City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Updated:
2/28/12 @ 4:15pm
Updated staff memo for Item 9A - Variance for Pump Station 37

2/27/11 @ 12:00pm
Added attachment for Item 5A-5F - Rezonings for North Mass Development

2/27/12 @ 11:00am
Added a communication for the following item:
Item 10 - Text Amendment for Agritourism

2/24/12 @ 4:30pm
Added the following items:
Communications for Item 4 - CPA H2020 – Chp 6; North Mass Development
Items 5A-5F - Rezonings for North Mass Development
Item 10 - Text Amendment for Agritourism
Draft January Planning Commission minutes

2/21/12 @ 5:40pm
The following items will be added when available:
Items 5A-5F - Rezonings for North Mass Development
Item 10 - Text Amendment for Agritourism
Draft January Planning Commission minutes

LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
FEBRUARY 27 & 29, 2012 6:30 - 10:30 PM

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of January 23 & 25, 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.
- Access standards for the Library Minor Subdivision, MS-12-9-11

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 (FEBRUARY 27, 2012) MEETING
PUBLIC HEARING ITEM:

ITEM NO. 1A RM12D & RS7 TO RM12D; 14.52 ACRES; SOUTH & EAST OF 25TH TERR & O'CONNELL RD (SLD)

Z-12-37-11: Consider a request to rezone approximately 14.52 acres from RM12D (Multi-Dwelling Residential) and RS7 (Single-Dwelling Residential) to RM12D (Multi-Dwelling Residential) and RS7 (Single-Dwelling Residential), to adjust zoning boundaries, located south and east of 25th Terrace & O'Connell Road. Submitted by Johnson Group, LLC, for Fairfield Investors, property owner of record.

NON-PUBLIC HEARING ITEM:

ITEM NO. 1B PRELIMINARY PLAT FOR FAIRFIELD FARMS EAST ADDIITION 1; SOUTH & EAST OF 25TH TERR & O'CONNELL RD (SLD)

PP-12-15-11: Consider a Preliminary Plat for Fairfield Farms East Addition 1, located south and east of 25th Terrace & O'Connell Road, including considerations of a waiver to install sidewalks on only one side of the street. Submitted by Johnson Group, LLC, for Fairfield Investors, property owner of record.

RESUME PUBLIC HEARING:

ITEM NO. 2 SPECIAL USE PERMIT FOR LAWRENCE COMMUNITY SHELTER; 214 W 10TH/944 KENTUCKY ST (SLD)

SUP-12-7-11: Consider a Special Use Permit for a renewal of a temporary shelter (Lawrence Community Shelter), located at 214 West 10th /944 Kentucky Street. Submitted by Loring Henderson, for James Dunn, property owner of record.

ITEM NO. 3 FINAL DEVELOPMENT PLAN FOR BAUER FARM PHASE 6; 4700 W 6TH ST (SLD)

FDP-12-5-11: Consider a Final Development Plan for Bauer Farm Phase 6, for a 4,607 SF building for retail and restaurant uses and including a drive-thru, located at 4700 West 6th Street. Submitted by Landplan Engineering, for Free State Holdings, Inc., property owner of record.

ITEM NO. 4 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 6; NORTH MASS DEVELOPMENT (AAM)

CPA-11-8-11: Consider a Comprehensive Plan Amendment to Chapter 6 of Horizon 2020 to expand the identified boundaries of Downtown Lawrence to accommodate a proposed mixed use project known as the *North Mass Development*. The request includes a proposal to exempt the proposed *North Mass Development* from the current requirement that individual stores in the Downtown Commercial Center have a maximum footprint of no more than 25,000 square feet. Proposed by Paul Werner Architects.

ITEM NO. 5A IG & CS TO CD; 1.38 ACRES; 401 & 415 N 2ND ST (SLD)

Z-12-29-11: Consider a request to rezone approximately 1.38 acres from IG (General Industrial) and CS (Commercial Strip) to CD (Downtown Commercial), located at 401 & 415 North 2nd Street. Submitted by Paul Werner Architects, for Exchange Holdings LLC, property owner of record.

ITEM NO. 5B IG TO CD; 2.14 ACRES; 0 & 100 LINCOLN ST AND 151 & 100 PERRY ST (SLD)

Z-12-30-11: Consider a request to rezone approximately 2.14 acres from IG (General Industrial) to CD (Downtown Commercial), located at 0 & 100 Lincoln Street and 151 & 100 Perry Street. Submitted by Paul Werner Architects, for D&D Rentals of Lawrence, LLC, property owner of record.

ITEM NO. 5C IG & CS TO CD; .83 ACRES; 409 & 501 N 2ND ST (SLD)

Z-12-32-11: Consider a request to rezone approximately .83 acres from IG (General Industrial) and CS (Commercial Strip) to CD (Downtown Commercial), located at 409 & 501 North 2nd Street. Submitted by Paul Werner Architects, for Jeffrey Hatfield, property owner of record.

ITEM NO. 5D OS & CS TO CD; .34 ACRES; 300, 311, & 317 N 2ND ST (SLD)

Z-12-33-11: Consider a request to rezone approximately .34 acres from OS (Open Space) and CS (Commercial Strip) to CD (Downtown Commercial), located at 300, 311, & 317 North 2nd Street. Submitted by Paul Werner Architects, for Riverfront Properties of Lawrence, LLC, property owner of record.

ITEM NO. 5E IG TO CD; 1.61 ACRES; 139 PERRY ST, 505 N 2ND ST, 141 MAPLE ST (SLD)

Z-12-34-11: Consider a request to rezone approximately 1.61 acres from IG (General Industrial) to CD (Downtown Commercial), located at 139 Perry Street, 505 North 2nd Street & 141 Maple Street. Submitted by Paul Werner Architects, for HDD of Lawrence, LLC, property owner of record.

ITEM NO. 5F IG TO CD; .55 ACRES; 133 PERRY ST (SLD)

Z-12-35-11: Consider a request to rezone approximately .55 acres from IG (General Industrial) to CD (Downtown Commercial), located at 133 Perry Street. Submitted by Paul Werner Architects, for Kaw River Estates, LLC, property owner of record.

ITEM NO. 5G IG TO CD; 1.38 ACRES; 600 N 1ST ST (SLD)

Z-12-36-11: Consider a request to rezone approximately 1.38 acres from IG (General Industrial) to CD (Downtown Commercial), located at 600 North 1st Street, Block 3. Submitted by Paul Werner Architects, for Abfield Investments, property owner of record.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Recess until 6:30pm on February 29, 2012.

BEGIN PUBLIC HEARING (FEBRUARY 29, 2012):

COMMUNICATIONS

a) Receive written communications from staff, Planning Commissioners, or other commissioners.
b) Disclosure of ex parte communications.
c) Declaration of abstentions from specific agenda items by commissioners.

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

REGULAR AGENDA (FEBRUARY 29, 2012) MEETING
NON-PUBLIC HEARING ITEM:

ITEM NO. 6 FINAL PLAT FOR BAUER FARM FIFTH PLAT FOR THEATRE LAWRENCE; 4700 BAUER FARM DR (MKM)

PF-12-7-11: Consider a Final Plat for Bauer Farm Fifth Plat for Theatre Lawrence, a one-lot subdivision consisting of approximately 4 acres located at 4700 Bauer Farm Drive. Submitted by Landplan Engineering, for Free State Group, LLC, property owner of record.

PUBLIC HEARING ITEM:

ITEM NO. 7 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; INDUSTRIAL DISTRICTS (MJL)

TA-10-16-11: Consider a text amendment to Chapter 20 of the City Code, Land Development Code, to review the uses of the existing industrial districts, explore creating a new district that permits uses with intensities between the IL (Limited Industrial) district and IG (General Industrial) district, review the Gas and Fuel Sales use and create a Truck Stop use which could affect commercial and industrial zoned properties. *Deferred by Planning Commission on 1/23/12.*

NON-PUBLIC HEARING ITEM:

ITEM NO. 8A ANNEXATION; .34 ACRES; PUMP STATION 35 (MKM)

A-12-6-11: Consider annexation of approximately .34 acres located east of intersection of N Michigan Street and Riverridge Road to accommodate a sanitary sewer pump station. Submitted by the City of Lawrence, property owner of record.

PUBLIC HEARING ITEM:

ITEM NO. 8B A TO OS-FP; .34 ACRES; PUMP STATION 35 (MKM)

Z-12-31-11: Consider a request to rezone approximately .34 acres located east of intersection of N Michigan Street and Riverridge Road from County A (Agricultural) to OS-FP (Open Space with Floodplain Management Regulations Overlay) District to accommodate a sanitary sewer pump station. Submitted by the City of Lawrence, property owner of record.

PUBLIC HEARING on Variance Only:

ITEM NO. 8C PRELIMINARY PLAT FOR PUMP STATION 35 (MKM)

PP-12-13-11: Consider a Preliminary Plat for Pump Station No. 35, a one-lot subdivision of approximately .34 acres, located east of intersection of N Michigan Street and Riverridge Road and a

variance from Section 20-810(b) of the Subdivision Regulations to permit the creation of a lot without frontage on a public street or road. Submitted by the City of Lawrence, property owner of record.

RESUME PUBLIC HEARING:

ITEM NO. 8D SPECIAL USE PERMIT FOR PUMP STATION 35 (MKM)

SUP-12-6-11: Consider a Special Use Permit for Pump Station No. 35, a *minor utility,* located east of intersection of N Michigan Street and Riverridge Road. Submitted by the City of Lawrence, property owner of record.

ITEM NO. 9A VARIANCE FOR PUMP STATION 37 (MKM)

Variance associated with Minor Subdivision for Sunflower Addition No. 2 (MS-2-1-12), from the sidewalk requirement in Section 20-811(c)(1)(i) of the Subdivision Regulations, and from the right-of-way requirement in Section 20-810(e)(5). Submitted by the City of Lawrence, property owner of record.

ITEM NO. 9B SPECIAL USE PERMIT FOR PUMP STATION 37 (MKM)

SUP-12-8-11: Consider a Special Use Permit for Pump Station 37, a *minor utility,* located at 2100 E 15th Street. Submitted by the City of Lawrence, property owner of record.

ITEM NO. 10 TEXT AMENDMENT TO THE DOUGLAS COUNTY ZONING REGULATIONS; AGRITOURISM (MKM)

TA-8-11-11: Consider a Text Amendment to the Douglas County Zoning Regulations for the Unincorporated Territory of Douglas County to establish *Agritourism* as a use in the County A (Agriculture) District.

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1
Extension request for PP-10-5-09, a revised Preliminary Plat for lots 7,8 and 9 Block Four and Lots 2, 3, and 4, Block Seven as shown on the approved Preliminary Plat for Mercato dated 4/26/06. (MKM)

Consideration of any other business to come before the Commission.

ADJOURN

CALENDAR

January 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	31				

February 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			

March 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	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
January 23 & 25, 2012
Meeting Minutes DRAFT

January 23, 2012 – 6:30 p.m.
Commissioners present: Belt, Britton, Burger, Culver, Finkeldei, Hird, Liese, Singleton, von Achen, and Student Commissioner Cory Davis
Staff present: McCullough, Larkin, Leininger, M. Miller, Warner, Ewert

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MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of December 12, 2011.

Motioned by Finkeldei, seconded by Commissioner Culver, to approve the December 12, 2011 Planning Commission minutes, with a minor wording change suggested by Commissioner Burger.

Motion carried 7-0-1, with Commissioner Singleton abstaining. Commissioner Liese was not present for vote.

COMMITTEE REPORTS

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

Commissioner Hird said the Agritourism Committee continues to meet and will have a presentation at the Mid-Month meeting on the proposed text amendment.

Mr. McCullough said a few Planning Commissioners were assigned as liaisons for the Oread Overlay District process and that the RFP would go to City Commission tomorrow.

COMMUNICATIONS

Mr. Scott McCullough, Planning Director, reviewed new attachments and communications that were posted to the online Planning Commission agenda after the initial posting date.

Received written communications from staff:

- Communication from the Historic Resources Administrator pertaining to the Landmark nomination of the Joseph Savage House located at 1734 Kent Terrace.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
  Commissioner Burger said she received emails that all the other Planning Commissioners were copied on.

  Commissioner Finkeldei said he had a brief meeting with Mr. Matt Gough, representative of Aspen Heights, and was shown additional color layouts of the project.

Commissioner von Achen said she spoke briefly with Mr. Gough and also spoke with County Commissioner Nancy Thellman.

Commissioner Liese said he received an invitation from County Commissioner Thellman to talk about the Northeast Sector Plan and explain the County Commissioners reasoning behind the questions they sent Planning Commission.

Commissioner Culver said he received an invitation to meet with Mr. Gough and a representative for Aspen Heights tomorrow.

Commissioner Belt said he spoke briefly with County Commissioners Thellman and Mike Gaughan. He said he met with Ms. Barbara Clark and Mr. Jerry Jost about the Northeast Sector Plan. He said he spoke with Mr. Gough about Aspen Heights. He said he also spoke with Mr. Dan Hughes about the North Mass Development.

Commissioner Hird said he had the same invitation from Mr. Gough to attend a meeting with the developers of Aspen Heights. He said he respectfully declined the meeting. He said he had a lengthy meeting with County Commissioner Thellman regarding the Northeast Sector Plan and her position as a County Commissioner on the issue.

- No abstentions.

PC Minutes 1/23/12 **DRAFT**
Recess LDCMPC
Convene Joint Meeting with Lecompton Planning Commission

ITEM NO. 1 CONDITIONAL USE PERMIT FOR FRED'S BOAT STORAGE; 568 N 1800 RD (MKM)

CUP-11-7-11: Consider a revised Conditional Use Permit for Fred's Boat Storage, located at 568 N 1800 Road. The request amends CUP-8-7-06 to specifically include the covered storage of recreational vehicles, trailers and campers, as well as boats as currently permitted. Submitted by George Roll, property owner of record. *Joint meeting with Lecompton Planning Commission.*

STAFF PRESENTATION
Ms. Mary Miller presented the item.

APPLICANT PRESENTATION
Mr. Fred Roll, said he voluntarily built a berm in front of the second building and planted 22 evergreen trees. He said if he needed to plant more trees he would be happy to do that.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Lecompton Planning Commissioners Mary Jane Hoffer and Amber Nickel were present but had no comment.

Commissioner Singleton asked if the Lecompton Planning Commission had met already and if they had heard any concerns within the community.

Lecompton Planning Commissioners Hoffer and Nickel said no.

ACTION TAKEN
Motioned by Commissioner Singleton, seconded by Commissioner Liese, to approve the revised Conditional Use Permit for the storage facility subject to the following conditions:

1) The provision of a revised site plan with the following changes:
   a. Note 'a' revised to read: "*All boat, RV, trailer and camper storage must be stored entirely inside the buildings."*
   b. Note 'c' revised to read: "*Conditional use Permit (CUP-11-7-11) replaces the previous permit (CUP-08-07-06) and 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."*
   c. Note 'd' revised to read: *"Screening from the adjacent public road shall be provided by four evergreen trees on approximately 30 ft centers south of the storage facility."*
   d. The approximate location of the 4 trees shall be shown on the plan.

Unanimously approved 9-0.

Lecompton Planning Commissioners voted in favor 2-0.

Adjourn Joint Meeting

Reconvene LDCMPC

PC Minutes 1/23/12 **DRAFT**

ITEM NO. 2 ANNEXATION; 17.4 ACRES; YANKEE TANK (MJL)

A-8-3-11: Consider annexation of approximately 17.4 acres for Yankee Tank, located south of Bob Billings Pkwy, north of Clinton Parkway, east of Villa Drive, and west of Burning Tree Drive. Submitted by North Tank LC and Burning Tree LLC, property owners of record.

ITEM NO. 3 ANNEXATION; 109 ACRES; YANKEE TANK/LAKE ALVAMAR (MJL)

A-8-4-11: Consider annexation of approximately 109 acres for Yankee Tank (commonly known as Lake Alvamar), located north of Clinton Parkway, south & west of Lake Alvamar Drive, and east of E. 920 Road. Submitted by Alvamar Inc, and Kansas Athletics, Inc. property owners of record.

STAFF PRESENTATION

Ms. Michelle Leininger presented items 2 and 3 together.

Commissioner Hird said a few months ago he was appointed by the District Court as one of the three appraisers for condemnation of the land that would be taken by increasing the damn and water on the properties. He said in that role he viewed the properties and had a lot of contact with this project. He did not feel it was a conflict of interest because it was well over with. He said any compensation was approved by Judge Malone in District Court. He said he wanted to be sure to disclose that because it could be considered an ex parte communications even though it was over. He said he would be glad to recuse himself if it was a problem.

Mr. Larkin said since that was over before this item began he did not believe there would be a legal problem. He said if Commissioner Hird could look at it fairly and rule on it impartially then he could consider the matter.

Commissioner Hird said he did not see a connection between the condemnation of the land and the annexation so he would proceed.

ACTION TAKEN on Items 2 & 3

Motioned by Commissioner Liese, seconded by Commissioner von Achen, to approve the requested annexation of approximately 126 acres located between Bob Billings and Clinton Parkways and east of the South Lawrence Trafficway (SLT), and initiate rezonings from county A (Agricultural) and A-1 Districts (Suburban Home Residential) to OS (Open Space) and OS (Open Space)-FP (Floodplain) District.

Unanimously approved 9-0.

PC Minutes 1/23/12 **DRAFT**

ITEM NO. 4 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 14; NORTHEAST SECTOR PLAN (DDW)

CPA-6-5-09: Reconsider Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan. *Approved by Planning Commission 5-4 on 9/20/10. Referred to Planning Commission by the Board of County Commission and City Commission for consideration of specific issues. Deferred by Planning Commission on 12/12/11.*

STAFF PRESENTATION

Mr. Dan Warner presented the item.

PUBLIC HEARING

Ms. Barbara Clark, Citizens for Responsible Planning, said most of their concerns were due to the great amount of land available for industrial development in the northeast sector. She also expressed concern about the elimination of the capability class I & II soils in the area and the inability to be separated from flooding concerns. She said geologically flood and fertile soils were tied and could not be unlinked. She expressed concern for the downstream residents in North Lawrence. She stated she attended the Board of County Commissioners meeting in May and June where there was testimony that implementation of the North Lawrence Drainage study could cost anywhere between zero and forty million dollars. She referenced a document that was instituted by President Clinton after the 1993 floods in the Midwest that covers a lot of issues. She appreciated the public forum allowed on the subject.

Mr. Ted Boyle, North Lawrence Improvement Association, said the residents of North Lawrence did not want to see flooding again like in 1993. He said the pump on North 2nd Street was currently at its maximum capacity. He said he would like to see the area remain agricultural and that any industrial development should take place at the airport since it already has a footprint.

Mr. Jerry Jost read from the United States Global Change Research Program, that there would be more frequent and intense floods, greater burden on already stressed water systems, increased infrastructure and property damage, overloaded drainage systems, and that the past was not a reasonable guide for the future. He displayed on the overhead pictures from past floods. He felt this land would become increasingly important due to stress on the agricultural and food system and more intense storm events.

Mr. Charles NovoGradac discussed several vacant properties in the area. He expressed concern about drainage and if the kind of development that goes on south of the turnpike goes north of the turnpike the runoff would directly impact his property and North Lawrence. He felt they needed to put some sort of brakes on this. He felt they needed a greater criteria for development, other than the landowner wants to retire.

COMMISSION DISCUSSION

Commissioner Finkeldei asked why it was changed from 300 acres of industrial to 105 acres of industrial land.

Mr. McCullough said the future land use map that has been discussed throughout this process had a commercial component to it and was taken into consideration with the options. He said commercial was included in the 125 acres but that it was certainly up for discussion of whether it should be separated out or kept together.

Commissioner Finkeldei asked if the 300 acres of industrial included commercial as well.

Mr. McCullough said that was correct. He said it was a 300 acre area with industrial and commercial designation on it. He showed a map on the overhead.

Commissioner Finkeldei asked if a plan was considered with 125 acres of industrial and no commercial or did staff believe commercial was an important component of the area plan.

Mr. McCullough said the commercial had been a component all along and staff felt like it was appropriate planning to include an element of commercial to support some of the designated industry.

Commissioner Liese said he owns property that could benefit from good development in North Lawrence. He felt they were not ready for the Northeast Sector Plan. He expressed concern about losing class I and II soils, drainage issues not being appropriately addressed, and infrastructure to develop it was too expensive. He said there was some undeveloped land at the end of Lyon Street and 55 acres available at the airport. He said he was not at the point to vote in favor of the Northeast Sector Plan.

Commissioner von Achen inquired about the total amount of current industrial zonings in North Lawrence.

Mr. Warner said he did not have a total, but that it was approximately 245 acres.

Mr. McCullough said a few of the slides included vacant undeveloped industrial areas.

Student Commissioner Davis arrived at 7:30pm.

Commissioner Hird said Planning Commission has battled the Northeast Sector Plan until it was dead. He said he met with County Commissioner Nancy Thellman for an extended period of time to listen to her concerns. He said he understood the arguments about flooding and class I and II soils. He said he had not heard any information that wasn't presented a year or two years ago. He said Planning Commission adopted a Northeast Sector Plan that called for 300 acres of industrial development and at the last meeting someone suggested reducing that to half and instantly it was adopted as a compromise. He felt it was adopted because it was easier to face the people in the audience than to give a reason for that decision. He said he was concerned about that because Planning Commission needed to make a well reasoned decision based upon fact. He said he could not see what facts were presented that would cause a change since it was the same information they had seen before. He said there were a few new Planning Commissioners and he did not want to take such an important step without being convinced they had taken the time to educate all the Planning Commissioners on the facts. He suggested if they were going to be adopting a Northeast Sector Plan on a better than 5-4 vote that they needed to spend some time talking about this and getting some input. He said in June there would be more new Planning Commissioners and that it would be a never ending process. He suggested setting the topic for a Mid-Month meeting and immerging from that with some sort of unanimous solution because he felt right now any vote would be hard to justify. He said he was going to make a motion to defer the Northeast Sector Plan to a Mid-Month meeting with the condition that it come back for vote prior to June. He said he wanted the Board of County Commissioners and the public to be satisfied that all the Planning Commissioners have all the information they need to make a good decision.

Commissioner Liese said he listened to the audio of prior Planning Commission meetings about the Northeast Sector Plan. He said the first meeting he listened to was a passionate presentation from North Lawrence stakeholders hoping to get their land industrial. He said it was difficult to balance the needs, wants, and desires of the different factions in the community. He stated it was hard to know the truth about events that haven't happened yet. He said he was not surprised by his changing view. He said the stakeholder balance has shifted from more people who want industrial to more people expressing concerns.

Commissioner Burger said she felt like they needed a more specific plan. She said the 300 acres was really big. She was not a proponent of industrial development on these soils. She said to clarify her last vote was not to say 125 acres was a good idea, but she wanted to see what staff would come up with. She said if they discuss this topic at a Mid-Month meeting they should have quorum. She asked if adding the 125 acres would actually approve 370 acres.

Mr. McCullough said no, they have to keep separate the existing zoning there today in the unincorporated area and what the plan was designating for urbanization. He said the property zoned industrial in the county did not necessarily equate to urbanized industrial as it comes into the city. He said it was very common for sector plans to start off with a certain unincorporated zoning district and the designation for future development was different.

Commissioner Burger asked if they approved the plan with 125 acres would it be downzoning.

Mr. McCullough said no, properties with current county zoning would be maintained. He said property owners would have the development right to request a site plan and have the right to any industrial use afforded it under the county zoning code. He said it was possible if the plan was adopted that there would be some amount of development in those areas zoned industrial today in the county.

Commissioner Burger asked if the county zoned industrial acres were identified on the map as such.

Mr. McCullough said no, the plans purpose was to designate for future urbanization. He said this plan was unique because it does not call for complete urbanization of the sector plan of Grant Township.

Commissioner Burger said she was concerned that 125 acres would take the percentage of industrial acres, compared to the total amount of acres in plan, to be a very high percentage. She said she would like to look at the total exposure during the Mid-Month meeting. She thanked the citizens who spoke this evening. She said there are vacancies in North Lawrence and that vacant property can be rehabilitated and repurposed but once soils are moved and built upon they cannot be returned. She said that was what made the sector plan important, once the soil was gone it was gone. She appreciated the years people had spent on the issue and recognized that in those years there were other areas of the city and county that had become vacant and repurposed for industrial use.

Commissioner Britton said he was one of the newest Planning Commissioners. He said he had not heard yet why industrial development was needed there. He said he would support a motion to talk about this at a Mid-Month meeting. He said his perspective on the Northeast Sector Plan and the area was that it was a safety issue with regard to flooding and impact to North Lawrence and an environmental issue with class I and II soils. He said anything done to change that, especially moving toward industrial development, needed to meet a really high bar of certainty and necessity and he had not heard anything that met that bar yet. He agreed that the Northeast Sector Plan should come back for a vote before June.

Commissioner Hird thanked staff for their time and work.

ACTION TAKEN
Motioned by Commissioner Hid, seconded by Commissioner Liese, to defer the item and schedule for discussion at the March Planning Commission Mid-Month meeting with the understanding that they would make a decision and move forward before June.

Commissioner Singleton asked if this topic could be heard at the February Mid-Month meeting and move Agri-Tourism to March.

Commissioner Hird said he would prefer not.

Commissioner Singleton said she would not be present for the March Mid-Month meeting.

Mr. McCullough asked if there was any additional guidance.

Commissioner Hird felt it was important to inform the fairly new Planning Commissioners about the history of the discussions and what happened with this plan.

Commissioner Singleton asked when the topic could be back on the Planning Commission agenda.

Mr. McCullough said it could be on the April Planning Commission agenda.

Motion carried 9-0. Student Commissioner Davis voted in the affirmative.

PC Minutes 1/23/12 **DRAFT**

ITEM NO. 5 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; INDUSTRIAL DISTRICTS (MJL)

TA-10-16-11: Consider a text amendment to Chapter 20 of the City Code, Land Development Code, to review the uses of the existing industrial districts and explore creating a new district that permits uses with intensities between the IL (Limited Industrial) district and IG (General Industrial) district. *Deferred by Planning Commission on 11/14/11.*

STAFF PRESENTATION
Ms. Michelle Leininger presented the item.

PUBLIC HEARING
Ms. Jane Eldredge, Barber Emerson, said industrial development was a unique kind of zoning district that is not dealt with very often. She displayed on the overhead industrial areas available in the city, minus North Lawrence. She also displayed industrial areas in Topeka on the overhead. She said Lawrence did not have enough industrial land ready to go. She stated they needed to stop dinking around with the Code so much. She said Topeka, Overland Park, and Olathe had light or heavy industrial districts and Lawrence was heading toward four districts. She asked them not to make changes to the IL and IG districts.

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, agreed with the letter Mr. Frank Male wrote (included in the packet) and a lot of what Ms. Eldredge said this evening. She said the problem with IL was that it allowed too much commercial and commercial develops faster than industrial. She felt that taking things out of districts that already exist would create problems for those that have them. She suggested creating a district that removed the commercial from IL and would not tolerate any of the uses that were not tolerant to neighborhoods and were incompatible. She said the incompatible statement needed to stay. She asked that this be made more simple.

COMMISSION DISCUSSION
Commissioner Singleton asked how much time had been open for public comment.

Ms. Leininger said it was initiated in October by City Commission and before Planning Commission heard it in November staff met with a few groups. She said there was a stakeholder meeting in December, as well as talking with individuals between those times.

Commissioner Singleton asked if there were only small groups coming to the meetings and providing feedback since very few people own industrial land in Lawrence and because it's not related to a specific project.

Ms. Leininger said there were a lot of responses to the letter sent out for the stakeholder meeting. She said they sent letters to current property owners zoned IG and IL, anybody that had a pending rezoning, and anybody identified in a future land use plan as industrial. She said staff received a lot of phone calls and had a decent amount of property owners at the stakeholder meeting. She said most of the inquiries were for clarification and understanding.

Commissioner Hird said City Commission directed the opening of a text amendment to create the IM district. He asked if City Commission also requested revisions to IL and IG or was that something staff thought was necessary.

Mr. McCullough said he could not recall specifically how much discussion was had about reviewing all of the industrial districts. He said it seemed like staff mentioned they would analyze the industrial districts. He said staff believed the architecture of the Code produced a continuum of intensity that needed to be reviewed so there weren't disjointed districts going forward with development in the future.

Commissioner Hird asked if it would be possible to create an IM district without changing IG and IL.

Mr. McCullough said yes.

Commissioner Hird asked if they deleted uses from IG and IL would that reduce the property rights of those landowners.

Mr. McCullough said it would change the uses afforded to the property owners and that they have done countless text amendments that do that very thing every year since the 2006 was adopted. He said one of the reasons we would need to initiate a text amendment to revise the definition of Gas and Fuels because that would affect commercial properties.

Commissioner Hird inquired about the motivation behind this text amendment.

Mr. McCullough said he thought this came out of several requests to rezone property. He said it wasn't one specific property that generated this, it was a culmination of discussions that the City Commission has heard numerous times, the fact that IG has some of these impactful uses and IL has uses that introduce a lot of commercial. He said commercial was absorbed faster and reduced the impact of IL to be maintained for primary job uses.

Commissioner Finkeldei asked Ms. Eldredge to display on the overhead again the map of existing industrial zoning. He asked if any of those were IG.

Ms. Eldredge said they were predominately IG.

Commissioner Finkeldei said so much of the existing IG sits in the middle of neighborhoods or small areas. He stated if all IG were big areas on the edge of town that continuum would make more sense. He did not think the continuum made sense with all those small parcels.

Commissioner Singleton said the problem wasn't what the designations were currently, it was that there wasn't enough space for industry on the edges of town. She said with the small amount of land already designated industrial she did not know why they were messing with the Code right now. She said it seemed like the protections needed were already in place. She said if another industrial park was created it would be on the edge of town. She did not see a compelling reason to be messing with industry and definitions right now.

Commissioner Burger asked if a lot of this came after they approved the Northwest Sector Plan and that the industrial planning in that area had problems with agreement and City Commission did this to try and respond to that.

Mr. McCullough said City Commission had not shared their intent about it other than they keep hearing from staff the issue of between IL and IG and what was better for any given area to be zoned industrially. He believed City Commission wanted a district that could have some of the high impact uses broken away and some of the commercial retail uses broken away, leaving a pure

industrial district that supported primary jobs and not necessarily the secondary commercial market. He thought City Commission wanted another tool in the toolbox to use.

Commissioner von Achen said part of their responsibility was to afford some predictability to land owners and potential land owners. She was uncomfortable with stripping that predictability away by removing permitted uses that were promised to them fairly recently and pulling that rug out from under them.

Commissioner Culver agreed that the theory or concept of the continuum between the three districts makes sense but when there are two existing districts that were thought out over years, it was hard to say that by just creating a third category should have an impact on either light industry or general industry. He said he would not be as comfortable making changes to those districts but could see some opportunity for that third district but keeping it within its own category.

Commissioner Liese said two weeks ago during the Mid-Month meeting they discussed this. He said they were relaxed informal meetings and the community was invited to speak. He said they did not get the turnout they needed because they should have been having this discussion during the Mid-Month meeting. He wanted to be sure that for future Mid-Month meetings they would have better turnout, especially for the Northeast Sector Plan.

Commissioner Finkeldei said typically Mid-Month meetings were an opportunity for Planning Commission to talk amongst themselves and not have input from the public. He said he did think of it differently after reading public comments but that one of the turning points for him was realizing all the IG in the middle of town. He said the Northeast Sector Plan was a different animal because they had been talking about it for several years.

Commissioner Liese thought the Mid-Month meeting was ever evolving. He said the best education Planning Commission gets is from the public sharing their opinions. He said he would want this type of feedback before Planning Commission meetings.

ACTION TAKEN
Motioned by Commissioner Finkeldei, seconded by Commissioner Hird, to defer the text amendment before them tonight and direct staff to bring back a text amendment to create an IM District and initiate a text amendment regarding Truck Stop and Gas and Fuel Sales, while leaving the other two districts as is.

Motion carried 9-0. Student Commissioner Davis voted in the affirmative.

PC Minutes 1/23/12 **DRAFT**

ITEM NO. 6 TEXT AMENDMENT TO THE DOUGLAS COUNTY ZONING REGULATIONS; AGRITOURISM (MKM)

TA-8-11-11: Consider a Text Amendment to the Douglas County Zoning Regulations for the Unincorporated Territory of Douglas County to establish *Agritourism* as a use in the A (Agriculture) District.

Item 6 was deferred prior to the meeting.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Recess at 8:48pm until 6:30pm on January 25, 2012.

Reconvene January 25, 2012 – 6:30 p.m.

Commissioners present: Belt, Britton, Burger, Culver, Finkeldei, Hird, von Achen, and Student Commissioner Cory Davis
Staff present: McCullough, Day, Larkin, A. Miller, Ewert

BEGIN PUBLIC HEARING (JANUARY 25, 2012):

COMMUNICATIONS
Mr. McCullough said the applicant for Item 11, North Mass Development, requested a deferral.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
  Commissioner Belt said he had a brief conversation a few weeks ago with Mr. Mike Jones regarding Item 8. He said he also had correspondence with Mr. Dan Hughes and Mr. Joe Flannery regarding Item 11.

  Commissioner Culver received an email from Mr. Dale Willey regarding Item 10, Aspen Heights, and also met with Mr. Matt Gough and representatives from Aspen Heights. He said he asked if they had met with the neighborhood to the north and they indicated they had.

  Commissioner Britton said he also received an email from Mr. Willey and spoke with Mr. Gough over the phone regarding Item 10.

  Commissioner Burger said she also received an email from Mr. Willey and met with the applicant for Item 10.

  Commissioner Finkeldei said he also received an email from Mr. Willey and met with the applicant for Item 10.

  Commissioner Hird said he had the same email from Mr. Willey. He said he met with Mr. Gough and Mr. Charlie Vatterott regarding Item 10.

- No abstentions.

PC Minutes 1/25/12 **DRAFT**

ITEM NO. 11 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 6; NORTH MASS DEVELOPMENT (AAM)

CPA-11-8-11: Consider a Comprehensive Plan Amendment to Chapter 6 of Horizon 2020 to expand the identified boundaries of Downtown Lawrence to accommodate a proposed mixed use project known as the *North Mass Development*. The request includes a proposal to exempt the proposed *North Mass Development* from the current requirement that individual stores in the Downtown Commercial Center have a maximum footprint of no more than 25,000 square feet. Proposed by Paul Werner Architects.

STAFF PRESENTATION

Mr. McCullough said the applicant requested a deferral.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Britton, to defer one month.

Unanimously approved 7-0. Student Commissioner Davis voted in the affirmative.

PC Minutes 1/25/12 **DRAFT**

ITEM NO. 7 IG TO H; 12.4 ACRES; 138 ALABAMA ST (SLD)

Z-11-27-11: Consider a request to rezone approximately 12.40 acres from IG (General Industrial) to H (Hospital), located at 138 Alabama Street. Submitted by Treanor Architects, for Alford-Clarke Post #852 VFW, property owner of record and Bert Nash Community Mental Health Center, contract purchaser.

STAFF PRESENTATION
Ms. Sandra Day presented the item.

APPLICANT PRESENTATION
Mr. Chris Cunningham, Treanor Architects, was present for questioning.

PUBLIC HEARING
Ms. K.T. Walsh asked if the old stone brewery would be affected.

The applicant said no from the audience.

COMMISSION DISCUSSION
Commissioner Burger inquired about environmentally sensitive lands.

Ms. Day said there may be but staff had not done that assessment yet. She said it was something that would be looked at during the site plan and platting process to protect those spaces.

Commissioner Burger asked if notice was given to the Pinckney Neighborhood Association and the surrounding area.

Ms. Day said typical notice was 200' and the neighborhood association.

Commissioner Burger asked if there was a limit to how long someone could stay there.

Ms. Day said no.

Commissioner Burger asked what in the Code for this zoning was different than what would be required for a homeless shelter.

Ms. Day said a shelter would require a Special Use Permit for that particular use in the H district and would require a public hearing.

Commissioner Finkeldei said it was an exciting project for Bert Nash.

ACTION TAKEN
Motioned by Commissioner Finkeldei, seconded by Commissioner Culver, to approve the request to rezoning approximately 12.40 acres and adjacent right-of-way from IG (General Industrial) to H (Hospital), located at 138 Alabama Street based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Commissioner Burger was concerned about the Pinckney Neighborhood Association not providing comment. She said she would not support the motion without their support on the project.

Motion carried 6-1, with Commissioner Burger voting in opposition. Student Davis voted in the affirmative.

PC Minutes 1/25/12 **DRAFT**

ITEM NO. 8A IG TO IL; .20 ACRES; 920 & 920 ½ DELAWARE ST (SLD)

Z-11-26-11: Consider a request to rezone approximately .20 acres from IG (General Industrial) to IL (Limited Industrial), located at 920 and 920 ½ Delaware Street. Submitted by Struct/Restruct, LLC, property owner of record.

ITEM NO. 8B PRELIMINARY PLAT FOR EVEN LOWER EAST SIDE ADDIITION; 920 & 920 ½ DELAWARE ST (SLD)

PP-11-11-11: Consider a Preliminary Plat for Even Lower East Side Addition, a one lot subdivision containing approximately .20 acres, located at 920 and 920 ½ Delaware Street. The request includes a variance request from the Subdivision Design Standards, specifically 20-809(d) regarding the minimum area of the proposed lot. Submitted by Struct/Restruct, LLC, property owner of record.

STAFF PRESENTATION
Ms. Sandra Day presented items 8A and 8B together.

APPLICANT PRESENTATION
Mr. Matt Jones, Struct/Restruct, said he wanted to open a coffee shop that had a retail element to it to provide a place for viewing and experiencing some of the products he makes.

PUBLIC HEARING
Ms. K.T. Walsh, East Lawrence Neighborhood Association, said the applicant came to the neighborhood association and that they were in favor and had no objections. She asked the applicant to look under the dirt for a brick sidewalk.

COMMISSION DISCUSSION
Commissioner Finkeldei said he was not a big fan of conditional zoning but he understood why the neighborhood would want to so. He said he would support this.

ACTION TAKEN on Item 8A
Motioned by Commissioner Finkeldei, seconded by Commissioner von Achen, to approve the request to rezone approximately .20 acres from IG (General Industrial) to IL (Limited Industrial), located at 920 and 920 ½ Delaware Street based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the following condition:

1. Publication of an ordinance that indicates the following uses are prohibited:
    a. Animal Services; Kennel
    b. Eating & Drinking Establishments; Fast Order Food, Drive-In
    c. Office; Financial, Insurance & Real Estate
    d. Retail Sales & Service; Mixed Media Store
    e. Transient Accommodation; Hotel, Motel, Extended Stay,
    f. Vehicle Sales & Service;
        i. Cleaning (Car Wash)
        ii. Gas and Fuel sales
        iii. Heavy Equipment Repair
        iv. Heavy Equipment Sales/Rental
        v. Inoperable Vehicles Storage
        vi. RV and Boats Storage
    g. Industrial Facilities; Scrap and Salvage Operation

h. Wholesale, Storage & Distribution; Mini Warehouse and
i. All uses included in the Agriculture group

Commissioner Hird said it was nice to see a project in this economy and on this side of town. He appreciated the applicant working with the neighborhood association.

Unanimously approved 7-0. Student Commissioner Davis voted in the affirmative.

ACTION TAKEN on Item 8B
Motioned by Commissioner Finkeldei, seconded by Commissioner Belt, to approve the variance request from Section 20-809(d)(2) which requires that each lot resulting from the division will conform with the minimum lot size and other dimensional requirements applicable to the property through the Zoning District Regulations found in Section 20-601(a).
The variance would permit the following variation from the dimensional requirements of Section 20-601(a) for the IL Zoning District:

1. Lot area of 8,701 for Lot 1 rather than the 20,000 sq. ft. required in the proposed IL Zoning District.

Commissioner Britton inquired about the requirement of 20,000 sq. ft. for industrial IL and only 5,000 sq. ft. for IG.

Mr. McCullough said the answer may be in having staff research the analysis of the Code.

Unanimously approved 7-0. Student Commissioner Davis voted in the affirmative.

Motioned by Commissioner Finkeldei, seconded by Commissioner Burger, to approve the Preliminary Plat of the Even Lower East Side Addition subject to the following conditions:

1. Revision of the preliminary plat with the following notes and changes:
    a. Addition of the following note to the face of the drawing: “Variance approved from Section 20-809(d)(2) which requires that each lot conform with the dimensional requirements applicable to the property through the Zoning District Regulations found in Section 20-601(a), specifically the minimum area requirements.
    b. The revised Preliminary Plat must list the revision date.
    c. Provision of a revised note regarding the 100 year floodplain to reference the August 5, 2010 FEMA FIRMs.
2. An Agreement Not to Protest the Formation of a Benefit District for future street and sidewalk improvements to Delaware Street must be executed by the property owner and provided to the Planning Office with submission of the Final Plat.
3. Review and approval by the Historic Resources Commission.

Unanimously approved 7-0. Student Commissioner Davis voted in the affirmative.

PC Minutes 1/25/12 **DRAFT**

ITEM NO. 9 CONDITIONAL USE PERMIT FOR US 59 HWY BORROW PIT (SLD)

CUP-11-6-11: Consider a Conditional Use Permit for US 59 Hwy Borrow Pit located west of US 59 between N 1100 and N 1000 Roads. The property address is 1297 N 1056 Road. The applicant proposes to sell soil for the nearby US 59 construction project. Submitted by Landplan Engineering, for Evelyn M. Johnston Trustee, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. C.L. Mauer, Landplan Engineering, was present for questioning. He said he agreed with the staff report.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner von Achen asked the applicant to explain the process of stockpiling the topsoil.

Mr. Mauer said they will strip off the northern portion first and stockpile to the south which will act like a berm. He said once the excavation was complete the stockpile will go back over the area.

Commissioner Culver said he liked the wording that put an end date to it so that it has a useful life that ends or needs to be reapproved.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner von Achen, to approve the Conditional Use Permit for a borrow pit at 1297 N 1056 Road in the NE1/4 section 26-13-19 and forwarding of this application to the County Commission with a recommendation for approval, based upon the findings of fact presented in the staff report, and subject to the following condition:

1. Submittal of a revised site plan to show the following revisions and/or additions to the site plan notes as follows:
    a. The Conditional Use Permit is approved for construction of Highway 59 between N 1000 Road and N 1100 Road and shall expire January 1, 2014 unless a request for an extension is submitted for approval by the Board of County Commission prior to that date.

    Unanimously approved 7-0. Student Commissioner Davis voted in the affirmative.

PC Minutes 1/25/12 **DRAFT**

ITEM NO. 10A RS10 TO RM12; 41.15 ACRES; 1900 W 31ST ST (SLD)

Z-11-28-11: Consider a request to rezone approximately 41.15 acres from RS10 (Single-Dwelling Residential) to RM12 (Multi-Dwelling Residential), located at 1900 W. 31st Street. Submitted by Landplan Engineering, for Mid-America Manufactured Housing Communities, Inc., property owner of record.

ITEM NO. 10B PRELIMINARY PLAT FOR ASPEN HEIGHTS ADDITION; 1900 W 31ST ST (SLD)

PP-11-12-11: Consider a Preliminary Plat for Aspen Heights Addition, approximately 41.15 acres, located at 1900 W. 31st Street. The request includes variance requests from the Subdivision Design Standards, specifically 20-810(d) regarding the dedication of additional r-o-w for the adjacent arterial street; connection of at least one street connection to each adjacent subdivision; and the dedication of the remainder of r-o-w for Ousdahl Road (extended). Submitted by Landplan Engineering for Mid-America Manufactured Housing Communities, Inc., property owner of record.

ITEM NO. 10C SPECIAL USE PERMIT FOR ASPEN HEIGHTS; 1900 W 31ST ST (SLD)

SUP-11-5-11: Consider a Special Use Permit for Aspen Heights for the development of multiple detached dwelling structures on a single lot in an RM District as required by Section 20-402 of the Land Development Code. The property is located at 1900 W. 31st Street. Submitted by Landplan Engineering, for Mid-America Manufactured Housing Communities, Inc., property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 10A-10C together.

Commissioner Finkeldei asked if the two conditions on the benefit districts were the same that were done for The Exchange.

Ms. Day said yes.

Commissioner Hird asked if accessible parking was for ADA compliance.

Ms. Day said yes.

APPLICANT PRESENTATION

Mr. Brian Sturm, Landplan Engineering, presented a slideshow on the overhead. He said Aspen Heights would be a great addition to the city and a great neighbor to the area. He said the product centers around the home, which is what student surveys show they want. He said Aspen Heights stresses quality over quantity and looks to create an experience for the residents that will keep them there during their college careers. He said traffic generated by the site will be mitigated through a couple of turn lanes added to 31st Street and extending Ousdahl Road on the south side to provide a safer access point. He said the site comes into conformance with Transportation 2030 and there will be a significant addition to the existing bikeways in that part of Lawrence. He said new sanitary sewer lines would be added and connected to city lines which would improve the system in the area. He said floodplain was a significant feature to the site and would virtually not be touched by the development. He said improvements would be made to stormwater management in the area. He said greenspace exceeded the requirements and was one way to improve the quality of life for the residents.

PUBLIC HEARING

Mr. Dale Willey said he was in favor of the development but was concerned about increased traffic on the frontage road in front of his dealership.

Ms. Diane Sholander said she has a family member who lives in Gaslight Village and that communication to the tenants about this hearing was remiss because there was not signage in front of Gaslight Village. She said she had heard that Gaslight Village would pay to move the trailer but that her family members trailer was too old to move so she wondered about the scrap value in lieu of moving costs. She suggested a condition H be added for another hearing where tenants of Gaslight Village could be fairly represented and that income distribution be added for future residents of Aspen Heights.

Mr. Michael Pomes said his family member lives in Gaslight Village and that the owner of Gaslight Village will put up $5,000 for the move. He said some trees needed to be removed before the trailer could be moved and he felt that his family member should not have to pay for that.

Ms. Jeannie Russell said she was a resident of Gaslight Village. She said Lawrence was geared toward college housing and that they needed to consider lower income families being displaced by this project.

APPLICANT CLOSING COMMENT

Mr. Matt Gough, Barber Emerson, said this project was in compliance with Horizon 2020 and the Southern Development Plan and eliminated a current non-conforming use. He said the project created an ideal transition between the single-family residences to the north and commercial uses along 31st Street. He said the project would make significant drainage improvements that have been a factor to the residential properties to the north. He said there were nine other manufactured housing communities in Lawrence with an existing supply to accommodate all of the existing occupants of Gaslight Village. He said it was his understanding that the owner of Gaslight Village and several other parks were providing incentives to help people get into those new areas. He said the applicant accepted the conditions in the staff report.

Commissioner Finkeldei inquired about the neighborhood meetings.

Mr. Gough said the applicant had a good meeting at South Junior High with about 15-20 members of the public. He said most questions centered on drainage. He said this project would improve drainage issues. He said there were also questions regarding noise. He said Aspen Heights would buffer the property line with a row of homes facing away to the south.

Commissioner Finkeldei asked Mr. Gough to comment on Dale Willey's regarding the right hand turn.

Mr. Gough said the primary access points would be on 31st Street. He said if the City recommended no right hand turn he did not anticipate there would be a problem with that. He said the applicant was flexible with what the City felt was best.

Commissioner von Achen asked the applicant to address concerns about residents being moved and compensated.

Mr. Tom Horner said he works for Mid-America Manufactured Housing which is the owner of Gaslight Village. He said there were approximately 130 mobile homes that still needed to be moved. He said trailer parks Easy Living and Harper Woods have paid for trailers to be moved to their communities.

He said they were trying to meet with individual residents to find out their needs because each situation was case-by-case. He said there would be no cost to the residents for moving their trailer.

Commissioner Burger asked how long it took to move people during the Home Depot development.

Mr. Horner said it took months.

Commissioner Hird said hearing the commitment to move the trailers at no cost gave him some comfort. He asked Mr. Thomas to visit with Mr. Pomes about the trees he discussed.

Ms. Becky Albertson said people don't want to live at Gaslight Village because it has gone downhill. She felt Aspen Heights should pay to remove the trees that Mr. Pomes talked about.

Mr. Charlie Vatterott, Aspen Heights, said they could not cut a tree on property that does not belong to them yet. He said they were not going to displace any resident prior to the end of the school year. He said anyone with special needs would also not be asked to move before May.

COMMISSION DISCUSSION

Commissioner Finkeldei asked if the City Traffic Engineer had looked at Mr. Willey's concern regarding traffic.

Ms. Day said yes it had been looked at a number of times with the City Traffic Engineer and Transportation Planners. She said based on the traffic analysis staff did not recommend restricting the right turn.

Commissioner Finkeldei asked if staff had looked at the T intersection in front of Dale Willey Automotive.

Ms. Day said the frontage road serves a purpose and provides access to abutting commercial properties. She said the City typically does not install lights on frontage roads.

Commissioner Culver urged staff and the City to look at that frontage road from a safety standpoint.

Commissioner Burger asked if Home Depot had been part of the conversations regarding traffic.

Ms. Day said Home Depot did not contact staff.

Commissioner Burger asked if staff reviewed this with Home Depot.

Ms. Day said no, but that they would have received notice of this meeting.

Commissioner Burger asked if the entrance into that parking lot was a Code requirement for that type of retail space.

Ms. Day said she would have to look. She said there needed to be two points of access, depending on how big the structure was, for fire code.

Commissioner Hird inquired about signage for no right turn.

Ms. Day said signage could be added but that the City Traffic Engineer says it's the least effective way to discourage it.

Commissioner von Achen asked staff to comment on the north Ousdahl limited access.

Ms. Day said currently the street does not extend, there's a creek there. She stated the project would enclose part of the stormwater and provide a driveway where the street stubs in. She said this was a multi-family project that would exit onto a local street into four blocks of low density residential neighborhood until the next collector street 27th Street. Staff did not feel full access was warranted for the project. She said if the project was designed in such a way that there was more conventional lot arrangement for the western portion then maybe the Ousdahl Road extension would make sense. She said the project gives partial connection with a gate for emergency access.

Commissioner Finkeldei said he liked the plat and the fact that it would help the neighbors to the north with drainage. He said he would support the project.

Commissioner Burger inquired about the League of Women Voter letter that states there should be no parcelization after the one-lot plat was approved and recorded.

Ms. Day said that has been a discussion from the League of Women Voters for many years. She said property owners have the right to subdivide their property to create metes and bounds descriptions that can be recorded with the register of deeds. She said there were a number of state laws that allow for townhouse and condominiumization of those units. She said she did not know of any local regulation that prohibited that. She said she did not foresee that happening with this project and staff determined it was not an appropriate condition.

Commissioner Hird said this was an exciting project because it would be an improvement to southern Lawrence. He said he understood Mr. Willey's concern about traffic. He said he was pleased to hear the commitment from Mr. Horner about moving the Gaslight Village residents at no cost. He said he had great empathy for the folks who live there and it made it easier for him to support the project without reservation. He said it was consistent with Horizon 2020 and the development plan for the area. He said the transition from single-family to commercial uses would be helpful. He said they very rarely get a project where there will be drainage improvements. He stated he would support the project.

ACTION TAKEN on 10A
Motioned by Commissioner Finkeldei, seconded by Commissioner Culver, to approve the request to rezone approximately 41.15 acres from RS10 (Single-Dwelling Residential) to RM12 (Multi-Dwelling Residential), located at 1900 W. 31st Street based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval

Unanimously approved 7-0. Student Commissioner Davis voted in the affirmative.

Commissioner Burger asked if staff would be looking into the traffic issue.

Mr. McCullough said the City Traffic Engineers and Public Works Department could get together to look at the issue.

Commissioner Belt inquired about connection to Ousdahl.

Mr. McCullough said he was not hearing from the public or the applicant to look at connection to Ousdahl. He said connectivity was important for development patterns but it was a balancing act of

creating a situation through local streets that do not have a lot of student traffic currently. He said there were pros and cons to that.

Commissioner Belt said his hope would be that by having traffic disperse in multiple locations it would have the least effect on retail and the neighborhood at the same time.

Mr. McCullough said considering opening up Ousdahl at this point would be a significant change to the development request and would likely mean new notice to neighbors and a new process with them. He said he thought it was presented to the neighbors as non-access to Ousdahl.

Commissioner Finkeldei said the City should look into the issue of cut through traffic but not tie it to this project.

ACTION TAKEN on 10B
Motioned by Commissioner Finkeldei, seconded by Commissioner Culver, to approve the variance request from Section 20-810(d)(4) which requires a minimum of 150' of right-of-way for principal arterial streets. The variance would permit the following variation from the minimum required right-of-way from 75' to 65'.

Unanimously approved 7-0. Student Commissioner Davis voted in the affirmative.

Motioned by Commissioner Finkeldei, seconded b Commissioner Culver, to approve the Preliminary Plat of Aspen Heights Addition subject to the following conditions:

1. Revision of the preliminary plat with the following notes and changes:
    a. Addition of the following note to the face of the drawing: "Variance approved from Section 20-810(d) which requires a minimum of 75' to 65' for 31st Street."
2. Execution of an agreement not to protest the formation of a benefit district for future signalization and intersection improvements at Louisiana and 31st Streets executed by the property owner and provided to the Planning Office with submission of the Final Plat subject to the review by the City Attorney's Office prior to recording.
3. Execution of an agreement not to protest the formation of a benefit district for future street improvements to W 31st Street executed by the property owner and provided to the Planning Office with submission of the Final Plat subject to the review by the City Attorney's Office prior to recording.

Commissioner Hird said he was surprised when he first saw the plan with no connectivity into the neighborhood onto Ousdahl but as he read the staff report and looked at that area he felt it made sense to have an exception to that because it would create a real problem in their neighborhood with traffic. He said he was encouraged there was connectivity for bike and foot traffic. He said he would typically endorse connectivity but he agreed with staff on this one.

Motion carried 6-1, with Commissioner Belt voting in opposition. Student Commissioner Davis voted in the affirmative.

ACTION TAKEN on 10C
Motioned by Commissioner Finkeldei, seconded by Commissioner Burger, to approve the Special Use Permit of Aspen Heights for the development of multiple detached dwelling structures on a single lot in an RM District as required by Section 20-402 of the Land Development Code located at 1900 W. 31st Street and forwarding the request to the City Commission with a recommendation of approval,

subject to the following conditions to be completed prior to the release of the site plan associated with the SUP for building permits:

1. Submission and approval of a local floodplain development permit prior to the release of the Special Use Permit for issuance of building permits.
2. Applicant shall submit the following additional documents to the Planning Office for review and approval prior to release of the Special Use Permit for issuance of a building permit:
    a. Provision of a revised plan to include pedestrian lighting along interior sidewalks and the multi-use path.
    b. Provision of an addressing scheme proposing distinct references for each building.
    c. Provision of an exhibit designating minimum elevation of building openings for units adjacent to a drainage easement.
    d. Provision of additional detail to assure that fencing proposed for the site does not obstruct the multi-use path.
    e. Provision of a revised General Note 19 that states All trash enclosures shall be constructed per City of Lawrence design specifications and shall be screened from view of adjacent properties and street rights-of-way per City of Lawrence Land Development Code Sec.20-1006(a)
    f. Provision of a revised plan per the approval of the City Stormwater Engineer that provides stormwater mitigation per Section 20-901 (c).
    g. Provision of a revised plan to show and note the minimum number of required accessible parking spaces per City Code.

Commissioner Britton asked why a Special Use Permit was necessary.

Mr. McCullough said the Development Code in the RM12 District does not allow detached dwellings, which was part of the structure type proposed here, unless a Special Use Permit was granted.

Unanimously approved 7-0. Student Commissioner Davis voted in the affirmative.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN 8:41pm

2012
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 11	Industrial Districts TA		Jan 23	Jan 25
Feb 8	Agritourism		Feb 27	Feb 29
Mar 14	Northeast Sector Plan		Mar 26	Mar 28
Apr 11			Apr 23	Apr 25
May 9	APA Conference follow-up		May 21	May 23
Jun 13 or 15	*PC Training – all day Friday?*		Jun 25	Jun 27
Jul 11 or 13	*PC Training – all day Friday?*		Jul 23	Jul 25
Aug 8			Aug 20	Aug 22
Sep 12			Sep 24	Sep 26
Oct 10			Oct 22	Oct 24
---			Nov 12	Nov 14
---			Dec 10	Dec 12

	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*	*Presentation from KC-metro Planning Directors* *Tour City/County Facilities* *2010 Census Data* *Oread Overlay Districts* *KDOT 5-County Regional Transportation Study* *US40/K-10 Area Transportation Plan* *Water/Wastewater Master Plan Update*
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 1/24/12

Memorandum
City of Lawrence
Planning & Development Services

TO: **Planning Commission**

FROM: **Mary Miller, Planning Staff**

CC: **Scott McCullough, Planning and Development Services Director**

Date: **For February 29, 2012 meeting**

RE: **Report of City Engineer waiver from access management standards in Section 20-915 associated with Minor Subdivision MS-12-9-11, Lawrence Public Library**

Attachments: A—Lawrence Public Library Minor Subdivision, MS-12-9-11

A minor subdivision and site plan have been submitted for the redevelopment of the Lawrence Public Library at 707 Vermont Street. Access points are required to be shown on Minor Subdivisions to insure compliance with the Access Management Standards in Section 20-915 of the Development Code. Per Section 20-915(e)(3), the City Engineer may approve a waiver from the Access Management Standards if it is determined that the requested waiver will not create a serious detriment to the safety or operation of traffic on the street or roadway and only for infill or redevelopment projects where no other feasible option exists.

DRIVEWAY SEPARATION FROM SIGNALIZED INTERSECTION

Access points are shown on both Kentucky and Vermont Streets, which are designated as 'collector' streets in the Future Thoroughfares Map. Per Section 20-915(e) of the Code, 'Driveway Spacing, all driveways providing access to collector streets shall be constructed so that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection is at least 250 feet from the perpendicular curb face of an intersecting collector or local street.

W 7th Street is a local street, therefore the access points on Kentucky and Vermont Streets should be a minimum of 250 ft from the perpendicular curb face of 7th Street. The two northern-most access points on Kentucky Street are approximately 42 ft and 185 ft from the intersection. These access points are not compliant with the Access Management Standards related to separation of driveways from signalized intersections. (Fig. 1)

SEPARATION BETWEEN DRIVEWAYS

Section 20-915(e) of the Code also requires driveways providing access to collector streets be constructed so the point of tangency of the curb return radius closest to a non-signalized driveway intersection is at least 250 feet from the perpendicular curb face of the intersecting street or driveway. The 2 northernmost access points on Kentucky Street are approximately 120 ft apart. The southernmost access on Kentucky is approximately 30 ft from the existing access on the property to the south. None of the access points on Kentucky Street comply with the Access Management Standards related to separation of driveways. The access point on Vermont

Street is approximately 65 ft from the access drive serving the Senior Center to the south. The driveways on Kentucky and Vermont Streets are not compliant with the Access Management Standards related to separation of driveways from other driveways on Collector Streets. (Fig.1)

CITY ENGINEER ACTION ON WAIVER REQUEST

The City Engineer approved the requested waiver for the spacing of the Kentucky Street access points based on the fact that the waiver would not create a serious detriment to the safety or operation of traffic on the street for the following reasons:

1. The two driveways off Kentucky and close to 7th street are one-way operation (Enter and Exit only).
2. The two driveways off Kentucky and close to 7th street are one-way operation
3. Kentucky is a one-way street.
4. It does not appear there is any other prudent and feasible alternative to accommodate the Library Master Plan.

The City Engineer approved the requested waiver for the driveway to driveway spacing being proposed along Vermont Street based on the fact that the waiver would not create a serious detriment to the safety or operation of traffic on the street for the following reasons:

1. The driveway off Vermont is an existing driveway and does not seem feasible to close or relocate.
2. It does not appear there is any other prudent and feasible alternative to accommodate the Library Master Plan.

Per Section 20-915(e0(3)(iv) the action of the City Engineer in granting or denying a waiver shall be reported on the agenda of the next meeting of the Planning Commission after the action. Any party aggrieved may appeal the action to the City Commission in writing within 14 days of the Planning Commission meeting. The waiver shall not become effective until the expiration of the 14 days appeal period or, in case of an appeal, until the City Commission has acted. The waiver shall be effective on March 14, if no appeal is filed.

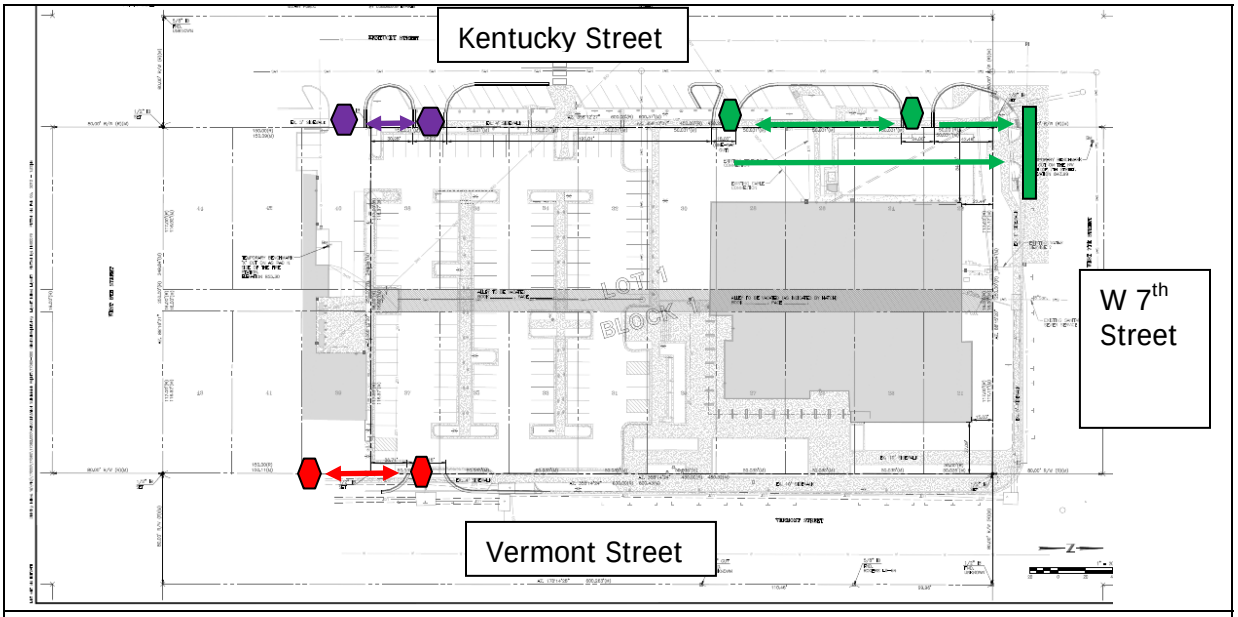
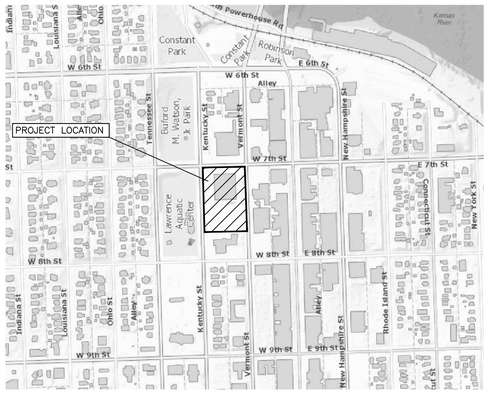


Figure 1. Waiver approved for spacing between driveways and spacing between northern 2 driveways on Kentucky Street and W 7th Street. Areas with inadequate spacing are shown in like colors.



LOCATION MAP

NOT TO SCALE

DESCRIPTION

LOTS 21, 23, 25, 27, 29, 31, 33, 35, 37 IN THE 700 BLOCK OF VERMONT STREET AND LOTS 22, 24, 26, 28, 30, 32, 34, 36, 38 IN THE 700 BLOCK OF KENTUCKY STREET IN THE ORIGINAL TOWNSITE, OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS. CONTAINING 2.58 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 AS A MINOR SUBDIVISION UNDER THE NAME OF "LAWRENCE PUBLIC LIBRARY" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AS SHOWN AND FULLY DEFINED ON THIS PLAT.

_____

DAVID L. CORLISS
CITY MANAGER

ACKNOWLEDGMENT

STATE OF KANSAS
COUNTY OF DOUGLAS

BE IT KNOWN ON THIS _____ DAY ON _____, 2012, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME T.B.D., WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED 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

REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005

_____ _____

MICHAEL D. KELLY, L.S. #869 *DATE*
DOUGLAS COUNTY SURVEYOR

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 _____, 2012, AND IS DULY RECORDED AT _____ AM/PM, IN PLAT BOOK _____ PAGE _____.

SLIDE# _____ _____

REGISTER OF DEEDS

APPROVED AS A MINOR SUBDIVISION REPLAT UNDER THE SUBDIVISION REGULATIONS OF THE CITY OF LAWRENCE AND THE UNINCORPORATED AREA OF DOUGLAS COUNTY.

_____

PLANNING AND DEVELOPMENT SERVICES DIRECTOR *DATE*
SCOTT McCULLOUGH

CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT OF SURVEY REPRESENTS THE TRUE FINDING OF A SURVEY PERFORMED BY ME IN THE FIELD ON AUGUST 5, 2011 AND THE DETAILS OF THIS SURVEY ARE TRUE AND ACCURATE TO THE BEST OF MY BELIEF AND KNOWLEDGE ACCORDING TO THE KANSAS STATE STATUTES.

THE MINOR SUBDIVISION CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

_____ _____

STEPHEN I. MARINO II KANSAS L.S. #1380 *DATE*
BARTLETT AND WEST, INC.
628 VERMONT STREET
LAWRENCE, KS 66047-1809
(785) 749-9452
FAX (785) 749-5961

NOTES

1. 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 REVELS INDICATIONS OF UNSUITABLE CONDITIONS.
2. ALL TELEPHONE, CABLE TELEVISION AND ELECTRICAL LINES WILL BE LOCATED UNDERGROUND.
3. STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE REGISTER OF DEEDS, BOOK _____, PAGE _____.
4. PER SECTION 20-805(c)(5) OF THE SUBDIVISION REGULATIONS, ANY FUTURE LOT CONSOLIDATIONS OR DIVISIONS SHALL BE PROCESSED AS A MAJOR SUBDIVISION.
5. PROPOSED SIDEWALKS WIDTHS SHALL BE A MINIMUM OF 6 FEET ALONG KENTUCKY STREET AND VERMONT STREET. A MINIMUM OF 5 FEET ALONG 7TH STREET.

ANNOTATIONS

R/W	– RIGHT-OF-WAY
(M)	– MEASURED AZIMUTH & DISTANCE
(CM)	– CALCULATED AZIMUTH & DISTANCE
(R)	– RECORD DISTANCE
AZ	– AZIMUTH (ASSUMED NORTH)
OHE	– OVERHEAD ELECTRIC LINE
UGT	– UNDERGROUND TELEPHONE LINE
G	– GAS LINE
W	– WATER LINE

MONUMENTATION

- □ FOUND IRON BAR (ORIGIN NOTED)
- ● 1/2" X 24" REBAR WITH ID CAP CLS 14 SET
- × CALCULATED POINT NO MONUMENTATION

REFERENCE SURVEYS

SURVEY NO. 916, 2646, 1388, 1311, 1082 BY CE REDMOND

SURVEY NO. 1311, 1844, 1863 BY L.D. RICE

SURVEY BY FRED ROGERS LS 64, BOOK 426, PAGE 1512, FILED AT THE REGISTER OF DEEDS

LAWRENCE PUBLIC LIBRARY

A MINOR SUBDIVISION REPLAT OF

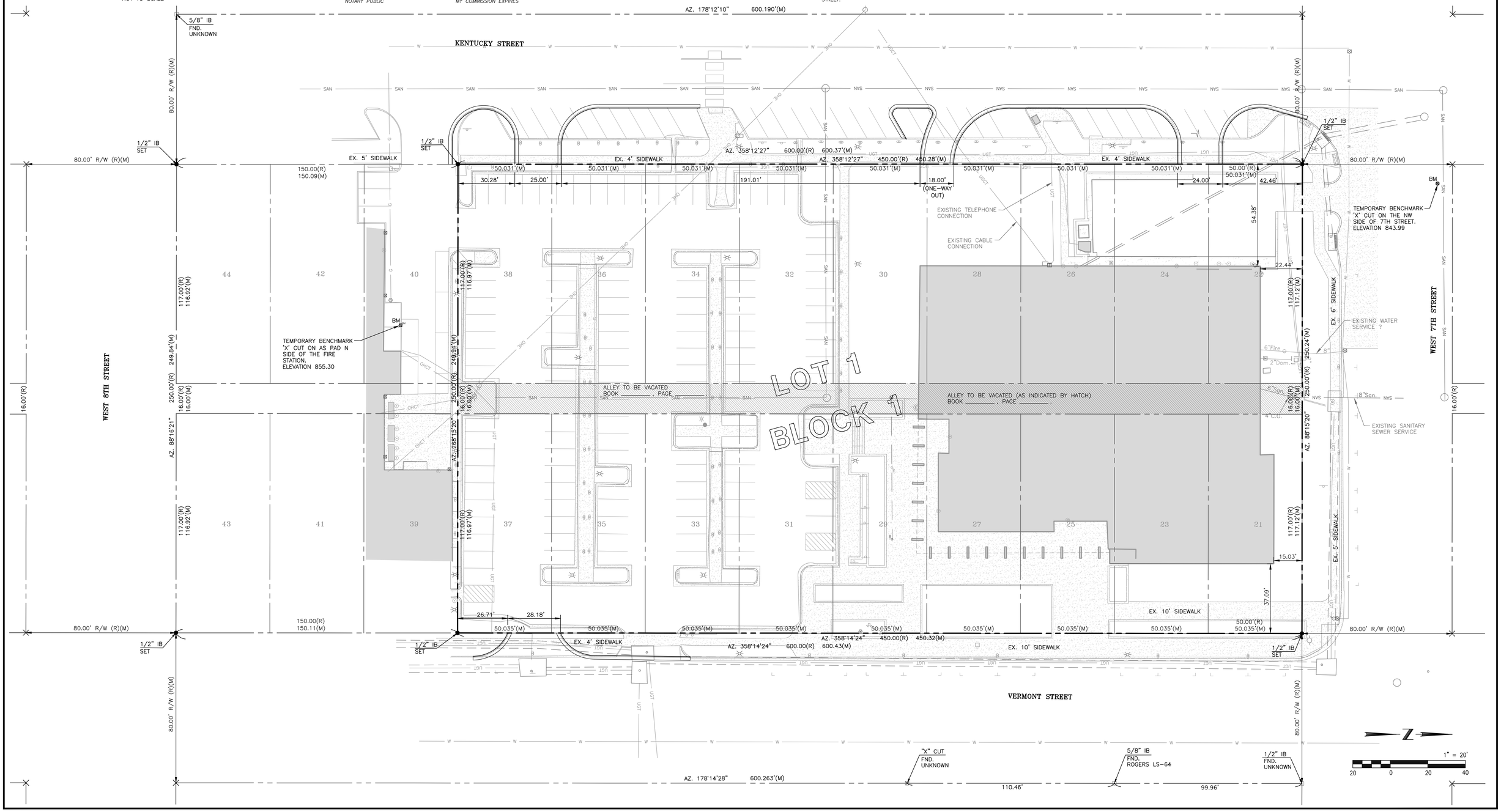
LOTS 21 THRU 38
ORIGINAL CITY OF LAWRENCE
DOUGLAS COUNTY, KANSAS

(IN THE 700 BLOCK BETWEEN VERMONT ST. AND KENTUCKY ST.)

BARTLETT & WEST

544 COLUMBIA DRIVE - LAWRENCE KS 66049
PHONE 785.749.9452 - FAX 785.749.5961
WWW.BARTWEST.COM

PLAT PREPARED DECEMBER, 2011



Last edit on: EDTDATE Drawing name: W:\Proj\170001\17582\17582.000\AutoCad\Minor Subdivision Replat\17382-000 MinorSubReplat.dwg Layout name: Layout1 Plotted by: rw00576 Plotted on: Feb 03, 2012 - 1:22pm

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
02/27/2012

ITEM NO. 1A RS7 AND RM12D TO RS7 AND RM12D; 14.42 ACRES; 25TH TERRACE & O'CONNELL RD (SLD)

Z-12-37-11: Consider a request to rezone approximately 14.52 acres from RM12D (Multi-Dwelling Residential) and RS7 (Single-Dwelling Residential) to RM12D (Multi-Dwelling Residential) and RS7 (Single-Dwelling Residential), to adjust zoning boundaries, located southeast of 25th Terrace & O'Connell Road. Submitted by Johnson Group, LLC, for Fairfield Investors, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to modify the boundary line of the RM12D and RS7 district boundary affecting 14.52 acres in the area located southeast of 25th Terrace and O'Connell Road 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 current filed plat shows this area as RM12D and RS7 zoning classification. The subject area rezoning would still be RM12D and RS7, the zoning boundaries just needs to be adjusted to match the new layout.*

KEY POINTS
- Project reviewed concurrently with the proposed Preliminary Plat – PP-12-15-11.
- There is an approved neighborhood plan for the area.
- Adjusting the zoning results in a net loss of 16 detached residential lots (125.5 existing 109 proposed) and a loss of 7 duplex lots (53 existing 46 proposed).
- There is no change in the lots zoned RM12.
- Approximately 38.5 RM12D lots combined into 1 lot for development of a future church.

ASSOCIATED CASES/OTHER ACTION REQUIRED
- Z-4-13-11; 4.6 acres from RS7 to RM12D; future church lot in northwest corner of plat.
- Z-6-16-11; 8 acres from RM12D to RM12; future townhouse development along Dalton Drive.
- PP-4-5-11; Preliminary Plat; Fairfield Farms East Addition; to create church lot, revised right-of-way and change orientation of lots along Ralston Street.
- PP-12-15-11; Preliminary Plat; Fairfield Farms Addition; concurrent request.

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
- *South East Area Plan* Future Land Use Map 3-1

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- None to date

Project Summary:
This proposed rezoning is to amend the RS7/RM12D zoning district boundary that follows the currently platted lot lines. This request has been reviewed concurrently with the proposed Preliminary Plat, PP-12-15-11. This request represents a modification of the existing zoning boundaries to accommodate a revised subdivision lot configuration. Figures 1 and 2 (end of report) are provided as a comparison of the existing and proposed development pattern that would result if this request is approved.

Adjusting the zoning boundary will result in a net loss of 16 detached residential lots and a loss of 7 duplex lots. Half lots are created on the eastern edge of the Church property because the RM12D boundary has been adjusted to accommodate a future church, but the property has not yet been Final Platted to correspond with this boundary. No changes to the RM12 district are included in this application.

Existing Platted Lots	**RS7**	**RM12D**	**RM12D- Church**	**RM12**	**Total**
Total	125.5	53	38.5	18	235
Proposed Platted Lots	**RS7**	**RM12D**	**RM12D- Church**	**RM12**	
Total	109	46	1	18	174

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN
Applicant's Response: *Proposed and existing zoning is residential neighborhood. This complies with the comprehensive plans for urban growth projections in this subject area.*

This property is located within the boundary of the *Southeast Area Plan*. The plan was amended into *Horizon 2020*, the City's comprehensive land use plan on December 1, 2008. The more intensive land use is intended to be located adjacent to the abutting collector streets using back to back lot arrangements to transition to the lower density residential area. The plan states: *"Map 3-1 provides a general concept for the location of recommended land uses in the Southeast Area. It is not intended to provide a scalable map for determining specific land use/zoning boundaries within this area".*

The plan describes applicable areas for medium density residential land use as:

- *Area east of O'Connell Road, generally along the following streets: 25th Way, Ralston Street, Windham Street, Ellington Drive, and Dalton Drive.*
- *Area east of O'Connell Road, north of E. 28th Street extended, and west of Franklin Road.*
- *Area west of E. 1700 Road, north of the Kitsmiller Tributary, and just south of E. 28th Street extended.*
- *Area west of E. 1750 Road (Noria Road), north of the future alignment of the SLT/K-10 Highway, and east of the tributary green space.*

These recommendations recognized a specific development pattern established by the lot and block arrangement of the platted area.

The proposed RM12D zoning is identified in the plan as a zoning district that could be considered in either the low density or medium density development areas. Primary uses in the district include *Detached Dwellings*, *Attached Dwellings*, *Cluster Dwellings*, *Duplex*, various group living residential uses and community facilities such as *Schools* and *Daycare Centers*, *Extended Care Facilities* (nursing homes), and *Religious Assembly* uses. The proposed RS7 zoning allows a similar list of uses but is generally limited to dwellings that are *Detached Dwellings*.

The request as proposed modifies the zoning boundary from the dominant east west transition to one that expands the land use transition east and west. The zoning boundary is intended to follow platted lot lines. The zoning coupled with the subdivision plat arrangement results in a low density development pattern.

Staff Finding – The proposed zoning is consistent with the land use recommendations of the *Southeast Area Plan* and with the comprehensive plan, *Horizon 2020*.

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

Current Zoning and Land Use:	RS7 (Single-Dwelling Residential) District, RM12D (Multi-Dwelling Residential District), and RM12 (Multi-Dwelling Residential) District; undeveloped property.
Surrounding Zoning and Land Use:	To the North: CC200 (Community Commercial) District, and IL (Limited Industrial) District, and County A (Agricultural) District to the north along E 25th Street. To the West: RM12D (Multi-Dwelling Residential District), and RS7 (Single-Dwelling Residential) District along O'Connell Road. Developed residential subdivision. To the South: County A (Agricultural) District; existing rural residential homes, and PD-[Prairie View PRD], existing duplex development. To the East: GPI (General Public and Institutional) District to the east; existing Douglas County Jail east of Franklin Road Extended.

Staff Finding – This residential portion of Fairfield Farms property is surrounded by a variety of zoning districts. Residential land uses dominate the development pattern to the west and south sides of the property. Institutional and industrial uses dominate the land use to the east.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The neighborhood area is all residential bordered by agricultural, industrial and the County Jail to the east. Further north there is some commercial property.*

The property is located within the southeast area of Lawrence. Prairie Park Neighborhood is located to the southwest of the proposed rezoning. This request is located within a developing neighborhood that includes a mix of uses. Residential uses will dominate the area south of E. 25th Terrace. The subdivisions in the area provide the framework for the neighborhood pattern providing connectivity and access throughout the area. Both lot orientation and zoning district boundaries are key features in establishing land use transition from the intensive activity planned north of E. 25th Terrace and east of Franklin Road and the low density residential uses to the

south and west. The concern for land use transition, from the east to the west, is reflected in this application. The north/south transition is accommodated by a back to back building lot relationship. The addition of street trees and a commercial buffer yard with the commercial development will provide necessary buffering between land uses north and south. This area has always been intended as a mixed use area with non-residential uses located within walking distance to residential uses.

Approval of the request will not: Impact the future development of a church site on the southeast corner of E. 25th Terrace and O'Connell Road previously approved per Z-4-13-11 or impact the future development of townhouses along Dalton Drive previously approved per Z-6-16-11. The proposed request is consistent with anticipated neighborhood development. See Figure 3.

Staff Finding – The area between O'Connell Road and Franklin Road is a developing neighborhood east of the Prairie Park Neighborhood. E. 25th Terrace is established as the boundary between the residential and commercial land uses planned for the area. The proposed request is consistent with developing character of the area.

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 property is within the Southeast Area Plan planning boundary. Land uses include low and medium density residential uses along O'Connell Road and E. 25th Terrace. Land use recommendations found in section 3.11 of the *South East Area Plan* include: *"detached dwellings, attached dwellings, duplex, group homes, public and civic uses"*. This request is intended to modify the zoning district boundary to provide greater land use transition east to west. Land use transition north and south is maintained with the use of back to back relationships and buffer yards applicable to the future commercial development. This request is consistent with the approved planning documents for the area.

Staff Finding – The proposed request is consistent with the land use recommendations included in the *Southeast Area Plan*.

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

Applicant's Response: *The existing zoning classification remains the same, (RM12D & RS7, the zoning boundaries just need to be adjusted to match the new layout.*

Previous zoning applications have included amendments of zoning boundaries to follow platted lot lines. It is more efficient to administer land use regulations where zoning boundaries are logically located. Approval of the Preliminary Plat without modification to the zoning boundary would result in lots with dual zoning. The proposed change does not alter the suitability for the general area to be developed with low and medium residential uses.

Consideration of the rezoning and the Preliminary Plat concurrently allows for a comprehensive review of intended development. Adequate transition between uses can be provided through both the planning, lot arrangement, and future site plans required for the church development and non-residential uses to the north of 25th Terrace.

Staff Finding –The existing zoning boundary is not suitable given the intended revisions to the subdivision design.

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

Applicant's Response: *Approximately 7 years.*

The property is undeveloped but platted for individual lot development. The zoning boundary was originally established in 2005. The districts were renamed to RS7 (Single-Dwelling Residential) District and RM12D (Multi-Dwelling Residential) District in 2006 with the adoption of the Land Development Code.

Staff Finding – The current zoning has been in place since July 2006.

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

Applicant's Response: *The change will be negligible and will harmonize with adjoining existing properties. The area remains residential as existing zoning and plat.*

The purpose of this request is to reconfigure lots and streets to provide more land use transition from the east to the west. The area south of E. 25th Terrace and east of O'Connell Road is platted for duplex and detached housing but undeveloped at this time. The area west of O'Connell Road and south of E. 25th Terrace is developed with similar uses. The area immediately abutting O'Connell Road on the southwest corner of O'Connell Road and E. 25th Terrace is a 1.9 acre tract dedicated as a drainage easement. Lots abutting O'Connell Road along the west side of the street are situated with either rear or side yards adjacent to the collector street. The proposed subdivision will result in a large church lot adjacent to the east side of O'Connell Road providing additional land use transition to the area east of the intersection.

Land uses east of Franklin Road include the Jail, south of E. 25th Street, and both industrial and consumer uses north of E. 25th Street. These parcels are developed and not anticipated to be affected by this development. Franklin Road is designated as a future arterial street and anticipated to accommodate traffic from the surrounding area and developments.

Land use plans for the area designate both RS and RM12D as options for low density residential development and RM12D for medium density residential development. Approval of the request is a modification of the district boundary. No detrimental impact is anticipated by this proposed change.

Staff Finding – The existing and planned development pattern including location of streets, lot orientation and planned land uses provide effective transition between uses. The areas east of O'Connell Road and north of E. 25th Terrace are undeveloped. No detrimental impacts are anticipated by this application.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response: *By rezoning the subject property would provide a more marketable layout, while keeping it residential.*

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 this request is to facilitate the future development of a planned residential neighborhood. This area has been incorporated in several land use and utility service delivery documents for the extension of services as the area develops.

Staff Finding – Gain to the public is not assured by the approval of this request. However, when considered in conjunction with proposed Preliminary Plat approval of the request will result in the simplification of administration of the Development Code for this neighborhood.

9. PROFESSIONAL STAFF RECOMMENDATION

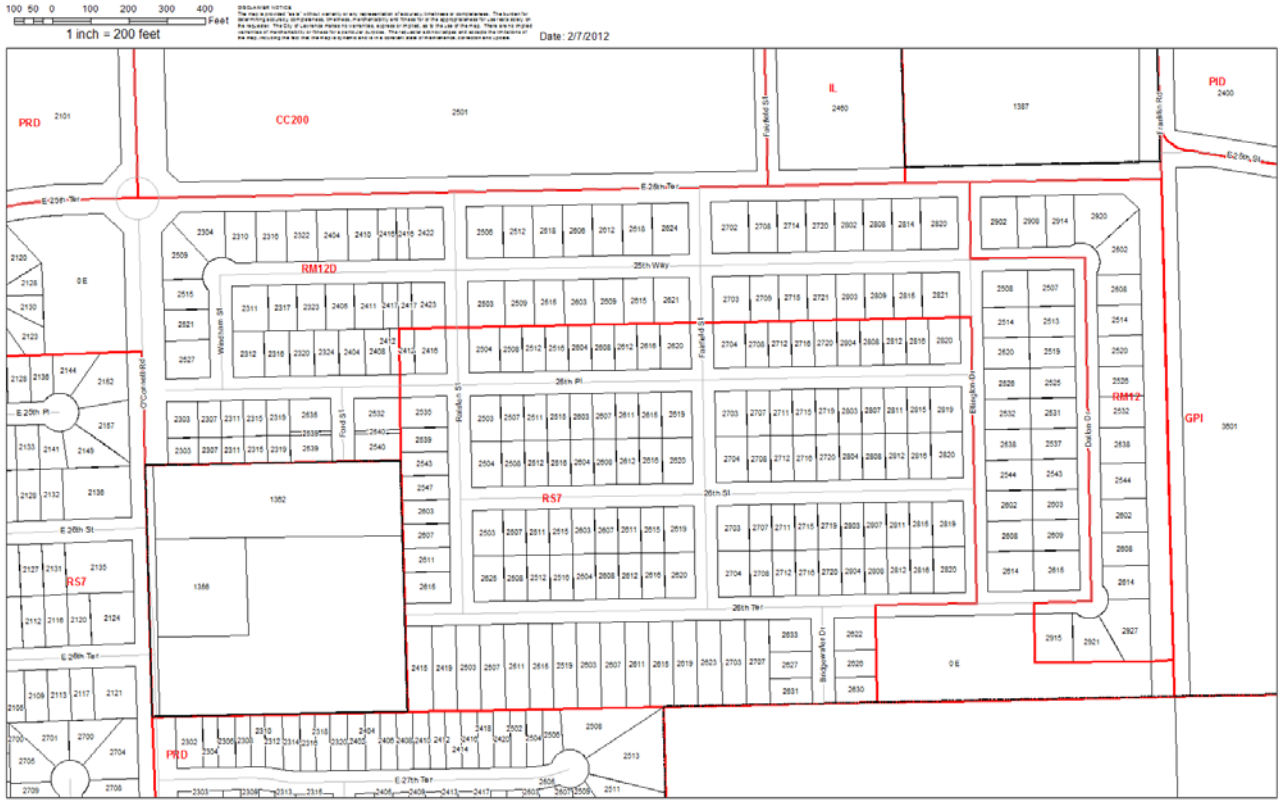
The proposed request is consistent with neighborhood development patterns that include both residential and non-residential land uses. The rezoning and the replatting that create transition of land use to the interior portion of the development that is intended for low-density residential development. The redistricting of the RS7 and RM12D zoning will result in a revised development pattern for the Fairfield Farms Development.

CONCLUSION

This request is consistent with plans for the neighborhood and the developing land use pattern of the area. Staff recommends approval of the proposed rezoning.

Figure 1

Existing Zoning Boundary



Existing Plat Configuration Detached Dwelling (RS7 District) Highlighted

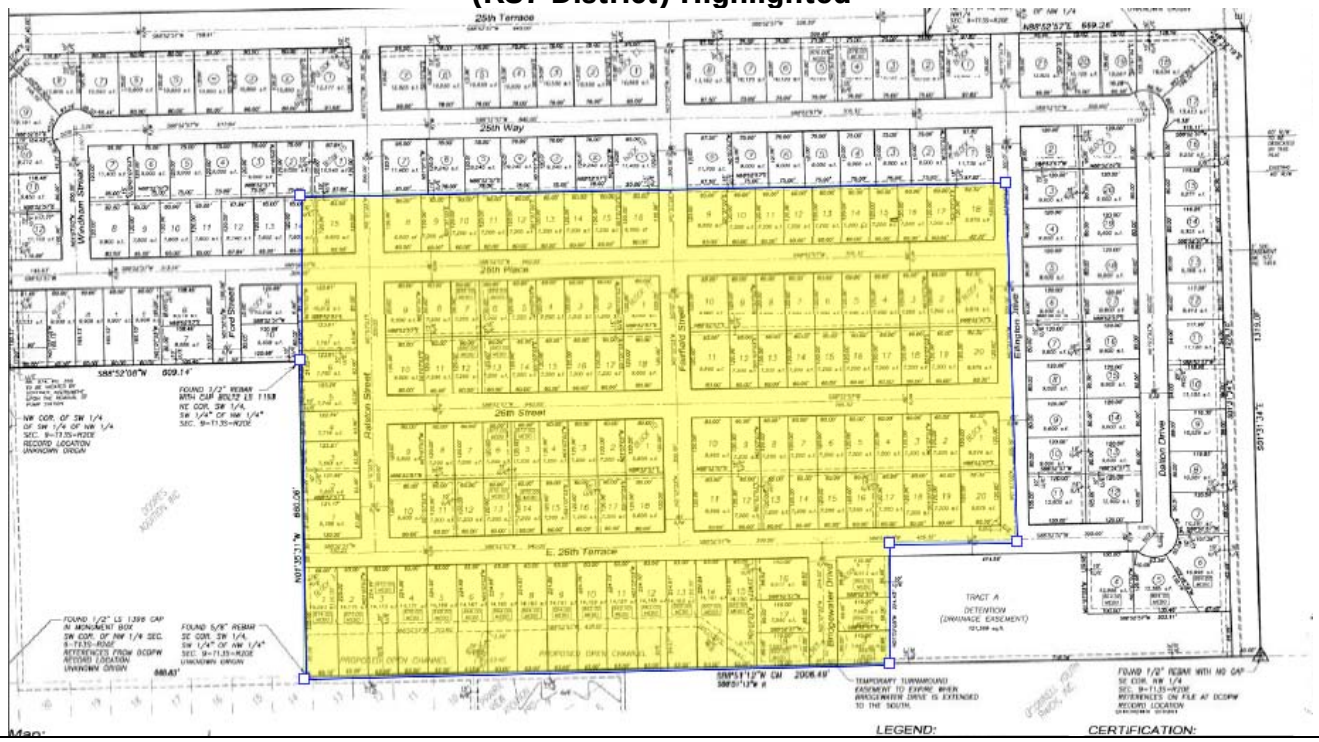
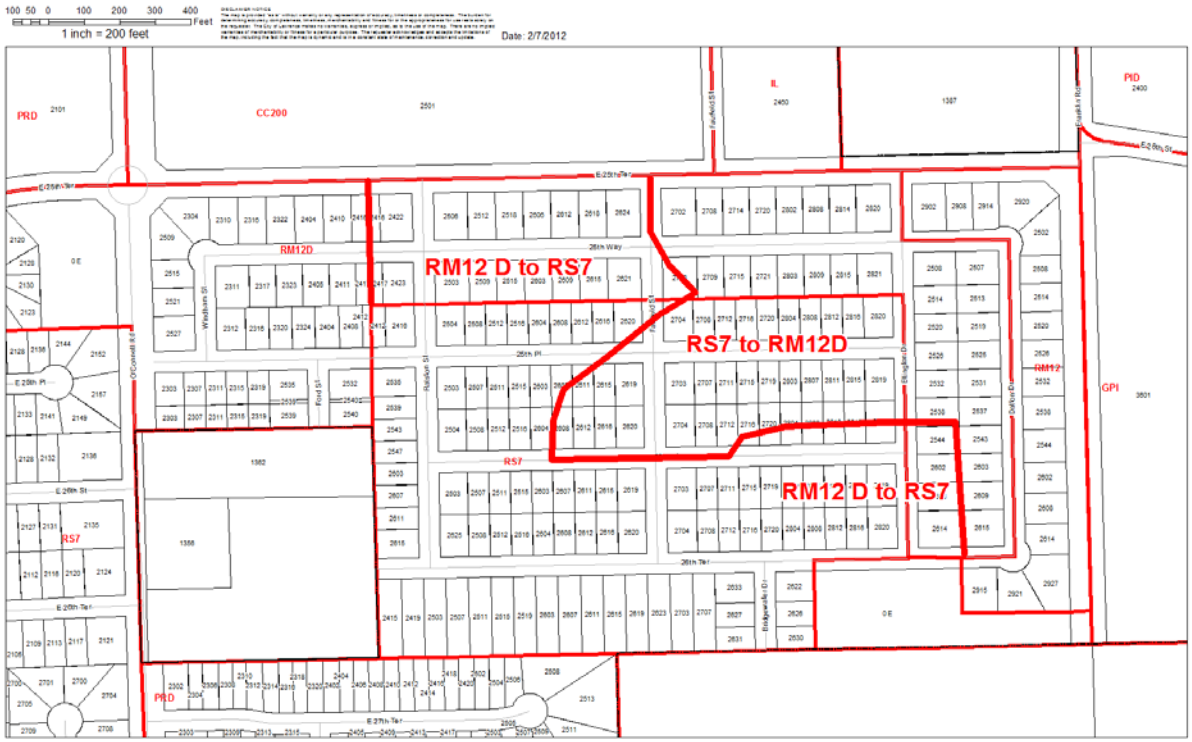


Figure 2

Proposed Zoning Boundary



Proposed Plat configuration Detached Dwelling (RS7 District) Highlighted

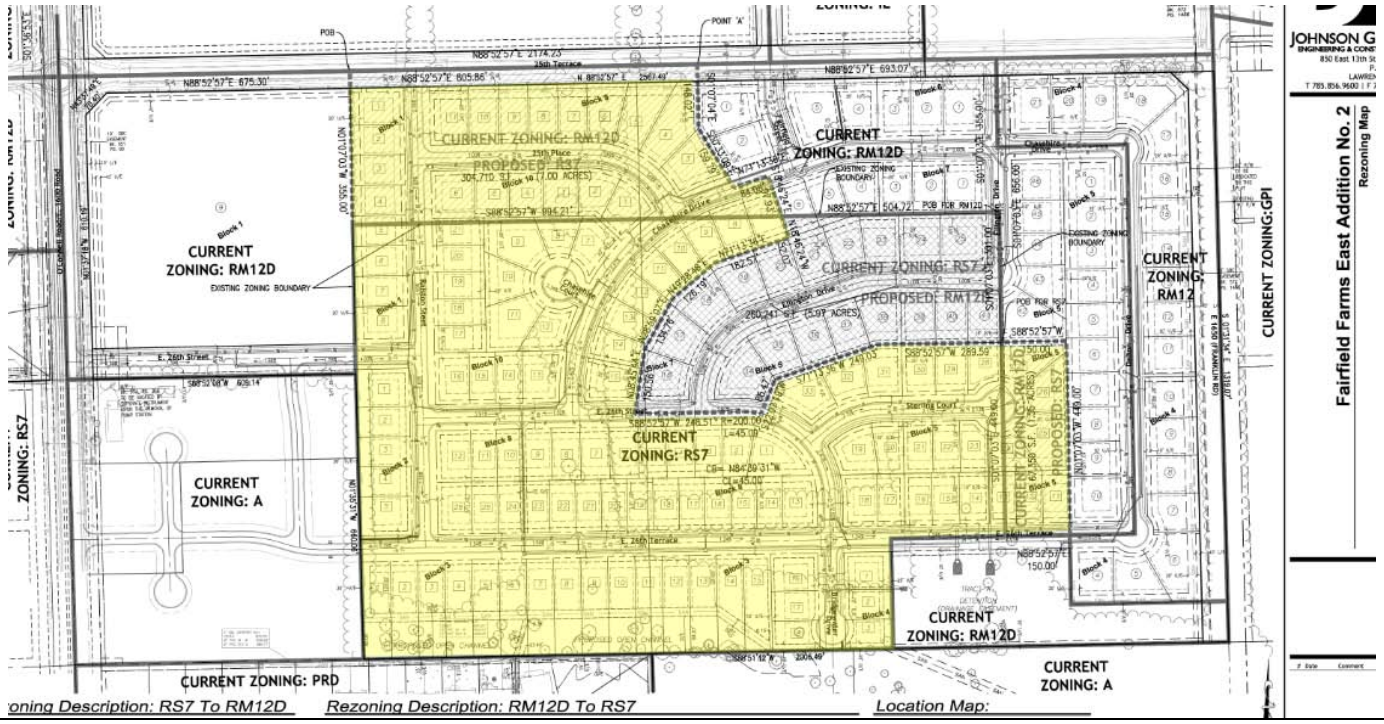
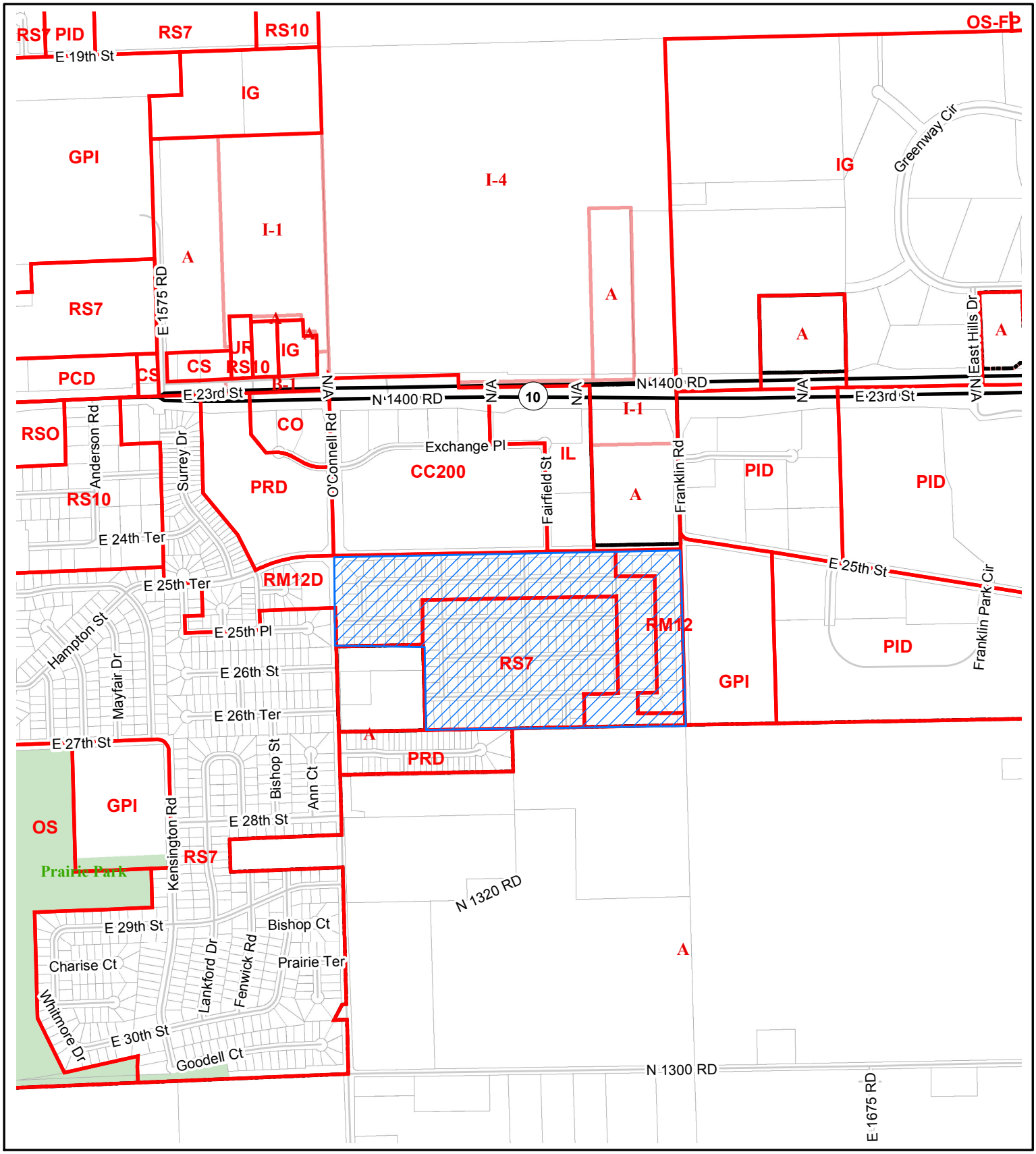


Figure 3

Previous rezoning in the Fairfield Farms Area



Z-12-37-11: Rezoning of 14.5 acres from RM12D and RS7 to RM12D and RS7
Southeast of 25th Terrace & O'Connell Rd

Lawrence-Douglas County Planning Office
February 2012

N
W E
S

Area Requested

Scale: 1 Inch = 1000 Feet

PLANNING COMMISSION REPORT
NON-PUBLIC HEARING ITEM
REGULAR AGENDA
PUBLIC HEARING ON THE VARIANCE ONLY

PC Staff Report
2/27/12

ITEM NO 1b: PRELIMINARY PLAT; FAIRFIELD FARMS; 25TH TERRACE & O'CONNELL RD (SLD)

PP-12-15-11: Consider a Preliminary Plat for Fairfield Farms East Addition 1, located southeast of 25th Terrace & O'Connell Road. This request includes a variance request from the Subdivision design Regulations, specifically 20-811(c) regarding the provision of sidewalks on both sides of a street. Submitted by Johnson Group, LLC, for Fairfield Investors, property owner of record

STAFF RECOMMENDATION: Staff recommends approval of the variance request from Section 20-811 which requires sidewalks on both sides of the street and allow sidewalks on one side of the subdivision streets.

STAFF RECOMMENDATION: Staff recommends approval of the Preliminary Plat of the Fairfield Farms Addition No. 2 and forwarding it to the City Commission for consideration of acceptance of easements and right-of-way and subject to the following condition:

1. Provision of a revised Preliminary Plat that states: Phasing may or may not occur in the numerical order shown. Adequate facilities for public infrastructure shall be reviewed with each final plat as the area develops and may be reflected in public improvement plan recommendations.

Applicant's Reason for Request: *Reconfigure lots and street right-of-way to accommodate a proposed zoning change.*

KEY POINTS
- Preliminary plat includes only the residential portion south of E 25th Terrace of the original plat.
- Development is intended for residential use (detached and duplex units) including a future church site and townhouse (Multi-Dwelling Residential) development.
- Plat includes vacation of right-of-way and easements along with a revised street and lot arrangement.
- Variance for sidewalk construction on only one side of street.

SUBDIVISION CITATIONS TO CONSIDER
- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective January 6, 2009.

ASSOCIATED CASES
- See Z-12-37-11 for list of related projects.

OTHER ACTION REQUIRED
- City Commission acceptance of easements and rights-of-way as shown on the Preliminary Plat, as well as final determination on variance.
- Submission and approval of applicable public improvement plans.
- Final Plat submission for administrative review, approval, and recording at Register of Deeds Office.

- Site Plan approval for the proposed development of the church lot.
- Building permits prior to construction activity.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – 7 step study provided, but does not address direct access along O'Connell Road. This consideration is deferred until specific plans for the church property are submitted along with a detailed traffic study.
- *Downstream Sanitary Sewer Analysis* – Approved.
- *Drainage Study* – Approved.
- *Retail Market Study* – Not applicable to residential project.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

ATTACHMENTS

- Preliminary Plat
- Variance request from applicant
- Excerpt from 2009 Subdivision Regulations
- Summary of previous actions

GENERAL INFORMATION

Current Zoning and Land Use:	RS7 (Single-Dwelling Residential) District, RM12D (Multi-Dwelling Residential District), and RM12 (Multi-Dwelling Residential) District; undeveloped property.
Surrounding Zoning and Land Use:	To the North: CC200 (Community Commercial) District, and IL (Limited Industrial) District, and County A (Agricultural) District to the north along E 25th Street. To the West: RM12D (Multi-Dwelling Residential District), and RS7 (Single-Dwelling Residential) District along O'Connell Road. Developed residential subdivision. To the South: County A (Agricultural) District; existing rural residential homes, and PD-[Prairie View PRD], existing duplex development. To the East: GPI (General Public and Institutional) District to the east; existing Douglas County Jail east of Franklin Road Extended.

Project Summary:

This proposed preliminary plat will replace previous plats for the residential portion of this area. This request has been reviewed concurrently with the proposed zoning so that the district boundary will follow platted lot lines. This request represents a modification of planned development pattern of lot and internal street arrangement for this area.

Gross Area:	**119.896 acres (entire Preliminary Plat)**			**73.616 acres (residential portion only)**
	PP-06-16-05	**PP-6-7-08**	**PP-4-5-11**	**PP-12-15-11**
ROW (ac)	24.813	24.813	22.32	19.598
Net area (ac)	95.083	95.083	97.566	51.227
total lots	244	235	206	Residential only --187
tracts	3 [2 non-residential 1 residential]	3 [2 non-residential 1 residential]	3 [2 non-residential 1 residential]	1 [1 residential tract dedicated for drainage easement.]

The following table summarizes the number of lots per zoning district as a comparison of change. Overall, the intensity of the development has been reduced as reflected in the reduced lot numbers.

	Total Lots per District			
	PP-06-16-05	**PP-6-7-08**	**PP-4-5-11**	**PP-12-15-11**
RM12 (Z-6-16-11)			Not included in April Plat	18
RM12D	87	87	73	47
RS7	151	141	125	122
CC200	5	6	6	Not included in plat
IL	1	1	2	Not included in plat

STAFF REVIEW

The Preliminary Plat shows the creation of a large lot located on the southeast corner of E. 25th Terrace and O'Connell Road, as was shown in the April 2011 version. Residential lots are realigned along the west side of Ralston Street. A new segment of E. 26th Street is proposed intersecting O'Connell Road along the south side of Lot 9, Block 1. The RM12 zoned lots, between Dalton Drive and Franklin Road, are not altered by this preliminary plat.

Zoning and Land Use

This application is accompanied by rezoning request Z-12-37-11 that revises the RM12D and RS7 district boundary. The area is currently undeveloped. The purpose of the combined development requests rezoning and the Preliminary Plat is the creation of a single larger lot for a future church, reconfigure lots interior to the subdivision, and provision of more land use transition from the east to the west. The platted lots are intended to follow the amended zoning district boundaries.

Streets and Access

This revised Preliminary Plat retains only a portion of the grid street formation originally established for the area. Some intersections are generally retained in the proposed development. The proposed development deviates from the rigid grid pattern previously approved for this development to a modified street arrangement that includes curved streets and cul-de-sacs.

Three intersections with E 25th Terrace are included. The existing center off-set intersection (Fairfield Street) is realigned to create a 4-way intersection in this proposal. A key consideration of the subdivision design is the provision of internal connectivity between blocks within the development. City staff has indicated that 4-way intersections may require additional intersection treatment in residential development to keep traffic speeds low and reduce conflicts and protect pedestrian crossings. Additional intersection control at the intersection of 25th Terrace and Fairfield Street may be recommended with the Final Plat to be included with the public improvement plans.

Collector / Arterial Street Access

- O'Connell Road and E. 25th Terrace are designated collector streets.
- Franklin Road is designated as a future minor arterial street.

Subdivision design standards do not recommend direct access to those streets. The residential lots along E. 25th Terrace are prohibited from direct access. Access is also restricted from Franklin Road.

The traffic study submitted for the Preliminary Plat addresses the basic requirements for the subdivision but does not analyze the impact of direct access from Lot 9, Block 1 (future church lot). The previous approval included a platted restriction that prohibited direct access from lots to the abutting collector streets. This request modifies that provision and allows for a possible access drive to E. 25th Terrace and to O'Connell Road from Lot 9, Block 1. A detailed review of access to O'Connell Road from Lot 9, Block 1 requires a specific traffic study based on the land use for the property. Approval of this Preliminary Plat accommodates a potential future driveway access with the submission of a site plan as noted in General Note 15 on the face of the Preliminary Plat.

The plat also notes the intent for participation in future benefit districts for Franklin Road improvements and for intersection improvements for both O'Connell Road and Franklin Road with K-10 (General Note 18). As part of a Final Plat the applicant will be required to execute the appropriate agreements to be recorded with the Final Plat at that time.

Utilities and Infrastructure

City water and sewer service has been extended though this area. Infrastructure planning previously completed anticipated development of this property. The revised Preliminary Plat includes the necessary interior easements to accommodate the revised lot pattern. As part of the Final Plat process, applicable Public Improvement Plans would be required to be submitted and approved for development prior to recording of the Final Plat. The Preliminary Plat includes phasing that must be coordinated with the extension of utility services and construction of public improvements to support each phase of the development.

Easements and Rights-of-way

This request includes both vacation of existing right-of-way and easements and the creation of new rights-of-way and easements generally in the area located east of Ralston Street.

Variance: construction of streets with sidewalk on one side.

The property owner is requesting variance from Section 20-811 (c) which requires construction of sidewalks on both sides of a public street. This standard is included in the Public improvement section of the Subdivision Regulations. This affects all streets within the subdivision. However, O'Connell Road and E 25th Terrace both constructed collector roads were built with sidewalks on both sides and are not technically within the boundary of this subdivision plat.

Variances are typically the prevue of the Planning Commission expect as they related to water disposal systems and sidewalks, pedestrian rights-of-way, or pedestrian ways. The Subdivision Regulations require the Governing Body to give the applicant and other interested persons an opportunity to be heard. For the requested sidewalk variance the Planning Commission's role is an advisory one. The ultimate decision of the requested variance rests with the City Commission.

Citation References:

SECTION 20-811 PUBLIC IMPROVEMENTS
SECTION 20-813 ADMINISTRATION AND ENFOCEMENT

20-811 (C) Sidewalks and pedestrian ways

(1) 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:

(i) *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*

***Section 20-813* (g) Variances**

In cases where there is hardship in carrying out the literal provisions of the design standards of these regulations (such as design standards for lot width, lot depth, block depth, etc.), the Planning Commission may grant a variance from such provisions, except that in cases where there is hardship in carrying out the literal provisions found in Section 20-811(d) (wastewater disposal systems) the appropriate Governing Body may grant a variance from such provisions.

(1) *An application for a variance shall be made to the Planning Department. The planning commission shall give the applicant and any other interested persons an opportunity to be heard with respect to the proposed application for a variance from the provisions of the regulations, except that the Governing Body shall give the applicant and any other interested persons an opportunity to be heard with respect to the proposed application for a variance from the provisions dealing with Sidewalks, Pedestrian Rights-of-Way or pedestrian ways.*

A variance from the design standards of these regulations is permitted only 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 cost for this for this phase and future phases of the subdivision is well into six figures. We are extraordinarily sensitive about costs because for this development to achieve the absorption necessary to work economically, it has to fit in the financial model of starter-priced housing. Starter-priced housing is also critical to support the City's economic development efforts across the street at the Farmland site. The expense to put sidewalks on both sides of the street will ultimately be passed through to home buyers and with the extra cost approaching 1,000/lot, it simply does not work for this price level of residential."*

The original plat was established under previous subdivision regulations which required sidewalks on only one side of the street. The design and financing of the proposed development has been based on this requirement as design changes have been made. Only a portion of the property is being replatted. While there is a public interest in having a sidewalk on both sides of the street, there is a financial

hardship to the applicant to construction the sidewalk on both sides given the downturn in economic conditions and that the code has been revised before the original subdivision was constructed.

Criteria 2: The proposed variance is in harmony with the intended purpose of these regulations.

Applicant's Response: *"The purpose of the regulation is to provide reasonable pedestrian access. These are standard-width local streets and this reasonable pedestrian flow will be achieved with sidewalks on one side of the street. Thus, our request maintains the spirit of the regulation."*

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 conservation of existing neighborhoods. Requiring sidewalks on both sides of streets, including local streets, provides the highest degree of pedestrian convenience and safety.

The Subdivision Regulations prior to 2006 required sidewalks on only one side of streets and many areas of the city have been developed with this as the standard. The Development pattern for projects platted after 2006 require sidewalks on both sides of the street in order to make a more complete street. Through a code change to require sidewalks on both sides of streets, the city has made a policy shift toward providing more convenience for users of the right-of-way. If the variance is approved, the subdivision would meet the intended purpose to provide sidewalks, just not at the level of convenience as the new code standard requires.

Criteria 3: The public health, safety and welfare will be protected.

Applicant's Response: *"Sidewalks will be on one side of every street. So, pedestrians can go in the same direction they otherwise would intent to without any undue risk. Again, the fact that these standard-width, local streets makes our variance request reasonable."*

Staff is processing a complete streets policy to enhance transportation modes for all users and to enhance the public's health, safety and welfare. While the public's health, safety, and welfare will be protected if sidewalks are allowed on only one side of the streets, this is a subdivision of significant area and consideration should be given to requiring sidewalks on both sides, but only if a significant hardship is not created for the applicant.

VARIANCE RECOMMENDATION

Staff recommends approval of the variance request to construct sidewalks on only one side of subdivision streets.

Phasing

The proposed preliminary plat shows phasing the development. The construction of adequate public facilities to accommodate the specific phase will be assessed in more detail with the submission of a final plat for any portion of the land included in this Preliminary Plat. Phasing may require the construction of the detention pond with the initial phase of development. This issue is an ongoing discussion between the applicant's engineer and City Staff.

Additionally, E. 26th Street is shown as part of Phase 2. As each phase develops the need for multiple points of access for emergency access will be evaluated. Development of phases may or may not occur in the numerical order they are shown in this preliminary plat. Staff recommends a note be added to the plat that states phasing may or may not occur in the numerical order shown. Adequate facilities for public infrastructure shall be reviewed with each final plat as the area develops and may be reflected in public improvement plan recommendations.

Summary

The proposed plat complies with the design standards of the Subdivision Regulations.

STAFF RECOMMENDATION

Variance: The Planning Commission provides a recommendation for elements related to sidewalks for this subdivision (based on the 2009 Subdivision Regulations for this application). Staff recommendation is for approval of the variance based on the original subdivision design and the economic conditions related to residential development currently affecting the community.

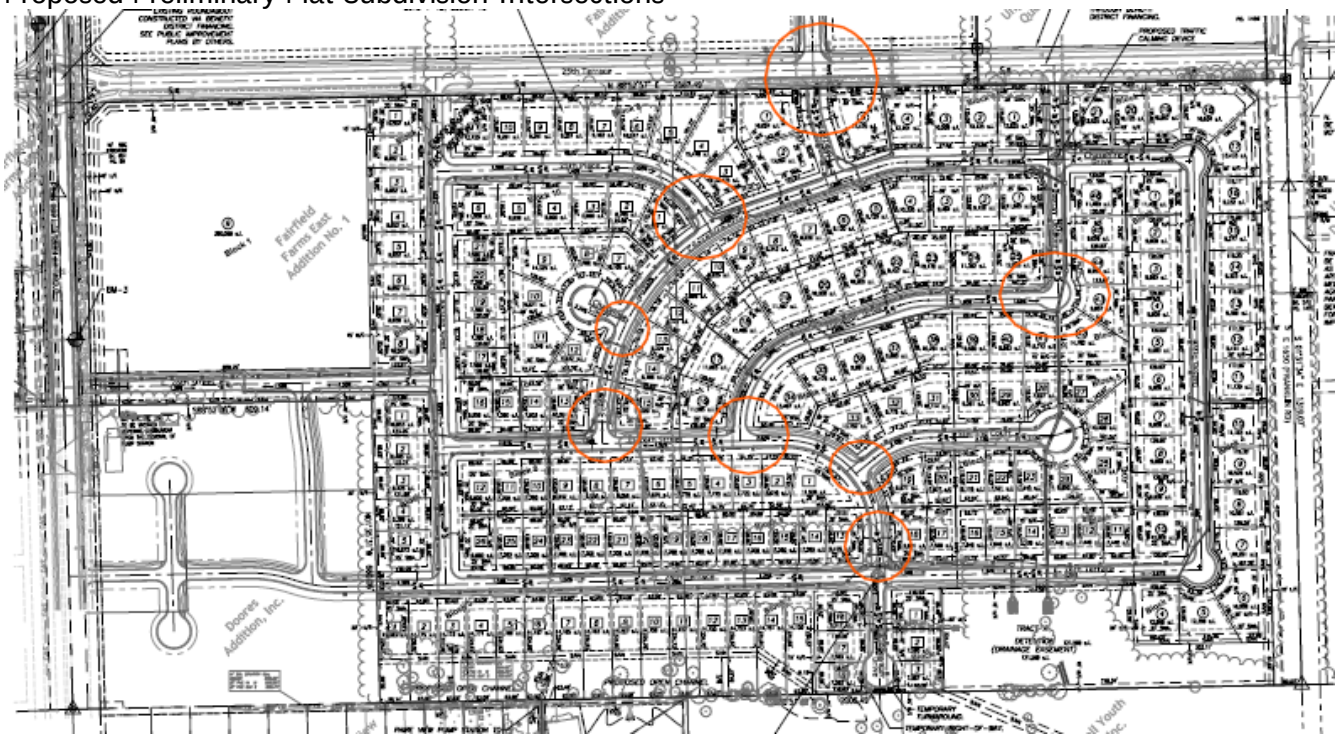
Plat: This Preliminary Plat conforms to the standards and requirements of the subdivision regulations and the land use plans for the area subject to the variance approval. Staff recommends approval of the Preliminary Plat.

Existing and Proposed Intersection Locations.

Approved Preliminary Plat Subdivision Intersections.

Green circles highlight intersections that will remain unchanged with the approval of the proposed revisions.

Proposed Preliminary Plat Subdivision Intersections



Orange Circles highlight new intersections proposed by changes to subdivsion design.

Fairfield Investors, LLC
P.O. Box 1797
Lawrence, KS 66044

February 20, 2012

Ms. Sandra Day
City of Lawrence Planning Dept.
1 Riverfront Plaza, Suite 110
Lawrence, KS 66044

Re: Sidewalk variance

Dear Sandy:

Pursuant to our request for sidewalks on one side of the street, here are our responses:

1. *The unnecessary hardship upon the subdividor.*

   The cost for this for this phase and future phases of the subdivision is well into six figures. We are extraordinarily sensitive about costs because for this development to achieve the absorption necessary to work economically, it has to fit in the financial model of starter-priced housing. Starter-priced housing is also critical to support the City's economic development efforts across the street at the Farmland site. The expense to put sidewalks on both sides of the street will ultimately be passed through to home buyers and with the extra cost approaching $1,000/lot, it simply does not work for this price level of residential.

2. *How the request is in harmony with the intended purpose of the regulations.*

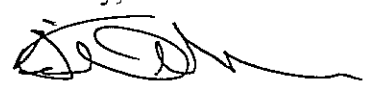
   The purpose of the regulation is to provide reasonable pedestrian access. These are standard-width local streets and this reasonable pedestrian flow will be achieved with sidewalks on one side of the street. Thus, our request maintains the spirit of the regulation.

3. *How the public health, safety and welfare will be protected.*

   Sidewalks will be on one side of every street. So, pedestrians can go in the same direction they otherwise would intend to without any undue risk. Again, the fact that these are standard-width, local streets makes our variance request reasonable.

Please call me if you have any questions.

Sincerely,



William R. Newsome

Excerpt from 2009 Subdivision Regulations

SECTION 20-811 PUBLIC IMPROVEMENTS

20-811 (C) Sidewalks and pedestrian ways

(1) 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:

(i) *Public sidewalks shall be installed on both sides of all Streets, as follows:*

	walk 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*

(ii) *Sidewalks shall be constructed in accordance with standards and specifications adopted by the applicable Governing Body.*

(iii) *The Applicant for a Subdivision may request a waiver of part or the entire requirement to install sidewalks. The Planning Commission may make a recommendation on such waiver request, but final action on the waiver request shall be by the Governing Body, as part of the Preliminary Plat review. If the applicable Governing Body takes no specific action on a proposed waiver of part or all of a sidewalk requirement, the waiver shall be deemed to be denied. In reviewing waiver requests from the standard sidewalk width, special consideration shall be given to walks adjacent to Collector or Arterial roads 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.*

(iv) *Sidewalks required to be constructed within the same right-of-way as the Street being paved shall be constructed concurrently with the paving of the adjacent Roadway.*

(v) *Where an approved Preliminary Plat (including a condition to such Plat) shows a pedestrian way other than a sidewalk, an improved pedestrian way not less than eight (improved) feet wide in Easement space dedicated for that purpose shall be provided by the Subdivider. Pedestrian Right-of-Way Easements shall be improved in accordance with adopted City construction standards to a width of 12 feet and shall conform to all accessibility requirements of the Americans with Disabilities Act. Completion of the improvement for any segment of such Easements shall not be required under the earlier of three years after approval of the Final Plat or three months after the issuance of the last Building Permit for a lot adjoining the segment; completion of such improvements shall be guaranteed in accordance with Section 20-811(g)(8).*

(vi) *Public Improvement Petitions shall include the construction of sidewalks or pedestrian ways, except where the appropriate Governing Body has specifically waived the installation as provided Section 20-810(f)(4)(ii) above. The total cost of all sidewalks or pedestrian way Improvements shall be borne by the property benefited in the improvement district.*

SECTION 20-813 ADMINISTRATION AND ENFOCEMENT

Section 20-813 (g) Variances

In cases where there is hardship in carrying out the literal provisions of the design standards of these regulations (such as design standards for lot width, lot depth, block depth, etc.), the Planning Commission may grant a variance from such provisions, except that in cases where there is hardship in carrying out the literal provisions found in Section 20-811(d) (wastewater disposal systems) the appropriate Governing Body may grant a variance from such provisions.

(1) An application for a variance shall be made to the Planning Department. The planning commission shall give the applicant and any other interested persons an opportunity to be heard with respect to the proposed application for a variance from the provisions of the regulations, except that the Governing Body shall give the applicant and any other interested persons an opportunity to be heard with respect to the proposed application for a variance from the provisions dealing with Sidewalks, Pedestrian Rights-of-Way or pedestrian ways.

(2) City A variance shall not be granted unless all of the following apply:

(i) Strict application of these regulations will create an unnecessary hardship upon the Subdivider;

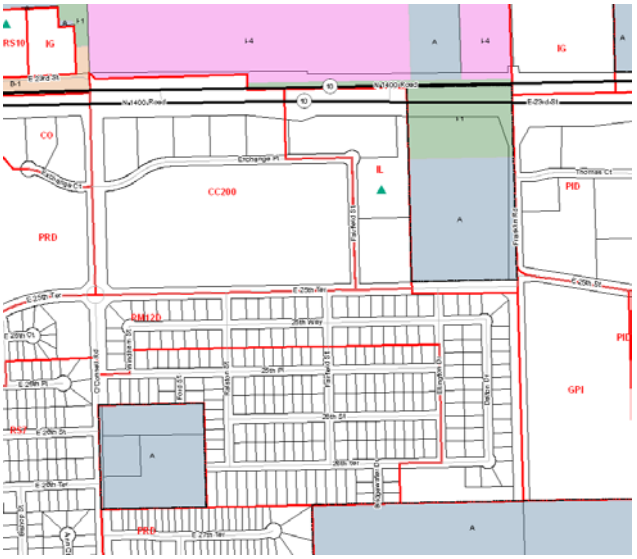
(ii) The proposed variance is in harmony with the intended purpose of these regulations; and,

(iii) The public health, safety and welfare will be protected.

ASSOCIATED CASES

Annexation

- A-12-14-03; Annexation approved 4/13/04 subject to conditions including adoption of an area plan.
-



Zoning

- Z-06-38-05; 35.835 acres to RM-D
- Z-06-39-05; 12.329 acres to RM-2
- Z-06-40-05; 37.580 acres to RS-2
- Z-06-41-05; 17.889 acres to M-1
- Z-06-42-05; 28.833 acres to C-5
- Z-06-13-08; RM-24 & UR to CC-200; Fairfield Farms East Addition No. 2
- Z-06-14-08; RM-24 & UR to IL; Fairfield Farms East Addition No. 2
- Z-4-13-11; RS7 to RM12D to accommodate church lot.
- Z-6-16-11 RM12D to RM12 for lots along Franklin Road.
  Z-12-37-11; RS7 and RM12D revised boundary line. Concurrent submittal with PP-12-15-11

Subdivision

- PP-06-16-05; Fairfield Farms East Addition; original preliminary plat.
- PP-06-7-08; Fairfield Farms East Addition No. 2; entire residential and non-residential development)
- PF-08-30-05; Fairfield Farms West Addition No. 2; (non-residential portion of preliminary plat)
- PF-02-04-06; Fairfield Farms West Addition No. 1 (residential portion of preliminary plat)
- MS-9-3-09; Minor Subdivision of Lot 1, Block 1, Fairfield East Addition No. 1 (IL zoned property) for Tractor Supply store lot.
- PP-4-5-11; Fairfield Farms East Addition #1, approved by the Planning Commission on 6/20/11; and City Commission on 7/5/11. A final plat was not submitted for this approved preliminary plat.

Site Summary (PP-6-16-05)						
Zoning	**RS-2 (old) RS7 (new)**	**RM-D (old) RM12D (new)**	**RM-2 (old) No longer part of project**	**M-1 (old) IL (new)**	**C-5 (old) CC200 (new)**	**TOTAL**
Title	Single-Family Residence	Duplex Residential	Multiple-Family Residence	Research Industrial	Limited Commercial	
Case	Z-06-40-05	Z-06-38-05	Z-06-39-05 Rezoned in 2008 to be incorporated in to the IL and CC200 area.	Z-06-41-05 Z-6-14-08	Z-06-42-05 and Z-06-13-08	
Area	37.580	35.835	12.329	17.889	28.833	119.896
Total Lots	151	87	1	1	5	245
Tracts	0	2[1] 2.8 .05	0	1 4.06	0	3 6.91
ROW	13.68	11.94	1.80	6.259	8.50	24.813
Net Area	23.90	21.05	10.52	7.57	20.33	80.383
Min. Lot Size	7,200	9,000	10.52	7.58	1.29	--
Max. Lot Size	15,093	16,988	NA	NA	14.80	--
Avg. Lot Size	8,091	10,564	NA	NA	1.3[2]	--
Density/Acre	6.3 units	8.2 units	21 units/acre allowed	Residential use not allowed	43.5 units/acre allowed	

Site Summary: Original Approval (PP-4-5-11)						
Zoning	**RS-2 (RS7)**	**RM-D (RM12D)**	**RM-2 (CC200)**	**M-1 (IL)**	**C-5 (CC200)**	**TOTAL**
Title	Single-Family Residence	Duplex Residential	Multiple-Family Residence	Research Industrial/ **Limited Industrial**	Limited Commercial **Community Commercial**	
Area (acres)	37.580	35.835	12.329 **(0)**	17.889 **(10.307)**	28.833 **(33.029)**	119.896
Total Lots	151[3] /*(141)*	87	1/ **NA**	1	5/ **(6)**	245/ **(236)**
Tracts	0	2[4] 2.8 .05	0/ **NA**	1 4.06 **(3.794)**	0 **(1)**[5] **(.114)**	3 **(4)** 6.91 **(6.758)**
ROW	13.68	11.94	1.80/ **NA**	6.259	8.50	24.813
Min. Lot Size	7,200	9,000	10.52/ **NA**	7.58 **(6.399)**	1.29 **(1.346)**	--
Max. Lot Size	15,093	16,988	NA/ **NA**	7.58 **(6.399**	14.80 **(26.297)**	--
Avg. Lot Size	8,091	10,564	NA/ **NA**	7.58 **(6.399**	1.3[6]	--

[1] RMD area includes Tract B = to 2.7 acres for drainage and Tract D = 2,372 SF for pedestrian access
[2] Excludes large commercial lot
[3] Total lots in the RS7 developed with 141 lots not 151 as shown on original preliminary plat.
[4] RMD area includes Tract B = to 2.7 acres for drainage and Tract D = 2,372 SF for pedestrian access
[5] Tract for City Utility Pump Station
[6] Excludes large commercial lot

Site Plan

- SP-7-30-09; Tractor Supply 2420 Fairfield Street.
- SP-9-50-10; Tractor Supply, modification to landscape and exterior display areas.

Preliminary Plat

Fairfield Farms East Addition No. 2

City of Lawrence
Douglas County, Kansas

Section 9, Township 13 South, Range 20 East

Index of Sheets:

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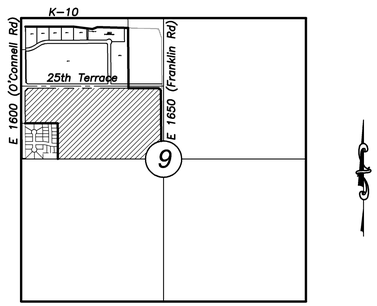
Layout Plan	2
Utility & Grading Plan	3

Location Map:



SECTION 9-T13S-R20E

NOT TO SCALE

Utility Information:

Power: Westar Energy
Mike Solida
785.865.4850
mike.solida@westarenergy.com

Water: City of Lawrence
John Shutak
785.832.7801
jshutak@lawrenceks.org

Sewer: City of Lawrence
John Shutak
785.832.7801
jshutak@lawrenceks.org

Cable: Knology
Harvey Waymire
785.312.6922
james.waymire@knology.com

Gas: Blackhills Energy
Carmen Shultz
785.832.3917
carmen.shultz@blackhillscorp.com

Gas: Southern Star
Rick Bennett
913.845.5001
rick.d.bennett@sscgp.com

Telephone: AT&T
Jeff Eggenberger
(Construction)
785.749.7085
je7825@att.com

Keith Gatzemeyer
(Engineering)
785.276.5377
kg4306@att.com

UTILITIES ONE CALL SYSTEM — CALL BEFORE YOU DIG

Kansas: 1.800.DIG.SAFE (344.7233)

Missouri: 1.800.DIG.RITE (344.7483)

Description:

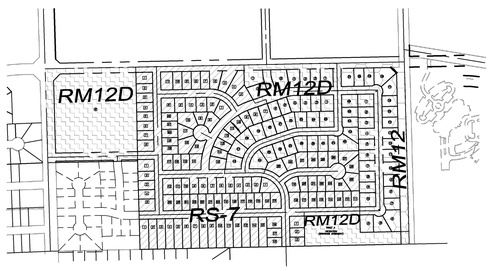
FAIRFIELD FARMS EAST ADDITION NO. 1, A SUBDIVISION IN THE NORTHWEST QUARTER OF SEC 9, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M. IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

Site Summary:

DEVELOPMENT SUMMARY:		
GROSS AREA:		(73.616 ACRES)
RIGHT-OF-WAY:		(19.598 ACRES)
NET LOT AREA:		(51.227 ACRES)
NET TRACT 'A' AREA:		(2.791 ACRES)
TOTAL NUMBER OF LOTS:		187 & 1 TRACT
MINIMUM LOT SIZE:	(LOTS 10-11 & 14-25 BLOCK 8) (LOT 15, BLOCK 10)	7,200 S.F.
MAXIMUM LOT SIZE:	(LOT 9, BLOCK 1)	360,068 S.F.
AVERAGE LOT SIZE:		11,933 S.F.
RM12D: DUPLEX		
TOTAL NUMBER OF LOTS:		47 LOTS & 1 TRACT
MINIMUM LOT SIZE:	(LOT 41, BLOCK 5)	8,712 S.F.
MAXIMUM LOT SIZE:	(LOT 9, BLOCK 1)	360,068 S.F.
AVERAGE LOT SIZE:		18,270 S.F.
DETENTION TRACT 'A' SIZE:		121,569 S.F.
RM12: MULTI-DWELLING		
TOTAL NUMBER OF LOTS:		18 LOTS
MINIMUM LOT SIZE:	(LOT 16, BLOCK 4)	9,232 S.F.
MAXIMUM LOT SIZE:	(LOT 6, BLOCK 4)	16,998 S.F.
AVERAGE LOT SIZE:		11,431 S.F.
RS7: SINGLE-FAMILY		
TOTAL NUMBER OF LOTS:		122 LOTS
MINIMUM LOT SIZE:	(LOTS 10-11 & 14-25 BLOCK 8) (LOT 15, BLOCK 10)	7,200 S.F.
MAXIMUM LOT SIZE:	(LOT 4, BLOCK 9)	15,478 S.F.
AVERAGE LOT SIZE:		9,566 S.F.

Zoning Map:

* ALL ZONING DESCRIPTIONS AND ACREAGE IS TAKEN TO CENTERLINE 25TH TERRACE, E. 1600 RD. (O'CONNELL ROAD) AND E. 1650 ROAD (FRANKLIN ROAD).



General Notes:

1. PROJECT DEVELOPER: WILLIAM NEWSOME
   FAIRFIELD COMMERCIAL ONE, LLC & FAIRFIELD INVESTORS, LLC
   601 NORTH IOWA STREET
   LAWRENCE, KS 66044
   785-331-4644
2. PROJECT ENGINEER: JOHNSON GROUP LLC
   850 E. 13TH STREET, SUITE B
   LAWRENCE, KS 66044
   785-856-9600
3. TOPOGRAPHIC INFORMATION OBTAINED FROM SITE SURVEY.
4. EXISTING ZONING: RS-7, RM12D AND RM12
   PROPOSED ZONING: RS-7, RM12D AND RM12
5. CURRENT USE: VACANT
   PROPOSED USE: SINGLE-FAMILY & MULTI-FAMILY
6. THIS DOCUMENT IS FOR PLANNING PURPOSES ONLY - NOT FOR CONSTRUCTION.
7. APPROVAL OF PRELIMINARY PLAT DOES NOT CERTIFY APPROVAL OF THE PROPOSED LAND USES.
8. ALL TELEPHONE, CABLE TELEVISION, AND ELECTRICAL SERVICES TO BE LOCATED UNDERGROUND.
9. ALL PROPOSED LANDSCAPING WILL MAINTAIN 8' OF HORIZONTAL SEPARATION FROM ANY PUBLIC WATERLINE & SANITARY SEWER MAINS.
10. THE DRAINAGE EASEMENTS (DATUM FROM TRACT 'A') WILL BE PRIVATELY OWNED AND MAINTAINED. THE DEVELOPER IS RESPONSIBLE FOR ESTABLISHING OWNERSHIP AND MAINTENANCE OF SAME VIA INDIVIDUAL OWNER MAINTENANCE.
11. THE DRAINAGE EASEMENT WILL REMAIN FREE OF ANY NATURAL OR NON-NATURAL STRUCTURES OR VEGETATIVE BARRIERS, INCLUDING BUT NOT LIMITED TO TREES, SHRUBS, BERMS, FENCES, AND WALLS. (PER CITY CODE 20-1101(f))
12. INFRASTRUCTURE IMPROVEMENTS (STREETS, STORM SEWER, WATER LINE, SANITARY SEWER) TO BE PROVIDED THROUGH PRIVATE AND BENEFIT DISTRICT FINANCING.
13. NO INDIVIDUAL LOTS SHALL HAVE DIRECT ACCESS TO E. 1650 ROAD (FRANKLIN ROAD).
14. LOT 1, BLOCK 1, LOTS 1 & 4-11, BLOCK 9, LOTS 1-5, BLOCK 6 AND LOTS 18-21, BLOCK 4 SHALL NOT HAVE DIRECT ACCESS TO 25TH TERRACE.
15. DIRECT ACCESS TO O'CONNELL ROAD SOUTH OF 25TH TERRACE SHALL BE SUBJECT TO REVIEW AND APPROVAL OF A TRAFFIC STUDY TO BE SUBMITTED WITH FUTURE DEVELOPMENT APPLICATIONS. REMOVAL OF THE ACCESS RESTRICTION DOES NOT GUARANTEE A DIRECT ACCESS TO O'CONNELL ROAD IN THE FUTURE FOR LOT 9, BLOCK 1 FAIRFIELD FARMS EAST ADDITION NO. 2.
16. N. 1360 ROAD TO BE REALIGNED TO A 90° CONFIGURATION AS SHOWN.
17. DEVELOPER AGREES TO PARTICIPATE IN A BENEFIT DISTRICT FOR TRAFFIC SIGNAL AND GEOMETRIC IMPROVEMENT FOR THE INTERSECTION OF K-10 HIGHWAY AND E. 1600 ROAD (O'CONNELL RD.).
18. FRANKLIN ROAD TO BE CONSTRUCTED AS A 4 LANE ARTERIAL WITH MEDIAN. DEVELOPER AGREES TO PARTICIPATE IN A BENEFIT DISTRICT OF ROAD IMPROVEMENTS FOR THIS DEVELOPMENT. DEVELOPER AGREES NOT TO PROTEST A BENEFIT DISTRICT TO IMPROVE FRANKLIN ROAD INTERSECTION, INCLUDING INSTALLATION OF TRAFFIC LIGHT.
19. THE CITY IS HEREBY GRANTED A TEMPORARY RIGHT OF ENTRY TO PLANT THE REQUIRED STREET TREES PURSUANT TO CHAPTER 21, ARTICLE 7, SECTION 21-708a OF THE CITY SUBDIVISION REGULATIONS.
20. 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.
21. NO FENCES OR OBSTRUCTIONS SHALL BE CONSTRUCTED WITHIN DEDICATED DRAINAGE AND UTILITY EASEMENTS.
22. DEDICATED RIGHT-OF-WAY OVER SBC EASEMENT CONTAINING FIBER OPTICS. DEVELOPER RESPONSIBLE FOR RELOCATION COST.
23. ALL CURB INLETS WILL BE CONSTRUCTED IN ACCORDANCE WITH CITY STORM SEWER STANDARD DETAILS.
24. NO PORTION OF THIS SUBDIVISION LIES WITHIN THE "100 YEAR FLOODPLAIN" ACCORDING TO FIRM FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 20045C0187D & 20045C0179D, EFFECTIVE DATE AUGUST 5, 2010.

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ENGINEERING & CONSTRUCTION
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LAWRENCE KS 66044
T 785.856.9600 | F 785.371.0212

Fairfield Farms East Addition No. 2 | Preliminary Plat | Lawrence, Kansas

#	Date	Comment	By

JG Project #: 11004
File Name: 11004-PP.dwg
Date: 12.27.2011

Cover

Sheet #: 1 of 3

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PROPOSED PHASE 1: LOTS 1–4, BLOCK 1 LOT 5, BLOCK 6 LOTS 5–14, BLOCK 7 LOTS 1–11, BLOCK 9 LOTS 1–12, BLOCK 10

EXISTING WATERLINE VALVE TO BE REMOVED & EXISTING TEE TO BE CAPPED

PROPOSED TRAFFIC CALMING DEVICE

RIGHT–OF–WAY DEDICATED BY QUEEN.

EXISTING 25TH TERRACE INSTALLED THROUGH BENEFIT DISTRICT FINANCING.

FUTURE ROUNDABOUT TO BE INSTALL THROUGH BENEFIT DISTRICT FINANCING. SEE PUBLIC IMPROVEMENT PLANS. PG. 1456

PROPOSED TRAFFIC CALMING DEVICE

EXISTING WILLIAM HP GAS LINE.

EXISTING ROUNDABOUT CONSTRUCTED VIA BENEFIT DISTRICT FINANCING. SEE PUBLIC IMPROVEMENT PLANS BY OTHERS.

BM–2

BM–3

N. 1360 ROAD TO BE REALIGNED TO A 90° CONFIGURATION.

FRANKLIN ROAD TO BE CONSTRUCTED AS A 4 LANE ARTERIAL WITH MEDIAN. DEVELOPER AGREES TO PARTICIPATE IN A BENEFIT DISTRICT FOR FUTURE ROAD IMPROVEMENTS.

PROPOSED TRAFFIC CALMING DEVICE

PROPOSED TRAFFIC CALMING DEVICE

PROPOSED TRAFFIC CALMING DEVICE

TEMPORARY TURNAROUND.

TEMPORARY RIGHT–OF–WAY.

TO EXISTING PS49

TRACT A DETENTION (DRAINAGE EASEMENT) 121,569 s.f.

PROPOSED OPEN CHANNEL

PROPOSED OPEN CHANNEL

PHASE 1

PHASE 2

PHASE 3

PHASE 4

PHASE 5

PHASE 6

PHASE 7

PHASE 8

PHASE 9

PHASE 10

PHASE 11

PHASE 12

Legend:

△	SECTION CORNER
D/E	DRAINAGE EASEMENT
U/E	UTILITY EASEMENT
L/E	LANDSCAPE EASEMENT
R/W	RIGHTS–OF–WAY
5	SINGLE FAMILY (RS7) LOTS
(5)	DUPLEX (RM12D) LOTS (LOTS 4–21 BLOCK 4 ARE ZONED RM12)
	NO ACCESS

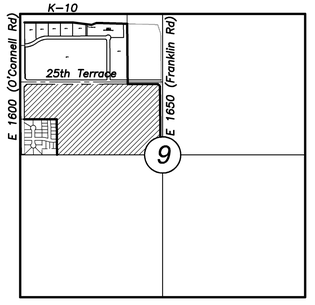
Benchmarks

BM–1:
CHISELED "S" IN CENTER OF STORM STRUCTURE AT SW CORNER OF INTERSECTION OF E. 1600 RD. AND K–10 HIGHWAY.
ELEV.=890.82

BM–2:
RAILROAD SPIKE SET IN EAST FACE OF POWER POLE 130' NORTH OF 25[TH] TERR., WEST SIDE OF O'CONNELL RD.
ELEV.=897.75

BM–3:
SET "S" CUT IN CENTER OF CURB INLET ON EAST SIDE OF O'CONNELL RD. (SW CORNER OF FAIRFIELD FARMS EAST ADDITION NO. 1)
ELEV.=889.64

Location Map:



SECTION 9-T13S-R20E

NOT TO SCALE

100' 0 50' 100' 200'

1 Inch = 100 ft.

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Fairfield Farms East Addition No. 2

Preliminary Plat

Lawrence, Kansas

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JG Project #: 11004
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Date: 12.27.2011

Layout Plan

Sheet #: 2 of 3

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EXISTING WILLIAM HP GAS LINE.

EXISTING 12" WATERLINE

EXISTING WATERLINE VALVE TO BE REMOVED & EXISTING TEE TO BE CAPPED

EXISTING STORM SEARER

Fairfield East Addition No. 1

Unplatted Queen

PG. 1456

25th Terrace

N 88°52'57" E 2567.49'

N01°37'18"W 610.19'

O'Connell Road/E. 1600 Road

Fairfield Farms West Addition

10' SBC EASEMENT BK. 651 PG. 80

25th Place

Fairfield Farms East Addition No. 1

Chasehire Drive

Chasehire Court

Fairfield Street

Ellington Drive

Chasehire Drive

Unplatted Douglas County Jail

80' R/W TO BE DEDICATED BY THIS PLAT

EXISTING 80' R/W

3' SBC EASEMENT BK. 572 PG. 144

PROPOSED 8" WATERLINE

S01°31'34" E 1650 (FRANKLIN RD)

E. 26th Street

S88°52'08"W 609.14'

PROPOSED 8" WATERLINE

EX. MH RIM=886.69 IN=869.19 OUT=869.04

Ralston Steet

Dalton Drive

Sterling Court

PROPOSED SANITARY SEWER

PROPOSED STORM SEWER

W/E BK. 914, PG. 356 TO BE VACATED BY SEPERATE INSTRUMENT UPON THE REMOVAL OF PUMP STATION

EX. MH RIM=883.26 IN=874.08 OUT=873.90

EX. 8" PVC @1.01%

EX. 8" PVC @0.78%

EX. MH RIM=883.34 IN=871.44 OUT=871.34

EX. 8" PVC @0.74%

EX. 8" PVC @2.33%

N01°35'31"W 660.06'

EX. MH RIM=877.28 IN=862.05 OUT=861.81

EX. 8" PVC @1.60%

Doores Addition, Inc.

EXISTING VEGETATION TYP.

PROPOSED OPEN CHANNEL

PROPOSED OPEN CHANNEL

EX. MH RIM=868.94 IN=857.56 OUT=857.33

4" DIA. SANITARY M.H. COVER 872.26' 8" PVC IN W 856.95' 8" PVC OUT E 856.71'

S88°51'12"W 2006.49'

EX. 10" PVC

EX. 15" PVC

TO EXISTING PS49

TRACT DETENTION (DRAINAGE EASEMENT) 121,569 s.f.

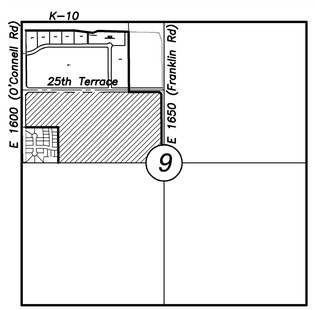
Bridgewater Drive

O'Connell-Youth Ranch, Inc.

Prairie View Addition PRD-1

M.E.B.O. = MINIMUM ELEVATION BASEMENT OPENING
LOTS 1–6 BLOCK 4 M.E.B.O.=862.95

Location Map:



SECTION 9-T13S-R20E

NOT TO SCALE

NORTH

100' 0 50' 100' 200'

1 Inch = 100 ft.

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Fairfield Farms East Addition No. 2

Preliminary Plat

Lawrence, Kansas

#	Date	Comment	By

JG Project #: 11004
File Name: 11004-PP.dwg
Date: 12.27.2011

Utilities & Grading
Plan

Sheet #: 3 of 3

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PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
02/27/12

ITEM NO. 2: SPECIAL USE PERMIT FOR THE RENEWAL OF LAWRENCE COMMUNITY SHELTER, 944 KENTUCKY STREET (SLD)

SUP-12-7-11: Consider a Special Use Permit for a renewal of the Lawrence Community Shelter, located at 214 West 10th /944 Kentucky Street. Submitted by Loring Henderson, for James Dunn, property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of the renewal of the LCS Special Use Permit for the time period noted below and forwarding the request to the City Commission with a recommendation of approval and the ordinance for adoption on first reading, subject to the following conditions:

1. The Special Use Permit shall expire on December 31, 2012.
2. Provision of a note on the face of the site plan that states that the car port shall be removed by December 21, 2012 or concurrently with the vacating of the property by the Lawrence community Shelter, or plans submitted for a structure compliant with the Historic Resources guidelines.
3. Publication of an ordinance per Section 20-1306(j).

Applicant's Reason for Request: *"To extend the current SUP for one year to coincide with the relocation of the Lawrence Community Shelter to its new permanent site at 3701 Franklin Park Circle."*

KEY POINTS
- This request is to extend the operation of the Shelter at the 944 Kentucky site for one (1) year to expire in 2013.
- The shelter is in the process of relocating to 3701 Franklin Park Circle.
- This request does not amend the sleeping capacity or any other restriction previously associated with this use at this location.
- There are no proposed physical changes to the site included in this application.
- The subject property is within the environs of several landmark properties and the Downtown Historic District.

FACTORS TO CONSIDER
CHARACTER OF THE AREA
- The area is characterized by a mix of community and residential uses.

WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE USE
- A time limit is recommended for this application.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- None to date.

ATTACHMENTS
- Approved management plan for 944 Kentucky site.
- Site plan – *no changes proposed to approved site plan.*
- Summary of History of Approvals for 944 Kentucky.

GENERAL INFORMATION (No changes to summary information)	
Current Zoning and Land Use:	RMO (Multi-Dwelling Residential-Office) District; Lawrence Community Shelter.
Surrounding Zoning and Land Use:	RMO (Multi-Dwelling Residential-Office) District to the north, south, and west; existing residences and/or office uses to the north and west, and church to the south. CD (Downtown Commercial) District to the east; public parking lot.
Site Summary	
Lot Size:	.27 acres (11,761 square feet)
Building Area:	6,515 gross square feet
Parking Provided:	10 spaces, including 1 accessible space

Reason for Request: *"To extend the current SUP for one year to coincide with the relocation of the Lawrence Community Shelter to its new permanent site at 3701 Franklin Park Circle."*

Staff Summary
This request is for the extension of the use for a Temporary Shelter Use - *Lawrence Community Shelter*, to continue operation until anticipated move to permanent facility expected in fall 2012. There are no proposed changes to the application, building, or management plan associated with this request.

Review and Decision-Making Criteria (Land Development Code Section 20-1306(i))

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

Applicant's Response: *"Yes. The use, however, is subject to approval of a Special Use Permit."*

Temporary shelters are permitted in the RMO (Multi-Family Residential-Office) District with a Special Use Permit (SUP). This request is for renewal of a SUP for the Lawrence Community Shelter (LCS). The applicant is requesting a one year extension for this SUP to accommodate the required construction schedule and move to the new facility. There are no physical changes to the site.

Staff Finding – The proposed use is consistent with applicable provisions of the Land Development Code and previous approvals for this site.

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

Applicant's Response: *"Yes."*

Land uses surrounding this property include residential, office, and institutional uses, as well as a public parking lot. The site is located within a mixed-use area adjacent to Downtown Lawrence. No physical changes are proposed to the site.
LCS is compatible with neighboring multi-family and institutional uses in many regards, i.e. traffic generation, building scale and site design. However, the shelter's hours of operation and other external impacts differ from neighboring uses. The shelter operations are provided 24/7. The night shelter is open from 8 p.m. to 8 a.m. each night of the week. Once admitted, overnight clients are expected to stay the night, with the exception of health or work requirements.

During previous City Commission meetings, there has been acknowledgement that this location is not ideal as a permanent shelter serving this many individuals. There has also been recognition that this location may need to be used beyond April 2011 while a permanent facility is constructed. The City Commission approved a permanent shelter at 3701 Franklin Park Circle.

A permanent facility has been approved with anticipated relocation in the fall of 2012. This use is temporary in this location given the expectation of the relocation to a permanent facility in the fall of 2012.

Staff Finding – The facility is acknowledged as being less than ideal given the size of the facility and the demand for services. The demand for services exceeds the building capacity to efficiently provide services. The City Commission approved a permanent shelter at 3701 Franklin Park Circle.

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

Applicant's Response: *"Since this application is a renewal of existing SUP, the continued use will not cause any further, if there ever was any, diminution in value of neighboring properties. In fact, in recent years, a developer renovated and sold expensive condominiums in an historic building across the street diagonal from the shelter which probably increased the neighboring property values."*

Littering and loitering are typical concerns cited as contributing to diminished values by opponents of this land use. Staff contacted various City departments that provide services to the general area to inquire about the current status of the site.

Parks & Recreation staff provides maintenance/trash pick-up in all of the downtown parking lots. Previously, this Department contended that more time was required to pick up litter in the parking lot across the alley from the shelter. This was attributed to the increased use and overflow Shelter activities. In response, LCS renewed its commitment to assist with regular litter cleanup for nearby properties. This commitment is reflected as a note on the face of the plan per previous approvals. Parks and Recreation staff reported that while occasional personal items are found in the public landscaping the overall impression is an improved situation with regard to litter.

An outside security guard position was added to Shelter staff. This staff member patrols the property at various times of day and evening hours with an irregular schedule. This allows for the application of a "surprise inspection" to avoid people anticipating rounds of the guard, thus encouraging good behavior. The shelter is operating in compliance with previous approvals granted for this use at this location. Also, a management plan for this specific site was approved by the City Commission in June 2010. This plan addresses several site and operational standards of maintenance and behavior expected for this use.

Staff Finding – A management plan for this specific site was approved by the City Commission in June 2010. With continued vigilance of LCS staff in keeping the grounds free of debris and with the continued employment of an outside security guard, the continued use of the shelter should not cause diminution in value of property in the neighborhood. Approval of the Special Use Permit includes the approval of the existing management plan for the site.

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 building located at 944 Kentucky has been in existence since 1962. The drop-in shelter operated from this location beginning in 1999. The Shelter has operated at this location since 2003. Fire/medical, police, transportation, and public utility services are established and provide service to the subject site. Building improvements were made in 2009 including upgraded egress access and the addition of fire sprinklers. These life safety improvements were made to accommodate an increased occupancy of the building.

Staff Finding – Adequate public facilities are available to continue to serve this site.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

The site plan functions as the enforcement document, ensuring that use and maintenance of the property are consistent with the conditions of SUP approval. Additionally, the approved Management Plan includes provisions for maintaining appropriate behavior on LCS property, ensuring that bicycles are properly parked, removing litter from the property, and prohibiting extended parking of non-functioning vehicles.

Staff Finding –As noted above, a management plan was approved for this site. The plan provides for continued maintenance of the site.

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

Applicant's Response: *"No."*

This property is located within an urban setting. Much of the property is developed with building and parking lot areas. The natural environment is limited to the lawns and street trees of the property. There is no designated floodplain that encumbers this property.

Staff Finding – No new development is proposed with the subject application. Thus, the natural environment will not be impacted with renewal of this SUP.

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 PEMRIT AND, IF SO, WHAT THAT TIME PERIOD SHOULD BE

This request has been made for a one year renewal. The applicant has been working to secure a permanent facility. The following table shows the estimated construction timing, as provided by the applicant, for moving to the permanent facility to be located at Franklin Park Circle.

Estimated Schedule	
February 1, 2012	Invitation to bidders
February 17, 2012	Bid Documents Available to Bidders
February 20, 2012	Permit documents issued to city
February 23, 2012	Pre-Bid meeting with bidders
March 8, 2012	Bids Received
March 22, 2012	Contract Awarded
September 7, 2012	Estimated Construction Substantially Complete
September 7-15, 2012	Shelter furniture and equipment installed
September 16-21, 2012	Shelter move

It should be noted that this is an estimated schedule. The projected date for final relocation to the Franklin Park Circle site will be contingent on the construction schedule. The projected move is mid to late September 2012.

Staff Finding – As previously noted, the shelter has outgrown this location but cannot easily relocate until a permanent facility is available operationally. LCS is pursuing the renovation of existing building with a design tailored to its operational needs. The City Commission approved a Special Use Permit for 3701 Franklin Park Circle. This request is for renewal of the use for one year, but based on the anticipated relocation scheduled, the Special Use Permit time period can be shortened to expire by year's end and still provide a cushion of time to veer from the relocation time frame. The time limit is included to clearly articulate the expectation of this application.

STAFF REVIEW

The applicant is requesting a one year renewal of the Special Use Permit for the Lawrence Community Shelter. This request would not alter the current occupancy limits of the facility. Staff is supportive of such a renewal.

Historic Resources Commission Action

The subject property is within the environs of several landmark properties and the Downtown Historic District. This extension request was conditionally approved by the HRC on February 16, 2012. The Conditions of Approval related to the carport address the need to either remove the structure or to submit necessary drawings for the construction of a new structure that complies with the minimum design standards for properties within historic environs. A condition of approval states that the car port must be removed or plans for a permanent structure compliant with Historic Resource Guidelines and approval is required.

Conclusion

This request represents a temporary measure to accommodate the transition from the existing site to the new site. No physical changes to the site or operation of the use are proposed with this request. Staff recommends that the car port be removed from the site prior to final vacation of the property to the new location or plans for a permanent structure compliant with Historic Resource Guidelines. This recommendation is reflected as a condition of approval.

Lawrence Community Shelter, Inc. (LCS)
MANAGEMENT PLAN
214 West 10th Street, Lawrence, Kansas 66044

Statement of purpose: The Lawrence Community Shelter (LCS) Management Plan is an operational document always under review and reshaping to fit changes and growth of the LCS programs. The Management Plan describes how LCS is implementing its role in Vision for Housing the Homeless as developed by the Community Commission on Homelessness. Emergency shelter is the first step in the Vision and links to other stages of housing and other resources to move families and individuals out of homelessness and into permanent housing.

1. Narrative description of the nature and characteristics of the use

The Lawrence Community Shelter, Inc. (LCS) is the emergency shelter serving homeless families and individuals in Lawrence and Douglas County, Kansas. The mission of the Lawrence Community Shelter is to provide safe shelter and comprehensive support services and programs that provide a path to a positive future for people experiencing homelessness and people who are at risk of homelessness.

2. Description of all services provided.

The Lawrence Community Shelter is a multi-level, full service, 24/7 shelter for individuals and families. Services provided are

- case management covering the LCS programs of housing, employment (Back-to Work job counseling and the Joseph Project, Good Dog! Biscuits and Treats and related work training, piece work, and skills building employment), benefits, and intervention (mental illness and addiction)
- guests will be assigned a case manager after intake with whom they will develop strengths based goals to which they will be held accountable
- night sleeping shelter for families and individuals
- LCS is a dry shelter in that guests may never drink, possess, or distribute alcohol or controlled substances on the premises.
- the LCS admits guests to the night shelter who may have been drinking as long as they follow the Actions and Consequences rules of behavior but it does not permit people on the premises during the day who may have been drinking. A breathalyzer or UA will be administered when determined appropriate by staff.
- a random UA may be also stipulated as part of a guest's case management plan.
- health screenings and education
- collaboration with Lawrence and Kansas agencies serving the homeless, such as DCCCA, ECKAN, Ballard Center/Penn House, Coalition for Homeless Concerns, Community Commission on Homelessness, Lawrence/Douglas County Housing Authority, and others
- daily living services provided at the drop-in center include:
    - Simple breakfast
    - Laundry service (self serve)
    - Telephone and mail
    - Limited storage of personal items
    - Bathroom facility (not including shower)
    - Refuge from extreme weather.
- evening dinner meals are provided only for guests staying in the shelter
- an excess number of guests will be housed in a back-up building or church as arranged by prior agreement with the City and/or the organization owning the back-up building.

3. Interior floor plan showing sleeping areas, common areas, emergency exits, and bathrooms

Attached -- site plan

4. Rules of conduct for guests

Guests may stay at the Lawrence Community Shelter only up to 90 days in a 12 month period as long as they follow shelter rules of behavior. All guests will complete an intake on arriving at the shelter and will be assigned a case manager within 72 hours. The case manager will evaluate the guest's progress during the 90 day period to determine continuation of stay. Beyond 90 days, individuals and families must be actively participating in an LCS program, and working with a case manager on a plan to get out of homelessness. [see attached Rights and Responsibilities and Actions and Consequences]

5. Maintenance plan that establishes standards for regular building and site maintenance, including regular removal of litter

- Daily maintenance of the building and grounds will be completed by a housekeeping staff and by individual guests
- All guests will participate in the daily lottery for jobs to clean shelter interior and exterior spaces, mats, and bathrooms. All guests are otherwise expected to help with cleaning building interior and exterior, assisting in the kitchen, and maintaining cleanliness of their personal area
- Building maintenance and repairs will be accomplished by the network of plumbers, carpenters, HVAC, and other specialists who have worked for the shelter in the past

6. Communications plan that establishes how the shelter will regularly communicate with neighbors and police

Good Neighbor Agreement (GNA) – this long established Agreement by the Lawrence Community Shelter and the Oread Neighborhood Association calls upon the shelter to hold twice annual public meetings for the community at large, to respond to neighbor complaints, to conduct neighborhood projects, to cooperate on security issues, and to advise the neighbors of specific events or changes at the shelter. The shelter director or designated shelter representative will always meet with neighbors, at their request. [see attached Good Neighbor Agreement]

Every neighbor of the facility will receive information about the shelter through the LCS newsletter and the shelter's website. This publication contains information about the shelter's operations, volunteer opportunities, notices of upcoming events and shelter contact information including the 24 hour-a-day staffed telephone number. Volunteer opportunities at the Shelter will be made available specifically for anyone in the neighborhood with a desire to volunteer.

The Lawrence Community Shelter maintains a website at www.lawrenceshelter.org as an additional way of communicating with its neighbors, donors, and the general public.

The Lawrence Community Shelter calls the police as required for incidents at the shelter requiring their intervention. The leadership of the shelter and the staff meet from time to time with representatives of the Lawrence Police Department to insure that all parties are cooperating as fully as possible, to train and educate the shelter staff, and to maintain a constructive relationship. The shelter defers to the Lawrence Police Department for keeping statistics of the number and types of calls to the property to track categories over time. The shelter staff has an active almost daily exchange of various information with the Lawrence Police and works closely with the Douglas County Sheriff's office on reentry to the community plans for inmates. Guest information is shared with the Lawrence Police Department, as appropriate.

Camping on public or private property is illegal and all neighbors are encouraged to call the police if they encounter such behavior. Loitering on shelter, neighbor's, or other private property is, and will be a violation of shelter policy and residents will be denied shelter services for a minimum of one day to denial for long term for such actions.

7. Response plan for emergencies that occur at the site

LCS staff is trained to call the Lawrence Police Department or the Lawrence/Douglas County ambulance service, when an emergency occurs. Staff is trained also by the local American Red Cross chapter for CPR, by Bert Nash Community Mental Health Center on First Aid for Mental Health, and by the various university degrees in psychology or social welfare that individual staff members may have. The shelter has developed a Safety Plan with the Kansas University School of Social Welfare for the guidance of interns, volunteers, and staff dealing with an incident at the shelter. [see attached Safety Plan]

8. Adequate staffing levels given the number of guests served and the nature of the facility and population served

Monday through Friday there are four to seven staff, interns, and volunteers during the administrative operating hours of 8 am to 5 pm, three staff and two to three volunteers in the evening hours from 5 pm to 10 pm, three staff or experienced volunteers during the night hours of 10 pm to 8 am; and Saturdays and Sundays there are two staff from 8am to 8 pm, three staff and two to three volunteers from 8 pm to 10 pm, and three staff from 10 pm to 8 am.

Attachments:
Actions and Consequences
Rights and Responsibilities
Good Neighbor Agreement
Safety Plan

Lawrence Community Shelter

RIGHTS AND RESPONSIBILITIES

Welcome to the Lawrence Community Shelter (LCS)

LCS strives to maintain a comfortable, safe, and peaceful environment, and requires all persons – both working at and staying in the shelter – treat others with respect and dignity.

Hours and Schedules

In addition to the below times and information, guests will be informed about the schedule of activities and services during the staff orientation for new guests.

Shelter day hours are 8:00 am to 8:00 pm.

Shelter night hours are 8:00 pm to 8:00 am.

Sign-up for the night shelter is throughout the day. Guests must check in by 6:30 pm.

Night shelter lights-out is at 10:00 pm. Lights-on is at 7:00 am. Any guest may request an earlier wake-up call, if needed.

Quiet hours are 10:00 pm to 7:00 am.

Once admitted each night, guests must remain on the property until their morning departure, unless prior arrangements have been made for work, school, etc.

Any guest who leaves during the night without checking out properly will not be readmitted and will not be allowed to use the night shelter for 3 days.

If a guest signs up for a night shelter space and will either be later than 6:30 pm or wishes to forfeit their spot, the guest must notify the staff before 6:30 to avoid penalty.

Day shelter services are open to any homeless person, including case management, laundry machines, mail and telephone, breakfast, AA, legal, and other projects.

All Guests – Conditions of Stay

All guests will complete an intake form on arriving at the shelter and will begin working with a case manager within 72 hours to make a plan to get out of homelessness.

An intake form will be completed upon arrival and a copy made of your photo ID. If you do not have a photo ID, we will take a picture for the file.

LCS is a dry shelter in that guests may never drink, possess, or distribute alcohol or controlled substances on the premises.

The night shelter does not administer a breathalyzer test but it does admit guests who may have been drinking as long as they follow the Actions and Consequences rules of behavior.

The day shelter does not permit people on the premises who may have been drinking. A breathalyzer or UA will be administered if determined appropriate by staff.

A random UA may be also stipulated as part of a guest's case management plan.

No illegal substances (street drugs, etc.) or alcoholic beverages are permitted on LCS property, indoors or outside, at any time.

No firearms or knives are permitted on LCS property, indoors or outside, at any time. This includes concealed weapons.

Controlled-substance prescriptions must be checked into the lockbox when the guest arrives and for the duration of their stay.

No food, medicine, or other items that may decay or draw infestations will be stored with bedding. Sheets and pillowcases will be turned in for laundering at least weekly.

Other medications or other small (legal) personal items may be checked into the lockbox at check-in, if the guest chooses, and will be available upon request.

All guests, staff, and volunteers enter and leave the shelter only through designated entrances.

Do not open doors for persons outside wanting to come into LCS through fire exits or other unauthorized entrances.

The shelter will transport you to some appointments, job searches, etc. as appropriate or, in many cases, will assist you with a bus pass.
When walking to any destination in the city, stay on sidewalks and main streets in neighborhoods.
Smoking is permitted in the designated smoking area.
Families should conduct their outside activities in the families play ground. Children should not be taken to the outside adult activity area.
Adult individuals and couples without children staying at the shelter should not be in the family/children outside area unless designated for child care by a parent and notification is given to staff.
The shelter reserves the right to recycle unattended belongings left at LCS.
Shower if asked by a staff person to control odor in the sleeping areas.

Family Shelter

Families with children will be assigned space in the family section of the shelter.
Children must be accompanied by a parent or their designated adult representative at all times.
Family rooms must be kept clean by the families and will be inspected daily.
Families will eat meals in the general dining room. No food or other items that may decay or draw infestations will be stored in the family rooms without proper care.

All Families and Individual Guests

Staff, volunteers, and guests will treat each other with courtesy and will show respect for other people's feelings, physical space, and property.
No fighting or threatening. Refrain from physical contact during conflict situations.
No offensive language (racist, sexist, homophobic, etc.)
Abstain from sexually explicit behavior in, near, or on LCS property.
Any behavior or action that is dangerous, disruptive, or disrespectful of others will be handled individually by the monitors on duty. A guest who causes difficulties for others may be asked to visit with a staff counselor in order to continue staying at the shelter, or may be asked to leave LCS.

Off Site Behavior

LCS guests are guests also of the surrounding neighborhoods and businesses. It is important to remember that there are City ordinances against aggressive panhandling and trespassing and that loitering is poor behavior. The shelter does not support guests who panhandle.
Be respectful of LCS neighbors and their property on your way to and from the shelter, and while you are around the shelter. Do not drink, smoke, hang out on, or walk across private property without permission. Walking on or across private property is trespassing and is unacceptable behavior for shelter guests.
Further admission to the shelter may be denied for any individual who causes valid concerns for neighbors.
Be a positive representative for the shelter and the homeless community.

Other things you should know

Welcome to LCS. Your help is needed in keeping the shelter clean and tidy and in any other way you think of since this is your temporary home. Please don't hesitate to pitch in with keeping the shelter clean.
If you need referrals to other resources, please ask your case manager or the monitors or volunteers. They will advise and assist you.
If you have a disability, please notify the staff so that they may make appropriate arrangements for your convenience and comfort.
Your guest status and all personal information you provide LCS is private. Some demographic information, such as age, sex, and veteran status, may be tallied so that we can describe the

guest population and assess needs for future services. No names or other identifying data will be included in these statistics. The Lawrence Community Shelter does cooperate with the Lawrence Police Department, as appropriate.

I understand and agree to abide by the above rights and responsibilities.

Signature _____ Date _____

Printed Name _____ Staff Initials _____ 12/09

Lawrence Community Shelter, Inc. (LCS)

Actions and Consequences

House Rules

Respect yourself and others

No alcohol or drugs
No violence or threats of violence
No weapons
No smoking inside the shelter
No sexually suggestive comments or actions
No littering, inside or outside
No trespassing on private property

The following is a list of common offenses that should result in the LCS guest being banned from the property and an indication of the length of time to be imposed for each type of offense.

- **Non-cooperation**. This offense refers to the refusal of a client to follow the directions of a staff person in the execution of normal LCS policy or procedure. This includes trashing, littering, trespassing, or other criminal behavior inside or outside of LCS building **= consequences determined case-by-case.**

- **Verbal Abuse.** Listening to the frustrations of guests is a normal staff function. However, a guest's verbal ventilating should not be tolerated when it is a personal attack **= 1 to 2 weeks**

- **Inappropriate sexual behavior or threats = 2 weeks or greater, charges may be filed and a police report made**

- **Police assistance call.** Call constitutes the offense, even if cancelled **= 2 weeks, charges maybe filed and a police report made**

- **Theft** of any property of LCS or of another guest
  1st offense **= 1 month minimum, police report made, charges may be filed and a police report made**
  2nd offense **= 2 months minimum, possible long term, police report made, charges may be filed and a police report made**

- **Threats of violence = 2 weeks minimum**

- **Physical violence** with an assault on another guest **= 1 month or greater**

- **Carrying a weapon** on LCS premises **= 2 months minimum**

- **Alcohol or drug usage** on LCS premises
  1st offense **= 2 weeks**
  2nd offense **= 1 month**
  3rd offense = **1 month minimum, possible long term**

- **Selling, buying, trading, or distributing alcohol or drugs, or other criminal behavior** on LCS premises **= police will be called, charges will be filed, ban up to1 year**

- **Violence with a weapon = 1 year minimum, possible long term, charges may be filed and a police report made**

Notice: Bans will be reviewed once a month by staff. Bans have the possibility of being shortened and/or revoked given cooperation and a genuine effort by the affected individual to correct the problem using agreed upon goals. 7/07

Updated per City Commission approval and adoption on 6/8/2010 for SUP-10-10-09

GOOD NEIGHBOR AGREEMENT BETWEEN
LAWRENCE COMMUNITY SHELTER, INC. (LCS)
AND ITS NEIGHBORS **DECEMBER 2009**

The Lawrence Community Shelter, Inc. (LCS), located at 214 W. 10th Street, is a non-profit organization that provides safe shelter, comprehensive support services, and programs that provide a path to a positive future for people experiencing homelessness and people who are at risk of homelessness in Lawrence, Kansas.

The neighbors of the LCS include nearby businesses and organizations on 214 W. 10th Street, and other renters, businesses, and owners within a reasonable distance of LCS.

All parties to this Good Neighbor Agreement share a common desire to:

- Maintain a peaceful, safe, and clean neighborhood
- Share open and honest communications
- Help each other address concerns and solve problems
- Offer public service for the benefit of the neighborhood, the homeless community, and the Lawrence community at large.

This document is a road map to further communications; it is never a final document and is not a specific list of management decisions. In order to accomplish the Good Neighbor Agreement goals, the parties to the agreement are united in support of the commitments described below:

1. Property

LCS has a responsibility to keep its property well-maintained. It is desirable for LCS, property owners, and residents to show pride in the community by caring for public spaces, and by assisting in maintaining and improving the landscape. In order to maintain property at the highest possible condition,

The LCS will:

A. Intervene to maintain civilized behavior from all persons on LCS property, including drunkenness, fighting, and inappropriate congregating, sitting, or lying down on LCS property
B. Insure that bicycles are parked at the LCS bicycle rack
C. Remove litter and other contributions to blight from LCS property
D. Prohibit extended parking of seldom used or broken-down vehicles on LCS property
E. Conduct monthly LCS neighborhood clean-up tours
F. Encourage guests of LCS to use the rear patio as much as possible

The neighbors will:

A. Make note of the condition of the building and grounds, and report to the LCS when property issues require attention
B. Help develop and participate in volunteer activities to maintain the attractive neighborhood

2. Safety

Safety and security are essential for citizens to live peacefully and free from harm, and for neighborhoods to remain desirable and attractive. Property owners and residents share the responsibility of creating and maintaining a safe and secure neighborhood. In order to promote safety and security for all residents of the neighborhood, including guests of the shelter,

The LCS will:

A. Maintain communications with the Community Cooperation Committee, city officials, and neighbors concerning security measures on LCS property
B. Maintain existing LCS procedures for deterring harmful situations and respond promptly and firmly with in-house consequences
C. Notify police when disruptive or illegal behavior occurs on LCS property
D. Ensure that trespassing on neighbors' property by LCS guests is posted as not acceptable and is handled within the Actions and Consequences procedures of the LCS
E. Maintain the policy of "no intoxication on LCS property during the day time"
F. Respond in person to calls from neighbors when neighbors witness someone who they believe to be a shelter guest engaging in negative behaviors

The neighbors will:

A. Provide comments and suggestions for improving safety and other conditions at the LCS.
B. Review semi-annual summary reports of neighbor complaints to LCS
C. Disseminate the LCS quarterly reports to the neighbors and the Lawrence Association of Neighborhoods (LAN)

3. Communications

Communication between the LCS and the neighboring community is important to develop and to maintain positive relationships. Progress reports help make the community aware of positive developments and efforts to achieve success. Awareness of upcoming events offers the community ways to interact with residents and staff, and helps both parties become more integrated. Methods will be established to ensure routine communications, feedback, and monitoring of this agreement. In order to promote communication between the program and the neighborhood,

The LCS will:

A. Ensure the anonymity, if requested, of communications from neighbors
B. Support efforts of the Community Cooperation Committee
C. Provide quarterly reports of LCS program activities, and outcomes and responses to neighborhood concerns to the neighbors and the Lawrence Association of Neighborhoods for further dissemination
D. Publicize contact information on cards distributed to neighbors, LAN newsletters, and Down- town Lawrence, Inc.'s electronic mailing list, to register concerns with the LCS Director
E. Respond promptly to neighbors concerns regarding use of and activities on LCS property
F. Provide follow-up response to neighbor involved with reported problem on action taken
G. Document and report positive outcomes of neighborhood meetings and concerns
H. Provide notice of upcoming events and invite the community when appropriate
I. Encourage use of the word "neighbor" to refer to LCS guests as well as residents of homes near LCS. All people at LCS are to be considered responsible neighbors.
J. Provide incident reports and outcomes to the Community Cooperation Committee for semi-annual review

The neighbors will:

A. Encourage community attendance at events
B. Meet with the LCS at semi-annual gatherings
C. Monitor progress and commitments within this agreement and offer suggestions and advice
D. Serve as a vehicle for communications
E. Notify LCS of repeated issues
F. Seek resolution of community concerns
G. Encourage neighbor and community volunteerism at LCS

4. Changes to Agreement

This agreement may be changed or modified from time to time upon mutual agreement of the LCS and a public process with its neighbors. The Good Neighbor Agreement and the LCS Management Plan are always works in progress.

How to contact LCS director and staff:
Website – www.lawrenceshelter.org
Email – director@lawrenceshelter.org
Mail – 214 W. 10th Street, Lawrence, KS 66044
Telephone – 785-832-8864 (day) 832-0040 (night) 764-2095 (cell)

Signed:

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

Lawrence Community Shelter, Inc. (LCS)
Safety Plan

For Crises Involving Potential Threat to Staff in Public Areas

1. Staff should not hesitate to call 911 if there is eminent danger to themselves or others.
2. Volunteers should always refer a crisis situation to a staff member.
3. In the event of an escalating situation involving two or more guests, staff should immediately attempt to verbally separate the individuals involved. If guests refuse to obey, staff members are encouraged to give a verbal warning that failure to obey will result in bans. If guests refuse to respond, staff members should tell the individuals that they will contact the police. Continued failure to obey, staff members should ask others in the area to contact the police, while not leaving the scene themselves. Staff members should never put themselves in harms way by positioning themselves between two or more feuding individuals. An alternative is to direct the lesser aggressive guest into their office in order to dissolve the situation. After the situation has deescalated, staff are encouraged to discuss the situation with the involved guests individually and support them in reaching acceptable solutions to the situation. When appropriate and safe to do so, staff may ask individuals involved to have a group meeting to discuss the matter peacefully.
4. In the event of an escalating situation involving one guest, staff members should instruct the guest to calm down and be respectful of other guests. DO NOT attempt to talk through the difficulties of the person if you are uncomfortable or feel the situation is escalating out of control too quickly. In this situation, staff should: ask the guest to leave and/or contact the police. If staff feels they can work with the guest calmly and safely, continue speaking with the person to see if the difficulty can be resolved.
5. If this is the case, staff should remove the person from the public setting and use an office to speak with them in private as soon as it is safe to do so. If necessary, staff should inform other staff members of the situation so they can be close at hand for further help.

For Crises Occurring Within a Staff Office

6. If staff feel that a client may be a danger, or is in an emotional state where they do not have a normal level of self-control, it is ALWAYS okay to leave the door open.
7. Remember to use supportive words and try to help the client find acceptable choices for how to work through the crisis. Talk calmly with a person in crisis only while it is profitable. If the situation deteriorates and the threat of harm or injury increases, determine whether it is safer to call for assistance or try to leave the room. As far as it is successful, try to contain the crisis within the office so it is less likely to impact other guests. If you have to ask a guest to leave your office or the shelter, please follow them out so you can be on hand if the crisis continues and other people are put at risk.
8. If necessary, possible exit strategies include: breaking the office windows or, in the daytime, using designated exits, as appropriate.

Physical Restraint

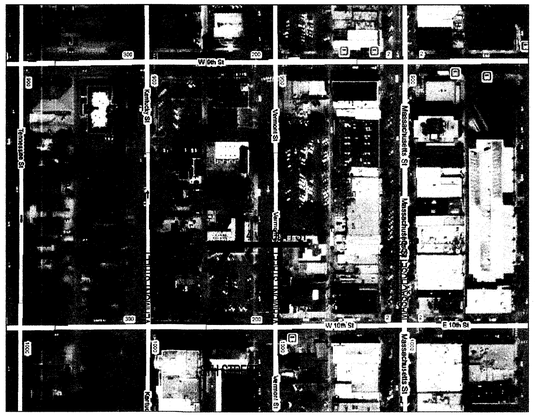
9. Physical restraint or seclusion shall be used as a method of intervention only when all other methods of de-escalation have failed and only when necessary for the protection of the staff and others.
10. No practice utilized shall be intended to humiliate, frighten, or physically harm a guest.
11. No practice that becomes necessary to implement shall continue longer than necessary to resolve the behavior at issue.

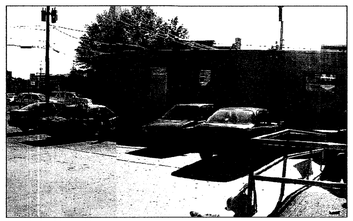
Post-crisis Procedures

12. After the crisis, witnessing staff members are to complete an incident report if the situation warranted action. If necessary, log any police calls made.
13. Witnessing staff should collaborate and set ban for individual(s) involved.
14. Decision for ban duration should be reported to the guests only after the individual(s) involved have deescalated. The ban should be communicated to the guest as a decision made by the agency as a whole and not one individual. Further, staff members may wish to have other staff present when guests are informed of ban.
15. Bans are to be recorded on the posted ban sheet and staff should inform other staff of incident at the weekly staff meeting.

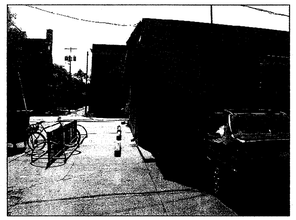
12/09

KEY PLAN:

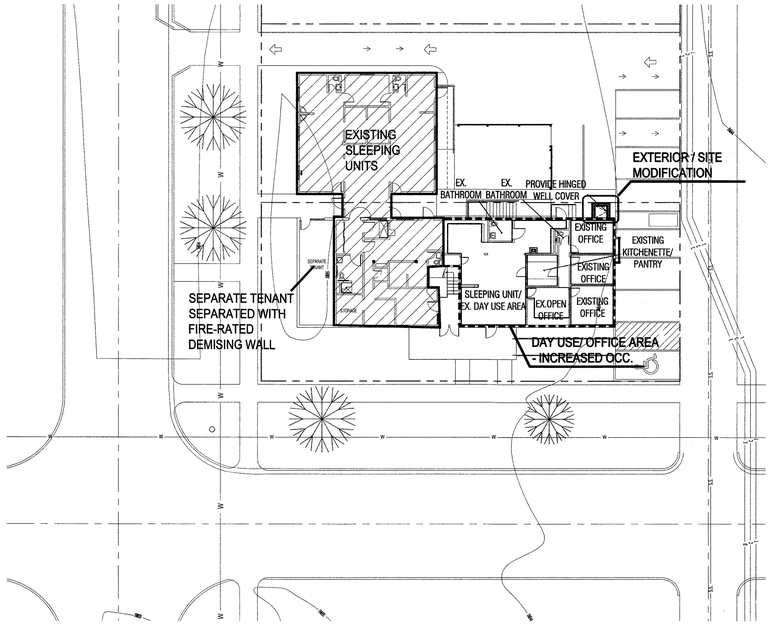




VIEW OF NORTH SIDE OF BUILDING



VIEW OF NORTHEAST CORNER

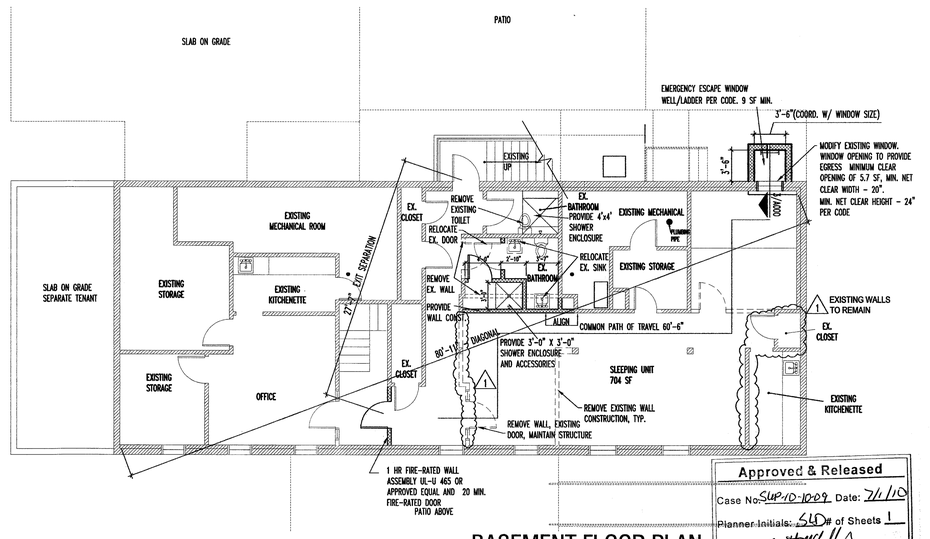


1 SITE PLAN/FIRST FLOOR PLAN

Scale: 1" = 20'-0"

0 5' 10' 20'

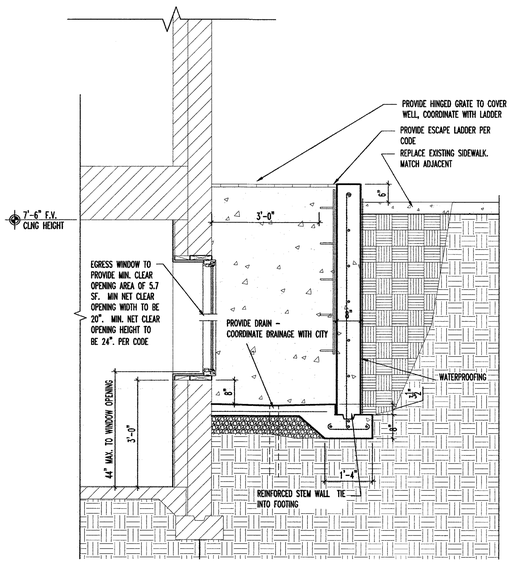
NORTH



2 BASEMENT FLOOR PLAN

Scale: 1/8" = 1'-0"

Approved & Released
Case No: SUP-10-109 Date: 2/1/10
Planner Initials: SLD # of Sheets 1
Director: Scott McCullough



3 WINDOW WELL SECTION

Scale: 1/8" = 1'-0"

PROJECT INFORMATION

OWNER:
JAMES DUNN

TENANT:
LAWRENCE OPEN SHELTER
214 W 10th ST

ARCHITECT:
SABATINI ARCHITECTS INC.
730 NEW HAMPSHIRE STE. 233
LAWRENCE, KANSAS 66044
PHONE: 785.331.3399
FAX: 785.331.0846
CONTACT: DAN SABATINI

GENERAL NOTES

1. LCS TO EXTEND FIRE/SMOKE ALARM AND FIRE-SPRINKLER SYSTEMS TO COVER REMAINDER OF TENANT SPACE OCCUPIED BY LCS.
2. CONTRACTOR TO VERIFY EXISTING CONDITIONS AND NOTIFY ARCHITECT OF DISCREPENCIES BEFORE COMMENCEMENT OF WORK.
3. ALL DIMENSIONS ARE TO FINISH FACE.
4. DO NOT SCALE DRAWINGS.

CODE ANALYSIS

REASON FOR SUBMITTAL:	INTERIOR IMPROVEMENTS DUE TO INCREASE OCCUPANCY FOR BASEMENT AND DAY USE AREA (FIRST FLOOR)
LOCATION:	214 W 10th St. LAWRENCE, KS 66044
OWNER:	JAMES DUNN
ARCHITECT:	SABATINI ARCHITECTS, INC. 730 NEW HAMPSHIRE STREET, SUITE 233 LAWRENCE, KANSAS 66044 (785) 331-3399 PHONE (785) 331-0846 FAX
AUTHORITIES HAVING JURISDICTION:	CITY OF LAWRENCE
RESPONDING FIRE DEPARTMENT:	CITY OF LAWRENCE

CODES & REGULATIONS:
2006 INTERNATIONAL BUILDING CODE
2006 INTERNATIONAL ENERGY CONSERVATION CODE
2006 INTERNATIONAL MECHANICAL CODE
2005 NATIONAL ELECTRICAL CODE (NEC)
2006 INTERNATIONAL PLUMBING CODE
2006 INTERNATIONAL ENERGY CONSERVATION CODE
2006 INTERNATIONAL FIRE CODE
AMERICANS WITH DISABILITY ACT ACCESSIBILITY GUIDELINES (IBC AND ICC/ANSI A117.1-2003)

USE GROUPS:
R-1 HOUSING - TRANSIENT

AREA AND HEIGHT: (TABLE 503) TYPE V-B, FULLY SPRINKLED CONSTRUCTION TYPE:

	ALLOWABLE	ACTUAL
AREA PER STORY:	7,000	2377 (BASEMENT ONLY)
HEIGHT	2 STORIES	1 STORY

SEPARATION:
TABLE 508.2 - AUTOMATIC SPRINKLER SYSTEM PROVIDED THROUGHOUT

EGRESS DISTANCES: 250 FEET MAXIMUM REQUIRED (TABLE 1016.1)
COMMON PATH OF EGRESS TRAVEL: 75 FEET (SECTION 1014.3)

OCCUPANT LOAD

		AREA ALLOWANCE	OCC LOAD
1st Floor (East Portion)			
SLEEPING AREA/DAY USE	573 G	25 G*	23
OFFICE/STAFF	427 G	100 G	4
KITCHENETTE	74 G	100 G	1
SUBTOTAL OCC. AREA	1074	SUBTOTAL	28
Basement			
SLEEPING AREA	704 G	25 G*	28
STORAGE/MECH(CUMULATIVE)	714 G	300 G	2
OFFICE/STAFF	195 G	100 G	2
KITCHENETTES	131 G	100 G	1
SUBTOTAL OCC. AREA	1744	SUBTOTAL	33

* 25 GSF PERMISSABLE FOR SLEEPING DORMITORIES PER CITY CODE 8-205.24 AMMENDMENT TO TABLE 1004.1.1 (ORD. 8055)

PLUMBING TABLE 2902.1 ANALYSIS FOR DAY ROOM AND BASEMENT ONLY		
	REQUIRED	TL PROVIDED
TOILETS 1 PER SLEEPING UNIT	2	3
LAVATORY 1 PER SLEEPING UNIT	2	3
SHOWER 1 PER SLEEPING UNIT	2	2

A. MAXIMUM OVERNIGHT OCCUPANCY (WITH STAFF) SHALL CONTINUE TO BE LIMITED TO 57 PERSONS, EXCEPT FOR THE PERIOD BETWEEN OCT. 1 - APRIL 1 OF EACH YEAR WHEN THE MAXIMUM OCCUPANCY (WITH STAFF) MAY BE INCREASED TO 82 PERSONS.
B. LCS COMMITS TO ASSIST IN REGULAR LITTER PICKUP FOR NEARBY PROPERTIES.
C. THE NONCOMPLIANT FENCE AND CARPORT WILL BE REMOVED WHEN THE SUP EXPIRES OR WHEN THE SHELTER MOVES TO A NEW LOCATION. (CONDITION OF DR-10-118-09)
D. IF THE SHELTER DOES NOT MOVE AT THE END OF THIS TWO YEAR EXTENSION, THE NON-COMPLIANT CARPORT AND FENCE WILL BE REMOVED AND A NEW STRUCTURE ALLOWING FOR OUTSIDE SHELTER IS TO BE PROVIDED. (CONDITION OF DR-10-118-09)
E. THE APPLICANT WILL SUBMIT DRAWINGS OF A COMPLIANT STRUCTURE(S) TO THE HISTORIC RESOURCES COMMISSION PRIOR TO THEIR INSTALLATION FOR APPROVAL. (CONDITION OF DR-10-118-09)

APPROVAL DATES:
1/27/10 PC APPROVAL
2/23/10 CC APPROVAL
6/8/10 CC APPROVAL OF MANAGEMENT PLAN

DR-10-118-09 APPROVED 11/19/2009

LAWRENCE COMMUNITY SHELTER
944 KENTUCKY

Lawrence, Kansas 66046

Basement Modifications for TMeporary Shelter

Project:

sabatini architects inc.
730 NEW HAMPSHIRE STREET SUITE 233, LAWRENCE,KS 66044
T.785.331.3399 F. 785.331.0846
www.sabatiniarchitects.com

Revisions:
1 08.10.09
2 06.30.10

HRC SUBMITTAL
PERMIT SUBMITTAL

Issue Date: 07.06.09
Scale: AS NOTED
Project No.: 09110.00
Drawn By:
Checked By:
Title:
LOCATION PLAN
SITE PLAN, BASEMENT PLAN
SECTION, DATA, PHOTOS
Sheet No.:
A100

HISTORY of Special Use approval for Lawrence Community Shelter

- UPR-10-11-99: Community Drop-In Shelter. This UPR was approved by the City Commission on December 7, 1999, subject to several conditions, including a two-year review of the application by the City Commission. The UPR was revisited in 2001 to expand the hours of operation to 9:00 p.m. The approval expired in September 2006.

- UPR-01-01-03: Lawrence Open Shelter. This UPR was approved by the City Commission on April 8, 2003, subject to several conditions, including a one-year expiration date upon the issuance of an occupancy permit. In November 2004, the City Commission approved the expansion of the shelter to accommodate 28 guests and 2 staff members, in addition to a one-year extension of UPR-01-01-03. The approval expired in December 2005.
  - In January 2005, the Lawrence Open Shelter and the Community Drop-In Center merged to form the Lawrence Community Shelter, Inc. (LCS).

- UPR-09-06-05: A request to extend the Use Permitted upon Review for the Lawrence Community Shelter. [The City Commission approved the UPR for one year on March 7, 2006, subject to conditions.]
  - On January 16, 2007, the City Commission voted to extend UPR-09-06-05 to April 17, 2007 to allow for Planning Commission consideration of the new LCS Special Use Permit extension request in March 2007 with City Commission consideration of the Planning Commission's recommendation on April 17, 2007.
  - On February 15, 2007, the Historic Resources Commission approved the LCS Special Use Permit (DR-01-06-07), subject to conditions.

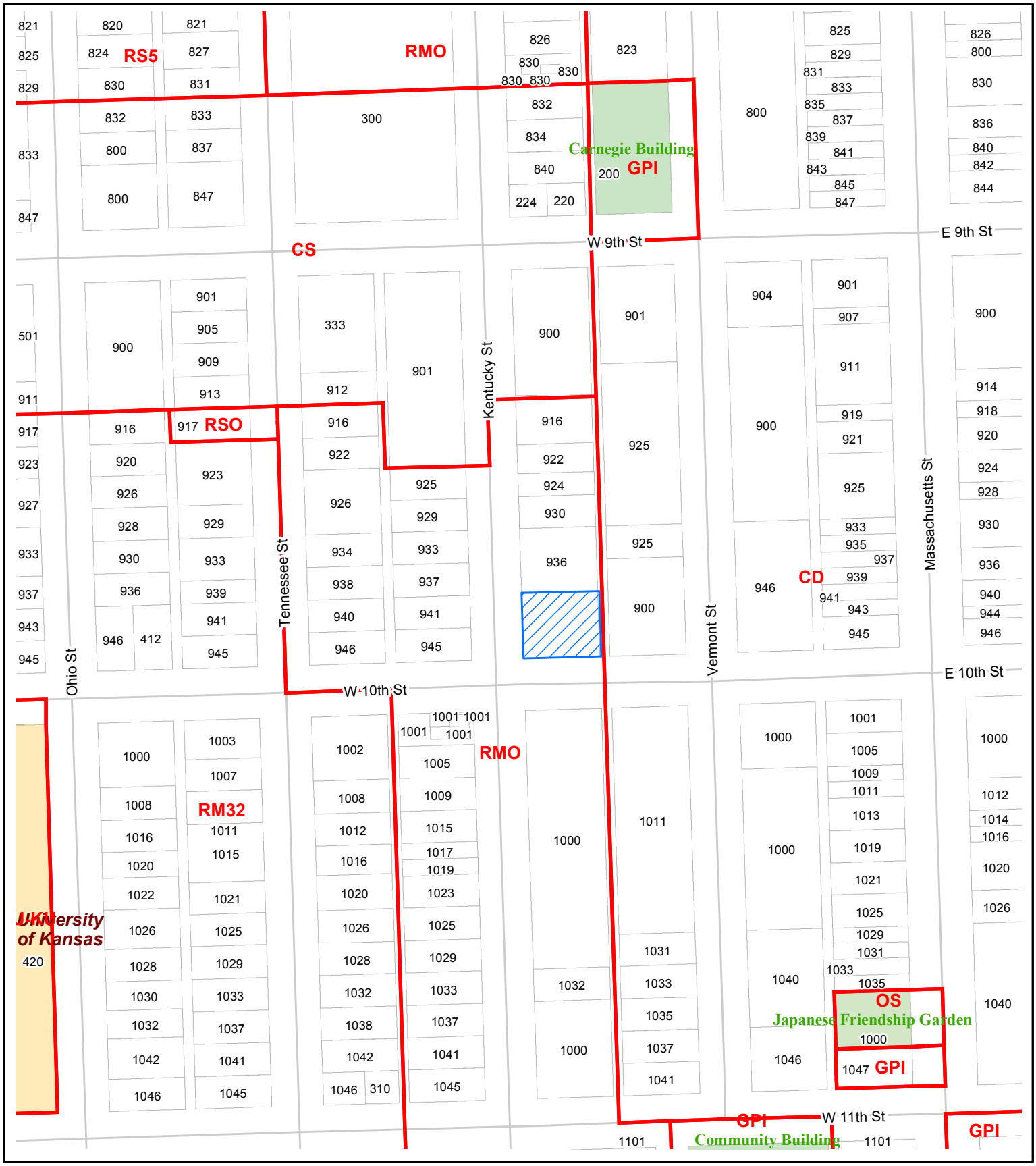
- SUP-01-02-07: On April 17, 2007, the City Commission approved SUP-01-02-07 for the continued operation at existing location for three years (through April 17, 2010).
  - On August 4, 2009, the City Commission amended the SUP-01-02-07 to allow overnight capacity of 57 (including staff) with all other conditions of the SUP remaining. The Commission also permitted the reconfiguration of basement space and installation of a fire sprinkler system to accommodate additional overnight guests with a permitted maximum of 82 persons (including staff) for the period October 1, 2009 – April 1, 2010.
  - On November 19, 2009, the Historic Resources Commission approved the requested two-year extension of the Special Use Permit (DR-10-118-09) subject to conditions.

- SUP-9-9-09: ~~On January 25, 2010, the Planning Commission will consider a request for a Special Use Permit [SUP-9-9-09] for the location of a permanent shelter at 2176 W 23rd Street.~~ *[Request withdrawn on 1-20-2010].*

- SUP-1-3-10: New SUP application submitted for 3701 Franklin Park Circle submitted 1-20-2010. SUP will be considered by Planning Commission in March 2010. City Commission approved a permanent facility at 3701 Franklin Park Circle. City Commission extended approval on September 13, 2011 to May 10, 2013.

- SUP-9-9-10: City Commission approved a SUP for the existing site to continue until April 2011 and a management plan for the current site in June 2010.

- SUP-12-10-10: City Commission approved a SUP for the existing site to continue until April 2012 subject to conditions.



SUP-12-07-11: Special Use Permit for a renewal of the Lawrence Community Shelter
214 W 10th St / 944 Kentucky St

Lawrence-Douglas County Planning Office
February 2012

N
W E
S

Area Requested

Scale: 1 Inch = 200 Feet

PLANNING COMMISSION REPORT
Public Hearing Item

PC Staff Report
02/20/12

ITEM NO. 3 FINAL DEVELOPMENT PLAN; BAUER FARM PHASE 6; 5.39 ACRES; 4700 W 6TH ST (ALSO KNOWN AS 4701 BAUER FARM DRIVE) (SLD)

FDP-12-5-11: Consider a Final Development Plan for Bauer Farm Phase 6, for a 5,372 SF building for retail and restaurant uses and including a drive-thru, located at 4700 West 6th Street (also known as 4701 Bauer Farm Drive). Submitted by Landplan Engineering, for Free State Holdings, Inc., property owner of record.

STAFF RECOMMENDATION: Planning staff recommends approval of the Final Development Plan based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

1. Submission and approval of a photometric plan prior to the release of the plan for issuance of building permits.
2. Provision of a mylar and applicable recording fees.

Reason for Request: The Final Development Plan serves as a site plan for the development of a retirement facility in a portion of the Bauer Farm Planned Commercial Development.

Attachments:
- Proposed Final Development Plan
- Development History Summary

Design Standards to Consider
- Consistency with approved Preliminary Development Plan, PDP-6-1-09.
- Consistency with Article 10 of the 1966 Zoning Code.

KEY POINTS:
- Final Development Plans are approved by the Planning Commission.
- A revised Preliminary Development Plan for Bauer Farms PCD [PDP-6-1-09] which modified the commercial portion of the development to accommodate a tunnel car wash on the north side of Bauer Farm Drive was approved by the City commission on October 22, 2009.
- A revised Preliminary Development Plan for Bauer Farms PRD [PDP-1-1-10] which modified the residential portion of the development to replace single- attached- and multi-dwelling structures in the northeast portion with a retirement facility was approved by the City Commission on April 6, 2010.
- The proposed development varies from the approved the Preliminary Development Plan.

ASSOCIATED CASES/OTHER ACTION REQUIRED
- Refer to attachment for case history.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- None received to date.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Study provided and accepted with preliminary development plan.
- *Downstream Sanitary Sewer Analysis* - Provided and accepted with the preliminary development plan.
- *Drainage Study* – Provided and accepted with preliminary development plan.
- *Commercial Design Guidelines* – Applied to proposed development.
- *Retail Market Study* – Not applicable to application.
- *Alternative Compliance* – None proposed.

GENERAL INFORMATION

Current Zoning and Land Use: PD – [Bauer Farm PCD] undeveloped commercial lot.

Surrounding Zoning: PD – [Bauer Farm PCD] to the north, east and west; developing commercial center; undeveloped to the north, Burger King to the east and Taco Bell to the West.

PD – [Westgate PCD] to the south of W. 6th Street developed commercial center including office uses.

STAFF SUMMARY

This proposed Final Development Plan includes a single lot for the development of 5,372 SF retail and restaurant building and including a drive-thru. This lot will take access from Bauer Farm Drive. A revised Preliminary Development Plan was administratively approved in February 2011. The inclusion of this new drive-thru for the southwest corner of Bauer Farm Drive and Champion Lane deviates from the approved Preliminary Development Plan which locates a drive-thru use on the east side of Champion Lane, east of the Burger King site.

Site Summary (Lot 3, Block 2 Bauer Farm First Plat)	Area (SF)
Total Lot Area	39,075 SF
Total Building	5,372 SF
Total Open Space	9,112 SF
Total impervious	24,590 SF

Drive-thru Restrictions:
The total Bauer Farm development was approved with conditions that restricted the total number of uses with a drive-thru to the following: • 3 restaurants • 1 bank • 1 non-restaurant use

Parking Summary	
Parking Requirements	1 space per 200 NSF =19 spaces
Proposed Parking	38 spaces

The proposed parking exceeds the minimum requirement of the development but is consistent with previous Preliminary Development Plan approval. The proposed building is smaller than the building shown on the approved Preliminary Development Plan (6,300 SF).

STAFF REVIEW

This Final Development Plan is for Phase 1 of the Bauer Farm Development as shown on the Preliminary Development Plan but labeled as Phase 6 on the drawing. The overall development is covered by two different development plans because of the timing of several projects.

A revised Preliminary Development Plan for Bauer Farm [PDP-12-04-10], approved administratively, adjusted the previous development patterns for the commercial development portion of Bauer Farm. The plan specifically revised the Burger King site and the adjacent lot to the east.

The Bauer Farm Development was proposed and planned as a New Urbanism type of development which would utilize several Traditional Neighborhood Design concepts. The waivers which were approved by the Planning Commission were necessary to accommodate these TND concepts such as smaller lots, narrower rights-of-way, and reduced peripheral setbacks. Several Development Plans have been approved for both the commercial and residential portions of the development. This property has been platted but has not been included in a previous Final Development Plan.

The significant change for this project is the relocation of a drive-thru use east of Champion Lane to the west side of Champion Lane. The number of drive-thru uses was limited to three restaurant uses. This limit is maintained with this project but is proposed to be relocated.

Variation from Approved Preliminary Development Plan [PDP-12-04-10]
The items on the Final Development Plan which vary from the approved Preliminary Development Plan include the following:

1) Reduction of the overall building size from 6,300 SF to 5,372 SF.
2) Total off-Street parking has been reduced from 23 required and 52 provided to 19 required and 38 provided.
3) Addition of a drive-thru.
4) Removal of drive-thru for the lot east of Burger King.

The Planning Commission is responsible for the final decision-making of a Final Development Plan) of the pre-2006 Code. The proposed changes do not: alter the density or intensity of the use, increase the total floor area, or increase the building coverage or building height as specified by the limitation of changes per section 20-1013 (b).

Common Open Space
A minimum of 20% of the area in the Planned Development is required to be placed into Common Open Space. Common open space within the commercial development typically occurs as peripheral yards and interior open space. The figures indicate that open space provided for the development exceeds this requirement for this phase.

Access and Circulation
Vehicular access to this site is accommodated from Bauer Farm Drive. This project adds a drive-thru to the site not previously included. The south side of Bauer Farm Drive is associated with uses that have a higher vehicular component to the design. The development was approved with conditions that restricted the total number of uses with a drive-thru as noted above. To date the entire Bauer Farm development has been approved with the following features:

- Two drive-thru restaurants, Burger King and Taco Bell, and
- One non-restaurant use, CVS Pharmacy.

Automotive related uses do not count toward this restriction. This accommodates the Tunnel Car Wash developed on the north side of Bauer Farm Drive.

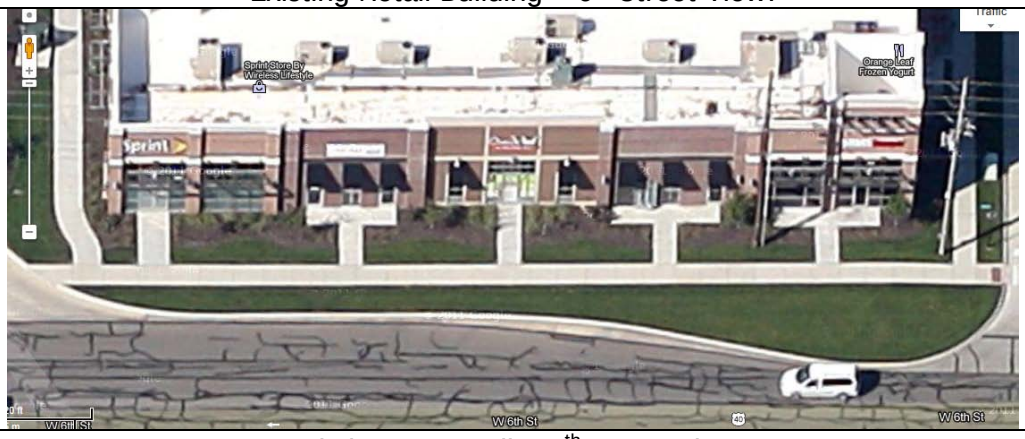
Approval of this Final Development Plan would assign the last available restaurant drive-thru to Lot 3, Block 2 Bauer Farm First Plat. Approval of this project clusters the high turn-over automotive related uses generally west of Champion Lane.

Pedestrian Connectivity
Internal pedestrian walkways are provided throughout the development.

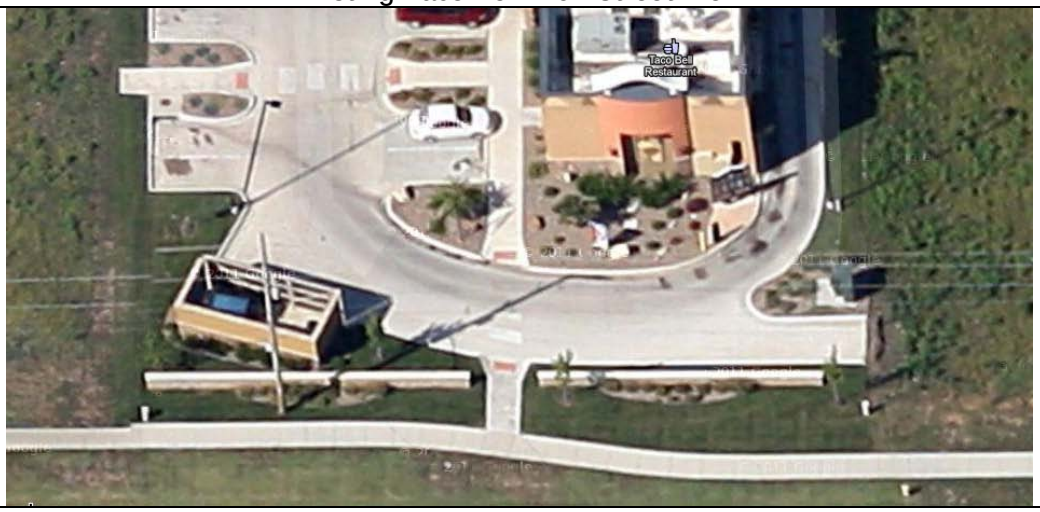
Lighting
A point by point photometric plan will be required for the parking lot lighting being proposed with this development.

Commercial Design Standards
Building Elevations are provided with the Final Development Plan. The proposed development is consistent with existing commercial development for this area. The retaining wall will be extended across this lot to provide screening at the street level.

Existing Retail Building – 6th Street View.



Existing Taco Bell – 6th Street View



Conclusion
The proposed development is consistent with the planned development for this area. The project shifts the remaining drive-thru use west of Champion Lane.

Figure 1. Proposed Development – FDP-12-5-11

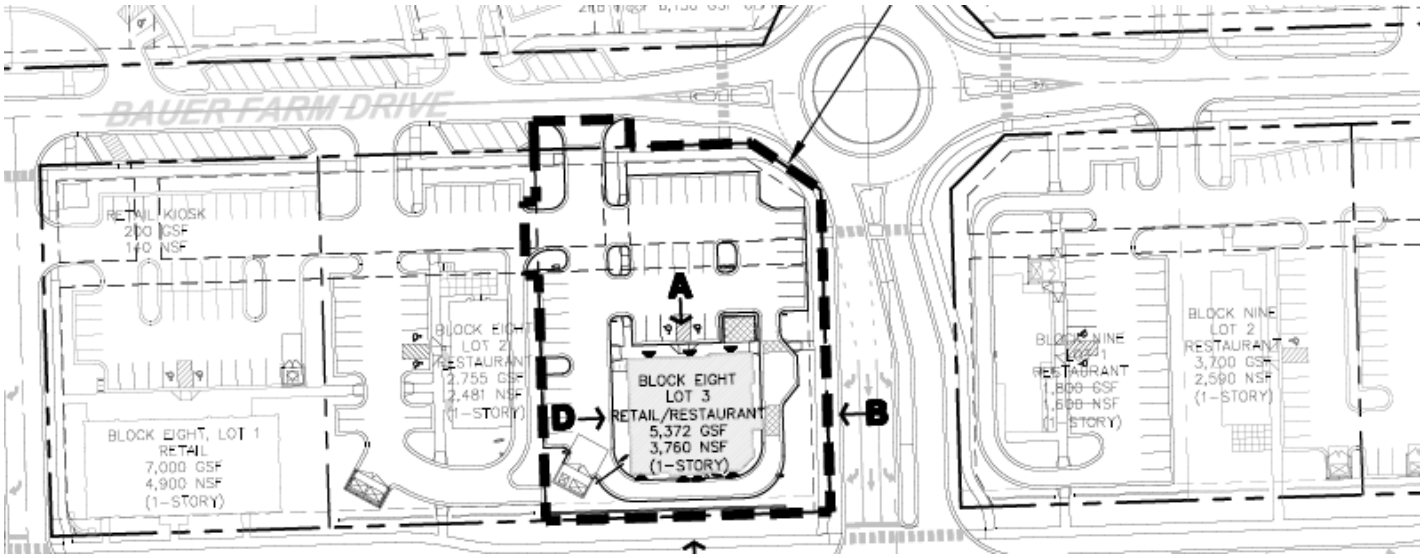
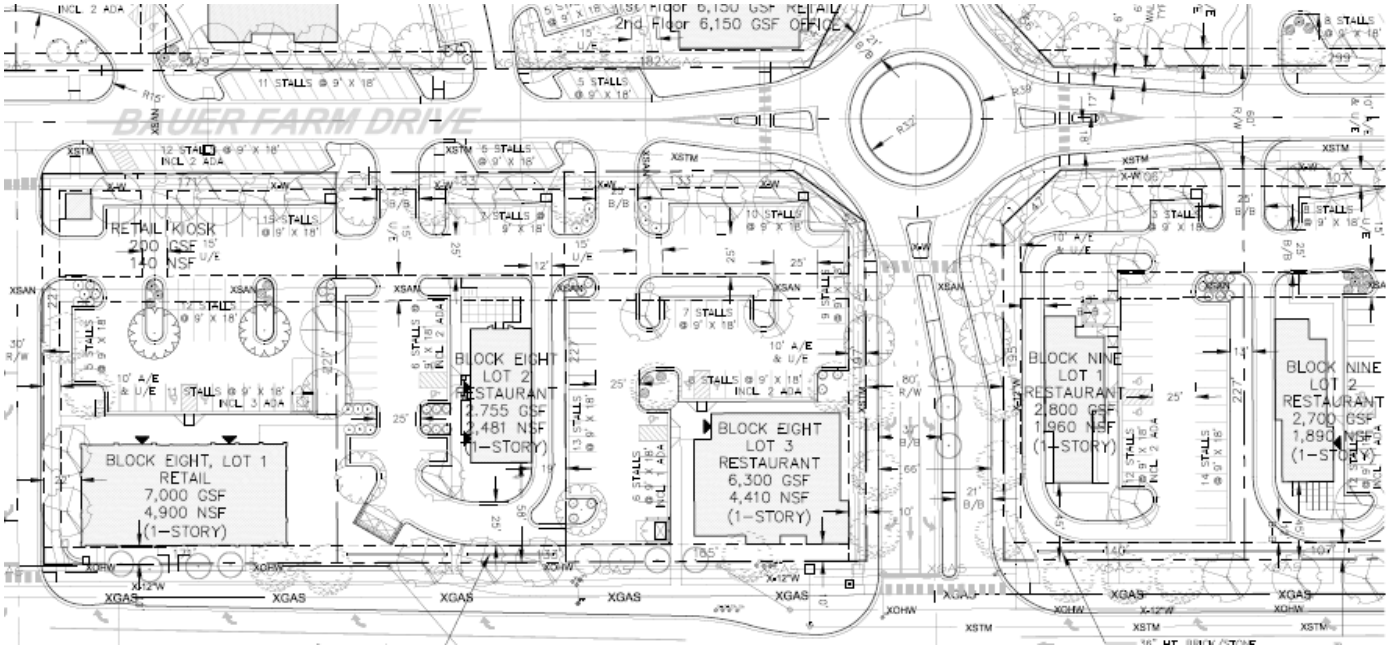
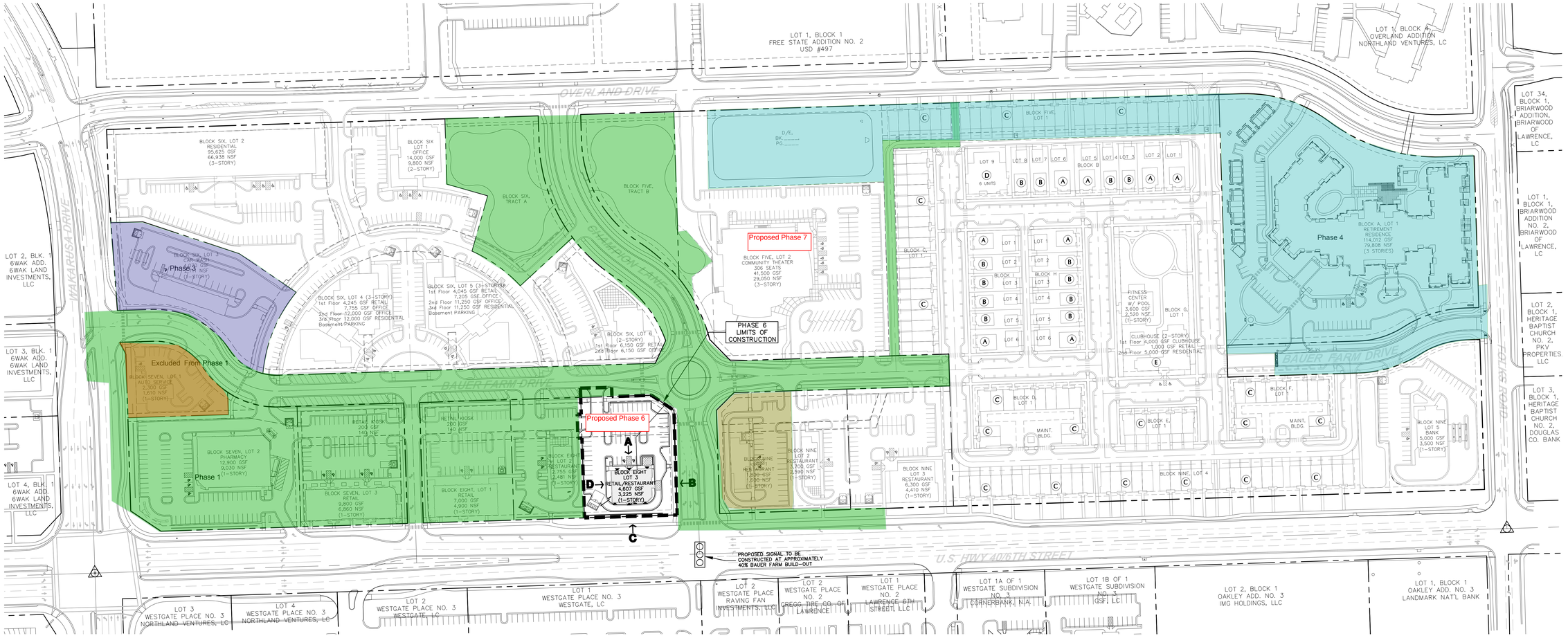


Figure 2. Approved Development – PDP-12-4-10



BAUER FARM

PHASE 6



COMMERCIAL (PCD) BUILDING INFORMATION & PARKING SUMMARY

BLOCK, LOT	BUILDING AREA (SF)	LOT AREA (SF)	GROSS FLOOR AREA (SF)	NET FLOOR AREA (SF)	PARKING RATIO	PARKING REQUIRED	PARKING PROVIDED	ADA PARKING REQUIRED	ADA PARKING PROVIDED
BLOCK FIVE, LOT 2	24,000	128,099	41,500 (306 SEATS)	N/A	1 SP. / 3 SEATS	102	143	5	5
BLOCK SIX, LOT 1	7,000	50,981	14,000	9,800	1 SP. / 200 N.S.F.	49	53	3	3
BLOCK SIX, LOT 2	31,875	104,636	95,625 RESIDENTIAL (84 2-BR UNITS)	N/A	1.5 SP. / 2-BR UNIT	126	148*	5	5
BLOCK SIX, LOT 3	4,070	51,961	4,070 RETAIL	2,711	1 SP. / 500 N.S.F.	6	13	1	1
BLOCK SIX, LOT 4	12,000	53,359	4,245 RETAIL	2,972	1 SP. / 200 N.S.F.	104	71**	3	3
			19,755 OFFICE	13,829	1 SP. / 200 N.S.F.				
			12,000 RESIDENTIAL (13 2-BR UNITS)	N/A	1.5 SP. / 2-BR UNIT				
BLOCK SIX, LOT 5	11,250	53,397	4,045 RETAIL	2,832	1 SP. / 200 N.S.F.	99	72**	3	3
			18,455 OFFICE	12,919	1 SP. / 200 N.S.F.				
			11,250 RESIDENTIAL (13 2-BR UNITS)	N/A	1.5 SP. / 2-BR UNIT				
BLOCK SIX, LOT 6	6,150	39,157	6,150 RETAIL	4,305	1 SP. / 200 N.S.F.	44	28	2	2
			6,150 OFFICE	4,305	1 SP. / 200 N.S.F.				
BLOCK SEVEN, LOT 1	2,300	22,135	2,300	1,610	1 SP. / 200 N.S.F.	9	15	1	1
BLOCK SEVEN, LOT 2	12,900	70,200	12,900	9,030	1 SP. / 200 N.S.F.	46	70	3	3
BLOCK SEVEN, LOT 3	10,000	45,622	10,000	7,417	1 SP. / 200 N.S.F.	38	54	3	3
BLOCK EIGHT, LOT 1	7,200	38,735	7,200	5,040	1 SP. / 200 N.S.F.	26	43	2	2
BLOCK EIGHT, LOT 2	2,755	30,191	2,755	2,481	1 SP. / 200 N.S.F.	13	24	2	2
BLOCK EIGHT, LOT 3	4,607	39,074	4,607	3,225	1 SP. / 200 N.S.F.	17	45	2	2
BLOCK NINE, LOT 1	1,800	24,877	1,800	1,260	1 SP. / 200 N.S.F.	7	11	1	1
BLOCK NINE, LOT 2	3,700	30,618	3,700	2,590	1 SP. / 200 N.S.F.	13	35	2	2
BLOCK NINE, LOT 3	6,300	44,038	6,300	4,410	1 SP. / 200 N.S.F.	23	63	3	3
MISC. ON-STREET PARKING	N/A	N/A	N/A	N/A	N/A	N/A	61	N/A	3
TOTAL		827,076	288,807			722	949	41	44
TOTAL COMMERCIAL/RETAIL			70,072						
TOTAL OFFICE/BANK			58,360						
TOTAL CIVIC/CULTURAL			41,500						
TOTAL RESIDENTIAL			118,875 (110 2-BR UNITS)						

* INCLUDES 64 UNDERGROUND STALLS

** INCLUDES 26 UNDERGROUND STALLS

PCD RESIDENTIAL DENSITY, PER SECTION 20-1008(A):

GROSS PCD ACREAGE	COMMERCIAL BLDG. AREA, R/W, TRACTS & D/E	NET RESIDENTIAL ACREAGE	TOTAL DWELLING UNITS	DWELLING UNIT DENSITY
25.89	9.22 AC	16.67	110	6.60

RESIDENTIAL (PRD) BUILDING INFORMATION & PARKING SUMMARY

BUILDING TYPE	TOTAL UNITS	1 BEDROOM	2 BEDROOM	3 BEDROOM	PARKING RATIO	PARKING REQUIRED	PARKING PROVIDED
"A" CUSTOM HOME	8	N/A			2 SP. / UNIT	28	24
CARRIAGE HOUSE	8	8	0	0	1.5 SP. / 1&2 BR UNIT		
"B" STARTER HOME	12	N/A			2 SP. / UNIT	24	24
"C" ROW HOME	110	0	66	44	2 SP. / UNIT	220	220
"D" MANSION HOUSE	6	1	3	2	1.5 SP. / 1 BR UNIT 1.5 SP. / 2 BR UNIT 2.5 SP. / 3 BR UNIT	13	12 (TANDEM)
"E" CLUBHOUSE (4,000 GSF/2,800 NSF)	N/A	N/A			N/A	10	0
RETAIL (1,000 GSF/700 NSF)	N/A	N/A			1 SP. / 200 NSF		
RESIDENTIAL (5,000 GSF)	4	0	4	0	1.5 SP. / 2 BR UNIT		
FITNESS CENTER (3,600 GSF/2,520 NSF)	N/A		N/A		N/A	N/A	0
RETIREMENT RESIDENCE	124	106	18	0	1.5 SP. / 1&2 BR UNIT	186	77
MISC. ON-STREET PARKING	N/A	N/A			N/A	N/A	104
TOTAL	272					343	461

PRD RESIDENTIAL DENSITY, PER SECTION 20-1007(A):

GROSS PRD ACREAGE	COMMERCIAL BLDG. AREA, R/W, TRACTS & D/E	NET RESIDENTIAL ACREAGE	TOTAL DWELLING UNITS	DWELLING UNIT DENSITY
16.44	5.36	11.08	272	24.55

PRD COMMON OPEN SPACE, PER SECTION 20-1006(C):

GROSS PRD ACREAGE	R/W & OFF-STREET PKG.	NET RESIDENTIAL USE ACREAGE	REQUIRED OPEN SPACE ACREAGE (20% OF NET)	PROVIDED OPEN SPACE ACREAGE
16.44	7.23	9.21	1.84	3.30

OFFICE (POD) BUILDING INFORMATION & PARKING SUMMARY

BLOCK, LOT	BUILDING AREA (SF)	LOT AREA (SF)	GROSS FLOOR AREA (SF)	NET FLOOR AREA (SF)	PARKING RATIO	PARKING REQUIRED	PARKING PROVIDED	PARKING REQUIRED	PARKING PROVIDED
BLOCK NINE, LOT 5	5,000	59,988	5,000	3,500	1 SP. / 200 N.S.F.	18	42	2	2

GENERAL NOTES

1. Owners: Free State Holdings, Inc
   110 McDonald Drive
   Suite 192
   Lawrence, KS 66044
2. Land Planner: Treanor Architects
   110 McDonald Drive
   Suite 192
   Lawrence, KS 66044
   Landplan Engineering, P.A.
   1310 Wakarusa Drive
   Lawrence, KS 66049
3. Engineer/Surveyor: Landplan Engineering, P.A.
   1310 Wakarusa Drive
   Lawrence, KS 66049
4. Existing Land Use: Undeveloped
5. Proposed Land Use: Commercial
6. Existing Zoning: PCD-2
7. Proposed Zoning: PCD-2

LEGAL DESCRIPTION

LOT 3, BLOCK TWO, BAUER FARM FIRST PLAT, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

NORTH

80 40 0 80

SCALE: 1" = 80'

THIS DOCUMENT IS FOR PLANNING PURPOSES ONLY—NOT FOR CONSTRUCTION

CHAIR
LAWRENCE – DOUGLAS COUNTY PLANNING COMMISSION

SECRETARY
LAWRENCE – DOUGLAS COUNTY PLANNING COMMISSION

A Final Development Plan for

BAUER FARM – Phase 6

Lawrence, Kansas

Civil Engineering
Landscape Architecture
Community Planning
Surveying

Landplan Engineering, P.A.

Lowhurst Exchange Building
1605 Greenleaf, Suite 400
Lawrence, Kansas 66049
Tel (785)331-2334
Fax (785)843-7530
landplan@landplan-pa.com

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BAUER FARM – Phase 6

WEST 6TH STREET & CHAMPION LANE
LAWRENCE, KANSAS

REVISIONS

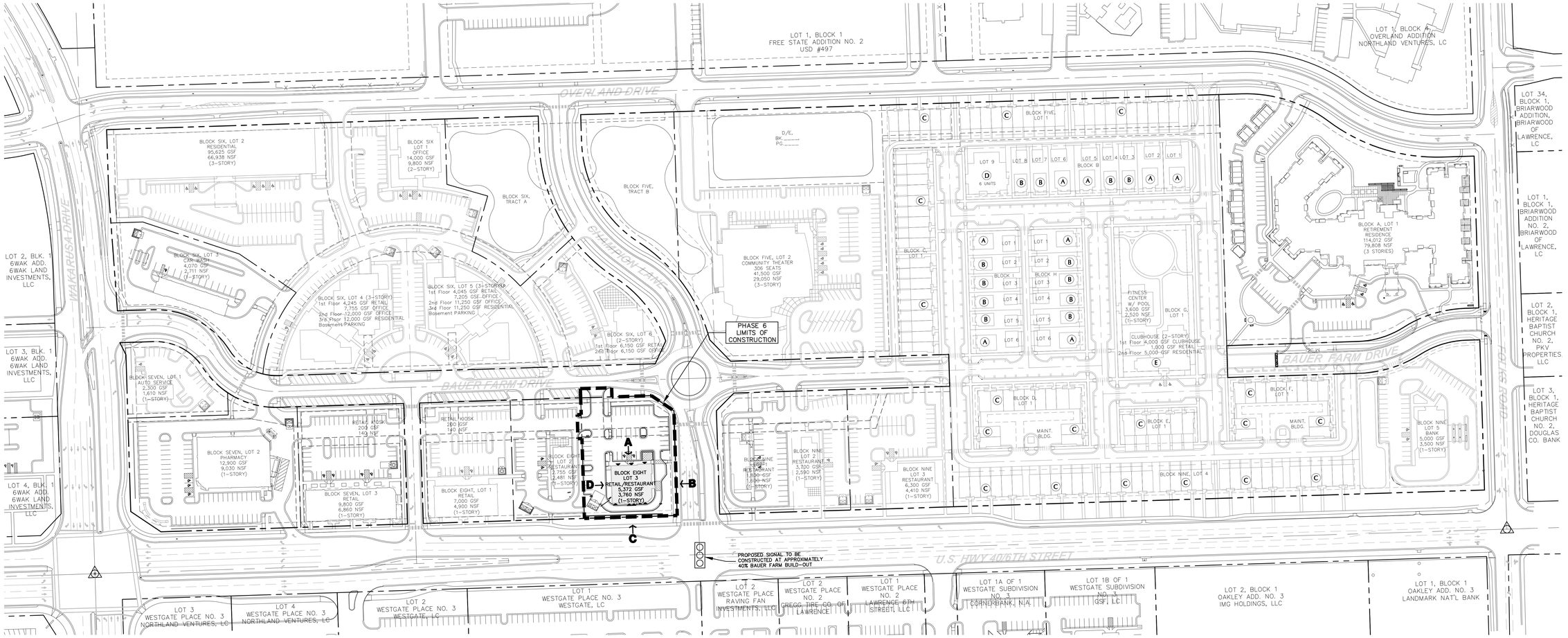
DATE: 12/22/2011
PROJECT NO: 20111276
DESIGNED BY: LPE/TA
DRAWN BY: BS
CHECKED BY: BS

SHEET NO. 1 OF 4 SHEETS

COMPUTER ID: P:\20111276\CAD\Planning\FDP\111276C-FDP.dwg, 1:1

BAUER FARM

PHASE 6



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BLOCK NINE, LOT 1	1,800	24,877	1,800	1,260	1 SP. / 200 N.S.F.	7	11	1	1
BLOCK NINE, LOT 2	3,700	30,618	3,700	2,590	1 SP. / 200 N.S.F.	13	21	1	1
BLOCK NINE, LOT 3	6,300	44,038	6,300	4,410	1 SP. / 200 N.S.F.	23	63	3	3
MISC. ON-STREET PARKING	N/A	N/A	N/A	N/A	N/A	N/A	61	N/A	3
TOTAL		827,080	289,572			724	938	40	43
TOTAL COMMERCIAL/RETAIL			70,837						
TOTAL OFFICE/BANK			58,360						
TOTAL CIVIC/CULTURAL			41,500						
TOTAL RESIDENTIAL			118,875 (110 2-BR UNITS)						

* INCLUDES 64 UNDERGROUND STALLS

** INCLUDES 26 UNDERGROUND STALLS

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"B" STARTER HOME	12	N/A			2 SP. / UNIT	24	24
"C" ROW HOME	110	0	66	44	2 SP. / UNIT	220	220
"D" MANSION HOUSE	6	1	3	2	1.5 SP. / 1 BR UNIT 1.5 SP. / 2 BR UNIT 2.5 SP. / 3 BR UNIT	13	12 (TANDEM)
"E" CLUBHOUSE (4,000 GSF/2,800 NSF)	N/A	N/A			N/A	10	0
RETAIL (1,000 GSF/700 NSF)	N/A	N/A			1 SP. / 200 NSF		
RESIDENTIAL (5,000 GSF)	4	0	4	0	1.5 SP. / 2 BR UNIT		
FITNESS CENTER (3,600 GSF/2,520 NSF)	N/A	N/A			N/A	N/A	0
RETIREMENT RESIDENCE	124	106	18	0	1.5 SP. / 1&2 BR UNIT	186	77
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TOTAL	272					343	461

PRD RESIDENTIAL DENSITY, PER SECTION 20-1007(A):

GROSS PRD ACREAGE	COMMERCIAL BLDG. AREA, R/W, TRACTS & D/E	NET RESIDENTIAL ACREAGE	TOTAL DWELLING UNITS	DWELLING UNIT DENSITY
16.44	5.36	11.08	272	24.55

PRD COMMON OPEN SPACE, PER SECTION 20-1006(C):

GROSS PRD ACREAGE	R/W & OFF-STREET PKG.	NET RESIDENTIAL USE ACREAGE	REQUIRED OPEN SPACE ACREAGE (20% OF NET)	PROVIDED OPEN SPACE ACREAGE
16.44	7.23	9.21	1.84	3.30

OFFICE (POD) BUILDING INFORMATION & PARKING SUMMARY

BLOCK, LOT	BUILDING AREA (SF)	LOT AREA (SF)	GROSS FLOOR AREA (SF)	NET FLOOR AREA (SF)	PARKING RATIO	PARKING REQUIRED	PARKING PROVIDED	PARKING REQUIRED	PARKING PROVIDED
BLOCK NINE, LOT 5	5,000	59,988	5,000	3,500	1 SP. / 200 N.S.F.	18	42	2	2

GENERAL NOTES

1. Owners: Free State Holdings, Inc
   110 McDonald Drive
   Suite 192
   Lawrence, KS 66044
2. Land Planner: Treanor Architects
   110 McDonald Drive
   Suite 192
   Lawrence, KS 66044
   Landplan Engineering, P.A.
   1310 Wakarusa Drive
   Lawrence, KS 66049
3. Engineer/Surveyor: Landplan Engineering, P.A.
   1310 Wakarusa Drive
   Lawrence, KS 66049
4. Existing Land Use: Undeveloped
5. Proposed Land Use: Commercial
6. Existing Zoning: PCD-2
7. Proposed Zoning: PCD-2

LEGAL DESCRIPTION

LOT 3, BLOCK TWO, BAUER FARM FIRST PLAT, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

NORTH

80 40 0 80

SCALE: 1" = 80'

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CHAIR
LAWRENCE – DOUGLAS COUNTY PLANNING COMMISSION

SECRETARY
LAWRENCE – DOUGLAS COUNTY PLANNING COMMISSION

A Final Development Plan for

BAUER FARM – Phase 6

Lawrence, Kansas

COMPUTER ID:

Civil Engineering
Landscape Architecture
Community Planning
Surveying

Landplan Engineering, P.A.

Landmark Exchange Building
1310 Wakarusa Drive
Lawrence, Kansas 66049
Tel (785)843-7530
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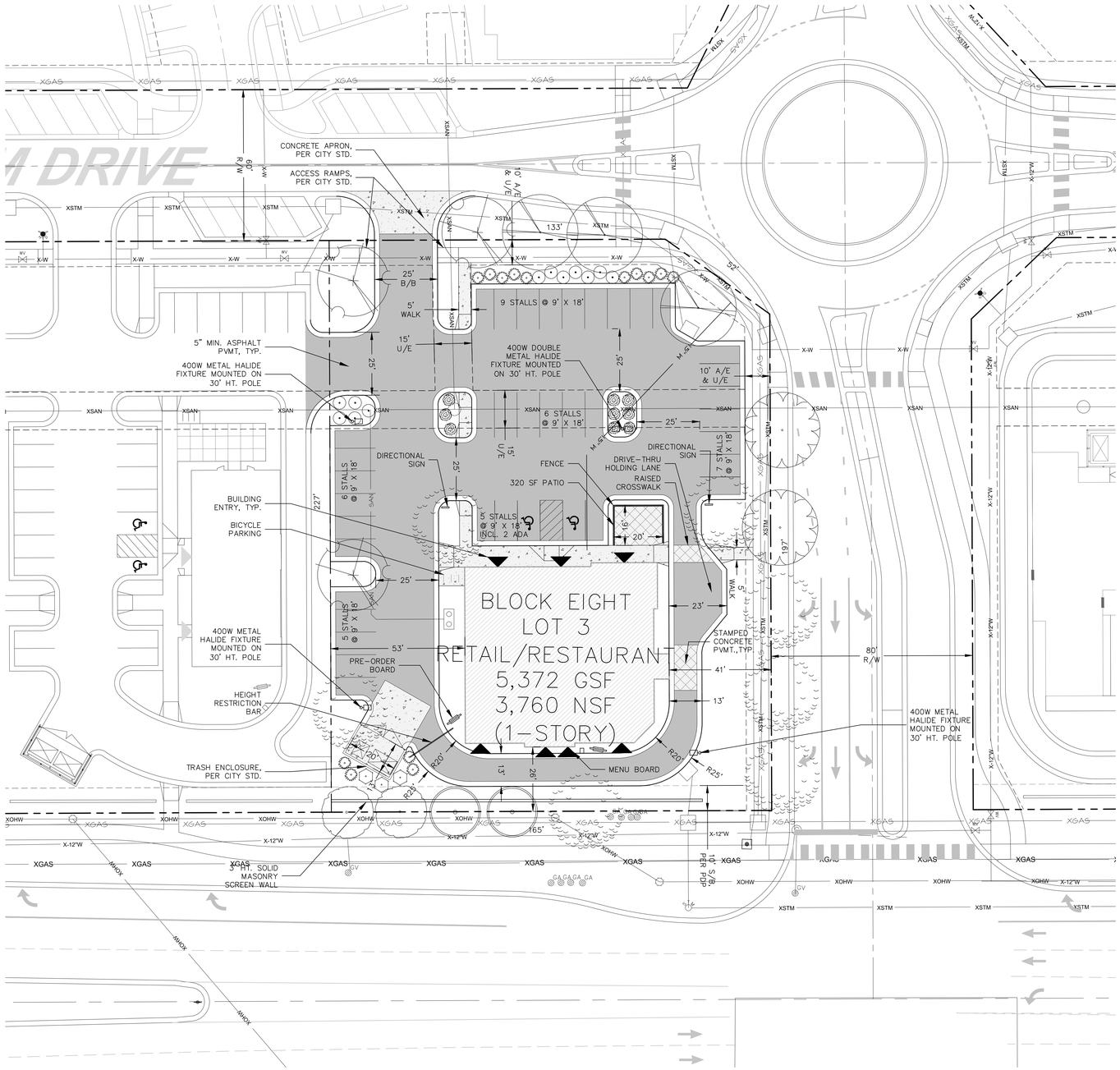
BAUER FARM – Phase 6

WEST 6TH STREET & CHAMPION LANE
LAWRENCE, KANSAS

REVISIONS
2.8.12 – PER DEPT. COMMENTS

DATE: 12/22/2011
PROJECT NO.: 20111275
DESIGNED BY: LPE/TA
DRAWN BY: BS
CHECKED BY: BS

SHEET NO. 1 OF 4 SHEETS



SITE SUMMARY

GROSS AREA: 1,911,436 S.F./ 43.88 ACRES
R/W AREA: 404,739 S.F./ 9.29 ACRES
NET AREA: 1,506,687 S.F./ 34.59 ACRES

EXISTING		PROPOSED	
PCD/DETENTION EASEMENT	**Area (S.F.)**	**DENTENTION EASEMENT**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	0 (0%)
Existing Pavement	0	Proposed Pavement	646 (1%)
Existing Impervious	0	Proposed Impervious	Subtotal 646
Existing Pervious	50,356	Proposed Pervious	49,710 (99%)
Property Area	50,356		50,356
PCD/BLOCK FIVE, TRACT B	**Area (S.F.)**	**BLOCK FIVE, TRACT B**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	0 (0%)
Existing Pavement	0	Proposed Pavement	0 (0%)
Existing Impervious	0	Proposed Impervious	Subtotal 0
Existing Pervious	39,107	Proposed Pervious	39,107 (100%)
Property Area	39,107		39,107
PCD/BLOCK FIVE, LOT 2	**Area (S.F.)**	**BLOCK FIVE, LOT 2**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	24,000 (19%)
Existing Pavement	0	Proposed Pavement	68,204 (53%)
Existing Impervious	0	Proposed Impervious	Subtotal 92,204
Existing Pervious	128,099	Proposed Pervious	35,895 (28%)
Property Area	128,099		128,099
PCD/BLOCK SIX, TRACT A	**Area (S.F.)**	**BLOCK SIX, TRACT A**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	0 (0%)
Existing Pavement	0	Proposed Pavement	4,589 (10%)
Existing Impervious	0	Proposed Impervious	Subtotal 4,589
Existing Pervious	46,562	Proposed Pervious	41,973 (90%)
Property Area	46,562		46,562
PCD/BLOCK SIX, LOT 1	**Area (S.F.)**	**BLOCK SIX, LOT 1**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	7,000 (13%)
Existing Pavement	0	Proposed Pavement	29,329 (58%)
Existing Impervious	0	Proposed Impervious	Subtotal 36,329
Existing Pervious	50,981	Proposed Pervious	14,652 (29%)
Property Area	50,981		50,981
PCD/BLOCK SIX, LOT 2	**Area (S.F.)**	**BLOCK SIX, LOT 2**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	31,875 (30%)
Existing Pavement	0	Proposed Pavement	44,766 (43%)
Existing Impervious	0	Proposed Impervious	Subtotal 76,641
Existing Pervious	104,636	Proposed Pervious	27,995 (27%)
Property Area	104,636		104,636
PCD/BLOCK SIX, LOT 3	**Area (S.F.)**	**BLOCK SIX, LOT 3**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	4,070 (8%)
Existing Pavement	0	Proposed Pavement	25,227 (48%)
Existing Impervious	0	Proposed Impervious	Subtotal 29,297
Existing Pervious	51,961	Proposed Pervious	22,664 (44%)
Property Area	51,961		51,961
PCD/BLOCK SIX, LOT 4	**Area (S.F.)**	**BLOCK SIX, LOT 4**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	12,000 (22%)
Existing Pavement	0	Proposed Pavement	27,480 (52%)
Existing Impervious	0	Proposed Impervious	Subtotal 39,480
Existing Pervious	53,359	Proposed Pervious	13,879 (26%)
Property Area	53,359		53,359
PCD/BLOCK SIX, LOT 5	**Area (S.F.)**	**BLOCK SIX, LOT 5**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	11,250 (21%)
Existing Pavement	0	Proposed Pavement	29,654 (56%)
Existing Impervious	0	Proposed Impervious	Subtotal: 40,904
Existing Pervious	53,397	Proposed Pervious	12,493 (23%)
Property Area	53,397		53,397
PCD/BLOCK SIX, LOT 6	**Area (S.F.)**	**BLOCK SIX, LOT 6**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	6,150 (16%)
Existing Pavement	0	Proposed Pavement	21,201 (54%)
Existing Impervious	0	Proposed Impervious	Subtotal 27,351
Existing Pervious	39,157	Proposed Pervious	11,806 (30%)
Property Area	39,157		39,157
PCD/BLOCK SEVEN, LOT 1	**Area (S.F.)**	**BLOCK SEVEN, LOT 1**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	2,300 (11%)
Existing Pavement	0	Proposed Pavement	10,259 (48%)
Existing Impervious	0	Proposed Impervious	Subtotal: 12,559
Existing Pervious	22,135	Proposed Pervious	9,576 (43%)
Property Area	22,135		22,135
PCD/BLOCK SEVEN, LOT 2	**Area (S.F.)**	**BLOCK SEVEN, LOT 2**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	12,900 (18%)
Existing Pavement	0	Proposed Pavement	43,192 (62%)
Existing Impervious	0	Proposed Impervious	Subtotal: 56,092
Existing Pervious	70,200	Proposed Pervious	14,108 (20%)
Property Area	70,200		70,200
PCD/BLOCK SEVEN, LOT 3	**Area (S.F.)**	**BLOCK SEVEN, LOT 3**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	10,000 (22%)
Existing Pavement	0	Proposed Pavement	27,605 (61%)
Existing Impervious	0	Proposed Impervious	Subtotal 37,605
Existing Pervious	45,622	Proposed Pervious	8,017 (17%)
Property Area	45,622		45,622
PCD/BLOCK EIGHT, LOT 1	**Area (S.F.)**	**BLOCK EIGHT, LOT 1**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	7,200 (18%)
Existing Pavement	0	Proposed Pavement	21,780 (57%)
Existing Impervious	0	Proposed Impervious	Subtotal 28,980
Existing Pervious	38,735	Proposed Pervious	9,755 (25%)
Property Area	38,735		38,735
PCD/BLOCK EIGHT, LOT 2	**Area (S.F.)**	**BLOCK EIGHT, LOT 2**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	2,755 (9%)
Existing Pavement	0	Proposed Pavement	18,685 (62%)
Existing Impervious	0	Proposed Impervious	Subtotal 21,440
Existing Pervious	30,191	Proposed Pervious	8,751 (29%)
Property Area	30,191		30,191
PCD/BLOCK EIGHT, LOT 3	**Area (S.F.)**	**BLOCK EIGHT, LOT 3**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	5,372 (14%)
Existing Pavement	0	Proposed Pavement	24,590 (63%)
Existing Impervious	0	Proposed Impervious	Subtotal 29,962
Existing Pervious	39,074	Proposed Pervious	9,112 (23%)
Property Area	39,074		39,074
PCD/BLOCK NINE, LOT 1	**Area (S.F.)**	**BLOCK NINE, LOT 1**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	1,800 (7%)
Existing Pavement	0	Proposed Pavement	13,719 (55%)
Existing Impervious	0	Proposed Impervious	Subtotal 15,519
Existing Pervious	24,877	Proposed Pervious	9,358 (38%)
Property Area	24,877		24,877
PCD/BLOCK NINE, LOT 2	**Area (S.F.)**	**BLOCK NINE, LOT 2**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	3,700 (12%)
Existing Pavement	0	Proposed Pavement	18,293 (60%)
Existing Impervious	0	Proposed Impervious	Subtotal 21,993
Existing Pervious	30,618	Proposed Pervious	8,625 (28%)
Property Area	30,618		30,618
PCD/BLOCK NINE, LOT 3	**Area (S.F.)**	**BLOCK NINE, LOT 3**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	6,300 (14%)
Existing Pavement	0	Proposed Pavement	25,799 (59%)
Existing Impervious	0	Proposed Impervious	Subtotal 32,099
Existing Pervious	44,038	Proposed Pervious	11,939 (27%)
Property Area	44,038		44,038
PRD/BLOCK A, LOT 1	**Area (S.F.)**	**BLOCK A, LOT 1**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	46,689 (28%)
Existing Pavement	0	Proposed Pavement	56,295 (30%)
Existing Impervious	0	Proposed Impervious	Subtotal 102,984
Existing Pervious	184,610	Proposed Pervious	81,626 (44%)
Property Area	184,610		184,610
PRD (REMAINING)	**Area (S.F.)**	**PRD (REMAINING)**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	133,317 (45%)
Existing Pavement	0	Proposed Pavement	58,511 (20%)
Existing Impervious	0	Proposed Impervious	Subtotal 191,828
Existing Pervious	298,971	Proposed Pervious	107,143 (35%)
Property Area	298,971		298,971
POD/BLOCK NINE, LOT 5	**Area (S.F.)**	**BLOCK NINE, LOT 5**	**Area (S.F.)**
Existing Buildings	0	Proposed Buildings	5,000 (8%)
Existing Pavement	0	Proposed Pavement	27,050 (45%)
Existing Impervious	0	Proposed Impervious	Subtotal 32,050
Existing Pervious	59,988	Proposed Pervious	27,938 (47%)
Property Area	59,988		59,988

PLANT SCHEDULE

SYMBOL	NAME	CONDITION	SIZE
	Redmond Linden – Tilia americana 'Redmond'	B&B	2" CAL.
	Dynasty Elm – Ulmus parvifolia 'Dynasty'	B&B	2" CAL.
	Imperial Locust – Gleditsia tricanthos 'Imperial'	B&B	2" CAL.
	Northern Red Oak – Quercus rubra	B&B	2" CAL.
	Pacific Sunset Maple – Acer truncatum x platanoides 'Warrenred'	B&B	2" CAL.
	Amur Maple – Acer ginnala 'Flame'	B&B	2" CAL.
	Eastern Redbud – Cercis canadensis 'Forest Pansy'	B&B	2" CAL.
	Goldenraintree – Koelreuteria paniculata	B&B	2" CAL.
	Kousa Dogwood – Cornus kousa	B&B	Multi-Stem
	River Birch – Betual Nigra	B&B	2" CAL.
	Serviceberry – Amelanchier grandiflora 'Autumn Brilliance'	B&B	2" CAL.
	Snowdrift Crabapple – Malus 'Snowdrift'	B&B	2" CAL.
	Black Hills Spruce – Picea glauca 'Densata'	B&B	6' HT.
	Eastern White Pine – Pinus strobus	B&B	6' HT.
	Blue Muffin Viburnum – Viburnum dentatum 'Christom'	CONT.	36" HT.
	Dwarf Winged Burning Bush – Euonymus alatus 'Compactus'	CONT.	36" HT.
	Gold Flame Spirea – Spiraea x bumalda 'Goldflame'	CONT.	36" HT.
	Miss Kim Lilac – Syringa patula 'Miss Kim'	CONT.	36" HT.
	Sea Green Juniper– Juniperus chinensis 'Sea Green'	CONT.	36" HT.

TREE REQUIREMENTS

Section 20-1404.3
Street Trees Required: 1 Tree/40 LF R.O.W;
527 LF R.O.W./40 = 14
Street Trees Provided: 15

Section 20-1404.3(G)
Site Trees Required: 1 Tree per 3,000 SF OPEN SPACE;
9,112 SF OPEN SPACE/3,000 = 4
Site Trees provided: 4

INTERIOR PARKING LANDSCAPE SUMMARY

BLOCK, LOT	PARKING STALLS PROVIDED	LANDSCAPE AREA REQUIRED (# stalls x 60 sf)	LANDSCAPE AREA PROVIDED	TREES & SHRUBS REQUIRED (1 tree & 3 shrubs/ 10 stalls)	TREES & SHRUBS PROVIDED
BLOCK EIGHT, LOT 3	38	2,280	2,417	4, 12	5, 14

CHAIR
LAWRENCE – DOUGLAS COUNTY PLANNING COMMISSION

SECRETARY
LAWRENCE – DOUGLAS COUNTY PLANNING COMMISSION

NORTH SCALE: 1" = 20'

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A Final Development Plan for

BAUER FARM – Phase 6

Lawrence, Kansas

Civil Engineering
Landscape Architecture
Community Planning
Surveying

Landplan Engineering, P.A.

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BAUER FARM – Phase 6

WEST 6TH TREET & CHAMPION LANE
LAWRENCE, KANSAS

LAYOUT & LANDSCAPE PLAN

REVISIONS
2.8.12 – PER DEPT. COMMENTS

DATE: 12/22/2011
PROJECT NO.: 20111276
DESIGNED BY: LPE/TA
DRAWN BY: BS
CHECKED BY: BS

SHEET NO. 2 OF 4 SHEETS

COMPUTER ID:
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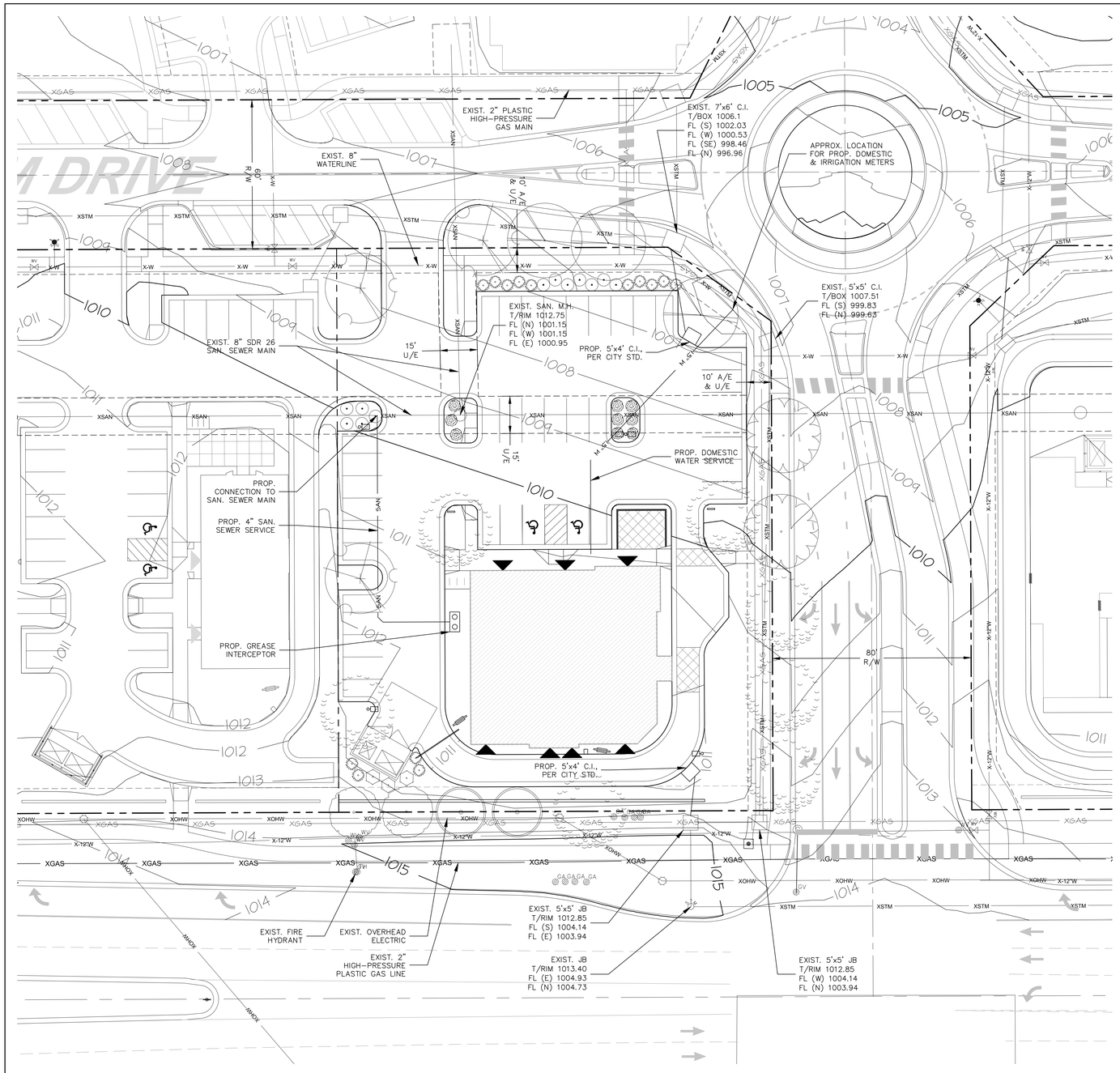

ALLOWABLE USE GROUPS

USE GROUP 4. MULTI-FAMILY RESIDENTIAL

Multiple-family residential use without requiring retail/office on the 1st floor with multiple-family residential on the upper floor

USE GROUP 7. COMMUNITY FACILITIES – PUBLIC UTILITIES.

1. Community Facilities
   Adaptive reuse of properties listed as a landmark on the Lawrence, State or National Registers of historic Places or included in the Lawrence or National Register of Historic Districts
   Art gallery or museum
   Cemetery, columbarium, or mausoleum
   Child care center
   Child care home – occupant primary provider
   Child care home – non–occupant primary provider
   Church or other place of worship, including student center
   Club or lodge, private, except those whose chief activity is carried on as a business
   Communication Towers
   Community building, public
   Golf course, but not including commercially operated driving range, pitch and putt course or miniature golf course
   ~~Halfway house or service oriented rehabilitation center or residence~~
   Health center, government operated
   ~~Hospital, general, not including animal~~
   Institution for children and aged, nonprofit
   Library or museum; public or private, open to public without charge
   Monastery, convent or similar institution of religious training
   Mortuary, funeral parlor, or undertaking establishment
   Nursing home or rest home
   Parish house, nunnery, rectory, etc.
   Park, playground, or playfield, public
   Private recreation facility (exclusive of family swimming pools and swimming pools that are accessory uses to hotels, motels and apartments)
   ~~Rehabilitation center for persons with disabilities~~
   Sanitarium
   School, public, parochial, or private, non–profit:
   (a) Grades nine and below including kindergarten
   (b) Grades ten and above
   Studio for professional work or for teaching of any form of fine arts e.g. photography, music, dancing, drama, etc.
   ~~Swimming pool, accessory~~
   Theatre, live (if indoors)
2. Public Utilities
   Electrical substation
   Gas regulator station
   Radio or television transmitter or tower
   ~~Sewage disposal plant, private~~
   Telephone exchange, but not including garage, shop, or service
   Water filtration plant, pumping station, elevated storage or reservoir
3. Similar Uses
   All other uses which (1) are similar to the listed uses in function, traffic–generating capacity, and effects on other land uses and (2) are not included in any other use group.
4. Accessory Uses

USE GROUP 9. PROFESSIONAL OFFICES.

1. Medical and Related Offices
   Chiropody, chiropractic, dental, electrology, medical, optical, optometric, osteopathic, including a clinic
2. Ambulatory (Outpatient) Surgery Center
3. Professional and Governmental Offices
   Accounting, architecture, engineering, governmental, insurance sales, law, real estate and sales and brokerage, motion picture studios (enclosed)
4. Veterinarian
   Office and incidental boarding, with no open kennel or yard where animals are confined or exercised
5. Financial Institutions
6. Studio for professional work or for teaching of any form of fine arts e.g. photography, music, dancing, drama, etc.
7. Other Offices
   All other offices which (1) are similar to the listed uses in function, traffic–generating capacity, effects on other land uses, and (2) are not included in any other use group.
8. Accessory Uses.

USE GROUP 9A LIMITED SERVICES.

1. Bank, savings & loan, and trust company
   Dry cleaning outlet: store
   Freestanding automated banking or dispensing facility
   Funeral home, mortuary or undertaking establishment
   Laboratory, medical or dental
   Loan office
   Personnel services
   Photographic studio
   Post Office branch facility
   Professional cleaning services
   Radio and television studio
   Recording studio
   School, commercial or trade, when not involving any danger of fire or explosion, nor of offensive odor, noise, dust, glare, heat, vibration or other objectionable factors
   Secretarial service
   Studio for professional work or for teaching of any form of fine arts i.e. photograph, music, dancing, drama, etc.
   Telephone answering service
2. Accessory Uses

USE GROUP 11. INNER NEIGHBORHOOD COMMERCIAL USES.

1. Bicycle sales, rental or repair
   Book store, retail or used
   Dry cleaning outlet: store
   Food store, not including 24 hr. convenience store
   Hair care establishment
   Laundry, self–serve
   Professional Offices (excluding medical and veterinarian offices and clinics)
   Quick copy center
   Restaurant, not including one with drive–up facilities or service to automobiles
   Retail bakery
   Reverse vending machines (recycling)
   Shoe repair service
   Small collection facilities (recycling)
   Studio for professional work or for teaching of any form of fine arts i.e. photography, music, dancing, drama, etc.
2. Accessory Uses

USE GROUP 12. RETAIL STORES – PERSONAL SERVICES.

Certain types of retail stores and service establishments which:

~~(1) Retail Stores and Service Establishments~~

   Altering, pressing, repairing of wearing apparel
   Antique sales
   Appliance, furniture, home furnishings, sales, rental repair
   Art supply sales
   ~~Automobile service stations~~
   Bank, savings & loan and trust company
   Barber or beauty shop
   Bicycle sales, rental, repair
   Book sales
   Bowling alley
   Camera or photographic supply sales
   Clothing sales
   Club or lodge, whose chief activity is carried on as a business
   Computer store; sales, service and equipment
   Confectionery store
   ~~Department store~~
   Drug store
   Dry cleaning
   Eating place, enclosed, without dancing or entertainment and not providing service in automobiles
   Florist shop and greenhouse
   ~~Food convenience store, including gasoline sales and single bay auto wash (Ord. 7028)~~
   Food store, including retail bakery
   ~~Furrier shop, including storage of furs~~
   Garden supply sales
   Gift, novelty, souvenir sales
   Hardware store and small tool rental, but not including sales of lumber or industrial hardware
   ~~Hat cleaning or repair~~
   Hobby supply sales
   Ice vending machine
   Interior decorating shop
   Jewelry sales and repair
   Laundry pick–up station
   Laundry, self–service only
   Licensed premises
   Liquor, wine and beer sales, for consumption off the premises
   Loan office
   Locksmith, key shop
   Mail order agency
   Music, musical instrument and phonographic record sales
   Newsstand
   Nursery stock sales
   Optical goods, sales
   Orthopedic or medical appliance sales
   Paint and wall paper sales
   ~~Pawnshop (Ord. 5335)~~
   Photographic processing
   Photographic studio
   Post Office
   Quick copy or duplicating center
   Radio and television studio
   Reducing salon
   Sewing machine sales and repair
   Shoe repair and sales
   Sporting goods sales
   ~~Surgical and dental supply sales~~
   Theatre, indoor commercial
   Variety store
   Video store, sale or rental of video equipment, movies and games parlor
   ~~Similar Uses~~
   ~~Other uses which (1) are similar to the listed uses in function, traffic–generating capacity and effects on other land uses, and (2) are not included in any other use group.~~
   ~~Accessory Uses~~

USE GROUP 13. AUTOMOTIVE SERVICES; RETAIL SALES; OTHER.

Primarily automotive service establishments and accessory uses, including consumer and non–consumer retail goods and services not appropriate for the neighborhood shopping district, including certain goods and services for agricultural, industrial, commercial, or institutional use.

   ~~Automotive Services and Retail Sales~~
   ~~Aircraft sales, service~~
   Ambulance service
   Amusement park, commercial
   ~~Auction room, auctioneer~~
   Automobile parking garage
   Automobile parts store; tires & accessories
   Automobile repair and services
   Automobile sales, service, rental (new and used)
   ~~Automobile service station~~
   Barber and beauty equipment sales
   ~~Baseball park, commercial~~
   Blueprinting and similar reproduction processes
   ~~Boat and marine sales, retail and repair~~
   Bus passenger station
   Business machine rental, repair, sales
   Car or truck wash
   ~~Carnival or circus~~
   Carting, crating, express hauling, moving and storage
   Caterer
   Eating establishment, enclosed, with dancing or entertainment
   ~~Eating establishment, providing only drive–in service or no seating facilities~~
   Exterminator, pest
   ~~Food convenience store, including gasoline sales~~
   ~~Food locker plant, for consumer use~~
   Free standing automated banking or dispensing facility
   ~~Funeral home, mortuary, or undertaking establishment~~
   ~~Garage or parking for commercial or public utility vehicles~~
   ~~Glass sales and cutting shop~~
   Golf driving range, commercial, (pkg. requirement applies to tee area only)
   Golf pitch and putt courses, miniature golf course
   ~~Home improvement center~~
   ~~Hotel~~
   Laboratory, medical or dental
   Leather goods, sales and repair
   ~~Linen, supply, diaper service, uniform supply~~
   ~~Liquids, flammable, underground storage of~~
   ~~Lumber, limited sales~~
   ~~Media Store (Ord. 7226)~~
   ~~Mobile homes, sales and service~~
   Monument sales, including incidental processing
   ~~Motel~~
   ~~Motorcycle sales, service and rental~~
   Office equipment and supplies, sales and service, rental and repair
   Pet shop
   ~~Photofinishing~~
   Plumbing fixture sales
   Quick copy or duplicating center
   Recording studio
   School, commercial or trade, when not involving any danger of fire or explosion, nor of offensive odor, noise, dust, glare, heat, vibration or other objectionable factors
   Secretarial service
   ~~Sex Shop (Ord. 7226)~~
   ~~Sexually Oriented Media Store (Ord. 7226)~~
   Skating rink, commercial
   Studio for professional work or for the teaching of any form of fine arts, photography, music, drama, etc.
   Swimming pool, commercial (parking requirements include pool area)
   ~~Taxidermist~~
   ~~Telephone answering service~~
   ~~Theatre, drive–in~~
   ~~Trailer sales and rental~~
   ~~Transit vehicle storage and servicing~~
   ~~Truck rental and sales~~
2. Similar Uses
   ~~Other business services which (1) are similar to the listed uses in function, traffic–generating capacity, and effects upon other land uses, and (2) are not included in any other use group.~~
3. ~~Manufacturing Use~~
   Baked goods, candy, delicatessen, and ice cream, all for retail sales on the premises only
   Clothing; custom manufacturing or altering for retail, including custom dressmaking, millinery, or tailoring
4. Accessory Uses

~~USE GROUP 14. RETAIL WHOLESALE SALES AND SERVICES.~~

~~Consumer and non–consumer type retail and wholesale stores and service establishments and accessory uses that serve a wide area, including the entire city and surrounding trade area.~~

~~1. Retail – Wholesale Goods and Services~~
   ~~Automobile body shop~~
   ~~Blacksmith shop~~
   ~~Building materials and lumber yards (parking requirements do not apply to lumber storage)~~
   ~~Coal storage plant~~
   ~~Contractor or construction offices and shops~~
   ~~Dry cleaning plant, including carpet cleaning~~
   ~~Farm equipment sales, service and repair~~
   ~~Feeding stuffs, retail~~
   ~~Freight depot, railroad or truck~~
   ~~Heavy industrial sales~~
   ~~Machine sales~~
   ~~Machine tools, sales, rental, repair~~
   ~~Mini–warehouse facilities~~
   ~~Raw material supply sales~~
   ~~Sexually Oriented Cabaret (Ord. 7226)~~
   ~~Sexually Oriented Motion Picture Theatre (Ord. 7226)~~
   ~~Warehousing establishment~~
   ~~Wholesaling establishment, including storage~~
2. ~~Similar Uses~~
   ~~Other uses which (1) are similar to the listed uses in function, traffic–generating capacity, and effects on other land uses, and (2) are not included in any other use group.~~
3. ~~Accessory Uses~~

USE GROUP 15. AMUSEMENT, RECREATIONAL AND CULTURAL FACILITIES.

1. Indoor Recreational Amusement or Cultural Facilities
   Athletic club
   Auditorium
   Bowling alley
   Field house
   Game arcade, including video games
   Physical culture center and health services, including spas, gymnasiums, reducing salons, masseur/masseuse, or hot tubs
   Skating rink
   Swimming pool, commercial
   Theatre, indoor
2. Outdoor Amusement, Recreational or Cultural Facilities
   Baseball park or batting cages, commercial
   Golf driving range or putting greens, commercial
   Golf, miniature or pitch and putt
   Marina
   ~~Race track~~
   Stadium or amphitheater
   Swimming pool, commercial
3. Similar Uses
   Other uses not specifically mentioned in this or any other use group which are similar in function and traffic–generating capacity to those specifically listed in this use group.
4. Accessory Uses
   Uses which meet the requirements of the definition of accessory uses, Sections 20–2002(2) and 20–2002(3).

GENERAL NOTES

1. Topographic information obtained from Sept. 2007 field survey performed by Landplan Engineering and 2006 City of Lawrence aerial photogrammetry.
2. Soils investigations will be performed before primary structures are erected on lots with slopes greater than 3:1 or with non–engineered fill greater than 12 inches. A soils engineer, licensed by the State of Kansas, will perform investigations, and a report of the investigation will 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.
3. Public improvements will be provided via private funding and/or via benefit district financing.
4. The owner has provided written "Agreement not to Protest Formation of a Benefit District" for signalization and geometric improvements at the intersections of W. 6th Street & Champion Lane (Bk. 1039, Pg. 5393), Wakarusa Drive & Overland Drive (Bk. 1039, Pg. 5394), Folks Road & Overland Drive (Bk. 1039, Pg. 5390), and Folks Road & W. 6th Street (Bk. 1039, Pg. 5389), widening of Overland Drive between the intersections with Folks Road and Wakarusa Drive (Bk. 1039, Pg. 5391), and widening of Folks Road between the intersections with Overland Drive and W. 6th Street (Bk. 1039, Pg. 5392).
5. Proposed utility locations and sizes are preliminary, to be finalized at the time of site engineering.
6. Public improvement plans for public sanitary sewers, streets, storm sewers and/or waterlines necessary for each phase of this development will be submitted to the Public Works Department for review prior to issuance of building permits by Development Services.
7. Public improvements (including both retention and detention basins) necessary for each respective phase of development, will be completed prior to occupancy of the units.
8. No fences or structures other than necessary retaining walls and/or guardrails will be allowed within drainage easements.
9. Curb inlets will be constructed per City of Lawrence standards.
10. The developer will coordinate the necessary removal, relocation and/or extension of any existing utilities, including utility easements, with the appropriate municipal utilities office or private company.
11. Private streets necessary for each respective phase of development will be completed prior to occupancy.
12. Concrete aprons (for private drives) will be installed in accordance with City of Lawrence standards.
13. Streets and parking areas within the eastern, PRD portion of the development will have Type II (24") curb; alleyways will have no curb & gutter. Parking areas and drives within the PCD and POD portions of the development will have Type I (24") curb.
14. Direct vehicular access from individual lots other than as shown on this plan, onto Wakarusa Drive, West 6th Street, Folks Road and Overland Drive is prohibited.
15. Sidewalks will be constructed per City of Lawrence standards (4" min. depth concrete on compacted subgrade).
16. Private drive and parking area pavement will be constructed per City of Lawrence standards (5" min. depth asphalt).
17. Parking spaces will be min. 9' wide and 18' long, unless otherwise shown.
18. This 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 28 CFR part 36.
19. ADA accessible parking spaces and aisles will be signed and painted in accordance with ADAAG.
20. ADA ramps will be installed in accordance with ADAAG and City of Lawrence standards.
21. Trash removal will be by the City of Lawrence Sanitation Department.
22. Trash enclosures will be constructed per City of Lawrence Solid Waste Division standards.
23. The City of Lawrence will not be responsible for pavement damage due to refuse collection.
24. Stormwater detention ponds, common open space, common recreational facilities, private streets, sidewalks and drives will be owned and maintained by a Homeowners or Property Owners Association.
25. Landowners will provide for and establish an agency for the maintenance of common open space, recreation facilities, non–encroachable areas, private streets and any other area within proposed development that is to be retained primarily for the exclusive use and benefit of the residents, lessees, and owners of the planned unit development.
26. The owners/developers hereby dedicate to the City of Lawrence the right to regulate any construction over the area designated as common open space, open air recreation area, and non–encroachable area and to prohibit any construction within said areas and spaces inconsistent with the approved use or enjoyment of residents, lessees and owners of the planned unit development.
27. All property owners within this planned development waive their right to approve or disapprove alterations or modifications to the preliminary development plan.
28. Clearing of existing trees will occur only as necessary to accommodate proposed improvements.
29. Unless otherwise noted, all areas not designated as pavement or building will be seeded, sodded, or landscaped with pervious and/or plant materials.
30. Turf areas disturbed during the course of this project will be graded, seeded, sodded and/or otherwise restored to a condition acceptable to the City of Lawrence and/or the property owner(s).
31. Site lighting will be shielded to prevent off–site glare.
32. Ground–mounted or building–mounted (including rooftop–mounted) equipment will be screened in accordance with City of Lawrence standards, Sec. 20–14A04.8(b).
33. A photometric plan is required for review and acceptance by the Planning & Development Services Office with approval of subsequent Final Development Plans, prior to issuance of Building Permits.
34. Building heights will not exceed 45'.
35. Site signage (monument signs, entry markers, etc.) will be developed at the time of site engineering, architectural development and/or construction. Signage will be consistent with the overall architectural style established for the PUD. Sign locations as shown are preliminary, to be finalized per individual permitting via Development Services.
36. Traffic control signs placed on private property open to the general public will comply with "Standard Highway Signs" and the "Manual of Uniform Traffic Control Device" published by the Federal Highway Administration, with respect to size, shape, color, retroreflectivity and position.
37. Bicycle parking spaces will be located with final development plans.
38. Swimming pool construction will comply with City Code Chapter 19, Article 11.
39. The following four Waivers and three modified Subdivision Design Standards are granted per the Planning Commission Dec. 12, 2005:
- Waiver 1. Lot Size.
"B – Starter Homes," lot widths of 35' x 100' lot depths. Footprint dimensions of townhouses of 20' x 40".
- Waiver 2. Periphery Boundary.
2a. 30 feet commercial peripheral to 10' setbacks on W. 6th Street, 17' setback on Wakarusa Drive, 10' setback on Overland Drive, 10' setback on Folks Road;
2b. 35 feet residential peripheral to 10' setbacks on Overland Drive, 10' setbacks on Folks Road, and 16' setbacks on W. 6th Street; and
2c. No peripheral boundary setback between the PUD areas within Bauer Farm.
- Waiver 3. Residential Setbacks.
3a. Distances less than 10' between the "A" Custom Homes and "B" Starter Homes and between the Cottages above the "A" garages and the "B" Starter Homes; and
3b. Residential front yard setbacks of approximately 10 feet, and side and rear yard setbacks less than 10 feet; providing the structures are designed to meet the building code requirements for zero setback.
- Waiver 4. Commercial Setbacks.
Commercial building setback as close as 10' on W. 6th Street, 17 feet on Wakarusa Drive, and 10' on Champion Lane.
- Subdivision Design Standard 1. Offset streets.
Local streets intersecting opposite sides less than 125 feet.
- Subdivision Design Standard 2. Alleyways.
Alleyways within the residential areas of the subdivision.
- Subdivision Design Standard 3. (Private) Street width.
Local private street widths of as little as 20 feet B–B (back–of–curb to back–of–curb).
40. Elimination of 50' Setback from W. 6th Street R.O.W. by TA–01–01–06 approved by City Commission on 6/20/06.
41. Per UFC Appendix IIIB, all buildings that require sprinkler systems will be provided with a fire hydrant within 50' of the Fire Department connection for the fire sprinkler system.
42. The extent of public/private areas and maintenance responsibilities within the development are specifically identified in the First Amendment to Maintenance Agreement executed between the City and Bauer Farm owners as recorded in Book 1063, Page 4253.
43. An Erosion Control Plan will need to be provided and approved for each pad site prior to release of the building plan to the building inspector.
44. Per City Code Section 9–902, outdoor dining areas will be managed to prevent stormwater pollution. Food waste, trash, cigarettes and other solid wastes will be collected and disposed of properly. Fluid waste, including wastewater from pavement or furniture cleaning, will be collected and discharged to the sanitary sewer system.

CHAIR
LAWRENCE – DOUGLAS COUNTY PLANNING COMMISSION

SECRETARY
LAWRENCE – DOUGLAS COUNTY PLANNING COMMISSION

A Final Development Plan for

BAUER FARM – Phase 6

Lawrence, Kansas

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Civil Engineering
Landscape Architecture
Community Planning
Surveying

Landplan Engineering, P.A.

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BAUER FARM – Phase 6

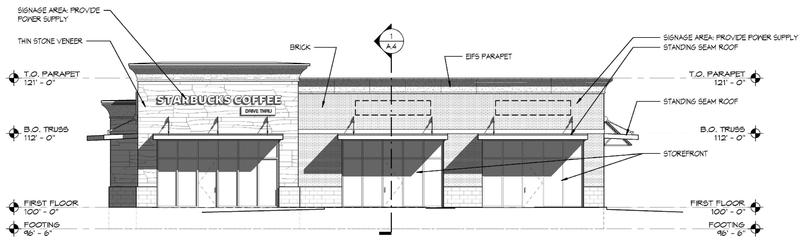
WEST 6TH STREET & CHAMPION LANE
LAWRENCE, KANSAS

GRADING & UTILITY PLAN

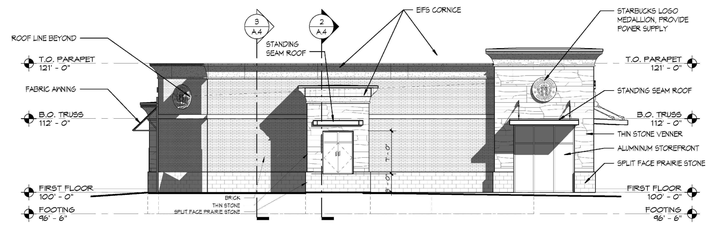
REVISIONS
2.8.12 – PER DEPT. COMMENTS

DATE:	12/22/2011
PROJECT NO.:	20111276
DESIGNED BY:	LPE/TA
DRAWN BY:	BS
CHECKED BY:	BS

SHEET NO.
3
OF 4 SHEETS



NORTH ELEVATION "A"



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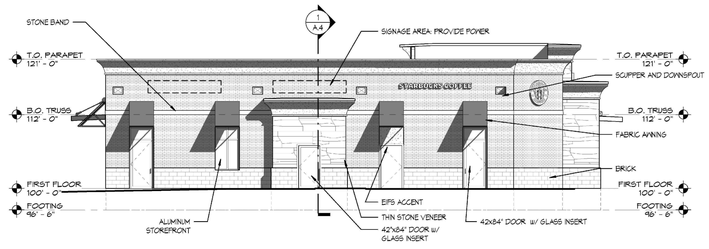
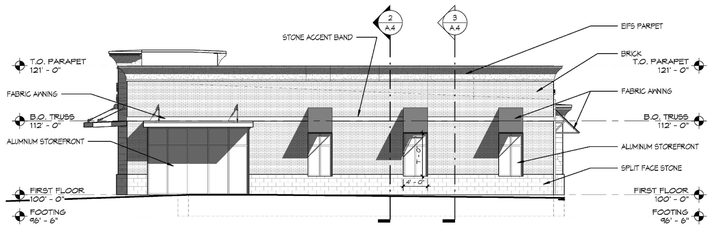


SOUTH ELEVATION "C"



WEST ELEVATION "D"

NOTE: SEE SHEET 1 of 4 FOR SECTION LINES

THIS DOCUMENT IS FOR PLANNING PURPOSES ONLY---NOT FOR CONSTRUCTION

CHAIR
LAWRENCE – DOUGLAS COUNTY PLANNING COMMISSION

SECRETARY
LAWRENCE – DOUGLAS COUNTY PLANNING COMMISSION

A Final Development Plan for

BAUER FARM – Phase 6

Lawrence, Kansas

COMPUTER ID:

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BAUER FARM – Phase 6

WEST 6TH STREET & CHAMPION LANE
LAWRENCE, KANSAS

BUILDING ELEVATIONS

REVISIONS
2.8.11 – PER DEPT. COMMENTS

DATE: 12/22/2011
PROJECT NO.: 20111276
DESIGNED BY: LPE/TA
DRAWN BY: BS
CHECKED BY: BS

SHEET NO. 4 OF 4 SHEETS

Memorandum
City of Lawrence
Douglas County
Planning and Development Services

TO: **Planning Commission**

FROM: **Amy Miller, Long Range Planner**

CC: **Scott McCullough, Director, Planning and Development Services**

Date: **February 27, 2012**

RE: **CPA-11-8-11 – North Mass Development Update Memo**

CPA-11-8-11 was deferred from the January 25, 2012 Planning Commission at the applicant's request in order to give them more time to discuss the project with various stakeholders. Since that time, staff has also worked with the applicant to revise some of the proposed language contained in the Comprehensive Plan Amendment, namely regarding the creation of design guidelines (Policy 1.1 D 4) and the limit on store square footage (Policy 1.1 D 3). For ease, staff is offering this memo as an addendum to the original staff report, dated January 25, 2012. The below language is the complete amendment language proposed by staff and reflects the revisions noted above:

New language is in *italics and underlined* and language to be removed is ~~struckthrough~~.

(From pages 6-3 and 6-4)

- **Downtown Commercial Center**

The Downtown Commercial Center is the historic core of governmental, commercial, institutional, social and cultural activity. Transitions to adjacent neighborhoods are traditionally provided through alleyways or landscaping improvements rather than a change in use or density. The Downtown Commercial Center is restricted to the historic commercial core of Lawrence *(Downtown Lawrence) and the area immediately north of the Kansas River (North Mass Development)*. The boundaries of Downtown Lawrence correspond with the boundaries outlined in the "Comprehensive Downtown Plan", and are described as: starting at the Kansas River, south along Kentucky Street to just south of Vermont Towers, then east to Vermont Street, south along Vermont Street to North Park Street, east along North Park Street to Rhode Island Street, north along Rhode Island Street to 11th Street, west along 11th Street to the alley east of New Hampshire Street, north along the New Hampshire Street alley to 9th Street, east on 9th Street to Rhode Island Street, then north on Rhode Island Street to the Kansas River. *The*

boundaries of the North Mass Development are described as: starting from the intersection of the levy and North 2nd Street, then north along the levy to the centerline of Lyon Street, then east along the centerline of Lyon Street to the west right-of-way of the Union Pacific Railroad, then southeast along the west right-of-way of the Union Pacific Railroad to the centerline of North 2nd, then south along the centerline of North 2nd Street to the intersection of the levy and North 2nd Street.

The Downtown Commercial Center is the Regional Retail/Commercial/Office/Cultural Center for the community and is considered a destination driver that attracts and serves the area beyond that of the local community. The Downtown Commercial Center has an established development and architectural/urban design pattern. Unique among commercial centers in Lawrence, the Downtown Commercial Center combines a variety of land uses, including governmental, retail, office, public facilities, institutions, churches, and residential. Linear in design, the Downtown Commercial Center is focused along Massachusetts Street with New Hampshire, ~~and~~ Vermont Streets *and the North Mass Development* serving as secondary activity areas. General building patterns are urban. Mixed-use, multi-story buildings are the most common building form and parking is provided on-street and through community parking lots and parking structures.

Building designs and public improvements are focused on providing a pedestrian-oriented commercial experience. Massachusetts Street has a distinct streetscape with sawtooth parking and a focus on first floor (pedestrian oriented) retail use. Vermont, ~~and~~ New Hampshire *and North 2nd* Streets provide the major vehicular movement patterns and provide access to the majority of the community parking areas. Alleyways, which provide service access, are one of the main character-defining elements that distinguish the Downtown Commercial Center from other commercial centers. To ensure there are a variety of commercial uses, the maximum footprint for an individual store is limited to approximately 25,000 gross square feet *in Downtown Lawrence and 50,000 gross square feet in the North Mass Development area.* One of the keys to the success of the Downtown Commercial Center is the ability to provide a wide range of leasable square footage that is both flexible and capable of being tailored to a specific use. Construction within the Downtown Commercial Center is regulated by a set of design guidelines administered through an Urban Conservation Overlay Zoning District.

An important ingredient to ensuring the continued viability of Downtown is keeping it the center of the city's social and institutional activities. To maintain downtown as the city and County's hub of governmental functions; uses and buildings such as City Hall, the County Courthouse, Municipal Library, Douglas County Senior Center, Fire/Medical Department's Main Office, Police and Sheriff Offices, the Municipal Pool and the Municipal and District Courts shall remain located in Downtown.

(From pages 6-13 and 6-14)

- **Downtown Lawrence**

Throughout the development of this Plan, the need to preserve, improve and enhance Downtown Lawrence has been shown to have broad community support. Goals and policies in the Plan are written to ensure Downtown Lawrence remains competitive and

viable as a Regional Retail Commercial Center. Downtown Lawrence shall remain the Regional Retail/Commercial/Office/Cultural Center because it is: 1) a physical and cultural symbol of the strength of the community; 2) a gathering point for many civic and cultural functions; 3) the "historic core" of the community which establishes a vital continuity between the past and the present community; and 4) the site of major public and private investment.

The Comprehensive Downtown Plan reiterates the specific functions of a downtown. These functions include provisions for a retail core, office space, entertainment services, peripheral residential development, cultural facilities (including performing arts, museums and libraries) community social needs (including club and organizational meeting facilities), government offices and facilities, health services, convention and hotel facilities. The Comprehensive Downtown Plan also states this area should provide, "the economic, physical and aesthetic environment around which the populace can develop an intense pride in the community, a focal point for identification and drawing together for common interests, a meeting place where people can communicate and relax -- the heart of the city".

To distinguish Downtown Lawrence from other commercial and retail areas, and to preserve and enhance its role in the community, Downtown Lawrence is designated as the Regional Retail/Commercial/Office/Cultural Center and shall be the only location within the planning area developed for such use. Gateways to Downtown Lawrence should be emphasized and enhanced to contribute to the "sense of place" of this unique area of the community.

The distinction as the Regional Retail/Commercial/Office/Cultural Center, above and beyond other commercial areas within the community, is significant. Downtown Lawrence serves the greater needs of the community as a focal point for social, community and governmental activities. The Plan's goals and policies encourage the continued development of a broad mix of uses in downtown Lawrence with an emphasis on retail as a major land use. It is vital to the community's well-being that Downtown Lawrence remain the viable Regional Retail Commercial Center.

For Downtown Lawrence to remain economically stable and vital there is a need to expand the boundaries beyond the current configuration illustrated in the adopted Comprehensive Downtown Plan. *The addition of the North Mass Development area serves this purpose, and provides for a unique development that will be complementary to the main Downtown Commercial Center located south of the Kansas River.* ~~This anticipates the need to provide additional parking areas and locations for commercial and public-related development in the future. At this time,~~ *With the exception of the North Mass Development,* the Comprehensive Plan does not recommend areas for downtown expansion, but opportunities for expansion and redevelopment do exist within the current boundaries of Downtown Lawrence. Action to expand Downtown Lawrence can only be reasonably undertaken following a comprehensive re-evaluation of downtown needs, assets, growth potentials, use mix, and preferred locations for conservation and development. Re-study of the Comprehensive Downtown Plan should explore the following options to improve Downtown Lawrence: development of a comprehensive parking plan and implementation schedule, evaluation of transportation

options, improvement of access to downtown from the east, west and south, and inclusion of more uses along the river and integration of these developments into downtown.

(From Page 6-23)

GOAL 1: Established Commercial Area Development

Encourage the retention, redevelopment and expansion of established commercial areas of the community.

Policy 1.1: Recognize and Emphasize Downtown Lawrence as the Regional Retail/Commercial/Office/Cultural Center

A. Encourage and support the development of a broad mix of land uses, with an emphasis on retail as a major land use, the provision of parking facilities, improved accessibility, and the expansion of Downtown Lawrence while maintaining the integrity of surrounding neighborhoods.

B. Strengthen, define and support neighborhood residential areas adjacent to Downtown Lawrence in order to reinforce the safety, image and identity of Downtown Lawrence.

C. Closely analyze (through Policies 1.7, 3.7 G, 3.9 E, and any other relevant Policies) the impact of requests for development of community and/or regional shopping areas to ensure that such development does not have a negative impact on the Regional Retail/Commercial/Office/Cultural Center. This analysis would be used to evaluate the potential impact on the future viability of the Regional Retail/Commercial/Office/Cultural Center as a whole and not the potential impact on individual businesses or properties.

D. *The North Mass Development is an extension of the Downtown Commercial Center that shall complement the existing Downtown Lawrence. The following policies shall be implemented for the North Mass Development:*

1. *The North Mass Development shall contain a mix of uses including residential, office and commercial.*
2. *The North Mass Development shall provide adequate parking spaces to accommodate the mix of uses in the development.*
3. *The footprint for an individual retail business in the North Mass Development shall be limited to 50,000 square feet.*
4. *The North Mass Development shall be developed utilizing the PD overlay zoning regulations or through the creation of development specific design guidelines.*

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
1/25/12

ITEM NO. 11 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 6; NORTH MASS DEVELOPMENT (AAM)

CPA-11-8-11: Consider a Comprehensive Plan Amendment to Chapter 6 of *Horizon 2020* to expand the identified boundaries of Downtown Lawrence to accommodate a proposed mixed use project known as the North Mass Development. The request includes a proposal to exempt the proposed North Mass Development from the current requirement that individual stores in the Downtown Commercial Center have a maximum footprint of no more than 25,000 square feet. Proposed by Paul Werner Architects.

STAFF RECOMMENDATION: Staff recommends approval of this comprehensive plan amendment to *Horizon 2020*, to expand the identified boundaries of Downtown Lawrence to accommodate a proposed mixed use project known as the North Mass Development and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission with a recommendation of approval.

STAFF RECOMMENDATION: If appropriate, approve and sign Planning Commission Resolution PCR-1-1-12.

KEY POINTS

1. This is a request to include the North Mass Development area in the Downtown Commercial Center designation in Chapter 6 of *Horizon 2020* in order to accommodate a new mixed-use development north of the Kansas River.
2. Applicant is requesting that the building footprint limitation of 25,000 square feet be lifted for the North Mass Development portion of the Downtown Lawrence district. Staff is recommending that there be a limitation on the building footprint in the North Mass Development area of 50,000 square feet.
3. *Horizon 2020* anticipates opportunities to expand Downtown but only following a comprehensive re-evaluation of downtown needs, assets, growth potentials, use mix, and preferred locations for conservation and development.

PROJECT SUMMARY

This is an applicant requested amendment to *Horizon 2020* to include the North Mass Development in the Downtown Commercial Center designation noted in Chapter 6 – Commercial Land Use. Adding the North Mass Development area to the Downtown Commercial Center will ultimately allow the applicant receive CD (Commercial Downtown) zoning and develop the area in accordance with that zoning district's regulations and policies. The applicant submitted the following amended section (from pages 6-3 and 6-4) of *Horizon 2020* for consideration:

New language is in *italics and underlined* and language to be removed is ~~struckthrough~~.

■ Downtown Commercial Center

The Downtown Commercial Center is the historic core of governmental, commercial, institutional, social and cultural activity. Transitions to adjacent neighborhoods are traditionally provided through alleyways or landscaping improvements rather than a change in use or density. The Downtown Commercial Center is restricted to the historic commercial core of Lawrence *and the North Mass Development.* The boundaries of Downtown Lawrence correspond with the boundaries outlined in the "Comprehensive Downtown Plan", and are described as: starting at the Kansas River, south along Kentucky Street to just south of Vermont Towers, then east to Vermont Street, south along Vermont Street to North Park Street, east along North Park Street to Rhode Island Street, north along Rhode Island Street to 11th Street, west along 11th Street to the alley east of New Hampshire Street, north along the New Hampshire Street alley to 9th Street, east on 9th Street to Rhode Island Street, then north on Rhode Island Street to the Kansas River. *In addition, from the intersection of the levy and North 2nd Street, then north along the levy to the centerline of Lyon Street, then east along the centerline of Lyon Street to the west right-of-way of the Union Pacific Railroad, then southeast along the west right-of-way of the Union Pacific Railroad to the centerline of North 2nd, then south along the centerline of North 2nd Street to the intersection of the levy and North 2nd Street.*

The Downtown Commercial Center is the Regional Retail/Commercial/Office/Cultural Center for the community and is considered a destination driver that attracts and serves the area beyond that of the local community. The Downtown Commercial Center has an established development and architectural/urban design pattern. Unique among commercial centers in Lawrence, the Downtown Commercial Center combines a variety of land uses, including governmental, retail, office, public facilities, institutions, churches, and residential. Linear in design, the Downtown Commercial Center is focused along Massachusetts Street with New Hampshire*,* ~~and~~ Vermont Streets *and the North Mass Development* serving as secondary activity areas. General building patterns are urban. Mixed-use, multi-story buildings are the most common building form and parking is provided on-street and through community parking lots and parking structures.

Building designs and public improvements are focused on providing a pedestrian-oriented commercial experience. Massachusetts Street has a distinct streetscape with sawtooth parking and a focus on first floor (pedestrian oriented) retail use. Vermont*,* ~~and~~ New Hampshire *and North 2nd* Streets provide the major vehicular movement patterns and provide access to the majority of the community parking areas. Alleyways, which provide service access, are one of the main character-defining elements that distinguish the Downtown Commercial Center from other commercial centers. To ensure there are a variety of commercial uses, the maximum footprint for an individual store is limited to approximately 25,000 gross square feet *unless the store is located in the North Mass Development and then the store size will be determined by its use (i.e. grocery store, movie theatre, etc.).* One of the keys to the success of the Downtown Commercial Center is the ability to provide a wide range of leasable square footage that is both flexible and capable of being tailored to a specific use. Construction within the Downtown Commercial Center is regulated by a set of design guidelines administered through an Urban Conservation Overlay Zoning District.

An important ingredient to ensuring the continued viability of Downtown is keeping it the center of the city's social and institutional activities. To maintain downtown as the city and County's hub of governmental functions; uses and buildings such as City Hall, the County Courthouse, Municipal Library, Douglas County Senior Center, Fire/Medical Department's Main Office, Police and Sheriff Offices, the Municipal Pool and the Municipal and District Courts shall remain located in Downtown.

STAFF REVIEW

This Comprehensive Plan Amendment request involves proposed changes to Chapter 6: Commercial Land Use of *Horizon 2020*, specifically the section that relates to Downtown Lawrence. The applicant is proposing to amend the language above to include the North Mass Development area as part of the Downtown Lawrence commercial area, including lifting the restriction on building footprints being no larger than 25,000 square feet for the North Mass Development portion of the Downtown Lawrence commercial area. The applicant is ultimately proposing to zone the North Mass Development area to the CD (Commercial Downtown) district and develop the area with a variety of uses.

The Downtown Lawrence commercial area is important to the vitality of Lawrence since it acts as the main cultural, civic, entertainment, specialty retail and office center for the city. The Downtown Lawrence District is historically significant to the culture of Lawrence and that contributes to the vitality of the area. It is important that the addition of the North Mass Development area not detract or be detrimental to either the historical significance or vitality of the existing Downtown Lawrence district that is south of the Kansas River.

Staff is supportive of the applicant's intent with their proposed language; however, staff identified that other elements of *Horizon 2020* should be revised to accommodate the proposal and suggests that the following changes be made to *Horizon 2020* in order to complete this request:

New language is in *italics and underlined* and language to be removed is ~~struckthrough~~.

The following section is staff suggested changes that would replace the applicant suggested changes. (From pages 6-3 and 6-4)

■ **Downtown Commercial Center**

The Downtown Commercial Center is the historic core of governmental, commercial, institutional, social and cultural activity. Transitions to adjacent neighborhoods are traditionally provided through alleyways or landscaping improvements rather than a change in use or density. The Downtown Commercial Center is restricted to the historic commercial core of Lawrence *(Downtown Lawrence) and the area immediately north of the Kansas River (North Mass Development)*. The boundaries of Downtown Lawrence correspond with the boundaries outlined in the "Comprehensive Downtown Plan", and are described as: starting at the Kansas River, south along Kentucky Street to just south of Vermont Towers, then east to Vermont Street, south along Vermont Street to North Park Street, east along North Park Street to Rhode Island Street, north along Rhode Island Street to 11th Street, west along 11th Street to the alley east of New Hampshire Street, north along the New Hampshire Street alley to 9th Street, east on 9th Street to Rhode Island Street, then north on Rhode Island Street to the Kansas River. *The boundaries of the North Mass Development are described as: starting from the intersection of the levy and North 2nd Street, then north along the levy to the centerline of Lyon*

Street, then east along the centerline of Lyon Street to the west right-of-way of the Union Pacific Railroad, then southeast along the west right-of-way of the Union Pacific Railroad to the centerline of North 2nd, then south along the centerline of North 2nd Street to the intersection of the levy and North 2nd Street.

The Downtown Commercial Center is the Regional Retail/Commercial/Office/Cultural Center for the community and is considered a destination driver that attracts and serves the area beyond that of the local community. The Downtown Commercial Center has an established development and architectural/urban design pattern. Unique among commercial centers in Lawrence, the Downtown Commercial Center combines a variety of land uses, including governmental, retail, office, public facilities, institutions, churches, and residential. Linear in design, the Downtown Commercial Center is focused along Massachusetts Street with New Hampshire*,* ~~and~~ Vermont Streets *and the North Mass Development* serving as secondary activity areas. General building patterns are urban. Mixed-use, multi-story buildings are the most common building form and parking is provided on-street and through community parking lots and parking structures.

Building designs and public improvements are focused on providing a pedestrian-oriented commercial experience. Massachusetts Street has a distinct streetscape with sawtooth parking and a focus on first floor (pedestrian oriented) retail use. Vermont*,* ~~and~~ New Hampshire *and North 2nd* Streets provide the major vehicular movement patterns and provide access to the majority of the community parking areas. Alleyways, which provide service access, are one of the main character-defining elements that distinguish the Downtown Commercial Center from other commercial centers. To ensure there are a variety of commercial uses, the maximum footprint for an individual store is limited to approximately 25,000 gross square feet *in Downtown Lawrence and 50,000 gross square feet in the North Mass Development area*. One of the keys to the success of the Downtown Commercial Center is the ability to provide a wide range of leasable square footage that is both flexible and capable of being tailored to a specific use. Construction within the Downtown Commercial Center is regulated by a set of design guidelines administered through an Urban Conservation Overlay Zoning District.

An important ingredient to ensuring the continued viability of Downtown is keeping it the center of the city's social and institutional activities. To maintain downtown as the city and County's hub of governmental functions; uses and buildings such as City Hall, the County Courthouse, Municipal Library, Douglas County Senior Center, Fire/Medical Department's Main Office, Police and Sheriff Offices, the Municipal Pool and the Municipal and District Courts shall remain located in Downtown.

(From pages 6-13 and 6-14)

- **Downtown Lawrence**

Throughout the development of this Plan, the need to preserve, improve and enhance Downtown Lawrence has been shown to have broad community support. Goals and policies in the Plan are written to ensure Downtown Lawrence remains competitive and viable as a Regional Retail Commercial Center. Downtown Lawrence shall remain the Regional Retail/Commercial/Office/Cultural Center because it is: 1) a physical and cultural symbol of the strength of the community; 2) a gathering point for many civic and cultural functions; 3) the "historic core" of the community which establishes a vital continuity between the past and the present community; and 4) the site of major public and private investment.

The Comprehensive Downtown Plan reiterates the specific functions of a downtown. These functions include provisions for a retail core, office space, entertainment services, peripheral residential development, cultural facilities (including performing arts, museums and libraries) community social needs (including club and organizational meeting facilities), government offices and facilities, health services, convention and hotel facilities. The Comprehensive Downtown Plan also states this area should provide, "the economic, physical and aesthetic environment around which the populace can develop an intense pride in the community, a focal point for identification and drawing together for common interests, a meeting place where people can communicate and relax -- the heart of the city".

To distinguish Downtown Lawrence from other commercial and retail areas, and to preserve and enhance its role in the community, Downtown Lawrence is designated as the Regional Retail/Commercial/Office/Cultural Center and shall be the only location within the planning area developed for such use. Gateways to Downtown Lawrence should be emphasized and enhanced to contribute to the "sense of place" of this unique area of the community.

The distinction as the Regional Retail/Commercial/Office/Cultural Center, above and beyond other commercial areas within the community, is significant. Downtown Lawrence serves the greater needs of the community as a focal point for social, community and governmental activities. The Plan's goals and policies encourage the continued development of a broad mix of uses in downtown Lawrence with an emphasis on retail as a major land use. It is vital to the community's well-being that Downtown Lawrence remain the viable Regional Retail Commercial Center.

For Downtown Lawrence to remain economically stable and vital there is a need to expand the boundaries beyond the current configuration illustrated in the adopted Comprehensive Downtown Plan. *The addition of the North Mass Development area serves this purpose, and provides for a unique development that will be complementary to the main Downtown Commercial Center located south of the Kansas River.* ~~This anticipates the need to provide additional parking areas and locations for commercial and public-related development in the future. At this time,~~ *With the exception of the North Mass Development,* the Comprehensive Plan does not recommend areas for downtown expansion, but opportunities for expansion and redevelopment do exist within the current boundaries of Downtown Lawrence. Action to expand Downtown Lawrence can only be reasonably undertaken following a comprehensive re-evaluation of downtown needs, assets, growth potentials, use mix, and preferred locations for conservation and development. Re-study of the Comprehensive Downtown Plan should explore the following options to improve Downtown Lawrence: development of a comprehensive parking plan and implementation schedule, evaluation of transportation options, improvement of access to downtown from the east, west and south, and inclusion of more uses along the river and integration of these developments into downtown.

(From Page 6-23)

GOAL 1: Established Commercial Area Development

Encourage the retention, redevelopment and expansion of established commercial areas of the community.

Policy 1.1: Recognize and Emphasize Downtown Lawrence as the Regional Retail/Commercial/Office/Cultural Center

A. Encourage and support the development of a broad mix of land uses, with an emphasis on retail as a major land use, the provision of parking facilities, improved accessibility, and the expansion of Downtown Lawrence while maintaining the integrity of surrounding neighborhoods.

B. Strengthen, define and support neighborhood residential areas adjacent to Downtown Lawrence in order to reinforce the safety, image and identity of Downtown Lawrence.

C. Closely analyze (through Policies 1.7, 3.7 G, 3.9 E, and any other relevant Policies) the impact of requests for development of community and/or regional shopping areas to ensure that such development does not have a negative impact on the Regional Retail/Commercial/Office/Cultural Center. This analysis would be used to evaluate the potential impact on the future viability of the Regional Retail/Commercial/Office/Cultural Center as a whole and not the potential impact on individual businesses or properties.

D. *The North Mass Development is an extension of the Downtown Commercial Center that shall complement the existing Downtown Lawrence. The following policies shall be implemented for the North Mass Development:*

1. *The North Mass Development shall contain a mix of uses including residential, office and commercial.*
2. *The North Mass Development shall provide adequate parking spaces to accommodate the mix of uses in the development.*
3. *The footprint for an individual store in the North Mass Development shall be limited to 50,000 square feet.*
4. *The North Mass Development shall be developed either using the existing Downtown Conservation Overlay District (and its associated design guidelines), or through the PD overlay zoning regulations.*

The Comprehensive Downtown Plan referenced above is an outdated plan that was not adopted into Chapter 14: Specific Plans of *Horizon 2020*. Since this plan is outdated and is not included in Horizon 2020, staff is not recommending revising that plan as a part of this development request. However, *Horizon 2020* requires an analysis of the following items:

(Staff response is in *italics*)

1. **Downtown needs:** *In order to remain vital as the civic, cultural, retail, and office center for the community, Downtown Lawrence should encourage expansion through appropriate types of development. There is always a need for more residential development to support other types of development (office, retail), and help stabilize the existing downtown by providing an adequate mix of development. The increase in residential development will lead to an increased need for everyday goods and services to be purchased, therefore creating a need for a better mix of retail stores. Also, there is a need for continued emphasis on parking strategies to be considered. Currently, there is a need to take better advantage of the river, including appropriate access. Certain festivals and events will be located in the North Mass Development, especially those closely associated with the Kansas River, however,*

the majority of festivals, parades, and events should remain in the Downtown Lawrence historical core.

2. **Downtown assets:** *In addition to the historical significance and listing on the National Register of Historic Places, the Downtown Lawrence area acts as the regional civic, cultural, office, commercial and retail center for the community. It is a uniquely developed, mixed-use area that acts as a major draw for outside visitors. It is also a main draw for the community, since it houses the major governmental functions for the both the city and the county, as well as many community services, including an arts center, the community pool and the library. In addition there are multiple outdoor areas that serve as parks and which are used for many festivals throughout the year.*
3. **Growth potential:** *There are a few sites within the existing downtown area that are vacant and have the potential for new infill development. Expansion in to neighboring areas is difficult on the south, east and west due to the existing residential neighborhoods that border downtown on those sides. The North Mass Development presents an opportunity for growth without impacting the existing neighborhoods negatively.*
4. **Use mix:** *Staff recently completed an in-depth analysis of the existing use commercial uses in the Downtown Lawrence District (http://www.lawrenceks.org/planning/documents/DowntownRetailMemo.pdf). This document shows that in the Downtown district, the largest use category is Non-retail, Non-food services, which, in 2011 makes up 38% of the total square footage in the Downtown district. Typical uses in this category would be professional offices, financial institutions, light manufacturing uses, religious institutions, and any residential uses. The percentage of total square footage in the Food Services use category, including restaurants, coffee shops and bars, has remained steady since 2006, occupying around 15% of the total square footage, even though the amount of square footage has grown by roughly 36,000 square feet since 2006. Vacant square footage was at 11% in 2006, fell to 9% in 2010 and has risen to 13% in 2011. Overall, the percentage of total square footage that strictly Retail uses are occupying has declined since 2006, while the percentage of total square footage that Food Services uses are occupying have remained constant. The amount of vacant space has increased to 13% of the total square footage in the Downtown district since 2006.This survey primarily counted ground floor spaces in the downtown area, except where one use occupied an entire building (i.e. Eldridge Hotel, Riverfront Mall, etc.); therefore, the majority of non-ground floor residential and office uses are not included in this survey.*
5. **Preferred locations for conservation and development:** *As stated above, the current Downtown area contains some vacant sites that are appropriate for infill development, but encroachment into residential neighborhoods on the east, south and west is not feasible. The main historical core of the Downtown district is listed on the National Register of Historic Places and it is important to adequately plan for development or re-development of areas within the district or in the environs for any potential impact to that historic district. As a form of urban redevelopment, the subject area takes advantage of underutilized land and its connection to the river.*

The area north of the Kansas River that is the subject of this proposal is located in North Lawrence, where a mix of residential, commercial and industrial uses exist. Chapter 6 of *Horizon 2020* also contains a section describing the N.2nd and 3rd. Street Commercial area of North Lawrence. That section talks about the area being a gateway to Lawrence through its connection with the I-70 transportation corridor. This project fits more with the Downtown

Lawrence area because of the desire to develop it more with a downtown feel, its connection with the Downtown transportation corridor through the use of the Kansas River Bridge, the proposed mixed use nature of the development, the connection to the Kansas River and the proximity to the Downtown Lawrence district.

Retail Market Study: The applicant has submitted a project specific retail market study as required by Section 20-1107 of the Land Development Code and Chapter 6, Commercial Land Use of *Horizon 2020*, specifically Policy 3.13. That market study includes all of the required information, including analysis based on vacancy rates, income trends, population trends, mix of businesses, etc. The market study indicates that this request is to add roughly 230,000 sf of space split between commercial (retail), office, and hotel uses. The true amount of commercial space for the project is proposed to be roughly 150,000. That 150,000 sf of commercial space is proposed to be broken down as follows: approx. 50,000 sf for a movie theatre, 70,000 sf for retail uses, and 30,000 sf for food and dining uses.

Policy 3.13 in *Horizon 2020* requires a project specific retail market study for projects that would create 150,000 square feet or more of commercial space. Section 20-1107 of the Land Development Code applies to zoning or site plan applications that could create 50,000 square feet of retail space. The applicant has submitted for a zoning application and therefore staff is reviewing the market study based on the Land Development Code, in addition to the criteria in *Horizon 2020*, based on the submission of that application, and because the criteria in the development code is the most recently adopted set of criteria.

Horizon 2020, Policy 3.13 (b) states that, *"The project shall not be approved if the market study indicates the commercial project or any proposed phase cannot be absorbed into the community within three years from the date of its estimated completion, or that it would result in a community-wide retail vacancy rate greater than eight percent."* The Development Code uses a vacancy rate threshold of 8% as one factor in order to determine market health, and the most recent citywide market study completed in Fall of 2010 figured the city-wide vacancy rate at 7%, slightly higher than the 2006 vacancy rate of 6.7%. (http://www.lawrenceks.org/planning/documents/2010Retail.pdf) The market study for this project shows that, when completed and entirely vacant, the project will push the city-wide vacancy rate to 9.2%. Staff requested additional analysis from the applicant to take into consideration other commercial projects that have received approvals, but have not been constructed to date. The below table illustrates the impact that other major projects that have been approved will have on the overall vacancy rate:

	Total Square Feet	Total Occupied Square Feet	Total Vacant Square Feet	City-wide Vacancy Rate
Total Current Retail Inventory	**9,120,567**	**8,478,372**	**642,195**	**7.0%**
Requested North Mass Development sf	217,337*	0	217,337*	9.2%
Bauer Farm – yet to be constructed	39,620	0	39,620	
Mercato	359,640	0	359,640	
Fairfield Farms	200,000	0	200,000	
Total	**9,937,164**	**8,478,372**	**1,458,792**	**14.7%**

*The 217,337 sf number is from the applicant supplied market study. Not all of this sf is proposed to be true commercial (retail) in nature.

If all approved commercial space that has been approved were to be constructed and assumed vacant, the city-wide vacancy rate would rise to 14.7%.

While the market study shows that the project, upon completion, will push the city-wide vacancy rate above 8%, this figure alone is not an adequate representation of the impact of this development. This figure is computed by assuming that the project will either be entirely vacant upon completion, or that it will cause the same amount of space to become vacant in other areas of town. While new commercial development can lead to vacancies in other parts of town, the current economic conditions have all but halted speculative commercial building in Lawrence. The current development trend is that buildings are built with known users or committed tenants and therefore, the applicant has stated that there it is unlikely that the space will be vacant upon completion.

While this particular proposal might not be vacant upon completion, there is concern that this development will cause vacancies in other commercial districts, most importantly the Downtown District. The applicant has provided information on the mix of business types and the potential impact on the downtown area. While the majority of the proposed uses (movie theatre, restaurants, and other retail) exist elsewhere in Lawrence, it is expected to have a limited impact on the city as a whole. Concern does exist because of the potential impact that the proposed commercial uses may have on the existing Downtown District. The applicant addresses this by compiling an analysis of the number, broken down by type, of establishments located in the Downtown District. This analysis shows an increase of approximately 9% of the number of establishments of the same type that are being proposed that are currently located in Downtown. While the impact on the number of establishments might be insignificant when analyzed in such a fashion, the impact on the Downtown District remains a concern. The North Mass Development has some unique factors that diminish the potential for negative impact on the current Downtown District. It is located within walking distance of the historical core, will be designed to expand the river's role as an attraction and will only add approximately 12% more square footage to the existing Downtown District. Those factors, combined with the proposed language to be added to Chapter 6, especially as it relates to complimenting and being secondary to the historical downtown core, should make the North Mass Development a complimentary addition to the Downtown Commercial District.

Other demand factors, such as income, employment and population need to be taken into account as well, when looking at the overall impact of this project on the market as a whole. The applicant supplied market study and the 2010 Retail Market Report show that since 2000, population has grown approximately 16%, while retail sales have only increased 3.3%, and income, adjusted for inflation, has only increased 3.9%. On the supply side of the market, retail stock has increased 69.7% since 2000, however, it is important to note that some of that increase is because of changes in the methodology for figuring total retail space. What is important to take away from the above number is that demand has not kept pace with supply as shown by the limited income, population, and retail sales growth.

The market study also provides an analysis of "pull factors" or a measure of local commerce based on a comparison of local spending to the state as a whole. A pull factor above 1.00 indicates that a community attracts retail sales, while a factor below 1.00 indicates that the community is losing retail sales to outside areas. The Kansas Department of Revenue issues pull factor reports for all of Kansas. The most recent, issued in 2011, states that Lawrence's pull

factor was 1.02 in 2010, which as noted in the market study, is a 9.7% decline over the last decade from a height of 1.13 in 2000. In addition, Douglas County's pull factor has been below 1.00 for the last decade and recently has fallen to .86 in 2010. The declining Lawrence and Douglas County pull factors indicate that the City is losing more and more retail sales to other areas outside of Douglas County. There is potential to recapture this leakage by increasing the demand factors mentioned above, as well as increasing the types of appropriately located retail stock.

The market study also provides a demand analysis based on the amount of square feet of retail space per capita. In 2010 in Lawrence there were approximately 98 sf of retail space per capita. Using an average growth rate from 2000-2010 of 1250 people per year, Lawrence could add as much as 121,000 square feet of retail each year in order to keep the ratio of retail square feet to people at 98. In Section 20-1107 (c)(3)(iv) of the Land Development Code, a maximum threshold of 100 square feet per resident is established to help maintain market health. The 230,000 square feet of commercial space being requested with this project keeps the ratio of 98 square feet per capita after two years. However, this analysis does not take into consideration any of the other approved commercial development. The addition of Mercato, Fairfield Farms and the remainder of the Bauer Farm development that is approved, but not constructed, would result in a ratio of 111 retail square feet per capita.

The market study satisfies the submission requirements of the Land Development Code and *Horizon 2020*. In staff's opinion, proposals to add retail space should be carefully scrutinized with respect to the indicators associated with demand not keeping pace with supply and because vacancy rates are arguably reaching unhealthy levels. The existing downtown Lawrence is designed to not only draw local shoppers, but also has a focus of a destination area for regional or non-local visitors. The North Mass Development is also being designed in a way to focus on drawing regional or non-local visitors to the area, which in turn is presumed to bring more visitors to the area through spill-over, but should not detract from the existing Downtown Lawrence draw. Even though this project will push the vacancy rate above the 8% threshold, and the square feet per capita figure rises above the 100 retail square feet per capita when other approved projects are factored in, it is unlikely that this development will be speculative in nature. The current economic conditions are showing a trend that buildings are built with committed tenants. It is presumed that this development will have a regional draw that results in a more favorable pull factor; therefore, the development should not have a detrimental impact on the community's retail market.

Staff reviewed this amendment based upon the comprehensive plan amendment review criteria listed below [identified in Chapter 13 (Implementation) of *Horizon 2020*].

COMPREHENSIVE PLAN AMENDMENT REVIEW

A. Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the Plan was adopted?

Applicant's response: H2020 states, "Re-study of the Comprehensive Downtown Plan should explore the following options to improve Downtown Lawrence:….inclusion of more uses along the river and integration of these developments into downtown (p. 6-14)."

Staff's response: Chapter 6 anticipates changes and additions to the commercial framework in the City of Lawrence over time and provides criteria for which new areas and expansions to existing commercial areas can be made. More specifically, the Downtown Commercial Center

sections of the chapter also anticipate and even encourage the expansion of the center in order to strengthen the vitality and longevity of the Downtown area. Staff does not think that expanding the Downtown Commercial Center north across the river was addressed when the plan was initially written, and that has ultimately led to the request for this amendment.

B. Does the proposed amendment advance a clear public purpose and is it consistent with the long-range goals and policies of the plan?

Applicant's response: The public purpose for this amendment is to allow for development north of the river that will include retail, office and residential uses to compliment downtown. The river is a great amenity for Lawrence but is not being utilized to its full potential. This amendment does recognize H202's commercial land use goals and policies by striving to ensure that the cities commercial areas are encouraged to grow while at the same time supporting and complementing downtown.

Staff's response: The proposed amendment is generally consistent with the goals and policies outlined in Chapter 6. It is important that any expansion to the Downtown Commercial Center recognize that the historical core of Downtown should remain and that new areas shouldn't have a negative impact on the historical core. The applicant has stated that the proposed development is meant to complement and not harm the existing downtown area. Staff has suggested alternate language that further cements this idea in *Horizon 2020*.

C. Is the proposed amendment a result of a clear change in public policy?

Applicant's response: No.

Staff's response: The proposed amendment is not a result of a clear change in public policy, but instead furthers the goals and policies already established in Chapter 6, especially those relating to the expansion of the Downtown Commercial center.

In addition, the following shall be considered for any map amendments:

A. Will the proposed amendment affect the adequacy of existing or planned facilities and services?

Applicant's response: The proposed amendment will support Downtown's existing and planned facilities and services by being in close proximity across the river and by allowing development across the river to draw and attract additional people downtown.

Staff's response: At the comprehensive plan level, it is difficult to anticipate the impact the addition of the North Mass Development area will have on the existing or planned facilities or services. If approved, further review will be needed to determine whether changes will be necessary to the facilities and services in the area. At minimum, the applicant will need to work with the Army Corps of Engineers, utility companies, the public works department in addition to obtaining necessary approval from the city, including completing public improvement plans in accordance with city policies. Addressing stormwater management needs and effects should also be considered as the project moves forward, because there has already been an identified problem with stormwater management in the North Lawrence area.

B. Will the proposed change result in reasonably compatible land use relationships?

Applicant's response: The expansion of downtown will allow the river to play an important role in tying together both the southern and northern ends of Massachusetts Street.

Staff's response: The project will provide for an expanded Downtown Commercial Center that ties in the historic Santa Fe Depot and the Kansas River with the existing Historic Downtown core. The mixed-use nature of the proposal is consistent with the existing Downtown Commercial Center, however, adequate transitioning with the existing North Lawrence neighborhood, which consists of commercial, industrial and residential uses, should be encouraged at the site planning level.

C. Will the proposed change advance the interests of the citizens of Lawrence and Douglas County as a whole, not solely those having immediate interest in the affected area?

Applicant's response: The proposed development will be located on the river and act as a strong link to connect Downtown and the North Mass development to each other and include possible uses such as a movie theater, hotel, offices, restaurants and residential opportunities which will attract users to Downtown and the City and County as a whole. The North Mass Development along with the existing Visitor Information Center will serve as an impressive Gateway to Lawrence.

Staff's response: The expansion of this commercial area will provide new opportunities for shopping and entertainment for the community as a whole. The mixed-use, pedestrian friendly nature of the proposal will add to the Historic Downtown core and tie together the area immediately north of the Kansas River with the existing commercial area south of the river. The opportunity for additional residential uses would be good for the Downtown and would be appropriate, as new infill or redevelopment.

PROFESSIONAL STAFF RECOMMENDATION

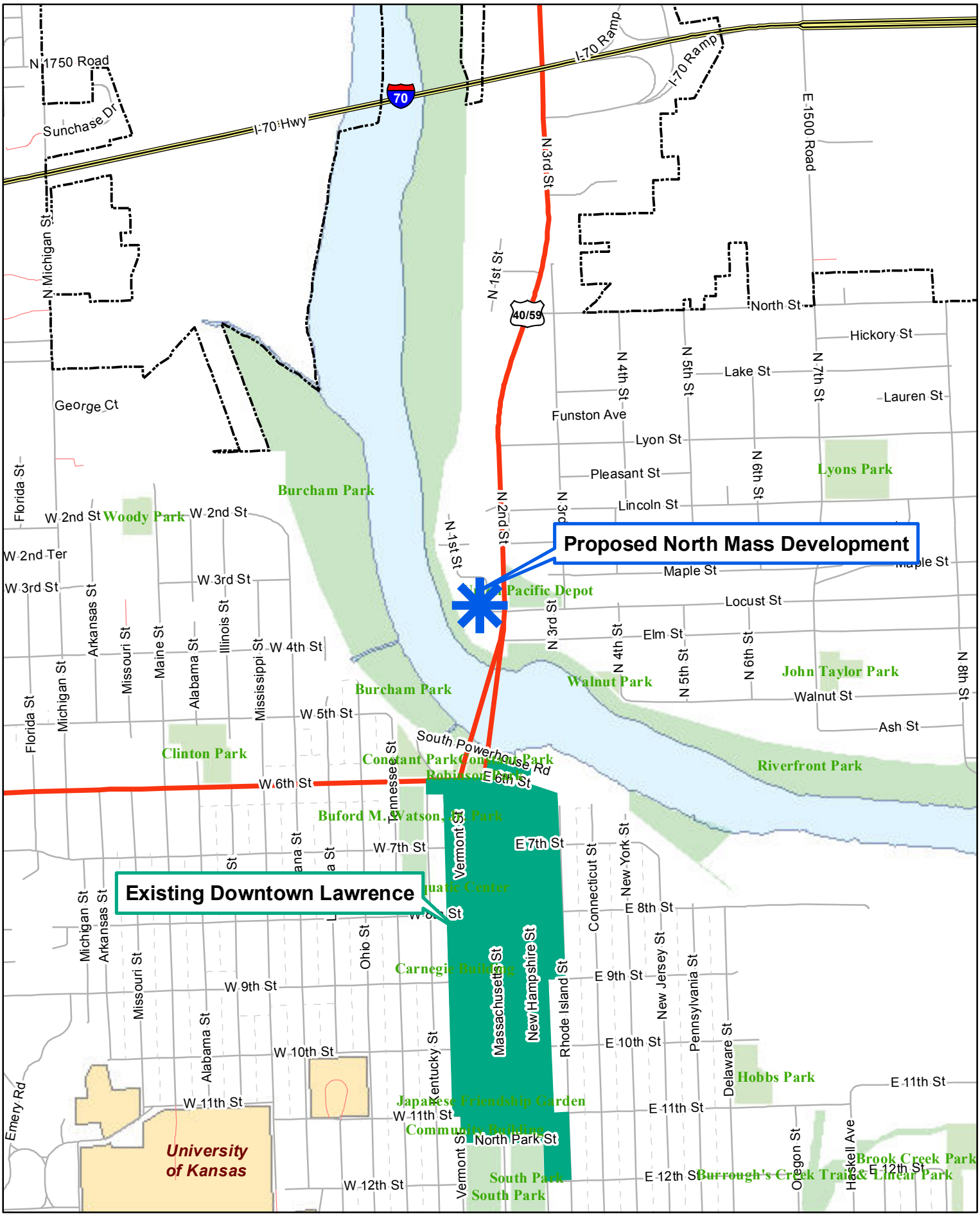
Staff recommends forwarding a recommendation of approval of this comprehensive plan amendment to *Horizon 2020*, to the Lawrence City Commission to amend sections of Chapter 6 with staff's suggested language in order to expand the Downtown Commercial Center to incorporate the North Mass Development.

640 320 0 640 1,280 1,920 2,560 Feet

1 inch = 1,250 feet

DISCLAIMER NOTICE
The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

Date: 1/18/2012



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LOCATION MAP

LEGEND - PROPOSED ZONING

CD ZONING - 20.36 ACRES

LEGAL DESCRIPTION

BEGINNING AT THE INTERSECTION OF THE CENTERLINES OF LYON STREET AND THE LEVY THEN SOUTH ALONG THE CENTERLINE OF THE LEVY TO THE CENTERLINE OF NORTH 2ND STREET, THEN NORTH ALONG THE CENTERLINE OF NORTH 2ND STREET TO THE WEST LINE OF UNION PACIFIC RAIL ROAD RIGHT-OF-WAY, THEN NORTH ALONG THE WEST LINE OF THE UNION PACIFIC RAIL ROAD RIGHT-OF-WAY TO THE CENTERLINE OF LYON STREET, THEN WEST TO THE POINT OF BEGINNING, ALL IN CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS. CONTAINS +/- 20.36 ACRES.

NORTH

REDUCED PRINT NOT TO SCALE

paulwerner ARCHITECTS

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NORTH MASS REZONING
PROPOSED ZONING

LAWRENCE, KANSAS

PROJECT # 26445
DECEMBER 19, 2011

RELEASE: DATE:

CPA-11-8-11

City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Lawrence Douglas County
Metropolitan Planning Office
6 East 6th Street, P.O. Box 708, Lawrence, KS 66044
(785) 832-3150 Fax (785) 832-3160
www.lawrenceks.org/pds

PETITION FOR COMPREHENSIVE PLAN AMENDMENT

APPLICATION FORM

APPLICANT/AGENT INFORMATION

Contact Paul Werner

Company Paul Werner Architects

Address 123 W. 8th Street

City Lawrence State KS ZIP 66044

Phone (785) 832-0804 Fax (785) 832-0890

E-mail paulw@paulwernerarchitects.com Mobile/Pager (___) _____

Pre-Application Meeting Date 8-11-11 Planner Scott McCullough/Amy Miller

Are you submitting any other applications? If so, please state which one(s).

Please identify the Chapter of the Comprehensive Plan is proposed to be amended.

Chapter 6, Pages 6-3 and 6-4

Please provide proposed amendment. (Attach additional sheets if needed)

See attached "Proposed Amendment"

City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Lawrence Douglas County
Metropolitan Planning Office
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(785) 832-3150 Fax (785) 832-3160
www.lawrenceks.org/pds

Please respond to the following questions to the best of your knowledge. Review bodies shall consider the following factors for all Comprehensive Plan Amendments (policy and map amendments). (Attach additional sheets if needed.)

1. **Does the proposed text amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the Plan was adopted?** (Please explain)

   See Attached

2. **Does the proposed amendment advance a clear public purpose?** (please explain)

   See Attached

3. **Is the proposed amendment consistent with the long-range goals and policies of the Plan?** (please explain)

   See Attached

4. **Does the proposed amendment result from a clear change in public policy?** (Please explain)

   See Attached

City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

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In addition, the following shall be considered for any specific map amendment. Please answer the following questions, if an amendment to a map in Horizon 2020 is proposed:

5. **Will the proposed amendment affect the adequacy of existing or planned facilities and services?** (Please explain)

   See Attached

6. **Will the proposed change result in reasonably compatible land use relationships?** (Please explain)

   See Attached

7. **Will the proposed change advance the interests of the citizens of Lawrence and Douglas County as a whole, not solely those having immediate interest in the affected area?** (Please explain)

   See Attached

SIGNATURE

By execution of my/our signature, I/we do hereby officially petition initiation of the proposed amendment as indicated above.

Signature(s): Jay D. Tcha Date 11-18-11

_____ Date _____

H2020 CPA PROPOSED AMENDMENT

■ Downtown Commercial Center (p. 6-3,4)
The Downtown Commercial Center is the historic core of governmental, commercial, institutional, social and cultural activity. Transitions to adjacent neighborhoods are traditionally provided through alleyways or landscaping improvements rather than a change in use or density. The Downtown Commercial Center is restricted to the historic commercial core of Lawrence and the North Mass Development. The boundaries of Downtown Lawrence correspond with the boundaries outlined in the "Comprehensive Downtown Plan", and are described as: starting at the Kansas River, south along Kentucky Street to just south of Vermont Towers, then east to Vermont Street, south along Vermont Street to North Park Street, east along North Park Street to Rhode Island Street, north along Rhode Island Street to 11th Street, west along 11th Street to the alley east of New Hampshire Street, north along the New Hampshire Street alley to 9th Street, east on 9th Street to Rhode Island Street, then north on Rhode Island Street to the Kansas River. In addition, from the intersection of the levy and North 2nd Street, then north along the levy to the centerline of Lyon Street, then east along the centerline of Lyon Street to the west right-of-way of the Union Pacific Railroad, then southeast along the west right-of-way of the Union Pacific Railroad to the centerline of North 2nd, then south along the centerline of North 2nd Street to the intersection of the levy and North 2nd Street.

The Downtown Commercial Center is the Regional Retail/Commercial/Office/Cultural Center for the community and is considered a destination driver that attracts and serves the area beyond that of the local community. The Downtown Commercial Center has an established development and architectural/urban design pattern. Unique among commercial centers in Lawrence, the Downtown Commercial Center combines a variety of land uses, including governmental, retail, office, public facilities, institutions, churches, and residential. Linear in design, the Downtown Commercial Center is focused along Massachusetts Street with New Hampshire, ~~and~~ Vermont Streets and the North Mass Development serving as secondary activity areas. General building patterns are urban. Mixed-use, multi-story buildings are the most common building form and parking is provided on-street and through community parking lots and parking structures.

Building designs and public improvements are focused on providing a pedestrian-oriented commercial experience. Massachusetts Street has a distinct streetscape with sawtooth parking and a focus on first floor (pedestrian oriented) retail use. Vermont, ~~and~~ New Hampshire and North 2nd Streets provide the major vehicular movement patterns and provide access to the majority of the community parking areas. Alleyways, which provide service access, are one of the main character-defining elements that distinguish the Downtown Commercial Center from other commercial centers. To ensure there are a variety of commercial uses, the maximum footprint for an individual store is limited to approximately 25,000 gross square feet unless the store is located in the North Mass Development and then the store size will be determined by its use. (i.e. grocery store, movie theatre, etc.). One of the keys to the success of the Downtown Commercial Center is the ability to provide a wide range of leasable square footage that is both flexible and capable of being tailored to a specific use. Construction within the Downtown

Commercial Center is regulated by a set of design guidelines administered through an Urban Conservation Overlay Zoning District.

An important ingredient to ensuring the continued viability of Downtown is keeping it the center of the city's social and institutional activities. To maintain downtown as the city and County's hub of governmental functions; uses and buildings such as City Hall, the County Courthouse, Municipal Library, Douglas County Senior Center, Fire/Medical Department's Main Office, Police and Sheriff Offices, the Municipal Pool and the Municipal and District Courts shall remain located in Downtown.

paulwerner
ARCHITECTS

MEMORANDUM

FROM : Paul Werner
TO : Scott McCullough and Michelle Leininger
RE : CPA for North Mass Development
DATE : November 21, 2011

1. **Does the proposed text amendment result from changed circumstances of unforeseen conditions not understood or addressed at the time the Plan was adopted?**
   H2020 states, "Re-study of the Comprehensive Downtown Plan should explore the following options to improve Downtown Lawrence: ...inclusion of more uses along the river and integration of these developments into downtown (p. 6-14)."

2. **Does the proposed amendment advance a clear public purpose?**
   The public purpose for this amendment is to allow for development north of the river that will include retail, office and residential uses to compliment downtown. The river is a great amenity for Lawrence but is not being utilized to its full potential.

3. **Is the proposed amendment consistent with the long-range goals and policies of the Plan?**
   This amendment does recognize H2020's commercial land use goals and policies by striving to ensure that the cities commercial areas are encouraged to grow while at the same time supporting and complementing Downtown.

4. **Does the proposed amendment result from a clear change in public policy?**
   No

5. **Will the proposed amendment affect the adequacy of existing or planned facilities and services?**
   The proposed amendment will support Downtowns existing and planned facilities and services by being in close proximity across the river and by allowing development across the river to draw and attract additional people to Downtown.

6. **Will the proposed change result in reasonably compatible land use relationships?**
   The expansion of downtown will allow the river to play an important role in tying together both the southern and northern ends of Massachusetts Street.

7. **Will the proposed change advance the interests of the citizens of Lawrence and Douglas County as a whole, not solely those having immediate interest in the affected area?**
   The proposed development will be located on the river and act as a strong link to connect Downtown and the North Mass development to the each other and include possible uses such

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Mail : PO BOX 1536 : Lawrence, Kansas : 66044-8536
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as a movie theater, hotel, offices, restaurants and residential opportunities which will attract users to Downtown and the City and County as a whole. The North Mass Development along with the existing Visitor Information Center will serve as an impressive Gateway to Lawrence.

paulwerner
ARCHITECTS

RECEIVED
NOV 21 2011
City County Planning Office
Lawrence, Kansas

LETTER OF TRANSMITTAL

FROM : Joy Rhea
TO : Amy Miller
DATE : November 21, 2011
RE : Site Plan Application for 704-718 Connecticut Street

We are Sending :

__X__ Attached ___ Per your request ____ For your files

Items Transmitted Via :

____ US Mail ___ Overnight ____ Courier __X__ Other

Items Transmitted are For Your :

___ Information ____ Use ___ Approval __X__ Review

Items Transmitted are :

__X__ Originals ___ Disk (s) ____ Shop Drawings ___ Blueprints
___ Specifications ___ Samples ____ Other _____.

COPIES/ SETS:	DESCRIPTION:
1	Application
1	Separate sheet for App. Answers 1-7
1	H2020 Amendment
1	Market Study

REMARKS :

Office : 123 W 8th Street Suite B2 : Lawrence, Kansas : 66049
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PHONE: 785.832.0804 FAX: 785.832.0890

RETAIL MARKET STUDY

Kaw Landing

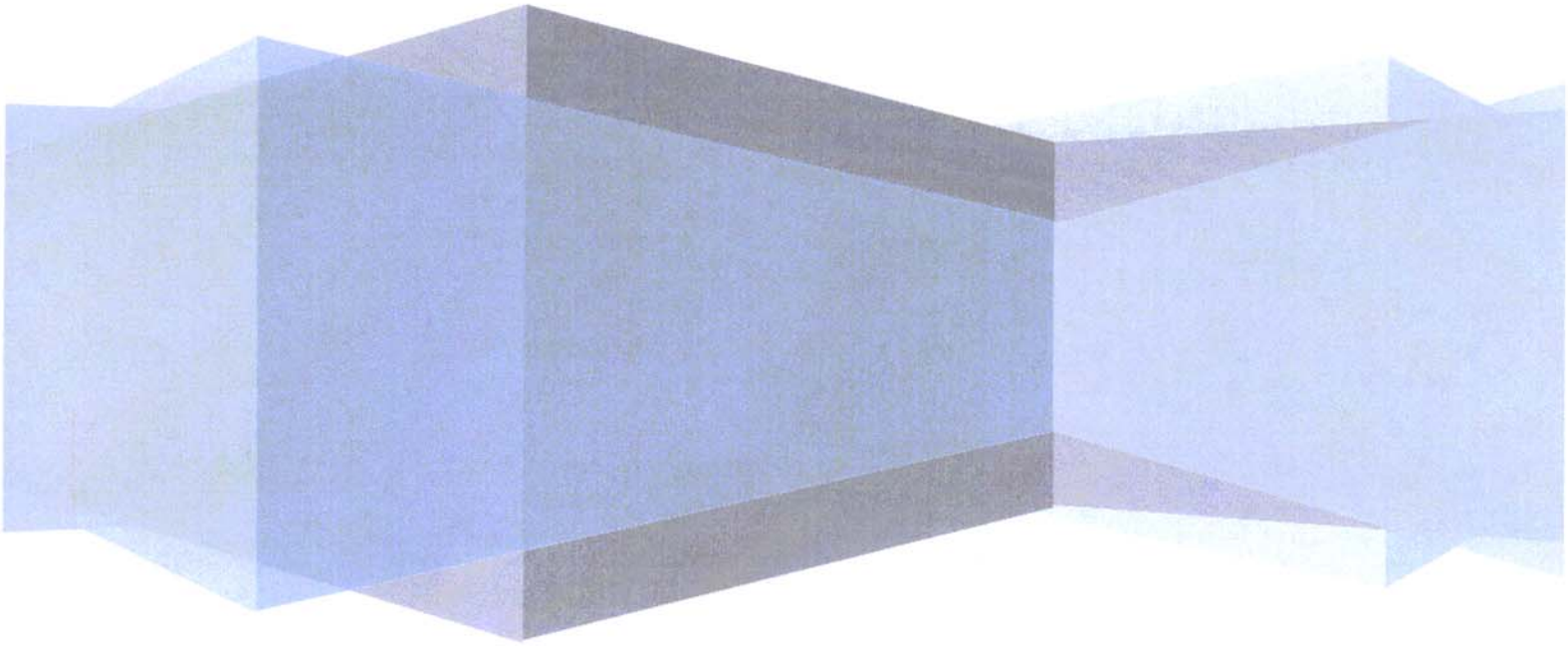
Lawrence, Kansas

September 30, 2011

Prepared by

RICHARD CAPLAN & ASSOCIATES

609 W. 70th Street Kansas City, MO 64113 (816) 888-3127



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The purpose of this retail market analysis is to provide an independent review and projection of demand for new commercial development in Lawrence, Kansas. More specifically, this analysis has been prepared to assess retail uses and demand on the northwest corner of North Second Street (U.S. Highways 40/59) at Elm and Locust Streets known as the Kaw Landing.

Kaw Landing is an 18 acre commercial redevelopment in North Lawrence immediately adjacent (0.3 mile) to Downtown Lawrence offering a total of 222,800 square feet of net leasable space. This retail market study has been prepared in accordance with City of Lawrence Land Development Code Sec. 20-1107. The following factors and conditions were examined:

- Recent and projected population, income and employment trends for Lawrence
- Retail sales data, pull factors and related trends in Lawrence and Douglas County
- Review of citywide retail occupancy and vacancy rates as well as in North and Downtown Lawrence.

This retail market study is presented in four sections:

I. Executive Summary

II. Historic and Current Retail Market Conditions

III. Downtown and North Lawrence Retail Markets and Site Assessment

IV. Projected Commercial Demand Analysis and Conclusion

I. EXECUTIVE SUMMARY

There is an average annual demand for approximately 122,311 square feet (under Horizon 2020 low population growth scenario) to 223,958 square feet of retail development (under Horizon 2020 middle population growth scenario) in the Lawrence market. Downtown Lawrence and North Lawrence districts will successfully accommodate a fair share of Lawrence's projected retail demand.

Horizon 2020 encourages redevelopment of existing commercial areas with an emphasis on Downtown Lawrence and existing commercial gateways such as Kaw Landing. Kaw Landing retail development will encompass a net increase of 217,377 square feet. The existing development contains 5,423 square feet for a total of 222,800. The major planned uses include a new movie theatre and hotel overlooking the Kansas River that together represent 52 percent of the proposed development. The other dining, retail and office uses are discussed in the body of this retail market study.

In addition to meeting the city's retail demand, Lawrence and Douglas County's sales leakage evidenced by the City of Lawrence "pull factor" decline to 1.02 in 2010 and Douglas County's 2010 "pull factor" of 0.86 indicates that additional retail space targeted to overcome the county's leakage is warranted. Given the amount of commercial development and entertainment sales and related activity in Downtown Lawrence and Lawrence's declining pull factor, Kaw Landing and Downtown Lawrence provide a unique position to overcome the current city and countywide retail sales leakage.

These absorption projections are based on the following findings and conclusions:

1. Lawrence has absorbed approximately 374,000 square feet of retail commercial development annually since 2000.

2. Despite the amount of development since 2000, the Kansas Department of Revenue reports that Douglas County's "pull factor" continues to reflect sales leakage, and Lawrence's "pull factor" has declined by 9.7 percent in the past decade. This decline indicates that the Lawrence retail market is not satisfying the needs of the city's growing population (See Table B – "Lawrence and Douglas County Retail Pull Factor 2000 – 2010"). Douglas County's "pull factor" has declined by 7.5 percent since 2000. Therefore, there is the potential for Lawrence to capture greater retail sales with a retail center because of its unique setting will attract residents from outside of Lawrence and will contribute to Lawrence reversing the city's "pull factor" decline from the past decade.

3. The amount of commercial development planned in the original Horizon 2020 which influenced the amount of land zoned for commercial uses reflected a smaller population than Lawrence and Douglas County have realized.

4. Lawrence's retail demand is underserved as evidenced by the city' low vacancy rate of 7.0 percent. Lawrence is significantly below Kansas City metropolitan area (14.1 percent) and national (10.0 percent) retail vacancy rates.

The proposed redevelopment is expected to enhance the viability of Downtown Lawrence for a combination of the following reasons:

- The Kaw Landing site is 3/10th of a mile from Downtown Lawrence offering easy access and less than a five minute walk. The distance from Kaw Landing to Downtown Lawrence, immediately across the street from the Lawrence Visitor Information Center, is the equivalent distance from Seventh to Ninth Street in Downtown Lawrence.

- Downtown Lawrence has increasingly become a one-of-a-kind specialty retail and entertainment district destination; and

- The proposed redevelopment will serve visitors to Downtown Lawrence as well as residents of Lawrence and Douglas County, and Douglas County employees who reside in neighboring Leavenworth and Jefferson Counties.

II. HISTORIC and CURRENT RETAIL MARKET CONDITIONS

This section of the study describes the prevailing conditions and factors that influence the retail market in Lawrence – retail sales, population, employment, income and retail occupancy and vacancy rates.

Recent Retail Sales Trends

The most accurate reflection of the Lawrence retail market condition can be seen in retail sales, population and retail square footage growth. Since 2000, retail sales tax collections in the City of Lawrence have grown at a faster rate than both city population growth of 0.9 percent. After adjusting for inflation, retail sales have increased 3.3 percent since 2000, less than population growth. This lower percentage is also reflected in the decline in the city's retail pull factor from 1.13 in 2000 to 1.02 in 2010.

Lawrence has added an average of 374,504 square feet of new retail space from 2000 through 2010. During this period, retail sales increased 3.3 percent. (See Table A - "Lawrence Retail Development and Sales 2000 - 2010"). The following table summarizes the growth in these key indicators since 2000. Slow growth in retail sales tax collections since 2000 reflecting the city's declining retail pull factor.

Table A
Lawrence Retail Development and Sales 2000 – 2010

Year	Retail Square Feet	City Retail Sales Tax Collections	Adjusted Retail Sales Tax Collections – 2000 $ @
2000	5,375,530	$10,348,071	$10,348,071
2005	6,479,100	$11,841,727	
2006	7,581,660	$12,260,437	
2007	Est. 8,100,000	$12,453,791	
2008	Est. 8,500,000	$12,898,143	
2009	Est. 8,800,000	$13,677,542	
2010	9,120,567	$13,531,722	$10,686,072
2000 – 2010 Total Change	**3,745,037**	**$3,183,651**	**$338,001**
2000 – 2010: Average / Year	**374,504**	**$318,365**	**$33,800**
Percent Change 2000 – 2010	**69.7%**	**30.8%**	**3.3%**

@ = U.S. Bureau of Labor Statistics inflation calculator through 2010 adjusted to 2000.
Source: U.S. Census; Lawrence/Douglas County Planning Department; City of Lawrence Finance Department; Grubb Ellis/Winbury Group.

Despite population and retail development growth, Lawrence has declined in attracting the city's fair share of retail demand. Lawrence's retail sales data and "pull factor" reflect the fact that the Lawrence retail market has declined from historic sales expenditures levels. A "pull factor" is a measure of the market share captured in a community by all of the retail businesses and is used to compare the magnitude of sales activity to the level of business activity on a per capita basis. A pull factor above 1.00 indicates that the community is attracting business while one that is below 1.00 indicates that the community is losing retail sales to other places.

Lawrence's pull factor in 2010 was 1.02, according to Kansas Department of Revenue (See Table B – "Lawrence and Douglas County Retail Pull Factors 2000 – 2010"). This reflects a decline of 9.7 percent in the past decade for Lawrence. Douglas County has also declined by 7.5 percent over the past decade. As a result of these trends, **there remains potential for both Lawrence and Douglas County to recapture retail sales leakage.**

Table B
Lawrence and Douglas County Retail Pull Factors 2000 – 2010

Year	City of Lawrence Pull Factor	Douglas County Pull Factor
2000	1.13	0.93
2001	1.18	0.93
2002	1.13	0.92
2003	1.08	0.93
2004	1.11	0.96
2005	1.11	0.99
2006	1.12	0.97
2007	1.02	0.87
2008	0.99	0.85
2009	0.99	0.85
2010	1.02	0.86
2000 – 2010: Total Change	**(0.11)**	**(0.07)**
Percent Change	**(9.7%)**	**(7.5%)**

Source: Kansas Department of Revenue.

It is also significant is the fact that Douglas County remains below 1.00, declining to its lowest level, 0.85 in 2009, from a peak of 0.99 in 2005, indicating retail sales dollars are increasingly leaving Douglas County.

The city's pull factor is lower than eight Kansas cities nearest to Lawrence in population. (See Table C – "Major Kansas Cities Retail Pull Factor 2007 - 2010".) Lawrence's 1.02 pull factor is 8th among the 10 medium sized cities in Kansas with population between 30,000 and 120,000 persons and unchanged over the three years.

Because Lawrence is the employment center for Douglas County, is located at the convergence of all major roads in Douglas County and houses nearly 80 percent of the county's population, the city and county have the potential to grow their retail base and recapture this retail sales leakage.

Table C
Major Kansas Cities Retail Pull Factors 2007 - 2010

2010 Ranking by City	Retail Pull Factor 2007	Retail Pull Factor 2010	Percent Change 2007 - 2010
1. Lenexa	1.58	1.55	(1.9%)
2. Salina	1.48	1.44	(2.8%)
3. Topeka	1.47	1.47	No Change
4. Hutchinson	1.35	1.40	3.6%
5. Manhattan	1.28	1.36	5.9%
6. Leawood	1.26	1.31	3.8%
7. Olathe	1.28	1.24	(3.2%)
8. Lawrence	**1.02**	**1.02**	**No Change**
9. Shawnee	1.04	0.98	(5.8%)
10. Leavenworth	0.70	0.84	6.3%

Source: Kansas Department of Revenue.

The fact that Lawrence and Douglas County retail pull factors have declined over the past decade further indicates an inadequate selection of goods within the city to satisfy all consumers. The larger and more convenient the selection of goods that Lawrence can offer and attracting non-residents through unique shopping and dining options, the more likely Lawrence and Douglas County's retail sales leakage can recover from this trend and be overcome.

Lawrence and Douglas County's potential to increase their declining pull factors can be attributed to a range of factors from Kaw Landing influencing the local retail market:

1. The site is located immediately adjacent to Downtown Lawrence and across the street from the Lawrence Visitor Information Center.

2. The site is on the primary artery connecting Lawrence to Leavenworth County. Many Lawrence residents employed in Wyandotte and Leavenworth Counties use North 2nd Street (U.S. Highway 59) to commute to Leavenworth or Wyandotte Counties.

3. Douglas County attracts workers from outside Douglas County according to 2000 U.S. Census data (See Table D – Douglas County Work Force Place of Residency").

Lawrence and Douglas County have the ability to increase sales from adjacent counties because of Douglas County's employment opportunities. More than 7,000 persons commute into Douglas County for employment. Jefferson and Shawnee Counties provide the largest number of workers. Over 1,500 of Douglas County's workers are from Leavenworth and Wyandotte Counties entering Lawrence from the northeast portion of the city.

Table D
Douglas County Work Force Place of Residency 2000

County of Residence	Number of Douglas County Workers	Percent of Labor Force
Douglas County	41,186	**84.0%**
Non-Douglas County:	7,845	**16.0%**
Jefferson County	1,640	3.3%
Shawnee County	1,317	2.7%
Wyandotte County	796	1.6%
Leavenworth County	785	1.6%
All Other Counties	3,307	6.8%
Total Work Force	**49,031**	**100%**

Source: 2000 U.S. Census.

The City of Lawrence updated the city's retail market data base in October 2010. Square footage figures for 2005 were estimated based on data collected by the local commercial real estate firm of Colliers (Table E – "Lawrence Commercial Square Feet 2000 - 2010"). The following table presents the average annual amount of new commercial development added to the city's inventory.

Table E
Lawrence Commercial Square Feet 2000 - 2010

Year	Total Retail Square Feet	Annual Change in Square Feet
2000	5,375,530	48,500
2001	5,424,030	67,893
2002	5,491,923	179,441
2003	5,671,364	36,950
2004	5,708,314	770,786
2005	6,479.110	1,102,560
2010	9,120,567	N / A
2000 – 2010 Annual Average Change		**374,504 square feet**

Source: City of Lawrence Finance Department; U.S. Census; Colliers.
Note: City of Lawrence includes all commercial uses located within retail centers.

Projected Population

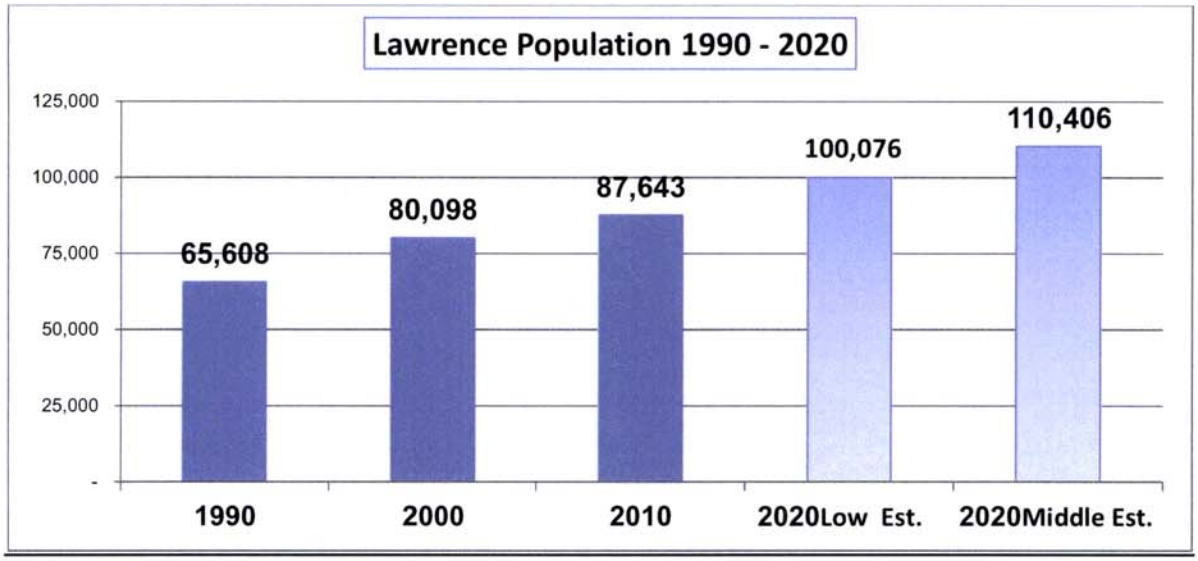
Population growth is one of the key factors influencing retail demand. In the past decade, Lawrence has added an average of 1,143 new residents. The most recent population figure reported by the U.S. Census Bureau in 2010 set the city's population at 87,643.

The most recent version of Horizon 2020 projects the city's population to increase to approximately 100,076 to 110,406 (the plan's low and middle population scenarios) by 2020 contributing to an on-going demand for additions to the city's retail supply. New "green field" retail construction is predominantly planned in northwest Lawrence. Because of limited land availability, new retail development in Downtown Lawrence is driven by redevelopment as planned at Kaw Landing.

Table F
Lawrence Population 1990 - 2020

Year	Actual / Estimated Population	
1990	65,608	
2000	80,098	
2010	87,643	
1990 – 2010 Total **Annual Average Change**	**19,035 persons** **952 persons**	
Horizon 2020 Projection	**Low:**	**Middle:**
Estimated 2020 Population	100,076	110,406
2010 – 2020 Total Change **Annual Average Change**	**12,433** **1,243**	**22,763** **2,276**

Source: Lawrence/Douglas County Planning Department Horizon 2020; U.S. Census.



Source: Lawrence/Douglas County Planning Department Horizon 2020; U.S. Census.

From 1990 to 2000, that section of Lawrence in the central portion of the city, the area where Kaw Landing is located within the Lawrence 66044 ZIP Code experienced a 3.7 percent increase in population growth. The area of Lawrence contained 36 percent of the city's population in 2000. (Census data by ZIP code for 2010 has not published yet.)

Table G
Lawrence Population by ZIP Code Area 1990 – 2000

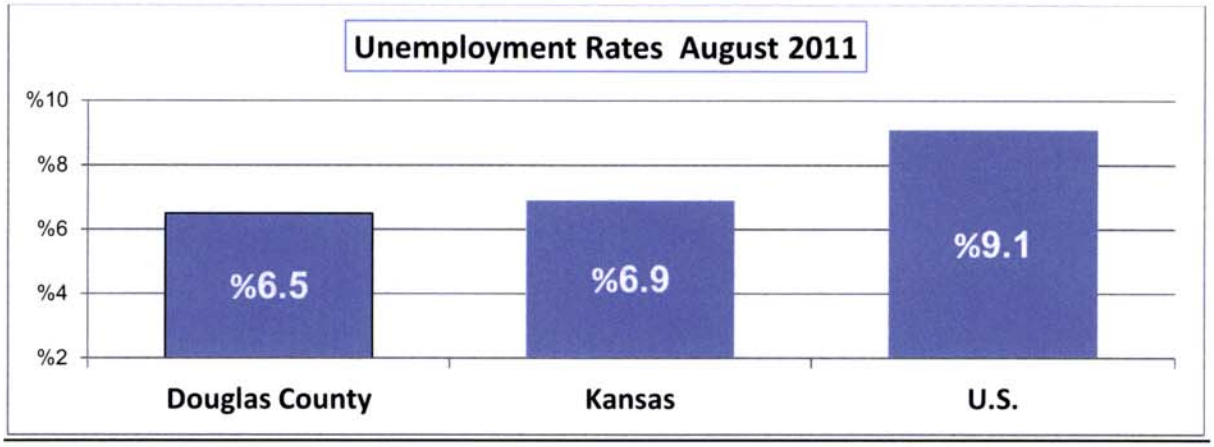
ZIP Code: Area of Lawrence	66044 Central/ North	66046 Southern	66047 Southwest	66049 Northwest	TOTAL
1990	30,021	16,345	9,194	**12,615**	68,608
2000	31,131	19,981	15,122	**20,338**	86,572
Net Change	**1,110**	**3,636**	**5,928**	**7,723**	17,964
Percent Change	**3.7%**	**22.2%**	**64.5%**	**61.2%**	**27.0%**
2000 Percent of Total Population	36%	23%	17%	**23%**	**100%**

Note: City limits and ZIP code boundary do not match.
Source: U.S. Census.

C. Douglas County Employment

Employment growth in Douglas County is concentrated in Lawrence and further contributes to the growth in local sales tax collections and retail demand. The number of jobs in Douglas County increased by 2,600 jobs from 47,600 in July 2010 to 50,200 in August 2011 according to the most recent data published by the Kansas Department of Labor. Despite the recent

economic recession, Douglas County's unemployment rate in August 2011 was 6.5%, lower than Kansas' 6.9% unemployment rate and significantly lower than the U.S. unemployment rate.



Source: Kansas Department of Labor; U.S. Department of Labor.

Douglas County Per Capita Income

In addition to population growth, the amount of retail space in a community is a direct function of the amount of disposable income. In 2009, Douglas County had a per capita income of $32,070 according to the U.S. Department of Commerce Bureau of Economic Analysis. It is widely acknowledged that countywide income levels are weighted lower due to the influence in Douglas County of the number of college students factored into per capita income calculations. Douglas County's per capita income is 82 percent of the statewide average. Nevertheless, since 2000, Douglas County's per capita income has increased by 3.9% after adjusting for inflation. (See Table H - "Douglas County Per Capita Income 2000 – 2009 (in 2009 consumer price index inflation adjusted dollars.")

Table H
Douglas County per Capita Income 2000 – 2009

Year	Douglas County Per Capita
2000	$24,747
2009 Actual	$32,070
2000 Inflation Adjusted to 2009	$30,831
2000 – 2009 Percent Change	**22.8%**
2000 – 2009 Inflation Adjusted Change	**3.9%**

Source: U.S. Department of Commerce Bureau of Economic Analysis; U.S. Department of Labor CPI.

III. DOWNTOWN AND NORTH LAWRENCE RETAIL MARKET'S OVERVIEW

The retail districts for Kaw Landing include Downtown and North Lawrence. The two Lawrence retail submarkets contain approximately 2,172,215 square feet which includes the existing 5,423 square feet at the existing businesses on the Kaw Landing parcel. The Downtown and North Lawrence districts represent 23.8 percent of the total Lawrence retail market although the area has approximately 36 percent of the city's 2000 population.

A key indicator of the current condition of a retail market and influence on retail demand are retail vacancy rates. In 2010, the average retail vacancy rate for the nation's 50 largest major metropolitan areas was 10.0 percent according to Integra Realty Resources, Inc. Viewpoint 2011. The metropolitan Kansas City area retail vacancy rate was 14.1 percent. In 2010, the City of Lawrence 2010 Retail Market Report indicated a city-wide retail vacancy rate of 7.0 percent, lower than the Kansas City metropolitan area and the nation. Together, Downtown Lawrence and North Lawrence district's represent 23.9 percent of the city's total commercial square footage. (See Table J - "Lawrence Square Feet by District 2010").

Table J
Lawrence Square Feet by District 2010

District	Total Square Feet	Total Vacant	Vacancy Rate	Percent of Lawrence Total Retail
Downtown Lawrence	1,857,339	139,305	7.5%	20.4%
North Lawrence	314,876	86,484	27.5%	3.5%
All other Lawrence	6,948,352	416,406	6.0%	76.2%
TOTAL	**9,120,567**	**642,195**	**7.0%**	**100%**

Source: City of Lawrence Planning Department 2010 Retail Market Report.

Kaw Landing Site Description

The Kaw Landing site on North Second Street offers direct access for pedestrians and by automobile and bicycle from Downtown Lawrence. The site also offers excellent visibility and is suited for expanded retail and commercial development because:

- It is located on and has direct access to U.S. Highways 40/59 is visible to all travelers between the Kansas Turnpike (I-70) and Downtown Lawrence;
- The site offers excellent visibility and access to passing automobiles;
- The site is easily accessible for pedestrians from Massachusetts Street; and
- It will provide for the entertainment and serve as an attractive outdoor venue and attraction for Lawrence and Douglas County.

The site is immediately adjacent to the former Union Pacific Depot that serves as the Lawrence Visitor Information Center. The center is open seven days a week and attracts an

average of 1,000 persons monthly distributing information to visitors about Lawrence. The depot is also available for rent and serves as a public meeting facility and is routinely used for wedding rehearsal dinners and receptions hosting more than 100 special events annually.

Upon redevelopment, the 18 acre Kaw Landing site will provide a raised walkway and patios extending 1,800 feet along the bank of the Kansas River. This walkway will make the commercial development unique to Lawrence and Northeast Kansas attracting visitors to the community and will serve as an attractive, one-of-a-kind setting for dining, shopping and passive outdoor recreation.

Proposed Commercial Uses

Kaw Landing proposes to add a net increase of 217,377 square feet. The existing commercial portion of the site is zoned CS, Commercial Strip District, allowing for a mix of retail, office and related commercial uses. Contractual commitments about the major use for the movie theatre and hotel company have yet to be made. The existing Johnny's Restaurant on the site will be removed and will expand and locate into a new building with an outdoor deck overlooking the Kansas River.

The following graph illustrates the major use categories followed by Table K that presents the estimated square footage for 24 specific retail uses.

Table K and Graph
Major Uses Proposed at Kaw Landing
(By Estimated Square Feet)

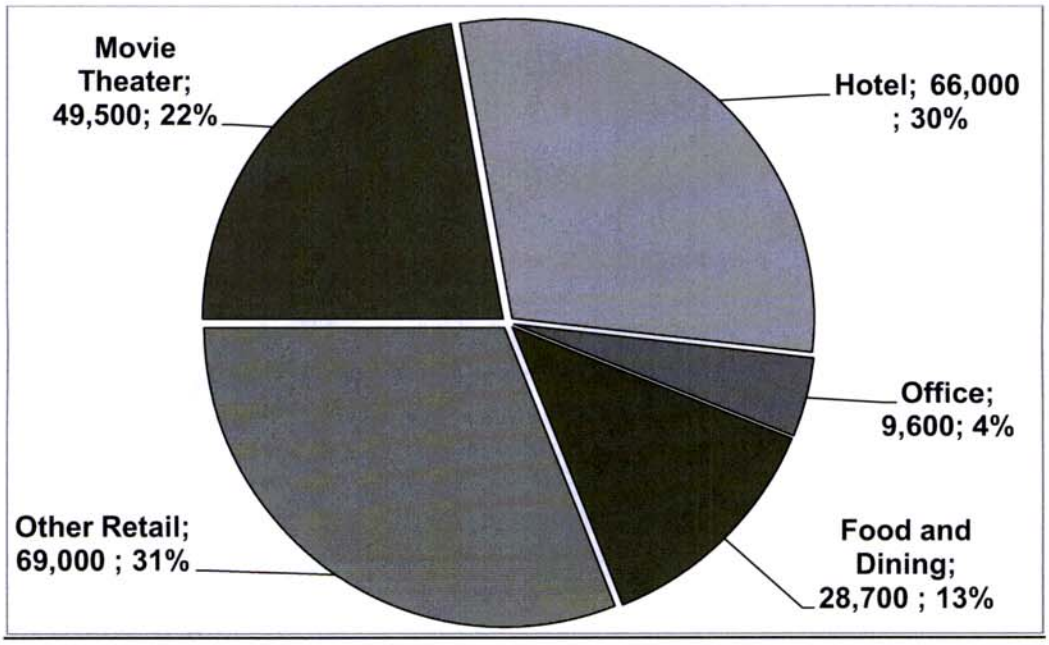


Table K
Proposed Uses by Major Category and Square Footage

Major Planned Use	Estimated Square Feet	Sub-Total
Movie Theater (1)	49,500	49,500
Hotel (1)	66,000	66,000
Other Retail (16):		
Sporting Goods	27,000	
Home Accessories	7,500	
Soft Goods/Apparel Store(s)	5,800	
Beauty Health	4,000	
Home Store	3,700	
Women's Specialty	3,000	
Bicycle Shop	2,400	
Tanning Salon	2,400	
Bakery	2,400	
Health Food/Vitamin Store	2,400	
Electronics	2,400	
Art Gallery	1,200	
Specialty food	1,200	
Ice Cream	1,200	
Flower Shop	1,200	
Stationary Shop	1,200	69,000
Food Services and Dining (6):		
Micro-Brewery	8,000	
Johnny's (expansion)	6,700	
Restaurant #2	8,000	
Smoothies/Salads/Wraps	2,400	
Sandwich Shop	2,400	
Coffee Shop	1,200	28,700
Office (4) : Real Estate, Financial Services, Insurance Brokerage, Architect	9,600	9,600
Total Square Feet	**222,800**	**222,800**

Potential Impact on Downtown Lawrence

The proposed commercial uses have other locations in other of Lawrence's commercial districts including Downtown Lawrence. A review of the number of like retail establishments in these categories and the number and percent located in Downtown Lawrence has been assessed in Table L – "Lawrence Commercial Inventory Comparisons." There are 334 existing Lawrence retail establishments offering similar products and services as the proposed uses at Kaw Landing. The proposed uses within the Kaw Landing and their numeric comparison to Downtown Lawrence are presented in the following Table L.

Table L
Lawrence Commercial Inventory Comparisons

Commercial by Use	Lawrence Total 2010	Downtown Lawrence 2011	Downtown Lawrence Percent of City	Lawrence Percent Outside of Downtown Lawrence	Kaw Landing Planned
Retail	395	114	29%	71%	17
Food Services	250	82	33%	67%	6
Hotel	16	3	19%	81%	1
Vacant / Other	N / A	35	N / A	N / A	4
TOTAL	661	234	N / A	N / A	28

Note: Figures do not include 94 non-retail, non-food services in Downtown Lawrence or the citywide total.

Source: City of Lawrence Planning and Development Services "Analysis of Lawrence's Downtown Commercial Space" Memorandum, May 18, 2011; U.S. Census Bureau.

The net addition of approximately 22 to 24 commercial establishments will represent approximately 8 to 9 percent of the number of commercial establishments in Downtown Lawrence. The redevelopment reflects the specialty retail, entertainment and dining uses that prevail in Downtown Lawrence. Often, these proposed uses locate in unique, destination and/or entertainment oriented settings that patronize Downtown Lawrence rather than neighborhood centers.

Projected Impact on Retail Vacancy Rate

Kaw Landing will increase the city-wide vacancy rate in the unlikely event that the proposed project was fully constructed and not fully occupied. However, the two largest tenants of the project are intended to be constructed to satisfy specific tenants (the 49,500 square foot movie theatre and the 66,000 square foot hotel) and will not be constructed unless and/or until the each tenant and/or owner-occupant is contractually committed to Kaw Landing. Because of the size and importance of these users, the balance of the center will not be built until or unless a pre-leasing commitment is secured for one or both of these tenants.

Furthermore, Johnny's Restaurant will relocate within the new development upon completion of its new building. Therefore, there is no possibility that the proposed development would be completely unoccupied.

Upon occupancy of Kaw Landing, the city-wide vacancy rate will decline by 0.1 percent to 6.9 percent. If the proposed development is only 50 percent occupied, an unlikely scenario as described above, the city-wide vacancy rate would increase by 1.0 percent in the scenario that center is only half occupied. (See Table M - "Proposed Development Impact on Lawrence Vacancy Rate.")

Table M
Proposed Development Impact on Lawrence Vacancy Rate

	City of Lawrence			With Proposed Kaw Landing Project		City-wide Vacancy Rate
Project Occupancy Assumption	Total Square Feet	Total Occupied Square Feet	Total Vacant Square Feet	Project Occupied Square Feet	Project Vacant Square Feet	
Total 2011	9,120,567	8,478,372	642,195	N / A	N / A	7.0%
Kaw Landing (net) 100% Occupied	9,337,944	8,695,749	642,195	217,377	0	6.9%
50% Occupied	9,337,944	8,587,061	750,884	108,689	108,689	8.0%
0% Occupied	9,337,944	8,478,372	859,572	0	217,377	9.2%

Source: City of Lawrence 2010 Retail Market Study.

Discussion of the Existing and Maintaining a Commercial Inventory

In most growing cities with a similar or larger population than Lawrence, it is common planning practice and reflects good economic development policy to have an inventory of sites that provides for a choice of commercial development options, including accommodating redevelopment. It serves a community's economic interest to maintain an inventory of residential, office, industrial and retail sites to stimulate and attract new private investment. Offering competitive sites also prevents inflating real estate asking prices that occurs where and when there is a shortage of or constraint of development opportunities.

Historically, Lawrence has maintained an inventory of approved commercial space that exceeds development activity. There is an inventory or more than 600,000 square feet approved but not constructed commercial development in 2010. Despite this figure, the amount and pace of new construction is likely to decline in the future given the more stringent financing standards imposed on real estate development as a result of the national recession. Three of the projects in Lawrence where a sizable amount of approved commercial but not constructed space exists and their relevance to Kaw Landing are analyzed as follows:

- Bauer Farm - The Bauer Farm project is expected to accommodate a major national tenant to serve residents of the western portion of the city. It is common for a major national retail anchor to attract a range of small, ancillary tenants commercially compatible with a national anchor.

- Mercato - The 359,640 square feet of commercial development plans to include a home improvement center. This use competes with one of the proposed uses at Kaw Landing. The size of the Lawrence and Douglas County retail markets may not be sufficient to absorb both of these competing uses in the short term. However, as stated above, by

Lawrence offering alternative sites, the city benefits from attracting the strongest, most economically feasible business.

- Fairfield Farms - There are 200,000 square feet of commercial space approved at Fairfield Farms located on East 23rd Street at O'Connell Road in East Lawrence. The planned development is located within the East Lawrence retail sub-market and is intended to serve the retail needs of East Lawrence residents. Therefore, the project will not compete with the new East or West Lawrence commercial businesses.

In conclusion, local and national financial institutions, offering new entertainment venues in the community, the rate of population and employment growth and retail market conditions will significantly influence the amount of new commercial development in Lawrence. Maintaining a choice of development options endures that the city will attract the most viable businesses.

IV. PROJECTED RETAIL DEMAND ANALYSIS AND CONCLUSION

The Lawrence retail trade area includes all of Douglas County since Lawrence is the major employment center for Douglas County. Downtown Lawrence's trade area routinely attracts shoppers and diners from beyond Douglas County. Therefore, in evaluating the retail market in Lawrence, all of Douglas County's population must be considered.

Based on this analysis, there is a demand for approximately 1.2 million to as much as 2.2 million square feet of commercial retail through 2020. A five year projection period is used reflecting the phasing of the proposed Kaw Landing redevelopment and the initial phase will not reach the market before 2012 (See Table O – "Projected Capture Rate for Kaw Landing Development").

This retail demand projection averages two alternative population scenarios (Table M – "Lawrence Retail Commercial Demand Analysis"). The two alternative scenarios and the methodology used for this analysis are based on the city's prevailing square feet per capita and projected as follows:

Demand Alternative A: Horizon 2020 Low Population Growth Projection:
This scenario relies on is the city low population growth projection found in the Horizon 2020 Plan, or an annual average of 1,243 new residents over the next decade. (See Table F – "Lawrence Population 1990 – 2020").

Demand Alternative B: Horizon 2020 Middle Population Growth Projection:
This scenario relies on is the city middle population growth projection found in the Horizon 2020 Plan, or an annual average of 2,276 new residents over the next decade.

However, Kaw Landing will also generate demand from beyond Douglas County as an entertainment venue with hotel accommodations and by being a unique setting over and above attracting existing and future local residents.

This projected commercial demand is less than the average amount of development that has been absorbed since 2000. To the extent that Lawrence and Douglas County seek to "grow" their pull factors by capturing sales leakage from Leavenworth County residents employed in Douglas County, additional retail square feet is warranted.

Table N
Lawrence Commercial Demand Analysis

Demand Factor	Persons / Square Feet
2010 Lawrence Population *(a)*	87,643 persons
2010 Commercial Square Feet *(b)*	9,120,567 square feet
= Square Feet per Capita	98.4 sq. feet per capita
Alternative A: Horizon 2020 Low Population Growth	
@ 1,243 average annual population growth (See Table F)	
	98.4 sq. ft. x 1,243 persons/year
Average Annual Commercial Demand	= 122,311 square feet
10 Year Total Demand: 2011 – 2020	1,223,112 square feet
Annual Average Demand	**122,311 square feet/year**
Alternative B: Horizon 2020 Middle Population Growth	
@ 2,276 projected average annual population increase (See Table F)	
	98.4 sq. ft. x 2,276 persons/year
Average Annual Commercial Demand	= 223,958 square feet
10 Year Total Demand: 2011 – 2020	2,239,585 square feet
Annual Average Demand	**223,958 square feet/year**
Kaw Landing Capture Rate:	
With 217,377 square feet by 2015:	**26.7 – 35.5 percent total square feet of demand**

(a) Source: U.S. Census.
(b) Source is the City of Lawrence Retail Market Report 2010.

Based on these demand projections, Kaw Landing could capture from 16.7 to 35.5 percent of the citywide demand through 2015. (See Table O – "Projected Capture Rate for Expanded Kaw Landing Development".) However, more than one-half of the proposed commercial uses (the movie theater and the hotel) are driven by other economic and demographic factors beyond population growth. These two uses will have minimal effect on retail demand required to satisfy only Lawrence's population growth.

Horizon 2020 encourages redevelopment of existing commercial areas with an emphasis on Downtown Lawrence and existing commercial gateways. The proposed Kaw Landing responds to this adopted strategy.

Table O
Projected Capture Rate for Kaw Landing Development

Year	Alt. A: Minimum Est. Demand (Square Feet)	Alt. B: Maximum Est. Demand (Square Feet)	Existing Kaw Landing Site (5,423 Square Feet)	Kaw Landing Project (net 217,377 Square Feet)	Kaw Landing Market Share of Demand
2011	122,311	223,958	N / A	0	N / A
2012	244,622	447,916	N / A		
2013	366,933	570,227	N / A		
2014	489,244	692,538	N / A		
2015	611,555	814,849	N / A	217,377	26.7 – 35.5 percent

Conclusion

In conclusion, there is sufficient commercial demand for new square feet for Downtown Lawrence to absorb net increase of 217,377 square feet. This finding and conclusion is based on the following:

- The proposed development enjoys a unique riverfront location.
- The site is located directly adjacent to and linked to Downtown Lawrence.
- The potential exists for Lawrence and Douglas County to support increased retail in Downtown by capturing Lawrence and Douglas County sales leakage.
- Visitors, shoppers and retail sales from nearby counties will be attracted to the riverfront site for arts, lodging, entertainment and dining.

This retail market study has been prepared exclusively in consideration of Kaw Landing redevelopment in Lawrence, Kansas. It may be used for deliberation by City of Lawrence officials in consideration of this proposed project. Otherwise, any use or reproduction of the material in this report without the expressed consent of RICHARD CAPLAN & ASSOCIATES is prohibited.

Rich Caplan
September 30, 2011
RICHARD CAPLAN & ASSOCIATES

NORTH LAWRENCE RIVERFRONT

LAWRENCE, KANSAS

SITE

RELEASE: NONE
DATE: 6.02.10

PROJECT # 26445

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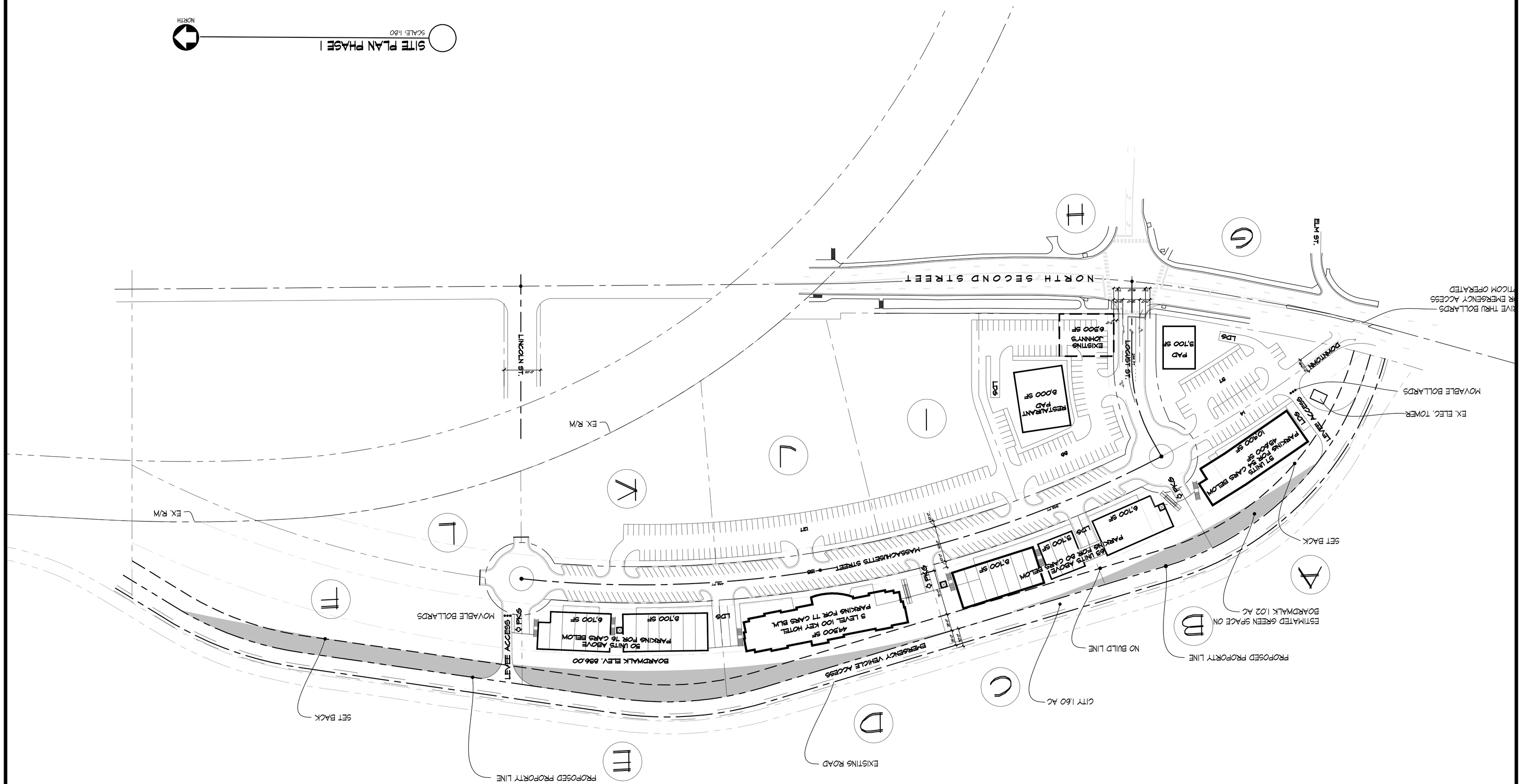


PHASE I OPTION A

SITE SUMMARY PHASE I	
RETAIL SHOPS	32,300 SF
HOTEL A 100 KEYS	44,500 SF
HOTEL B 100 KEYS	43,200 SF
RESIDENTIAL 102 UNITS	59,600 SF
RESTAURANT PADS (2)	7,200 SF

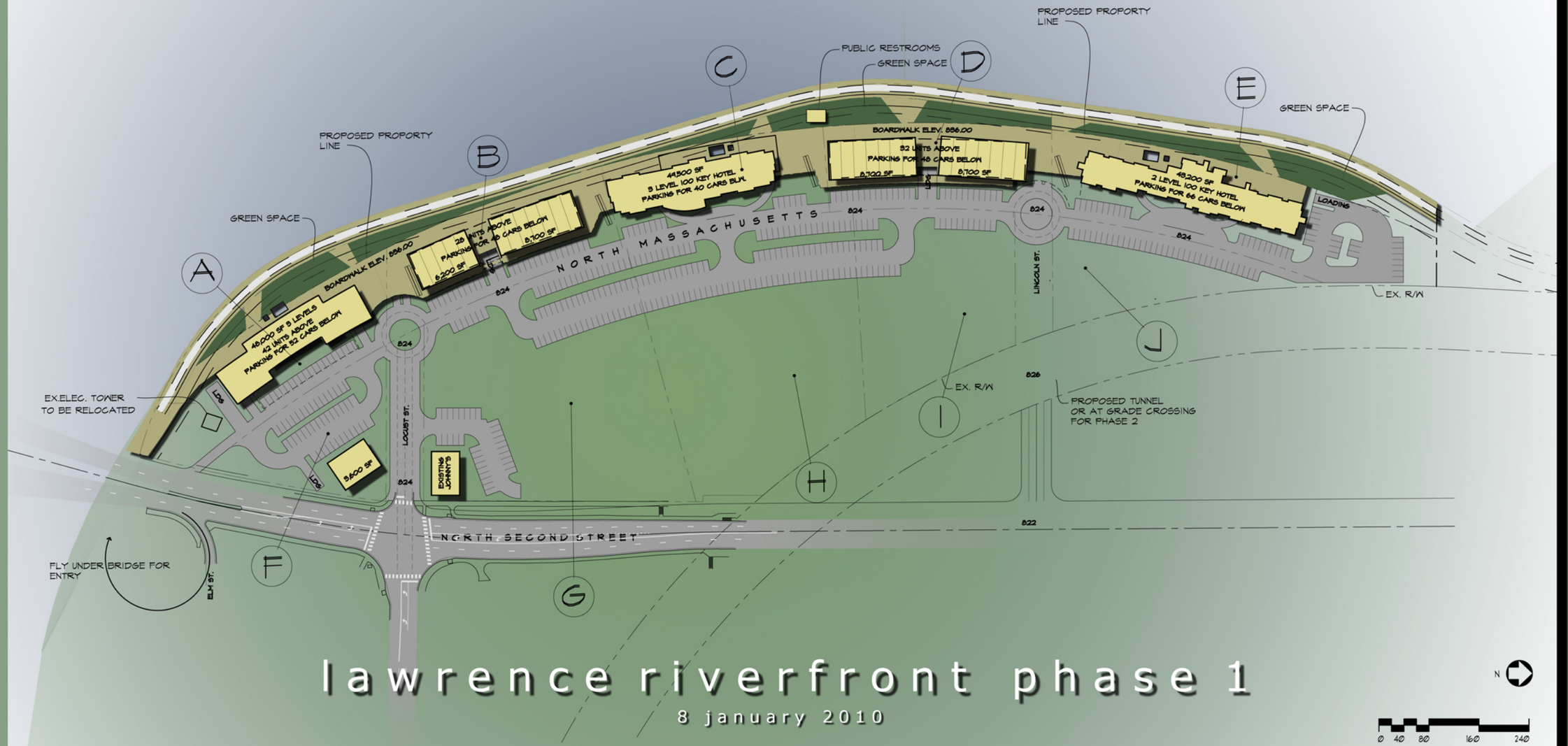
PARKING SUMMARY	
RETAIL SHOPS	162 SPACES
HOTEL A 100 KEYS	115 SPACES
HOTEL B 100 KEYS	115 SPACES
RESIDENTIAL 102 UNITS	153 SPACES
RESTAURANT PADS (2)	72 SPACES
TOTAL REQUIRED	617 SPACES
TOTAL PROVIDED	665 SPACES

PHASE I OPTION B REF. SECTION 3

NOTE: OPTION B HAS A 5 LEVEL APTS AND 4 LEVEL APTS OVER RETAIL

SITE SUMMARY PHASE I	
RETAIL SHOPS	32,300 SF
HOTEL A 100 KEYS	44,500 SF
HOTEL B 100 KEYS	43,200 SF
RESIDENTIAL 192 UNITS	156,200 SF
RESTAURANT PADS (2)	7,200 SF

PARKING SUMMARY	
RETAIL SHOPS	162 SPACES
HOTEL A 100 KEYS	115 SPACES
HOTEL B 100 KEYS	115 SPACES
RESIDENTIAL 162 UNITS	384 SPACES
RESTAURANT PADS (2)	72 SPACES
TOTAL REQUIRED	848 SPACES
TOTAL PROVIDED	965 SPACES



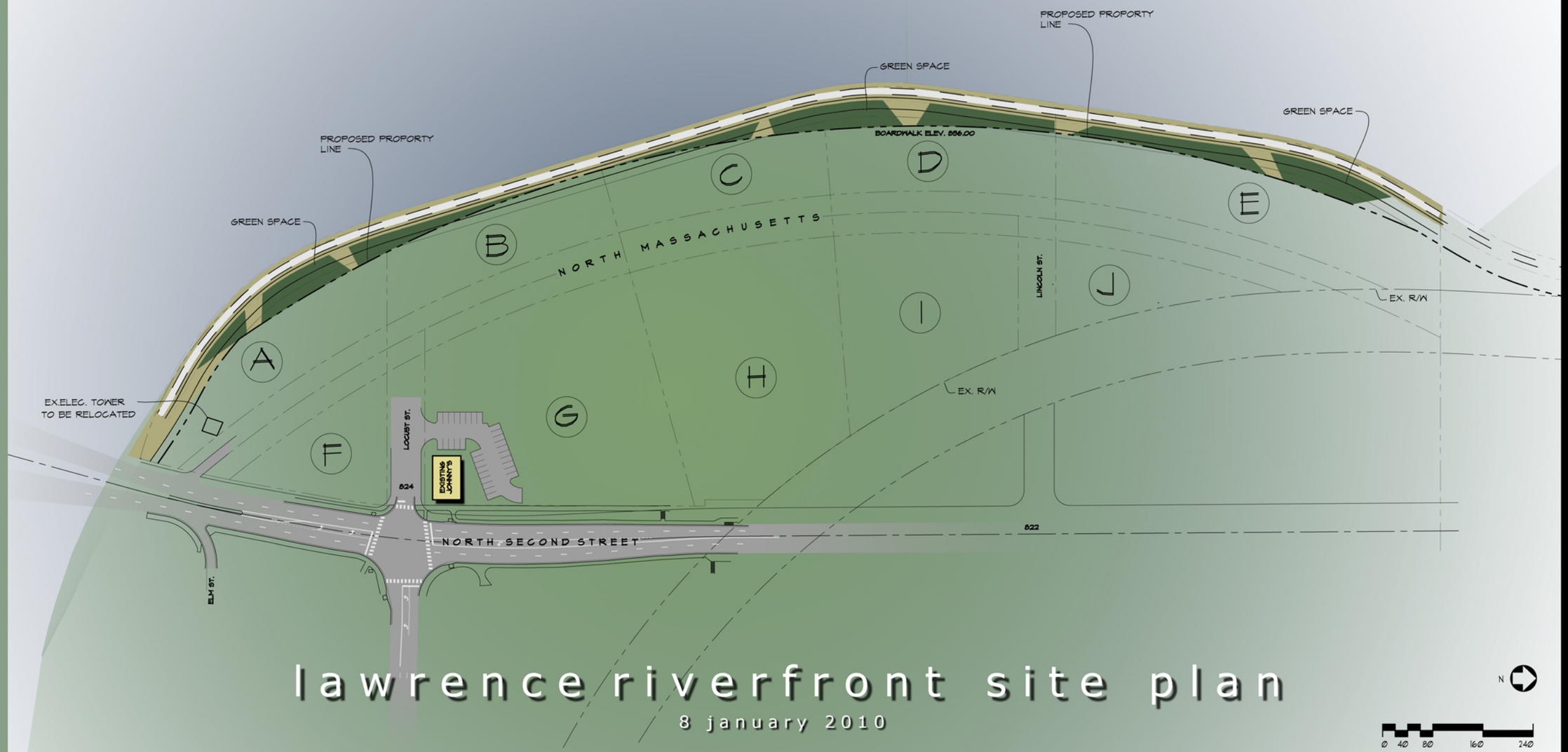
lawrence riverfront phase 1

8 january 2010

paulwerner ARCHITECTS

SITE SUMMARY	
N. MASS	126,800 SF
LOCUST	13,700 SF
LINCOLN	9,900 SF
SUBTOTAL	150,400 SF
BOARDWALK	101,400 SF
TOTAL	251,800 SF

SITE SUMMARY	
PARCEL A	39,000 SF
PARCEL B	39,800 SF
PARCEL C	36,700 SF
PARCEL D	37,900 SF
PARCEL E	65,000 SF
PARCEL F	28,400 SF
PARCEL G	122,000 SF
PARCEL H	110,400 SF
PARCEL I	70,400 SF
PARCEL J	26,700 SF
TOTAL	576,300 SF



lawrence riverfront site plan

8 january 2010

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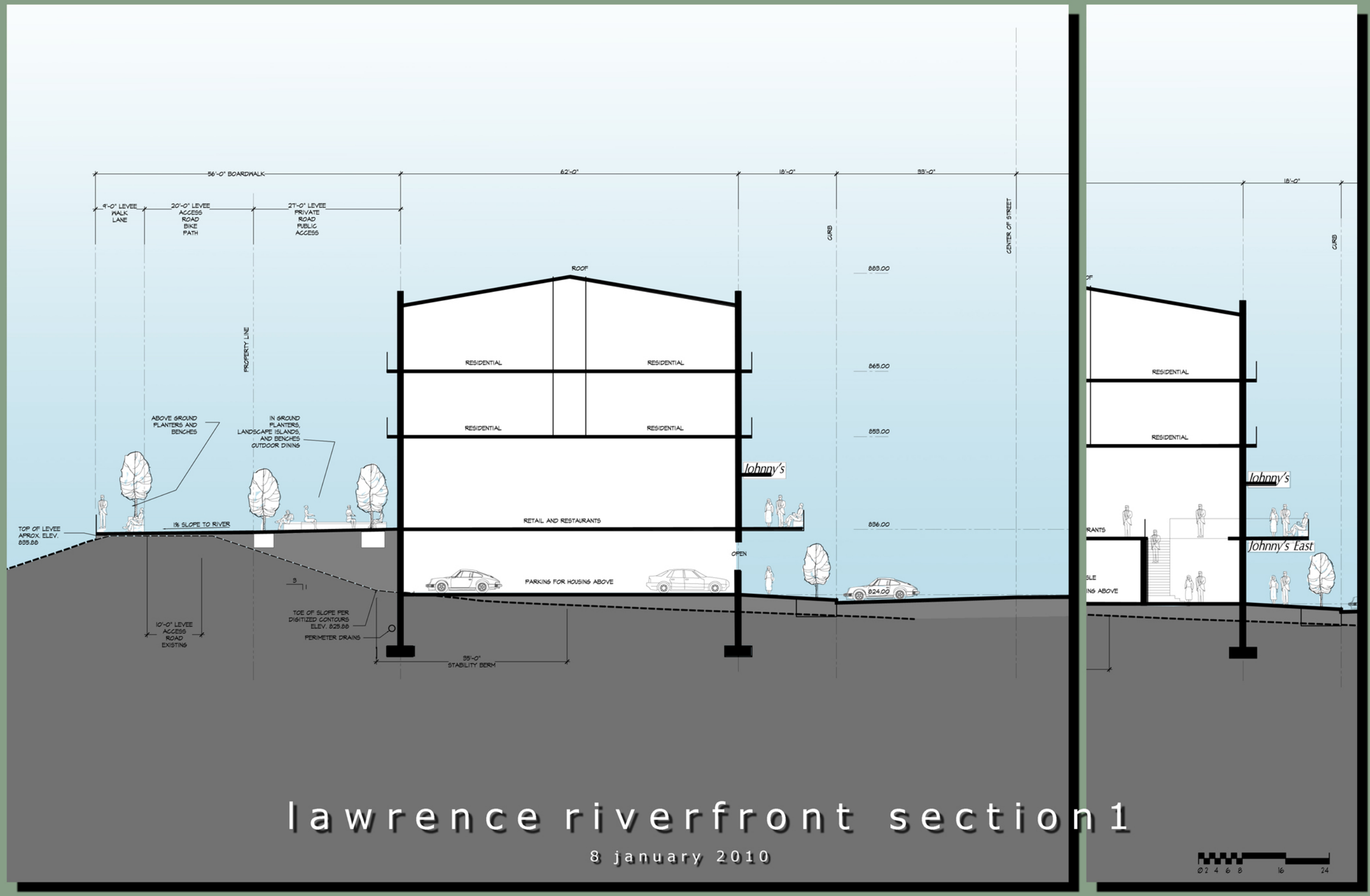

lawrence riverfront section 1

8 january 2010

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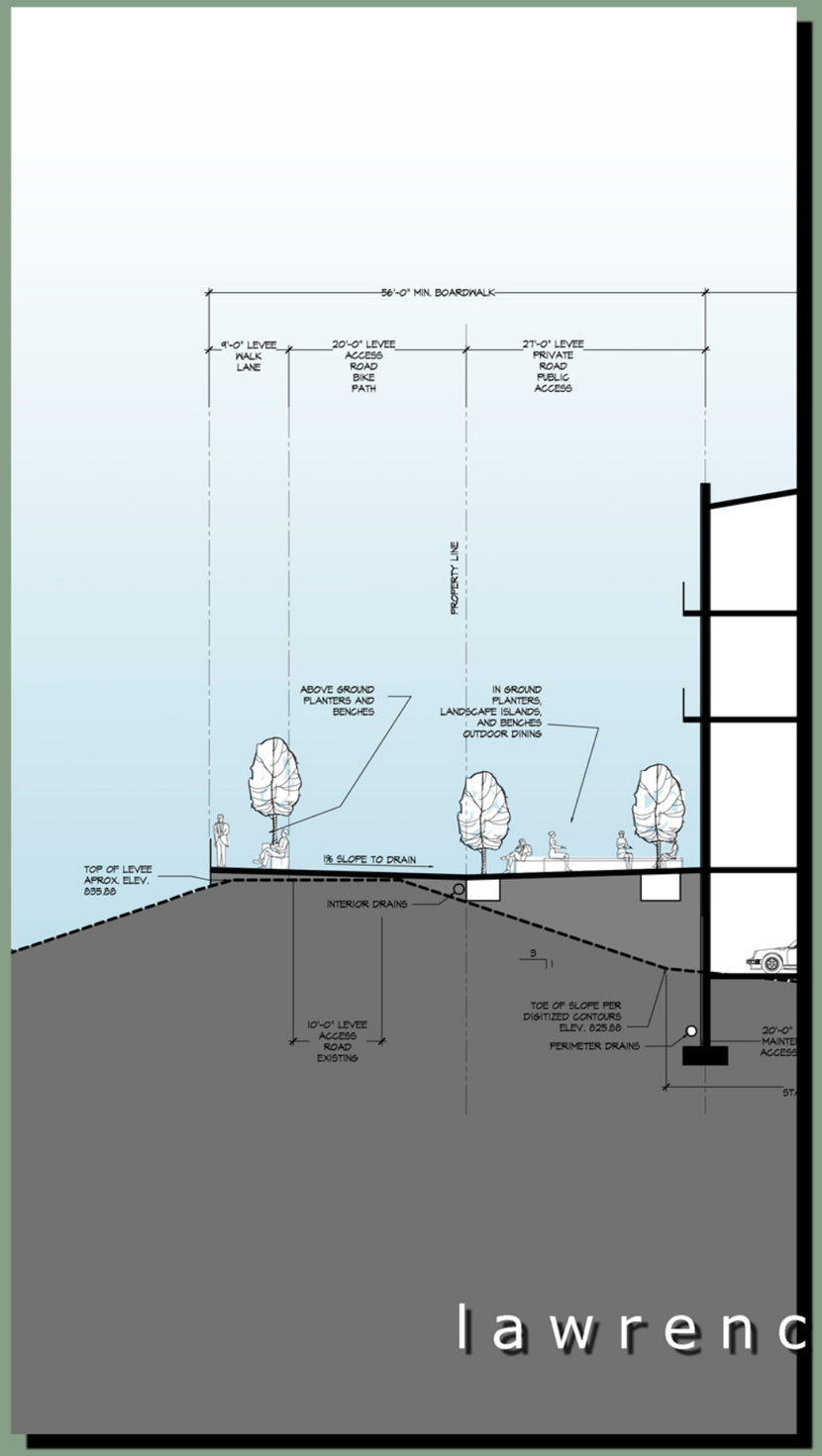
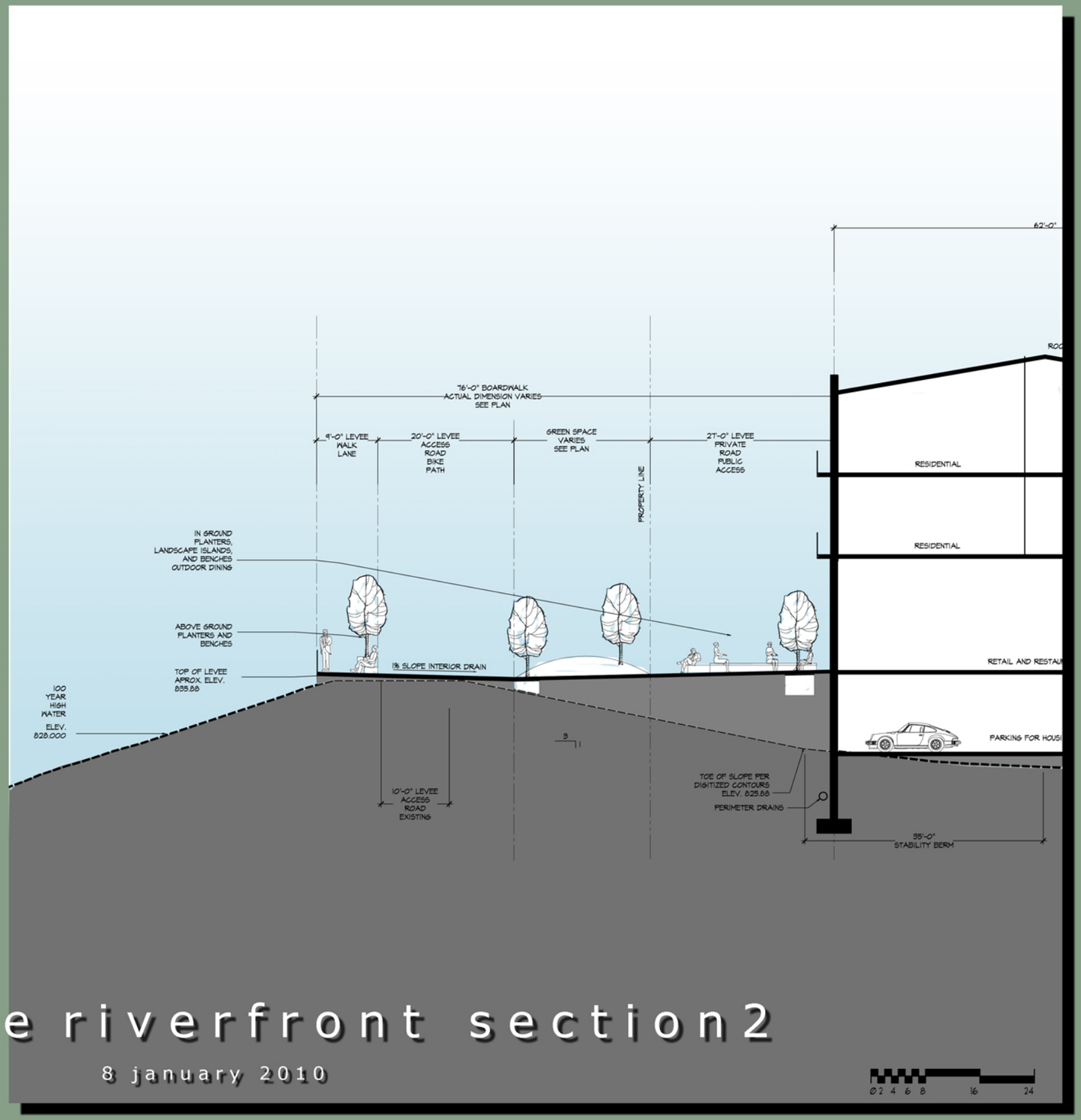




lawrence riverfront section2

8 january 2010

paulwerner ARCHITECTS

----- Forwarded message -----
From: "Arch N" <arch@sunflower.com>
To: "Scott McCullough" <smccullough@lawrenceks.org>
Cc: "gradually@hotmail.com" <gradually@hotmail.com>, "bruce@kansascitysailing.com" <bruce@kansascitysailing.com>, "rhird@pihhlawyer.com" <rhird@pihhlawyer.com>
Subject: North mass development
Date: Tue, Jan 24, 2012 8:02 am

Mr. McCullough,

Please share this with the planning commission for the agenda of the 23rd and 25th of January.

This land that is being considered behind Johnny's Tavern,and belonging to the city of Lawrence and the the Douglas County Drainage District was promised by the mayor John Emick to be a park. See final environmental impact statement for the Kansas River exhibit 1a.

The sale Of this land is circumspect. There is a project cooperation agreement that was signed by the city and the Corp of engineers that deals with how land taken for a public purpose should be dealt with if the city decides to consider it excess. It is illegal to offer this land without an open bidding process which seems to have been done. Since the public good was the purpose of building the levee system and this land was promised as a park by the City of Lawrence it would be better if the planning commission looked at the legality of the land issue.

Arch Naramore
1204 New York
842-4912

Z-12-36-11

North Lawrence Improvement Association

Lawrence, Kansas

RECEIVED
JAN 25 2012
City County Planning Office
Lawrence, Kansas

January 24, 2012

City of Lawrence Kansas
Planning Commission

To Whom It May Concern:

As President of The North Lawrence Improvement Association and on behalf of its members, I would like to encourage the Planning Commission to approve the zoning change to "downtown commercial" for the proposed North Massachusetts Development.

We believe this project will continue to improve the quality of life for the North Lawrence Community and its residents.

Thank you for your consideration. Please contact me if you should have questions.

Sincerely,
Ted Boyle

Ted Boyle, President
North Lawrence Improvement Association
310 Elm Street
Lawrence KS 66044

Kirk McClure
707 Tennessee Street
Lawrence, Kansas 66044

January 20, 2012

Lawrence Douglas County Planning Commission
City Hall
6 East 6th Street
Lawrence, KS 66044

RE: **COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 6**
NORTH MASS DEVELOPMENT

The comprehensive plan amendment seeks changes to expand the boundaries of Downtown in order to accommodate a new mixed-use development north of the Kansas River. It seeks to raise the building footprint limitation in the area to 50,000 square feet. The market study indicates that this request is to add roughly 230,000 square feet of retail, office and hotel space.

The Retail Market of Lawrence is Overbuilt

From 1997 to 2010, the growth in retail spending was only 26 percent. (Data taken from the Douglas County Tax Assessor.) During the same time period, retail space grew by 36 percent, adding over 500,000 square feet more than spending would support. (Data from the Kansas Department of Revenue and the Consumer Price Index.) At this pace of growth in spending and if no additional square feet of space are added to the stock, it will take about 6 years for the market to return to the level of equilibrium found in 1997, the last year that the supply of retail space was balanced with the demand for retail space.

The City has very little influence on the number of people who choose to live in Lawrence, nor can it do much about the income of that population. This means that Lawrence has little influence on the level of retail spending in Lawrence. However, Lawrence can influence the amount of retail and other commercial space that exists in the market. Adjusting the size and location of the space is a critical part of keeping a market healthy.

Lawrence should attempt to seek a balance between supply and demand. This promotes the overall health of the market, and it protects the financial health of the existing retail districts. Our Downtown is the most important of these districts because it is the one district that can attract shoppers from outside of town.

The Ability of Lawrence to Attract Shoppers to Town Depends upon the Downtown

The market analysis for this proposal correctly states that the retail pull factor is lower now than in the past. (The pull factor is the ratio of our retail spending per capita to the state average retail spending per capita.) The market analysis incorrectly suggests that the way to raise the pull factor is to add more space to an already overbuilt market. This will on add to our current problems.

The Downtown is the only shopping opportunity in Lawrence that is truly unique to the region and appeals to shoppers from outside of Lawrence. Out of town shoppers will not come to Lawrence for its 23rd Street shops; these shoppers have commercial strips where they live. They will not come to Lawrence for its South Iowa Street; these shoppers have big boxes where they live. Out of town shoppers will come to our historic Downtown Lawrence if it provides an attractive shopping experience. Empty stores and deteriorated buildings do not provide an attractive shopping experience.

Adding new space in North Lawrence will only serve to dilute the available demand for Downtown. Conceivably, this space could attract new shoppers, but this will occur only if the space complements and enhances the offerings in the Downtown and does not compete with the Downtown. It is extremely unlikely that the proposed development will achieve this stature.

Shoppers from Johnson County will not be interested in a Dick's Sporting Goods store; they have sporting goods stores at home, and it competes with the sporting goods stores now in the Downtown. Shoppers from Johnson County will not be interested in chain restaurants; they have these chain restaurants at home, and they compete with the locally owned restaurants Downtown. Tourists already have many hotel options. We should protect our downtown hotels, especially our historic Eldridge Hotel, and not add competing options, especially while occupancy rates are low as they are now.

The experience of Lawrence in building unique commercial centers is instructive. The Riverfront Mall was supposed to be an anchor retail center that would attract bus loads of out of town shoppers. What we got is a tourist caliber hotel. The Bauer Farms was supposed to be new urbanism. What we got was a drive-through drug store, a drive-through Taco Bell, and an attempt to build an unneeded home improvement center. Lawrence should have learned that very high quality retail space requires public participation with well administered controls on the process from the start of the development process through operation of the property. Granting a comprehensive plan amendment permits high-quality development. Unfortunately, it does nothing to

insure that only high-quality development happens or that it happens only when it is needed.

Without proper controls on the development process, the resulting space is likely to compete with our Downtown and not enhance it.

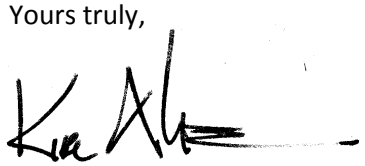
Recommendation

Our retail market is overbuilt. We have too much space competing for too little spending. Adding space now only worsens the problem.

Our historic Downtown is a unique attraction. The proposed development will only serve to compete with the Downtown, diluting the demand that it needs.

The Planning Commission should deny the proposed Comprehensive Plan Amendment.

Yours truly,



Kirk McClure

-----Original Message-----
From: Dan's E-mail [mailto:dhughes101@sunflower.com]
Sent: Sunday, January 22, 2012 8:08 PM
To: Rick Hird
Subject: North Mass Development

Mr. Hird,

I've been following the progression of the North Mass Development, and in my conversations with many of the stakeholders in Downtown, most are completely unaware of the project. Several have expressed a desire to speak at the Planning Commission Meeting, but are unable to attend on short notice.

With this in mind, I would like to request the deferring of this item to the next meeting so that those folks can have their voices heard.

Sincerely,

Dan Hughes
Sunflower Outdoor & Bike Shop
804 Massachusetts St.
Lawrence, KS 66044
(785) 843-5000 work
(785) 393-4992 mobile
dhughes101@sunflower.com

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

RECEIVED
JAN 23 2012
City County Planning Office
Lawrence, Kansas

January 22, 2012

Mr. Richard Hird, Chairman
Members
Lawrence-Douglas County Metropolitan Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 11; COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 6; NORTH MASS DEVELOPMENT

Dear Chairman Hird and Planning Commissioners:

The developers of the North Lawrence Riverfront development (North Mass Development) are asking to be included in the special provisions of the Comprehensive Plan (CP) for our Downtown. We suggest that the developers of this project are requesting this CP change in order to be able to benefit from the special provisions that our historic Downtown now has. We suggest that adding the North Mass Development is an unfortunate proposal and that should it actually be realized, it will prove to be a burden rather than a benefit to the city. We suggest this for the following reasons:

The location of the project is environmentally hazardous. North Lawrence is subject to severe flooding. Although this area is one of the few locations in North Lawrence that might not flood should the levee be breached, because of its close proximity to the levee, should there be a construction error or unusually high ground water, we question whether developing this area is environmentally safe, or for that matter, wise. There are areas in North Lawrence that periodically flood just from rainwater. Roofing over this location could add to this problem.

The justification for adding this area to the Comprehensive Plan provisions for the Downtown is based on its being a benefit and adding a "pull factor" rather than placing the Downtown at a competitive disadvantage by adding too much unneeded commercial, one opinion voiced by opponents. Because there are widely differing opinions on this, we believe that it would be very unwise to accept the conclusion of only one supporting analysis. There should be another unbiased analysis of this situation, since the staff seems inclined to support changing the CP.

It occurred to us that this Riverfront Development may not be just seeking special opportunities available for downtown development such as reduced requirements for parking, but also the type of support that some of our other Downtown developments have asked for and received, such as Tax Increment Financing and other special financial support. It should be noted that not all of these requests that have been granted have succeeded.

We suggest that rather than allow the Riverfront Development to be included in the Downtown Comprehensive Plan, the City reexamine its policies toward the Downtown, make a thorough study of what it actually needs, and concentrate on helping our historic Downtown succeed even if a new approach is needed. We ask that you not change the CP to include the Riverfront Development, otherwise known as North Mass Development.

Thank you for considering our letter.

Sincerely yours,

Alan Black

Milton Scott
Vice President

Alan Black, Chairman
Land Use Committee

LWV1-22-12pc agenda Item11 N Mass Dev.-LTR.wpd

RECEIVED
FEB 23 2012
City County Planning Office
Lawrence, Kansas

Downtown Lawrence Inc. Response to
North Mass Development Zoning Request

Downtown Lawrence Inc. (DLI) supports the CD zoning proposal for the North Mass Development, provided that the development has a limited percentage of retail vs. residential space. We support the current CD zoning limit of not more than 25,000 square feet for a single footprint, with some exceptions for appropriate usage (i.e. a grocery store). The DLI board views the development as an exciting and potentially complimentary extension to Downtown Lawrence.

Background

The members of DLI are very interested in the proposed North Mass Development and the possibilities it brings to Downtown Lawrence. While many members see the development as a boon to downtown that will bring additional residents and shoppers to the city's central district, others have strong reservations about the size and amount of retail spaces in the proposed development.

In order to better educate members and its board about the proposed development, DLI held three meetings in January and February. DLI hosted an all-member meeting with North Mass Development representatives Rick Renfro, Jon Davis and Paul Werner on January 30th at the Lawrence Public Library. Members were given an opportunity to ask questions and were encouraged to provide comments to DLI board members.

Following the all-member meeting, the DLI board met with Amy Miller, a long range planner with the City of Lawrence, on February 14th to gain an understanding of the city zoning options for the project. On February 21st, DLI board members met with North Mass Development representatives Jon Davis and Paul Werner to ask follow-up questions about the development.

Comments

- DLI supports a healthy balance of residential and commercial uses for the property. Our organization strongly supports using the North Mass property for residential purposes. DLI remains concerned about the size of retail spaces and amount of retail spaces proposed for the North Mass Development. We would not support this project if the development evolves into a mostly-retail project.
- DLI strongly supports a grocery store or movie theatre for the larger retail spaces in the North Mass Development.
- DLI supports CD zoning over mixed use zoning for the property for these reasons:
    - CD zoning allows for a higher residential use of the property.
    - CD zoning retains the same food – alcohol sales ratio required in Downtown Lawrence.
    - CD zoning requires stricter architectural guidelines.
- DLI supports the development of a strong link between the North Mass Development and Downtown Lawrence. Possibilities include an attractive and safe pedestrian walkway across the Kansas River bridge and/or a trolley to transport shoppers between the two areas.

Thank you for your consideration,
Board of Directors for Downtown Lawrence, Inc.

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
02/27/2012

ITEM NO. 5A-5G Z-12- 29, 30, 32, 33, 34, 35, 36 -11 from IG (General Industrial), CS (Commercial Strip) and OS (Open Space) Districts to CD (Downtown Commercial) District; 20.36 total acres including Rights-of-Way (SLD)

ITEM NO. 5A IG & CS TO CD; 1.38 ACRES; 401 & 415 N 2ND ST (SLD)

Z-12-29-11: Consider a request to rezone approximately 1.38 acres from IG (General Industrial) and CS (Commercial Strip) to CD (Downtown Commercial), located at 401 & 415 North 2nd Street. Submitted by Paul Werner Architects, for Exchange Holdings LLC, property owner of record.

ITEM NO. 5B IG TO CD; 2.14 ACRES; 0 & 100 LINCOLN ST AND 151 & 100 PERRY ST (SLD)

Z-12-30-11: Consider a request to rezone approximately 2.14 acres from IG (General Industrial) to CD (Downtown Commercial), located at 0 & 100 Lincoln Street and 151 & 100 Perry Street. Submitted by Paul Werner Architects, for D&D Rentals of Lawrence, LLC, property owner of record.

ITEM NO. 5C IG & CS TO CD; .83 ACRES; 409 & 501 N 2ND ST (SLD)

Z-12-32-11: Consider a request to rezone approximately .83 acres from IG (General Industrial) and CS (Commercial Strip) to CD (Downtown Commercial), located at 409 & 501 North 2nd Street. Submitted by Paul Werner Architects, for Jeffrey Hatfield, property owner of record.

ITEM NO. 5D OS & CS TO CD; .34 ACRES; 300, 311, & 317 N 2ND ST (SLD)

Z-12-33-11: Consider a request to rezone approximately .34 acres from OS (Open Space) and CS (Commercial Strip) to CD (Downtown Commercial), located at 300, 311, & 317 North 2nd Street. Submitted by Paul Werner Architects, for Riverfront Properties of Lawrence, LLC, property owner of record.

ITEM NO. 5E IG TO CD; 1.61 ACRES; 139 PERRY ST, 505 N 2ND ST, 141 MAPLE ST (SLD)

Z-12-34-11: Consider a request to rezone approximately 1.61 acres from IG (General Industrial) to CD (Downtown Commercial), located at 139 Perry Street, 505 North 2nd Street & 141 Maple Street. Submitted by Paul Werner Architects, for HDD of Lawrence, LLC, property owner of record.

ITEM NO. 5F IG TO CD; .55 ACRES; 133 PERRY ST (SLD)

Z-12-35-11: Consider a request to rezone approximately .55 acres from IG (General Industrial) to CD (Downtown Commercial), located at 133 Perry Street. Submitted by Paul Werner Architects, for Kaw River Estates, LLC, property owner of record.

ITEM NO. 5G IG TO CD; 1.38 ACRES; 600 N 1ST ST (SLD)

Z-12-36-11: Consider a request to rezone approximately 1.38 acres from IG (General Industrial) to CD (Downtown Commercial), located at 600 North 1st Street, Block 3. Submitted by Paul Werner Architects, for Abfield Investments, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 20.36 acres, from IG (General Industrial), CS (Commercial Strip) and OS (Open Space) Districts to CD (Downtown Commercial) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the following conditions:

1. The maximum footprint of an individual store shall not exceed 50,000 gross square feet.
2. Due to the unique characteristics of the Downtown Commercial District (city-provided parking), current Section 20-901 (f) of the Land Development Code exempts uses in the CD district from the requirement to provide off-street parking and off-street loading spaces. One of the characteristics of the subject rezoning is that the city will not provide parking; therefore, the Downtown Commercial District of the subject request shall not have said exemption and shall instead provide parking at the code prescribed ratio for the allowed uses as outlined in the Land Development Code or as adjusted in approved design guidelines.
3. Submission and approval by the City Commission, with a recommendation by the Planning Commission, of design guidelines to address development standards as identified in the staff report.

Reason for Request: *To rezone property to CD.*

KEY POINTS

- This request is for zoning only at this time.
- Approval of the request will establish the basis for more detailed submittal for development of this property.
- Conformance with Horizon 2020, land use and neighborhood plans, historic review, as well as infrastructure and access requirements must be addressed for development of this property.
- This request anticipates the approval of the accompanying comprehensive plan amendment request (CPA-11-08-11).

ASSOCIATED CASES/OTHER ACTION REQUIRED

- CPA-11-08-11; amendment to Chapter 6 Horizon 2020.
- Publication of zoning ordinance.
- Subdivision approval including preliminary and final plats.
- Public improvement plan approval for infrastructure.
- Site plan and/or development plan approval as applicable.
- Local Floodplain Development Permits as applicable.
- Historic review for portions of the property within the district.

PLANS AND STUDIES REQURIED

- *Traffic Study* – Not required for rezoning. Preliminary traffic data was submitted including concept development designs. Full report deferred until detailed information known about uses.
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning.
- *Drainage Study* – Not required for rezoning.
- *Retail Market Study* – Refer to CPA-11-08-11 for discussion of retail market study.

ATTACHMENTS

- Commercial district descriptions from *Horizon 2020*

- North Mass Rezoning Exhibit
- Memo from Stock & Associates regarding description of proposed development
- Permanent Levee Easement Document
- Concept Development Figure 1 & 2 from preliminary traffic study documents.
- Design Guideline outline

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Phone call from neighborhood representative stating concern for overall height of buildings that should not be more than 3 stories otherwise expressing support of the proposed request.
- DLI letter supporting request but recommending limitations on the proposed development.

Project Summary:
Proposed request is for a mixed use development seeking to capitalize on the recreational component of the Kansas River. The applicant is requesting CD zoning to accommodate development that is reflective of a similar development pattern with regard to building heights, setback and mixed uses of the downtown area. This request represents only the initial step in redevelopment of the 20 acres. Attachments noted above, except for the Design Guidelines outline, are provided by the applicant as part of the application packet and are included helping define the proposed uses anticipated for this property upon redevelopment.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Horizon 2020 states, "re-study of the Comprehensive Downtown Plan should explore the following options to improve Downtown Lawrence:…inclusion of more uses along the river and integration of these developments into downtown (p. 6-14)." In addition this amendment does recognize Horizon 2020's commercial land use goals and policies by striving to ensure that the cities commercial areas are encouraged to grow while at the same time supporting and complementing Downtown.*

Existing Horizon 2020 – Chapter 6 Commercial Land Use:
A key principal stated in *Horizon 2020* regarding the development and maintenance of commercial land use areas is:

- Support downtown Lawrence as the Regional Retail/Commercial/Office/Cultural Center with associated residential uses through the careful analysis of the number, sale, and location of mixed0use commercial/retail developments in the community. Downtown Lawrence is the cultural and historical center for the community and shall be actively maintained through implementation of the adopted design guidelines that regulate the architectural and urban design character of this regional center.

The plan also supports polices that:

- Encourage infill development and/or redevelopment of existing commercial areas within an emphasis on Downtown Lawrence and existing commercial gateways. Sensitive to the form of site layout and design considerations shall be given to important architectural or historic elements in the review of development proposals.

These statements address the importance of Downtown to the community and the applicability of infill and redevelopment that is sensitive and appropriate to given circumstances. The development

and application of design guidelines for the subject property can be required to assure community appropriate context of development.

Both the Downtown area and the N. 2nd and N. 3rd Street areas are identified in *Horizon 2020* as existing commercial areas. The N. 2nd and N. 3rd Street areas are classified as existing strip commercial development on page 6-14 of *Horizon 2020*. The plan recognizes the need to "upgrade" these commercial areas to remain viable in the marketplace, (pg. 6-12). The commercial descriptions are attached for reference.

The plan supports the need and use of overlay districts, and development standards for redevelopment based on a redevelopment plan.

Proposed Horizon 2020 – Chapter 6 Commercial Land Use:
CPA-11-8-11 includes new language that supports the proposed area as an extension of the Downtown Area. This report assumes the approval and adoption of the revised language in *Horizon 20202* with regard to this area. The revised Downtown Commercial Center includes the North Mass Development as part of the historic commercial core of Lawrence, but as a secondary activity area along with New Hampshire and Vermont Streets that flank Massachusetts Street today.

Development of the area is expected to include "mixed use, multi-story buildings" as a common building form in this area. The plan recommends that the maximum foot print for an individual store is limited to 50,000 gross square feet within this portion of the district. This limitation is recommended to be included as a condition or rezoning. As conditioned, the proposed zoning is consistent with the anticipated redevelopment of the area and the expected building form.

To assure that the design principals included in the Comprehensive Plan amendment are met, the submission and approval of commercial design guidelines are needed. This issue is discussed in more detail later in this report and is reflected as a condition of approval.

Staff Finding – Proposed rezoning assumes approval of the comprehensive plan amendment. The maximum footprint of an individual store shall not exceed 50,000 gross square feet. Additionally, specific design guidelines must be adopted as part of the redevelopment for the area. The proposed rezoning is consistent with the comprehensive plan with conditions.

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

Zoning is summarized as if this application were one contiguous parcel of land

Current Zoning and Land Use:	IG (General Industrial) District (11.21 acres), CS (Commercial Strip) District (1.23 acres) and OS (Open Space) District (7.92 acres) and FP (Floodplain Management Regulations Overlay District); Existing Development includes Mobile Home Parks, Johnny's Tavern, KP&L tower, parking lots, residential and storage uses.
Surrounding Zoning and Land Use:	**To the West:** OS (Open space) District and FP (Floodplain Management Regulations Overlay District); River Front

Park and Kansas River

To the South:
OS (Open space) District River Front Park and River

To the East: East of Railroad
IG (General Industrial) District east of bridge; City Parking Lot.
GPI (General Public and Institutional) District east side of N. 2nd Street; *Union Pacific Depot* (City Visitor Center).

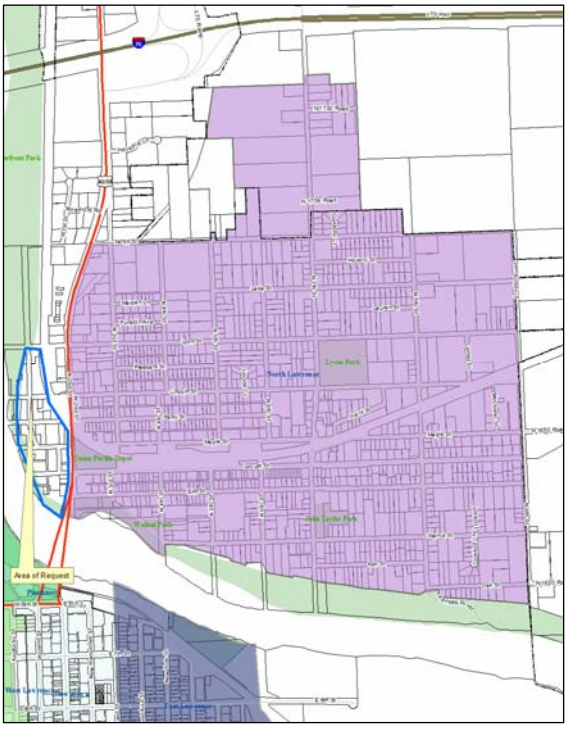
IG (General Industrial) District and CS (Commercial Strip) east of railroad and FP (Floodplain Management Regulations Overlay District); Mixed commercial and industrial business between railroad and N. 2nd Street.

To the North: North of Lyon Street
OS (Open Space) and IG (General Industrial) District; *Riverfront Park* (Passive Recreation) and Union Pacific Railroad right-of-way.

Staff Finding – The subject property is surrounded by commercial and industrial development along the N. 2nd corridor and confined by the river to the west and the railroad to the east. Zoning is generally uniform for the industrial and open space district boundaries in this area.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The land directly adjacent to the subject site consists of the river to the south and west, the union pacific railroad and North 2nd to the east and the levee and the river to the north. The character of the general area is defined by commercial, industrial, public and private institutional uses such as the boathouse to the west, Downtown to the south, and the Union Pacific Depot to the east. Open space also plays a large role in the characterization of the neighborhood by allowing access and enjoyment of the river. The uses north of the site include an auto body shop and a photography studio.*



This property is part of the North Lawrence area but technically outside of the described neighborhood boundary. This area is characterized by a mix of residential, commercial and industrial uses.

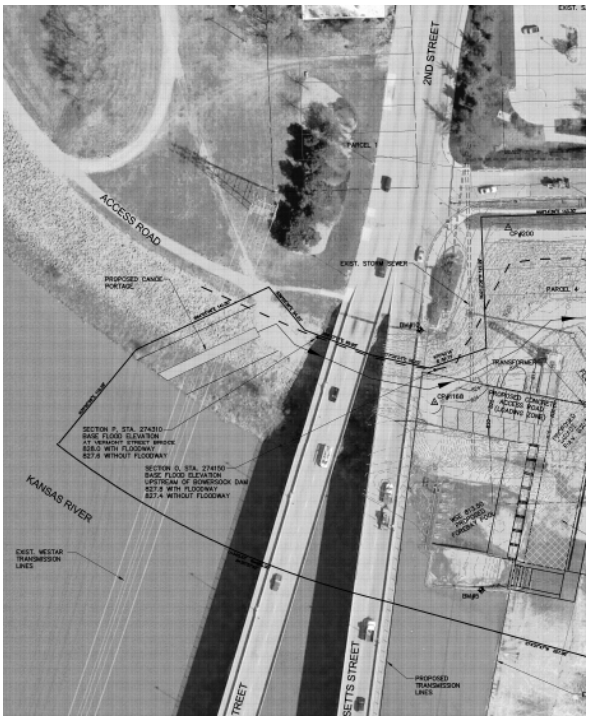
N. 2nd Street and N. 3rd Street are a primary gateway to the community as acknowledged in *Horizon 2020* and depicted in figure 2.4 of *Transportation 2030.*

This neighborhood includes a wide range of uses. Non-residential uses are found along N. 2nd and N. 3rd Streets and along the railroad corridor parallel to Locust Street. Residential uses are located interior to the neighborhood east of N. 2nd and N. 3rd Streets. The subject property is

located within the portion of the neighborhood that is commercial and industrial in nature. The subject property includes two small mobile home parks and a few detached residential units.

The neighborhood is bounded by the Kansas River and levee. This area provides recreation uses to the community and includes the Riverfront Park area and multi-use path along the levee. Riverfront Park includes a total of 994 acres along the Kansas River. The park began as a restoration and re-vegetation project according to City web site information. Much of the park is forested up to the river bank. The portion of the park nearest the Vermont Street/Massachusetts Street Bridge narrows with little tree growth within the park area between the river bank and the top of the levee. This area provides direct viewing of the river from the recreation path.

Improvements to the proposed Bowersock Dam including a canoe portage for additional access to the river. This portage would be located at the south end of the proposed redevelopment area.



This neighborhood is also characterized by single story buildings on smaller lots. The proposed change would facilitate an increased building height from 45' in the CS district and 75' in the IG district to 90' in the CD district. Physical elements addressing area height, bulk, and massing have not been fully evaluated for this project. Protecting and preserving the neighborhood character will require attention to these details. Management of future redevelopment of the property through an adopted set of design guidelines is needed to assure neighborhood compatibility.

Staff Finding – The proposed request would allow a range of uses similar to the existing mix with a greater focus on the commercial and residential aspects. This mix of uses would be consistent with the character of the neighborhood in terms of use. Protection of the neighborhood character is not assured through the zoning unless it is accompanied by a detailed set of adopted guidelines.

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

A neighborhood plan was completed in 1981 for this area. The plan has not been updated and has not been incorporated into *Horizon 2020*. In 2005 the City of Lawrence completed the North Lawrence Drainage Study. The subject property is located within the boundary of this study. The plan included a "Build-Out Scenario Map." The map was based on adopted land use polices for the projection of land uses and stormwater calculations. A copy of the plan is available on line at: http://www.lawrenceks.org/publicworks/N_Law_Drainage_Study_2005/Ultimate_Buildout_Map_111805.pdf. This study included land use assumptions that included the subject property of this zoning request. Land uses within the boundary of the request were identified or projected as commercial and open space uses. The arrangement of these uses is non-specific within the Drainage Study.

Plans for the development are included with this staff report as attachments. The proposed "plan" for redevelopment is a mixed use project including commercial, residential and open space uses. Plans at this point are conceptual in nature. Amendments to the *Horizon 2020* specifically address this area as an extension of Downtown. *Horizon 20220* is the recommended land use plan to be used in assessment of development applications for this property. As stated previously the proposed request is consistent with the land use recommendations included in the comprehensive plan amendment.

Staff Finding – The review of this application assumes the approval of the amendments to the comprehensive plan to extend Downtown to this area. If approved the request is consistent with planned redevelopment of 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 subject property is suitable to its restricted use of open space and commercial uses however the site is not very suitable for industrial uses due to the lot being small, narrow and separated by rights-of way. The potential of the site to be used for an extension of Downtown would serve to benefit Lawrence by providing complimentary uses to Downtown, drawing additional users to the area, providing higher tax revenues, creating a tremendous gateway to downtown and the City at large and by providing greater use and better enjoyment of the Kansas River.*

The property is currently zoned IG, CS and OS. The OS district represents the existing Riverfront Park property and other parcels owned by the City, County and Drainage District. A portion of the area zoned OS is included in the proposed development. The applicant has been working with the City to acquire excess land in this area to facilitate the development. The City agreed to the sale with conditions as discussed at the City Commission meeting on October 8, 2008.

Assuming the development is approved and land transactions are completed the OS district would not be suitable. The CS district represents approximately 1.05 acres. A significant portion of this area is dedicated right-of-way. The parcels are generally small and difficult to redevelop in the current configuration. These parcels also represent the existing commercial uses within the boundary of the request. The remaining area is zoned IG. This is an intensive industrial district developed with residential uses in the form of mobile home parks, parking lots and storage uses. The area is generally isolated by the levee and park property on the west and the railroad on the east. Streets in this area are substandard to the City's current design specifications and are not adequate to support intensive industrial activity.

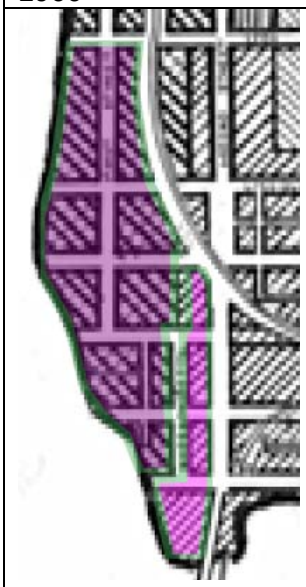
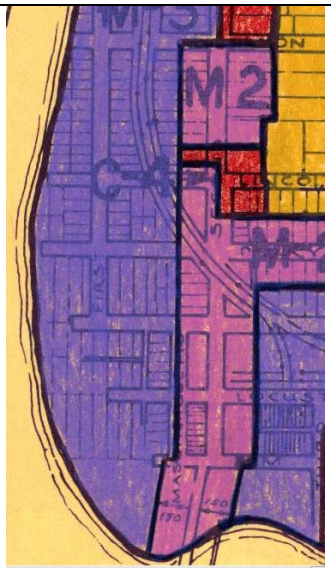
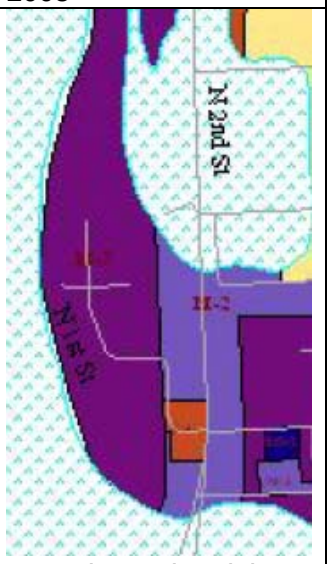
Staff Finding – The current zoning districts do not accurately reflect the existing or proposed uses except for a very few parcels and the park property. Staff concurs with the applicant's statements that the industrial zoning is not suitable for this area. Commercial and open space zoning is appropriate for this area but to be reorganized to facilitate redevelopment of the area.

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

Applicant's Response: *Part of the subject site such as the OS zoning has remained vacant since the construction of the levy. The industrial zoned ground is vacant in some areas and has been for many years however, other industrial zoned land house rather dated residential use and storage*

buildings. The commercial zoned land has been occupied, Johnny T's and a small trailer park and a couple of single family residences.

The subject area includes both developed parcels and vacant land. The current zoning has been in place since the adoption of the Development Code in 2006. Zoning prior to that included M-2 (General Industrial) District, M-3 (Intensive Industrial) District and C-4 (General Commercial) zoning.

1966	1977	1997	2005
			
Heavy Industrial Light Industrial	Intensive Industrial Geneal Industrial	Intensive Industrial Geneal Industrial General Commercial	Intensive Industrial Geneal Industrial General Commercial

Staff Finding – The subject property includes both developed and vacant land. The Zoning districts remained generally consistent between 1966 to current with the infiltration of a small area for commercial uses at Locust Street and N. 2nd Street. This property is unique in its location and physical proximity to the river and railroad. The area has a history of being underutilized. The small lot size and lack of public street improvements within the area are likely contributing factors to this condition. That the area has been underutilized under its current zoning implies that the zoning may not be appropriate for the area.

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

Applicant's Response: *Detrimental effects to surrounding properties are not anticipated and the increased traffic generated by the development has been planned for through appropriate street and signalization improvements. The parking anticipated for the site will be provided on site through parking garages and surface parking and we anticipate that being facilitated by some parking requirements in the development agreement. The proposed development will not detrimentally affect Downtown but will support its existing and planned facilities and services by being in close proximity and by allowing development across the river to draw and attract additional people to downtown.*

The Development area is a contained area given the location of the river and railroad tracks. Immediate properties would not be physically affected by the redevelopment of the site. As part of this request for rezoning a retail market study was required. The retail study was reviewed by staff

and a discussion of the study is included in the staff report for CPA-11-8-11. A significant consideration of the analysis is that the proposed development is intended as a regional attraction by virtue of the river relationship and pedestrian access to the downtown core. The proposed redevelopment is intended to complement the historic downtown area. Recent trends in commercial development are less speculative than in the past with one or more known tenants being identified prior to development. The development is expected to have a "regional draw that results in a more favorable" pull of non-local shoppers to the area thus benefiting the community overall.

Establishment of the base zoning district is key to providing a framework for redevelopment of the site. As noted previously the existing land uses are largely inconsistent with the base zoning districts. Several parcels of land included in the redevelopment boundary are currently owned by the City. This project was discussed by the City Commission in October 2008 *(refer to on line minutes for October 7, 2008)*. The City Commission indicated support for selling the land for a redevelopment project but retains the levee and levee rights-of-way and necessary easements to access the levee, stormwater drainage, and public utilities and infrastructure. As development applications are submitted these elements will be rigorously reviewed to assure continued protection of public interests. Applicable development agreements between the City and the developer may be required with the consideration of subdivision and site plan applications.

In addition to the recommended size limitation for commercial building discussed earlier and in order to protect the integrity of the historic core of the downtown area the development of specific design guidelines are necessary. Appropriate phasing of development construction that addresses infrastructure, traffic access and circulation, and occupancy are elements that will protect nearby properties and the community at large. The execution of design guidelines that address these aspects are recommended as a measure to ensure compatibility with existing development in the area and the community.

Staff Finding – As conditioned the proposed zoning will not detrimentally affect surrounding properties.

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 gain to the public health, safety and welfare would be a higher quality of living and a more visually appealing site than what currently exists. The rezoning would also provide the public with access to the river while dining or enjoying entertainment while at the same time still allowing recreational use of the levy. The hardship placed upon the Owner should the site not be rezoned would be a loss of potential, commercial, residential and offices uses which would not take advantage of the possibilities this piece of land provides to the City of Lawrence with its location o the Kansas River and its close proximity to Downtown.*

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.

At the heart of this request is a plan to reinvest in an area of the community that is underutilized. Redevelopment as proposed would provide economic opportunity in the North Lawrence area that

does not exist today. Redevelopment as proposed provides a large scale opportunity to utilize the Kansas River as an attraction-destination as well as a linkage to downtown. These actions benefit the community with some risk as discussed in the retail market study. The current industrial zoning is not suitable for existing uses and future redevelopment. This area, while part of the industrial inventory, lacks the necessary lot consolidation and highway access to be desirable for an employment related use. With regard to industrial areas within the Union Pacific Railroad Corridor, *Horizon 2020* states:

"...Efforts to discourage non-residential traffic in other parts of the neighborhood are highly encouraged. It is also recommended that consolidation of industrial sites occur whenever possible to remove those residential and incompatible commercial uses located within predominantly industrial development land use patterns in a concentrated effort to minimize those impacts and conflicts between incompatible land uses. When the industrial usage of a particular property cases and is no longer practical, it is recommended those properties be converted to residential and/or neighborhood commercial uses." (pg 7-4)

This portion of the corridor is not developed with industrial uses in this area.

Denial of the request would hinder the redevelopment efforts for this area by limiting the mix of uses and density associated with the CD district.

Staff Finding – The proposed request for the CD district allows for a mix of commercial and residential uses along with area, bulk and height regulations that can accommodate a variety of development options. Denial of the request would not guarantee a gain to the public health, safety and welfare but would hinder the planned redevelopment for this area. Approval of the request facilitates the redevelopment and allows for reinvestment in the area. Approval of the request with the requirement to develop appropriate design guidelines will protect the public interest and the community.

9. PROFESSIONAL STAFF RECOMMENDATION

When approached by the applicant and their desire to plan for a mixed-use development, staff and applicant discussed various zoning district options to accommodate the development proposal. Comparisons of the MU and CD Districts were discussed. The applicant determined that the CD district provided the most flexibility to develop residential units since the CD district is not limited by code. A brief comparison of the districts follows.

The CD district does not include a maximum density, does not require off-street parking, and is subject to a specific set of design guidelines. The MU district includes a maximum density and off-street parking standards are applicable. Section 20-403 lists the allowed uses by district. Section 20-601 (b) provides a table of the area bulk, setback and height standards for the districts.

- The maximum height allowed in the CD district is 90'
- The maximum height allowed in the MU district is 48'.

The density and dimensional standards also allow development in the CD district with zero lot line setbacks. Height, setback and bulk dimensions require additional refinement that can only be provided within the scope of an adopted set of design standards for the area. Appropriate transitions and incorporation of applicable easements and levee setback standards are implicit in development of the area.

A greater variety of residential uses are allowed in the MU district. The proposed district includes Multi-Dwelling Residential uses as well as Non-Ground Floor Dwelling and Work Live Units similar to the MU District. However the density is based on the property's ability to comply with the building, parking, setback and other dimensional standards.

- There is no density cap in the CD district.
- The MU district has a maximum density of 32 units per acre in a primary district and 15 and 12 dwelling units per acre for the secondary and tertiary districts.
- The 1966 Zoning Code allowed a maximum density of 50 dwelling units per acre in the then C-3, now CD, zoning district.

For this development a percentage of the development should require residential development as a mixed use project. This design standard must be further refine density expectation for this area.

- The current industrial zoning does not allow residential uses which are integral to a mixed use development.
- The CD district does not allow detached, attached or duplex dwellings
- The MU district does allow detached, attached or duplex dwellings as well as zero lot line units, Assisted Living and Congregate Living.
- Both the CD and the MU districts allow Multi-Dwelling Structures, Non-Ground Floor Dwelling, and Work/Live Units.

Non-Residential land uses allowed in the CD district are substantially similar to those allowed in the MU district. Of note, Bars and Lounges are allowed in both districts but require a Special Use Permit in the MU district. Bars and Lounges in the CD district are required to derive from the sales of food for the consumption on the premises not less than 55% of all the gross receipts for a calendar year from sales of food and beverages on such premises. The MU district does not have this requirement.

Gas and fuel sales is not allowed in the CD district but is allowed in the MU district. This application and staff recommendation does not include a restriction on land uses within the proposed district.

Section 20-901 (f) of the Development Code addresses off-street parking and specifically exempts uses in the CD district from the requirement to provide off-street parking. The exemption exists to maintain the urban form of downtown and also because the city provides parking in this district. Development of the scale and intensity planned at the subject site will not function without appropriate off-street parking and the site is too far from downtown to be served by city-provided parking, in staff's opinion. For these reasons, staff recommends that the subject area provide the appropriate parking; however, through the review of the design guidelines, the parking ratios of certain uses and the ability to use on-street parking could be considered. This would be similar to how the 8th and Penn guidelines treated parking.

Special attention to landscaping, transition areas along the periphery of the redevelopment area, access and treatment of the levee and railroad right-of-way are necessary to assure compatibility with the surrounding area and retention of the integrity of the neighborhood and existing historic downtown core.

DESIGN GUIDELINES

As discussed in this report design guidelines are appropriate given the nature of the request and the relationship of this proposed Downtown Commercial District (CD) to the existing area zoned CD to the south. Elements that will complement Downtown include zero setbacks, non-residential ground floors, mixed use, pedestrian scale, sign controls, etc.

Several sets of design guidelines have been adopted by the community including the Community Design Guides for commercial and industrial development, Downtown Design Guidelines, and the 8th & Penn Neighborhood Redevelopment Zone Design Guidelines. These documents provide a framework for review of specific development proposals that have a community consensus of development expectation.

Design review guidelines for this development are intended to address similar elements of development without being a repetition of the historic downtown. An outline of these standards is included as a recommendation of the zoning approval, though adoption of guidelines will require a separate public process through the planning and city commissions with public notice to the surrounding area.

CONCLUSION

This request represents an opportunity to reinvest in an area of the community currently underutilized. With appropriate design guidelines and a balance of restrictions this area can be complementary to the existing downtown and the surrounding neighborhood. Redevelopment of the area is subordinate to the overarching value of the levee and necessary limitations to assure the levee is protected. Recommendations regarding the maximum building size and the submission and approval of design guidelines specific to the area are intended to assure reasonable expectations for development and adequate public infrastructure and parking are provided in a manner complementary to the community.

Commercial Center Categories: pg 6-3 to 6-12 Horizon 2020

- **Downtown Commercial Center**

The Downtown Commercial Center is the historic core of governmental, commercial, institutional, social and cultural activity. Transitions to adjacent neighborhoods are traditionally provided through alleyways or landscaping improvements rather than a change in use or density. The Downtown Commercial Center is restricted to the historic commercial core of Lawrence. The boundaries of Downtown Lawrence correspond with the boundaries outlined in the "Comprehensive Downtown Plan", and are described as: *starting at the Kansas River, south along Kentucky Street to just south of Vermont Towers, then east to Vermont Street, south along Vermont Street to North Park Street, east along North Park Street to Rhode Island Street, north along Rhode Island Street to 11th Street, west along 11th Street to the alley east of New Hampshire Street, north along the New Hampshire Street alley to 9th Street, east on 9th Street to Rhode Island Street, then north on Rhode Island Street to the Kansas River.*

The Downtown Commercial Center is the Regional Retail/Commercial/Office/Cultural Center for the community and is considered a destination driver that attracts and serves the area beyond that of the local community. The Downtown Commercial Center has an established development and architectural/urban design pattern. Unique among commercial centers in Lawrence, the Downtown Commercial Center combines a variety of land uses, including governmental, retail, office, public facilities, institutions, churches, and residential. Linear in design, the Downtown Commercial Center is focused along Massachusetts Street with New Hampshire and Vermont Streets serving as secondary activity areas. General building patterns are urban. Mixed-use, multi-story buildings are the most common building form and parking is provided on-street and through community parking lots and parking structures.

Building designs and public improvements are focused on providing a pedestrian-oriented commercial experience. Massachusetts Street has a distinct streetscape with sawtooth parking and a focus on first floor (pedestrian oriented) retail use. Vermont and New Hampshire Streets provide the major vehicular movement patterns and provide access to the majority of the community parking areas. Alleyways, which provide service access, are one of the main character-defining elements that distinguish the Downtown Commercial Center from other commercial centers. To ensure there are a variety of commercial uses, the maximum footprint for an individual store is limited to approximately 25,000 gross square feet. One of the keys to the success of the Downtown Commercial Center is the ability to provide a wide range of leasable square footage that is both flexible and capable of being tailored to a specific use. Construction within the Downtown Commercial Center is regulated by a set of design guidelines administered through an Urban Conservation Overlay Zoning District.

An important ingredient to ensuring the continued viability of Downtown is keeping it the center of the city's social and institutional activities. To maintain downtown as the city and County's hub of governmental functions; uses and buildings such as City Hall, the County Courthouse, Municipal Library, Douglas County Senior Center, Fire/Medical Department's Main Office, Police and Sheriff Offices, the Municipal Pool and the Municipal and District Courts shall remain located in Downtown.

- **Existing Strip Commercial Developments**

Existing strip commercial development areas are characterized by developments that do not meet current standards for lot dimensions and area, lot frontage, curb cut location(s), or the presence of internal frontage roads for cross access. These areas developed at a time when development standards permitted smaller lots, shallower lot depth, minimum spacing between curb cuts and multiple access points from a site to an arterial street; traffic studies were also not required prior to development at that time. These strip commercial development areas have become obsolete as a result of their inability to adjust to increased traffic volumes and congestion, current needs for site area and depth for redevelopment, and the changing patterns of shopping of the motoring public. As these strip areas become less desirable locations, the ability to redevelop individual lots becomes a matter of both property owner and community concern. The community concern is primarily with the creation of vacant, undeveloped or underdeveloped commercial areas that have the potential to blight the city's gateways.

A combination of innovative tools should be developed to assist owners of lots within the existing strip development areas to redevelop. These tools need to include regulations that provide accommodations for shallow lot depth, the combination of lots and access points, and the creation of cross access between lots to minimize the need for individual lot access to arterial streets. In addition, other tools of a policy nature which would be helpful to redevelopment need to be considered and, where appropriate, adopted by the appropriate governing bodies. These tools may include the ability for establishment of public/private partnerships, special overlay districts, modified development standards for redevelopment based on an adopted redevelopment plan, tools to assist in lot consolidation and purchase, adopted access management plans and access point relocations, special benefit districts for sidewalks and public transportation stops, assistance in acquiring cross access easements, and similar tools providing community benefit.

Existing Strip Commercial Development areas shall not be permitted to expand or redevelop into the surrounding lower-intensity areas. Redevelopment within Strip Commercial Development areas shall be approved only when the redevelopment complies with any adopted redevelopment plan or access management plan for the area. Cross access easements and curb cut consolidation should be considered a standard element of any redevelopment plan, as shall a solid screen or buffer along all property lines that adjoin residentially zoned or developed areas.

LAWRENCE - EXISTING COMMERCIAL AREAS (pg 6-12 6-19)

Lawrence currently has a number of commercial and retail development areas:

- Downtown Lawrence
- N. 2nd Street and N. 3rd Street

- **Downtown Lawrence**

Throughout the development of this Plan, the need to preserve, improve and enhance Downtown Lawrence has been shown to have broad community support. Goals and policies in the Plan are written to ensure Downtown Lawrence remains competitive and viable as a Regional Retail Commercial Center. Downtown Lawrence shall remain the Regional Retail/Commercial/Office/Cultural Center because it is: 1) a physical and cultural symbol of the strength of the community; 2) a gathering point for many civic and cultural functions; 3) the "historic core" of the community which establishes a vital continuity between the past and the present community; and 4) the site of major public and private investment.

The Comprehensive Downtown Plan reiterates the specific functions of a downtown. These functions include provisions for a retail core, office space, entertainment services, peripheral residential development, cultural facilities (including performing arts, museums and libraries) community social needs (including club and organizational meeting facilities), government offices and facilities, health services, convention and hotel facilities. The Comprehensive Downtown Plan also states this area should provide, "the economic, physical and aesthetic environment around which the populace can develop an intense pride in the community, a focal point for identification and drawing together for common interests, a meeting place where people can communicate and relax -- the heart of the city".

To distinguish Downtown Lawrence from other commercial and retail areas, and to preserve and enhance its role in the community, Downtown Lawrence is designated as the Regional Retail/Commercial/Office/Cultural Center and shall be the only location within the planning area developed for such use. Gateways to Downtown Lawrence should be emphasized and enhanced to contribute to the "sense of place" of this unique area of the community.

The distinction as the Regional Retail/Commercial/Office/Cultural Center, above and beyond other commercial areas within the community, is significant. Downtown Lawrence serves the greater needs of the community as a focal point for social, community and governmental activities. The Plan's goals and policies encourage the continued development of a broad mix of uses in downtown Lawrence with an emphasis on retail as a major land use. It is vital to the community's well-being that Downtown Lawrence remain the viable Regional Retail Commercial Center.

For Downtown Lawrence to remain economically stable and vital there is a need to expand the boundaries beyond the current configuration illustrated in the adopted Comprehensive Downtown Plan. This anticipates the need to provide additional parking areas and locations for commercial and public-related development in the future. At this time, the Comprehensive Plan does not recommend areas for downtown expansion, but opportunities for expansion and redevelopment do exist within the current boundaries of Downtown Lawrence. Action to expand Downtown Lawrence can only be reasonably undertaken following a comprehensive re-evaluation of downtown needs, assets, growth potentials, use mix, and preferred locations for conservation and development. Re-study of the Comprehensive Downtown Plan should explore the following options to improve Downtown Lawrence: development of a comprehensive parking plan and implementation schedule, evaluation of transportation options, improvement of access to downtown from the east, west and south, and inclusion of more uses along the river and integration of these developments into downtown.

- **N. 2nd Street and N. 3rd Street**

The Comprehensive Plan recommends that N. 2nd Street and N. 3rd Street play an enhanced role in the community as a commercial corridor, acting as an important entryway/gateway to Lawrence. This corridor is considered to be an Existing Strip Commercial area. The Comprehensive Plan identifies the intersection of the N. 3rd Street and I-70 as a possible location for an Auto-Related Commercial Center.

Marginal, obsolete and underutilized sites and incompatible uses along this corridor should be redeveloped or reconstructed. For example, existing heavy industrial uses along the northern portion of the corridor should be relocated within the planning area and the sites redeveloped with compatible commercial, service or retail uses. New development and redevelopment shall include improved parking, signage and landscaping improvements that enhance the overall aesthetic and environmental conditions along the corridor. The city should encourage and work with land owners to undertake property improvement within the area. The city should consider special financing mechanisms, such as benefit districts or tax increment financing to assist in private and public improvement projects for the area.

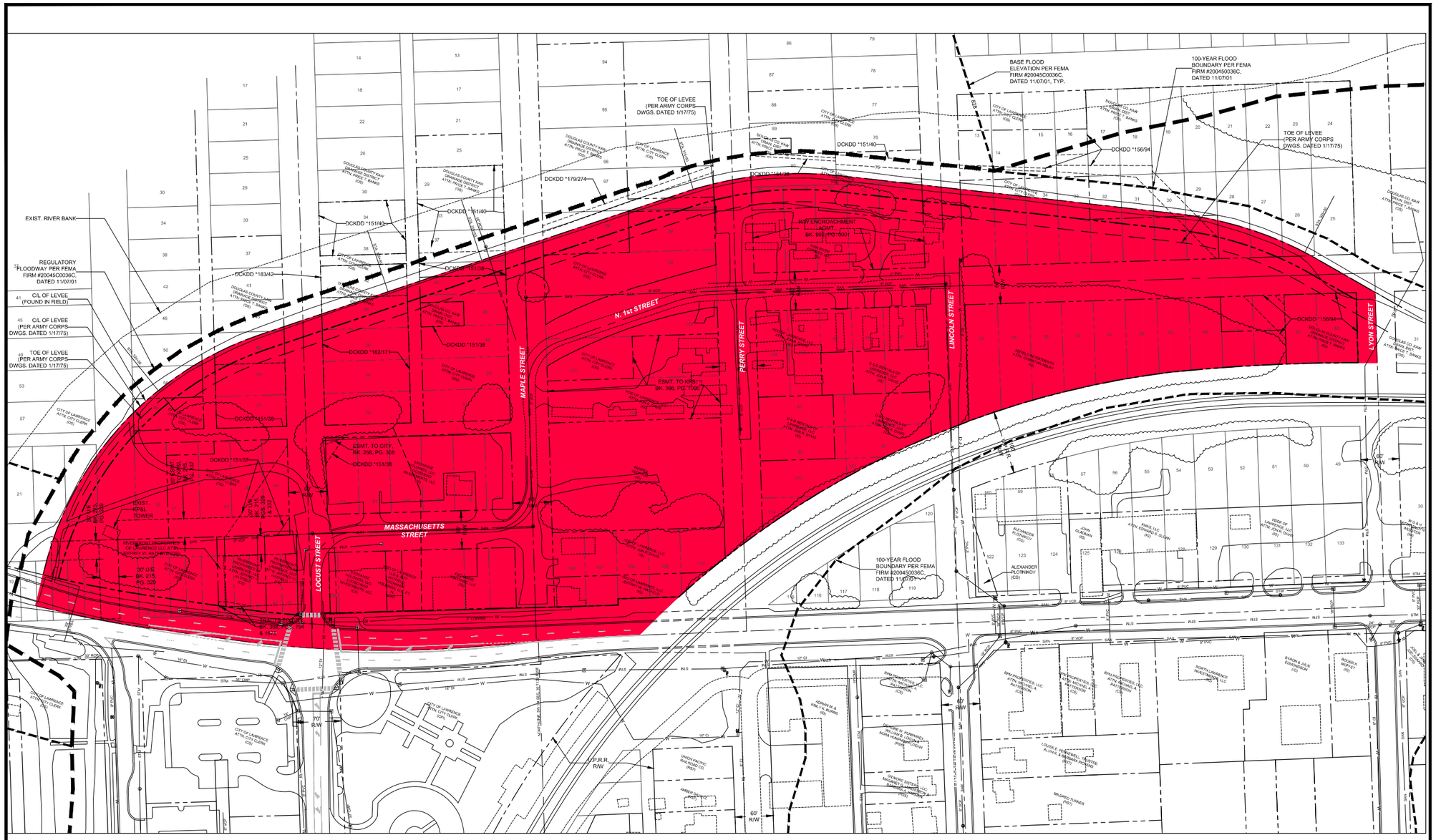
Historically, the North Lawrence area including the N. 2nd and N. 3rd Street corridor has had repeated floodwater and stormwater problems. The Comprehensive Plan recommends that a comprehensive drainage study be completed as soon as possible and before any additional new development occurs along the N. 2nd Street and N. 3rd Street corridor. The study shall be a joint project between the city and private property owners. The drainage study shall provide a plan for addressing existing flooding and stormwater problems, as well as devising a plan for dealing with additional runoff from future development in the area.

North Lawrence Drainage Study
Build-Out Scenario Map

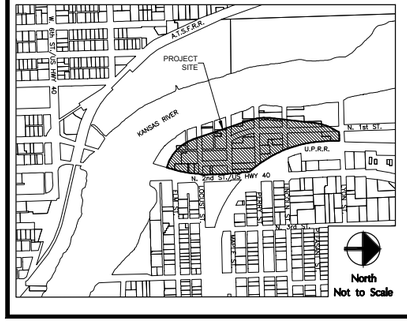
HNTB

Design Guidelines – Outline

1. Applicability
    a. General description of area
    b. Exterior of buildings
    c. Streets, sidewalks, alleyways, etc.
2. Design Principles
    a. Purpose: *"Design Review in Lawrence is intended to promote the conservation and preservation of the City's historic resources while encouraging creative, lasting and appropriate downtown improvements."*
        i. Assure staff and community have criteria upon which to base decisions for development
        ii. Assure development complementary to Historic Downtown
        iii. Compatibility with North Lawrence Neighborhood.
        iv. Provide design guidance to property owners, architects, or developers who plan to build, demolish, or make exterior changes to buildings within the area.
3. General Urban Design Principles
    a. Promote pedestrian oriented urban forms
    b. Maximize connectivity and access
    c. Encourage creativity, architectural diversity, and exceptional design.
    d. Emphasize strong, mixed use
    e. Vehicular, streetscape, and pedestrian traffic patterns.
    f. Promote safety and appeal through appropriate boundaries and transitions.
4. Levee treatment and Access
5. Street and Landscape elements
    a. Street patterns
    b. Paving
    c. Intersections and mid-block crossings
    d. Street furniture
    e. Pedestrian scale lighting along streets and walkways
6. Block Elements
    a. Building shall be oriented and setback to create a continuous edge or face within the block.
    b. Retail and commercial uses at street level
    c. Primary entrances shall face street
7. Phasing
8. Attached Building forms
    a. Building heights
    b. Storefronts
        i. Storefront and/or display style windows shall be included in all street level development on the primary facade
    c. Corner buildings higher and larger in scale then adjacent buildings
    d. Building placement
        i. Building setbacks – zero lot line setback
9. Detached building forms
    a. Pad sites
        i. High degree of architectural embellishment
        ii. Four sided architecture Orientation to streets
    b. Pedestrian scale/connections
10. Building Materials
11. Commercial storefronts and street level facades
    a. Pedestrian level storefronts
    b. Large display windows
    c. Prohibit ground floor residential uses
12. Upper story facades
13. Secondary and rear facades
14. Residential Buildings
    a. Density
    b. Location on ground floor
    c. Parking
    d. Open space
15. Commercial Buildings
16. Sidewalk Dining and Hospitality
    a. Ensure adequate pedestrian space on sidewalks and other public open space areas.
    b. Usable sidewalk area
    c. Operation of area
17. Office, Institutional, Utility, and other Buildings,
18. Area within environs of Union Pacific Depot
19. Architectural Details, ornamentation, and cornices
20. Rooflines and parapets
    a. Mechanical equipment shall not be visible from the pedestrian level.
21. Awnings, Canopies, and Marquees
    a. Provision of projecting awnings, canopies and marquees for the protection of pedestrians is encouraged.
22. Signs and Signage
    a. Conformance to sign code
    b. Pedestrian oriented in scale and placement
23. Lighting
    a. Surface parking lot lighting shall conform to city's lighting regulations in the Development code
24. Parking
    a. Off street parking shall be provided for individual uses consistent with the design standards of the Development Code.
    b. The number of off-street parking for non-residential uses shall comply with the minimum standards for that use unless a parking study has been provided and approved by the Planning Director pre the Development Code.
25. Safety and Accessibility Features
    a. Accessibility and safety codes shall be met for development
26. Utilities and Energy Retrofit
    a. Placement of ground mounted equipment and screening
27. Demolition



LOCATION MAP



LEGEND - PROPOSED ZONING

CD ZONING - 20.36 ACRES

LEGAL DESCRIPTION

BEGINNING AT THE INTERSECTION OF THE CENTERLINES OF LYON STREET AND THE LEVY THEN SOUTH ALONG THE CENTERLINE OF THE LEVY TO THE CENTERLINE OF NORTH 2ND STREET, THEN NORTH ALONG THE CENTERLINE OF NORTH 2ND STREET TO THE WEST LINE OF UNION PACIFIC RAIL ROAD RIGHT-OF-WAY, THEN NORTH ALONG THE WEST LINE OF THE UNION PACIFIC RAIL ROAD RIGHT-OF-WAY TO THE CENTERLINE OF LYON STREET, THEN WEST TO THE POINT OF BEGINNING, ALL IN CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS. CONTAINS +/- 20.36 ACRES.

NORTH

REDUCED PRINT NOT TO SCALE

paulwerner ARCHITECTS
100 W. 5TH STREET
SUITE 550
LAWRENCE, KS 66044
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NORTH MASS REZONING
PROPOSED ZONING

LAWRENCE, KANSAS

PROJECT # 26445
DECEMBER 14, 2011

RELEASE: DATE:

J:\Project\26000\26445\site\Rezoning\26445 - Rezoning Exhibit.dwg, 11/30/2011 11:40:05 AM

257 Chesterfield Business Parkway
St. Louis, MO 63005
Ph. (636) 530-9100
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Email: general@stockassoc.com
Web Site: www.stockassoc.com

STOCK & ASSOCIATES
Consulting Engineers, Inc.

Memo

To:	Christian Ablah – Classic Real Estate	**From:**	Jacob Buening, P.E.
Job:	Mixed Use Development	**Date:**	July 17, 2009
Job #:	209-4391	**Re:**	Site Development Requirements

The existing 16 +/- Ac. site is located along the west side of North 2nd Street, south of the Union Pacific Railroad tracks and bordered on the west and south sides by the Kansas River. The site elevation is generally around 820' above MSL. The top of the existing levee is generally elevation 836' and the railroad embankment is at elevation 828'. In general the site drains to the west to a central discharge point through the levee. (ex. 48" cmp). Approximately 1.54 acres along the east side of the property are tributary to the existing storm sewer system located in North 2nd Street. This system discharges directly to the Kansas River just downstream from Bowersock Dam.

Per the Army Corps. Of Engineers Operation and Maintenance Manual Record Drawings dated May 1967, a "stability berm" exists for approximately 1300 L.F. along the landward side of the levee on site. The stability berm extends from the toe of the levee to a width of 35'-40'. The stability berm provides protection against uplift forces generated under the levee during high water conditions on the Kansas River.

Design improvements to be located on or over the stability berm shall be restricted from requiring any excavations or penetrations in to the stability berm. Design requirements are as follows:

1.) Parking lots and other paved surfaces shall be constructed above the existing surface of the stability berm, including excavation for subbase material and underdrain systems. These areas shall include construction of an underdrain system to provide drainage of underseepage flows.

2.) Structures/buildings designed on or over the stability berm shall incorporate a shallow foundation system that shall be placed above the existing stability berm surface. A footing underdrain system shall be employed to collect and discharge underseepage flows.

3.) Structures/buildings requiring a deep foundation system will require a special geotechnical design to account for underseepage drainage and uplift forces.

4.) A 20'w Access & Maintenance easement will be provided along the length of the levee on site for access and maintenance of the levee. Construction of structures/buildings will be restricted from this easement.

All construction on or over the existing levee and stability berm requires the specific approval of all appropriate agencies and authorities having jurisdiction over the proposed construction.

The proposed development intends to maintain and utilize the existing stormwater discharge point from the site through use of import fill material to create positive surface drainage and a storm sewer collection system. There are 2 proposed scenarios for development of the site, which generally are as follows:

1.) Minor site fill and pump station.

- use minimum amount of import fill material to create positive interior drainage.
- structures designed on or over the existing stability berm will adhere to the guidelines previously stated.
- stormwater discharges from the site will utilize gravity flow through the existing 48" cmp through the levee under low-water river conditions.
- Stormwater discharge from the site under high-water river conditions will require use of a pump station and/or on-site detention. Due to site constraints detention would be required underground, which would be costly, and therefore will not be discussed in this narrative.
- A storm water pump station would be sized to sufficiently discharge a 100-year rainfall event from the site into the Kansas River during high-water river conditions.

2.) Major fill

- import the amount of fill required to raise the entire site, such that all interior stormwater drainage can discharge through the existing 48" cmp under gravity flow during high-water river conditions.
- Structures designed on or over the existing stability berm will adhere to the guidelines previously stated.

See the enclosed Preliminary Plans for information on the proposed site grading and typical section details.

Jacob Buening, P.E.
Project Engineer

CC: George M. Stock, P.E., President

GRAPHIC SCALE

60 0 30 60 120 240

(IN FEET)
1 inch = 60 ft.

NORTH

KANSAS RIVER
NORMAL POOL ELEV.=812.00
100 YR. HW. ELEV.= 828.00

FLOODPLAIN & FLOODWAY ZONE AE

RIVER STREET

N 1ST STREET

N 2ND STREET

MASSACHUSETTS ST

LOCUST ST.

ELM ST.

MAPLE ST.

PERRY ST.

LINCOLN ST.

LYON ST.

FERREN ADDITION

ZONE X

LEVEE

UNION PACIFIC RAILROAD (100' W)

EX. PROPERTY LINE

DESIGN TOP OF LEVEE 10'± PER ACOE LEVEE PLANS. SUBJECT TO FIELD SURVEY.

PROPOSED 1.16 Ac. VACATED R/W

EX. LEVEE TOE-OF-SLOPE ELEV. 824.00

BUILD TO LINE SEE SECTION I–I

EXISTING PERMANENT LEVEE R.O.W.

LEVEE STABILITY BERM FILL PER DEPT. OF ARMY OPERATION & MAINTENANCE MANUAL RECORD DRAWINGS MAY 1967

LEVEE STABILITY BERM FILL PROTECTION LINE

EX. 48" RCP

EX. INLET STRUCTURE F/L= 815.00

EX. STORM OUTLET ELEV. = 812.90

EX. SLUICE GATE F/L= 814.30

EX. WATER

EX. SANITARY

EX. STORM

EX. R/W

EX. PUMP STATION

EX. TRANSMISSION

30" RCP

328+00

330+00

EARTHWORK NOTES:

OPTION OF MAINTAINING ELEVATION 824.00 AT THE TOE OF THE LEVEE AND PROVIDING A UNIFORM 1.0% SLOPE FROM THE LEVEE TO N. 2ND STREET AND THE RAILROAD RIGHT-OF-WAY.

BULK CUT.....0.....+ *CUBIC YARD*

BULK FILL.....40,500.....+ *CUBIC YARD*

THE ENGINEER HAS CALCULATED THE ABOVE QUANTITIES OF EARTHWORK TO BE REGARDED AS AN ESTIMATE OF THE BULK MOVEMENT OR REDISTRIBUTION OF SOILS ON THIS PROJECT. AS AN ESTIMATE, THESE QUANTITIES ARE INTENDED FOR GENERAL USE, AND THE ENGINEER ASSUMES NO LIABILITY FOR COST OVERRUNS DUE TO EXCESS EXCAVATED MATERIALS OR SHORTAGES OF FILL.

THE QUANTITIES ESTIMATED FOR EACH OF THE IMPROVEMENT ITEMS LISTED ABOVE ARE BASED UPON THE HORIZONTAL AND VERTICAL LOCATION OF THE IMPROVEMENTS AS PROPOSED ON THE SITE ENGINEERING PLANS PREPARED BY STOCK AND ASSOCIATES CONSULTING ENGINEERS.

THE ENGINEER'S EARTHWORK ESTIMATE DOES NOT INCLUDE ANY OF THE FOLLOWING ITEMS REQUIRING EARTHWORK THAT MAY BE NECESSARY FOR COMPLETION OF THE PROJECT: MISCELLANEOUS UNDERGROUND CONDUITS, INCLUDING SEWER LINES AND WATER MAINS LESS THAN TWENTY-FOUR INCHES IN DIAMETER, STANDARD MANHOLES; PROCESS OR TRANSFER PIPING; ELECTRICAL OR TELEPHONE CONDUITS; BASES FOR LIGHT STANDARDS; BUILDING FOOTINGS AND FOUNDATIONS, ETC.

THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ACTUAL SIZE OF THE FIELD EXCAVATIONS MADE FOR THE INSTALLATION OF UNDERGROUND STRUCTURES, AND AS SUCH, THE ACTUAL QUANTITIES OF EARTHWORK FROM SUCH ITEMS MAY VARY FROM THE ESTIMATE SHOWN ABOVE.

THE ENGINEER ASSUMES NO RESPONSIBILITY FOR COSTS INCURRED DUE TO REMOVAL UNSUITABLE MATERIAL WHICH MUST BE REMOVED FROM SITE.

THE ABOVE QUANTITIES ARE AN ESTIMATE AND SHOULD BE CONSIDERED AS SUCH. IT IS THE GRADING CONTRACTORS RESPONSIBILITY TO PREPARE A QUANTITY TAKEOFF AND NOTE ANY DISCREPANCIES TO THE ENGINEER.

IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN "ALL" GEOTECHNICAL INVESTIGATIONS FROM THE "OWNER". CONTRACTOR SHALL REVIEW AND FAMILIARIZE THEMSELVES WITH RECOMMENDATIONS AS OUTLINED BY THE PROJECT GEOTECHNICAL ENGINEER AND INCORPORATE IT IN THEIR PROPOSED SCOPE OF WORK.

ASSUMPTIONS:
NO SHRINKAGE
PAVEMENT SUBGRADE = 11"
BUILDING SUBGRADE = 10"
NO TOPSOIL REMOVAL

PREPARED FOR:

CLASSIC REAL ESTATE, INC.
8110 EAST 32ND STREET, SUITE 150
WITCHITA, KANSAS 67226
PHONE: (316) 634–2600
ATTN: CHRISTIAN ABLAH

LEVEE CONSTRUCTION NOTES

1.) PROPOSED LEVEE FILL MATERIAL SHALL BE "IMPERVIOUS FILL" MATCHING EXISTING LEVEE FILL MATERIAL AS CONSTRUCTED. FILL MATERIAL TO COMPACTED BY USUAL METHODS FOR ROLLED FILL EMBANKMENT, USING 6 PASSES OF A SUITABLE SHEEPSFOOT ROLLER ON 8 INCH (UNCOMPACTED THICKNESS) LIFTS. CONTRACTRO SHALL BE REQUIRED TO AERATE OR ADD MOISTURE TO THE FILL, AS NECESSARY, TO OBTAIN MAXIMUM COMPACTION OF THE FILL MATERIAL FOR THE COMPACTIVE EFFORT EXPENDED.

2.) PROPOSED LANDSCAPING OTHER THAN GRASS, I.E. TREES, BUSHES, SHRUBS, ETC. SHALL BE PLANTED IN CONTAINERS OR PLANTERS. ALL LANDSCAPING SUBJECT TO THE CITY OF LAWRENCE APPROVAL.

3.) EROSION CONTROL MEASURES SHALL BE EMPLOYED TO ENSURE SURFACE DRAINAGE DOES NOT ADVERSELY IMPACT THE TOP OF THE LEVEE.

4.) GREENSPACE, TRENCH GRATES, OR OTHER MEASURES SHALL BE EMPLOYED TO PREVENT TRASH, DEBRIS, ETC. FROM DISCHARGING IN TO THE KANSAS RIVER.

5.) MAINTENANCE AND ACCESS "ROADWAY" SHALL BE ADEQUATELY DESIGNED TO SUPPORT FIRE DEPARTMENT EMERGENCY VEHICLES.

AREAS WITHIN 100' OF THE TOE OF LEVEE (824.00) EXTENDING TO ELEVATION 823.00

1.) ANY EXCAVATION PENETRATION OR EXPLORATION HOLE WHICH EXTENDS BELOW THE SURFACE OF THE STABILITY BERM OR THE NATURAL SOIL BLANKET BETWEEN THE STABILITY BERM AND THE STABILITY PROTECTION LINE SHALL BE BACKFILLED WITH SOIL OF AN IMPERVIOUSNESS SIMILAR TO THAT EXCAVATED AND SHALL BE COMPACTED TO A MINIMUM NINETY-FIVE (95%) PERCENT OF STANDARD DENSITY (A.S.T.M. D-698 OR A.A.S.H.T.O. T-99-57)

2.) SMALL SHALLOW DITCHES OR SWALES OF LESS THAN TWO (2') IN DEPTH ARE PERMITTED EVEN IF THEY PENETRATE THE SURFACE OF THE STABILITY BERM.

3.) ADDITIONAL FILL OVER AND ABOVE THE SURFACE OF THE STABILITY BERM IS PERMISSIBLE AT ANY TIME.

4.) FOR ANY EXCAVATION, STRUCTURE OR BUILDING FOUNDATION THAT DOES NOT EXTEND BELOW THE SURFACE OF THE STABILITY BERM THERE ARE NO CONSTRUCTION RESTRICTIONS.

5.) ALL IMPROVEMENTS IN AREAS DEPRESSED BELOW THE SURFACE OF THE STABILITY BERM SUCH AS BASEMENTS, UNDERGROUND FUEL TANKS, DEPRESSED LOADING DOCKS AND RAMPS AND DEPRESSED BOILER ROOMS, SHALL BE DESIGNED AND CONSTRUCTED TO COMPENSATE FOR APPLICABLE UPLIFT CONDITIONS AND GEOTECHNICAL UNDERSEEPAGE CONDITIONS.

6.) PERIPHERAL FOUNDATION DRAINS AND DRAINS INSTALLED FOR RELIEF OF SEEPAGE WATER OR HYDROSTATIC HEAD BEHIND STRUCTURE WALLS SHALL HAVE FILTER MATERIAL AROUND THE LINES WHICH IS DESIGNED TO PREVENT INFILTRATION OF SOIL.

7.) ALL TRENCHES, DITCHES OR EXCAVATION RUNNING APPROXIMATELY PARALLEL TO THE LEVEE AND WITHIN ONE HUNDRED FIFTY (150') FEET LANDWARD OR RIVERWARD OF THE LEVEE CENTERLINE SHALL REQUIRE THE SPECIFIC APPROVAL OF ALL APPROPRIATE AGENCIES AND AUTHORITIES HAVING JURISDICTION OVER THE PROPOSED CONSTRUCTION.

8.) CONSTRUCTION ON THE LEVEE AND CONSTRUCTION OF PITS AND WELLS TO INCLUDE RELIEF WELLS IS PERMISSIBLE BUT SHALL REQUIRE THE SPECIFIC APPROVAL OF ALL APPROPRIATE AGENCIES AND AUTHORITIES HAVING JURISDICTION OVER THE PROPOSED CONSTRUCTION.

LEGEND

..... EXISTING STABILITY BERM FILL PER DEPT. OF ARMY OPERATIONS & MAINTENANCE MANUAL RECORD DRAWINGS, MAY 1967.

..... SWALE ARROW

..... PROPERTY LINE

..... BASE FLOOD ELEVATION

..... EXISTING TOE-OF-SLOPE (824.00)

..... BUILD TO LINE

..... PERMANENT LEVEE RIGHT OF WAY

..... PROPOSED VACATED R.O.W. AREA

FLOOD ELEVATIONS:

500 YEAR HW ELEV. = 837.00
100 YEAR HW ELEV. = 828.00–829.00*
50 YEAR HW ELEV. = 824.00
10 YEAR HW ELEV. = 818.00

ELEVATIONS PER FLOOD PROFILES, PANEL 24P.

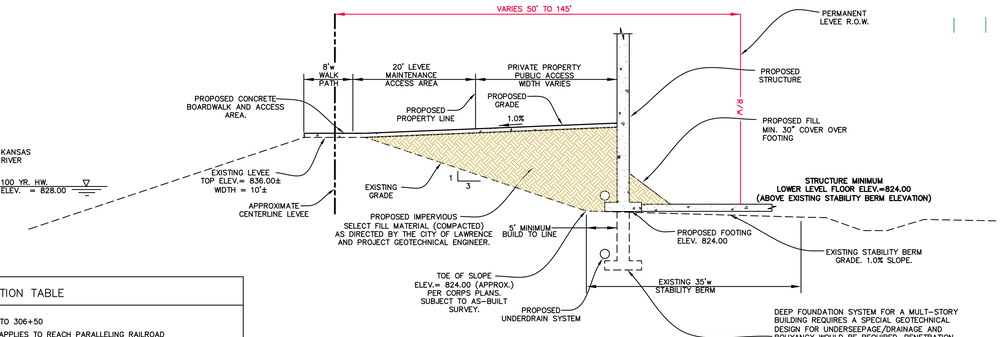
* ELEVATIONS PER F.I.R.M. PANEL NO. 20045C 0036 C WITH EFFECTIVE DATE OF NOVEMBER 7, 2001. ZONE 'X' NON-SHADED.

GENERAL NOTES:

1.) BOUNDARY AND TOPOGRAPHIC SURVEY BY OTHERS. INFORMATION SHOWN SUBJECT TO AN ALTA/ACSM SURVEY.

2.) ALL UTILITIES SHOWN HAVE BEEN LOCATED BY THE ENGINEER FROM AVAILABLE RECORDS. THEIR LOCATION SHOULD BE CONSIDERED APPROXIMATE. THE CONTRACTOR HAS THE RESPONSIBILITY TO NOTIFY ALL UTILITY COMPANIES, PRIOR TO CONSTRUCTION, TO HAVE EXISTING UTILITIES FIELD LOCATED.

3.) SITE IS LOCATED IN ZONE 'X' AREAS OF 500 YEAR FLOOD; AREAS OF 100 YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100 YEAR FLOOD AS INDICATED IN THE FLOOD INSURANCE RATE MAP (FIRM), OF DOUGLAS COUNTY, KANSAS, AND INCORPORATED AREAS, PANEL 0036, MAP NO. 20045C0036 C WITH AN EFFECTIVE DATE OF NOVEMBER 7, 2001.



STRUCTURE ADJACENT TO LEVEE TYPICAL SECTION I–I

(N.T.S.)

EXISTING LEVEE SECTION TABLE

SECTION 'G'	STA: 266+00 TO 306+50 DESCRIPTION: APPLIES TO REACH PARALLELING RAILROAD EMBANKMENT. LANDWARD BERM TIES TO THE RAILROAD FILL. RAILROAD EMBANKMENT WILL SERVE AS "STABILITY BERM" AND HAS SUFFICIENT WIDTH TO MAKE AN UNDERSEEPAGE BERM UNNECESSARY.
SECTION 'A'	STA: 306+50 TO 316+00 DESCRIPTION: BASIC LEVEE SECTION WITH 10 FOOT CROWN AND 1 ON 3 SIDE SLOPES. ZONE ROLLED FILL EMBANKMENT WITH MAXIMUM HEIGHT OF 14 FEET AND AVERAGE HEIGHT OF 11 FEET. SAND LENS CUTOFF AND INSPECTION TRENCH REQUIRED OVER PORTION OF REACHES. STABILITY BERM NO REQUIRED.
SECTION 'E'	STA: 316+00 TO 330+90 DESCRIPTION: SECTION VERY SIMILAR TO SECTION 'C', BUT INCORPORATES A LANDSIDE FILL AREA OVER PART OF THE REACH. A CUTOFF IS PROPOSED.
SECTION 'C'	STA: 206+00 TO 266+00 (NOT ON SITE) DESCRIPTION: SECTION USED WHERE POOR FOUNDATION AND/OR GREATER HEIGHT THAN IS APPLICABLE TO SECTION 'A' REQUIRES BOTH LANDSIDE AND RIVERSIDE STABILITY BERMS. A CUTOFF OR INSPECTION TRENCH IS REQUIRED OVER PORTIONS OF VARIOUS REACHES AND UNDERSEEPAGE. BERMS ARE PROPOSED THROUGH REACHES INDICATED ON SCHEDULE ON PLATE 22.

STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC. AND THE UNDERSIGNED ENGINEER HAVE NO RESPONSIBILITY FOR SERVICES PROVIDED BY OTHERS TO IMPLEMENT THE IMPROVEMENTS SHOWN ON THIS PLAN AND ALL OTHER DRAWINGS WHERE THE UNDERSIGNED ENGINEER'S SEAL APPEARS. THE CONSTRUCTION MEANS AND METHODS ARE THE SOLE RESPONSIBILITY OF THE OWNER AND CONTRACTOR. STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC. HAS NO RESPONSIBILITY TO VERIFY FINAL IMPROVEMENTS AS SHOWN ON THIS PLAN UNLESS SPECIFICALLY ENGAGED AND AUTHORIZED TO DO SO BY THE OWNER OR CONTRACTOR.

1.) 06/16/10 ADD PERMANENT R.O.W. AS PROVIDED BY US ARMY CORP O&M MANUAL

NORTH LAWRENCE PROJECT

PRELIMINARY PLAN

Jan. 26, 2010

GEORGE M. STOCK – 13430
CIVIL ENGINEER

STOCK & ASSOCIATES
Consulting Engineers, Inc.
257 Chesterfield Business Parkway
St. Louis, MO 63005
PH. (636) 530-9100
FAX (636) 530-9130
e-mail: general@stockassoc.com
Web: www.stockassoc.com

DRAWN BY:	DATE:	CHECKED BY:	DATE:	JOB NUMBER:	SHEET:
J.M.B.	11/06/09	G.M.S.	11/06/09	209–4391	1 of 1

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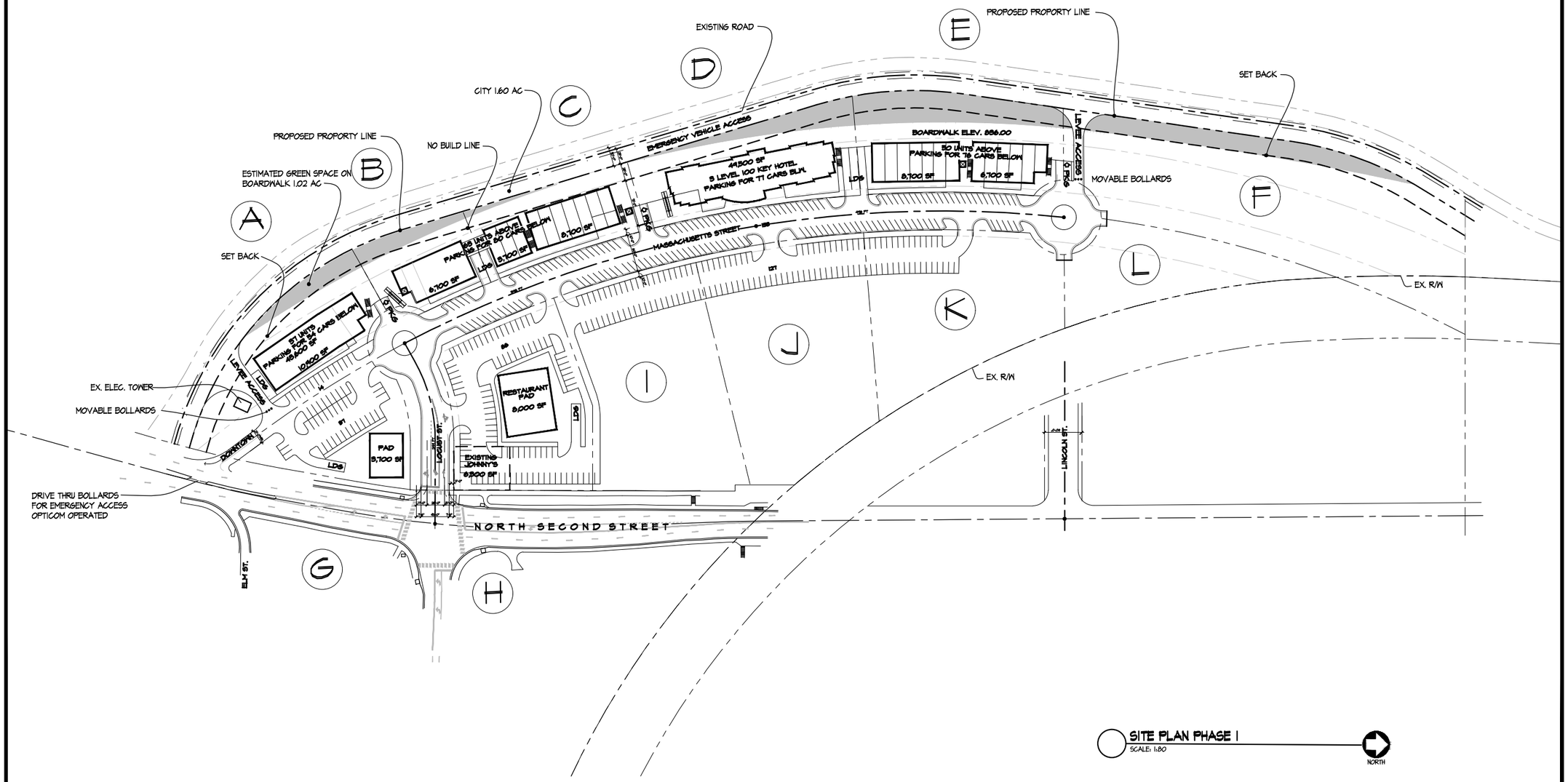
SITE SUMMARY PHASE 1A	
RETAIL SHOPS	19,100 SF
HOTEL A 100 KEYS	49,500 SF
RESIDENTIAL 99 UNITS	111,700 SF
RESTAURANT PADS (2)	11,700 SF
TOTAL 1A	192,000 SF
PARKING	630 SPACES

SITE SUMMARY PHASE 1B	
RETAIL SHOPS	15,400 SF
RESIDENTIAL 51 UNITS	46,200 SF
TOTAL PH 1B	61,600 SF
ADDITIONAL PARKING	76 SPACES

PARKING SUMMARY	
RETAIL SHOPS	172 SPACES
HOTEL A 100 KEYS	115 SPACES
RESIDENTIAL 150 UNITS	225 SPACES
RESTAURANT PADS (2)	117 SPACES
TOTAL REQUIRED	629 SPACES
TOTAL PROVIDED	706 SPACES



SITE PLAN PHASE 1
SCALE: 1:80

NORTH

paulwerner ARCHITECTS

123 W. 8TH STREET
SUITE B2
LAWRENCE, KS 66044

OFFICE: 785.832.0804
FAX: 785.832.0890
INFO@PAULWERNERARCHITECTS.COM

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NORTH LAWRENCE RIVERFRONT

LAWRENCE, KANSAS

PROJECT # 26445

RELEASE: NONE
DATE: 6.02.10

SITE

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SITE SUMMARY PHASE 1A	
RETAIL SHOPS	19,100 SF
RESIDENTIAL 99 UNITS	111,700 SF
PAD	3,700 SF
TOTAL 1A	134,500 SF
PARKING	338 SPACES

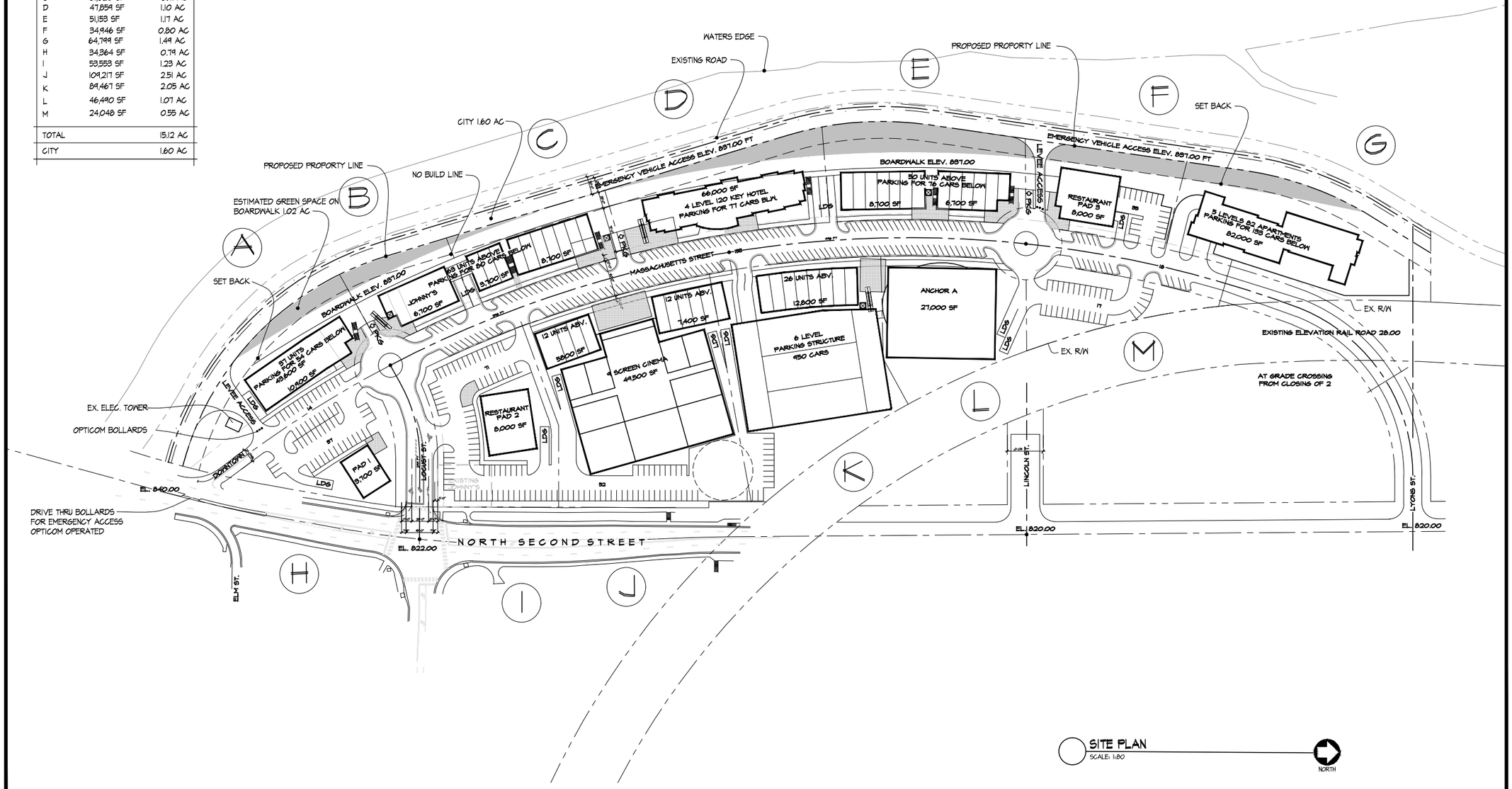
SITE SUMMARY PHASE 1B	
RETAIL SHOPS	15,400 SF
HOTEL A 120 KEYS	66,000 SF
RESIDENTIAL 51 UNITS	46,200 SF
PAD	8,000 SF
TOTAL PH 1B	135,600 SF
ADDITIONAL PARKING	351 SPACES

SITE SUMMARY PHASE 2	
RETAIL SHOPS	26,000 SF
IMAX CINEMA 9	66,000 SF
ANCHOR A	27,000 SF
RESIDENTIAL 132 UNITS	147,000 SF
PAD	8,000 SF
TOTAL PH 2	257,500 SF
ADDITIONAL PARKING	1,229 SPACES

SITE SUMMARY TOTAL	
RETAIL SHOPS	60,500 SF
HOTEL (120 KEYS)	66,000 SF
IMAX CINEMA 9	49,500 SF
ANCHOR A	27,000 SF
RESIDENTIAL 282 UNITS	304,900 SF
PAD SITES (3)	19,700 SF
TOTAL	527,600 SF
TOTAL PARKING	1,918 SPACES

PARKING SUMMARY	
RETAIL SHOPS 1/200SF	303 SPACES
HOTEL A 120 KEYS	135 SPACES
IMAX CINEMA 9	650 SPACES
ANCHOR A 1/200SF	135 SPACES
RESIDENTIAL 282 UNITS	454 SPACES
RESTAURANT PADS (3) 1/100 SF	197 SPACES
TOTAL REQUIRED	1,874 SPACES
TOTAL PROVIDED	1,918 SPACES

A	49,059 SF	1.13 AC
B	22,685 SF	0.52 AC
C	31,020 SF	0.71 AC
D	47,859 SF	1.10 AC
E	51,153 SF	1.17 AC
F	34,946 SF	0.80 AC
G	64,799 SF	1.49 AC
H	34,364 SF	0.79 AC
I	53,553 SF	1.23 AC
J	109,217 SF	2.51 AC
K	89,461 SF	2.05 AC
L	46,490 SF	1.07 AC
M	24,048 SF	0.55 AC
TOTAL		15.12 AC
CITY		1.60 AC



SITE PLAN
SCALE: 1:80

NORTH

paulwerner ARCHITECTS

123 W. 8TH STREET
SUITE B2
LAWRENCE, KS 66044

OFFICE: 785.832.0804
FAX: 785.832.0890
INFO@PAULWERNERARCHITECTS.COM

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KAW LANDING
LAWRENCE, KANSAS

PROJECT # 26445

RELEASE: NONE
DATE: 7.13.10

SITE

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PHASE I OPTION A

SITE SUMMARY PHASE I	
RETAIL SHOPS	32,300 SF
HOTEL A 100 KEYS	44,500 SF
HOTEL B 100 KEYS	43,200 SF
RESIDENTIAL 102 UNITS	59,600 SF
RESTAURANT PADS (2)	7,200 SF

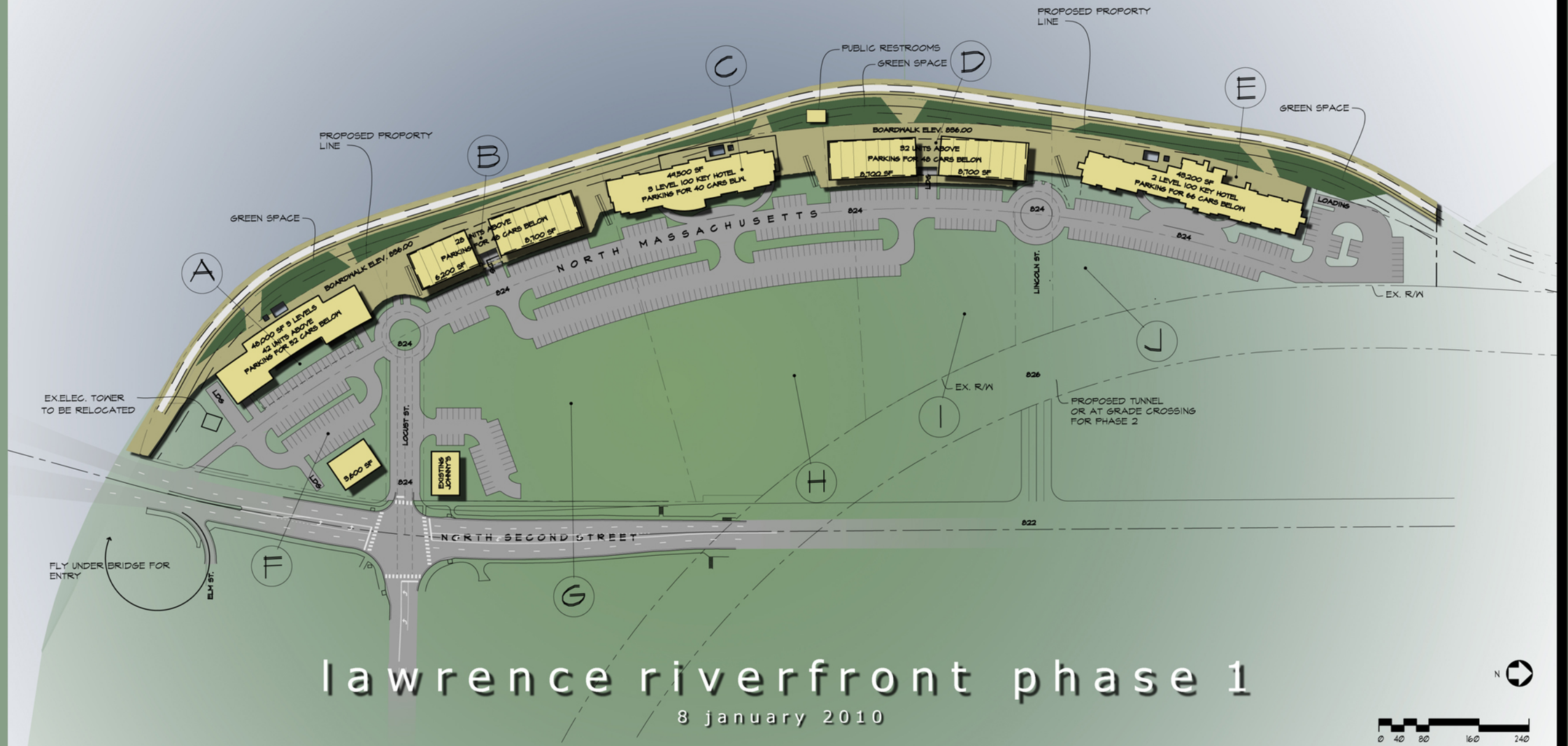
PARKING SUMMARY	
RETAIL SHOPS	162 SPACES
HOTEL A 100 KEYS	115 SPACES
HOTEL B 100 KEYS	115 SPACES
RESIDENTIAL 102 UNITS	153 SPACES
RESTAURANT PADS (2)	72 SPACES
TOTAL REQUIRED	617 SPACES
TOTAL PROVIDED	665 SPACES

PHASE I OPTION B REF. SECTION 3

NOTE: OPTION B HAS A 5 LEVEL APTS AND 4 LEVEL APTS OVER RETAIL

SITE SUMMARY PHASE I	
RETAIL SHOPS	32,300 SF
HOTEL A 100 KEYS	44,500 SF
HOTEL B 100 KEYS	43,200 SF
RESIDENTIAL 192 UNITS	156,200 SF
RESTAURANT PADS (2)	7,200 SF

PARKING SUMMARY	
RETAIL SHOPS	162 SPACES
HOTEL A 100 KEYS	115 SPACES
HOTEL B 100 KEYS	115 SPACES
RESIDENTIAL 162 UNITS	384 SPACES
RESTAURANT PADS (2)	72 SPACES
TOTAL REQUIRED	848 SPACES
TOTAL PROVIDED	965 SPACES



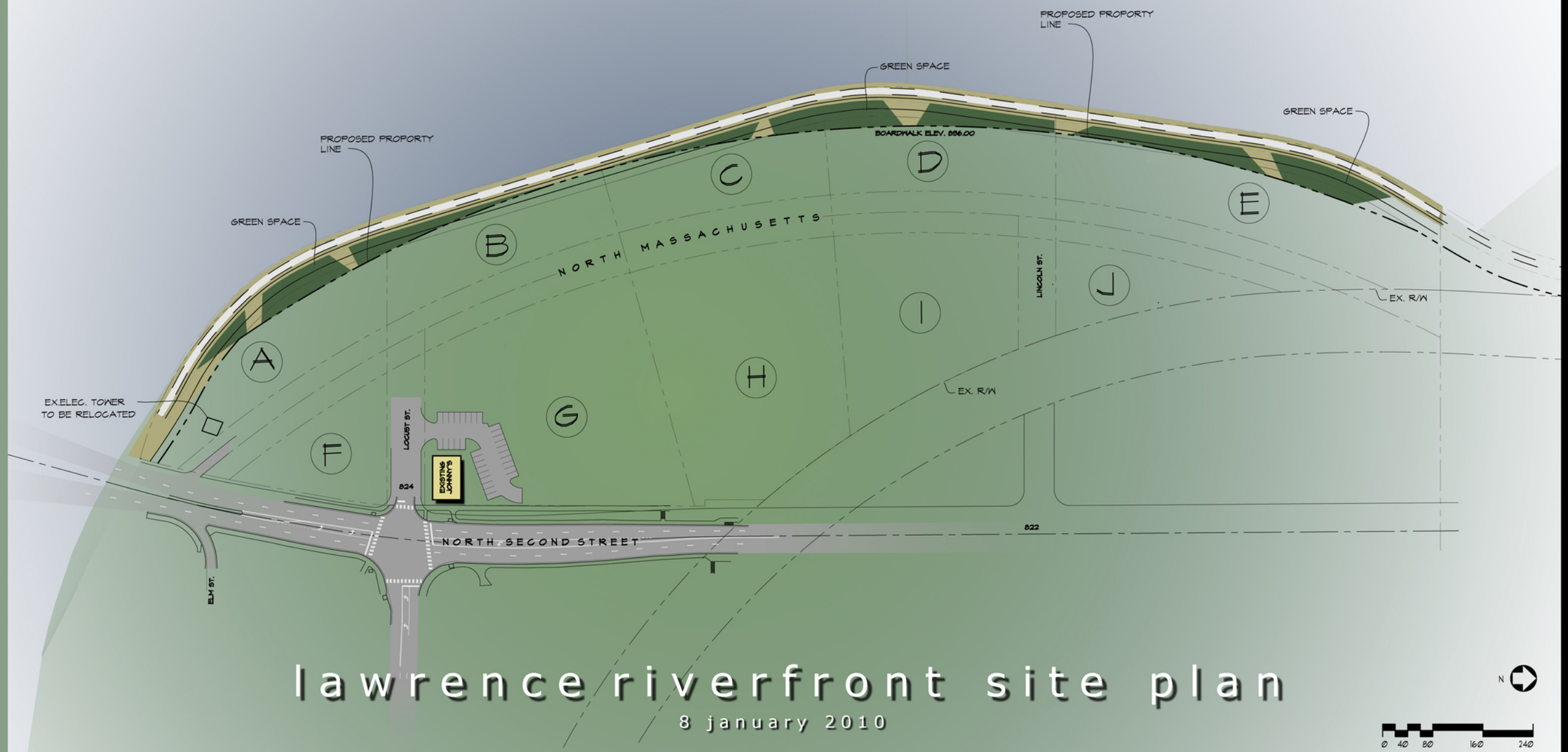
lawrence riverfront phase 1

8 january 2010

paulwerner ARCHITECTS

SITE SUMMARY	
N. MASS	126,800 SF
LOCUST	13,700 SF
LINCOLN	9,900 SF
SUBTOTAL	150,400 SF
BOARDWALK	101,400 SF
TOTAL	251,800 SF

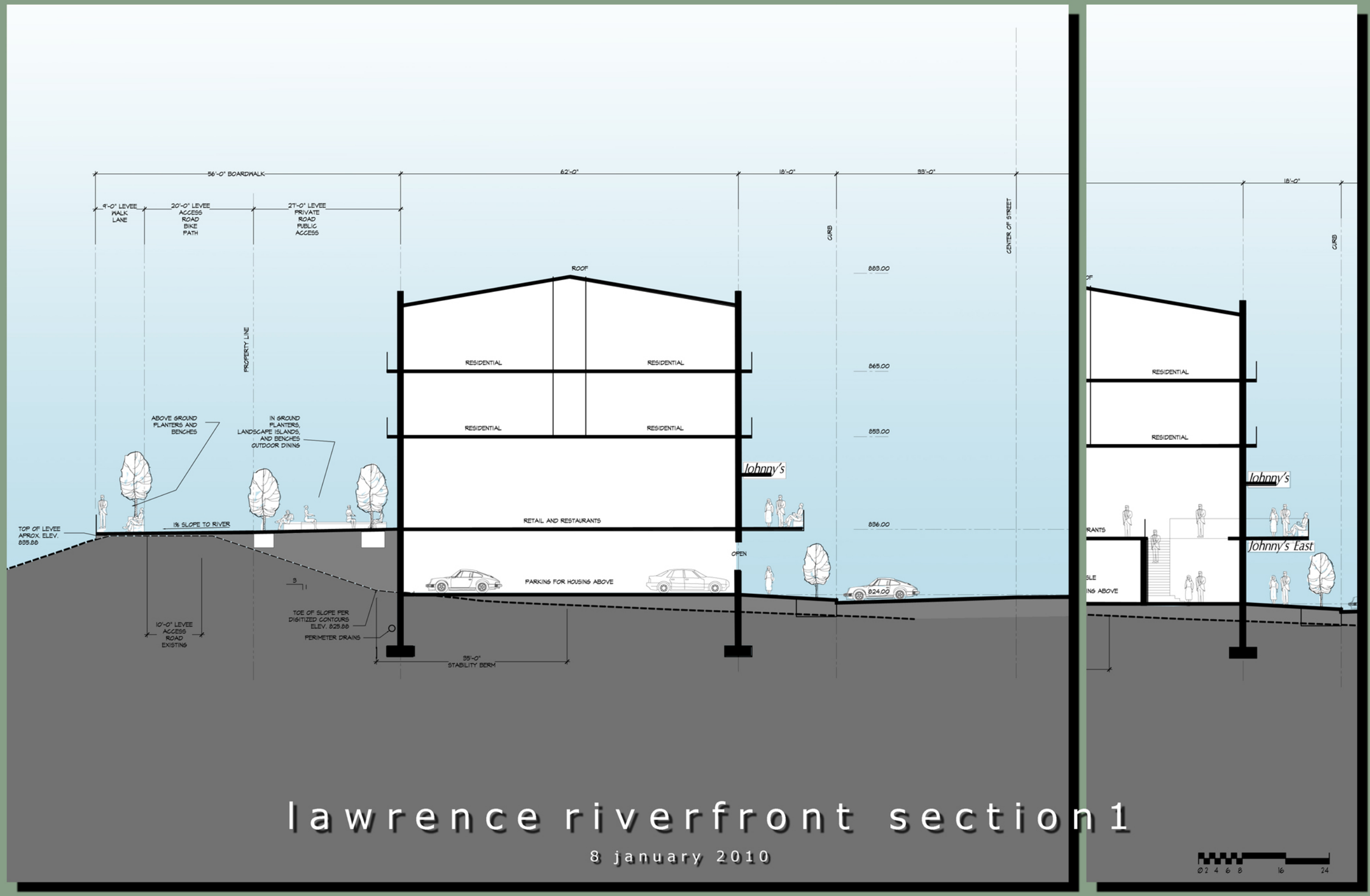
SITE SUMMARY	
PARCEL A	39,000 SF
PARCEL B	39,800 SF
PARCEL C	36,700 SF
PARCEL D	37,900 SF
PARCEL E	65,000 SF
PARCEL F	28,400 SF
PARCEL G	122,000 SF
PARCEL H	110,400 SF
PARCEL I	70,400 SF
PARCEL J	26,700 SF
TOTAL	576,300 SF



lawrence riverfront site plan

8 january 2010

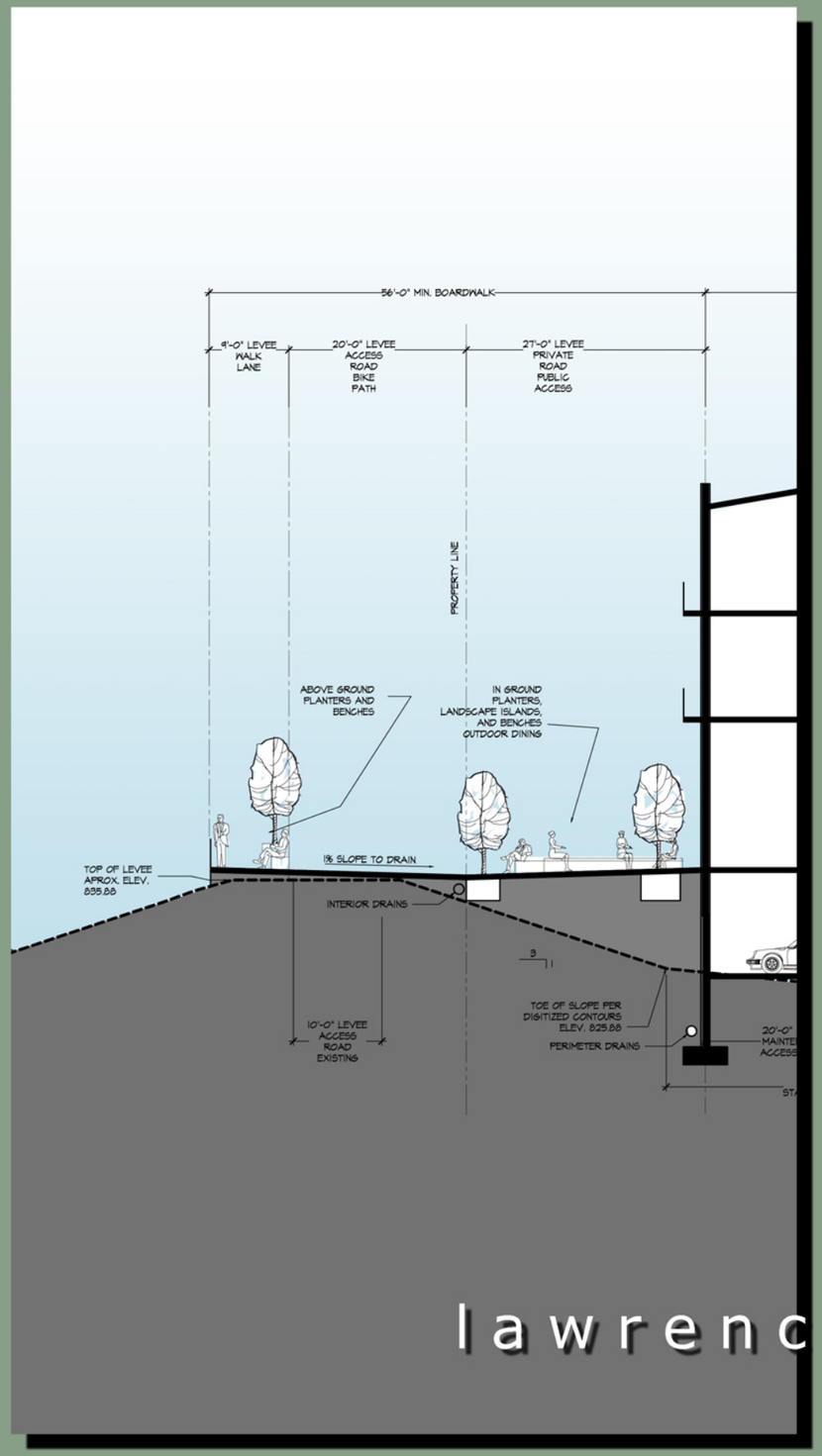
paulwerner ARCHITECTS

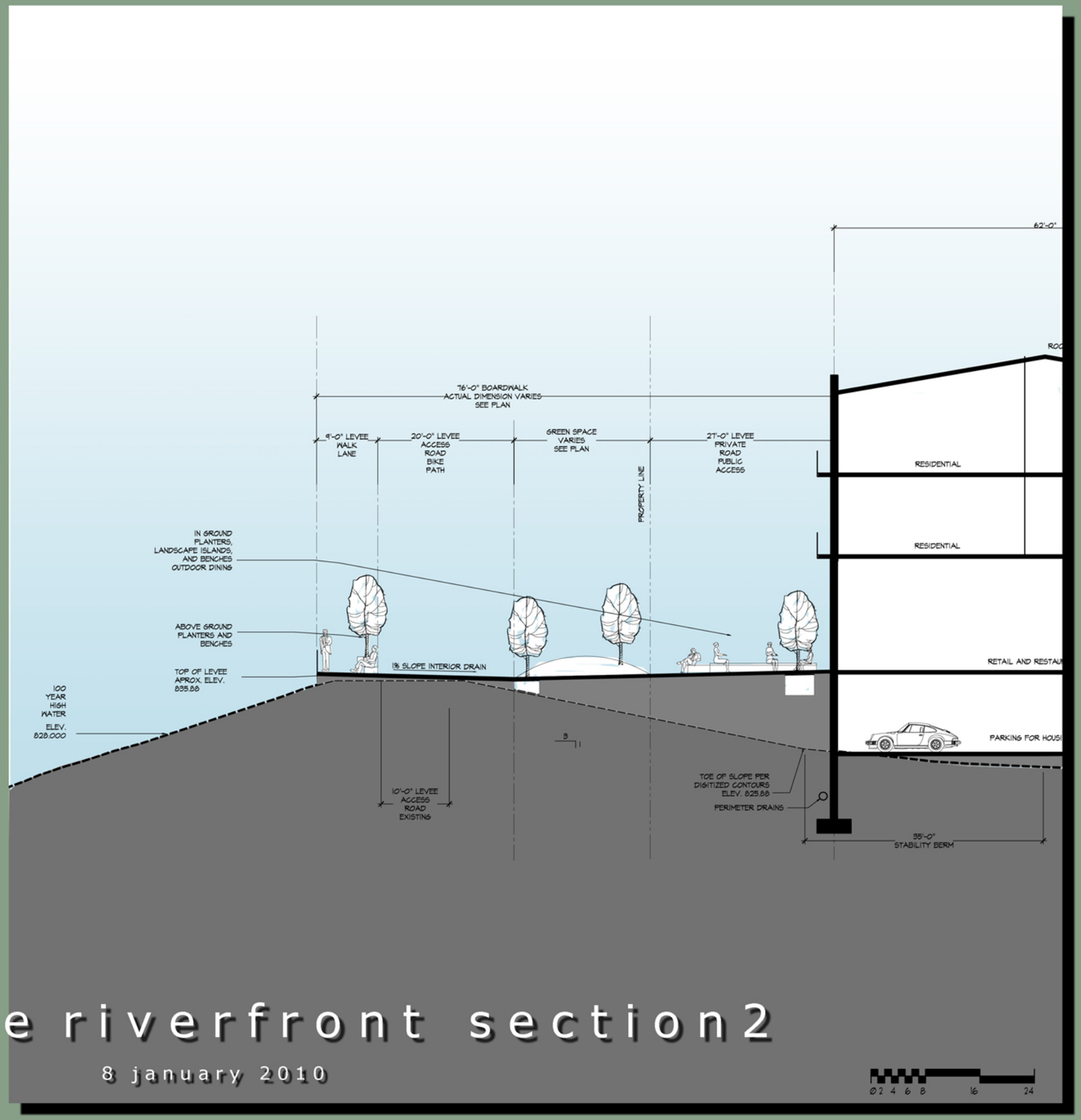


lawrence riverfront section 1

8 january 2010

paulwerner ARCHITECTS

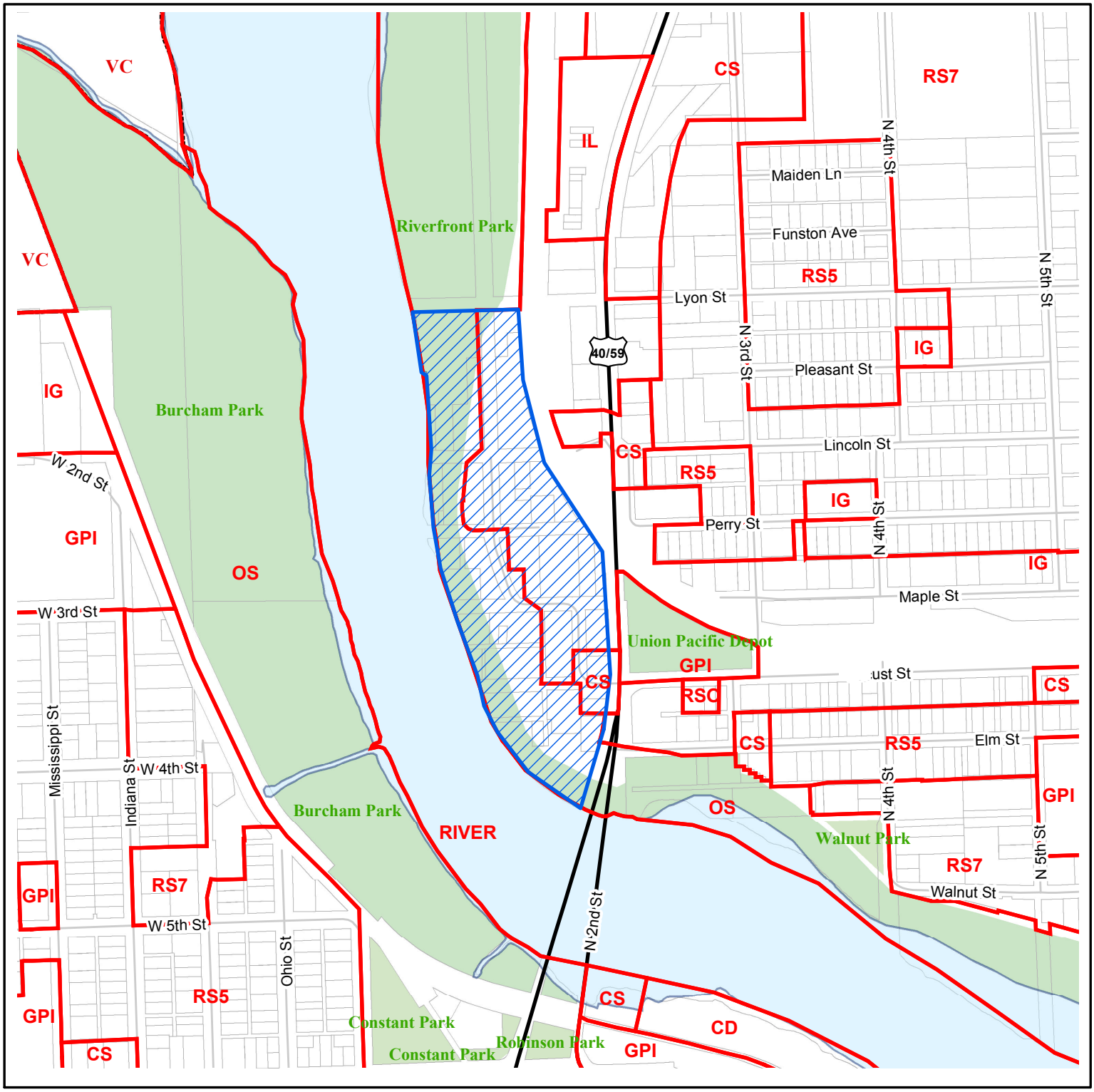




lawrence riverfront section2

8 january 2010

paulwerner ARCHITECTS



Z-12-29-11: Rezone 1.38 acres from IG to CD - 401 & 415 N 2nd St
Z-12-30-11: Rezone 2.14 acres from IG to CD - 0 & 100 Lincoln St & 151 & 100 Perrry St
Z-12-32-11: Rezone 0.83 acres from IG to CD - 409 & 501 N 2nd St
Z-12-33-11: Rezone 0.34 acres from OS to CD - 300,311, & 317 N 2nd St
Z-12-34-11: Rezone 1.61 acres from IG to CD - 139 Perry St, 505 N 2nd St, & 141 Maple St
Z-12-35-11: Rezone 0.55 acres from IG to CD - 133 Perry St
Z-12-36-11: Rezone 1.38 acres from IG to CD - 600 North 1st St, Block 3

Lawrence-Douglas County Planning Office
February 2012

N
W E
S

Area Requested

Scale: 1 Inch = 600 Feet

PLANNING COMMISSION REPORT
Non-Public Hearing Item

PC Staff Report
02/29/2012

ITEM NO. 6: FINAL PLAT FOR BAUER FARM FIFTH PLAT FOR THEATRE LAWRENCE; 4700 BAUER FARM DR (MKM)

PF-12-7-11: Consider a Final Plat for Bauer Farm Fifth Plat for Theatre Lawrence, a one-lot subdivision consisting of approximately 4 acres located at 4700 Bauer Farm Drive. Submitted by Landplan Engineering, for Free State Group, LLC, property owner of record.

STAFF RECOMMENDATION: Planning staff recommends approval of the Final Plat for the Bauer Farm 5th Plat Subdivision and forwarding it to the City Commission for acceptance of easements and rights-of-way, subject to the following conditions:

1. Provision of executed Master Street Tree Plan for recording.
2. Pinning of lots in accordance with Section 20-811(k) of the Subdivision Regulations.

ATTACHMENTS
Attachment A—list of associated cases for the Bauer Farm Development.

Applicant's Reason for Request: Subdivision necessary prior to development.

KEY POINTS
- The Bauer Farm Planned Commercial Development is being developed in phases. This plat will provide one lot for the development of the Lawrence Community Theater.

SUBDIVISION CITATIONS TO CONSIDER
- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007. The new Subdivision Regulations included an administrative approval process for final plats; however, as the Bauer Farm development was preliminary platted in 2005 with Preliminary Development Plan PDP-03-02-05, the final plat requires Planning Commission approval.

ASSOCIATED CASES/OTHER ACTION REQUIRED
Associated Cases
See Attachment A

Other Action Required
- City Commission acceptance of dedication of easements and rights-of-way as shown on the final plat.
- Recordation of final plat at the Douglas County Register of Deeds.
- Prior to development, a Final Development Plan must be approved. As this property is being processed under the Planned Unit Development processes in the pre-2006 Code, the Final Development Plan will require approval of the Planning Commission.

GENERAL INFORMATION

Current Zoning and Land Use: PCD-Bauer Farm (Planned Commercial Development) District. Property is currently undeveloped but does contain a stormwater detention pond.

Surrounding Zoning and Land Use:

To the west and south:
PCD-Bauer Farm (Planned Commercial Development) District. The property is bounded on the west and south by additional property within the Bauer Farm Commercial Development. A *Fast Order Food Food* restaurant to the south, and a detention pond to the west.

To the north:
GPI (General Public and Institutional Uses) District across Overland Drive; *School,* public high school and *Participant Sports & Recreation, Indoor,* aquatic center.

To the east:
PRD-Bauer Farm (Planned Residential Development) District; preliminary development plans approved for residential development to the east; the majority of the property is undeveloped but an *Multi Dwelling Structure,* an independent living facility, is located in the northeast corner of the Bauer Farm development.

(Figure 1)

Site Summary

Site Area:	178,378 sq ft (4.095 acres)
Number of lots proposed:	1 Lot, 1 Tract
Lot area:	128,124 sq ft (2.942 acres)
Tract area:	50,236 sq ft (1.153 acres)
Drainage easements:	50,236 sq ft

STAFF REVIEW

The Bauer Farm Addition, 5th Plat proposes a one-lot subdivision for development of a community theater within the commercial portion of the Bauer Farm Planned Development. A tract is also proposed to house an existing detention pond and drainage easement. The subject property is bounded on the north by Overland Drive, and the south by Bauer Farm Drive. It is adjacent to Champion Lane for approximately 150 ft north of the Champion Lane/Bauer Farm Drive intersection. (Figure 1)

The Bauer Farm Preliminary Development Plan, which also serves as the preliminary plat, was originally submitted prior to the adoption of the 2006 Development Code. Prior to the 2006 Development Code and Subdivision Regulations, the City Commission did not accept dedications with the preliminary plat. The final plat will be forwarded to the City Commission for acceptance of dedication of easements and rights-of-way. The Subdivision Regulations were recently revised in January of 2012 so that dedications are again accepted with the

final rather than the preliminary plats so this final plat is following the same process as plats submitted after January 10, 2012.

Street and Access
The development will have frontage on Overland Drive, Champion Drive and Bauer Farm Drive. Access is available on all adjoining streets and will be determined with the Final Development Plan. Access restrictions are shown on Overland Drive adjacent to the tract, but access is permitted for the 45 ft wide frontage of the proposed lot. This is in compliance with the development shown on the preliminary development plan.

Master Street Trees
The Master Street Tree Plan and graphic provided with the plat lists required street trees for Bauer Farm Drive, Champion Lane, and Overland Drive. The City Horticulture Manager approved the Master Street Tree Plan. Street Trees must be planted a minimum of 8 ft from any underground utilities.

Utilities and Infrastructure
The utilities and infrastructure being provided with the final plat coincide with the preliminary development plan. The stormwater drainage study and the stormwater features on the final plat have been approved by the City Stormwater Engineer.

Public improvements
Public improvements include the installation of a commercial driveway approach in the Bauer Farm Drive right-of-way, sewer and water taps, connection to existing storm sewer curb inlet in Bauer Farm Drive right-of-way and outfalls in existing detention ponds. The City Engineer indicated that Public Improvement Plans are not required for these improvements.

Easements and Rights-of-Way
Easements are being dedicated as shown on the preliminary development plan with some minor revisions.

The preliminary development plan shows the right-of-way for Champion Drive extending straight north and south; while the drive was actually curved to the northwest outside of this right-of-way. The unused right-of-way for Champion Drive is being vacated with this plat. The vacation of the right-of-way reconfigured the shape of Tract A somewhat and this has been revised on the plat. The drainage easement which was dedicated earlier no longer conforms to Tract A; therefore, the earlier drainage easement is being vacated with this plat and a new easement which matches Tract A boundary is being dedicated.

The lot adjacent to the drainage easement has a Minimum Elevation of Building Opening (MEBO) of 997.73 designated on the plat.

Compliance with preliminary plat
The final plat conforms to the approved preliminary development plan [PDP-12-4-10] with the minor revisions to easements and rights-of-way noted above.

Summary
The proposed subdivision is in conformance with the minimum lot area and dimension requirements for the Planned Commercial Development in the 1966 Zoning Ordinance with the waivers approved by the Planning Commission on December 12, 2005. The final plat, as submitted, is consistent with the requirements of the subdivision regulations.

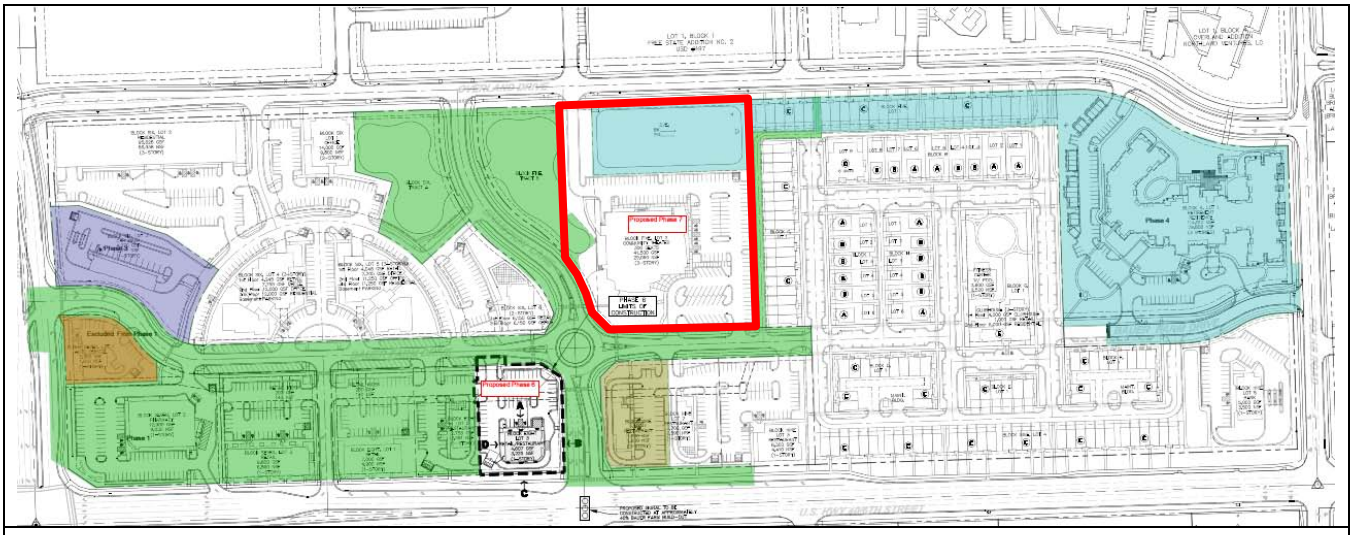


Figure 1. Approved and existing development at Bauer Farm, shown as colored.

- A Final Development Plan for a fast food restaurant has been submitted and is under review for the area outlined in dashed lines.
- The subject property, Bauer Farm 5th Plat, is outlined in a solid red line.

Bauer Farm Development Associated Cases

Zoning Summary

(COMMERCIAL--West portion of project)

- **Z-3-14-95;** A to PCD-2; 22.254 acres Bauer Property
- **Z-4-15-99**; A to PCD-2; 30.57 ac.; Bauer property
- **Z-6-19-03;** 18.93 acres; A to PCD-2; Ord. 7756 [original request]. Includes list of restricted uses.
- **Z-6-07-07;** PCD-2 to PCD-2; 31 acres; Ord. 8359

(OFFICE--Southeast portion of project)

- **Z-3-16-05;** 2.59 acres, PRD-2 to POD-1 [southeast portion of project; unpublished]. On October 24, 2005, the Planning Commission on a 5-4 vote recommended an approval of the above rezoning, subject to conditions. The zoning ordinance has not yet been published.

(RESIDENTIAL--East portion of project)

- **Z-6-20-03;** 25.214 acres, A to PRD-2; Ord. 7757
- **Z-6-08-07;** 16.53 acres PRD-2 to PRD-3; CC approved on 8/28/11 subject to conditions. [The rezoning ordinance will be placed on City Commission agenda shortly for adoption as all conditions have been met, with the exception of the requirement to plat due to changes in Planning Office policies.].

Preliminary Development Plans (Serve as a preliminary plat as well as preliminary development plan)

- **PDP-03-02-05 (PCD);** Bauer Farms – Phase 1 CC 3.4.08 (revision 1.18.08) note: document also functions as preliminary plat. Original Approval of Phase I commercial approved by CC on 3/4/08
- **PDP-06-01-09 (PRD);** Bauer Farms – Revised Phase 3 (tunnel car wash amended Block 6, Lots 1 & 2) Approved by City Commission on September 8, 2009
- **PDP-01-01-10 (PRD);** Bauer Farms – Revised Phase 2 Harvest Development – Retirement 4430 Bauer Farm Dr. Approved by City Commission on April 6, 2010
- **PDP-12-04-10 (PCD);** Bauer Farms – Revision to Phase 1C (Burger King and Adjacent lot reconfigured drive-thru orientation and changes lot sizes). City Commission approved on February 15, 2010.

Final Plats

- **PF-05-04-08**; Final Plat Bauer Farms First Plat; (Portion of PCD Tracts A & B; 4851, 4841, 4801, 4741, 4721, 4701 and 4651 Bauer Farm Drive). City Commission accepted dedications on August 5, 2008.
- **PF-09-07-09**; Bauer Farm Third Plat (Portion of PCD – carwash 4850 Bauer Farm Drive). City Commission accepted dedications on December 1, 2009.
- **PF-04-03-10;** Bauer Farm 4th Plat (1 lot PRD portion – retirement housing; 4430 Bauer Farm Drive). City Commission accepted dedications on July 6, 2010.
- **MS-12-10-10;** Champion Addition (two lots east of Champion Lane 4671 and 4661 Bauer Farm Drive); Administratively approved February 15, 2011

Final Development Plans

- **FPD-05-07-08 (PCD);** Bauer Farms – Phase 1 (CVS, Taco Bell, Spec Building) PC on 7/21/08 recorded 10/20/08.
- **FDP-09-08-09 (PCD);** Bauer Farms – Phase 3 (carwash lot only) 4850 Bauer Farm Dr. Minor changes approved 12/08/09, Recorded February 16, 2010.
- **FDP-01-01-10 (PCD);** Bauer Farms – Revised Phase 1 (Smash Burger includes: CVS, Taco Bell, Spec Building) Admin: (Portion of PCD Tracts A & B; 4851, 4841, 4801, 4741, 4721, 4701 and 4651 Bauer Farm Dr.); minor change. Recorded February 3, 2010
- **FDP-04-06-10 (PRD);** Bauer Farms – Phase 2 (Harvest Development – Retirement) Recorded September 3, 2010
- **FDP-05-02-11 (PCD);** Bauer Farms – Phase IC (Burger King lot only). Approved by Planning Commission on June 20, 2011

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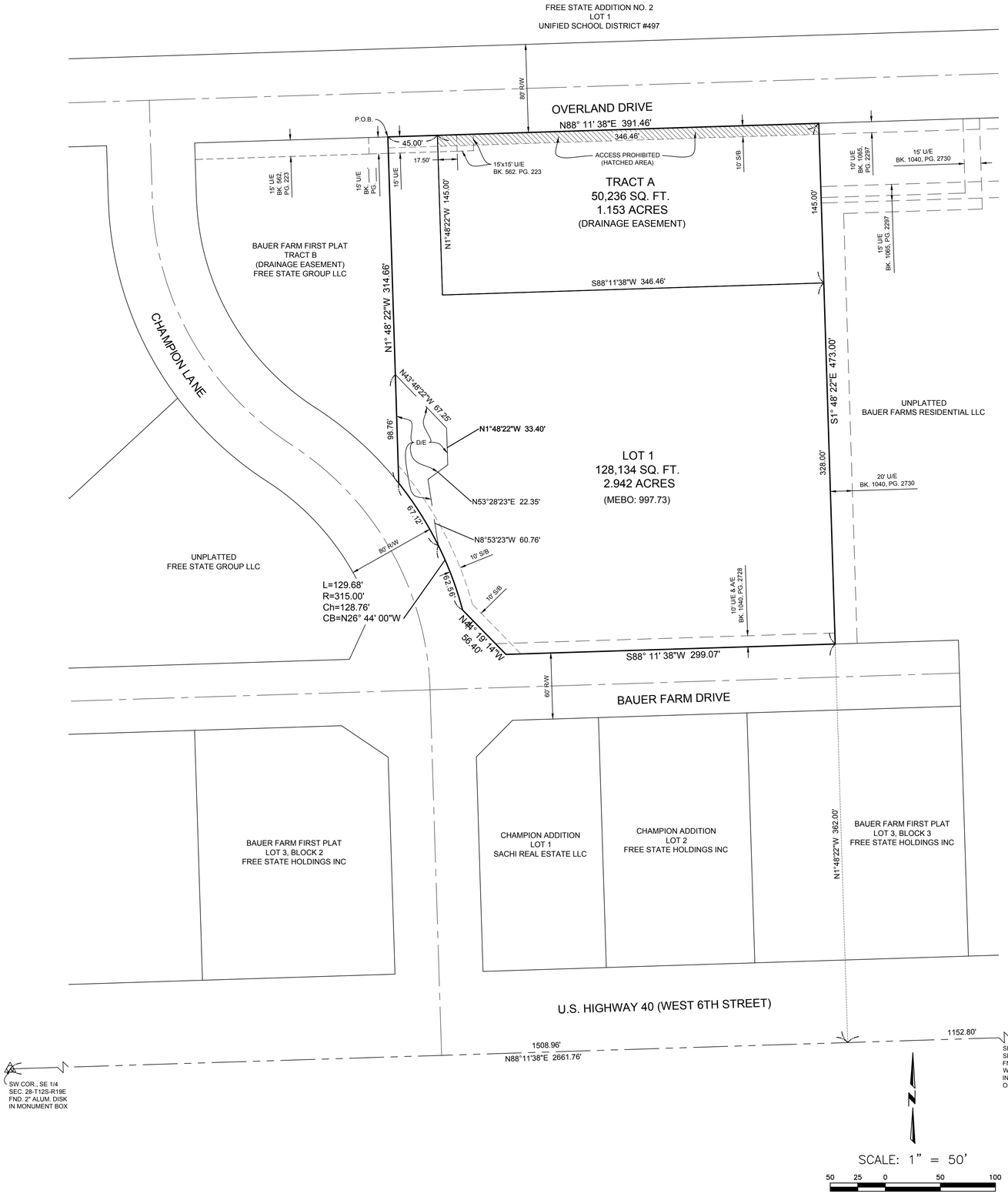
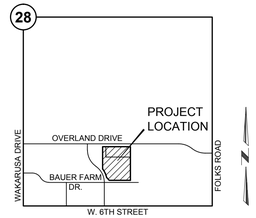


LOCATION MAP:



SE 1/4, SEC. 28-12-19
CITY OF LAWRENCE
DOUGLAS COUNTY, KANSAS
NOT TO SCALE

MONUMENTATION:

- ○ 1/2" x 24" BAR W / CAP "PLS 889" SET IN CONCRETE
- ● 1/2" x 24" BAR W / CAP "PLS 610" FOUND

LEGEND:

▨	ACCESS PROHIBITED
U/E	UTILITY EASEMENT
A/E	ACCESS EASEMENT
D/E	DRAINAGE EASEMENT

CERTIFICATION:

I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREON ARE THE RESULTS OF A FIELD SURVEY PERFORMED UNDER MY DIRECT SUPERVISION IN THE MONTH OF NOVEMBER, 2011. THIS SURVEY CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

BRAD C. ZILLIOX LICENSED PLS-889 KANSAS LAND SURVEYOR

PLAT PREPARED FEBRARY, 2012

BRAD C. ZILLIOX, P.L.S. #889
1310 WAKARUSA DRIVE, SUITE 100
LAWRENCE, KS 66049
785.843.7530

LEGAL DESCRIPTION:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 19 EAST O FTHE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT B, BAUER FARM FIRST PLAT, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, SAID POINT LYING ON THE SOUTH RIGHT-OF-WAY OF OVERLAND DRIVE; THENCE NORTH 88°11'38" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, 391.46 FEET; THENCE SOUTH 01°48'22" EAST, PARALLEL TO THE EAST LINE OF SAID TRACT B, 473.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF BAUER FARM DRIVE; THENCE SOUTH 88°11'38" WEST, ALONG SAID NORTH RIGHT-OF-WAY, 299.07 FEET; THENCE NORTH 44°19'14" WEST, 56.40 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF CHAMPION LANE; THENCE, ALONG A CURVE TO THE LEFT AND SAID EAST RIGHT-OF-WAY, HAVING A RADIUS OF 315.00 FEET, A CHORD BEARING OF NORTH 26°44'00" WEST AND A CHORD LENGTH OF 128.76 FEET, FOR AN ARC DISTANCE OF 129.68 FEET TO THE SOUTHEAST CORNER OF SAID TRACT B; THENCE NORTH 01°48'22" WEST, ALONG THE EAST LINE OF SAID TRACT B, 314.66 FEET TO THE POINT OF BEGINNING. CONTAINS 4.095 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 "BAUER FARM FIFTH PLAT" 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".

MICHAEL L. TREANOR, MANAGER
FREE STATE GROUP, LLC

ACKNOWLEDGEMENT:

STATE OF KANSAS
COUNTY OF DOUGLAS

BE IT REMEMBERED THAT ON THIS __ DAY OF ____ 2012, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME MICHAEL L. TREANOR, MANAGER, FREE STATE GROUP, LLC 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

CHAIR _____ DATE
RICHARD W. HIRD

RIGHTS-OF-WAY AND EASEMENTS ACCEPTED BY CITY COMMISSION LAWRENCE, KANSAS

MAYOR _____ DATE
ARON E. CROMWELL

REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005

MICHAEL D. KELLY, P.L.S. #869
DOUGLAS COUNTY SURVEYOR

CITY CLERK _____ DATE
JONATHAN M. DOUGLASS

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 _____, 2012, AND IS DULY RECORDED AT _____ AM/PM, IN PLAT BOOK _____ PAGE ____ ____.

REGISTER OF DEEDS
KAY PESNELL

NOTES:

ERROR OF CLOSURE = 1: 3,328,536

BASIS OF BEARINGS FOR THIS PLAT IS THAT OF BAUER FARM FIRST PLAT.

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.

STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE REGISTER OF DEEDS. BOOK____, PAGE____.

TRACT 'A' WILL BE A PRIVATELY OWNED, DEDICATED DRAINAGE EASEMENT. THE DEVELOPER IS RESPONSIBLE FOR ESTABLISHING OWNERSHIP AND MAINTENANCE OF SAME VIA INDIVIDUAL OWNER MAINTENANCE OR MAINTENANCE BY OWNERS ASSOCIATION.

NO PERSON MAY CONSTRUCT, MAINTAIN OR ALLOW ANY NATUAL OR NON-NATURAL STRUCTURE OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHUBBERY, BERMS, FENCES AND WALLS) UPON A DRAINAGE EASEMENT THAT THE DIRECTOR OF PUBLIC WORKS FINDS IMPEDES, DETAINS, RETAINS OR OTHERWISE INTERFERES WITH THE DRAINAGE OF STORMWATER REGARDLESS OF THE SOURCE OF STORMWATER.

TELEPHONE, CABLETELEVISION AND ELECTRICAL LINES SHALL BE LOCATED UNDERGROUND

A FINAL PLAT OF
BAUER FARM
FIFTH PLAT
A SUBDIVISION IN THE CITY OF LAWRENCE,
DOUGLAS COUNTY, KANSAS

SE 1/4, SEC. 28-T12S-R19E

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
2/29/12

ITEM NO. 7 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; INDUSTRIAL DISTRICTS (MJL)

TA-10-16-11: Consider a text amendment to Chapter 20 of the City Code, Land Development Code, to review the uses of the existing industrial districts, explore creating a new district that permits uses with intensities between the IL (Limited Industrial) district and IG (General Industrial) district, review the Gas and Fuel Sales use and create a Truck Stop use which could affect commercial and industrial zoned properties. *Deferred by Planning Commission on 1/23/12.*

Updated from the January 2012 staff report

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendments TA-10-16-11 to the Land Development Code to the City Commission.

Reason for Request: The City Commission directed staff to provide a medium-intensity industrial zoning district that precludes most commercial uses and the highest-intensity industrial uses.

RELEVANT GOLDEN FACTOR:
- This text amendment is consistent with the comprehensive plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- Prior to the 11/14/11 meeting, staff met with the Chamber of Commerce, Scenic Riverway Community Association, and LAN to present the amendments and solicit initial comments before the November PC meeting. The proposed language was revised to address many of the comments received, though some comments were not accepted by staff.
- Staff held a public meeting on 12/15/11 for stakeholders to discuss the proposal.
- Letter from Frank Male, Lawrence Landscape dated 12/20/12

OVERVIEW OF PROPOSED AMENDMENT
The amendments propose a new industrial zoning district to address issues with permitted uses within the city of Lawrence's existing industrial districts. The IL District permits many commercial and retail uses and the IG District permits some very intensive industrial uses. These uses may not be appropriate in every situation. Staff's direction is to create an industrial district that includes moderate-intensity industrial type uses but removes the commercial uses allowed in the IL District and the intensive industrial uses permitted in the IG District.

At the November Planning Commission meeting, the Commission directed staff to review the text amendment based on the following comments: hold a meeting and invite stakeholder groups for comments, review the use of the special use permit in the IM District proposal, review the incompatibility statement in the purpose statement in the IG District, and review situations where a use is permitted in the IL and IG District but not proposed to be permitted in the IM District.

Additional direction at the January 12 PC midmonth included: continue to strike the incompatibility

statement in the IG District, use Special Uses sparingly, consider this TA from the perspective of creating a continuum of intensities between IL, IM and IG except when nonconformities are created, and remove the Truck Stop use from the Gas and Fuel Sales use and make it its own use in the Use Table and in Article 17.

At the January PC meeting, the Commission directed staff to only propose changes regarding the IM District with the addition of changing the Gas and Fuel Sales use to remove the truck stop use and make a new Truck Stop use to be included in the Use Tables and Definitions.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Horizon 2020 discusses the need for the creation of new primary jobs in the community. This new district offers an industrial district that does not permit the potential for development of commercial uses and erosion of industrial property base but also provides for protection to the surrounding property owner from highly intensive industrial uses.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and

The inconsistency in the code is that there is no industrial district that only permits industrial uses without permitting the most intense uses or permitting commercial uses. This issue results in insecurities in properties zoned either the IL or IG District because there is the potential for the conversion of industrially zoned land to commercial use and for the development of intensive industrial uses which may impact surrounding properties. This district should help alleviate these issues without having to use the option of conditional zoning.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).

The comprehensive plan discusses compatibility, sustainability and diversity of employment. This new district creates the opportunity to zone property for industrial uses to create the opportunity for development of industry and employment in the community.

STAFF REVIEW

At the November PC meeting, the Commission directed staff to hold a meeting and invite stakeholder groups for comments on the proposed district, review the use of the special use permit in the IM District proposal, review the incompatibility statement in the purpose statement of the IG District, and review situations where a use is permitted in the IL and IG District but not proposed to be permitted in the IM District.

Staff held a stakeholder meeting on December 15th and discussed the proposal at the January 11th Mid-Month meeting. At the January Planning Commission meeting, the Commission directed staff to not make any changes to other districts as proposed and bring back only changes for the proposed IM District. Additionally, the Commission initiated a related text amendment to the Gas and Fuel Sales use to remove the truck stop use and create a separate use for this with a definition. Staff has made these changes and they are discussed below and the textual changes are attached. The Articles 2, 4, 5, 6, 9,

10, 13 and 17 are proposed to be amended with the proposed changes. Deletions are ~~struck~~ through in red and additions are underlined and in red.

- Article 2 – Base Districts

  General changes to this article were made to add a base district description which then caused renumbering of certain sections of the article. The IM District description was added and is proposed to be the new Section 20-216. The majority of the text mimics the IL and IG Districts to include a purpose, principal uses, accessory uses and accessory structures, density and dimensional standards, street access, and other regulation sections which generally give direction as to where theses standards can be found elsewhere in the code.

  The proposed changes that are not directly related to the IM District have been removed and only the changed regarding the addition of the IM District remain.

  – IM District Purpose

    The IM, Medium Industrial District, is intended to accommodate moderate-impact industrial facilities and wholesale, storage and distribution operations.

- Article 4 – Use Table

  The addition of the IM District column was made to the table. Below is a list of the uses permitted, permitted as an accessory use or with a Special Use Permit in the IM District. The addition of the Truck Stop use is shown in the table with the district's proposed to permit the use. No changes have been made in this section regarding the IM District from the proposal made in January meeting. Other district proposed changes have been removed with the exception of the addition of the Truck Stop use.

  The truck stop use is currently listed under the Gas and Fuel Sales use. The Gas and Fuel Sales use is permitted in the CN2 (SUP), MU (SUP), CC, CR, CS, IL, and IG Districts. With the proposal of making the Truck Stop use its own use and removing it from the Gas and Fuel Sales use, some districts will lose the potential to develop a truck stop use. Staff is proposing permitting the Truck Stop use only in the CR, IM (SUP), and IG District. This is a loss of that use in the CN2 (SUP), MU (SUP), CC, CS, and IL Districts.

  – Day Care Center – Accessory use
  – Detention Facility – Special Use
  – Postal and Parcel Service – Permitted
  – Public Safety – Permitted
  – Utilities, Minor – Permitted/Special Use
  – Utilities and Service, Major – Permitted
  – Passive Recreation - Permitted
  – Nature Preserve/Undeveloped - Permitted
  – Administrative and Professional Office – Accessory use
  – Office Other – Accessory use
  – Accessory Parking – Accessory use
  – Commercial Parking – Permitted use
  – Building Maintenance – Permitted use
  – Business Equipment – Permitted use
  – Business Support – Permitted use
  – Vehicle Cleaning – Accessory use

- Fleet Storage - Permitted use
- Gas and Fuel Sales – Permitted use
- Truck Stop (New use)
  - CR: Permitted
  - IM: Special Use
  - IG: Permitted
- Heavy Equipment Repair – Permitted use
- Inoperable Vehicles Storage – Permitted use
- General Industrial – Permitted use
- Laundry Service – Permitted use
- Manufacturing and Production, Limited – Permitted use
- Manufacturing and Production, Technological – Permitted use
- Research Service – Permitted use
- Exterior Storage – Accessory use
- Light Wholesale, Storage and Distribution – Permitted use
- Adaptive Reuse Designated Historic Property – Special Use
- Crop Agriculture – Permitted use
- Amateur and Receive-Only Antennas – Accessory use
- Broadcasting Tower – Permitted use
- Telecommunications Antenna – Accessory use
- Telecommunications Tower – Permitted use
- Satellite Dish – Accessory use
- Large Collection Recycling Facility – Permitted use
- Processing Center Recycling Facility – Special Use

- Article 5 – Use Regulations

  Article 5 speaks to specific use regulations. Section 20-538, Exterior Storage, is the only section with proposed changes. This section specifically references industrial districts, where exterior storage can be located on the industrial lots, screening requirements, and the surfacing required. The IM District is proposed to be referenced where the IL and IG Districts are referenced.

- Article 6 – Density and Dimensional Standards

  The proposed changes to the Density and Dimensional Standards article add standards for the IM District. Staff is proposing the IM District have the same Density and Dimensional Standards as the IL District.

Standard	CN1	CO	CN2	CD	CC	CR	CS	IBP [10]	IL/IM	IG	OS
Min. Site Area	5,000 sq. ft	5,000 sq.ft.	2 Ac.	2,500	5 Ac.	40 Ac	-	5 Ac.	20,000 sq.ft.	5,000 sq.ft.	–
Max. Site Area	1 Ac.	–	15 Ac.	–	–	–	-	–	–	–	–
Min. Lot Area (sq. ft.)	5,000	5,000	20,000	2,500	20,000	20,000	5,000	20,000	20,000	5,000	–
Min. Lot Width (ft.) [12]	50	50	100	25	100	150	50/100	200	100	50	–
Min. Setbacks (ft.)											
Front [9]	[6]	20	20	0	25	25	25	[1]	[1]	[1]	[3]
Side (Exterior) [2] [9]	[3]/20	[3]/20	[3]/20	[3]/0	[3]/20	[3]20	[3]15	[1]	[1]	[1]	35
Side (Interior–adj. R) [9]	10	20	20	20	25	45	12	[1]	[1]	[1]	20
Side (Interior–adj. Non-R)	0	5	0	0	0	0	0	[1]	[1]	[1]	15
Rear [4] [9]	20/25	15/25	20/25	0	12/25	30	12/25	[1]	[1]	[1]	0
Max. Front Setback	[6]	NA	NA	5[7]	20	0	NA	NA	NA	NA	NA

Max. Lot Coverage (%)	65 [5][11]	65 [5][11]	75 [5][11]	100	85 [5][11]	80 [5][11]	80 [5][11]	65 [5][11]	85 [5][11]	85 [5][11]	NA
Max. Impervious Lot Cover (%)	75 [5][11]	75 [5][11]	80 [5][11]	100	80[5] [8][11]	75[5] [8][11]	80 [5][11]	75 [5][11]	75 [5][11]	75 [5][11]	NA
Min. Outdoor Area (per unit)											
Area (sq. ft.)	50	–	50	–	–	–	50 [5][11]	–	–	–	–
Dimensions (ft.)	5	–	5	–	–	–	5 [5][11]	–	–	–	–
Max. Height (ft.) [13]	25	50	45	90 [7]	50	75	45	60	45	75	35

[1] Minimum Setbacks are as follows:

District	Abutting Street Right-of-Way			Abutting Other Lot Lines	
	Across From R District	Across From Non- R District		Abutting R District or Lawrence SmartCode District	Abutting Non-R District
		Arterial	Collector		
IBP [10]	40	40	40	40	15
IL/IM	50[14]	50	25	20[15]	15
IG	50 [14]	50	25	50 [15]	15

[2] First number represents minimum Exterior Setback to an abutting Side Lot Line. Second number represents minimum Exterior Setback to an abutting Rear Lot Line
[3] Same as Front Yard of abutting Lot
[4] First number represents minimum Rear Setback for Single Frontage Lot. Second number represents minimum Rear Setback for double Frontage (or through) Lot
[5] Applies only to Lots platted after the Effective Date.
[6] Setback of Building constructed after the Effective Date shall be within 1 foot of the average Setback of existing Buildings on the same Block on the same side of the Street.
[7] Subject to location and Height limitations in Downtown Design Guidelines and Downtown Design Standards.
[8] Maximum Building coverage in CC and CR districts is 25%.
[9] Additional Setback restrictions apply to properties developed adjacent to RS zoned properties where expressly required elsewhere in the Development Code.
[10] Density and Dimensional Standards for the GPI and H Districts shall be the same as those established in the IBP District.
[11] Applies to any Significant Development Project.
[12] First number represents the minimum existing Lot Width. The second number represents the required Lot Width for a Lot platted after the Effective Date.
[13] Maximum Height may be subject to the standards of Section 20-602(h)(2) when located adjacent to RS properties.
[14[Setback shall be 25 feet for all IG and IL properties zoned M-2 under the previous zoning code.
[15] Setback shall be 20 feet for all IG and IL properties zoned M-2 under the previous zoning code.

- Article 9 – Parking, Loading and Access

  The proposed changes to the parking standards add the IM District to the list in Section 20-908(c) which provides a standard as to where the off-street parking can be located and the parking lot setbacks. The IM District standard is proposed to be the same as the other industrial districts.

District	Allowed Location	Minimum Setback (feet)	
		From Right-of-Way	From Residential Lot Lines
CN1 CO CN2	Not allowed between the Facade of the Building with the main entrance and the Street.	15	10
CD	Prohibited between a Building and any Street		
CC CR	No restriction except as specified in Article 5.		

CS IBP IL IM IG H GPI OS			
MU	Prohibited in the Primary Development Zone and prohibited between a Building and any Street in a Secondary Development Zone. No restriction in a Tertiary Development Zone.		

- Article 10 – Landscaping and Screening
  The proposed changes to Article 10 are to Section 20-1005 Bufferyards. This section outlines the type of bufferyard required for property adjacent to different zoned property. The IM District was added to this table.

Developing Site's Zoning	Adjacent Site's Zoning						
	RS	RM	CN1, CO, CN2	MU, CD	CC, CR, CS	IBP, IL, IM, IG	GPI, H
RS Districts (Residential uses)	–	1	1	2	2	3	3
RS Districts (Nonresidential uses)	1	1	1	1	2	3	2
RM Districts	1	–	1	–	2	3	2
CN1, CO and CN2 Districts	1	1	–	–	1	2	1
MU and CD Districts	2	–	–	–	–	–	–
CC, CR and CS Districts	2	2	1	–	–	1	1
GPI and H Districts	3	2	2	–	–	1	–
IBP, IL, IM and IG Districts	3	3	2	–	1	–	1

- Article 13 – Development Review Procedures
  The proposed changes in Article 13 are in Section 1303 Zoning Map Amendments (Rezonings) and 1305 Site Plan Review. Section 1303 contains the lesser change table and the IM District has been added to the table and added as a lesser change for the IG District.

  Section 1305 speaks to the criteria for the different types of site plans and what changes trigger these site plans. The code currently allows a larger site improvement in the IG District before the entire site is required to be brought up to city standards. The IM District is proposed to have these same allowances.

- Article 17 – Terminology
  The proposed changes to the terms are Development Project, Major, Development Project, Standard, and Significant Development Project. These definitions include the same text providing the IG District more allowance for expansion as explained in Article 13. The proposed changes keep the text consistent throughout the code.

  Revisions to the Gasoline and Fuel Sales definition are proposed. Staff is proposing to move it under the Vehicle Sale and Service use group category. The Gas and Fuel Sales definition is the

only definition not listed under the overall group category. Changes to the definition itself include addinng Food and Beverage Sales into the definition to allow for the typical gas station which includes convenience stores. Gas stations providing only gas and a few incidentals are not as common as they used to be. More often today a gas station with an associated convenience store is the norm.

Truck Stop use was added under the Vehicle Sales and Service use group category to keep it consistent with all the other uses in that group. A proposed definition is shown below in the changes.

20-1766 VEHICLE SALES AND SERVICE
Sales of motor vehicles or services related to motor vehicles. The following are vehicle sales and service use types:

(1) **Cleaning**
Washing and polishing of automobiles. Typical uses include car washes.

(2) **Fleet Storage**
Fleet storage of vehicles used regularly in business operation and not available for sale, or long-term storage of operating vehicles. Typical uses include taxi fleets, buses, mobile-catering truck storage, and auto storage garages.

(3) **Gas~~oline~~ and Fuel Sales**
Retail sale from the Premises of ~~petroleum products~~ vehicular fuels with incidental sale of tires, batteries and replacement items, lubricating services, minor repair services, and Food and Beverage Sales. Typical uses include ~~automobile~~ vehicle service stations, and gas ~~filling~~ stations with or without convenience stores ~~and truck stops~~.

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

~~(3)~~(5)Heavy Equipment Repairs
Repair of trucks and other heavy equipment as well as the sale, installation, or servicing of automotive equipment and parts together with body repairs, painting, and steam cleaning. Typical uses include engine repair shops, body shops and motor freight maintenance groups.

~~(4)~~(6)Light Equipment Repairs
Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include tire repair and alignment, muffler shops, auto or motorcycle repair garages and auto glass shops.

~~(5)~~(7)Heavy Equipment Sales/Rentals
Sale, retail or wholesale, and/or rental from the Premises of heavy construction equipment, trucks and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.

~~(6)~~(8)Light Equipment Sales/Rentals (including automobiles)
Sale, retail, wholesale, or rental from the Premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, motor homes and

boat dealers, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies with accessory wash bays and vehicle storage and recreational vehicles sales and rental agencies.

~~(7)~~(9)Storage of Non-operating Vehicles
Storage of non-operating motor vehicles. Typical uses include storage of private parking tow-a-ways and impound yards.

~~(8)~~(10)Storage of Recreational Vehicles and Boats
Storage of recreational vehicles and boats. Typical uses include the collective storage of personal recreational vehicles and boats.

ARTICLE 2. BASE DISTRICTS

20-201 The Districts
20-202 RS, Single-Dwelling Residential Districts
20-203 RSO, Single-Dwelling Residential – Office District
20-204 RM, Multi-Dwelling Residential Districts
20-205 RMG, Multi-Dwelling Residential – Greek Housing District
20-206 RMO, Multi-Dwelling Residential – Office District
20-207 CN1, Inner Neighborhood Commercial District
20-208 CN2, Neighborhood Commercial Center District
20-209 CO, Office Commercial District
20-210 CD, Downtown Commercial District
20-211 CC, Community Commercial Centers District
20-212 CR, Regional Commercial District
20-213 CS, Commercial Strip District
20-214 IBP, Industrial/Business Park District
20-215 IL, Limited Industrial District
20-216 IM, Medium Industrial District
20-~~216~~217 IG, General Industrial District
20-~~217~~218 OS, Open Space District
20-~~218~~219 GPI, General Public and Institutional Use District
20-~~219~~220 H, Hospital District
20-~~220~~221 U-, University District
20-~~221~~222 PUD, PRD, PCD, PID, POD (Planned Development) Districts
20-~~222~~223 UR, Urban Reserve District
20-~~223~~224 MU, Mixed Use District
20-~~224~~225 Lawrence Smart Code Districts

20-201 THE DISTRICTS

(a) Base Districts

The Zoning Districts presented in this chapter are referred to as "Base Districts" because they establish the basic zoning regulations that apply to all properties classified in, or shown on, the Official Zoning District Map as in that Zoning District. All land in the City has a Base District classification. Base District regulations control the types of uses allowed and the way in which uses and Buildings may be developed on a site. The Base District regulations are the default regulations—they always control unless expressly overridden by or pursuant to any applicable Overlay Zoning District regulations.

(b) Districts Established

The following Base Districts are included in this Development Code. The Base Districts established by this Development Code are intended to be applied in accordance with the Comprehensive Plan.

District Name	Map Symbol	Corresponding Comprehensive Plan Designation
RS, Single-Dwelling Residential Districts [square feet per Dwelling Unit]:		
Single-Dwelling Residential–40,000 sq. feet	RS40	Very Low-Density
Single-Dwelling Residential–20,000 sq. feet	RS20	Low-Density
Single-Dwelling Residential–10,000 sq. feet	RS10	Low-Density
Single-Dwelling Residential–7,000 sq. feet	RS7	Low-Density
Single-Dwelling Residential–5,000 sq. feet	RS5	Low- or Medium-Density
Single-Dwelling Residential–3,000 sq. feet	RS3	Medium-Density
RSO, Single-Dwelling Residential-Office District [square feet per Dwelling Unit]:		
Single-Dwelling Residential-Office -- 2,500 sq. feet.	RSO	Low or Medium-Density
RM, Multi-Dwelling Residential Districts [Dwelling Units per acre]:		
Multi-Dwelling Residential– 12 d.u. per acre	RM12/ RM12D	Medium-Density
Multi-Dwelling Residential -- 15 d.u. per acre	RM15	Medium-Density
Multi-Dwelling Residential– 24 d.u. per acre	RM24	High-Density
Multi-Dwelling Residential– 32 d.u. per acre	RM32	High-Density
RMG, Multi-Dwelling Residential-Greek Housing District:		
Multi-Dwelling Residential-Greek Housing	RMG	High-Density
RMO, Multi-Dwelling Residential-Office District [Dwelling Units per acre]:		
Multi-Dwelling Residential-Office–22 d.u. / acre	RMO	High-Density
C, Commercial Districts:		
Inner Neighborhood Commercial	CN1	NA
Office Commercial	CO	Office or Office/Research
Neighborhood Shopping Center	CN2	Neighborhood Commercial Center
Downtown Commercial	CD	Regional Commercial Center
Community Commercial	CC	Community Commercial Centers
Regional Commercial	CR	Regional Commercial Center
Strip Commercial	CS	NA
I, Industrial Districts:		

District Name	Map Symbol	Corresponding Comprehensive Plan Designation
Industrial/Business Park	IBP	Office or Office/Research
Limited Industrial	IL	Warehouse and Distribution or Industrial
Medium Industrial	IM	Warehouse and Distribution or Industrial
General Industrial	IG	Warehouse and Distribution or Industrial
Special Purpose Base Districts:		
Mixed Use	MU	NA
General Public and Institutional	GPI	NA
Hospital	H	NA
Planned Unit Development	PUD[name]	NA
Planned Residential Development	PRD[name]	NA
Planned Commercial Development	PCD[name]	NA
Planned Industrial Development	PID[name]	NA
Planned Office District	POD[name]	NA
Urban Reserve	UR	NA
University/University – Kansas University	U/U-KU	NA
Open Space	OS	NA
Lawrence SmartCode Districts (Chapter 21 of the Code of the City of Lawrence):		
General SmartCode District	SC	NA
T1 – The Natural Zone	T1	NA
T2 – The Rural Zone	T2	NA
T3 – The Sub-Urban Zone	T3	NA
T4 – The General Urban Zone	T4	NA
T5 – The Urban Center Zone	T5	NA
T5.5 – The Special Urban Center Zone	T5.5	NA
CS – Civic Space	CIVIC	NA

20-216 IM, MEDIUM INDUSTRIAL DISTRICT

(a) Purpose

The IM, Medium Industrial District, is intended to accommodate moderate-impact industrial facilities and wholesale, storage and distribution operations.

(b) Principal Uses

Principal Uses are allowed in IM Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Accessory Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in IM Districts shall comply with the Density and Dimensional Standards of Article 6.

(e) Street Access

The IM District is intended for implementation along Collector or Arterial Streets. When industrial development abuts Arterial Streets, Access shall be directed to a non-Arterial side street or Driveway with adequate distance between the intersection and the site Access point(s) as per the standards of Section 20-915. Whenever possible, the industrial development shall share direct or indirect Access through common curb cuts and Driveways or private Access roads.

(f) Other regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	General Development Standards	See Article 11.
(2)	Landscaping	See Article 10.
(3)	Off-Street Parking and Loading	See Article 9.
(4)	Outdoor Lighting	See Section 20-1103.
(5)	Overlay Districts	**See Article 3.**

~~20-216~~20-217 IG, GENERAL INDUSTRIAL DISTRICT

(a) Purpose

The IG, General Industrial District, is primarily intended to accommodate moderate- and high-impact industrial uses, including large scale or specialized industrial operations requiring good transportation Access and public facilities and services. The District is generally incompatible with residential areas and low-intensity commercial areas.

(b) Principal Uses

Principal Uses are allowed in IG Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Accessory Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in IG Districts shall comply with the Density and Dimensional Standards of Article 6.

(e) Street Access

The IG District is intended for implementation along Arterial Streets. Whenever possible, Access shall be directed to a non-Arterial side street or Driveway with adequate distance between the intersection and the site Access point(s) as per the standards of Section 20-915. Whenever possible, such industrial development shall share direct or indirect Access through common curb cuts and Driveways or private Access roads.

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	General Development Standards	See Article 11.
(2)	Landscaping	See Article 10.
(3)	Off-Street Parking and Loading	See Article 9.
(4)	Outdoor Lighting	See Section 20-1103.
(5)	Overlay Districts	**See Article 3.**

~~20-217~~ 20-18 OS, OPEN SPACE DISTRICT

(a) Purpose

The OS, Open Space District, is a Special Purpose Base District intended to preserve and enhance major Open Space and recreational areas by protecting the natural amenities they possess and by accommodating development that is compatible with those natural amenities. The OS District may also be applied to Common Open Space within residential PDs and Cluster Housing Projects.

(b) Principal Uses

Principal Uses are allowed in OS Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Accessory Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in OS Districts shall comply with the Density and Dimensional Standards set forth in Article 6.

(e) Street Access

The OS District is appropriate for implementation along Residential Collector, Collector Streets and Arterial Streets. Where an OS District abuts an Arterial Street, Access shall be directed to a side street or Driveway with adequate distance between the intersection and the site Access point(s) as per the standards of Section 20-915.

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	General Development Standards	See Article 11.
(2)	Landscaping	See Article 10.
(3)	Off-Street Parking and Loading	See Article 9.
(4)	Outdoor Lighting	See Section 20-1103.
(5)	Overlay Districts	**See Article 3.**

~~20-218~~ 20-219 GPI, GENERAL PUBLIC AND INSTITUTIONAL USE DISTRICT

(a) Purpose

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.

(b) Principal Uses

Principal Uses are those uses that are institutional by definition that are allowed in GPI Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Accessory Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

Unless otherwise expressly stated, all development in GPI Districts shall comply with the Density and Dimensional Standards of Article 6. Setbacks for the GPI District are the same as those established in 20-601(b) for the IBP District. The GPI may include a Type 3 Bufferyard, expanded to a width of 75 feet, along the border. The Height standards of Section 20-602(h)(2) shall apply to uses in the GPI District.

(e) Street Access

The GPI District is intended to be implemented along Collector and/or Arterial Streets. Development in the GPI District shall take its primary Access from Collector and/or Arterial Streets, except uses defined as Major Utilities and Services and Minor Utilities which may take primary Access from any street classification deemed suitable due to their unique circumstances. Development in the GPI District may take it's secondary Access from a Local Street or Alley except where the zoning of the property across the Street or Alley is in an RS Zoning District; in those cases, the GPI development shall be allowed only emergency Access to the Local Street or public Alley.

(f) Development Standards Required

Subject to the standards of this Article, the institution responsible for the property within the GPI District shall from time to time prepare and update an Institutional Development Plan for all of the property contained within the GPI District. The procedure for review and action on the Institutional Development Plan is set out in Section 20-1307.

(g) Expansions

The GPI District should generally be expanded in logical increments that preserve an orderly boundary between the Institutional Use and any adjoining residential uses.

(h) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	General Development Standards	See Article 11.
(2)	Landscaping	See Article 10.

(3)	Off-Street Parking and Loading	See Article 9.
(4)	Outdoor Lighting	See Section 20-1103.
(5)	Overlay Districts	**See Article 3.**

~~20-219~~ 20-220 H, HOSPITAL DISTRICT

(a) **Purpose**
The H District is a Special Purpose Base District primarily intended to accommodate a Hospital and accessory and related uses under common control and planning.

(b) Principal Uses
Principal Uses are allowed in H Districts in accordance with the Use Table of Article 4.

(c) Accessory Uses and Structures
Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards
Unless otherwise expressly stated, all development in H Districts shall comply with the Density and Dimensional Standards of Article 6. Setbacks for the H District are the same as those established in 20-601 (b) for the IBP District. Alternatively, the H District can include a Type 3 Bufferyard, expanded to a width of 75 feet, along the border. The Height standards of Section 20-602(h)(2) shall apply to uses in the H District.

(e) Street Access
Development in the H District shall have primary Access onto Collector and/or Arterial Streets. Development in the H District may have Access to a Local Street or Alley except where the zoning of the property across the Street or Alley is in an RS Zoning District; in those cases, the H District development shall be allowed emergency Access only to the Local Street or public Alley.

(f) Development Standards Required
Subject to the standards of this Article, the institution responsible for the property within the H District shall prepare and update an Institutional Development Plan for all of the property contained within the H District when a Significant Development Project is proposed. The procedure for review and action on the Institutional Development Plan is set out in Section 20-1307.

(g) Expansion
The H District should generally be expanded in logical increments that preserve an orderly boundary between the Institutional Use and any adjoining residential uses.

(h) Other Regulations
There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	General Development Standards	See Article 11.
(2)	Landscaping	See Article 10.
(3)	Off-Street Parking and Loading	See Article 9.
(4)	Outdoor Lighting	See Section 20-1103.
(5)	Overlay Districts	**See Article 3.**

~~20-220~~ 20-221 U-, UNIVERSITY DISTRICT

(a) Purpose and Intent

The property governed by the Cooperation Agreement Between the City of Lawrence, Kansas, and the University of Kansas, dated April 7, 2005 shall be designated as "U – Kansas University" on the City's official zoning map. No provision of the Development Code shall govern the use of the "U – Kansas University" property, unless the Cooperation Agreement so provides. The Cooperation Agreement solely shall govern the use and development of the "U – Kansas University" property, as shown on the official zoning map.

The property titled to the United States of America and used by Haskell Indian Nations University shall be designated as "U" on the City's official zoning map. No provisions of the Development Code shall govern the use and development by Haskell Indian Nations University of the property designated "U" on the official zoning map.

~~20-221~~ 20-222 PUD, PRD, PCD, PID, POD (PLANNED DEVELOPMENT) DISTRICTS

(a) Purpose

The Planned Development Districts, PRD, Planned Residential Development District, PUD, Planned Unit Development District, PCD, Planned Commercial Development District, PID, Planned Industrial District, and POD, Planned Office District are all Special Purpose Base Districts intended only to provide a suitable classification for land included in a Planned Development approved prior to the Effective Date. This District is expressly not intended for implementation through application to additional land after the Effective Date. For Planned Developments after that date, see the provisions of Section 20-701.

(b) District Name

The name of this District shall, in each geographic implementation, include the specific Planned Development designation followed by the name of the Development in brackets. For example, the actual District designation for an older Planned Unit Development that was created as an Overlay District would be PUD [Development Name]" and for a Planned Residential Development that was created as a Base District would be "PRD [Development Name]".

(c) Principal Uses

The Principal Uses allowed in a specific Planned Development District shall be those uses – and only those uses – allowed by the terms and conditions of the original approval of the Planned Development, as amended from time to time in accordance with the provisions of this Chapter and its predecessors. Where an issue of interpretation of the terms and conditions of the original approval arises, the procedures of Section 20-1304(g) should be followed. A change or intensification of the approved Principal Uses shall require approval under Article 7.

(d) Accessory Uses and Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Accessory Dwelling Units and Home Occupations, are subject to the regulations of Section 20-532 et seq.

(e) Density and Dimensional Standards

The development or expansion of any Structure in the Planned Development District shall comply with the Density and Dimensional Standards contained or incorporated in the terms and conditions of the original approval of the Planned Development, as amended from time to time in accordance with the provisions of this Chapter and its predecessors. Where an issue of interpretation of the terms and conditions of the original approval arises, the procedures of Section 20-1304(g) should be followed.

(f) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following. Where there is a conflict between the Development standards to which reference is made below and the terms and conditions of the approved Planned Development, the terms and conditions of the approved Planned Development shall control. Where an issue of interpretation of the terms and conditions of the original approval arises, the procedures of Section 20-1304(g) should be followed.

(1)	General Development Standards	See Article 11.
(2)	Landscaping	See Article 10.
(3)	Off-Street Parking and Loading	See Article 9.
(4)	Outdoor Lighting	See Section 20-1103.
(5)	Overlay Districts	**See Article 3.**

~~20-222~~ 20-223 UR, URBAN RESERVE DISTRICT

(a) Purpose

The UR, Urban Reserve District, is a Special Purpose Base District primarily intended to provide a suitable classification for newly annexed land. The District is intended to avoid premature or inappropriate development that is not well served by Infrastructure or community services. It is also intended for implementation in areas where an adopted neighborhood plan or area development plan is not in place. It permits only very low-intensity development until such time that a land use plan and Infrastructure and community services are in place.

(b) Principal Uses

The only Principal Uses allowed in the UR District are Crop Agriculture and any lawful uses(s) in existence immediately prior to annexation with the exception of billboard signs. No billboard signs may be annexed into the city. Communications facilities are allowed in the UR District if approved by a Special Use Permit in accordance with Section 20-1306.

(1) Any use or Development Activity that requires Site Plan Review and approval (see Section 20-1305) will be allowed only after the property is rezoned to the appropriate City zoning classification (in accordance with Section 20-1303).

(2) No increase in the number of Livestock is permitted, nor shall swine be kept in the UR District pursuant to Chapter 3, Article 1 of the City Code.

(c) Accessory Uses and Structures

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Accessory Dwelling Units and Home Occupations, are subject to the regulations of Section 20-532 et seq.

(d) Density and Dimensional Standards

The development or expansion of any Structure in the UR District shall comply with the Density and Dimensional Standards of the RS40 District (See Section 20-601).

(e) Other Regulations

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1)	General Development Standards	See Article 11.
(2)	Landscaping	See Article 10.
(3)	Off-Street Parking and Loading	See Article 9.
(4)	Outdoor Lighting	See Section 20-1103.
(5)	Overlay Districts	**See Article 3.**

~~20-223~~ 20-224 MU, MIXED USE DISTRICT

(a) **Purpose**

The MU, Mixed Use District, is primarily intended to permit a variety of land uses together in one or more Structures on a site including governmental, retail, office, public and Community Facilities, institutional, religious, and residential uses in a pedestrian-oriented and transit-oriented setting. Retail and service uses that attract and generate foot traffic are encouraged to be located at ground level along the Public Frontage. Development in the Mixed Use District shall include both residential and nonresidential uses.

(b) **Where Appropriate**

The Mixed Use District zoning classification may not be appropriate in all areas of the City of Lawrence. Specific standards apply to Mixed-Use Developments. See Section 20-1108.

(c) **Compatibility**

Mixed-Use developments shall be compatible with existing development which surrounds the proposed Mixed-Use development. Specific standards apply to Mixed-Use Developments. See Section 20-1108.

(d) **Principal Uses**

Principal Uses are allowed in MU District in accordance with the Use Table of Article 4.

(e) **Accessory Uses and Structures**

Accessory Uses and Structures are permitted by right in connection with any lawfully established Principal Use, except as otherwise expressly provided in this Development Code. Also, unless otherwise stated, Accessory Uses are subject to the same regulations as the Principal Use. Accessory Uses and Structures, including Home Occupations, are subject to the regulations of Article 5.

(f) **Density and Dimensional Standards**

All development in the MU District shall comply with the Density and Dimensional Standards of Article 6.

(g) **Other Regulations**

There are a number of other Development standards that may apply to development in Base Districts, including but not limited to the following:

(1) General Development Standards
Specific standards apply to Mixed-Use Developments. See Article 11.

(2) Landscaping
Specific standards apply to Mixed-Use Developments. See Article 10.

(3) Off-Street Parking and Loading
Specific standards apply to Mixed-Use Developments. See Articles 9 & 11.

(4) Outdoor Lighting
Specific standards apply to Mixed Use Developments. See Section 20-1103.

(5) Overlay Districts See Article 3.

~~20-224~~ 20-225 Lawrence SmartCode Districts

(a) Purpose

(1) The primary purpose of the Lawrence SmartCode Districts is to promote Traditional Neighborhood Design (TND) development for both Greenfield and Infill/Redevelopment. The rezoning of property as part of the Lawrence SmartCode relies on the rezoning process of the Development Code (20-1303). See Lawrence SmartCode (Chapter 21 of the Code of the City of Lawrence) for additional information.

(2) The Lawrence SmartCode Districts are primarily differentiated on the level of urbanism allowed, as provided below:

(i) T1, The Natural Zone – consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.

(ii) T2, The Rural Zone – consists of lands in open or cultivated state or sparsely settled. These include woodland, agricultural lands, and grasslands.

(iii) T3, Sub-Urban Zone – consists of low density suburban residential areas, differing by allowing home occupations. Planting is naturalistic with setbacks relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.

(iv) T4, The General Urban Zone – consists of a mixed-use but primarily residential urban fabric. It has a wide range of building types: single, sideyard, and rowhouses. Setbacks and landscaping are variable. Streets typically define medium-sized blocks.

(v) T5, The Urban Center Zone – consists of higher density mixed-use building types that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the frontages.

(vi) T5.5, The Special Urban Center Zone – consists of the highest density mixed-use building types that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the frontages. Because of its historic designation and character, it will be protected from competition in intensity.

(vii) CIVIC, Civic Space – an outdoor area dedicated for public use.

20-401 USE TABLE

The Use Table of this article lists the Principal Uses allowed within all of the Base Districts except the UR District (See Section 20-~~222~~223(b) for UR District use regulations). The symbols used in the Use Table are defined in the following paragraphs.

(a) [P] Permitted Uses

A "P" indicates that a use is permitted by right, subject to compliance with all other applicable local, State and Federal regulations, including the regulations of this Development Code.

(b) [S] Special Uses

An "S" indicates that a use is allowed only if reviewed and approved in accordance with the Special Use procedures of Section 20-1306.

(c) [A] Accessory Uses

An "A" indicates that a use is permitted as accessory to a Principal Use, subject to compliance with all other applicable local, State and Federal regulations, including the regulations of this Development Code.

(d) Uses Not allowed

Cells containing a dash (–) indicate that the listed use is not allowed in the respective Zoning District.

(e) Use-Specific Standards

Many allowed uses, whether permitted by-right or by Special Use, are subject to compliance with use-specific standards and conditions. An Asterisk (*) after the P, S, or A use code identifies the use is subject to use-specific standards and conditions. The sections in which these standards and conditions are located are identified in the far right column titled Use Specific Standard.

(f) Unlisted Uses

If an application is submitted for a use that is not listed in the use table of this section, the Planning Director is authorized to classify the new or unlisted use into an existing land use category that most closely fits the new or unlisted use, using the interpretation criteria of Section 20-1702(b). If no similar use determination can be made, the Planning Director shall initiate an amendment to the text of this Development Code to clarify where such uses will be allowed.

20-403 NONRESIDENTIAL DISTRICT USE TABLE

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*															*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IM*	*IG*	*OS*	*GPI*	*H*	
RESIDENTIAL USE GROUP																	
Household Living	Accessory Dwelling	P*	–	P*	–	–	–	–	–	–	–	–	–	–	–	–	534
	Attached Dwelling	P*	–	P*	–	–	–	–	–	–	–	–	–	–	P*	–	503
	Cluster Dwelling	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	702
	Detached Dwelling	P*	–	P	–	–	–	–	–	–	–	–	–	–	P*	P*	508
	Duplex	P*	–	P*	–	–	–	–	–	–	–	–	–	–	–	–	503
	Manufactured Home	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	
	Manufactured Home, Residential-	P*	–	–	–	–	–	–	–	–	–	–	–	–	–	–	513

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*															*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IM*	*IG*	*OS*	*GPI*	*H*	
	Design																
	Mobile Home	–	–	–	–	–	–	–	–	–	P	–	P	–	P	P	
	Mobile Home Park	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Multi-Dwelling Structure	–	P*	P*	–	P*/S*	P*		P*	–	–	–	–	–	S	P	517
	Non-Ground Floor Dwelling	P*	P*	P*	–	P*	P*	–	P*	–	–	–	–	–	–	–	517/542
	Work/Live Unit	P*	P*	P*	–	P*/S*	P*	–	P*	–	P*	–	–	–	–	–	517/541
	Zero Lot Line Dwelling	P*	–	P	–	–	–	–	–	–	–	–	–	–	–	–	531
	Home Occupation, Type A or B	–	–	P*	–	–	–	–	–	–	–	–	–	–	–	–	
Group Living	Assisted Living	–	–	P	–	–	–	–	–	–	–	–	–	–	S	S	
	Congregate Living	–	–	P*	–	–	–	–	–	–	–	–	–	–	–	–	546
	Dormitory	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	
	Fraternity or Sorority House	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	–	–	–	–	–	–	P	
	Group Home, Limited (10 or less)	P	–	P	–	–	–	–	–	–	–	–	–	–	–	–	
	PUBLIC AND CIVIC USE GROUP																
Community Facilities	Cemetery	P*	P*	–	P*	–	P*	P*	P*	P*	P*	–	–	P*	P*	–	505
	College/University	S	P	P	P	P	P	P	P	P	P	–	P	–	P	P	
	Cultural Center/ Library	S	P	P	S	P	P	–	–	P	–	–	–	S	P	A	
	Day Care Center	S*	P*	S*	S*	S*	P*	P*	P*	P*	P*	A*	P*	–	–	–	507
	Day Care Home, Class A	P	P	P*	–	P	P	–	P	–	–	–	–	–	–	–	
	Day Care Home, Class B	S*/A*	P*	S*	–	P	P	–	P	–	–	–	–	–	–	–	507
	Detention Facilities	–	–	–	–	–	–	–	–	–	S	S	S	–	S	–	
	Lodge, Fraternal & Civic Assembly	S*	S*	S*	S*	P*	P*	P*	P*	–	P*	–	–	–	P*	–	512
	Postal & Parcel Service	–	P	P	P	P	P	P	P	P	P	P	P	–	P	–	
	Public Safety	S	P	P	P	P	P	P	P	P	P	P	P	–	P	–	
	School	P	P	P	P	P	P	P	P	–	–	–	–	–	P	–	
	Funeral and Interment	–	P*	–	P*	P*	P*	P*	P*	P*	P*	–	–	A*	–	–	505
	Temporary Shelter	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*	S*/A*	–	S*	–	S*	S*/A*	544/522
	Social Service Agency	P	P	P	P	P	P	P	P	P	P	–	P	–	P	P	

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*															*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IM*	*IG*	*OS*	*GPI*	*H*	
	Community Meal Program	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S	S/A*	–	S	–	S	S/A*	522
	Utilities, Minor	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/S*	P*/ S*	P*/ S*	P*/ S*	–	530
	Utilities and Service, Major	S	S	S	S	S	S	S	S	S	S	P	P	S	P	–	
Medical Facilities	Extended Care Facility, General	–	S	–	S	–	–	–	–	S	–	–	–	–	–	P	
	Extended Care Facility, Limited	P	P	P	P	–	–	–	–	–	–	–	–	–	S	P	
	Health Care Office, Health Care Clinic	P	S	P	P	P	P	P	P	P	P	–	–	–	P	A	
	Hospital	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	
	Outpatient Care Facility	P*	P*	P*	P*	P*	P*	P*	P*	–	-	–	–	–	P*	P*	519
Recreational Facilities	Active Recreation	S	P	P	S	S	P	P	P	P	P	–	S	S	A*/S*	A	532
	Entertainment & Spectator Sports, General	–	–	–	–	P	P	P	P	–	–	–	–	–	S	–	
	Entertainment & Spectator Sports, Limited	–	P	P	–	P	P	P	P	–	–	–	–	S	P	–	
	Participant Sports & Recreation, Indoor	–	P	P	–	P	P	P	P	P	P	–	–	–	P	A	
	Participant Sports & Recreation, Outdoor	–	–	S	–	–	P	P	P	P	P	–	–	–	A*/S*	–	532
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Nature Preserve/ Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Private Recreation	P	P	P	–	P	P	–	P	–	–	–	–	P	P	P	
Religious Assembly	Campus or Community Institution	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	–	A*	522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	–	–	522
COMMERCIAL USE GROUP																	
Animal Services	Kennel	–	–	–	–	–	P	P	P	–	P	–	P	–	–	–	
	Livestock Sale	–	–	–	–	–	S	S	S	–	P	–	P	–	–	–	
	Sales and Grooming	P	P	P	P	P	P	P	P	–	P	–	P	–	–	–	
	Veterinary	–	P	P	P	P	P	P	P	P	P	–	P	–	–	–	
ki ng Es	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	–	–	–	–	–	509
	Accessory	–	–	–	–	–	–	–	–	A	–	–	–	–	–	–	

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*															*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IM*	*IG*	*OS*	*GPI*	*H*	
	Restaurant																
	Bar Or Lounge	–	–	S*	–	P*	P*	P*	P*	–	–	–	–	–	–	–	509
	Brewpub	–	P*	S*	–	P*	P*	P*	P*	–	–	–	–	–	–	–	509
	Fast Order Food	P*	P*	P	P*	P*	P*	P*	P*	–	P*	–	–	–	–	A*	511 & 509
	Fast Order Food, Drive-In	–	S	–	–	–	P	P	P	–	P	–	–	–	–	–	
	Nightclub	–	–	–	–	P*	–	P*	P*	–	–	–	–	–	–	–	509
	Private Dining Establishments	P*	P*	–	P*	P*	P*	P*	P*	P*	–	–	–	–	–	–	539
	Restaurant, Quality	P*	P*	P	P*	P*	P*	P*	P*	P*	P*	–	–	–	–	–	524
Office	Administrative and Professional	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	A	P*	–	P*	A*	518
	Financial, Insurance & Real Estate	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	–	–	–	A*	510
	Other	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	A	P*	–	–	–	537
Parking Facilities	Accessory	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	535
	Commercial	–	S	S	S	S	P	P	P	P	P	P	P	–	P	A	
Retail Sales & Service	Building Maintenance	–	P	S	–	P	P	P	P	–	P	P	P	–	A	A	
	Business Equipment	–	P	P	–	P	P	P	P	P	P	P	–	–	–	–	
	Business Support	–	P	P	P	P	P	P	P	P	P	P	P	–	–	A	
	Construction Sales and Service	–	–	–	–	–	P	P	P	–	P	–	P	–	–	A	
	Food and Beverage	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	–	A*	511
	Mixed Media Store	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	–	–	516 528
	Personal Convenience	P*	P*	P*	–	P*	P*	P*	P*	–	P*	–	–	–	–	A*	520
	Personal Improvement	P*	P*	P*	–	P*	P*	P*	P*	–	P*	–	–	–	A*	A*	521
	Repair Service, Consumer	P*	P*	P*	–	P*	P*	P*	P*	–	P*	–	–	–	–	–	523
	Retail Sales, General	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	–	A*	525
	Retail Establishment, Large	–	–	–	–	–	P*	P*	S*	–	–	–	–	–	–	–	526
	Retail Establishment, Medium	–	P*	P*	–	P*	P*	P*	P*	–	–	–	–	–	–	–	526

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*															*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IM*	*IG*	*OS*	*GPI*	*H*	
	Retail Establishment, Specialty	–	P*	P*	–	P*	P*	P*	P*	–	–	–	–	–	–	–	526
Sexually Oriented Businesses	Sexually Oriented Media Store	–	–	P*	–	–	-	-	-	–	–	–	-	–	–	–	528
	Physical Sexually Oriented Business	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	528
	Sex Shop	–	–	–	–	–	P*	P*	P*	–	–	–	–	–	–	–	528
	Sexually Oriented Theater	–	–	–	–	–	P*	P*	P*	–	–	–	–	–	–	–	528
Transient Accommodation	Bed and Breakfast	P*	–	P*	–	–	–	–	–	–	–	–	–	–	–	–	20-504
	Campground	–	–	–	–	–	P	P	P	–	–	–	–	S	–	–	
	Hotel, Motel, Extended Stay	–	–	P	–	P	P	P	P	–	P	–	–	–	–	A	
Vehicle Sales & Service	Cleaning (Car Wash)	–	S	–	–	–	P	P	P	–	P	A	P	–	–	–	
	Fleet Storage	–	–	–	–	–	P	P	P	–	P	P	P	–	–	A	
	Gas and Fuel Sales	–	S	S	–	–	P	P	P	–	P	P	P	–	–	–	
	Truck Stop	–	–	–	–	–	–	S	–	–	–	S	P	–	–	–	
	Heavy Equipment Repair	–	–	–	–	–	P	P	P	–	P	P	P	–	–	–	
	Heavy Equipment Sales/Rental	–	–	–	–	–	P	P	P	–	P	–	P	–	–	–	
	Inoperable Vehicles Storage	–	–	–	–	–	P	P	P	–	P	P	P	–	–	–	
	Light Equipment Repair	–	S	–	–	S	P	P	P	–	P	–	P	–	–	–	
	Light Equipment Sales/Rental	–	P*	–	–	S	P	P	P	–	P	–	P	–	–	–	545
	RV and Boats Storage	–	–	–	–	–	P	P	P	–	P	–	P	–	–	–	
INDUSTRIAL USE GROUP																	
Industrial Facilities	Explosive Storage	–	–	–	–	–	–	–	–	–	–	–	P	–	–	–	
	Industrial, General	–	–	–	–	–	–	–	–	–	P	P	P	–	–	–	
	Industrial, Intensive	–	–	–	–	–	–	–	–	–	–	–	P	–	–	–	
	Laundry Service	–	–	–	–	–	P	P	P	–	P	P	P	–	–	–	
	Manufacturing & Production, Ltd.	–	–	P	–	S	S	S	S	P	P	P	P	–	–	–	

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*															*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IM*	*IG*	*OS*	*GPI*	*H*	
	Manufacturing & Production, Tech.	–	–	–	–	S	P	P	P	P	P	P	P	–	–	–	
	Research Service	–	–	–	S	S	P	P	P	P	P	P	P	–	–	–	
	Scrap and Salvage Operation	–	–	–	–	–	–	–	–	–	S*	–	S*	–	–	–	527
Wholesale, Storage & Distribution	Exterior Storage	–	–	–	–	–	A*	A*	A*	A*	A*	A*	A*	–	A*	A*	538
	Heavy	–	–	–	–	–	S	S	S	–	S	–	P	–	–	–	
	Light	–	–	–	–	–	P	P	P	P	P	P	P	–	S	–	
	Mini-Warehouse	–	–	–	–	–	P	P	P	–	P	–	P	–	–	–	
OTHER USES GROUP																	
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Agriculture	Agricultural Sales	–	–	–	–	–	P	P	P	–	P	–	P	–	–	–	
	Agriculture, Animal	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Agriculture, Crop	P	P	P	P	–	P	P	P	P	P	P	P	–	P	–	
Communications Facilities	Amateur & Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
	Broadcasting Tower	–	–	–	–	S	–	–	–	P	P	P	P	–	–	A	
	Communications Service Establishment	P	P	P	P	P	P	P	P	P	P	–	P	–	P	A	
	Telecommunications Antenna	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications Tower	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*	S*	S*	A*	A*	529
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
Mining	Mining	–	–	–	–	–	–	–	–	–	–	–	S*	–	–	–	515

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*															*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IM*	*IG*	*OS*	*GPI*	*H*	
Recycling Facilities	Large Collection	–	–	–	–	–	P	P	P	–	P	P	P	–	–	–	540
	Small Collection	P	P	P*	P	P	P	P	P	P	P	–	P	–	A	A	540
	Processing Center	–	–	–	–	–	–	–	–	–	P	S	P	–	–	–	

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20-538 EXTERIOR STORAGE

(1) Purpose

Exterior Storage areas are permitted as an accessory to a Principal Use in specific nonresidential Zoning Districts to provide space for the outdoor storage of materials related to the Principal Use. Outdoor storage of materials not related to the business of the Principal Use is prohibited.

(2) Applicability

Exterior Storage is defined as the outdoor storage of any and all materials related to the Principal Use of the Lot or site, not including areas for special events, temporary outdoor events or seasonal events, transient merchant sales areas, or any other outdoor area dedicated to the sale of retail goods, regardless of the proprietor. Exterior Storage is permitted as an Accessory Use in the CR, CS, CC, IBP, IL, IM, IG, GPI and H Districts to any Principal Use permitted in these districts. The standards for Exterior Storage areas exclude dumpsters and trash receptacles and mechanical equipment, which themselves have Screening requirements in Section 20-1006.

(3) Location of Exterior Storage on a Site

(i) Location in Rear Yard

Exterior Storage areas may be located in the provided Rear Yard of a property but must adhere to the minimum setbacks as required by Article 6 in addition as to what is required by Subsection (iv) below.

(ii) Location in Side Yard

Exterior Storage areas may be located in any Side Yard of a property not adjacent to a street right-of-way, except in the IL and IG Districts where they may be located in any Side Yard, regardless of the presence of adjacent street right-of-way. The location of Exterior Storage areas in any Side Yard must adhere to the minimum setbacks as required by Article 6 in addition to what is required by Subsection (iv) below. When located in a Side Yard, Exterior Storage areas shall be located to the rear of the front Building Facade of the principal Structure, except in the IL, IM and IG Districts where they may encroach into the Front Yard.

(iii) Location in Front Yard

Exterior Storage areas are prohibited from being located in the provided Front Yard of any property in all Zoning Districts, with exception of the IL, IM and IG Zoning Districts where Exterior Storage areas may be located in the Front Yard.

(iv) Minimum Setbacks

Minimum setbacks apply to the location of Exterior Storage areas depending upon adjacent property's zoning classification. To determine the Setback required, first identify the zoning of the site planned for Exterior Storage and the zoning of all adjacent sites. Find where the zoning of the site for Exterior Storage and each adjacent site intersect on the table. This is the required minimum Setback from the property line.

Zoning of Exterior Storage Area	Adjacent Site's Zoning			Adjacent to ROW
	CN1, CN2	CR, CS, CC	IBP, IL, IG, GPI, H	
CR, CS, CC	15'	15'	--	50'[1]
IBP, IL, IM, IG, GPI, H	15'	--	10'	25'[1]
[1] or behind the front Building façade whichever is the greater distance.				

(4) Screening Required

To protect the Public Safety and promote aesthetic quality, all Exterior Storage areas are required to be screened from adjacent properties and the public right-of-way in the form of a landscaped Bufferyard. To determine the type of Bufferyard required, first identify the zoning of the site planned for Exterior Storage and the zoning of all adjacent sites. Find where the zoning of the site for Exterior Storage and each adjacent site intersect on the table. This is the required type of Bufferyard. For detailed provisions on each type of Bufferyard, see Sec. 20-1005.

Zoning of Exterior Storage Area	Adjacent Site's Zoning			Adjacent to ROW
	CN1, CN2	CR, CS, CC	IBP, IL, IG, GPI, H	
CR, CS, CC	2	--	1	3
IBP, IL, IM, IG, GPI, H	3	2	--	3

(5) Area

The area of Exterior Storage uses shall be limited to 50% of the Floor Area of the principal Structure. Exterior Storage areas may only exceed 50% of the Floor Area of the associated principal Structure with approval of a Special Use Permit.

(6) Surfacing Required

(i) In CR, CS, and CC Districts

Exterior Storage areas located in these Districts shall be located upon any of the paved surfaces as provided in Sec. 20-913.

(ii) In IBP, IL, IM, IG, GPI, and H Districts

Exterior Storage areas located in these districts may be located on compacted gravel surfaces. Driveways and Driveway Aprons providing Access to these areas shall be paved to City Standards.

(iii) Exterior Storage areas in Floodplains

Exterior Storage areas located in the Floodplain, regardless of the site's zoning, may be surfaced with compacted gravel.

20-601 DENSITY AND DIMENSIONAL STANDARDS

(a) Residential Districts

Unless otherwise expressly stated, all development in R Districts shall comply with the Density and Dimensional Standards of the following table:

Standard	RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12/ RM12D [6]	RM15	RMO	RM24	RM32	RMG
Min. Lot Area (sq. ft.)	40,000	20,000	10,000	7,000	5,000	3,000	5,000	6,000	6,000	5,000	6,000	6,000	10,000
Min. Lot Area per Dwelling Unit (sq.ft.)	40,000	20,000	10,000	7,000	5,000	3,000	--	--	--	--	--	--	–
Max. Dwelling Units per acre	--	--	--	--	--	--	15	12	15	22	24	32	1
Min. Lot Width (ft.)	150	100	70	60	40	25	50	60	60	50	50	50	50
Min. Lot Frontage	40	40	40	40	40	25	40	60	60	40	50	50	50
Min. Setbacks (ft.):													
Front [5]	25	25	25	25	20	15 [1]	25	25	25	25	25	25	25
Side (Exterior) [2][5]	25/25	25/20	25/15	25/10	20/10	15/10	25/10	25/10	25/10	25/10	25/10	25/10	25/10
Side (Interior) [5]	20	20	10	5	5	5	5	5	5	5	5	5	5
Rear [3][5]	30/35	30/35	30/25	30/25	20/25	20/25	20/25	20/25	25/25	20/25	20/25	20/25	20/25
Max. Bldg. Cover (% of site)	15 [4]	30 [4]	40 [4]	45 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	60 [4]	60 [4]
Max. Impervious Cover (% of site)	25 [4]	50 [4]	70 [4]	70 [4]	75 [4]	75 [4]	75 [4]	75[4]	75 [4]	75[4]	75[4]	80[4]	80[4]
Min. Outdoor Area (per Dwelling):													
Area (sq. ft.)	None	None	None	None	240	150	None	50	50	50	50	50	None
Dimensions (ft.)	N/A	N/A	N/A	N/A	12	10	N/A	5	5	5	5	5	NA
Max. Height (ft.)	35	35	35	35	35	35	35	35	45	45	45	45	35[4]

[1] Minimum garage entrance Setback = 20 feet

[2] First number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting interior Side Lot Line. Second number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting Rear Lot Line.

[3] First number represents minimum Rear Setback for Single Frontage Lot. Second number represents minimum Rear Setback for double Frontage (or through) Lot.

[4] Applies only to Lots platted after the Effective Date or any improvements on a property after the Effective Date which increase the Building coverage or impervious coverage.

[5] Additional Setback restrictions apply to properties developed adjacent to RS zoned properties where expressly required elsewhere in the Development Code.

[6] Density and Dimensional Standards for the RM12D District are the same as those for the RM12 District.

(b) **Nonresidential Districts**

Unless otherwise expressly stated, all development in the Commercial and Industrial Districts shall comply with the Dimensional Standards of the following table:
to reflect the deleted footnotes.

Standard	CN1	CO	CN2	CD	CC	CR	CS	IBP [10]	IL/IM	IG	OS
Min. Site Area	5,000 sq. ft	5,000 sq.ft.	2 Ac.	2,500	5 Ac.	40 Ac	-	5 Ac.	20,000 sq.ft.	5,000 sq.ft.	–
Max. Site Area	1 Ac.	–	15 Ac.	–	–	–	-	–	–	–	–
Min. Lot Area (sq. ft.)	5,000	5,000	20,000	2,500	20,000	20,000	5,000	20,000	20,000	5,000	–
Min. Lot Width (ft.) [12]	50	50	100	25	100	150	50/100	200	100	50	–
Min. Setbacks (ft.)											
Front [9]	[6]	20	20	0	25	25	25	[1]	[1]	[1]	[3]
Side (Exterior) [2] [9]	[3]/20	[3]/20	[3]/20	[3]/0	[3]/20	[3]20	[3]15	[1]	[1]	[1]	35
Side (Interior–adj. R) [9]	10	20	20	20	25	45	12	[1]	[1]	[1]	20
Side (Interior–adj. Non-R)	0	5	0	0	0	0	0	[1]	[1]	[1]	15
Rear [4] [9]	20/25	15/25	20/25	0	12/25	30	12/25	[1]	[1]	[1]	0
Max. Front Setback	[6]	NA	NA	5[7]	20	0	NA	NA	NA	NA	NA
Max. Lot Coverage (%)	65 [5][11]	65 [5][11]	75 [5][11]	100	85 [5][11]	80 [5][11]	80 [5][11]	65 [5][11]	85 [5][11]	85 [5][11]	NA
Max. Impervious Lot Cover (%)	75 [5][11]	75 [5][11]	80 [5][11]	100	80[5] [8][11]	75[5] [8][11]	80 [5][11]	75 [5][11]	75 [5][11]	75 [5][11]	NA
Min. Outdoor Area (per unit)											
Area (sq. ft.)	50	–	50	–	–	–	50 [5][11]	–	–	–	–
Dimensions (ft.)	5	–	5	–	–	–	5 [5][11]	–	–	–	–
Max. Height (ft.) [13]	25	50	45	90 [7]	50	75	45	60	45	75	35

[1] Minimum Setbacks are as follows:

District	Abutting Street Right-of-Way			Abutting Other Lot Lines	
	Across From R District	Across From Non- R District		Abutting R District or Lawrence SmartCode District	Abutting Non-R District
		Arterial	Collector		
IBP [10]	40	40	40	40	15
IL/IM	50[14]	50	25	20[15]	15
IG	50 [14]	50	25	50 [15]	15

[2] First number represents minimum Exterior Setback to an abutting Side Lot Line. Second number represents minimum Exterior Setback to an abutting Rear Lot Line

[3] Same as Front Yard of abutting Lot

[4] First number represents minimum Rear Setback for Single Frontage Lot. Second number represents minimum Rear Setback for double Frontage (or through) Lot

[5] Applies only to Lots platted after the Effective Date.

[6] Setback of Building constructed after the Effective Date shall be within 1 foot of the average Setback of existing Buildings on the same Block on the same side of the Street.

[7] Subject to location and Height limitations in Downtown Design Guidelines and Downtown Design Standards.

[8] Maximum Building coverage in CC and CR districts is 25%.

[9] Additional Setback restrictions apply to properties developed adjacent to RS zoned properties where expressly required elsewhere in the Development Code.

[10] Density and Dimensional Standards for the GPI and H Districts shall be the same as those established in the IBP District.

[11] Applies to any Significant Development Project.

[12] First number represents the minimum existing Lot Width. The second number represents the required Lot Width for a Lot platted after the Effective

Date.
[13] Maximum Height may be subject to the standards of Section 20-602(h)(2) when located adjacent to RS properties.
[14[Setback shall be 25 feet for all IG and IL properties zoned M-2 under the previous zoning code.
[15] Setback shall be 20 feet for all IG and IL properties zoned M-2 under the previous zoning code.

(c) Mixed Use District

Unless otherwise expressly stated, all new development in a Mixed Use District shall comply with the Density and Dimensional Standards of the following table. The standards are not applicable to existing development rezoned to the district:

Standard	Mixed Use District Development Zones		
	Primary	Secondary	Tertiary
Min. Site Area (sq. ft)	20,000		
Max. Site Area (acres)	20		
Min. Lot Area (sq. ft.)	3,000		
Min. Lot Width (ft.) [12]	25		
Max. Dwelling Units (per acre)	32	15	12
Setback Range: Minimum to Maximum (in feet)			
Front	0-10 [1]	0-20 [1]	0-25 [1]
Side (Exterior)	0-10 [1]	0-20 [1]	0-25 [1]
Side (Interior)	0-5	0-5	0/5 [2]
Rear (when abutting Alley)	0-10 [3]	0-20	10-30 [4]
Rear (no Alley) [5]	20/0-10 [1]	20/0-20 [1]	20/10-30 [1]
Max. Building Coverage (% of Lot)	100 [6]	85 [6]	75 [6]
Max. Impervious Coverage (% of Lot)	100 [6]	95 [6]	85 [6]
Max. Height (ft.)	48 [7]	36 [7]	24 [7]
Minimum Outdoor Area (per Dwelling Unit)			
Area (sq. ft.)	50 [8]	50 [8]	50 [8]
Dimensions (ft.)	4 [8]	4 [8]	4 [8]
Min. Dimensions of Ground Level Nonresidential Spaces in Mixed Use Buildings			
Floor to Floor Height (ft.) [9]	12	12	12
Area (sq. ft.) [9]	800 [10]	600 [10]	500 [10]

[1] Corresponding Public Frontages shall be designed for each Development Zone.
[2] First number represents the required Setback for all attached Structures, second number represents the required Setback for detached Structures.
[3] May be up to 25 feet to accommodate service/delivery uses.
[4] Setback may be reduced to zero feet for garages or garages with internal Accessory Dwelling Units.
[5] First number represents the minimum Rear Setback for a Single Frontage Lot. Second number range represents minimum/maximum Rear Setback for double Frontage (through) Lots. The Rear Yard for double-Frontage lots shall be considered a Public Frontage and shall be designed as such in accordance with Section 20-1108(j).
[6] Applies only to Lots platted after the Effective Date.
[7] Maximum Height may only be increased by redemption of Development Bonuses as per the standards of Section 20-1108(h) or by Special Use Permit.
[8] Minimum Outdoor Area is not required for each Dwelling Unit onsite if a public park is located within ¼ of a mile of the site. If not available, the Outdoor Area shall be provided as per the standards of Section 20-602(g).
[9] Minimum dimensions for the floor to floor Height and Gross Floor Area for ground level nonresidential uses are necessary in order to ensure that the dimensions of the space meet the needs of nonresidential tenants.
[10] Or 20% of the Lot Area when located on Lots whose width is less than 50 feet, whichever is greater.

20-602 MEASUREMENT OF AND EXCEPTIONS TO DENSITY AND DIMENSIONAL STANDARDS

(a) Generally

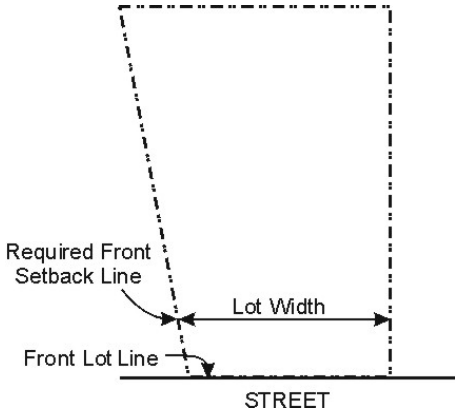
See the rules of Section 20-107(d), regarding the rounding of fractions, for all relevant calculations of minimums and maximums pursuant to this Article.

(b) Lot Area

The area of a Lot includes the total horizontal surface area within the Lot's boundaries, not including submerged lands, public Access Easements or rights-of-way. For Nonconforming Lots, see Section 20-1504.

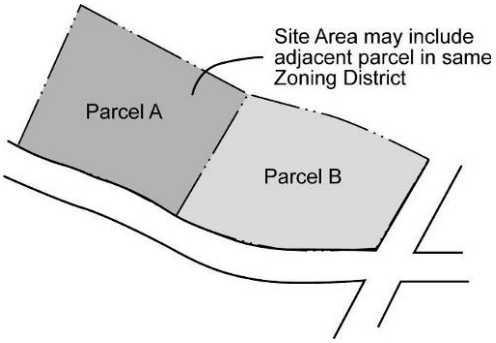
(c) Lot Width

Lot Width is the distance between Side Lot Lines measured at the point of the required Front Setback or chord thereof.



(d) Site Area

For purposes of Minimum and Maximum Site Area requirements, site area is the total contiguous land area included within a Zoning District. For example, if the minimum site area requirement of a Zoning District is 2 acres, no property may be rezoned to that District unless it includes a minimum site area of 2 acres or it abuts another Parcel in the same Zoning District and the site area of the combined Parcel is at least 2 acres in area. If there is a maximum site area requirement, no property may be rezoned to that Zoning District unless the maximum site area, including the site area of abutting Parcel in the same Zoning District, does not exceed the maximum site area for that Zoning District.



(e) Setbacks and Required Yards

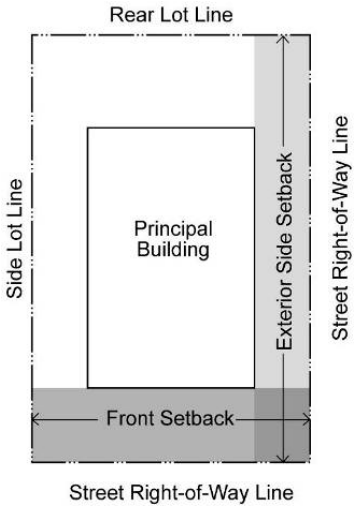
(1) Front and Exterior Side Setbacks

Front and Exterior Side Setbacks extend the full width of a Lot and are measured from the Street right-of-way line. The Front and Exterior Side Setbacks will overlap at the outside corner of the Lot. The following exceptions apply:

(i) In any District where 35% or more of the Frontage on one side of a Street between two intersecting Streets is improved with Buildings whose Front Setbacks do not vary more than 15 feet from the required Front Setbacks of the Base District, any new Building erected may comply with the average Front Setback of the existing Buildings.

(ii) The widths of developed Lots will be used to determine the percentage of Frontage that is developed.

(iii) The actual Setbacks of Buildings fronting on the Street will be used to determine the average Front Setback.



(2) Rule for Through Lots

A Through Lot shall have two Front Setbacks, at opposite ends of the Lot. The Front Setback provisions of this section shall apply to both. Other sides of a Through Lot shall be subject to Side Setback standards.

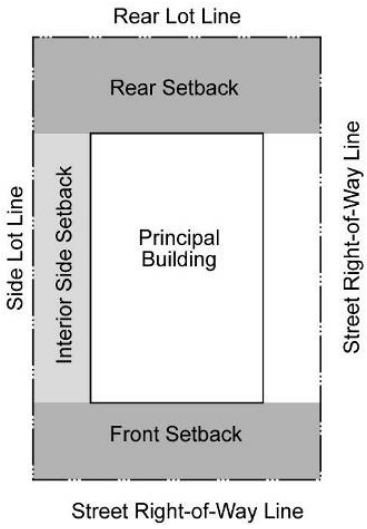
(3) Interior Side Setbacks

(i) Measurement

Interior Side Setbacks extend from the required Front Setback line to the required Rear Setback line and are measured from the Side Lot Line. If no Front or Rear Setback is required, the required Setback area shall run to the opposite Lot Line.

(ii) Exception

The width of one Interior Side Setback may be reduced by the Planning Director to a width of not less than 3 feet if the sum of the widths of the two Interior Side Setbacks on the same Lot is not less than the combined required minimum for both Side Setbacks. This reduction may be authorized only when the Planning Director finds the reduction is warranted by the location of existing Buildings or conducive to the desirable development of two or more Lots.



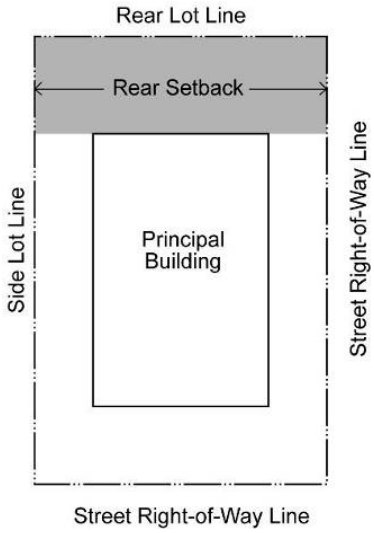
(4) Rear Setbacks

(i) Measurement

Rear Setbacks extend the full width of the Lot and are measured from the Rear Lot Line.

a. In calculating the required depth of a Rear Setback abutting an Alley, the Rear Setback may be measured from the centerline of the abutting Alley.

b. On Corner Lots in RS10 and RS7 Districts, Structures may be located at an angle, with the long axis of the Lot facing the intersecting Street Lines. In such cases, the Front and Side Setback standards of Section 20-~~216(d)~~601(a) apply, but the minimum Rear Setback is reduced to 20 feet.



(5) Setbacks for Speaker Box Systems

There shall be a minimum of one hundred (100) feet between any speaker box system, such as those commonly used at fast order food establishments, and any residence in a residential district.

(i) Screening

(ii) Any area intended or employed for a use that requires Special Use approval under Article 4 shall be located at least 50 feet from any residential Lot or District or be so Screened as to provide visual and auditory privacy to such Lot or District.

(6) Permitted Exceptions to Required Yard and Setback Standards

Required Yards and Setbacks shall be unobstructed from the ground to the sky except that the following features may be located therein to the extent indicated:

(i) Cornices, canopies, eaves or other architectural features may project into Required Yards up to 2.0 feet.

(ii) Unenclosed fire escapes may project into Required Yards and/or Setbacks, provided that they are set back at least 3 feet from all Lot Lines.

(iii) An uncovered stair and necessary landings may project into Required Yards and/or Setbacks, provided that they are set back at least 3 feet from all Lot Lines, and the stair and landing may not extend above the entrance floor of the Building except for a railing not exceeding 4 feet in Height.

(iv) Bay windows, balconies, and chimneys may project into Required Yards and/or Setbacks up to 2 feet, provided that such features do not occupy, in the aggregate, more than 1/3 the length of the Building wall on which they are located.

(v) Mechanical Structures are items such as heat pumps, air conditioners, emergency generators, and water pumps. Mechanical Structures are not allowed in required Front or Side Yards, but they may be located in required Rear Yards if they are located at least 5 feet from the Rear Lot Line.

(vi) Vertical Structures are items such as flag poles, trellises and other garden Structures, play Structures, radio Antennas, and lamp posts. Vertical Structures are allowed in Required Yards if they are no taller than 30 feet. If they are taller, they are not allowed in required Setbacks, except that flag poles are allowed in any Required Yard.

(vii) Uncovered horizontal Structures are items such as decks, stairways, entry bridges, wheelchair ramps, swimming pools, hot tubs and tennis courts that extend no more than 2.5 feet above the ground are allowed in required Setbacks; such Structures may be enclosed by fences, in accordance with other provisions of this section but shall not be otherwise enclosed. Swimming pools shall be fenced in accordance with Chapter 5, City Code.

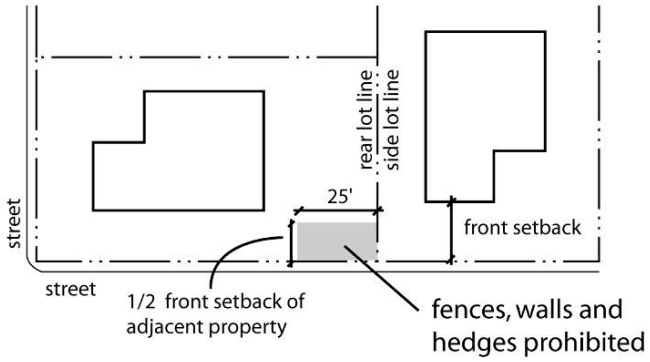
(viii) Covered Accessory Structures (Buildings) are items such as garages, greenhouses, storage Buildings, wood sheds, covered decks, coops for fowl, and covered porches. Covered Accessory Structures that are six feet or less in Height are allowed in required Side and Rear Yards, and covered Accessory Structures greater than six feet in Height are allowed in the required Rear Yard where an Alley abuts the Rear Lot Line, but no covered Accessory Structure is allowed in a required Front Yard.

In addition, coops for fowl shall meet all setback requirements established in Article 5 of Chapter III of the City Code. Setback standards contained in Article 5 of Chapter III of the City Code are not subject to Board of Zoning Appeals review.

(ix) Fences, walls or hedges up to six feet in Height (at any point) above the elevation of the surface of the ground may be located in any Required Yard, except:

a. as otherwise provided in City Code Chapter 16, Article 6; and

b. on Corner Lots with a Rear Lot Line that abuts a Side Lot Line of another Lot in a Residential District, no fence, wall or hedge within 25 feet of the common Lot Line may be closer to the Exterior Side Lot Line than one-half the depth of the actual Front Setback of the Lot that fronts on the side Street.



(7) Setbacks Along Designated Thoroughfares

The minimum Front and Exterior Side Setbacks for each Lot that abuts a Street shown on the Lawrence/Douglas County MPO Transportation Plan, as amended, shall be measured from the recommended ultimate right-of-way line for each classification of Street.

(f) Building Coverage

Building coverage refers to the total area of a Lot covered by Buildings or roofed areas, as measured along the outside wall at ground level, and including all projections, other than Open Porches, fire escapes, and the first 2.0 feet of a roof overhang. Ground-level Parking, open recreation areas, uncovered patios and plazas will not be counted as Building coverage.

(g) Outdoor Area

(1) Purpose

The required outdoor area standards assure opportunities for outdoor relaxation or recreation. The standards help ensure that some of the land not covered by Buildings is of an adequate size, shape and configuration to be useable for outdoor recreation or relaxation. The requirement for outdoor area serves as an alternative to a large Rear Setback and is an important aspect in addressing the livability of a residential Structure on a small Lot.

(2) Requirements

(i) The minimum outdoor area for each Dwelling Unit shall be a contiguous area and may be on the ground or above ground.

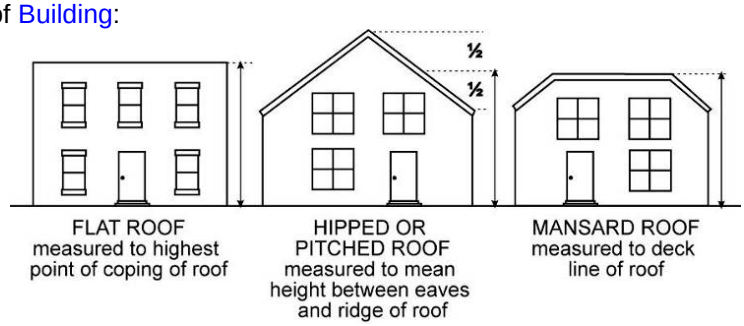
(ii) The area shall be surfaced with lawn, pavers, decking, or sport court paving that allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxers, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed. Driveways and Parking Areas may not be counted toward fulfillment of the outdoor area requirement.

(iii) The required outdoor area may not be located in the required Front Setback or Exterior Side Setback.

(h) Height

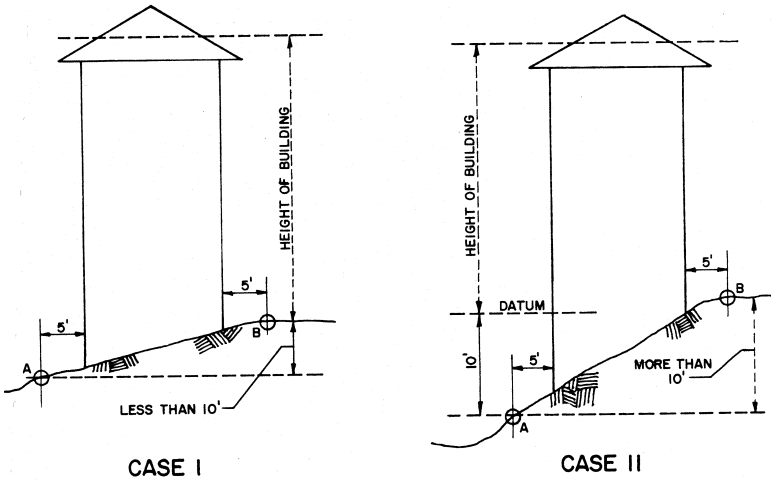
(1) **Measurement**

Building Height is measured as the distance between a reference datum and (1) the highest point of the coping of a flat roof; (2) the deck line of a mansard roof; or (3) the average Height of the highest gable of a pitched or hipped roof. The reference datum is either of the following, whichever yields a greater Height of Building:



(i) The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the Building when such sidewalk or ground surface is not more than 10 feet above lowest Grade. (See "Case I" in accompanying illustration.)

(ii) An elevation 10 feet higher than the lowest Grade when the sidewalk or ground surface described in sub-paragraph Section 20-602(h)(1)(i) above is more than 10 feet above lowest Grade. (See "Case II" in accompanying illustration.)



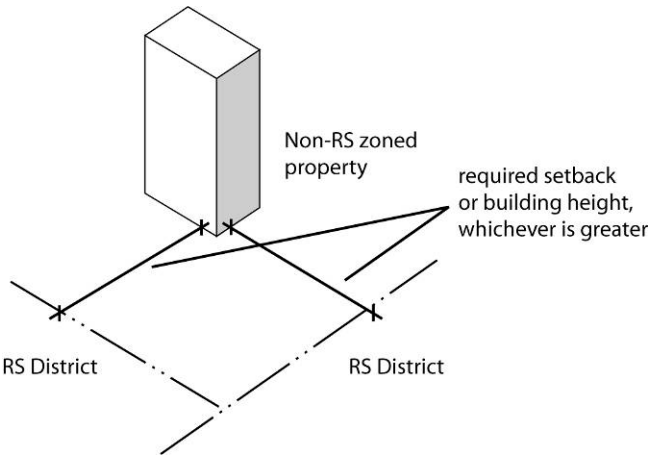
(2) Height Limit on Projects Adjoining Certain Residential Zoning Districts

(i) Applicability

The Height limitations set out in this Section shall apply to any Building constructed in a non-RS Zoning District on a Parcel adjoining, or separated only by an Alley or a Public Street from, a Parcel of land in any RS Zoning District, except that this limit shall not apply to any Building constructed in the CD Zoning District.

(ii) Height Limit Related to Setback

Any Building or Structure to which this Section is applicable shall be set back from the Yard line adjoining the RS Zoning District by the minimum Setback established in Section 20-601 when the Building or Structure is the same or lesser Height than the Building or Structure on the adjoining RS Lot. When the Height of the Building or Structure exceeds the Height of the Building or Structure on the adjoining RS Lot, the minimum Setback for the non-RS zoned property shall be equal to the Building's Height.



(3) Exceptions

(ii) Except as specifically provided herein, the Height limits of this Development Code do not apply to any roof Structures for housing elevators, stairways, tanks, ventilating fans, solar energy Collectors, or similar equipment required in the operation or maintenance of a Building, provided that such Structures do not cover more than 33% of the roof area or extend over ten (10) feet in Height above the maximum Height allowed by the Base Districts.

(iii) Except as specifically provided herein, the Height limitations of this Development Code do not apply to radio Antennas, television Antennas, church spires, steeples, clock towers, water towers, flag poles, construction cranes, or similar attached and non-habitable Structures, which may be erected above the Height limit, nor to fire or parapet walls provided that such walls may not extend more than five (5) feet above the roof.

(iv) Telecommunication Towers may exceed the Zoning District Height limit if reviewed and approved as a Special Use in accordance with Section 20-1306.

20-908 LOCATION

(a) **General**
Except as otherwise expressly provided in this section, required off-street parking and loading spaces shall be located on the same Lot as the Principal Use (See Section 20-909 for possible exceptions).

(b) **Residential Districts**
No part of a Parking Area, other than a Driveway, may be located within 25 feet of a Street right-of-way in any residential Zoning District.

(1) No more than 4 vehicles may be parked on Driveways or turnarounds within the required Front or Side Setback of any Lot in a residential Zoning District. Single or double Driveways and turnarounds may not be used to provide required off-street parking within the required Front or Exterior Side Setback with the exception of when they are serving a Duplex or Detached House.

(2) Driveway widths may not exceed 26 feet in residential Districts. All Driveway cuts into the Street require a permit and must be approved by the City Engineer in conformance with the standards outlined in Chapter 16, Article 3 of the City Code.

(3) In RS3 and RS5 Districts, residential Driveways may be constructed a maximum of 12' wide to reduce pavement width and maintain the character of the neighborhood.

(c) **Nonresidential Districts**
The location of off-street Parking Areas in Commercial and Industrial Zoning Districts shall comply with the adopted city design standards and the following standards:

<table>
<tr><th rowspan="2">District</th><th rowspan="2">Allowed Location</th><th colspan="2">Minimum Setback (feet)</th></tr>
<tr><th>From Right-of-Way</th><th>From Residential Lot Lines</th></tr>
<tr><td>CN1
CO
CN2</td><td>Not allowed between the Facade of the Building with the main entrance and the Street.</td><td rowspan="12">15</td><td rowspan="12">10</td></tr>
<tr><td>CD</td><td>Prohibited between a Building and any Street</td></tr>
<tr><td>CC
CR
CS
IBP
IL
IM
IG
H
GPI
OS</td><td>No restriction except as specified in Article 5.</td></tr>
<tr><td>MU</td><td>Prohibited in the Primary Development Zone and prohibited between a Building and any Street in a Secondary Development Zone. No restriction in a Tertiary Development Zone.</td></tr>
</table>

20-1005 BUFFERYARDS

(a) Purpose

The standards of this section are intended to mitigate the impacts associated with incompatible land uses on adjacent properties. The standards require landscape Bufferyards between such uses to minimize the harmful impacts of noise, dust/debris, glare and other objectionable activities.

(b) Applicability

The Bufferyard standards of this section apply to all development or redevelopment requiring site plan review.

(c) Table of Required Bufferyards

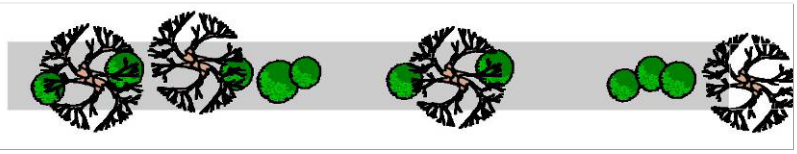
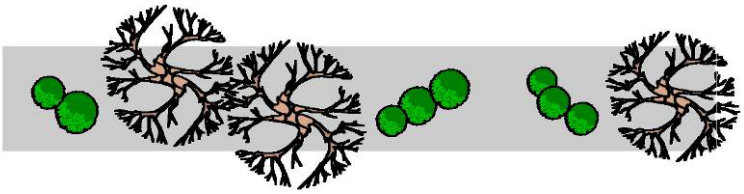
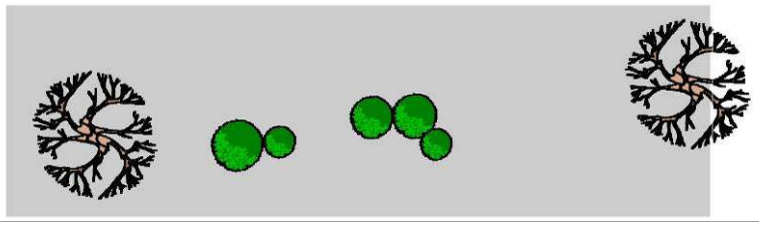
Bufferyards are required in accordance with the following table. To determine the type of Bufferyard required, first identify the zoning of the site that is being developed (the first column of the table) and each adjacent site (along the top of the table). Find where the zoning of the developing site and each adjacent site intersect on the table. If a Bufferyard is required, a numeral at the intersection will indicate the type of Bufferyard required. Width and landscape planting options for Bufferyards are explained in Section (d) through (f). Where the required Bufferyard is wider than the Side Setback required at that location, the Side Setback shall be expanded to accommodate the Bufferyard.

Developing Site's Zoning	Adjacent Site's Zoning						
	RS	RM	CN1, CO, CN2	MU, CD	CC, CR, CS	IBP, IL, IM, IG	GPI, H
RS Districts (Residential uses)	–	1	1	2	2	3	3
RS Districts (Nonresidential uses)	1	1	1	1	2	3	2
RM Districts	1	–	1	–	2	3	2
CN1, CO and CN2 Districts	1	1	–	–	1	2	1
MU and CD Districts	2	–	–	–	–	–	–
CC, CR and CS Districts	2	2	1	–	–	1	1
GPI and H Districts	3	2	2	–	–	1	–
IBP, IL, IM and IG Districts	3	3	2	–	1	–	1

(d) **Type 1 Bufferyards**

(1) **Options**

The amount of plant material required within Bufferyards is dependent on the width of the Bufferyard that is provided. The applicant will have the option of providing any of the following Bufferyards to meet the Type 1 Bufferyard requirements.

Buffer Width	100 Linear Feet	Landscape Material Requirements	
		Trees	Shrubs
10 feet		4	10
15 feet		3	8
20 feet		3	7
25 feet		2	5

(2) **Trees and Shrubs**

At least 50% of required trees and Shrubs shall be Evergreen Trees.

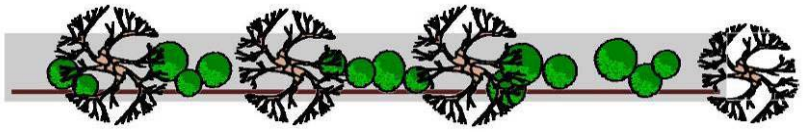
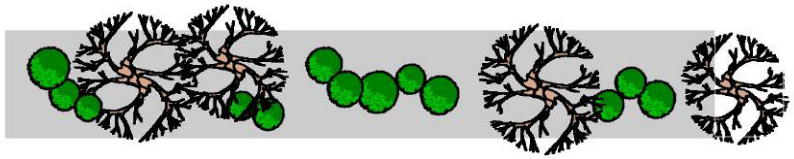
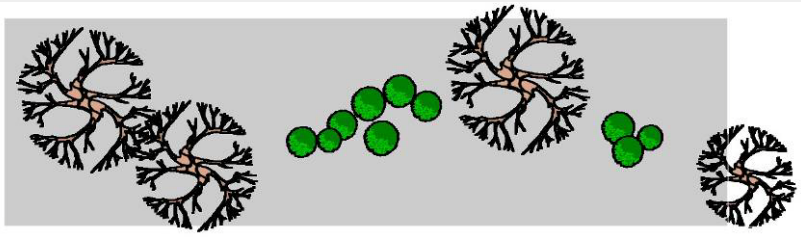
(3) **Fences, Walls and Berms**

A fence, wall, or Berm 3 feet to 6 feet in height may be substituted for Shrub plantings. Walls or fences shall be set back the width of the proposed buffer from the shared Lot Line. Required trees and plant material shall be installed on the side of the wall, fence or Berm contiguous with the adjacent property or street right-of-way.

(e) **Type 2 Bufferyards**

(1) **Options**

The amount of plant material required within Bufferyards is dependent on the width of the Bufferyard that is provided. The applicant will have the option of providing any of the following Bufferyards to meet the Type 2 Bufferyard requirements.

Minimum Buffer Width	100 Linear Feet	Landscape Material Requirements	
		Trees	Shrubs
15 feet	Fence, wall or Berm required 	4	15
20 feet		4	13
25 feet		4	10

(2) Trees and Shrubs

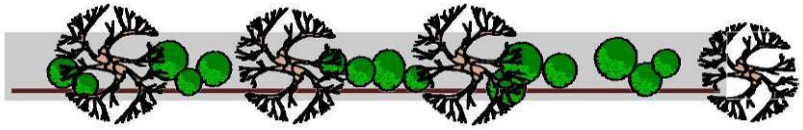
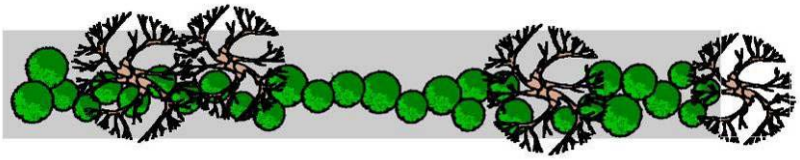
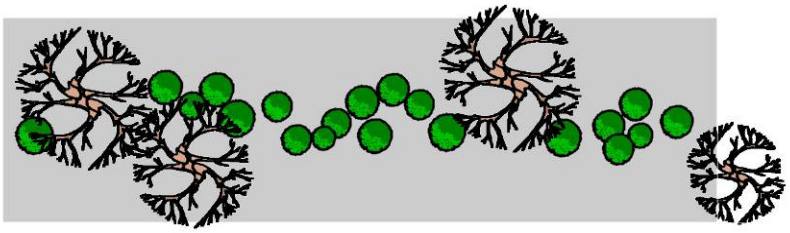
At least 50% of required trees and Shrubs shall be Evergreen Trees.

(3) **Fences, Walls and Berms**

If the proposed Bufferyard 2 is less than 20 feet in width, it shall include a wall at least three feet in Height. A fence, wall, or Berm 3 feet to 6 feet in height may be substituted for Shrub plantings. Walls or fences shall be set back the width of the proposed Bufferyard from the shared Lot Line. Required trees and plant material shall be installed on the side of the wall, fence or Berm contiguous with the adjacent property or street right-of-way.

(f) **Type 3 Bufferyards**

(1) **Options**
The amount of plant material required within Bufferyards is dependent on the width of the Bufferyard that is provided. The applicant will have the option of providing any of the following Bufferyards to meet the Type 3 Bufferyard requirements.

Minimum Buffer Width	100 Linear Feet	Landscape Material Requirements	
		Trees	Shrubs
15 feet	Fence, wall or Berm required. 	4	15
20 feet		4	30
25 feet		4	20

(2) Trees and Shrubs
At least 50% of required trees and Shrubs shall be Evergreen Trees.

(3) **Fences, Walls and Berms**
If the proposed Bufferyard 3 is less than 20 feet in width, it shall include a wall at least three feet in height. A fence, wall, or Berm 3 feet to 6 feet in height may be substituted for Shrub plantings. Walls or fences shall be set back the width of the proposed Bufferyard from the shared Lot Line. Required trees and plant material shall be installed on the side of the wall, fence or Berm contiguous with the adjacent property or street right-of-way.

(g) **Responsibility for Bufferyard Installation**
The developing property is responsible for providing required Bufferyards.

(1) **Location**
The Bufferyard, including any required Berm, shall be located entirely on the property on which the development which requires the Bufferyard is occurring.

(2) **Existing Bufferyards**

In those cases where a Bufferyard that complies with the standards of this section is already in place on the site of the developing property, the developer is not required to install another Bufferyard. The developer is only responsible for ensuring that the existing Bufferyard complies with the standards of this section.

(3) **Residential Bufferyards**

Bufferyards required for residential subdivisions shall be placed in landscape Easements.

20-1303 ZONING MAP AMENDMENTS (REZONINGS)

(a) Initiation

An amendment to the zoning map may be initiated by the City Commission, the Planning Commission, or, as to Urban Conservation district, by the Historic Resource Commission; and adopted in accordance with the rules of that body. Applications for zoning map amendments initiated by the Landowner shall be filed with the Planning Director. Any proposed amendment shall follow the process set forth in this section after initiation.

(b) Application Contents

(1) An application for amendment shall be accompanied by a conceptual plan and data necessary to demonstrate that the proposed amendment is in general conformance with the Comprehensive Plan and that the public necessity and convenience; and general welfare require the adoption of the proposed amendment.

(2) The application shall include a General Location Map, which shall show the location of the property in relation to at least one intersection of two streets shown as Collector or Arterial Streets on the City's Major Thoroughfares Map of the Comprehensive Plan.

(3) Each application for an amendment to the Zoning Districts map shall be accompanied by a certified list of all property Owner within the notification area. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration. In addition to a published notice, written notice of such proposed amendment shall be mailed at least 20 days before the hearing to all Owner of record of lands located within at least 200 feet of the area proposed to be altered for regulations of the city. If the city proposes a zoning amendment to property adjacent to the city's limits, the area of notification of the city's action shall be extended to at least 1,000 feet in the unincorporated area. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available.

(c) Public Hearing Notice

Newspaper, posted and mailed notice of the Planning Commission's public hearing shall be provided in accordance with Section 20-1301(p)(3). For purposes of K.S.A. §12-757, any Zoning District listed in the right-hand column of the Lesser Change Table that follows shall be considered a "lesser change" than a change to the Zoning District listed in the left-hand column of the same row of the table; in accordance with the cited section, a recommendation or action to amend the zoning map to assign the "lesser change" Zoning District to the land, rather than the Zoning District advertised in the notice, shall not require further notice. A recommendation or action to amend the Zoning Map to assign any Zoning District other than the one advertised in the notice or one included in the corresponding right-hand column of the Lesser Change Table will be inconsistent with the advertised hearing and shall require re-advertising and the holding of a new hearing, after proper notice. Such recommendation or action by the Planning Commission or the City Commission shall be construed as an instruction to the Planning Director to set a new hearing and to give notice of the proposed hearing, including the new Zoning District in the notice.

Table of Lesser Changes	
Advertised/Proposed Zoning District	Districts to be Considered a "Lesser Change"
RS40	None
RS20	RS40
RS10	RS20 or RS40
RS7	RS10, RS-20 or RS40
RS5	Any other RS except RS3 or RSO
RS3	Any other RS except RSO
RSO	Any other RS except RS-3
RM12, RM12D	Any RS except RSO
RM15	RM12 or any RS except RSO
RM24	RM15, RM12 or any RS except RSO
RM32	Any RM or any RS
RMG	Any RM or any RS
RMO	RM15, RM12 or any RS
CN1	None
CN2	CN1, RSO or RMO
CD	CN1, CN2 or CC200
CC200	CN1 or CN2
CC400	CC200 or CN2
CR	CC400 or CC200
CS	CN1, CN2 or CO
IBP	None
IL	IBP or CN2
IM	IBP, IL
IG	IL, IM, IBP, or CN2
Other Zoning Districts	Not Applicable

(d) **Staff Review/Report**

The Planning Director will review each proposed zoning map amendment in accordance with the review and decision-making criteria of Subsection (g) of this Section and, if deemed necessary, distribute the proposed amendment to other agencies and reviewers. Based on the results of those reviews, the Planning Director will provide a report on the proposed amendment to the Planning Commission and City Commission. The report will include documentation proof of posting and other required notice.

(e) **Planning Commission's Review/Recommendation**

The Planning Commission shall hold a public hearing on the proposed zoning map amendment, review the proposed amendment in accordance with the review and decision-making criteria of Subsection (g) of this Section and recommend that the City Commission approve, approve with modifications or deny the proposed amendment. The Planning Commission is also authorized to forward the proposed amendment to the City Commission with no recommendation.

(f) **City Commission Decision**

After receiving the Planning Commission's recommendation, the City Commission shall take one of the following actions on the proposed zoning map amendment:

(1) approve, approve with conditions or modifications, or deny; or

(2) return the application to the Planning Commission for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove.

(i) The Planning Commission, after considering the explanation by the City Commission, may resubmit its original recommendations with its reasons for doing so or submit a new or amended recommendation.

(ii) Upon the receipt of such recommendation, the City Commission may, by a simple majority vote, approve the proposed zoning map amendment, approve it with modifications, or deny it.

(iii) If the Planning Commission fails to deliver its recommendations to the City Commission following the Planning Commission's next regular meeting after receipt of the City Commission's report, the City Commission will consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendations and proceed accordingly.

(3) The City Commission may act by a simple majority vote, except for the following cases:

(i) action that is contrary to the Planning Commission's recommendations, in which case the decision shall be by a 2/3 majority vote of the full membership of the City Commission; or

(ii) approval, or approval with modifications, when a valid protest petition has been submitted in accordance with subsection (g)(9) of this Section, in which case a decision approving the application shall be effective only if supported by the votes of at least 3/4 of the members of the entire City Commission.

(4) The City Commission shall:

(i) State the reasons for its decision on the minutes or official record; and

(ii) notify the applicant, and all other parties who have made a written request for notification, in writing of its decision and the reasons for its decision.

(g) **Review and Decision-Making Criteria**

In reviewing and making decisions on proposed zoning map amendments, review and decision-making bodies shall consider at least the following factors:

(1) conformance with the Comprehensive Plan;

(2) zoning and use of nearby property, including any overlay zoning;

(3) character of the neighborhood;

(4) plans for the area or neighborhood, as reflected in adopted area and/or sector plans including the property or adjoining property;

(5) suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;

(6) length of time the subject property has remained vacant as zoned;

(7) the extent to which approving the rezoning will detrimentally affect nearby properties;

(8) the gain, if any, to the public health, safety and welfare due to denial of the application, as compared to the hardship imposed upon the Landowner, if any, as a result of denial of the application; and

(9) the recommendation of the City's professional staff.

(h) **Protest Petitions**

A valid protest petition opposing a zoning map amendment may be submitted to the City Clerk within 14 days of the conclusion of the Planning Commission's public hearing.

(1) A protest petition will be considered "valid" if it is signed by the Owner of 20% or more of:

(i) any real property included in the proposed amendment; or

(ii) the total real property within the area required to be notified of the proposed rezoning, excluding streets and public ways.

(2) In the case of joint Ownership, all Owner shall sign the petition.

(3) For the purpose of determining the sufficiency of a protest petition, if the proposed rezoning was requested by the Owner of the specific property subject to the rezoning, or the Owner of the specific property subject to the rezoning does not oppose in writing such rezoning, such property shall be excluded when calculating the total real property within the area required to be notified.

(i) **Date of Effect**

The zoning map amendment will become effective upon publication of the adopting ordinance.

(j) **Limitation on Successive Applications**

(1) Withdrawal of an original application after it has been advertised for public hearing shall constitute denial of the application as if the public hearing had been held and concluded;

(2) A successive application shall not be accepted for a period of twelve (12) months from the date of City Commission denial of the original application unless a successive application is substantially different from the original application that was denied;

(3) A successive application shall not be accepted until 120 days after the date of the City Commission denial and then will only be accepted if substantially different from the original application. The threshold for measuring substantially different shall be based on meeting one or more of the following criteria:

a. A different Zoning District category has been applied for;

b. The same Zoning District category has been applied for and the Density of use is at least 25% greater or less that then original petition;

c. The same Zoning District category has been applied for and the intensity of use is at least 25% greater or less than the original petition; or

d. Specific responses to the reasons for denial set forth in the findings of fact by the City Commission are, in the opinion of the Planning Director, addressed in the resubmission.

(4) A new rezoning application may be submitted after at least twelve (12) months from the date of City Commission denial.

(k) **Appeals**

Within 30 days of the City Commission's decision on the zoning map amendment, any person aggrieved by such decision may maintain an action in District Court to determine the reasonableness of the final decision.

(l) **Plans**

(1) A plan shall be prepared and adopted prior to review of a petition for map amendment when:

(i) No water or sanitary sewer mains exist or are planned to serve the proposed site;

(ii) The request is not consistent with adopted plans; or,

(iii) In-fill development is proposed and, at the discretion of the Planning Commission, additional information is needed specific to unanswered questions or concerns related to transportation, compatibility of land use(s), or adequacy of transitions between established and proposed land uses.

(2) Depending on the size or type of request, the plans to be prepared include:

(i) Watershed or Sub-basin Plan. This Plan will encompass an entire watershed or sub-basin.

(ii) Sector Plan. This Plan includes approximately one square mile.

(iii) Neighborhood Plan. This Plan encompasses a specific neighborhood.

(iv) Special Area Plan. This includes a Nodal Plan which plans for an area immediately surrounding an intersection. A Corridor Plan is a type of linear area plan that generally encompasses a roadway or specific feature.

(v) Specific Issue/District Plan. Deals with a specific issue or project that does not fall into any of the above listed categories.

20-1305 SITE PLAN REVIEW

(a) **Purpose**

The purpose of requiring Site Plan Review and approval is to ensure compliance with the standards of this Development Code prior to the commencement of Development Activity and to encourage the compatible arrangement of Buildings, off-street parking, lighting, Landscaping, pedestrian walkways and sidewalks, ingress and egress, and drainage on the site and from the site, any or all of these, in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties. Site Plans for uses included in the Commercial or Industrial Use Groups of Sections 20-402 and 20-403 shall comply with the Community Design Manual adopted by the City Commission on November 16, 2010 by Ordinance No. 8593.

For the purposes of this section:

(1) A change to a less intensive use shall be defined as:

(i) a change in use of a site or Structure in which the Development Code requires less parking for the proposed new or modified use; or

(ii) that the operational characteristics of the proposed new or modified use are such that they generate less activity on the site, or result in a decrease in the number of days or hours of operation of the site.

(2) A change to a more intensive use shall be defined as:

(i) change in use of a site or Structure in which the Development Code requires more parking for the proposed new or modified use; or

(ii) that the operational characteristics are such that they generate more activity on the site, or result in an increase in the number of days or hours of operation of the site.

(b) **Applicability**

In any Zoning District, except as expressly exempted below in Section 20-1305(c), an administratively reviewed and approved site plan shall be required for:

(1) **Minor Development Projects**

Any development proposing the minor modification of a site, as determined by the Planning Director, which does not meet the criteria for a Standard or Major Development Project, or the proposed change in use to a less intensive use on a site which has an approved site plan on file with the Planning Office. Only sites which have an existing approved site plan on file which reflects existing site conditions are eligible for review as a Minor Development Project.

(i) Requirements of Site Plan Review

a. Amendments to an approved site plan depicting the proposed modification or improvements; and

b. Verification that the use is permitted by zoning; and

c. Verification that adequate parking is available.

(ii) Public Notice

The public notice procedures of Section 21-1305(g) are not applicable.

(iii) Compliance with City Codes

a. Only those improvements or modifications proposed and approved as a Minor Development Project review are required to be compliant with the standards of this Development Code and/or the Community Design Manual, unless otherwise determined by the Planning Director to be waived for good cause shown by the applicant. The Planning Director may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and if the development project otherwise meets sound site planning principles. Standards not waived by the Planning Director will remain eligible for consideration of a variance by the Board of Zoning Appeals.

b. Existing conditions of the site are not required to become compliant with all standards of this Development Code and/or the Community Design Manual other than those standards which are deemed necessary, by the Planning Director, to ensure the health, safety and welfare of the public and/or user of the site.

(2) **Standard Development Projects**

(i) For any property containing existing development which does not have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project:

a. a change in use to a less intensive use and where physical modifications to the site, excluding interior Building modifications, are proposed; or

b. a change in use to a more intensive use regardless of whether physical modifications to the site are proposed; or

c. the substantial modification of a site, defined as:

1. The construction of any new Building(s) on the site; or
2. The construction of any Building addition that contains a Gross Floor Area of ten percent (10%) or more of the Gross Floor Area of existing Building(s); or
3. Separate incremental Building additions below ten percent (10%) of the Gross Floor Area of existing buildings if the aggregate effect of such Development Activity over a period of 24 months would trigger the 10% threshold; or
4. The addition of Impervious Surface coverage that exceeds 10% of what exists; or
5. Any modification determined by the Planning Director to be substantial.

(ii) For property which does have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project:

a. any change in use of a site to a more intensive use regardless of whether modifications to the site are proposed; or

b. any modification of a site which meets the following criteria or proposes the following:

1. A modification to a site which alters the Parking Area, drive aisles, or on-site pedestrian and vehicular circulation and traffic patterns with impacts to the interior of the site; or
2. A development, redevelopment, or modifications to the exterior style, design or material type of a Structure that is subject to the Community Design Manual; or
3. An outdoor dining or hospitality use in the CD and CN1 Zoning Districts and any outdoor dining use located in any other Zoning District that would result in an increase of the number of Parking Spaces required; or
4. In the IM or IG zoning districts, the construction of one or more new Building(s) or building additions that contain a Gross Floor Area of less than fifty percent (50%) of the Gross Floor Area of existing Building(s); or
5. In any zoning district other than IM or IG, the construction of one or more new Buildings or building additions that contain a Gross Floor Area of less than twenty percent (20%) of the Gross Floor Area of existing Building(s); or
6. In the IM or IG zoning districts, the installation or addition of less than fifty percent (50%) of existing Impervious Surface coverage; or
7. In any zoning district other than IM or IG, the installation or addition of less than twenty percent (20%) of existing Impervious Surface coverage; or
8. Any modification to an approved site plan on file with the Planning Office which proposes an adjustment to the total land area of the site plan, if determined necessary by the Planning Director.

(iii) Requirements of Site Plan Review

a. For sites without an existing approved site plan a site plan meeting all the specifications of Section 20-1305(f) must be submitted for administrative review.

b. For sites with an approved site plan on file at the Planning Office, the existing plan if determined appropriate by the Planning Director, may be amended.

(iv) Public Notice

The public notice procedures of Section 20-1305(g) are applicable.

(v) Compliance with City Codes

a. Those improvements or modifications proposed and approved by Standard Site Plan review are required to be compliant with the standards of this Development Code and/or the Community Design Manual, unless otherwise determined by the Planning Director to be waived for good cause shown by the applicant. The Planning Director may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and if the development project otherwise meets sound site planning principles. Standards not waived by the Planning Director will remain eligible for consideration of a variance by the Board of Zoning Appeals.

b. Other features of the site may be required to become compliant with all standards of this Development Code and/or the Community Design Manual as determined by the Planning Director in order to ensure the health, safety and welfare of the public and/or user of the site.

(3) **Major Development Projects**

Any development proposing the following:

(i) Any Development Activity on a site that is vacant or otherwise undeveloped; or

(ii) Any Significant Development Project on a site that contains existing development, defined as:

a. Any modification to a site that alters Parking Area(s), drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns~~,~~ that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties; or

b. In the IM or IG zoning districts, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing Building(s); or

c. In any zoning district other than IM or IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more~~,~~ of the Gross Floor Area of existing Building(s); or

d. Separate incremental Building additions below 50% for IM or IG zoning and 20% for all other zoning districts of the Gross Floor Area of existing Building(s) if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 50% (for IM or IG) or 20% (for all other zoning districts) threshold; or

e. The installation or addition of more than 50% for IM or IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage.

(iii) Requirements of Site Plan Review
Submitted site plans shall meet all the specifications of Section 20-1305(f).

(iv) Public Notice
The public notice procedures of Section 20-1305(g) are applicable.

(v) Compliance with City Codes
Full compliance with all City Codes, including this Development Code and the Community Design Manual, is required for the entire site, unless otherwise determined by the Planning Director to be waived for good cause shown by the applicant. The Planning Director may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and if the development project otherwise meets sound site planning principles. Standards not waived by the Planning Director will remain eligible for consideration of a variance by the Board of Zoning Appeals.

(c) **Exemptions**
The following are expressly exempt from the Site Plan Review procedures of this section:

(1) changes to Detached Dwelling(s) or Duplex(es), as well as site improvements on Lots containing Detached Dwelling(s) and Duplex(es). However, if such types of Dwellings are designed to form a complex having an area of common usage, such as a Parking Area or private recreational area, and such complex contains a combined total of four (4) Dwelling Units or more, Site Plan Review is required.

(2) changes to developments for which plans have been reviewed and approved pursuant to the Special Use or Planned Development procedures of this Development Code. This provision is intended to clarify that Site Plan Review is not required for projects that have received equivalent review through other Development Code procedures.

(3) changes expressly exempted from Site Plan Review process by the underlying Zoning District.

(4) changes that could be considered ordinary maintenance, and which do not change the exterior style, design, or material type.

(5) a change in use to a less intensive use where development exists but where no physical modifications to the site, excluding interior Building modifications, are proposed and where an approved site plan is not on file with the Planning Office.

(6) any Development Activity on a site where development exists but where an approved site plan is not on file with the Planning Office that proposes the following:

(i) The construction of any Building addition that contains less than ten percent (10%) of the current Building's Gross Floor Area; or

(ii) Separate incremental Building additions below 10% of the Gross Floor Area of existing Buildings if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 10% threshold; or

(iii) The addition of Impervious Surface coverage that does not exceed 10% of what exists.

(7) any change in use, regardless of whether it is less or more intense than the current use, or any Development Activity in the CD district of an existing developed site where the effect of the change in use or Development Activity does not increase a Building's footprint or the number of Building stories. For purposes of this subsection, adding HVAC equipment; fire escapes; awnings; patios, decks and other outdoor areas less than fifty (50) square feet in area, and similar appurtenances, as determined by the Planning Director, shall not be considered as increasing the Building's footprint. This provision shall not exempt a property in the CD district from any other City Code standard, including review by the Historic Resources Commission. Outdoor dining uses and hospitality areas, regardless of their size, and other outdoor uses and areas that exceed fifty (50) square feet in area shall not be exempt from the requirement to site plan under this provision.

(8) changes otherwise exempted from Site Plan Review by state or federal law.

(d) **Pre-application Meetings**

A pre-application meeting with the Planning Director is required at least 7 Working Days prior to the formal submission of a Site Plan application. See Section 20-1301(d).

(e) **Initiation and Application Filing**

Site Plan Review applications shall be filed with the Planning Director. At the time of submittal and payment of fees, the applicant shall submit the required number of legible and complete site plans requested at the pre-application meeting.

(f) **Application Contents**

(1) A site plan shall:

(i) For any Standard or Major Development Project be prepared by an architect, engineer, landscape architect, or other qualified professional and show the name, business address and licensing information for that professional in the information block on each sheet;

(ii) Be prepared at a scale of one inch equals 30 feet or larger for sites of five or fewer acres and be prepared at a scale of one inch equals 40 feet for sites over five acres or at a scale determined to be appropriate by the Planning Director;

(iii) Be arranged so that the top of the plan represents north or, if otherwise oriented, is clearly and distinctly marked;

(iv) Show boundaries and dimensions graphically;

(v) Contain a written legal description of the property; identification of a known vertical & horizontal reference mark approved by the city engineer; and, show a written and graphic scale;

(vi) Show existing conditions of the site:

a. Show existing public and Private Street system,
b. platted or unplatted Ownership,
c. type and location of Structures,
d. curb cuts on adjacent properties and along the opposite side of the street.

(vii) Show topography extending 50 feet beyond the outside boundaries of the proposed site plan;

(viii) Show the present and proposed topography of the site. Present and proposed topography (contour interval not greater than two feet) shall be consistent with City of Lawrence aerial topography. Where land disturbance, grading or development has occurred on a site or within 100 feet of the subject site since the date the City of Lawrence obtained aerial topography, an actual field survey shall be required;

(ix) Show the location of existing utilities and Easements on and adjacent to the site including

a. Show the location of power lines, telephone lines, & gas lines.
b. Show the vertical elevation (if available) and horizontal location of existing sanitary sewers, water mains, storm sewers and culverts within and adjacent to the site.

(x) Show the location of ground mounted transformers and air conditioning units and how such units shall be screened if visible from the Street or when adjacent to a Structure on an adjoining Lot(s). In any instance, the location of such units shall occur behind the Front and Side Setback lines as set forth in Section 20-601 in the Density and Dimensional Standards Tables;

(xi) Show, by use of directional arrow, the proposed flow of storm drainage from the site. Provide the supplemental stormwater information required by City Regulations, and provide on the site plan a site summary table, in the format noted below, which indicates: the area (in sq. ft.) and percentage of the site proposed for development as a Building(s); development as a paved surface; undeveloped and planted with grass, Ground Cover, or similar vegetative surface.

PROPERTY SURFACE SUMMARY			
Summary of Existing Conditions		*Summary after project completion*	
Total Buildings	*# ft.²*	*Total Buildings*	*# ft.²*
Total Pavement	*# ft.²*	*Total Pavement*	*# ft.²*
Total Impervious	*# ft.²*	*Total Impervious*	*# ft.²*
Total Pervious	*# ft.²*	*Total Pervious*	*# ft.²*
Total Property Area	*# ft.²*	*Total Property Area*	*# ft.²*

(xii) Show the location of existing and proposed Structures and indicate the number of stories, Floor Area, and entrances to all Structures;

(xiii) Show the location and dimensions of existing and proposed curb cuts, Access aisles, off-street parking, loading zones and walkways;

(xiv) Indicate location, height, and material for Screening walls and fences;

(xv) List the type of surfacing and base course proposed for all parking, loading and walkway areas;

(xvi) Show the location and size, and provide a landscape schedule for all perimeter and interior Landscaping including grass, Ground Cover, trees and Shrubs;

(xvii) The proposed use, the required number of off-street Parking Spaces, and the number of off-street Parking Spaces provided shall be listed on the site plan. If the exact use is not known at the time a site plan is submitted for review, the off-street parking requirements shall be calculated by the general use group using the greatest off-street parking requirement of that use;

(xviii) Designate a trash storage site on each site plan appropriate for the number of occupants proposed. The size of the trash storage receptacle, its location and an elevation of the enclosure shall be approved by the Director of Public Works prior to approval of the site plan. If a modification to the location of the trash storage area is required during the construction phase or thereafter, both the Planning and Public Works Directors must approve the modification before a revised site plan can be approved.

(xix) For CN2, CC and CR Districts, be prepared for all of the contiguous area in that Zoning District under the same Ownership. If the entire site is not proposed for development in the immediate future, then the initial Site Plan application shall contain a proposed phasing schedule, showing which sections of the property shall be

developed in which order and showing in which phases the Easements, Driveways, Parking Areas and Landscaping will be included. The Planning Director may require adjustments in the provision of Easements, Driveways, Parking Areas and Landscaping among the various phases as a condition of approval;

(xx) Provide at least one north-south and one east-west elevation drawing of the property from the Street right-of-way (property line) at a reasonable scale to illustrate Building shape, Height, and Screening proposed and to determine compliance with the Community Design Manual.

a. Photographs of the property may be submitted when no physical changes to the building facades are proposed.

(xxi) Show the intersection visibility triangle required in Section 20-1102.

(xxii) Show the location and height of any sign structures that would not be located on a building.

(2) A note shall be provided on the site plan for a public or governmental Building(s) and facility(ies) indicating that it has been designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and facilities, appendix A to 28 CFR Part 36.

(3) If the site plan is for a multiple-Dwelling residential Structure containing at least four (4) Dwelling Units, a note shall appear on the site plan indicating it has been designed to comply with the minimum provisions of the Final Fair Housing Accessibility Guidelines, 24 CFR, Chapter 1, Subchapter A, Appendix II, of the Fair Housing Act of 1968, as amended.

(4) A photometric plan, pursuant to Section 20-1103(c) shall be required for site plan approvals. Show the proposed location, direction and amount of illumination of proposed lighting. Provide information on Screening proposed for the lighting and steps taken to prevent glare.

(g) **Public Notice**

(1) Notice of the proposed site plan shall be posted on the property covered by the site plan, in accordance with Section 20-1301(q)(4). In addition, written notice of the proposed site plan shall be mailed to the Owner of record of all property within 200 feet of the subject property, and to all Registered Neighborhood Associations whose boundaries include the subject property or are adjacent to the neighborhood the subject property is located in. The notice shall be sent by the applicant by regular mail, postage pre-paid. The applicant shall submit a Certificate of Mailing at the time of submission of the Site Plan application. An application for Site Plan Review will not be considered complete without an executed Certificate of Mailing. The notice shall provide:

(i) a brief description of the proposed Development Activity;

(ii) the projected date for construction of the proposed use;

(iii) the person, with contact telephone number and address, designated by the applicant to respond to questions concerning the proposed site plan;

(iv) the date the site plan application will be submitted to the Planning Director for review; and a Statement with substantially the following information:

Notice of Site Plan Review pending before the Lawrence Douglas County Planning Office

This letter is being sent to the Owner of property within 200 feet of, or a Registered Neighborhood Association encompassing, the proposed development described further in this letter. It is being sent for the purpose of informing the notified person and other interested parties about the proposed development. This letter is being provided solely to advise nearby Landowners of the pending proposed development. This letter does not grant the recipient and/or Landowners any additional rights to challenge this proposed development beyond those granted as part of the normal appeal process. For further information, contact the applicant's designated representative at (xxx) xxx-xxxx or the Lawrence-Douglas County Planning Office at (785) 832-3150.

(2) The failure to receive notice of Site Plan Review by an adjoining Landowner or Registered Neighborhood Association will not affect the validity of Site Plan approval or review.

(h) **Staff Review/Action**

The Planning Director will review each Site Plan application and, within 30 days, the Planning Director shall take one of the following actions:

(1) approve the Site Plan application;

(2) identify those modifications that would allow approval of the Site Plan application;

(3) approve the Site Plan application with conditions; or

(4) disapprove the Site Plan application.

(i) **Notice of Decision**

Notice of the decision, including the Planning Director's findings and basis for decision in light of the criteria of Section 20-1305(j), shall be mailed to the applicant and all other parties who have made a written request for notification.

(j) **Approval Criteria**

In order to be approved, a Site Plan shall comply with all of the following criteria:

(1) the site plan shall contain only platted land;

(2) the site plan shall comply with all standards of the City Code, this Development Code and other adopted City policies and adopted neighborhood or area plans;

(3) the proposed use shall be allowed in the District in which it is located or be an allowed nonconforming use;

(4) vehicular ingress and egress to and from the site and circulation within the site shall provide for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well and shall also conform with adopted corridor or Access Management policies; and,

(5) the site plan shall provide for the safe movement of pedestrians on the subject site.

(k) **Appeals**

Appeals of the Planning Director's decision on a Site Plan application may be taken to the City Commission by filing a notice of appeal with the Planning Director. Appeals shall be filed within 9 days of a decision to approve or disapprove a Site Plan application.

(l) **Right to Appeal**

The following persons and entities have standing to appeal the action of the Planning Director on applications for Site Plan approval:

(1) the applicant;

(2) the City Commission;

(3) the neighborhood association for the neighborhood the site plan is located in or is adjacent to; or

(4) record Owner of all property within 200 feet of the subject property.

(m) **Action on Appeal**

(1) The City Commission shall consider the appealed Site Plan decision as a new matter, inviting public comment before acting on the original application. Mailed notice of the City Commission's meeting shall be provided to the appealing party and the applicant a minimum of 14 days prior to the Commission's meeting.

(2) After considering the matter, the City Commission shall act on the original Site Plan application, applying the criteria of Section (j), taking action as provided in Section (h) and giving notice of its decision as provided in Section 20-1305(i).

(n) **Modifications to Approved Site Plans**

(1) An applicant who wishes to alter or revise an approved Site Plan shall contact the Planning Director.

(2) The Planning Director is authorized to approve, without public notice, any modification that complies with the approval criteria of Section (j) as long as the Planning Director determines that the proposed modification does not represent a material change that would create a substantial adverse impact on surrounding Landowners.

(3) Any other modification may be approved only after re-notification in accordance with Section 20-1305(g). The action of the Planning Director on such an application shall be reported in a staff report at the next meeting of the City Commission and shall be appealable by any party aggrieved within 15 days of such meeting, in accordance with the appeal procedures of Section 20-1311.

(o) **Expiration; Vesting of Rights**

(1) In the event the Landowner fails to obtain a Building Permit within 24 months after final approval of the Site Plan has been granted, then such Site Plan shall expire in accordance with the following provisions:

(i) For good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 months. The application for extension or modification may be made by letter to the Planning Director and will be considered only if received before the expiration date of the Site Plan. The Planning Director shall place such request, with any recommendation of the Planning Director on the agenda of the City Commission.

The Planning Director shall notify the applicant by mail of the date of the proposed consideration by the City Commission. Mailed Notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-1301(q)(3). On that date, the City Commission shall hear from the applicant and the Planning Director and may hear from other interested parties.

(ii) No action by the City shall be necessary to cause the Site Plan to expire. Its expiration shall be considered a condition of the original approval. After the expiration date, or extended expiration date, any further application for a Building Permit or for other Development Activity on the site shall be considered as though the Site Plan had not been granted.

(2) Approval of a Site Plan does not, in itself, vest any rights under K.S.A. Sect. 12-764. Rights vest only after the related Building Permit is issued and substantial construction is begun in reliance on that permit.

(3) Rights in an entire Site Plan shall vest under K.S.A. Sec. 12-764 upon timely issuance of an initial Building Permit and completion of construction in accordance with that Building Permit, or upon timely completion of substantial site improvements in reliance on the approved Site Plan.

ARTICLE 17 TERMINOLOGY

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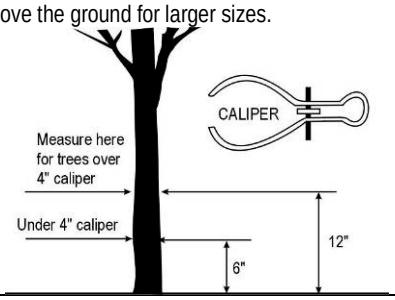
20-1701 GENERAL TERMS

Term	Definition
Access	A way or means of approach to provide vehicular or pedestrian physical entrance to a property.
Access, Cross	A service drive providing vehicular Access between two or more contiguous sites so the driver need not enter the public Street system.
Access Management	The process of managing Access to land development while preserving the regional flow of traffic in terms of safety, capacity and speed.
Accessory Dwelling Unit	A Dwelling Unit that is incidental to and located on the same Lot as the Principal Building or use, when the Principal Building or use is a Dwelling.
Accessory Structure	A subordinate Structure, the use of which is clearly incidental to, or customarily found in connection with, and located on the same Lot as the Principal Building or use.
Accessory Use	A use that is clearly incidental to, customarily found in connection with, and (except in the case of off-Street Parking Space) located on the same Lot as the Principal Use to which it is related.
Accessway , also Access Drive	Any Driveway, Street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.
Adult Care Home	See Group Home
Agent (of Owner or Applicant)	Any person who can show certified written proof that he or she is acting for the Landowner or applicant.
Airport/Lawrence Municipal Airport	The location from which take-offs and landings may be made by any manned aircraft, excluding free balloons, within the corporate limits of the City of Lawrence, Kansas.
Airport Hazard	Any Structure or tree or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at any Airport or is otherwise hazardous to such landing or taking off of aircraft.
Alley	A public or private way not more than 20 feet wide primarily designed to serve as a secondary means of Access to abutting property.
Antenna	Any system of wires, poles, rods, reflecting discs or similar devices used for the reception or transmission of electromagnetic waves which system is attached to an Antenna support Structure or attached to the exterior of any Building. The term includes devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom which may be mounted upon and rotated through a vertical mast, tower or other Antenna support Structure.
Antenna, Receive-Only	An Antenna capable of receiving but not transmitting electromagnetic waves, including Satellite Dishes.
Antenna, Amateur Radio	An Antenna owned and utilized by an FCC-licensed amateur radio operator or a citizens band radio Antenna.
Arterial	A Street classified as an Arterial in the Lawrence/Douglas County MPO Transportation Plan, as amended.
Arterial Street, Minor	A Street which is anticipated to have 2-4 travel lanes designed for speeds ranging from 30-45 mph and which is defined specifically as such on the Major Thoroughfares Map of the City.
Arterial Street, Principal	A Street which is anticipated to have 4-6 travel lanes designed for speeds ranging from 30-45 mph and which is defined specifically as such on the Major Thoroughfares Map of the City.
Assisted Living	Building or group of Buildings containing Dwellings designed for occupancy by persons 55 years or older where the Dwelling Units are independent but include special support services such as central dining and limited medical or nursing care.
Basement	Any floor level below the first Story in a Building, except that a floor level in a Building having only one floor level shall be classified as a Basement unless such floor level qualifies as a first Story as defined herein.
Base Density	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 dwelling 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 standards of Section 20-601(a), the environmental protection standards, as well as topographical or other features unique to the property.
Base District	Any Zoning District delineated on the Official Zoning District Map under the terms and provisions of this Development Code, as amended, for which regulations governing the area, use of Buildings, or use of land, and other regulations relating to the development or maintenance of existing uses or Structures, are uniform; but not including Overlay Zoning Districts.

Term	Definition
Base District, Special Purpose	A District established to accommodate a narrow or special set of uses or for special purposes. The use of this term in the Development Code applies to Districts beyond the conventional residential, commercial, industrial and agricultural districts. Examples include government and public institutional uses, open space uses, hospital use, planned unit developments that pre-date the Effective Date of this Development Code or newly annexed urban reserve areas.
Berm	An earthen mound at least two feet (2') above existing Grade designed to provide visual interest, Screen undesirable views and/or decrease noise.
Bicycle	A two-wheeled vehicle for human transportation, powered only by energy transferred from the operator's feet to the drive wheel.
Bicycle- Parking Space	An area whose minimum dimensions are two feet by six feet or two feet by four feet for upright storage.
Big Box	See Retail Establishment, Large.
Block	A Parcel of land entirely surrounded by public Streets, highways, railroad rights-of-way, public walks, parks or green strips, or drainage channels or a combination thereof.
Block Face	That portion of a Block or Tract of land facing the same side of a single Street and lying between the closest intersecting Streets.
Bufferyard	A combination of physical space and vertical elements, such as plants, Berms, fences, or walls, the purpose of which is to separate and Screen changes in land uses from each other.
Build-to-Line (minimum Building setback)	An imaginary line on which the front of a Building or Structure must be located or built and which is measured as a distance from a public right-of-way.
Building	Any Structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a Structure is divided into separate parts by one or more walls unpierced by doors, windows, or similar openings and extending from the ground up, each part is deemed a separate Building, except as regards minimum Side Setback requirements as herein provided.
Building Envelope	The three-dimensional space on a Lot on which a Structure can be erected consistent with existing regulations, including those governing maximum Height and bulk and the Setback lines applicable to that Lot consistent with the underlying Zoning District, or as modified pursuant to a Variance, a site review, or prior City approval.
Building Frontage	That portion of a Building or Structure that is adjacent to or faces the Public Frontage.
Building, Principal	A Building in which is conducted the Principal Use of the Building site on which it is situated. In any residential District, any Dwelling shall be deemed to be the Principal Building on the site on which the same is located.
Building Type (also referred to as housing type)	A residential Structure defined by the number of Dwelling Units contained within.
Caliper	The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch Caliper size, and as measured at 12 inches above the ground for larger sizes. 
City Regulations	Provisions of the Lawrence City Code or other provisions located in ordinances adopted by the City.
Clear Zone	An area designated within the Public Frontage of a Mixed Use Project which reserves space for a sidewalk. The Clear Zone shall be clear of any obstruction to a minimum height of eight (8) above grade.
Cross Access Agreement	A document signed and acknowledged by Owner of two or more adjoining pieces of property establishing Easements, licenses or other continuing rights for Access across one property to one or more other properties.
Collector Street	A Street which is anticipated to have two (2) travel lanes designed for speeds ranging from 25-35mph and which serves a collecting function by distributing traffic between local neighborhood Streets and Arterial Streets.
Collector Street, Minor	See Collector, Residential

Term	Definition
Collector Street, Residential	Residential collector is a special category of collector street characterized by lower speeds & the residential nature of land uses along the corridor. Bicycle & pedestrian facilities are strongly recommended for residential collectors. Various traffic-calming treatments may be used to reduce travel speeds. Residential collector streets with adjacent residential land uses should be limited to two lanes. These streets can serve as a connector street between local streets and the thoroughfare system.
Collector Street System	A system of one (1) or more Collector Streets that allow traffic to be distributed to at least two (2) Arterial Streets.
Common Open Space	Land, water, water course, or drainageway within a development that is designed and intended for the use or enjoyment of all the residents and Landowners of the Development. Common Open Space, except for Common Open Space designated as Environmentally Sensitive may contain such supplementary Structures and improvements as are necessary and appropriate for the benefit and enjoyment of all the residents and Landowners of the Development. Common open space shall not include space devoted to streets, alleys, and parking areas. While required setbacks may function as common open space, they may not be used to meet the minimum requirements.
Comprehensive Plan also Comprehensive Land Use Plan	The Lawrence/Douglas County Comprehensive Plan, also known as "Horizon 2020," and any other applicable plans adopted by the Lawrence/Douglas County Metropolitan Planning Commission, as amended or superceded by adoption of a replacement plan from time to time.
Congregate Living	A Dwelling Unit that contains sleeping units where 5 or more unrelated residents share a kitchen and communal living areas and/or bathing rooms and where lodging is provided for compensation for persons who are not transient guests. Congregate Living is commonly referred to as a lodging house, boarding house, rooming house, or cooperative but is not considered a Dormitory, fraternity or sorority house, Assisted Living, Extended Care Facility, Group Home or similar group living use.
Conservation Easement	A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open-space values of real property, assuring its availability for agricultural, forest, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property. In case of any conflict between this definition and K.S.A. §58-3810, as it may be amended from time to time, the amended statute shall control and shall be used in the construction and interpretation of this Development Code.
Deciduous	A tree or Shrub with foliage that is shed annually.
Deferred Item	An item that has been deferred from a published agenda by the Planning Director, Planning Commission or the City Commission (City or County Commission), or by the applicant.
Density	A measure of the number of Dwelling Units contained within a given area of land, typically expressed as units per acre.
Density Bonus	An incentive-based tool that permits property owners to increase the maximum allowable development on a property in exchange for helping the community achieve public policy goals, such as protection of environmentally sensitive areas.
Density Cap	Maximum density levels set by the Comprehensive Plan. Low-density (6 dwelling units per acre); medium density (15 dwelling units per acre) and high density (24 dwelling units per acre).
Density, Gross	The numerical value obtained by dividing the total number of Dwelling Units in a development by the total area of land upon which the Dwelling Units are proposed to be located, including rights-of-way of publicly dedicated Streets.
Density, Net	The numerical value obtained by dividing the total number of Dwelling Units in a development by the area of the actual Tract of land upon which the Dwelling Units are proposed to be located, excluding rights-of-way of publicly dedicated Streets.
Designated Transit Route	Any bus route identified on the route map published by the Lawrence Transit System or KU on Wheels transit system.
Development Activity	Any human-made change to Premises, including but not limited to: (a) the erection, conversion, expansion, reconstruction, renovation, movement or Structural Alteration, or partial or total demolition of Buildings and Structures; (b) the subdivision of land; (c) changing the use of land, or Buildings or Structures on land; or (d) mining, dredging, filling, grading, paving, excavation, drilling, or Landscaping of land or bodies of water on land.

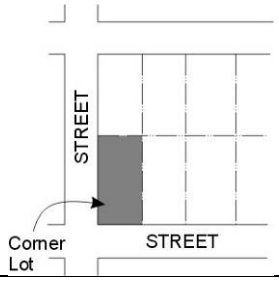
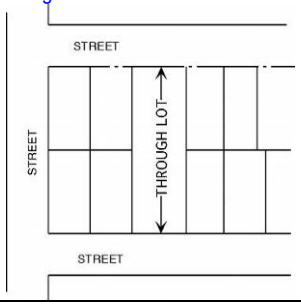
Term	Definition
Development Project, Major (Ord. 8465)	Any development proposing the following: a. Any Development Activity on a site that is vacant or otherwise undeveloped; or b. Any Significant Development Project on a site that contains existing development, defined as: 1. Any modification to a site that alters Parking Areas, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties; or 2. In the IM or IG zoning districts, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing Building(s); or 3. In any zoning district other than IM or IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more of the Gross Floor Area of existing Building(s); or 4. Separate incremental Building additions below 50% for IM or IG zoning and 20% for all other zoning districts of the Gross Floor Area of existing Building(s) if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 50% (for IM or IG) or 20% (for all other zoning districts) threshold; or 5. The installation or addition of more than 50% for IM or IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage.
Development Project, Minor (Ord. 8465)	Any development proposing the minor modification of a site, as determined by the Planning Director, which does not meet the criteria for a Standard or Major Development Project, or the proposed change in use to a less intensive use on a site which has an approved site plan on file with the Planning Office. Only sites which have an existing approved site plan on file which reflects existing site conditions are eligible for review as a Minor Development Project.

Term	Definition
Development Project, Standard (Ord. 8465)	a. For any property containing existing development which does not have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project: 1. a change in use to a less intensive use and where physical modifications to the site, excluding interior Building modifications, are proposed; or 2. A change in use to a more intensive use regardless of whether modifications to the site are proposed; or 3. the substantial modification of a site, defined as: a. The construction of any new Building(s) on the site; or b. The construction of any Building addition that contains a Gross Floor Area of ten percent (10%) or more of the Gross Floor Area of existing Building(s); or c. Separate incremental Building additions below ten percent (10%) of the Gross Floor Area of existing buildings if the aggregate effect of such Development Activity over a period of 24 months would trigger the 10% threshold; or d. The addition of Impervious Surface coverage that exceeds 10% of what exists; or e. Any modification determined by the Planning Director to be substantial. b. For property which does have an approved site plan on file with the Planning Office and which does not meet the criteria for a Major Development Project, any development proposing the following shall be considered a Standard Development Project: 1. any change in use of a site to a more intensive use regardless of whether modifications to the site are proposed; or 2. any modification of a site which meets the following criteria or proposes the following: a. A modification to a site which alters the Parking Area, drive aisles, or on-site pedestrian and vehicular circulation and traffic patterns with impacts to the interior of the site; or b. A development, redevelopment, or modifications to the exterior style, design or material type of a Structure that is subject to the Community Design Manual; or c. An outdoor dining or hospitality use in the CD and CN1 Zoning Districts and any outdoor dining use located in any other Zoning District that would result in an increase of the number of Parking Spaces required; or d. In the IM or IG zoning district, the construction of one or more new Building(s) or building additions that contain a Gross Floor Area of less than fifty percent (50%) of the Gross Floor Area of existing Building(s); or e. In any zoning district other than IM or IG, the construction of one or more new Building(s) or building additions that contain a Gross Floor Area of less than twenty percent (20%) of the Gross Floor Area of existing Building(s); or f. In the IM or IG zoning district, the installation or addition of less than fifty percent (50%) of existing Impervious Surface coverage; or g. In any zoning district other than IM or IG, the installation or addition of less than twenty percent (20%) of existing Impervious Surface coverage; or h. Any modification to an approved site plan on file with the Planning Office which proposes an adjustment to the total land area of the site plan, if determined necessary by the Planning Director.
Development Zone, Primary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the most intense development proposed for the mixed use development.
Development Zone, Secondary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for less intense development than the Primary Development Zone, but more intense development than the Tertiary Development Zone. The Secondary Development Zone may serve as a transitional zone within a larger Mixed Use Development.
Development Zone, Tertiary	Land area in a Mixed Use development designated at time of rezoning to the Mixed Use District and reserved for the least intense development proposed for the mixed use development.
Dependent Living Facility	See Extended Care Facility

Term	Definition
Director, Planning	See Planning Director
Distance Between Structures	The shortest horizontal distance measured between the vertical walls of two Structures as herein defined perpendicular to an axis, all points along which are midway between the vertical walls.
District, Zoning	A portion of the territory of the City of Lawrence within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.
Dormitory	A Building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals and in which there are more than eight (8) sleeping rooms or 16 sleeping accommodations. As such the rooms are let on a weekly or monthly basis or for greater period of time and are not available to the general public on a nightly basis as distinguished from a hotel. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. General kitchen and eating facilities may be provided for the primary use of the occupants of the Building, provided that the main entrance to these facilities is from within the Building.
Drip Line	An imaginary ground line around a tree that defines the limits of the tree canopy.
Driveway	A private drive or way providing Access for vehicles to a single Lot or facility.
Driveway, Joint-Use	A privately-owned Driveway that provides Access to 2 or more Lots in a commercial or industrial Development, such as in a shopping center (without Lots) or a business or industrial park.
Driveway, Shared	A single Driveway serving two or more adjoining Lots.
Driveway Apron (or Approach)	The Driveway area or approach located between the sidewalk and the curb. When there is no sidewalk, the apron or approach shall be defined as extending a minimum of six (6) feet from the back of the curb toward the Lot Line.
Dwelling	A Building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer, or Mobile Home.
Dwelling Unit	One room, or a suite of two or more rooms, designed for or used by one Family or Housekeeping Unit for living and sleeping purposes and having only one kitchen or kitchenette.
Easement	A grant by a property Owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainageways, pedestrian Access, and roadways.
Effective Date	The date the ordinance adopting this Development Code takes effect.
Elderhostel	A Building occupied as the more-or-less temporary abiding place of individuals who are either: 1) participating in a travel-study program for senior citizens offered by a university or college; or 2) participating in a visiting faculty program at a university or college. These individuals are lodged with or without meals. These Buildings typically contain more than eight (8) sleeping rooms or 16 sleeping accommodations. The rooms are let on a weekly or monthly basis or for greater period of time, but are not available to the general public on a nightly basis, as distinguished from a hotel. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. General kitchen and eating facilities may be provided for the primary use of the occupants of the Building, provided that the main entrance to these facilities is from within the Building.
Evergreen (Coniferous) Tree	An Evergreen Tree, usually of pine, spruce or juniper genus, bearing cones and generally used for its Screening qualities. A Coniferous Tree may be considered a Shade Tree if it is at least five (5) feet in Height when planted and reaches a mature Height of at least 20 feet.
Extended Care Facility (Dependent Living or Nursing Care Facility), General	A long term facility or a distinct part of an institution occupied by nine (9) or more persons with a disability who require the provision of health care services under medical supervision for twenty-four (24) or more consecutive hours and who need not be related by blood or marriage. An Extended Care Facility must be licensed by one (1) or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). Extended Care Facilities include facilities for the provision of skilled nursing care, hospice care and similar services.

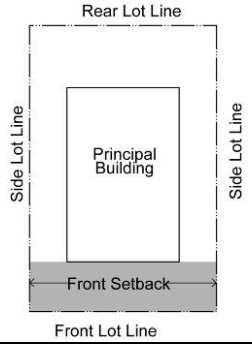
Term	Definition
Extended Care Facility (Dependent Living or Nursing Care Facility), Limited	A long term facility or a distinct part of an institution occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage, and who require the provision of health care services under medical supervision for twenty-four (24) or more consecutive hours, and also not to be occupied by more than two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. An Extended Care Facility must be licensed by one (1) or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). Extended Care Facilities include facilities for the provision of skilled nursing care, hospice care and similar services.
Extended Stay Lodging	A Building, including a single-Family residence, or group of Buildings providing living and sleeping accommodations for short-term occupancy, typically three (3) months or less. Bed & Breakfasts, hotels and motels are not considered extended stay facilities, although hotels and motels may provide this service. Extended stay facilities using single-Family Dwellings are not considered rental housing and are not subject to the rental licensing provisions of the City.
Exterior Storage	Outdoor storage of any and all materials related to the principal use of the Lot or site, not including areas for special events, temporary outdoor events or seasonal events, transient merchant sales areas, or any other outdoor area dedicated to the sale of retail goods, regardless of the proprietor. Outdoor storage and sales areas, open to the public and in which transactions may occur are not considered Exterior Storage areas.
Facade	Exterior face (side) of a Building which is the architectural front, sometimes distinguished by elaboration or architectural or ornamental details.
Family	(1) A person living alone; (2) two or more persons related by blood, marriage, or legal adoption; (3) in an RS Zoning District, a group of not more than three persons not related by blood or marriage, living together as a single Housekeeping Unit in aDwelling Unit, as distinguished from a group occupying a Dormitory, Congregate Living, motel, hotel, fraternity house or sorority house; or (4) in a Zoning District other than RS, a group of not more than four persons not related by blood or marriage, living together as a single Housekeeping Unit in a Dwelling Unit, as distinguished from a group occupying a Dormitory, Congregate Living, motel, hotel, fraternity house or sorority house.
Floodplain	The land inundated by a flood of a given magnitude as determined by the Flood Insurance Study or by an approved Hydrologic & Hydraulic Study.
Floor Area	The sum of the horizontal areas of each floor of a Building, measured from the interior faces of the exterior walls or from the centerline of walls separating two Buildings.
Floor Area, Gross	The sum of the horizontal areas of the several stories of a Building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two Buildings, from the centerline of such common wall.
Floor Area, Net	The horizontal area of a floor or several floors of a Building or Structure; excluding those areas not directly devoted to the principal or Accessory Use of the Building or Structure, such as storage areas or stairwells, measured from the exterior faces of exterior or interior walls.
Floor Area Ratio (F.A.R.)	The sum of the horizontal areas of the several floors inside the exterior walls *(excluding basements)* of a Building or a portion thereof divided by the Lot Area.
Foot-candle	A unit of measurement referring to the illumination incident to a single point. One (1) Foot-Candle is equal to one (1) lumen uniformly distributed over an area of one (1) square foot.
Frontage	All the property on one side of a Thoroughfare between two intersecting Thoroughfares (crossing or terminating), or if the Thoroughfare is Dead-Ended, then all of the property abutting on one side between an intersecting Thoroughfare and the Dead-End.
Frontage Road, Private	Any thoroughfare that is not publicly owned and maintained and that is parallel and adjacent to any Lot Frontage as defined above.
Grade	The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the Building and the Lot Line or, when the Lot Line is more than 5 feet from the Building, between the Building and a line five feet from the Building.
Greek Housing	A group living Structure occupied by a university approved fraternity or sorority, certified by the Panhellenic Association or Intrafraternity Council at KU. Residential occupancy by the majority of residences primarily follows the academic calendar for fall and spring semesters each year.
Ground Cover	Living Landscape Materials or living low-growing plants other than turf grasses, installed in such a manner so as to provide a continuous cover of the ground surface and which, upon maturity, normally reach an average maximum Height of not greater than 24 inches.
Ground Floor	A level of Building floor which is located not more than 2 feet below nor 6 feet above finished Grade.

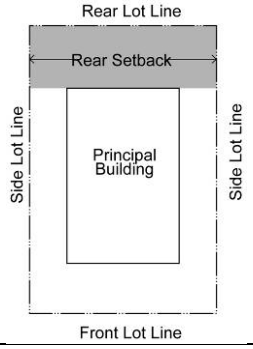
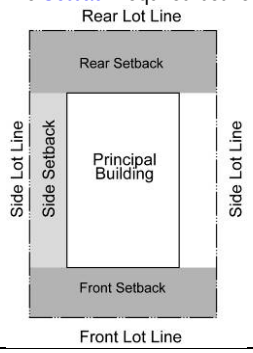
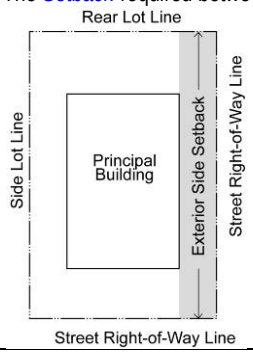
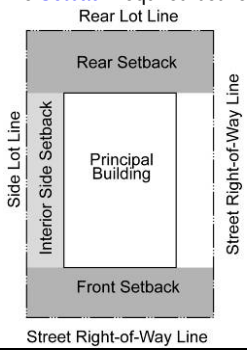
Term	Definition
Group Home (or Adult Care Home), General	Any Dwelling occupied by 11 or more persons, including eight (8) or more persons with a disability who need not be related by blood or marriage and staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802). A Special Use Permit is required before operation of the home can begin.
Group Home (or Adult Care Home), Limited	Any Dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to other residents of the home. The Dwelling is licensed by one (1) or more of the following regulatory agencies of the State: Dept. of Social and Healing Arts, Behavioral Sciences Regulatory Board, or State Board of Healing Arts. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include current illegal use or addiction to a controlled substance, as defined in Sec. 102 of the Controlled Substance Act (21U.S.C.802).
Growing or Planting Season	From the beginning of March to the end of June and from the beginning of September to the beginning of December.
Height (Building)	Refers to the vertical distance from the finished Grade, or base flood elevation where applicable, to the highest point of the coping of: a flat roof, the deck line of a mansard roof, or the average Height of the highest gable of a pitch or hip roof.
Historic Resources Commission (HRC)	The Commission established by Sections 22-201 – 22-205, part of the Conservation of Historic Resources of the Code of the City of Lawrence
Home Occupation	An Accessory Use that complies with the provisions of Section 20-537.
Housekeeping Unit	A suite of one or more rooms having separate cooking facilities, used as the domicile or home of one Family.
Housing for the Elderly	See Assisted Living or Extended Care Facility
HRC	See Historic Resources Commission
Hydrologic and Hydraulic Study	See Hydrologic and Hydraulic Study definition in Section 20-1205
Impervious Surface	That portion of developed property which contains hard-surfaced areas (primed and sealed AB3, asphalt, concrete and Buildings) which either prevent or retard the entry of water into the soil material.
Inactive File	An application, either complete or incomplete, which has had no new information submitted within a period of twelve (12) or more months. New information within this context shall be information that responds to a request for additional information or that provides additional information essential to completing a review of the request in response to the land use review criteria, retail market information, or traffic impact analysis.
Infrastructure	Those man-made Structures which serve the common needs of the populations, such as: potable water systems, wastewater disposal systems, solid waste disposal sites or retention areas, storm drainage systems, electric, gas or other utilities, bridges, roadways, Bicycle paths or trails, pedestrian sidewalks, paths or trails and transit stops.
Jurisdictional Wetland	Wetlands which are regulated by Section 404 of the Clean Water Act and are under the regulatory jurisdiction of the Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA).
Landowner	See Owner
Landscaped Peninsula	A concrete curbed planting area typically found in Parking Lots to provide areas for trees and Shrubs between Parking Spaces and along the terminus of single and double Parking aisles.
Landscape Material	Such living material as trees, Shrubs, Ground Cover/vines, turf grasses, and non-living material such as: rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and/or other items of a decorative or embellishing nature such as: fountains, pools, walls, fencing, sculpture, etc.
Landscaping	Any combination of living plants such as trees, Shrubs, plants, vegetative Ground Cover or turf grasses. May include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, Mulches, topsoil use, soil preparation, re-vegetation or the preservation, protection and replacement of trees.
Licensed Premises	A Premises where alcoholic liquor or cereal malt beverages, or both, by the individual drink as defined by K.S.A. Chapter 41, and amendments thereto, is served or provided for consumption or use on the Premises with or without charge. This term shall include drinking establishments, Class A Private Clubs, Class B Private Clubs, and cereal malt beverage retailers, all as defined by K.S.A. Chapter 41, and amendments thereto and City Regulations.

Term	Definition
Light Court	An area within the Public Frontage in a Mixed Use development adjacent to the Building Frontage which provides a means of outdoor light to reach an underground level of a Structure. It may also provide a means of emergency exit from the Structure but shall not serve as a primary entrance or exit to the Structure.
Light Truck	A truck or other motor vehicle, one ton or less in rated capacity, with a single rear axle and single pair of rear wheels.
Livestock	Any animal customarily kept for producing food or fiber.
Local Street	A Street which is anticipated to have two (2) travel lanes at desirable speeds of up to 30mph and which provides Access to abutting property and primarily serves local traffic.
Local Street System	A system of two (2) or more Local Streets that allow traffic to be distributed throughout a neighborhood.
Lot	A contiguous Parcel or Tract of land located within a single Block fronting on a dedicated public Street that is occupied or utilized, or designated to be occupied, developed, or utilized, as a unit under single Ownership or control. A Lot may or may not coincide with a Lot shown on the official tax maps or on any recorded subdivision or deed.
Lot Area	The total horizontal area within the Lot Lines of a Lot.
Lot Frontage	See Frontage
Lot, Corner	A Lot abutting upon two or more Streets at their intersection, or upon two parts of the same Street, such Streets or part of the same Street forming an angle of more than 45° and of less than 135°. The point of intersection of the Street Lines is the corner. Any portion of a Corner Lot that is more than 100 feet from the point of intersection of the two Street Lines or the two tangents of the same Street shall not be considered a Corner Lot. 
Lot, Through	A Lot abutting two Streets, not at their intersection. Any Lot meeting the definition of Corner Lot shall not be considered a Through Lot; any Lot abutting two Streets and not meeting the definition of a Corner Lot shall be considered a Through Lot. 
Lot Depth	The mean horizontal distance between the Front Lot Line and Rear Lot Line of a Lot.
Lot Line	A boundary of a Lot.
Lot Line, Exterior Side	A Side Lot Line separating a Lot from a Street other than an Alley.
Lot Line, Front	The Street Line at the front of a Lot. On Corner Lots, the Landowner may choose either Street Frontage as the Front Lot Line.
Lot Line, Rear	The Lot Line opposite and most distant from, and parallel or closest to being parallel to, the Front Lot Line. A triangular Lot has no Rear Lot Line.
Lot Line, Side	A Lot Line that is not a Front Lot Line or Rear Lot Line.
Lot Width	Lot Width is the distance between Side Lot Lines measured at the point of the required Front Setback or chord thereof.
Manufactured Home	Any Structure that is manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards (generally know as the HUD Code) established in 1976 pursuant to 42 U.S.C. Sec. 5403, but does not comply with the standards and provisions of Section 20-513.

Term	Definition
Manufactured Home, Residential-Design	Any Structure that is manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards (generally know as the HUD Code) established in 1976 pursuant to 42 U.S.C. Sec. 5403 and that also complies with the standards and provisions of Section 20-513. (Ord. 8098)
Massing	The size and shape of Structure(s) individually and their arrangements relative to other Structure(s).
Mature Trees, Stand of	An area of ½ acre (21,780 sq ft) or more located on the 'development land area', per Section 20-1101(d)(2)(ii) or on other contiguous residentially zoned properties containing trees that are 25 feet or more in height, or are greater than 8" caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP, National Agricultural Imaging Program; City/County GIS aerials; and field surveys.)
Minimum Elevation of Building Opening	The minimum elevation above sea level at which a Building located in the Floodplain may have a door, window, or other opening.
Mixed Use	The development of a Lot, Tract or Parcel of land, Building or Structure with two (2) or more different uses including, but not limited to: residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.
Mixed Use Structure, Horizontal	A Building or Structure containing both nonresidential and residential uses distributed horizontally throughout the Structure.
Mixed Use Structure, Vertical	A Building or Structure, a minimum of two stories in height, containing both nonresidential and residential uses distributed vertically throughout the Structure.
Mobile Home	Any vehicle or similar portable Structure having no foundation other than wheels or jacks or skirtings and so designed or constructed as to permit occupancy for Dwelling or sleeping purposes. Mobile Home includes any Structure that otherwise meets this description, but that was not subject to the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code), established in 1976 pursuant to 42 U.S.C. Sec. 5403, at the time it was manufactured. Mobile Homes are considered to be Dwelling Units only when they are parked in a Mobile Home Park.
Moderately-Priced Dwelling Unit	A Dwelling Unit marketed and reserved for occupancy by a household whose income is equal to or less than 80% of the City of Lawrence's median household income, as defined by the most current U.S. Department of Housing and Urban Development (HUD) guidelines.
Mulch	Non-living organic material customarily used to retard soil erosion and retain moisture.
Native Prairie Remnants	Prairie areas that have remained relatively untouched on undeveloped, untilled portions of properties are 'native prairies'. Native prairie remnants will be confirmed by the Kansas Biological Survey, or a consulting firm with local expertise in these habitats, as areas that have remained primarily a mixture of native grasses interspersed with native flowering plants. (These areas have not been planted, but are original prairies). A list of approved consulting firms for prairie determination is available in the Planning Office.
Natural Drainageway	Natural rivers, streams, channels, creeks or other areas that naturally convey Stormwater runoff or portions thereof that have not been channelized and which is unaltered and retains a predominantly natural character.
Natural Open Space	Common Open Space that includes undisturbed natural resources, such as Floodplains, Wetlands, steep slopes, and Woodlands.
Nodal Development Plan	A land use plan for all four corners of an intersection that applies to the redevelopment of existing commercial center areas or new commercial development for neighborhood, community or regional commercial centers, as described in Horizon 2020, and is designed to avoid continuous lineal and shallow Lot Depth developments along Street corridors through the use of natural and man-made physical characteristics to create logical terminus points for the Node.
Node	An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar related uses.
Non-encroachable Area	That portion of a Lot or development set aside for enjoyment of the natural features or sensitive areas contained within it that cannot be encroached upon by Building or Development Activity, excluding encroachment for common maintenance needs of the land, its vegetation, natural stream beds, etc.
Nursing Care Facility	See Extended Care Facility
Official Zoning District Map	A map or maps outlining the various Zoning District boundaries of the City of Lawrence, Kansas.
Open Porch	A roofed space attached to a Building on one side and open on the three remaining sides.
Open Use of Land	A use that does not involve improvements other than grading, drainage, fencing, surfacing, signs, utilities, or Accessory Structures. Open uses of land include, but are not limited to, auction yards, auto wrecking yards, junk and salvage yards, dumps, sale yards, storage yards and race tracks.
Ornamental Tree	A Deciduous tree possessing qualities such as flowers, fruit, attractive foliage, bark or shape, with a mature Height generally under 40 feet.

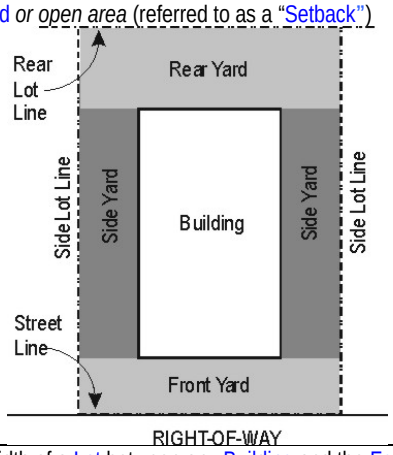
Term	Definition
Outdoor Use Zone	An area designated for outdoor use by a nonresidential or residential tenant within the Public Frontage in a Mixed Use development. At ground level, Outdoor Use Zones may include sidewalk dining, sidewalk sales, product demonstrations or any use accessory and incidental to a permitted nonresidential use in the Mixed Use District. Outdoor Use Zones may also include upper level uses such as balconies or terraces as well as Building-mounted signs.
Overlay Zoning District (or Overlay Zoning District)	Any Zoning District included in this Development Code with the word "overlay" in its title. The Overlay Zoning District regulations are found in Article 3 of this Development Code.
Owner	An individual, association, partnership or corporation having legal or equitable title to land other than legal title held only for the purpose of security. For the purpose of notice, the Owner may be determined using the latest Douglas County Appraiser's assessment roll.
Parcel	A Lot or contiguous tracts owned and recorded as the property of the same persons or controlled by a single entity.
Parking Access	Any public or private area, under or outside a Building or Structure, designed and used for parking motor vehicles including parking Lots, garages, private Driveways and legally designated areas of public Streets.
Parking Area	An area devoted to off-Street Parking of vehicles on any one Lot for public or private use.
Parking Space	A space for the parking of a motor vehicle or Bicycle within a public or private Parking Area. Typically Parking Spaces for private uses are located off the public right-of-way.
Peak Hour	The four (4) highest contiguous 15-minute traffic volume periods.
Pedestrian Scale (human scale)	Means the proportional relationship between the dimensions of a Building or Building element, Street, outdoor space or Streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.
Planned Development	Developments processed and considered in accordance with the procedures specified in the Planned Development Overlay Zoning District provisions of Sec. 20-701 and in the Cluster Housing Projects provisions of Sec. 20-702. Generally, an area of land controlled by the Landowner to be developed as a single entity, commonly pursuant to an Overlay Zoning District, for a number of Dwelling Units, office uses, commercial uses, or combination thereof, if any, wherein a development plan detailing the proposed development and adjacent areas directly impacted thereby is reviewed and approved by the appropriate decision maker. In approving the development plan, the decision maker may simultaneously modify specified standards of the Base District.
Planning Commission	The Lawrence-Douglas County Metropolitan Planning Commission established by City Ordinance 3951/ County Resolution 69-8 on March 24th, 1969.
Planning Director	The Director of the Lawrence-Douglas County Metropolitan Planning Commission or her or his designee.
Premises	A Lot, together with all Buildings and Structures thereon.
Principal Building	See Building, Principal
Principal Use	The primary purpose for which land or a Structure is utilized, based in part on the amount of Floor Area devoted to each identifiable use. The main use of the land or Structures as distinguished from a secondary or Accessory Use.
Public Frontage	The publicly-owned layer between the Lot line or Street Line and the edge of the vehicular lanes. The public frontage may include sidewalks, street planters, trees and other vegetated landscaping, benches, lamp posts, and other street furniture.
Public Frontage, Primary	The Public Frontage along a designated Primary Development Zone. Primary Public Frontages are commonly associated with pedestrian-oriented urban commercial and retail areas in Mixed Use settings. They are commonly served by or are accessible to public transit and may contain medium to high residential densities and Vertical Mixed Use Structures. Primary Public Frontages are designed to accommodate heavy pedestrian traffic, street vendors and sidewalk dining and typically consist of a sidewalk or clear area paved from the back of curb of the Thoroughfare to the Building Frontage or Right-of-way line, reserving space for street furniture.
Public Frontage, Secondary	The Public Frontage along a designated Secondary Development Zone. Secondary Public Frontages are commonly associated with pedestrian-oriented Thoroughfares and Mixed Use settings. They are designed to accommodate moderate amounts of pedestrian traffic and typically consist of a sidewalk or clear area adjacent to the Building Frontage or Right-of-way line, reserving space for street furniture, and a landscaped strip with street trees between the back of curb of the Thoroughfare and the sidewalk or clear area.
Public Frontage, Tertiary	The Public Frontage along a designated Tertiary Development Zone. Tertiary Public Frontages are commonly associated with pedestrian-friendly Thoroughfares in lower intensity mixed residential settings, consisting of a 5' wide sidewalk and street trees. Tertiary Public Frontages are designed to accommodate pedestrians who seek to walk to a nearby destination.
Recreational Open Space	Common Open Space that is improved and set aside, dedicated, or reserved for recreational facilities such as swimming pools, play equipment for children, ball fields, ball courts, and picnic tables.

Term	Definition
Recyclable Materials	Reusable materials including but not limited to metals, glass, plastic, paper and yard waste, which are intended for remanufacture or reconstitution for the purpose of using the altered form. Recyclable Materials do not include refuse or hazardous materials. Recyclable Materials may include used motor oil collected and transported in accordance with environmental and sanitation codes.
Registered Neighborhood Association	A neighborhood or local interest group that represents a defined area of the City and that has registered with the Planning Director in accordance with the applicable registration procedures of the Planning Director.
Regulatory Flood	See Base Flood definition in Article 12.
Regulatory Floodplain	See Floodplain definition in Article 12.
Regulatory Floodway	See Floodway definition in Article 12.
Regulatory Floodway Fringe	See Floodway Fringe definition in Article 12.
Residential Collector	See Collector, Residential
Residential-Design Manufactured Home	See Manufactured Home, Residential-Design
Retail Establishment, Large	An establishment engaged in retail sales, where the aggregate of retail uses within a Building is 100,000 or more gross square feet of Floor Area that may or may not include ancillary uses with internal Access from the Principal Use Building.
Retail Establishment, Medium	An establishment engaged in retail sales, provided the aggregate of retail uses within a Building is less than 100,000 gross square feet of Floor Area.
Retail Establishment, Specialty	An establishment engaged in retail sales where new or used goods or secondhand personal property is offered for sale to the general public by a multitude of individual vendors, usually from compartmentalized spaces within a Building. A specialty retail sales establishment shall not exceed 100,000 gross square feet of Floor Area and may have an unlimited number of individual vendors within it.
Root System Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for the root system of street trees and landscaping planted in the Street Tree & Furniture Zone.
Sadomasochistic Practices	Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.
Satellite Dish	A dish Antenna, with ancillary communications equipment, whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources and carry them into the interior of a Building.
Scale	A quantitative measure of the relative Height and Massing of Structure(s) Building(s) and spaces.
Screen or Screening	A method of visually shielding, obscuring, or providing spatial separation of an abutting or nearby use or Structure from another by fencing, walls, Berms, or densely planted vegetation, or other means approved by the Planning Director.
Setback	The minimum horizontal distance by which any Building or Structure must be separated from a street right-of-way or Lot line. (See also 20-602(e))
Setback, Front	The Setback required between a Building and the Front Lot Line. 

Term	Definition
Setback, Rear	The Setback required between a Building and the Rear Lot Line. 
Setback, Side	The Setback required between a Building and the Side Lot Line. 
Setback, Side (Exterior)	The Setback required between a Building and the Exterior Side Lot Line. 
Setback, Side (Interior)	The Setback required between a Building and the Interior Side Lot Line. 
Sexually Oriented Media	Magazines, books, videotapes, movies, slides, CD-ROMs or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas.
Sexually Oriented Novelties	Instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.
Shade Tree	Usually a Deciduous tree, rarely an Evergreen; planted primarily for its high crown of foliage or overhead Canopy.
Shared Parking	Development and use of Parking Areas on two (2) or more separate properties for joint use by the businesses or Owner of these properties.

Term	Definition
Shrub	A Deciduous, Broadleaf, or Evergreen plant, smaller than an Ornamental Tree and larger than Ground Cover, consisting of multiple stems from the ground or small branches near the ground, which attains a Height of 24 inches.
Significant Development Project	1. Any modification to a site that alters Parking Areas, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties; or 2. In the IM or IG zoning district, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of fifty percent (50%) or more of the Gross Floor Area of existing Building(s); or 3. In any zoning district other than IM or IG, the construction of one or more Building(s) or building additions that contain a Gross Floor Area of twenty percent (20%) or more of the Gross Floor Area of existing Building(s); or 4. Separate incremental Building additions below 50% for IM or IG zoning and 20% for all other zoning districts of the Gross Floor Area of existing Buildings if the aggregate effect of such Development Activity over a period of 24 consecutive months would trigger the 50% (for IM or IG) or 20% (for all other zoning districts) threshold; or 5. The installation or addition of more than 50% for IM or IG zoning and 20% for all other zoning districts of existing Impervious Surface coverage.
Slip Road	A road which provides access to and runs a course parallel to an Arterial Street or other limited access street or highway. Slip Roads are commonly used along boulevards to provide access to adjacent properties, on-street parking, and to buffer high-speed traffic lanes from pedestrian areas. Slip roads may also be known as access roads.
Special Purpose Base District	See Base District, Special Purpose
Specified Anatomical Areas	(1) Less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid State, even if completely and opaquely covered.
Specified Sexual Activities	Human genitals in a State of sexual stimulation or arousal or acts of human masturbation, sexual intercourse or sodomy or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
Story	That portion of a Building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost Story shall be that portion of a Building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a Basement or unused under-floor space is more than six (6) feet above Grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above Grade as defined herein at any such point, or unused under-floor space shall be considered a Story.
Stream Corridor	A strip of land 100 feet wide, of which the centerline shall be the centerline of a stream that is not ephemeral stream: a stream where flow occurs for only a short time after extreme storms and does not have a well-defined channel, similar to a drainage way.
Street, Arterial	Arterial Streets are the highest level of Street classification, generally providing for longer distance trips with relatively high traffic volumes and high speeds for the context. Principal Arterials permit traffic flow through the urban area and between major destinations. Minor Arterials collect and distribute traffic from principal Arterials and expressway to Streets of lower classification, and, in some cases, allow traffic to directly Access destinations.
Street, Collector	A Collector Street provides for land Access and traffic circulation within and between residential neighborhoods and commercial and industrial areas. They distribute traffic movements from these areas to the Arterial Streets. Collectors do not typically accommodate long through trips and are not continuous for long distances.
Street, Cul-de-sac	A Street having only one outlet and being permanently terminated by a vehicle Turnaround at the other end.
Street, Dead-End	A Street having only one outlet and which does not benefit from a Turnaround at its end.
Street, Expressway	Any divided Street or highway with no Access from Abutting property and which has either separated or at-Grade Access from other public Streets and highways.
Street, Freeway	Any divided Street or highway with complete Access Control and Grade separated interchanges with all other public Streets and highways.
Street, Limited Local	A Local Street providing Access to not more than eight Abutting single-Family residential Lots.

Term	Definition
Street, Local	Local Streets provide direct Access to adjacent land uses. Direct Access from a Local Street to an Arterial Street should be discouraged.
Street, Marginal Access	A Street that is generally parallel and adjacent to an Arterial Street or other limited-Access Street and that is designated to provide direct Access to adjacent property. Marginal Access Streets are commonly known as "Frontage Roads."
Street, Private	Any tract of land or access easement set aside to provide vehicular Access within a Planned Development that is not dedicated or intended to be dedicated to the City and is not maintained by the City. Owners of a private street may choose to gate access to this type of street from the general public.
Street, Public	A way for vehicular traffic, whether designated as a local, collector, arterial, freeway or other designation, which is improved to City standards, dedicated for general public use, and maintained by the City. The term shall also include alleys.
Street, Ultimate Design	The Street design that is based on the planned carrying capacity of the roadway consistent with its functional classification on the Major Thoroughfares Maps in the Comprehensive Plan.
Street Line	The line separating the Street right-of-way from the abutting property.
Street Tree and Furniture Zone	An area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for street trees and other landscaping as well as street furniture including, but not limited to benches, street lights and transit stops.
Streetscape	The built and planned elements of a street that define the street's character.
Structural Alteration	Any change in the supporting or structural members of a Building, including but not limited to bearing walls, columns, beams or girders, or any substantial change in the roof, exterior walls, or Building openings.
Structure	A Building or anything constructed that requires permanent location on the ground or attachment to something having a permanent location on the ground, including but not limited to fences, signs, billboards, and Mobile Homes.
Subsurface Utility Zone	A subsurface area designated within the Public Frontage in a Mixed Use development. Such zones shall reserve space for public utilities.
Thoroughfare	Any public right-of-way that provides a public means of Access to abutting property.
Tract (of land)	An area, Parcel, site, piece of land or property that is the subject of a development application or restriction.
Transitional Use	A permitted use or Structure that, by nature or level and scale of activity, acts as a transition or buffer between two (2) or more incompatible uses.
Tree Protection	Means the measures taken, such as temporary fencing and the use of tree wells, to protect existing trees from damage or loss during and after construction projects.
Trip Generation	The total number of vehicle trip ends produced by a specific land use or activity.
Unnecessary Hardship	The condition resulting from application of these regulations when viewing the property in its environment that is so unreasonable as to become an arbitrary and capricious interference with the basic right of private property ownership, or convincing proof exists that it is impossible to use the property for a conforming use, or sufficient factors exist to constitute a hardship that would in effect deprive the Owner of their property without compensation. Mere financial loss or the loss of a potential financial advantage does not constitute Unnecessary Hardship.
Vertical Mixed Use Structure	See Mixed Use Structure, Vertical
Woodlands	Natural hardwood forests, whether or not actively forested.
Working Days	Monday through Friday, 8AM to 5PM excluding city holidays

Term	Definition
Yard	Any Open Space located on the same Lot with a Building, unoccupied and unobstructed from the ground up, except for accessory Buildings, or such projections as are expressly permitted by these regulations. "Yard" refers to the actual open area that exists between a Building and a Lot Line, as opposed to the Required Yard *or open area* (referred to as a "Setback") 
Yard, Front	A space extending the full width of a Lot between any Building and the Front Lot Line and measured perpendicular to the Building at the closest point to the Front Lot Line.
Yard, Rear	A space extending the full width of a Lot between the Principal Building and the Rear Lot Line and measured perpendicular to the Building at the closest point to the Rear Lot Line.
Yard, Required	The unobstructed Open Space measured from a point on a Principal Building to the Lot Line from the ground upward, within which no Structure shall be located, except as permitted by this Development Code. It is the three-dimensional equivalent of the required Setbacks for every Lot.
Yard, Side	A space lying between the side line of the Lot and the nearest line of the Principal Building and extending from the Front Yard to the Rear Yard, or in the absence of either of such front or Rear Yards, to the front or Rear Lot Lines. Side-yard widths shall be measured perpendicular to the side Lot Lines of the Lot.
Zoning District	A portion of the territory of the City of Lawrence within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

20-1730 ~~GASOLINE AND FUEL SALES~~ RESERVED

~~(1) Retail sale from the Premises of petroleum products with incidental sale of tires, batteries and replacement items, lubricating services and minor repair services. Typical uses include automobile service stations, filling stations and truck stops.~~

20-1766 VEHICLE SALES AND SERVICE

Sales of motor vehicles or services related to motor vehicles. The following are vehicle sales and service use types:

(1) **Cleaning**

Washing and polishing of automobiles. Typical uses include car washes.

(2) **Fleet Storage**

Fleet storage of vehicles used regularly in business operation and not available for sale, or long-term storage of operating vehicles. Typical uses include taxi fleets, buses, mobile-catering truck storage, and auto storage garages.

(3) Gas~~oline~~ and Fuel Sales

Retail sale from the Premises of ~~petroleum products~~ vehicular fuels with incidental sale of tires, batteries and replacement items, lubricating services, minor repair services, and Food and Beverage Sales. Typical uses include ~~automobile~~ vehicle service stations, and gas ~~filling~~ stations with or without convenience stores ~~and truck stops~~.

(4) Truck Stop

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

~~(3)~~(5) Heavy Equipment Repairs

Repair of trucks and other heavy equipment as well as the sale, installation, or servicing of automotive equipment and parts together with body repairs, painting, and steam cleaning. Typical uses include engine repair shops, body shops and motor freight maintenance groups.

~~(4)~~(6) Light Equipment Repairs

Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include tire repair and alignment, muffler shops, auto or motorcycle repair garages and auto glass shops.

~~(5)~~(7) Heavy Equipment Sales/Rentals

Sale, retail or wholesale, and/or rental from the Premises of heavy construction equipment, trucks and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.

~~(6)~~(8) Light Equipment Sales/Rentals (including automobiles)

Sale, retail, wholesale, or rental from the Premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, motor homes and boat dealers, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies with accessory wash bays and vehicle storage and recreational vehicles sales and rental agencies.

~~(7)~~(9) Storage of Non-operating Vehicles

Storage of non-operating motor vehicles. Typical uses include storage of private parking tow-a-ways and impound yards.

~~(8)~~(10)Storage of Recreational Vehicles and Boats
Storage of recreational vehicles and boats. Typical uses include the collective storage of personal recreational vehicles and boats.

PLANNING COMMISSION REPORT
Regular Agenda – Non Public Hearing Item

PC Staff Report
2/29/12

ITEM NO. 8A: ANNEXATION; .34 ACRES; PUMP STATION 35 (MKM)

A-12-6-11: Consider annexation of approximately .34 acres located east of intersection of N Michigan Street and River Ridge Road to accommodate a sanitary sewer pump station. Submitted by the City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the requested annexation of approximately .34 acres located east of the intersection of North Michigan Street and Riverridge Road.

Reason for Request: *"Property must be annexed for site planning/platting purposes required for use of property as a pump station site."*

KEY POINTS

- Annexation of approximately .34 acre is being requested for the construction of a City sanitary sewer pump station which is classified as a 'minor utility' use.
- The subject property is located within Service Area 1 of the Urban Growth Area; therefore, annexation is required prior to development.
- Annexation requests less than 10 acres do not require a Planning Commission recommendation, but this annexation is being included with the other applications related to this project.
- This request is accompanied by a rezoning request, a preliminary plat and a special use permit application.
- The subject property is adjacent to the Lawrence city limits.

COMPREHENSIVE PLAN FACTORS TO CONSIDER

- The proposal is compliant with the Comprehensive Plan.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Items being considered at the February Planning Commission meeting:

- Rezoning request [Z-12-31-11] from A (Agricultural) to OS-FP (Open Space and Floodplain Overlay) District
- Preliminary Plat [PP-12-13-11]; Pump Station No. 35 Subdivision.
- Special Use Permit [SUP-12-6-11] for the pump station.

Other action required:

- City Commission approval of annexation and adoption of ordinance.
- City Commission approval of rezoning request and adoption of ordinance.
- City Commission approval of the Special Use Permit and adoption of ordinance
- Publication of rezoning, annexation and special use permit ordinances.
- City Commission acceptance of dedication of easements and rights-of-way for the Preliminary Plat.
- Submittal of final plat for administrative approval and recordation.
- Administrative review and approval of Floodplain Development Permit for construction of pump station.

PUBLIC COMMENT

- No public comments were received prior to the printing of this staff report.

EXISTING CONDITIONS

Current Zoning and Land Use: A (County-Agriculture) and F-F (Floodway Fringe Overlay) Districts; undeveloped.

Surrounding Zoning and Land Use:

To the north:
A (County-Agriculture) and F-F (County-Floodway Fringe Overlay) Districts; rural residence.

To the south and west:
A (County-Agriculture) District; rural residence located on the parent parcel from which the subject property was divided.

To the east:
A (County-Agriculture) and F-F (County-Floodway Fringe Overlay Districts; undeveloped right-of-way.

RM12D (Multi-Dwelling Residential); townhouse development.

Site Summary

Gross Area:	14,700 sq ft (.337 acres)
Area Requested for Annexation:	14,700 sq ft (.337 acres)

Subject property is located within Service Area 1 of the Urban Growth Area as defined in *Horizon 2020.*

Project Summary:

The proposed annexation is for approximately 1/3 acre located east of the intersection of Michigan Street and Riverridge Road on N 1750 Road, a private County Road. The annexation is desired so that the property may be developed by the City with a sanitary sewer pump station, a *minor utility*.

Annexation Procedure

City policy requires the Lawrence-Douglas County Metropolitan Planning Commission to review all annexation requests in excess of ten acres. This annexation request is less than ten acres, but is being brought before the Planning Commission with the other related items for this proposal. A related rezoning request has been submitted for this property from A (County-Agriculture) to OS-FP (Open Space and Floodplain Management Regulations Overlay) District. Minor utilities are permitted uses in the Open Space District with either a site plan or a Special Use Permit, depending on the scope of the utility. As this minor utility will serve more than one specific subdivision, a Special Use Permit is required and is also on the February Planning Commission agenda.

The City of Lawrence Administrative Annexation Policy (AP-74) requires that the costs associated with compensation to a Rural Water District be paid to the City by the annexation applicant for Rural Water District facilities serving the property to be annexed. The City took over Rural Water District #1 facilities in this area when Riverridge Road was improved in 2000-2001. Rural Water District #1 confirmed that the property is no longer within their district; therefore, compensation is not necessary.

General Location and Site Characteristics:
The site requested for annexation is located east of the intersection of Riverridge Road and North Michigan Street. The property is bounded by City property on the east. The subject property is located on a private County Road, N 1750 Road. A utility/access easement provides access to the site. (Figure 1)

A portion of the property is encumbered with regulatory floodplain; therefore, a rezoning to the Floodplain Management Regulations Overlay District has been requested and an application for a Floodplain Development Permit has been submitted for the construction of the pump station.

Infrastructure and Utility Extensions
A pump station is currently located on 1206 Sunchase Drive just east of the subject property. With this proposal, the pump station will be relocated to City-owned property and improved. Sanitary sewer lines will be extended to the facility with the relocation of the pump station.

Public Right-of-Way: The subject property abuts a County private road to the north. Section 20-810(e) requires that the right-of-way for all boundary line and full maintenance roads that is under the applicant's ownership control be annexed into the city with the preliminary plat. The City does not own or control any right-of-way for the private road. The plat for the property to the east dedicated one-half of the right-of-way for a future local road, and the one-half of the required right-of-way for a local road is also being dedicated with the preliminary plat for this property, Pump Station 35 Addition.

COMPREHENSIVE PLAN:
The subject property is located within Service Area 1 of the Urban Growth Area as shown in Map 3-1 of *Horizon 2020*. This area includes lands which are proximate to the existing city limits and can be readily served by community facilities and services. The Annexation Policies listed on page 4-5 of *Horizon 2020* states that annexation shall be required prior to development in Service Area 1 of the Lawrence Urban Growth Area. This annexation request is also considered under the Community Facilities Chapter of *Horizon 2020* since it will facilitate the upgrade of public utility services.

Community Facilities Policy 2.4: Utilize locational Criteria for Utility Structures (page 10-17 *Horizon 2020)* recommends that utility location and design be such that impact on adjacent properties is minimized and that public uses that are potential nuisances should be buffered by screening, distance and/or landscaping. The proposed site is located east of the North Michigan Street/Riverridge Road intersection and is not adjacent to any public roadways. It is adjacent to a County private road. The pump station equipment will be installed underground and the only above ground features will be a meter board and vents. Screening will be considered with the review of the Special Use Permit site plan.

The annexation request is consistent with the growth management and community facilities policies found in *Horizon 2020*.

CONCLUSION
The subject property is located within Service Area 1 of the UGA. This land use proposal will accommodate an upgrade to utility facilities to maintain a high level of service for development in this area. The proposed annexation is compliant with recommendations of *Horizon 2020.*

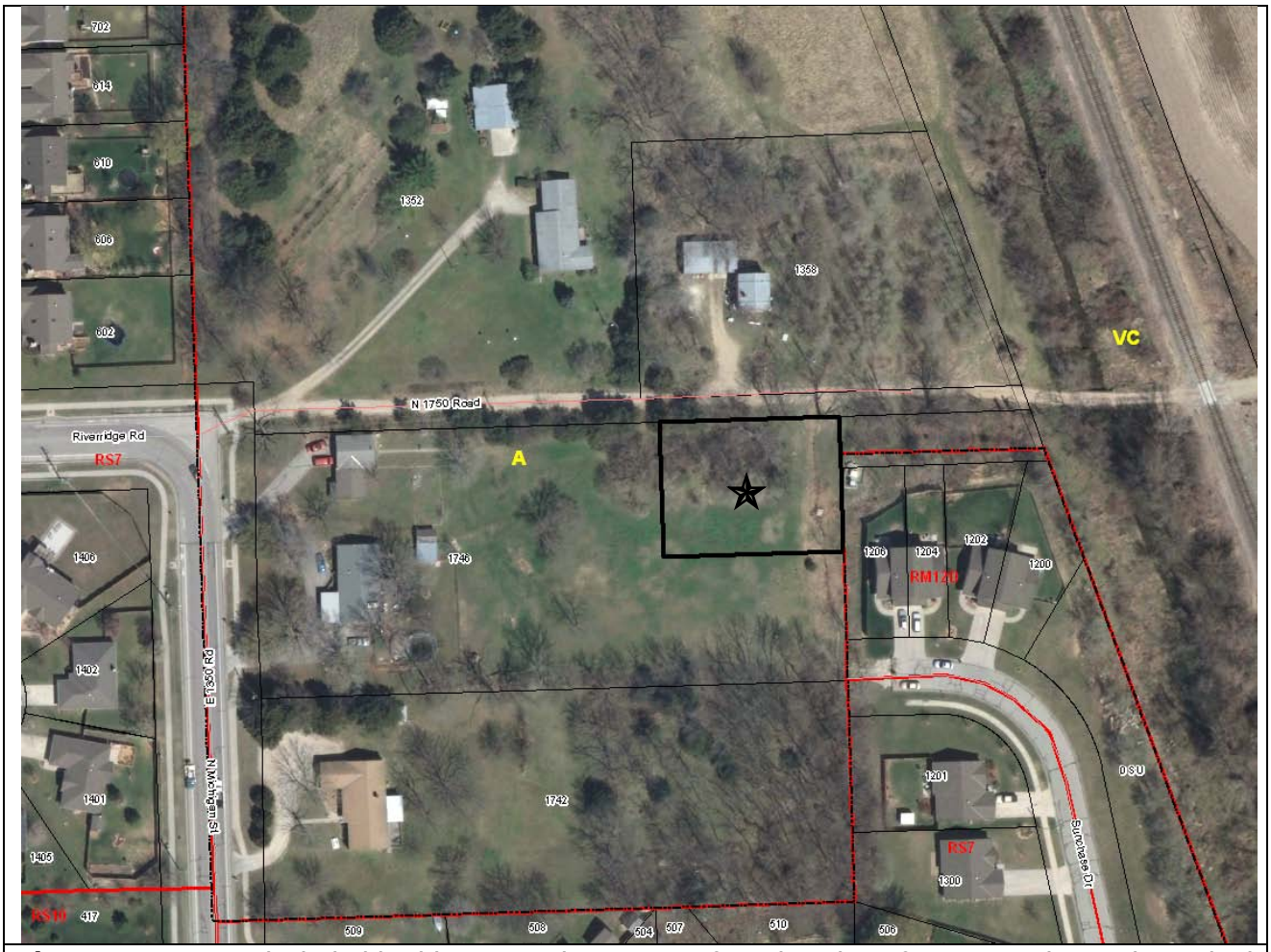
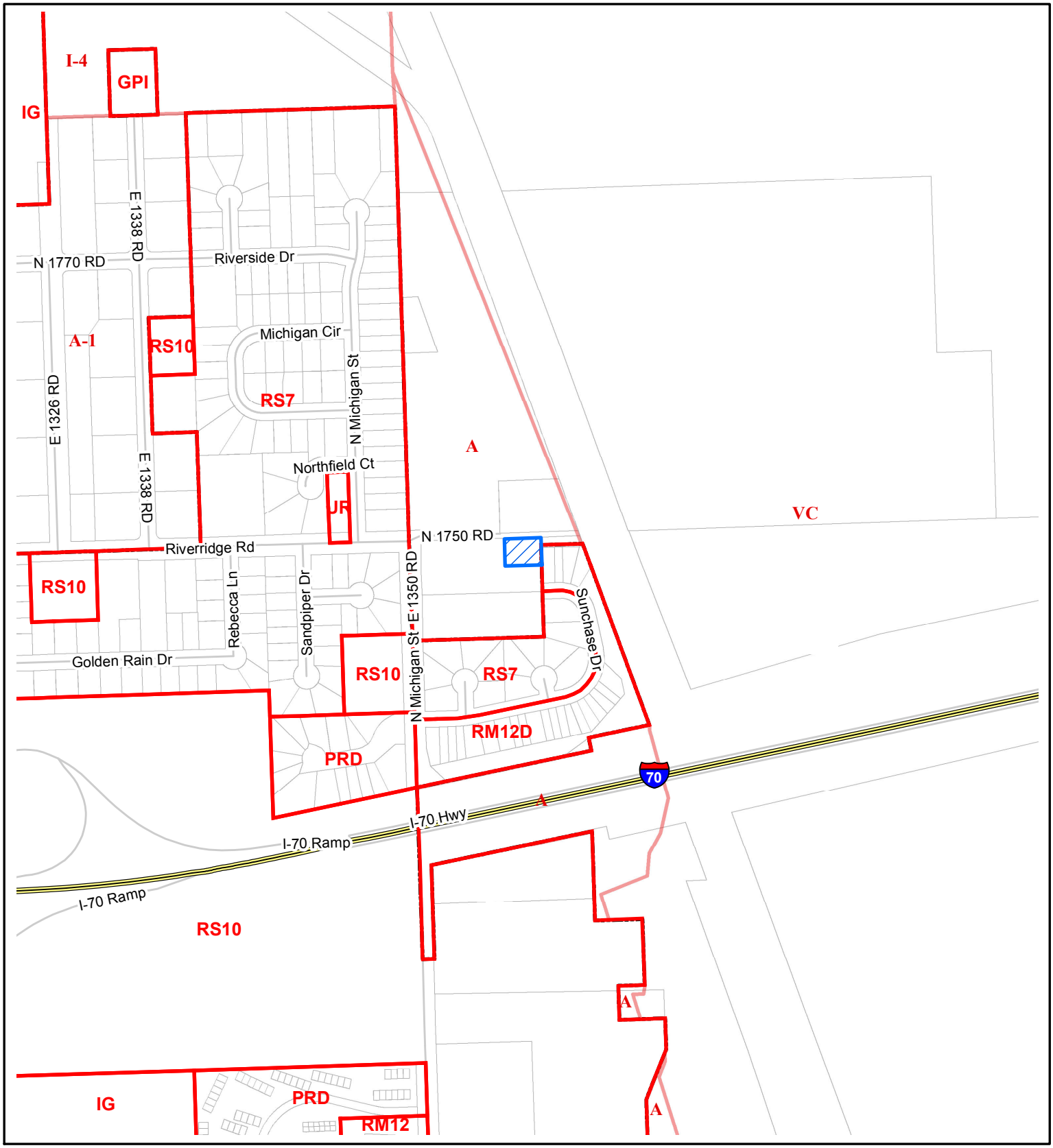


Figure 1. Property included in this annexation request for relocation of Pump Station 35 is marked with a ★



A-12-06-11: Annexation of 0.34 acres
Z-12-31-11: Rezone 0.34 acres from A to OS-FP
SUP-12-06-11: Special Use Permit for Pump Station No 35
East of N Michigan St & River Ridge Rd

Lawrence-Douglas County Planning Office
February 2012

N
W E
S

Area Requested

Scale: 1 Inch = 500 Feet

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

ITEM NO. 8B: A TO OS-FP; .34 ACRES; PUMP STATION 35 (MKM)

Z-12-31-11: Consider a request to rezone approximately .34 acres located east of intersection of N Michigan Street and River Ridge Road from A (Agricultural) to OS-FP (Open Space with Floodplain Management Regulations Overlay) District to accommodate a sanitary sewer pump station.. Submitted by the City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately .34 acres from A (Agriculture) District to OS-FP (Open Space with Floodplain Management Regulations Overlay) 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.

APPLICANT'S REASON FOR REQUEST

"*Required for site planning/platting for use of property as a pump station site."*

KEY POINTS

- Rezoning to the OS-FP District has been requested to permit relocation of a pump station.
- The City's 2003 Wastewater Master Plan recommends upgrading existing pump stations.
- The property lies outside the city limits, in Service Area 1 of the Urban Growth Area. An annexation request was submitted concurrently with this rezoning request and is also being considered at the February Planning Commission meeting.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The area contains a mix of low density rural residential uses and medium-density urban residential uses and railroad right-of-way. The floodway fringe associated with the Kansas River, to the east, is present in the area. The northeast portion of the subject property and the properties to the north and east are encumbered with the 100 year regulatory floodway fringe.

CONFORMANCE WITH *HORIZON 2020*

- The proposed rezoning request from A (Agriculture) District to OS-FP (Open Space with Floodplain Management Regulations Overlay) District is consistent with land use recommendations found in *Horizon 2020.*

ASSOCIATED CASES/OTHER ACTION REQUIRED

Items being considered at the February Planning Commission meeting:

- Annexation request [A-12-7-11]
- Preliminary Plat [PP-12-13-11]; Pump Station No. 35 Subdivision.
- Special Use Permit [SUP-12-6-11] for the pump station.

Other action required:

- City Commission approval of annexation and adoption of ordinance.

- City Commission approval of rezoning request and adoption of ordinance.
- City Commission approval of the Special Use Permit and adoption of ordinance.
- Publication of rezoning, annexation and Special Use Permit ordinances.
- City Commission acceptance of dedication of easements and rights-of-way for the Preliminary Plat.
- Submittal and administrative approval and recordation of Final Plat.
- Administrative review and approval of Floodplain Development Permit for construction of pump station.

PUBLIC COMMENT

- No public comments were received prior to the printing of this staff report.

GENERAL INFORMATION

Current Zoning and Land Use:	A (County-Agriculture) and F-F (County-Floodway Fringe Overlay) Districts; undeveloped.
Surrounding Zoning and Land Use:	To the north: A (County-Agriculture) and F-F (County-Floodway Fringe Overlay) Districts; rural residence. To the south and west: A (County-Agriculture) District; rural residence located on the parent parcel from which the subject property was divided. To the east: A (County-Agriculture) and F-F (County-Floodway Fringe Overlay Districts; undeveloped RM12D (Multi-Dwelling Residential); townhouse development.

Project Summary

The City's 2003 Wastewater Master Plan recommends that upgrades be made to existing pump station facilities. In order to maintain a high level of service for the area, the Utility Department determined that the existing above-ground pump station at 1206 Sunchase Drive should be replaced with one which utilizes equipment which can be kept underground. Underground equipment requires less maintenance and reduces the visual impact of the station. The pump station is being relocated from the privately owned lot to City owned property to the west as seen in Figure 1.

Figure 1. Current and proposed location of Pump Station 25. Existing location in red, proposed in green.

Access to the pump station is currently taken through a utility/access easement located on the county private road N 1750 Rd. The easement will continue to provide utility access to the new pump station.

As the subject property currently has no road frontage on a public street or road, it would not be appropriate for commercial, residential, or industrial uses. The proposal is to construct a pump station whose only traffic will be that necessary for its maintenance.

REVIEW & DECISION-MAKING CRITERIA

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"*Providing utility service to surrounding community."*

The Lawrence Future Land Use Map in *Horizon 2020* (page 3-4) shows this property in Service Area 1 and recommends low density residential uses in this area. The proposed use is not residential, but is intended to provide sanitary sewer service to residences in the area.

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

Chapter 5-Residential Land Use: Specific Recommendations for Select Areas
Riverridge Residential Area (the area adjacent to the subject property):

> *"Unlike most other neighborhood areas of the city, the Riverridge neighborhood includes substantial portions which are currently unincorporated and are not served with municipal sewer and water facilities. In order to permit continued and orderly development of the greater neighborhood area, it is desirable that the Riverridge area be serviced with utilities and improved street/roads to enable the extension of the systems to adjoining areas."* (Page 5-8)

The OS Zoning would facilitate the upgrading of utilities systems to serve the neighborhood.

Parks, Recreation and Open Space:
Policy 3.1 Identify Future Parklands and Open Space Areas:
(e) Encourage open space uses in the community's privately or publicly owned floodplains and drainageways. (Page 9-16)

The property is partially encumbered with floodplain; however, per Section 20-1201(c) when property is annexed into the City, additional area must be rezoned to the Floodplain Management Regulations Overlay District. The entire property will be rezoned to the Floodplain Management Regulations Overlay District; therefore, the rezoning to OS would be in conformance with the open space recommendation in *Horizon 2020.*

Even though the property will be developed with a pump station, the majority of the facility will be underground. Above ground improvements include the driveway, meter board/control panel, and vents; with the remainder of the property remaining as open space.

Community Facilities:
Policy 2.4: Utilize Locational Criteria for Utility Structures: Choose locations and design sites in a manner which minimizes the impact on adjacent properties. (Page 10-17)

The pump station is being located on City owned land and the isolated location coupled with the low profile of the facility will minimize the impact on adjacent properties.

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

ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

The subject property is surrounded by City residential zoning on the east and County-agricultural zoning on all other sides. The County-FF (Floodway Fringe Overlay District) is also located in this area. (Figure 2) The surrounding properties are all developed with residences with the exception of the property to the north which had been developed with a paint company storage building. This building is now vacant. The residences outside the city limits are located on parcels ranging from 1 to 11 acres in area. The residence to the east, a duplex within the city limits, is located on a portion of a lot of less than 1/4 acre. The subject property was a part of the rear yard of the residential property located at 1742 E 1350 Road before it was purchased by the City and lies directly across from the storage building at 1358 N 1750 Road.

Staff Finding – Zoning in the area consists of County A (Agriculture) and City RM12D (Multi-Dwelling Residential) Districts. Portions of the area to the east and north are encumbered with the 100 year Regulatory Floodway Fringe which is zoned County F-F (Floodway Fringe Overlay) District.

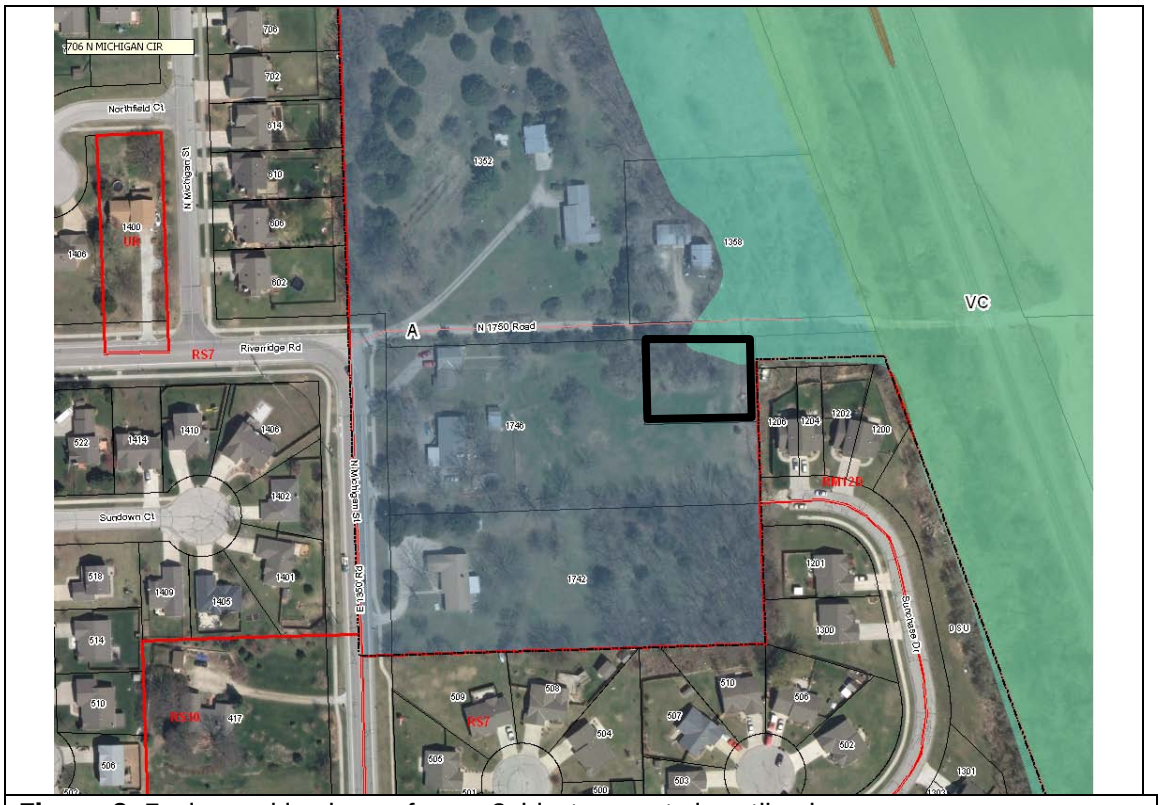


Figure 2. Zoning and land use of area. Subject property is outlined.

CHARACTER OF THE AREA

The subject property abuts the Lawrence city limits on the east and is being annexed concurrently with this rezoning. The property is bounded on the north, west, and south by rural properties ranging from 1 to 11 acres in area. To the east, within the City limits, is

RM12D zoned property which is developed with duplexes. This multi-dwelling development is narrow (about 4 lots deep) due to the railroad right-of-way and floodplain to the east.

Significant areas of floodplain, including the Kansas River floodway, are located in this area. Westar Energy has a large utility facility to the north of the subject property. The predominate land uses in this area are residential, both rural and urban residences, agricultural, utility, and open space.

Staff Finding – The area contains a mix of rural and urban residences as well as railroad right-of-way, utilities, agricultural land and open space.

PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY
The subject property is not included in any adopted area and/or sector plans. *Horizon 2020* is the guiding plan for this property.

SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS
Applicant's Response:
"Property is suitable for proposed use as a pump station site."

The property is currently zoned A (Agriculture). The Agriculture District is intended to provide for a full range of agricultural activities. Uses permitted within the A District include agricultural uses, animal hospitals, commercial dog kennels, commercial riding stables, detached dwellings, schools, and churches. The property is suited for agricultural uses; but is not suited for the other uses permitted within the A District due to its limited access on a private road.

A request has been submitted for the annexation of the property into the City of Lawrence. Rezoning to a City Zoning District is required with annexation and the applicant is requesting a rezoning to the OS District. The OS District is intended to preserve and enhance major open space and recreational areas and permitted uses are limited in this district as follows:

Permitted by Right	**Require Special Use Permit**
Cemetery	Cultural Center/Library
Minor Utility which serves a specific development	Minor Utility which serves more than one specific development
Passive Recreation	Major Utility
Nature Preserve	Active Recreation
	Campground
	Adaptive Reuse of Designated Historic Property
	Telecommunication Tower

The proposed use, a *Minor Utility,* serves more than one specific development; therefore it requires approval of a Special Use Permit. A Special Use Permit entails public review and the evaluation of a use's operational characteristics and site development features to ensure that the proposed use will not have a significant adverse impact on surrounding uses or the

community at large. A Special Use Permit application has been submitted and is also being considered at the February Planning Commission meeting.

Staff Finding – The property is suitable for the agricultural uses to which it is restricted with the current A Zoning; however, it is not suitable for the other permitted uses in the A District given the lack of public road access. The property is suitable for the limited uses permitted with the OS Zoning, again because of the lack of public road access. The additional review required with the Special Use Permit will insure compatible development.

LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response:

"Previously residential property, zoned A. Has been vacant since City acquisition."

Staff Finding – The subject property has never been developed.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's response:

"No detrimental effect to adjacent land owners/properties."

The pump station will be unmanned and will generate very little traffic. The majority of the mechanics of the pump station will be underground so there should be little, if any, negative effects. A meter panel and valves will be located above ground. The pump station is located across N 1750 Road from a vacant storage building in the County and is west of the rear yard of a residence within the City limits. The pump station impact on these properties would primarily be visual, and this should be minimal given the nature of the facility.

A larger pump station is currently located on the property to the east. With this proposal, this station will be removed and a new facility will be installed to the west. The overall impact of this proposal on nearby properties would be positive. (Figure 3)

Staff Finding – Negative impacts associated with the development should be minimal, as the facility is unmanned and is designed to produce very little noise or odor. Screening would be considered with the review of the Special Use Permit.

THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response:

"Improved efficiency and reliability of sanitary sewer service to the community at large."

Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

The pump station is a minor utility which will benefit the City as a whole by maintaining a high level of service for this area. The City Utilities Engineer indicated that increased capacity to compensate for deficiencies in the existing systems or future expansion of the service areas was accounted for as part of the design phase of the project.

If the rezoning were denied, it would not be possible to relocate the pump station to City owned property, and upgrades would need to be made in place.

Staff Finding – The rezoning will have positive public impact by providing an upgraded utility facility to maintain a high level of service in the area. If the rezoning were denied, it would not be possible to relocate or the facility to city owned property.

PROFESSIONAL STAFF RECOMMENDATION

The FP (Floodplain Management Regulations Overlay) District is an appropriate zoning district for property encumbered with the floodplain. The OS (Open Space) District is appropriate given the proposed use of a *minor utility* and the limited uses permitted in the OS District and the floodplain on the property. The requirement to review the development proposal through the Special Use Permit process will insure development that is compatible with surrounding properties. Staff recommends approval of the rezoning request to the OS-FP District.

Figure 3. Existing pump station on the left. Example of new station (without the fencing) Underground facilities will be level-or slightly elevated and the panel will contain the above ground equipment.

PLANNING COMMISSION REPORT
REGULAR AGENDA
PUBLIC HEARING ON THE VARIANCE REQUEST ONLY

PC Staff Report
2/29/12

ITEM NO 8C: PRELIMINARY PLAT FOR PUMP STATION 35 (MKM)

PP-12-13-11: Consider a Preliminary Plat for Pump Station No. 35, a one-lot subdivision of approximately .34 acres, located east of intersection of N Michigan Street and Riverridge Road and a variance from Section 20-810(b) of the Subdivision Regulations to permit the creation of a lot without frontage on a public street or road. Submitted by the City of Lawrence, property owner of record.

STAFF RECOMMENDATIONS:
Staff recommends approval of the variance requested from Section 20-810(b) to permit the creation of a lot without frontage on a public street or road.

Staff recommends approval of the Preliminary Plat of the Pump Station No. 35 Subdivision subject to the following condition of approval:

1) The preliminary plat shall be revised with the following changes:
   a. If approved, the 'Variance Request' note shall be revised to note that the variance was approved by the Planning Commission and the date of the approval.
   b. Addition of a note that the City will participate in a benefit district for street improvements when other parcels annex and develop.

Applicant's Reason for Request: Subdivision requirement prior to construction of minor utility.

ATTACHMENT: Letter received from Terri and Don Rich.

KEY POINTS
- The property is located on a private County road, N 1750 Road, but does not have frontage on a public street.
- A portion of the property is encumbered with regulatory floodplain.

SUBDIVISION CITATIONS TO CONSIDER
- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Section 20-813 states that building permits will not be issued for unplatted property.
- Section 20-810 (b) requires all lots to have frontage on a public street with some exceptions. As this lot does not meet the exceptions, a variance is being requested.

ASSOCIATED CASES/OTHER ACTION REQUIRED
Items being considered at the February Planning Commission meeting:
- Annexation request [A-12-6-11] for approximately .3 acres.

- Rezoning request [Z-12-31-11] from A (Agricultural) to OS-FP (Open Space and Floodplain Management Regulations Overlay) District
- Special Use Permit [SUP-12-6-11] for the pump station.

Other action required:

- City Commission approval of annexation and adoption of ordinance.
- City Commission approval of rezoning request and adoption of ordinance.
- City Commission approval of the Special Use Permit and adoption of ordinance
- Publication of rezoning, annexation and special use permit ordinances.
- City Commission acceptance of dedication of easements and rights-of-way for the Preliminary Plat.
- Submittal of final plat for administrative approval and recordation.
- Administrative review and approval of Floodplain Development Permit for pump station.

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 the property contains less than 1/2 acre. [Stormwater Management Criteria Section 1.6.E.2.d]
- *Retail Market Study* – Not applicable to project.

PUBLIC COMMENT

- Dan Chappell, neighboring resident, called to discuss the project. He was concerned that stormwater in the area drains across the subject property and requested improvements to reduce erosion.
- Terri and Don Rich provided a letter to Planning indicating concern with the use of the private road to access the facility.

Site Summary

Gross Area:	.337 acres (14,700 sq ft)
Number of Lots:	1
Right of Way:	4,200 sq ft
Area of Lot 1:	10,500 sq ft

GENERAL INFORMATION

Current Zoning and Land Use: County-A (Agriculture) and County-F-F (Floodway Fringe Overlay) District; undeveloped. [Rezoning request to the OS-FP (Open Space and Floodplain Management Regulations Overlay) District is included the Planning Commission's February agenda.]

Surrounding Zoning and Land Use:

To the north:
A (County-Agriculture) and F-F (County-Floodway Fringe Overlay) Districts; rural residence.

To the south and west:
A (County-Agriculture) District; rural residence located on the parent parcel from which the subject property was divided.

To the east:

A (County-Agriculture) and F-F (County-Floodway Fringe Overlay Districts; undeveloped right-of-way.

RM12D (Multi-Dwelling Residential); undeveloped property.

STAFF REVIEW

Pump Station 35 is currently located on private property and access to the site is provided with a utility/access easement along N 1750 Road, a private County road. The access will not change with the relocation of the pump station. Figure 1 shows the location of the existing pump station, the proposed site for relocation, and the access along N 1750 Road. A variance from the requirement that all lots have frontage on public streets or roads has been requested and is discussed later in this report.

Figure 1. Current Pump Station location marked with star. New location marked with circle. Pump station will continue to be accessed from access/utility easement along N 1750 Road. The red line identifies N 1750 as a private road.

The subject property was a part of the rural residential parcel located at 1746 E 1350 Road when purchased by the City for the relocation of Pump Station 35. The pump station is currently located on private property at 1226 Sunchase Drive, adjacent to the subject property on the east. With this proposal the facility will be relocated to City-owned property. The property is being platted so a building permit can be obtained for construction of the pump station.

Dan Chappell, resident at 1746 E 1350 Road, contacted Planning with concerns regarding the stormwater management in the area. He indicated that stormwater from Sunchase Drive flows onto the property to the west and through the pump station parcel to N 1750 Road. The drainage-way is visible in Figure 2. The City Utility Engineer indicated that the cost of this improvement was not included in their project budget. The pump station project includes the installation of a driveway culvert adjacent to 1750 Road, lining the outlet area with rock, and performing corrective grading and installation of new aggregate surfacing on 1750 Road along the frontage and to the east of the pump station site. This work will alleviate the ponding condition that exists on 1750 Road today. The City Stormwater Engineer indicated they would be willing to rock the drainage area; however, the drainage travels across property within the unincorporated area of the County before it reaches the newly annexed property. Installing rock

on only the northern portion of the drainage area, within the City limits, would not resolve the erosion concerns.

Compliance with Zoning Regulations for the OS District.
The lot contains approximately 10,500 sq ft and is 140 ft wide by 75 ft deep. The OS District has no minimum lot dimensions; however minimum setbacks do apply, and these will be addressed with the Special Use Permit. The proposed lot complies with the OS District lot requirements.

Zoning and Land Use
The subject property is currently undeveloped. The property is zoned County-A (Agriculture) and a portion is zoned F-F (Floodway Fringe Overlay) District. Requests to annex into the City and rezone to the OS-FP (Open Space with Floodplain Management Regulations Overlay) District are being considered concurrently with this preliminary plat. When property is annexed the Development Code requires that 2 feet of freeboard be rezoned to the Floodplain Management Regulations Overlay District in addition to the land encumbered with the regulatory floodway or floodway fringe. The entire lot is being rezoned to the Overlay District.

Streets and Access
The property is located on N 1750 Rd, a private County road. Per Section 20-810(b) lots are required to have frontage on a public street or road; therefore a variance has been requested. The variance request will be discussed later in this report.

One-half of the required right-of-way for a local street, 30 ft, is being dedicated with this plat. The Subdivision Regulations require that the full right-of-way for boundary line roads and full-maintenance roads that are under the property owner's control be annexed with the preliminary plat. The north half of the required right-of-way is not under the property owner's control; therefore, it will not be annexed at this time.

The pump station is unmanned and will require minimal access. Access to the current station is provided from the access and utility easement along N 1750 Road and this access will continue to serve the relocated pump station. Public comment was received which suggested improvements to the intersection and roadway. Improvements are not recommended or required at this time, as the proposed use is a relocation of an existing use on the road and will not increase the amount of traffic. The improved pump station may actually result in fewer maintenance visits and thus generate less traffic.

Utilities and Infrastructure
Utilities and infrastructure to accommodate the relocated pump station will be developed as part of the project.

Easements and Rights-of-way
One-half the required right-of-way for a local street is being dedicated with this plat on the north side of the property in line with right-of-way dedicated with a previous plat to the east.

VARIANCE
The property owner is requesting a variance from Section 20-810(b) which requires that all lots have frontage on public streets.

Section 20-813(g) states that the Planning Commission may grant a variance from the design standards of these regulations only 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.

As the property has no frontage on a public street and does not meet any of the exceptions listed in Section 20-810(b), strict application of these regulations would require the dedication of additional right-of-way and the extension of the street system to the lot being created with this plat.

The property is located on a private County road, and one-half the required right-of-way for a local street is being dedicated with this plat. Additional right-of-way will be dedicated when the other properties with frontage on N 1750 Road are annexed into the City so it will be possible to extend a public street to serve this area at that time. The plat should note that the City will participate in a benefit district for street improvements when other parcels annex and develop.

The pump station is currently accessed from N 1750 Road. With this proposal, the pump station is being moved approximately 65 ft to the west onto City owned property. A utility and access easement has been dedicated over the private road to insure the City will have access to the utility site. Requiring the extension of a public street to serve the minor utility at this time would be an unnecessary hardship as no additional traffic will be generated with the relocated pump station and access for the limited traffic is currently provided by an access/utility easement.

Criteria 2: The proposed variance is in harmony with the intended purpose of these regulations.

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 to provide for the conservation of existing neighborhoods.

The division of land requested will result in one lot without frontage on a public street or road. This property is proposed to be rezoned to the OS-FP District and a Special Use Permit has been requested for the development of a pump station on this property. The pump station will be relocated from adjacent private property and will be upgraded so the working mechanisms will be underground. The upgraded facility will improve service in the area. The improvement of public infrastructure is in the public interest and general welfare. The very low-intensity use of the property does not require frontage on the public street system.

Criteria 3: The public health, safety and welfare will be protected.

The upgraded pump station will protect and enhance the public health, safety and welfare by maintaining high quality sanitary sewer services in the area. The lack of public street frontage for a minor utility would not negatively impact the public health, safety or welfare.

STAFF RECOMMENDATION

Staff recommends approval of the variance request to permit the creation of a platted lot without public street frontage.

Conformance

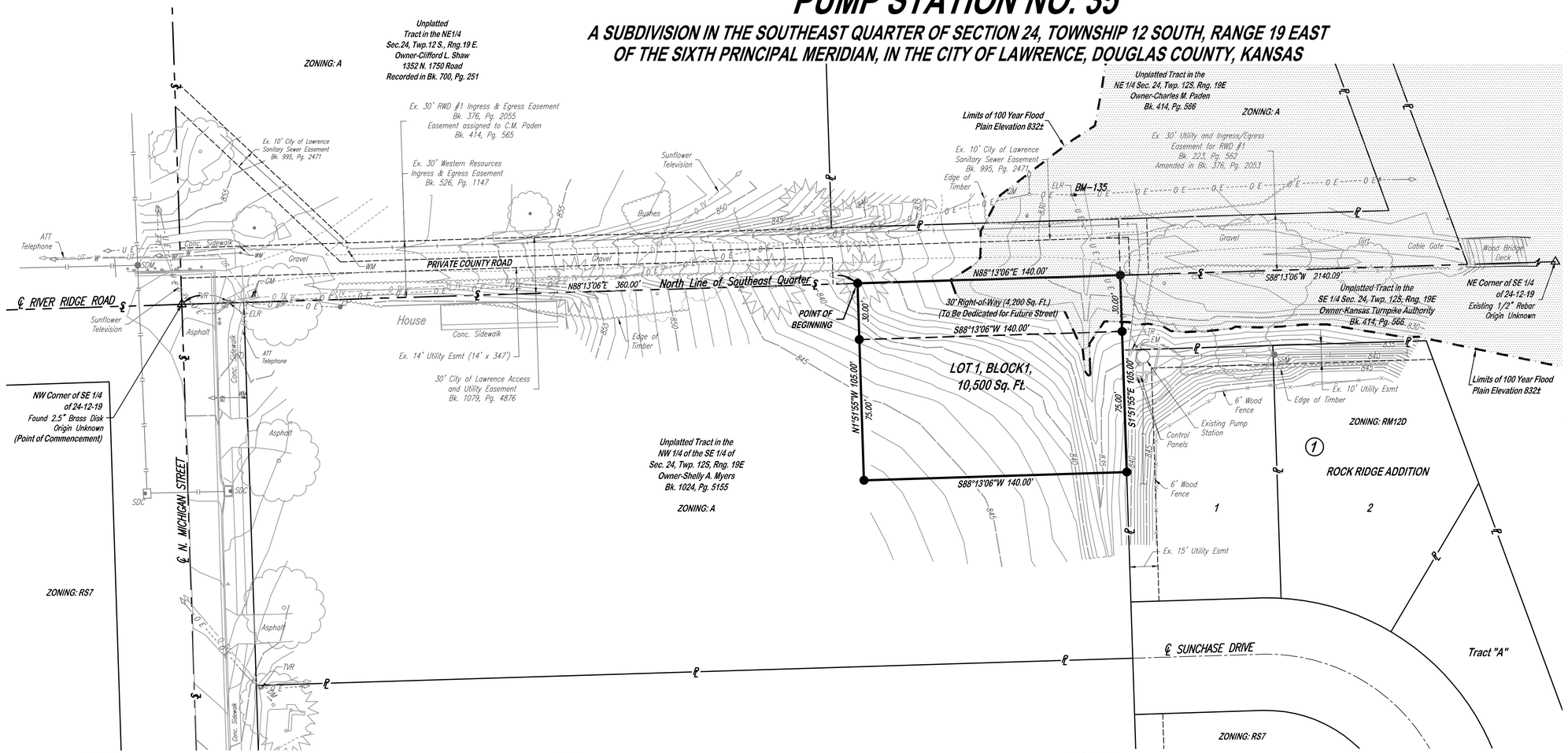
The Comprehensive Plan recognizes the need to carefully plan for the continued service to existing areas of Lawrence and to select locations for new and expanded utilities. One strategy recommends that plans should emphasize utility improvements and extensions that provide the highest lever of service within existing service areas. (page 10-11, *Horizon 2020)* The proposed improvement is in conformance with the recommendations in *Horizon 2020.*

With the approved variances and recommended conditions, the preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.

PRELIMINARY PLAT

PUMP STATION NO. 35

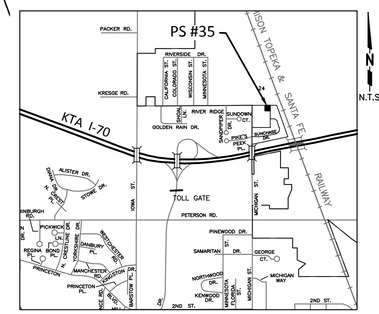
A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS



LEGEND

- Existing monument as labeled
- Set 5/8" x 24" Rebar with I.D. Cap Stamped "PEC CLS65"–Set
- Existing Easement
- Existing Sanitary Sewer Manhole
- Existing Sanitary Sewer Main
- Existing Sanitary Force Main
- Existing Storm Sewer Manhole
- Existing Storm Sewer Curb Inlet
- Existing Storm Sewer Area Inlet
- Existing Storm Sewer Line
- Existing Water Meter
- Existing Gas Meter
- Existing Underground Electric Line
- Existing Overhead Electric Line
- Existing Electrical Meter
- Existing Electrical Riser
- Existing Deadman
- Existing Buried Telephone Line
- Existing Telephone Box
- Existing Telephone Riser
- Existing Buried Television Line
- Existing Overhead Television Line
- Existing Cable Television Box
- Existing Cable Television Riser
- Existing Fence

VICINITY MAP



DESCRIPTION:

That part of a tract of land recorded in Book 1024, Page 5155 in the Office of the Register of Deeds and being a part of the Southeast Quarter of Section 24, Township 12 South, Range 19 East of the Sixth Principal Meridian, City of Lawrence, Douglas County, Kansas.

Commencing at the Northwest Corner of said Southeast Quarter; thence, along the north line of said Southeast Quarter on an assumed bearing of N88°13'06"E, 360.00 feet to Point of Beginning; thence, continuing along said north line N88°13'06"E, 140.00 feet to the northeast corner of said tract; thence, along the east line of said tract S01°51'55"E, 105.00 feet; thence, S88°13'06"W, 140.00 feet; thence, N01°51'55"W, 105.00 feet to the point of beginning.

The above described contains 14,700 square feet, more or less.

As recorded in Deed Book 1080, Page 4349–4350, Douglas County Register of Deeds Office.

BASIS OF BEARINGS:

A Bearing of N88°13'06"E was assumed along the north line of the Southeast Quarter of Sec. 24, T12S, R19E, 6th P.M.

REFERENCE SURVEYS:

Survey # 1860
By L.D. Rice, County Surveyor, dated February 11, 1953. Filed in the Douglas County Public Works Office.

Survey by F. G. Rogers, LS–64, dated June 1, 1984. Filed in Book 372, Page 1686, Douglas County Register of Deeds Office.

Rock Ridge Addition by J.E. Selk, LS–610, dated September 28,1995. Filed in plat Book P–15, Page 725. Douglas County Register of Deeds Office.

OWNER:

City of Lawrence
P.O. Box 708
Lawrence, KS. 66044
785–832–7801

SURVEYOR:

W. David Lee, LS–1343
Professional Engineering Consultants, P.A.
1263 S. Topeka Blvd.
Topeka, KS. 66612.
785–233–8300

BENCHMARK:

BM–1.35
Railroad spike ± 1' above ground in the east face of utility pole southeast of the building with red metal siding. Located east of the intersection of North Michigan St. & River Ridge Rd. Down a long gravel drive that leads to current Pump Station 35. Said benchmark is also north of the gravel road and 23'± east of another utility pole.
EL=830.09

FLOODPLAIN DATA:

A portion of this property is located within the 100 year flood plain. As shown on Flood Insurance Rate Map, Community Panel No. 20045C0176D. Effective date August 5, 2010. Base flood elevation is approximately 832.

CURRENT USE OF PROPERTY:

Residential

SOILS PRESENT:

Morrill–Sharpsburg–Eudora

SITE SUMMARY:

Gross Area: 14,700 SF
Area to be dedicated as right of way: 4,200 SF
Net Area: 10,500 SF
Area within 100 Year Flood Plain: 105 SF

UTILITY NOTE:

All telephone, cable television and electrical services to be located underground.

VARIANCE REQUEST:

A variance has been requested for Section 20–810(b) of the subdivision regulation that require each platted lot to have frontage on a public street. Access is provided via a dedicated access easement recorded in Bk. 1079, Pg. 4876, recorded in the Douglas County Register of Deeds Office.

No.	Revision	By	Date

PRELIMINARY PLAT

PUMP STATION NO. 35

A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

Professional Engineering Consultants, P.A.
1263 S.W. TOPEKA BLVD. • TOPEKA, KANSAS 66612
785-233-8300 • FAX 785-233-8855

Checked by	WDL	Job No.	09A51–003	Sht. 1 of 1
Drawn by	CLM	Date	DEC. 2011	

Saved: 12–16–2011 12:21:37 PM by CLM
Plotted: Dec 16, 2011 - 12:29:39 PM by CLIFF L. MCDONALD
F:\2009\09A51–003\Survey\DWG\Plats\09A51-003-PS35-Prelim Plat

RECEIVED
FEB 09 2012
City County Planning Office
Lawrence, Kansas

2/7/2012

Mary Miller
Douglas County Planner,

My husband and I received the letter concerning the plan to put pump station #35 in our area. We do not object to the need for re-zoning to accommodate that pump station. What we do object to in the entrance into the station coming off of North Michigan St and River Ridge. We expect there is another suitable entrance other than the one off of this residential area. Is there not an option off of Hwy 70? This county spends thousands of dollars on fancy intersections in areas that don't really make sense. It is our request that you look into another entrance that does not come out of our residential area. Our property values have already taken a hit and this would just add more to our devalued property.

Sincerely,
Terri and Don Rich

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item:

PC Staff Report
02/29/12

ITEM NO. 8D: SPECIAL USE PERMIT FOR PUMP STATION 35 (MKM)

SUP-12-6-11: Consider a Special Use Permit for Pump Station No. 35, a *minor utility,* located east of intersection of N Michigan Street and Riverridge Road. Submitted by the City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of SUP-12-6-11, a Special Use Permit for Pump Station 35, a *minor utility*, based upon the findings presented in the body of the staff report and subject to the following condition:

1. Applicant shall provide a revised site plan with the following changes:
    a. Addition of a note that the Planning Director granted a waiver from surfacing requirements in Section 20-913(e) to allow the use of aggregate surfacing material for the drive due to the location within the Floodplain Management Regulations Overlay District and limited anticipated use.

Applicant's Reason for Request: *"SUP required for use of property as a pump station site, a minor utility.*

KEY POINTS
- Pump Station 35 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 Pump Station 35 from private property to adjacent City-owned property and to upgrade the equipment to improve service.

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

ASSOCIATED CASES/OTHER ACTION REQUIRED
Other items being considered at the February Planning Commission meeting:
- Annexation request [A-12-6-11] for approximately .3 acres.
- Rezoning request [Z-12-31-11] from A (Agricultural) to OS-FP (Open Space and Floodplain Management Regulations Overlay) District
- Special Use Permit [SUP-12-6-11] for the pump station.

Other action required:
- City Commission approval of annexation and adoption of ordinance.
- City Commission approval of rezoning request and adoption of ordinance.
- City Commission approval of the Special Use Permit and adoption of ordinance
- Publication of rezoning, annexation and Special Use Permit ordinances.
- City Commission acceptance of dedication of easements and rights-of-way for the Preliminary Plat.
- Submittal of final plat for administrative approval and recordation.

- Administrative review and approval of Floodplain Development Permit for construction of pump station.

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 the property contains less than 1/2 acre. [Stormwater Management Criteria Section 1.6.E.2.d]
- *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:	County-A (Agriculture) and County-F-F (Floodway Fringe Overlay) District; undeveloped. [Rezoning request to the OS-FP (Open Space and Floodplain Management Regulations Overlay) District is included the Planning Commission's February agenda.]
Surrounding Zoning and Land Use:	To the north: A (County-Agriculture) and F-F (County-Floodway Fringe Overlay) Districts; vacant storage buliding. To the south and west: A (County-Agriculture) District; rural residence located on the parent parcel from which the subject property was divided. To the east: A (County-Agriculture) and F-F (County-Floodway Fringe Overlay Districts; undeveloped right-of-way. RM12D (Multi-Dwelling Residential); townhouse development.

Summary of Special Use

Pump Station 35 is currently located on adjacent property to the east. With this proposal the station will be relocated to City-owned property to the west and upgraded so that the equipment is underground with the exception of the meter cabinet and vents. This relocation and upgrade will improve service in the area and will slightly increase the service area.

The pump 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 (sq ft):	10,500	10,500	-
Total Impervious Area (sq ft):	0	632 (6%)	+ 632
Total Pervious Area (sq ft):	10,500	9,868	- 632

Site Plan Review

This site is being platted as Lot 1 with the Pump Station No. 35 plat. The site plan shows the proposed location of the pump station near the center of the property and also shows the off-site existing pump station in lighter line weight.

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 proposed OS (Open Space) 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 the release of building permits.

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 on site; therefore, only one parking space is required. One parking space is provided on the site plan.

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

The setbacks in the OS District are as follows: Front—the same as front yard for the abutting lot; Interior side adjacent to residential—20 ft; Interior side adjacent to non-residential—15 ft; Rear—0 ft

The pump station's mechanical equipment will be located underground but a meter board will be located on the property. The meter board is located over 30 ft from each side lot line and is approximately 40 ft from the roadway. The abutting property to the east has a rear yard setback along the north side of the property and the abutting property to the west has a side yard setback. There is no abutting front yard to the subject property. (Figure 1)

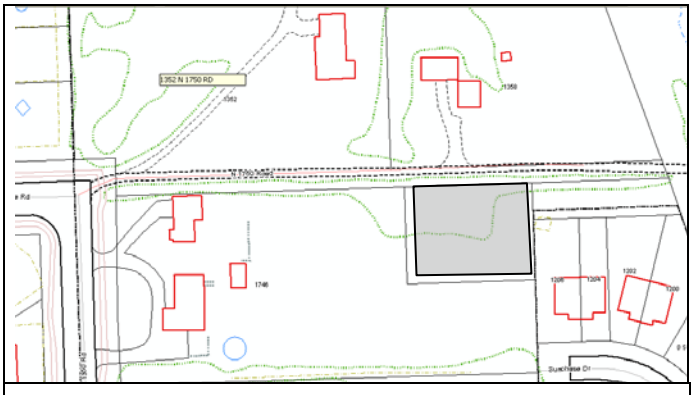


Figure 1. Development pattern in area.] Subject property, shaded.

The Comprehensive Plan recommends low-density residential development in this area. Low density zoning districts (RS40, RS20, RS10) all have 25 ft front yard setbacks. Given the unusual development pattern of this area, and the fact that it is recommended for future development of low density residential, the low-density residential front setback of 25 ft is appropriate for this property.

The Planning Director granted a waiver from surfacing requirements in Section 20-913(e) to allow the use of aggregate surfacing material for the drive based on the following: the location within the Floodplain Management Regulations Overlay District, location on a gravel road, limited affected area including only one parking space, and limited anticipated use. However, as the Special Use Permit is approved by the City Commission this waiver may be overturned at the Commission's discretion. This waiver should be noted on the plan.

Staff Finding – With the approved administrative waiver 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 pump station will have less of a visual impact than the existing station due to the fact that the mechanical equipment for the new facility will be located underground. (Figure 2) In addition, the pump station is being relocated from its current location on private property at 1206 Sunchase Drive to City-owned property which will reduce the impact on the private property. No exterior lighting is being proposed for this facility. With the mechanical equipment being located underground the amount of noise and other external impacts should be minimal with this pump station.

The facility is adequately screened from the residential property to the west by distance and vegetation. A privacy fence is located on the residential property to the east, which effectively screens the existing pump station. This fence would provide adequate screening for the relocated station as well. The meter board is located at the south end of the access drive off of N 1750 Road and is not screened to the north. Screening would require the relocation of the pump station to one side of the access drive. Balancing the need to minimize land disturbance within the Floodplain Management Regulations Overlay District with the benefit of screening from a vacant storage building; it was determined that screening would not be required from the north.

The only traffic to the pump station will be for maintenance on the facility. There will be no increase in traffic, and perhaps less traffic as a result of the mechanical improvements, from that with the existing pump station.

Staff Finding – The proposed relocated pump station 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

An above ground pump station is currently located in this area. This proposal will relocate the pump station from private property to City-owned property and will upgrade the facility so it is primarily underground. This may serve to enhance the value of the property on which it is currently located and should not diminish the value of other properties. The pump station will insure a high level of sanitary sewer service and will slightly extend the service area which should help maintain the value of other properties in the neighborhood.

Staff Finding – The relocation of Pump Station 35 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 pump station is a public service intended to serve the surrounding area. The access easement will provide adequate access for the traffic anticipated for the maintenance of the facility.

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: *"No. This is a minor utility use and is regulated and permitted through KDHE."*

Adequate oversight will be provided for the protection of the natural environment through the state regulatory oversight through the KDHE and local floodplain management regulations.

Staff Finding – The proposed use, with the protection measures required by State and Local governments, 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. A pump 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 for surrounding developments; therefore, it would not be appropriate to place a time limit on this use.

Conclusion

The proposed pump station will have a positive impact on the area by improving sanitary sewer services in the area to maintain a high level of service. The use is compatible with, and appropriate for, this location and staff recommends approval of the Special Use Permit with the conditions noted.

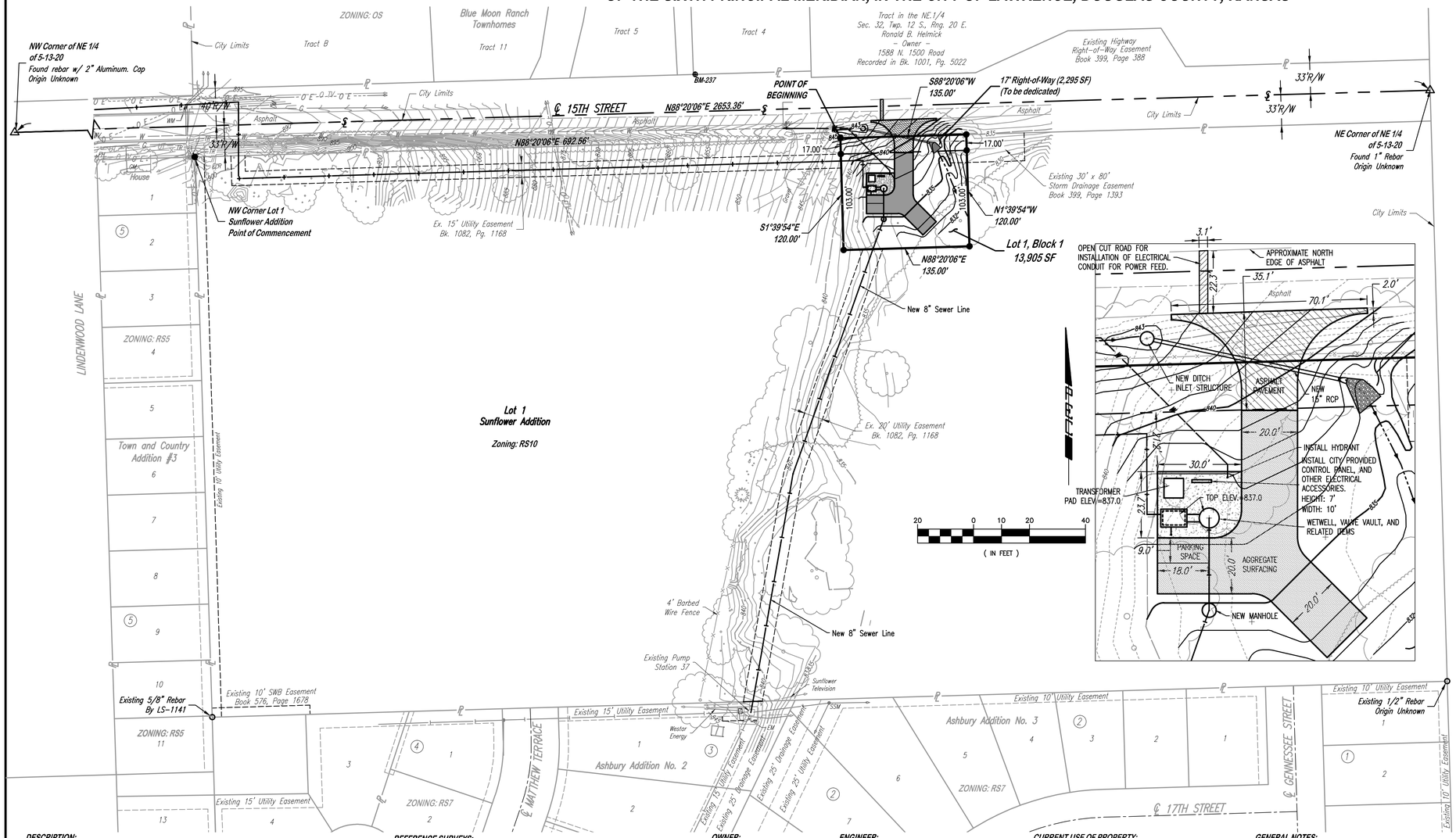
Figure 2a. Existing pump station

Figure 2b. Existing meter board or control panel.

Figure 2c. Remainder of pump station is underground with exception of vent.

SPECIAL USE SITE PLAN
FOR
PUMP STATION NO. 37

IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

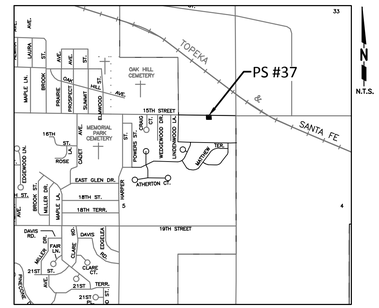


60 0 30 60 120
(IN FEET)
Scale: 1" = 60'

LEGEND

- Ex. Property Line
- Ex. Property Line
- Ex. Right-of-Way Line
- Monument Found as Noted
- Set 5/8" x 24" Iron bar
- Drainage Arrow
- Ex. Easement
- SSM — Ex. Sanitary Sewer Manhole
- Prop. Sanitary Sewer Line
- Ex. Sanitary Force Main
- Prop. Sanitary Force Main
- W — Ex. Water Line
- W — Prop. Water Line
- FH — Ex. Fire Hydrant
- WM — Ex. Water Meter
- WV — Ex. Water Valve
- G — Ex. Gas Line
- GM — Ex. Gas Meter
- U E — U E — U E — Ex. Underground Electric Line
- ELR — Ex. Electrical Riser
- ELP — Ex. Electrical Power Pole
- E — Ex. Electrical Box
- DM — Ex. Deadman
- UT — UT — Ex. Buried Telephone Line
- OT — OT — Ex. Overhead Telephone Line
- T — Ex. Telephone Box
- TLR — Ex. Telephone Riser
- U TV — U TV — Ex. Buried Television Line
- O TV — O TV — Ex. Overhead Television Line

VICINITY MAP



DESCRIPTION:

Lot 1, Block 1, Pump Station 37, A Subdivision in the Northeast Quarter of Section 5, Township 13 South, Range 20 East of the Sixth Principal Meridian and being a portion of Lot 1, Sunflower Addition in the City of Lawrence, Douglas County, Kansas.

SITE CHARACTERISTICS TABLE:

Existing Buildings	0 SF	Proposed Buildings	0 SF
Existing Pavement	0 SF	Proposed Pavement	0 SF
Existing Impervious	0 SF	Proposed Impervious	588 SF
Existing Pervious	13,905 SF	Proposed Pervious	13,317 SF
Property Area	13,905 SF		

VARIANCE REQUEST:

A variance has been requested for Section 20-810(c)(1)(i) of the Subdivision Regulations that require sidewalks along arterial streets.

REFERENCE SURVEYS:

Town and Country Addition No. 3 by J.L. Crawford, PE-2457 Dated December 17, 1956. Book P-5, Page 5 filed in Douglas County Register of Deeds Office.

Sunflower Addition By J.E. Chamberlin, LS-185 Dated December 1971. Book P-12, Page 30 filed in Douglas County Register of Deeds Office.

Ashbury Addition No. 2 by J.E. Selk, LS-610 Dated August 1, 1996. Book P-5, Page 797 filed in Douglas County Register of Deeds Office.

Ashbury Addition No. 3 J.E. Selk, LS-610 Dated May 27, 2003. Book P-17, Page 564 filed in Douglas County Register of Deeds Office.

Retracement Survey by C.E. Chaney, LS-1141 Dated January 7, 2002. Book P-17, Page 376 filed in Douglas County Register of Deeds Office.

UTILITY NOTE:

All telephone, cable television and electrical services to be located underground.

OWNER:

City of Lawrence
P.O. Box 708
Lawrence, KS. 66044
785-832-7801

SURVEYOR:

W. David Lee LS-1434
Professional Engineering Consultants, P.A.
1263 S. Topeka Blvd.
Topeka, KS. 66612
785-233-8300

BENCHMARK:

BM-237
Chiseled square on SE corner of conc. mailbox pad on east side of E. 1584 near north R/W of E. 15th Street.
Elj=860.42

ENGINEER:

Tyler Pjesky PE-21491
Professional Engineering Consultants, P.A.
1263 S. Topeka Blvd.
Topeka, KS. 66612
785-233-8300

CURRENT USE OF PROPERTY:

The subject property is currently undeveloped.

PROPOSED USE OF PROPERTY:

Minor Utility: Sanitary Sewer Pump Station.

FLOODPLAIN DATA:

This property is not located within the 100 year flood plain according to Flood Insurance Rate Map, Community Panel No. 20045C0179D. Effective Date August 5, 2010.

SITE SUMMARY:

Gross Area: 16,200 SF
Area to be dedicated as right of way: 2,295 SF
Net Area: 13,905 SF

GENERAL NOTES:

1. One parking space is shown north of the Pump Station per Minor Utility Requirement.
2. No exterior lighting is planned for this site.
3. Current Zoning – RS10

No.	Revision	By	Date

SPECIAL USE SITE PLAN FOR PUMP STATION NO. 37

IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

Professional Engineering Consultants, P.A.
1263 S.W. TOPEKA BLVD. • TOPEKA, KANSAS 66612
785-233-8300 • FAX 785-233-8855

Checked by	WDL	Job No.	09A51-003
Drawn by	CLM	Date	FEB. 2012

Sht. 1 of 1

Saved: 02-13-2012 8:11:07 AM by CLM
Plotted: 02-13-2012 8:11:17 AM by CLIFF L. MCDONALD
F:\2009\09A51-003\Survey\DWG\Plats\09A51003-PS37-Site Map

Memorandum
City of Lawrence
Planning & Development Services

TO: **Planning Commission**

FROM: **Mary Miller, Planning Staff**

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

Date: **For February 29, 2012 meeting**

RE: **Agenda Item 9A: Variance from right-of-way requirement in Section 20-810(e)(5) of the Subdivision Regulations. Variance is associated with MS-2-1-12, Sunflower Lot Addition No 2.**

Attachment A: Minor Subdivision MS-2-1-12, Sunflower Addition No 2

A Minor Subdivision for Sunflower Addition No. 2 [MS-2-1-12] to divide a second lot from Lot 1, Sunflower Addition located at 2111 E 15th Street was submitted to accommodate the development of Pump Station 37. Minor Subdivisions are processed administratively but a copy is included with this memo for context. No action is required on the Minor Subdivision.

The property being replatted with the Sunflower Addition No 2 Minor Subdivision is located on E 15th Street, which is classified as a minor arterial in the Future Thoroughfares Map. A variance has been requested jointly from the City, as developer of Lot 1, and the owner of Lot 2 from the requirement in Section 20-810(e)(5) that 100 ft of right-of-way be dedicated for minor arterial streets when platting property. The property on each side of the street is responsible for dedicating one-half, or 50 ft, of the required right-of-way. The owners agree that the variance would defer dedication of the right-of-way until such time as Lot 2 is developed.

The Subdivision Regulations state that an applicant may request a variance from the Design Standards in the Regulations in accordance with the variance procedures outlined in Section 20-813(g). This section lists the criteria which must be met in order for a variance to be approved. The requested variance is evaluated with the approval criteria below:

Criteria 1. Strict application of these regulations will create an unnecessary hardship upon the Subdivider.

The City purchased the parcel being platted as Lot 1, Sunflower Addition No 2 in order to relocate Pump Station 37. The City also purchased the easement for the extension of the sanitary sewer main across the property to the pump station to the south and right-of-way from the pump station property to the west, with the exception of the west 53.9 ft of the property. One-half of the required right-of-way (50 ft) for E 15th Street, a minor arterial, is required from the property being platted as

Sunflower Addition No 2. As 33 feet of right-of-way was provided with the previous plat, an additional 17 feet of right-of-way is needed. Except for the west 53.9 ft, the additional 17 ft of right-of-way west of the pump station was dedicated by separate instrument and the additional 17 ft of right-of-way on the pump station lot, Lot 1, will be dedicated with the minor subdivision/replat.

A variance has been requested from the requirement to dedicate additional right-of-way for E 15 Street east of the pump station lot, Lot 1, and for the 53.9 ft at the west property line of Lot 2. The property is being replatted solely to accommodate the relocation of a City utility and no development is being proposed on the remainder of the property at this time. If the City were not relocating the pump station onto this property, the property would not be replatted at this time and additional right-of-way would not be necessary. The right-of-way to the west of Lot 1 was purchased by the City as part of the negotiations for the pump station property. As the property owner was not compensated for the right-of-way to the east of Lot 1, it would be an unnecessary hardship to require dedication at this time; as the property owner has no plans to develop the property at this time.

The additional right-of-way will need to be dedicated upon development if it has not otherwise been acquired for necessary improvements to 15th Street prior to developing Lot 2.

Staff Finding: Requiring the dedication of additional right-of-way for 15th Street at this time would constitute an unnecessary hardship on the property owner as the property owner has no development interest at this time, but has agreed to the minor subdivision of the property to accommodate the relocation of a City Utility.

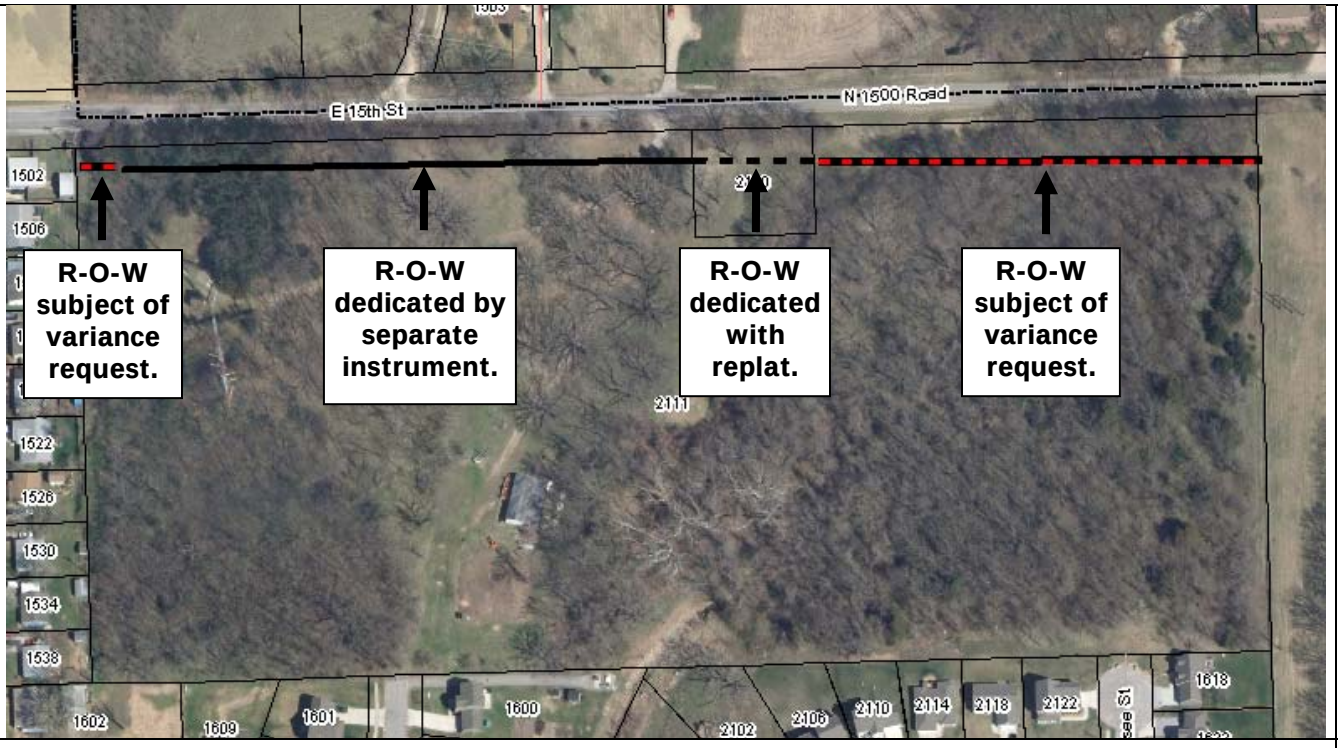


Figure 1. Area shown in red is subject of variance request to defer dedication of right-of-way

Criteria 2. The proposed variance is in harmony with the intended purpose of these regulations.

Right-of-way dedication is required when properties are platted to insure the required right-of-way is available for improvements to adjacent roadways. This is a unique situation in that the property owner has no development plans at this time but is replatting their property to accommodate a city utility project. The City purchased the right-of-way area to the west of the pump station property and it was dedicated by separate instrument. The purchase of the right-of-way to the east of Lot 1 and for the 53.9 ft at the west property line of Lot 2 was not included in the negotiation for the pump station property.

It is likely that E 15th Street will be improved at some time in the future and the right-of-way will be required. If this occurs prior to the development of Lot 2, the City may need to purchase additional right-of-way. The dedication of additional right-of-way would be required with future development on Lot 2. Rather than approving a variance from the requirement to plat, it would be more appropriate to approve a deferral of the requirement to dedicate additional right-of-way until such time as Lot 2, Sunflower Addition No 2 further develops.

Staff Finding: Deferring the dedication of right-of-way to coincide with future development of Lot 2 would insure required right-of-way for future improvements to E 15th Street

Criteria 3: The public health, safety, and welfare will be protected.

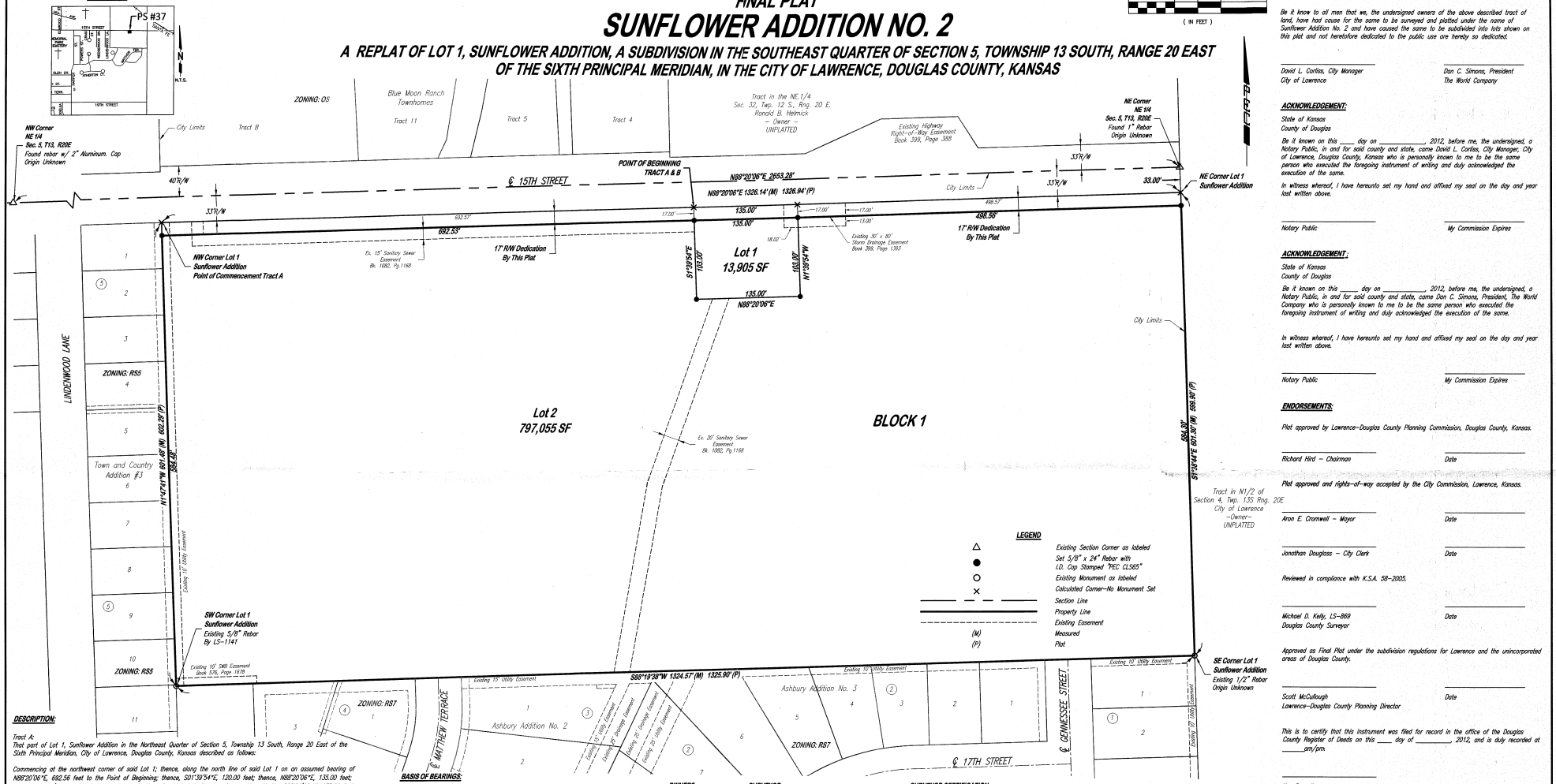
Staff Finding: Adequate right-of-way will be available for improvements to E 15th Street, either through dedication or acquisition of additional right-of-way. This variance allows the additional right-of-way to be deferred to a time when either the street is improved or Lot 2 further develops.

Staff Recommendation:
Approve the variance requested from Section 20-810(e)(5) to defer the dedication of additional right-of-way for E 15th Street east of Lot 1, Sunflower Addition No 2, to coincide with future development of Lot 2 subject to the following condition:

> The plat shall include the following note: *"A variance from Section 20-810(e)(5) was approved by the Planning Commission on February 29, 2012 to defer the dedication of right-of-way for 15th Street for Lot 2 until such time as a building permit is requested for any new structure on Lot 2 or until Lot is further subdivided."*

FINAL PLAT
SUNFLOWER ADDITION NO. 2

A REPLAT OF LOT 1, SUNFLOWER ADDITION, A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS



DESCRIPTION:

Tract A:
That part of Lot 1, Sunflower Addition in the Northeast Quarter of Section 5, Township 13 South, Range 20 East of the Sixth Principal Meridian, City of Lawrence, Douglas County, Kansas described as follows:

Commencing at the northwest corner of said Lot 1; thence, along the north line of said Lot 1 on an assumed bearing of N88°20'06"E, 692.56 feet to the Point of Beginning; thence, S01°39'54"E, 120.00 feet; thence, N88°20'06"E, 135.00 feet; thence, N01°39'54"W, 120.00 feet to the north line of said Lot 1; thence, along said north line S88°20'06"W, 135.00 feet to the point of beginning.

The above described contains 16,200 square feet, more or less.

Tract B:
Lot 1, Sunflower Addition in the Northeast Quarter of Section 5, Township 13 South, Range 20 East of the Sixth Principal Meridian, City of Lawrence, Douglas County, Kansas less the following described Tract:

Commencing at the northwest corner of said Lot 1; thence, along the north line of said Lot 1 on an assumed bearing of N88°20'06"E, 692.56 feet to the Point of Beginning; thence, S01°39'54"E, 120.00 feet; thence, N88°20'06"E, 135.00 feet; thence, N01°39'54"W, 120.00 feet to the north line of said Lot 1; thence, along said north line S88°20'06"W, 135.00 feet to the point of beginning.

The above described exception contains 16,200 square feet, more or less.

VARIANCE REQUEST:

A variance has been requested for Section 20–810(c)(1)(i) of the Subdivision Regulations that require sidewalks along arterial streets.

BASIS OF BEARINGS:

The Basis of Bearing is N88°20'06"E along the north line of the northeast quarter of Sec. 5, T13S, R20E, 6th P.M., based on Kansas State Plane Coordinate System, NAD83, North Zone.

REFERENCE SURVEYS:

Town and Country Addition No. 3 by J.L. Crawford, PE–2457 Dated December 17, 1956. Book P–5, Page 5 filed in Douglas County Register of Deeds Office.

Sunflower Addition By J.E. Chamberlin, LS–185 Dated December 1971. Book P–12, Page 30 filed in Douglas County Register of Deeds Office.

Ashbury Addition No. 2 by J.E. Selk, LS–610 Dated August 1, 1996. Book P–5, Page 797 filed in Douglas County Register of Deeds Office.

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Retracement Survey by C.E. Chaney, LS–1141 Dated January 7, 2002. Book P–17, Page 376 filed in Douglas County Register of Deeds Office.

OWNERS:

(Tract A)
City of Lawrence
P.O. Box 708
Lawrence, KS. 66044
785–832–7801

(Tract B)
The World Company
P.O. Box 888
Lawrence, KS. 66044
785–843–1000

SURVEYOR:

W. David Lee LS–1343
Professional Engineering Consultants, P.A.
1263 S. Topeka Blvd.
Topeka, KS. 66612
785–233–8300

FLOODPLAIN DATA:

This property is not located within the 100 year flood plain according to Flood Insurance Rate Map, Community Panel No. 20045C0179D. Effective Date August 5, 2010.

SURVEYOR CERTIFICATION:

We, Professional Engineering Consultants, P.A., a professional association authorized to practice Land Surveying in the State of Kansas, do hereby certify that in February 2012 a survey was made under the direct supervision of the undersigned and, to the best of our knowledge and belief, this plat is a true and correct depiction of the measurements made and of the monuments found and set at the time of the survey.

William David Lee LS–1343

NOTE:

Further division or consolidation of any lots contained in this Minor Subdivision/Replat is prohibited, and shall be processed as a Major Subdivision, unless the action meets the exception noted in Section 20–808(c)(5)(i).

DEDICATION:

Be it know to all men that we, the undersigned owners of the above described tract of land, have had cause for the same to be surveyed and platted under the name of Sunflower Addition No. 2 and have caused the same to be subdivided into lots shown on this plat and not heretofore dedicated to the public use are hereby so dedicated.

David L. Corliss, City Manager — *Dan C. Simons, President*
City of Lawrence — *The World Company*

ACKNOWLEDGEMENT:

State of Kansas
County of Douglas

Be it known on this ____ day on _____, 2012, before me, the undersigned, a Notary Public, in and for said county and state, came David L. Corliss, City Manager, City of Lawrence, Douglas County, Kansas who is personally known to me to be the same person who executed the foregoing instrument of writing and duly acknowledged 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*

ACKNOWLEDGEMENT:

State of Kansas
County of Douglas

Be it known on this ____ day on _____, 2012, before me, the undersigned, a Notary Public, in and for said county and state, came Dan C. Simons, President, The World Company who is personally known to me to be the same person who executed the foregoing instrument of writing and duly acknowledged 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:

Plat approved by Lawrence–Douglas County Planning Commission, Douglas County, Kansas.

Richard Hird – Chairman — *Date*

Plat approved and rights–of–way accepted by the City Commission, Lawrence, Kansas.

Aron E. Cromwell – Mayor — *Date*

Jonathan Douglass – City Clerk — *Date*

Reviewed in compliance with K.S.A. 58–2005.

Michael D. Kelly, LS–869 — *Date*
Douglas County Surveyor

Approved as Final Plat under the subdivision regulations for Lawrence and the unincorporated areas of Douglas County.

Scott McCullough — *Date*
Lawrence–Douglas County Planning Director

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 _____, 2012, and is duly recorded at _____ am/pm.

Kay Pesnell
Douglas County Register of Deeds

No.	Revision	By	Date

FINAL PLAT
SUNFLOWER ADDITION NO. 2
A REPLAT OF LOT 1, SUNFLOWER ADDITION, A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

Professional Engineering Consultants, P.A.
1263 SW. TOPEKA BLVD. • TOPEKA, KANSAS 66612
785-233-8300 • FAX 785-233-8855

Checked by	WDL	Job No.	09A51–003
Drawn by	CLM	Date	FEB. 2012

Sht. 1 of 1

Saved: 02–09–2012, 8:39:27 AM by CLM
Plotted: 02–09–2012, 8:39:27 AM by CLIFF L. MCDONALD
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PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item:

PC Staff Report
02/29/12

ITEM NO. 9B SPECIAL USE PERMIT FOR PUMP STATION 37 (MKM)

SUP-12-8-11: Consider a Special Use Permit for Pump Station 37, a *minor utility,* located at 2100 E 15th Street. Submitted by the City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of SUP-12-8-11, a Special Use Permit for Pump Station 37 based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Applicant shall provide a revised site plan with the following changes:
    a. Note the dimensions of the meter board (control panel).
    b. If the Planning Commission approves the variance from the requirement in Section 20-810(c) to install sidewalks a note to that effect shall be added to the SUP plan, along with any conditions imposed on the variance by the Planning Commission. If the waiver is not approved the site plan shall be revised to show the sidewalk.
    c. Addition of a note that the Planning Director granted a waiver from Section 20-913(e) to allow an aggregate surface for the access drive.

Applicant's Reason for Request: **"***SUP required for use of property as a pump station site, a minor utility."*

KEY POINTS
- Pump Station 37 is a *minor utility* which serves more than one specific development; therefore, approval is required through a Special Use Permit.
- Pump Station 37 currently exists on private property. The proposal is to relocate the pump station to City owned property and to upgrade the equipment to improve service.

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

ASSOCIATED CASES / OTHER ACTION REQUIRED
- Administrative approval of Minor Subdivision and recordation with Douglas County Register of Deeds.
- Planning Commission determination on variance request from Section 20-811(c) regarding sidewalks.
- City Commission approval of the Special Use Permit and adoption of ordinance
- Publication of Special Use Permit ordinance.
- City Commission acceptance of dedication of easements and rights-of-way for the Minor Subdivision.

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 the property contains less than 1/2 acre. [Stormwater Management Criteria Section 1.6.E.2.d]
- *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:	RS10 (Single-Dwelling Residential) District; undeveloped.
Surrounding Zoning and Land Use:	To the west, south, and east: RS10 (Single-Dwelling Residential) District; storage facility and telecommunications tower. Subject property was part of this larger parcel prior to being purchased by the City. To the north: A (County-Agriculture); rural residences.

Figure 1. Pump station proposed location and surrounding properties showing land uses and zoning.

Summary of Special Use
Pump Station 37 will be relocated from private property to City-owned property and the facility will be upgraded so that the mechanical equipment is underground with the exception of the

meter cabinet and vents. This upgrade will improve the efficiency of the facility and will ensure a high level of service for the area as well as expand the service area.

A pump station is defined as a *minor utility* in Section 20-1765 of the Development Code. A minor utility that serves more than one specific subdivision requires approval of a Special Use Permit. As the Pump Station 37 service area includes more than one subdivision a Special Use Permit is required.

SITE SUMMARY

	Existing	Proposed	Change
Property Area (sq ft):	13,905	13,905	-
Total Impervious Area (sq ft):	0	588 (4%)	+ 588
Total Pervious Area (sq ft):	13,905	13,317	- 588

Site Plan Review

Lot 1 Sunflower Addition, 2111 W 15th Street, is being divided into 2 lots through a Minor Subdivision, MS-2-1-12. The pump station will be relocated to one of the new lots, Lot 1 Sunflower Addition No 2, which contains approximately .3 acres. Figure 1 shows the land uses and zoning districts in the area and outlines the pump station lot.

The site plan shows the proposed location of the pump station near the center of this lot. As noted earlier, the only above ground features associated with the pump station will be the meter board/control panel and vents. Access will be taken from E 15th Street and a turn-around area is provided on the site to allow vehicles to enter E 15th Street head first.

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 proposed RS10 (Single-Dwelling Residential) District subject to Special Use Permit approval.

The setbacks in the RS10 District are as follows: Front—25 ft; Interior sides—20 ft; and Rear—30 ft. The pump station's mechanical equipment will be located underground but a meter board will be located on the property. The meter board is located 25 ft from the front property line and over 30 ft from all other property lines and meets the setbacks in the RS10 District.

Per Section 20-913(e), off-street parking areas and driveways must be surfaced with concrete, asphalt or in some low-traffic areas grid unit pavers. The Planning Director granted a waiver from surfacing requirements in Section 20-913(e) to allow the use of aggregate surfacing material for the drive due to the limited anticipated use and small scale of the drive/parking area (only one parking space). However, as the Special Use Permit is approved by the City Commission this waiver may be overturned or modified at the Commission's discretion. The driveway apron within the right-of-way will be surfaced as required by Code.

Section 20-811(c) of the Subdivision Regulations requires that sidewalks be installed as public improvements when property is platted. The applicant requested a variance from this requirement. While the property is located within the City limits it is at the edge of the City and the area is primarily rural in nature. E 15th Street does not have curb and gutter in this area. Sidewalks installed now would not be providing a pedestrian connection as there is no development to the east and would require replacement when E 15th Street is improved. If the

Planning Commission approves this variance, a note should be added to the plan indicating the variance and the date approved. If the variance is not approved, the SUP should be revised to show the sidewalk. The variance request has been placed on the Planning Commission's February agenda as a separate item and is discussed in more detail in the staff memo. The note on the SUP should contain any conditions or provisions placed on the variance request by the Planning Commission.

There are no buffering requirements as the site is adjacent to other property also zoned RS10. Section 20-1006(b) of the Code requires screening of all mechanical equipment, utilities boxes and meters from view of adjacent properties or street rights-of-way. The meter will be adequately screened from adjacent properties with vegetation both on and off-site. Existing vegetation along E 15th Street will provide adequate screening of the meter box from the right-of-way.

A minimum of one off-street parking space is required for minor utilities. Based on the fact that there will be no employees on site and the site will only be accessed by utility trucks for monthly maintenance and in the event of equipment malfunction, only one parking space is required. One parking space is provided on the site plan.

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

Staff Finding – The site plan, as conditioned, 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 pump station is being relocated from its current location on private property at 1600 Matthew Terrace to City-owned property to the north. (Figure 2) The proposed pump station will have minimal visual impact due to the fact that the mechanical equipment for the new facility will be located underground. The only aboveground features will be the meter board/control panel and vent. (Figure 3) In addition, access will be taken directly from E 15th Street, rather than the access easement currently being used on the private property. No exterior lighting is being proposed for this facility. Very low traffic generation is associated with pump stations as vehicles will access the site once a month for routine maintenance; however, additional visits would be necessary in the event of equipment malfunction.

Figure 2. Current pump station location shown with red dot, proposed location outlined next to E 15th Street.

With the underground mechanical equipment, lack of exterior lighting, and low traffic associated with the pump station, the amount of noise and other external impacts should be minimal.

Staff Finding – The proposed pump station will be compatible with adjacent uses.

Figure 3a. Example of existing station.

Figure 3b. Example of meter board or control panel.

Figure 3c. Remainder of pump station is underground with exception of vent.

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

Pump Station PS37 is being relocated with increased capacity to a site that expands its service area. Some of the capacity increase is to fully accommodate the currently served area and the

balance will serve future development based on the expanded service area provided by the new location. (Figure 4) The pump station will insure a high level of sanitary sewer service which should help maintain or enhance the value of other property in the neighborhood. The minimal impact of the pump station coupled with the increased service area and enhanced operations should have a positive rather than any negative impact on the area.

Staff Finding – The relocation of Pump Station 37 is expected to help maintain or enhance the value of other property in the neighborhood.

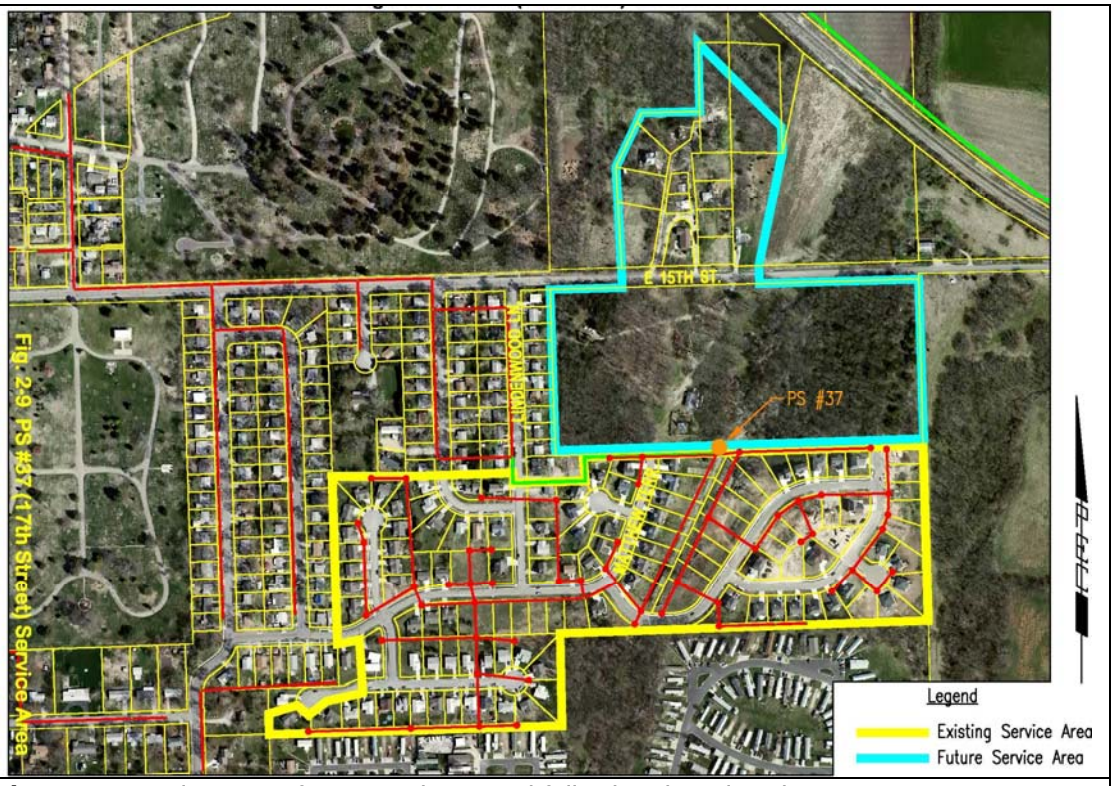


Figure 4. Service area of PS 37, prior to and following the relocation.

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 pump station is a public utility intended to serve the surrounding area. The facility will have direct access to E 15th Street.

Staff Finding –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: *"No. This is a minor utility use and is regulated and permitted through KDHE."*

Adequate oversight will be provided for the protection of the natural environment through the state regulatory oversight through the KDHE and local floodplain management regulations.

Staff Finding – The proposed use, with the protection measures required by State and Local governments, 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. A pump 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.

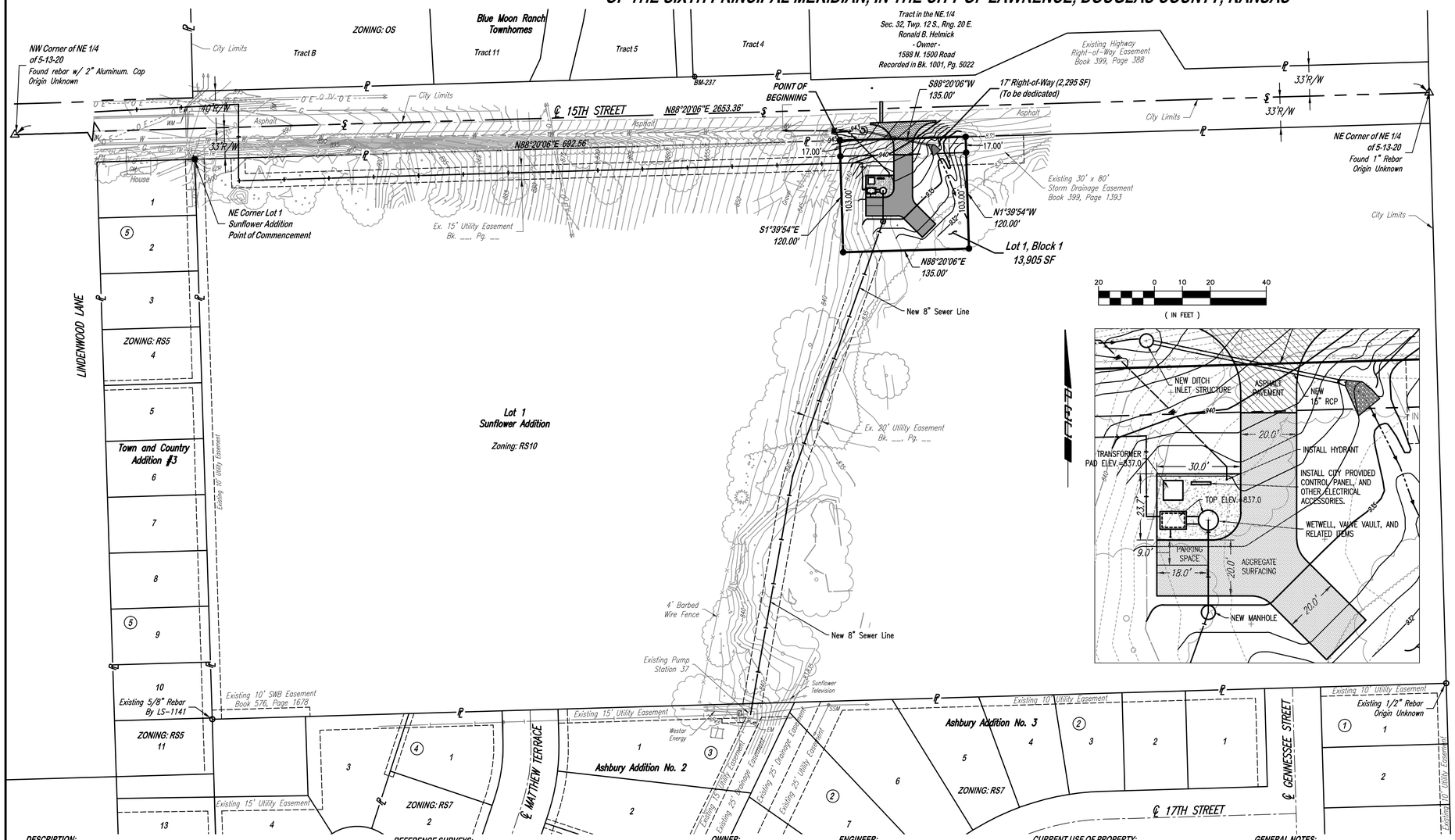
Staff Finding – The project provides necessary infrastructure for surrounding developments; therefore, it would not be appropriate to place a time limit on this use.

Conclusion

The proposed pump station will have a positive impact on the area and the community by improving sanitary sewer services in the area to maintain a high level of service. 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
PUMP STATION NO. 37

A PORTION OF LOT 1, SUNFLOWER ADDITION, A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS



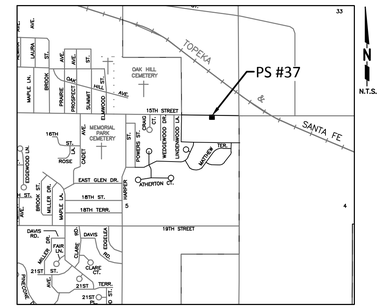
60 0 30 60 120
(IN FEET)
1" = 60'

20 0 10 20 40
(IN FEET)

LEGEND

- Ex. Property Line
- Ex. Property Line
- Ex. Right-of-Way Line
- Monument Found as Noted
- Set 5/8" x 24" Iron bar
- Drainage Arrow
- Ex. Easement
- SSM Ex. Sanitary Sewer Manhole
- Prop. Sanitary Sewer Line
- Ex. Sanitary Force Main
- Prop. Sanitary Force Main
- W Ex. Water Line
- W Prop. Water Line
- FH Ex. Fire Hydrant
- WM Ex. Water Meter
- WV Ex. Water Valve
- G Ex. Gas Line
- GM Ex. Gas Meter
- U E Ex. Underground Electric Line
- ELR Ex. Electrical Riser
- ELP Ex. Electrical Power Pole
- E Ex. Electrical Box
- DM Ex. Deadman
- UT Ex. Buried Telephone Line
- OT Ex. Overhead Telephone Line
- T Ex. Telephone Box
- TLR Ex. Telephone Riser
- U TV Ex. Buried Television Line
- O TV Ex. Overhead Television Line

VICINITY MAP



DESCRIPTION:

Lot 1, Block 1, Pump Station 37, A Subdivision in the Northeast Quarter of Section 5, Township 13 South, Range 20 East of the Sixth Principal Meridian and being a portion of Lot 1, Sunflower Addition in the City of Lawrence, Douglas County, Kansas.

SITE CHARACTERISTICS TABLE:

Existing Buildings	0 SF	Proposed Buildings	0 SF
Existing Pavement	0 SF	Proposed Pavement	0 SF
Existing Impervious	0 SF	Proposed Impervious	588 SF
Existing Pervious	13,905 SF	Proposed Pervious	13,317 SF
Property Area	13,905 SF		

VARIANCE REQUEST:

A variance has been requested for Section 20-810(c)(1)(i) of the Subdivision Regulations that require sidewalks along arterial streets.

REFERENCE SURVEYS:

Town and Country Addition No. 3 by J.L. Crawford, PE-2457 Dated December 17, 1956. Book P-5, Page 5 filed in Douglas County Register of Deeds Office.

Sunflower Addition By J.E. Chamberlin, LS-185 Dated December 1971. Book P-12, Page 30 filed in Douglas County Register of Deeds Office.

Ashbury Addition No. 2 by J.E. Selk, LS-610 Dated August 1, 1996. Book P-5, Page 797 filed in Douglas County Register of Deeds Office.

Ashbury Addition No. 3 J.E. Selk, LS-610 Dated May 27, 2003. Book P-17, Page 564 filed in Douglas County Register of Deeds Office.

Retracement Survey by C.E. Chaney, LS-1141 Dated January 7, 2002. Book P-17, Page 376 filed in Douglas County Register of Deeds Office.

UTILITY NOTE:

All telephone, cable television and electrical services to be located underground.

OWNER:

City of Lawrence
P.O. Box 708
Lawrence, KS. 66044
785-832-7801

SURVEYOR:

W. David Lee LS-1434
Professional Engineering Consultants, P.A.
1263 S. Topeka Blvd.
Topeka, KS. 66612
785-233-8300

BENCHMARK:

BM-237
Chiseled square on SE corner of conc. mailbox pad on east side of E. 1584 near north R/W of E. 15th Street.
Elev=860.42

ENGINEER:

Tyler Pjesky PE-21491
Professional Engineering Consultants, P.A.
1263 S. Topeka Blvd.
Topeka, KS. 66612
785-233-8300

CURRENT USE OF PROPERTY:

The subject property is currently undeveloped.

PROPOSED USE OF PROPERTY:

Minor Utility: Sanitary Sewer Pump Station.

FLOODPLAIN DATA:

This property is not located within the 100 year flood plain according to Flood Insurance Rate Map, Community Panel No. 20045C0179D. Effective Date August 5, 2010.

SITE SUMMARY:

Gross Area: 16,200 SF
Area to be dedicated as right of way: 2,295 SF
Net Area: 13,905 SF

GENERAL NOTES:

1. One parking space is shown north of the Pump Station per Minor Utility Requirement.
2. No exterior lighting is planned for this site.

No.	Revision	By	Date

SPECIAL USE SITE PLAN FOR PUMP STATION NO. 37

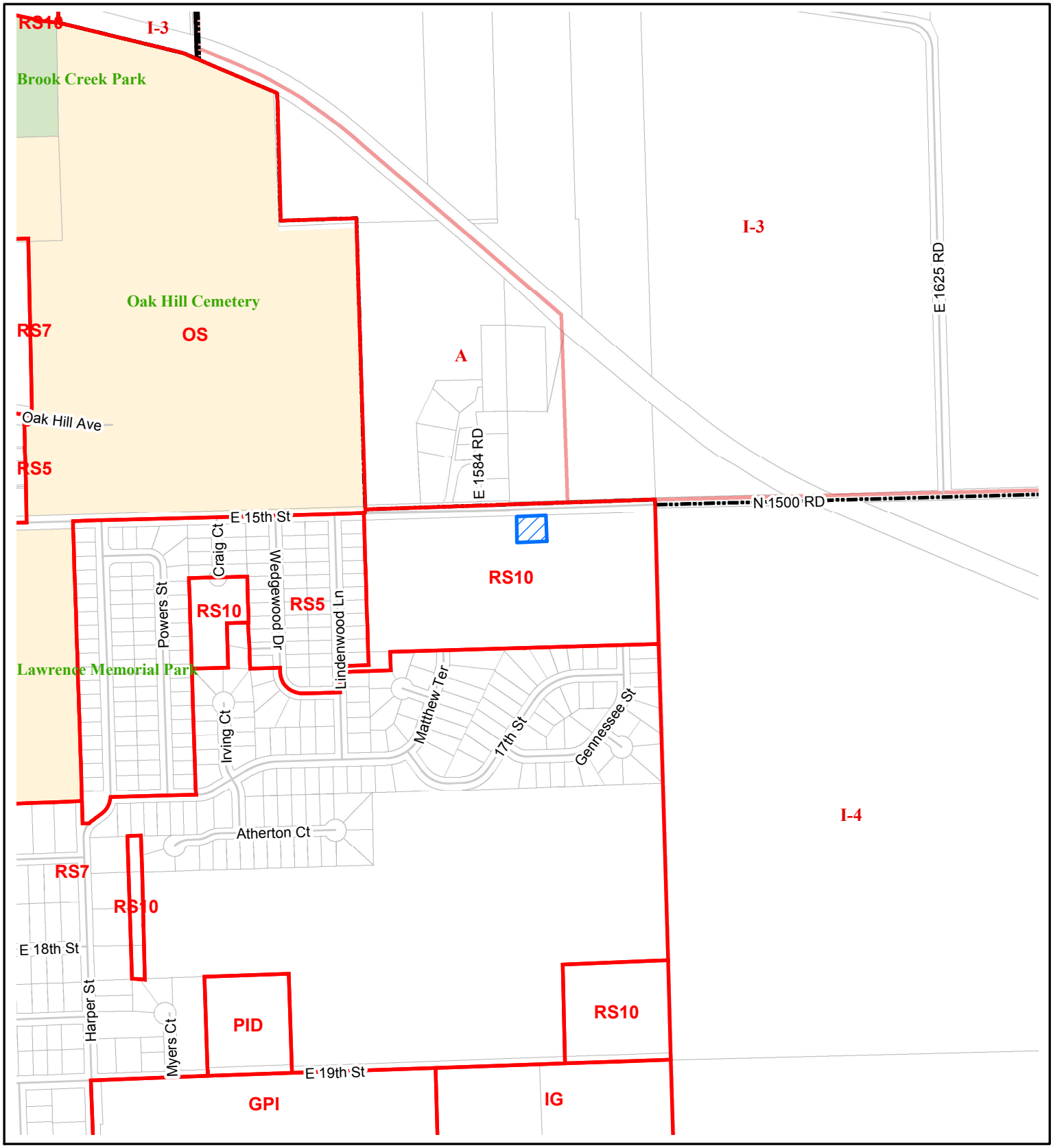
A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

Professional Engineering Consultants, P.A.
1263 S.W. TOPEKA BLVD. • TOPEKA, KANSAS 66612
785-233-8300 • FAX 785-233-8855

Checked by	WDL	Job No.	09A51-003
Drawn by	CLM	Date	DEC. 2011

Sht. 1 of 1

Saved: 12-16-2011, 10:47:18 AM by CLM
Plotted: 12-16-2011, 10:47:54 AM by CLIFF L. MCDONALD
F:\2009\09A51-003\Survey\DWG\Plats\09A51003-PS37-Site Map



SUP-12-08-11: Special Use Permit for Pump Station 37
2100 E 15th St

Lawrence-Douglas County Planning Office
February 2012

N
W E
S

Area Requested

Scale: 1 Inch =600 Feet

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
2/29/12

ITEM NO. 10 TEXT AMENDMENT TO THE DOUGLAS COUNTY ZONING REGULATIONS; AGRITOURISM (MKM)

TA-8-11-11: Consider a Text Amendment to the Douglas County Zoning Regulations for the Unincorporated Territory of Douglas County to establish *Agritourism* as a use in the County A (Agriculture) District. *Initiated by Planning Commission on 7/27/11.*

RECOMMENDATION:
Staff recommends approval of the amendments to Articles 12-303, 12-306, and 12-319 of the Zoning Regulations for the unincorporated Territory of Douglas County, Kansas to establish 'Agritourism' as a use in the A District based on the analysis provided in the Staff Report.

Reason for Request: The Lawrence Douglas County Metropolitan Planning Commission initiated the text amendment to facilitate agritourism activities in Douglas County.

RELEVANT FACTOR:
- Conformance with the Comprehensive Plan.

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

ATTACHMENTS
Attachment A: Agritourism Committee June Report and Recommendation
Attachment B: Planning Commission minutes, June and July 2011
Attachment C: Kansas Agritourism Promotion Act and Application
Attachment D: Proposed Amendment, TA-8-11-11, *Agritourism*

The Agritourism Committee of the Lawrence Douglas County Metropolitan Planning Commission was formed in January of 2010 to study agritourism and make recommendations to the Planning Commission regarding options which could be undertaken to promote and facilitate agritourism activities as well as possible revisions to the Zoning Regulations which would ensure the public health, safety, and welfare is protected while agritourism is facilitated.

The Planning Commission received the Agritourism Committee's report and recommendations in June of 2011, Attachment A, and voted unanimously at their July meeting to initiate a text amendment creating *agritourism* as a permitted use in the A District and establishing standards.

The Committee met with various stakeholders and groups to determine the most effective means of promoting and facilitating agritourism activities while insuring the public health and safety are protected. Attachment C with this memo contains the State Agritourism Promotion Act which the Committee used as a guide. This attachment also contains a list of agritourism uses in NE Kansas and a map showing the location of agritourism uses in Douglas County.

CONFORMANCE WITH THE COMPREHENSIVE PLAN
Horizon 2020 discusses the need for the protection of agricultural lands and incentives to retain agricultural land in production. Agritourism is an economic tool which allows farmers to make an additional income from their farmland, thereby maintaining its viability and keeping it in production.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and

Agritourism represents a significant revenue source for many farmers across the nation, as shown in the table below from the K-State report *"*Agritourism: If We Build it Will They Come?" written by Dan Bernardo, Luc Valentin, and John Leatherman. Kansas is located in the Prairie Gateway Region.

Table 1. Total Annual and Average Income (Gross Receipts) Generated by On-Farm Recreation, By Region

Region	Annual Total Income	Average Income/Farm	% of Farms w/Recreation Income	Avg. Income for Farms w/ Recreation
Heartland	$38,500,000	$90	7%	$1,286
Northern Crescent	$298,000,000	$963	2%	$48,150
Northern Plains	$14,000,000	$138	5%	$2,760
Prairie Gateway	**$79,000,000**	**$267**	**4%**	**$6,675**
Eastern Uplands	$5,000,000	$14	1%	$1,400
Southern Seaboard	$37,800,000	$161	3%	$5,366
Fruitful Rim	$278,600,000	$1,127	3%	$37,566
Basin & Range	$36,700,000	$437	6%	$7,283
Mississippi Portal	$8,000,000	$69	1%	$6,900
TOTAL	$796,000,000	$368	2%	$9,200

As this table shows, agritourism is a mean of economic opportunity for farmers and ranchers, allowing them to maintain the rural/agricultural lifestyle, and increasing the long-term sustainability of family farms.

The text amendment addresses a changing situation: the need for increased economic opportunities for farms to allow them to remain viable.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).

The Comprehensive plan provides the following recommendations regarding the preservation of agricultural land uses and promotion of agritourism:

Chapter 5, Residential, *"Agricultural uses should continue to be the predominant land use within the areas of the county beyond the designated urban growth/service areas (rural area). Uses permitted in the rural area should continue to be limited to those which are compatible with agricultural production and uses. Uses which allow farmers to sell directly to the consumer, such as seasonal farm stands and pick-your-own farm operations, provide flexibility and incentives to retain agricultural land in production. Residential development should be limited in these areas so that new development does not unnecessarily remove productive land from agricultural use."* (page 5-6)

Chapter 5, Residential, Policy 2.1(a) "*Continue to support and recognize the importance of preserving the agricultural use of land in unincorporated areas of Douglas County.* (page 5-14)

Chapter 16, Environment, Policy 2.7(d) *"Encourage and develop policies that support agri- and eco-tourism, as well as a sustainable local/regional food system.* (page 16-15)

The amendment will facilitate and foster agritourism as a tool for preserving the family farm which is in conformance with the policies in *Horizon 2020*.

OVERVIEW OF PROPOSED AMENDMENT

The following changes are being proposed to the Zoning Regulations:

Section 12-303 has been revised to include definitions of the following terms being used with Agritourism uses: 'Farm Stay' and 'Ancillary Retail Sales'.

Section 12-306 has been revised to add 'Agritourism' to the list of uses permitted in the A District.
Section 12-319 has been revised to include a new subsection, (7), with the regulations that apply to agritourism.

This section identifies the purpose of the Agritourism regulations, which is to foster and promote agritourism while ensuring that the public health, safety, and welfare is protected.

A critical component of this amendment is a clear definition of 'Agritourism'. This section provides a definition that is based on the State's definition in the Agritourism Promotion Act. An agritourism use does not have to be agricultural in nature but must occur on a working farm, ranch, or other agricultural land. The state's definition does not require agritourism uses to occur on a working farm, ranch, or other agricultural land (land in agricultural production) but this was added to our definition as a means to achieve one of the primary goals of agritourism, the preservation of family farms.

This section notes the agritourism uses which are permitted by right and those which require registration. Uses which are considered 'agricultural' uses include temporary farm stands, the sale of products raised on the farm, U-pick operations, farm tours, and winery tasting rooms. These uses are specifically listed in the draft language and do not require registration. These uses are permitted today as agriculturally exempt uses and no change is being proposed to these uses with this amendment. Agritourism uses which are not agriculturally exempt uses must register with the Douglas County Zoning and Codes Office. Agritourism uses, as defined in the Zoning Regulations, which are registered with the County require no further review under the Zoning Regulations; however other state and local regulations will apply.

One of the issues that were raised as obstacles to agritourism was the cost of bringing an existing agricultural building into compliance with the Douglas County Building Codes. An exemption was created from the building code requirement to allow agritourism uses in existing agricultural buildings to occur without requiring compliance with the building code. All other structures must comply with Code. An example of this would be a Christmas Tree Farm which sells Christmas Trees and decides to also sell hot cider and snacks and ornaments or other accessory items in the barn with the Christmas Trees. The addition of 'retail sales' would require the barn (or that portion of the barn if the area being used for sales is separated from the remainder of the barn) to be brought into compliance with Building Codes. The intent of this language is to provide some flexibility for smaller operations.

The exception proposed is for an existing agricultural building used for the subordinate use of agritourism if the following criteria are met:

1) The activity must occur on a floor with 2 ground-level points of ingress/egress;
2) Occupancy is limited to 50 people at any one time; and
3) The use does not involve overnight stays or the addition of a kitchen.

Any other structures used for agritourism uses must comply with Building Codes.

Staff Recommendation

Staff recommends approval of proposed revisions to Articles 12-303, 12-306, and 12-319 of the Zoning Regulations for the unincorporated Territory of Douglas County, Kansas to establish 'Agritourism' as a use in the A District.

LAWRENCE DOUGLAS COUNTY PLANNING COMMISSION
AGRITOURISM COMMITTEE
REPORT AND RECOMMENDATIONS

The Agritourism Committee of the Lawrence Douglas County Metropolitan Planning Commission was formed in January of 2010 to study agritourism and make recommendations to the Planning Commission regarding options which could be undertaken to promote and facilitate agritourism activities as well as possible revisions to the Zoning Regulations which would ensure the public health, safety, and welfare is protected while agritourism is facilitated. Agritourism is one means of promoting economic development in Douglas County, although there are certainly other benefits, such as providing additional income for residents engaged in agritourism activities, allowing them to maintain the rural/agricultural lifestyle, and increasing the long-term sustainability of family farms in Douglas County.

Members of the Agritourism Committee include:

Nancy Thellman, Douglas County Commissioner
Chuck Blaser, Planning Commission Chair
Rick Hird, Planning Commissioner and Committee Chair
Mary Miller, Planning Staff
Judy Billings, Freedoms Frontier Chair
Clint Hornberger, Farm Bureau and Chamber of Commerce Representative
Hank Booth, Lawrence Chamber of Commerce
Becky Rhodes, Kansas Department of Commerce
Pep Selvan, Bluejacket Crossing Winery
Linda Finger, Douglas County Planning Resource Coordinator
Keith Dabney, Douglas County Zoning and Codes Director

PROCESS:

The early meetings of the Agritourism Committee focused on defining agritourism and identifying the agritourism uses that currently exist in Douglas County. A draft definition of agritourism was developed and amended as the meetings progressed. A map showing where the agritourism uses identified by the committee are located is included in Figure 1 at the end of this report.

Township trustees and the County Engineer were invited to the November, 2010 meeting for a discussion on rock roads and agritourism uses. Keith Browning stated that Calcium Chloride is the cheapest and most effective dust palliative treatment available. A map showing where dust palliative was applied in 2010 is included in Figure 2 at the end of this report. The following is a summary of the discussion on the dust palliative program:

> Residents pay for the dust palliative treatment and also for the cost of the township to prepare the road. Cost of the dust palliative is $1.60 per linear foot with 60 cents a linear foot going to the township for preparation costs. The township prepares the road to stabilize it, and to create a crown to insure adequate drainage so when

the palliative has been applied they will not need to work it again. Dust palliative usually lasts through the summer and most of the year. It is applied in 2 applications, once in May and again about a month later. For areas that do it 4 to 5 years in a row, there is a residual effect. They could even skip a year and still have effective dust treatment.

Dust palliative is available all year, but the County may not have enough on hand if a person didn't sign up in January. It would be possible for them to go through the County's contact to get dust palliative, but they would need to make arrangements with the township about the road preparation.

Agritourism operators in Douglas County were invited to the January, 2011 stakeholder meeting. The meeting's goal was to identify issues that stakeholders felt presented the greatest challenges to establishing and operating agritourism businesses, and what changes would be most beneficial in supporting and encouraging agritourism. The principal concern noted was the process involved with the Conditional Use Permit (CUP). Suggestions for improvement included the following:

- remove the time-limit on CUPs but have administrative reviews at regular intervals,
- develop a Special Event Permit for infrequent or more temporary agritourism uses.
- allow low-intensity agritourism uses through registration.

This report is divided into five sections:

1. Mission Statement
2. Definition of Agritourism
3. Economic Impact of Agritourism
4. Applicable Zoning, Permits, Codes and Other Laws and Regulations now if effect
5. Issues and Recommendations

1. MISSION STATEMENT

The Mission Statement adopted by the Agritourism Committee is as follows:

The Agritourism Committee will study existing laws, regulations and procedures and propose changes designed to foster and promote Agritourism in Douglas County. The Agritourism Committee will:

- Establish a definition of Agritourism
- Evaluate the economic impact of Agritourism activities
- Evaluate the effect of zoning regulations, building codes and other laws and regulations on the development of Agritourism activities
- Make recommendations to the Planning Commission to assist in the promotion of Agritourism

2. DEFINITION OF AGRITOURISM

Agritourism is defined in several different ways by various agencies and groups. In 2004, the Kansas Legislature adopted the Agritourism Promotion Act, K.S.A. 74-50,165, *et seq* (the "Act"). The purpose of the Act is described as:

> The purpose of this act is to promote rural tourism and rural economic development by encouraging owners or operators of farms, ranches, and rural attractions, including historic, cultural, and natural attractions, to invite members of the public to view, observe and participate in such operations and attractions for recreational or entertainment purposes. This act shall be liberally construed to effectuate that purpose. K.S.A. 74-50,166.

The Act provides a manner for registration of agritourism activities with the Kansas Secretary of Commerce and, with appropriate posted signage, provides some insulation from liability for agritourism operators. The Act defines agritourism as:

> ...[A]ny activity which allows members of the general public, for recreational, entertainment or educational purposes, to view or enjoy rural activities, including but not limited to, farming activities, ranching activities or historic, cultural or natural attractions. An activity may be an agritourism activity whether or not the participant pays to participate in the activity. An activity is not an agritourism activity if the participant is paid to participate in the activity. K.S.A. 74-50,167(a)

The Committee was somewhat divided regarding the scope of activities that should be considered within the umbrella of agritourism. The following definition adopted by the Committee is a combination of the statutory definition and the definition used by the Kansas Department of Commerce and other authors:

> Agritourism: The intersection of agriculture and tourism. When the public goes to rural areas for recreation, education, enjoyment, entertainment, adventure or relaxation. Using the rural experience as a tool for economic development.

Using that definition, the Committee suggests the following as examples (although not exhaustive) of agritourism activities:

- Recreation
  - Hiking
  - Hunting, fishing
  - Equestrian
  - Bicycling
- Education
  - Agricultural operations
  - Food production
  - Ranching operations
  - Historical farms
  - Preserved prairies and other natural areas

- Entertainment
  - Demonstrations of agricultural operations
  - Integration of music, theatre, arts to enhance rural experience
  - Gatherings, events, and festivals
  - Shopping
  - Farmer's Markets
- Adventure
  - Discovery of new areas
  - Experiencing wildlife
  - Hands-on involvement in agriculture or ranching
- Relaxation
  - Enjoyment of rural settings, vistas
  - Change of pace
  - Escape from urban environment
  - Bird Watching

3. ECONOMIC IMPACT OF AGRITOURISM

The following information was taken from the K-State report *"*Agritourism: If We Build it Will They Come?" written by Dan Bernardo, Luc Valentin, and John Leatherman (Professor and Department Head, Research Assistant, and Associate Professor, respectively, Department of Agricultural Economics, Kansas State University').

"Despite its relative infancy, agritourism represents a significant revenue source for many farmers across the nation. To lend perspective to the importance of agritourism as a revenue source, estimates of total and average annual income generated from on-farm recreation are reported in Table 2 for eight USDA regions" (page 4) Kansas is included in the 'Prairie Gateway' group in the following table along with Western Oklahoma, Nebraska, and Central Texas.

Table 2. Total Annual and Average Income (Gross Receipts) Generated by On-Farm Recreation, By Region

Region	Annual Total Income	Average Income/Farm	% of Farms w/ Recreation Income	Avg. Income for Farms w/ Recreation
Heartland	$38,500,000	$90	7%	$1,286
Northern Crescent	$298,000,000	$963	2%	$48,150
Northern Plains	$14,000,000	$138	5%	$2,760
Prairie Gateway	**$79,000,000**	**$267**	**4%**	**$6,675**
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Southern Seaboard	$37,800,000	$161	3%	$5,366
Fruitful Rim	$278,600,000	$1,127	3%	$37,566
Basin & Range	$36,700,000	$437	6%	$7,283
Mississippi Portal	$8,000,000	$69	1%	$6,900
TOTAL	$796,000,000	$368	2%	$9,200

The report stated that "Agritourism is being proposed as a local and statewide economic development strategy. As such, it is useful to estimate the economic impact of this industry on the state's economy. An economic impact analysis was conducted to determine both the direct economic impacts of spending by visitors participating in agritourism and the indirect effects arising from the new income generated by that spending." (page 11, *Agritourism: If We Build It Will They Come?*)

Staff contacted the authors of the report who clarified that the information in Table 3 was a model estimation of spending associated with agritourism uses in Kansas. Table 2 shows the total income for the Prairie Gateway and the authors estimated Kansas' share at $18,000,000. The information in Table 3 shows approximately $18,000,000 of farm income (farm products + farm services). The other figures are associated estimated expenditures that would occur in conjunction with agritourism uses.

Table 3.

Category	Total Expenditure Profile	Out-of-State Expenditure Profile
Farm Products	$8,017,000	$2,565,440
Farm Services	$9,342,000	$2,989,440
Travel Costs	$37,223,000	$12,047,426
Lodging	$8,017,000	$2,565,440
Eating & Drinking	$7,466,000	$2,388,980
Other Retail	$3,895,000	$1,246,458
Other	$3,947,000	$1,263,122
TOTAL	$77,907,000	$25,066,306

"The combined direct and indirect economic impact associated with agri-tourism in 2000 was estimated to be between $25 and $78 million (in 2004 dollars). The low estimate arises from spending generated from out-of-state sources and the high estimate is spending originating from both in-state and out-of-state sources. To the extent that spending by Kansas residents would likely not occur in rural regions had it not been spent on an agritourism activity, the high estimate can be construed as an estimate of the economic impact on the state's rural economy." (page 12, *Agritourism: If We Build It Will They Come?*)

In addition, it was estimated that the federal government collected approximately $2.9 million in tax revenues and that state and local governments garnered approximately $2 million from the varied activities associated with agritourism spending by out-of-state visitors in 2000. If in-state tourism activities are included, then tax collections increase to $9.06 and $6.25 million, respectively.

In summary, agritourism has a positive economic impact not only on the farm family involved in the activity, but the community as a whole.

4. APPLICABLE ZONING, PERMITS, CODES AND OTHER LAWS AND REGULATIONS

A) ZONING

The following are examples of agritourism uses that are permitted by right, that is no CUP is required:

- Pick Your Own Fruit/Vegetables Patches
- Agricultural Demonstrations
- Seasonal Sale of Products Raised on the Site
- Commercial Hunting and Fishing
- Commercial Riding Stable (site plan is required)
- Country Club (site plan is required)

B) CUP

Some Agritourism uses which are not permitted by right can be approved with a Conditional Use Permit. Uses listed in Section 12-319-4 of the Zoning Regulations require a CUP. These include the following agritourism uses:

- Farmer's Market,
- Dude Ranch,
- Fruit or Vegetable Stand,
- Recreation Facility.

Outline of the CUP process:

A pre-application meeting with staff is recommended to outline the process and identify possible challenges/opportunities.

— **Application.**

If the application is filed before the deadline, the Planning Commission may consider it at the meeting following their next meeting. For instance, if a CUP is filed by June 20, 2011 the Commission will consider it at their August 22, 2011 meeting. (Approximately 60 day review period.)

— **Review.**

60 days Minimum

The application is distributed to County Staff, Utility Providers, Township Trustees, Drainage District Representatives, and Fire Departments. A letter is then mailed to the applicant listing any concerns which were raised regarding the proposal or the plans which were provided. Revisions to the proposal or revised plans may be requested.

— **Public Hearing.**

Notice is mailed to property owners within 1000 ft of the property included in the CUP and a public hearing is held with the Planning Commission. If the property is within 3 miles of Eudora, Baldwin City, or Lecompton a joint Planning Commission meeting is held.

— **Planning Commission.**

The Planning Commission conducts a public hearing and votes to forward the item to the County Commission with a recommendation for approval, approval with conditions, approval with revised conditions or denial. The Commission may also vote to defer the item if additional information is needed.

— **Protest Period.**

14 days

A mandatory 14 day waiting period is provided before the CUP request is scheduled for consideration by the Board of County Commissioners to allow time required by State Statutes for the filing of a 'protest petition'. If a valid protest petition is filed, approval of the CUP requires a unanimous vote of the County Commission (3/4 majority required).

— **County Commission.**

The County Commission considers the CUP request and accepts public comment. The County Commission could take one of the following actions: approve, approve with conditions or deny the CUP. They may also vote to defer the CUP if necessary.

— **Building Permits.**

Building permits may be applied for concurrently with the CUP request and are required for any new building or change of use of an existing building.

— **Conditional Use Permit.**

A permit for the Conditional Use is issued by the Douglas County Zoning and Codes Office.

C) BUILDING AND OTHER COUNTY CODES

- Agricultural buildings - K.S.A. 74-50,167(b)
- Douglas County Sanitary Code
- Uniform Building, Uniform Mechanical, and Uniform Plumbing Codes and the National Electrical Codes

D) OTHER LAWS/STATUTES

- Agritourism Promotion Act, K.S.A. 74-50,165,

5. ISSUES AND RECOMMENDATIONS

A. ROAD DUST.

Issue: The generation of dust by travelers to agritourism activities has been raised as a concern. Opinions vary from the expectation that travel on rural roads will be dusty, to the expectation that properties with increased activity should mitigate the dust created by traffic to the site.

Recommendation: note the areas where agritourism uses are clustered or where larger agritourism uses are located and establish a dust palliative treatment program for roads in these areas with assistance being offered by the County

B. SIGNAGE.

Issue: Signage is limited by the Zoning Regulations in the 'A' District to accessory identification signs or signs advertising goods which are raised on the premises.

Recommendation: Additional signage should be permitted to advertise agritourism uses both on- and off-site. Various options were discussed, which included the possibility of using standard signage on the highways to identify exits from which agritourism activities can be accessed.

C. APPROVAL PROCESS.

Issue: Some agritourism uses are never pursued due to the time and process involved in getting approved.

Recommendation: Simplify the process for agritourism uses which would not be classified as 'high intensity'.

i. Create a tiered level of agritourism activities with different approval process for each. For instance: Low intensity agritourism activities – registration; Medium intensity agritourism activities -- site plan; High intensity activities – conditional use permit.
ii. Establish standards which would apply to uses which do not require a CUP, such as: attendance limited to that which can be accommodated with on-site parking (no on-street parking permitted), retail sales permitted up to a maximum area of a particular square footage and certain level of assembly without requiring a CUP or full compliance with Commercial Building Codes, (This may require an amendment to the Building Codes to facilitate the use of ag buildings for agritourism uses while requiring minimal inspections to ensure basic health, safety and welfare.)
iii. Establish a Special Event Permit for infrequent or temporary events. Identify events which could be approved administratively, and those which would require County Commission approval and note the time frame for approval; for instance 5 business days for administrative and 14 business days for County Commission permits. Establish standards for special events. Establish time limits for particular uses, with more flexibility provided for agritourism uses.

D. COMMUNITY-WIDE BENEFITS OF AGRITOURISM.

Issue: As illustrated in the economic impact section of this report, agritourism benefits not only the farm family involved in the activity, but the community as a whole. Increased spending within the county is one benefit; increased sustainability of family farms is another.

Recommendation: Promote Agritourism Activities in the County.

i. Install an 'Agritourism' link on the Douglas County web-site to provide information on the agritourism uses in the county (and links to their websites) as well as the process to establish new uses. This link can provide information for future agritourism activities as well as promote existing activities.
ii. Prepare brochures which clearly outline the process and requirements for different types of agritourism activities.

E. IMPLEMENTATION AND MONITORING OF RECOMMENDATIONS.

Issue: Many of the recommendations require knowledge of the existing agritourism uses.

Recommendation: Registration of Agritourism Uses. In order to qualify for the simplified approval process or other features, the use must be registered with the Douglas County Zoning and Codes Office as an Agritourism Use and with the State Chamber of Commerce. This registration will assist in the determination of dust palliative treatment program areas, the inclusion of the use on the County Website as well as the monitoring of the effectiveness of the measures adopted to encourage and foster agritourism. The State registration form should double for the County registration, if all necessary information is included on the state form.

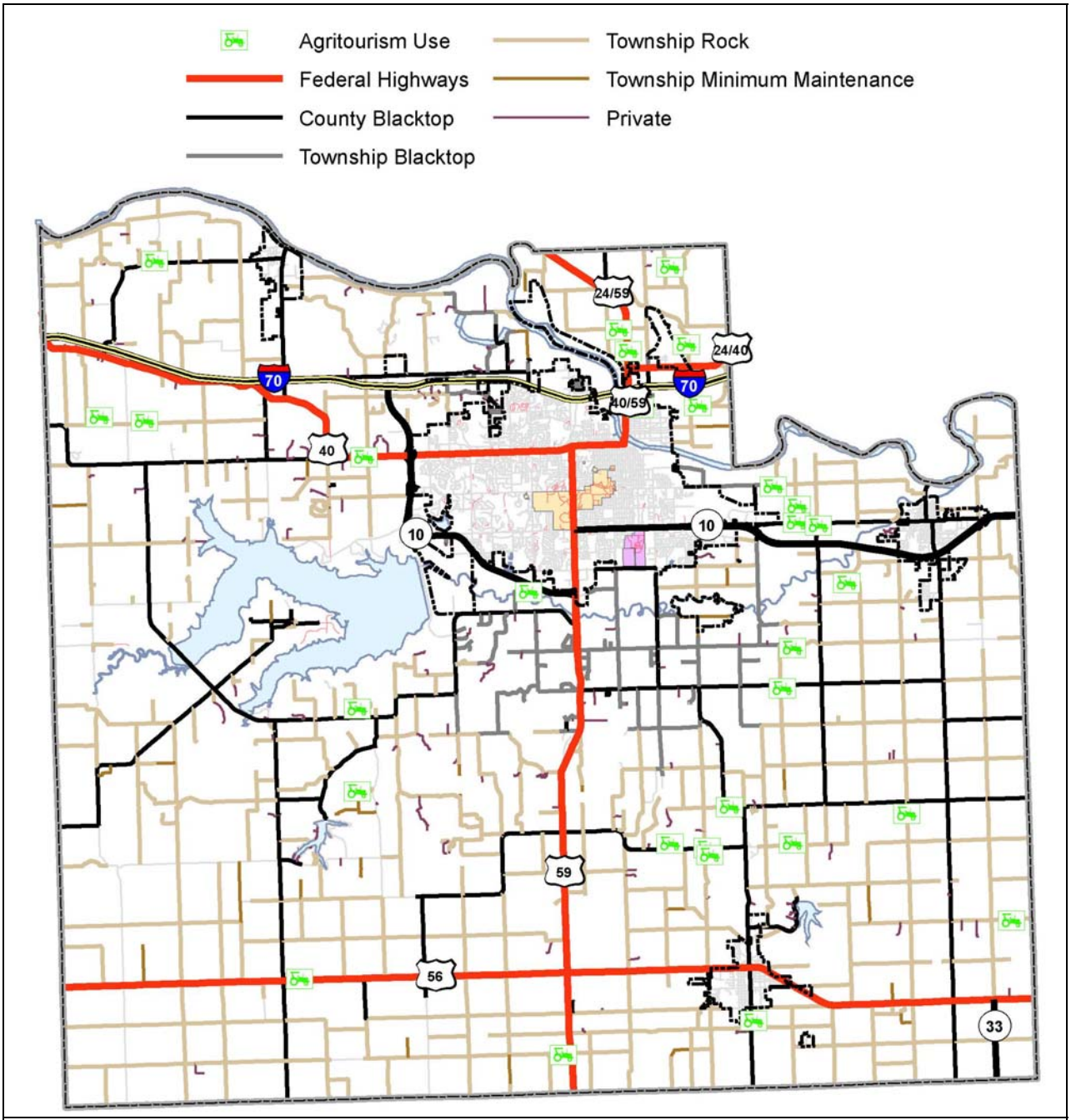

Figure 1. Location of Agritourism Activities in Douglas County

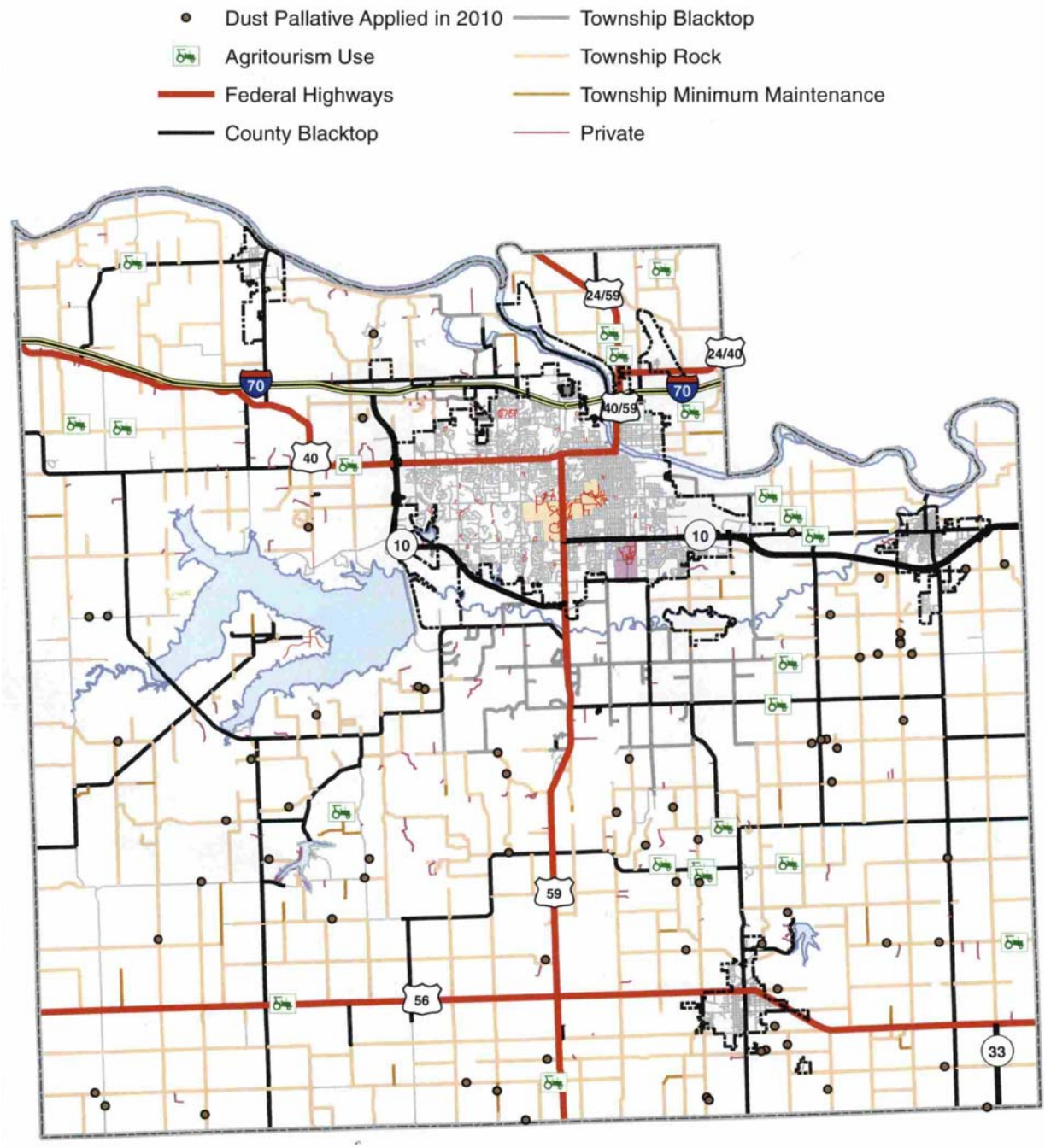

Figure 2. Areas where dust palliative was applied in 2010.

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ITEM NO. 12 AGRI-TOURISM COMMITTEE RECOMMENDATIONS (MKM)

Agri-Tourism Committee recommendations

STAFF PRESENTATION

Ms. Mary Miller presented the item and said it would be heard by Planning Commission in July.

Commissioner Liese asked if this could include boating.

Ms. Miller said that was one of the uses identified as being considered.

Commissioner von Achen asked what was meant by the wording in the staff report that refers to registration of agri-tourism uses.

Ms. Miller said primarily it would be used for economic benefits where they could be noted on the Douglas County website which would include a link to their website. She stated each registration would be verified. If they register with the State it would automatically be registered with the county.

Commissioner von Achen asked if the recent food garden tour was in any way associated with this.

Ms. Miller said no.

Commissioner Hird said the committee spent a long time discussing terms because there were a lot of ways to refer to agri-tourism, agri-business, rural tourism, etc. He said the State Statute adopted several years ago said that if you registered with the State and posted a prescribed notice the landowner had certain insulation from liability. He said they did that because agri-tourism was something the state of Kansas should get behind.

Commissioner Hird thanked Mr. Pep Selvan, Blue Jacket Crossing Winery, for his participation in the process. He said regarding dust palliative treatment, the only solution that he knew of was dust palliative but that it was incredible expensive. He suggested that the County could help participate in some fashion with finances.

PUBLIC HEARING

Mr. Hank Booth, Lawrence Chamber of Commerce, discussed the Farm Tour and mixer on Friday that was a Chamber of Commerce event.

Ms. Gwen Klingenberg, said she was excited about this and the money that it will bring into the community. She thought it would be a good idea to include the information on the City website.

Commissioner Finkeldei asked what the next step was for the committee.

Commissioner Hird said they would be working on the specifics of the registration.

Commission Finkeldei suggested looking at language regarding signage.

Commissioner Culver suggested an additional step of how to promote it beyond Douglas County.

NO ACTION TAKEN

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ITEM NO. 10 AGRI-TOURISM COMMITTEE RECOMMENDATIONS (MKM)

Receive Agri-Tourism Committee report and recommendations. Initiate code amendments for future public hearing.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Burger asked if this would open the door for something like the Wakarusa Festival.

Ms. Miller said a Special Event Permit might allow something like the Wakarusa Festival but that it would be so large that it would go to County Commission for approval.

Commissioner von Achen inquired about road dust abatement for smaller venues and felt it was a burden on land owners to pay for that.

Ms. Miller said dust abatement was an ongoing issue. She said the committee asked the Townships if they had received complaints about dust during the yearly Farm Tour that attracts hundreds of people and they had not. She said in the past they approved a dust abatement measure for a reception facility where the farmer was going to spray water on the road.

Commissioner von Achen asked if dust abatement was to protect the tourists or the neighbors.

Ms. Miller said it was typically used to protect land owners who live on the route but a dusty road could also be an issue for vehicles.

Commissioner Hird said one of the recommendations by the committee was that the county governments be involved in funding dust abatement programs because agritourism was an economic stimulus to the economy and region. He said the influx of tourists and commercial activity justifies the county government spending some money on dust abatement.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Culver, to:

1) Initiate a text amendment to the Zoning Regulations for the Unincorporated Territory of Douglas County to establish a Special Event Permit and develop application process and standards.
2) Initiate a text amendment to the Zoning Regulations for the Unincorporated Territory of Douglas County to establish Agritourism as a use. This would include defining the different levels of agritourism, establishing standards for each level, establishing signage regulations, and establishing a registration and approval processes for each level.

Unanimously approved 9-0.

74-50,165: Citation of act. This act may be cited as the agritourism promotion act.

History: L. 2004, ch. 97, § 1; July 1.

74-50,166: Purpose. The purpose of this act is to promote rural tourism and rural economic development by encouraging owners or operators of farms, ranches, and rural attractions, including historic, cultural, and natural attractions, to invite members of the public to view, observe and participate in such operations and attractions for recreational or entertainment purposes. This act shall be liberally construed to effectuate that purpose.

History: L. 2004, ch. 97, § 2; July 1.

74-50,167: Definitions. As used in K.S.A. 2009 Supp. 74-50,165 through 74-50,172, and amendments thereto:

(a) "Agritourism activity" means any activity which allows members of the general public, for recreational, entertainment or educational purposes, to view or enjoy rural activities, including, but not limited to, farming activities, ranching activities or historic, cultural or natural attractions. An activity may be an agritourism activity whether or not the participant pays to participate in the activity. An activity is not an agritourism activity if the participant is paid to participate in the activity.

(b) "Inherent risks of a registered agritourism activity" means those dangers or conditions which are an integral part of such agritourism activity including, but not limited to, certain hazards such as surface and subsurface conditions; natural conditions of land, vegetation, and waters; the behavior of wild or domestic animals; and ordinary dangers of structures or equipment ordinarily used in farming or ranching operations. "Inherent risks of a registered agritourism activity" also includes the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to follow instructions given by the registered agritourism operator or failing to exercise reasonable caution while engaging in the registered agritourism activity.

(c) "Participant" means any person who engages in a registered agritourism activity.

(d) "Registered agritourism activity" means any agritourism activity registered with the secretary pursuant to K.S.A. 2009 Supp. 74-50,168, and amendments thereto.

(e) "Registered agritourism location" means a specific parcel of land which is registered with the secretary pursuant to K.S.A. 2009 Supp. 74-50,168, and amendments thereto, and where a registered agritourism operator engages in registered agritourism activities.

(f) "Registered agritourism operator" means any person who is engaged in the business of providing one or more agritourism activities and is registered with the secretary pursuant to K.S.A. 2009 Supp. 74-50,168, and amendments thereto.

History: L. 2004, ch. 97, § 3; July 1.

74-50,168: Registration of agritourism operators. (a) Any person who is engaged in the business of providing one or more agritourism activities may register with the secretary of commerce. The registration shall contain all of the following:

(1) Information describing the agritourism activity which the person conducts or intends to conduct.

(2) Information describing the location where the person conducts or intends to conduct such agritourism activity.

(b) The secretary shall maintain a list of all registered agritourism operators, the registered agritourism activities conducted by each operator and the registered agritourism location where the operator conducts such activities. Such list shall be made available to the public. The secretary, in conjunction with other agritourism and rural economic efforts of the secretary, shall promote and publicize registered agritourism operators, activities and locations to advance the purpose of this act by promoting and encouraging tourism.

(c) Registration pursuant to this section shall be for a period of five years.

(d) No fee shall be charged to persons registering under this section.

History: L. 2004, ch. 97, § 4; July 1.

74-50,169: Warning notice requirements. (a) At every registered agritourism location, the registered agritourism operator shall post and maintain signage which contains the warning notice specified in subsection (c). This section shall be deemed satisfied if such signage is placed in a clearly visible location at or near the registered agritourism location. The warning notice specified in subsection (c) shall appear on the sign in black letters, with each letter to be a minimum of one inch in height.

(b) Every written contract entered into by a registered agritourism operator for the providing of a registered agritourism activity shall contain in clearly readable print the warning notice and language specified in subsection (c).

(c) The signs described in subsection (a) and the contracts described in subsection (b) shall contain the following warning notice:

WARNING

Under Kansas law, there is no liability for an injury or death of a participant in a registered agritourism activity conducted at this registered agritourism location if such injury or death results from the inherent risks of such agritourism activity. Inherent risks of agritourism activities include, but shall not be limited to, the potential of you as a participant to act in a negligent manner that may contribute to your injury or death and the potential of another participant to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this registered agritourism activity.

(d) Upon request, the registered agritourism operator shall provide to any

participant a written description of the registered agritourism activity, as set forth in the registration pursuant to K.S.A. 2009 Supp. 74-50,168, and amendments thereto, for which this act limits the registered agritourism operator's liability at the registered agritourism location.

History: L. 2004, ch. 97, § 5; July 1.

74-50,170: Assumption of risk by participant; pleading. Except as provided in K.S.A. 2009 Supp. 74-50,171, and amendments thereto, any participant is assuming the inherent risks of a registered agritourism activity when such participant engages in such agritourism activity. In any action for damages arising from the operation of a registered agritourism activity, the registered agritourism operator, pursuant to K.S.A. 60-208, and amendments thereto, shall plead an affirmative defense of assumption of risk by the participant.

History: L. 2004, ch. 97, § 6; July 1.

74-50,171: Liability of operator. Nothing in this act shall prevent or limit the liability of a registered agritourism operator if:

(a) The registered agritourism operator injures the participant by willful or wanton conduct; or

(b) the registered agritourism operator has actual knowledge of a dangerous condition in the land, facilities or equipment used in the registered agritourism activity or the dangerous propensity of a particular animal used in such activity and does not make such dangerous condition known to the participant and such dangerous condition causes the participant to sustain injuries.

History: L. 2004, ch. 97, § 7; July 1.

74-50,172: Same; limitation of. Any limitation on legal liability afforded to a registered agritourism operator by this act shall be in addition to any other limitation of legal liability otherwise provided by law. Nothing in this act, nor failure by any person to comply with the provisions of this act, shall be construed to limit, restrict or impede the application of K.S.A. 58-3202, et seq., and amendments thereto, to any person, and a registered agritourism operator entitled to coverage under K.S.A. 58-3202, et seq., and amendments thereto, shall be entitled to the full limits of liability afforded under K.S.A. 58-3202, et seq., and amendments thereto.

History: L. 2004, ch. 97, § 8; July 1.

74-50,173: Tax credits allowed for certain costs of liability insurance; rules and regulations; report to legislature. (a) For taxable years commencing on and after December 31, 2003, December 31, 2004, December 31, 2005, December 31, 2006, and December 31, 2007, there shall be allowed as a credit against the tax liability of a

taxpayer imposed under the Kansas income tax act, an amount equal to 20% of the cost of liability insurance paid by a registered agritourism operator who operates an agritourism activity on the effective date of this act. No tax credit claimed pursuant to this subsection shall exceed $2,000. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of tax credit has been deducted from tax liability, except that no such tax credit shall be carried forward for deduction after the third taxable year succeeding the taxable year in which the tax credit is claimed.

(b) For the first five taxable years commencing after a taxpayer opens such taxpayer's business, after the effective date of this act, there shall be allowed as a credit against the tax liability of a taxpayer imposed under the Kansas income tax act, an amount equal to 20% of the cost of liability insurance paid by a registered agritourism operator who starts an agritourism activity after the effective date of this act. No tax credit claimed pursuant to this subsection shall exceed $2,000. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of tax credit has been deducted from tax liability, except that no such tax credit shall be carried forward for deduction after the third taxable year succeeding the taxable year in which the tax credit is claimed.

(c) The secretary of commerce shall adopt rules and regulations establishing criteria for determining those costs which qualify as costs of liability insurance for agritourism activities of a registered agritourism operator.

(d) On or before the 15th day of the regular legislative session in 2006, the secretary of commerce shall submit to the senate standing committee on commerce and the house standing committee on tourism and parks a report on the implementation and use of the tax credit provided by this section.

(e) As used in this section, terms have the meanings provided by K.S.A. 2009 Supp. 74-50,167, and amendments thereto.

History: L. 2004, ch. 97, § 9; July 1.

AGRITOURISM PROMOTION ACT REGISTRATION

Please complete ALL information as required by Senate Bill 334, the Agritourism Promotion Act. Incomplete forms will not be accepted. **Please contact the Kansas Department of Wildlife, Parks, and Tourism if you have not received your registration certificate after 30 days of submitting your form. If you have questions about the registration, contact the Agritourism Manager at 785-296-1847.**

Please check appropriate box:

☐ New Registration ☐ Renewal

Business Information

Company Name:

FEIN or SSN:

Owner's Name

Business Address:

City: **State:** **Zip:** -

Business Phone:

Business Fax:

Email:

Web Address:

☐ Same as above

Contact Information

Contact Person (If Different from Owner):

Email:

Contact Person Phone:

☐ Same as above

Address of Agritourism Location

Address:

City: **State:** **Zip:** -

County or Counties Where Agritourism Activities Take Place:

☐ Allen	☐ Cheyenne	☐ Douglas	☐ Grant	☐ Jewell	☐ Lyon	☐ Neosho	☐ Reno	☐ Shawnee	☐ Wallace
☐ Anderson	☐ Clark	☐ Edwards	☐ Gray	☐ Johnson	☐ McPherson	☐ Ness	☐ Republic	☐ Sheridan	☐ Washington
☐ Atchison	☐ Clay	☐ Elk	☐ Greeley	☐ Kearny	☐ Marion	☐ Norton	☐ Rice	☐ Sherman	☐ Wichita
☐ Barber	☐ Cloud	☐ Ellis	☐ Greenwood	☐ Kingman	☐ Marshall	☐ Osage	☐ Riley	☐ Smith	☐ Wilson
☐ Barton	☐ Coffey	☐ Ellsworth	☐ Hamilton	☐ Kiowa	☐ Meade	☐ Osborne	☐ Rooks	☐ Stafford	☐ Woodson
☐ Bourbon	☐ Comanche	☐ Finney	☐ Harper	☐ Labette	☐ Miami	☐ Ottawa	☐ Rush	☐ Stanton	☐ Wyandotte
☐ Brown	☐ Cowley	☐ Ford	☐ Harvey	☐ Lane	☐ Mitchell	☐ Pawnee	☐ Russell	☐ Stevens	
☐ Butler	☐ Crawford	☐ Franklin	☐ Haskell	☐ Leavenworth	☐ Montgomery	☐ Phillips	☐ Saline	☐ Sumner	
☐ Chase	☐ Decatur	☐ Geary	☐ Hodgeman	☐ Lincoln	☐ Morris	☐ Pottawatomie	☐ Scott	☐ Thomas	
☐ Chautauqua	☐ Dickinson	☐ Gove	☐ Jackson	☐ Linn	☐ Morton	☐ Pratt	☐ Sedgwick	☐ Trego	
☐ Cherokee	☐ Doniphan	☐ Graham	☐ Jefferson	☐ Logan	☐ Nemaha	☐ Rawlins	☐ Seward	☐ Wabaunsee	

Descriptions

Please provide a description of all agritourism experiences offered to your visitors.
Please note only activities listed will be covered by the limited liability statute.
If you add new activities, please notify KDWPT in writing.

Please provide a brief promotional paragraph about your agritourism experience: (150 words or less)

Insurance Information

Do you carry insurance for your agritourism enterprise?

☐ Yes ☐ No

Insurance Carrier:

Please select all the amenities and experiences your organization can offer

Experiences

- ☐ Bird Watching
- ☐ Christmas trees
- ☐ Farm/Ranch Experience
- ☐ Fishing
- ☐ Hay Rack Ride
- ☐ Hunting
- ☐ Maze
- ☐ Other

Amenities

- ☐ Other
- ☐ Accessible to individuals with disabilities
- ☐ Retail/Gift Shops
- ☐ RV hook Ups
- ☐ Special Events/Festivals
- ☐ Tasting Room
- ☐ Tent Camping
- ☐ Concessions
- ☐ Dining
- ☐ Guided tours
- ☐ Lodging
- ☐ Motor Coach Parking
- ☐ Pre-Booked/group Events
- ☐ Restrooms

Wildlife Amenities

- ☐ Fishing
- ☐ Airport Pick-up
- ☐ Archery
- ☐ Chukar
- ☐ Deer
- ☐ Fishing Guides
- ☐ Gear/Equipment
- ☐ Guides
- ☐ Kenneling Dogs
- ☐ Meals
- ☐ Migratory Game birds
- ☐ Pheasant
- ☐ Prairie Chicken
- ☐ Predators
- ☐ Processing
- ☐ Quail
- ☐ Rabbits
- ☐ RV Hookups
- ☐ Shooting Sports
- ☐ Turkey
- ☐ Wildlife Watching

Submit Return

DISCLOSURE: Registering with the Department of Wildlife, Parks & Tourism allows KDWPT to promote your operation to the public.

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Northeast

Company Name: Anthony's Beehive
Address: 1804 N1100 Road
City: Lawrence
State: KS
Zip: 66046
People: Tony Schwager
Email: tony@anthonysbeehive.com
Phone: 913-206-2188
Web: www.anthonysbeehive.com

Agritourism Experiences:

Company Description: Anthony's Beehive is a family-owned and operated business which evolved from a young man's passion for his beekeeping hobby.

Company Name: Art's Mexican Products, Inc.
Address: 615 Kansas Avenue
City: Kansas City
State: KS
Zip: 66105
People: Robert Gutierrez
Email: artsmex@aol.com
Phone: 913-371-2163
Web: www.artsmexican.com

Agritourism Experiences:

Company Description: Art's Mexican Products manufactures corn products - tortillas, chips and sauces, as well as a full line of Mexican restaurant supplies.

Company Name: Country Creek Honey
Address: 9491 X Road
City: Meriden
State: KS
Zip: 66512
People: Becky Tipton
Email: bstbees@embarqmail.com
Phone: 785-484-3710
Web:

Agritourism Experiences:

Company Description: Country Creek honey uses nectar at its very best--straight from the hive, raw and unfiltered -- to produce a variety of honey flavors. Choose from early spring clover honey or late summer sunflower/wildflower blend honey to add a delightful honey flavor to barbeque, baking and home brewing. In addition to honey, Country Creek also offers lotions, lip balms and soaps.

Company Name: Hillside Honey
Address: 20100 Santa Fe Trail
City: Easton
State: KS
Zip: 66020
People: Ron & Beth Ward
Email: bee@hillsidehoney.com
Phone: 913-680-1097
Web: www.hillsidehoney.com

Agritourism Experiences:

Company Description: Hillside Honey is a family owned and operated business providing pure Midwest honey and homemade moisturizing products made from beeswax. The hives produce honey from the nectar sources (clover, black locust, wildflowers) growing in the hills surrounding their home. Other honey products include hand cream, lotion bars and lip balms from beeswax.

Company Name: Iwig Family Dairy, LLC
Address: 3320 S.E. Tecumseh Road

City: Tecumseh
State: KS
Zip: 66542
People: Tim Iwig
Email: iwigdairyfarm@sbcglobal.net
Phone: 785-379-9514
Web:

Agritourism Experiences: Farm and ranch experience

Company Description: Iwigs Family Dairy operates a production dairy and milk processing facility. The milk products are bottled in glass bottles; the cream is bottled, as well as used in ice cream and butter. Iwig products are available at the on-farm store and in

Company Name: Kansumer Goods, LLC
Address: 505 Lakeshore Drive East
City: Lake Quivera
State: KS
Zip: 66217
People: Elaine Rebori
Email: inquiries@kansumergoods.com
Phone: 913-631-0199
Web: www.kansumergoods.com

Agritourism Experiences:

Company Description: Kansumer Goods is an on-line retailer featuring Kansas products. Simply Kansas products offered include Vintage Soap & Bath, Rabbit Creek Products, Original Juan Specialty Foods, Bradley's Bones, Sleepy Jean's Confections, Smoky Hill Bison Co., Louisburg Cider Mill, Nut Nation and Bainter Sunflower Oil. Addtional product categories include books, food, pet treats, home accessories, KU and K-State merchandise, personal care items, kids' items and Wizard of Oz merchandise.

Company Name: Kugler's Vineyard
Address: 1235 N 1100 Road
City: Lawrence
State: KS
Zip: 66047
People: Anthony and Kay Kugler
Email: akugler@sunflower.com
Phone: 785-445-8299
Web: www.kuglersvineyard.com

Agritourism Experiences:

Company Description: Kugler's is a small family-owned vineyard and winery.

Company Name: Le Petit Garden
Address: 3009 Riverview Road
City: Lawrence
State: KS
Zip: 66049
People: Galina Conrad
Email:
Phone: 785-843-1594
Web:

Agritourism Experiences:

Company Description: Le Petit Garden has a variety of fruit trees and produces jams and preserves from their berries. In addition, the garden grows 12 kinds of basil, which is the main ingredient in basil pesto. All products are produced in a certified kitchen. The Garden's produce is sold at the Downtown Lawrence Farmers' Market.

Company Name: Mama Dida's
Address: PO Box 501
City: Stilwell
State: KS
Zip: 66085
People: Ralph Maser
Email: mamadidas@yahoo.com

Phone: 913-548-2783
Web: www.mamadidas.com

Agritourism Experiences:

Company Description: Mama Dida's produces gourmet salsas and other specialty food products.

Company Name: Meier's Market
Address: 2300 Lower Silver Lake Road
City: Topeka
State: KS
Zip: 66618
People: Lenny Meier
Email: farmer325@aol.com
Phone: 785-232-0363
Web:

Agritourism Experiences: Farm and ranch experience

Company Description: Meier's Market is a family business, started in 1900 by J.C. Meier. The fresh produce is picked daily and the Market also provides a U-Pick operation. Fresh flowers are also available during the spring and summer months.

Company Name: Pet-Delights
Address: 925 N.W. 86th Street
City: Topeka
State: KS
Zip: 66618
People: Vicki Williams
Email: pet-delights@prodigy.net
Phone: 785-246-1809
Web: www.pet-delights.com

Agritourism Experiences:

Company Description: Pet-Delights creates hand-baked, homemade dog and cat treats. "Kaw-She", a name derived from the Kaw Valley, is the company's signature treat.

Company Name: Rees Fruit Farm, Inc.
Address: 2476 K-4 Highway
City: Topeka
State: KS
Zip: 66617
People: Rex and Shannon Rees
Email: reesfruitfarm@aol.com
Phone: 785-246-3257
Web: www.reesfruitfarm.com

Agritourism Experiences: Farm and ranch experience, u-pick, pumpkin patch, fresh vegetables, fresh fruit, hayrack rides

Company Description: Rees's is the oldest fruit farm in Kansas and offers a wide variety of homegrown fruits and vegetables. Many of the product items are available for u-pick. Historic farm tours may be scheduled anytime throughout the year, but are most rewarding during the fall months. The October Farm Festival weekends offer a great family experience which includes hayrack rides, u-pick pumpkins, face painting, bonfires, concessions and a parking lot dance. The farm market is open year-round, with extended hours in October.

Company Name: Renyer's Pumpkin Farm
Address: 1160 X6 Road
City: Wetmore
State: KS
Zip: 66550
People: Doug and Brenda Renyer
Email: info@renyerspumpkinfarm.com
Phone: 785-866-5712
Web: www.renyerspumpkinfarm.com

Agritourism Experiences: Animal viewing (chickens, pigs, cows), corn maze, hay maze, u-pick pumpkins and gourds, retail gift shop

Company Description: Be prepared for a day of fun at Renyer's Pumpkin Farm. Shop for handmade gifts,try the pumpkin slingshot and corn cannon, feed the goats and horses, run through the obstacle course and find your way through the corn maze. Satisfy your hunger with a pulled pork sandwich and a pumpkin funnel cake at the Scare Crow cafe. Last, but certainly not least, pick your pumpkin from the pumpkin patch!

Company Name: Somerset Ridge Vineyard & Winery
Address: 29725 Somerset Road
City: Paola
State: KS
Zip: 66071
People: Dennis & Cindy Reynolds
Email: dreynolds@somersetridge.com
Phone: 913-491-0038
Web: www.somersetridge.com

Agritourism Experiences: Winery, vineyard, tasting room

Company Description: Somerset Ridge is a premium artisan winery located in the rolling hills of Miami County. The hillside vineyard was planted in 1998 by proprietors Cindy and Dennis Reynolds and now encompasses 16 acres and over 8,000 grapevines. Thirteen varieties of premium wine grapes are used to produce a full range of award-winning wines. The wines are available to sample and purchase in the tasting room and gift shop at the winery.

Company Name: Tall Grass Bison Associates, LLC
Address: 8101 S.W. Tolin Road
City: Auburn
State: KS
Zip: 66402
People: Mark Whitaker
Email: redbudbison@sbcglobal.net
Phone: 785-256-2764
Web:

Agritourism Experiences:

Company Description: Tall Grass Associates is comprised of two bison ranches which raise grass-fed bison meat and bison byproducts for the retail consumer. In addition, educational tours of the bison herds are available by reservation.

Company Name: Vinland De La Cairns
Address: 13147 SW 33rd
City: Topeka
State: KS
Zip: 66614
People: David Cairns
Email: dcairns@networksplus.net
Phone: 785-256-6225
Web:

Agritourism Experiences: Winery, vineyard, farm and ranch experience

Company Description: Vinland De La Cairns offers u-pick grapes, tours of vineyard and information on grape growing and wine production.

Company Name: Lamborn Farms LLC
Address: 25952 155th Street
City: Leavenworth
State: KS
Zip: 66048
People: Joseph Lamborn
Email: lambornv@sbcglobal.net
Phone: 913-727-5666
Web: www.lambornfarm.com

Agritourism Experiences: U-pick, pumpkin patch, corn maze, hay rack ride

Company Description: Lamborn Farms hosts a fun, fall festival each September and October. A full array of agritourism activities are available, including a u-pick pumpkin patch, pedal car races, barrel train rides and a corn maze. With a family atmosphere, the farm is the perfect place for a unique birthday party or group meeting.

Company Name: Mama Mary's Jams and Jellies LLC
Address: 419 N. 4th Street
City: Sabetha
State: KS
Zip: 66534
People: Mary Herrmann
Email: mamamarysjams@yahoo.com
Phone: 785-285-0646
Web: www.mamamarysjams.com

Agritourism Experiences:

Company Description: Mama Mary's Jams and Jellies LLC, located in northeast Kansas,

Company Name: 1878 Historic Sage Inn and Stagecoach Station, LLC
Address: 13553 SW K4 Highway
City: Dover
State: KS
Zip: 66420
People: Ken Benjamin
Email: sageinn@msn.com
Phone: 785-256-6050
Web: www.historicsageinn.com

Agritourism Experiences: Fishing, canoeing, biking, hiking, horseback riding, farm and ranch experience

Company Description: The 1878 Historic Sage Inn and Stagecoach Station offers fishing, canoeing, biking, hiking, horseback riding, and scenic vistas on eastern edge of Kansas Flint Hills. The Inn is located on native stone scenic byway and is host to hunting parties patronizing the nearby nature preserve.

Company Name: 4 D Acres Inc.
Address: 13096 W 287th Street
City: Louisburg
State: KS
Zip: 66053
People: Mike Martin
Email: info@4dacres.com
Phone: 913-837-4119
Web: www.4dacres.com

Agritourism Experiences: Farm tours including all facets of Emu production

Company Description: 4 D Acres has been a stop on the Miami County Scenic Farm tour since its inception. The farm provides opportunities to learn about raising Emu, including egg incubation and hatching. Guests may see the birds,

Company Name: B & B Pines
Address: 2138 NE 39th
City: Topeka
State: KS
Zip: 66617
People: Barbara and Bob Kahler
Email:
Phone: 785-286-1927
Web:

Agritourism Experiences:

Company Description: Choose and cut Christmas trees

Company Name: Back in Thyme Bed & Breakfast
Address: 1100 S. 130th Street
City: Bonner Springs
State: KS
Zip: 66012
People: Judy Vickers

Email: backnthyme@kc.rr.com
Phone: 913-422-5207
Web: www.backnthyme.com

Agritourism Experiences: Hunting, fishing, birdwatching, hiking

Company Description: Back in Thyme Bed and Breakfast offers guests lodging as well as ten acres of wooded land for fishing, hunting, hiking and birdwatching.

Company Name: Berry Good Farm
Address: 2309 Riley Road
City: Ottawa
State: KS
Zip: 66067
People: Ellen Mast
Email: normanmast@earthlink.nte
Phone: 785-242-8313
Web: www.berrygoodfarm.com

Agritourism Experiences: Hunting, fishing, farm and ranch experience

Company Description: Berry Good Farm offers u-pick or already picked strawberries, raspberries or blueberries. In addition, the farm provides an outdoor classroom for elementary students as well as bird watching, fishing, a playground and a picnic area.

Company Name: Bismarck Gardens
Address: 1616 N 1700th Road
City: Lawrence
State: KS
Zip: 66044
People: Mary Ross
Email: mnunross@aol.com
Phone: 785-842-4360
Web: www.bismarckgardens.com

Agritourism Experiences: On-farm market (primarily sweet corn)

Company Description: Bismarck Gardens is well known in the Lawrence area for fresh sweet corn. The Gardens have been selling sweet corn and other vegetables for 28 years and take pride in the quality of the vegetables.

Company Name: Buckets of Berries
Address: 1814 N. 600 Rd.
City: Baldwin City
State: KS
Zip: 66006
People: Vesecky Family
Email: quiltfabsupply@earthlink.net
Phone: 7855942493
Web:

Agritourism Experiences:

Company Description: Buckets of berries offers u-pick strawberries and blueberries.

Company Name: Country Gardens Inc. Bed & Breakfast
Address: 323 315th Street
City: Sabetha
State: KS
Zip: 66534
People: Rosella Royer
Email: kc96@jbntelco.com
Phone: 785-284-3812
Web: www.countrygardensincbandb.com

Agritourism Experiences: Lodging, farm and ranch experience

Company Description: Country Gardens offers lodging,with meals included, in a farm setting. The facility provides many opportunities to watch wildlife and enjoy nature.

Company Name: Country Hunts
Address: 9775 206th Road
City: Valley Falls
State: KS
Zip: 66088
People: Don or Jenny Flory
Email: countryhunts@hughes.net
Phone: 785-945-6224
Web: www.countryhunts.com

Agritourism Experiences: Hunting, farm and ranch experience

Company Description: Country hunts offers customized hunt packages for upland bird hunting.

Company Name: Dunn's Landing
Address: 4553 Ohio Road
City: Wellsville
State: KS
Zip: 66092
People: Robin Dunn
Email:
Phone: 785-242-6250
Web: www.dunnslanding.com

Agritourism Experiences: Western experience

Company Description: In addition to being a modern day, 1000 acre working farm, Dunn's Landing is an ideal special event facility.

Company Name: Eckman Hunting Preserve
Address: 988 E. 1800 Road
City: Baldwin City
State: KS
Zip: 66006
People: Michael Eckman
Email: mike@eckmanhuntingpreserve.com
Phone: 7858300034
Web: www.eckmanhuntingpreserve.com

Agritourism Experiences: Hunting

Company Description: Located just 20 minutes from Kansas City, Eckman Hunting Preserve recreates a wild bird hunt, with small town hospitality.

Company Name: Free State Farm and Victorian Veranda Country Inn
Address: 1431 North 1900th
City: Lawrence
State: KS
Zip: 66047
People: Beverly Phillips
Email: vvcountryinn@aol.com
Phone: 7858411265
Web: vvcountryinn.com

Agritourism Experiences: Farm and ranch experience, western experience

Company Description: Gree State farm and Victorian Veranda Country Inn is a Bed and Breakfast which offers a variety of agritourism events, including apumpkin patch, chuckwagon meals with entertainment, trail rides, horsedrawn wagon rides and carriage rides.

Company Name: Gary's Pumpkin Patch & Fall Festival
Address: 5991 17th Street
City: Grantville
State: KS
Zip: 66429
People: Gary Starr

Email: gary@frightmorefarm.com
Phone: 785-246-0800
Web: www.garyspumpkinpatch.com

Agritourism Experiences: Fall festival, corn maze, hayrack rides, pumpkin patch, concession, u-pick

Company Description: Gary's Pumpkin Patch and Fall Festival (formerly Gary's Berries)offers fall family entertainment for kids of all ages. Get lost in the corn maze, watch Boss hog & Micky race the pigs and feed the goats.

Company Name: Gieringers Orchard
Address: 39675 W. 183rd St.
City: Edgerton
State: KS
Zip: 66021
People: Frank and Melanie Gieringer
Email: gieringerm@hotmail.com
Phone: 913-893-9626
Web: www.gieringersorchard.com

Agritourism Experiences: U-pick, fresh fruits

Company Description: Gieringers Orchard offers on the farm u-pick ripe fruit and produce, including peaches, blackberries, raspberries, cherries, apricots, plums, tomatoes and sweet corn. The retail farm market offers pre-picked fresh fruit and produce and local jams, jellies, salsa and honey. Seasonal events are featured during the peak season of July and August.

Company Name: Grimm's Garden
Address: 2991 Goldfinch Rd.
City: Hiawatha
State: KS
Zip: 66434
People: Doug Grimm
Email: grimmsgardens@juno.com
Phone: 785-459-2586
Web: www.grimmsgardens.com

Agritourism Experiences: Grimm's offers u-pick patches of blueberries, peaches, apples, cherries, plums apricots, raspberries and blackberries. In addition, guests may visit a barn with small animals, including donkeys, horses, cows and goats. The Gardens also feature water gardn

Company Description: Grimm's Gardens is a family farm operation offering landscape services and a retail garden center. In addition, fresh fruits and vegetables are available for u-pick.

Company Name: Happy Trails Horseback Rides, LLC
Address: 7610 SW Davis Road
City: Auburn
State: KS
Zip: 66402
People: Tracy Keller
Email: contact@happytrailrides.com
Phone: 785-256-6535
Web: happytrailrides.com

Agritourism Experiences: Farm and ranch experience, western experience

Company Description: Horseback rides on guided tours, wildlife, cattle, wild flowers, sunsets in kansas and moonlight rides. Chicken, ducks, peacocks.

Company Name: Campbell Vineyard & Winery, Inc.
Address: 17590 K-116 Hwy
City: Holton
State: KS
Zip: 66436
People: Becky Campbell
Email: campbell@usd377.org
Phone: 785-872-3176
Web:

Agritourism Experiences: Vineyard, winery, farm and ranch experience

Company Description: Campbell Vineyard and Winery offers a beautiful facility, with indoor seating and a tasting area, for group events, meetings, or reunions.

Company Name: Jefferson Hill Farm & Winery
Address: 12381 Washington Road
City: McLouth
State: KS
Zip: 66054
People: Don or Maxine Bryant
Email: jhfarmandwinery@centurylink.net
Phone: 913-796-6822
Web: www.jeffersonhillvineyard.com

Agritourism Experiences: Winery, vineyard, farm and ranch experience

Company Description: Jefferson Hill Farm and Winery is a Kansas farm winery and Bed and Breakfast. The farm produces wine from estate-grown grapes and offers overnight accomodations and private luncheons and dinners.

Company Name: Kanrocks Recreation Association Inc.
Address: 106 S. Saxony Drive
City: Olathe
State: KS
Zip: 66061
People: David Killion
Email: killiand@swbell.net
Phone:
Web: www.ksrockspark.com

Agritourism Experiences:

Company Description: Kansas Rocks Recreation Park (KRRP) is a usage fee park, open to the public, owned by KANROCKS Recreation Association, Inc.

Company Name: Kansas Alpaca Company
Address: 3510 Kentucky Road
City: Ottawa
State: KS
Zip: 66067
People: Bonnie Samuel & Bill DeBois
Email: info@kansasalpacacompany.com
Phone: 785-242-1892
Web: www.kansasalpacacompany.com

Agritourism Experiences:

Company Description:

Company Name: KC Pumpkin Patch & Corn Maze
Address: 29755 W. 191 St Street
City: Gardner
State: KS
Zip: 66030
People: Julie Berggren
Email: info@kcpumpkinpatch.com
Phone: 913-484-6251
Web: www.kcpumpkinpatch.com

Agritourism Experiences: Farm and ranch experience, pumpkin patch, u-pick

Company Description: KC Pumpkin Patch & Corn Maze is known for family fun throughout the Fall. From Atlantic Giants to Baby Boo's, a wide variety of pumpkins and gourds are available.The annual Pumpkin Festival celebration begins the last Saturday of September and offers thousands of u-pick pumpkins, food booths and over 40 children's activities.Visit kcpumpkinpatch.com and kccornmaze.net for a complete listing of events and activities.

Company Name: Kerby Farm Pumpkin Patch
Address: 15943 S. 158th Street
City: Bonner Springs
State: KS
Zip: 66012
People: Jim & Terri Kerby
Email: sales@kerbypumpkinpatch.com
Phone: 913-441-1766
Web: www.kerbypumpkinpatch.com

Agritourism Experiences: hayrides, corn mazes, farm animals, pick-your-own-pumpkin, playground area

Company Description: Kerby Farm Pumpkin Patch offers a pumpkin patch, corn maze, hayrack rides, hay maze, I-spy corn patch, sand box with farm toys and educational materials about agriculture.

Company Name: Lawson Brothers Farm
Address: 1662 N. 700th Road
City: Baldwin City
State: KS
Zip: 66006
People: Gary
Email: glawson@lawsonbrothersfarm.com
Phone: 785-594-3936
Web: www.lawsonbrothersfarm.com

Agritourism Experiences: U-pick, bird watching, picnics, farm and ranch experience

Company Description: Lawson Brothers Farm is a small fruit u-pick operation, offering opportunities to view and tour the historic farmstead. The farm also offers bird watching and wildlife viewing.

Company Name: Pendleton's Farm & Country Market
Address: 1446 E. 1850th Rd.
City: Lawrence
State: KS
Zip: 66046
People: Karen Pendleton
Email: karenp@pendletons.com
Phone: 785-843-1409
Web: www.pendletons.com

Agritourism Experiences: U-pick vegetables & flowers, plants, pumpkin patch, retail store

Company Description: Pendleton's Country Market is a diversified family farm, growing vegetables, bedding plants and flowers. The Market offers u-pick vegetables and flowers, as well as a butterfly bio-villa. Seasonal favorites include an October pumpkin patch and a holiday sale in November.

Company Name: Prairie Elf Christmas Trees
Address: 765 E. 750th Rd.
City: Lawrence
State: KS
Zip: 66047
People: Kathy Heeb
Email: prairieelf@aol.com
Phone: 785-748-0992
Web: www.elftrees.com

Agritourism Experiences: Christmas trees, farm and ranch experience

Company Description: A visit to Prairie Elf Christmas Trees brings visitors to a slower, quieter place in time. Families can relax and enjoy a natural setting while choosing a fesh, traditional tree. A hay wagon ride affords the opportunity to see wildlife including deer, rabbits, wild turkets, geese, ducks and many varieties of birds. The warming hut is nearby to remove the chill from the day adn the retail barn offers a cup of complimentary cidar, as well as cookies and popcorn and fresh, handmade wreaths and swags. At Prairie Elf, it's more than a Christmas tree, it's a holiday memory.

Company Name: Strawberry Hill Christmas Tree Farm
Address: 794 Hwy 40
City: Lawrence

State: KS
Zip: 66049
People: Lyn Walther
Email: lynw1@acninc.net
Phone: 785-841-0916
Web: www.strawberryhillchristmas.com

Agritourism Experiences: Farm and ranch experience

Company Description: Strawberry Hill Christmas Tree Farm invites families and friends to experience a traditional Christmas opportunity -- choose and cut Christmas trees. The Barn Shop offers numerous fresh wreaths, centerpieces, door & window swags and grave blankets.

Company Name: Green Forest Tree Farm
Address: 292 N. 2100th Road
City: Lecompton
State: KS
Zip: 66050
People: Ted and Mary Anne Ryan
Email: tryan@faic2.com
Phone: 9134925469
Web: www.greenforesttrees.com

Agritourism Experiences: Farm and ranch experience

Company Description: Green Forest Tree Farms offers tours of Christmas Tree growing operations including planting, spraying and pruning, as well as haywagon rides to & from the tree fields during the holiday sales season.

Company Name: The Henry's Plant Farm/Earth Flowers
Address: 248 N. 1700th Rd.
City: Lecompton
State: KS
Zip: 66050
People: Roy and Marcia Henry
Email: henrysplants@aol.com
Phone: 785-887-6344
Web: www.thehenrysplantfarm.com

Agritourism Experiences: Farm and ranch experience, plants and flowers

Company Description: The Henry's Plant Farm is a working farm, complete with a wide variety of animals, located in rural Douglas County.

Company Name: Long Branch Christmas Tree Ranch
Address: 25990 W. 77th Street
City: Shawnee
State: KS
Zip: 66227
People:
Email: jandrews@millerstauch.com
Phone: 913-441-5990
Web:

Agritourism Experiences: Farm and ranch experience

Company Description: Our Christmas Tree Farm provides family-oriented activities including haywagon rides, field grown Christmas trees, Christmas wreaths, gift items, seasonal music & entertainment. Field staff assist in harvesting, netting and loading trees.

Company Name: Louisburg Cider Mill, Inc
Address: 14730 K-68 Hwy
City: Louisburg
State: KS
Zip: 66053
People: Tom and Rachelle Schierman
Email: lcmill@mokancomm.net
Phone: 913-837-5202
Web: www.louisburgcidermill.com

Agritourism Experiences: Tours of the apple cider process, Country Store, hay rack rides, play area, pumpkin patch, corn maze

Company Description: Louisburg Cider Mill, Inc. offers tours which allow guests to observe the entire apple cider process, including unloading apples, pressing apples, bottling of cider and brewing Lost Trail Root Beer.

Company Name: D & G Tree Farm
Address: 8820 West 247th Street
City: Louisburg
State: KS
Zip: 66053
People: Douglas Eble
Email: doug_eble@beaerospace.com
Phone: 785-837-4432
Web:

Agritourism Experiences: Farm and ranch experience, christmas trees

Company Description: At D & G Tree farm, visitors can choose from thousands of nicely trimmed christmas trees or cut a tree. Amenities include free tree cleaning, tree netting, wagon rides and hot chocolate. Wreaths, garlands & other crafts are also available for purchase. The farm offers wagon rides and visits from Santa on the holiday weekends. Conveniently located just south of Overland Park on the northwest corner of highway 69 and 247th street.

Company Name: Matrot Winery and Vineyard
Address: PO Box 3857
City: Topeka
State: KS
Zip: 66605
People: Laurie Ward
Email: laurie@midwez.com
Phone: 785-783-8672
Web:

Agritourism Experiences: Winery, vineyard, farm and ranch experience

Company Description: Matrot Winery and Vineyard is located on the original 20-acre vineyard established in 1880 by the French immigrant, Monsieur Seraphin Matrot.

Company Name: Moose Landing Bed & Breakfast
Address: 24131 146 Street
City: Leavenworth
State: KS
Zip: 66048
People: Brenda Frese
Email: brenda@mooselanding.net
Phone: 913-351-3362
Web: www.mooselanding.net

Agritourism Experiences: Hunting, fishing

Company Description: Moose Landing Bed & Breakfast offers bird watching, fishing and flower gardens.

Company Name: Muddy Creek Game Birds & Hunting Preserve
Address: 8721 NE Brown Road
City: Meriden
State: KS
Zip: 66512
People: Andrew Petesch
Email: andy@umacs.com
Phone: 785-484-2325
Web: www.umacs.net/~andy1

Agritourism Experiences: Hunting

Company Description: Muddy Creek Game Birds & Hunting Preserve offers a hunting preserve and bird farm. The Preserve raises quail, pheasant & chukars.

Company Name: Old School Guide Service
Address: 17100 Fairview Road
City: McLouth
State: KS
Zip: 66054
People: Mike Nickels
Email: bickelsfarm@yahoo.com
Phone: 785-863-3465
Web: oldschoolguideservice.com

Agritourism Experiences:

Company Description: Guided hunting and fishing

Company Name: Old Stone House along the Oregon Trail Bed & Breakfast
Address: 6033 SE US Hwy 40
City: Tecumseh
State: KS
Zip: 66542
People: Franklin, Alan & Sabra Shirrell
Email: sabra.shirrell@gmail.com
Phone: 785-379-5568
Web: www.KBBA.com

Agritourism Experiences: Western experience, farm and ranch experience

Company Description: Built in the 1850's, the Old Stone House Bed and Breakfast is one of the oldest buildings in the state. The property, rich with the history of slavery, American Indians and pre-Civil War stories, has recently been included as a site with the Freedoms Frontier National Heritage Area. The facility offers guests the history of the agricultural practices and culturally significant aspects of Kansas territorial politics and community development.

Company Name: Pickings & Pumpkins LLC
Address: 17950 W. 223rd
City: Spring Hill
State: KS
Zip: 66083
People: Nancy Kalman
Email: nakalman@embarqmail.com
Phone: 913-592-5438
Web: www.pickingsandpumpkins.com

Agritourism Experiences: Farm and ranch experience, plants and flowers, hayrack rides

Company Description: Pickings and Pumpkins is a small farm, located in Miami County, growing fruits and vegetables in a sustainable and pesticide-free manner. The farm sells at the Spring Hill Farmer's Market and from the farm. Bee-keeping, growing techniques and children's activities are also offered.

Company Name: Pine Tree Acres
Address: 2210 250th Avenue
City: Robinson
State: KS
Zip: 66532
People: Linda Korthanke
Email: pinetreeacres@hotmail.com
Phone: 785-544-6818
Web:

Agritourism Experiences: Fishing, bird watching, farm and ranch experience, plants and flowers, hayrack rides, western experience, Christmas trees

Company Description: Pine Tree Acres offers guests the opportunity to enjoy a day among the pines and surrounding corn fields. Cowboy chuckwagon meals, prepared in cast-iron dutch ovens over red-hot coals, creates a unique dining experience.

Company Name: Pleasant Ridge
Address: 4567 Marshall Road
City: Rantoul

State: KS
Zip: 66079
People: Harry Peckman
Email: jharry@pleasantridge.com
Phone: 785-878-3793
Web: www.pleasantridge.com

Agritourism Experiences: Christmas trees, hayrack rides, holiday light display

Company Description: Pleasant Ridge offers pumpkins, Christmas trees and memories. Visitors can pick their own pumpkin as well as play in the hay maze and on the tube slides. Nighttime activities include a haunted hay wagon ride, a bonfire and a Christmas light display (in season).

Company Name: Mulberry Creek Resort
Address: 551 270th
City: Morrill
State: KS
Zip: 66515
People: Linda Bailey
Email: wolftrack@bbwi.net
Phone: 785-459-2533
Web:

Agritourism Experiences: Hunting, fishing, farm and ranch experience, western experience

Company Description: Mulberry Creek Resort offers a variety of agritourism activities on 42 acres. The Resort provides 70 shaded RV sites and has two large swimming pools, a club and recreation hall and picnic pavilions. Guests may enjoy catered events, chuckwagon BBQs,

Company Name: Prothe's Pecans
Address: 33850 Victory Road
City: Paola
State: KS
Zip: 66071
People: Leland Prothe
Email: lspecans@grapevine.net
Phone: 913-849-3358
Web: www.prothespecans.com

Agritourism Experiences: Farm and ranch experience, hayrack rides

Company Description: Prothe's Pecans 80 acre farm dates back to 1879. Sixty-five acres of pecan orchards feature trees grafted to produce improved varieties. The farm shakes, harvests, cleans, cracks and shells the pecan crop and will also provide custom cracking for the public. The orchard is included on the Miami Co. farm tour; guests may tour the orchard on a hay rack ride.

Company Name: Red Rock Guest Ranch
Address: 4340 270th Road
City: Soldier
State: KS
Zip: 66540
People: Debra Brown
Email: bdbrown@jbntelco.com
Phone: 785-834-2550
Web: www.redrockguestranch.com

Agritourism Experiences: Hunting, bird watching, plants and flowers,farm and ranch experience, western experience

Company Description: The Red Rock Guest Ranch is conveniently located just 20 minutes northwest of Holton. A working cattle ranch makes the Bed & Breakfast one of the most unique lodging establishments in the area. The original 700 sq.ft. farmhouse has been transformed into a beautiful 10,000 sq.ft. ranch home and guest house. Enjoy the peaceful country setting, including over 300 acres and stocked ponds for fishing. The area also boasts many walk-in hunting areas. Amenities: 9 guest rooms w/private baths, free WI and high speed Internet service and direct TV.

Company Name: River Field Farm
Address: 9609 15th Street
City: Perry
State: KS

Zip: 66073
People: Robert Russell
Email: rrussell@sunflower.com
Phone: 785-841-2708
Web: www.riverfieldfarm.com

Agritourism Experiences: Farm and ranch experience

Company Description: U-pick pecans on the banks of the Kansas River at River Field Farm.

Company Name: Rooster Palace
Address: 15802 Ash Lane
City: Overland Park
State: KS
Zip: 66224
People: Jerald Kemmerer
Email: roosterpalace@nckcn.com
Phone: 913-685-9956
Web: roosterpalace.com

Agritourism Experiences:

Company Description:

Company Name: Sara's Country Spot
Address: 16942 238th Road
City: Holton
State: KS
Zip: 66436
People:
Email: sarsmith@holtonks.net
Phone: 785-364-2083
Web:

Agritourism Experiences: Farm and ranch experience, pumpkin patch, maze

Company Description: Sara's Country Spot offers a variety of agritourism activities, including a three acre corn maze, a hilly billy mini golf course and a pumpkin patch. Fall decorations, including birdhouses, corn stalks, gourds and pumpkins,are available for sale. Children may participate in a variety of educational activities.

Company Name: Schaake's Pumpkin Patch
Address: 1791 N. 1500th Road
City: Lawrence
State: KS
Zip: 66046
People: Larry Schaake
Email: info@schaakespumpkinpatch.com
Phone: 785-843-2459
Web: www.schaakespumpkinpatch.com

Agritourism Experiences: Farm and ranch experience, maze, pumpkin patch, u-pick, hayrack ride

Company Description: Schaake's Pumpkin Patch offers free admission to the 23 acre pumpkin patch. Visitors enjoy a hayrack ride to and from the patch and may choose from 35 different varieties of pumpkins and squash.

Company Name: Screamin' Oaks Farm
Address: 18171 198th St
City: Tonganoxie
State: KS
Zip: 66086
People: Roxane McCoy
Email: ScreaminOaksFarm@yahoo.com
Phone: 913-845-2775
Web:

Agritourism Experiences: Farm and ranch experience

Company Description: Screamin' Oaks Farm offers tours of a dairy goat operation. Visitors have the opportunity to milk a goat, learn to make soap from goat milk and sample goat milk cheese.

Company Name: Shadeland Stock Farm Buffalo Ranch
Address: 1857 Osborne Rd.
City: Ottawa
State: KS
Zip: 66067
People: Jack Beauchamp
Email:
Phone: 785-242-3540
Web:

Agritourism Experiences: Educational tours, samples, meals and the history of bison

Company Description:

Company Name: Slough Creek Vineyard
Address: 13600 Highway K-92
City: Oskaloosa
State: KS
Zip: 66066
People: Dan Ward
Email: plps@ruralnet1.com
Phone: 785-863-3439
Web: www.sloughcreekvineyard.com

Agritourism Experiences:

Company Description:

Company Name: Vesecky Family Farms
Address: 1814 N 600 Road
City: Baldwin City
State: KS
Zip: 66006
People: John, Sharon, William and Joanna Vesecky
Email: veseckyfamilyfarms@yahoo.com
Phone: 785-594-2493
Web: www.veseckyfamilyfarms.com

Agritourism Experiences: Farm and ranch experience, u-pick

Company Description: Three generations of the Vesecky family tend Vesecky Family Farms. The Farm is a working farm, raising beef, elk and poultry as well as fresh fruits and vegetables and soybeans. Visitors may u-pick strawberries and blueberries in season. The Farm participates in the annual Kaw Valley Farm Tour.

Company Name: Fieldstone Orchard Enterprise
Address: 7049 E 149th St.
City: Overbrook
State: KS
Zip: 66524
People: Ken Krause
Email: kenkrause@embarqmail.com
Phone: 785-665-7643
Web: www.fieldstonee.com

Agritourism Experiences: Tours, u-pick, B&B, petting zoo, fishing, family entertainment

Company Description: Nestled within an orchard & vineyard in the gently rolling hills of Northeast, KS, Fieldstone was developed by Ken & Nancy Krause as a self-sustaining farm & guest quarters.

Company Name: Lone Star Lake Bison Ranch
Address: 588 N. 300th Rd.
City: Overbrook
State: KS

Zip: 66524
People: Don and Terri Gibbs
Email: lslbison@yahoo.com
Phone: 785-594-2926
Web:

Agritourism Experiences: Farm and ranch experience

Company Description: The Lone Star Lake Bison Ranch offers visitors the experience of a working bison ranch, as well as information about the historical role bison played in shaping the westward movement via the Santa Fe Trail.

Company Name: Sycamore Springs Resort Inc.
Address: 3126 Bittersweet Rd.
City: Sabetha
State: KS
Zip: 66534
People: Betty Aue, Dale Aue Jr.
Email: ssresort@ssresort.com
Phone: 785-284-3088
Web: www.ssresort.com

Agritourism Experiences: Farm and ranch experience, fishing

Company Description: At Sycamore Springs Resort Inc., guests may enjoy hayrack rides, a shaded picnic area, a large roller rink with wood floor, a miniature golf course, horse shoes and volleyball and tennis courts.

Company Name: Survivor Paintball & Recreation Center, LLC
Address: 7081 31st
City: Grantville
State: KS
Zip: 66429
People: Patricia Winsor
Email: rpandabfarms@direcway.com
Phone: 785-246-3585
Web:

Agritourism Experiences: Farm and ranch experience

Company Description: Survivor Paintball & Recreation Center, LLC provides paintball gun rentals & supplies and offers a target range, speedball fields and wood fields. Bottled water and soda refreshments are provided in the lounge area. Groups welcome by reservation.

Company Name: Wagon Wheel Orchard
Address: 15380 Edgerton Road
City: Gardner
State: KS
Zip: 66030
People:
Email: wagonwheelmail@aol.com
Phone: 913-893-6050
Web: www.wagonwheelorchard.com

Agritourism Experiences: Farm and ranch experience

Company Description: Wagon Wheel Orchard is a u-pick operation, offering

Company Name: Warren's Christmas Tree Farm
Address: 11233 W. 159th
City: Olathe
State: KS
Zip: 66062
People: L.H. "Buzz" Warren
Email: buzzwarren@aol.com
Phone: 913-897-2277
Web: warrenschristmastrees.com

Agritourism Experiences:

Company Description: Choose and cut Christmas tree farm.

Company Name: Wildhorse Orchard
Address: 7379 E. K-16 Hwy
City: McLouth
State: KS
Zip: 66054
People: Laurie Walters
Email: pwalters@idir.net
Phone: 913-796-6373
Web:

Agritourism Experiences:

Company Description:

Company Name: The Barn Bed & Breakfast Inn, Inc.
Address: 14910 Bluemound Road
City: Valley Falls
State: KS
Zip: 66088
People: Tom and Marcella Ryan
Email: thebarn@thebarnbb.com
Phone: 785-945-3225
Web: www.thebarnbb.com

Agritourism Experiences: Hunting, fishing, bird watching, hayrack rides

Company Description: In addition to the bed and breakfast, The Barn Bed & Breakfast Inn, Inc. offers agritourism experiences. Activities include walking trails, pontoon boat rides on the Delware river, trail rides, buggie rides, fishing and wildlife watching.

Company Name: Zimmerman's Kill Creek Farm
Address: 34055 W 86th Terrace
City: De Soto
State: KS
Zip: 66018
People: Darrel Zimmerman
Email: zimmermanskillcreekfarm@yahoo.com
Phone: 913-585-3130
Web:

Agritourism Experiences: Farm/ranch experience, hay rack ride, plants/flowers, pumpkin patch

Company Description: Zimmermans Kill Creek Farm is a working farm in Johnson County, representing a typical 1950's Kansas farmstead. A seasonal Farmers Market is hosted each summer and on weekends in late September and October, thousands of visitors experience the Harvest Festival. The Harvest Festival includes horse-drawn wagon rides, pioneer craft demonstrations and a bounty of pumpkins and local products for purchase. A barn raising is planned for Fall 2011; the new barn will offer wedding and event space.

Company Name: Wohletz Farm Fresh/Tomato Allie
Address: 1831 N 1100 Road
City: Lawrence
State: KS
Zip: 66046
People: Jerry and Jane Wohletz
Email: jwohl66@yahoo.com
Phone: 785-331-3468
Web: www.wohletzfarmfresh.com

Agritourism Experiences: U-pick, garden tours

Company Description: Wohletz Farm Fresh began selling produce at the Downtown Lawrence Farmers' Market in 2001 under the name "Tomato Allie" and quickly earned a reputation for having some of the best tasting tomatoes and summer vegetables in the area. Recently, the business has expanded to open a u-pick strawberry patch which will allow customers to pick their own sweet, juicy strawberries as well as to tour the farm. Wohletz Farm Fresh operates a two acre, well maintained, sustainable vegetable garden and invites you to visit and enjoy the fresh air and open space.

Company Name: Nighthawk Vineyard & Winery, LLC
Address: 16381 W 343rd
City: Paola
State: KS
Zip: 66071
People: Donald and Catherine Warring
Email: nighthawkwinery@gmail.com
Phone: 913-849-3415
Web: www.nighthawkwines.com

Agritourism Experiences: Vineyard and winery

Company Description: Nighthawk Vineyard and Winery, located just 40 minutes south of the Kansas City metropolitan area, in rural Miami County, is ideally suited for day trips from the city. The winery specializes in hand crafted wines, processed from grapes grown in the area. Nighthawk is located in the migratory path of the mysterious and majestic nighthawk and recreates the timeless marriage between good wine and friendship.

Company Name: Stone Pillar Vineyard and Winery
Address: 11000 S. Woodland Road
City: Olathe
State: KS
Zip: 66061
People: George, Thomas and Frank Hoff
Email: stonepillarvineyard@yahoo.com
Phone: 913-839-2185
Web: www.stonepillarvineyard.com

Agritourism Experiences: Vineyard, winery, tasting room

Company Description: Stone Pillar winery is a full service vineyard and winery. Guests may taste and purchase wine and wine-related items. In the vineyard, guests may participate in the grape planting and harvest. Group tours of the vineyard and winery are available and guests may reserve the facility for weddings, receptions and other special events.

Company Name: Davenport Orchards, Vineyards and Winery
Address: 1394 E 1900 Rd
City: Eudora
State: KS
Zip: 66025
People: Gregory Shipe
Email: ks_wines@hotmail.com
Phone: 785-542-2278
Web: www.davenportwinery.com

Agritourism Experiences: Wine tastings, grape harvest events, wine processing

Company Description: Davenports Orchards began with a grain crop and livestock operation in 1949. The family purchased additional land to establish a peach orchard and, over time, added apples, pears and grapevines to the orchard. The winery opened in 1997 and has been producing great wine from Kansas grown grapes since that time.

Company Name: Salt Creek Ranch
Address: 4215 E. 245th Street
City: Lyndon
State: KS
Zip: 66451
People: Carol Retzer
Email: carolretzer@hughes.net
Phone: 785-828-3739
Web: www.yourequineadventure.com

Agritourism Experiences: Guided horseback trail rides and wagon train rides

Company Description: Salt Creek Ranch offers guests the opportunity to step back to a more relaxed time and witness the serenity of traversing the Kansas countryside on horseback! Enjoy native grasses, wildflowers, whitetail deer and turkey on the Flint Hills Nature Trail during a guided horseback ride. All the Ranch horses are locally bred, raised and trained. For the non-rider, the Ranch offers wagon rides on the Nature Trail.

Company Name: Graue Vineyards/Middle Creek Winery LLC
Address: 4353 W. 351st Street
City: Louisburg
State: KS
Zip: 66053
People: Stephen and Kristin Graue
Email: middlecreekwinery@gmail.com
Phone: 913-377-4689
Web: www.middlecreekwinery.com

Agritourism Experiences:

Company Description: Graue Vineyards/Middle Creek Winery is truly a rural farm winery, located in the former horse barn. The owners grow grapes and make wines with Kansas fruit and honey. Located near the Missouri border, in an area rich with history, visitors can tour the vineyards and taste wines handcrafted from Kansas grapes, honey and fruit. Guided tours of the working farm winery are also available.

Company Name: Emerald Prairie Nursery
Address: Box 184
City: Paola
State: KS
Zip: 66071
People: Gilbert Hermes
Email: gilbert@emeraldprairienursery
Phone: 913-557-5700
Web: emeraldprairienursery.com

Agritourism Experiences: Plants/flowers

Company Description: Emerald Prairie Nursery is a beautiful nursery and vineyard with a 360 degree view of the rolling hills and prairies of northeast Kansas. Conveniently located just south of the Kansas City metro area, the nursery offers a wide variety of trees, shrubs, perennials and ornamental grasses. Seasonally, the nursery offers tours of the vineyard and guests may participate in the grape harvest.

Company Name: Hippie Chow (Jester Enterprises, LLC)
Address: 13311 W. 103 Terrace
City: Overland Park
State: KS
Zip: 66215
People: Valerie Jennings
Email: valerie@hippiechowgranola.com
Phone: 913-991-2896
Web: www.hippiechowgranola.com

Agritourism Experiences:

Company Description: Hippie Chow is an all-natural, handmade granola, made with wholesome oats, delicious nuts, seeds and local honey. The granola is made without artificial ingredients or preservatives and with the utmost attention to quality and freshness. Try Hippie Chow granola in a bowl with cold milk, sprinkled on yogurt or as a stand-alone snack. Mmmm....groovy granola goodness!

Company Name: Tuck U Inn at Glick Mansion Bed & Breakfast
Address: 503 N. 2nd
City: Atchinson
State: KS
Zip: 66002
People: Loman and Christine Wildy
Email: lowildy@earthlink.net
Phone: 913-367-9110
Web: www.glickmansion.com

Agritourism Experiences: Bed and breakfast

Company Description: Tuck U Inn is a bed and breakfast located in the historic, nationally registered Governor's home. Owners Loman and Christy Wildy offer tours of the home and a detailed narrative about George Washington Glick. The facility offers five beautifully appointed bedrooms, each with a private bath. A full, hot breakfast is served each morning in the opulent dining room, sunroom or screened-in front porch. This unique home is nestled in the wonderful, peaceful, old-rivertown of Atchison, two blocks from the Missouri river. Annual events in Atchison include the Amelia Earhart Festival, historic home tours and the Haunted

Trolly/Home tours.

Company Name: Mulberry Pond
Address: 311 N. 7th Street
City: Hiawatha
State: KS
Zip: 66434
People: Meryl & Staci Charles
Email: staci.cha@gmail.com
Phone: 785-742-2666
Web: www.mulberrypond.com

Agritourism Experiences: Amusement rides, farm/ranch experience, fishing, hayrack ride, plants, pumpkin patch, u-pick, pedal boats

Company Description: Mulberry Pond is a beautiful spot in the country, located in Northeast Kansas. Visitors enjoy camping, fishing and boating during the spring and summer. Summer Day Camps are also available for children. In the fall, Mulberry Pond hosts a fun family adventure with a pumpkin patch full of activities including a pumpkin sling shot, hayrack rides and pedal boating.

Company Name: Kansas Flint Hills Tours, LLC
Address: 20705 Shannon Creek Road
City: Olsburg
State: KS
Zip: 66520
People: Terry & Jeannie Johnson
Email: contact@kansasflinthillstours.com
Phone: 785-564-1450
Web: www.kansasflinthillstours.com

Agritourism Experiences: Plants/flowers, farm/ranch experience, guided tours

Company Description: Kansas Flint Hills Tours, LLC offers historical and scenic driving tours of the northern Flint Hills region of Kansas. Tours allow visitors to touch history and experience the beauty of the tallgrass prairie. Farm Stays/Farm Vacations provide an authentic hands-on farm experience for guests, who can feed the bucket calves, cattle and chickens, gather eggs,work in the vegetable garden, help build fence or lend a hand in the hay field. The tours provide the opportunity to learn the history of the Flint Hills and enjoy the starry sky.

Company Name: Providence Hill Farm
Address: 8096 Pratt Road
City: Atchison
State: KS
Zip: 66002
People: Mark and Christy Harris
Email: providencehillfarm@sbcglobal.net
Phone: 913-367-9622
Web: www.providencehillfarm.net

Agritourism Experiences: Dairy goat farm, farm/ranch experience

Company Description: Providence Hill Farm is a small family farm, located in historic Atchison, Kansas, offering an authentic environment for learning and experiencing a traditional farm. Guests may enroll in classes for soap making, cheese making, artisan bread making (baked in a wood-fired brick oven) and animal husbandry.

Company Name: Wild Kansas Adventures LLC
Address: 1824 Nevada Road
City: Princeton
State: KS
Zip: 66078
People: Al Mettenburg
Email: mettenburgfarm@gmail.com
Phone: 785-242-2156
Web: www.mettenburgfarm.net

Agritourism Experiences: Camping, horseback riding,field navigation, hunting

Company Description: Mettenburg Farm invites guests to spend a day or two in the wildlife, flora and fauna of Northeast Kansas. The farm offers a wide variety of activities which embrace the natural wonders of the prairie, streams and forest land including hunting, horseback riding, camping, art activities and pasture burning. Lodging is also available.

Company Name: Aspargus Patch
Address: 221 240th Street
City: Sabetha
State: KS
Zip: 66534
People: Glenn Hennigan
Email: hennigan@mewlan.com
Phone: 785-467-8238
Web:

Agritourism Experiences: U-Pick

Company Description: The Aspargus Patch offers fresh, u-pick asparagus in season as well as various garden crops and wild flowers.

Company Name: M J Ranch
Address: 3105 Wild Horse Road
City: Lawrence
State: KS
Zip: 66044
People: Melvin and Joyce Williams
Email: mjranch66044@hughes.net
Phone: 785-865-2503
Web: www.mandjranch.com

Agritourism Experiences: Farm/ranch experience, fishing, hayrack ride, ranch tours

Company Description: M J Ranch offers farm and ranch experiences including fishing, guided tours of managed intensive grazing, scenic hayrack rides and apple picking in season. These family-oriented events feature educational opportunities and breathtaking views.

Company Name: Werner Wagon Works
Address: 1705 Yates Ave
City: Horton
State: KS
Zip: 66439
People: Don and Connie Werner
Email: wagons@rainbowtel.net
Phone: 785-486-3758
Web: www.wernerwagonworks.com

Agritourism Experiences: Western experience, farm/ranch experience, fishing, bird watching

Company Description: Owners Don and Connie Werner, located in Horton, KS,have been building horse drawn wagons for more than 22 years. At Werner Wagon Works, visitors will take a step back in time as they tour the wagon shop and learn the history of wagon construction and usage.

Company Name: Werner Guest House
Address: 1705 Yates Ave
City: Horton
State: KS
Zip: 66439
People: Don and Connie Werner
Email: wagons@rainbowtel.net
Phone: 785-486-3758
Web: www.wernerwagonworks.com

Agritourism Experiences: Lodging, fishing, bird watching, farm/ranch experience, western experience

Company Description: Werner Guest House is nestled between Mission Lake and Werner Wagon Works, a historically rich wagon shop. The guest house features two themed rooms--the Cowboy Room and the Country Room. Each room has been refurbished and decorated and includes a private bath, television, microwave oven, refrigerator and queen-sized bed.

Company Name: Crum's Heirlooms, LLC
Address: 16211 Stillwell Road

City: Bonner Springs
State: KS
Zip: 66012
People: Debra L. Crum
Email: crumnob@sunflower.com
Phone: 913-422-1630
Web:

Agritourism Experiences: Farm/ranch experience

Company Description: Crum's Heirlooms offers seasonal walking tours of a sustainable, small farm vegetable garden. Guests will tour the barn, herb garden, greenhouse, high tunnel, bee hives and three acres of terraced vegetable gardens. Group events may include a wagon ride in the garden. Children's activities are also available.

Company Name: Red Barn Green Farm LLC
Address: 2347 Oregon Terrace
City: Rantoul
State: KS
Zip: 66079
People: Larry Killham
Email: lrk66079@gmail.com
Phone: 785-878-3432
Web:

Agritourism Experiences: Bird watching, farm/ranch experience, plants/flowers

Company Description: Red Barn Green Farm overlooks the beautiful Marais Des Cygnes valley. Visitors may tour the restored 100 year old dairy barn and enjoy seasonal plants such as lavender, organic garden produce, herbs and popcorn. Educational opportunities include learning about grass fed beef and searching for American Indian artifacts. The farm also features a two mile nature hike around Middle Creek.

Company Name: 86th Street Orchard
Address: 5332 NW 86th Street
City: Topeka
State: KS
Zip: 66618
People: Kenneth Hamilton
Email: cathy_kenny@yahoo.com
Phone: 785-246-1442
Web: www.86thStreetOrchard.com

Agritourism Experiences: Pumpkin path, u-pick, vineyard

Company Description: 86th Street Orchard is a small, family-owned orchard which began as a retirement project. The orchard has grown to include apple, peach, pear, cherry and plum trees as well grapes and berries. The orchard also features bee hives and a pumpkin patch.

Company Name: Shearer's Apple Orchard (The)
Address: 13026 Clover Drive
City: Kansas City
State: KS
Zip: 66109
People: Joan and Jeff Shearer
Email: jshearer@sunflower.com
Phone: 913-721-2507
Web:

Agritourism Experiences: Farm/ranch experience, fishing, hay rack ride, plants/flowers, u-pick

Company Description: In the first quarter of 2011, the Shearers will begin a u-pick apple orchard, bed and breakfast and event center. The u-pick orchard will be open to to public and will offer a wide variety of apples and pears during harvest season. A four bedroom bed and breakfast, with a retail store, will also be available. The Event Center is designed to host weddings, receptions, church picnics, family reunions and community events. The 25 area plot is also the home of five beautiful ponds for fishing and an expanse of open land for hiking.

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0 0.5 1 2 3 4 Miles

1 inch = 4 miles

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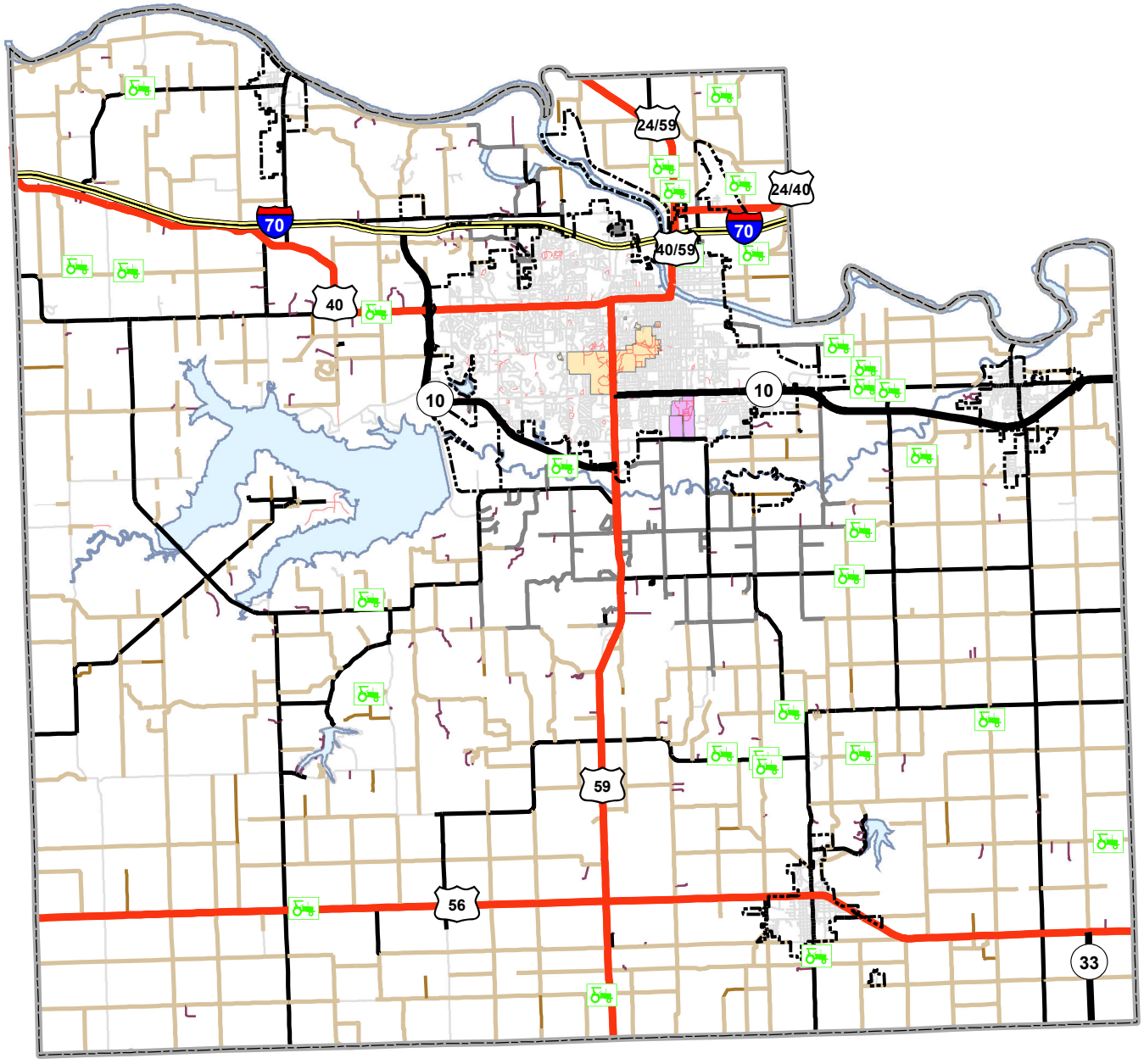
Date: 1/20/2011

Agritourism Use
Federal Highways
County Blacktop
Township Blacktop
Township Rock
Township Minimum Maintenance
Private



N

Agritourism

(Sections of the Zoning Regulations with proposed revisions are below. New language is shown in **bold.** Comments are in red.)

12-303 DEFINITIONS

12-303-1.92 ANCILLARY RETAIL SALES: Sales of goods or services that differ from or enhance the principal use. Ancillary retail sales are subsidiary, supplementary, or secondary to the principal use.

12-303-1.93 FARM STAY: Overnight accommodations in a farm or ranch house for guests while they are vacationing at the farm/ranch as part of a registered Agritourism Use.

12-306 "A" AGRICULTURAL DISTRICT REGULATIONS

12-306-1 The regulations set forth in this section, or set forth elsewhere in this Resolution, when referred to in this section are the regulations in the "A" Agricultural District. The purpose of this district is to provide for a full range of agricultural activities, including **agritourism, and** the processing and sale of agricultural products raised on the premises**;** and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses. The District is also intended for purposes of protecting watersheds and water supplies to provide for spacious development, to protect forest areas, and scenic areas, and to conserve fish and wildlife, to promote forestry, the growing of natural crops and grazing, and to prevent untimely scattering of more dense urban development. For the purpose of restricting outdoor advertising signs, the area within this district shall be considered as defined for residential purposes only.

Add the following to the list of permitted uses in the A District:

12-306-2.26 Agritourism – Subject to conditions in Section 12-319.7.

SECTION 12-319 SUPPLEMENTAL USE REGULATIONS-CONDITIONAL USES-TEMPORARY USES

12-319-7 AGRITOURISM SUPPLEMENTAL USE REGULATIONS

Agritourism is recognized as a vital tool for sustaining the family farm and represents significant economic potential for the community in general. These regulations are intended to foster and promote agritourism in keeping with the State of Kansas policy of encouraging Agritourism, while ensuring that the public health, safety, and welfare is protected.

12-319-7.01 AGRITOURISM

a. **Agritourism is the intersection of agriculture and tourism, when the public visits rural areas for recreation, education, enjoyment, entertainment, adventure or relaxation. Agritourism uses the rural experience as a tool for economic development.**

b. **In order to be considered an agritourism use under these Regulations, the activity must occur on a working farm or ranch or other agricultural land.**

c. Typical Agritourism uses include, but are not limited to, the following:

- **Farm markets/roadside stands,**
- **U-pick operations,**
- **Wineries and winery tours and tastings,**
- **Local products retail operations (local crafts, food products),**
- **Corn mazes,**
- **Farm-related interpretive facilities, exhibits, and tours,**
- **Agriculturally related educational and learning experiences, including volunteer workers.**
- **Agriculturally related events/fairs/festivals,**
- **Farm stays,**
- **Bed and breakfast establishments,**
- **Recreation related operations (fishing, hunting, bird watching, hiking, etc),**
- **Horseback riding,**
- **Garden, nursery tours and exhibits,**
- **Pumpkin patch visits and activities,**
- **Weddings, receptions and other assembly type uses,**
- **Ancillary retail sales, or the ancillary sale of products made by other local producers**
- **Others that may be determined on a case by case basis if it meets the purpose and intent of the regulations.**

12-319-7.02 <u>REGISTRATION AND APPROVAL PROCESS OF AGRITOURISM USES</u>

After the use has been registered with the State, a copy of the Agritourism Promotion Act Registration Form shall be provided to the Douglas County Zoning and Codes Office to register the agritourism use with the County. Agritourism uses which meets the definition set forth in these Regulations and are registered with the State and with the County may occur without any additional review under these Regulations.

a. Agritourism uses which are permitted by right as Agricultural Uses in the A District are not required to register with the State or County; however, registration is encouraged so the agritourism use can take advantage of incentives that have been developed for agritourism uses. Uses which are permitted by right and do not require registration are:

- **i. Temporary stands for seasonal sale of products raised on the premises;**
- **ii. U-Pick Operations;**
- **iii. Farm tours;**
- **iv. Retail sale of agricultural products raised on the premises; and**
- **v. Wineries and Tasting Rooms.**

b. Agritourism uses which are not permitted by right as Agricultural Uses in the A District, but that meet the definition of Agritourism provided in Section 12-319-7.01, may occur in the A District without any additional review under these Regulations when registered with the State and the County; although other State and local regulations shall apply.

c. Agritourism uses which do not meet the criteria noted in this section require approval through the Conditional Use Permit process or must be located in a Zoning District in which it is a permitted use.

12-319-7.03 <u>STRUCTURES AND BUILDING CODES</u>

Structures for agritourism uses which are not permitted by right as Agricultural Uses, listed in Section 20-319-7.02(a), are required to comply with Douglas County Building Codes with the following exception:

a. An existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if the subordinate use of agritourism:

i. Occupies only levels of the building with two ground-level points of ingress and egress;

ii. Occupancy does not exceed 50 people at any one time;

iii. The use does not include overnight stays or the addition of a kitchen.

From: Natalya Lowther [mailto:natalyalowther@hotmail.com]
Sent: Sunday, February 26, 2012 10:53 PM
To: Mary Miller
Subject: Comments on proposed Agritourism regulation

Hi, Mary! Here are my written public comments on the Agritourism regulation:

First and foremost, I would like to express my overall positive impression of the version of the proposed regulation that will be presented to the Planning Commission on Wednesday. It has been a few months since I was able to participate in any of the committee sessions, but I can see that a great deal of work has been done to simplify and clarify the proposed regulation and the results are impressive!

The proofreader in me would like to point out two apparent typographical errors:

1. In the introductory paragraph for 12-319-7.02, "Agritourism uses which meet**s**" should more correctly be "Agritrouism uses which meet" for grammatical correctness.

2. In 12-319-7.03, the internal reference appears to be incorrect. It looks like it should reference 12-319-7.02, not **20**-319-7.02.

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In 12-319-7.02, I would like to suggest that "Uses which are permitted by right and do not require registration are" should end with "include" instead of "are", since this is actually a fairly narrow range of activities compared with what is actually permitted by right in the Agricultural zoning codes at 12-306 et seq. Let's leave it up to the ingenuity of our innovative Kansas farmers to make the most of their farms' particular resources!

The list of "permitted by right" agricultural uses includes "wineries and wine tasting rooms", yet I am not able to determine from the Agricultural zoning code how a wine tasting room, specifically, is permitted by right! Many other items in the list of "Agritourism uses" at 12-319-7.01(c) seem more clearly indicated as "permitted by right" in the Agricultural zoning codes, yet are not listed here as "permitted by right". It is hard to understand why a preference is given to tasting wine over, for example, "horseback riding" when "commercial stables" are clearly permitted by right in the zoning code!

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I have several concerns about 12-319-7.03.

1. I am very concerned with the wording specifying "existing structures" as the only ones exempt from building codes. This places an unfair burden on agritourism operators newly entering the sector in future years by prohibiting them from adaptive re-use of structures built after enactment of this regulation (not "existing") but built without the intent of using them for agritourism and therefore not code compliant. For example, a few years from now a reclusive hay farmer builds a barn for storing hay. He's never even heard of agritourism. Some years later, he retires and sells the farm to his children. They are gregarious types and want to operate an agritourism enterprise from the barn that was "new" after these Agritourism regulations were passed. Under this wording of the regulation, they would need to upgrade that hay barn to meet the building codes (commercial codes? what codes would apply?). Meanwhile, their neighbor down the road has a similar barn just a few years older (predating the regulation). He decides to go into competition with them using his older building, and has a significant business advantage because his hay barn is few years older. He can start his enterprise without the expense of bringing his slightly older building into compliance with the building codes. Not only does he get to start business cheaper, he can start it tomorrow without having to do any renovations. This might have a beneficial effect of improving the value of rural properties with older buildings, but doesn't really fully encourage the creative use of resources available at hand in future generations.

It also places an unfair burden on an agritourism operator who endures a significant loss--for example a storm destroying an old barn which serves partly as agricultural storage and partly as agritourism retail sales space--who then must rebuild the structure at a much greater cost than its insured value in order to meet the building codes from which the old barn was exempt. Again, this business would have a hard time competing with the one down the road that the tornado missed, which carries on in its quaint old unimproved barn unconcerned with building codes.

2. The regulation specifies two egress/ingress points without consideration for the size of the building or its intended use, for any except a very narrow range of activities that don't include actual farming activities. For an agritourism business based on hands-on "farm adventures" or "agri-education", this is very limiting. instead of referencing the abbreviated list of agritourism activities in 12-319-7.02, the actual Agricultural zoning codes should be referenced.

As written, I would need to rebuild small chicken houses, small tool sheds, sheep sheds, etc. to include an unneeded second door in order to allow one or two agritourists at a time to use these small, unique buildings as temporary writing or art studios for a "farm art" workshop, or as spiritual retreat spaces during a farming retreat...or if a youth group had a farm-based educational "scavenger hunt" as part of their farm visit.

Many existing small farm sheds are not designed to allow the addition of a second door...for example, my prefabricated corrugated steel tool shed. Many ready-made small agricultural buildings are not designed with two doors. Likewise, in the case of an open shed, there might be only one egress/ingress but it might be the entire side of the building, or half the side of the building.

Perhaps this could be amended to exclude buildings under a certain square footage (120 sq. ft. is the maximum size allowed for a garden shed within the City of Lawrence? Or maybe the size of a standard garage is something that would not require more than one egress?).

3. The occupancy limit might also be a way of dealing with buildings that don't allow a second egress. For example, a building with only one standard pedestrian door might be acceptable for up to 10 people; one with a wide door (6 feet or wider) or half-open front might permit up to 20 people; while any number of people greater than 20 would require two doors. The number and size of rooms used might be another consideration. A table could easily organize this information.

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While I hope these comments will be duly considered in the final version of the Agritourism regulations, I want to close by affirming the work of the committee and the regulatory language they have produced. This is a concise section that will open up the way for many wonderful and diverse Agritourism opportunities in Douglas County and support economic growth, as well as preserving family farms. I'm very excited about this new regulation!

Blessings,

Natalya Lowther
Pinwheel Farm
1480 N. 1700 Rd.
P.O. Box 1561
Lawrence, KS 66044
785-979-6786
natalyalowther@hotmail.com
www.pinwheelfarm.org

Memorandum
City of Lawrence
Planning & Development Services

TO: **Planning Commission**

FROM: **Mary Miller, Planning Staff**

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

Date: **For February 29, 2012 meeting**

RE: **Agenda Misc. Item No. 1: Extension request for PP-10-5-09 A Revised Preliminary Plat for lots 7, 8 and 9 Block Four and Lots 2, 3, and 4, Block Seven as shown on the approved Preliminary Plat for Mercato dated 4/26/06**

Attachments: A—Extension Request
B—Approved Preliminary Plat
C—Graphic showing the area in the approved Mercato Final Plats and the area included in subject preliminary plat
D—Table with all development approvals for the Mercato Development

BACKGROUND
The revised preliminary plat referenced above was submitted in 2009 in conjunction with a rezoning request for 24 acres to the CC400 District, Z-10-17-09, to allow additional commercial uses in the Mercato development. The revised preliminary plat proposed an additional access onto W 6th Street and the construction of a street along the west perimeter of the property, in the area that at that time was KDOT right-of-way for the K-10 Bypass. A copy of the revised preliminary plat is included with this memo as an attachment.

The Planning Commission approved the preliminary plat on December 14, 2009 and forwarded it to the City Commission for acceptance of dedications. The City Commission approved the rezoning to the CC400 District and accepted the dedications shown on the preliminary plat at their January 5, 2010 meeting. Figure 1 shows the preliminary plat as conditionally approved by the City Commission and Figure 2 shows the various plats for the Mercato development and highlights the changes being proposed with the subject preliminary plat.

EXTENSION REQUEST
The applicant's extension request is included with this memo as an attachment. The preliminary plat was approved subject to the following conditions:

1) The preliminary plat shall be revised as follows:
    a. The dimension of the western width of right-of-way for Overland Drive shall be noted on the plat.

b. The plat shall be revised to clearly identify the Southern Star easement which is being proposed for vacation.

c. The plat shall show the relocation of the Southern Star gas line to the south rather than extending through the easement which is to be vacated.

d. The extension of the Southern Star gas line off-site to tie into the existing gas line to the southeast must be approved by Southern Star.

2) Prior to recording the final plat, the applicant shall provide the Planning Office with documentation that right-of-way for Renaissance Drive is available prior to final approval of the plat.

3) Prior to recording the final plat, the applicant shall provide the Planning Office with documentation that Southern Star approves the relocation of the gas line and easement between Lots 1 and 2 of Block Two and the relocation of the off-site gas line to tie into the existing line.

4) Prior to recording the final plat, the applicant shall provide the Planning Office with documentation that Southern Star approves the design of Renaissance Drive in relation to the gas line location.

5) Prior to recording the final plat for the remainder of the Mercato Development (PF-03-04-07), the applicant shall revise the previously approved preliminary plat (PP-01-02-06) and final plat (PF-03-04-07) to reflect the changes approved with this preliminary plat.

6) Prior to recording the final plat, the applicant shall gain approval of an access permit from the Kansas Department of Transportation to access W. 6th Street (Hwy 40).

7) Prior to recording the final plat, the rezoning request [Z-10-17-09] from UR (RMO pending) to CC400 District shall be adopted and published.

The applicant worked with KDOT and the City to finalize the transfer of the right-of-way necessary for the construction of Renaissance Drive and the City Commission accepted the dedication of this right-of-way at their September 14, 2010 meeting. The applicant indicated that development of this area has been slower than anticipated due in part to the slow economy and also to the need to get George Williams Way built, the sewer and water lines extended, and the right-in/right-out access worked out with KDOT. The applicant is requesting a two-year extension to meet the conditions of approval and submit a final plat.

Figure 1. 2009 Aerial photograph of area. Mercato development outlined in red. New development approved since this final plat include Hunters Ridge Apt (shaded).

STAFF REVIEW

Per Section 20-809(j) of the Subdivision Regulations, Planning Commission approval of a preliminary plat shall expire within 24 months after the approval date unless a final plat has been submitted. If the cause of the failure to submit a final plat within that time frame is beyond the subdivider's control, the Planning Commission may approve a 24 month extension.

As the applicant noted the delay in the submittal of final plat lay in the time needed to finalize access on W 6th Street, the extension of water and sewer lines, and the slow economy.

Plat approvals have time limits so that the approvals can be reassessed to insure they remain compatible with the area as it has developed and that it is compliant with the current City Codes. As shown in Figure 1, little development activity has occurred in the area since the revised plat was approved in 2009. The Hunters Ridge Apartment development to the east of Stoneridge Drive is currently under construction and is the only new development in the area.

The Preliminary Plat approval is valid until June 14, 2012 unless an extension is granted. Extension requests have been submitted for other items related to the Mercato Development (two final plats and the Preliminary Development Plan). These items all have expiration dates within a month or two of the other. Staff recommends that the extension date for all items be set for the latest date so a uniform expiration date can be provided for all items. The Preliminary Development Plan had the latest approval date, June 30. While this plat's expiration date would be June 14, Staff recommends extending the date to June 30th to provide a uniform expiration date.

Staff Recommendation:

As the character of the area has remained fairly constant since the revised plat was approved, the plat is compliant with current City Codes, and the delay in the submittal of the final plat was due in large part to the economy and the need to extend sewer and water lines to the property, neither which were within the subdivider's control, Planning Staff recommends that the Planning Commission approve the 24 month extension request which would permit the plat approval to remain valid until **June 30, 2014.**

Mary Miller

From: Jane M. Eldredge [jeldredge@barberemerson.com]
Sent: Friday, February 10, 2012 5:28 PM
To: Scott McCullough; Mary Miller
Cc: jdssk@aol.com; Steve Schwada
Subject: Mercato final plats PF-06-15-06 and PF-03-04-07

Dear Scott:

Please administratively approve the extension the two final plats (PF-06-15-06 and PF-03-04-07) for Mercato to June 30, 2014. We request these extensions due to the current economic conditions and the fact that PF-03-04-07 will have to be modified to conform to the final plat for CC 400 area which has been preliminarily platted (PP-10-05-09). Please send me a letter or e-mail approving the requested extension of each final plat.

Please also schedule our requested extension of PP-10-05-09 to June 30, 2014 on the next available Planning Commission agenda. If February is available, we would appreciate being on that agenda; otherwise, please place it on the March agenda.

We also request that the preliminary development plan (PDP-08-08-06) for the Mercato PCD be extended until June 30,2014 and that this request be placed on the City Commission agenda two weeks after the approvals for all of the plats have been granted.

Please confirm the dates when the preliminary plat will be on the Planning Commission agenda and the preliminary development plan will be on the City Commission agenda.

The development of this area has been slower than anticipated because of the need to get George Williams Way built; the sewer and water extended and work out the right in/right out access with KDOT. We appreciate your support and help to get these public improvements in place before moving ahead with development. If there is anything further that you need from me, please let me know at your earliest convenience.

Thank you for your continuing cooperation.

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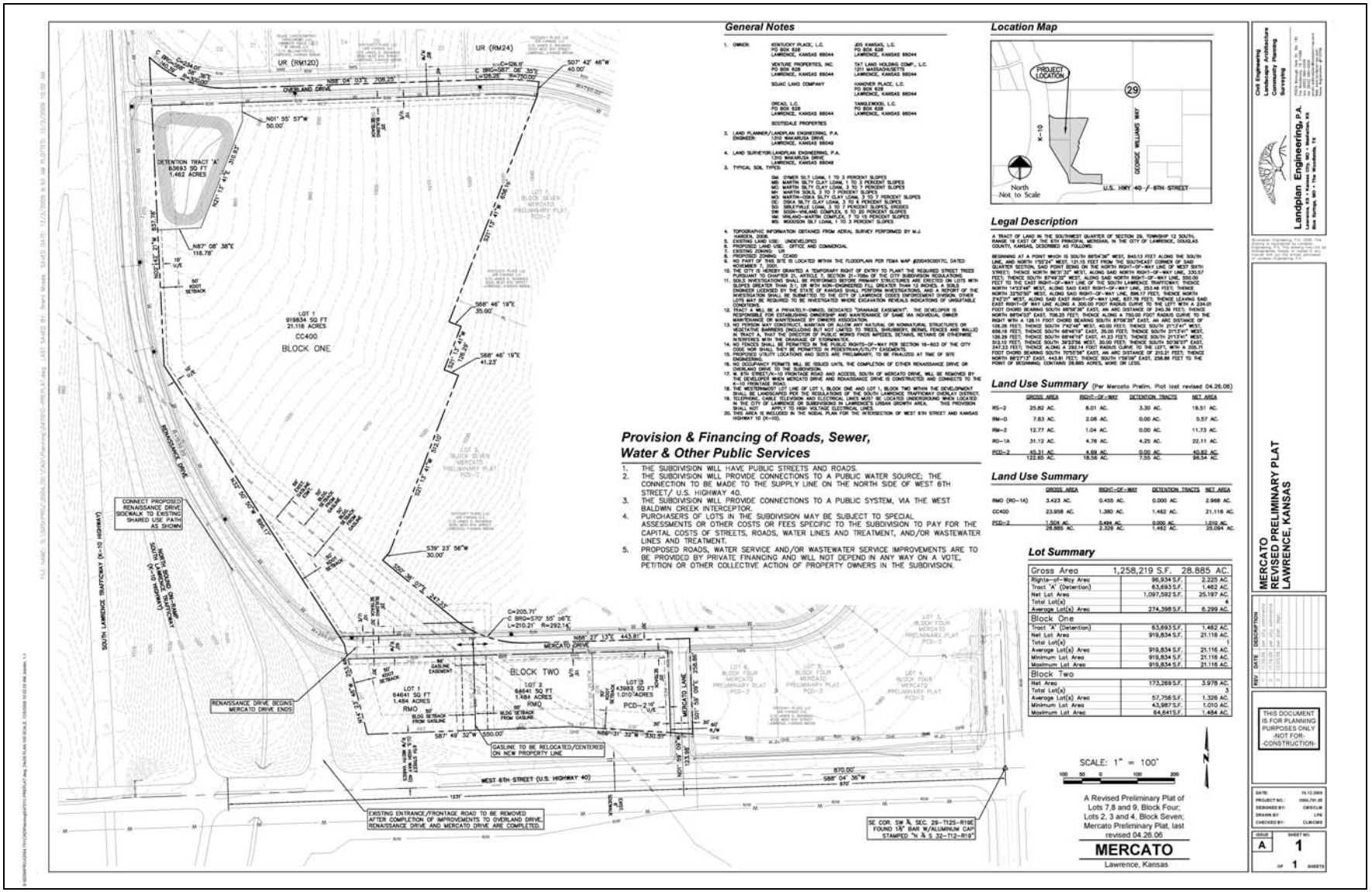
General Notes
Location Map
PROJECT LOCATION
K-10
29
GEORGE WILLIAMS WAY
North
Not to Scale
U.S. HWY 40 / 6TH STREET
Legal Description
Land Use Summary (Per Mercato Prelim. Plat last revised 04.26.06)
Land Use Summary
Lot Summary
Provision & Financing of Roads, Sewer, Water & Other Public Services
1. THE SUBDIVISION WILL HAVE PUBLIC STREETS AND ROADS.
2. THE SUBDIVISION WILL PROVIDE CONNECTIONS TO A PUBLIC WATER SOURCE; THE CONNECTION TO BE MADE TO THE SUPPLY LINE ON THE NORTH SIDE OF WEST 6TH STREET/ U.S. HIGHWAY 40.
3. THE SUBDIVISION WILL PROVIDE CONNECTIONS TO A PUBLIC SYSTEM, VIA THE WEST BALDWIN CREEK INTERCEPTOR.
4. PURCHASERS OF LOTS IN THE SUBDIVISION MAY BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OR FEES SPECIFIC TO THE SUBDIVISION TO PAY FOR THE CAPITAL COSTS OF STREETS, ROADS, WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT.
5. PROPOSED ROADS, WATER SERVICE AND/OR WASTEWATER SERVICE IMPROVEMENTS ARE TO BE PROVIDED BY PRIVATE FINANCING AND WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.
SCALE: 1" = 100'
A Revised Preliminary Plat of Lots 7,8 and 9, Block Four; Lots 2, 3 and 4, Block Seven; Mercato Preliminary Plat, last revised 04.26.06
MERCATO
Lawrence, Kansas
Landplan Engineering, P.A.
MERCATO
REVISED PRELIMINARY PLAT
LAWRENCE, KANSAS
THIS DOCUMENT IS FOR PLANNING PURPOSES ONLY -NOT FOR- -CONSTRUCTION-

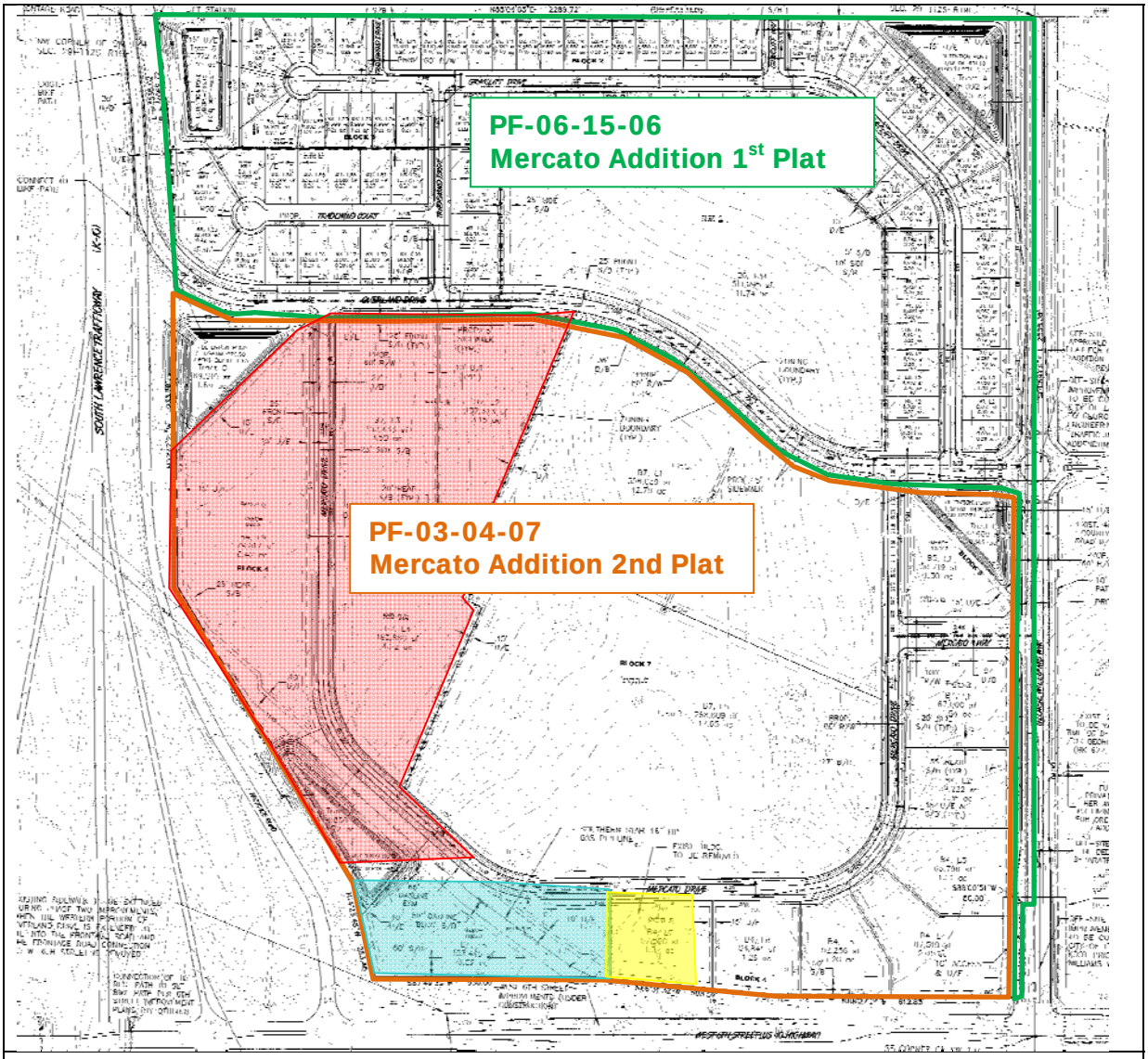

Figure 3. Plats associated with Mercato Development. PF-06-15-06, outlined in green, and PF-03-04-07, outlined in orange.

Colored area shows the changes that are proposed with preliminary plat, PP-10-05-09 which include the following:

- Combination of 4 lots, 1 tract and areas of right-of-way into 1 lot (red).
- Creation of 2 lots from Lot 8, Block 4, (blue).
- Reconfiguration of lot for proposed Mercato Lane right-of-way (yellow).

Application	File No.	Date Approved	Description	Area (app.)
Rezonings	Z-01-10-05	May 9, 2006	A to RS7 (previous designation: RS-2)	25.82 acres
	Z-01-11-05	May 9, 2006	A to RM12D (previous designation: RM-D)	7.63 acres
	Z-01-12-05	May 9, 2006	A to RM24 (previous designation: RM-2)	12.77 acres
	Z-03-05-06	May 9, 2006	A to PCD[Mercato] PCD[Mercato]PCD-2)	45.31 acres
	Z-03-06-06	May 9, 2006	A to RMO (previous designation: RO-1A)	31.12 acres
	Z-10-17-09	Jan 5, 2010	UR to CC 400	23.96 acres
Plats	PP-01-02-06	April 27, 2006	Mercato 75 single-dwelling lots (RS7); 18 duplex lots (RM12D); 1 multi-dwelling lot (RM24); 6 residence/office lots (RMO); 9 commercial lots (PCD[Mercato])	122.65 acres 25.82 acres 7.63 acres 12.77 acres 31.12 acres 45.31 acres
	PF-06-15-06	April 17, 2007	Mercato Addition First Plat Extension granted to 4/17/12 18 duplex lots (RM12D); 75 single-dwelling lots (RS7); 1 multi-dwelling lot (RM24)	49.67 acres
	PF-03-04-07	May 15, 2007	Mercato Addition 2nd Plat Extension granted to 5/15/12 6 residence/office lots (RMO); 10 commercial lots (PCD[Mercato])	72.66 acres
	PP-10-05-09	Dec 14, 2009	Revised Preliminary Plat for Lots 7, 8 and 9, block Four, and Lots 2, 3, and 4, Block Seven as shown on the approved Preliminary Plat for Mercato dated 4/26/06 Extension granted to June 14, 2012 4 commercial lots	28.89 acres
Development Plans	PDP-08-08-06	April 17, 2007	Mercato Planned Commercial Development Extension granted to June 30, 2012 10 lots	45.31 acres

Table 1. Approvals associated with the Mercato Development. Subject extension request is highlighted. Extension requests have been submitted for the final plats for administrative approval, and for the Preliminary Development Plan which requires City Commission approval.