City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Updated:
2/24/13 @ 2:15pm
Added communications for the following items:
Item 4 - Text Amendment Participant Sports & Recreation Outdoor Uses
Item 5A - Rezoning 4300 W 24th Place
Item 5B - Special Use Permit; Family Fun Center; 4300 W 24th Place
Item 5C - Special Use Permit; Fast Order Food with Drive-Thru; 4300 W 24th Place
Item 8 - Text Amendment; Agritourism

2/21/13 @ 3:45pm
Added the following items:
Item 3A - Rezoning 1101 Indiana St
Item 3B - Preliminary Development Plan for HERE @ Kansas; 1101 Indiana St
Item 5B - Special Use Permit; Family Fun Center; 4300 W 24th Place

2/20/14 @ 4:45pm
Added the following items:
Item 5A - Rezoning 4300 W 24th Place
Item 5C - Special Use Permit; Fast Order Food with Drive-Thru; 4300 W 24th Place

2/19/14 @ 4:45pm
The following items will be added when available:
Item 3A - Rezoning 1101 Indiana St
Item 3B - Preliminary Development Plan for HERE @ Kansas; 1101 Indiana St
Item 5A - Rezoning 4300 W 24th Place
Item 5B - Special Use Permit; Family Fun Center; 4300 W 24th Place
Item 5C - Special Use Permit; Fast Order Food with Drive-Thru; 4300 W 24th Place
The 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 24 & 26, 2014 6:30PM - 10:30PM

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES
Receive and amend or approve the minutes from the Planning Commission meeting of January 27, 2014.

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

COMMUNICATIONS
a) Receive written communications from the public.
b) Receive written communications from staff, Planning Commissioners, or other commissioners.
c) Receive written action of any waiver requests/determinations made by the City Engineer.

d) Disclosure of ex parte communications.
e) Declaration of abstentions from specific agenda items by commissioners.

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

REGULAR AGENDA (FEBRUARY 24, 2014) MEETING
PUBLIC HEARING ITEMS:

ITEM NO. 1 9TH & NEW HAMPSHIRE REDEVELOPMENT PLAN

Consider making a finding that the North Project Plan for the 9th & New Hampshire Redevelopment District is consistent with the City's comprehensive plan.

ITEM NO. 2 IG TO RS5; .5 ACRE; 830 E 13TH ST (JSC)

Z-13-00513: Consider a request to rezone approximately .5 acre from IG (General Industrial) District to RS5 (Single-Dwelling Residential) District, located at 830 E 13th St. Submitted by William Price, property owner of record.

ITEM NO. 3A RM32 TO MU-PD; 2.391 ACRES; 1101 INDIANA ST (SLD)

Z-13-00516: Consider a request to rezone approximately 2.391 acres from RM32 (Multi-Dwelling Residential) District to MU-PD (Mixed Use with PD Overlay) District, located at 1101 Indiana St. Submitted by Hartshorne Plunkard Architects, for Berkeley Flats Apartments LLC, property owner of record.

ITEM NO. 3B PRELIMINARY DEVELOPMENT PLAN FOR HERE @ KANSAS; 1101 INDIANA ST (SLD)

PDP-13-00518: Consider a Preliminary Development Plan for HERE @ Kansas, a mixed use multi-dwelling residential apartment building with ground floor retail uses, located at 1101 Indiana St. Submitted by Hartshorne Plunkard Architects, for Berkeley Flats Apartments LLC, property owner of record.

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT SPORTS & RECREATION, OUTDOOR USES WITH SUP IN CN2 (SMS)

TA-13-00488: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, to allow for Participant Sports & Recreation, Outdoor uses with a Special Use Permit in the CN2 (Neighborhood Shopping Center) District. Submitted by Paul Werner Architects.

ITEM NO. 5A RSO TO CN2; 10.97 ACRES; 4300 W 24th PLACE (SLD/TLH)

Z-13-00483: Consider a request to rezone approximately 10.97 acres from RSO (Single-Dwelling Residential-Office) District to CN2 (Neighborhood Shopping Center) District, located at 4300 W 24th Place. Submitted by Paul Werner Architects, for Corporate Holdings II LLC, property owner of record.

ITEM NO. 5B SPECIAL USE PERMIT; FAMILY FUN CENTER; 4300 W 24TH PLACE (SLD/TLH)

SUP-13-00486: Consider a Special Use Permit for Participant Sports & Recreation, Outdoor uses as part of a Family Fun Center, located at 4300 W 24th Place. The development includes a 28,000 square foot clubhouse and outdoor tot lot, batting cages, electric go-kart tracks and an 18-hole miniature golf course. Submitted by Paul Werner Architects, for Corporate Holdings II LLC, property owner of record.

ITEM NO. 5C SPECIAL USE PERMIT; FAST ORDER FOOD WI TH DRIVE-THRU; 4300 W 24TH PLACE (SLD)

SUP-14-00026: Consider a Special Use Permit for a fast order food with drive-thru as part of the future commercial pad site development, to be located on the west portion of property located at 4300 W 24th Place. Submitted by Paul Werner Architects, for Corporate Holdings II LLC, 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 26, 2014

BEGIN PUBLIC HEARING (FEBRUARY 26, 2014):

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 26, 2014) MEETING
PUBLIC HEARING ITEMS:

ITEM NO. 6 RM12 TO RM24; 3.35 ACRES; NE CORNER BOB BILLINGS PKWY & K-10/SLT (SLD)

Z-13-00519: Consider a request to rezone approximately 3.35 acres from RM12 (Multi-Dwelling Residential) District to RM24 (Multi-Dwelling Residential) District, located at the NE corner of Bob Billings Pkwy and K-10/SLT to be known as part of the Langston Commons Subdivision. Submitted by Tim Herndon on behalf of RSR Holdings LLC, property owner of record.

ITEM NO. 7 CONDITIONAL USE PERMI T; LODGING HOUSE & RECREATION; 1804 E 1500 RD (SLD)

CUP-13-00492: Consider a Conditional Use Permit for a Lodging House and Recreation facility to be known as a hostel and banquet hall, located at 1804 E 1500 Rd. Submitted by Shane Powers, for Earl Stagg, property owner of record. *Deferred by Planning Commission on 1/27/14.*

ITEM NO. 8 TEXT AMENDMENT TO THE ZONING REGULATIONS; AGRITOURISM (MKM)

TA-13-00451: Consider a Text Amendment to Section 12-319-7 of the Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas to establish criteria and review process for Agritourism uses which may have significant off-site impacts. *(Amendment was initiated by the Board of County Commissioners at their October 16, 2013 meeting.) Deferred by Planning Commission on 1/27/14.*

ITEM NO. 9 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARKING & ACCESS STANDARDS (SMS)

TA-6-14-09/TA-13-00235: Receive an update on the proposed Text Amendments to the City of Lawrence Land Development Code, Article 9 and related sections of Chapter 20, for comprehensive revisions to parking and access standards.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 VARIANCE FOR CERTIFICATE OF SURVEY; 120 HWY 40 (MKM)

CSR-13-00496: Consider a variance associated with a Certificate of Survey for approximately 30 acres located at 120 Hwy 40. The variance is requested from Section 20-810(e)(5)(ii) of the Subdivision Regulations [Section 11-110(e)(5)(ii) of the County Code] to allow the creation of Residential Development Parcels without the dedication of additional right of way for Hwy 40, which is

classified as a Principal Arterial. Submitted by Rogers Surveying, for Howard Z Smith, property owner of record.

ADJOURN

CALENDAR

January						2014
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						2014
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	

March						2014
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)

Sign up to receive the Planning Commission agenda or weekly Planning Submittals via email:
http://www.lawrenceks.org/subscriptions

2014
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM (*Friday Meeting)	**Mid-Month Topics**		**Planning Commission Meetings 6:30 PM, Mon & Wed**	
Jan 24*	*Planning Commission Retreat - half day Friday*		Jan 27	Jan 29
Feb 12	HERE @ KU	Topics for 2014	Feb 24	Feb 26
Mar 12	Small Business Facilitator	Continue H2020 Discussion from Jan Retreat	Mar 24	Mar 26
Apr 9			Apr 21	Apr 23
May 14			May 19	May 21
Jun 18			Jun 23	Jun 25
Jul 11*	*PC Orientation - all day Friday*		Jul 21	Jul 23
Aug 13			Aug 25	Aug 27
Sep 10			Sep 22	Sep 24
Oct 8			Oct 20	Oct 22
Nov 5			Nov 17	Nov 19
Dec 3			Dec 15	Dec 17

	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* *Joint meeting with other Cities' Planning Commissions* *Joint meeting with other Cities and Townships – UGA potential revisions*	*New County Zoning Codes* *Tour City/County Facilities* *Oread Overlay Districts* *Comprehensive Plan – Goals & Policies*
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 01/27/14

2013 PLANNING COMMISSION ATTENDANCE

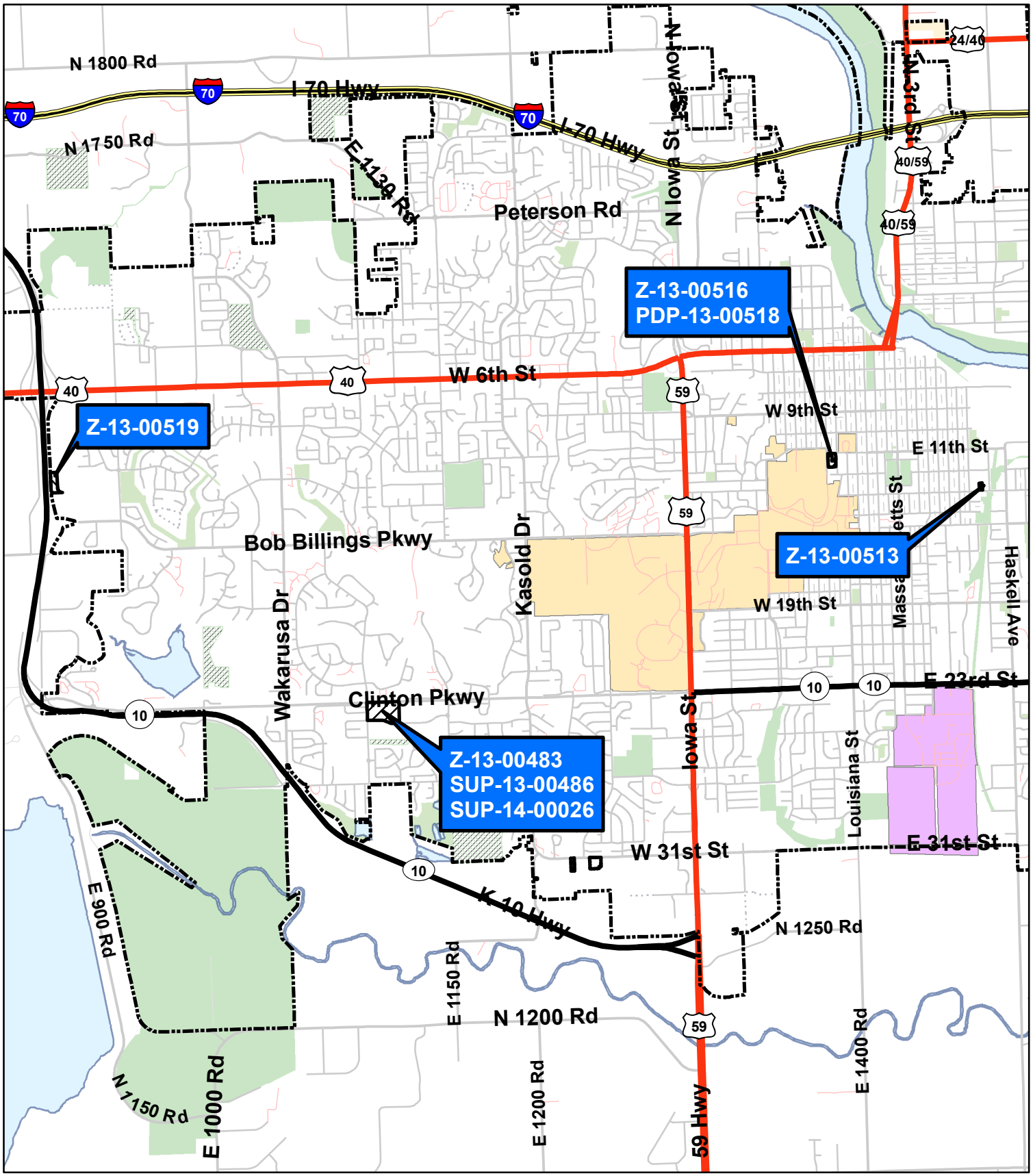
	Jan 28 2013	Jan 30 2013	Feb 27 2013	Mar 25 2013	Apr 22 2013	May 20 2013	June 24 2013	June 26 2013	July 22 2013	Aug 26, 2013	Sept 23, 2013	Oct 21, 2013
Britton	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Burger	Yes	Yes	Yes	No	Yes	Yes						
Culver	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Denney							Yes	Yes	Yes	No	Yes	Yes
Graham					Yes	Yes	Yes	No	No	Yes	Yes	Yes
Josserand	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Kelly									No	Yes	Yes	No
Lamer	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes				
Liese	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Rasmussen							Yes	Yes	Yes	Yes	Yes	Yes
Struckhoff										Yes	Yes	Yes
von Achen	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes

2014 PLANNING COMMISSION ATTENDANCE

	Jan 27 2014	Feb 24 2014	Feb 26 2014									
Britton	Yes											
Culver	Yes											
Denney	No											
Graham	Yes											
Josserand	Yes											
Kelly	Yes											
Liese	Yes											
Rasmussen	Yes											
Struckhoff	Yes											
von Achen	Yes											

2013 MID-MONTH ATTENDANCE

	Jan 9 2013	Feb 13 2013	Mar 13 2013	Apr 10 2013	May 8 2013	June 12 2013	July 12 2013	Aug 14 2013	Sept 11 2013	Oct 9 2013	Nov 6 2013	
Britton						No	Yes	Yes	No	Yes	No	
Burger												
Culver						No	Yes	Yes	Yes	Yes	Yes	
Denney						Yes	Yes	No	Yes	Yes	Yes	
Graham						Yes	Yes	Yes	Yes	Yes	No	
Josserand						Yes	Yes	Yes	Yes	Yes	Yes	
Kelly							Yes	Yes	Yes	Yes	Yes	
Lamer						No						
Liese						Yes	Yes	Yes	Yes	Yes	Yes	
Rasmussen						Yes	Yes	Yes	Yes	Yes	Yes	
Struckhoff								Yes	Yes	Yes	Yes	
von Achen						Yes	Yes	No	Yes	Yes	Yes	



Lawrence-Douglas County Planning Commission
February 2014 Agenda Items

Lawrence-Douglas County Planning Office
February 2014

PLANNING COMMISSION REPORT
Regular Agenda

PC Staff Report
2/24/14

ITEM NO. 1 COMPREHENSIVE PLAN REVIEW OF NINTH AND NEW HAMPSHIRE PROJECT

Consider making a finding, related to a request to use tax increment financing, that the proposed Ninth and New Hampshire Redevelopment District- North Project Area Redevelopment Project Plan is consistent with the comprehensive general plan, *Horizon 2020*, for the development of the city, as required by K.S.A. 12-1722.

STAFF RECOMMENDATION: Staff recommends making a finding that the proposed plan for the redevelopment of the north portion of the Ninth and New Hampshire Project is consistent with the comprehensive general plan, Horizon 2020.

Reason for Request: K.S.A. 12-1772 requires the City of Lawrence, when proposing a tax increment financing (TIF) redevelopment area, to prepare a redevelopment plan in consultation with the Planning Commission of the city and for the planning commission to determine if the redevelopment plan is consistent with the comprehensive general plan. (A complete copy of the K.S.A. 12-1772 is provided in attachment A.)

Tax increment financing is an economic development tool that captures the incremental increase in assessed valuation over the pre-development base valuation to pay for certain eligible project costs. The base level of taxes continues to flow to the taxing jurisdictions. In this case, eligible project costs include construction of the parking garage, infrastructure expenses, and interest costs.

KEY POINTS
- Planning Commission's scope is limited to the conformance of the proposed project plan with the comprehensive plan, Horizon 2020.
- There are several relevant factors in *Horizon 2020* which would be consistent with the proposed project plan.
- The redevelopment district includes a north and south area. The project plan for the south portion of the redevelopment district was approved in 2012 and the Planning Commission found the south plan to be in conformance with the comprehensive plan.

ASSOCIATED CASES/OTHER ACTION REQUIRED
- None

PLANS AND STUDIES REQURIED
- Ninth and New Hampshire Redevelopment District - North Project Area Redevelopment Project Plan

ATTACHMENTS
- K.S.A. 12-1772

- Ninth and New Hampshire Redevelopment District- North Project Area Redevelopment Project Plan

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Project Summary:

The subject property at 100 E. 9th Street, on the northeast corner of 9th and New Hampshire, includes an existing commercial building. It is proposed that the existing building be razed and a mixed-use commercial building, including apartments and underground parking, be constructed on the site.

The scope of review by the Lawrence/Douglas County Planning Commission is limited to determining if the proposed redevelopment project, the Ninth and New Hampshire Redevelopment District - North Project Area Redevelopment Project Plan is consistent with the goals and policies established in *Horizon 2020.*

While the redevelopment plan includes proposed site plan elevation drawings, this information is provided only to assist the Planning Commission with understanding the redevelopment project.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The *Horizon 2020* designation is implemented through the Commercial District (CD) zoning district, as well as the Downtown Urban Conservation Overlay District and its accompanying Downtown Design Guidelines. The proposed redevelopment plan conforms in use and standards to these districts.

Horizon 2020 identifies this property as office and/or commercial uses in Figure 3-2, Future Land Use Map. The following items relevant for the Planning Commission's consideration of this item:

1. *Preserve downtown as a Mixed Use Activity Center*

Support downtown Lawrence as the Regional Retail/Commercial/Office/Cultural Center with associated residential uses through the careful analysis of the number, scale, and location of other mixed-use 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. (p. 6.1)

2. *Encourage infill development with an emphasis on Downtown Lawrence*

Encourage infill development and/or redevelopment of existing commercial areas with an emphasis on Downtown Lawrence and existing commercial gateways. Sensitivity in the form of site layout and design considerations shall be given to important architectural or historical elements in the review of development proposals. (p. 6.1)

Staff Finding: The redevelopment plan conforms to the adopted zoning for the area and is generally consistent with the policies for Downtown established in *Horizon 2020*.

2. PROFESSIONAL STAFF RECOMMENDATION

Staff recommends making a finding that the proposed Ninth and New Hampshire Redevelopment District- North Project Area Redevelopment Project Plan is consistent with the comprehensive general plan, *Horizon 2020*, for the development of the city, as required by K.S.A. 12-1722.

12-1772. Procedure for establishing a redevelopment project or bioscience development project; project plan; hearing; posthearing changes. (a) *Redevelopment projects.* One or more redevelopment projects or bioscience development projects may be undertaken by a city within an established redevelopment district or bioscience development district. Any such project plan may be implemented in separate development stages. Any city proposing to undertake a redevelopment project or bioscience development project within a redevelopment district or bioscience development district established pursuant to K.S.A. 12-1771, and amendments thereto, shall prepare a project plan in consultation with the planning commission of the city and, in the case of a bioscience development district, with the approval of the bioscience authority. The project plan shall include:

(1) A summary of the feasibility study done as defined in K.S.A. 12-1770a, and amendments thereto, which will be an open record;

(2) a reference to the district plan established under K.S.A. 12-1771, and amendments thereto, that identifies the redevelopment or bioscience development project area that is set forth in the project plan that is being considered;

(3) a description and map of the redevelopment or bioscience development project area to be redeveloped;

(4) the relocation assistance plan required by K.S.A. 12-1777, and amendments thereto;

(5) a detailed description of the buildings and facilities proposed to be constructed or improved in such area; and

(6) any other information the governing body deems necessary to advise the public of the intent of the project plan.

(b) *Resolution requirements*. A copy of the redevelopment project plan or bioscience development project plan shall be delivered to the board of county commissioners of the county and the board of education of any school district levying taxes on property within the proposed redevelopment project area or bioscience development project area. Upon a finding by the planning commission that the project plan is consistent with the intent of the comprehensive plan for the development of the city, the governing body of the city shall adopt a resolution stating that the city is considering the adoption of the project plan. Such resolution shall:

(1) Give notice that a public hearing will be held to consider the adoption of the redevelopment project plan or bioscience development project plan and fix the date, hour and place of such public hearing;

(2) describe the boundaries of the redevelopment district or bioscience development district within which the redevelopment or bioscience development project will be located and the date of establishment of such district;

(3) describe the boundaries of the area proposed to be included within the redevelopment project area or bioscience development project area; and

(4) state that the project plan, including a summary of the feasibility study, relocation assistance plan and financial guarantees of the prospective developer and a description and map of the area to be redeveloped or developed are available for inspection during regular office hours in the office of the city clerk.

Except as provided in paragraph (3) of subsection (b) of K.S.A. 12-1774, and amendments thereto, if the governing body determines that it may issue full faith and credit tax increment bonds to finance the redevelopment project or bioscience development project, in whole or in part, the resolution also shall include notice thereof.

(c) (1) *Hearing*. The date fixed for the public hearing shall be not less than 30 nor more than 70 days following the date of the adoption of the resolution fixing the date of the hearing.

(2) A copy of the resolution providing for the public hearing shall be by certified mail, return receipt requested, sent to the board of county commissioners of the county and the board of education of any school district levying taxes on property within the proposed redevelopment project area or bioscience development district project area. If the project is a bioscience development project, a copy of the resolution providing for the public hearing shall also be sent by certified mail, return receipt requested, to the Kansas development finance authority. Copies also shall be sent by certified mail, return receipt requested to each owner and occupant of land within the proposed redevelopment project area or bioscience development project area not more than 10 days following the date of the adoption of the resolution. The resolution shall be published once in the official city newspaper not less than one week nor more than two weeks preceding the date fixed for the public hearing. A sketch clearly delineating the area in sufficient detail to advise the reader of the particular land proposed to be included within the project area shall be published with the resolution.

(3) At the public hearing, a representative of the city shall present the city's proposed project plan. If the hearing is for a proposed bioscience development project, a representative of the Kansas bioscience authority shall assist in presenting the proposed bioscience project plan. Following the presentation of the project plan, all interested persons shall be given an opportunity to be heard. The governing body for good cause shown may recess such hearing to a time and date certain, which shall be fixed in the presence of persons in attendance at the hearing.

(d) The public hearing records and feasibility study shall be subject to the open records act, K.S.A. 45-215, and amendments thereto.

(e) *Posthearing procedure*. Following the public hearing, the governing body may adopt the project plan by ordinance passed upon a 2/3 vote and, in the case of a bioscience project plan, with the approval of the bioscience authority.

(f) Any substantial changes as defined in K.S.A. 12-1770a, and amendments thereto, to the project plan as adopted shall be subject to a public hearing following publication of notice thereof at least twice in the official city newspaper.

(g) Any project shall be completed within 20 years from the date of the approval of the project plan.

(h) A bioscience development project may be undertaken in a bioscience development district in the unincorporated area of a county by resolution of the board of county commissioners governing the area if:

(1) The bioscience development project is approved by the Kansas bioscience authority; and

(2) the board of county commissioners follows the notice, hearing and approval procedures required of a city to establish a bioscience development project.

(i) When establishing a bioscience development project as described in subsection (h), any references to "city" contained in this section shall mean "county."

History: L. 1976, ch. 69, § 3; L. 1979, ch. 52, § 3; L. 1981, ch. 173, § 26; L. 1982, ch. 75, § 8; L. 1984, ch. 74, § 3; L. 1988, ch. 78, § 3; L. 2001, ch. 103, § 7; L. 2004, ch. 112, § 27; L. 2005, ch. 132, § 4; Apr. 21.

NINTH & NEW HAMPSHIRE REDEVELOPMENT DISTRICT
NORTH PROJECT AREA REDEVELOPMENT PROJECT PLAN
January 27, 2014

RECEIVED

JAN 28 14

CITY CLERK
LAWRENCE, KS

Summary of Exhibits

Exhibit A:	Resolutions No. 6967 and 6968 (Public Notice of Hearing and Recognition that Project is located in Enterprise Zone)
Exhibit B:	Illustration of TIF District Area
Exhibit C:	Ordinance No. 8728 (Removal of South Project Area from Existing TIF District)
Exhibit D:	Ordinance No. 8768 (Approval of Formation of New Ninth & New Hampshire TIF District)
Exhibit E:	Illustration and Description of TIF Project Buildings and Structures
Exhibit F:	Map and Legal Description of North Project Area
Exhibit G:	Pre-Design Public and Private Infrastructure Construction Cost Estimates
Exhibit H:	Feasibility Study
Exhibit I:	Douglas County Resolution Committing Sales Tax Increment for County Sales Tax Share
Exhibit J:	Letter from Springsted Incorporated summarizing updates to Feasibility Study

North Project Area Redevelopment Project Plan

This Redevelopment Project Plan (the "**Plan**") is the "redevelopment project plan" required by K.S.A. 12-1772(a) for the Ninth & New Hampshire Redevelopment District (the "TIF District"). The District contains two separate project areas, the South Project Area (the "**South Project Area**") and the North Project Area. This Plan pertains to the North Project Area. The redevelopment project for the North Project Area (the **"North Project"**) consists of a one hundred fourteen unit apartment complex, retail and office space, a drive-through banking facility, and underground parking garage, located at the northeast corner of Ninth & New Hampshire in downtown Lawrence, Kansas.

This Plan describes how the North Project will utilize tax increment financing ("**TIF**") to finance or reimburse "redevelopment project costs" incurred during the redevelopment of the North Project, as such costs are defined in K.S.A. 12-1770 et seq. (the "**TIF Act**"). This Plan is intended to be the basis for a redevelopment agreement (the "**Redevelopment Agreement**") between the 100 East 9th Street, LLC, the Developer of the North Project (the "**Developer**") and the City of Lawrence, Kansas (the "**City**") for the North Project.

I. PROCEDURAL HISTORY AND GENERAL INFORMATION

On March 13, 2012, the City and 900 New Hampshire, LLC, the developer for the South Project, executed a Funding Agreement between 900 New Hampshire, LLC, and the City of Lawrence to finance the costs of a feasibility study and the City's attorney's fees.

On June 19, 2012, the City Commission approved Resolution 6967 (the "**Resolution**"), which scheduled a public hearing on July 24, 2012 to consider the formation of a TIF District for the Project Area, defined below. At this same meeting, the City Commission also approved Resolution 6968 making a finding that the proposed redevelopment district lies within an Enterprise Zone. A copy of both Resolutions are attached to and incorporated in this plan as **Exhibit A**. The Resolutions were published as required by the TIF Act.

The TIF District is an area generally bounded on the south by 10th Street, on the west by New Hampshire Street, on the east by the alleyway the runs in between the block between New Hampshire Street and Rhode Island Street, and on the north by the boundary between the City owned parking lot located mid-block between New Hampshire Street and Rhode Island Street. There is a small portion of the new TIF District located to the east of the alleyway that runs north and south, and a small portion of the TIF District that runs north of the City owned parking lot that is an area owned by the City but which water line improvements may be required to be made. A map of the proposed TIF district is attached as **Exhibit B**.

As noted above, the TIF District is further divided into the "South Project Area" and the "North Project Area." The two project areas are generally divided north and south by Ninth Street. The South Project and North Project Areas are shown on the attached map (**Exhibit B**).

The South Project Area was previously located in an existing TIF District formed as part of the Downtown 2000 TIF District. The Downtown 2000 TIF District was established by Ordinance No. 7127 and adopted on August 3, 1999. In accordance with Kansas statues K.S.A. 12-1770 et. seq. (the "Act"), the City is authorized to establish redevelopment districts within a defined area of the City. In accordance with this same Act, the City is authorized to remove an area from an existing district. On June 26, 2012, the City approved on first reading an ordinance, Number 8728, to remove the South Project Area from the existing TIF District. A copy of the ordinance approving the removal of the South Project Area from the existing TIF District is attached as **Exhibit C**.

On July 24, 2012, the City Commission held and closed a public hearing to consider the formation of the TIF District. The Ordinance was passed on second reading on August 7, 2012. The term "**TIF District**" refers to the real property generally shown on **Exhibit B**, and as legally described in the Ordinance. The Ordinance is attached to and incorporated in this Plan as **Exhibit D**. The Ordinance included a description of the district plan and found that the TIF District was an eligible area, all in accordance with the TIF Act.

On August 29, 2012, the Douglas County Commission approved Resolution 12-33 to commit its share of the County-wide sales tax increment. This resolution is included at **Exhibit I**.

II. PROJECT BUILDINGS, FACILITIES, AND IMPROVEMENTS

The "North Project Area" consists of all improvements generally described below and illustrated in **Exhibit E**, attached to and, by reference, incorporated in this Plan. The North Project area consists of the future site of apartment, related mixed-use structure, and the public right-of-ways along portions of New Hampshire Street. Each of the above-referenced properties and right-of-ways will be improved in some manner in connection with the Project. A map and legal description of the North Project Area is attached hereto as **Exhibit F**.

A. Buildings and Structures.

The new building will be a multi-use structure consisting of approximately one hundred and fourteen apartments, office and apartment clubhouse space on the ground floor, and a drive-through banking facility. The structure will consist of approximately 200,802 gross square feet, including the underground parking garage space.

In addition to street parking, the Project also includes an underground parking structure facility consisting of approximately 100 parking spaces. The underground parking structure and related site improvements will cost approximately $5.6 million.

Although the Developer projects that the ground floor space will be used for the bank drive-through facility, apartment clubhouse, and office uses, it is possible (but unlikely) that some of the office uses might be later converted to retail uses, and generate some retail sales tax

for the TIF District. Thus, the Project has been included in the TIF District but no retail sales have been projected to be generated by the North Project in the analysis prepared by Springsted Incorporated (discussed below).

B. Infrastructure Improvements.

The North Project will also include various public infrastructure improvements. The following are the planned public infrastructure improvements to be constructed in connection with the North Project, as described on the preliminary cost estimates attached to and, by reference, incorporated in this Plan as **Exhibit G**:

- Alleyway improvements in the alley located between New Hampshire Street and Rhode Island Street;
- Reconfiguration of the parking spaces located along New Hampshire Street to create angled parking spaces;
- Sidewalk and pedestrian crossing improvements along Ninth Street;
- Grading and site preparation within the public right of way
- Landscaping and plantings, benches, lighting, decorations, and similar amenities;
- Public restrooms for the Farmer's market use; and
- Water and sanitary and storm improvements.

C. Construction of Project Improvements.

The construction of the public and private infrastructure improvements described above will occur simultaneously with the construction of the North Project. Consequently, there must be close cooperation and coordination between the construction of those improvements, especially with respect to timing and the efficient use of machinery on-site. The Developer will finance and construct the public and private improvements, subject to normal city approval and specifications as part of the construction. Occupancy of the apartments and mixed-use project shall not occur until substantial completion of the public improvements.

III. SUMMARY OF NORTH NINTH STREET FEASIBILITY STUDY

Pursuant to the Funding Agreement approved by the City Commission and dated March 13, 2012, the City retained Springsted Incorporated to perform the feasibility study required by the TIF Act. A copy of the North Project Mixed Use Development Need for Assistance Analysis dated June 26, 2012 (the "**Feasibility Study**") is attached to and, by reference, incorporated in this Plan as **Exhibit H**. The Feasibility Study concludes that the North Project without assistance is not feasible, and would not be undertaken without the requested assistance. This TIF District is anticipated to be a "pay as you go" TIF District with the Developer paying upfront all infrastructure costs related to the North Project.

V. PROPOSED FINANCING METHODS

Tax increment financing will be used to finance or reimburse redevelopment project costs as follows:

1. Subject to the TIF Cap described in paragraph 5 below, actual site improvement costs and parking structure costs will be eligible for reimbursement to the fullest extent permitted by Kansas law. The TIF Cap does not include interest. However, interest is agreed to be repaid at the Actual Rate of Borrowed Funds (as defined below) but no more than the WSJ Prime Rate plus 3% as published at the time of the Redevelopment Agreement or the time permanent financing is in place as long as that is within two years of the signing of the Redevelopment Agreement, The **"Actual Rate of Borrowed Funds"** means the interest rate being paid by the Developer on its industrial revenue bond obligation for the North Project, or if refinanced or financed by other means, its first mortgage loan obligation for the North Project. The Actual Rate of Borrowed Funds shall be submitted by the Developer to the City in the form of an affidavit from the Developer.

2. The following funds will be collected for a period of twenty (20) years from the date the ordinance approving the Plan is published in the official City newspaper and held in accordance with the TIF Act:

    a. All incremental real property taxes assessed in the North Project Area during the term of the North Project;

    b. All incremental real property taxes assessed on the remaining portions of the TIF District, to the extent the increases in real property taxes are caused by the improvements described in this Plan or other activities that do not constitute a new project;

    c. Any increases in real property taxes caused by a new project will not be included in the TIF fund without the City's approval; and

    d. All City and County sales taxes paid in the TIF District during the term of the North Project (although as noted above the Developer does not anticipate retail users in the first floor of the building, and does not anticipate that any retail sales will be generated by the North Project).

3. The Developer has elected to utilize the direct reimbursement method, and will privately finance all public and private improvements described in this Plan.

4. The City shall have the right to inspect such public improvements for compliance with the City Code, etc.

5. To the extent that the TIF Fund has available tax increment, the City shall reimburse all of the Developer's eligible expenses until all such expenses have been reimbursed, or

twenty (20) years, whichever first occurs. Notwithstanding the previous sentence, there shall be a limitation on the reimbursement of the Developer's eligible expenditures (the "TIF Cap"), as follows;

6. Except to reimburse the City's expenses as described in paragraph 7., below, all tax increment shall be available to reimburse up to $4,750,000 of the Developer's redevelopment project costs (the "Cap Amount"). The Cap Amount shall not include interest costs that the Developer is also entitled to recover. The method of reimbursement of interest is more fully described in paragraph V. 1 and the Redevelopment Agreement.

7. Eligible expenses incurred by the Developer prior to the formation of the District shall be eligible for reimbursement.

8. The City will be entitled to reimbursement for all of the City's actual and adequately documented expenses, including the City's reasonable attorneys' fees. Such fees shall be excluded from the TIF Cap.

9. The Developer will be entitled to reimbursement for all of the Developer's actual and adequately documented expenses, including the Developer's reasonable attorneys' fees, as outlined in this plan.

All revenues from an additional one percent (1%) sales tax charged by the North Project pursuant to a Transportation Development District (the "TDD") affecting a portion of the North Project Area will be held in the appropriate account in accordance with K.S.A. 12-17,140 et seq (as noted above, at this time the Developer does not anticipate that there will be retail uses on the first floor, and accordingly does not anticipate that there will be any additional retail sales taxes generated by the North Project).

VI. RELOCATION PLAN

Since the developer and related entities own all of the property in the North Project Area, no relocation will be necessary in connection with the North Project.

VII. CONCLUSION

The North Project will create approximately 200,802 square feet of new development in Lawrence, which will generate primarily increased real estate taxes during the twenty (20) year lifespan of the North Project. There will be approximately $5.6 million in redevelopment project costs (TIF), not including interest, required to construct the North Project. Direct reimbursement from the TIF fund will reimburse redevelopment project costs to the extent tax increment is available, subject to the TIF Cap of $4.75 million plus interest, specified in paragraph V.6. The balance of any unpaid redevelopment project costs associated with the North Project will be paid for by Developer.

Exhibit A

RESOLUTION NO. 6967

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING REGARDING THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT PURSUANT TO K.S.A. 12-1770 ET SEQ.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

Section 1. The City of Lawrence, Kansas (the "City") is considering the establishment of a redevelopment district pursuant to K.S.A. 12-1770 et seq., as amended (the "Act").

Section 2. Notice is hereby given that a public hearing will be held by the City to consider establishment of a redevelopment district on July 24, 2012 in the Commission Meeting Room located in City Hall, 6 East 6th Street, commencing at 6:35 p.m. or as soon thereafter as the public hearing may be held.

Section 3. The proposed redevelopment district is bounded on the north by 8th Street, on the east generally by the alley between New Hampshire and Rhode Island, on the south by 10th Street, and on the west generally by New Hampshire. A map of the redevelopment district is attached hereto as **Exhibit A**. The boundaries of the redevelopment district are legally described as shown on **Exhibit B** hereto.

Section 4. The district plan for the proposed redevelopment district provides for the redevelopment district to include two project areas, which are depicted on the map attached hereto as **Exhibit A**. The buildings and facilities to be constructed within each project area within the redevelopment district are generally described as follows:

North Project Area
Planned mixed-use apartment and banking center with between 90 to 120 apartment units and bank and apartment amenity space located on the first floor with an underground parking facility, and related public and private infrastructure.

South Project Area
Planned mixed-use 81 unit hotel with retail space and hotel lobby on the first floor, underground parking and related public and private infrastructure.

This area will also include a proposed project related to the Lawrence Arts Center, an Arts Commons space. This Arts Commons is intended to serve as a public arts space, managed and curated by the Arts Center, featuring a park-like setting and perhaps a built structure. This space would be located on the Salvation Army tract located directly south of the Arts Center. The space could be a venue for public art exhibitions, theatrical productions, music, film and art-making activities. The green space would also provide space for children attending the arts-based preschool and other educational programs the opportunity to work and play outside. The building, paid for and constructed by the Arts Center through a future capital campaign could help define the public green space and add classroom, preschool, studio and exhibition space. The project includes funding for site acquisition and preparation.

Section 5. A description and map of the proposed redevelopment district are available for inspection and copying in the offices of the City Clerk, City Hall, 6 East 6th Street, Lawrence, Kansas, Monday through Friday (other than holidays) between 8:00 a.m. and 5:00 p.m.

Section 6. The Governing Body will consider the findings necessary for the establishment of a redevelopment district after conclusion of the public hearing.

Section 7. The City Clerk is hereby authorized and directed to publish this resolution once in the official city newspaper not less than one week or more than two weeks preceding July 24, 2012, the date set for the public hearing. The City Clerk is also authorized and directed to mail a copy of this resolution via certified mail, return receipt requested to the board of county commissioners, the board of education of any school district levying taxes on property within the proposed redevelopment district, and to each owner and occupant of land within the proposed redevelopment district, not more than 10 days following the date of the adoption of this Resolution.

Section 8. This Resolution shall become effective upon its adoption by the Governing Body.

ADOPTED by the Governing Body on June 19th, 2012.

SIGNED by the Mayor on June 19th, 2012.

APPROVED:

Robert J. Schumm, Mayor

ATTEST:

Jonathan Douglass, City Clerk

EXHIBIT A

MAP OF PROPOSED REDEVELOPMENT DISTRICT

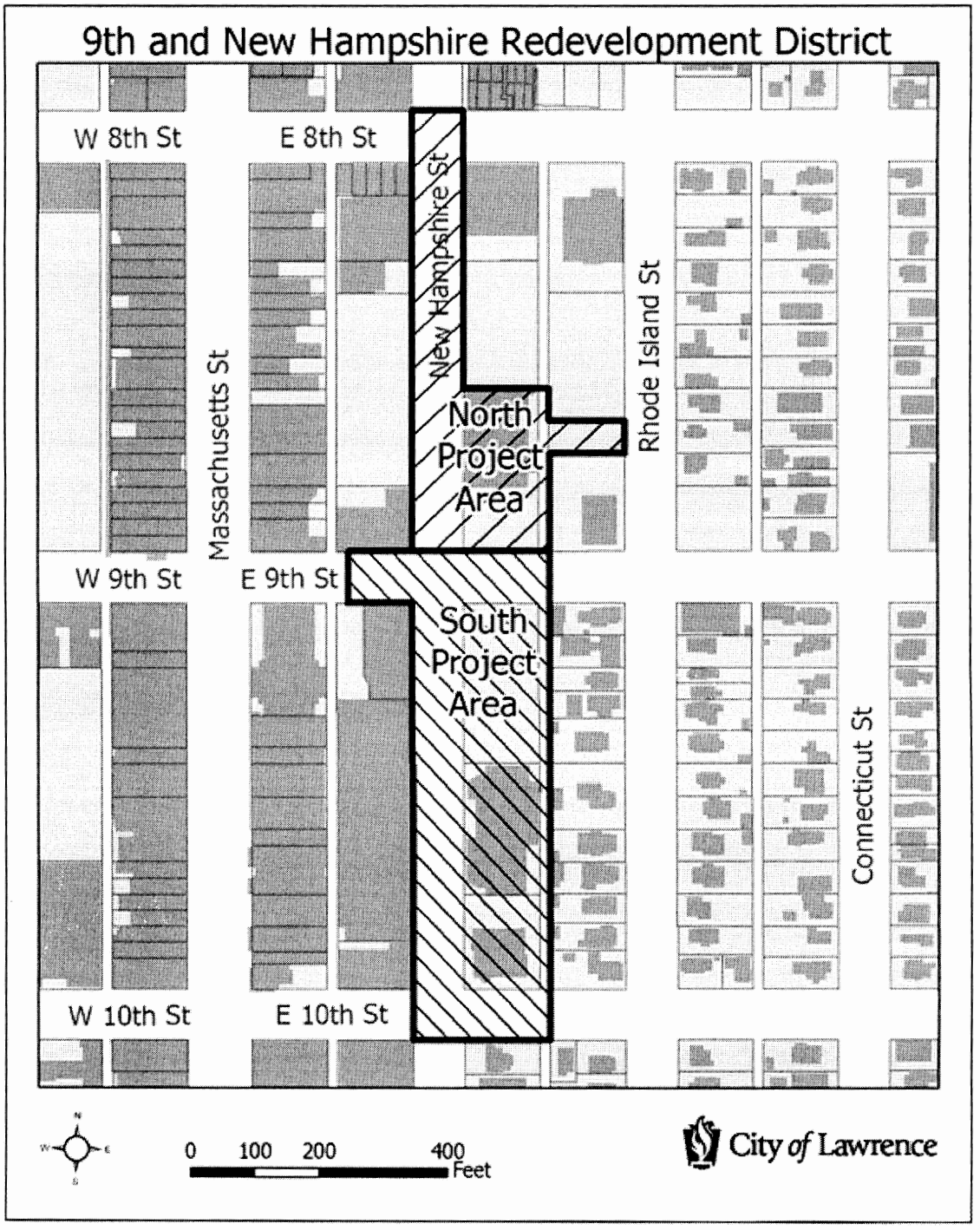


EXHIBIT B

LEGAL DESCRIPTION OF PROPOSED REDEVELOPMENT DISTRICT

North Project Area

Lots 60, 62, 64, 66, and 68 New Hampshire Street, and Lot 61 Rhode Island Street, City of Lawrence, Douglas County, Kansas and adjacent right-of-way of alley to the east, and adjacent right-of-way of New Hampshire Street to the west and extending north from northern boundary of the project area through the 8th Street intersection.

South Project Area

Lots 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, and 92 New Hampshire Street, City of Lawrence, Douglas County, Kansas, and adjacent right-of-way of alley to the east, adjacent right-of-way of 9th Street to the north, extending approximately 100 feet west from the 9th and New Hampshire Street intersection, and adjacent right-of-way of New Hampshire Street to the west, extending south from 9th Street through the 10th Street intersection.

RESOLUTION NO. 6968

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS MAKING CERTAIN FINDINGS AND DECLARATIONS REGARDING CERTAIN PROPERTY WITHIN THE CITY LIMITS.

WHEREAS, it is desirable and in the public interest that the City make surveys and prepare plans in order to undertake and carry out redevelopment in that area proposed as a redevelopment district situated in the City which is delineated on the map attached hereto as **Exhibit A**, which is attached to and made a part of this Resolution, and legally described in **Exhibit B**, which is attached to and made a part of this Resolution; and

WHEREAS, the area as depicted in **Exhibit A** and **Exhibit B** is part of an enterprise zone since such area was part of the area of the City designated as an enterprise zone prior to July 1, 1992 by resolution of the City pursuant to K.S.A. 12-17,107 through 12-17,113 prior to its repeal and the conservation, development or redevelopment of such area is necessary to promote the general and economic welfare of the City.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

Section 1. The Governing Body finds that the area described in **Exhibits A and B** attached hereto was part of the area of the City designated as an enterprise zone prior to July 1, 1992 by resolution of the City pursuant to K.S.A. 12-17,107 through 12-17,113 prior to its repeal.

Section 2. The redevelopment of the area described in **Exhibits A and B** attached hereto is necessary for the general and economic welfare of the City, and that the undertaking by the City of surveys and plans for a redevelopment district in the proposed area is hereby approved.

ADOPTED by the Governing Body on June 19th, 2012.

SIGNED by the Mayor on June 19th, 2012.

APPROVED:

Robert J. Schumm, Mayor

ATTEST:

Jonathan Douglass, City Clerk

EXHIBIT A

MAP OF PROPOSED REDEVELOPMENT DISTRICT

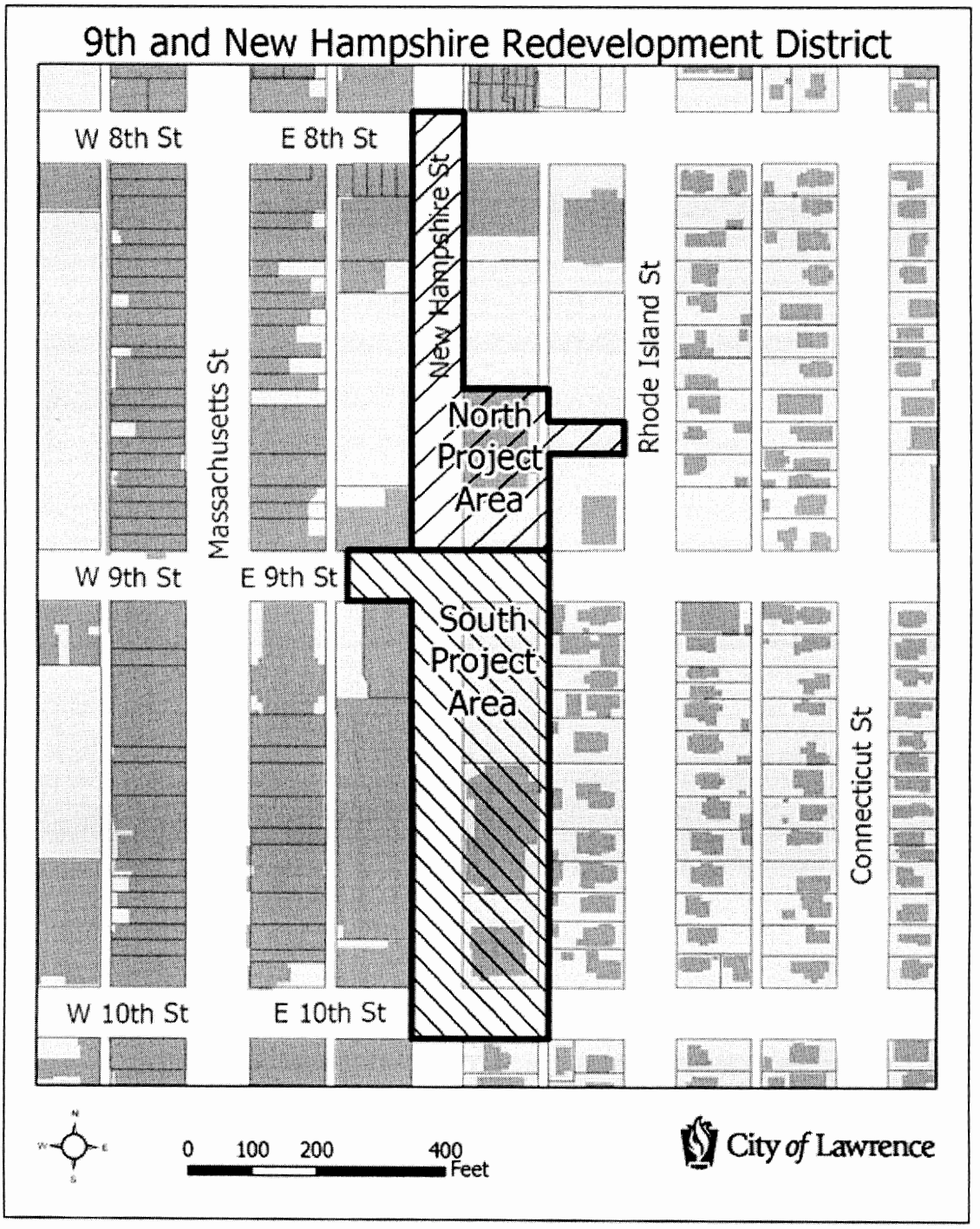


EXHIBIT B

LEGAL DESCRIPTION OF PROPOSED REDEVELOPMENT DISTRICT

North Project Area

Lots 60, 62, 64, 66, and 68 New Hampshire Street, and Lot 61 Rhode Island Street, City of Lawrence, Douglas County, Kansas and adjacent right-of-way of alley to the east, and adjacent right-of-way of New Hampshire Street to the west and extending north from northern boundary of the project area through the 8th Street intersection.

South Project Area

Lots 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, and 92 New Hampshire Street, City of Lawrence, Douglas County, Kansas, and adjacent right-of-way of alley to the east, adjacent right-of-way of 9th Street to the north, extending approximately 100 feet west from the 9th and New Hampshire Street intersection, and adjacent right-of-way of New Hampshire Street to the west, extending south from 9th Street through the 10th Street intersection.

Exhibit B

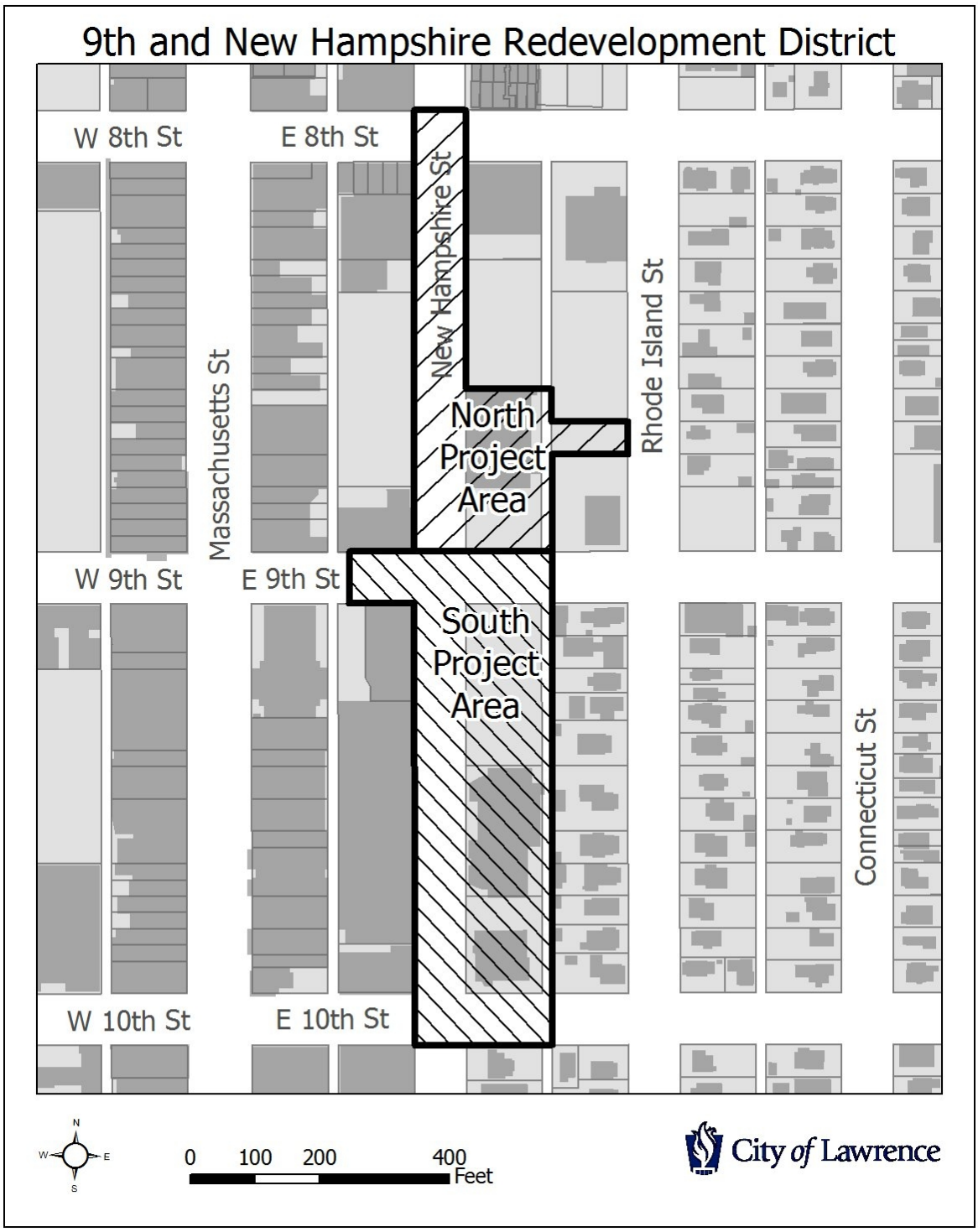

9th and New Hampshire Redevelopment District
W 8th St
E 8th St
New Hampshire St
Massachusetts St
Rhode Island St
North Project Area
W 9th St
E 9th St
South Project Area
Connecticut St
W 10th St
E 10th St
N
W
E
S
0
100
200
400
Feet
City of Lawrence

Exhibit C

ORDINANCE NO. 8728

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS MAKING FINDINGS AND REMOVING CERTAIN PROPERTY FROM THE REDEVELOPMENT DISTRICT PURSUANT TO K.S.A. 12-1770 ET SEQ., AND AMENDMENTS THERETO (900 NEW HAMPSHIRE).

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 et seq., as amended (the "Act"), the City of Lawrence, Kansas (the "City") is authorized to establish redevelopment districts within a defined area of the City which is an "eligible area" as said term is defined in the Act; and

WHEREAS, pursuant to the Act and Ordinance No. 7127 adopted on August 3, 1999, the governing body established a redevelopment district in City (the "Redevelopment District") consisting of both the East and West Side of New Hampshire Street from 9th Street to 10th; and

WHEREAS, pursuant to the Act and Ordinance No. 7207 adopted on April 11, 2000, the governing body approved a redevelopment plan (the "Redevelopment Plan") for the Redevelopment District; and

WHEREAS, pursuant to the Act the City desires to remove certain property from the Redevelopment District and has prepared a feasibility study (the "Feasibility Study") that shows that the tax increment revenue from the resulting Redevelopment District is expected to be sufficient to pay the redevelopment project costs under the Redevelopment Plan; and

WHEREAS, the City desires to remove the property shown on **Exhibit A** and legally described on **Exhibit B** from the Redevelopment District;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

Section 1. The Governing Body hereby finds that the Feasibility Study presented to the Governing Body satisfies the provisions of K.S.A. 2010 Supp. 12-1771(i)."of the Act.

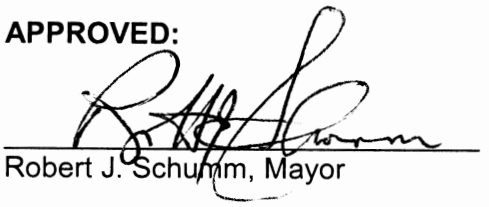
Section 2. The Governing Body hereby removes the property legally described on **Exhibit B** from the Redevelopment District.

Section 3. The City Clerk is directed to give notice to the Douglas County Clerk and Appraiser to revise the base year assessed valuation of the Redevelopment District in accordance with the Act.

Section 4. This Ordinance shall take effect and be in force from and after its passage by the Governing Body, and its publication once in the official City newspaper.

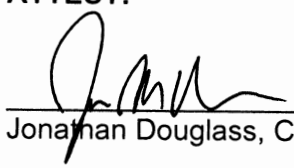
PASSED by the governing body of the City on July 24th, 2012 and **APPROVED AND SIGNED** by the Mayor.

APPROVED:



Robert J. Schumm, Mayor

ATTEST:



Jonathan Douglass, City Clerk

EXHIBIT A

MAP OF REMOVED PROPERTY FROM REDEVELOPMENT DISTRICT

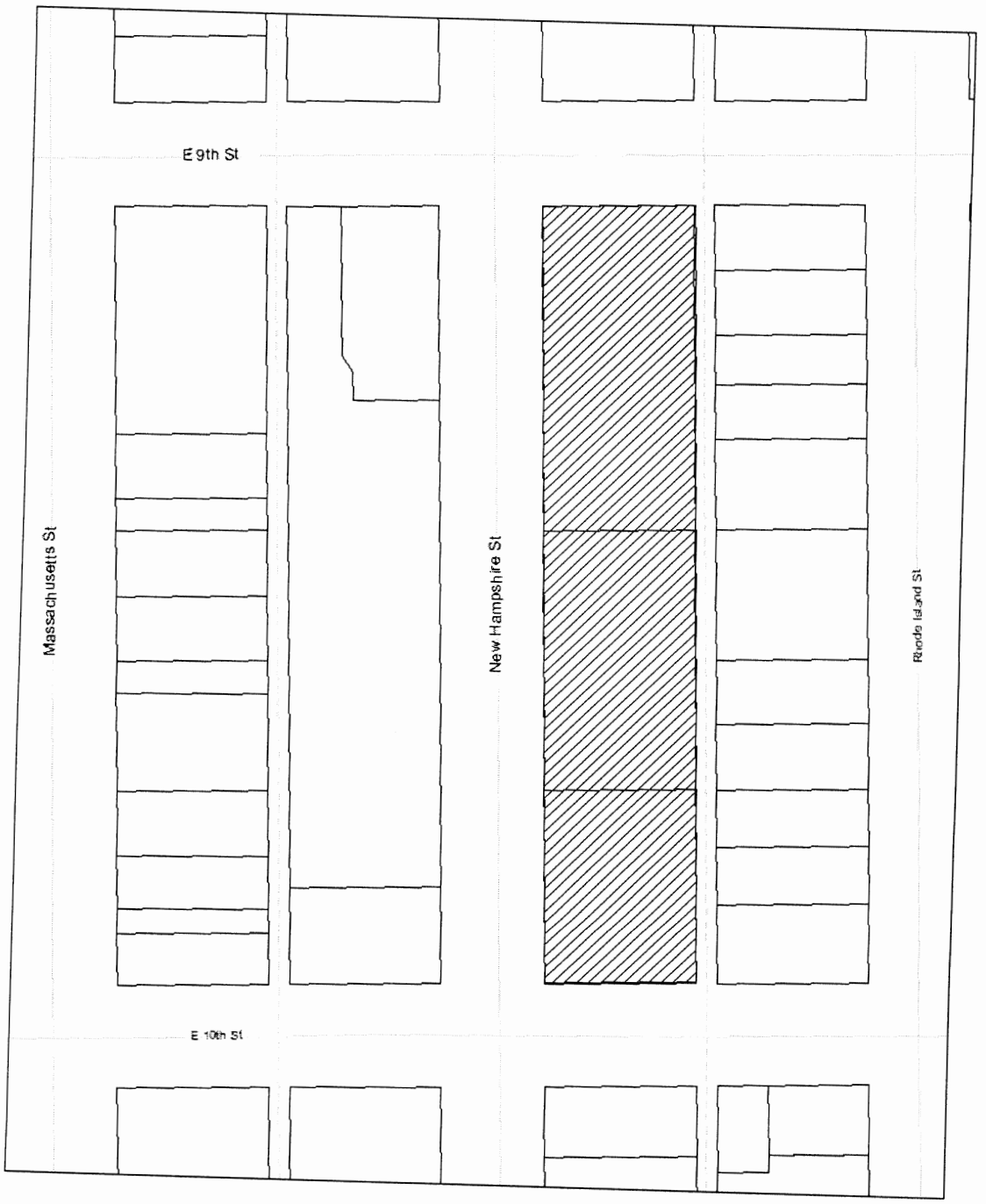


EXHIBIT B

LEGAL DESCRIPTION OF REMOVED PROPERTY FROM REDEVELOPMENT DISTRICT

Lots 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, and 92 New Hampshire Street, City of Lawrence, Douglas County, Kansas, and adjacent right-of-way of alley to the east, and adjacent right-of-way of 9th Street to the north and adjacent right-of-way of New Hampshire Street to the west

Exhibit D

ORDINANCE NO. 8768

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS MAKING FINDINGS AND ESTABLISHING A REDEVELOPMENT DISTRICT PURSUANT TO K.S.A. 12-1770 ET SEQ., AND AMENDMENTS THERETO.

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 et seq., as amended (the "Act"), the City of Lawrence, Kansas (the "City") is authorized to establish redevelopment districts within a defined area of the City which is found by the City to be an "enterprise zone" as defined in the Act, and is therefore an "eligible area" as said term is defined in the Act; and

WHEREAS, the Governing Body adopted Resolution No. 6967 on June 19, 2012 calling for a public hearing considering the establishment of a redevelopment district to be held by the Governing Body on July 24, 2012; and

WHEREAS, the Governing Body adopted Resolution No. 6968 making a finding that the area of the proposed Redevelopment District as hereinafter described was properly designated as an enterprise zone prior to July 1, 1992 by resolution of the City pursuant to K.S.A. 12-17,107 through 12-17,113 prior to its repeal; and

WHEREAS, notice of the public hearing was given as required by the Act, except that the Douglas County Commission and the Board of Education of USD #497 have each waived the required notice to them under the Act; and

WHEREAS, the public hearing was held on July 24, 2012 and closed on the same day; and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1. The Governing Body hereby finds that the real property described in **Exhibits A and B** (the "Redevelopment District") attached hereto is an eligible area for being designated as a redevelopment district pursuant to the Act because the real property was found by the governing body to have been designated as an enterprise zone prior to July 1, 1992 by resolution of the City pursuant to K.S.A. 12-17,107 through 12-17,113 prior to its repeal.

SECTION 2. The Governing Body hereby finds that the conservation, development or redevelopment of the Redevelopment District is necessary to promote the general and economic welfare of the City.

SECTION 3. The Governing Body hereby establishes the Redevelopment District, which shall include two project areas as depicted on the map attached hereto as **Exhibit A**. The district plan is hereby approved, and consists of buildings and facilities to be constructed within each project area, generally described as follows:

North Project Area
Planned mixed-use apartment and banking center with between 90 to 120 apartment units and bank and apartment amenity space located on the first floor with an underground parking facility, and related public and private infrastructure.

South Project Area
Planned mixed-use 81 unit hotel with retail space and hotel lobby on the first floor, underground parking and related public and private infrastructure.

This area will also include a proposed project related to the Lawrence Arts Center, an Arts Commons space. This Arts Commons is intended to serve as a public arts space, managed and curated by the Arts Center, featuring a park-like setting and perhaps a built structure. This space would be located on the Salvation Army tract located directly south of the Arts Center. The space could be a venue for public art exhibitions, theatrical productions, music, film and art-making activities. The green space would also provide space for children attending the arts-based preschool and other educational programs the opportunity to work and play outside. The building, paid for and constructed by the Arts Center through a future capital campaign could help define the public green space and add classroom, preschool, studio and exhibition space. The project includes funding for site acquisition and preparation.

SECTION 4. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 5. This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

PASSED by the Governing Body this 7th day of August, 2012.

SIGNED by the Mayor this 7th day of August, 2012.

APPROVED:

Robert J. Schumm, Mayor

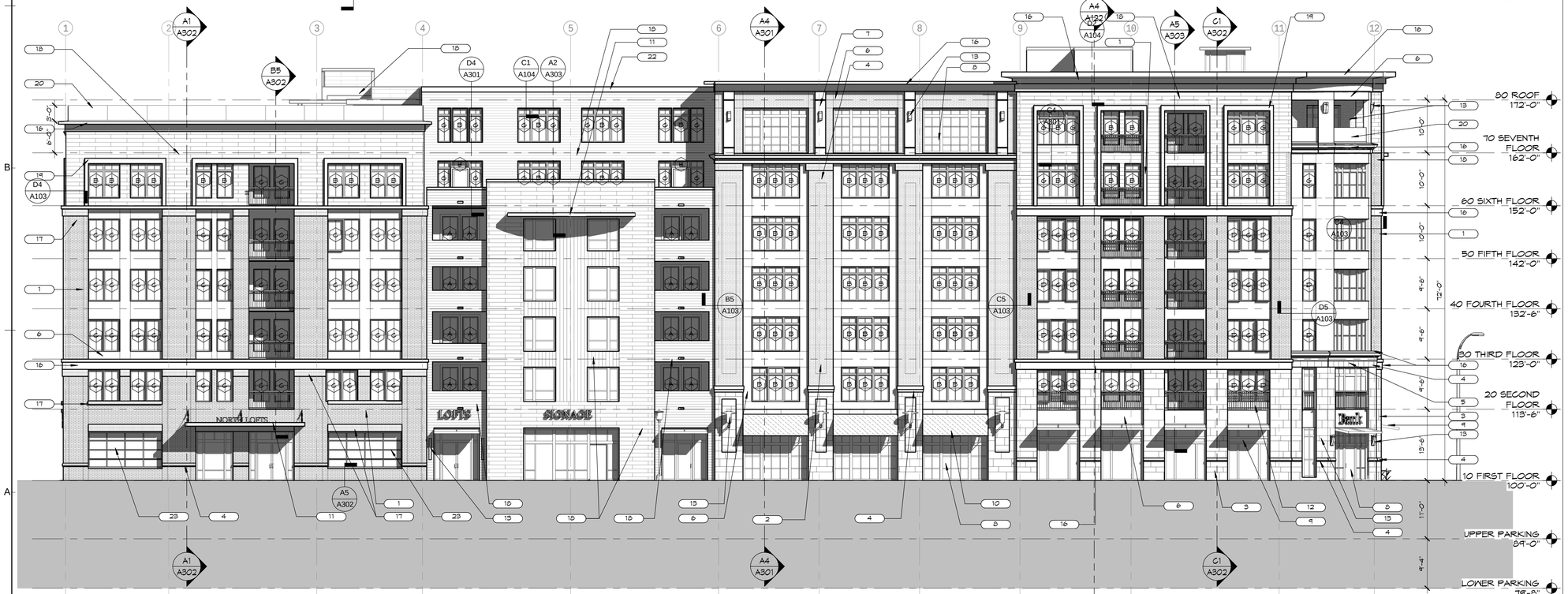
ATTEST:

Jonathan M. Douglass, City Clerk

Exhibit E

EAST ELEVATION C1

3/32" = 1'-0"



WEST ELEVATION A1

3/32" = 1'-0"

Elevation Key Notes:

1	4" FACE BRICK, COLOR 1
2	4" FACE BRICK, COLOR 2
3	CUT LIMESTONE - FIELD
4	CUT LIMESTONE - ACCENT
5	LIMESTONE HEAD/BAND
6	MTL. PANEL
7	MTL. PANEL TRIM PIECE
8	1" INSULATED GLASS / ALUMINUM STOREFRONT SYSTEM
9	GLASS CANOPY W/ PTD. ALUM. FRAMES
10	FABRIC AWNING W/ PTD. ALUM. FRAMES
11	POWDER COATED STEEL CANOPY
12	POWDER COATED ORNAMENTAL STEEL GUARD RAIL
13	LIGHT FIXTURE
14	EIFS OR PAINTED MURAL
15	CONTROL JOINT
16	PREFINISHED METAL CORNICE
17	BRICK SOLDIER COURSE
18	NICHIHA RAINSCREEN SYSTEM
19	NICHIHA TRIM PIECE
20	GLASS GUARD RAIL
21	PREFINISHED MTL. DOWNSPOUT & GUTTERS
22	PREFINISHED MTL. COPING CAP
23	14' x 7' TALL OVERHEAD ALUMINUM DOOR W/ TEMPERED GLASS PANELS

DV12.018.00B

North Project - Mixed Use

100 East 9th Street Lawrence, Kansas 66044

First Management incorporated
901 New Hampshire
Lawrence, KS 66044

APPROVED BY:

Name:	MT	Date:
Name:	MT	Date:
Name:	MT	Date:

TREANOR ARCHITECTS P.A.
1040 Vermont Street
Lawrence, Kansas 66044-2920
Office: 785.842.4050
Fax: 785.842.7536
www.treanorarchitects.com

	Comment:
	Date:
	Comment:
	Date:
	Comment:
	Date:
	Comment:
	Date:

Rel. Date: 03.08.2013 P.-PKG

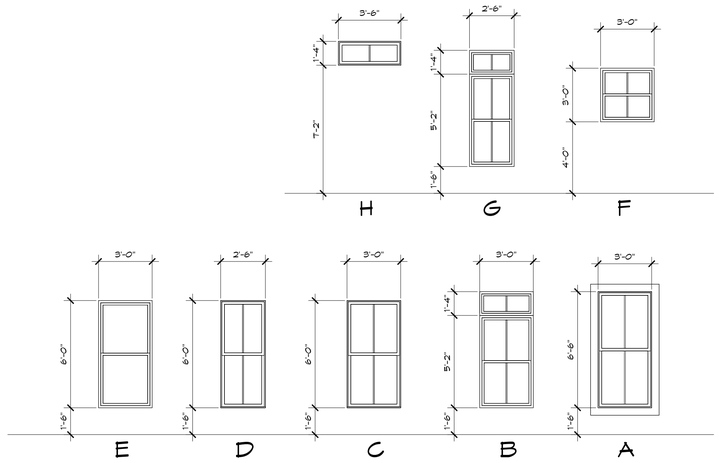
A201

ELEVATIONS

(C) 2013 Treanor Architects, P.A.

PRELIMINARY PRICING PACKAGE 03.08.2013

DATE PRINTED: 5/28/2013 11:04:44 AM



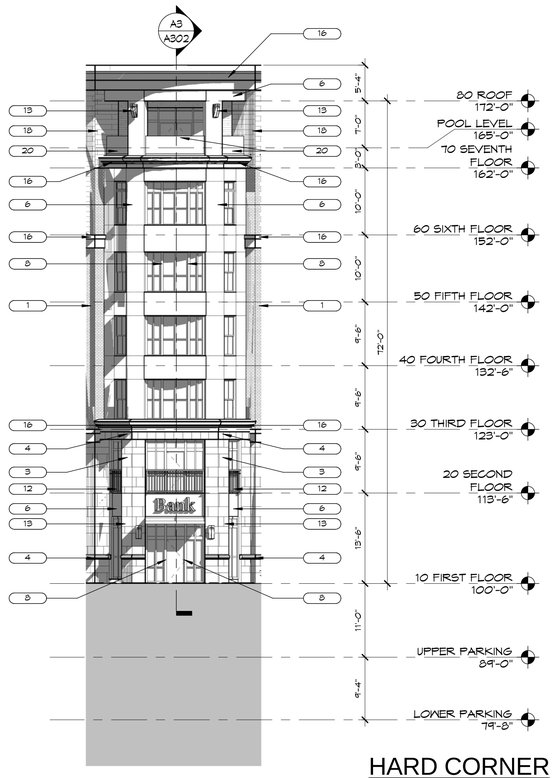
WINDOW TYPES

SOUTH ELEVATION C1

3/32" = 1'-0"

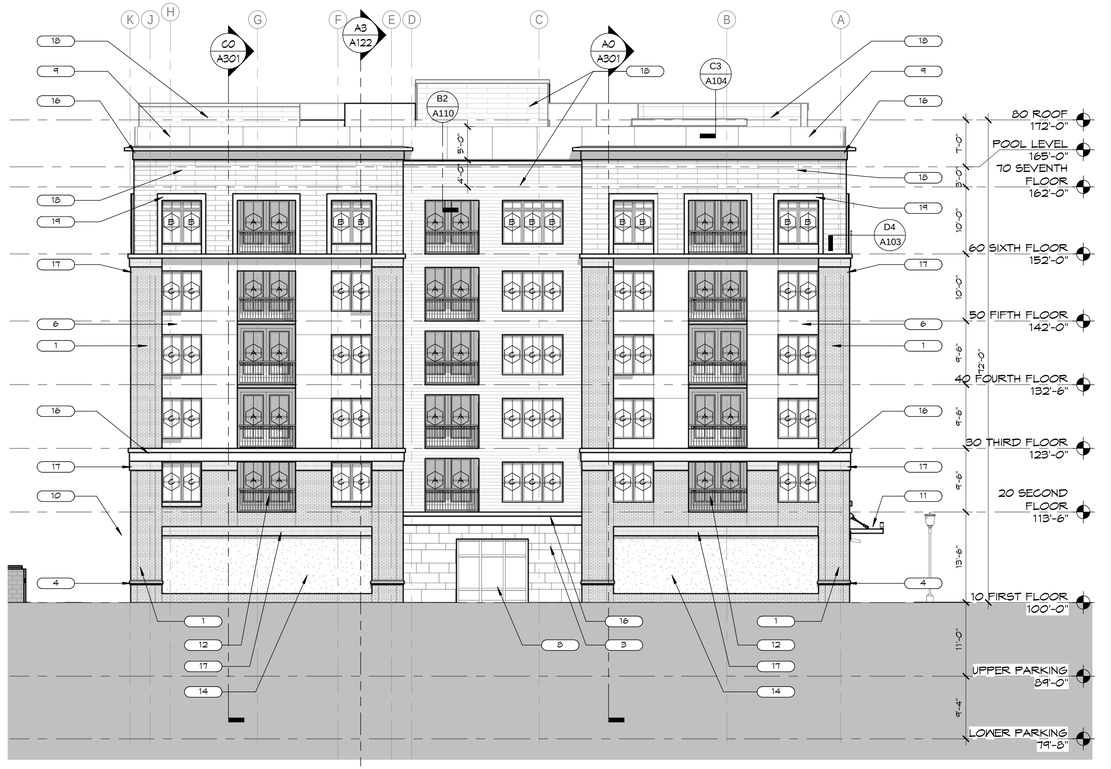
Elevation Key Notes:

1	4" FACE BRICK, COLOR 1
2	4" FACE BRICK, COLOR 2
3	CUT LIMESTONE - FIELD
4	CUT LIMESTONE - ACCENT
5	LIMESTONE HEAD/BAND
6	MTL. PANEL
7	MTL. PANEL TRIM PIECE
8	1" INSULATED GLASS / ALUMINUM STOREFRONT SYSTEM
9	GLASS CANOPY W/ PTD. ALUM. FRAMES
10	FABRIC AWNING W/ PTD. ALUM. FRAMES
11	POWDER COATED STEEL CANOPY
12	POWDER COATED ORNAMENTAL STEEL GUARD RAIL
13	LIGHT FIXTURE
14	EIFS OR PAINTED MURAL
15	CONTROL JOINT
16	PREFINISHED METAL CORNICE
17	BRICK SOLDIER COURSE
18	NICHIHA RAINSCREEN SYSTEM
19	NICHIHA TRIM PIECE
20	GLASS GUARD RAIL
21	PREFINISHED MTL. DOWNSPOUT & GUTTERS
22	PREFINISHED MTL. COPING CAP
23	14' x 7' TALL OVERHEAD ALUMINUM DOOR W/ TEMPERED GLASS PANELS



HARD CORNER A4

3/32" = 1'-0"



NORTH ELEVATION A1

3/32" = 1'-0"

DV12.018.00B

North Project - Mixed Use

100 East 9th Street Lawrence, Kansas 66044

First Management incorporated
901 New Hampshire
Lawrence, KS 66044

APPROVED BY:

Name:	MT	Date:
Name:	MT	Date:
Name:	MT	Date:

TREANOR ARCHITECTS P.A.
1040 Vermont Street
Lawrence, Kansas 66044-2920
Office: 785.842.4666
Fax: 785.842.7536
www.treanorarchitects.com

Comment:	
Date:	
Comment:	
Date:	
Comment:	
Date:	
Comment:	
Date:	

Rel. Date: 03.08.2013 P.-PKG

A202

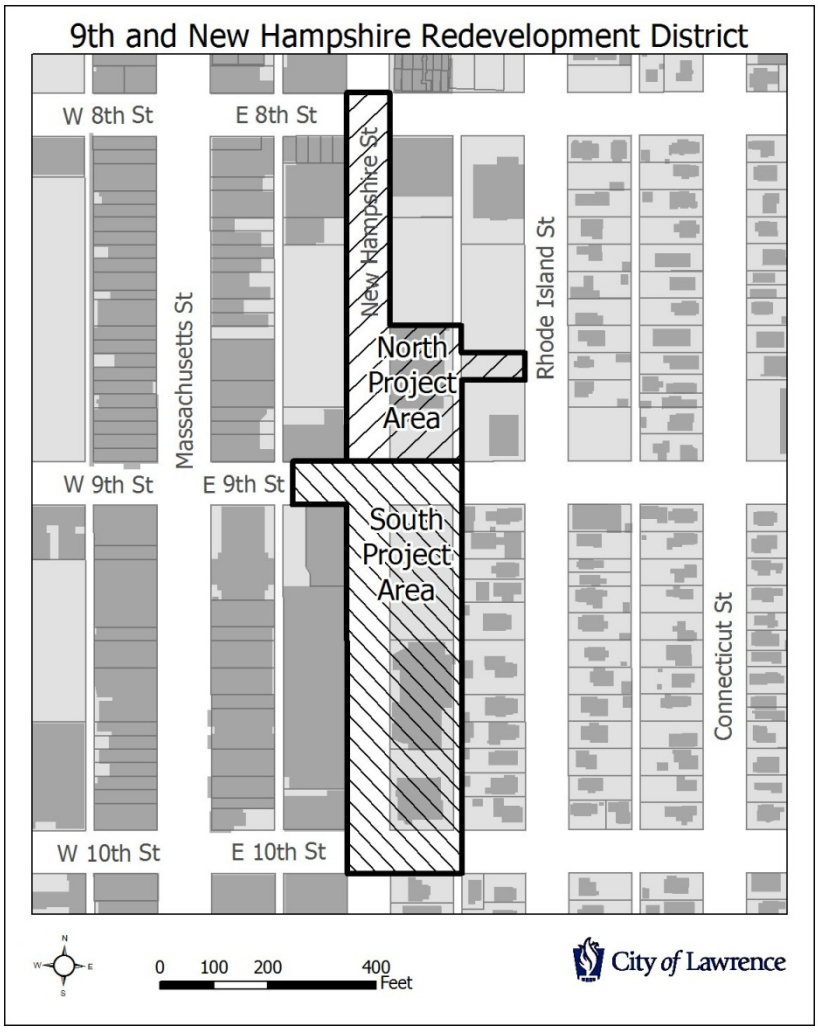
ELEVATIONS

PRELIMINARY PRICING PACKAGE 03.08.2013

(C) 2013 Treanor Architects, P.A.

DATE PRINTED: 5/28/2013 11:06:54 AM

EXHIBIT F: MAP AND LEGAL DESCRIPTION OF NORTH PROJECT AREA



North project area legal description:

Lots 60, 62, 64, 66, and 68 New Hampshire Street, and Lot 61 Rhode Island Street, City of Lawrence, Douglas County, Kansas and adjacent right-of-way of alley to the east, and adjacent right-of-way of New Hampshire Street to the west and extending north from northern boundary of the project area through the 8th Street intersection.

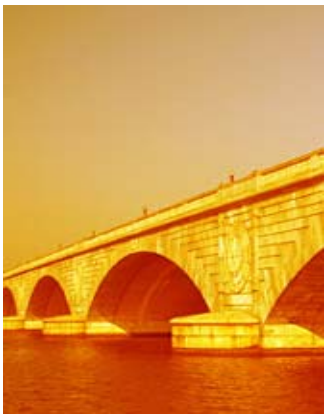
Parking Garage Expenses		
Item #	**Description**	**Exhibit G** (Est Amount)
1	General Conditions	$302,408.40
	Less: General Conditions allocted to Site Improvement costs	$74,900.00
	Net General Conditions Cost Allocated to Parking Garage	**$227,508.40**
2	Underground Concrete Structure	$2,283,401.00
3	Excavation	$658,450.00
4	(2) Overhead Doors w/Access Control System	$30,000.00
5	Electrical Distribution to Space	$71,007.00
6	Heat/Vent	$238,753.35
7	Steel Beams/Stairs/Misc.	$0.00
8	Elevator/Stops - 3 elevators	$50,000.00
9	Dry Sprinkler system	$0.00
10	Parking Garage Signage	$5,000.00
11	Sealant and Caulking	$65,000.00
	Subtotal	**$3,629,119.75**
12	2% Cont.	$72,582.40
13	5% OH&P	$181,455.99
14	5% Arch.	$181,455.99
15	Engineering	$0.00
	Sub-total - Parking Garage Costs	***$4,064,614.12***

Site Improvement Expenses		
Line #	**Description**	**Exhibit G** (Est Amount)
16	Permit Cost	$40,000.00
17	Bond Costs	$8,500.00
18	Insurance	$1,750.00
19	Project Manager	$1,500.00
20	Superintendent	$4,750.00
21	Assistant Superintendent	$3,000.00
22	Dumpsters	$5,000.00
23	Job Site Sign	$2,500.00
24	Layout	$7,900.00
	Sub-total - General Conditions	**$74,900.00**
25	Street Lights	$0.00
26	Landscaping	$20,000.00
27	Paving	$39,660.00
28	Site Utilities - includes water main est.	$254,500.00
29	Safety - Barricades and Traffic Control	$17,000.00
30	Fencing	$20,000.00
31	Equipment	$0.00
32	Engineering	$10,000.00
33	Phase II	$1,500.00
34	Westar Fees	$90,000.00
35	Wastewater Fees (1.5", 1.5", 1.5", 2",3")	$70,000.00
36	Meter Fees, (1.5", 1.5", 1.5", 2",3")	$35,000.00
37	Shoring	$532,000.00
38	Ninth and New Hampshire Intersection Improvements	$105,000.00
	Subtotal	**$1,269,560.00**
39	2% Cont.	$25,391.20
40	5% OH&P	$63,478.00
41	5% Arch.	$63,478.00
	Sub-total - Site Improvements	***$1,421,907.20***

Professional Services Expenses		
Line #	**Description**	**Exhibit G** (Est Amount)
42	Professional Services (Legal, feasibility study, etc.)	$150,000.00

Total Parking Costs (from above)	$4,064,614.12
Total Site Improvement Costs (from above)	$1,421,907.20
Professional Services (from above)	$150,000.00
TOTAL	$5,636,521.32

Exhibit H



Redevelopment Project Financial Feasibility Study

For the 9th and New Hampshire Redevelopment District

City of Lawrence, Kansas

Final June 27, 2012

Table of Contents

1 OVERVIEW 1

2 GENERAL DESCRIPTION OF TAX INCREMENT 4

3 PROJECT DESCRIPTIONS 5

4 PROJECTED REVENUES (BENEFITS) 7

5 PROJECTED EXPENDITURES (COSTS) 10

6 CONCLUSIONS 12

EXHIBIT I 14

EXHIBIT II 15

EXHIBIT III 23

Mission Statement

Springsted provides high quality, independent financial and management advisory services to public and non-profit organizations, and works with them in the long-term process of building their communities on a fiscally sound and well-managed basis.

1. Overview

Statutory Basis and Process

Sections 12-1770 through 12-1780 of the Kansas Statutes ("the Act") provide a means for cities to finance public development and redevelopment costs with incremental real estate taxes and other revenues. The purpose of the Act is to "promote, stimulate and develop the general and economic welfare of the State of Kansas and its communities and to assist in the development and redevelopment of eligible areas within and without a city thereby promoting the general welfare of the citizens of this state…"

A city may exercise the powers conferred under the Act provided that the governing body of the city has adopted a resolution finding that the specific area sought to be developed or redeveloped is an "eligible area" under the Act. In addition, the city must find that the conservation, development or redevelopment of such an area is necessary to promote the general economic welfare of the city.

The proposed redevelopment district boundaries are irregular and extend along the east side of New Hampshire Street from East 10thth Street on the South to 8th Street on the North. A map of the redevelopment district is attached hereto as Exhibit I. The district plan for the proposed redevelopment district provides for the redevelopment district to include two project areas, the North and South project areas, which are depicted on the map attached hereto as Exhibit I, the two projects fully encompass the boundaries of the Redevelopment District.

Proposed for development in the South Project Area, is the construction of a four-story mixed-use hotel, commercial, and apartment building with corresponding site improvements, and an underground parking structure. The building is proposed to include approximately 81-hotel units, 8 apartments, and 7,021 square feet of first floor retail space, and a 4,578 square foot restaurant located on the building's roof. The related site improvement costs include; street lights, landscaping, paving, site utilities and utility fees associated with the development. The underground parking structure is proposed to include approximately 114 spaces.

Proposed for development in the North Project Area, is the construction of a seven-story mixed-use commercial and apartment building, with corresponding site improvements, and an underground parking structure. The building is proposed to include approximately 114 rental apartment units, 11,500 square feet of commercial/retail space, and an 11,000 square foot clubhouse space. Site improvements are proposed to be completed in conjunction with the development, though the specific costs are estimates at this point in time. The underground parking structure is proposed to include approximately 120 parking spaces.

On October 2, 2012, the governing body will open the Public Hearing to receive comment regarding the establishment of the Redevelopment District ("the District," see Exhibit I), adoption of the Ordinance No.___ occurred on _____. The general comprehensive plan for the District identifies the potential redevelopment project areas located within the District and the suitability of each such area for redevelopment (see below).

One or more redevelopment projects may be undertaken within each district. The Act requires all projects to be completed within 20 years from the date of the approval of a project plan, with the exception of environmental investigation and remediation projects which must be completed within 20 years from the date the City enters into a consent decree with the Kansas Department of Health and Environment or the U.S. Environmental Protection Agency.

For each redevelopment project undertaken within the District, a project plan ("the Project Plan") must be prepared in consultation with the City-County Planning Commission. The Project Plan must include the following:

1. A summary or copy of the Financial Feasibility Study (this document).
2. A reference to the District Plan for the District.
3. A description and map of the area to be redeveloped.
4. The Relocation Assistance Plan.
5. A detailed description of all buildings and facilities proposed to be constructed or improved.
6. Any other information the City deems necessary to advise the general public of the intent of the Project Plan.

The Feasibility Study

The Financial Feasibility Study will show that a) the Project's benefits, tax increment revenue, and other available revenues under K.S.A. 12-1774(a)(1) are expected to exceed or be sufficient to pay for all Project costs as defined by K.S.A. 12-1773, including the payment of principal and interest of debt used to finance the redevelopment project; and b) the effect, if any, the redevelopment project costs will have on any outstanding special obligation bonds payable from the revenues described in K.S.A. 12-1774(a)(1)(D).

The City is currently considering the establishment of two projects, the South Project Area and the North Project Area ("the Projects", see Exhibit I). Establishment of the Projects is being considered to reimburse the Developer for eligible costs associated with the redevelopment of the South Project Area into a mixed-use hotel, apartment, and commercial building, and the redevelopment of the North Project Area into a mixed-use apartment and commercial building. The Developer is requesting reimbursement for eligible costs associated with site improvements and underground parking structures, for both Project Areas.

The Developer has requested that the City provide tax increment financing (TIF) assistance through pay-as-you-go financing for both Project Areas. The City will determine the total size of the financing based solely on the property and sales tax increment generated by the Projects (property and sales tax increment and inflationary property tax increment from properties within each of the Redevelopment Project boundaries).

In a separate but related matter, the Developer has also requested City authorization to establish a Transportation Development District to assist in financing the construction of the underground parking garage in the South Project Area through a specially levied sales tax. The boundaries of the proposed Transportation Development District will be only those occupied by the South project.

2. General Description of Tax Increment

Tax increment financing for the Project will use both property and sales tax revenues.

Tax increment financing involves the creation of an increment (increase over a base value) in the real estate taxes that are generated from a defined geographic area of a community. Upon establishment of a redevelopment district, the total assessed valuation of all taxable real estate within the district is determined. This valuation is referred to as the district's "Base Year Assessed Valuation." Property taxes attributable to the district's Base Year Assessed Valuation are annually collected and distributed by the county treasurer to the appropriate city, county, school district and all other applicable taxing jurisdictions in the same manner as other property taxes.

As new development occurs within the redevelopment district, the total assessed valuation of the district in any given year will presumably exceed its Base Year Assessed Valuation. Tax increment means that amount of real property taxes collected from real property located within the redevelopment district that is in excess of the amount of real property taxes which is collected from the base year assessed valuation. All tax increment is collected by the county and distributed to the city to be deposited in a “special fund.”

Tax increment funds may only be used to pay for specified eligible project costs, including principal and interest on debt used, in whole or in part, to finance projects within a redevelopment district. Such debt includes notes, special obligation bonds, full faith and credit tax increment bonds, and other debt instruments. Tax increment also may be paid to a developer/owner over time as reimbursement for eligible costs incurred up-front. This payment mechanism is commonly referred to as pay-as-you-go financing and may include not only the principal amount of such costs but also all or a portion of the interest accrued thereon.

The City is responsible for determining the amount of sales taxes allocated to the Projects each year based on the Redevelopment Plan. The City intends to capture all sales taxes generated by the taxpayers doing business within the boundaries of the South Project Area attributable to the taxes levied by the City and the County. The City does not anticipate any additional sales taxes generated by properties within the North Project Area. If a substantial change occurs to the properties, additional unforeseen revenues may be generated.

3. Project Descriptions

The South Project:

The 900 New Hampshire project (the "South Project Area") consists of 3 parcels of land located largely on the east side of New Hampshire Street, between East 9th Street and East 10th Street. The north parcel (900 New Hampshire), located on the southeast corner of E. 9th Street and New Hampshire Street, is proposed to be redeveloped into a mixed-use hotel, apartment and commercial project. This parcel is classified as commercial and has a statutory property classification rate of 25.0%. The developer has ownership of the site and will demolish any existing structures for the redevelopment.

The two additional parcels in the project are both exempt from taxation, with one parcel owned by the City, and the other by a non-profit entity. These parcels are included to allow for the funding of City expenses related to the potential acquisition of the non-profit owned parcel and the expansion of the existing City Arts Center. These parcels are projected to remain exempt from taxation for the duration of the proposed TIF District.

The total Base Year Assessed Valuation of the South Project Area as assessed in 2012 for taxes payable in 2012/2013, is estimated at $62,227, based on the 2012 assessment (see Exhibit II for individual parcel details).

Based on development plans provided by the Developer, Springsted has estimated the South Project's total fair market value upon completion in 2014 (assessed January 1, 2015) at $6,870,042, and the total assessed value at $1,567,540. The property tax increment generated in any given year will be determined by the South Project's increase in Current Assessed Valuation over its Base Year Assessed Valuation (value as of January 1, 2012).

Based on projected sales activity provided by the Developer, Springsted has estimated the South Project's total taxable sales at $5,047,966 by 2015. The sales tax increment generated in any given year will be determined by the City and be equal to the amount generated by the taxpayers doing business within the boundaries of the South Project Area.

The North Project:

The North project (the "North Project Area") consists of 2 parcels of land located largely on the east side of New Hampshire Street, between East 8th Street and East 9th Street. The two parcels, located on the northeast corner of E. 9th Street and New Hampshire Street, are proposed to be redeveloped into a mixed-use apartment and commercial project. These parcels are classified as commercial and have a statutory property classification rate of 25.0%. The developer has ownership of the site and will demolish any existing structures for the redevelopment.

The total Base Year Assessed Valuation of the North Project Area as assessed in 2013 for taxes payable in 2013/2014, is estimated at $250,000 (see Exhibit II for individual parcel details). While the Developer has purchased the two parcels in the North Project Area, at the time of the most recent assessment the parcels were owned by a gas utility. Therefore, the Developer's estimate of a Base Year Assessed Valuation of $250,000 is used for the purposes of projecting TIF revenue.

Based on development plans provided by the Developer, Springsted has estimated the South Project's total fair market value upon completion in 2014 (assessed January 1, 2015) at $17,042,639, and the total assessed value at $2,229,903. The property tax increment generated in any given year will be determined by the South Project's increase in Current Assessed Valuation over its Base Year Assessed Valuation (as of January 1, 2013).

The Developer is not assuming any taxable sales generated in the North Project Area; however if substantial changes occur, additional unforeseen revenues may be generated.

4. Projected Revenues (Benefits)

Tax Increment Revenue

Increased Assessed Value

The City has the ability to use up to 100% of the property tax increment generated by the Project based on its increase in Current Assessed Valuation over its Base Year Assessed Valuation, as is illustrated below for the Projects at full assessment in 2015.

South Project

Projected Total Fair Market Value (1/1/2015)	Class/Rate	Projected Total Assessed Value (1/1/2015)
$5,759,147	CU/25.00%	1,439,787
$1,110,895	RES/11.50%	127,753
$9,030,690	EQ/0.0%	0
	Original Assessed Value	(62,227)
	Increased Assessed Value	1,505,313

North Project

Projected Total Fair Market Value (1/1/2015)	Class/Rate	Projected Total Assessed Value (1/1/2015)
$2,000,000	CU/25.00%	500,000
$15,042,639	RES/11.50%	1,729,903
	Original Assessed Value	(250,000)
	Increased Assessed Value	1,979,903

The Developer estimates that the Total Assessed Value of the Project will increase at approximately 2.0% annually over the life of the Projects. Exhibit II (Assumptions Report) details many of the assumptions used in the projection of values and tax increments for both Projects. Column 4 in Exhibit III (Projected Property and Sales Tax Increment & TDD) shows the projected Increased Assessed Valuation of each Project over its maximum duration.

Property Tax Rates

In order to determine the amount of tax increment generated by the Projects in any given year, the Increased Assessed Value of the Project must be multiplied by the sum of the tax rates for all TIF-applicable tax authorities for that year.

For taxes levied in 2010 and payable in 2010/2011, this total TIF-applicable rate is 103.823 mills. We assume this rate remains fixed through-out the term of the District.

Jurisdiction	TIF Eligible Mill Rate (2010/2011)
City of Lawrence	28.612
Douglas County	35.773
497 Lawrence S/D	39.438
Total	103.823

Projected Property Tax Increment

The projected tax increment generated for each of the Projects over a 20-year period is shown in column 10 of Exhibit III (Projected Property and Sales Tax Increment & TDD). If the South project is approved by the City in October, 2012, the Project would be eligible to receive increment in 2014/2015 through the first-half 2032/2033 collection. No public hearing date has been set for the North project, but collections are projected through the first-half 2032/2033 collection. The tax increment projections are based on Base Year assessed valuations, increased assessed valuations, and tax rates as previously discussed. It is assumed in all years of the report that 100% of property taxes are paid when due. The total property tax increments projected for the South Project are $3,389,654; total property tax increments projected for the North Project are $4,430,765. The cumulative amount of property tax increments projected for the entire District is $7,820,419.

Projected Sales Tax Increment

The South Project is also eligible to receive sales tax generated within the District. The City currently levies a 1.55% sales tax and the County also levies a 1% sales tax. The City intends to collect all City and County sales taxes generated by taxpayers doing business in the South Project area, to pay for redevelopment project costs, including the payment of debt service. The County will need to separately approve the collection of the sales tax revenue for the South Project.

The Developer projects initial year annual sales of $5,579,209 from the hotel and commercial uses. Springsted projects that up to 30% of the hotel portion of the sale revenue may be exempt from taxation per Kansas Statute. Therefore, the estimated annual taxable sales are decreased to $5,047,966.

Based on a 2.55% applicable sales tax rate (City and County) the stabilized annual sales tax revenue projected is $128,723. The Developer expects total and taxable sales to increase by 2.0% annually for the term of the project resulting in total projected sales tax revenue over the term of the Project of

$2,820,622 (see column 9 of Exhibit III – Projected Property and Sales Tax Increment & TDD for further details).

The combination of property and sales tax increment projected for the South Project area over the 20-year period starting from approval is estimated to be $6,210,276. The total property and sales tax increment generated for the entire District is $10,641,041.

Projected TDD Sales Tax Revenues

As stated earlier, the Developer is requesting the establishment of a Transportation Development District, for the South Project Area, which would impose a 1.0% sales tax to defer eligible project costs. The revenue projected from the sales tax is estimated at $1,178,224 over the maximum 22-year collection period.

Developer Revenue

The Developer will fund the total anticipated cost of the combined private developments of $44,897,960 up front. The expected funding will be comprised of $33,673,469 of private debt and $11,224,491 of equity.

City Administration

At this time, the City does not anticipate retaining tax increment for administrative and capital expenditures outside of the Project.

5. Projected Expenditures (Costs)

Based on current projections, the Developer estimates the total cost for the South Project site improvements are $845,287 and an additional $2,507,472 for the underground parking. The Developer will finance these South Area Project costs of $3,352,759, and request reimbursement from TIF/TDD revenue, including interest expense. The Developer is seeking reimbursement for interest expenses on their financing of this amount, at an interest rate of 5.5%; which equates to an approximate interest expense of $2,058,529. The total projected private expenditures in the South Project area are $5,411,288 including the estimated interest expense.

Additionally, the City is anticipating reimbursing project costs incurred in the development of the existing parking garage of $850,000 as well as a $900,000 for the Lawrence Arts Commons. This brings the total project costs to be funded from TIF/TDD revenue in the South Project Area to $7,161,288.

The projected total TIF/TDD revenue of $7,388,499 generated in the South Project Area is sufficient to cover this total cost of $7,161,288. The funding of the $850,000 of costs incurred in the development of the existing parking garage, will be required to come from the TDD revenue generated by the South Project Area. The South Project Area TDD revenue projection totals $1,178,224, which will be used first to fund the $850,000 City project cost, with any remaining TDD revenue available for the reimbursement of Developer TDD eligible costs. The City anticipates at a minimum 5% of annual South Project Area TIF revenue will be dedicated to repayment of the $900,000 Lawrence Arts Commons project costs.

If South Project Area revenues are received at a greater rate than currently project, the amount of interest expense incurred in reimbursing the Developer will be reduced due to the shorter repayment period. For the purposes of estimating the total increment cost, we have assumed an amortization for the term of the projected revenues at the Developer's requested interest rate of 5.5%.

The Developer estimates the total cost of the North Project site improvements are $800,000 and an additional $2,639,400 for the underground parking. The Developer will finance these North Area Project costs of $3,439,400, and request reimbursement from TIF revenue, including interest expense. The Developer is seeking reimbursement for interest expenses on their financing of this amount, at an interest rate of 5.5%; which equates to an approximate interest expense of $2,111,725. The total projected private expenditures in the North Project Area are $5,551,125 including the estimated interest expense.

However, the projected North Area TIF revenue is insufficient to cover this total cost and the Developer will only be reimbursed up to the revenue collected during the statutory term of the Project. There will be no obligation on the part

of the City to contribute any shortfalls required neither to finance the total $3,439,400 construction cost nor to reimburse for interest expenditures.

Based on current projections, the City has the ability to expend a maximum of $4,430,765 in North Project Area property and sales tax increment to assist the Project. The Developer has requested the City pledge property tax increment generated from the North Project Area to reimburse them for the total cost of the public infrastructure improvements and construction of the parking garage estimated at a total $3,439,400 cost, plus interest expense.

The City proposes to execute a Redevelopment Agreement outlining a pledge of 100% of the property tax increment generated by the North Project Area, up to an amount necessary to reimburse the Developer for $3,439,400 of construction costs, plus interest expense. The pledge will continue until 2033, the North Project Area's required termination date.

Although the City does not anticipate issuing tax increment bonds, if a request is made, the City will not pledge its full faith and credit (general obligation) to the payment of any such tax increment bonds.

6. Conclusions

South Project Area Conclusions

The Act requires that the Financial Feasibility Study demonstrate that a Project's benefits and other available revenues are expected to equal or exceed all Project costs.

The project benefits can be described in two forms: a) the amount of total revenues and other contributions received over the 20 year term of the Project; and b) the amount of project costs which can be financed by the revenues received over the applicable term. This second category represents the amount of bonds issued supported by the future revenues plus the other financial contributions.

The South Project Area Costs are here defined as the TIF/TDD eligible expenditures budgeted to complete the South Project and are estimated to total $7,161,288, including estimated interest expenditures.

As to the total future revenues and other contributions, the available TIF revenues of the South Project through the first-half 2032/2033 collection are expected to be $6,210,276, and the available TDD revenues of the Project through 2035 are expected to be $1,178,224 (combined revenue of $7,388,499).

The total South Project Area Costs to be funded are $7,161,288, including interest costs over the statutory period, which the estimated South Project Area TIF/TDD revenues exceed. Given the assumptions and representations of various parties to the process, this feasibility study concludes that the South Area Project benefits, which include projected TIF/TDD revenue are sufficient to pay the South Area Project costs.

The Act also requires a determination of the effect the redevelopment project will have on any outstanding bonds supported by local transient guest and local sales and use taxes. The proposed South Area Redevelopment Project does not currently generate any sale or use taxes and therefore the approval of the collection of sales taxes within the Project area does not have any effect on any outstanding obligations.

North Project Area Conclusions

The Act requires that the Financial Feasibility Study demonstrate that a Project's benefits and other available revenues are expected to equal or exceed all Project costs.

The project benefits can be described in two forms: a) the amount of total revenues and other contributions received over the 20 year term of the Project; and b) the amount of project costs which can be financed by the revenues received over the applicable term. This second category represents the amount of bonds issued supported by the future revenues plus the other financial contributions.

The North Project Area Costs are here defined as the TIF eligible expenditures budgeted to complete the North Project and are estimated to total $5,551,125, plus interest expenditures.

As to the total future revenues and other contributions, the available TIF revenues of the North Project Area through the first-half 2032/2033 collection are expected to be $4,430,765. The Developer is requesting $3,439,400, plus interest over the statutory period. The revenue is sufficient to reimburse the total North Area project costs, exclusive of interest reimbursement. Repayment of the total North Area Project Costs, and the estimated interest reimbursement of $2,111,725, would require a Developer contribution of $1,120,360 to complete the site improvements and parking garage, including financing costs related to debt issued to initially construct the project.

Given the assumptions and representations of the various parties to the process, this feasibility study concludes that the North Area Project benefits which include projected TIF revenue and Developer contributions of at least $1,120,360 are sufficient to pay the project costs.

The Act also requires a determination of the effect the redevelopment project will have on any outstanding bonds supported by local transient guest and local sales and use taxes. The proposed North Area Redevelopment Project does not currently generate any sale or use taxes and therefore the approval of the collection of sales taxes within the Project area does not have any effect on any outstanding obligations.

EXHIBIT I
MAP OF PROPOSED REDEVELOPMENT DISTRICT & PROJECTS

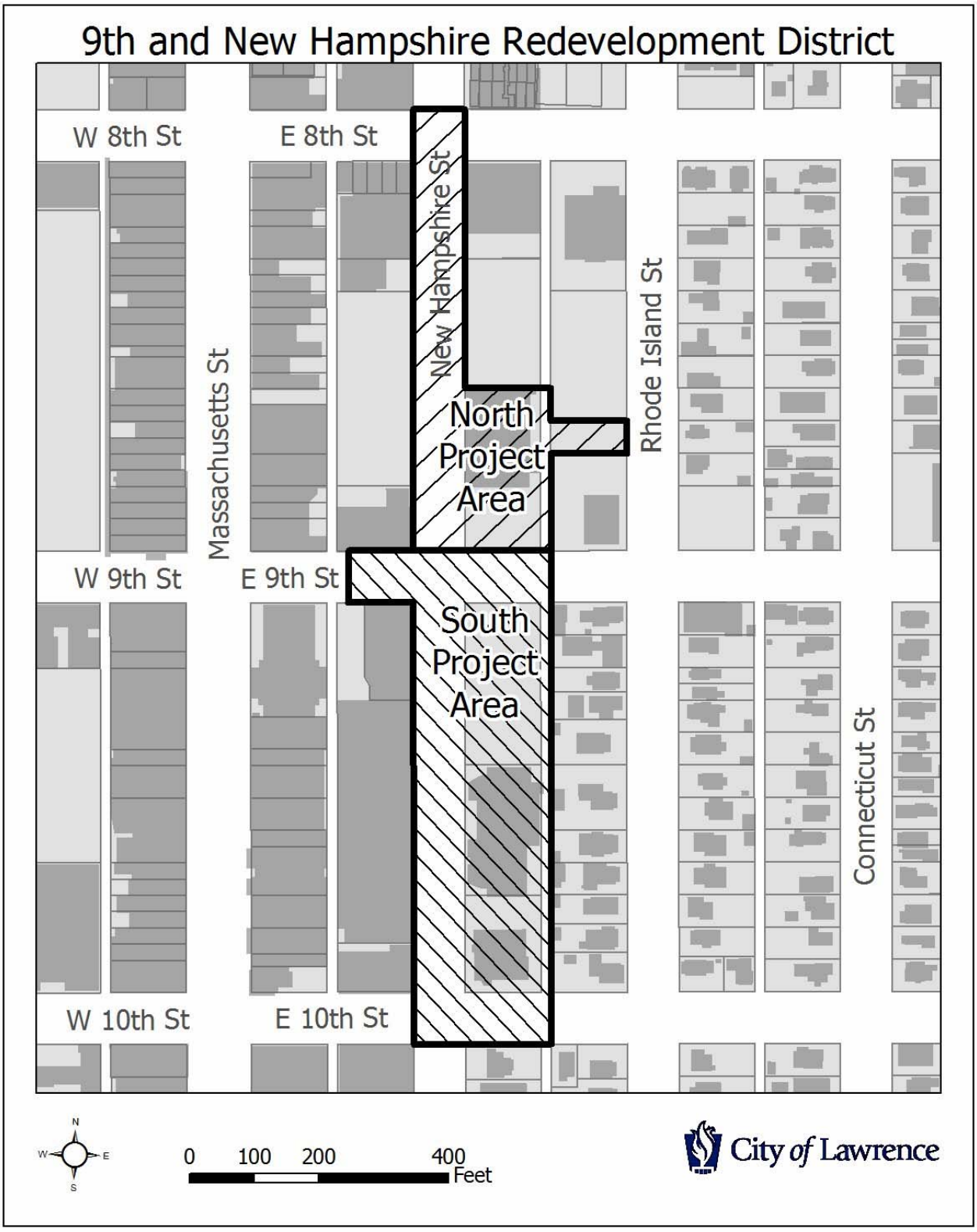


Exhibit II
TIF District and Redevelopment Project Area Assumptions

City of Lawrence, Kansas
Redevelopment Tax Increment Financing District
South Project Area

Original Assessed Value (1/1/12)		62,227
2010/11 Mill Rates	Total	TIF Applicable
State of Kansas	1.500	0.000
Douglas County	35.773	35.773
City of Lawrence	28.612	28.612
497 Lawrence S/D	27.738	27.738
497 Lawrence S/D-Gen	20.000	0.000
497 Lawrence S/D-Bond	11.700	11.700
Total	125.323	103.823
		Assume fixed rate
Property TIF Inflation Rate:	2.00%	
Sales Tax Inflation Rate:	2.00%	

City of Lawrence, Kansas
Redevelopment Tax Increment Financing District
North Project Area

Original Assessed Value (1/1/12)		250,000
2010/11 Mill Rates	Total	TIF Applicable
State of Kansas	1.500	0.000
Douglas County	35.773	35.773
City of Lawrence	28.612	28.612
497 Lawrence S/D	27.738	27.738
497 Lawrence S/D-Gen	20.000	0.000
497 Lawrence S/D-Bond	11.700	11.700
Total	125.323	103.823
		Assume fixed rate
Property TIF Inflation Rate:	2.00%	
Sales Tax Inflation Rate:	NA	

City of Lawrence, Kansas
Redevelopment Tax Increment Financing District
South Project Area

Assess 2007

Property Owner	Address	Parcel ID	2012 Appraised Land	2012 Appraised Building	2012 Appraised Total	2012 Assessed Land	2012 Assessed Building	2012 Assessed Total	Class
9-10 LLC	900 New Hampshire	023-079-31-0-20-18-002.00-0	518,560	-	518,560	-	62,227	62,227	VU
City of Lawrence	940 New Hampshire	023-079-31-0-20-18-006.01-0	388,580	7,900,940	8,289,520	-	-	-	EQ
Salvation Army	946 New Hampshire	023-079-31-0-20-18-010.00-0	371,250	369,920	741,170	-	-	-	EQ
Totals			**1,278,390**	**8,270,860**	**9,549,250**	**-**	**62,227**	**62,227**	
		Estimated Assess 2012 Values	**1,278,390**	**8,270,860**	**9,549,250**	**-**	**62,227**	**62,227**	
		(Base Year of Redevelopment TIF District)			Total Appraised Value			Total Assessed Value	

City of Lawrence, Kansas
Redevelopment Tax Increment Financing District
North Project Area

Assess 2007

Property Owner	Address	Parcel ID	2012 Appraised [1] Land	Building	Total	2012 Assessed Land	Building	Total	Class
9-10 LLC	100 E 9th Street	023-079-31-0-20-15-006.00-0	1,000,000	-	1,000,000	250,000	-	250,000	CU
9-10 LLC	100 E 9th Street	023-079-31-0-20-15-008.00-0							
Totals			**1,000,000**	**-**	**1,000,000**	**250,000**	**-**	**250,000**	
		Estimated Assess 2012 Values	**1,000,000**	**-**	**1,000,000**	**250,000**	**-**	**250,000**	
		(Base Year of Redevelopment TIF District)			Total Appraised Value			Total Assessed Value	

1) Market value assumption provided by Developer. Will need to work with County to finalize market value as property is converted from gas utility.

City of Lawrence, Kansas
Redevelopment Tax Increment Financing District
South Project Area

Property Tax Increment

Base and Current Values	Appraised	Assessed			
Base - Assess January 1, 2012	9,549,250	62,227			
Est. Base - Assess January 1, 2012	9,549,250	62,227			
Assessment Rate:	25.00%	11.50%	25.00%	25.00%	
Project Components	Hotel Units	Apartment Units	Retail Uses	Parking Uses	Total
	81 rooms	*8 units*			89
Estimated Square Footage	41,194	7,130	14,131	included in	62,455
Estimated Appraised Value per Unit/SF [1)]	$49,383	$138,862	$124	NA	
Total Appraised Value	4,000,000	1,110,895	1,759,147	included in	6,870,042
Total Assessed Value	1,000,000	127,753	439,787	included in	1,567,540

New Development Appraised	Hotel Units	Apartment Units	Retail Uses	Parking Uses
January 1, 2013	0%	0%	0%	NA
January 1, 2014	85%	85%	85%	NA
January 1, 2015	100%	100%	100%	NA

Estimated Appraised Value	Hotel Units	Apartment Units	Retail Uses	Parking Uses	Total Appraised
January 1, 2013	0	0	0	included in	0
January 1, 2014	3,400,000	944,261	1,495,275	included in	5,839,536
January 1, 2015	4,000,000	1,110,895	1,759,147	included in	6,870,042

Estimated Assessed Value	Hotel Units	Apartment Units	Retail Uses	Parking Uses	Total Assessed
January 1, 2013	0	0	0	included in	0
January 1, 2014	850,000	108,590	373,819	included in	1,332,409
January 1, 2015	1,000,000	127,753	439,787	included in	1,567,540

Tax Increment	Total Assessed	Original Assessed	Captured Assessed
Assess 2013/Distrib 2014	62,227	62,227	0
Assess 2014/Distrib 2015	1,332,409	62,227	1,270,182
Assess 2015/Distrib 2016	1,567,540	62,227	1,505,313

NOTES:

1) For estimating the hotel value we used the Developer's assumption of $4,000,000. For the apartment and retail uses we have estimated the value based on cap rates 7.0% and 7.5% respectively.

City of Lawrence, Kansas
Redevelopment Tax Increment Financing District
North Project Area

Property Tax Increment

Base and Current Values	Appraised	Assessed
Base - Assess January 1, 2012	1,000,000	250,000
Est. Base - Assess January 1, 2012	1,000,000	250,000
Assessment Rate:	11.50%	25.00%

Project Components	Apartment Units	Commercial Uses	Parking Uses	Total
	114 units			114
Estimated Square Footage	106,500	22,500	included in	129,000
Estimated Appraised Value per Unit/SF [1)]	$131,953	$89	NA	
Total Appraised Value	15,042,639	2,000,000	included in	17,042,639
Total Assessed Value	1,729,903	500,000	included in	2,229,903

New Development Appraised [2)]	Apartment Units	Commercial Uses	Parking Uses
January 1, 2013	0%	0%	NA
January 1, 2014	50%	50%	NA
January 1, 2015	100%	100%	NA

Estimated Appraised Value	Apartment Units	Commercial Uses	Parking Uses	Total Appraised
January 1, 2013	0	0	included in	0
January 1, 2014	7,521,320	1,000,000	included in	8,521,320
January 1, 2015	15,042,639	2,000,000	included in	17,042,639

Estimated Assessed Value	Apartment Units	Commercial Uses	Parking Uses	Total Assessed
January 1, 2013	0	0	included in	0
January 1, 2014	864,952	250,000	included in	1,114,952
January 1, 2015	1,729,903	500,000	included in	2,229,903

Tax Increment	Total Assessed	Original Assessed	Captured Assessed
Assess 2013/Distrib 2014	250,000	250,000	0
Assess 2014/Distrib 2015	1,114,952	250,000	864,952
Assess 2015/Distrib 2016	2,229,903	250,000	1,979,903

NOTES:

1) For estimating the hotel value we used the Developer's assumption of $2,000,000 for the bank portion, and a 7.5% cap rate for the remaining commercial portion. For the apartment we have estimated the value based on a cap rate of 7.0%.

2) Assumes project construction begins in 2013, with 50% constructed in 2013, and remaining portion completed in 2014. This assumption should be discussed further.

City of Lawrence, Kansas
Redevelopment Tax Increment Financing District
South Project Area

Sales Tax Assumptions for Sales Tax Increment and Transportation Development District (TDD) Sales Tax

Sales Tax Rates	
City of Lawrence	*1.55%*
Douglas County	*1.00%*
Total TIF Sales Tax	***2.55%***
TDD	1.00%

Base Information
Existing Project Sales Taxes: NA

Project Information

	Hotel Units	Apartment Units	Retail Uses	Parking Uses	Total
Estimated Annual Sales: [1]	1,770,809	NA	3,808,400	inc. in hotel	5,579,209
Locally Taxable Portion of Retail Sales: [2]	70.00%	NA	100.00%	inc. in hotel	
Estimated Taxable Sales:	1,239,566	NA	3,808,400	inc. in hotel	5,047,966
Estimated TIF Sales Tax Rate: [3]	**2.55%**	**NA**	**2.55%**	**inc. in hotel**	
Estimated TDD Sales Tax Rate:	**1.00%**	**NA**	**1.00%**	**inc. in hotel**	
Estimated Annual TIF Sales Tax Collections: (at stabilized occupancy and sales)	31,609	NA	97,114	inc. in hotel	128,723
Estimated Annual TDD Revenues: (at stabilized occupancy and sales)	17,708	NA	38,084	inc. in hotel	55,792

Sales Tax Collections:	Estimated % of Total	Estimated Taxable Sales	TIF Sales Tax	TDD Sales Tax
Taxes collected in 2013	0.00%	0	0	0
Taxes collected in 2014 [3]	50.00%	2,523,983	64,362	27,896
Taxes collected in 2015	100.00%	5,047,966	128,723	55,792
Taxes collected in 2016	100.00%	5,047,966	128,723	55,792

NOTES:

1) We have used the numbers presented by the Developer for total revenue from sales.
2) We have assumed that only 70% of the hotel sales will be taxable because of the targeted audience of University/College entities which are exempt from sales tax if paid for by the University/College. This topic needs further discussion.
3) We have assumed that the sales revenue is only 50% in the first year.

EXHIBIT III
PROJECTED PROPERTY TAX AND SALES TAX INCREMENT & TDD

City of Lawrence, Kansas
Redevelopment Tax Increment Financing District
South Project Area
Projected Property Tax and Sales Tax Increment & TDD

TIF Year (1)	Assess & Tax Levy Year (2)	Tax Distrib. Year (3)	Total Assessed (a) (4)	Original TIF Assessed Value (5)	(3) - (4) Increased Assessed Value (6)	Projected Property Tax Increment (b) (7)	Projected Taxable Sales (c) (8)	100% Projected Sales Tax Increment (d) (9)	**Projected Total Increment** (10)	**Projected TDD Revenue (e)** (11)
0	2012	2013	62,227	62,227	0	0			**0**	
1	2013	2014	62,227	62,227	0	0	0	0	**0**	0
2	2014	2015	1,332,409	62,227	1,270,182	131,874	2,523,983	64,362	**196,236**	25,240
3	2015	2016	1,567,540	62,227	1,505,313	156,286	5,047,966	128,723	**285,009**	50,480
4	2016	2017	1,598,890	62,227	1,536,663	159,541	5,148,926	131,298	**290,839**	51,489
5	2017	2018	1,630,868	62,227	1,568,641	162,861	5,251,904	133,924	**296,785**	52,519
6	2018	2019	1,663,486	62,227	1,601,259	166,247	5,356,942	136,602	**302,850**	53,569
7	2019	2020	1,696,755	62,227	1,634,528	169,702	5,464,081	139,334	**309,036**	54,641
8	2020	2021	1,730,690	62,227	1,668,463	173,225	5,573,363	142,121	**315,346**	55,734
9	2021	2022	1,765,304	62,227	1,703,077	176,819	5,684,830	144,963	**321,782**	56,848
10	2022	2023	1,800,610	62,227	1,738,383	180,484	5,798,527	147,862	**328,347**	57,985
11	2023	2024	1,836,623	62,227	1,774,396	184,223	5,914,497	150,820	**335,043**	59,145
12	2024	2025	1,873,355	62,227	1,811,128	188,037	6,032,787	153,836	**341,873**	60,328
13	2025	2026	1,910,822	62,227	1,848,595	191,927	6,153,443	156,913	**348,839**	61,534
14	2026	2027	1,949,039	62,227	1,886,812	195,894	6,276,512	160,051	**355,945**	62,765
15	2027	2028	1,988,019	62,227	1,925,792	199,942	6,402,042	163,252	**363,194**	64,020
16	2028	2029	2,027,780	62,227	1,965,553	204,070	6,530,083	166,517	**370,587**	65,301
17	2029	2030	2,068,335	62,227	2,006,108	208,280	6,660,684	169,847	**378,128**	66,607
18	2030	2031	2,109,702	62,227	2,047,475	212,575	6,793,898	173,244	**385,819**	67,939
19	2031	2032	2,151,896	62,227	2,089,669	216,956	6,929,776	176,709	**393,665**	69,298
20	2032	2033	2,194,934	62,227	2,132,707	110,712	7,068,371	180,243	**290,955**	70,684
21	2033	2034	2,238,833	2,238,833	0	0	7,209,739	0	**0**	72,097
22	2034	2035	2,283,609	2,283,609	0	0	7,353,934	0	**0**	55,155
	Totals					**$3,389,654**		**$2,820,622**	**$6,210,276**	**$1,178,224**
									Total Revenue:	7,388,499

(a) Assumes 900 New Hampshrie TIF Project value will be assessed according to completion schedule on previous page, with inflation commencing in Levy Year 2016

(b) Assumes 100% collection of property taxes. Since TIF expenditures are limited to 20 years from City approval of Project estimated to occur October 2012, final collection would be first-half 2032 collection, distributed to City in January 2033. Assume 2010/2011 Mill Levy Rate held flat.

(c) Assumes 50% of sales are taxable in first year.

(d) Since TIF expenditures are limited to 20 years from City approval of Project estimated to occur in October 2012, revenue in assess 2032/pay 2033 is the first 9 months.

(e) Assumes collection of TDD sales tax revenue for maximum term allowed, with note issued in 2013, would mature 22 years later in 2034 (assume first six months of revenue in 2034)

City of Lawrence, Kansas
Redevelopment Tax Increment Financing District
North Project Area
Projected Property Tax and Sales Tax Increment & TDD

TIF Year (1)	Assess & Tax Levy Year (2)	Tax Distrib. Year (3)	Total Assessed (a) (4)	Original TIF Assessed Value (5)	(3) - (4) Increased Assessed Value (6)	Projected Property Tax Increment (b) (7)	Projected Taxable Sales (c) (8)	Projected Sales Tax Increment (9)	**Projected Total Increment** (10)
0	2012	2013	250,000	250,000	0	0			**0**
1	2013	2014	250,000	250,000	0	0	0	0	**0**
2	2014	2015	1,114,952	250,000	864,952	89,802	0	0	**89,802**
3	2015	2016	2,229,903	250,000	1,979,903	205,560	0	0	**205,560**
4	2016	2017	2,274,502	250,000	2,024,502	210,190	0	0	**210,190**
5	2017	2018	2,319,992	250,000	2,069,992	214,913	0	0	**214,913**
6	2018	2019	2,366,391	250,000	2,116,391	219,730	0	0	**219,730**
7	2019	2020	2,413,719	250,000	2,163,719	224,644	0	0	**224,644**
8	2020	2021	2,461,994	250,000	2,211,994	229,656	0	0	**229,656**
9	2021	2022	2,511,234	250,000	2,261,234	234,768	0	0	**234,768**
10	2022	2023	2,561,458	250,000	2,311,458	239,983	0	0	**239,983**
11	2023	2024	2,612,687	250,000	2,362,687	245,301	0	0	**245,301**
12	2024	2025	2,664,941	250,000	2,414,941	250,726	0	0	**250,726**
13	2025	2026	2,718,240	250,000	2,468,240	256,260	0	0	**256,260**
14	2026	2027	2,772,605	250,000	2,522,605	261,904	0	0	**261,904**
15	2027	2028	2,828,057	250,000	2,578,057	267,662	0	0	**267,662**
16	2028	2029	2,884,618	250,000	2,634,618	273,534	0	0	**273,534**
17	2029	2030	2,942,310	250,000	2,692,310	279,524	0	0	**279,524**
18	2030	2031	3,001,156	250,000	2,751,156	285,633	0	0	**285,633**
19	2031	2032	3,061,180	250,000	2,811,180	291,865	0	0	**291,865**
20	2032	2033	3,122,403	250,000	2,872,403	149,111	0	0	**149,111**
	Totals					**$4,430,765**		**$0**	**$4,430,765**

(a) Assumes North TIF Project value will be assessed according to completion schedule on previous page, with inflation commencing in Levy Year 2016

(b) Assumes 100% collection of property taxes. Since TIF expenditures are limited to 20 years from City approval of Project estimated to occur ____, 2012, final collection would be first-half 2032 collection, distributed to City in January 2033. Assume 2010/2011 Mill Levy Rate held flat.

(c) Assumes no sales generated by development

Exhibit I

RESOLUTION NO. 12-33

A RESOLUTION AUTHORIZING DOUGLAS COUNTY, KANSAS TO PLEDGE THE COUNTY'S LOCAL SALES AND USE TAX TO THE CITY OF LAWRENCE TAX INCREMENT FINANCING DISTRICT AT NINTH AND NEW HAMPSHIRE; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.

THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS HAS FOUND AND DETERMINED:

A. The City of Lawrence (the "City") has created a Redevelopment District in the City pursuant to Ordinance No. 8768 adopted by City Commission on July 24, 2012 for the area shown on **Exhibit A** attached hereto at 9th and New Hampshire in the City consisiting of a North Project Area and a South Project Area (collectively, the "Redevelopment District") purusant to the proviions of K.S.A. 12-1770 et seq., as amended (the "TIF Act"); and

B. The Board of County Commissioners (the "Board") has been requested by the developer of the Redevelopment District to pledge the County sales and use tax to be generated in the Redevelopment District (the "County Sales Tax") for the payment of "redevelopment project costs" as defined in the TIF Act and as approved by the City pursuant to an approved "redevelopment project plan" in accordance with the TIF Act; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

Section 1. **Authorization of Pledge of County Sales Tax.** The County hereby agrees to pledge the County Sales Tax to the repayment of redevelopment project costs for the Redevelopment District upon the City's approval of a redevelopment project plan for all or a portion of the Redevelopment District in accordance with the TIF Act.

Section 2. **County Sales Tax.** The County's expectation is that the City will track the amount of the County Sales Tax and notify the County of the County Sales Tax to be transferred to the City for deposit in the City's tax increment fund for the Redevelopment District, so that there is no administrative burden for tracking the County Sales Tax on the County.

Section 3. **Further Authority.** The officials, officers, agents and employees of the County are authorized and directed to take whatever action and execute whatever other documents or certificates as may be necessary or desirable to carry out the provisions of this resolution.

Section 4. **Effective Date.** This resolution shall take effect after its adoption by the Board.

ADOPTED by the Board of County Commissioners of Douglas County, Kansas this 29th day of August, 2012.

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Mike Gaughan, Chairman

Nancy Thellman, Member

Jim Flory, Member

Attest:

Jameson D. Shew, County Clerk

* * * * * * * * * * * * * *

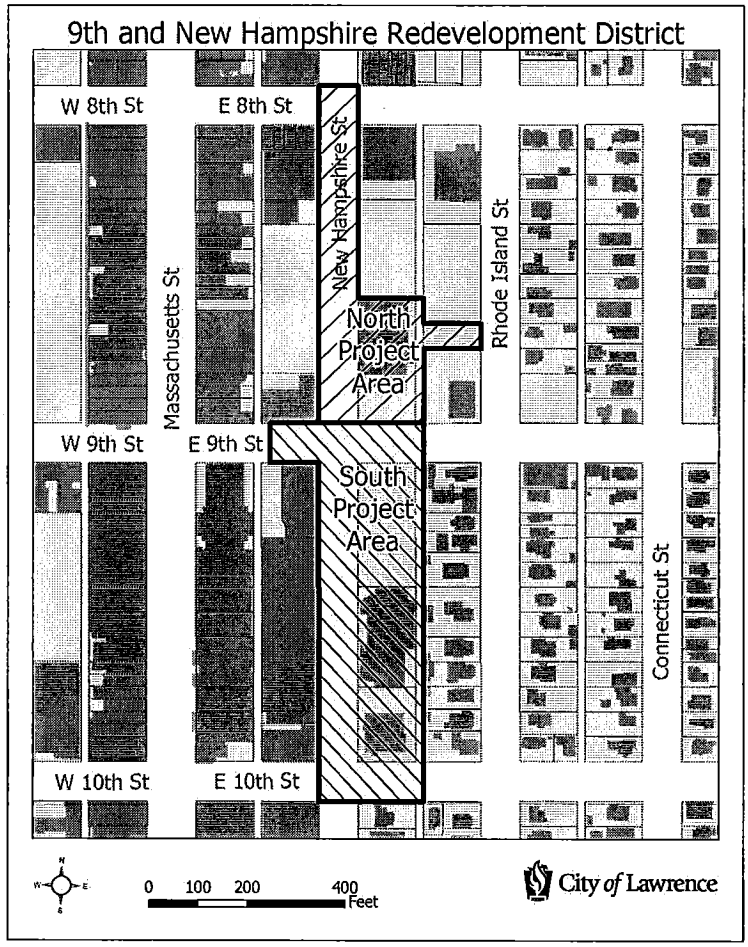
CERTIFICATE OF COPY

I hereby certify that the attached copy is a true and correct copy of Resolution No. 12-33 of the Board of County Commissioners of Douglas County, Kansas, and that the signed original of such resolution is on file in my office.

Jameson D. Shew, County Clerk

EXHIBIT A

MAP OF REDEVELOPMENT DISTRICT AND PROJECT AREA



EXCERPT OF MINUTES OF A MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS
HELD ON AUGUST 29, 2012

The Board of County Commissioners (the "Board") Douglas County, Kansas, met in regular session at the usual meeting place in Lawrence, Kansas, at 6:35 p.m., the following members being present and participating, to-wit: Mike Gaughan, Nancy Thellman and Jim Flory

Absent: 0

The Chairman declared that a quorum was present and called the meeting to order.

* * * * * * * * * * * * * *

(Other Proceedings)

Thereupon, there was presented for consideration a resolution entitled:

A RESOLUTION AUTHORIZING DOUGLAS COUNTY, KANSAS TO PLEDGE THE COUNTY'S LOCAL RETAIL SALES AND USE TAX TO THE CITY OF LAWRENCE TAX INCREMENT FINANCING DISTRICT AT NINTH NEW HAMPSHIRE; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.

Thereupon, Commissioner Flory moved that said resolution be adopted. The motion was seconded by Commissioner Thellman. Said resolution was duly read and considered, and upon being put, the motion for the adoption of said resolution was carried by the vote of the Board, the vote being as follows:

Aye: 3.

Nay: 0.

Thereupon, the Chairman declared said resolution duly adopted and the resolution was then duly numbered Resolution No. 12-33 and was signed by the Board.

* * * * * * * * * * * * *

(Other Proceedings)

* * * * * * * * * * * * *

CERTIFICATE

I certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the Board of County Commissioners of Douglas County, Kansas held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

[SEAL]

JAMESON SHEW COUNTY CLERK DOUGLAS COUNTY · KS

Deputy

County Clerk

(Signature Page to Excerpt of Minutes)

Springsted Incorporated
380 Jackson Street, Suite 300
Saint Paul, MN 55101-2887
Tel: 651-223-3000
Fax: 651-223-3002
www.springsted.com

MEMORANDUM

TO: Diane Stoddard, Assistant City Manager
Britt Crum-Cano, Economic Development Coordinator

FROM: Tony Schertler, Senior Vice-President
Tom Denaway, Analyst

DATE: September 26, 2012

SUBJECT: 900 New Hampshire Project – Addendum to Project Feasibility Analysis

At the request of the City, Springsted reviewed updated TIF and TDD projections for the 900 New Hampshire project in order to verify that the project continues to satisfy the Financial Feasibility requirement. The Developer of the project has provided an updated project plan with a number of revisions to the proposed composition of the building. Originally, the proposed development was to include 81 hotel rooms, 11 apartment buildings, first floor retail space and lobby, and a rooftop restaurant and pool area. The revised build-out of the project does not contemplate a change to the project footprint or scope, but assumes a slightly different composition of building components.

The proposed project changes:

- Elimination of rooftop restaurant and pool area; replaced with three condominium units on top floor
- Elimination of projected rental apartments; replaced with 11 additional hotel rooms bringing total project to 92-hotel rooms
- Conversion of approximately 350 square feet of first floor lobby space to retail use, and the inclusion of a first floor pool area

The change in the project composition will result in differing TIF and TDD revenues from those originally published in the Redevelopment Project Feasibility Study dated June 27, 2012. The Financial Feasibility Study must show that a) the Project's benefits, tax increment revenue, and other available revenues under K.S.A. 12-1774(a)(1) are expected to exceed or be sufficient to pay for all Project costs as defined by K.S.A. 12-1773, including the payment of principal and interest of debt used to finance the redevelopment project; and b) the effect, if any, the redevelopment project costs will have on any outstanding special obligation bonds payable from the revenues described in K.S.A. 12-1774(a)(1)(D).

In reviewing the updated projections prepared by the Developer, Springsted has determined that the project changes will likely have a minimal impact on the overall feasibility of the project.

Based on the Developer's projections, the revised project should result in increased property tax increment of $4,906 annually, offset by decreased annual sales tax increment of $15,713 and $6,162 in annual TDD revenue. Overall, the adjusted project is expected to result in an annual decrease in total TIF and TDD revenue of $16,969. This is an approximately 5% decrease from the stabilized annual revenue projected in the original Feasibility Study.

Overall, the projected TIF and TDD revenue will be reduced by the project alterations largely due to the decrease in taxable sales due to the elimination of the restaurant. In the event that actual project revenues are lower than the actual project costs funded, the difference will be made up by the Developer either through: the contribution of additional funds to fill the gap, or a reduction in the amount of interest reimbursement paid on the Developer's pay as you go note. Therefore, in consultation with the City's Bond Counsel, it is our belief that the revised project scope will not adversely affect project feasibility due to scale of the decrease in revenues and the additional remedies outlined above.

Additionally, as a result of the changes, an increase in non-TIF captured Transient Guest Tax (TGT) will be generated by the project, in comparison to the original projections. However, this is a non-TIF captured revenue source and therefore does not impact project feasibility.

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
2/24/14

ITEM NO. 2: IG TO RS5; 0.52 acres; 830 E. 13th Street (JSC)

Z-13-00513: Consideration, a request to rezone approximately .52 acres, from IG (General Industrial) District to RS5 (Single-Dwelling Residential) District, located at 830 E. 13th Street. Submitted by William Price, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately .52 acres, from IG (General Industrial) District to RS5 (Single-Dwelling Residential) District, and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

KEY POINTS

- The intent of the applicant is to rezone the property to RS5 to make it a conforming use.
- The property is platted.
- The properties immediately south (829 E. 13th Street and 831 E. 13th Street) of the subject property are currently zoned RS5.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The surrounding area is developed principally with residential land uses mixed with some nonresidential land uses. In the immediate area surrounding the property is a condominium development to the west, single-family residences to the south, and a warehouse/office building to the east and north.

CONFORMANCE WITH *HORIZON 2020*

- The proposed rezoning request from IG (General Industrial) District to RS5 (Single-Dwelling Residential) District is consistent with land use recommendations found in *Horizon 2020.*

ASSOCIATED CASES/OTHER ACTION REQUIRED

- City Commission approval of the rezoning request and publication of ordinance.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No written comments were received prior to the publishing of this staff report.

Project Summary

The subject parcel has been maintained as a single-family residence use since approximately 1984. The industrial zoning, and the legal non-conforming status, may make it difficult to insure, refinance, or sell the property in the future. The zoning change to

single-dwelling residential district reflects the actual use of the property, making the use conforming under the Land Development Code.

GENERAL INFORMATION

Current Zoning and Land Use:	IG (General Industrial) District; single-family residence.
Surrounding Zoning and Land Use:	To the north and east: IG (General Industrial) District; warehouse/office.
	To the south: RS5 (Single-Dwelling Residential) District; single-family residences.
	To the west: PRD (Planned Residential Development) District; Delaware Commons residential development.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The following section of *Horizon 2020* relates to this rezoning request (staff comments are in italics):

Chapter 5 – Residential Land Use:
Goal 3: Neighborhood Conservation:
The character and appearance of existing low-density residential neighborhoods should be protected and improvements made where necessary to maintain the values of property and enhance the quality of life. (Page 5-15)

Policy 3.2: Protect Existing Housing Stock:
(b) Preserve existing dwellings. (Page 5-15)

Rezoning the property to RS5 would be in conformance with the Neighborhood Conservation goal in Horizon 2020.

Staff Finding -- The proposed rezoning request conforms to *Horizon 2020* goals and policies related to neighborhood conservation.

2. ZONING AND LAND USES OF NEARBY PROPERTY , INCLUDING OVERLAY ZONING

Staff Finding -- The area contains a mixture of residential and nonresidential. Single-family residences are located to the south of the property on currently zoned RS5 property. Industrial businesses are located adjacent to the east of the subject property, on IG zoned property.

3. CHARACTER OF THE AREA

The immediate character of the area is most recognizable as residential, principally with single-family homes on individual lots. The subject property is directly across the street from other single-family residences, and adjacent to a residential housing development on the subject property's west boundary.

Staff Finding – The area contains a mixture of residential and nonresidential uses, but the immediate area is principally residential in use.

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

Horizon 2020 identifies future plans for the general area as appropriate for low-density residential uses. The property is identified in the Burroughs Creek Corridor Plan as a property where the existing use is not permitted in the current zoning at that time.

Staff Finding – Approval of the request is consistent with land use plans for the area.

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

The subject property is currently zoned for industrial uses. According to the Land Development Code for the City of Lawrence, the purpose of 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."*

This part of East Lawrence was platted with small lots which do not easily support industrial land uses. Further, the current zoning does not reflect the existing land use. The property contains an existing single-family dwelling. The property also is adjacent to similar, and other, residential land uses.

Staff Finding – The subject property is not suitably zoned given the existing use of the property and the existing surrounding residential land uses.

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

Staff Finding – The subject property was developed as a residential use since approximately 1984.

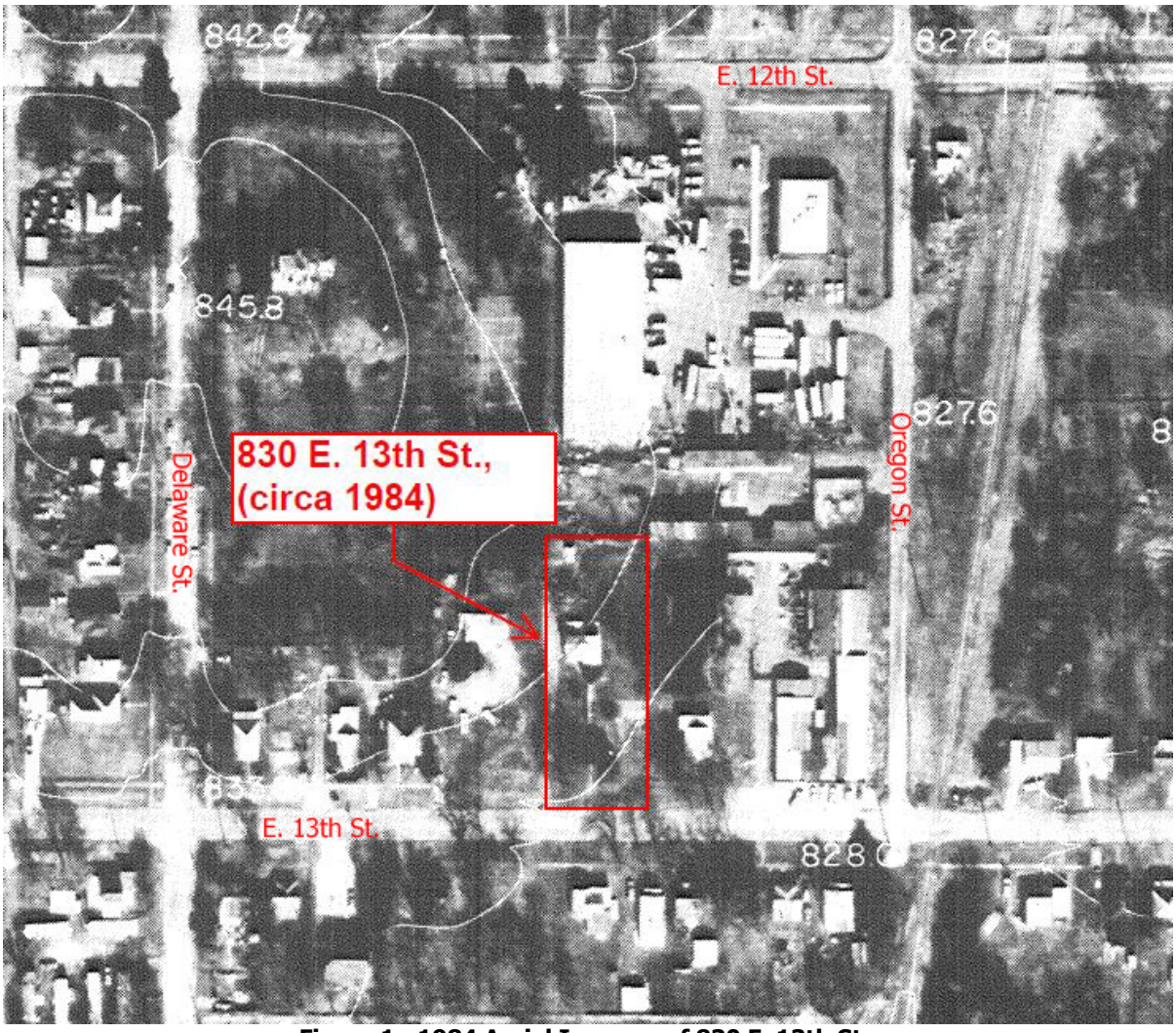


Figure 1: 1984 Aerial Imagery of 830 E. 13th St.

7. EXTENT TO WH ICH REMOVAL OF RE STRICTIONS WILL D ETRIMENTALLY AFFECT NEARBY PROPERTIES

Approval of the proposed request would result in a reduction of allowed uses, and it would increase the number of properties zoned RS5 within the overall neighborhood area. This would restrict potential land use to single-family homes on individual lots. Nearby property will not be directly affected. If approved, redevelopment of abutting lots with nonresidential zoning may be required to address screening of adjacent residential lots in the future. The uses to the south and west include similar existing residentially used dwellings. The area to the east includes the aforementioned warehouse/office structure.

Staff Finding – The impact on nearby properties is one perspective for consideration given the surrounding residential uses. Approval of the proposed rezoning would be beneficial for those properties currently used for single-family housing in the immediate area. The proposed change provides the ability to obtain reasonable home insurance, and this proposal would act as protection against encroachment of non-residential activities within the immediate area. Regulations added as a result of this rezoning include the review and regulations applicable to any parcels used for rental housing.

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

Evaluation of these criteria includes weighing the benefits to the public versus the benefits to 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.

If the rezoning was denied, the property would remain non-conforming as zoned for industrial uses. The property has a long history as a single-family use, and the immediate surrounding area is comprised of predominately single-family homes. Encroachment of industrial development allowed by the current zoning would not be appropriate. The residential zoning would ensure that the property will remain a single-family residence, which will minimize negative impacts on the neighborhood that might occur with potential industrial uses.

Staff Finding – There would be no gain to the public, and there would be a hardship to the landowner if the rezoning request is denied. The rezoning request would assign an appropriate zoning designation to the property for its current and intended land use as a single family home.

9. PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approving the rezoning of 830 East 13th Street to the RS5 Zoning District finding it appropriate for the subject property. The single-family zoning district matches the existing and long-term use of the property; therefore, it is an appropriate zoning district for the property.

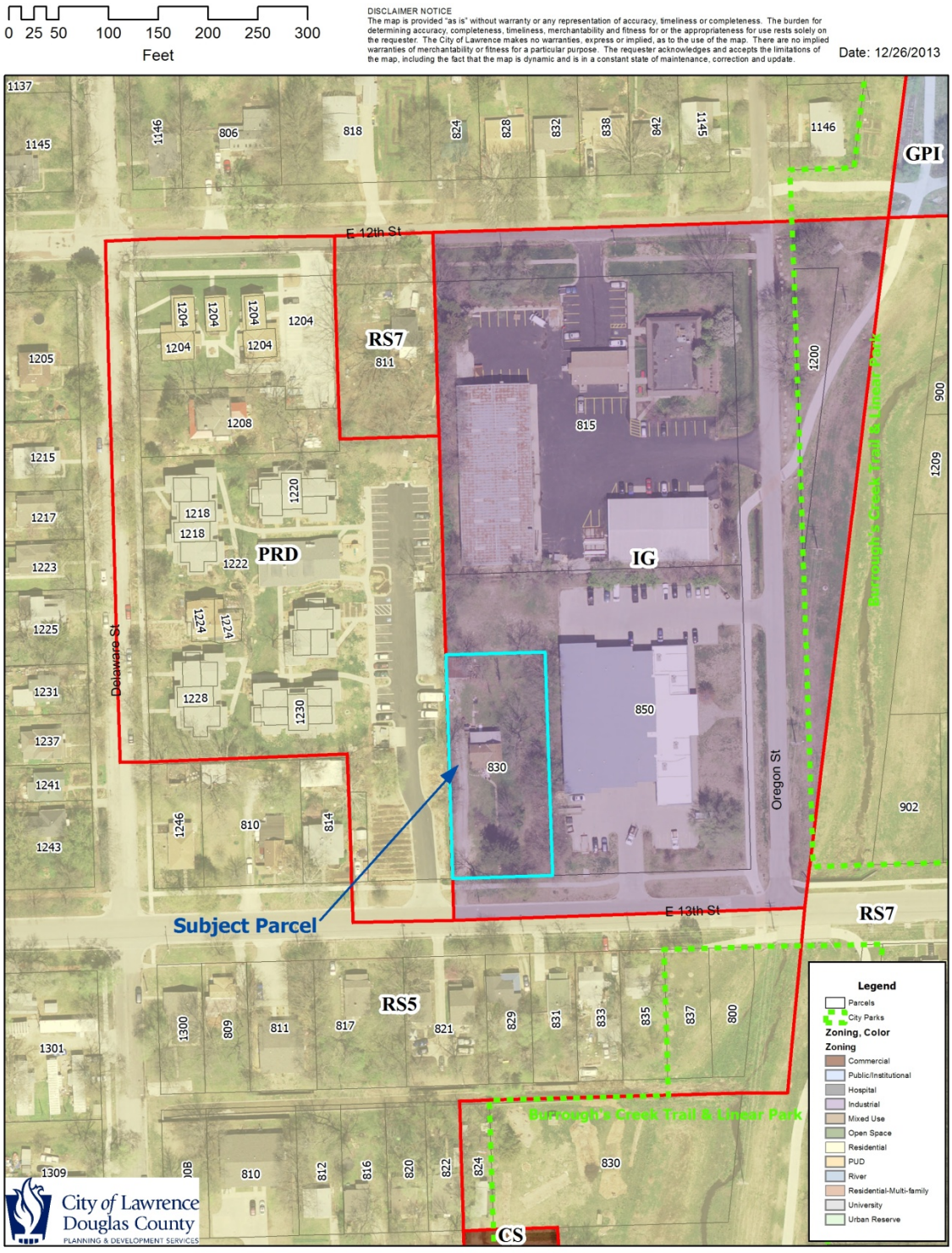
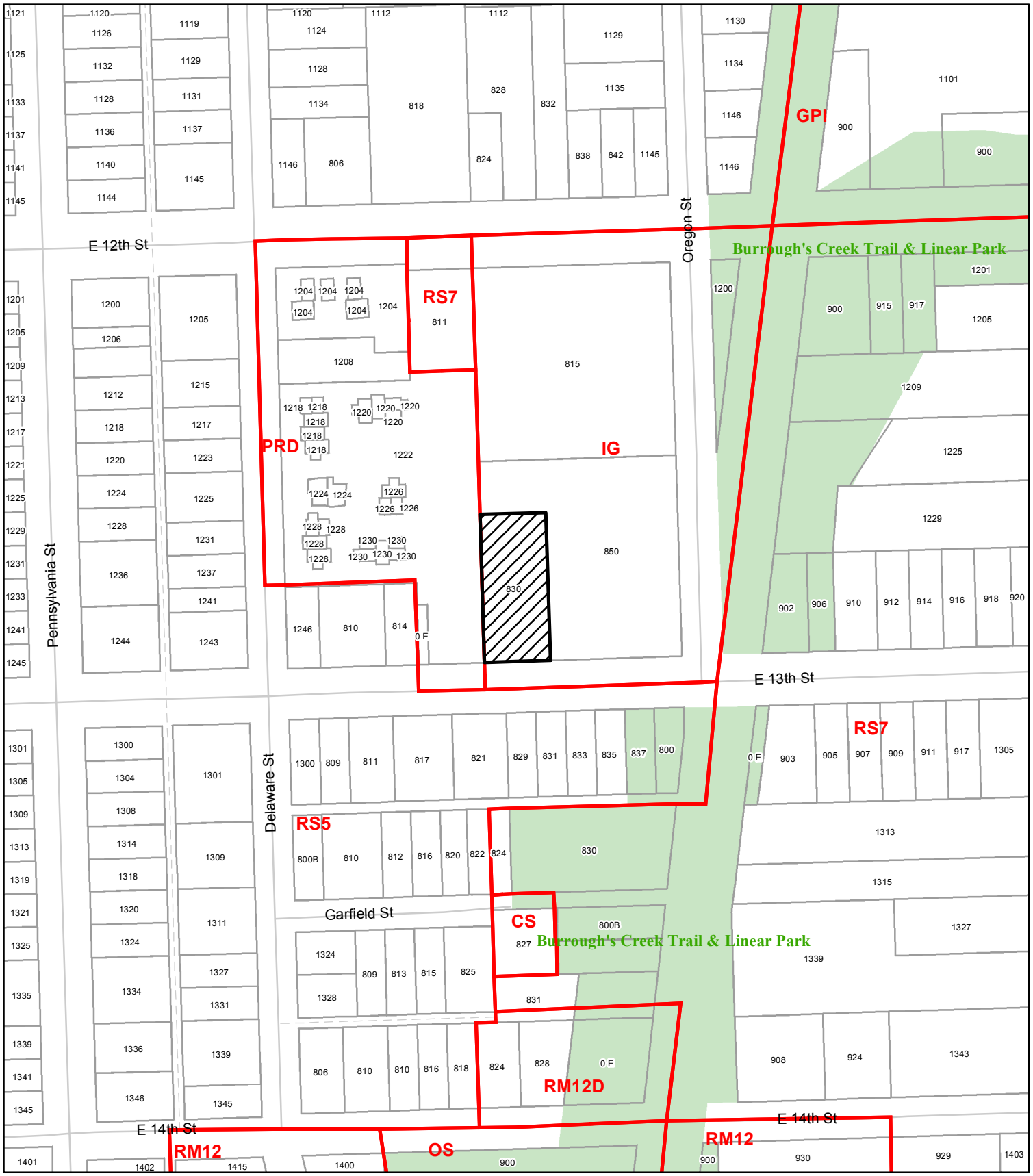


Figure 2: Base Zoning Districts in surrounding vicinity.

The boundary of the property which is the subject of this rezoning request is outlined in blue.



Z-13-00513: Rezone 0.5 acres from IG District to RS5 District Located at 830 E 13th Street

Lawrence-Douglas County Planning Office
February 2014

Subject Property

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
02/24/2014

ITEM NO. 3A RM32 TO MU-PD; 2.391 ACRES; 1101 INDIANA ST (SLD)

Z-13-00516: Consider a request to rezone approximately 2.391 acres from RM32 (Multi-Dwelling Residential) District to MU-PD (Mixed Use with PD Overlay) District, located at 1101 Indiana St. Submitted by Hartshorne Plunkard Architects, for Berkeley Flats Apartments LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 2.391 acres from RM32 (Multi-Dwelling Residential) District to MU-PD (Mixed Use with PD Overlay) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *The Project site rezoning request from RM32 to a Mixed-Use Planned Development District (MU-PD) is consistent with The Oread Neighborhood Plan's future Land Use and Overlay District two (2). (See attached exhibit H attached)*

KEY POINTS
- Property is developed with existing multi-dwelling use.
- Property is located within Oread Neighborhood.

ASSOCIATED CASES/OTHER ACTION REQUIRED
- PDP-13-00518; Preliminary Development Plan for mixed-use development.

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
A. Applicant's Response
B. Attachment H of the application packet
C. Bonus Calculations
D. Oread Neighborhood Plan Land Use Map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- Communication with resident at 1115 Indiana Street regarding proposed development.
- Zacharias Davis requesting information on proposed development.

Project Summary:
Proposed request is for rezoning 2.391 acres from RM32 to MU (Mixed Use) District with a Planned Development overlay to accommodate a multi-story residential use with ground floor retail uses as a mixed-use development within the Oread Neighborhood. Related to this request is a Preliminary

Development Plan. Requests for a district with PD overlay must be submitted concurrently with a development plan for the property.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *See attached applicant response.*

Key features of the plan address *"infill development and redevelopment which provides a range of residential, commercial, office, industrial and public uses within these parcels, consistent and compatible with established land use pattern in surrounding areas."* This application represents an opportunity to redevelop an existing high-density residential development with a mixed-use project within an established neighborhood.

Additionally, *Horizon 2020* encourages a *"mix of residential densities that provide a sense of community and to complement and preserve natural features in the area."* This request facilitates a redevelopment of existing high-density residential use with a mixed use, including high-density residential uses within a compact area of the community. A key component of this project is the residential use.

Additional residential development strategies are included in Chapter 5 of *Horizon 2020*. These strategies focus on infill development, provision of a mix of uses, types and styles and the provision of appropriate transition zones between low-density residential land uses and more intensive residential development. High-density residential uses reflect an overall density of 16-21 dwelling units per acre and are recommended at locations near high intensity activity areas or near existing high-density residential developments. This property is located within an existing part of the Oread Neighborhood that is zoned for high-density residential uses and, as noted by the applicant in their response, the property is also located adjacent to the University of Kansas football stadium and parking lot along Mississippi Street.

Horizon 2020 supports the development of area and neighborhood plans. This property is located within the *Oread Neighborhood Plan,* which is discussed later in this report but recommends this area as appropriate for mixed-use development.

Staff Finding – Regardless of the specific project associated with this request, the proposed MU-PD district request is consistent with land use recommendations for this area. Approval of the request will facilitate redevelopment of this property.

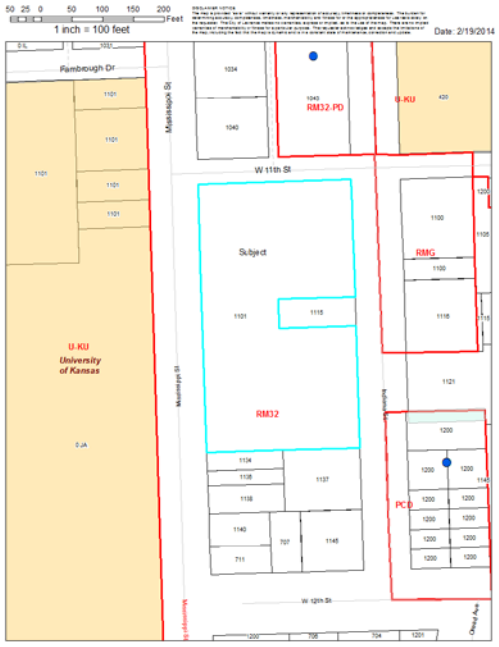
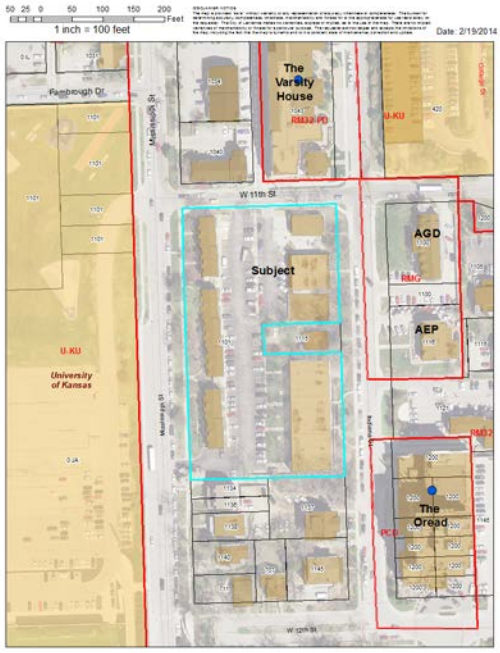
2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Current Zoning and Land Use:	RM32 (Multi-Dwelling Residential) District; existing apartment complex with multiple buildings and surface parking.
Surrounding Zoning and Land Use:	To the North: RM32-PD [Varsity House] (Multi-Dwelling Residential and Planned Development Overlay) District; existing multi-dwelling. Also to the North RM32 (Multi-Dwelling Residential) District; existing 9-unit apartment building (SP-3-11-91). To the West:

U-KU (University of Kansas) main campus including practice fields, stadium, and surface parking lot.

To the South:
RM32 (Multi-Dwelling Residential) District; existing mixed residential uses.

To the East:
RMG (Multi-Dwelling Greek Housing Residential) District; existing residential uses. RM32 (Multi-Dwelling Residential) District; existing mixed residential uses and PD – [The Oread PCD] Planned Commercial District; existing mixed-use commercial, hotel and residential use.

Existing Zoning	Existing Land Use
	

Staff Finding – This property is surrounded by a variety of uses. Residential uses are located to the north, south and east. University facilities are located to the west.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The Oread neighborhood is a diverse, eclectic community where people live, work, study, and celebrate life. The neighborhood has tremendous hosing variety and small pockets of neighborhood scale commercial areas. The neighborhood's character has been significantly influenced by its close proximity to both Kansas University and downtown. The extreme topography in the immediate area of the project site adds to both its beauty and uniqueness, and serves as a canvas from which to create an equally unique and aesthetically pleasing infill redevelopment mixed-use project.*

The Oread Neighborhood is generally located along the north and east sides of the main University of Kansas Campus. This neighborhood includes a portion of downtown as well as a variety of other non-residential areas. The neighborhood also includes a number of historically listed properties and districts.

The residential density pattern is mapped in the Oread Neighborhood Plan (page 2-4). The subject property is located within one of the high-density residential clusters of the neighborhood.

Staff Finding – The Oread Neighborhood includes a variety of uses located between Downtown to the east and the University to the west.

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

The *Oread Neighborhood Plan* was adopted by the City Commission in September 2010. The subject property is located within the boundary of the Plan. The plan recommends:

- Create overlay districts that establish standards to regulation bulk and mass of structures maintain open space in individually platted lots and regulate parking. (3.1.1.2 C.1.)
- Create an overlay district(s) that provide greater latitude to certain areas (generally most closely adjacent to KU) to develop more densely by allowing increase building heights, etc. (3.1.1.2 C.2.)

The plan establishes areas for mixed use that include the area south of 11th Street between Mississippi Street and Indiana Street. The proposed request is located within this area. Additionally, the plan recommends multiple overlay districts (refer to map 4-7 of the Oread Plan). This property is located within what is identified as Overlay District No. 2 (High Density). The plan states: *"This area is identified as high-density and mixed use on the future land use map."*

Staff Finding – The proposed Mixed Use Planned Development Overlay District is consistent with the recommended land use plan and policies included in the *Oread Neighborhood Plan*.

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

Applicant's Response: *The project's current zoning of RM32 fails to recognize the site's strategic proximity to Kansa University, its connectivity to both 11th and Mississippi Streets (collector streets), the surrounding unused existing utility infrastructure capacity, and its ready access to nearby mass transit. The result is an underutilization of a highly visible and strategic site directly across the street from Memorial Stadium, the single biggest tourist attraction on the KU campus. The Oread Neighborhood Plan recognizes this unrealized potential and rectifies the problem with a long-term land use vision of high-density mixed-use redevelopment.*

The current zoning accommodates high-density residential uses but does not allow commercial uses included in a mixed-use development. The proposed zoning is inconsistent with the land use recommendations included in the *Oread Neighborhood Plan* for mixed-use development and the planned redevelopment of this property as a mixed-use development.

Approval of the request will facilitate redevelopment and reinvestment in this property and provide non-residential uses at the street level within the proposed project. The change in the base district from RM32 to MU facilitates the redevelopment of the land use. The addition of the Planned Development Overlay district accommodates requirements related to site-specific details such as height, massing, architectural features and the mix of use within the development.

Staff Finding – The proposed zoning is better suited for a mixed-use redevelopment of this property than the existing RM32 district.

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

This property has been zoned RM32 since the adoption of the *Land Development Code* in 2006. Prior to 2006 the property was zoned RD (Residential Dormitory). This property is developed with an existing multi-dwelling use including several buildings and surface parking lot. The 1985 site plan indicates that some units existed in 1962 and 1964 with 96 units. The traffic study indicates the development includes 102 dwelling units. The current calculated density is 42.6 dwelling units per acre.

Staff Finding – This property is developed with a high-density multi-dwelling use. The property has been zoned for high-density residential uses since 1966.

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

Applicant's Response: *The requested rezoning of the project site was thoughtfully and comprehensively envisioned by the neighborhood years ago and documented by the Oread Neighborhood Plan. Here @ Kansas is the realization of that vision. The infill redevelopment of an underutilized site as strategically important as this only enhances the nearby properties.*

Nearby properties includes the University of Kansas to the west, existing multi-dwelling uses on the north side of W. 11th Street and the east side of Indiana Street as well as adjacent to the south property line. This property surrounds on three sides a single detached residential home on the west side of Indiana Street (1115 Indiana Street). This property will significantly be impacted by the proposed development through the size and bulk of the project as well as a change to the existing off-street parking arrangement for this residence.

The property at 1115 Indiana Street will retain the RM32 zoning and continue as an existing detached dwelling unit if this request is approved. Redevelopment of 1115 Indiana Street could include a future multi-dwelling residence, boarding house or similar use. If incorporated into the existing project is would most likely be added as open space within the project if acquired in the future.

The existing off-street parking for 1115 Indiana Street is accommodated within the existing Berkley Flats apartment complex through an undocumented access arrangement between the property owners. If the proposed rezoning is approved and the property is redeveloped, access to 1115 Indiana Street will only be accommodated from Indiana Street resulting in the need for on-street parking for the residence or the accommodate of parking for the residence in some other location within the immediate area.

The change in zoning alone does not detrimentally affect nearby property owners. The redevelopment of the site and the addition of residential and non-residential uses in the area may be perceived by some residents and property owners in the area as either a benefit or a detriment. Approval of the request should anticipate redevelopment of the site and an increase in the intensity of use and associated traffic for the immediate area. Appropriate application of development standards to the associated preliminary and final development plans will mitigate impacts.

Staff Finding – Approval of the rezoning will accommodate redevelopment of the existing multi-dwelling use and provide an opportunity for non-residential uses within the development. The overall scope of the development of the specific project will impact the property at 1115 Indiana Street.

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: *Here @ Kansas contributes to the health, safety and welfare of the community on many levels. The infill redevelopment of the subject site will support the continued strength and vitality of the primary economic engine of the community Kansas University. It will accomplish this by eliminating an underutilized and outdated use on a large strategic site immediately adjacent to the KU campus.*

The project will set a new standard for convenient high quality student housing in the neighborhood. This is consistent with helping attract the best and brightest student to Kansas University and having them enjoy their experience in Lawrence enough to stay following graduation. In addition, the Project's close proximity to campus allows its future residents to walk or ride their bikes to both campus and downtown eliminating the need to utilize their cars. This reduces vehicular congestion on campus as well as the neighborhood. It also provides a safer alternative for a neighborhood known for its affinity for celebration. Dramatically reducing the need to drive is also consistent with a community concerned about the environment. Finally, the densification of desirable residential options in close proximity to campus will enhance the sense of community which is a critical component to any vibrant collage campus experience.

This project contributes to the welfare of the community by providing over a 400% incremental increase in the site's contribution to the City's tax base.

Denial of the application is a vote for the status quo. Sustainable relevance and vibrancy require a steadfast commitment to continuous improvement. Here @ Kansas aspires to be a long term contributor to that objective.

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.

Approval of this request facilitates redevelopment of an existing urban infill site. The inclusion of the PD overlay accommodates a more rigorous review and the ability to condition specific elements to ensure compatibility with surrounding land uses. Additionally, approval of the MU district facilitates the implementation of the Oread Neighborhood land use plan.

Staff Finding – Staff concurs with the applicant that approval of the request facilitates redevelopment of the property and is beneficial to the community.

9. PROFESSIONAL STAFF RECOMMENDATION

In addition to the Findings of Fact required per 20-1303 regarding Zoning Map Amendments, specific location criteria must be considered when considering a request for the MU district.

Section 20-1108 states *"…To be eligible for rezoning to the Mixed Use District a site proposed for Mixed-Use Development shall be:"*

1. *Within one-quarter mile of a Designated Transit Route at the time the rezoning is initiated; and*

2. *Near or adjacent to the intersection of Arterial streets as per the adopted Major Thoroughfares Map; or*

3. *Within one-quarter of a mile of university campuses; or*

4. *Within one-quarter of a mile of downtown, the boundaries of which are described in Chapter 6 of Horizon 2020; or*

5. *Immediately adjacent to public parks or open space; or*

6. *An existing nonresidential development proposed for redevelopment."*

Staff reviewed these location criteria and determined the proposed request meets the criteria listed above. Criteria number 6 is not applicable to this request. This property is developed as an existing multi-dwelling residential use.

This application if approved will both implement the *Oread Neighborhood Plan* by rezoning an area for mixed use development per the plan and by facilitating redevelopment of an existing single use (high-density residential) property.

CONCLUSION
Staff recommends approval of the proposed zoning.

Are you also submitting any of the following applications?			
· Building Permit	· Subdivision Plat	· Special Use Permit	X · Zoning Change
· Variance	X · Other (specify) Overlay District 2 (PD)		

Please indicate the reason for requesting rezoning. (Attach additional sheets if needed.)

The Project site rezoning request from RM 32 to a Mixed-Use Planned Development District (MU-PD) is Consistent with The Oread Neighborhood Plan's Future Land Use and Overlay District two (2). (See Exhibit H attached).

In reviewing and making decisions on proposed zoning map amendments, the Planning Commission and the City Commission are required consider the following criteria. The Development Code places the burden on the applicant to show that an application complies with such criteria. Please respond to the following criteria to the best of your knowledge. (Attach additional sheets if needed.)

1. How does the request conform with the Comprehensive Plan, Horizon 2020?

The Project advances the goals, aspirations, and policies expressed in the City's Comprehensive plan on multiple levels. At the most senior level, it addresses the reason for the plan itself: namely the advancement of the community's desires concerning the future image of the City of Lawrence itself. The Project is situated in close proximity to the most important economic asset of the City; Kansas University (KU). It particular, it is located directly across the street from Memorial Stadium which is arguably the largest single tourist attraction on the Campus. The Project replaces an underutilization of the site as an obsolete residential apartment complex serving the students of the KU, with an integrated, state-of- the-art, mixed-use project which is reflective of the world class university that KU has become. The Project harmoniously contributes to the emerging neighborhood commercial development node started by the nearby Oread Hotel development.

Consistent with polices outlined in Horizon 2020, the Project's site plan is designed with meticulous attention to the natural topography, the design character of the surrounding neighborhood, and the down gradient drainage needs of nearby properties. This infill redevelopment offers a mix of residential, small-

scale commercial, and common open spaces, while simultaneously respecting the scale and street frontage relationships of the surrounding neighbors.

The Project's location achieves an objective of the Horizon 2020 Plan by serving as a catalyst for multi-model service by providing viable pedestrian, bicycle, vehicular, and transit options. Travel to and from the KU campus as well as downtown can be accomplished with ease. Pedestrian-scaled plantings, gathering places, and bicycle parking are thoughtfully incorporated into the Project's design. Vehicular access is limited to Mississippi Street to further foster the pedestrian feel of Indiana Street.

The Oread Neighborhood Plan specifically identifies the Project site for high density (district 2) mixed-use redevelopment on the future land use map. The plan specifically prescribes the site for minimum parking requirements, maximum lot coverage, maximum increases in height and density, as well as setbacks.

The Project plan is sensitive to the acute parking shortage referenced in the Oread Neighborhood Plan. The Project will construct the single largest private parking footprint in the City creating a garage with a capacity of 592 parking spaces. The garage's subterranean location and space efficiency provides a garage which is almost completely hidden from the surrounding streets. The compression of the bulk of the garage is accomplished through the utilization of an automated robotic parking system. This state-of-the art system contributes to the City's air quality goals. Automated parking garages greatly reduce CO2 emissions by eliminating the need to idle while traveling up and down ramps searching for open spaces, and or waiting to exit.

The Project contributes to the storm water management policies of the City by dramatically decreasing the percentage of impervious surface found currently on the site. The Project's plan creates significant new areas of common open space and dramatically expands the sustainable green footprint of the site through the use of internal courtyards and roof top gardens complete with a rooftop swimming pool for residents and their guests.

The Project's building design promotes sustainable building practices by being LEED certifiable through its utilization of building systems designed for responsible use and conservation of energy, water, and other natural resources.

2. To what extent will approving the rezoning detrimentally affect nearby properties?

The requested rezoning of the project site was thoughtfully and comprehensively envisioned by the neighborhood years ago and documented by the Oread Neighborhood Plan. HERE @ Kansas is the realization of that vision. The infill redevelopment of an underutilized site as strategically important as this only enhances the nearby properties.

3. Describe the character of the neighborhood.

The Oread neighborhood is a diverse, eclectic community where people live, work, study, and celebrate life. The neighborhood has tremendous housing variety and small pockets of neighborhood scale commercial areas. The neighborhood's character has been significantly influenced by its close proximity to both Kansas University and downtown. The extreme topography in the immediate area of the project site adds to both its beauty and uniqueness, and serves as a canvas from which to create an equally unique and aesthetically pleasing infill redevelopment mixed-use project.

4. What is the suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations?

The Project's current zoning of RM 32 fails to recognize the site's strategic proximity to Kansas University, its connectivity to both 11th and Mississippi streets (collector streets), the surrounding unused existing utility infrastructure capacity, and its ready access to nearby mass transit. The result is an underutilization of a highly visible and strategic site directly across the street from Memorial Stadium, the single biggest tourist attraction on the KU campus. The Oread Neighborhood Plan recognizes this unrealized potential and rectifies the problem with a long term land use vision of high density mixed-use redevelopment.

Lawrence Douglas County Metropolitan Planning Office
6 East 6th Street, P.O. Box 708, Lawrence, KS 66044
(785) 832-3150 Fax (785) 832-3160
http://www.lawrenceks.org/pds/

5. What is the length of time the subject property has remained vacant as zoned.

N/A

6. What is the gain, if any, to the public health, safety, and welfare if this application were approved as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application?

HERE @ Kansas contributes to the health, safety, and welfare of the community on many levels. The infill redevelopment of the subject site will support the continued strength and vitality of the primary economic engine of the community; Kansas University. It will accomplish this by eliminating an underutilized and outdated use on a large strategic site immediately adjacent to the KU campus.

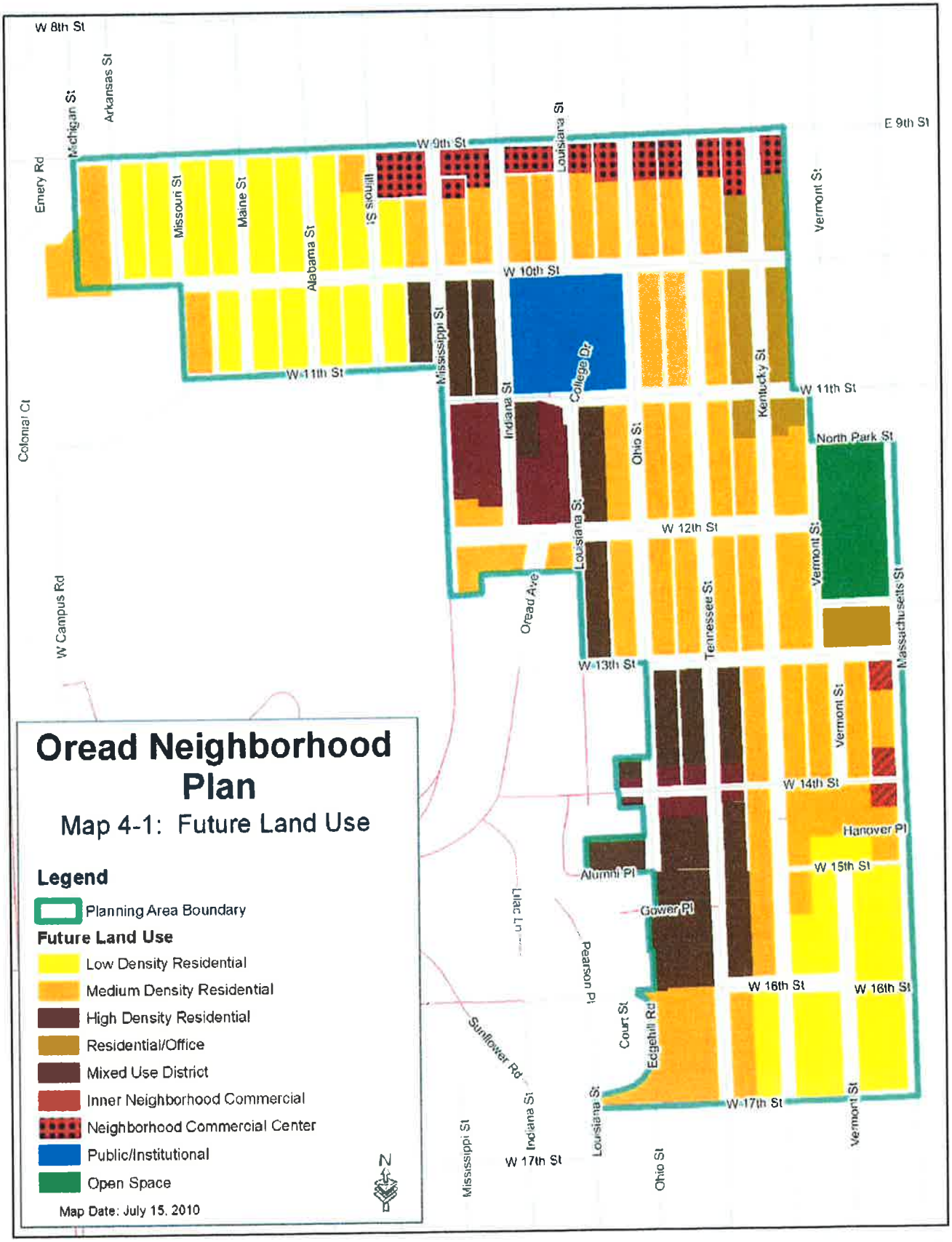
The Project will set a new standard for convenient high quality student housing in the neighborhood. This is consistent with helping attract the best and brightest students to Kansas University and having them enjoy their experience in Lawrence enough to stay following graduation. In addition, the Project's close proximity to campus allows its future residents to walk or ride their bikes to both campus and downtown eliminating the need to utilize their cars. This reduces vehicular congestion on campus as well as the neighborhood. It is also provides a safer alternative for a neighborhood known for its affinity for celebration. Dramatically reducing the need to drive is also consistent with a community concerned about the environment. Finally, the densification of desirable residential options in close proximity to campus will enhance the sense of community which is a critical component to any vibrant college campus experience.

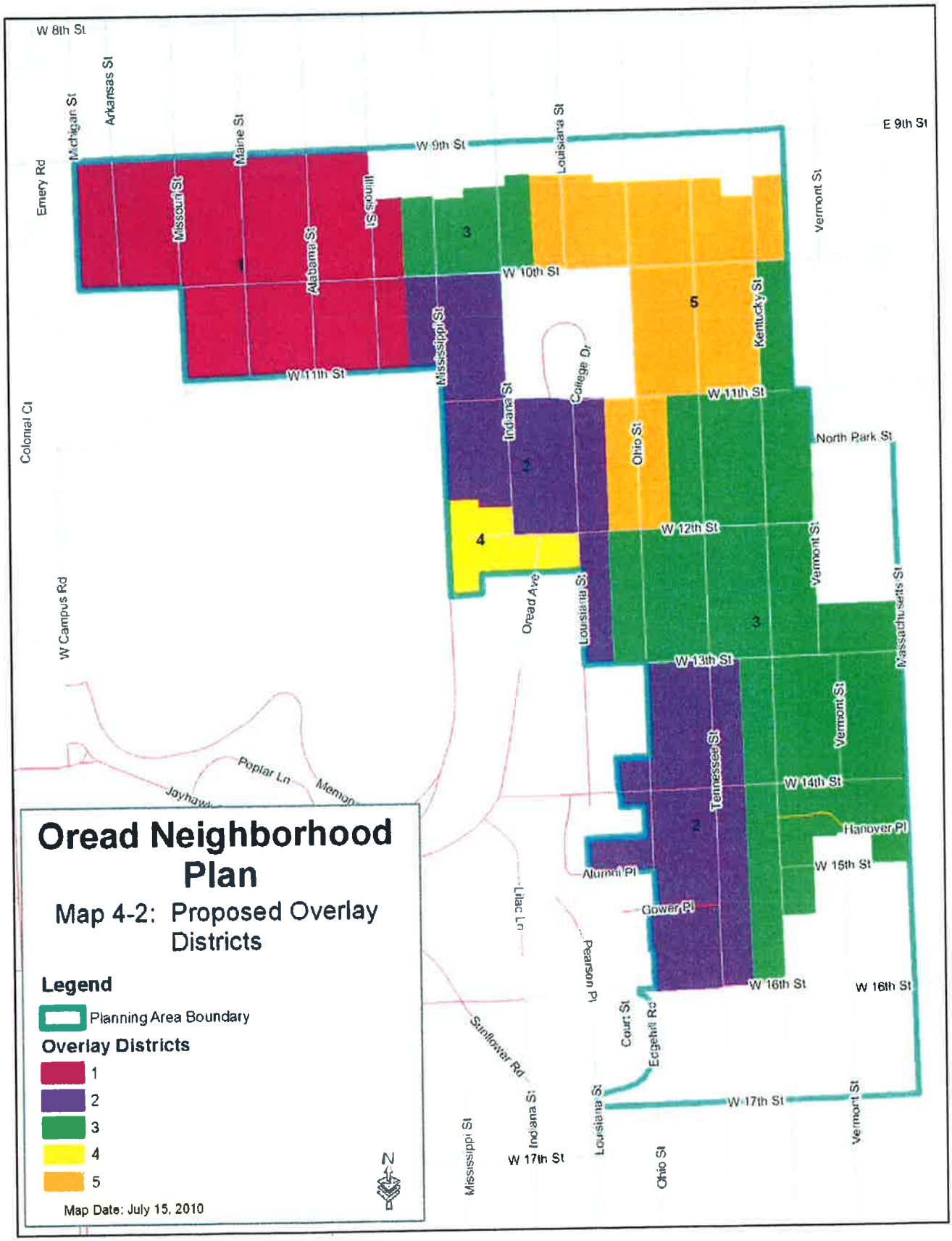
The Project also contributes to the welfare of the community by providing over a 400% incremental increase in the site's contribution to the City's tax base.

Denial of the application is a vote for the status quo. Sustainable relevance and vibrancy require a steadfast commitment to continuous improvement. HERE @ Kansas aspires to be a long term contributor to that objective.

Lawrence Douglas County
Metropolitan Planning Office
6 East 6th Street, P.O. Box 708, Lawrence, KS 66044
(785) 832-3150 Fax (785) 832-3160
http://www.lawrenceks.org/pds/

Exhibit H – Oread Neighborhood Plan Excerpts


W 8th St
Michigan St
Arkansas St
Emery Rd
W 9th St
Louisiana St
E 9th St
Missouri St
Maine St
Alabama St
Illinois St
Vermont St
W 10th St
Mississippi St
College Dr
W 11th St
Kentucky St
Colonial Ct
Indiana St
Ohio St
North Park St
W 12th St
Louisiana St
Oread Ave
Tennessee St
Vermont St
Massachusetts St
W Campus Rd
W 13th St
Vermont St
W 14th St
Hanover Pl
Alumni Pl
W 15th St
Gower Pl
Lilac Ln
Pearson Pl
Court St
Edgehill Rd
W 16th St
W 16th St
Sunflower Rd
Louisiana St
W 17th St
Vermont St
Mississippi St
Indiana St
W 17th St
Ohio St
Oread Neighborhood Plan
Map 4-1: Future Land Use
Legend
Planning Area Boundary
Future Land Use
Low Density Residential
Medium Density Residential
High Density Residential
Residential/Office
Mixed Use District
Inner Neighborhood Commercial
Neighborhood Commercial Center
Public/Institutional
Open Space
Map Date: July 15, 2010
N


Oread Neighborhood Plan
Map 4-2: Proposed Overlay Districts
Legend
Planning Area Boundary
Overlay Districts
1
2
3
4
5
Map Date: July 15, 2010
N
W 8th St
W 9th St
E 9th St
W 10th St
W 11th St
W 12th St
W 13th St
W 14th St
W 15th St
W 16th St
W 17th St
Michigan St
Arkansas St
Maine St
Louisiana St
Vermont St
Emery Rd
Missouri St
Alabama St
Illinois St
Mississippi St
Indiana St
College Dr
Ohio St
Kentucky St
North Park St
Colonial Ct
W Campus Rd
Oread Ave
Massachusetts St
Tennessee St
Hanover Pl
Alumni Pl
Gower Pl
Poplar Ln
Jayhawk
Memor
Lilac Ln
Pearson Pl
Court St
Ergenbright Rd
Sunflower Rd

4.2 Overlay Districts

The *Oread Neighborhood Plan* recommends the implementation of 5 overlay districts. Overlay districts are zoning overlays that are used in conjunction with the base zoning districts and include design guidelines. The overlay districts are tools for dealing with special situation for accomplishing special zoning goals. This plan recommends 2 different types of overlay districts, the Urban Conservation Overlay District and the Historic District Overlay. The overlay districts are intended to: encourage development that conforms to the size, orientation and setting of existing buildings in a neighborhood or area; reduce the need for zoning variances for development that conforms to the size, orientation and setting of existing buildings in a neighborhood or area; provide building setbacks, lot dimensions and related physical characteristics; foster development that is compatible with the scale and physical character of original buildings in a neighborhood or area through the use of development/design standards and guidelines; and conserve the cultural resources, historic resources and property values within an identified neighborhood or area.

The proposed overlay districts are illustrated on Map 4-2 and the elements listed below. These elements are intended to be addressed for that specific area in the overlay standards.

4.2.1 Urban Conservation Overlay Districts

4.2.1.1 District 1 (Low-Density)

District 1 is the area north of the football stadium that is generally identified on the future land use map as low-density and a small amount of medium-density residential.

A. Minimum lot size for duplex
B. Minimum required parking number and location
C. Maximum number of bedrooms permitted in each dwelling unit of a duplex
D. Maximum lot coverage
E. Lot size (assembly)
F. Alley access as opposed to street access
G. Setbacks

4.2.1.2 District 2 (High-Density)

District 2 is generally the area directly adjacent to KU on the west side of the planning area. This area is mainly identified as high-density and mixed use on the future land use map.

A. Minimum parking requirements for uses
B. Massing, scale, bulk, and articulation for new development
C. Maximum lot coverage
D. Height and density maximum increase
E. Larger structures located on corners of certain streets
F. Lot size (assembly)
G. Alley access as opposed to street access
H. Setbacks

HERE @ Kansas

Property Address:	1101 Indiana Street
Property Size (acres):	2.382
Current Base District:	Multi-Dwelling Residential District (RM 32)
Proposed Base District:	Proposed Zoning : Mixed-Use Planeed Development District (MU-PD)

Verticle Mix-Use Structure
Primary Development Zone - All three (3) levels above grade
Secondary Development Zone - All three (3) levels of parking garage
Max. Dwelling Units Per Acre - 32
Setbacks - Public Frontages - 0-10 feet/ Side (interior) 0-5
Max Building Coverage 100%
Max. Impervious Coverage - 100%
Max Height - 48 feet
Min. Outdoor Area (per dwelling unit) - 50 sq. ft.
Min. ground floor level nonresidential spaces:
Height - 12 feet
Area (sq. ft.) - 800

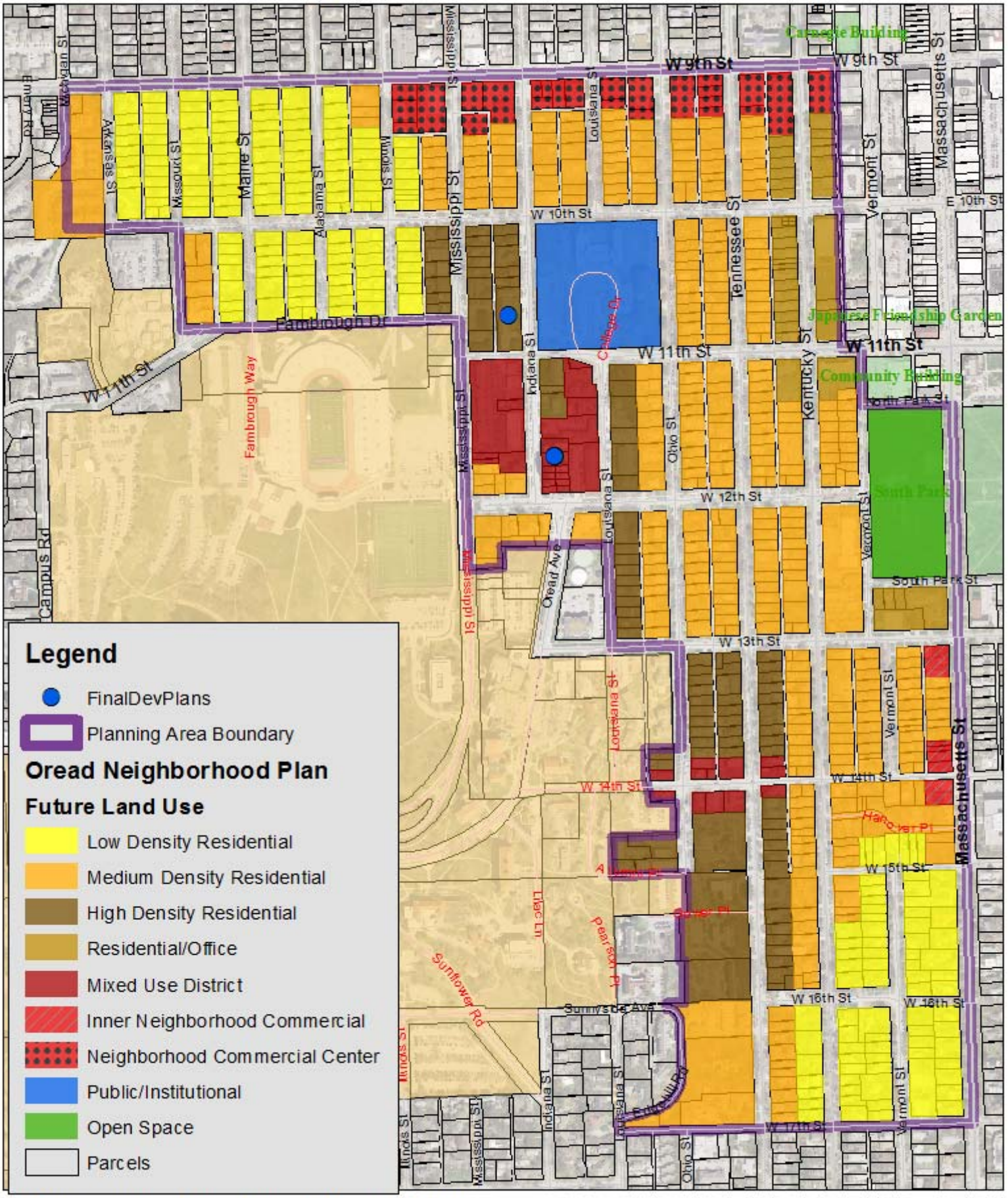
MU Development Bonus Calculation

Public Goal		Explanation	Points Earned
Goal II:	Non Ground Floor Dwellings	Ground floor commercial	25
	Live/Work Units	Provided	
	(points earned for provision of the above mentioned goals may be combined)		
Goal III:	Located adjacent to Designated Transit Stop	Bus route routes 10 & 11 stop in front of site on Mississippi	100
Goal IV:	Location within 1/2 mile of a fire station	Fire Station 1 (745 Kentucky Street) is located .475 miles from the site (per drawing A)	10
	Location within 1 mile of a police station	A Police Station (111 E 11th Street) is located .434 miles from the site (per drawing B)	10
	Location within 1/4 mile of a public park or open space	After further review of the code, onsite open space applies. This is consistent with Section 20-218 which states an Open Space District may also be applied to "Common Open Space" within a residential PD and Cluster Housing Projects. This interpretation is also consistent with Article 6 (c) Mixed Use District which states - "Min. Outdoor Space is not required for each dwelling unit onsite if a public park is located within 1/4 mile of the site" (FYI- South Park is located .308 miles - [310 feet too far] from the site per drawing C)	25
	Location within 1/4 mile of a school or cultural center	The Spencer Museum of Art (1301 Mississippi) is located .185 miles away from site	25
Goal V:	Provision of a green roof or rooftop garden to control storm water runoff		75
	Provision of a storm water best management practice as per adapted BMP Manual		50
	Construction of a Structure with LEED Certification		100
	Construction of a residential structure with Energy Star Certification		25
	TOTAL POINTS EARNED		**445**

MU-PD Development Bonus Utilization

				Total Points Used
Density	MU District Base Density Per Acre		32	
	PD Net Density Increase (25%)		40	
	Requested # of dwelling units		176	
	Requested # of dwelling units Per PD calculation -		156	
	Proposed Density per Acre		65	
	Variance from MU-PD allowable density (units/acre)		25	
	Number of Points Needed (10 pts/unit/acre)			-255
Height	MU District Base Maximum Height		48	
	PD Maximum Base Height Increase (12' ft setback) (per 20-701(g)		60	
	Building Height measured per 20-601(h)(i) in feet	Datum elevation is 10' above the lowest grade 5' away from the building. (Lowest grade 905' +10' = 915')	69	
	Tallest Mississippi Elevation Height from Datum		69	
	Tallest Indiana Elevation Height from Datum		69	
	Tallest 11th Street Elevation Height from Datum		69	
	Variance from MU-PD Allowable Height		9	
	Number of Points Needed (8.33 points = 1 foot increase)			-75
Parking	Per 20-1108 (k)(1) Provision for On-Street Parking	Estimate includes introduction of angled parking on Mississippi Street	-49	
	Per Article 11(m)(4) (5 points = 1 space reduction up 20 space maximum)		-20	-100
	MU Parking Requirement residential (1/bed)		592	
	MU Parking Requirement residential visitor (1/10 units)		16	
	MU Parking Requirement commercial:			
	Accessory Retail (estimate 2 of 3 commercial spaces)	1space/300sq. Ft.	17	
	Accessory Restaurant (estimate 1 of 3 commercial spaces) -	1 space for every 3 occupants+1 space /employee) 1 occupant for every 15 sq. ft. of usable space est. at 50% of gross + estimate of 10 employees	56	
	Total On Site Parking Required		612	
	Total Onsite Parking Supplied		592	
	MU-PD Proposed Shared Parking Spaces	Propoasal assumes 4% of required on site parking spaces are shared	20	
	Total Points Used			-430
	Total Ponts Remainng			15

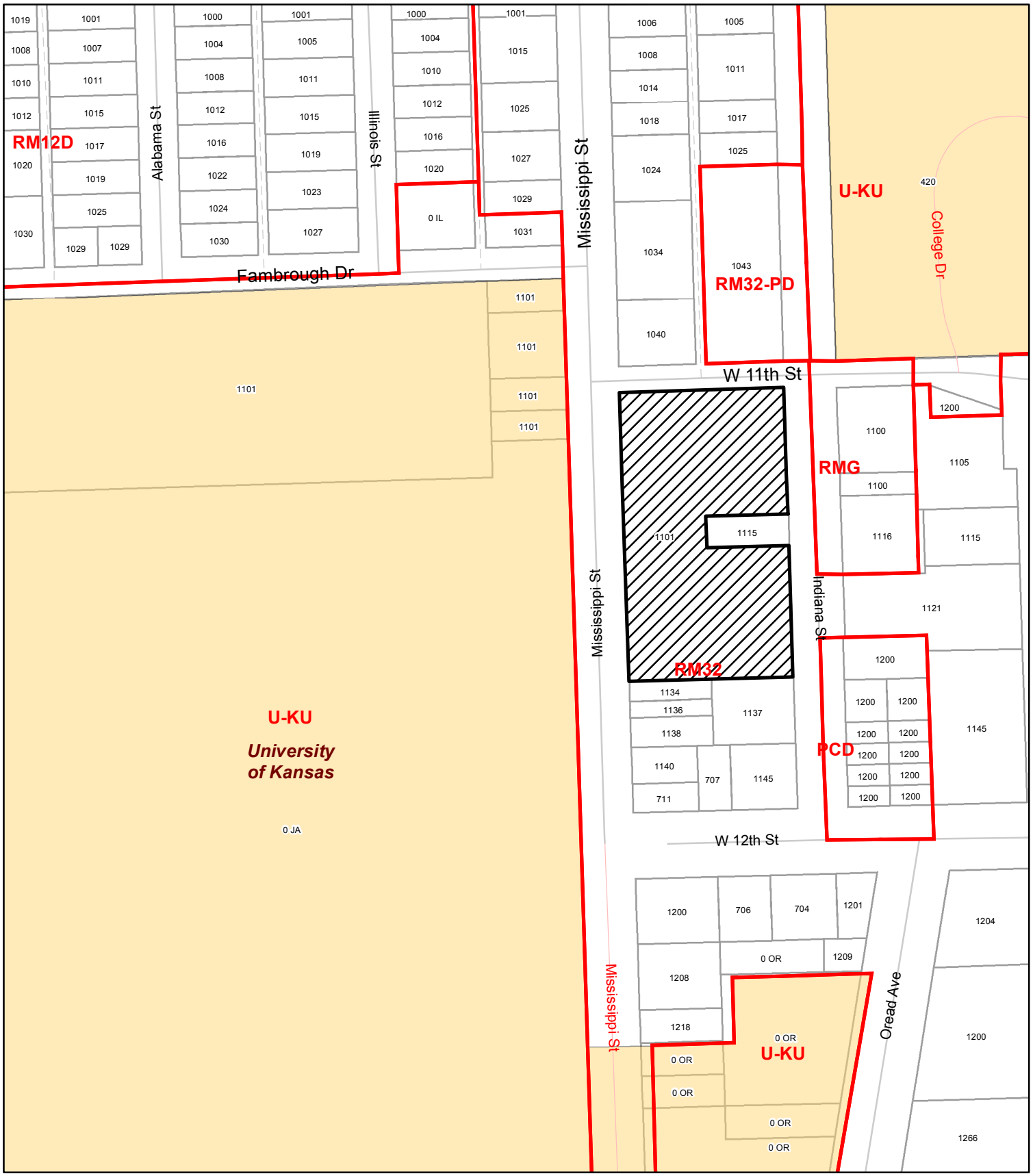
Oread Neighborhood Plan Land Use Map



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: 2/20/2014



Z-13-00516: Rezone 2.391 acres from RM32 District to MU-PD District & PDP-13-00518: Preliminary Development Plan for a mixed use multi-dwelling residential building with ground floor retail uses Located at 1101 Indiana Street

Lawrence-Douglas County Planning Office
February 2014

Subject Property

PLANNING COMMISSION REPORT
Regular Agenda -Public Hearing Item

PC Staff Report
2/24/14

ITEM NO. 3B PRELIMINARY DEVELOPMENT PLAN FOR HERE @ KANSAS; 1101 INDIANA ST (SLD)

PDP-13-00518: Consider a Preliminary Development Plan for HERE @ Kansas, a mixed-use multi-dwelling residential apartment building with ground floor retail uses, located at 1101 Indiana St. Submitted by Hartshorne Plunkard Architects, for Berkeley Flats Apartments LLC, property owner of record.

STAFF RECOMMENDATION ON PRELIMINARY DEVELOPMENT PLAN: Planning Staff recommends approval of Here @ Kansas Preliminary Development Plan based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Provision of a revised plan to reflect correct unit and density count

STAFF RECOMMENDATION ON PRELIMINARY PLAT: Planning Staff recommends approval of Here @ Kansas Preliminary Development Plan – Preliminary Plat based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Approval of a variance for the reduced right-of-way for 11th Street.

Reason for Request: *Here Kansas, LLC plans to construct a state-of-the art, five (5) story, LEED certifiable, mixed-use project. It will contain ground floor retail/restaurant uses on both Indiana and Mississippi Streets, three (3) residential floors containing approximately [1]156 residential student housing units, amenity areas which includes a fitness room, two outdoor common open spaces, a roof top garden which includes a swimming pool area, and three (3) level automated robotic parking garage containing approximately 592 parking spaces strategically integrated into the natural topography of the site. Unlike conventional real estate developers, Here Kansas views itself as the curator of an experience which provides desired outcomes, not merely an erector of bricks and mortar.*

KEY POINTS

- Proposed redevelopment of existing high-density residential use.
- Proposed development project uses density bonuses to achieve the intended development density.
- The MU district allows on-street parking toward required parking.
- Parking is accommodated through garage parking as well as on-street parking for this development.
- Pedestrian scale uses are located at the street level and include non-residential uses.
- Project includes either 171 units or 176 units depending on 2-bedroom and 4-bedroom unit configuration of the project.

[1] 156 units refers to a calculated density. The Actual number of units proposed is 171 or 176 depending on the bedroom arrangement.

- The applicant is proposing a 25% increase in the base density per the Development Plan. the City Commission must approve the increase. The Planning Commission may make a recommendation regarding this increase.

FACTORS TO CONSIDER

- Compliance with Development Code.
- Conformance with *Horizon 2020*.
- Conformance with Subdivision Regulations.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Study received and accepted by staff.
- *Downstream Sanitary Sewer Analysis* – Required study and supporting documentation provided and is approved by City Stormwater Engineer.
- *Drainage Study* – The revised downstream sanitary sewer analysis and cover letter dated January 24, 2014 provided by Landplan Engineering has been reviewed and is accepted for this project to satisfy the criteria required for the DSSA as outlined in Administrative Policy 76.
- *Retail Market Study* – Not applicable to this request

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases

- Z-13-00516 RM32 to MU-PD

Other Action Required

- City Commission approval of Preliminary Development Plan.
- Submittal and approval of Final Development Plan and Final Plat.
- Recording of Final Development Plan and Final Plat with the Douglas County Register of Deeds.
- Building permits must be obtained prior to construction of structures.

ATTACHMENTS

1. Development Plan
2. Project Summary
3. Density Bonus Calculation

PUBLIC COMMENT

- Refer to Zoning Staff Report

GENERAL INFORMATION	
Current Zoning and Land Use:	RM32 (Multi-Dwelling Residential) District. Existing apartment buildings and surface parking lot and site plan for temporary placement of cellular equipment on light truck (COLT) during KU home football games.
Surrounding Zoning and Land Use:	To the North RM32 (Multi-Dwelling Residential) District and RM32-PD [Varsity House – Final Development Plan]. Existing multi-dwelling residential uses.

	To the East RMG (Multi-Dwelling Greek Housing Residential) District and RM32 (Multi-Dwelling Residential) District and PD – [The Oread PCD]. Existing Group Housing-Sorority/Fraternity House multi dwelling, and mixed residential, hotel and commercial use development. To the South: RM32 (Multi-Dwelling Residential) District to the south. Existing multi-dwelling residential uses. To the West: U-KU [University of Kansas] Memorial Stadium, parking and practice fields.

Figure 1 Existing Zoning

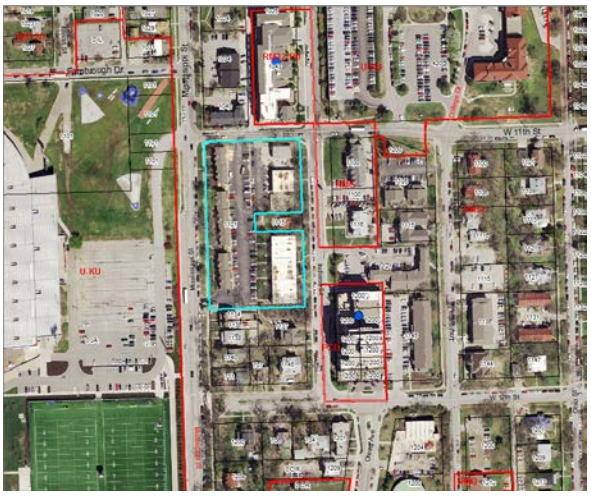


Figure 2 Existing Land Use

Per section 20-1108 (k) the *Land Development Code* allows on-street parking within the MU district to count toward the off-street parking requirements for specified uses in section 20-902. This project includes on-street parking along both Mississippi and Indiana Streets. The proposed plan shows parallel parking along Indiana Street (17 spaces) and angled parking along Mississippi Street (21 spaces). The Project Data summary on the face of the plan indicates the total number of on street parking is 37. As final plans and public improvement plans are completed these numbers may shift. On-street parking will continue to be reviewed as part of the Final Development Plan process.

At this time specific uses for the non-residential (retail/restaurant) space is not identified. This use would be accommodated with on-street parking as needed. The following table provides a summary of the off-street parking requirements for the uses and the proposed parking provided for this development.

PARKING SUMMARY		
Use	**Parking Required**	**Parking Provided**
Multi-Dwelling Residential	1 space per bedroom (592 total bedrooms) 1 space per 10 units (18 spaces to accommodate 176 units[2] 18 spaces (to accommodate 176 units)	592 spaces within garage 38 spaces shown along public streets
Nonresidential use 8,958 SF	Retail Space: 1 space per 300 SF *(30 spaces for 8,958 SF)* Eating and Drinking Space: 1 space per 100 SF customer service area + 1 per employee maximum shift.	

STAFF ANALYSIS

This preliminary development plan is for a mixed use, multi-story building with garage parking and street level non-residential uses. The base zoning for this project is MU, which requires the designation of development zones. The subject property is proposed to be developed with a single vertical mixed-use structure. The property includes frontage along Mississippi Street, Indiana Street and 11th Street. All three streets serve a primary function and are designed for pedestrian scale. Vehicular access to this development is limited to Mississippi Street. In addition to the MU district requirements, this project includes a PD overlay. Certain development standards and bonuses conflict. An example of this conflict is development with buildings oriented at the property line (zero setback). However, density and height bonuses can be achieved by setting a building back from the property line.

A greenfield development would be expected to meet all design standards of the *Land Development Code*. As an infill development within the context of a fully developed urban area, some standards are not achievable or desirable. Key elements for this project have focused on providing a pedestrian scale along the public streets, prohibiting residential uses at the ground floor levels and requiring a mix of uses.

The plan includes residential and non-residential uses as well as structured parking. The plan also identifies two units on the fourth floor as live work units.

Figure 3 Fourth Floor Plan Showing Work Live Units

[2] Plan states 175 units in project data. If approved this information will need to be corrected on a revised submittal.

The following table provides a summary of use and square footage by level of the proposed vertical use building.

Building Use Summary								
USE	**Basement**	**1st floor**	**2nd floor**	**3rd floor**	**4th floor**	**5th floor**	**Roof**	**Total**
Parking	60,767	52,725	44,656					158,148
Retail		5,771		3,187	3,107			12,065
Residential		672		69,885	75,972	83,349		230,333
Mechanical		1,759		4,975	3,170	3,170		13,074
Residential Amenity				4,128	1,900			6,028
Open Space		19,441		11,051			27,840	58,332
Common Open Space		12,018						12,018
TOTAL	**60,767**	**92,386**	**45,111**	**93,226**	**81,042**	**86,519**	**27,840**	**489,998**

Density Review

The base zoning district, MU (Mixed Use) allows a maximum density of 32 units per acre. Without including any additional calculation reductions or bonuses this would result in a total of 76 units for this property [32 * 2.39 = 76.4]. Additionally, the MU district permits an increase in the allowable development potential when certain public goals are met. These development bonuses are listed in section 20-1108 (l) of the Development Code. For each 10 points earned a one additional dwelling unit may be added to the project. The bonus calculations are attached to this staff report.

Per Section 20-701(f)(3), density within a Planned Development is calculated based on the number of bedrooms rather than the number of dwelling units. Regardless of the unit design, the total bedroom count for this project is 592 beds. Section 20-701(f)(3) also allows the City Commission to increase the maximum net density (153) units beyond the *Base District* by 25% for a Planed Development if: *"The City Commission determines that such an increase is warranted to support the public benefit likely to result from the proposed development."*

The developer is proposing two alternatives in terms of the mix of 2-bedroom unit and 4-bedroom unit configuration. The density for this development is calculated below and includes the number of calculated units as well as the resulting units if a 25% increase is approved.

Density Calculations for a Planned Development (2.39 Acres)				
Number of Bedrooms	**Density Factor**	**UNITS**		**Density/ acre**
Studio or one-bedroom	.4 dwelling unit	0	0	
Two-bedroom [92 or 112]	.6 dwelling unit	46 * .6 = (28)	56 * .6 = (34)	
Three-bedroom	.8 dwelling unit	0	0	
Four-bedroom or more [500 or 480]	1 dwelling unit	125	120	
Total PD Calculated Density		28+ 125 =**153**	34 + 120 =**154**	**64**
Total Actual Units Proposed		***171***	***176***	***72/74***
Calculated Density with 25% increase = units per acre		153 *.25 =38	154 *.25 38	
Calculated Density with 25% increase = units per acre		153 + 38 =191	154 + 38 =192	80

Landscape Review

Section 20-701(d) states that all of the standards of the *Development Code* apply to development within a PD District except as expressly authorized by regulations of Section 20-701. Street trees are typically applicable along all public streets. The plan as proposed does not include street trees along W 11th Street. The building is setback approximately 12' from the property line. As an exterior side setback, the building must be 10' setback from this property line. Within that space is a 10' utility easement and an extended plaza area between Mississippi Street and Indiana Street.

The plan shows an existing 5' sidewalk along the south side of W. 11th Street and a foundation planting area in the central portion of the block face. There is insufficient room to provide street trees unless the project size is reduced. W. 11th Street was constructed within only 40' of total right-of-way. This is an existing condition of the area. This segment of the street includes mature trees on both sides of the street as well as 5' sidewalks. No additional right-of-way was requested during the review of this project.

This property is adjacent to multi-dwelling residential zoning along the north and most of the east sides as well as the south sides. A buffer yard is not required for the MU District when adjacent to any non-RS district.

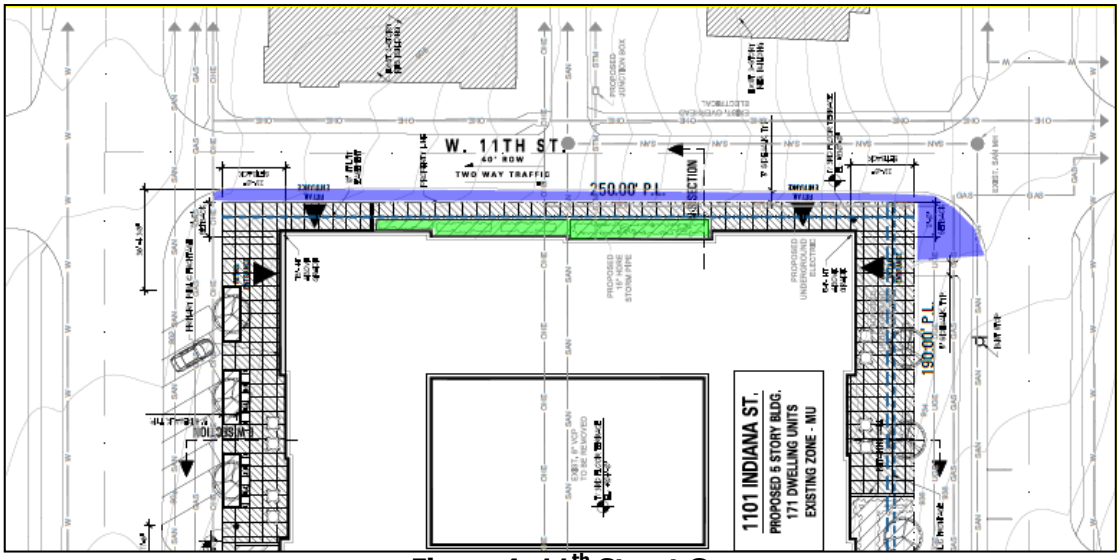


Figure 4: 11th Street Greenspace

Subdivision Review

This property is currently platted with multiple lots. In some cases, existing buildings cross platted lot lines. As part of this redevelopment project, the property will be replatted as a single lot. The Preliminary Development Plan also satisfies the requirements of a Preliminar Plat. Prior to redevelopment of this site, the developer is required to complete a Final Plat. Staff is working with the applicant to address the sanitary sewer utility design for this property and address how that service will be provided for the property at 1115 Indiana Street.

W. 11th Street is designated as a collector street. As such, a total of 80' of right-of-way is required as a standard design requirement per the section 20-810. The existing street is only 40'. No additional right-of-way was requested during the review of this project. There are no plans to widen W. 11th Street. This is an existing condition of the site. Since the Preliminary Development Plan also acts as the Preliminary Plat, it is appropriate for the Planning

Commission to consider a variance from the right-of-way standards in the Subdivision regulations.

Both Indiana Street and Mississippi Streets south of 11th Street (adjacent to the subject property) are designated local streets and exceed the minimum required 60' of right-of-way.

Preliminary Development Plan Review
The proposed Preliminary Development Plan for Here @ Kansas has been evaluated based upon findings of fact and conclusions per Section 20-1304(d)(9) of the *Development Code* for the City of Lawrence, requiring consideration of the following nine items:

1) ***The Preliminary Development Plan's consistency with the Comprehensive Plan of the City.***
This property is proposed to be rezoned for mixed-use development with a Planned Development Overlay to facilitate increased density bonuses within the project. Redevelopment and infill development are recommended policies within the urban areas of the City. Appropriate transitions and buffers are also recommended when high-density uses are adjacent to lower density or intensity uses. This property is immediately adjacent to the University of Kansas along the west property line. Other high-density land uses are located within the immediate vicinity of the property.

Recommendations for medium- and higher-density residential development from Chapter 5 of *Horizon 2020* are listed below.

> "Development proposals shall be reviewed for compatibility with existing land uses. The review should include use, building type, density and intensity of use, architectural style, scale, access and its relationship to the neighborhood, and the amount and treatment of screening and open space." (Policy 1.1, page 5-23)
>
> "Encourage new and existing medium- and higher-density residential development which is compatible in size, architectural design, orientation, and intensity with the surrounding land uses in established areas." (Policy 3.4, page 5-29)

Land uses are further refined in The Oread Neighborhood Plan. The Neighborhood Plan identifies this area as suitable for mixed uses as discussed in the related rezoning report. Additionally, the plan recommends multiple overlay districts (refer to map 4-7 of the Oread Plan). This property is located within what is identified as Overlay District No. 2 (High Density).

This request represents an infill redevelopment of an existing high-density multi-dwelling residential land use. The location of the project is on the edge of the Oread Neighborhood where it abuts the University of Kansas along Mississippi Street. High-density residential uses are recommended near existing high intensity land uses. The University is a high-intensity land use.

Neighborhood compatibility must be mitigated through architectural treatment of the building to provide pedestrian scale design at the ground level and reduce the bulk of the building.

Staff Finding – The proposed development complies with the land use goals and policies for medium- and higher-density residential development of the Comprehensive Plan.

2) Preliminary Development Plan's consistency with the Planned Development Standards of Section 20-701 including the statement of purpose.

The purpose statement includes the following (staff comments follow in *italics*):

a) Ensure development that is consistent with the comprehensive plan.
As discussed previously, the development is consistent with the comprehensive plan.

b) Ensure that development can be conveniently, efficiently and economically served by existing and planned utilities and services.
The City and the applicant are working to provide an internal design acceptable to the City to facilitate this development and the remaining residence at 1115 Indiana Street. Public Improvement Plans will be required with this development. Sufficient capacity within the water and sanitary sewer systems exists to accommodate this proposed development.

c) Allow design flexibility which results in greater public benefits than could be achieved using conventional zoning district regulations.
The intent of the developer is to provide a project that exceeds the current development form in types of units, uses, and environmental benefits with a structured vertical mixed-use development. This is accommodated through the use of rezoning and a planned development overlay that offers incentives (density) for providing a higher quality development than the existing development or through what could be developed with conventional zoning.

Two specific elements of this project are LEED certifiable and Energy Star certifiable construction. The incorporation of these design standards allows the project to be considered for a density bonus – a benefit to the developer; in exchange, the community benefits by efficient and sustainable forms of development.

d) Preserve environmental and historic resources.
There are no known historical or environmental resources on this property.

e) Promote attractive and functional residential, nonresidential, and mixed-use developments that are compatible with the character of the surrounding area.
The proposal is for a vertical mixed-use development. It will be constructed as a redevelopment – infill project. This area is designated in The Oread Neighborhood Plan as suitable for mixed uses.

Staff Finding – The proposed Preliminary Development Plan is consistent with the Statement of Purpose of Planned Development.

3) The nature and extent of the common open space in the Planned Development.

Common open space is provided around the perimeter of the building and includes hard surface areas for the parking garage and plaza areas adjacent to the ground floor uses. Additional common opens space can be found around the perimeter of the building and interior to the building as planter areas, green spaces and roof top amenities with the development.

Staff Finding – This plan includes developed common open spaces internal to the development and along all street frontages as a mix of residential and public spaces throughout the development.

4) The reliability of the proposals for maintenance and conservation of the common open space.

The property owner will own and maintain the common open space within this development. This development is anticipated as a singly owned building and the developer will have control over the common areas within the development.

Staff Finding –The property owner will own and maintain the common open space.

5) The adequacy or inadequacy of the amount and function of the common open space in terms of the densities and dwelling types proposed in the plan.

The minimum outdoor area, as required on Article 20-601 (a) is based on the total calculated dwelling unit count and not the actual number of dwelling units.

Open Space Requirement Calculation				
Number Bedrooms	Proposed	Optional	Required Outdoor Space (P * 50 SF)	Required Outdoor Space (O * 50 SF)
2 br units	46 units [46 * .6 = 28]	56 units [56 * .6 = 34]	28 * 50 = 1,380 SF	34* 50 = 1,700 SF
4 br units	125 units [125 * 1 = 125]	120 units [120 * 1 = 120]	125 * 50 = 6,250 SF	120 * 50 = 6,000 SF
Total Units	171	176	7,630 SF	7,700 SF

This proposed development includes 19,441 SF of common open space located around the perimeter of the building. An additional 4,128 SF of open space is provided within the exterior courtyard area accessible from the 3rd floor of the building. An additional 27,840 SF is provided on the roof level.

Common open space within this development is located on the roof level of the project and on the third floor of the property. Open space areas are also located around the perimeter of the building and within plaza areas along the street frontage as an extension of the retail commercial area.

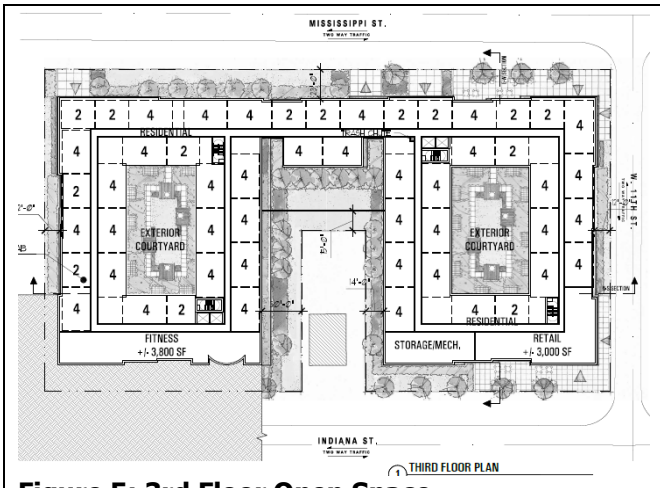


Figure 5: 3rd Floor Open Space

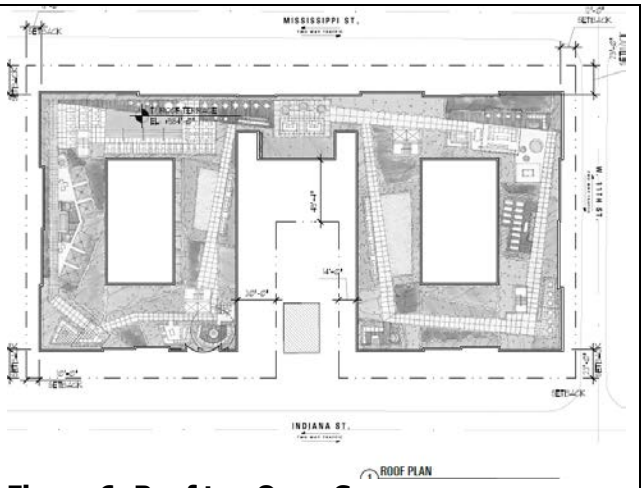


Figure 6: Roof top Open Space

Staff Finding – The amount and function of the common open space exceeds the requirements of the Development Code.

6) Whether the Preliminary Development Plan makes adequate provisions for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment.

A location criterion for a Mixed Use development is the proximity to multiple public services. This project is:

- Located along established transit routes
- Located within one quarter mile of public open space (University of Kansas) and one half mile of public parks (South Park and the Japanese Friendship Garden)
- Located within one half mile of a fire/medical station (Fire Station 1) and multiple community and public buildings.
- Serviced by existing water and sanitary sewer infrastructure.

A traffic study was provided to City Staff for reviewed. The study includes recommended pavement markings at specific locations for the surrounding street network. These recommendations would be included as part of the Final Development Plan and are represented graphically as follows:

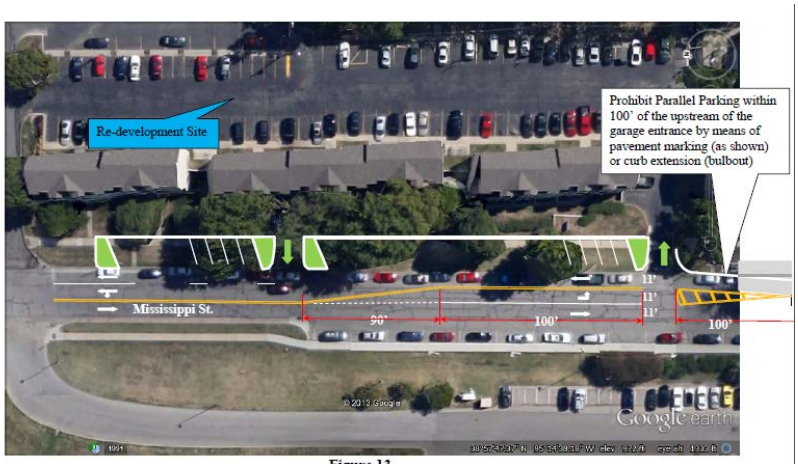


Figure 13
Proposed Lane Configurations (Conceptual)

Figure 14
Proposed Lane Configurations (Conceptual)

Figure 7: Traffic Study Graphic of Pavement Markings

This project is unique in that there will be no on-site vehicular circulation. Off-street parking is provided within the building through an automated garage feature. Access to the garage is from Mississippi Street. Additionally, this development will include on-street parking along Mississippi Street and Indiana Street adjacent to the development. Staff has been working with the applicant to outline the necessary agreement that must be executed regarding use of on-street parking within this area.

The project includes required open space within the development and is setback from property lines to create public plaza areas adjacent to the commercial areas of the development. The site also includes setbacks from the property at 1115 Indiana Street creating open space around this remaining residence.

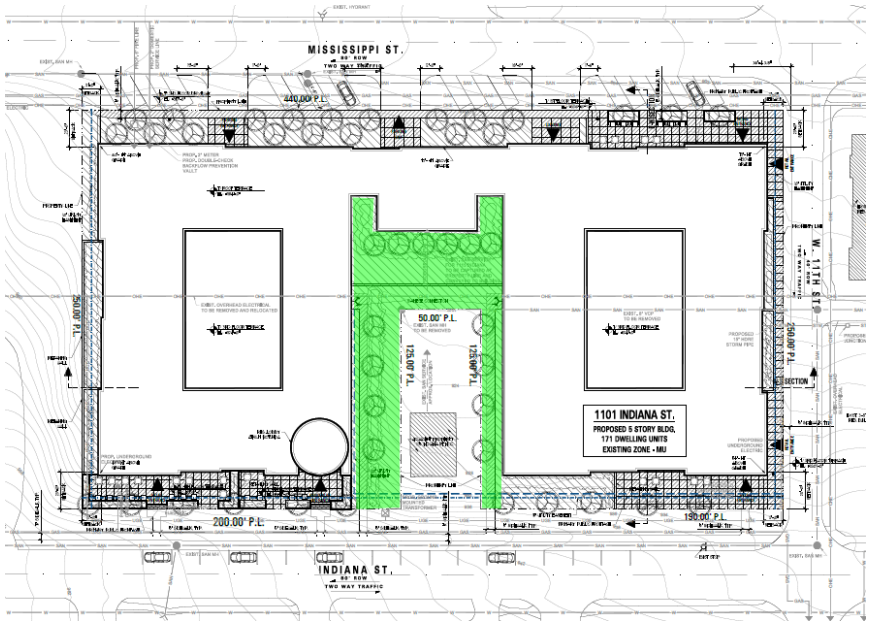


Figure 8: Buffer Yard Area

Staff Finding_– The Preliminary Development Plan's provisions for Fire/Medical access will continue to be reviewed as part of the Final Development Plan as well as the construction documents. Overall, the proposed Preliminary Development Plan provides adequate provisions for public services and controls for vehicular circulation.

7) Whether the plan will measurably and adversely impact development or conservation of the neighborhood area by:

a) doubling or more the traffic generated by the neighborhood;

This property is developed with an existing high-density residential use. The project location is within a fully developed portion of the urban area. The traffic study indicates that overall traffic in the area will result in almost four times the current traffic level that exists in the area today. However, the adjacent street network has enough capacity to support the development. The study identified specific turn lanes that are needed to enhance the safety in the area as discussed earlier in the staff report.

b) proposing housing types, building heights or building massings that are incompatible with the established neighborhood pattern; or

The proposed development uses the existing grade of the property to provide an overall development that is consistent with other development in the area as it relates to height. Pedestrian scale amenities and building articulation help to mitigate the mass of the proposed development along the adjacent street frontages. These elements will continue to be reviewed and refined as part of the Final Development Plan and the building code review processes.

c) increasing the residential density 34% or more above the density of adjacent residential properties.

This property is surrounded by a high-density residential development. The proposed density is substantially higher than the adjacent development pattern of the immediate area. Density bonuses are accommodated through both the base MU District and the PD overlay district.

Staff Finding-- Staff has determined that the Preliminary Development Plan will have an impact on property specifically located at 1115 Indiana Street. The impact of the project for that property is significant.

8) Whether potential adverse impacts have been mitigated to the maximum practical extent.

Potential adverse impacts with multi-dwelling apartments can occur with lighting that extends onto adjacent properties, or with balconies that overhang single-dwelling residences. A photometric plan will be required prior to approval of the Final Development Plan to insure there is no negative impact from the exterior lighting. Parking lot lighting will not impact the surrounding uses since it is contained within the building. Exterior lights shall have full cut-off features and will be further reviewed as part of the Final Development Plan. A note on the plans states; "No balconies are proposed on this project."

As discussed in the rezoning application, the proposed development will surround an existing single-story detached residence on three sides. The building has been setback to provide a large buffer around the residence. The mass and size of the proposed development will be significant compared to the existing residence. A concern for the residence at 1115 Indiana Street is the availability of off-street parking. Staff is reviewing options as a this project is refined. The slope of the property from Indiana Street is not appropriate for the construction of a driveway. The residence is situated several feet below the street. Currently the property owner of 1115 Indiana Street accesses the rear of the property for parking through the Berkley Flats Apartment development. There are no existing easements or agreements recorded for this parking. Designation of an on-street parking space may be necessary for this residence.

Staff and the applicant have attempted to address concerns or to incorporate the property at 1115 Indiana into the proposed development without success.

Staff Finding – Possible adverse impacts of exterior lighting will be addressed with a photometric plan to insure there is no spillover light. The size and location of the proposed development in proximity to the existing residence at 1115 Indiana Street will be significant.

9) The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the Planned Unit Development in the case of a plan that proposes development over a period of years.

The proposed project is a mixed-use development within a single building in property that is currently developed with several buildings and surface parking as a multi-dwelling residential use. There is no phasing associated with this project.

Staff Finding- A phased development has not been proposed.

Staff Review and Conclusion

The proposed Preliminary Development Plan conforms to the land use recommendations for mixed-use development in the *Oread Neighborhood Plan*. This property is located within an existing urban area and is constrained by the topography and the surrounding development.

1101 INDIANA ST.

LAWRENCE, KS

PROJECT NOTES

OWNER

HERE Kansas, LLC
908 N. Halsted, Chicago, Il 60607
p. 312 642 0170
jwh@here-llc.com

PROPERTY DESCRIPTION

LOTS 1-6 IN BLOCK 14, LANE'S SECOND ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; AND LOT 1, THE NORTH HALF OF LOT 2, AND ALL OF LOTS 3-5 AND 9-12 IN BLOCK 9, OREAD ADDITION TO THE CITY OF LAWRENCE, ALL IN DOUGLAS COUNTY, KANSAS.

GENERAL NOTES

1. NO BALCONIES ARE PROPOSED ON THIS PROJECT.
2. ALL ACCESSIBLE SIDEWALK RAMPS PER ADA STANDARDS.
3. CONTRACTOR TO VERIFY ALL UTILITY LOCATIONS PRIOR TO EXCAVATION.
4. SWIMMING POOL SHALL COMPLY WITH CITY CODE CHAPTER 19, ARTICLE 11, IF PROVIDED.
5. ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM THE RIGHT-OF-WAY PER CITY REQUIREMENTS.
6. ALL EXISTING BUILDINGS AND STRUCTURES CURRENTLY ON THE SITE ARE PROPOSED TO BE DEMOLISHED.
7. TOPOGRAPHIC INFORMATION IS BASED ON GIS INFORMATION PROVIDED BY THE CITY OF LAWRENCE BASED ON NAVD88 VERTICAL DATUM.
8. THIS SITE PLAN IS INTENDED TO COMPLY WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES FOR BUILDING, PARKING, AND PEDESTRIAN ACCESS.

PROJECT DATA

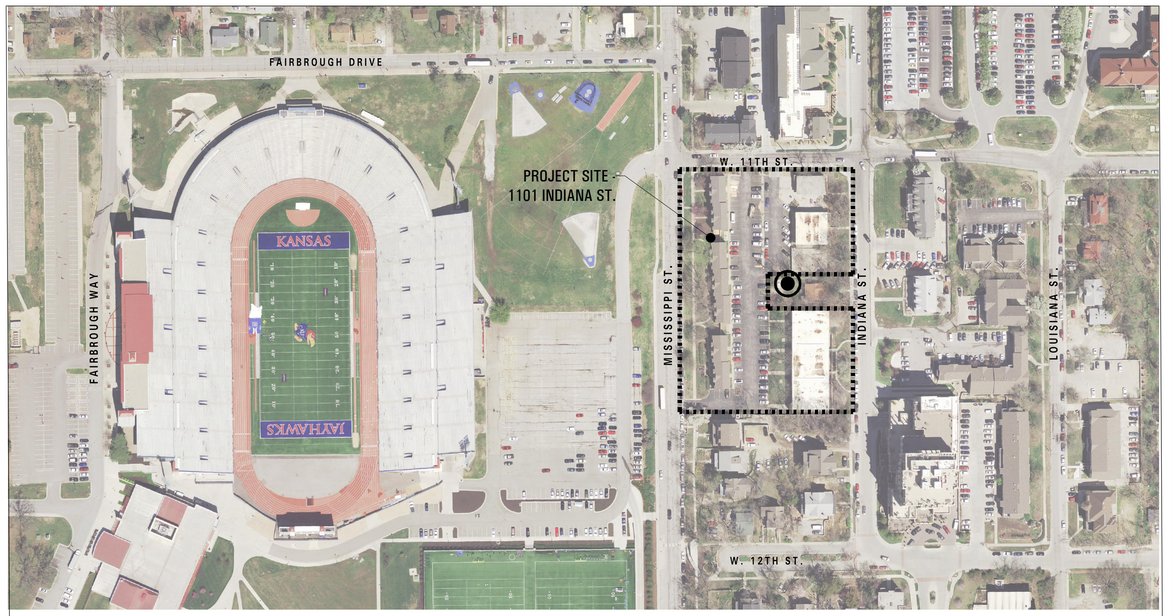
	EXISTING	PROPOSED	NOTES
UNDERLYING ZONE	RM32	MU (PLANNED DEVELOPMENT)	
USES	RESIDENTIAL	RESIDENTIAL/ RETAIL	
SITE AREA	103,750 SF (2.38 ACRES)	103,750 SF (2.38 ACRES)	
GROSS BUILDING AREA	-	422,000 SF	REFER TO PLANS FOR AREA SUMMARY

	REQUIRED/ ALLOWED (RM32 ZONE)	PROPOSED (MU PLANNED DEV.)	NOTES
MLA PER DWELLING UNIT (INCLUDING 25% DISCRETIONARY BONUS)	40 UNITS/ ACRE	66 UNITS/ ACRE	
DWELLING UNITS ALLOWED PER MLA	95	156	
EXISTING DWELLING UNITS	103	-	
PROPOSED DWELLING UNITS (PER PD CALC.)	-	156	
PROPOSED DWELLING UNITS (ACTUAL #)	-	175	
PROPOSED TOTAL BEDROOMS	-	592	
BUILDING HEIGHT (ACTUAL)		79'	48' BASE HT. + 1' PER 1' SETBACK
BUILDING HEIGHT (ABOVE DATUM)	60'	69'	
OPEN SPACE			
TOTAL COMMON OPEN SPACE	6,599SF (20%)	19,441 SF (59%)	REFER TO PDP-02 FOR
RECREATIONAL OPEN SPACE	3,299SF (10%)	12,018 SF (36%)	CALCULATION
REQUIRED OFF-STREET PARKING	627	592	
EXISTING OFF-STREET SPACES	165	-	
ON-STREET SPACES	34	37	
REQUIRED PARKING (UNITS)	592	INCLUDED ABOVE	1/ BEDROOM
REQUIRED PARKING (GUEST SPACES)	16	INCLUDED ABOVE	1/ 10 UNITS
ESTIMATED REQUIRED PARKING (RETAIL)	17	INCLUDED ABOVE	1/ 300 SF NET (ESTIMATED)
ESTIMATED REQUIRED PARKING (RESTAURANT)	56	INCLUDED ABOVE	1/45 SF NET (ESTIMATED)

CODE ANALYSIS

BUILDING CODE ANALYSIS	IBC - 2012 ORDINANCE REQUIREMENTS	IBC CODE SECTION
USE AND OCCUPANCY CLASSIFICATIONS - CHAPTER 3		
REQUIREMENTS		
1. SECTION 301-303, 309-311 USE AND OCCUPANCY CLASSIFICATION	RESIDENTIAL - GROUP R-2 MERCANTILE - GROUP M ASSEMBLY - GROUP A-3 PARKING - GROUP S-2	302
A. INCIDENTAL USE SEPARATIONS		
1. STORAGE ROOMS OVER 100 SF	1 HR OR PROVIDE AUTOMATIC FIRE EXTINGUISHER SYSTEM	TABLE 509
2. PARKING GARAGE	2 HR OR 1 HR W/ SPRINKLERS	TABLE 406.4.6
3. ROOMS WITH ANY BOILER OF 15 PSI ≤ 10 HP	1 HR OR PROVIDE AUTOMATIC FIRE EXTINGUISHER SYSTEM	TABLE 509
4. ROOMS CONTAINING FIRE PUMPS IN HIGH-RISE BUILDING	2 HR	TABLE 509
B. OCCUPANCY SEPARATIONS - (SEPARATED USES PER IBC 302) (508.4)		
R2 RESIDENTIAL TO S1 GARAGE	2 HRS OR 1 HR WITH AUTO FIRE EXTINGUISHER SYSTEM, PER TABLE 508.3	TABLE 508.4
R2 RESIDENTIAL TO R2 RESIDENTIAL	1 HR	708
R2 RESIDENTIAL TO A1 ASSEMBLY	2 HRS OR 1 HR WITH AUTO FIRE EXTINGUISHER SYSTEM, PER TABLE 508.3	TABLE 508.4
R2 RESIDENTIAL TO M MERCANTILE	2 HRS OR 1 HR WITH AUTO FIRE EXTINGUISHER SYSTEM, PER TABLE 508.3	TABLE 508.4
A1 ASSEMBLY TO S1 GARAGE	2 HRS OR 1 HR WITH AUTO FIRE EXTINGUISHER SYSTEM, PER TABLE 508.3	TABLE 508.4
SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY - CHAPTER 4		
REQUIREMENTS		
1. SECTION 403: HIGH RISE BUILDINGS		403.2
A. REDUCTION IN FIRE RESISTANCE RATING		
1. TYPE OF CONSTRUCTION	TYPE 1A FOR BUILDINGS LESS THAN 420 FT, RATINGS MAY BE REDUCED TO THOSE REQUIRED IN TYPE 1B CONSTRUCTION (EXCEPT COLUMNS)	403.2.1.1
2. SHAFT ENCLOSURE	2HR PROVIDED OR 1 HR WHERE SPRINKLERS ARE WITHIN THE SHAFT AT THE TOP AND AT ALTERNATE FLOOR LEVELS	403.2.2
3. SPRAYED FIRE RESISTANT MATERIALS (SFRM)	SFRM MIN BOND STRENGTH OF 430 PSF	403.2.4
4. AUTOMATIC SPRINKLER SYSTEM	CONTAINS SPRINKLER SYSTEM IN ACCORDANCE WITH SECTION 903.3.1.1	403.2.4
5. WATER SUPPLY TO REQUIRED FIRE PUMPS	FIRE PUMP SUPPLIED BY TWO WATER MAIN CONNECTIONS (TWO CONNECTIONS TO ONE MAIN ARE PERMITTED IF MAIN IS VALVED)	403.3.2
6. EMERGENCY SYSTEMS		
a. SMOKE DETECTION	AREA SMOKE DETECTION AND DUCT SMOKE DETECTION PROVIDED	403.4.1
b. FIRE ALARM SYSTEM	SMOKE DETECTION, FIRE DEPARTMENT COMMUNICATION PROVIDED SYSTEM AND EMERGENCY VOICE/ALARM COMMUNICATION SYSTEM	907.2.13
c. EMERGENCY VOICE/ALARM COMMUNICATION SYSTEM	PAGING ZONES AT ELEVATORS, EXITS STAIRS, AND ADA PROVIDED	907.5.2.2
d. EMERGENCY RESPONDER RADIO COVERAGE	PROVIDED IN ACCORDANCE WITH SECTION 918 OF THE IFC	IFC 918
e. FIRE COMMAND		
1. LOCATION AND ACCESS	APPROVAL BY FIRE CHIEF	911.1
2. SEPARATION	1 HR MIN. FIRE BARRIER	911.2
3. SIZE	MIN. 1000 SF WITH A MIN. DIMENSION OF 18'	911.3
4. LAYOUT APPROVAL	APPROVAL OF LAYOUT IS REQUIRED BEFORE INSTALLATION	911.4
5. REQUIRED FEATURES	EMERGENCY VOICE/ ALARM COMMUNICATION SYSTEM CONTROL UNIT FIRE DEPT. COMMUNICATION SYSTEM FIRE DETECTION AND ALARM ANNUNCIATOR. ANNUNCIATOR EVACUATION OPERATION INDICATOR, STATUS INDICATORS AND CONTROLS FOR AIR DISTRIBUTION, FIRE-FIGHTER CONTROL PANEL, STAIRWAY DOOR CONTROLS, SPRINKLER VALVE AND WATER FLOW PANELS EMERGENCY AND STANDBY POWER STATUS INDICATORS, FIRE DEPT. TELEPHONE, FIRE PUMP STATUS, SCHEMATIC BUILDING PLANS WITH APPLICABLE FIRE DETAILING, BANK TABLE GENERATOR CONTROLS, PUBLIC ADDRESS SYSTEM, ELEVATOR RECALL SWITCH, ELEVATOR EMERGENCY OR STANDBY POWER SELECTION SWITCH	911.5
e. SMOKE REMOVAL	NATURAL AND MECHANICAL VENTILATION PROVIDED	403.4.7
7. STANDBY POWER		
a. SPECIAL REQUIREMENTS FOR STANDBY POWER	2 HR FIRE BARRIER PROVIDED FOR GENERATOR ROOM	403.4.8.1
b. STANDBY POWER LOADS	POWER AND LIGHTING, VENT. AND FIRE DETECTION, ELEVATORS	403.4.8.2
8. EMERGENCY POWER		
a. EMERGENCY POWER LOADS	EXIT SIGNS, AND MEANS OF EGRESS ILLUMINATION, ELEVATOR CAR LIGHTING, EMERGENCY VOICE/ALARM COMMUNICATIONS SYSTEM, AUTOMATIC FIRE DETECTION SYSTEMS, FIRE ALARM SYSTEMS, ELECTRICALLY POWERED FIRE PUMP	403.4.9.1
9. MEANS OF EGRESS		
a. REMOTENESS OF EXIT STAIR ENCLOSURE	NOT LESS THAN 30F OR NOT LESS THAN 1/4 OF THE LENGTH OF THE OF THE MAX OVERALL DIAGONAL DIMENSION OF THE BUILDING OR AREA TO BE SERVED, WHICHEVER IS LESS	403.5.1
b. SMOKE PROOF EXIT ENCLOSURES	REQUIRED FOR STAIRWAYS SERVING FLOOR MORE THAN 75' HIGHEST POINT OF FIRE DEPT. VEHICLE ACCESS	403.5.4
c. LUMINOUS EGRESS PATH	REQUIRED IN ACCORDANCE WITH SECTION 1024	403.5.5
d. EMERGENCY ESCAPE AND RESCUE	EMERGENCY ESCAPE AND RESCUE OPENINGS REQUIRED BY SECTION 1025 ARE NOT REQUIRED	403.5.6
10. ELEVATORS		
a. FIRE SERVICE ACCESS ELEVATOR	REQUIRED FOR BUILDINGS OVER 120' - N/A FOR THIS PROJECT/	403.6.1
GENERAL BUILDING HEIGHTS AND AREAS - CHAPTER 5		
REQUIREMENTS		
1. SECTION 503		
A. RESIDENTIAL GROUP R2 (PRIMARY OCCUPANCY)	TYPE 1B - 11 STORIES MAX. HEIGHT, UNLIMITED AREA	TABLE 503
ASSEMBLY GROUP A-2	TYPE 1B - 11 STORIES MAX. HEIGHT, UNLIMITED AREA	
MERCANTILE GROUP M	TYPE 1B - 11 STORIES MAX. HEIGHT, UNLIMITED AREA	
PARKING GARAGE GROUP S-2	TYPE 1B - 11 STORIES MAX. HEIGHT, 75,000SF MAX. AREA/ FLOOR/	
TYPE OF CONSTRUCTION - CHAPTER 6		
REQUIREMENTS		
1. SECTION 602: CONSTRUCTION CLASSIFICATION		
A. TYPE 1B	NON-COMBUSTIBLE MATERIALS	602.2
11. SECTION 603: COMBUSTIBLE MATERIALS IN TYPE 1A# 2A		603.1
A. FIRE RETARDANT TREATED WOOD PERMITTED	NON BEARING PARTITIONS AND EXTERIOR WALLS, NON BEARING ROOF EXTERIOR WALLS WHERE NO FIRE RATING IS REQUIRED, ROOF CONST. PERMITTED	
B. INTERIOR FLOOR FINISH: TRIM AND MILLWORK	PERMITTED	
C. INSTALLED LESS THAN 81-0" ABOVE GRADE: WINDOW, NAILING, OR RUNNING STRIPS	PERMITTED	
III. TABLE 601: FIRE RESISTANCE RATING FOR BUILDING ELEMENTS		601
A. STRUCTURAL FRAME (COLUMNS, GIRDERS AND TRUSSES)	2 HR	
B. BEARING WALLS (EXTERIOR)	2 HR	
BEARING WALLS (INTERIOR)	2 HR	
C. NON BEARING WALLS AND PARTITIONS	PER TABLE 602 - 0HR FOR INT. / 1HR FOR EXT.	
D. FLOOR CONSTRUCTION AND SECONDARY MEMBERS	2 HR	
E. ROOF, INCLUDING SUPPORTING BEAMS AND JOISTS	1 HR	
IV. TABLE 602: FIRE SEPARATION DISTANCE FOR EXTERIOR WALLS		
A. TYPE 1B CONSTRUCTION		
1. INTERIOR / EXTERIOR FIRE SEPARATION		
LESS THAN 10FT.	1 HR RATING (GROUP A-2, R-2, S-2), 2HR RATING (GROUP M)	
MORE THAN 9 FT, LESS THAN 10FT.	1 HR RATING (GROUP A-2, R-2, S-2), 2HR RATING (GROUP M)	
MORE THAN 10FT, LESS THAN 30FT (1HR RATING)	1 HR RATING (ALL OCCUPANCIES)	
MORE THAN 30FT	NO RATING REQUIRED (ALL OCCUPANCIES)	
FIRE RESISTANCE - RATED CONSTRUCTION - CHAPTER 7		
REQUIREMENTS		
1. SECTION 705: EXTERIOR WALLS		
A. TYPE 1B CONSTRUCTION	PROJECTIONS FROM WALL (NON-COMBUSTIBLE) - N/A PER EXCEPTION	705.2
B. VERTICAL SEPARATION OF OPENINGS	DOES NOT APPLY WITH AUTOMATIC SPRINKLER SYSTEM	705.8.5
C. PARAPETS	PROVIDED	705.11
11. SECTION 706: FIRE WALLS		
A. PER TABLE 706.4		706.4
OCCUPANCY GROUP R-2, A-2, M	3 HRS	
OCCUPANCY GROUP S-2	3 HRS	
III. SECTION 707: FIRE BARRIERS/ SHAFT ENCLOSURES		
A. SHAFTS	2 HRS (CONNECTING 4 + STORIES) 1 HR (CONNECTING LESS THAN 4 STORIES)	707.3.9/ 713.4
B. SHAFT OPENINGS	PER FIRE BARRIER REQUIREMENTS	707.6
C. REFUSE AND LAUNDRY CHUTES		
1. OPENINGS	SELF CLOSING W/ SMOKE DETECTOR	713.13
2. ACCESS ROOMS	1 HR ENCLOSURE (1 H OR FOR SELF-CLOSING DOORS)	713.13.3
3. TERMINATION ROOM	RATING TO MATCH THE REQUIRED RATING FOR THE SHAFT ENCLOSURE	713.13.4
4. SPRINKLERS	AUTOMATIC SPRINKLERS REQUIRED	713.13.6
D. ELEVATOR LOBBY		
1. SEPARATION	FIRE-RATED DOORS - REQUIREMENT APPLIES IS SERVING AN OCCUPIED FLOOR AT LEAST 75' ABOVE FD ACCESS	713.14.1.4
IV. SECTION 708: FIRE PARTITIONS		
A. SEPARATION OF SLEEPING UNITS GROUP R2	1 HR DEMISING WALLS	708.3
B. CORRIDOR WALLS	1/2 HR	708.3
C. ELEVATOR LOBBY	1 HR	713.14.1
V. SECTION 709: SHOCK BARRIERS		
A. REQUIREMENTS	1 HR	709.3
VI. SECTION 714: OPENING PROTECTIVES		
A. FIRE RATED GLASS UNIT AREA	1/2 HRS (100 SQ IN)	714.3
VII. SECTION 716: DUCTS AND AIR TRANSFER OPENINGS		
A. FIRE DAMPERS	NOT REQUIRED AT RATED PENETRATIONS	717.5.4
FIRE PROTECTION SYSTEMS - CHAPTER 9		
REQUIREMENTS		
1. SECTION 903: AUTOMATIC SPRINKLER SYSTEMS		
A. GROUP R2	REQUIRED AUTOMATIC SPRINKLER SYSTEM	903.2.8
B. GAZEBO	SPRINKLER # TOP OF RUBBISH CHUTE	903.2.12
C. STANDARDS	PER NFPA 13	903.3.1
D. NFPA 13 R (IF APPLICABLE)	LESS THAN 4 STORIES N HEIGHT ALLOWED	903.3.1.2
E. ALARMS AND CONTROLS	AS REQUIRED	903.4.2
11. SECTION 906: PORTABLE FIRE EXTINGUISHERS		
A. PER INTERNATIONAL FIRE CODE	AS REQUIRED - 1 V 3,750 SF OR 1 V 75' TRAVEL DISTANCE	906.1
III. SECTION 907: FIRE ALARM AND DETECTION SYSTEMS		
A. GROUP R2	REQUIRED	907.2.9
B. SINGLE AND MULTIPLE STATION SMOKE ALARMS	OUTSIDE SLEEPING UNITS	907.2.10
C. INTERCONNECTION GROUP R2	ALARMS TO BE SYNCHRONIZED	907.2.11.3
D. VISABLE ALARMS: DWELLING UNITS GROUP R2	FOR 97-150 UNITS: PROVIDE FOR 7 UNITS	TABLE 907.5.2.3.3

MEANS OF EGRESS - CHAPTER 10		
REQUIREMENTS		
1. SECTION 1003: GENERAL MEANS OF EGRESS		
A. GENERAL REQUIREMENTS		
1. CEILING HEIGHT	NOT LESS THAN 7'-6" (7'-0" IN GARAGES AND BATHROOMS)	1003.2
2. HEADROOM	80" OR 6'-8" (STAIRS)	1003.3
3. HORIZONTAL PROJECTIONS	NOT MORE THAN 4"	1003.3.3
EXCEPTIONS: HANDRAILS SERVING STAIRS AND RAMPS	PERMITTED 45° FROM WALL	
4. FLOOR SURFACE	SLIP-RESISTANT SURFACE	1003.4
5. ELEVATION CHANGE	LESS THAN 12" (GREATER PER RAMP REQUIREMENTS)	1003.5
EXCEPTIONS: SINGLE STEP 4 "I" MAXIMUM		
B. OCCUPANT LOAD		
1. MAXIMUM ALLOWABLE FLOOR AREA	RESIDENTIAL: 200 GROSS FLOOR AREA PER OCCUPANT	TABLE 1004.1.2
A. CALCULATIONS PER FLOOR	SEE OCCUPANCY / TRAVEL DISTANCE CALCULATION SHEET	
2. OCCUPANT LOAD		
A. PARKING GARAGES	200 SF/ PERSON GROSS	
B. ACCESSORY STORAGE / MECHANICAL	300 SF/ PERSON GROSS	
C. OUTDOOR TERRACES / ASSEMBLY (CONCENTRATED	15 SF/ PERSON NET	
D. FITNESS CENTER (EXERCISE ROOMS)	50 SF/ PERSON GROSS	
E. RESIDENTIAL	200 SF/ PERSON GROSS	
F. MERCANTILE	30 SF/ PERSON GROSS (SALES FLOOR), 300 SF/ PERSON (STORAGE)	
G. POOLS	50 SF/ PERSON GROSS (POOL), 15 SF/ PERSON GROSS (POOL DECK)	
C. EGRESS WIDTH		
1. WITHOUT 13TH SPRINKLERS		
A. STAIRWAYS: FACTOR (0.3)#	SEE OCCUPANCY / TRAVEL DISTANCE CALCULATION SHEET	TABLE 1005.1
B. OTHER EGRESS: FACTOR (0.2)#	SEE OCCUPANCY / TRAVEL DISTANCE CALCULATION SHEET	TABLE 1005.1
2. ILLUMINATION REQUIREMENTS	NOT REQUIRED FOR RESIDENTIAL UNITS	1006.1
D. ACCESSIBLE MEANS OF EGRESS		
1. REQUIREMENTS	MUST COMPLY FOR RES BUILDINGS	1007.1
2. BUILDINGS 13TH 4 OR MORE STORIES	ELEVATOR COMPLYING W/ SECTION 1009.4 NOT REQ'D W/ SPRINKLERS	1007.2
3. ENCLOSED EXIT STAIRWAYS		1007.3
A. AREA OF REFUGE		1007.5
B. EXCEPTIONS	4'-0" CLEAR BETWEEN HANDRAILS NOT REQUIRED W/ SPRINKLERS	1007.3.2
4. AREAS OF REFUGE		
A. MAXIMUM TRAVEL DISTANCE	NOT MORE THAN PERMITTED PER OCCUPANCY	1007.6
B1. ACCESS	ENCLOSED STAIRWAY OR THROUGH CORRIDOR	
C. SIZE	30" X 48" SPACE PER 300 OCCUPANTS	1007.6.1
D. SEPARATION	SPOKE BARRIER OR SPRINKLERS	1007.6.2
E. TWO-WAY COMMUNICATION	TO CENTRAL CONTROL POINT	1007.6.3
F. IDENTIFICATION	DOORWAY SIGNAGE 13TH ILLUMINATION	1007.6
E. DOORS		
1. DOORS: SIZE	32" MINIMUM / 48" MAXIMUM (80" MIN. HEIGHT)	1008.1.1
EXCEPTIONS: GROUP R2	MINIMUM 4 MAXIMUM NOT APPLY TO INTERIOR UNITS DOORS	
A. DOORS IN DWELLING UNITS	NOT LESS THAN 78" IN HEIGHT	
B. INTERIOR EGRESS DOORS IN DWELLING UNITS	NOT REQUIRED TO BE ACCESSIBLE	
2. PROJECTIONS	4" MAXIMUM	1008.1.2
3. DOOR SWING	IN THE DIRECTION OF EGRESS TRAVEL (IF MORE THAN 50 OCCUPANTS)	1008.1.2
OPENING FORCE	5 LBS	1008.1.3
4. FLOOR ELEVATION	LEVEL ON EITHER SIDE OF DOOR	1008.1.5
A. EXTERIOR DOOR SERVING R2	PERMITTED SWING OVER LANDING # TOP STEP OF STAIRS	
B. EXCEPTIONS: INTERIOR FLOOR FINISH	NOT MORE THAN 1/2" IN HEIGHT	
5. THRESHOLDS	NOT TO EXCEED 3/4" HIGH (DWELLING UNITS), 1/2" HIGH (OTHER DOORS)	1008.1.7
6. HARDWARE HEIGHT	34" MINIMUM # 48" MAXIMUM	1008.1.8.2
7. STAIRWAY DOORS	UNLOCKED FROM BOTH SIDES, OR LOCKABLE OPPOSITE THE PATH OF EGRESS AND TIED TO FIRE COMMAND CENTER TO FAIL SAFE	1008.1.8.3, 1010.3.3
F. STAIRWAYS AND HANDRAILS		
1. STAIRWAY WIDTH	NOT LESS THAN 44" OR 3'-8" (36" MIN. W/N DWELLING UNIT)	1009.1.1
2. HEADROOM	NOT LESS THAN 80"	1009.2.1
3. STAIR TREADS AND RISERS	RISERS 7" MAXIMUM / 4" MINIMUM TREADS 11" MINIMUM	1009.1.2
4. STAIRWAY LANDINGS	NOT LESS THAN STAIRWAY WIDTH	1009.1.3
5. VERTICAL RISE	NOT MORE THAN 12' OF RISE	1009.1.10
6. HANDRAILS	EACH SIDE OF STAIRS	1009.1.11
A. HEIGHT	BETWEEN 34" - 38"	1012.2
B. INTERMEDIATE HAND RAILS	STAIRWAY WIDTH WITHIN 30"	1012.11
C. HANDRAIL GRASPABILITY	1¼" TO 2" OUTSIDE DIAMETER (NOT MORE THAN 2")	1012.3.1
D. EXTENSIONS	12" # TOP TREAD WIDTH, 12" - TREAD # BOTTOM	1012.6
E. CLEARANCE	NOT LESS THAN 1½" FROM WALL	1012.1
F. STAIRWELL 13 ROOM, 4 OR MORE STORIES	REQUIRED: ONE STAIRWAY ACCESS	1009.1.6
G. RAMPS		
1. SLOPE	1 : 12 SLOPE (MAX # 8%)	1012.3
2. VERTICAL RISE	MAXIMUM 30" OR 2'-6"	1012.5
3. WIDTH	36" MINIMUM	1012.6.1
4. LANDINGS	WIDTH X 60" (CHANGE IN DIRECTION) 60" X 60" (CHANGE IN DIRECTION)	1012.6.1
5. HANDRAILS	REQUIRED EACH SIDE FOR RISE MORE THAN 6"	1012.11
11. SECTION 1015: EXIT # EXIT ACCESS DOORWAYS		
A. EXIT AND EXIT ACCESS DOORWAYS		
1. REQUIREMENTS	TWO EXITS REQUIRED (MINIMUM)	1015.1
2. OCCUPANT LOAD	GROUP R - MAXIMUM OF 10 PERSONS FOR ONE EXIT ONLY	TABLE 1015.1
3. DOORWAY ARRANGEMENTS: REMOTENESS	NOT LESS THAN 1/3 REQUIRED DIAGONAL DISTANCE OF ROOM	1015.2.1
A. WITH SPRINKLERS	NOT LESS THAN 1/3 REQUIRED DIAGONAL DISTANCE OF ROOM	
4. BUILDING, ADMINISTRATIVE, AND FURNACE ROOMS OVER 1,500 SF	TWO EXIT ACCESS DOORWAYS	1015.3
III. SECTION 1016: EXIT ACCESS TRAVEL DISTANCE		
A. LIMITATIONS	PER TABLE - A-2: 1M W/ 2 + 250' S-2: 1 + 400'	
B. TRAVEL DISTANCE, OCCUPANCY GROUP R	250'-0" (WITH SPRINKLERS / 200'-0" (WITHOUT)	TABLE 1016.2
IV. SECTION 1018: CORRIDORS		
A. CORRIDOR FIRE RESISTANCE RATING	½ HR W/ SPRINKLERS (R-2); 0 HR W/ SPRINKLERS (A-2, M, S-2)	TABLE 1018.1
B. CORRIDOR WIDTHS	NOT LESS THAN 44"	1018.2
1. EXCEPTION	36" WITHIN DWELLING UNIT	
C. DEAD ENDS	NOT MORE THAN 20'-0"	1018.4
1. EXCEPTION	WITH AUTOMATIC SPRINKLER 50'-0" MAXIMUM	1018.4.2
D. AIR MOVEMENT IN CORRIDORS	CORRIDOR SHALL NOT SERVE AS A VENTILATION AIR DUCT	1018.5
V. SECTION 1019: NUMBER OF EXITS # CONTINUITY		
A. NUMBER OF EXITS AND CONTINUITY		
1. MINIMUM OCCUPANT LOAD	1 - 500 / 2 EXITS MINIMUM	TABLE 1021.2
IV. SECTION 1021: VERTICAL EXIT ENCLOSURES		
A. ENCLOSURES REQUIRED	2-HR RATING WHERE STAIRS CONNECT 4 OR MORE STORIES	1022.2
B. ENCLOSURES UNDER STAIRWAYS	1-HR RATING REQUIRED	
C. UNIT STAIRWAYS	NOT REQ'D TO BE ENCLOSED	
D. OPENINGS FOR ENCLOSURES	3 FEET OVER 10 FT ABOVE THE LOWEST LEVEL, SPACED PROOF ENCLOSURE OR PRESSURIZED STAIRWAY REQ'D.	1022.3.2
1. ENCLOSURE EXIT	2-HR RATED EXIT PASSAGEWAY FROM STAIRWAY	1022.3.2.1
V. SECTION 1023: EXIT PASSAGEWAYS		
A. LENGTH	NOT LESS THAN 44" EXCEPT PASSAGEWAYS SERVING OCCUPANT LOAD LESS THAN 50 PERSONS SHALL BE NOT LESS THAN 36"	1023.2
VI. SECTION 1025: HORIZONTAL EXITS		
A.	2 HR ENCLOSURE	1025.2
B. OPENING PROTECTIVES	SELF-CLOSING FIRE DOORS	1025.3
C. CAPACITY OF REFUGE AREA	3 SF / OCCUPANT	1025.4
VII. SECTION 1026: EMERGENCY ESCAPE AND RESCUE		
A. GENERAL		
1. EMERGENCY ESCAPE AND RESCUE REQUIREMENTS	AT LEAST ONE EXTERIOR EMERGENCY ESCAPE	1026.1
	BASEMENT / SLEEPING ROOMS LESS THAN 4 STORIES	
2. MINIMUM SIZE	MINIMUM NET CLEAR OPENING OF 5.7 SF	1026.2
3. MINIMUM DIMENSIONS	HEIGHT OF 24", WIDTH OF 20"	1026.2.1
4. MAXIMUM HEIGHT FROM FLOOR	44" FROM THE FLOOR TO CLEAR OPENING	1026.3
5. OPERATIONAL CONSTRAINTS	WITHOUT KEY, OR TOOLS	1026.4
6. WINDOW WELLS	OPENING SILL BELOW ADJACENT GROUND LEVEL	1026.5
A. MINIMUM SIZE	MINIMUM ACCESSIBLE NET CLEAR AREA OF 9 SF (L = 36")	1026.5.1
B.1. LADDERS OR STEPS: WINDOW WELLS DEPTH GREATER THAN 44"	PERMANENT LADDER (2-1/2" MINIMUM 3" PROJECTION	1026.5.2
ACCESSIBILITY - CHAPTER 11		
REQUIREMENTS		
1. SECTION 1104: ACCESSIBLE ROUTE		
A. SITE ARRIVAL / ATTAIN A SITE	ACCESSIBLE ROUTE	1104.1
B. CONNECT SPACES	ACCESSIBLE ROUTE	1104.3
5. SECTION 1106: PARKING AND PASSENGER LOADING FACILITIES		
A. GROUP R2 - ACCESSIBLE PARKING SPACES	FOR 501-1000 SPACES: 2% TOTAL SPACES TO BE ACCESSIBLE	TABLE 1106.1
B. SECTION 1107: DWELLING AND SLEEPING UNITS		
A. DESIGN	GROUP R	1107.6
1. GROUP R2 ACCESSIBILITY COMPLIANCE FOR GREATER THAN 20 UNITS	2% OF DWELLING UNITS TO BE TYPE A, ALL OTHER UNITS TO BE TYPE B	1107.6.2.1, 1107.6.2.2
IV. SECTION 1110: SIGNAGE		
A. 1 ROOMS	AREA OF REFUGE, TOILETS, ENTRANCES, PARKING SPACES	
FAIR HOUSING - FHA		
REQUIREMENTS		
1.1 ACCESSIBLE BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE		CHAPTER 1
A. ACCESSIBLE ENTRANCE FROM THE PUBLIC WAY	ACCESSIBLE ROUTE	
B. ACCESSIBLE ENTRANCE FROM THE PARKING	ACCESSIBLE ROUTE	
11. ACCESSIBLE COMMON AND PUBLIC USE AREA		CHAPTER 2
A.1. APPROVED SPACES AND LOBBY	COMMON AREAS ARE ACCESSIBLE	
III. USABLE DOORS		CHAPTER 3
A.1. DOOR WIDTH 32" MINIMUM	PROVIDED	
B.1 MANEUVERABILITY AT DOORS	PROVIDED	
IV. ACCESSIBLE ROUTE INTO AND THROUGH A DWELLING UNIT	PROVIDED	CHAPTER 4
V. LIGHT SWITCHES, ELEC. OUTLETS, THERMOSTATS, AND OTHER ENVIRONMENTAL CONTROLS IN ACCESSIBLE LOCATIONS	PROVIDED	CHAPTER 5
VI. REINFORCED WALLS AT BATHROOMS FOR GRAB BARS	PROVIDED	CHAPTER 6
VII. USABLE KITCHENS AND BATHROOMS	PROVIDED	CHAPTER 7



LOCATION MAP

SCALE: N.T.S.

LEGEND

- ELEVATION MARKING
- REVISION
- LARGE SCALE DETAIL
- DETAIL / SHEET NUMBER
- SECTION / SHEET NUMBER
- ELEVATION / SHEET NUMBER
- ROOM
- PARTITION TYPE
- DOOR MARK
- EXISTING CONSTRUCTION TO REMAIN
- NEW PARTITION - SEE PLANS FOR TYPE
- EXISTING CONSTRUCTION TO BE REMOVED
- ACOUSTIC TILE
- ALUMINUM
- BATT, INSUL, OR SOUND ATTN. BLANKET
- BRICK (SECTION)
- BRICK (ELEVATION)
- CARPET
- CONCRETE
- CONCRETE BLOCK
- GLASS (ELEVATION)
- GLASS (SECTION)
- MORTAR, GROUT, THINSET OR CEMENT PLASTER
- GYPSUM BOARD
- METAL LATH & PLASTER
- PLYWOOD
- QUARRY TILE OR CERAMIC TILE
- RIGID INSULATION
- STEEL
- WOOD FINISH
- WOOD ROUGH OR FRAMING

AREA FOR CITY APPROVAL STAMP

DRAWING LIST

PDP-01	PROJECT DATA & LOCATION PLAN
PDP-02	SITE PLAN
PDP-03	LANDSCAPE PLAN
PDP-04	FLOOR PLANS
PDP-05	FLOOR PLANS
PDP-06	ELEVATIONS
PDP-07	ELEVATIONS
PDP-08	ENLARGED ELEVATIONS

Contractor shall be responsible for reviewing all Plans and Specifications, verifying all existing conditions prior to proceeding with Construction, complying with all applicable building codes, and notifying Architect immediately of any discrepancies or conflicts.

OPEN SPACE CALCULATIONS		
	REQUIRED SF (%)	PROPOSED SF (%)
OPEN SPACE	6,599 SF (20%)	19,441 SF (59%)
COMM. OPEN SPACE	3,299 SF (10%)	12,018 SF (36%)

LEGEND

OPEN SPACE HARDSCAPE

OPEN SPACE VEGETATION

MISSISSIPPI ST.
80' ROW
TWO WAY TRAFFIC

INDIANA ST.
80' ROW
TWO WAY TRAFFIC

W. 11TH ST.
40' ROW
TWO WAY TRAFFIC

440.00' P.L.

250.00' P.L.

200.00' P.L.

125.00' P.L.

50.00' P.L.

190.00' P.L.

1101 INDIANA ST.
PROPOSED 5 STORY BLDG.
171 DWELLING UNITS
EXISTING ZONE - MU

1 SITE PLAN
SCALE: 1" = 20'-0"

AREA FOR CITY APPROVAL STAMP

Contractor shall be responsible for reviewing all Plans and Specifications, verifying all existing conditions prior to proceeding with Construction, complying with all applicable building codes, and notifying Architect immediately of any discrepancies or conflicts. Contractor shall construct the work in conformance with all applicable building codes.

Contractor is responsible for design and installation of properly sized and loaded systems, submit shop drawings to architect for approval on conformity to architectural design intent.

A written Architectural Specification was issued for this project and along with these printed documents constitute the Contract Documents for this project. Work scope pertinent to all disciplines occurs throughout the Contract Documents. By submitting a bid for this work the Contractor and all subcontractors attest that they have reviewed the entire contract document set and site conditions and have included all applicable work. Additional Architectural Specification copies are available anytime upon request.

Hartshorne Plunkard, LTD. shall retain all copyrights, statutory and common law right with regard to these plans and building design. reproduction, changes or assignment to any third party shall not occur without obtaining expressed written permission and consent of Hartshorne Plunkard, LTD.

HERE KANSAS

1101 INDIANA ST
LAWRENCE, KS

	DATE	ISSUED FOR
1	02/05/14	PDP RESUBMITTAL

HARTSHORNE PLUNKARD ARCHITECTURE

HPA

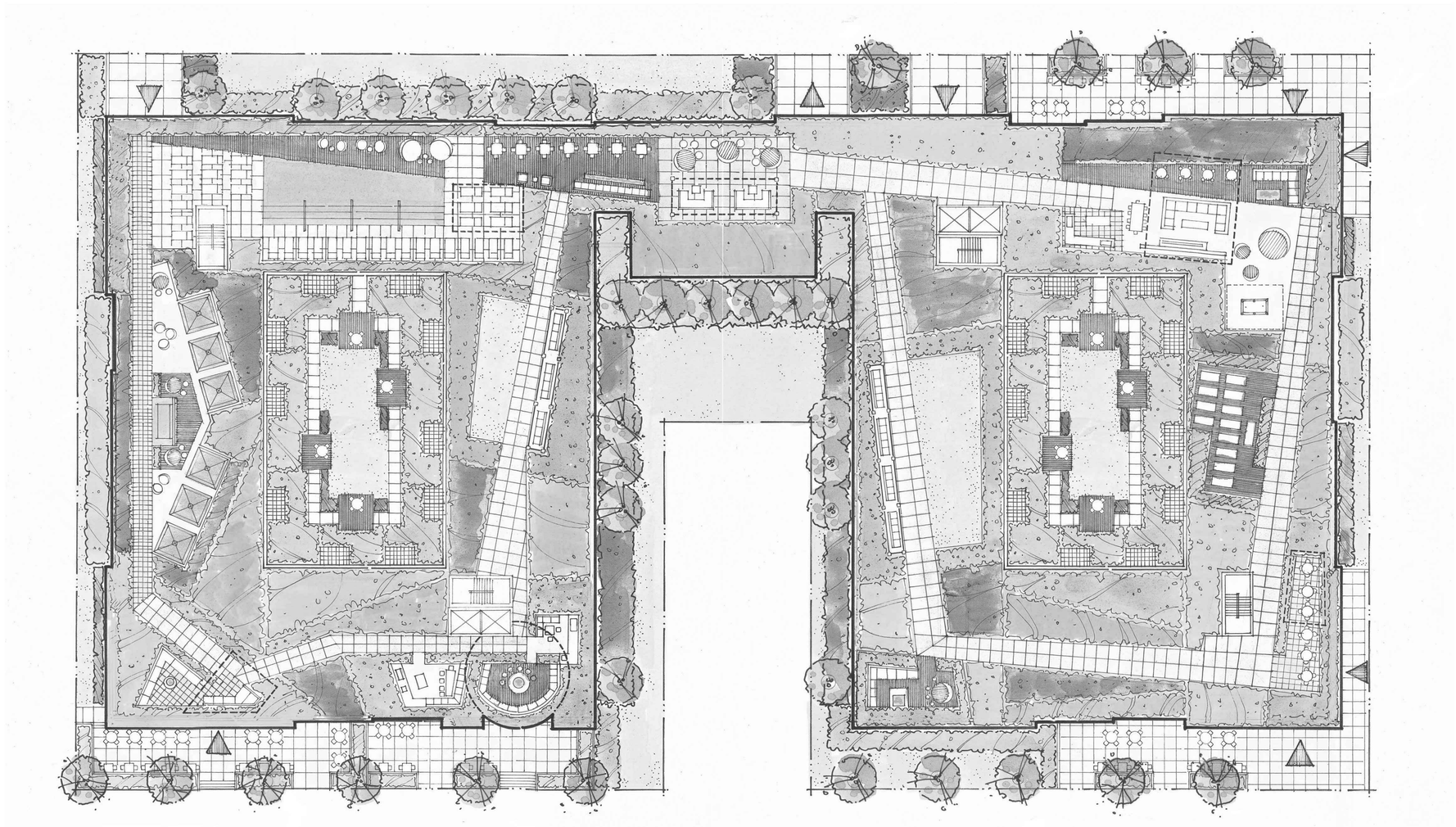
232 NORTH CARPENTER STREET
CHICAGO, IL 60607
312.226.4488
HPARCHITECTURE.COM

©

PROJ. # 1324	SCALE: 1" = 20'-0"
CK. BY: JM	DN. BY: KF

SITE PLAN

PDP-02



1 LANDSCAPE PLAN
SCALE: 1" = 20'-0"

Ornamental & Native Grasses
ANDROPOGON gerardi
CALAMAGROSTIS x acutifolia Karl Foerster
CAREX Ice Dance
CAREX stricta
CHASMANTHIUM latifolium
FESTUCA ovina Elijah Blue
LIRIOPE muscari Variegata
LIRIOPE spicata
MISCANTHUS sinensis Gracillimus
MISCANTHUS sinensis Gracillimus
MISCANTHUS sinensis Morning Light
PANICUM virgatum
PANICUM virgatum Heavy Metal
PANICUM virgatum Northwind
PANICUM virgatum Shenandoah
PENNISETUM alopecuroides Hameln
PENNISETUM alopecuroides Hameln
SCHIZACHYRIUM scoparium The Blues
SORGHASTRUM nutans
SPOROBOLUS heterolepis

Perennials
ACHILLEA Paprika
AGASTACHE Blue Fortune
ALCHEMILLA mollis Thriller
AQUILEGIA caerulea
ASTER novi Alert
ASTER Professor Kippenburg
ASTILBE arendsii Fanal
ASTILBE arendsii Rhineland
BAPTISIA australis
BERGENIA cordifolia Winter Glow
BRUNNERA macrophylla
CAMPANULA carpatica White Clips
COREOPSIS verticillata Moonbeam
COREOPSIS verticillata Zagreb
ECHINACEA purpurea Magnus
GERANIUM cinereum Ballerina
HEMEROCALLIS Happy Returns
HEMEROCALLIS Stella D'Oro
HEUCHERA micrantha Palace Purple
HEUCHERA Caramel
HOSTA Blue Angel
HOSTA Frances William
HOSTA Gold Standard
HOSTA Patriot
HOSTA plantaginea Royal Standard
HOSTA sieboldiana Elegans
IRIS Caesar's Brother
MONARDA Petite Delight
NEPETA Walkers Low
PEROVSKIA atriplicifolia
PHLOX paniculata David
PHYSOSTEGIA virginiana Vivid
RUDBECKIA fulgida Goldsturm
SEDUM spectabile Autumn Joy
SOLIDAGO Fireworks

Groundcovers & Vines
AJUGA Chocolate Chip
CLEMATIS x jackmanii
EUONYMUS fort Coloratus
EUONYMUS fort Coloratus
LONICERA japonica Halliana
PACHYSANDRA terminalis
PARTHENOCISSUS quinquefolia
VINCA minor Bowles

AREA FOR CITY APPROVAL STAMP

Contractor shall be responsible for reviewing all Plans and Specifications, verifying all existing conditions prior to proceeding with Construction, complying with all applicable building codes, and notifying Architect immediately of any discrepancies or conflicts. Contractor shall construct the work in conformance with all applicable building codes.

Contractor is responsible for design and installation of properly sized and located systems, submit shop drawings to architect for approval on conformity to Architectural design intent.

A written Architectural Specification was issued for this project and along with these printed documents constitute the Contract Documents for this project. Work scope pertinent to all disciplines occurs throughout the Contract Documents. By submitting a bid for this work the Contractor and all subcontractors attest that they have reviewed the entire contract document set and site conditions and have included all applicable work. Additional Architectural Specification copies are available anytime upon request.

Hartshorne Plunkard, LTD. shall retain all copyrights, statutory and common law right with regard to these plans and building design. Reproduction, changes or assignment to any third party shall not occur without obtaining expressed written permission and consent of Hartshorne Plunkard, LTD.

HERE KANSAS

1101 INDIANA ST
LAWRENCE, KS

	DATE	ISSUED FOR
1	02/05/14	PDP RESUBMITTAL
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

HARTSHORNE PLUNKARD ARCHITECTURE
HPA
232 NORTH CARPENTER STREET
CHICAGO, IL 60607
312.226.4488
HPARCHITECTURE.COM

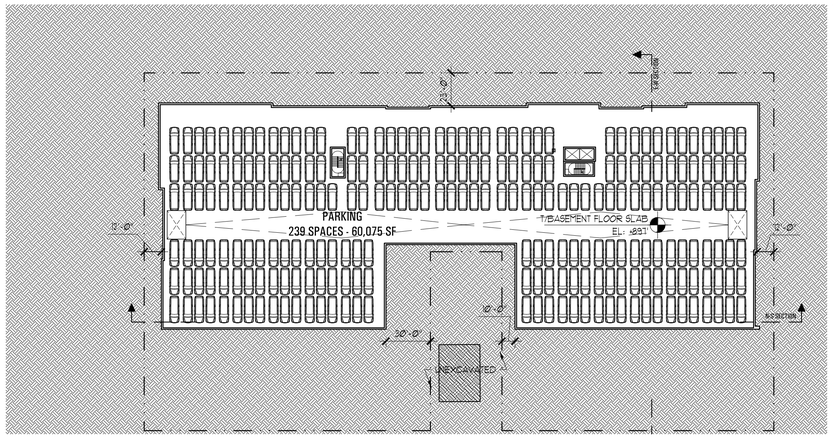
©

PROJ. # 1324	SCALE: 1" = 20'-0"
CK. BY: JM	DN. BY: KF

LANDSCAPE PLAN

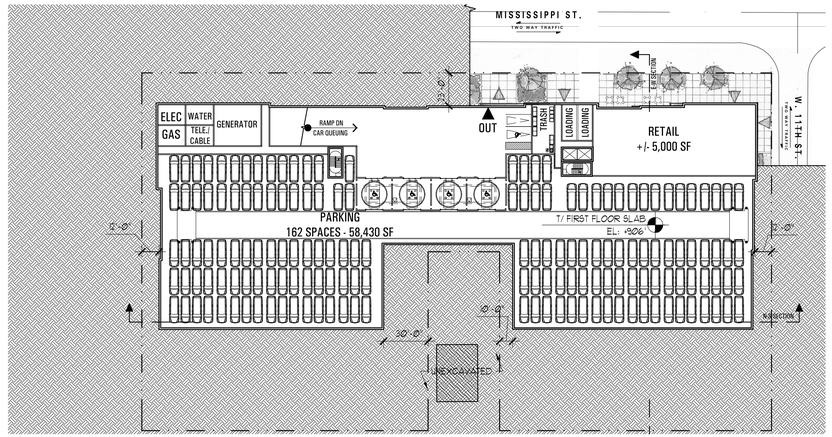
Project North

PDP-03



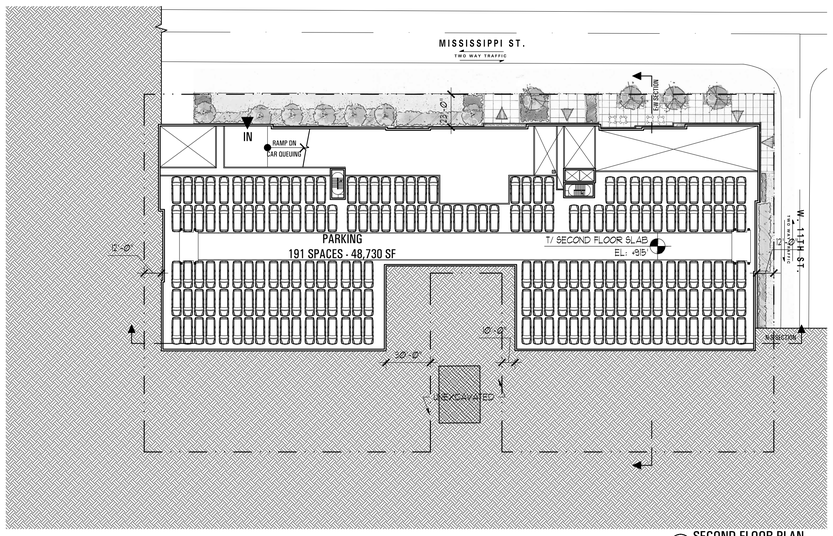
BASEMENT	
USE	AREA (SF)
PARKING	60,767
MECH./STO.	0
TOTAL	60,767

4 LOWER LEVEL FLOOR PLAN
SCALE: 1" = 50'-0"



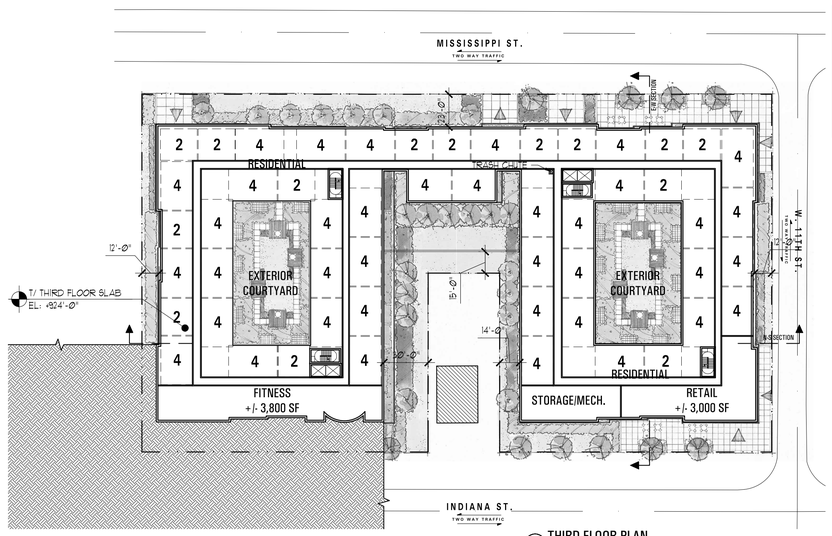
FIRST FLOOR	
USE	AREA (SF)
PARKING	60,927
RETAIL	5,771
RESIDENTIAL	672
MECH./STO.	1,759
TOTAL	59,129

3 FIRST FLOOR PLAN
SCALE: 1" = 50'-0"



SECOND FLOOR	
USE	AREA (SF)
PARKING	44,656
RESIDENTIAL	455
MECH./STO.	0
TOTAL	45,111

2 SECOND FLOOR PLAN
SCALE: 1" = 50'-0"



THIRD FLOOR	
USE	AREA (SF)
RETAIL	3,187
RESIDENTIAL	69,885
MECH./STO.	4,975
RES. AMENITY	4,128
TOTAL	82,175

1 THIRD FLOOR PLAN
SCALE: 1" = 50'-0"

AREA FOR CITY APPROVAL STAMP

Contractor shall be responsible for reviewing all Plans and Specifications, verifying all existing conditions prior to proceeding with Construction, complying with all applicable building codes, and notifying Architect immediately of any discrepancies or conflicts. Contractor shall construct the work in conformance with all applicable building codes.

Contractor is responsible for design and installation of properly sized and loaded systems, submit shop drawings to architect for approval on conformity to architectural design intent.

A written Architectural Specification was issued for this project and along with these printed documents constitute the Contract Documents for this project. Work scope pertinent to all disciplines occurs throughout the Contract Documents. By submitting a bid for this work the Contractor and all subcontractors attest that they have reviewed the entire contract document set and site conditions and have included all applicable work. Additional Architectural Specification copies are available anytime upon request.

Hartshorne Plunkard, LTD. shall retain all copyrights, statutory and common law right with regard to these plans and building design. reproduction, changes or assignment to any third party shall not occur without obtaining expressed written permission and consent of Hartshorne Plunkard, LTD.

HERE KANSAS

1101 INDIANA ST
LAWRENCE, KS

	DATE	ISSUED FOR
1	02/05/14	PDP RESUBMITTAL
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

HARTSHORNE PLUNKARD ARCHITECTURE
HPA
232 NORTH CARPENTER STREET
CHICAGO, IL 60607
312.226.4488
HPARCHITECTURE.COM
©

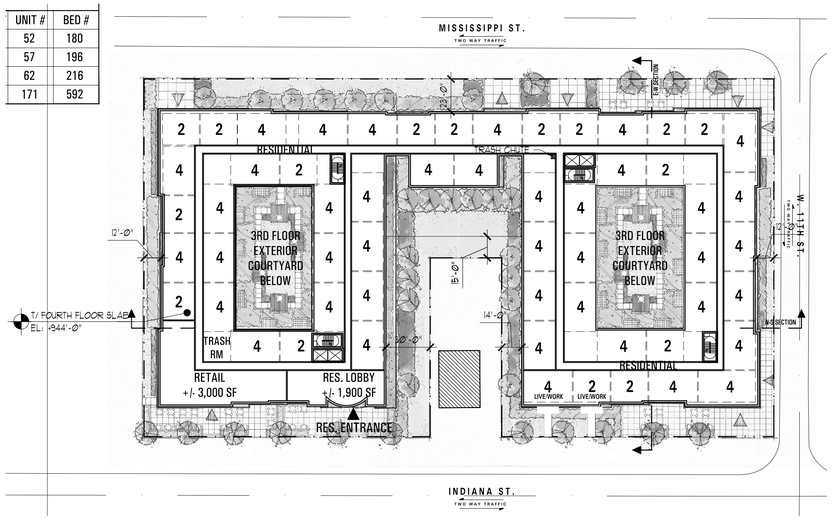
PROJ. # 1324	SCALE: 1" = 50'-0"
CK. BY: JM	DN. BY: KF

FLOOR PLANS

Project North

PDP-04

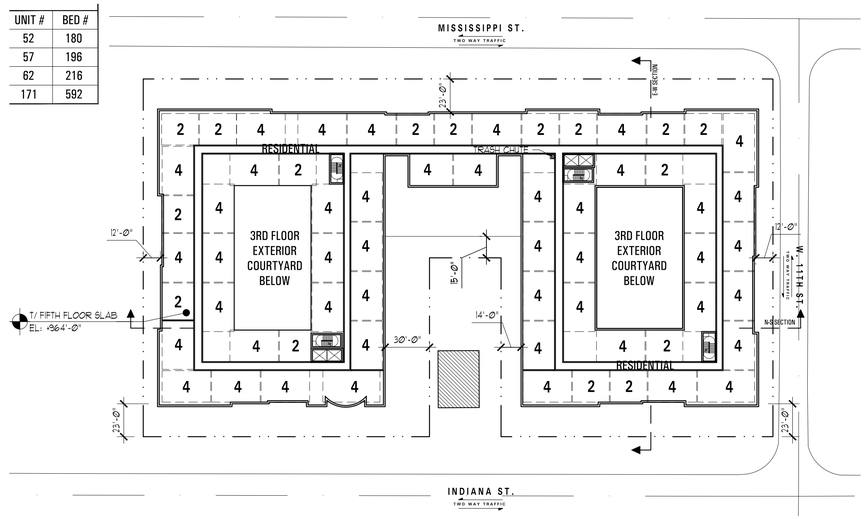
UNIT #	BED #
52	180
57	196
62	216
171	592



FOURTH FLOOR	
USE	AREA (SF)
RESIDENTIAL	75,972
MECH./STO.	3,170
RES. AMENITY	1,900
TOTAL	84,149

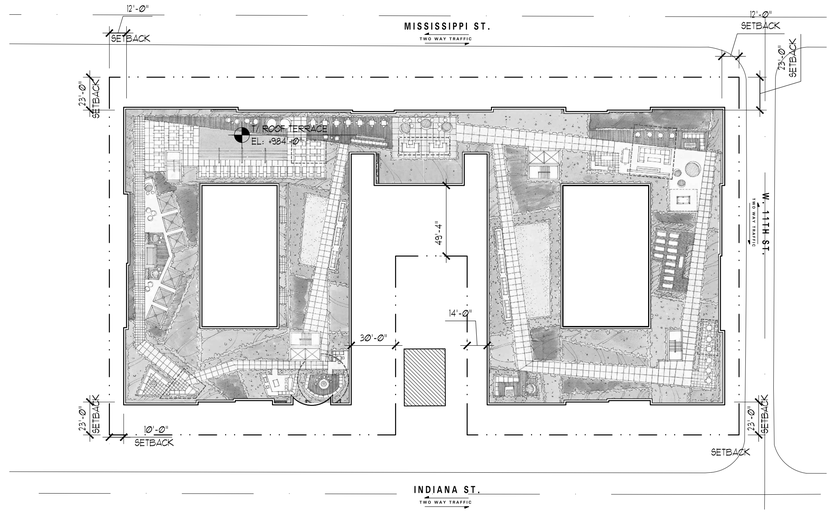
3 FOURTH FLOOR PLAN
SCALE: 1" = 50'-0"

UNIT #	BED #
52	180
57	196
62	216
171	592



FIFTH FLOOR	
USE	AREA (SF)
RESIDENTIAL	83,349
MECH./STO.	3,170
TOTAL	86,519

2 FIFTH FLOOR PLAN
SCALE: 1" = 50'-0"



1 ROOF PLAN
SCALE: 1" = 50'-0"

AREA FOR CITY APPROVAL STAMP

Contractor shall be responsible for reviewing all Plans and Specifications, verifying all existing conditions prior to proceeding with Construction, complying with all applicable building codes, and notifying Architect immediately of any discrepancies or conflicts. Contractor shall construct the work in conformance with all applicable building codes.

Contractor is responsible for design and installation of properly sized and loaded systems, submit shop drawings to architect for approval on conformity to architectural design intent.

A written Architectural Specification was issued for this project and along with these printed documents constitute the Contract Documents for this project. Work scope pertinent to all disciplines occurs throughout the Contract Documents. By submitting a bid for this work the Contractor and all subcontractors attest that they have reviewed the entire contract document set and site conditions and have included all applicable work. Additional Architectural Specification copies are available anytime upon request.

Hartshorne Plunkard, LTD. shall retain all copyrights, statutory and common law right with regard to these plans and building design. reproduction, changes or assignment to any third party shall not occur without obtaining expressed written permission and consent of Hartshorne Plunkard, LTD.

HERE KANSAS

1101 INDIANA ST
LAWRENCE, KS

	DATE	ISSUED FOR
1	02/05/14	PDP RESUBMITTAL

HARTSHORNE PLUNKARD ARCHITECTURE
HPA
232 NORTH CARPENTER STREET
CHICAGO, IL 60607
312.226.4488
HPARCHITECTURE.COM

©

PROJ. # 1324	SCALE: 1" = 50'-0"
CK. BY: JM	DN. BY: KF

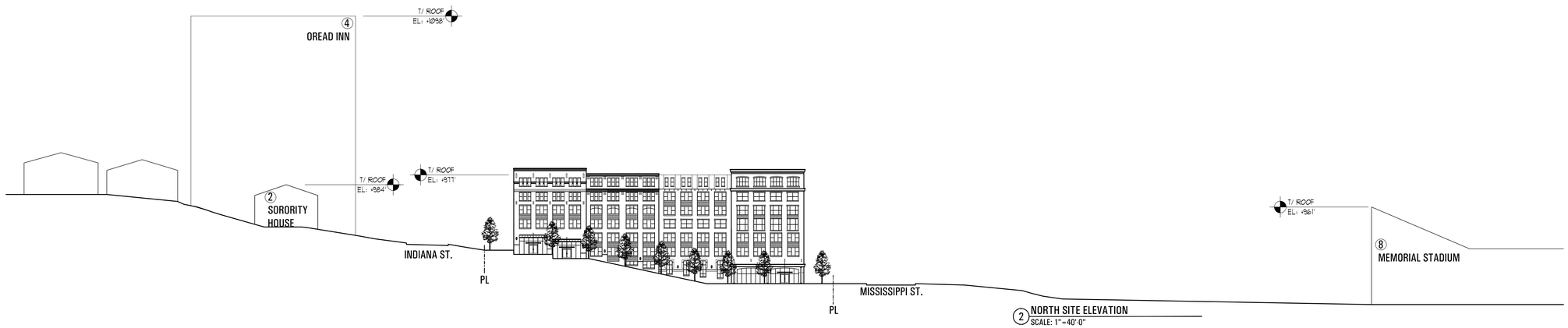
FLOOR PLANS

Project North

PDP-05

4 EAST SITE ELEVATION
SCALE: 1" = 40'-0"

3 EAST ELEVATION
SCALE: 1" = 20'-0"



2 NORTH SITE ELEVATION
SCALE: 1" = 40'-0"

1 NORTH ELEVATION
SCALE: 1" = 20'-0"

AREA FOR CITY APPROVAL STAMP

Contractor shall be responsible for reviewing all Plans and Specifications, verifying all existing conditions prior to proceeding with Construction, complying with all applicable building codes, and notifying Architect immediately of any discrepancies or conflicts.
Contractor shall construct the work in conformance with all applicable building codes.

Contractor is responsible for design and installation of properly sized and loaded systems; submit shop drawings to architect for approval on conformity to architectural design intent.

A written Architectural Specification was issued for this project and along with these printed documents constitute the Contract Documents for this project. Work scope pertinent to all disciplines occurs throughout the Contract Documents. By submitting a bid for this work the Contractor and all subcontractors attest that they have reviewed the entire contract document set and site conditions and have included all applicable work. Additional Architectural Specification copies are available anytime upon request.

Hartshorne Plunkard, LTD. shall retain all copyrights, statutory and common law right with regard to their plans and building design. reproduction, changes or assignment to any third party shall not occur without obtaining expressed written permission and consent of Hartshorne Plunkard, LTD.

HERE KANSAS

1101 INDIANA ST
LAWRENCE, KS

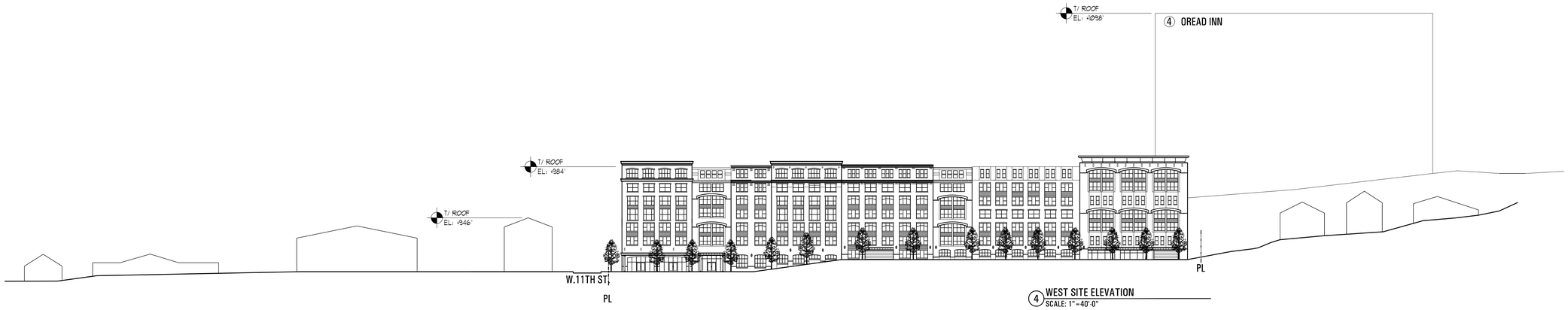
	DATE	ISSUED FOR
1	02/05/14	PDP RESUBMITTAL
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

HARTSHORNE PLUNKARD ARCHITECTURE
HPA
232 NORTH CARPENTER STREET
CHICAGO, IL 60607
312.226.4488
HPARCHITECTURE.COM
©

PROJ. # 1324	SCALE: VARIES
CK. BY: JM	DN. BY: KF

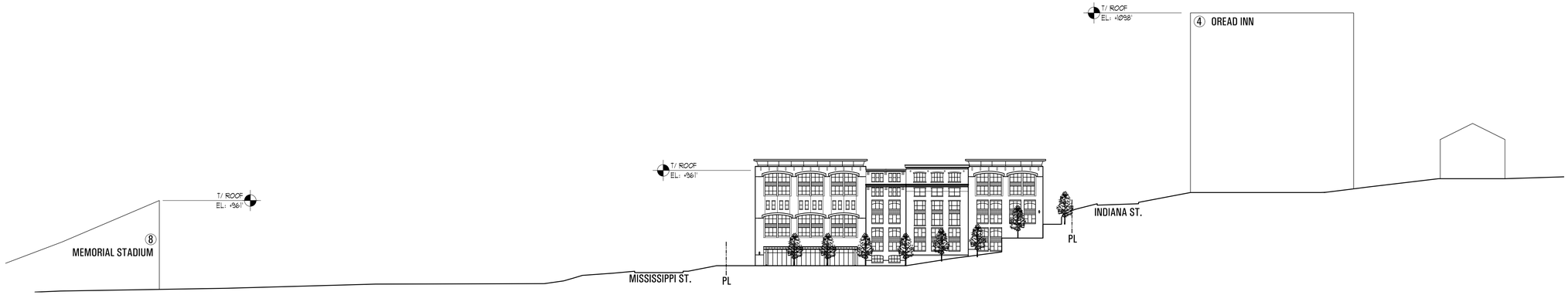
ELEVATIONS

PDP-06



4 WEST SITE ELEVATION
SCALE: 1" = 40'-0"

3 WEST ELEVATION
SCALE: 1" = 20'-0"



2 SOUTH SITE ELEVATION
SCALE: 1" = 40'-0"

1 SOUTH ELEVATION
SCALE: 1" = 20'-0"

AREA FOR CITY APPROVAL STAMP

Contractor shall be responsible for reviewing all Plans and Specifications, verifying all existing conditions prior to proceeding with Construction, complying with all applicable building codes, and notifying Architect immediately of any discrepancies or conflicts. Contractor shall construct the work in conformance with all applicable building codes.

Contractor is responsible for design and installation of properly sized and loaded systems, submit shop drawings to architect for approval on conformity to architectural design intent.

A written Architectural Specification was issued for this project and along with these printed documents constitute the Contract Documents for this project. Work scope pertinent to all disciplines occurs throughout the Contract Documents. By submitting a bid for this work the Contractor and all subcontractors attest that they have reviewed the entire contract document set and site conditions and have included all applicable work. Additional Architectural Specification copies are available anytime upon request.

Hartshorne Plunkard, LTD. shall retain all copyrights, statutory and common law right with regard to their plans and building design. reproduction, changes or assignment to any third party shall not occur without obtaining expressed written permission and consent of Hartshorne Plunkard, LTD.

HERE KANSAS

1101 INDIANA ST
LAWRENCE, KS

	DATE	ISSUED FOR
1	02/05/14	PDP RESUBMITTAL
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

HARTSHORNE PLUNKARD ARCHITECTURE
HPA
232 NORTH CARPENTER STREET
CHICAGO, IL 60607
312.226.4488
HPARCHITECTURE.COM

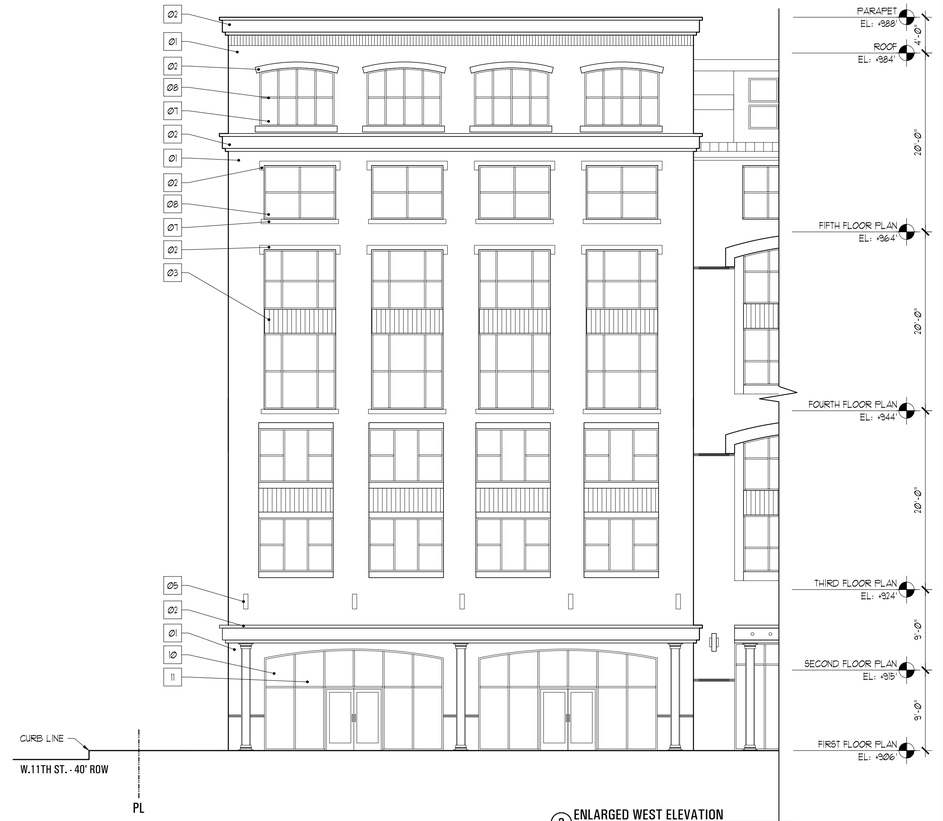
©

PROJ. # 1324	SCALE: VARIES
CK. BY: JM	DN. BY: KF

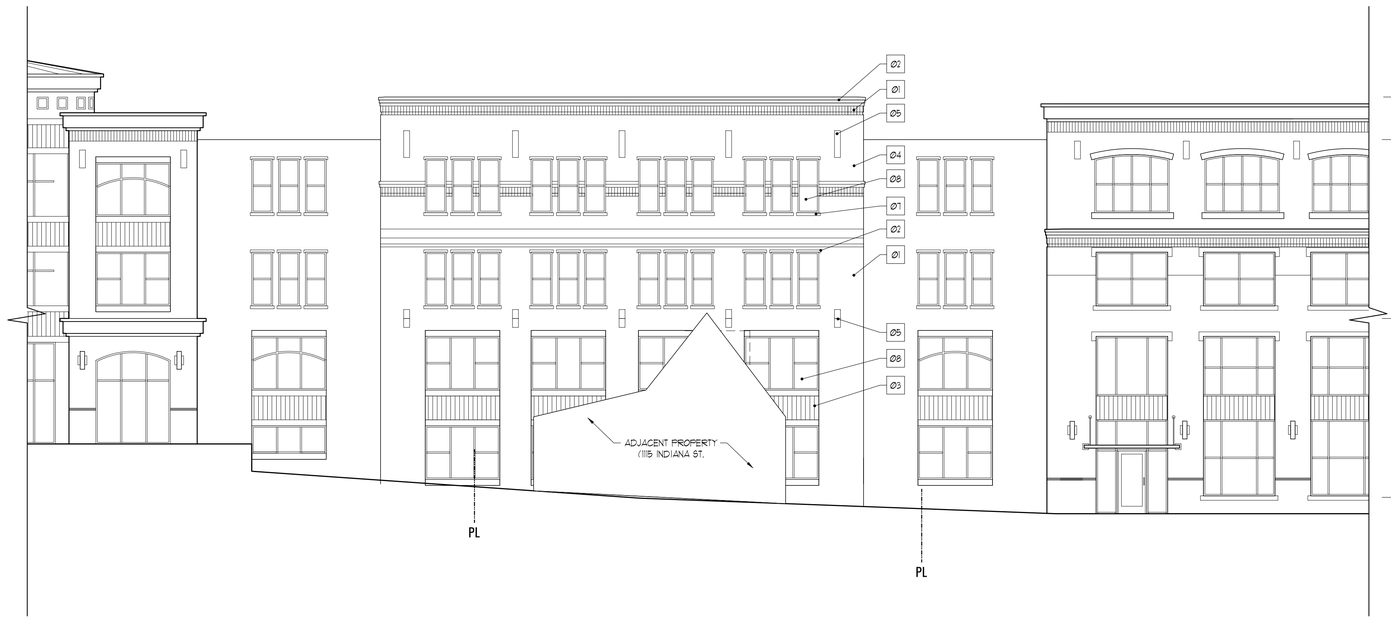
ELEVATIONS

PDP-07

3 ENLARGED WEST ELEVATION
SCALE: 1/8" = 1'-0"



2 ENLARGED WEST ELEVATION
SCALE: 1/8" = 1'-0"



1 ENLARGED EAST ELEVATION
SCALE: 1/8" = 1'-0"

AREA FOR CITY APPROVAL STAMP

MATERIAL LEGEND:

Ø1	FACE BRICK
Ø2	LIMESTONE CORNICE
Ø3	METAL PANEL
Ø4	STUCCO
Ø5	LIMESTONE DETAIL
Ø6	ALUMINUM WINDOW WALL
Ø7	LIMESTONE SILL
Ø8	ALUMINUM WINDOW
Ø9	ALUMINUM CURTAIN WALL
Ø	ALUMINUM STOREFRONT
11	STEEL CANOPY
12	OVERHEAD GARAGE DOOR

Contractor shall be responsible for reviewing all Plans and Specifications, verifying all existing conditions prior to proceeding with Construction, complying with all applicable building codes, and notifying Architect immediately of any discrepancies or conflicts.
Contractor shall construct the work in conformance with all applicable building codes.

Contractor is responsible for design and installation of properly sized and loaded systems, submit shop drawings to architect for approval on conformity to architectural design intent.

A written Architectural Specification was issued for this project and along with these printed documents constitute the Contract Documents for this project. Work scope pertinent to all disciplines occurs throughout the Contract Documents. By submitting a bid for this work the Contractor and all subcontractors attest that they have reviewed the entire contract document set and site conditions and have included all applicable work. Additional Architectural Specification copies are available anytime upon request.

Hartshorne Plunkard, LTD. shall retain all copyrights, statutory and common law right with regard to these plans and building design. reproduction, changes or assignment to any third party shall not occur without obtaining expressed written permission and consent of Hartshorne Plunkard, LTD.

HERE KANSAS

1101 INDIANA ST
LAWRENCE, KS

	DATE	ISSUED FOR
1	02/05/14	PDP RESUBMITTAL

HARTSHORNE PLUNKARD ARCHITECTURE
HPA
232 NORTH CARPENTER STREET
CHICAGO, IL 60607
312.226.4488
HPARCHITECTURE.COM
©

PROJ. # 1324	SCALE: 1/8" = 1'-0"
CK. BY: JM	DN. BY: KF

ENLARGED ELEVATIONS

PDP-08

Lawrence Douglas County Metropolitan Planning Office
6 East 6th Street, P.O. Box 708, Lawrence, KS 66044
(785) 832-3150 Fax (785) 832-3160
http://www.lawrenceks.org/pds/

Description of Project:

EXECUTIVE SUMMARY

HERE Kansas, LLC plans to construct a state-of-the-art, five (5) story, LEED certifiable, mixed-use project. It will contain ground floor retail/restaurant uses on both Indiana and Mississippi Streets, three (3) residential floors containing approximately 156 residential student housing units, an amenity area which includes a fitness room, two outdoor common open spaces, a rooftop garden which includes a swimming pool area, and a three (3) level automated robotic parking garage containing approximately 592 parking spaces strategically integrated into the natural topography of the site. Unlike conventional real estate developers, HERE Kansas views itself as the curator of an experience which provides desired outcomes, not merely an erector of bricks and mortar.

SITE PLANNING

The Project design reflects the Applicant's long term view of the Project and its historic neighborhood. The site layout incorporates large expanses of elevated landscaped outdoor areas for the project's residents and their guests. In addition, outdoor use zones are provided along the Primary Public Frontages.

Vehicular access is limited to Mississippi Street so as not to disrupt the pedestrian qualities of Indiana Street with a drive aisles south justified on Mississippi Street to minimize vehicular disruption to the adjacent intersection of 11th Street (collector) and Mississippi Street (collector north of intersection). The building's residential floors both have twenty-three foot setbacks from Indiana and Mississippi Streets.

STREET LEVEL

The applicant's Project design emphasizes the public benefits of the MU District by providing ground level commercial space with adjacent outdoor dining and gathering areas along the setback between the Project and the surrounding public streets. The Project is designed to complement the energy

and community created by its immediate adjacency to Memorial Stadium and its close proximity to the remainder of the Kansas University campus.

ARCHITECTURAL DESIGN

The building design follows classic traditional planning principles. Changes in material, color, and shape help to break up the bulk of the building. Strategically place setbacks and undulations along the building facade and roofline create visual interest and the appearance of a commercial building district with multiple buildings juxtaposed with zero side yard setbacks.

SCALE

The building design masterfully utilizes the extreme topographic differences contained within the site to hide the onsite parking garage leaving visible a building that is highly attractive and blends into the surrounding neighborhood aesthetic. The building's height/elevation fits well within the context of its surroundings (see Exhibit C - Contextual Height Study).

THE HERE RESIDENTIAL UNIT

HERE Kansas's copyrighted design provides an unparalleled living experience for all its residents. Each unit has an eighteen (18) foot high great room creating an urban loft –like feel with abundant natural light. All bedrooms, regardless of unit type, have an identical configuration. Bathrooms are situated adjacent to the bedrooms providing the desired level of privacy our residents' desire. Each unit has a fully functioning kitchen as well as a full size washer and dryer.

PARKING

HERE Kansas is providing a state of the art automated robotic parking garage with a capacity of 592 parking spaces. The utilization of this parking technology allows the creation of the single largest parking footprint in the neighborhood, while simultaneously providing many smart green building benefits and a superior building aesthetic that could not be replicated utilizing conventional means.

AMENITIES

At HERE @ Kansas, resident safety is very important. HERE Kansas provides onsite security as well as an integrated series of surveillance cameras positioned throughout the Project. By design, the building provides limited access to the building's residential floors. Guests will be required to go through secured entry points before obtaining access to a residential floor. The building will provide an onsite fitness center, two expansive landscaped outdoor courtyards (common open spaces), and a rooftop pool and deck. The building lobby will provide an inviting and comfortable hotel-like experience.

SUSTAINABILITY

HERE Kansas will construct a LEED certifiable building with an abundance of design innovations and sustainability technologies intended to promote indoor environmental quality, as well as energy and water consumption efficiencies.

Lawrence Douglas County Metropolitan Planning Office
6 East 6th Street, P.O. Box 708, Lawrence, KS 66044
(785) 832-3150 Fax (785) 832-3160
http://www.lawrenceks.org/pds/

Please describe the reasonable effort(s) made to meet with and receive input from individuals required to receive notice. The written narrative should include items such as meeting dates, copies of meeting sign-in sheets, issues discussed, and possible resolutions to such issues. (Attach additional sheets if needed.)

Applicant organized a neighborhood meeting on Wednesday, December 4, 2013 at the Community Building located at 115 W. 11th Street. The meeting commenced at 7:30 PM. Applicant mailed the entire certified property ownership within 200 feet of the project site as supplied by Douglas County. In addition, the leadership of both the Oread Neighborhood Association and the Oread Residents Association were emailed and asked to notify their respective memberships of the meeting.

Applicant presented applicable excerpts from The Oread Neighborhood Plan which identified the Project Site as a Future Mixed-Use Land Use and also being in the High Density Overlay District Two. The Project as presented showed that it was consistent with the Oread Neighborhood Plan for the Project Site. The Project Plan also showed the design intent to activate the pedestrian viability of both Indiana and Mississippi Streets with commercial uses.

A preliminary site plan along with all four building elevations where presented for feedback and input. A contextualize height study was also presented to the audience. Onsite and adjacent street parking solutions were shown and discussed. Vehicular access was depicted to be exclusively on Mississippi Street. The Project Plan showed the intended desire to hide the majority of the onsite parking's bulk by creatively utilizing the natural topography of the site. In addition, it was explained that the footprint of the parking was compressed by more than 40% over a conventional parking deck through the utilization of an automated robotic parking solution.

No concerns were voiced by the attendants of the meeting. Questions concerning the project centered around the automated parking system. Only two people attended the meeting.

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
http://www.lawrenceks.org/pds/

Developer's Statement of Intent

Please provide a statement setting forth the reasons why the planned development would be consistent with the Developer's Statement of Intent (as found in Article 7, Section 20-701(c)) by addressing the following two issues. (Attach additional sheets if needed.)

1. **Please provide a comparison of the proposed development with the standards of the base district and the otherwise applicable standards of the Development Code.**

20-1108 - General Development Standards for Mixed-Use (MU) Districts

The Project meets the appropriate standard because it is located within a quarter mile of a Transit Route and is within a mile of the University. The Project exceeds this standard considerably because it is within a quarter mile of eight (8) bus routes and is across the street from Kansas University.

The Project provides a mixture of residential and nonresidential uses and is designed to form a pedestrian scale environment. Consistent with a vertical mixed-use building, the applicant is proposing the three (primarily subterranean) levels of the parking garage be designated as a Secondary Development Zone. The remaining levels of the building are proposed as a Primary Development Zone within the Mixed-Use District.

The Project complies by having both residential and non-residential uses and no interruption of building frontage along the public frontage within the Primary Zone. It is designed to accommodate heavy pedestrian traffic and ground-level nonresidential uses. All residential units are above the ground level as required. The Project is compatible with surrounding existing development in terms of building height, building form, and land use.

As a vertical mixed-use project, the five (5) story design is compliant with the minimum height of two (2) stories. The primary public frontages are planned and designed to create outdoor use zones (sidewalk dining and gathering).

Along a portion of Mississippi Street designated as Secondary Public Frontage, vehicular access is provided from the designated Secondary Development Zone. Pedestrian access is provided from both Mississippi and Indiana Streets within the Primary Development Zones of the Project. Work/Live units are also incorporated into the Project.

MU Parking Standards are utilized by counting perimeter boundary off-street parking toward the minimum off-street parking count. As encouraged in Mixed-Use Development ordinance shared parking shall be utilized for the various uses within the Project.

2. Please provide a statement describing how the proposed development provides greater benefits to the City than would a development carried out in accordance with otherwise applicable Development Code standards.

The Project advances the following community achievement goals as outlined in the Lawrence County Comprehensive Land Use Plan:

Goal II - Housing Types

The Project provides non-ground floor dwellings units and live/work units.

Goal III – Provision For Transit-Supportive Development

The Project is adjacent to a designated transit stop for routes 10 and 11

Goal IV – Ensuring Availability of Adequate Public Facilities

A fire station (745 Kentucky Street) is located with a ½ mile of the site

A police station (111 E. 11th Street) is located within 1 mile of the site

An Open Space is located within a ¼ mile of the site (designed within the site itself)

The development site is within a ¼ mile of both Kansas University and the Spencer Museum of Art

Goal V – Ensuring Protection of Environmental Quality

The Project has a green roof to control storm water

The Project utilizes the best management practices as per the adopted BMP manual

The Project is designed to be LEED Certifiable

The Project's residential portion is constructed to comply with Energy Star Certification

HERE @ Kansas

Property Address:	1101 Indiana Street
Property Size (acres):	2.382
Current Base District:	Multi-Dwelling Residential District (RM 32)
Proposed Base District:	Proposed Zoning : Mixed-Use Planeed Development District (MU-PD)

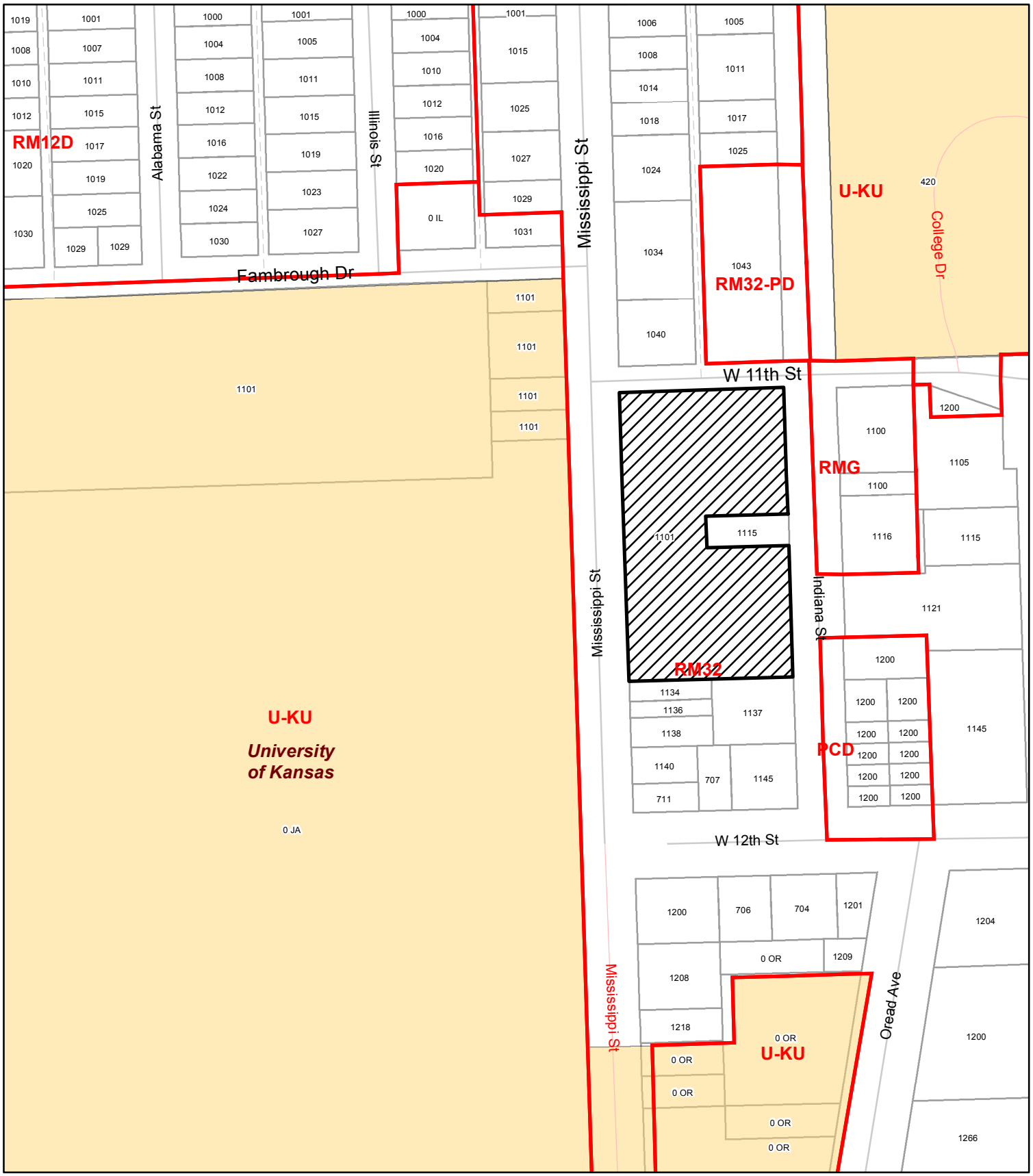
Verticle Mix-Use Structure
Primary Development Zone - All three (3) levels above grade
Secondary Development Zone - All three (3) levels of parking garage
Max. Dwelling Units Per Acre - 32
Setbacks - Public Frontages - 0-10 feet/ Side (interior) 0-5
Max Building Coverage 100%
Max. Impervious Coverage - 100%
Max Height - 48 feet
Min. Outdoor Area (per dwelling unit) - 50 sq. ft.
Min. ground floor level nonresidential spaces:
Height - 12 feet
Area (sq. ft.) - 800

MU Development Bonus Calculation

Public Goal		Explanation	Points Earned
Goal II:	Non Ground Floor Dwellings	Ground floor commercial	25
	Live/Work Units	Provided	
	(points earned for provision of the above mentioned goals may be combined)		
Goal III:	Located adjacent to Designated Transit Stop	Bus route routes 10 & 11 stop in front of site on Mississippi	100
Goal IV:	Location within 1/2 mile of a fire station	Fire Station 1 (745 Kentucky Street) is located .475 miles from the site (per drawing A)	10
	Location within 1 mile of a police station	A Police Station (111 E 11th Street) is located .434 miles from the site (per drawing B)	10
	Location within 1/4 mile of a public park or open space	After further review of the code, onsite open space applies. This is consistent with Section 20-218 which states an Open Space District may also be applied to "Common Open Space" within a residential PD and Cluster Housing Projects. This interpretation is also consistent with Article 6 (c) Mixed Use District which states - "Min. Outdoor Space is not required for each dwelling unit onsite if a public park is located within 1/4 mile of the site" (FYI- South Park is located .308 miles - [310 feet too far] from the site per drawing C)	25
	Location within 1/4 mile of a school or cultural center	The Spencer Museum of Art (1301 Mississippi) is located .185 miles away from site	25
Goal V:	Provision of a green roof or rooftop garden to control storm water runoff		75
	Provision of a storm water best management practice as per adapted BMP Manual		50
	Construction of a Structure with LEED Certification		100
	Construction of a residential structure with Energy Star Certification		25
	TOTAL POINTS EARNED		**445**

MU-PD Development Bonus Utilization

				Total Points Used
Density	MU District Base Density Per Acre		32	
	PD Net Density Increase (25%)		40	
	Requested # of dwelling units		176	
	Requested # of dwelling units Per PD calculation -		156	
	Proposed Density per Acre		65	
	Variance from MU-PD allowable density (units/acre)		25	
	Number of Points Needed (10 pts/unit/acre)			-255
Height	MU District Base Maximum Height		48	
	PD Maximum Base Height Increase (12' ft setback) (per 20-701(g)		60	
	Building Height measured per 20-601(h)(i) in feet	Datum elevation is 10' above the lowest grade 5' away from the building. (Lowest grade 905' +10' = 915')	69	
	Tallest Mississippi Elevation Height from Datum		69	
	Tallest Indiana Elevation Height from Datum		69	
	Tallest 11th Street Elevation Height from Datum		69	
	Variance from MU-PD Allowable Height		9	
	Number of Points Needed (8.33 points = 1 foot increase)			-75
Parking	Per 20-1108 (k)(1) Provision for On-Street Parking	Estimate includes introduction of angled parking on Mississippi Street	-49	
	Per Article 11(m)(4) (5 points = 1 space reduction up 20 space maximum)		-20	-100
	MU Parking Requirement residential (1/bed)		592	
	MU Parking Requirement residential visitor (1/10 units)		16	
	MU Parking Requirement commercial:			
	Accessory Retail (estimate 2 of 3 commercial spaces)	1space/300sq. Ft.	17	
	Accessory Restaurant (estimate 1 of 3 commercial spaces) -	1 space for every 3 occupants+1 space /employee) 1 occupant for every 15 sq. ft. of usable space est. at 50% of gross + estimate of 10 employees	56	
	Total On Site Parking Required		612	
	Total Onsite Parking Supplied		592	
	MU-PD Proposed Shared Parking Spaces	Propoasal assumes 4% of required on site parking spaces are shared	20	
	Total Points Used			-430
	Total Ponts Remainng			15



Z-13-00516: Rezone 2.391 acres from RM32 District to MU-PD District & PDP-13-00518: Preliminary Development Plan for a mixed use multi-dwelling residential building with ground floor retail uses Located at 1101 Indiana Street

Lawrence-Douglas County Planning Office
February 2014

Subject Property

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
02/24/2014

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; *PARTICIPANT SPORTS & RECREATION, OUTDOOR USES* WITH SUP IN CN2 (SMS)

TA-13-00488: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, to allow for *Participant Sports & Recreation, Outdoor uses* with a Special Use Permit in the CN2 (Neighborhood Shopping Center) District. Submitted by Paul Werner Architects.

RECOMMENDATION: Staff recommends approval of the proposed amendment, TA-13-00488, to add *Participant Sports & Recreation, Outdoor uses* with a Special Use Permit in the CN2 District amending Section 20-403 of the Land Development Code and that the Planning Commission forward a recommendation for approval to the City Commission.

Reason for Request: *Addresses a changing condition in community. CN2 should be able to provide outdoor recreational opportunities on a small scale that is within walking distance of residents living in the area in order to support a healthy and vibrant community. As cities work to promote walkable communities, uses such as outdoor participant sports should be in close proximity to neighborhoods. The Development Code does not currently allow Outdoor Participant Sports in the CN2 zoning district.*

RELEVANT GOLDEN FACTOR:
- Conformance with the comprehensive plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- No comments received prior to printing.

ATTACHMENTS
- Attachment A – Existing text of Section 20-403
- Attachment B – Map of existing CN2 District locations

RELEVANT DEVELOPMENT CODE DEFINITIONS

20-1762 SPORTS AND RECREATION, PARTICIPANT

Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis.) The following are participant sports and recreation use types (for either general or personal use):

(1) Indoor

Those uses conducted within an enclosed Building. Typical uses include bowling alleys, billiard parlors, swimming pools and physical fitness centers.

(2) Outdoor

Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses and swimming pools.

OVERVIEW OF PROPOSED AMENDMENT

The applicant has submitted the proposed text amendment to add *Participant Sports and Recreation, Outdoor uses* to the CN2 (Neighborhood Commercial District) as a Special Use concurrently with rezoning and Special Use Permit applications for a development proposal at the northeast corner of Inverness Drive and W 24th Place. These outdoor uses are allowed by-right in the CC, CR, CS, IBP & IL Districts and are allowed with an approved SUP in the MU & GPI Districts.

Prior to the adoption of the *Land Development Code* in 2006, all commercial recreational uses, both indoor and outdoor, were identified in Use Group 15 AMUSEMENT, RECREATIONAL AND CULTURAL FACILITIES. These uses were permitted in the C-2, C-3, C-4 & C-5 Districts with an approved site plan. The pre-2006 Code established access and lighting standards for several of these recreational uses. Properties that previously were zoned C-2 converted to the CN2 District as part of the 2006 code adoption.

With the adoption of the *Land Development Code*, the regulations attempt to differentiate between districts so that the character of different commercial centers can be maintained. Adding uses to a district with a Special Use Permit provides the opportunity to review individual proposals and evaluate the compatibility of a proposed development in a specific location. Review with a Special Use Permit also allows the commission to establish operating conditions that will minimize impacts to nearby property owners.

Section 20-208(a) provides the purpose statement for the CN2 District: *The CN2, Neighborhood Shopping Center District, is primarily intended to implement the Comprehensive Plan's "Neighborhood Commercial Centers" policy of providing for the sale of goods and services at the neighborhood level.* Adding the option to locate outdoor participant sports activities in neighborhood commercial settings creates the opportunity to locate such uses throughout the community and potentially to place them in walkable locations. Approval with a Special Use Permit provides the opportunity to look at specific proposals and evaluate potential impacts so that they can be mitigated. In Staff's opinion, it is reasonable to permit this use as a Special Use in all CN2 Districts.

Proposed Article Changes

Changes to the text are shown below and are noted in red. Additions are underlined and deletions are ~~struck through~~. The entire Sections 20-403 & 20-509 are provided at the end of this report as Attachment A for reference.

Add *Participant Sports and Recreation, Outdoor* uses as a type of use permitted with approval of a Special Use Permit in the CN2 District.

Amend Section 20-403:

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*	
COMMERCIAL USE GROUP																	
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	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	A	
	Nature Preserve/ Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
	Private Recreation	P	P	P	–	P	P	–	P	–	–	–	–	P	P	A	

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The characteristics of commercial centers are described in *Horizon 2020,* Chapter 6 – Commercial Land Use. Neighborhood centers may contain a variety of commercial uses, including a grocery store, convenience store, and other similar retail shops and services. The plan states that to insure there are a variety of commercial uses and no one use dominates a center, no one store shall occupy more than 40,000 square feet with the exception of a grocery store. These centers are designed to provide for the sale of goods and services at the neighborhood level. The plan states that Neighborhood Commercial Centers without a grocery store shall contain no more than a total of 100,000 gross square feet of commercial space.

Chapter 6 also discusses recreational uses and provides guidance when located in commercial centers:

> *Commercial uses that are primarily physical recreation in nature (uses such as go-karts, skating rinks, bowling alleys, basketball arenas, soccer arenas, miniature golf, pitch and putt golf, etc.) may be located in the appropriate Commercial Center classification. High levels of noise and light can be generated by Recreational Uses. Because of this high level of noise and light, Recreational Uses shall be compatible with the surrounding existing or planned uses. Proposals for such uses do not need to meet the size or ratio requirements stated in the respective Commercial Center definitions. Proposals for Recreational Uses shall provide adequate buffering for adjacent non-commercial uses, shall use a minimal number of curb cuts, and provide cross access easements to adjoining properties.*
>
> *If a Recreational Use is proposed in a Neighborhood or CC200 Center, the amount of commercial gross square footage occupied by the Recreational Use shall be counted toward the maximum amount of commercial gross square footage allowed. A Recreational Use located in a CC200 can occupy up to 50,000 gross square feet. The purpose of regulating the size of Recreational Uses in Neighborhood and CC200 Centers is to preserve and protect the smaller, neighborhood scale associated with these types of Centers.*

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 corre cts an error or inconsistency in the Development Code or meets the challenge of a changing condition; and

As noted above, the applicant has suggested that the proposed amendment does meet the challenge of a changing condition. The community has increased its emphasis and attention on creating a healthy environment for residents. Outdoor participant sports amenities provided within a walkable distance to neighborhoods and schools can enhance the viability of the community.

The zoning diagnostic that was prepared before the *Development Code* was drafted suggested that there were not significant differences in the various commercial districts in the previous code. The proposed use is currently permitted by-right in most of the commercial and two of the industrial zoning districts. It is permitted with a Special Use Permit in the MU and GPI districts. If this use is added as a by-right permitted use, the distinctions between CN2 and other commercial districts become less distinct. Allowing these uses with approval of a Special Use Permit provides the opportunity to evaluate each site and proposal independently and give extra scrutiny to the proposals. The SUP process also provides a mechanism to establish conditions to mitigate potential impacts based upon the surrounding land uses.

Whether the proposed text amendment is co nsistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).

Horizon 2020 outlines criteria for the location of neighborhood commercial centers. These nodes should be located on one corner of either an arterial/collector street intersection or an arterial/arterial intersection. The plan also emphasizes the integration of neighborhood centers with the surrounding residential neighborhoods by including pedestrian access and appropriate transitional elements, such as back to back relationships, landscaping and screening.

Most CN2 centers have been oriented to the adjacent streets rather than opening out to the adjacent residential properties. When new outdoor activity areas are proposed, the potential impacts to nearby properties are evaluated and can be addressed at the site plan stage of development.

Permitting the *Participant Sports and Recreation, Outdoor use* in the CN2 District is consistent with the purpose of this neighborhood district to provide a variety of commercial services at the neighborhood level. The *Development Code* provides protections, such as bufferyard requirements between commercial and residential properties, which can mitigate potential impacts to surrounding properties. Requiring approval of a SUP for these uses also provides the opportunity to look at the specific proposal and operations of a proposed use to determine appropriate conditions that will ensure compatibility with nearby properties.

Attachment A - *Existing Development Code Text (Section 20-403 in entirety)*

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*	A*	508
	Duplex	P*	–	P*	–	–	–	–	–	–	–	–	–	–	–	–	503
	Manufactured Home	–	–	–	–	–	–	–	–	–	–	–	–	–	P	A	
	Manufactured Home, Residential-Design	P*	–	–	–	–	–	–	–	–	–	–	–	–	–	–	513
	Mobile Home	–	–	–	–	–	–	–	–	–	P	–	P	–	P	A	
	Mobile Home Park	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Multi-Dwelling Structure	–	P*	P*	–	P*/S*	P*		P*	–	–	–	–	–	S	A	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	–	–	–	–	–	–	–	–	–	–	–	–	–	–	A	
	Fraternity or Sorority House	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	–	–	–	–	–	–	A	
	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	A	
	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

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*	
	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	A	
	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	Community Mental Health Facility	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	
	Extended Care Facility, General	–	S	–	S	–	–	–	–	S	–	–	–	–	–	A	
	Extended Care Facility, Limited	P	P	P	P	–	–	–	–	–	–	–	–	–	S	A	
	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*	A*	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	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	A	

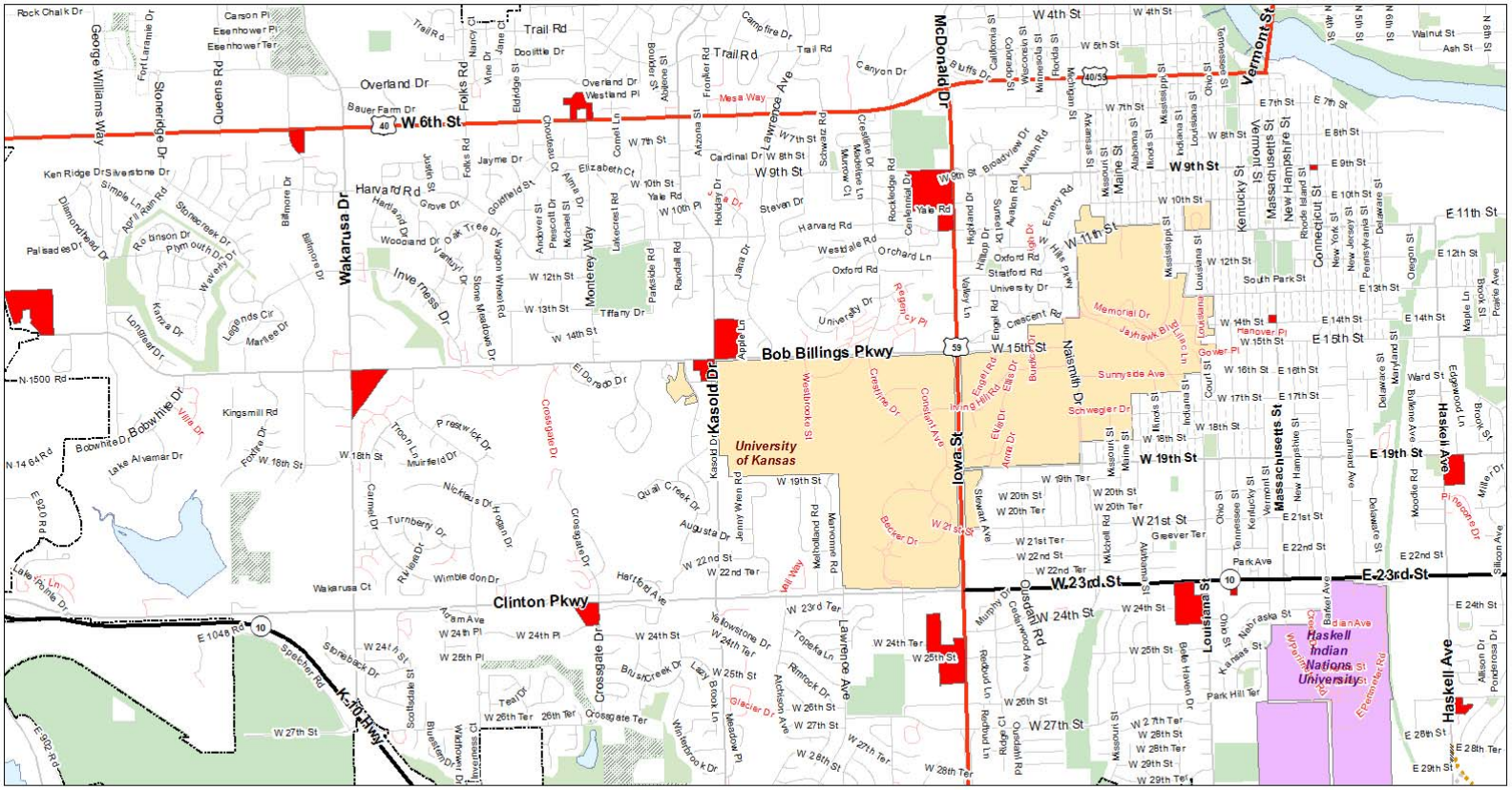
Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*															*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IM*	*IG*	*OS*	*GPI*	*H*	
	Nature Preserve/ Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
	Private Recreation	P	P	P	–	P	P	–	P	–	–	–	–	P	P	A	
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	–	–	–	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	–	–	–	–	–	509
	Accessory Restaurant	–	–	–	–	–	–	–	–	A	–	–	–	–	–	–	
	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	

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 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
	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*	–	–	–	–	–	–	–	–	–	–	–	–	504
	Campground	–	–	–	–	–	P	P	P	–	–	–	–	S	–	–	
	Hotel, Motel, Extended Stay	–	–	P	–	P	P	P	P	–	P	–	–	–	–	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*	
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	–	–	–	
	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	–	–	–	
	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	–	

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*	
	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
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	–	–	–	–	–	–	–	–	–	S	S	S	–	–	–	

Existing CN2 Zoned Areas in the City of Lawrence



Legend

CN2 District

1,000 500 0 1,000 2,000 3,000 4,000 Feet

1 inch = 2,000 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: 10/15/2013

LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED
FEB 24 2014
City County Planning Office
Lawrence, Kansas

February 23, 2014

To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

Co-President
David Burress

Co-President
Cille King

President-Elect
Cille King

Vice President
marci francisco

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors

Margaret Arnold

Caroljean Brune

Scott Criqui

James Dunn

Ruth Gibbs

Midge Grinstead

Marlene Merrill

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT SPORTS & RECREATION,
OUTDOOR USES WITH SUP IN CN2
ITEM NO. 5B: SPECIAL USE PERMIT; FAMILY FUN CENTER; W. 24TH PLACE AND INVERNESS DRIVE
ITEM NO. 5C: SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH PLACE

Dear Chairman Culver and Planning Commissioners:

For many reasons, we request that you **not** approve Items No. 4, 5B and 5C.

The CN districts are neighborhood commercial districts and were designed to provide goods and services for the immediate neighborhoods where they are located. The recreational uses that will be permitted, if the **Text Amendment, Item No. 4** is approved, permit the type of commercial outdoor recreational uses that have multiple environmental and planning ramifications. We believe that the likely negative impacts of these proposals have not been adequately reviewed in the Staff Report, and when carefully considered, would lead to the conclusion that because of these possible outcomes, they should not be included as permitted uses in the CN districts, even with a SUP.

1. The applicant has indicated the proposed uses in his report to the Staff. The **noise levels** of the outdoor uses, specifically the batting cages, Go-Karts, and shouting customers, cannot be buffered.

2. The lights will not be able to be properly screened. Although the lights may shine down, the reflections cannot be shielded.

3. The intensity of the traffic can be predicted to be worse at times than would be the case for normal shopping areas.

4. In terms of the planning considerations, the recreational use and the drive-ins **will absorb all of the available commercial space** so that the uses really needed by a neighborhood such as a drug store, grocery store, sit-down restaurant, and the other uses for which the CN2 District was intended, will not be possible. The Comprehensive Plan severely limits the amount of recreational space for the Neighborhood Centers and the CC200 Centers for this reason (please see **Chapter 6 of Horizon 2020, page 6-12, paragraph 2 under the Section, "Recreational Uses.")**

5. The type of outdoor commercial recreation proposed to be permitted here with the SUP we believe belongs in more regionally based commercial districts; that is, the CC4 or CC6 Districts. The more logical location for this type of use would be in the larger shopping center or centers close to the Rock Chalk Park, or for that matter, in the Rock Chalk Park itself.

PO BOX 1072 • LAWRENCE KS 66044-1072
league@sunflower.com • www.lawrenceleague.com
www.facebook.com/lwvldc • www.twitter.com/lwvldc

For the same reasons, **we ask that you not approve the SUP for Item No. 5B.**

We also ask that you not approve Item No. 5C, the SUP for the Fast Order Food With Drive-Thru use. The Fast Order Food With Drive-Thru use would be much more intense than under normal circumstances because the clientele of the recreation center would add to the customer base. The use, itself, was not anticipated for CN districts under normal circumstances because of the increase in traffic and clutter that it would bring, and the combination of fast food drive-thru plus the outdoor commercial recreation center here could do real damage to the neighborhood.

Again, we appeal to the Planning Commission to deny Items 4, 5B, and 5C.

Sincerely yours,

Cille King

Cille King, President

Alan Black

Alan Black, Chairman
Land Use Committee

From: Deborah M. Galbraith [mailto:dgalbraith@waverly-partners.com]
Sent: Monday, February 24, 2014 9:49 AM
To: 'amalia.graham@gmail.com'; 'montanastan62@gmail.com'; 'jonjosserand@gmail.com'; 'pkelly@usd497.org'; 'bculver@bankingunusual.com'; 'denney1@sunflower.com'; 'squampva@aol.com'; 'clay.britton@yahoo.com'; 'bruce@kansascitysailing.com'; 'eric.c.struckhoff@gmail.com'
Subject: OPPOSITION to Proposed Development for corner of Inverness and Clinton Parkway

Dear Planning Commissioners – This email is to voice my opposition to the proposed Family Fun Center development project at the corner of Inverness and Clinton Parkway in west Lawrence. I am not opposed to such a center as I believe in general it could be a nice leisure alternative, however think that the placement of such a facility within two blocks of four schools is NOT a wise idea. In addition to the proposal that would allow alcohol be served, the increased traffic in the area would be a hazard. Moreover, I have never seen a development such as this placed squarely in the middle of a residential neighborhood.

I am unable to attend the planning meeting tonight due to previous commitment that cannot be changed so thank you for providing a vehicle to voice opposition to the plan.

Debbie Galbraith
4205 Nicklaus Drive

From: Katie Huff [mailto:kayteekate@hotmail.com]
Sent: Sunday, February 23, 2014 10:58 PM
To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; dcbritt@yahoo.com; eric.c.struckhoff@gmail.com
Subject: Planning Commission Meeting

Dear Planning Commissioners,

We are writing you with concern and opposition to several items to be discussed at your meeting on Monday, February 24th. We are **opposed** to Item 4, Item 5A, Item 5B, and Item 5C.

We are a family with three small children, so we are not opposed to a "Family Fun Center"; in fact, we believe Lawrence could use a place like this. But we **strongly disagree** with it being built in the middle of a residential area. We own a house at 4424 Gretchen Ct and enjoy the quiet, family and school focused neighborhood that this area provides. But we believe with the addition of this proposed "Family Fun Center", it would dramatically change our neighborhood. We are opposed to the noise, traffic, alcohol near schools, lights, and late night hours that this place would promote. This is not the right location for this type of facility.

Please understand our concerns.

Thank you.
Dustin & Katie Huff
4424 Gretchen Ct

From: Michele Vignola-Rogers [mailto:mvr@sunflower.com]
Sent: Sunday, February 23, 2014 7:28 PM
To: montanastan62@gmail.com; amalia.graham@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Family Fun Center

Dear City Planning Commissioners,
This letter is in regards to the Family Fun Center that is being considered for W 24th Place between Crossgate and Inverness Drives. As I was reading through the article regarding this project I was struck by a number of issues. First, why there? We have land further away from all of the apartments, houses and schools in the area to build this. Why create more noise, lights and traffic in an area that is not empty by any means? That area has plenty of housing and people who prefer it the way it is. I agree that we do need a Family Center - there is no question that we are lacking places for pre-teens and teens to go and hang out that is safe and fun, but to crush it into a development of houses and apartments where the average family is going to be subjected to the loud and often obnoxious teenage behavior that comes with a place like this seems counterproductive. Moreover, this is a college town which means this will not cater to just the elementary, middle school and high school kids, but also the college population. This means that although the place may close at ten or midnight – the noise will continue well into the late night/early morning hours especially if alcohol is going to be served.

Second, I do not understand the need for a BAR at a Family Fun Center. If a person cannot have fun with their children without alcohol, then maybe help is necessary, but certainly not a bar. Alcohol and places like this should NOT exist together. We have plenty of bars in this town and no matter what little alcohol is in the beer – it's still beer and people can still get drunk and drive. Of course lighting is a huge issue and I can't imagine how any form of boundary is going to block the lighting of a batting cage area (unless it is indoors). I grew up with batting cages and miniature golf near my house in NJ and I can assure you that the lighting required for the batting cages and miniature golf (if it is an outdoor venue) is incredibly bright (almost like daylight) – imagine that at 10:00 p.m. when you are trying to put a child or yourself to bed. The noise is another factor, the Go-Karts are only a part of it – usually a place like this will have music blaring and people talking over the music and shouting at one another (profanity and all). I recommend that the City Planning Commissioners visit a place like this in a larger city where it is close to housing and see what the effects are. I remember hanging out at our batting cages until midnight or later and the music blaring across the fields while the lights lit up the whole area – you could see the lights from the highway – three miles away. However, we were lucky – our Fun Center was out in the woods nowhere near homes or apartments. This might be something you could consider when picking a spot for this type of venue. If it is there - people will come - and they will drive ten minutes to get there – it is not necessary to put this in the center of family living, you'll decrease the value of homes and most of the apartments will be empty or rent below average because no one will pay to live by a venue such as this. At first it may seem a great idea to live by such a place, but it won't take long before people realize the mistake they've made and move to get away from the traffic, noise and constant activity that lasts into the late hours.

A third concern has to do with security. I remember the old Putt-Putt from 20 years ago and the roller rink (which is now Kohls) and a big problem was security or lack thereof. When you open a place like this in a college town, you MUST have very good security – not rent-a-cops, but security. A security group that can keep people in line and behaving in crowds that can get a bit rowdy especially if alcohol is involved. Underage drinking is a huge problem in Lawrence and this place serving alcohol will not help the issue. But the right security can help. In NJ our places used off duty police officers or trained bouncers – Lawrence is no longer a small town – it is no longer a small community. Guns, knives, and drugs are growing and a place like this can attract that type of element and security is where it stops. So, please if you vote this project in – please take into consideration that a place like this is great when it is open and doing what it is supposed to do, it's no good to anyone if it's shut down due to violence, drugs or gang activity – it just becomes another empty building on another piece of land which this town cannot afford to have.

Thank you for taking the time to read this e-mail and considering the points. I live near this piece of land and I am very opposed to this project being built so close to us and our extended family. We enjoy the quiet.

Sincerely,
Michele Vignola-Rogers

From: Mark Simpson [mailto:markandrewsimpson@yahoo.com]
Sent: Monday, February 24, 2014 8:58 AM
To: Caitlyn Cargill
Subject: Comments regarding 4300 W. 24th Place

Planning Commissioners,

I write you with concerns about agenda items 4, 5A, 5B, and 5C regarding the proposed development at 4300 W. 24th Place. My family and I live at 4305 W. 26th Terrace and my daughter attends preschool at Raintree Montessori at 4601 Clinton Parkway. When she begins kindergarten she will attend Sunflower Elementary School at 2521 Inverness Drive.

My main concern with the proposed development is the increase in traffic on Inverness and surrounding streets. It appears to me that the one lane traffic circle at 24th Place and Inverness is already close to full capacity. My understanding is that the proposed development may include fast food restaurants. When I see the constant flow of traffic into the McDonalds at 6th and Wakarusa it convinces me that multiple fast food restaurants at 4300 W. 24th Place would create traffic gridlock. At peak hours my guess is that the roads and traffic circle could not handle the traffic from the apartments, the schools, and two fast food restaurants.

Also, I do not think that the proposed development is consistent with the surrounding neighborhood. The proposed development seems more appropriate for an area that is not right next to residential areas. I have doubts about how much meaningful noise and light mitigation is possible given the extremely close proximity to residences.

Thank you for taking my concerns into account and for your service on the Planning Commission. I sincerely appreciate the time and effort you put into the consideration of this and other important issues for our community.

Respectfully,
Mark Simpson

From: Luke Sinclair [mailto:sincluke@gmail.com]
Sent: Friday, February 21, 2014 11:20 AM
To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; Clay Britton; eric.c.struckhoff@gmail.com
Cc: Lori Sinclair
Subject: Opposition to Agenda Items 4, 5A, 5B, 5C for 2/24 PC Meeting

Dear Planning Commissioners:

My wife (Lori Sinclair) and I are the own and live at 4400 W. 24th Pl., which is directly across Inverness from the potential family fun center and fast-food drive-thru restaurant development. Items 4, 5A, 5B, and 5C on the Commission's agenda for the February 24th meeting are geared toward enabling this development. We write to oppose it all.

We purchased our home in 2008 because we loved the property and we were attracted to the quiet, appealing nature of the neighborhood, the proximity to neighborhood schools, and the ease of access to outdoor recreation. We take pride in our home and have invested capital to maintain and improve both the inside and outside appearance of our house and property, and we take advantage as much as we can of the benefits of living where we do. We believe the proposed development will interfere with, disrupt, and degrade our quality of life and the value of our property, as well as our neighbors'.

To be clear, we have strong doubts as to the long-term viability of a go-kart, mini-golf entertainment center in Lawrence, but we are not generally opposed to it. But we all have to be smart about it and take into consideration the adjoining properties and owners. We think this proposed development at this particular location is ill-advised for several reasons. First, it will not provide any additional meaningful benefit to our area. This development is being proposed – and the text amendment, rezoning request, and special use permits are being sought – primarily on the basis that the development will provide services to us and our neighbors that are otherwise lacking in our area. This is simply untrue. Our neighborhood enjoys some of the best access in Lawrence to outdoor recreation. Walking trails, bike trails, tennis courts, playgrounds, a running track, soccer fields, softball and baseball fields, batting cages, Clinton Lake, the Pat Dawson Billings Nature Area, the Rotary Arboretum, and more, are all within a short walk/run/bike ride and even shorter drive of our neighborhood. Access to and use of most of these is free. Paid access to go-karts and mini-golf provides absolutely no additional outdoor recreational benefit to us.

Second, the development isn't suited for our quiet, school-centered residential area. We've never seen an outdoor family fun center or fast-food drive-thru restaurants in the middle of a residential area, and there's reason for that. It doesn't make sense. The development will bring increased traffic, in this case potentially by people who have been enjoying 3.2 beers, which we fear will increase the risk to the children that walk and play on our sidewalks and streets. Additionally, the streets can't take additional traffic, especially the roundabout outside our house on Inverness and 24th Place. The development will drastically increase the amount of noise and light pollution, given the nature of the activities and the hours of operation the developer envisions. With groups of people engaging in competitive activities and potentially drinking alcohol, it's reasonable to believe there will be late-night, disruptive rowdiness. Additionally, we don't think it's a good idea to have a bar in such close proximity to four schools and multiple day-cares. Finally, we can't say enough that there is no reason that we or our neighbors should have to breathe the noxious smells that would emanate from a fast-food restaurant and its garbage dumpsters. It's unreasonable to assert that a small land buffer would adequately address any of these issues. We understand that it's easy for the planning staff to assert, without any real analysis or study, that a drive-thru restaurant would not result in "substantial diminution" of our property value, but we'd invite them to tell us if they know of anyone that would be

truthfully interested in buying a house in a residential neighborhood directly across the street from a drive-thru fast food restaurant.

More generally, we have concerns about the long-term viability of the fun center. Can Lawrence truly sustain it? Who is the target group? If it's college kids, they're gone for the summers. Is it school students? Having been students in a metropolitan area with access to mini-golf and go-karts, we can both personally attest to the fact that these activities just don't have permanent appeal. Once or twice is enough. The problem Lori and I have is that if the fun center fails, we would be the ones left with a view from our front porch, living areas, and second-story bedrooms of an abandoned, run-down family fun ghost town.

Finally, without limiting our general opposition to this development and all four agenda items above, we'd like to specifically address the requested text amendment. It's being proposed as one of four steps in the process of putting the family fun center in our neighborhood. A text amendment to the Development Code to generally allow for outdoor recreation through an SUP in all CN2 areas in Lawrence is a drastic step that ought to be weighed against the relative importance or benefits of the fun center and the costs and effects on adjoining landowners. We don't think it does, and it certainly doesn't appear that the text amendment satisfies the factors in Section 20-1302(f).

First, we don't believe the text amendment is consistent with Horizon 2020 and the Development Code, at least with respect to our neighborhood and the other adjoining landowners. The Development Code is intended to implement Horizon 2020 in a way that "protects, enhances and promotes the health, safety, and general welfare of the citizens of Lawrence." As currently drafted the Development Code doesn't allow for outdoor participant recreational use in either RSO or CN2, even with an SUP. It doesn't appear anyone believes this was a mistake, and we ought to assume the Development Code was adopted the way it was for good reason. In our situation it certainly makes sense because, for the reasons laid out above, a commercial fun center does not fit in our residential area. We don't believe changing the rules to allow this particular fun center across the street from our house is in the spirit of protecting, enhancing, or promoting the health, safety, and general welfare of us or our neighbors.

As to the other factor, the text amendment doesn't purport to fix an inconsistency or error in the development code. Rather, it's said to meet the challenge of a changing condition; specifically, an increased emphasis on creating a healthy environment for residents. We question how mini-golf, go-karts, arcade games, and a bar create a healthy environment. However, to the extent they do, the development would be better suited in an area that doesn't already have spectacular pedestrian/bike access to trails, parks, and other outdoor recreation. Perhaps in that case it could be said that a challenge was being met by the text amendment, but that's just not true as it pertains to our area.

Thank you,

Luke and Lori Sinclair
4400 W. 24th Pl.
Lawrence, KS 66047

From: Bob Grabill [mailto:bgrabill@chiefexec.com]
Sent: Monday, February 24, 2014 10:19 AM
To: amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Proposed development

We understand that there is a proposed development including a go kart track close to our home in Alvamar.

Nothing could drive down home values faster not to mention disrupt sleep of we and our neighbors than this project.

We ask that you please not approve this.

Thank you,
Bob & Jennifer Grabill
2027 Hogan Ct.
(Masters Subdivision)

Bob Grabill | President & CEO
Chief Executive Network | phone: 785.832.0303 Ext. 102 | bgrabill@chiefexec.com
EXCHANGING EXPERTISE ⊠ BUILDING CORPORATE STRENGTH

Executive Meetings | Board Search | Strategic Resources

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
2/24/2014

ITEM NO. 5A: RSO TO CN2; 10.97 ACRES; 4300 W 24th Place (SLD/TLH)

Z-13-00483: Consider a request to rezone approximately 10.97 acres from Single-Dwelling Residential-Office (RSO) to Neighborhood Shopping Center (CN2), located at 4300 W 24th Place in Lawrence. This request has been submitted by Paul Werner Architects for Corporate Holdings II LLC, the property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 10.97 acres from Single-Dwelling Residential-Office (RSO) to Neighborhood Shopping Center (CN2) 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 subject to the following conditions:

1. Uses subject to site plan approval shall be approved by the CC prior to approval
2. Uses shall be prohibited in this CN2 (Neighborhood Shopping Center) District:
    a. Household living (all residential uses)
3. Buffer along Inverness Drive shall be limited to open space, landscape, and park-type amenities.

ATTACHMENTS

A. Inverness Park Plan Map
B. Table of Restricted Uses- 20-403
C. Revised map of zoning
D. Applicant's Project Summary

PROPERTY OWNER'S REASON FOR REQUEST

The property owner intends to develop an outdoor 'Family Fun Center' with clubhouse.

KEY POINTS

- This is a request to accommodate the proposed Family Fun Center on the east half of the property located south of Clinton Parkway at the intersection of W. 24th Place and Inverness Drive.
- Proposed request will create a Neighborhood Commercial Center in the Inverness Park District.
- Request is consistent with land use recommendations for this area noted in the *Inverness Park District Plan*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

ASSOCIATED ITEMS BEING CONSIDERED AT THE FEBRUARY PLANNING COMMISSION MEETING:

- TA-13-00488; Special Use in CN2 District
- **Z-13-00483; RSO to CN2**
- SUP-13-00486; Family Fun Center
- SUP-14-00026; Inverness Corner Retail Development (with drive-thru)

OTHER ACTION REQUIRED:
- City Commission approval of rezoning and adoption of ordinance.
- Publication of rezoning ordinance.

OTHER ACTIONS REQUIRED PRIOR TO DEVELOPMENT
- Platting of the property through the Major Subdivision process.
- Special Use Permit approved prior to release of building permits, for Participant Sports and Recreation, IOutdoor.

PLANS AND STUDIES REQUIRED

(None required for this rezoning)

PUBLIC COMMENT
- Letter: Gary Olson, Clinton Parkway Animal Hospital
- Letter: Wimbledon Townhome Association

Project Summary

This property is located on the south side of Clinton Parkway; east of Inverness Drive and north of W. 24th Place. This application is submitted concurrently with TA-13-00488, SUP-13-00486, and SUP-14-00026 with the intent to develop an outdoor "Family Fun Center" with a Clubhouse on site. This use will use the eastern 2/3 of the property. The western 1/3 will contain pad sites with drive-thru uses and are covered in SUP-14-00026. This request allows for neighborhood-oriented commercial development along Clinton Parkway in the Inverness Park neighborhood. This application was submitted concurrently with the text amendment and special use applications.

The applicant has submitted a concept plan for the Family Fun Center that details the new complex, and additional commercial uses on the parcel closest to Inverness Drive. Two separate Special Use Permit applications have been submitted for the Family Fun Center and the pad sites, Inverness Corner Retail Development.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Property Owner's Response:

"Page 18 of the Inverness Park District Plan states, "Multi-Family uses are not appropriate for this area." The Future Land Use Map 4-1, on page 21, shows this area as 'neighborhood commercial.'"

The CN2 (Neighborhood Shopping Center District) is primarily intended to implement the Comprehensive Plan's "Neighborhood Commercial Centers" policy of providing for the sale of goods and services at the neighborhood level. Neighborhood Commercial Centers are generally located at least one mile from another Commercial Center. Developments in CN2 Districts are intended for Collector/Arterial Street intersections or at Arterial/Arterial Street intersections. Development is intended on only one corner of the intersection.

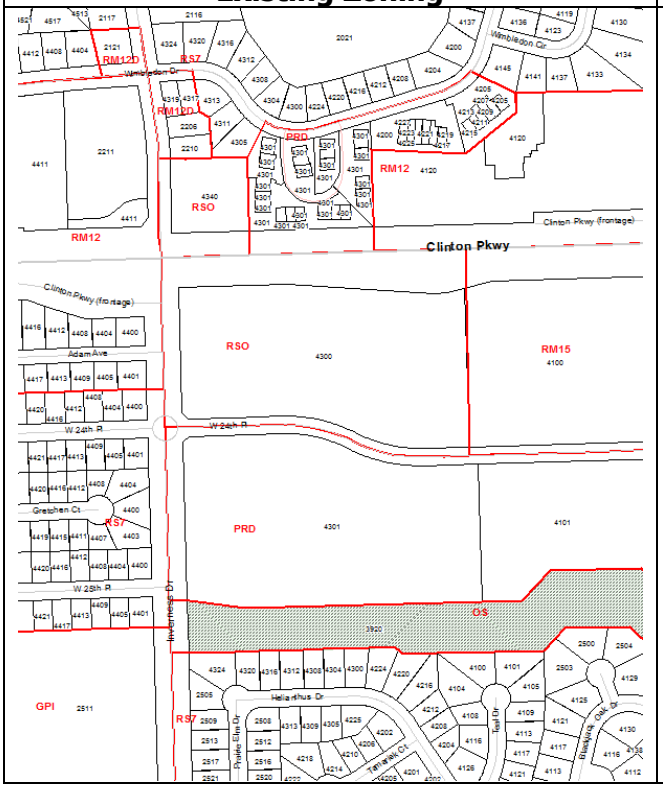
Horizon 2020 identifies commercial development goals in Chapter 6. Goals for established commercial areas include the retention, redevelopment and expansion of established commercial areas in the community. (Page 6-24)

Other comprehensive plan goals include appropriate land use transition between commercial and residential neighborhood areas. These goals are applicable to the proposed request.

Staff Finding – The request for CN2 zoning in this location is consistent with recently approved changes to *Horizon 2020* goals and policies and specific land use recommendations included in the *Inverness Park District Plan.*

2. ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Current Zoning and Land Use:	RSO (Single-Dwelling Residential-Office District), undeveloped
Surrounding Zoning and Land Use:	To the southwest: RS7 (Single-Dwelling Residential District) single family residences located west of Inverness Drive. GPI (Southwest Middle School and Sunflower Elementary School); Elementary and middle schools located farther southwest along Inverness Drive. To the south: PRD-[The Grove] and PRD-[Legends at KU]; multi-dwelling residences. To the north: RM12 (Multi-Dwelling Residential District); Bishop Seabury Academy. PRD-[Wimbledon Terraces]; multi-dwelling residences RSO (Single-Dwelling Residential-Office) District; Clinton Parkway Animal Hospital. To the northwest/west RM12 (Multi-Dwelling Residential District); a church and duplexes To the east: RM12 (Multi-Dwelling Residential District); multi-dwelling residences

Existing Zoning	Existing Land Use
	

The predominate use of nearby properties are multi-dwelling residential, with single family residences located to the west and further south, east of Inverness. All adjacent properties are developed; the current property is the only undeveloped parcel in the immediate vicinity. Southwest Middle School and Sunflower Elementary School are located roughly one block south along Inverness Drive. Raintree Montessori School is located roughly one block west of the property along Clinton Parkway.

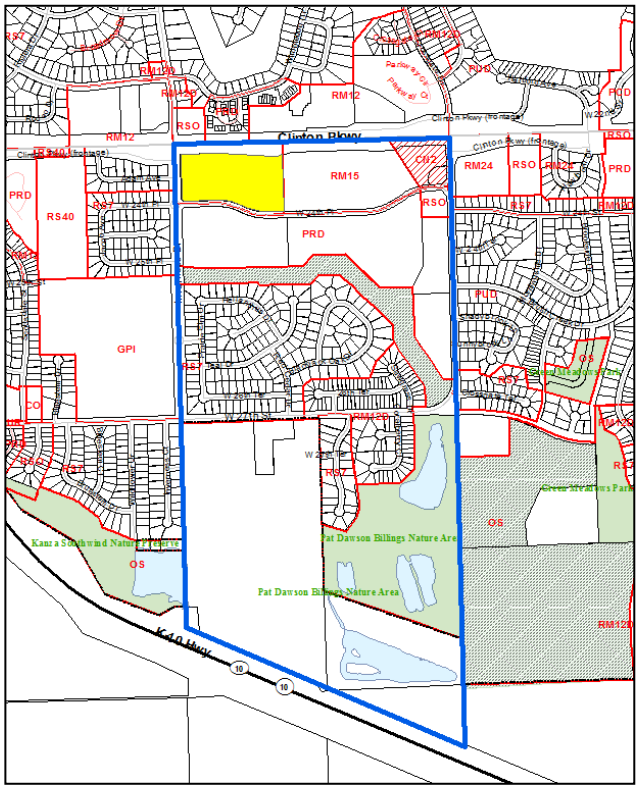
Staff Finding – The existing zoning and land use in this immediate area includes both single-family and multi-family zoning. The area is developed with both residential and non-residential uses. Public and private schools are located in the vicinity. The Hy-Vee convenience store and fuel station is located at the east end of W 24th Place.

3. CHARACTER OF THE AREA

Property Owner's Response:

"The neighborhood is characterized by a large group of apartment complexes along 24th Street, single family homes/duplexes in other areas, and four schools in close proximity to the site. The population already present in the area, the proposed change to zoning would serve the surrounding neighborhoods well."

This property is located within the Inverness Park Neighborhood. The property is adjacent to Inverness Drive, directly to the west, which provides access to Clinton Parkway, a major arterial. The property is also serviced via Bus Route 29 (*27th & Wakarusa to KU*) along W 24th Place, which provides transit access from the University of Kansas to areas in the southwestern part of Lawrence.



The Inverness Park neighborhood is defined in the *Inverness Park District Plan* as an area located south of Clinton Parkway between Inverness and Crossgate Drives, north of K-10 Highway. The Inverness Park neighborhood is primarily urban in nature and is located mostly within the City of Lawrence, except for two residences located south near K-10 Highway. Multi-dwelling (higher density) residential properties are located in the northern portion of the district, and are located in the direct vicinity of the proposed Family Fun Center, along W 24th Place. Raintree Montessori School is located west of the neighborhood along Clinton Parkway, and Southwest Middle School and Sunflower Elementary School are located roughly one block south of the property along Inverness Drive.

The subject property is one of the few undeveloped parcels within the plan boundary.

Staff Finding – The vicinity surrounding the subject property includes a variety of residential and non-residential uses. The neighborhood is used predominately developed with few remaining vacant parcels.

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

This property is included within the plan boundary of the *Inverness Park District Plan* adopted in 2012. The plan recommends this particular parcel to be used for neighborhood commercial development. This plan includes specific policies to address buffers and screening on this particular parcel of land in order to maintain the single-family neighborhood characteristics of homes to the we

Staff Finding – The proposed CN2 zoning request conforms to the land use recommendation in the *Inverness Park District Plan*. Buffers laid out in the Inverness Park District Plan should be designed to mitigate any nuisances related to commercial development.

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

Property Owner's Response:

"The current zoning restricts the site to residential/office uses which would not serve the area well due to the large amount of apartments already present on 24th Street."

Numerous concerns were raised before and during the creation of the *Inverness Park District Plan* adoption in 2012 regarding additional multi-dwelling residential development. The current

RSO district is no longer suitable for this property, being inconsistent with the recommended commercial land use. The plan states this property is best suited for a neighborhood commercial use.

Staff Finding – The current RSO zoning is no longer suitable for this property given the adoption of the *Inverness Park District Plan*. Approval of the request facilitates development of the site consistent with adopted land use policies for this property. The CN2 district allows multi-dwelling uses identified as unsuitable for this area. If approved, this specific use should be prohibited as a condition.

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

Property Owner's Response:
"The site has never been developed."

Staff Finding – This property has been zoned since adoption of the Land Development Code in 2006. Prior to 2006, the property was zoned "RO" as part of the subdivision development plans.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Property Owner's response:
"Nearby properties will benefit from neighborhood commercial uses in the area due to the close proximity of services that they can walk to. Although some additional traffic would be generated by the use, it will likely be serving those already in the area for school drop-off and pick-up."

Staff concurs that traffic in the area will increase as currently vacant properties are developed. No additional street or intersection improvements are necessary as a result of rezoning. As specific uses and development plans are submitted, traffic is evaluated and any additional improvements are identified at that time.

Some uses allowed in the CN2 district are not appropriate or suitable for this location and were found to be detrimental to the neighborhood, prior to the creation of the *Inverness Park District Plan,* specifically multi-dwelling uses.

Any nuisances arising from rezoning will be addressed conditionally as stated in the *Inverness Park District Plan,* most notably, proper buffering for light and noise issues closest to adjacent residential structures. In addition, site plans require public notice and city commission approval.

Staff Finding – The proposed change facilitates development of this site consistent with planned land use of this property. The proposed change alters the land use expectations from residential to neighborhood commercial. This change is expected by staff to be beneficial to surrounding proposal owners by implementing a land use plan. Staff recommends that approval of the zoning prohibit residential uses on this property.

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

Property Owner's Response:
"The gain if this site were developed would be the benefit of a commercial area that would allow nearby residents to walk to the services provided."

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.

If the rezoning request were denied, the property could remain vacant as an RSO property, which is not the recommended use determined in the *Inverness Park District Plan.*

If the rezoning were approved, the uses allowed change from residential to commercial with a wide variety of commercial uses permitted. Prohibiting specific uses creates a compatible development with the existing neighborhood, as suggested by concerns raised by residents, and stated in the *Inverness Park District Plan*.

Approval of the request will facilitate development and investment in existing property. Denial of the request would prohibit the ability to develop the property as a neighborhood commercial center.

Staff Finding – Benefits to the community include the investment in property within existing utility, transportation and service corridors. Denial of the request prohibits the applicant from developing the property as a commercial use. If approved, staff recommends the zoning should prohibit residential uses as a condition of the zoning ordinance.

PROFESSIONAL STAFF RECOMMENDATION
The focus of this report is the specific land use request for CN2 zoning. This application was made concurrently with a concept plan for a specific development plan for the site. Approval of the request is intended to apply to the entire property. Some land uses allowed in the CN2 district are not appropriate for this location and would not be consistent with the adopted neighborhood plan. Specific uses that should be prohibited include: household living (multi-dwelling).

The CN2 District allows the following eating and drinking establishments: Bar or Lounge; Brew Pub; Fast Order Food; Fast Order Food, Drive Thru (with SUP); Private Dining Establishment; Restaurant, Quality. Other uses that can include a drive thru or order/pick up window require a SUP to evaluate the appropriateness of the use in a Neighborhood Commercial Center. This requirement provides adequate assurance that public interests are protected. This requirement does not guarantee that drive-thru uses will be allowed. Peak-hour traffic would also be consistent with neighborhood oriented commercial development. High volume, multiple peak-hour traffic generators such as a chain "fast order food" use would not be consistent with neighborhood oriented commercial development. Prohibiting the use of "Fast Order Food, Drive Thru" also prohibits a "coffee shop" type use, which could easily serve neighborhood residents. Due to this inclusion, staff does not recommend prohibition of this use from the proposed CN2 district. Furthermore, per code, this use requires a Special Use Permit that ensures adequate notice, and review to ensure neighborhood compatibility is preserved within the Inverness Park District.

This rezoning has been submitted concurrently with a text amendment (TA-13-00488) which will permit *Participant Sports and Recreation, Outdoor* uses. In addition, two Special Use Permit applications have been submitted with this Zoning request: SUP-13-0046- Family Fun Center; SUP-14-00026- Inverness Corner Retail Development.

Any development plans on the site are subject to site planning and City Commission approval, therefore this requirement is included as a condition for approval.

Staff recommends approval of the proposed CN2 zoning.

CONCLUSION

The current zoning of RSO is not consistent with the recommended use in the *Inverness Park District Plan* adopted in 2012. Rezoning to CN2 allows the parcel to be developed as a commercial development at a neighborhood-scale that implements the *Inverness Park District Plan.*

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*	A*	508
	Duplex	P*	–	P*	–	–	–	–	–	–	–	–	–	–	–	–	503
	Manufactured Home	–	–	–	–	–	–	–	–	–	–	–	–	–	P	A	
	Manufactured Home, Residential-Design	P*	–	–	–	–	–	–	–	–	–	–	–	–	–	–	513
	Mobile Home	–	–	–	–	–	–	–	–	–	P	–	P	–	P	A	
	Mobile Home Park	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Multi-Dwelling Structure	–	P*	P*	–	P*/S*	P*		P*	–	–	–	–	–	S	A	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	–	–	–	–	–	–	–	–	–	–	–	–	–	–	A	
	Fraternity or Sorority House	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	–	–	–	–	–	–	A	
	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	A	
	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

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*	
	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	A	
	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	Community Mental Health Facility	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	
	Extended Care Facility, General	–	S	–	S	–	–	–	–	S	–	–	–	–	–	A	
	Extended Care Facility, Limited	P	P	P	P	–	–	–	–	–	–	–	–	–	S	A	
	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*	A*	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	A	

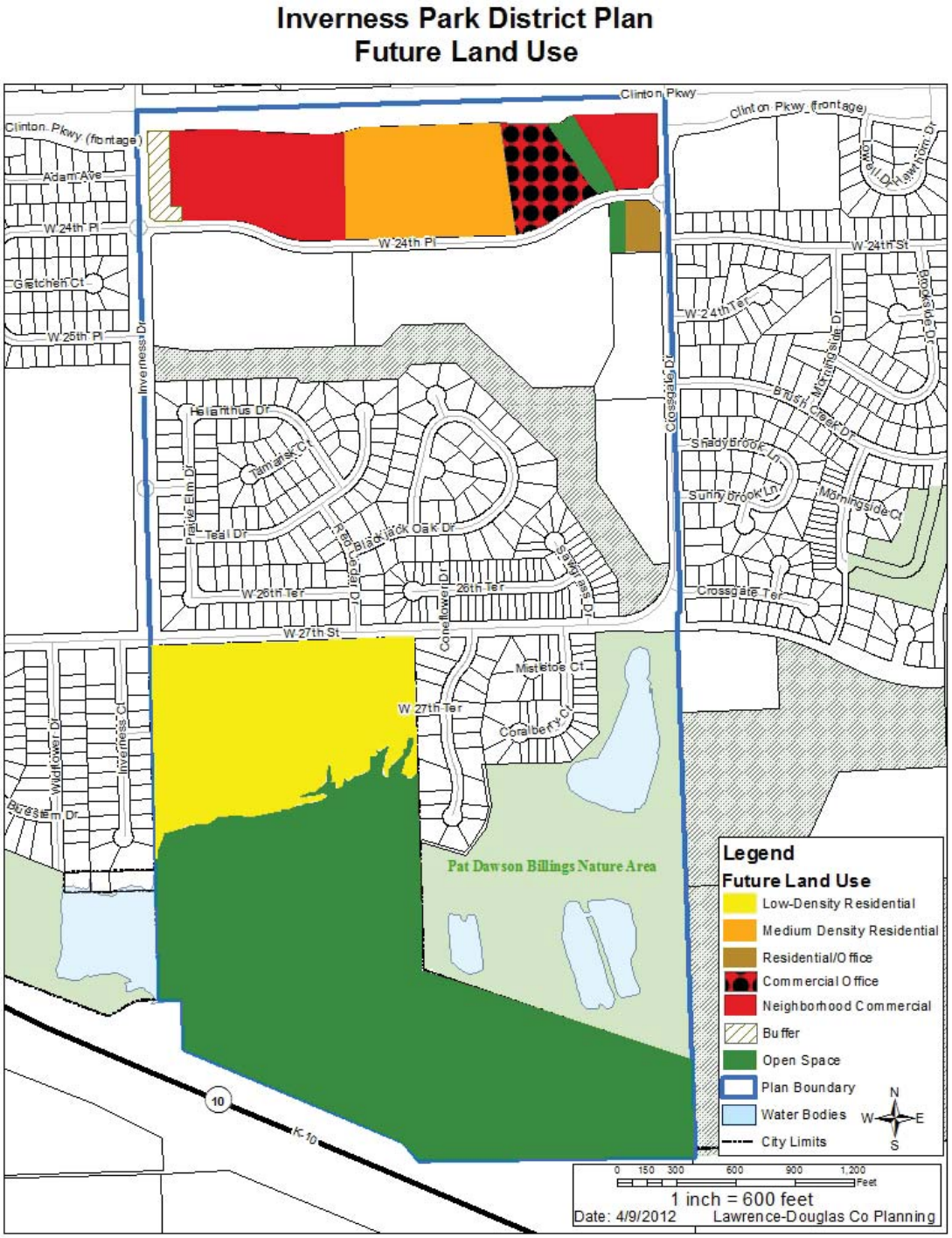
Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts														Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
	Nature Preserve/ Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
	Private Recreation	P	P	P	–	P	P	–	P	–	–	–	–	P	P	A	
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	–	–	–	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	–	–	–	–	–	509
	Accessory Restaurant	–	–	–	–	–	–	–	–	A	–	–	–	–	–	–	
	Bar Or Lounge	–	P/S*	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	

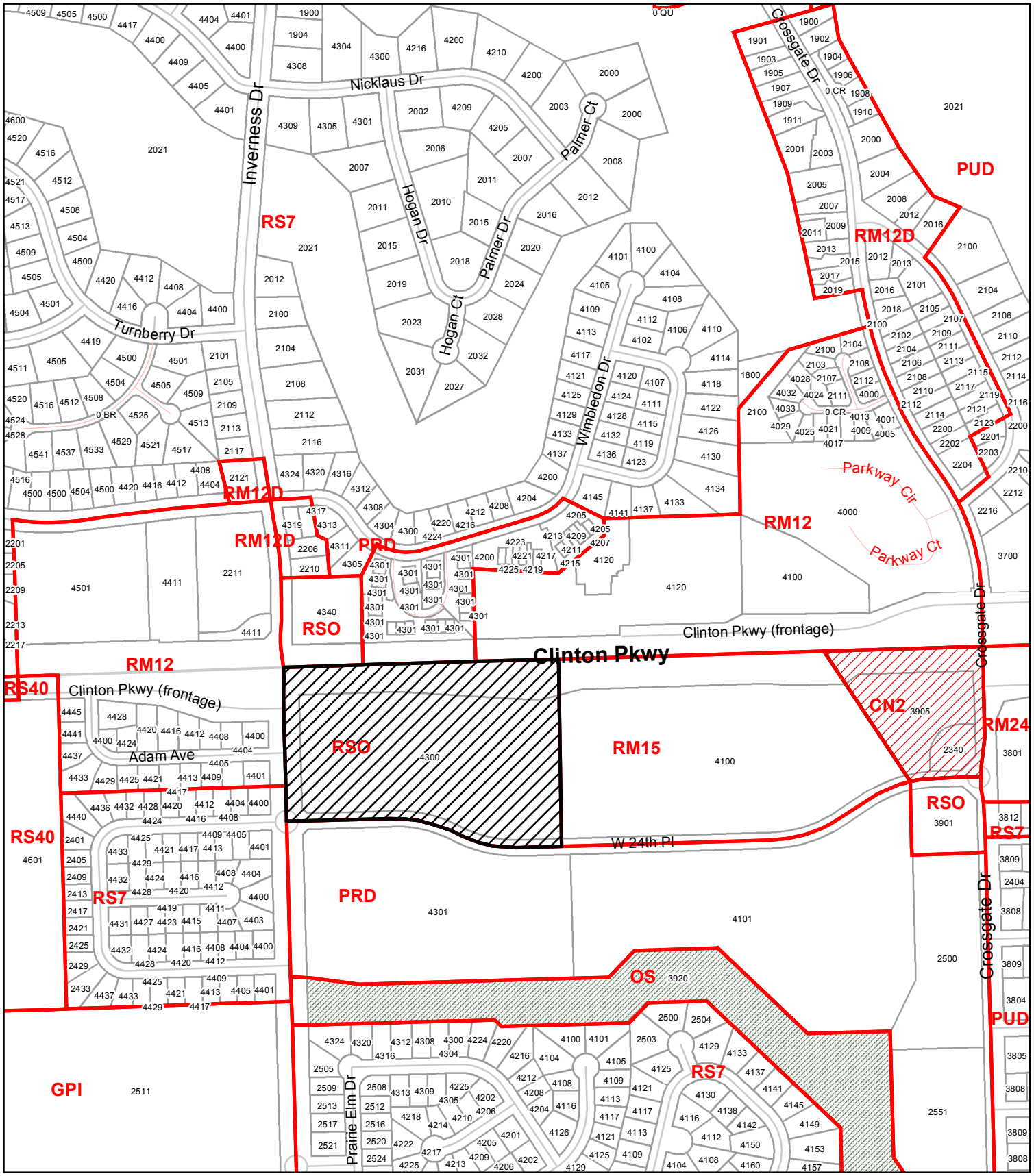
Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*															*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IM*	*IG*	*OS*	*GPI*	*H*	
Retail Sales & Service	Building Maintenance	–	P	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
	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*	–	–	–	–	–	–	–	–	–	–	–	–	504
	Campground	–	–	–	–	–	P	P	P	–	–	–	–	S	–	–	
	Hotel, Motel, Extended Stay	–	–	P	–	P	P	P	P	–	P	–	–	–	–	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*	
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	–	–	–	
	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	–	–	–	
	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	–	–	–	

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*	
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
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	–	–	–	–	–	–	–	–	–	S	S	S	–	–	–	

Map 4-1 – Future Land Use





Z-13-00483: Rezone 10.97 acres from RSO District to CN2 District
SUP-13-00486: Special Use Permit for a Family Fun Center &
SUP-14-00026: Special Use Permit for Fast Order Food with Drive-thru
Located at 4300 West 24th Place

Lawrence-Douglas County Planning Office
February 2014

Subject Property

paulwerner
ARCHITECTS

November 26, 2013

Sheila Stogsdill
Planning and Development Services
6 East 6th St.
Lawrence, KS 66044

Dear Sheila,

The Family Fun Center is a project that meets a missing niche in the Lawrence entertainment market. The developer is excited about the project potential and is eager to move forward.

The Family Fun Center will provide outdoor uses which will include miniature golf, batting cages and electric go-karts. The go-kart manufacturer has indicated the go-karts will make as little noise as a car would driving down the road at 20 - 30 MPH.

The clubhouse activities will include:
1st Floor - Club rental for miniature golf, birthday party rooms, arcade games and snack area
2nd Floor - Bar with 3.2 liquor license, Nascar driving experience arcade games and miniature bowling

Operating hours are anticipated to be:
Monday - Wednesday, 11AM - 10PM
Thursday and Friday, 11AM - 12AM
Saturday, 10AM - 12AM
Sunday, 12PM - 9PM

Once the Thanksgiving Holiday is over we hope to get together with the neighbors to discuss the above details. If you have additional questions please don't hesitate to ask as we move forward.

Sincerely,

Joy Rhea

Joy Rhea, RLA

Office : 123 W 8th Street Suite B2 : Lawrence, Kansas : 66044
Mail : PO BOX 1536 : Lawrence, Kansas : 66044-8536
PHONE: 785.832.0804 FAX: 785.832.0804
info@paulwernerarchitects.com

I am the property owner of Clinton Parkway Animal Hospital, 4340 Clinton Parkway and a rental house at 4334 Clinton Parkway. We have strived to maintain and improve the outside appearance of those two properties, including a major investment in new landscaping in 2013.

I definitely oppose the rezoning request # Z-13-00483 for 4300 W 24th Place. The noise will be a major issue; it will detract from surrounding properties, and overall is a poor idea for the location, in my opinion.

Respectfully

Gary Olson, DVM
Clinton Parkway Animal Hospital
4340 Clinton Parkway
Lawrence, KS 66047
785-841-3131

RECEIVED
JAN 10 2014
City County Planning Office
Lawrence, Kansas

From: Mulloy, Molly
To: Travis Halm
Subject: Letter from Wimbledon Terrance Townhomes Assn
Date: Sunday, February 16, 2014 10:35:35 AM

Dear Mr. Halm,
Please see the letter below being sent on behalf of the 23 townhome owners at 4301 Wimbledon Terrace. As noted in the letter, we have some serious concerns about the proposed Family Fun Center project under consideration for the vacant land near Clinton Parkway and Inverness. Thank you for forwarding our letter to the Commissioners.
Molly Mulloy

February 14. 2014

Lawrence-Douglas County Planning Commission
Planning & Development Services
PO Box 708
Lawrence KS 66044

Dear Commissioners,

Members of the Wimbledon Terrace Townhomes Association, comprised of the 23 townhome owners at 4301 Wimbledon Terrace, strongly object to the proposed rezoning and special use permit for the large property at 4300 W. 24th Place (southeast corner of Inverness and Clinton Parkway). We are referring to the following items, Z-13-00483, SUP-13-00486, and SUP-14-00026, scheduled for discussion at your meeting on Monday, February 24, 2014. Our townhome development is directly across Clinton Parkway from the proposed project. We believe it will have a seriously negative effect on our neighborhood and the safety of the many children in this area.

We are concerned that the proposed "Family Fun Center" and its go-cart track will result in high levels of noise pollution and toxic emissions, that the miniature golf course and batting cages will require excessively bright lights at night, and that the huge increase in traffic at the already-busy intersection of Inverness & Clinton Parkway will be problematic and even dangerous for the school children crossing that intersection. There are four schools located within a few blocks of the proposed project (Bishop Seabury, Raintree Montessori, Sunflower Elementary, and Southwest Middle School), with hundreds of little children who might be intimidated by the large numbers of teenagers and young adults who would frequent the project. Rather than being built in the midst of this residential area, it would seem more appropriate for the massive "Family Fun Center" project to be built in a more commercial or rural area at the edge of the city such as was done with the youth soccer complex south of town and the new recreation center to the west.

Several homeowners from the Wimbledon Terrace Townhomes Association will be present at the meeting on February 24th and would be happy to explain our concerns at the meeting, if appropriate.

Thank you for considering our objections to this rezoning request.

Respectfully, ,

Wimbledon Terrace Townhomes Assn.
Molly Mulloy, Executive Committee (mmulloy@ku.edu)
Ruth Hiss, Executive Committee (mrsdeltachi@yahoo.com)
Jane Tedder, Executive Committee (jtedder@sunflower.com)
Debbie Saiz
Alice Holtz
Ann Eversole
Kathy Rauckman
Letty Seidl
Sarah Williamson

Lenora Barker

From: Deborah M. Galbraith [mailto:dgalbraith@waverly-partners.com]
Sent: Monday, February 24, 2014 9:49 AM
To: 'amalia.graham@gmail.com'; 'montanastan62@gmail.com'; 'jonjosserand@gmail.com'; 'pkelly@usd497.org'; 'bculver@bankingunusual.com'; 'denney1@sunflower.com'; 'squampva@aol.com'; 'clay.britton@yahoo.com'; 'bruce@kansascitysailing.com'; 'eric.c.struckhoff@gmail.com'
Subject: OPPOSITION to Proposed Development for corner of Inverness and Clinton Parkway

Dear Planning Commissioners – This email is to voice my opposition to the proposed Family Fun Center development project at the corner of Inverness and Clinton Parkway in west Lawrence. I am not opposed to such a center as I believe in general it could be a nice leisure alternative, however think that the placement of such a facility within two blocks of four schools is NOT a wise idea. In addition to the proposal that would allow alcohol be served, the increased traffic in the area would be a hazard. Moreover, I have never seen a development such as this placed squarely in the middle of a residential neighborhood.

I am unable to attend the planning meeting tonight due to previous commitment that cannot be changed so thank you for providing a vehicle to voice opposition to the plan.

Debbie Galbraith
4205 Nicklaus Drive

From: Katie Huff [mailto:kayteekate@hotmail.com]
Sent: Sunday, February 23, 2014 10:58 PM
To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; dcbritt@yahoo.com; eric.c.struckhoff@gmail.com
Subject: Planning Commission Meeting

Dear Planning Commissioners,

We are writing you with concern and opposition to several items to be discussed at your meeting on Monday, February 24th. We are **opposed** to Item 4, Item 5A, Item 5B, and Item 5C.

We are a family with three small children, so we are not opposed to a "Family Fun Center"; in fact, we believe Lawrence could use a place like this. But we **strongly disagree** with it being built in the middle of a residential area. We own a house at 4424 Gretchen Ct and enjoy the quiet, family and school focused neighborhood that this area provides. But we believe with the addition of this proposed "Family Fun Center", it would dramatically change our neighborhood. We are opposed to the noise, traffic, alcohol near schools, lights, and late night hours that this place would promote. This is not the right location for this type of facility.

Please understand our concerns.

Thank you.
Dustin & Katie Huff
4424 Gretchen Ct

From: Michele Vignola-Rogers [mailto:mvr@sunflower.com]
Sent: Sunday, February 23, 2014 7:28 PM
To: montanastan62@gmail.com; amalia.graham@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Family Fun Center

Dear City Planning Commissioners,
This letter is in regards to the Family Fun Center that is being considered for W 24th Place between Crossgate and Inverness Drives. As I was reading through the article regarding this project I was struck by a number of issues. First, why there? We have land further away from all of the apartments, houses and schools in the area to build this. Why create more noise, lights and traffic in an area that is not empty by any means? That area has plenty of housing and people who prefer it the way it is. I agree that we do need a Family Center - there is no question that we are lacking places for pre-teens and teens to go and hang out that is safe and fun, but to crush it into a development of houses and apartments where the average family is going to be subjected to the loud and often obnoxious teenage behavior that comes with a place like this seems counterproductive. Moreover, this is a college town which means this will not cater to just the elementary, middle school and high school kids, but also the college population. This means that although the place may close at ten or midnight – the noise will continue well into the late night/early morning hours especially if alcohol is going to be served.

Second, I do not understand the need for a BAR at a Family Fun Center. If a person cannot have fun with their children without alcohol, then maybe help is necessary, but certainly not a bar. Alcohol and places like this should NOT exist together. We have plenty of bars in this town and no matter what little alcohol is in the beer – it's still beer and people can still get drunk and drive. Of course lighting is a huge issue and I can't imagine how any form of boundary is going to block the lighting of a batting cage area (unless it is indoors). I grew up with batting cages and miniature golf near my house in NJ and I can assure you that the lighting required for the batting cages and miniature golf (if it is an outdoor venue) is incredibly bright (almost like daylight) – imagine that at 10:00 p.m. when you are trying to put a child or yourself to bed. The noise is another factor, the Go-Karts are only a part of it – usually a place like this will have music blaring and people talking over the music and shouting at one another (profanity and all). I recommend that the City Planning Commissioners visit a place like this in a larger city where it is close to housing and see what the effects are. I remember hanging out at our batting cages until midnight or later and the music blaring across the fields while the lights lit up the whole area – you could see the lights from the highway – three miles away. However, we were lucky – our Fun Center was out in the woods nowhere near homes or apartments. This might be something you could consider when picking a spot for this type of venue. If it is there - people will come - and they will drive ten minutes to get there – it is not necessary to put this in the center of family living, you'll decrease the value of homes and most of the apartments will be empty or rent below average because no one will pay to live by a venue such as this. At first it may seem a great idea to live by such a place, but it won't take long before people realize the mistake they've made and move to get away from the traffic, noise and constant activity that lasts into the late hours.

A third concern has to do with security. I remember the old Putt-Putt from 20 years ago and the roller rink (which is now Kohls) and a big problem was security or lack thereof. When you open a place like this in a college town, you MUST have very good security – not rent-a-cops, but security. A security group that can keep people in line and behaving in crowds that can get a bit rowdy especially if alcohol is involved. Underage drinking is a huge problem in Lawrence and this place serving alcohol will not help the issue. But the right security can help. In NJ our places used off duty police officers or trained bouncers – Lawrence is no longer a small town – it is no longer a small community. Guns, knives, and drugs are growing and a place like this can attract that type of element and security is where it stops. So, please if you vote this project in – please take into consideration that a place like this is great when it is open and doing what it is supposed to do, it's no good to anyone if it's shut down due to violence, drugs or gang activity – it just becomes another empty building on another piece of land which this town cannot afford to have.

Thank you for taking the time to read this e-mail and considering the points. I live near this piece of land and I am very opposed to this project being built so close to us and our extended family. We enjoy the quiet.

Sincerely,
Michele Vignola-Rogers

From: Mark Simpson [mailto:markandrewsimpson@yahoo.com]
Sent: Monday, February 24, 2014 8:58 AM
To: Caitlyn Cargill
Subject: Comments regarding 4300 W. 24th Place

Planning Commissioners,

I write you with concerns about agenda items 4, 5A, 5B, and 5C regarding the proposed development at 4300 W. 24th Place. My family and I live at 4305 W. 26th Terrace and my daughter attends preschool at Raintree Montessori at 4601 Clinton Parkway. When she begins kindergarten she will attend Sunflower Elementary School at 2521 Inverness Drive.

My main concern with the proposed development is the increase in traffic on Inverness and surrounding streets. It appears to me that the one lane traffic circle at 24th Place and Inverness is already close to full capacity. My understanding is that the proposed development may include fast food restaurants. When I see the constant flow of traffic into the McDonalds at 6th and Wakarusa it convinces me that multiple fast food restaurants at 4300 W. 24th Place would create traffic gridlock. At peak hours my guess is that the roads and traffic circle could not handle the traffic from the apartments, the schools, and two fast food restaurants.

Also, I do not think that the proposed development is consistent with the surrounding neighborhood. The proposed development seems more appropriate for an area that is not right next to residential areas. I have doubts about how much meaningful noise and light mitigation is possible given the extremely close proximity to residences.

Thank you for taking my concerns into account and for your service on the Planning Commission. I sincerely appreciate the time and effort you put into the consideration of this and other important issues for our community.

Respectfully,
Mark Simpson

From: Luke Sinclair [mailto:sincluke@gmail.com]
Sent: Friday, February 21, 2014 11:20 AM
To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; Clay Britton; eric.c.struckhoff@gmail.com
Cc: Lori Sinclair
Subject: Opposition to Agenda Items 4, 5A, 5B, 5C for 2/24 PC Meeting

Dear Planning Commissioners:

My wife (Lori Sinclair) and I are the own and live at 4400 W. 24th Pl., which is directly across Inverness from the potential family fun center and fast-food drive-thru restaurant development. Items 4, 5A, 5B, and 5C on the Commission's agenda for the February 24th meeting are geared toward enabling this development. We write to oppose it all.

We purchased our home in 2008 because we loved the property and we were attracted to the quiet, appealing nature of the neighborhood, the proximity to neighborhood schools, and the ease of access to outdoor recreation. We take pride in our home and have invested capital to maintain and improve both the inside and outside appearance of our house and property, and we take advantage as much as we can of the benefits of living where we do. We believe the proposed development will interfere with, disrupt, and degrade our quality of life and the value of our property, as well as our neighbors'.

To be clear, we have strong doubts as to the long-term viability of a go-kart, mini-golf entertainment center in Lawrence, but we are not generally opposed to it. But we all have to be smart about it and take into consideration the adjoining properties and owners. We think this proposed development at this particular location is ill-advised for several reasons. First, it will not provide any additional meaningful benefit to our area. This development is being proposed – and the text amendment, rezoning request, and special use permits are being sought – primarily on the basis that the development will provide services to us and our neighbors that are otherwise lacking in our area. This is simply untrue. Our neighborhood enjoys some of the best access in Lawrence to outdoor recreation. Walking trails, bike trails, tennis courts, playgrounds, a running track, soccer fields, softball and baseball fields, batting cages, Clinton Lake, the Pat Dawson Billings Nature Area, the Rotary Arboretum, and more, are all within a short walk/run/bike ride and even shorter drive of our neighborhood. Access to and use of most of these is free. Paid access to go-karts and mini-golf provides absolutely no additional outdoor recreational benefit to us.

Second, the development isn't suited for our quiet, school-centered residential area. We've never seen an outdoor family fun center or fast-food drive-thru restaurants in the middle of a residential area, and there's reason for that. It doesn't make sense. The development will bring increased traffic, in this case potentially by people who have been enjoying 3.2 beers, which we fear will increase the risk to the children that walk and play on our sidewalks and streets. Additionally, the streets can't take additional traffic, especially the roundabout outside our house on Inverness and 24th Place. The development will drastically increase the amount of noise and light pollution, given the nature of the activities and the hours of operation the developer envisions. With groups of people engaging in competitive activities and potentially drinking alcohol, it's reasonable to believe there will be late-night, disruptive rowdiness. Additionally, we don't think it's a good idea to have a bar in such close proximity to four schools and multiple day-cares. Finally, we can't say enough that there is no reason that we or our neighbors should have to breathe the noxious smells that would emanate from a fast-food restaurant and its garbage dumpsters. It's unreasonable to assert that a small land buffer would adequately address any of these issues. We understand that it's easy for the planning staff to assert, without any real analysis or study, that a drive-thru restaurant would not result in "substantial diminution" of our property value, but we'd invite them to tell us if they know of anyone that would be

truthfully interested in buying a house in a residential neighborhood directly across the street from a drive-thru fast food restaurant.

More generally, we have concerns about the long-term viability of the fun center. Can Lawrence truly sustain it? Who is the target group? If it's college kids, they're gone for the summers. Is it school students? Having been students in a metropolitan area with access to mini-golf and go-karts, we can both personally attest to the fact that these activities just don't have permanent appeal. Once or twice is enough. The problem Lori and I have is that if the fun center fails, we would be the ones left with a view from our front porch, living areas, and second-story bedrooms of an abandoned, run-down family fun ghost town.

Finally, without limiting our general opposition to this development and all four agenda items above, we'd like to specifically address the requested text amendment. It's being proposed as one of four steps in the process of putting the family fun center in our neighborhood. A text amendment to the Development Code to generally allow for outdoor recreation through an SUP in all CN2 areas in Lawrence is a drastic step that ought to be weighed against the relative importance or benefits of the fun center and the costs and effects on adjoining landowners. We don't think it does, and it certainly doesn't appear that the text amendment satisfies the factors in Section 20-1302(f).

First, we don't believe the text amendment is consistent with Horizon 2020 and the Development Code, at least with respect to our neighborhood and the other adjoining landowners. The Development Code is intended to implement Horizon 2020 in a way that "protects, enhances and promotes the health, safety, and general welfare of the citizens of Lawrence." As currently drafted the Development Code doesn't allow for outdoor participant recreational use in either RSO or CN2, even with an SUP. It doesn't appear anyone believes this was a mistake, and we ought to assume the Development Code was adopted the way it was for good reason. In our situation it certainly makes sense because, for the reasons laid out above, a commercial fun center does not fit in our residential area. We don't believe changing the rules to allow this particular fun center across the street from our house is in the spirit of protecting, enhancing, or promoting the health, safety, and general welfare of us or our neighbors.

As to the other factor, the text amendment doesn't purport to fix an inconsistency or error in the development code. Rather, it's said to meet the challenge of a changing condition; specifically, an increased emphasis on creating a healthy environment for residents. We question how mini-golf, go-karts, arcade games, and a bar create a healthy environment. However, to the extent they do, the development would be better suited in an area that doesn't already have spectacular pedestrian/bike access to trails, parks, and other outdoor recreation. Perhaps in that case it could be said that a challenge was being met by the text amendment, but that's just not true as it pertains to our area.

Thank you,

Luke and Lori Sinclair
4400 W. 24th Pl.
Lawrence, KS 66047

From: Kenna Heim [mailto:kennahome1@yahoo.com]
Sent: Sunday, February 23, 2014 6:35 AM
To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; dcbritt@yahoo.com; eric.c.struckhoff@gmail.com
Subject: Proposed Family Fun Center and Fast Food restaurants

The designated zoning for the area in question is the correct one--Single-Dwelling-Residential-Office. These are the types of buildings that would suit this area so close to Sunflower Elementary and Southwest Middle School. I live on Larkspur Circle off from 27th Street and was concerned to hear new proposals for this property that involve changing the zoning.

On children's football nights, I can already barely get through on 27th due to the parking along the street. Inverness was designed to be a quiet residential and school street. Children may be much more in danger of being run over. Traffic on Wakarusa and all these local streets can become very tight and slow as citizens come and go to the ball park on the south side of the SLT. Please drive down into this area during ball games and see what congestion is present.

Also, the ball fields already have very bright lighting all summer long. I am happy for Lawrence to have a wonderful ball park and deal with the bright lighting because I know how important those sports programs are. Landscaping cannot cover up the bright lights that would come with the proposed "fun" center.

People do need their rest. Noises and light coming from the park would make it uncomfortable for people, especially those with children, who need to be rested to go to work or school in the morning.

Now, as a schoolteacher for USD 497, comes my biggest concern of all. The proposal is to place a fun center within a block or so of schools. When I drive home and these schools are letting out, I see students walking most probably to their homes. These children aren't old enough to drive but they could definitely begin stopping by the "fun" center after school. And what types of people might take advantage of the fact that there was a school close by? Not to be alarmist, but it is a perfect setup for pedophiles to lure children. I think of the little girl in Springfield who so recently was kidnapped and killed near her home. I doubt there was a fun center there, but why would we want to endanger our children any further than what they already are?

The fun center might be a fine idea, but PLEASE find an area further out or one that is zoned for commercial use. Keep the zoning as it currently stands.

Respectfully,

Kenna Heim
4741 Larkspur Circle

From: Jamie Hulse [mailto:jamiehulse@att.net]
Sent: Sunday, February 23, 2014 6:31 AM
To: amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Rezoning of 4300 W. 24th Place

Dear Planning Commissioners,

Regarding 4300 W. 24th Place:

- I am in support of conditional rezoning from **Residential Office (RSO)** to **Commercial Neighborhood 2 (CN2)**, **IF**
  - the rezoning is tied to this specific project. If the project doesn't get developed, then the **zoning would revert back to RSO,** and...
  - **IF** the public process remains in place in perpetuity for the lot for any future lot splits or changes in use, and...
  - IF there is a landscaping buffer along the west side of the property, and...
  - IF multi-family is disallowed for any future development (if at some point 20 years from now a buyer wants to level the Family Fun Center and build apartments)

Neighbors have participated in the development process of the area between Clinton Pkwy/Inverness/W. 27th Street/Crossgate since it was annexed into the city limits. Neighbors supported the initial plan, and prior re-zonings (upzonings) for other lots along W. 24th tied to a senior housing development, including support of more dense development of The Legends as part of the entire project, because the senior housing was planned to be between The Legends apartments and Inverness where students walked and rode bikes. Neighbors asked if there could be conditional rezoning and were told no by city staff. Neighbors trusted that the senior development would be built and supported the entire re-zoning. The Legends were built immediately. The senior housing developer pulled out, and dense apartments catering to partying college students were built instead - The Grove.

- Since there isn't currently a buyer for the west lot: regarding a potential future lot split as shown on the proposed plan - either require that the lot split happens now and keep zoning on west lot as RSO until there is a buyer, or if lot split doesn't happen now, keep public comment as part of the process for further development.
  - The corner of Inverness and Clinton Parkway is the entrance to three schools, and across the street from a fourth school.
  - Traffic is already challenging from that intersection to Inverness and W. 27th St.
  - The west corner lot should ideally remain Residential Office (RSO) until there is an actual developer/buyer, so the neighbors can participate in the process.
  - A development plan for that corner is irrelevant when there is no buyer or tenant, because it will be scrapped and redrawn when there is a buyer/tenant.
  - Rezoning now to CN2 would allow any project that conforms to be processed through with no public input, which would probably eliminate any landscaping buffer, and probably result in a more 'commercial' high use.
  - Many children and community members use the sidewalks along that corner, so public input about the best use and plan is significantly important.
  - Neighbors are not in support of drive-thru restaurants at this location because of already congested traffic.
  - Neighbors are still interested in finding a way to purchase that corner and make it a public park, and possibly a membership swimming pool, through a special tax or Homeowner's Association. If anyone has suggestions and guidance on how to accomplish that, please let me know.

- I am in support of the text amendment allowing outdoor use for this specific project, but not for all CN2 zoned properties.

- I am **NOT** in support of alcohol sales at a Family Fun Park. There should not be alcohol sales in such close proximity to four schools, and across the street from a church. Alcohol will increase the possibility of fights, the potential for underage alcohol sales/drinking, and increase the potential for adults to drink and drive in parking lots and streets with children, and with children in their vehicles.

- I am in support of open hours until 10:00 pm Sunday-Thursday, and 11:00 pm on Friday and Saturday, which is a reduction from the plan.

The area between Clinton Parkway/Inverness/Crossgate/W. 27th Street has been a development in progress for a number of years. Neighbors want a development plan that will benefit the neighborhood, the schools, and the Lawrence community. Lawrence will benefit from having a place where families and kids can enjoy outdoor activities.

Sincerely,

Jamie Hulse
4403 Gretchen Ct.
Lawrence KS 66047

From: Bob Grabill [mailto:bgrabill@chiefexec.com]
Sent: Monday, February 24, 2014 10:19 AM
To: amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Proposed development

We understand that there is a proposed development including a go kart track close to our home in Alvamar.

Nothing could drive down home values faster not to mention disrupt sleep of we and our neighbors than this project.

We ask that you please not approve this.

Thank you,
Bob & Jennifer Grabill
2027 Hogan Ct.
(Masters Subdivision)

Bob Grabill | President & CEO
Chief Executive Network | phone: 785.832.0303 Ext. 102 | bgrabill@chiefexec.com
EXCHANGING EXPERTISE ⊠ BUILDING CORPORATE STRENGTH

Executive Meetings | Board Search | Strategic Resources

From: Leann Cooper [mailto:lcooper@gcsaa.org]
Sent: Monday, February 24, 2014 9:35 AM
To: amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Rezoning of 4300 W. 24th Place

Dear Planning Commissioners,

Regarding 4300 W. 24th place and the rezoning request – **my husband and I are writing in opposition**. I could list a multitude of reasons, but the main one is right there in the request – rezoning from Residential Office to Commercial Neighborhood. The word commercial changes the nature of the entire landscape. It's going to wreck the entire feel and value of our neighborhood – much like when we allowed the property to be rezoned to allow for a senior housing development that never panned out. We were stuck instead with dense apartment buildings with partying college students and an increase in all the disruptions that come with them. I'm not going to trust that if we change the zoning the Fun Center actually gets built in the way the developer states it will. I also don't like the idea of drive-thru fast food restaurants being built that close to my home. Again, it changes an area from a neighborhood to a commercial area – no thank you.

We have three schools in the immediate area and while I can appreciate the idea of building something to attract that demographic, I also really don't like the idea of increased traffic on Inverness – a road that hasn't been built for commercial use, but residential use.

Thank you for your time!

Leann & Andrew Cooper
4408 Gretchen Ct.
Lawrence, KS 66047

Leann Cooper | Senior Manager, Chapter Services
Golf Course Superintendents Association of America
1421 Research Park Drive | Lawrence, KS 66049
800.472.7878, ext. 3648 | 785.832.3648 Direct |
www.gcsaa.org | www.eifg.org | FACEBOOK | TWITTER

PLANNING COMMISSION REPORT
Regular Agenda — Public Hearing Item

PC Staff Report
2/24/14

ITEM NO 5B: SPECIAL USE PERMIT; FAMILY FUN CENTER; W. 24th Place and Inverness Drive (SLD/TLH)

SUP-13-00486: Consider a Special Use Permit for Participant Sports & Recreation, Outdoor uses as part of a Family Fun Center, located at 4300 W 24th Place. The development includes a 28,000 square foot clubhouse and outdoor tot lot, batting cages, electric go-kart tracks and an 18-hole miniature golf course. Submitted by Paul Werner Architects, for Corporate Holdings II LLC, property owner of record.

STAFF RECOMMENDATION:
Staff recommends approval of the Special Use Permit (SUP-13-00486) Family Fun Center, located on 10.49 acres with the following conditions:

1. Applicant shall provide a revised photometric plan to include the following notes:
    a. "No flickering or flashing lights are permitted";
    b. "Outdoor activity area lights may not be illuminated after 10:30pm, Monday – Wednesday and 11:30pm, Thursday – Sunday"; and
    c. "As-built lighting and photometric plans are required prior to occupancy."

2. Provision of a revised Special Use Permit to include the following changes:
    a. Revise parking lot layout to include an additional 5' setback from W 24th Place to accommodate the installation of street trees along the perimeter;
    b. List hours of operation;
    c. List shut-off times for outdoor activity area lights;
    d. Indicate known pipe material and pipe diameters on all storm sewer pipe runs;
    e. Show placement of rip rap on the downstream side of the curb cut leading into the drainage swale on the east side of the property;
    f. A note on the face of the plan that states
        i. "Land designated in Phase II of construction must be maintained as a natural turf area until completed";
        ii. "A Right of Way Permit will be required for the connection to the public storm sewer system";
        iii. "Amplified sound system may only be used in outdoor activity areas between 9am – 9pm;"
        iv. "The electric go-kart operations shall be restricted to 9pm, Monday – Wednesday and 10:30pm, Thursday – Sunday;" and
        v. "Alcohol cannot be consumed in the outdoor activity areas."

3. The revised Special Use Permit shall be approved by the City Utility Engineer, City Stormwater Engineer and the City Fire Prevention Division prior to the release of the plan for issuance of a building permit.

Applicant's Reason for Request:

"An indoor/outdoor participant sports and recreation center."

FACTORS TO CONSIDER

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

ATTACHMENTS

Attachment A: Special Use Permit Plan
Attachment B: Applicant's Project Summary

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases:

- TA-13-00488; Special Use in CN2 District
- Z-13-00483; RSO to CN2
- **SUP-13-00486; Family Fun Center**
- SUP-14-00026; Inverness Corner Retail Development

Other Action Required Prior to Development:

- City Commission approval and publication of an ordinance.
- Submittal and approval of building plans prior to release of building permits for development.
- A stormwater pollution prevention plan (SWP3) must be provided and approved prior to any construction activity occurring on site.

PLANS AND STUDIES REQUIRED

- *Downstream Sanitary Sewer Analysis* – The 2012 Wastewater Utilities Plan did not indicate any potential issues with the sanitary sewers immediately downstream of this site. Since the site is proposed to be rezoned from RSO to CN2, design flows may be even less than those used in the 2012 Plan. The downstream sanitary sewer analysis and cover letter provided by BG Consultants has been reviewed and is accepted for this project to satisfy the criteria required for the DSSA as outlined in Administrative Policy 76.
- *Drainage Study* – Accepted by City Staff.
- *Traffic Impact Study* – Traffic Impact Study concluded that no improvements were required for the surrounding street network. This study was accepted by staff.

PUBLIC COMMENT

- Letter: Gary Olson, Clinton Parkway Animal Hospital
- Letter: Wimbledon Terraces Neighborhood Association

GENERAL INFORMATION

Current Zoning and Land Use: RSO (Single-Dwelling Residential-Office District), undeveloped

Surrounding Zoning and Land Use:

To the southwest:

RS7 (Single-Dwelling Residential District) a subdivision of single family residences located west of Inverness Drive.

To the south:

PRD-[The Grove] and PRD-[Legends at KU]; multi-dwelling residences.

GPI (General and Public Institutional Use District); Southwest Middle School and Sunflower Elementary School.

To the north:

RM12 (Multi-Dwelling Residential District); Bishop Seabury Academy.
PRD-[Wimbledon Terraces] multi-dwelling residences
RSO (Single-Dwelling Residential-Office) District: Clinton Parkway Animal Hospital

To the northwest/west
RM12 (Multi-Dwelling Residential District); a church and duplexes

To the east
RM12 (Multi-Dwelling Residential District); multi-dwelling residence

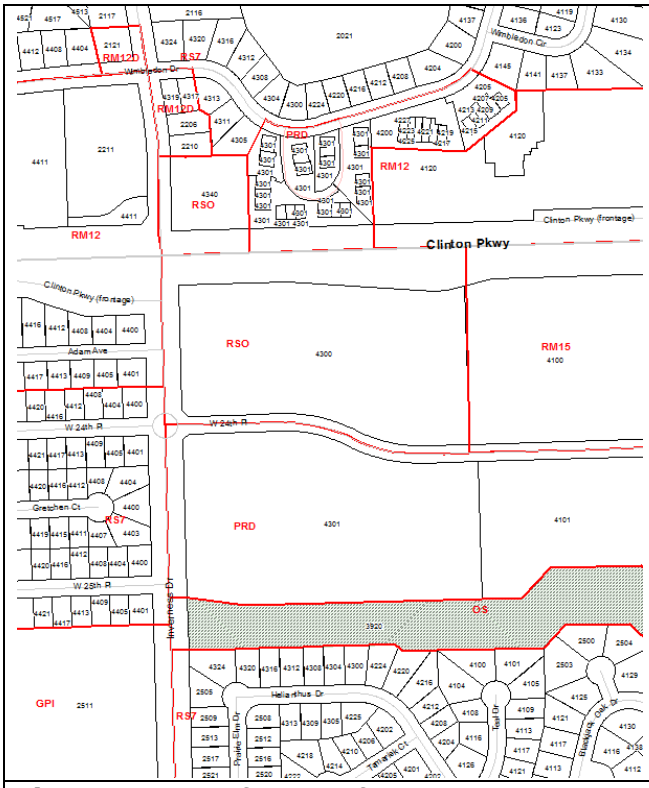


Figure 1a. Map of zoning of area.

Figure 1b. Aerial of land use in area.

Site Summary	
Total Land Area:	342,698 sq. ft./7.867 acres
Total Building Coverage Existing:	0 sq. ft.
Total Building Coverage Proposed:	24,000 sq. ft.
Total Pavement Existing:	0 sq. ft.
Total Pavement Proposed:	123,683 sq. ft.
Total Impervious Existing:	0 sq. ft.
Total Impervious Proposed:	147,683 sq. ft.

SUMMARY OF SPECIAL USE

The property will be developed in phases, thus certain uses are shown conceptually and as future on the site plan. The project has been divided into two individual Special Use Permits to allow separate discussion regarding the proposed uses on the property. This Special Use Permit (SUP-13-00486) focuses solely on the uses in the Family Fun Center, which is located in the eastern 2/3 of the property. Another Special Use Permit (SUP-14-00026: Inverness Corner) has been submitted to address proposed pad sites with drive-thru businesses on the western 1/3 of the property. Review

through the Special Use Permit process will need be completed, which includes a public hearing before the Planning Commission, action by the City Commission and recording of approved SUP plans, if approved.

The proposed Family Fun Center features activities located both indoors and outdoors. The project is separated into two phases. The exact timeline of implementation of the second phase is unknown.

Phase 1:

The first phase contains a large majority of structures and spaces built on the property. The site will be anchored by a two-story clubhouse, located in the center of the property, directly north of the 111-space parking lot, which lies parallel to W 24th Place.

The clubhouse will feature a total of 28,000 square feet: 20,000 on the first floor; 8,000 on the second floor. First floor clubhouse activities will include club rental for miniature golf, private party rooms, arcade games, and a snack area. On the second floor, the clubhouse will feature a bar with a 3.2 liquor license, a NASCAR driving experience arcade, along with miniature bowling.

Six batting cages containing 7,200 square feet (3,000 customer area) will be located directly west of the clubhouse, adjacent to the parking lot. An 18-hole miniature golf course containing 79,215 square feet (20,000 customer area) will be located in the northwest portion of the site. A patio space will be located in between the miniature golf course and clubhouse with picnic tables for customers and patrons. A tot lot, containing 6,800 square feet will be located directly east of the patio, for children of younger ages.

Phase 2:

The second phase of the project will add an electric go-kart track on the eastern side the site, along with an accessory structure used to store the electric go-karts. The electric go-kart track will take up 33,595 square feet (18,100 customer area) of space directly east of the clubhouse. Per the manufacturer, the electric go-karts will make noise comparable to an automobile travelling 20-30mph down a street. Thirty-eight parking spaces will be added to the site in Phase 2, increasing the number of parking spaces on the property from 111 spaces to 149 spaces.

The proposed hours are anticipated for the proposed Family Fun Center:

Monday through Wednesday	11am to 10pm
Thursday and Friday	11am to 12am
Saturday	10am to 12am
Sunday	12pm to 9pm

The development proposes a Family Fun Center, which under the Lawrence Development Code, is categorized under the "*Participant Sports & Recreation, Outdoor*" use, which is currently not permitted. A text amendment: (TA-13-00488: Special Use in CN2 District) is proposed concurrently with this Special Use Permit, to accommodate the proposed development.

LOT	USE PROPOSED	USE CLASSIFICATION
Family Fun Center Lot	Two-story Clubhouse	Participant Sports & Recreation, Indoor
	Batting Cages	Participant Sports & Recreation, Outdoor
	Miniature Golf	
	Electric Go Karts	
	Tot Lot	Accessory Uses
	Patio	

These use classifications are defined in Article 17 of the Development Code as:

Sports and Recreation, Participant: *Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis). The following are participant sports and recreation use types (for either general or personal use):*

- ***Indoor:*** *Those uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, swimming pools, and physical fitness centers.*

- ***Outdoor:*** *Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses and swimming pools.*

SITE PLAN REVIEW
While the site plan being considered by the Planning Commission reflects accurately the locations of the primary structure and parking lots, many elements are conceptual and should be considered to be in design phase – details of parking lot landscaping, fencing, stormwater system, lighting, etc. Much of this report identifies/discusses technical code standards that need further clarification on the site plan to verify that the items meet the Development Code, but, in any event, will be completed prior to the issuance of building permits and based on the direction of the Planning and City Commissions.

The site plan shows the proposed location of the Clubhouse to be located in the central portion of the site, directly north of the parking lot, which parallels W 24th Place. All outdoor recreation use facilities are located to the north of the parking lot, on the west, north, and east sides of the clubhouse. Facilities intended to be completed in the initial construction phase include:

- Miniature golf (18 holes)
- Batting cages (6 total)
- Tot Lot Playground
- Patio
- Open space in northeast corner of parcel
- Detention pond

Future facilities to be completed after the initial construction phase include:

- Electric Go-Kart Track
  - Go-Kart storage building (accessory use)

Pedestrian pathways are shown throughout the area on the site plan. These will connect the clubhouse and parking lot with the various recreational facilities located on the site.

Restroom locations are not identified on the SUP plan. Building Codes have specific requirements pertaining to the proximity of restrooms to spectator or activity areas. If additional restrooms are required, an administrative amendment to the site plan would be necessary.

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

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

Property Owner's Response:
"A text amendment has been submitted to allow CN2 to have Outdoor Participant Sports and Recreation. Should the amendment be approved, the proposed used will comply with the Development Code."

Some of the proposed uses are currently not permitted in the CN2 zoning. TA-13-00488 has been submitted concurrently with this Special Use Permit to allow the *Participant Sports & Recreation, Outdoor* use under this zoning classification.

Parking
Parking for the proposed uses associated with the immediate development is summarized in the following table:

Use	Requirement	Phase	Required Parking
Family Fun Center Lot			
Participant Sports & Recreation, Indoor and Outdoor	1 per 500 square feet of customer/activity area	1	111 Spaces Provided (105 Spaces Required)
		2	38 Spaces Provided (37 Spaces Required)
		Total	149 Spaces Provided (142 Spaces Required)

Bike parking required is 1 per 10 spaces for participant sports uses, whether indoor or outdoor. Given that 142 parking spaces are required, 15 bike spaces are required on the site.

LANDSCAPING:

Street Trees
This project requires the provision of street trees along Clinton Parkway and W 24th Place. The plan shows the required street trees along Clinton Parkway within the right of way. Street trees for W. 24th Place are shown within a series of islands projected into the parking lot along W 24th Place. These street trees would normally be dispersed uniformly along the property line, however, conflicting utility locations require trees to be located further inside the property, which led the applicant to place these trees within parking lot islands.

The applicant has asked for alternative compliance regarding street trees and parking lot perimeter landscaping due to the proximity of utilities located parallel to the parking lot and W 24th Place.

A Type 1 Bufferyard is required along Clinton Parkway, W 24th Place, and between the proposed development and the existing multi-family development to the east. The applicant has requested a waiver from this standard as it applies to both W 24th Place and Clinton Parkway.

Bufferyard on the South (adjacent to W 24th Place)
A waiver has been requested due to the 15' utility easement at the front of the site. Shrubs have been provided in the parking lot islands to meet shrub requirements; however there is no room for the additional five trees not provided via street trees, per the applicant.

This bufferyard is adjacent to a multi-use residential planned development to the south, across W 24th Place. As an alternative to this request, staff has recommended a condition to move the parking lot at least five feet north to accommodate the necessary street trees.

Bufferyard on the North (adjacent to Clinton Parkway)
A waiver has been requested due to the site frontage being buffered by a 10' +/- hill south of Clinton Parkway, which the applicant considers to serve as an adequate buffer from the arterial.

After a visit to the site, along Clinton Parkway, staff noted topographical buffering, in addition to existing trees along Clinton Parkway that serve as adequate buffering, despite not being located within the property.

Bufferyard on the East (adjacent to neighboring apartments)
The proposed plan complies with bufferyard requirements needed as they apply to the adjacent development. A mixture of shrubs and trees has been proposed in order to serve as an adequate buffer between these two spaces.

Interior Parking Lot landscaping
This plan exceeds the code requirements for trees and shrubs, as well as the area requirements for interior parking lot landscaping.

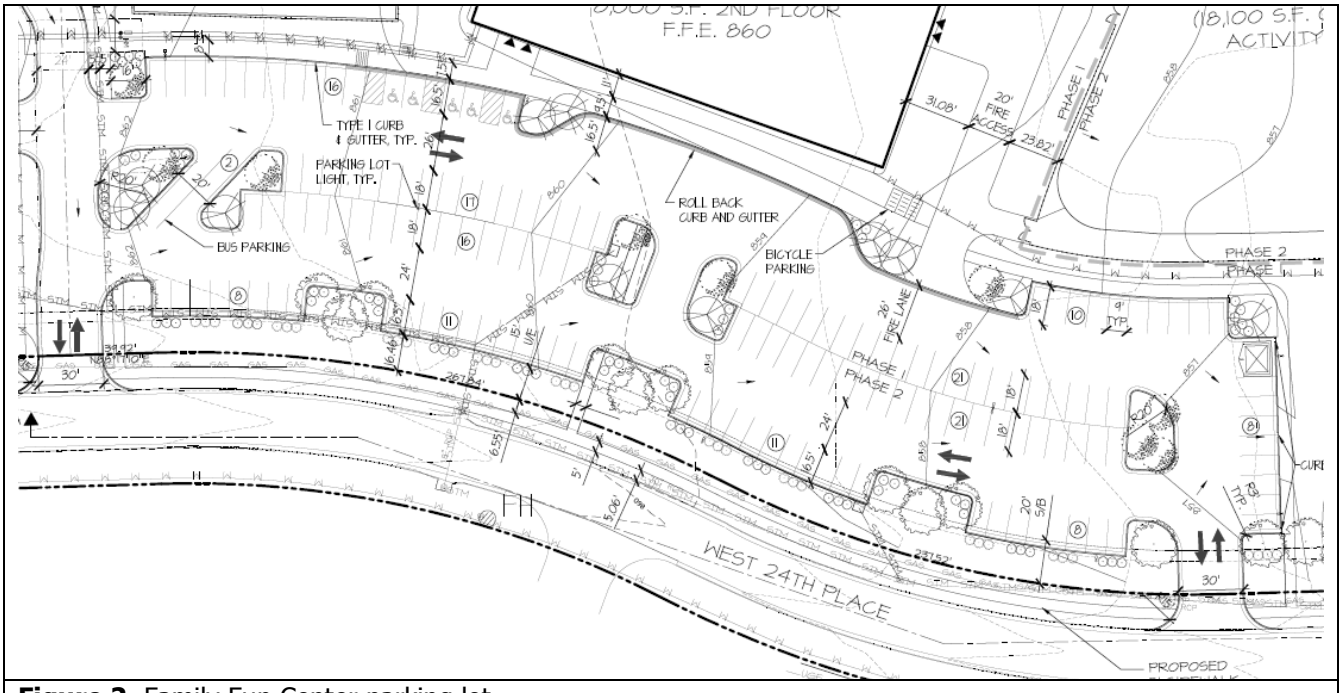


Figure 2. Family Fun Center parking lot

Perimeter Parking Lot Landscaping
Landscaping is required around the perimeter of parking lots to screen view of parking lots from streets and roads. This landscaping is required in addition to 1 tree per 25 linear feet of parking frontage. The current design and layout of the parking lot does not allow for adequate street trees

due to existing utility lines located beneath the provided green space. As a condition of approval, a revised site plan should include a revised parking lot layout to include an additional 5' setback from W 24th Place to accommodate the installation of street trees along the perimeter.

Mechanical Screening
Trash receptacle locations should be shown on the plan for review by the City Solid Waste Division. Trash receptacles and mechanical equipment must be screened per the requirements in Section 20-1006. The plan should show the location of the trash receptacles/dumpsters and mechanical equipment with the screening proposed. In addition the following note should be added to the plan: *"Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities boxes and meters, shall be fully screened from view of adjacent properties and from street rights-of-way (as measured 6 ft above ground level). Screening shall be in the form of landscape plantings or an architectural treatment compatible with the architecture of the principal building."*

The sight triangle should be shown on the plan to insure that adequate intersection visibility is provided.

The location of the access drives meets the separation requirements from the intersection with Inverness Drive and W 24th Place.

Lighting
Section 20-1103(d) contains lighting standards for outdoor lighting. These standards would apply to parking lot lights and exterior lights except for those associated with outdoor recreational uses. Standards for outdoor recreational uses provided in Section 20-1103(e) include the following:

Code	Project
Lights at outdoor recreation uses may not exceed a maximum permitted post height of 60 feet.	Maximum pole height proposed: 25 feet
No flickering or flashing lights are permitted	Recommended as a note on the face of the site plan
Lights may not be illuminated after 11:30pm	Shut-off times recommended as a note on the face of the site plan
As-built lighting and photometric plans are required	Recommended as a note on the face of the site plan
Lighting shall be designed, to the maximum extent feasible, to minimize adverse impacts on traffic safety and nuisance impacts on R-zoned property. Mitigation can be required via extra landscaping, earlier shut-off times for the lights, cutoff fixtures (where feasible) and other techniques.	Project appears to apply with this standard. The Planning Commission may, as part of their actions, recommend an earlier shutoff time, or other technique aimed at eliminating adverse impacts on neighboring properties, or motorists on Clinton Parkway.

Staff Finding – With the approved administrative waivers, 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

Figure 3. Subject property outlined. Current development in area.

Property Owner's Response:
"The proposed use has been designed to limit noise near residential areas, and provide sufficient screening for lights and site activity."

To the West
The proposed development will be bordered on the west by the proposed Inverness Corner pad sites. These proposed sites, as laid out in SUP-14-00026, are intended to further provide neighborhood-oriented commercial uses, along with the Family Fun Center, to further enhance the goals set out in the *Inverness Park District Plan.*

To the North
This property is bordered on the north by a steep embankment before reaching Clinton Parkway.

To the East
This property is bordered on the east by an apartment complex; on the south (across W 24th Place) by another apartment complex. (Figure 3) Property to the west is currently developed with residential homes and duplexes. Property to the north of the property (beyond Clinton Parkway) currently includes duplexes, private recreation facilities, a private school, and commercial offices.

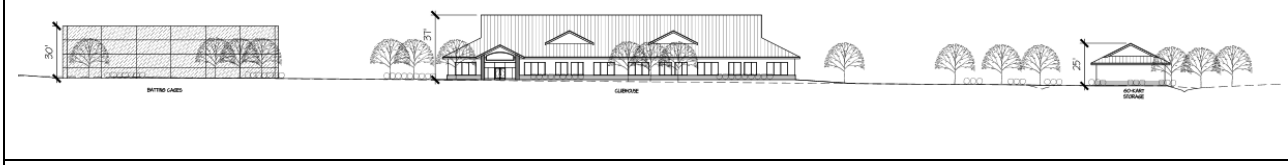


Figure 4. Elevation showing batting cages, clubhouse, and go-kart storage from the south.

Use
The participant sport uses on the property include batting practice, miniature golfing, and electric go-kart racing, along with uses inside the clubhouse. The clubhouse will feature concessions, in addition to group assembly space for gatherings, such as birthday parties.

Potential Impacts
Artificial noise and light will be created from the proposed use. Prior to approval, staff recommends that a determination be made by the commission regarding amplified noise and lighting on the site.

Public address systems or speakers may create a nuisance for neighboring properties. The planning staff recommends that the commission determine whether speakers or other public-address systems are allowed, and to the degree in which they are used. If these types of systems are allowed by the commission, the extent of use (whether announcements or music), the hours of usage, and the placement of these devices should be addressed and clarified. Staff has provided a recommendation, but the commission may wish to modify these or add additional conditions. As noted, the items to be considered include:

a. Whether loudspeaker or intercom system permitted;
b. Whether music be allowed or only announcements be allowed;
c. Whether loudspeakers can only be used between certain hours on weeknights; weekends;
d. How potential loudspeakers or intercoms may be positioned in terms of noise projection;
e. Whether go-kart usage should be limited to similar conditions as public address systems or loudspeakers in regards to noise.

The *Land Development Code* does not allow outdoor activity lights to be used after 11:30pm. Given the hours submitted by the applicant, it should be noted that although lights must be off by 11:30pm, activities may still occur inside the clubhouse. The commission may also consider additional lighting standards, regarding weeknight usage specifically.

In addition to lighting and noise concerns and impacts, precautionary safety measures should be considered in regards to alcohol consumption and usage of electric go-karts.

Staff Finding – The property is surrounded by existing developments and is in close proximity to Clinton Parkway, a principal arterial. Residential developments are located on all sides of the development, but have been screened adequately to diminish negative effects that could result from lighting or noise. As conditioned, this plan is 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

Property Owner's Response:
"The proposed use will not cause neighboring property to decline in value, but instead will provide great amenities to the neighborhood that would increase property value."

The proposed use will be an amenity to the neighborhood and community. *The Inverness Park District Plan* intends this property to be used as a neighborhood commercial center, which can be accessed by neighbors via car, bus, bike or walking.

Staff Finding – There is no evidence to support a finding that the proposed use would cause a diminution in value of other property in the area.

4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT

The traffic study was reviewed and accepted by staff. No changes to the surrounding street network are necessary.

Public transit (KU Route 29) currently provides access to this property along W 24th Street, with access to the University of Kansas.

This property can generally be served by water and sewer service. Some additional revisions to the site plan for specific service lines and utility elements should be revised and are reflected as a condition of approval.

Staff Finding – 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 associated documents (special use permit; photometric plan; building elevation) are the tools used to enforce property maintenance and uses.

All spaces noted in phase two must be maintained as natural turf until constructed.

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

Property Owner's Response:
"The natural environment will be improved with substantial landscaping and eco-friendly development standards to make this site an asset to the natural environment.

Drainage from the site will be controlled through stormwater management measures approved by the City Stormwater Engineer as part of the drainage study. A detention pond is located in the southeast corner of the property to minimize drainage from the large parking area. The Stormwater Engineer noted several revisions needed to the plan which are reflected as conditions of approval.

Staff Finding – The proposed use will not cause significant adverse impacts on the natural environment.

7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO WHAT THAT TIME PERIOD SHOULD BE.

Time limits are established on Special Use Permits to permit a periodic review to determine if the use remains compliant with the area or if a rezoning would be appropriate. The proposed use is intended to provide an ongoing *Participant Sports & Recreation, Outdoor* use for the community. It would not be appropriate to place a time limit on this Special Use Permit.

Staff Finding – The project provides necessary infrastructure for development; therefore, it would not be appropriate to place a time limit on this use.

Conclusion
The proposed Family Fun Center will serve as an amenity and asset to the community. The use is compatible with and appropriate for this location and staff recommends approval of the Special Use Permit with the conditions noted, if approval of TA-13-00488 and Z-13-00483 has been completed.

PROPERTY OWNERS OF RECORD:

PROPERTY OWNER:
CORPORATE HOLDINGS, LLC
PO BOX 1500
OLATHE, KS 66051

LEGAL DESCRIPTION:

REMINGTON SQUARE ADDITION NO. 1, REPLAT OF LOTS 2 & 3, BLOCK 1 INVERNESS PARK PLAZA ADDITION NO. 1, BLOCK 1, LOT 2, LESS THE WEST 300' OF LOT 2. IN DOUGLAS COUNTY, KANSAS.

GENERAL NOTES:

1.1 ALL REQUIRED ACCESSIBLE SIDEWALK RAMPS PER A.D.A. STANDARDS.

1.2 SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28CFR PART 36.

1.3 THE CITY OF LAWRENCE WILL NOT BE HELD RESPONSIBLE FOR PAVEMENT DAMAGE CAUSED BY TRASH TRUCKS.

1.4 PLAN FOR CITY APPROVAL ONLY! CONSTRUCTION DOCUMENTS TO BE FURNISHED AT THE REQUEST OF OWNER.

1.5 INFORMATION TAKEN FROM AERIAL PHOTOS, SURVEY PERFORMED BY BG CONSULTANTS.

1.6 ALL TRAFFIC CONTROL SIGNS PLACED ON PRIVATE PROPERTY OPEN TO THE GENERAL PUBLIC SHALL COMPLY WITH THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" AND "STANDARD HIGHWAY SIGNS," PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION, WITH RESPECT TO SIZE, SHAPE, COLOR, RETROREFLECTIVITY, AND POSITION.

1.7 PHOTOMETRIC PLAN FOR EXTERIOR LIGHTING TO BE SUBMITTED AND APPROVED PRIOR TO THE RELEASE OF BUILDING/ELECTRICAL PERMITS FOR EXTERIOR LIGHTING.

1.8 EXTERIOR GROUND-MOUNTED OR BUILDING-MOUNTED EQUIPMENT INCLUDING, BUT NOT LIMITED TO, MECHANICAL EQUIPMENT, UTILITY BOXES AND METERS, SHALL BE FULLY SCREENED FROM VIEW OF ADJACENT PROPERTIES AND FROM STREET RIGHTS-OF-WAY (AS MEASURED 6 FT ABOVE GROUND LEVEL). SCREENING SHALL BE IN THE FORM OF LANDSCAPE PLANTING OR AN ARCHITECTURAL TREATMENT COMPATIBLE WITH THE ARCHITECTURE OF THE THE PRINCIPAL BUILDING.

1.9 PER CITY CODE SECTION 9-902, THE OUTDOOR DINING AREA WILL BE MANAGED TO PREVENT STORMWATER POLLUTION. FOOD WASTE, TRASH, CIGARETTES AND OTHER SOLID WASTES MUST BE CONTAINED, COLLECTED, AND DISPOSED PROPERLY. COLLECTION MUST BE FREQUENT ENOUGH TO PREVENT WASTES CARRIED OFF BY WIND OR STORMWATER RUNOFF. FLUID WASTE, INCLUDING WASTEWATER FROM PAVEMENT OR FURNITURE CLEANING, WILL BE COLLECTED AND DISCHARGED TO THE SANITARY SEWER SYSTEM.

1.10 ALL CURB INLETS WILL BE CONSTRUCTED PER CITY STORM SEWER STANDARD DETAILS. PER CITY CODE CHAPTER IX ARTICLE 9-903(B)

PROJECT SUMMARY:

2.1	CURRENT ZONING:	RSO
2.2	PROPOSED ZONING:	CN2
2.3	CURRENT USE:	VACANT
2.4	PROPOSED USE:	PARTICIPANT SPORTS & RECREATION, OUTDOOR AND INDOOR
2.5	LAND AREA:	7.867 ACRES (342,648 SQ. FT. +/-)
2.6	PROJECT PROPOSED:	PHASE I - OUTDOOR MINIATURE GOLF, CLUBHOUSE AND BATTING CAGES PHASE II - GO-KARTS

PROPERTY SURFACE SUMMARY:

PHASE I

EXISTING SUMMARY:	SQ. FT.	AC	PROPOSED SUMMARY:	SQ. FT.	AC
TOTAL BUILDINGS:	0	0.000	TOTAL BUILDINGS FOOTPRINT:	20,000	.454
TOTAL PAVEMENT:	0	0.000	TOTAL PAVEMENT:	86,729	1.991
TOTAL IMPERVIOUS:	0	0.000	TOTAL IMPERVIOUS:	106,729	2.450
TOTAL PERVIOUS:	342,648	7.867	TOTAL PERVIOUS:	235,919	5.417
TOTAL PROPERTY AREA:	342,648	7.867	TOTAL PROPERTY AREA:	342,648	7.867

PHASE II

EXISTING SUMMARY:	SQ. FT.	AC	PROPOSED SUMMARY:	SQ. FT.	AC
TOTAL BUILDINGS:	20,000	.454	TOTAL BUILDINGS FOOTPRINT:	24,000	.550
TOTAL PAVEMENT:	86,729	1.991	TOTAL PAVEMENT:	123,683	2.839
TOTAL IMPERVIOUS:	106,729	2.450	TOTAL IMPERVIOUS:	147,683	3.390
TOTAL PERVIOUS:	235,919	5.417	TOTAL PERVIOUS:	195,015	4.477
TOTAL PROPERTY AREA:	342,648	7.867	TOTAL PROPERTY AREA:	342,648	7.867

PARKING INFORMATION:

2.1 PARKING: REQUIRED/ PROVIDED

PHASE I
PARTICIPANT SPORTS & RECREATION, INDOOR & OUTDOOR: 1 SPACE PER 500 S.F. OF CUSTOMER/ACTIVITY AREA
21,817 S.F. FOR MINI GOLF + 3,000 FOR BATTING CAGES + 28,000 FOR CLUBHOUSE / 500 = 105 SPACES REQUIRED/111 PROVIDED
BICYCLE: 1 PER 10 AUTO SPACES = 12 REQUIRED/12 PROVIDED

PHASE II
PARTICIPANT SPORTS & RECREATION, INDOOR & OUTDOOR: 1 SPACE PER 500 S.F. OF CUSTOMER/ACTIVITY AREA
18,100 S.F. FOR GO-KARTS / 500 = 36.2 = 51 SPACES REQUIRED/38 PROVIDED
BICYCLE: 1 PER 10 AUTO SPACES = 4 REQUIRED/4 PROVIDED

2.2 TYPICAL DIMENSIONS: REGULAR AND HANDICAPPED SPACES - 9' X 18' (16.5' + 1.5' OVERHANG AT SIDEWALKS OR PERIMETER ROWS)
SIDEWALKS SHALL BE 4" CONCRETE - 5' OR 6' WIDE DEPENDING UPON THE LOCATION.
HANDICAPPED SPACES TO INCLUDE ACCESS AISLE 5' MIN. WIDTH.

2.3 PAVEMENT (PER CITY STD.): APPROACHES: 7" CONCRETE W/ #5 BARS 12" O.C.B.W. - PER CITY STANDARDS
PARKING AREAS: 5" CONCRETE ON 4" CRUSHED LIMESTONE
CONCRETE PAVEMENT WILL MEET CITY OF LAWRENCE PUBLIC WORKS STANDARD TECHNICAL SPECIFICATIONS (SECTION 2000 - CONCRETE) FOR 4000 PSI CONCRETE.

2.4 PAVEMENT SUBGRADE SHALL BE PREPARED PER THE GEOTECH REPORT

LANDSCAPING NOTES:

SYM	DESCRIPTION	QTY.	APPROVED TYPES	BOTANICAL NAMES	SIZE	COND.
	STREET TREES	36	LEGACY SUGAR MAPLE SUMMERSHADE NORWAY MAPLE LACEBARK ELM SHUMARD OAK GREENSPIRE LINDEN LONDON PLANE TREE	ACER SACCHARUM "LEGACY" ACER PLATANOIDES "SUMMERSHADE" ULMUS PARVIFOLIA QUERCUS SHUMARDII TILIA CORDATA 'GREENSPIRE' PLATANUS OCCIDENTALIS 'BLOODGOOD'	2"-2 1/2" CAL	B & B
	SHADE TREES	16	ELM, LACEBARK HORNBEAM, COLUMNAR MAPLE, AUTUMN BLAZE MAPLE, COLUMNER NORWAY MAPLE, PACIFIC SUNSET MAPLE, SIENNA GLEN OAK, BUR BALD CYPRESS OAK, NORTHERN RED OAK, SHINGLE ZELCOVA, GREEN VASE OAK, SWAMP WHITE SAW TOOTH OAK NORWAY MAPLE THORNLESS HONEY LOCUST	ULMUS PARVIFOLIA CARPINUS BETULUS 'FASTIGIATA' ACER FREEMANII 'JEFFSRED' ACER PLATANOIDES 'COLUMNAR' ACER TRINCATUM X PLATANOIDES ACER FREEMANII 'SIENNA' QUERCUS MACROCARPA TAXODIUM DISTICHUM QUERCUS RUBRA FAGACEAE QUERCUS ZELKOVA SERRATA QUERCUS BICOLOR QUERCUS ACUTISSIMA ACER PLATANOIDES 'SUPERFORM' GLEDITSIA TRIACANTHOS VAR. INERMIS	2"-2 1/2" CAL	B & B
	EVERGREEN TREES	6	WHITE PINE EASTERN RED CEDAR GREEN GIANT, ARBORVITAE BLUE SPRUCE	PINUS STROBUS JUNIPERUS VIRGINIANA THUJA 'GREEN GIANT' PICEA PUNGENS	6'-8' HT.	B & B
	ORNAMENTAL TREES	9	KOUSA DOGWOOD CORAL BURST CRABAPPLE EASTERN REDBUD CRAB, SARGENTINA PEAR, CLEVELAND SELECT	CORNUS KOUSA MALUS 'CORALBURST' CERCIS CANADENSIS MALUS SARGENTII 'TINA' PYRUS CALLERYANA	1 1/2"-2" CAL	B & B
⊙	DECIDUOUS SHRUBS	81	BARBERRY, CRIMSON PIGMY BURNING BUSH, DWARF SPIREA, MAGIC CARPET NINE BARK, PURPLE LILAC, DWARF KOREAN VIBURNUM, ALLEGANY	BERBERIS THUNBERGII 'CRIMSON PYGMY' EUONYMUS ALATUS 'COMPACTUS' SPIREA X PHYSOCARPUS OPULIFOLIUS SYRINGA MEYERI 'PALIBIN' VIBURNUM X RHYTIDOPHYLLOIDES	18"-24" HT.	CONT
⊙	EVERGREEN SHRUBS	47	DWARF SPREADING YEW JUNIPER, SEA GREEN JUNIPER, GALLERY CARPET HOLLY, BLUE JUNIPER, GREY OWL	TAXUS CUSPIDA 'DENSA' JUNIPERUS VIRGINIANA 'GREY OWL' JUNIPERUS SABINA 'MONNA' ILEX X MESERVEAE JUNIPERUS X PFITZERIANA 'SEE GREEN'	24"- 36" HT.	CONT

3.1 THERE MUST BE A MIN. OF (4) SPECIES USED IN EACH CATEGORY, (6) SPECIES MIN. FOR STREET TREES.

3.2 ALL TURF AREAS TO BE SEEDED WITH K-31 FESCUE, SOD, OR AS ALLOWED BY CITY CODE.

3.3 REQUIRED INTERIOR LANDSCAPING AREA = 118 SURFACE SPACES*40 SQ. FT. PER SPACE = 28,720 SQ. FT.; 31,281 SQ. FT. PROVIDED.

3.4 BUFFERYARDS

BUFFERYARD ALONG WEST 24TH PLACE - WAIVER REQUESTED DUE TO 15' U/E BEING AT THE FRONT OF THE SITE. SHRUBS HAVE BEEN PROVIDED IN THE PARKING LOT ISLANDS TO MEET SHRUB REQUIREMENTS HOWEVER THERE IS NO ROOM FOR THE ADDITIONAL BUFFERYARD TREES NOT PROVIDED VIA STREET TREES.
TYPE I - 15' WIDE, 705.34 IN LENGTH BUFFERYARD. 22 TREES AND 57 SHRUBS REQUIRED/ 0 TREES AND 58 SHRUBS PROVIDED
(11 TREES AND 29 SHRUBS MUST EVERGREEN BUT A WAIVER IS REQUESTED FROM THE EVERGREEN TREES SINCE THEY WOULD BE PLACED IN PARKING LOTS DUE TO SITE CONSTRAINTS AND THERE IS NOT ADDITIONAL ROOM FOR EVERGREENS FOR IN THE PARKING LOT ISLANDS.)

BUFFERYARD ALONG CLINTON PARKWAY- A WAIVER IS REQUESTED DUE TO THE SITE FRONTAGE BEING BUFFERED BY THE 10' +/- HILL SOUTH OF CLINTON PARKWAY

BUFFERYARD ALONG EAST PROPERTY LINE - TYPE I - 25' WIDE, 545.27' IN LENGTH, - 2 TREES AND 5 SHRUBS PER 100' = 11 TREES, 28 SHRUBS PROVIDED (6 TREES AND 14 SHRUBS MUST EVERGREEN)

3.5 INTERIOR PARKING LOT LANDSCAPING

PHASE I
150 SPACES X 40 S.F. LANDSCPAING AREA PER PARKING SPACE = 6,000 S.F. REQUIRED/8,950 S.F. PROVIDED
1 TREE AND 3 SHRUBS PER 10 SPACES; 15 TREES, 45 SHRUBS REQUIRED/20 TREES, 47 SHRUBS PROVIDED

3.6 STREET TREES

WEST 24TH PLACE - 705.34 L.F./40 = 18 TREES REQUIRED/18 TREES PROVIDED

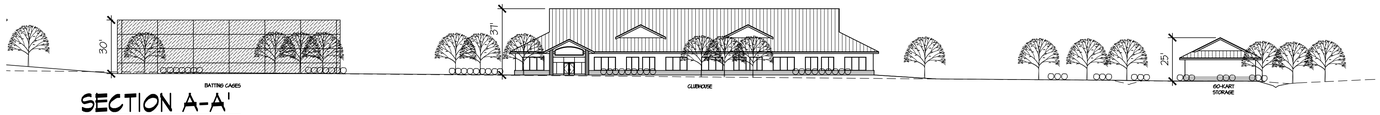
CLINTON PARKWAY - 705.34 L.F./40 = 18 TREES REQUIRED/18 TREES PROVIDED

LOCATION MAP

NORTH
NOT TO SCALE

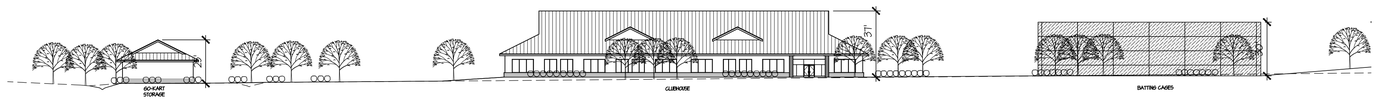
SECTION A-A'

SCALE 1" = 40'



SECTION B-B'

SCALE 1" = 40'



Approved and Released
City of Lawrence Douglas County
PLANNING & DEVELOPMENT SERVICES
Case No.
Approval Date:
Release Date:
Planner:
of Sheets
Asst./Director:

paulwerner ARCHITECTS
123 W. 8TH STREET
SUITE B2
LAWRENCE, KS 66044
OFFICE: 785.832.0804
FAX: 785.832.0890
INFO@PAULWERNERARCHITECTS.COM

©PAUL WERNER ARCHITECTS, L.L.C.
THIS DRAWING IS COPYRIGHTED WORK BY PAUL WERNER ARCHITECTS L.L.C. THIS DRAWING MAY NOT BE PHOTOGRAPHED, TRACED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF PAUL WERNER ARCHITECTS L.L.C.

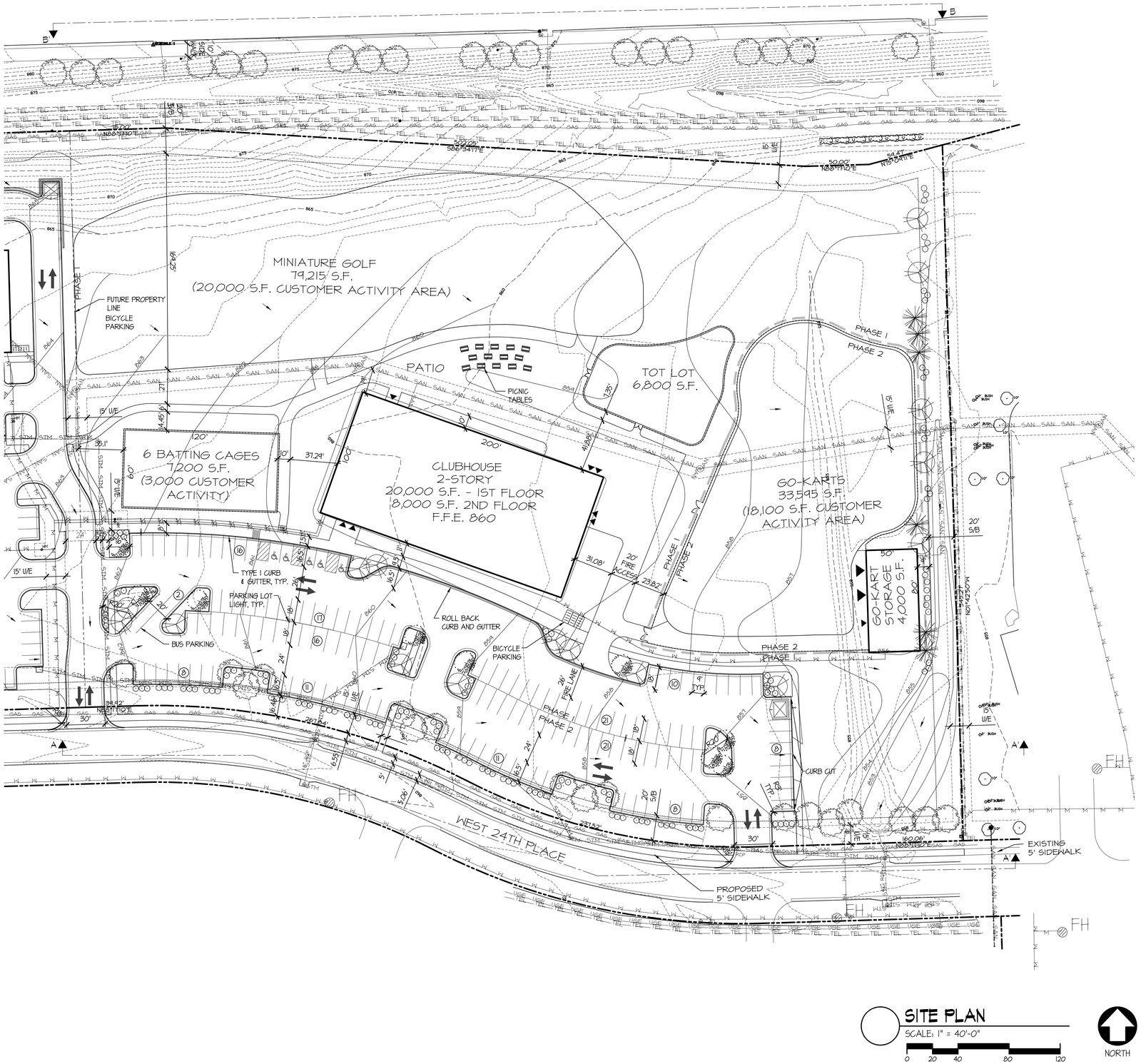
FAMILY FUN CENTER

WEST 24TH PLACE & INVERNESS DR
LAWRENCE, KANSAS

PROJECT # 213-T30

RELEASE:	DATE:
1.0	11.18.13
1.1	1.7.14
1.2	1.25.14

SUP-1



SITE PLAN

SCALE: 1" = 40'-0"

0 20 40 80 120

NORTH

paulwerner ARCHITECTS

123 W. 8TH STREET
SUITE B2
LAWRENCE, KS 66044

OFFICE: 785.832.0804
FAX: 785.832.0890
INFO@PAULWERNERARCHITECTS.COM

©PAUL WERNER ARCHITECTS, L.L.C.
THIS DRAWING IS COPYRIGHTED WORK BY PAUL WERNER ARCHITECTS L.L.C. THIS DRAWING MAY NOT BE PHOTOGRAPHED, TRACED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF PAUL WERNER ARCHITECTS L.L.C.

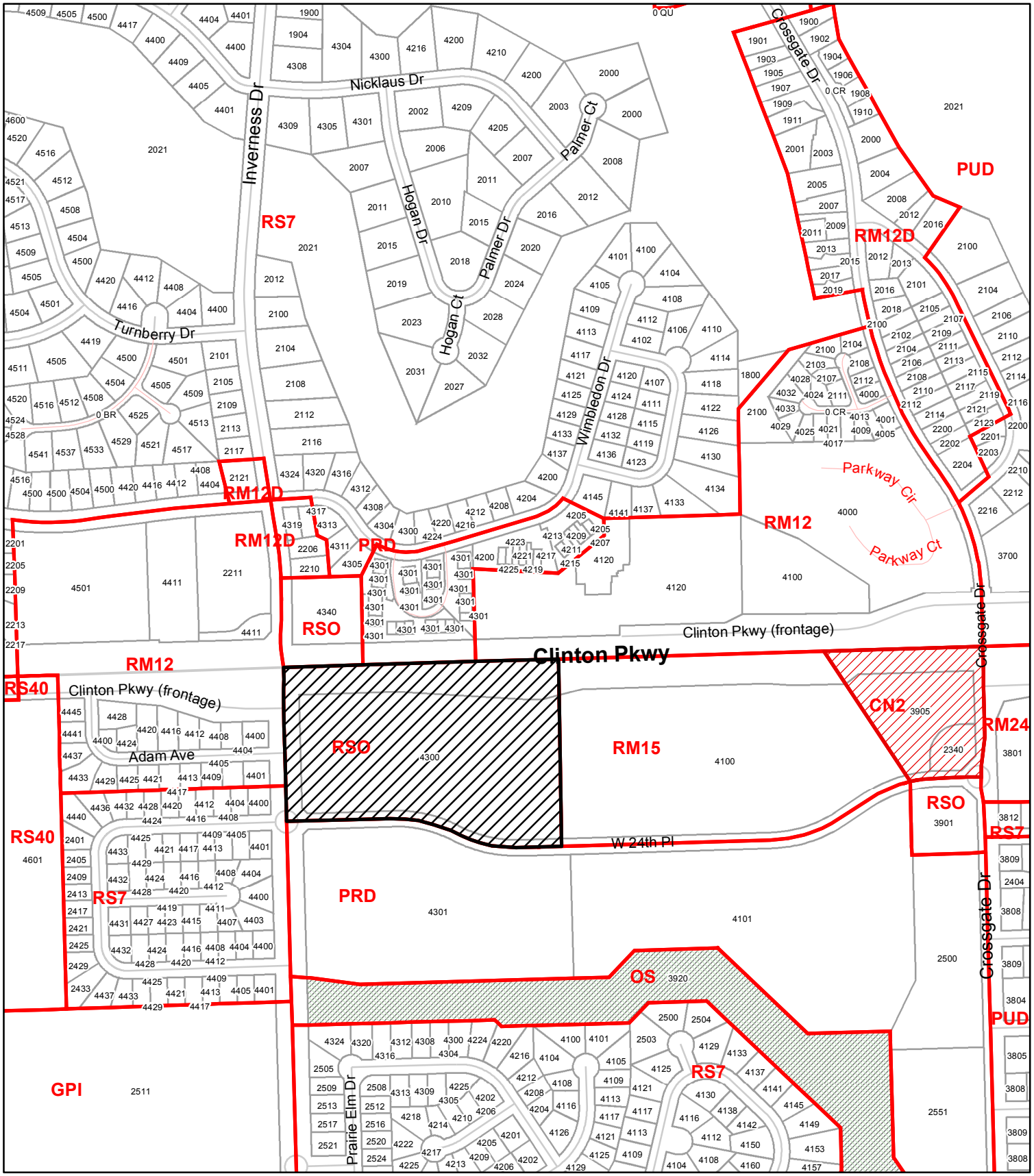
FAMILY FUN CENTER

WEST 24TH PLACE & INVERNESS DRIVE
LAWRENCE, KANSAS

PROJECT # 213-T30

RELEASE:	DATE:
1.0	11.18.13
1.1	12.27.13
1.2	1.7.14
1.3	1.24.14

SUP - 2



Z-13-00483: Rezone 10.97 acres from RSO District to CN2 District
SUP-13-00486: Special Use Permit for a Family Fun Center &
SUP-14-00026: Special Use Permit for Fast Order Food with Drive-thru
Located at 4300 West 24th Place

Lawrence-Douglas County Planning Office
February 2014

Subject Property

paulwerner
ARCHITECTS

November 26, 2013

Sheila Stogsdill
Planning and Development Services
6 East 6th St.
Lawrence, KS 66044

Dear Sheila,

The Family Fun Center is a project that meets a missing niche in the Lawrence entertainment market. The developer is excited about the project potential and is eager to move forward.

The Family Fun Center will provide outdoor uses which will include miniature golf, batting cages and electric go-karts. The go-kart manufacturer has indicated the go-karts will make as little noise as a car would driving down the road at 20 - 30 MPH.

The clubhouse activities will include:
1st Floor - Club rental for miniature golf, birthday party rooms, arcade games and snack area
2nd Floor - Bar with 3.2 liquor license, Nascar driving experience arcade games and miniature bowling

Operating hours are anticipated to be:
Monday - Wednesday, 11AM - 10PM
Thursday and Friday, 11AM - 12AM
Saturday, 10AM - 12AM
Sunday, 12PM - 9PM

Once the Thanksgiving Holiday is over we hope to get together with the neighbors to discuss the above details. If you have additional questions please don't hesitate to ask as we move forward.

Sincerely,

Joy Rhea

Joy Rhea, RLA

Office : 123 W 8th Street Suite B2 : Lawrence, Kansas : 66044
Mail : PO BOX 1536 : Lawrence, Kansas : 66044-8536
PHONE: 785.832.0804 FAX: 785.832.0804
info@paulwernerarchitects.com

From:	Mulloy, Molly
To:	Travis Halm
Subject:	Letter from Wimbledon Terrance Townhomes Assn
Date:	Sunday, February 16, 2014 10:35:35 AM

Dear Mr. Halm,
Please see the letter below being sent on behalf of the 23 townhome owners at 4301 Wimbledon Terrace. As noted in the letter, we have some serious concerns about the proposed Family Fun Center project under consideration for the vacant land near Clinton Parkway and Inverness. Thank you for forwarding our letter to the Commissioners.
Molly Mulloy

February 14. 2014

Lawrence-Douglas County Planning Commission
Planning & Development Services
PO Box 708
Lawrence KS 66044

Dear Commissioners,

Members of the Wimbledon Terrace Townhomes Association, comprised of the 23 townhome owners at 4301 Wimbledon Terrace, strongly object to the proposed rezoning and special use permit for the large property at 4300 W. 24th Place (southeast corner of Inverness and Clinton Parkway). We are referring to the following items, Z-13-00483, SUP-13-00486, and SUP-14-00026, scheduled for discussion at your meeting on Monday, February 24, 2014. Our townhome development is directly across Clinton Parkway from the proposed project. We believe it will have a seriously negative effect on our neighborhood and the safety of the many children in this area.

We are concerned that the proposed "Family Fun Center" and its go-cart track will result in high levels of noise pollution and toxic emissions, that the miniature golf course and batting cages will require excessively bright lights at night, and that the huge increase in traffic at the already-busy intersection of Inverness & Clinton Parkway will be problematic and even dangerous for the school children crossing that intersection. There are four schools located within a few blocks of the proposed project (Bishop Seabury, Raintree Montessori, Sunflower Elementary, and Southwest Middle School), with hundreds of little children who might be intimidated by the large numbers of teenagers and young adults who would frequent the project. Rather than being built in the midst of this residential area, it would seem more appropriate for the massive "Family Fun Center" project to be built in a more commercial or rural area at the edge of the city such as was done with the youth soccer complex south of town and the new recreation center to the west.

Several homeowners from the Wimbledon Terrace Townhomes Association will be present at the meeting on February 24th and would be happy to explain our concerns at the meeting, if appropriate.

Thank you for considering our objections to this rezoning request.

Respectfully, ,

Wimbledon Terrace Townhomes Assn.
Molly Mulloy, Executive Committee (mmulloy@ku.edu)
Ruth Hiss, Executive Committee (mrsdeltachi@yahoo.com)
Jane Tedder, Executive Committee (jtedder@sunflower.com)
Debbie Saiz
Alice Holtz
Ann Eversole
Kathy Rauckman
Letty Seidl
Sarah Williamson

Lenora Barker

I am the property owner of Clinton Parkway Animal Hospital, 4340 Clinton Parkway and a rental house at 4334 Clinton Parkway. We have strived to maintain and improve the outside appearance of those two properties, including a major investment in new landscaping in 2013.

I definitely oppose the rezoning request # Z-13-00483 for 4300 W 24th Place. The noise will be a major issue; it will detract from surrounding properties, and overall is a poor idea for the location, in my opinion.

Respectfully

Gary Olson, DVM
Clinton Parkway Animal Hospital
4340 Clinton Parkway
Lawrence, KS 66047
785-841-3131

RECEIVED
JAN 10 2014
City County Planning Office
Lawrence, Kansas

LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED
FEB 24 2014
City County Planning Office
Lawrence, Kansas

February 23, 2014

To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

Co-President
David Burress

Co-President
Cille King

President-Elect
Cille King

Vice President
marci francisco

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors

Margaret Arnold

Caroljean Brune

Scott Criqui

James Dunn

Ruth Gibbs

Midge Grinstead

Marlene Merrill

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT SPORTS & RECREATION,
OUTDOOR USES WITH SUP IN CN2
ITEM NO. 5B: SPECIAL USE PERMIT; FAMILY FUN CENTER; W. 24TH PLACE AND INVERNESS DRIVE
ITEM NO. 5C: SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH PLACE

Dear Chairman Culver and Planning Commissioners:

For many reasons, we request that you **not** approve Items No. 4, 5B and 5C.

The CN districts are neighborhood commercial districts and were designed to provide goods and services for the immediate neighborhoods where they are located. The recreational uses that will be permitted, if the **Text Amendment, Item No. 4** is approved, permit the type of commercial outdoor recreational uses that have multiple environmental and planning ramifications. We believe that the likely negative impacts of these proposals have not been adequately reviewed in the Staff Report, and when carefully considered, would lead to the conclusion that because of these possible outcomes, they should not be included as permitted uses in the CN districts, even with a SUP.

1. The applicant has indicated the proposed uses in his report to the Staff. The **noise levels** of the outdoor uses, specifically the batting cages, Go-Karts, and shouting customers, cannot be buffered.

2. The lights will not be able to be properly screened. Although the lights may shine down, the reflections cannot be shielded.

3. The intensity of the traffic can be predicted to be worse at times than would be the case for normal shopping areas.

4. In terms of the planning considerations, the recreational use and the drive-ins **will absorb all of the available commercial space** so that the uses really needed by a neighborhood such as a drug store, grocery store, sit-down restaurant, and the other uses for which the CN2 District was intended, will not be possible. The Comprehensive Plan severely limits the amount of recreational space for the Neighborhood Centers and the CC200 Centers for this reason (please see **Chapter 6 of Horizon 2020, page 6-12, paragraph 2 under the Section, "Recreational Uses.")**

5. The type of outdoor commercial recreation proposed to be permitted here with the SUP we believe belongs in more regionally based commercial districts; that is, the CC4 or CC6 Districts. The more logical location for this type of use would be in the larger shopping center or centers close to the Rock Chalk Park, or for that matter, in the Rock Chalk Park itself.

PO BOX 1072 • LAWRENCE KS 66044-1072
league@sunflower.com • www.lawrenceleague.com
www.facebook.com/lwvldc • www.twitter.com/lwvldc

For the same reasons, **we ask that you not approve the SUP for Item No. 5B.**

We also ask that you not approve Item No. 5C, the SUP for the Fast Order Food With Drive-Thru use. The Fast Order Food With Drive-Thru use would be much more intense than under normal circumstances because the clientele of the recreation center would add to the customer base. The use, itself, was not anticipated for CN districts under normal circumstances because of the increase in traffic and clutter that it would bring, and the combination of fast food drive-thru plus the outdoor commercial recreation center here could do real damage to the neighborhood.

Again, we appeal to the Planning Commission to deny Items 4, 5B, and 5C.

Sincerely yours,

Cille King

Cille King, President

Alan Black

Alan Black, Chairman
Land Use Committee

From: Deborah M. Galbraith [mailto:dgalbraith@waverly-partners.com]
Sent: Monday, February 24, 2014 9:49 AM
To: 'amalia.graham@gmail.com'; 'montanastan62@gmail.com'; 'jonjosserand@gmail.com'; 'pkelly@usd497.org'; 'bculver@bankingunusual.com'; 'denney1@sunflower.com'; 'squampva@aol.com'; 'clay.britton@yahoo.com'; 'bruce@kansascitysailing.com'; 'eric.c.struckhoff@gmail.com'
Subject: OPPOSITION to Proposed Development for corner of Inverness and Clinton Parkway

Dear Planning Commissioners – This email is to voice my opposition to the proposed Family Fun Center development project at the corner of Inverness and Clinton Parkway in west Lawrence. I am not opposed to such a center as I believe in general it could be a nice leisure alternative, however think that the placement of such a facility within two blocks of four schools is NOT a wise idea. In addition to the proposal that would allow alcohol be served, the increased traffic in the area would be a hazard. Moreover, I have never seen a development such as this placed squarely in the middle of a residential neighborhood.

I am unable to attend the planning meeting tonight due to previous commitment that cannot be changed so thank you for providing a vehicle to voice opposition to the plan.

Debbie Galbraith
4205 Nicklaus Drive

From: Katie Huff [mailto:kayteekate@hotmail.com]
Sent: Sunday, February 23, 2014 10:58 PM
To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; dcbritt@yahoo.com; eric.c.struckhoff@gmail.com
Subject: Planning Commission Meeting

Dear Planning Commissioners,

We are writing you with concern and opposition to several items to be discussed at your meeting on Monday, February 24th. We are **opposed** to Item 4, Item 5A, Item 5B, and Item 5C.

We are a family with three small children, so we are not opposed to a "Family Fun Center"; in fact, we believe Lawrence could use a place like this. But we **strongly disagree** with it being built in the middle of a residential area. We own a house at 4424 Gretchen Ct and enjoy the quiet, family and school focused neighborhood that this area provides. But we believe with the addition of this proposed "Family Fun Center", it would dramatically change our neighborhood. We are opposed to the noise, traffic, alcohol near schools, lights, and late night hours that this place would promote. This is not the right location for this type of facility.

Please understand our concerns.

Thank you.
Dustin & Katie Huff
4424 Gretchen Ct

From: Michele Vignola-Rogers [mailto:mvr@sunflower.com]
Sent: Sunday, February 23, 2014 7:28 PM
To: montanastan62@gmail.com; amalia.graham@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Family Fun Center

Dear City Planning Commissioners,
This letter is in regards to the Family Fun Center that is being considered for W 24th Place between Crossgate and Inverness Drives. As I was reading through the article regarding this project I was struck by a number of issues. First, why there? We have land further away from all of the apartments, houses and schools in the area to build this. Why create more noise, lights and traffic in an area that is not empty by any means? That area has plenty of housing and people who prefer it the way it is. I agree that we do need a Family Center - there is no question that we are lacking places for pre-teens and teens to go and hang out that is safe and fun, but to crush it into a development of houses and apartments where the average family is going to be subjected to the loud and often obnoxious teenage behavior that comes with a place like this seems counterproductive. Moreover, this is a college town which means this will not cater to just the elementary, middle school and high school kids, but also the college population. This means that although the place may close at ten or midnight – the noise will continue well into the late night/early morning hours especially if alcohol is going to be served.

Second, I do not understand the need for a BAR at a Family Fun Center. If a person cannot have fun with their children without alcohol, then maybe help is necessary, but certainly not a bar. Alcohol and places like this should NOT exist together. We have plenty of bars in this town and no matter what little alcohol is in the beer – it's still beer and people can still get drunk and drive. Of course lighting is a huge issue and I can't imagine how any form of boundary is going to block the lighting of a batting cage area (unless it is indoors). I grew up with batting cages and miniature golf near my house in NJ and I can assure you that the lighting required for the batting cages and miniature golf (if it is an outdoor venue) is incredibly bright (almost like daylight) – imagine that at 10:00 p.m. when you are trying to put a child or yourself to bed. The noise is another factor, the Go-Karts are only a part of it – usually a place like this will have music blaring and people talking over the music and shouting at one another (profanity and all). I recommend that the City Planning Commissioners visit a place like this in a larger city where it is close to housing and see what the effects are. I remember hanging out at our batting cages until midnight or later and the music blaring across the fields while the lights lit up the whole area – you could see the lights from the highway – three miles away. However, we were lucky – our Fun Center was out in the woods nowhere near homes or apartments. This might be something you could consider when picking a spot for this type of venue. If it is there - people will come - and they will drive ten minutes to get there – it is not necessary to put this in the center of family living, you'll decrease the value of homes and most of the apartments will be empty or rent below average because no one will pay to live by a venue such as this. At first it may seem a great idea to live by such a place, but it won't take long before people realize the mistake they've made and move to get away from the traffic, noise and constant activity that lasts into the late hours.

A third concern has to do with security. I remember the old Putt-Putt from 20 years ago and the roller rink (which is now Kohls) and a big problem was security or lack thereof. When you open a place like this in a college town, you MUST have very good security – not rent-a-cops, but security. A security group that can keep people in line and behaving in crowds that can get a bit rowdy especially if alcohol is involved. Underage drinking is a huge problem in Lawrence and this place serving alcohol will not help the issue. But the right security can help. In NJ our places used off duty police officers or trained bouncers – Lawrence is no longer a small town – it is no longer a small community. Guns, knives, and drugs are growing and a place like this can attract that type of element and security is where it stops. So, please if you vote this project in – please take into consideration that a place like this is great when it is open and doing what it is supposed to do, it's no good to anyone if it's shut down due to violence, drugs or gang activity – it just becomes another empty building on another piece of land which this town cannot afford to have.

Thank you for taking the time to read this e-mail and considering the points. I live near this piece of land and I am very opposed to this project being built so close to us and our extended family. We enjoy the quiet.

Sincerely,
Michele Vignola-Rogers

From: Mark Simpson [mailto:markandrewsimpson@yahoo.com]
Sent: Monday, February 24, 2014 8:58 AM
To: Caitlyn Cargill
Subject: Comments regarding 4300 W. 24th Place

Planning Commissioners,

I write you with concerns about agenda items 4, 5A, 5B, and 5C regarding the proposed development at 4300 W. 24th Place. My family and I live at 4305 W. 26th Terrace and my daughter attends preschool at Raintree Montessori at 4601 Clinton Parkway. When she begins kindergarten she will attend Sunflower Elementary School at 2521 Inverness Drive.

My main concern with the proposed development is the increase in traffic on Inverness and surrounding streets. It appears to me that the one lane traffic circle at 24th Place and Inverness is already close to full capacity. My understanding is that the proposed development may include fast food restaurants. When I see the constant flow of traffic into the McDonalds at 6th and Wakarusa it convinces me that multiple fast food restaurants at 4300 W. 24th Place would create traffic gridlock. At peak hours my guess is that the roads and traffic circle could not handle the traffic from the apartments, the schools, and two fast food restaurants.

Also, I do not think that the proposed development is consistent with the surrounding neighborhood. The proposed development seems more appropriate for an area that is not right next to residential areas. I have doubts about how much meaningful noise and light mitigation is possible given the extremely close proximity to residences.

Thank you for taking my concerns into account and for your service on the Planning Commission. I sincerely appreciate the time and effort you put into the consideration of this and other important issues for our community.

Respectfully,
Mark Simpson

From: Luke Sinclair [mailto:sincluke@gmail.com]
Sent: Friday, February 21, 2014 11:20 AM
To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; Clay Britton; eric.c.struckhoff@gmail.com
Cc: Lori Sinclair
Subject: Opposition to Agenda Items 4, 5A, 5B, 5C for 2/24 PC Meeting

Dear Planning Commissioners:

My wife (Lori Sinclair) and I are the own and live at 4400 W. 24th Pl., which is directly across Inverness from the potential family fun center and fast-food drive-thru restaurant development. Items 4, 5A, 5B, and 5C on the Commission's agenda for the February 24th meeting are geared toward enabling this development. We write to oppose it all.

We purchased our home in 2008 because we loved the property and we were attracted to the quiet, appealing nature of the neighborhood, the proximity to neighborhood schools, and the ease of access to outdoor recreation. We take pride in our home and have invested capital to maintain and improve both the inside and outside appearance of our house and property, and we take advantage as much as we can of the benefits of living where we do. We believe the proposed development will interfere with, disrupt, and degrade our quality of life and the value of our property, as well as our neighbors'.

To be clear, we have strong doubts as to the long-term viability of a go-kart, mini-golf entertainment center in Lawrence, but we are not generally opposed to it. But we all have to be smart about it and take into consideration the adjoining properties and owners. We think this proposed development at this particular location is ill-advised for several reasons. First, it will not provide any additional meaningful benefit to our area. This development is being proposed – and the text amendment, rezoning request, and special use permits are being sought – primarily on the basis that the development will provide services to us and our neighbors that are otherwise lacking in our area. This is simply untrue. Our neighborhood enjoys some of the best access in Lawrence to outdoor recreation. Walking trails, bike trails, tennis courts, playgrounds, a running track, soccer fields, softball and baseball fields, batting cages, Clinton Lake, the Pat Dawson Billings Nature Area, the Rotary Arboretum, and more, are all within a short walk/run/bike ride and even shorter drive of our neighborhood. Access to and use of most of these is free. Paid access to go-karts and mini-golf provides absolutely no additional outdoor recreational benefit to us.

Second, the development isn't suited for our quiet, school-centered residential area. We've never seen an outdoor family fun center or fast-food drive-thru restaurants in the middle of a residential area, and there's reason for that. It doesn't make sense. The development will bring increased traffic, in this case potentially by people who have been enjoying 3.2 beers, which we fear will increase the risk to the children that walk and play on our sidewalks and streets. Additionally, the streets can't take additional traffic, especially the roundabout outside our house on Inverness and 24th Place. The development will drastically increase the amount of noise and light pollution, given the nature of the activities and the hours of operation the developer envisions. With groups of people engaging in competitive activities and potentially drinking alcohol, it's reasonable to believe there will be late-night, disruptive rowdiness. Additionally, we don't think it's a good idea to have a bar in such close proximity to four schools and multiple day-cares. Finally, we can't say enough that there is no reason that we or our neighbors should have to breathe the noxious smells that would emanate from a fast-food restaurant and its garbage dumpsters. It's unreasonable to assert that a small land buffer would adequately address any of these issues. We understand that it's easy for the planning staff to assert, without any real analysis or study, that a drive-thru restaurant would not result in "substantial diminution" of our property value, but we'd invite them to tell us if they know of anyone that would be

truthfully interested in buying a house in a residential neighborhood directly across the street from a drive-thru fast food restaurant.

More generally, we have concerns about the long-term viability of the fun center. Can Lawrence truly sustain it? Who is the target group? If it's college kids, they're gone for the summers. Is it school students? Having been students in a metropolitan area with access to mini-golf and go-karts, we can both personally attest to the fact that these activities just don't have permanent appeal. Once or twice is enough. The problem Lori and I have is that if the fun center fails, we would be the ones left with a view from our front porch, living areas, and second-story bedrooms of an abandoned, run-down family fun ghost town.

Finally, without limiting our general opposition to this development and all four agenda items above, we'd like to specifically address the requested text amendment. It's being proposed as one of four steps in the process of putting the family fun center in our neighborhood. A text amendment to the Development Code to generally allow for outdoor recreation through an SUP in all CN2 areas in Lawrence is a drastic step that ought to be weighed against the relative importance or benefits of the fun center and the costs and effects on adjoining landowners. We don't think it does, and it certainly doesn't appear that the text amendment satisfies the factors in Section 20-1302(f).

First, we don't believe the text amendment is consistent with Horizon 2020 and the Development Code, at least with respect to our neighborhood and the other adjoining landowners. The Development Code is intended to implement Horizon 2020 in a way that "protects, enhances and promotes the health, safety, and general welfare of the citizens of Lawrence." As currently drafted the Development Code doesn't allow for outdoor participant recreational use in either RSO or CN2, even with an SUP. It doesn't appear anyone believes this was a mistake, and we ought to assume the Development Code was adopted the way it was for good reason. In our situation it certainly makes sense because, for the reasons laid out above, a commercial fun center does not fit in our residential area. We don't believe changing the rules to allow this particular fun center across the street from our house is in the spirit of protecting, enhancing, or promoting the health, safety, and general welfare of us or our neighbors.

As to the other factor, the text amendment doesn't purport to fix an inconsistency or error in the development code. Rather, it's said to meet the challenge of a changing condition; specifically, an increased emphasis on creating a healthy environment for residents. We question how mini-golf, go-karts, arcade games, and a bar create a healthy environment. However, to the extent they do, the development would be better suited in an area that doesn't already have spectacular pedestrian/bike access to trails, parks, and other outdoor recreation. Perhaps in that case it could be said that a challenge was being met by the text amendment, but that's just not true as it pertains to our area.

Thank you,

Luke and Lori Sinclair
4400 W. 24th Pl.
Lawrence, KS 66047

From: Kenna Heim [mailto:kennahome1@yahoo.com]
Sent: Sunday, February 23, 2014 6:35 AM
To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; dcbritt@yahoo.com; eric.c.struckhoff@gmail.com
Subject: Proposed Family Fun Center and Fast Food restaurants

The designated zoning for the area in question is the correct one--Single-Dwelling-Residential-Office. These are the types of buildings that would suit this area so close to Sunflower Elementary and Southwest Middle School. I live on Larkspur Circle off from 27th Street and was concerned to hear new proposals for this property that involve changing the zoning.

On children's football nights, I can already barely get through on 27th due to the parking along the street. Inverness was designed to be a quiet residential and school street. Children may be much more in danger of being run over. Traffic on Wakarusa and all these local streets can become very tight and slow as citizens come and go to the ball park on the south side of the SLT. Please drive down into this area during ball games and see what congestion is present.

Also, the ball fields already have very bright lighting all summer long. I am happy for Lawrence to have a wonderful ball park and deal with the bright lighting because I know how important those sports programs are. Landscaping cannot cover up the bright lights that would come with the proposed "fun" center.

People do need their rest. Noises and light coming from the park would make it uncomfortable for people, especially those with children, who need to be rested to go to work or school in the morning.

Now, as a schoolteacher for USD 497, comes my biggest concern of all. The proposal is to place a fun center within a block or so of schools. When I drive home and these schools are letting out, I see students walking most probably to their homes. These children aren't old enough to drive but they could definitely begin stopping by the "fun" center after school. And what types of people might take advantage of the fact that there was a school close by? Not to be alarmist, but it is a perfect setup for pedophiles to lure children. I think of the little girl in Springfield who so recently was kidnapped and killed near her home. I doubt there was a fun center there, but why would we want to endanger our children any further than what they already are?

The fun center might be a fine idea, but PLEASE find an area further out or one that is zoned for commercial use. Keep the zoning as it currently stands.

Respectfully,

Kenna Heim
4741 Larkspur Circle

From: Jamie Hulse [mailto:jamiehulse@att.net]
Sent: Sunday, February 23, 2014 6:31 AM
To: amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Rezoning of 4300 W. 24th Place

Dear Planning Commissioners,

Regarding 4300 W. 24th Place:

- I am in support of conditional rezoning from **Residential Office (RSO)** to **Commercial Neighborhood 2 (CN2)**, **IF**
  - the rezoning is tied to this specific project. If the project doesn't get developed, then the **zoning would revert back to RSO,** and...
  - **IF** the public process remains in place in perpetuity for the lot for any future lot splits or changes in use, and...
  - IF there is a landscaping buffer along the west side of the property, and...
  - IF multi-family is disallowed for any future development (if at some point 20 years from now a buyer wants to level the Family Fun Center and build apartments)

Neighbors have participated in the development process of the area between Clinton Pkwy/Inverness/W. 27th Street/Crossgate since it was annexed into the city limits. Neighbors supported the initial plan, and prior re-zonings (upzonings) for other lots along W. 24th tied to a senior housing development, including support of more dense development of The Legends as part of the entire project, because the senior housing was planned to be between The Legends apartments and Inverness where students walked and rode bikes. Neighbors asked if there could be conditional rezoning and were told no by city staff. Neighbors trusted that the senior development would be built and supported the entire re-zoning. The Legends were built immediately. The senior housing developer pulled out, and dense apartments catering to partying college students were built instead - The Grove.

- Since there isn't currently a buyer for the west lot: regarding a potential future lot split as shown on the proposed plan - either require that the lot split happens now and keep zoning on west lot as RSO until there is a buyer, or if lot split doesn't happen now, keep public comment as part of the process for further development.
  - The corner of Inverness and Clinton Parkway is the entrance to three schools, and across the street from a fourth school.
  - Traffic is already challenging from that intersection to Inverness and W. 27th St.
  - The west corner lot should ideally remain Residential Office (RSO) until there is an actual developer/buyer, so the neighbors can participate in the process.
  - A development plan for that corner is irrelevant when there is no buyer or tenant, because it will be scrapped and redrawn when there is a buyer/tenant.
  - Rezoning now to CN2 would allow any project that conforms to be processed through with no public input, which would probably eliminate any landscaping buffer, and probably result in a more 'commercial' high use.
  - Many children and community members use the sidewalks along that corner, so public input about the best use and plan is significantly important.
  - Neighbors are not in support of drive-thru restaurants at this location because of already congested traffic.
  - Neighbors are still interested in finding a way to purchase that corner and make it a public park, and possibly a membership swimming pool, through a special tax or Homeowner's Association. If anyone has suggestions and guidance on how to accomplish that, please let me know.

- I am in support of the text amendment allowing outdoor use for this specific project, but not for all CN2 zoned properties.

- I am **NOT** in support of alcohol sales at a Family Fun Park. There should not be alcohol sales in such close proximity to four schools, and across the street from a church. Alcohol will increase the possibility of fights, the potential for underage alcohol sales/drinking, and increase the potential for adults to drink and drive in parking lots and streets with children, and with children in their vehicles.

- I am in support of open hours until 10:00 pm Sunday-Thursday, and 11:00 pm on Friday and Saturday, which is a reduction from the plan.

The area between Clinton Parkway/Inverness/Crossgate/W. 27th Street has been a development in progress for a number of years. Neighbors want a development plan that will benefit the neighborhood, the schools, and the Lawrence community. Lawrence will benefit from having a place where families and kids can enjoy outdoor activities.

Sincerely,

Jamie Hulse
4403 Gretchen Ct.
Lawrence KS 66047

From: Bob Grabill [mailto:bgrabill@chiefexec.com]
Sent: Monday, February 24, 2014 10:19 AM
To: amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Proposed development

We understand that there is a proposed development including a go kart track close to our home in Alvamar.

Nothing could drive down home values faster not to mention disrupt sleep of we and our neighbors than this project.

We ask that you please not approve this.

Thank you,
Bob & Jennifer Grabill
2027 Hogan Ct.
(Masters Subdivision)

Bob Grabill | President & CEO
Chief Executive Network | phone: 785.832.0303 Ext. 102 | bgrabill@chiefexec.com
EXCHANGING EXPERTISE ⊠ BUILDING CORPORATE STRENGTH

Executive Meetings | Board Search | Strategic Resources

From: Leann Cooper [mailto:lcooper@gcsaa.org]
Sent: Monday, February 24, 2014 9:35 AM
To: amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Rezoning of 4300 W. 24th Place

Dear Planning Commissioners,

Regarding 4300 W. 24th place and the rezoning request – **my husband and I are writing in opposition**. I could list a multitude of reasons, but the main one is right there in the request – rezoning from Residential Office to Commercial Neighborhood. The word commercial changes the nature of the entire landscape. It's going to wreck the entire feel and value of our neighborhood – much like when we allowed the property to be rezoned to allow for a senior housing development that never panned out. We were stuck instead with dense apartment buildings with partying college students and an increase in all the disruptions that come with them. I'm not going to trust that if we change the zoning the Fun Center actually gets built in the way the developer states it will. I also don't like the idea of drive-thru fast food restaurants being built that close to my home. Again, it changes an area from a neighborhood to a commercial area – no thank you.

We have three schools in the immediate area and while I can appreciate the idea of building something to attract that demographic, I also really don't like the idea of increased traffic on Inverness – a road that hasn't been built for commercial use, but residential use.

Thank you for your time!

Leann & Andrew Cooper
4408 Gretchen Ct.
Lawrence, KS 66047

Leann Cooper | Senior Manager, Chapter Services
Golf Course Superintendents Association of America
1421 Research Park Drive | Lawrence, KS 66049
800.472.7878, ext. 3648 | 785.832.3648 Direct |
www.gcsaa.org | www.eifg.org | FACEBOOK | TWITTER

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
2/24/14

ITEM NO. 5C: SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH PLACE (SLD)

SUP-14-00026: Consider a Special Use Permit for a *Fast Order Food with Drive-Thru* as part of the future commercial pad site development, to be located on the west portion of property located at 4300 W 24th Place. Submitted by Paul Werner Architects, for Corporate Holdings II LLC, property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of a special Use Permit for *Fast Order Food with Drive-Thru* as part of a future commercial development located at 4300 W. 24th Place and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

1. Approval contingent on approval of rezoning to CN2.
2. Prior to release of the site plan for issuance of a building permit the applicant shall;
    a. Submit a revised Special Use Permit (site plan) to include building elevations demonstrating compliance with the Commercial Design Guidelines and a photometric plan per section 20-1103 per staff approval.
3. Provision of a revised site plan to include the following notes and changes
    a. Revise note 1.7 to state that a photometric plan per section 20-1103 shall be submitted for review and approval prior to release of the Special Use Permit for issuance of a building permit.
    b. Provision of a note on the face of the plan that limits the number of *Fast Order Food Drive-Thru* uses for this property to one (1). Any additional *Fast Order Food Drive-Thru* uses for this property shall require approval of a Special Use Permit prior to construction.
    c. Provision of a revised site plan that reduces the total off-street parking and/or provides a plan for best management practices per 20-901 (c) and per the approval of the City Stormwater Engineer.
    d. Provision of a revised landscape plan that shows shrubs along the off-street parking spaces adjacent to W 24th Place.
4. Prior to the Consideration of this Special Use Permit by the City Commission the applicant shall submit a revised site plan that provides pedestrian connections, pedestrian amenities, and buffer yard treatment along Inverness Drive and at the intersection of Inverness Drive and W. 24th Place consistent with the recommendations in the Inverness District Plan.
5. Operating hours for Drive-Thru operation shall be restricted to 11:00 P.M. Sunday –Thursday and midnight on Friday-Saturday.

Applicant's Reason for Request: *A fast order food with drive-through is proposed for the site.*

ASSOCIATED CASES/OTHER ACTION REQUIRED

ASSOCIATED ITEMS BEING CONSIDERED AT THE FEBRUARY PLANNING COMMISSION MEETING:

- TA-13-00488; Special Use in CN2 District – applies to the overall project but does not apply to this specific application.
- Z-13-00483; RSO to CN2
- SUP-13-00486; Family Fun Center
- **SUP-14-00026; Retail/restaurant uses with drive-thru**

Other Action Required

- City Commission approval of rezoning and adoption of ordinance.
- City Commission approval of Special Use Permit and adoption of ordinance.
- Publication of rezoning ordinance.
- Submission and approval of a site plan for compliance with commercial design guidelines, and photometric plans and any other conditions of approval.

KEY POINTS

- This application is intended to secure the conceptual design of a future commercial development with drive-thru uses.
- Specific tenants are not identified at this time.
- A Special Use Permit is required for drive-thru uses for Fast Order Food in the CN2 District. Other retail drive-thru uses such as a pick up window or bank teller window, not subject to a Special Use Permit.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Inquiries via phone regarding proposed development.
- Communication from Wimbledon Terrace Townhomes Association

ATTACHMENTS

1. Area Map
2. Inverness Park Neighborhood Land Use Plan
3. Site Plan

GENERAL INFORMATION

Current Zoning and Land Use:	RSO (Residential Office) District, undeveloped.
Surrounding Zoning and Land Use:	To the northwest/west: RM12 (Multi-Dwelling Residential District) a church and duplexes are located west and northwest of the subject property. To the southwest: RS7 (Single-Dwelling Residential) District a subdivision of single family residences is located southwest of the property to the west of Inverness Drive. GPI (General Public and Institutional) District; elementary and middle schools located farther southwest along Inverness Drive.

To the south:

PRD-[The Grove] and PRD-[The Legends at KU]; multi-dwelling residences.

To the north:

RM12 (Multi-Dwelling Residential) District: Bishop Seabury Academy campus.

PD-[Wimbledon Terraces PRD]: existing multi-dwelling townhouse residential development.

RSO (Single-Dwelling Residential-Office) district; Clinton Parkway Animal Hospital.

To the east:

RM15 (Multi-dwelling Residential) District; multi dwelling residences. Proposed use to the immediate east will be the recreation center (SUP-13-00486).

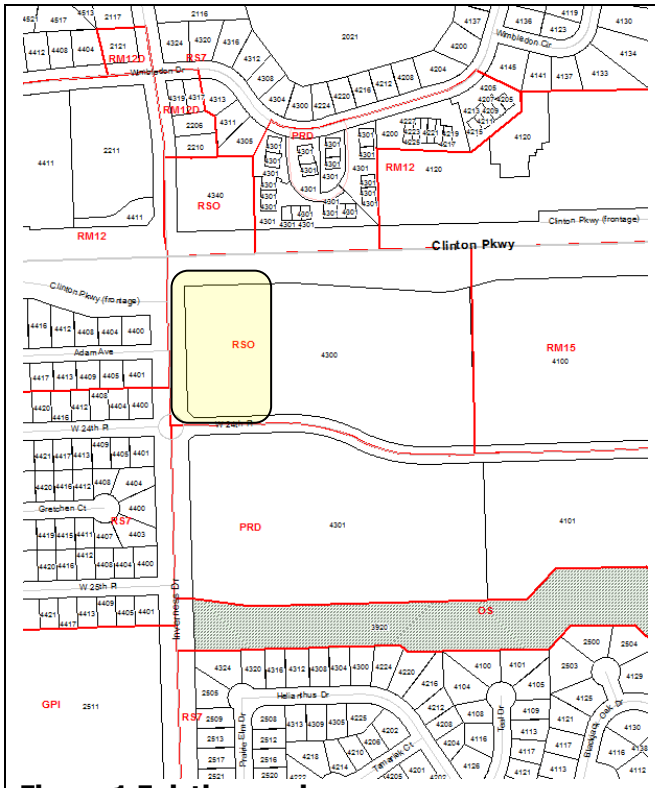


Figure 1 Existing zoning

Figure 2 Existing land use

Summary of Request

This application is for the development of property in the CN2 District to include both retail and fast food uses. At this time specific tenants are not known. The development is subject to pending approval of CN2 zoning. If approved the CN2 District would allow a variety of land uses that would be permitted subject to only site plan approval. However, *Fast Order Food uses with a Drive-Thru* specifically require approval of a Special Use Permit in the Neighborhood Commercial District.

Any conditional approval of the CN2 District must also be applied to this application. The review of this application assumes the approval of the proposed CN2 District and assumes restrictions on uses

such as multi-dwelling residences discussed in the related rezoning application. There are no proposed residential elements included in this proposed Special Use Permit.

The proposed plan shows two drive-thru uses. One drive-thru use is anticipated to be related to retail-service uses such as a bank, dry cleaners, or other personal service use. The other drive-thru is anticipated for a *Fast Order Food* use as a stand alone pad site within this commercial development.

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: *The Development Code allows Fast Order Food in CN2 Districts and permits Fast Order Food with a Drive-in via the SUP process.*

This application is submitted concurrently with the application for CN2 (Neighborhood Commercial) District zoning and an application for a Special Use Permit for a recreation facility use to the immediate east. The primary purpose of this application is to provide a conceptual design for the establishment of a pad site likely to be developed with a *Fast Order Food* (with drive-thru) use in the future.

The plan shows two drive-thru uses. The pad site at the south end of the site is intended as the primary drive-thru generating use as a *Fast Order Food, Drive In*. The building at the north end also shows a drive-thru use that could accommodate retail uses that include a drive-up window or a *Fast Order Food*. Some drive-thru uses are allowed in the CN2 district (non-food related) and do not require a Special Use Permit. For the purposes of this application the SUP request relates only to the *Fast Order Food with Drive-Thru* use.

The purpose of the CN2 District is for neighborhood commercial uses. These uses can include such things as grocery stores as well as the "sale of good and services." Uses within this specific area are expected to have strong pedestrian connections between the commercial development and the residential areas as discussed in the *Inverness Park District Plan*. The Area Plan identifies the primary uses as including "Eating and Drinking Establishments, General Office, Retail Sales and Services, Fuel Sales, Car Wash, Civic and Public Uses, and Medical Facilities. *Fast Order Food, Drive-In* would be included in this list of uses.

A detailed discussion of the physical site plan portion of this proposed development is discussed in the second part of this report.

At this time, the Special Use Permit plan only lays out the building and parking arrangement but does not provide any building elevations or photometric plans as required by code. As such approval of this SUP would require a condition that additional detail be submitted for review and approval prior to release of the SUP for issuance of a building permit.

Staff Finding – Drive-Thru services for *Fast Order Food* uses are allowed in the proposed CN2 District subject to approval of a Special Use Permit. As conditioned, this use complies with the applicable provisions of 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

Applicant's Response: *The Inverness Park District Area Plan recognizes this site would be developed with more Intensification which would lead to more activity, traffic noise and light. A larger 50' landscape buffer has been provided along inverness Drive to minimize light and noise for the properties west of Inverness Drive.*

As noted earlier, this application was submitted concurrently with the Special Use Permit application for the recreation use. This proposed retail use is intended to be integrated and compatible with the proposed recreation use with connectivity between the two developments. The property is adjacent to Clinton Parkway, an arterial street, to the north and Inverness Drive, a collector street, to the west. Higher intensity uses are located to the south along W 24th Place (multi-dwelling residential uses). Office, religious assembly, multi-dwelling and education facilities (Bishop Seabury Academy) are located to the north. Lower density uses including detached and duplex uses are located along the west side of Inverness Drive. Public elementary and middle schools are located farther south on Inverness Drive.

The proposed retail uses would presumably have comparable operating hours similar to existing non-residential uses in the area along Clinton Parkway and the proposed recreation use to the east. As a Neighborhood Commercial Center activity is not expected to occur 24/7 as can be found with some *Fast Order Food* uses. Often the drive-thru use is extended beyond the hours of operation of the dining room portion of some restaurants. The Planning Commission has the authority to establish restrictions and limitations on hours of operation to ensure compatibility with the surrounding uses.

A Neighborhood Commercial Center is expected to have connectivity and sensitivity to the residential uses in the immediate area. Site lighting and pedestrian pathways are integral to achieving this compatibility. As noted earlier, a photometric plan will be required as a condition of approval.

Establishment of key elements including building arrangement and pedestrian connectivity are critical to the initial approval of this application as it will be the foundation of the ultimate development of the site. Compatibility of this site with the residential uses to the west and south should be enhanced with better aligned pedestrian connections and pedestrian amenities at the southwest corner of the property.

Staff Finding – The proposed use is compatible with the adjacent uses in terms of size & massing of non-residential uses in the immediate area. Improved pedestrian connections and amenities are needed to enhance the compatibility of the site with the residential uses in the area. A photometric plan is required to insure lighting is compatible with the surrounding uses.

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

Applicant's Response: *The proposed use will not cause neighboring property to decline in value, but instead will provide great amenities to the neighborhood.*

This evaluation criteria is specifically related to the intensity of the development and, more specifically, the traffic generated by the proposed *Fast Order Food* use. Drive-thru uses are not inherently pedestrian oriented as they function to provide auto oriented accessibility. Some *Fast*

Order Food uses include multiple order and pick up windows and multiple drive-thru lanes to accommodate a high volume of turn-over traffic. These types of uses often are located near major intersections, highway access points and with direct access to arterial streets. Other *Fast Order Food* uses are more characteristically sit-down restaurant type uses with drive-thru uses being more accessory to the business rather than the primary use. Additionally, many high-volume *Fast Order Food* uses include late night drive-thru only hours. These types of *Fast Order Food* uses are not consistent with a neighborhood commercial development.

The Development Code does not distinguish between high volume traffic oriented *Fast Order Food* and other types of *Fast Order Food* uses with a drive-thru as an accessory use. This application does not include a specific tenant. It is unlikely that well known chain store type restaurant (*Fast Order Food*) uses would find this particular location desirable as there is no direct access to Clinton Parkway. As a lower traffic volume class use is more probable it is likely to be patronized and supported by immediate neighborhood customers. Such uses include coffee, pastry, or specialty signature type businesses that could benefit from the existing peak hour traffic associated with the many local school and residential uses in the immediate area. This type of use would likely be considered beneficial to the neighborhood.

Appropriate site design is important to ensure compatibility and buffering standards are met. A development with multiple *Fast Order Food, Drive-Thru* uses would be undesirable in this location and would be considered a diminishment to very low density uses (to the west). This concern can be mitigated by restricting the number of drive-thru uses that may be permitted for this property.

Staff Finding – Substantial diminution of other property values in the area is not anticipated with a low volume *Fast Order Food* use that offer drive-thru service as secondary to seating. However, multiple *Fast Order Food* uses offering drive-thru services at this site would be considered to be detrimental.

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 applicant has submitted the required drainage, traffic and downstream sanitary sewer studies for the overall project. City staff has accepted all of them and no off-site improvements are required. Adequate public facilities and transportation access is accommodated for this development.

Staff Finding – Adequate public facilities and transportation access is accommodated for this development.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

The proposed request provides an enforceable tool to address the use and continued maintenance of the property with regard to landscaping, exterior activity, and off-street parking. The key consideration of this application is intended to address the approval of the drive-thru activity for the *Fast Order Food* use. Some uses within the CN2 district allow drive up windows and are not subject to the provisions of a Special Use Permit. Without the proposed *Fast Order Food with Drive-Thru*, site development would only be subject to site plan approval. Both the Site Plan and the Special Use Permit process provide adequate assurance of continuing maintenance.

This application for a Special Use Permit is specific to drive-thru use as it relates to *Fast Order Food* uses. This activity is intended for the Building A as shown on the site plan as the primary recipient of this approval. Approval of this Special Use Permit should not be considered to be transferable to any of the tenant spaces to the north as shown on this site plan. Each *Fast Order Food* use that intends to provide "pick up/order window" shall be required to first secure a Special Use Permit. This will ensure that neighborhood concerns are addressed as tenants change over time within the building. This will result in additional reveiw time that must be considered by the developer when leasing spaces within the proposed building.

Staff Finding – Adequate assurances of continued maintenance are inherent in the Special Use Permit approval process.

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

Applicant's Response: *The natural environment will be improved with substantial landscaping on the site and the proposed uses will not cause adverse impacts on the natural environment.*

There are no identified natural features subject to special protection for this property. Existing vegetation will be augmented or rehabilitated as part of the development of this property especially along Clinton Parkway and Inverness Drive. There is no regulatory floodplain encumbering this property.

Staff Finding – The proposed development is not subject to regulatory controls to protect the significant natural features. This property is free from regulatory floodplain encumbrances.

7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO, WHAT THAT TIME PERIOD SHOULD BE

This Special Use Permit is required to accommodate a specific use [*Fast Order Food, Drive-In*] in this district. The proposed project was initially submitted as a future phase of Family Fun Center to the east. This application separates the request from the Family Fun Center but does not specify the development time frame of the property for either building.

If approved, the drive-thru feature for a Fast Order Food use would be considered a permanent and integral part of the use. Therefore, placing a time limit on the use would not be recommended. The Commission can however restrict the activity or hours of operation of the drive-thru to further ensure compatibility as discussed earlier.

Staff Finding – Staff recommends a condition on the Special Use Permit as it relates to the hours of operation for the drive-thru use.

STAFF REVIEW

The following review provides a summary of the site plan elements of this Special Use Permit request. It is probable that the commercial portion of this property may be subdivided in the future. The site summary addresses the west 3 acres of the 10.9 acre site. The east 7.7 acres is addressed in the staff report for SUP-13-00486; Family Fun Center.

A. Site Summary

Site Summary: West portion of Lot 2, Remington Square Addition No. 1		
	Existing	**Proposed**
Total area:	10.9 Acres (entire platted lot)	3.106 Acres
Lot Size:	10.9 Acres (entire platted lot)	3.106 Acres
Building: (SF) • Pad site • Multiple tenant building	 0 0	 2,700 12,500
Note: This property may be subdivided in the future to create a separate lot or lots		

There are several discrepancies in the site plan drawing and the site notes that need to be addressed for consistency, if approved.

B. Access and Parking

On-site Parking:

The site plan as proposed identifies a pad site and multiple tenant building with various uses. Restaurant uses require parking at a ratio of 1 space per 100 SF of customer service area plus 1 space per employee. As an example the pad site requires a minimum of 23 off-street parking spaces if 2300 SF of customer service area is provided. Other commercial uses vary in the required off-street parking, however most are required to provide parking at 1 space per 200 SF of building area.

This site plan shows a total of 57 required spaces and 124 spaces proposed. In accordance with Section 20-901 (a) this excess parking must be mitigated through best management practices for stormwater surface runoff. A condition of approval shall be to either reduce the total number of off-street parking spaces, provide a parking lot design that includes bio-swales, permeable pavement, or other engineering solution or a combination of both parking reduction and best management practices per the approval of the City Stormwater Engineer. This design criteria does not affect the proposed request to consider a *Drive-Thru* for a *Fast Order Food* use.

Direct Access: Access to this site is provided via a single shared driveway at the east end of the property to W 24th Place. Access to Clinton Parkway and Inverness Drive is prohibited.

C. Design Standards

Basic design standards have been evaluated for this proposed commercial development. Much of the evaluation will be deferred until more specific land use plans and/or specific tenants are identified. Approval of this Special Use Permit secures the ability to provide at least one *Fast Order Food with Drive-Thru* use on this property. As proposed, this use would be located nearest the existing residential uses at the south end of the property. Conditions of approval reflect the need for additional documentation to demonstrate compliance with Zoning Code and Commercial Design Guidelines that are typically reviewed at the administrative level.

This property is uniquely located within the Inverness Park District Plan boundary. A recommendation contained in the plan is that any project or development subject to site planning would be required to be considered by the City Commission. Staff's recommendation is that prior to the City Commission's consideration of the Special Use Permit, a revised site plan be submitted to address inconsistences in the drawing and to address any conditions of approval recommended by the Planning Commission.

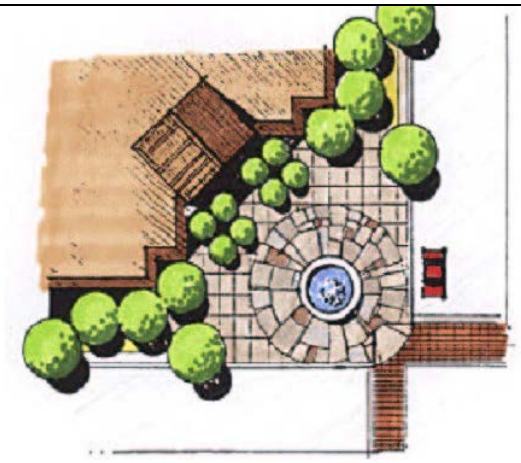
In addition to site summary information required, staff recommends additional pedestrian connections, pedestrian amenities, and buffer yard treatment along Inverness Drive and at the intersection of Inverness Drive and W 24th Place be provided prior to consideration of the Special Use Permit by the City Commission. These elements were specifically identified in the District Plan to mitigate more intensive commercial activity on this site.

Building Elevations: Prior to issuance of a building permit, a revised plan including building elevations is required to demonstrate compliance with the Commercial Design Guidelines. This requirement is reflected as a condition of approval.

Pedestrian accessibility and amenities: Several pedestrian connections within the development and from the public sidewalks to the development are mislocated, inappropriate or lacking. Additional attention should be given to pedestrian connections to the recreational uses to the east. Many of the participants will be youth and save transitions between the retail center and the recreation uses are necessary.

Previous development discussions of this property and specifically the southwest corner of this property, have focused on the need for a wide buffer that provide transition between the residential uses to the west and the commercial uses to the east. These discussions have included mini-park like areas with pedestrian amenities. The following examples of pedestrian amenities are provided for reference and can be found in the Commercial Design Guidelines (page 21).

an internal green space, water feature, & seating areas oriented to the pedestrian user



example showing how to incorporate a focal point at the corner of a street intersection

pedestrian seating areas, enhanced with landscaping, encourages pedestrian activity

Figure 3 Commercial Design Guideline Examples

The proposed site plan includes landscaping within a 50' wide buffer at the south end of the development along Inverness Drive.

Figure 4 Existing Development

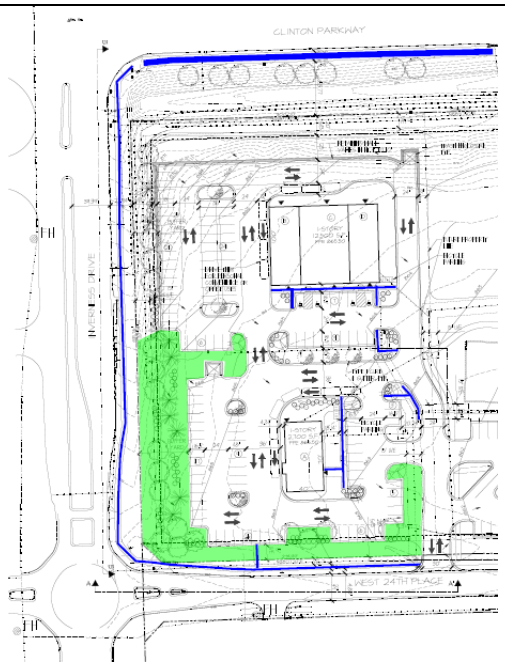


Figure 5 Existing Development

D. Landscaping and Screening

***Street Trees*:** The proposed plan shows the required street trees along Clinton Parkway (within the right-of-way) and along Inverness Drive. Street trees along W 24th Place are setback north of an existing utility easement and are within the parking lot landscape islands rather than spaced uniformly along the street frontage. The site plan does not clearly indicate that there are existing utilities within the easement adjacent to W 24th Place. If the easement is vacant then street trees can be appropriately located uniformly along the street frontage. Additional clarification is needed to confirm the presence of utilities in this easement.

Interior Landscaping: The site plan shows the plan complies with the required interior landscape standards for interior parking. Several notes on the plan must be revised to address consistency. Notably this proposed plan includes more than double the required parking for the proposed uses. A reduction in the off-street parking area will increase the amount of landscape space within the site and along the perimeter of the development.

Perimeter Landscaping: This property is adjacent to public streets on three sides. Parking is proposed along Inverness and W. 24th Place. The parking areas are screened per the Development Code with the exception of W 24th Place. Staff recommends the plan be revised to add additional shrubs along the parking spaces adjacent to W 24th Place. The applicant has indicated there isn't room due to the existing easement and utilities. The applicant can redesign the site to provide the code required landscaping

Mechanical Equipment Screening: At this time details of the building mechanical plans are not available. A general note on the face of the plan recognizes the requirement that these elements must be screened. Prior to issuance of a building permit the applicant shall be required to provide building elevations that demonstrate compliance with this standard.

Bufferyard: Bufferyard standards are applicable to the north, west, and south sides of this property.

Clinton Parkway Buffer Yard. The applicant has requested alternative compliance for the provision of landscaping along the north side of the property as the existing topography includes a 10' hill and thus screening is not necessary between the proposed use and Clinton Parkway. Staff concurs the natural topography provides adequate screening. The majority of this property is much lower than Clinton Parkway the existing vegetation along the natural swale and the addition of Street Trees are sufficient to meet the intent of buffing for this property.

Inverness Drive Buffer Yard. Inverness Drive is the dividing line between the proposed commercial use on the east side of the street and low density residential uses on the west side of the street. The plan exceeds the required landscape planting standards for screening along Inverness Drive. This transition area is specifically shown in the *Inverness Park District Plan.* The plan does not proscribe a specific width of the buffer yard. It is assumed from the graphic representation and the text contained on page 19 of the plan the buffer would be more substantial than the minimum area requirements set out in the Development Code. The plan specifically sates: "Compliance with the buffer will be required with site plan/development plan approval." The following graphic provides a representation of the depth of the buffer yard.

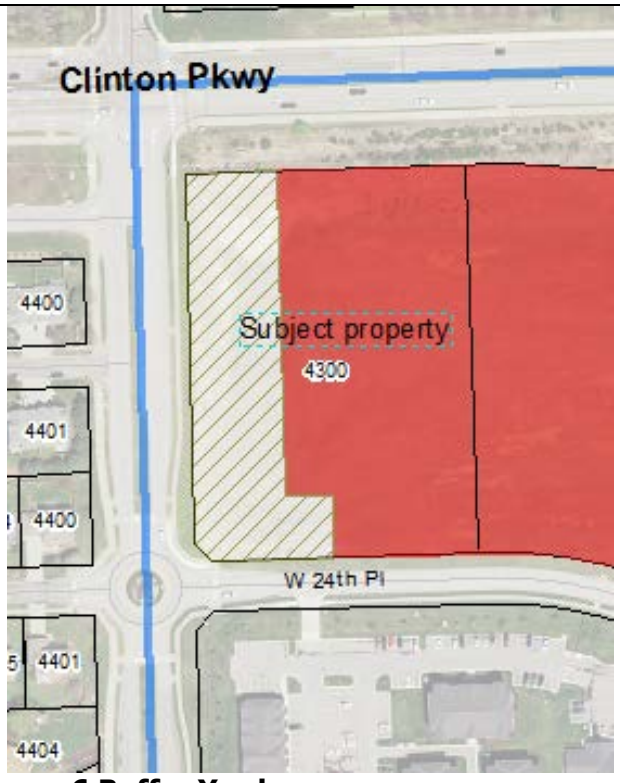


Figure 6 Buffer Yard

The width of the buffer yard, if mapped literally and overlaid with the existing development pattern, would be 106' wide and represent one third the total width of the proposed development.

Additionally this buffer wraps around the corner and extends past the western access drive of the apartment complex on the south side of W 24th Street.

A Type 1 Buffer yard along Inverness Drive is required for this development. The Development Code provides options for buffer yards from as narrow as 10' to as wide as 25'. The north portion of the buffer yard proposed is 25' wide. The south portion is 50' wide.

The proposed plan provides a code compliant buffer yard along Inverness Drive as shown in the following image. Staff recommends that the area at the immediate intersection be widened and extended along W 24th Place to provide a buffer consistent with the District Plan recommendations.

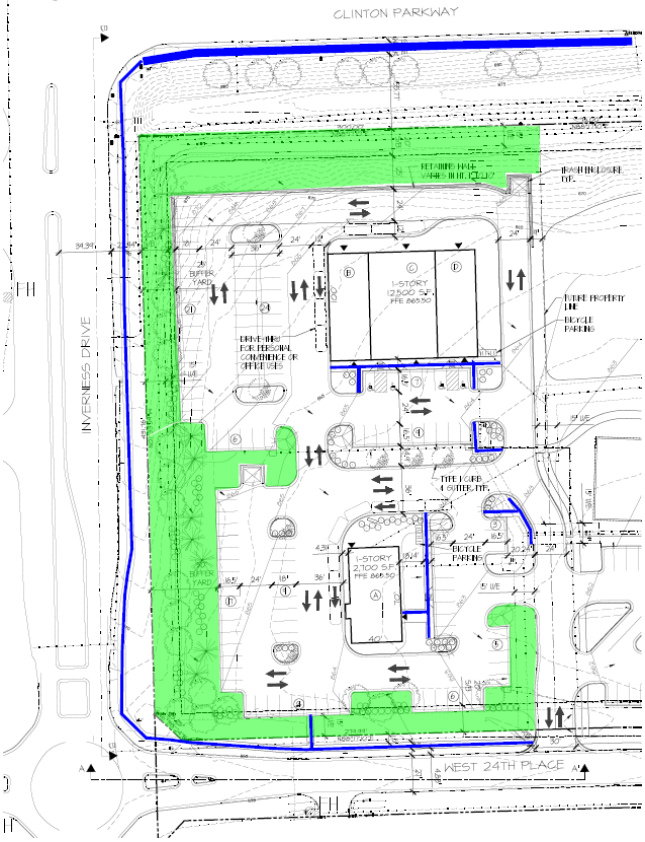


Figure 7 Proposed buffer yard

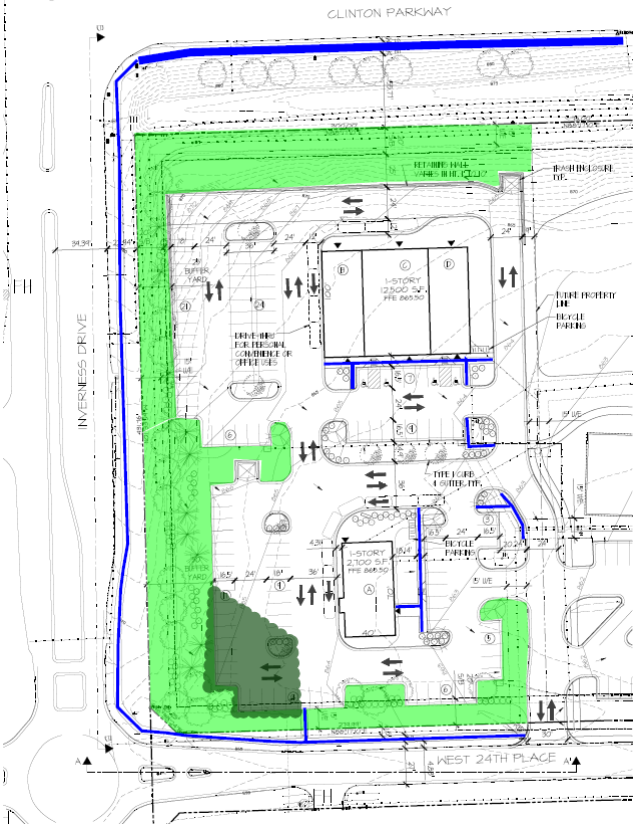


Figure 8 Recommended buffer yard

E. Lighting

The applicant has not provided a photometric plan at this time. A photometric plan will be required prior to the issuance of a building permit. Staff recommends note 1.7 be revised to clarify that a building permit for any part of this development shall not be issued until a photometric plan has been submitted for review.

F. Floodplain

There are no regulatory floodplain encumbrances on this property.

CONCLUSION

As discussed in the body of this staff report several changes are needed to the plan. Key decisions regarding this development must address the number of *Fast Order Food Drive-Thru* uses for the site and the applicable treatment of the intersection of Inverness Drive and W 24th place. Appropriate pedestrian connections and amenities at the intersection should be provided to insure neighborhood connectivity and compatibility.

PROPERTY OWNERS OF RECORD:

PROPERTY OWNER:
CORPORATE HOLDINGS, LLC
PO BOX 1500
OLATHE, KS 66051

LEGAL DESCRIPTION:

REMINGTON SQUARE ADDITION NO. 1, REPLAT OF LOTS 2 & 3, BLOCK 1 INVERNESS PARK PLAZA ADDITION NO. 1, WEST 300 FEET OF BLOCK 1, LOT 2, IN DOUGLAS COUNTY, KANSAS.

GENERAL NOTES:

1.1 ALL REQUIRED ACCESSIBLE SIDEWALK RAMPS PER A.D.A. STANDARDS.

1.2 SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28CFR PART 36.

1.3 THE CITY OF LAWRENCE WILL NOT BE HELD RESPONSIBLE FOR PAVEMENT DAMAGE CAUSED BY TRASH TRUCKS.

1.4 PLAN FOR CITY APPROVAL ONLY! CONSTRUCTION DOCUMENTS TO BE FURNISHED AT THE REQUEST OF OWNER.

1.5 INFORMATION TAKEN FROM AERIAL PHOTOS, SURVEY PERFORMED BY BG CONSULTANTS.

1.6 ALL TRAFFIC CONTROL SIGNS PLACED ON PRIVATE PROPERTY OPEN TO THE GENERAL PUBLIC SHALL COMPLY WITH THE "MANUAL ON UNIFORMS TRAFFIC CONTROL DEVICES" AND "STANDARD HIGHWAY SIGNS," PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION, WITH RESPECT TO SIZE, SHAPE, COLOR, RETROREFLECTIVITY, AND POSITION.

1.7 PHOTOMETRIC PLAN FOR EXTERIOR LIGHTING TO BE SUBMITTED AND APPROVED PRIOR TO THE RELEASE OF BUILDING/ELECTRICAL PERMITS FOR EXTERIOR LIGHTING.

1.8 EXTERIOR GROUND-MOUNTED OR BUILDING-MOUNTED EQUIPMENT INCLUDING, BUT NOT LIMITED TO, MECHANICAL EQUIPMENT, UTILITY BOXES AND METERS, SHALL BE FULLY SCREENED FROM VIEW OF ADJACENT PROPERTIES AND FROM STREET RIGHTS-OF-WAY (AS MEASURED 6 FT ABOVE GROUND LEVEL). SCREENING SHALL BE IN THE FORM OF LANDSCAPE PLANTING OR AN ARCHITECTURAL TREATMENT COMPATIBLE WITH THE ARCHITECTURE OF THE THE PRINCIPAL BUILDING.

1.9 PER CITY CODE SECTION 9-902, ANY OUTDOOR DINING AREA WILL BE MANAGED TO PREVENT STORMWATER POLLUTION. FOOD WASTE, TRASH, CIGARETTES AND OTHER SOLID WASTES MUST BE CONTAINED, COLLECTED, AND DISPOSED PROPERLY. COLLECTION MUST BE FREQUENT ENOUGH TO PREVENT WASTES CARRIED OFF BY WIND OR STORMWATER RUNOFF. FLUID WASTE, INCLUDING WASTEWATER FROM PAVEMENT OR FURNITURE CLEANING, WILL BE COLLECTED AND DISCHARGED TO THE SANITARY SEWER SYSTEM.

1.10 ALL CURB INLETS WILL BE CONSTRUCTED PER CITY STORM SEWER STANDARD DETAILS. PER CITY CODE CHAPTER IX ARTICLE 9-903(B)

PROJECT SUMMARY:

2.1	CURRENT ZONING:	RSO
2.2	PROPOSED ZONING:	CN2
2.3	CURRENT USE:	VACANT
2.4	PROPOSED USE:	FAST ORDER FOOD, DRIVE-IN; PERSONAL IMPROVEMENT SERVICE; FOOD AND BEVERAGE RETAIL SALES
2.5	LAND AREA:	3.106 ACRES (135,328 SQ. FT. +/-)
2.6	PROJECT PROPOSED:	PAD SITES

PROPERTY SURFACE SUMMARY:

EXISTING SUMMARY:

	SQ. FT.	AC.
TOTAL BUILDINGS:	0	0
TOTAL PAVEMENT:	0	0
TOTAL IMPERVIOUS:	0	0
TOTAL PERVIOUS:	0	0
TOTAL PROPERTY AREA:	135,328	3.106

PROPOSED SUMMARY:

	SQ. FT.	AC.
TOTAL BUILDINGS FOOTPRINT:	10,700	.246
TOTAL PAVEMENT:	71,463	1.651
TOTAL IMPERVIOUS:	82,663	1.897
TOTAL PERVIOUS:	52,665	1.209
TOTAL PROPERTY AREA:	135,328	3.106

PARKING INFORMATION:

2.1 PARKING: REQUIRED/PROVIDED — PHASE III

Ⓐ - FAST ORDER FOOD, DRIVE-IN: 1 SPACE PER 100 S.F. OF CUSTOMER SERVICE AREA + 1 PER EMPLOYEE
1,680 S.F. / 100 = 16.8 = 17 SPACES + 6 EMPLOYEES = 23 SPACES REQUIRED/51 PROVIDED
BICYCLE: 5 OR 1 PER 10 AUTO SPACES, WHICHEVER IS GREATER = 6 REQUIRED/8 PROVIDED
Ⓑ - PERSONAL CONVENIENCE SERVICE, DRIVE-IN: 1 SPACE PER 300 S.F. OF CUSTOMER SERVICE AREA + 1 PER EMPLOYEE
1,600 S.F./300 = 6 SPACES + 6 SPACES REQUIRED/21 PROVIDED
Ⓒ - PERSONAL IMPROVEMENT SERVICE: 1 PER 200 S.F.
4,000 S.F. / 200 = 20 SPACES REQUIRED/22 PROVIDED
Ⓓ - FOOD AND BEVERAGE RETAIL SALES: 1 PER 300 S.F.
2,400 S.F. / 300 = 8 SPACES REQUIRED/24 PROVIDED
BICYCLE: 5 OR 1 PER 10 AUTO SPACES, WHICHEVER IS GREATER = 7 REQUIRED/7 PROVIDED

2.2 TYPICAL DIMENSIONS: REGULAR AND HANDICAPPED SPACES - 9' X 18' (16.5' + 1.5' OVERHANG AT SIDEWALKS OR PERIMETER ROWS)
SIDEWALKS SHALL BE 4" CONCRETE - 5' OR 6' WIDE DEPENDING UPON THE LOCATION.
HANDICAPPED SPACES TO INCLUDE ACCESS AISLE 5' MIN. WIDTH.

2.3 PAVEMENT (PER CITY STD.): APPROACHES: 7" CONCRETE W/ #5 BARS 12" O.C.B.W. - PER CITY STANDARDS
PARKING AREAS: 5" CONCRETE ON 4" CRUSHED LIMESTONE
CONCRETE PAVEMENT WILL MEET CITY OF LAWRENCE PUBLIC WORKS STANDARD TECHNICAL SPECIFICATIONS (SECTION 2000 - CONCRETE) FOR 4000 PSI CONCRETE.

2.4 PAVEMENT SUBGRADE SHALL BE PREPARED PER THE GEOTECH REPORT

LANDSCAPING NOTES:

SYM.	DESCRIPTION	QTY.	APPROVED TYPES	BOTANICAL NAMES	SIZE	COND.
	STREET TREES	27	LEGACY SUGAR MAPLE SUMMERSHADE NORWAY MAPLE LACEBARK ELM SHUMARD OAK GREENSPIRE LINDEN LONDON PLANE TREE	ACER SACCHARUM 'LEGACY' ACER PLATANOIDES 'SUMMERSHADE' ULMUS PARVIFOLIA QUERCUS SHUMARDII TILIA CORDATA 'GREENSPIRE' PLATANUS OCCIDENTALIS 'BLOODGOOD'	2"-2 1/2" CAL	B & B
	SHADE TREES	6	ELM, LACEBARK HORNBEAM, COLUMNAR MAPLE, AUTUMN BLAZE MAPLE, COLUMNER NORWAY MAPLE, PACIFIC SUNSET MAPLE, SIENNA GLEN OAK, BUR BALD CYPRESS OAK, NORTHERN RED OAK, SHINGLE ZELKOVA, GREEN VASE OAK, SHAMP WHITE SAW TOOTH OAK NORWAY MAPLE THORNLESS HONEY LOCUST	ULMUS PARVIFOLIA CARPINUS BETULUS 'FASTIGIATA' ACER FREEMANII 'JEFFSRED' ACER PLATANOIDES ' COLUMNAR' ACER TRINCATUM X PLATANOIDES ACER FREEMANII 'SIENNA' QUERCUS MACROCARPA TAXODIUM DISTICHUM QUERCUS RUBRA FAGACEAE QUERCUS ZELKOVA SERRATA QUERCUS BICOLOR QUERCUS ACUTISSIMA ACER PLATANOIDES 'SUPERFORM' GLEDITSIA TRIACANTHOS VAR. INERMIS	2"-2 1/2" CAL	B & B
	EVERGREEN TREES	11	WHITE PINE EASTERN RED CEDAR GREEN GIANT, ARBORVITAE BLUE SPRUCE	PINUS STROBUS JUNIPERUS VIRGINIANA THUJA 'GREEN GIANT' PICEA PUNGENS	6'-8' HT.	B & B
	ORNAMENTAL TREES	7	KOUSA DOGWOOD CORAL BURST CRABAPPLE EASTERN REDBUD CRAB, SARGENTINA PEAR, CLEVELAND SELECT	CORNUS KOUSA MALUS 'CORALBURST' CERCIS CANADENSIS MALUS SARGENTII 'TINA' PYRUS CALLERYANA	1 1/2"-2" CAL	B & B
⊙	DECIDUOUS SHRUBS	75	BARBERRY, CRIMSON PIGMY BURNING BUSH, DWARF SPIREA, MAGIC CARPET NINE BARK, PURPLE LILAC, DWARF KOREAN VIBURNUM, ALLEGANY	BERBERIS THUNBERGII 'CRIMSON PYGMY' EUONYMUS ALATUS ' COMPACTUS' SPIREA X PHYSOCARPUS OPULIFOLIUS SYRINGA MEYERI 'PALIBIN' VIBRNUM X RHYTIDOPHYLLOIDES	18"-24" HT.	CONT
⊙	EVERGREEN SHRUBS	44	DWARF SPREADING YEW JUNIPER, SEA GREEN JUNIPER, GALLERY CARPET HOLLY, BLUE JUNIPER, GREY OWL	TAXUS CUSPIDA 'DENSA' JUNIPERUS VIRGINIANA 'GREY OWL' JUNIPERUS SABINA ' MONNA' ILEX X MESERVEAE JUNIPERUS X PFITZERIANA 'SEE GREEN'	24"- 36" HT.	CONT

3.1 THERE MUST BE A MIN. OF (4) SPECIES USED IN EACH CATEGORY, (6) SPECIES MIN. FOR STREET TREES.

3.2 ALL TURF AREAS TO BE SEEDED WITH K-31 FESCUE, SOD, OR AS ALLOWED BY CITY CODE.

3.3 REQUIRED INTERIOR LANDSCAPING AREA = 118 SURFACE SPACES*40 SQ. FT. PER SPACE = 28,720 SQ. FT.; 31,281 SQ. FT. PROVIDED.

3.4 BUFFERYARDS

BUFFERYARD ALONG WEST 24TH PLACE - WAIVER REQUESTED DUE TO 15' I/E BEING AT THE FRONT OF THE SITE. SHRUBS HAVE BEEN PROVIDED IN FRONT OF THE PARKING LOT TO MEET SHRUB REQUIREMENTS HOWEVER THERE IS NO ROOM FOR THE ADDITIONAL 5 TREES NOT PROVIDED VIA STREET TREES.
TYPE I - 15' WIDE, 274.99 IN LENGTH BUFFERYARD = 9 TREES AND 23 SHRUBS REQUIRED/ 0 TREES AND 27 SHRUBS PROVIDED
(5 TREES AND 12 SHRUBS MUST EVERGREEN BUT A WAIVER IS REQUESTED FROM THE EVERGREEN TREES SINCE THEY WOULD BE PLACED IN PARKING LOTS DUE TO SITE CONSTRAINTS. THERE IS NOT ADDITIONAL ROOM FOR EVERGREEN TREES IN PARKING LOT ISLANDS DUE TO STREET TREES BEING PLACED THERE.)

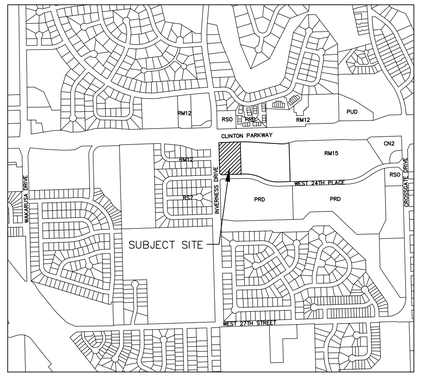
BUFFERYARD ALONG INVERNESS DRIVE - TYPE I - 25' WIDE, 431.76' IN LENGTH, - REQUIRED: 2 TREES AND 3 SHRUBS PER 100' = 9TREES, 24 SHRUBS (5 TREES AND 11 SHRUBS MUST EVERGREEN), PROVIDED: 24 TREES AND 41 SHRUBS

BUFFERYARD ALONG CLINTON PARKWAY- A WAIVER IS REQUESTED DUE TO THE SITE FRONTAGE BEING BUFFERED BY THE 10' +/- HILL SOUTH OF CLINTON PARKWAY

3.5 INTERIOR PARKING LOT LANDSCAPING

A - 51 SPACES X 40 S.F. LANDSCPAING AREA PER PARKING SPACE = 2,280 S.F. REQUIRED/1,683 S.F. PROVIDED
1 TREE AND 3 SHRUBS PER 10 SPACES; 5 TREES, 16 SHRUBS REQUIRED/6 TREES, 16 SHRUBS PROVIDED
B - D 67 SPACES X 40 S.F. LANDSCPAING AREA PER PARKING SPACE = 2,680 S.F. REQUIRED/4,071 S.F. PROVIDED
1 TREE AND 3 SHRUBS PER 10 SPACES; 7 TREES, 23 SHRUBS REQUIRED/7 TREES, 23 SHRUBS PROVIDED

LOCATION MAP



NORTH
NOT TO SCALE

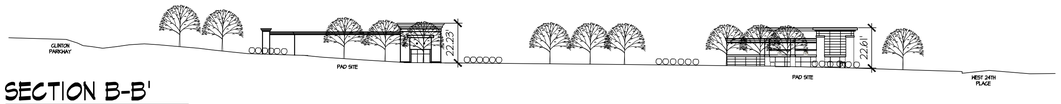
3.6 STREET TREES

WEST 24TH PLACE - 279.99 L.F./40 = 7 TREES REQUIRED/7 TREES PROVIDED

INVERNESS DRIVE - 457.01 L.F./40 = 12 TREES REQUIRED/12 TREES PROVIDED

CLINTON PARKWAY - 300 L.F./40 = 8 TREES REQUIRED/8 TREES PROVIDED

SECTION A-A'
SCALE 1" = 40'



SECTION B-B'
SCALE 1" = 40'

Approved and Released

City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Case No.
Approval Date:
Release Date:
Planner:
_____of_____Sheets
Asst./Director:

paulwerner ARCHITECTS

123 W. 8TH STREET
SUITE B2
LAWRENCE, KS 66044

OFFICE: 785.832.0804
FAX: 785.832.0890
INFO@PAULWERNERARCHITECTS.COM

©PAUL WERNER ARCHITECTS, L.L.C.
THIS DRAWING IS COPYRIGHTED WORK BY PAUL WERNER ARCHITECTS L.L.C. THIS DRAWING MAY NOT BE PHOTOGRAPHED, TRACED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF PAUL WERNER ARCHITECTS L.L.C.

INVERNESS CORNER

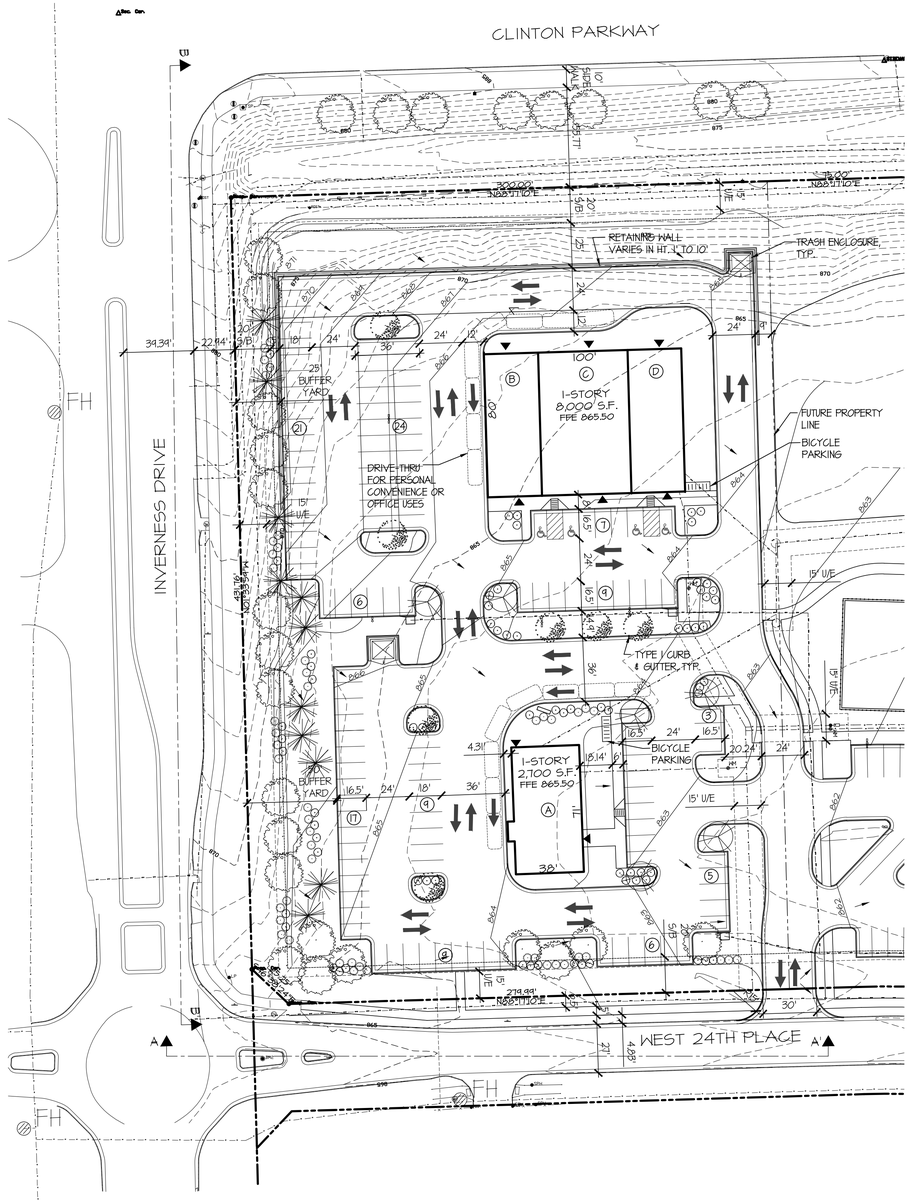
WEST 24TH PLACE & INVERNESS DRIVE
LAWRENCE, KANSAS

PROJECT # 213-730

RELEASE:	DATE:
1.0	1.23.14
1.1	2.19.14

SUP-1

J:\Project\213-000\213-730\CAD & CAD PDF's\Site\CAD\SITE PLAN\213-730 SP SHT 1 - INVERNESS CORNER.dwg, 2/19/2014 9:40:10 AM, DWG To PDF.pc3



SITE PLAN

SCALE: 1" = 40'-0"

0 20 40 80 120

NORTH

paul werner ARCHITECTS

123 W. 8TH STREET
SUITE B2
LAWRENCE, KS 66044

OFFICE: 785.832.0804
FAX: 785.832.0890
INFO@PAULWERNERARCHITECTS.COM

©PAUL WERNER ARCHITECTS, L.L.C.
THIS DRAWING IS COPYRIGHTED WORK BY PAUL WERNER ARCHITECTS L.L.C. THIS DRAWING MAY NOT BE PHOTOGRAPHED, TRACED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF PAUL WERNER ARCHITECTS L.L.C.

INVERNESS CORNER

WEST 24TH PLACE & INVERNESS DRIVE
LAWRENCE, KANSAS

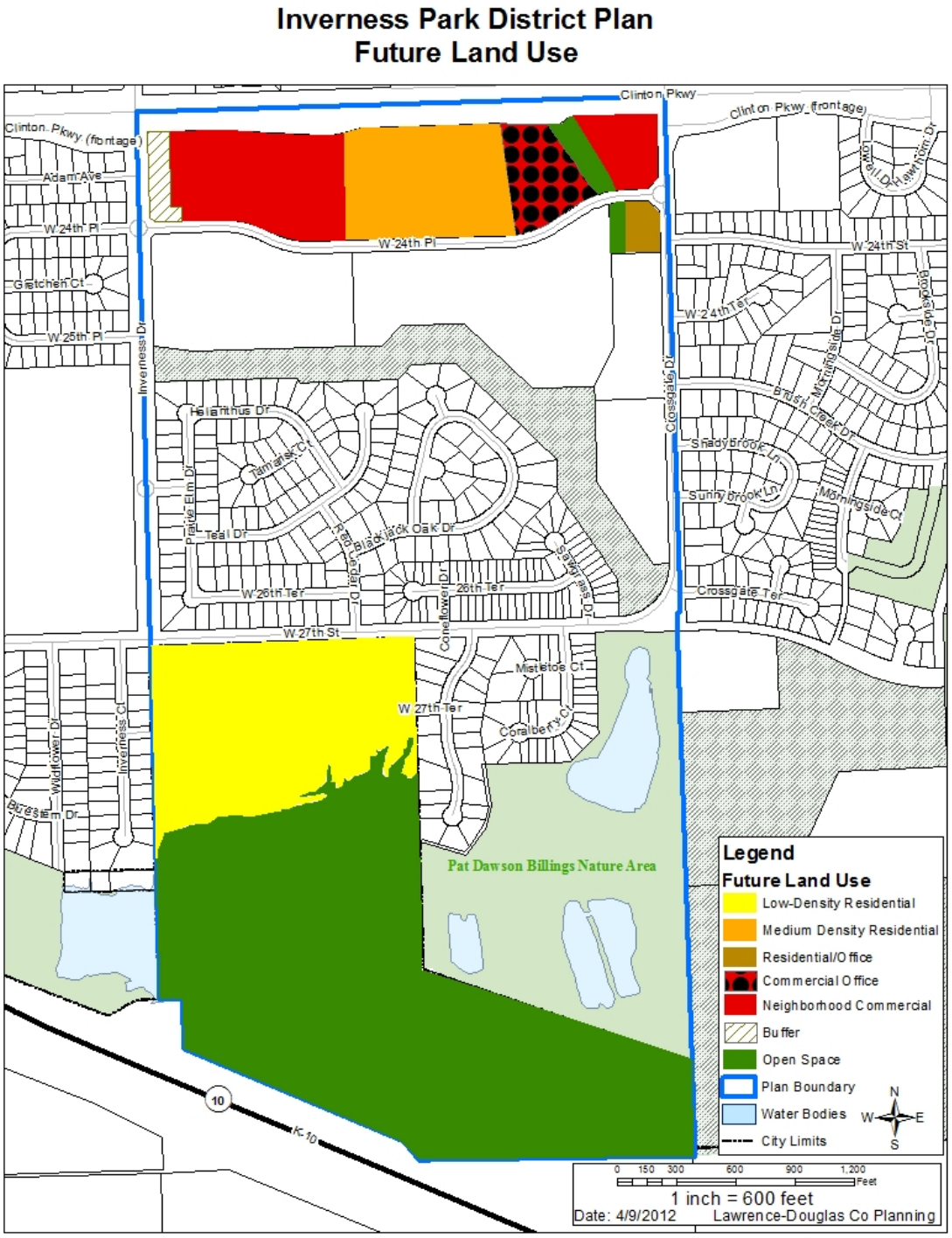
PROJECT # 213-730

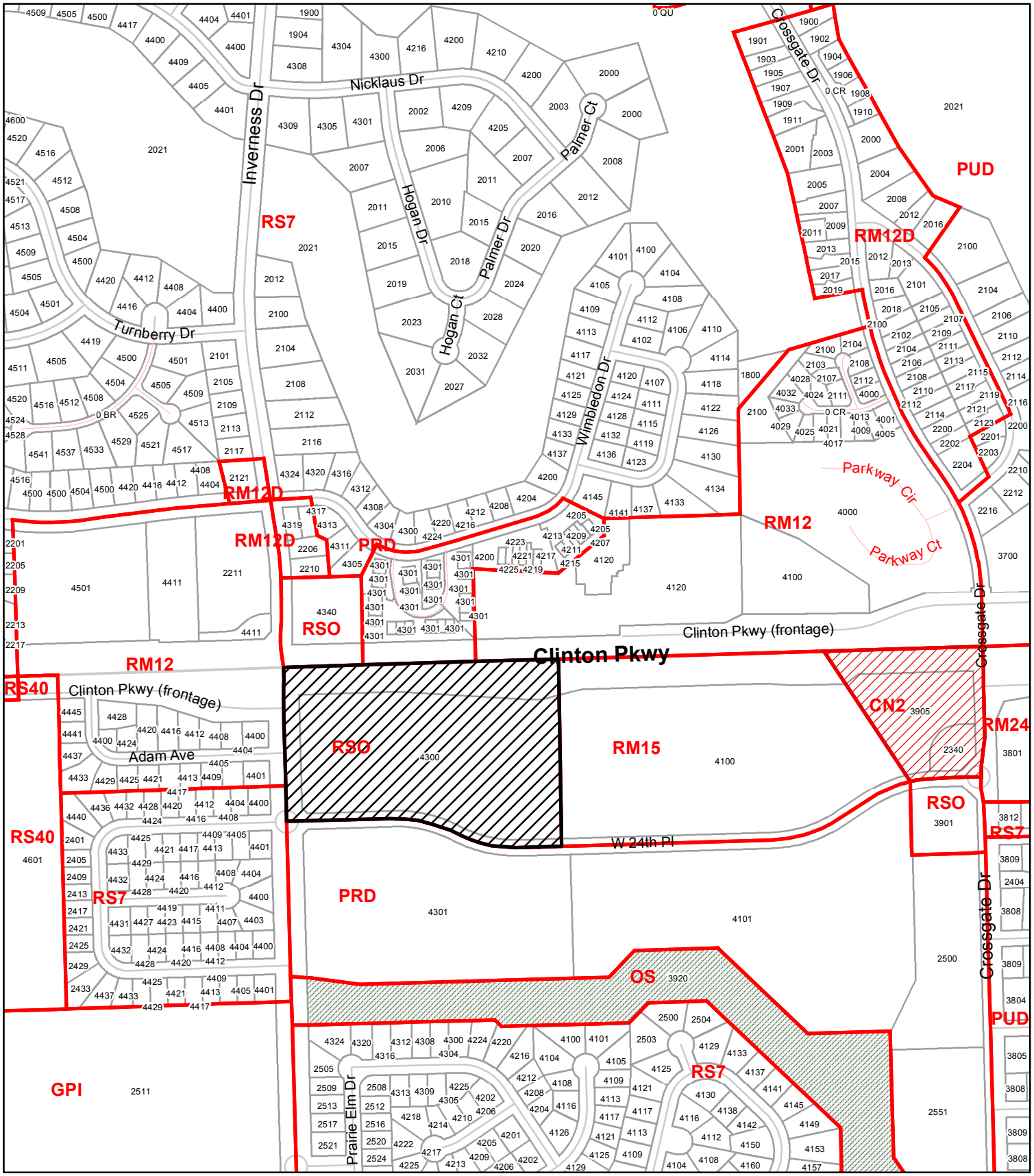
RELEASE:	DATE:
1.0	1.23.14
1.1	2.19.14

SUP - 2

J:\Project\213-0000213-730\CAD & CAD PDF's\Site\CAD\SITE PLAN\213-730 SP SHT 2 - INVERNESS CORNER.dwg, 2/19/2014 9:44:31 AM, DWG To PDF.pc3

Map 4-1 – Future Land Use





Z-13-00483: Rezone 10.97 acres from RSO District to CN2 District
SUP-13-00486: Special Use Permit for a Family Fun Center &
SUP-14-00026: Special Use Permit for Fast Order Food with Drive-thru
Located at 4300 West 24th Place

Lawrence-Douglas County Planning Office
February 2014

Subject Property

From:	Mulloy, Molly
To:	Travis Halm
Subject:	Letter from Wimbledon Terrance Townhomes Assn
Date:	Sunday, February 16, 2014 10:35:35 AM

Dear Mr. Halm,
Please see the letter below being sent on behalf of the 23 townhome owners at 4301 Wimbledon Terrace. As noted in the letter, we have some serious concerns about the proposed Family Fun Center project under consideration for the vacant land near Clinton Parkway and Inverness. Thank you for forwarding our letter to the Commissioners.
Molly Mulloy

February 14. 2014

Lawrence-Douglas County Planning Commission
Planning & Development Services
PO Box 708
Lawrence KS 66044

Dear Commissioners,

Members of the Wimbledon Terrace Townhomes Association, comprised of the 23 townhome owners at 4301 Wimbledon Terrace, strongly object to the proposed rezoning and special use permit for the large property at 4300 W. 24th Place (southeast corner of Inverness and Clinton Parkway). We are referring to the following items, Z-13-00483, SUP-13-00486, and SUP-14-00026, scheduled for discussion at your meeting on Monday, February 24, 2014. Our townhome development is directly across Clinton Parkway from the proposed project. We believe it will have a seriously negative effect on our neighborhood and the safety of the many children in this area.

We are concerned that the proposed "Family Fun Center" and its go-cart track will result in high levels of noise pollution and toxic emissions, that the miniature golf course and batting cages will require excessively bright lights at night, and that the huge increase in traffic at the already-busy intersection of Inverness & Clinton Parkway will be problematic and even dangerous for the school children crossing that intersection. There are four schools located within a few blocks of the proposed project (Bishop Seabury, Raintree Montessori, Sunflower Elementary, and Southwest Middle School), with hundreds of little children who might be intimidated by the large numbers of teenagers and young adults who would frequent the project. Rather than being built in the midst of this residential area, it would seem more appropriate for the massive "Family Fun Center" project to be built in a more commercial or rural area at the edge of the city such as was done with the youth soccer complex south of town and the new recreation center to the west.

Several homeowners from the Wimbledon Terrace Townhomes Association will be present at the meeting on February 24th and would be happy to explain our concerns at the meeting, if appropriate.

Thank you for considering our objections to this rezoning request.

Respectfully, ,

Wimbledon Terrace Townhomes Assn.
Molly Mulloy, Executive Committee (mmulloy@ku.edu)
Ruth Hiss, Executive Committee (mrsdeltachi@yahoo.com)
Jane Tedder, Executive Committee (jtedder@sunflower.com)
Debbie Saiz
Alice Holtz
Ann Eversole
Kathy Rauckman
Letty Seidl
Sarah Williamson

Lenora Barker

LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED
FEB 24 2014
City County Planning Office
Lawrence, Kansas

February 23, 2014

To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

Co-President
David Burress

Co-President
Cille King

President-Elect
Cille King

Vice President
marci francisco

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors

Margaret Arnold

Caroljean Brune

Scott Criqui

James Dunn

Ruth Gibbs

Midge Grinstead

Marlene Merrill

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT SPORTS & RECREATION,
OUTDOOR USES WITH SUP IN CN2
ITEM NO. 5B: SPECIAL USE PERMIT; FAMILY FUN CENTER; W. 24TH PLACE AND INVERNESS DRIVE
ITEM NO. 5C: SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH PLACE

Dear Chairman Culver and Planning Commissioners:

For many reasons, we request that you **not** approve Items No. 4, 5B and 5C.

The CN districts are neighborhood commercial districts and were designed to provide goods and services for the immediate neighborhoods where they are located. The recreational uses that will be permitted, if the **Text Amendment, Item No. 4** is approved, permit the type of commercial outdoor recreational uses that have multiple environmental and planning ramifications. We believe that the likely negative impacts of these proposals have not been adequately reviewed in the Staff Report, and when carefully considered, would lead to the conclusion that because of these possible outcomes, they should not be included as permitted uses in the CN districts, even with a SUP.

1. The applicant has indicated the proposed uses in his report to the Staff. The **noise levels** of the outdoor uses, specifically the batting cages, Go-Karts, and shouting customers, cannot be buffered.

2. The lights will not be able to be properly screened. Although the lights may shine down, the reflections cannot be shielded.

3. The intensity of the traffic can be predicted to be worse at times than would be the case for normal shopping areas.

4. In terms of the planning considerations, the recreational use and the drive-ins **will absorb all of the available commercial space** so that the uses really needed by a neighborhood such as a drug store, grocery store, sit-down restaurant, and the other uses for which the CN2 District was intended, will not be possible. The Comprehensive Plan severely limits the amount of recreational space for the Neighborhood Centers and the CC200 Centers for this reason (please see **Chapter 6 of Horizon 2020, page 6-12, paragraph 2 under the Section, "Recreational Uses.")**

5. The type of outdoor commercial recreation proposed to be permitted here with the SUP we believe belongs in more regionally based commercial districts; that is, the CC4 or CC6 Districts. The more logical location for this type of use would be in the larger shopping center or centers close to the Rock Chalk Park, or for that matter, in the Rock Chalk Park itself.

PO BOX 1072 • LAWRENCE KS 66044-1072
league@sunflower.com • www.lawrenceleague.com
www.facebook.com/lwvldc • www.twitter.com/lwvldc

For the same reasons, **we ask that you not approve the SUP for Item No. 5B.**

We also ask that you not approve Item No. 5C, the SUP for the Fast Order Food With Drive-Thru use. The Fast Order Food With Drive-Thru use would be much more intense than under normal circumstances because the clientele of the recreation center would add to the customer base. The use, itself, was not anticipated for CN districts under normal circumstances because of the increase in traffic and clutter that it would bring, and the combination of fast food drive-thru plus the outdoor commercial recreation center here could do real damage to the neighborhood.

Again, we appeal to the Planning Commission to deny Items 4, 5B, and 5C.

Sincerely yours,

Cille King

Cille King, President

Alan Black

Alan Black, Chairman
Land Use Committee

From: Deborah M. Galbraith [mailto:dgalbraith@waverly-partners.com]
Sent: Monday, February 24, 2014 9:49 AM
To: 'amalia.graham@gmail.com'; 'montanastan62@gmail.com'; 'jonjosserand@gmail.com'; 'pkelly@usd497.org'; 'bculver@bankingunusual.com'; 'denney1@sunflower.com'; 'squampva@aol.com'; 'clay.britton@yahoo.com'; 'bruce@kansascitysailing.com'; 'eric.c.struckhoff@gmail.com'
Subject: OPPOSITION to Proposed Development for corner of Inverness and Clinton Parkway

Dear Planning Commissioners – This email is to voice my opposition to the proposed Family Fun Center development project at the corner of Inverness and Clinton Parkway in west Lawrence. I am not opposed to such a center as I believe in general it could be a nice leisure alternative, however think that the placement of such a facility within two blocks of four schools is NOT a wise idea. In addition to the proposal that would allow alcohol be served, the increased traffic in the area would be a hazard. Moreover, I have never seen a development such as this placed squarely in the middle of a residential neighborhood.

I am unable to attend the planning meeting tonight due to previous commitment that cannot be changed so thank you for providing a vehicle to voice opposition to the plan.

Debbie Galbraith
4205 Nicklaus Drive

From: Katie Huff [mailto:kayteekate@hotmail.com]
Sent: Sunday, February 23, 2014 10:58 PM
To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; dcbritt@yahoo.com; eric.c.struckhoff@gmail.com
Subject: Planning Commission Meeting

Dear Planning Commissioners,

We are writing you with concern and opposition to several items to be discussed at your meeting on Monday, February 24th. We are **opposed** to Item 4, Item 5A, Item 5B, and Item 5C.

We are a family with three small children, so we are not opposed to a "Family Fun Center"; in fact, we believe Lawrence could use a place like this. But we **strongly disagree** with it being built in the middle of a residential area. We own a house at 4424 Gretchen Ct and enjoy the quiet, family and school focused neighborhood that this area provides. But we believe with the addition of this proposed "Family Fun Center", it would dramatically change our neighborhood. We are opposed to the noise, traffic, alcohol near schools, lights, and late night hours that this place would promote. This is not the right location for this type of facility.

Please understand our concerns.

Thank you.
Dustin & Katie Huff
4424 Gretchen Ct

From: Michele Vignola-Rogers [mailto:mvr@sunflower.com]
Sent: Sunday, February 23, 2014 7:28 PM
To: montanastan62@gmail.com; amalia.graham@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Family Fun Center

Dear City Planning Commissioners,
This letter is in regards to the Family Fun Center that is being considered for W 24th Place between Crossgate and Inverness Drives. As I was reading through the article regarding this project I was struck by a number of issues. First, why there? We have land further away from all of the apartments, houses and schools in the area to build this. Why create more noise, lights and traffic in an area that is not empty by any means? That area has plenty of housing and people who prefer it the way it is. I agree that we do need a Family Center - there is no question that we are lacking places for pre-teens and teens to go and hang out that is safe and fun, but to crush it into a development of houses and apartments where the average family is going to be subjected to the loud and often obnoxious teenage behavior that comes with a place like this seems counterproductive. Moreover, this is a college town which means this will not cater to just the elementary, middle school and high school kids, but also the college population. This means that although the place may close at ten or midnight – the noise will continue well into the late night/early morning hours especially if alcohol is going to be served.

Second, I do not understand the need for a BAR at a Family Fun Center. If a person cannot have fun with their children without alcohol, then maybe help is necessary, but certainly not a bar. Alcohol and places like this should NOT exist together. We have plenty of bars in this town and no matter what little alcohol is in the beer – it's still beer and people can still get drunk and drive. Of course lighting is a huge issue and I can't imagine how any form of boundary is going to block the lighting of a batting cage area (unless it is indoors). I grew up with batting cages and miniature golf near my house in NJ and I can assure you that the lighting required for the batting cages and miniature golf (if it is an outdoor venue) is incredibly bright (almost like daylight) – imagine that at 10:00 p.m. when you are trying to put a child or yourself to bed. The noise is another factor, the Go-Karts are only a part of it – usually a place like this will have music blaring and people talking over the music and shouting at one another (profanity and all). I recommend that the City Planning Commissioners visit a place like this in a larger city where it is close to housing and see what the effects are. I remember hanging out at our batting cages until midnight or later and the music blaring across the fields while the lights lit up the whole area – you could see the lights from the highway – three miles away. However, we were lucky – our Fun Center was out in the woods nowhere near homes or apartments. This might be something you could consider when picking a spot for this type of venue. If it is there - people will come - and they will drive ten minutes to get there – it is not necessary to put this in the center of family living, you'll decrease the value of homes and most of the apartments will be empty or rent below average because no one will pay to live by a venue such as this. At first it may seem a great idea to live by such a place, but it won't take long before people realize the mistake they've made and move to get away from the traffic, noise and constant activity that lasts into the late hours.

A third concern has to do with security. I remember the old Putt-Putt from 20 years ago and the roller rink (which is now Kohls) and a big problem was security or lack thereof. When you open a place like this in a college town, you MUST have very good security – not rent-a-cops, but security. A security group that can keep people in line and behaving in crowds that can get a bit rowdy especially if alcohol is involved. Underage drinking is a huge problem in Lawrence and this place serving alcohol will not help the issue. But the right security can help. In NJ our places used off duty police officers or trained bouncers – Lawrence is no longer a small town – it is no longer a small community. Guns, knives, and drugs are growing and a place like this can attract that type of element and security is where it stops. So, please if you vote this project in – please take into consideration that a place like this is great when it is open and doing what it is supposed to do, it's no good to anyone if it's shut down due to violence, drugs or gang activity – it just becomes another empty building on another piece of land which this town cannot afford to have.

Thank you for taking the time to read this e-mail and considering the points. I live near this piece of land and I am very opposed to this project being built so close to us and our extended family. We enjoy the quiet.

Sincerely,
Michele Vignola-Rogers

From: Mark Simpson [mailto:markandrewsimpson@yahoo.com]
Sent: Monday, February 24, 2014 8:58 AM
To: Caitlyn Cargill
Subject: Comments regarding 4300 W. 24th Place

Planning Commissioners,

I write you with concerns about agenda items 4, 5A, 5B, and 5C regarding the proposed development at 4300 W. 24th Place. My family and I live at 4305 W. 26th Terrace and my daughter attends preschool at Raintree Montessori at 4601 Clinton Parkway. When she begins kindergarten she will attend Sunflower Elementary School at 2521 Inverness Drive.

My main concern with the proposed development is the increase in traffic on Inverness and surrounding streets. It appears to me that the one lane traffic circle at 24th Place and Inverness is already close to full capacity. My understanding is that the proposed development may include fast food restaurants. When I see the constant flow of traffic into the McDonalds at 6th and Wakarusa it convinces me that multiple fast food restaurants at 4300 W. 24th Place would create traffic gridlock. At peak hours my guess is that the roads and traffic circle could not handle the traffic from the apartments, the schools, and two fast food restaurants.

Also, I do not think that the proposed development is consistent with the surrounding neighborhood. The proposed development seems more appropriate for an area that is not right next to residential areas. I have doubts about how much meaningful noise and light mitigation is possible given the extremely close proximity to residences.

Thank you for taking my concerns into account and for your service on the Planning Commission. I sincerely appreciate the time and effort you put into the consideration of this and other important issues for our community.

Respectfully,
Mark Simpson

From: Luke Sinclair [mailto:sincluke@gmail.com]
Sent: Friday, February 21, 2014 11:20 AM
To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; Clay Britton; eric.c.struckhoff@gmail.com
Cc: Lori Sinclair
Subject: Opposition to Agenda Items 4, 5A, 5B, 5C for 2/24 PC Meeting

Dear Planning Commissioners:

My wife (Lori Sinclair) and I are the own and live at 4400 W. 24th Pl., which is directly across Inverness from the potential family fun center and fast-food drive-thru restaurant development. Items 4, 5A, 5B, and 5C on the Commission's agenda for the February 24th meeting are geared toward enabling this development. We write to oppose it all.

We purchased our home in 2008 because we loved the property and we were attracted to the quiet, appealing nature of the neighborhood, the proximity to neighborhood schools, and the ease of access to outdoor recreation. We take pride in our home and have invested capital to maintain and improve both the inside and outside appearance of our house and property, and we take advantage as much as we can of the benefits of living where we do. We believe the proposed development will interfere with, disrupt, and degrade our quality of life and the value of our property, as well as our neighbors'.

To be clear, we have strong doubts as to the long-term viability of a go-kart, mini-golf entertainment center in Lawrence, but we are not generally opposed to it. But we all have to be smart about it and take into consideration the adjoining properties and owners. We think this proposed development at this particular location is ill-advised for several reasons. First, it will not provide any additional meaningful benefit to our area. This development is being proposed – and the text amendment, rezoning request, and special use permits are being sought – primarily on the basis that the development will provide services to us and our neighbors that are otherwise lacking in our area. This is simply untrue. Our neighborhood enjoys some of the best access in Lawrence to outdoor recreation. Walking trails, bike trails, tennis courts, playgrounds, a running track, soccer fields, softball and baseball fields, batting cages, Clinton Lake, the Pat Dawson Billings Nature Area, the Rotary Arboretum, and more, are all within a short walk/run/bike ride and even shorter drive of our neighborhood. Access to and use of most of these is free. Paid access to go-karts and mini-golf provides absolutely no additional outdoor recreational benefit to us.

Second, the development isn't suited for our quiet, school-centered residential area. We've never seen an outdoor family fun center or fast-food drive-thru restaurants in the middle of a residential area, and there's reason for that. It doesn't make sense. The development will bring increased traffic, in this case potentially by people who have been enjoying 3.2 beers, which we fear will increase the risk to the children that walk and play on our sidewalks and streets. Additionally, the streets can't take additional traffic, especially the roundabout outside our house on Inverness and 24th Place. The development will drastically increase the amount of noise and light pollution, given the nature of the activities and the hours of operation the developer envisions. With groups of people engaging in competitive activities and potentially drinking alcohol, it's reasonable to believe there will be late-night, disruptive rowdiness. Additionally, we don't think it's a good idea to have a bar in such close proximity to four schools and multiple day-cares. Finally, we can't say enough that there is no reason that we or our neighbors should have to breathe the noxious smells that would emanate from a fast-food restaurant and its garbage dumpsters. It's unreasonable to assert that a small land buffer would adequately address any of these issues. We understand that it's easy for the planning staff to assert, without any real analysis or study, that a drive-thru restaurant would not result in "substantial diminution" of our property value, but we'd invite them to tell us if they know of anyone that would be

truthfully interested in buying a house in a residential neighborhood directly across the street from a drive-thru fast food restaurant.

More generally, we have concerns about the long-term viability of the fun center. Can Lawrence truly sustain it? Who is the target group? If it's college kids, they're gone for the summers. Is it school students? Having been students in a metropolitan area with access to mini-golf and go-karts, we can both personally attest to the fact that these activities just don't have permanent appeal. Once or twice is enough. The problem Lori and I have is that if the fun center fails, we would be the ones left with a view from our front porch, living areas, and second-story bedrooms of an abandoned, run-down family fun ghost town.

Finally, without limiting our general opposition to this development and all four agenda items above, we'd like to specifically address the requested text amendment. It's being proposed as one of four steps in the process of putting the family fun center in our neighborhood. A text amendment to the Development Code to generally allow for outdoor recreation through an SUP in all CN2 areas in Lawrence is a drastic step that ought to be weighed against the relative importance or benefits of the fun center and the costs and effects on adjoining landowners. We don't think it does, and it certainly doesn't appear that the text amendment satisfies the factors in Section 20-1302(f).

First, we don't believe the text amendment is consistent with Horizon 2020 and the Development Code, at least with respect to our neighborhood and the other adjoining landowners. The Development Code is intended to implement Horizon 2020 in a way that "protects, enhances and promotes the health, safety, and general welfare of the citizens of Lawrence." As currently drafted the Development Code doesn't allow for outdoor participant recreational use in either RSO or CN2, even with an SUP. It doesn't appear anyone believes this was a mistake, and we ought to assume the Development Code was adopted the way it was for good reason. In our situation it certainly makes sense because, for the reasons laid out above, a commercial fun center does not fit in our residential area. We don't believe changing the rules to allow this particular fun center across the street from our house is in the spirit of protecting, enhancing, or promoting the health, safety, and general welfare of us or our neighbors.

As to the other factor, the text amendment doesn't purport to fix an inconsistency or error in the development code. Rather, it's said to meet the challenge of a changing condition; specifically, an increased emphasis on creating a healthy environment for residents. We question how mini-golf, go-karts, arcade games, and a bar create a healthy environment. However, to the extent they do, the development would be better suited in an area that doesn't already have spectacular pedestrian/bike access to trails, parks, and other outdoor recreation. Perhaps in that case it could be said that a challenge was being met by the text amendment, but that's just not true as it pertains to our area.

Thank you,

Luke and Lori Sinclair
4400 W. 24th Pl.
Lawrence, KS 66047

From: Kenna Heim [mailto:kennahome1@yahoo.com]
Sent: Sunday, February 23, 2014 6:35 AM
To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; dcbritt@yahoo.com; eric.c.struckhoff@gmail.com
Subject: Proposed Family Fun Center and Fast Food restaurants

The designated zoning for the area in question is the correct one--Single-Dwelling-Residential-Office. These are the types of buildings that would suit this area so close to Sunflower Elementary and Southwest Middle School. I live on Larkspur Circle off from 27th Street and was concerned to hear new proposals for this property that involve changing the zoning.

On children's football nights, I can already barely get through on 27th due to the parking along the street. Inverness was designed to be a quiet residential and school street. Children may be much more in danger of being run over. Traffic on Wakarusa and all these local streets can become very tight and slow as citizens come and go to the ball park on the south side of the SLT. Please drive down into this area during ball games and see what congestion is present.

Also, the ball fields already have very bright lighting all summer long. I am happy for Lawrence to have a wonderful ball park and deal with the bright lighting because I know how important those sports programs are. Landscaping cannot cover up the bright lights that would come with the proposed "fun" center.

People do need their rest. Noises and light coming from the park would make it uncomfortable for people, especially those with children, who need to be rested to go to work or school in the morning.

Now, as a schoolteacher for USD 497, comes my biggest concern of all. The proposal is to place a fun center within a block or so of schools. When I drive home and these schools are letting out, I see students walking most probably to their homes. These children aren't old enough to drive but they could definitely begin stopping by the "fun" center after school. And what types of people might take advantage of the fact that there was a school close by? Not to be alarmist, but it is a perfect setup for pedophiles to lure children. I think of the little girl in Springfield who so recently was kidnapped and killed near her home. I doubt there was a fun center there, but why would we want to endanger our children any further than what they already are?

The fun center might be a fine idea, but PLEASE find an area further out or one that is zoned for commercial use. Keep the zoning as it currently stands.

Respectfully,

Kenna Heim
4741 Larkspur Circle

From: Jamie Hulse [mailto:jamiehulse@att.net]
Sent: Sunday, February 23, 2014 6:31 AM
To: amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Rezoning of 4300 W. 24th Place

Dear Planning Commissioners,

Regarding 4300 W. 24th Place:

- I am in support of conditional rezoning from **Residential Office (RSO)** to **Commercial Neighborhood 2 (CN2)**, **IF**
  - the rezoning is tied to this specific project. If the project doesn't get developed, then the **zoning would revert back to RSO,** and...
  - **IF** the public process remains in place in perpetuity for the lot for any future lot splits or changes in use, and...
  - IF there is a landscaping buffer along the west side of the property, and...
  - IF multi-family is disallowed for any future development (if at some point 20 years from now a buyer wants to level the Family Fun Center and build apartments)

Neighbors have participated in the development process of the area between Clinton Pkwy/Inverness/W. 27th Street/Crossgate since it was annexed into the city limits. Neighbors supported the initial plan, and prior re-zonings (upzonings) for other lots along W. 24th tied to a senior housing development, including support of more dense development of The Legends as part of the entire project, because the senior housing was planned to be between The Legends apartments and Inverness where students walked and rode bikes. Neighbors asked if there could be conditional rezoning and were told no by city staff. Neighbors trusted that the senior development would be built and supported the entire re-zoning. The Legends were built immediately. The senior housing developer pulled out, and dense apartments catering to partying college students were built instead - The Grove.

- Since there isn't currently a buyer for the west lot: regarding a potential future lot split as shown on the proposed plan - either require that the lot split happens now and keep zoning on west lot as RSO until there is a buyer, or if lot split doesn't happen now, keep public comment as part of the process for further development.
  - The corner of Inverness and Clinton Parkway is the entrance to three schools, and across the street from a fourth school.
  - Traffic is already challenging from that intersection to Inverness and W. 27th St.
  - The west corner lot should ideally remain Residential Office (RSO) until there is an actual developer/buyer, so the neighbors can participate in the process.
  - A development plan for that corner is irrelevant when there is no buyer or tenant, because it will be scrapped and redrawn when there is a buyer/tenant.
  - Rezoning now to CN2 would allow any project that conforms to be processed through with no public input, which would probably eliminate any landscaping buffer, and probably result in a more 'commercial' high use.
  - Many children and community members use the sidewalks along that corner, so public input about the best use and plan is significantly important.
  - Neighbors are not in support of drive-thru restaurants at this location because of already congested traffic.
  - Neighbors are still interested in finding a way to purchase that corner and make it a public park, and possibly a membership swimming pool, through a special tax or Homeowner's Association. If anyone has suggestions and guidance on how to accomplish that, please let me know.

- I am in support of the text amendment allowing outdoor use for this specific project, but not for all CN2 zoned properties.

- I am **NOT** in support of alcohol sales at a Family Fun Park. There should not be alcohol sales in such close proximity to four schools, and across the street from a church. Alcohol will increase the possibility of fights, the potential for underage alcohol sales/drinking, and increase the potential for adults to drink and drive in parking lots and streets with children, and with children in their vehicles.

- I am in support of open hours until 10:00 pm Sunday-Thursday, and 11:00 pm on Friday and Saturday, which is a reduction from the plan.

The area between Clinton Parkway/Inverness/Crossgate/W. 27th Street has been a development in progress for a number of years. Neighbors want a development plan that will benefit the neighborhood, the schools, and the Lawrence community. Lawrence will benefit from having a place where families and kids can enjoy outdoor activities.

Sincerely,

Jamie Hulse
4403 Gretchen Ct.
Lawrence KS 66047

From: Bob Grabill [mailto:bgrabill@chiefexec.com]
Sent: Monday, February 24, 2014 10:19 AM
To: amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Proposed development

We understand that there is a proposed development including a go kart track close to our home in Alvamar.

Nothing could drive down home values faster not to mention disrupt sleep of we and our neighbors than this project.

We ask that you please not approve this.

Thank you,
Bob & Jennifer Grabill
2027 Hogan Ct.
(Masters Subdivision)

Bob Grabill | President & CEO
Chief Executive Network | phone: 785.832.0303 Ext. 102 | bgrabill@chiefexec.com
EXCHANGING EXPERTISE ⊠ BUILDING CORPORATE STRENGTH

Executive Meetings | Board Search | Strategic Resources

From: Leann Cooper [mailto:lcooper@gcsaa.org]
Sent: Monday, February 24, 2014 9:35 AM
To: amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Rezoning of 4300 W. 24th Place

Dear Planning Commissioners,

Regarding 4300 W. 24th place and the rezoning request – **my husband and I are writing in opposition**. I could list a multitude of reasons, but the main one is right there in the request – rezoning from Residential Office to Commercial Neighborhood. The word commercial changes the nature of the entire landscape. It's going to wreck the entire feel and value of our neighborhood – much like when we allowed the property to be rezoned to allow for a senior housing development that never panned out. We were stuck instead with dense apartment buildings with partying college students and an increase in all the disruptions that come with them. I'm not going to trust that if we change the zoning the Fun Center actually gets built in the way the developer states it will. I also don't like the idea of drive-thru fast food restaurants being built that close to my home. Again, it changes an area from a neighborhood to a commercial area – no thank you.

We have three schools in the immediate area and while I can appreciate the idea of building something to attract that demographic, I also really don't like the idea of increased traffic on Inverness – a road that hasn't been built for commercial use, but residential use.

Thank you for your time!

Leann & Andrew Cooper
4408 Gretchen Ct.
Lawrence, KS 66047

Leann Cooper | Senior Manager, Chapter Services
Golf Course Superintendents Association of America
1421 Research Park Drive | Lawrence, KS 66049
800.472.7878, ext. 3648 | 785.832.3648 Direct |
www.gcsaa.org | www.eifg.org | FACEBOOK | TWITTER

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
2/26/2014

ITEM NO. 6 RM12 to RM24; 3.35 ACRES; N OF BOB BILLINGS PKWY & E OF K-10 (SLD)

Z-13-00519: Consider a request to rezone approximately 3.35 acres from RM12 (Multi-Dwelling Residential) District to RM24 (Multi-Dwelling Residential) District, located at the NE corner of Bob Billings Pkwy and K-10/SLT to be known as part of the Langston Commons Subdivision. Submitted by Tim Herndon on behalf of RSR Holdings LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 3.35 acres from RM12 (Multi Dwelling Residential) District to RM24 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *To attain greater density from that presently allowed, in order to provide transitional residential type and to offset diminished density in adjacent property.*

KEY POINTS
- Request is related to recent approval of revised Final Plat for Langston Heights Addition that reduced density in anticipation of transferring that density to this property. (PF-13-00084).

- Zoning of the RM12 portion of the Langston Heights Subdivision (north of this property) is restricted to a maximum of 62 total units. The revised Final Plat includes 15 duplex lots for a total of only 30 units.

ASSOCIATED CASES/OTHER ACTION REQUIRED
- Z-13-00251: 4.712 acres from UR (Urban Reserve) to RS7 (Single-Dwelling Residential)
- Z-13-00252: 2.674 acres from UR (Urban Reserve) to RS5 (Single-Dwelling Residential)
- Z-13-00253: 3.195 acres from UR (Urban Reserve) to RM12D (Multi-Dwelling Residential)
- Z-13-00254: 3.349 acres from UR (Urban Reserve) to RM12 (Single-Dwelling Residential)
- Z-13-00255: 4.182 acres from UR (Urban Reserve) and PD (Bob Billings Parkway Center PCD) to OS (Open Space)
- Z-13-00256: 16.619 acres from UR (Urban Reserve) and PCD Planned Commercial District to CN2 (Neighborhood Commercial) District
- PP-13-00257: Preliminary Plat Langston Commons.
- PF-13-00084: Langston Heights Addition that included a revision to create duplex lots along the South Lawrence Trafficway resulting in a reduction of density for the development.

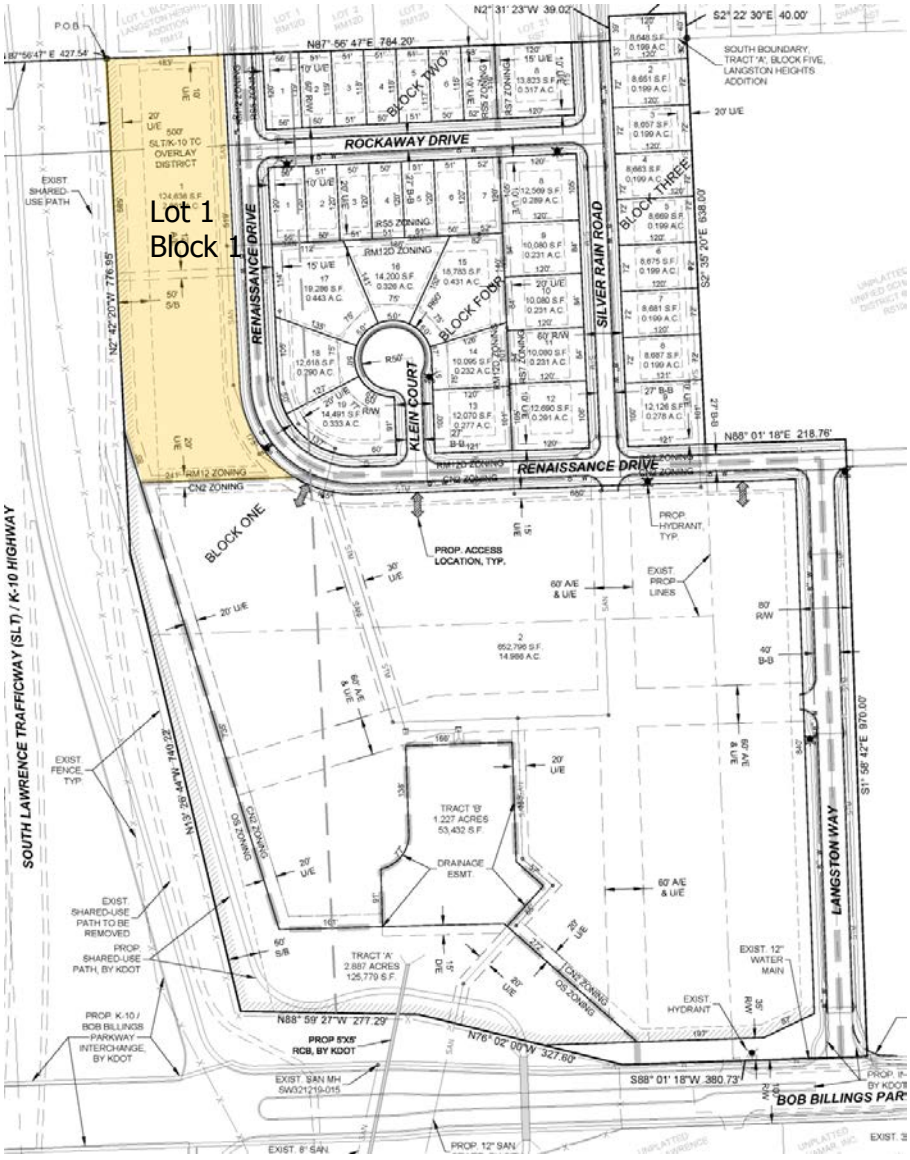
PLANS AND STUDIES REQUIRED
- *Traffic Study* – Not required for rezoning
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not applicable to residential request

ATTACHMENTS

- Attachment A: Area map
- Attachment B: Zoning map of Langston Heights and Langston Commons
- Attachment C: West of K-10 Land Use map
- Attachment D: Density analysis of RM12 and RM24

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- None received prior to publication of staff report.

Project Summary:
This application represents 3.35 acres of a combined development application including 35.7 acres as part of the Preliminary Plat known as Langston Commons. This request is to change the zoning and base density from RM12 (Multi-Dwelling Residential) Development to RM24 (Multi-Dwelling Residential) for the area adjacent to K-10 Highway (Lot 1, Block 1 Langston Commons Subdivision).



RM12 District = 3.349 AC
Total Lot Area = 2.861 AC

Maximum density allowed is 12 dwelling units per acre or 34 units.

Proposed density allows 24 dwelling units per acre or 68 units.

Langston Commons Subdivision

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *This request pursues transition in land use intensities , with higher densities adjacent to retail uses (neighborhood commercial) and major thoroughfares (K-10/SLT)*

This property is located within the boundary of the *West of K-10 Plan.* Refer to attachment and discussion of applicable area plan below. This property was included in a package of requests that include low and medium-density residential zoning as well as neighborhood commercial and open space districts as part of the Langston Commons Subdivision. The Preliminary Plat establishes the integrated layout of the overall development pattern planned for this area.

In addition to general density recommendations, *Horizon 2020* provides key strategies that are applicable to this development request. They are:

- *Infill residential development should be considered prior to annexation of new residential areas.*
- *A mixture of housing types, styles and economic levels should be encouraged for new residential and infill developments.*
- *Compatible densities and housing types should be encouraged in residential neighborhoods by providing appropriate transition zones between low-density residential land uses and more intensive residential development, and between higher density residential uses and non-residential land uses.*
- *The character and appearance of existing residential neighborhoods should be protected and enhanced. Infill development, rehabilitation or reconstruction should reflect architectural qualities and styles of existing neighborhoods.*

The proposed request for RM24 zoning conveys a maximum density of 24 dwelling units per acre. *Horizon 2020* addresses high-density land use by defining it as reflecting an overall density of 21 dwelling units or more per acre. This use is recommended "*at selected locations near high-intensity activity areas or near existing high density residential developments". Horizon 2020* specifically notes the appropriateness of this use to "*include sites primarily along the SLT and Eastern Parkway".* The plan further states that large concentrations of high-density residential development are not recommended. This application includes a single proposed lot that is 2.861 acres, excluding right-of-way. Additionally this property includes a 50' setback along the Highway that will be a dedicated landscape buffer for the development from the Highway.

Density is clustered within this property by transferring units approved by the previous application to the north (as a single lot development with a cap of 62 units) to the subject property by increasing the maximum allowed density from 12 units per acre to 24 units per acre.

This request represents infill development and the first step in a plan to provide a transition of uses between the planned lower-density uses to the north and commercial uses to the south. Transition of uses occurs both north and south as well as east to west for this area. The K-10 Highway is a significant defining element for this area. The proposed RM24 district is proposed to be located immediately adjacent to the highway on the west and commercial uses to the south. Medium-density and lower density residential development is proposed to the north and east.

This use is intended to promote a mix of housing types within a planned development area. The approved zoning and subdivision design to the north and to the east accommodate detached and

duplex housing exclusively within this immediate area. The RM24 district would accommodate an alternative type of housing type within the neighborhood with direct proximity to the commercial area.

Horizon 2020 states that *"as with medium-density housing, a range of densities and housing types should be encouraged".* The application for RM24 development seeks to implement this policy using combined zoning applications that establish base districts as part of the Langston Heights and Langston Commons Subdivisions that delineate the boundary of the transitions through zoning.

Staff analyzed this area with regard to density across the total approved RM12 District (8.429 acres) and found the change is minimal [11.3 dwelling units per acre to 11.62 dwelling units per acre]. The development pattern remains within the range of the medium density housing approved for this area.

The maximum number of dwelling units the existing RM12 District in the Langston Commons Subdivision can accommodate is 34 units per the approved Preliminary Plat (Lot 1 Block 1 Langston Commons Subdivision). The proposed RM24 district is a high-density zoning district. This more intensive district is proposed adjacent to the K-10 Highway providing separation between the Highway and the less intensive uses proposed to the east. Additionally, this district would provide a transition between the commercial uses to the south and the duplex and detached uses to the north.

Staff Finding – The specific RM24 request orients the high-density development adjacent to the highway and the commercial area. The proposed RM24 district conforms to the land use recommendations included in *Horizon 2020* with regard to infill development, housing mix and land use transition. The overall impact of the proposed request, combined with the recent approval for duplex lot development in Langston Heights to the north, results in a continuation of a medium density residential development.

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

Current Zoning and Land Use:	RM12 (Multi-Dwelling Residential) District; vacant land.
Surrounding Zoning and Land Use:	RM12 (Multi Dwelling Residential) to the north as part of the Langston Heights Addition. Undeveloped at this time. The final plat was approved with multiple duplex lots for that portion of the RM12 district effectively reducing the total number of units by 32. Proposed RS5 (Single Dwelling Residential) and RM12D (Multi-Dwelling Residential) to the east included as part of the Langston Commons Subdivision. Undeveloped at this time. Proposed CN2 (Neighborhood Commercial) to the south as part of the Langston Commons Subdivision. Undeveloped at this time. A (Agricultural) County Zoning District to the west. Existing

K-10 Highway right-of-way.

Staff Finding – This area is surrounded by a mix of zoning districts as part of a planned development. (Refer to attached zoning map.) A significant land use feature is the existing highway along the west property line. The proposed commercial use to the south is located at a major intersection. The highway is located entirely within the unincorporated area and is currently zoned A (Agricultural).

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *Presently completely undeveloped, the subject acreage as well as over 55 acres of surrounding vacant land will comprise a variety of housing types, predominantly single-family, to integrate with nearby neighborhood elementary school, retail development and freeway interchange.*

This property abuts the K-10 Highway and was planned as a higher-density residential use adjacent to the highway per the most recent land use approval. This property is part of an undeveloped area located between the Langston Hughes Elementary School to the east and K-10 Highway to the west. Bob Billings Parkway is located to the south.

This property is located within the West Lawrence Neighborhood. This section of the neighborhood includes several undeveloped parcels to the north and south along the K-10 Highway. This neighborhood is characterized by the dominance of residential use, primarily low-density detached housing. Higher intensity uses are located along major streets in the neighborhood. Existing and planned non-residential uses are located at major intersections throughout the neighborhood.

Neighborhood commercial uses are noted in planning documents to the south. Property was recently rezoned to accommodate neighborhood commercial development (Z-13-00256) on the northeast corner of K-10 Highway and Bob Billings Parkway. The subject property abuts this planned commercial area along the south property line. A planned interchange to be constructed at K-10 Highway and Bob Billings Parkway is estimated to be completed in 2016.

Staff Finding – The overall neighborhood is characterized by and dominated by residential uses. Higher density uses are located along the arterial streets of W. 6th Street and Bob Billings Parkway. Neighborhood commercial uses are planned for the northeast corner of the intersection of K-10 Highway and Bob Billings Parkway.

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

This area is located within the boundary of the *West of K-10 Plan*. The Plan states *"a mix of housing types should be built within each neighborhood. Neighborhoods should not be developed with a single housing type, ie. Single family"* as a guiding land use principle. To date the residential portion of the development of this area that includes both the Langston Heights and Langston Commons subdivisions is exclusively designed for detached and duplex housing.

The Plan also recommends neighborhood level commercial uses and integration of parks and open space within the neighborhoods developed in this area.

Very low, low, medium and high-density residential land use categories are described in the plan on page 26. The plans states with regard to high-density residential development that these area

are primarily located at the intersection of two major roads or adjacent to commercial uses. Additionally, the intent of the high-density residential development category is to allow for compact residential development. The proposed request is for 3.349 acres, a portion of that `is encumbered by an extraordinary setback along K-10 Highway and is immediately adjacent to property zoned for neighborhood commercial development. Development of this property will have direct proximity to future commercial development through vehicular and pedestrian connections as the area develops. The Plan states that applicable high density districts include RM12, RM12D, RM15, RM24, and RM32 districts as well as PD (Planned Development Overlay).

The related land use map shows several areas as suitable for medium and high-density residential development. These areas are located west of K-10 or in specific small areas north and south of the subject property. The area along Ken Ridge Drive to the north was originally anticipated for medium and high-density residential development as it related to planned commercial development along w. 6th Street known as Diamondhead PCD.

Previous land use approvals for this property evaluated the development of the area concurrently with the preliminary plats of Langston Heights and Langston Commons Subdivisions and the related zoning applications that spread development intensity across the entire acreage with the higher intensity uses located along K-10 Highway and toward the intersection of Bob Billings Parkway and K-10 Highway. The proposed zoning provides a transitional use between the other approved development elements within the area but retains the overall medium density development value for the subject property when considered with the recent approval of the duplex lots to the north (existing RM12, Langston Heights).

This application seeks to absorb approved density from the Langston Heights subdivision to the north and incorporate the dwelling units into the subject property by changing the base zoning from RM12 to RM24.

Staff Finding –The proposed RM24 district complies with the location recommendations outlined in the text of the plan as being located adjacent to a commercial area. It provides transition of land use between a major intersection and commercial uses to the south and lower density uses to the north and provides an opportunity for additional housing choices within the developing neighborhood.

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

Applicant's Response: *The present zoning prohibits transitional density between the RM12 district to the north and the proposed neighborhood commercial development to the south, therefore the subject property will be better suited as a higher-density zoning district.*

The proposed request is for the RM24 district to accommodate development north along K-10 Highway and receive the transfer of density approved with the Langston Heights Subdivision to the portion of the Langston Commons Subdivision adjacent to the commercial area to the south.

This district will function as a buffer between the lower density development to the east and K-10 Highway to the west. Higher intensity, commercial development is proposed to the south. The proposed RM24 request facilitates additional housing choice in the area.

Suitability of the property should include appropriate site design for buffering as well as connectivity between this property and balance of the neighborhood. These elements are typically site design considerations. Buffering along the K-10 highway is a requirement for this development as discussed in the preliminary plat staff report regarding the SLT Transportation Corridor Overlay District. Treatment of building orientation, driveway access, and screening along Renaissance Drive will be significant review elements as part of a future site plan application. Further, connectivity of Renaissance Drive to Bob Billings Parkway will be required prior to development and will be included as a condition of approval with the Final Plat of Langston Commons to assure adequate public facilities are accommodated with development.

Staff Finding –The existing RM24 district is suitable for this location.

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

Applicant's Response: *The subject property was zoned to RM12 in early 2013 and has remained vacant.*

This property is undeveloped (vacant). The property was rezoned to RM12 per ordinance number 8906 adopted by the City Commission in September 2013.

- The property was zoned A from 1966 to 2006.
- The property was zoned UR from 2006 to 2013
- The property is currently zoned RM12 established in September 2013.

Staff Finding – The area is undeveloped. The property is zoned RM12.

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

Applicant's Response: *No detriment to nearby properties is identifiable.*

The proposed RM24 zoning is a high-density residential development district. The district is associated with a maximum density of 24 dwelling units per acre and a minimum lot size of 6,000 SF per lot. The distinction between the RM12 and RM24 is one of development intensity only. Both districts accommodate multi-dwelling residential development. In order to capture the lost density from the Langston Heights Subdivision by the addition of lot divisions for duplex development, the subject property must be rezoned with a higher base density.

The approved preliminary plat includes a single 2.8-acre lot. The approved preliminary plat notes a total development density of 34 units, the equivalent density value of 11.884 dwelling units per acre for this parcel. If approved, the density for the same 2.8 acres would move to 24 dwelling units per acre. As discussed above, however, when combined with the 5.5 acres of Langston Heights the combined density is only 11.6 dwelling units per acre.

If approved, this request would represent a transfer of both units and unit type within the area. Early plans anticipated row-type housing along K-10 highway for both Langston Heights and Langston Commons Subdivisions. Development of this property is more likely to occur in the form of 2-3 story traditional apartment buildings of 6-8 units per building.

The related subdivision orients the commercial use to the immediate south and duplex and detached housing to the north and northeast property lines. The RM12D district to the east is oriented to an internal cul-de-sac with rear yards facing the development. Appropriate landscape

and possible berming could be recommended on the north and northeast sides of this property to provide a buffer between uses. Clustering development to the south side of the development would also provide orientation to the commercial area of the neighborhood and enhance buffering of uses to the north. The immediate properties are all undeveloped at this time and no detrimental effect is anticipated.

This property is being developed as part of a larger development application and continues or extends the development pattern from the north southward toward Bob Billings Parkway.

Staff Finding – There are no detrimental effects anticipated for nearby properties resulting from the approval of this request. Appropriate restrictions of development concurrent with adequate public facilities (connection of Renaissance Drive to Bob Billings Parkway) would be recommended for future development applications for this property.

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: *Denial of this application would assure a lower residential density than recommended in the Comp. Plan and would prevent the landowner from efficiently utilizing infrastructure capacities with no appreciable benefit to the public.*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

The purpose of the RM District is to accommodate multi-dwelling residential development in a variety of densities. This area will be served by the extension of utility infrastructure. This project represents infill development. Approval of the request will facilitate additional housing choices in this area and provide a land use transition between planned duplex and detached housing to the north and commercial uses to the south.

Staff Finding – Approval of the request facilitates infill residential development between George Williams Way and K-10 Highway and the efficient extension of public services and utilities. Approval of the request provides additional housing choices within the developing neighborhood context and provides a buffer use along K-10 Highway to the abutting lower density uses to the west.

9. PROFESSIONAL STAFF RECOMMENDATION

The purpose of the RM24 district is found in Section 20-204 of the Development Code. This district is included with all other RM districts. The Development Code states:

> *The primary purpose of the RM districts is to accommodate multi-dwelling housing. The district is intended to create, maintain and promote higher density housing opportunities in areas with good transportation access.*

The RM districts include both medium and high-density development options depending on the density associated with the specific district. A development parcel must be sufficiently large enough to accommodate the dwelling unit structure or structures, applicable building setbacks and off-street parking. In addition to setback, properties located along K-10 Highway are required to

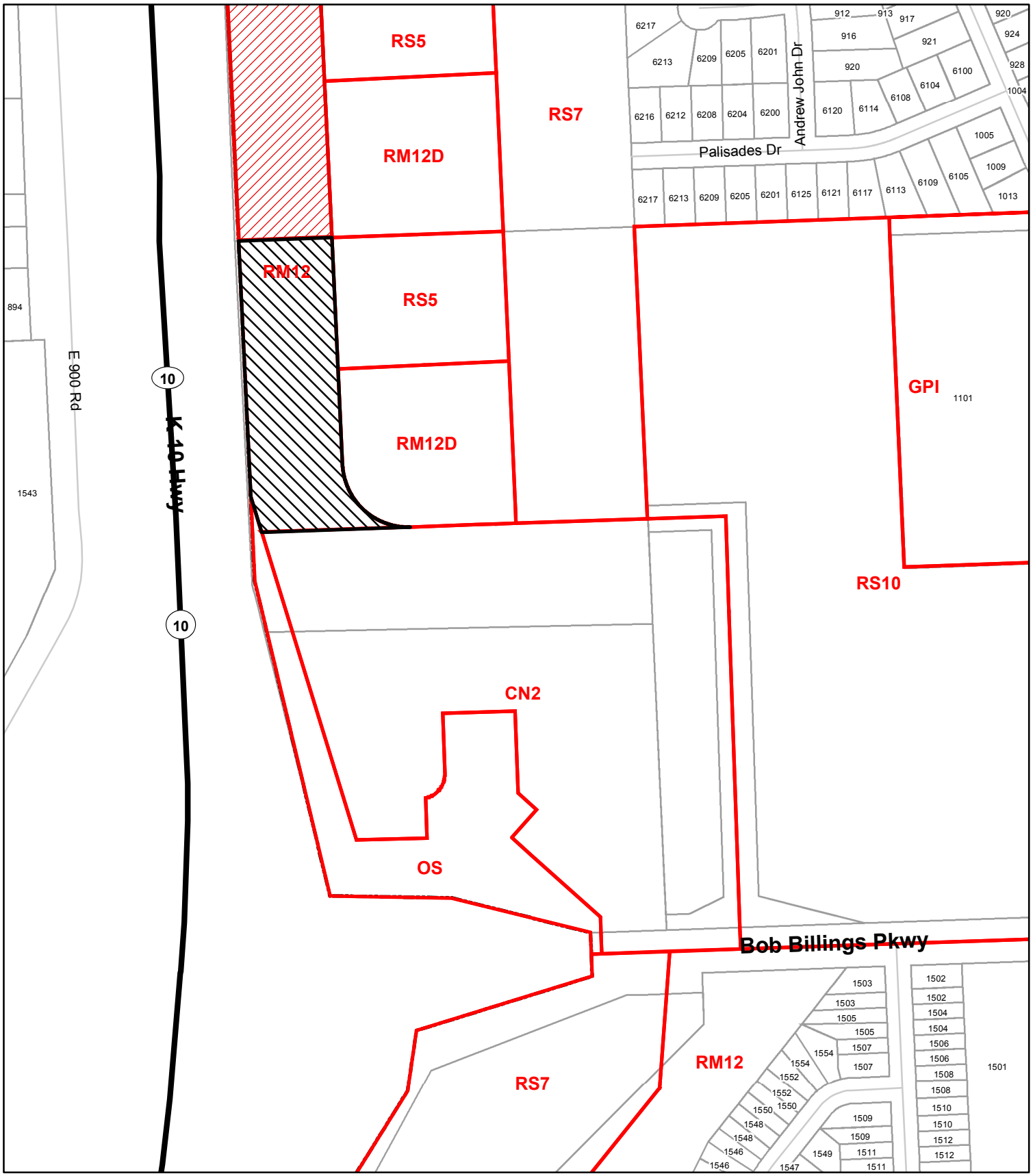
provide additional setbacks and screening per the Major Transportation Corridor Overlay Standards of Section 20-307 of the Development Code. This setback impacts the developable area of this property.

The proposed development provides a reasonable transition of land uses by decrease in intensity from west to east. The RM24 portion of the request provides the specific buffer between the RM12 duplex development to the north and commercial uses to the south.

The area that is comprised of the Langston Heights and Langston Commons Subdivisions is an, as yet, unrealized neighborhood. Neighborhood character is partially a product of the physical design of a particular area. As the developer's vision for this area changes with the more defined development opportunities the basic assumptions about land use are being modified. These changes have so far resulted in the revision to the Final Plat of Langston Heights by establishing individual lots for duplex development within the RM12 area along K-10 Highway effectively reducing the development density and intensity in the north portion of the area. This request represents an effort to transfer that density to the south closer to the commercial/traffic node of K-10 Highway and Bob Billings Parkway.

CONCLUSION

The proposed request is consistent with anticipated residential development of this area as most recently discussed with the revised final plat of Langston Heights establishing individual lots for duplex development along the west side of Renaissance Drive. This request extends the existing residential pattern to the west.



Z-13-00519: Rezone 3.35 acres from RM12 District to RM24 District
Located north of Bob Billings Parkway & east of K-10 Highway

Lawrence-Douglas County Planning Office
February 2014

Subject Property

N
W
E
S

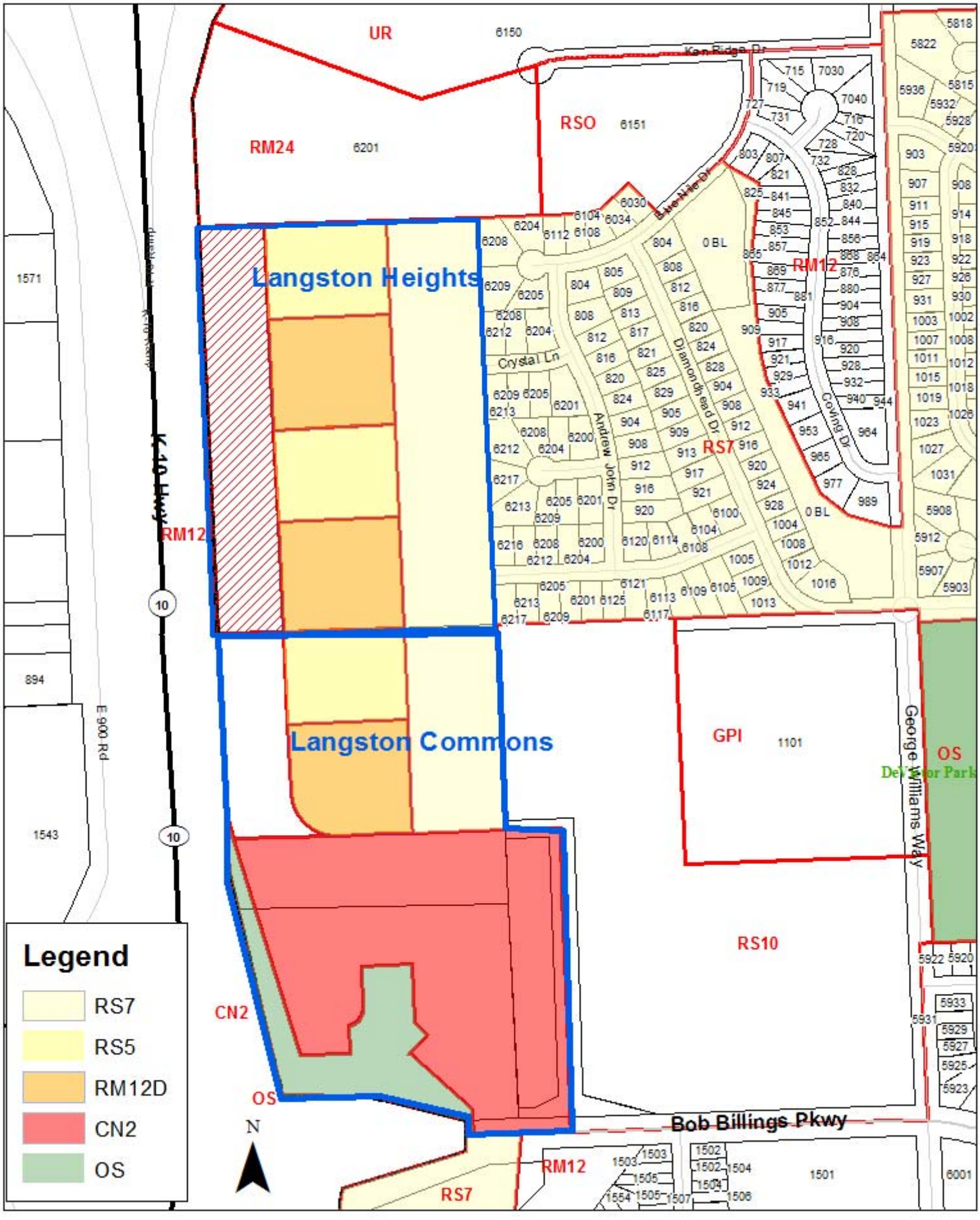
200 100 0 200 400 600 800 Feet

1 inch = 400 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: 2/6/2014



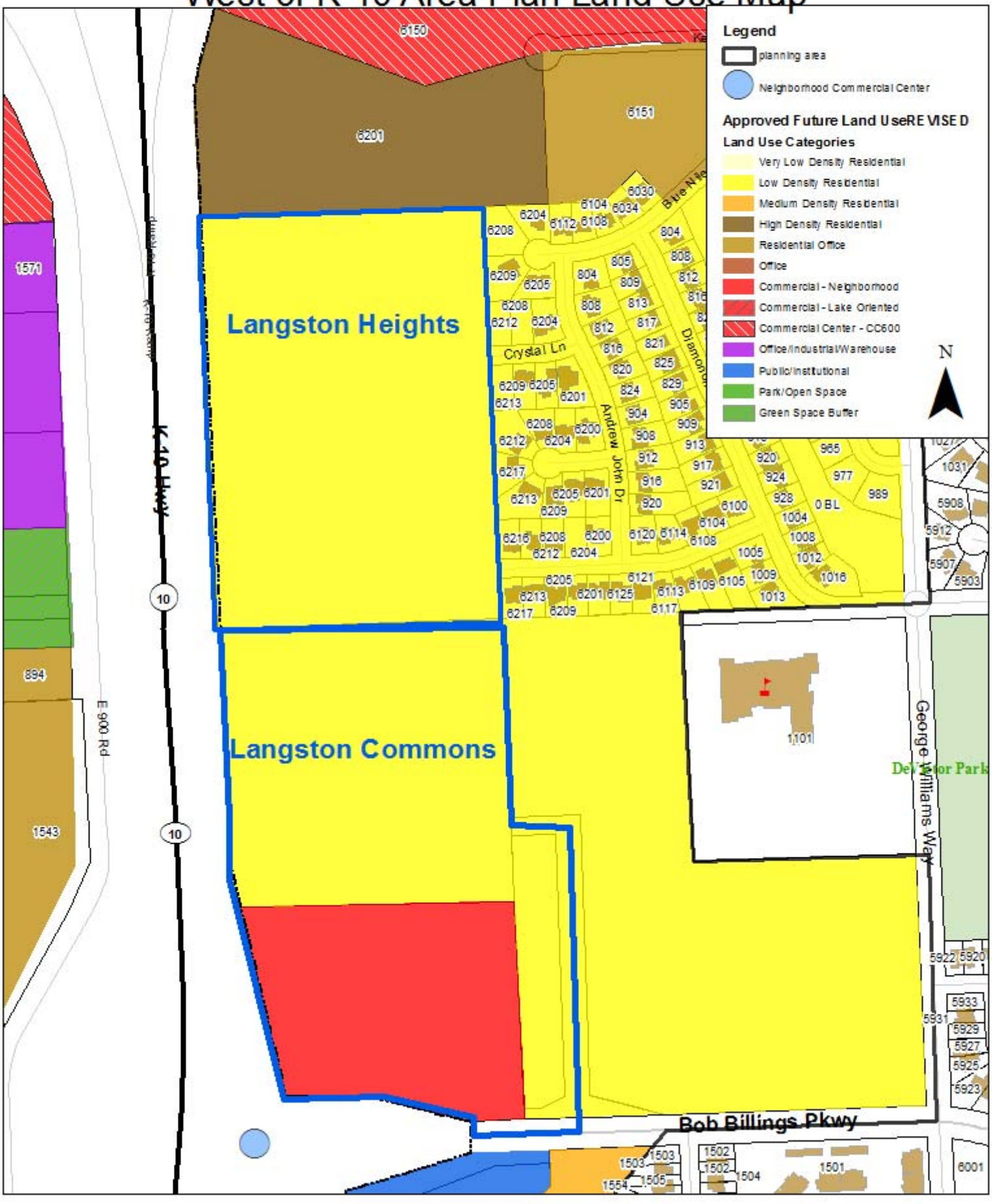
200 100 0 200 400 600 800 Feet

1 inch = 400 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: 2/12/2014

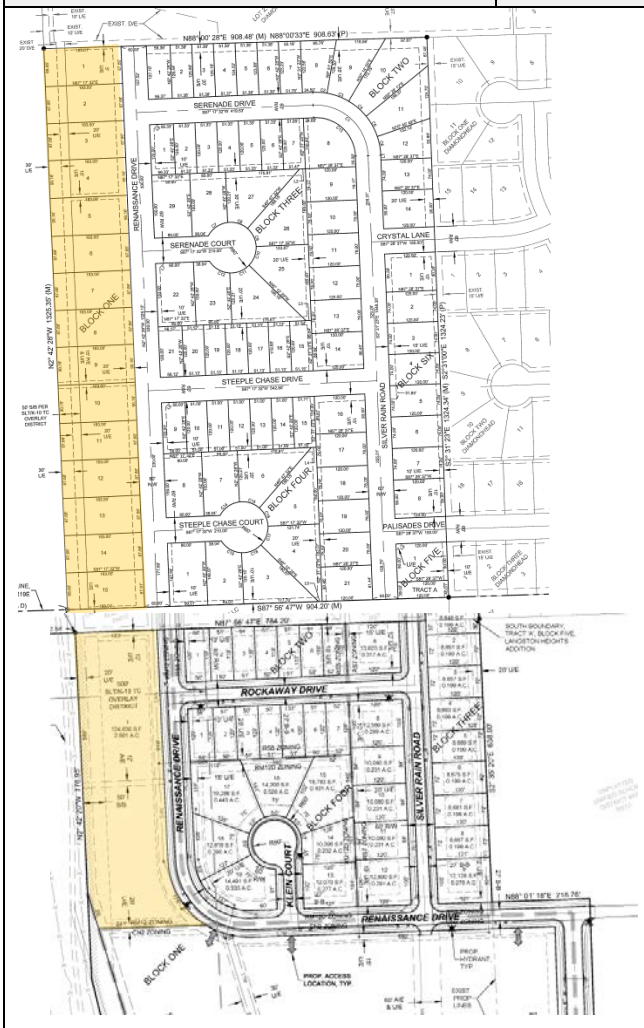
West of K-10 Area Plan Land Use Map



Density Analysis:

The following table summarizes density for this property when considered concurrently with the Langston Commons preliminary Plat. The overall increase in total number of dwelling units is 2 units if the RM24 district is approved. This application proposes to transfer approved density from the RM12 district to the north, in Langston Heights, that was reduced because of platting to duplex lots to the subject property in Langston Commons. The following table provides a summary of land use density for both existing RM12 parcels.

Total Combined Area is 8.429 Acres.	**As Approved Per Zoning**	
	RM12 Zoning (8.429 AC)	RM24 Zoning (0 AC)
Langston Heights: 5.568 Acres	62 units max *30 units total per revised pla*	0
Langston Commons: 2.861 Acres	34 units max	0
Total Units	96 units approved [11.3 du/ac] 64 units per platting [7.6 ud/AC]	
	As Proposed with revised final plat for Langston Heights	
Langston Heights	5.568 AC	0 AC
Langston Commons	0 AC	2.861 AC
Langston Heights	30 dwelling units	0 dwelling units
Langston Commons	0 dwelling units	68 dwelling units
Total Units	**98 [11.62 dwelling units per combined acres]**	



Langston Heights

- Originally approved as 1 lot.
  - Maximum density allowed per zoning = 62 units or 12du/ac
- Revised final plat established 15 duplex lot
- Maximum density allowed per platted development = 30 units
- -32 units lost with revised Final Plat.

30 Total Units in RM12 District
Density = 5.38

Langston Commons

- Originally approved as 1 lot.
  - Maximum density allowed per zoning = 12 dwelling units per acre (34 total units)
  - o
- Proposed Zoning is RM24
  - Maximum density allowed per zoning = 24 dwelling units per acre (68 total units)

68 Total Units in RM24 District
Density = 23.7

Total Units	**98 Units in RM12 and RM24** **Density = 11.62**

Memorandum
City of Lawrence
Planning and Development Services

TO: **Lawrence Douglas County Planning Commission**

FROM: **Planning Staff**

CC: **Applicant**

Date: **For February 26, 2014 meeting**

RE: **Item 7 Conditional Use Permit; Lodging House and Recreation; 1804 E 1500 Road (SLD)**

ATTACHMENTS
A – January Planning Commission Packet
B – Area Map
C – Response Letter from Applicant
D – Revised Floor Plan – first floor only.

Below are the recommendations included in the January Staff Report. Condition 1a and 1c are still applicable to this request. Condition 1b is recommended to be substituted with Additional condition 4 that addresses off-site parking.

January Conditions Recommended by Staff:

1) The provision of a revised Conditional Use Permit Site Plan with the following changes:
   a. Addition of the following note regarding the building requirements: "*Submission and approval of building plans to the Zoning and Codes Office is required for the hostel and assembly area uses. Adaptations to the existing buildings to bring them into code compliance shall be completed prior to release of a certificate of occupancy for the use.*"
   ~~b. Revise the site plan to show the location of additional off-street parking spaces per staff approval prior to issuance of an occupancy permit for capacity more than 85 people prior expansion of the assembly use.~~
   c. Provide a note on the site plan that states, "*Well water is not an approved water source for public use. The operator will supply bottled water or another public water supply for the use per the approval of the Douglas County Health Department.*"

Additional Conditions:

2) Provision of a note on the face of the site plan prohibiting the use of the second floor for assembly and lodging uses. Use of the 2nd floor space shall be allowed only after a rehearing by the County Commission as an expansion of the use and compliance with applicable building and safety codes.
3) Provision of a note on the face of the site plan limiting occupancy to not more than 78 individuals for events. Expansion of the use shall be allowed only after a rehearing by the

County Commission as an expansion of the use and compliance with applicable building and safety codes.

4) Requiring the provision of off-street overflow parking to accommodate 10 vehicles per the approval of the County Public Works Director and County Zoning and Codes Director to include any applicable lease agreement and minimum design standard.

This memo is provided in response to comments made by the Planning Commission and the public during the January public hearing meeting regarding the above referenced item. Following the Public Hearing staff provided a summary to the applicant identifying concerns as well as contacted County staff regarding on-street parking and building code requirements. The applicant was advised to contact the North Lawrence Neighborhood Association representative. Planning and County Staff met with the applicant on Monday February 3, 2014 to discuss the project in further detail and specifically address building code requirements applicable to the proposed use.

Substantial building changes are required to allow use of the second story of the building. Therefore, the applicant is intending to restrict his use of the second floor by providing a gate or door to prohibit unauthorized access to the second floor. At this time, the lodging use will not be permitted. These changes effectively modify the request and result in a reduction in the overall intensity of the use.

1. Parking on E 1500 Road.

E 1500 Road is the north south road along the west side of the property. Access to the property is provided from E 1500 Road at the north end of the site. The driveway is located approximately 167' north of the centerline of Highway 24/40. The County Public Works Director confirmed that E 1500 Road is narrow and carries significant traffic as a Minor Collector Road. There is currently no restriction prohibiting parking for this road. If or when the reception hall use is established the County Public Works Director would recommend the Board of County Commissioners adopt a resolution establishing no parking along E 1500 Road. Further, the County Public Works Director recommends that all required parking be provided on the site.

2. Stormwater runoff.

This property is located within the unincorporated portion of Douglass County. There are no adopted stormwater regulations for Douglas County; however, some projects have been required to address stormwater as part of the site development. Berry Plastics, a Conditional Use Permit, required on-site detention. This development project is significantly larger than the proposed use, however, with regard to a parking lot expanded either on site or on another adjacent property it is likely that the County Public Works staff would recommend a minimum surface of "clean gravel" to provide a protected and defined area for parking with a material that accommodates drainage and percolation of stormwater into the ground.

3. Adequacy of off-Street Parking

County Zoning code requires a specific number of spaces per use. The Planning Commission may, as part of the Conditional Use Permit revise or amend design standards and require additional off-street parking be provided or establish a limit on the intensity of the use. Staff has provided the following information for reference regarding off-street parking space required per the County Code.

Off Street Parking Calculations		
Use (Per County Zoning Regulations) occupancy = 80	**Parking Standard**	**Required Parking**
Churches, auditorium or pace of assembly	1 space pr 5 seats	16
Amusement place, dance hall, skating rink, natatorium, exhibition hall (without fixed seats)	1 space per 100 SF of floor area	10
Auditorium, theater, gymnasium, convention hall	1 space per 5 seats	16
Bowling alley [included as an example of a recreational use only].	10 spaces per alley	NA
Restaurant or other establishment for consumption of food and beverages on premises	1 per 100 SF of floor area.	10
Use (per City Zoning Code)	**Parking Standard**	**Required Parking**
Night Clubs (includes reception halls)	1 space per 3 persons based on maximum occupancy PLUS 1 space per employee at maximum shift.	27 (1/3 occupancy) + X per staff

For this application, staff calculated the minimum parking required for the assembly use based on 1 space per 5 seats as described in the staff report. An alternative calculation or minimum parking required using the 100 SF floor areas would result in approximately 10 spaces required for the first floor area (1007.33 SF). If calculated based on 1/3 occupancy plus staff (catering staff, etc.) off-street parking could range to 30 spaces or more depending on the number of staff provided for the event.

In discussion with City and County Staff, it was identified that the applicant could arrange for an overflow parking area on adjacent property to meet the requirements of off-street parking. This option would require the applicant to provide an executed lease agreement to the County Zoning and Codes Office prior to issuance of a building permit to guarantee the provision of off-street parking.

Previous Conditional Use Permits have been approved with overflow parking, usually on site, with only minimal improvements. Such a use in this case would need to include a dimensioned plan, drawn to scale, identifying the location, proposed surface improvements (gravel) and access approved by the County Public Works Director.

4. Building Code Requirements

Based on the revised floor plan provided by the applicant the first floor space is allocated as follows:

1st floor summary	
Space	SF
event space	600
kitchen	233.75
bathroom	80
storage	93.58
	1007.33

Per County Building Code requirements for the assembly use (reception hall), a minimum of two restrooms will be required for this use. "Assembly occupancies require one wc[1] per 40 males and one per 40 females. A lavatory is required in each bathroom. The Lodging use would also require at least one wc, one lavatory, one bathing unit, and a kitchen sink."

The use of the second floor will require remodeling to add fire sprinklers. To mix the assembly use and the lodging use, additional fire and building code requirements must be met regarding firewalls, signage, alarms, and exiting. Since there are significant issues at this time, the second floor use is not recommended.

With regard to the septic system, the existing facility may accommodate the additional Lodging use (if approved). However, the larger assembly use (100 guests or more) could cause a backing up of the system. The applicant could pursue extending the lateral field by getting an easement with the adjacent property owner or portable chemical toilets could be provided on site during events. The applicant has been working with the Douglas County Health Department to address this concern.

Building occupancy can be calculated for assembly use in one of two ways. One way assumes the assembly space is standing room only. This method is typically associated with a higher maximum occupancy level. If seating (tables and chairs) is provided within the assembly space, the number is reduced.

The applicant has indicated the assembly space is intended to be flexible to accommodate many types of activities. Wedding receptions are typically the most frequent type of assembly use but concerts and other types of gatherings could also be allowed. As such establishing a maximum capacity is a function of the Building Code. The most current building plans the applicant has shared with City and County staff includes only two restrooms, which would accommodate a maximum occupancy of 80 people. Based on a preliminary review by County Staff the recommended maximum occupancy for this use is 78 people. Staff recommends the site plan be revised to state the maximum occupancy allowed for this use.

The Planning Commission does have the authority to condition the use and restrict or limit the occupancy as part of the consideration of the proposed Conditional Use Permit.

5. Outdoor Activity

While not discussed in the original staff report, the applicant and the Neighborhood Representative, Ted Boyle have indicated interest in use of the exterior area.

With regard to occupancy, whatever occupancy is established for the building, the same would be presumed for any outdoor use of the property. Use of the outdoor area should not be expected to provide more space and therefore more demands for the restroom requirements than what is accommodate by the building. If approved, use of the building and the exterior areas are assumed.

Mr. Boyle indicated that residents in the area are concerned about noise especially during late evening hours. Typical activity would be expected to be later on weekends than weekday use.

[1] WC= water closet (toilet and sink)

The Planning Commission may recommend restrictions on hours of use. The limitations on hours and noise for activities should minimize any negative impacts to the nearby property owners. A similar condition was required for a similar application in 2010 for Bluejacket Crossing Winery.

The Blue Jacket Crossing Winery (CUP-3-2-10) was approved to allow accessory uses in addition to the regular winery uses subject to a condition addressing hours of operation. The condition states:

> "Events will typically occur on Saturdays, although Friday and Sunday events may be permitted. Up to 8 live music events may occur per calendar year. These events will conclude by 8:30 PM and the clean-up will be completed by 10 PM. Maximum attendance at live music events is 150."

If approved the Planning Commission may consider a similar restriction, modified for this use and location.

PLANNING COMMISSION REPORT
Regular Agenda

PC Staff Report
1/27/14

ITEM NO. 5: CONDITIONAL USE PERMIT FOR LODGING HOUSE AND RECREATION FACILITY TO BE KNOWN AS A HOSTEL AND BANQUET Hall; 1804 E 1500 RD (SLD)

CUP-13-00492: Consider a Conditional Use Permit for a Lodging House and Recreation Facility to be known as a hostel and banquet hall, located at 1804 E 1500 Rd. Submitted by Shane Powers, for Earl Stagg, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for the Lodging House and Recreation Facility and forwarding it to the Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following conditions:

1) The provision of a revised Conditional Use Permit Site Plan with the following changes:
   a. Addition of the following note regarding the building requirements: *"Submission and approval of building plans to the Zoning and Codes Office is required for the hostel and assembly area uses. Adaptations to the existing buildings to bring them into code compliance shall be completed prior to release of a certificate of occupancy for the use."*
   b. Revise the site plan to show the location of additional off-street parking spaces per staff approval prior to issuance of an occupancy permit for capacity more than 85 people prior expansion of the assembly use.
   c. Provide a note on the site plan that states "*Well water is not an approved water source for public use. the operator will supply bottled water or another public water supply for the use per the approval of the Douglas County Health Department."*

Reason for Request: *"We would like to use the property to operate a small (5 guests) Hostel style lodging house, as well as host events such as wedding receptions, banquets, private parties, and corporate outings."*

KEY POINTS

- The proposed uses, Lodging Facility and Recreation Facility, are permitted in the B-1 District with approval as a Conditional Use.
- Section 12-319-4.11 and 12-319-4.22 of the Zoning Regulations for the Unincorporated Territory of Douglas County lists *Recreation Facility* and *Rooming, Boarding and Lodging Houses and Similar Uses* as uses which may be approved as a Conditional Use.

ATTACHMENTS

A – CUP Plan
B – Floor Plan
C -- Final Plat
D – Airport Master Plan
E – Northeast Sector Plan Land Use Map 3-1.

DESCRIPTION OF USE

The applicant is requesting a Conditional Use Permit to allow the development of a recreation facility that will accommodate special events and lodging. The property is developed with an existing house and accessory buildings.

The site plan includes a floor plan of the assembly and hostel use. The first floor includes a 575 SF space with a 200 SF kitchen. The first floor also includes a bathroom, and storage space. The second floor includes an additional 700 SF of assembly space and a 120 SF room identified as "multi-purpose". Two bedrooms are located on the second floor of the building and would accommodate the proposed hostel use. (See attachment)

The existing residence will remain a resident occupied use. The 2,596 SF building to the north is intended for use for the reception/event space use and hostel use as available. The plan for the property is to primarily be a reception/event space with the Hostel use being provided during off-peak times so that the two uses do not overlap.

The existing garage accommodates the required residential parking. The remaining surface parking accommodates the proposed assembly use.

The applicant indicated that the initial intensity would be for a maximum occupancy of 85 with the eventual occupancy expanding to 150. Building improvements are required to accommodate the maximum planned occupancy. Until such improvements are made, the occupancy is capped per the applicable building codes.

ASSOCIATED CASES/

- SP-7-67-98: Site Plan for auto sales
- SP-3-25-99: Site Plan for photography studio.
- SP-12-79-00: Site Plan for photography studio.
- Miller's Subdivision – platted 1984 w/access restriction along the south and west property lines.
- Z-1-1-98; B-3 to B-1; Lot 1, Miller Subdivision. (1804 E. 1500 Rd.) [Olmstead] [Resolution 99-24].

OTHER ACTION REQUIRED

- Approval of Conditional Use Permit by the Board of County Commissioners.
- Conditional Use Permit Plan released to the Zoning and Codes Office.
- Issuance of permit for the Conditional Use by the Zoning and Codes Department following application and determination that all conditions have been met.
- Building plans submitted for approval and issuance of building permit from the Douglas County Zoning and Codes Office prior to development.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

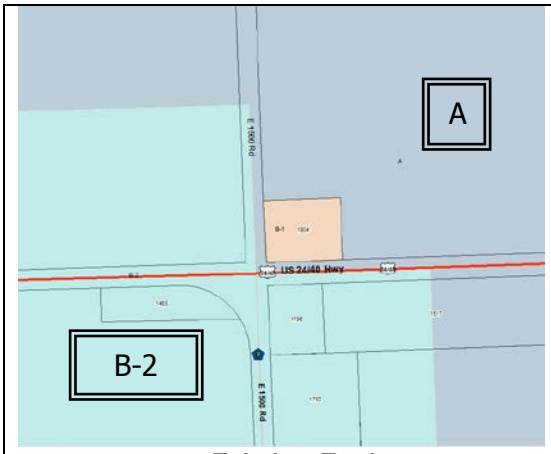
- No public comment has been received.

GENERAL INFORMATION

Current Zoning and Land Use: B-1(Neighborhood Business District) existing single-family residence and outbuildings used for office uses.

Surrounding Zoning and Land Use: To the north and east:
A (Agricultural) District. Agricultural uses.
To the south and west:
B-2 (General Business) District. Agricultural uses to

the west, hotel use to the southwest, residential use to the south, agricultural use to the southeast.



Existing Zoning

Existing Land Use

Site Summary: Subject Property:	1.2 acres including right-of-way
Existing Buildings:	4 existing buildings 1. 1,830 two story residence with office [1,058 1st floor; 772 SF 2nd floor]. 2. 2,596 SF two story building for reception use and hostel. 3. 816 Sf metal storage building along rear of property. 4. 480 SF storage building along E 1500 Road [former gas station].
Proposed Buildings:	No new building proposed with this project.
Off Street Parking Required:	Existing Residence; 1 space per residence = 1 Reception Hall; 1 space per 5 seats. Initial occupancy planned for 85. Future occupancy planned for 150. a. 85/5 = 17 spaces b. 150/5 = 30 spaces Rooming, boarding or lodging house 1 space per 2 sleeping rooms. 2 sleeping rooms (maximum 5 guests) 1 required space. *Space requirement met when assembly use not active.* 18 spaces (Maximum Occupancy 85) – 31 spaces (Maximum Occupancy 150)
Off Street Parking Provided:	17 surface spaces provided. 1 garage space provided. Total spaces provided 18.

Off Street parking for this use must address the residence (primary use) and the assembly use based on the maximum occupancy. The current off-street parking provides the minimum code required spaces to support the use the initial plans for an assembly use with a maximum occupancy of 85 people. To expand the use to the 150 occupancy level additional off-street parking will need to be

provided. This would require a revised plan to provide the additional 13 parking spaces. Additional clearing of the property and expansion of the parking areas could provide the necessary parking spaces required. Staff recommends that the applicant submit a revised site plan for staff review prior to expansion of the occupancy to review the required off-street parking. Alternatively the applicant could seek a variance from the County Board of Zoning Appeals to address this standard. At this time the use is limited to the maximum occupancy of 85 people with the available parking.

The Code requirement of 1 space per 5 seats may be low and could result in overflow parking along E 1500 Road. If this occurs the applicant should consider providing additional spaces on-site.

I. ZONING AND USES OF PROPERTY NEARBY

This property is zoned commercial and is surrounded by both commercial and agricultural zoning. Land uses include rural residential homes, business uses and agricultural uses along the US Highway 24/40 Corridor.

US Highway 24/40 is a designated principal arterial street. E 1500 Road (west property line) is designated as a rural minor collector road north of the highway and a rural major collector road south of the highway.

Staff Finding – Nearby properties are zoned for commercial and agricultural uses.

II. CHARACTER OF THE AREA

The subject property is located north of the City of Lawrence within the Urban Growth Boundary. This area is dominated by the Lawrence Municipal airport and agricultural uses. Non-residential uses are located along the highway frontages of US 24/40 and 24/59 in the area. Scatted rural residential homes are located along the county roads. This area also includes multiple parcels owned by KU Endowment and represents open space within the area.

Another defining characteristic of this area is the prevalence of Class 1 and 2 soils within this area. This is consistent with the numerous agricultural uses in the area.

The Northeast Sector Plan describes this area as follows:

> *"The dominant character of the area is rural in nature although there are a variety of uses within the planning area. The main rural uses in the flat lower parts of the planning area are agricultural row crop, livestock production, and pastureland uses.*
>
> *Rural residential uses are found in the higher northern parts of the planning area. Rural uses dominate those portions of Jefferson County that are north of the planning area and also those parts of Leavenworth County east of the planning Area. The KU Field Station is located in the northeast corner of the planning area and also within the Jefferson and Leavenworth counties.*
>
> *I-70 and a toll plaza along with highways 24/40/59 are major elements within the area. Industrial and commercial uses are located along Highway 24/59 and Highway 24/40. The Lawrence Municipal Airport is another major element within the planning area. The airport is annexed into the City, but is an island not contiguous with the corporate boundary of Lawrence. The Kansas River is generally west and south of the planning area. Urban uses within Lawrence are generally south of the planning area."*

Staff Finding -- The area contains agricultural land uses throughout the majority of the area. However, a variety of commercial and industrial uses are located along 24/40 and 59 Highways.

III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's response:

> *"The property zoning restrictions were amended to accommodate a photo studio. Since the photo studio moved approximately 1 year ago, the property has been listed for sale or lease, but remains vacant. The open floor plan and number of rooms lend the property greatly to the proposed use."*

This property is currently zoned B-1 to accommodate both the commercial and residential uses. The property has a history of mixed use. Approval of the Conditional Use Permit does not alter the base zoning district. The property will remain suitable for residential and commercial uses. The intent of the applicant is to invest in the property by providing a use in the 2,596 SF building north of the residence.

The B-1(Neighborhood Business) District allows automobile parking lots and storage garages, filling stations, retail uses such as dressmaking, tailoring, decorating, shoe repair, household appliance repairs, dry cleaning and similar uses, Personal service uses including barber shops, banks, artist's studio, restaurants and additional commercial uses listed in Section 12-309 of the County Zoning Regulations.

The "Hostel" use is limited to two sleeping rooms. It is proposed as a future use based on needed building safety improvements and would accommodate a maximum of 5 guests as stated in the application. The residence is intended to remain a residence with and not be used for the other proposed activities but may provide some home office space in the management of the proposed uses. The Rooming, Boarding or Lodging House use is very low impact.

The assembly use is associated with peak activity usually on the weekends and evenings. They do not generally occur on a daily basis but certainly could be if approved. Other uses allowed in the B-1 District of an assembly nature include churches, colleges and schools, nonprofit libraries, museums, and art galleries listed in Section 12-308.

Suitability then must be directly related to the ability of the subject property to sustain the activity in terms of utilities and parking.

Parking Suitability

As noted above off-street parking is a consideration. The planned development with a 150 occupant capacity would require more parking than is currently shown on the face of the site plan. The current design and off-street parking accommodates the initial occupancy capacity of 85 people.

Water/Sewer Suitability

It was noted in the review that well water will not be permitted to serve this property for public activities. The applicant will be required to provide bottled water or provide some kind of public water supplier. City Water is adjacent to this property however; access to that water supply would require annexation of the property into the City of Lawrence. Staff recommends a note be added to the face of the site plan indicating how water will be provided for the proposed use.

Compliance with minimum sanitary codes is required for this use. Staff has provided additional detail to the County Health Department for evaluation of the assembly use. The applicant is required to coordinate with the County Health Department as well as the County Zoning and Codes Office to meet minimum required building and health codes for this use. The applicant has been advised of these requirements.

Staff Finding –The property is well suited for commercial use with a limited level of intensity that balances the use with the available parking. The proposed use will facilitate continued investment in the property and existing improvements.

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

Appraisal records indicate this property was developed in 1950. The property was surveyed by the State Historic Preservation Office for possible listing. It was determined that the improvements have been modified and thus make the property ineligible for listing as a historic property.

This property was rezoned from A to B-3 (Limited Business District) in 1984 to accommodate an antique store. The property was rezoned in 1998 from B-3 to B-1. This change allowed the existing residence to be established as a conforming use. Residential uses are not permitted in the B-3 District.

Staff Finding – The property is currently developed with a residence and outbuildings. The current zoning has been in place since 1998.

V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's Response:

> *"There are no detrimental effects to nearby property. All effects should be positive, including: increased business traffic in an otherwise commuter-based area, as well as prevention of an historic property from falling into disrepair from lack of inhabitation."*

A Conditional Use P\permit does not alter the base zoning district. This property has a history of non-residential use. The property is located along arterial and collector streets providing adequate access to the property. Previous site plan approval required the closure of driveways to Highway 24/40. Access to the site is restricted to the north end of the site from E 1500 Road. There are no changes to the access proposed with this application.

The property is zoned commercially and located along a designated commercial corridor within the area.

The proposed assembly uses and accompanying traffic is likely to be more intensive than the previous photographic studio. Residential uses are located on the south side of Highway 24/40 east of E 1500 Road. An existing hotel and large agricultural operation are also located on the south side of Highway 24/40 west of E 1500 Road.

Agricultural fields are located to the immediate north, east and west on the north side of Highway 24/40 and are not anticipated to be impacted by the proposed use. Additionally, the airport property to the east is planned for development that would include airport related uses increasing the presence of non-residential uses in the immediate area.

The agricultural properties to the north east and west of the subject property are limited in the ability to develop due to the proximity of the airport. Long terms plans for the airport include future acquisition of land at the end of the runway northeast of the subject property.

Staff Finding –There should be no negative impacts from the proposed use.

VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

Applicant's Response:

"The proposed Conditional Use Permit would generate more tax revenue for the City of Lawrence and Douglas County than the current office use zoning allows for."

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property. Denial of the request for a Conditional Use Permit would prohibit the use of this property as proposed for lodging (Hostel) and recreation facility (reception hall/event center).

Approval of the CUP request would accommodate private investment in an existing commercially zone property with existing improvements. The property size limits the intensity of the improvements. The lodging use could be accommodated if the property were rezoned to B-2. However that would also increase the scope of commercial uses allowed in the district including drive-in restaurants, warehouse uses, recreation uses including bowling alleys, billiard parlors, and amusement places, skating rinks, or dance halls as well as an auditorium or theater. These uses are currently allowed in the abutting B-2 District to the west of E 1500 Road north of Highway 24/40 and to the south of the subject property along both sides of E 1500 Road on the south side of Highway 24/40. The significant difference is that the proposed uses require a Conditional Use Permit in the B-1 District.

In 2000 a site plan was submitted for the construction of the 2,596 SF building north of the residence for an office type use. At that time, driveway access was required to be removed from Highway 24/40 so that the only access to the property is provided from E 1500 Road at the north end of the property. This improves the traffic flow and safety along the highway.

Staff Finding – There would be no public benefit from the denial of the request which would prohibit the reinvestment in this existing property. The approval of the request would benefit both the public and the applicant by enhancing property and providing an economic benefit.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

> *"With the proximity to North Lawrence, it is reasonable to assume that guests and tourists in the vicinity will reinforce the plan to support/expand N. 2nd & N. 3rd Street commerce."*

The subject property is located within the Lawrence Urban Growth boundary and within the boundary of the *Northeast Sector Plan.* Both *Horizon 2020* and the Sector Plan recognize this intersection as a Neighborhood Commercial Center. Horizon 2020 lists the intersection of E 1500 and Highway 24/40 as a potential location for future neighborhood commercial development in Chapter 6 (page 6-21). The Sector Plan shows this specific property as commercial on Map 3-1 of the plan. The property is currently zoned consistent with these land use recommendations.

Staff Finding – The proposed use is in conformance with the recommendations in the Comprehensive Plan as well as the *Northeast Sector Plan*.

STAFF REVIEW

A recreation facility is being proposed with this CUP application. The CUP is for both an event space (reception hall, weddings, banquets, private parties, and corporate outings) as well as to providing lodging in the form of a hostel. The related code use for the lodging use is considered to be a "rooming, boarding and lodging house or similar use." In this application the lodging will be provided in one of two sleeping rooms in a building separate from the residence. This is proposed as a future use and requires improvements to comply with minimum building safety standards. The applicant has been advised of these requirements and is working with County staff to address these issues. The use can be approved with this Conditional Use Permit, however the structure will need to meet the building requirements prior to actual use. A note on the face of the plan should be added to indicate this requirement.

Vehicular access to the property will be limited to E 1500 Road. No changes to the existing vehicular access are proposed with this project.

Parking provided for the initial phase of the use (maximum occupancy capacity of 85 people) meets the minimum Code requirements. The applicant may need to provide additional parking if they find that attendees are parking along the road. Additional off-street parking will be required prior to expansion of the activity (including the 2nd floor of the building). The site plan includes areas that could be expanded to accommodate the required off-street parking needed for the increased capacity. These spaces would need to be constructed concurrently with the expansion of the capacity.

The proposed use will maintain the continued use of this property as a mixed residential/commercial use.

Conclusion

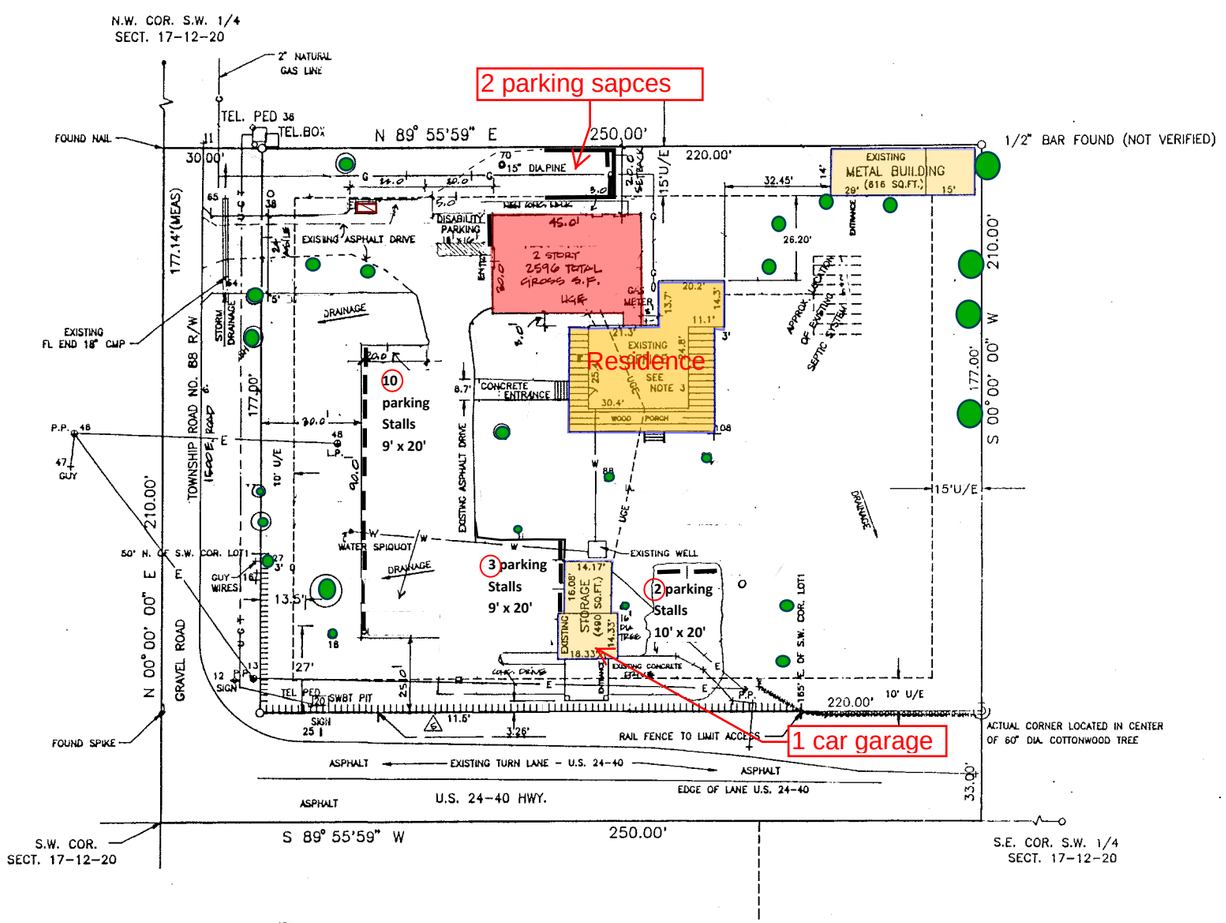
Approval of a Conditional Use can be tailored to address specific issues such as intensity or frequency of use, include time limitations, and provide screening requirements and additional parking requirements. The recreation facility and lodging house, as proposed, should be compatible with nearby land uses for the initial phase with a maximum capacity of 85 people. The recommended conditions are intended to document the areas for additional parking to accommodate an increased capacity not to exceed 150 people for a single event. The increased capacity is dependent upon the applicant's ability to meet the minimum building code requirements for the use. Occupancy of the building will require submission and approval of applicable building permits and the acquisition of an occupancy permit.

N

SCALE: 1" = 20'

LAWRENCE MUNICIPAL AIRPORT

A BRASS CAP NEAR THE SOUTWEST ANGLE OF THE JUNCTION OF A TAXIWAY AND A PARALLEL TAXIWAY FOR RUNWAY 14–32 AT THE LAWRENCE MUNICIPAL AIRPORT STAMPED LLOYD 1986. THE PUBLISHED ELEVATION IS 828.75 FEET REFERENCED TO NAD 83.



DESCRIPTION :

MILLER'S SUBDIVISION LOT 1 LEGALLY DESCRIBED AS;

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE N 00° 00"00" E ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (S.W. 1/4) OF SAID SECTION 17, 210.00 FEET; THENCE N 89° 55'59"E. 250.00 FEET; THENCE S 00°00' 00" W 210 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER (S.W.1/4) OF SAID SECTION 17; THENCE S 89° 55'59" W ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) 250.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.20 ACRES, MORE OR LESS, ALL IN DOUGLAS COUNTY, KANSAS.

VEHICULAR ACCESS CONTROL

PRESENT LIMITS

1. NO VEHICULAR INGRESS OR EGRESS SHALL BE PERMITTED TO LOT 1 WITHIN THESE LIMITS.
2. EXISTING DRIVES WITHIN THESE LIMITS SHALL BE APPROPRIATELY BLOCKED TO PREVENT VEHICULAR ACCESS.

LEGEND

- UGT — UNDER GROUND TELEPHONE
- UGE — UNDER GROUND ELECTRIC LINE
- E — ELECTRIC LINE
- W — WATER LINE
- G — GAS LINE

Existing Trees

GENERAL NOTES:

1. THIS EXISTING SITE WAS NOT ORIGINALLY DESIGNED FOR ADA COMPLIANCE. HOWEVER, DESIGNATED LOCATIONS EXIST FOR PARKING COMPLIANCE. THE BUILDINGS ARE EXISTING.
2. EXISTING ZONING IS B–1 Reception Hall/Hostel .
3. BUILDING INFORMATION: 2 STORY HOUSE= FIRST LEVEL 1058 SQ.FT. – ~~OFFICE WITH LESS THAN 250 SQ. FT. OF PUBLIC ACCESS AREA.~~ SECOND LEVEL = 772 SQ. FT. ~~NON PUBLIC ACCESS.~~ ~~STUDIO~~ 2596 GROSS S.F. STORAGE AREA = NON PUBLIC ACCESS. METAL BUILDING = EXTERIOR OF BUILDING USED FOR PHOTO PROP.
4. PARKING REQUIREMENTS: 18 REQUIRED – PARKING PROVIDED: 18 SPACES INCLUDING 1 ACCESSIBLE, (HDCP).
5. ALL UTILITIES SHOWN ARE APPROXIMATE AND SHOULD BE VERIFIED PRIOR CONSTRUCTION.
6. ALL OWNERSHIP, BOUNDARY, RIGHT OF WAY, AND EASEMENT INFORMATION SHOWN HEREON IS BASED UPON THE PLAT OF MILLERS SUBDIVISION LOT 1 AS FILED IN THE DOUGLAS COUNTY REGISTER OF DEEDS OFFICE IN BOOK P–15, PAGE 89.

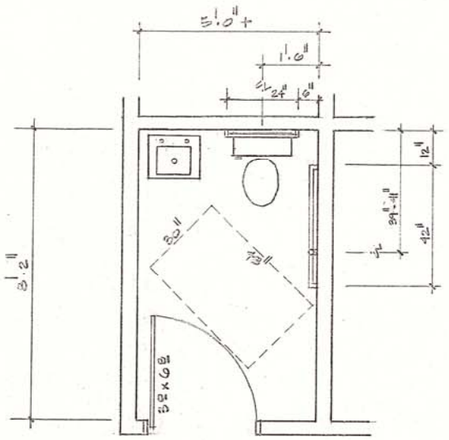
SURVEYORS CERTIFICATION:

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS BASED ON ACTUAL FIELD SURVEY OF THE ABOVE DESCRIBED PROPERTY AS OF THIS DATE, AND WAS MADE UNDER MY DIRECT SUPERVISION. THIS SURVEY IS NOT TO BE CONSTRUED AS A LEGAL SURVEY. THIS DRAWING IS FOR CONSTRUCTION PURPOSES ONLY. NO RESPONSIBILITY IS ASSUMED FOR EASEMENTS OR RIGHT OF WAYS NOT SHOWN ON THE RECORDED PLAT.

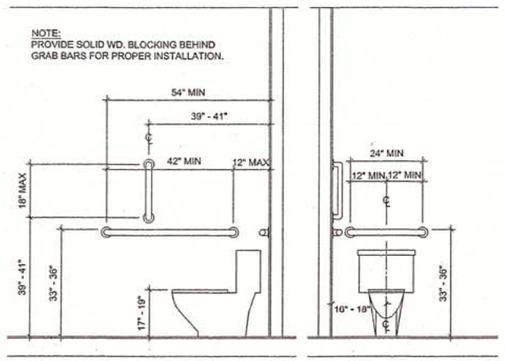
Bradley N. Anson — BRADLEY N. ANSON LS 808

May 5, 1999 — DATE

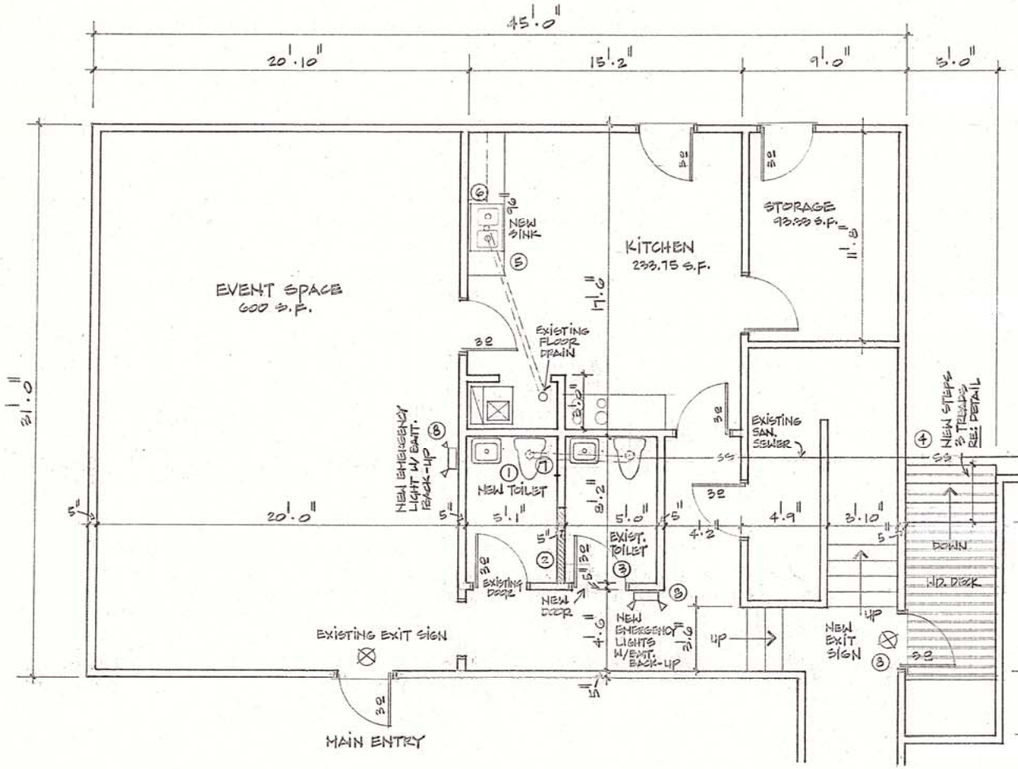
Revised by
Planning Staff
Jan. 2014



TOILET PLAN
SCALE: 1/2" = 1'.0"



GRAB BAR DETAILS
SCALE: 1/2" = 1'.0"



NEW FLOOR PLAN (AFTER REMODEL)
SCALE: 1/4" = 1'.0"

ADA NOTES

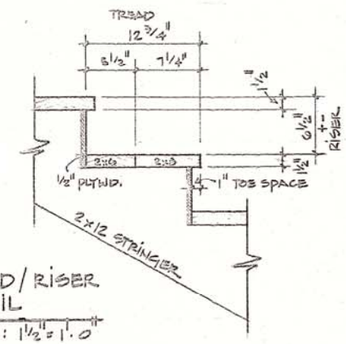
THE GENERAL CONTRACTOR SHALL ACQUAINT HIMSELF WITH THE HANDICAPPED REQUIREMENTS FOR THE STATE OF KANSAS AND THE AMERICAN DISABILITIES ACT (ADA) AND SHALL INSURE THAT THIS FACILITY WILL BE ACCESSIBLE. ACCORDING TO THE STRICTER REQUIREMENTS OF THE APPLICABLE STANDARDS. THE FOLLOWING IS A PARTIAL LIST OF REQUIREMENTS.

1. DOOR

A. DOOR HARDWARE SHALL BE MOUNTED @ 36" ABOVE FLOOR AND BE LEVER TYPE.

2. TOILETS

A. LAVATORY TO HAVE LEVER HANDLES.
B. LOCATE THE WATER CLOSET 18" FROM THE CENTER LINE OF THE FIXTURE TO THE WALL. THE SEAT WILL BE 17" TO 19" ABOVE THE FLOOR TO THE TOP OF SEAT.
C. PROVIDE ONE 42" AND ONE 24" LONG x 1 1/2" OUTSIDE DIAMETER PEENED GRAB BARS, 1 1/2" FROM THE WALL WITH ONE BEHIND AT 6" FROM THE WALL AND ONE ADJACENT TO AT 12" FROM THE WALL 33"-36" PARALLEL TO AND ABOVE THE FLOOR. PROVIDE ONE VERTICAL GRAB BAR 39" - 40" FROM THE BACK WALL AT 39" - 41" ABOVE THE FINISHED FLOOR.
D. LAVATORY TO BE MOUNTED 32" ABOVE THE FINISHED FLOOR TO RIM WITH KNEE SPACE OF 30" IN WIDTH AND 27" IN CLEAR HEIGHT. (29" CLEAR UNDER FRONT EDGE)
E. INSTALL MIRROR 40" ABOVE THE FINISHED FLOOR TO BOTTOM AND 72" TO TOP.
F. TOILET PAPER DISPENSER OUTLET (PROTRUDING) MOUNTED 18" MIN. OR 48" MAX. ABOVE THE FLOOR AND MIN. 24" FROM REAR WALL. WHEN INSTALLED ABOVE GRAB BAR THE DISPENSER OUTLET MAY BE INSTALLED 36" MAX FROM REAR WALL AND WHEN INSTALLED BELOW THE GRAB BAR THE OUTLET MAY BE INSTALLED 42" MAX. FROM REAR WALL.
G. LOCATE LIGHT SWITCHES AND RECEPTACLE 42" ABOVE FLOOR. (NOT TO EXCEED 48" ABOVE FLOOR)



TREAD/RISER DETAIL
SCALE: 1 1/2" = 1'.0"

STATEMENT OF INTENT:

THE OWNER WOULD LIKE TO CONVERT THE EXISTING "UNIVERSITY PHOTOGRAPHY" STUDIO TO A PUBLIC GATHERING/BANQUET SPACE. THE PROJECT REQUIRES A CHANGE OF USE FROM USE GROUP "B" BUSINESS, TO A USE GROUP "A", ASSEMBLY. A SPECIAL USE PERMIT HAS BEEN REQUESTED.

CODE DATA:

USE GROUP: ASSEMBLY GROUP A-2 "BANQUET HALL" (W/ FOOD AND DRINK CONSUMPTION)

ALLOWABLE AREA: 6,000 S.F. (MAX.)

ALLOWABLE HEIGHT: ONE STORY

TYPE OF CONSTRUCTION: V-B, NON-RATED

FIRE PROTECTION SYSTEM: NOT REQUIRED CHAP. #9, SEC. 903.2.1.2 IBC 2012

OCCUPANT LOAD:

ASSEMBLY: CONCENTRATED CHAIRS - NOT FIXED. EVENT SPACE 600 S.F. ÷ 7 S.F. PER PERSON = 85.7 PERSONS

KITCHEN: 293.75 S.F. ÷ 200 S.F. PER PERSON = 1.16 PERSONS

STORAGE: 93.33 S.F. ÷ 300 S.F. PER PERSON = .31 PERSONS

TOTAL OCCUPANT LOAD: 88 PEOPLE

MEANS OF EGRESS:

NUMBER OF EXITS: TWO, AS PER SEC. 1015, IBC 2012

LOCKS AND LATCHES: GROUP "A" HAVING AN OCCUPANT LOAD OF 300 PEOPLE OR LESS MAY HAVE DOORS EQUIPPED WITH KEY OPERATED LOCKING DEVICES FROM THE EGRESS SIDE. A READILY VISIBLE DURABLE SIGN MUST BE POSTED ON EGRESS SIDE.
SIGN MUST READ: THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED.
AS PER SEC. 1008.1.9.3 IBC 2012

PANIC HARDWARE: PANIC HARDWARE IS NOT REQUIRED, AS PER SEC. 1008.1.10 IBC 2012

CONSTRUCTION NOTES:

1. ADD NEW TOILET AT EXISTING SPACE.
2. BUILD NEW WALL BETWEEN TOILETS.
3. ADD NEW DOOR AT EXISTING TOILET.
4. BUILD NEW STEPS AT EXTERIOR EXIT.
5. REMOVE CONCRETE FLOOR AND ADD NEW SINK, DRAIN LINES AND SUPPLY LINES.
6. ADD NEW H.W.H. BELOW NEW SINK.
7. REMOVE CONCRETE FLOOR AND ADD NEW SANITARY SEWER LINE AT NEW TOILET TO EXISTING SEWER LINE.
8. ADD NEW EXIT LIGHT AND EMERGENCY LIGHTS.

THE "FETE"
1804 EAST 1500 ROAD
LAWRENCE, KANSAS

SCHNEIDER & ASSOC.
Frederick A. Schneider, Architect
2859 Fourwind Dr. Suite 169
Lawrence, KS 66047
Telephone: (785) 841-3752

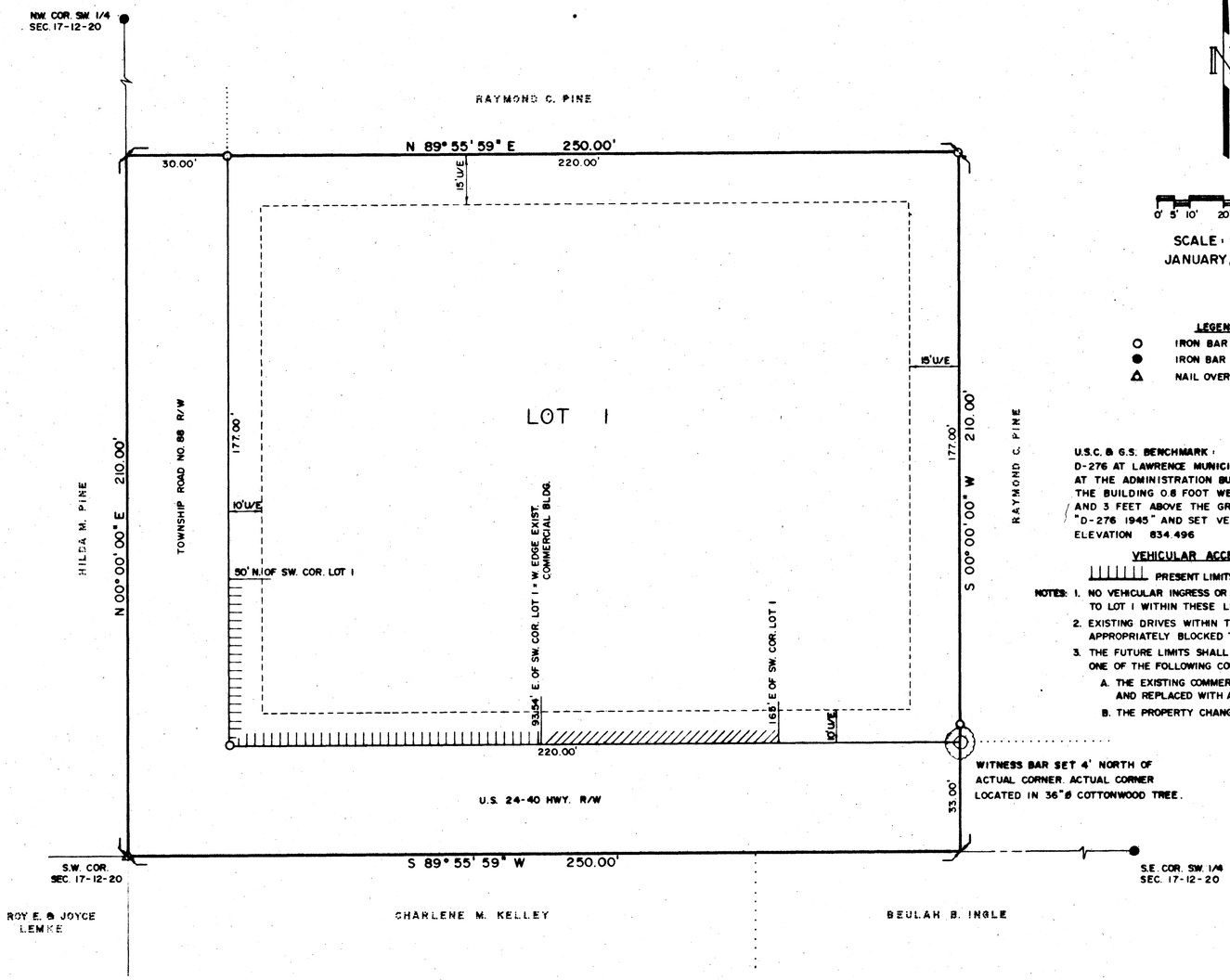
FREDERICK A. SCHNEIDER LICENSED 3976 KANSAS PROFESSIONAL ARCHITECT

1.9.14

SHEET ONE OF ONE

DATE: JAN. 9, 2014

A FINAL PLAT OF
MILLER'S SUBDIVISION
IN DOUGLAS COUNTY, KANSAS



N

0' 5' 10' 20' 40'

SCALE: 1"=20'
JANUARY, 1984

LEGEND

- ○ IRON BAR SET
- ● IRON BAR FOUND
- △ NAIL OVER SECTION COR. FOUND

U.S.C. & G.S. BENCHMARK:
D-276 AT LAWRENCE MUNICIPAL AIRPORT DOUGLAS COUNTY AT THE ADMINISTRATION BUILDING IN THE SOUTH WALL OF THE BUILDING 0.8 FOOT WEST OF THE SOUTHEAST CORNER AND 3 FEET ABOVE THE GROUND. A STANDARD DISK STAMPED "D-276 1945" AND SET VERTICALLY.
ELEVATION 834.496

VEHICULAR ACCESS CONTROL

PRESENT LIMITS ////// FUTURE LIMITS

NOTES:
1. NO VEHICULAR INGRESS OR EGRESS SHALL BE PERMITTED TO LOT 1 WITHIN THESE LIMITS.
2. EXISTING DRIVES WITHIN THESE LIMITS SHALL BE APPROPRIATELY BLOCKED TO PREVENT VEHICULAR ACCESS.
3. THE FUTURE LIMITS SHALL ONLY BE ENFORCED WHEN EITHER ONE OF THE FOLLOWING CONDITIONS EXISTS.
   A. THE EXISTING COMMERCIAL BUILDING IS REMOVED AND REPLACED WITH A NEW COMMERCIAL BUILDING.
   B. THE PROPERTY CHANGES OWNERSHIP.

LEGAL DESCRIPTION

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE N 00°00'00" E ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (S.W. 1/4) OF SAID SECTION 17, 210.00 FEET; THENCE N 89°55'59" E 250.00 FEET; THENCE S 00°00'00" W 210.00 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER (S.W. 1/4) OF SAID SECTION 17; THENCE S 89°55'59" W ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER (S.W. 1/4) 250.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.20 ACRES, MORE OR LESS, ALL IN DOUGLAS COUNTY, KANSAS.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLATTED AREA SHOWN HEREON REPRESENTS ALL BOUNDARIES AND ACCURATELY GIVES ALL LOT DIMENSIONS; AND IRON BARS HAVE BEEN FOUND OR SET AT PROPERTY CORNERS AS SHOWN ON THE PLAT.

Walter P Ward
WALTER P. WARD R.L.S. # 606
DATE OF RESURVEY:

WALTER P. WARD LS-606 KANSAS LAND SURVEYOR

DEDICATION

KNOWN ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED HAVE CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED AND PLATTED UNDER THE NAME A FINAL PLAT OF MILLER'S SUBDIVISION IN DOUGLAS COUNTY, KANSAS AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO A LOT AND STREETS IN AND SHOWN HEREIN. THE STREETS ARE HEREBY DEDICATED TO THE PUBLIC FOR STREET, UTILITY, AND DRAINAGE PURPOSES. THE EASEMENTS ARE HEREBY DEDICATED TO THE PUBLIC FOR UTILITY AND DRAINAGE PURPOSES.

IN TESTIMONY WHEREOF

PAUL F. MILLER AND MARY LOU MILLER, HUSBAND AND WIFE, HAVE CAUSED THESE PRESENTS TO BE SIGNED.

Paul F. Miller
PAUL F. MILLER

Mary Lou Miller
MARY LOU MILLER

HUSBAND AND WIFE

NOTARY PUBLIC

STATE OF KANSAS
COUNTY OF DOUGLAS SS

BE IT REMEMBERED THAT ON THIS 17th DAY OF January, 1984, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE CAME THE ABOVE NAMED OWNERS TO ME KNOWN PERSONALLY TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME TO BE THEIR VOLUNTARY ACT AND DEED.

Ronald E. Steinert
NOTARY PUBLIC

RONALD E. STEINERT 3-5-85

MY COMMISSION EXPIRES March 5, 1985

1179

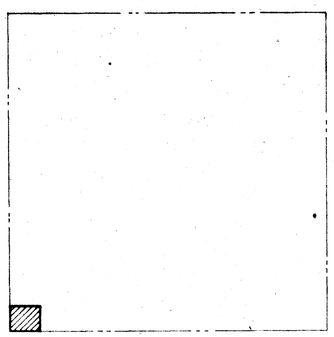
FILING RECORD

STATE OF KANSAS
COUNTY OF DOUGLAS SS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE ON THIS 27th DAY OF March, 1984 AT 8:40 A.M., AND IS DULY RECORDED IN BOOK P-15, PAGE 89 OF PLATS.

Sue Newtyton
REGISTER OF DEEDS

REGISTER OF DEEDS DOUGLAS COUNTY, KANSAS



LOCATION MAP- S.W. 1/4 SECTION 17 - 12 - 20

ENDORSEMENT

APPROVED BY
LAWRENCE-DOUGLAS COUNTY PLANNING COMMISSION, DOUGLAS COUNTY, KANSAS

Richard D. Ice
RICHARD ICE CHAIRMAN

DATE Feb 23, 1984

ACCEPTANCE

RIGHTS-OF-WAYS ACCEPTED AND EASEMENTS APPROVED FOR PUBLIC PURPOSES.

Beverly A. Bradley
BEVERLY A. BRADLEY CHAIRMAN - COUNTY COMMISSION

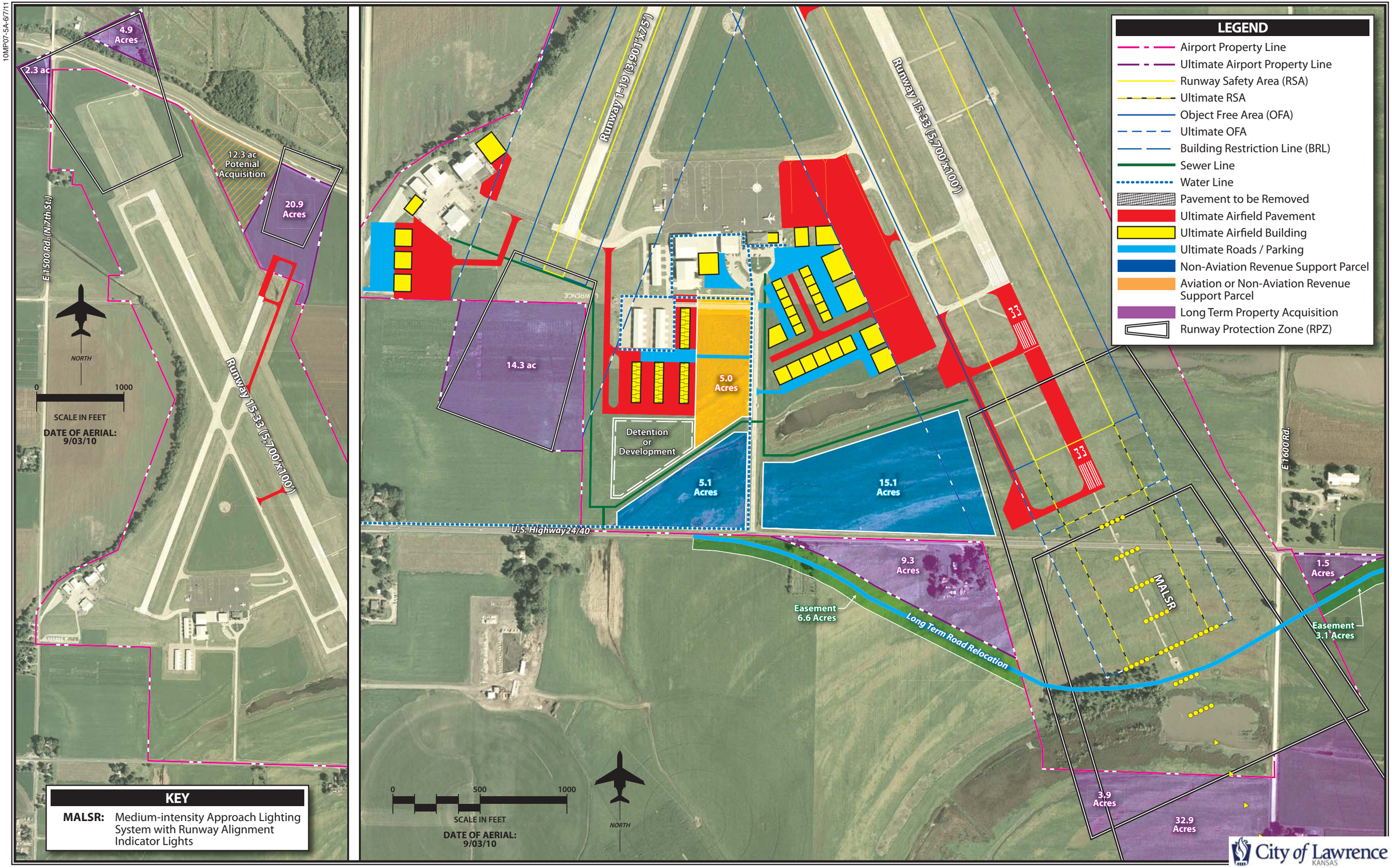
Patty Jaimes
PATTY JAIMES COUNTY CLERK

DATE March 14, 1984

EBH CONSULTING ENGINEERS
EVANS + BIERLY + HUTCHISON & ASSOCIATES
GREAT BEND, KS. LAWRENCE, KS.

Miller's Subdivision

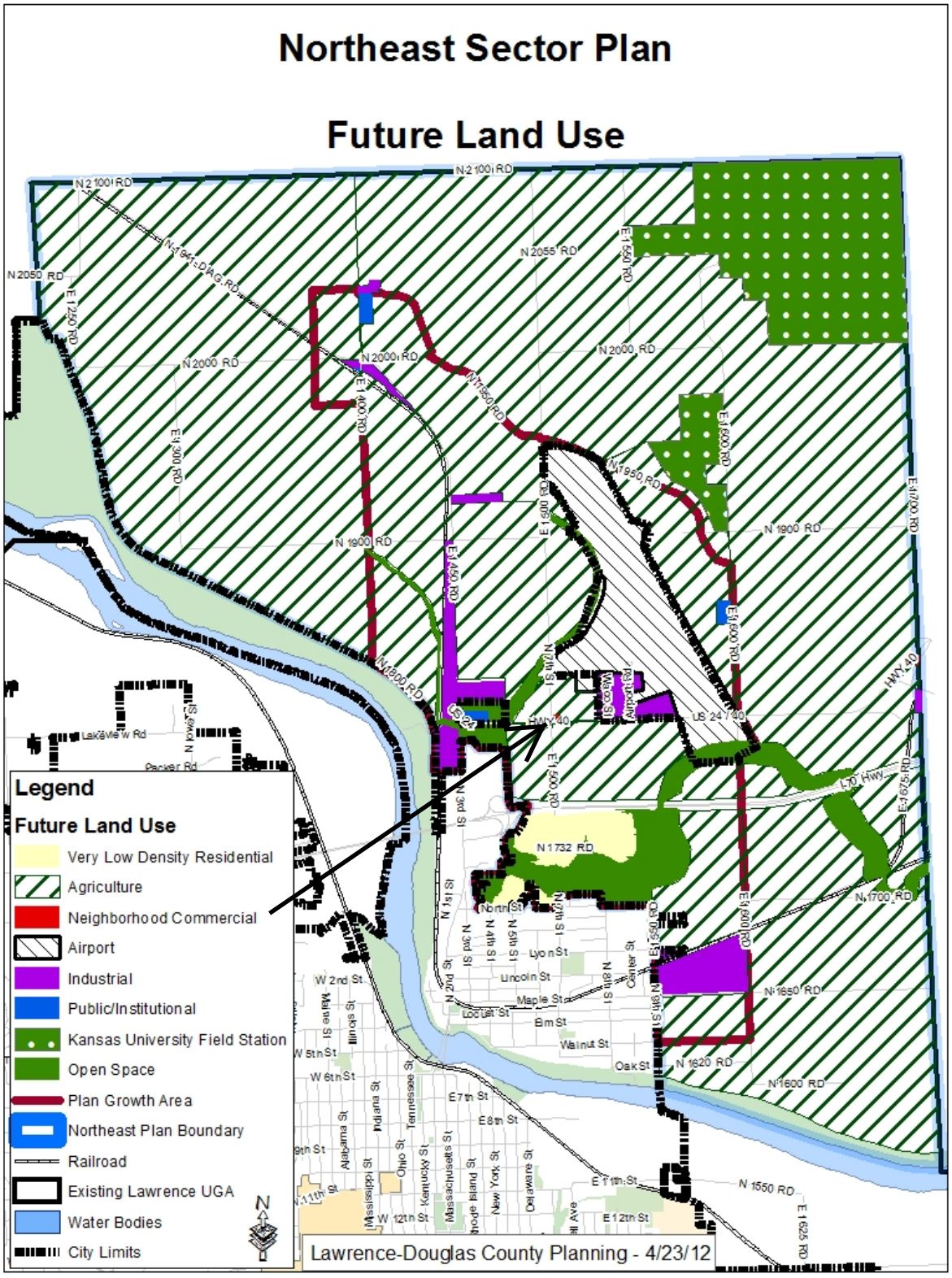
10MP07-5A-6/7/11

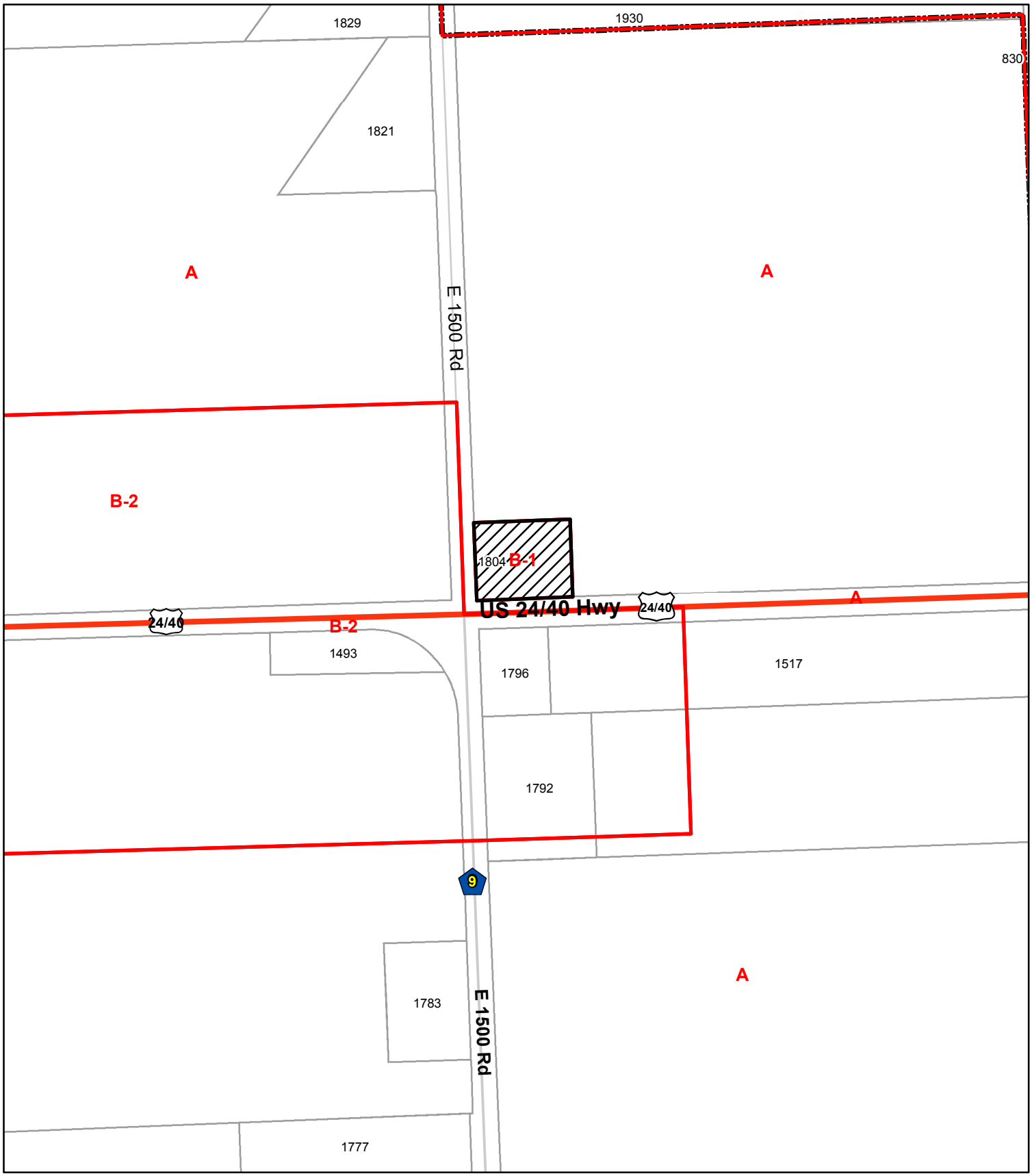


City of Lawrence KANSAS

Exhibit 5A
MASTER PLAN CONCEPT

Map 3-1 – Future Land Use





CUP-13-00492: Conditional Use Permit for a Hostel and Banquet Hall Located at 1804 E 1500 Road

Lawrence-Douglas County Planning Office
January 2014

Subject Property

N
W E
S

To whom it may concern,

I am writing in response to commission and public concerns expressed at the January commission meeting regarding the request for a condition use permit at 1804 East 1500 Road. It is my hope that this response can open a dialog about these concerns, and help move the issue towards a resolution that is agreeable to all interested parties.

Parking along the county road is a concern for the community, the commission, and myself. It is never my intention to create a situation in which the public is inconvenienced, or anyone is endangered. Space on the property is relatively limited, and while there is some space that can be used to expand parking capacity by a few vehicles, I believe an offsite parking agreement with a neighboring property is the best solution. I have contacted Charles Soules to discuss the possibility of leasing parking spaces in the Municipal Airport lot to the North, and management at the Airport Motel, to begin discussions about the possibility of shared use during events too large for my parking lot to accommodate. I am willing to voluntarily limit capacity until an agreement of some type is reached, and at this point the second floor of the facility will not be opening. The 700 square feet of event space, as well as the hostel rooms, have been relegated to an expansion project.

Building code concerns were also expressed. I have been working with Kay Pettit and the County Zoning Office, and Schneider Architects, to ensure code compliance in all areas of the project. The floor plan presented at the January commission meeting were the drawn prior to modifications. County Planning staff has been provided with architectural drawings of the work to be completed on the property.

I hope that I have touched on all pertinent topics, and I hope this clarifies the issues and my intentions.

Sincerely,

Shane Powers

Memorandum
City of Lawrence and Douglas County
Planning and Development Services

TO: **Planning Commission**

FROM: **Mary Miller**

Date: **For February 26, 2014 meeting**

RE: **TA-13-00451 Revised Agritourism Regulations**

Attachments:
A: Revised Draft Language
B: Introductory Brochure
C: Communications

This memo outlines the process of the amendment referenced above and includes a summary of the comments that were provided on the draft language presented to the Planning Commission at their January meeting, noting all changes made to the language (with the exception of minor housekeeping changes).

PROCESS:

October 16, 2013 Board of County Commissioners Meeting

The Board of County Commissioners established a temporary moratorium on registration of Agritourism uses and initiated a text amendment to revise the Agritourism regulations in the *Zoning Regulations for the Unincorporated Territory of Douglas County.* These actions were in response to concerns regarding the off-site impacts that could occur with Agritourism activities.

November 6, 2013 Board of County Commissioners Study Session

The Board of County Commissioners provided the following direction for the revised regulations:

- Develop clear standards to differentiate between the differing intensities of use beyond the size of attendance expected. This would include the development of criteria or parameters to categorize activity levels so that potential off-site impacts from the more intense activities could be evaluated more closely. Possible parameters include:
  1) The general nature of the Agritourism activity.
  2) Distance of the Agritourism activity from residences.
  3) Size and use of the property where the Agritourism activity is proposed.
  4) Size of facilities (such as structures and parking areas) being proposed for the Agritourism activity.

5) Whether the Agritourism operator lives on the site.
6) Whether the Agritourism activity is compatible with the rural character of the area.

- Develop standards such as parking, screening, and buffering requirements for all Agritourism activities. Provisions related to transportation should also be made for the more intense Agritourism activities such as traffic studies and possible improvements to the roads, if necessary, to accommodate the use.
- Additionally, the standards should clarify that re-registration due to a change of use would require public notification and County Commission approval.

January 27, 2014 Planning Commission

Staff provided revised regulations to the Planning Commission based on this direction. The Planning Commission noted that few Agritourism operators had been involved in the drafting of the revised regulations and expressed concern that the revisions could have a significant impact on existing Agritourism operations. The Commission directed staff to contact all the Agritourism operators that are currently registered with the State. Staff emailed the proposed regulations and requested input from the operators listed on the State Agritourism website http://www.ravelks.com/industry/agritourism/registered-companies/ One comment was received as a result of this mailing.

All comments received on the proposed revised regulations are included with this memo as Attachment A. In addition, staff met with the County sub-committee of the Douglas County Food Policy Group and received verbal comments from them. This memo summarizes the concerns noted in the comments and explains the changes which were made to the draft language, or the reasoning if no changes were made. Staff initiated some changes to the language and these revisions are noted in the final section of this memo.

IMPORTANT POINTS ABOUT AGRITOURISM REGULATIONS

1) The intent of these revisions is to achieve a balance between the goals of fostering and promoting Agritourism and protecting the public health safety, and welfare while observing the direction of the County Commission.

2) The Tier 2 process is the same process that is currently required for other permitted uses in the A District (with the exception of agriculture and residential). These uses require County Commission approval through the site planning process as outlined in Section 12-319A of the Zoning Regulations. This is a less intensive process than the Conditional Use Permit (CUP) that most of the Tier 2 uses would require without the Agritourism provisions.

3) If the proposed Agritourism activity will be infrequent, the Special Event Permit outlined in Section 12-319-8 of the Zoning Regulations may be another option.

4) Agritourism uses which are agricultural are encouraged to register, but registration is not required. Section 20-304-6.01 of the Zoning Regulations states: *"No land may be used except for a purpose permitted in the district in*

which it is located, provided, however; ***that no regulations shall apply to the use of land for agricultural purposes*** *nor for the erection or maintenance of buildings thereon as long as such buildings are used for strictly agricultural purposes." (*emphasis added). The County Commission adopted Resolution No. 08-25 to provide guidance to County staff when determining if a use is considered 'agricultural'. It is recommended that anyone interested in pursuing Agritourism contact the Zoning & Codes Department to determine if their use meets the standards to be considered 'agricultural'.

5) A supplemental brochure has been created to accompany these revised regulations to explain the process and the agricultural exemption in simpler terms.

DISCUSSION OF COMMENTS RECEIVED AND REVISIONS MADE

(with staff discussion following in *italics*)

1. **Section 12-319-7.03(a)(ii)** Increase the number of vendors permitted in an Farmer's Market. The City Farmer's market has 90 vendors, 4 seems very limited. The Food Policy sub-committee suggested 10 vendors.
   Revised to change the limit for Tier 1 at '10' vendors.

2. **12-319-7.03(a)(xii)** Assembly type uses permitted as Tier 1 should be titled 'small assembly type uses' as the size is limited by the 25 parking space restriction or all assembly type uses should require County Commission approval.
   The title was revised to clarify that these are 'small' assembly type uses. An example of a small assembly type use would be a business meeting or a child's birthday party.

3. **12-319-7.03(b)(i**) The Agritourism use should not be required to be an accessory use to a farm as this could be misinterpreted to mean accessory to a residence.
   Removed requirement that the use be accessory to a parcel with agricultural land uses.

   Not fair to penalize farms whose parcels are not contiguous.
   No change. Living on the property was seen as a major tool to limit the impact of the Agritourism operation. If a parcel is not contiguous, the item must be registered with County Commission approval. Same process as required for all permitted uses (except ag and residential) in the A District and more streamlined that the Conditional Use Permit or rezoning option.

   Requirement for operator to own the land is not appropriate for low impact uses.
   No change. The operator must be the landowner, or the operator of the land (tenant farmer, renter, etc) and can include their family members or employees. The intent is for there to be a link between the operator and the property.

   Agricultural Land Uses should be defined or it may be confused with all the uses that are permitted in the Ag District.
   This has been revised to note the Ag Uses are as specified in Section 12-306-2.01 of the Zoning Regulations and as determined by the Zoning and Codes Director.

4. **12-319-7.03(b)(iii) and 12-319-7.07(b)(i)** Limiting the size of an activity by its parking area.
   It is difficult to know how many people will come to your Agritourism operation. Perhaps your use is an orchard and you have very limited traffic year round, but on good days in the harvest season you have very large crowds. Don't think you should be required to install a 50 car parking lot for those good days.
   No change. The parking limit is seen as a better tool for limiting the size of an Agritourism use rather than restricting the number of attendees that can be on site at a time as it is more enforceable. If an Agritourism use expects to have occasionally larger crowds, they could show an overflow parking area so they aren't creating a gravel parking lot for that infrequent parking and (if more than 25 spaces are planned—both regular and overflow) the use would be considered a Tier 2 and would require County Commission approval. (If they have very infrequent larger events, they could obtain Special Event Permits for those events, as an alternative.)

5. **12-319-7.03(b)(iv) and 7.07(b)(ii)** Restriction on motors or motorized vehicles.
   What is the purpose of the restriction of motorized vehicles? Would golf carts that are used to access an apple orchard be included? Or a lawn mower that has been designed to look like a train engine?
   The intent is to limit the nuisance factor of an Agritourism activity. A lawn mower that runs 8 hours a day could be a nuisance to a nearby property owner. Allowing electric motors may be an option as they are typically quieter. Revised to note that electric motors are excluded from this requirement.

6. **12-319-7.03(b)(vi)** Why would activities that occur outside of daylight hours require County Commission approval?
   Activities that occur outside of daylight hours could have more of an impact on nearby properties than activities in the daylight hours. In order to keep the regulations as simple as possible, all activities that occur outside of daylight hours require County Commission approval. This would add a week or two to the registration timeline but would allow conditions to be placed on the activities, if necessary. Per the Planning Commission's discussion at the January meeting, this was revised to exclude the 'Farm Stays' and 'Bed and Breakfast' uses.

7. **12-319-7.04(a) and 7.08(a)** The term 'immediate family' is confusing.
   This was revised to 'family members'. There are definitions of family in state regulations, but these are very complicated. The intent is to create a link between the operator and the property. Also revised to note that employees would include both paid and unpaid employees.

8. **12-319-7.04(a)(i) and 7.08(a)(i)** Definitions should be more clear.
   'Agritourism Operator' definition: 'individual(s) with financial and legal responsibility for the Agritourism activity" has been added. Other proposed definitions are not needed, in staff's opinion (Agritourism site, Agritourism hours).

9. **12-319-7.04(b) and 7.08(b)** People should be allowed to park on adjacent roads.

No change. This is a safety issue. Uses should provide adequate parking so parking on the roadway is not necessary.

ADA parking may not always be required for outdoor activities.
These sections have been revised to say ADA parking, where applicable, is required.

10. **12-319-7.04(c) and 7.08(c)** Screening for parking lots. A variance should continue to be required for any fencing in the front setback until this requirement is revised with the updated Zoning Regulations.
Language regarding fencing in the setback has been removed.

    Several commented that the 3 ft high shrubs for the parking area may not be adequate screening.
This has been revised to note that the shrubs and fencing will be provided 'as needed to provide adequate screening.'

    Would overflow parking areas be required to be screened as well?
Revised to note that the screening does not apply to overflow parking areas as these are expected to be used infrequently.

    Requiring permanent screening for seasonal activities may require farmers to utilize agricultural land for screening.
The screening requirement was revised to allow for 'alternative means' of screening. This could include hay bales, agricultural equipment, or other means as approved by the Zoning and Codes Director.

11. **12-319-7.04(d)** 'No exterior lighting' is much too broad.
This requirement was removed as Tier 1 uses are to occur only in daylight hours (with the exception of Farm Stays and Bed & Breakfasts). There would be no need for exterior lighting except for these uses.

12. **12-319-7.04(e—now d) and 7.08(e)** Adequate information should be provided to allow a person to find the sanitary requirements.
No change. The Douglas County Sanitary Code is maintained by the Health Department. They are the appropriate party to speak with for accurate, up-to-date information.

13. **12-319-7.05(a)(iii)(f) and 7.08(b)(ii)** The parking/attendance ratio of 1 parking space per 2 attendees may not be accurate as many cars may carry more than 2 attendees and some events may use busses.
The ratio, 1 space per 2 attendees, is meant as a tool for an operator to estimate how many parking spaces they may need. The number of parking spaces is a means to limit the size of the activity, but is not meant to be a strict limit on the number of attendees. This has been revised to provide clarification.

14. **12-319-7.05(b) and 7.09(b)(ii)** The 1000 ft notification radius should note it would be 200 ft if city limits are within the notification area.

This was revised to include the 200 ft notification requirement if the city limits were within the notification area and also to note that property owners in an adjacent county must be notified if they are in the notification area.

Clarify that the 20 day notification period is the property owner's notification time, not the amount of time the operator needs to notify the Zoning and Codes Office.
Revised to clarify that.

The Zoning & Codes Director indicated a preference that the applicant send out the notification letters for both the Tier 1 and 2 registration.
12-319-7.05(b) was revised to require the registrant to mail out the notification letters. As Tier 2 letters are to note the date of the County Commission meeting, the mailing was left as the responsibility of the Zoning & Codes Office. Further discussion with the Zoning and Codes Director may be needed on this item and this can be worked out as the amendment progresses to the County Commission.

15. **12-319-7.05(c)(1**) The intent and purpose of the Tier 1 Definition should be spelled out.
No change. Section 12-319-7.03(a) explains 'Tier 1, or low intensity Agritourism uses, are not expected to generate noise, or other impacts, to the level that they would have negative impacts on surrounding properties."

16. **12-319-7.06** In response to Planning Commission comment, included a re-registration section for Tier 1 uses rather than referring to the Tier 2 process.

17. **12-319-7.08(f)** 200 ft separation from property lines seems severe. Many orchards are within 30 ft of the property line. Also the requirement is worded so it applies to property lines of parcels in a contiguous set of parcels.
This requirement does not apply to agricultural activities, such as U-pick orchards. The separation was reduced to 50 ft with a caveat that the County Commission may vary this separation requirement depending on the nature of the use. Also revised to note it applies to the perimeter of a contiguous set of parcels.

18. Concern that some of the regulations could affect businesses already in existence.
No change. The regulations may affect Agritourism businesses when the register or re-register with the County. A use may be required to move further from the property line (unless the separation is varied by the County Commission) or a parking area may be required to be screened, for instance. Other conditions may be placed on the use, if necessary, to insure compatibility with nearby land uses.

Agritourism businesses with more than 100 parking spaces or that use motors or motorized vehicles as part of the Agritourism activity (ag equipment or vehicles and electric motors exempt) would be required to seek approval through the CUP process. None of the currently registered Agritourism uses would be affected.

19. What happens to the limited liability assumption of risk, under Kansas Statute, KS 74-50,169 et seq., if Douglas County disapproves of an activity as a matter of purely local zoning law?"

No change. The County Counselor indicated that the Kansas zoning regulations do not affect the state liability protections.

20. Clarify that agricultural Agritourism uses are not required to register.
Supplemental brochure clarifies this.

21. Confused that some uses are permitted in various ways. For instance a commercial riding stable is a permitted use in the A District but could also be permitted as an Agritourism use. "*If regulated as Agritourism, the use would be subject to privacy fences, limit on parking spaces, the operator must be the resident etc.*"
No change. Permitted uses in the A District, such as a Commercial Riding Stable, require approval through the site planning process. (Exceptions to site planning are agricultural and residential uses.) Screening, parking, etc. would be considered with the site plan review; however, the site plan review would not require the operator to reside on site.

22. Both Tier 1 and Tie 2 applicants should be required to submit IRS Schedule F or other proof of farm business activity.
No change. Tier 2 uses are required to occur on agricultural land. The Zoning and Codes Department has criteria they use to determine if a land use is considered 'Agricultural'.

23. Tier 1 users must show proof that the use will be accessory to the agricultural uses.
No change. It is possible that the Agritourism use will grow to be the primary use on the property if accessory and principal uses are measured by income. Being 'accessory' is not a requirement.

24. Agritourism or Special Event Permits should be required for some private events.
No change. This is beyond the scope of this amendment.

25. Proposed parameter of number of hours per day and number of days per week the activity may occur for the different levels of Agritourism.
No change. This may be an effective parameter but would be very difficult to enforce.

26. Recommended enforcement provisions for Agritourism.
No change. This is beyond the scope of this amendment.

27. Specify in the regulations that infrequent Agritourism activities could also be approved with a Special Event Permit.
Noted in brochure.

28. Create a flow chart or decision tree to simplify these regulations.
Supplemental brochure created which includes a form of decision tree to clarify when Agritourism uses require registration, and what process is required for each.

STAFF REVISIONS

A. **12-319-7.03(a)(xvi)**'*Ancillary retail sales' was added to the list of Tier 1 Agritourism uses as this had been omitted from the earlier list.*

B. **12-319-7.05(c)(v) and 7.09(c)(iv)** *Changed the requirement that the nature of the Agritourism use is to 'enhance' the rural nature to 'enhance or maintain' the nature.*

C. **12-319-7.09(c)(v)** *Added a provision for Tier 2 uses that improvements to the existing road network may be required based on the amount of traffic to be generated by the use. This would be determined by the County Engineer.*

D. **12-319-7.10(b)** *Added a provision to the re-registration of a Tier 2 use, that it may be done administratively if there are no changes from the previous registration and no unresolved complaints.*

E. **12-319-7.10(c)(ii)(a)** *Added a provision that 'minor changes' to a Tier 2 registration could be processed administratively.*

Tier 2 (medium intensity) registration requires **County Commission approval**

If your use meets the criteria below, it is a Tier 2 use:

- Size limitation: up to 100 parking spaces, more than 3 guestrooms for Bed and Breakfast or a Farm Stay, more than 10 vendors for Farmer's market.
- No motors or motorized vehicles (except agricultural machinery and vehicles) to be utilized for the use.
- No noise amplification (except for radios or stereos.)
- Agritourism Operator is the property owner or operator or their family and employees (whether paid or volunteer).

Is your use a Tier 2 use?

Yes---
Provide State Registration, site plan, and other information regarding your use to the Zoning and Codes Director. Public will be notified and registration placed on County Commission Agenda.

No---
Contact the Zoning and Codes Director to determine if your use is permitted with a CUP or if it would require rezoning.

This brochure contains introductory information on Agritourism.

For more information on the registration process and requirements, please contact:
Zoning and Codes Office
785-331-1343
2108 W 27th Street, Lawrence.

AGRITOURISM IN DOUGLAS COUNTY

"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 Douglas County in keeping with the State of Kansas policy of encouraging agritourism, while ensuring the public health, safety and welfare is protected."
(Section 12-319-7 Zoning Regulations)

The Agritourism regulations provide a streamlined review/approval process for Agritourism uses.

Before the Regulations were revised, all Agritourism uses which were subject to the Zoning Regulations required approval as a Conditional Use Permit or rezoning.

Now:

- **Low Intensity uses** (uses which are not expected to impact neighboring properties) can be registered by the Zoning and Codes Director administratively.
- **Medium Intensity uses** (uses which have the potential to impact neighboring properties) can be registered following approval of the County Commission.
- **High intensity uses** (uses which could have significant off-site impacts) require CUP approval or rezoning.

FAQ # 1:

Do the regulations apply to my Agricultural use?

The regulations do not apply to agricultural purposes.. (Per K.S.A. 12-758 and Douglas County Zoning Regulation Section 12-304-6.01, land used for agricultural purposes and buildings used exclusively for agricultural purposes are exempt from County Zoning Regulations.)

For instance: a U-Pick Berry Patch on a 40 acre farm, with the sale of no ancillary products that are not agriculturally produced on-site, would be considered an agricultural use. If the U-Pick Berry Patch decided to also sell jelly jars and t-shirts, the use would be considered 'retail' rather than agriculture. The Kansas courts have decided a wide variety of cases involving whether a particular use was or was not an agricultural purposes. The Zoning and Codes Office at 2108 W 27th Street, Lawrence (785-331-1343) can assist in making the determination as to whether the proposed use is considered Agriculture.

Does my Agritourism use meet the County definition/criteria for Agriculture?

I don't know----
Contact Zoning and Codes Staff for help (785-331-1343)

Yes---
You are not required to register, but registration would be necessary for any incentive programs.

No---
Your use will require registration.

Continue to Page 3:

A **Special Event Permit** may be used for infrequent Agritourism activities (see Section 12-319-8 or the Zoning and Codes Office.

FAQ # 2:

How do I register?

Step 1: Where does your use fit?

Tier 1 (low intensity) can be registered **administratively**).

If your use meets the criteria below, it is a Tier 1 use:

- The use is on a parcel, or one of a number of contiguous parcels as agricultural land uses or a working farm or ranch.
- The Agritourism operator lives on the property.
- Size limitation: no more than 25 parking spaces, no more than 3 guestrooms for Bed and Breakfast or a Farm Stay, no more than 10 vendors for Farmer's market.
- No motors or motorized vehicles (except agricultural machinery and vehicles) to be utilized for the use.
- Activities occur in the daylight hours.
- No noise amplification (except for radios or stereos.)
- Agritourism Operator is the property owner or operator or their family and employees (whether paid or volunteer).

Is your use a Tier 1 use?

Yes---
Provide State Registration, site plan, and other information regarding your use to the Zoning and Codes Director for registration.

No---
Continue to page 4 to see if your use is a Tier 2 use. Tier 2 uses require County Commission approval

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 are 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. Typical agritourism uses include, but are not limited to, the following:

i. Farm markets/roadside stands,
ii. U-pick operations,
iii. Farm winery tours and tastings,
iv. Corn mazes,
v. Farm-related interpretive facilities, exhibits, and tours,
vi. Historical, cultural, or agriculturally related educational and learning experiences, including volunteer workers,
vii. Farm stays,
viii. Bed and Breakfast establishments,
ix. Recreation related operations (fishing, hunting, bird watching, hiking, etc),
x. Horseback riding,
xi. Garden, nursery tours and exhibits,
xii. Pumpkin patch visits and activities,
xiii. Assembly type uses such as fairs or festivals which are historical, cultural, or agriculturally related; weddings, receptions; etc,
xiv. Ancillary retail sales,
xv. Other uses that may be determined on a case by case basis if it meets the purpose and intent of the regulations.

c. These Agritourism provisions do not apply to camping.

12-319-7.02 REGISTRATION AND APPROVAL PROCESS ~~OF A GRITOURISM USES~~

a. 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 meet the definition set forth in these Regulations and are registered with the State and with the County may occur as permitted in Section 12-319-7 without any additional review under Section 12-319, Conditional Use Permits; Section 12-319A, Site Plan Regulations; or Section 319.8 , Special Event Permits, although other State and local regulations shall apply.

b. Sections 12-319-7.03 and 12-319-7.06 establish the parameters for Tier 1 (low intensity), and Tier 2 (medium intensity) Agritourism uses.

i. Tier 1 (low intensity) Agritourism uses may be registered administratively by the Zoning and Codes Director.

ii. Registration of Tier 2 (medium intensity) Agritourism uses requires approval by the Board of County Commissioners.

iii. Agritourism uses which do not meet the definition or parameters of a Tier 1 or Tier 2 use require approval through a Conditional Use Permit, Special Event permit, or rezoning.

c. Registration forms shall be jointly reviewed by the Director of Zoning and Codes Office and the Planning Director to determine if the proposed use(s) meet the definition of Agritourism set forth in these Regulations within 7 working days of submittal.

i. Additional descriptive information may be necessary for the determination. This information will be provided by the Agritourism operator and kept as a part of the registration.

ii. If the Directors are unable to make a determination, the registration will be referred to the Board of County Commissioners.

iii. The applicant for the Agritourism registration may file an appeal from the Director's determination. Appeals from the determination shall be made to the Board of County Commissioners. An appeal must be filed within 30 days of notification of the determination to the applicant. The appeal will be considered at the next available Commission meeting.

12-319-7.03 TIER 1 (LOW INTENSITY) AGRITOURISM USES DEFINED

a. Tier 1, or low intensity Agritourism uses are not expected to generate noise, or other impacts, to the level that they would have negative impacts on surrounding properties. Examples of Tier 1 Agritourism uses include, but are not limited to:

i. Farm Stands;
ii. Farmers Markets with **4 10** or fewer vendors;
iii. U-Pick Operations;
iv. Farm Winery Tours and Tastings;
v. Corn Mazes and Pumpkin Patches visits and activities;
vi. Farm Related Interpretative Facilities, Exhibits, and Tours;
vii. Historical, Cultural, or Agriculturally Related Educational and Learning Experiences, including volunteer workers;
viii. Farm Stays and Bed and Breakfasts with no more than 3 guestrooms; and

ix. Recreation Related Operations (Fishing, Hunting, Bird Watching, Hiking, etc.)
x. Equestrian Facilities;
xi. Garden, Nursery Tours and Exhibits;
xii. **Small scale** assembly type uses such as weddings, receptions; etc,
xiii. Christmas Tree Sales;
xiv. Farm Tours and Demonstrations;
xv. Small scale entertainment such as the integration of music, theatre, or arts to enhance the rural experience.
xvi. Ancillary Retail Sales
xvii. Other uses that may be determined on a case by case basis to meet the intent of the Tier 1 definition.

b. In addition to meeting the definition above, a proposed use must meet all the following parameters to be considered a Tier 1 Agritourism use:

i. The Agritourism use is ~~**accessory to and**~~ located on a parcel, or one of a number of contiguous parcels under the same ownership, as agricultural land uses **listed in 1 2-306-2.01** or a working farm or ranch **as determined by the Zoning and Codes Director**;

ii. The Agritourism operator resides on the parcel, or one of a number of contiguous parcels, containing the Agritourism use;

iii. Parking for the Agritourism use is limited to 25 parking spaces;

iv. No motors or motorized vehicles, with the exception of agricultural machinery and vehicles **or electric motors**, will be utilized for the Agritourism Use;

v. No amplification of noise is proposed: such as auctioneering speakers or amplified music (with the exception of a stereo or radio); and

vi. **All** Agritourism activities will occur in the daylight hours **with the exception of the Farm Stays and Bed and Breakfast uses.**

12-319-7.04 <u>TIER 1 AGRITOURISM USES STANDARDS:</u>
The following standards apply to all Tier 1 Agritourism uses:

a. The operators of the Agritourism use shall be limited to the property owner or operator, his/her ~~**immediate**~~ family **members** and employees **(whether paid or unpaid).**

i. 'Operator' refers t o the per son with the financial and le gal responsibility for the Agritourism activity.

b. Adequate parking shall be provided on-site for the use, including ADA parking **(where applicable)**. No parking may occur on adjacent roads.

c. Landscaping or fencing shall be provided along the perimeter of parking areas **(excluding overflow areas)** that are within view of residences or the road right of way. Landscaping shall consist of one of the following: a continuous hedge of shrubs or other vegetation ~~at least 3 ft in height~~, ~~berms that are a minimum of 3 ft in height with a slope of 3:1,~~ or opaque fencing**, of a height determined by the Zoning and Codes Director to provide adequate screening for the parking area** ~~Fencing to screen a parking area from adjacent residences may be between 4 and 6 ft in height. Fencing or walls between the parking lot and the street right of way may be between 3 to 6 ft in height. (In these instances, the location of fencing within the required setback will not require a variance from the Board of Zoning Appeals.) Fencing taller than 3 ft must be located behind the required setback.~~ **Alternate forms of screening may be utilized, provided the Director of Zoning and Codes determines they will provide effective screening of the parking area.**

d. ~~No exterior lighting shall be provided for the Agritourism use~~.

e. Sanitary facilities shall be provided in accordance with Lawrence Douglas County Health Department requirements **for the use and expected attendance**.

12-319-7.05 <u>TIER 1 AGRITOURISM REGISTRATION PROCESS</u>

a. The Agritourism operator shall submit the following materials to the Zoning and Codes Office:

i. Approved State Agritourism Registration.

ii. Completed Douglas County Agritourism Registration form.

iii. Site plan
The agritourism site plan does not need to meet all the requirements in Section 12-319A, but must be adequate to illustrate the use and its conformance with the Zoning Regulations as well as the relationship of the use to the surrounding properties or right-of-way. At a minimum, the following items must be included:

a. All structures to be utilized for the agritourism use **identified on the plan** with dimensions, including the distance to the nearest property line.

b. Areas where the agritourism use will occur and any areas where visitors would be allowed **marked on the plan**.

c. Access and parking areas shown and dimensioned, noting the number of spaces provided.

d. **The** water and sanitation facilities provided per the County Health Department approval.

e. Hours of operation noted.

f. Anticipated attendance noted.
   i. **For determination of parking requirements,** parking is calculated at a rate of 1 parking space per 2 attendees. **Attendance is limited to that which can be served by available parking as participants may arrive by bus or alternative forms of transportation.**

b. A 20 day **property owner** notification period is required.

i. **The applicant shall obtain a list of property owners within 1000 ft of the property on which the Agritourism activity is to occur from the Douglas County Clerk's Office. If the notification area includes land within the corporate limits of a city, the list shall include owners of property within the 1000 ft notification area that extend 200 feet into the city. If the notification area extends into the adjacent County, notice must be sent to property owners in the adjacent County.**

ii. **The applicant shall mail a letter which contains the information below to the property owners on the list to advise them of the proposed Agritourism use and provide them the opportunity to contact the applicant or the Zoning and Codes Department if they have any questions.**

"An Agritourism use located at _____ is in the process of being registered with Douglas County. The Agritourism use will consist of (brief description of the event). Please contact me at (phone number, email) with any questions regarding this registration or the Douglasas County Zoning and Codes Department at 785-331-1343."

iii. **The registrant must provide a copy of the letter, the property owner list, and certification of the date the letters were mailed to the address on the list with their registration materials.**

c. The registration materials shall be reviewed by the Director of Zoning and Codes with the following approval criteria:

i. The proposed use and layout meets the intent and purpose of the Tier 1 definition;

ii. The proposed arrangement of buildings, off-street parking, access, lighting is compatible with adjacent land uses;

iii. Adequate screening is provided between the parking area and adjacent residences or road right-of-ways.

iv. The vehicular ingress and egress to and from the site provides for safe, efficient and convenient movement of traffic;

v. The nature of the use is compatible with adjacent land uses and enhances **or maintains** the rural character of the unincorporated portion of the county.

d. The Zoning and Codes Director may apply conditions to the registration, such as limitation on the hours, location, or the activity itself if, in the Director's opinion, the conditions are necessary to mitigate off-site impacts.

~~**e.** Re-registration is required as noted in Section 12-309-7.09.~~

12-319-7.06 DURATION/RE-REGISTRATION
The Douglas County Agritourism use registration coincides with the State Registration. Re-registration with the County is required when the State registration is renewed, every 5 years.

a. The Agritourism Use may continue as long as the use complies with the conditions and standards that were applied with the registration.

b. Only those activities specifically listed in the registration form and approved by the Directors are allowed to occur as Agri tourism. Any change in proposed uses such as a new activity, increased parking, or expanded area of activity would require:

i. The modification of the registration with the State, if necessary.

ii. Resubmittal of the revised registration form and revised site plan to the Zoning and Codes Office for a determination of compliance with the definition of Agritourism (if a new use is proposed) and re-registration through the processes established in this section.

12-309-7.07 TIER 2 (MEDIUM INTENSITY) AGRITOURISM USES- DEFINED

a. Tier 2 uses include higher intensity activities or have higher attendance than Tier 1 uses. Examples of Tier 2 Agritourism uses include, but are not limited to:

i. Uses that would be considered a Tier 1 use that do not meet the Tier 1 parameters;

ii. Farmers Markets with more than ~~4~~ **10** vendors;

iii. Bed and Breakfasts or Farm Stays with more than 3 guest rooms;

iv. Assembly type uses such as fairs or festivals which are historical, cultural, or agriculturally related.

b. In addition to meeting the definition above, a proposed use must meet all the following parameters to be considered a Tier 2 Agritourism use:

i. Parking for the Agritourism use is limited to 100 parking spaces.

ii. No motors or motorized vehicles, with the exception of agricultural machinery and vehicles **or e lectric motors**, will be utilized for the Agritourism Use.

12-319-7.08 TIER 2 AGRITOURISM USE STANDARDS

The following use standards apply to all Tier 2 Agritourism uses:

a. Operators of the Agritourism activity shall be limited to the prope rty owner or operator, his/her ~~immediate~~ family members and employees (paid or unpaid).

i. 'Operator' refers t o the per son with the financial and le gal responsibility for the Agritourism activity.

b. Adequate parking, including ADA parking (when applicable), must be provided on-site. No parking may occur on adjacent roads.

i. For the purpose of calculating parking requirements, Parking is calculated at a rate of 1 parki ng space per 2 attendees unless visitors are expected to utili ze busses or alterna tive forms of transportation.

c. Landscaping or fencing shall be provided along the perimeter of parking areas (**excluding overflow areas)** that are within view of residences or the road right of way. Landscaping shall consist of one of the following: a continuous hedge of shrubs or other vegetation ~~at least 3 ft in height~~, ~~berms that are a minimum of 3 ft in height with a slope of 3:1,~~ or opaque fencing, **of a height determined by the Zoning and Codes Director to provide adequate screening for the pa rking area** ~~Fencing to screen a parking area from adjacent residences may be between 4 and 6 ft in height. Fencing or walls between the parking lot and the street right-of-way may be between 3 to 6 ft in height. (In these instances, the location of fencing within the required setback will not require a variance from the Board of Zoning Appeals.) Fencing taller than 3 ft must be located behind the required setback.~~ **Alternate forms of screening may be uti lized, provided the Director of Zoning and Codes determines they will provide effective screening of the parking area.**

d. If Agritourism activities are to occur outside of daylight hours, a plan shall be provided which shows the location of lighting for the Agritourism activity and the type of lighting fixtures being used as well as means taken to shield the lighting to insure no trespass or glare to adjacent properties.

e. Sanitary facilities shall be provided in accordance with Lawrence Douglas County Health Department requirements **for the proposed use and anticipated attendance**.

f. With the exception of agricultural activities, no activities associated with the Agritourism use may occur within ~~200~~ **50** ft of a property line **of the subject parcel or the perimeter of a group of contiguous parcels. The County Commission may vary this separation requirement depending on the nature of the Agritourism activity and the adjacent property.**

12-309-7.09 TIER 2 AGRITOURISM USES REGISTRATION PROCESS

a. The Agritourism operator shall submit the following materials to the Zoning and Codes Office:

i. Approved State Agritourism Registration.

ii. Completed Douglas County Agritourism Registration form.

iii. Site plan meeting the requirements outlined in Section 12-319-7.05(a)(3).

iv. Information from the applicable fire department regarding access to the proposed Agritourism Activity area.

b. A minimum 20 day notification period is required. The Commission will hold a public hearing on the proposed use at the time and place listed in the public notice.

i. The County Zoning and Codes Office shall mail notice to all property owners within 1000 ft of the proposed use and the date and time the use will be considered by the Board of County Commissioners.

ii. **If the notification area includes land within the corporate limits of a city, the list shall include owners of property within the 1000 ft notification area that extend 200 feet into the city. If the notification area extends into the adjacent County, notice must be sent to property owners in the adjacent County.**

iii. For Agritourism uses that will be located on an unpaved road, the Zoning and Codes Office shall mail notice to all property owners of residentially developed property on an unpaved road which would be considered the most direct route to the nearest hard-surfaced road..

c. The Director of Zoning and Codes shall review the registration application with the criteria noted in this section and provide a report with recommendation to the Commission.

i. The proposed arrangement of buildings, off-street parking, access, lighting is compatible with adjacent land uses;

ii. Adequate screening is provided between the parking area and adjacent residences or road right-of-ways.

iii. The vehicular ingress and egress to and from the site provides for safe, efficient and convenient movement of traffic including emergency vehicles;

iv. The nature of the use is compatible with adjacent land uses and enhances **or maintains** the rural character of the unincorporated portion of the county.

v. **Suitability of the existi ng road network suitable fo r the traff ic expected to be ge nerated by the Agritourism use. Road improvements may be required in some cases.**

d. The Board of County Commissioners may take one of the following actions on the registration:

i. Approve the registration;

ii. Approve the registration with conditions/restrictions such as limitation on the size of buildings and parking areas, establishment of operating hours; establishment of buffering, limitation on activities; road improvements; etc;

iii. Return the registration to staff with request for more information; or

iv. Deny the registration.

12-309-7.10 <u>Duration/Review</u>

The Douglas County Agritourism Use registration coincides with the State Registration. Re-registration with the County is required when the State registration is renewed, every 5 years.

a. The Agritourism Use may continue as long as the use complies with the conditions and standards that were applied with the registration.

b. A Tier 2 use that received County Commission approval may be re-registered administratively by the Zoning and Codes Director if the use remains the same as on the original registration and no un resolved complaints are on file.

c. Only those activities specifically listed in the registration form and approved by the Directors are allowed to occur as Agritourism. Any change in proposed uses such as a new activity, increased parking, expanded area of activity would require:

i. The modification of the registration with the State, if necessary.

ii. Resubmittal of the revised registration form and revised site plan to the Zoning and Codes Office for a determination of compliance with the definition of Agritourism provided in this Section by the Director of the Zoning and Codes Office and the Planning Director and re-registration through the processes established above.

a. **Minor changes to the plan (changes that do not include an additional use or an increase in agritourism activity or parking area above 25% of the previous activity or parking area) may be approved administratively by the Zoning and Codes Director following notification of neighbors within 1000 ft.**

d. Engaging in any activity not listed on the registration or operating out of compliance with the plans and conditions approved with the registration would be considered a violation subject to the enforcement provisions of Section 12-329.

12-319-7.11 STRUCTURES AND CONSTRUCTION CODES

Structures for Agritourism uses are required to comply with Douglas County Construction Codes, adopted by HR-12-11-5, and amendments thereto.

Mary Miller

From: Nuts2sell@aol.com
Sent: Friday, January 31, 2014 12:20 AM
To: Mary Miller
Subject: PS to draft revisions to Agritourism Regulations in DG County Zoning Regulations

Ms. Mary Miller, AICP
City/County Planner
Douglas County, KS

Re: your message about Agritourism Regulations

Dear Ms. Miller:

I am very pleased with your reply and your appreciation of the problem I mentioned.

As a post script to my earlier message, after inquiring to a Kansas agritourism administrator about my upcoming (December) renewal of registration, Sue Stringer offered the following advice:

> Be sure to list all of the activities/experiences for visitors when renewing. Those listed are what are covered under the limited liability protection of the Kansas Agritourism statute. Douglas County reviews the state registration now for approval in Douglas County.

It occurred to me that an even more serious problem could arise from the attempted inter-linking of Douglas County land use laws with the Kansas Agritourism Promotion Act. See draft Sec. 12-309-7.09(b)(1)--personal injury liability.

What happens to the limited liability/assumption of risk under Kansas Statute, KS 74-50,169 et seq., if Douglas County disapproves of an activity as a matter of purely local zoning law? This is much more serious than zoning law violations. Please don't mess with our limited liability.

Furthermore, the definition of agritourism by Douglas County Zoning Sec. 12-319-7.01 is not the same as the definition of agritourism under the Kansas Agritourism Promotion Act, KS 74-50,167. The State law is a voluntary program to encourage and promote. The County's interest is to restrict and regulate. Apples and oranges. Unless the definition of 'agritourism" is identical in both laws, inter-linking one as a condition for the other makes little sense and more confusion.

Since yesterday I have had the time to review Linda Finger's testimony and other testimony in regards to this issue and suggest language needs to be inserted into this part to effectuate what Linda and other staff represented, to remove any doubt. I suggest:

> Insert, in Zoning Code part 12-319-7, Agricultural Supplemental Use Regulations, preamble:
>
> 1. Nothing in this part shall be interpreted to restrict or regulate any land use which is otherwise lawful under any other subsection of Part 12-306, "A" Agricultural District Regulations;
>
> 2. Nothing in this part shall be construed to affect any rights, liability, or defenses which may be granted to any registered operator of any registered agritourism activity on a registered agritourism location under the Kansas Agritourism Promotion Act, KSA 74-50,165, et seq,
>
> 3. Any operator conducting a lawful activity or use which is allowed on its location under any other section of this Zoning Code and which may also, incidentally, be characterized as "agritourism" may, but shall not be required to, register that activity with Douglas County under this part, in which case the operator shall voluntarily comply with all the additional applicable conditions and restrictions imposed by this part for the duration of such Douglas County registration or until registration shall expire or be surrendered.

This is my additional suggestion. Having reviewed the record more completely, I am very impressed how much work has already been done on this issue. Thank you.

Charles NovoGradac

In a message dated 1/30/2014 8:33:40 A.M. Central Standard Time, mmiller@lawrenceks.org writes:

Charles,

Thank you for your comments. I have not had a chance to read them thoroughly yet, but I will and will work to address your concerns.

The language should perhaps be more clear that uses which are 'Agricultural' are not regulated by the Zoning Regulations and therefore no registration is required, but is encouraged. If you have an agricultural use that is also agritourism, such as your agritourism uses, you are not required to register but are encouraged to. (I agree, with the new regulations, you may not want to since there would be additional requirements.) A new tier for those Agritourism uses which are solely Agricultural uses---with no additional requirements--- might be appropriate.

We will work to revise the language and I will send new draft language out in a few weeks. I will compile all the comments I receive and provide these to the Commission so they will have that information to consider as well as the staff report and draft language.

Thank you very much for your input!

Mary

Mary K Miller, AICP, *City/County Planner*- mmiller@lawrenceks.org

Planning Division | www.lawrenceks.org/pds

P.O. Box 708, Lawrence,KS 66044

Office (785) 832-3147 | Fax (785) 832-3160

"Your opinion counts! Customer feedback helps us serve you better. Please tell us how we're doing by completing this short online Customer Satisfaction Survey: http://lawrenceks.org/pds/survey/satisfaction."

From: Nuts2sell@aol.com [mailto:Nuts2sell@aol.com]
Sent: Wednesday, January 29, 2014 10:27 PM

To: Mary Miller
Subject: draft revisions to Agritourism Regulations in DG County Zoning Regulations

Ms. Mary Miller, AICP

City/County Planner

Douglas County, KS

Re: your message about Agritourism Regulations

Dear Ms. Miller:

I find the proposed Agritourism regulations for Douglas County confusing and overreaching. I fear they will burden my existing, formerly lawful agricultural project.

I hesitate to criticize knowing the Herculean effort which has gone into this project. I appreciate the effort to simplify and facilitate agritourism as an adjunct to existing farms--the intention was good. The result no so good.

As an operator of a State registered agritourism operation in two counties, looking at the Douglas County regulations and trying to harmonize all proposed and existing Douglas County zoning regulations applicable to "A" Agricultural, I fear it is time to concede that the pre-existing C.U.P. procedure was the best solution after all.

I am presently overseas and unable to confer with you by telephone, so there may be some transparent misunderstandings on my part. But the defining examples of agritourism in the supplemental regulations, being specific, encroach upon the otherwise lawful uses elsewhere permitted.

If "Agritourism is the intersection of agriculture and tourism," which has the right of way.

You state in your letter, "Please note this does not affect those Agritourism uses which are agricultural. These do not require registration." I have searched the materials you sent me for authority backing

up this statement and find none. How do you resolve basic uncertainties, such as: What about occasional hunting? Wild crop gathering? Farm stands and on-farm sales? When all the regulations are read together and harmonized, including Sec. 12-306-1, with the current and proposed agritourism regs, there is too much room for distrust and confusion and over-regulation by the Director.

For a hypothetical instance, "Commercial Riding Stable" is a permitted use under 12-306-2.06 subject to 200' building setbacks. But "horseback riding" is "agritourism" under 12-319-7.01, and "equestrian facilities" is specifically listed as a Tier 1 use. 12-319-7.03(a)(10). If regulated as agritourism, the riding stable would be subject to privacy fences, berms, or hedges, to less than 25 spaces parking, the operator must be resident, etc. If the Tier1 status conditions cannot be met, then there is the additional condition of review by the County Commissioners and whatever conditions they deem appropriate. And the permit is for 5 years only. If you say section 12-306-2.06 controls, then the words "horseback riding" and "equestrian faclities" become totally superfluous in the supplemental chapter, mere empty verbiage. Contrarywise, section 12-319-7.01, being more specific and later in time, must control, ergo amending Section 12-306-2.06 becomes null and void.

Back to a real case, my case, my wife and I own three State registered agritourism locations. I registered these three properties with Kansas not to start new businesses but to receive the benefits of limited liability under state law. I had no need to register with Douglas County, which worked this whole thing up subsequently.

Our Douglas County farm is on "A" Agricultural zoning. It is a nut orchard with inter-planted fruits, berries, and Christmas trees where customers buy on-farm, including U-pick, and enjoy the surroundings. We sell only what we grow there, so we needed no C.U.P. From about 1995, we followed the advice of City/County staff, interpreting what is now Sec. 12-306-1 which allows, "the processing and sale of agricultural products raised on the premises." Furthermore, Sec.12-306-2.01 specifically allows, in our zoning, "temporary stands for seasonal sale of products raised on the premises." That implies a "farm stand". And customers may also harvest their own nuts and cut their own Christmas trees.

But U-pick and farm stands are now specifically enumerated on a list defining agritourism activities. (Remember the basic rule of legal construction: the specific controls the general, and the later controlls the earler.) U-pick and farm stands are, under the existing 13-319 regulations, as proposed to be amended, subject to and conditioned upon an additional county registration under Sec. 13-319-7.02, with all the "shall do this", etc., etc. all as outlined in your proposed regulations.

I don't think the agritourism regulations in principle intended to restrict or place burdensome regulations upon on-farm sales. But they do just that. In our case, your proposed regulations go even further to make us Tier 2, the more intensive disturbing kind of operation permitted only by the County Commission, which is utterly ridiculous considering the scale of our operation..

Under Sec.12-309-703 (b)(2), our Douglas County farm cannot be a Tier 1 agritourism because we do not "reside" on our orchard. We have three separate farms registered with the State. (We live in town.) Therefore, any agritourism use would be subject to extraordinary conditions, including that we must get permission from the County Commission. And meet all the other burdensome conditions. See Sec. 12-309-7.08.

This proposed regulation that an operator must reside on the parcel seems particularly bizarre. Two of our farms (outside Douglas County) are State registered for including the agritourism activity of "hunting." An operator's residence around hunters would be particularly disadvantageous, even imprudent, considering wildlife habits not to mention safety. The residence requirement does not meet even the minimal "rational relationship" test.

A further issue is building permits and codes. It is pretty clear that agritourism facilites need to meet building codes and inspections. 12-319-7.10. But buildings for agricultural use are not subject to inspection in Douglas County. Where does the farm-stand stand when crossing the "intersection of agriculture and tourism."

I suspect many other problems with the regulations, as proposed, will arise as individual cases and situations are discussed.

This system is not acceptable. Normal agricultural uses have to be defined and protected. Everything need to be written more clearly. I recognize the epic struggle and heroic effort to get this far, and all the good intentions, but not every situation is foreseeable and it may be that the CUP procedure was the right answer all along.

Insomuch as I have increasing requests for U-Pick, farm visits, and farm sales, which the proposed new regulations purport to touch, I do now wish to join the discussion. However, we cannot be available for any meetings in Lawrence until spring, when we return from overseas. If you would be so kind to forward these comments to the record and to keep me informed by email I would be grateful.

Thank you for notifying us of this new regulatory scheme and giving us the opportunity to comment.

Charles NovoGradac

Chestnut Charlie's Organic Tree Crops

by email: nuts2sell@aol.com

by mail: P.O. Box 1166, Lawrence, KS 66044

Mary Miller

From: lfinger@douglas-county.com
Sent: Monday, January 27, 2014 10:16 AM
To: Mary Miller
Cc: weinaug@douglas-county.com
Subject: Comments on Agritourism proposed text amendment

Mary,

I think the proposed amendments are on target with and substantially address the concerns raised by neighbors and the County Commission.

I do have a few specific comments/suggestions about the proposed language:

- 12-309-7.03 – Assembly type uses such as weddings; receptions; etc.
  - This use is written rather broadly and all encompassing, opening it to misinterpretation and misunderstanding. As I understand the proposed language, there is a parking limit of 25 spaces. It would seem this needs to be reflected in this "use" section as "small" weddings and receptions, to reflect the limitations imposed by the parking lot maximum.
  - It also may be that assembly uses of any kind should be under the Tier 2. I think that would more adequately address concerns raised with assembly type uses
- 12-319-7.05 – Agritourism Registration Process
  - Under b., the notification should be made by the agritourism operator similar to what is required with Special Events Permits.
  - This would address a primary concern raised by neighbors that the owner of the agritourism use could not or would not meet with them or communicate with them. For an administratively approved use, we need to encourage the open and on-going communication between property owners.
- 12-319-7.04 –Agritourism Use Standards
  - Under c., if a 3-6' fence is to be allowed/permitted in the front of the property it needs to be behind the front yard setback to address sight distance and ditch maintenance issues.
  - If the fence is to be above 3', which is permitted by the Zoning Regulations, I think it does need to go to the BZA. Writing an exception in a Zoning Regulations is not the way I would recommend addressing this issue. Neighbors need to have a say in how this will impact their property and use of their property.

*The fencing and notification comments should be read as applying to both Tier 1 & Tier 2 uses, although I only cite the sections for Tier 1.

I won't be able to attend tonight's public hearing and hope you can convey this to the Planning Commission.

Thank you for the opportunity to comment. Please let me know if you have received this communication in time to be distributed to the Planning Commission. If not, I will find another individual to read my comments at tonight's meeting.

Linda M. Finger, AICP, CFM, RLA
Interim Director, Douglas County Zoning & Codes Department
Planning Resource Coordinator
lfinger@douglas-county.com
785.331.1343
785.331.1347

This_email_has_been_scanned_by_the_MessageLabs_Email_Security_System.

DRAFT

COMPREHENSIVE REVIEW OF PROPOSED REVISED AGRITOURISM REGULATIONS

OUTLINE

- Summary
- Complications to the review process
- Adverse effects of the regulatory revision process
- Point-by-point analysis of proposed changes
- Proposed alternative regulatory scenario

SUMMARY AND DISCLAIMER

These comments have been prepared in a very short period of time with inadequate opportunities to discuss intentions with Planning staff or County officials. There has also not been adequate time for final editing and proofreading. The haste required to even draft a complicated review in one weekend may have resulted in inconsistencies, redundancies, and overall poor editorial work for this review. Please accept in advance my apologies for not being able to complete a properly finished product, and please overlook any typographical errors, grammatical mistakes, stylistic inconsistencies, or small errors of fact.

The proposed regulations, while very problematic, have some good points, especially the idea of monitoring parking spaces rather than attendance. However, the proposed regulations are generally irregular in the degree of detail (i.e., type parking surface is never mentioned, but very specific details for parking screening is included). Many vague and undefined terms are used. In some cases, interpretation of the regulations as written may hinge on regulatory interpretations that are already being debated by the County with the possibility that past County determinations may need to be overturned (definition of “employees” and how it applies to volunteers). In other cases, overly broad terms interpreted literally could be overwhelmingly restrictive (i.e. the ban on “motors” for Tier 1).

The proposed regulations do not seem to fully allow for integration of agritourism activities into a farming operation. This is likely to create significant difficulties for enforcement of these regulations where distinctions are made between “agricultural” and “agritourism” activities.

Taken as a whole, the proposed regulations could end up forcing many very small-scale, agriculturally-focused agritourism operations into a Conditional Use Permit scenario. This is the opposite of the desired outcome of the agritourism regulations, which is to promote agritourism as a “tool for sustaining the family farm.” Requiring Conditional

Use Permits for low-impact, thoroughly integrated agritourism activities will in many cases result in fewer, yet higher-impact, agritourism opportunities in Douglas County because the expense and difficulty of the Conditional Use Permit process will discourage its use for minor agritourism operations. This could reduce the number of affordable opportunities for Douglas County citizens to enjoy Douglas County farms.

A proposed alternative regulatory scenario is presented at the end of this analysis, in hopes of suggesting a positive approach to achieving the desired ends of these regulations.

COMPLICATIONS TO THE REVIEW PROCESS

On the afternoon of Thursday, January 22, 2014, I was sent the draft language for the proposed new Agritourism regulations. Due to a busy farm and work schedule this week, I couldn't actually open it until late that evening. This is the first I knew that this issue would be on the Planning Commission agenda for Monday, January 27 for a public hearing. The deadline for written comments is 10 a.m. Monday morning.

This is totally inadequate lead time for someone who has invested a great deal of time, energy and money in the agritourism regulation and registration process—both regulatory development and farm registration—to do a thorough review and comment on a 7 page document that extensively revamps the mere 2 pages of regulations under which my farm is registered. Furthermore, it seems inadequate time for the Planning Commission to do a thorough review. I ask that the Planning Commission delay the Public Hearing on this matter until such time as the Planning Commission and stakeholders such as myself can have adequate time to carefully review the proposed changes, research their ramifications for existing operations, and prepare comments.

The review process is further complicated because the material that was sent out was inaccurate. One version was marked "Changes Shown," but the strike-out portions had altered numbering systems and omitted or added words that made it difficult to compare the documents. This exacerbates the difficulty in reviewing the proposed changes on such short notice by necessitating a word-for-word comparison to determine actual effects on existing agritourism operators.

ADVERSE EFFECT OF REGULATORY REVISION PROCESS

As one of the first registered Agritourism operators in Douglas County, I cannot begin to adequately express my dismay at the prospect of spending the next year or more once again focusing on regulatory development and registration processes, when I have barely had time to begin activities under my existing registrations. Because my state registration was completed several years prior to my County registration, my County registration will need renewed, and thus will be subject to, the new regulations within a couple years.

Meanwhile, I will have to spend my time following the regulatory development process instead of operating my farm or planning and carrying out actual agritourism activities

under my current registration. Unlike those in the local government who are making these changes, I don't receive a salary for this specialized and arduous work. Thus, this process of entirely revamping the agritourism regulations barely a year after they were originally promulgated has a significant negative economic impact on my farm business. This is the opposite of what the regulations are intended to do.

Furthermore, as a business operator, it is hard to make future plans with confidence when it appears impossible to predict a stable regulatory foundation on which to build. Quality agritourism activities take years to plan, build, and grow. If the regulations are subject to this degree of change after initial permits have been granted, thoughtful operators are not likely to invest their future in an enterprise where years of hard work might be for nothing if the regulations are rewritten again.

The proposed regulations are complicated. One result is that many farmers simply will not register their activities and hope to not get caught. Another result may be that mainly non-farmers or "get-rich-quick" operators will try to go through the registration process, potentially resulting in overall lower quality agritourism activities that don't adequately reflect the rich history and diversity of Douglas County land and farms.

OVERALL CONTEXT OF PROPOSED REGULATIONS

As one studies the overall zoning codes, it becomes apparent that there are many inconsistencies and gaps in the existing regulatory context. Because of such gaps and limitations in the code surrounding the Agritourism regulations, a situation is created where agritoursim is actually regulated much more strictly than uses with much greater adverse effect on neighbors and motorists.

Furthermore, the enforcement context of both existing general zoning and land use regulations, enforcement of regulations is piecemeal and structured in a way that allows it to be used in a harassing or discriminatory manner.

There are several distinct aspects to any land use: activities to be carried out; buildings and other infrastructure to support the activities; and services (including roads, transportation, emergency services, sanitation, water, electricity, etc.) needed to support the activities. These must each be addressed in a manner that is consistent and appropriate across all land uses to assure the long-term orderly development of Douglas County as a desirable place to live and work.

POINT-BY-POINT ANALYSIS OF PROPOSED CHANGES

This section gives point-by-point comments on the proposed regulations, generally in the order of the written proposed regulations. As much as possible, I've tried to include specific examples of possible unintended consequences, especially from the perspective of how these proposed regulations could materially affect my farm's agritourism registration. Citations are from the "Draft Language (Changes Shown)" version that was emailed on 1-22/2014. I have tried to title each separate issue for ease of reference.

TYPOGRAPHICAL ERRORS AFFECTING REVIEW PROCESS

Starting on page 6, all sections are incorrectly designated, making computerized searches ineffective for navigating through the document. “12-309-7.__” should be “12-319-7.__”. The existing code at 2-309-7 contains a reference to “Supplementary height and area regulations.”

For purposes of this review, all references to the Agritourism codes will be referenced as “12-319-7.__.”

REQUIRED CONDITIONAL USE PERMIT

12-319-7.02(b)(3) requires a Conditional Use Permit for agritourism uses that don’t fit the Tier 1 or Tier 2 parameters, yet there are many reasons a very low-impact agritourism use might not fit either Tier 1 or Tier 2 parameters. For instance, the incidental or ancillary use of non-farm motorized vehicles (i.e. a personal vehicle or a motorized electric mobility device kept by the agritourism operation to provide ADA accessibility)) to provide accessibility to persons with disabilities would conflict with 12-319.7.06(b)(2). The overly broad ban on all motors in this same subsection would also throw many agritourism operations into the Conditional Use Permit process. Likewise, property line setbacks, hours of operation, etc. can all disqualify an operation from Tier 1 and Tier 2.

Requiring agritourism operators to go through the expensive, time-consuming and potentially contentious Conditional Use Permit process is counter-productive to the Agritourism regulations’ stated goal of fostering and promoting agritourism as a means of economic development and sustaining the family farm.

My understanding was that the Agritourism registration process for Douglas County was intended to provide relief to farmers from going through the confusing, expensive and time-consuming Conditional Use Permit process for agritourism activities. In fact, I removed “Events” and “Farmer’s Market” from my attempted Conditional Use Permit precisely because these activities would no longer require a Conditional Use Permit under the then-new Agritourism regulations. Now I find I should have continued to pursue them through a CUP...in which case I might be several years ahead of where I am now in the implementation process. A new CUP (with new fees) will have to be done. However, I’m not allowed to submit a CUP for a year because my previous one (which started out including Events and a Farmer’s Market) was denied. The previous CUP process took over 4 years and was determined to not require a CUP after all.

LIST OF TIER 1 USES

12-319-7.03(a) includes a list of examples that is nearly synonymous with the full list of agritourism uses. However, some of the listed uses seem very likely to generate traffic greater than 25 cars:

(5) Corn mazes and Pumpkin Patches visits and activities
...
(12) Assembly type uses such as weddings, receptions; etc.
...
(14) Farm tours and demonstrations.

The regulation could be shortened and simplified by omitting this list, since it is not comprehensive anyhow ("but are not limited to" in 7.03(a); "7.03(a)(16) Other uses that may be determined on a case by case basis to meet the intent of the Tier 1 definition"). The focus should simply be on the low-impact nature of the proposed activities.

It is puzzling that while these potentially very high volume uses are included as Tier 1 uses, Farmer's Markets are limited to only 4 vendors. Enumerating Farmer's Market vendors can be problematic. Various markets and similar venues count them differently. Some go by the individual, regardless of relationship to other vendors or whether they are sharing a space or have a joint business. Some count individual business entities, even if they share a booth space. Some simply allocate square footage of space without concern for how many people or businesses use the space. If a limit on the size of Farmer's Market is really appropriate, then it must be clearly defined.

However, it seems inappropriate to limit the number of vendors at a Farmer's Market, when a pumpkin patch with a single "vendor" could have much higher traffic and sales, and be open all day, seven days a week, compared to a Farmer's Market with many vendors that is open only a short time part of the week.

Perhaps it would make more sense, and be easier to enforce, to limit the number of days and/or number of hours per day that an activity can occur, rather than placing limits on, and trying to define, highly variable business relationships.

"NOT EXPECTED TO GENERATE...NEGATIVE IMPACTS..."

Estimating the impact of activities that haven't yet occurred is a risky business. It is too easy for people who have not properly educated themselves on the details of a planned activity to fantasize imaginary worst case scenarios and make decisions based on what could happen, rather than what is actually planned or likely to happen. Neighbors alleging negative impacts without taking

Who gets to define "negative impacts"? The slightest thing could be perceived as a "negative impact" by a sensitive or oppositional neighbor...in one documented case, a landowner's failure to rake fall leaves from a natural wooded area.

Distinguishing between agricultural activities (which are protected by state law from being considered "nuisances") and agritourism activities can be very difficult and subjective, especially in areas of the county where mixed (residential, industrial, business, and agricultural) zoning and uses already exist.

“ACCESSORY TO ...A PARCEL”

12-319.7.03(b)(1) The idea that agritourism should be an accessory use to a farm is a sound principle, given the agritourism regulations’ stated goal of supporting farms. However, there are already outstanding regulatory interpretation and enforcement issues where Douglas County is not clear what it means for an activity to be a use “accessory to a farm” (in interpreting the Agricultural Zoning regulations at 12-306-2.17, “Ag Worker Mobile Home Exemption”). As of this writing, to my knowledge, Douglas County Zoning and Codes staff and Douglas County legal counsel continue to insist that “accessory use to a farm” is synonymous with “accessory use to a residence”, thereby preventing use of this mandatory permitted right in some cases. In the case of Agritourism, this sort of misinterpretation might prevent beneficial agritourism activities on parcels without residences.

I can only imagine that “accessory use to a parcel” will be just as problematic, and this wording could be used to prevent agritourism activities on farms comprising multiple parcels.

“CONTIGUOUS PARCELS”

Furthermore, it is not fair to penalize farm operators who have not been so fortunate as to find contiguous parcels, or who have bona fide agricultural reasons for creating a working farm that consists of scattered plots. One organic grower that I know relies on plots spaces several miles apart to rotate crops with enough separation to prevent spread of pests from one area to another. The requirement of contiguous parcels would force him to get Tier 2 approval from the County Commission in order to do U-Pick activities on scattered plots, or to do farm tours visiting more than one plot.

If the goal is to use Tier 1 (low impact) agritourism as a means of supporting farms operated by Douglas County residents, then this could simply be stated.

Noncontiguous parcels may still be very close together, and could easily be part of one agritourism operation, especially for very low impact activities such as those listed at 12-319-7.01(b)(9) or (10). The County may also need to address the reality that many farmers may operate farm businesses on land located in more than one county. I know of several cases where farm families actually changed their residence from one county to another according to the seasons of the year, summering with their livestock on Flint Hills pastures in the summer while moving themselves and their livestock to their Douglas County farmsteads during the winter.

“UNDER THE SAME OWNERSHIP”

Many farms are operated all or in part on rented ground, and some farmers may reside in rented residences. Land ownership can be further complicated by land held by trusts, etc. This restriction could exclude many bona fide farmers from accessing the liability protection of state Agritourism registration for very low impact activities. A requirement

of land ownership for low-impact agritourism creates an undue hardship for already disadvantaged farmers (young, women, minority, persons with disabilities, etc., who may have less access to land ownership).

12-319-6.03 addresses various forms of ownership in relation to Rural Home Businesses by stating "*If a business owner does not currently own the real estate on which the Rural Home Business Occupation is conducted, an affidavit of equitable interest or a copy of a lease evidencing a leasehold interest can be submitted as a substitute for fee simple ownership of the real estate*." A similar approach could be used for the Agritourism regulations.

"AGRICULTURAL LAND USES"

This phrase needs to be defined, or else it could be construed as any use permitted under 12-306 "A" AGRICULTURAL DISTRICT REGULATIONS. This would include churches, colleges, country clubs, golf courses, etc.

"AGRITOURISM OPERATOR"

This phrase used at 12-319-7.03(b)(2), 12-319-7.05(a), 12-319-7.07(a), etc., needs to be clarified. As written, it may prevent multi-generational farm operations where adjacent homes are not available from allowing a subsequent generation of the family to start an agritourism operation on the family farm as part of a farm's succession plan. However, in protecting the right of families by blood or marriage to use agritourism as a part of a generational succession plan, it is important to avoid discrimination against farmers whose successors are not related by blood or marriage.

"MOTORS OR MOTORIZED VEHICLES"

12-319.7.03(b)(2) references "motors or motorized vehicles" in a very broad sense. This would technically include all electrical, gas or diesel motors, including the cooling fan in a computer, a diesel generator to supply power for non-agricultural purposes (such as a food vendor providing concessions), refrigeration and HVAC motors, etc.

In many cases, it will be hard to determine whether a motor is used for an agricultural purpose or not, especially when motors are used for a variety of purposes.

What is the purpose of this restriction? Risk management? It is any business operator's obligation to provide adequate and appropriate insurance for all activities, whether involving motors or not. Noise control? Then this section needs to focus clearly on limiting noise, rather than motors. Non-agricultural-use vehicles that have electric motors may be virtually silent, and should be allowed.

"DAYLIGHT HOURS"

12-319-7.03(b)(6) mandates that very low impact agritourism activities that must be conducted at night for agricultural or natural reasons (owl calling, lambing participation, sunrise religious service) must go through at least the Tier 2 process of review by the County Commission. Many would likely fall into the Conditional Use Permit category.

"LIMITED TO PROPERTY OWNER" [12-319-7.04(a) and 12-319-7.07(a)]

"Property...operator" is undefined, and is unfamiliar usage. Does this refer to a farm operator who leases instead of owns land?

Could an agritourism operator be a volunteer associated with an agricultural operation? Is this included in the concept of "employees"...i.e., how is "employees" defined for the purpose of this regulation? Since the county is still in the process of considering whether someone "employed on" a farm is the same as someone "employed by" or "an employee of" a farm, similar confusion could result from this requirement.

There are valuable agricultural lands that are not suited to residential use for many reasons—terrain (too steep, flood prone, ravines or creeks, too rocky, no water, no space for wastewater disposal, etc.), lot size, lack of frontage, etc. These sites may still be suitable for certain agritourism uses, yet the impossibility of having a home sited on them would seem to require that they go through the Conditional Use Permit process for any agritourism activity. This seems excessive for relatively solitary activities such as hunting, fishing, hiking, etc., that are required to register as Agritourism uses because they are not permitted by right agricultural activities, yet are unlikely to be significant income-producing enterprises for a farm.

"Immediate family" should be defined. Does this include cousins or aunts/uncles? Grandparents/grandchildren? Stepchildren? Ex spouses? What about same sex couples? What about farms that are organized as partnerships, cooperatives, LLCs, or corporations? How can this restriction be stated in a way that does not penalize people who don't have conventional "immediate family" but who may have friends or business partners in lieu of family?

"NO PARKING MAY OCCUR ON ADJACENT ROADS" [12-319-7.04(b) and 12-319-7.07(b)]

No one can control where people park their cars, and I'm not sure that it's even legally defensible to tell people that they can't park in an area that isn't designated "No Parking". This should not be expected of Agritourism operators. The regulations should simply state that cars parked on public rights of way for purpose of attending an agritourism activity may be ticketed or towed as deemed necessary by the Douglas County Sheriff, and require the agritourism operator to inform participants that off-site parking is not allowed (via sign onsite or verbiage in advertising media). It isn't fair to penalize the

agritourism operator for their guests' bad parking choices. In extreme cases, someone could deliberately park on the road in order to get the agritourism operator in trouble.

For agritourism operations where onsite parking is only occasionally scarce, temporary "no parking" signs could be used (hopefully with a streamlined system compared to the onerous City of Lawrence system requiring 4 different visits to two different, non-adjacent city offices.) For agritourism operations that frequently have a high parking demand, the operators could request that the county post permanent "No parking" signs along the road.

In a county where football and basketball games regularly lead to extreme parking shortages and very congested traffic, resulting in thousands of illegal parking situations that are routinely ignored but significantly inconvenience people living in those neighborhoods, it seems disingenuous to forbid parking on county roads that would be legal parking if the car were not being used as transportation to an agritourism event. All over town, students, store customers, and employees park on city streets because of inadequate parking lots provided for businesses and institutions.

On-site parking should be strongly encouraged because it is more convenient and safer for attendees, and agritourism operators should attempt to realistically correlate the size of events with the onsite parking available, as well as make plans for overflow parking that will not block traffic. I see no reason why this shouldn't include parking on one side of a road where it is legal to do so and traffic safety is not unduly compromised.

"PARKING IS CALCULATED...1...SPACE PER 2 ATTENDEES"

This requirement appears relative to Tier 1 registrations at 12-319-7.04(b) and 12-319-7.05(a)(3)(vi) and the corresponding Tier 2 sections.

Many agritourism activities are designed to appeal to families, resulting in an average of more than 2 people per vehicle...in some cases, as many as 7 or even more per family van for activities at my farm. A single school bus making a single field trip could carry enough students to mandate 15 parking places, yet there not be any parking place adequate to park the one vehicle! Agritourism operators can't control what vehicles people use.

Although many agritourism sites will be primarily accessed by motor vehicles, there are a several existing agritourism sites that are regularly accessed by people on bicycle, public transportation, or even on foot. This will significantly affect parking space requirements for some sites.

Each site and type of activity will be unique, and will have unique parking considerations. While it is reasonable that adequate parking be provided by the agritourism operation, setting one standard for correlating attendance with parking is not appropriate. Application for registration should include adequate information to determine a reasonable estimate for parking needs.

Allocating more parking space than necessary could create an eyesore, especially given the overly-specific yet inadequate screening requirements.

SCREENING OF PARKING AREAS [12-319-7.04(c) and 12-319-7.07(c)]

Screening of parking for agritourism activities can be problematic in many ways.

In many cases, it is simply not possible to screen a site from the road right of way because of driveway entrances, need for sun to grow crops or provide proper light for livestock, etc. Screening can obstruct vision and present traffic safety hazards. Law enforcement recommends trimming bushes and shrubs to prevent hiding places. The required types of screening may obstruct a neighbor's view of a treasured landscape year around for the purposes of concealing cars parked there just a few times a year. The required types of screening may all be out of character with the existing landscape, or not well suited to a particular site.

The degree of screening and landscaping proposed for Agritourism uses far exceeds that required for industrial uses on industrial zoned land. Agritourism operations located in areas near non-residential zoning and uses should not be subject to more stringent landscaping and screening requirements than more intensive uses.

Screening as specified may also be impossible to maintain in areas that are used for parking part of the year and for livestock or crops the rest of the year. Permanent screening for seasonal agritourism activities could require an operator to forego agricultural use of part of the farm, making the agritourism less of an "accessory use."

As an aside, the County should revisit screening requirements and their enforcement for Business and Industrial zoning districts. Many of these are written to require screening only from the street, not from residences or from side or rear lot lines. Such business therefore can have a significant depreciating effect on otherwise high quality agricultural environments.

"LANDSCAPING SHALL CONSIST..."

The specificity of this subsection is daunting and out of character with the rest of the agritourism regulations, especially in the context of other similar regulations such as the Rural Home Business regulations.

Rural Home Business regulations (Type II), at 12-319-6.02, require the following: *All parking spaces shall be located a minimum of 50 feet from property lines and public rights-of-way, and shall be screened by landscaping, a fence, or buildings so it is not visible from the public rights-of-way or from adjacent residences.* There is no need for agritourism regulations to spell out required screening in more detail than that...especially when the screening specified for agritourism would not even meet the performance criteria for a rural home occupation.

Since the Rural Home Business regulations already are not enforced, to the detriment of residential and agricultural neighbors, it seems unfair to put these restrictions on agritourism operators, who may have far less intensive uses.

Depending on the location of a farm, and on weather conditions and water availability, establishment of natural vegetative screening may be difficult, expensive or impossible. At best, it may take years for vegetation to reach the required screening specifications. Berms may cause or exacerbate drainage issues. Fencing and walls may not be harmonious with the rural landscape or with the agritourism activity, may be extremely expensive for a large site in proportion to the level of agritourism use, and may be vulnerable to wind damage in exposed locations.

Berms, walls, fences, and vegetative screening can all either improve or exacerbate snow drift conditions, potentially creating serious hazards to the public health and safety especially in remote rural areas.

A height of three feet seems insufficient to significantly screen a parking area in terms of "hiding" it within a rural landscape, especially in hilly terrain. Requiring such inadewate screening may have little effect other than increasing costs to the agritourism operator and creating an eyesore and hazards.

12-319-7.04(d) "NO EXTERIOR LIGHTING"

This ban is much too broad. As stated, it would preclude the use of small solar walk lights to demarcate paths or illuminate tripping hazards. Also, for enforcement purposes it could be very difficult to distinguish between lights installed for agritourism uses and lights installed for residential or agricultural uses.

The worst case scenario is that an operator trying to avoid the onerous registration process of appearing before the County Commission for a Tier 2 registration might choose to not install lights in a situation where safety and common sense would dictate the use of lights.

12-319-7.07(d) requires that light for agritourism activities be shielded. However, exterior lighting for residential use and Rural Home Business use is not restricted from encroaching on other residences, agricultural operations, or agritourism sites. Likewise, any business and industrial zoning uses don't require shielding from properties to the side or rear, but only from the street. In all cases, whatever regulations exist are not enforced. It is unfair to expect a higher standard from agritourism operations.

If 12-319-7.03(b)(6) is retained, specifying that all Tier 1 agritourism activities occur during daylight hours, there is no need to address lighting at all for Tier 1 agritourism registration, because any lights would not be associated with the agritourism.

"200 FOOT SETBACK"

12-319-7.07(f) prohibits agritourism-related activities that are not agricultural from occurring within 200 feet of a property line for Tier 2 registrations. Since many very low impact agritourism uses will fall into Tier 2 due to relatively minor shortcomings such as activities after dark, it is unfair to apply a 200 foot setback to all agritourism related uses. Consideration must be given to the site characterstics, surrounding land uses, and nature of agritourism activities. A 200' setback is unnecessary for a small intimate poetry reading around a campfire in a secluded valley far from any residences...especially if the adjoining property is a gravel quarry used only by day.

This requirement also in many cases would prevent an agritourism operator from scaling up a Tier 1 agritourism operation to Tier 2. For example, a Tier 1 Farmer's Market (4 vendors, not after dark) that expanded to a Tier 2 Farmer's Market (5 vendors, open until 6 p.m. in December) might need to be significantly relocated to meet the 200' setback. Small agricultural parcels, especially those that don't have residences, might not even have any space that would meet the 200' setback from all sides.

It is also important to keep in mind that "agricultural uses" can be construed to include all uses permitted in the "A" Agricultural District. In this, many high-impact uses would be allowed while low-impact agritourism uses would not be.

Since this restriction would bump many smaller sites into the Conditional Use Permit category, it would disproportionately affect disadvantaged farmers who may be more likely to have small properties.

Some non-agricultural activities may be carried out in pre-existing buildings such as homes or barns that may be located less than 200' from a property line. Ponds, woods, etc. may also naturally exist closer than 200' to a property line. It would be unfair to preclude the use (and often, therefore, preservation) of historic buildings, or to prevent birdwatchers from hiking within 200' of the property line.

Also, this is worded so that the 200' setback would be from each property line of individual parcels within a contiguous multi-parcel site.

12-319-7.04(e) SANITARY FACILITIES

Adequate information should be provided for the potential agritourism operator to be able to find the applicable requirements.

"AGRITOURISM REGISTRATION PROCESS"

Both Tier 1 and Tier 2 applicants should be required to submit IRS Schedule F or other proof of farm business activity.

Tier 1 applicants should be required to show that the agritourism activity will be operated in such a manner that it is truly accessory to the agricultural uses carried out by the operator.

“1000 FOOT NOTICE RADIUS”

12-319-7.05(b) and 7.08(b) require notices to be sent to all property owners within a 1000 foot radius of the proposed agritourism site.

Conditional Use Permits and similar processes require a 1000 foot radius outside the city limits, but only a 200 foot radius within City Limits. There are already more than one agritourism sites (whether registered or not) that are adjacent to City Limits. Tier 1 and 2 registrations should not be sent to more people than a rezoning or Conditional Use Permit notice; this is an unnecessary expense for the County.

“INTENT AND PURPOSE OF TIER 1 DEFINITION” [12-319-7.05(c)(1)]

If these are to be used as a standard for review, they need to be clearly spelled out.

“COMPATIBLE WITH ADJACENT LAND USES” [12-319-7.05(c)(5)]

In some cases, the screening required under 12-319-7.04(c) and 12-319-7.07(c) may make the agritourism less compatible with adjacent land uses, and may not enhance the rural character of the landscape.

“LIGHTING TRESPASS OR GLARE” [12-319-7.07(d)]

Shielding requirement is more stringent than for any other use. No shielding is required for residences or street/highway lights. This creates a situation where agritourism activities requiring a dark nighttime environment can be impinged upon by others, but agritourism activities may not be able to effectively light their own premises. There is apparently no way to enforce any existing light regulations because inspectors don’t work at night and the sheriff says it’s a civil matter that they can’t do anything about.

PROPOSED ALTERNATIVE REGULATORY SCENARIO

Agritourism regulations should provide a framework that:

- Allows Douglas County farmers to add agritourism enterprises to their farms in a sustainable and incremental manner that is relatively free from additional regulatory restrictions or burdens;
- Provides assurance to neighbors that agritourism activities will not unreasonably interfere with their peaceful enjoyment of their property;
- Protects agritourism operators from unreasonable harassment from neighbors;
- Provides measurable, clearly defined standards so that agritourism operators can properly plan their agritourism enterprises.

- Allows enough County oversight to ensure orderly implementation of agritourism uses, and also
- Spells out clear enforcement criteria and responsibilities, as well as problem-solving strategies for minor disputes and consequences for willful or repeat violations, so that any problems can be solved on a timely basis while respecting property rights of all parties.

The regulations should be as general as possible to apply to a wide range of agritourism activities and encourage innovation. In many cases, the best agritourism operations are well-integrated with actual agricultural enterprises, thus truly connecting farm visitors with a hands-on Kansas agriculture experience. Care should be taken to preserve and encourage this intimate connection, while encouraging farm operators to allow the public onto their farms through support such as the State's Agritourism Liability Waiver.

Agritourism regulations should provide a means of allowing Douglas County farmers to have additional economic enterprises utilizing existing farm resources, while having a reasonably minimal, but not necessarily non-existant, effect on neighbors to the agritourism site.

It must be remembered that in many cases, non-agricultural residential uses were "new" uses in rural Douglas County and impose their own set of nuisances on agricultural neighbors, including many of the same types of nuisances which agritourism regulations attempt to minimize. This means that the regulations must be stated in terms of easily measured criteria, with clear enforcement criteria and consequences for violations. Neither the existing nor proposed regulations adequately achieve this.

12-319-7.01 should include a full range of definitions, including but not limited to:

--Agritourism activities: [definition and list from existing code].

--Agritourism operator(s): the individual(s) with financial and legal responsibility for the agritourism activity. Describe acceptable relationships to farm operation, to landowner, and to land/residential tenants.

--Agritourism site: The physical location of the agritourism activities, i.e., where people will be. This may include one or more parcels owned or leased by the agritourism operator. Parcels need not be contiguous if the agritourism use of non-contiguous parcels would not result in significantly increased adverse effects to neighbors. No minimum size, either implied or express.

--Agritourism hours—include all hours that guests/customers/visitors are present at the farm, but do not include preparation or clean-up times by agritourism operators or their employees, contractors, vendors or volunteers. Hours for overnight guests are considered separately from guests not sleeping at the agritourism site.

--Overnight guests—Paying guests sleeping at the agritourism site. Should not include guests present only for night-time waking activities such as sunrise services, astromonical observations, wildlife experiences, birthing experiences, etc.

--Volunteers—

PRIVATE ACTIVITIES PERMITTED BY RIGHT

Nothing in the agritourism regulations should be construed as restricting the rights of landowners, tenants, family members and personal friends of landowners and tenants to exercise the full range of uses of their agricultural property permitted under the "A" Agricultural District, including the right to hike, hunt, fish, picnic, camp and otherwise enjoy the recreational, educational, natural, spiritual, cultural and agricultural resources of their land, when these opportunities are shared with no charge to people personally known to the landowner or tenant and no site modifications or permanent infrastructure are provided by the landowner/tenant to support the activities. Agritourism registration is not required for the incidental enjoyment of the rural landscape.

Conversely, registration/regulatory oversite is entirely appropriate for private events of certain types and scales. It is very difficult to distinguish between large private events and small agritourism activities. In the past year, a neighbor's "private event" included an intensive fireworks display on a 4-acre lot with hundreds of attendees and large numbers of vehicles parked unsafely on the street. No sanitary facilities seemed to be provided. Smoke and noise, as well as traffic, caused significant distress to the neighboring agricultural operation. Activities were very close to neighboring residences. Parking was set up in a manner that would not have allowed emergency vehicle access. However, full Tier 2 type agritourism, including a ban on street parking, proper parking and lane layout, etc. was required for the agricultural operation to host its traditional Sheep Shearing Open Farm Day.

Agritourism registration or special event permits should be required for some private events otherwise permitted by right due to potential for adverse effects on neighbors and motorists. Landowners should consult with the Dept. of Zoning and Codes if they are planning a large group event (greater than 30 people expected attendence?) or an event that is likely to generate nuisance to the neighbors or passing motorists.

Landowners/tenants must ensure that:

- The private landowner/tenant event is held entirely on land owned or rented by the host/organizer of the event;
- The private landowner/tenant event does not create nuisance conditions outside of their own property due to dust, noise, or lights impinging on neighbors or on the public road;
- Parking for a private landowner/tenant event does not create or exacerbate unsafe driving conditions due to roadside parking;

- Provisions adequate for the expected attendance are made for sanitation, safe drinking water, fire safety, and emergency vehicle access;
- No more than one event requiring parking of more than 10 cars is held per week.

Private landowner events are not covered by the state agritourism liability waiver.

[This is no more of a restriction on personal freedom than is a building permit for constructing a home or other permitted-by-right improvements.]

AGRICULTURAL EVENTS

State agritourism registration is often used by innovative farmers to allow the public to participate in agricultural activities without incurring liability for personal injuries sustained by guests on the farm. State agritourism has thus significantly helped farmers to access volunteer help for intensive agricultural operations while making agricultural experiences accessible to the public. The County agrituorism regulations should enhance this, not discourage farmers from allowing the public to their farm by way of onerous parking screening requirements, Conditional Use Permits, restrictive time frames (i.e.e, daylight hours), etc.

Volunteers who assist with essential farm operations should not be considered agritourism participants, but certain ancillary activities such as a harvest party that is open to families and friends of volunteers as well as the volunteers could be considered an agritourism event. Thus, context of a person's presence on the farm may determine whether their hours count towards a Tier designation in the following scheme. Agritourism registration regulations should never interfere with farmers accepting volunteers to help with their farm business operations.

To better segregate Agritourism into tiers based on potential impact and need for regulatory oversight, I suggest the following divisions:

--TIER 1 AGRITOURISM—defined as agritourism activities limited to:

5 or fewer days per week, less than 4 hours per day, AND/OR
3 or fewer days per week, less than 12 hours per day,

AND with parking provided for 25 or fewer vehicles,

AND no overnight guests,

AND operated as an accessory activity to an existing farm business, as documented by ___ years of IRS Schedule F or other reasonable documentation of a farm business associated with BOTH the agritourism operator and the agritourism site.

This allows weekend and long-weekend all-day events, as well as morning or evening events, reassuring neighbors that inconveniences or minor nuisances will not be

constant. This scale of operation is easily done as an accessory use to a farm within the framework of a farm family or small business operation.

--TIER 2 AGRITOURISM

7 or fewer days per week, less than 4 hours per day, OR
5 or fewer days per week, less than 12 hours per day, OR
3 or fewer days per week, more than 12 hours per day.

AND/OR parking provided for 100 or fewer vehicles at any one time,

AND/OR overnight accommodations consisting of [5] or fewer guest rooms/guest room equivalents.

AND operated as an accessory activity to an existing farm business, as documented by ___ years of IRS Schedule F or other reasonable documentation of a farm business associated with EITHER the agritourism operator or the agritourism site.

This scale allows for a larger, more stand-alone agritourism operation, while still giving neighbors and operators some "days off" from the agritourism operation. More planning and oversight is appropriate for situations with more guests, overnight guests, etc. This level also allows for a looser connection between the farm operation and the agritourism operation, acknowledging that this scale of agritourism might start to become a full-time job for the operator rather than a sideline to farming.

--AGRITOURISM REQUIRING CONDITIONAL USE PERMIT

More than 5 days per week with 4-12 hours per day, OR
More than 3 days per week with more than 12 hours per day.

AND/OR provisions for more than 100 vehicles at any one time,
AND/OR overnight accommodations consist of more than 5 guest rooms/guest room equivalents,
AND/OR agritourism activity is not associated with an existing farm business
AND/OR farm business is not primarily located in Douglas County
AND/OR agritourism operator is not associated with an existing farm business.

[These definitions of the levels prioritize Agritourism as an opportunity for existing farmers to utilize their existing resources in innovative ways, while still allowing new operations not associated with farms to operate agritourism activities through Conditional Use Permits.]

12.319.7.02 REGISTRATION AND APPROVAL PROCESS

Generally as currently promulgated, modified to reflect the “Tier 1” and “Tier 2” designations.

12-319-7.0_ STANDARDS

All agritourism activities must meet the following standards:

- Be registered with the State Agritourism program.
- Be carried out on land zoned “A” Agricultural.
- Complete the appropriate application process for Douglas County agritourism registration.
- Develop and comply with a site- and activity-specific drinking water plan in cooperation with the Douglas County Health Dept.
- Develop and comply with a site- and activity-specific sanitation (wastewater disposal) plan developed in cooperation with the Douglas County Health Dept.
- Develop and comply with a site plan and/or narrative description detailing how any anticipated adverse effects on surrounding properties or residents will be mitigated. Site plan and/or narrative must show, at a minimum:
    --Proposed agritourism use(s). There is no limit to the number of uses that are allowed for a permit, but the most stringent applicable registration level will apply to all uses (Tier 1, Tier 2, or Conditional Use Permit).
    --All structures to be utilized for the agritourism use, including dimensions and distance to the nearest property line, and their status as Ag Exempt buildings if applicable;
    --Areas where the agritourism use will occur and areas where agritourism participants will be allowed.
    --Access and parking areas shown and dimensioned, noting the total number of spaces.
    --Means by which participants will be prevented from parking on public roads;
    --Means by which lights, dust, noise and other potential nuisances to neighbors will be abated to meet neighbor concerns;
    --Proposed hours of operation;
    --Expected attendance.
    --
- Develop and comply with an emergency response plan [in cooperation with ____?].
- Comply with any applicable local, State or Federal regulations, including but not limited to regulations pertaining to Sales and other taxes; Weights and Measures; labor; building codes; food service; overnight accommodations; nuisance ordinances; fire codes; liquor licenses; etc.
- Re-register with both the State and County every time the State requires re-registration.
- Amend State and County agritourism registrations whenever significant changes are made to the agritourism activities; operators; site, water and sanitation plans; etc.

- Notify the County whenever a minor change (days or hours not resulting in a change between Tier 1 and Tier 2;) in agritourism activities might result in additional effects on surrounding property owners, such as increased hours of operation.

Agritourism uses requiring a Conditional Use Permit shall meet all of the above standards as well any other requirements of the Conditional Use Permit.

All documents (registrations, plans, etc.) pertaining to the Agritourism registration shall be a matter of public record and available to the public online or by request at the Douglas County Zoning and Codes office.

On-site burning to dispose of refuse, rubbish or trash from agritourism activities shall not be permitted unless special facilities are constructed consistent with EPA standards. Only normal recreational fires using conventional natural fuels; burning of natural materials as part of an agricultural process; and disposal by burning of normal agricultural waste; are allowed. Waste from agritourism activities must be transported to a licensed landfill for proper disposal.

ENFORCEMENT

Enforcement shall be based on compliance with the plans required by the Agritourism standards.

Unless the complainant can demonstrate a compelling reason not to do so, complainants shall discuss (in person or via phone or email) and attempt to work out resolutions to problems directly with the agritourism operator before bringing complaints to the County Zoning and Codes office.

If a satisfactory resolution can’t be reached by the complainant and the agritourism operator, the complainant may file a written complaint, along with documentation of previous attempts to resolve the matter, with the Douglas County Zoning and Codes office. Complaints should clearly specify the standard being violated and the adverse effect on the complainant.

Zoning and Codes office shall determine whether a standard has been violated and specify remedial action as needed, including reasonable deadlines and standards for compliance. Zoning and Codes office will inform both the complainant and the agritourism operator of the determination and any required remedial action. If possible, Zoning and Codes office will meet together with complainant and agritourism operator to work out an acceptable solution to the situation.

If an agritourism operator fails to comply with the request for remedial action within the specified time, or repeatedly violates applicable standards, the County may revoke the Agritourism registration permit. Once the Agritourism registration has been revoked, then

any violations of “A” Agricultural District codes may be addressed according to the means provided for by that code.

PUBLIC COMMENTS

REVISED AGRITOURISM TEXT AMENDMENT

Submitted by:
Natalya Lowther
Pinwheel Farm
P.O. Box 1561 (1478/1480 N. 1700 Rd.)
Lawrence, KS 66044
785-979-6786
natalyalowther@hotmail.com

I want to commend staff for the improvements that have been made to the first version of the proposed revised regulations. The point-by-point document addressing the various public comments and the changes that were or were not made was especially helpful in reviewing the changes...a great step towards transparency in the process.

I want to say that I share the concerns detailed in Mr. NovoGradac's two letters...to the extent that I can even understand the legal ramifications that he references. I hope that the regulatory bodies involved will take his comments very seriously. His understanding of law is much more nuanced than mine; my comments are based on a strictly literal reading of the regulations without the deep knowledge of legal practice and precedent that Mr. NovoGradac has.

Most especially, I am concerned, as is Mr. NovoGradac, with the very fuzzy distinction between "activities permitted by right" (residential, agricultural, or other) and activities permitted only as "agritourism". Over the past 15 years I have been told (at various times) by Zoning and Codes that allowing others to walk on my agricultural land is illegal; that I can't camp on it even for agricultural necessity; that I can't establish a temporary farm office in a parked vehicle. In the past, I've been threatened with $500/day fines for essential farming activities. Now, some of those activities seem to be allowed by right...at least to some extent...for some people...without significant intervening changes to the regulations. But really, our permitted rights are not at all well defined and established, and are subject to changing interpretation. As has sadly been demonstrated in the past 8 years, the interpretation of the regulations has sometimes been on political or personal basis, rather than legal authority.

On the other hand, there continue to be egregious failures of the regulations to protect agricultural land from "from the depreciating effect of objectionable, hazardous and unsightly uses" (12-306-1), and at times an ongoing failure of enforcement efforts to rectify these situations. My neighbors, who reside on unincorporated Douglas County land zoned, but not used, as Agricultural, can have very large "private" parties (with extensive on-street parking and inadequate sanitary facilities, and without any regulatory oversight); extensive fire works displays for well over a hundred guests; glaring outdoor lights all night year around that significantly disturb my night-time farm work. They operate a significant industrial/commercial business on their "agricultural" land without

the benefit of a site plan and with no screening and inadequate paving; enter and leave the roadway with large trucks and other vehicles at points other than their designated “curb cut”; invite groups of friends and relatives to play with ATVs and “off-road” type recreational driving of pickup trucks; and all manner of other disruptive activities. The County is apparently powerless to enforce against these disturbances, nuisances, and code violations.

If I tried to do the same or far lesser activities as Agritourism, I would have to get a CUP—yet either a CUP or Agritourism registration could be denied in the first place based on exaggerated, unfounded neighbor complaints in advance of any actual activities (as has occurred in the not-so-distant past) and I would be subject to immediate enforcement and withdrawal of my permit simply based on hearsay from anonymous complainants, making up stories about my operation.

State law protects hunting as an agricultural activity. So do we need to carry guns and hunting licenses everywhere we go in order to be allowed to walk in the woods? Yet if people—even strangers not known to the landowner—can hunt on agricultural land, why can’t they take photos of birds, or fish, or ice skate, or view the stars at night—without the landowner going through the rigamarole of Agritourism registration? ANY night-time nature activities such as star-gazing or owl calling...or even a farmer, his friends, and his harvest crew celebrating “harvest home” with a potluck and bonfire at the end of the season--would require onerous Tier 2 registration—yet these are normal, natural aspects of rural life and traditional farming community.

Somehow we as a culture and as a community have lost our way rather badly. We can’t see the “forest”—enjoyment of outdoor rural life with friends—because we’ve planted a privacy screen of regulations around activities that once were, and should still be, considered part and parcel of rural life.

So many valuable agritourism activities are informal, and are a blend of “permitted” and “not permitted” activities. It isn’t clear at all what ratio of “agriculture” to “tourism” is permitted by right...and if an agritourism registration is cancelled, how much of the “agriculture” will be allowed to continue? A group of Girl Scouts gather eggs...that’s agriculture. If they eat a snack at the farm, that’s agritourism. If they pick an apple, wash it, and eat it on the farm...is that agriculture or agritourism? How fine are we going to split the hairs?

This is an important concern because the finer the hairs are split, the more likely that disgruntled neighbors (perhaps upset with something entirely unrelated to agricultureal or agritourism activities) will attempt to use poorly conceived regulations as a means of harassing or even shutting down a farm.

Does this type of harassment happen? A few weeks ago my farm was subject to a complaint-based investigation by the Kansas Dept. of Agriculture. The complaint was obviously declared “not valid” from the first moment the inspector stepped onto the farm, before we even spoke. Nevertheless the full investigation process had to be followed. The

overall situation took many hours of my time (unpaid and unproductive) and the State Inspector's time (tax dollars at work).

Was this harassment? The investigation was triggered by an anonymous complaint filed with a Douglas County regulatory agency, which forwarded the complaint to the state. The complaint had absolutely no basis in current reality (the scenario described, even when stripped of hyperbole, had not occurred for many years). It was regarding an activity that is a normal, traditional farm life activity not prohibited by any law.

Fictitious complaints aren't accidentally filed, and they aren't filed to "protect" the subject of the complaint. A situation like this exhibits deliberate malicious intent. Our current enforcement procedures make this kind of harassment easy. Given the prevalence of extremely strong feelings about neighbors who undertake activities that other neighbors don't like, it's not hard to imagine regulations (such as the type of detailed agritourism regulations that is being proposed) being used as tools to clobber legitimate, code-compliant farming/agritourism operations.

The economic cost of investigating insignificant complaints such as this can be staggering. Douglas County Zoning and Codes already has difficulty enforcing real, significant, obvious, on-going violations, such as previously mentioned. Writing regulations that are overly restrictive or detailed may make it more, rather than less, likely that complaints may be used as a tool for harassing legitimate agricultural operations.

12-319-7.03 (b) (iii) **Limit on Parking Spaces**

Does the 25 parking space limit mean that no more than 25 vehicles may ever be parked on the farm, or does this mean a combination of permanent and overflow parking spaces totalling less than 25 at all times, or is it 25 permanent parking spaces plus occasional on-site overflow parking? A bus might take up three or more passenger car parking spaces; large vans might take two spaces. Would fewer than 25 vehicles be allowed if one or more is a bus or oversize van?

Do motorcycles, scooters and bicycles each count as a separate vehicle, even though more than one can fit in a standard parking spot?

I am really not convinced that parking spaces will be any easier to enforce than attendance by number of people.

If legal on-street parking is available, why can't it legitimately be used by participants for an agritourism use, especially in semi-urban areas? Other neighbors use street parking at or near my farm. How could enforcement prove that vehicles legally parked on the street near my farm are attending an agritourism event, and not neighbor vehicles parked there to trigger enforcement action?

The only way I can legally control parking on the streets around my farm is to obtain "No Parking by Order of Chief of Police" signs from the city (which takes considerable effort and a large deposit)—which I can do because I am on a City Limit street. Do folks in the county have a similar mechanism for posting "No Parking" on roads that are otherwise not posted and thereby legal for parking? If a car is legally parked, I can't have it ticketed or towed...but a guest's preference for parking on the road might cause my agritourism registration to be revoked.

12-319-7.03 (b) (v) **Amplified Noise**

Please specify *"Electronically amplified"*; even acoustical musical instruments have some form of natural amplification (i.e. the body of an acoustic guitar or sound board of a piano), and a building or natural environment may serve to amplify sounds. Excluding ALL amplification from Tier 1 makes 12-319-7.03 (a) (xv) necessarily a Tier 2 activity.

12-319-7.04 (a) and 7.08 (a) **Operator/land ownership relationship**

"...employees (paid or unpaid)" is problematic. Please specify *"employees or volunteers"* to reflect the common usage and distinctions made by those who will be subject to these regulations. Volunteers have a distinctly different relationship with their hosts than employees have with their employers, above and beyond compensation and liability issues. Not paying "employees" would be a violation of Dept. of Labor regulations except perhaps in the case of family members, who are already mentioned. Also, non-profit agencies engaged in agritourism operations could encounter difficulties with their volunteers being construed as "unpaid employees."

12-319-7.04 (c) and 7.08 (c) **Landscaping/fencing/screening**

The reduction in excess detail is helpful, as is giving the Zoning and Codes Director some leeway to exercise professional judgment in this matter. However, this requirement is still problematic for several reasons.

One example is a friend's farm in south Douglas County. Her farm parking area is more visible from residences 2 miles away, viewed cross-country through a valley, than it is from the road or close neighboring residences, from where it is naturally screened. Yet no amount of screening would hide it from those distant houses unless installed near the residences 2 miles away, on others' land.

Another example is my own farm, located on a small cluster of parcels which each have their own driveways. There is also a permanent right-of-way that cannot be obstructed (other sites may have issues with utility easements that don't allow structures or plantings). This particular site makes it nearly impossible to screen parking areas from street view. However, it is located on an urban street, so there are many cars and business vehicles parked in view of the street on neighboring properties, most of them much closer to the street than the farm parking. In this case, screening of parking areas from the street is not a reasonable requirement.

On the side of my property with a residence not owned by me, a commercial business involving as many as 6 large tow trucks and 10 or more passenger cars, present 24-7, is operated right up to our mutual property line, yet is not required to have screening to reduce the impact of their operation on my rental residence. Yet I would have to invest in permanent screening to hide occasional agritourism guest vehicles from their tow trucks?

Many agritourism locations may only be active for a short time each year. It isn't appropriate to require screening year around for an area that is only used a short time. Also, it isn't clear whether all parking requires screening, or whether overflow parking is exempt from screening.

I suggest that the landscaping/fencing/screening requirement merely be stated as *"Site plan shall show landscaping, fencing, etc. as appropriate to provide reasonable screening from nearby roads and residences of permanent parking areas used for agritourism, subject to the approval of Director of Zoning and Codes [or County Commission, for Tier 2]."* This will alert the potential agritourism operator that screening is needed, while allow the applicant and the approving body to decide what is appropriate and reasonable for the individual site and agritourism use.

12-319-7.05 (a) (iii) (f) (i) and 7.08 (b) (i) **Parking Estimation**

The changed wording is very awkward.

The stated ratio of 2 attendees/vehicle is problematic. At the Jan. 27, 2014 Planning Commission meeting, another agenda item was a CUP for an assembly hall. There was discussion about the parking spaces allocated, relative to the capacity of the building. City staff stated that the code requirement for an assembly hall was based on 5 people per car. If 1 parking space per 5 guests is sufficient to comply with code requirements for an assembly hall, it would make sense to use the same standard as a guideline for estimating the attendance/vehicle ratio for agritourism activities, rather than a much more restrictive one.

Looking at this from a broader perspective, the attendance/vehicle ratio might reasonably be estimated much differently for different types of agritourism activities. Family-focused activities (such as a children's birthday party or church-related program) might have a much higher ratio (3-7 attendees/vehicle) than adult education activities (such as a writing workshop; 1 attendee/vehicle) or a couples activity (formal farm-to-table event; 2 attendees/vehicle). An agritourism program that caters primarily to school tours may only need 2 bus parking spaces, yet serve 60 participants at a time. Quick drop-in agritourism activities (such as a small Farmer's Market or festival) might serve hundreds of people throughout a day, yet only have a dozen cars on site at any one time.

This section might best be replaced by a requirement that the applicant show expected attendance and how this attendance will be served by the allocated parking spaces.

12-319-7.05 (b) **Public Notice Recipients**

The requirement to send notices to landowners in other counties should be limited to *"owners of land in another county that is within 1000 ft of the subject property"* rather than the entire county.

12-319-7.05 (b) **Public Notice Mailing**

The requirement for the applicant, instead of the County, to mail notice letters to nearby property owners for Tier 1 activities places an additional time and cost burden on the applicant. The County has a system for converting the file from the County Clerk to print addressed envelopes; many applicants would likely hand-copy or retype the addresses. Not only would this be a time-consuming effort, but also errors might be made in transcribing the addresses, so that they wouldn't reach the intended recipient. For my property, cost of photocopies, envelopes and standard first class postage ($.49) would total approx. $15.00 plus a significant amount of time to address more than 25 envelopes by hand.

Furthermore, there is no accountability if the landowner sends out the letters, unless a much more expensive postal service is used. I do not know of any way that the USPS certifies that a list of addresses has been sent copies of a letter. Even if the landowner sends out letters to each party on the list, someone might accuse the landowner of failing to do so, and the landowner would have no proof. Conversely, the landowner might not send them out, but claim to have done so. If the county automatically generates the letters and mails them from the electronic file of addresses obtained by the county, there is much less room for error.

12-319-7.10 (c) (ii) (a) **Notification for Minor Changes**

Since these are approved administratively similar to a Tier 1 registration, it isn't clear whether the Tier 1 procedure for the applicant mailing out the notices applies, or the Tier 2 procedure for the County to mail them out. Please specify. Specification is not needed if the County is to send out Tier 1 as well as Tier 2 notices.

12-319-7.10 (d) **Non-Compliance**

This should specify "Engaging in any <u>agritourism</u> activity not listed on the registration." Otherwise, legitimate agricultural, residential or other code-compliant, permitted-by-right activities might be construed to be violations of the agritourism registration.

Also, it should specify "operating out of <u>substantial</u> compliance with the plans and conditions approved with the registration" to reduce complaints based on inconsequential variances or differences of interpretation. It is simply impossible to control every detail of an agritourism operation or foresee all possible opportunities. If a registration lists "birthday parties" and someone wants to have an "adoption day party", this should not be a violation.

My broader concern here is that the revised regulations seem much more restrictive than the original (2012/2013) regulations in terms of allowing an operator the flexibility to change how the land is used for various agritourism activities through the farming season or through the course of the 5-year registration.

When I submitted my registration for events with less than 100 participants at a time, the site plan that I submitted was for our proposed weekly Farmer's Market. This activity was to be confined to the portion of the farm near the street, and a one-way traffic flow was envisioned to maximize parking and activity space. Sanitation facilities, if required, would be needed near the market area, within 200' of the street. ADA parking would be near the market area as well.

When I submitted my registration for events with more than 100 participants, the site plan that I submitted was for an assembly type event—our traditional annual Sheep Shearing Day. This twice-yearly event is held prior to the Farmer's Market season, and utilizes the farm's land and resources in an entirely different way from smaller events. The focus is out at the Green Barn, so the ADA spaces are located near that location. If required, that's where sanitary facilities are needed. Because we were not allowed to let guests drive through my city property, we had to temporarily convert some day-to-day parking spaces to two-way traffic lanes for those few hours in order to meet Zoning and Codes requirements. We planned our sanitary facilities and ADA parking signs to be portable so we could use them wherever they were needed, depending on the event.

My understanding was that the site plan for the >100 registration was to be for the "trial event", and if that event went well (which it did) then other events with >100 attendees could be held, regardless of their "shape", without submitting a new site plan or new registration as long as the general types of events were listed on my State registration.

However, when I came before the Planning Commission with my CUP for camping, one of the Commissioners complained that I was already out of compliance with my agritourism Sheep Shearing Day site plan—a site plan used for 2 days a year—and he visited the farm on a day that was not a Sheep Shearing Day or any other agritourism event. He presented this as "proof" that I could not be trusted to adhere to a CUP site plan. Yet I had been told by the County to make the Agritourism site plan for just that one-day event!

This current, highly structured set of regulations suggests that I either need to predict the best possible land use for every possible configuration of every possible event for the next 5 years, or I will need to revise my registration (including a new site plan) for every event that is even a little different than the previous one. For example, if one couple wants to hold their wedding under the Torii, and one wants to hold their wedding in the woods, and one wants to be out in the pasture, I have to submit a separate site plan for each of those uses or be in violation of my Agritourism regulation?

Do I also have to have site plans for every possible weather-related last minute change of plans? Do I have to tell a group of soccer-playing 7-year-old birthday party attendees that they can't kick the soccer ball down the main lane on their way to our impromtu soccer field on the pasture, just because it's not on the site plan? Are they even allowed to play soccer on the pasture as part of a birthday party if I somehow didn't foresee it? What about the 5-child Chinese dragon "puppet" that the birthday boy requested, that decided to go dancing on the pasture? How could I possibly predict every nuance of every scenario to prevent an enforceable accusation that I am out of compliance with my registration and site plan?

The combination of complaint-based enforcement, anonymous complaints, and detailed, restrictive site plan/activity registration requirements, combined with the propensity for neighbors in all parts of the county to have disagreements over how land that someone else owns should be used, virtually guarantees that agritourism operators around the county will likely be fighting an uphill battle. It is a statistical fact that we will not be able to please everyone all the time, and in the end we will please no one.

Agritourism may seem like a new "kid on the block" in Douglas County, and non-farming county residents may feel the "new kid" doesn't fit in with their established expectations of country life. However, I'm sure not all working farmers have been thrilled at seeing wide open pastures and fertile farm fields transformed into suburb-like 5 acre-lot housing developments. Many of those who complain about the potential of agritourism to "ruin their lives and property values" may have "ruined the lives" of the long-time farmers they moved next to. Those complaining about the "new kid" were likely once "new kids" themselves.

If Agritourism is to be a tool for economic development for Douglas County farmers, then the County's regulation of it must leave plenty room for flexibility, creativity, innovation, and rapid response to customer requests. This must be done without risking any restriction on conventional, traditional agricultural and farm living activities, broadly construed. It must also, *but to a lesser extent*, reasonably protect the peaceful enjoyment of non-farming rural residents. But this must NOT mean that non-farming rural residents can expect to never be irritated by a neighbor's land use. Economic development will probably not come without lights, traffic and a little noise.

In the end this boils down to property rights. When I buy a piece of land, do I or my neighbors have more say over what I should or shouldn't do? When that land is my livelihood, and my neighbor's land is a hobby, whose best interest should prevail? An economy based solely on real estate values is unsustainable. Making room for agricultural operations to expand in non-traditional directions, while allowing traditional agricultural and natural land uses, without undue restrictions makes sense to foster an overall vibrant, balanced rural economy, rather than just a bunch of residences for commuters that are often vacant for much of the day.

****A PRESENTATION FOR ITEM 9 WILL BE PROVIDED AT THE MEETING****

ITEM NO. 9 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARKING & ACCESS STANDARDS (SMS)

TA-6-14-09/TA-13-00235: Receive an update on the proposed Text Amendments to the City of Lawrence Land Development Code, Article 9 and related sections of Chapter 20, for comprehensive revisions to parking and access standards.

Memorandum
City of Lawrence
Planning & Development Services

TO: **Planning Commission**

FROM: **Mary Miller, Planner**

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

Date: **For February 26, 2014 meeting**

RE: **MISC NO. 1; VARIANCE FOR CERTIFICATE OF SURVEY; 120 HWY 40(MKM)**

CSR-13-00496: Consider a variance associated with a Certificate of Survey for approximately 30 acres located at 120 Hwy 40. The variance is requested from Section 20-810(e)(5)(ii) of the Subdivision Regulations [Section 11-110(e)(5)(ii) of the County Code] to allow the creation of Residential Development Parcels on a principal arterial with less than the required right-of-way. Submitted by Rogers Surveying, for Howard Z Smith, Trustee and Fredonna L. Smith, Trustee property owners of record.

Attachment A: Certificate of Survey, CSR-13-496

Certificates of Survey are processed administratively but Planning Commission approval is required for variances from the Subdivision Design Standards. The Certificate of Survey referenced above was recently submitted and is currently under review. A copy of the Certificate of Survey is being provided with this memo for context; however, no action is required on the Certificate of Survey.

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) [11-113(g), County Code]. This section lists the criteria that must be met in order for a variance to be approved. A discussion of the requested variance follows with an evaluation with the approval criteria:

VARIANCE REQUESTED: Creation of a Rural Certificate of Survey with Residential Development Parcels on a principal arterial road with 33 ft of right-of-way.

A Rural Certificate of Survey is a residential land division that is permitted in the unincorporated portions of the county that are outside the Urban Growth Areas. A minimum of 20 acres is required for a Certificate of Survey and a maximum of 2 developable parcels (Residential Development Parcels or RDPs) are possible, unless the property is bounded on 2 sides by local roads; in which case 3 RDPs are possible.

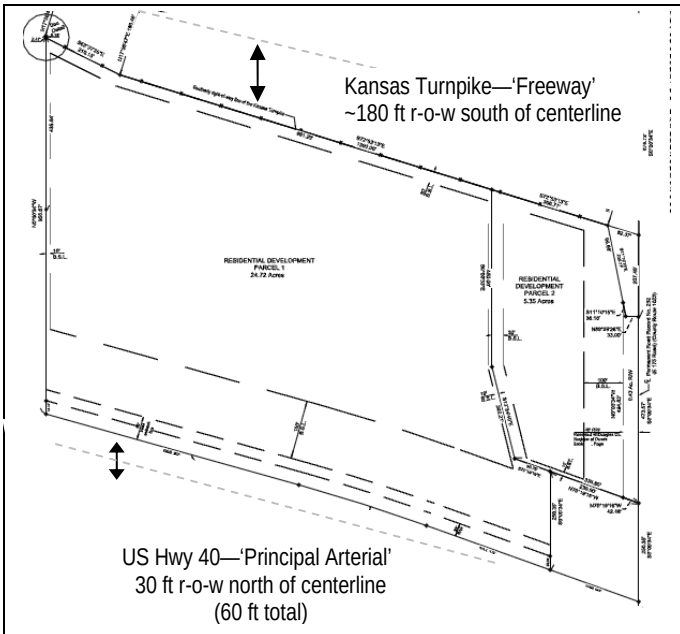


Figure 1a. Layout on submitted Certificate of Survey

Figure 1b. Aerial showing subject property.

The Subdivision Regulations require the dedication of 120 ft of right-of-way for roads which are classified as 'principal arterials' on the County Access Management Map (one-half, 60 ft, would be the responsibility of the property owner on each side of the street). As 60 ft is currently available, the dedication of an additional 30 ft of right-of-way would be required. The applicant requested a variance from the requirement to dedicate additional right-of-way for Hwy 40 along the south side of their property. Additional right-of-way will be dedicated for E 175 Road to the east of the subject property and adequate right-of-way is provided to the north for the I-70 Kansas Turnpike.

Criteria 1. Strict application of these regulations will create an unneces sary hardship upon the Subdivider.

Strict application of these regulations would require the dedication of approximately 30 ft of additional right-of-way for Hwy 40 along the south property line. The subject property contains 30 acres and has adequate area for the dedication of the additional right-of-way; however, dedicating the additional right-of-way would increase the encroachment of the existing house into the required front setback. The hardship would be unnecessary in that KDOT indicated that they would not require additional right-of-way for the highway with this development, but would require dedication of additional right-of-way when more significant development occurs. The County Engineer deferred to KDOT on this issue. As there is no need for the right-of-way at this time, requiring the applicant to dedicate additional right-of-way would be unnecessary.

Staff Finding:
The dedication of additional right-of-way for Hwy 40 would be an unnecessary hardship upon the property owner as KDOT indicated additional right-of-way is not required at this time.

Criteria 2. The proposed variance is in harmony with the int ended purpose of these regulations.

Right-of-way dedication is required when properties are subdivided to insure the required right-of-way is available for improvements to adjacent roadways. The KDOT representative indicated that additional right-of-way for Hwy 40 is not needed at this time, and would not be required with the small scale of development which is occurring on the subject property (creation of one additional residential property); however, additional right-of-way would be required if more intense development were proposed. A note should be added to the Certificate of Survey which notes that right-of-way was not required by KDOT at this time, but additional right-of-way must be dedicated when more intense development occurs.

Staff Finding:
The variance will allow the proposed land division to occur without requiring the dedication of additional right-of-way. The Certificate of Survey should note that the dedication of additional right-of-way is not required at this time, but would be required with future, more intense development to insure adequate right-of-way will be available for future improvements.

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

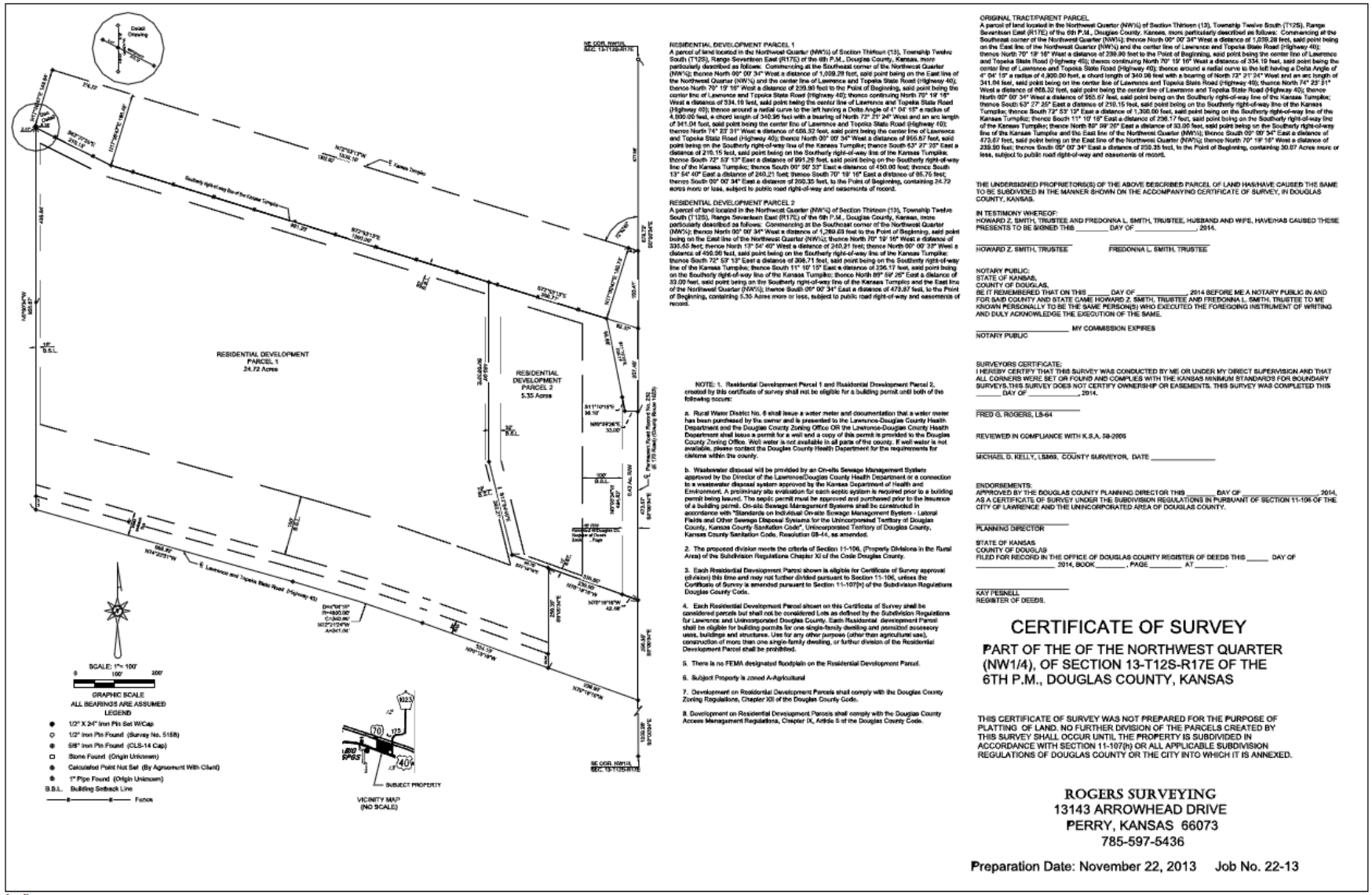
Approximately 60 ft of right-of-way is available for Hwy 40, a principal arterial, in this location. Per the Subdivision Regulations, a principal arterial requires 120 ft of right-of-way and 30 ft of additional right-of-way would be needed from the subject property; however, KDOT indicated they would not require the dedication of additional right-of-way with this small scale of development. Additional right-of-way would be required when more intense development occurs, or would be obtained when needed for future improvements to Hwy 40.

Staff Finding:
Granting of the variance will result in the subdivision of one residential parcel into 2 to allow the creation of one additional residence in this location. The new residence will take access from E 175 Road. No changes are being proposed to the Hwy 40 frontage. While the right-of-way currently provided for Hwy 40 in this location is not compliant with the Subdivision Regulations for a road classified as a 'principle arterial'; given the small scale of development which is proposed and KDOT's acceptance of the existing right-of-way width, Staff supports the requested variance. The County Engineer deferred to KDOT in this case.

STAFF RECOMMENDATION:
Approve the variance requested from Section 20-810(e)(5)(ii) of the Subdivision Regulations [Section 11-110(e)(5)(ii) of the County Code] to allow a land division through Certificate of Survey CSR-13-00496 to create 2 RDPs without the dedication of additional right-of-way where the property is adjacent to Hwy 40 subject to the following condition:

1. The following notes shall be added to the Certificate of Survey:
   a. *"The Planning Commission approved a variance from Section 20-810(e)(5)(ii) to allow the land division to occur without the dedication of additional right-of-way where the property is adjacent to Hwy 40."*

   b. *"KDOT did not require the dedication of additional right-of-way with this land division, but indicated that additional right-of-way would be required when more intense development were proposed."*



RESIDENTIAL DEVELOPMENT PARCEL 1
A parcel of land located in the Northwest Quarter (NW¼) of Section Thirteen (13), Township Twelve South (T12S), Range Seventeen East (R17E) of the 6th P.M., Douglas County, Kansas, more particularly described as follows: Commencing at the Southeast corner of the Northwest Quarter (NW¼); thence North 00° 00' 34" West a distance of 1,009.28 feet, said point being on the East line of the Northwest Quarter (NW¼) and the center line of Lawrence and Topeka State Road (Highway 40); thence North 70° 19' 16" West a distance of 239.90 feet to the Point of Beginning, said point being the center line of Lawrence and Topeka State Road (Highway 40); thence continuing North 70° 19' 16" West a distance of 334.19 feet; thence around a radial curve to the left having a Delta Angle of 4° 04' 15" a radius of 4,900.00 feet, a chord length of 348.96 feet with a bearing of North 72° 21' 24" West and an arc length of 341.04 feet, said point being the center line of Lawrence and Topeka State Road (Highway 40); thence North 74° 23' 31" West a distance of 668.32 feet, said point being the center line of Lawrence and Topeka State Road (Highway 40); thence North 00° 00' 34" West a distance of 865.67 feet, said point being on the Southerly right-of-way line of the Kansas Turnpike; thence South 63° 27' 25" East a distance of 215.15 feet, said point being on the Southerly right-of-way line of the Kansas Turnpike; thence South 72° 53' 13" East a distance of 991.28 feet, said point being on the Southerly right-of-way line of the Kansas Turnpike; thence South 00° 00' 33" East a distance of 450.00 feet; thence South 13° 54' 40" East a distance of 240.21 feet; thence South 70° 19' 16" East a distance of 85.75 feet; thence South 00° 00' 34" East a distance of 350.35 feet, to the Point of Beginning, containing 24.72 acres more or less, subject to public road right-of-way and easements of record.

RESIDENTIAL DEVELOPMENT PARCEL 2
A parcel of land located in the Northwest Quarter (NW¼) of Section Thirteen (13), Township Twelve South (T12S), Range Seventeen East (R17E) of the 6th P.M., Douglas County, Kansas, more particularly described as follows: Commencing at the Southeast corner of the Northwest Quarter (NW¼); thence North 00° 00' 34" West a distance of 1,289.63 feet to the Point of Beginning, said point being on the East line of the Northwest Quarter (NW¼); thence North 70° 19' 16" West a distance of 335.65 feet; thence North 13° 54' 40" West a distance of 240.21 feet; thence North 00° 00' 33" West a distance of 450.00 feet, said point being on the Southerly right-of-way line of the Kansas Turnpike; thence South 72° 53' 13" East a distance of 306.71 feet, said point being on the Southerly right-of-way line of the Kansas Turnpike; thence South 11° 10' 15" East a distance of 236.17 feet, said point being on the Southerly right-of-way line of the Kansas Turnpike; thence North 89° 59' 26" East a distance of 33.00 feet, said point being on the Southerly right-of-way line of the Kansas Turnpike and the East line of the Northwest Quarter (NW¼); thence South 00° 00' 34" East a distance of 473.67 feet, to the Point of Beginning, containing 5.35 Acres more or less, subject to public road right-of-way and easements of record.

NOTE: 1. Residential Development Parcel 1 and Residential Development Parcel 2, created by this certificate of survey shall not be eligible for a building permit until both of the following occurs:

a. Rural Water District No. 6 shall issue a water meter and documentation that a water meter has been purchased by the owner and is presented to the Lawrence-Douglas County Health Department and the Douglas County Zoning Office OR the Lawrence-Douglas County Health Department shall issue a permit for a well and a copy of this permit is provided to the Douglas County Zoning Office. Well water is not available in all parts of this county. If well water is not available, please contact the Douglas County Health Department for the requirements for cisterns within the county.

b. Wastewater disposal will be provided by an On-site Sewage Management System approved by the Director of the Lawrence/Douglas County Health Department or a connection to a wastewater disposal system approved by the Kansas Department of Health and Environment. A preliminary site evaluation for each septic system is required prior to a building permit being issued. The septic permit must be approved and purchased prior to the issuance of a building permit. On-site Sewage Management Systems shall be constructed in accordance with "Standards on Individual On-site Sewage Management System - Lateral Fields and Other Sewage Disposal Systems for the Unincorporated Territory of Douglas County, Kansas County Sanitation Code", Unincorporated Territory of Douglas County, Kansas County Sanitation Code, Resolution 08-44, as amended.

2. The proposed division meets the criteria of Section 11-106, (Property Divisions in the Rural Area) of the Subdivision Regulations Chapter XI of the Code Douglas County.

3. Each Residential Development Parcel shown is eligible for Certificate of Survey approval (division) this time and may not further divided pursuant to Section 11-106, unless the Certificate of Survey is amended pursuant to Section 11-107(h) of the Subdivision Regulations Douglas County Code.

4. Each Residential Development Parcel shown on this Certificate of Survey shall be considered parcels but shall not be considered Lots as defined by the Subdivision Regulations for Lawrence and Unincorporated Douglas County. Each Residential development Parcel shall be eligible for building permits for one single-family dwelling and permitted accessory uses, buildings and structures. Use for any other purposes (other than agricultural use), construction of more than one single-family dwelling, or further division of the Residential Development Parcel shall be prohibited.

5. There is no FEMA designated floodplain on the Residential Development Parcel.

6. Subject Property is zoned A-Agricultural

7. Development on Residential Development Parcels shall comply with the Douglas County Zoning Regulations, Chapter XII of the Douglas County Code.

8. Development on Residential Development Parcels shall comply with the Douglas County Access Management Regulations, Chapter IX, Article 5 of the Douglas County Code.

ORIGINAL TRACT/PARENT PARCEL
A parcel of land located in the Northwest Quarter (NW¼) of Section Thirteen (13), Township Twelve South (T12S), Range Seventeen East (R17E) of the 6th P.M., Douglas County, Kansas, more particularly described as follows: Commencing at the Southeast corner of the Northwest Quarter (NW¼); thence North 00° 00' 34" West a distance of 1,009.28 feet, said point being on the East line of the Northwest Quarter (NW¼) and the center line of Lawrence and Topeka State Road (Highway 40); thence North 70° 19' 16" West a distance of 239.90 feet to the Point of Beginning, said point being the center line of Lawrence and Topeka State Road (Highway 40); thence around a radial curve to the left having a Delta Angle of 4° 04' 15" a radius of 4,900.00 feet, a chord length of 348.96 feet with a bearing of North 72° 21' 24" West and an arc length of 341.04 feet, said point being on the center line of Lawrence and Topeka State Road (Highway 40); thence North 74° 23' 31" West a distance of 668.32 feet, said point being the center line of Lawrence and Topeka State Road (Highway 40); thence North 00° 00' 34" West a distance of 865.67 feet, said point being on the Southerly right-of-way line of the Kansas Turnpike; thence South 63° 27' 25" East a distance of 215.15 feet, said point being on the Southerly right-of-way line of the Kansas Turnpike; thence South 72° 53' 13" East a distance of 1,300.00 feet, said point being on the Southerly right-of-way line of the Kansas Turnpike; thence South 11° 10' 15" East a distance of 236.17 feet, said point being on the Southerly right-of-way line of the Kansas Turnpike; thence North 89° 59' 26" East a distance of 33.00 feet, said point being on the Southerly right-of-way line of the Kansas Turnpike and the East line of the Northwest Quarter (NW¼); thence South 00° 00' 34" East a distance of 473.67 feet, said point being on the East line of the Northwest Quarter (NW¼); thence North 70° 19' 16" West a distance of 238.90 feet; thence South 00° 00' 34" East a distance of 350.35 feet, to the Point of Beginning, containing 30.07 Acres more or less, subject to public road right-of-way and easements of record.

THE UNDERSIGNED PROPRIETOR(S) OF THE ABOVE DESCRIBED PARCEL OF LAND HAS/HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING CERTIFICATE OF SURVEY, IN DOUGLAS COUNTY, KANSAS.

IN TESTIMONY WHEREOF:
HOWARD Z. SMITH, TRUSTEE AND FREDONNA L. SMITH, TRUSTEE, HUSBAND AND WIFE, HAVE/HAS CAUSED THESE PRESENTS TO BE SIGNED THIS _____ DAY OF _____, 2014.

_____ _____
HOWARD Z. SMITH, TRUSTEE FREDONNA L. SMITH, TRUSTEE

NOTARY PUBLIC:
STATE OF KANSAS,
COUNTY OF DOUGLAS,
BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2014 BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE CAME HOWARD Z. SMITH, TRUSTEE AND FREDONNA L. SMITH, TRUSTEE TO ME KNOWN PERSONALLY TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

_____ MY COMMISSION EXPIRES
NOTARY PUBLIC

SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT THIS SURVEY WAS CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL CORNERS WERE SET OR FOUND AND COMPLIES WITH THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. THIS SURVEY DOES NOT CERTIFY OWNERSHIP OR EASEMENTS. THIS SURVEY WAS COMPLETED THIS _____ DAY OF _____, 2014.

_____
FRED G. ROGERS, LS-64

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

_____
MICHAEL D. KELLY, LS#69, COUNTY SURVEYOR, DATE _____

ENDORSEMENTS:
APPROVED BY THE DOUGLAS COUNTY PLANNING DIRECTOR THIS _____ DAY OF _____, 2014, AS A CERTIFICATE OF SURVEY UNDER THE SUBDIVISION REGULATIONS IN PURSUANT OF SECTION 11-106 OF THE CITY OF LAWRENCE AND THE UNINCORPORATED AREA OF DOUGLAS COUNTY.

_____
PLANNING DIRECTOR

STATE OF KANSAS
COUNTY OF DOUGLAS
FILED FOR RECORD IN THE OFFICE OF DOUGLAS COUNTY REGISTER OF DEEDS THIS _____ DAY OF _____, 2014, BOOK _____, PAGE _____ AT _____.

_____
KAY PESNELL
REGISTER OF DEEDS.

CERTIFICATE OF SURVEY

PART OF THE OF THE NORTHWEST QUARTER (NW1/4), OF SECTION 13-T12S-R17E OF THE 6TH P.M., DOUGLAS COUNTY, KANSAS

THIS CERTIFICATE OF SURVEY WAS NOT PREPARED FOR THE PURPOSE OF PLATTING OF LAND. NO FURTHER DIVISION OF THE PARCELS CREATED BY THIS SURVEY SHALL OCCUR UNTIL THE PROPERTY IS SUBDIVIDED IN ACCORDANCE WITH SECTION 11-107(h) OR ALL APPLICABLE SUBDIVISION REGULATIONS OF DOUGLAS COUNTY OR THE CITY INTO WHICH IT IS ANNEXED.

ROGERS SURVEYING
13143 ARROWHEAD DRIVE
PERRY, KANSAS 66073
785-597-5436

Preparation Date: November 22, 2013 Job No. 22-13

Smith Certificate of Survey

Mary Miller

From: lfinger@douglas-county.com
Sent: Friday, February 14, 2014 11:51 AM
To: Thad@ksdot.org
Cc: kbrowning@douglas-county.com; tgorman@douglas-county.com; Mary Miller
Subject: RE: 22-13 C of S Howard Z. Smith

Thank you so much. Have a great Friday – TGIF!

Linda
Interim Director, Douglas County Zoning & Codes Department
Planning Resource Coordinator
lfinger@douglas-county.com

From: Thad T Fowler [mailto:Thad@ksdot.org]
Sent: Friday, February 14, 2014 11:46 AM
To: AD - Finger, Linda
Cc: PW - Browning, Keith; PW - Gorman, Terese; mmiller@lawrenceks.org
Subject: RE: 22-13 C of S Howard Z. Smith

Actually, I just heard back from everyone a few minutes ago, Linda. KDOT does not desire to request additional rights of way to be dedicated for this residential development.

It is very much appreciated that we were given the opportunity.

Thad

From: lfinger@douglas-county.com [mailto:lfinger@douglas-county.com]
Sent: Friday, February 14, 2014 11:43 AM
To: Thad T Fowler
Cc: kbrowning_douglas-county.com; tgorman_douglas-county.com; mmiller@lawrenceks.org
Subject: RE: 22-13 C of S Howard Z. Smith

Thad,

Thanks for the quick response. Early next week for a response would be fine.

Linda M. Finger, AICP, CFM, RLA
Interim Director, Douglas County Zoning & Codes Department
Planning Resource Coordinator
lfinger@douglas-county.com
785.331.1343
785.331.1347

From: Thad T Fowler [mailto:Thad@ksdot.org]
Sent: Friday, February 14, 2014 10:37 AM
To: AD - Finger, Linda

Cc: PW - Browning, Keith; PW - Gorman, Terese; mmiller@lawrenceks.org
Subject: RE: 22-13 C of S Howard Z. Smith

Hello Linda,

Blaine Smith forwarded this to me on yesterday. I've solicited input from several entities here at KDOT as to the desirability of additional rights of way and expect to hear back from them early next week. If this is more time sensitive than that schedule, please let me know and I'll try to expedite a response.

Thad

Thad T Fowler, PLS | Coordinating Land Surveyor | Bureau of Right of Way
Ph.: 785-296-6939 | thad@ksdot.org

Eisenhower State Office Building | 700 SW Harrison Street, 14th Floor | Topeka, Kansas 66603

From: lfinger@douglas-county.com [mailto:lfinger@douglas-county.com]
Sent: Friday, February 14, 2014 9:09 AM
To: Thad T Fowler
Cc: kbrowning_douglas-county.com; tgorman_douglas-county.com; mmiller@lawrenceks.org
Subject: FW: 22-13 C of S Howard Z. Smith

Good Morning, Thad,

We have a property owner, Howard Smith, in Douglas County who is dividing his property along US Hwy 40 through an administrative procedure called a Certificate of Survey, which replaced platting for residential developments in our County. A requirement in our regulations is the dedication of additional road right-of-way, if needed, to meet the minimum standards for the classification of road accessed. As you can tell from the attached drawing, there appears to be only 33' of right-of-way for US 40 in this location. I understand right-of-way along this road is owned in many different forms. Would KDOT like additional right-of-way to be dedicated at this time? If so, how much?

The only development that can occur on the 2- Residential Development Parcels being created is one house per parcel. As there is already a house on RDP 2, the net additional development (as a result of this Certificate of Survey) will be one additional home. It will take access from US 40. The existing home takes access from a township road (E 175 Rd) and is not permitted access to US 40 because it lacks the required 1,320' frontage in our regulations for access to that classification of road.

Thank you for time.

Linda M. Finger, AICP, CFM, RLA
Interim Director, Douglas County Zoning & Codes Department
Planning Resource Coordinator

lfinger@douglas-county.com
785.331.1343
785.331.1347

From: PW - Gorman, Terese
Sent: Thursday, February 13, 2014 4:49 PM
To: AD - Finger, Linda
Subject: FW: 22-13 C of S Howard Z. Smith

For your info. Don't you know Thad Fowler? Maybe you want to call him? I think I may have met him once or twice.

Terese

From: Blaine Smith [mailto:blaine@ksdot.org]
Sent: Thursday, February 13, 2014 2:08 PM
To: PW - Gorman, Terese
Subject: RE: 22-13 C of S Howard Z. Smith

Terese,

I am not the correct person to handle this. I am going to forward it to Thad Fowler, in our Right of Way Department.

Thanks.

Blaine Smith
Utility Coordinator
Dist 1 Area 2
Osage City KS
785-528-3128
785-393-2231

From: tgorman@douglas-county.com [mailto:tgorman@douglas-county.com]
Sent: Thursday, February 13, 2014 11:56 AM
To: Blaine Smith
Subject: FW: 22-13 C of S Howard Z. Smith

Blaine, I have a question about r-o-w on US-40 and am not sure who to ask. Attached is a Certificate of Survey. The south property line is adjacent to US-40. This survey shows 33 feet of r-o-w currently dedicated. Does KDOT want to request this person to dedicate additional r-o-w along US-40 with this Certificate of Survey? Is so, how much additional r-o-w would KDOT like?

If you are not the correct person to answer this question, will you please point me in the right direction? Thanks Blaine.

Terese

From: PW - Sontag, Kevin
Sent: Thursday, February 13, 2014 11:34 AM
To: PW - Gorman, Terese
Subject: FW: 22-13 C of S Howard Z. Smith