLEVELAND SELECT	CORNUS KOUSA MALUS 'CORALBURST' CERCIS CANADENSIS MALUS SARGENTII 'TINA' PYRUS CALLERYANA	1 1/2"-2" CAL	B & B

3.1 THERE MUST BE A MIN. OF (2) SPECIES USED IN EACH CATEGORY. A LIST OF SPECIES WILL BE PROVIDED PRIOR TO APPROVAL.

3.2 ALL TURF AREAS TO BE SEEDED WITH K-31 FESCUE, SOD, OR AS ALLOWED BY CITY CODE.

3.3 CARE SHALL BE TAKEN TO PRESERVE ALL TREES OUTSIDE OF THE IMMEDIATE CONSTRUCTION AREA.

3.4 REQUIRED INTERIOR LANDSCAPING AREA = 218 SURFACE SPACES*40 SQ. FT. PER SPACE = 8,720 SQ. FT.; 9,944 SQ. FT. PROVIDED.

3.5 REQUIRED INTERIOR PARKING LOT TREES = 1 PER 10 PARKING SPACES = 22 TREES; PROPOSED INTERIOR TREES = 32.

UNIVERSITY OF KANSAS ENDOWMENT

PROJECT SUMMARY:

1.1 CURRENT ZONING: A

1.2 PROPOSED ZONING: GPI

1.3 CURRENT USE: VACANT

1.4 PROPOSED USE: GENERAL ENTERTAINMENT & SPECTATOR SPORTS, PASSIVE RECREATION FACILITY

1.5 LAND AREA: 61.344 ACRES (2,672,150 SQ. FT. +/-)

1.6 PROJECT PROPOSED: SPORTS USES FOR THE UNIVERSTIY OF KANSAS, PASSIVE RECREATION USES FOR THE CITY OF LAWRENCE

PROPERTY SURFACE SUMMARY:

PROJECT SITE: 61.344 ACRES (2,672,150 SQ. FT. +/-)
EXISTING SUMMARY:

	SQ. FT.	AC
TOTAL BUILDINGS:	0	0.000
TOTAL PAVEMENT:	0	0.000
TOTAL IMPERVIOUS:	0	0.000
TOTAL PERVIOUS:	2,672,150	61.344
TOTAL PROPERTY AREA:	2,672,150	61.344

SUMMARY AFTER INITIAL PHASE PROJECT COMPLETION:

	SQ. FT.	AC
TOTAL BUILDINGS:	61,000	1.400
TOTAL PAVEMENT:	572,636	13.146
TOTAL IMPERVIOUS:	633,636	14.546
TOTAL PERVIOUS:	2,038,514	46.798
TOTAL PROPERTY AREA:	2,672,150	61.344

BUILDING AREA SUMMARY:

SOFTBALL

TRACK & FIELD

SOCCER

	SQ. FT.
TOTAL BUILDING FOOTPRINT:	28,000

NOTE:
SOCCER, SOFTBALL, AND TRACK & FIELD TO HAVE SHARED OFFICES, LOCKER ROOMS, PRESS BOXES, AND ETC. ADDITIONAL INFORMATION TO BE PROVIDED ON SITE PLANS.

TRAINING & PERFORMANCE

	SQ. FT.
TOTAL BUILDING FOOTPRINT:	14,000

INDOOR SOFTBALL

	SQ. FT.
TOTAL BUILDING FOOTPRINT:	14,000

FACILITIES

	SQ. FT.
TOTAL BUILDING FOOTPRINT:	5,000

PARKING INFORMATION:

2.1 PARKING REQUIRED: PASSIVE RECREATION FACILITY
GENERAL ENTERTAINMENT & SPECTATOR SPORTS: 1 SPACE PER 3 SEATS
SOCCER FIELD: 2,500 SEATS @ 1 SPACE PER 3 SEATS = 834 SPACES
SOFTBALL FIELD: 1,000 SEATS @ 1 SPACE PER 3 SEATS = 334 SPACES
TRACK & FIELD: 1,500 PERMANENT SEATS, 2,500 TEMPORARY SEATS @ 1 SPACE PER 3 SEATS = 3,334 SPACES
TOTAL SPACES REQUIRED: 4,502 SPACES
TOTAL SPACES PROVIDED: 1400 PARKING SPACES AVAILABLE PER SHARED USE AGREEMENT

2.2 ACCESSIBLE PARKING REQUIRED: 20 AUTO SPACES, 3 VAN SPACES

2.3

TYPE:	PROVIDED:
REGULAR	1,221
ACCESSIBLE	23
TOTAL:	1,244

BICYCLE (1 PER 10 AUTO SPACES) 128 (26 RACKS)

2.4 ALL FACILITIES WILL NOT BE USED SIMULTANEOUSLY.

2.5 A DETAILED PARKING/SHUTTLE BUS PLAN WILL BE PROVIDED AND WILL BE DEVELOPED BETWEEN KU AND THE CITY FOR LARGER EVENTS.

2.6 TYPICAL DIMENSIONS: REGULAR AND HANDICAPPED SPACES - 8.5' X 18' (16.5' + 1.5' OVERHANG AT SIDEWALKS OR PERIMETER ROWS)
SIDEWALKS SHALL BE 4" CONCRETE - 5' OR 6' WIDE DEPENDING UPON THE LOCATION.
RECREATION PATH SHALL BE 10' X 4" CONCRETE.
HANDICAPPED SPACES TO INCLUDE ACCESS AISLE 5' MIN. WIDTH.

2.7 PAVEMENT: APPROACHES: 7" - 4000 PSI CONCRETE W/ #5 BARS 12" O.C.B.W. - PER CITY STANDARDS
DRIVES: MIN. 6" ASPHALT ON 4" GRAVEL OR 5" CONCRETE - PER CITY STANDARDS
PARKING AREAS: MIN. 5" ASPHALT ON 4" GRAVEL OR 4" CONCRETE - PER CITY STANDARDS

LANDSCAPING NOTES:

SYM.	DESCRIPTION	QTY.	APPROVED TYPES	BOTANICAL NAMES	SIZE	COND.
	STREET TREES	99	LEGACY SUGAR MAPLE SUMMERSHADE NORWAY MAPLE LACEBARK ELM SHUMBARD OAK GREENSPIRE LINDEN LONDON PLANE TREE	ACER SACCHARUM "LEGACY" ACER PLATANOIDES "SUMMERSHADE" ULMUS PARVIFOLIA QUERCUS SHUMARDII TILIA CORDATA 'GREENSPIRE' PLATANUS OCCIDENTALIS ' BLOODGOOD'	2"-2 1/2" CAL	B & B
	SHADE TREES	55	ELM, LACEBARK HORNBEAM, COLUMNAR MAPLE, AUTUMN BLAZE MAPLE, COLUMNER NORWAY MAPLE, PACIFIC SUNSET MAPLE, SIENNA GLEN OAK, BUR BALD CYPRESS OAK, NORTHERN RED OAK, SHINGLE ZELCOVA, GREEN VASE OAK, SWAMP WHITE SAN TOOTH OAK NORWAY MAPLE THORNLESS HONEY LOCUST	ULMUS PARVIFOLIA CARPINUS BETULUS 'FASTIGIATA' ACER FREEMANII 'JEFFSRED' ACER PLATANOIDES ' COLUMNAR' ACER TRUNCATUM X PLATANOIDES ACER FREEMANII 'SIENNA' QUERCUS MACROCARPA TAXODIUM DISTICHUM QUERCUS RUBRA FAGACEAE QUERCUS ZELKOVA SERRATA QUERCUS BICOLOR QUERCUS ACUTISSIMA ACER PLATANOIDES 'SUPERFORM' GLEDITSIA TRIACANTHOS VAR. INERMIS	2"-2 1/2" CAL	B & B
	EVERGREEN TREES	12	WHITE PINE EASTERN RED CEDAR GREEN GIANT, ARBORVITAE BLUE SPRUCE	PINUS STROBUS JUNIPERUS VERGINIANA THUJA 'GREEN GIANT' PICEA PUNGENS	6'-8' HT.	B & B
	ORNAMENTAL TREES	117	KOUSA DOGWOOD CORAL BURST CRABAPPLE EASTERN REDBUD CRAB, SARGENTINA PEAR, CLEVELAND SELECT	CORNUS KOUSA MALUS 'CORALBURST' CERCIS CANADENSIS MALUS SARGENTII 'TINA' PYRUS CALLERYANA	1 1/2"-2" CAL	B & B
⊙	DECIDUOUS SHRUBS	39	BARBERRY, CRIMSON PIGMY BURNING BUSH, DWARF SPIREA, MAGIC CARPET NINE BARK, PURPLE LILAC, DWARF KOREAN VIBURNUM, ALLEGANY	BERBERIS THUNBERGII 'CRIMSON PYGMY' EUONYMUS ALATUS ' COMPACTUS' SPIREA X PHYSOCARPUS OPULIFOLIUS SYRINGA MEYERI 'PALIBIN' VIBURNUM X RHYTIDOPHYLLOIDES	18"-24" HT.	CONT
✱	EVERGREEN SHRUBS	48	DWARF SPREADING YEW JUNIPER, SEA GREEN JUNIPER, GALLERY CARPET HOLLY, BLUE JUNIPER, GREY OWL	TAXUS CUSPIDA 'DENSA' JUNIPERUS VIRGINIANA 'GREY OWL' JUNIPERUS SABINA ' MONNA' ILEX X MESERVEAE JUNIPERUS X PFITZERIANA 'SEE GREEN'	24"- 36" HT.	CONT

3.1 THERE MUST BE A MIN. OF (2) SPECIES USED IN EACH CATEGORY. A LIST OF SPECIES WILL BE PROVIDED PRIOR TO APPROVAL.

3.2 ALL TURF AREAS TO BE SEEDED WITH K-31 FESCUE, SOD, OR AS ALLOWED BY CITY CODE.

3.3 CARE SHALL BE TAKEN TO PRESERVE ALL TREES OUTSIDE OF THE IMMEDIATE CONSTRUCTION AREA.

3.4 REQUIRED INTERIOR LANDSCAPING AREA = 1,275 SURFACE SPACES*40 SQ. FT. PER SPACE = 51,000 SQ. FT.; 58,453 SQ. FT. PROVIDED.

3.5 REQUIRED INTERIOR PARKING LOT TREES = 1 PER 10 PARKING SPACES = 128 TREES; PROPOSED INTERIOR TREES = 238.

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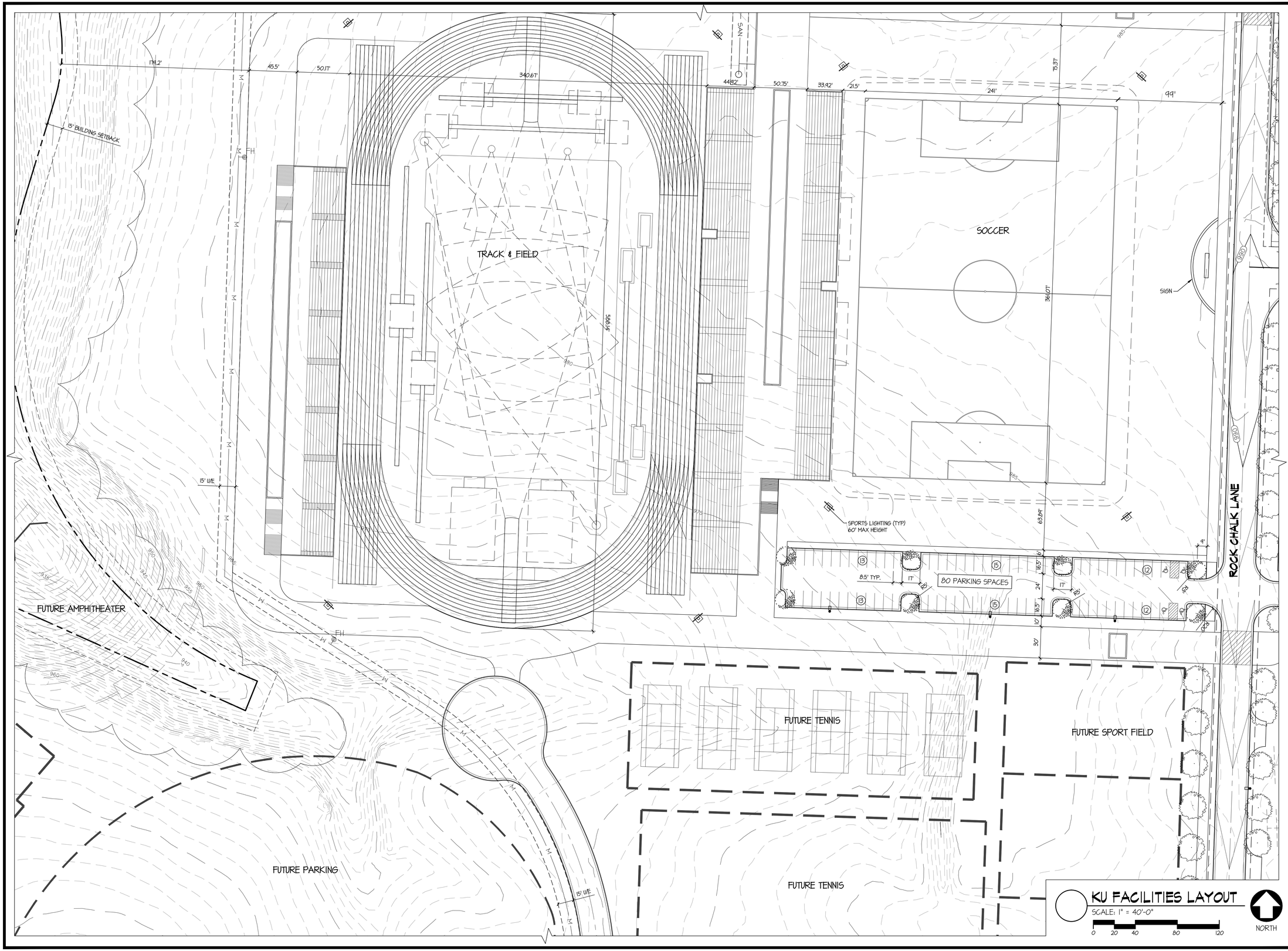
ROCK CHALK PARK
SPECIAL USE PERMIT

GEORGE WILLIAMS WAY
LAWRENCE, KANSAS

PROJECT # 212-140

RELEASE:	DATE:
1.0	10.8.12
1.1	11.26.12

SUP-3



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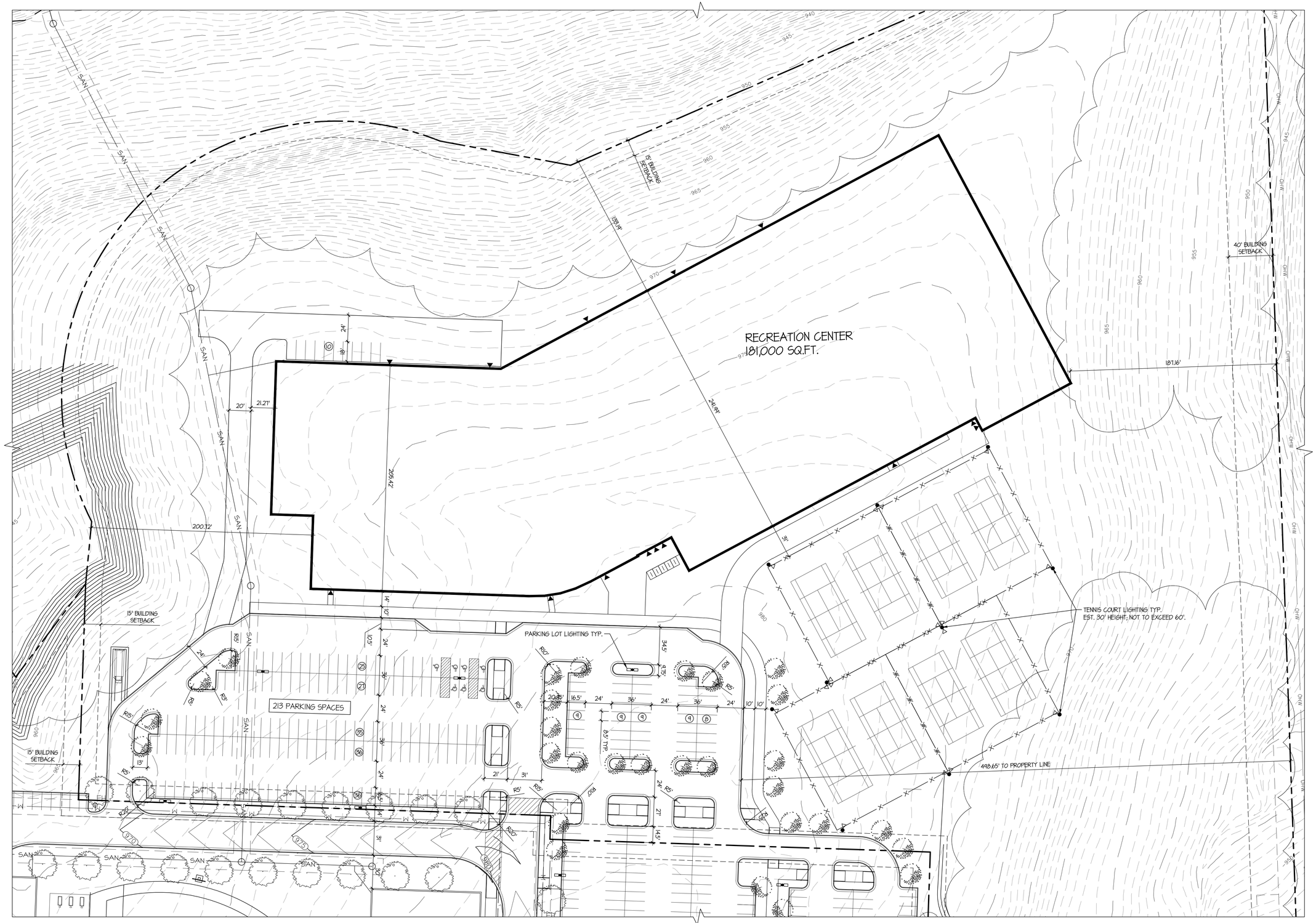

REC CENTER LAYOUT

SCALE: 1" = 40'-0"

0 20 40 80 120

NORTH

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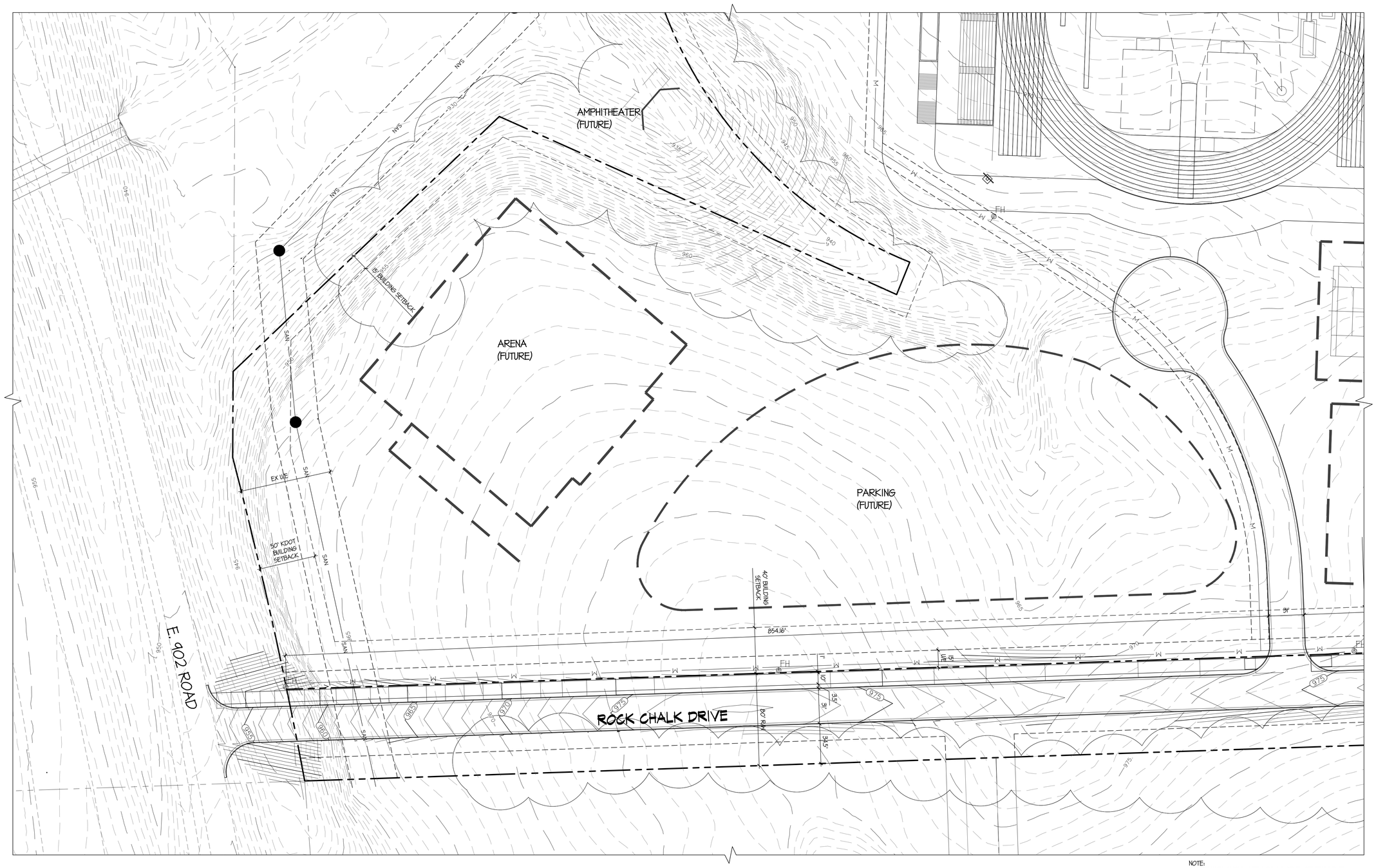

NOTE:
FUTURE USES SHOWN ARE NOT AT DEVELOPMENT LEVEL.

KU FACILITIES LAYOUT

SCALE: 1" = 60'-0"

0 30 60 120 180

NORTH

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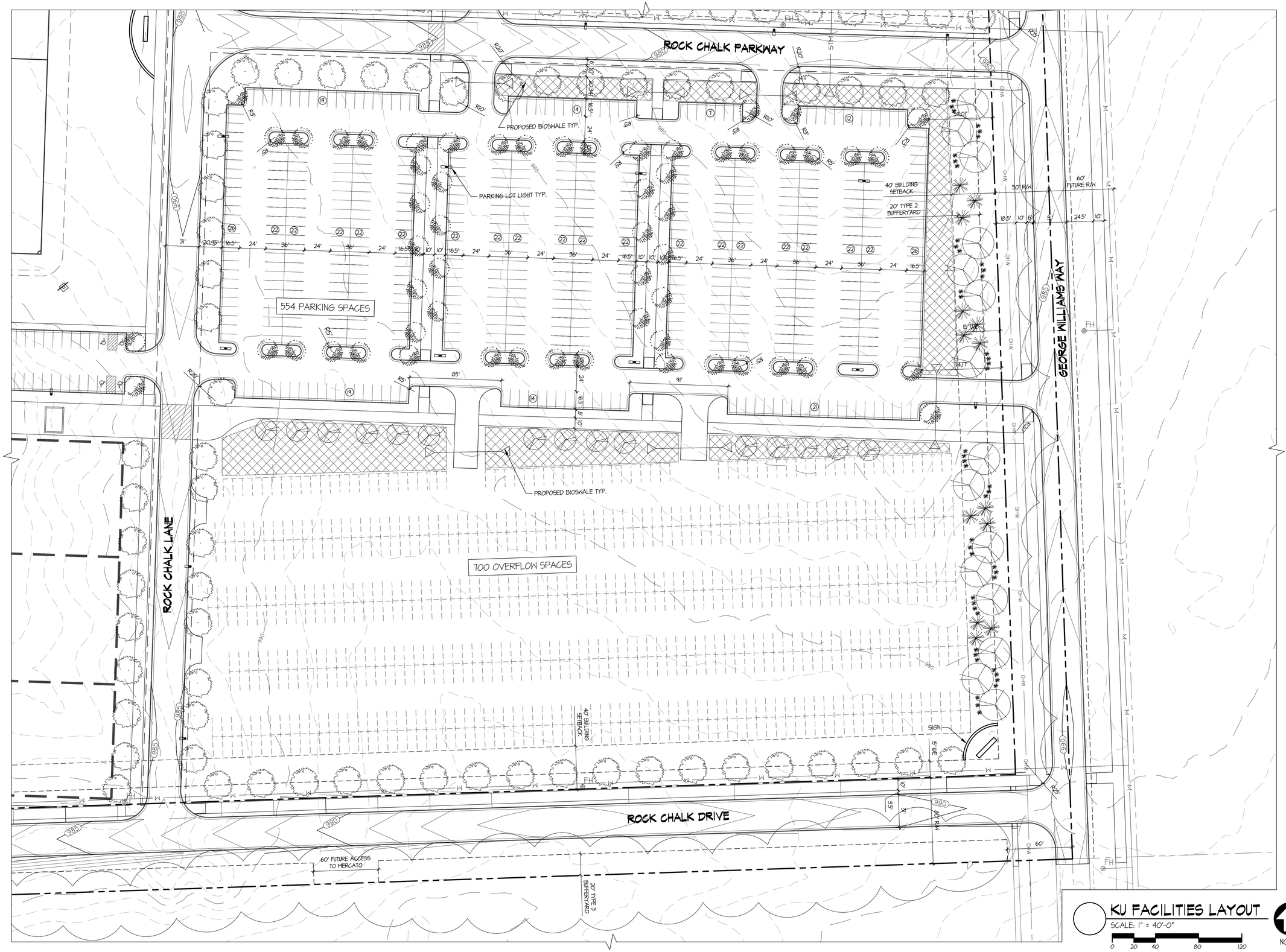

KU FACILITIES LAYOUT

SCALE: 1" = 40'-0"

0 20 40 80 120

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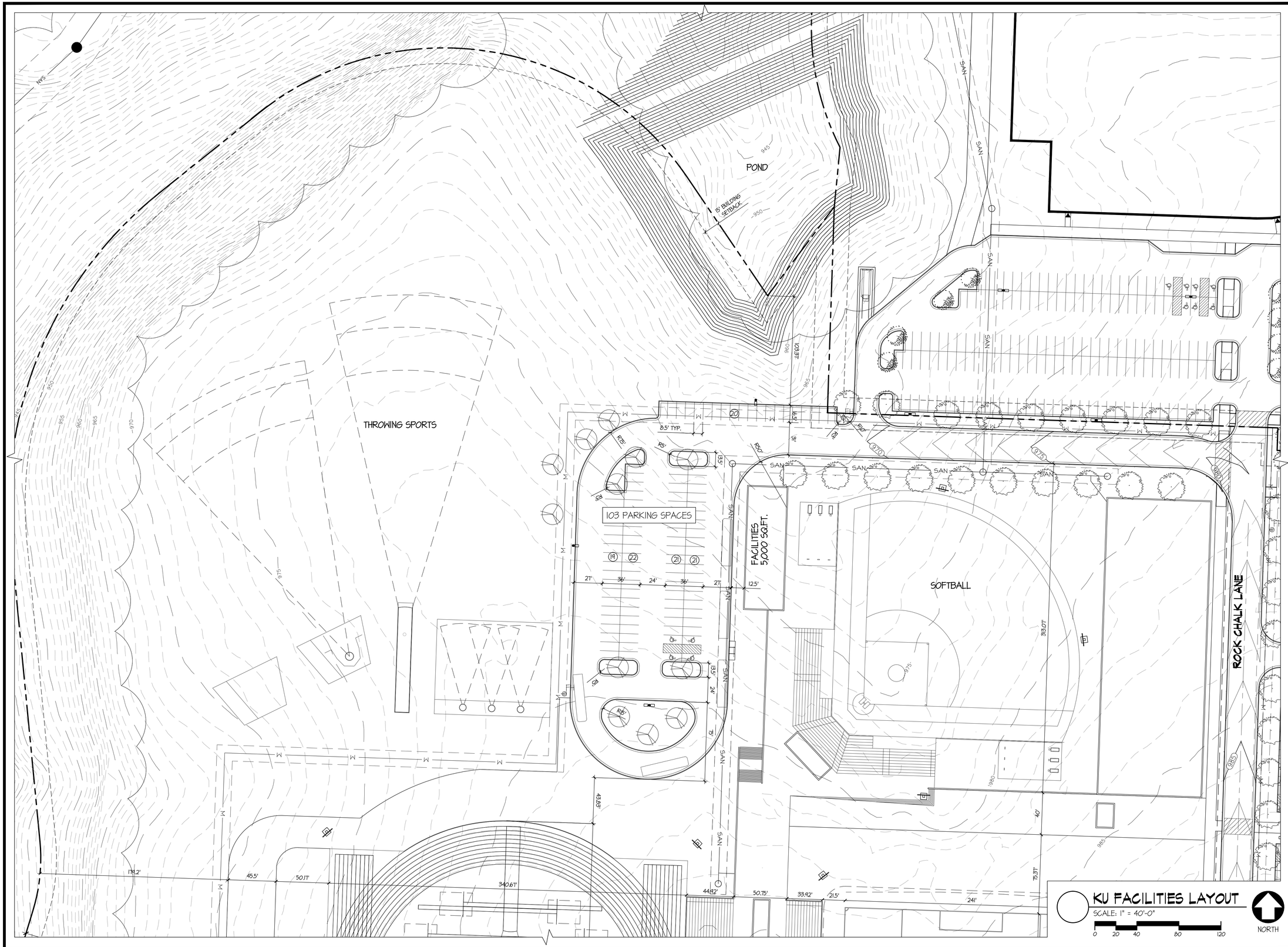

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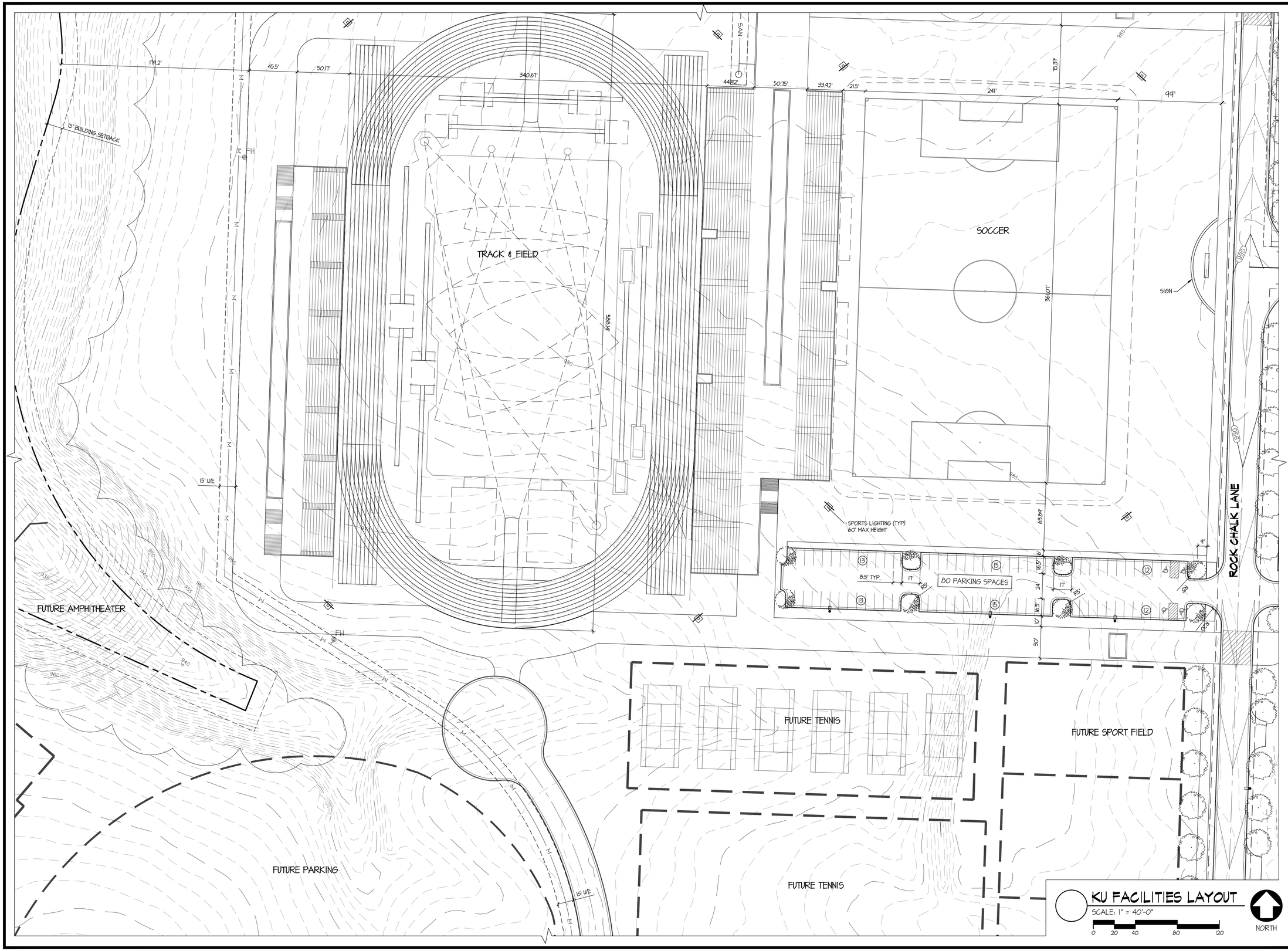

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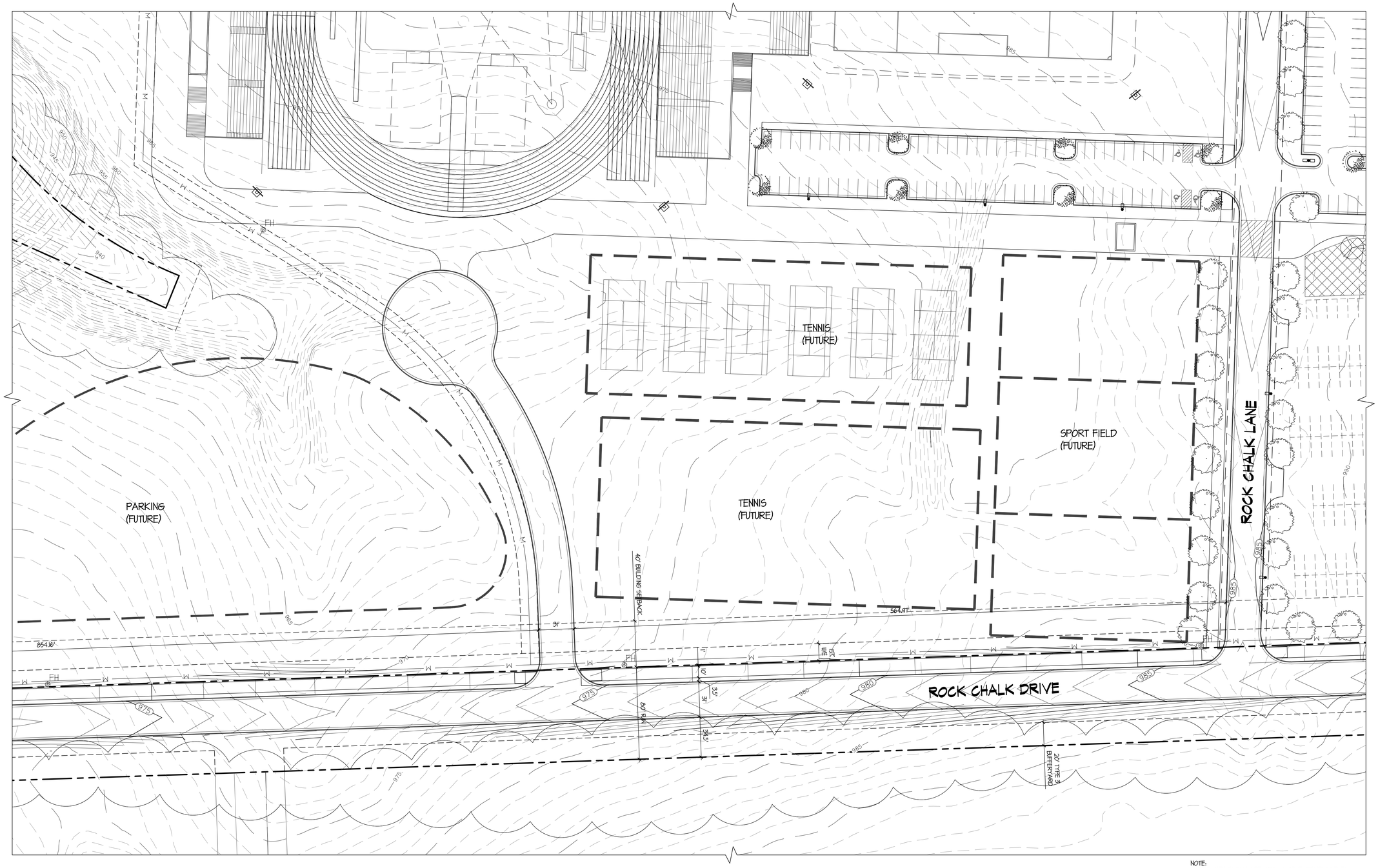

NOTE:
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KU FACILITIES LAYOUT

SCALE: 1" = 60'-0"

0 30 60 120 180

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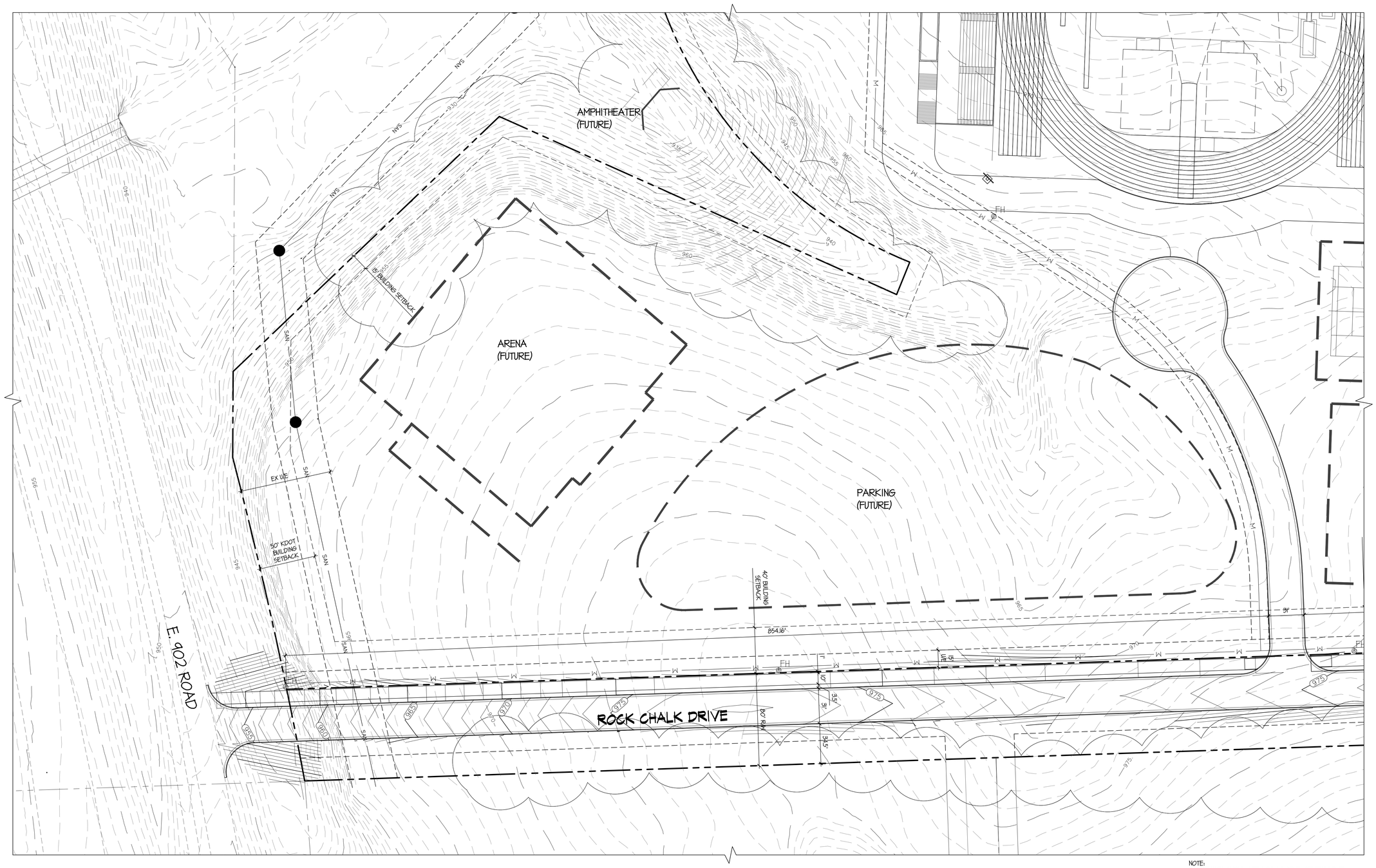

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SUP-11

paulwerner
ARCHITECTS

MEMORANDUM

From	:	Paul Werner
To	:	Scott McCullough
Re	:	Lawrence Sports Village – Parking
Date	:	November 26, 2012
CC	:	Mary Miller
		Thomas Fritzel
		John Wilkins

This information was taken from Gould Evans memo to City Staff dated June 11, 2012. It has been revised based on Rock Chalk Park configuration.

Parking

We analyzed the site based on anticipated usage. It should be noted that we did not evaluate based on the largest anticipated events such as the Kansas Relays, where the total capacity could be 10,000 people, or more.

Number of Cars Projected

Typical Recreation Center Daily Usage (Non-Tournament)	218
Basketball Tournament (8 Courts; 1,920 Fixed Seats; at 1 Car/3 Seats)	640
Volleyball Tournament (16 Courts; 1,920 Fixed Seats; at 1 Car/3 Seats)	640
Soccer Event (Avg. KU League Attendance 900; at 1 Car/3 Seats)	300
Track Event (Avg. KU League Attendance 4,000; at 1 Car/3 Seats)	1,333
Recreation Center at 20% Usage During a Large Tournament	42
Softball Event (Avg. KU League Attendance 900; at 1 Car/3 Seats)	300

Provide paved parking spots to accommodate any of the following three scenarios:

• Typical Recreation Center Daily Usage + Soccer Event	518
• Large Basketball Tournament + Reduced Recreation Center (20% Usage) + Soccer Event or Softball Event	982
• Large Volleyball Tournament + Reduced Recreation Center (20% Usage) + Soccer Event or Softball Event	982

Recommendation

1. Provide 1,100 paved parking spaces.
2. Provide additional overflow parking (lawn) of 600 +/- to accommodate an average track event plus a typical recreation center daily usage.

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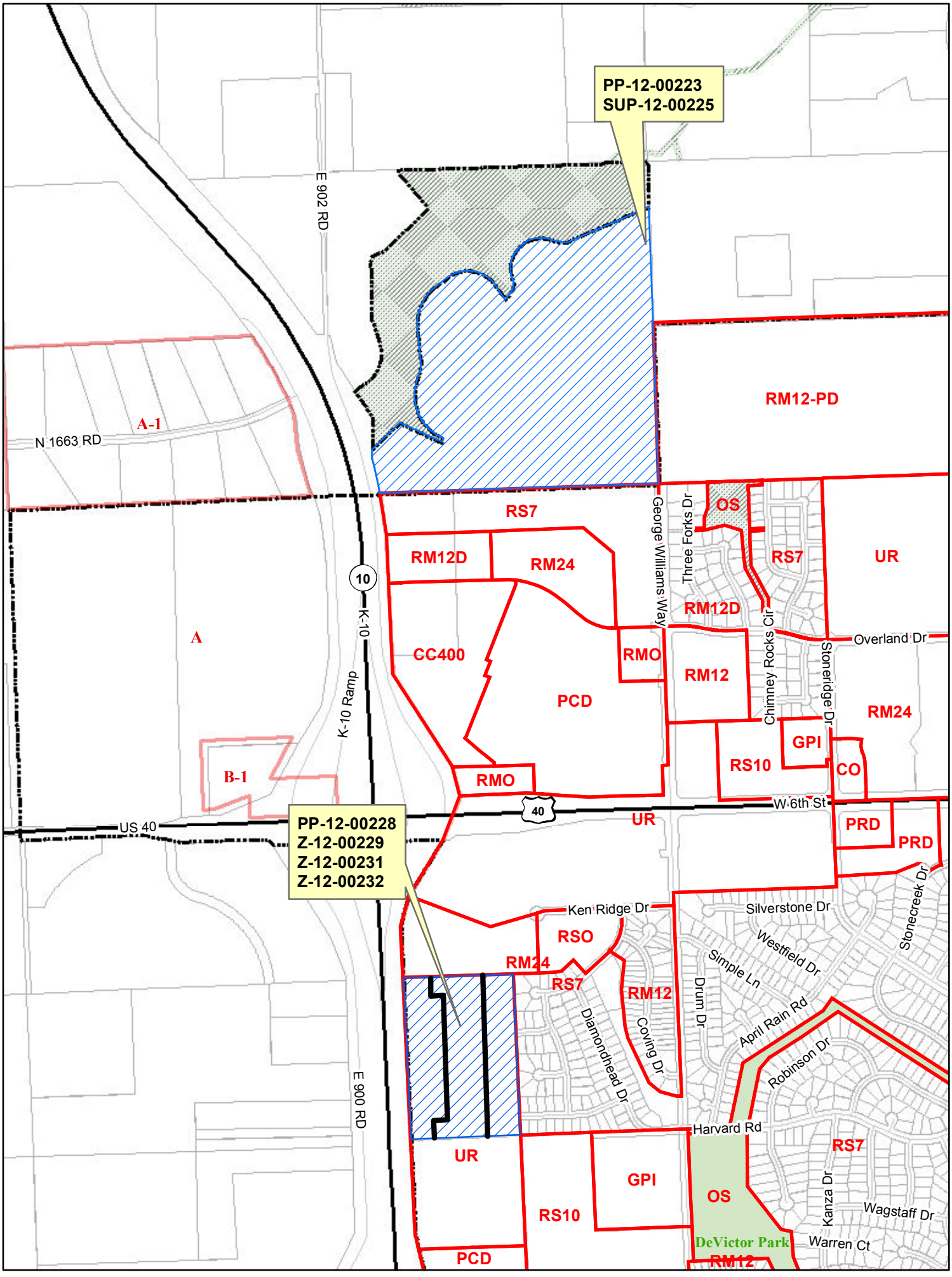
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E 902 RD
N 1663 RD
A-1
A
B-1
RM12-PD
RS7
RM12D
RM24
CC400
PCD
RMO
RM12
UR
OS
GPI
RS10
CO
PRD
RSO
George Williams Way
Three Forks Dr
Chimney Rocks Cir
Stoneridge Dr
Overland Dr
W 6th St
US 40
K-10
K-10 Ramp
E 900 RD
Ken Ridge Dr
Silverstone Dr
Westfield Dr
Simple Ln
Drum Dr
April Rain Rd
Robinson Dr
Stonecreek Dr
Diamondhead Dr
Coving Dr
Harvard Rd
Kanza Dr
Wagstaff Dr
Warren Ct
DeVictor Park

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Est. 1915

John J. Immel
Richard W. Hird*
Thomas H. Johnson*
Cheryl L. Denton*
Terence E. Leibold*
Steven J. Koprince**
Madeline M. Simpson

*Admitted in Kansas and Missouri
**Admitted in Kansas, District of Columbia, and Virginia

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Olin K. Petefish (1912-2001)
Jeffrey O. Heeb (retired)

November 9, 2012

Dr. Bruce Liese, Chairman
Lawrence Douglas County Planning Commission
via email: bruce@kansascitysailing.com

Mr. Scott McCullough
Director, Planning & Development Services
City of Lawrence
6 E. 6th Street
P.O. Box 708
Lawrence, Kansas 66044
via email: smccullough@lawrenceks.org

Confirmed by first class mail

Re: Sports Village Project
November 12, 2012 Meeting Agenda Item #2B
Jack Graham, land owner

Dear Dr. Liese and Mr. McCullough,

As you know, we represent Jack Graham, who resides at 1685 E 1000 Road, Lawrence, Kansas 66044. Mr. Graham's residence is adjacent to the property being considered for annexation and rezoning for use as a Sports Village, which are Items 2.A and 2.B on the November 12, 2012 meeting agenda.

My client does not object to the annexation of the property, as requested in Item 2.A. However, my client is very concerned about the unrestricted zoning of the property to GPI, as requested in Item 2.B.

Land Development Code, Section 20-219(a) describes the purpose of the GPI District:

> The GPI District is a Special Purpose Base District primarily intended to accommodate Institutional Uses occupying significant land areas but not appropriate for development in the H District or on property designated on the official zoning map as U. The District regulations are designed to offer the

> institution maximum flexibility for patterns of uses within the District while ensuring that uses and development patterns along the edges of the District are compatible with adjoining land uses. (emphasis added)

Though capitalized, the term "Institutional Uses" is not defined in the Land Development Code.

The Use Table appearing in Article 4 of the Land Development Code drastically expands the nature of land uses allowed in the GPI District by adding "Entertainment & Spectator Sports, General" and "Entertainment & Spectator Sports, Limited" to the permitted uses. The term "Entertainment and Spectator Sports" is defined in Section 20-1725 as "Provision of cultural, entertainment, athletic, and other events to spectators. Also includes events involving social or fraternal gatherings..." General Entertainment and Spectator Sports is defined expansively as, "Those uses generating an attendance of 501 or more people such as theaters (movie or legitimate), large exhibition halls, field houses, stadiums and sports complexes." (emphasis added). Limited Entertainment and Spectator Sports is defined as uses conducted within an enclosed building with a capacity of 500 or less people.

Our client does not want this project turned into an entertainment venue instead of a sports village for the community. Preliminary plans included a 5,000 seat outdoor amphitheatre that seemed a curious addition to a sports facility. The plans submitted on November 8, 2012 do not include the amphitheatre, but those plans are subject to change. In addition, my client has obvious concerns about light pollution, noise and traffic issues that will be inevitable with such a development. Some of these issues are appropriate for the site plan review stage, but other issues can and should be addressed now in the context of the zoning request.

In considering the zoning request, the Planning Commission should take into consideration questions and concerns about the plans for ownership, development and management of the project. The City will apparently be responsible for the operation and management of the recreation center, but it appears that Bliss Sports, LC (Thomas Fritzell) will be the lessee and operator of the facilities on the KU side of the project. KU Endowment will simply own the land and improvements. Bliss Sports, LC would be able to use the facilities in any manner allowed in the GPI District.

To help alleviate concerns about how the property might be used in the future with GPI zoning, the Commission should use one of its tools – conditional zoning – to set some very basic parameters to ensure that the use of the property is consistent with a sports and recreation facility. If the property is rezoned to the GPI District, it should be conditioned upon the allowed uses being amended to

(a) clarify that the zoning is conditioned upon the land being used for a sports village project and not any other project;
(b) exclude the use of the facilities for outdoor entertainment, such as an amphitheatre, as described in General Entertainment and Spectator Sports, Code Section 20-1725(2); and

(c) exclude the use of outdoor lighting after 11:00 p.m.

We understand that our elected officials have not yet approved the financing for the project and there are many other hurdles to overcome; however, we respectfully submit that the addition of the conditions to the GPI zoning, as requested above, would be a good first step toward resolving some of the issues.

I would be most appreciative if you would circulate this letter to the members of the Planning Commission. In accordance with the Bylaws of the Planning Commission, I will recuse myself from the discussion and vote on these agenda items and another member of our firm will appear on behalf of Mr. Graham.

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

Richard W. Hird
Petefish, Immel, Heeb & Hird, LLP

From: Ed Manda [mailto:furstm@sunflower.com]
Sent: Tuesday, November 20, 2012 9:14 PM
To: Scott McCullough
Cc: Carl Locke; Don Green; JD Cleavinger; Larry Hatfield; Lee Ice; Rick Spano; Don Jardon; Jim Owens
Subject: Rec Center Planning

Hi Scott,

This is just another way to contact you regarding the possible addition of 2 handball/racquetball/wallyball courts in the tentative planning process for the proposed Rec Center. I understood from Mark Hecker that we should contact the City Commissioners about our interest in this process, but no one seems to know at what point we get anyone to listen. With only one court at Holcom, our community is a little deficient.

Mike Amyx has told me we would have his vote and I know Bob Schumm is sympathetic.

What can you tell me about the process of considering these additions?

Thank you for a simple reply.

Sincerely,

Ed Manda

LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

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Margaret Arnold

Bonnie Dunham

James Dunn

Sally Hayden

Cille King

Ruth Lichtwardt

Marlene Merrill

December 10, 2012

To: Lawrence/Douglas County Planning Commission:

Re: Item 4C: Rock Chalk Special Use Permit

The League of Women Voters of Lawrence/Douglas County has had questions about the ownership and management of the Rock Chalk Park enterprise, many of which were incorporated into a letter sent to the City Commission on November 13, 2012 (we have included this letter, for your information). In addition to those questions, we have some new concerns that we hope you consider before approving the SUP for the proposed uses in the Rock Chalk Park.

Because it appears that the development and management arrangements will be in the hands of a private entity, it's possible that many of the activities may be profit-oriented. This could lead to more emphasis on event-oriented uses rather than on the student and public sports-oriented uses originally intended. Some of these events could be more disruptive to the environment and to adjacent areas than originally anticipated. Therefore, we believe that it is important to get details on some of these issues before you approve this SUP. Some of our concerns include:

- A portion of the City-owned Baldwin Creek Park is shown in the Site Plans for the SUP as an "amphitheater." This is publicly-owned park property located in what appears to be a major drainage area. We believe that the sports and event-centered development should not encroach upon our city parkland and that this amphitheater should not be shown as a future development in this location. Please do not include an amphitheater in our Baldwin Creek Park.

- Some of the other uses listed as "special events" under "1. i. vi. f.," could be very damaging and disruptive to a natural outdoor area: "Racing and vehicle exhibitions: BMX and Motorcross *(or motocross)* racing, truck and tractor pulls, etc." These types of events could be very destructive, especially motocross racing. Please do not permit this type of event to be included in this list by modifying the SUP provisions to exclude events of the type listed under "f".

- Some uses and improvements (excluding events already referred to above) are listed as being left for the City Commission to decide. We believe these should be referred to you for your advice.

- Please add the condition that the Parks and Recreation Department shall be responsible for creating the trails that will be included in the Baldwin Creek Park, and that they are walking trails with a natural surface rather than multi-purpose and paved.

We appreciate your careful consideration of these issues. Thank you.

Melinda Henderson
President

Alan Black, Chair
Land Use Committee

Attachment

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www.facebook.com/lwvldc • www.twitter.com/lwvldc

ATTACHMENT

LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

President
Melinda Henderson

President-Elect
David Burress

Vice President
Milton Scott

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors
Margaret Arnold

Bonnie Dunham

James Dunn

Sally Hayden

Cille King

Ruth Lichtwardt

Marlene Merrill

November 13, 2012

Mr. Bob Schumm, Mayor
Members of the City Commission
City Hall • Lawrence, KS 66044

RE. REGULAR AGENDA ITEM NO. 1: RECEIVE STAFF REPORT REGARDING THE PROPOSED RECREATION CENTER

Dear Mayor Schumm and City Commissioners:

The League of Women Voters of Lawrence/Douglas County has concerns that several important questions regarding the proposed City Recreation Center in the Baldwin Creek Park tract have not been adequately answered in public materials that have been provided. We urge you to obtain full answers to the questions listed below before you make a final decision on this project.

1. Pending granting of all approval processes and ...waiving all city related fees... and approval of industrial revenue bonds for the project..." then KU will purchase the tract of land.

Question: Does this include both the 19 acre and the 90 acre tracts? If it does include both, for what will the 19 acre tract be used?

2. KU will then build its own facilities for KU teams for track & field, softball, and soccer.

Question: What is the construction time line? Does KU build its own facilities first?

3. KU Endowment will build the following facilities and then transfer the responsibility for these specific physical improvements to the City: "The City Recreation Center of 181,000 sq. ft., [plus] 8 lighted tennis courts, [plus] walking trails of five miles, [plus] all interior roads, [plus the] access road to west, [plus] onsite utilities (sewer, water, etc.)," and "all professional fees and services associated with improvements, and landscaping..." all according to City agreements. All professional work will be done by KU selections and under their control.

Question: Who determines the design standards? Does the City have final authority over the design and construction standards? Does this include those for the City Recreation Center (the 181,000 s.f. structure) plus all interior roads, access road to west, onsite utilities (sewer, water, etc.) and "all professional fees and services associated with improvements, and landscaping"?

4. KU will transfer the responsibility for specific physical improvements to the City including "all interior roads, access road to west, onsite utilities and ...services associated with improvements and landscaping." In other words, maintenance of the interior roads.

Question: Will all of these interior roads for which the City will be responsible for maintenance be built to public street standards? Or will they be considered driveways? Note: if they are owned by the City, they are city right-of-way. We urge you to require that all accessways which the city must maintain be built to public street standards and not to lesser standards, such as for driveways.

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5. KU Endowment will own the parking spaces.

Question: Will the city have use of these parking spaces at all times? KU will cover the liability for parking spaces. City will pay a "proportional share." How will this be determined? Will there be an upper cost limit?

6. "Kansas Athletics will not have a need for use of the parking lots or private drives within the development during the winter season..."

Question: Why not? This means that snow removal, etc. is a City responsibility. Does this mean that the City gets use of these facilities only in the wintertime?

7. Water will be purchased from City for "rest rooms and competition fields..." City will pay for water for general landscaping "of all facilities at this location." KUEA will maintain the "lawns and landscaping around the recreation center and tennis courts at no cost to the City."

Question: How are you going to make these distinctions? Will there be meters for KU only? (We detect this and similar situations as sources of conflict.)

Question: How will you resolve maintenance cost, use disputes and other disagreements?

8. KU says it will build the trails.

Question: Will the City continue to own Baldwin Creek Park?

Question: Does the City have final approval of Baldwin Creek Park changes before their development; i.e., the trails? (We are asking that the trails be for walking only, not multi-use, and that they not be paved, but rather, have a natural surface.)

9. Construction, including the City Rec Center, will be managed by Bliss Sports. Bids can be monitored by the City, but there is no mention of the City having a veto option.

Question: Can the City refuse to allow certain construction bids and/or companies to be approved?

10. The City can hire a "construction monitor."

Question: What powers/options would he have? Would he have any veto power? Will the city have any enforcement or veto power? Will all construction have to meet City codes and standards? How will you enforce this?

These questions are based on the most recent communications provided by the KU Endowment Association. We trust that you will get satisfactory answers to these and other questions before you make any positive final decisions on this joint development. We very much appreciate your dedication and service to the citizens of Lawrence. Thank you.

Sincerely yours,

Melinda Henderson, President
League of Women Voters of Lawrence/Douglas County

9 November 2012

To: Lawrence City Commission
c/o David Corliss, City Manager
Joe Caldwell, Chair, City Recreation Advisory Board
Scott McCullough, Director, Planning & Development
John Wilkins, Gould Evans Architects
Ernie Shaw, Parks and Recreation
Mark Hecker, Recreation Maintenance & Operations

Re: Lawrence Community Recreation Facility Planning

Sirs;

After the public meeting Thursday night, and as planning for the Recreation Facility moves along, more than a handful of us (and Ernie, you have been one yourself) as handball, racquetball, or wallyball enthusiasts, continue to be hopeful that a couple of courts could be included in the future planning process.

As you all know, there is only one public court at Holcom Complex, and it is inadequate for group activities or to reserve on a regular basis. The only other courts that are accessible in our community require a healthy membership fee at Lawrence Athletic Club, and even those courts are in jeopardy. Having 2 or more courts in the new facility would allow expanded group dynamics, and even the possibility of limited tournaments that could draw from the Kansas City and Topeka areas (because there are active court participants in those cities). As handball or racquetball followers, most of us know that public courts could be another reason for outsiders to visit Lawrence and this new facility.

The floor space necessary for these courts could double as an area for other limited floor activities, or to provide a secure enclosed area when other major events are planned.

Thank you again for your consideration.

Sincerely,

Edward Manda
940 E 1264 Rd

PETEFISH

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Olin K. Petefish (1912-2001)
Jeffrey O. Heeb (retired)

December 7, 2012

Dr. Bruce Liese, Chairman
Lawrence Douglas County Planning Commission
via email: bruce@kansascitysailing.com

Mr. Scott McCullough
Director, Planning & Development Services
City of Lawrence
6 E. 6th Street
P.O. Box 708
Lawrence, Kansas 66044
via email: smccullough@lawrenceks.org

Confirmed by first class mail

Re: Sports Village Project
December 10, 2012 Planning Commission Meeting
Agenda Item #4A Preliminary Plat for Rock Chalk Park, including requested Variances
Agenda Item $4C, Special Use Permit for Recreation Center

Dear Dr. Liese and Mr. McCullough,

It appears that this project has now morphed from a Sports Village to a venue for tractor pulls with alcohol sales. We represent Jack Graham, who owns and resides on 80 acres of land adjoining the East side of the proposed Rock Chalk Park project. As indicated in my letter of November 9, 2012, Mr. Graham objects to the use of GPI zoning for some of the uses advocated in the Staff Report and objects to the uses allowed by the Special Use Permit as suggested in the Staff Report.

Mr. Graham does not object to the use of the property for a sports and recreation facility. He does have some relatively minor requests with respect to the use of the facility for sports activities. However, the inclusion of unrestricted General Entertainment as an allowed use in a SUP within the GPI zoning would open the door to many uses that have absolutely nothing to do

with a sports village or recreation facility. Initially, the public was told that this project is a partnership between the City and KU Endowment and/or KU Sports for a recreation facility for the City of Lawrence and a sports facility for the University. There was no mention of other activities that have now crept into the project as "non-sport and non-athletic events."

Examples of non-sport and non-athletic related events cited as appropriate in the Staff Report include "Music concerts, Festivals, Fairs, BBQ cook-offs, Farmers' markets and Racing and vehicle exhibitions: BMX and Motocross racing, truck and tractor pulls, etc." (emphasis added) This is not only a "bait and switch" from the sports village project that was sold to the public, but would allow uses that have no nexus to any Institution whatsoever by engaging in an absolutely tortured interpretation of the purpose of GPI zoning. The Commission should make it clear that "non-sport and non-athletic related" uses are not within the scope of a sports village or recreation facility and not approve those uses within the SUP.

1. **The Special Events Permit is not the answer.**

Staff's answer is to kick the difficult question down the road for consideration in yet another process. The Staff Report suggests that the use of the facility for non-sport and non-athletic related events should require approval through the city's Special Event Permit process. That process is not the appropriate answer and provides no protection for neighbors:

- The Special Event Permit process is not a legally available option. Special Event Permits are issued for "...the temporary use of private property for special events..." Code §6-1501. Rock Chalk Park will be publicly owned property; thus, the Special Event Permit is not even available under the Code.

- There is no requirement for notice to neighbors for Special Events permits. None.

- There is no opportunity for any public involvement in the issuance of Special Events Permits. Special Event Type 1 events don't require a permit at all if the minimal standards are met. Code §6-1503. Special Events Types 2, 3, 4 and 5 may be issued administratively if certain conditions are met. Code §6-1504. Some Type 5 Events require City Commission approval, but that doesn't require public participation.

2. **The answer is to condition the SUP by excluding outdoor "non-sport and non-athletic" events.**

There is no future step in the process that ensures the ability for Mr. Graham to even participate. And if the Planning Commission does not exclude non-sport and non-athletic events at this juncture, it is giving implicit approval of any future application for these activities.

As a major compromise, Mr. Graham will not object to non-sport or non-athletic events held inside the facilities. His objection is with respect to events held outside.

3. **Conceptual approval of future uses – including the amphitheatre – should be deleted.**

The Staff Report suggests that "Uses and facilities noted as 'future' are approved conceptually as shown the this SUP; however, the addition of the use will require submittal and approval of a revised SUP application through the SUP process…" "Conceptual approval" of some future use is inherently vague; it really adds nothing and means nothing in terms of the pending SUP and at worst, is highly prejudicial to the process for a future revised SUP.

The 5,000 seat amphitheatre should be deleted from the SUP as a "future use."

4. **The SUP should not allow alcohol sales.**

The use of the facility for entertainment with alcohol sales is a 180 degree departure from the purpose of Rock Chalk Park, as explained to the public. The idea that this facility could be used for a tractor pull with alcohol sales is totally contrary to the manner in which the project has been represented to the public and repugnant to the concept of GPI zoning, i.e., institutional uses. Alcohol sales inevitably leads to elevated noise, trash and related problems. If this is a sports village, then alcohol sales should not be important.

5. **The SUP should require fencing of the East property line.**

Fencing of the East property line will help prevent the public from wandering through the adjoining properties. The proposed jogging trail runs along the East property line and in the absence of fencing, it would be easy for the public to detour through the adjoining woods.

1. **The requested variance from the requirement to provide street connections should be granted with slight modification.**

With respect to the requested variance from the requirement to provide street connections, George Williams Way should be extended to the Southwest corner of Mr. Graham's property. That compromise will relieve the developer from extending George Williams Way all the way to the North property line, but will allow connectivity to at least the corner of Mr. Graham's property.

CONCLUSION

We respectfully request the Planning Commission to take the following actions with respect to the SUP requested for Rock Chalk Park:

1. Exclude outdoor "non-sports and non-athletic" General Entertainment uses.
2. Delete "conditional approval" of future uses.
3. Exclude alcohol sales and consumption.
4. Require fencing on the East side of the property.
5. Require extension of George Williams Way to the Southwest corner of Mr. Graham's property.

The findings and conclusions in the Staff Report should be amended as follows:

AGENDA ITEM 4A:

STAFF RECOMMENDATION – VARIANCE FROM REQUIREMENT TO PROVIDE STREET CONNECTIONS; SECTION 20-810(e)(2)

Staff recommends approval of the variance requested from Section 20-810(e)(2) to allow the property to be platted and developed without requiring George Williams Way to be constructed to the north property line subject to the following conditions:

1) George Williams shall be extended North to the Southwest Corner of the adjoining property owned by Mr. Graham [or substitute the legal description].

~~2~~) An agreement not to protest the formation of a benefit district for the future extension of George Williams Way, including planting of street trees and installation of shared use path, shall be executed and recorded prior to the recording of the final plat.

AGENDA ITEM 4C:

SPECIAL USE PERMIT; RECREATION CENTER; W. 6TH ST & K-10 HWY

Staff recommends approval of the Special Use Permit SUP-12-00225 subject to the following conditions:

1. Provision of a revised plan with the following changes:

***

d. The bufferyard lengths shall be noted on the plan and a bufferyard landscaping table provided. Bufferyard landscaping, trees and shrubs, shall be noted in the table per standards in Section 20-1005. The plan shall include appropriate fencing along the East property line.

***

i. Addition of the following notes:

~~ii. "Uses and facilities noted as 'future' are approved conceptually as shown on this SUP; however, the addition of the use will require submittal and approval of a revised SUP application through the SUP process, including a public hearing before the Planning Commission and approval by the City Commission."~~

***

~~iii. "Alcohol sales and consumption are permitted on the premises with appropriate liquor licensing."~~

***

vi. "The use of the recreation center building, soccer field, softball field, and track stadium shall be unrestricted for sport and athletic event related activities. Sport and athletic event related activities include, but are not limited to, the following, whether at the intercollegiate or other level:

***

Non-sport and non-athletic related events~~,~~ located inside enclosed buildings within the facilities or in the parking lots, shall require approval through the city's Special Event Permit process. Non-sport and non-athletic related activities, including for example, amphitheatres, are not permitted outside enclosed buildings. ~~include, but are not limited to:~~

~~a. Music concerts,~~
~~b. Festivals,~~
~~c. Fairs,~~
~~d. BBQ cook-offs,~~
~~e. Farmers' markets,~~
~~f. Racing and vehicle exhibitions: BMX and Motorcross racing, truck and tractor pulls, etc."~~

I would be most appreciative if you would circulate this letter to the members of the Planning Commission. In accordance with the Bylaws of the Planning Commission, I will recuse myself from the discussion and vote on these agenda items and another member of our firm will appear on behalf of Mr. Graham.

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

Richard W. Hird
Petefish, Immel, Heeb & Hird, LLP

From: lauri di routh [mailto:lauridi@hotmail.com]
Sent: Monday, December 10, 2012 8:52 AM
To: Sheila Stogsdill
Subject: Comments for planning commission meeting 12/11/12

Ms. Stogsdill,

Please accept these comments for tonight's Planning Commission meeting. I respectfully request that these be shared with the Planning Commissioners and staff, and be included in the public record for tonight's meeting.
Please note that my comments herein are not intended to represent any organization or group. I offer these comments solely as an individual citizen and taxpayer.

RE: Long range planning work program, as submitted to the planning commission by Scott McCullough in November 2012.
I wish to express my concern about the City and County opting to postpone implementation of the environmental chapter of H2020 to a work schedule beyond 2013. This plan was crafted over the course of several years, and both citizens and the Sustainability Advisory Board play a role. I am troubled that this plan is being mothballed, at a time when we need it most. Given the current drought and its impact on both the built and natural environment, tending to our community's natural resources is more important now than ever. I ask that the PC make implemenation of the environmental chapter of H2020 a priority for 2013.

RE: Variances requested for the site plan and plat of the proposed Rock Chalk Village Park
I am troubled to see that the developer is requesting variances to the street connection requirements of the code, and also the sidewalk requirement of the code. Both of these items are integral to the City's Complete Streets plan, which was recently approved. While I appreciate the developer's stated intention of preserving trees on the property, without an inventory of said trees or any requirement for monitoring of tree preservation or removal during project construction, using trees as an excuse to minimize developer costs seems a bit disingenuous. In regard to street connectivity, it seems to me that allowing George William Way to remain a dead end street at the north end creates a bottleneck for the City's future rec center, and may create massive traffic problems on the property when large events are held at the KU facilities. At the very least, this variance should be reviewed and vetted, first, by traffic planners, to assess its impact. I believe that the requirements for sidewalks on both sides of the street should be upheld, and the developer's request for variances denied.

RE: Diamondhead Neighborhood Comments
I support the Diamondhead Neighborhood's right to preserve the nature and safety of their neighborhood. I ask that the PC reject the Landplan plat proposal as it would greatly expand the development of duplex and multifamily residential dwellings in this area, to the detriment of the existing neighborhood.

RE: planning commission packet structure

In reviewing the packet for this week's meeting, it is noted that the packet size of 57 MB makes it very difficult to load and open on a standard home computer. I had several people tell me that they had not even tried to do so, for fear that it would crash their computer system. While I understand that the files therein are large, I would like to see the PC use the City Commission's method of transmitting meeting information, using imbedded, topic-specific links on the agenda. This way, individual topic information can be opened and reviewed without the need to download the entire packet of 50+ MB of information. By breaking the packet up into managable chunks, it will make it easier for the public to access needed information and share with others who may wish to comment. Certainly, the PC wants to engage and solicit feedback from the public. I believe that the best way to do this would be to use imbedded links on the agenda, thereby reducing an evident barrier to accessing information.

I appreciate your consideration of my comments.

Sincerely,

Laura Routh
2235 East Drive
Lawrence, KS
979-3918

Memorandum
City of Lawrence
Planning Department

TO: **Lawrence Douglas County Planning Commission**

FROM: **Planning Staff**

CC: **Applicant**

Date: **December 10, 2012**

RE: **Communications received regarding Langston Heights Development.**

PP-12-00228: Preliminary Plat Langston Heights Subdivision
Z-12-00231: UR to RS7
Z-12-00229: UR to RM12D
Z-12-00232: UR to RM12

Staff received several communications, phone calls and meeting requests regarding the proposed development of 27 acres located west of the Diamondhead Subdivision and northwest of Langston Hughes Elementary School. The following is a summary of the communications received to date.

- Michael Whittlesey, 6209 Crystal Lane – Email to staff.
- Matt Gudenkauf, 6204 Crystal Lane - Email to Rick Hird.
- Mark Crabtree, 820 Andrew John Drive - letter to staff.
- Andy and Debbie Pitts, 6212 Palisades Drive – multiple letters to staff.
- Dennis Tate, 6205 Crystal Lane– Requested meeting with staff.
- Ryan, Tiffany, Lillian and Jackson Fike, 6201 Crystal Lane – letter to staff.
- Ziufen Bi and Gary Jing, 824 Diamond Head Drive – letter to staff.
- Carisa, Dustin, Avery and Sydney Stejskal, letter.
- Rod Laing, resident.
- Edward and Colleen Burrichter, 6113 Palisades Drive – letter to staff.
- Diamondhead Power Point
- League of Women Voters Letter
- Laura Routh letter

Meeting with staff on November 30, 2011 included: Linda Herbel, Dennis Tate, Carisa Stejskal, Matt Gudenkauf, Michael Whittlesey, Lew Hanna, Rod Lang, Andy Pitts.

Residents of the subdivision to the east of the subject property expressed the following concerns:

1. Diamondhead residents purchased property and built homes with an expectation that the subject property would be developed with detached residential uses per the approved 2005 zoning and final plat.
2. Existing traffic in neighborhood is congested especially when school is dismissing. Residents expressed concern that the proposed development would exacerbate the existing traffic congestion.
3. School traffic backs-up traffic along George Williams Way.
4. "High-density" development should not come through a low-density area and should be required to access an arterial street.
5. Construction traffic to new area will affect neighborhood by using local streets.

6. Any development of multi-dwelling along the highway should be required to have access to Bob Billings Parkway to the south
7. Undeveloped land should be allowed only one level of "up-zoning."

PLANNING COMMISSION REPORT
REGULAR AGENDA PUBLIC HEARING ON VARIANCE ONLY

PC Staff Report
12/10/12

ITEM NO 5A: PRELIMINARY PLAT FOR LANGSTON HEIGHTS ADDITION; (SLD)

PP-12-00228: Consider a Preliminary Plat for Langston Heights Addition, a 61-lot subdivision that includes detached, duplex and multi-family residential lots. This subdivision includes a variance request from Section 20-811 (c) of the Subdivision Regulations that requires sidewalks on both sides of streets. The property is along the east side of K-10 Highway and south of W. 6th Street, north and south of Crystal Lane and Palisades Drive extended to the west. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record.

STAFF RECOMMENDATIONS:

Variance: sidewalk requirement in Section 20-811(c) of the Subdivision Regulations.
Staff recommends denial of the variance requested from Section 20-811(c) to allow sidewalks on only one side of streets.

Preliminary Plat
Staff recommends approval of the Preliminary Plat of the Langston Heights Addition subject to the following conditions of approval:

1. Provide a revised DSSA for review and approval by the City Utility Staff for the final configuration that has some lots connecting to existing manholes to the east.
2. Provide a revised preliminary plat with the following changes:
    a. Show lot number for "Block 1".
    b. Label the proposed sanitary sewer main between Lots 18 and 19, Block 3 and along Lots 6-8, Block 6.
    c. Show a 15' wide utility easement for the sanitary sewer main on the west side of Lots 6-8, Block 6.
    d. The building setback for Lots 18 & 19 of Block 3 is shown within the proposed 15' utility easement. Please note that the proposed U/E width may need to be increased based on actual depth of sanitary sewer.
    e. The routing of the proposed sanitary sewer main for Lots 1-3, Block 2 is not desirable since it places several service tees in the right-of-way. Provide service for Lot 3, Block 2 from the sanitary sewer main along the east property line that also provides service to Lot 4.
    f. Extend a sanitary sewer main along the rear of Lots 1 & 2, Block 2 to eliminate two manholes.

KEY POINTS
- Proposed preliminary plat reflects an overall gross density of 5.9 dwelling units per acre consistent with low-density development of the comprehensive plan.
- The proposed preliminary plat represents the proposed zoning boundaries.
- Proposed preliminary plat extends the local street network east of K-10 Highway.
- Project includes variance request for sidewalks on only one side of some streets.

- This property was evaluated for compliance with the preservation of natural areas through the Sensitive Lands regulations outlined in Article 11 of the Development Code. A sensitive lands site plan and required preservation of open space is not applicable to this property.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Section 20-811 (c) requires sidewalks on both sides of public streets.
- Section 20-813 (g) variance procedures.
- Section 20-811 (c)(iii) grants authority to the Planning Commission to consider a sidewalk variance.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Z-12-00229: **8.333 acres** from UR (Urban Reserve) to RM12D (Multi-Dwelling Residential)
- Z-12-00231: 9.206 acres from UR (Urban Reserve) to RS7 (Single-Dwelling Residential)
- Z-12-00232: **10.025 acres** from UR (Urban Reserve) to RM12 (Multi-Dwelling Residential)
- Submittal of final plat for administrative approval.
- Placement of final plat on City Commission agenda for acceptance of dedication of easements and rights-of-way.
- Recordation of the final plat with the Douglas County Register of Deeds.

The acreage for the area included in the RM12D and the RM12 district has been adjusted to accommodate minimum area requirements for site development.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Study provided and accepted.
- *Downstream Sanitary Sewer Analysis* - Provided and generally acceptable. Provide a revised DSSA for the final configuration that has some lots connecting to existing manholes to the east.
- *Drainage Study* – The drainage letter dated 10-8-2012 meets the specified requirements and is approved.
- *Environmentally Sensitive Lands Study* – Evaluation of existing trees was completed by applicant and reviewed by staff. The existing trees do not meet the minimum size requirements defined in Article 11 of the Development Code.

ATTACHMENTS

- Proposed preliminary plat.
- Previously approved preliminary plat.
- Conceptual layout for 4-plex lot development.
- Concept Plan.

PUBLIC COMMENT

- Communications are attached.

Site Summary	
Gross Area: Number of Existing Lots: Number of Proposed Lots:	27.564 acres Unplatted tract of land 61 lots
RS7	9.2 acres 29 lots
RM12D	8.564 acres [8.333 acres per plan dated 11.29.12] 25 lots (50 units)

RM12	9.794 acres [10.025 acres per plan dated 11.29.12] 7 lots (86 units)
Note: acreage of the RM12D and the RM12 districts are modified to accommodate adjustments in the proposed lot size and dimensions in the RM12 portion of the development request.	

GENERAL INFORMATION

Current Zoning and Land Use:	UR (Urban Reserve) District and TC (SLT/K10 Major Transportation Corridor Overlay) District; undeveloped property.
Surrounding Zoning and Land Use:	To the north: RM24 (Multi-Dwelling Residential) District; undeveloped land. To the east: RS7 (Single-Dwelling Residential) District; developing residential subdivision with detached housing. To the south: UR (Urban Reserve) District undeveloped land. To the west: A (Agricultural) County District; K-10 Highway.

STAFF REVIEW

This property is proposed for residential development with a variety of lot sizes and housing structure types. The subdivision extends existing local streets to the west. Additional connections north and south will be completed as adjacent properties develop. This property is located along K-10 Highway and is subject to specific development standards for buffering along the west property line as they pertain to Transportation Corridor Overlay District requirements. Additionally, a variance is proposed with this application to allow sidewalks on only one side of certain streets. The review of this preliminary plat is considered concurrently with the requests for zoning three residential zoning districts.

A plan revised and submitted on November 29, 2011 modified the lot configuration for the proposed RM12D portion of the development. The district boundary of the RM12D and the RM12 proposed district has been slightly modified to accommodate the lot changes in the preliminary plat. If changes are made to the proposed zoning district boundaries the preliminary plat would likely be revised to accommodate the changes.

Zoning and Land Use

The property is proposed for RS7, RM12D and RM12 zoning. This application is being reviewed and considered concurrently with the associated zoning applications. Each proposed zoning district is discussed separately. The proposed subdivision design establishes the framework for the district boundaries. The subdivision is designed to accommodate a mix of housing types. Lots meet the minimum area and size requirements per the proposed district boundaries. The zoning districts establish a Base Density that is applied to each lot for development purposes. Density is a measure used to express the intensity of residential development. Base Density is defined as:

> *The number of dwelling units that can be developed on a subject property, rather than the number of dwelling units that are permitted for the zoning district. Base density is the number of units that can be developed given the size of the parcel, the area required for street rights-of-way or infrastructure, the density and dimensional standard of section 20-601 (a), the environmental protection standards, as well as topographical or other features unique to the property.* [Section 20-1701].

For the purposes of this report the Base Density is referred to as the net density or what can be physically developed on individual lots. Gross density refers to the development within the total district boundary. Additionally, when considering a maximum limit such as density the Development Code disregards the fraction and only the smallest applicable whole number shall be considered. For this reason the density summary is rounded down. If the zoning requests are modified or denied then it is likely that, the configuration of this subdivision would also be revised. This application includes two concept drawings to demonstrate the planned development for the duplex and 4-plex units that could be accommodated on the proposed lots.

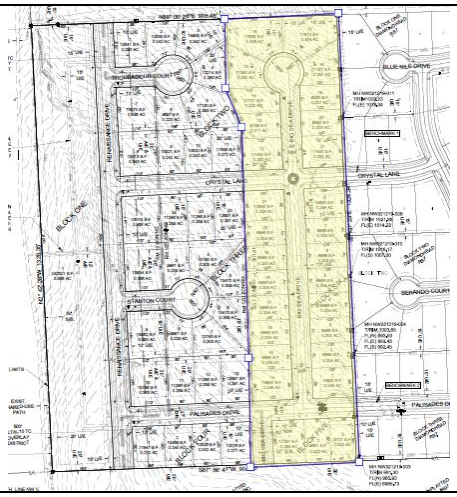
The west portion of this property is encumbered by a Major Transportation Corridor Overlay District for the SLT/K10 highway. Several other major corridors are also subject to an overlay district. These districts are listed in Section 20-307 of the Development code. At this time, only the SLT/K10 overlay district includes development standards.

The boundary of the SLT/K10 Overlay District extends 500 feet on either side of the centerline of the right-of-way within the City of Lawrence. The overlay does not, at this time, extend into unincorporated areas. The preliminary plat shows this boundary as extended to the east side of Renaissance Drive and into the adjacent lots approximately 45'. The standards include an extraordinary setback of 50' as shown on the preliminary plat. Buildings and improvements are prohibited in this setback. Additional standards will be considered with future site plans for affected properties.

Lot and Block Arrangement

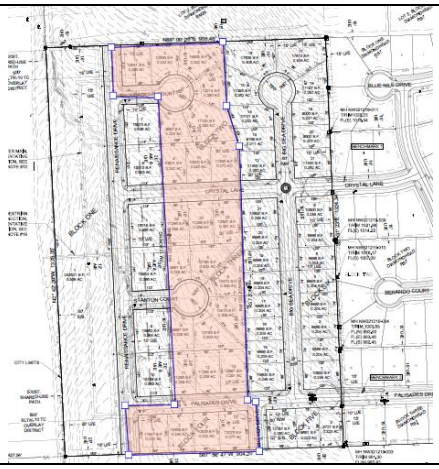
A previous plat for this area was approved in 2005. This approval was extended. The developer did not complete the process by recording the final plat with the Register of Deeds Office and allowed the approval to expire. The previous plan included a similar arrangement to the proposed preliminary plat with grid streets. However, the western most street Renaissance Drive was designed with lots on only one side of the street.

This subdivision extends the grid street pattern west. Cul-de-sacs are used to orient detached housing and duplex housing lots back-to-back. Big Sea Drive, in the eastern portion of the development, is fronted with the RS7 lots. Lots exceed the minimum area requirement. The net density of this portion of the subdivision is comparable to the existing subdivision to the east at 4 dwelling units per acre.



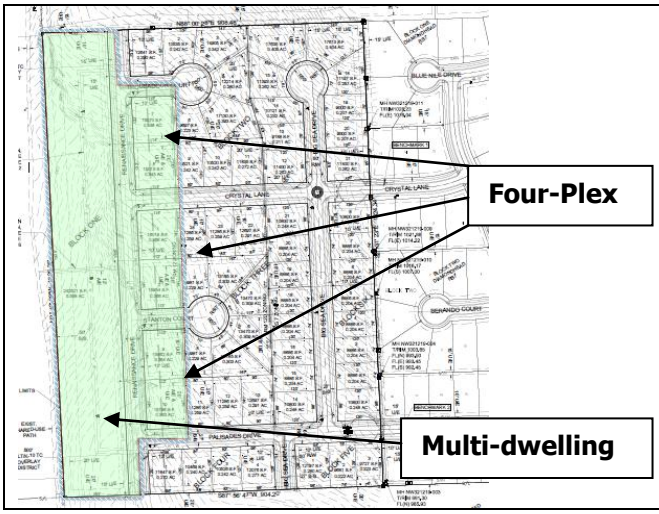
Development Area	9.206 Acres
ROW:	2.333 Acres
Lots/Total Units:	29 lots /29 units
Minimum District Lot Area:	7,000 SF
Minimum Lot Area:	8,886 SF
Maximum Lot Area:	17,635 SF
Average Lot Area:	10,3224 SF
Gross Density	3 units per acre
Net Unit Density (Proposed):	4 units per acre
District Density (Allowed):	6 units per acre
RS7 Area: Z-12-00231	

The center portion of the subdivision is designed for duplex lots. Crystal Lane and Palisades Drive will be extended as part of the grid street pattern. These lots exceed the minimum area requirement for the proposed RM12D zoning. The net density within the central segment of the subdivision is 7 dwelling units per acre.



Development Area	8.333 Acres
ROW:	1.664 Acres
Lots/Total Units:	25 Lots / 50 units
Minimum District Lot Area:	6,000 SF
Minimum Lot Area:	9,552 SF
Maximum Lot Area:	15,997 SF
Average Lot Area:	11,620 SF
Gross Density	6 units per acre
Net Unit Density (Proposed):	7 units per acre
District Density (Allowed):	12 units per acre
RM12D Area: Z-12-00229	

The Western portion of the subdivision is designed to accommodate multi-dwelling units with two types of lots. One large lot is proposed along the highway right-of-way. Six smaller, corner lots are designed to accommodate a maximum of four units per lot. The net density of the western portion of the subdivision is 11 dwelling units per acre.



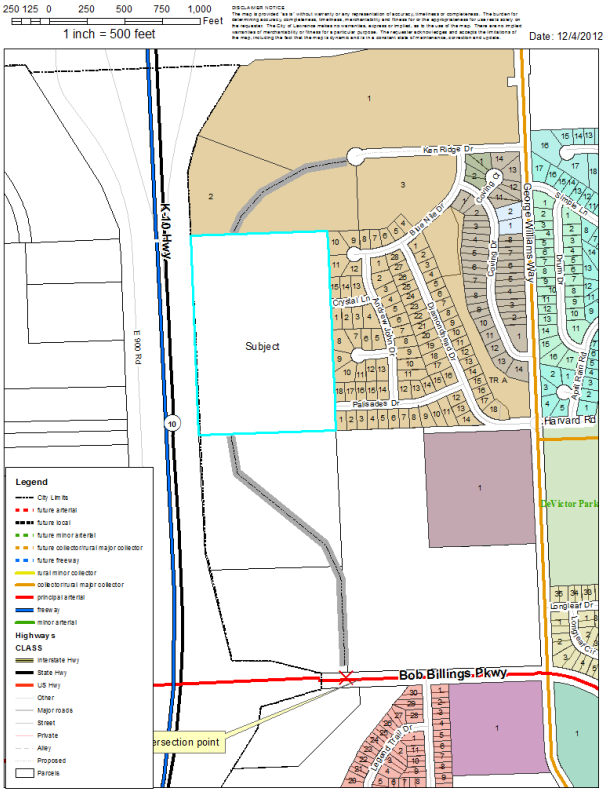
Development Area	10.025 Acres
ROW:	2.117 Acres
Lots/Total Units:	7 Lots / 86 Units
Minimum District Lot Area:	6,000 SF
Minimum Lot Area:	15,070 SF
Maximum Lot Area:	242,521 SF adjacent to highway
Average Lot Area:	48,034 SF
Gross Density: *(per 86 units)*	8 Units per acre
Unit Density (Proposed):	11 Units per acre
District Density (Allowed):	12 units per acre
RM12 Area: Z-12-00232	

Excluding the one large lot located along the highway, the lots for the 4-plex development exceed 15,000 SF each and represent approximately 10 dwelling units per acre. The exhibit provided by the applicant shows a conceptual development of the lots with 4 units, each with 2 bedrooms that complies with the applicable building and parking setback requirements of the proposed RM12 District.

Streets and Access

The proposed subdivision extends the local street network for the area west of a developing subdivision and along the east side of K-10 Highway. Stub street connections are provided to the north and south to undeveloped land for future connection to Ken Ridge Drive to the north and Bob Billings Parkway to the south. As the adjacent properties are developed additional street connections to the north and south will be made in this area.

Future street connections to the north and south.



The proposed subdivision does not modify the right-of-way for the South Lawrence Trafficway.

In addition to the extension of the public street network, a parallel and coordinating pedestrian network of public sidewalks will be extended with this subdivision. The proposed development includes a connection through Block 1 from Renaissance Drive to the shared use path along the west side of the subdivision. This connection will provide neighborhood connectivity to the shared use path. A sidewalk exhibit is attached to this report to highlight the location of the proposed sidewalks as they relate to this development. The applicant has requested a variance from the Subdivision Regulations that require the construction of sidewalks on both sides of the street. The applicant shows sidewalks on both sides of streets in the subdivision except for the south side of Crystal Lane and Palisades Drive. These streets are proposed with sidewalks on only one side of the street. This would continue the pattern from the developed subdivision to the east. The Variance request is discussed later in this report.

Utilities and Infrastructure

This subdivision includes utility easements around the perimeter of the subdivision and interior lots for utility access. In some sections, easements are proposed along the front of lots to accommodate sanitary sewer. Front utility easements are also intended for private service such as gas, electric, cable and other utilities. Any utility boxes associated with these services shall be located in the side and rear yards. Utilities will be extended to serve this development.

Additional review of the placement and screening of mechanical equipment will be included for those lots subject to site plan review (RM12 lots).

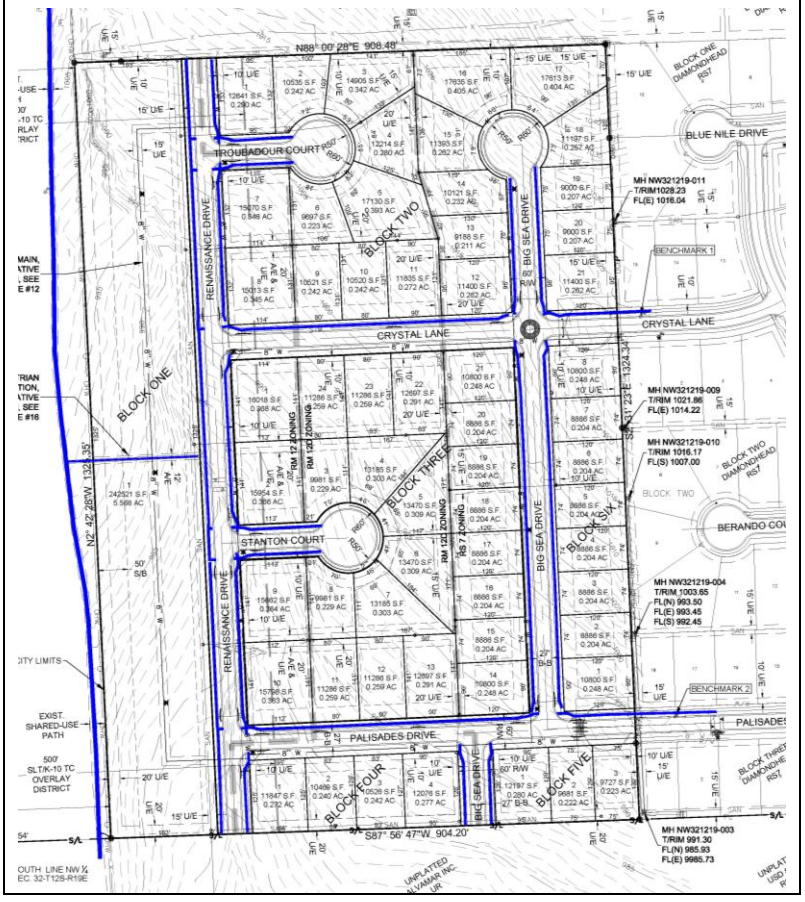
The preliminary plat currently includes a utility easement for water line though Block 1. This location is conceptual at this time since detailed development plans are not known. The Developer anticipates that this easement would be finalized with a future site plan for the lot.

Staff has also noted that some changes and labeling to proposed utility easements are needed or may be needed depending on the final design of the public improvements. These elements will be further reviewed with the submittal of a final plat. These concerns are reflected as conditions of approval. Changes include adjusting the drawing to show a sanitary sewer main located in the center of utility easements and additional labeling of the utility in various places on the drawing.

Utility Staff also noted some changes to easements that may be required as public improvement plans are finalized. Deeper sewer lines may require a wider easement in a portion of Block 3. This could potentially affect the building setback if the easement is wider than the allowed district setback. The placement of a building with regard to setback and easement is reviewed as part of applicable building permits for single-dwelling and duplex development and as part of the site plan review for multi-dwelling developments.

Lastly, Utility staff noted changes that are recommended for the routing of the sanitary sewer service for this development to reduce the number of lots that are served from the front. The addition of sanitary sewer lines to the front of a lot hinders the ability to locate street trees and co-locate other infrastructure. A sanitary sewer design that provides rear lot service access is preferred.

Proposed Sidewalk Development



VARIANCE

This application includes a request to construct sidewalks on only one side of the street for Palisades Drive and Crystal Lane within the subdivision. The applicable Subdivision Regulation citations are provided below.

Code Citation 20-811 (c)

City of Lawrence and Urban Growth Areas

Sidewalks and pedestrian ways shall be provided in the City of Lawrence and in platted subdivisions in the Urban Growth Areas in accordance with the standards of this sub-section (for Lawrence and the Lawrence UGA) or the applicable UGA city's (Baldwin City, Eudora, or Lecompton) standards:

Public sidewalks shall be installed on both sides of all Streets, as follows:

Street Type	Minimum Sidewalk Width (feet)
Local	5; Minimum width of 4 feet allowed in the Original Townsite Area
Collector	5
Arterial	6; A designated 10' Bicycle/Recreation Path on one side of the Street and a 6' side walk on the other side

Sidewalks shall be constructed in accordance with standards and specifications adopted by the applicable Governing Body.

The Subdivision Regulations provide the Planning Commission the authority to consider a variance from the Subdivision Design Standards for as they pertain to the installation of sidewalks.

Code Citation 20-811 (c) (1) (iii) Variances

The applicant for a Subdivision may request a Variance for the requirement to construct part of or all of the Sidewalks in the Subdivision as part of the Preliminary Plat review in accordance with the Variance procedures outlined in Section 20-813(g).

If the Planning Commission takes no specific action on a proposed Variance for part or all of a Sidewalk requirement, the Variance shall be deemed to be denied. In reviewing Variance requests from the standard Sidewalk width, special consideration shall be given to walks adjacent to Collector or Arterial Streets located in historic districts and areas with severe site Topography which would make it impractical or difficult to build a Sidewalk in accordance with the above standards.

Criteria 1. Strict application of these regulations will create an unnecessary hardship upon the Subdivider.

Applicant's Response: *The above preliminary plat proposes to extend Crystal Lane and Palisades Drive approximately 700 feet to the west. These two streets, as they exist in the neighboring Diamondhead subdivision, feature sidewalks on their north sides only. Requiring the installation of approximately 1,400 linear feet of sidewalk on the south sides of Crystal Lane and Palisades Drive extensions would constitute an unnecessary hardship the subdivider because these stretches of sidewalk would lead to nowhere.*

The proposed subdivision includes single family, duplex, and multi-family residential lots. Streets will be connected to the north and south expanding the neighborhood as the area develops. The requirement to provide sidewalks on both sides of a public street has been in place since 2006. This standard is to be applied to all new subdivisions. There are no topographic or other physical barriers to construction of the sidewalks on the south sides of Crystal Lane or Palisades Drive. The

sidewalks can easily connect to the existing network to the east. The proposed request affects six lots along Crystal Lane and seven lots along Palisades Drive. Except for 5 lots to be located in the RS7 district the remaining lots will developed with duplex or multi-family (4-plex) units. Each lot will be provided with a 20-20' wide driveway. This leaves a relatively short segment of sidewalk to be provided for each of these lots.

Staff disagrees that the sidewalks lead to "nowhere" as described by the applicant. These sidewalks, as proposed, would create an unnecessary deficiency in the pedestrian infrastructure.

Staff Finding: The strict application of the regulations would not result in unnecessary hardship upon the subdivider.

Criteria 2. The proposed variance is in harmony with the intended purpose of these regulations.

Applicant's Response: *The above Preliminary Plat promotes pedestrian connectivity with the neighboring Diamondhead subdivision by proposing sidewalk on the north sides of Crystal Lane and Palisades Drive extensions. Furthermore, the Preliminary Plat provides sidewalks on both sides of all other streets, including a pedestrian connection to the existing shared-use path located in SLT right-of-way.*

In addition to the adoption of the Subdivision Regulations in 2006, the City Commission adopted a complete streets policy on March 27, 2012. Sidewalks are one element of a complete street. Sidewalks provide the primary travel way for pedestrians. This area is near an elementary school and anticipated to be a desirable location for families. Providing sidewalks facilitates safe routes to schools.

There are no environmental challenges that prohibit or hinder the construction of sidewalks on Crystal Lane or Palisades Drive. There is a high probability that they will be used by the residents of the immediate subdivision and by residents to the east to access the shared use path along K10 Highway.

Staff Finding: The proposed variance is not in harmony with the intended purpose of the Subdivision Regulations.

Criteria 3. The public health, safety, and welfare will be protected.

Applicant's Response: *As stated above, the Preliminary Plat proposes sidewalks on both sides of all other streets in the subdivision, for a total of over 4,200 linear feet of dedicated pedestrian walkway.*

Public sidewalks serve multiple purposes in residential subdivisions. They provide connectivity within and between neighborhoods, a safe mode of transportation, and serve to define the boundary between public and private spaces for individual lots.

This neighborhood (west of George Williams Way and between W. 6th Street and Bob Billings Parkway) represents the possibility to be one of the more walkable areas of the community with several facilities and destinations. These include a neighborhood school, an existing multi-use path, and access to future commercial development.

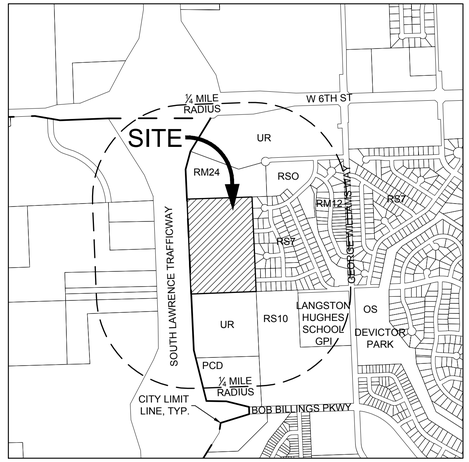
Staff Finding: Denial of the request will promote the public health, safety and welfare by providing a complete pedestrian network for this portion of the neighborhood.

Variance Recommendation: Staff recommends denial of the applicant's request from a variance to allow sidewalks on only one side of streets.

Conformance

The Comprehensive Plan recognizes the need for mixed housing options and the need to provide adequate land use transition between more intense uses and less intense uses. The proposed Major Subdivision will accommodate the creation of mixed housing in this location and is in conformance with the recommendations in *Horizon 2020.* The preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code subject to the recommendation for denial of the sidewalk variance and the recommended conditions of approval.

LOCATION MAP:



LEGAL DESCRIPTION:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION, THENCE ON A MEASURED BEARING OF NORTH 87°56'47" EAST ALONG THE SOUTH LINE OF SAID QUARTER SECTION, 427.54 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE SOUTH LAWRENCE TRAFFICWAY TO THE POINT OF BEGINNING; THENCE ON A MEASURED BEARING OF NORTH 02°42'28" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, 1325.35 FEET TO THE SOUTHWEST CORNER OF LOT 2, BLOCK ONE, DIAMONDHEAD, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; THENCE ON A MEASURED BEARING OF NORTH 88°00'28" EAST, ALONG THE SOUTH LINE OF SAID LOT 2, A MEASURED DISTANCE OF 908.48 FEET TO THE NORTHWEST CORNER OF LOT 10, BLOCK ONE IN SAID SUBDIVISION; THENCE ON A MEASURED BEARING OF SOUTH 02°31'23" EAST AND MEASURED DISTANCE OF 1324.34 FEET, ALONG THE WEST LINE OF SAID SUBDIVISION TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE ON A MEASURED BEARING OF SOUTH 87°56'47" WEST AND MEASURED DISTANCE OF 904.20 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING. CONTAINS 27.564 ACRES, MORE OR LESS.

GENERAL NOTES:

1. OWNER: LANGSTON HEIGHTS, LC
   611 SAINT ANDREWS DRIVE
   LAWRENCE, KANSAS 66047
2. LAND PLANNER/ CIVIL ENGINEER/ SURVEYOR: LANDPLAN ENGINEERING, P.A.
   1310 WAKARUSA DRIVE
   LAWRENCE, KANSAS 66049
3. TOPOGRAPHIC INFORMATION SHOWN WAS OBTAINED FROM A FIELD SURVEY PERFORMED BY LANDPAN ENGINEERING, P.A., OCTOBER 1, 2012.
4. EXISTING ZONING: UR
5. PROPOSED ZONING: RS7, RM12, RM12D
6. EXISTING LAND USE: VACANT
7. PROPOSED LAND USE: DETACHED DWELLING, DUPLEX, ATTACHED DWELLING
8. THE SUBJECT PROPERTY DOES LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY FLOOD INSURANCE RATE MAP (FIRM); PANEL NO. 154, MAP NUMBER 20045C0154D, DOUGLAS COUNTY, KS., BEARING AN EFFECTIVE DATE OF AUGUST 5, 2010.
9. TYPICAL SOIL TYPES: SOGN-VINLAND COMPLEX, 3 TO 25% SLOPES
   MARTIN SILTY CLAY LOAM, 1 TO 3% SLOPES
   MARTIN SILTY CLAY LOAM, 3 TO 7% SLOPES
   OSKA SILTY CLAY LOAM, 3 TO 6% SLOPES
   VINLAND COMPLEX, 3 TO 7% SLOPES
   VINLAND-MARTIN COMPLEX, 7 TO 15% SLOPES
10. PROPOSED UTILITY LOCATIONS AND SIZES ARE PRELIMINARY AND WILL BE FINALIZED AT THE TIME OF SITE ENGINEERING.
11. THIS SITE IS DESIGNATED LOW-DENSITY RESIDENTIAL IN HORIZON 2020, DATED 7/1/11, AND THE WEST OF K-10 PLAN, DATED 1/7/08.
12. A WATER MAIN LOOP AND ASSOCIATED UTILITY EASEMENT IS TENTATIVELY LOCATED ACROSS LOT 1, BLOCK ONE. THE FINAL LOCATION OF THE WATER MAIN AND DEDICATION OF THE ASSOCIATED EASEMENT SHALL BE DETERMINED AT THE TIME OF SITE PLAN REVIEW FOR THE PROPOSED MULTI-FAMILY DEVELOPMENT.
13. LANDSCAPING SHALL NOT BE PLACED WITHIN UTILITY EASEMENTS, WITHIN 8 FEET OF THE WATER MAIN, OR WITHIN 8 FEET OF THE SANITARY SEWER MAIN.
14. UTILITIES WILL BE UNDERGROUND PER SEC. 20-809 (f)(4)(iv).
15. A PLANNING COMMISSION VARIANCE IS REQUESTED FROM THE REQUIREMENT IN SECTION 20-811(c) OF THE SUBDIVISION REGULATIONS SO AS TO PERMIT SIDEWALKS ON ONLY ONE SIDE OF CRYSTAL LANE AND PALISADES DRIVE.
16. A PEDESTRIAN CONNECTION AND ASSOCIATED PUBLIC ACCESS EASEMENT IS TENTATIVELY LOCATED ACROSS LOT 1, BLOCK ONE IN ACCORDANCE WITH SECTIONS 20-810(d)(2)(i)(a) and 20-810(h)(1) OF THE SUBDIVISION REGULATIONS. THE FINAL LOCATION OF THE CONNECTION AND DEDICATION OF THE ASSOCIATED EASEMENT SHALL BE DETERMINED AT THE TIME OF SITE PLAN REVIEW FOR THE PROPOSED MULTI-FAMILY DEVELOPMENT.
17. LOTS DEVELOPED WITHIN THE SLT/K10-TC SHALL BE DESIGNED TO COMPLY WITH THE MINIMUM DESIGN STANDARDS OF SECTION 20-307(c)(1).

BENCHMARKS:

BENCHMARK 1: CHISELED SQUARE ON BACK OF CURB NORTH SIDE OF CRYSTAL LANE 50' +/- EAST OF EXISTING CURB (MIDDLE OF LOT 15, BLOCK ONE DIAMONDHEAD SUBDIVISION)
ELEV: 1023.18

BENCHMARK 2: CHISELED SQUARE ON BACK OF CURB SOUTH OF COMMON LINE OF LOTS 17 AN D18, BLOCK TWO DIAMONDHEAD SUBDIVISION
ELEV: 996.78

SITE SUMMARY:

GROSS AREA:	1,200,694 SF / 27.564 AC
RIGHTS-OF-WAY:	266,352 SF / 6.115 AC
NET AREA:	934,342 SF / 21.449 AC
TOTAL LOTS:	61
AVERAGE LOT SIZE:	15,317 SF / 0.352 AC

BLOCK ONE

NET AREA:	242,521 SF / 5.568 AC
TOTAL LOTS:	1
AVERAGE LOT AREA:	242,521 SF / 5.568 AC
MINIMUM LOT AREA:	242,521 SF / 5.568 AC
MAXIMUM LOT AREA:	242,521 SF / 5.568 AC

BLOCK TWO

NET AREA:	258,028 SF / 5.924 AC
TOTAL LOTS:	21
AVERAGE LOT AREA:	12,287 SF / 0.282 AC
MINIMUM LOT AREA:	9,000 SF / 0.207 AC
MAXIMUM LOT AREA:	17,635 SF / 0.405 AC

BLOCK THREE

NET AREA:	282,355 SF / 6.303 AC
TOTAL LOTS:	24
AVERAGE LOT AREA:	11,440 SF / 0.263 AC
MINIMUM LOT AREA:	8,886 SF / 0.204 AC
MAXIMUM LOT AREA:	17,429 SF / 0.400 AC

BLOCK FOUR

NET AREA:	44,918 SF / 1.031 AC
TOTAL LOTS:	4
AVERAGE LOT AREA:	11,230 SF / 0.258 AC
MINIMUM LOT AREA:	10,469 SF / 0.240 AC
MAXIMUM LOT AREA:	12,076 SF / 0.277 AC

BLOCK FIVE

NET AREA:	31,605 SF / 0.726 AC
TOTAL LOTS:	3
AVERAGE LOT AREA:	10,535 SF / 0.242 AC
MINIMUM LOT AREA:	9,681 SF / 0.222 AC
MAXIMUM LOT AREA:	12,917 SF / 0.280 AC

BLOCK SIX

NET AREA:	74,915 SF / 1.720 AC
TOTAL LOTS:	8
AVERAGE LOT AREA:	9,364 SF / 0.215 AC
MINIMUM LOT AREA:	8,886 SF / 0.204 AC
MAXIMUM LOT AREA:	10,800 SF / 0.248 AC

ZONING SUMMARY:

RS7

GROSS AREA:	401,026 SF / 9.206 AC
RIGHTS-OF-WAY:	101,644 SF / 2.333 AC
NET AREA:	299,382 SF / 6.873 AC
TOTAL LOTS:	29
AVERAGE LOT AREA:	10,324 SF / 0.237 AC
MINIMUM LOT AREA:	8,886 SF / 0.204 AC
MAXIMUM LOT AREA:	17,635 SF / 0.405 AC
TOTAL UNITS:	29
UNIT DENSITY:	4.219 UNITS/AC

RM12D

GROSS AREA:	362,991 SF / 8.333 AC
RIGHTS-OF-WAY:	72,503 SF / 1.664 AC
NET AREA:	290,488 SF / 6.669 AC
TOTAL LOTS:	25
AVERAGE LOT AREA:	11,620 SF / 0.267 AC
MINIMUM LOT AREA:	9,552 SF / 0.219 AC
MAXIMUM LOT AREA:	15,997 SF / 0.367 AC
TOTAL UNITS:	50
UNIT DENSITY:	7.497 UNITS/AC

RM12

GROSS AREA:	436,678 SF / 10.025 AC
RIGHTS-OF-WAY:	92,205 SF / 2.117 AC
NET AREA:	344,473 SF / 7.908 AC
TOTAL LOTS:	7
AVERAGE LOT AREA:	49,210 SF / 1.130 AC
MINIMUM LOT AREA:	16,329 SF / 0.375 AC
MAXIMUM LOT AREA:	242,521 SF / 5.568 AC
TOTAL UNITS:	86
UNIT DENSITY:	10.875 UNITS/AC

GROSS SUBDIVISION UNIT DENSITY = 165 UNITS / 27.564 AC
= 5.986 UNITS/AC

PROVISION AND FINANCING OF ROADS, SEWER AND OTHER PUBLIC SERVICES:

1. THE SUBDIVISION WILL INCLUDE THE DEDICATION OF RIGHTS-OF-WAY ASSOCIATED WITH ALL INTERNAL ROADS SHOWN.
2. THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE WATER SYSTEM VIA TWO EXISTING 8-INCH LINES: ONE ON THE SOUTH SIDE OF PALISADES DRIVE, AND A SECOND ON SOUTH SIDE OF CRYSTAL LANE, BOTH TO THE EAST OF THE SUBJECT PROPERTY.
3. THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE SANITARY SEWER SYSTEM VIA TWO EXISTING 8-INCH MAINS: ONE THAT RUNS SOUTH BETWEEN MANHOLES NW321219-010 AND NW321219-003 AND LIES ADJACENT TO THE SUBJECT PROPERTY'S EAST BOUNDARY IN A 15-FOOT UTILITY EASEMENT; AND A SECOND THAT RUNS SOUTHWEST ORIGINATING AT MANHOLE SW321219-015 LOCATED WEST OF THE EXISTING BOB BILLINGS PARKWAY TERMINUS.
4. PURCHASERS OF THE LOT IN THE SUBDIVISION MAY OR MAY NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OF STREETS, ROADS, WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT.
5. THE PROVISION OF IMPROVED ROADS, WATER SERVICE AND/OR WASTEWATER SERVICE WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

LEGEND:

8"W — EXISTING WATER LINE	WV EXISTING WATER VALVE
8"W — PROPOSED WATER LINE	EXISTING FIRE HYDRANT
SAN — EXISTING SANITARY SEWER	PROPOSED FIRE HYDRANT
SAN — PROPOSED SANITARY SEWER	MH EXISTING MANHOLE
STM — EXISTING STORM SEWER	EXISTING SANITARY SEWER MANHOLE
STM — PROPOSED STORM SEWER	PROPOSED SANITARY SEWER MANHOLE
X — FENCE LINE	EXISTING STORM SEWER MANHOLE
BUILDING SETBACK LINE	PROPOSED STORM SEWER MANHOLE
UGE — UNDERGROUND ELECTRIC LINE	PROPOSED STORM SEWER END SECTION
OHW — OVERHEAD WIRE	EXISTING IRON BAR
EXISTING WATER BLOWOFF	BM BENCHMARK
	E ELECTRIC BOX
	GA GUY ANCHOR
	SIGN
	SECTION CORNER

Civil Engineering
Landscape Architecture
Community Planning
Surveying

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PRELIMINARY PLAT OF LANGSTON HEIGHTS ADDITION CITY OF LAWRENCE DOUGLAS COUNTY, KANSAS

REV	DATE	DESCRIPTION
1	11/14/12	PER DEPT COMMENTS
2	11/29/12	ZONING BOUNDARIES

DATE:	10/08/12
PROJECT NO.:	20121218
DESIGNED BY:	LPE/TAH
DRAWN BY:	BS
CHECKED BY:	CMS

ISSUE	SHEET NO.
	1
	OF 1 SHEETS

FILE NAME: Q:\2012\12180\CAD\Planning\PP\121218C-PP.dwg LAST SAVED BY: Brian Sturm SAVED DATE: 11/28/2012 2:40 PM PLOTTED: 11/29/2012 2:58 PM
Q:\2012\12180\CAD\Planning\PP\121218C-PP.dwg 11/29/2012 2:58:54 PM, brians,

extra

LEGAL DESCRIPTION

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID QUARTER SECTION, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 1, BLOCK THREE, DIAMONDHEAD, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; THENCE SOUTH 87°56'28" WEST, ALONG THE SOUTH LINE OF SAID QUARTER SECTION, 904.24 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE SOUTH LAWRENCE TRAFFICWAY; THENCE NORTH 02°42'21" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, 1325.35 FEET TO THE SOUTHWEST CORNER OF LOT 2, BLOCK ONE, IN SAID DIAMONDHEAD SUBDIVISION; THENCE NORTH 88°00'33" EAST, ALONG THE SOUTH LINE OF SAID LOT 2, 908.63 FEET TO THE NORTHWEST CORNER OF LOT 10, BLOCK ONE IN SAID SUBDIVISION; THENCE SOUTH 02°31'00" EAST, ALONG THE WEST LINE OF SAID SUBDIVISION, 1324.23 FEET TO THE POINT OF BEGINNING. CONTAINS 27.566 ACRES, MORE OR LESS.

DEDICATION

BE IT KNOWN TO ALL MEN THAT I (WE), THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED UNDER THE NAME OF "LANGSTON HEIGHTS" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS AS SHOWN AND FULLY DEFINED ON THIS PLAT. ALL STREETS, DRIVES, ROADS, ETC. SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED. AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN UTILITIES UPON, OVER, AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "UTILITY EASEMENT" OR "U/E" AND "DRAINAGE EASEMENT" OR "D/E" AND "ACCESS EASEMENT" OR "A/E."

LANGSTON HEIGHTS, L.C., A KANSAS LIMITED LIABILITY COMPANY
BY BEVERLY SMITH BILLINGS, PRESIDENT OF ALVAMAR, INC., MANAGER

ACKNOWLEDGEMENT

STATE OF KANSAS
COUNTY OF DOUGLAS

BE IT REMEMBERED THAT ON THIS ____ DAY OF _____, 2006, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME BEVERLY SMITH BILLINGS, PRESIDENT OF ALVAMAR, INC., MANAGER, LANGSTON HEIGHTS, L.C., A KANSAS LIMITED LIABILITY COMPANY, WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

ENDORSEMENTS

APPROVED BY
LAWRENCE-DOUGLAS COUNTY
PLANNING COMMISSION
DOUGLAS COUNTY, KANSAS

CHAIR _____ DATE
TERRY RIORDAN

CITY CLERK _____ DATE
FRANK S. REED

RIGHTS-OF-WAY AND EASEMENTS
ACCEPTED BY
CITY COMMISSION
LAWRENCE, KANSAS

MAYOR _____ DATE
DENNIS HIGHBERGER

REVIEWED IN COMPLIANCE
WITH K.S.A. 58-2005.

MICHAEL D. KELLY, P.L.S. #869
DOUGLAS COUNTY SURVEYOR

FILING RECORD

STATE OF KANSAS
COUNTY OF DOUGLAS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS ____ DAY OF _____, 2006, AND IS DULY RECORDED AT _____ AM/PM, IN PLAT BOOK ____ PAGE _____.

REGISTER OF DEEDS
KAY PESNELL

CERTIFICATION

I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREON ARE THE TRUE AND ACCURATE RESULTS OF A FIELD SURVEY PERFORMED UNDER MY DIRECT SUPERVISION IN THE MONTH OF DECEMBER, 2005 AND THAT THE PLAT IS A CLOSED TRAVERSE.

JOHN E. SELK, P.E., P.L.S. #610
1310 WAKARUSA DRIVE
LAWRENCE, KANSAS 66049
(785) 843-7530

PLAT PREPARED DECEMBER, 2005

LOCATION MAP

NOTES

STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE REGISTER OF DEEDS. BOOK ____, PAGE ____.

THE CITY IS HEREBY GRANTED A TEMPORARY RIGHT OF ENTRY TO PLANT THE REQUIRED STREET TREES PURSUANT TO CHAPTER 21, ARTICLE 7, SECTION 21-706a OF THE CITY SUBDIVISION REGULATIONS.

BASIS OF BEARINGS FOR THIS PLAT IS NAD83-MODIFIED STATE PLANE COORDINATES. (KANSAS NORTH ZONE)

ERROR OF CLOSURE = 1 : 874,990.

SOILS INVESTIGATIONS SHALL BE PERFORMED BEFORE PRIMARY STRUCTURES ARE ERECTED ON LOTS WITH SLOPES GREATER THAN 3:1, OR NON-ENGINEERED FILL GREATER THAN 12 INCHES. A SOILS ENGINEER LICENSED BY THE STATE OF KANSAS SHALL PERFORM INVESTIGATIONS, AND A REPORT OF THE INVESTIGATION SHALL BE SUBMITTED TO THE CITY OF LAWRENCE CODES ENFORCEMENT DIVISION. OTHER LOTS MAY BE REQUIRED TO BE INVESTIGATED WHERE EXCAVATION REVEALS INDICATIONS OF UNSUITABLE CONDITIONS.

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	31.58	200.00	31.44	N34°40'15"W
C2	9.07	1000.00	9.07	N57°40'33"E
C3	31.30	220.00	31.28	N56°08'35"W
C4	43.14	50.00	40.90	S71°19'44"W
C5	48.67	50.00	46.77	N36°28'33"W
C6	53.12	50.00	49.80	N01°08'21"E
C7	52.63	50.00	48.72	N52°43'01"E
C8	54.54	50.00	51.88	S36°09'07"E
C9	18.51	170.00	18.50	N08°58'22"W
C10	8.93	970.00	8.93	N01°46'32"E
C11	2.35	1330.00	2.35	N17°40'32"E

LOT TABLE

	LOT	SQ. FT.	ACRES
BLOCK ONE	1	11,476	0.263
	2	10,813	0.248
	3	10,478	0.240
	4	10,470	0.240
	5	10,461	0.240
	6	10,455	0.240
	7	10,448	0.239
	8	10,848	0.249
	9	20,337	0.467
	10	18,591	0.426
	11	17,018	0.390
	12	12,128	0.278
	13	8,233	0.189
	14	7,474	0.171
	15	7,474	0.171
	16	8,065	0.185
BLOCK TWO	1	11,049	0.253
	2	10,399	0.238
	3	10,399	0.238
	4	10,399	0.238
	5	10,724	0.246
	6	11,374	0.261
BLOCK THREE	7	11,049	0.253
	8	5,424	0.216
	9	8,449	0.193
	10	8,449	0.193
	11	8,449	0.193
	12	8,449	0.193
	13	10,074	0.231
	1	11,279	0.258
	2	9,375	0.215
	3	9,375	0.215
	4	9,375	0.215
	5	9,375	0.215
	6	9,375	0.215
	7	9,869	0.226
	8	10,221	234
	9	11,584	0.275
	10	11,584	0.275
	11	10,221	0.234
	12	9,869	0.226
	13	9,375	0.215
	14	9,375	0.215
	15	9,375	0.215
BLOCK FOUR	16	9,375	0.215
	17	9,375	0.215
	18	11,279	0.258
BLOCK FIVE	1	11,279	0.258
	2	9,375	0.215
	3	9,375	0.215
	4	9,375	0.215
	5	9,375	0.215
	6	9,375	0.215
	7	9,859	0.226
	8	10,221	0.234
	9	11,984	0.275
	10	11,984	0.275
	11	10,221	0.234
	12	9,869	0.226
	13	9,375	0.215
	14	9,375	0.215
	15	9,375	0.215
	16	9,375	0.215
	17	9,375	0.215
	18	11,279	0.258
BLOCK SIX	1	9,229	0.211
	2	8,449	0.193
	3	8,449	0.193
	4	8,449	0.193
	5	9,099	0.208
	6	9,424	0.216
	7	11,049	0.253
BLOCK SEVEN	1	8,477	0.194
	2	8,449	0.193
	3	8,449	0.193
	4	9,845	0.226
	1	10,655	0.244
	2	8,224	0.188
	3	8,210	0.188
	4	8,198	0.188
	5	8,182	0.187
	6	8,168	0.187
	7	8,154	0.187
	8	8,140	0.186
	9	10,624	0.243

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

MONUMENTATION

- ○ SET 1/2" IRON BAR WITH CAP "PLS 610" ENCASED IN CONCRETE
- ● 1/2" BAR W/CAP "PLS 610" FOUND IN CONCRETE (ORIGINAL SUBDIVISION CORNER)

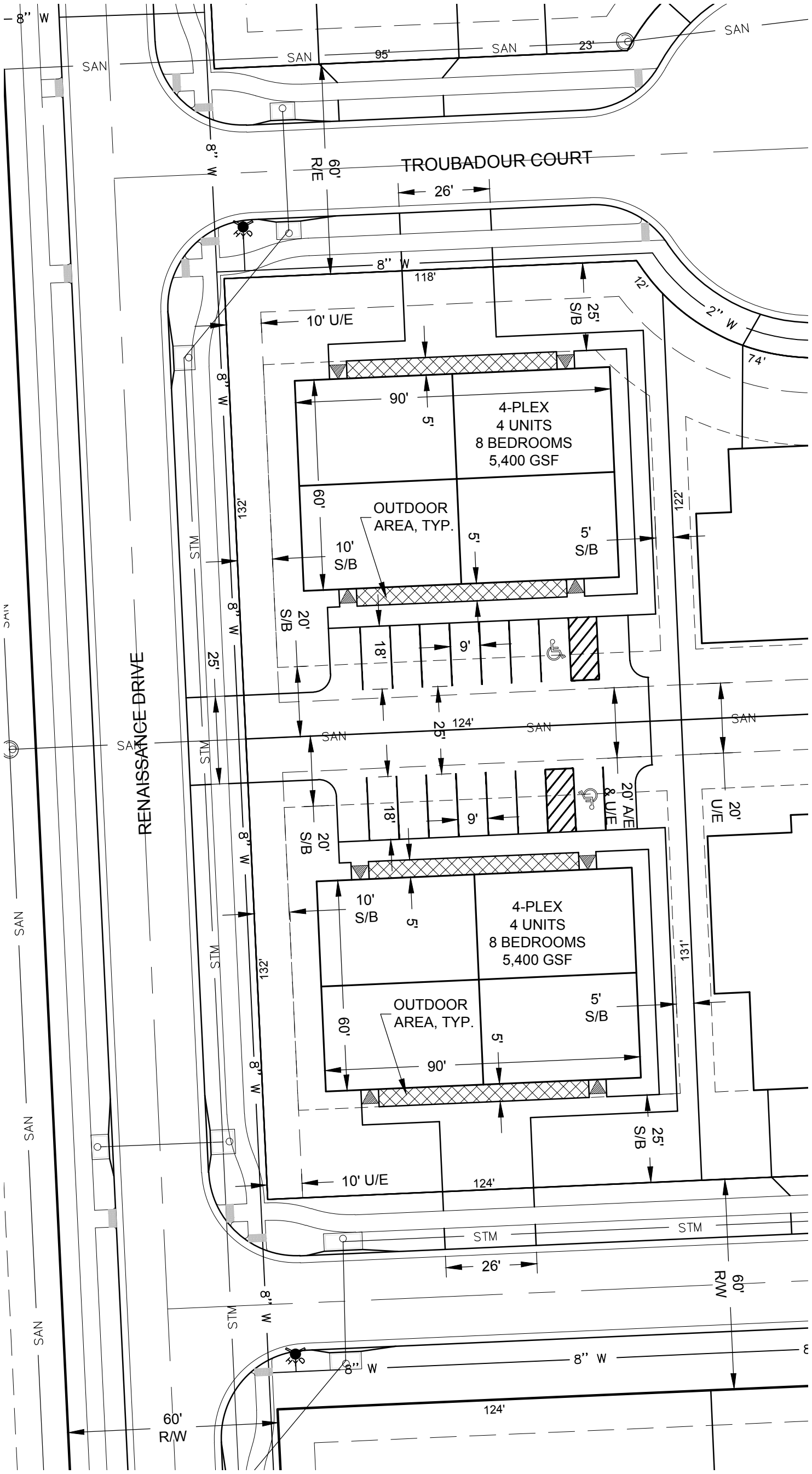
NOTE: 1/2" X 24" BAR W/CAP "PLS 610" TO BE SET AT ALL INTERIOR LOT CORNERS WITHIN 12 MONTHS OF RECORDING OF THIS PLAT, AND ACCORDING TO SEC. 21-302.2 OF THE CITY OF LAWRENCE SUBDIVISION REGULATIONS.

A FINAL PLAT OF LANGSTON HEIGHTS

A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

NW 1/4, SEC. 32-T12S-R19E

S:\SDS\PROJ\2005.69\Dwg\Plat\fp05069FP.dwg, 12/30/2005 11:01:51 AM, dsenn



LOT 7, BLOCK TWO

SITE SUMMARY
BLDG. - 5,400 SF (33%)
PVMT. - 4,974 SF (30%)
IMPERVIOUS - 10,374 SF (63%)
PERVIOUS - 5,974 SF (37%)
TOTAL - 16,348 SF (100%)

OUTDOOR AREA SUMMARY
REQUIRED: 50 SF/UNIT
50 x 4 = 200 SF
PROVIDED: 600 SF

PARKING SUMMARY
REQUIRED: 1/BR + 1/10 UNITS
8+1 = 9 SPACES
PROVIDED: 9 SPACES

LOT 8, BLOCK TWO

SITE SUMMARY
BLDG. - 5,400 SF (33%)
PVMT. - 4,974 SF (30%)
IMPERVIOUS - 10,374 SF (63%)
PERVIOUS - 5,955 SF (37%)
TOTAL - 16,329 SF (100%)

OUTOOR AREA SUMMARY
REQUIRED: 50 SF/UNIT
50 x 4 = 200 SF
PROVIDED: 600 SF

PARKING SUMMARY
REQUIRED: 1/BR + 1/10 UNITS
8+1 = 9 SPACES
PROVIDED: 9 SPACES

LANGSTON HEIGHTS ADDITION

FOURPLEX EXHIBIT

LOTS 7 & 8, BLOCK TWO

NOVEMBER 29, 2012

SCALE: 1" = 30'

30 15 0 30 60

Landplan Engineering, P.A.
Lawrence, KS • Kansas City, MO • Columbus, OH
The Woodlands, TX • Farmington Hills, MI

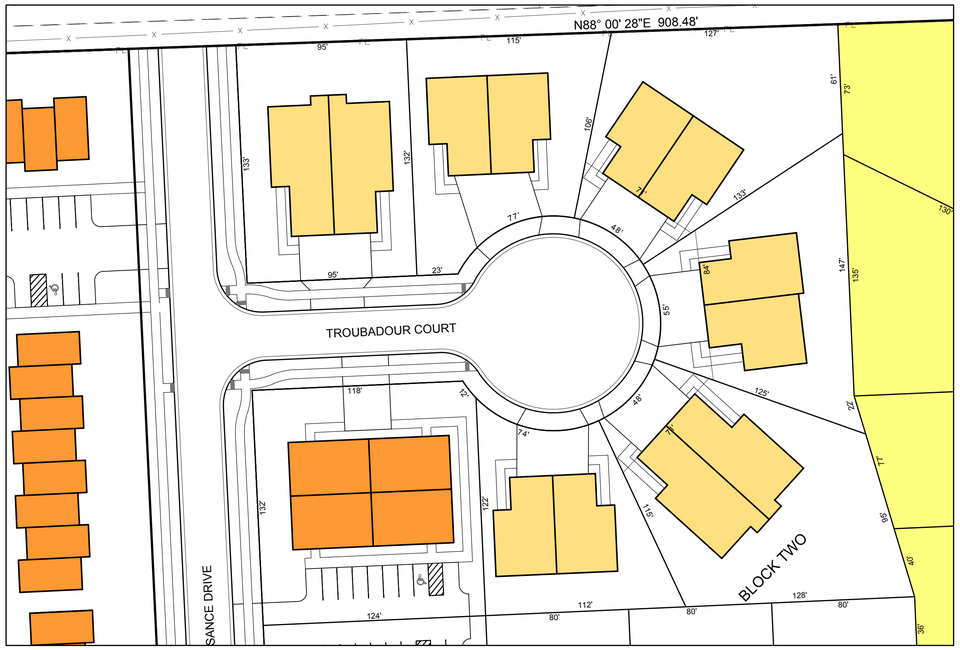
Civil Engineering
Landscape Architecture
Community Planning
Surveying

1310 Wakarusa Drive
Lawrence, Kansas 66049
tele (785)843-7530
fax (785)843-2410
email: info@landplan-pa.com
Web www.landplan-pa.com

SCALE: 1" = 100'

100 50 0 100 200

N

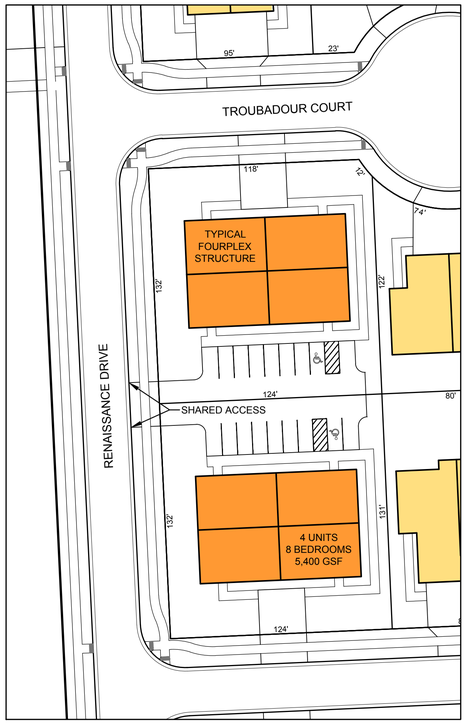


TYPICAL DUPLEX LAYOUT

BUILDING SUMMARY:

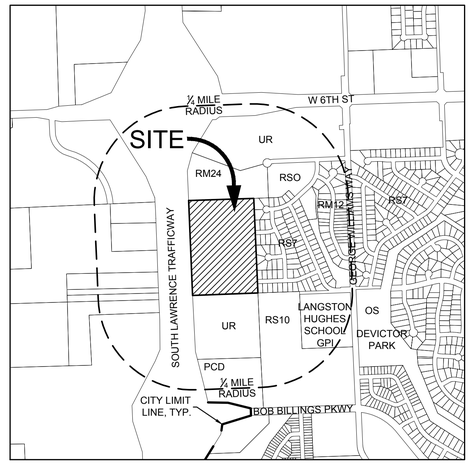
PRODUCT TYPE	QUANTITY	UNITS	BEDROOMS
SINGLE-FAMILY HOME	29	29	N/A
DUPLEX	25	50	N/A
FOURPLEX	6	24	48
ROW HOME	62	62	124

***GROSS SUBDIVISION UNIT DENSITY = 165 UNITS / 27.564 AC = 5.986 UNITS/AC**



TYPICAL FOURPLEX LAYOUT

LOCATION MAP:



GENERAL NOTES:

1. OWNER: LANGSTON HEIGHTS, LC, 611 SAINT ANDREWS DRIVE, LAWRENCE, KANSAS 66047
2. LAND PLANNER/ CIVIL ENGINEER/ SURVEYOR: LANDPLAN ENGINEERING, P.A., 1310 WAKARUSA DRIVE, LAWRENCE, KANSAS 66049
3. EXISTING ZONING: UR
4. PROPOSED ZONING: RS7, RM12, RM12D
5. EXISTING LAND USE: VACANT
6. PROPOSED LAND USE: DETACHED DWELLING, DUPLEX, ATTACHED DWELLING
7. THE SUBJECT PROPERTY DOES LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY FLOOD INSURANCE RATE MAP (FIRM); PANEL NO. 154, MAP NUMBER 20045C0154D, DOUGLAS COUNTY, KS., BEARING AN EFFECTIVE DATE OF AUGUST 5, 2010.
8. THIS SITE IS DESIGNATED LOW-DENSITY RESIDENTIAL IN HORIZON 2020, DATED 7/1/11, AND THE WEST OF K-10 PLAN, DATED 1/7/08.
9. LOTS DEVELOPED WITHIN THE SLT/K10-TC SHALL BE DESIGNED TO COMPLY WITH THE MINIMUM DESIGN STANDARDS OF SECTION 20-307(c)(1).

ZONING SUMMARY:

RS7
GROSS AREA: 401,026 SF / 9.206 AC
RIGHTS-OF-WAY: 101,644 SF / 2.333 AC
NET AREA: 299,382 SF / 6.873 AC
TOTAL LOTS: 29
AVERAGE LOT AREA: 10,324 SF / 0.237 AC
MINIMUM LOT AREA: 8,886 SF / 0.204 AC
MAXIMUM LOT AREA: 17,635 SF / 0.405 AC
TOTAL UNITS: 29
UNIT DENSITY: 4.219 UNITS/AC

RM12D
GROSS AREA: 362,991 SF / 8.333 AC
RIGHTS-OF-WAY: 72,503 SF / 1.664 AC
NET AREA: 290,488 SF / 6.669 AC
TOTAL LOTS: 25
AVERAGE LOT AREA: 11,620 SF / 0.267 AC
MINIMUM LOT AREA: 9,552 SF / 0.219 AC
MAXIMUM LOT AREA: 15,997 SF / 0.367 AC
TOTAL UNITS: 50
UNIT DENSITY: 7.497 UNITS/AC

RM12
GROSS AREA: 436,678 SF / 10.025 AC
RIGHTS-OF-WAY: 92,205 SF / 2.117 AC
NET AREA: 344,473 SF / 7.908 AC
TOTAL LOTS: 7
AVERAGE LOT AREA: 49,210 SF / 1.130 AC
MINIMUM LOT AREA: 16,329 SF / 0.375 AC
MAXIMUM LOT AREA: 242,521 SF / 5.568 AC
TOTAL UNITS: 86
UNIT DENSITY: 10.875 UNITS/AC

***GROSS SUBDIVISION UNIT DENSITY = 165 UNITS / 27.564 AC = 5.986 UNITS/AC**

Civil Engineering
Landscape Architecture
Community Planning
Surveying

Landplan Engineering, P.A.
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Lawrence, Kansas 66049
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Web www.landplan-pa.com

Lawrence, KS • Kansas City, MO • Columbus, OH
The Woodlands, TX • Farmington Hills, MI

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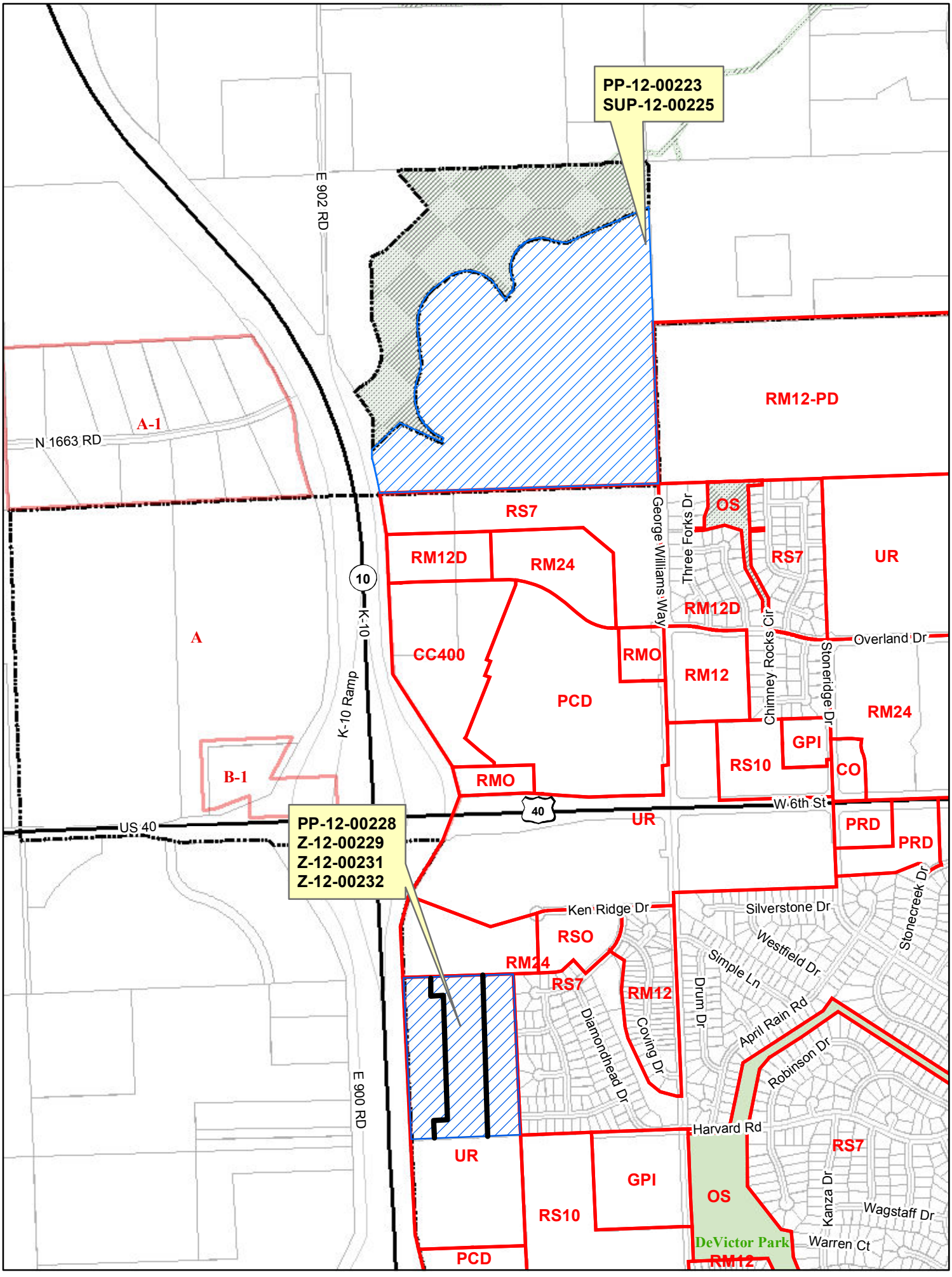
CONCEPT PLAN
LANGSTON HEIGHTS ADDITION, CITY OF LAWRENCE DOUGLAS COUNTY, KANSAS

REV	DATE	DESCRIPTION

DATE: 11/29/12
PROJECT NO.: 20121218
DESIGNED BY: TAH/LPE
DRAWN BY: BS
CHECKED BY: CMS

ISSUE | SHEET NO. 1 OF 1 SHEETS

FILE NAME: Q:\20121218\CAD\Concept-Exhibits\CONCEPT.dwg LAST SAVED BY: Brian Sturm SAVED DATE: 11/29/2012 2:55 PM PLOTTED: 11/29/2012 2:55 PM


PP-12-00223
SUP-12-00225
PP-12-00228
Z-12-00229
Z-12-00231
Z-12-00232
E 902 RD
N 1663 RD
A-1
A
B-1
RM12-PD
RS7
RM12D
RM24
CC400
PCD
RMO
RM12
UR
OS
GPI
RS10
CO
PRD
RSO
George Williams Way
Three Forks Dr
Chimney Rocks Cir
Stoneridge Dr
Overland Dr
W 6th St
US 40
K-10
K-10 Ramp
E 900 RD
Ken Ridge Dr
Silverstone Dr
Westfield Dr
Simple Ln
Drum Dr
April Rain Rd
Robinson Dr
Stonecreek Dr
Diamondhead Dr
Coving Dr
Harvard Rd
Kanza Dr
Wagstaff Dr
Warren Ct
DeVictor Park

November 28, 2012

Sandra Day, AICP City/County Planner, City of Lawrence

RE: Landplan Engineering Informational Session December 3, 2012
Langston Heights Development

As a member of the Diamonhead subdivision (6th and George Williams Way), I and over 50 households in our neighborhood are concerned by the recent application to change the Langston Heights development. When our family purchased into our neighborhood our builder, Neal Ezel, told us the design of the subdivision to the west would be low-density housing similar to ours. I want to thank the Lawrence Planning Department for their hard work in developing our neighborhoods and their insightful design of planned unit developments. So I hope you will understand my concerns for changes in the current plan.

The 270% increase in family units to the new Langston Heights subdivision creates an increase in pressure on property values, traffic, children's safety and schools in our neighborhood. see below*

The Lawrence Planning Department has laid out a solid plan for adding a single-family Langston Heights Subdivision into the existing Diamondhead Subdivision creating a flow of single family homes into an existing single family neighborhood. The addition of high-density development causes high density traffic to flow into the existing low-density neighborhood. The Lawrence Planning Department exercises good design in neighborhoods that include high-density developments close to main arteries to the city and single family low-density located on the interior of a development. The revisions to Langston Heights do not show good design.

It is with great concern for our young children, our property values and the quality of our neighborhood that we ask you to defer from the revisions to Langston Heights Development.

Sheri and Mark Crabtree
820 Andrew John Drive

*Using the "Preliminary Plat Langston Heights" and the "Concept Plan Langston Heights" document, a summary of the change in units follows:

Number of Lots Block	Preliminary	Concept	
1	1	62	
2	21	36	
3	24	48	
4	4	8	
5	3	3	
6	8	8	
	61	165	270.49% increase

December 03, 2012

Ms. Day,

I'd like to take the opportunity to express my concerns about the proposed rezoning of the Langston Heights area in West Lawrence. My chief concern with the rezoning of the area is the multi-family units that are proposed at the site.

My family currently resides at 6201 Crystal Lane which is in the Diamondhead Subdivision. We have lived at this location for nearly two years and have thoroughly enjoyed the quality of life in our home. After much domestic debate we chose this location to build our new home based on a variety of different factors. First, the neighborhood is in a very close proximity to Langston Hughes School where our children would be afforded the opportunity to walk safely to school on a daily basis. Second, we researched the original platting of the area west of our home and it was all originally platted and zoned for what we thought was low-density residential dwellings. Finally and most importantly, the character and makeup of the neighborhood itself drew us to this area. As soon as we selected our site we were invited and included in neighborhood picnics, parades, parties and Easter-egg hunts. Our children routinely play with other neighborhood children in the area and are constantly riding bicycles and crossing streets in the neighborhood.

I feel the rezoning of this area to include multi-family living will dramatically increase the amount of through traffic flow through our neighborhood streets. The main traffic flow of these 165 units will run past many residences and sidewalks that children utilize on a daily basis. I don't believe rezoning this area would contribute to the greater good of the area or the community. I would strongly disagree with anyone who believed otherwise.

I'd like to comment on a couple of points:

First, when the area was rezoned from Agriculture District (A) to Duplex – Residential District (RM-D) in 2005 there was concern expressed from Planning Commissioner Haase that he would support the motion but was "losing his appetite for RM-D zoning because it had been abused in other parts of the community." Was Commissioner Haase a visionary as to what was on the horizon for this area with his comments? I would agree with Commissioner Haase that the placement of muti-dwelling living with the only means of access through a residential neighborhood is an abuse of what those neighborhoods are designed to provide. The traffic that will come with the rezoning will diminish the quality of life and safety of those in our neighborhood. In that very same planning meeting in 2005, Betty Lichtwardt with the League of Women Voters expressed her concern for pedestrian access to the school. I feel her concerns voiced in 2005 echo loudly today.

Second, I do not feel that rezoning an area to include 165 multi-family units with the only access being residential, neighborhood streets is a common practice in the city. With the current proposed plan of the area, the only access to these units would be on Palisades Drive or Crystal Lane. The precedent of

accessing multi-family units through established residential neighborhoods is not one I am aware of at any other area of the city. Generally, it is my understanding that higher density zoned areas would be zoned close to larger artery and collector streets. This planned area would be close to neither. This plan would also direct this traffic through a residential area that is frequented by our children whom walk to school daily.

Finally, I struggle with the necessity for the re-zoning of areas in Lawrence to multi-family if there are any concerns on what effects it may have on the surrounding residents and neighborhoods. A recent article in the Journal-World noted a developer whom recently pulled plans to construct an apartment complex off of 31st Street. The developer was quoted "We were very excited about that market at one time, but we have tempered that excitement." According to this developer, there is capacity in the muli-family living market in city. Why would it be in the best interest of city to re-zone the area where is could have an adverse affect on an already thriving neighborhood community? I unwaveringly feel this development would have an adverse affect on the neighborhood in which we reside.

I want to be clear that I understand the importance of thoughtful expansion and development of neighborhoods in our community. I however believe that multi-family living units should be concentrated in areas that are easily accessible to major thoroughfares. Rezoning this area would accomplish just the opposite. The amount of traffic this action will generate would be a danger to the residents and children of our neighborhood.

I do appreciate the opportunity to comment on this issue. I would ask that you please include these comments for the Planning Commission to review. Thank You for your time.

Sincerely,

Ryan, Tiffany, Lillian and Jackson Fike

6201 Crystal Lane

From: Rick Hird [mailto:rhird@petefishlaw.com]
Sent: Thursday, November 29, 2012 8:21 AM
To: Matt Gudenkauf
Cc: Scott McCullough
Subject: RE: Langston Heights Rezoning

Dear Matt,

This will confirm that I have received and read your letter regarding the zoning of Langston Heights. I truly appreciate your input in the process. I have copied Scott McCullough on this email so he can circulate your email to the Staff and all of the Planning Commissioners.

Rick

Richard W. Hird
Petefish, Immel, Heeb & Hird, LLP
842 Louisiana
P.O. Box 485
Lawrence, KS 66044
785-843-0450
785-843-0407 fax

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From: Matt Gudenkauf [mailto:mattgudenkauf@gmail.com]
Sent: Wednesday, November 28, 2012 8:52 PM
To: Rick Hird
Subject: Langston Heights Rezoning

Dear Richard:

We are writing to ask you to consider deferring the rezoning of Langston Heights (Parcel west and south of Diamondhead) from UR to RM12 and RM12D in order to provide for a more agreeable development. The increase in traffic, decreased in property values and changes to the original 2006 plat are issues that need to be addressed.

The new plan proposal is to build a total of 165 housing units on 61 lots. With only 2 streets (Crystal Lane and Palisades Drive) servicing current and additional units, traffic will be heavier than originally planned for these two streets. This plan shows this with the numerous traffic calming devices located on the expanded Crystal Lane. Crystal Lane and Palisades were originally developed as a lead in to other single family housing, not medium density apartments. Typically, medium density housing is at the front of subdivisions, leading farther in to low density housing, this proposal is the exact opposite of that. Palisades already has issues on school days due to drop off and pick up from Langston Hughes Elementary School; it can't handle the additional traffic flow. Even when the future "proposed" access to 15th street and George Williams Way get added, traffic from this development will still be pushed through low density housing in nearly every direction. The Horizon 2020 plan specifically discourages this action with numerous aspects outlined in the bottom of this letter.

Should this plan be approved, due to the direct impact of the medium density housing, property values in the Diamondhead subdivision will decrease. When we built our home back in 2008, we knew additional low density housing would soon follow to our west. This was based on the Planning Commission approval in January 2006 of single family homes in the Langston Heights area. We never would have built our new home

in this location had we known apartments and duplexes were to be built, and future potential home owners will feel the same way. We all based our decisions off this approved 2006 zoned plat for single family homes.

As you will see at the December 10th meeting, the Diamondhead subdivision is a unique neighborhood with a large population of kids. Traditions such as our July 4th parade, Easter egg hunts, neighborhood cookouts, and the general family feel among neighbors will be lost if this proposal passes.

Please see to it that this proposal does not go any further without modifications. We are not against the expansion of our subdivision to the west, we are against the medium density zoning; we would happily approve of low density zoning, which would expand on this great neighborhood.

Thank you for your time

Matthew and Erica Gudenkauf
6204 Crystal Lane
Lawrence, KS 66049
(785)830-9802

Horizon 2020 Plan that relate to this proposal:

Low-Density Residential Land Use

GOAL 3: Neighborhood Conservation (page 5-15, 5-16)
- Policy 3.3: Encourage Compatible infill Development
- Policy 3.4: Minimize Traffic Impact through Neighborhoods

GOAL 4: Criteria for location of Low-Density Residential Development (page 5-17)
- Policy 4.2: Protect Areas Planned for Low-Density Development

GOAL 5: Create a Functional and Aesthetic Living Environment (page 5-19, 5-20)
- Policy 5.5: Ensure Convenient and Logical Street/Road System Design

Medium and higher Density Residential Land use

GOAL 1: Criteria for Location of Medium and Higher Density Residential Development
- Policy 1.3: Identify Suitable Sites (page 5-23)
- Policy 1.5: Ensure Adequate Infrastructure (page 5-24)
- Policy 1.6: Consider Access (page 5-24)
- Policy 1.7: Adhere to Designated Land Uses (page 5-24)

GOAL 2: Create a Functional and Aesthetic Living Environment
- Policy 2.6: Consider Residential Density and Intensity of Use (page 5-26)

GOAL 4: Transportation Considerations (page 5-30, 5-31)
- ALL OF THEM

November 27, 2012

Sandra Day, AICP
City/County Planner
6 East 6th street
Lawrence, KS 66044

RE: Langston Heights Addition
Planning Commission Agenda Items on December 10, 2012

Sandra,

We are writing to express our concerns associated with the four items on the Planning Commission agenda for December 10th for the Langston Heights development. We are responding to the material that has been currently submitted to the City for the application (application, plat, concept plans, etc.) The applicant and developer are holding a meeting with the neighborhood, but have scheduled this meeting (December 3rd) with limited to no time to be able to respond prior to the issuance of the staff report. We are submitting this prior to that meeting in order to be reviewed prior to the completion of the staff report and for inclusion on the packet to the Planning Commission.

The comments below represent the views and opinions of many within our neighborhood concerning the proposed zoning request and preliminary plat for the Langston Heights Addition. While many of us would welcome the proposed land to remain an open area, we all recognized that it would be developed as an extension of our neighborhood. Many of us, and those specifically on Palisades Drive and Crystal Lane, reviewed the current plans for this parcel of land prior to purchasing our home. While often there is limited knowledge of undeveloped area adjacent to a development, this was not the case with our neighborhood. There was a plat developed and approved by the Planning Commission and City Commission for this parcel of land. While the plat was never signed or recorded, it still provided a glimpse to the intentions of the land owner of their vision for this parcel of land.

We have attempted to address each specific agenda item individually but many of these issues crossover between items. Where this occurs we have indicated reference notes as appropriate.

PP-12-00228 Preliminary Plat for Langston Heights Addition: There are many concerns with the proposed plat and the proposed layout and land uses. Many of these concerns could be addressed should the land to the north and south of the proposed area be developed prior to or at the same time as this development. Obviously this is unrealistic to assume and the plat must be considered as development would not occur for some time to the north or south. Items of note include:

1. This is the second plat filed for this parcel of land. The first was approved in early 2006. This plat indicated 67 single-family and 18 duplex residential lots. While it is our understanding that is was never fully executed, it still provides reference to an alternate concept by the same land owner for this land.
2. Horizon 2020 indicates this area to be low-density residential. The application indicates that the Lawrence future land use map does not specifically designate a land use for this property. This is incorrect. The Nodal Plan for the Intersection of West 6th and KS 10 address this area as low-density. We understand that the project, as it relates to density, is using the entire land area to calculate the number of units per acre. We would caution the continued use of this method as it has recently caused conflicts in other areas of our community.

3. The plat indicates the extension of two local residential streets (Palisades Drive and Crystal Lane.) These two streets will be the only access point into the new development. Section 20-204 (e) of the Land Development Code indicates that "RM Districts are intended for implementation along Residential Collector, Collector and some Arterial Streets." Neither of these streets meets this requirement.
4. Renaissance Drive in the 2006 plat, the 2012 plat draft and on the concept plan (submitted by the applicant) all have indicated that this street would be a collector street. The current plat has changed this street to a local street. Should the RM zoning designation remain then the district should be accessed in accordance to the Development Code and Renaissance Drive shall remain as a collector street.
5. Renaissance Drive appears to be the proposed "connector" street from George Williams (via Ken Ridge) to the north and Bob Billings Parkway to the south. The use of this street in this manner is logical and would serve as a residential collector street for these neighborhoods and future development. As noted above though, it is unknown when this street would be completed and until such time, would not serve as a collector street. Regardless, this street should remain as a collector or residential collector street,
6. Should the RM zoning designation remain then a condition to the plat should be added that, until such time that Renaissance Drive is completed to either the north or the south, the RM zoning district should **not** be allowed to be developed. This would allow the collector street to be developed as required by the development code.
7. The request for variance on the sidewalks should be denied. While regulation may have changed from the time the adjacent land was developed and sidewalks were not installed on both sides of the local streets, this should not prevent the owner from providing walks per the Development Code. Sidewalks add to the "live-able" character of a neighborhood. In addition, as a neighborhood with many young children, sidewalks on both sides of a street eliminate the need to cross the street as often. Most of the children in this neighborhood enjoy the opportunity to walk to elementary school, and with the increased vehicle traffic of the development, the sidewalks on both streets would add to the safety of the neighborhood.
8. A traffic calming device, similar to the roundabout at Crystal Lane and Big Sea Drive, should be installed at Palisades and Big Sea Drive. While there is a speed hump in the mid block of Palisades this device does not appear to reduce the speed of vehicles in the neighborhood on this street or the adjacent streets.

Item Z-12-00220: Rezone to RM12D

1. RM Districts are intended for implementation along Residential Collector, Collector and some Arterial Streets. As noted above, neither Palisades Drive nor Crystal Lane qualifies as these street types.
2. The medium density zoning will be accessed through an existing low-density residential area and a proposed low-density residential area. There are no recent developments in Lawrence where this occurs. All other RM12 zoning is accessed from an adjacent collector street and not through a lower density residential neighborhood on a local street.
3. This zoning will pre-determine a portion of the land use to the south. The RM12D zoning adjacent to the southern edge will pre-determine RM12D zoning adjacent. The application specifically states, in Item 2, that this zoning change will develop "precedent for adjacent vacant properties." It can only be assumed, given the relationship of the developer of this parcel of land to the land owner to the south, that it is the intention to continue medium density residential to the south. This is counter to the future land uses indicated in Horizon 2020 for low-density residential.
4. Item 3 in the application indicates that the rezoning "will pose no detrimental effect to the nearby properties." This statement is unfounded. The increased traffic with medium density zoning and the unknown level of quality of the development could directly impact the adjacent property uses and land values. Unless the owner proposes restrictions to the type of development that could occur, materials

5. If this rezoning is to be considered in concert with the other two rezoning applications then a Planned Unit Development (PUD) should be required to ensure the type of development proposed with the plat is the actual development.
6. Item 6 of application indicates that "denial of this application will perpetuate the vacancy of this land." This statement is unfounded. This is the second plat for this portion of land by the same developer. There are obvious multiple uses for this parcel of land. Denial will not perpetuate vacancy. It is obvious that this parcel will be developed, but the question is whether the medium density zoning is appropriate.

Item Z-12-00231 : There is no opposition to Item Z-12-00231 to rezone land from UR to RS7. This land change is the expected zoning for this parcel of land considering the existing adjacent land uses. This zoning change is also expected as it represents the intention of a plat developed by the same land owner, Langston Heights L.C. in 2006. This plat was a document many of us referenced prior to purchasing our home.

Item Z-12-00232: Rezone to RM12

1. Many of the issues for this development are identical to the issues associated with the RM12D rezoning. Please refer to items 1, 2,4,5, and 6.
2. This zoning will pre-determine a portion of the land use to the south. The location of Renaissance Drive and its connection to the South, along with the RM12, will predetermine the land south of this development and west of Renaissance Drive to continue the RM12 or higher zoning designation. This, coupled with the RM12D predetermined zoning, will raise the density from low density residential to medium-density residential. This is counter to the indication of the Horizon 2020 land uses for this area. The application specifically states, in Item 2 that this zoning change will develop "precedent for adjacent vacant properties." It can only be assumed, given the relationship of the developer of this parcel of land to the land owner to the south, that it is the intention to continue medium density residential to the south. This is counter to the future land uses indicated in Horizon 2020.
3. Item 3 in the application indicates that the rezoning "will pose no detrimental effect to the nearby properties." This statement is unfounded. The increased traffic with medium density zoning and the unknown level of quality of the development could directly impact the adjacent property uses and land values.

We apologize for the length and depth of this letter, but the quantity of items to be considered and the complexity of each issue requires a proper response. We look forward to being able to hear from the applicant and owner at their presentation next week and will respond accordingly should the situation dictate.

We hope that you consider these issues prior to the completion of the staff report and, as previously noted, include this correspondence in the packet to the Planning Commission.

Respectfully submitted,

Andy and Debbie Pitts
6212 Palisades Drive

From:	Michael Whittlesey
To:	Sandra Day
Subject:	Langston Heights
Date:	Thursday, November 29, 2012 10:41:55 PM

Dear Sandra:

I am writing in opposition to the possible re-zoning of the Langston Heights development from a low density plan to a high density plan. The ramifications of this re-zoning would drastically effect the entire community and safety of the Diamondhead Development and the Langston Hughes Elementary school. The increase in traffic on Crystal lane and Palisades Dr that would come with the high density development would be approximately an additional 400 cars on streets that directly feed an elementary school. The majority of the residence in the Diamondhead Development built in the area under the knowledge that the original zoning of the Langston Heights was a low density plan. We all built in the area with the idea that it would remain a safe place to raise our children and with easy and safe access to Langston Hughes Elementary. Palisades Dr access to Diamondhead Dr is the main route that parents take daily to drop of their children to LH Elementary. Diamondhead Dr has become a one lane road as parents, in not only the Diamondhead Development but from other neighborhoods, use the access that Diamondhead Dr has to Langston Hughes Elementary to drop of their children. The design and road infrastructure of the Diamondhead Development was not built to handle the additional increase in traffic proposed with the re-zoning of the Langston Heights Development to a high density design. The infrastructure of the road might be able to handle the increase traffic but the density of housing projected in the traffic planning of the roads was for single family homes in the adjacent land use. Diamondhead development has sidewalks on only one side of the road as the design of the neighborhood and future development would not have the traffic load that would require sidewalks on both sides of the road. We all knew the Langston Heights would be developed but as a low density project with additional single family homes. Please consider the safety, quality of life, and infrastructure ramifications to all three communities Langston Heights, Diamondhead and Langston Hughes Elementary that this re-zoning would cause.

My wife and most in our immediate community actually commute out of Lawrence daily. However, we choose to build in this development because of the current residence, the sense of community, and the safety of the current planning of this area. We looked into the future planning of this development and where told it was zoned as single family to continue the continuity of the current development. As parents of 2 young children this was the ideal neighborhood considering safety, community togetherness, other children to play with and the closeness of schools. Rezoning this plot would drastically impact the safety of all these children playing in the area.

Thank you for your time and service.

Michael Whittlesey
6209 Crystal Lane
Lawrence KS

Sent from my iPad

Sandra L. Day, AICP, *City/County Planner*
Planning Division
P.O. Box 708, Lawrence, KS 66044
Office (785) 832-3161 | Fax (785) 832-3160
RE: Land plan Engineering Informational Session December 3, 2012
Langston Heights Development
December 5, 2012

Dear Sandra Day:

As a member of the Diamondhead subdivision, my husband and I are very concerned by the recent application to change the Langston Heights development. When we purchase our home, we were told that the design of the subdivision to the west would be low-density housing similar to ours. We want to thank the Lawrence Planning Department for their hard work in developing our neighborhoods and their insightful design of planned unit developments. We hope you will understand our concerns for changes in the current plan.

The 270% increase in family units to the new Langston Heights subdivision creates an increase in pressure on property values, traffic, children's safety and schools in our neighborhood. We feel that the proposed zoning does not guarantee any specific types of building. We feel left in the dark with the current proposal. We want to know if this design has worked well in other neighborhoods in Lawrence. If it has not, why our neighborhood should be a test case for what appears to be bad design.

We are not against the expansion of our subdivision to the west, we are against the medium density zoning; we would happily approve of low density zoning which would expand on this great neighborhood.

It is with great concern for our young children, our property values and the quality of our neighborhood that we ask you to defer from the revisions to Langston Heights Development.

Please include our letter in the Langston Heights Planning Packet!

Thank you very much for your time and consideration!

Sincerely,

Xiufen Bi and Gary Jiang
824 Diamondhead Dr.

From: Andrew Pitts [APitts@TreanorArchitects.com]
Sent: Wednesday, December 05, 2012 12:52 PM
To: Scott McCullough
Cc: markandsheri; lhanna@HNTB.com; ryanlfike@gmail.com; Boedeker; carisa@freshsound.com; tiffanyfike@gmail.com; donherbel@att.net; mattgudenkauf@gmail.com; dltate180@gmail.com; Bradley R. Finkeldei; Crabtree, Mark A.; dustin@freshsound.com; ahanna356@gmail.com; Home; Erica Gudenkauf; bigalcowles@gmail.com; lindalh2009@att.net; nate@lawrencewesleyan.com; shubhshar@gmail.com; mcsparky45@yahoo.com; thepitts@sunflower.com
Subject: December 10th Planning Commission: Langston Heights Agenda Items

Scott-

On behalf of our family and numerous others within the Diamondhead Neighborhood we are requesting consideration of moving Agenda Items No 5A, 5B, 5C and 5D to earlier in the Planning Commission meeting.

We ask this in order to accommodate the members of our neighborhood that wish to speak on these items. A significant portion of our neighborhood are families with children and a significant portion of these children are elementary or younger. While we have coordinated babysitting for neighborhood families at neighbors homes, we have parents that will need to leave to be able to ensure our children are in bed at a reasonable hour, especially on a school night.

This was best illustrated at the public meeting held this last Monday evening at Langston Hughes Elementary school. The meeting started at 7pm and we had approximately 50 neighbors in attendance. By 8pm many needed to leave to be able to attend to their children's needs.

We recognize the importance of the agenda items prior to this item and the amount of public or commission discussion that may occur. But we also believe that it would be a disservice for those that would like to address this item should the discussion linger on the later in the evening.

I want to thank you for your consideration on this item and look forward to the meeting on Monday.

Sincerely,

Andrew Pitts

December 6, 2012

Sandra Day, AICP
City/County Planner
6 East 6th street
Lawrence, KS 66044

RE: Langston Heights Addition
Additional Correspondence for
Planning Commission Agenda Items on December 10, 2012

Sandra,

Please accept the following correspondence to supplement our prior letter. This letter shall address items addressed at the neighborhood meeting held by the applicant and developer and the recently issued staff report.

On December 3rd, the applicant and developer held a neighborhood meeting at Langston Hughes Elementary School to address this proposal. Approximately 50 people were in attendance, and a majority of these were residents of the Diamondhead neighborhood. It was a very spirited discussion of the issues. There were many comments by the developer of opening a dialogue with the neighborhood of their concerns and issues with this proposal. We all welcomed this proposition. From the start of this process we have all supported development; the concern has, and continues to be, the type of zoning that is proposed. Unfortunately no dialogue has occurred.

Repeatedly the developer spoke of involving the neighborhood in decisions. They indicated the neighborhood would have a say in covenants associated with the multi-family. Unless this discussion occurs prior to the re-zoning then there would be not guarantee of compliance with this statement. Often the applicant and developer contradicted themselves in statements throughout the evening.

Items of note include:

1. The applicant continually stated that this development was in compliance with Horizon 2020. This caused confusion since their application stated that the future land use map and Horizon 2020 did "not specifically designate a land use for the subject property." The staff report correctly identified that the West 6th / K10 Nodal Plan addresses this area. But the staff report seems to interpret the document broadly, only referencing certain sections and failing to reference others.

2. The Nodal plan specifically addresses the Diamondhead and Langston Heights area. The nodal plan indicates that "this intersection is envisioned as a multiple-use activity center of low-, medium-, and high-density residential development; commercial, office, research, and industrial activities; public, semi-public, and institutional uses; and parks, recreational, and green/open space opportunities." It further states for the Southeast Corner, that the corner provides an opportunity for a variety of residential, commercial, and office activities. This nodal plan "also designates the majority of its residential uses appropriate for low-

density, **single-family** neighborhoods with a **small** portion considered appropriate for medium-density residential development. This medium-density development serves as primary buffer between single-family neighborhoods and commercial activities." It further states that "This nodal plan anticipates more low-density, single-family residential development in the areas surrounding this corner and therefore much of this corner was designated appropriate for similar development to maintain compatibility of surrounding land uses." The staff report quotes specific sections but fails to address the statement "appropriate for low-density, single-family neighborhoods." It only constantly quotes "a mixture of housing types… should be encouraged." We do not dispute the need for a mixture of housing types, but the question is whether this proposal is the correct mixture or the correct location? The developer and applicant admitted at the neighborhood meeting that this type and mix of development "has not been tried or developed in Lawrence." Why is this established successful neighborhood the place to try this experiment?

3. The staff report also discounts the traffic issues associated with the increased density that have been addressed by the neighborhood and accepts the traffic report by its "data and numbers". City development documents discuss the required need for neighborhood connectivity. It states that "streets within the various neighborhoods of this area shall be connected to each other. …Connected streets provide multiple route options for vehicles which can help eliminate the choke points that are created when cars are forced onto a limited amount of streets that carry traffic in and out of neighborhoods." We would concur with this statement. Without the complete development of the north/south road (Renaissance Drive) then all of the development traffic would be forced onto two local streets. The applicant has produced a traffic study that states the traffic counts are within the City requirements. We do not argue this fact. But neither the traffic study nor the staff report takes into account the impact of a neighborhood elementary school and its dramatic impact on the traffic pattern.

   Every morning and afternoon Diamondhead Drive becomes a double loaded drop off and pick up location. Children must maneuver between parked and slowly moving vehicles. The applicant, at the public meeting, stated that this issue was a minor "blip" in the traffic study. This "blip" has been one of the primary focuses of the Langston Hughes Site Council for numerous years. The site council has pushed for additional crossing guards, no parking restrictions, a school zone, and, most recently, added a fence to help limit pedestrian traffic from Diamondhead. Issues still persist.

   With the additional traffic associated with the increased density, the poor planned lack of sidewalks on both sides of the street (and specifically on the side of the street adjacent to the school,) this "blip" could be devastating if a child is injured because of this poor planning. Traffic studies, numbers, computer simulations will not depict the accurate scenario that we see every day in our neighborhood. The additional traffic associated with the increased density will compound this issue. As local traffic avoids the Diamondhead / Harvard round-a-bout at various times of day, all traffic will be focused to Ken Ridge Drive. This will create a significant choke point at this intersection.

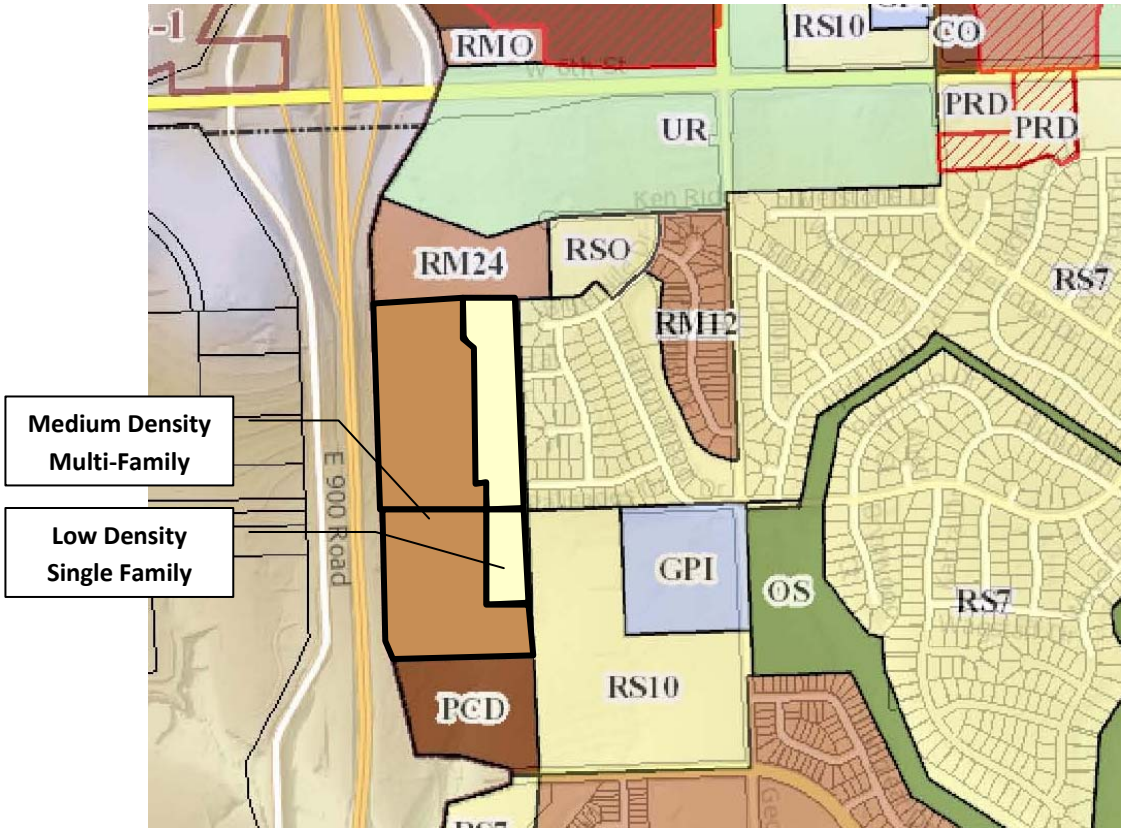
4. Much in the staff report speaks of the desire of a mix of housing types within each neighborhood. We would support this guiding principal. The current zoning to the east of the Diamondhead development is an excellent development of RM12 Duplex homes. To the north of the neighborhood is existing zoning of RM24. This will provide a transition from the RS7 single family development to the future planned office / commercial development to the north. It has been discussed by the applicant and in the staff report of the need to "buffer" K10 with higher density multi-family housing. It has been discussed by the applicant the need to buffer the RM24 to the north. Other solutions are viable solutions to this proposal and examples can be found in the West of K10 Plan.

The staff report suggests that a variety of "step down" developments are required to appropriately transition the single-family development to the north and the west. As one of our most recent planning documents, the West of K10 Plan provides current planning ideas and guidelines for all new development in this area. It presents the concepts of "Traditional Neighborhood Design" (TND) versus the conventional land use development concepts. The document speaks about the challenges that arise when placing new developments adjacent to existing development. "Compatible land uses should be located adjacent to each other…" This document also presents concepts on buffering the K10 corridor counter to the proposed development. The concept illustrates an "outer" road concept with a green space to buffer commercial and residential development to K10. Per the SLT/K10 Transportation Corridor Overlay, this green space would be landscaped to screen the residential development. This method, a part of the 2006 plat, should be explored prior to acceptance of this request.

5. The applicant states in the application that the approval of this zoning will "set a developmental precedent for adjacent vacant parcels." The adjacent parcels indicated refer to the land to the south of the proposed development. Since the applicant specifically references this parcel and indicates that this will set a precedent, then the West of K10 Plan should be used as a guiding document as it addresses this parcel of land. This plan, adopted in 2009, is one of the latest planning documents and combines many of the current planning guidelines. Again, this document indicates the land south of the proposed development to be low-density development.

   As the applicant has indicated, the proposed development will be setting a precedent for future land uses. Should this be the case, then a majority of the land uses to the south will be predetermined to be multi-family, medium density land uses (see map below). This is supported by the proposed location of the Renaissance Drive as the applicant would more than likely propose multi-family between the road and K10. The proposed location and its connection point to Bob Billings will encourage medium density development. The map below begins to indicate the pre-determined extent of the southern land and, the quantity of medium density zoning, and is counter to the current adopted land use documents for this area.

The applicant and developer indicated in the neighborhood public meeting that they are currently in negotiations to control the use of the southern land. This statement reinforces the land uses will be pre-determined with the approval of the northern land uses.



6. Finally, the developer continually spoke at the meeting that this was "the only financially viable project for this land." This argument has been tried and failed before in Lawrence. The excuse of their inability to "make a project financially viable" should not be an excuse to discount the approved planning guidelines and documents. We all recognize the economic climate that our City and area have been in the last few years, and we would welcome a change. But this should not be an excuse to discard our planning principals and develop whatever the developer wants on this land.

We are not opposed to development. We encourage and want development on this land. The correct type of development will enhance our neighborhood and community. The correct type of road network, with connections to the north and south, would enhance and correct traffic issues. We would welcome an actual dialogue with the applicant and developer to discuss a compromise development.

We request, on all items associated with the Langston Heights Development, a deferral so that a dialogue may occur between the City, Developer, Applicant, and Neighborhood.

Respectfully submitted,

Andy and Debbie Pitts
6212 Palisades Drive

Diamondhead Residents Opposed to Langston Heights

Presented to the

City of Lawrence
KANSAS

December 10, 2012

History

The residents of the Diamondhead neighborhood in west Lawrence have united in our opposition to the rezoning required for proposed Langston Heights development. Some 35 families representing more than a hundred residents have signed on to lobby the Planning Commission.

The following pages detail our concerns. We start with our general belief that the area in which we chose to build and purchase our homes was in a single family neighborhood. The area's first plat, approved in 2006, indicated 67 single-family and 18 duplex residential lots. The new application proposes a 94% increase in dwelling units from the initial 2006 plan due to 24 four-plex units and 62 row houses.

The construction as proposed would require egress through two residential streets - Palisades Dr. and Crystal Ln as Renaissance Dr. would not be completed until some unknown future date. The developers themselves recognized that this would be the first instance in Lawrence where non-residential traffic would be forced through a residential area. Brian Sturm, spokesman for Landplan Engineering, likened it to an experiment at the December 3, 2012 informational meeting. The residents of this neighborhood would prefer not to be test subjects in a developer's experiment, nor should the Planning Commission allow that to be the case.

Horizon 2020

Brian Sturm in addressing the community, repeatedly referenced Horizon 2020 as justification for the proposed rezoning. A review of the document shows the proposed rezoning to be in direct conflict with the comprehensive plan. Horizon 2020 indicates this area to be low-density residential, and the document twice states a need to “Protect Areas Planned for Low-Density Development”.

Landplan Engineering, P.A.

Specific policy statements within Horizon 2020 counteract the statements and design of Landplan Engineering and the other applicants:

Policy 3.4: Minimize Traffic Impact through Neighborhoods

- The site design of a residential development should accommodate multiple points of access (direct and indirect) with attention to directing vehicular traffic to and from a development to collector and/or arterial street/roads.

Policy 3.6: Promote Neighborhood Identity

- Preserve and enhance the visual and environmental character of existing neighborhoods.

Policy 4.1 Levels of Service

- "The construction of new medium- or high-density residential development or the expansion of existing medium- or higher density residential development shall not be approved until the surrounding street/road system can provide an acceptable level of service"

Policy 4.3

- "Discourage the diversion of traffic to or from medium- and higher-density residential developments onto local residential street/roads through low-density residential neighborhoods."

Horizon 2020 also calls for the sites recommended for new medium-density residential development occupy transitional locations between single-family neighborhoods and office/commercial areas. But there are not areas for commercial development for which the medium-density housing could provide a buffer.

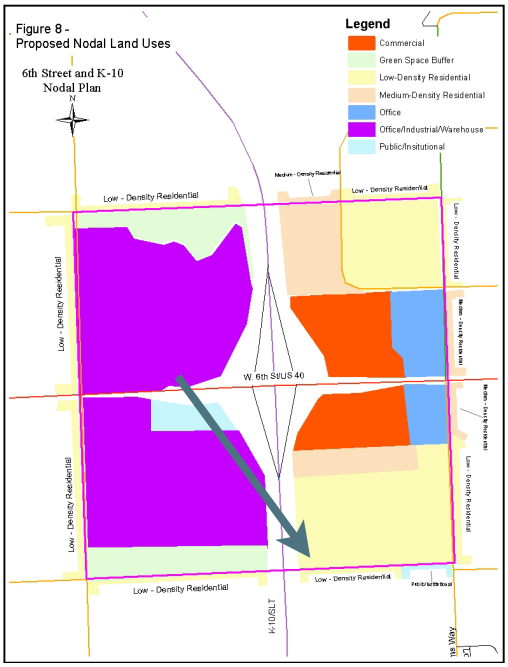
Furthermore, the Planning Commission has previously expressed concerns with this interpretation of the plan:

PC Minutes 11/16/05

“Comm. Hass indicated he would support the motion, but stated that he was losing his appetite for RM-D zoning because it has been abused in other parts of the community.”

6th & K-10 Nodal Plan

Additional planning documents address the area in more specificity. A Nodal Plan for the Intersection of West 6th Street & Kansas Highway 10 (K-10) designates the entire Diamondhead neighborhood as low density residential as detailed in the figure below. The plan defines low-density "to allow for single family dwelling, duplex, and attached dwellings but emphasis is placed on the residential uses." The zoning classifications indicate RS7 and RM12D but includes RM12 under the medium density classification.



The applicant states in the application that the approval of this zoning will "set a developmental precedent for adjacent vacant parcels." The adjacent parcels indicated refer to the land to the south of the proposed development.

As the applicant has indicated, the proposed development will be setting a precedent for future land uses. Should this be the case, then a majority of the land uses to the south will be predetermined to be multi-family, medium density land uses. This is supported by the location proposed of the street (Renaissance Drive) as the applicant would propose multi-family between the road and K10. The proposed location and its connection point to Bob Billings will encourage medium density development, which would conflict with the Nodal Plan.

West of K-10 Plan

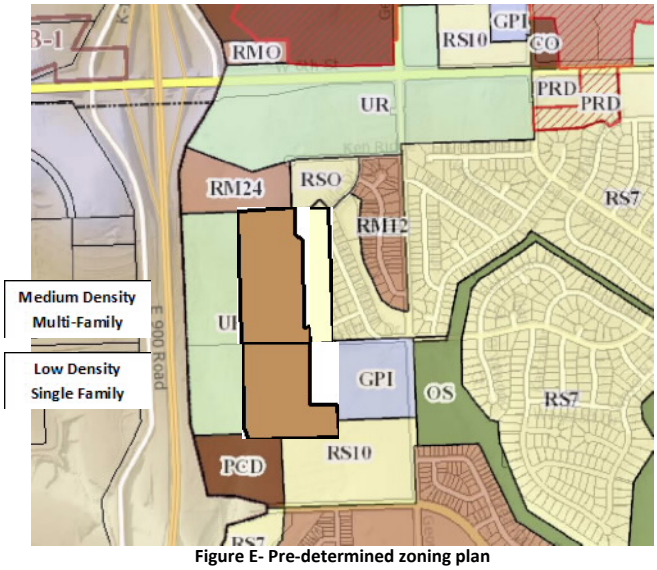


Figure E- Pre-determined zoning plan

The map at left indicates the pre-determined extent of the southern land and, the quantity of medium density zoning, is counter to the current adopted land use documents.

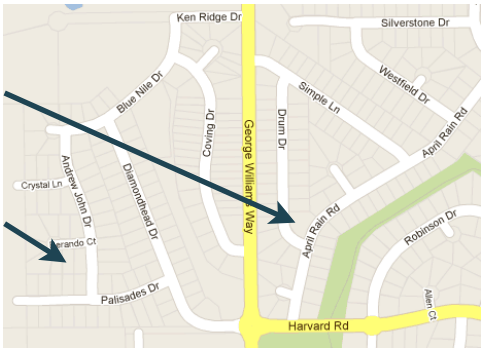
The applicant and developer indicated in the neighborhood public meeting that they are currently in negotiations to control the use of the southern land. This statement reinforces the land uses will be pre-determined with the approval of the northern land uses.

Precedent

Similar requests for rezoning adjacent to the Dlamondhead neighborhood have been denied for all the rationale presented in the preceding pages:

Denied

In Question



PC Minutes 1/25/06

Staff Finding

- The character of the area is a low-density, single family residential neighborhood. The area west of George Williams Way is planned as a mixed development including multiple types of residential development.

Staff Finding

- The subdivision layout and land use requests in the immediate area have conveyed a continuation of established low-density, single-family detached development pattern for this neighborhood. Development around the subject property has begun with an expectation of single-family detached development for the subject property. Property owners have made decisions based on recent previous actions for this area.

Staff Finding

- The property has been planned and platted for single-family development. If the request is denied the applicant still retains the ability to develop the property with single family homes. Approval would double the density and traffic generated[2] from the area.

- The Plan anticipates that low-density residential development will “continue to be the predominate land use in the City.” The most common method to assure compatibility is to extend or continue a particular zoning district. The approved and published RS-2 (Single-Family Residence) District expanded the low-density residential district in this area and was found to be consistent with the generalized land use expectation for residential development in 2004 per Z-4-15-04 and reaffirmed this decision in July 2005 per Z-06-35-05]. A subdivision plat for single-family residential development was approved and recorded as the Green Tree Subdivision in October 2004 as a requirement of the zoning.

- If approved, the result will be to sandwich a small pocket of duplex development along the east side of George Williams Way.

Staff Finding

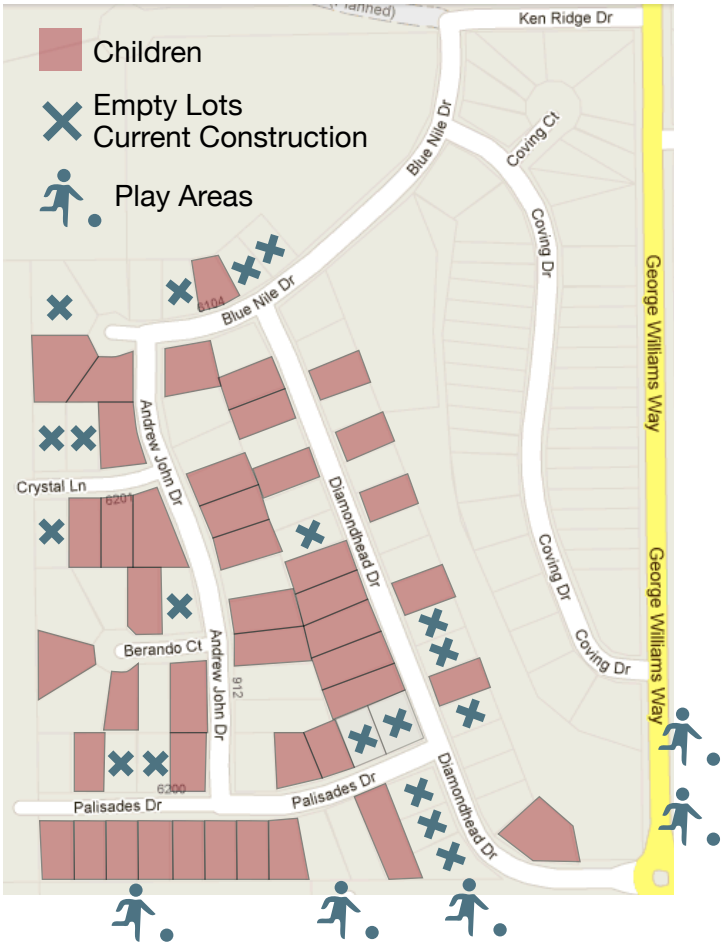
- The proposed request is not in conformance with Horizon 2020.

Traffic Safety

The citizens of the Diamondhead neighborhood are most concerned about the safety and well-being of our children. We believe that increased traffic, especially that of the younger and single type of residents that the developers expect to attract will unnecessarily put children at risk.

As Palisades Dr. and Crystal Ln. will be the only access to the row houses and multi-plexes, it invites the potential for a tragedy. The Diamondhead area is filled with with children of all ages and will be for many years to come.

The applicant references a traffic study that states the traffic counts are within the City requirements. The neighborhood was promised a copy of that study at the 12/3 informational meeting, but to date, it has not been provided. We are concerned the study does not take into account the impact of a neighborhood elementary school and multiple parks and their dramatic impact on the traffic pattern.



The map at left demonstrates the density of children in the neighborhood.

There exist a number of areas in and around the neighborhood where children would play. These have been marked just off the map and include:

- Two Separate Playgrounds
- Sports Fields
- Log Climbing Park
- Walking Trail

Also notice that not a single street in the community is a straight line. Considering the elevation change running along Andrew John Dr. one can envision the problems with sight lines for any driver, let alone one that is not used to driving in a family heavy residential neighborhood with children at play.

Traffic Congestion

In addition to the safety concerns, there remains the question of access. The streets in and around the neighborhood become congested on a daily basis along George Williams and at the Harvard roundabout in the morning and along Palisades Dr. each afternoon and any time there is an evening event at the Langston Hughes Elementary School. The applicant's cite a traffic study with peak times between 4pm and 6pm having adequate traffic flow. The peak times for this area are actually 8am to 9am and 3pm to 4pm due to school drop off and pickup.

The West of K-10 Plan, adopted July 2009, addresses neighborhood connectivity: "Streets within the various neighborhoods of this area shall be connected to each other. … connected streets provide multiple route options for vehicles which can help eliminate the choke points that are created when cars are forced onto a limited amount of streets that carry traffic in and out of neighborhoods."

Similar language is found within Horizon 2020: "Street systems that do not permit connections isolate neighbors and force traffic to concentrate on collectors. This type of street circulation should be avoided."

But the submitted rezoning application would increase residency in the area by 96% over the current zoning while not addressing any of the underlying problems with the current traffic situation. It would force more trips through Palisades Dr. and Crystal Ln.

Infrastructure

The current zoning has meant that the Diamondhead neighborhood was developed as single family with the future plan for a limited number of duplexes only. As such the lighting, sidewalks, crosswalks, signage, and other infrastructure have been implemented based on that plan.

The proposed rezoning for Langston Heights would require retrofitting the existing neighborhood with a variety of items. There currently exists sidewalks on a single side of the streets throughout the neighborhood and no crosswalks except for the roundabout at the intersection of Harvard and George Williams. As illustrated previous, the Diamondhead area is filled with children out at play and such a significant increase in residency and traffic would seem to necessitate changes to the existing layout.

None of the intersections in the community feature traffic signage. The applicants count at least 138 additional trips per hour with the traffic study, but fail to demonstrate its effect within the existing layout. We have already discussed the potential for pedestrian accidents, but the limited sight-lines and lack of any stop or yield signs is an invitation to traffic accidents.

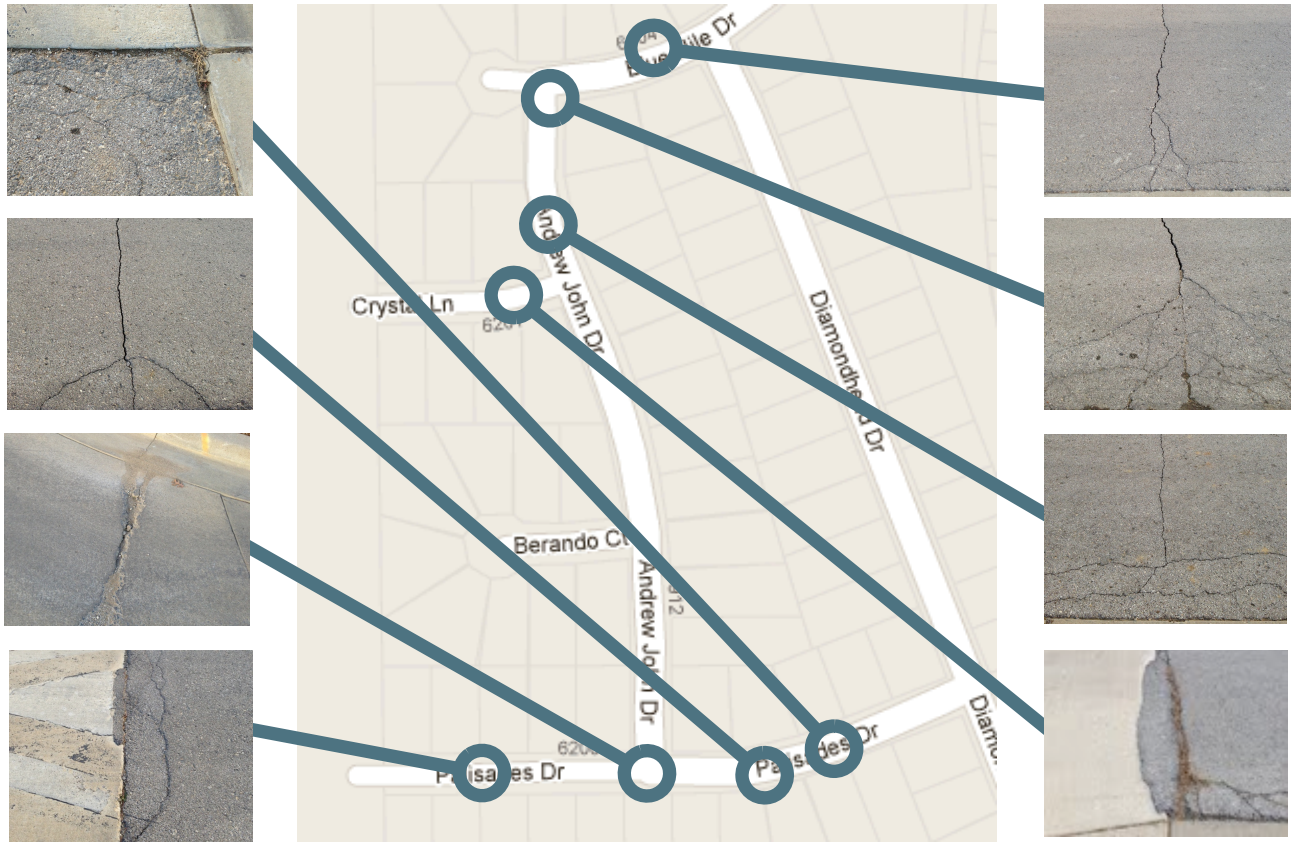
The streetlights throughout the area have similarly been installed for use in single family housing. The inclusion of additional multi-family housing could be cause for increased lighting. The residents of the area however are not keen on the idea of the additional lighting shining through their windows all night.

The roads too have been laid out for use in a low density area. The width in Diamondhead is 23', and with parking allowed on both sides, the streets can easily become unintended one-way's. Surely this is not appropriate for the style envisioned by the applicants.

Construction

In October, 2008 the City Auditor issued a Pavement Condition Summary. In this document both Palisades Dr and Crystal Lane received ratings of poor for the curbs and gutters while the pavement was rated 91.5 out of 100.

Since the issuing of the report four years ago, the conditions of our neighborhood streets have deteriorated. Below are images with their locations indicated on a map. The images shown reflect only a portion of the degradation of both the asphalt and concrete on the two proposed egresses.



It seems reasonable to expect that construction traffic will exasperate this problem. Heavy equipment, trucks carrying forms and supplies, concrete trucks, pouring cranes and endless trips by skilled laborers will serve to further decay the only egress through Palisades Dr. and Crystal Lane.

Marketplace

The applicants expressed at the 12/3 informational meeting that economic forces were the main rationale for changing the current zoning. While this may be true on a national, or even a regional level, a closer examination at West Lawrence reveals a different picture.

A recent headline and story get to the heart of the matter:

LAWRENCE JOURNAL-WORLD

Landlords trying to fill growing number of rental vacancies

There are also more apartment units. Since 2008, 997 apartment units have been built in Lawrence, with 55 built so far this year. Other projects in the works include a seven-story, 55-bedroom building on the corner of Ninth and New Hampshire streets and a 300-apartment complex on Sixth Street and Queens Road. Aug 13, 2011

The last complex mentioned is Hunter's Ridge, which is set to open soon. Plans filed this week by Lindsey Management call for a 630-unit apartment complex adjacent to Hunters Ridge. This area is a mere half mile from Diamondhead

Two additional complexes within a mile- Prairie Commons and Park West Gardens - plus current construction and vacancies on Coving Drive, a block over, would lead one to conclude that the area is saturated with medium and high density housing.

In a report published this September, The National Association of Realtors said that the median time a home was listed for sale on the market was 69 days in July. This represented a significant drop from both July 2011 and June 2012.

The homes in Diamondhead have been selling even faster - measured in weeks, not months. A local McGrew Real Estate agent said this week that "Houses have been moving really well in the Diamondhead area and that market in particular is strong for single family home sales.There was one there that sold in a day."

When you combine weak demand for higher density housing around the Diamondhead area with better than average sales of single family homes, it paints a clear picture. **This market needs more low density zoning, not less.**

The applicants should not be allowed to fundamentally and permanently alter the well-being of this neighborhood based on rationale that is suspect.

Community

The residents of our neighborhood have grown into a tight knit community. As most all neighbors do, we stop to talk with each other when we meet on the street. But more than that, we actively seek out each other's company, and welcome our neighbors into our homes. We plan activities to come together as a group and grow the sense of community that has developed here.

Annual Neighborhood Easter Egg Hunt

Halloween

Annual 4th of July Parade

Throughout the year, we gather together to participate in a variety of seasonal activities. Some are spontaneous as group sledding in the winter, or kids bike rides on sunny days. But many are planned in advance:

- Summer Cookout
- Easter Egg Hunt
- 4th of July Bike Parade
- Trick-or-Treating

We have come to think of the folks here as more than neighbors, they are our friends. We certainly welcome new faces to our neighborhood, however, we fear that the rezoning and subsequent construction of multi-plexes and row houses will alter the nature of the neighborhood and fragment our sense of community. Again we reference policy 3.6 of the Horizon 2020 plan which strives to "preserve and enhance the visual and environmental character of existing neighborhood.

The applicants' target market for their housing are not families, by and large it is younger singles. In addition to all of the issues the development would create with traffic, safety, and living conditions, it would alter the very fabric of the neighborhood we have all bought into.

Allied Entities

It is not just the residents of the Diamondhead neighborhood who oppose this application, there are also a number of groups who feel this would be the wrong move for our children, our families, our neighborhood, and our town. The following have expressed their opposition to the applicant's plan:

Langston Hughes Elementary School
Jackie Mickel, Principal

Langston Hughes Parent-Teacher Organization

West Lawrence Neighborhood Association, Incorporated
Alan Cowles, President

12/4/12

RECEIVED
DEC 06 2012
City County Planning Office
Lawrence, Kansas

Sandra Day, AICP/County Planner, City of Lawrence

RE: Landplan Engineering Informational Session December 3, 2012
Langston Heights Development

After attending the informational meeting last evening at Langston Hughes school, we are writing to ask you to consider deferring the rezoning of Langston Heights (Parcel west and south of Diamondhead) from UR to RM12 and RM12D. The increase in traffic, decrease in property values and changes to the 2006 plat are issues that need to be addressed. The new plan proposal is to build a mixture of single family homes, duplexes, and row houses. With only two streets (Crystal Lane and Palisades Drive) servicing current and additional units, traffic will be heavier than originally planned for these two streets. Crystal Lane and Palisades Drive were originally developed as a lead into other single family housing, not multifamily housing. Palisades already has issues on school days due to drop off and pick up from Langston Hughes Elementary School. Currently three new homes are being built on Diamondhead close to the school. That will mean new driveways from which residents will enter Diamondhead and reduce the amount of room for parents to park when dropping off and picking up children. Then add congestion at the round-a-bout on George Williams. I don't care what your traffic study says, the additional traffic will create safety problems. With undeveloped land to the south and north of the new plan, no one was able to tell us if, and when, any connecting access to the new development would be provided. Even if it did, traffic will still be pushed through low density housing. The Horizon 2020 plan specifically discourages this action.

Should this plan be approved, due to the direct impact of the multi family housing, property values in the Diamondhead subdivision will decrease. When we purchased our home in 2007, we knew additional low density housing would soon follow ot the west. This was based on the planning commission approval in January 2006 of single family homes in the Langston Heights area. We never would have purchased in this area has we known apartments and duplexes were to be built, and future potential home owners will feel the same.

Please see that this proposal does not go any further without modifications. We are not against the expansion of our subdivision to the west, but we are against the medium density zoning.

Thank you,

Edward C. Burrichter
6113 Palisades Dr

Colleen A. Burrichter
6113 Palisades Dr. Lawrence

From: Amy Miller
Sent: Thursday, December 06, 2012 6:54 PM
To: Sandra Day
Subject: Langston Heights Communications

Sandy,

Rod Laing came in today and wanted me to pass along his thoughts on the Langston Heights Subdivision PP and Zoning cases for inclusion as part of the communications on the project. He suggested that a condition could be placed on the multi-family residential zoning west of Renaissance Drive that building permits may not be issued on those dwellings until such time that Renaissance Drive connects to Bob Billings Parkway or the major street to the north. He thought that this would ease potential traffic concerns. Please include the above statement in the communications that go to the Planning Commission as part of their packet.

Thank you,

Amy Miller, AICP, CFM *Long-Range Planner*

From: Brian Sturm [mailto:brians@LANDPLAN-PA.COM]
Sent: Friday, December 07, 2012 2:27 PM
To: Sandra Day
Cc: bobdennsan@gmail.com; douglas.raney@gmail.com; RCJPHJ@me.com; Christopher Storm
Subject: PP-12-00228 - variance withdrawal; temp const esmt

Sandy,
On behalf of the applicant, I would like to incorporate the following two (2) items into the Planning Commissioners' packets for Monday's meeting regarding item #5A, the Preliminary Plat for Langston Heights Addition:

1. The applicant wishes to withdraw their request for a variance from Sec. 20-811(c). While the developer still has concerns about installing sidewalks that would essentially terminate in mid-block locations on Palisades Drive and Crystal Lane, they would rather design a subdivision that conforms to the current Subdivision Regulations and complete street policy. It's my understanding that the sidewalks to be shown on the south sides of Palisades Drive and Crystal Lane can be added to the Preliminary Plat as a condition of approval. It is also my understanding that the applicant can work with the City Engineer on an acceptable way to terminate these sidewalks on the east edge of the subdivision during the public improvement plan review process.
2. The applicant wishes to add, as a communication, the attached letter of intent which upon execution by both parties would allow for the creation of a temporary construction access easement over and across land owned by Alvamar, Inc. The developer understands the concerns neighbors in the Diamondhead subdivision have regarding potential construction traffic traveling through their neighborhood. This agreement, once signed by both parties, would allow that construction traffic to pass entirely across the ground presently owned by Alvamar on the south side of the subject property. With such an access easement in place, dump trucks, excavators and the like could pass from Bob Billings Parkway to the subject property without travelling on City streets, namely those in the Diamondhead subdivision. It is the developer's hope to have this letter executed by the time of Monday evening's PC meeting.

Please let me know if you have any questions regarding the above items.
Thank you,

Brian Sturm, RLA, ASLA, LEED AP
Project Landscape Architect
Licensed in KS

Landplan Engineering, P.A.
1310 Wakarusa Drive
Lawrence, Kansas 66049
v. 785.843.7530
f. 785.843.2410

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Letter of Intent

This letter reflects the mutual intentions of Langston Heights Development, LLC, and Alvamar, Inc. to enter into an agreement to create a temporary construction access road from Bob Billings Parkway to the property known as Langston Heights through property currently owned by Alvamar. Both parties intend for the road to be built before construction begins on Langston Heights. Alvamar agrees to provide an easement for this road and Langston Heights Development agrees to pay for the costs associated with building this road before construction begins. Langston Heights Development also agrees to pay one dollar ($1.00) to Alvamar as part of the agreement, regardless of whether construction begins.

_____ _____

Robert Santee Date

Officer, Langston Heights Development

_____ _____

Robert C. Johnson Date

Chairman of the Board, Alvamar, Inc.

LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED
DEC 19 2012
City County Planning Office
Lawrence, Kansas

December 10, 2012

To: Lawrence/Douglas County Planning Commission:

Re: Langston Heights, Items 5A, 5B, 5D

President
Melinda Henderson

President-Elect
David Burress

Vice President
Milton Scott

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors

Margaret Arnold

Bonnie Dunham

James Dunn

Sally Hayden

Cille King

Ruth Lichtwardt

Marlene Merrill

The League of Women Voters of Lawrence/Douglas County has strong positions on neighborhood planning. We believe that "the primary urban planning unit should be the neighborhood, large enough to support the location of a nursery-elementary school, park...and should reduce to a minimum the use of the private car within each neighborhood." Therefore, we are concerned about the proposal for the multiple family lot configurations of the Langston Heights Addition and their proposed rezoning to RM districts.

We strongly support designing neighborhoods with housing types suited to families with children that are close to elementary schools with pedestrian ways designed for safe walking, and believe that it is very poor planning to locate multiple family housing that is not appropriately designed for this near our schools. Multiple family housing types can be designed for families with children, but must have the needed amenities such as privacy, open space and other facilities to make such units attractive for family life, which this proposed development does not have. Additionally, we support staff's recommendation to deny the applicant's request for a variance to allow sidewalks on only one side of streets.

Because of the effect this multiple family housing would have on the future development of the adjacent vacant land to the south of this tract, it can be predicted that this land also would become multiple family and not attractive for families with children. Because of the proximity that these two tracts have to Langston Hughes Elementary School, we believe that this would be very poor urban planning and a serious waste of potential that these two properties would have to reduce automobile use and utilize these valuable areas for encouraging families to live within walking distance to the school.

We believe that the reason that this type of poor urban planning is not uncommon in Lawrence is because of some serious deficiencies in our Land Development Code and how it leads to the interpretation of *Horizon 2020*:

- The multiple family districts do not specify housing type.
- The only distinction in our Comprehensive Plan (CP) in the designation of residential areas is based on density. Because of the long-standing interpretation of our CP, it is possible to allow all types of multiple family units from tall apartments to duplexes to achieve the gross densities that are typical for detached single family housing. Therefore, the density designation in our CP is not an appropriate prediction of use.
- The CP does not include the same goal that *Plan '95* did, which emphasized that development should be designed for the ultimate user and not to satisfy only the needs of the developer.

These factors eliminate the essential predictability that homeowners need to be able to have confidence in the stability and future of their neighborhoods when they make the substantial investment for living in a community. It tends to reduce the trust needed for a growing and thriving city to attract new residents. We ask that you take these factors into consideration when making your decision on this rezoning request. The future of our city depends on good urban planning. We would look forward to a discussion about making the necessary changes to our Land Development Code and *Horizon 2020* to create the predictability in our neighborhoods that we need.

Thank you for your consideration of these issues.

Melinda Henderson
President

Alan Black, Chair
Land Use Committee

PO BOX 1072 • LAWRENCE KS 66044-1072
league@sunflower.com • www.lawrenceleague.com
www.facebook.com/lwvldc • www.twitter.com/lwvldc

December 7, 2012

Sandra Day, AICP City/ County Planner, City of Lawrence:

RE: Rezoning Langston Heights

We are writing in opposition of the rezoning of Langston Heights. Our main areas of concern are traffic and child safety.

Our family moved to the Diamondhead subdivision 3 years ago. We chose the area based on several factors: the proximity to the elementary school, the community, and that the adjacent Langston Heights would be a similar neighborhood based on the 2006 plat.

Many families built in Diamondhead because the neighborhood to the West would be comparable. Langston Heights' preliminary plat of 2006 contained 67 single family homes and 18 duplexes. The new plat proposed by Land Plan would increase units by 94% in comparison to the 2006 plat. A 94% increase would greatly increase the amount of traffic on our residential streets.

Palisades and Crystal Lane are currently the only two inlets for Langston Heights. The roads leading to Langston Heights are narrow winding routes through residential areas with poor site lines.

At the December 3, informational meeting held by "Land Plan Engineering," Brian Sturm discussed the traffic study that was completed in September of 2012. The study claimed that the residential roads could support the rezoning of Langston Heights. Brian Sturm stated that the traffic study was done during the peak hours of traffic, 4:00 p.m. to 6:00 p.m. A traffic study done between 4:00 p.m. & 6:00 p.m. does not take into account the traffic at the school's dismissal hour. One of the main in-let/out-lets of Langston Heights is adjacent to a large elementary school. A traffic study done during the school's dismissal hour would provide more accurate information. 63% of the current Diamondhead households have children attending school. 63% of our neighborhood will be walking or driving during school arrival and dismissal times.

The sidewalks in the Diamondhead neighborhood would not support the 94% increase of population. Sidewalks in Diamondhead are only on one side of the street. Upon leaving Langston Hughes Elementary my children must cross Diamondhead Dr. (one of the only in-let/out-lets) This is the only intersection that contains a crosswalk. After walking up Diamondhead they must cross it again. They continue their walk home up Palisades, where they must cross Andrew John Dr. to reach the sidewalk. They walk north on Andrew John crossing Berando Ct. until they come upon Crystal Lane. (one of the other only in-let/outlets) To reach home they cross Andrew John Dr. again. Within a 3 block walk home, our children cross the street 5 times, encountering these soon to be heavily traveled roads. The future children of the Langston Heights neighborhood would also be traveling this dangerous route to their new home. Not only are we concerned about the safety of our own children, but the safety of the new families that will move into the Langston Heights development.

We love living in Lawrence and we love it because it gives us the small town feel we grew up with. We grew up in a town of 1500 where it was safe to walk down the street and everyone treated you like family. Our family has been searching for this sense of community for a while now and finally found it in Diamondhead. Our little neighborhood of all ages come together for an annual Memorial Day BBQ, 4th of July Parade, Pumpkin Carving, and Easter Egg Hunt. Children ride bikes, enjoy a game of basketball, and play tag outside. Neighbors help transport children, share recipes, help with heavy lifting, cook you meals when you're down, or let out the dog when you're away. Increasing the units by 96% from the 2006 plat to the proposed rezoning would only erode at the community we've created.

Lawrence is nationally known as a highly desirable community to live in. We need to continue to reflect on what drives people to Lawrence. Is it the multiple options of housing provided in a development, or is it the feeling of community we ALL provide?

Thank you for taking the time to read our concerns. We appreciate the opportunity to express our thoughts in the matter.

Sincerely,
Carisa, Dustin, Avery, & Sydney Stejskal

From: lauri di routh [mailto:lauridi@hotmail.com]
Sent: Monday, December 10, 2012 8:52 AM
To: Sheila Stogsdill
Subject: Comments for planning commission meeting 12/11/12

Ms. Stogsdill,

Please accept these comments for tonight's Planning Commission meeting. I respectfully request that these be shared with the Planning Commissioners and staff, and be included in the public record for tonight's meeting.
Please note that my comments herein are not intended to represent any organization or group. I offer these comments solely as an individual citizen and taxpayer.

RE: Long range planning work program, as submitted to the planning commission by Scott McCullough in November 2012.
I wish to express my concern about the City and County opting to postpone implementation of the environmental chapter of H2020 to a work schedule beyond 2013. This plan was crafted over the course of several years, and both citizens and the Sustainability Advisory Board play a role. I am troubled that this plan is being mothballed, at a time when we need it most. Given the current drought and its impact on both the built and natural environment, tending to our community's natural resources is more important now than ever. I ask that the PC make implemenation of the environmental chapter of H2020 a priority for 2013.

RE: Variances requested for the site plan and plat of the proposed Rock Chalk Village Park
I am troubled to see that the developer is requesting variances to the street connection requirements of the code, and also the sidewalk requirement of the code. Both of these items are integral to the City's Complete Streets plan, which was recently approved. While I appreciate the developer's stated intention of preserving trees on the property, without an inventory of said trees or any requirement for monitoring of tree preservation or removal during project construction, using trees as an excuse to minimize developer costs seems a bit disingenuous. In regard to street connectivity, it seems to me that allowing George William Way to remain a dead end street at the north end creates a bottleneck for the City's future rec center, and may create massive traffic problems on the property when large events are held at the KU facilities. At the very least, this variance should be reviewed and vetted, first, by traffic planners, to assess its impact. I believe that the requirements for sidewalks on both sides of the street should be upheld, and the developer's request for variances denied.

RE: Diamondhead Neighborhood Comments
I support the Diamondhead Neighborhood's right to preserve the nature and safety of their neighborhood. I ask that the PC reject the Landplan plat proposal as it would greatly expand the development of duplex and multifamily residential dwellings in this area, to the detriment of the existing neighborhood.

RE: planning commission packet structure

In reviewing the packet for this week's meeting, it is noted that the packet size of 57 MB makes it very difficult to load and open on a standard home computer. I had several people tell me that they had not even tried to do so, for fear that it would crash their computer system. While I understand that the files therein are large, I would like to see the PC use the City Commission's method of transmitting meeting information, using imbedded, topic-specific links on the agenda. This way, individual topic information can be opened and reviewed without the need to download the entire packet of 50+ MB of information. By breaking the packet up into managable chunks, it will make it easier for the public to access needed information and share with others who may wish to comment. Certainly, the PC wants to engage and solicit feedback from the public. I believe that the best way to do this would be to use imbedded links on the agenda, thereby reducing an evident barrier to accessing information.

I appreciate your consideration of my comments.

Sincerely,

Laura Routh
2235 East Drive
Lawrence, KS
979-3918

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
12/10/2012

ITEM NO 5B: Z-12-00229 UR (Urban Reserve) District to RM12D (Multi-Dwelling Residential) District; ~~8.564~~ 8.333 acres (SLD)

Z-12-00229: Consider a request to rezone approximately ~~8.564~~ 8.333 acres from UR (Urban Reserve) to RM12D (Multi-Dwelling Residential), located north and south of Crystal Lane and Palisades Drive extended, as shown in the preliminary plat of Langston Heights Addition. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 8.333 acres from UR (Urban Reserve) District to RM12D (Multi Dwelling Residential) 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: *The developer, RSR, Inc., intends to subdivide and rezone the subject property to support duplex development (see attached concept plan).*

KEY POINTS
- Request is part of an overall development package that includes RS7 and RM12 Zoning and a preliminary plat.
- This district serves as a transitional use between the lower density development to the east and the proposed higher density and highway to the west.

ASSOCIATED CASES/OTHER ACTION REQUIRED
- Z-12-00229: 8.333 acres from UR (Urban Reserve) to RM12D (Multi-Dwelling Residential)
- Z-12-00231: 9.206 acres from UR (Urban Reserve) to RS7 (Single-Dwelling Residential)
- Z-12-00232: 10.857 acres from UR (Urban Reserve) to RM12 (Multi-Dwelling Residential)
- PP-12-00228: Preliminary Plat Langston Heights.

Note: Acreages reflect revised preliminary plat dated 11.28.12.

PLANS AND STUDIES REQURIED
- *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 residential request

ATTACHMENTS
- Area map
- Concept plan
- 6th & K-10 land use map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- Communications are attached.

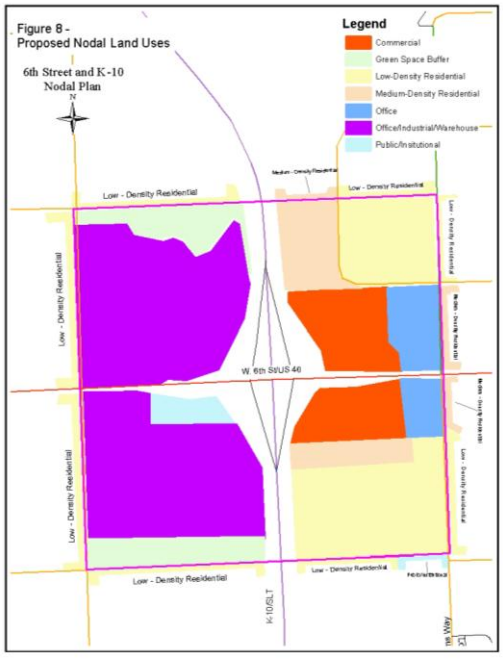
Project Summary:

Proposed request is for 8.333 acres to accommodate duplex development. This district is defined in Section 20-201 of the Development Code as corresponding to a "Medium-Density" comprehensive plan designation. This request is intended to be considered concurrently with the preliminary plat, PP-12-00228 Langston Heights. The preliminary plat lot configuration creates a net density of 7.4 units per acres. This is a lower-density development pattern than the allowable density conveyed by the base zoning district. The RM12D district provides a land use transition between the detached residential portion of the subdivision to the east and the planned higher density development along the highway to the west.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *the Lawrence future Land Use Map (3-2) in Horizon 2020 does not specifically designate a land use for this subject property. The request conforms to the Residential Development Strategy (pg. 5-1) of providing appropriate transition zones between low density residential land uses and more intensive residential development. When considered with the two (2) other rezoning applications accompanying this one, all three conform to the Residential Development Strategy (pg. 5-1) of providing a mixture of housing types, styles and economic levels for new residential development.*

This property is located within the boundary of the *6th Street and K-10 Nodal Plan*. This request is part of a package of requests that includes medium-density residential zoning in the form of duplex and multi-dwelling zoning districts and a preliminary plat that establishes the integrated layout of the overall development pattern planned for this area. The Nodal Plan, amended into the Comprehensive Plan, shows this area to be developed with low-density residential uses except for an area located along the south side of W. 6th Street and a portion of highway south of W. 6th Street.



The nodal plan provides a narrative description of the recommended land use development for each quadrant of the intersection of w. 6th Street and K-10 Highway. The plan states:

The Southeast Corner

Like its northern counterpart, this corner provides opportunity for a variety of residential, commercial, and office activities. This nodal plan designates the majority of this corner appropriate for residential development and the remaining area appropriate for commercial and office uses. This nodal plan also designates the majority of its residential uses appropriate for low-density, single-family neighborhoods with a small portion considered appropriate for medium-density residential development. This medium-density development serves as primary buffer between single-family neighborhoods and commercial activities. The commercial and office activities of the southeast corner along West 6th Street mirror those of the northeast corner - the majority of such activities are designated appropriate for commercial with the remainder for office uses.

This nodal plan anticipates more low-density, single-family residential development in the areas surrounding this corner and therefore much of this corner was designated appropriate for similar development to maintain compatibility of surrounding land uses. Open space areas are also highly encouraged to serve as buffers between residential, commercial, and office land use activities, as well as provide opportunities for linkages to the surrounding neighborhoods to the southeast of this nodal study area.

While the Nodal Plan specifically designates medium-density residential development appropriately as a buffer between single-family neighborhood and commercial activities, the proposed RM12 district request boundary employs this same concept to serve as a buffer between the single-family development to the east and the highway to the west. The RM12D request serves as the transitional use between the RS7 and the RM12 Districts.

In addition to density recommendations, *Horizon 2020* provides key strategies that are applicable to this development request and the related applications. They are:

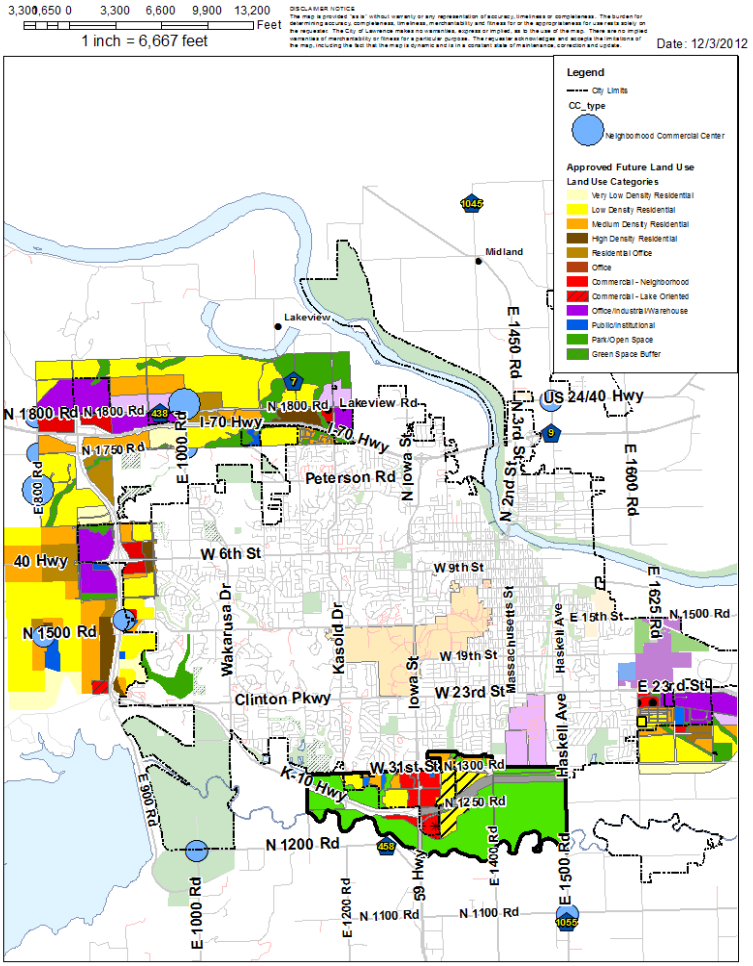
- *Infill residential development should be considered prior to annexation of new residential areas.*
- *A mixture of housing types, styles and economic levels should be encouraged for new residential and infill developments.*
- *Compatible densities and housing types should be encouraged in residential neighborhoods by providing appropriate transition zones between low-density residential land uses and more intensive residential development, and between higher density residential uses and non-residential land uses.*
- *The character and appearance of existing residential neighborhoods should be protected and enhanced. Infill development, rehabilitation or reconstruction should reflect architectural qualities and styles of existing neighborhoods.*

This request represents infill development and the first step in a plan to provide a transition of uses between the existing development and the Highway. The proposed 8.333 acres of RM12D zoning is a medium-density residential district. When considering the proposed request for RM12D concurrently with the preliminary plat, the impact of the request is significantly reduced with a gross density of only 6 units per acre. Excluding the public right-of-way and including only the actual lots, the development density is approximately 7 dwelling units per acre for the RM12D portion of the development request.

Commercial areas and major traffic corridors are both considered to be high intensity uses. They both have a high traffic flow characteristic as well as noise and light that can impact lower

intensity land uses. Future development of the subject property includes a 50' setback along the west property line to enhance the buffering of land use adjacent to the K-10 Highway. Of the land use plans completed along the edges of the existing city limits, uses along the K-10 Highway are predominantly higher intensity land uses. In some instances the highway is abutted by open space which is typical of the regulatory floodplain in those sections. Higher intensity uses are appropriately located along highways with land use transitions provided to lower-intensity land uses.

Land Uses adjacent to K-10 Highway



The implementation of the land use recommendations of the comprehensive plan are implemented through the Development Regulations including zoning and subdivision design. The proposed request, when considered concurrently with the preliminary plat, complies with the low-density residential land use recommendations contained in the Nodal Plan.

Staff Finding – This request, when considered with the proposed preliminary plat of Langston Height, complies with the low-density land use recommendations and provides a land use transition east to west for this area.

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

Current Zoning and Land Use:	UR (Urban Reserve) District; undeveloped property.
Surrounding Zoning and Land Use:	RM24 (Multi-Dwelling Residential) District to the north. Undeveloped land. Proposed RS7 (Single-Dwelling Residential) District to the east. Developing residential subdivision to the east of the proposed development area. UR (Urban Reserve) District to the south. Undeveloped land. Existing UR (Urban Reserve) District and Proposed RM12 (Multi-Dwelling Residential) District to the west; undeveloped land. K-10 Highway is the west boundary of the development site.

Staff Finding – The proposed RM12D district represents the central portion of the development area. Land to the immediate north, south, east and west are undeveloped. Land to the immediate east and west is proposed for detached and multi-dwelling development as part of this development request.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The subject property is a vacant piece of abandon farmland. It is bordered to the west by the SLT right-of-way, which also includes the SLT recreation path. To the north lies vacant ground platted as part of the Diamondhead subdivision and zoned RM24. To the east lie properties platted under the Diamondhead subdivision, zoned RS7 and developed as detached single-family homes, all constructed within the past 5-7 years. To the south rests vacant unplatted property zoned UR and of similar natural character to the subject property. Langston Hughes School is a short distance to the southeast.*

The west portion of the development site abuts K-10 Highway (higher density proposed). The east portion of the development site abuts developing single-dwelling subdivision known as Diamondhead Subdivision. This requested RM12D district provides a transition of land use between the proposed detached and multi-dwelling structures.

This property is located within the West Lawrence Neighborhood. This section of the neighborhood includes several undeveloped parcels to the north and south along K-10 Highway. This neighborhood is characterized by the dominance of residential use, primarily low-density detached housing. Higher intensity uses are located along major streets in the neighborhood. Existing and planned non-residential uses are located at major intersections throughout the neighborhood.

Staff Finding – The overall neighborhood is characterized by residential uses. The area is bounded by K-10 Highway on the west and by George Williams Way, a collector street, on the east. Higher density zoning is located along the arterial streets of W. 6th Street to the north and Bob Billings Parkway to the south. The immediately surrounding areas, north and south, are undeveloped. Areas east of George Williams Way along W. 6th Street and Bob Billings Parkway have developed with higher intensity land uses expected along these types of arterial streets.

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

As noted above this area is located within the boundary of the *6th Street and K-10 Highway Nodal Plan*. The area is generally recommended for low-density residential development with a small portion considered appropriate for medium density residential development. This request is consistent with that land use recommendation.

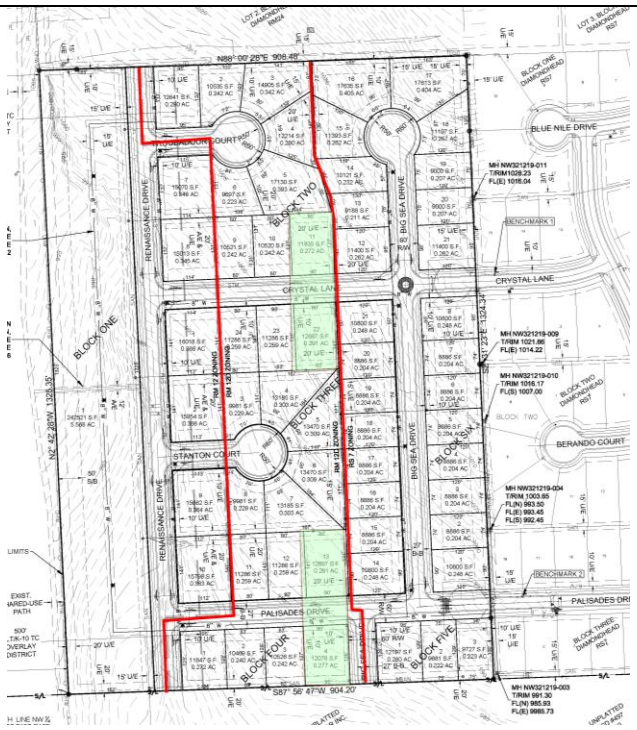
Staff Finding – The proposed RM12D zoning is consistent with the low-density residential land use recommended in the nodal plan applicable to this area when reviewed concurrently with the preliminary plat.

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

Applicant's Response: *The UR district has served this vacant ground adequately but will not permit new development of any kind. Development that provides an appropriate transition from the existing RS7 neighborhood to the east, the future RM32 development to the north and the existing SLT to the west requires a new zoning classification*

Staff concurs that the UR zoning is no longer desirable given plans to develop the property. The current zoning serves as a holding zone until property is ready for development. The proposed request is for RM12D to accommodate duplex development. Considered concurrently with the preliminary plat, this specific development has a comparable, but slightly higher, overall density to the developed area to the east.

Approval of the request facilitates infill development and the provision of additional housing choices in this area. The suitability is made compatible to the area by providing larger duplex lots and maintains a back-to-back relationship of the RM12D and RS7 districts with the exception of lots along Crystal Lane and Palisades Drive. Depending on the construction orientation of corner lots within the RS7 district the land use relationship could be side-to-rear or side-to-side with development in the proposed RM12D district.



Subdivision shows lot orientations with generally back-to-back development patterns.

The RM12D is commonly referred to as "duplex zoning". The maximum density allowed in this district is 12 dwelling units per acre; however, the lot standards yield a practical density of typically 8 units an acre or lower depending on the average lot size. The use of the RM12D district in this application facilitates an appropriate land use transition between low-density residential development and proposed higher-density residential development. The proposed request, when considered concurrently with the preliminary plat is at the lowest range of a medium-density residential development.

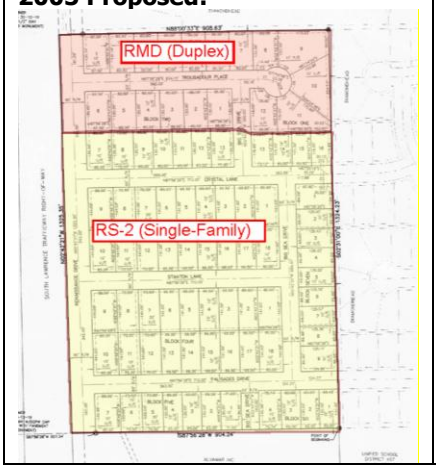
Staff Finding – The existing UR (Urban Reserve) District is no longer a suitable zoning district for this property since development applications have been made. The proposed RM12D district is intended as a land use transition between the existing and proposed detached residential development to the east and the highway and higher density development proposed to the west. This is a suitable use of the RM12D district.

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

Applicant's Response: *the property has remained vacant since being annexed into the City in the early 2000's.*

This property is undeveloped (vacant). The existing zoning, UR, was established in 2006 with the adoption of the Development Code. Prior to that time the property was zoned A (Agricultural). The surrounding area to the north and east (Diamondhead) was annexed and rezoned for various uses in October 1998.

This property was part of a 27.23-acre request for RS-2 zoning submitted in October 2002 (Z-10-39-02) but later withdrawn and replaced by two later applications in 2005. (Z-9-63-05 and Z-9-64-05). The 2005 requests were for 6.8 acres of RMD (Duplex Residential District) and 20.77 Acres of RS-2 (Single-Family Residential District).

Development Density Comparison		
2005 Proposed:	**Current Request:**	
		**2005 Proposed:** 6.80 Acres – Duplex Zoning 20.22 Acres – Detached Residential Zoning **Current Request:** 9.20 Acres – Detached Residential Zoning 7.49 Acres – Duplex Zoning 10.02 Acres – Multi-Dwelling Zoning.

These requests were approved by the Planning Commission on November 16, 2005. They were accompanied by a preliminary plat that included connected grid streets. The approval was subject to the recording of a final plat for the property. The Final Plat for the property was approved in 2006 and the approval was extended in 2008. The property owner did not complete the requirements and record the final plat. Therefore, the zoning was never published and made effective. The 2005 request for RMD included the north portion of the subject property that abutted the RM24 zoning. The previous preliminary plat included only one block of duplex lots terminating in a cul-de-sec in the north portion of the 27-acre parcel. The highway was abutted by Renaissance Drive and included lots on only side of the street as a buffer to K-10 Highway.

Staff Finding – The area is undeveloped. The property was zoned A (Agricultural) from 1966 to 2006. The UR district was established in 2006 and remains to the present.

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

Applicant's Response: *Approving this rezoning will pose no detrimental effect to nearby properties. Approval will facilitate appropriate residential development adjacent to the SLT and set a development precedent for adjacent vacant parcels.*

Note: Staff has received significant communication from nearby property owners and residents with regard to the proposed development. A separate summary of concerns expressed by the immediate neighborhood is attached to this report and is also applicable to Z-12-00232 (UR to RM12).

The area to the north and south is undeveloped. As such, no direct detrimental impacts are anticipated for these properties. Approval of the rezoning request facilitates the extension of streets and utilities to this area. As the areas to the north and south develop street connections will be made that connect the proposed development with the adjacent properties. Development of this property extends a benefit to the undeveloped properties by the extension infrastructure.

A concern related to this request as it could potentially impact nearby properties is expressed by residents of the developed area to the east. Previous land use approvals conveyed an expectation for continued low-density development in the form of detached dwelling units on individual lots.

This request alters that expectation by moving the proposed duplex use from the north portion of the site to the central portion of the site.

Existing residences will experience an increase in traffic since the local streets currently dead-end at undeveloped property. An increase in traffic should be expected. The local street network has capacity to service this area even with the addition of the proposed development. There are no future collector streets planned for the area between George Williams Way and K-10 Highway between W. 6th Street and Bob Billings Parkway. Traffic generated from this area will utilize the local street network to access the larger collector and arterial street network per approved plans. Increased traffic on existing local streets should be expected. As the area develops additional street connections will be made dispersing some local street traffic.

Staff Finding – Detrimental impacts associated with this request are related to an increase in traffic. However, traffic generated by this project is within the parameters of local street traffic expected for the area. Other impacts such as value are related to other forces outside of the zoning analysis such as perception and construction quality.

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: *the gains to public welfare proposed by this application are the gains associated with creating appropriate transitional residential development adjacent to established neighborhoods and highway corridors. Denial of this application will perpetuate the vacancy of this land.*

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 request facilitates the development of vacant property for residential purposes. The project extends the city's infrastructure within the existing boundaries of the city as infill development. As streets are constructed additional connectivity to this area west of George Williams Way will be added.

If this application is denied, the applicant could seek a request for a different zoning district. Development of the property is anticipated for residential development since 2002. Development of this area is one of timing as it relates to the developer's schedule. There are no impediments to extending public infrastructure to this area. Development of the site facilitates vehicular and pedestrian connectivity.

Staff Finding – Approval of the request facilitates infill residential development between George Williams Way and K-10 Highway and the efficient extension of public services and utilities.

9. PROFESSIONAL STAFF RECOMMENDATION

The purpose of the RM12D district is found in Section 20-204 of the Development Code. This district is included with all other RM districts. The Development Code states:

The primary purpose of the RM districts is to accommodate multi-dwelling housing. The districts is intended to create, maintain and promote higher density housing opportunities in areas with good transportation access.

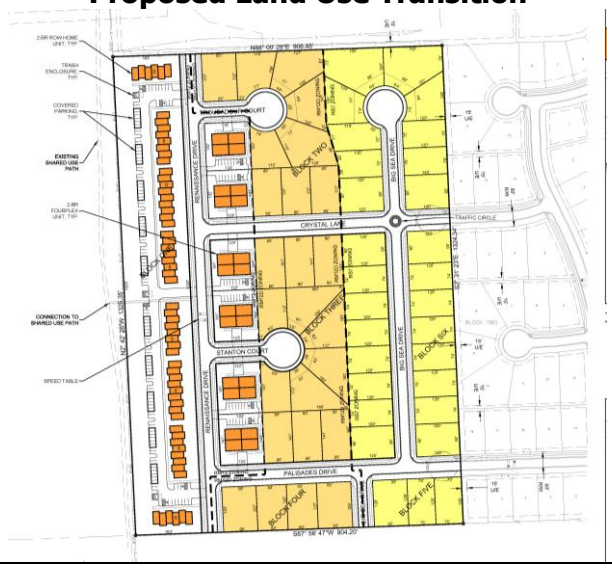
The RM12D district is further distinguished from other RM districts *"on the basis of building type and the maximum allowed net density. In the RM12D district, the building type is restricted to duplex or attached dwellings of 2 units. Only one principal building per lot is permitted in this District."*

Both the RM12D and the RM12 have the same density and dimensional standards. However, the RM12D district is generally used for duplex development or 2 dwelling units per lot. Each lot must be sufficiently large enough to accommodate a minimum of two units, applicable building setbacks and off-street parking.

Staff has received numerous calls regarding the proposed Langston Heights development project specifically as it relates to the use of the RM12D and RM12 zoning districts. A key consideration in this evaluation is the concurrent application of the preliminary plat that is used to define the boundary of each district of the request.

Previous applications provided either full development of the subject property for single-dwelling detached lots or provided duplex zoning as a transition from north to south. The only transition provided for K-10 Highway was a public street with a single row of lots facing the highway. The current request provides a reasonable transition of land uses with back-to-back lot orientations and a decrease in intensity east of the highway. The RM12D portion of the request provides the specific buffer between the RS7 proposed to the east and the higher-density to the west.

Proposed Land Use Transition



CONCLUSION

The proposed use of RM12D is a reasonable approach for land use transition between existing development and the highway. This request is part of a larger development request that integrates the land use, density and subdivision design for property. The project facilitates infill development and the efficient extension of utilities.

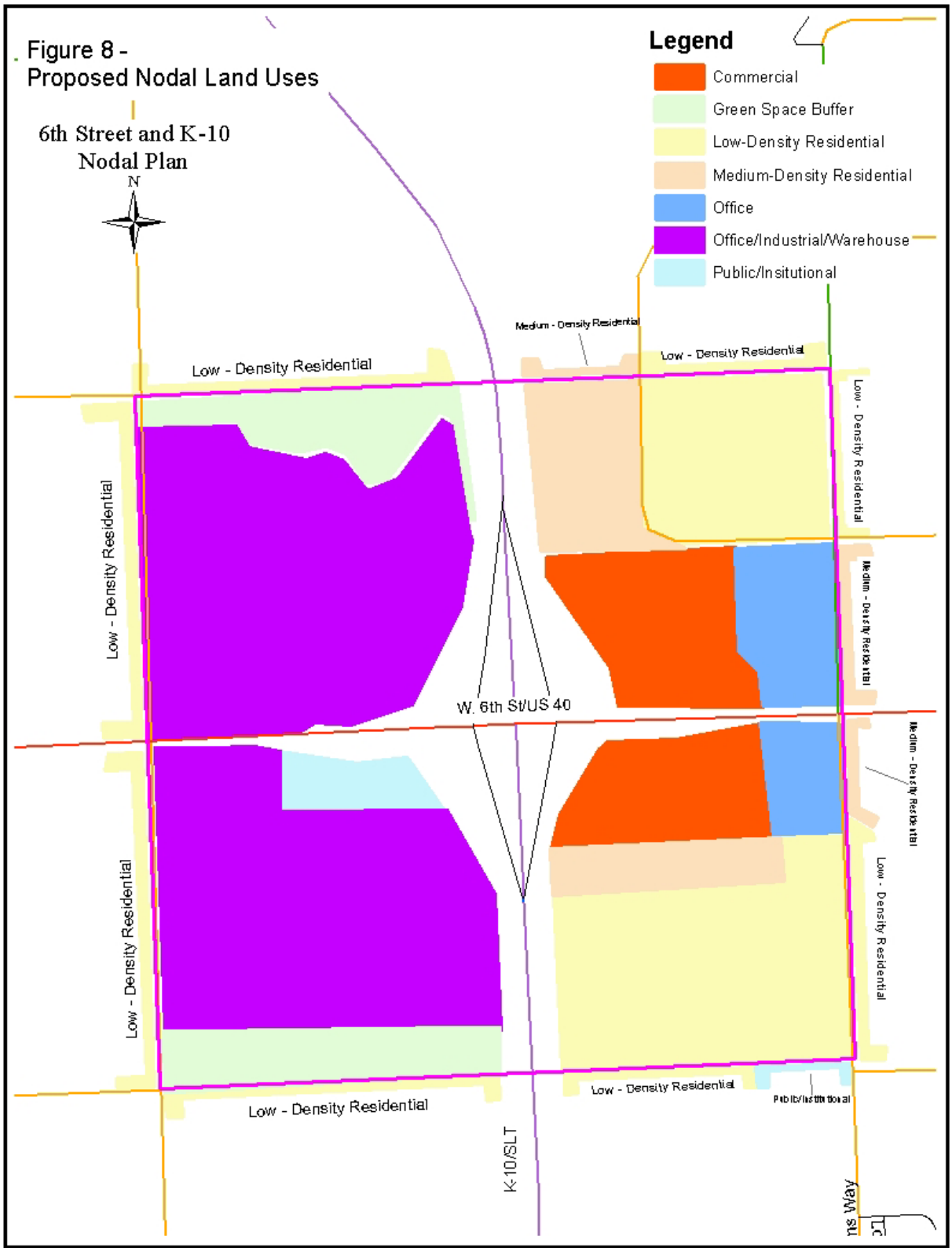
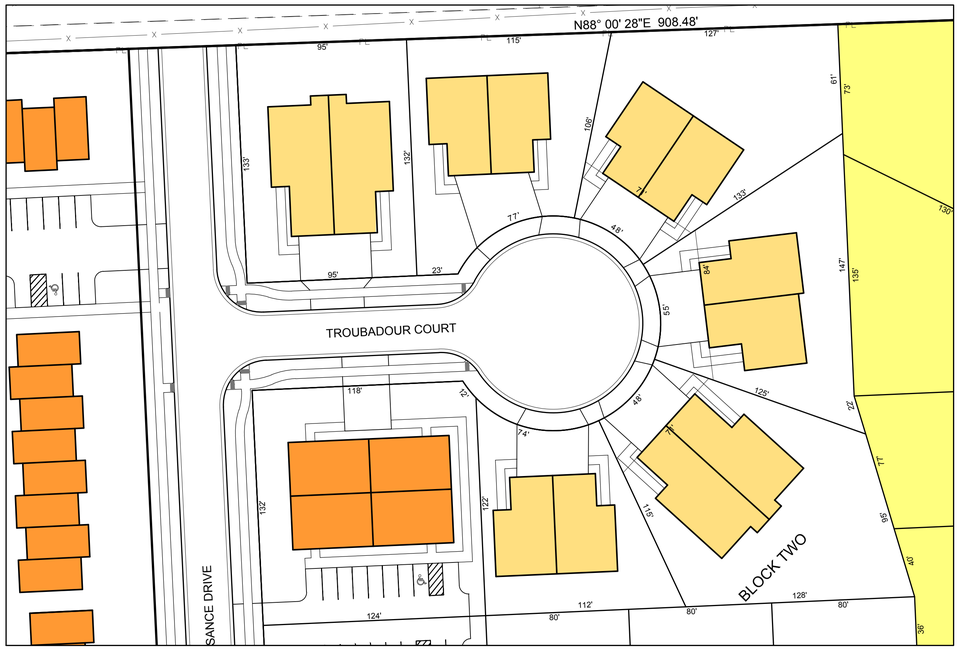


Figure 8 -
Proposed Nodal Land Uses
6th Street and K-10
Nodal Plan
N
Legend
Commercial
Green Space Buffer
Low-Density Residential
Medium-Density Residential
Office
Office/Industrial/Warehouse
Public/Insitutional
Low - Density Residential
Medium - Density Residential
Low - Density Residential
Low - Density Residential
Low - Density Reeidential
W. 6th St/US 40
Low - Density Residential
Low - Density Residential
Low - Density Residential
K-10/SLT

SCALE: 1" = 100'

100 50 0 100 200

N

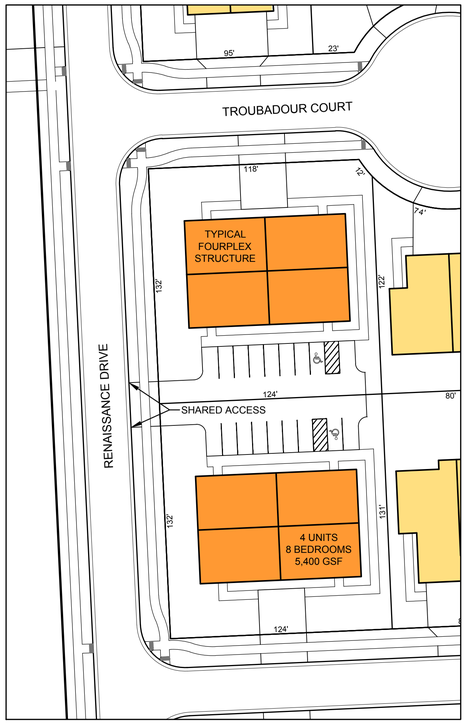


TYPICAL DUPLEX LAYOUT

BUILDING SUMMARY:

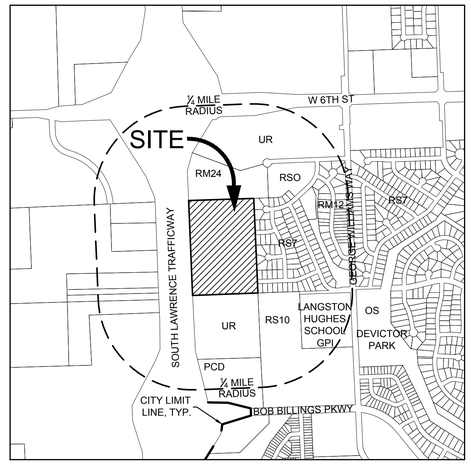
PRODUCT TYPE	QUANTITY	UNITS	BEDROOMS
SINGLE-FAMILY HOME	29	29	N/A
DUPLEX	25	50	N/A
FOURPLEX	6	24	48
ROW HOME	62	62	124

***GROSS SUBDIVISION UNIT DENSITY = 165 UNITS / 27.564 AC = 5.986 UNITS/AC**



TYPICAL FOURPLEX LAYOUT

LOCATION MAP:



GENERAL NOTES:

1. OWNER: LANGSTON HEIGHTS, LC, 611 SAINT ANDREWS DRIVE, LAWRENCE, KANSAS 66047
2. LAND PLANNER/ CIVIL ENGINEER/ SURVEYOR: LANDPLAN ENGINEERING, P.A., 1310 WAKARUSA DRIVE, LAWRENCE, KANSAS 66049
3. EXISTING ZONING: UR
4. PROPOSED ZONING: RS7, RM12, RM12D
5. EXISTING LAND USE: VACANT
6. PROPOSED LAND USE: DETACHED DWELLING, DUPLEX, ATTACHED DWELLING
7. THE SUBJECT PROPERTY DOES LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY FLOOD INSURANCE RATE MAP (FIRM); PANEL NO. 154, MAP NUMBER 20045C0154D, DOUGLAS COUNTY, KS., BEARING AN EFFECTIVE DATE OF AUGUST 5, 2010.
8. THIS SITE IS DESIGNATED LOW-DENSITY RESIDENTIAL IN HORIZON 2020, DATED 7/1/11, AND THE WEST OF K-10 PLAN, DATED 1/7/08.
9. LOTS DEVELOPED WITHIN THE SLT/K10-TC SHALL BE DESIGNED TO COMPLY WITH THE MINIMUM DESIGN STANDARDS OF SECTION 20-307(c)(1).

ZONING SUMMARY:

RS7
GROSS AREA: 401,026 SF / 9.206 AC
RIGHTS-OF-WAY: 101,644 SF / 2.333 AC
NET AREA: 299,382 SF / 6.873 AC
TOTAL LOTS: 29
AVERAGE LOT AREA: 10,324 SF / 0.237 AC
MINIMUM LOT AREA: 8,886 SF / 0.204 AC
MAXIMUM LOT AREA: 17,635 SF / 0.405 AC
TOTAL UNITS: 29
UNIT DENSITY: 4.219 UNITS/AC

RM12D
GROSS AREA: 362,991 SF / 8.333 AC
RIGHTS-OF-WAY: 72,503 SF / 1.664 AC
NET AREA: 290,488 SF / 6.669 AC
TOTAL LOTS: 25
AVERAGE LOT AREA: 11,620 SF / 0.267 AC
MINIMUM LOT AREA: 9,552 SF / 0.219 AC
MAXIMUM LOT AREA: 15,997 SF / 0.367 AC
TOTAL UNITS: 50
UNIT DENSITY: 7.497 UNITS/AC

RM12
GROSS AREA: 436,678 SF / 10.025 AC
RIGHTS-OF-WAY: 92,205 SF / 2.117 AC
NET AREA: 344,473 SF / 7.908 AC
TOTAL LOTS: 7
AVERAGE LOT AREA: 49,210 SF / 1.130 AC
MINIMUM LOT AREA: 16,329 SF / 0.375 AC
MAXIMUM LOT AREA: 242,521 SF / 5.568 AC
TOTAL UNITS: 86
UNIT DENSITY: 10.875 UNITS/AC

***GROSS SUBDIVISION UNIT DENSITY = 165 UNITS / 27.564 AC = 5.986 UNITS/AC**

Civil Engineering
Landscape Architecture
Community Planning
Surveying

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Lawrence, KS • Kansas City, MO • Columbus, OH
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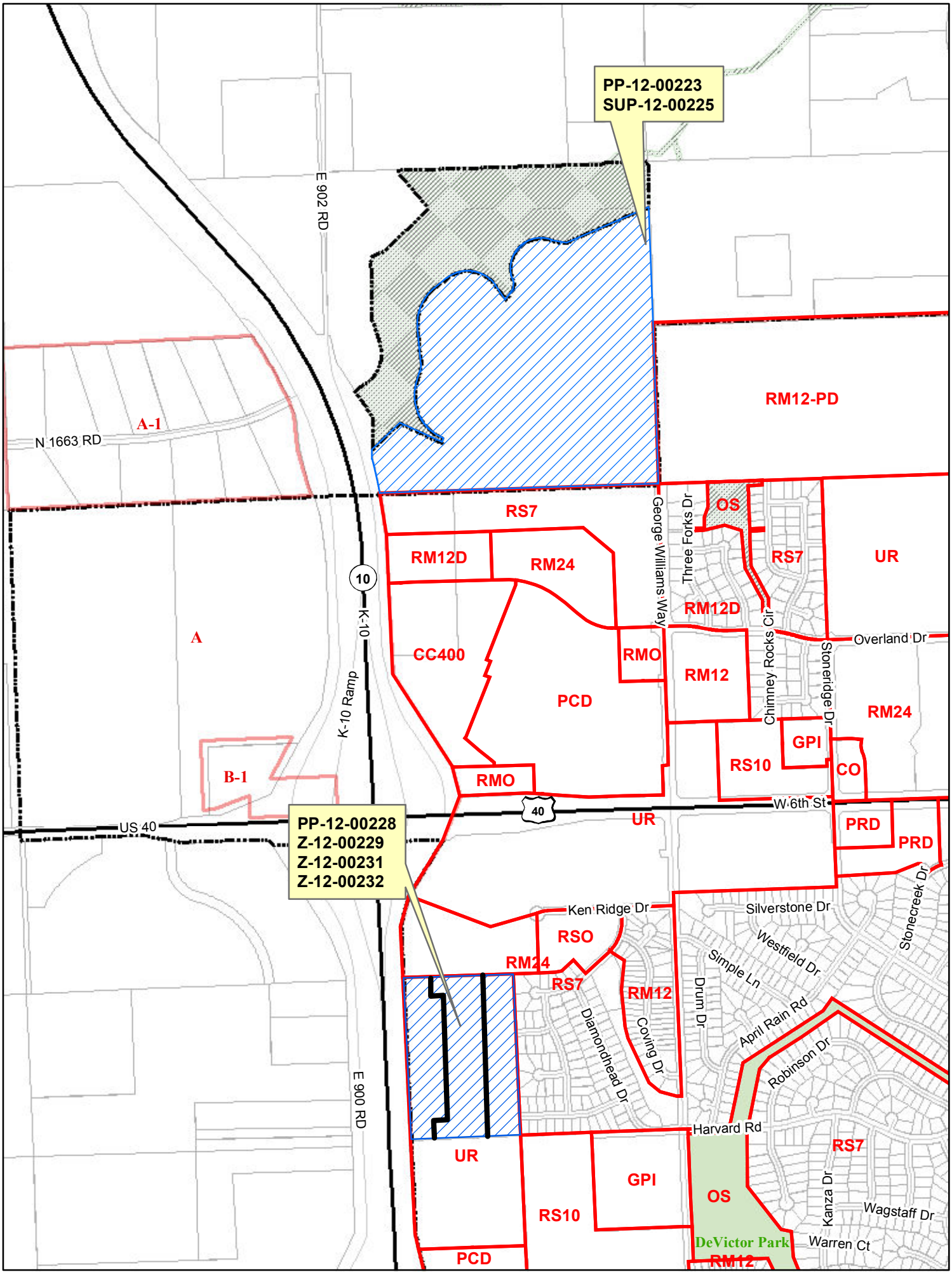
CONCEPT PLAN
LANGSTON HEIGHTS ADDITION, CITY OF LAWRENCE DOUGLAS COUNTY, KANSAS

REV	DATE	DESCRIPTION

DATE: 11/29/12
PROJECT NO.: 20121218
DESIGNED BY: TAH/LPE
DRAWN BY: BS
CHECKED BY: CMS

ISSUE | SHEET NO. 1 OF 1 SHEETS

FILE NAME: Q:\20121218\CAD\Concept-Exhibits\CONCEPT.dwg LAST SAVED BY: Brian Sturm SAVED DATE: 11/29/2012 2:55 PM PLOTTED: 11/29/2012 2:55 PM


PP-12-00223
SUP-12-00225
PP-12-00228
Z-12-00229
Z-12-00231
Z-12-00232
E 902 RD
N 1663 RD
A-1
A
B-1
RM12-PD
RS7
RM12D
RM24
CC400
PCD
RMO
RM12
UR
OS
GPI
RS10
CO
PRD
RSO
George Williams Way
Three Forks Dr
Chimney Rocks Cir
Stoneridge Dr
Overland Dr
W 6th St
US 40
K-10
K-10 Ramp
E 900 RD
Ken Ridge Dr
Silverstone Dr
Westfield Dr
Simple Ln
Drum Dr
April Rain Rd
Robinson Dr
Stonecreek Dr
Diamondhead Dr
Coving Dr
Harvard Rd
Kanza Dr
Wagstaff Dr
Warren Ct
DeVictor Park

November 28, 2012

Sandra Day, AICP City/County Planner, City of Lawrence

RE: Landplan Engineering Informational Session December 3, 2012
Langston Heights Development

As a member of the Diamonhead subdivision (6th and George Williams Way), I and over 50 households in our neighborhood are concerned by the recent application to change the Langston Heights development. When our family purchased into our neighborhood our builder, Neal Ezel, told us the design of the subdivision to the west would be low-density housing similar to ours. I want to thank the Lawrence Planning Department for their hard work in developing our neighborhoods and their insightful design of planned unit developments. So I hope you will understand my concerns for changes in the current plan.

The 270% increase in family units to the new Langston Heights subdivision creates an increase in pressure on property values, traffic, children's safety and schools in our neighborhood. see below*

The Lawrence Planning Department has laid out a solid plan for adding a single-family Langston Heights Subdivision into the existing Diamondhead Subdivision creating a flow of single family homes into an existing single family neighborhood. The addition of high-density development causes high density traffic to flow into the existing low-density neighborhood. The Lawrence Planning Department exercises good design in neighborhoods that include high-density developments close to main arteries to the city and single family low-density located on the interior of a development. The revisions to Langston Heights do not show good design.

It is with great concern for our young children, our property values and the quality of our neighborhood that we ask you to defer from the revisions to Langston Heights Development.

Sheri and Mark Crabtree
820 Andrew John Drive

*Using the "Preliminary Plat Langston Heights" and the "Concept Plan Langston Heights" document, a summary of the change in units follows:

Number of Lots Block	Preliminary	Concept	
1	1	62	
2	21	36	
3	24	48	
4	4	8	
5	3	3	
6	8	8	
	61	165	270.49% increase

December 03, 2012

Ms. Day,

I'd like to take the opportunity to express my concerns about the proposed rezoning of the Langston Heights area in West Lawrence. My chief concern with the rezoning of the area is the multi-family units that are proposed at the site.

My family currently resides at 6201 Crystal Lane which is in the Diamondhead Subdivision. We have lived at this location for nearly two years and have thoroughly enjoyed the quality of life in our home. After much domestic debate we chose this location to build our new home based on a variety of different factors. First, the neighborhood is in a very close proximity to Langston Hughes School where our children would be afforded the opportunity to walk safely to school on a daily basis. Second, we researched the original platting of the area west of our home and it was all originally platted and zoned for what we thought was low-density residential dwellings. Finally and most importantly, the character and makeup of the neighborhood itself drew us to this area. As soon as we selected our site we were invited and included in neighborhood picnics, parades, parties and Easter-egg hunts. Our children routinely play with other neighborhood children in the area and are constantly riding bicycles and crossing streets in the neighborhood.

I feel the rezoning of this area to include multi-family living will dramatically increase the amount of through traffic flow through our neighborhood streets. The main traffic flow of these 165 units will run past many residences and sidewalks that children utilize on a daily basis. I don't believe rezoning this area would contribute to the greater good of the area or the community. I would strongly disagree with anyone who believed otherwise.

I'd like to comment on a couple of points:

First, when the area was rezoned from Agriculture District (A) to Duplex – Residential District (RM-D) in 2005 there was concern expressed from Planning Commissioner Haase that he would support the motion but was "losing his appetite for RM-D zoning because it had been abused in other parts of the community." Was Commissioner Haase a visionary as to what was on the horizon for this area with his comments? I would agree with Commissioner Haase that the placement of muti-dwelling living with the only means of access through a residential neighborhood is an abuse of what those neighborhoods are designed to provide. The traffic that will come with the rezoning will diminish the quality of life and safety of those in our neighborhood. In that very same planning meeting in 2005, Betty Lichtwardt with the League of Women Voters expressed her concern for pedestrian access to the school. I feel her concerns voiced in 2005 echo loudly today.

Second, I do not feel that rezoning an area to include 165 multi-family units with the only access being residential, neighborhood streets is a common practice in the city. With the current proposed plan of the area, the only access to these units would be on Palisades Drive or Crystal Lane. The precedent of

accessing multi-family units through established residential neighborhoods is not one I am aware of at any other area of the city. Generally, it is my understanding that higher density zoned areas would be zoned close to larger artery and collector streets. This planned area would be close to neither. This plan would also direct this traffic through a residential area that is frequented by our children whom walk to school daily.

Finally, I struggle with the necessity for the re-zoning of areas in Lawrence to multi-family if there are any concerns on what effects it may have on the surrounding residents and neighborhoods. A recent article in the Journal-World noted a developer whom recently pulled plans to construct an apartment complex off of 31st Street. The developer was quoted "We were very excited about that market at one time, but we have tempered that excitement." According to this developer, there is capacity in the muli-family living market in city. Why would it be in the best interest of city to re-zone the area where is could have an adverse affect on an already thriving neighborhood community? I unwaveringly feel this development would have an adverse affect on the neighborhood in which we reside.

I want to be clear that I understand the importance of thoughtful expansion and development of neighborhoods in our community. I however believe that multi-family living units should be concentrated in areas that are easily accessible to major thoroughfares. Rezoning this area would accomplish just the opposite. The amount of traffic this action will generate would be a danger to the residents and children of our neighborhood.

I do appreciate the opportunity to comment on this issue. I would ask that you please include these comments for the Planning Commission to review. Thank You for your time.

Sincerely,

Ryan, Tiffany, Lillian and Jackson Fike

6201 Crystal Lane

From: Rick Hird [mailto:rhird@petefishlaw.com]
Sent: Thursday, November 29, 2012 8:21 AM
To: Matt Gudenkauf
Cc: Scott McCullough
Subject: RE: Langston Heights Rezoning

Dear Matt,

This will confirm that I have received and read your letter regarding the zoning of Langston Heights. I truly appreciate your input in the process. I have copied Scott McCullough on this email so he can circulate your email to the Staff and all of the Planning Commissioners.

Rick

Richard W. Hird
Petefish, Immel, Heeb & Hird, LLP
842 Louisiana
P.O. Box 485
Lawrence, KS 66044
785-843-0450
785-843-0407 fax

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From: Matt Gudenkauf [mailto:mattgudenkauf@gmail.com]
Sent: Wednesday, November 28, 2012 8:52 PM
To: Rick Hird
Subject: Langston Heights Rezoning

Dear Richard:

We are writing to ask you to consider deferring the rezoning of Langston Heights (Parcel west and south of Diamondhead) from UR to RM12 and RM12D in order to provide for a more agreeable development. The increase in traffic, decreased in property values and changes to the original 2006 plat are issues that need to be addressed.

The new plan proposal is to build a total of 165 housing units on 61 lots. With only 2 streets (Crystal Lane and Palisades Drive) servicing current and additional units, traffic will be heavier than originally planned for these two streets. This plan shows this with the numerous traffic calming devices located on the expanded Crystal Lane. Crystal Lane and Palisades were originally developed as a lead in to other single family housing, not medium density apartments. Typically, medium density housing is at the front of subdivisions, leading farther in to low density housing, this proposal is the exact opposite of that. Palisades already has issues on school days due to drop off and pick up from Langston Hughes Elementary School; it can't handle the additional traffic flow. Even when the future "proposed" access to 15th street and George Williams Way get added, traffic from this development will still be pushed through low density housing in nearly every direction. The Horizon 2020 plan specifically discourages this action with numerous aspects outlined in the bottom of this letter.

Should this plan be approved, due to the direct impact of the medium density housing, property values in the Diamondhead subdivision will decrease. When we built our home back in 2008, we knew additional low density housing would soon follow to our west. This was based on the Planning Commission approval in January 2006 of single family homes in the Langston Heights area. We never would have built our new home

in this location had we known apartments and duplexes were to be built, and future potential home owners will feel the same way. We all based our decisions off this approved 2006 zoned plat for single family homes.

As you will see at the December 10th meeting, the Diamondhead subdivision is a unique neighborhood with a large population of kids. Traditions such as our July 4th parade, Easter egg hunts, neighborhood cookouts, and the general family feel among neighbors will be lost if this proposal passes.

Please see to it that this proposal does not go any further without modifications. We are not against the expansion of our subdivision to the west, we are against the medium density zoning; we would happily approve of low density zoning, which would expand on this great neighborhood.

Thank you for your time

Matthew and Erica Gudenkauf
6204 Crystal Lane
Lawrence, KS 66049
(785)830-9802

Horizon 2020 Plan that relate to this proposal:

Low-Density Residential Land Use

GOAL 3: Neighborhood Conservation (page 5-15, 5-16)
- Policy 3.3: Encourage Compatible infill Development
- Policy 3.4: Minimize Traffic Impact through Neighborhoods

GOAL 4: Criteria for location of Low-Density Residential Development (page 5-17)
- Policy 4.2: Protect Areas Planned for Low-Density Development

GOAL 5: Create a Functional and Aesthetic Living Environment (page 5-19, 5-20)
- Policy 5.5: Ensure Convenient and Logical Street/Road System Design

Medium and higher Density Residential Land use

GOAL 1: Criteria for Location of Medium and Higher Density Residential Development
- Policy 1.3: Identify Suitable Sites (page 5-23)
- Policy 1.5: Ensure Adequate Infrastructure (page 5-24)
- Policy 1.6: Consider Access (page 5-24)
- Policy 1.7: Adhere to Designated Land Uses (page 5-24)

GOAL 2: Create a Functional and Aesthetic Living Environment
- Policy 2.6: Consider Residential Density and Intensity of Use (page 5-26)

GOAL 4: Transportation Considerations (page 5-30, 5-31)
- ALL OF THEM

November 27, 2012

Sandra Day, AICP
City/County Planner
6 East 6th street
Lawrence, KS 66044

RE: Langston Heights Addition
Planning Commission Agenda Items on December 10, 2012

Sandra,

We are writing to express our concerns associated with the four items on the Planning Commission agenda for December 10th for the Langston Heights development. We are responding to the material that has been currently submitted to the City for the application (application, plat, concept plans, etc.) The applicant and developer are holding a meeting with the neighborhood, but have scheduled this meeting (December 3rd) with limited to no time to be able to respond prior to the issuance of the staff report. We are submitting this prior to that meeting in order to be reviewed prior to the completion of the staff report and for inclusion on the packet to the Planning Commission.

The comments below represent the views and opinions of many within our neighborhood concerning the proposed zoning request and preliminary plat for the Langston Heights Addition. While many of us would welcome the proposed land to remain an open area, we all recognized that it would be developed as an extension of our neighborhood. Many of us, and those specifically on Palisades Drive and Crystal Lane, reviewed the current plans for this parcel of land prior to purchasing our home. While often there is limited knowledge of undeveloped area adjacent to a development, this was not the case with our neighborhood. There was a plat developed and approved by the Planning Commission and City Commission for this parcel of land. While the plat was never signed or recorded, it still provided a glimpse to the intentions of the land owner of their vision for this parcel of land.

We have attempted to address each specific agenda item individually but many of these issues crossover between items. Where this occurs we have indicated reference notes as appropriate.

PP-12-00228 Preliminary Plat for Langston Heights Addition: There are many concerns with the proposed plat and the proposed layout and land uses. Many of these concerns could be addressed should the land to the north and south of the proposed area be developed prior to or at the same time as this development. Obviously this is unrealistic to assume and the plat must be considered as development would not occur for some time to the north or south. Items of note include:

1. This is the second plat filed for this parcel of land. The first was approved in early 2006. This plat indicated 67 single-family and 18 duplex residential lots. While it is our understanding that is was never fully executed, it still provides reference to an alternate concept by the same land owner for this land.
2. Horizon 2020 indicates this area to be low-density residential. The application indicates that the Lawrence future land use map does not specifically designate a land use for this property. This is incorrect. The Nodal Plan for the Intersection of West 6th and KS 10 address this area as low-density. We understand that the project, as it relates to density, is using the entire land area to calculate the number of units per acre. We would caution the continued use of this method as it has recently caused conflicts in other areas of our community.

3. The plat indicates the extension of two local residential streets (Palisades Drive and Crystal Lane.) These two streets will be the only access point into the new development. Section 20-204 (e) of the Land Development Code indicates that "RM Districts are intended for implementation along Residential Collector, Collector and some Arterial Streets." Neither of these streets meets this requirement.
4. Renaissance Drive in the 2006 plat, the 2012 plat draft and on the concept plan (submitted by the applicant) all have indicated that this street would be a collector street. The current plat has changed this street to a local street. Should the RM zoning designation remain then the district should be accessed in accordance to the Development Code and Renaissance Drive shall remain as a collector street.
5. Renaissance Drive appears to be the proposed "connector" street from George Williams (via Ken Ridge) to the north and Bob Billings Parkway to the south. The use of this street in this manner is logical and would serve as a residential collector street for these neighborhoods and future development. As noted above though, it is unknown when this street would be completed and until such time, would not serve as a collector street. Regardless, this street should remain as a collector or residential collector street,
6. Should the RM zoning designation remain then a condition to the plat should be added that, until such time that Renaissance Drive is completed to either the north or the south, the RM zoning district should **not** be allowed to be developed. This would allow the collector street to be developed as required by the development code.
7. The request for variance on the sidewalks should be denied. While regulation may have changed from the time the adjacent land was developed and sidewalks were not installed on both sides of the local streets, this should not prevent the owner from providing walks per the Development Code. Sidewalks add to the "live-able" character of a neighborhood. In addition, as a neighborhood with many young children, sidewalks on both sides of a street eliminate the need to cross the street as often. Most of the children in this neighborhood enjoy the opportunity to walk to elementary school, and with the increased vehicle traffic of the development, the sidewalks on both streets would add to the safety of the neighborhood.
8. A traffic calming device, similar to the roundabout at Crystal Lane and Big Sea Drive, should be installed at Palisades and Big Sea Drive. While there is a speed hump in the mid block of Palisades this device does not appear to reduce the speed of vehicles in the neighborhood on this street or the adjacent streets.

Item Z-12-00220: Rezone to RM12D

1. RM Districts are intended for implementation along Residential Collector, Collector and some Arterial Streets. As noted above, neither Palisades Drive nor Crystal Lane qualifies as these street types.
2. The medium density zoning will be accessed through an existing low-density residential area and a proposed low-density residential area. There are no recent developments in Lawrence where this occurs. All other RM12 zoning is accessed from an adjacent collector street and not through a lower density residential neighborhood on a local street.
3. This zoning will pre-determine a portion of the land use to the south. The RM12D zoning adjacent to the southern edge will pre-determine RM12D zoning adjacent. The application specifically states, in Item 2, that this zoning change will develop "precedent for adjacent vacant properties." It can only be assumed, given the relationship of the developer of this parcel of land to the land owner to the south, that it is the intention to continue medium density residential to the south. This is counter to the future land uses indicated in Horizon 2020 for low-density residential.
4. Item 3 in the application indicates that the rezoning "will pose no detrimental effect to the nearby properties." This statement is unfounded. The increased traffic with medium density zoning and the unknown level of quality of the development could directly impact the adjacent property uses and land values. Unless the owner proposes restrictions to the type of development that could occur, materials

5. If this rezoning is to be considered in concert with the other two rezoning applications then a Planned Unit Development (PUD) should be required to ensure the type of development proposed with the plat is the actual development.
6. Item 6 of application indicates that "denial of this application will perpetuate the vacancy of this land." This statement is unfounded. This is the second plat for this portion of land by the same developer. There are obvious multiple uses for this parcel of land. Denial will not perpetuate vacancy. It is obvious that this parcel will be developed, but the question is whether the medium density zoning is appropriate.

Item Z-12-00231 : There is no opposition to Item Z-12-00231 to rezone land from UR to RS7. This land change is the expected zoning for this parcel of land considering the existing adjacent land uses. This zoning change is also expected as it represents the intention of a plat developed by the same land owner, Langston Heights L.C. in 2006. This plat was a document many of us referenced prior to purchasing our home.

Item Z-12-00232: Rezone to RM12

1. Many of the issues for this development are identical to the issues associated with the RM12D rezoning. Please refer to items 1, 2,4,5, and 6.
2. This zoning will pre-determine a portion of the land use to the south. The location of Renaissance Drive and its connection to the South, along with the RM12, will predetermine the land south of this development and west of Renaissance Drive to continue the RM12 or higher zoning designation. This, coupled with the RM12D predetermined zoning, will raise the density from low density residential to medium-density residential. This is counter to the indication of the Horizon 2020 land uses for this area. The application specifically states, in Item 2 that this zoning change will develop "precedent for adjacent vacant properties." It can only be assumed, given the relationship of the developer of this parcel of land to the land owner to the south, that it is the intention to continue medium density residential to the south. This is counter to the future land uses indicated in Horizon 2020.
3. Item 3 in the application indicates that the rezoning "will pose no detrimental effect to the nearby properties." This statement is unfounded. The increased traffic with medium density zoning and the unknown level of quality of the development could directly impact the adjacent property uses and land values.

We apologize for the length and depth of this letter, but the quantity of items to be considered and the complexity of each issue requires a proper response. We look forward to being able to hear from the applicant and owner at their presentation next week and will respond accordingly should the situation dictate.

We hope that you consider these issues prior to the completion of the staff report and, as previously noted, include this correspondence in the packet to the Planning Commission.

Respectfully submitted,

Andy and Debbie Pitts
6212 Palisades Drive

From:	Michael Whittlesey
To:	Sandra Day
Subject:	Langston Heights
Date:	Thursday, November 29, 2012 10:41:55 PM

Dear Sandra:

I am writing in opposition to the possible re-zoning of the Langston Heights development from a low density plan to a high density plan. The ramifications of this re-zoning would drastically effect the entire community and safety of the Diamondhead Development and the Langston Hughes Elementary school. The increase in traffic on Crystal lane and Palisades Dr that would come with the high density development would be approximately an additional 400 cars on streets that directly feed an elementary school. The majority of the residence in the Diamondhead Development built in the area under the knowledge that the original zoning of the Langston Heights was a low density plan. We all built in the area with the idea that it would remain a safe place to raise our children and with easy and safe access to Langston Hughes Elementary. Palisades Dr access to Diamondhead Dr is the main route that parents take daily to drop of their children to LH Elementary. Diamondhead Dr has become a one lane road as parents, in not only the Diamondhead Development but from other neighborhoods, use the access that Diamondhead Dr has to Langston Hughes Elementary to drop of their children. The design and road infrastructure of the Diamondhead Development was not built to handle the additional increase in traffic proposed with the re-zoning of the Langston Heights Development to a high density design. The infrastructure of the road might be able to handle the increase traffic but the density of housing projected in the traffic planning of the roads was for single family homes in the adjacent land use. Diamondhead development has sidewalks on only one side of the road as the design of the neighborhood and future development would not have the traffic load that would require sidewalks on both sides of the road. We all knew the Langston Heights would be developed but as a low density project with additional single family homes. Please consider the safety, quality of life, and infrastructure ramifications to all three communities Langston Heights, Diamondhead and Langston Hughes Elementary that this re-zoning would cause.

My wife and most in our immediate community actually commute out of Lawrence daily. However, we choose to build in this development because of the current residence, the sense of community, and the safety of the current planning of this area. We looked into the future planning of this development and where told it was zoned as single family to continue the continuity of the current development. As parents of 2 young children this was the ideal neighborhood considering safety, community togetherness, other children to play with and the closeness of schools. Rezoning this plot would drastically impact the safety of all these children playing in the area.

Thank you for your time and service.

Michael Whittlesey
6209 Crystal Lane
Lawrence KS

Sent from my iPad

Sandra L. Day, AICP, *City/County Planner*
Planning Division
P.O. Box 708, Lawrence, KS 66044
Office (785) 832-3161 | Fax (785) 832-3160
RE: Land plan Engineering Informational Session December 3, 2012
Langston Heights Development
December 5, 2012

Dear Sandra Day:

As a member of the Diamondhead subdivision, my husband and I are very concerned by the recent application to change the Langston Heights development. When we purchase our home, we were told that the design of the subdivision to the west would be low-density housing similar to ours. We want to thank the Lawrence Planning Department for their hard work in developing our neighborhoods and their insightful design of planned unit developments. We hope you will understand our concerns for changes in the current plan.

The 270% increase in family units to the new Langston Heights subdivision creates an increase in pressure on property values, traffic, children's safety and schools in our neighborhood. We feel that the proposed zoning does not guarantee any specific types of building. We feel left in the dark with the current proposal. We want to know if this design has worked well in other neighborhoods in Lawrence. If it has not, why our neighborhood should be a test case for what appears to be bad design.

We are not against the expansion of our subdivision to the west, we are against the medium density zoning; we would happily approve of low density zoning which would expand on this great neighborhood.

It is with great concern for our young children, our property values and the quality of our neighborhood that we ask you to defer from the revisions to Langston Heights Development.

Please include our letter in the Langston Heights Planning Packet!

Thank you very much for your time and consideration!

Sincerely,

Xiufen Bi and Gary Jiang
824 Diamondhead Dr.

From: Andrew Pitts [APitts@TreanorArchitects.com]
Sent: Wednesday, December 05, 2012 12:52 PM
To: Scott McCullough
Cc: markandsheri; lhanna@HNTB.com; ryanlfike@gmail.com; Boedeker; carisa@freshsound.com; tiffanyfike@gmail.com; donherbel@att.net; mattgudenkauf@gmail.com; dltate180@gmail.com; Bradley R. Finkeldei; Crabtree, Mark A.; dustin@freshsound.com; ahanna356@gmail.com; Home; Erica Gudenkauf; bigalcowles@gmail.com; lindalh2009@att.net; nate@lawrencewesleyan.com; shubhshar@gmail.com; mcsparky45@yahoo.com; thepitts@sunflower.com
Subject: December 10th Planning Commission: Langston Heights Agenda Items

Scott-

On behalf of our family and numerous others within the Diamondhead Neighborhood we are requesting consideration of moving Agenda Items No 5A, 5B, 5C and 5D to earlier in the Planning Commission meeting.

We ask this in order to accommodate the members of our neighborhood that wish to speak on these items. A significant portion of our neighborhood are families with children and a significant portion of these children are elementary or younger. While we have coordinated babysitting for neighborhood families at neighbors homes, we have parents that will need to leave to be able to ensure our children are in bed at a reasonable hour, especially on a school night.

This was best illustrated at the public meeting held this last Monday evening at Langston Hughes Elementary school. The meeting started at 7pm and we had approximately 50 neighbors in attendance. By 8pm many needed to leave to be able to attend to their children's needs.

We recognize the importance of the agenda items prior to this item and the amount of public or commission discussion that may occur. But we also believe that it would be a disservice for those that would like to address this item should the discussion linger on the later in the evening.

I want to thank you for your consideration on this item and look forward to the meeting on Monday.

Sincerely,

Andrew Pitts

December 6, 2012

Sandra Day, AICP
City/County Planner
6 East 6th street
Lawrence, KS 66044

RE: Langston Heights Addition
Additional Correspondence for
Planning Commission Agenda Items on December 10, 2012

Sandra,

Please accept the following correspondence to supplement our prior letter. This letter shall address items addressed at the neighborhood meeting held by the applicant and developer and the recently issued staff report.

On December 3rd, the applicant and developer held a neighborhood meeting at Langston Hughes Elementary School to address this proposal. Approximately 50 people were in attendance, and a majority of these were residents of the Diamondhead neighborhood. It was a very spirited discussion of the issues. There were many comments by the developer of opening a dialogue with the neighborhood of their concerns and issues with this proposal. We all welcomed this proposition. From the start of this process we have all supported development; the concern has, and continues to be, the type of zoning that is proposed. Unfortunately no dialogue has occurred.

Repeatedly the developer spoke of involving the neighborhood in decisions. They indicated the neighborhood would have a say in covenants associated with the multi-family. Unless this discussion occurs prior to the re-zoning then there would be not guarantee of compliance with this statement. Often the applicant and developer contradicted themselves in statements throughout the evening.

Items of note include:

1. The applicant continually stated that this development was in compliance with Horizon 2020. This caused confusion since their application stated that the future land use map and Horizon 2020 did "not specifically designate a land use for the subject property." The staff report correctly identified that the West 6th / K10 Nodal Plan addresses this area. But the staff report seems to interpret the document broadly, only referencing certain sections and failing to reference others.

2. The Nodal plan specifically addresses the Diamondhead and Langston Heights area. The nodal plan indicates that "this intersection is envisioned as a multiple-use activity center of low-, medium-, and high-density residential development; commercial, office, research, and industrial activities; public, semi-public, and institutional uses; and parks, recreational, and green/open space opportunities." It further states for the Southeast Corner, that the corner provides an opportunity for a variety of residential, commercial, and office activities. This nodal plan "also designates the majority of its residential uses appropriate for low-

density, **single-family** neighborhoods with a **small** portion considered appropriate for medium-density residential development. This medium-density development serves as primary buffer between single-family neighborhoods and commercial activities." It further states that "This nodal plan anticipates more low-density, single-family residential development in the areas surrounding this corner and therefore much of this corner was designated appropriate for similar development to maintain compatibility of surrounding land uses." The staff report quotes specific sections but fails to address the statement "appropriate for low-density, single-family neighborhoods." It only constantly quotes "a mixture of housing types… should be encouraged." We do not dispute the need for a mixture of housing types, but the question is whether this proposal is the correct mixture or the correct location? The developer and applicant admitted at the neighborhood meeting that this type and mix of development "has not been tried or developed in Lawrence." Why is this established successful neighborhood the place to try this experiment?

3. The staff report also discounts the traffic issues associated with the increased density that have been addressed by the neighborhood and accepts the traffic report by its "data and numbers". City development documents discuss the required need for neighborhood connectivity. It states that "streets within the various neighborhoods of this area shall be connected to each other. …Connected streets provide multiple route options for vehicles which can help eliminate the choke points that are created when cars are forced onto a limited amount of streets that carry traffic in and out of neighborhoods." We would concur with this statement. Without the complete development of the north/south road (Renaissance Drive) then all of the development traffic would be forced onto two local streets. The applicant has produced a traffic study that states the traffic counts are within the City requirements. We do not argue this fact. But neither the traffic study nor the staff report takes into account the impact of a neighborhood elementary school and its dramatic impact on the traffic pattern.

   Every morning and afternoon Diamondhead Drive becomes a double loaded drop off and pick up location. Children must maneuver between parked and slowly moving vehicles. The applicant, at the public meeting, stated that this issue was a minor "blip" in the traffic study. This "blip" has been one of the primary focuses of the Langston Hughes Site Council for numerous years. The site council has pushed for additional crossing guards, no parking restrictions, a school zone, and, most recently, added a fence to help limit pedestrian traffic from Diamondhead. Issues still persist.

   With the additional traffic associated with the increased density, the poor planned lack of sidewalks on both sides of the street (and specifically on the side of the street adjacent to the school,) this "blip" could be devastating if a child is injured because of this poor planning. Traffic studies, numbers, computer simulations will not depict the accurate scenario that we see every day in our neighborhood. The additional traffic associated with the increased density will compound this issue. As local traffic avoids the Diamondhead / Harvard round-a-bout at various times of day, all traffic will be focused to Ken Ridge Drive. This will create a significant choke point at this intersection.

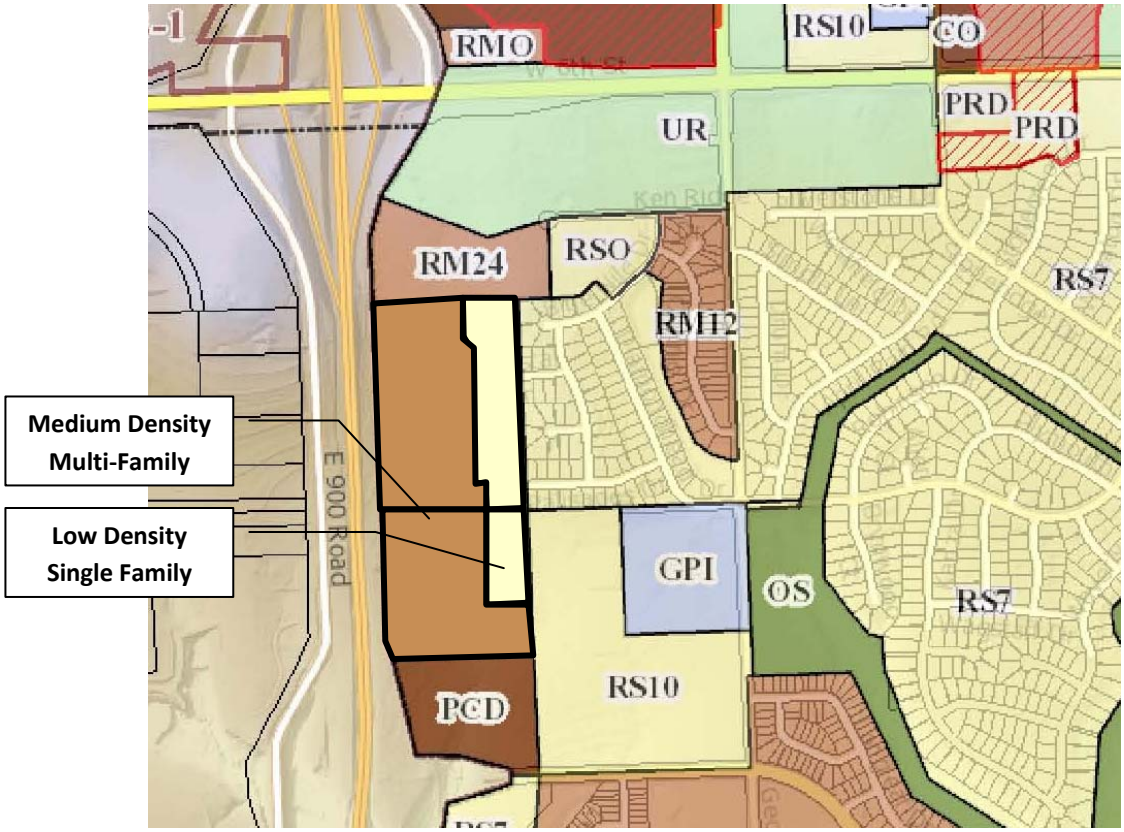
4. Much in the staff report speaks of the desire of a mix of housing types within each neighborhood. We would support this guiding principal. The current zoning to the east of the Diamondhead development is an excellent development of RM12 Duplex homes. To the north of the neighborhood is existing zoning of RM24. This will provide a transition from the RS7 single family development to the future planned office / commercial development to the north. It has been discussed by the applicant and in the staff report of the need to "buffer" K10 with higher density multi-family housing. It has been discussed by the applicant the need to buffer the RM24 to the north. Other solutions are viable solutions to this proposal and examples can be found in the West of K10 Plan.

The staff report suggests that a variety of "step down" developments are required to appropriately transition the single-family development to the north and the west. As one of our most recent planning documents, the West of K10 Plan provides current planning ideas and guidelines for all new development in this area. It presents the concepts of "Traditional Neighborhood Design" (TND) versus the conventional land use development concepts. The document speaks about the challenges that arise when placing new developments adjacent to existing development. "Compatible land uses should be located adjacent to each other…" This document also presents concepts on buffering the K10 corridor counter to the proposed development. The concept illustrates an "outer" road concept with a green space to buffer commercial and residential development to K10. Per the SLT/K10 Transportation Corridor Overlay, this green space would be landscaped to screen the residential development. This method, a part of the 2006 plat, should be explored prior to acceptance of this request.

5. The applicant states in the application that the approval of this zoning will "set a developmental precedent for adjacent vacant parcels." The adjacent parcels indicated refer to the land to the south of the proposed development. Since the applicant specifically references this parcel and indicates that this will set a precedent, then the West of K10 Plan should be used as a guiding document as it addresses this parcel of land. This plan, adopted in 2009, is one of the latest planning documents and combines many of the current planning guidelines. Again, this document indicates the land south of the proposed development to be low-density development.

   As the applicant has indicated, the proposed development will be setting a precedent for future land uses. Should this be the case, then a majority of the land uses to the south will be predetermined to be multi-family, medium density land uses (see map below). This is supported by the proposed location of the Renaissance Drive as the applicant would more than likely propose multi-family between the road and K10. The proposed location and its connection point to Bob Billings will encourage medium density development. The map below begins to indicate the pre-determined extent of the southern land and, the quantity of medium density zoning, and is counter to the current adopted land use documents for this area.

The applicant and developer indicated in the neighborhood public meeting that they are currently in negotiations to control the use of the southern land. This statement reinforces the land uses will be pre-determined with the approval of the northern land uses.



6. Finally, the developer continually spoke at the meeting that this was "the only financially viable project for this land." This argument has been tried and failed before in Lawrence. The excuse of their inability to "make a project financially viable" should not be an excuse to discount the approved planning guidelines and documents. We all recognize the economic climate that our City and area have been in the last few years, and we would welcome a change. But this should not be an excuse to discard our planning principals and develop whatever the developer wants on this land.

We are not opposed to development. We encourage and want development on this land. The correct type of development will enhance our neighborhood and community. The correct type of road network, with connections to the north and south, would enhance and correct traffic issues. We would welcome an actual dialogue with the applicant and developer to discuss a compromise development.

We request, on all items associated with the Langston Heights Development, a deferral so that a dialogue may occur between the City, Developer, Applicant, and Neighborhood.

Respectfully submitted,

Andy and Debbie Pitts
6212 Palisades Drive

Diamondhead Residents Opposed to Langston Heights

Presented to the

City of Lawrence
KANSAS

December 10, 2012

History

The residents of the Diamondhead neighborhood in west Lawrence have united in our opposition to the rezoning required for proposed Langston Heights development. Some 35 families representing more than a hundred residents have signed on to lobby the Planning Commission.

The following pages detail our concerns. We start with our general belief that the area in which we chose to build and purchase our homes was in a single family neighborhood. The area's first plat, approved in 2006, indicated 67 single-family and 18 duplex residential lots. The new application proposes a 94% increase in dwelling units from the initial 2006 plan due to 24 four-plex units and 62 row houses.

The construction as proposed would require egress through two residential streets - Palisades Dr. and Crystal Ln as Renaissance Dr. would not be completed until some unknown future date. The developers themselves recognized that this would be the first instance in Lawrence where non-residential traffic would be forced through a residential area. Brian Sturm, spokesman for Landplan Engineering, likened it to an experiment at the December 3, 2012 informational meeting. The residents of this neighborhood would prefer not to be test subjects in a developer's experiment, nor should the Planning Commission allow that to be the case.

Horizon 2020

Brian Sturm in addressing the community, repeatedly referenced Horizon 2020 as justification for the proposed rezoning. A review of the document shows the proposed rezoning to be in direct conflict with the comprehensive plan. Horizon 2020 indicates this area to be low-density residential, and the document twice states a need to “Protect Areas Planned for Low-Density Development”.

Landplan Engineering, P.A.

Specific policy statements within Horizon 2020 counteract the statements and design of Landplan Engineering and the other applicants:

Policy 3.4: Minimize Traffic Impact through Neighborhoods

- The site design of a residential development should accommodate multiple points of access (direct and indirect) with attention to directing vehicular traffic to and from a development to collector and/or arterial street/roads.

Policy 3.6: Promote Neighborhood Identity

- Preserve and enhance the visual and environmental character of existing neighborhoods.

Policy 4.1 Levels of Service

- "The construction of new medium- or high-density residential development or the expansion of existing medium- or higher density residential development shall not be approved until the surrounding street/road system can provide an acceptable level of service"

Policy 4.3

- "Discourage the diversion of traffic to or from medium- and higher-density residential developments onto local residential street/roads through low-density residential neighborhoods."

Horizon 2020 also calls for the sites recommended for new medium-density residential development occupy transitional locations between single-family neighborhoods and office/commercial areas. But there are not areas for commercial development for which the medium-density housing could provide a buffer.

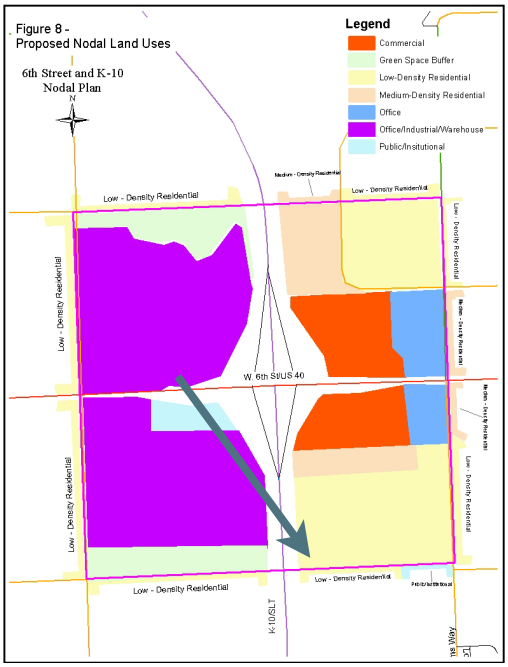
Furthermore, the Planning Commission has previously expressed concerns with this interpretation of the plan:

PC Minutes 11/16/05

“Comm. Hass indicated he would support the motion, but stated that he was losing his appetite for RM-D zoning because it has been abused in other parts of the community.”

6th & K-10 Nodal Plan

Additional planning documents address the area in more specificity. A Nodal Plan for the Intersection of West 6th Street & Kansas Highway 10 (K-10) designates the entire Diamondhead neighborhood as low density residential as detailed in the figure below. The plan defines low-density "to allow for single family dwelling, duplex, and attached dwellings but emphasis is placed on the residential uses." The zoning classifications indicate RS7 and RM12D but includes RM12 under the medium density classification.



The applicant states in the application that the approval of this zoning will "set a developmental precedent for adjacent vacant parcels." The adjacent parcels indicated refer to the land to the south of the proposed development.

As the applicant has indicated, the proposed development will be setting a precedent for future land uses. Should this be the case, then a majority of the land uses to the south will be predetermined to be multi-family, medium density land uses. This is supported by the location proposed of the street (Renaissance Drive) as the applicant would propose multi-family between the road and K10. The proposed location and its connection point to Bob Billings will encourage medium density development, which would conflict with the Nodal Plan.

West of K-10 Plan

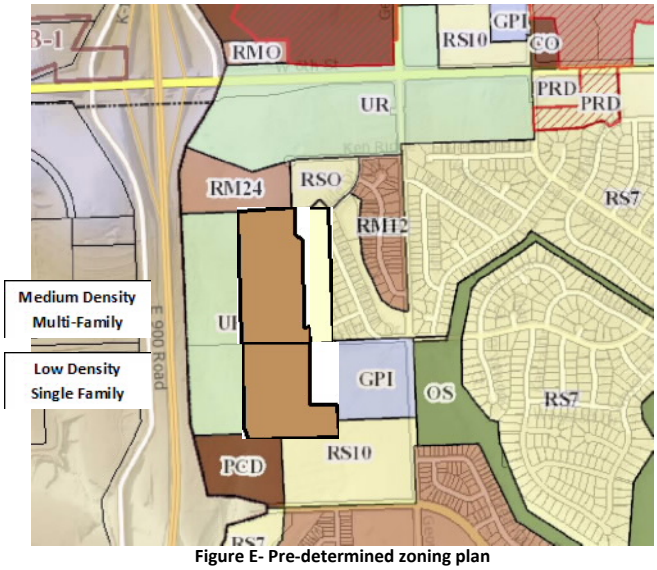


Figure E- Pre-determined zoning plan

The map at left indicates the pre-determined extent of the southern land and, the quantity of medium density zoning, is counter to the current adopted land use documents.

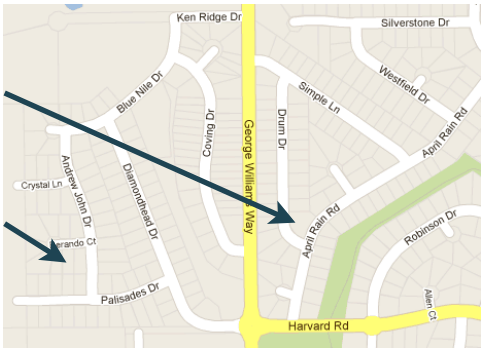
The applicant and developer indicated in the neighborhood public meeting that they are currently in negotiations to control the use of the southern land. This statement reinforces the land uses will be pre-determined with the approval of the northern land uses.

Precedent

Similar requests for rezoning adjacent to the Dlamondhead neighborhood have been denied for all the rationale presented in the preceding pages:

Denied

In Question



PC Minutes 1/25/06

Staff Finding

- The character of the area is a low-density, single family residential neighborhood. The area west of George Williams Way is planned as a mixed development including multiple types of residential development.

Staff Finding

- The subdivision layout and land use requests in the immediate area have conveyed a continuation of established low-density, single-family detached development pattern for this neighborhood. Development around the subject property has begun with an expectation of single-family detached development for the subject property. Property owners have made decisions based on recent previous actions for this area.

Staff Finding

- The property has been planned and platted for single-family development. If the request is denied the applicant still retains the ability to develop the property with single family homes. Approval would double the density and traffic generated[2] from the area.

- The Plan anticipates that low-density residential development will “continue to be the predominate land use in the City.” The most common method to assure compatibility is to extend or continue a particular zoning district. The approved and published RS-2 (Single-Family Residence) District expanded the low-density residential district in this area and was found to be consistent with the generalized land use expectation for residential development in 2004 per Z-4-15-04 and reaffirmed this decision in July 2005 per Z-06-35-05]. A subdivision plat for single-family residential development was approved and recorded as the Green Tree Subdivision in October 2004 as a requirement of the zoning.

- If approved, the result will be to sandwich a small pocket of duplex development along the east side of George Williams Way.

Staff Finding

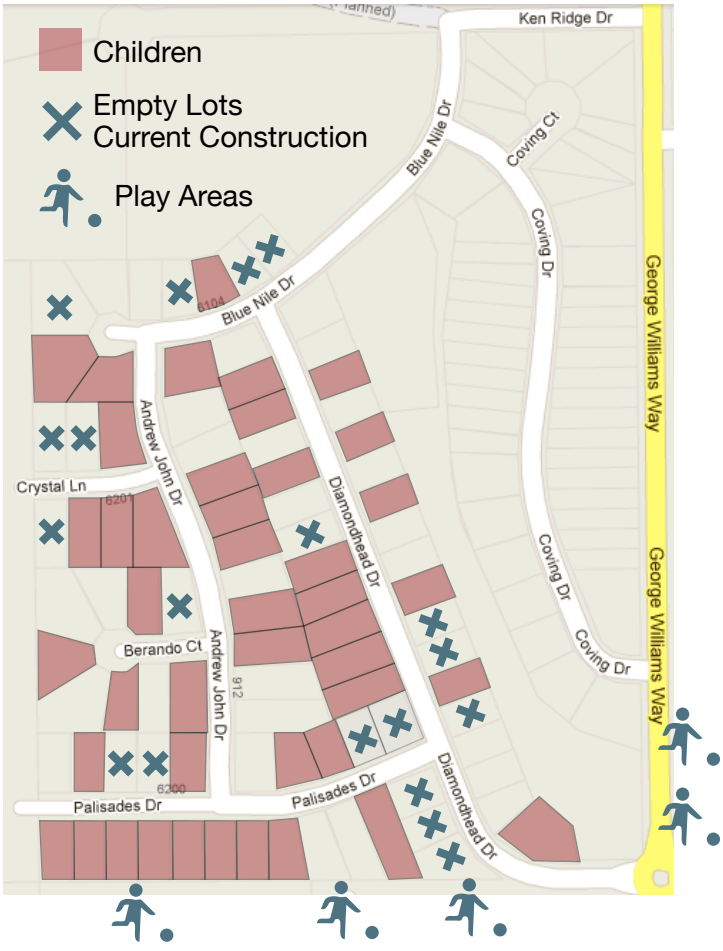
- The proposed request is not in conformance with Horizon 2020.

Traffic Safety

The citizens of the Diamondhead neighborhood are most concerned about the safety and well-being of our children. We believe that increased traffic, especially that of the younger and single type of residents that the developers expect to attract will unnecessarily put children at risk.

As Palisades Dr. and Crystal Ln. will be the only access to the row houses and multi-plexes, it invites the potential for a tragedy. The Diamondhead area is filled with with children of all ages and will be for many years to come.

The applicant references a traffic study that states the traffic counts are within the City requirements. The neighborhood was promised a copy of that study at the 12/3 informational meeting, but to date, it has not been provided. We are concerned the study does not take into account the impact of a neighborhood elementary school and multiple parks and their dramatic impact on the traffic pattern.



The map at left demonstrates the density of children in the neighborhood.

There exist a number of areas in and around the neighborhood where children would play. These have been marked just off the map and include:

- Two Separate Playgrounds
- Sports Fields
- Log Climbing Park
- Walking Trail

Also notice that not a single street in the community is a straight line. Considering the elevation change running along Andrew John Dr. one can envision the problems with sight lines for any driver, let alone one that is not used to driving in a family heavy residential neighborhood with children at play.

Traffic Congestion

In addition to the safety concerns, there remains the question of access. The streets in and around the neighborhood become congested on a daily basis along George Williams and at the Harvard roundabout in the morning and along Palisades Dr. each afternoon and any time there is an evening event at the Langston Hughes Elementary School. The applicant's cite a traffic study with peak times between 4pm and 6pm having adequate traffic flow. The peak times for this area are actually 8am to 9am and 3pm to 4pm due to school drop off and pickup.

The West of K-10 Plan, adopted July 2009, addresses neighborhood connectivity: "Streets within the various neighborhoods of this area shall be connected to each other. … connected streets provide multiple route options for vehicles which can help eliminate the choke points that are created when cars are forced onto a limited amount of streets that carry traffic in and out of neighborhoods."

Similar language is found within Horizon 2020: "Street systems that do not permit connections isolate neighbors and force traffic to concentrate on collectors. This type of street circulation should be avoided."

But the submitted rezoning application would increase residency in the area by 96% over the current zoning while not addressing any of the underlying problems with the current traffic situation. It would force more trips through Palisades Dr. and Crystal Ln.

Infrastructure

The current zoning has meant that the Diamondhead neighborhood was developed as single family with the future plan for a limited number of duplexes only. As such the lighting, sidewalks, crosswalks, signage, and other infrastructure have been implemented based on that plan.

The proposed rezoning for Langston Heights would require retrofitting the existing neighborhood with a variety of items. There currently exists sidewalks on a single side of the streets throughout the neighborhood and no crosswalks except for the roundabout at the intersection of Harvard and George Williams. As illustrated previous, the Diamondhead area is filled with children out at play and such a significant increase in residency and traffic would seem to necessitate changes to the existing layout.

None of the intersections in the community feature traffic signage. The applicants count at least 138 additional trips per hour with the traffic study, but fail to demonstrate its effect within the existing layout. We have already discussed the potential for pedestrian accidents, but the limited sight-lines and lack of any stop or yield signs is an invitation to traffic accidents.

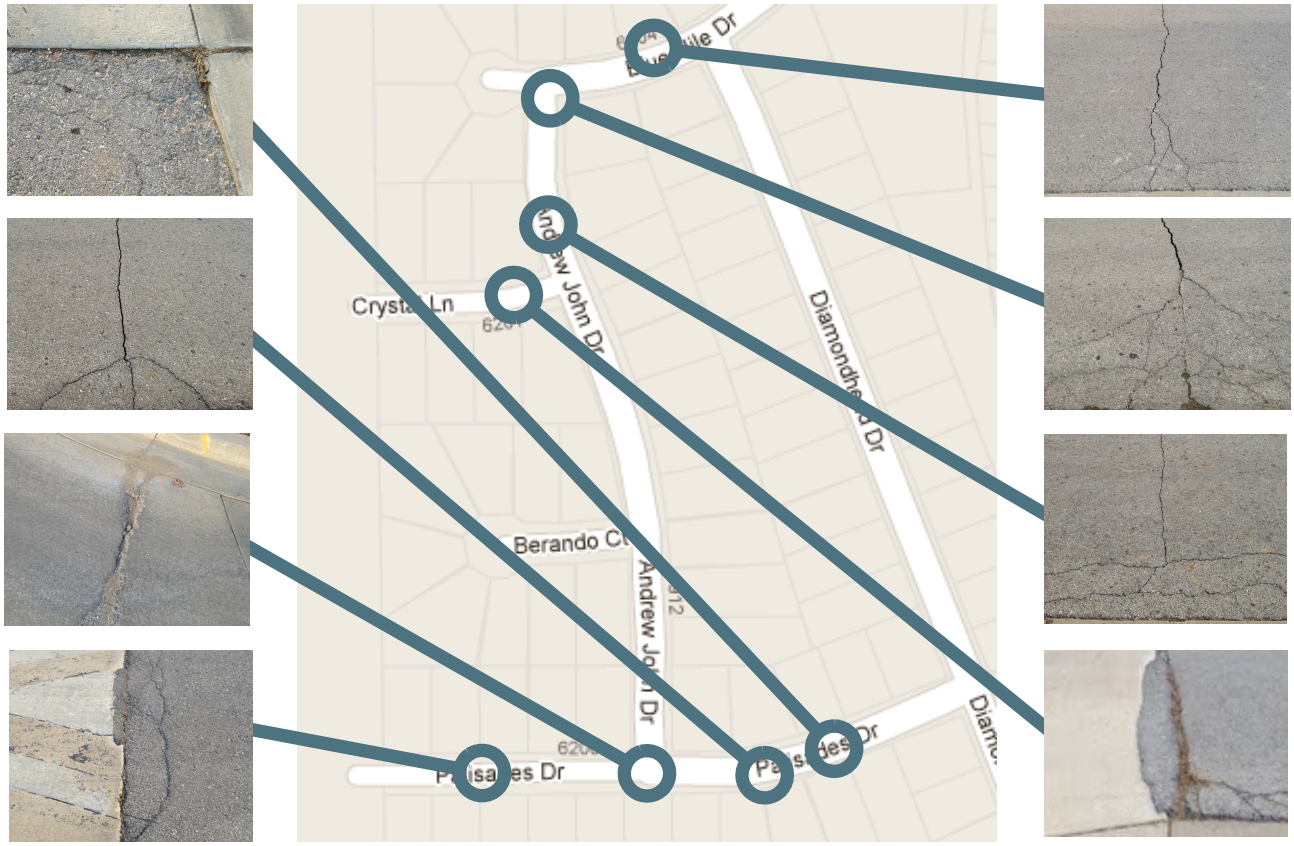
The streetlights throughout the area have similarly been installed for use in single family housing. The inclusion of additional multi-family housing could be cause for increased lighting. The residents of the area however are not keen on the idea of the additional lighting shining through their windows all night.

The roads too have been laid out for use in a low density area. The width in Diamondhead is 23', and with parking allowed on both sides, the streets can easily become unintended one-way's. Surely this is not appropriate for the style envisioned by the applicants.

Construction

In October, 2008 the City Auditor issued a Pavement Condition Summary. In this document both Palisades Dr and Crystal Lane received ratings of poor for the curbs and gutters while the pavement was rated 91.5 out of 100.

Since the issuing of the report four years ago, the conditions of our neighborhood streets have deteriorated. Below are images with their locations indicated on a map. The images shown reflect only a portion of the degradation of both the asphalt and concrete on the two proposed egresses.



It seems reasonable to expect that construction traffic will exasperate this problem. Heavy equipment, trucks carrying forms and supplies, concrete trucks, pouring cranes and endless trips by skilled laborers will serve to further decay the only egress through Palisades Dr. and Crystal Lane.

Marketplace

The applicants expressed at the 12/3 informational meeting that economic forces were the main rationale for changing the current zoning. While this may be true on a national, or even a regional level, a closer examination at West Lawrence reveals a different picture.

A recent headline and story get to the heart of the matter:

LAWRENCE JOURNAL-WORLD

Landlords trying to fill growing number of rental vacancies

There are also more apartment units. Since 2008, 997 apartment units have been built in Lawrence, with 55 built so far this year. Other projects in the works include a seven-story, 55-bedroom building on the corner of Ninth and New Hampshire streets and a 300-apartment complex on Sixth Street and Queens Road. Aug 13, 2011

The last complex mentioned is Hunter's Ridge, which is set to open soon. Plans filed this week by Lindsey Management call for a 630-unit apartment complex adjacent to Hunters Ridge. This area is a mere half mile from Diamondhead

Two additional complexes within a mile- Prairie Commons and Park West Gardens - plus current construction and vacancies on Coving Drive, a block over, would lead one to conclude that the area is saturated with medium and high density housing.

In a report published this September, The National Association of Realtors said that the median time a home was listed for sale on the market was 69 days in July. This represented a significant drop from both July 2011 and June 2012.

The homes in Diamondhead have been selling even faster - measured in weeks, not months. A local McGrew Real Estate agent said this week that "Houses have been moving really well in the Diamondhead area and that market in particular is strong for single family home sales.There was one there that sold in a day."

When you combine weak demand for higher density housing around the Diamondhead area with better than average sales of single family homes, it paints a clear picture. **This market needs more low density zoning, not less.**

The applicants should not be allowed to fundamentally and permanently alter the well-being of this neighborhood based on rationale that is suspect.

Community

The residents of our neighborhood have grown into a tight knit community. As most all neighbors do, we stop to talk with each other when we meet on the street. But more than that, we actively seek out each other's company, and welcome our neighbors into our homes. We plan activities to come together as a group and grow the sense of community that has developed here.

Annual Neighborhood Easter Egg Hunt

Halloween

Annual 4th of July Parade

Throughout the year, we gather together to participate in a variety of seasonal activities. Some are spontaneous as group sledding in the winter, or kids bike rides on sunny days. But many are planned in advance:

- Summer Cookout
- Easter Egg Hunt
- 4th of July Bike Parade
- Trick-or-Treating

We have come to think of the folks here as more than neighbors, they are our friends. We certainly welcome new faces to our neighborhood, however, we fear that the rezoning and subsequent construction of multi-plexes and row houses will alter the nature of the neighborhood and fragment our sense of community. Again we reference policy 3.6 of the Horizon 2020 plan which strives to "preserve and enhance the visual and environmental character of existing neighborhood.

The applicants' target market for their housing are not families, by and large it is younger singles. In addition to all of the issues the development would create with traffic, safety, and living conditions, it would alter the very fabric of the neighborhood we have all bought into.

Allied Entities

It is not just the residents of the Diamondhead neighborhood who oppose this application, there are also a number of groups who feel this would be the wrong move for our children, our families, our neighborhood, and our town. The following have expressed their opposition to the applicant's plan:

Langston Hughes Elementary School
Jackie Mickel, Principal

Langston Hughes Parent-Teacher Organization

West Lawrence Neighborhood Association, Incorporated
Alan Cowles, President

12/4/12

RECEIVED
DEC 06 2012
City County Planning Office
Lawrence, Kansas

Sandra Day, AICP/County Planner, City of Lawrence

RE: Landplan Engineering Informational Session December 3, 2012
Langston Heights Development

After attending the informational meeting last evening at Langston Hughes school, we are writing to ask you to consider deferring the rezoning of Langston Heights (Parcel west and south of Diamondhead) from UR to RM12 and RM12D. The increase in traffic, decrease in property values and changes to the 2006 plat are issues that need to be addressed. The new plan proposal is to build a mixture of single family homes, duplexes, and row houses. With only two streets (Crystal Lane and Palisades Drive) servicing current and additional units, traffic will be heavier than originally planned for these two streets. Crystal Lane and Palisades Drive were originally developed as a lead into other single family housing, not multifamily housing. Palisades already has issues on school days due to drop off and pick up from Langston Hughes Elementary School. Currently three new homes are being built on Diamondhead close to the school. That will mean new driveways from which residents will enter Diamondhead and reduce the amount of room for parents to park when dropping off and picking up children. Then add congestion at the round-a-bout on George Williams. I don't care what your traffic study says, the additional traffic will create safety problems. With undeveloped land to the south and north of the new plan, no one was able to tell us if, and when, any connecting access to the new development would be provided. Even if it did, traffic will still be pushed through low density housing. The Horizon 2020 plan specifically discourages this action.

Should this plan be approved, due to the direct impact of the multi family housing, property values in the Diamondhead subdivision will decrease. When we purchased our home in 2007, we knew additional low density housing would soon follow ot the west. This was based on the planning commission approval in January 2006 of single family homes in the Langston Heights area. We never would have purchased in this area has we known apartments and duplexes were to be built, and future potential home owners will feel the same.

Please see that this proposal does not go any further without modifications. We are not against the expansion of our subdivision to the west, but we are against the medium density zoning.

Thank you,

Edward C. Burrichter
6113 Palisades Dr

Colleen A. Burrichter
6113 Palisades Dr. Lawrence

From: Amy Miller
Sent: Thursday, December 06, 2012 6:54 PM
To: Sandra Day
Subject: Langston Heights Communications

Sandy,

Rod Laing came in today and wanted me to pass along his thoughts on the Langston Heights Subdivision PP and Zoning cases for inclusion as part of the communications on the project. He suggested that a condition could be placed on the multi-family residential zoning west of Renaissance Drive that building permits may not be issued on those dwellings until such time that Renaissance Drive connects to Bob Billings Parkway or the major street to the north. He thought that this would ease potential traffic concerns. Please include the above statement in the communications that go to the Planning Commission as part of their packet.

Thank you,

Amy Miller, AICP, CFM *Long-Range Planner*

From: Brian Sturm [mailto:brians@LANDPLAN-PA.COM]
Sent: Friday, December 07, 2012 2:27 PM
To: Sandra Day
Cc: bobdennsan@gmail.com; douglas.raney@gmail.com; RCJPHJ@me.com; Christopher Storm
Subject: PP-12-00228 - variance withdrawal; temp const esmt

Sandy,
On behalf of the applicant, I would like to incorporate the following two (2) items into the Planning Commissioners' packets for Monday's meeting regarding item #5A, the Preliminary Plat for Langston Heights Addition:

1. The applicant wishes to withdraw their request for a variance from Sec. 20-811(c). While the developer still has concerns about installing sidewalks that would essentially terminate in mid-block locations on Palisades Drive and Crystal Lane, they would rather design a subdivision that conforms to the current Subdivision Regulations and complete street policy. It's my understanding that the sidewalks to be shown on the south sides of Palisades Drive and Crystal Lane can be added to the Preliminary Plat as a condition of approval. It is also my understanding that the applicant can work with the City Engineer on an acceptable way to terminate these sidewalks on the east edge of the subdivision during the public improvement plan review process.
2. The applicant wishes to add, as a communication, the attached letter of intent which upon execution by both parties would allow for the creation of a temporary construction access easement over and across land owned by Alvamar, Inc. The developer understands the concerns neighbors in the Diamondhead subdivision have regarding potential construction traffic traveling through their neighborhood. This agreement, once signed by both parties, would allow that construction traffic to pass entirely across the ground presently owned by Alvamar on the south side of the subject property. With such an access easement in place, dump trucks, excavators and the like could pass from Bob Billings Parkway to the subject property without travelling on City streets, namely those in the Diamondhead subdivision. It is the developer's hope to have this letter executed by the time of Monday evening's PC meeting.

Please let me know if you have any questions regarding the above items.
Thank you,

Brian Sturm, RLA, ASLA, LEED AP
Project Landscape Architect
Licensed in KS

Landplan Engineering, P.A.
1310 Wakarusa Drive
Lawrence, Kansas 66049
v. 785.843.7530
f. 785.843.2410

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Letter of Intent

This letter reflects the mutual intentions of Langston Heights Development, LLC, and Alvamar, Inc. to enter into an agreement to create a temporary construction access road from Bob Billings Parkway to the property known as Langston Heights through property currently owned by Alvamar. Both parties intend for the road to be built before construction begins on Langston Heights. Alvamar agrees to provide an easement for this road and Langston Heights Development agrees to pay for the costs associated with building this road before construction begins. Langston Heights Development also agrees to pay one dollar ($1.00) to Alvamar as part of the agreement, regardless of whether construction begins.

_____ _____

Robert Santee Date

Officer, Langston Heights Development

_____ _____

Robert C. Johnson Date

Chairman of the Board, Alvamar, Inc.

LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED
DEC 19 2012
City County Planning Office
Lawrence, Kansas

December 10, 2012

To: Lawrence/Douglas County Planning Commission:

Re: Langston Heights, Items 5A, 5B, 5D

President
Melinda Henderson

President-Elect
David Burress

Vice President
Milton Scott

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors

Margaret Arnold

Bonnie Dunham

James Dunn

Sally Hayden

Cille King

Ruth Lichtwardt

Marlene Merrill

The League of Women Voters of Lawrence/Douglas County has strong positions on neighborhood planning. We believe that "the primary urban planning unit should be the neighborhood, large enough to support the location of a nursery-elementary school, park...and should reduce to a minimum the use of the private car within each neighborhood." Therefore, we are concerned about the proposal for the multiple family lot configurations of the Langston Heights Addition and their proposed rezoning to RM districts.

We strongly support designing neighborhoods with housing types suited to families with children that are close to elementary schools with pedestrian ways designed for safe walking, and believe that it is very poor planning to locate multiple family housing that is not appropriately designed for this near our schools. Multiple family housing types can be designed for families with children, but must have the needed amenities such as privacy, open space and other facilities to make such units attractive for family life, which this proposed development does not have. Additionally, we support staff's recommendation to deny the applicant's request for a variance to allow sidewalks on only one side of streets.

Because of the effect this multiple family housing would have on the future development of the adjacent vacant land to the south of this tract, it can be predicted that this land also would become multiple family and not attractive for families with children. Because of the proximity that these two tracts have to Langston Hughes Elementary School, we believe that this would be very poor urban planning and a serious waste of potential that these two properties would have to reduce automobile use and utilize these valuable areas for encouraging families to live within walking distance to the school.

We believe that the reason that this type of poor urban planning is not uncommon in Lawrence is because of some serious deficiencies in our Land Development Code and how it leads to the interpretation of *Horizon 2020*:

- The multiple family districts do not specify housing type.
- The only distinction in our Comprehensive Plan (CP) in the designation of residential areas is based on density. Because of the long-standing interpretation of our CP, it is possible to allow all types of multiple family units from tall apartments to duplexes to achieve the gross densities that are typical for detached single family housing. Therefore, the density designation in our CP is not an appropriate prediction of use.
- The CP does not include the same goal that *Plan '95* did, which emphasized that development should be designed for the ultimate user and not to satisfy only the needs of the developer.

These factors eliminate the essential predictability that homeowners need to be able to have confidence in the stability and future of their neighborhoods when they make the substantial investment for living in a community. It tends to reduce the trust needed for a growing and thriving city to attract new residents. We ask that you take these factors into consideration when making your decision on this rezoning request. The future of our city depends on good urban planning. We would look forward to a discussion about making the necessary changes to our Land Development Code and *Horizon 2020* to create the predictability in our neighborhoods that we need.

Thank you for your consideration of these issues.

Melinda Henderson
President

Alan Black, Chair
Land Use Committee

PO BOX 1072 • LAWRENCE KS 66044-1072
league@sunflower.com • www.lawrenceleague.com
www.facebook.com/lwvldc • www.twitter.com/lwvldc

December 7, 2012

Sandra Day, AICP City/ County Planner, City of Lawrence:

RE: Rezoning Langston Heights

We are writing in opposition of the rezoning of Langston Heights. Our main areas of concern are traffic and child safety.

Our family moved to the Diamondhead subdivision 3 years ago. We chose the area based on several factors: the proximity to the elementary school, the community, and that the adjacent Langston Heights would be a similar neighborhood based on the 2006 plat.

Many families built in Diamondhead because the neighborhood to the West would be comparable. Langston Heights' preliminary plat of 2006 contained 67 single family homes and 18 duplexes. The new plat proposed by Land Plan would increase units by 94% in comparison to the 2006 plat. A 94% increase would greatly increase the amount of traffic on our residential streets.

Palisades and Crystal Lane are currently the only two inlets for Langston Heights. The roads leading to Langston Heights are narrow winding routes through residential areas with poor site lines.

At the December 3, informational meeting held by "Land Plan Engineering," Brian Sturm discussed the traffic study that was completed in September of 2012. The study claimed that the residential roads could support the rezoning of Langston Heights. Brian Sturm stated that the traffic study was done during the peak hours of traffic, 4:00 p.m. to 6:00 p.m. A traffic study done between 4:00 p.m. & 6:00 p.m. does not take into account the traffic at the school's dismissal hour. One of the main in-let/out-lets of Langston Heights is adjacent to a large elementary school. A traffic study done during the school's dismissal hour would provide more accurate information. 63% of the current Diamondhead households have children attending school. 63% of our neighborhood will be walking or driving during school arrival and dismissal times.

The sidewalks in the Diamondhead neighborhood would not support the 94% increase of population. Sidewalks in Diamondhead are only on one side of the street. Upon leaving Langston Hughes Elementary my children must cross Diamondhead Dr. (one of the only in-let/out-lets) This is the only intersection that contains a crosswalk. After walking up Diamondhead they must cross it again. They continue their walk home up Palisades, where they must cross Andrew John Dr. to reach the sidewalk. They walk north on Andrew John crossing Berando Ct. until they come upon Crystal Lane. (one of the other only in-let/outlets) To reach home they cross Andrew John Dr. again. Within a 3 block walk home, our children cross the street 5 times, encountering these soon to be heavily traveled roads. The future children of the Langston Heights neighborhood would also be traveling this dangerous route to their new home. Not only are we concerned about the safety of our own children, but the safety of the new families that will move into the Langston Heights development.

We love living in Lawrence and we love it because it gives us the small town feel we grew up with. We grew up in a town of 1500 where it was safe to walk down the street and everyone treated you like family. Our family has been searching for this sense of community for a while now and finally found it in Diamondhead. Our little neighborhood of all ages come together for an annual Memorial Day BBQ, 4th of July Parade, Pumpkin Carving, and Easter Egg Hunt. Children ride bikes, enjoy a game of basketball, and play tag outside. Neighbors help transport children, share recipes, help with heavy lifting, cook you meals when you're down, or let out the dog when you're away. Increasing the units by 96% from the 2006 plat to the proposed rezoning would only erode at the community we've created.

Lawrence is nationally known as a highly desirable community to live in. We need to continue to reflect on what drives people to Lawrence. Is it the multiple options of housing provided in a development, or is it the feeling of community we ALL provide?

Thank you for taking the time to read our concerns. We appreciate the opportunity to express our thoughts in the matter.

Sincerely,
Carisa, Dustin, Avery, & Sydney Stejskal

From: lauri di routh [mailto:lauridi@hotmail.com]
Sent: Monday, December 10, 2012 8:52 AM
To: Sheila Stogsdill
Subject: Comments for planning commission meeting 12/11/12

Ms. Stogsdill,

Please accept these comments for tonight's Planning Commission meeting. I respectfully request that these be shared with the Planning Commissioners and staff, and be included in the public record for tonight's meeting.
Please note that my comments herein are not intended to represent any organization or group. I offer these comments solely as an individual citizen and taxpayer.

RE: Long range planning work program, as submitted to the planning commission by Scott McCullough in November 2012.
I wish to express my concern about the City and County opting to postpone implementation of the environmental chapter of H2020 to a work schedule beyond 2013. This plan was crafted over the course of several years, and both citizens and the Sustainability Advisory Board play a role. I am troubled that this plan is being mothballed, at a time when we need it most. Given the current drought and its impact on both the built and natural environment, tending to our community's natural resources is more important now than ever. I ask that the PC make implemenation of the environmental chapter of H2020 a priority for 2013.

RE: Variances requested for the site plan and plat of the proposed Rock Chalk Village Park
I am troubled to see that the developer is requesting variances to the street connection requirements of the code, and also the sidewalk requirement of the code. Both of these items are integral to the City's Complete Streets plan, which was recently approved. While I appreciate the developer's stated intention of preserving trees on the property, without an inventory of said trees or any requirement for monitoring of tree preservation or removal during project construction, using trees as an excuse to minimize developer costs seems a bit disingenuous. In regard to street connectivity, it seems to me that allowing George William Way to remain a dead end street at the north end creates a bottleneck for the City's future rec center, and may create massive traffic problems on the property when large events are held at the KU facilities. At the very least, this variance should be reviewed and vetted, first, by traffic planners, to assess its impact. I believe that the requirements for sidewalks on both sides of the street should be upheld, and the developer's request for variances denied.

RE: Diamondhead Neighborhood Comments
I support the Diamondhead Neighborhood's right to preserve the nature and safety of their neighborhood. I ask that the PC reject the Landplan plat proposal as it would greatly expand the development of duplex and multifamily residential dwellings in this area, to the detriment of the existing neighborhood.

RE: planning commission packet structure

In reviewing the packet for this week's meeting, it is noted that the packet size of 57 MB makes it very difficult to load and open on a standard home computer. I had several people tell me that they had not even tried to do so, for fear that it would crash their computer system. While I understand that the files therein are large, I would like to see the PC use the City Commission's method of transmitting meeting information, using imbedded, topic-specific links on the agenda. This way, individual topic information can be opened and reviewed without the need to download the entire packet of 50+ MB of information. By breaking the packet up into managable chunks, it will make it easier for the public to access needed information and share with others who may wish to comment. Certainly, the PC wants to engage and solicit feedback from the public. I believe that the best way to do this would be to use imbedded links on the agenda, thereby reducing an evident barrier to accessing information.

I appreciate your consideration of my comments.

Sincerely,

Laura Routh
2235 East Drive
Lawrence, KS
979-3918

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
12/10/2012

ITEM NO 5C: Z-12-00231 UR (Urban Reserve) District to RS7 (Single-Dwelling Residential) District; 9.206 acres (SLD)

Z-12-00231: Consider a request to rezone approximately 9.206 acres from UR (Urban Reserve) to RS7 (Single-Dwelling Residential), located north and south of Crystal Lane and Palisades Drive extended, as shown in the preliminary plat of Langston Heights Addition. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 9.206 acres from UR (Urban Reserve) District to RS7 (Single Dwelling Residential) 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: *The developer, RSR, Inc., intends to subdivide and rezone the subject property to support detached dwelling single-family development (see attached concept plan).*

KEY POINTS
- Request is part of an overall development package that includes RM12D and RM12 Zoning and a preliminary plat.
- This request is adjacent to a developing Detached-Dwelling subdivision.

ASSOCIATED CASES/OTHER ACTION REQUIRED
- Z-12-00229: 8.564 acres from UR (Urban Reserve) to RM12D (Multi-Dwelling Residential)
- Z-12-00231: 9.206 acres from UR (Urban Reserve) to RS7 (Single-Dwelling Residential)
- Z-12-00232: 9.794 acres from UR (Urban Reserve) to RM12 (Multi-Dwelling Residential)
- PP-12-00228: Preliminary Plat Langston Heights

PLANS AND STUDIES REQURIED
- *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 residential request

ATTACHMENTS
- Area map
- Concept plan
- 6th & K-10 land use map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- Communications are attached.

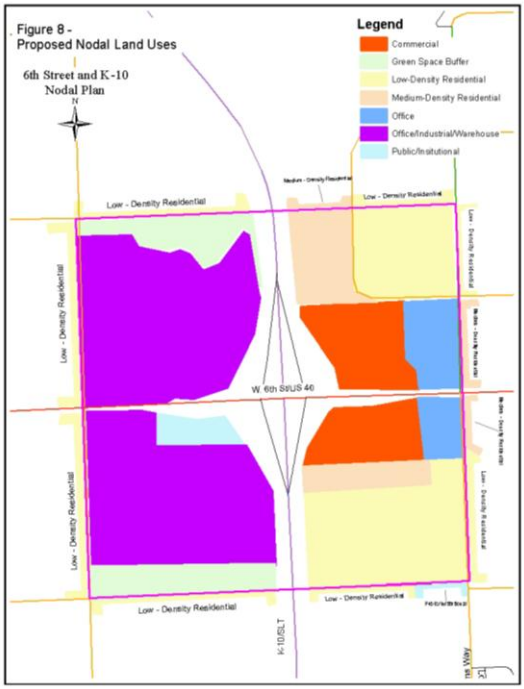
Project Summary:

Proposed request is for 9.206 acres of low-density residential zoning to accommodate development of Detached Dwellings on individual lots. This request is part of a larger development request that includes RM12D and RM12 zoning with a preliminary plat. The relative density of 5.9 dwelling units per acre is spread across the entire 27-acre development site to meet the low-density land use recommendations for this area. This report discusses the RS7 portion of the development request.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *the Lawrence future Land Use Map (3-2) in Horizon 2020 does not specifically designate a land use for this subject property, however, adjacent existing residential development is consistent with low-density residential land uses of 6 or fewer dwelling units per acre. When considered with the two (2) other rezoning applications accompanying this one, all three conform to the Residential Development Strategy (pg. 5-1) of providing a mixture of housing types, styles and economic levels for new residential development.*

This property is located within the boundary of the *6th Street and K-10 Nodal Plan*. This request is part of a package of requests that include medium-density residential zoning in the form of duplex and multi-dwelling zoning districts and a preliminary plat that establishes the integrated layout of the overall development pattern planned for this area. The Nodal Plan, amended into the Comprehensive Plan, shows this area to be developed with low-density residential uses except for an area located along the south side of W. 6th Street and a portion of highway south of W. 6th Street.



The nodal plan provides a narrative description of the recommended land use development for each quadrant of the intersection of W. 6th Street and K-10 Highway. The plan states:

The Southeast Corner

Like its northern counterpart, this corner provides opportunity for a variety of residential, commercial, and office activities. This nodal plan designates the majority of this corner appropriate for residential development and the remaining area appropriate for commercial and office uses. This nodal plan also designates the majority of its residential uses

appropriate for low-density, single-family neighborhoods with a small portion considered appropriate for medium-density residential development. This medium-density development serves as primary buffer between single-family neighborhoods and commercial activities. The commercial and office activities of the southeast corner along West 6th Street mirror those of the northeast corner - the majority of such activities are designated appropriate for commercial with the remainder for office uses.

This nodal plan anticipates more low-density, single-family residential development in the areas surrounding this corner and therefore much of this corner was designated appropriate for similar development to maintain compatibility of surrounding land uses. Open space areas are also highly encouraged to serve as buffers between residential, commercial, and office land use activities, as well as provide opportunities for linkages to the surrounding neighborhoods to the southeast of this nodal study area.

In addition to density recommendations, *Horizon 2020* provides key strategies that are applicable to this development request and the related applications. They are:

- *Infill residential development should be considered prior to annexation of new residential areas.*
- *A mixture of housing types, styles and economic levels should be encouraged for new residential and infill developments.*
- *Compatible densities and housing types should be encouraged in residential neighborhoods by providing appropriate transition zones between low-density residential land uses and more intensive residential development, and between higher density residential uses and non-residential land uses.*
- *The character and appearance of existing residential neighborhoods should be protected and enhanced. Infill development, rehabilitation or reconstruction should reflect architectural qualities and styles of existing neighborhoods.*

This request represents infill development and the first step in a plan to provide a transition of uses between the existing development and the Highway. The proposed RS7 district is a low-density residential district consistent with the recommended land use found in the comprehensive plan and the nodal plan.

Staff Finding – The proposed RS7 district conforms to the land use recommendations included in *Horizon 2020* and in the *6th & K-10 Nodal Plan*.

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

Current Zoning and Land Use:	UR (Urban Reserve) District; undeveloped property.
Surrounding Zoning and Land Use:	RM24 (Multi-Dwelling Residential) District to the north. Undeveloped land.
	RS7 (Single-Dwelling Residential) District to the east. Developing residential subdivision.
	UR (Urban Reserve) District to the south. Undeveloped land.

	Existing UR (Urban Reserve) District and Proposed RM12D (Multi-Dwelling Residential) District to the west; undeveloped land. K-10 Highway is the west boundary of the development site.

In addition to the immediate zoning and land use, the Langston Hughes Elementary School site is located to the southeast. The school site property includes GPI (General Public and institutional) District zoning for the immediate school improvements. The balance of the school property is zoned RS10 (Single-Dwelling Residential) District.

Staff Finding – This area is surrounded by a mix of zoning. The predominate land use is residential.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The subject property is a vacant piece of abandon farmland. It is bordered to the west by the SLT right-of-way, which also includes the SLT recreation path. To the north lies vacant ground platted as part of the Diamondhead subdivision and zoned RM24. To the east lie properties platted under the Diamondhead subdivision, zoned RS7 and developed as detached single-family homes, all constructed within the past 5-7 years. To the south rests vacant unplatted property zoned UR and of similar natural character to the subject property. Langston Hughes School is a short distance to the southeast.*

The west portion of the development site abuts the K-10 Highway (higher density proposed). The east portion of the development site abuts developing single-dwelling subdivision known as Diamondhead Subdivision. This requested RS7 district provides an extension and transition between the existing low-density development pattern and the planned higher intensity development to the west along the Highway frontage.

This property is located within the West Lawrence Neighborhood. This section of the neighborhood includes several undeveloped parcels to the north and south along the K-10 Highway. This neighborhood is characterized by the dominance of residential use, primarily low-density detached housing. Higher intensity uses are located along major streets in the neighborhood. Existing and planned non-residential uses are located at major intersections throughout the neighborhood.

Staff Finding – The overall neighborhood is characterized by and dominated by residential uses. Higher density uses are located along the arterial streets of W. 6th Street and Bob Billings Parkway.

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

As noted above this area is located within the boundary of the *6th Street and K-10 Highway Nodal Plan*. The area is generally recommended for low-density residential development with a small portion considered appropriate for medium density residential development. This request is consistent with that land use recommendation.

Staff Finding – The proposed RS7 zoning is consistent with the low-density residential land use recommended in the nodal plan applicable to this area.

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

Applicant's Response: *The UR district has served this vacant ground adequately but will not permit new development of any kind. Development that provides an appropriate transition from the existing RS7 neighborhood to the east, the future RM32 development to the north and the existing SLT to the west requires a new zoning classification.*

Staff concurs that the UR zoning is no longer desirable given plans to develop the property. The current zoning serves as a holding zone until property is ready for development. The proposed request conforms to the overall land use recommendations and is upheld by the proposed preliminary plat arrangement of lots and streets for this area.

Staff Finding – The existing UR (Urban Reserve) District is no longer a suitable zoning district for this property since development applications have been made.

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

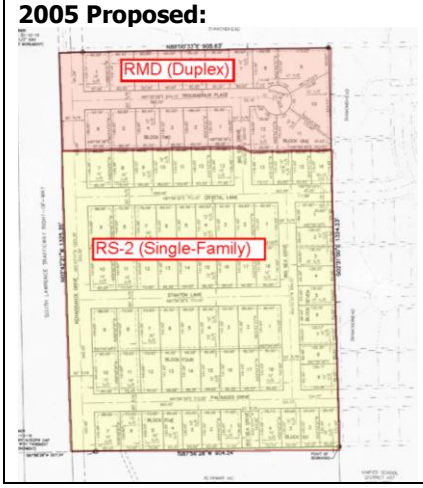
Applicant's Response: *the property has remained vacant since being annexed into the City in the early 2000's.*

This property is undeveloped (vacant). The existing zoning, UR, was established in 2006 with the adoption of the Development Code. Prior to that time the property was zoned A (Agricultural). The surrounding area to the north and east (Diamondhead) was annexed and rezoned for various uses in October 1998.

This property was part of a 27.23-acre request for RS-2 zoning submitted in October 2002 (Z-10-39-02) but later withdrawn and replaced by two later applications in 2005. (Z-9-63-05 and Z-9-64-05). The 2005 requests were for 6.8 acres of RMD (Duplex Residential District) and 20.77 Acres of RS-2 (Single-Family Residential District).

Development Density Comparison

2005 Proposed:



Current Request:

2005 Proposed:
6.80 Acres – Duplex Zoning
20.22 Acres – Detached Residential Zoning

Current Request:
9.20 Acres – Detached Residential Zoning
7.49 Acres – Duplex Zoning
10.02 Acres – Multi-Dwelling Zoning.

These requests were approved by the Planning Commission on November 16, 2005. They were accompanied by a preliminary plat that included connected grid streets. The approval was subject to the recording of a final plat for the property. The Final Plat for the property was approved in 2006 and the approval was extended in 2008. The property owner did not complete the requirements and record the final plat. Therefore, the zoning was never published and made effective.

Staff Finding – The area is undeveloped. The property was zoned A Agricultural from 1966 to 2006.

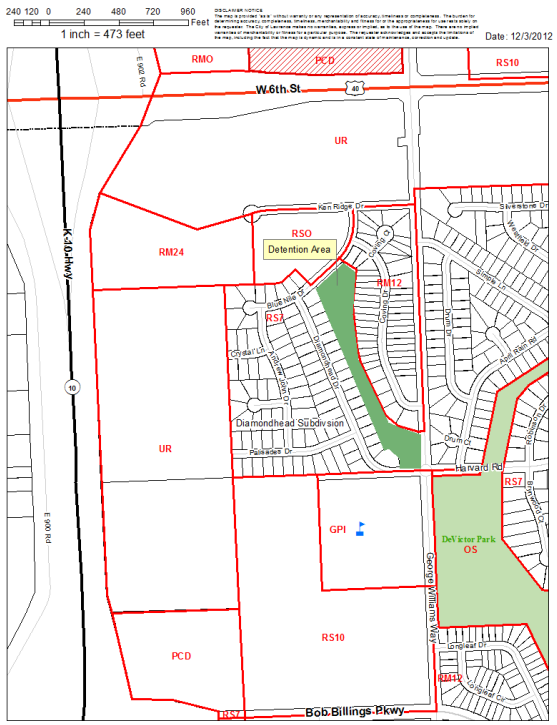
7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's Response: *Approving this rezoning will pose no detrimental effect to nearby properties. Approval will facilitate appropriate residential development adjacent to the SLT and set a development precedent for adjacent vacant parcels.*

The proposed RS7 zoning is a low-density residential district with a maximum density of 6 dwelling units per acre and a minimum lot size of 7,000 SF per lot. The proposed preliminary plat design includes 29 lots for single-dwelling detached residential development. The net unit density of the proposed RS7 portion of the development is reflected on the concurrent proposed preliminary plat as only 4.2 units per acre. This net density calculation excludes rights-of-way. As a comparison, the developing subdivision to the east, known as the Diamondhead Subdivision, includes 89 residential lots (detached RS7 zoning) on 32.28 acres. Excluding rights-of-way (streets) and the 4.7 acres of detention along the east sides of the subdivision, the developable area is 20.8 acres making the Diamondhead Subdivision a low-density development with 4.28 units per acre.

Adjacent low-density development – Diamondhead Subdivsion

- Gross RS7: 32 acres
- Detention: 4.7 acres
- Right-of-Way: 6.5 acres
- Net Area: 20.8 acres
- Total Lots: 89
- Net Density: 4.28 Units per acre



The proposed request extends the existing development pattern to the west. Both Crystal Lane and Palisades Drive were platted to be extended to the area to the west. Additional traffic will be added to the local streets as this area develops. The increase in traffic is consistent with local street designs. There are no detrimental effects to adjacent properties.

Staff Finding – The proposed request is consistent with the planned development for the area.

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: *The gains to public welfare proposed by this application are the gains associated with creating appropriate transitional residential development adjacent to established neighborhoods and highway corridors. Denial of this application will perpetuate the vacancy of this land.*

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.

The purpose of the UR District is to accommodate properties that have been annexed into the City of Lawrence until development or redevelopment is planned. This property is proposed to be developed for a variety of residential land uses including low-density detached residential structures on individual lots. This area can be served by the extension of existing utility infrastructure. This project represents infill development. Approval of the request will facilitate additional housing choices in this area and provide a land use transition between existing development and the proposed development.

Staff Finding – Approval of this request facilitates infill development and economies of scale with regard to utility service delivery. Approval of the request provides additional housing choices to this portion of the neighborhood.

9. PROFESSIONAL STAFF RECOMMENDATION

This request is considered concurrently with the RM12D and RM12 zoning requests and includes the related preliminary plat that combined make up the Langston Heights Development. Separate reports are provided for each individual request. The RS7 request extends the existing development pattern to the west consistent with previous plans for the area and consistent with the low-density residential development of the area. This maximum density allowed for the RS7 district is 6 dwelling units per acre. The proposed density for this portion of the Langston Heights Development is only 4.2 units per acre. This allows the remaining areas to cluster development and spread the density across the entire acreage to provide a transition of land uses and housing types east of K-10 highway. Staff recommends approval of the proposed RS7 zoning.

CONCLUSION

The proposed request is consistent with anticipated low-density residential development. This request extends the existing residential pattern to the west.

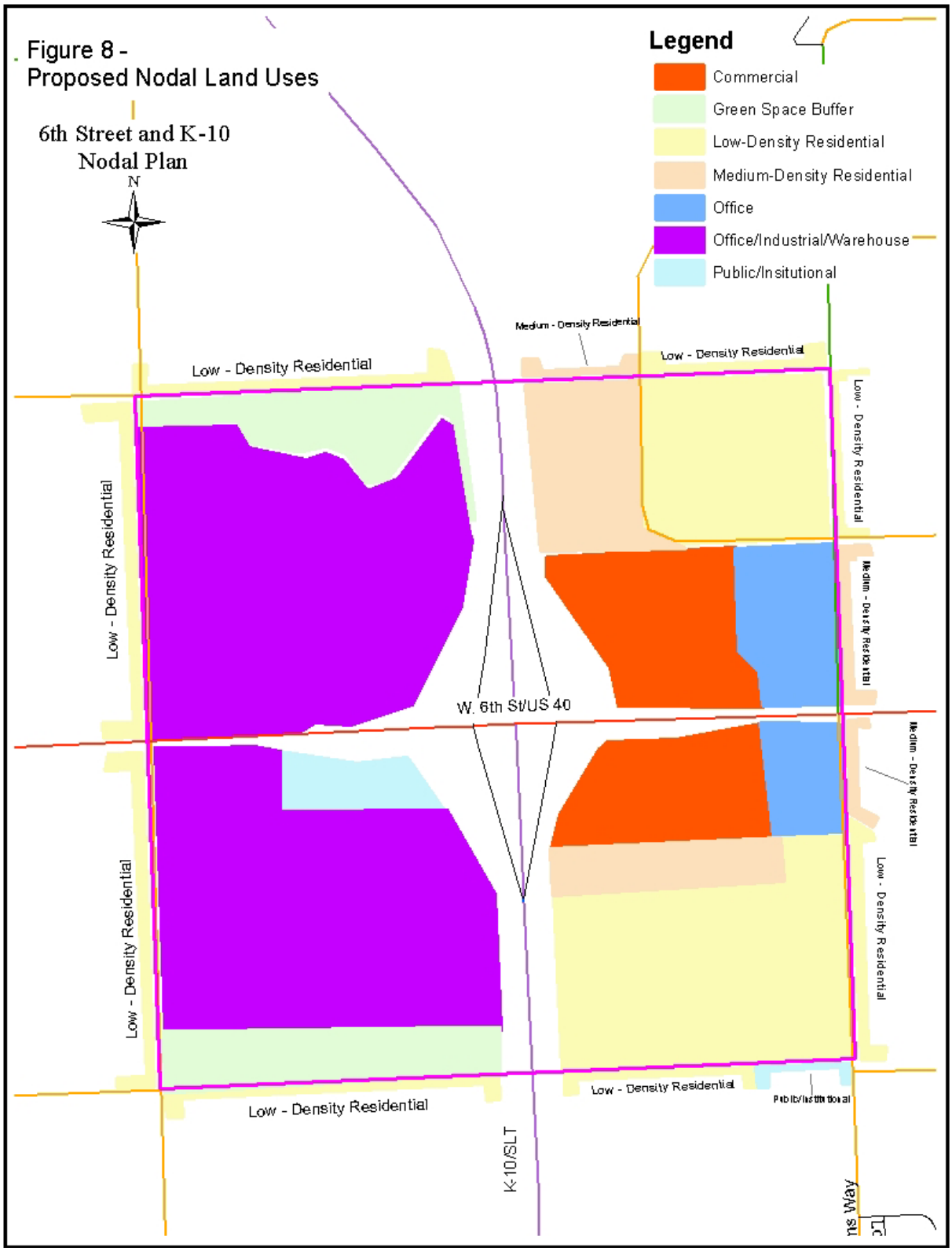
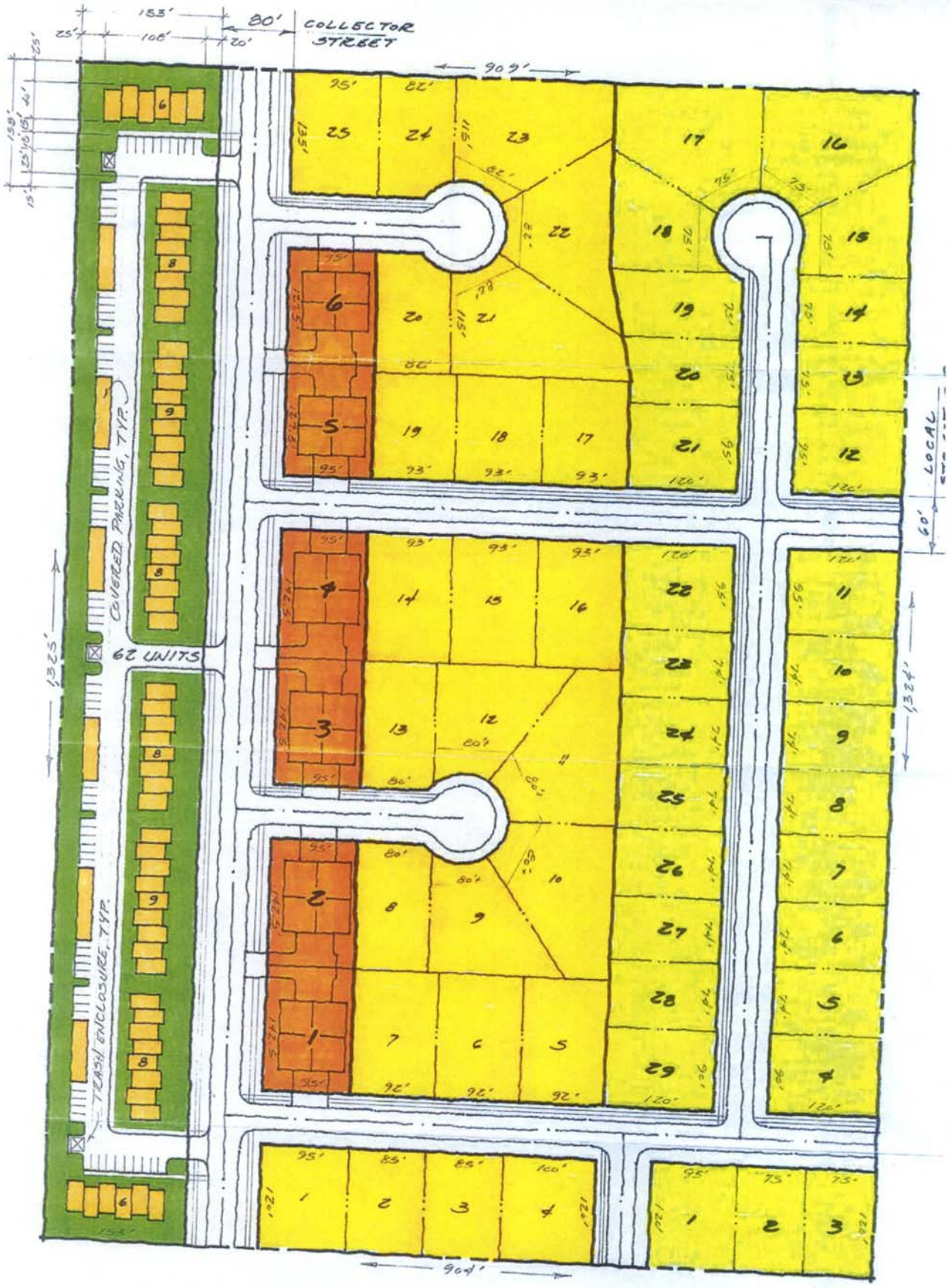


Figure 8 -
Proposed Nodal Land Uses
6th Street and K-10
Nodal Plan
N
Legend
Commercial
Green Space Buffer
Low-Density Residential
Medium-Density Residential
Office
Office/Industrial/Warehouse
Public/Insitutional
Low - Density Residential
Medium - Density Residential
Low - Density Residential
Low - Density Residential
Low - Density Reeidential
W. 6th St/US 40
Low - Density Residential
Low - Density Residential
Low - Density Residential
K-10/SLT



GROSS AREA: 27.57 Ac.
MAX. UNIT DENSITY (HZOZO): 6 UNITS/Ac.
MAX. UNITS: 165.42 → 165 UNITS

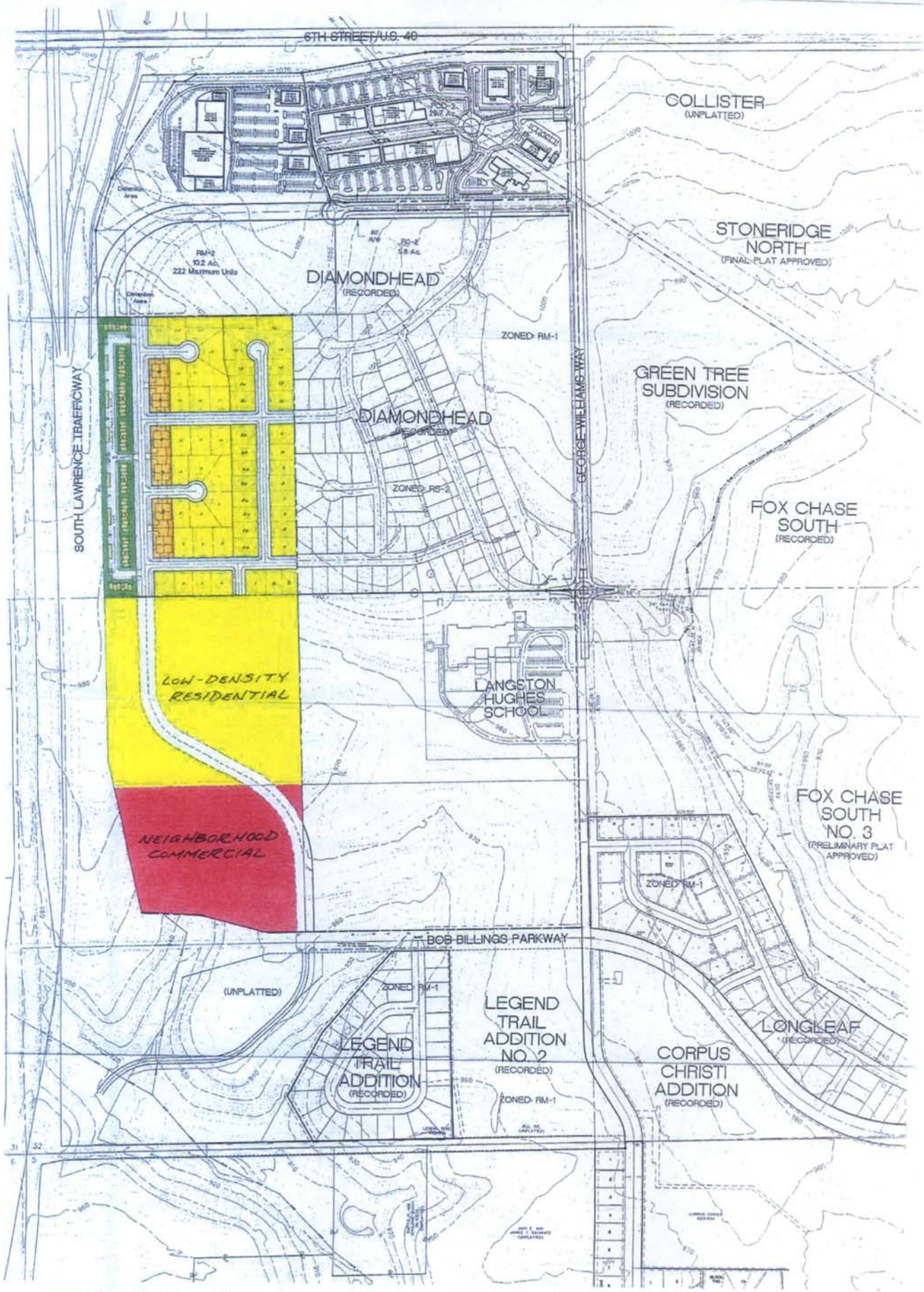
PROPOSED HOUSING TYPES:

SINGLE FAMILY UNITS	29
DUPLEX UNITS	30
FOURPLEX UNITS	24
ROW HOME UNITS	62
TOTAL UNITS	165

NORTH
SCALE: 1" = 100'

RSR
© DEVELOPMENT CONCEPT

pt. 25, 2012 © Tim A. Herndon

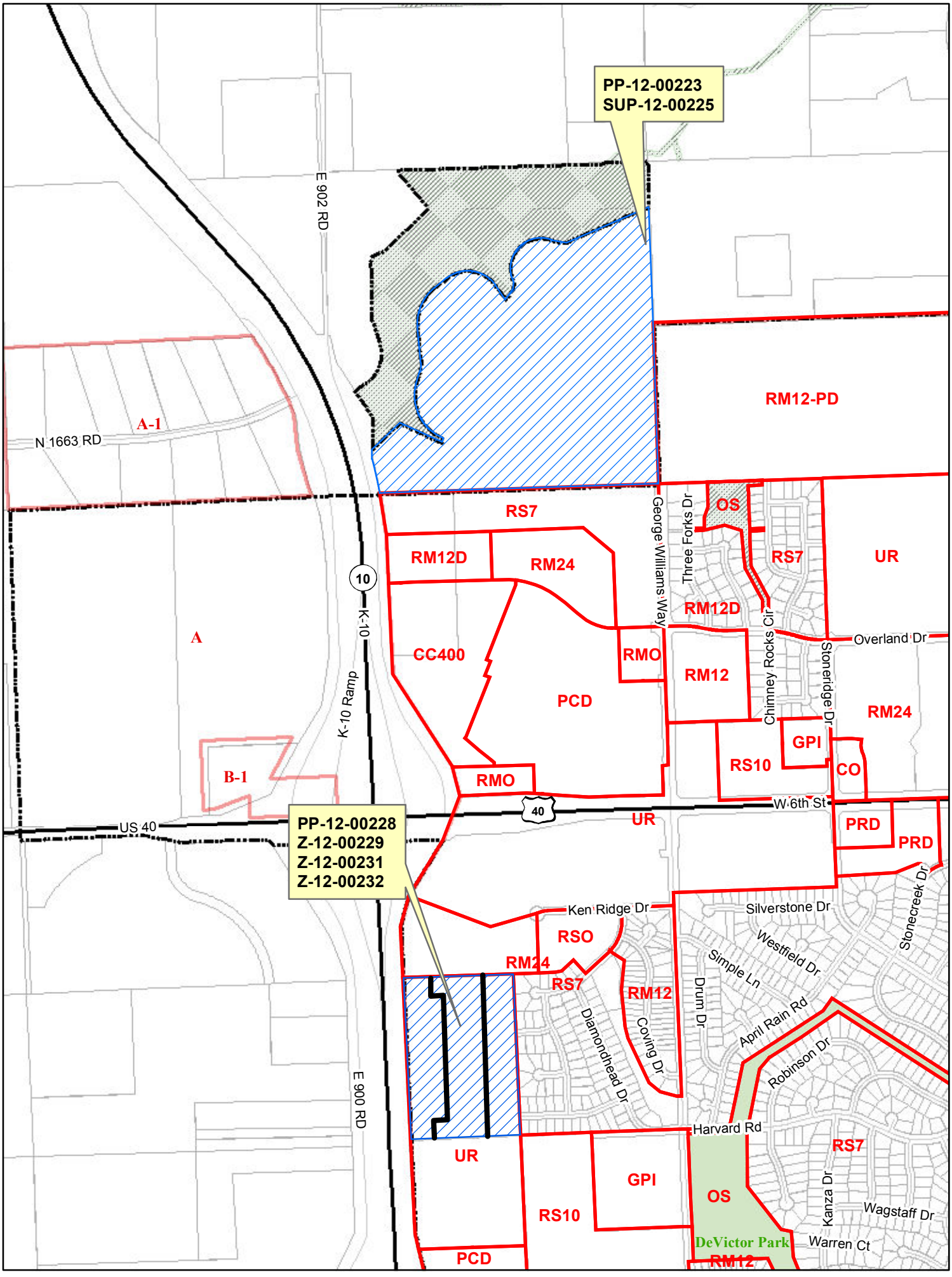


AREA PLAN / BASE MAP
PROPERTY OF
LANDPLAN ENGINEERING, PA

○ RSR
○ DEVELOPMENT
○ CONCEPT

NORTH
SCALE: 1" = 400'

Sept. 26, 2012 © Tim A. Herndon


PP-12-00223
SUP-12-00225
PP-12-00228
Z-12-00229
Z-12-00231
Z-12-00232
E 902 RD
N 1663 RD
A-1
A
B-1
RM12-PD
RS7
RM12D
RM24
CC400
PCD
RMO
RM12
UR
OS
GPI
RS10
CO
PRD
RSO
George Williams Way
Three Forks Dr
Chimney Rocks Cir
Stoneridge Dr
Overland Dr
W 6th St
US 40
K-10
K-10 Ramp
E 900 RD
Ken Ridge Dr
Silverstone Dr
Westfield Dr
Simple Ln
Drum Dr
April Rain Rd
Robinson Dr
Stonecreek Dr
Diamondhead Dr
Coving Dr
Harvard Rd
Kanza Dr
Wagstaff Dr
Warren Ct
DeVictor Park

November 28, 2012

Sandra Day, AICP City/County Planner, City of Lawrence

RE: Landplan Engineering Informational Session December 3, 2012
Langston Heights Development

As a member of the Diamonhead subdivision (6th and George Williams Way), I and over 50 households in our neighborhood are concerned by the recent application to change the Langston Heights development. When our family purchased into our neighborhood our builder, Neal Ezel, told us the design of the subdivision to the west would be low-density housing similar to ours. I want to thank the Lawrence Planning Department for their hard work in developing our neighborhoods and their insightful design of planned unit developments. So I hope you will understand my concerns for changes in the current plan.

The 270% increase in family units to the new Langston Heights subdivision creates an increase in pressure on property values, traffic, children's safety and schools in our neighborhood. see below*

The Lawrence Planning Department has laid out a solid plan for adding a single-family Langston Heights Subdivision into the existing Diamondhead Subdivision creating a flow of single family homes into an existing single family neighborhood. The addition of high-density development causes high density traffic to flow into the existing low-density neighborhood. The Lawrence Planning Department exercises good design in neighborhoods that include high-density developments close to main arteries to the city and single family low-density located on the interior of a development. The revisions to Langston Heights do not show good design.

It is with great concern for our young children, our property values and the quality of our neighborhood that we ask you to defer from the revisions to Langston Heights Development.

Sheri and Mark Crabtree
820 Andrew John Drive

*Using the "Preliminary Plat Langston Heights" and the "Concept Plan Langston Heights" document, a summary of the change in units follows:

Number of Lots Block	Preliminary	Concept	
1	1	62	
2	21	36	
3	24	48	
4	4	8	
5	3	3	
6	8	8	
	61	165	270.49% increase

December 03, 2012

Ms. Day,

I'd like to take the opportunity to express my concerns about the proposed rezoning of the Langston Heights area in West Lawrence. My chief concern with the rezoning of the area is the multi-family units that are proposed at the site.

My family currently resides at 6201 Crystal Lane which is in the Diamondhead Subdivision. We have lived at this location for nearly two years and have thoroughly enjoyed the quality of life in our home. After much domestic debate we chose this location to build our new home based on a variety of different factors. First, the neighborhood is in a very close proximity to Langston Hughes School where our children would be afforded the opportunity to walk safely to school on a daily basis. Second, we researched the original platting of the area west of our home and it was all originally platted and zoned for what we thought was low-density residential dwellings. Finally and most importantly, the character and makeup of the neighborhood itself drew us to this area. As soon as we selected our site we were invited and included in neighborhood picnics, parades, parties and Easter-egg hunts. Our children routinely play with other neighborhood children in the area and are constantly riding bicycles and crossing streets in the neighborhood.

I feel the rezoning of this area to include multi-family living will dramatically increase the amount of through traffic flow through our neighborhood streets. The main traffic flow of these 165 units will run past many residences and sidewalks that children utilize on a daily basis. I don't believe rezoning this area would contribute to the greater good of the area or the community. I would strongly disagree with anyone who believed otherwise.

I'd like to comment on a couple of points:

First, when the area was rezoned from Agriculture District (A) to Duplex – Residential District (RM-D) in 2005 there was concern expressed from Planning Commissioner Haase that he would support the motion but was "losing his appetite for RM-D zoning because it had been abused in other parts of the community." Was Commissioner Haase a visionary as to what was on the horizon for this area with his comments? I would agree with Commissioner Haase that the placement of muti-dwelling living with the only means of access through a residential neighborhood is an abuse of what those neighborhoods are designed to provide. The traffic that will come with the rezoning will diminish the quality of life and safety of those in our neighborhood. In that very same planning meeting in 2005, Betty Lichtwardt with the League of Women Voters expressed her concern for pedestrian access to the school. I feel her concerns voiced in 2005 echo loudly today.

Second, I do not feel that rezoning an area to include 165 multi-family units with the only access being residential, neighborhood streets is a common practice in the city. With the current proposed plan of the area, the only access to these units would be on Palisades Drive or Crystal Lane. The precedent of

accessing multi-family units through established residential neighborhoods is not one I am aware of at any other area of the city. Generally, it is my understanding that higher density zoned areas would be zoned close to larger artery and collector streets. This planned area would be close to neither. This plan would also direct this traffic through a residential area that is frequented by our children whom walk to school daily.

Finally, I struggle with the necessity for the re-zoning of areas in Lawrence to multi-family if there are any concerns on what effects it may have on the surrounding residents and neighborhoods. A recent article in the Journal-World noted a developer whom recently pulled plans to construct an apartment complex off of 31st Street. The developer was quoted "We were very excited about that market at one time, but we have tempered that excitement." According to this developer, there is capacity in the muli-family living market in city. Why would it be in the best interest of city to re-zone the area where is could have an adverse affect on an already thriving neighborhood community? I unwaveringly feel this development would have an adverse affect on the neighborhood in which we reside.

I want to be clear that I understand the importance of thoughtful expansion and development of neighborhoods in our community. I however believe that multi-family living units should be concentrated in areas that are easily accessible to major thoroughfares. Rezoning this area would accomplish just the opposite. The amount of traffic this action will generate would be a danger to the residents and children of our neighborhood.

I do appreciate the opportunity to comment on this issue. I would ask that you please include these comments for the Planning Commission to review. Thank You for your time.

Sincerely,

Ryan, Tiffany, Lillian and Jackson Fike

6201 Crystal Lane

From:	Scott McCullough
To:	Denny Ewert
Cc:	Sandra Day; Sheila Stogsdill
Subject:	FW: Langston Heights Rezoning
Date:	Thursday, November 29, 2012 8:52:53 AM

For PC packet.

Scott McCullough, *Director* - smccullough@lawrenceks.org
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

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From: Rick Hird [mailto:rhird@petefishlaw.com]
Sent: Thursday, November 29, 2012 8:21 AM
To: Matt Gudenkauf
Cc: Scott McCullough
Subject: RE: Langston Heights Rezoning

Dear Matt,

This will confirm that I have received and read your letter regarding the zoning of Langston Heights. I truly appreciate your input in the process. I have copied Scott McCullough on this email so he can circulate your email to the Staff and all of the Planning Commissioners.

Rick

Richard W. Hird
Petefish, Immel, Heeb & Hird, LLP
842 Louisiana
P.O. Box 485
Lawrence, KS 66044
785-843-0450
785-843-0407 fax

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From: Matt Gudenkauf [mailto:mattgudenkauf@gmail.com]
Sent: Wednesday, November 28, 2012 8:52 PM
To: Rick Hird
Subject: Langston Heights Rezoning

Dear Richard:

We are writing to ask you to consider deferring the rezoning of Langston Heights (Parcel west and south of Diamondhead) from UR to RM12 and RM12D in order to provide for a more agreeable development. The increase in traffic, decreased in property values and changes to the original 2006 plat are issues that need to be addressed.

The new plan proposal is to build a total of 165 housing units on 61 lots. With only 2 streets (Crystal Lane and Palisades Drive) servicing current and additional units, traffic will be heavier than originally planned for these two streets. This plan shows this with the numerous traffic calming devices located on the expanded Crystal Lane. Crystal Lane and Palisades were originally developed as a lead in to other single family housing, not medium density apartments. Typically, medium density housing is at the front of subdivisions, leading farther in to low density housing, this proposal is the exact opposite of that. Palisades already has issues on school days due to drop off and pick up from Langston Hughes Elementary School; it can't handle the additional traffic flow. Even when the future "proposed" access to 15th street and George Williams Way get added, traffic from this development will still be pushed through low density housing in nearly every direction. The Horizon 2020 plan specifically discourages this action with numerous aspects outlined in the bottom of this letter.

Should this plan be approved, due to the direct impact of the medium density housing, property values in the Diamondhead subdivision will decrease. When we built our home back in 2008, we knew additional low density housing would soon follow to our west. This was based on the Planning Commission approval in January 2006 of single family homes in the Langston Heights area. We never would have built our new home in this location had we known apartments and duplexes were to be built, and future potential home owners will feel the same way. We all based our decisions off this approved 2006 zoned plat for single family homes.

As you will see at the December 10th meeting, the Diamondhead subdivision is a unique neighborhood with a large population of kids. Traditions such as our July 4th parade, Easter egg hunts, neighborhood cookouts, and the general family feel among neighbors will be lost if this proposal passes.

Please see to it that this proposal does not go any further without modifications. We are not against the expansion of our subdivision to the west, we are against the medium density zoning; we would happily approve of low density zoning, which would expand on this great neighborhood.

Thank you for your time

Matthew and Erica Gudenkauf
6204 Crystal Lane
Lawrence, KS 66049
(785)830-9802

Horizon 2020 Plan that relate to this proposal:

Low-Density Residential Land Use

GOAL 3: Neighborhood Conservation (page 5-15, 5-16)

Policy 3.3: Encourage Compatible infill Development
Policy 3.4: Minimize Traffic Impact through Neighborhoods
GOAL 4: Criteria for location of Low-Density Residential Development (page 5-17)
Policy 4.2: Protect Areas Planned for Low-Density Development
GOAL 5: Create a Functional and Aesthetic Living Environment (page 5-19, 5-20)
Policy 5.5: Ensure Convenient and Logical Street/Road System Design

Medium and higher Density Residential Land use

GOAL 1: Criteria for Location of Medium and Higher Density Residential Development

Policy 1.3: Identify Suitable Sites (page 5-23)

Policy 1.5: Ensure Adequate Infrastructure (page 5-24)

Policy 1.6: Consider Access (page 5-24)

Policy 1.7: Adhere to Designated Land Uses (page 5-24)
GOAL 2: Create a Functional and Aesthetic Living Environment
Policy 2.6: Consider Residential Density and Intensity of Use (page 5-26)
GOAL 4: Transportation Considerations (page 5-30, 5-31)
ALL OF THEM

November 27, 2012

Sandra Day, AICP
City/County Planner
6 East 6th street
Lawrence, KS 66044

RE: Langston Heights Addition
Planning Commission Agenda Items on December 10, 2012

Sandra,

We are writing to express our concerns associated with the four items on the Planning Commission agenda for December 10th for the Langston Heights development. We are responding to the material that has been currently submitted to the City for the application (application, plat, concept plans, etc.) The applicant and developer are holding a meeting with the neighborhood, but have scheduled this meeting (December 3rd) with limited to no time to be able to respond prior to the issuance of the staff report. We are submitting this prior to that meeting in order to be reviewed prior to the completion of the staff report and for inclusion on the packet to the Planning Commission.

The comments below represent the views and opinions of many within our neighborhood concerning the proposed zoning request and preliminary plat for the Langston Heights Addition. While many of us would welcome the proposed land to remain an open area, we all recognized that it would be developed as an extension of our neighborhood. Many of us, and those specifically on Palisades Drive and Crystal Lane, reviewed the current plans for this parcel of land prior to purchasing our home. While often there is limited knowledge of undeveloped area adjacent to a development, this was not the case with our neighborhood. There was a plat developed and approved by the Planning Commission and City Commission for this parcel of land. While the plat was never signed or recorded, it still provided a glimpse to the intentions of the land owner of their vision for this parcel of land.

We have attempted to address each specific agenda item individually but many of these issues crossover between items. Where this occurs we have indicated reference notes as appropriate.

PP-12-00228 Preliminary Plat for Langston Heights Addition: There are many concerns with the proposed plat and the proposed layout and land uses. Many of these concerns could be addressed should the land to the north and south of the proposed area be developed prior to or at the same time as this development. Obviously this is unrealistic to assume and the plat must be considered as development would not occur for some time to the north or south. Items of note include:

1. This is the second plat filed for this parcel of land. The first was approved in early 2006. This plat indicated 67 single-family and 18 duplex residential lots. While it is our understanding that is was never fully executed, it still provides reference to an alternate concept by the same land owner for this land.
2. Horizon 2020 indicates this area to be low-density residential. The application indicates that the Lawrence future land use map does not specifically designate a land use for this property. This is incorrect. The Nodal Plan for the Intersection of West 6th and KS 10 address this area as low-density. We understand that the project, as it relates to density, is using the entire land area to calculate the number of units per acre. We would caution the continued use of this method as it has recently caused conflicts in other areas of our community.

3. The plat indicates the extension of two local residential streets (Palisades Drive and Crystal Lane.) These two streets will be the only access point into the new development. Section 20-204 (e) of the Land Development Code indicates that "RM Districts are intended for implementation along Residential Collector, Collector and some Arterial Streets." Neither of these streets meets this requirement.
4. Renaissance Drive in the 2006 plat, the 2012 plat draft and on the concept plan (submitted by the applicant) all have indicated that this street would be a collector street. The current plat has changed this street to a local street. Should the RM zoning designation remain then the district should be accessed in accordance to the Development Code and Renaissance Drive shall remain as a collector street.
5. Renaissance Drive appears to be the proposed "connector" street from George Williams (via Ken Ridge) to the north and Bob Billings Parkway to the south. The use of this street in this manner is logical and would serve as a residential collector street for these neighborhoods and future development. As noted above though, it is unknown when this street would be completed and until such time, would not serve as a collector street. Regardless, this street should remain as a collector or residential collector street,
6. Should the RM zoning designation remain then a condition to the plat should be added that, until such time that Renaissance Drive is completed to either the north or the south, the RM zoning district should **not** be allowed to be developed. This would allow the collector street to be developed as required by the development code.
7. The request for variance on the sidewalks should be denied. While regulation may have changed from the time the adjacent land was developed and sidewalks were not installed on both sides of the local streets, this should not prevent the owner from providing walks per the Development Code. Sidewalks add to the "live-able" character of a neighborhood. In addition, as a neighborhood with many young children, sidewalks on both sides of a street eliminate the need to cross the street as often. Most of the children in this neighborhood enjoy the opportunity to walk to elementary school, and with the increased vehicle traffic of the development, the sidewalks on both streets would add to the safety of the neighborhood.
8. A traffic calming device, similar to the roundabout at Crystal Lane and Big Sea Drive, should be installed at Palisades and Big Sea Drive. While there is a speed hump in the mid block of Palisades this device does not appear to reduce the speed of vehicles in the neighborhood on this street or the adjacent streets.

Item Z-12-00220: Rezone to RM12D

1. RM Districts are intended for implementation along Residential Collector, Collector and some Arterial Streets. As noted above, neither Palisades Drive nor Crystal Lane qualifies as these street types.
2. The medium density zoning will be accessed through an existing low-density residential area and a proposed low-density residential area. There are no recent developments in Lawrence where this occurs. All other RM12 zoning is accessed from an adjacent collector street and not through a lower density residential neighborhood on a local street.
3. This zoning will pre-determine a portion of the land use to the south. The RM12D zoning adjacent to the southern edge will pre-determine RM12D zoning adjacent. The application specifically states, in Item 2, that this zoning change will develop "precedent for adjacent vacant properties." It can only be assumed, given the relationship of the developer of this parcel of land to the land owner to the south, that it is the intention to continue medium density residential to the south. This is counter to the future land uses indicated in Horizon 2020 for low-density residential.
4. Item 3 in the application indicates that the rezoning "will pose no detrimental effect to the nearby properties." This statement is unfounded. The increased traffic with medium density zoning and the unknown level of quality of the development could directly impact the adjacent property uses and land values. Unless the owner proposes restrictions to the type of development that could occur, materials

5. If this rezoning is to be considered in concert with the other two rezoning applications then a Planned Unit Development (PUD) should be required to ensure the type of development proposed with the plat is the actual development.
6. Item 6 of application indicates that "denial of this application will perpetuate the vacancy of this land." This statement is unfounded. This is the second plat for this portion of land by the same developer. There are obvious multiple uses for this parcel of land. Denial will not perpetuate vacancy. It is obvious that this parcel will be developed, but the question is whether the medium density zoning is appropriate.

Item Z-12-00231 : There is no opposition to Item Z-12-00231 to rezone land from UR to RS7. This land change is the expected zoning for this parcel of land considering the existing adjacent land uses. This zoning change is also expected as it represents the intention of a plat developed by the same land owner, Langston Heights L.C. in 2006. This plat was a document many of us referenced prior to purchasing our home.

Item Z-12-00232: Rezone to RM12

1. Many of the issues for this development are identical to the issues associated with the RM12D rezoning. Please refer to items 1, 2,4,5, and 6.
2. This zoning will pre-determine a portion of the land use to the south. The location of Renaissance Drive and its connection to the South, along with the RM12, will predetermine the land south of this development and west of Renaissance Drive to continue the RM12 or higher zoning designation. This, coupled with the RM12D predetermined zoning, will raise the density from low density residential to medium-density residential. This is counter to the indication of the Horizon 2020 land uses for this area. The application specifically states, in Item 2 that this zoning change will develop "precedent for adjacent vacant properties." It can only be assumed, given the relationship of the developer of this parcel of land to the land owner to the south, that it is the intention to continue medium density residential to the south. This is counter to the future land uses indicated in Horizon 2020.
3. Item 3 in the application indicates that the rezoning "will pose no detrimental effect to the nearby properties." This statement is unfounded. The increased traffic with medium density zoning and the unknown level of quality of the development could directly impact the adjacent property uses and land values.

We apologize for the length and depth of this letter, but the quantity of items to be considered and the complexity of each issue requires a proper response. We look forward to being able to hear from the applicant and owner at their presentation next week and will respond accordingly should the situation dictate.

We hope that you consider these issues prior to the completion of the staff report and, as previously noted, include this correspondence in the packet to the Planning Commission.

Respectfully submitted,

Andy and Debbie Pitts
6212 Palisades Drive

From:	Michael Whittlesey
To:	Sandra Day
Subject:	Langston Heights
Date:	Thursday, November 29, 2012 10:41:55 PM

Dear Sandra:

I am writing in opposition to the possible re-zoning of the Langston Heights development from a low density plan to a high density plan. The ramifications of this re-zoning would drastically effect the entire community and safety of the Diamondhead Development and the Langston Hughes Elementary school. The increase in traffic on Crystal lane and Palisades Dr that would come with the high density development would be approximately an additional 400 cars on streets that directly feed an elementary school. The majority of the residence in the Diamondhead Development built in the area under the knowledge that the original zoning of the Langston Heights was a low density plan. We all built in the area with the idea that it would remain a safe place to raise our children and with easy and safe access to Langston Hughes Elementary. Palisades Dr access to Diamondhead Dr is the main route that parents take daily to drop of their children to LH Elementary. Diamondhead Dr has become a one lane road as parents, in not only the Diamondhead Development but from other neighborhoods, use the access that Diamondhead Dr has to Langston Hughes Elementary to drop of their children. The design and road infrastructure of the Diamondhead Development was not built to handle the additional increase in traffic proposed with the re-zoning of the Langston Heights Development to a high density design. The infrastructure of the road might be able to handle the increase traffic but the density of housing projected in the traffic planning of the roads was for single family homes in the adjacent land use. Diamondhead development has sidewalks on only one side of the road as the design of the neighborhood and future development would not have the traffic load that would require sidewalks on both sides of the road. We all knew the Langston Heights would be developed but as a low density project with additional single family homes. Please consider the safety, quality of life, and infrastructure ramifications to all three communities Langston Heights, Diamondhead and Langston Hughes Elementary that this re-zoning would cause.

My wife and most in our immediate community actually commute out of Lawrence daily. However, we choose to build in this development because of the current residence, the sense of community, and the safety of the current planning of this area. We looked into the future planning of this development and where told it was zoned as single family to continue the continuity of the current development. As parents of 2 young children this was the ideal neighborhood considering safety, community togetherness, other children to play with and the closeness of schools. Rezoning this plot would drastically impact the safety of all these children playing in the area.

Thank you for your time and service.

Michael Whittlesey
6209 Crystal Lane
Lawrence KS

Sent from my iPad

Sandra L. Day, AICP, *City/County Planner*
Planning Division
P.O. Box 708, Lawrence, KS 66044
Office (785) 832-3161 | Fax (785) 832-3160
RE: Land plan Engineering Informational Session December 3, 2012
Langston Heights Development
December 5, 2012

Dear Sandra Day:

As a member of the Diamondhead subdivision, my husband and I are very concerned by the recent application to change the Langston Heights development. When we purchase our home, we were told that the design of the subdivision to the west would be low-density housing similar to ours. We want to thank the Lawrence Planning Department for their hard work in developing our neighborhoods and their insightful design of planned unit developments. We hope you will understand our concerns for changes in the current plan.

The 270% increase in family units to the new Langston Heights subdivision creates an increase in pressure on property values, traffic, children's safety and schools in our neighborhood. We feel that the proposed zoning does not guarantee any specific types of building. We feel left in the dark with the current proposal. We want to know if this design has worked well in other neighborhoods in Lawrence. If it has not, why our neighborhood should be a test case for what appears to be bad design.

We are not against the expansion of our subdivision to the west, we are against the medium density zoning; we would happily approve of low density zoning which would expand on this great neighborhood.

It is with great concern for our young children, our property values and the quality of our neighborhood that we ask you to defer from the revisions to Langston Heights Development.

Please include our letter in the Langston Heights Planning Packet!

Thank you very much for your time and consideration!

Sincerely,

Xiufen Bi and Gary Jiang
824 Diamondhead Dr.

From: Andrew Pitts [APitts@TreanorArchitects.com]
Sent: Wednesday, December 05, 2012 12:52 PM
To: Scott McCullough
Cc: markandsheri; lhanna@HNTB.com; ryanlfike@gmail.com; Boedeker; carisa@freshsound.com; tiffanyfike@gmail.com; donherbel@att.net; mattgudenkauf@gmail.com; dltate180@gmail.com; Bradley R. Finkeldei; Crabtree, Mark A.; dustin@freshsound.com; ahanna356@gmail.com; Home; Erica Gudenkauf; bigalcowles@gmail.com; lindalh2009@att.net; nate@lawrencewesleyan.com; shubhshar@gmail.com; mcsparky45@yahoo.com; thepitts@sunflower.com
Subject: December 10th Planning Commission: Langston Heights Agenda Items

Scott-

On behalf of our family and numerous others within the Diamondhead Neighborhood we are requesting consideration of moving Agenda Items No 5A, 5B, 5C and 5D to earlier in the Planning Commission meeting.

We ask this in order to accommodate the members of our neighborhood that wish to speak on these items. A significant portion of our neighborhood are families with children and a significant portion of these children are elementary or younger. While we have coordinated babysitting for neighborhood families at neighbors homes, we have parents that will need to leave to be able to ensure our children are in bed at a reasonable hour, especially on a school night.

This was best illustrated at the public meeting held this last Monday evening at Langston Hughes Elementary school. The meeting started at 7pm and we had approximately 50 neighbors in attendance. By 8pm many needed to leave to be able to attend to their children's needs.

We recognize the importance of the agenda items prior to this item and the amount of public or commission discussion that may occur. But we also believe that it would be a disservice for those that would like to address this item should the discussion linger on the later in the evening.

I want to thank you for your consideration on this item and look forward to the meeting on Monday.

Sincerely,

Andrew Pitts

December 6, 2012

Sandra Day, AICP
City/County Planner
6 East 6th street
Lawrence, KS 66044

RE: Langston Heights Addition
Additional Correspondence for
Planning Commission Agenda Items on December 10, 2012

Sandra,

Please accept the following correspondence to supplement our prior letter. This letter shall address items addressed at the neighborhood meeting held by the applicant and developer and the recently issued staff report.

On December 3rd, the applicant and developer held a neighborhood meeting at Langston Hughes Elementary School to address this proposal. Approximately 50 people were in attendance, and a majority of these were residents of the Diamondhead neighborhood. It was a very spirited discussion of the issues. There were many comments by the developer of opening a dialogue with the neighborhood of their concerns and issues with this proposal. We all welcomed this proposition. From the start of this process we have all supported development; the concern has, and continues to be, the type of zoning that is proposed. Unfortunately no dialogue has occurred.

Repeatedly the developer spoke of involving the neighborhood in decisions. They indicated the neighborhood would have a say in covenants associated with the multi-family. Unless this discussion occurs prior to the re-zoning then there would be not guarantee of compliance with this statement. Often the applicant and developer contradicted themselves in statements throughout the evening.

Items of note include:

1. The applicant continually stated that this development was in compliance with Horizon 2020. This caused confusion since their application stated that the future land use map and Horizon 2020 did "not specifically designate a land use for the subject property." The staff report correctly identified that the West 6th / K10 Nodal Plan addresses this area. But the staff report seems to interpret the document broadly, only referencing certain sections and failing to reference others.

2. The Nodal plan specifically addresses the Diamondhead and Langston Heights area. The nodal plan indicates that "this intersection is envisioned as a multiple-use activity center of low-, medium-, and high-density residential development; commercial, office, research, and industrial activities; public, semi-public, and institutional uses; and parks, recreational, and green/open space opportunities." It further states for the Southeast Corner, that the corner provides an opportunity for a variety of residential, commercial, and office activities. This nodal plan "also designates the majority of its residential uses appropriate for low-

density, **single-family** neighborhoods with a **small** portion considered appropriate for medium-density residential development. This medium-density development serves as primary buffer between single-family neighborhoods and commercial activities." It further states that "This nodal plan anticipates more low-density, single-family residential development in the areas surrounding this corner and therefore much of this corner was designated appropriate for similar development to maintain compatibility of surrounding land uses." The staff report quotes specific sections but fails to address the statement "appropriate for low-density, single-family neighborhoods." It only constantly quotes "a mixture of housing types… should be encouraged." We do not dispute the need for a mixture of housing types, but the question is whether this proposal is the correct mixture or the correct location? The developer and applicant admitted at the neighborhood meeting that this type and mix of development "has not been tried or developed in Lawrence." Why is this established successful neighborhood the place to try this experiment?

3. The staff report also discounts the traffic issues associated with the increased density that have been addressed by the neighborhood and accepts the traffic report by its "data and numbers". City development documents discuss the required need for neighborhood connectivity. It states that "streets within the various neighborhoods of this area shall be connected to each other. …Connected streets provide multiple route options for vehicles which can help eliminate the choke points that are created when cars are forced onto a limited amount of streets that carry traffic in and out of neighborhoods." We would concur with this statement. Without the complete development of the north/south road (Renaissance Drive) then all of the development traffic would be forced onto two local streets. The applicant has produced a traffic study that states the traffic counts are within the City requirements. We do not argue this fact. But neither the traffic study nor the staff report takes into account the impact of a neighborhood elementary school and its dramatic impact on the traffic pattern.

   Every morning and afternoon Diamondhead Drive becomes a double loaded drop off and pick up location. Children must maneuver between parked and slowly moving vehicles. The applicant, at the public meeting, stated that this issue was a minor "blip" in the traffic study. This "blip" has been one of the primary focuses of the Langston Hughes Site Council for numerous years. The site council has pushed for additional crossing guards, no parking restrictions, a school zone, and, most recently, added a fence to help limit pedestrian traffic from Diamondhead. Issues still persist.

   With the additional traffic associated with the increased density, the poor planned lack of sidewalks on both sides of the street (and specifically on the side of the street adjacent to the school,) this "blip" could be devastating if a child is injured because of this poor planning. Traffic studies, numbers, computer simulations will not depict the accurate scenario that we see every day in our neighborhood. The additional traffic associated with the increased density will compound this issue. As local traffic avoids the Diamondhead / Harvard round-a-bout at various times of day, all traffic will be focused to Ken Ridge Drive. This will create a significant choke point at this intersection.

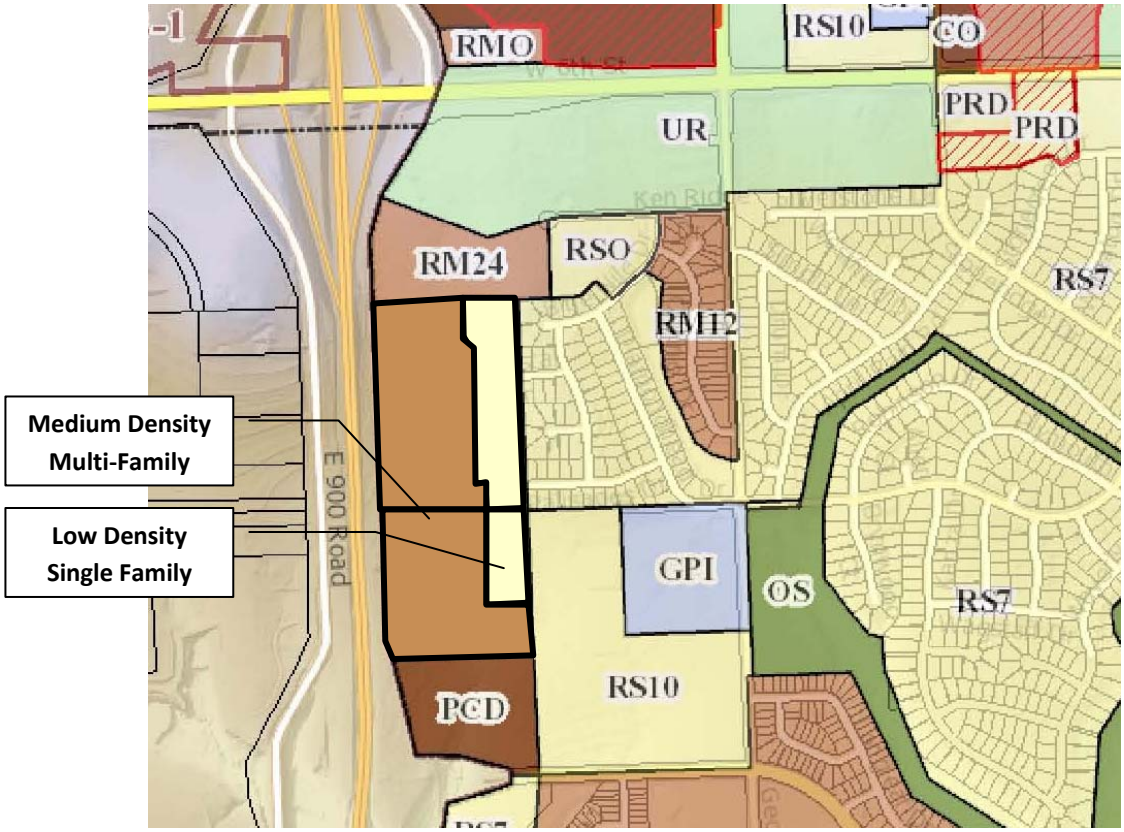
4. Much in the staff report speaks of the desire of a mix of housing types within each neighborhood. We would support this guiding principal. The current zoning to the east of the Diamondhead development is an excellent development of RM12 Duplex homes. To the north of the neighborhood is existing zoning of RM24. This will provide a transition from the RS7 single family development to the future planned office / commercial development to the north. It has been discussed by the applicant and in the staff report of the need to "buffer" K10 with higher density multi-family housing. It has been discussed by the applicant the need to buffer the RM24 to the north. Other solutions are viable solutions to this proposal and examples can be found in the West of K10 Plan.

The staff report suggests that a variety of "step down" developments are required to appropriately transition the single-family development to the north and the west. As one of our most recent planning documents, the West of K10 Plan provides current planning ideas and guidelines for all new development in this area. It presents the concepts of "Traditional Neighborhood Design" (TND) versus the conventional land use development concepts. The document speaks about the challenges that arise when placing new developments adjacent to existing development. "Compatible land uses should be located adjacent to each other…" This document also presents concepts on buffering the K10 corridor counter to the proposed development. The concept illustrates an "outer" road concept with a green space to buffer commercial and residential development to K10. Per the SLT/K10 Transportation Corridor Overlay, this green space would be landscaped to screen the residential development. This method, a part of the 2006 plat, should be explored prior to acceptance of this request.

5. The applicant states in the application that the approval of this zoning will "set a developmental precedent for adjacent vacant parcels." The adjacent parcels indicated refer to the land to the south of the proposed development. Since the applicant specifically references this parcel and indicates that this will set a precedent, then the West of K10 Plan should be used as a guiding document as it addresses this parcel of land. This plan, adopted in 2009, is one of the latest planning documents and combines many of the current planning guidelines. Again, this document indicates the land south of the proposed development to be low-density development.

   As the applicant has indicated, the proposed development will be setting a precedent for future land uses. Should this be the case, then a majority of the land uses to the south will be predetermined to be multi-family, medium density land uses (see map below). This is supported by the proposed location of the Renaissance Drive as the applicant would more than likely propose multi-family between the road and K10. The proposed location and its connection point to Bob Billings will encourage medium density development. The map below begins to indicate the pre-determined extent of the southern land and, the quantity of medium density zoning, and is counter to the current adopted land use documents for this area.

The applicant and developer indicated in the neighborhood public meeting that they are currently in negotiations to control the use of the southern land. This statement reinforces the land uses will be pre-determined with the approval of the northern land uses.



6. Finally, the developer continually spoke at the meeting that this was "the only financially viable project for this land." This argument has been tried and failed before in Lawrence. The excuse of their inability to "make a project financially viable" should not be an excuse to discount the approved planning guidelines and documents. We all recognize the economic climate that our City and area have been in the last few years, and we would welcome a change. But this should not be an excuse to discard our planning principals and develop whatever the developer wants on this land.

We are not opposed to development. We encourage and want development on this land. The correct type of development will enhance our neighborhood and community. The correct type of road network, with connections to the north and south, would enhance and correct traffic issues. We would welcome an actual dialogue with the applicant and developer to discuss a compromise development.

We request, on all items associated with the Langston Heights Development, a deferral so that a dialogue may occur between the City, Developer, Applicant, and Neighborhood.

Respectfully submitted,

Andy and Debbie Pitts
6212 Palisades Drive

Diamondhead Residents Opposed to Langston Heights

Presented to the

City of Lawrence
KANSAS

December 10, 2012

History

The residents of the Diamondhead neighborhood in west Lawrence have united in our opposition to the rezoning required for proposed Langston Heights development. Some 35 families representing more than a hundred residents have signed on to lobby the Planning Commission.

The following pages detail our concerns. We start with our general belief that the area in which we chose to build and purchase our homes was in a single family neighborhood. The area's first plat, approved in 2006, indicated 67 single-family and 18 duplex residential lots. The new application proposes a 94% increase in dwelling units from the initial 2006 plan due to 24 four-plex units and 62 row houses.

The construction as proposed would require egress through two residential streets - Palisades Dr. and Crystal Ln as Renaissance Dr. would not be completed until some unknown future date. The developers themselves recognized that this would be the first instance in Lawrence where non-residential traffic would be forced through a residential area. Brian Sturm, spokesman for Landplan Engineering, likened it to an experiment at the December 3, 2012 informational meeting. The residents of this neighborhood would prefer not to be test subjects in a developer's experiment, nor should the Planning Commission allow that to be the case.

Horizon 2020

Brian Sturm in addressing the community, repeatedly referenced Horizon 2020 as justification for the proposed rezoning. A review of the document shows the proposed rezoning to be in direct conflict with the comprehensive plan. Horizon 2020 indicates this area to be low-density residential, and the document twice states a need to “Protect Areas Planned for Low-Density Development”.

Landplan Engineering, P.A.

Specific policy statements within Horizon 2020 counteract the statements and design of Landplan Engineering and the other applicants:

Policy 3.4: Minimize Traffic Impact through Neighborhoods

- The site design of a residential development should accommodate multiple points of access (direct and indirect) with attention to directing vehicular traffic to and from a development to collector and/or arterial street/roads.

Policy 3.6: Promote Neighborhood Identity

- Preserve and enhance the visual and environmental character of existing neighborhoods.

Policy 4.1 Levels of Service

- "The construction of new medium- or high-density residential development or the expansion of existing medium- or higher density residential development shall not be approved until the surrounding street/road system can provide an acceptable level of service"

Policy 4.3

- "Discourage the diversion of traffic to or from medium- and higher-density residential developments onto local residential street/roads through low-density residential neighborhoods."

Horizon 2020 also calls for the sites recommended for new medium-density residential development occupy transitional locations between single-family neighborhoods and office/commercial areas. But there are not areas for commercial development for which the medium-density housing could provide a buffer.

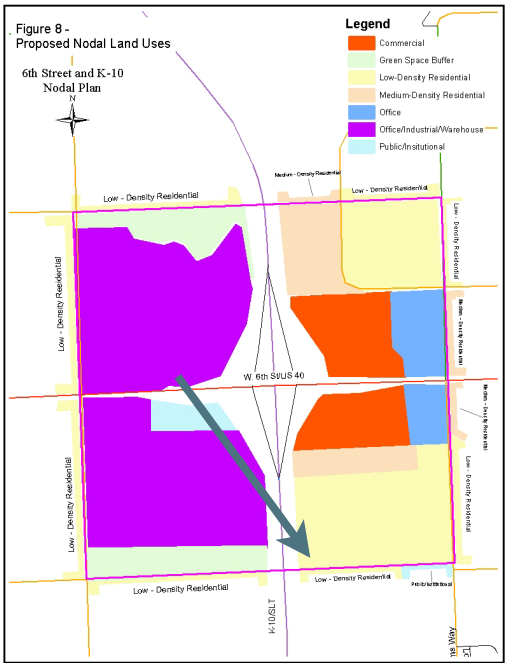
Furthermore, the Planning Commission has previously expressed concerns with this interpretation of the plan:

PC Minutes 11/16/05

“Comm. Hass indicated he would support the motion, but stated that he was losing his appetite for RM-D zoning because it has been abused in other parts of the community.”

6th & K-10 Nodal Plan

Additional planning documents address the area in more specificity. A Nodal Plan for the Intersection of West 6th Street & Kansas Highway 10 (K-10) designates the entire Diamondhead neighborhood as low density residential as detailed in the figure below. The plan defines low-density "to allow for single family dwelling, duplex, and attached dwellings but emphasis is placed on the residential uses." The zoning classifications indicate RS7 and RM12D but includes RM12 under the medium density classification.



The applicant states in the application that the approval of this zoning will "set a developmental precedent for adjacent vacant parcels." The adjacent parcels indicated refer to the land to the south of the proposed development.

As the applicant has indicated, the proposed development will be setting a precedent for future land uses. Should this be the case, then a majority of the land uses to the south will be predetermined to be multi-family, medium density land uses. This is supported by the location proposed of the street (Renaissance Drive) as the applicant would propose multi-family between the road and K10. The proposed location and its connection point to Bob Billings will encourage medium density development, which would conflict with the Nodal Plan.

West of K-10 Plan

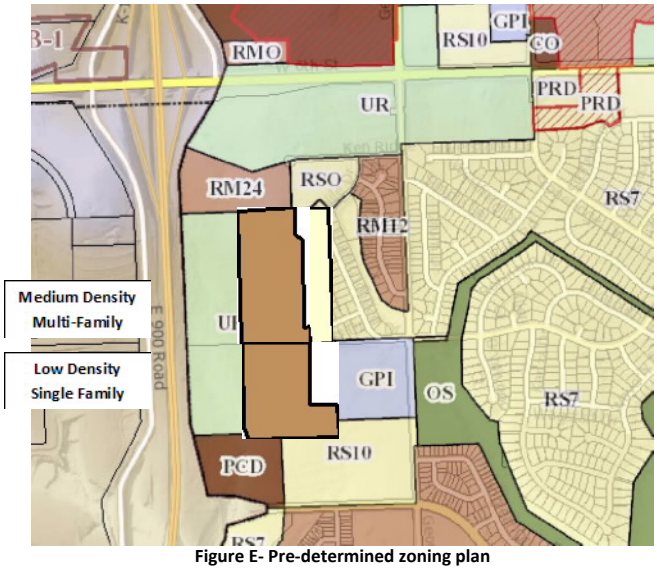


Figure E- Pre-determined zoning plan

The map at left indicates the pre-determined extent of the southern land and, the quantity of medium density zoning, is counter to the current adopted land use documents.

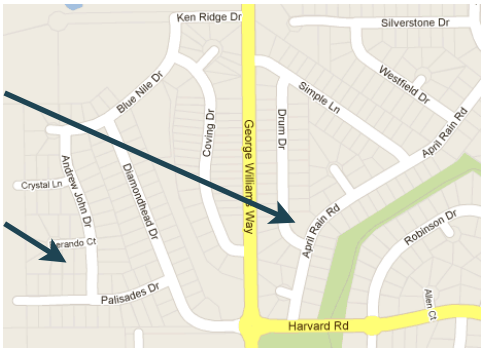
The applicant and developer indicated in the neighborhood public meeting that they are currently in negotiations to control the use of the southern land. This statement reinforces the land uses will be pre-determined with the approval of the northern land uses.

Precedent

Similar requests for rezoning adjacent to the Dlamondhead neighborhood have been denied for all the rationale presented in the preceding pages:

Denied

In Question



PC Minutes 1/25/06

Staff Finding

- The character of the area is a low-density, single family residential neighborhood. The area west of George Williams Way is planned as a mixed development including multiple types of residential development.

Staff Finding

- The subdivision layout and land use requests in the immediate area have conveyed a continuation of established low-density, single-family detached development pattern for this neighborhood. Development around the subject property has begun with an expectation of single-family detached development for the subject property. Property owners have made decisions based on recent previous actions for this area.

Staff Finding

- The property has been planned and platted for single-family development. If the request is denied the applicant still retains the ability to develop the property with single family homes. Approval would double the density and traffic generated[2] from the area.

- The Plan anticipates that low-density residential development will “continue to be the predominate land use in the City.” The most common method to assure compatibility is to extend or continue a particular zoning district. The approved and published RS-2 (Single-Family Residence) District expanded the low-density residential district in this area and was found to be consistent with the generalized land use expectation for residential development in 2004 per Z-4-15-04 and reaffirmed this decision in July 2005 per Z-06-35-05]. A subdivision plat for single-family residential development was approved and recorded as the Green Tree Subdivision in October 2004 as a requirement of the zoning.

- If approved, the result will be to sandwich a small pocket of duplex development along the east side of George Williams Way.

Staff Finding

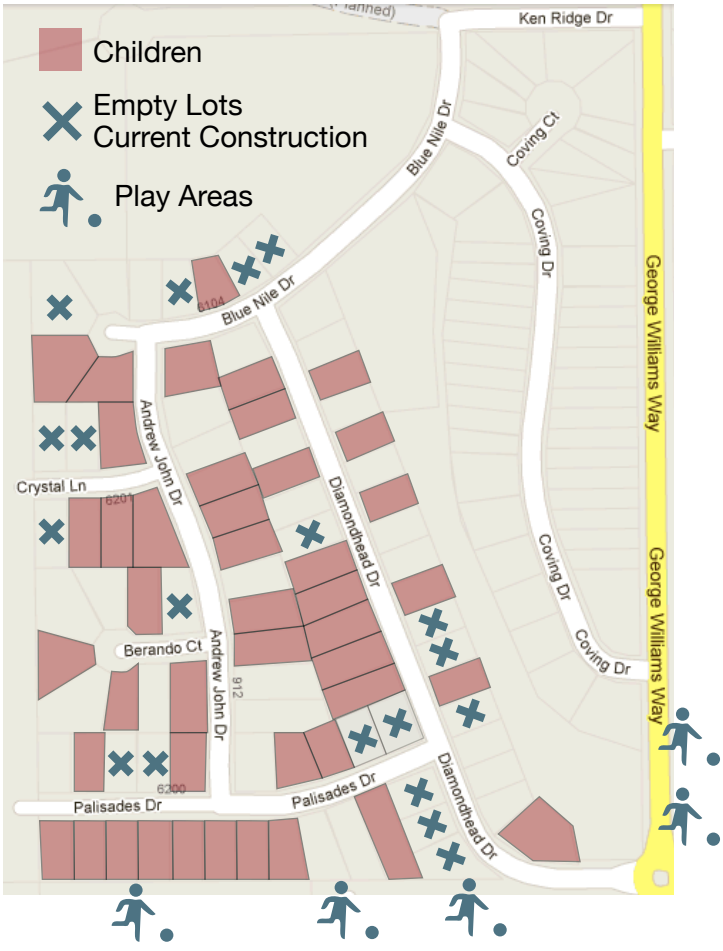
- The proposed request is not in conformance with Horizon 2020.

Traffic Safety

The citizens of the Diamondhead neighborhood are most concerned about the safety and well-being of our children. We believe that increased traffic, especially that of the younger and single type of residents that the developers expect to attract will unnecessarily put children at risk.

As Palisades Dr. and Crystal Ln. will be the only access to the row houses and multi-plexes, it invites the potential for a tragedy. The Diamondhead area is filled with with children of all ages and will be for many years to come.

The applicant references a traffic study that states the traffic counts are within the City requirements. The neighborhood was promised a copy of that study at the 12/3 informational meeting, but to date, it has not been provided. We are concerned the study does not take into account the impact of a neighborhood elementary school and multiple parks and their dramatic impact on the traffic pattern.



The map at left demonstrates the density of children in the neighborhood.

There exist a number of areas in and around the neighborhood where children would play. These have been marked just off the map and include:

- Two Separate Playgrounds
- Sports Fields
- Log Climbing Park
- Walking Trail

Also notice that not a single street in the community is a straight line. Considering the elevation change running along Andrew John Dr. one can envision the problems with sight lines for any driver, let alone one that is not used to driving in a family heavy residential neighborhood with children at play.

Traffic Congestion

In addition to the safety concerns, there remains the question of access. The streets in and around the neighborhood become congested on a daily basis along George Williams and at the Harvard roundabout in the morning and along Palisades Dr. each afternoon and any time there is an evening event at the Langston Hughes Elementary School. The applicant's cite a traffic study with peak times between 4pm and 6pm having adequate traffic flow. The peak times for this area are actually 8am to 9am and 3pm to 4pm due to school drop off and pickup.

The West of K-10 Plan, adopted July 2009, addresses neighborhood connectivity: "Streets within the various neighborhoods of this area shall be connected to each other. … connected streets provide multiple route options for vehicles which can help eliminate the choke points that are created when cars are forced onto a limited amount of streets that carry traffic in and out of neighborhoods."

Similar language is found within Horizon 2020: "Street systems that do not permit connections isolate neighbors and force traffic to concentrate on collectors. This type of street circulation should be avoided."

But the submitted rezoning application would increase residency in the area by 96% over the current zoning while not addressing any of the underlying problems with the current traffic situation. It would force more trips through Palisades Dr. and Crystal Ln.

Infrastructure

The current zoning has meant that the Diamondhead neighborhood was developed as single family with the future plan for a limited number of duplexes only. As such the lighting, sidewalks, crosswalks, signage, and other infrastructure have been implemented based on that plan.

The proposed rezoning for Langston Heights would require retrofitting the existing neighborhood with a variety of items. There currently exists sidewalks on a single side of the streets throughout the neighborhood and no crosswalks except for the roundabout at the intersection of Harvard and George Williams. As illustrated previous, the Diamondhead area is filled with children out at play and such a significant increase in residency and traffic would seem to necessitate changes to the existing layout.

None of the intersections in the community feature traffic signage. The applicants count at least 138 additional trips per hour with the traffic study, but fail to demonstrate its effect within the existing layout. We have already discussed the potential for pedestrian accidents, but the limited sight-lines and lack of any stop or yield signs is an invitation to traffic accidents.

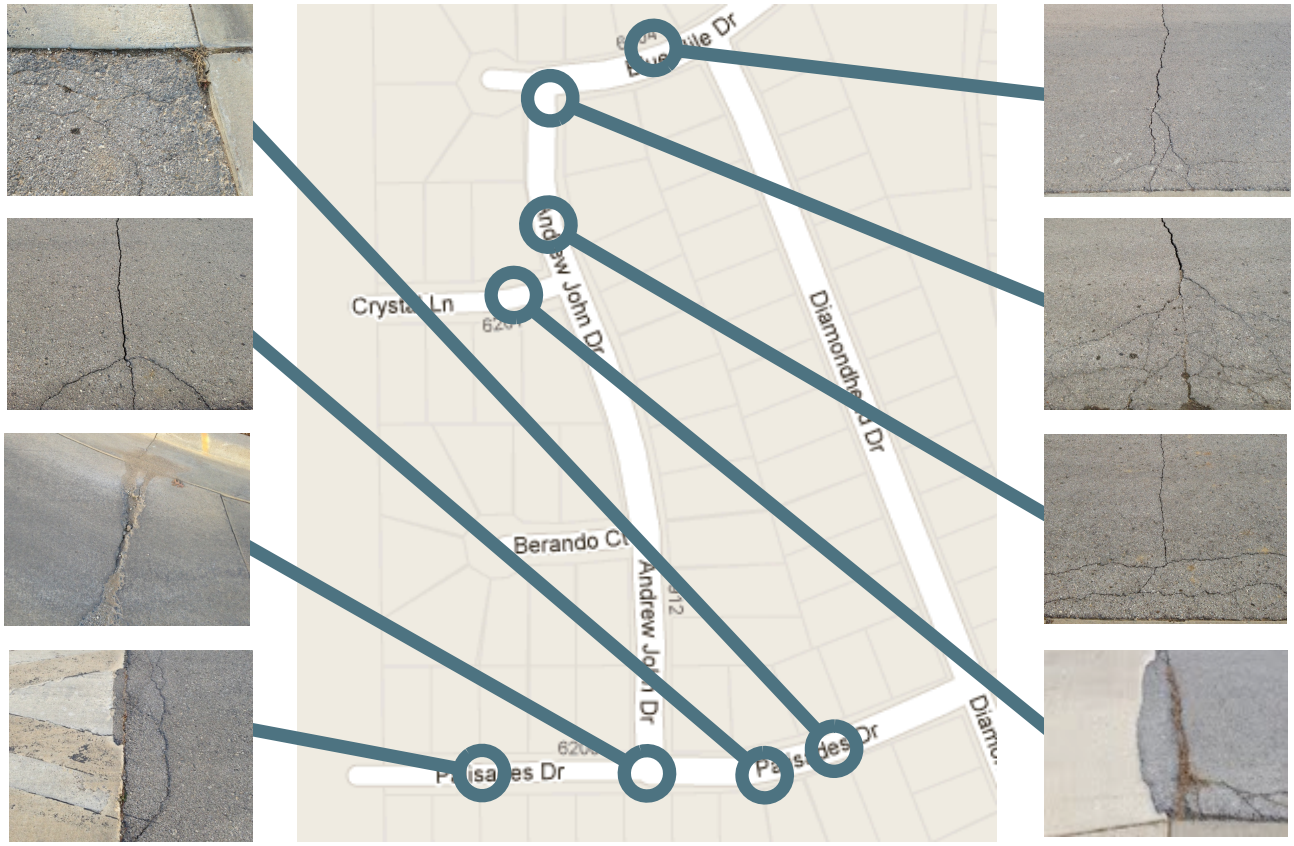
The streetlights throughout the area have similarly been installed for use in single family housing. The inclusion of additional multi-family housing could be cause for increased lighting. The residents of the area however are not keen on the idea of the additional lighting shining through their windows all night.

The roads too have been laid out for use in a low density area. The width in Diamondhead is 23', and with parking allowed on both sides, the streets can easily become unintended one-way's. Surely this is not appropriate for the style envisioned by the applicants.

Construction

In October, 2008 the City Auditor issued a Pavement Condition Summary. In this document both Palisades Dr and Crystal Lane received ratings of poor for the curbs and gutters while the pavement was rated 91.5 out of 100.

Since the issuing of the report four years ago, the conditions of our neighborhood streets have deteriorated. Below are images with their locations indicated on a map. The images shown reflect only a portion of the degradation of both the asphalt and concrete on the two proposed egresses.



It seems reasonable to expect that construction traffic will exasperate this problem. Heavy equipment, trucks carrying forms and supplies, concrete trucks, pouring cranes and endless trips by skilled laborers will serve to further decay the only egress through Palisades Dr. and Crystal Lane.

Marketplace

The applicants expressed at the 12/3 informational meeting that economic forces were the main rationale for changing the current zoning. While this may be true on a national, or even a regional level, a closer examination at West Lawrence reveals a different picture.

A recent headline and story get to the heart of the matter:

LAWRENCE JOURNAL-WORLD

Landlords trying to fill growing number of rental vacancies

There are also more apartment units. Since 2008, 997 apartment units have been built in Lawrence, with 55 built so far this year. Other projects in the works include a seven-story, 55-bedroom building on the corner of Ninth and New Hampshire streets and a 300-apartment complex on Sixth Street and Queens Road. Aug 13, 2011

The last complex mentioned is Hunter's Ridge, which is set to open soon. Plans filed this week by Lindsey Management call for a 630-unit apartment complex adjacent to Hunters Ridge. This area is a mere half mile from Diamondhead

Two additional complexes within a mile- Prairie Commons and Park West Gardens - plus current construction and vacancies on Coving Drive, a block over, would lead one to conclude that the area is saturated with medium and high density housing.

In a report published this September, The National Association of Realtors said that the median time a home was listed for sale on the market was 69 days in July. This represented a significant drop from both July 2011 and June 2012.

The homes in Diamondhead have been selling even faster - measured in weeks, not months. A local McGrew Real Estate agent said this week that "Houses have been moving really well in the Diamondhead area and that market in particular is strong for single family home sales.There was one there that sold in a day."

When you combine weak demand for higher density housing around the Diamondhead area with better than average sales of single family homes, it paints a clear picture. **This market needs more low density zoning, not less.**

The applicants should not be allowed to fundamentally and permanently alter the well-being of this neighborhood based on rationale that is suspect.

Community

The residents of our neighborhood have grown into a tight knit community. As most all neighbors do, we stop to talk with each other when we meet on the street. But more than that, we actively seek out each other's company, and welcome our neighbors into our homes. We plan activities to come together as a group and grow the sense of community that has developed here.

Annual Neighborhood Easter Egg Hunt

Halloween

Annual 4th of July Parade

Throughout the year, we gather together to participate in a variety of seasonal activities. Some are spontaneous as group sledding in the winter, or kids bike rides on sunny days. But many are planned in advance:

- Summer Cookout
- Easter Egg Hunt
- 4th of July Bike Parade
- Trick-or-Treating

We have come to think of the folks here as more than neighbors, they are our friends. We certainly welcome new faces to our neighborhood, however, we fear that the rezoning and subsequent construction of multi-plexes and row houses will alter the nature of the neighborhood and fragment our sense of community. Again we reference policy 3.6 of the Horizon 2020 plan which strives to "preserve and enhance the visual and environmental character of existing neighborhood.

The applicants' target market for their housing are not families, by and large it is younger singles. In addition to all of the issues the development would create with traffic, safety, and living conditions, it would alter the very fabric of the neighborhood we have all bought into.

Allied Entities

It is not just the residents of the Diamondhead neighborhood who oppose this application, there are also a number of groups who feel this would be the wrong move for our children, our families, our neighborhood, and our town. The following have expressed their opposition to the applicant's plan:

Langston Hughes Elementary School
Jackie Mickel, Principal

Langston Hughes Parent-Teacher Organization

West Lawrence Neighborhood Association, Incorporated
Alan Cowles, President

12/4/12

RECEIVED
DEC 06 2012
City County Planning Office
Lawrence, Kansas

Sandra Day, AICP/County Planner, City of Lawrence

RE: Landplan Engineering Informational Session December 3, 2012
Langston Heights Development

After attending the informational meeting last evening at Langston Hughes school, we are writing to ask you to consider deferring the rezoning of Langston Heights (Parcel west and south of Diamondhead) from UR to RM12 and RM12D. The increase in traffic, decrease in property values and changes to the 2006 plat are issues that need to be addressed. The new plan proposal is to build a mixture of single family homes, duplexes, and row houses. With only two streets (Crystal Lane and Palisades Drive) servicing current and additional units, traffic will be heavier than originally planned for these two streets. Crystal Lane and Palisades Drive were originally developed as a lead into other single family housing, not multifamily housing. Palisades already has issues on school days due to drop off and pick up from Langston Hughes Elementary School. Currently three new homes are being built on Diamondhead close to the school. That will mean new driveways from which residents will enter Diamondhead and reduce the amount of room for parents to park when dropping off and picking up children. Then add congestion at the round-a-bout on George Williams. I don't care what your traffic study says, the additional traffic will create safety problems. With undeveloped land to the south and north of the new plan, no one was able to tell us if, and when, any connecting access to the new development would be provided. Even if it did, traffic will still be pushed through low density housing. The Horizon 2020 plan specifically discourages this action.

Should this plan be approved, due to the direct impact of the multi family housing, property values in the Diamondhead subdivision will decrease. When we purchased our home in 2007, we knew additional low density housing would soon follow ot the west. This was based on the planning commission approval in January 2006 of single family homes in the Langston Heights area. We never would have purchased in this area has we known apartments and duplexes were to be built, and future potential home owners will feel the same.

Please see that this proposal does not go any further without modifications. We are not against the expansion of our subdivision to the west, but we are against the medium density zoning.

Thank you,

Edward C. Burrichter
6113 Palisades Dr

Colleen A. Burrichter
6113 Palisades Dr. Lawrence

From: Amy Miller
Sent: Thursday, December 06, 2012 6:54 PM
To: Sandra Day
Subject: Langston Heights Communications

Sandy,

Rod Laing came in today and wanted me to pass along his thoughts on the Langston Heights Subdivision PP and Zoning cases for inclusion as part of the communications on the project. He suggested that a condition could be placed on the multi-family residential zoning west of Renaissance Drive that building permits may not be issued on those dwellings until such time that Renaissance Drive connects to Bob Billings Parkway or the major street to the north. He thought that this would ease potential traffic concerns. Please include the above statement in the communications that go to the Planning Commission as part of their packet.

Thank you,

Amy Miller, AICP, CFM *Long-Range Planner*

From: Brian Sturm [mailto:brians@LANDPLAN-PA.COM]
Sent: Friday, December 07, 2012 2:27 PM
To: Sandra Day
Cc: bobdennsan@gmail.com; douglas.raney@gmail.com; RCJPHJ@me.com; Christopher Storm
Subject: PP-12-00228 - variance withdrawal; temp const esmt

Sandy,
On behalf of the applicant, I would like to incorporate the following two (2) items into the Planning Commissioners' packets for Monday's meeting regarding item #5A, the Preliminary Plat for Langston Heights Addition:

1. The applicant wishes to withdraw their request for a variance from Sec. 20-811(c). While the developer still has concerns about installing sidewalks that would essentially terminate in mid-block locations on Palisades Drive and Crystal Lane, they would rather design a subdivision that conforms to the current Subdivision Regulations and complete street policy. It's my understanding that the sidewalks to be shown on the south sides of Palisades Drive and Crystal Lane can be added to the Preliminary Plat as a condition of approval. It is also my understanding that the applicant can work with the City Engineer on an acceptable way to terminate these sidewalks on the east edge of the subdivision during the public improvement plan review process.
2. The applicant wishes to add, as a communication, the attached letter of intent which upon execution by both parties would allow for the creation of a temporary construction access easement over and across land owned by Alvamar, Inc. The developer understands the concerns neighbors in the Diamondhead subdivision have regarding potential construction traffic traveling through their neighborhood. This agreement, once signed by both parties, would allow that construction traffic to pass entirely across the ground presently owned by Alvamar on the south side of the subject property. With such an access easement in place, dump trucks, excavators and the like could pass from Bob Billings Parkway to the subject property without travelling on City streets, namely those in the Diamondhead subdivision. It is the developer's hope to have this letter executed by the time of Monday evening's PC meeting.

Please let me know if you have any questions regarding the above items.
Thank you,

Brian Sturm, RLA, ASLA, LEED AP
Project Landscape Architect
Licensed in KS

Landplan Engineering, P.A.
1310 Wakarusa Drive
Lawrence, Kansas 66049
v. 785.843.7530
f. 785.843.2410

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Letter of Intent

This letter reflects the mutual intentions of Langston Heights Development, LLC, and Alvamar, Inc. to enter into an agreement to create a temporary construction access road from Bob Billings Parkway to the property known as Langston Heights through property currently owned by Alvamar. Both parties intend for the road to be built before construction begins on Langston Heights. Alvamar agrees to provide an easement for this road and Langston Heights Development agrees to pay for the costs associated with building this road before construction begins. Langston Heights Development also agrees to pay one dollar ($1.00) to Alvamar as part of the agreement, regardless of whether construction begins.

_____ _____

Robert Santee Date

Officer, Langston Heights Development

_____ _____

Robert C. Johnson Date

Chairman of the Board, Alvamar, Inc.

LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED
DEC 19 2012
City County Planning Office
Lawrence, Kansas

December 10, 2012

To: Lawrence/Douglas County Planning Commission:

Re: Langston Heights, Items 5A, 5B, 5D

President
Melinda Henderson

President-Elect
David Burress

Vice President
Milton Scott

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors

Margaret Arnold

Bonnie Dunham

James Dunn

Sally Hayden

Cille King

Ruth Lichtwardt

Marlene Merrill

The League of Women Voters of Lawrence/Douglas County has strong positions on neighborhood planning. We believe that "the primary urban planning unit should be the neighborhood, large enough to support the location of a nursery-elementary school, park...and should reduce to a minimum the use of the private car within each neighborhood." Therefore, we are concerned about the proposal for the multiple family lot configurations of the Langston Heights Addition and their proposed rezoning to RM districts.

We strongly support designing neighborhoods with housing types suited to families with children that are close to elementary schools with pedestrian ways designed for safe walking, and believe that it is very poor planning to locate multiple family housing that is not appropriately designed for this near our schools. Multiple family housing types can be designed for families with children, but must have the needed amenities such as privacy, open space and other facilities to make such units attractive for family life, which this proposed development does not have. Additionally, we support staff's recommendation to deny the applicant's request for a variance to allow sidewalks on only one side of streets.

Because of the effect this multiple family housing would have on the future development of the adjacent vacant land to the south of this tract, it can be predicted that this land also would become multiple family and not attractive for families with children. Because of the proximity that these two tracts have to Langston Hughes Elementary School, we believe that this would be very poor urban planning and a serious waste of potential that these two properties would have to reduce automobile use and utilize these valuable areas for encouraging families to live within walking distance to the school.

We believe that the reason that this type of poor urban planning is not uncommon in Lawrence is because of some serious deficiencies in our Land Development Code and how it leads to the interpretation of *Horizon 2020*:

- The multiple family districts do not specify housing type.
- The only distinction in our Comprehensive Plan (CP) in the designation of residential areas is based on density. Because of the long-standing interpretation of our CP, it is possible to allow all types of multiple family units from tall apartments to duplexes to achieve the gross densities that are typical for detached single family housing. Therefore, the density designation in our CP is not an appropriate prediction of use.
- The CP does not include the same goal that *Plan '95* did, which emphasized that development should be designed for the ultimate user and not to satisfy only the needs of the developer.

These factors eliminate the essential predictability that homeowners need to be able to have confidence in the stability and future of their neighborhoods when they make the substantial investment for living in a community. It tends to reduce the trust needed for a growing and thriving city to attract new residents. We ask that you take these factors into consideration when making your decision on this rezoning request. The future of our city depends on good urban planning. We would look forward to a discussion about making the necessary changes to our Land Development Code and *Horizon 2020* to create the predictability in our neighborhoods that we need.

Thank you for your consideration of these issues.

Melinda Henderson
President

Alan Black, Chair
Land Use Committee

PO BOX 1072 • LAWRENCE KS 66044-1072
league@sunflower.com • www.lawrenceleague.com
www.facebook.com/lwvldc • www.twitter.com/lwvldc

December 7, 2012

Sandra Day, AICP City/ County Planner, City of Lawrence:

RE: Rezoning Langston Heights

We are writing in opposition of the rezoning of Langston Heights. Our main areas of concern are traffic and child safety.

Our family moved to the Diamondhead subdivision 3 years ago. We chose the area based on several factors: the proximity to the elementary school, the community, and that the adjacent Langston Heights would be a similar neighborhood based on the 2006 plat.

Many families built in Diamondhead because the neighborhood to the West would be comparable. Langston Heights' preliminary plat of 2006 contained 67 single family homes and 18 duplexes. The new plat proposed by Land Plan would increase units by 94% in comparison to the 2006 plat. A 94% increase would greatly increase the amount of traffic on our residential streets.

Palisades and Crystal Lane are currently the only two inlets for Langston Heights. The roads leading to Langston Heights are narrow winding routes through residential areas with poor site lines.

At the December 3, informational meeting held by "Land Plan Engineering," Brian Sturm discussed the traffic study that was completed in September of 2012. The study claimed that the residential roads could support the rezoning of Langston Heights. Brian Sturm stated that the traffic study was done during the peak hours of traffic, 4:00 p.m. to 6:00 p.m. A traffic study done between 4:00 p.m. & 6:00 p.m. does not take into account the traffic at the school's dismissal hour. One of the main in-let/out-lets of Langston Heights is adjacent to a large elementary school. A traffic study done during the school's dismissal hour would provide more accurate information. 63% of the current Diamondhead households have children attending school. 63% of our neighborhood will be walking or driving during school arrival and dismissal times.

The sidewalks in the Diamondhead neighborhood would not support the 94% increase of population. Sidewalks in Diamondhead are only on one side of the street. Upon leaving Langston Hughes Elementary my children must cross Diamondhead Dr. (one of the only in-let/out-lets) This is the only intersection that contains a crosswalk. After walking up Diamondhead they must cross it again. They continue their walk home up Palisades, where they must cross Andrew John Dr. to reach the sidewalk. They walk north on Andrew John crossing Berando Ct. until they come upon Crystal Lane. (one of the other only in-let/outlets) To reach home they cross Andrew John Dr. again. Within a 3 block walk home, our children cross the street 5 times, encountering these soon to be heavily traveled roads. The future children of the Langston Heights neighborhood would also be traveling this dangerous route to their new home. Not only are we concerned about the safety of our own children, but the safety of the new families that will move into the Langston Heights development.

We love living in Lawrence and we love it because it gives us the small town feel we grew up with. We grew up in a town of 1500 where it was safe to walk down the street and everyone treated you like family. Our family has been searching for this sense of community for a while now and finally found it in Diamondhead. Our little neighborhood of all ages come together for an annual Memorial Day BBQ, 4th of July Parade, Pumpkin Carving, and Easter Egg Hunt. Children ride bikes, enjoy a game of basketball, and play tag outside. Neighbors help transport children, share recipes, help with heavy lifting, cook you meals when you're down, or let out the dog when you're away. Increasing the units by 96% from the 2006 plat to the proposed rezoning would only erode at the community we've created.

Lawrence is nationally known as a highly desirable community to live in. We need to continue to reflect on what drives people to Lawrence. Is it the multiple options of housing provided in a development, or is it the feeling of community we ALL provide?

Thank you for taking the time to read our concerns. We appreciate the opportunity to express our thoughts in the matter.

Sincerely,
Carisa, Dustin, Avery, & Sydney Stejskal

From: lauri di routh [mailto:lauridi@hotmail.com]
Sent: Monday, December 10, 2012 8:52 AM
To: Sheila Stogsdill
Subject: Comments for planning commission meeting 12/11/12

Ms. Stogsdill,

Please accept these comments for tonight's Planning Commission meeting. I respectfully request that these be shared with the Planning Commissioners and staff, and be included in the public record for tonight's meeting.
Please note that my comments herein are not intended to represent any organization or group. I offer these comments solely as an individual citizen and taxpayer.

RE: Long range planning work program, as submitted to the planning commission by Scott McCullough in November 2012.
I wish to express my concern about the City and County opting to postpone implementation of the environmental chapter of H2020 to a work schedule beyond 2013. This plan was crafted over the course of several years, and both citizens and the Sustainability Advisory Board play a role. I am troubled that this plan is being mothballed, at a time when we need it most. Given the current drought and its impact on both the built and natural environment, tending to our community's natural resources is more important now than ever. I ask that the PC make implemenation of the environmental chapter of H2020 a priority for 2013.

RE: Variances requested for the site plan and plat of the proposed Rock Chalk Village Park
I am troubled to see that the developer is requesting variances to the street connection requirements of the code, and also the sidewalk requirement of the code. Both of these items are integral to the City's Complete Streets plan, which was recently approved. While I appreciate the developer's stated intention of preserving trees on the property, without an inventory of said trees or any requirement for monitoring of tree preservation or removal during project construction, using trees as an excuse to minimize developer costs seems a bit disingenuous. In regard to street connectivity, it seems to me that allowing George William Way to remain a dead end street at the north end creates a bottleneck for the City's future rec center, and may create massive traffic problems on the property when large events are held at the KU facilities. At the very least, this variance should be reviewed and vetted, first, by traffic planners, to assess its impact. I believe that the requirements for sidewalks on both sides of the street should be upheld, and the developer's request for variances denied.

RE: Diamondhead Neighborhood Comments
I support the Diamondhead Neighborhood's right to preserve the nature and safety of their neighborhood. I ask that the PC reject the Landplan plat proposal as it would greatly expand the development of duplex and multifamily residential dwellings in this area, to the detriment of the existing neighborhood.

RE: planning commission packet structure

In reviewing the packet for this week's meeting, it is noted that the packet size of 57 MB makes it very difficult to load and open on a standard home computer. I had several people tell me that they had not even tried to do so, for fear that it would crash their computer system. While I understand that the files therein are large, I would like to see the PC use the City Commission's method of transmitting meeting information, using imbedded, topic-specific links on the agenda. This way, individual topic information can be opened and reviewed without the need to download the entire packet of 50+ MB of information. By breaking the packet up into managable chunks, it will make it easier for the public to access needed information and share with others who may wish to comment. Certainly, the PC wants to engage and solicit feedback from the public. I believe that the best way to do this would be to use imbedded links on the agenda, thereby reducing an evident barrier to accessing information.

I appreciate your consideration of my comments.

Sincerely,

Laura Routh
2235 East Drive
Lawrence, KS
979-3918

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
12/10/2012

ITEM NO 5D: Z-12-00232 UR (Urban Reserve) District to RM12 (Multi-Dwelling Residential) District; ~~9.794~~ 10.025 acres (SLD)

Z-12-00232: Consider a request to rezone approximately 10.025 acres from UR (Urban Reserve) to RM12 (Multi-Dwelling Residential), located along the east side of K-10 Highway south of W. 6th Street and along the west side of a proposed street known as Renaissance Drive, as shown in the preliminary plat of Langston Heights Addition. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 10.025 acres from UR (Urban Reserve) District to RM12 (Multi Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to a maximum development of of 62 units along K-10 Highway and 6 lots of 4-plex units adjacent to the proposed RM12D district (86 total units).

Reason for Request: *The developer, RSR, Inc., intends to subdivide and rezone the subject property to support detached dwelling single-family development (see attached concept plan).*

KEY POINTS
- Request is part of an overall development package that includes RS7 and RM12D Zoning and a preliminary plat.
- This district serves as a transitional use between the highway to the west and the lower density uses to the east.

ASSOCIATED CASES/OTHER ACTION REQUIRED
- Z-12-00229: 8.333 acres from UR (Urban Reserve) to RM12D (Multi-Dwelling Residential)
- Z-12-00231: 9.206 acres from UR (Urban Reserve) to RS7 (Single-Dwelling Residential)
- Z-12-00232: 10.025 acres from UR (Urban Reserve) to RM12 (Multi-Dwelling Residential)
- PP-12-00228: Preliminary Plat Langston Heights.

Note: Acreages reflect revised preliminary plat dated 11.28.12.

PLANS AND STUDIES REQURIED
- *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 residential request

ATTACHMENTS
- Area map
- Concept plan

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- Communications are attached.

Project Summary:

This proposed request for RM12 zoning is for 10.025 acres to accommodate multi-dwelling development and a total of 86 dwelling units. This district is defined in Section 20-201 of the Development Code as corresponding to a "Medium-Density" comprehensive plan designation. This request is intended to be considered concurrently with the RM12D and RS7 zoning requests and the preliminary plat, PP-12-00228 Langston Heights, that creates a lot arrangement that results in a lower-density pattern per acre and provides a land use transition between the highway to the west and lower density development to the east. This property is encumbered by the Transportation Corridor Overlay District for the South Lawrence Trafficway/K-10 Highway.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

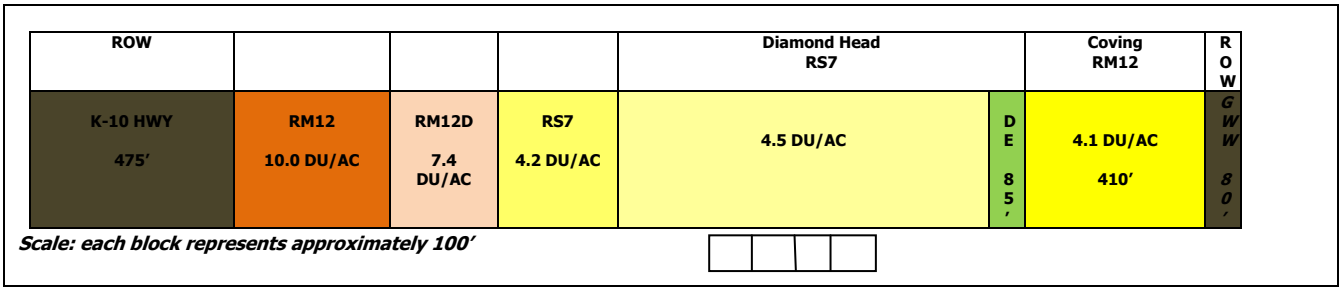
Applicant's Response: *the Lawrence future Land Use Map (3-2) in Horizon 2020 does not specifically designate a land use for this subject property, however, adjacent existing residential development is consistent with low-density residential land uses of 6 or fewer dwelling units per acre. When considered with the two (2) other rezoning applications accompanying this one, all three conform to the Residential Development Strategy (pg. 5-1) of providing a mixture of housing types, styles and economic levels for new residential development.*

As noted in the zoning reports for the RM12D and the RS7 districts, this area is included in the boundary of the *6th Street and K-10 Nodal Plan*. This plan was amended into *Horizon 2020*.

Key strategies included in *Horizon 2020* provide the framework for area, nodal and neighborhood plans. Key policies related to this development are:

- *Infill residential development should be considered prior to annexation of new residential areas.*
- *A mixture of housing types, styles and economic levels should be encouraged for new residential and infill developments.*
- *Compatible densities and housing types should be encouraged in residential neighborhoods by providing appropriate transition zones between low-density residential land uses and more intensive residential development, and between higher density residential uses and non-residential land uses.*
- *The character and appearance of existing residential neighborhoods should be protected and enhanced. Infill development, rehabilitation or reconstruction should reflect architectural qualities and styles of existing neighborhoods.*

As discussed in the concurrent RS7 and RM12D staff reports related to this request this project represents infill development. This request considered concurrently with the RS7 and the RM12D applications provide a graduated development pattern that provides a mix of housing types and styles in a new residential development. The individual density for this area between George Williams Way and the highway is represented by the following graphic.



While the subject 10.025 acres is a medium-density zoning district, the gross density of this development project, when spread across the entire 27 acres is 5.9 units per acre.

Horizon 2020 states that medium density residential development (7-15 dwelling units per acre*) is recommended as cluster development at selected locations along major roadways, hear high-intensity activities areas and when adjacent to important natural amenities*. In this application, the development is located along a major roadway, K-10 Highway. Density is clustered to accommodate a transition of uses from the west along the highway to the east using the concurrent RM12D and RS7 applications with the proposed preliminary plat. There are no natural amenities that were identified to be preserved for this property.

This use is intended to promote a mix of housing types within a planned development area. *Horizon 2020* states that *medium density areas should include a mix of single-family, detached and attached homes, cluster homes, townhouses, and similar housing types*. The development of this property seeks to implement this policy using combined zoning applications that establish base districts across the entire acreage and delineate the boundary of the transitions through the district boundaries.

The Plan also states that medium density uses should be *designed to help avoid major and abrupt changes in density or use*.

Various goals and polices address the land use transition between low and high-density areas. Specific recommendations include the use of vegetation and screening to buffer land uses. The preliminary plat serves to establish back-to-back relationships between land uses. This policy is implemented through the subdivision design standards and applicable landscape and buffering requirements contained in the Development Code.

Staff Finding – This request is considered concurrently with the companion RS7 and RM12D zoning request and the preliminary plat. The intent of the request is to provide a cluster development that situates the higher density residential use next to the highway and provide a transition of land use between the highway and the low-density development to the east. The preliminary plat establishes the framework for the designation of the boundary of the district. The specific RM12 request orients the medium density development adjacent to the highway with access to a local street that will be extended to the north and south as the area develops. This request spreads the density of the overall development across the entire 27 acres to achieve the recommended low-density residential land use identified in the nodal plan.

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

Current Zoning and Land Use:	UR (Urban Reserve) District and TC (SLT/K-10 Major Transportation Corridor Overlay) District; undeveloped property.
Surrounding Zoning and Land Use:	RM24 (Multi-Dwelling Residential) District to the north. Undeveloped land. Proposed RM12D (Multiple-Dwelling Residential) District to the east. Developing residential subdivision to the east of the proposed development area.

UR (Urban Reserve) District to the south. Undeveloped land.

K-10 Highway is the west boundary of the development site. The Highway right-of-way and properties to the west are located within the unincorporated portion of Douglas County and are zoned A (Agricultural).

Staff Finding – The proposed RM12 district represents the west portion of the development area. Land to the immediate north, south, east and west are undeveloped. Land to the immediate east is proposed for duplex development as part of this development request.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The subject property is a vacant piece of abandon farmland. It is bordered to the west by the SLT right-of-way, which also includes the SLT recreation path. To the north lies vacant ground platted as part of the Diamondhead subdivision and zoned RM24. To the east lie properties platted under the Diamondhead subdivision, zoned RS7 and developed as detached single-family homes, all constructed within the past 5-7 years. To the south rests vacant unplatted property zoned UR and of similar natural character to the subject property. Langston Hughes School is a short distance to the southeast.*

The west portion of the development site abuts K-10 Highway (higher density proposed). The east portion of the development site abuts developing single-dwelling subdivision known as Diamondhead Subdivision. This requested RM12 district clusters the higher density development adjacent to the highway.

This property is located within the West Lawrence Neighborhood. This section of the neighborhood includes several undeveloped parcels to the north and south along K-10 Highway. This neighborhood is characterized by the dominance of residential use, primarily low-density detached housing. Higher intensity uses and are located along major streets in the neighborhood. Existing and planned non-residential uses are located at major intersections throughout the neighborhood.

Staff Finding – The overall neighborhood is characterized by residential uses. Higher density uses are located along the arterial streets of W. 6th Street and Bob Billings Parkway.

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

As noted above this area is located within the boundary of the *6th Street and K-10 Highway Nodal Plan*. The area is generally recommended for low-density residential development with a small portion considered appropriate for medium density residential development. This request is consistent with that land use recommendation when considered concurrently with the preliminary plat and concurrent RM12D and RS7 zoning requests that spreads density across the entire 27 acres. Taken alone, the RM12 zoning is not compliant with the *6th Street and K-10 highway Nodal Plan.* However, this request is part of a combined development request for 27 acres of residential development that abuts K-10 Highway on the west side.

Staff Finding – Taken alone, the RM12 zoning is not compliant with the W. 6th Street and K-10 Highway Nodal Plan. However, the proposed RM12 zoning is consistent with the low-density

residential land use recommended in the nodal plan applicable to this area when reviewed concurrently with the preliminary plat.

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

Applicant's Response: *The UR district has served this vacant ground adequately but will not permit new development of any kind. Development that provides an appropriate transition from the existing RS7 neighborhood to the east, the future RM32 development to the north and the existing SLT to the west requires a new zoning classification.*

Staff concurs that the UR zoning is no longer desirable given plans to develop the property. The current zoning serves as a holding zone until property is ready for development. The proposed request is for RM12 to accommodate development along the highway. The proposed request includes a subdivision design that shows multi-dwelling lots along the highway as a transition between the highway and the proposed duplex area to the east. Considered concurrently with the preliminary plat, this specific development provides a buffer between the highway and the lower-density uses proposed to the east.

Approval of the request facilitates infill development and the provision of additional housing choices in this area. The use of the RM12 district in this application facilitates an appropriate land use transition between low-density residential development and the highway.

Staff Finding – The existing UR (Urban Reserve) District is no longer a suitable zoning district for this property since development applications have been made. The proposed RM12 district is intended as a land use transition between the highway and the existing and proposed residential development to the east. This is a suitable use of the RM12 district.

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

Applicant's Response: *the property has remained vacant since being annexed into the City in the early 2000's.*

This property is undeveloped (vacant). The existing zoning, UR, was established in 2006 with the adoption of the Development Code. Prior to that time the property was zoned A (Agricultural). The surrounding area to the north and east (Diamondhead) was annexed and rezoned for various uses in October 1998.

This property was part of a 27.23-acre request for RS-2 zoning submitted in October 2002 (Z-10-39-02) but later withdrawn and replaced by two later applications in 2005. (Z-9-63-05 and Z-9-64-05). The 2005 requests were for 6.8 acres of RMD and 20.77 Acres of RS-2. These requests were approved by the Planning Commission on November 16, 2005. They were accompanied by a preliminary plat that included connected grid streets. The approval was subject to the recording of a final plat for the property. The Final Plat for the property was approved in 2006 and the approval was extended in 2008. The property owner did not complete the requirements and record the final plat. Therefore, the zoning was never published and made effective. The 2005 request for RMD included the north portion of the subject property that abutted the RM24 zoning. That Development pattern included only one block of duplex lots terminating in a cul-de-sec.

Staff Finding – The area is undeveloped. The property was zoned A (Agricultural) from 1966 to 2006. The UR district was established in 2006 and remains to the present.

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

Applicant's Response: *Approving this rezoning will pose no detrimental effect to nearby properties. Approval will facilitate appropriate residential development adjacent to the SLT and set a development precedent for adjacent vacant parcels.*

The area to the north south is undeveloped. As such, no direct detrimental impacts are anticipated for these properties. Approval of the rezoning request facilitates the extension of streets and utilities to this area. As the areas to the north and south develop, street connections will be made that connect the proposed development with the adjacent properties. For the interim period, areas along the proposed Renaissance Drive will take access to the street network via Crystal Lane, Palisades Drive. Residents in the developed area to the east have expressed opposition to this pattern citing concerns of traffic and devaluation of property. Staff does not conduct an appraisal analysis of development on property values. With regard to traffic concerns, the proposed development will not generate excessive traffic though this area. Furthermore, traffic will diminish as additional local street connections are made to the north and south. Development of this property extends a benefit to the undeveloped properties by the extension of infrastructure.

Another concern expressed by residents of the developed area to the east regarding intensification of uses. Previous land use approvals conveyed an expectation for continued low-density development in the form of detached dwelling units on individual lots. The previous land use approvals for the detached and duplex zoning expired as previously discussed in this report. This proposed request alters that expectation by moving the proposed duplex use from the north portion of the site to the central portion of the site and introducing multi-dwelling uses along the highway.

Existing residences will experience an increase in traffic since the local streets currently dead-end at undeveloped property. An increase in traffic should be expected. The local street network has capacity to service this area even with the addition of the proposed development. There are no future collector streets planned for the area between George Williams Way and K-10 Highway between W. 6th Street and Bob Billings Parkway. Traffic generated from this area will utilize the local street network to access the larger collector and arterial street network per approved plans. Increased traffic on existing local streets should be expected. As the area develops, additional street connections will be made dispersing some local street traffic.

Staff Finding – The significant change anticipated by this request is the increase in traffic for this area and the introduction of multiple housing choices in the form of duplex and multi-dwelling units. These concerns have been expressed by area residents and potential detrimental impacts. While traffic will increase on the existing streets, sufficient capacity exists to accommodate the proposed land uses included in this development request. The overall impact of the proposed request is negligible to the existing development and surrounding undeveloped areas.

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: *The gains to public welfare proposed by this application are the gains associated with creating appropriate transitional residential development adjacent to established neighborhoods and highway corridors. Denial of this application will perpetuate the vacancy of this land.*

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 portion of the development request is the most controversial. It introduces an opportunity for multi-dwelling development of 62 units along K-10 Highway and 6 lots of 4-plex units adjacent to the proposed RM12D district (86 total units). This request facilitates the development of vacant property for residential purposes. The project extends the city's infrastructure within the existing boundaries of the city as infill development. As streets are constructed additional connectivity to this area west of George Williams Way will be added.

If this application is denied, the applicant could seek a request for a different zoning district. Development of the property has been anticipated for residential development since 2002. Development of this area is one of timing as it relates to the developer's schedule. There are no impediments to extending public infrastructure to this area. Development of the site facilitates vehicular and pedestrian connectivity.

Staff Finding – Approval of the request facilitates infill residential development between George Williams Way and K-10 Highway and the efficient extension of public services and utilities. Denial of the request would result in a revised development plan for the area.

9. PROFESSIONAL STAFF RECOMMENDATION

The purpose of the RM12 district is found in Section 20-204 of the Development Code. This district is included with all other RM districts. The Development Code states:

> *The primary purpose of the RM districts is to accommodate multi-dwelling housing. The district is intended to create, maintain and promote higher density housing opportunities in areas with good transportation access.*

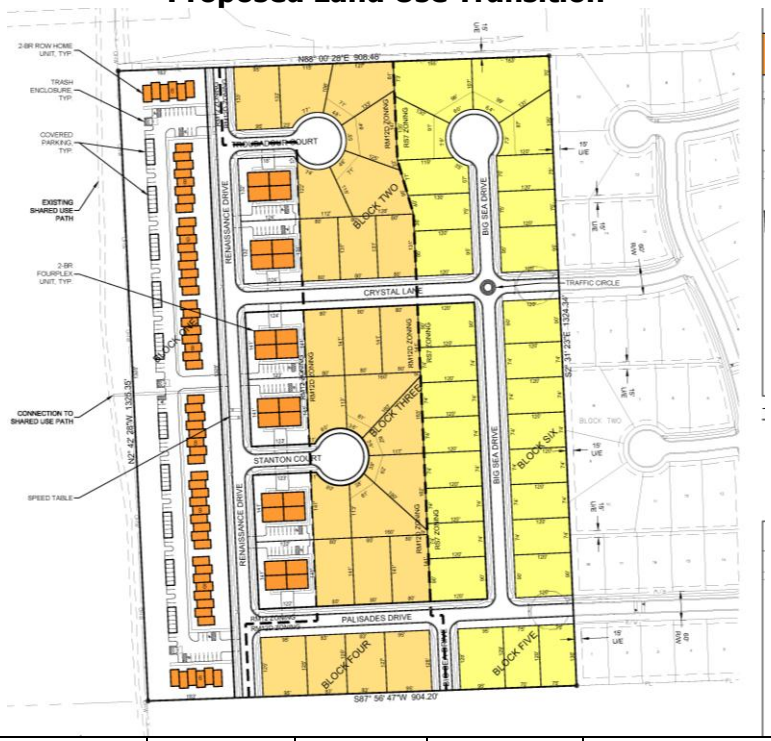
The RM12D and the RM12 have the same density and dimensional standards. However, the RM12 district accommodates multi-dwelling development in the form of triplex, 4-plex and apartment type units. Each lot may be developed with more than one structure.

Staff has received numerous calls regarding the proposed Langston Heights development project specifically as it relates to the use of the RM12D and RM12 zoning districts. A key consideration in this evaluation is the concurrent application of the preliminary plat that is used to define the boundary of each district of the request.

Previous applications provided either full development of the subject property as an exclusively single-dwelling detached lot subdivision or provided duplex zoning as a transition from north to south. The only transition provided for K-10 Highway was a public street with a single row of lots facing the highway. The current request provides a reasonable transition of land uses with back-to-back lot orientations and a decrease in intensity east of the highway. The RM12 portion of the request provides the specific buffer adjacent to K-10 Highway. The concept plan depicts 62 dwelling units along the highway. These units would have a smaller profile and are expected to be 1-2 stories limiting the bulk and massing of the structures. This building type increases the compatibility of the future development to the lower density developments to the east.

The RM12 district allows 35' tall structures, which would permit a greater number of stories than reflected on the concept plan. If the physical components of the RM12 portion of the project are important to achieve as great of compatibility as possible, the Planning Commission may wish to consider conditioning the zoning on a maximum density of 86 units and a maximum number of stories to two.

Proposed Land Use Transition



DU – Dwelling Units	**7 lot** **86 DU** **62 multi-dwelling** **24 4-plex**	**25 Lots** **50 DU**	**29 Lots** **29 DU**	

CONCLUSION

The proposed use of RM12 is a reasonable approach for land use adjacent to a highway. Considered concurrently with the preliminary plat the proposed request limits the intensity of the overall development to a use compatible with the planned and existing uses to the east. This request is part of a larger development request that integrates the land use, density and subdivision design for property.

The project facilitates infill development and the efficient extension of utilities.

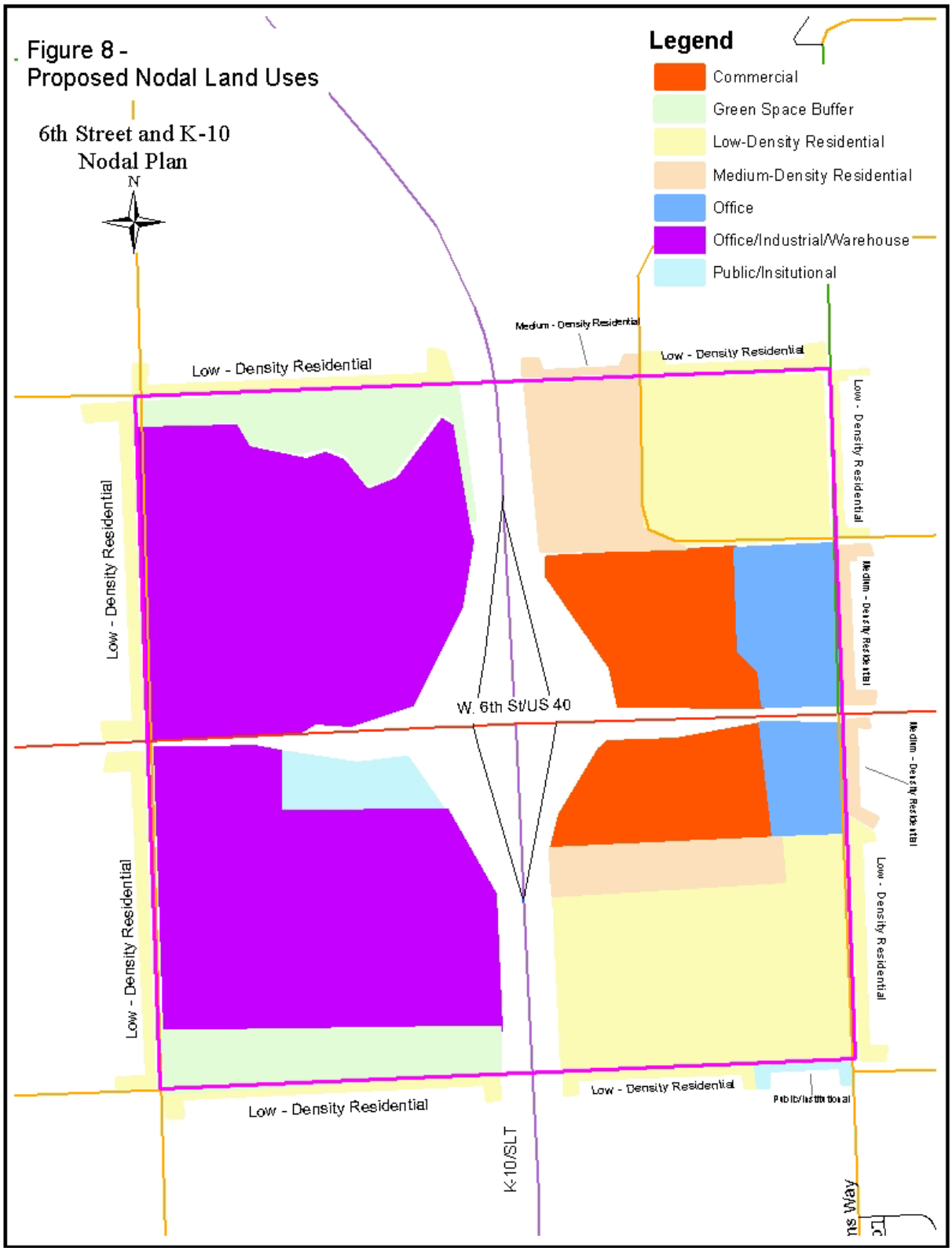
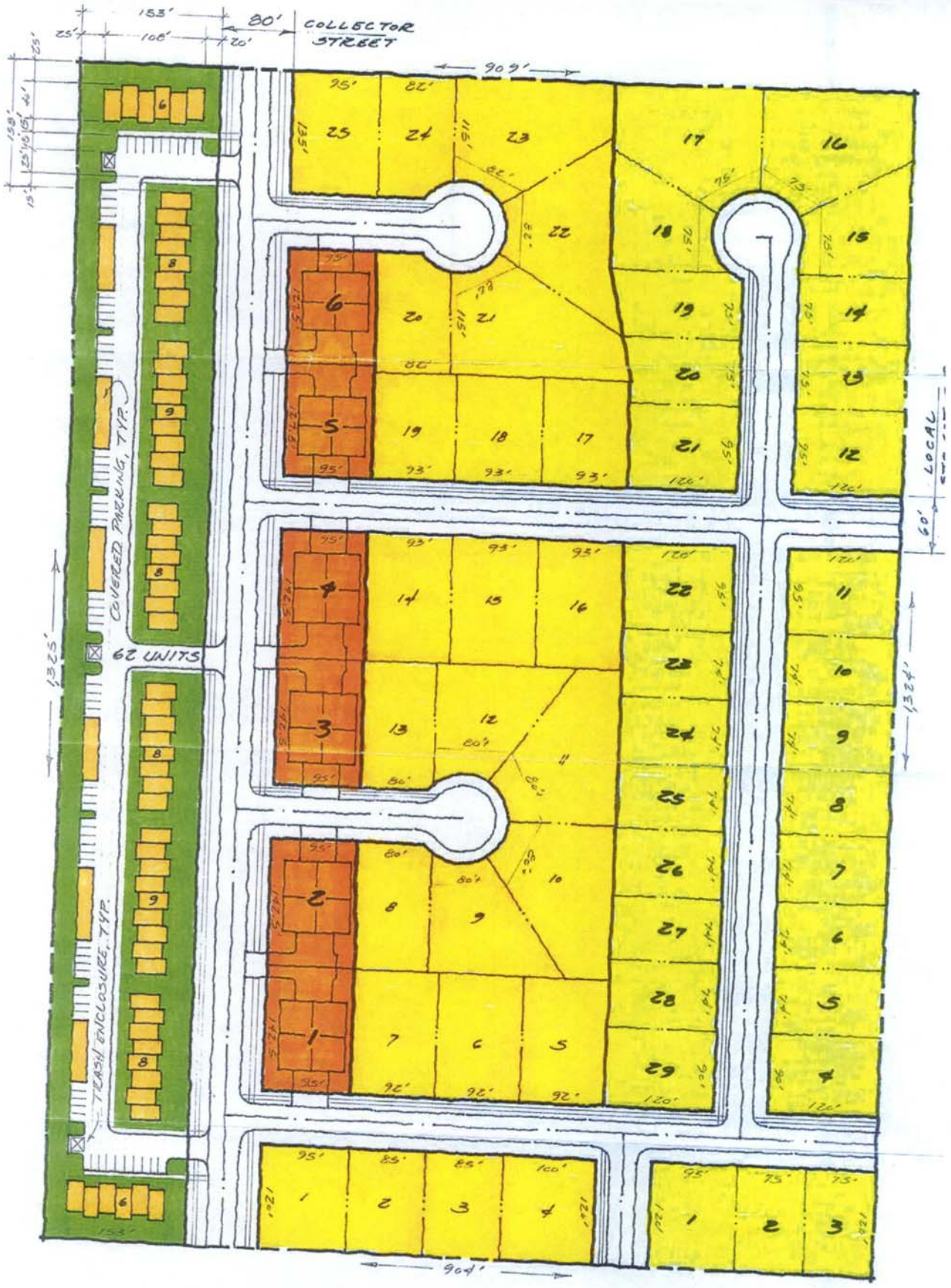


Figure 8 -
Proposed Nodal Land Uses
6th Street and K-10
Nodal Plan
N
Legend
Commercial
Green Space Buffer
Low-Density Residential
Medium-Density Residential
Office
Office/Industrial/Warehouse
Public/Insitutional
Low - Density Residential
Medium - Density Residential
Low - Density Residential
Low - Density Residential
Low - Density Reeidential
W. 6th St/US 40
Low - Density Residential
Low - Density Residential
Low - Density Residential
K-10/SLT



GROSS AREA: 27.57 Ac.
MAX. UNIT DENSITY (HZOZO): 6 UNITS/Ac.
MAX. UNITS: 165.42 → 165 UNITS

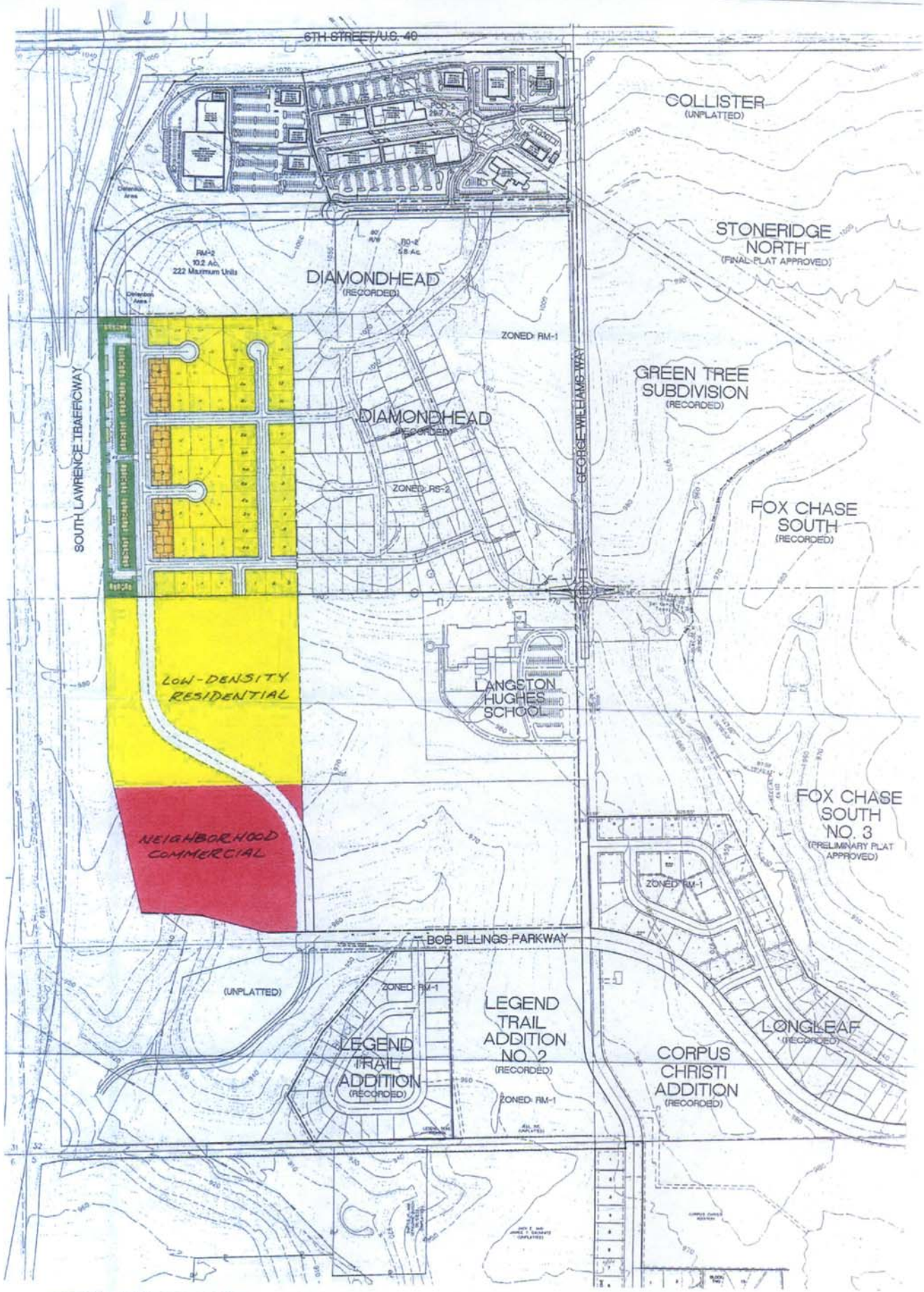
PROPOSED HOUSING TYPES:

SINGLE FAMILY UNITS	29
DUPLEX UNITS	30
FOURPLEX UNITS	24
ROW HOME UNITS	62
TOTAL UNITS	165

NORTH
SCALE: 1" = 100'

RSR
© DEVELOPMENT CONCEPT

pt. 25, 2012 © Tim A. Herndon

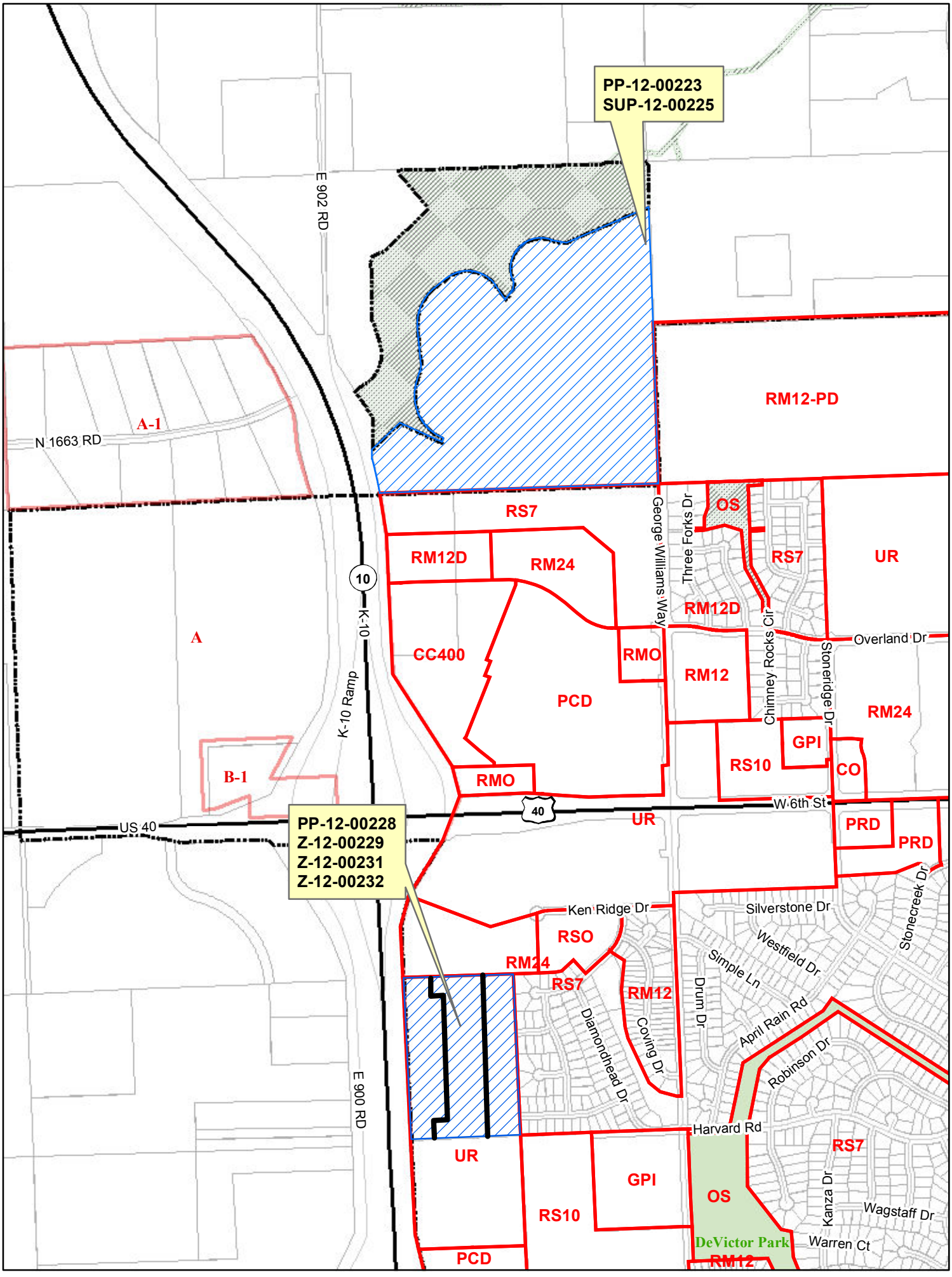


AREA PLAN / BASE MAP
PROPERTY OF
LANDPLAN ENGINEERING, PA

○ RSR
○ DEVELOPMENT
○ CONCEPT

NORTH
SCALE: 1" = 400'

Sept. 26, 2012 © Tim A. Herndon


PP-12-00223
SUP-12-00225
PP-12-00228
Z-12-00229
Z-12-00231
Z-12-00232
E 902 RD
N 1663 RD
A-1
A
B-1
RM12-PD
RS7
RM12D
RM24
CC400
PCD
RMO
RM12
UR
OS
GPI
RS10
CO
PRD
RSO
George Williams Way
Three Forks Dr
Chimney Rocks Cir
Stoneridge Dr
Overland Dr
W 6th St
US 40
K-10
K-10 Ramp
E 900 RD
Ken Ridge Dr
Silverstone Dr
Westfield Dr
Simple Ln
Drum Dr
April Rain Rd
Robinson Dr
Stonecreek Dr
Diamondhead Dr
Coving Dr
Harvard Rd
Kanza Dr
Wagstaff Dr
Warren Ct
DeVictor Park

November 28, 2012

Sandra Day, AICP City/County Planner, City of Lawrence

RE: Landplan Engineering Informational Session December 3, 2012
Langston Heights Development

As a member of the Diamonhead subdivision (6th and George Williams Way), I and over 50 households in our neighborhood are concerned by the recent application to change the Langston Heights development. When our family purchased into our neighborhood our builder, Neal Ezel, told us the design of the subdivision to the west would be low-density housing similar to ours. I want to thank the Lawrence Planning Department for their hard work in developing our neighborhoods and their insightful design of planned unit developments. So I hope you will understand my concerns for changes in the current plan.

The 270% increase in family units to the new Langston Heights subdivision creates an increase in pressure on property values, traffic, children's safety and schools in our neighborhood. see below*

The Lawrence Planning Department has laid out a solid plan for adding a single-family Langston Heights Subdivision into the existing Diamondhead Subdivision creating a flow of single family homes into an existing single family neighborhood. The addition of high-density development causes high density traffic to flow into the existing low-density neighborhood. The Lawrence Planning Department exercises good design in neighborhoods that include high-density developments close to main arteries to the city and single family low-density located on the interior of a development. The revisions to Langston Heights do not show good design.

It is with great concern for our young children, our property values and the quality of our neighborhood that we ask you to defer from the revisions to Langston Heights Development.

Sheri and Mark Crabtree
820 Andrew John Drive

*Using the "Preliminary Plat Langston Heights" and the "Concept Plan Langston Heights" document, a summary of the change in units follows:

Number of Lots Block	Preliminary	Concept	
1	1	62	
2	21	36	
3	24	48	
4	4	8	
5	3	3	
6	8	8	
	61	165	270.49% increase

December 03, 2012

Ms. Day,

I'd like to take the opportunity to express my concerns about the proposed rezoning of the Langston Heights area in West Lawrence. My chief concern with the rezoning of the area is the multi-family units that are proposed at the site.

My family currently resides at 6201 Crystal Lane which is in the Diamondhead Subdivision. We have lived at this location for nearly two years and have thoroughly enjoyed the quality of life in our home. After much domestic debate we chose this location to build our new home based on a variety of different factors. First, the neighborhood is in a very close proximity to Langston Hughes School where our children would be afforded the opportunity to walk safely to school on a daily basis. Second, we researched the original platting of the area west of our home and it was all originally platted and zoned for what we thought was low-density residential dwellings. Finally and most importantly, the character and makeup of the neighborhood itself drew us to this area. As soon as we selected our site we were invited and included in neighborhood picnics, parades, parties and Easter-egg hunts. Our children routinely play with other neighborhood children in the area and are constantly riding bicycles and crossing streets in the neighborhood.

I feel the rezoning of this area to include multi-family living will dramatically increase the amount of through traffic flow through our neighborhood streets. The main traffic flow of these 165 units will run past many residences and sidewalks that children utilize on a daily basis. I don't believe rezoning this area would contribute to the greater good of the area or the community. I would strongly disagree with anyone who believed otherwise.

I'd like to comment on a couple of points:

First, when the area was rezoned from Agriculture District (A) to Duplex – Residential District (RM-D) in 2005 there was concern expressed from Planning Commissioner Haase that he would support the motion but was "losing his appetite for RM-D zoning because it had been abused in other parts of the community." Was Commissioner Haase a visionary as to what was on the horizon for this area with his comments? I would agree with Commissioner Haase that the placement of muti-dwelling living with the only means of access through a residential neighborhood is an abuse of what those neighborhoods are designed to provide. The traffic that will come with the rezoning will diminish the quality of life and safety of those in our neighborhood. In that very same planning meeting in 2005, Betty Lichtwardt with the League of Women Voters expressed her concern for pedestrian access to the school. I feel her concerns voiced in 2005 echo loudly today.

Second, I do not feel that rezoning an area to include 165 multi-family units with the only access being residential, neighborhood streets is a common practice in the city. With the current proposed plan of the area, the only access to these units would be on Palisades Drive or Crystal Lane. The precedent of

accessing multi-family units through established residential neighborhoods is not one I am aware of at any other area of the city. Generally, it is my understanding that higher density zoned areas would be zoned close to larger artery and collector streets. This planned area would be close to neither. This plan would also direct this traffic through a residential area that is frequented by our children whom walk to school daily.

Finally, I struggle with the necessity for the re-zoning of areas in Lawrence to multi-family if there are any concerns on what effects it may have on the surrounding residents and neighborhoods. A recent article in the Journal-World noted a developer whom recently pulled plans to construct an apartment complex off of 31st Street. The developer was quoted "We were very excited about that market at one time, but we have tempered that excitement." According to this developer, there is capacity in the muli-family living market in city. Why would it be in the best interest of city to re-zone the area where is could have an adverse affect on an already thriving neighborhood community? I unwaveringly feel this development would have an adverse affect on the neighborhood in which we reside.

I want to be clear that I understand the importance of thoughtful expansion and development of neighborhoods in our community. I however believe that multi-family living units should be concentrated in areas that are easily accessible to major thoroughfares. Rezoning this area would accomplish just the opposite. The amount of traffic this action will generate would be a danger to the residents and children of our neighborhood.

I do appreciate the opportunity to comment on this issue. I would ask that you please include these comments for the Planning Commission to review. Thank You for your time.

Sincerely,

Ryan, Tiffany, Lillian and Jackson Fike

6201 Crystal Lane

From: Rick Hird [mailto:rhird@petefishlaw.com]
Sent: Thursday, November 29, 2012 8:21 AM
To: Matt Gudenkauf
Cc: Scott McCullough
Subject: RE: Langston Heights Rezoning

Dear Matt,

This will confirm that I have received and read your letter regarding the zoning of Langston Heights. I truly appreciate your input in the process. I have copied Scott McCullough on this email so he can circulate your email to the Staff and all of the Planning Commissioners.

Rick

Richard W. Hird
Petefish, Immel, Heeb & Hird, LLP
842 Louisiana
P.O. Box 485
Lawrence, KS 66044
785-843-0450
785-843-0407 fax

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From: Matt Gudenkauf [mailto:mattgudenkauf@gmail.com]
Sent: Wednesday, November 28, 2012 8:52 PM
To: Rick Hird
Subject: Langston Heights Rezoning

Dear Richard:

We are writing to ask you to consider deferring the rezoning of Langston Heights (Parcel west and south of Diamondhead) from UR to RM12 and RM12D in order to provide for a more agreeable development. The increase in traffic, decreased in property values and changes to the original 2006 plat are issues that need to be addressed.

The new plan proposal is to build a total of 165 housing units on 61 lots. With only 2 streets (Crystal Lane and Palisades Drive) servicing current and additional units, traffic will be heavier than originally planned for these two streets. This plan shows this with the numerous traffic calming devices located on the expanded Crystal Lane. Crystal Lane and Palisades were originally developed as a lead in to other single family housing, not medium density apartments. Typically, medium density housing is at the front of subdivisions, leading farther in to low density housing, this proposal is the exact opposite of that. Palisades already has issues on school days due to drop off and pick up from Langston Hughes Elementary School; it can't handle the additional traffic flow. Even when the future "proposed" access to 15th street and George Williams Way get added, traffic from this development will still be pushed through low density housing in nearly every direction. The Horizon 2020 plan specifically discourages this action with numerous aspects outlined in the bottom of this letter.

Should this plan be approved, due to the direct impact of the medium density housing, property values in the Diamondhead subdivision will decrease. When we built our home back in 2008, we knew additional low density housing would soon follow to our west. This was based on the Planning Commission approval in January 2006 of single family homes in the Langston Heights area. We never would have built our new home

in this location had we known apartments and duplexes were to be built, and future potential home owners will feel the same way. We all based our decisions off this approved 2006 zoned plat for single family homes.

As you will see at the December 10th meeting, the Diamondhead subdivision is a unique neighborhood with a large population of kids. Traditions such as our July 4th parade, Easter egg hunts, neighborhood cookouts, and the general family feel among neighbors will be lost if this proposal passes.

Please see to it that this proposal does not go any further without modifications. We are not against the expansion of our subdivision to the west, we are against the medium density zoning; we would happily approve of low density zoning, which would expand on this great neighborhood.

Thank you for your time

Matthew and Erica Gudenkauf
6204 Crystal Lane
Lawrence, KS 66049
(785)830-9802

Horizon 2020 Plan that relate to this proposal:

Low-Density Residential Land Use

GOAL 3: Neighborhood Conservation (page 5-15, 5-16)
- Policy 3.3: Encourage Compatible infill Development
- Policy 3.4: Minimize Traffic Impact through Neighborhoods

GOAL 4: Criteria for location of Low-Density Residential Development (page 5-17)
- Policy 4.2: Protect Areas Planned for Low-Density Development

GOAL 5: Create a Functional and Aesthetic Living Environment (page 5-19, 5-20)
- Policy 5.5: Ensure Convenient and Logical Street/Road System Design

Medium and higher Density Residential Land use

GOAL 1: Criteria for Location of Medium and Higher Density Residential Development
- Policy 1.3: Identify Suitable Sites (page 5-23)
- Policy 1.5: Ensure Adequate Infrastructure (page 5-24)
- Policy 1.6: Consider Access (page 5-24)
- Policy 1.7: Adhere to Designated Land Uses (page 5-24)

GOAL 2: Create a Functional and Aesthetic Living Environment
- Policy 2.6: Consider Residential Density and Intensity of Use (page 5-26)

GOAL 4: Transportation Considerations (page 5-30, 5-31)
- ALL OF THEM

November 27, 2012

Sandra Day, AICP
City/County Planner
6 East 6th street
Lawrence, KS 66044

RE: Langston Heights Addition
Planning Commission Agenda Items on December 10, 2012

Sandra,

We are writing to express our concerns associated with the four items on the Planning Commission agenda for December 10th for the Langston Heights development. We are responding to the material that has been currently submitted to the City for the application (application, plat, concept plans, etc.) The applicant and developer are holding a meeting with the neighborhood, but have scheduled this meeting (December 3rd) with limited to no time to be able to respond prior to the issuance of the staff report. We are submitting this prior to that meeting in order to be reviewed prior to the completion of the staff report and for inclusion on the packet to the Planning Commission.

The comments below represent the views and opinions of many within our neighborhood concerning the proposed zoning request and preliminary plat for the Langston Heights Addition. While many of us would welcome the proposed land to remain an open area, we all recognized that it would be developed as an extension of our neighborhood. Many of us, and those specifically on Palisades Drive and Crystal Lane, reviewed the current plans for this parcel of land prior to purchasing our home. While often there is limited knowledge of undeveloped area adjacent to a development, this was not the case with our neighborhood. There was a plat developed and approved by the Planning Commission and City Commission for this parcel of land. While the plat was never signed or recorded, it still provided a glimpse to the intentions of the land owner of their vision for this parcel of land.

We have attempted to address each specific agenda item individually but many of these issues crossover between items. Where this occurs we have indicated reference notes as appropriate.

PP-12-00228 Preliminary Plat for Langston Heights Addition: There are many concerns with the proposed plat and the proposed layout and land uses. Many of these concerns could be addressed should the land to the north and south of the proposed area be developed prior to or at the same time as this development. Obviously this is unrealistic to assume and the plat must be considered as development would not occur for some time to the north or south. Items of note include:

1. This is the second plat filed for this parcel of land. The first was approved in early 2006. This plat indicated 67 single-family and 18 duplex residential lots. While it is our understanding that is was never fully executed, it still provides reference to an alternate concept by the same land owner for this land.
2. Horizon 2020 indicates this area to be low-density residential. The application indicates that the Lawrence future land use map does not specifically designate a land use for this property. This is incorrect. The Nodal Plan for the Intersection of West 6th and KS 10 address this area as low-density. We understand that the project, as it relates to density, is using the entire land area to calculate the number of units per acre. We would caution the continued use of this method as it has recently caused conflicts in other areas of our community.

3. The plat indicates the extension of two local residential streets (Palisades Drive and Crystal Lane.) These two streets will be the only access point into the new development. Section 20-204 (e) of the Land Development Code indicates that "RM Districts are intended for implementation along Residential Collector, Collector and some Arterial Streets." Neither of these streets meets this requirement.
4. Renaissance Drive in the 2006 plat, the 2012 plat draft and on the concept plan (submitted by the applicant) all have indicated that this street would be a collector street. The current plat has changed this street to a local street. Should the RM zoning designation remain then the district should be accessed in accordance to the Development Code and Renaissance Drive shall remain as a collector street.
5. Renaissance Drive appears to be the proposed "connector" street from George Williams (via Ken Ridge) to the north and Bob Billings Parkway to the south. The use of this street in this manner is logical and would serve as a residential collector street for these neighborhoods and future development. As noted above though, it is unknown when this street would be completed and until such time, would not serve as a collector street. Regardless, this street should remain as a collector or residential collector street,
6. Should the RM zoning designation remain then a condition to the plat should be added that, until such time that Renaissance Drive is completed to either the north or the south, the RM zoning district should **not** be allowed to be developed. This would allow the collector street to be developed as required by the development code.
7. The request for variance on the sidewalks should be denied. While regulation may have changed from the time the adjacent land was developed and sidewalks were not installed on both sides of the local streets, this should not prevent the owner from providing walks per the Development Code. Sidewalks add to the "live-able" character of a neighborhood. In addition, as a neighborhood with many young children, sidewalks on both sides of a street eliminate the need to cross the street as often. Most of the children in this neighborhood enjoy the opportunity to walk to elementary school, and with the increased vehicle traffic of the development, the sidewalks on both streets would add to the safety of the neighborhood.
8. A traffic calming device, similar to the roundabout at Crystal Lane and Big Sea Drive, should be installed at Palisades and Big Sea Drive. While there is a speed hump in the mid block of Palisades this device does not appear to reduce the speed of vehicles in the neighborhood on this street or the adjacent streets.

Item Z-12-00220: Rezone to RM12D

1. RM Districts are intended for implementation along Residential Collector, Collector and some Arterial Streets. As noted above, neither Palisades Drive nor Crystal Lane qualifies as these street types.
2. The medium density zoning will be accessed through an existing low-density residential area and a proposed low-density residential area. There are no recent developments in Lawrence where this occurs. All other RM12 zoning is accessed from an adjacent collector street and not through a lower density residential neighborhood on a local street.
3. This zoning will pre-determine a portion of the land use to the south. The RM12D zoning adjacent to the southern edge will pre-determine RM12D zoning adjacent. The application specifically states, in Item 2, that this zoning change will develop "precedent for adjacent vacant properties." It can only be assumed, given the relationship of the developer of this parcel of land to the land owner to the south, that it is the intention to continue medium density residential to the south. This is counter to the future land uses indicated in Horizon 2020 for low-density residential.
4. Item 3 in the application indicates that the rezoning "will pose no detrimental effect to the nearby properties." This statement is unfounded. The increased traffic with medium density zoning and the unknown level of quality of the development could directly impact the adjacent property uses and land values. Unless the owner proposes restrictions to the type of development that could occur, materials

5. If this rezoning is to be considered in concert with the other two rezoning applications then a Planned Unit Development (PUD) should be required to ensure the type of development proposed with the plat is the actual development.
6. Item 6 of application indicates that "denial of this application will perpetuate the vacancy of this land." This statement is unfounded. This is the second plat for this portion of land by the same developer. There are obvious multiple uses for this parcel of land. Denial will not perpetuate vacancy. It is obvious that this parcel will be developed, but the question is whether the medium density zoning is appropriate.

Item Z-12-00231 : There is no opposition to Item Z-12-00231 to rezone land from UR to RS7. This land change is the expected zoning for this parcel of land considering the existing adjacent land uses. This zoning change is also expected as it represents the intention of a plat developed by the same land owner, Langston Heights L.C. in 2006. This plat was a document many of us referenced prior to purchasing our home.

Item Z-12-00232: Rezone to RM12

1. Many of the issues for this development are identical to the issues associated with the RM12D rezoning. Please refer to items 1, 2,4,5, and 6.
2. This zoning will pre-determine a portion of the land use to the south. The location of Renaissance Drive and its connection to the South, along with the RM12, will predetermine the land south of this development and west of Renaissance Drive to continue the RM12 or higher zoning designation. This, coupled with the RM12D predetermined zoning, will raise the density from low density residential to medium-density residential. This is counter to the indication of the Horizon 2020 land uses for this area. The application specifically states, in Item 2 that this zoning change will develop "precedent for adjacent vacant properties." It can only be assumed, given the relationship of the developer of this parcel of land to the land owner to the south, that it is the intention to continue medium density residential to the south. This is counter to the future land uses indicated in Horizon 2020.
3. Item 3 in the application indicates that the rezoning "will pose no detrimental effect to the nearby properties." This statement is unfounded. The increased traffic with medium density zoning and the unknown level of quality of the development could directly impact the adjacent property uses and land values.

We apologize for the length and depth of this letter, but the quantity of items to be considered and the complexity of each issue requires a proper response. We look forward to being able to hear from the applicant and owner at their presentation next week and will respond accordingly should the situation dictate.

We hope that you consider these issues prior to the completion of the staff report and, as previously noted, include this correspondence in the packet to the Planning Commission.

Respectfully submitted,

Andy and Debbie Pitts
6212 Palisades Drive

From:	Michael Whittlesey
To:	Sandra Day
Subject:	Langston Heights
Date:	Thursday, November 29, 2012 10:41:55 PM

Dear Sandra:

I am writing in opposition to the possible re-zoning of the Langston Heights development from a low density plan to a high density plan. The ramifications of this re-zoning would drastically effect the entire community and safety of the Diamondhead Development and the Langston Hughes Elementary school. The increase in traffic on Crystal lane and Palisades Dr that would come with the high density development would be approximately an additional 400 cars on streets that directly feed an elementary school. The majority of the residence in the Diamondhead Development built in the area under the knowledge that the original zoning of the Langston Heights was a low density plan. We all built in the area with the idea that it would remain a safe place to raise our children and with easy and safe access to Langston Hughes Elementary. Palisades Dr access to Diamondhead Dr is the main route that parents take daily to drop of their children to LH Elementary. Diamondhead Dr has become a one lane road as parents, in not only the Diamondhead Development but from other neighborhoods, use the access that Diamondhead Dr has to Langston Hughes Elementary to drop of their children. The design and road infrastructure of the Diamondhead Development was not built to handle the additional increase in traffic proposed with the re-zoning of the Langston Heights Development to a high density design. The infrastructure of the road might be able to handle the increase traffic but the density of housing projected in the traffic planning of the roads was for single family homes in the adjacent land use. Diamondhead development has sidewalks on only one side of the road as the design of the neighborhood and future development would not have the traffic load that would require sidewalks on both sides of the road. We all knew the Langston Heights would be developed but as a low density project with additional single family homes. Please consider the safety, quality of life, and infrastructure ramifications to all three communities Langston Heights, Diamondhead and Langston Hughes Elementary that this re-zoning would cause.

My wife and most in our immediate community actually commute out of Lawrence daily. However, we choose to build in this development because of the current residence, the sense of community, and the safety of the current planning of this area. We looked into the future planning of this development and where told it was zoned as single family to continue the continuity of the current development. As parents of 2 young children this was the ideal neighborhood considering safety, community togetherness, other children to play with and the closeness of schools. Rezoning this plot would drastically impact the safety of all these children playing in the area.

Thank you for your time and service.

Michael Whittlesey
6209 Crystal Lane
Lawrence KS

Sent from my iPad

Sandra L. Day, AICP, *City/County Planner*
Planning Division
P.O. Box 708, Lawrence, KS 66044
Office (785) 832-3161 | Fax (785) 832-3160
RE: Land plan Engineering Informational Session December 3, 2012
Langston Heights Development
December 5, 2012

Dear Sandra Day:

As a member of the Diamondhead subdivision, my husband and I are very concerned by the recent application to change the Langston Heights development. When we purchase our home, we were told that the design of the subdivision to the west would be low-density housing similar to ours. We want to thank the Lawrence Planning Department for their hard work in developing our neighborhoods and their insightful design of planned unit developments. We hope you will understand our concerns for changes in the current plan.

The 270% increase in family units to the new Langston Heights subdivision creates an increase in pressure on property values, traffic, children's safety and schools in our neighborhood. We feel that the proposed zoning does not guarantee any specific types of building. We feel left in the dark with the current proposal. We want to know if this design has worked well in other neighborhoods in Lawrence. If it has not, why our neighborhood should be a test case for what appears to be bad design.

We are not against the expansion of our subdivision to the west, we are against the medium density zoning; we would happily approve of low density zoning which would expand on this great neighborhood.

It is with great concern for our young children, our property values and the quality of our neighborhood that we ask you to defer from the revisions to Langston Heights Development.

Please include our letter in the Langston Heights Planning Packet!

Thank you very much for your time and consideration!

Sincerely,

Xiufen Bi and Gary Jiang
824 Diamondhead Dr.

From: Andrew Pitts [APitts@TreanorArchitects.com]
Sent: Wednesday, December 05, 2012 12:52 PM
To: Scott McCullough
Cc: markandsheri; lhanna@HNTB.com; ryanlfike@gmail.com; Boedeker; carisa@freshsound.com; tiffanyfike@gmail.com; donherbel@att.net; mattgudenkauf@gmail.com; dltate180@gmail.com; Bradley R. Finkeldei; Crabtree, Mark A.; dustin@freshsound.com; ahanna356@gmail.com; Home; Erica Gudenkauf; bigalcowles@gmail.com; lindalh2009@att.net; nate@lawrencewesleyan.com; shubhshar@gmail.com; mcsparky45@yahoo.com; thepitts@sunflower.com
Subject: December 10th Planning Commission: Langston Heights Agenda Items

Scott-

On behalf of our family and numerous others within the Diamondhead Neighborhood we are requesting consideration of moving Agenda Items No 5A, 5B, 5C and 5D to earlier in the Planning Commission meeting.

We ask this in order to accommodate the members of our neighborhood that wish to speak on these items. A significant portion of our neighborhood are families with children and a significant portion of these children are elementary or younger. While we have coordinated babysitting for neighborhood families at neighbors homes, we have parents that will need to leave to be able to ensure our children are in bed at a reasonable hour, especially on a school night.

This was best illustrated at the public meeting held this last Monday evening at Langston Hughes Elementary school. The meeting started at 7pm and we had approximately 50 neighbors in attendance. By 8pm many needed to leave to be able to attend to their children's needs.

We recognize the importance of the agenda items prior to this item and the amount of public or commission discussion that may occur. But we also believe that it would be a disservice for those that would like to address this item should the discussion linger on the later in the evening.

I want to thank you for your consideration on this item and look forward to the meeting on Monday.

Sincerely,

Andrew Pitts

December 6, 2012

Sandra Day, AICP
City/County Planner
6 East 6th street
Lawrence, KS 66044

RE: Langston Heights Addition
Additional Correspondence for
Planning Commission Agenda Items on December 10, 2012

Sandra,

Please accept the following correspondence to supplement our prior letter. This letter shall address items addressed at the neighborhood meeting held by the applicant and developer and the recently issued staff report.

On December 3rd, the applicant and developer held a neighborhood meeting at Langston Hughes Elementary School to address this proposal. Approximately 50 people were in attendance, and a majority of these were residents of the Diamondhead neighborhood. It was a very spirited discussion of the issues. There were many comments by the developer of opening a dialogue with the neighborhood of their concerns and issues with this proposal. We all welcomed this proposition. From the start of this process we have all supported development; the concern has, and continues to be, the type of zoning that is proposed. Unfortunately no dialogue has occurred.

Repeatedly the developer spoke of involving the neighborhood in decisions. They indicated the neighborhood would have a say in covenants associated with the multi-family. Unless this discussion occurs prior to the re-zoning then there would be not guarantee of compliance with this statement. Often the applicant and developer contradicted themselves in statements throughout the evening.

Items of note include:

1. The applicant continually stated that this development was in compliance with Horizon 2020. This caused confusion since their application stated that the future land use map and Horizon 2020 did "not specifically designate a land use for the subject property." The staff report correctly identified that the West 6th / K10 Nodal Plan addresses this area. But the staff report seems to interpret the document broadly, only referencing certain sections and failing to reference others.

2. The Nodal plan specifically addresses the Diamondhead and Langston Heights area. The nodal plan indicates that "this intersection is envisioned as a multiple-use activity center of low-, medium-, and high-density residential development; commercial, office, research, and industrial activities; public, semi-public, and institutional uses; and parks, recreational, and green/open space opportunities." It further states for the Southeast Corner, that the corner provides an opportunity for a variety of residential, commercial, and office activities. This nodal plan "also designates the majority of its residential uses appropriate for low-

density, **single-family** neighborhoods with a **small** portion considered appropriate for medium-density residential development. This medium-density development serves as primary buffer between single-family neighborhoods and commercial activities." It further states that "This nodal plan anticipates more low-density, single-family residential development in the areas surrounding this corner and therefore much of this corner was designated appropriate for similar development to maintain compatibility of surrounding land uses." The staff report quotes specific sections but fails to address the statement "appropriate for low-density, single-family neighborhoods." It only constantly quotes "a mixture of housing types… should be encouraged." We do not dispute the need for a mixture of housing types, but the question is whether this proposal is the correct mixture or the correct location? The developer and applicant admitted at the neighborhood meeting that this type and mix of development "has not been tried or developed in Lawrence." Why is this established successful neighborhood the place to try this experiment?

3. The staff report also discounts the traffic issues associated with the increased density that have been addressed by the neighborhood and accepts the traffic report by its "data and numbers". City development documents discuss the required need for neighborhood connectivity. It states that "streets within the various neighborhoods of this area shall be connected to each other. …Connected streets provide multiple route options for vehicles which can help eliminate the choke points that are created when cars are forced onto a limited amount of streets that carry traffic in and out of neighborhoods." We would concur with this statement. Without the complete development of the north/south road (Renaissance Drive) then all of the development traffic would be forced onto two local streets. The applicant has produced a traffic study that states the traffic counts are within the City requirements. We do not argue this fact. But neither the traffic study nor the staff report takes into account the impact of a neighborhood elementary school and its dramatic impact on the traffic pattern.

   Every morning and afternoon Diamondhead Drive becomes a double loaded drop off and pick up location. Children must maneuver between parked and slowly moving vehicles. The applicant, at the public meeting, stated that this issue was a minor "blip" in the traffic study. This "blip" has been one of the primary focuses of the Langston Hughes Site Council for numerous years. The site council has pushed for additional crossing guards, no parking restrictions, a school zone, and, most recently, added a fence to help limit pedestrian traffic from Diamondhead. Issues still persist.

   With the additional traffic associated with the increased density, the poor planned lack of sidewalks on both sides of the street (and specifically on the side of the street adjacent to the school,) this "blip" could be devastating if a child is injured because of this poor planning. Traffic studies, numbers, computer simulations will not depict the accurate scenario that we see every day in our neighborhood. The additional traffic associated with the increased density will compound this issue. As local traffic avoids the Diamondhead / Harvard round-a-bout at various times of day, all traffic will be focused to Ken Ridge Drive. This will create a significant choke point at this intersection.

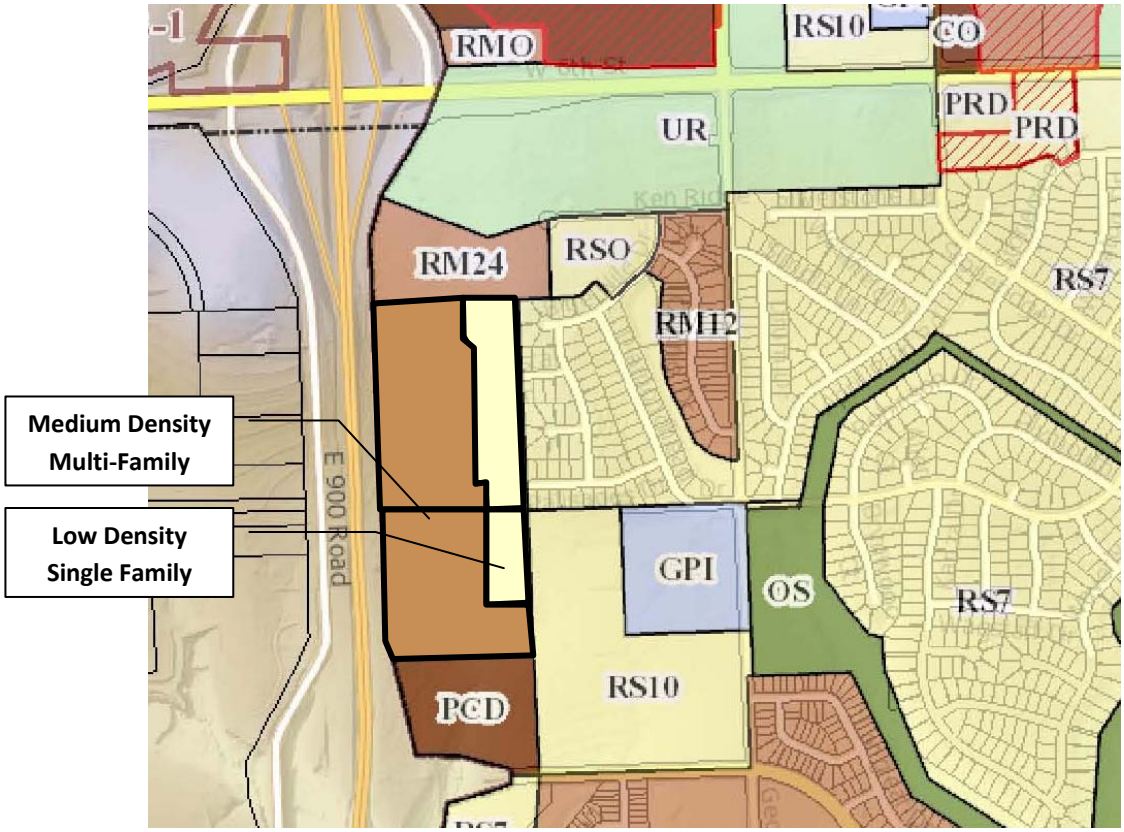
4. Much in the staff report speaks of the desire of a mix of housing types within each neighborhood. We would support this guiding principal. The current zoning to the east of the Diamondhead development is an excellent development of RM12 Duplex homes. To the north of the neighborhood is existing zoning of RM24. This will provide a transition from the RS7 single family development to the future planned office / commercial development to the north. It has been discussed by the applicant and in the staff report of the need to "buffer" K10 with higher density multi-family housing. It has been discussed by the applicant the need to buffer the RM24 to the north. Other solutions are viable solutions to this proposal and examples can be found in the West of K10 Plan.

The staff report suggests that a variety of "step down" developments are required to appropriately transition the single-family development to the north and the west. As one of our most recent planning documents, the West of K10 Plan provides current planning ideas and guidelines for all new development in this area. It presents the concepts of "Traditional Neighborhood Design" (TND) versus the conventional land use development concepts. The document speaks about the challenges that arise when placing new developments adjacent to existing development. "Compatible land uses should be located adjacent to each other…" This document also presents concepts on buffering the K10 corridor counter to the proposed development. The concept illustrates an "outer" road concept with a green space to buffer commercial and residential development to K10. Per the SLT/K10 Transportation Corridor Overlay, this green space would be landscaped to screen the residential development. This method, a part of the 2006 plat, should be explored prior to acceptance of this request.

5. The applicant states in the application that the approval of this zoning will "set a developmental precedent for adjacent vacant parcels." The adjacent parcels indicated refer to the land to the south of the proposed development. Since the applicant specifically references this parcel and indicates that this will set a precedent, then the West of K10 Plan should be used as a guiding document as it addresses this parcel of land. This plan, adopted in 2009, is one of the latest planning documents and combines many of the current planning guidelines. Again, this document indicates the land south of the proposed development to be low-density development.

   As the applicant has indicated, the proposed development will be setting a precedent for future land uses. Should this be the case, then a majority of the land uses to the south will be predetermined to be multi-family, medium density land uses (see map below). This is supported by the proposed location of the Renaissance Drive as the applicant would more than likely propose multi-family between the road and K10. The proposed location and its connection point to Bob Billings will encourage medium density development. The map below begins to indicate the pre-determined extent of the southern land and, the quantity of medium density zoning, and is counter to the current adopted land use documents for this area.

The applicant and developer indicated in the neighborhood public meeting that they are currently in negotiations to control the use of the southern land. This statement reinforces the land uses will be pre-determined with the approval of the northern land uses.



6. Finally, the developer continually spoke at the meeting that this was "the only financially viable project for this land." This argument has been tried and failed before in Lawrence. The excuse of their inability to "make a project financially viable" should not be an excuse to discount the approved planning guidelines and documents. We all recognize the economic climate that our City and area have been in the last few years, and we would welcome a change. But this should not be an excuse to discard our planning principals and develop whatever the developer wants on this land.

We are not opposed to development. We encourage and want development on this land. The correct type of development will enhance our neighborhood and community. The correct type of road network, with connections to the north and south, would enhance and correct traffic issues. We would welcome an actual dialogue with the applicant and developer to discuss a compromise development.

We request, on all items associated with the Langston Heights Development, a deferral so that a dialogue may occur between the City, Developer, Applicant, and Neighborhood.

Respectfully submitted,

Andy and Debbie Pitts
6212 Palisades Drive

Diamondhead Residents Opposed to Langston Heights

Presented to the

City of Lawrence
KANSAS

December 10, 2012

History

The residents of the Diamondhead neighborhood in west Lawrence have united in our opposition to the rezoning required for proposed Langston Heights development. Some 35 families representing more than a hundred residents have signed on to lobby the Planning Commission.

The following pages detail our concerns. We start with our general belief that the area in which we chose to build and purchase our homes was in a single family neighborhood. The area's first plat, approved in 2006, indicated 67 single-family and 18 duplex residential lots. The new application proposes a 94% increase in dwelling units from the initial 2006 plan due to 24 four-plex units and 62 row houses.

The construction as proposed would require egress through two residential streets - Palisades Dr. and Crystal Ln as Renaissance Dr. would not be completed until some unknown future date. The developers themselves recognized that this would be the first instance in Lawrence where non-residential traffic would be forced through a residential area. Brian Sturm, spokesman for Landplan Engineering, likened it to an experiment at the December 3, 2012 informational meeting. The residents of this neighborhood would prefer not to be test subjects in a developer's experiment, nor should the Planning Commission allow that to be the case.

Horizon 2020

Brian Sturm in addressing the community, repeatedly referenced Horizon 2020 as justification for the proposed rezoning. A review of the document shows the proposed rezoning to be in direct conflict with the comprehensive plan. Horizon 2020 indicates this area to be low-density residential, and the document twice states a need to “Protect Areas Planned for Low-Density Development”.

Landplan Engineering, P.A.

Specific policy statements within Horizon 2020 counteract the statements and design of Landplan Engineering and the other applicants:

Policy 3.4: Minimize Traffic Impact through Neighborhoods

- The site design of a residential development should accommodate multiple points of access (direct and indirect) with attention to directing vehicular traffic to and from a development to collector and/or arterial street/roads.

Policy 3.6: Promote Neighborhood Identity

- Preserve and enhance the visual and environmental character of existing neighborhoods.

Policy 4.1 Levels of Service

- "The construction of new medium- or high-density residential development or the expansion of existing medium- or higher density residential development shall not be approved until the surrounding street/road system can provide an acceptable level of service"

Policy 4.3

- "Discourage the diversion of traffic to or from medium- and higher-density residential developments onto local residential street/roads through low-density residential neighborhoods."

Horizon 2020 also calls for the sites recommended for new medium-density residential development occupy transitional locations between single-family neighborhoods and office/commercial areas. But there are not areas for commercial development for which the medium-density housing could provide a buffer.

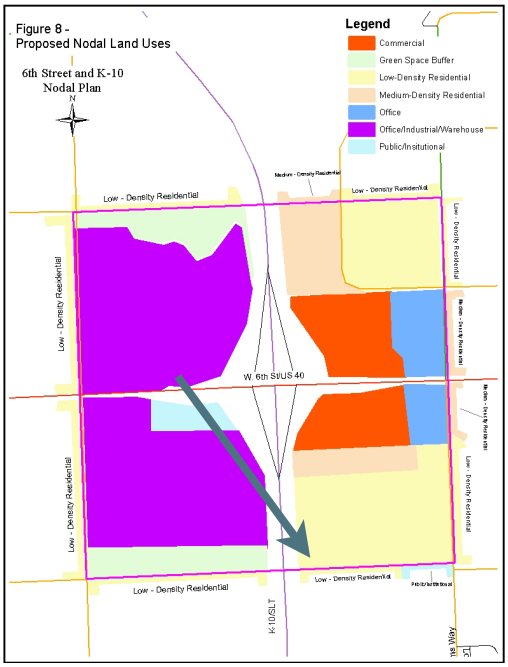
Furthermore, the Planning Commission has previously expressed concerns with this interpretation of the plan:

PC Minutes 11/16/05

“Comm. Hass indicated he would support the motion, but stated that he was losing his appetite for RM-D zoning because it has been abused in other parts of the community.”

6th & K-10 Nodal Plan

Additional planning documents address the area in more specificity. A Nodal Plan for the Intersection of West 6th Street & Kansas Highway 10 (K-10) designates the entire Diamondhead neighborhood as low density residential as detailed in the figure below. The plan defines low-density "to allow for single family dwelling, duplex, and attached dwellings but emphasis is placed on the residential uses." The zoning classifications indicate RS7 and RM12D but includes RM12 under the medium density classification.



The applicant states in the application that the approval of this zoning will "set a developmental precedent for adjacent vacant parcels." The adjacent parcels indicated refer to the land to the south of the proposed development.

As the applicant has indicated, the proposed development will be setting a precedent for future land uses. Should this be the case, then a majority of the land uses to the south will be predetermined to be multi-family, medium density land uses. This is supported by the location proposed of the street (Renaissance Drive) as the applicant would propose multi-family between the road and K10. The proposed location and its connection point to Bob Billings will encourage medium density development, which would conflict with the Nodal Plan.

West of K-10 Plan

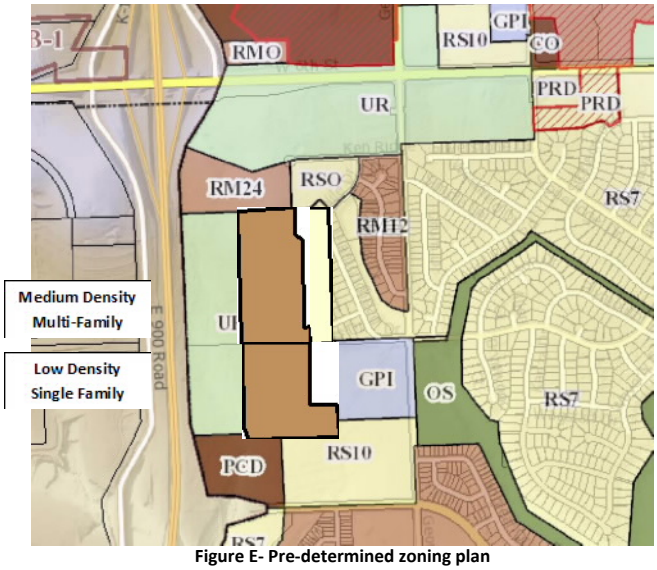


Figure E- Pre-determined zoning plan

The map at left indicates the pre-determined extent of the southern land and, the quantity of medium density zoning, is counter to the current adopted land use documents.

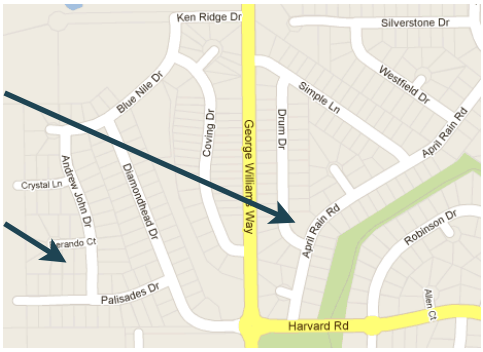
The applicant and developer indicated in the neighborhood public meeting that they are currently in negotiations to control the use of the southern land. This statement reinforces the land uses will be pre-determined with the approval of the northern land uses.

Precedent

Similar requests for rezoning adjacent to the Dlamondhead neighborhood have been denied for all the rationale presented in the preceding pages:

Denied

In Question



PC Minutes 1/25/06

Staff Finding

- The character of the area is a low-density, single family residential neighborhood. The area west of George Williams Way is planned as a mixed development including multiple types of residential development.

Staff Finding

- The subdivision layout and land use requests in the immediate area have conveyed a continuation of established low-density, single-family detached development pattern for this neighborhood. Development around the subject property has begun with an expectation of single-family detached development for the subject property. Property owners have made decisions based on recent previous actions for this area.

Staff Finding

- The property has been planned and platted for single-family development. If the request is denied the applicant still retains the ability to develop the property with single family homes. Approval would double the density and traffic generated[2] from the area.

- The Plan anticipates that low-density residential development will “continue to be the predominate land use in the City.” The most common method to assure compatibility is to extend or continue a particular zoning district. The approved and published RS-2 (Single-Family Residence) District expanded the low-density residential district in this area and was found to be consistent with the generalized land use expectation for residential development in 2004 per Z-4-15-04 and reaffirmed this decision in July 2005 per Z-06-35-05]. A subdivision plat for single-family residential development was approved and recorded as the Green Tree Subdivision in October 2004 as a requirement of the zoning.

- If approved, the result will be to sandwich a small pocket of duplex development along the east side of George Williams Way.

Staff Finding

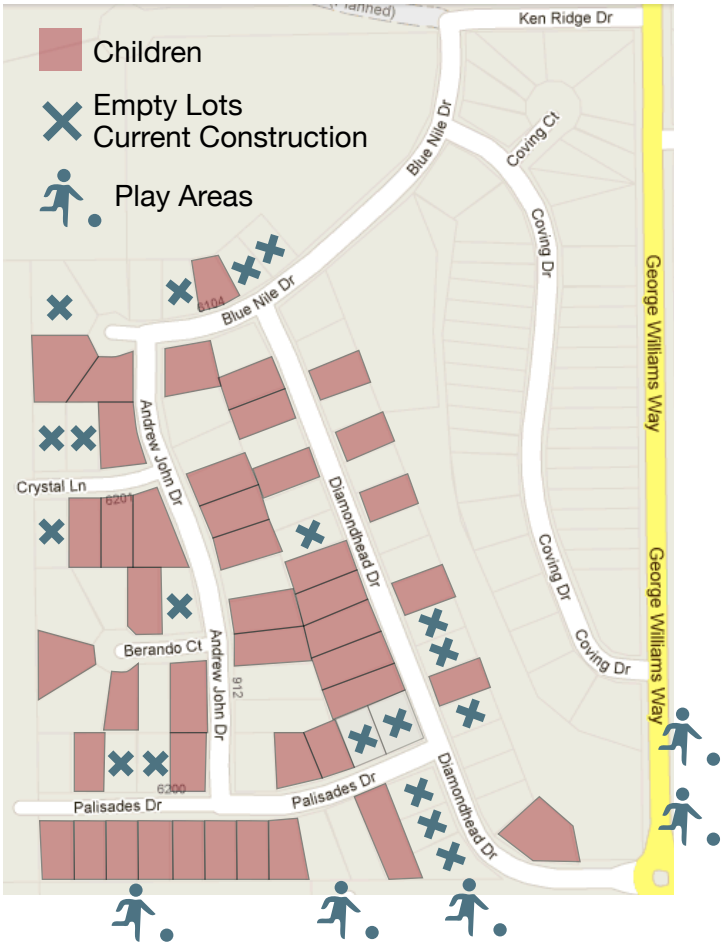
- The proposed request is not in conformance with Horizon 2020.

Traffic Safety

The citizens of the Diamondhead neighborhood are most concerned about the safety and well-being of our children. We believe that increased traffic, especially that of the younger and single type of residents that the developers expect to attract will unnecessarily put children at risk.

As Palisades Dr. and Crystal Ln. will be the only access to the row houses and multi-plexes, it invites the potential for a tragedy. The Diamondhead area is filled with with children of all ages and will be for many years to come.

The applicant references a traffic study that states the traffic counts are within the City requirements. The neighborhood was promised a copy of that study at the 12/3 informational meeting, but to date, it has not been provided. We are concerned the study does not take into account the impact of a neighborhood elementary school and multiple parks and their dramatic impact on the traffic pattern.



The map at left demonstrates the density of children in the neighborhood.

There exist a number of areas in and around the neighborhood where children would play. These have been marked just off the map and include:

- Two Separate Playgrounds
- Sports Fields
- Log Climbing Park
- Walking Trail

Also notice that not a single street in the community is a straight line. Considering the elevation change running along Andrew John Dr. one can envision the problems with sight lines for any driver, let alone one that is not used to driving in a family heavy residential neighborhood with children at play.

Traffic Congestion

In addition to the safety concerns, there remains the question of access. The streets in and around the neighborhood become congested on a daily basis along George Williams and at the Harvard roundabout in the morning and along Palisades Dr. each afternoon and any time there is an evening event at the Langston Hughes Elementary School. The applicant's cite a traffic study with peak times between 4pm and 6pm having adequate traffic flow. The peak times for this area are actually 8am to 9am and 3pm to 4pm due to school drop off and pickup.

The West of K-10 Plan, adopted July 2009, addresses neighborhood connectivity: "Streets within the various neighborhoods of this area shall be connected to each other. … connected streets provide multiple route options for vehicles which can help eliminate the choke points that are created when cars are forced onto a limited amount of streets that carry traffic in and out of neighborhoods."

Similar language is found within Horizon 2020: "Street systems that do not permit connections isolate neighbors and force traffic to concentrate on collectors. This type of street circulation should be avoided."

But the submitted rezoning application would increase residency in the area by 96% over the current zoning while not addressing any of the underlying problems with the current traffic situation. It would force more trips through Palisades Dr. and Crystal Ln.

Infrastructure

The current zoning has meant that the Diamondhead neighborhood was developed as single family with the future plan for a limited number of duplexes only. As such the lighting, sidewalks, crosswalks, signage, and other infrastructure have been implemented based on that plan.

The proposed rezoning for Langston Heights would require retrofitting the existing neighborhood with a variety of items. There currently exists sidewalks on a single side of the streets throughout the neighborhood and no crosswalks except for the roundabout at the intersection of Harvard and George Williams. As illustrated previous, the Diamondhead area is filled with children out at play and such a significant increase in residency and traffic would seem to necessitate changes to the existing layout.

None of the intersections in the community feature traffic signage. The applicants count at least 138 additional trips per hour with the traffic study, but fail to demonstrate its effect within the existing layout. We have already discussed the potential for pedestrian accidents, but the limited sight-lines and lack of any stop or yield signs is an invitation to traffic accidents.

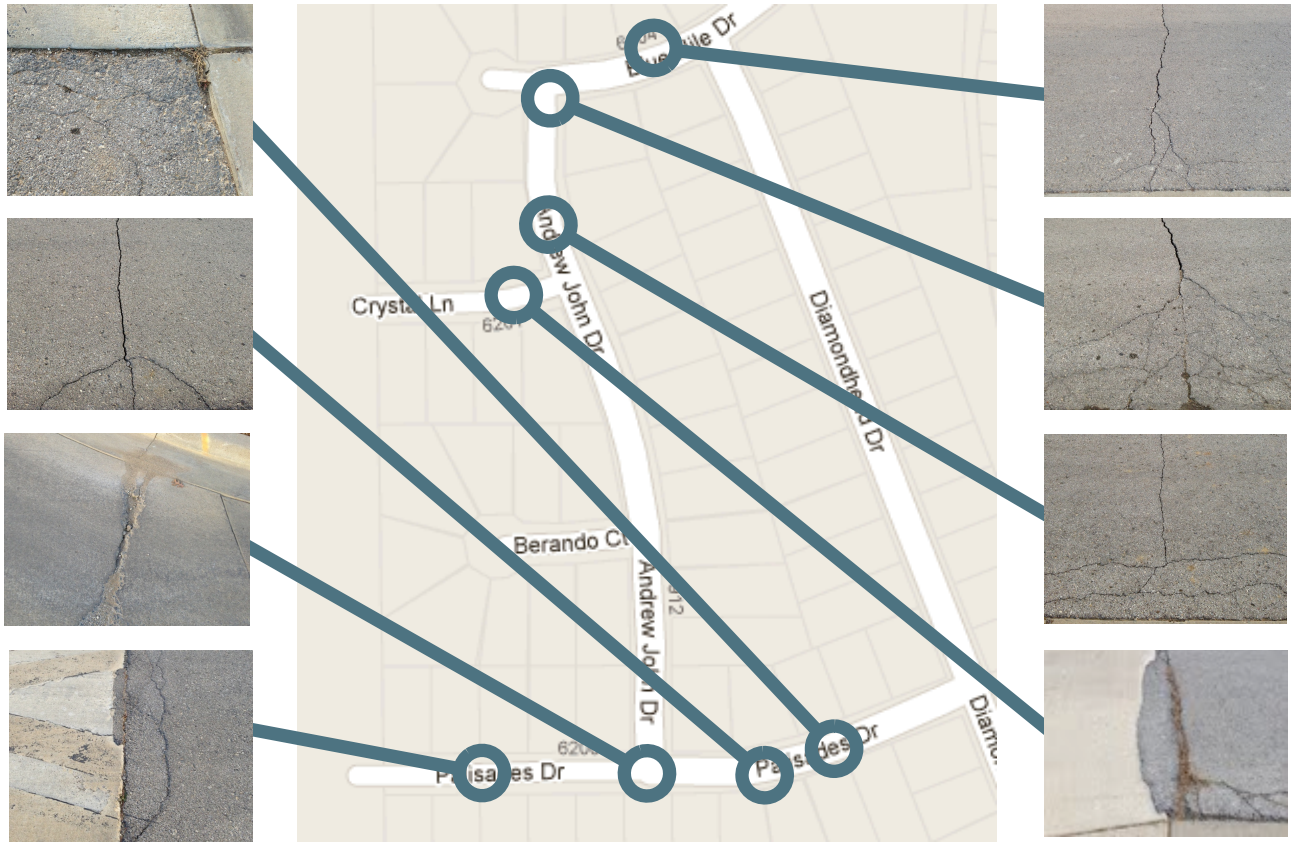
The streetlights throughout the area have similarly been installed for use in single family housing. The inclusion of additional multi-family housing could be cause for increased lighting. The residents of the area however are not keen on the idea of the additional lighting shining through their windows all night.

The roads too have been laid out for use in a low density area. The width in Diamondhead is 23', and with parking allowed on both sides, the streets can easily become unintended one-way's. Surely this is not appropriate for the style envisioned by the applicants.

Construction

In October, 2008 the City Auditor issued a Pavement Condition Summary. In this document both Palisades Dr and Crystal Lane received ratings of poor for the curbs and gutters while the pavement was rated 91.5 out of 100.

Since the issuing of the report four years ago, the conditions of our neighborhood streets have deteriorated. Below are images with their locations indicated on a map. The images shown reflect only a portion of the degradation of both the asphalt and concrete on the two proposed egresses.



It seems reasonable to expect that construction traffic will exasperate this problem. Heavy equipment, trucks carrying forms and supplies, concrete trucks, pouring cranes and endless trips by skilled laborers will serve to further decay the only egress through Palisades Dr. and Crystal Lane.

Marketplace

The applicants expressed at the 12/3 informational meeting that economic forces were the main rationale for changing the current zoning. While this may be true on a national, or even a regional level, a closer examination at West Lawrence reveals a different picture.

A recent headline and story get to the heart of the matter:

LAWRENCE JOURNAL-WORLD

Landlords trying to fill growing number of rental vacancies

There are also more apartment units. Since 2008, 997 apartment units have been built in Lawrence, with 55 built so far this year. Other projects in the works include a seven-story, 55-bedroom building on the corner of Ninth and New Hampshire streets and a 300-apartment complex on Sixth Street and Queens Road. Aug 13, 2011

The last complex mentioned is Hunter's Ridge, which is set to open soon. Plans filed this week by Lindsey Management call for a 630-unit apartment complex adjacent to Hunters Ridge. This area is a mere half mile from Diamondhead

Two additional complexes within a mile- Prairie Commons and Park West Gardens - plus current construction and vacancies on Coving Drive, a block over, would lead one to conclude that the area is saturated with medium and high density housing.

In a report published this September, The National Association of Realtors said that the median time a home was listed for sale on the market was 69 days in July. This represented a significant drop from both July 2011 and June 2012.

The homes in Diamondhead have been selling even faster - measured in weeks, not months. A local McGrew Real Estate agent said this week that "Houses have been moving really well in the Diamondhead area and that market in particular is strong for single family home sales.There was one there that sold in a day."

When you combine weak demand for higher density housing around the Diamondhead area with better than average sales of single family homes, it paints a clear picture. **This market needs more low density zoning, not less.**

The applicants should not be allowed to fundamentally and permanently alter the well-being of this neighborhood based on rationale that is suspect.

Community

The residents of our neighborhood have grown into a tight knit community. As most all neighbors do, we stop to talk with each other when we meet on the street. But more than that, we actively seek out each other's company, and welcome our neighbors into our homes. We plan activities to come together as a group and grow the sense of community that has developed here.

Annual Neighborhood Easter Egg Hunt

Halloween

Annual 4th of July Parade

Throughout the year, we gather together to participate in a variety of seasonal activities. Some are spontaneous as group sledding in the winter, or kids bike rides on sunny days. But many are planned in advance:

- Summer Cookout
- Easter Egg Hunt
- 4th of July Bike Parade
- Trick-or-Treating

We have come to think of the folks here as more than neighbors, they are our friends. We certainly welcome new faces to our neighborhood, however, we fear that the rezoning and subsequent construction of multi-plexes and row houses will alter the nature of the neighborhood and fragment our sense of community. Again we reference policy 3.6 of the Horizon 2020 plan which strives to "preserve and enhance the visual and environmental character of existing neighborhood.

The applicants' target market for their housing are not families, by and large it is younger singles. In addition to all of the issues the development would create with traffic, safety, and living conditions, it would alter the very fabric of the neighborhood we have all bought into.

Allied Entities

It is not just the residents of the Diamondhead neighborhood who oppose this application, there are also a number of groups who feel this would be the wrong move for our children, our families, our neighborhood, and our town. The following have expressed their opposition to the applicant's plan:

Langston Hughes Elementary School
Jackie Mickel, Principal

Langston Hughes Parent-Teacher Organization

West Lawrence Neighborhood Association, Incorporated
Alan Cowles, President

12/4/12

RECEIVED
DEC 06 2012
City County Planning Office
Lawrence, Kansas

Sandra Day, AICP/County Planner, City of Lawrence

RE: Landplan Engineering Informational Session December 3, 2012
Langston Heights Development

After attending the informational meeting last evening at Langston Hughes school, we are writing to ask you to consider deferring the rezoning of Langston Heights (Parcel west and south of Diamondhead) from UR to RM12 and RM12D. The increase in traffic, decrease in property values and changes to the 2006 plat are issues that need to be addressed. The new plan proposal is to build a mixture of single family homes, duplexes, and row houses. With only two streets (Crystal Lane and Palisades Drive) servicing current and additional units, traffic will be heavier than originally planned for these two streets. Crystal Lane and Palisades Drive were originally developed as a lead into other single family housing, not multifamily housing. Palisades already has issues on school days due to drop off and pick up from Langston Hughes Elementary School. Currently three new homes are being built on Diamondhead close to the school. That will mean new driveways from which residents will enter Diamondhead and reduce the amount of room for parents to park when dropping off and picking up children. Then add congestion at the round-a-bout on George Williams. I don't care what your traffic study says, the additional traffic will create safety problems. With undeveloped land to the south and north of the new plan, no one was able to tell us if, and when, any connecting access to the new development would be provided. Even if it did, traffic will still be pushed through low density housing. The Horizon 2020 plan specifically discourages this action.

Should this plan be approved, due to the direct impact of the multi family housing, property values in the Diamondhead subdivision will decrease. When we purchased our home in 2007, we knew additional low density housing would soon follow ot the west. This was based on the planning commission approval in January 2006 of single family homes in the Langston Heights area. We never would have purchased in this area has we known apartments and duplexes were to be built, and future potential home owners will feel the same.

Please see that this proposal does not go any further without modifications. We are not against the expansion of our subdivision to the west, but we are against the medium density zoning.

Thank you,

Edward C. Burrichter
6113 Palisades Dr

Colleen A. Burrichter
6113 Palisades Dr. Lawrence

From: Amy Miller
Sent: Thursday, December 06, 2012 6:54 PM
To: Sandra Day
Subject: Langston Heights Communications

Sandy,

Rod Laing came in today and wanted me to pass along his thoughts on the Langston Heights Subdivision PP and Zoning cases for inclusion as part of the communications on the project. He suggested that a condition could be placed on the multi-family residential zoning west of Renaissance Drive that building permits may not be issued on those dwellings until such time that Renaissance Drive connects to Bob Billings Parkway or the major street to the north. He thought that this would ease potential traffic concerns. Please include the above statement in the communications that go to the Planning Commission as part of their packet.

Thank you,

Amy Miller, AICP, CFM *Long-Range Planner*

From: Brian Sturm [mailto:brians@LANDPLAN-PA.COM]
Sent: Friday, December 07, 2012 2:27 PM
To: Sandra Day
Cc: bobdennsan@gmail.com; douglas.raney@gmail.com; RCJPHJ@me.com; Christopher Storm
Subject: PP-12-00228 - variance withdrawal; temp const esmt

Sandy,
On behalf of the applicant, I would like to incorporate the following two (2) items into the Planning Commissioners' packets for Monday's meeting regarding item #5A, the Preliminary Plat for Langston Heights Addition:

1. The applicant wishes to withdraw their request for a variance from Sec. 20-811(c). While the developer still has concerns about installing sidewalks that would essentially terminate in mid-block locations on Palisades Drive and Crystal Lane, they would rather design a subdivision that conforms to the current Subdivision Regulations and complete street policy. It's my understanding that the sidewalks to be shown on the south sides of Palisades Drive and Crystal Lane can be added to the Preliminary Plat as a condition of approval. It is also my understanding that the applicant can work with the City Engineer on an acceptable way to terminate these sidewalks on the east edge of the subdivision during the public improvement plan review process.
2. The applicant wishes to add, as a communication, the attached letter of intent which upon execution by both parties would allow for the creation of a temporary construction access easement over and across land owned by Alvamar, Inc. The developer understands the concerns neighbors in the Diamondhead subdivision have regarding potential construction traffic traveling through their neighborhood. This agreement, once signed by both parties, would allow that construction traffic to pass entirely across the ground presently owned by Alvamar on the south side of the subject property. With such an access easement in place, dump trucks, excavators and the like could pass from Bob Billings Parkway to the subject property without travelling on City streets, namely those in the Diamondhead subdivision. It is the developer's hope to have this letter executed by the time of Monday evening's PC meeting.

Please let me know if you have any questions regarding the above items.
Thank you,

Brian Sturm, RLA, ASLA, LEED AP
Project Landscape Architect
Licensed in KS

Landplan Engineering, P.A.
1310 Wakarusa Drive
Lawrence, Kansas 66049
v. 785.843.7530
f. 785.843.2410

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www.landplan-pa.com

Please consider the environment before printing this email.

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Letter of Intent

This letter reflects the mutual intentions of Langston Heights Development, LLC, and Alvamar, Inc. to enter into an agreement to create a temporary construction access road from Bob Billings Parkway to the property known as Langston Heights through property currently owned by Alvamar. Both parties intend for the road to be built before construction begins on Langston Heights. Alvamar agrees to provide an easement for this road and Langston Heights Development agrees to pay for the costs associated with building this road before construction begins. Langston Heights Development also agrees to pay one dollar ($1.00) to Alvamar as part of the agreement, regardless of whether construction begins.

_____ _____

Robert Santee Date

Officer, Langston Heights Development

_____ _____

Robert C. Johnson Date

Chairman of the Board, Alvamar, Inc.

LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED
DEC 19 2012
City County Planning Office
Lawrence, Kansas

December 10, 2012

To: Lawrence/Douglas County Planning Commission:

Re: Langston Heights, Items 5A, 5B, 5D

President
Melinda Henderson

President-Elect
David Burress

Vice President
Milton Scott

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors

Margaret Arnold

Bonnie Dunham

James Dunn

Sally Hayden

Cille King

Ruth Lichtwardt

Marlene Merrill

The League of Women Voters of Lawrence/Douglas County has strong positions on neighborhood planning. We believe that "the primary urban planning unit should be the neighborhood, large enough to support the location of a nursery-elementary school, park...and should reduce to a minimum the use of the private car within each neighborhood." Therefore, we are concerned about the proposal for the multiple family lot configurations of the Langston Heights Addition and their proposed rezoning to RM districts.

We strongly support designing neighborhoods with housing types suited to families with children that are close to elementary schools with pedestrian ways designed for safe walking, and believe that it is very poor planning to locate multiple family housing that is not appropriately designed for this near our schools. Multiple family housing types can be designed for families with children, but must have the needed amenities such as privacy, open space and other facilities to make such units attractive for family life, which this proposed development does not have. Additionally, we support staff's recommendation to deny the applicant's request for a variance to allow sidewalks on only one side of streets.

Because of the effect this multiple family housing would have on the future development of the adjacent vacant land to the south of this tract, it can be predicted that this land also would become multiple family and not attractive for families with children. Because of the proximity that these two tracts have to Langston Hughes Elementary School, we believe that this would be very poor urban planning and a serious waste of potential that these two properties would have to reduce automobile use and utilize these valuable areas for encouraging families to live within walking distance to the school.

We believe that the reason that this type of poor urban planning is not uncommon in Lawrence is because of some serious deficiencies in our Land Development Code and how it leads to the interpretation of *Horizon 2020*:

- The multiple family districts do not specify housing type.
- The only distinction in our Comprehensive Plan (CP) in the designation of residential areas is based on density. Because of the long-standing interpretation of our CP, it is possible to allow all types of multiple family units from tall apartments to duplexes to achieve the gross densities that are typical for detached single family housing. Therefore, the density designation in our CP is not an appropriate prediction of use.
- The CP does not include the same goal that *Plan '95* did, which emphasized that development should be designed for the ultimate user and not to satisfy only the needs of the developer.

These factors eliminate the essential predictability that homeowners need to be able to have confidence in the stability and future of their neighborhoods when they make the substantial investment for living in a community. It tends to reduce the trust needed for a growing and thriving city to attract new residents. We ask that you take these factors into consideration when making your decision on this rezoning request. The future of our city depends on good urban planning. We would look forward to a discussion about making the necessary changes to our Land Development Code and *Horizon 2020* to create the predictability in our neighborhoods that we need.

Thank you for your consideration of these issues.

Melinda Henderson
President

Alan Black, Chair
Land Use Committee

PO BOX 1072 • LAWRENCE KS 66044-1072
league@sunflower.com • www.lawrenceleague.com
www.facebook.com/lwvldc • www.twitter.com/lwvldc

December 7, 2012

Sandra Day, AICP City/ County Planner, City of Lawrence:

RE: Rezoning Langston Heights

We are writing in opposition of the rezoning of Langston Heights. Our main areas of concern are traffic and child safety.

Our family moved to the Diamondhead subdivision 3 years ago. We chose the area based on several factors: the proximity to the elementary school, the community, and that the adjacent Langston Heights would be a similar neighborhood based on the 2006 plat.

Many families built in Diamondhead because the neighborhood to the West would be comparable. Langston Heights' preliminary plat of 2006 contained 67 single family homes and 18 duplexes. The new plat proposed by Land Plan would increase units by 94% in comparison to the 2006 plat. A 94% increase would greatly increase the amount of traffic on our residential streets.

Palisades and Crystal Lane are currently the only two inlets for Langston Heights. The roads leading to Langston Heights are narrow winding routes through residential areas with poor site lines.

At the December 3, informational meeting held by "Land Plan Engineering," Brian Sturm discussed the traffic study that was completed in September of 2012. The study claimed that the residential roads could support the rezoning of Langston Heights. Brian Sturm stated that the traffic study was done during the peak hours of traffic, 4:00 p.m. to 6:00 p.m. A traffic study done between 4:00 p.m. & 6:00 p.m. does not take into account the traffic at the school's dismissal hour. One of the main in-let/out-lets of Langston Heights is adjacent to a large elementary school. A traffic study done during the school's dismissal hour would provide more accurate information. 63% of the current Diamondhead households have children attending school. 63% of our neighborhood will be walking or driving during school arrival and dismissal times.

The sidewalks in the Diamondhead neighborhood would not support the 94% increase of population. Sidewalks in Diamondhead are only on one side of the street. Upon leaving Langston Hughes Elementary my children must cross Diamondhead Dr. (one of the only in-let/out-lets) This is the only intersection that contains a crosswalk. After walking up Diamondhead they must cross it again. They continue their walk home up Palisades, where they must cross Andrew John Dr. to reach the sidewalk. They walk north on Andrew John crossing Berando Ct. until they come upon Crystal Lane. (one of the other only in-let/outlets) To reach home they cross Andrew John Dr. again. Within a 3 block walk home, our children cross the street 5 times, encountering these soon to be heavily traveled roads. The future children of the Langston Heights neighborhood would also be traveling this dangerous route to their new home. Not only are we concerned about the safety of our own children, but the safety of the new families that will move into the Langston Heights development.

We love living in Lawrence and we love it because it gives us the small town feel we grew up with. We grew up in a town of 1500 where it was safe to walk down the street and everyone treated you like family. Our family has been searching for this sense of community for a while now and finally found it in Diamondhead. Our little neighborhood of all ages come together for an annual Memorial Day BBQ, 4th of July Parade, Pumpkin Carving, and Easter Egg Hunt. Children ride bikes, enjoy a game of basketball, and play tag outside. Neighbors help transport children, share recipes, help with heavy lifting, cook you meals when you're down, or let out the dog when you're away. Increasing the units by 96% from the 2006 plat to the proposed rezoning would only erode at the community we've created.

Lawrence is nationally known as a highly desirable community to live in. We need to continue to reflect on what drives people to Lawrence. Is it the multiple options of housing provided in a development, or is it the feeling of community we ALL provide?

Thank you for taking the time to read our concerns. We appreciate the opportunity to express our thoughts in the matter.

Sincerely,
Carisa, Dustin, Avery, & Sydney Stejskal

From: lauri di routh [mailto:lauridi@hotmail.com]
Sent: Monday, December 10, 2012 8:52 AM
To: Sheila Stogsdill
Subject: Comments for planning commission meeting 12/11/12

Ms. Stogsdill,

Please accept these comments for tonight's Planning Commission meeting. I respectfully request that these be shared with the Planning Commissioners and staff, and be included in the public record for tonight's meeting.
Please note that my comments herein are not intended to represent any organization or group. I offer these comments solely as an individual citizen and taxpayer.

RE: Long range planning work program, as submitted to the planning commission by Scott McCullough in November 2012.
I wish to express my concern about the City and County opting to postpone implementation of the environmental chapter of H2020 to a work schedule beyond 2013. This plan was crafted over the course of several years, and both citizens and the Sustainability Advisory Board play a role. I am troubled that this plan is being mothballed, at a time when we need it most. Given the current drought and its impact on both the built and natural environment, tending to our community's natural resources is more important now than ever. I ask that the PC make implemenation of the environmental chapter of H2020 a priority for 2013.

RE: Variances requested for the site plan and plat of the proposed Rock Chalk Village Park
I am troubled to see that the developer is requesting variances to the street connection requirements of the code, and also the sidewalk requirement of the code. Both of these items are integral to the City's Complete Streets plan, which was recently approved. While I appreciate the developer's stated intention of preserving trees on the property, without an inventory of said trees or any requirement for monitoring of tree preservation or removal during project construction, using trees as an excuse to minimize developer costs seems a bit disingenuous. In regard to street connectivity, it seems to me that allowing George William Way to remain a dead end street at the north end creates a bottleneck for the City's future rec center, and may create massive traffic problems on the property when large events are held at the KU facilities. At the very least, this variance should be reviewed and vetted, first, by traffic planners, to assess its impact. I believe that the requirements for sidewalks on both sides of the street should be upheld, and the developer's request for variances denied.

RE: Diamondhead Neighborhood Comments
I support the Diamondhead Neighborhood's right to preserve the nature and safety of their neighborhood. I ask that the PC reject the Landplan plat proposal as it would greatly expand the development of duplex and multifamily residential dwellings in this area, to the detriment of the existing neighborhood.

RE: planning commission packet structure

In reviewing the packet for this week's meeting, it is noted that the packet size of 57 MB makes it very difficult to load and open on a standard home computer. I had several people tell me that they had not even tried to do so, for fear that it would crash their computer system. While I understand that the files therein are large, I would like to see the PC use the City Commission's method of transmitting meeting information, using imbedded, topic-specific links on the agenda. This way, individual topic information can be opened and reviewed without the need to download the entire packet of 50+ MB of information. By breaking the packet up into managable chunks, it will make it easier for the public to access needed information and share with others who may wish to comment. Certainly, the PC wants to engage and solicit feedback from the public. I believe that the best way to do this would be to use imbedded links on the agenda, thereby reducing an evident barrier to accessing information.

I appreciate your consideration of my comments.

Sincerely,

Laura Routh
2235 East Drive
Lawrence, KS
979-3918

2013
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MEETINGS AND SUBMITTAL DEADLINES

Submittal Deadline **Monday 3PM** ***Tuesdays**		**Planning Commission Meetings** **6:30 PM** **Monday**	**& Wednesday**	**City Commission Meetings** **Tuesdays ****		**County Commission Meetings** **Wednesdays ****	
Nov 19, 2012		Jan 28, 2013	Jan 30, 2013	Feb 5	Feb 12	Feb 6	Feb 13
Dec 17, 2012		Feb 25	Feb 27	Mar 12	Mar 19	Mar 13	Mar 20
Jan 22, 2013*		Mar 25	Mar 27	Apr 9	Apr 16	Apr 10	Apr 17
Feb 19*		Apr 22	Apr 24	May 7	May 14	May 8	May 15
Mar 18		May 20	May 22	Jun 4	Jun 11	Jun 5	Jun 12
Apr 22		Jun 24	Jun 26	Jul 9	Jul 16	Jul 10	Jul 17
May 20		Jul 22	Jul 24	Aug 6	Aug 13	Aug 7	Aug 14
Jun 24		Aug 26	Aug 28	Sep 10	Sep 17	Sep 11	Sep 18
Jul 22		Sep 23	Sep 25	Oct 8	Oct 15	Oct 9	Oct 16
Aug 19		Oct 21	Oct 23	Nov 5	Nov 12	Nov 6	Nov 13
Sep 16		Nov 18	Nov 20	Dec 3	Dec 10	Dec 4	Dec 11
Oct 14		Dec 16	Dec 18	---	Jan 7, 2014	---	Jan 8, 2014
Nov 18		---	Jan 22, 2014	Feb 4	Feb 11	Feb 5	Feb 12
Dec 16		Feb 24, 2014	Feb 26, 2014	Mar 11	Mar 18	Mar 12	Mar 19

	Complete applications submitted by the deadline day will be *tentatively* placed on the agenda as shown. More complex projects may take additional time. Deficiencies in submitted plans will be discussed at the applicant's review meeting and revised plans must be submitted by the deadline established by project planner to remain on the scheduled agenda.
	Deadlines pertain to submittal of completed applications including fees, property owner list, plan and electronic copies. Extensions will not be granted. Deadlines are on Tuesdays if the designated Monday is a holiday.
**	Public Hearing items which have 14 day protest period will not be forwarded to Governing Body prior to dates listed and contingent upon PC meeting minutes preparation. Governing Body dates subject to change.
Written Communications	Written communications must be received by the Planning Office **by 10:00AM on the Monday of the week in which the Planning Commission meeting is scheduled**. If the designated Monday is a holiday, then written communications must be received by 10:00am on the Tuesday of the week in which the Planning Commission meeting is scheduled.
Deferred Items	*New information or revised plans for deferred items must be submitted to the Planning Office for review by the submittal deadline dates established above to be place on a future PC meeting agenda.*
Meeting Locations	The Planning Commission and City Commission meetings are held in the City Commission meeting room on the 1st floor of City Hall, 6th & Massachusetts Streets. The Board of County Commissioners meetings are on the 2nd floor of the County Courthouse located on the southeast corner of 11th & Massachusetts Streets.

Planning & Development Services |Lawrence-Douglas County Planning Division |785-832-3150 | www.lawrenceks.org/pds

Revised 12/04/12

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Sent: Monday, December 10, 2012 8:52 AM
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