City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Updated:
1/25/10 @ 12:30pm
Added the following items:
Item 10 - Oread Neighborhood Plan Staff Memo
Draft November & December Planning Commission minutes
Additional communications for the following items:
Item 3 - Rezoning of 4300 W 24th
Item 10 - Oread Neighborhood Plan

1/22/10 @ 8:45am
Added Item 11 – Special Use Permit for LCS; 214 W 10th/944 Kentucky St

1/20/10 @ 3:30pm
DEFERRED:
Item 4 - Rezoning of 4300 W 24th Place
Item 12 - Text Amendment for Environmentally Sensitive Areas
WITHDRAWN:
Item 5A & 5B - Rezoning & Special Use Permit for LCS; 2176 E 23rd St
Item 6 - Midland Junction Sand Facility

The following will be added when available:
Item 11 - Special Use Permit for LCS; 214 W 10th/944 Kentucky St
November & December Planning Commission draft minutes

LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
JANUARY 25 & 27, 2010 6:30 - 10:30 PM

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of November 16 and 18, 2009.

Receive and amend or approve the minutes from the Planning Commission meeting of December 14 and 16, 2009.

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 to the City Engineer.

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

REGULAR AGENDA (JANUARY 25, 2010) MEETING
PUBLIC HEARING ITEMS:

ITEM NO. 1 RS7 TO RMO; 8.71 ACRES; 3312 CALVIN DR (SLD)

Z-12-30-09: Consider a request to rezone approximately 8.71 acres from RS7 (Single-Dwelling Residential) to RMO (Multi-Dwelling Residential-Office), located at 3312 Calvin Drive. Submitted by Landplan Engineering, for Grace Evangelical Presbyterian Church, property owner of record.

ITEM NO. 2 SPECIAL USE PERMIT FOR RESEARCH SERVICES; 645-647 MASSACHUSETTS ST (SLD)

SUP-12-11-09: Consider a Special Use Permit to expand Research Services in portions of existing buildings located at 645-647 Massachusetts Street. The proposed use is located on portion of Lot 15 and all of Lots 17 and 19 Massachusetts Street. Submitted by Barber Emerson, LC, for GCB Holdings, LC, property owner of record.

ITEM NO. 3 RSO TO RM15; 10.97 ACRES; 4300 W 24TH PL (SLD)

Z-7-11-09: Reconsider a request to rezone approximately 10.97 acres, located on the SE corner of Inverness and Clinton Parkway, 4300 W. 24th Place, from RSO (Single-Dwelling Residential Office) to RM15 (Multi-Dwelling Residential). Submitted by BG Consultants Inc, for Inverness Park LP, property owner of record. *This item was originally heard by Planning Commission on 9/21/09. City Commission returned this item on 12/15/09 for additional consideration.*

****DEFERRED****

~~**ITEM NO. 4 RSO & PRD TO RM12; 6.5 ACRES; 2451 CROSSGATE & 3901 W 24TH PL (SLD)**~~

~~**Z-11-19-09**: Consider a request to rezone approximately 6.5 acres from RSO (Single-Dwelling Residential-Office) & PRD (Planned Residential Development) to RM12 (Multi-Dwelling Residential) located at 2451 Crossgate Drive and 3901 West 24th Place. Submitted by BG Consultants, for Inverness Park, L.P., property owner of record.~~

****WITHDRAWN BY APPLICANT****

~~**ITEM NO. 5A CS, COUNTY A, COUNTY I-1 TO IL; 2.65 ACRES; 2176 E 23RD ST (SLD)**~~

~~**Z-10-18-09**: Consider a request to rezone approximately 2.65 acres from CS (Strip Commercial), County A (Agricultural), and County I-1 (Limited Industrial) to IL (Limited Industrial) for Lawrence Community Shelter, located at 2176 E 23rd Street. *Initiated by City Commission on 9/15/09.*~~

****WITHDRAWN BY APPLICANT****

~~**ITEM NO. 5B SPECIAL USE PERMIT FOR LAWRENCE COMMUNITY SHELTER; 2176 E 23RD ST (SLD)**~~

~~**SUP-9-9-09**: Consider Special Use Permit for Lawrence Community Shelter, approximately 2.65 acres, located at 2176 E 23rd Street and a portion of former Farmland Industries property. Submitted by Grob Engineering Services, for Gary L. Bartz Trust, property owner of record. *Initiated by City Commission on 9/15/09. Deferred by Planning Commission 11/16/09.*~~

****WITHDRAWN BY APPLICANT****

~~**ITEM NO. 6 CONDITIONAL USE PERMIT FOR MIDLAND JUNCTION SAND FACILITY; E 1400 RD & N 2000 RD (SLD)**~~

~~**CUP-8-8-09**: Consider a Conditional Use Permit for Midland Junction Sand Facility, on approximately 310 acres, generally located southwest of the intersection of E 1400 Rd & N 2000 Rd. Submitted by Landplan Engineering, for RCS Properties LLC, property owner of record. *Deferred from 12/14/09 Planning Commission.*~~

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 Consider changes to the Planning Commission by-laws related to Ex Parte Communications. **(JJM)**

Consideration of any other business to come before the Commission.

Recess until 6:30 P.M. on January 27, 2010.

BEGIN PUBLIC HEARING (JANUARY 27, 2010):

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.

NON-PUBLIC HEARING ITEMS:

ITEM NO. 7 FINAL DEVELOPMENT PLAN FOR PARKWAY PLAZA; 2121 KASOLD DR (MKM)

FDP-11-10-09: Consider a revised Final Development Plan for Parkway Plaza PCD Phase IV-B, located at 2121 Kasold Drive. Submitted by Landplan Engineering, for Patrick Alexander, property owner of record.

PUBLIC HEARING ITEMS:

ITEM NO. 8 PRELIMINARY PLAT FOR PINES INTERNATIONAL ADDITION; 1997 E 1400 RD (MKM)

PP-11-6-09: Consider a Preliminary Plat for Pines International Addition, a one lot addition of approximately 2.3 acres, located at 1997 E 1400 Rd, and variance from Section 20-810(d)(4)(ii) to permit dedication of less than 120 ft of right of way for a principal arterial. Submitted by Grob Engineering Services, LLC for PINES International Inc., property owner of record.

ITEM NO. 9 UR TO CO; 2.98 ACRES; 525 WAKARUSA DR (MKM)

Z-11-20-09: Consider a request to rezone approximately 2.98 acres from UR (Urban Reserve) to CO (Office Commercial), located at 525 Wakarusa Drive. Submitted by Bartlett & West, Inc., for CPC Ventures, Inc., property owner of record.

ITEM NO. 10 COMPREHENSIVE PLAN AMENDMENT TO CHAPTER 14 (MJL)

CPA-2-1-09: Consider a Comprehensive Plan Amendment to Chapter 14 – Specific Plans to approve and incorporate by reference the Oread Neighborhood Plan.

ITEM NO. 11 SPECIAL USE PERMIT FOR LAWRENCE COMMUNITY SHELTER; 214 W 10TH ST/944 KENTUCKY ST (SLD)

SUP-10-10-09: Consider extending the time period for a Special Use Permit for Lawrence Community Shelter, located at 214 W 10th St/944 Kentucky St. Submitted by Lawrence Community Shelter, for James Dunn, property owner of record.

****DEFERRED****

~~**ITEM NO. 12 AMENDMENTS TO DEVELOPMENT CODE; ENVIRONMENTALLY SENSITIVE AREAS (MKM)**~~

~~**TA-12-27-07**: Consider Text Amendments to various sections of the City of Lawrence Land Development Code to revise the Protection Standards for Environmentally Sensitive Areas and to provide more precise definitions. *Deferred from 9/21/09 Planning Commission. A report on possible incentives was presented to Planning Commission at their 11/18/09 meeting.*~~

ITEM NO. 13 AMENDMENTS TO ZONING REGULATIONS; BUSINESS DISTRICT (MKM)

TA-10-22-09: Consider Text Amendment to the Zoning Regulations for the Unincorporated Territory of Douglas County to create a new Business District to support rural conference, recreational, and tourism sites. *Initiated by the Board of County Commissioners on 6/24/09 Deferred from 11/18/09 Planning Commission.*

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

PUBLIC COMMENT SECTION

CALENDAR

December 2009

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		

January 2010

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 2010

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						

PCCM Meeting: (12/2, 1/13, 2/10)
TAC Meeting: (Generally 1st Tuesday of each month, 1:30pm–2:30pm)
CPC Meeting: (Generally 1st & 3rd Wednesday of each month, 4:00pm)
RZC meeting: (Generally every 2 weeks on Thursdays, 3:30pm–5:00pm)

ADJOURN

City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

PLANNING COMMISSION MEETING
November 16 & 18, 2009
Meeting Minutes DRAFT

November 16, 2009 – 6:30 p.m.
Commissioners present: Blaser, Carter, Chaney, Dominguez, Finkeldei, Harris, Hird, Moore, Rasmussen, and Singleton
Staff present: McCullough, Stogsdill, Day, J. Miller, Swarts, and Ewert

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MINUTES

Receive and amend or approve the minutes from the Planning Commission meetings of October 26, 2009.

Motioned by Commissioner Blaser, seconded by Commissioner Finkeldei, to approve the October 26, 2009 Planning Commission minutes with the changes that Commissioner Harris emailed to Ms. Denny Ewert.

> Motion carried 9-0. Commissioner Hird was not present for the vote. Student Commissioner Shelton voted in favor.

COMMITTEE REPORTS

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

Commissioner Blaser said the Industrial Design Committee met and had a discussion about how to proceed and decided to change tactics. He said there will be a discussion about it at the February Planning Commission Mid-Month meeting.

COMMUNICATIONS

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

No written action of any waiver requests/determinations made to the City Engineer.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
  Commissioner Hird said he had a phone conversation with Mr. Mark Buhler who is on the fundraising committee for the Lawrence Community Shelter. Mr. Buhler voiced his support for the project of the new location. Commissioner Hird also attended the Lawrence Community Shelter meeting at the Boys and Girls Club Thursday evening.

  Commissioner Singleton said she also attended the Lawrence Community Shelter meeting at the Boys and Girls Club.

Commissioner Blaser said he had a phone conversation with Mary Easterday regarding the shelter.

Commissioner Dominguez said he attended the meeting at the Boys and Girls Club regarding the shelter. He also spoke with Shirley Martin Smith, Dave Johnson with Bert Nash, and had a conversation with Pat Slimmer.

Commissioner Harris said she talked to Pat Slimmer about the shelter.

- Abstentions:
  Commissioner Singleton said she would abstain from Item 4.

PC Minutes 11/16/09 DRAFT

ITEM NO. 1A FINAL PLAT FOR BAUER FARM; 1.19 ACRES; 4700 OVERLAND DR (SLD)

PF-9-7-09: Consider a one lot Final Plat for Bauer Farm, Phase 3, containing approximately 1.19 acres, located at 4700 Block #2, Overland Drive. Submitted by Landplan Engineering for Free State Group, LLC, property owner of record.

ITEM NO. 1B FINAL DEVELOPMENT PLAN FOR BAUER FARM; 1.19 ACRES; 4700 OVERLAND DR (SLD)

FDP-9-8-09: Consider a Final Development Plan for Bauer Farm Phase 3, for a carwash, approximately 1.19 acres, located at 4700 Block #2 Overland Drive. Submitted by Landplan Engineering for Free State Group, LLC, property owner of record.

ACTION TAKEN ON ITEM 1A

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve a Final Plat for Bauer Farm based upon the certification in the body of this report and subject to the following conditions:

1. Submittal of a mylar notarized for and signed by the owners, engineer, surveyor and County Surveyor to be recorded at the Douglas County Register of Deeds.
2. Submittal of recording fees, made payable to the Douglas County Register of Deeds.
3. Submittal of a Master Street Tree Plan to be recorded with the Final Plat.
4. Submittal of the necessary guarantee for completion of public improvements.
5. Submittal of a revised drawing that amends the Legend to rename A/E Access Easement to A/E Public Access Easement.

Unanimously approved 10-0, as part of the Consent Agenda. Student Commissioner Shelton voted in favor.

ACTION TAKEN ON ITEM 1B

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve a Final Development Plan for Bauer Farm based on the findings presented in the staff report and subject to the following conditions:

1. A Final Plat must be approved and recorded with the Register of Deeds prior to the issuance of building permits.
2. Provision of a stormwater pollution prevention plan prior to release of the Final Development Plan for issuance of building permits.
3. Provision of a mylar and recording fees.

Unanimously approved 10-0, as part of the Consent Agenda. Student Commissioner Shelton voted in favor.

PC Minutes 11/16/09 DRAFT

ITEM NO. 2A CS, COUNTY A, & COUNTY I-1 TO IL; 2.65 ACRES; 2176 E 23RD ST (SLD)

Z-10-18-09: Consider a request to rezone approximately 2.65 acres from CS (Strip Commercial), County A (Agricultural), and County I-1 (Limited Industrial) to IL (Limited Industrial) for Lawrence Community Shelter, located at 2176 E 23rd Street. *Initiated by City Commission on 9/15/09.*

ITEM NO. 2B SPECIAL USE PERMIT FOR LAWRENCE COMMUNITY SHELTER; 2176 E 23RD ST (SLD)

SUP-9-9-09: Consider Special Use Permit for Lawrence Community Shelter, approximately 2.65 acres, located at 2176 E 23rd Street and a portion of former Farmland Industries property. Submitted by Grob Engineering Services, for Gary L. Bartz Trust, property owner of record. *Initiated by City Commission on 9/15/09.*

STAFF PRESENTATION

Ms. Sandra Day presented items 2A and 2B together.

Commissioner Harris asked if commercial gateway is a defined term and if this property is considered part of the commercial gateway.

Ms. Day said there is language in Horizon 2020. She said the property would generally be considered part of the overall gateway.

Commissioner Dominguez asked staff to address the communication from attorney Mr. Ron Schneider regarding the projecting being rushed.

Mr. McCullough said staff has reviewed all points made regarding the process and believe it is within the framework that staff tries to adhere to.

Commissioner Dominguez inquired about the rezoning of the property to IL and asked if it would be a problem if Mr. Slimmer wanted to purchase the adjacent property.

Ms. Day said that if Mr. Slimmer wanted to purchase the property he could. Split zoning sometimes can be problematic as you try to move through a design piece. There are many pieces that are still compatible. There are limitations and restrictions on how much you can expand the CS district so that may be more of a limiting factor than the property going to IL. She said it would make better sense for Mr. Slimmer to rezone his property from CS to IL than to try and expand CS. CS district was created to denote and document the existing strip commercial, it's not a design type of district that should be perpetuated.

Commissioner Dominguez inquired about law enforcement being involved.

Ms. Day said law enforcement had general questions early on in the process and she believed their questions were addressed.

Commissioner Dominguez asked if the rezoning was approved and the Special Use Permit was not would the rezoning still happen.

Ms. Day said the rezoning could be approved and conditioned not to have the ordinance published unless the Special Use Permit was also approved.

Commissioner Rasmussen asked for clarification on what property was proposed to be rezoned to IL. He also asked if it was typical for a request for rezoning and Special Use Permit before the property is owned.

Ms. Day said the property being rezoned is the entire two acres, which includes the existing restaurant building and farmland property. She also said it was typical that the sale of ground is not final and contingent on different land use approvals.

Mr. McCullough said that staff did not have an owner authorization form for the Farmland Industries property. He said the applicant is acting on behalf of the owner. He stated that this is an exercise that is a bit unique, because while state statue gives City Commission the authority to initiate rezoning, which could include a Special Use Permit, the farmland industries property is owned by a trust and the City is attempting to acquire that property.

Commissioner Rasmussen inquired about the staff report requirement of 15 parking spaces with 32 parking spaces proposed.

Ms. Day said as proposed there are plenty of parking spaces.

Commissioner Dominguez inquired about the Housing Vision Chart and asked about the shelter number that City Commission approved.

Mr. McCullough said the chart was included in the agenda packet and showed it on the overhead. All the numbers are the same as adopted except for the shelter which the number 75 shows up with an asterisk and that says that the number of units needed to meet the housing needs based on the 2007 point in time count numbers and service provider estimates. 75 was the number that City Commission saw when they adopted the Housing Vision Chart. Since then the Community Commission on Homelessness has been participating in the homeless census and they believe that there is a need for the 125 bed shelter at this time given the economic conditions we're in.

Commissioner Dominguez asked if City Commission approved 75. He asked if 125 had been approved by City Commission

Mr. McCullough said yes, 75 was approved. He said the 125 was not approved for the Housing Vision Chart.

Commissioner Dominguez asked what the time frame was for the Special Use Permit at the current location.

Mr. McCullough said 3 years.

Commissioner Dominguez asked if a retail market study was required.

Ms. Day said no. She said the commission has the right to add it as a condition.

Mr. McCullough said the retail market study noted is a study on retail conditions of the city, not one particular uses impact on the retail market. It has more to do with comparing vacancy rates, and other indicators about the health of the retail market, not a study on land use impact on retail corridor or node.

Commissioner Dominguez asked if the shelter has met their management plan at the current location.

Ms. Day said she did not know where they stood with their compliance.

Commissioner Dominguez inquired about how many police calls are made to shelter.

Ms. Day said that information was included in the Planning Commission packet.

Ex parte:
Commissioner Harris said she called the Topeka Rescue and inquired about the amount of police calls. She said they get a call every few weeks and is often a medical emergency.

Mr. John Miller said beyond what commissioner Harris just stated all the ex parte is the same as previously stated.

APPLICANT PRESENTATION
Mr. Loring Henderson, Director of the Lawrence Community Shelter, introduced all of the following speakers.

Mr. Dan Sabatini, Sabatini Architects, went over the interior plans.

Ms. Michelle Mueller, Sabatini Architects, discussed current limitations of space. She also discussed control and separation.

Commissioner Dominguez inquired about the layout and the percentage of transitional area.

Ms. Mueller said the emergency space is about 750 square feet. She pointed to where the beds and restrooms would be for each area. She said currently a family is a single individual with children.

Commissioner Carter asked if the shelter currently has three separate areas.

Ms. Mueller said no, Mr. Henderson can speak to that.

Mr. Henderson said every year the Community Commission on Homelessness oversees a project to get the number of homeless. It is estimated somewhere in the 300's and about half of the number are families and half are individuals. All of the school districts have a homeless child in them. Until June 1, 2009 LCS did not take families with children, when the Salvation Army closed, they started. He said they try to separate the families from individuals. He said the number of 125 that has come up for the design of the building because last winter Lawrence Community Shelter and Salvation Army were sleeping that amount of people. He stated currently LCS is sleeping 76 people and uses every bit of space. He said the 125 number was approved by the Community Commission on Homelessness. He said they have a program at the shelter to help people get out of the shelter but that they do not have a lot of supportive permanent housing for the mentally challenged. He emphasized their job program that is interactive work with other agencies. He said they have about 100 volunteers.

Commissioner Moore inquired about admittance of intoxicated people during the day/night.

Mr. Henderson said that they will not take intoxicated persons during the day, only at night.

Mr. Henderson said the good neighborhood agreement came about with the Oread neighborhood a few years ago but a it can be worked out with the new neighbors and make it as appropriate as possible. He went over the new proposed management plan that was included in the packet. He said the new site was chosen because of its feasibility, on the bus route, tremendous space, and it was not more expensive than other sites looked at. He said they are in agreement with the staff recommendation with the exception of the 15 year Special Use Permit term because funders are apprehensive that 15 years would not be enough time to pay it off. He said it will affect the capital campaign. He clarified that Lawrence Community Shelter is not a 'wet shelter.' Patrons are not allowed to have liquor on the property, however they are an 'open shelter' that will house those who have been drinking at night.

Commissioner Carter inquired about performance measures and asked if he saw the new location assisting with improvement.

Mr. Henderson said yes, there would be more room for related service providers and jobs program.

Commissioner Finkeldei inquired about tracking how long people have been there.

Mr. Henderson said they track daily who stays at the shelter. The 120 days starts from when they first sign in.

Commissioner Finkeldei inquired about guests leaving during the night.

Mr. Henderson said there is a clear list of who is banned from the shelter and for what time period.

Commissioner Finkeldei asked about transportation plans and how that will change at the new site.

Mr. Henderson said the shelter has a van that takes people to appointments. He said there have been discussions with the bus system and it might be possible to get a bus stop.

Commissioner Finkeldei asked what would happen if someone was on the ban list and they show up.

Mr. Henderson said the person may be taken somewhere else like a friends house.

Commissioner Finkeldei asked if there was a LINK type service near the new location.

Mr. Henderson said three meals will be served a day at the new shelter so guests would not have to go to LINK.

Commissioner Finkeldei asked if someone does not meet with a case manager within 72 hours does that put them on a ban list.

Mr. Henderson said no, he could not imagine someone not meeting with a case manager.

Commissioner Finkeldei inquired about the fenced in area for outdoor activities and what purpose it served.

Mr. Henderson said it just defines the space and keeps balls from rolling away. He said at night it will be locked.

Commissioner Finkeldei inquired about loitering on shelter property.

Mr. Henderson said guests could sit on the property but the idea is to have a recreational area for people to be. He said one of the things he would like to do with the additional property is have a garden. There is an organization that would like to oversee a garden/recycle program in the future.

Commissioner Finkeldei asked if there any major changes from the current management plan and the revised version.

Mr. Henderson said it was pretty much the same but that they are developing a family program.

Commissioner Dominguez inquired about the number of families.

Mr. Henderson said LCS currently has 3-4 families.

Commissioner Dominguez inquired about how late in the evening guests can be admitted.

Mr. Henderson said they would like for guests to be in by dinner time and not leave after that but the shelter will admit people at any time and then the intake process would be done the next morning.

Commissioner Dominguez asked about how the shelter verifies that people are Douglas county residents.

Mr. Henderson said it is verified in many ways; drivers license, other types of identification, local family members, if they went to school locally, local job, etc.

Commissioner Dominguez asked if Mr. Henderson is on the board of the Community Commission on Homelessness.

Mr. Henderson said yes.

Commissioner Dominguez asked about the shelter's definition of mental illness.

Mr. Henderson said in large it's someone who has a designation from Bert Nash.

Commissioner Dominguez inquired about verification of veterans.

Mr. Henderson said the Veteran Affairs hospital usually has records.

Commissioner Dominguez inquired about matrix numbers/statistics.

Mr. Henderson said he submits an annual report to City Commission with numbers.

Commissioner Dominguez asked how many people were in the jobs program.

Mr. Henderson said five people.

Commissioner Dominguez inquired about the number of children.

Mr. Henderson said there were currently about five children at the shelter.

Commissioner Dominguez said he serves on the housing authority board. He asked why some of these families aren't being rotated into the rapid rehousing program.

Mr. Henderson said it's just getting started. Some of these families might have felony convictions or some sort of drug history so they are prohibited in participating in that type of program, but that anyone who is eligible will certainly be entered into that program. He said they also work with Family Promise.

Commissioner Dominguez asked why the public forum occurred Thursday night instead of sooner.

Mr. Henderson said there were not floor plans or anything to show the neighbors prior to that. He said he had intended to have the meeting a week earlier but had a personal issue to attend to.

Commissioner Dominguez said he was just trying to make sure everyone's views are heard.

Mr. Henderson said he has tried to be in touch with Pat Slimmer and other concerned neighbors. The management plan is a living document and it will be 18 months before LCS can get into the building, if approved. He said he wants to be a good neighbor and is willing to talk and work to get this thing going.

Commissioner Harris asked if there will be three meals a day served at site.

Mr. Henderson replied yes.

Commissioner Harris asked how often a typical person would leave the facility to access other services during the day.

Mr. Henderson said that all guests will be required to do four hours of service for the shelter, meeting with case managers, sometimes they will need to go to SRS or other places. He said the bus stop is nearby. He also stated there is no entrance on the front of the building.

Commissioner Harris inquired about bus passes.

Mr. Henderson said the city donates money to fund bus passes.

Commissioner Harris asked what services are most used by people at the shelter.

Mr. Henderson said numerically it is medical. He said they just started a new program with Baker University where nurses come in. He said dental care is rare to find can that it is an issue as well.

Commissioner Harris inquired about police calls and asked if Mr. Henderson could describe the nature of the police calls.

Mr. Henderson said that Mr. Don Huggins would make a presentation about that.

Commissioner Harris asked what the consequences were if a guest of the shelter trespassed on private property near the shelter.

Mr. Henderson said there would most likely be a warning first and then possible banishment from shelter.

Commissioner Harris asked if Mr. Henderson would be willing to put that in the management plan.

Mr. Henderson said yes.

Commissioner Harris inquired about the animal kennel.

Mr. Henderson said that some guests have a pet or service animal and that there is a need for a kennel.

Commissioner Hird inquired about the bus service being extended to the shelter.

Mr. McCullough said he had a conversation with Bob Nugent, Transit Director, and it will ultimately be up to City Commission but that it is feasible.

Mr. Don Huggins, president of Lawrence Community Shelter board, said the police department looks at statistics based on neighborhood map units. He showed a map on the overhead. He showed charts on police calls per month. He said the highest number of calls is regarding trespassing. He said LCS tries to police their own property which means calling the police to report people that have been banned from the LCS property.

Commissioner Dominguez inquired about services and asked if guests can fill out paperwork for funding.

Mr. Huggins replied yes.

Commissioner Dominguez gave the scenario of transient people filling out paperwork to get funding and then leaving.

Mr. Huggins said they can apply for funding in any other place so he did not imagine 300 new people coming here and waiting months for possible funding.

Mr. Doug Brown said this site was picked after a lot of time and effort. This is the only property that met the criteria, the facility can fit on the ground, it was for sale, the price was affordable, no residential neighborhoods adjacent, city sewer and water was available onsite. He discussed the timeline and other sites considered.

Commissioner Dominguez inquired about the site visits.

Mr. Brown said the board made visits to 4 or more properties but that over 30 properties were looked at.

Commissioner Moore asked if any consideration was given to E 25th Street, by the jail.

Mr. Brown said yes, the area next to the jail was considered but that the sheriff said he needed that for further expansion.

Commissioner Singleton inquired about the petition with the broad statement that the three primary causes of homelessness are alcohol, drug abuse, and mental illness.

Mr. Henderson said it is due to lack of housing, education, health care, and family support. He said mental illness is included under lack of health care.

Commissioner Singleton discussed the assumption that all of the people in the shelter are career transients.

Mr. Henderson said no, in the last best survey the number the chronic homeless was about 38. He said he believed they are chronic for a reason that has not been resolved.

Commissioner Dominguez asked if it was true that those living with family or in a mobile home are counted as homeless.

Mr. Henderson said 'couch surfing' is consider homeless. A mobile home is a home and is not considered homeless.

PUBLIC HEARING

Ms. Katherine Dinsdale, Community Commission on Homelessness (CCH), expressed her support of the Special Use Permit. She gave the background of CCH of how it was created. CCH considered the Special Use Permit and approved it. She said this is not a transplant of the existing shelter, it is a new shelter so she expects to see something very different on 23rd Street. She said it is limited to 125 people and that are all that can be served.

Commissioner Harris asked about the criteria.

Ms. Dinsdale said text amendment criteria, appropriate zoning, transportation, and meets the need. She said it would be foolish to build a shelter that is too small.

Commissioner Dominguez asked why CCH did not go back to City Commission to get 125 people approved, instead of 75 people.

Ms. Dinsdale said when the Salvation Army closed they were serving 120 people in conjunction with LCS. When CCH approved the Special Use Permit and recommended City Commission go forward with it that was when he number was changed.

Commissioner Dominguez inquired about overflow and the idea for a detoxification center.

Ms. Dinsdale said there are finite resources in the community, the idea is to not keep those people in the shelter, the goal is to get them in and out as quickly as possible. She said they have become educated by looking at shelters around the country.

Commissioner Dominguez discussed networking within the homeless population. He gave the example of a homeless person using the internet at the library to tell others in Los Angeles about the services offered in Lawrence.

Ms. Dinsdale did not think that was a likely scenario.

Mr. Mark Gwaltuey, owner of Diamond Everley Roofing next door, said he has not met Mr. Loring yet. He wondered if the management plan would be followed through with. He read most of the pertinent parts of Horizon 2020 that discuss the 23rd Street corridor which talks a lot about employment, commercial, and industrial uses. He felt that 23rd Street was a highly visible artery to the city and the gateway to the community. He expressed concern for property values.

Ms. Charlotte Hastings, lives in Deerfield Woods, expressed opposition to the homeless shelter being expanded in any neighborhood. She felt there were too many schools, residential areas, 4-H fairgrounds, mobile home park, and businesses in that area. She said she no longer feels comfortable walking downtown at night due to the transient population. She signed the petition against the shelter and does not want to invite more career transient people to the city. She felt that making the shelter larger would only make the problem larger. She did not think a shelter should be at a gateway of the city.

Ms. CJ Brune said there were far fewer incidents from LCS guests than from new KU students each year. She urged them to approve the new homeless shelter.

Ms. Toni Dudley was baffled by the Farmland Land being part of the request.

Mr. McCullough asked Mr. Wood put up a timeline of the past few years of the process of pursuing a site. Mr. McCullough said the city is still attempting to acquire the Farmland property and that the City Commission initiated the rezoning request.

Ms. Dudley asked if they would buy it.

Mr. McCullough said the city would likely hold the property and lease it but that is unknown at this time.

Ms. Dudley said the land use is a big issue.

Ms. Boo Tyson, neighbor across K-10, said she was in favor of the shelter being near her house. She thought it was one of the best sites in town for the shelter. She said they are not all that different than other communities and that most cities have a shelter of some kind because having people freeze under bridges doesn't make a city very compassionate.

Mr. Pat Slimmer showed a letter to clarify police calls. 411 calls between September 2008 – September 2009. He did not think Planning Commission guidelines were followed correctly and it denied neighbors time to look at the issues. He said that LCS, with the city's help, has tried to acquire the land. He said it was not consistent with the surrounding land uses. He also stated that LCS has the potential to cause financial hardship to the area.

Mr. Brad Cook, social worker at LCS, was in favor of the relocation because it is the best location so far. He said choosing this site is not an act of desperation, no location will ever be fully accepted. He said that many think it would be deplorable to see a shelter at the entrance of a city but he felt it will show strength that Lawrence cares for its citizens. He said they cannot generalize and categorize the homeless population. He encouraged people to look at the daily police log because the percentage of people with homes is greater than transient people.

Ms. Missi Pfeifer said she was apprehensive of the expansion of LCS. She expressed opposition to the relocation. She felt that criminal activity would increase and that it would just be moving the problem from downtown to east Lawrence.

Ms. Kim Bartalos, Block Real Estate, represents Ten Marketplace, said she appreciates what homeless shelters do for the public. She expressed concern about neighbors needing to have surveillance and where will the homeless folks go during the day. She said retail growth is based on peoples apprehension of security and that businesses are adversely affected by a homeless shelter being located near it, they have higher costs for cleanup, insurance, etc,

Ms. Lindsey McCaig, lives in Prairie Park area, concerned with the shelter overall, not just the fact that it's moving to her area. She was concerned with the management plan and did not think overflow issues had been addressed. She was also uncomfortable with how the city was handling this because it felt like it was being pushed though. She did not think this was working toward fixing the problem, it is just putting a big bandaid on it. She felt these are people who are choosing to be in this situation so the cost needs to be taken into consideration.

Mr. Ron Schneider, attorney to three opposed property owners, expressed concerns with the application process and felt this is being moved forward at breakneck speed. He questioned the deadlines not being followed. He also questioned the city's involvement in the process. He said the downtown merchants have not been happy with the activity and some of that is due to LCS. He said Special Use Permits should not have adverse impacts to nearby property owners. He said it was not clearly addressed how the project would work without the Farmland property.

Ms. Hilda Enoch said she feels like there will never be an ideal place where there won't be someone to oppose this, she urged them to approve.

Ms. Deborah Bridson urged Planning Commission not to approve. She did not think this did anything to prevent homelessness and felt that money should be directed to other programs. She said she would prefer that public transportation was not given to homeless because her child rides the bus. She felt betrayed by the neighborhood meeting last week and didn't feel like her concerns were heard.

Mr. Price Banks, attorney representing the shelter, said staff did answer the procedural question. He encouraged Planning Commission to approve the item and said that deferral would be costly and harmful to the shelter.

Mr. Roy Clough, lives in Anderson Acres, said it is unsettling to have homeless people wandering near where he lives and concerned about them hanging out at the 4-H Fairgrounds. He expressed opposition to the shelter moving to this location.

Ms. Mary Wharf, newly elected as the Barker Neighborhood President, agreed that the neighbors have not had enough time. She would like to see addressed in the management plan foot traffic, emergency contact, an ongoing committee regarding neighborhood concerns, and that the renewal of the Special Use Permit should be much more often than every 15 years.

Mr. John Tacha said that a larger shelter would allow more people to be off the streets at night so it would increase safety. He said there will be much time for neighbors to have input over the next year or so.

Mr. Bob McKennan expressed concerns about security for the neighborhood.

Commissioner Rasmussen asked Mr. Price Banks to elaborate on his comment that deferral of this item would be costly and harmful.

Mr. Banks said that every day that passes the Lawrence Community Shelter can't campaign for private money they need to raise private funds and are also facing eviction by the city from their existing location by virtue of having the Special Use Permit expire. He said it has been extended but the governing body shows less and less patience each time.

Commissioner Harris asked if Ms. Bartalos with Block Real Estate if she has anything further to say since she was representing a group and had two more minutes to speak if she wanted.

Ms. Bartalos, Block Real Estate, gave percentages and statistics on how a homeless shelter could affect nearby businesses.

APPLICANT CLOSING COMMENTS

No closing comments.

COMMISSION DISCUSSION

Commissioner Carter felt that the 'if you build it they will come' characterization oversimplifies it and tends to separate people into two camps. He did not think it was that simple. He felt that a maximum of 125 people in the shelter within a town the size of Lawrence puts it in perspective. He felt that the cramped conditions at the current facility contribute to the current issues, assuming proper management, he would expect that police would deal with any issues that will arise. He suggested putting a condition on the rezoning so it would not be published without the Special Use Permit approval. He also suggested adding trespassing language to the management plan. He felt that a bus stop should be near the site as well. He said he would expect to see improved performance measures. He said he would support the rezoning and Special Use Permit.

Commissioner Dominguez said the homeless industry is growing in this community. He was not convinced a bigger shelter was needed and felt that if it were a dry shelter that a bigger one may not be necessary. He felt they needed to do what was best for the community. He said they need to be honest about what is expected and City Commission approved a facility for 75 people. He felt it was fishy the way this is being pushed through. He felt it was moving too fast and that it is too important of an issue to move so fast. He said the city did this before with an annexation and are still in a lawsuit over it.

Commissioner Singleton said this is not the first time Planning Commission has talked about homelessness since she has been on the commission, so none of this is new other than the framework of the conversation. The issue of 'if we build it they will come' the statistics show that's not accurate. If someone who goes to LCS and is asked if they are a resident they are not denied services and there is no incentive for them to lie. Homelessness is not what we see every day on Massachusetts Street. She felt this model fit perfectly and the location fit perfectly. The site is designed to look nice and provide programs. Homelessness has always been a part of society and it will not be created because of a bigger facility. She said this is something the city should be proud of and shows that this community is compassionate.

Commissioner Finkeldei said he has served on Planning Commission for five years and this debate reminds him the most of the Wal-Mart debate because they both have the component of 'should we have it at all.' He felt the city should have a shelter and that there is a place in the community for a shelter. He said his children went to the child care center located in the church that LINK is located in. He said it would not be the perfect scenario regardless of where the shelter is located but he did not think having a shelter would hurt the community. He said that industrial zoning was appropriate for this location. He also said that this could be a decent location for the shelter. He did not believe that if the current shelter was picked up and moved to the new location that it would work but with the new design it should be better. He would like for there to be more time to have a management plan that addresses the unique features of this location. He said there needs to be a transportation plan, foot traffic plan, bus plan, and he liked the idea of a neighborhood committee. He said he did not know if he could support a 15 year Special Use Permit and would suggest less years. He suggested deferring the item.

Commissioner Harris said there is a need for a shelter in Lawrence but did not think industrial zoning was a good fit and should stay commercial. She expressed concerns about the zoning, the highway, the neighborhood, and the impact on the commercial area nearby. She felt that more time was needed to talk to neighbors and look at other possible locations.

Commissioner Rasmussen said that Planning Commission has a responsibility to try and look into future and think about the ramifications of their actions. He said the rezoning complies with the Comprehensive Plan. The Farmland property will probably be used for industrial type uses and given the current land uses around there this type of use would fit. Future plans for the area will probably be some sort of limited industrial so it satisfies being compatible with that requirement. Regarding the Special Use Permit, he said he may need more convincing that the operational impacts are compatible. He said he likes the good neighbor policy and the covenant that guests sign up for. He felt that the rules for the guests could be expanded based on input from the neighbors and would make for a better covenant. He was not convinced that there would be substantial diminishment in property value and that it might be good to hear more evidence on that. He would like assurance of maintenance. He expressed concern about the 15 year time limit. He said he commuted on K-10 for years and he thought Farmland Industry was an eyesore for the community gateway. He did not think a homeless shelter being there would create a negative impression but loitering and panhandling of the guests might. He thought those concerns could be addressed by spending more time with the neighbors. He said he takes a dim view of any developer who hasn't taken the time to talk to the neighbors and said it was discouraging that Diamond Roofing hasn't heard from the applicant. He said would support a deferral to take the time to work with neighbors and enhance guest covenant and good neighbor policy.

Commissioner Hird said it is difficult because Planning Commission members are not elected officials and policy issues are thrown at them. He said Lawrence is a town of passionate people and elected officials are the better persons to tackle these issues. He felt that a homeless shelter needed to be built and the city needs to provide shelter to homeless people and that not many people would disagree with that. He said based on what he has learned to identify an appropriate site, he thinks the staff finding is right on point and that it is going to be difficult to find a site better than this. He believes LCS has done an exhaustive extensive study in trying to find a site. He felt that a better facility that can keep people inside will help with some of the issues. The real success of this project depends on LCS response to issues. He stated that Ms. Brune's comments about KU students was well taking. The Oread Neighborhood has issues with boarding houses and college students. He said if he were to support the Special Use Permit he would want it linked to have bus service to the front door because if some of the foot traffic could be eliminated through the area it would eliminate some of the problems. He felt that a foot traffic study was a wise thing to think about and how to minimize the impact to the neighbors. He said if the consensus of the commission is to defer he would not be opposed to it. His support of the item would be conditioned by extension of bus route.

Commissioner Moore felt the management plan should be more outcome based. He would support deferring this item. He thought 15 years for the Special Use Permit was way too long and said he would be more in favor of 5 years.

Commissioner Blaser said Lawrence needs a shelter. He agreed that the zoning is probably correct. He was concerned about residents who have not met with Mr. Henderson yet. He said Mr. Slimmer made a comment about fencing and bushes but that he has not heard anything about that being taken into consideration. He thought there needed to be a plan for overflow and agreed that bus service needed to be provided to the location. He also thought 15 years was too long for the Special Use Permit and was in favor of deferring one month.

Mr. McCullough said that December Planning Commission was only a few weeks away and that January might be a better timeframe given the context.

Commissioner Carter said a 5 year Special Use Permit would be more appropriate than 15 years. He stated there is not an island to put the shelter and that it will have problems wherever it goes.

Commissioner Singleton said a deferral would allow time to work on the management plan. She felt that they could approve the rezoning and 5 year Special Use Permit and did not think it should be delayed two months.

Commissioner Moore said this is extremely important to the community and deferring it two months to get it right is important.

Commissioner Hird inquired about the right to revoke a Special Use Permit.

Mr. McCullough said 15 years was in light of future development on the Farmland site.

Commissioner Hird said he hoped the deferral did not cause the loss of fund raising. He said he did not necessarily agree with putting an arbitrary time limit on the Special Use Permit.

Commissioner Rasmussen said there does not have to be a time limit on the Special Use Permit but that staff recommended it. He said this has potential to be a good location for the shelter but that there has not been enough time spent with the neighbors.

Commissioner Dominguez inquired about the management plan.

Mr. McCullough said the management plan criteria is now in the Development Code and is binding.

Commissioner Rasmussen asked if the Special Use Permit for the current location of LCS will expire.

Mr. McCullough said yes in April 2010.

Commissioner Hird said he would vote in opposition to deferring.

A summary of the issues discussed by the Commission:

- *Condition rezoning so not published unless SUP is approved*
- *Address trespassing issues on nearby property in Management Plan*
- *Bus stop (changes to bus route to provide service to shelter)*
- *Consideration of only 'dry' shelter*
- *Consideration of Douglas County residency requirement*
- *Plan for foot traffic – can we identify expected/most frequent routes to various services? Foot traffic study*
- *Transportation Plan – how will guests be transported to various services?*
- *Should a committee be formed to work through Good Neighbor Agreement?*
- *15 year time frame may be too long/ or maybe a time frame is not required at all with revocation process in place*
- *More information on consideration of other locations – why they don't work? Why this is the best location?*
- *Safety on busy street*
- *Address off-site panhandling (on 23rd Street especially, impression as one enters Lawrence)*

- *Management Plan should address off-site expectations*
- *Need to spend more time with neighbors to address issues/comfort with ability to handle off-site behaviors*
- *Success depends on LCS response to issues*
- *SUP should be linked to bus service to front door*
- *Address setbacks/bufferyard changes requested*
- *Need to work with neighbors in larger area, beyond immediate property owners (such as residents of mobile home park, tenants in 10 Marketplace)*
- *Management Plan needs to be more outcome based – more positive language*
- *Plan needs to address what happens if shelter is full – what is done with overflow, or how do you turn people away/ transport somewhere else?*
- *Management Plan needs to be tailored to this location and this facility/operation*
- *More clarity on how guests will spend the day – what all will they be doing (service hours, counseling, appointments)*
- *How will outdoor area be used? Address loitering*
- *What are impacts/relationship with existing food programs such as Jubilee Café and LINK*

ACTION TAKEN ON ITEM 2A
Motioned by Commissioner Dominguez, seconded by Commissioner Finkeldei, to defer the Rezoning of 2176 E 23rd Street to the January Planning Commission.

Commissioner Singleton said there were only about 10 people who spoke against the shelter.

Motion carried 6-4, with Commissioners Carter, Chaney, Hird, and Singleton voting in opposition. Student Commissioner Shelton voted in opposition.

ACTION TAKEN ON ITEM 2B
Motioned by Commissioner Dominguez, seconded by Commissioner Finkeldei, to defer the Special Use Permit for Lawrence Community Shelter at 2176 E 23rd Street to the January Planning Commission.

Motion carried 6-4, with Commissioners Carter, Chaney, Hird, and Singleton voting in opposition. Student Commissioner Shelton voted in opposition.

PC Minutes 11/16/09 DRAFT

ITEM NO. 3 CONDITIONAL USE PERMIT FOR MIDLAND JUNCTION SAND FACILITY; 310.76 ACRES; E 1400 RD & N 2000 RD (SLD)

CUP-8-8-09: Consider a Conditional Use Permit for Midland Junction Sand Facility, approximately 310.76 acres, generally located southeast of the intersection of E 1400 Rd & N 2000 Rd. Submitted by Landplan Engineering, for RCS Properties LLC, property owner of record.

Item No. 3 was deferred prior to the meeting.

PC Minutes 11/16/09 DRAFT
MISCELLANEOUS NEW OR OLD BUSINESS

MISC ITEM NO. 1

Adopt the 2010 Planning Commission meeting calendar.

Motioned by Commissioner Hird, seconded by Commissioner Harris, to adopt the 2010 Planning Commission meeting calendar.

Unanimously carried 10-0.

Consideration of any other business to come before the Commission.

Recess at 11:20pm until 6:30pm on November 18, 2009.

Reconvene November 18, 2009 – 6:30 p.m.

Commissioners present: Blaser, Carter, Finkeldei, Harris, Hird, Moore, and Rasmussen
Staff present: McCullough, Stogsdill, Leininger, J. Miller, M. Miller, and Ewert

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BEGIN PUBLIC HEARING (NOVEMBER 18, 2009):

COMMUNICATIONS
No communications received.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
  Commissioner Rasmussen spent about three hours with Ms. Marci Francisco taking a walking tour of the Oread Neighborhood.
- No abstentions.

PC Minutes 11/18/09 **DRAFT**

ITEM NO. 4 COMPREHENSIVE PLAN AMENDMENT TO CHAPTER 14 (MJL)

CPA-2-1-09: Consider a Comprehensive Plan Amendment to Chapter 14 – Specific Plans to approve and incorporate by reference the Oread Neighborhood Plan.

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Mr. McCullough said the action requested there were good comments for PC to filter out. Some are easily implemented in the plan and others may be up for discussion. Looking for PC to filter through the comments.

PUBLIC HEARING

Mr. Dennis Brown, President of Lawrence Preservation Alliance (LPA), reviewed the letter he sent for communications that was included in the packet. He asked for another month to review the plan.

Ms. Elle LeCompte talked briefly about parking and said that with a dumpster that would leaves 4 parking spaces off the alley and most boarding houses have more than 4 people. She said that most Oread neighborhoods only have parking on one side of the street. She recommended that congregate living units have 1 parking space per bedroom.

Commissioner Rasmussen asked if she had any desire for a parking permit program.

Ms. LeCompte wondered who would administer and enforce such a program. She did not think it would work all that well.

Mr. Kyle Thompson, President of Oread Neighborhood Association, said about 18 yrs ago a parking permit program was attempted to implement and they ran into a lot of objection. He said it came down to having 50% of property owners on each block to approve it and that wasn't able to happen since there are a lot of rental properties.

Commissioner Harris asked where the 50% requirement of landowners approval came from.

Mr. Thompson said it was a City Commission requirement at the time.

Commissioner Harris asked if it was a City Commission rule at the time but not part of the Code.

Mr. Thompson said yes.

Commissioner Carter inquired about Edgehill Road being eliminated from the Oread Plan.

Mr. Thompson said he was not on the board at the time so he was not sure.

Commissioner Carter asked if there is someone former from the board that could answer that,

Mr. Thompson said he was not sure.

Ms. Marci Francisco, 1101 Ohio Street, said several of the neighborhood association members met and had a few concerns and a letter was provided that was included in the Planning Commission packet. She said the bike lane on Louisiana Street is only two blocks now. She appreciated the

discussion regarding trash dumpsters. The proposed overlay districts, two boundaries are along alleys. She said the 1100 block of Ohio has no alley and is hard to provide parking.

Commissioner Harris inquired about restoring brick sidewalks and the words uncovered or covered.

Ms. Francisco said the words were just moved.

Commissioner Harris asked if the neighborhood wishes to have the brick restored.

Ms. Francisco said traffic patterns would have to be looked at because it may not be feasible to take the asphalt off of the brick on streets such as Tennessee Street.

Commissioner Rasmussen asked for Ms. Francisco's comments on the proposed overlay map.

Ms. Francisco said there are still single family residences on Ohio Street and that it doesn't make sense to indicate that would be a place for high density. High density is not appropriate with steep slopes. Kentucky & Tennessee have a lot of traffic and there are people who are uncomfortable raising a family on that busy of a street. Ohio is not nearly as busy with traffic so it is a nicer street for single families.

Ms. Candice Davis said she was interested in keeping people in the neighborhood year round. She said crime has gone up and there are less people living there year round. She said that property maintenance issues are important. She said that higher density with more parking would be a problem.

Ms. Carol von Tersch said the Oread Neighborhood is already a developed neighborhood and a majority of the structures were built as single family with few boarding houses. She said a goal was to stabilize the neighborhood and put policies in place to address demolition by neglect. She said that conversion of boarding houses does not best preserve structures. Increased density affects livability and discourages families. She discussed the economic impact of the loss of historic character to the neighborhood.

Commissioner Rasmussen asked her if she had an idea to address the zoning density RM32.

Ms. von Tersch said an overlay district may address it without down zoning.

COMMISSION DISCUSSION

Commissioner Harris asked about the placement of trash dumpsters and if the city will need permission from the owners.

Mr. McCullough said yes, his understanding in talking to Solid Waste is that they will contact the home owner.

Commissioner Harris asked staff if there were any specific public comments the Commission should address.

Mr. McCullough said there were new comments related to the plan from the Oread Neighborhood Association, Ms. Francisco, Ms. LeCompte, and Mr. Watts included in the packet. He said Mr. Watts would like his property included in the Oread Plan. He said staff does not necessarily believe the Oread Plan needs to meet up the boundaries of the neighborhood association.

Commissioner Rasmussen said he had a general concern that there are areas in the Oread neighborhood that are becoming a student ghetto which is a real concern and should be included in the plan. He felt there should be more aggressive enforcement of existing ordinances.

Mr. McCullough said the plan attempts to address that by including neighborhood cleanup, trash pickup, and expanding rental registration. He said the Oread neighborhood gets more trash pickup than other neighborhoods for the same cost.

Commissioner Harris agreed that additional trash service is needed for that area but that it should be paid for. Suggested that yards be picked up within 24 hours of the game or a fine will be given to the property owner.

Commissioner Moore said the Oread neighborhood had good recommendations but that the one space per bedroom could be confusing. He stated that Edgehill Road could be incorporate into the Neighborhood Plan and doesn't affect the neighborhood association boundaries but that it might muddy the waters more.

Commissioner Finkeldei agreed with Moore about the recommendations being good and said they should all be incorporated except the parking one. He also liked the suggestions by Ms. Francisco. He said they could add comments about the reason for doing the plan is because of the changes/perceptions. He did think something could be added to increase trash pickup as something general. Suggested an Oread neighborhood rental program paid for by these landlords.

Commissioner Hird discussed relieving the parking problem through better use of alternate forms of transportation.

Commissioner Rasmussen said the existing zoning map shows RM32 for a large percentage. He wondered about suggestions from staff on how to rezone portions of that. He liked the suggested mixed se.

Commissioner Blaser asked about the Barber Emerson letter.

Mr. McCullough said staff responded and excluding them would leave an island. They are not in the downtown area, they are in the Oread neighborhood.

Commissioner Carter asked what would be the problem with including Edgehill Road in the plan.

Commissioner Moore discussed the tone and tenor of the conversations and that it might muddy the waters.

Commissioner Harris said if they feel that the neighborhood needs planning then it should be included in the Oread Plan.

Commissioner Rasmussen agreed.

Commissioner Finkeldei wondered if the should include that area and say something specific about the area or parking such as future land use and parking restrictions.

Ms. Francisco said the two lots in question are both single family and may fit more appropriately with University Place. The edge is drawn along the fraternity between low density and high density. The Oread Neighborhood Association helped get parking restricted in 2002 to address parking.

Commissioner Harris said it was important to be part of a plan. She felt there should be more assertive language about trash enforcement, identify blocks that they want to preserve, and look at the parking change and the ramifications of it. She was not in favor of more boarding houses.

Commissioner Carter suggested inviting landlords to be on the Oread Neighborhood Association board.

NO ACTION TAKEN

PC Minutes 11/18/09 **DRAFT**

ITEM NO. 5 AMENDMENTS TO DEVELOPMENT CODE; ENVIRONMENTALLY SENSITIVE AREAS (MKM)

TA-12-27-07: Consider Text Amendments to various sections of the City of Lawrence Land Development Code to revise the Protection Standards for Environmentally Sensitive Areas and to provide more precise definitions. *Deferred from 9/21/09 Planning Commission.*

STAFF PRESENTATION
Ms. Mary Miller presented the item.

Commissioner Finkeldei asked staff who they met with.

Ms. Miller said David Hamby with BG Consultants, Paul Werner with Paul Werner Architects, and Tim Herndon with Landplan.

Commissioner Harris said she would be weary of reducing ROW and that it might be a problem in the future. She could see reducing landscaping in some areas.

Commissioner Moore said density is a good option.

PUBLIC HEARING
Mr. Hank Booth, Chamber of Commerce, inquired about the possibility of someone who has 20 acres but no environmentally sensitive land, but would create environmentally sensitive lands and get incentives.

COMMISSION DISCUSSION
Commissioner Rasmussen asked if there had been any discussion about creating environmentally sensitive land to protect adjacent property.

Commissioner Moore inquired about transfer of developer rights.

McCullough said staff expanded the text amendment before and then remembered those areas would be required to protect some portion anyway.

Commissioner Carter liked the Chambers idea.

Commissioner Finkeldei supports transfer of developer rights and if the framework works then can use it in other areas. Incentives not as 'rights' but list with approval of director.

Commissioner Rasmussen said he liked the density and it creates financial incentive. He wondered if class 1 soils became environmentally sensitive lands how would that work and how would it be farmed with apartments surrounding.

Mr. McCullough said the list is not being expanded now.

NO ACTION TAKEN

PC Minutes 11/18/09 **DRAFT**

ITEM NO. 6 AMENDMENTS TO COUNTY ZONING REGULATIONS; NEW BUSINESS DISTRICT (MKM)

TA-10-22-09: Consider Text Amendment to the Zoning Regulations for the Unincorporated Territory of Douglas County to create a new Business District to support rural conference, recreational, and tourism sites. *Initiated by the Board of County Commissioners on 6/24/09.*

STAFF PRESENTATION
Ms. Mary Miller presented the item.

Commissioner Carter said the League of Women Voter comments don't need to add language to it.

Commissioner Harris discussed locational criteria, improved roadway, and Conditional Use Permit versus zoning.

Commissioner Hird discussed locational criteria, small start ups that would benefit with zoning since they could not get financing with Conditional Use Permits.

PUBLIC HEARING
Mr. Hank Booth, Chamber of Commerce, said the type of development, Circle S Ranch, not on an arterial.

ACTION TAKEN
Motioned by Commissioner Finkeldei, seconded by Commissioner Hird, to defer indefinitely Text Amendment TA-10-22-09 to the Zoning Regulations for the Unincorporated Territory of Douglas County to create a new Business District to support rural conference, recreational, and tourism sites.

Motion carried 7-0.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

PUBLIC COMMENT SECTION

Adjourn 9:20pm

City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

PLANNING COMMISSION MEETING
December 14 & 16, 2009
Meeting Minutes DRAFT

December 14, 2009 – 6:30 p.m.
Commissioners present: Carter, Dominguez, Finkeldei, Harris, Hird, Moore, Rasmussen, Singleton and Student Commissioner Shelton
Staff present: McCullough, A. Brown, J. Miller, M. Miller, Uddin, and Ewert

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MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of November 16 and 18, 2009. *These will not be available until the January Planning Commission meeting.*

COMMITTEE REPORTS

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

Commissioner Hird said the Agri-tourism Committee will meet January 12 at 8:30am at his office and anyone is invited.

Commissioner Harris said the Comprehensive Plans Committee met last week and reviewed the revised environmental chapter and took comments from committee members and staff. She said she will meet with Commissioner Rasmussen try to incorporate all of those comments into a work session and bring back to the committee before it is released to the public.

COMMUNICATIONS

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

No written action of any waiver requests/determinations made to the City Engineer.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
  All Commissioners had individual conversations with Ms. Jane Eldredge regarding Mercato.

- No abstentions.

ITEM NO. 1A UR TO COMMERCIAL; 29 ACRES; NE CORNER OF K-10 & W 6TH (MKM)

Z-10-17-09: Consider a request to rezone approximately 24 acres from UR (RO-1A/RMO pending) to Commercial (CC-400), for the Mercato project located at the NE corner of K-10 & West 6th Street (Hwy 40). Submitted by JDS Kansas, L.C.; Kentucky Place, L.C.; Tanglewood, L.C.; Oread, L.C; Hanover Place, L.C.; Venture Properties, Inc.; TAT Land Holding Company, L.C.; Scotsdale Properties, L.C.; Sojac Land Company, L.C.; K-10/40 Development, L.C., property owners of record.

ITEM NO. 1B PRELIMINARY PLAT FOR MERCATO; 29 ACRES; NE CORNER OF K-10 & W 6TH (MKM)

PP-10-5-09: Consider a four lot commercial and residential office Preliminary Plat on approximately 29 acres and variance to permit block length of greater than 800 ft for the Mercato project located at the NE corner of K-10 & West 6th Street (Hwy 40). Submitted by JDS Kansas, L.C.; Kentucky Place, L.C.; Tanglewood, L.C.; Oread, L.C.; Hanover Place, L.C.; Venture Properties, Inc.; TAT Land Holding Company, L.C.; Scotsdale Properties, L.C.; Sojac Land Company, L.C; K-10/40 Development, L.C., property owners of record.

STAFF PRESENTATION

Ex parte: All commissioners had conversations with Ms. Jane Eldredge.

Ms. Mary Miller presented items 1A and 1B together.

Commissioner Harris inquired about the right-in/right-out access onto W. 6th Street.

Mr. Shoeb Uddin, City Traffic Engineer, said the right-in/right-out access will function as a free flow right turn, meaning that there will be a fully developed deceleration lane, so if a car is going west it will be pulled into the right turn lane and off the main true traffic. The concept of free flow right turn is that there will not be a queue, it will move continuously, the traffic will not encounter any kind of traffic control such as a signal or stop sign. He said when cars are leaving there may be queue build up but that the build up will be onsite and will not affect the traffic on 6th Street.

Ms. Amy Brown was present to address the retail market aspect of this application. She discussed a correspondence that was received by Kirk McClure after the communication deadline. She wanted to clear up a discrepancy in his letter. His letter asserted that the retail sales are only growing by .22% annually. She said that statement was true. She said the market study submitted said that growth was 1.8% and that was a cumulative total from 2000-2008, it was not an annual figure. She stated that in his analysis based on vacancy rate, the study he is referring to in 2007 was produced Mr. McClure, not by the city and the city does not have access to that data. She said she could not speak to how that data was analyzed or what assumptions were used in the market study. What staff based the last city wide vacancy rate was the 2006 study that the city produced and it was cited in the staff report.

Commissioner Harris said the main gist of Mr. McClure's letter was that this is not the time to add a large development like this to the retail mix because it could endanger downtown and some other places. She asked Ms. Brown to speak about that.

Ms. Brown said that what staff looks at is based on the Development Code and Comprehensive Plan. The Development Code spells out certain things the applicant has to provide in a market study. The applicant has to provide information (demand factors) based on how income has grown over the last

however many years, how the population has grown, and how retail sales have grown. There also has to be analysis based on supply factors such as square footage, how much retail stock is added to the market over that same period of time. She stated that in general those things should be in somewhat balance of each other. Outside of that the Development Code spells out some analysis that needs to be done based on the type of uses and their impact on downtown and the rest of the Lawrence market. There was analysis based on that in the market study the applicant provided. The applicant is proposing specific uses such as home improvement center, discount department store, convenience store, and fast food restaurant. She said with the small amount of square footage for the convenience store and fast food restaurant, the impact on downtown is negligible. The home improvement store being 175,000 square feet there is nothing comparable to it downtown. She said there really will not be an impact on downtown. The difficulty with the discount department store is that in retail terms that is a broad category, it can include anything from Wal-Mart or K-Mart to Kohls or JCPenney. There really isn't a category of a business like that currently downtown today.

Commissioner Harris asked how tied the developers are to those uses through the actions of Planning Commission.

Mr. McCullough said that was a question for the applicant.

APPLICANT PRESENTATION

Ms. Jane Eldredge, attorney representing applicant. Said stated during her ex parte communications with the Commissioners she did not speak about the rezoning, only the plat. With regard to the rezoning, in her opinion, the retail market study is based on the intentions of the developer and the developer has to come back with a site plan which will look at those uses, but the zoning category is not limited to just those uses. The zoning category would be broad enough for different uses but nothing will be built without a tenant. The uses that have been proposed so far are the ones that are anticipated to become tenants.

Commissioner Harris asked if the retail study would come back into play at the site planning stage.

Ms. Eldredge said that would be up to staff because staff would be looking at the site plan and if there is something in there that is quite different than what was proposed she would anticipate staff would want to look at it.

Mr. McCullough said that staff does have the ability to review a revised retail study at the site planning stage.

Ms. Elrdedge requested the rezoning be approved and the plat be approved with one minor change to the staff recommended condition #7. She felt the ordinance needed to be changed. She felt that it should be handled separately from the plat by City Commission. She did not feel there was any reason to tie the ordinance to the plat. She discussed access points and referred to the staff report. She stated that when the earlier commercial rezoning for Mercato was before Planning Commission the developers agreed to close the access point at the frontage road when George Williams Way and Overland Drive were completed. She agreed the frontage road needs to be closed because it is too close to the K-10 ramp but by moving to a right-in/right-out at this peak location it has not changed/altered the number of access points as they were originally approved in 2000. She said that meeting the fire code requirements which are very important for a large commercial area.

Commissioner Dominguez inquired about the fire code and asked why staff overlooked a fire regulation.

Mr. McCullough said staff did not overlook the fire code, what happened was at the time the section 16-1201 of the City Code that placed the restriction for W 6th Street was adopted and made city law the fire code was a former code. In 2008 the fire code changed that requires more access to commercial properties. During the review process the Fire Department said the applicant needed to address it somehow. There are different ways to address it in staff's opinion. Gaining access from 6th Street is one of the ways to address the fire code.

Mr. Phil Struble, Landplan Engineering, was present for questioning. The way he understands it is the new fire code says there needs to be access to a large commercial development from two arterial streets and the distance between the two access points has to be less than half the diagonal dimension of the development. He also discussed Right-of-Way and easement issues.

Commissioner Hird asked how big the gas line is.

Mr. Struble said it is a 16" gas line.

Commissioner Rasmussen asked if the only staff recommendation that the applicant has a concern with is plat condition #7 in the staff report that says '*The preliminary plat shall be valid only upon approval of revisions to Section 16-1201 of the City Code by the City Commission.'*

Ms. Eldredge said that was correct.

Commissioner Harris inquired about pedestrian access and asked if in the site planning process would pedestrian connections to the development be provided.

Ms. Miller said that was correct, under the commercial design standards it has to have pedestrian and bicycle connections and connectivity is one thing that staff looks at.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Commissioner Carter asked if there are any conditions that don't need to be included.

Mr. McCullough said the conditions are recommended to track the project through the process and gives it a timing element. Each step of the way grants additional development rights to the property.

Commissioner Carter inquired about condition #7 on the plat staff report.

Mr. McCullough said staff does not feel the plat meets the city code today as presented because the city code restricts access along this stretch of 6th Street. Around the year 2000 when access restrictions were adopted in the Code, KDOT and the city agreed to provide themselves access to a frontage road that has very limited access up the frontage road, not to a large commercial property. Staff does not disagree that the traffic impact study supports the right-in/right-out proposed or that the development wouldn't benefit from a right-in/right-out. Staff is actively speaking with KDOT about this issue. There is a technical challenge because there is a city code that is outside of the development code so that the Planning Commission can grant a variance or waiver to it. It can only be revised by City Commission and staff believes this plat is out of compliance with section 16-1201. Staff provided an avenue to consider the plat and even approve the plat but feels that to comply with city code the code needs to be considered by City Commission. If the code is changed then the

plat can become valid. If it's not changed then there isn't a valid Preliminary Plat because it doesn't meet city code.

Commissioner Moore inquired about the process to revise the city code.

Mr. McCullough said it is likely to be heard by City Commission.

Mr. John Miller said City Commission would direct staff to prepare modifications to that section of the code and the language would go back to the governing body for their consideration, then first and second reading, and then published.

Commissioner Hird asked if this has been submitted to City Commission.

Mr. McCullough said no, this has not been presented to City Commission for consideration yet.

Commissioner Hird asked if Planning Commission approves the plat and takes the position that the ordinance doesn't need to be revised, it isn't known if there is a conflict with the city in the first place and they might agree with Planning Commissions interpretation. Without knowing if there is a conflict the question is do you hold up this project for 60-90 days.

Mr. Miller said the timeframe to amend that code section can be done in a month.

Commissioner Hird asked what would happen if Planning Commission took the position that the code didn't have to be amended and approved the project without that condition.

Mr. McCullough said it would approach the City Commission through the acceptance of rights-of-way and easements so they will see this in some form or fashion. There is a difference though in that Planning Commission approves the plat and City Commission accepts rights-of-way and easements. He said the City Manager has made statements to that in any event the City Commission, before additional access is provided on 6th Street, would have this in front of them in some fashion.

Commissioner Hird whether there are additional access points to grant.

Mr. McCullough said in his opinion it is best characterized by granting an additional access point because he did not think that when the access restrictions were adopted it did not contemplate a CC400 development, it was a frontage road along KDOT highway so when he looks at the record of this and the access management plan it doesn't point to allowing the frontage road to exist as an access point to a large commercial district.

Mr. Uddin he spoke about the question of if it is an additional access or if is it just moving the existing access to the east. From a functional point of view the way the frontage road would function as an access the right-in/right-out will not function the same way, so as a functional point of view it is an additional access. If you have two accesses that are close together, then the impact of that access to the operational characteristics of the roadway would be insignificant that you could consider that just merely moving the access, as opposed to if they are farther apart because the impact of those two accesses on the operational characteristics would be significantly different and would be considered as an additional access.

Commissioner Hird asked where in the ordinance it talks about accepting the frontage road access, and wouldn't this access provide access to a frontage road.

Mr. Uddin said what he was trying to address is that the frontage road is fairly close to the K-10 interchange and the understanding was that when the interchange gets signalized and other development happens, road access would probably go away. Even if the access remains, the impact of that access further to the east, closer to George Williams Way, would not be appreciable but the impact of the new right-in/right-out access would be appreciable in that area. Each access has an influence area that influences the operational characteristics of the roadway.

Commissioner Harris asked if they were comparing the original plat that had no access on 6th Street, because the frontage road access would be removed, to this new idea that there would be a new right-in/right-out access.

Mr. Uddin said the only part that he is trying to address is from a functional operational point of view. If two accesses are farther apart from each other they cannot be considered merely moving one from the other place.

Commissioner Finkeldei asked if Planning Commission will approve the plat.

Mr. McCullough said that was correct.

Commissioner Finkeldei inquired about the different ways to approve the plat.

Mr. McCullough said if the plat is approved with condition 7 and City Commission does revise the code then the plat is valid. If they do not revise the code, in staff's opinion, it would not be a valid preliminary plat and the applicant would need to revise the plat to show no access along 6th Street.

Commissioner Dominguez asked if there were both access points would they be designed the same way.

Mr. Uddin said they are different. The right-in/right-out will be much smaller.

Commissioner Rasmussen discussed the code language in section 16-1201. He said that when he read the language it was very specific to the locations of the access points for everything except the frontage road access. If the applicant is already going to have to get a permit from KDOT why can't it be moved, why does it need to be changed?

Mr. McCullough said that KDOT controls that stretch of the highway today and they have conveyed to staff their intention to restrict access to this and other substantial development along 6th Street. Mr. McCullough said the reason staff reviews plat applications is to get review comments from all agencies and understand their position and present that to Planning Commission.

Commissioner Rasmussen asked if City Commission does change the code then what would be done.

Mr. McCullough said an access point would be added on 6th Street.

Ms. Eldredge displayed a map on the overhead of the Northwest Area Plan. She gave the history of the area and said the reason KDOT funded 6th Street was for economic development.

Commissioner Harris said she was not entirely comfortable approving the plat knowing that there is a finding of fact in the staff report saying it doesn't conform to city code. She suggested alternate language for condition 7 *'the preliminary plat shall be valid upon City Commission action that will*

allow for access for this development on 6th Street in accordance of city code' and if City Commission interprets that it does meet the code then that would meet those previsions.

Commissioner Hird asked if that would really gain anything. He asked what would be the functional difference between that and requiring City Commission to amend the code.

Commissioner Harris said City Commission may have a different interpretation of the staff report.

Mr. McCullough said condition 7 could say that the preliminary plat shall remain valid only upon approval to revisions to section 16-1201 of the city code if determined necessary upon City Commission acceptance of rights-of-way and easements.

Commissioner Hird said there are clearly two different interpretations of the city code. If Planning Commission recommends to strike condition 7 and forward to City Commission with notes in the minutes about this dispute over the interpretation, what is the downside to allow the city to review the ordinance issue when dedicating easements and rights-of-way? The issue gets before the city either way, correct?

Mr. McCullough said yes. If CC has concern over this for any reason they will have the ability to accept or deny the right-of-way for Mercato Lane.

ACTION TAKEN ON ITEM 1A
Motioned by Commissioner Carter, seconded by Commissioner Hird, to approve the rezoning request for approximately 24 acres from UR (Urban Reserve) District to CC400 (Commercial Center) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Unanimously approved 8-0. Student Commissioner Shelton voted in favor.

ACTION TAKEN ON ITEM 1B
Motioned by Commissioner Carter, seconded by Commissioner Hird, to approve the Preliminary Plat for Mercato, with the exclusion of condition 7, and forward to City Commission.

1) The preliminary plat shall be revised as follows:
   a. The dimension of the western width of right-of-way for Overland Drive shall be noted on the plat.
   b. The plat shall be revised to clearly identify the Southern Star easement which is being proposed for vacation.
   c. The plat shall show the relocation of the Southern Star gas line to the south rather than extending through the easement which is to be vacated.
   d. The extension of the Southern Star gas line off-site to tie into the existing gas line to the southeast must be approved by Southern Star.
2) Prior to recording the final plat, the applicant shall provide the Planning Office with documentation that right-of-way for Renaissance Drive is available prior to final approval of the plat.
3) Prior to recording the final plat, the applicant shall provide the Planning Office with documentation that Southern Star approves the relocation of the gas line and easement between Lots 1 and 2 of Block Two and the relocation of the off-site gas line to tie into the existing line.

4) Prior to recording the final plat, the applicant shall provide the Planning Office with documentation that Southern Star approves the design of Renaissance Drive in relation to the gas line location.
5) Prior to recording the final plat for the remainder of the Mercato Development (PF-03-04-07), the applicant shall revise the previously approved preliminary plat (PP-01-02-06) and final plat (PF-03-04-07) to reflect the changes approved with this preliminary plat.
6) Prior to recording the final plat, the applicant shall gain approval of an access permit from the Kansas Department of Transportation to access W. 6th Street (Hwy 40).
~~7) The preliminary plat shall be valid only upon approval of revisions to Section 16-1201 of the City Code by the City Commission.~~
8) Prior to recording the final plat, the rezoning request [Z-10-17-09] from UR (RMO pending) to CC400 District shall be adopted and published.

Commissioner Harris said she could not vote in favor of this because she felt it was their duty to follow the code.

Commissioner Carter agreed with Commissioner Harris but proposed the motion because he disagreed with staff interpretation that it is an additional access versus moving it so he felt it did meet the code.

Commissioner Hird commended staff and appreciates the difference in the function in moving the access point. He felt there were two possible interpretations of the code therefore he can't conclude approving this would be a violation.

Commissioner Rasmussen appreciated the information from staff. He expressed concern about the information that suggested approval of this could have a large financial impact upon the city. He said the plat is still conditioned upon getting an access permit from KDOT. He thought the applicant could be better off if the code was changed because it could give the city more weight with KDOT in getting it changed. He said he will vote in favor of the motion and does not believe the vote will necessarily result in any type of cost implication for the city.

Commissioner Finkeldei agreed with what has been said. He did not see that this is in violation of the ordinance. He thought this was a huge policy issue for the city and wants to give them the most flexibility so he supports the motion.

Commissioner Singleton concerned about the finding that this plat would then not be in compliance with code. She felt there was a way to rewrite condition 7 and not exclude it.

Commissioner Dominguez said he would support the motion and felt that the International Fire Code is important for public safety and needs to looked into quickly.

Commissioner Moore said he would vote in favor of it. He agreed with many of the comments made.

Motion carried 6-2, with Commissioners Harris and Singleton voting in opposition. Student Commissioner Shelton voted in favor.

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ITEM NO. 2 CONDITIONAL USE PERMIT FOR MIDLAND JUNCTION; SW OF THE INTERSECTION OF E 1400 RD & N 2000 RD (SLD)

CUP-8-8-09: Consider a Conditional Use Permit for Midland Junction Sand Facility, on approximately 310 acres, generally located southwest of the intersection of E 1400 Rd & N 2000 Rd. Submitted by Landplan Engineering, for RCS Properties LLC, property owner of record.

Item 2 was deferred prior to the meeting.

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MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 Potential Text Amendments

Mr. Scott McCullough said it is just an informational update on Text Amendments.

MISC NO. 2 Planning Commission By-Laws

Mr. John Miller, staff attorney, prepared a draft modification of the Planning Commission By-Laws to revise the approach to the ex parte communications, and it will remove the requirements for ex parte communications before each item. He said it will need to go on the January Planning Commission agenda as an official item to vote on.

Consideration of any other business to come before the Commission.

Recess at 8:26pm until 6:30pm on December 16, 2009.

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Reconvene December 16, 2009 – 6:30 p.m.

Commissioners present: Blaser, Carter, Finkeldei, Harris, Hird, Moore, Rasmussen, Singleton, and Student Commissioner Shelton
Staff present: McCullough, Stogsdill, Leininger, J. Miller, Zollner, and Ewert

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BEGIN PUBLIC HEARING (DECEMBER 16, 2009):

COMMUNICATIONS
No communications received.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
  Commissioner Hird said about a month ago he had lunch with Jeff Hatfield to discuss other issues but the boarding house issue came up.
- Abstentions:
  Commissioner Singleton said she would abstain from the Oread Neighborhood Plan.

PC Minutes 12/16/09 **DRAFT**

ITEM NO. 3 COMPREHENSIVE PLAN AMENDMENT TO CHAPTER 14 (MJL)

CPA-2-1-09: Receive the Oread Neighborhood Plan and schedule for action in January.

STAFF PRESENTATION

Commissioner Singleton abstained from this item.

Ms. Michelle Leininger presented the item. Action will be taken in January.

Mr. McCullough advised the Planning Commission that it was appropriate to take public comment and that public comment is open until the January Planning Commission meeting.

Ms. Leininger said the draft version will not make any changes during this month.

Commissioner Finkeldei said the overlay districts are in the details. Historic Resources Commission came up with the two new overlay districts. Inquired about what they envision those to be and how they are different from other overlay districts.

Ms. Leininger said the Development Code allows for a handful of overlay districts. The Urban Conservation Overlay district and the Historic Overlay district are two of those. Ms. Zollner and I worked together to tweak the preservation section.

PUBLIC HEARING

Mr. Dennis Brown, President of the Lawrence Preservation Alliance, read LPA comments. He expressed the need for an outside consultant to lead Urban Conservation Overlay efforts.

Mr. Kyle Thompson, president of Oread Neighborhood Association, felt the five overlay districts were a good idea. He went over the letter communication that was included in the packet.

Commissioner Rasmussen asked if Mr. Thompson had a suggestion on what could be done to encourage owner occupants.

Mr. Thompson said different incentives but that he hasn't come up with anything specific.

Ms. Marci Francisco, 1101 Ohio, said she appreciated the new map showing the density. She said that five overlay districts is a good idea. She would like to see the EHS Bailey house that was added to the register on the map if possible.

Ms. Elle LeCompte discussed blight in the Oread neighborhood. She felt that more code enforcement was needed.

Mr. Rob Farha asked to see the overlay map on the overhead. Ms. Leininger displayed it on the overhead.

Mr. James Hicks expressed concern about blight as well. He said a program should be come up to slowly increase property taxes and tax incentives.

Mr. David Holroyd, 1224 Louisiana, brought up the issue of neighborhood revitalization and said the city is dragging their feet on doing that. He said blight is terrible. He felt like the city should set an example.

NO ACTION TAKEN

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ITEM NO. 4 AMENDMENTS TO DEVELOPMENT CODE; BOARDING HOUSE (SDM)

TA-6-17-09: Consider Text Amendments to various sections of the City of Lawrence Land Development Code to review standards related to "Boarding House." *Deferred from 10/26/09 Planning Commission.*

STAFF PRESENTATION

Mr. Scott McCullough presented the item.

Commissioner Harris asked how will the changes address the concerns about the behavior of the students.

Mr. McCullough said the Development Code is limited by what it can do. Other programs already in place can address those, such as the police. The Development Code is not going to address those issues but a little bit can be done with design, such as outdoor decks being limited in size.

PUBLIC HEARING

Ms. Carol von Tersch, Oread neighborhood resident for about 30 years, said she is getting tired of discussing these issues and the efforts don't seem to produce any outcomes. She felt the Development Code can address some behavioral issues of tenants by not encouraging boarding houses.

Ms. Candice Davis, lives in Oread neighborhood, met and discussed recent issues in December. She said she was outnumbered in the meeting because there were 3 Oread neighborhood association representatives and 6 boarding house people. She mentioned a memo from Linda Finger from 2004.

Mr. Zachary Stoltenberg, architectural student and designer of 928 Ohio Street, discussed the pro and con issues raised. Positives and negatives can apply to multiple residence types. He said the staff memo is not going to fix any of the issues raised.

Ms. Gwen Klingenberg, president of Lawrence Neighborhood Association, was concerned about parking. The more rooms allowed the more parking will be taken up on the street.

Mr. David Holroyd discussed walkability of the neighborhood. He felt that CDBG funds should go to sidewalks instead of neighborhood coordinators.

Mr. Tom Harper expressed concern about increased density.

Ms. Serena Hearn she decreased the density of the boarding homes she owns, gave example of 1121 Ohio where they took a 9 apartment house to a boarding house with 12 occupants. Many houses built with more than 4 bedrooms. She discussed income based appraisals.

Mr. Tom Devlin, Crimson Properties, commented on the increased value. He discussed the amount of parking. He said it's not a boarding house problem that causes parking issues, it's a university problem. It's a student behavioral problem and should not be addressed in the Development Code. Ordinances through the police is how issues should be handled.

Mr. Rob Farha, Crimson Properties, discussed parking.

Ms. Debbie Milks, 945 Ohio, dicussed parking issues. She felt that the cost to enforce a parking permit system was unlikely to work.

Mr. Jim O'Malley gave Old West Lawrence Association support for the Oread Neighborhood Association. Boarding houses should be limited with parking.

Ms. Marci Francisco, 1101 Ohio Street, said that boarding houses were not the only way to renovate structures. As the number of occupants goes up, property value goes up. She said parking needed to be addressed in the Code. Shouldn't favor one type over other development, but realize large structures should be saved.

Ms. Jeanne Pees, president of Sunset Hills Association, supports the Oread Neighborhood Association. She said she knew what it was like to live near and area with parking and noise issues.

Mr. Tony Backus, property owner in the Oread neighborhood, has invested 4 million dollars in 10 years.

Commissioner Harris asked how to address problem issues after the fact.

Mr. Backus said possibly permit parking.

Ms. Fadila Boumaza, owner of 928 & 930 Ohio Street, said it is not about money versus value because nobody buys a house to lose money. Every property is assessed by its merit. We look at properties for what they can offer to students. We need to figure out a way to meet everyone's needs. She said that a majority of concerns were emotionally based and there are rules to address those. She felt there was more work to be done with the text amendment.

Mr. Jeff Hatfield said he was willing to identify a resident manager.

Commissioner Carter asked Mr. Hatfield if he attends the neighborhood association meetings.

Mr. Hatfield said Mr. Farha attends them sometimes.

Mr. Devlin, Crimson Properties, showed a slideshow of the boarding houses from before and after they fixed them up.

Mr. Kyle Thompson, agreed that the boarding houses look nice but he is concerned that more people can come in and convert smaller houses into boarding houses and not do the same nice work.

Mr. John Pultz, 937 Ohio Street, said he likes his neighborhood but that it is also a very fragile neighborhood. Students living in groups make more noise and their behavior is different. As the housing options go down it becomes more exclusively undergraduate, making it harder for families, professionals, and grad students to live in the neighborhood.

COMMISSION DISCUSSION

Commissioner Finkeldei asked how staff came up with 20%.

Mr. McCullough said staff did some rough exercises on how to get different sizes of structures. The Development Code uses 20% for thresholds. Wanted it to be large enough to be meaningful but not so much to double the size.

Commissioner Finkeldei inquired about unlivable space.

Mr. McCullough said an example would be a basement that is not finished.

Commissioner Harris inquired about parking with the overlay district.

Mr. McCullough said the Development Code would have as its standard for parking one space per bedroom. Through the future overlay zoning exercise that standard can be revised. This condition doesn't necessarily exist in the Oread neighborhood alone.

Commissioner Harris shared information she received from the police department today regarding numbers on police calls to boarding houses.

Commissioner Carter said it is tough to draw too much from the information because they could have more vigilant neighbors that call the police more often. Student housing in general probably gets calls. He expressed concern about failing on blight and behavior. He said they need to protect current owners and their investments but going forward boarding houses need to be limited. HE suggested tax incentives as a great idea to encourage improvements and parking permit program that could generate funds for better enforcement.

Commissioner Hird felt it was a complicated issue. 90% of the issues have to do with behavior. He thought the list Commissioner Harris brought was helpful. He wondered how the bars affected the police numbers since the houses with the most calls are near the Hawk and The Wheel. He felt that these were law enforcement issues, not land Development Code issues. Property owners have the right to expect enforcement. He did not believe the parking issues in the Oread neighborhood are due to just boarding houses. He wondered how to stimulate investment in these old structures and preserve the historic element of these neighborhoods. He would favor a parking permit program but did not know who would fund it or enforce it. He said he appreciated all the comments made but did not know how this will solve all the issues.

Commissioner Singleton said nobody was suggesting that boarding houses are the sole cause of all the issues. She said she did not like the direction that the text amendment took from October to now. She felt that boarding houses are aimed at a certain demographic and felt they should require a Special Use Permit and have an onsite manager. She would like one parking spot per person in boarding houses and that it is a city wide issue, not just the Oread neighborhood. She said she would rather see diversity with apartments and single family homes around campus.

Commissioner Finkeldei disagreed with Commissioner Singleton and felt they were moving in the right direction. New construction has stricter parking requirements. When it comes to converting existing structures we want to encourage that. He said that when a Special Use Permit is put on a piece of property you cannot get the financing needed. He said he would not support a Special Use Permit for boarding houses. He said he would like to see City Commission to direct David Corliss to talk to Chief Olin to put more officers in the Oread neighborhood more often. He would also like more resources through Development Services be put into dealing with blight. He did think the overlay districts will be a place to attack certain issues. He did not think this is the place to address parking. He is not sure that a parking permit system is a good idea. He hoped City Commission can take steps to solve other issues that cannot be addressed in a land use document.

Mr. McCullough put on the overhead next to the police numbers how many occupants live in each house.

Ms. Boumaza said that some of the addresses were duplexes not boarding houses during the time period.

Commissioner Harris agreed with Commissioner Singleton but not sure about requiring Special Use Permits across the board. She suggested limiting the number of boarding houses and only in certain areas that make sense but did not know how to accomplish that without a Special Use Permit.

Commissioner Rasmussen said this process was started back in May and they didn't have much, now they have some proposed language that defines congregate living, set standards for limiting expansion of structures, site plan approval, limiting parking based on bedrooms, and limiting it for 1 space per bedroom on new construction. He thought it was all an improvement from where it started but that this is not a solution to other issues going on in the Oread neighborhood. He did not see boarding houses as the only problem that is contributing to issues in the Oread neighborhood. He thought this was a great start but could be improved through the Oread Plan process.

Commissioner Blaser said an onsite manager would be beneficial.

Commissioner Moore liked the one parking space per bedroom for new construction and the uncovered deck areas to 20 square feet. He said they cannot address all the issues right now but this is a good start.

ACTION TAKEN
Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve Text Amendment TA-6-17-09 to various sections of the City of Lawrence Land Development Code to review standards related to "Boarding House" and forward to City Commission.

Commissioner Harris said she will vote against the motion because it does not go far enough to spread boarding houses apart.

> Motion carried 6-2, with Commissioners Harris and Singleton voting in opposition. Student Commissioner Shelton voted in favor.

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ITEM NO. 5 AMENDMENTS TO DEVELOPMENT CODE; COMMUNICATIONS (SMS)

TA-10-21-09: Consider Text amendments to various articles to correct inconsistencies regarding the uses identified as 'Communications' and 'Communications Service Establishments.' *Initiated by Planning Commission on 8/24/09.*

STAFF PRESENTATION
Ms. Sheila Stogsdill presented the item.

PUBLIC HEARING
No public comment.

ACTION TAKEN
Motioned by Commissioner Harris, seconded by Commissioner Finkeldei, to approve the revised text for Sections 20-402, 20-403 and 20-506 to remove references to the use *Communications* and standards for *Communication Service Establishments* and forwarding of the proposed text amendment to the City Commission for approval and adoption.

Unanimously approved 8-0. Student Commissioner Shelton voted in favor.

ITEM NO. 6 AMENDMENTS TO DEVELOPMENT CODE; GENERAL & ADDITIONAL STANDARDS FOR RESIDENTIAL & NON-RESIDENTIAL CONSTRUCTION (SDM/SMS/AMB)

TA-11-23-09: Consider a Text Amendment to Article 12- Floodplain Regulations to review General and Additional Standards for Residential and Non-Residential Construction. *Initiated by Planning Commission on 10/26/09.*

STAFF PRESENTATION
Mr. Scott McCullough presented the item.

PUBLIC HEARING
No public comment.

ACTION TAKEN
Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the revised text for Section 20-1204(e) [and the minor revision to Sections 20-1203 (d)(2), 20-1204 (e)(2)(i)(a), 20-1204 (e)(3)(i)(a)(1), 20-1204 (h)(4)(i) and 20-1204 (h)(4)(ii) to add *or professional engineer*] and forwarding of the proposed text amendments to Chapter 20, Article 12 to the City Commission for approval and adoption.

Unanimously approved 8-0. Student Commissioner Shelton voted in favor.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

PUBLIC COMMENT SECTION

ADJOURN 9:20pm

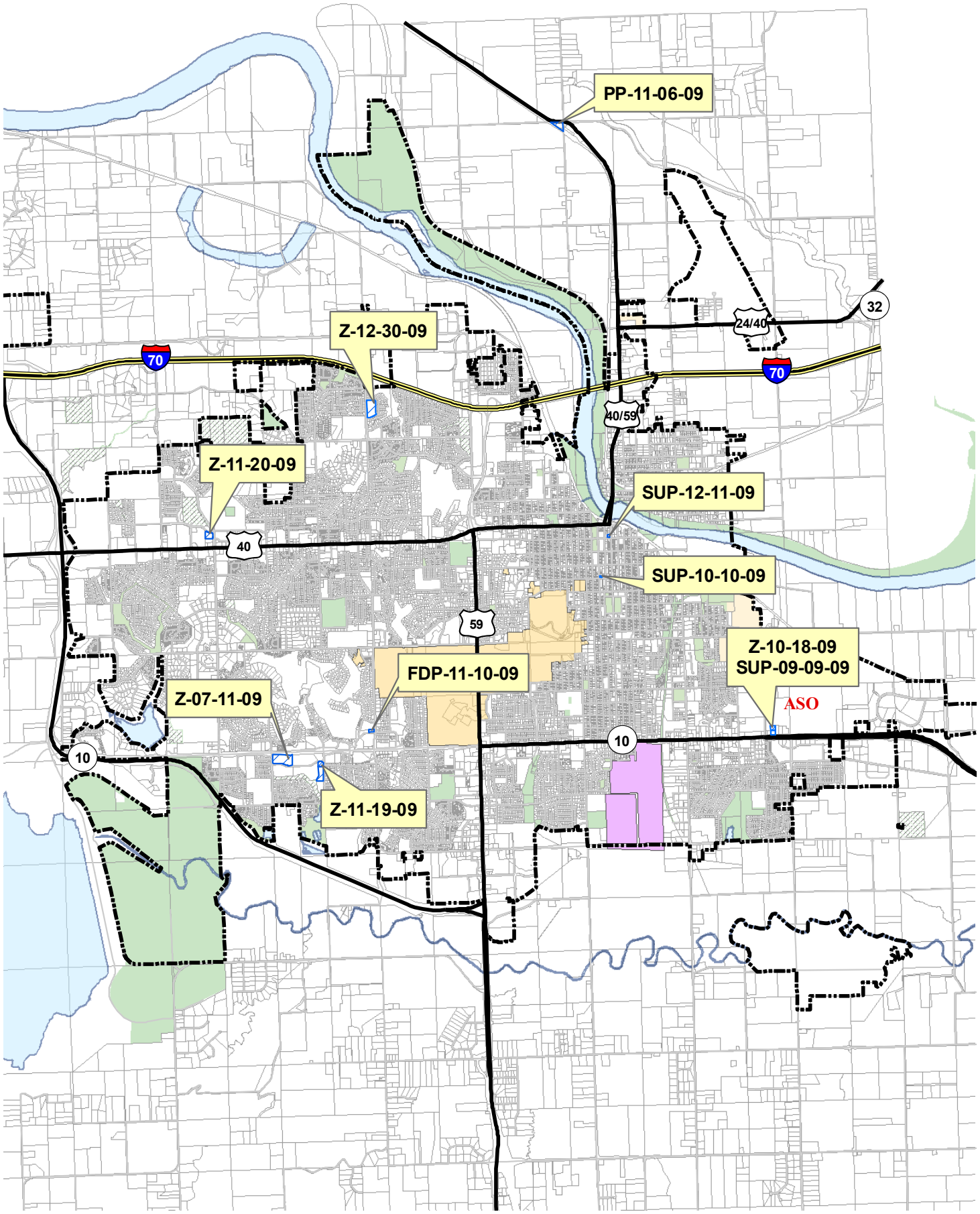
2010
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 13	Midland Junction Sand Facility		Jan 25	Jan 27
Feb 10	KU Endowment	Kansas Biological Survey	Feb 22	Feb 24
Mar 10	Industrial Design Guidelines		Mar 22	Mar 24
Apr 14			Apr 26	Apr 28
May 12	APA Conference Report		May 24	May 26
Jun 09				
June 11 *All day Friday*	PC Orientation *[including Joint City/County Commissions session]*		Jun 21	Jun 23
Jul 14			Jul 26	Jul 28
Aug 11			Aug 23	Aug 25
Sep 08			Sep 20	Sep 22
Oct 13			Oct 25	Oct 27
Nov 03			Nov 15	Nov 17
Dec 01			Dec 13	Dec 15

	Suggested topics for future meetings: *Joint meeting with other Cities' Planning Commissions* *Joint meeting with other Cities and Townships – UGA potential revisions* *Presentation from KC-metro Planning Directors* *Tour Bowersock Dam* *Tour City/County Facilities* *KU Endowment – Kansas Biological Survey*
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 11/06/09


PP-11-06-09
Z-12-30-09
Z-11-20-09
SUP-12-11-09
SUP-10-10-09
Z-10-18-09
SUP-09-09-09
ASO
FDP-11-10-09
Z-07-11-09
Z-11-19-09
70
70
40
59
10
10
32
24/40
40/59

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

ITEM NO. 1 : RM7 TO RMO; 8.71 ACRES; 3312 CALVIN DRIVE (SLD)

Z-12-30-09: Consider a request to rezone approximately 8.71 acres from RS7 (Single-Dwelling Residential) to RMO (Multi-Dwelling Residential-Office), located at 3312 Calvin Drive. Submitted by Landplan Engineering, for Grace Evangelical Presbyterian Church, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for 8.71 acres from RS7 (Single-Dwelling Residential) District to RMO (Multi-Dwelling Residential Office) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

APPLICANT'S REASON FOR REQUEST
"Based on the new development code this property to come in compliance with the code the property must be rezoned to match the use."

KEY POINTS
- This proposal for a Campus or Community Institution

GOLDEN FACTORS TO CONSIDER
CHARACTER OF THE AREA
- Residential area surrounding property.
- General location of property is along arterial at edge of neighborhood.
- Use is an existing church that had represented from inception that it would expand the facility to provide a separate sanctuary space in the future.

CONFORMANCE WITH *HORIZON 2020*
- Plan generally refers to area as community facility (Map 3-2).

ASSOCIATED CASES/OTHER ACTION REQUIRED
- Site Plan approval for future improvement of sanctuary – administrative item.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- Neighborhood Meeting scheduled for 1/17/09.

GENERAL INFORMATION

Current Zoning and Land Use:	RS7 (Single-Dwelling Residential) District; existing church.
Surrounding Zoning and Land Use:	RS7 (Single-Dwelling Residential) District in all directions; existing homes. PRD-[Hutton Farms] to the southwest; mixed residential development.

Project Summary

This request is to rezone the property from RS7 to a district in which a Campus or Community – Religious Assembly use is permitted. A Religious Assembly use with a capacity to seat more

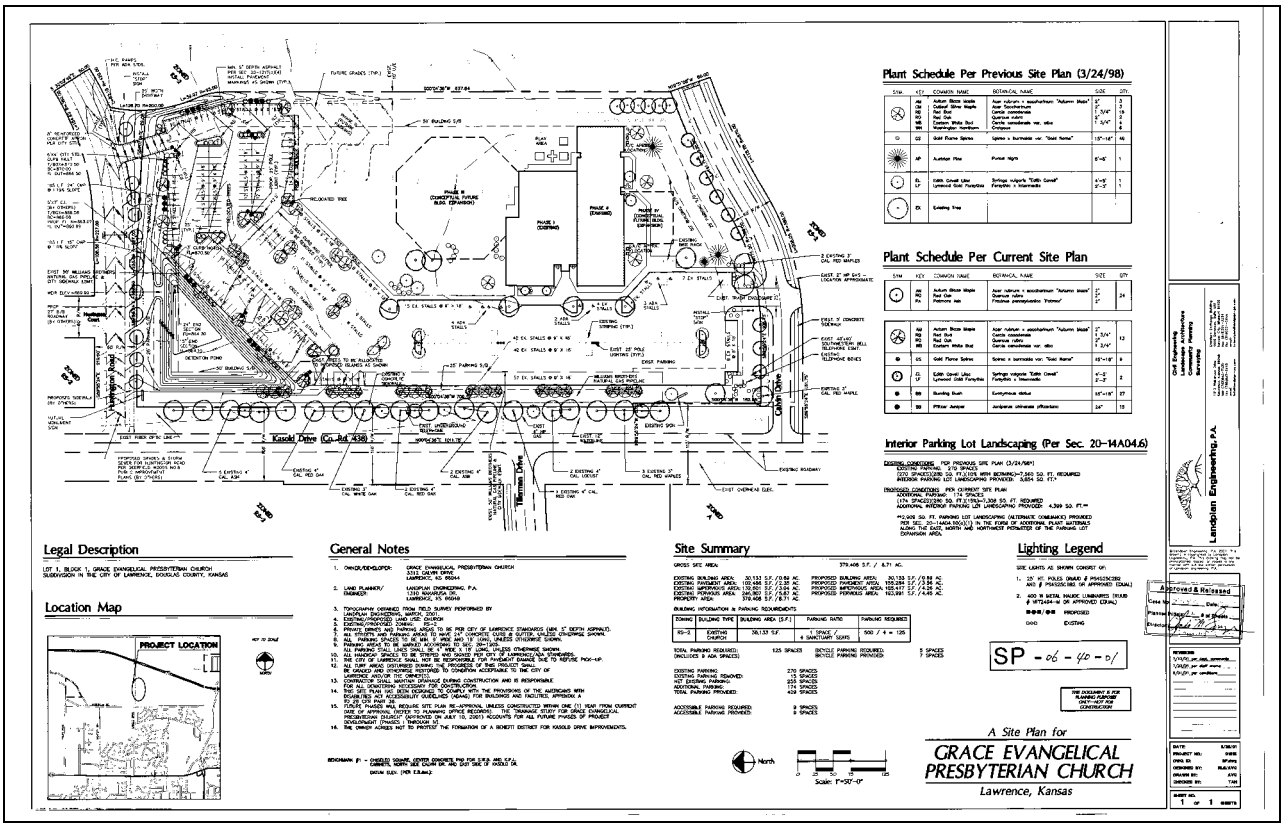
than 500 people is defined as a Campus or Community Religious Institution (20-1753). This use is not allowed in the RS or RSO zoning districts. The existing facility currently exceeds 800 seats. The existing use does not comply with the base zoning district.

Article 4 – Use Table Page 4 - 3

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts														Use-Specific Standards (Sec. 20-)
		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
	Temporary Shelter	A*	A*	A*	A*	A*	A*	S*/A*	A*	A*	A*	A*	A*	A*	S*/A*	544/522
	Social Service Agency	–	–	–	–	–	–	P	–	–	–	–	–	–	P	
	Community Meal Program	A*	A*	A*	A*	A*	A*	S/A*	A*	A*	A*	A*	A*	A*	S/A*	522
	Utility, 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
	Utility and Service, Major	S	S	S	S	S	S	S	S	S	S	S	S	–	S	
Medical Facilities	Extended Care Facility, General	–	–	–	–	–	–	S	P	P	P	P	P	P	P	
	Extended Care Facility, Limited	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Health Care Office, Health Care Clinic, Health Care Center	–	–	–	–	–	–	P	–	–	–	–	–	–	P	
	Hospital	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Outpatient Care Facility	–	–	–	–	–	–	P*	–	–	–	–	–	P*	P*	519
Recreational Facilities	Active Recreation	S	S	S	S	S	S	S	S	S	S	S	S	–	S	
	Entertainment & Spectator Sports, Gen.	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Entertainment & Spectator Sports, Ltd.	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Nature Preserve/Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	–	P	
	Private Recreation	P	P	P	P	P	P	P	P	P	P	P	P	–	P	
	Participant Sports & Recreation, Indoor	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Participant Sports & Recreation, Outdoor	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Religious Assembly	Campus or Community Institution	–	–	–	–	–	–	–	P*	P*	P*	P*	P*	P*	P*	522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	522
COMMERCIAL USE GROUP																
nal Services	Kennel	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Livestock Sale	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Sales and Grooming	–	–	–	–	–	–	–	–	–	–	–	–	–	–	

The applicant has indicated plans to pursue improvements to the property to construct a sanctuary on the north side of the property. The purpose of the rezoning is to establish a compliant base zoning district for the existing use and proposed expansions.

The following drawing depicts the most recently approved site plan with a future building addition shown.



REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

> "*This change in zoning would conform to the basic Planned Unit Concept as a buffer zone along the main roadway Kasold Drive and the existing single family units.*"

The subject property is generally located on the land use map 3-2 of *Horizon 2020*. This area is shown as suitable for Community Facility uses.

Community Facilities: Policy 2.2: Utilize Locational Criteria for Churches and Other Religious Facilities: Locate churches and other high-traffic uses at the periphery of neighborhoods to facilitate compatible uses and provide direct access to arterial, collector, or access/frontage streets. (Page 10-17, *Horizon 2020*) This church is an existing facility located along the east side of Kasold Drive. Kasold Drive is identified as a principal arterial on the Future Thoroughfares Map. The existing church location and the proposed expansion is compliant with this recommendation.

Staff Finding -- The proposed rezoning request conforms with *Horizon 2020* policies related to Community Facilities.

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

The subject property is surrounded by residential zoning. The area to the southwest is developed with mixed use residential buildings including detached homes, townhomes and apartments. The church was site planned in 1994 (SP-7-40-94). The residential subdivisions

were platted in 2001 (Deerfield Subdivision No. 8, east side of Kasold) and 1999 (Stonegate Subdivision west side of Kasold).

Staff Finding -- Property is surrounded by residential uses and abuts a principal arterial street. The RMO zoning is compatible with the surrounding residential uses and arterial street

3. CHARACTER OF THE AREA

Applicant's Response:

"*The Neighborhood is generally single family residential use with multi-family to the southwest with the church in the neighborhood. Single family exists adjacent to the church property on the east. Single family exists on the south across Calvin Drive and north across Huntington Road. Single family residential use predominantly on the west side of Kasold Drive."*

The area north of Peterson Road is not within a defined neighborhood boundary. Much of the area was platted as phases of Deerfield Woods Subdivision. Deerfield Elementary School is located to the southeast of the property. This area is generally known as the Deerfield Neighborhood. The area is characterized by single-family detached homes with non-residential or community uses located along the major peripheral roads (Kasold Drive and Peterson Road).

Staff Finding -- The area is best characterized as a residential neighborhood with non-residential uses located along the periphery

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

Staff Finding -- There are no adopted area or sector plans for the Deerfield area. *Horizon 2020* is the governing document with regard to land use for the neighborhood.

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

Applicant's Response:

"The existing church [which has historically consisted of a minimum of 500 seats], as well as the proposed expansion, poses little intrusion to and is in character with the surrounding neighborhood. The proposed RMO zoning accommodates low-to-medium intensity professional offices and multi-family residences, as well as some community facilities such as churches with a capacity of 500 seats or more. The proposed expansion, which will accommodate more than 500 sanctuary seats, requires rezoning from RS to RM, per code. The proposed RMO zoning appears most suitable under these circumstances."

The current land use does not comply with the base zoning district because of the seating of the church today (more than 500 seats). *"The primary purpose of the RS Districts is to accommodate predominantly single Detached Dwelling Units on individual Lots. The Districts are intended to create, maintain and promote housing opportunities for individual households, although they do permit nonresidential uses that are compatible with residential neighborhoods." (20-202 Development Code).* The RS7 District is characterized by 7,000 SF lots. Non-residential uses are generally of a Community Facility orientation such as nursing

homes and churches in this area. These uses are typically a low intensity nature in activity and traffic.

The purpose of the RMO district is *"to accommodate Mixed Use development of low- and moderate-intensity Administrative and Professional Offices that are compatible with the character of medium- and high-Density residential neighborhoods. The District is also intended to be used as a transitional Zoning District between higher-intensity commercial areas and residential neighborhoods. The District allows residential uses and Administrative and Professional Office uses, which may be combined in the same Structure (e.g., office on the Ground Floor or at the front of the Building with Dwelling Units on upper floors or toward the rear of the Building)." (20-202 Development Code)*

The property is developed with 30,133 SF of existing building space and 429 parking spaces (per SP-6-40-01). In a meeting with the applicant the existing multi-purpose space is used for worship service and typical seating is 800+ people. The intent of this application is to accommodate an existing use that is currently more intensive than what is permitted in the RS districts for a community facility use. There is no intention that this property be redeveloped for a multi-family use.

Staff Finding -- The existing use and proximity to a major arterial street is consistent with a more intense base zoning district. The current RS7 zoning does not reflect the current land use. This Community Facility land use is projected to continue into the future as a Community Religious Institution.

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

Applicant's Response:

"The property is not vacant. A sanctuary construction project is proposed as an upgrade to the existing facility."

Staff Finding – The property is developed with an existing church and parking lot. Worship services are currently conducted in a multi-purpose room of the building. Future plans to construct a separate sanctuary space have been shown on previous site plans as a future phase of development for the site.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's response:

"This use has been in this location beginning in 1994 (SP-7-40-94) with no problems or affect to the existing nearby properties. This property has an existing approved site plan (SP-06-40-01) that has been reviewed and has been maintained with the City of Lawrence."

Approval of the proposed zoning will facilitate planned improvements to the property for continued use of the building and property. Approval of the request does modify some of the building setback requirements and development standards as shown in the table below:

20-601 DENSITY AND DIMENSIONAL STANDARDS

(a) Residential Districts
Unless otherwise expressly stated, all development in R Districts shall comply with the Density and Dimensional Standards of the following table:

Standard	RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12/ RM12D [6]	RM16	RMO	RM24	RM32	RMG
Min. Lot Area (sq. ft.)	40,000	20,000	10,000	7,000	6,000	3,000	5,000	6,000	6,000	5,000	6,000	6,000	10,000
Min. Lot Area per Dwelling Unit (sq.ft.)	40,000	20,000	10,000	7,000	6,000	3,000	--	--	--	--	--	--	--
Max. Dwelling Units per acre	--	--	--	--	--	--	15	12	15	22	24	32	1
Min. Lot Width (ft.)	150	100	70	60	40	25	50	60	60	50	50	50	50
Min. Lot Frontage	40	40	40	40	40	25	40	60	60	40	50	50	50
Min. Setbacks (ft.):													
Front [5]	25	25	25	25	20	15 [1]	25	25	25	25	25	25	25
Side (Exterior) [2][5]	25/25	25/20	25/15	25/10	20/10	15/10	25/10	25/10	25/10	25/10	25/10	25/10	25/10
Side (Interior) [5]	20	20	10	5	5	5	5	5	5	5	5	5	5
Rear [3][5]	30/35	30/35	30/25	30/25	20/25	20/25	20/25	20/25	25/25	20/25	20/25	20/25	20/25
Max. Bldg. Cover (% of site)	15 [4]	30 [4]	40 [4]	45 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	60 [4]	60 [4]
Max. Impervious Cover (% of site)	25 [4]	50 [4]	70 [4]	70 [4]	75 [4]	75 [4]	75 [4]	75[4]	75 [4]	75[4]	75[4]	80[4]	80[4]
Min. Outdoor Area (per Dwelling):													
Area (sq. ft.)	None	None	None	None	240	150	None	50	50	50	50	50	None
Dimensions (ft.)	N/A	N/A	N/A	N/A	12	10	N/A	5	5	5	5	5	NA
Max. Height (ft.)	35	35	35	35	35	35	35	35	45	45	45	45	35[4]

Future improvements require site plan approval thus allowing detailed review of development. Additionally approval of the proposed change will require the implementation of a Type 1 buffer yard per section 20-1005 of the Development Code that is not currently required.

Staff Finding – Detrimental impacts are not anticipated by the proposed change.

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:

"Rezoning would allow proposed improvement, under the Land Development Code to be in compliance. Hardship, due to denial of this request, would result by the inability of the Owner to make necessary improvements."

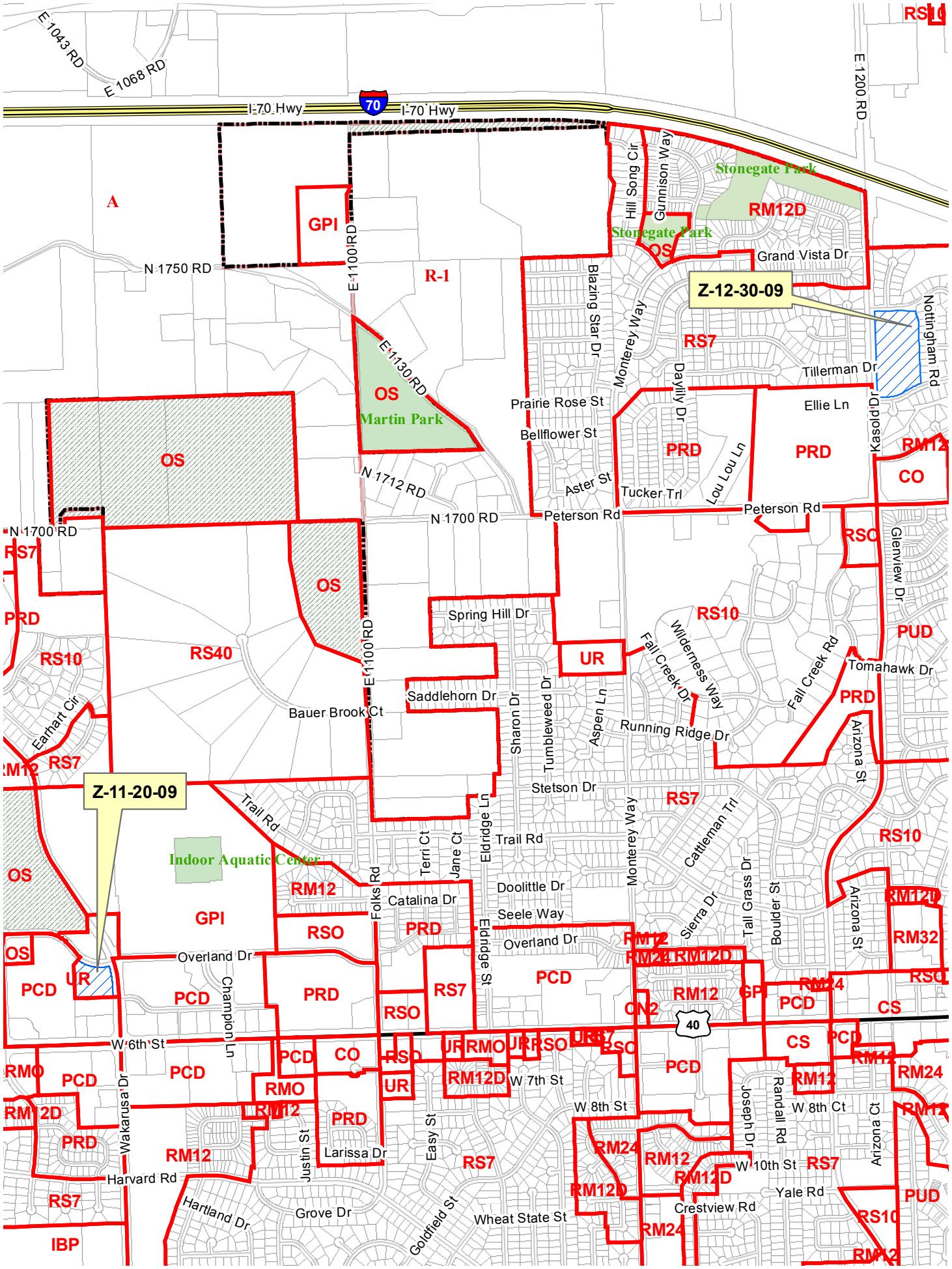
Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

Denial of the rezoning request would limit the planned improvements to that which is allowed for expansion of a non-conforming use per section 20-1502 of the Development Code. Approval of the request will provide an appropriate base district for the existing use.

Staff Finding – Denial of the rezoning request would have no positive impact on the public health, safety and welfare while it would prohibit the property owner from future improvements in compliance with the recommendations of the Comprehensive Plan.

9. PROFESSIONAL STAFF RECOMMENDATION

Approval of the rezoning will bring the existing use into compliance with the base zoning district and allow future improvements of the property. Staff recommends the approval of the rezoning request to the RMO District.


E 1043 RD
E 1068 RD
I-70 Hwy
70
I-70 Hwy
E 1200 RD
A
GPI
N 1750 RD
E 1100 RD
R-1
Hill Song Cir
Gunnison Way
Stonegate Park
Stonegate Park
RM12D
OS
Grand Vista Dr
Z-12-30-09
Blazing Star Dr
Monterey Way
RS7
Davilly Dr
Tillerman Dr
Nottingham Rd
Ellie Ln
Prairie Rose St
Bellflower St
PRD
PRD
Lou Lou Ln
Aster St
Tucker Trl
Peterson Rd
Peterson Rd
Kipposay Dr
RM12
CO
RSO
Glenview Dr
E 1130 RD
OS
Martin Park
OS
N 1712 RD
N 1700 RD
N 1700 RD
RS7
PRD
RS10
RS40
OS
E 1100 RD
Spring Hill Dr
UR
RS10
Wilderness Way
Fall Creek Dr
Fall Creek Rd
Tomahawk Dr
PUD
PRD
Saddlehorn Dr
Bauer Brook Ct
Sharon Dr
Tumbleweed Dr
Aspen Ln
Running Ridge Dr
Earhart Cir
RS7
Z-11-20-09
Trail Rd
Stetson Dr
RS7
Arizona St
RS10
OS
Indoor Aquatic Center
Terri Ct
Jane Ct
Eldridge Ln
Trail Rd
Monterey Way
Cattleman Trl
Folks Rd
RM12
Catalina Dr
Doolittle Dr
GPI
RSO
PRD
Seele Way
Eldridge St
Overland Dr
Sierra Dr
Tall Grass Dr
Boulder St
Arizona St
RM12D
RM32
OS
Overland Dr
UR
PCD
PCD
PRD
RS7
PCD
RM12
GP
PCD
CS
RSO
Champion Ln
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W 6th St
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RMO
RM12D
UR
RM12D
W 7th St
W 8th St
RM12
W 8th Ct
RM12
Wakarusa Dr
PRD
RM12
PRD
Justin St
Larissa Dr
Easy St
RS7
RM24
RM12
RM12D
Joseph Dr
Randall Rd
Arizona Ct
Harvard Rd
RM12
W 10th St
RS7
RS7
Hartland Dr
Grove Dr
Goldfield St
Wheat State St
RM12D
Yale Rd
PUD
Crestview Rd
RS10
IBP
RM24
RM12

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item:

PC Staff Report
1/25/10

ITEM NO. 2 SPECIAL USE PERMIT FOR RESEARCH SERVICES; 645-647 MASSACHUSETTS ST (SLD)

SUP-12-11-09: Consider a Special Use Permit to expand Research Services in portions of existing buildings located at 645-647 Massachusetts Street. The proposed use is located on portion of Lot 15 and all of Lots 17 and 19 Massachusetts Street. Submitted by Barber Emerson, LC, for GCB Holdings, LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of SUP-12-11-09, a Special Use Permit for Research Service uses located at 645-647 Massachusetts Street [located on a portion of Lot 15 and all of Lots 17 and 19 Massachusetts Street], based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Execution of a Site Plan Performance Agreement.
2. Publication of an ordinance per Section 20-1306(j) to include the following use restrictions as noted on the face of the site plan:
    a. No manufacturing or production activities shall be conducted on-site;
    b. No radioisotopes or other radioactive materials shall be used on-site;
    c. No known type 1 mutagens or carcinogens shall be used on-site;
    d. No known toxins or pathogens shall be used on-site; and
    e. No animal research shall be conducted on-site.
3. Publication of an ordinance per Section 20-1306 (j) to include a statement that this Special Use shall be permitted for a period of 10 years from date of publication of the ordinance.
4. Provision of a note on the face of the site plan that states: "Construction of the 4,840 SF 2nd floor addition shall occur within 24 months after the date of publication of the ordinance and shall be subject to Historic Resources Commission review and approval and issuance of building permits. Construction after 24 months from date of publication of the ordinance shall require a request for extension per Section 20-1306 of the Development Code or review and approval of a revised Special Use Permit per Section 20-1306 of the Development Code and approval of the project by the Historic Resources Commission if an extension is not granted."

Applicant's Reason for Request: *This is a generic SUP request submitted by the property owner/landlord to expand the permitted use of existing downtown office space to allow limited research activities under the special use category of "Research Service," which is an allowed special use in the CD zoning district under the Lawrence Development Code. (Additional comments attached).*

KEY POINTS

- Property is developed.
- The City Commission previously approved a Special Use Permit for Research Services at 647 Massachusetts Street. This request proposes to expand those uses into other portions of the building at 645 and 647 Massachusetts Street.

- Proposed request does not include a specific tenant.
- Additional building permit required for tenant finish.

FACTORS TO CONSIDER
- Procedural requirements of Section 20-1306; Special Use Permits.
- Attached description of request from applicant.

ASSOCIATED CASES/OTHER ACTION REQUIRED
- SP-8-21-71; bank.
- SP-01-04-91; drive-up window.
- SP-07-58-96; office to retail conversion (Gap).
- SP-07-49-99; retail office changes.
- SUP-02-01-09; Research Service Use; Approved by City Commission 5/5/09; Ordinance Number 8395.
- DR-02-14-09; SUP-02-01-09 review.
- DR-03-22-09; exterior alterations review.
- DR-12-145-09; SUP-12-11-09 review.
- Publication of a Special Use Permit ordinance per Section 20-1306(j).

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
None have been received.

ATTACHMENTS
- Supporting letter from applicant
- Area map
- Site Plan

GENERAL INFORMATION

Current Zoning and Land Use:	CD (Downtown) District; existing development.
Surrounding Zoning and Land Use:	CD (Downtown) District; existing development.

Summary of Special Use
The property is located on the west side of Massachusetts Street. The proposed Research Service use would primarily occupy space on the 2nd floor of the buildings at 645 Massachusetts Street (existing 4 stories) and 647 Massachusetts Street (existing 2 stories).

The proposed use is defined in section 20-1758 of the Development Code as:

> *20-1758 RESEARCH SERVICES. Research of an industrial or scientific nature generally provided as a service or conducted by a public agency or private firm. Typical uses include electronics research laboratories, environmental research and development firms, agricultural and forestry research labs, and pharmaceutical research labs.*

The following table provides a floor by floor summary of space for both buildings.

Total Space – Existing Use			
Location – Use Existing	**645 Mass (SF) (Lot 17 and part Lot 15)**	**647 Mass (SF) (Lot 19)**	**Total (SF)**
Basement – Parking/Storage	8,700	5,800	14,500
Floor – 1 – Retail	8,700	5,800	14,500
Floor – 2 – Office	3,860	5,800	9,660
Floor – 3 – Office	3,860	0	3,860
Floor – 4 – Office	3,860	0	3,860

A specific tenant is not known at this time. The applicant has proposed this SUP in order to market the space for Research Service uses. The building footprint will not be altered by this request.

SITE SUMMARY

	Existing	**Proposed**	**Change**
Property Area (sq ft):	14,625	14,625	-
Building cover (sq ft):	14,500	14,500	-
Total Impervious Area (sq ft):	14,625	14,625	-
Total Pervious Area (sq ft):	0	0	-

Site Plan Review:
The property is built with existing structures. A roof diagram is provided to show the location of existing and proposed mechanical equipment as part of the site plan. Immediate physical building improvements proposed for the site include the roof mounted mechanical equipment, a change to a rear door and replacement of windows. The property is located in the Downtown Urban Conservation Overlay District.

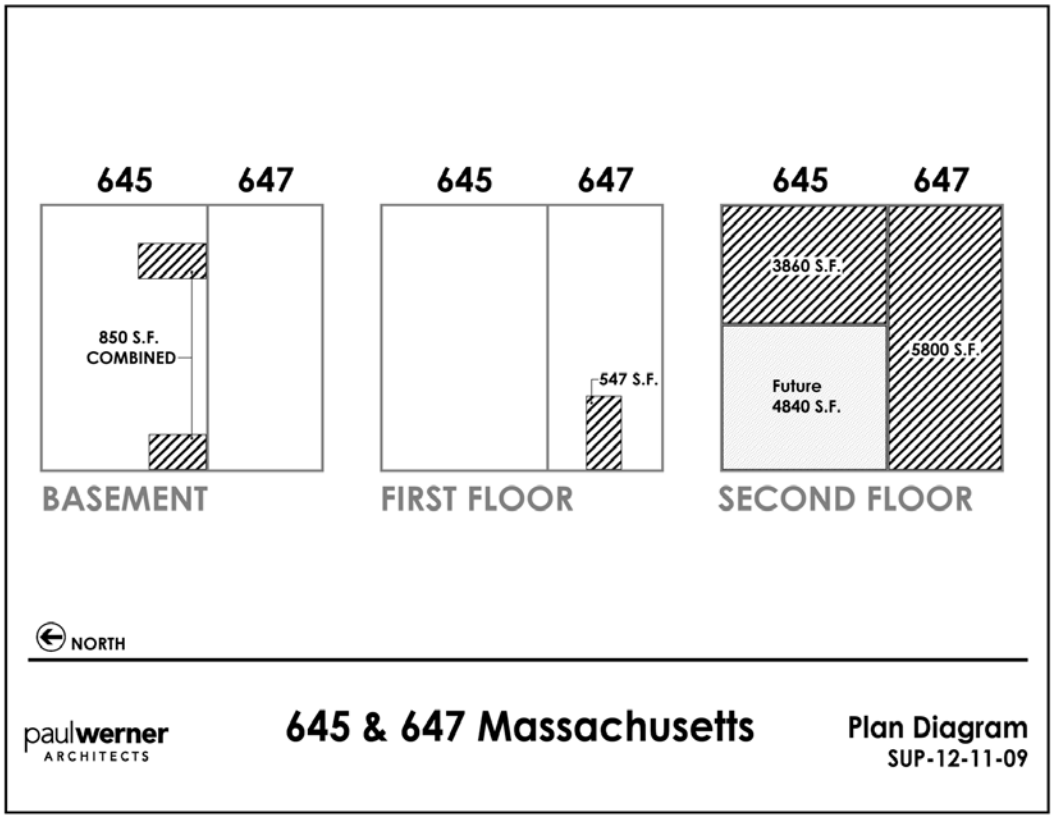
Off-street parking is not required for land uses in the CD district. Parking is provided on-street and in public and private parking lots throughout the downtown area.

The Special Use Permit approval allows a Research Services use to occupy 9,660 SF of 2nd floor area in the existing building at 645 and 647 Massachusetts Street. A limited area on the first floor and basement levels (534 SF and 850 SF respectively) is also included in this Special Use Permit application. The remainder of the 1st floor (13,966 SF) will continue to be occupied by retail uses.

The site plan also indicates the potential for a future second floor addition at 645 Massachusetts Street that could provide an additional 4,840 SF for Research Services uses. This future addition will require an amendment to the Special Use Permit, Historic Resources Review and building permits prior to construction.

The following table and plan graphic is provided to illustrate the general locations and square foot allocation for the Research Services use associated with this Special Use Permit request.

Total Space to be Occupied by Proposed Research Services Use.		
Location	**Total Space Proposed for Use (SF)**	**Total Remaining Space for Other Uses (SF)**
Basement – Parking/Storage	850	13,650
Floor – 1 – Retail	534	13,966
Floor – 2 – Office	9,660 + 4,840 (future)	0
Floor – 3 – Office	0	3,860
Floor – 4 – Office	0	3,860
Note: Future 2nd floor addition will require revised SUP, Historic Resources review and building permits.		



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

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

Applicant's Response: *Yes.*

Staff Finding – The site plan complies with the information requirements set out in the Development Code. The proposed use is an allowed use subject to Special Use Permit approval.

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

Applicant's Response: *Yes. Applicant owns the entire building, as well as the adjacent property. Hours of operation, traffic, light, noise, dust, etc. will be comparable to permitted general office use.*

The proposed use will be located within existing buildings. Only limited building alterations are proposed (window replacement, rear door entry replacement, and roof mounted equipment) at this time. The site plan indicates a potential future 2nd floor expansion at 645 Massachusetts Street (Lots 17 and part of Lot 15). Off-street parking is not required for uses in the CD district. The site is developed and thus consistent with the existing developed character of the surrounding area. Anticipated hours of operation would be consistent with other office uses found downtown.

Staff Finding – The proposed Research Services use will be compatible with adjacent uses.

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

Applicant's Response: *No. The proposed use will have no affect on other property in the vicinity.*

The proposed use will allow for occupancy of currently vacant space in existing buildings. The property is located within the downtown core. Vertical mixing of uses within multi-story buildings is a common characteristic of the downtown area. The applicant has proposed limitations to further protect the interests of the property and surrounding area as follows:

1. No manufacturing or production activities conducted on-site;
2. No radioisotopes or other radioactive materials may be used on-site;
3. No known type 1 mutagens or carcinogens may be used on-site
4. No known toxins or pathogens may be used on-site; and
5. No animal research conducted on-site.

These limitations are identical to those previously approved in SUP-2-01-09 for 647 Massachusetts Street in May 2009.

These more specific limitations are noted on the face of the site plan. They are also recommended to be stated in the ordinance, if approved.

Staff Finding – No diminution of value is anticipated if approved. Approval will not alter the base zoning district that will continue to allow office and retail uses.

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 City Utility Department has indicated that when a specific tenant is identified additional information is needed to assure proper waste disposal. This issue would be addressed as part of the

building permit application process. Tenant finish will also include necessary fire and building code compliance.

Staff Finding – Approval of the request will not detrimentally impact the ability to provide continued public services to the property.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

The site plan will function as the enforcement tool for the land use. The property is built and is subject to adopted building code requirements. No special maintenance is required with the exception of addressing waste disposal through the building permit review process.

Staff Finding – No continuing maintenance provisions are required for this request if approved.

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

Applicant's Response: *No. the SUP will not have any negative impact on the natural environment. Essentially, the SUP is required to allow biology related research uses in the building structure adjacent to the previously approved SUP for 2nd floor 647 Massachusetts. Otherwise, there will be virtually no change or impact compared to the existing permitted office use of the property.*

The property is located within a developed urban area. There are no regulated flood zones in the immediate area. The application includes necessary mechanical equipment to provide proper venting. Water quality assurances are addressed through various local, state, and federal regulations for waste disposal. Any special requirements for a future tenant will be reviewed as part of the building permit process.

Staff Finding – Approval of the request should not result in adverse impacts on the natural environment.

7. WHETHER IT IS APPROPPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO WHAT THAT TIME PERIOD SHOULD BE.

Approval of the request will not alter the base CD zoning district. Approval of the request is specific to the area shown on the site plan. Section 20-1306 (I) provides procedures to amend, suspend, or revoke an approved Special Use Permit. The proposed space is not intended for manufacturing operations associated with products resulting from research activities. The function of the space appears to be similar to other office type uses allowed in the CD District. Approval of the Special Use Permit for a given period of time will allow required evaluation of the use and consistency with applicable codes at that future time. The previous application included a 10 year period of validity for the SUP application. At such time a new application would be required. This note is reflected on the face of this site plan.

Staff Finding – Approval of the Special Use Permit for a given period of time will allow evaluation of the use and consistency with applicable codes at that time. Staff recommends a condition of 10

years be included in the publication of the ordinance. This limit is currently reflected as a note on the face of the site plan.

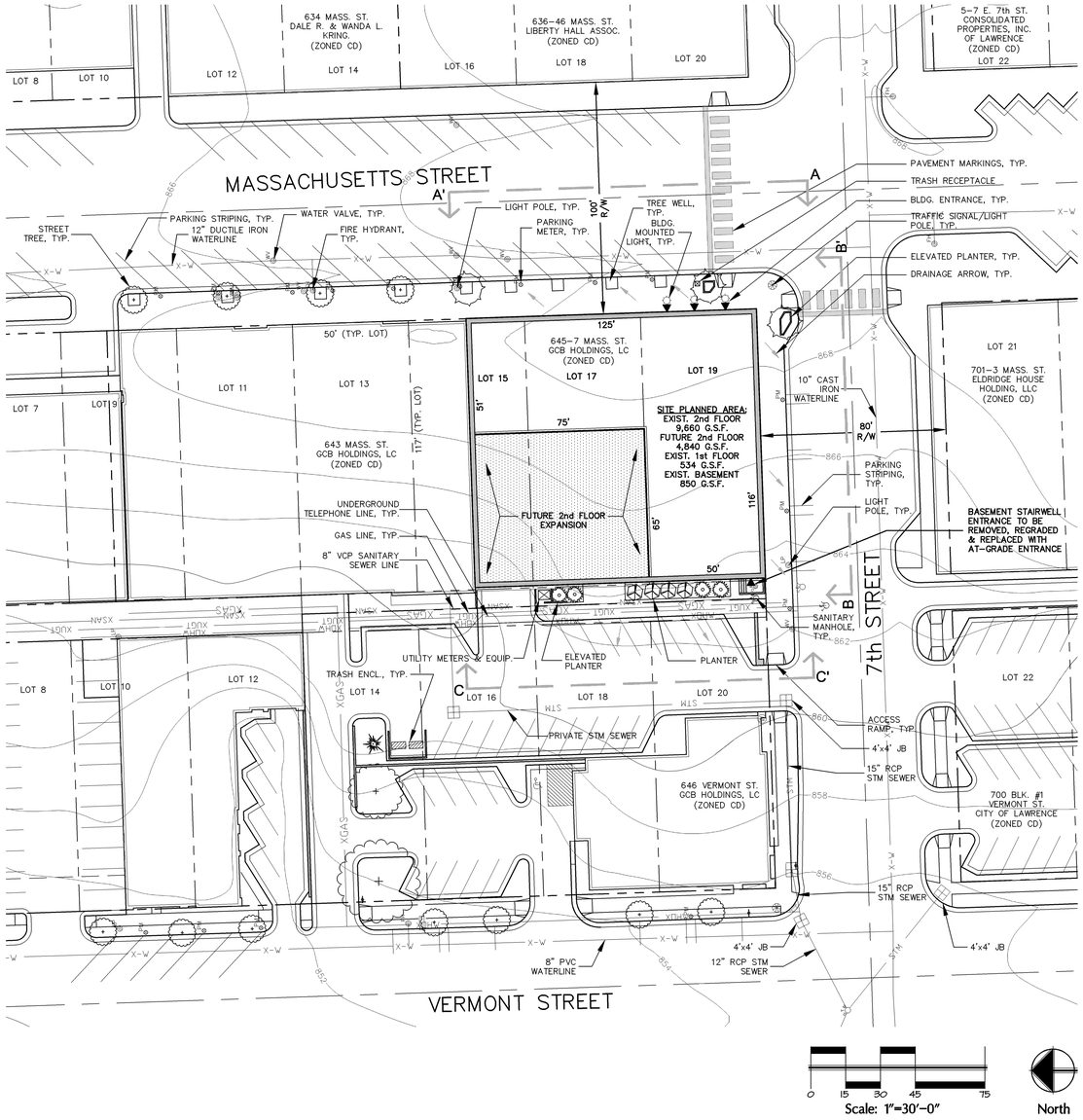
Conclusion

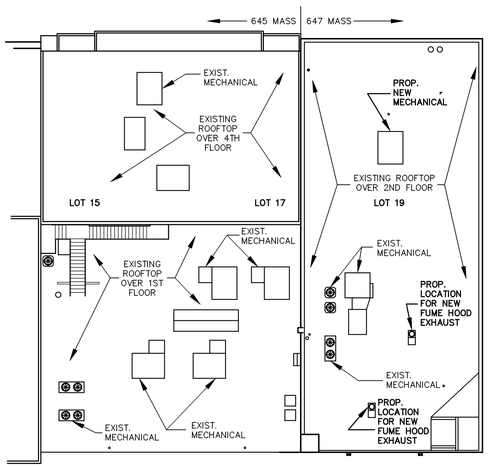
The land use is proposed to be restricted by limitations proposed by the applicant. These limitations are noted on the face of the site plan to clearly indicate the range of activities anticipated for the site. A thorough review of tenant finish plans will be required to assure compliance with fire, building, and utility codes and standards.

The use has potential to bring desired employees/employers to downtown. The use is compatible and appropriate for this location and staff recommends its approval with the conditions noted.

The future building addition will require additional review to assure compliance with Historic Resources requirements and the Urban Conservation Overlay District design guidelines.

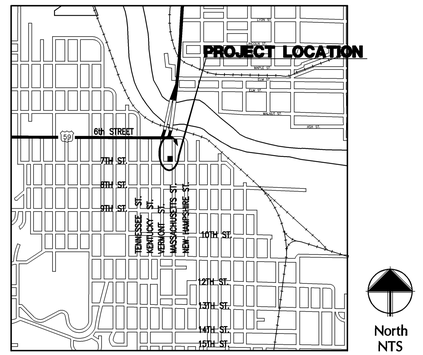
Approval of this request includes the approval of the future 2nd floor addition of 645 Massachusetts Street subject to Historic Resources Commission review and approval and issuance of applicable building permits. If construction commences within 24 months from the date of the publication of the ordinance no additional review to the Special Use Permit will be required; except that Historic Resources Commission review and approval is still required. Any proposed construction for the future 2nd floor addition of 645 Massachusetts Street shall require full Special Use Permit review per Section 20-1306 of the Development Code in addition to Historic Resources Commission review and approval prior to issuance of a building permit unless an extension for the Special Use Permit has been granted. Regardless, Historic Resources Commission review and approval is required prior to any construction of the proposed 2nd floor addition to 645 Massachusetts Street.





Roof Diagram
Scale 1"=20'

Location Map



Legal Description

LOT 17 AND 19 AND A PORTION OF LOT 15, ON MASSACHUSETTS STREET, ORIGINAL TOWNSITE FOR THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

General Notes

1. OWNER: GCB HOLDINGS, INC.
   643 MASSACHUSETTS STREET
   SUITE 300
   LAWRENCE, KS 66044
2. LAND PLANNER: LANDPLAN ENGINEERING, PA.
   1310 WAKARUSA DRIVE
   LAWRENCE, KS 66049
3. EXISTING LAND USE: VACANT
4. PROPOSED LAND USE: RESEARCH SERVICE
5. EXISTING ZONING: CD
6. PROPOSED ZONING: CD
7. TOPOGRAPHIC INFORMATION OBTAINED FROM AN AERIAL SURVEY PERFORMED BY MJ HARDEN, 2003.
8. EXISTING BUILDING INFORMATION:

645 MASS ST.		647 MASS ST.	
4TH FLOOR (OFFICE)	3,860 SF		
3RD FLOOR (OFFICE)	3,860 SF		
2ND FLOOR (OFFICE)	3,860 SF	2ND FLOOR (OFFICE)	5,800 SF
GROUND FLOOR (RETAIL)	8,700 SF	GROUND FLOOR (RETAIL)	5,800 SF
BASEMENT (PARKING/STORAGE)	8,700 SF	BASEMENT (STORAGE)	5,800 SF
TOTAL	28,980 SF	TOTAL	17,400 SF

9. PARKING INFORMATION: NO OFF–STREET PARKING IS REQUIRED IN THE CD DISTRICT.
10. THIS SITE HAS BEEN DESIGNED TO COMPLY WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28 CFR PART 36.
11. THE FOLLOWING RESTRICTIONS APPLY:
    A. NO MANUFACTURING OR PRODUCTION ACTIVITIES SHALL BE CONDUCTED ON–SITE
    B. NO RADIOISOTOPES OR OTHER RADIOACTIVE MATERIALS SHALL BE USED ON–SITE
    C. NO KNOWN TYPE 1 MUTAGENS OR CARCINOGENS SHALL BE USED ON–SITE
    D. NO KNOWN TOXINS OR PATHOGENS SHALL BE USED ON–SITE
    E. NO ANIMAL RESEARCH SHALL BE CONDUCTED ON–SITE
12. SUP IS GRANTED APPROVAL FOR 10 YEARS. A NEW SUP SHALL BE REQUIRED BEFORE FEBRUARY 2020 TO CONTINUE RESEARCH SERVICE USES.
13. DR–3–22–09 (HISTORIC RESOURCES COMMISSION REVIEW) ADMINISTRATIVELY APPROVED 4/16/09.
14. DR–12–145–09 (HISTORIC RESOURCES COMMISSION REVIEW).

Property Surface Summary

EXISTING		PROPOSED	
TOTAL BUILDINGS	14,500 S.F.	TOTAL BUILDINGS	14,500 S.F.
TOTAL PAVEMENT	125 S.F.	TOTAL PAVEMENT	125 S.F.
TOTAL IMPERVIOUS	14,625 S.F.	TOTAL IMPERVIOUS	14,625 S.F.
TOTAL PERVIOUS	0 S.F.	TOTAL PERVIOUS	0 S.F.
TOTAL SITE AREA	14,625 S.F.	TOTAL SITE AREA	14,625 S.F.

Plant Schedule

SYMBOL	QTY.	SPECIES	SIZE	COND.
TREES				
	3	ZELKOVA SERRATA JAPANESE ZELKOVA	APPROX. 2" CAL.	EXIST.
SHRUBS				
	4	JUNIPERUS SPP. UPRIGHT JUNIPER	APPROX. 6' HT.	EXIST.
	4	TAXUS x MEDIA 'DENSIFORMIS' DENSIFORMIS YEW	APPROX. 3' HT.	EXIST.

MAYOR – CITY OF LAWRENCE

DIRECTOR OF PLANNING & DEVELOPMENT SERVICES – CITY OF LAWRENCE



A–A' East Elevation
Not to Scale



B–B' South Elevation
Not to Scale





C–C' West Elevation
Not to Scale

An SUP Site Plan for

645–7 Mass St.

Lawrence, Kansas

Civil Engineering
Landscape Architecture
Community Planning
Surveying

Landplan Engineering, P.A.

1310 Wakarusa Drive
Lawrence, Kansas 66049
tel (785)843–2410
fax (785)843–2410
email landplan@landplan-pa.com
Web www.landplan-pa.com

Lawrence, KS • Kansas City, MO • Manhattan, KS
Blue Springs, MO • The Woodlands, TX

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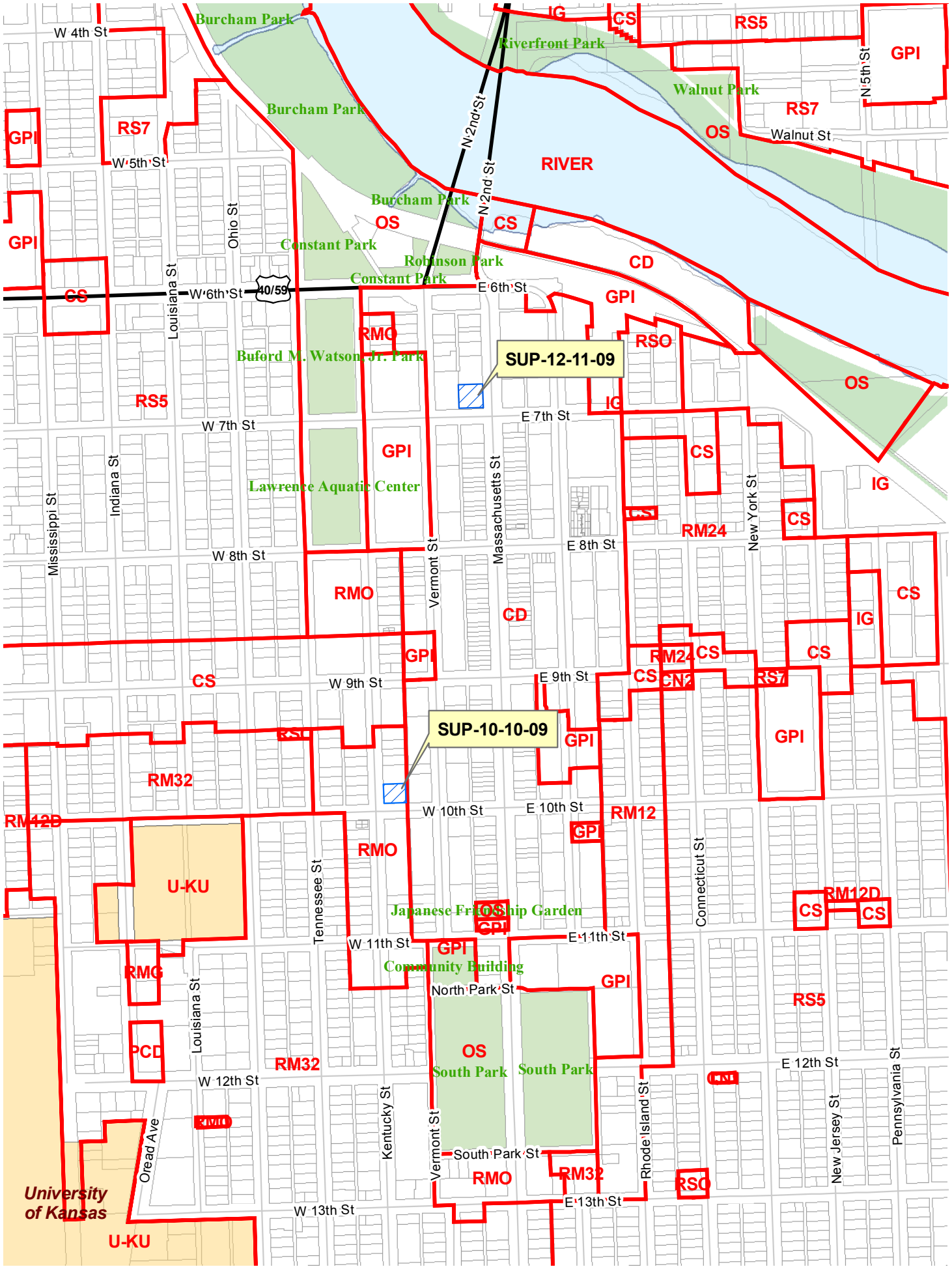
REV	DATE	DESCRIPTION
1	3/11/09	PER DEPT. COMMENTS
2	4/22/09	PER CONDITIONS
3	11/23/09	EXPANSION OF USE
4	11/25/09	1ST FLOOR EXP.
5	1/13/10	PER DEPT. COMMENTS

DATE:	2/17/09
PROJECT NO.:	2009.605.24
DESIGNED BY:	PWA
DRAWN BY:	BRM/BS
CHECKED BY:	TAH

ISSUE	SHEET NO.
	1 OF 1 SHEETS

LAST SAVED BY: Brian Sturm LAST SAVED DATE: 1/13/2010 4:39 PM

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SUP-12-11-09
SUP-10-10-09
Burcham Park
Riverfront Park
Walnut Park
Constant Park
Robinson Park
Buford M. Watson Jr. Park
Lawrence Aquatic Center
Japanese Friendship Garden
Community Building
South Park
RIVER
W 4th St
W 5th St
W 6th St
W 7th St
W 8th St
W 9th St
W 10th St
W 11th St
W 12th St
W 13th St
E 6th St
E 7th St
E 8th St
E 9th St
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E 11th St
E 12th St
E 13th St
N 2nd St
N 5th St
Walnut St
Louisiana St
Ohio St
Mississippi St
Indiana St
Vermont St
Massachusetts St
New York St
Tennessee St
Connecticut St
Kentucky St
Rhode Island St
New Jersey St
Pennsylvania St
North Park St
South Park St
Oread Ave
40/59
University of Kansas
U-KU
GPI
RS7
RS5
CS
IG
RMO
RSO
OS
CD
RM24
RM32
RM12D
RM12
PCD

Memorandum
City of Lawrence
Planning & Development Services

TO: **Lawrence – Douglas County Planning Commission**

FROM: **Scott McCullough, Director**

Date: **For January 25, 2010 Planning Commission Agenda**

RE: **Z-7-11-09 – Casitas Rezoning**

History

September 21, 2009: the PC recommended, with an 8-1 vote, that the City Commission approve the subject rezoning request as proposed. Few public comments were made at the PC hearing.

October 6, 2009: the City Commission considered the request and denied the rezoning application. Substantially more neighbors attended and testified in opposition to the rezoning request. Noise, traffic, aesthetics, concern for "straight" zoning without restrictions, etc. were cited as unacceptable elements of the request.

November 2, 2009: the City received a letter from Mark Andersen, applicant's attorney, "to formally appeal in writing the City Commission's denial of the rezoning request" and requesting that the City Commission reconsider its denial of the rezoning request.

December 10, 2009: the applicant's engineering consultant hosted a meeting with nearby property owners to discuss their concerns.

December 15, 2009: Mark Andersen submitted a second letter to the City Commission for their consideration. The City Commission, by a 4-1 vote, rescinded their October 6, 2009 vote to deny the rezoning request and referred the request to the Planning Commission to consider conditional zoning to include the following:

1. The restrictions contained in the December 15, 2009 letter from Mark Andersen.
2. That the contract for purchase for the property be revised to provide that the request for rezoning not be final unless and until the applicant has removed all contingencies to close under the contract.
3. That the site plan, as finalized, be attached to and made a condition of the rezoning.

Staff Recommendation

Staff recommends that the PC consider the restrictions and recommend approval of the rezoning with the following conditions placed on the RM15 zoning (as applied to the approving ordinance) for this specific site:

1. Development of the property shall be in substantial conformance with the site plan dated January 4, 2010 and attached hereto. Any changes to the site plan that oppose the spirit of these conditions or that are considered major by the Planning Director shall be reviewed by the City Commission after public hearing in which mailed notice is provided to owners within 1,000 feet at least 20 days prior to the hearing.
2. The use of the property shall be limited to Multi-Dwelling Structures as shown on the site plan.
3. Every building in the development shall be limited to a maximum height of one story above grade.
4. Every residential unit shall be limited to a maximum of one bedroom.
5. The development shall be limited to a maximum of 161 residential units.
6. Advertising banners shall be prohibited at the corner of 24th Place and Inverness Drive.
7. The number of adult occupants shall be limited to no more than two (2) per unit.
8. Prior to the zoning ordinance being published, the applicant will record a Declaration of Covenants and Restrictions which, among other things, will (i) prohibit the construction of any permanent structure on the corner of 24th Place and Inverness Drive, (ii) restrict the use of the property to a maximum of 161 one-story, single-bedroom, residential units, and (iii) name the City of Lawrence as a third-party beneficiary whereby the Declaration may not be amended or terminated without the prior consent of the City. The City's Legal Department shall review this document prior to recording.
9. These zoning conditions shall be listed on the approved site plan prior to site plan approval.

Discussion

The request received staff and PC support without restrictions and without substantial public testimony. After the PC meeting, the neighborhoods to the south carried notice of the proposal around the neighborhood (the code-required notice did not reach them). Their testimony prompted the City Commission to deny the rezoning request. After this action, the applicant and Commissioner Johnson coordinated a meeting with property owners in these neighborhoods to discuss the development of the property. Several concerns were raised and the City Commission determined that the request would best be served by being returned to the Planning Commission for a discussion on conditional zoning and appropriate conditions to place on the request.

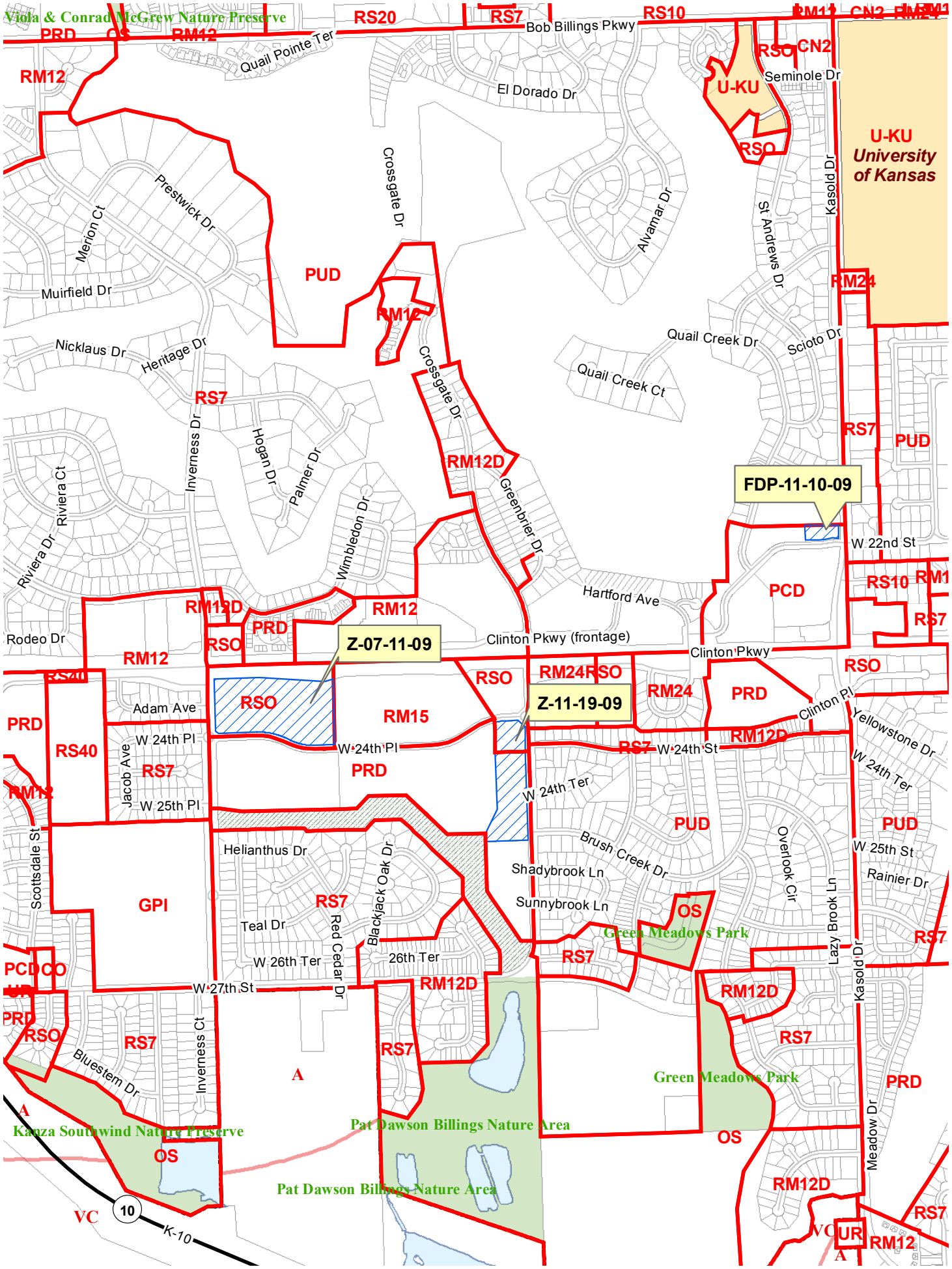
This request demands a brief discussion on the options the city has relative to zoning and rezoning property, especially if there is concern, as is the case here, with unrestricted "straight" zoning where no plan accompanies the zoning request or where the plan can be revised once zoning is established. Several options are in the zoning "tool box" to both benefit applicants and to address neighbors' concerns. The following mechanisms exist in the Development Code.

1. Initiate rezoning – if the PC or CC believe a property is not properly zoned it can initiate rezoning to a more appropriate, comprehensive plan compliant district. While most rezonings are requested by property owners, the city has initiated rezonings in the past in order to meet a specific community or neighborhood goal.
2. Planned Overlay districts – this district intends to, amongst other things, "promote attractive and functional residential, nonresidential, and mixed use developments that are compatible with the character of the surrounding area." The overlay is established and reflected in a plan that identifies density, structure type, uses, etc. They can benefit applicants by permitting certain variances to development standards and they can benefit neighbors because the overlay acts as a hard zone and any major changes to the plan may only be made after public hearing before the City Commission.
3. Conditional zoning – This topic is not new to the PC. It involves placing conditions on a rezoning request to restrict use or other elements of a proposed development. Conditions can vary widely and are typically very specific to a site or to elements that demand special attention.

In order to address the neighbor's concerns, the applicant has proposed recording a Declaration of Covenants and Restrictions which would name the City of Lawrence as a third-party beneficiary whereby the Declaration may not be amended or terminated without the prior consent of the City. As the Planning Commission is often advised by staff, the City does not enforce private deed restrictions. While naming the city as a third-party beneficiary may be legally feasible, it is not a tool of the Development Code and staff and the applicant will need to work on how to address future revisions to the Declaration – notice, timing, etc. Further, staff points to consistent Development Code processes for restricting land use and code standards and does not wish to process Covenants and Restrictions as a matter of course without including them in the Development Code tool box.

The Development Code speaks to the kinds of protections being sought by the neighbors by allowing Planned Development Overlay districts and by allowing conditional zoning, code mechanisms that insure appropriate public notice if the plan is revised in the future. With the recommended conditional zoning, the deed restrictions may be unnecessary, but will act as additional assurance to the neighbors that the applicant's intention will be carried out.

Staff appreciates the efforts made by the applicant and the neighbors to arrive at an acceptable plan. Staff continues to recommend approval of the request, but with zoning conditions as outlined in this report.


Viola & Conrad McGrew Nature Preserve
PRD
OS
RM12
RS20
RS7
Bob Billings Pkwy
RS10
RM12
CN2
RM24
Quail Pointe Ter
RM12
El Dorado Dr
RSO
CN2
Seminole Dr
U-KU
RSO
U-KU
University
of Kansas
Prestwick Dr
Merion Ct
Crossgate Dr
Alvamar Dr
St Andrews Dr
Kasold Dr
PUD
RM24
Muirfield Dr
RM12
Quail Creek Dr
Scioto Dr
Nicklaus Dr
Heritage Dr
Quail Creek Ct
RS7
Inverness Dr
Hogan Dr
Palmer Dr
Crossgate Dr
RM12D
RS7
PUD
Riviera Ct
Riviera Dr
Wimbledon Dr
Greenbrier Dr
FDP-11-10-09
W 22nd St
PCD
RS10
RM1
Hartford Ave
RM12D
RM12
RS7
Rodeo Dr
PRD
RSO
Z-07-11-09
Clinton Pkwy (frontage)
Clinton Pkwy
RM12
RS40
RSO
RM24RSO
RSO
RM24
PRD
Clinton Pl
Adam Ave
RSO
RM15
Z-11-19-09
Yellowstone Dr
PRD
RS40
W 24th Pl
W 24th Pl
RS7
W 24th St
RM12D
W 24th Ter
RM12
Jacob Ave
RS7
PRD
W 25th Pl
PUD
PUD
Scottsdale St
Helianthus Dr
Brush Creek Dr
Overlook Cir
W 25th St
Rainier Dr
GPI
Blackjack Oak Dr
RS7
Shadybrook Ln
Sunnybrook Ln
OS
Green Meadows Park
Teal Dr
Red Cedar Dr
Lazy Brook Ln
RS7
PCD
CO
W 26th Ter
26th Ter
RS7
W 27th St
RM12D
RM12D
Kasold Dr
RSO
RS7
Inverness Ct
RS7
RS7
Bluestem Dr
A
Green Meadows Park
PRD
A
Kanza Southwind Nature Preserve
Pat Dawson Billings Nature Area
OS
OS
RM12D
Pat Dawson Billings Nature Area
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PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
01/25/10
ITEM NO. 3: RSO TO RM15; 10.97 ACRES; 4300 W 24TH PLACE (SLD)

Z-7-11-09: Consider a request to rezone approximately 10.97 acres, located on SE corner of Inverness and Clinton Pkwy at 4300 W 24th Place, from RSO (Single-Dwelling Residential Office) to RM15 (Multi-Dwelling Residential). Submitted by BG Consultants Inc, for Inverness Park LP, property owner of record.

STAFF RECOMMENDATION from September 2009: Staff recommends approval of the rezoning request [Z-7-11-09] for 10.97 acres from RSO (Single-Dwelling Residential-Office) to RM15 (Multi-Dwelling Residential) 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.

Findings of Fact Summary Only

I. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Staff Finding – The ability to provide interconnected access between the subject property and the surrounding development is limited. The property is bounded on three sides by public right-of-way. Vehicular access to Clinton Parkway is prohibited. Non-motorized or pedestrian connection likewise is not feasible because of existing topography, land elevation, and infrastructure. Therefore connectivity of the property with the pedestrian network and surrounding development is limited to 24th Place.

Both the RSO and the RM15 zoning district may be used as a transition zone between properties. A key change that would result from approval of the request is the impact on building type. If approved, the building form would not be restricted to dwellings on individual platted lots. The proposed request is consistent with the basic recommendation found in *Horizon 2020*.

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

Staff Finding -- There are a variety of zoning districts and uses in this area. The property is zoned RSO, a mixed residential/office district that is restricted to detached-dwelling, duplex, and attached dwellings on individual lots, community facilities, and office uses. Approval of the request will increase the amount of land dedicated to multi-dwelling use than originally planned for the area. Approval will also eliminate the opportunity for non-residential uses in this location.

III. CHARACTER OF THE AREA

Staff Finding -- The property is located in proximity to several existing residential subdivisions and apartment complexes. Lower density residential development is located to the east of Inverness Drive and south of the open space park. The proposed zoning is directly across from "The Grove", an apartment complex zoned as a planned unit development on the south side of

24th Street. The area has a mixed character with uses including high-intensity residential development, attached townhomes, and detached single family dwellings.

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

Staff Finding -- The subject property is not part of a designated neighborhood for which there is an adopted area or sector plan. The guiding document for this property is *Horizon 2020*. The property abuts an arterial street to the north. Access to the property will be limited to the local street, 24th Place. The property to the east and south are developed with multi-story apartments. These types of areas are noted in *Horizon 2020* to be suitable for more intensive development.

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

Staff Finding -- Development of detached housing in this location will be disconnected from similar housing in the surrounding area. Attached housing as an option in the RSO District requires individual lots. The subject property would be required to be replatted for individual lots and the dedication of right-of-way for public streets. Office use is limited to not more than 5,000 GSF in the RSO District and is suitable at the corners of the area along Clinton Parkway. Approval of the request reinstates the previous multi-family allowance that was allowed in the RO-1B District under the 1966 code with a slightly higher maximum density. Regardless of the change in zoning, development will require site plan approval prior to building.

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

Staff Finding – The subject property is undeveloped. The property is part of a larger tract that was annexed and rezoned in 1999 in anticipation of development. The southern portions of the original acreage have been developed with detached and duplex residential uses.

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

Staff Finding – Approval of the request will allow for the continuation of multi-family dwelling while maintaining the same base density. Approval of the request eliminates non-residential uses as a development option for the neighborhood.

VIII. 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

Staff Finding -- Approving the rezoning request would not alter existing benefit to the public health and welfare.

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
09/21/09

ITEM NO. 2: RSO TO RM15; 10.97 ACRES; 4300 W 24TH PLACE (SLD)

Z-7-11-09: Consider a request to rezone approximately 10.97 acres, located on SE corner of Inverness and Clinton Pkwy at 4300 W 24th Place, from RSO (Single-Dwelling Residential Office) to RM15 (Multi-Dwelling Residential). Submitted by BG Consultants Inc, for Inverness Park LP, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request [Z-7-11-09] for 10.97 acres from RSO (Single-Dwelling Residential-Office) to RM15 (Multi-Dwelling Residential) and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Applicant's reason for request: *"The rezoning is requested because while the existing zoning allows the density the project requires, it does not allow the proposed units to be placed on one lot. The existing zoning would require public streets to be platted throughout the parcel. The proposed project would function with private streets and parking areas under the proposed zoning."*

KEY POINTS

- This property had been included in an earlier rezoning request upon annexation of 160 acres known as the Getto property (Inverness Park Addition).
- Use Permitted upon Review for a retirement center (UPR-5-3-03 – Village Meadows) and project approval expired.
- Approval of the original development recommended mixed use to provide a transition of uses within the neighborhood..

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The surrounding area is developed with both detached homes and apartments.

CONFORMANCE WITH *HORIZON 2020*

- The proposed request is consistent with the general principles of *Horizon 2020* as identified.

ASSOCIATED CASES/OTHER ACTION REQUIRED

ANNEXATION

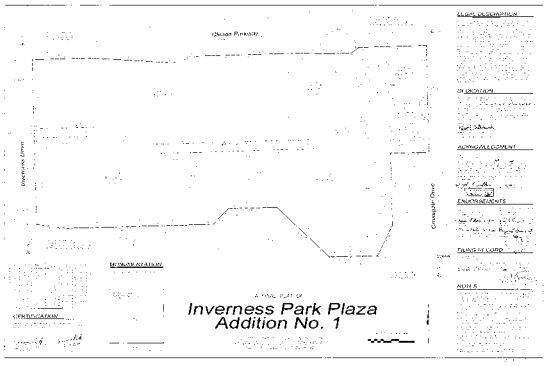
- A-4-4-99; 163.46 acres (Getto property).

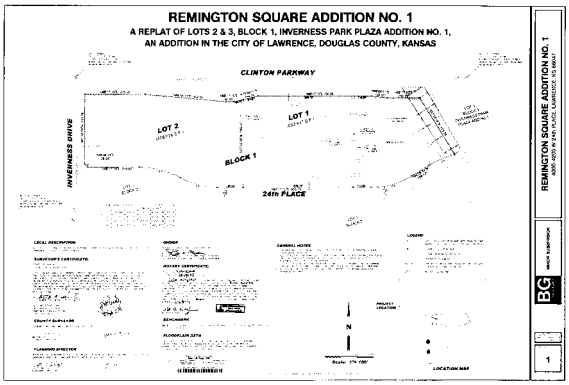
REZONING

- Z-4-10-99; A to RO-1B; 17.738 acres of original tract.
- RO-1B converted to RSO upon adoption of the Development Code in 2006.
- Z-10-26-07; RSO to RM15 (Remington Square Apartments) to the east.

PLATTING

- Inverness Park Plaza Addition No. 1 (see inset).
- PF-09-29-04, a Final Plat for Inverness Park Plaza Addition No. 5 [Expired, conditions not met, document not recorded]
- MS-6-9-08, Remington Square Addition No. 1 (see inset).





Development

- UPR-09-09-04; The Fountains [Expired, conditions not met]
- B-09-25-04; variance from building height and required parking associated with UPR.
- Site plan required for development regardless of zoning change.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No public comment has been received prior to the printing of this staff report.

GENERAL INFORMATION

Current Zoning and Land Use: RSO (Single-Dwelling Residential Office) District; undeveloped land.

Surrounding Zoning and Land Use:



RSO (Single-Dwelling Residential Office) District to the north; existing office use.

PRD-[Wimbeldon Terraces] to the north; existing townhouse development.

RM12 (Multi-Dwelling Residential) District to the northeast; Bishop Seabury Academy.

RM15 (Multi-Dwelling Residential) District to the east; developing apartment complex (Remington Square).

PRD [The Grove] to the south; apartment complex.

RS7 (Single-Dwelling Residential) District to the southwest; existing detached homes.

RM12 (multi-Dwelling Residential) District to the west and northwest. Existing duplexes and church.

I. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"Horizon 2020 supports infill development. The proposed project is an infill development which will provide a consistent and compatible land use with the surrounding area. The proposed project will create a progression of land use to help achieve a transition in land use and intensity levels.

The existing zoning and proposed rezoning are both medium density residential with a maximum of 15 units per acre. Medium density residential zoning should be located along major roadways. This project is located along Clinton Parkway. The proposed project will consist of 6 and 8 unit townhouses which do not exist adjacent to the project site. This will create a mix of housing types in the surrounding areas."

Horizon 2020 recognizes the need to provide a variety of housing opportunities. A key strategy of residential development is to provide a "mixture of housing types, styles and economic levels" for new residential and infill developments.

Neighborhood concepts include designs that promote social interaction, efficient use of automobiles, and encourage pedestrian and non-motorized activity. The neighborhood concept further recommends that different types, styles, sizes, densities, and price ranges should be incorporated into development and encourages live/work opportunities.

Chapter Five – Residential Land Use
Residential Land Use Goals and Policies: Medium- and Higher-Density Residential Land Use

"Policy 2.7(b):Encourage the use of a variety of housing types, including town homes, patio homes, zero lot line homes, cluster housing, garden apartments and retirement housing."

Additional policies address connectivity, building arrangement, compatibility with surrounding land uses and adequate vehicular circulation within developments. Since the property was originally zoned in 1999 *Horizon 2020* has undergone multiple updates.

The staff report for the original zoning approval for this parcel included reference to Chapter 7 of *Horizon 2020.* It was noted that employment opportunities would result from non-residential or exclusively residential zoning. The Employment Related Land Use categories found in the recently adopted Chapter 7 include office, office research, work-live type center and industrial/business/research park uses. Policies in Chapter 7 reflect the principle throughout the document to integrate land uses and to provide land use transitions between uses as needed. Approval of the request removes the opportunity for non-residential uses within the neighborhood.

Staff Finding – The ability to provide interconnected access between the subject property and the surrounding development is limited. The property is bounded on three sides by public right-of-way. Vehicular access to Clinton Parkway is prohibited. Non-motorized or pedestrian connection likewise is not feasible because of existing topography, land elevation, and infrastructure. Therefore connectivity of the property with the pedestrian network and surrounding development is limited to 24th Place.

Both the RSO and the RM15 zoning district may be used as a transition zone between properties. A key change that would result from approval of the request is the impact on building type. If approved, the building form would not be restricted to dwellings on individual

platted lots. The proposed request is consistent with the basic recommendation found in *Horizon 2020*.

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

Staff Finding -- There are a variety of zoning districts and uses in this area. The property is zoned RSO, a mixed residential/office district that is restricted to detached-dwelling, duplex, and attached dwellings on individual lots, community facilities, and office uses. Approval of the request will increase the amount of land dedicated to multi-dwelling use than originally planned for the area. Approval will also eliminate the opportunity for non-residential uses in this location.

III. CHARACTER OF THE AREA

Applicant's Response:
"The neighborhood to the east consists of medium density multi-family residential (RM15 zoning - 15 units/acre). The neighborhood to the south consists of medium density multi-family residential (PRD zoning – 13.7 units/acre). The neighborhood to the west consists of medium density multi-family residential (RM12 zoning – 12 units/acre). The neighborhood to the southwest consists of low density single family residential (RS7 – 7 units/acre). The neighborhood to the north consists of mixed uses including office and medium density multi-family residential (RSO, PRD and RM12 zoning).

The subject property is located on the south side of Clinton Parkway, a designated arterial street, and on the north side of 24th Place, a designated local street. Inverness Drive to the west and Crossgate Drive to the east are both collector streets. The subject property is not located within an established "neighborhood boundary" but is located near Sunflower Elementary School to the southwest. The areas located immediately south and east are developed with multi-family uses. The larger neighborhood area is anchored by two nodal commercial areas located at the intersections of Kasold Drive and Clinton Parkway and at Wakarusa Drive and Clinton Parkway. Because of the proximity of the floodplain there is extensive open space within the larger neighborhood area. Higher intensity land uses are typically found along an arterial street while lower intensity uses are found toward the interior of a neighborhood. The exception to this pattern is found on the south side of 24th Street between Inverness Drive and Crossgate Drive. This area is dominated by apartment development that is geared toward the college student market.

Staff Finding -- The property is located in proximity to several existing residential subdivisions and apartment complexes. Lower density residential development is located to the east of Inverness Drive and south of the open space park. The proposed zoning is directly across from "The Grove", an apartment complex zoned as a planned unit development on the south side of 24th Street. The area has a mixed character with uses including high-intensity residential development, attached townhomes, and detached single family dwellings.

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

The subject property is not part of a designated neighborhood. The property was part of a development request that included 160 acres and a mix of uses. The 1999 "plan" for the Getto property, indicated on the original preliminary plat, was intended with low density single-

dwelling and duplex development south of the drainage area (open space park) and more intensive land uses to the north. The plan was eroded by the approval of a planned unit development for The Legends at KU and its extension that ultimately became "The Grove". The Planned Unit Development was to be used as a tool to address design issues and provide for buffering between developments to the east of Inverness Drive.

Staff Finding -- The subject property is not part of a designated neighborhood for which there is an adopted area or sector plan. The guiding document for this property is *Horizon 2020*. The property abuts an arterial street to the north. Access to the property will be limited to the local street, 24th Place. The property to the east and south are developed with multi-story apartments. These types of areas are noted in *Horizon 2020* to be suitable for more intensive development.

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

Applicant's response:
"The existing RSO zoning allows a maximum of 15 units per acre density. The requirement of individual lots for each unit of the allowed attached dwellings creates restrictions that will make this property undevelopable. If this property was developed for attached dwellings under the existing zoning, additional footage of public streets would need to be built and dedicated to the City. The Developer is proposing private parking and driveways under the proposed zoning which will minimize the impact on the City's street maintenance budget."

The subject property is zoned RSO. Under the Land Development Code the residential element is restricted to single-dwelling detached, attached dwelling, zero lot line dwelling, cluster dwelling, and duplex dwelling options. The RSO District was established as a result of the conversion of the previous RO-1B zoning that allowed both single-dwelling and multi-dwellings. This conversion also increased the base density from 12 to 15 dwelling units per acre.

The purpose of the RSO District is to accommodate low to medium intensity administrative and professional offices that are compatible with the character of low and medium-density residential neighborhoods. It is also intended to be used as a transitional zoning district between higher intensity commercial areas and residential neighborhoods (Section 20-203). The RM districts are intended to accommodate multi-dwelling housing. The multi-dwelling residential districts allow the creation of higher density housing opportunities in areas with good transportation access. The RM15 District has a corresponding Comprehensive Plan designation of "Medium Density limited to 15 dwelling units per acre"; where as the RSO District has a corresponding Comprehensive Plan designation of "low or medium density" reflecting its flexible design.

Staff Finding -- Development of detached housing in this location will be disconnected from similar housing in the surrounding area. Attached housing as an option in the RSO District requires individual lots. The subject property would be required to be replatted for individual lots and the dedication of right-of-way for public streets. Office use is limited to not more than 5,000 GSF in the RSO District and is suitable at the corners of the area along Clinton Parkway. Approval of the request reinstates the previous multi-family allowance that was allowed in the RO-1B District under the 1966 code with a slightly higher maximum density. Regardless of the change in zoning, development will require site plan approval prior to building.

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

Applicant's Response:
"The property has remained vacant as zoned since it was annexed into the City in 1999."

Staff Finding – The subject property is undeveloped. The property is part of a larger tract that was annexed and rezoned in 1999 in anticipation of development. The southern portions of the original acreage have been developed with detached and duplex residential uses.

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

Applicant's response:
"The proposed rezoning will not detrimentally affect nearby properties. The existing zoning, RSO, has substantially the same requirements as the proposed zoning, RM15, for residential development. Both have a maximum of 15 units per acre and the RSO zoning allows for 8 unit townhouses. "

The applicant is requesting that approximately 11 acres of land be rezoned to RM15. The property abuts an existing arterial street (Clinton Parkway) and is located across from an existing multi-dwelling residential development. Both the existing RSO and the proposed RM15 District allow a maximum residential development density of 15 dwelling units per acre. The proposed change will allow a continuation of apartment development in the immediate area. Approval of the request alters the ultimate development form in terms of individual lots and non-residential uses.

Staff Finding – Approval of the request will allow for the continuation of multi-family dwelling while maintaining the same base density. Approval of the request eliminates non-residential uses as a development option for the neighborhood.

VIII. 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:
"If this application is approved it will allow the Developer to construct 164 residential units which will increase the property tax base of the City of Lawrence. The public infrastructure is in place surrounding the development so the impact to the public system is minimal. The hardship imposed upon the landowner if the application is denied is such that the property will not be sold and developed at this time."

Staff Finding -- Approving the rezoning request would not alter existing benefit to the public health and welfare.

STAFF REVIEW

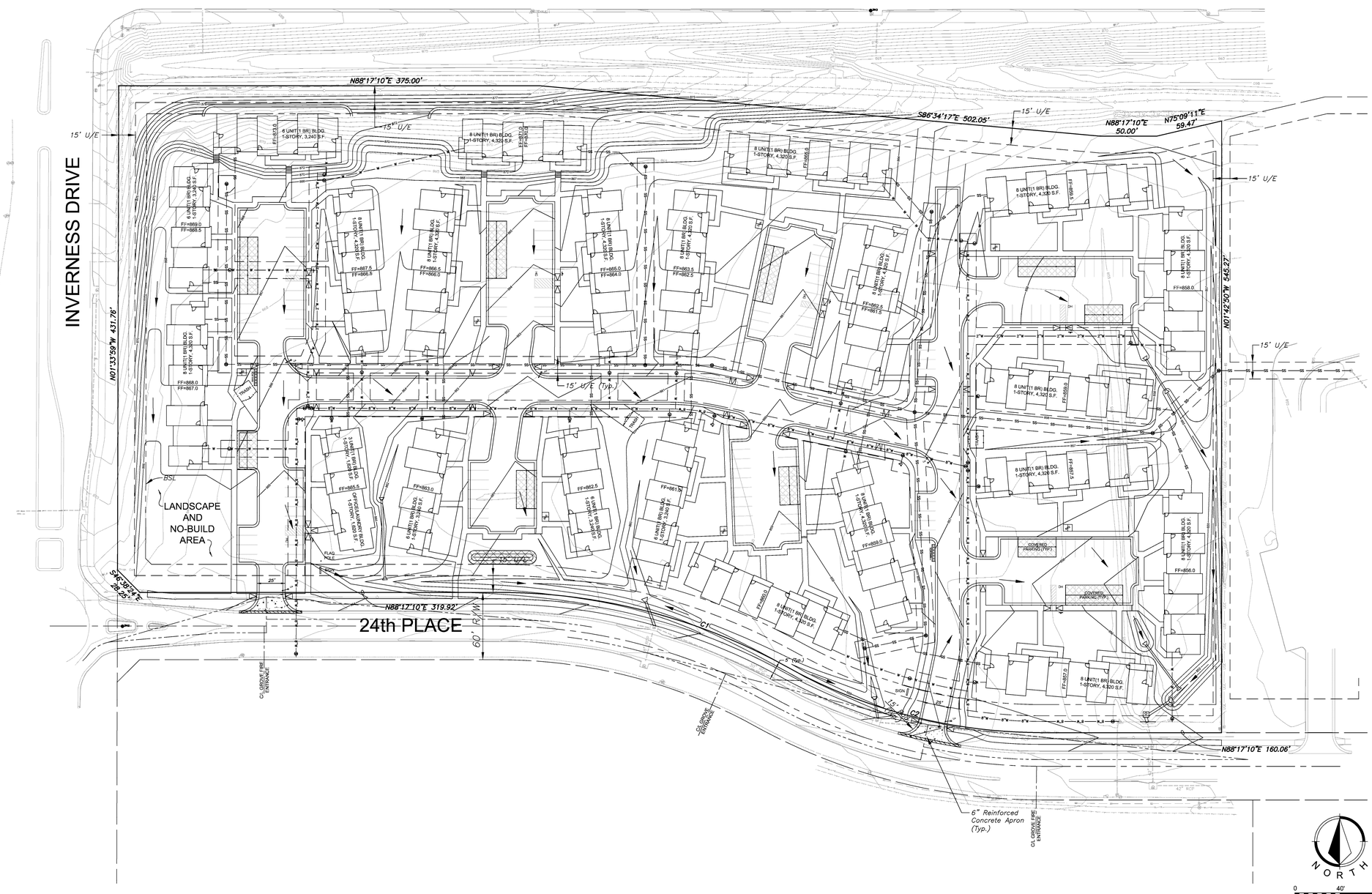
The subject property is a portion of a larger 160 acre tract originally annexed and zoned in 1999. The property was later platted with large tracts along Clinton Parkway. The area along Clinton Parkway was zoned for the most intensive development as part of the consideration of the 160 acres in 1999. The area south of 24th Street but north of the open space/drainage area

was designated as the transition area to the lower density, detached residential home lots to the south.

On December 19, 2007, the Planning Commission voted unanimously to recommend 15 acres of land along Clinton Parkway from RSO to RM15 as part of the Remington Square development located directly east of the proposed rezoning.

The proposed request does not address the topics of form, massing and housing type except peripherally. The base zoning of 15 dwelling units per acre is not altered by the proposed request, however development without internal public streets will likely result in more dwelling units. Approval of the requested RM15 zoning removes the opportunity for mixed use and non-residential uses originally prescribed for the area as part of the planning for "Inverness Park". Multiple land use discussions made since 1999 have resulted in a deviated land use pattern from the original 160 acres plan. The location of boundary streets isolates the remaining undeveloped property from connectivity with the larger surrounding neighborhood.

Development of a multi-residential development does not preclude the ability of the property owner to sell individual units through the condominium provisions in state law. Staff has identified utility issues that will need to be addressed as part of the development application review if the project involved individual ownership of dwelling units.



Scale: 1"= 40'

SITE PLAN

CURVE	LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING	DELTA
C1	267.84	530.00	265.00	N77°14'11"W	28°57'18"
C2	237.52	470.00	235.00	N77°14'11"W	28°57'18"

OWNER

INVERNESS PARK LTD.
PARK ONE OFFICE BLDG.
11506 NICHOLS ST STE 200
OMAHA, NE 68154

APPLICANT

FAIRWAY L.C.
5200 W. 15th, SUITE 303
LAWRENCE, KS 66049
785.841.9933

ENGINEER

DAVID J. HAMBY, P.E. (KS #15594)
BG CONSULTANTS, INC.
1405 WAKARUSA DRIVE
LAWRENCE, KS 66049
785.749.4474

LEGAL DESCRIPTION

LOT 2, REMINGTON SQUARE ADDITION NO. 1, A REPLAT OF LOTS 2 & 3, BLOCK 1, INVERNESS PARK PLAZA ADDITION NO. 1, AN ADDITION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

BENCHMARK

BM #100 – SQUARE CUT ON THE NORTH HEADWALL OF THE RCB UNDER 24TH PLACE.
ELEV. = 854.60

FLOODPLAIN DATA

THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN. RE: THE FEDERAL EMERGENCY MANAGEMENT AGENCY FEDERAL INSURANCE ADMINISTRATION PUBLICATIONS: FLOOD INSURANCE RATE MAP, MAP NUMBER 20045C0019C, EFFECTIVE DATE NOVEMBER 7, 2001.

GENERAL NOTES

1. TOPOGRAPHIC INFORMATION SHOWN HEREON WAS DERIVED FROM ACTUAL FIELD SURVEYS.
2. THIS DOCUMENT IS FOR PLAN APPROVAL NOT FOR CONSTRUCTION.
3. CITY OF LAWRENCE SHALL NOT BE RESPONSIBLE FOR PAVEMENT DAMAGE DUE TO THE WEIGHT OF REFUSE COLLECTION VEHICLES.
4. THIS SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE MINIMUM PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28 CFR PART 36.
5. THE RESIDENTIAL BUILDINGS HAVE BEEN DESIGNED TO COMPLY WITH THE MINIMUM PROVISIONS OF THE FINAL FAIR HOUSING ACCESSIBILITY GUIDELINES, 24 CFR, CHAPTER 1, SUBCHAPTER A, APPENDIX II, OF THE FAIR HOUSING ACT OF 1968, AS AMENDED.
6. THE PROPOSED ZONING OF THE PROPERTY IS RM15.
7. THE PARKING AREAS WILL BE SURFACED WITH 5" THICK BITUMINOUS SURFACING. THE DRIVEWAY APRON WILL BE BUILT TO CITY STANDARDS WITH 6" REINFORCED CONCRETE. SIDEWALKS WILL BE 4" THICK CONCRETE.
8. PARKING STALLS MEASURE 8.5' WIDE BY 18' DEEP. THE DRIVEWAY AISLES MEASURE 24' WIDE. HANDICAP ACCESSIBLE STALLS HAVE AN ACCESS AISLE THAT MEASURES 5' WIDE AND VAN ACCESSIBLE HANDICAP STALLS HAVE AN ACCESS AISLE THAT MEASURES 8.5' WIDE.
9. A 15' UTILITY EASEMENT WILL BE DEDICATED FOR THE PROPOSED SANITARY SEWER LINES AND THE PROPOSED WATER LINES.
10. A STORMWATER POLLUTION PREVENTION PLAN WILL BE PROVIDED TO THE CITY PRIOR TO THE RELEASE OF BUILDING PERMITS.
11. MECHANICAL EQUIPMENT WILL BE SCREENED ACCORDING TO LAWRENCE DEVELOPMENT CODE SECTION 20–1006(b).
12. THE TRASH ENCLOSURES WILL BE SCREENED ACCORDING TO LAWRENCE DEVELOPMENT CODE SECTION 20–1006.
13. ALL STORM SEWER PIPES WILL BE INSTALLED WITH END SECTIONS.
14. PER 2006 IFC SECTION 508.5.5 A 3 FOOT CLEAR SPACE SHALL BE MAINTAINED AROUND THE CIRCUMFERENCE OF FIRE HYDRANTS.
15. PER 2006 IFC SECTION 508.5.4 POSTS, FENCES, VEHICLES, GROWTH, STORAGE OR OTHER MATERIALS SHALL NOT BE PLACED OR KEPT NEAR FIRE HYDRANTS, FIRE DEPARTMENT CONNECTIONS, OR FIRE PROTECTION SYSTEM CONTROL VALVES IN A MANNER THAT WOULD PREVENT THESE ITEMS FROM BEING IMMEDIATELY DISCERNABLE OR PREVENTING IMMEDIATE ACCESS.
16. THE SITE PLAN HAS BEEN DESIGNED AS A SINGLE OWNER PROJECT AND IS NOT DESIGNED FOR INDIVIDUAL OWNERSHIP OF UNITS.

BUILDING INFORMATION

8 UNIT (1 BEDROOM) ATTACHED DWELLING – 16 TOTAL (4,320 S.F. FLOOR AREA EACH)
6 UNIT (1 BEDROOM) ATTACHED DWELLING – 5 TOTAL (3,240 S.F. FLOOR AREA EACH)
3 UNIT (1 BEDROOM)–OFFICE/LAUNDRY BUILDING – 1 TOTAL (3,240 S.F. FLOOR AREA)

PARKING DATA

184 REQUIRED STALLS (161 UNITS)
161 UNITS – 1 PER BR + 1 PER 10 BR = 178 REQUIRED
OFFICE/LAUNDRY – 1 PER 300 SF = 6 REQUIRED
184 PROVIDED STALLS + 6 HANDICAP STALLS(INC. 1 VAN–ACCESSIBLE)
47 REQUIRED BICYCLE PARKING SPACES
MULTI–DWELLING STRUCTURE – 1 PER 4 AUTO = 45 REQUIRED
OFFICE/LAUNDRY – 1 PER 10 AUTO = 1 REQUIRED
49 PROVIDED BICYCLE PARKING SPACES
7 BIKE SPACES PER RACK – 7 PROVIDED

INTERIOR PARKING LOT LANDSCAPING

190 STALLS * 60 S.F./STALL = 11,400 S.F. REQUIRED
12,576 S.F. PROVIDED

1 SHADE TREE AND 3 SHRUBS REQUIRED PER 10 PARKING SPACES
19 TREES AND 57 SHRUBS REQUIRED
20 TREES AND 57 SHRUBS PROVIDED FOR INTERIOR PARKING LOT LANDSCAPING

SITE CHARACTERISTICS TABLE:

EXISTING BUILDINGS	0	S.F.	PROPOSED BUILDINGS	86,940	S.F.
EXISTING PAVEMENT	0	S.F.	PROPOSED PAVEMENT	136,525	S.F.
EXISTING IMPERVIOUS	0	S.F.	PROPOSED IMPERVIOUS	223,465	S.F.
EXISTING PERVIOUS	478,026	S.F.	PROPOSED PERVIOUS	254,561	S.F.
PROPERTY AREA	478,026	S.F.			

OUTDOOR AREA REQUIRED

50 S.F./UNIT = 50 S.F * 161 UNITS = 8,050 S.F. REQUIRED
52,215 S.F. PROVIDED

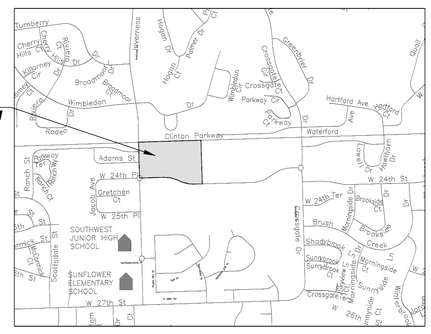
ZONING AND DENSITY

THE CURRENT ZONING FOR THE PROPERTY IS RM15 WHICH ALLOWS A MAXIMUM DENSITY OF 15 UNITS PER ACRE. THE PROPOSED DENSITY OF THE PROJECT IS 14.64 UNITS/ACRE (161 UNITS/11.0 ACRES).

LEGEND

- BUSH WITH OVERALL DIAMETER
- CONIFEROUS TREE WITH TRUNK CIRCUMFERENCE
- LP – LIGHT POLE
- BM – BENCH MARK
- SIGN
- SET 1/2" X 24" IRON BAR WITH PLASTIC CAP (BG CONSULTANTS R.L.S. 758)
- MONUMENT FOUND
- WATERLINE, WATER METER HYDRANT, VALVE
- WESTAR LIGHT POLE
- GAS LINE, METER AND VALVE
- UNDERGROUND TELEPHONE LINE WITH PEDESTAL
- 15" STM – STORM SEWER PIPE WITH INLET AND SIZE
- SANITARY SEWER PIPE WITH MANHOLE AND CLEANOUT
- FENCE
- OHE – OVERHEAD ELECTRIC LINE WITH POWER POLE
- UGE – UNDERGROUND ELECTRIC LINE
- POST
- DRAINAGE ARROW
- TRAFFIC CIRCULATION

PROJECT LOCATION



LOCATION MAP

CLINTON PARKWAY CASITAS
4300 W 24th PLACE, LAWRENCE, KS 66047

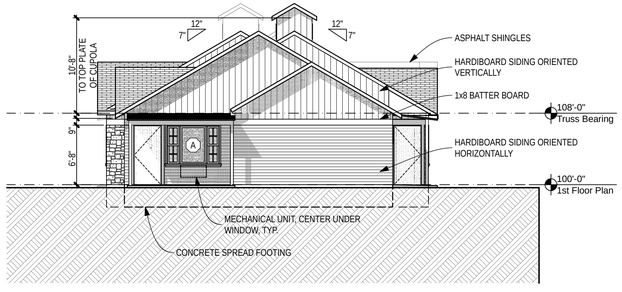
SITE PLAN

BG CONSULTANTS engineers planners surveyors

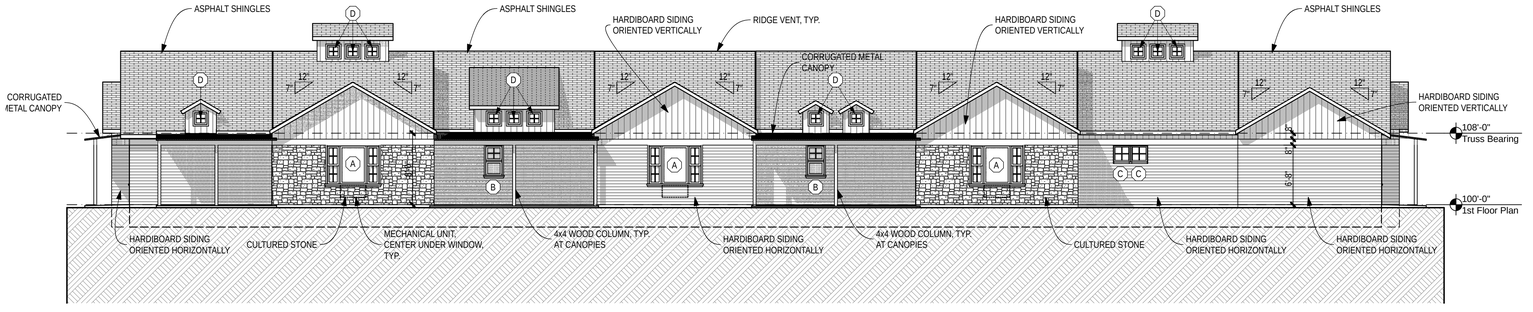
Project No. 09-1196L
Date: Sept. 2, 2009
Revised: Jan. 4, 2010

SHEET NO. 1

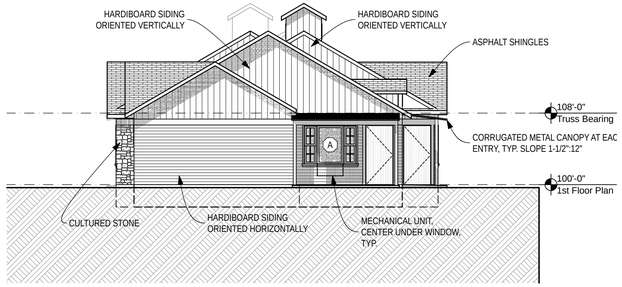
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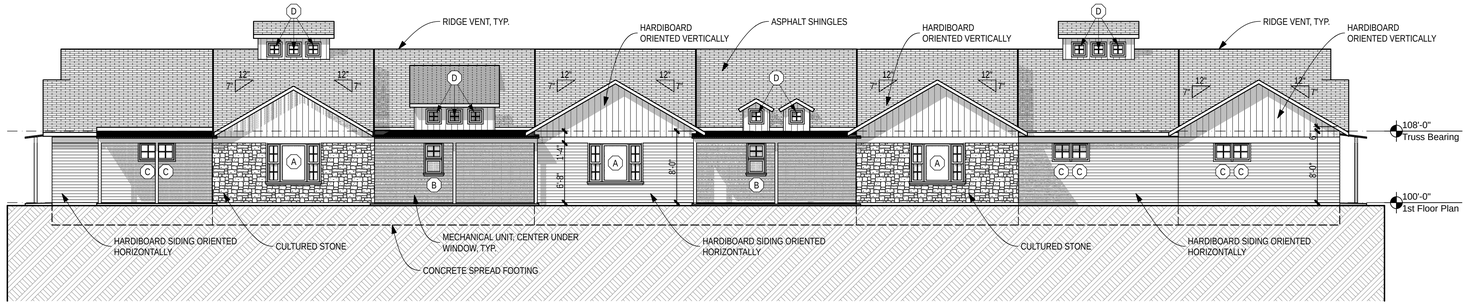
23 A2.12 **Building B West Elevation**
SCALE: 1/8" = 1'-0"



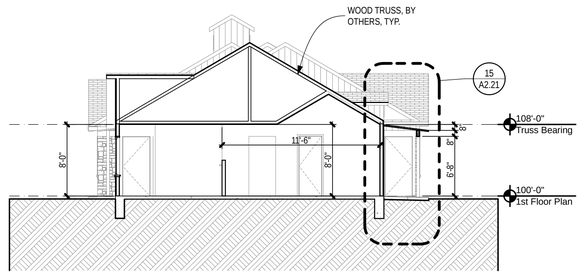
19 A2.12 **Building B North Elevation**
SCALE: 1/8" = 1'-0"



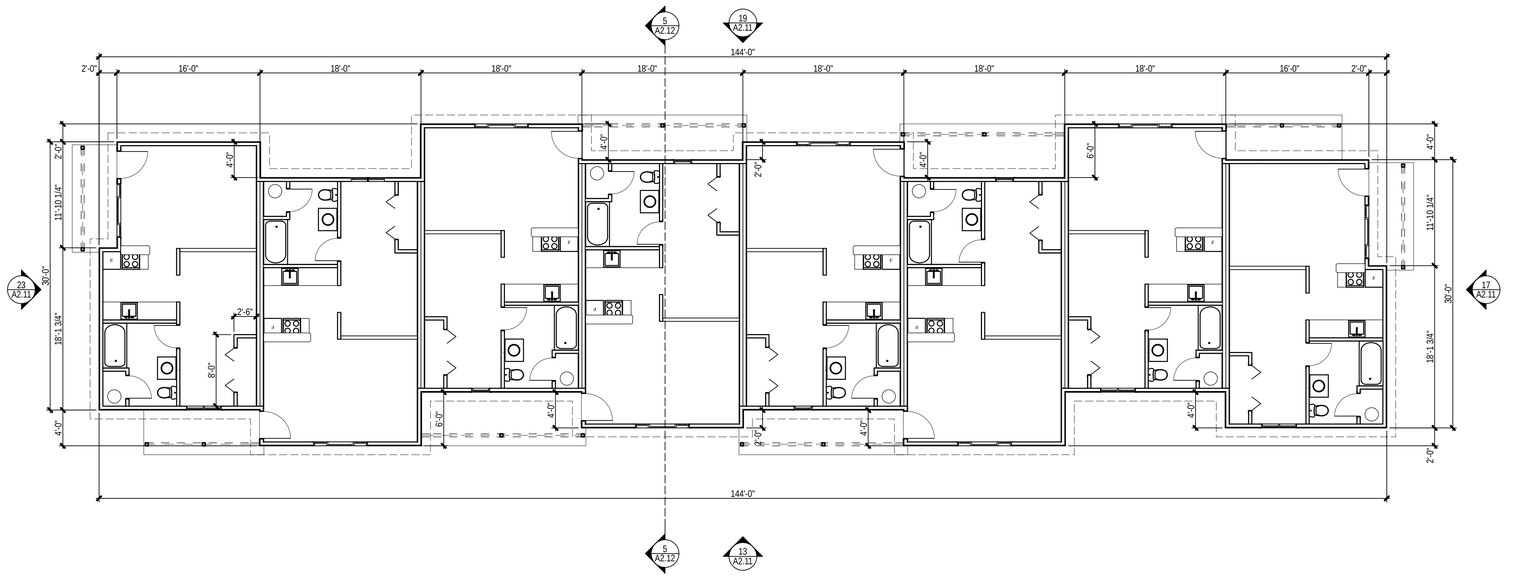
17 A2.12 **Building B East Elevation**
SCALE: 1/8" = 1'-0"



13 A2.12 **Building B South Elevation**
SCALE: 1/8" = 1'-0"



5 A2.12 **Building B Section**
SCALE: 1/8" = 1'-0"



1 A2.12 **Building B Floor Plan**
SCALE: 1/8" = 1'-0"

PRELIMINARY
Not for Construction

BG Architecture

a division of
BG Consultants, Inc.

Clinton Parkway Casitas

4300 West 24th Place
Lawrence, KS 66046

Revision Key

No.	Date	Revision

Project Manager:
Clay Phillips AIA

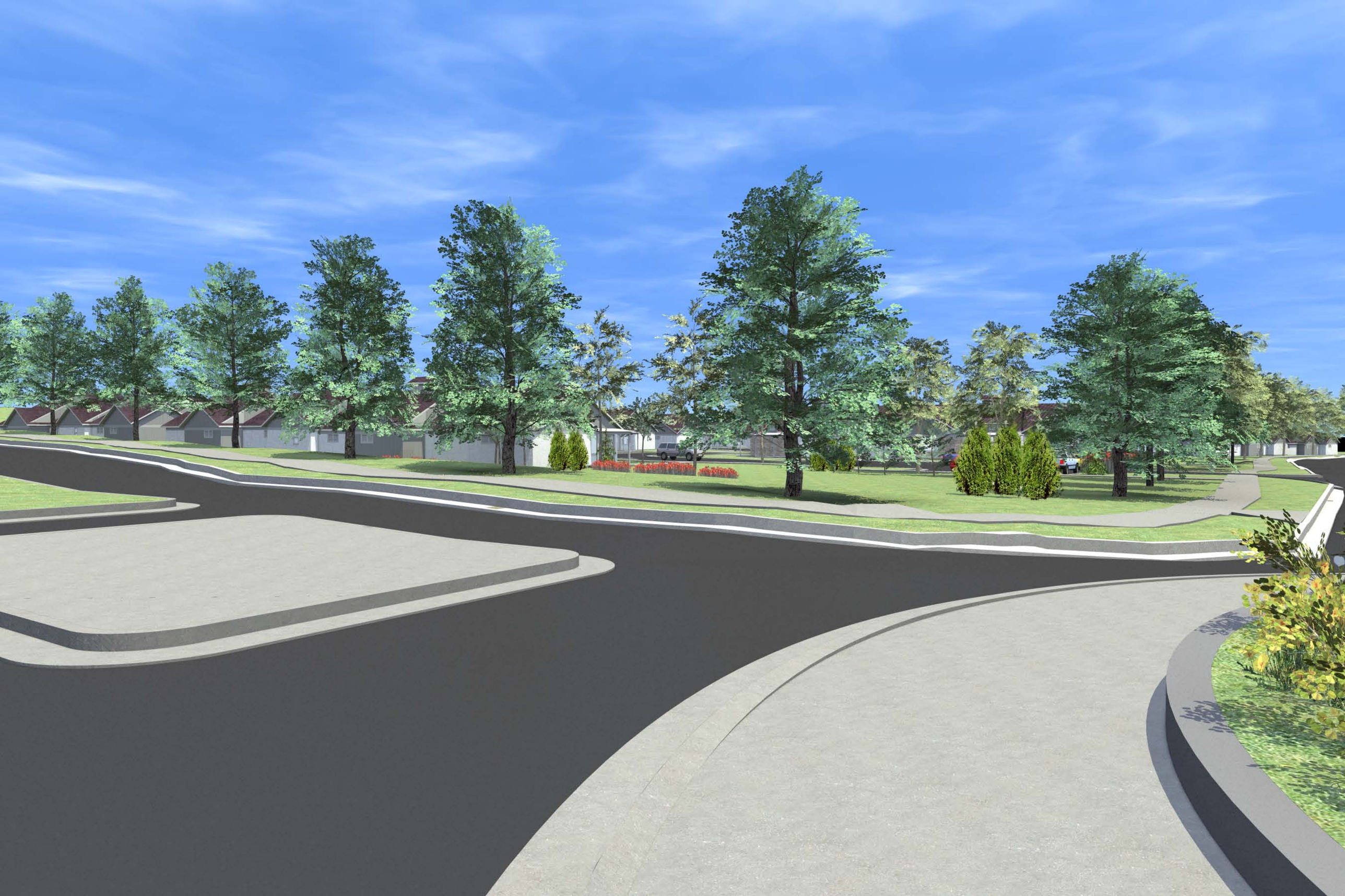
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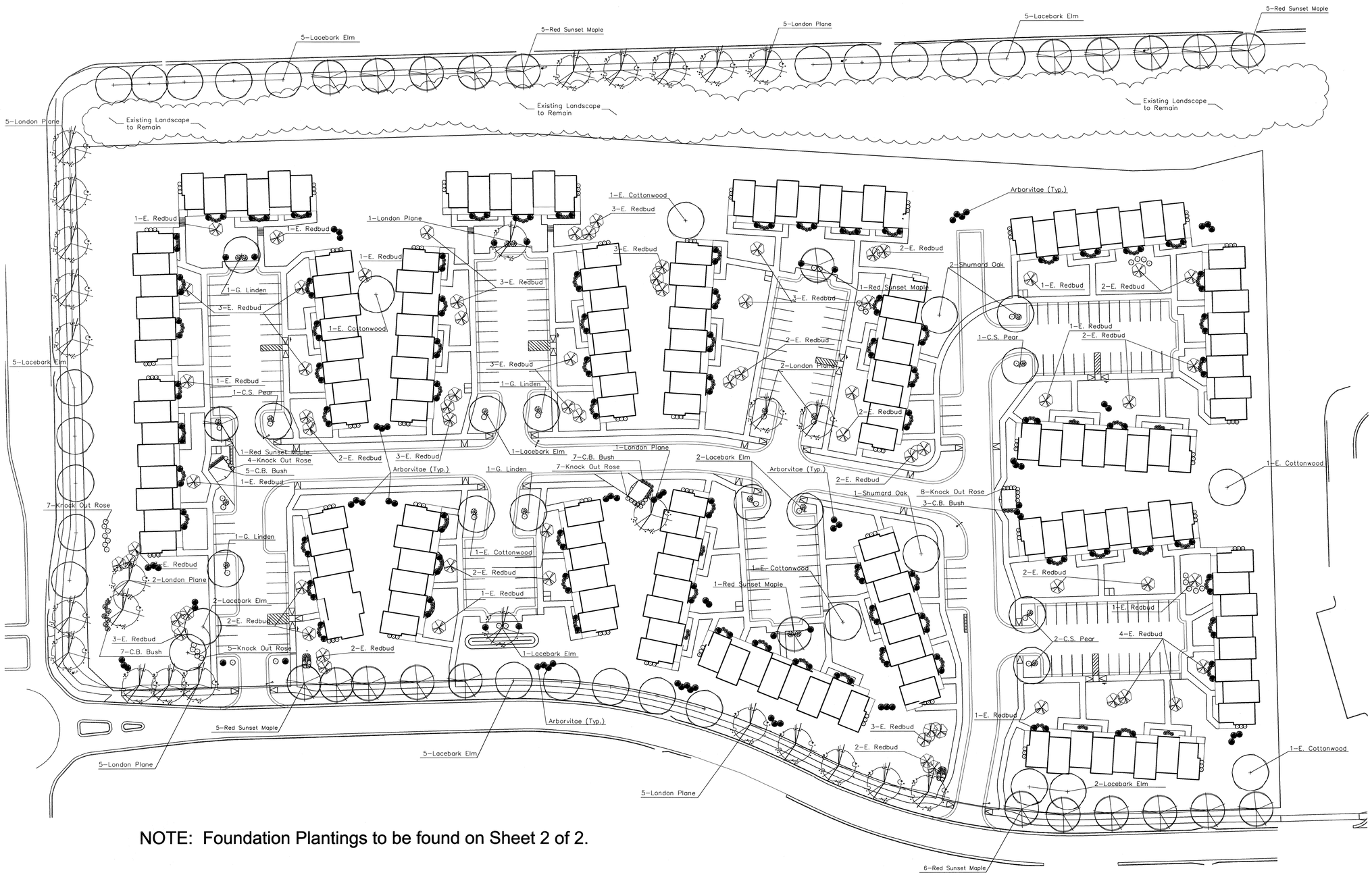
Date of Issue:
September 1, 2009

Sheet Number:

A2.12

Building Type B Floor Plans and Elevations





NOTE: Foundation Plantings to be found on Sheet 2 of 2.

PLANT SCHEDULE

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	REMARKS
	24	Acer rubrum 'Red Sunset'	Red Sunset Maple	2" Cal.	B&B	Single Stem Only
	26	Platanus acerifolia	London Plane Tree	2" Cal.	B&B	Single Stem Only
	6	Populus deltoides	Eastern Cottonwood - Seedless	2" Cal.	B&B	Single Stem Only
	4	Pyrus calleryana	Cleveland Select Pear	2" Cal.	B&B	Single Stem Only
	3	Quercus shumardii	Shumard Oak	2" Cal.	B&B	Single Stem Only
	5	Tilia cordata 'Greenspire'	Greenspire Linden	2" Cal.	B&B	Single Stem Only
	27	Ulmus parvifolia	Lacebark Elm	2" Cal.	B&B	Single Stem Only
	69	Cercis canadensis	Eastern Redbud	2" Cal.	B&B	Single Stem Only
						Single Stem Only
	174	Euonymus alatus "Compactus"	Compact Burning Bush	1-Gal.	Container	Full & Healthy
	208	Rosa 'Radrazz'	Knock Out Rose	1-Gal.	Container	Full & Healthy
	229	Thuja occidentalis 'Smaragd'	Emerald Green Arborvitae	1-Gal.	Container	Full & Healthy
	119	Spiraea x bumalda 'Anthony Waterer'	Anthony Waterer Spirea	1-Gal.	Container	Full & Healthy

SITE LANDSCAPE PLAN

Scale 1"= 40'-0"

CLINTON PARKWAY CASITAS

4300 W 24th PLACE, LAWRENCE, KS 66047

SITE PLAN

BG CONSULTANTS
engineers architects planners surveyors

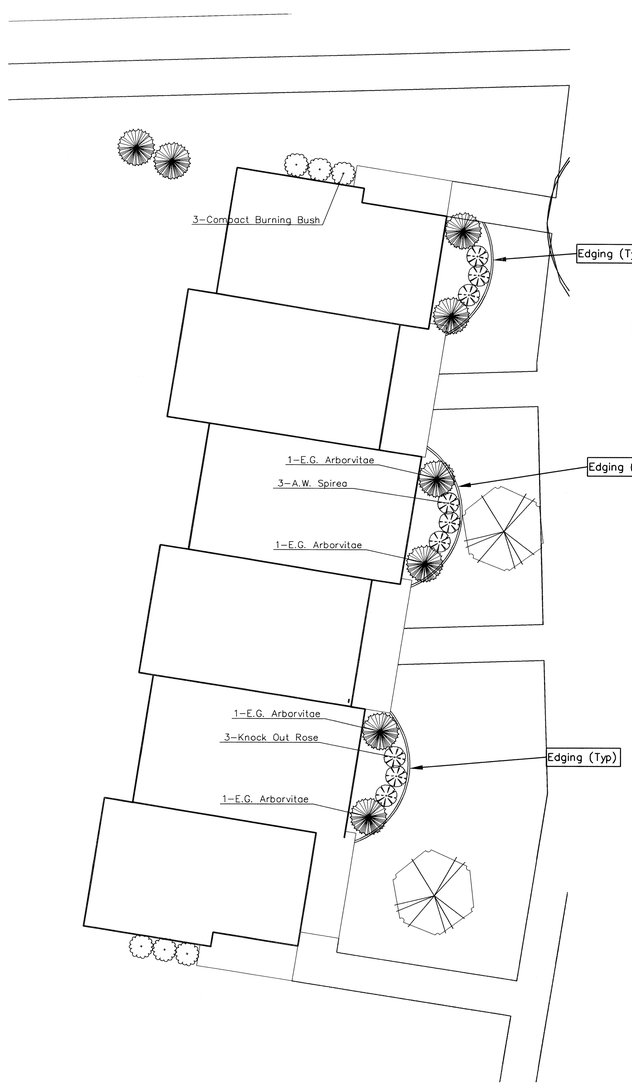
12/30/09

Project No. 09-1196L
Date: Dec. 29, 2009
Revised:

SHEET NO. 1

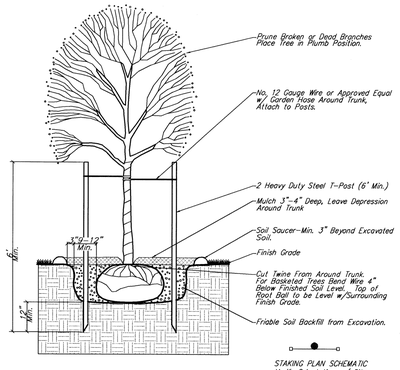
Baughman
ENGINEERING | SURVEYING | PLANNING
LANDSCAPE ARCHITECTURE

Baughman Company, P.A.
315 Ellis Wichita, KS 67211
P316-262-7271 F316-262-0149



TYPICAL BUILDING PLAN

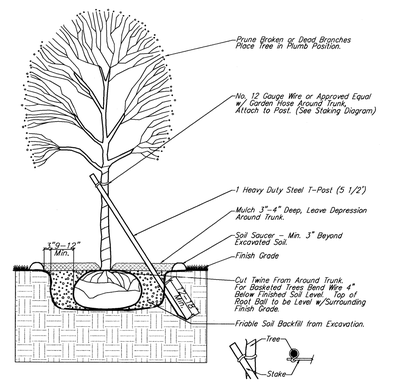
Scale 1"= 40'-0"



1 TREE PLANTING & STAKING DETAIL

Deciduous Trees Larger than 2" Cal.
Evergreen Trees Larger than 6' Height

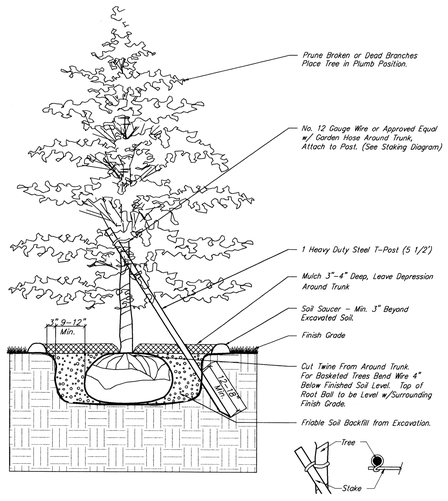
No Scale



2 TREE PLANTING & STAKING DETAIL

Deciduous Trees 2" Cal. and Smaller
Evergreen Trees 6' Height and Smaller

No Scale



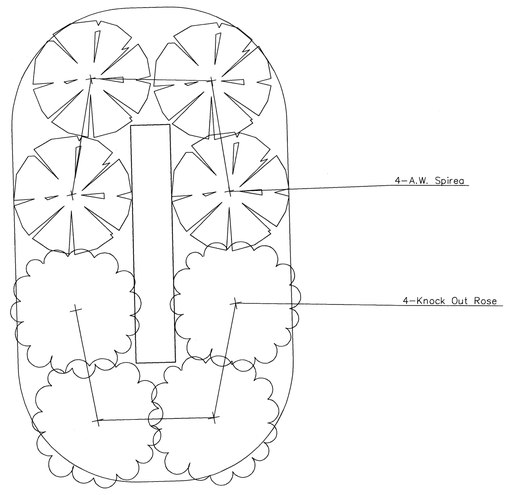
3 TREE PLANTING & STAKING DETAIL

Deciduous Trees 2" Cal. and Smaller
Evergreen Trees 6' Height and Smaller

No Scale

LANDSCAPE NOTES:

1. All landscape work shall be done in accordance with industry standards.
2. All areas called out on the plan as "Sod" or "Seed" shall be installed and fertilized as follows:
   SOD--Kansas Premium Fescue Sod or Equal
   SEED--Kansas Premium Fescue Seed or Equal
   FERTILIZER--16-20-6 ratio 4#/1000 sq. ft. of Equal
3. Trees with broken leaders or no central leader will not be accepted.
4. All planting beds shall be prepared by killing all existing vegetation with Round-Up (or equal) according to label directions. A Pre-emergent herbicide such as Treflan (5%) (or equal) shall be applied per label directions. All planting beds to receive 2" organic matter (such as cotton bur mulch, compost, or humus) and shall be rototilled in to a depth of 10-12".
5. Mulch all planting beds with min. 3" of mulch. Mulch all tree saucer wells with min. 3" of mulch. Mulch material to be gravel rock (or equal) of uniform consistency.
6. Metal edging shall be used to separate all turf areas from planting beds. Edging shall be 10 gauge thickness, commercial grade, or approved equal.
7. General Contractor to supply and place at a depth of 4", all topsoil on site.
8. Topsoil hauled onto site shall be fertile, friable, natural loam topsoil, of uniform quality characteristic of representative local soils which produce heavy growth of crops, grass, or other vegetation. It shall be free of trash, or other matter toxic to plant growth.
9. Topsoil shall be delivered in an unfrozen and non- muddy condition and shall be subject to approval by the Landscape Architect.
10. Prior to any excavation for landscaping purposes the location of underground utilities shall be determined by calling Kansas One Call at 1-800-344-7233. Contractor shall be responsible for any damage done to existing utilities.
11. Report any discrepancies in the planting plan to the Landscape Architect, prior to starting construction.
12. The Landscape Contractor shall coordinate with the G.C. to gain site access to install the plants and maintain grounds, until final acceptance from owner. Upon final acceptance, the one (1) year guarantee period will begin.
13. The Landscape Contractor shall coordinate with the G.C. to install the plants and maintain grounds, until final acceptance from owner.
14. The Landscape Contractor shall submit bid with unit prices for all plants, including mulch, installation, 1 year guarantee, bed preparation, fertilizer, etc.
15. The Landscape Contractor is responsible for any damage done to the exterior of the building or any part of the parking lot when installing or maintaining the plantings before final acceptance.
16. General Contractor to coordinate with appropriate Local City Official to Remove/Transplant exist trees.
17. Fall planting season shall be September 1 thru October 31. Spring planting season shall be April 1 thru June 30. For grass seeding, fall season shall be September 1 thru mid October. Spring season for seeding shall be from March 15 thru mid May.
18. Landscape Contractor shall provide maintenance until final project acceptance including landscape maintenance and watering.
19. Water to be supplied by hose bib on the building.



TYPICAL SIGNAGE PLAN

Not to Scale

CLINTON PARKWAY CASITAS

4300 W 24th PLACE, LAWRENCE, KS 66047

SITE PLAN

BG CONSULTANTS
ENGINEERS | SURVEYORS | PLANNERS | LANDSCAPE ARCHITECTS

Phillip A. Meyer
LANDSCAPE ARCHITECT
12/30/09

Project No. 09-1196L
Date: Dec. 29, 2009
Revised:

SHEET NO.
2

Baughman
ENGINEERING | SURVEYING | PLANNING
LANDSCAPE ARCHITECTURE

Baughman Company, P.A.
315 Ellis Wichita, KS 67211
P316-262-7271 F316-262-0149

ITEM NO. 2 RSO TO RM15; 10.97 ACRES; 4300 W 24TH PLACE (SLD)

Z-7-11-09: Consider a request to rezone approximately 10.97 acres, located on SE corner of Inverness and Clinton Pkwy at 4300 W 24th Place, from RSO (Single-Dwelling Residential Office) to RM15 (Multi-Dwelling Residential). Submitted by BG Consultants Inc, for Inverness Park LP, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

Commissioner Dominguez inquired about the communication that referred to 'overbuilding.'

Ms. Day said that staff has not done a specific analysis.

Mr. McCullough said that Planning does not track the apartment vacancy rates.

APPLICANT PRESENTATION

Mr. David Hamby, BG Consultants Inc, briefly went over the proposed rezoning. He explained they would be 6-8 unit/townhouses geared toward young professionals. There will be no pool or clubhouse.

Commissioner Carter asked if it was not anticipated to be student housing.

Mr. Hamby said the developer is not anticipating students since there will not be a pool. The developer anticipates young professionals, graduate students, or people in a transition living stage.

Commissioner Moore asked how many units there would be.

Mr. Hamby said 164 bedrooms/units.

No ex parte communications.

PUBLIC HEARING

Ms. Lori Sinclair, 4400 W 24th Place, said she lives across the street from the proposed rezoning. She said she is not opposed to the rezoning but was opposed to more apartments and was concerned about added traffic and buses. She was also concerned about the increase in noise and parties. She said there are already three other apartment complexes in the area. She expressed concern for the safety of children playing in the area if the traffic increased.

Commissioner Hird asked which direction Ms. Sinclair lives from the property.

Ms. Sinclair said she lives on W 24th across from the empty lot.

Commissioner Carter asked staff about the access.

Ms. Day said there will be no access to Clinton Parkway or Inverness, only on W 24th Place. She said the Traffic Impact Study has been reviewed and no issues were identified.

Commissioner Carter asked if those streets could handle more traffic.

Ms. Day replied yes.

Commissioner Blaser inquired about landscaping.

Ms. Day said staff asked the developer to extend the same median and side yard treatments and that it is something that is still being worked on for the Site Plan.

Mr. McCullough said that staff have a Site Plan application in the office that is being reviewed. He stated that the property owners have the opportunity to work with staff on the Site Plan and the option to appeal the Site Plan decision. He stated staff is hopeful that proper landscaping will be along the west edge. He urged the applicant to meet with neighbors on such issues.

Commissioner Hird asked if the current Site Plan that staff received extends the landscaping.

Ms. Day said it does not currently but staff have requested that from the applicant.

COMMISSION DISCUSSION

Commissioner Harris inquired about the intention for RSO zoning and the vision for the neighborhood.

Ms. Day said the RSO zoning came about when the City adopted the 2006 Development Code. Before that the property was zoned RO1B and was intended as a mixed-use transition land use. Beyond that there was no more detail. She said the RSO district is considered a transitional zoning.

Commissioner Harris asked if the number of dwelling units would be the same.

Ms. Day said the gross density is the same. In order to achieve the same density there would probably be more units on smaller lots.

Commissioner Harris asked if it was possible in the RSO district to have small lot development and asked where office use would go.

Ms. Day said yes. Offices could either be a segment or incorporated, the office would be the ground floor use and the multi-family could be the second story.

Commissioner Harris asked if RSO single dwelling meant single ownership of the building.

Ms. Day said it does not necessarily have to be single ownership but it gets at single dwelling being on its own individual lot. So if someone were to build the same type of development that the applicant has then somebody could own all six or eight of those units and still rent them out. Each unit would be on its own individual lot. She said the difference is in form.

Commissioner Dominguez inquired about traffic access from Clinton Parkway.

Mr. Hamby showed the Site Plan on the overhead.

Mr. McCullough reminded them that this is a rezoning issue and the Site Plan could be replaced. He encouraged them to look at the use table and see if the uses are appropriate for the site, not just look at a Site Plan that could change.

Commissioner Dominguez said the rezoning made the project seem like a ‘done deal.’ He expressed safety concerns about the school children walking in the area.

Commissioner Hird asked if the same density would be allowed in the RSO and RM15 districts.

Mr. McCullough said RSO is geared toward single family type development with individual lots and public streets, RM15 is geared toward multi-dwelling type development with private streets. The

difference is in design. In this instance the owner has chosen a type of structure that both districts permit but in different ways. Both districts have the same maximum density, 15 units per acre.

Student Commissioner Shelton inquired about the traffic study.

Mr. McCullough said traffic studies go with the use that's developed and with a rezoning the use isn't always known. Traffic studies go toward the Site Plan once it has been created and shows exactly what the use is. The traffic study helps staff determine if additional improvements are warranted at the property.

Commissioner Carter said the rezoning seems appropriate with the location to arterial streets but inquired if the traffic would be reviewed at the site planning stage.

Mr. McCullough said the traffic is under review now and it is likely there would not be any further improvements necessary and that the location is capable of handling the traffic created at this site. He said if traffic becomes an issue during the site planning process it could require some sort of improvements or less density, but that would probably work it's way to the City Commission level.

Commissioner Finkeldei said that traffic is always a concern, but that office use could generate significant more traffic than an apartment complex. He stated that RSO could have uses that have higher traffic generators. He said that RSO could be a lot of things, whereas RM15 is only going to be apartments. He asked if child care was an allowed use in the RSO zoning district.

Mr. McCullough replied yes.

Commissioner Finkeldei felt it was unlikely that this would ever develop into a predominately single family area.

Commissioner Singleton agreed with Commissioner Finkeldei. She said the area of land was very unattractive and something needs to go there and there is nothing that will abut onto Clinton Parkway that would be the type of low traffic, large lot housing development that an adjacent property owner might want. She said small units could be good for the area and could be directed toward young professionals. She felt it was a good site plan and she asked staff to make sure the west side had appropriate landscaping. She liked the fact that there would only be two access points.

Commissioner Harris said she was hesitant about taking out the opportunity for office development in that area but that Commissioner Finkeldei had a valid point about some offices generating a lot of traffic.

Commissioner Hird said it was unfortunate they could not see the specific site plan. He expressed concern about traffic especially with children walking in the area, but that the same risk exists with either RSO or RM15 zoning. He said Commissioner Finkeldei raised a good point that there are office uses that would make traffic worse. He hoped that proper landscaping on the west could help abate noise issues. He felt they were reaching the saturation point in this area but that he would approve the rezoning with some hesitation.

Commissioner Blaser agreed that there are a lot of apartments in the area. He felt that most of the traffic in that area will go east so he did not know that Inverness will be affected that much. He liked this layout better than RSO where there might be 2-3 story buildings. He said they will almost be hidden from Clinton Parkway with their elevation.

Commissioner Harris asked what the maximum height could be allowed in the new zoning.

Ms. Stogsdill said 45' in RM15 and 35' in RSO.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the rezoning request [Z-7-11-09] for 10.97 acres from RSO (Single-Dwelling Residential-Office) to RM15 (Multi-Dwelling Residential) 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.

Commissioner Dominguez expressed concern about traffic and the safety of school children walking in the area. He said that office use might have traffic at only specific times. He felt the area was saturated with apartments and suggested that City Commission start tracking the amount of apartments being built. He said he would support the rezoning but with hesitation.

Motion carried 8-1, with Commissioner Harris voting in opposition. Student Commissioner Shelton voted in favor.

Receive request from Inverness Park, LP, to reconsider the denial of the rezoning request (Z-7-11-09) to rezone approximately 10.97 acres, located on the SE corner of Inverness and Clinton Parkway, 4300 W. 24th Street, from RSO (Single-Dwelling Residential Office) to RM15 (Multi-Dwelling Residential). This item was originally heard by the City Commission on 10/06/09.

Scott McCullough, Planning and Development Services Director, said this request included consideration of voting to rescind the October 6th motion which denied the zoning request. Procedurally, any of the City Commissioners could move to rescind the prior motion and the rezoning application could be reopened with a majority vote of the City Commission. If the rezoning request was reopened, staff recommended the City Commission move and vote to return this item to the Planning Commission for additional consideration of the issues. Staff understood a meeting with the neighbors had occurred and staff had notified neighbors of this evening meeting to provide input on the consideration of rescinding the City Commission's previous motion. The applicant's attorney desired to make comments and share information with the City Commission. Staff recommended the City Commission take public comment before considering moving and voting on this item.

Vice Mayor Amyx said if a decision was made not to have this item reconsidered, that decision would raise the issue of the time it took to file another application for Planning Commission consideration and ultimately, consideration by City Commission.

McCullough said the code required a 12 month wait unless there was a substantial change made to the application, if the former decision stood.

Vice Mayor Amyx said if development could occur under RSO zoning district, on this particular site.

McCullough said correct.

Cecil Kingsley, BG Consultants, said the public meeting was held with the intention of understanding whether or not there was a potential for consensus among the residents in the area and those interested in the development of the property. He said the meeting was over two hours in length and those present were knowledgeable about the site and the action that had been taken, after an hour of conversation, they tried to develop an understanding of what the potential for consensus on this site would be with the existing site plan.

As a result of that discussion, the laundry and office building would be moved from the corner of Inverness and 24th and a landscape and no build area in that corner would be created. In addition, they agreed a color rendering of that corner would be necessary, in order for people to understand what it would look like. Obviously, that work had not taken place and the process for engineering and architecture would be that if sending it back to the Planning Commission with instructions, then the work would be completed. He said there would be a procedure where the City Commission would conduct a process for public comment and after the City's process BG Consultants would have another meeting, prior to the submittals. A landscape plan would be included and a list of materials on the elevation so the public could see the construction elements of those buildings. The intention was to have luxury casitas with vaulted ceilings and a number of upgrades to the construction process.

Kingsley said there had also been questions regarding limiting the marketing banners on the corner and limiting the number of occupants per unit, and he believed they could limit the number of adult occupants per unit, but it spoke more to the covenant side rather than engineering. He said they wanted to commit to one story units, with one bedroom and other areas on the site plan.

Mark Anderson, Barber Emerson, representing Inverness Park L.P., said he was out of state on business and could not attend the neighborhood meeting, but wished he could have asked for this matter to be deferred. The matter was voted upon and the zoning application was denied. He said they were asking the City Commission for a motion to rescind the denial of the zoning, so they could work with City Planning Staff and the Planning Commission incorporating the neighbors concerns and conditions to address and ultimately,

come back to City Commission with another recommendation from the Planning Staff. This zoning application had an 8-1 recommendation for approval from the Planning Commission.

Anderson said there were six conditions of concern that came out of the meetings which were:

1. The applicant provided a landscape plan for the entire development, prepared by a licensed landscape architect;
2. The office/laundry building shown on the corner of 24th Place & Inverness be relocated across the street to the east;
3. The applicant's engineers provide a rendering or concept drawing illustrating that corner, showing the office/laundry building was removed and how it would be replaced by a landscape area;
4. The applicant would refrain from placing advertising banners at that corner;
5. The building elevations, prepared by BG Consultants, would label all exterior building materials; and,
6. The applicant agreed to limit the number of adult occupants in the development to 2 adults per unit. However, under federal HUD regulations it violated federal law to limit the number of family members under the age of 18.

In addition to the above six conditions, the applicant was proposing four more conditions. Those conditions were that:

1. Each building within the development shall be limited to one story above grade.
2. Each building unit shall be limited to one bedroom maximum.
3. The development shall be limited to 161 units maximum.
4. The City Commission place a condition that would require the applicant to record a declaration of covenants and restrictions on the entire development and that the zoning would not be allowed to become final, until a filed, stamped, and recorded declaration of covenants and restrictions were presented, to the City Commission, that prohibited the construction of any permanent structure on the corner of 24th Place & Inverness, would restrict the use of the property to the maximum 161 one story, single bedroom residential units, and the declaration identified the City of Lawrence as a third party beneficiary, such that from a legal perspective this declaration could not be modified, amended or terminated without the City's approval.

He said these conditions were an assurance to the City Commission and neighborhood that this particular site plan was going to be built, if the rezoning was approved.

Commissioner Johnson said prior to the zoning to file a declaration of covenants and restrictions, if that could reference a site plan.

Anderson said yes, those conditions could be drafted any way the City Commission desired. He said a site plan could also be attached as an exhibit, at the Planning Commission level, and it could be stated that substantial compliance was needed with that exhibit.

Mayor Chestnut said what the current zoning for RSO density was.

McCullough said a maximum of 15 units per acres.

Mayor Chestnut said what the translation was of the rendering of 161 units.

Anderson said it was 14.6 units.

Mayor Chestnut said at 35 feet, with RSO that was probably 2 or 3 stories.

McCullough said it was 35 feet height maximum in RSO and 45 feet height in RM15 and depended on the architecture.

Mayor Chestnut asked if three stories could be achieved with 35 feet.

McCullough said yes, but more common to go higher in a multi-dwelling type structure.

Mayor Chestnut said that he concluded that more density could be packed in that area with the current zoning.

McCullough said he did not know if more density could be packed in that area, because it depended on what was being defined as “density”. He said it was somewhat a variable. The project, as presented, was considered low density in terms of population and was more typical of a multi-residential project which would have multiple net terms.

Commissioner Dever said if McCullough could talk about the number of units that were allowed in RS15 zoning.

McCullough said that was how they arrived at the density cap. He said 15 units per acre would be the same in both districts, it was an exercise of design and the requirements of the RSO that required each unit be on an “individual lot” versus a “design as presented” where the lot stayed as one large lot and then multi dwelling structures on that lot with shared driveways and parking areas, it was a design exercise versus a dwelling unit count.

Commissioner Dever said theoretically, a single building 45 feet high with what ever would be appropriate on that individual parcel or unit, but there would be no direct correlation between the number of people that could live in that space.

McCullough said not in terms of how density was calculated.

Mayor Chestnut called for public comment.

Jamie Hulse, Lawrence, said she wanted to thank City staff for the increased perimeters in notification for reconsideration of this rezoning request which was not required. She thanked Cecil Kingsley and City Commissioner Johnson for reaching out to the neighborhood and offering their assistance to help remedy this situation.

The biggest concern was the legality of tying this site plan to the rezoning because it could be a much larger project. She said a neighbor who was an attorney involved in land development projects in Kansas City questioned if the rezoning was deed restricted and was legal.

Lori Sinclair, resident in the proposed rezoning area, said landscaping was important and when an area was developed, the first thing eliminated was the landscaping. She said there was no landscaping next to the southeast corner of Inverness and Clinton Parkway.

Kevin Wickliffe, resident in the proposed rezoning area, said even if the deed restriction was going to go through, he asked what the mechanism were to enforce and if the project defaulted, he asked if the City would sue the developer. He said everyone needed to understand the extent the City would be committed to being that 3rd party beneficiary.

Mayor Chestnut said the City’s legal staff felt comfortable with the structure that was designed for this dedication. He said the City would be a 3rd party beneficiary and the City was within its rights. The City had some compliance issues on landscaping and other issues. He said landscaping, quite often, took time depending on the weather which was always a challenge. He said the City Commission was fairly adamant about following up and driving by project to make sure there was no erosion.

The issue with landscaping was part of the site plan, down to what type of trees; where those trees would be placed; and height. If there were any modifications it would go through an administrative process and consult with the neighbors.

McCullough said yes and the site plan was one of staff's mechanisms for enforcement. There were a series of triggers to force compliance, one being the occupancy permits including landscaping. There were times, due to weather that staff would allow occupancy and then follow up with landscaping when the weather allowed landscaping to be installed. This was an area where a lot of effort had been put forth for the median in the road to the treatment of the property to the south with the apartment complex. It was a good thing to look at the issues and bolster the landscaping along that area for the neighbors and for the benefit for the corridor itself.

Commissioner Johnson said he appreciated the opportunity to go the neighborhood meeting and was impressed with the neighbors coming to the table to discuss issues.

He said the biggest concern and his reason for reconsideration of the rezoning was the uncertainty of rezoning to RM15. He asked what was to keep something else from being built than what was represented. He said the neighborhood demonstrated a good process to receive a win out of this issue.

He said with what the developer was proposing the traffic and number of people would be less than what could ultimately be built in that area. He said it also gave the neighborhood the ability to pick quality materials for quality landscaping.

Vice Mayor Amyx asked if the declaration of covenants ran with the property or the ownership of the property.

David Corliss, City Manager, said the covenants ran with the property.

Vice Mayor Amyx asked if the applicant was the builder and developer of the property.

Corliss said yes.

Vice Mayor Amyx asked if there were any situations in the past where that was a problem because the City Commission was depending on the developer's word.

Corliss said it was important to condition the zoning on the appropriate site restrictions. He said there was an additional level of assurance, particularly because one of the covenants was a no-build requirement with some of that property and that was appropriate for the deed restriction which provided an additional vehicle and had to be enforced through the court in a lawsuit. Staff typically enforced zoning regulations generally through local procedures as far as citation and adjudication in municipal court.

Vice Mayor Amyx said if the Commission were to consider the change in the zoning as requested along with safeguards in place, this was the only time it could be done along with the declaration of covenants and restrictions on this property. He said he was fine with this up to Anderson's last comment regarding the applicant being mindful there was no point in returning this matter to the Planning Commission. He said there was no genuine support for this project by the City Commission and the density that would be placed on this property. He said he understood the density was the same for the two different zonings the question was what it would look like under the RSO zoning and the RM15 zoning.

Commissioner Dever said when this rezoning was first discussed the Commission had concerns over making this change. He said the applicant did not own the property and the City Commission was going to make those changes without any consideration as to who might end up having this property and what might be constructed in that area. He said with making this change there were things that could occur that would make the area unsightly and a more difficult site for neighbors to co-exist with. He said the City Commission needed to discuss ownership in tying some of those issues to actual ownership. He said that would lead the City Commission to the next step where they could encumber this property with those covenants and have control over what the area would look like. To just rescind a rezoning without identifying who would the owner would ultimately be, he was uncomfortable. The initial discussion indicated they would put something in writing that the rezoning would be contingent on ownership of the property.

Overall, this was a rare opportunity for the neighbors of an undeveloped piece of property to shape the future look and feel of that property. Any time moving into a property near an undeveloped piece of land, a person would run the risk of being something that was not wanted. In this case, the neighbors stepped forward and made some concessions to shape the way the area looked. If that was something to protect the neighborhood, then that would be a positive for agreeing to rescind the rezoning.

Commissioner Cromwell said in October, the City Commission repeatedly discussed how the site plan looked great and could not possibly tie the zoning to the site plan. He said it was asked clearly several times the zoning was tied to the property and not to a particular site plan.

McCullough said the application being considered at that time did not include the protections the development code had the opportunity to use such as the Planned Development Overlay for example which gave staff the vehicle to tie site plans to zoning districts. He said he did not recall the exact discussion, but as presented staff was talking about the fact that the site plan was administrative and was a normal site plan process. This was a straight rezoning request with no planned development overlay, no conditional zoning tied to it. It came to the City Commission with a recommendation from staff and the Planning Commission with that opened zoning, but there were ways to tie site plans to zoning, but there was no healthy discussion at that time, because the application did not include any of those items.

Mayor Chestnut said the City Commission considered situations on industrial zoning where the use table was taken and taken certain things out to make it conditional. In other words, the zoning was approved, but those things were restricted. He said certainly the City Commission was not setting any precedent by the fairly conditional rezoning, but the City had rezonings where conditions were placed on the rezonings under negotiations between the applicant and a number of times the stakeholder and neighbors where concerns were expressed, but he did not know if that process took place before the City Commission heard this matter in October. He said with a fairly sizable majority on the Planning Commission approving the rezoning with staff recommendation, notice was brought up and the neighbors caught up in October.

Commissioner Cromwell said the other question was reassurance from staff that those restrictions were doable. He said there was a good level of confidence that with restrictions there was some amount of control and the City would be receiving what they were buying.

Corliss said staff articulation was they believed they could condition the zoning with reasonable condition based on a site plan. There was not a lot of history of being either a participants or enforcers of restrictive covenants. To some extent the declarations in the restrictive covenants were belt and suspenders. He said there was the zoning in place with the site plan restrictions and staff would enforce conditions of zoning on the site plan. In addition, the proposal was to have restrictive covenant on the property that ran with the property to limit some of those uses and staff could advise the City Commission on its appropriateness. Staff had a comfort level in conditioning site plans, but conditions were not brought up with every zoning that came before the City Commission, particularly if it was not proposed by the Planning Commission, the applicant, or staff. The legal restriction was the reasonableness of the restrictions. He said Anderson pointed out the issue of familial occupancy and those types of things.

Anderson said the City Commission questioned the ownership in prior discussion, but wanted the Commission to understand that if the City Commission was so inclined, the applicant would be willing to revise the contract of purchase of the property to expressly provide the contract that the requested rezoning could not become final unless or until the applicant removed all contingencies to close under the contract.

Commissioner Dever said that was his reason for bringing this issue up, because no information was given about the owner.

Commissioner Cromwell said the option was to send this issue back to planning and continue the discussions that were occurring between the neighbors and developer. It sounded like a serious good faith effort was occurring between the neighbors and the developer and that engagement should be encouraged to achieve a consensus. He said the City Commission needed to analyze the merits of the final project and zoning.

Mayor Chestnut said he agreed with Commissioner Johnson in that the challenge was always trying to develop a consensus on what direction to take which took effort and organization. The outcome, as far as referring this rezoning back, was a good step in seeing if the public process worked.

Vice Mayor Amyx said there was an opportunity to have a restricted residential development on this particular corner. He said his concerns were with the discussions that took place in October. Again, this was the only time the City Commission could place restrictions on the appearance of that development because there was zoning on that property.

Moved by Dever, seconded by Johnson, to reconsider the October 6, 2009 denial of rezoning request Z-7-11-09 and refer the request back to the Planning Commission for consideration of conditional zoning, based on restrictions contained in the December 15, 2009, letter from Mark Anderson, Barber Emerson, representing Inverness Park L.P.; and that the contract for purchase of the property be revised to provide that the rezoning not be final unless and until the applicant has removed all contingencies to close under the contract; and, that the site plan, as finalized, be attached to and made a condition of the rezoning. Aye: Chestnut, Cromwell, Dever, and Johnson. Nay: Amyx. Motion carried.

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1211 MASSACHUSETTS STREET
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RICHARD L. ZINN
CALVIN J. KARLIN
JANE M. ELDREDGE
MARK A. ANDERSEN*
CHERYL L. TRENHOLM*
TERENCE E. LEIBOLD*
TERRENCE J. CAMPBELL*

*ADMITTED IN KANSAS AND MISSOURI

MATTHEW D. RICHARDS*
LINDA K. GUTIERREZ
MATTHEW S. GOUGH*
CATHERINE C. THEISEN
KRISTOPHER S. AMOS*
MATTHEW B. TODD

RICHARD A. BARBER
(1911-1998)

GLEE S. SMITH, JR.
OF COUNSEL

December 15, 2009

VIA HAND DELIVERY

Mayor Robert Chestnut
City Hall
6 East Sixth Street
Lawrence, Kansas 66044

Re: Reconsideration of Rezoning Request (Z-7-11-09);
City Commission Regular Agenda Item #1, December 15, 2009

Dear Mayor Chestnut:

Cecil Kingsley, with BG Consultants, held a meeting this past week with several neighbors of the proposed Clinton Parkway Casitas development project, in an effort to identify the neighborhood's legitimate planning and land use issues. It is my understanding that as a result of that meeting, the neighbors reached some consensus on certain conditions intended to address their concerns with the rezoning request Z-7-11-09.

I am writing this letter to summarize the conditions recommended by the neighbors, and to assure the City Commission that the applicant is in agreement with each of these conditions. In addition, the applicant is proposing other, additional conditions, which the City Commission may consider imposing on this project. The conditions proposed by the neighbors include the following:

1. The applicant shall provide a landscape plan for the entire development, to be prepared by a licensed landscape architect;

2. The Office/Laundry Building shown at the corner of 24th Place and Inverness Drive shall be relocated across the street to the east;

3. The applicant's engineers shall provide a rendering or concept drawing illustrating the corner of 24th Place and Inverness Drive, including the removal of the "Office/Laundry Building", which shall be replaced by a landscaped area;

4. The applicant shall refrain from placing advertising banners at the corner of 24th Place and Inverness Drive;

5. The building elevations shall label the exterior building materials; and

6. The applicant will agree to limit the number of adult occupants in the development to two (2) per unit.

In addition to the conditions recommended by the neighbors, the applicant is proposing other, additional conditions, which the City Commission may impose on this project, as follows:

1. Each building shall be limited to one (1) story above grade.

2. Each building unit shall have one (1) bedroom, maximum.

3. The development shall be limited to 161 units, maximum.

4. Prior to the zoning becoming final, the applicant will agree to record a *Declaration of Covenants and Restrictions* which, among other things, will (i) prohibit the construction of any permanent structure on the corner of 24th Place and Inverness Drive, (ii) restrict the use of the property to a maximum of 161 one-story, single-bedroom, residential units, and (iii) name the City of Lawrence as a third-party beneficiary whereby the Declaration may not be amended or terminated without the prior consent of the City.

By voting to rescind the City Commission's previous denial of the rezoning request, and returning the application to the Planning Commission, the applicant will continue to meet with the neighbors, and work with the planning staff and the Planning Commission, so that the zoning application will come back to the City Commission at the same time as the site plan, with the above-described conditions in place. As a practical matter, the proposed *Declaration of Covenants and Restrictions* should provide the neighbors with a reasonable level of assurance that the project will be developed in accordance with the applicant's site plan, otherwise the zoning would not become final.

For these reasons, we respectfully request that the City Commission rescind its prior motion to deny the rezoning request. However, the applicant is mindful that there is no point in returning this matter to the Planning Commission, and spending additional time and effort, if there is no genuine support for this project by the City Commission. Thank you.

Very truly yours,

BARBER EMERSON, L.C.

Mark A. Andersen

Mark A. Andersen

MAA:dbk
cc: Vice-Mayor Mike Amyx
Commissioner Aaron Cromwell
Commissioner Lance Johnson
Commissioner Michael Dever
David Corliss, City Manager
Michael D. Stultz
Cecil M. Kingsley

12 January 2010

RECEIVED
JAN 14 2010
City County Planning Office
Lawrence, Kansas

City of Lawrence
Planning and Development
6 East 6th street
Lawrence, KS 66044

Attn: Sandra Day, AICP
Re: **OPPOSITION** to Z-7-11-09 Rezoning of 10.97 acres, SE corner of Inverness and Clinton Parkway

Dear Ms, Day and the Planning Commission,

As neighbors in close proximity to this property, **we oppose** any adjustment to the current RSO zoning. Our Sunflower development is a lovely, quiet neighborhood of single family homes in close proximity to the Sunflower school. The properties just east and south of this parcel are currently multi-dwelling with a large younger/student population. Each morning and evening on my daily walks, I see their cars speeding around the neighborhood with the roadside littered with numerous debris, beer cans and other alcohol containers. Having this extended population in close area to the school I feel will further represent a safety issue to the local students and residence. In addition, the loss of quiet and tranquility to an established single-family home community is in further jeopardy.

Kindly consider the interest of us who live in this neighborhood as a factor in your evaluation. We have invested in our homes and this community maintained the area and peace of the neighborhood and work hard to hold our property values. Bringing additional multi-family development into the area will only decrease strained current values and local resources.

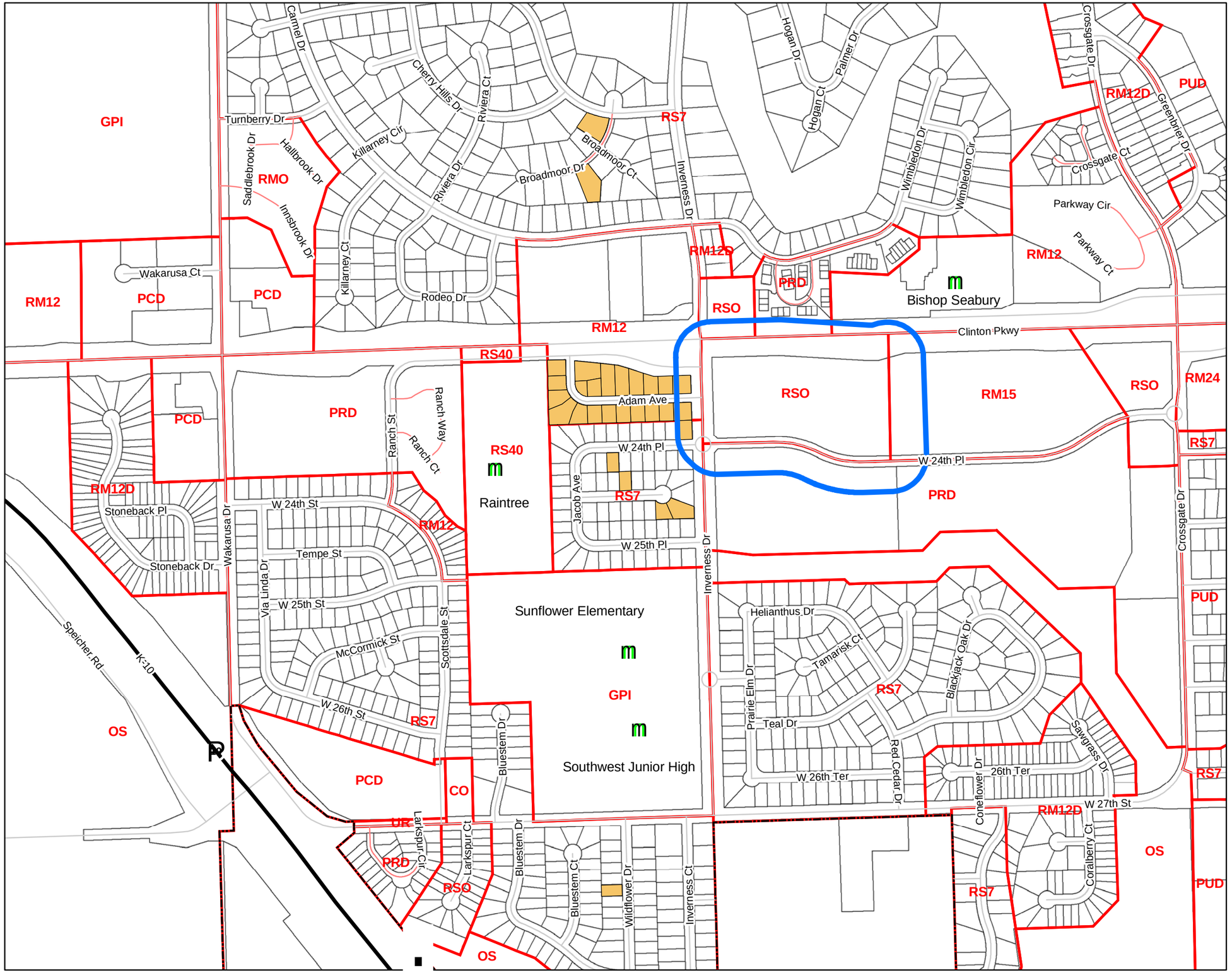
Thank you for your kind consideration in hearing our views over that of the developer BG Consultants.

Regards,



Stephen and Helen Slade
Property Owners and Residents
4219 Teal Drive
Lawrence KS 66047
785 843 1612

Notice Boundary



Legend

- Cox
- Nimkar
- Cobb/Colyer
- Kelly
- 200 foot buffer
- Clark & Hulse
- Sinclair
- Garber_Enterprises
- Parcels

REZONING (USE PERMITTED UPON REVIEW) PROTEST PETITION

Protest Petition against Rezoning of land in SE Corner of Clinton Parkway and Inverness Dr.

We, the undersigned property owners, do hereby protest the proposed rezoning by the Board of City Commissioners of Lawrence, Kansas from_____ (existing zoning) to _____ (proposed zoning) of (or the UPR to permit for_____ on) the following described property:

[Attach or insert legal description or general description of the real estate proposed to be rezoned (or for the proposed UPR). A description of the real estate is available through the Lawrence-Douglas County Planning Office.]

We, the undersigned, are owners of real property located within the statutory area of notification related to the area for which the rezoning (or UPR) is sought. See K.S.A. 12-757(f).

Note: Print name legible below or beside signature. All owners of the property must sign.

PRINTED NAME AND SIGNATURE OF OWNER	DESCRIPTION OF PROPERTY WITHIN NOTIFICATION AREA	RESIDENCE ADDRESS (IF DIFFERENT)	DATE
CHRIS L. HUTCHENS Chris L. Hutchens	residential prop	4401 W. 24th pl.	10-5-09

RECEIVED
OCT 05 2009
City County Planning Office
Lawrence, Kansas

PRINTED NAME AND SIGNATURE OF OWNER	DESCRIPTION OF PROPERTY WITHIN NOTIFICATION AREA	RESIDENCE ADDRESS (IF DIFFERENT)	DATE

STATE OF KANSAS)
) ss:
COUNTY OF DOUGLAS)

I am the circulator of this Protest Petition and a resident of the state of Kansas and possess the qualifications of an elector of the State of Kansas. I have personally witnessed the signing of the Protest Petition by each person whose name appears thereon.

Chris L Hutchens — Chris L Hutchens

Circulator Signature — Printed Name

Circulator's Residence and Address 4401 W 24th pl. Date 10-5-09

Signed and sworn to (or affirmed) before me on this 5TH day of October,

2009, by _____, circulator of this Protest Petition.

Katherine A Williams

Notary Public

My appointment expires: 4-30-2010

Katherine A. Williams
NOTARY PUBLIC
State of Kansas
My Appt. Expires 4-30-2010

TO: Lawrence City Commission

FROM: Rob and Jamie Hulse
4403 Gretchen Ct.
Lawrence KS 66047
785-841-7653
rob.hulse@att.net

DATE: September 29, 2009

RE: Rezoning of land in SE corner of Clinton Pkwy and Inverness Dr.

We're writing this letter to express our concerns and opposition for the request to rezone the property at the SE corner of Clinton Pkwy and Inverness, currently under consideration by the City Commission. We feel that another high density multi-family development creates an unfair burden on the immediate single family owners in the area with increased traffic, increased noise levels, a decrease in property values, and unsafe conditions for children walking to and from school. Additionally, altering the land use in this corner creates an unusually large cluster of apartment complexes in one area and is inconsistent with the original mix of uses for the area.

The original plan for the land south of Clinton Pkwy between Crossgate and Inverness when it was annexed into the city was for a mixed use: residential with varying density, office use, and additional options for neighborhood services. There is nothing mixed about what is going on in this area now. The only thing unique about the properties in this area is whether or not they implemented the use of masonry, wood, or stone and what paint combinations they have chosen. All are large apartment complexes and yet another development off of Crossgate is a high density retirement complex.

Additionally, any original thoughts in the area of stepping the zoning intensity gradually up or down from one zoning class to another were certainly lost as I look out the back window of my single family zoned neighborhood and see 2 two-story eightplexes, and 2 huge three-story apartment buildings bordering the west edge of the site and parking area. The plan presented to a group of neighbors many years ago by Dial was to buffer the development adjacent to single family with a cul-de-sac of one-level duplexes (patio style homes) on its west edge that were sure to attract older tenants, and would create more of a transition into 2 story apartments with the taller 3 story buildings further to the east. It was presented as a retirement community with independent and assisted living units further to the east…sort of a new Brandon Woods. Although the increased density request was approved, that plan never came to fruition and as a result, over the years as each new idea and site plan was submitted, each developer asks for just a bit more to maximize their site plans…and over the years any transition or buffer was lost.

Now, the Commission is considering plans for another 164 units on the land in the SE corner of Inverness and Clinton Parkway. We believe that the original plan for this area was to mix it up a bit, and as a result, different zonings/uses were originally assigned to the various tracts that made up the original development plan. Should the City Commission agree to rezone the site and allow for more apartments as requested, then the City Commission will be ignoring what the original development plan was for the area when it was annexed. Another large apartment complex will only add more of the same to a large tract of ground that was originally zoned with differing uses for a reason. By allowing the current request, the area will consist of 4 large apartment complexes, all adjacent to one another creating a tremendous amount of noise, traffic, and trash, without any professional office space or without any neighborhood services as was originally proposed.

Additionally:

- With both Elementary and Jr. High School children walking to/from school in the area, and with the certain increase of traffic in the area, even more unsafe conditions will exist for our kids. Recent

decisions by Lawrence Public Schools to limit bussing means more kids are in the area as pedestrians. Approval of this 4th apartment complex in such close proximity of Sunflower Elementary, Southwest Jr. High, Raintree Montessori and Bishop Seabury Schools not only increases traffic, it creates dangerous conditions for our pedestrian children.

- The roundabout at 24th Place and Inverness is so heavily used that ruts have developed in the lane around the circle making it difficult to navigate, not to mention the deep ruts in the grass by vehicles that can't navigate the circle and end up going over the curbs. Years ago developers argued that traffic from the apartments would exit to the east on Crossgate and wouldn't increase the traffic burden on Inverness, or pose additional dangers to the children walking to and from school. An added 4th apartment complex will dramatically increase traffic on Inverness and certainly pose increased risks to our children.

- Property values in the area will decline as Buyers decide not to purchase a home in the immediate area because of the adjacency to these large apartment complexes. They will opt for other areas that are not impacted by the consequences that are associated with living next door to an apartment complex (let alone 4 complexes).

- And last, there has been much recent development of new apartment complexes in the community these last 2 years. These developments are outpacing any growth (or lack thereof) that Lawrence is experiencing. Approving apartment complex site plans in correctly zoned areas is one thing, changing the zoning to permit additional apartment building in an area already heavily saturated with apartments is poor planning, and most likely increasing vacancy rates throughout the city.

In summary, at one point our neighborhood was the first in an area with two public schools, a private Montessori school, and farm ground that was described in Horizon 2020 as appropriate for residential use. Although we understand that apartments are residences, the presence of 4 large apartment complexes with high levels of density are much more commercial in nature, and are much more damaging to the area than a mixed use plan with elements of single family, multi-family, some office, and some neighborhood services.

Approving such a large area of apartments contradicts recent neighborhood planning strategies; creates a tremendous burden on the area with increased traffic, noise and congestion; ultimately lowers property values in the area; and puts our children walking to and from close by schools in greater danger.

We oppose the zoning request, and we hope that the City Commission will take actions that are consistent with current neighborhood planning strategies, don't burden area neighborhoods, help citizens protect their property values, and keep our kids safe.

Respectfully,

Rob and Jamie Hulse

Chris L. Hutchins

TO: Lawrence City Commission

FROM: Rob and Jamie Hulse
4403 Gretchen Ct.
Lawrence KS 66047
785-841-7653
rob.hulse@att.net

DATE: September 29, 2009

RE: Rezoning of land in SE corner of Clinton Pkwy and Inverness Dr.

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Additionally, any original thoughts in the area of stepping the zoning intensity gradually up or down from one zoning class to another were certainly lost as I look out the back window of my single family zoned neighborhood and see 2 two-story eightplexes, and 2 huge three-story apartment buildings bordering the west edge of the site and parking area. The plan presented to a group of neighbors many years ago by Dial was to buffer the development adjacent to single family with a cul-de-sac of one-level duplexes (patio style homes) on its west edge that were sure to attract older tenants, and would create more of a transition into 2 story apartments with the taller 3 story buildings further to the east. It was presented as a retirement community with independent and assisted living units further to the east…sort of a new Brandon Woods. Although the increased density request was approved, that plan never came to fruition and as a result, over the years as each new idea and site plan was submitted, each developer asks for just a bit more to maximize their site plans…and over the years any transition or buffer was lost.

Now, the Commission is considering plans for another 164 units on the land in the SE corner of Inverness and Clinton Parkway. We believe that the original plan for this area was to mix it up a bit, and as a result, different zonings/uses were originally assigned to the various tracts that made up the original development plan. Should the City Commission agree to rezone the site and allow for more apartments as requested, then the City Commission will be ignoring what the original development plan was for the area when it was annexed. Another large apartment complex will only add more of the same to a large tract of ground that was originally zoned with differing uses for a reason. By allowing the current request, the area will consist of 4 large apartment complexes, all adjacent to one another creating a tremendous amount of noise, traffic, and trash, without any professional office space or without any neighborhood services as was originally proposed.

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- And last, there has been much recent development of new apartment complexes in the community these last 2 years. These developments are outpacing any growth (or lack thereof) that Lawrence is experiencing. Approving apartment complex site plans in correctly zoned areas is one thing, changing the zoning to permit additional apartment building in an area already heavily saturated with apartments is poor planning, and most likely increasing vacancy rates throughout the city.

In summary, at one point our neighborhood was the first in an area with two public schools, a private Montessori school, and farm ground that was described in Horizon 2020 as appropriate for residential use. Although we understand that apartments are residences, the presence of 4 large apartment complexes with high levels of density are much more commercial in nature, and are much more damaging to the area than a mixed use plan with elements of single family, multi-family, some office, and some neighborhood services.

Approving such a large area of apartments contradicts recent neighborhood planning strategies; creates a tremendous burden on the area with increased traffic, noise and congestion; ultimately lowers property values in the area; and puts our children walking to and from close by schools in greater danger.

We oppose the zoning request, and we hope that the City Commission will take actions that are consistent with current neighborhood planning strategies, don't burden area neighborhoods, help citizens protect their property values, and keep our kids safe.

Respectfully,

Rob and Jamie Hulse

TO: Lawrence City Commission

FROM: Joe and Bridget Clark
4407 Gretchen Court
Lawrence KS 66047
Clark06@sbcglobal.net

DATE: 9-30-2009

RE: Rezoning of land in SE corner of Clinton Pkwy and Inverness Dr.

We are writing this letter in regard to the request to rezone the property at the SE corner of Clinton Pkwy and Inverness, currently under consideration by the City Commission. We strongly oppose another high density multi-family development in this area.

This area has many children attending Southwest Junior High, Sunflower Elementary, Raintree Montessori and Bishop Seabury. The traffic is already congested. There are now four large apartment complexes in the same area. This has significantly added to the noise and traffic in our neighborhood. The safety of the children walking to and from school is very much a concern. In addition, the decline of our property value is also worrisome.

We request that the City Commission take action to oppose this zoning request.

Sincerely,

Joe and Bridget Clark

RECEIVED
SEP 21 2009
City County Planning Office
Lawrence, Kansas

September 21, 2009

VIA FACSIMILE [785-832-3160]

Lawrence-Douglas County
Metropolitan Planning Commission
6 E. 6th St.
P.O. Box 708
Lawrence, KS 66044

RE: Z-7-11-09; Request to rezone property at 4300 W. 24th Pl.

Dear Commissioners:

I am writing in reference to the request by BG Consultants, Inc. to rezone approximately 11 acres on the southeast corner of Inverness and Clinton Parkway at 4300 W. 24th Pl. from RSO to RM15. My wife, Lori Sinclair, and I have owned and lived at the property located at 4400 W. 24th Pl. since early in the fall of 2008. It is our first home, and it is across Inverness from the property BG Consultants wants to have rezoned. We moved there with excitement, believing it to be quiet neighborhood after living in student-oriented apartments near the KU campus for four years.

When we moved in, The Legends apartment complex was already standing, but it was about a block away from our home. Since moving in, however, two additional, large apartment complexes have been swiftly constructed on the land south of Clinton Parkway between Crossgate and Inverness. We have witnessed the effects of the recent developments, including a substantial increase in traffic and noise, particularly since our home is on a corner lot on the round-about at 24th and Inverness. As such, we are strongly opposed to rezoning the property at 4300 W. 24th from RSO to RM15.

Our opposition to the rezoning is rooted in several concerns which include traffic, noise, and property value. Based on the substantial increase in traffic and noise from the two most recent apartment complexes near our home, it is reasonable to assume that another apartment complex directly across the street would only exacerbate the problem and seriously affect our use and enjoyment of our property.

Furthermore, we are concerned that the construction of apartments directly across the street from us would negatively affect our property value. If and when we attempt to sell our property, it simply will not be as marketable with apartments directly across the street. Additionally, there is no shortage of apartment choices in Lawrence right now. The construction

of another apartment complex of questionable quality and durability is not necessary. Thus, we worry that in the long-term, new apartment developments in other parts of town will attract more tenants, and the proposed apartment complex across the street from us will fall into disrepair thereby negatively affecting our property value. We are seriously concerned that the requested rezoning and proposed development will accomplish nothing more than further pad the pockets of already wealthy developers without a thought as to the effects on surrounding property owners both short and long-term.

For these reasons, we respectfully ask that the Commission deny BG Consultants, Inc.'s request to rezone the property. Thank you.

Sincerely,

Luke (and Lori) Sinclair
4400 W. 24th Pl.
Lawrence, KS 66047
(785) 865-3724
(785) 783-8323 (work)

From: garberprop@aol.com [mailto:garberprop@aol.com]
Sent: Tuesday, September 15, 2009 9:18 AM
To: Sandra Day
Subject: Inverness & 24th Place zoning change

Hi Sandy,

We are writing you this letter to oppose the rezoning of the land on the northwest corner of 24th Place and Inverness Drive. We had recently looked at the land to purchase and realized with all the apartments already in place in the area or currently under construction that traffic was going to significantly change once the apartments that were currently being built were done and occupied. We already see a significant amount of traffic daily from the current apartments as well as Raintree Montessori, Sunflower Elementary & Southwest Jr. High schools and adding more apartments is only going to add to this problem. The traffic on Inverness is a madhouse every morning during drop off for the schools as well as every afternoon at pick up times. Parking is a problem whenever one of the schools has a function and adding more apartments means more parking issues as the overflow of cars will result in people parking on the streets.

Also as an adjacent landowner, we feel our units property values are also going to be greatly decreased since they will be "next door" to a large community of apartments. From our experience apartment complexes bring in more students to the area which means more cars, more parties, more noise issues, etc. which it a deterrent to those who are looking for a home away from the "college scene".

Please take our opposition into consideration when making a decision regarding the rezoning of this piece of land and thank you for your time.

Sincerely,

Michael L. Garber
Garber Enterprises, Inc.

RECEIVED
SEP 18 2009
City County Planning Office
Lawrence, Kansas

September 18, 2009

Editor, Lawrence Journal World
Director, Lawrence-Douglas County Planning Commission
Mayor and Commissioners, Lawrence City Commission

Re: Expansion of Apartments at 4300 W. 24th Place (Inverness & Clinton Pkwy)

As a retired banker and former lender of both single family homes and apartments in cities *other than* Lawrence, I am a current resident in Lawrence and concerned about the current policies and approval of the continuance of building apartments in Lawrence.

The latest filing of a site plan and rezoning for a $6 million project to add 164 apartments to the Lawrence market seems ill-advised by both the city officials, not to mention the approval of lending officials doing business with certain builders in our community.

Whatever happened to 'decent' looking apartments being constructed by Mr. Stultz's company, Highland Construction Company, especially those nearly completed on W. 24th Place just east of his proposed apartments, which I might add appear to be less than half occupied or rented.

Several years ago, it was the policy of most lenders to look closely at vacancy rates of both apartments and the inventory of unsold homes in the market before approving additional loans to these builders. One just has to look around Lawrence to see the many 'vacancy' signs in practically every apartment complex. Doesn't this indicated an over-building and unsound lending practices by both the developers/builders and lenders making the funds available? And another plan for 480 apartments near 6th and Queens Road???? Are we really anticipating such an explosion in population at KU and in our city???

While I, along with most Americans, desire a healthy economy with our population going back to work, I have to take issue to some point with Mr. Stultz' comment: "Quite frankly, I have a lot of subcontractors who want to go to work.." Well, duhhh!! What else is new!

Recommendation: Develop some type policy, but not solely at the discretion of city and county officials, in determining the number of housing permits and apartment units to be built. With the lack of sound lending practices these past several years by certain financial institutions, maybe it's time to look back at what really worked: for the betterment of the community, the builders, the realtors, and the lenders.

Let's not make the property just south of Clinton Parkway between Crossgate and Inverness 'apartment city', which it currently appears to be headed that way.

A concerned citizen 'loving' Lawrence!!

RECEIVED
SEP 21 2009
City County Planning Office
Lawrence, Kansas

September 21, 2009

VIA FACSIMILE [785-832-3160]

Lawrence-Douglas County
Metropolitan Planning Commission
6 E. 6th St.
P.O. Box 708
Lawrence, KS 66044

RE: Z-7-11-09; Request to rezone property at 4300 W. 24th Pl.

Dear Commissioners:

I am writing in reference to the request by BG Consultants, Inc. to rezone approximately 11 acres on the southeast corner of Inverness and Clinton Parkway at 4300 W. 24th Pl. from RSO to RM15. My wife, Lori Sinclair, and I have owned and lived at the property located at 4400 W. 24th Pl. since early in the fall of 2008. It is our first home, and it is across Inverness from the property BG Consultants wants to have rezoned. We moved there with excitement, believing it to be quiet neighborhood after living in student-oriented apartments near the KU campus for four years.

When we moved in, The Legends apartment complex was already standing, but it was about a block away from our home. Since moving in, however, two additional, large apartment complexes have been swiftly constructed on the land south of Clinton Parkway between Crossgate and Inverness. We have witnessed the effects of the recent developments, including a substantial increase in traffic and noise, particularly since our home is on a corner lot on the round-about at 24th and Inverness. As such, we are strongly opposed to rezoning the property at 4300 W. 24th from RSO to RM15.

Our opposition to the rezoning is rooted in several concerns which include traffic, noise, and property value. Based on the substantial increase in traffic and noise from the two most recent apartment complexes near our home, it is reasonable to assume that another apartment complex directly across the street would only exacerbate the problem and seriously affect our use and enjoyment of our property.

Furthermore, we are concerned that the construction of apartments directly across the street from us would negatively affect our property value. If and when we attempt to sell our property, it simply will not be as marketable with apartments directly across the street. Additionally, there is no shortage of apartment choices in Lawrence right now. The construction

of another apartment complex of questionable quality and durability is not necessary. Thus, we worry that in the long-term, new apartment developments in other parts of town will attract more tenants, and the proposed apartment complex across the street from us will fall into disrepair thereby negatively affecting our property value. We are seriously concerned that the requested rezoning and proposed development will accomplish nothing more than further pad the pockets of already wealthy developers without a thought as to the effects on surrounding property owners both short and long-term.

For these reasons, we respectfully ask that the Commission deny BG Consultants, Inc.'s request to rezone the property. Thank you.

Sincerely,

Luke (and Lori) Sinclair
4400 W. 24th Pl.
Lawrence, KS 66047
(785) 865-3724
(785) 783-8323 (work)

From: Keith Ely [mailto:keith@keithelyassociates.com]
Sent: Monday, January 25, 2010 9:55 AM
To: lharris@ku.edu; rhird@pihhlawyers.com; greg@moorevaluation.com; therenewgroup@sbcglobal.net; cblaser@sunflower.com; jeff@chaney-inc.com; bradfink@stevensbrand.com; MontanaStan62@gmail.com; hughcarter@dgcounty.com; ksingleton@sloanlawfirm.com
Cc: mikeamyx515@hotmail.com; robchestnut@sunflower.com; aroncromwell@gmail.com; ljohnson@peridiangroup.com; mdever@sunflower.com; larry@larrynorthrop.com; 'Karen Ely'
Subject: Sunflower Park 2 apartment complexes on agenda tomorrow night

Members of the planning and city commission:

On your agenda tonight (1/25 is the resubmission of the Sunflower Park 2 apartment complex rezoning request (**ITEM 3**) for the SE corner of Inverness Drive and Clinton Parkway as well as a request for high density zoning on the east side of the Legends and north of the Wyndam Place retirement complex (**ITEM 4**.). I live in the Sunflower Park neighborhood adjacent to the **ITEM 3** and **4** requests and am requesting that **ITEM 3** (being requested by Inverness Park, LP) be ***unanimously denied*** as per the 10/6 city commission unanimous denial and that the **ITEM 4** (deferred, being requested by Inverness Park, LP) request to high density zoning be ***unanimously denied***.

We have The Legends apartment complex, Remington Square complex, The Grove complex and Wyndam Place retirement home (all high density housing) in our proximity and ***do not want or need*** any more high density housing in our area.

Thank you for your consideration and cooperation in this matter.

Keith Ely
Managing Partner

KEITH ELY & ASSOCIATES
UNLOCKING WEALTH IN THE TRUCK DEALERSHIP INDUSTRY

P O Box 1229
Lawrence, KS 66044

4194 Blackjack Oak Drive
Lawrence, KS 66047

Office: (785) 842-6498
Cell: (785)760-0651
Fax: (785) 842-6785

From: Jamie Hulse [mailto:jamiehulse@att.net]
Sent: Sunday, January 24, 2010 5:37 PM
To: therenewgroup@sbcglobal.net
Subject: Questions Re rezoning request 4300 W. 24th Pl.

Dear Charlie –

Below are questions/concerns that we have regarding the rezoning request for 4300 W. 24th Place. We appreciate your time and attention to this matter.

Sincerely,
Rob and Jamie Hulse
4403 Gretchen Ct.
393-2942

- **BG Consultants, Inc. is requesting rezoning to multi-family for both corners – Inverness/Clinton Pkwy and Crossgate/Clinton Pkwy.** What is the reason that this information has not been communicated to neighborhoods? There was discussion about this corner at the 12/10/09 meeting and no mention was made when multiple people in the room were clearly aware.
- Who will be the owner, and what type of complex is planned for Crossgate/W. 24th Place if rezoning is approved?
- *" …transient is known to stay overnight in apartment building laundry rooms."* http://www2.ljworld.com/news/2010/jan/08/police-identify-suspect-orchards-drug-robbery-seek/ . This transient was arrested for Orchard Drug robbery, attempted home invasion and carjacking.
- Significant concern for laundry room that might be used as overnight quarters for transients where K-9 children walk to and from school.
- We were told Stultz completed research to learn there is a demand for this type of 1 BR complex by young grad students and young professionals, and on 12/10/09 asked for details of his research but no research data has ever been provided. Specific concerns included:
    - No laundry in individual units. Do target tenants really want to haul laundry in bad weather to a laundry facility?
    - A number of neighbors are concerned about the projected rent rate attracting low income tenants, and how that will impact the neighborhood and property condition now and future.
    - This complex is adjacent to 3 complexes that target college students looking for a fun, party living environment…what data supports young professionals and grad students want to live adjacent to partying students?
    - What are interior finishes – ie countertops, quality/type of flooring, lighting? (we've been told by Mr. Kingsley they'd be higher end finishes)
- Building Elevation shows mechanical unit centered under window – is that a heating/cooling unit similar to a hotel?
    - If yes, wouldn't this be higher than normal utility costs? And higher usage ie energy efficiency for the environment?
    - Is this type of heating/cooling used in other RMD complexes? Will that affect type of tenant?
- Why does city code require water to individual attached units if more than 6 attached? And why if this is city code is it appropriate to grant an exception for this project?
- Confirm – street trees on landscaping plan are one every 40 feet, which is the minimum city requires, and not *more* than city requires?
- Does interior/parking lot landscaping *meet* or *exceed* city requirements?
- Landscaping in front of entries are required to screen mechanical units under windows?
- Landscape Plan calls for 2" caliper trees and 1 gal shrubs – Lawrence Development Code Pg 10-15 states min caliper for shade trees is 2 ½ " and Pg 10-16 states min shrub size at 2 gal.
- Are arborvitaes considered shrubs or upright evergreens for purpose of satisfying requirements? (difference between 1 gal and 6 ft)

- We have read that Lacebark Elms can be invasive (concern for neighbors and medians), need to be pruned annually, small leaves and blossoms falling in fall can kill grass if not removed.
- Watering spigots marked on plan?
- What is the process and fine amount when trees/screenings die and need to be replaced?
- Where is the water retention area? When this piece of ground was originally being annexed there was significant concern about flooding to neighborhoods to the east, which was a problem with no development.
- Should a new traffic study be completed for both corners at Clinton Pkwy to 27th on Crossgate and Inverness? Last study completed was in 1999, when the entire tract was still farmland, and prior to construction of Aberdeen South, One of a Kind Daycare and most of the properties south of W. 27th .

From: Terri McLaughlin [mailto:ctmkmclaughlin@yahoo.com]
Sent: Sunday, January 24, 2010 9:59 PM
To: Scott McCullough
Cc: robchestnut@sunflower.com; mikeamyx515@hotmail.com; aroncromwell@gmail.com; ljohnson@peridiangroup.com; mdever@sunflower.com
Subject: MPC Z-7-11-09

Gentlemen,

We are residents of the neighborhood directly across from the area of land at Inverness and Clinton Parkway being considered for a zoning change. This proposal was denied once and we urge you to continue to protect the integrity of our neighborhood by denying the request for rezoning again.

Sincerely,
Craig and Terri McLaughlin
4431 Gretchen Ct.
Lawrence KS 66047

FAXED 1-25-10

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

January 25, 2010

VIA FACSIMILE (785) 832-3160

Lawrence-Douglas County
Metropolitan Planning Commission
6 E. 6th St.
P.O. Box 708
Lawrence, KS 66044

Re: January 25, 2010 Regular Agenda Item No. 3
Z-7-11-09 – Casitas Rezoning

Dear Commissioners:

We own and live in the house on the northwest corner of the roundabout at Inverness Drive and 24th Place. Our house is right across the street from the property subject to the above-referenced rezoning request. We are unable to attend the Planning Commission meeting this evening, so we submit this letter in place of our public comment at the meeting.

On September 21, 2009, we attended the Planning Commission meeting regarding the rezoning request, and Lori presented our concerns in opposition to the proposed rezoning request. We were disappointed by the Planning Commission's apparent disregard for our concerns, as it decided with an 8 to 1 vote to recommend the City Commission approve the rezoning request.

On October 6, 2009, we and a number of our neighbors attended the City Commission meeting and elaborated on the same concerns which Lori spoke about at the earlier Planning Commission meeting. We were heartened when the City Commission voted unanimously to deny the rezoning request, despite the Planning Commission's recommendation.

The concerns of the neighborhood with respect to this rezoning request are clear and well documented in the Planning and City Commission minutes, as well as the written communications from the various meetings touching on this rezoning request. They include increased traffic and noise, likely shoddy appearance, saturation of the rental market, future abandonment of the proposed development, and decreased property values, among others.

On December 10, 2009, a number of people from our neighborhood met with City Commissioner Lance Johnson and several folks with BG Consultants, Inc., including Cecil Kingsley. The meeting was used as a time for the neighborhood to discuss with the BG Consultants representatives how the site plan could be changed to address the neighborhood's concerns. BG Consultants agreed to take the discussed modifications to the applicant and revise the plan, including the landscaping, if agreeable to the applicant.

On December 15, 2009, and at the request of the applicant, the City Commission held a public hearing to reconsider its denial of the rezoning request. At that meeting, Cecil Kingsley discussed the applicant's willingness to make certain changes to the site plan, and the applicant's lawyer presented what he considered to be an adequate means of ensuring that approval of the rezoning request would be tied to acceptance and approval of the site plan. The latter issue is an attempt to assuage concerns of the neighbors, particularly Rob and Jamie Hulse, arising from a process similar to this one in which the end result was The Grove apartment complex.

On January 7, 2010, another meeting was held at BG Consultants wherein a revised site plan and modified landscape plan were revealed. The changes included the addition of trees around the perimeter of the property, the relocation of a clubhouse that had initially been planned for the northeast corner of Inverness and 24th Place, and the insertion of a green space in its place. There was also discussion with the applicant's lawyer of the legal means of tying the rezoning request to the development of the property exactly as presented in the site plan. As a result of the meeting, additional minor modifications were made to the landscape plan and kindly emailed to the neighbors by Cecil Kingsley shortly after the meeting.

We are grateful that the applicant has made efforts to seek the opinions of the neighbors and modify the plan so as to attempt to address our concerns. We are also grateful for the work done by BG Consultants and the applicant's lawyer throughout the process thus far. Nonetheless, Lori and I remain unequivocally opposed to the construction of another apartment complex across the street from us. There are already three very large complexes between Crossgate and Inverness south of Clinton Parkway, and the greater rental market in Lawrence is surely flooded as it is.

We are, however, aware that there is only so much that can be done to obstruct a property owner from building as it sees fit on property it owns. We have made our concerns known to the applicant throughout this process through Cecil Kingsley and BG Consultants, and most of them have been addressed. If a multi-family development must be constructed, this process has allowed us some say, an opportunity to pick our poison, so to speak.

It is our understanding, though, that there remain concerns with the plan, particularly the landscape plan, including the amount and type of trees and shrubbery along Inverness and 24th to screen the view of the new development – which could include the mixture of evergreen and deciduous trees. There are also other concerns which we believe will be addressed at the meeting tonight by other neighbors. We believe that those concerns should be fully and adequately dealt with before the Planning Commission is satisfied with the site plan or rezoning request. In the larger scope of things, it is a small price to pay for the applicant to make sure that these concerns are addressed before it is allowed to break ground.

On another note, we understand that the applicant has offered to donate trees to the City to plant in the median on Inverness, between Clinton Parkway and 24th Place. These trees are only valuable insofar as the City maintains them and the grass around them on the median. We ask, therefore, that the City take diligent care of those trees.

In short, we respectfully request that the Planning Commission take all of the neighbors concerns into consideration before deciding whether to look favorably upon the rezoning request and associated site plan and do what is truly best for the neighborhood and the City, and not just the applicant.

Thank you for your time and consideration.

Sincerely,



Luke and Lori Sinclair

cc: Lisa Harris (via email)
Greg Moore (via email)
Charles Blaser (via email)
Brad Finkeldei (via email)
Hugh Carter (via email)
Richard Hird (via email)
Charlie Dominguez (via email)
Jeff Chaney (via email)
Stanley Rasmussen (via email)
Kenzie Singleton (via email)

Memorandum
City of Lawrence
Legal Services Department

TO: **Scott McCullough, Director of Planning And Development Services**
Toni Ramirez Wheeler, Director of Legal Services

FROM: **John Jay Miller, Staff Attorney**

DATE: **January 15, 2009**

RE: **Proposed Changes to Planning Commission By-Laws Regarding Ex Parte Communications.**

At the October 26, 2009 Planning Commission meeting, the Commission directed staff to prepare proposed modifications to the Planning Commission By-laws regarding ex-parte communications. At the December 14, 2009 meeting, the Planning Commission meeting staff presented the requested modifications for the Planning Commission's consideration and review. The Planning Commission directed staff to place the By-laws amendments on the January 2010 meeting agenda for their approval.

Between the December and January meeting, staff discovered that the term "not previously" was inadvertently left out of the ex parte language for the Wednesday night communications. That term existed prior to the January 2009 amendments and including that term with the proposed By-laws changes is consistent, in staff's opinion, with the Planning Commission's direction.

Changes to the By-laws are shown with the text proposed for deletion ~~struck-through~~ and the proposed new text in **bold** and in *italics*.

The first proposed change is to Article V, Section 2, Order of Business, which reads, for the first regularly scheduled meeting, as follows:

d) communications:
    1. public (written)
    2. planning commissioners or other boards and/or commissions (written or oral)
    3. staff (written or oral)
    4. ***ex parte communications disclosed (oral)***
    5. declaration of intent to abstain on specific agenda items (oral)
    6. requests for deferral

~~j) ex parte communications disclosed for each separate quasi-judicial item (oral).~~

~~k~~ ***j***) recess public hearing

~~l~~ ***k***) old business [items returned for reconsideration by a governing body] and miscellaneous items

For the Wednesday night regular meeting as follows:

b) communications:
    1. staff (written or oral) response to questions raised by the public or commissioners.
    2. ***ex parte communications not previously disclosed (oral).***
    3. declaration of intent to abstain on specific agenda items (oral).

~~c) ex parte communications disclosed for each separate quasi-judicial item (oral).~~
e) committee or commission generated plans or rezonings
f) old business or miscellaneous items
g) close public hearing
h) public comments
i) adjournment

The second proposed change is to Article VII, Code of Conduct, Section 3, Disclosure of Ex Parte Communications, which reads as follows:

Section 3. DISCLOSURE OF EX PARTE COMMUNICATIONS. Any ex parte communication shall be disclosed at any meeting as part of the Communications section ~~and at the beginning of each quasi-judicial item~~ of the agenda or earlier. ***Any Commissioner arriving after the Communications portion of the agenda shall disclose any ex parte communication prior to participating in any quasi-judicial item on the agenda.*** The Commissioner receiving the communication shall disclose the full nature of the ex parte communication including the identity of the individual(s) participating in the communications and any information obtained through the communications so that the applicant, staff or public is provided the opportunity to respond and/or rebut the information provided in the ex parte communication.

The first change was requested to reduce the redundancy of ex parte communications during the meeting. Ex parte communications are still required to be disclosed but the disclosure will occur during the communications portion of the meeting as described in Article V, Section 2, Order of Business.

The second change is to insure that a Planning Commissioner arriving at the meeting after the communications portion of the meeting discloses ex parte communications prior to participating in any quasi-judicial item on the agenda.

By-law amendments require a two-thirds vote of the Commission.

Recommendation:

Staff presents the attached proposed By-Laws amendments for the Planning Commission's consideration and, if appropriate, approval.

BY- LAWS OF THE LAWRENCE- DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
LAWRENCE, KS

ADOPTED JUNE, 1969

AMENDED 10.23.02, 02.11.04, 03.17.04, 08.30.06, 09.24.07, 02.27.08

LATEST AMENDMENT: 02.23.09

ARTICLE I
NAME AND MEMBERSHIP

SECTION 1. NAME. The name of this organization, established by Ordinance No. 3951 of the City of Lawrence, Kansas, and Resolution No. 69-8 of Douglas County, Kansas, shall be the Lawrence-Douglas County Metropolitan Planning Commission. The term "Commission" in the following sections shall mean the Lawrence-Douglas County Metropolitan Planning Commission.

SECTION 2. MEMBERSHIP. Membership of the Commission shall be as established by the above-cited joint ordinance/resolution, which specifies the number, method of appointment, and term of office.

ARTICLE II
PURPOSE

SECTION 1. BY-LAWS. The purpose of these by-laws is to establish rules for the internal organization of the Commission and for procedures of operation.

SECTION 2. COMMISSION. The function, powers, and duties of the Commission are as authorized by state law and by the joint ordinance/resolution establishing the Commission. With some exceptions, actions of the Commission are recommendatory only and subject to approval by the appropriate governing body, the City Commission or the Board of County Commissioners. The Commission, however, adopts its own rules and policies for procedure, consistent with its powers.

ARTICLE III
ORGANIZATION

SECTION 1. OFFICERS. The officers of the Commission shall be a chairperson, a vice-chairperson, and a secretary. The chairperson and vice-chairperson shall be elected by the Commission at its regular meeting in June of each year. Their term of office shall be one (1) year. No person may serve more than two (2) consecutive terms. The Director of Planning & Development Services or his/her selected representative shall serve as secretary to the Commission.

SECTION 2. CHAIRPERSON. The chairperson shall preside at all meetings of the Commission unless the chairperson designates someone to preside in his/her stead. The chairperson shall appoint all committees. The chairperson shall perform all the duties assigned to his/her office by law and by the city and county governing bodies, and shall have such usual powers of supervision and management as pertains to the office of chairperson.

SECTION 3. VICE-CHAIRPERSON. The vice-chairperson shall act as chairperson in the absence of the chairperson. In the event the office of chairperson becomes vacant, the vice-chairperson shall succeed to that office for the unexpired term, and the Commission shall select a new vice-chairperson for the unexpired term at the next regular meeting.

SECTION 4. SECRETARY. The secretary shall prepare the agenda and the order of business for each regular meeting in consultation with the chairperson. The secretary shall keep the Commission informed on all communications. The secretary shall record the minutes of all meetings and shall provide copies to all members of the Commission, the governing bodies and other public agencies involved. The secretary shall act on behalf of the Commission in the following matters, provided that matters shall first be presented to the Commission if there appears to be a serious conflict of interest, public controversy, or the like:

a. Represent the Commission on planning matters at all meetings of the governing bodies.
b. Prepare or present plans, policies, or procedures established by the Commission.
c. Prepare the annual budget and review it with the Commission.
d. Accept and prepare all routine communications on planning matters.
e. To give or serve all notices required by law, these by-laws or adopted procedures.

Further, the secretary shall be responsible to advise the chairperson directly, and the Commission as a whole, on matters regarding annual requirements for document reviews, i.e. HORIZON 2020, or its successor, and deadlines and content requirements for submission of various reports and documents to local governing bodies, the State of Kansas, and Federal offices.

SECTION 5. COMMITTEES. The Commission shall meet as a "Committee of the Whole" to consider informally issues as determined by the Commission. The Vice Chair shall preside at these meetings and shall work with the Chair and Secretary to set agendas and meeting times. Other ad-hoc committees may be appointed by the Commission Chair, as necessary to study, facilitate, and/or make recommendation of specific issues. Such appointments will include purpose, members, and presiding officer. Planning Commission members shall be appointed by the chairperson to serve on the ad-hoc committees. No ad-hoc committee shall have more than four (4) planning commissioners appointed to it.

SECTION 6. ATTENDANCE. Any member who is absent from three (3) consecutive regular meetings shall have such absence reported by the chairperson to the governing bodies. Members who accrue absences beyond a total of four (4) in any Commission year should consider relinquishing their appointments.

SECTION 7. PLANNING OFFICE. The Planning office shall provide professional and technical assistance to the Commission. Staff planners shall present recommendations of the Commission to the governing bodies. Recommendations of the professional staff, minutes of the Commission meeting, and other relevant material shall be presented to the governing bodies with the recommendations of the Commission. The Planning office shall also provide professional and technical assistance to both governing bodies and to other boards, commissions and agencies as is deemed appropriate. The Planning office shall be the official custodial agency for minutes, records, files, and materials relating to Commission business.

ARTICLE IV
MEETINGS

SECTION 1. REGULAR MEETINGS. Regular monthly meetings shall be held twice a month, typically on the fourth Wednesday of the month and on the Monday preceding the fourth Wednesday of the month, unless otherwise designated on the official yearly meeting calendar adopted annually in November of the previous year. The public hearing portion of the regular monthly meetings shall be commenced at the first meeting date and recessed, at the conclusion of that meeting, until 6:30 p.m. on the second monthly meeting date.

The first regular monthly meeting shall be held on either a Monday or a Thursday, and shall commence at 6:30 p.m. This meeting shall conclude by 10:30 p.m., unless the ending time has been extended by a simple majority vote of the commission. The second regular monthly meeting shall be held on a Wednesday. The meeting time for this second regular meeting shall be from 6:30 p.m. to 10:30 p.m. The ending time for either regular meeting may be extended by a simple majority vote. Meeting extensions shall be to a time certain or until the conclusion of the current agenda item under discussion but in no case shall the first meeting extension be for more than one hour beyond the published ending time. A meeting may not be extended more than one hour past its scheduled ending time except by a vote of 7 or more commissioners. The chair can extend the meeting only long enough to establish a date, time and location for completion of the published agenda items.

Regular monthly meetings shall be held in the City Commission meeting room on the first floor of City Hall, 6 E 6th Street, in Lawrence, unless another location is published in the meeting's legal notice.

SECTION 2. CORRESPONDENCE. Correspondence received from the applicant, staff or public after the staff report packet has been originally posted will be posted to the website by 2:00PM on the Monday of the first meeting. Questions submitted from the public in regard to items on the first regularly scheduled meeting shall be provided to staff at least 48 hours prior to the meeting to allow time for responses to be prepared and posted by the 2:00PM deadline above.

SECTION 3. SPECIAL MEETINGS. Special meetings may be called by the chairperson and shall be called by the chairperson if requested by at least six (6) members of the Commission. Notice of special meetings shall be given by the Planning Director not less than five (5) days prior to the meeting. Published notice shall state the purpose, time and location of the meeting.

SECTION 4. AGENDA. One agenda shall be published for each month's regularly scheduled meetings. This agenda shall clearly identify the agenda items under consideration at each of the two regularly scheduled monthly meetings. The meeting agenda shall be available to the public ten days prior to the first regular monthly meeting and shall be posted on the department's website for ease of access. Agenda updates will be posted to the website daily by 5:00PM (if needed).

SECTION 5. QUORUM. A quorum shall consist of six (6) members as provided by the joint ordinance/resolution establishing the Commission. In the absence of a quorum, the members present shall reschedule the meeting and absent members shall be notified by the secretary.

ARTICLE V
Conduct of Meetings

SECTION 1. PARLIAMENTARY AUTHORITY. Meetings shall be conducted according to these by-laws and the Commission's adopted Rules of Procedure. Rules of Procedure can be suspended by a motion that is supported by a second, and a two-thirds majority vote in favor of the motion. Rules of Procedure are an addendum to the By-Laws.

SECTION 2. ORDER OF BUSINESS. The order of business shall be as follows:

The order of business for consideration at the first regularly scheduled monthly meeting shall be as follows:

a) Call to order
b) minutes
c) staff and committee reports
d) communications:
    1. public (written)
    2. planning commissioners or other boards and/or commissions (written or oral)
    3. staff (written or oral)
    4. *ex parte communications disclosed (oral)*
    5. declaration of intent to abstain on specific agenda items (oral)
    6. requests for deferral
e) election of chairman and vice-chairman [annually at the June meeting]
f) consent agenda items
g) items pulled from consent agenda
h) plats which require public hearing on variance requests
i) public hearing items that are:
    1. associated with non-public hearing items
    2. annexation referral requests
    3. minimum maintenance road requests
    4. City or County special use permits
    5. text amendments to zoning or subdivision regulations
    6. comprehensive plan amendments

~~j) ex parte communications disclosed for each separate quasi-judicial item (oral).~~

~~k~~ *j*) recess public hearing

~~l~~ *k*) old business [items returned for reconsideration by a governing body] and miscellaneous items

The order of business for consideration at the Wednesday night regular meeting shall be as follows:

a) Call to order
b) communications:
    1. staff (written or oral) response to questions raised by the public or commissioners.
    2. *ex parte communications not previously disclosed (oral).*
    3. declaration of intent to abstain on specific agenda items (oral).
c) reconvene public hearing
d) public hearing items that are:
    1. associated with non-public hearing items
    2. minimum maintenance road requests

3. City or County special use permits
4. comprehensive plan amendments
5. text amendments to zoning or subdivision regulations

~~e)~~ ~~ex parte communications disclosed for each separate quasi-judicial item (oral).~~
~~f)~~ ***e)*** committee or commission generated plans or rezonings
~~g)~~ ***f)*** old business or miscellaneous items
~~h)~~ ***g)*** close public hearing
~~i)~~ ***h)*** public comments
~~j)~~ ***i)*** adjournment

* public and non-public hearing items that are related to a development project shall be placed on the same meeting's agenda in consecutive order under the regular agenda.

Any matter or subject not appearing on the agenda shall be considered under Miscellaneous Items if a majority of the Commission members vote consideration. Approval of consideration shall be based on a finding that a review or presentation would be in the best interest of the general public and not contrary to the provisions of public notice.

SECTION 2A. AGENDA MANAGEMENT BY STAFF. Items on the regular agenda shall be ordered according to Staff's estimation of various factors including: location within community [staff will attempt to schedule items within same area/neighborhood on the same night to accommodate public involvement]; staffing assignments [to minimize individual staff attendance at both meetings]; applicant's ability to attend; and balancing number of items between the two meetings. This shall apply to all Items, regardless of previous deferrals, except according to specific direction from the Planning Commission.

SECTION 2B. ITEMS PULLED FROM CONSENT AGENDA. An item may be removed from the consent agenda after the meeting has been called to order for one of three actions: approval by separate voice vote; clarification of a comment or recommendation in the staff report, when such clarification will take 5 minutes or less; or, for a lengthy discussion [one greater than 5 minutes] of a comment or recommendation in the staff report which involves presentation by the applicant, or numerous questions by the commission.

When an item is pulled only for a separate voice vote, it shall be considered immediately following action taken on the remainder of the consent agenda. An item pulled for clarification shall be considered after scheduled non-public hearing items are considered. An item pulled for lengthy discussion by the applicant shall, at the chairperson's discretion, be placed at the end of the commission agenda, prior to consideration of miscellaneous items OR on the following month's meeting agenda. An item requested to be pulled for lengthy discussion by a planning commissioner shall be placed at the end of the non-public hearing portion of the agenda.

SECTION 2C. DEFERRALS REQUESTED BY THE APPLICANT. Deferral requests that are made while a project is under review [prior to staff report posting on the website] will be noted on a revised agenda as 'Deferred' and staff will attempt to notify members of the public who have expressed interest in the project during the review period, as well as the media. Deferral requests made by the applicant after staff report posting and through the communications deadline shall be considered by the Commission under the Communications portion of the agenda. Such requests will be permitted only in cases in severe hardship or for the purpose of making a significant change to the original application and only with a majority vote of the Commission at

the meeting. Such requests must be made in writing and must be submitted to Staff no later than 10:00AM on the day of the meeting.

The Commission has the authority to deny the deferral request on the grounds that such request was not made in a timely fashion, that notice of deferral has not been given to the adjacent property owners, or that the applicant is not seeking deferral in order to make significant changes to the original application.

SECTION 2D. DEFERRALS/TABLING INITIATED BY THE COMMISSION. The Commission may table or defer any item, including after the public hearing has been closed, when it is determined by the Commission that such action would be advantageous to the Commission for responding to issues raised and for gathering adequate information to make a well-informed recommendation.

SECTION 3. STAFF REPORTS. Staff reports on all agenda items shall be prepared and posted to the website five (5) calendar days prior to the day of the first meeting. Members of the public can sign up to receive automatic e-mail notification regarding staff report postings and updates.

SECTION 4A. APPEARANCE BEFORE THE COMMISSION. Petitioners or their representatives, members of the community at large, or individuals or their representatives who feel that they will be affected by any action may appear before the Commission to present views and statements either for or against agenda items. The public may address their comments or concerns to the Commission in person or in writing. Except as otherwise determined by the chair, the following time limits will apply: Applicant - 10 minutes per item up to a maximum of 30 minutes; Members of public representing themselves - 3 minutes (although any member of the public can give 2 minutes of his/her time to another member of the public, such additional time can not cause the total amount of time to exceed 10 minutes); Members of public representing a recognized organization or group of individuals - 5 minutes. The Chairperson may at his/her discretion change the length of presentation or discussion to ensure the orderly conduct of Commission business provided that the decision of the Chairperson may be overridden by a majority vote of those commissioners present.

After a motion to close the public record has been approved on a public hearing item, additional public testimony will not be taken with the exception that a Commissioner, after recognition by the Chairperson, may ask a speaker for clarification on a point raised. Such action shall be noted in the minutes and the returning speaker shall be instructed to reply only to the question raised.

SECTION 4B. INTRODUCTION OF UNREVIEWED INFORMATION. An applicant's written response to the recommendations in the Staff Report will be accepted by planning staff until 2:00PM on the business day prior to the day of the meeting on which the agenda item will appear. The applicant may present new information at a regular meeting under three circumstances:

(a) The information has been reviewed by Staff and Staff is prepared to respond;
(b) The information is in direct response to recommendations in the Staff Report; or
(c) The information is requested by a Commissioner is the course of the regular meeting.

In all other cases in which the applicant wishes to introduce new information, the applicant should make a timely request for deferral of the Item in accordance with Article V, Section 2C.

If the Item stays on the agenda, Staff should notify the Commission if any attempt is made to introduce new information not complying with (a), (b) or (c) as described above. In such a case, the Chair shall bar introduction of the new information and the Commission shall consider the Item without consideration of the new information.

SECTION 4C. WRITTEN COMMENTS FROM THE PUBLIC. Public comments on agenda items for the regularly scheduled monthly meetings will be accepted by planning staff until 10:00 a.m. on the day of the first regularly scheduled monthly meeting. This deadline provides time for correspondence to be posted to the website by the 2:00PM deadline established in Article IV, Section 2.

SECTION 5. COMMISSION ACTION. The Commission shall take action on each item presented at the conclusion of discussion of that item.

SECTION 6. MOTIONS. Motions before the Commission shall be restated by the Chairperson before a vote is taken.

SECTION 7. VOTING. Voting on non-public hearing items and for public hearing items shall be by a show of hands. Each member's vote shall be recorded by the Secretary or his/her designee on the official voting sheet. After a vote is taken the Chairperson or the Secretary shall announce the votes cast in favor of the motion, in opposition to the motion and whether the motion passed or failed.

For non-unanimous votes, the minutes shall note the members voting in favor of a motion, in opposition to a motion, and those abstaining from voting on the motion as well as the vote tally. For example, an 8-1-1 vote would be recorded as Commissioners a ,b ,c ,d ,e ,f ,g ,& h voted in the affirmative, Commissioner x voted in opposition to the motion and Commissioner y abstained from voting.

SECTION 8. ABSTENTION. It is the duty of each member to vote on each issue, but that member may abstain. No member shall vote on an issue in which he or she has a conflict of interest. During an item for which a member has declared an abstention because of a conflict of interest that member shall physically leave the meeting room.

SECTION 9. RECORD OF PROCEEDINGS. The secretary shall record the minutes of each meeting as a matter of public record and shall present such minutes to the Commission for approval.

A written voting log shall be kept for each motion. Included in this log shall be: the commissioner who made the motion; the commissioner seconding the motion; any commissioners abstaining from voting on the motion; the commissioners voting in favor of the motion; and the commissioners voting in opposition to the motion.

Draft minutes will be stamped as DRAFT and will be forwarded to the Commission when the staff report is posted to the website. Revisions may be made to the minutes at any time prior to approval of said minutes at the next regular meeting. Due to timing of the meetings, draft minutes are distributed to the Governing Bodies prior to approval by the Planning Commission.

ARTICLE VI
MATTERS TO BE CONSIDERED

SECTION 1. ITEMS TO BE CONSIDERED. The Commission shall consider matters relating to the Comprehensive Plan, including zoning, subdivision, and other regulatory measures relating to the Comprehensive Plan and the physical development of the city and county, as itemized in Section 2, below.

The Commission shall not consider any proposal, request, application, or plat which is contrary to or in conflict with provisions of the Kansas Statutes Annotated, as amended, or contrary to or in conflict with city ordinances or county resolutions.

SECTION 2. ITEMIZED LIST. A specific list of matters to be considered by the Commission is as follows:

1) Any general improvement plan pertaining to the Regional Planning Area;
2) Rezoning proposals, Conditional Use Permits, Special Use Permits, and Subdivision plats;
3) Annexation proposals;
4) Comprehensive Plan amendments or revisions;
5) Zoning and Text Amendments to adopted ordinances and resolutions;
6) Any proposal embraced in the Comprehensive Plan;
7) Establishment of building setback lines;
8) Capital Improvement Plans and Transportation Improvement Plans or other transportation planning documents and amendments to these plans, and;
9) Such other matters as the Director may bring before the Commission or that the governing bodies may assign to the Commission or the Commission shall deem relevant or appropriate.

ARTICLE VII
CODE OF CONDUCT

Section 1*. Definitions*:

A. QUASI-JUDICIAL CONDUCT. A Planning Commission is expected to act like a judge or function in a "quasi-judicial" manner when reviewing matters that affect a specific party's land use rights. Quasi-judicial conduct should be above reproach and within the law. Quasi-judicial conduct demands that commissioners make decisions based on "procedural due process." Procedural due process includes the following:

- Appearance of fairness of the Commissioner
- Proper notice of the hearing;
- A proper hearing process;
- A complete record; and
- A decision that meets legal requirements and is based on the record.

B. EX PARTE COMMUNICATIONS. Ex parte communications are private communications, written, electronic, oral, or other by or with any commissioner that is not subject to public review and the hearing process.

C. ACTIVE REQUEST. An item is an active request until such time as the Planning Commission has completed deliberations on the item, forwarded a recommendation to the Governing Body(ies) and a 'final action of approval' has been taken. A 'final action of approval' shall be construed to mean, for the purposes of this document, the adoption of an ordinance or resolution by the Governing Body(ies) to enact a zoning or text change, the filing of a plat or development plan at the Register of Deeds, the denial of a request, or the issuance of a building permit based on an approval of an "active request." An item is an active request at least from the time that any filing or request is received by the Planning Office, or any action has been initiated by the Planning Commission or by a Governing body.

Section 2. EX PARTE COMMUNICATIONS ALLOWED. Communications are not in violation of the ex parte disclosure requirements if they do not pertain to specific sites or properties, and/or if they solely involve general planning, procedural or policy issues.

Section 3. DISCLOSURE OF EX PARTE COMMUNICATIONS. Any ex parte communication shall be disclosed at any meeting as part of the Communications section ~~and at the beginning of each quasi-judicial item~~ of the agenda or earlier. ***Any Commissioner arriving after the Communications portion of the agenda shall disclose any ex parte communication prior to participating in any quasi-judicial item on the agenda.*** The Commissioner receiving the communication shall disclose the full nature of the ex parte communication including the identity of the individual(s) participating in the communications and any information obtained through the communications so that the applicant, staff or public is provided the opportunity to respond and/or rebut the information provided in the ex parte communication.

Section 4. REQUEST FOR ADDITIONAL INFORMATION BY COMMISSIONERS. The ex parte communication restriction shall not preclude any Commissioner from requesting additional information as long as the requests for information are in writing and a copy of the request and the response are forwarded to staff and made part of the public record on that quasi-judicial matter.

SECTION 5. EXEMPTION FROM EX PARTE RESTRICTIONS. Ex-parte communications and the disclosure requirements on this form of communication are not applicable to communications between planning commissioners. Limitations on commissioner-to-commissioner communications are covered under the Kansas Open Meetings Act.

Section 6. Conflict of Interest. A Commissioner shall not participate in, discuss or vote on a matter in which he or she has a conflict of interest or a substantial interest as defined by K.S.A. 75-4301a et seq. or is prevented by any applicable City or County resolution or policy. Any Commissioner having a conflict of interest or substantial interest with respect to an item before the Commission, shall physically leave the meeting room during the discussion and the vote on the item.

Section 7. Commissioners continue to be subject to the ex parte disclosure requirements until a 'final action of approval' has been taken on an "active request" as defined in Article VII, Section 1C.

ARTICLE VIII
AMENDMENTS

Section 1. These by-laws may be amended by a two-thirds vote of the Commission at any regular meeting, provided the members have been notified one (1) month in advance and the proposed amendment has been placed on the agenda.

PLANNING COMMISSION REPORT
Non-Public Hearing Item

PC Staff Report
01/27/10

ITEM NO. 7 FINAL DEVELOPMENT PLAN FOR PARKWAY PLAZA; 2121 KASOLD DR (MKM)

FDP-11-10-09: Consider a revised Final Development Plan for Parkway Plaza PCD Phase IV-B, located at 2121 Kasold Drive. Submitted by Landplan Engineering, for Patrick Alexander, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the Revised Final Development Plan for Parkway Plaza, Phase IV-B to amend the permitted uses based on the findings presented in the staff report and subject to the following condition:

1. The property owner shall install the landscaping shown on the approved plan. As this plan is being considered in the winter, staff recommends that a temporary certificate of occupancy be granted with the provision that the landscaping shall be installed as shown on the approved plan by May 1st 2010.

Reason for Request: Currently, medical and related office uses are not permitted in Phase IV of this development. The revision is being requested to permit the addition of a medical and related office use to the existing structure.

KEY POINTS
- This area is designated in Horizon 2020 as a Neighborhood Commercial Center.
- The use restrictions prohibiting medical, dental and other related offices were placed on the development plan for Phase IV rather than the zoning ordinance.

FACTOR TO CONSIDER
- Compatibility of use/development with surrounding land uses.
- Compliance of use with purpose of Neighborhood Commercial Center.

ASSOCIATED CASES/OTHER ACTION REQUIRED
ASSOCIATED CASES
- August 1999: Revised Preliminary Development Plan for Parkway Plaza for a car wash at this location was denied by City Commission at their 10/19/1999 meeting and again following reconsideration at their 11/30/1999 meeting.
- PDP-01-01-2000: Revised Preliminary Development Plan for Parkway Plaza PCD, Ph. IV; for multi-dwelling and retail uses was approved by City Commission 2/1/2000 with condition to prohibit medical and dental offices.
- FDP-01-02-00: Final Development Plan for Parkway Plaza, Phase IV for multi-family residential and retail was approved by Planning Commission at their 3/15/2000 meeting.

OTHER ACTION REQUIRED
- Recording of the revised Final Development Plan [FDP-11-10-0], if approved, with the Douglas County Register of Deeds.
- Provision of landscaping as shown on the approved plan.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Traffic study was submitted with original application. Additional study not required.
- *Downstream Sanitary Sewer Analysis* – Not required as no additional plumbing fixtures are being installed.
- *Drainage Study* – The drainage study dated 8-11-99 meets the specified requirements and was approved on 8-26-99.
- *Commercial Design Standards* – Physical site layout standards were considered with preliminary development plan, building elevations are considered with the Final Development Plan. No changes are being proposed to the building elevations. The development is being reviewed with the Commercial Design Standards to evaluate effectiveness of existing transitional measures.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

None received

GENERAL INFORMATION

Current Zoning and Land Use:	PCD-Rose/Hy-Vee Center (Planned Commercial Development) District; (Phase IVB) Retail building containing a Bicycle Sales and Repair Shop and empty tenant space with two apartments on the second floor.
Surrounding Zoning:	To the south and west: PCD-Rose/Hy-Vee Center (Planned Commercial Development) District; multi-dwelling residential units to the west and Hy-Vee (Food and Beverage Sales) and associated parking lot to the south. To the east: RS7 (Single-Dwelling Residential) District; Kasold Drive and single dwelling residences. To the north: PUD-Alvamar (Planned Unit Development) District; multi-dwelling residential structures and associated parking lot.

DEVELOPMENT HISTORY OF PHASE IV

Zoned PCD-2 in 1993:

Preliminary and Final Development Plans for development.

The approved 1993 Development Plan for the Hy-Vee PCD contained the following Note regarding uses in Phase IV: "*Phase IV is to be restricted to office and residential uses to provide a buffer needed between the retail area and existing residential uses".*

1999 Revised Parkway Plaza PDP for a car wash and apartments in Phase IV

The City Commission voted 3 to 2 at their October 19, 1999 meeting to deny the revised plan to permit a car wash in Phase IV B and voted 3 to 2 to deny the plan at the reconsideration hearing on November 30, 1999. The City Commission minutes indicate that public concerns were raised about the use of a car wash as a 'buffer' between the retail and the neighboring residential land uses. The manager of the apartments to the north was concerned about the view from the second story apartments. Other concerns included the anticipated negative impacts from the light and noise associated with the 24 hour car wash. A petition with 30 signatures was presented which requested that the permitted uses remain office and residential to provide a transitional area from the retail uses to the south and the residential to the north. One commissioner expressed concerns that the car wash would generate a higher level of traffic than other potential commercial uses as a reason for his opposition to the plan.

Revised Parkway Plaza Preliminary and Final Development Plans for apartments and limited retail in Phase IV [PDP-01-01-2000 and FDP-02-01-00].

PDP-01-01-2000, approved by the City Commission on February 1, 2000 and FDP-01-02-00, approved by the Planning Commission on March 15, 2000, permitted the development of seven four-plexes; two 3-bedroom apartments and a limited retail component. The approved plan listed the permitted retail uses in Phase IVA; prohibited medical, dental, and related offices from this phase; and also limited the amount of retail to 4800 gross sq ft.

The staff report for the revised preliminary development plan [PDP-1-1-2000] noted that careful attention must be given to retail areas that are adjacent to medium density residential uses so that there are minimal adverse impacts to the residential areas, as recommended in the comprehensive plan. It was staff's opinion that the Comprehensive Plan may support a limited retail use at this location, with an effective amount of buffering or screening.

Staff's concern with medical office uses are shown in the following excerpt from the PDP-1-1-2000 staff report:

> *"Based on the submitted traffic study and subsequent revisions, some currently permitted office uses could generate unacceptable levels of traffic at the intersection of Kasold Dr. and 22nd St. Therefore, staff believes that more intense medical, dental and similar office types of uses should be prohibited in both Phase IVA and IVB."*

The Planning Commission approved the development plan with the condition that a note be placed on the PDP identifying "Medical, dental, and related offices' as prohibited uses.

STAFF ANALYSIS

The current request is to remove the restriction on medical offices to permit a chiropractor office at this location which would operate in conjunction with the bike sales/repair business. Traffic and compatibility with adjacent residential land uses were noted as the principal concerns with medical offices being located in this area in 2000 when retail uses were added as a permitted use and medical, dental and related offices were removed.

TRAFFIC

With the approval of the 2000 Final Development Plan, improvements were recommended to Kasold (if found necessary to maintain a level of service of D at 22nd and Kasold): construction of a south-bound right turn deceleration lane on Kasold Dr at the intersection with 22nd St and construction of improvements at the intersection of 22nd and Kasold to insure that the level of service does not fall below 'D'.

On April 7, 2000 the City Commission adopted Resolutions No. 6174 and No. 6175 for the following benefit districts:

(6174) Southbound right turn lane on Kasold/22nd: northbound left turn lane on Kasold at 22nd; and the construction of an eastbound right turn lane on 22nd and Kasold; and

(6175) southbound left turn lane at 22nd and Kasold and a northbound left turn lane at Kasold and Augusta.

The 8th Edition of the Trip Generation ITE Report indicates that medical offices and retail uses of a similar size result in a similar number of trips per peak hour. Medical-Dental Office Building (Code 720) has an average trip generation rate of 3.62 per 1000 sq ft for a weekday peak hour (Page 1241 of the 8th Edition ITE Report). A retail store specializing in sports equipment (Code 861) has an average trip

generation rate of 3.10 per 1000 sq ft for a weekday peak hour (Page 1652 of the 8th Edition ITE Report). The 4800 sq ft retail space would result in approximately 15 trips per peak hour and the 4800 sq ft of medical/dental office would result in approximately 17 trips per peak hour.

Given the improvements that have been made to Kasold and the additional signalization of intersections in the area on Kasold and on Clinton Parkway and the similar amount of traffic generation from retail/sporting uses and the medical/dental office use the addition of the *medical, dental and related offices* should not have a negative impact on the traffic in the area.

COMPATIBILITY

This area is designated as a Neighborhood Commercial Area in *Horizon 2020*. The Preliminary Development Plan lists the use restrictions which were placed on the development to maintain the 'Neighborhood Commercial' nature of the development. With the adoption of the 2006 Development Code, new zoning districts were added; one being the CN2 (Neighborhood Commercial) District. Permitted uses were established for the CN2 District which would be compatible with surrounding neighborhoods.

While Medical and Dental Offices are prohibited in Phase IVA, they are permitted in the CN2 District with a Special Use Permit. These uses may be of an intensity which would not be compatible with the purpose of the CN2 District or the surrounding land uses; therefore, the additional review and public hearing of a Special use Permit are intended to ensure compatibility of development. In this case, compatibility of development is ensured through the additional review and notice provisions associated with a Planned Development.

COMPATIBILITY OF DESIGN

The Development Code, adopted in 2006, contains buffering provisions intended to provide adequate transition between differing zoning districts. The Commercial Design Standards, also adopted in 2006, include standards for building orientation, architectural design, and landscaping measures to insure appropriate transition between differing uses. These tools were not available when the most recent revised preliminary development plan was approved.

The Commercial Design Standards regulate the aesthetic character and design of buildings to insure compatibility. Page 2-5 of the Commercial Design Standards states, "*Principles of aesthetic character and building design are intended to usually tie a commercial development together, not only internally with other buildings of the same development but also externally with adjacent development."*

Part 2, I, C—Streetscape and Neighborhood Transition (page 2-12) states that the design standards were established *"to ensure that new commercial developments are woven into the physical fabric of the community and surrounding neighborhoods by recommending that building placement and orientation provide compatible transitioning techniques to minimize adverse impacts such as noise, odor, light and glare."*

When the Development Plan for Phase IVB was approved, the site was undeveloped. Not only the proposed uses, but the physical design of the development could be incompatible with the existing residential uses to the north. It is easier to gauge compatibility now that the structure in Phase IVB has been built. The structure is consistent with many of the recommendations in the Commercial Design Standards to ensure compatibility. Figures 1-3 show the similarity in building mass, roof types, and building design of the bike shop and the adjacent multi-dwelling residences.



Figure 1. Comparison of building types.



Figure 2. Retail store and neighboring apts. to the north.



Figure 3. View of retail store from neighboring apts. to the north

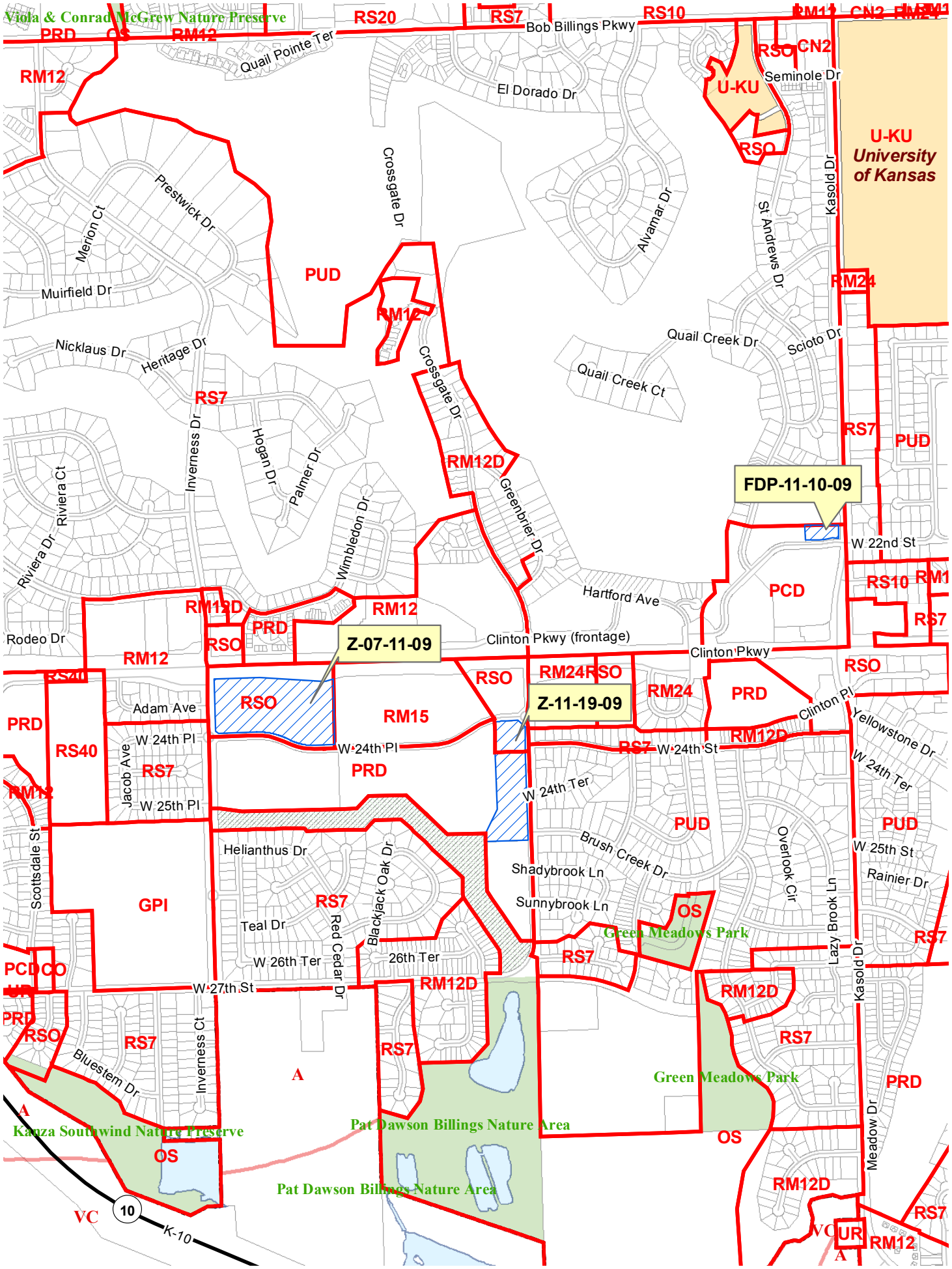
LANDSCAPING
The landscaping shown on the approved development plan meets the buffering requirements in the Development Code; however, it appears that some landscaping has died or was omitted. To insure compatibility with the neighboring properties, the landscaping for Phase IVB shall be installed as shown on the most recently approved plan. As this plan is being considered in the winter, staff recommends that a temporary certificate of occupancy be granted with the provision that the landscaping noted in Table 1 as deficit from the plan shall be installed by May 1st, 2010.

CONCLUSION
The proposal is to revise the permitted uses shown on the development plan to permit a medical office to operate in the retail building in conjunction with the retail bike shop. This will be accomplished by revising the Permitted Use Groups Table for Phase IV on Sheet 3 of the Final Development Plan to include "Medical and Related Offices: Chiropody, chiropractic, dental, electrology, medical, optical, optometric, osteopathic, including a clinic (excluding plastic and cosmetic surgery)"; and by revising the permitted uses shown on the plan in Phase IV-B to include "and/or professional offices (including medical). The restriction on cosmetic and plastic surgery reflects the use restriction in the existing private covenants for the property.

Based on the compatibility of design, the similarity of traffic anticipated from the uses, and the provision of the required landscaping, the medical/office use should be compatible with the surrounding residential neighborhood and staff recommends approval of this revision.

	On plan:	**On site**	**Deficit**
To the east, adj to parking lot	**7 shrubs** (4 Pfitzer junipers, 3 Anthony Waterer Spirea)	--	**7 shrubs** (4 Pfitzer junipers, 3 Anthony Waterer Spirea)
To the east near Kasold	**4 deciduous trees** (2 Sugar Locust, 1 Summit Ash, 1Autumn Purple Ash	--	**4 deciduous trees** (2 Sugar Locust, 1 Summit Ash, 1Autumn Purple Ash-SE corner)
To the north of parking lot	**2 deciduous trees** (1 Summit Ash, 1 Skyline Locust) **1 White Pine** **4 existing trees** **16 shrubs** (9 Pfitzer junipers, 7 Compact Burning Bush)	1 deciduous tree 4 existing trees	**1 deciduous tree** **1 White Pine** **16 shrubs** (9 Pfitzer junipers, 7 Compact Burning Bush)
To the south along 22nd and adj to parking lot	**2 deciduous trees** (1 Autumn Purple Ash, 1 Red Sunset Maple) **8 shrubs** (2 Anthony Waterer Spirea, 6 Compact Burning Bush)	1 deciduous tree	**1 deciduous tree** (1 Autumn Purple Ash, 1 Red Sunset Maple) **8 shrubs** (2 Anthony Waterer Spirea, 6 Compact Burning Bush)

Table 1. Comparison of landscaping on approved plan and that provided on-site.


Viola & Conrad McGrew Nature Preserve
PRD
OS
RM12
RS20
RS7
Bob Billings Pkwy
RS10
RM12
CN2
RM24
Quail Pointe Ter
RM12
El Dorado Dr
RSO
CN2
Seminole Dr
U-KU
RSO
U-KU
University
of Kansas
Prestwick Dr
Merion Ct
Crossgate Dr
Alvamar Dr
St Andrews Dr
Kasold Dr
PUD
RM24
Muirfield Dr
RM12
Quail Creek Dr
Scioto Dr
Nicklaus Dr
Heritage Dr
Quail Creek Ct
RS7
Inverness Dr
Hogan Dr
Palmer Dr
Crossgate Dr
RM12D
RS7
PUD
Riviera Ct
Riviera Dr
Wimbledon Dr
Greenbrier Dr
FDP-11-10-09
W 22nd St
PCD
RS10
RM1
Hartford Ave
RM12D
RM12
RS7
Rodeo Dr
PRD
RSO
Z-07-11-09
Clinton Pkwy (frontage)
Clinton Pkwy
RM12
RS40
RSO
RM24RSO
RSO
RM24
PRD
Clinton Pl
Adam Ave
RSO
RM15
Z-11-19-09
Yellowstone Dr
PRD
RS40
W 24th Pl
W 24th Pl
RS7
W 24th St
RM12D
W 24th Ter
RM12
Jacob Ave
RS7
PRD
W 25th Pl
PUD
PUD
Scottsdale St
Helianthus Dr
Brush Creek Dr
Overlook Cir
W 25th St
Rainier Dr
GPI
Blackjack Oak Dr
RS7
Shadybrook Ln
Sunnybrook Ln
OS
Green Meadows Park
Teal Dr
Red Cedar Dr
Lazy Brook Ln
RS7
PCD
CO
W 26th Ter
26th Ter
RS7
W 27th St
RM12D
RM12D
Kasold Dr
RSO
RS7
Inverness Ct
RS7
RS7
Bluestem Dr
A
Green Meadows Park
PRD
A
Kanza Southwind Nature Preserve
Pat Dawson Billings Nature Area
OS
OS
RM12D
Pat Dawson Billings Nature Area
Meadow Dr
VC
10
K-10
VC
UR
RM12
RS7
A

PLANT SCHEDULE

PHASE I (INSTALLED)

SYMBOL	QUANTITY	COMMON NAME	SIZE	CONDITION
AM	11	AMUR MAPLE	5–6' HT.	CONT.
APA	23	AUTUMN PURPLE ASH	2–2½" CAL.	B&B
AV	26	ARROWWOOD VIBURNUM	18–24" HT.	CONT.
AWS	39	ANTHONY WATERER SPIREA	18–24" HT.	CONT.
AJS	23	AUTUMN JOY SEDUM	1 GAL.	CONT.
CAC	43	COMPACT CRANBERRY VIBURNUM	18–24" HT.	CONT.
CWE	86	COMPACT BURNING BUSH	18–24" HT.	CONT.
DKL	40	DWARF KOREAN LILAC	18–24" HT.	CONT.
PC	13	PRAIRIFIRE CRABAPPLE	5–6' HT.	CONT. OR B&B
RSM	14	RED SUNSET MAPLE	2–2 1/2" CAL.	B&B
SA	28	SUMMIT ASH	2–2 1/2" CAL.	B&B
SC	7	SNOWDRIFT CRABAPPLE	5–6' HT.	CONT. OR B&B
SL	63	SKYLINE LOCUST	2–2 1/2" CAL.	B&B
WP	11	WHITE PINE	6–8' HT.	B&B

PHASE II PAD SITES (SITE "A" INSTALLED; SITE "B" APPROVED)

SYMBOL	QUANTITY	COMMON NAME	SIZE	CONDITION
AV	30	ARROWWOOD VIBURNUM	18–24" HT.	CONT.
AWS	39	ANTHONY WATERER SPIREA	18–24" HT.	CONT.
CWE	9	COMPACT BURNING BUSH	18–24" HT.	CONT.
DKL	14	DWARF KOREAN LILAC	18–24" HT.	CONT.

PHASE II A (INSTALLED)

SYMBOL	QUANTITY	COMMON NAME	SIZE	CONDITION
CWE	50	COMPACT BURNING BUSH	18–24" SPREAD	CONT.
AWS	32	ANTHONY WATERER SPIREA	18–24" SPREAD	CONT.
SL	2	SKYLINE LOCUST	2" – 2 1/2" CAL.	B&B

PHASE II B (INSTALLED)

SYMBOL	QUANTITY	COMMON NAME	SIZE	CONDITION
CWE	11	COMPACT BURNING BUSH	18–24" HT.	CONT.
AWS	9	ANTHONY WATERER SPIREA	18–24" HT.	CONT.
CPB	6	COMPACT PIGMY BARBERRY	18–24" HT.	CONT.
DKL	11	DWARF KOREAN LILAC	18–24" HT.	CONT.
PJ	6	MUGO PINE	18–24" HT.	CONT.
CAC	6	COMPACT CRANBERRY	VIBURNUM	CONT.

PHASE II C (INSTALLED)

SYMBOL	QUANTITY	COMMON NAME	SIZE	CONDITION
AV	10	BURKWOOD VIBURNUM	18–24" SPREAD	CONT.
AWS	18	ANTHONY WATERER SPIREA	18–24" SPREAD	CONT.
RSM	3	RED SUNSET MAPLE	2" – 2 1/2" CAL.	B&B
SA	6	SUMMIT ASH	2" – 2 1/2" CAL.	B&B

PHASE III (80% COMPLETE)

SYMBOL	QUANTITY	COMMON NAME	SIZE	CONDITION
SA	3	SUMMIT ASH	3" – 3 1/2" CAL.	B&B
APA	30	AUTUMN PURPLE ASH	2–2 1/2" CAL.	B&B
AWS	36	ANTHONY WATERER SPIREA	18–24" SPREAD	CONT.
WP	4	WHITE PINE	6–8' HT.	B&B
SL	4	SKYLINE LOCUST	2" – 2 1/2" CAL.	B&B
MG	20	MAIDEN GRASS		5 GAL. CONT.
PFG	13	PURPLE FOUNTAIN GRASS		5 GAL. CONT.
H	25	HANDPA		5 GAL. CONT.
CWE	7	COMPACT BURNING BUSH	18–24" SPREAD	CONT.
FI SG	18	FORSYTHIA X INTERMEDIA	18–24" SPREAD	CONT.
P (SP)	7	PEONY (DOUBLE PINK)		1 GAL. CONT.
HT	10	HOSTA TARDIANA 'HALCYON'	12–18" SPREAD	CONT.
OGH	11	OREGONIGRAPHOLLY	12–18" SPREAD	CONT.
JM	1	JAPANESE MAPLE	17 CAL.	B&B
SKJ	5	SKY ROCKET JUNIPER	18–24" SPREAD	5 GAL.CONT.
W (W)	12	WIGELIA (WHITE)		1 GAL. CONT.
JH	11	JAPANESE HONEYSUCKLE		1 GAL. CONT.

PHASE IV (PROPOSED)

SYMBOL	QUANTITY	COMMON NAME	SIZE	CONDITION
RSM	12	RED SUNSET MAPLE	MIN. 2" CAL.	B&B
APA	13	AUTUMN PURPLE ASH	MIN. 2" CAL.	B&B
SL	10	SKYLINE LOCUST	MIN. 2" CAL.	B&B
SA	9	SUMMIT ASH	MIN. 2" CAL.	B&B
WP	1	WHITE PINE	6–8' HT.	B&B
RB	7	EASTERN REDBUD	MIN. 1 1/2" CAL.	B&B
CWE	21	COMPACT BURNING BUSH	18 – 24" HT.	CONT.
PJ	37	PFITZER JUNIPER	24 – 30" HT.	CONT.
AWS	14	ANTHONY WATERER SPIREA	18 – 24" HT.	CONT.

NOTE: ALL LANDSCAPED AREAS NOT CONTAINING TREES, SHRUBS OR GROUNDCOVER SHALL BE SEEDED OR SODDED PER DIRECTION OF OWNER.

100 YEAR FLOOD BOUNDARY PLOTTED FROM THE FLOOD BOUNDARY AND FLOODWAY MAP FOR THE CITY OF LAWRENCE, KANSAS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, MARCH 2, 1981

CHAIRMAN
LAWRENCE – DOUGLAS COUNTY PLANNING COMMISSION

SECRETARY
LAWRENCE – DOUGLAS COUNTY PLANNING COMMISSION

CAUTION: 16" HIGH PRESSURE GAS LINE!!!

BENCHMARK: SW CORNER OF THE STEEL BASE OF THE TRAFFIC SIGNAL ON THE NW CORNER OF KASOLD DRIVE & CLINTON PKWY. ELEV. 872.25

SCALE 1" = 40'

0 20 40 80 120

landplan engineering P.A.

- LANDSCAPE ARCHITECTURE
- CIVIL ENGINEERING
- COMMUNITY PLANNING
- SURVEYING

1310 WAKARUSA, SUITE 100
LAWRENCE, KANSAS 66049
PHONE (785)843-7530
FAX (785)843-2410

LIVESTOCK EXCHANGE BUILDING
1600 GENESSEE, SUITE 400
KANSAS CITY, MISSOURI 64102
PHONE (816)221-2234
FAX (816)221-2644

LEGEND

- UTILITY EASEMENT
- EXIST. CURB & GUTTER
- EXIST. CURB INLET
- EXIST. LIGHT POLE Ø
- EXIST. MANHOLE
- EXIST. SANITARY SEWER
- 16" GASLINE & MARKER
- EXIST. SIGN
- EX. UTILITY POLE
- EX. FIRE HYDRANT
- PROPERTY LINE
- CENTERLINE
- EXIST. TREES
- PHASE II PLANTING (P2)
- PROPOSED LIGHTING (TYP.)
  - 1000 WATT FIXTURE, 10° TILT
  - 1000 WATT FIXTURE, 0° TILT
  - 1000 WATT FIXTURE, SWITCHED SEPARATELY (TO BE TURNED OFF)
  - 400 WATT FIXTURE
  - WALL MOUNTED FIXTURE (SEE ARCHITECTURAL PLANS FOR ACTUAL LOCATIONS)

LEGEND — LOT FIVE
- ASPHALT PAVING
- CONCRETE PAVING
- CURB & GUTTER
- LIGHT POLE (SEE MECH)

PARKWAY PLAZA PCD

LAWRENCE, KANSAS

AMENDED FINAL DEVELOPMENT PLAN FOR Phase IV–B

LAYOUT and LANDSCAPE PLAN

REVISIONS

6/18/01	per additional drive
7/20/01	per staff comments
8/03/01	per staff comments
11/23/09	phase iv, use gp. 9(1)

COMPUTER I.D.:	2001.648
DATE:	FEBRUARY 9, 2000
PROJECT NO.:	01648.00
DESIGNED BY:	HY–VEE
DRAWN BY:	CAR
CHECKED BY:	TAH
SHEET NO. 1 OF 3 SHEETS	

2001 COPYRIGHT

Detention Information

PER THE DIRECTION OF THE CITY STORMWATER MANAGER, DETENTION IS PROVIDED FOR PHASE "IV-A" AS FOLLOWS:

VOLUME:	6,785.0 C.F.
RELEASE RATE (2-YEAR):	5.0 C.F.S.
RELEASE RATE (10-YEAR):	6.0 C.F.S.
RELEASE RATE (100-YEAR):	16.0 C.F.S.

NOTE:
ALL PROPOSED CURB INLETS SHALL COMPLY WITH CURRENT CITY STANDARDS.

S:\SDSKPROJ\99602\dwg\99037top.dwg

LOT 88 ALVAMAR ESTATES

N 90°00'00" E 732.30'

℄ KASOLD DRIVE

℄ 22ND STREET (EXISTING)

N 90°00'00" W 259.13'

S 00°00'00" E 22.99'

N90°00'00"W 26.35'

S 00°00'00" W 826.28'

S 17°08'00" W 169.36'

L=170.90' R=230.00'

L=77.26' R=567.38

L=86.40' R=567.38

L=59.11' R=257.77'

N 47°25'34" E 186.83'

S42°34'26"E 8.5'

℄ QUAIL CREEK DRIVE

℄ 22ND STREET

PHASE III A

PHASE IV-A

PHASE IV-B

THE PINNACLE AT ALVAMAR

ALVAMAR GOLF COURSE

F.F.E. 865.50

F.F.E. 861.00

F.F.E. 860.00

F.F.E. 858.50

F.F.E. 865.05

F.F.E. 861.50

FFE 860.50

FFE=862.50

FFE=864.50

FFE=864.50

FFE=864.60

FFE=865.50

FFE=861.50

FOUR-PLEX (TYP.) FFE=860.50

NEIGHBORHOOD COMMERCIAL/ PROFESSIONAL OFFICES (UNDERGROUND) RESIDENTIAL FFE=872.50 BE=862.50

FFE 858.50

EXISTING INLET STANDARD 10'X4' C.I. FL IN (S)=850.01 FL OUT (S)=848.84

STANDARD 4'X4' AREA INLET T/B=854.50 FL OUT=851.09 INSTALL 10" ORIFICE PLATE OVER OUTLET PIPE

INSTALL CMP END SECTION. FL OUT=854.50 PROVIDE RIP-RAP

STANDARD 4'X4' AREA INLET T/B=859.53 FL IN (E)=855.53 FL OUT=855.13

STANDARD 5'X4' C.I. T/B=859.53 FL IN (E)=855.53 FL OUT=855.13

STANDARD 4'X4' C.I. T/B=853.50 FL IN (E)=856.08 FL OUT=855.78

STANDARD 4'X4' C.I. T/B=862.66 FL IN(W)=858.56 FL OUT=858.36

STANDARD 4'X4' C.I. T/B=862.66 FL IN(W)=859.91 FL IN(E)=859.61 FL OUT=859.41

STD. 5'X4' C.I. T/B. 870.75 FL OUT: 867.25

STD. 5'X4' C.I. T/B: 868.40 FL IN: 864.10 FL OUT: 863.90

STD. 5'X4' C.I. T/B: 868.50 FL IN: 865.00 FL OUT: 864.80

STANDARD 4'X4' AREA INLET RIM=863.55 FL IN(E)=861.11 FL OUT=860.91

TW=65.00 BW=64.40

TW=66.00 BW=64.20

TW=67.00 BW=64.50

TW=69.00 BW=64.50

TW = BW 875.00

TW 865.45 BW 864.70

110 LF 24" CMP @ 8.45% SLOPE

85 LF 24" CMP @ 8% SLOPE

170 LF 24" CMP @ 2.00%

153 LF 24" CMP @ 1.00%

35 LF 18" CMP @ 2.0%

66 LF 24" CMP @ 2.00%

259 LF 24" CMP @ 1.00%

171 LF 36" @ 50%

145 LF 36" @ 6" WATERLINE

62.66 LF 18" CMP @ 5.00%

138.65 LF 48"X36" CMPA @ 50%

502.25 LF 48"X36" CMPA @ 50%

MH #1

MH #2

MH #3

MH #4

MH #5

MH #6

MH #7

RIM ELEV. 861.25

RIM ELEV. 861.36

RIM ELEV. 860.65

RIM ELEV. 861.10

RIM ELEV. 860.70

RIM ELEV. 861.10

RIM ELEV. 863.00

RIM ELEV. 863.10

RIM ELEV. 863.25

RIM ELEV. 865.45

RIM ELEV. 861.95

RIM ELEV. 863.20

RIM ELEV. 858.00

RIM ELEV. 858.60

RIM ELEV. 864.45

RIM ELEV. 865.45

RIM ELEV. 863.95

RIM ELEV. 865.45

RIM ELEV. 865.40

RIM ELEV. 865.60

RIM ELEV. 865.85

RIM ELEV. 865.30

RIM ELEV. 863.50

RIM ELEV. 863.00

RIM ELEV. 863.00

RIM ELEV. 863.00

Legal Description

LOT 1 OF PARKWAY PLAZA NO. 4, CONTAINING 8.027 ACRES, ALL IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.
LOT 2 OF PARKWAY PLAZA NO. 4, CONTAINING 1.395 ACRES, ALL IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.
LOT 3 OF PARKWAY PLAZA NO. 4, CONTAINING 4.280 ACRES, ALL IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.
LOT 4 OF PARKWAY PLAZA NO. 4, CONTAINING 1.019 ACRES, ALL IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.
LOT 5 OF PARKWAY PLAZA NO. 4, CONTAINING 1.267 ACRES, ALL IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.
LOT 6 OF PARKWAY PLAZA NO 4, CONTAINING 2.81 ACRES, ALL IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

Notes

1. EXISTING ZONING: PCD-2
2. CURRENT USE: UNDEVELOPED
3. PROPOSED USE: MIXED USE
4. WRITTEN DIMENSIONS SHALL PREVAIL OVER SCALED.
5. TOPOGRAPHIC INFORMATION FROM SURVEY BY M.J. HARDIN AND LANDPLAN ENGINEERING. CONTOUR INTERVAL IS 1 (ONE) FOOT.
6. PRIVATE DRIVES AND PARKING AREAS TO BE PER CITY OF LAWRENCE STANDARDS (MIN. 2" ASPHALT ON 5" ROCK BASE.) ALL STREETS AND PARKING AREAS TO HAVE 24" CONCRETE CURB AND GUTTER. ALL STANDARD PARKING SPACES TO BE MIN. 9' WIDE AND 18' LONG. ALL HANDICAP SPACES TO BE PAINTED WITH CITY OF LAWRENCE STANDARD HANDICAP SYMBOL.
7. TRASH ENCLOSURES AS SHOWN ON PLAN ARE TO BE COMPLETELY ENCLOSED BY 6' HEIGHT WOODEN SCREEN FENCE.
8. CITY OF LAWRENCE WILL NOT BE RESPONSIBLE FOR PAVEMENT DAMAGE DUE TO REFUSE COLLECTION.
9. SITE LIGHTING TO MIN. 275 WATT METAL HALIDE WITH LOCATION SHOWN ON PLAN.
10. LANDSCAPE AS SHOWN ON PLAN AND IN PLANT SCHEDULE.
11. THE FOLLOWING RESTRICTIONS APPLY TO USE GROUPS 13 AND 15: THE SPECIFIC USES OF EXTERIOR STORAGE AND RESTAURANTS WITH DRIVE-UP WINDOWS ARE TO BE EXCLUDED FROM THE APPROVED AND PERMITTED USES IN THIS COMMERCIAL CENTER (ALL PHASES).
12. CONSTRUCTION VEHICLES ARE TO BE RESTRICTED TO THE 22nd STREET ACCESS TO KASOLD, AND THE WESTERNMOST ACCESS TO CLINTON PARKWAY.
13. ALL STREETS ARE TO BE BUILT WITH PHASE I.
14. CONTRACTOR SHALL MAINTAIN DRAINAGE DURING CONSTRUCTION AND IS RESPONSIBLE FOR ALL DEWATERING NECESSARY FOR CONSTRUCTION.
15. ALL QUANTITIES SHALL BE VERIFIED BY THE CONTRACTOR.
16. ALL TURF AREAS DISTURBED DURING THE PROGRESS OF THIS PROJECT SHALL BE GRADED AND OTHERWISE RESTORED TO CONDITION ACCEPTABLE TO THE CITY OF LAWRENCE & THE OWNER(S).
17. PARKING AREAS TO BE MARKED ACCORDING TO CITY ORDINANCE NO. 20-1205. ALL PARKING STALL LINES SHALL BE 4" WIDE X 18' LONG, UNLESS NOTED OTHERWISE.
18. ALL PARKING STALLS SHALL BE 9' X 18' MEASURED FROM BACK OF CURB TO CENTERLINE OF 4" WIDE LINE, UNLESS NOTED OTHERWISE.
19. ALL HANDICAP PARKING SHALL BE 13' X 18' EXCEPT FOR HANDICAP VAN PARKING WHICH SHALL BE 18' X 18' (DIMENSIONS INCLUDE ACCESS AISLE).
20. ALL 24" CURB & GUTTER SHALL BE AS PER CITY STANDARDS.
21. PARKING SETBACKS ALONG ALL EXTERIOR LOT LINES SHALL BE 10'. ALL BUILDINGS OR STRUCTURES SHALL BE SET BACK FROM THE PERIPHERY BOUNDARY OR PERIPHERY STREET RIGHT-OF-WAY NOT LESS THAN 30 FEET VARIANCE ALLOWING A REDUCTION TO 25' IS APPROVED PER THE PRELIMINARY DEVELOPMENT PLAN [PHASE IV-A].
22. THE CONTRACTOR SHALL PROVIDE ADEQUATE TRAFFIC CONTROL SIGNAGE AS RECOMMENDED IN THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES", CURRENT EDITION.
23. LANDOWNERS SHALL PROVIDE FOR AND ESTABLISH AN AGENCY FOR THE MAINTENANCE OF COMMON OPEN SPACE, RECREATION FACILITIES, NON-ENCROACHABLE AREA AND ANY OTHER AREA WITHIN THE AREA PROPOSED TO BE DEVELOPED THAT IS TO BE RETAINED PRIMARILY FOR THE EXCLUSIVE USE AND BENEFIT OF THE RESIDENTS, LESEES, AND OWNERS OF THE PLANNED UNIT DEVELOPMENT.
24. MAXIMUM BUILDING HEIGHTS SHALL NOT EXCEED 35 FEET.
25. THE OWNERS/DEVELOPERS HEREBY DEDICATE TO THE CITY OF LAWRENCE THE RIGHT TO REGULATE ANY CONSTRUCTION OVER THE AREA DESIGNATED AS COMMON OPEN SPACE, OPEN AIR RECREATION AREA, AND NON-ENCROACHABLE AREA AND TO PROHIBIT ANY CONSTRUCTION WITHIN SAID AREAS AND SPACES INCONSISTENT WITH THE APPROVED USE OR ENJOYMENT OF RESIDENTS, LEASEES AND OWNERS OF THE PLANNED UNIT DEVELOPMENT.
26. ALL SANITARY WASTE, STORMWATER AND OTHER PRIVATE INFRASTRUCTURAL IMPROVEMENTS SHALL BE PROVIDED VIA PRIVATE FINANCING. ANY UNFORSEEABLE PUBLIC IMPROVEMENTS SHALL BE PROVIDED VIA BENEFIT DISTRICT AND/OR PER NEGOTIATIONS BETWEEN THE CITY OF LAWRENCE AND APPROPRIATE PROPERTY OWNER(S).
27. THIS PROJECT HAS BEEN DESIGNED TO COMPLY WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28 CFR PART 36, AND WITH THE MINIMUM PROVISIONS OF THE FINAL FAIR HOUSING ACCESIBILITY GUIDELINES, 24 CFR, CHAPTER 1, SUBCHAPTER A, APPENDIX II, OF THE FAIR HOUSING ACT OF 1968, AS AMENDED.

OWNERS OF RECORD:

DAVID BAILIE
HY-VEE FOOD STORES, INC.
LESLIE J. ROSE
RD EQUITIES, L.L.C.
LESLIE J. ROSE
RD SHOPPING CENTER
DANA DUELLMAN
D-T ENTERPRISES, L.C.
HOWARD ELLIS
LMB CORPORATION

LANDPLANNERS / ENGINEERS:

LANDPLAN ENGINEERING, P.A.
1310 WAKARUSA DRIVE, SUITE 100
LAWRENCE, KS 66049

Permitted Use Groups

USE GROUP 3: RESIDENTIAL

USE GROUP 4: RESIDENTIAL

USE GROUP 7: COMMUNITY FACILITIES & UTILITIES (RESIDENTIAL)

USE GROUP 9: PROFESSIONAL OFFICES

USE GROUP 11: INNER NEIGHBORHOOD COMMERCIAL USES

USE GROUP 12: RETAIL STORES, PERSONAL SERVICES

USE GROUP 13:

1. AUTOMOTIVE SERVICES AND RETAIL SALES
   AUCTION ROOM/AUCTIONEER
   AUTOMOBILE PARTS STORE WITH NO OUTDOOR STORAGE OR SERVICE BAYS
   AUTOMOBILE SERVICE STATION
   BARBER AND BEAUTY EQUIPMENT SALES
   BEER SALES FOR CONSUMPTION ON PREMISES
   BLUEPRINTING
   BUSINESS MACHINE RENTAL, REPAIR, SALES
   CATERER
   EATING ESTABLISHMENT, ENCLOSED, WITH DANCING OR ENTERTAINMENT
   EXTERMINATOR, PEST
   FOOD CONVENIENCE STORE, INCLUDING GASOLINE SALES
   FREE STANDING AUTOMATED BANKING OR DISPENSING FACILITY
   GLASS SALES AND CUTTING SHOP
   GOLF DRIVING RANGE, COMMERCIAL (INDOOR ONLY)
   GOLF PITCH AND PUTT COURSE, MINIATURE GOLF COURSE (INDOOR ONLY)
   HOME IMPROVEMENT CENTER
   LABORATORY, MEDICAL OR DENTAL
   LEATHER GOODS, SALES AND REPAIR
   LINEN SUPPLY, DIAPER SERVICE, UNIFORM SUPPLY
   LUMBER, LIMITED SALES
   MONUMENT SALES, INCLUDING INCIDENTAL PROCESSING
   OFFICE EQUIPMENT AND SUPPLIES, SALES AND SERVICE, RENTAL AND REPAIR
   PET SHOP
   PHOTOSTATING
   PLUMBING FIXTURE SALES
   QUICK COPY OR DUPLICATING CENTER
   RECORDING STUDIO
   SCHOOL, COMMERCIAL OR TRADE, WHEN NOT INVOLVING ANY DANGER OF FIRE OR EXPLOSION, NOR OF OFFENSIVE ODOR, NOISE, DUST, GLARE, HEAT, VIBRATION OR OTHER OBJECTIONABLE FACTORS.
   SECRETARIAL SERVICE
   SKATING RINK, COMMERCIAL (INDOOR ONLY)
   STUDIO FOR PROFESSIONAL WORK OR FOR THE TEACHING OF ANY FORM OF FINE ARTS, PHOTOGRAPHY, MUSIC, DRAMA, ETC.
   SWIMMING POOL, COMMERCIAL (PARKING REQUIREMENTS INCLUDE POOL AREA)
   TAXIDERMIST
   TELEPHONE ANSWERING SERVICE
2. SIMILAR USES
   OTHER BUSINESS USES WHICH (1) ARE SIMILAR TO THE LISTED USES IN FUNCTION, TRAFFIC-GENERATING CAPACITY, AND EFFECTS UPON OTHER LAND USES, AND (2) ARE NOT INCLUDED IN ANY OTHER USE GROUP.
3. MANUFACTURING USES
   BAKED GOODS, CANDY, DELICATESSEN, AND ICE CREAM, ALL FOR RETAIL SALES ON THE PREMISES ONLY
   CLOTHING: CUSTOM MANUFACTURING OR ALTERING FOR RETAIL, INCLUDING CUSTOM DRESSMAKING, MILLINERY, OR TAILORING

USE GROUP 15:

1. INDOOR RECREATIONAL, AMUSEMENT OR CULTURAL FACILITIES
   ATHLETIC CLUB
   AUDITORIUM
   BOWLING ALLEY
   GAME ARCADE, INCLUDING VIDEO GAMES
   PHYSICAL CULTURE CENTER AND HEALTH SERVICES, INCLUDING SPAS, GYMNASIUMS, REDUCING SALONS, MASSEUR/MASSEUSE, OR HOT TUBS
   SKATING RINK
   SWIMMING POOL, COMMERCIAL
   THEATER, INDOOR
2. OUTDOOR AMUSEMENT, RECREATIONAL OR CULTURAL FACILITIES
   GOLF DRIVING RANGE OR PUTTING GREENS, COMMERCIAL (INDOOR ONLY)
   GOLF, MINIATURE OR PITCH AND PUTT (INDOOR ONLY)
   SWIMMING POOL, COMMERCIAL
3. SIMILAR USES
   OTHER USES NOT SPECIFICALLY MENTIONED IN THIS OR ANY OTHER USE GROUP WHICH ARE SIMILAR IN FUNCTION AND TRAFFIC-GENERATING CAPACITY TO THOSE SPECIFICALLY LISTED IN THIS USE GROUP.
4. ACCESSORY USES
   USES WHICH MEET THE REQUIREMENTS OF THE DEFINITION OF ACCESSORY USES, SECTIONS 20-2002(2) AND 20-2002(3).

Development Schedule

PHASE	UNITS	TIME	GROSS AREA	PUBLIC ROW	BUILDING COVERAGE	OPEN SPACE
I	1	1993	10.9 AC	2.0 AC	1.5 AC	3.3 AC
II	4	1994-95	6.69 AC	–	1.4 AC	1.5 AC
III	2	1995-2000	1.26 AC	–	.14 AC	.63 AC
IV	30*	2000-2001	2.81 AC	–	.52 AC.	1.45 AC.

* 30 Residential Units plus a Neighborhood Commercial Unit

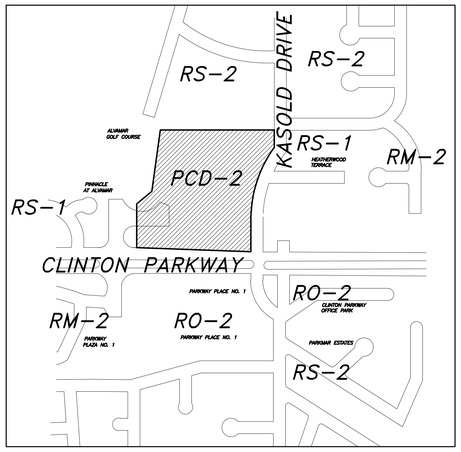
Permitted Use Groups (Phase IV Only)

USE GROUP 4. RESIDENTIAL – MULTI-FAMILY.
1. Residential Uses
   Multi-family dwelling, including duplex
2. Accessory Uses

USE GROUP 9. PROFESSIONAL OFFICES
1. Medical and Related Offices
   Chiropody, chiropractic, dental, electrology, medical, optical, optometric, osteopathic, including a clinic (excluding plastic and cosmetic surgery).
2. Professional and Semi-Medical Offices
   Accounting, architecture, engineering, governmental, insurance sales, law, real estate and sales and brokerage, motion picture studios (enclosed)
3. Veterinarian
   Office and incidental boarding, with no open kennel or yard where animals are confined or exercised
5. Studio for professional work or for teaching of any form of fine arts
   e.g. photography, music, dancing, drama, etc.
6. Other Offices
   All other offices which (1) are similar to the listed uses in function, traffic-generating capacity, effects on other land uses, and (2) are not included in any other use group.
7. Accessory Uses.

USE GROUP 12. RETAIL STORES – PERSONAL SERVICES
1. Retail Stores and Service Establishments
   Altering, pressing, repairing of wearing apparel
   Antique sales
   Art supply sales
   Bicycle sales, rental, repair
   Camera or photographic supply sales
   Clothing sales
   Florist shop
   Hobby supply sales
   Interior decorating shop
   Jewelry sales and repair
   Locksmith, key shop
   Paint and wall paper sales
   Photographic studio
   Shoe repair and sales
   Sporting goods sales

NOTE:
THE GROSS RETAIL AND/OR PROFESSIONAL OFFICES FLOOR AREA ON PHASE IV-B IS RESTRICTED TO A MAXIMUM OF 4,800 SQUARE FEET.



Zoning
NOT TO SCALE
NORTH

Site Summary

	GROSS BLDG. AREA	NET BLDG. AREA	PARKING REQUIRED	PARKING PROVIDED	PARKING RATIO (STALLS/1,000 GSF)	ACCESS REQUIRED	ACCESS PROVIDED	BICYCLE PKG REQUIRED	BICYCLE PKG PROVIDED
PHASE I									
GROCERY STORE	60,700 GSF	30,350 NSF	304 (1/100 NSF)	447 (incl. HC)	7.36	9	9	5	10
FUTURE EXPANSION	15,000 GSF	7,500 NSF							
TOTAL GROCERY	75,700 GSF	37,850 NSF (50%)	379 (1/100 NSF)	438 (incl. HC)	5.78	9	9	5	10
PHASE II									
RETAIL SHOPS	36,210 GSF	21,726 NSF	109 (1/200 NSF)	218 (incl. HC)	6.02	7	7	5	6
PAD SITES/ATM	9,965 GSF	5,979 NSF	30 (1/200 NSF)	46 (incl. HC)	4.61	2	3	5	8
TOTAL	46,175 GSF	27,705 NSF (60%)	139	264 (incl. HC)	5.71	9	10	10	14
PHASE III									
RESTAURANT/ OFFICE	7,240 GSF	5,068 NSF	25 (1/200 NSF)	54 (incl. HC)	7.45	3	3	10	12
TOTAL	7,240 GSF	5,068 NSF (70%)	25	54 (incl. HC)	7.45	3	3	10	12
PHASE IV									
IV-A TOWNHOMES	17,941 GSF	12,559 NSF (70%)	42 (1.5/UNIT)	56 (incl. HC)	3.12	3	3	4**	12
IV-B * NEIGHBORHOOD COMMERCIAL & PROFESSIONAL OFFICES	4,800 GSF*	3,360 NSF (70%)	MAX. 17 (1/200 NSF)	23 (incl. HC)	4.79	2	2	6**	8
IV-B * MEDICAL & RELATED OFFICES		N/A	MAX. 16 (1/300 GSF)						
IV-B RESIDENTIAL (2ND FLOOR)	N/A (2-3BR UNITS)	N/A	5 (2.5 PER UNIT)	5 (incl. HC)	1.04	0	0		
TOTAL	22,741 GSF	15,919 NSF	VARIES	84	3.23	5	5	10**	20
TOTAL SITE	136,856 GSF	79,042 NSF	532	849	6.20	17 (2% of Total)	27	35	56
TOTAL AFTER EXPANSION	151,856 GSF	86,542 NSF	607	840	5.53	17 (2% of Total)	27	35	56

* PLUS TWO 3-B.R. APARTMENTS (1,800 S.F. EACH) ** PER SEC. 20-1212

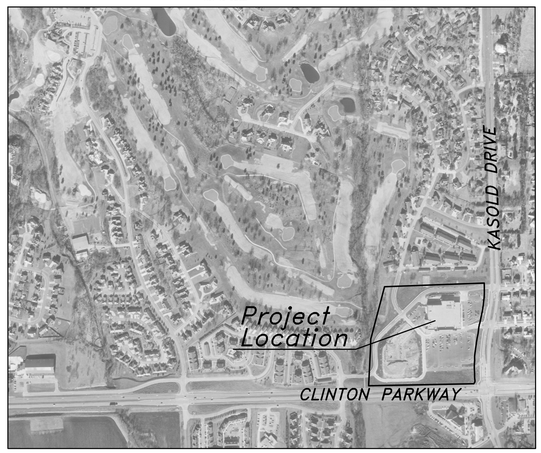
NOTE:
PARKING REQUIRED PER APPROVED P.D.P.: 1 SPACE PER 200 N.S.F.
EQUIVALENT PARKING GROUP FOR RESIDENTIAL USES PER SEC. 20-1212: 2B (1.5 SPACES PER 2 BEDROOM UNIT), PH. IV-A
EQUIVALENT PARKING FOR MEDICAL OFFICE USES PER LAND DEVELOPMENT CODE: 1 SPACE PER 300 GSF

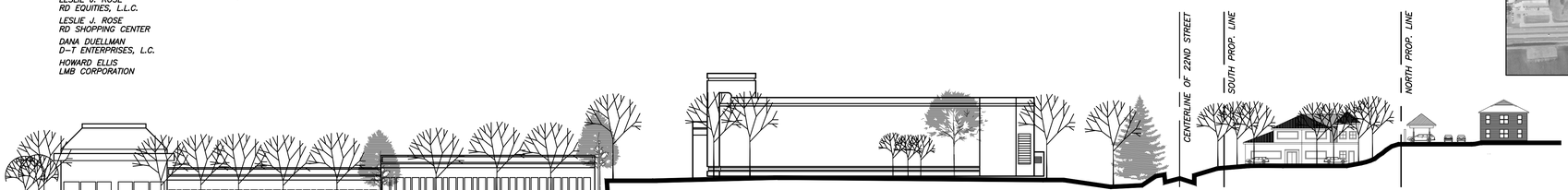
SURFACE AREAS FOR LOT 1

EXISTING BUILDING AREA:	60,700 S.F. /1.39 AC.	PROPOSED BUILDING AREA:	60,700 S.F. /1.39 AC.
EXISTING PAVEMENT AREA:	229,388.24 S.F. /5.27 AC.	PROPOSED PAVEMENT AREA:	228,798.07 S.F. /5.25 AC.
EXISTING IMPERVIOUS AREA:	290,088.24 S.F. /6.66 AC.	PROPOSED IMPERVIOUS AREA:	289,498.07 S.F. /6.64 AC.
EXISTING PERVIOUS AREA:	59,552.76 S.F. /1.37 AC.	PROPOSED PERVIOUS AREA:	60,142.93 S.F. /1.38 AC.
PROPERTY AREA:	349,641.000 S.F. /8.03 AC.		

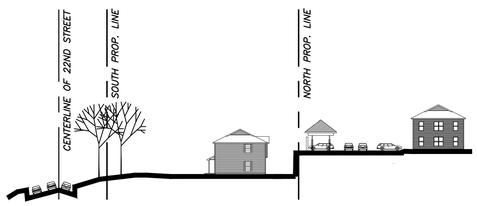
Surrounding Topography

NOT TO SCALE
NORTH

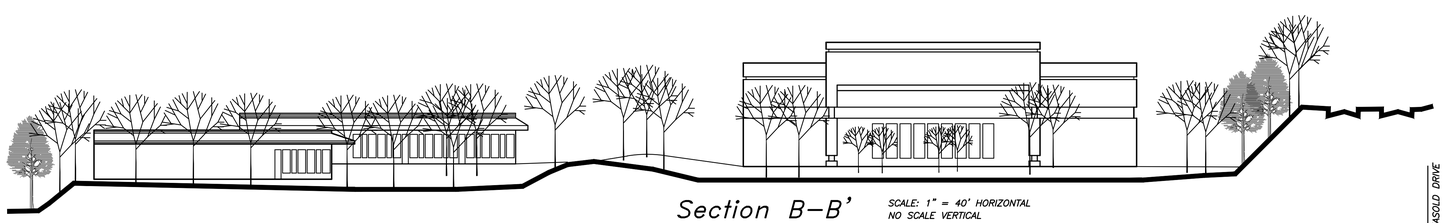




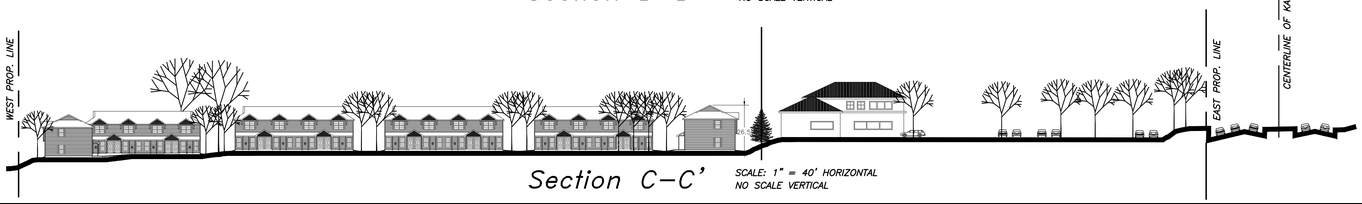
Section A-A' SCALE: 1" = 40' HORIZONTAL, NO SCALE VERTICAL



Section D-D' SCALE: 1" = 40' HORIZONTAL, NO SCALE VERTICAL



Section B-B' SCALE: 1" = 40' HORIZONTAL, NO SCALE VERTICAL



Section C-C' SCALE: 1" = 40' HORIZONTAL, NO SCALE VERTICAL

CHAIRMAN
LAWRENCE – DOUGLAS COUNTY PLANNING COMMISSION

SECRETARY
LAWRENCE – DOUGLAS COUNTY PLANNING COMMISSION

landplan engineering

- LANDSCAPE ARCHITECTURE
- CIVIL ENGINEERING
- COMMUNITY PLANNING
- SURVEYING

1310 WAKARUSA, SUITE 100
LAWRENCE, KANSAS 66049
PHONE (785)843-7530
FAX (785)843-2410

LIVESTOCK EXCHANGE BUILDING
1600 GENESSEE, SUITE 400
KANSAS CITY, MISSOURI 64102
PHONE (816)221-2234
FAX (816)221-2644

PARKWAY PLAZA PCD

LAWRENCE, KANSAS

AMENDED FINAL DEVELOPMENT PLAN
FOR
Phase IV-B

DEVELOPMENT DATA

REVISIONS

6/18/01	per additional drive
7/20/01	per staff comments
8/3/01	per staff comments
11/23/09	phase iv, use gp. 9(1)

COMPUTER I.D.:	2001,648
DATE:	FEBRUARY 9, 2000
PROJECT NO.:	01648.00
DESIGNED BY:	HY-VEE
DRAWN BY:	CAR
CHECKED BY:	TAH
SHEET NO. 3 OF 3 SHEETS	

2001 COPYRIGHT

PLANNING COMMISSION REPORT
REGULAR AGENDA
PUBLIC HEARING—VARIANCE ONLY

PC Staff Report
1/27/10

ITEM NO. 8: PRELIMINARY PLAT FOR PINES INTERNATIONAL ADDITION; 1997 E 1400 RD (MKM)

PP-11-6-09 Consider a Preliminary Plat for Pines International Addition, a one lot addition of approximately 2.3 acres, located at 1997 E 1400 Rd, and variance from Section 20-810(d)(4)(ii) to permit dedication of less than 120 ft of right of way for a principal arterial. Submitted by Grob Engineering Services, LLC for PINES International Inc., property owner of record.

STAFF RECOMMENDATIONS:

VARIANCE

Staff recommends approval of the variance request from Section 20-810(d)(4)(ii) to permit the dedication of 20 ft of right-of-way and 10 ft of easement rather than the 30 ft of right-of-way required for N 200 Road/Hwy 24/59.

PRELIMINARY PLAT

Staff recommends approval of the Preliminary Plat of the PINES International Addition and referring it to the Board of County Commissioners for consideration of dedication of easements and rights-of-way subject to the following conditions of approval:

1. A variance shall be obtained from the Board of County Commissioners from Section 20-811(d)(2)(ii) of the Subdivision Regulations to permit the location of an on-site sewage management system on a lot that is less than 3 acres.

2. The plat shall be revised with the following changes:
    a. Waiver and Variance Requested shall be revised to 'Variances'.
    b. Note 1 shall be revised to include the date the Planning Commission granted the variance, if it is approved.
    c. Note 2 under 'Variances Requested' shall be revised as follows: The owner is requesting a variance from the 3-acre requirement for on-site sewage management system on lots which are served by a public water supply. [Section 20-811(d)(2)(ii)] of the Subdivision Regulations. The note shall be revised to include the date the Board of County Commissioners granted the variance, if it is approved.
    d. Label shall be added for N 2000 Rd along the western portion of the north property line.

3. The following actions shall be required prior to recording of the final plat:
    a. The applicant shall provide documentation to the Planning Office that a water meter is available from Rural Water District #13 to serve this property.
    b. The applicant shall provide documentation to the Planning Office indicating Water District #13 and Lawrence Fire Department's approval of hydrants or

alternate water storage devices to support firefighting needs, per Section 20-811(e)(3) of the Subdivision Regulations.

c. The applicant shall provide documentation to the Planning Office that the on-site sewage management system has been approved by the Douglas County Health Department.
d. The applicant shall provide an executed water connection agreement, per Section 20-811(e)(2)

Applicant's Reason for Request: Subdivision requirement prior to obtaining a building permit for development of industrial facility.

KEY POINTS
- The subject property is zoned I-2 (County-Light Industrial) District.
- Access to/from Hwy24/54 is prohibited for the subject property.

SUBDIVISION CITATIONS TO CONSIDER
- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Section 20-813(d)(1) states that building permits will be issued only for platted or vested properties.
- Section 20-810(d)(4)(ii) requires that 120 ft of right-of-way be provided for principal arterials without medians in the unincorporated portion of the county.
- Section 20-811(d)(2)(ii) requires a minimum of 3 acres which are unencumbered by floodplain for an on-site sewage management system when rural (public) water supply is utilized.
- Section 20-813(g) states that variances from the wastewater disposal systems requirements in Section 20-811 must be obtained from the governing body, in this case the Board of County Commissioners.

ASSOCIATED CASES/OTHER ACTION REQUIRED
- Board of County Commissioners' acceptance of dedication of easements and rights-of-way as shown on the preliminary plat.
- Board of County Commissioner's approval of variance from wastewater management standard in Section 20-811(d)(2)(ii) to permit on-site sewage management system on property with area less than 3 acres.
- Final Plat submitted to Planning Office for administrative approval and recordation at the Douglas County Register of Deeds.
- Submittal and County Commission approval of a site plan prior to development.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- None

Site Summary

Gross Area:	2.289 acres
Number of Lots:	1

GENERAL INFORMATION

Current Zoning and Land Use: I-2 (County-Light Industrial) District; developed with one small building, vacant.

Surrounding Zoning and Land Use: To the east: I-3 (County-Heavy Industrial) District; Feed dealer and Co-op Elevator and food products manufacturing facility.

To the south: I-2 (County-Light Industrial) District; Grant Township equipment storage and maintenance; further to the south is A (County-Agricultural) District with railroad right-of-way and agricultural uses.

To the north and west: A (County-Agricultural) District; agricultural uses with scattered rural residences.

STAFF REVIEW

This plat is preparatory to industrial development of the property. The applicant proposes to expand their business, PINES International Health Food Products, which is located to the southeast across E 1400 Road on to the subject property due to a requirement that certain processes be separated. (Figure 1) The property contains approximately 2.3 acres located at 1997 E 1400 Road, in an area generally known as Midland Junction. The property is located within Service Area 4 of the Lawrence Urban Growth Area (UGA) and is encumbered with the 500 year floodway fringe. The 500 year floodway fringe is not regulated by the County Floodplain Regulations.

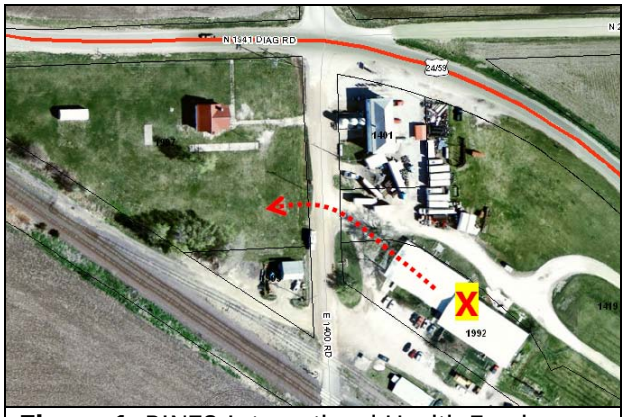


Figure 1. PINES International Health Food Facility marked with X and lot proposed for expansion.

Section 20-811(d)(2)(ii) of the Subdivision Regulations require lots within Service Areas 2-4 that will be served with rural public water to have a minimum area of 3 acres if they utilize an on-site sewage management system. The Douglas County Sanitary Code provides exceptions for properties which were subdivided prior to certain dates. Per the exemption listed in Section 2-6.3(a)(3)(a) of the Douglas County Sanitary Code, a septic system may be installed on properties with a minimum area of 1 acre if the land division occurred and was filed with the Douglas County Register of Deeds prior to October 10, 1997**.** The subject property was established in its current configuration in 1910, per deeds recorded at the Register of Deeds. The Douglas County Health Officer indicated that the granting of additional right-of-way would not be seen as a 'land division'; therefore, an on-site sewage management system would be compliant with the recently adopted Douglas County Sanitary Code. The applicant shall request a variance from the area requirement in the Subdivision Regulations from the County Commission, per Section 20-813(g). The note on the plat states that the variance is being requested from the Douglas County Health Department requirement; however, the lot is compliant with the County Sanitary Code and the variance is necessary from the design standards in Section 20-811(d)(2)(ii) of the Subdivision Regulations. The note on the plat shall be revised with this correction and to correctly identify it as a 'variance' not an exemption.

Zoning and Land Use

The applicant proposes to expand the PINES International Health Food production business located to the southeast across E 1400 Road on to the subject property. The property is zoned I-2 (County-Light Industrial) District which is intended for light manufacturing, fabricating, warehousing, and wholesale distributing in low buildings with off-street loading and off-street parking for employees and with access by major thoroughfares or railroads in either central or outlying locations. The property is bounded by Hwy 24/59 on the north and a Union Pacific Railroad line on the south; however, the railroad does not provide stops at this location. The property is appropriately zoned for the proposed land use.

Streets and Access

The property is bounded on the north by US Hwy 24/59 and N 2000 Road. US Hwy 24/59 right-of-way is adjacent to the majority of the northern property boundary and N 2000 Road is adjacent to the western portion. (Figure 2) Access restrictions apply to US Hwy 24/59 and are shown graphically on the plat. Access shall be taken to E 1400 Road which bounds the property on the east. KDOT and Grant Township both commented that the access onto E 1400 Road should be taken as far south from the intersection with US Hwy 24/59 as possible. The access onto E 1400 Road shall be determined at the site planning stage in accordance with the Douglas County Access Management Standards and shall be located as far from the Hwy24/59 and E 1400 Road intersection as possible.



Figure 2. Hwy 24/59 and N 2000 Road adjacent to the property.

Utilities and Infrastructure

Rural Water District No. 13 serves properties in the area and confirmed that they have a 6 in. waterline at this location. The water district indicated that a formal application requesting a feasibility study at that location is necessary to determine if a water meter is available. The applicant has submitted the study and shall provide the Planning Office with documentation that a water meter is available prior to the recording of the final plat.

A septic system will be utilized for onsite sewage management and a variance to permit an on-site wastewater management system on a lot with less than 3 acres shall be requested from the Board of County Commissioners when the plat is before them for acceptance of easements and rights-of-way. The approval of the preliminary plat is conditioned upon the County Commission's approval of the variance.

Per Section 20-811(e)(3), fire hydrants or alternate water-storage devices must be approved by the water district and the applicable fire department as sufficient for their firefighting needs prior to the recording of the final plat. The applicant has contacted the water district for a fire hydrant feasibility study and shall provide the Planning Office with documentation prior to the recording of the plat.

Easements and Rights-of-way

US Hwy 24/59 currently has 60 ft of right-of-way. Section 20-810(d)(4)(ii) requires 120 ft of right-of-way for principal arterials without medians in the unincorporated portions of Douglas County. The applicant proposed to dedicate an additional 10 ft of right-of-way and 10 ft of utility easement along US Hwy 24/59 rather than the required 30 ft of right-of-way. KDOT had no comment on this proposed right-of-way dedication; however, the County Engineer indicated that 20 ft of right-of-way and 10 ft of easement would be preferable if it did not interfere with the placement of the new structure. The structure, planned for the southern portion of the property, will not be impacted by the additional right-of-way dedication, so 20 ft of right-of-way and 10 ft of easement have been shown on the plat. A variance is being requested for the reduced right-of-way and will be discussed in the next section of this report.

E 1400 Road is classified as a 'local' road on the Future Thoroughfares Map which requires 70' of right-of-way per Section 20-810(d)(4)(ii) of the Subdivision Regulations. One-half of the required right-of-way, 35 ft, shall be dedicated with this plat for E 1400 Road.

VARIANCE

The property owner is requesting a variance from Section 20-810(d)(4)(ii) which requires 120 ft of right-of-way for principal arterials without medians in the unincorporated portions of the county.

Section 20-813(g) states that the Planning Commission may grant a variance from the design standards of these regulations with the exception of the standards of the wastewater disposal system standards only if the following three criteria are met: that the strict application of these regulations will create an unnecessary hardship upon the Subdivider, that the proposed variance is in harmony with the intended purpose of these regulations and that the public health, safety and welfare will be protected. Below is a review of the variance request in relation to these criteria.

Criteria 1: Strict application of these regulations will create an unnecessary hardship upon the Subdivider.

Applicant's response: *"The owner believes that dedication of additional land would impose an undue hardship on an already limited sized lot, and that the existing development to the east of their property would greatly limit the ability of the existing highway to be expanded into their property."*

Strict application of these regulations would require the property owner to dedicate an additional 30 ft of right-of-way along the north side of the property. Currently 60 ft of right-of-way is provided for Hwy 24/59 in this location. This is less right-of-way than is provided on nearby portions of the highway as shown in Figure 3. The dedication of an additional 20 ft of right-of-way would create a more similar right-of-way width. The property is a triangular property located between railroad and highway right-of-way. The property to the east has an

established structure and it is unlikely that the highway would be expanded to the south in that area.

KDOT did not object to the applicant's original proposal to dedicate an additional 10 ft of right-of-way in this area; therefore the dedication of 20 ft is above that which would be required by KDOT. The County Engineer has approved the dedication of 20 ft of right-of-way and 10 ft of utility easement. The dedication of additional right-of-way would further reduce the lot area for this property. As the right-of-way is not required by KDOT and the County Engineer has approved the 20 ft dedication, the dedication of additional right-of-way would constitute an unnecessary hardship upon the property owner.

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

The purpose of the Subdivision Regulations is to provide for the harmonious and orderly development of land and to contribute to conditions conducive to health, safety, aesthetics, convenience, prosperity and efficiency. The right-of-way required in the 2006 Subdivision Regulations is intended to provide adequate space for the roadway, utilities, sidewalks and other features. The Subdivision Regulations are also intended to coordinate the development of each parcel of land with the existing community and facilitate the proper development of adjoining land [Section 20-801(2)(iv)].

A 10 ft utility easement is being dedicated along the highway right-of-way to provide area for expansion of future infrastructure. The dedication of 20 ft of additional right-of-way would be in harmony with the purpose of the Subdivision Regulations as it provides adequate space for roadway features, per KDOT and the County Engineer. The right-of-way is similar to that provided in other areas and matches the right-of-way of the adjacent developed property.

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

The amount of right-of-way being dedicated is consistent with the amount of right-of-way provided for the highway in the area. The County Engineer and KDOT approved the amount of right-of-way being dedicated; therefore, the public health safety and welfare should be protected.

Conformance

The Comprehensive Plan recognizes Midland Junction as an appropriate location for industrial location; but recommends that intense development should wait until such time that urban services are able to be provided. (page 7-8, *Horizon 2020)* The applicant intends to construct an 8,000 sq ft structure as an expansion of the existing PINES International Health Foods facility in the area. This expansion is being constructed to meet industry standards and does not constitute intense development.

With the approved variances and recommended conditions, the preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Zoning Regulations.

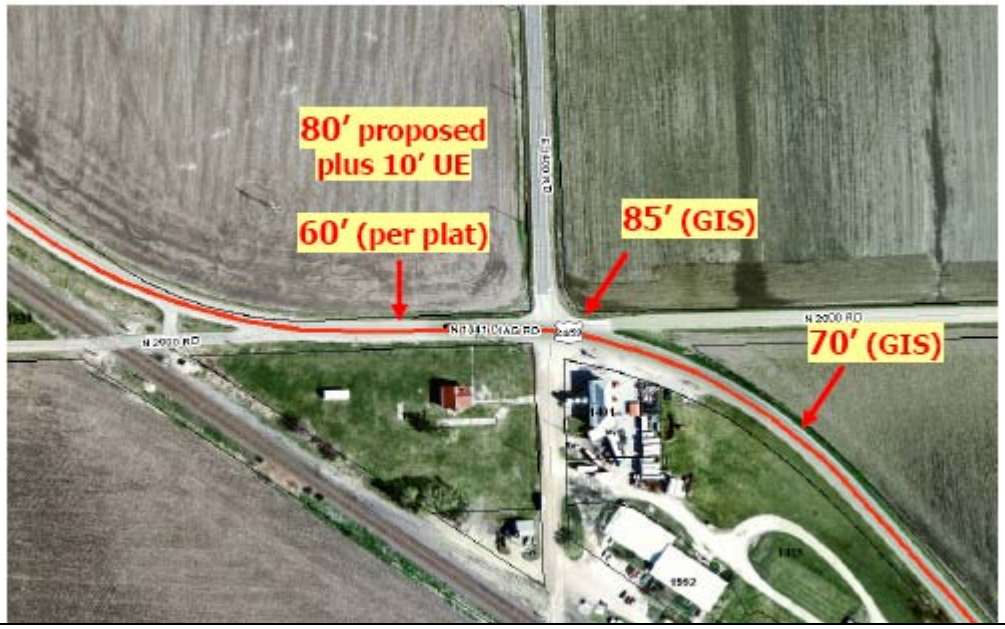
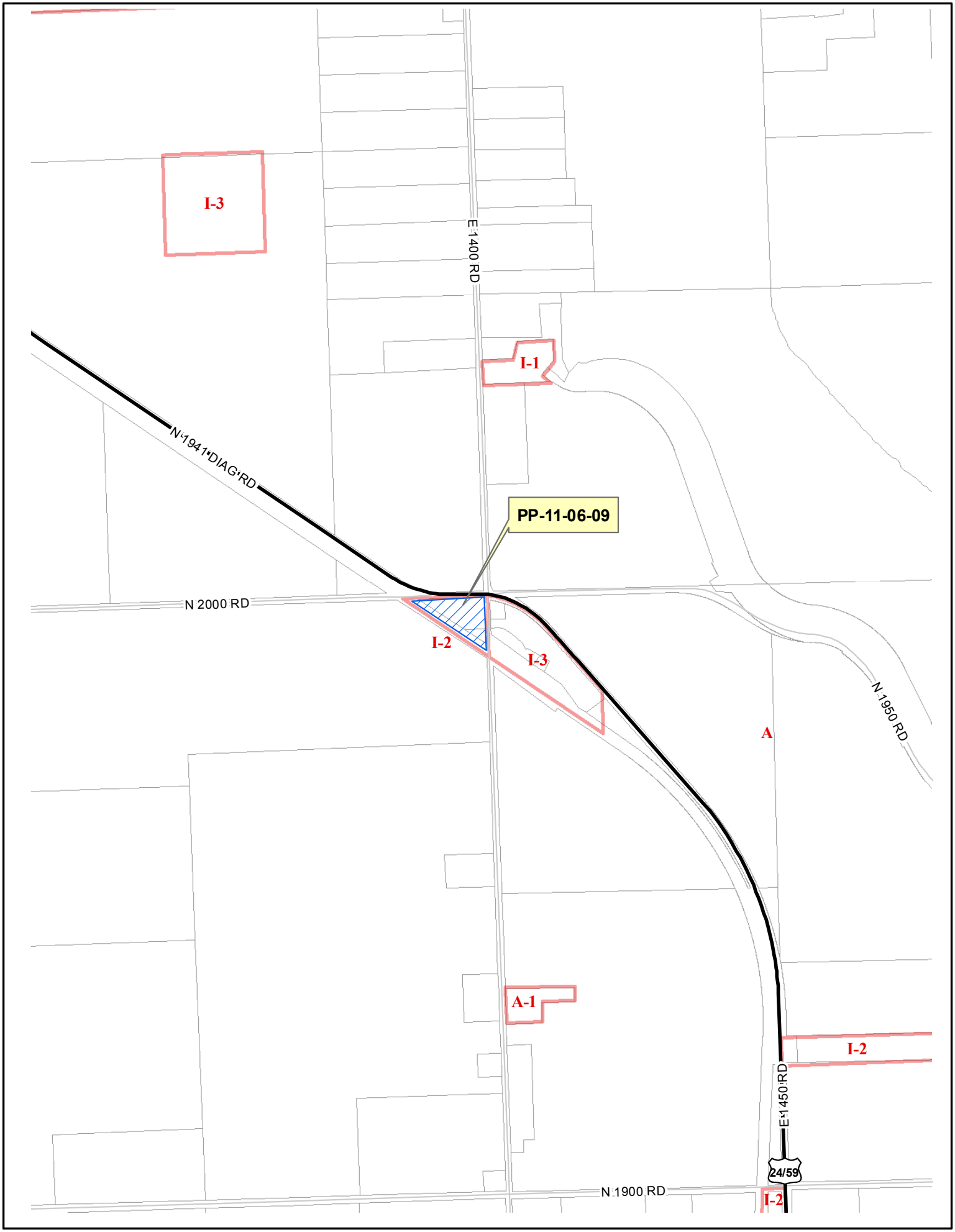
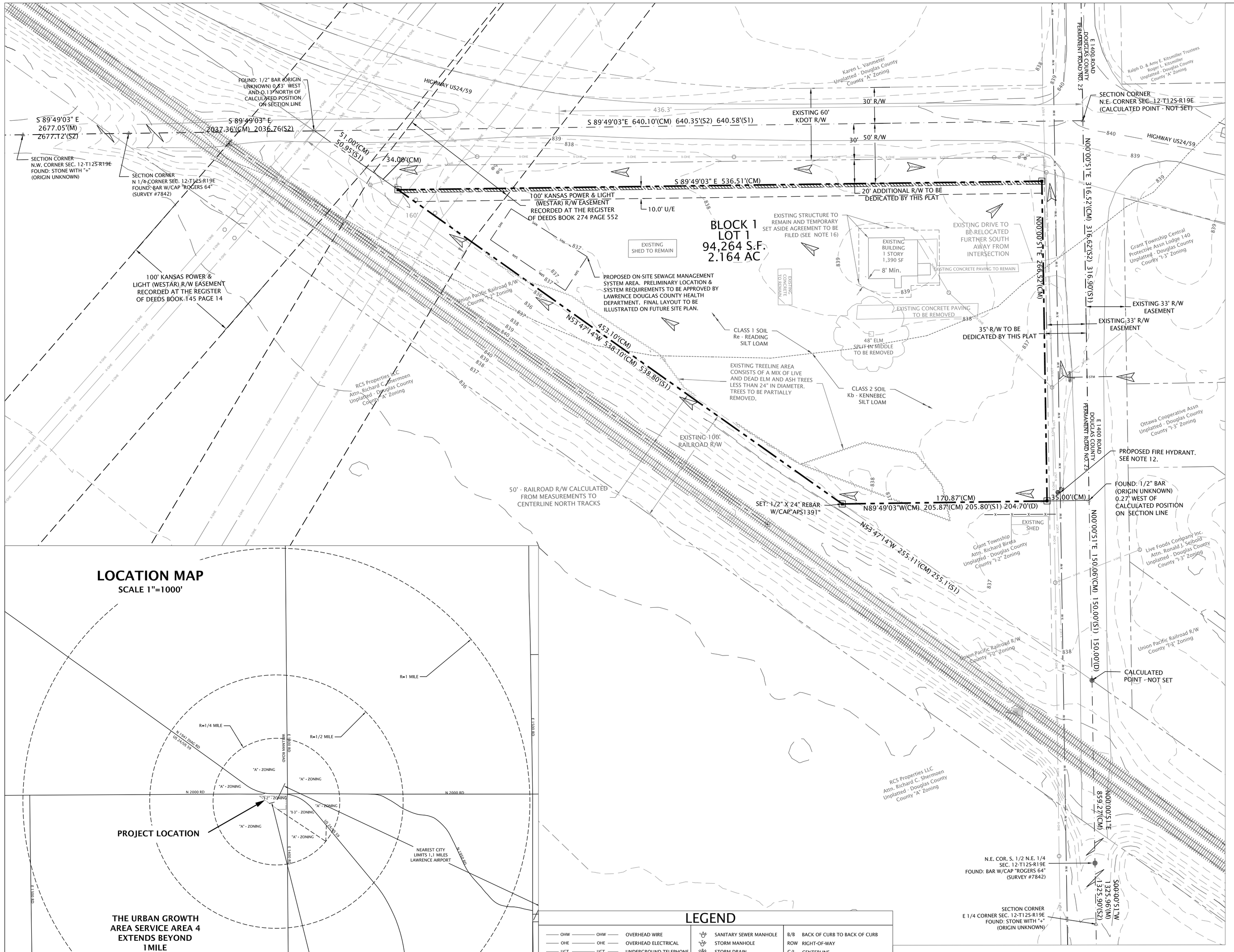
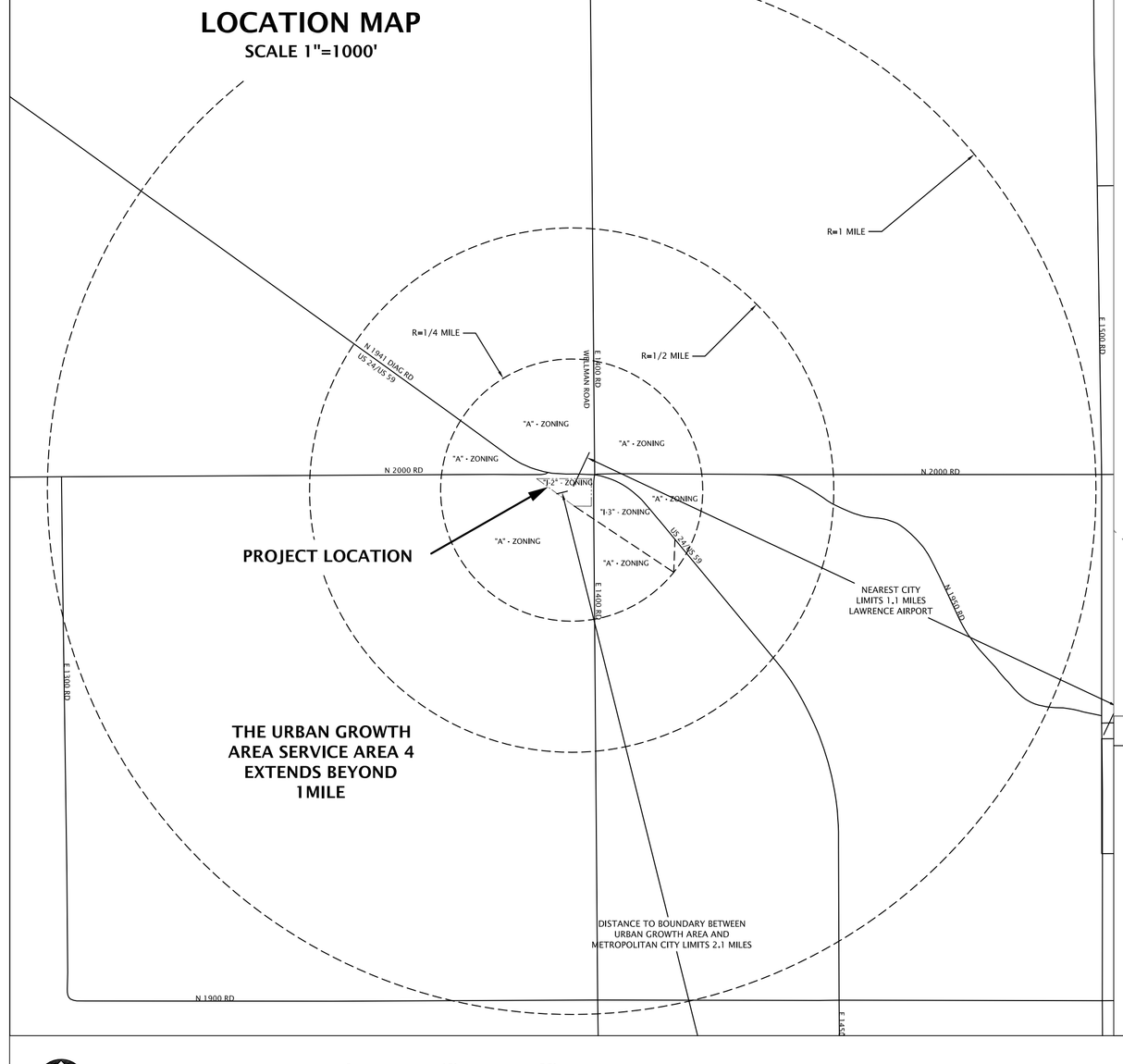


Figure 3. Hwy 24/59 right-of-way widths in area.


I-3
E 1400 RD
I-1
N 1941 DIAG RD
PP-11-06-09
N 2000 RD
I-2
I-3
N 1950 RD
A
A-1
I-2
E 1450 RD
24/59
N 1900 RD
I-2



LOCATION MAP
SCALE 1"=1000'



LEGEND

OHW — OHW — OVERHEAD WIRE	SANITARY SEWER MANHOLE	B/B BACK OF CURB TO BACK OF CURB
OHE — OHE — OVERHEAD ELECTRICAL	STORM MANHOLE	ROW RIGHT-OF-WAY
UGT — UGT — UNDERGROUND TELEPHONE	STORM DRAIN	C/L CENTERLINE
GAS — GAS — GAS	GUY ANCHOR	D/E DRAINAGE EASEMENT
W — W — WATERLINE	UTILITY POLE	U/E UTILITY EASEMENT
SAN — SAN — SANITARY SEWER LINE	WATER METER	(D) DEEDED
SS — SS — SANITARY SEWER SERVICE	WATER VALVE	(M) MEASURED
STM — STM — STORMWATER LINE	FIRE HYDRANT	(CM) CALCULATED FROM MEASUREMENTS
SECTION LINE	TRAFFIC SIGNAL STR.	(S#) REFERENCED SURVEY
CENTER LINE	GAS VALVE	■ ¾" X 24" BAR SET W/CAP "APS 1391"
PROPERTY LINE	GAS METER	
EASEMENT	LIGHT POLE	
FEATURE LINE	SIGN	
NO ACCESS TO LOT	ELECTRIC BOX	
	CABLE TV BOX	

NOTE: "X" IN UTILITY DENOTES EXISTING FEATURE

SCALE: 1" = 40'

0 40' 80'

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, ALL IN DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 00°00'51" WEST, ALONG EAST LINE OF SAID SECTION 316.52 FEET; THENCE NORTH 89°49'03" WEST, 35.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°49'03" WEST, 170.87 FEET, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE NORTH 53°47'14" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 453.10 FEET; THENCE SOUTH 89°49'03" EAST PARALLEL TO THE NORTH SECTION LINE OF SAID SECTION, 536.51 FEET; THENCE SOUTH 00°00'51" WEST 266.52 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 2.164 ACRES MORE OF LESS.

GENERAL NOTES

OWNER: PINES INTERNATIONAL INC.
1992 E 1400 ROAD
Lawrence, Kansas 66044
Attention: Ronald J. Seibold

1. Land Planner/Engineer: Grob Engineering Services, LLC
   3210 Mesa Way, Suite A
   Lawrence, Kansas 66049
2. Surveyor: All Points Surveying, LLP
   P.O. Box 4444
   Lawrence, KS 66045
3. Aerial and topographic information obtained from aerial survey performed by Sanborn Mapping for the City of Lawrence and Douglas County 2006. Specific topographic and boundary information for property & directly adjacent obtained from field survey provided by All Points Surveying, October 2009.
4. Typical Soil Type: Re - Reading Silt Loam - Soil Class 1
   Kb - Kennebec Silt Loam - Soil Class 2
   Seasonal Water Table is 2'-5' for Kb and >6' for Re
5. Existing Land Use: Light Industrial - Vacant School House
6. Proposed Land Use: Light Industrial - Warehouse and Manufacturing
7. Current Zoning: I-2 Light Industrial
8. Basis for bearings for this plat is the North Section line of the Northeast Quarter of Section 12, Township 12 South, Range 19 East, S 89° 49' 03"E as defined by Survey # 7842.
9. Property is located within Floodplain Zone X per FEMA Map # 20045C0030C Effective Date: November 7, 2001. Per FEMA Map, "This area is protected from the one percent annual chance (100-year) flood by levee, dike, or other structures subject to possible failure or overtopping during larger floods." Since property is protected from the 100-year storm, no MEBO's will be designated.
10. Proposed utility locations, elevations, and sizes are preliminary and will be finalized during final design of improvements.
11. Drainage arrows are shown on the plan to indicate general drainage patterns required of a drainage plan.
12. 'Provisions and Financing of Roads, Sewer, and Other Public Services' - No public road improvements are proposed for this property. Water service will be provided by Jefferson County Rural Water District No. 13 (JCRWD). Approval for a water meter has been granted. A request for water service feasibility study for a fire hydrant to be placed on the property has been submitted to JCRWD #13. The single lot of the subdivision will rely on an on-site sewage management system. No lot will be subject to any special assessments.
13. The existing septic waste lateral field from the existing unused building will be abandoned to allow for construction of a new system for the proposed building.
14. National Geodetic Survey vertical benchmark is a disk marked "B 276 Reset 1956" set in a concrete headwall at the intersection of Highways 40,59, and 24. The disk is 74.0 feet east of the center line of the northbound lane of Highway 59, in the top of the northeast end of the south headwall of a 6-foot concrete culvert, Elevation = 816.37 ft. On-site bench mark is "+" on the top of the south end of the west headwall of culvert under E1400 Road, Elevation = 839.82 ft.
15. Direct access to/from Lot 1 and U.S. Highway 59 & 24 shall be prohibited. Lot 1 shall have one access point to E. 1400 Road in accordance with the Douglas County Public Road Access Management Standards.
16. Pursuant to Subdivision Design Standards Section 20-810(j)(2) regarding Resource Conservation - Unincorporated Area of the County, the Owner has agreed to provide provisions to protect the old school building by filing a Temporary Set Aside Agreement.

WAIVERS AND VARIANCES REQUESTED

1. Pursuant to Subdivision Design Standards Section 20-810(d)(4)(ii), the Owner of this property request a waiver to the requirement to dedicate 30 feet of additional Right-of-Way for a Principal Arterial (w/o median) Street Type. The Owner proposes to dedicate 20 feet of Right-of-Way and 10 additional feet of Permanent Utility Easement along the dedicated Right-of-Way of U.S. Highway 24/59. The owner believes that dedication of additional land would imposed an undue hardship on an already limited sized lot, and that with the existing development to the east of their property would greatly limit the ability of the existing highway to be expanded into their property.
2. The Owner is requesting exemption from the 3-acre requirement for On-Site Sewage Management System by the Lawrence Douglas County Health department based on: 1) original deed being filed prior to October 10, 1997; 2) original deed being filed prior to adoption of Douglas County Zoning Regulations September 23, 1966. The original tract of land encompassed 3.074 acres prior to dedication of the KDOT Right-of-Way. With the existing dedicated Right-of-Way and Right-of-Way dedicated by this plat, the lot will consists of 2.289 acres. If the exemption is not granted, the owner will request a variance from the Board of Health to allow for an On-Site Septic Waste Management System.

SITE SUMMARY

Gross Property Area:	3.074 AC
Existing Dedicated ROW & ROW Easements:	0.644 AC
Existing Lot Size:	2.430 AC
Proposed Dedicated ROW:	0.910 AC
Proposed Utility Easement:	0.122 AC
Proposed Plat:	2.164 AC
Total Number of Lots:	1
Minimum Lot Size:	2.164 AC
Maximum Lot Size:	2.164 AC
Average Lot Size:	2.164 AC

REFERENCED DOCUMENTS

S1 - DOUGLAS COUNTY SURVEY #2712 BY L.D. RICE LS-1406, 1963.

S2 - DOUGLAS COUNTY SURVEY #7842 BY FRED G. ROGERS LS-64, 2008.
Recorded at the Douglas County Register of Deeds Book 18, Page 284.

THIS DOCUMENT IS FOR PLANNING PURPOSES ONLY - NOT FOR CONSTRUCTION

a preliminary plat for
PINES INTERNATIONAL ADDITION

GES
GROB ENGINEERING SERVICES, LLC
3210 Mesa Way, Suite A * Lawrence, Kansas 66049
P.O. Box 502 * Lawrence, Kansas 66044
Phone 785 856-1900 * Fax 785 856-1901

THIS DRAWING IS COPYRIGHTED WORK BY GROB ENGINEERING SERVICES, LLC. THIS DRAWING MAY NOT BE PHOTOGRAPHED, TRACED, OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF GROB ENGINEERING SERVICES, LLC.

PRELIMINARY PLAT
PINES INTERNATIONAL ADDITION
1997 E. 1400 ROAD
LAWRENCE, KANSAS

DESIGNED BY
JDG

CHECKED BY
JDG

ISSUE DATE
November 23, 2009

REVISIONS
December 23, 2009

SHEET
1
1

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

ITEM NO. 9: UR TO CO; 2.98 ACRES; 525 WAKARUSA DR (MKM)

Z-11-20-09: Consider a request to rezone approximately 2.98 acres from UR (Urban Reserve) to CO (Office Commercial), located at 525 Wakarusa Drive. Submitted by Bartlett & West, Inc., for CPC Ventures, Inc., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 2.982 acres from UR (Urban Reserve) District to CO (Office Commercial) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

APPLICANT'S REASON FOR REQUEST
"*The owner would like to build a bank and other office buildings on the site. Therefore we are requesting a change to CO zoning."*

KEY POINTS
- A rezoning to the POD (Planned Office Development) District [Z-08-29-01] was approved subject to the approval of a Preliminary Development Plan and completion of all conditions of approval. The rezoning approval expired because a Preliminary Development Plan for this particular property was never submitted.

GOLDEN FACTORS TO CONSIDER
CHARACTER OF THE AREA
- The area contains a mixture of uses, with a commercial center at the intersection of W 6th Street and Wakarusa Drive and open space and general public or institutional uses to the north.

CONFORMANCE WITH *HORIZON 2020*
- The proposed rezoning request from UR (Urban Reserve) District to CO (Office Commercial) District is consistent with land use recommendations found in *Horizon 2020* specifically in the *Area Plan for the Intersection Area of W 6th Street and Wakarusa Drive.*

ASSOCIATED CASES/OTHER ACTION REQUIRED
Other action required:
- City Commission approval of the rezoning request and publication of ordinance.
- Administrative approval of site plan prior to development.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- None.

GENERAL INFORMATION

Current Zoning and Land Use:	UR (Urban Reserve) District; undeveloped.
Surrounding Zoning and Land	To the east: PD-Bauer Farm (Planned Commercial

Use:	Development) District; approved mixed use commercial/office/residential development which is partially developed with pharmacy and restaurants. To the north: OS (Open Space) District; City parkland. To the west: PD-6Wak (Planned Commercial Development) District; retail store. To the south: PD-6Wak (Planned Commercial Development) District; undeveloped land with pad sites for retail uses approved in final development plan.

Project Summary

The property is currently zoned UR (Urban Reserve).A rezoning to the POD (Planned Office Development) District [Z-08-29-01] was approved by the City Commission in 2002 subject to the approval and completion of all conditions of a preliminary development plan for the property. This condition was not met and the rezoning approval expired. This property was shown in context on the PDP for the commercial portion of Wakarusa Place [PDP-08-07-01]. A preliminary and final development plan for the Wakarusa Place Development [FDP-11-14-01] was approved; however this development plan did not include the subject lot.

The subject property is adjacent to the 6Wak Development. The Final Development Plan for this area [FDP-08-12-07] was approved by the Planning Commission in December of 2007 for a 99,840 sq ft retail store (Wal-Mart) and four smaller outlying pad sites. The Bauer Farm Planned Commercial Development is located to the east of the subject property. Commercial, office, and multi-dwelling uses have been approved for this development, with the multi-dwelling uses being located to the east of the subject property across Wakarusa Drive. The property is separated from parkland and a City high school/indoor aquatic center to the north by a small lot which is not included in this rezoning request.

The applicant proposes to construct a bank on the subject property. Other uses permitted within the CO District are planned, but are speculative at this time.

REVIEW & DECISION-MAKING CRITERIA

The CO District is intended to function as a medium-intensity office zoning district. The district is intended to prevent strip commercial development by allowing office uses but not allowing other commercial uses. The Non-Residential District Use Table in Section 20-403 lists the following 'non-office' uses that are permitted in the CO District: Cemetery, College, Postal and Parcel Service, Public Safety, School, Social Service Agency, Extended Care Facility-Limited, Outpatient Care Facility, Religious Institution, Veterinary and Animal Sales and Grooming, Business Support and Communications and Mixed Media Store (limited to no more than 5000 sq ft). The CO District permits limited retail uses such as Fast Order Food, Quality Restaurant, Food and Beverage Sales, and General Retail Sales with the condition that the total floor area of the use not exceed 10% of the total gross floor area of all floors in the office building or of all buildings in the office complex in

which the use is located. These retail uses are meant to serve primarily the office complexes in which they are located.

The Development Code also permits banks and offices in the RMO (Multi-Dwelling Residential-Office) and RSO (Single-Dwelling Residential-Office) District; however, there are restrictions on ATMs and drive-throughs in these zoning districts which would prevent the development of the proposed bank.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

> "*The Area Plan for the Intersection Area of West 6th Street and Wakarusa Drive states that this area is 'recommended as most appropriate for commercial development of a retail focus.' The CO Zoning requested would provide for a limited amount of retail space, while the majority of any building square footage wood be office, in order to ensure that total square footage limitations on commercial space at the intersection are not exceeded."*

Horizon 2020 identifies the intersection of W 6th Street and Wakarusa Drive as an existing Community Commercial Center. The intersection was designated as a CC200 with a nodal development pattern. The *Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive,* adopted by the City of Lawrence in December, 2003, recognized that more than 200,000 sq ft of commercial uses currently existed at this location and recommended that the retail development in the intersection be limited to 420,000 gsf. The total retail approved at this intersection is 429,924 sq ft. As the amount of commercial currently approved at this intersection exceeds that recommended in the Area Plan, commercial zoning would not be appropriate for this property. The CO District includes standards that specifically limits retail uses. The Development Code does not include a stand alone Office District.

Horizon 2020 recommends that CC200 Centers include a variety of uses such as office, employment-related uses, public and semi-public uses, parks and recreation, and multi-family residential (Page 6-7) and also recommends that the northern portion of the W 6th Street/Wakarusa Drive intersection be developed, not only with commercial uses, but also a variety of other uses, including office. (Page 6-16)

Staff Finding -- The proposed rezoning request conforms with *Horizon 2020* policies related to Community Commercial Districts (CC200) and land use recommendations in the *Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive.*

ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING ANY OVERLAY ZONING

The subject property is surrounded on the west and south by Commercial uses (both existing uses and uses which have been approved but not yet developed) which are a part of the Wal-Mart development. To the east is the Bauer Farm Planned Commercial District which has approval of retail and office uses and multi-dwelling residences. Bauer Farm is being developed and currently contains a pharmacy and several restaurant uses.

The property to the north contains a lot which had been included in the previous zoning approval to the POD (Planned Office District) but which is now zoned UR and remains

undeveloped, following the expiration of the zoning approval. A 30 acre city park zoned OS (Open Space) and high school athletic fields zoned GPI (General Public Institutional uses) are located north of this lot.

Staff Finding -- A mix of land uses and zonings are found in this area. The more intense commercial uses border the subject property closer to W 6th Street and institutional uses or open spaces are located to the north.

CHARACTER OF THE NEIGHBORHOOD

Applicant's response: *"This parcel is within an existing commercial development. Immediately to the west is a 99,000 square foot retail building."*

The neighborhood is a developing commercial/mixed use area which includes Wal-Mart, the Bauer Farm development (which has approved development plans for commercial/office/and multi-family uses) as well as community facilities such as a large city park, a public high-school with athletic fields and the indoor city aquatic center.

Staff Finding -- The neighborhood is characterized by mixed uses. High intensity commercial uses are located nearer to W 6th Street as part of the Commercial Center and recreational and general public or institutional uses are located to the north.

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

The *Area Plan for the Intersection Area of W 6th Street and Wakarusa Drive* was adopted in 2003. The plan was intended to help ensure appropriate and compatible development of the West 6th Street/Wakarusa Drive intersection. The plan noted that the south side of the intersection had developed into a commercial node and the Lawrence City Commission had directed Planning staff to develop a plan ensuring the north side of the intersection does not become oversaturated with commercial, primarily retail, development. The proposed rezoning is in compliance with the recommendations in the area plan.

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

Applicant's Response:

> *"The site is an urban area, surrounded by commercial use, and the existing agricultural use no longer seems suitable."*

The property is currently zoned UR (Urban Reserve) District, which is a placeholder district for recently annexed lands pending submittal and approval of development applications. Permitted uses in the UR District are limited to only those agricultural uses which were in place prior to annexation. As development is being proposed and city services are available to serve the proposed development, the UR Zoning District and the agricultural uses it is limited to are no longer suitable for the subject property.

Staff Finding -- City services are available to serve the development and development applications have been submitted; therefore, this property is no longer suited to the uses it has been restricted to under the UR (Urban Reserve) Zoning.

LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response:

"Unknown."

Staff Finding – The property has never been developed.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's response:

"The rezoning should not have a detrimental effect on neighboring properties, as the majority of them are currently zoned for an even more intense use."

The rezoning is in compliance with recommendations in *Horizon 2020* and the *Area Plan for the Intersection Area of W 6th Street and Wakarusa Drive*. The removal of restrictions will permit the property to be developed with office uses, and potentially limited associated retail. This office zoning will serve as a transition from the higher intensity uses in the commercial center to the public/institutional uses to the north and the mixed uses (including multi-family) approved to the east.

Staff Finding – No negative impacts are anticipated with the removal of restrictions.

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:

"Approval would allow for development/increase in taxable value of a vacant piece of land. Denial would result in the owner's inability to build a bank or use the land in any meaningful way."

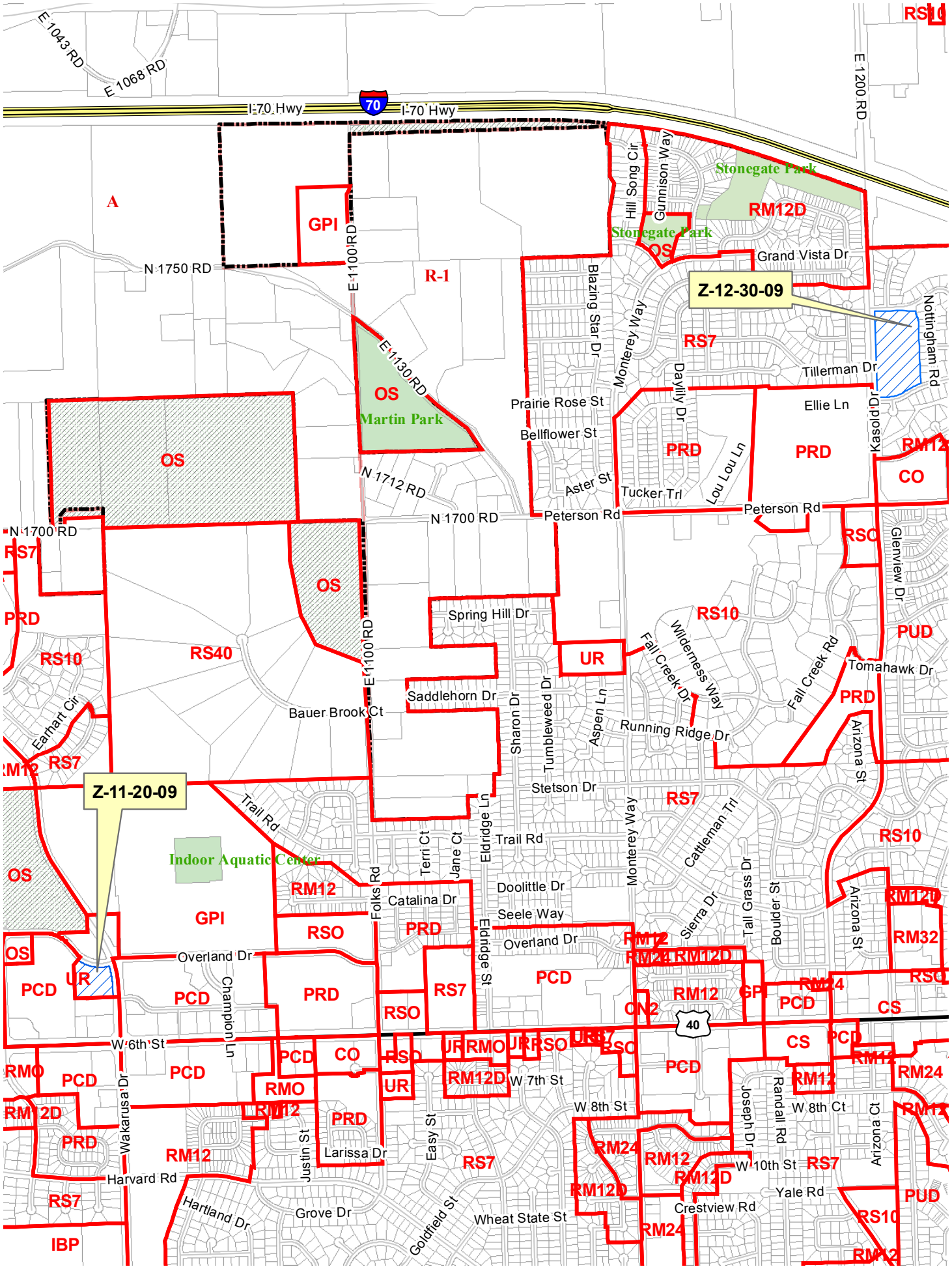
Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

As the development being proposed is compliant with the Comprehensive Plan and should have no negative impact on surrounding properties; there would be no benefit to the public by denying the rezoning request. If the request is denied, it would be difficult for the property owner to find a suitable zoning district for development of this property, given its proximity to high intensity commercial uses.

Staff Finding – Denial of the rezoning request would have no positive impact on the public health, safety and welfare while it would restrict the developer's ability to develop.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends the approval of the rezoning request to the CO District. This rezoning request is compliant with the recommendations of *Horizon 2020*.


E 1043 RD
E 1068 RD
I-70 Hwy
70
I-70 Hwy
E 1200 RD
A
GPI
N 1750 RD
E 1100 RD
R-1
Hill Song Cir
Gunnison Way
Stonegate Park
Stonegate Park
RM12D
OS
Grand Vista Dr
Z-12-30-09
Blazing Star Dr
Monterey Way
RS7
Davilly Dr
Tillerman Dr
Nottingham Rd
Ellie Ln
Prairie Rose St
Bellflower St
PRD
PRD
Lou Lou Ln
Aster St
Tucker Trl
Peterson Rd
Peterson Rd
Kipposay Dr
RM12
CO
RSO
Glenview Dr
E 1130 RD
OS
Martin Park
OS
N 1712 RD
N 1700 RD
N 1700 RD
RS7
PRD
RS10
RS40
OS
E 1100 RD
Spring Hill Dr
UR
RS10
Wilderness Way
Fall Creek Dr
Fall Creek Rd
Tomahawk Dr
PUD
PRD
Saddlehorn Dr
Bauer Brook Ct
Sharon Dr
Tumbleweed Dr
Aspen Ln
Running Ridge Dr
Earhart Cir
RS7
Z-11-20-09
Trail Rd
Stetson Dr
RS7
Arizona St
RS10
OS
Indoor Aquatic Center
Terri Ct
Jane Ct
Eldridge Ln
Trail Rd
Monterey Way
Cattleman Trl
Folks Rd
RM12
Catalina Dr
Doolittle Dr
GPI
RSO
PRD
Seele Way
Eldridge St
Overland Dr
Sierra Dr
Tall Grass Dr
Boulder St
Arizona St
RM12D
RM32
OS
Overland Dr
UR
PCD
PCD
PRD
RS7
PCD
RM12
GP
PCD
CS
RSO
Champion Ln
RSO
CN2
40
W 6th St
CS
PCD
RMO
PCD
PCD
CO
RSO
UR
RMO
UR
RSO
ESO
PCD
RM12
RM24
RMO
RM12D
UR
RM12D
W 7th St
W 8th St
RM12
W 8th Ct
RM12
Wakarusa Dr
PRD
RM12
PRD
Justin St
Larissa Dr
Easy St
RS7
RM24
RM12
RM12D
Joseph Dr
Randall Rd
Arizona Ct
Harvard Rd
RM12
W 10th St
RS7
RS7
Hartland Dr
Grove Dr
Goldfield St
Wheat State St
RM12D
Yale Rd
PUD
Crestview Rd
RS10
IBP
RM24
RM12

Memorandum
City of Lawrence
Planning & Development Services

TO: **Lawrence-Douglas County Planning Commission**

FROM: **Michelle Leininger, Area/Neighborhood Planner**

CC: **Scott McCullough, Director of Planning and Development Services**
Sheila Stogsdill, Assistant Planning Director

Date: **January 22, 2010**

RE: **Item 10: Oread Neighborhood Plan: Historic Resources action summary**

At the January 21, 2010 regular meeting of the Historic Resources Commission, the HRC held a public hearing on the draft Oread Neighborhood Plan. The HRC recommended approval of the plan with the staff recommended changes and the addition of following changes:

- Page 1-9 change "This development contains a mix of residential, commercial and hotel uses." to "This development contains a mix of residential, commercial and a hotel use.".
- Page 3-2, H, change "...and support new mixed and commercial uses, as identified on the Future Land Use Map, to support the university and neighborhood needs." To "...and support new mixed and light commercial uses, if they are determined to not be detrimental to existing downtown commercial uses.".
- Page 3-7, B(1), change "Explore the use of programs, such as the Neighborhood Revitalization Program,..." to "Implement the use of programs, such as the Neighborhood Revitalization Program,...".

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
1/27/10

ITEM NO. 10: COMPREHENSIVE PLAN AMENDMENT TO CHAPTER 14 (MJL)

CPA-2-1-09: Consider a Comprehensive Plan Amendment to Chapter 14 – Specific Plans to approve and incorporate by reference the Oread Neighborhood Plan.

STAFF RECOMMENDATION:
Staff recommends approval of CPA-2-1-09 with the suggested changes and forwarding that recommendation of approval to the City and County Commissions for their concurrence, and authorizing the chair to sign PC Resolution PCR-1-1-10 regarding this CPA.

STAFF REVIEW AND SUMMARY

On January 28, 2009 the Planning Commission initiated the neighborhood planning process for the Oread Neighborhood plan. Three public workshop meetings were held to brainstorm and comment on the goals, priorities and actions for the plan.

The Historic Resources Commission and the Planning Commission received the first draft of the Oread Neighborhood Plan at their June meetings and then met together in August for a study session on the draft plan. Direction was given to staff at the study session to revise the draft which was then brought back to the commissions in November. Additional revisions were made and both commissions received a revised draft of the plan in December. No action or changes were made to the draft between the December and January meetings to allow for both the commissions and the general public to have time to review the draft before the January meetings.

The communications attached are comments received for the December and January HRC and PC meetings.

Staff recommends the following changes to the document:

- Change “boarding house” to “congregate living” wherever it appears in the plan to align terms with the proposed text amendments recommended approval by the Planning Commission in December.
- Update Map 2-5 to show the E.H.S. Bailey House listed on the Register of Historic Kansas Places.
- Change “…the clocks where the brick is exposed.” on page 2-12 to read “…the blocks where the brick is exposed.”.
- Change “The intent of the commercial-hotel use is to accommodate a mix of uses…” on page 5-10, section 4.1.5 to read “The intent of the mixed use district use is to accommodate a mix of uses…”
- Remove the Downtown Commercial District from the legend of the Map 5-1 Future Land Use Map on page 5-14.

COMPREHENSIVE PLAN AMENDMENT REVIEW

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

This amendment is to approve and incorporate by reference the Oread Neighborhood Plan into Horizon 2020. Horizon 2020 did not incorporate any long-range plan into the document. The original Oread Neighborhood Plan document is 30 years old and in need of updating.

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

This amendment is consistent with the comprehensive plan and would become a part of the plan. The Oread Neighborhood Plan is consistent with all the approved long-range plans for the city and an update to an existing, out of date neighborhood plan.

C. Is the proposed amendment a result of a clear change in public policy?

The proposed change is a clear change in public policy because it updates the existing future land use plan for the area.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of CPA-2-1-09 and forwarding that recommendation of approval to the City and County Commissions for their concurrence, and authorizing the chair to sign PC Resolution PCR-1-1-10 regarding this CPA.



Oread Neighborhood Plan

DRAFT

Lawrence-Douglas County Planning Office

11/10/09 revisions noted in red
12/9/09 revisions noted in blue

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Section 1: Introduction

1.1 Purpose

The purpose of the *Oread Neighborhood Plan* is to outline specific goals, policies and recommendations for the planning area shown on Map 1-2, while being consistent with the overall adopted comprehensive plan for the community. The scope of the *Oread Neighborhood Plan* comprehensively addresses land use, historic preservation, infrastructure, and neighborhood atmosphere. It establishes a multi-year vision with supportive goals, policies and actions.

The Oread Neighborhood is a place where a diverse array of people live, work, study and celebrate. Existing compatibility with its character, maintaining housing variety and maintaining neighborhood scale commercial areas are important. Supporting a healthy and safe environment is essential for the neighborhood to maintain its sense of community. Creative solutions to address crime, owner occupants, landlords and structural neglect are recommended as part of the implementation of this plan.

The plan outlines future land uses for the planning area to be used as a long-term guide for urban development and redevelopment. This plan does not rezone property upon adoption. Development requests are typically made by the property owners and/or developers that have stake in such property and wish to develop or redevelop.

1.2 Description of Planning Area

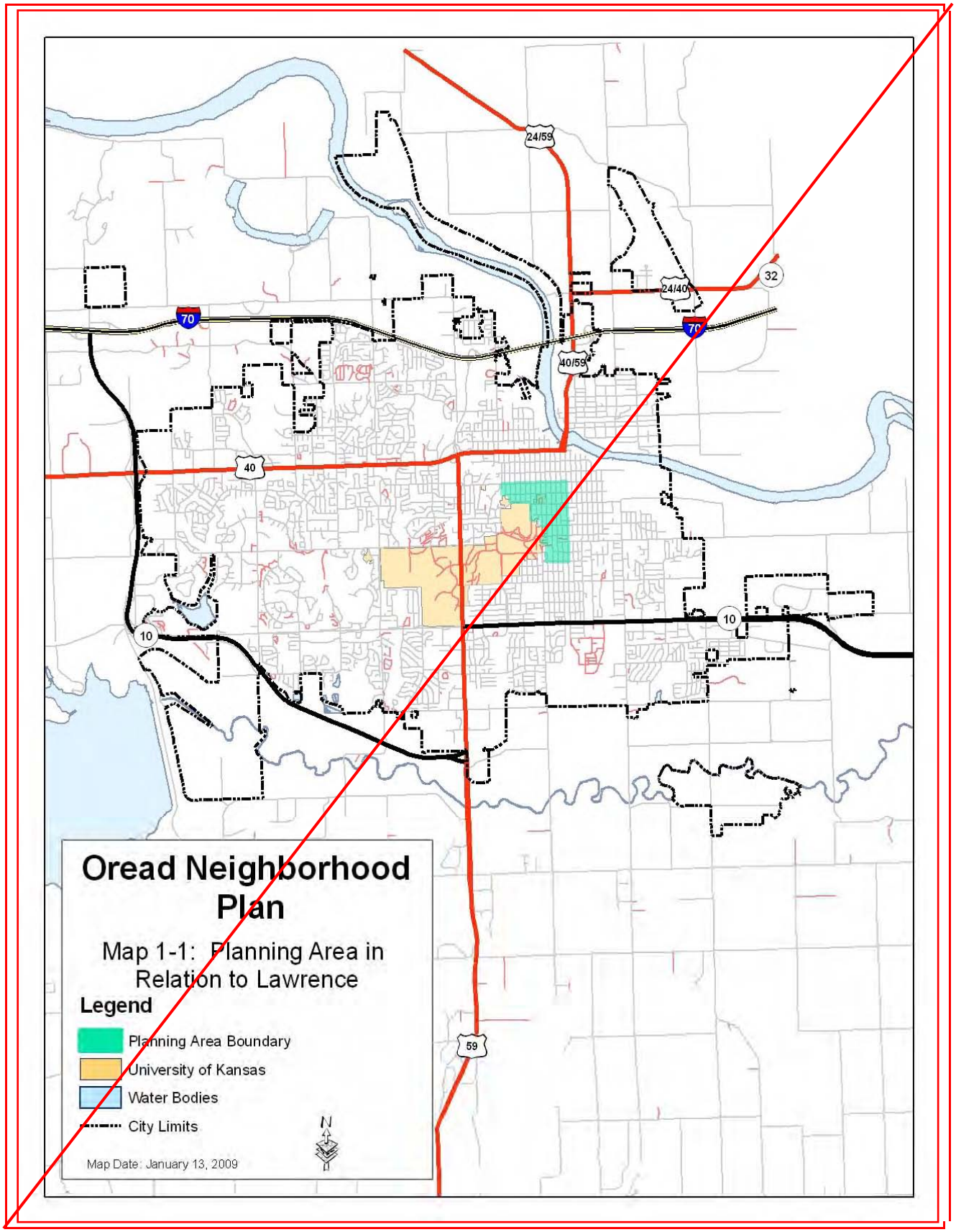
The *Oread Neighborhood Plan* planning area is located in central Lawrence, with the main campus of the University of Kansas on the west and downtown Lawrence on the northeast. The planning area contains approximately ~~256~~ 238 acres. The planning area boundaries are shown on Map 1-2. ~~generally: Michigan Street between W. 9th Street and W. 10th Street, Missouri Street between W. 10th Street and W. 11th Street, and the eastern boundary of the KU campus on the west; W. 9th Street on the north; Massachusetts Street on the east; and W. 17th Street on the south.~~

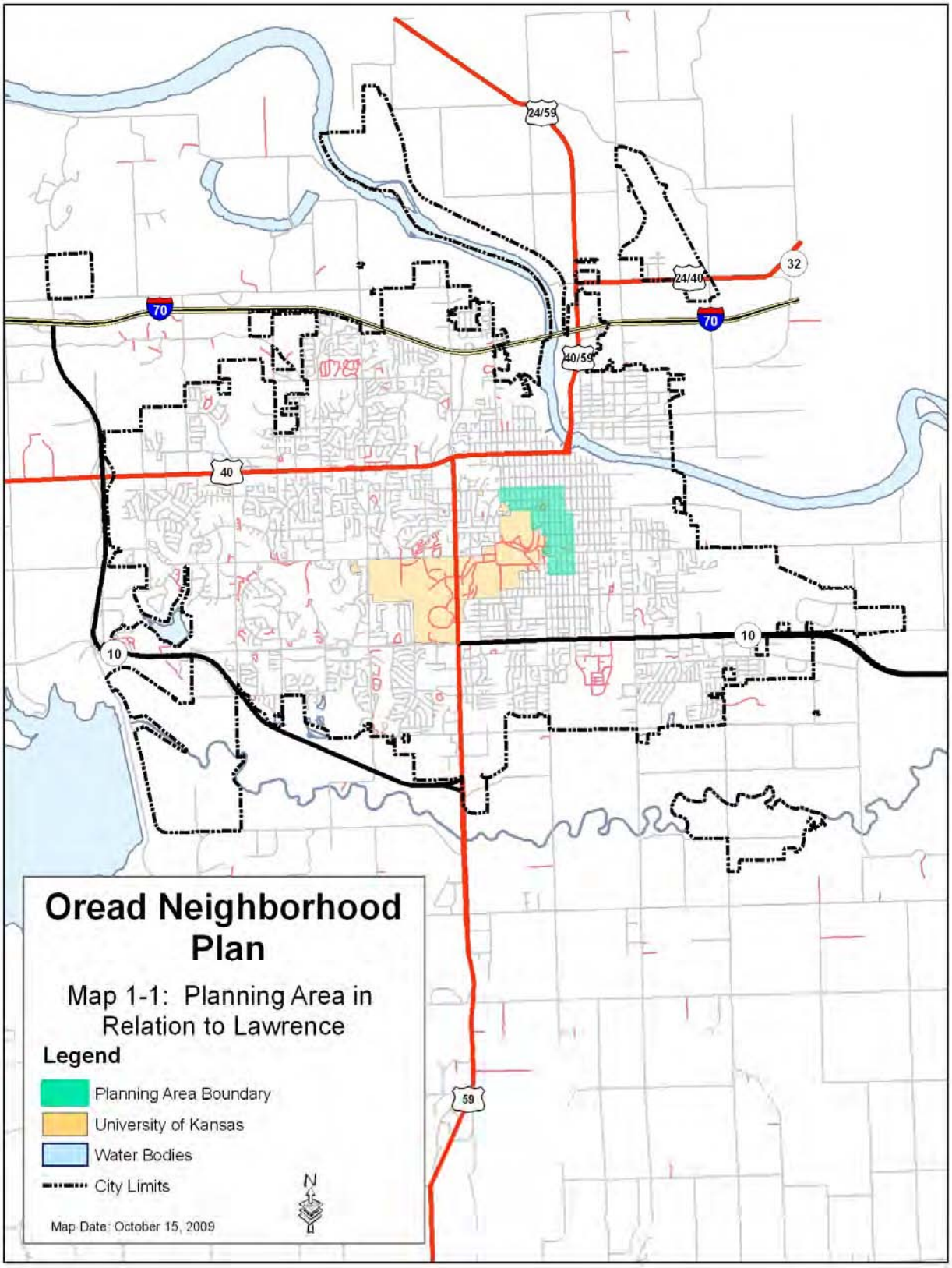
The neighborhood has historically had a mix of uses with the dominant character as residential in a variety of structure types. The planning area also includes commercial uses along the northern boundary along W. 9th Street between Vermont and Illinois Streets. Over the years, the housing in the neighborhood has become predominately rental in nature and referred to by some as the "student ghetto" because of the increase in crime, large student population, and the neglect of some structures.

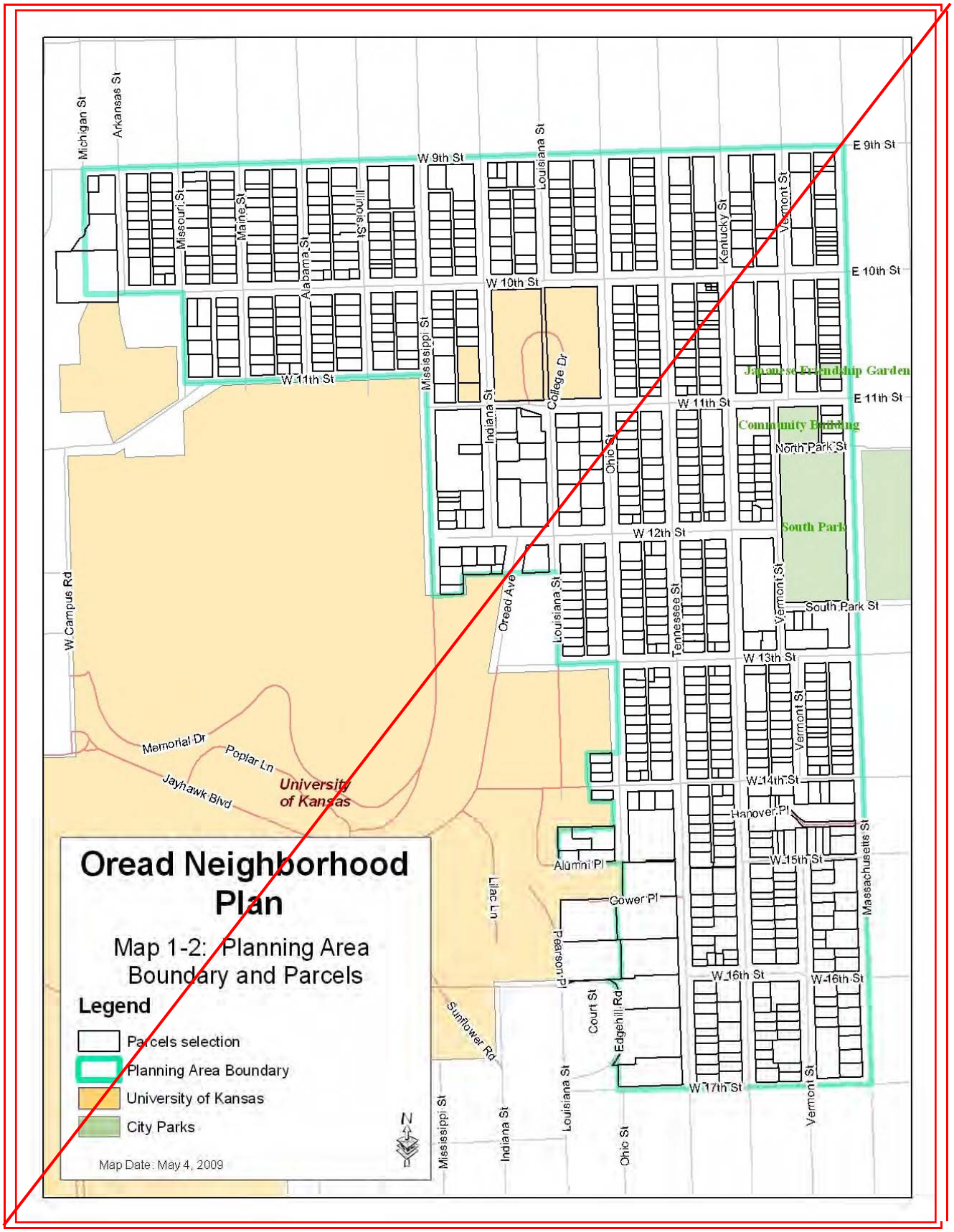
~~The dominant character of the planning area is residential in nature with commercial uses along the eastern and northern sides of the planning area along Massachusetts Street and W. 9th Street between Massachusetts Vermont Street and Illinois Street and small pockets of commercial throughout the planning area.~~

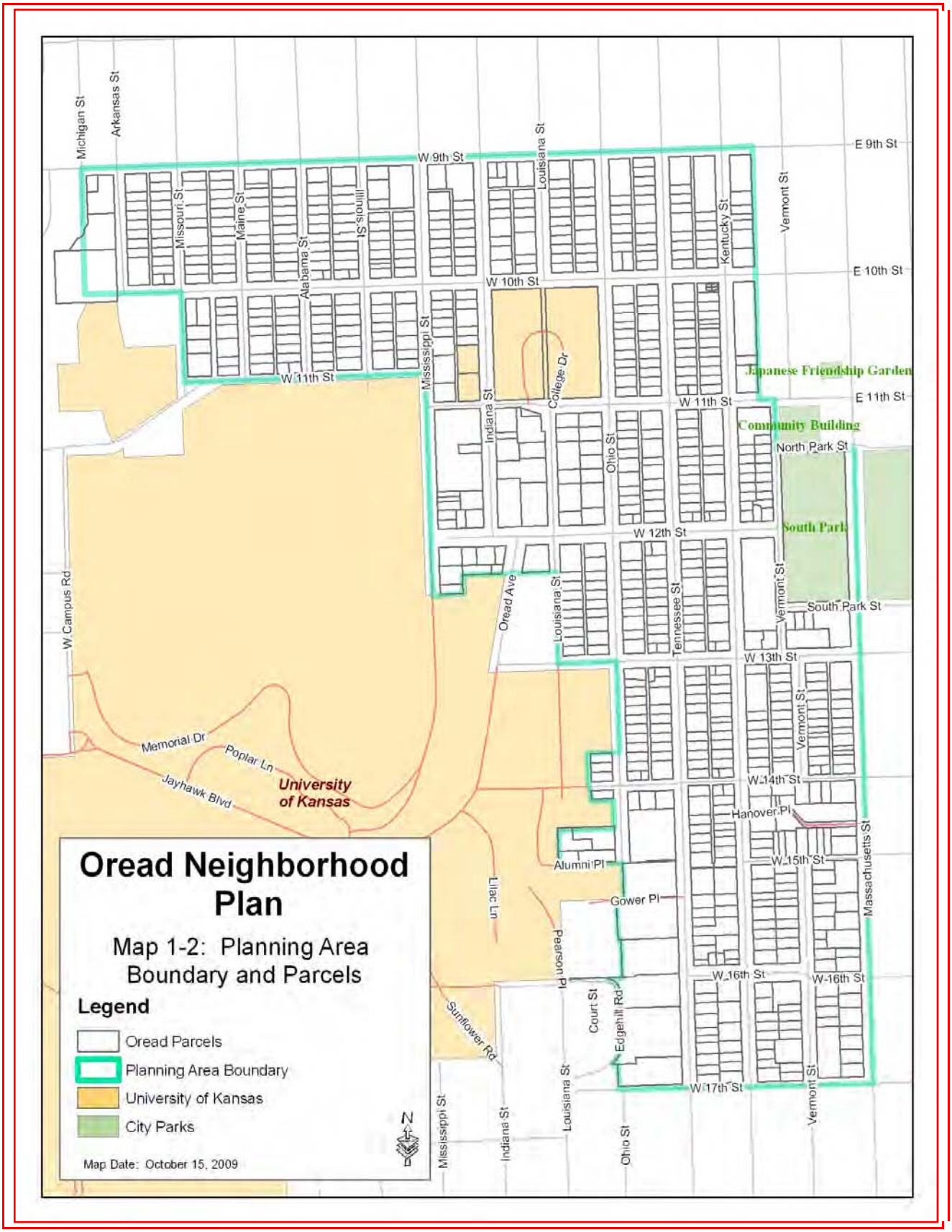
North of the planning area is predominantly residential and some commercial uses. East of the planning area is commercial and residential uses. South of the planning area is residential and west of the planning area is the University of Kansas main campus. While the areas described are outside of the planning area boundaries, they influence the land use development patterns within the Oread Neighborhood area.

The planning area contains mostly small ownership parcel sizes as part of the Original Town Plat. The planning area ~~boundaries and~~ parcel composition are illustrated in Map 1-2.


24/59
32
24/40
70
70
40/59
40
10
10
59
Oread Neighborhood Plan
Map 1-1: Planning Area in Relation to Lawrence
Legend
Planning Area Boundary
University of Kansas
Water Bodies
City Limits
N
Map Date: January 13, 2009


24/59
32
24/40
70
70
40/59
40
10
10
59
Oread Neighborhood Plan
Map 1-1: Planning Area in Relation to Lawrence
Legend
Planning Area Boundary
University of Kansas
Water Bodies
City Limits
N
Map Date: October 15, 2009


Oread Neighborhood Plan
Map 1-2: Planning Area Boundary and Parcels
Legend
Parcels selection
Planning Area Boundary
University of Kansas
City Parks
Map Date: May 4, 2009
N
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Louisiana St
Kentucky St
Vermont St
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
Mississippi St
Indiana St
College Dr
Ohio St
Japanese Friendship Garden
Community Building
North Park St
South Park
South Park St
W 12th St
W 13th St
W Campus Rd
Oread Ave
Tennessee St
Memorial Dr
Poplar Ln
Jayhawk Blvd
University of Kansas
W 14th St
Hanover Pl
W 15th St
Massachusetts St
Alumni Pl
Gower Pl
Lilac Ln
Pearson Pl
W 16th St
Court St
Edgehill Rd
Sunflower Rd
W 17th St


Oread Neighborhood Plan
Map 1-2: Planning Area Boundary and Parcels
Legend
Oread Parcels
Planning Area Boundary
University of Kansas
City Parks
Map Date: October 15, 2009
N
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Louisiana St
Kentucky St
Vermont St
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
Mississippi St
Indiana St
College Dr
Ohio St
Japanese Friendship Garden
Community Building
North Park St
South Park
South Park St
W 12th St
W 13th St
W 14th St
W 15th St
W 16th St
W 17th St
Oread Ave
Tennessee St
W Campus Rd
Memorial Dr
Poplar Ln
Jayhawk Blvd
University of Kansas
Alumni Pl
Hanover Pl
Massachusetts St
Gower Pl
Lilac Ln
Pearson Pl
Court St
Edgehill Rd
Sunflower Rd

1.3 Background and History

Lawrence was laid out by ~~Lawrence~~ A.D. Searle in 1854 on relatively level ground located between the two valleys of the Kansas and Wakarusa Rivers. He used a grid system of eighty feet wide streets, except for three major thoroughfares which were planned to connect blocks reserved for public or quasi-public uses, such as parks and a college. South Park was formed by combining four blocks into one park. Though this plan was revised just one year later, the basic grid pattern of streets, combined with the reservations for parks, schools, and public buildings, remained a significant factor in Lawrence's future development. Also, plans for a college west of the Oread Neighborhood moved forward in 1856 when Amos A. Lawrence donated notes and stocks for the foundation of a proposed "Free State College". A large portion of the planning area was platted in the Original Townsite, Oread Addition, Lane's Addition and Babcock's Addition plats in the early 1860's.


George & Ann Bell House
1008 Ohio Street

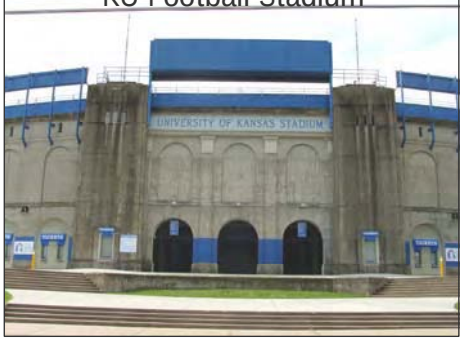
~~In the morning of~~ On August 21, 1863, William Quantrill led a large group of ~~three hundred~~ men in an attack against Lawrence. The result was the destruction of ~~almost all~~ the majority of structures in the central portion of the town and the deaths of nearly one hundred fifty people. ~~Primarily as a result of the raid, virtually no buildings~~ The George and Annie Bell House at 1008 Ohio Street survived from this earliest settlement period ~~of Lawrence in the Oread neighborhood~~.

After Quantrill's raid, there were several factors which contributed to a residential construction boom in Lawrence. Mail service improved significantly, telegraph service arrived in 1863, and a railroad was secured in 1864. The end of the Civil War not only saw the return of soldiers, but also new settlers were pouring into Lawrence. The city's population rose from 1,645 in 1860 to 8,320 in 1870. The Oread Neighborhood appealed to the upper middle class citizens and they looked to an area of town that had room for large homes to reflect their newly acquired wealth.

In addition to its proximity to downtown, other factors affected the development of the neighborhood. The first permanent public school building in Lawrence was built on the northeast edge of the neighborhood. Central School was constructed in 1865 on the southwest corner of 9th and Kentucky Streets. The western boundary of the neighborhood was completed in 1866 with Governor Robinson's gift of land for the University of Kansas. The first classes were held in the North College Hall in 1866, which was built north of the campus between 10th and 11th Streets and Ohio and Indiana Streets, to make use of an existing foundation. ~~the establishment of the University of Kansas which began holding classes.~~ The university and its growth would continue to affect the neighborhood in the coming decades.

~~It is commonly believed that the use of the neighborhood for student housing was predominantly happening in the twentieth century. However many of the residents in the neighborhood between 1874 and 1899 were university students. Since the first campus dormitory was not built until 1923, several homes were operated as boarding houses by widows. Whether the residences were constructed for that purpose or converted shortly afterwards is unknown, but the proximity of the university clearly influenced the development patterns of the neighborhood. Families with university age students also moved into the neighborhood so that their children could attend KU and live nearby.~~

The proximity of the university clearly influenced the development patterns of the neighborhood. Many of the residents in the neighborhood between 1874 and 1899 were university students. The first campus dormitory was not built until 1923 so several homes were operated as boarding houses. Families with university age students also moved into the neighborhood so that their children could attend KU and live nearby.



KU Football Stadium

The University of Kansas began to take on a greater importance in the local economy after 1900. While the town was growing at a slow rate, the number of students enrolled at the university was increasing dramatically. This caused a number of commercial properties catering to students to spring up around the campus. This created a concern among the nearby property owners as well as city officials which resulted in the first Lawrence Planning Commission and zoning ordinance to be created for Lawrence in June 1926. The 1926 zoning ordinance allowed for apartments, boarding houses, and fraternity and sorority houses in the neighborhood. As a result, a large number of ~~nonresident~~ students lived in the area immediately east and northeast of the university. The Oread Neighborhood was therefore increasingly associated with student housing after the turn of the century with many of these structures being private boarding houses. As in the previous decades, families moved to the neighborhood so their children would be close to campus.

In addition to student residents, the neighborhood remained popular for university professors as well. After the turn of the century important business leaders in Lawrence were moving into the Oread neighborhood and building new residences. Middle class families were also attracted to the area.



The Oread Neighborhood was still attractive for ~~single~~ families during the early twentieth century. In addition to electricity, water and sewer, the streets and even some alleys were paved, curbing was introduced, and stone or brick sidewalks were installed. During the 1930's and again in the post-war boom of the 1940's and 1950's, many of the larger homes were converted to apartments and cooperatives or fraternity and sorority houses. Eventually many of the homes began to suffer from lack of maintenance. By the 19~~8~~70's, however, new residents interested in rehabilitating historic homes began moving back into the neighborhood and in 1977 the Oread Neighborhood Association was created. The creation of the neighborhood association allowed for a grant to be applied for and received by the federal Community Development Block Grant program. This was used to assist the neighborhood in crime prevention, provide dumpster pads, repair of stairs and various other projects. The growing appreciation for historic buildings~~, in addition to the approval of Lawrence's preservation ordinance and the designation of a portion of the neighborhood as a local historic district, have~~ resulted in several buildings returning to single-family use and being rehabilitated. The new residents of the Oread Neighborhood worked to establish Lawrence's preservation ordinance and nominated the east side of the 1000 block of Ohio Street and the west side of the 1000 block of Tennessee Street as the first local historic district.

Today the planning area is primarily residential in character with a variety of housing types to accommodate the diversity of people calling the neighborhood home. The area contains commercial areas on the edge along W. 9th and ~~Massachusetts Street, but~~ also ~~has~~ a few commercial areas mixed into the interior of the neighborhood. Most recently a commercial development is being constructed at the corner of Indiana Street and W. 12th Street. This development contains a mix of residential, commercial and hotel uses.

1.5 Policy Framework

Horizon 2020 serves as the overall planning guide and policy document for this plan. In addition to *Horizon 2020*, guiding policy is also obtained in other adopted physical element plans. Together, these plans provide the general "umbrella" policies under which this plan is developed. Listed, these plans are:

- *Horizon 2020*, the Comprehensive Plan for Lawrence and Unincorporated Douglas County. Lawrence-Douglas County Metropolitan Planning Office. 1998 as amended.
- *Transportation 2030*, Lawrence/Douglas County Long Range Transportation Plan. Lawrence/ Douglas County Metropolitan Planning Office and Parsons Brinkerhoff. March 26, 2008.
- *Lawrence-Douglas County Bicycle Plan*, Lawrence/Douglas County Metropolitan Planning Office. May 2004.
- *Oread Neighborhood Plan*, Lawrence-Douglas County Planning Office. March 21, 1979.
- United States Department of the Interiors National Register of Historic Places Registration Form for the Oread Neighborhood Historic District. Three Gables Preservation. August 2007.
- *Lawrence Parks & Recreation Department A Comprehensive Master Plan*. Leon Younger & PROS. 2000.
- *City of Lawrence, Kansas Water Master Plan*. Black & Veatch. December 2003.
- *City of Lawrence, Kansas Wastewater Master Plan*. Black & Veatch. December 2003.
- *2008-2013 Capital Improvement Plan*. City of Lawrence. June 26, 2007.

Section 2 - Existing Conditions

The inventory and analysis of existing conditions in this plan are intended to serve as a resource and background for the recommendations included in Section 3 of this plan.

2.1 Land Use and Density

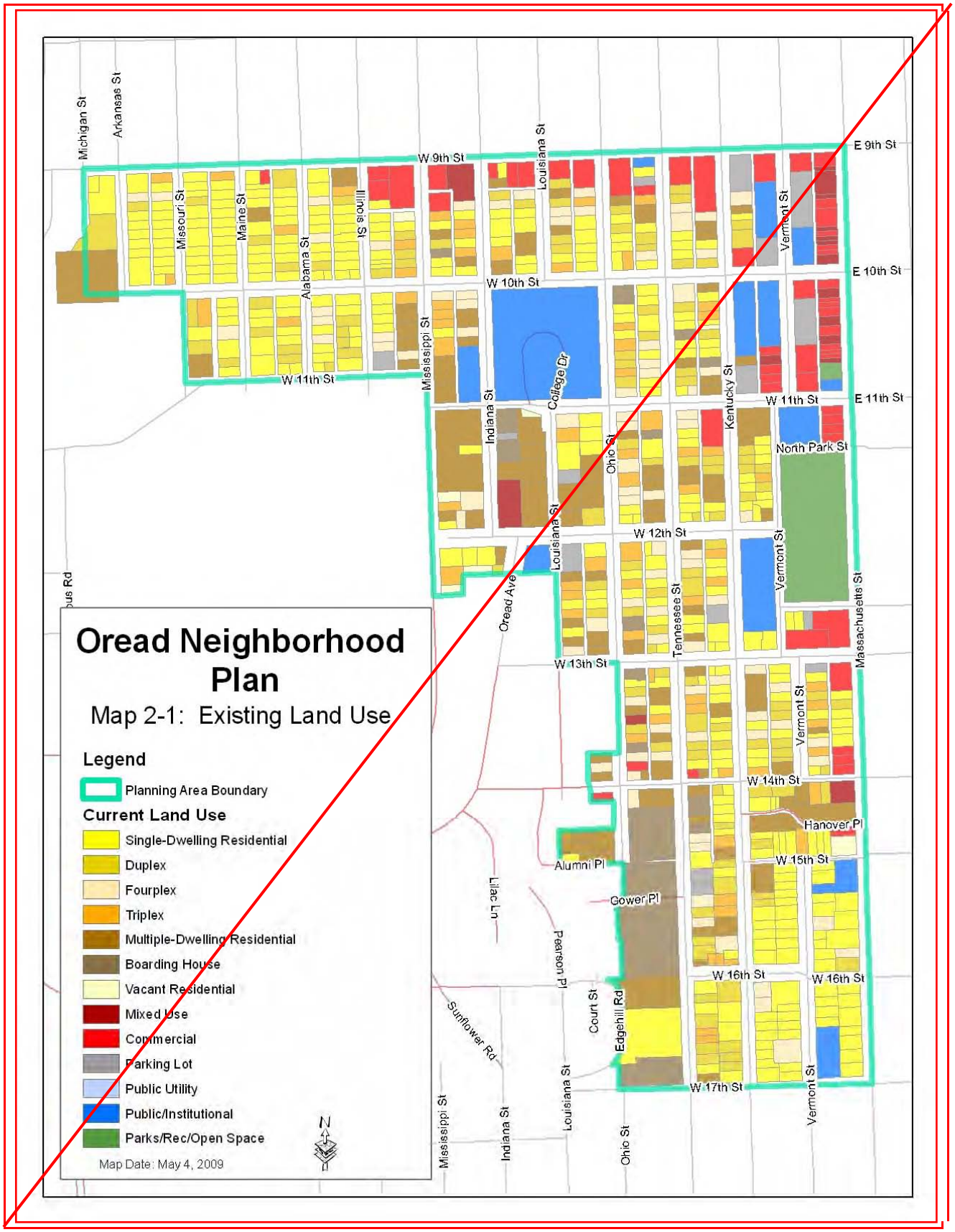
2.1.1 Existing Land Uses

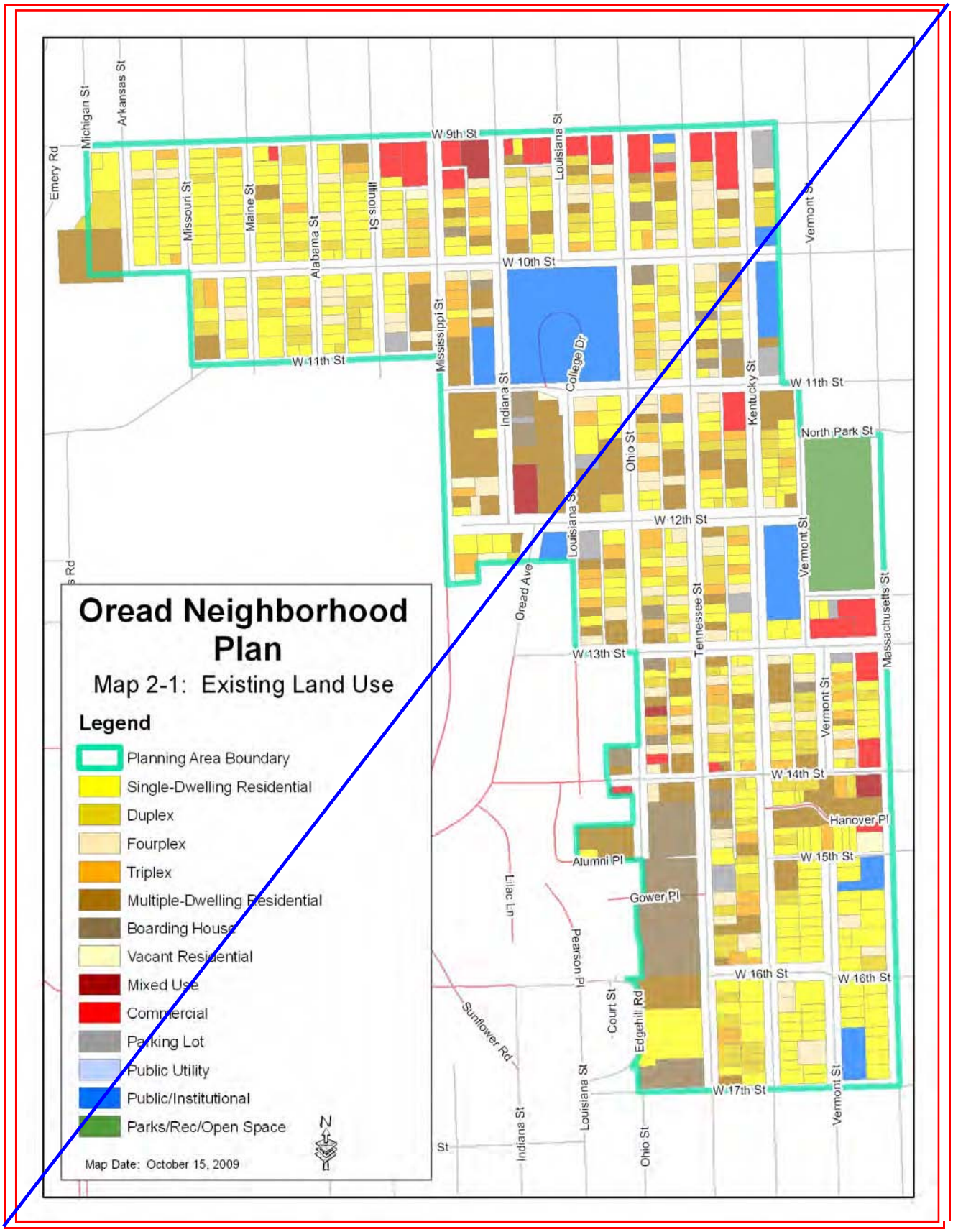


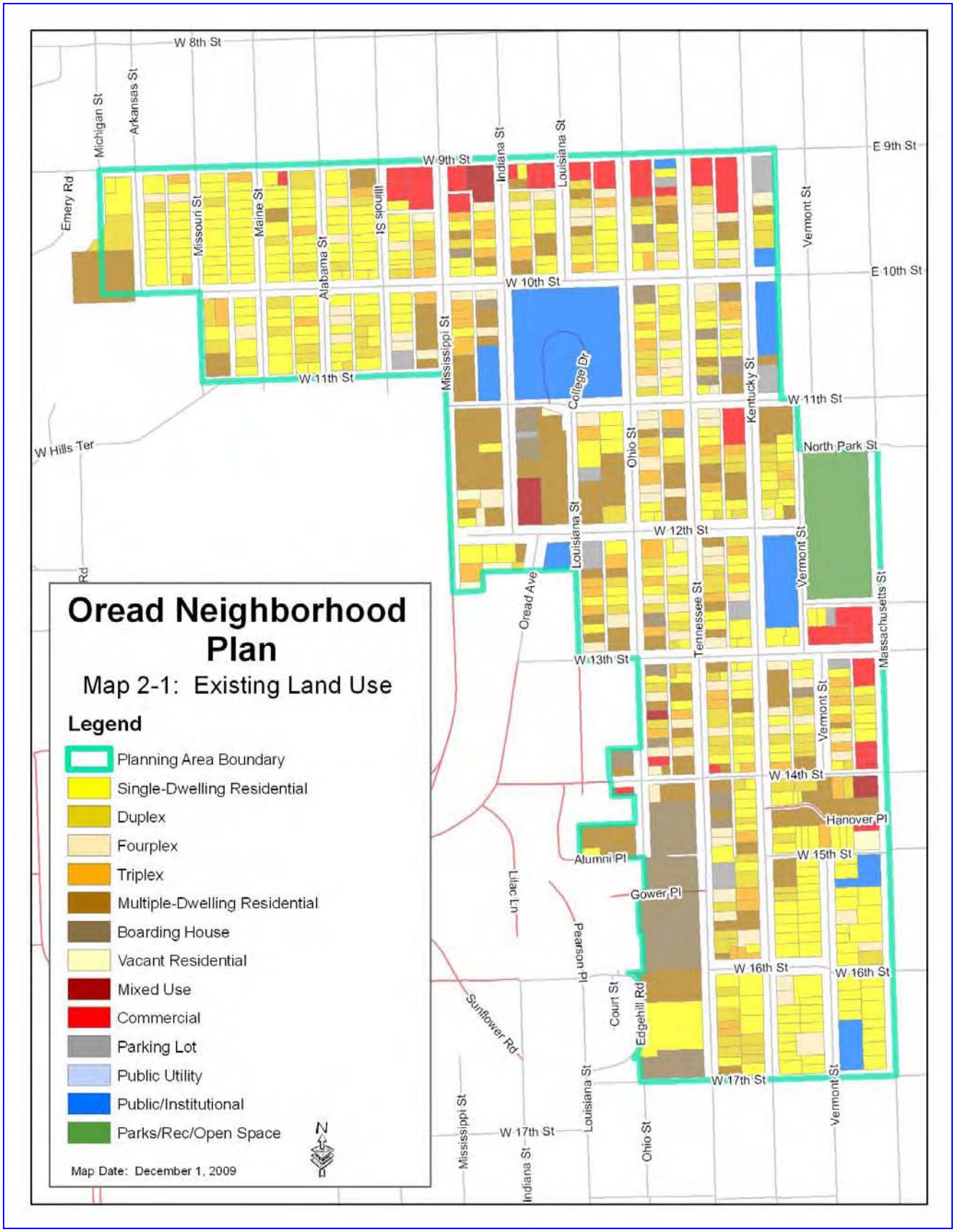
There are currently a variety of land uses within the planning area. The planning area has approximately ~~172~~ 161 acres of land dedicated to uses other than public rights-of-way. The source information for the existing land use summary and map are based on the County Appraisers land use code and updated by planning staff. The largest land use within the planning area is the residential land uses which encompass roughly 127 acres or almost 75% of the planning area. Approximately ~~16~~ 17% of the planning area is owner occupied housing. Residential land uses are further broken down into single-dwelling, duplex, triplex, fourplex, boarding house and multiple-dwelling residential land uses. The neighborhood also has commercial within the boundaries~~. Roughly half of the downtown commercial area is located within the planning area in addition to commercial land uses~~ along W. 9th Street and other small locations within the planning area. The existing land uses are shown on Map 2-1 and the planning area breakdown is described in Table 2-1.

Table 2-1 Existing Land Use Summary

Land Use	Acres	Percent of Acreage
Single-Dwelling Residential	~~50.82~~ 50.77	~~29~~ 31%
Duplex	~~17.28~~ 16.66	10%
Triplex	10.09	6%
Fourplex	~~12.81~~ 12.40	~~7~~ 8%
Boarding House	~~9.59~~ 10.80	~~6~~ 7%
Multiple-Dwelling Residential	~~26.37~~ 26.23	~~15~~ 16%
Vacant Residential	1.08	1%
Mixed Use	~~3.31~~ 1.90	~~2~~ 1%
Commercial	~~12.57~~ 8.06	~~7~~ 5%
Parking Lot	~~4.84~~ 2.96	~~3~~ 2%
Parks/Rec/Open Space	~~6.67~~ 6.43	4%
Public/Institutional	~~17.44~~ 14.26	~~10~~ 9%
Total Acres	~~172.85~~ 161.64	100%


Oread Neighborhood Plan
Map 2-1: Existing Land Use
Legend
Planning Area Boundary
Current Land Use
Single-Dwelling Residential
Duplex
Fourplex
Triplex
Multiple-Dwelling Residential
Boarding House
Vacant Residential
Mixed Use
Commercial
Parking Lot
Public Utility
Public/Institutional
Parks/Rec/Open Space
Map Date: May 4, 2009
N
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Louisiana St
Vermont St
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
Mississippi St
Indiana St
College Dr
Ohio St
Kentucky St
North Park St
W 12th St
Louisiana St
Oread Ave
Tennessee St
Vermont St
Massachusetts St
W 13th St
W 14th St
Hanover Pl
W 15th St
Alumni Pl
Gower Pl
Lilac Ln
Pearson Pl
Court St
Edgehill Rd
W 16th St
Sunflower Rd
W 17th St
Mississippi St
Indiana St
Louisiana St
Ohio St
Vermont St

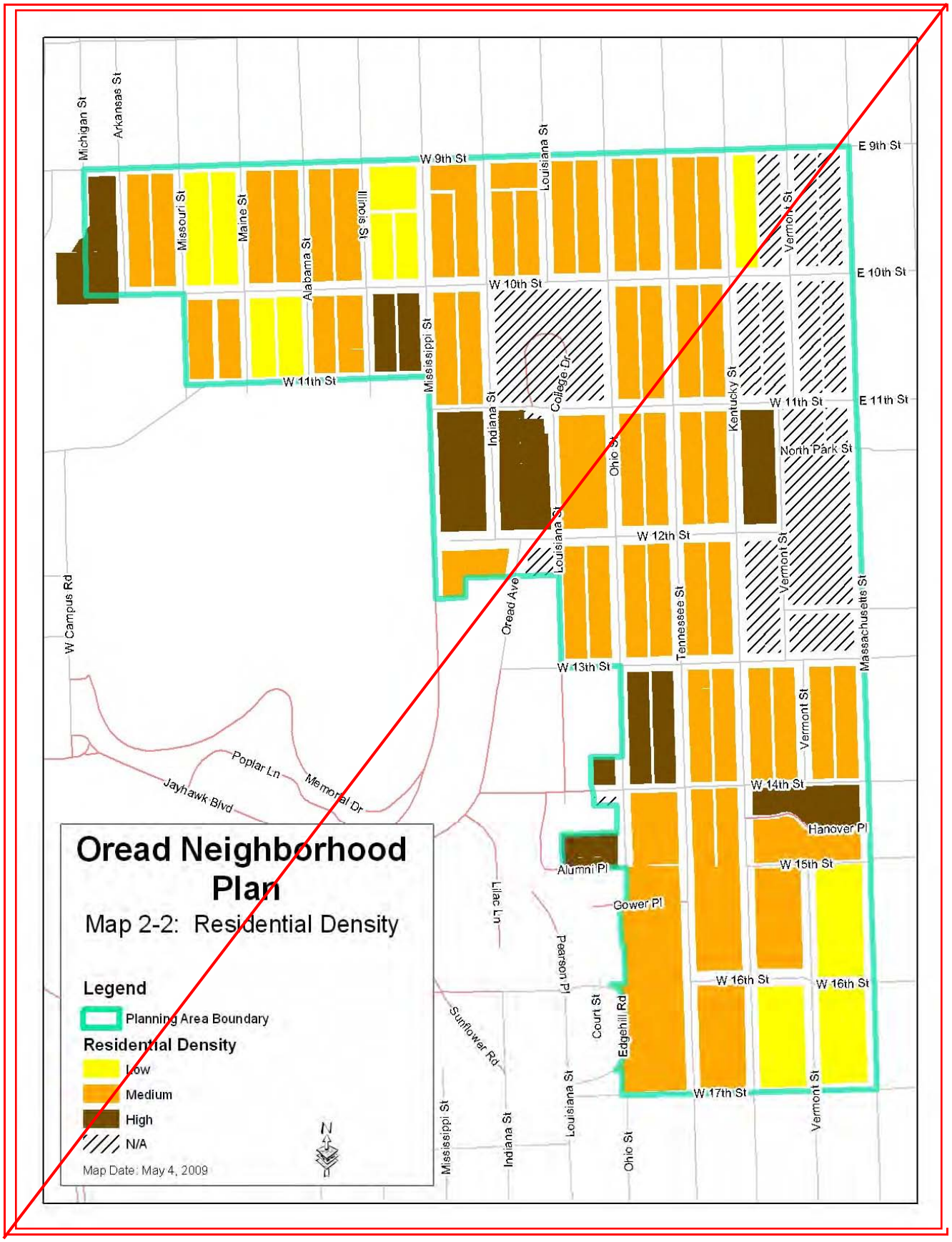

Oread Neighborhood Plan
Map 2-1: Existing Land Use
Legend
Planning Area Boundary
Single-Dwelling Residential
Duplex
Fourplex
Triplex
Multiple-Dwelling Residential
Boarding House
Vacant Residential
Mixed Use
Commercial
Parking Lot
Public Utility
Public/Institutional
Parks/Rec/Open Space
Map Date: October 15, 2009
N
W 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
Missouri St
Maine St
Alabama St
Illinois St
Louisiana St
Vermont St
Mississippi St
College Dr
Indiana St
Ohio St
Kentucky St
North Park St
Tennessee St
Massachusetts St
Oread Ave
Hanover Pl
Alumni Pl
Gower Pl
Lilac Ln
Pearson Pl
Court St
Edgehill Rd
Sunflower Rd
Emery Rd

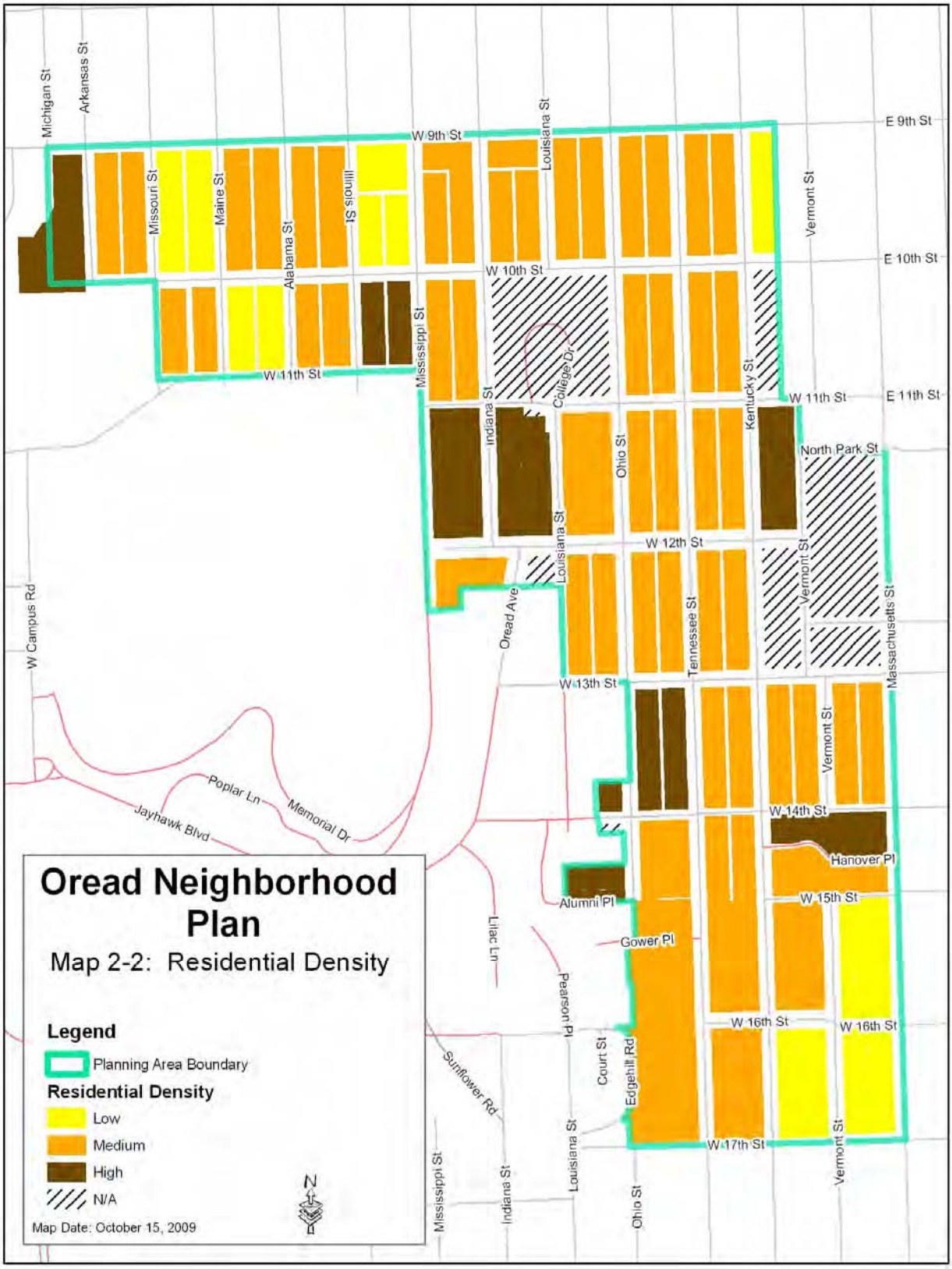

Oread Neighborhood Plan
Map 2-1: Existing Land Use
Legend
Planning Area Boundary
Single-Dwelling Residential
Duplex
Fourplex
Triplex
Multiple-Dwelling Residential
Boarding House
Vacant Residential
Mixed Use
Commercial
Parking Lot
Public Utility
Public/Institutional
Parks/Rec/Open Space
Map Date: December 1, 2009
N
W 8th St
Michigan St
Arkansas St
W 9th St
E 9th St
Emery Rd
Missouri St
Maine St
Alabama St
Illinois St
Indiana St
Louisiana St
Vermont St
W 10th St
E 10th St
W 11th St
Mississippi St
College Dr
Kentucky St
W Hills Ter
Ohio St
North Park St
W 12th St
Oread Ave
Tennessee St
Massachusetts St
W 13th St
W 14th St
Hanover Pl
Alumni Pl
W 15th St
Gower Pl
Liao Ln
Pearson Pl
W 16th St
Court St
Edgehill Rd
Sunflower Rd
W 17th St

2.1.2 Existing Residential Density

Densities are calculated on a gross density based on units per acre. Residential densities on a block by block basis for the planning area are shown in Map 2-2. The number of units for each residential structure was derived from Douglas County Appraiser records and the acreage is calculated to the centerline of each blocks' adjoining streets. Only blocks that are primarily residential are included in the calculations and KU residential dormitory uses are not included. Identified boarding houses were assigned a count of 1 unit per 4 bedrooms and therefore a boarding house with 8 bedrooms received a unit count of 2. A fraternity or sorority use was assigned a count of 1 unit per four occupants.

Each block is given a rating of low-density, medium-density or high-density. Low-density is described as 6 or few units per acre, medium-density as 7-15 units per acre and high-density as 16 or more units per acre. These density designations are defined in *Horizon 2020*, Chapter 5 – Residential Land Use.


Oread Neighborhood Plan
Map 2-2: Residential Density
Legend
Planning Area Boundary
Residential Density
Low
Medium
High
N/A
Map Date: May 4, 2009
N
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Louisiana St
Vermont St
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
Mississippi St
Indiana St
College Dr
Ohio St
Kentucky St
North Park St
W 12th St
Oread Ave
Tennessee St
Massachusetts St
W 13th St
W Campus Rd
Poplar Ln
Memorial Dr
Jayhawk Blvd
W 14th St
Hanover Pl
Alumni Pl
W 15th St
Gower Pl
Lilac Ln
Pearson Pl
W 16th St
Court St
Edgehill Rd
Sunflower Rd
W 17th St


Oread Neighborhood Plan
Map 2-2: Residential Density
Legend
Planning Area Boundary
Residential Density
Low
Medium
High
N/A
Map Date: October 15, 2009
N
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Louisiana St
Vermont St
Mississippi St
Indiana St
College Dr
Ohio St
Kentucky St
Tennessee St
Massachusetts St
North Park St
Oread Ave
W Campus Rd
Poplar Ln
Memorial Dr
Jayhawk Blvd
Lilac Ln
Pearson Pl
Sunflower Rd
Court St
Edgehill Rd
Alumni Pl
Gower Pl
Hanover Pl
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
W 12th St
W 13th St
W 14th St
W 15th St
W 16th St
W 17th St

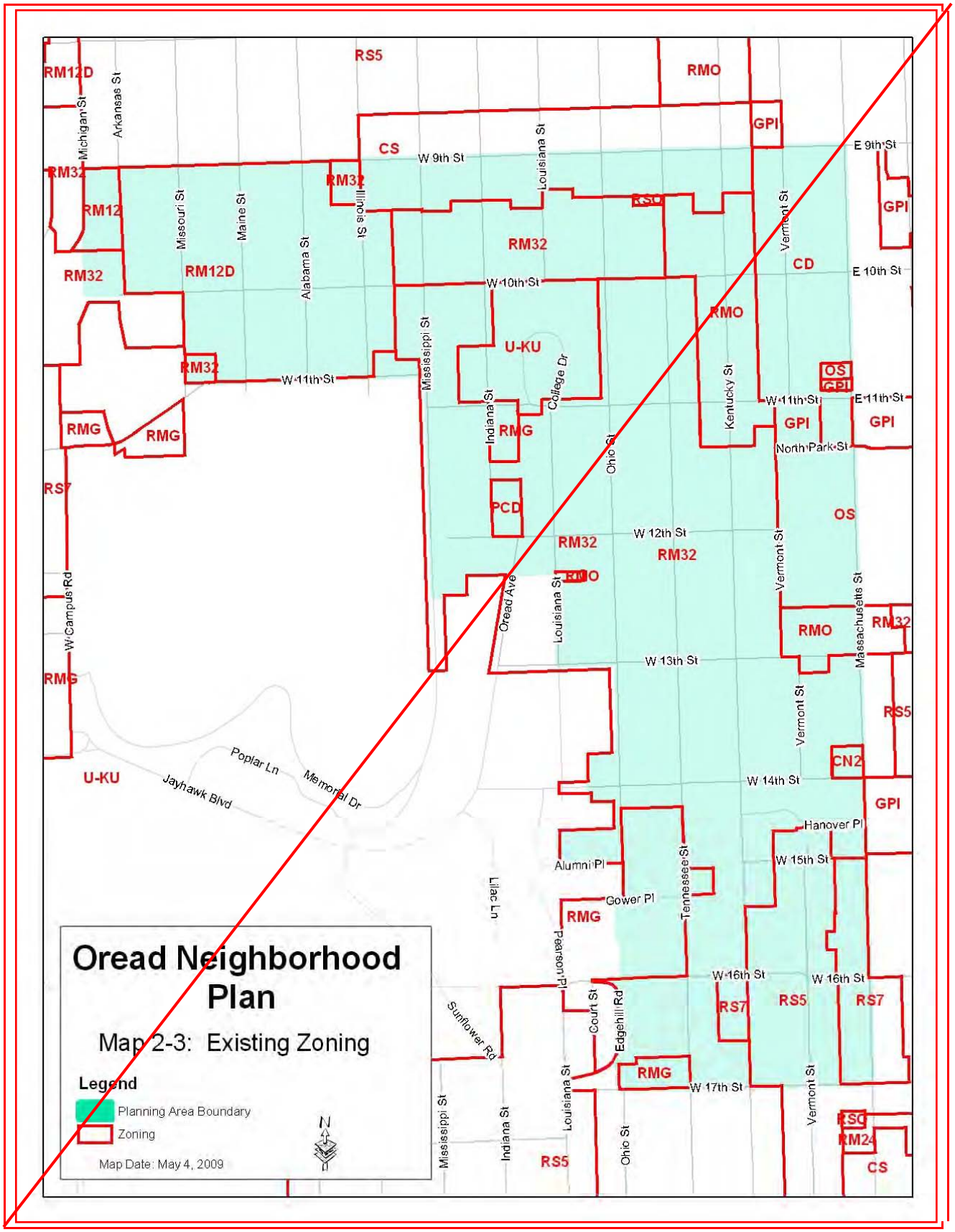
2.2 Zoning Patterns

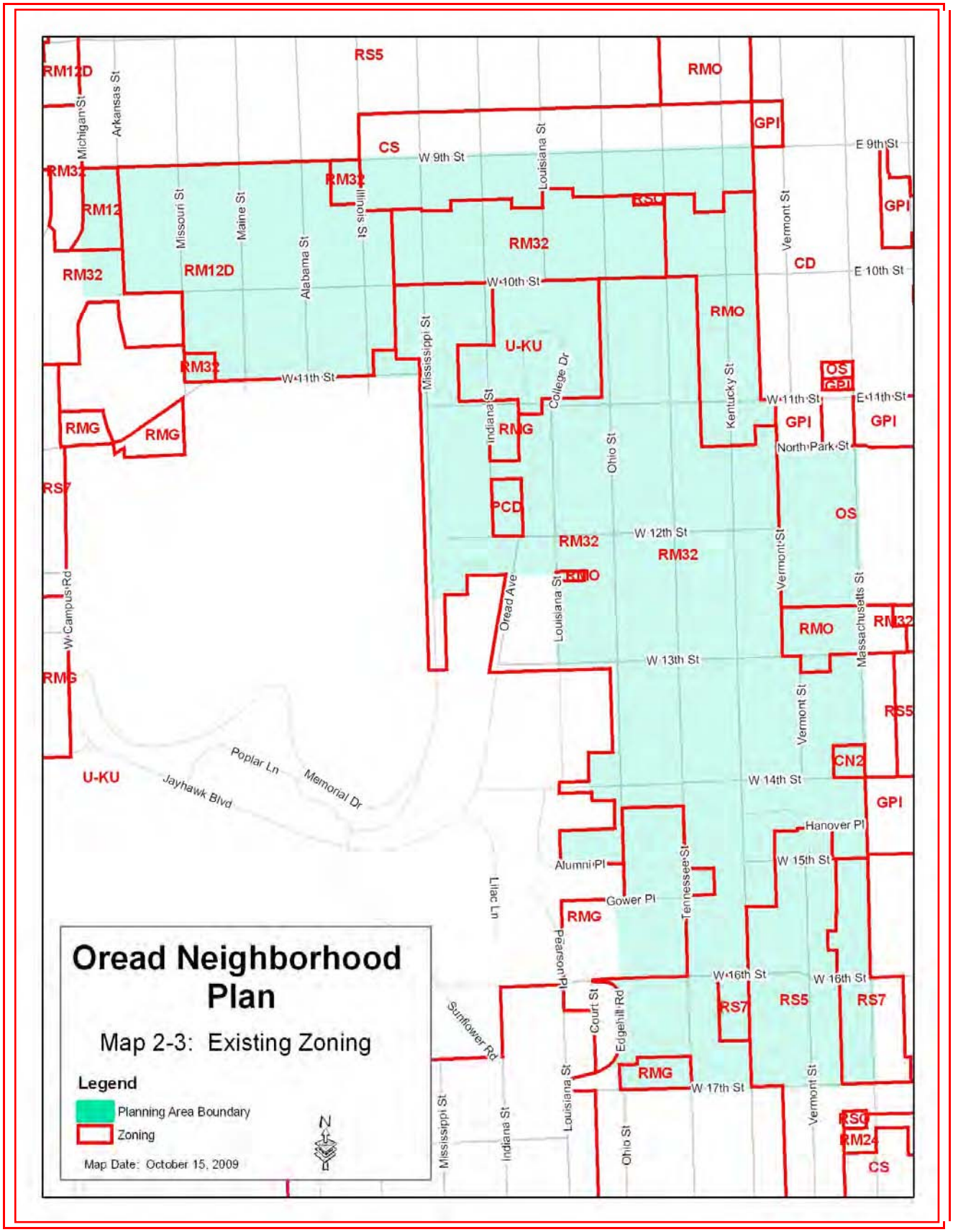
The planning area encompasses approximately 238 acres of land including public rights-of-ways and incorporates a wide range of zoning designations. The majority of the planning area is zoned one of four types of multi-dwelling residential district listed below in Table 2-2. The planning area also includes areas of single-dwelling residential and commercial zonings. See Map 2-3.



Table 2-2 Zoning Classifications

Zoning	District Name	Comprehensive Plan Designation
RS7	Single-Dwelling Residential (7,000 sq. feet per dwelling unit)	Low-Density Residential
RS5	Single-Dwelling Residential (5,000 sq. feet per dwelling unit)	Low- or Medium-Density Residential
RSO	Single-Dwelling Residential-Office (2,500 sq. feet per dwelling unit)	Low- or Medium-Density Residential
RM12/RM12D	Multi-Dwelling Residential (12 dwelling units per acre)	Medium-Density Residential
RM32	Multi-Dwelling Residential (32 dwelling units per acre)	High-Density Residential
RMG	Multi-Dwelling Residential-Greek Housing	High-Density Residential
RMO	Multi-Dwelling Residential-Office (22 dwelling units per acre)	High-Density Residential
CN2	Neighborhood Shopping Center	Neighborhood Commercial Center
CS	Strip Commercial	N/A
PCD	Planning Commercial District	N/A
OS	Open Space	N/A
U-KU	University-Kansas University	N/A
OS	Open Space	N/A


Oread Neighborhood Plan
Map 2-3: Existing Zoning
Legend
Planning Area Boundary
Zoning
Map Date: May 4, 2009
N
RM12D
RS5
RMO
GPI
CS
RM32
RM12
CD
U-KU
RMG
RS7
PCD
OS
CN2
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
W 12th St
W 13th St
W 14th St
W 15th St
W 16th St
W 17th St
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Louisiana St
Vermont St
Mississippi St
Indiana St
College Dr
Ohio St
Kentucky St
North Park St
Oread Ave
Massachusetts St
W Campus Rd
Poplar Ln
Jayhawk Blvd
Memorial Dr
Alumni Pl
Gower Pl
Lilac Ln
Tennessee St
Hanover Pl
Pearson Dr
Court St
Edgehill Rd
Sunflower Rd
RS0
RM24


Oread Neighborhood Plan
Map 2-3: Existing Zoning
Legend
Planning Area Boundary
Zoning
Map Date: October 15, 2009
N
RM12D
RS5
RMO
GPI
CS
RM32
RM12
RM12D
RS0
CD
U-KU
OS
RMG
RS7
PCD
RM24
CN2
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
W 12th St
W 13th St
W 14th St
W 15th St
W 16th St
W 17th St
North Park St
Hanover Pl
Alumni Pl
Gower Pl
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Louisiana St
Vermont St
Mississippi St
College Dr
Indiana St
Ohio St
Kentucky St
Massachusetts St
Oread Ave
W Campus Rd
Poplar Ln
Memorial Dr
Jayhawk Blvd
Lilac Ln
Tennessee St
Pearson Dr
Court St
Edgehill Rd
Sunflower Rd

2.3 Historic Resources


937 Kentucky Street

The neighborhoods surrounding downtown were among the first to develop in Lawrence. Many of the structures date back to the late 1800's and early 1900's. The city of Lawrence currently has five types of preservation ~~listings~~ designations possible for historic properties ~~and districts~~. These ~~listings~~ designations include an Urban Conservation Overlay District (UCO), Lawrence Register of Historic Places (Local), Register of Historic Kansas Places (State), the National Register of Historic Places (National) and a National Historic Landmark. The Oread Neighborhood has properties listed under all of the different protection types except for the National Historic Landmark ~~listing~~ designations and Urban Conservation Overlay District. See Table 2-3~~, Map 2-4 and Map 2-5~~. Once a structure is listed on the National Register of Historic Places, it is automatically placed on the Register of Historic Kansas Places. ~~The review of changes to historic properties and their environs is conducted by the Lawrence Historic Resources Commission (HRC). See Map 2-6 2-4 and Map 2-5.~~

Properties listed ~~on~~ in the Lawrence Register of Historic Places are protected by Chapter 22 of the Code of the City of Lawrence. ~~The City Code requires the review of projects for their affect on the listed property or its environs. (Environs for Lawrence Register of Historic Places are 250 feet).~~ The City's historic preservation ordinance and the state historic preservation statutes require projects within a certain distance of the listed property be reviewed for possible effects on the listed property. Structures or sites located within 250 feet of a property listed on the Lawrence Register of Historic Places are considered to be within the environs of the listed property and are subject to review under Chapter 22. Structures or sites located within 500 feet of a property listed on the Register of Historic Kansas Places or the National Register of Historic Places are considered to be within the environs of the listed property and subject to state law review. The review of changes to historic properties and their environs is conducted by the Lawrence Historic Resources Commission (HRC). See Map 2-4 and Map 2-5.

The ~~Kansas State Preservation Statute~~ Kansas Historic Preservation Act (KSA-75-2715-75-2726), under the State of Kansas~~ has adopted the Kansas Historic Preservation Act. This~~ requires the State Historic Preservation Officer (SHPO) be given the opportunity to comment on proposed projects affecting historic properties or districts. Currently, the city of Lawrence has entered into an agreement with the State Historic Preservation Officer for the HRC to conduct reviews required by this statute in Lawrence. This provides for the protection of properties listed on the Register of Historic Kansas Places and the National Register of Historic Places. This statute also provides for the review of projects located in the "environs" (notification boundary identified as 500 feet) of the listed properties.



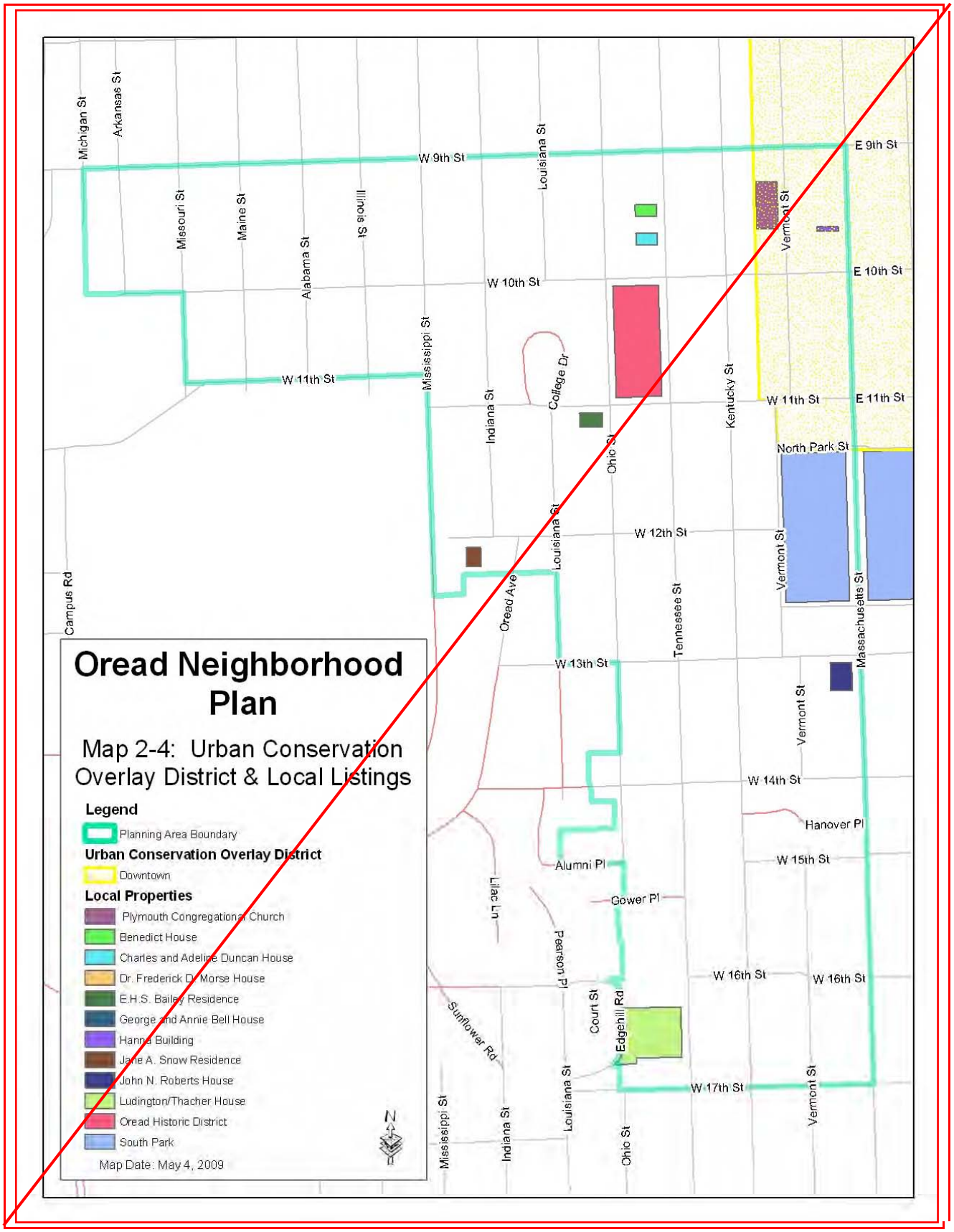
Only a portion of the planning area has been assessed for the identification of historic resources.

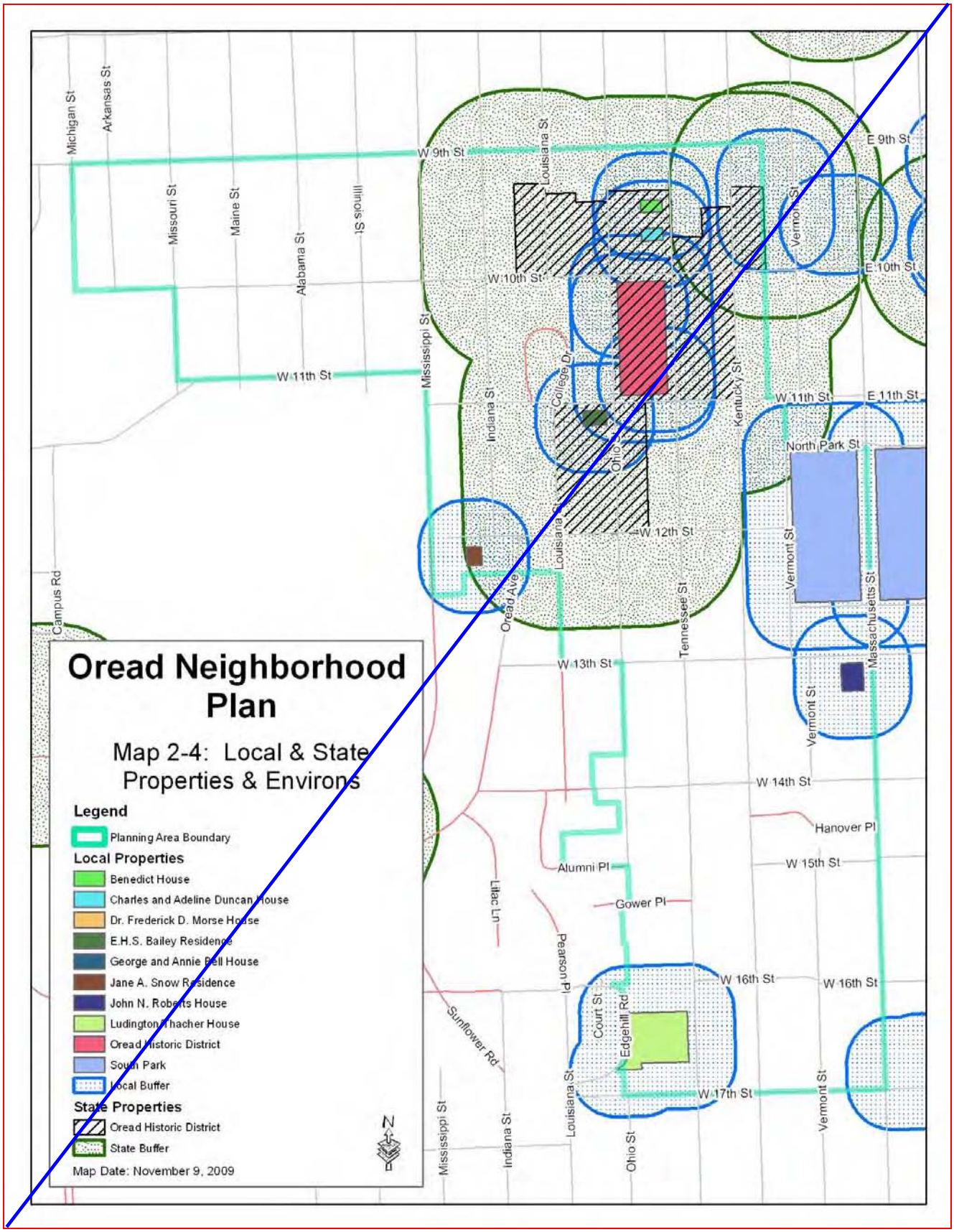
The Oread Neighborhood has other historic elements within the neighborhood. These elements include hitching posts, limestone curbs, stairs, and brick streets. Map 2-~~7~~6 identifies the locations of the brick streets and ~~where they are~~ specifically, the clocks where the brick is exposed.

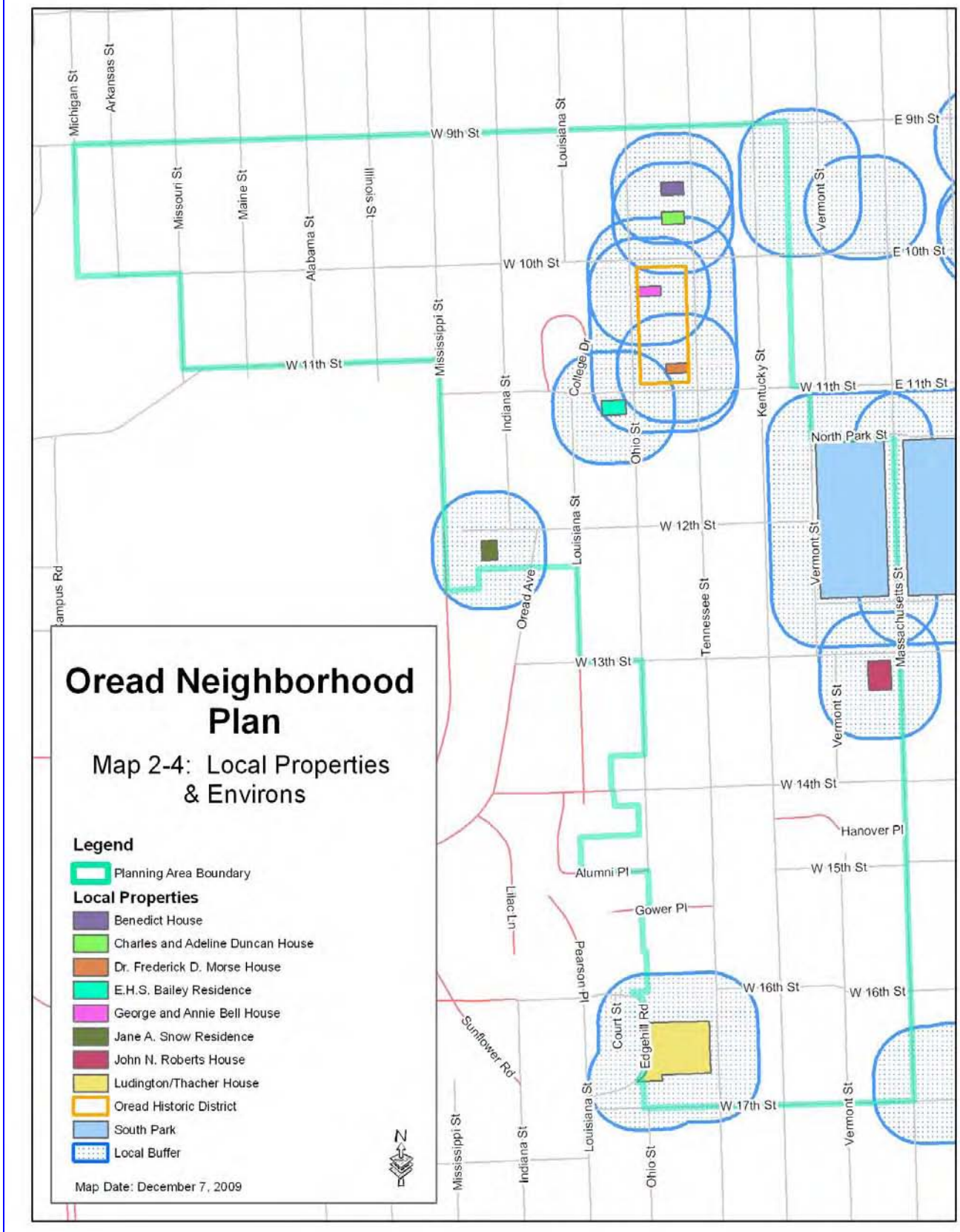
A survey to identify historic resources has been initiated for the area immediately north of the KU football stadium.

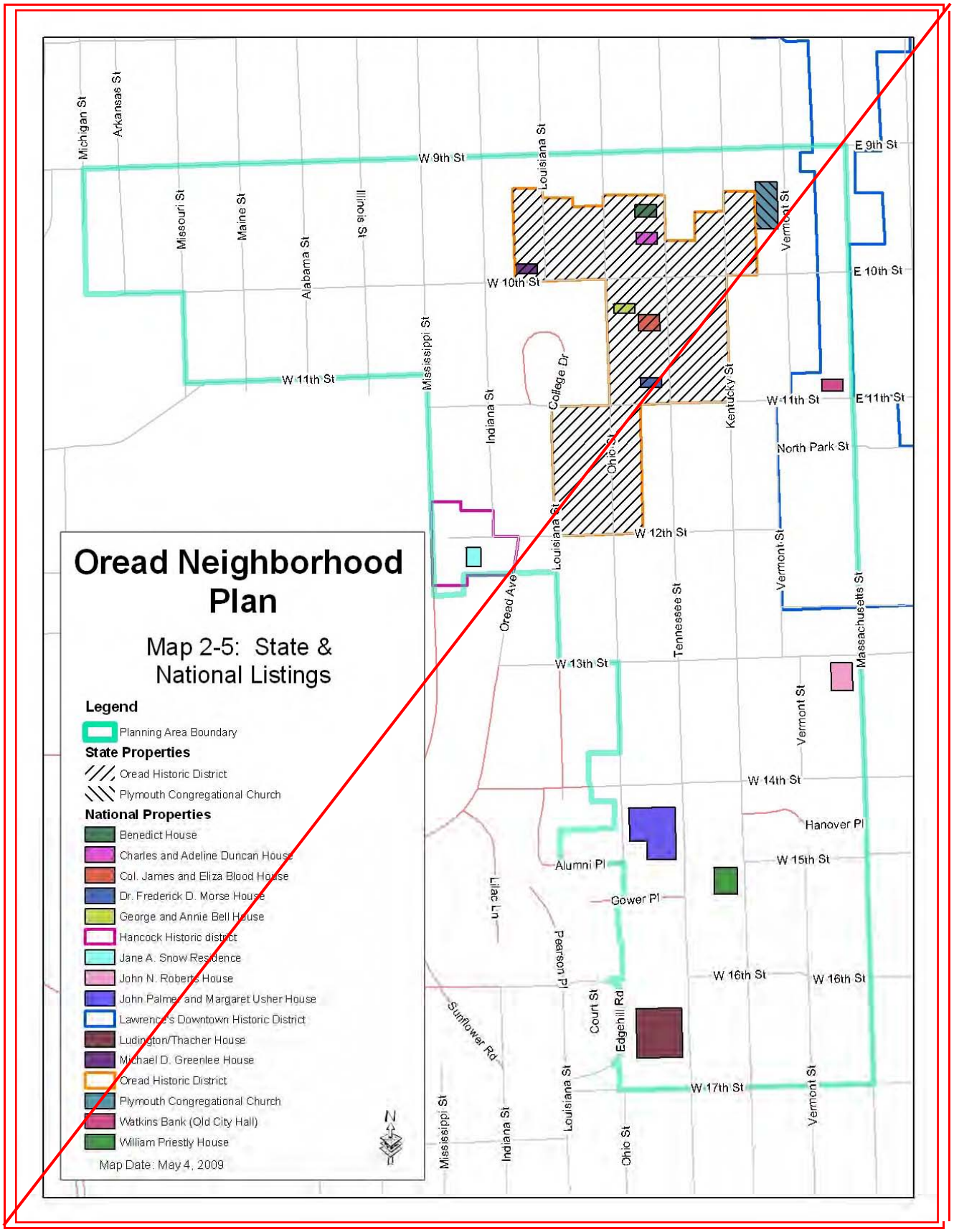
Table 2-3 Oread Historical Register Listings

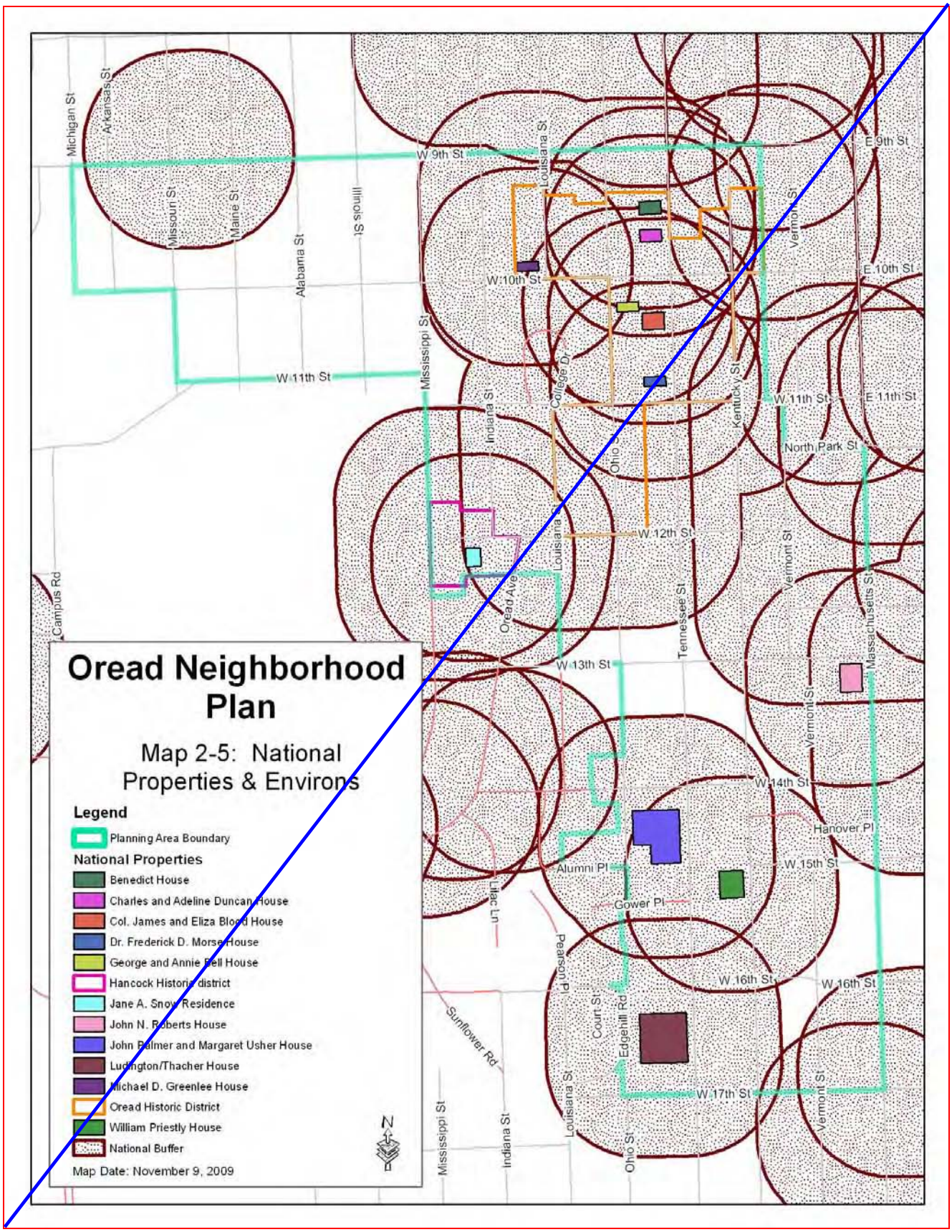
Name	Location	Listing(s)
Benedict House	923 Tennessee Street	Local, State & National
Charles and Adeline Duncan House	933 Tennessee Street	Local, State & National
Col. James and Eliza Blood House	1015 Tennessee Street	State & National
Dr. Frederick D. Morse House	1041 Tennessee Street	Local, State & National
E.H.S. Bailey Residence	1101 Ohio Street	Local & State
George and Annie Bell House	1008 Ohio Street	Local, State & National
Hancock Historic District		State & National
Jane A. Snow Residence	706 W 12th Street	Local, State & National
John N. Roberts House	1307 Massachusetts Street	Local, State & National
John Palmer and Margaret Usher House	1425 Tennessee Street	State & National
Lawrence's Downtown Historic District	Massachusetts Street	State & National
Ludington/Thacher House	1613 Tennessee Street	Local, State & National
Michael D. Greenlee House	947 Louisiana Street	State & National
Oread Historic District		Local
Oread Historic District		State & National
South Park	1141 Massachusetts Street	Local
William Priestly House	1505 Kentucky Street	State & National

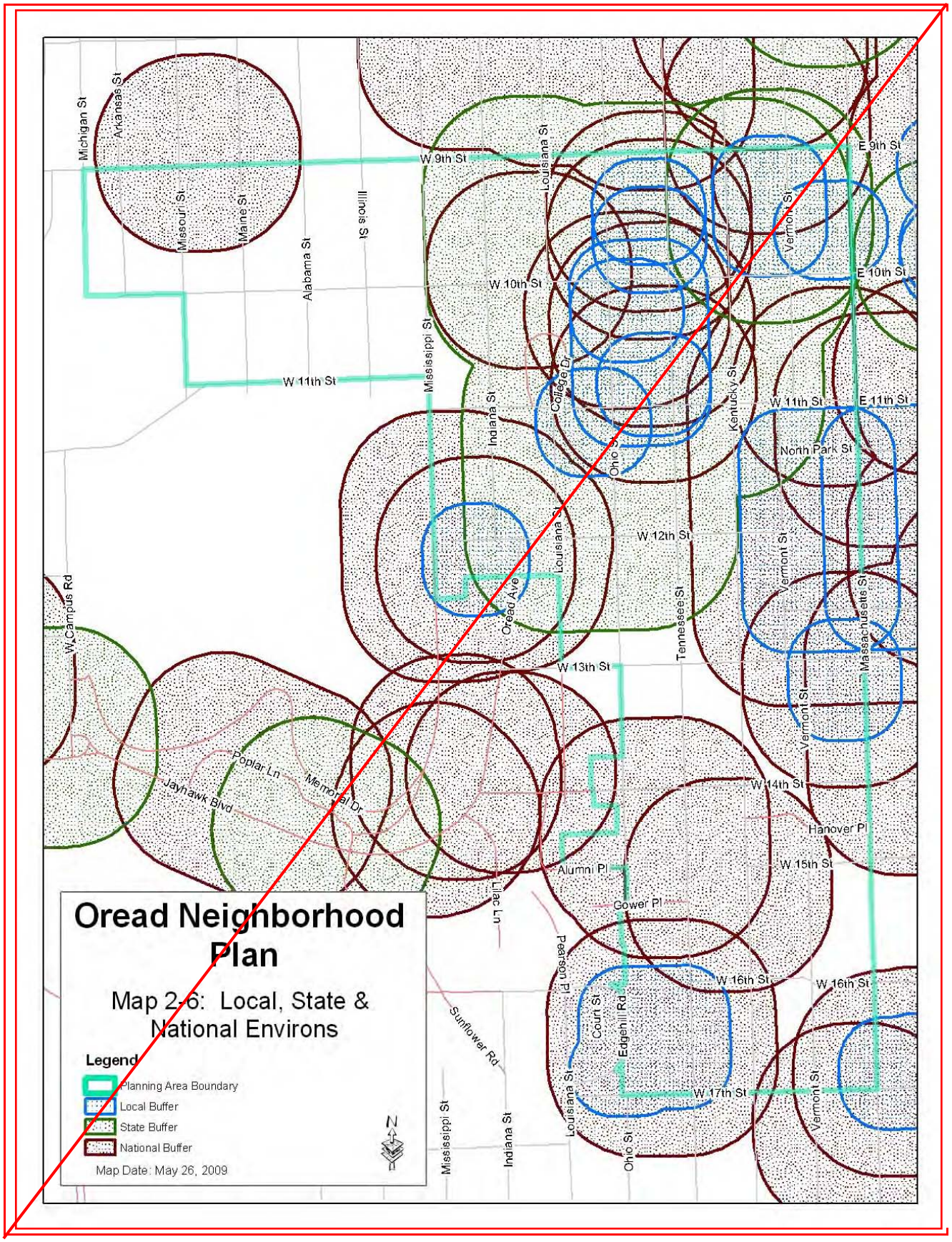

Oread Neighborhood Plan
Map 2-4: Urban Conservation Overlay District & Local Listings
Legend
Planning Area Boundary
Urban Conservation Overlay District
Downtown
Local Properties
Plymouth Congregational Church
Benedict House
Charles and Adeline Duncan House
Dr. Frederick D. Morse House
E.H.S. Bailey Residence
George and Annie Bell House
Hanna Building
Jane A. Snow Residence
John N. Roberts House
Ludington/Thacher House
Oread Historic District
South Park
Map Date: May 4, 2009
N
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
W 12th St
W 13th St
W 14th St
W 15th St
W 16th St
W 17th St
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Louisiana St
Vermont St
Mississippi St
Indiana St
College Dr
Ohio St
Kentucky St
North Park St
Massachusetts St
Tennessee St
Oread Ave
Campus Rd
Hanover Pl
Alumni Pl
Gower Pl
Lilac Ln
Pearson Pl
Court St
Edgehill Rd
Sunflower Rd

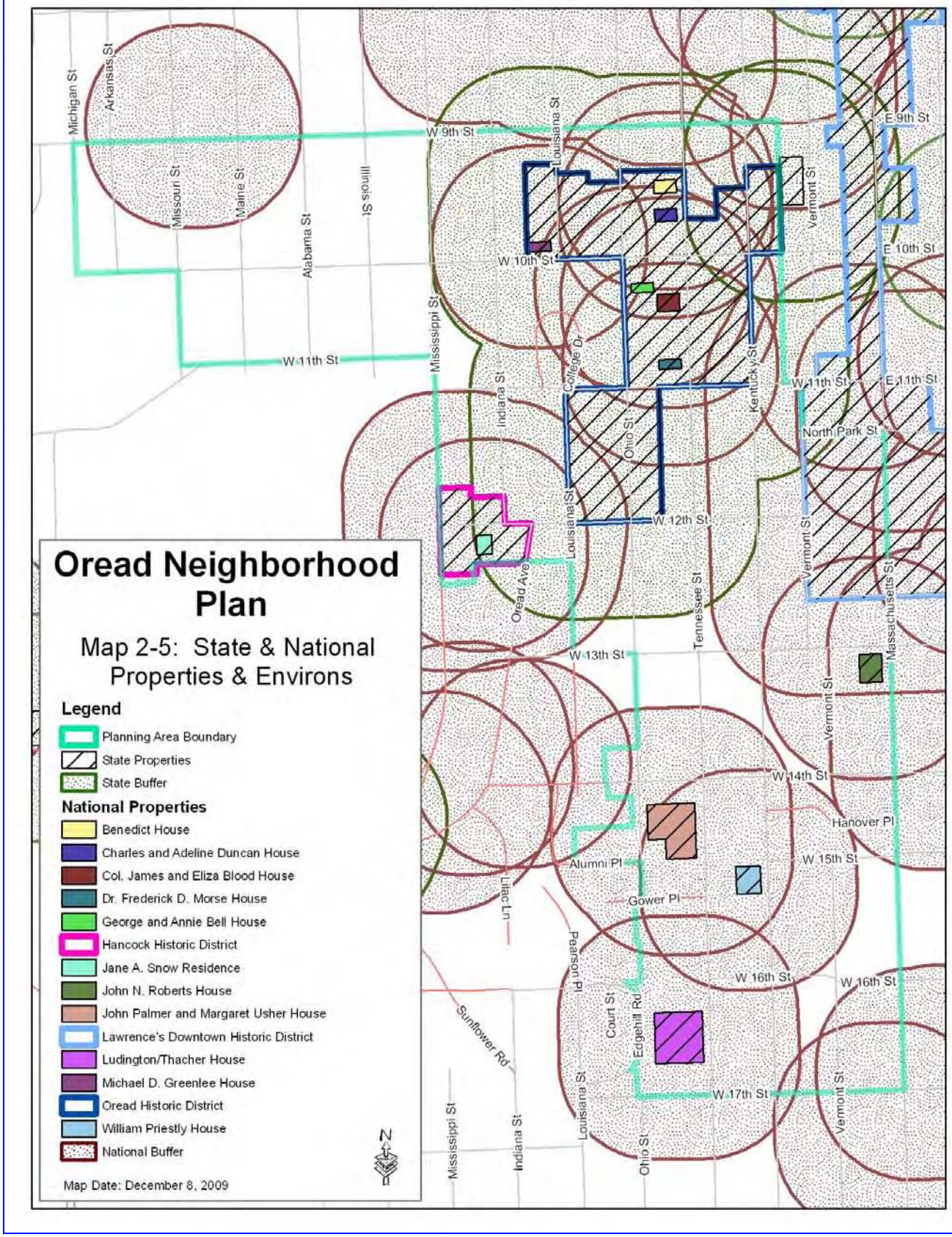

Oread Neighborhood Plan
Map 2-4: Local & State Properties & Environs
Legend
Planning Area Boundary
Local Properties
Benedict House
Charles and Adeline Duncan House
Dr. Frederick D. Morse House
E.H.S. Bailey Residence
George and Annie Bell House
Jane A. Snow Residence
John N. Roberts House
Ludington/Thacher House
Oread Historic District
South Park
Local Buffer
State Properties
Oread Historic District
State Buffer
Map Date: November 9, 2009
N
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Louisiana St
Vermont St
W 9th St
E 9th St
W 10th St
E 10th St
Mississippi St
College Dr
Indiana St
Ohio
Kentucky St
W 11th St
E 11th St
North Park St
W 12th St
Campus Rd
Oread Ave
Tennessee St
Massachusetts St
W 13th St
W 14th St
Hanover Pl
W 15th St
Alumni Pl
Lilac Ln
Gower Pl
Pearson Pl
W 16th St
Court St
Edgehill Rd
Sunflower Rd
W 17th St
Ohio St

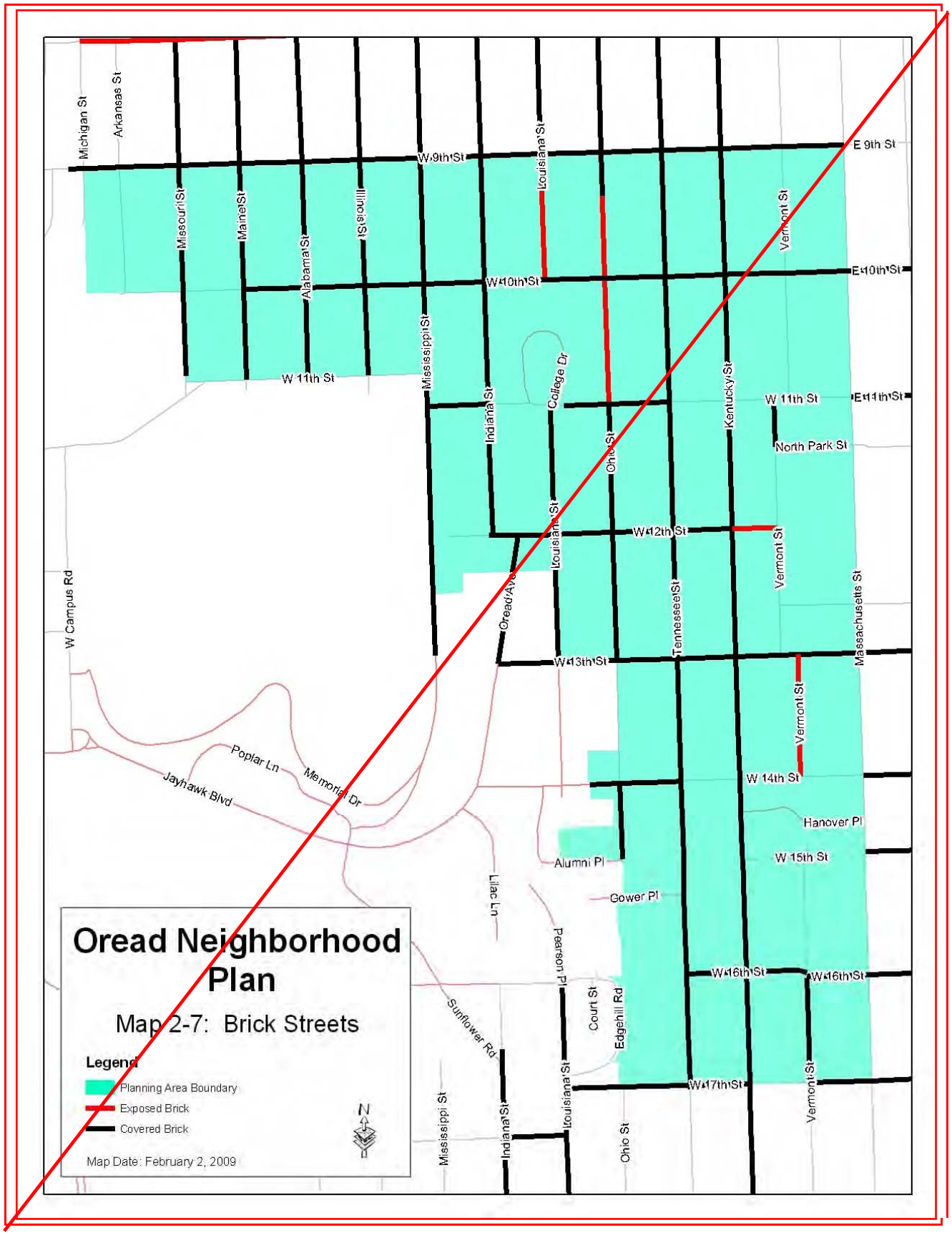

Oread Neighborhood Plan
Map 2-4: Local Properties & Environs
Legend
Planning Area Boundary
Local Properties
Benedict House
Charles and Adeline Duncan House
Dr. Frederick D. Morse House
E.H.S. Bailey Residence
George and Annie Bell House
Jane A. Snow Residence
John N. Roberts House
Ludington/Thacher House
Oread Historic District
South Park
Local Buffer
Map Date: December 7, 2009
N
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Mississippi St
Indiana St
Louisiana St
Vermont St
Kentucky St
Tennessee St
Massachusetts St
College Dr
Ohio St
Oread Ave
Campus Rd
Lilac Ln
Pearson Pl
Court St
Edgehill Rd
Sunflower Rd
North Park St
Alumni Pl
Gower Pl
Hanover Pl
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
W 12th St
W 13th St
W 14th St
W 15th St
W 16th St
W 17th St

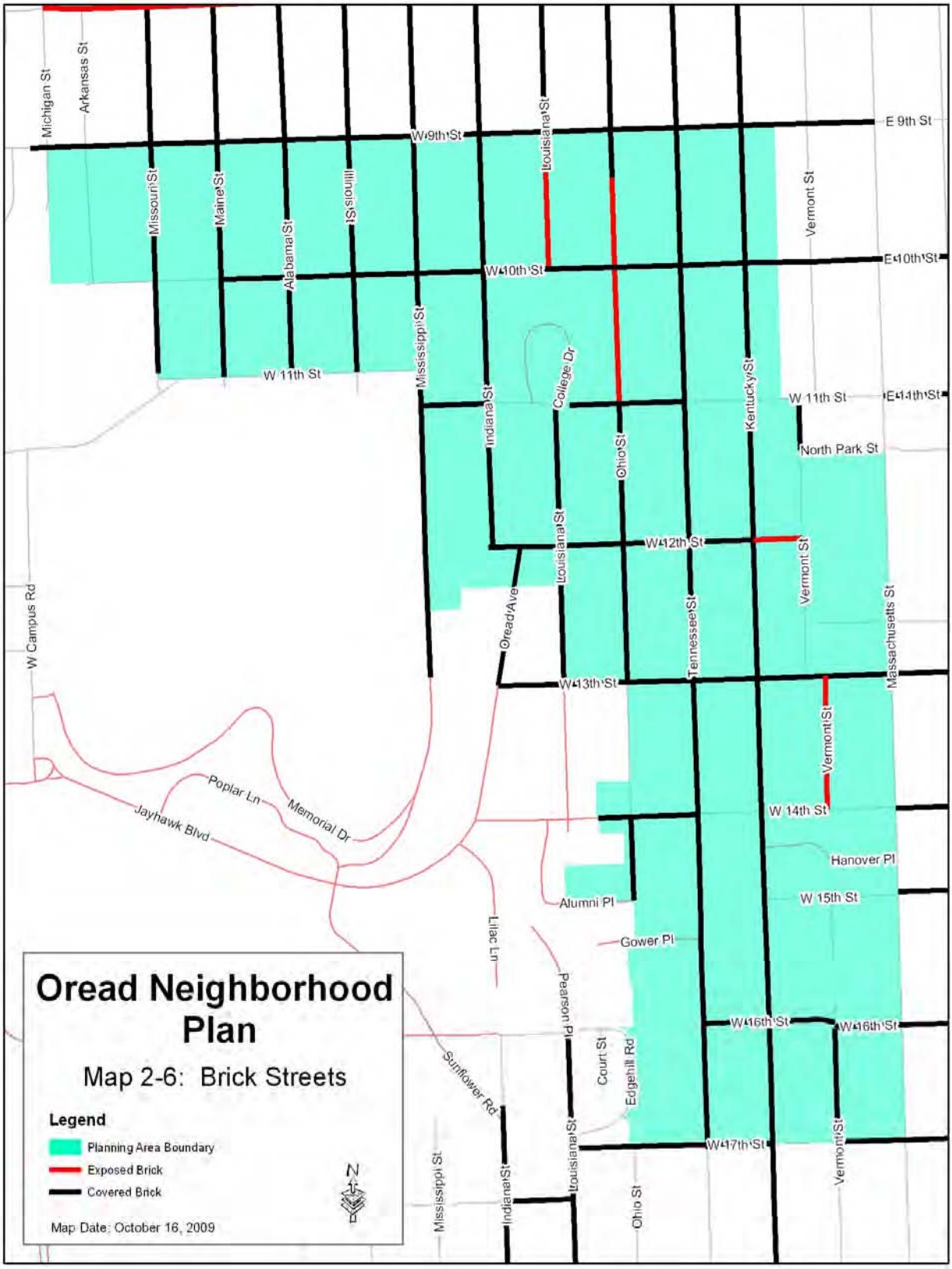

Oread Neighborhood Plan
Map 2-5: State & National Listings
Legend
Planning Area Boundary
State Properties
Oread Historic District
Plymouth Congregational Church
National Properties
Benedict House
Charles and Adeline Duncan House
Col. James and Eliza Blood House
Dr. Frederick D. Morse House
George and Annie Bell House
Hancock Historic district
Jane A. Snow Residence
John N. Roberts House
John Palmer and Margaret Usher House
Lawrence's Downtown Historic District
Ludington/Thacher House
Michael D. Greenlee House
Oread Historic District
Plymouth Congregational Church
Watkins Bank (Old City Hall)
William Priestly House
Map Date: May 4, 2009
N
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Mississippi St
Louisiana St
Indiana St
College Dr
Ohio St
Kentucky St
Vermont St
Tennessee St
Massachusetts St
Oread Ave
Lilac Ln
Pearson Pl
Court St
Edgehill Rd
Sunflower Rd
Alumni Pl
Gower Pl
Hanover Pl
North Park St
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
W 12th St
W 13th St
W 14th St
W 15th St
W 16th St
W 17th St


Oread Neighborhood Plan
Map 2-5: National Properties & Environs
Legend
Planning Area Boundary
National Properties
Benedict House
Charles and Adeline Duncan House
Col. James and Eliza Blood House
Dr. Frederick D. Morse House
George and Annie Bell House
Hancock Historic district
Jane A. Snow Residence
John N. Roberts House
John Palmer and Margaret Usher House
Ludington/Thacher House
Michael D. Greenlee House
Oread Historic District
William Priestly House
National Buffer
Map Date: November 9, 2009
N
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
W 12th St
W 13th St
W 14th St
W 15th St
W 16th St
W 17th St
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Louisiana St
Vermont St
Mississippi St
Indiana St
College Dr
Ohio
Kentucky St
North Park St
Tennessee St
Massachusetts St
Oread Ave
Campus Rd
Hanover Pl
Alumni Pl
Gower Pl
Lilac Ln
Peterson Pl
Court St
Edgehill Rd
Sunflower Rd
Ohio St


Oread Neighborhood Plan
Map 2-6: Local, State & National Environs
Legend
Planning Area Boundary
Local Buffer
State Buffer
National Buffer
Map Date: May 26, 2009
N
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Louisiana St
W 9th St
E 9th St
Vermont St
W 10th St
E 10th St
Mississippi St
W 11th St
E 11th St
Indiana St
College Dr
Ohio St
Kentucky St
North Park St
W 12th St
Oread Ave
Tennessee St
Massachusetts St
W Campus Rd
W 13th St
Poplar Ln
Jayhawk Blvd
Memorial Dr
W 14th St
Hanover Pl
Alumni Pl
W 15th St
Gower Pl
Lilac Ln
Pearson Pl
Court St
Edgehill Rd
W 16th St
Sunflower Rd
W 17th St


Oread Neighborhood Plan
Map 2-5: State & National Properties & Environs
Legend
Planning Area Boundary
State Properties
State Buffer
National Properties
Benedict House
Charles and Adeline Duncan House
Col. James and Eliza Blood House
Dr. Frederick D. Morse House
George and Annie Bell House
Hancock Historic District
Jane A. Snow Residence
John N. Roberts House
John Palmer and Margaret Usher House
Lawrence's Downtown Historic District
Ludington/Thacher House
Michael D. Greenlee House
Oread Historic District
William Priestly House
National Buffer
Map Date: December 8, 2009
N
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Mississippi St
Louisiana St
Indiana St
College Dr
Ohio St
Kentucky St
Vermont St
Tennessee St
Massachusetts St
Oread Ave
Lilac Ln
Pearson Pl
Court St
Edgehill Rd
Sunflower Rd
North Park St
Alumni Pl
Gower Pl
Hanover Pl
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
W 12th St
W 13th St
W 14th St
W 15th St
W 16th St
W 17th St


Michigan St
Arkansas St
W 9th St
E 9th St
Louisiana St
Missouri St
Maine St
Alabama St
Illinois St
Vermont St
W 10th St
E 10th St
W 11th St
Mississippi St
Indiana St
College Dr
Ohio St
Kentucky St
E 11th St
North Park St
W 12th St
Oread Ave
Tennessee St
Massachusetts St
W Campus Rd
W 13th St
Poplar Ln
Memorial Dr
Jayhawk Blvd
W 14th St
Hanover Pl
W 15th St
Alumni Pl
Gower Pl
Lilac Ln
Pearson Pl
Court St
Edgehill Rd
Sunflower Rd
W 16th St
W 17th St
Oread Neighborhood Plan
Map 2-7: Brick Streets
Legend
Planning Area Boundary
Exposed Brick
Covered Brick
Map Date: February 2, 2009
N


Oread Neighborhood Plan
Map 2-6: Brick Streets
Legend
Planning Area Boundary
Exposed Brick
Covered Brick
Map Date: October 16, 2009
N
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Mississippi St
Louisiana St
Indiana St
Ohio St
Kentucky St
Tennessee St
Vermont St
Massachusetts St
College Dr
Oread Ave
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
North Park St
W 12th St
W 13th St
W 14th St
W 15th St
W 16th St
W 17th St
W Campus Rd
Poplar Ln
Memorial Dr
Jayhawk Blvd
Alumni Pl
Hanover Pl
Gower Pl
Lilac Ln
Oread Pl
Court St
Edgehill Rd
Sunflower Rd

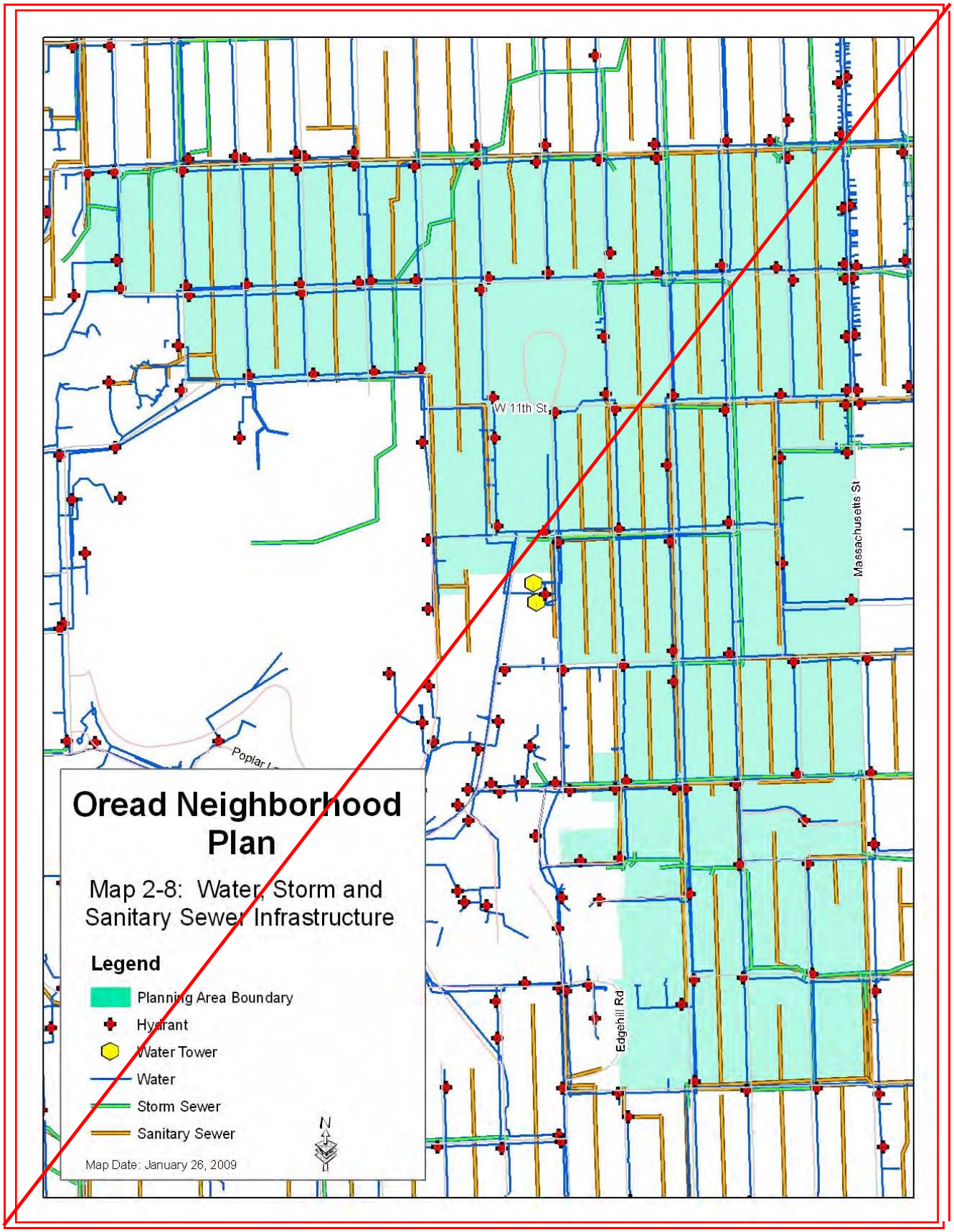
2.5 Infrastructure

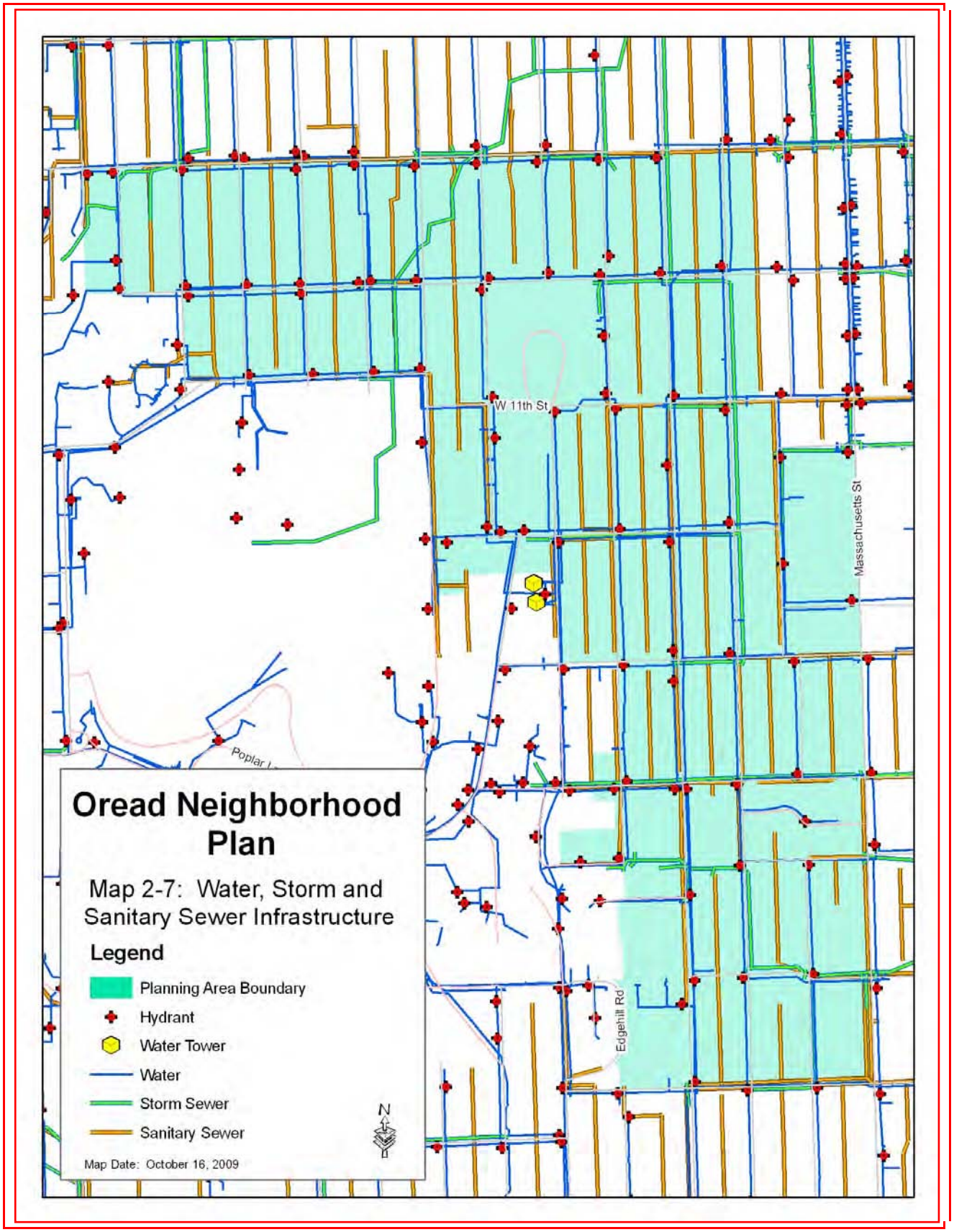
2.5.1 Water, Sanitary Sewer and Stormwater Infrastructure

A summary of the existing utilities are shown on Map 2-8. Municipal water is provided to the properties within the planning area. Two water storage towers are located just outside of the planning area on the west side of the 1200 block of Louisiana Street.

Municipal wastewater is provided to the properties within the planning area.

A summary of the existing ~~stormwater utilities, channels, and natural streams are~~ infrastructure is shown on Map 2-~~8~~7.


W 11th St
Massachusetts St
Edgehill Rd
Oread Neighborhood Plan
Map 2-8: Water, Storm and Sanitary Sewer Infrastructure
Legend
Planning Area Boundary
Hydrant
Water Tower
Water
Storm Sewer
Sanitary Sewer
Map Date: January 26, 2009
N


W 11th St
Massachusetts St
Edgehill Rd
Oread Neighborhood Plan
Map 2-7: Water, Storm and Sanitary Sewer Infrastructure
Legend
Planning Area Boundary
Hydrant
Water Tower
Water
Storm Sewer
Sanitary Sewer
N
Map Date: October 16, 2009

2.5.4 Trash

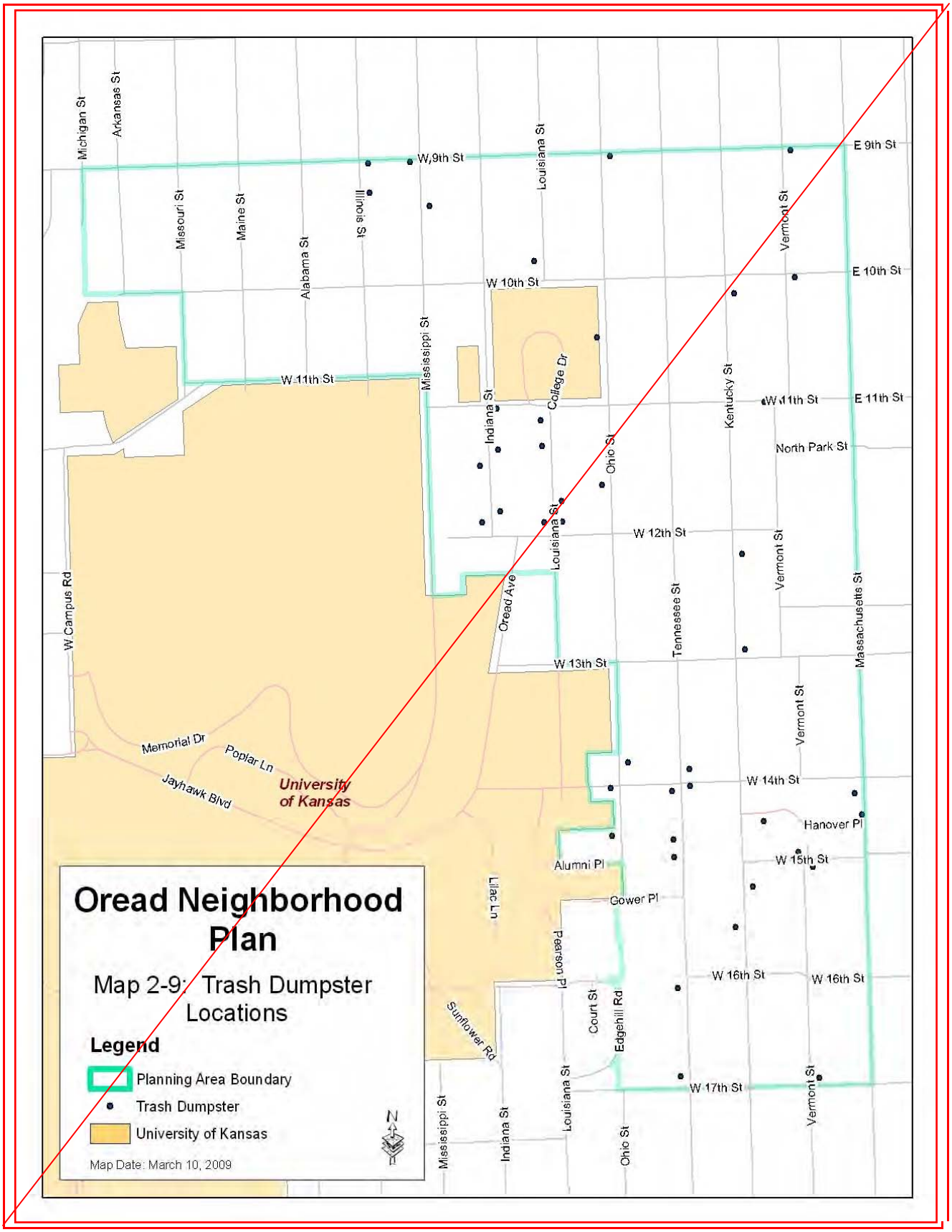


Trash has been an issue in the neighborhood for a long period of time. Discussion is typically related to ~~with~~ the use of dumpsters, cans and their locations. Inconsistencies with collection facilities, location of pick-up, and certain behavioral issues of people who live and visit the neighborhood for large events have all contributed to trash issues in the neighborhood. ~~A summary of the existing trash dumpster locations is provided on Map 2-9.~~

The type of collection facilities and pick up location depends on many factors. If there is an improved alley in the block, trash pick-up will be made off the alley. The ~~Sanitation Department~~ Public Works Solid Waste Division determines the type of collection facility structures will use, whether it is cans or a dumpster. Dumpsters are not necessarily linked to specific addresses. Many of the dumpsters are jointly used by many properties and the ~~Sanitation Department~~ Solid Waste Division will place more dumpsters at locations where continuous overflow is noted.

Currently the city ~~Sanitation Department~~ Solid Waste Division picks up trash in the majority of the neighborhood twice a week, on Tuesday and Friday, and every day during the move in and move out times of the year at KU. In addition to the traditional trash pick-up, most Fridays the ~~Sanitation~~ Solid Waste staff will walk certain street and alleys and pick up trash by hand.

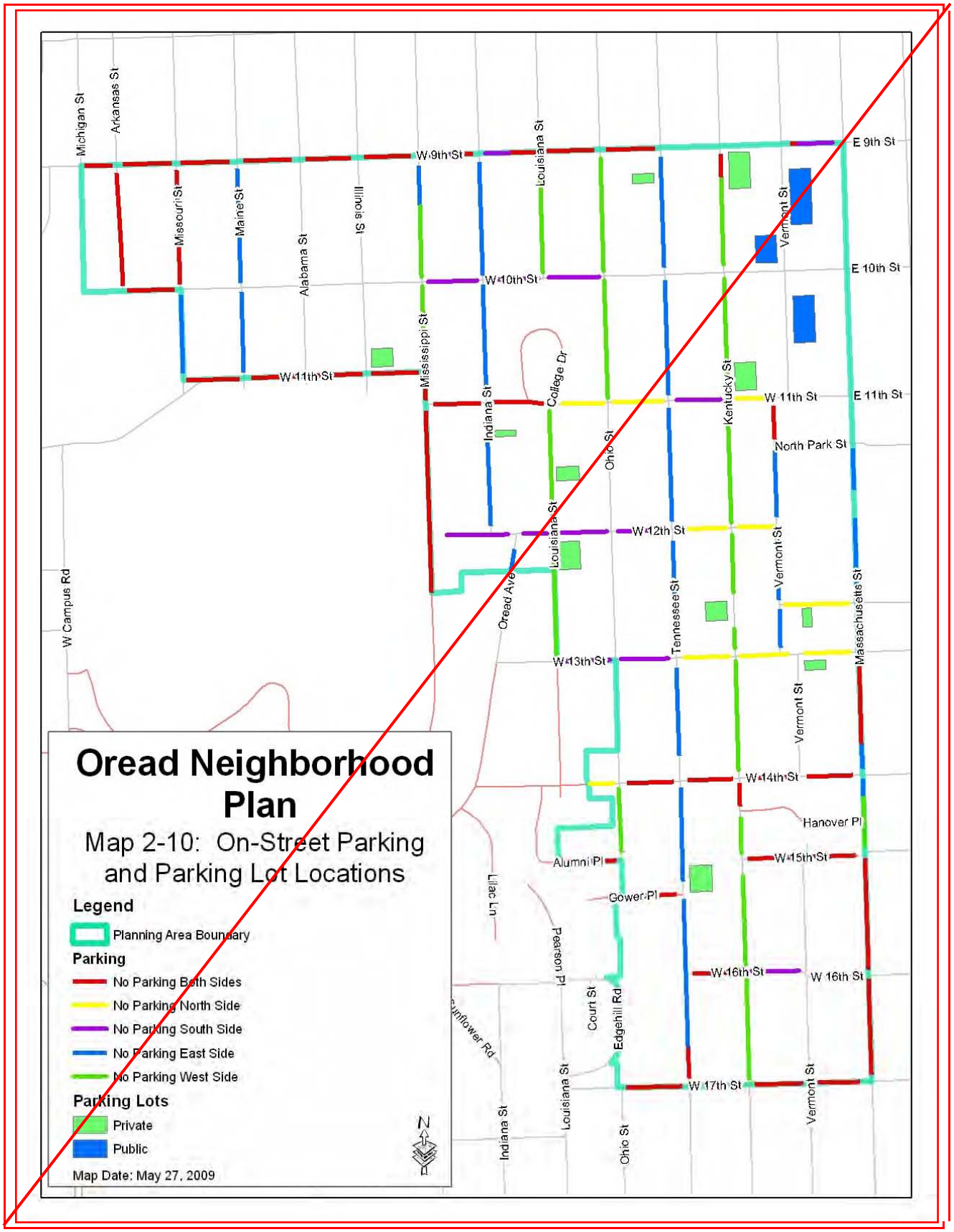
The Environmental Code of the City of Lawrence has recently been updated to ~~accelerate~~ improve the trash abatement violations process. This provides a more immediate notice to help accelerate the compliance and allows for a shorter time period for property owners to come into compliance with the violation.

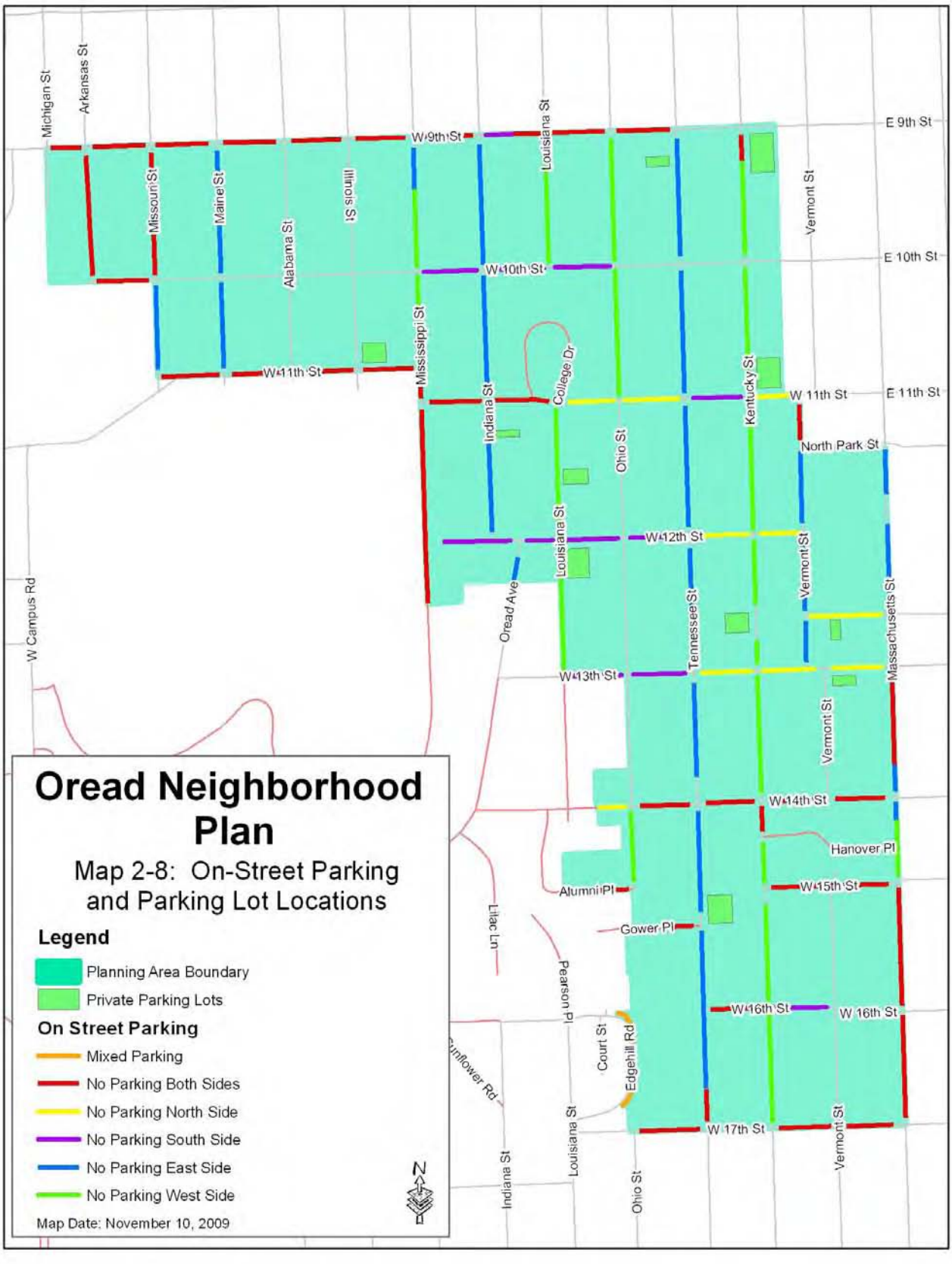

Oread Neighborhood Plan
Map 2-9: Trash Dumpster Locations
Legend
Planning Area Boundary
Trash Dumpster
University of Kansas
Map Date: March 10, 2009
N
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Mississippi St
Louisiana St
Vermont St
Kentucky St
Indiana St
College Dr
Ohio St
Tennessee St
Massachusetts St
Oread Ave
W Campus Rd
Memorial Dr
Poplar Ln
Jayhawk Blvd
University of Kansas
Lilac Ln
Peterson Pl
Sunflower Rd
Court St
Edgehill Rd
Alumni Pl
Gower Pl
Hanover Pl
North Park St
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
W 12th St
W 13th St
W 14th St
W 15th St
W 16th St
W 17th St

2.5.6 On and Off-Street Parking



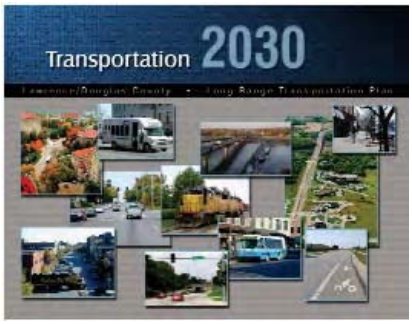
On and off-street parking is provided ~~in various places within~~ throughout the Oread Neighborhood. Parking is an issue in the neighborhood because of the proximity to KU. With automobiles not being available until the early 1900's, automobile parking was not a consideration when the neighborhood was developed. Auto parking has been added into available areas through the years. With the evolution of the neighborhood to include more renters, ~~and~~ more people having cars, and people driving to campus, there has been less space to park. Map 2-~~10~~8 illustrates locations of ~~parking lots,~~ both private and public lots and shows on-street parking availability. Streets not shown with a color have parking available on both sides of the street.


Oread Neighborhood Plan
Map 2-10: On-Street Parking and Parking Lot Locations
Legend
Planning Area Boundary
Parking
No Parking Both Sides
No Parking North Side
No Parking South Side
No Parking East Side
No Parking West Side
Parking Lots
Private
Public
Map Date: May 27, 2009
N
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Mississippi St
Louisiana St
Indiana St
College Dr
Ohio St
Kentucky St
Vermont St
E 9th St
E 10th St
E 11th St
W 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
North Park St
Oread Ave
Tennessee St
Massachusetts St
W Campus Rd
Hanover Pl
Alumni Pl
Gower Pl
Lilac Ln
Pearson Pl
Court St
Edgehill Rd
Sunflower Rd


Oread Neighborhood Plan
Map 2-8: On-Street Parking and Parking Lot Locations
Legend
Planning Area Boundary
Private Parking Lots
On Street Parking
Mixed Parking
No Parking Both Sides
No Parking North Side
No Parking South Side
No Parking East Side
No Parking West Side
Map Date: November 10, 2009
N
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Mississippi St
Louisiana St
Indiana St
College Dr
Ohio St
Kentucky St
Vermont St
Tennessee St
Massachusetts St
Oread Ave
W Campus Rd
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
North Park St
W 12th St
W 13th St
W 14th St
Hanover Pl
W 15th St
Alumni Pl
Gower Pl
Lilac Ln
Pearson Pl
Court St
Edgehill Rd
W 16th St
W 17th St
Sunflower Rd

2.5.5 Transportation

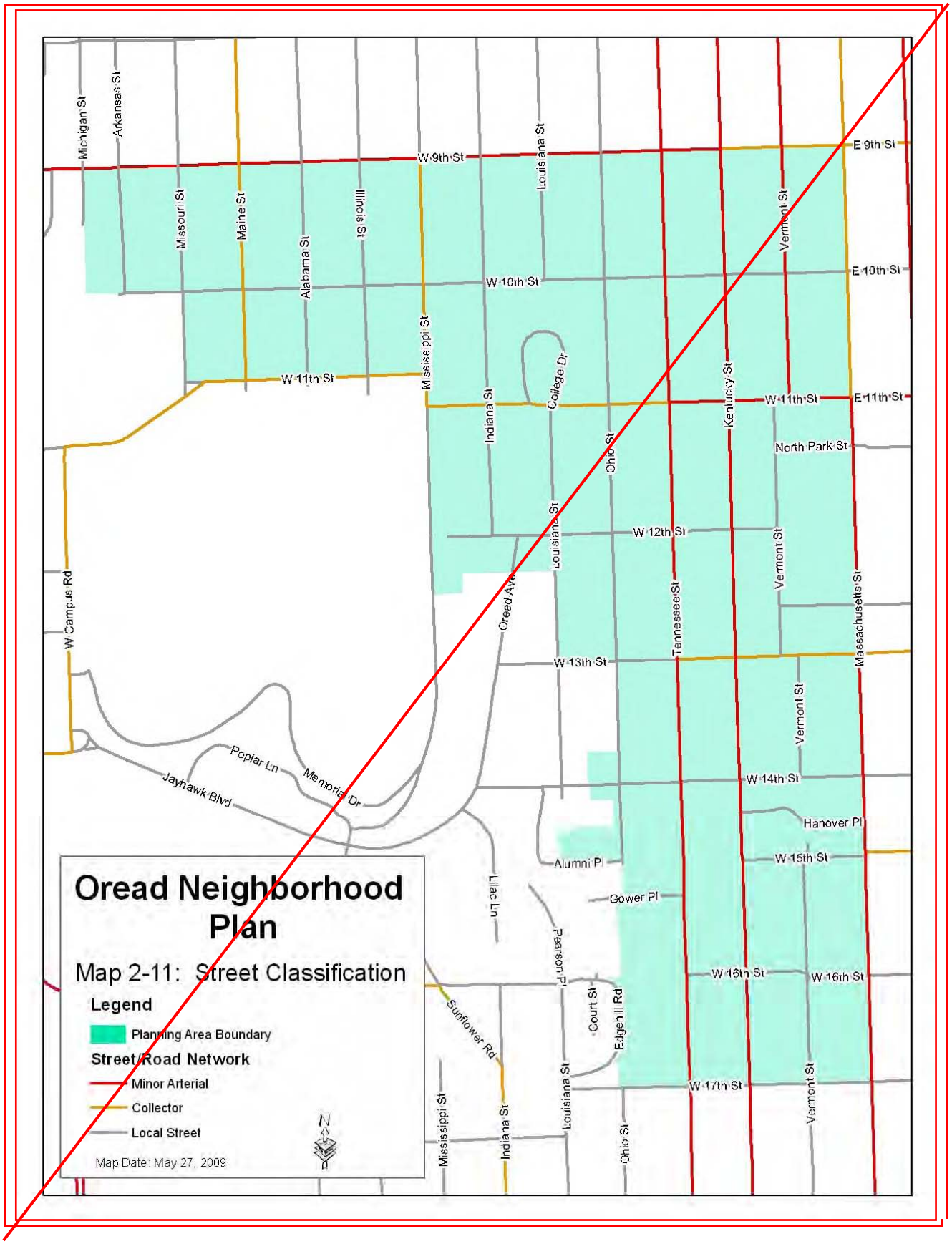
2.5.5.1 Streets

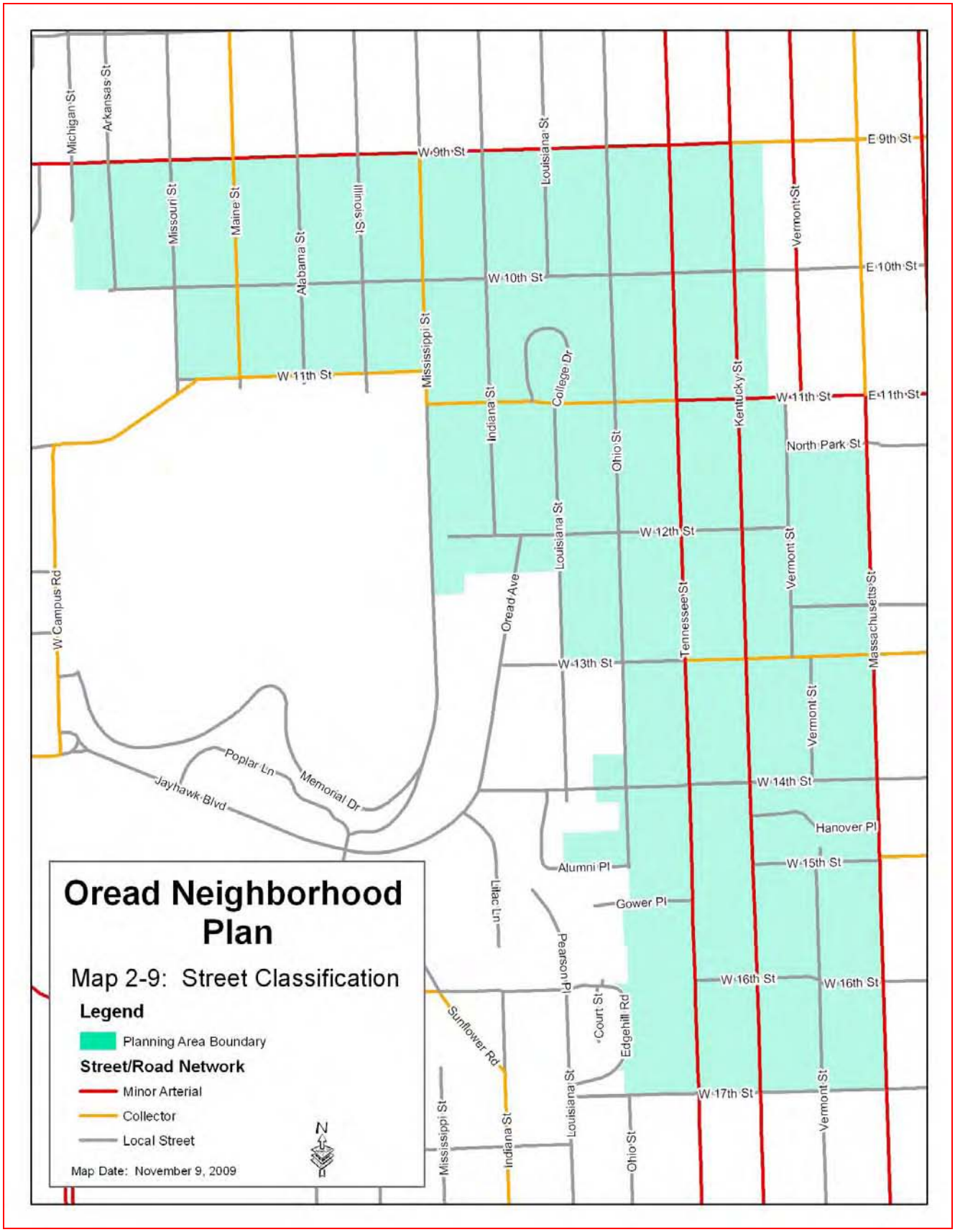


Transportation 2030 (T2030) is the comprehensive, long-range transportation plan for the metropolitan area. T2030 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-~~11~~9. The classification system can be described as a hierarchy from the lowest order, (local streets) that serve to provide direct access to adjacent property, to (collector streets) that carry traffic from local streets, to major thoroughfares (arterial streets) that carry traffic across the entire city. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths.

T2030 shows minor arterial, collector and local streets in the planning area. T2030 is updated at least every 5 years.

The existing street pattern in the planning area is a standard grid pattern with the majority of the blocks having alleys.


Oread Neighborhood Plan
Map 2-11: Street Classification
Legend
Planning Area Boundary
Street/Road Network
Minor Arterial
Collector
Local Street
Map Date: May 27, 2009
N
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
W 12th St
W 13th St
W 14th St
W 15th St
W 16th St
W 17th St
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Mississippi St
Louisiana St
Indiana St
College Dr
Ohio St
Kentucky St
Vermont St
North Park St
Tennessee St
Massachusetts St
W Campus Rd
Oread Ave
Poplar Ln
Memorial Dr
Jayhawk Blvd
Hanover Pl
Alumni Pl
Gower Pl
Lilac Ln
Pearson Pl
Court St
Edgehill Rd
Sunflower Rd


Oread Neighborhood Plan
Map 2-9: Street Classification
Legend
Planning Area Boundary
Street/Road Network
Minor Arterial
Collector
Local Street
Map Date: November 9, 2009
N
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Mississippi St
Louisiana St
Indiana St
College Dr
Ohio St
Kentucky St
Tennessee St
Vermont St
Massachusetts St
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
North Park St
W 12th St
W 13th St
W 14th St
W 15th St
W 16th St
W 17th St
Oread Ave
W Campus Rd
Poplar Ln
Memorial Dr
Jayhawk Blvd
Hanover Pl
Alumni Pl
Gower Pl
Lilac Ln
Pearson Pl
Court St
Edgehill Rd
Sunflower Rd

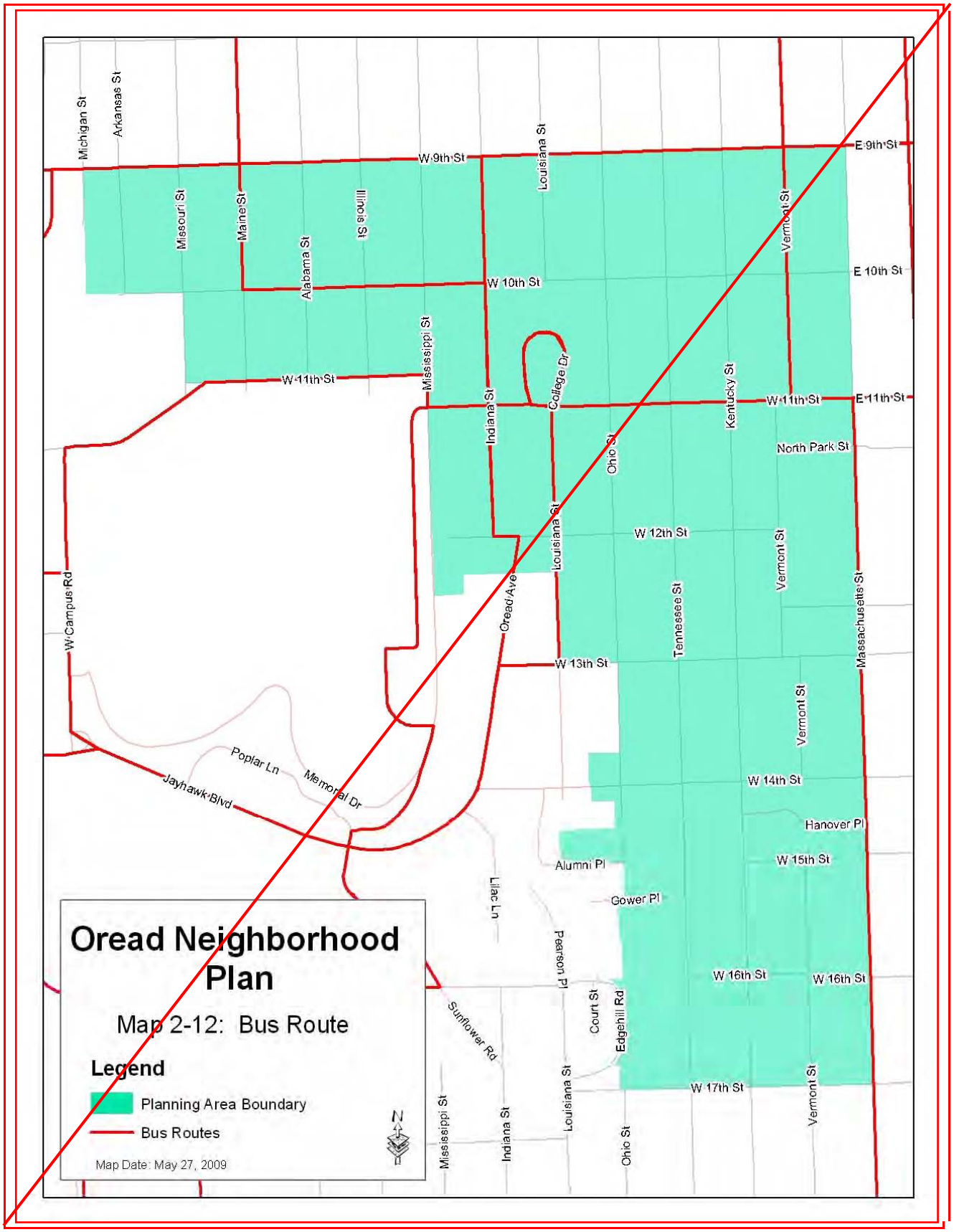
2.5.5.2 Transit

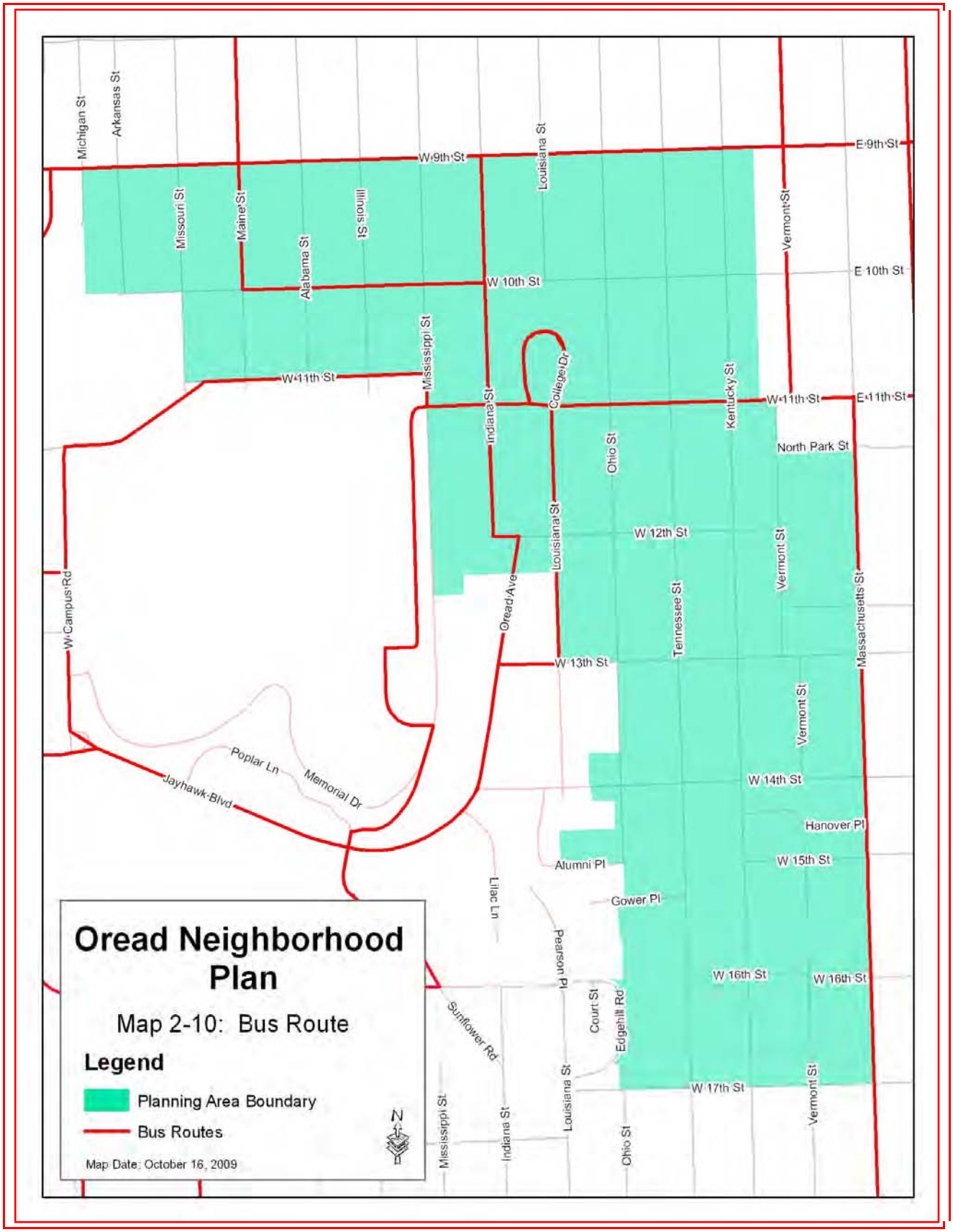


Lawrence and KU have recently completed efforts to have a coordinated public transportation system (The T and KU on Wheels) which operate throughout the city. Th~~ise~~ coordinated system will better help serve KU and the Lawrence community. ~~The routes are shown on Map 2-120.~~ A bus system allows people to travel to other areas of the city without relying on a personal automobile.

~~This system allows people to travel to other areas of the city without relying on a personal automobile. A transfer point is located at W. 9th Street and Massachusetts Street within adjacent to the planning area. This serves as a major hub and center point for the rest of the system.~~

This system has many routes that travel through the northwestern portion of the planning area. The southern area remains largely not served except for the route that runs along Massachusetts Street. The routes are shown on Map 2-10. A transfer point is located at W. 9th Street and Massachusetts Street adjacent to the planning area. This serves as a major hub and center point for the rest of the system.

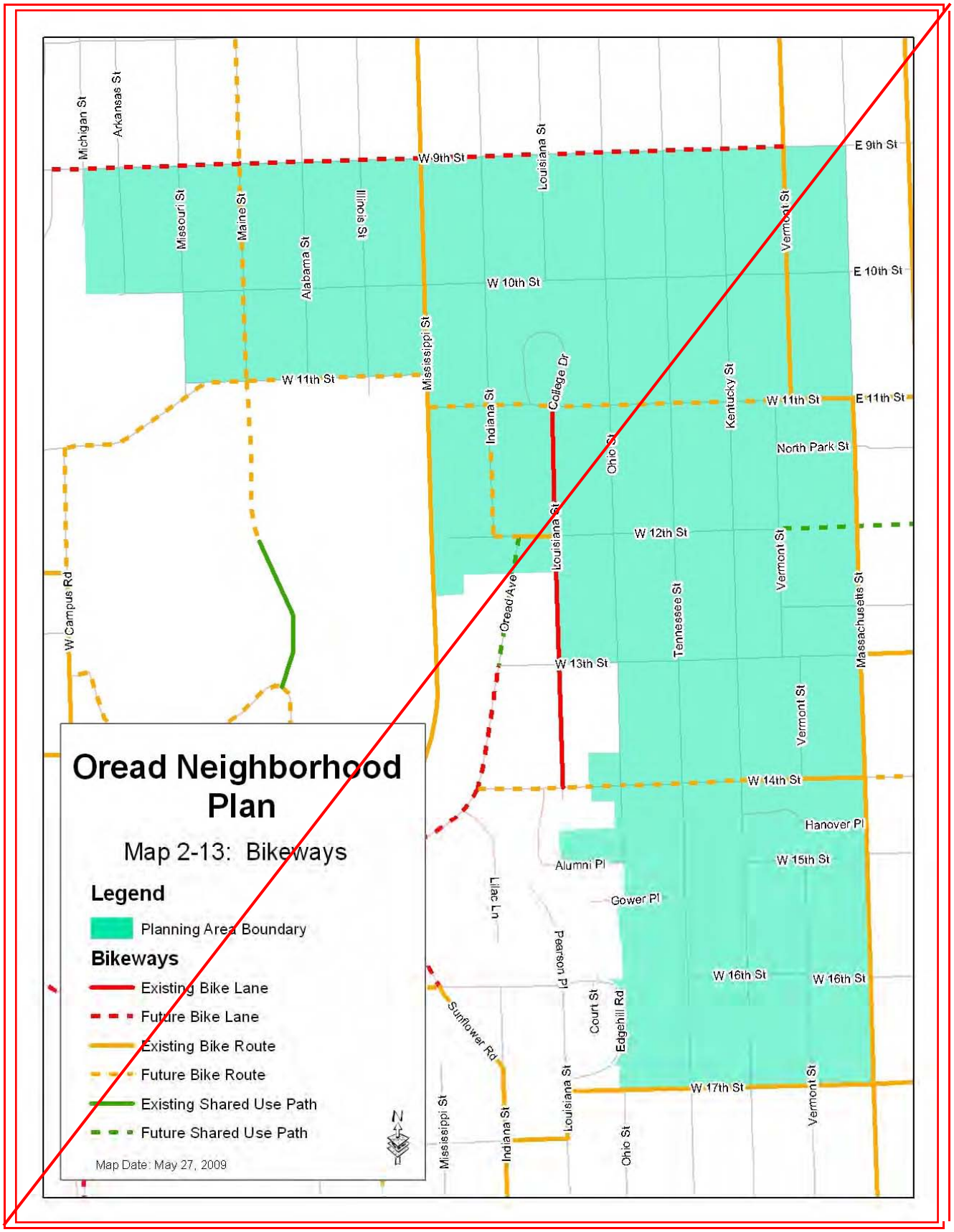

Michigan St
Arkansas St
W 9th St
E 9th St
Louisiana St
Missouri St
Maine St
Alabama St
Illinois St
Vermont St
E 10th St
W 10th St
Mississippi St
College Dr
W 11th St
E 11th St
Indiana St
Kentucky St
Ohio St
North Park St
W 12th St
Louisiana St
Oread Ave
Tennessee St
Vermont St
Massachusetts St
W Campus Rd
W 13th St
Poplar Ln
Memorial Dr
Jayhawk Blvd
W 14th St
Hanover Pl
W 15th St
Alumni Pl
Gower Pl
Lilac Ln
Pearson Pl
Court St
Edgehill Rd
W 16th St
W 16th St
Sunflower Rd
W 17th St
Mississippi St
Indiana St
Louisiana St
Ohio St
Vermont St
Oread Neighborhood Plan
Map 2-12: Bus Route
Legend
Planning Area Boundary
Bus Routes
Map Date: May 27, 2009
N

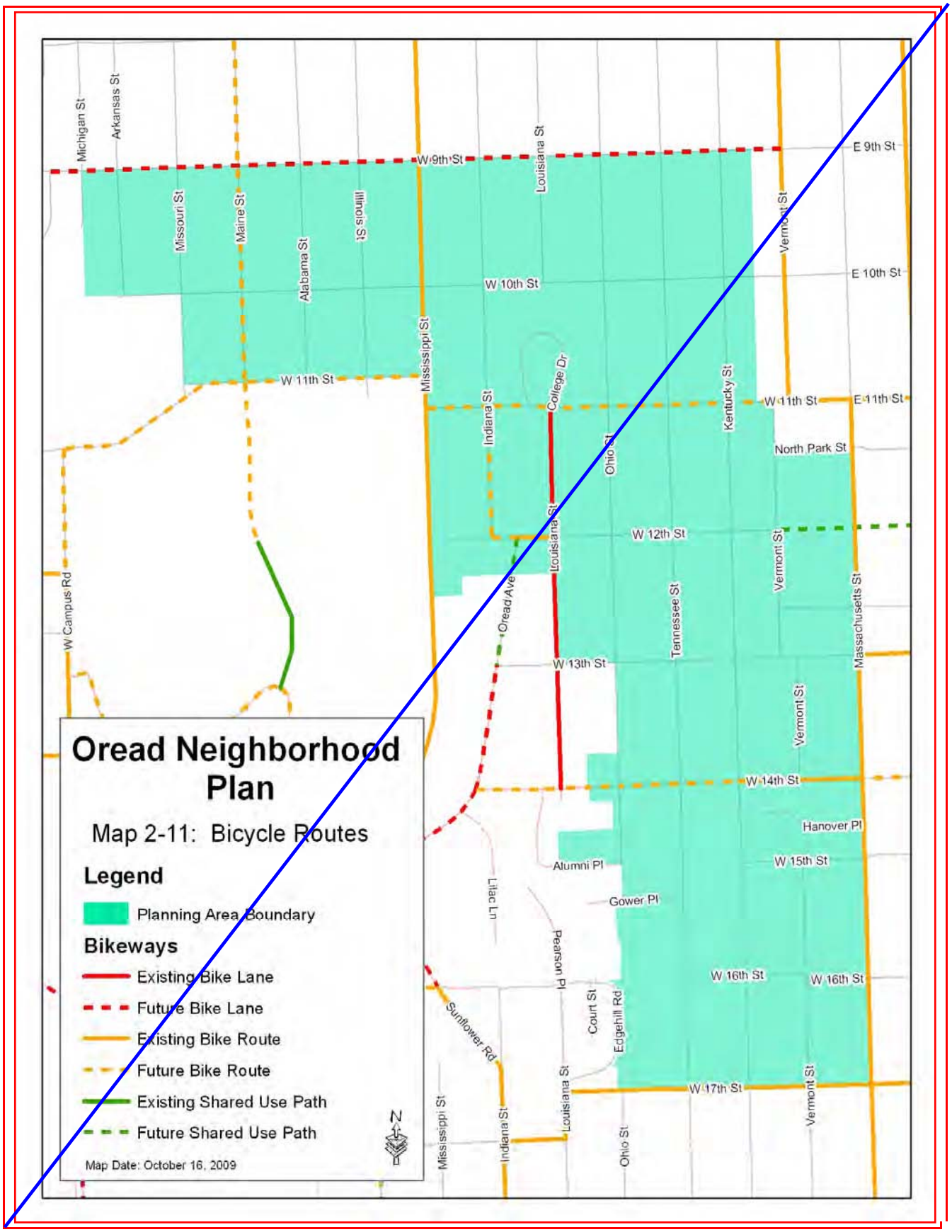

Michigan St
Arkansas St
W 9th St
E 9th St
Louisiana St
Missouri St
Maine St
Alabama St
Illinois St
Vermont St
W 10th St
E 10th St
Mississippi St
College Dr
W 11th St
Indiana St
Kentucky St
E 11th St
North Park St
Ohio St
W 12th St
Louisiana St
Oread Ave
Tennessee St
Vermont St
Massachusetts St
W Campus Rd
W 13th St
Poplar Ln
Memorial Dr
Jayhawk Blvd
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
W 17th St
Mississippi St
Indiana St
Louisiana St
Ohio St
Vermont St
Oread Neighborhood Plan
Map 2-10: Bus Route
Legend
Planning Area Boundary
Bus Routes
Map Date: October 16, 2009
N

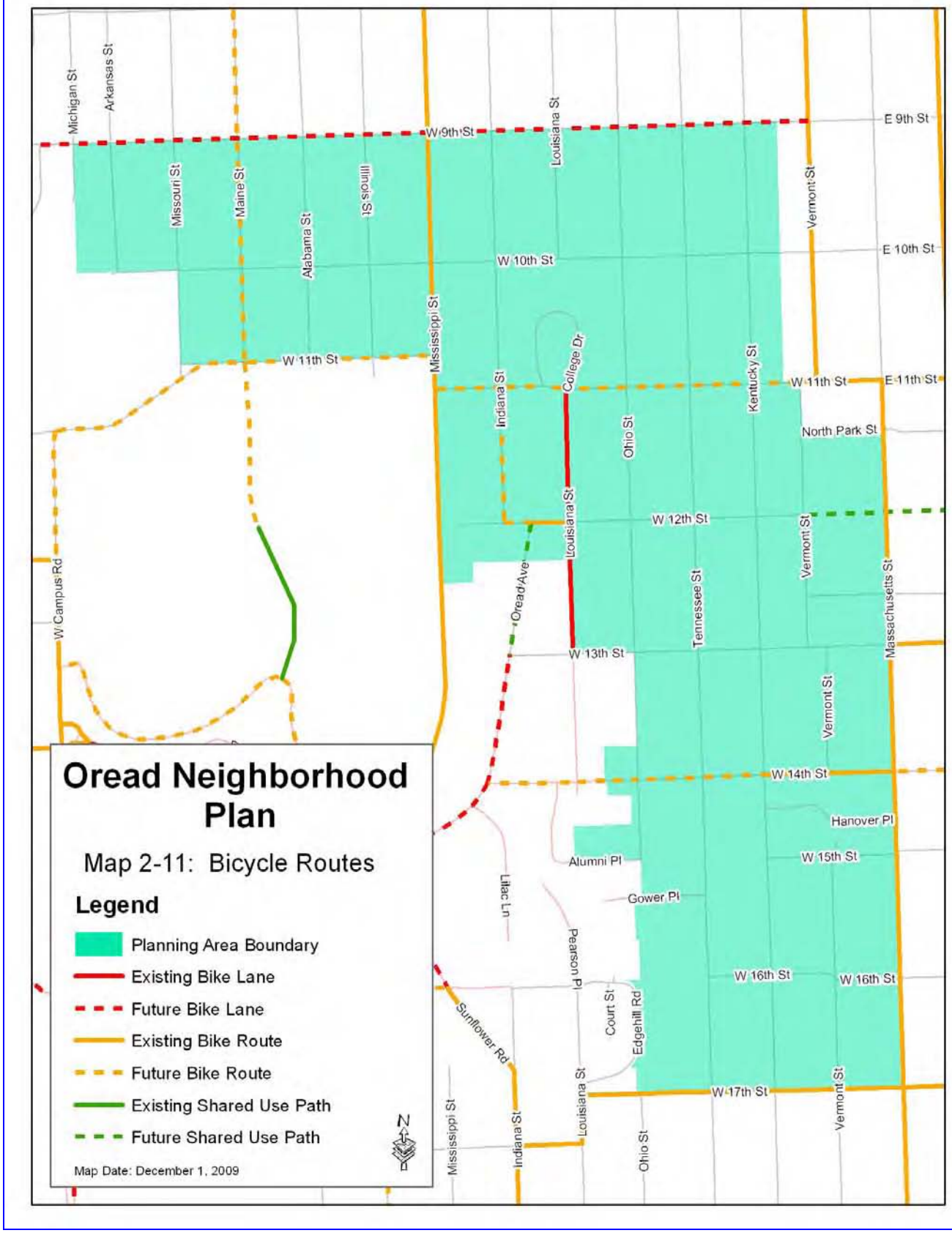
2.5.5.3 Bicycle Facilities



Lawrence and Douglas County have a joint bicycle plan for the community, the *Lawrence-Douglas County Bicycle Plan* and is currently in the process of being updated. This plan identifies existing and future bicycle routes, lanes, and shared use paths and the map has recently been updated. A bicycle route is a network of streets to enable direct, convenient and safe access for bicyclists. A bicycle lane is a separate space designated with striping, signage or pavement markings for exclusive use by bicycles within a street. A shared use path is a separate path, typically adjacent to and independent of the street and is intended solely for non-motorized travel. These facilities are shown on Map 2-1~~3~~1.


Oread Neighborhood Plan
Map 2-13: Bikeways
Legend
Planning Area Boundary
Bikeways
Existing Bike Lane
Future Bike Lane
Existing Bike Route
Future Bike Route
Existing Shared Use Path
Future Shared Use Path
Map Date: May 27, 2009
N
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Mississippi St
Louisiana St
Indiana St
College Dr
Ohio St
Kentucky St
Vermont St
Tennessee St
Massachusetts St
Oread Ave
W Campus Rd
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
North Park St
W 12th St
W 13th St
W 14th St
Hanover Pl
W 15th St
Alumni Pl
Gower Pl
Lilac Ln
Pearson Pl
Court St
Edgehill Rd
W 16th St
Sunflower Rd
W 17th St


Oread Neighborhood Plan
Map 2-11: Bicycle Routes
Legend
Planning Area Boundary
Bikeways
Existing Bike Lane
Future Bike Lane
Existing Bike Route
Future Bike Route
Existing Shared Use Path
Future Shared Use Path
Map Date: October 16, 2009
N
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
W 9th St
Louisiana St
E 9th St
Vermont St
E 10th St
W 10th St
W 11th St
Mississippi St
College Dr
Indiana St
Ohio St
Kentucky St
E 11th St
North Park St
W 12th St
Tennessee St
Massachusetts St
W Campus Rd
Oread Ave
W 13th St
W 14th St
Hanover Pl
W 15th St
Alumni Pl
Gower Pl
Lilac Ln
Pearson Pl
Court St
Edgehill Rd
Sunflower Rd
W 16th St
W 17th St


Oread Neighborhood Plan
Map 2-11: Bicycle Routes
Legend
Planning Area Boundary
Existing Bike Lane
Future Bike Lane
Existing Bike Route
Future Bike Route
Existing Shared Use Path
Future Shared Use Path
Map Date: December 1, 2009
N
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Mississippi St
Louisiana St
Indiana St
College Dr
Ohio St
Kentucky St
Vermont St
Tennessee St
Massachusetts St
Oread Ave
W Campus Rd
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
North Park St
W 12th St
W 13th St
W 14th St
Hanover Pl
W 15th St
Alumni Pl
Gower Pl
Lilac Ln
Pearson Pl
Court St
Edgehill Rd
Sunflower Rd
W 16th St
W 17th St

2.6 Public Community Facilities

Community facilities are services provided ~~either~~ by government ~~or non-government~~ agencies for the benefit of, and use of, the community. The community facilities including public services, schools, fire/medical, law enforcement, developed parks, etc~~. See~~ are shown on Map 2-~~14~~12.


Lawrence-Douglas County
Fire & Medical Station Number 1

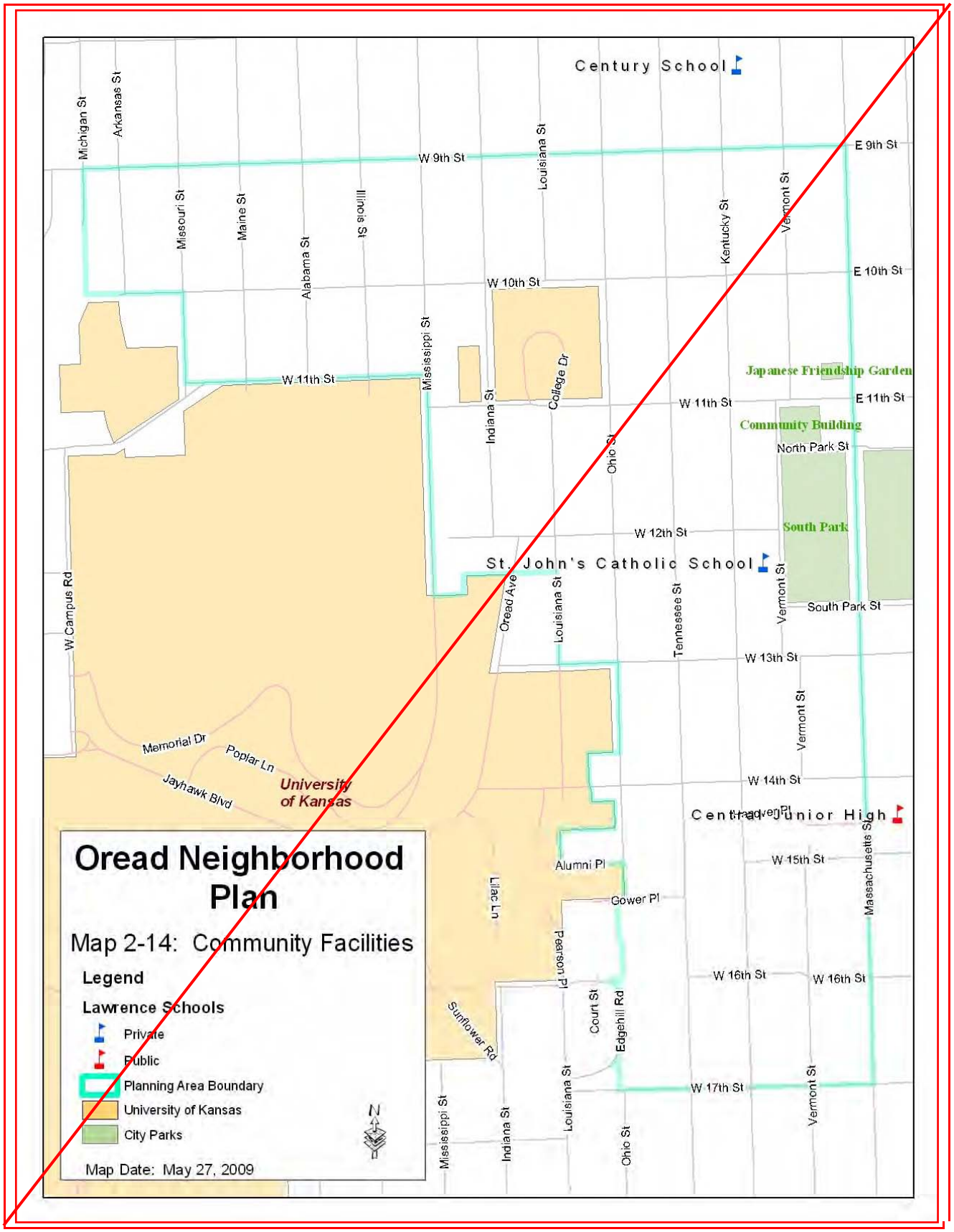
The planning area is served by Lawrence-Douglas County Fire & Medical Station Number 1, a facility located at 764 Kentucky Street. Law enforcement is provided by the City of Lawrence Police Department which is located in the Law Enforcement Center in downtown Lawrence.

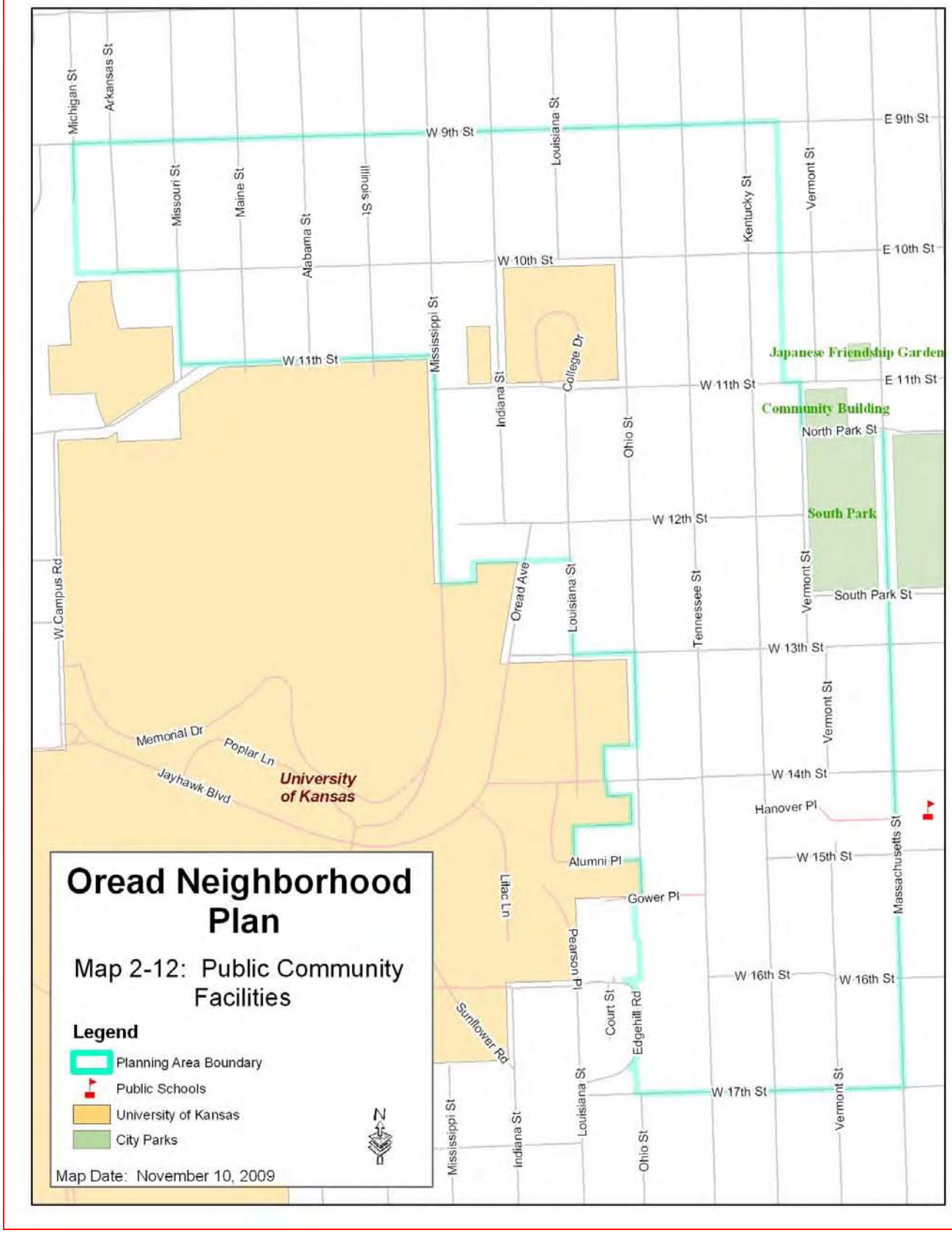
The planning area is located within the Lawrence Public School District (USD 497). The students currently within the planning area attend either Cordley Elementary or Hillcrest Elementary for elementary school (kindergarten through 6th grades); Central Junior High or West Junior High for junior high (7th through 9th grades); and Free State High or Lawrence High for high school (10th through 12th grades). Additionally, St. John's Catholic School is located within the planning area. This private school serves children in preschool through 6th grade.

Kansas University's main campus is located adjacent to the planning area to the west and the university also owns property within the planning area. KU is a public university that also offers services to the community.


South Park

~~Within the planning area, the city maintains 3 public facilities and park spaces. The Japanese Friendship Garden is located north of the intersection of W. 11th Street and Massachusetts Street. The Community Building is located at W. 11th Street and Vermont Street and is a recreational and fitness facility. South Park surrounds Massachusetts Street on both the east and west side between North Park Street and South Park Street though only the western portion of the park is located within the planning area boundaries.~~ South Park is partially located within the planning area and is bisected by Massachusetts Street. South Park includes a recreational center, a playground, butterfly garden and wading pool.


Century School
Michigan St
Arkansas St
W 9th St
E 9th St
Louisiana St
Missouri St
Maine St
Alabama St
Illinois St
Kentucky St
Vermont St
W 10th St
E 10th St
Mississippi St
College Dr
Japanese Friendship Garden
W 11th St
E 11th St
Indiana St
Ohio St
Community Building
North Park St
South Park
W 12th St
St. John's Catholic School
W Campus Rd
Oread Ave
Louisiana St
Tennessee St
Vermont St
South Park St
W 13th St
Memorial Dr
Poplar Ln
Jayhawk Blvd
University of Kansas
W 14th St
Central Junior High
Alumni Pl
W 15th St
Massachusetts St
Gower Pl
Lilac Ln
Crescent Pl
W 16th St
W 16th St
Court St
Edgehill Rd
Sunflower Rd
W 17th St
Oread Neighborhood Plan
Map 2-14: Community Facilities
Legend
Lawrence Schools
Private
Public
Planning Area Boundary
University of Kansas
City Parks
Map Date: May 27, 2009
N


Oread Neighborhood Plan
Map 2-12: Public Community Facilities
Legend
Planning Area Boundary
Public Schools
University of Kansas
City Parks
Map Date: November 10, 2009
N
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Mississippi St
Louisiana St
Kentucky St
Vermont St
Indiana St
College Dr
Ohio St
Tennessee St
Oread Ave
W Campus Rd
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
W 12th St
W 13th St
W 14th St
W 15th St
W 16th St
W 17th St
Japanese Friendship Garden
Community Building
North Park St
South Park
South Park St
Memorial Dr
Poplar Ln
Jayhawk Blvd
University of Kansas
Hanover Pl
Alumni Pl
Gower Pl
Lilac Ln
Pearson Pl
Court St
Edgehill Rd
Sunflower Rd
Massachusetts St

Section 3 – Goals, ~~and~~ Policies and Implementation Strategies

The Oread Neighborhood planning area is anticipated to continue in the future to be a neighborhood with a mix of residential housing types as the dominate land uses and various a number of mixed use and commercial areas. Preserving the existing housing stock, increasing homeownership and improving property maintenance will be important for the future.

The goals, policies and implementation strategies for this plan were the result of three public meetings. At these public meetings, attendees were asked to brainstorm, comment and "vote" on items to prioritize.

~~3.1 Goals and Policies~~

Goals

Goals are broad statements of ideal future conditions that are desired by the community. Policies are guiding principles that provide direction for decisions to be made regarding the planning area in order to meet the goals. These policies are in addition to the policies in *Horizon 2020* and are only applicable to the property within the *Oread Neighborhood Plan* planning area. The implementation strategies outline action steps that could help meet the goals and policies of the plan.

Policies

The policy statements below are provided to help guide the development and redevelopment of the Oread Neighborhood area. ~~"Shall" statements identify the items that are expected to be incorporated into development within the planning area.~~ "Should" and "encouraged" statements identify the items that are strongly recommended to be incorporated into development within the planning area. Other statements are items that should be considered for the neighborhood to achieve the stated goals. ~~"Shall" statements are stronger than "should" and "encouraged" statements.~~

Implementation Strategies

The Implementation strategies are actions to help achieve the goals and policies of the plan.

3.1~~.1~~ Goal 1 – Land Use

Maintain a variety of housing types to provide a balance in the diversity of people living in the neighborhood while maintaining strong neighborhood scale commercial areas.

3.1.1~~.1~~ Land Use Policies

A. ~~Consider rezoning appropriate areas to encourage more families and owner occupants to locate in the neighborhood.~~

B. ~~Consider zoning solutions to support higher-density development in existing high-density areas adjacent to the KU campus.~~

C. Maintain and stabilize the strongest concentrations of owner-occupied housing and encourage owner occupancy throughout the neighborhood.

D. ~~Consider amendments to the *Land Development Code* that will align the zoning with the uses that the area and lot sizes can support.~~

E. ~~Consider the use of an overlay district(s) to maintain the historic fabric of the area regarding setback, impervious surface, parking, etc. rezoning to reflect existing use wherever appropriate and consistent with plan goals.~~

F. ~~Consider the use of~~ Create ~~Urban Conservation~~ overlay district(s) to establish appropriate standards for specific areas regarding density, bulk, massing, and scale, building coverage, mix of housing types, and parking requirements.

G. Explore creative ideas to deal with parking ~~problems~~ congestion in the neighborhood that address commuter parking and issues with parking for uses that lack appropriate off-street parking.

H. Maintain the existing commercial areas ~~to~~ in their current locations in the planning area and support new mixed and commercial uses, as identified on the Future Land Use Map, to support the university and neighborhood needs.

I. ~~Encourage student housing that~~ New development should respect~~s~~ the historic integrity of the neighborhood.

J. ~~Support new mixed uses and commercial uses, where appropriate, to support the university and neighborhood needs.~~

3.1~~.1~~.2 Land Use Implementation Strategies

A. Encouraging more owner occupants and families to locate in the planning area is an important key to the long-term health of the neighborhood. Families can bring an increased level of stability and contribute to the diversity of the character of the area. (Policies 3.1.1.2.A and 3.1.1.2.C) [update when final]

1. Action
   Amend the *Land Development Code* to permit by right detached dwellings (single-dwelling use) in multi-dwelling zoning districts (RM) with certain standards. Among other things, the standards could include that the structure must have been originally constructed as a single-dwelling structure.

B. There is growing concern about ~~the high occupancy levels of the structures that are used as~~ boarding houses. Parking, building lot coverage, and number of bedrooms permitted are some of the issues that have been identified. ~~Parking for the boarding houses is a concern because properties that are developed with boarding houses often times are not large enough to accommodate the requirements for the required off-street parking. The *Land Development Code* allows boarding houses to have 12 bedrooms and up to 24 occupants if other standards, such as parking, are met.~~ (Policy 3.1.1.2.D) [update when final]

1. Action
   Amend the *Land Development Code* to address neighborhood concerns while maintaining boarding houses as a feasible option for owners and students. ~~reduce the permitted limit the number of bedrooms and occupancy in a boarding house to a reduced limit.~~

~~2. Action~~
~~Review the *Land Development Code* parking requirements for boarding houses to ensure that the required number off-street parking is appropriate.~~

C. There are areas of the neighborhood that are zoned more intensely than the historical development pattern and zoning regulations are not always consistent with development expectations. Most platted lots in the area are approximately 5,850 square feet and can not support the maximum

density permitted for the zoning district. For example, a 5,850 square foot lot that is zoned RM32 would permit 32 dwelling units per acre by code. Based on the lot size, the property could develop with 4 units. Setbacks, parking, and building height requirements would also have to be taken into consideration when developing the lot.

In addition, increasing the number of dwelling units on the lot and maximizing the structure size by building to setback lines and occupying space that formerly was open have become common place. Oftentimes the mass and scale of the new structure is out of context with the historical pattern of development in the Original Town Site area and surrounding structures. (Policy 3.1.1.2.E and Policy 3.1.1.2.B) [update when final]

1. Action
   ~~Consider creating~~ Create an ~~Urban Conservation~~ overlay district(s) that establish standards to regulate bulk and mass of structures, maintain open space on individually platted lots, and regulate parking.

2. Action
   Create an ~~Urban Conservation~~ overlay district(s) that provides greater latitude to certain areas (generally most closely adjacent to KU) to develop more densely by allowing increased building heights, etc.

D. Parking is a major issue in the planning area. This complicated issue has different facets~~, one of which is~~ including commuter parking and appropriate parking for new uses. ~~Commuters looking to make their way to KU in the morning park in the area to be close to KU but park off campus. This takes away valuable on-street parking for the residents in the neighborhood.~~ (Policy 3.1.1.2.F) [update when final]

1. Action
   Develop a parking system ~~that restricts on-street parking in specific locations during certain hours~~ to help address commuter parking.

3~~.1~~.2 Goal 2 - Preservation

Preserve and improve the character of the neighborhood by encouraging the preservation of existing historic structures and features and by supporting infill development that is compatible with the surrounding neighborhood.

3~~.1~~.2.1 Preservation Policies

A. Continue the preservation and protection of historic resources in the neighborhood.
B. ~~Ensure that infill housing is~~ ~~Housing~~ ~~i~~Infill structures should be compatible with the massing, scale, and bulk of the historic structures in the surrounding area.

C. ~~Preserve and repair historic infrastructure.~~ Historic infrastructure should be preserved and repaired. (eg. stone curbs, hitching posts, steps, brick streets and sidewalks).

D. ~~Streamline the historic preservation review process.~~ Explore educational opportunities to promote and inform citizens of the benefits of protecting historic resources and existing programs to assist in protection.

E. Support planning efforts that identify and protect the area's historic resources.

3.2.2 Preservation Implementation Strategies

A. A ~~historic~~ survey to identify existing historic resources within the planning area. ~~has been initiated for an area north of the football stadium. The potential exists that listing of historic resources in that area may be recommended by the survey.~~ (Policy 3.2.1.A and Policy 3.2.1.E)

1. Action
   Complete a historic survey for the area north of the football stadium.

2. Action
   Complete a historic survey of the remainder of the planning area and encourage the listing of additional historic resources.

3. Action
   If historic resources are identified as a product of historic resources surveys, update the *Oread Neighborhood Plan* to reflect the new resources.

~~4. Action~~
~~If historic resources are listed as a product of the survey, update the *Oread Neighborhood Plan* to reflect the new listed resources.~~

~~5. Action~~
~~Complete a historic survey of the remainder of the planning area and encourage the listing of additional historic resources.~~

B. Utilization of the Lawrence Register of Historic Places will help with the protection of identified historic resources.

1. Action
   Consider creating a local ordinance historic district with design guidelines for the Hancock Historic District.

2. Action
   Consider creating design guidelines for the Lawrence Register, Oread Historic District.

3. Action
   Encourage property owners to list historic structures in the Lawrence Register of Historic Places.

~~B.~~ An ~~Urban Conservation~~ overlay district(s) could help in guiding proper infill development. (Policy 3.1.2.1.B)

1. Action
   Consider creating an ~~Urban Conservation~~ overlay district(s) to give proper guidance to infill development. The district(s) could address such issues as the mass, scale and bulk of the development as well as imperious and pervious coverage.

~~C.~~ Brick streets and sidewalks and steps are ~~an~~ important elements of the historic infrastructure in the area. Restoring brick streets, whether covered or uncovered, and sidewalks~~, whether covered or uncovered,~~ will enhance the historic character of the area. (Policy 3.1.2.1.C)

1. Action
   Include the restoration of brick streets ~~and sidewalks~~ in the city's brick streets program and Capital Improvement Plan (CIP).

2. Action
   Seek grants that will assist in the restoration of brick streets, sidewalks, stone curbs, steps, and hitching posts.

3~~.1~~.3 Goal 3 - Infrastructure

Promote improvements and maintenance of existing infrastructure on a regular basis, and upgrade infrastructure when redevelopment occurs.

3~~.1~~.3.1 Infrastructure Policies

A. Streets and sidewalks should be maintained and repaired on a regular basis.
B. Increased pedestrian lighting in the neighborhood should be considered as a safety measure for the area.
C. Sidewalk gaps should be identified and included in plans to complete them.

3.3.2 Infrastructure Implementation Strategies

A. Public Works is responsible for ongoing street maintenance. Property owners are responsible for maintaining sidewalks in front of their property. (Policy 3.3.1.A and Policy 3.3.1.C)

1. Action
   Allocate funds yearly to the Public Works maintenance budget for street repair and replacement.

2. Action
   Increase owner compliance of repairing sidewalks or seek alternative programs for city-wide sidewalk repair.

B. Increased pedestrian ~~lighting~~ activity will help make the area safer. Considerations should be given to providing a well lit path from campus to downtown. New lighting should be scaled appropriately to provide

safety while minimizing impacts on adjoining residences and historic character. (Policy 3.3.1.B)

1. Action
   Seek grants and other funding to help pay for pedestrian lighting for a path from campus to downtown.

3~~.1~~.4 Goal 4 – Neighborhood Atmosphere

Promote a healthy and safe living, working, studying, and celebrating environment with a sense of community.

3~~.1~~.4.1 Neighborhood Atmosphere Policies

A. Strive to maintain property owner compliance with housing/nuisance standards.
B. Encourage property owners to participate in housing rehabilitation activities.
C. Encourage landlords to responsibly address problems with tenants.
D. Neighborhood clean-up should be an ongoing priority for the neighborhood.
E. Explore alternative trash policies to help keep the area cleaner.
F. Strive to improve residents' behavior regarding trash, celebrations and day-to-day activities.
G. Support programs that encourage permanent housing for the homeless.
H. Explore public safety programs that support safe and friendly celebrations in the area.

3.4.2 Neighborhood Atmosphere Implementation Strategies

A. Property maintenance is one of the issues that can impact the viability of an area. Well maintained structures provide strength and confidence to neighbors that the area is healthy and vibrant. This confidence will help property owners make ongoing decisions to continue to invest in the neighborhood. Continued investment contributes to improved property values.

   The city currently inspects rental units in single-dwelling zoning districts for their rental inspection program. Discussions to expand the program ~~to include all rental units regardless of zoning district, that are 50 years or older~~ have recently been held but not implemented. (Policy 3.4.1.A and Policy 3.4.1.B)

   1. Action
      Support the expansion of the rental registration and inspection program to address areas of blight and demolition by neglect in the planning area ~~include all rental units in the city that are 50 years or older~~.

   2. Action
      Maintain information on Community Block Grant Programs (CDBG) rehabilitation programs in the neighborhood association newsletter.

3. Action
   Explore stricter code language for enforcement of blighted properties and support additional enforcement staff for enforcement.

B. Incentives to encourage the rehabilitation of the existing housing stock in the neighborhood would benefit the planning area. Incentives could provide the extra encouragement for property owners who want to rehabilitate existing structures but lack the resources. (Policy 3.1.B)

1. Action
   Explore the use of programs, such as the Neighborhood Revitalization Program, as an incentive option to encourage rehabilitation. The program is a property tax rebate program used in Kansas communities to reimburse a certain percentage of property taxes for the rehabilitation.

2. Action
   Promote and educate owners about tax incentive programs available for historic properties.

C. ~~Neighborhood~~ Property clean-up ~~should be~~ is an ongoing ~~priority~~ responsibility for ~~the neighborhood~~ property owners and tenants. Neighborhood property owners, renters and service groups are potential sources for volunteer labor. (Policy 3.4.1.D)

A. Action
   Continue sponsorship of volunteer neighborhood clean-up days.

B. Action
   Identify and employ service groups and student groups that may be willing to help with a volunteer “adopt a block” clean up programs.

C. Action
   Develop a predictable schedule, while taking into consideration the break schedule for KU, for street sweeping and restrict parking accordingly.

D. Trash pick up ~~was identified as~~ is an issue in the area. The city currently picks up trash in the alley where properties have alley access. Concerns were raised for those properties without alley access and the location of trash cans in front yards. Concerns were also raised about dealing with the additional trash during large events in the area (e.g. KU football games). (Policy 3.4.1.E)

1. Action
   A trash strategy for the area should be developed regarding storage of trash cans in front yards and include policies for handling trash for large events in the area. Attention should be paid to where trash receptacles are located on properties. Properties without alley access should discreetly store trash receptacles in the ~~front~~ side or rear yard.

2. Action
   Review the *Land Development Code* to ensure appropriate dumpster and other trash enclosure standards for any multi-family or boarding house structure that includes more than 4 bedrooms.

E. Inappropriate ~~R~~resident behavior ~~can~~ should be addressed so as to not negatively impact the neighborhood. ~~Litter, negative behavior while traveling to and from downtown and inattentiveness to trash cans were some of the behavior issues mentioned during the public meetings.~~ (Policy 3.4.1.F)

1. Action
   Step-up neighborhood outreach efforts to educate residents about being good neighbors. Good neighbor pamphlets should be routinely distributed.

2. Action
   Seek grants that will help pay for additional police officer presence in the area during large events (e.g. KU football games).

3. Action
   Continue enforcement of the Disorderly House Nuisance Ordinance.

~~Section 4 – Recommendations~~

~~4.1 – Implementation Strategies~~

~~The Implementation strategies are actions to help achieve the goals and policies of the plan.~~

~~*4.1.1 – Land Use*~~

~~D.~~ ~~Encouraging more families to locate in the planning area is an important key to the long-term health of the neighborhood. Families can bring an increased level of stability and contribute to the diversity of the character of the area. (Policies 3.1.1.2.A and 3.1.1.2.C)~~

~~2. Action~~
~~Consider rezoning certain portions of the area north of the football stadium from RM12D to RS5 (Single-Dwelling Residential District) to end the turnover of the area from single-dwelling to duplex uses. This could be considered on blocks that are still predominately single-dwelling.~~

~~3. Action~~
~~Amend the *Land Development Code* to permit by right detached dwellings (single-dwelling use) in multi-dwelling zoning districts (RM) with certain standards. Among other things, the standards could include that the structure must have been originally constructed as a single-dwelling structure.~~

~~B. There is growing concern about the high occupancy levels of the structures that are used as boarding houses. Parking for the boarding houses is a concern because properties that are developed with boarding houses oftentimes are not large enough to accommodate the requirements for the necessary off-street parking. The *Land Development Code* allows boarding houses to have 12 bedrooms and up to 24 occupants if other standards, such as parking, are met. (Policy 3.1.1.2.D)~~

~~3. Action~~
~~Amend the *Land Development Code* to reduce the permitted limit the number of bedrooms and occupancy in a boarding house to a reduced limit.~~

~~4. Action~~
~~Review the *Land Development Code* parking requirements for boarding houses to ensure that the required number off-street parking is appropriate.~~

~~C. There are areas of the neighborhood that are zoned more intensely than the historical development pattern and zoning regulations are not always consistent with development expectations. Most platted lots in the area are approximately 5,850 square feet and can not support the maximum density permitted for the zoning district. For example, a 5,850 square foot lot that is zoned RM32 would permit 32 dwelling units per acre by code. Based on the lot size, the property could develop with 4 units. Setbacks, parking, and building height requirements would also have to be taken into consideration when developing the lot.~~

~~In addition, increasing the number of dwelling units on the lot and maximizing the structure size by building to setback lines and occupying space that formerly was open have become common place. Oftentimes the mass and scale of the new structure is~~

~~out of context with the historical pattern of development in the Original Town Site area and surrounding structures. (Policy 3.1.1.2.E and Policy 3.1.1.2.B)~~

~~3. Action~~
~~Consider creating an Urban Conservation Overlay District that establishes standards to regulate bulk and mass of structures, maintain open space on individually platted lots, and regulate parking.~~

~~4. Action~~
~~Create an Urban Conservation Overlay District that provides greater latitude to certain areas (generally most closely adjacent to KU) to develop more densely by allowing increased building heights, etc.~~

~~D. Parking is a major issue in the planning area. This complicated issue has different facets, one of which is commuter parking. Commuters looking to make their way to KU in the morning park in the area to be close to KU but park off campus. This takes away valuable on-street parking for the residents in the neighborhood. (Policy 3.1.1.2.F)~~

~~2. Action~~
~~Develop a parking system that restricts on-street parking in specific locations during certain hours.~~

~~*4.1.2 Preservation*~~

~~B. A historic survey has been initiated for an area north of the football stadium. The potential exists that listing of historic resources in that area may be recommended by the survey. (Policy 3.1.2.1.A and Policy 3.1.2.1.D)~~

~~6. Action~~
~~If historic resources are listed as a product of the survey, update the *Oread Neighborhood Plan* to reflect the new listed resources.~~

~~7. Action~~
~~Complete a historic survey of the remainder of the planning area and encourage the listing of additional historic resources.~~

~~E. An Urban Conservation Overlay District could help in guiding proper infill development. (Policy 3.1.2.1.B)~~

~~2. Action~~
~~Consider creating an Urban Conservation Overlay District to give proper guidance to infill development. The district could address such issues as the mass, scale and bulk of the development as well as imperious and pervious coverage.~~

~~F. Brick streets and sidewalks are an important element of the historic infrastructure in the area. Restoring brick streets and sidewalks, whether covered or uncovered, will enhance the historic character of the area. (Policy 3.1.2.1.C)~~

3. Action

Include the restoration of brick streets and sidewalks in the city's Capital Improvement Plan (CIP).

4. Action

Seek grants that will assist in the restoration of brick streets, sidewalks, stone curbs and hitching posts.

4.1.3 Infrastructure

C. Public Works is responsible for ongoing street maintenance. Property owners are responsible for maintaining sidewalks in front of their property. (Policy 3.1.3.1.A and Policy 3.1.3.1.C)

3. Action

Allocate funds yearly to the Public Works maintenance budget for street repair and replacement.

4. Action

Increase owner compliance of repairing sidewalks.

D. Increased pedestrian lighting will help make the area safer. Consideration should be given to providing a well lit path from campus to downtown. New lighting should be scaled appropriately to provide safety while minimizing impacts on adjoining residences. (Policy 3.1.3.1.B)

2. Action

Seek grants to help pay for new lighting in the area.

4.1.4 Neighborhood Atmosphere

F. Property maintenance is one of the issues that can impact the viability of an area. Well maintained structures provide strength and confidence to neighbors that the area is healthy and vibrant. This confidence will help property owners make ongoing decisions to continue to invest in the neighborhood. Continued investment contributes to improved property values.

The city currently inspects rental units in single-dwelling zoning districts for their rental inspection program. Discussions to expand the program to include all rental units regardless of zoning district, that are 50 years or older have recently been held. (Policy 3.1.4.1.A and Policy 3.1.4.1.B)

1. Action

Support the expansion of the rental registration and inspection program to include all rental units in the city that are 50 years or older.

2. Action

Maintain information on Community Block Grant Programs (CDBG) rehabilitation programs in the neighborhood association newsletter.

~~C. Incentives to encourage the rehabilitation of the existing housing stock in the neighborhood would benefit the planning area. Incentives could provide the extra encouragement for property owners who want to rehabilitate existing structures but lack the resources. (Policy 3.1)~~

~~1. Action~~
~~Explore the use of the Neighborhood Revitalization Program as an incentive option to encourage rehabilitation. The program is a property tax rebate program used in Kansas communities to reimburse a certain percentage of property taxes for the rehabilitation.~~

~~2. Action~~
~~Promote and educate about tax incentive programs available for historic properties.~~

~~H. Neighborhood clean-up should be an ongoing priority for the neighborhood. Neighborhood property owners, renters and service groups are potential sources for volunteer labor. (Policy 3.1.4.1.D)~~

~~D. Action~~
~~Continue sponsorship of volunteer neighborhood clean-up days.~~

~~E. Action~~
~~Identify and employ service groups and student groups that may be willing to help with a volunteer "adopt a block" clean up programs.~~

~~F. Action~~
~~Develop a predictable schedule, while taking into consideration the break schedule for KU, for street sweeping and restrict parking accordingly.~~

~~I. Trash pick up was identified as an issue in the area. The city currently picks up trash in the alley where properties have alley access. Concerns were raised for those properties without alley access and the location of trash cans in front yards. Concerns were also raised about dealing with the additional trash during large events in the area (e.g. KU football games). (Policy 3.1.4.1.E)~~

~~3. Action~~
~~A trash strategy for the area should be developed that will deal with regular trash pick up in front yards and include policies for handling trash for large events in the area. Attention should be paid to where trash receptacles are located on properties. Properties without alley access should discreetly locate store trash receptacles in the front side or rear yard.~~

~~4. Action~~
~~Review the *Land Development Code* to ensure appropriate dumpster and other trash enclosure standards for any multi-family or boarding house structure that includes more than 4 bedrooms.~~

~~J. Resident behavior can negatively impact the neighborhood. Litter, behavior while traveling to and from bars, and inattentiveness to trash cans were some of the behavior issues mentioned during the public meetings. (Policy 3.1.4.1.F)~~

~~4. Action~~

~~Step-up neighborhood outreach efforts to educate residents about being good neighbors. Good neighbor pamphlets should be routinely distributed.~~

~~5. Action~~

~~Seek grants that will help pay for additional police officer presence in the area during large events (e.g. KU football games).~~

~~6. Action~~

~~Continue enforcement of the Disorderly House Nuisance Ordinance.~~

~~4~~3.2 Implementation Priority Schedule

The priority of the actions for the plan was identified through an exercise completed at a public meeting. The table below lists the actions in priority order from the highest priority item being first.

Table ~~4~~3-1 Implementation Schedule

Action	Who	When
Consider creating an ~~Urban Conservation~~ overlay district(s) to: - provide greater latitude to certain areas (generally most closely adjacent to KU) to develop more densely by allowing increased building heights, etc. [Land Use] - give proper guidance to infill development. The district could address such issues as the mass, scale and bulk of the development as well as imperious and pervious coverage. [Preservation] - establish standards to regulate bulk and mass of structures, maintain open space on individually platted lots, and regulate parking. [Land Use]	Oread Neighborhood Association, Planning Commission, Historic Resources Commission, City of Lawrence	201~~0~~1
Review the *Land Development Code*: - regarding boarding houses to address neighborhood concerns while maintaining boarding houses as a feasible option for owners and students. ~~to; ensure that the parking requirements are appropriate, limit the number of bedrooms and occupancy in a boarding house to a reduced limit.~~ [Land Use] - to ensure appropriate dumpster and other trash enclosure standards for any multi-family or boarding house structure that includes more than 4 bedrooms. [Neighborhood Atmosphere] - to permit by right detached dwellings (single-dwelling use) in multi-dwelling zoning districts (RM) with certain standards. Among other things, the standards could include that the structure must have been originally constructed as a single-dwelling structure. [Land Use]	Planning Commission, City of Lawrence	2010
Allocate funds yearly to the Public Works maintenance budget for street repair and replacement. [Infrastructure]	City of Lawrence	Ongoing

Action	Who	When
Support the expansion of the rental registration and inspection program to include all rental units in the city that are 50 years or older. [Neighborhood Atmosphere]	City of Lawrence	TBD
Seek grants that will assist in the restoration of brick streets, sidewalks, stone curbs, stairways, and hitching posts. [Preservation]	Oread Neighborhood Association, City of Lawrence	Ongoing
~~Consider rezoning certain areas to single-family in the area north of the football stadium to RS5 (Single-Dwelling Residential District) to end the turnover of the area from single-dwelling to duplex uses. This could be considered on blocks that are still predominately single-dwelling. [Land Use]~~	~~Planning Commission, City of Lawrence~~	~~2010~~
Seek grants and other funding to help pay for ~~new lighting in the area~~ pedestrian lighting for a path from campus to downtown. [Infrastructure]	Oread Neighborhood Association, City of Lawrence, KU	1-5 years
Explore the use of the Neighborhood Revitalization Program as an incentive option to encourage rehabilitation. The program is a property tax rebate program used in Kansas communities to reimburse a certain percentage of property taxes for the rehabilitation. [Neighborhood Atmosphere]	City of Lawrence	1-5 years
Seek grants that will help pay for additional police officer presence in the area during large events (e.g. KU football games). [Neighborhood Atmosphere]	City of Lawrence, KU	Ongoing
Maintain information on Community Block Grant Programs (CDBG) rehabilitation programs in the neighborhood association newsletter. [Neighborhood Atmosphere]	Oread Neighborhood Association	Ongoing
Complete a historic survey of the remainder of the planning area and encourage the listing of additional historic resources. [Preservation]	City of Lawrence, Historic Resources Commission	1-5 years
Develop a parking system that restricts on-street parking in specific locations during certain hours. [Land Use]	City of Lawrence, Oread Neighborhood Association, KU	1-2 yrs
If historic resources are listed as a product of the ~~survey of the area north of the stadium~~ historic resources surveys, update the *Oread Neighborhood Plan* to reflect the new ~~listed~~ resources. [Preservation]	Planning Commission, City of Lawrence, County Commission	Ongoing

Action	Who	When
Include the restoration of brick streets ~~and sidewalks~~ in the city's brick streets program and Capital Improvements Plan (CIP). [Preservation]	City of Lawrence	Ongoing
Increase owner compliance of repairing sidewalks or seek alternative programs for city-wide sidewalk repair. [Infrastructure]	Property owners, City Code Enforcement, City of Lawrence	Ongoing
Continue sponsorship of volunteer neighborhood clean-up days. [Neighborhood Atmosphere]	Oread Neighborhood Association	Ongoing
Identify and employ service groups and student groups that may be willing to help with a volunteer "adopt a block" clean up programs. [Neighborhood Atmosphere]	Oread Neighborhood Association	Ongoing
Develop a predictable schedule, while taking into consideration the break schedule for KU, for street sweeping and restrict parking accordingly. [Neighborhood Atmosphere]	City of Lawrence	Ongoing
A trash strategy for the area should be developed that will deal with regular trash pick up in front yards and include policies for handling trash for large events in the area. Attention should be paid to where trash receptacles are located on properties. Properties without alley access should discreetly locate trash receptacles in the ~~front~~ side or rear yard. [Neighborhood Atmosphere]	Oread Neighborhood, City of Lawrence	1-2 years
Step-up neighborhood outreach efforts to educate residents about being good neighbors. Good neighbor pamphlets should be routinely distributed. [Neighborhood Atmosphere]	Oread Neighborhood Association, City of Lawrence, Development Services, KU	Ongoing
Promote and educate about tax incentive programs and grants available for historic properties. [Preservation]	City of Lawrence	Ongoing
Continue enforcement of the Disorderly House Nuisance Ordinance. [Neighborhood Atmosphere]	City of Lawrence, City of Lawrence Police Department	Ongoing

Section ~~5~~4 – Future Land Use and Overlay Districts

This section outlines the recommended land uses for the planning area and identifies proposed Urban Conservation Overlay Districts (UCO). ~~The future land use map (Map 4-1) and l~~Land use descriptions and UCO elements are explained on the subsequent pages. ~~The m~~Map 4-1 is an illustration to help visually identify the recommended land uses in the *Oread Neighborhood Plan* planning area and identify the proposed boundaries of the different UCO districts. ~~The land use descriptions are more detailed information regarding the different land use categories. The official definitions and the permitted uses within each zoning district are outlined in the use tables that are located in the *Land Development Code* for the City of Lawrence. The map and text descriptions must be used in conjunction with one another in order to obtain the complete recommendation for each particular area.~~

~~5~~4.1 Land Use Descriptions

The land use descriptions are more detailed information regarding the different land use categories. The official definitions, density and dimensional standards, and the permitted uses within each zoning district are outlined in the ~~use tables that are located in the~~ *Land Development Code* for the City of Lawrence. ~~The m~~Map 4-1 and the text descriptions must be used in conjunction with one another in order to obtain the complete recommendation for each particular area.

~~5~~4.1.1 Low-Density Residential

The intent of the low-density residential use is to allow for detached dwelling residential uses.

Density: 6 or fewer dwelling units per acre

Intensity: Low

Zoning Districts: RS7 (Single-Dwelling Residential), RS5 (Single-Dwelling Residential), RM12D (Multiple-Dwelling Duplex Residential) [Area north of the stadium only]

Primary Uses: Detached dwellings, manufactured home residential-design

~~5~~4.1.2 Medium-Density Residential

The intent of the medium-density residential use is to allow for a variety of types of residential options for the area.

Density: 7-15 dwelling units per acre

Intensity: Medium

Zoning Districts: RS3 (Single-Dwelling Residential), RS5 (Single-Dwelling Residential), RM12 (Multiple-Dwelling Residential), RM12D (Multi-Dwelling Duplex Residential), RM15 (Multi-Dwelling Residential), PD (Planned Development Overlay)

Primary Uses: Detached dwellings, attached dwellings, cluster dwellings, manufactured home residential-design, zero lot line dwellings, duplex, multi-dwelling structures, boarding houses, group home, civic and public uses

~~5~~4.1.3 High-Density Residential

The intent of the high-density residential use is to allow for compact residential development.

Density: 16+ dwelling units per acre

Intensity: High

Zoning Districts: RM15 (Multi-Dwelling Residential), RM24 (Multi-Dwelling Residential), RM32 (Multi-Dwelling Residential), RMG (Multi-Dwelling Residential-Greek Housing), PD (Planned Development Overlay)

Primary Uses: Attached dwellings, zero lot line dwellings, boarding houses, multi-dwelling structures, Fraternity or sorority house, group home, civic and public uses

~~5~~4.1.4 Residential/Office

The intent of the residential/office use is to accommodate mixed use development of administrative and professional offices with varying degrees of residential. This may be achieved by the use of work/live units.

Density: 6-22 dwelling units per acre

Intensity: Medium-high

Zoning Districts: RSO (Single-Dwelling Residential-Office), RMO (Multi-Dwelling Residential-Office), MU (Mixed Use), PD (Planned Development Overlay)

Primary Uses: Work/live units, non-ground floor dwellings, attached dwellings, multi-dwelling structures, civic and public uses, office

~~5~~4.1.5 Mixed Use District

The intent of the commercial-hotel use is to accommodate a mix of uses designed to maintain the character of the surrounding neighborhood and achieve integration with adjacent land uses

Intensity: Medium-High

Zoning Districts: MU (Mixed Use), PD (Planned Development Overlay)

Primary Uses: non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels

~~5~~4.1.6 Inner-Neighborhood Commercial

The intent of the inner-neighborhood commercial district is to accommodate small-scale commercial uses intended to serve adjacent residents. *Horizon 2020* identifies the west side of the intersection of W. 14th Street and Massachusetts Street as an Inner-Neighborhood Commercial Center.

Intensity: Medium

Zoning Districts: MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District)

Primary Uses: Work/live units, non-ground floor dwellings, multi-dwelling structures, civic and public uses, office uses, eating and drinking establishments, retail sales and services

~~5~~4.1.7 Neighborhood Commercial Center

The intent of the commercial use is to allow for retail and service uses. This designation is located along W. 9th Street at the northern edge of the planning area.

Intensity: Medium-High

Zoning Districts: MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), CS (Commercial Strip District), PD (Planned Development Overlay)

Primary Uses: non-ground floor dwellings, multi-dwelling structures, civic and public uses, eating and drinking establishments, office uses, eating and drinking establishments, retail sales and services, gas and fuel sales

~~5.1.8 Downtown Commercial Center~~

~~The Downtown Commercial Center is the Regional Retail/Commercial/Office/Cultural Center for the community and is considered a destination driver that attracts and serves the area beyond that of the local community. This category applies to the area within the Downtown Urban Conservation Overlay District.~~

~~Intensity: High~~

~~Zoning Districts: CD (Downtown Commercial)~~

~~Primary Uses: Work/live units, non-ground floor dwellings, multi-dwelling structures, civic and public uses, eating and drinking establishments, office uses, eating and drinking establishments, retail sales and services, hotels, motels~~

~~5~~4.1.~~9~~8 Public/Institutional

The intent of the public/institutional use is to allow for public, civic, and utility uses.

Intensity: Variable

Zoning Districts: GPI (General Public and Institutional), U-KU (University – Kansas University)

Primary Uses: Cultural center/library, school, utilities, recreational facilities, utility services, college/university

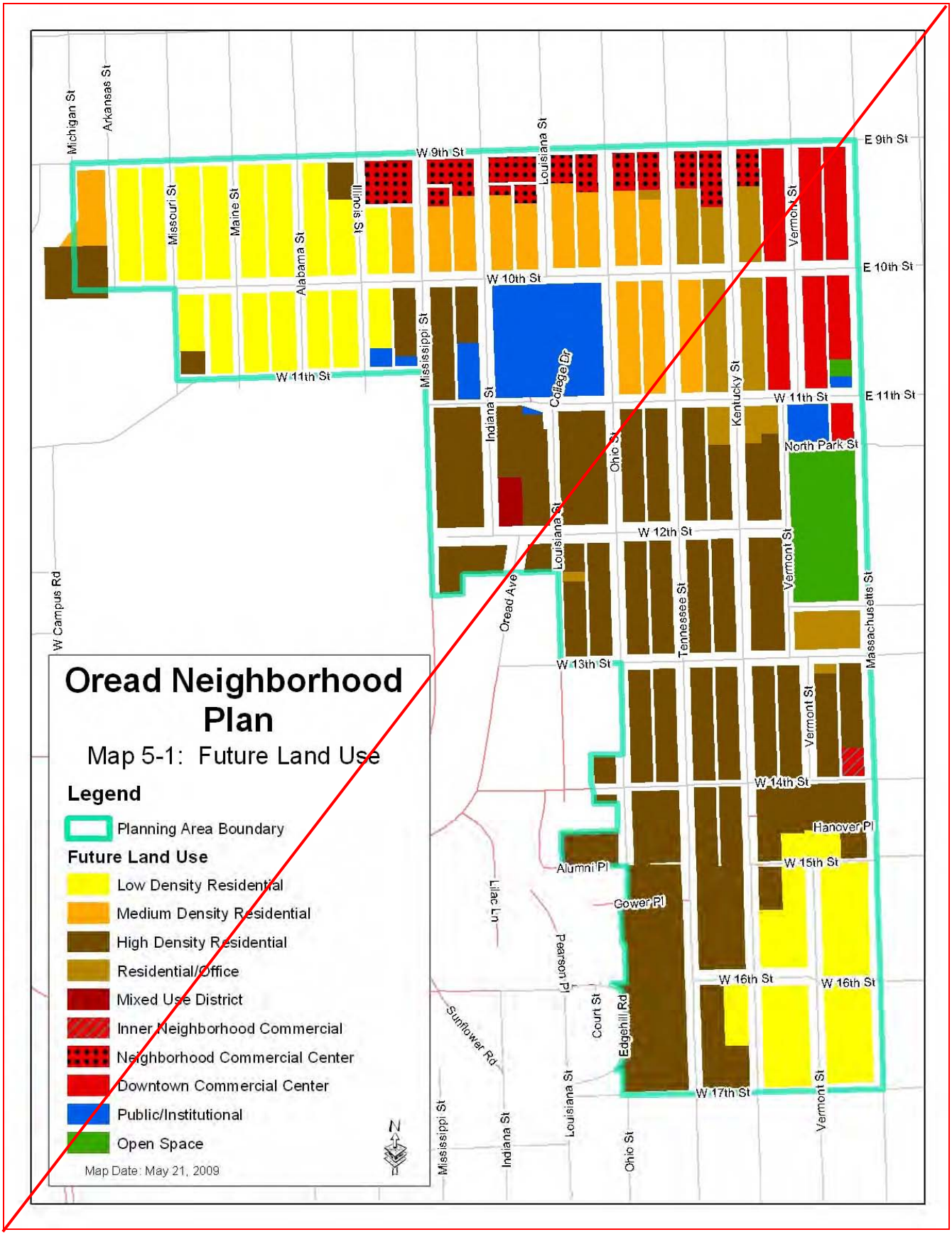
~~5~~4.1.~~10~~9 Open Space

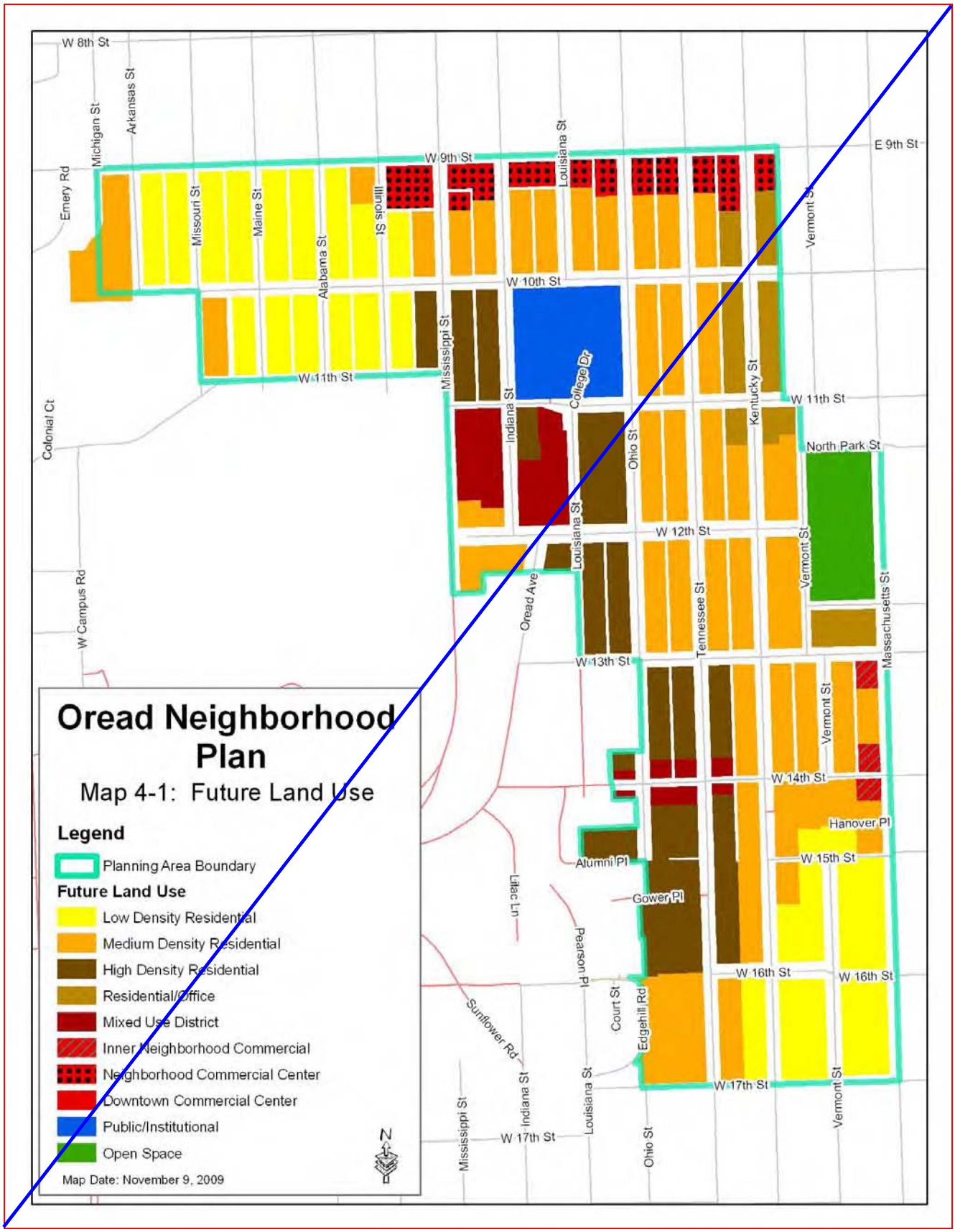
The intent of the open space/floodplain use is to provide space for public recreational facilities and natural area preservation.

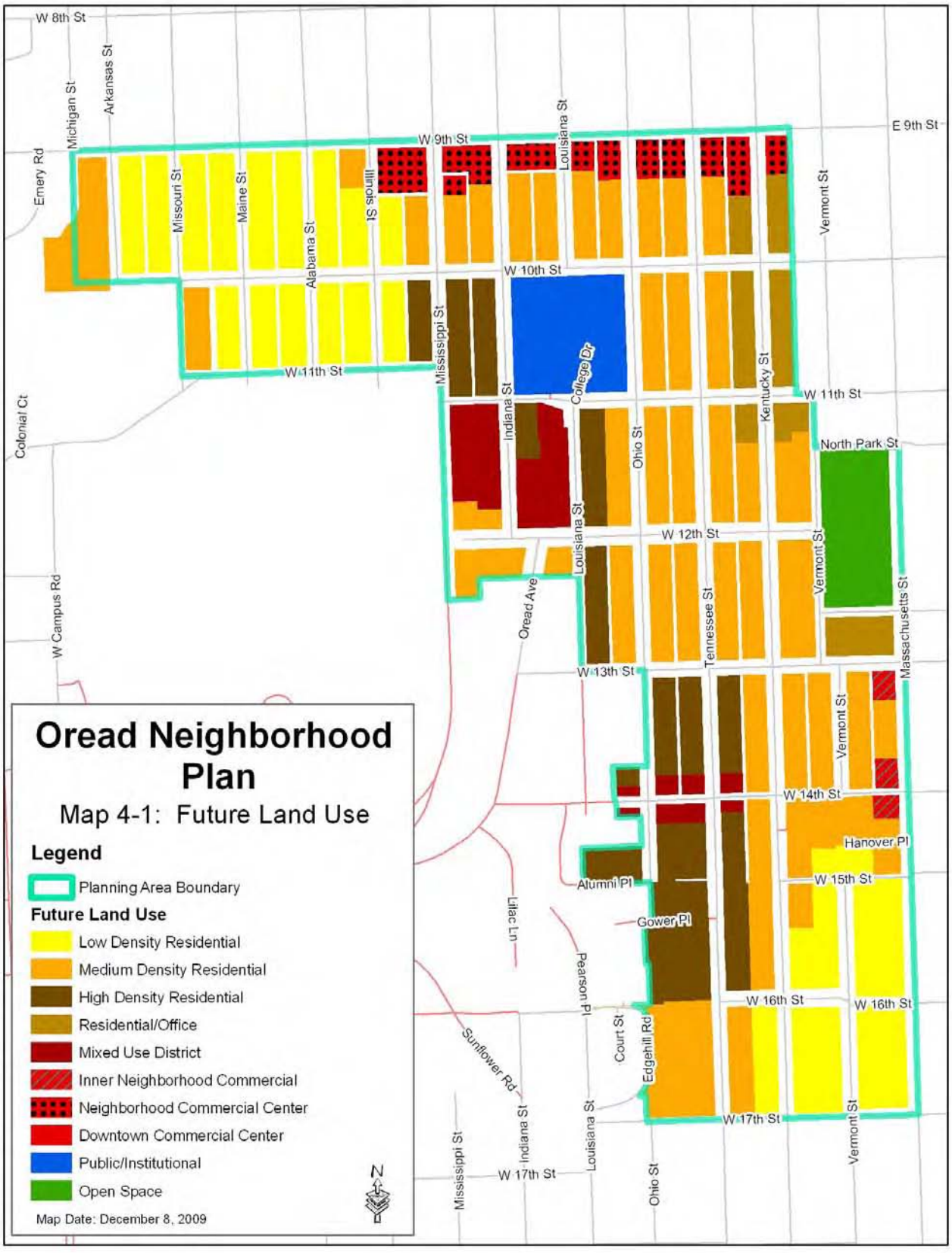
Intensity: Low

Zoning Districts: GPI (General Public and Institutional District), OS (Open Space),

Primary Uses: cultural center, active recreation, passive recreation, nature preserve, entertainment and spectator sports, participant sports and recreation outdoor, private recreation


Oread Neighborhood Plan
Map 5-1: 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
Downtown Commercial Center
Public/Institutional
Open Space
Map Date: May 21, 2009
N
Michigan St
Arkansas St
Missouri St
Maine St
Alabama St
Illinois St
Louisiana St
Vermont St
W 9th St
E 9th St
W 10th St
E 10th St
W 11th St
E 11th St
Mississippi St
Indiana St
College Dr
Ohio St
Kentucky St
North Park St
W 12th St
Oread Ave
Tennessee St
Massachusetts St
W 13th St
W 14th St
Hanover Pl
W 15th St
Alumni Pl
Gower Pl
Lilac Ln
Pearson Pl
Court St
Edgehill Rd
W 16th St
W 17th St
Sunflower Rd
W Campus Rd


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
Downtown Commercial Center
Public/Institutional
Open Space
Map Date: November 9, 2009
N
W 8th St
Michigan St
Arkansas St
Emery Rd
W 9th St
E 9th St
Missouri St
Maine St
Alabama St
Illinois St
Louisiana St
Vermont St
W 10th St
W 11th St
Mississippi St
College Dr
Indiana St
Kentucky St
Colonial Ct
Ohio St
North Park St
W 12th St
W Campus Rd
Oread Ave
Tennessee St
Massachusetts St
W 13th St
W 14th St
Hanover Pl
Alumni Pl
W 15th St
Gower Pl
Lilac Ln
Pearson Pl
W 16th St
Court St
Edgehill Rd
Sunflower Rd
W 17th 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
Downtown Commercial Center
Public/Institutional
Open Space
Map Date: December 8, 2009
N
W 8th St
Michigan St
Arkansas St
W 9th St
E 9th St
Emery Rd
Missouri St
Maine St
Alabama St
Illinois St
Louisiana St
Vermont St
W 10th St
W 11th St
Mississippi St
College Dr
Indiana St
Kentucky St
Colonial Ct
Ohio St
North Park St
W 12th St
W Campus Rd
Oread Ave
Tennessee St
Massachusetts St
W 13th St
W 14th St
Hanover Pl
Alumni Pl
W 15th St
Gower Pl
Lilac Ln
Pearson Pl
W 16th St
Court St
Edgehill Rd
Sunflower Rd
W 17th St

4.2 ~~Urban Conservation~~ Overlay District Elements

The *Oread Neighborhood Plan* recommends the implementation of ~~3~~ 5 ~~Urban Conservation~~ overlay districts. ~~UCO~~ Overlay districts are zoning overlays ~~districts~~ that are used in conjunction with the base zoning districts and include design guidelines. The ~~Urban Conservation~~ overlay districts ~~is~~ are tools for dealing with special situation sor 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 UCO 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

4.2.1.3 District 3 (Medium-Density)

District 3 is generally located between District 2 and the eastern side of the planning area. This area is mainly identified as medium density and residential-office on the future land use map.

A. Limit size of building additions
B. Maximum lot coverage

C. Minimum required parking number
D. Massing, scale, and bulk for new development
E. Lot size (assembly)
F. Alley access as opposed to street access
G. Setbacks

4.2.2 Historic District Overlay

4.2.2.1 District 4 (Hancock Historic District)

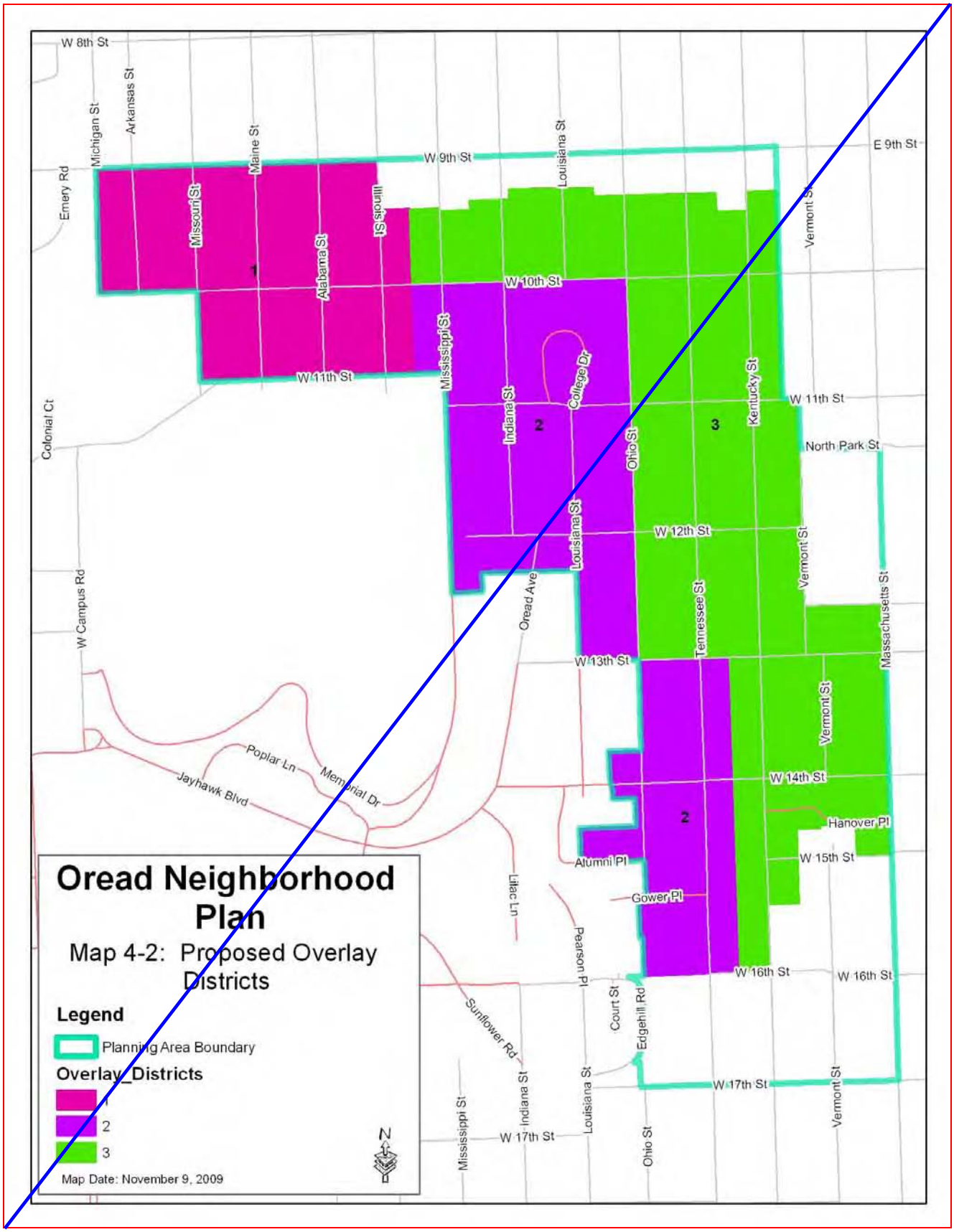
District 4 is generally located at the western side of the planning area at the end of W. 12th Street. The majority of this district is a National Historic District but it is recommended to be listed on the Lawrence Register of Historic Places.

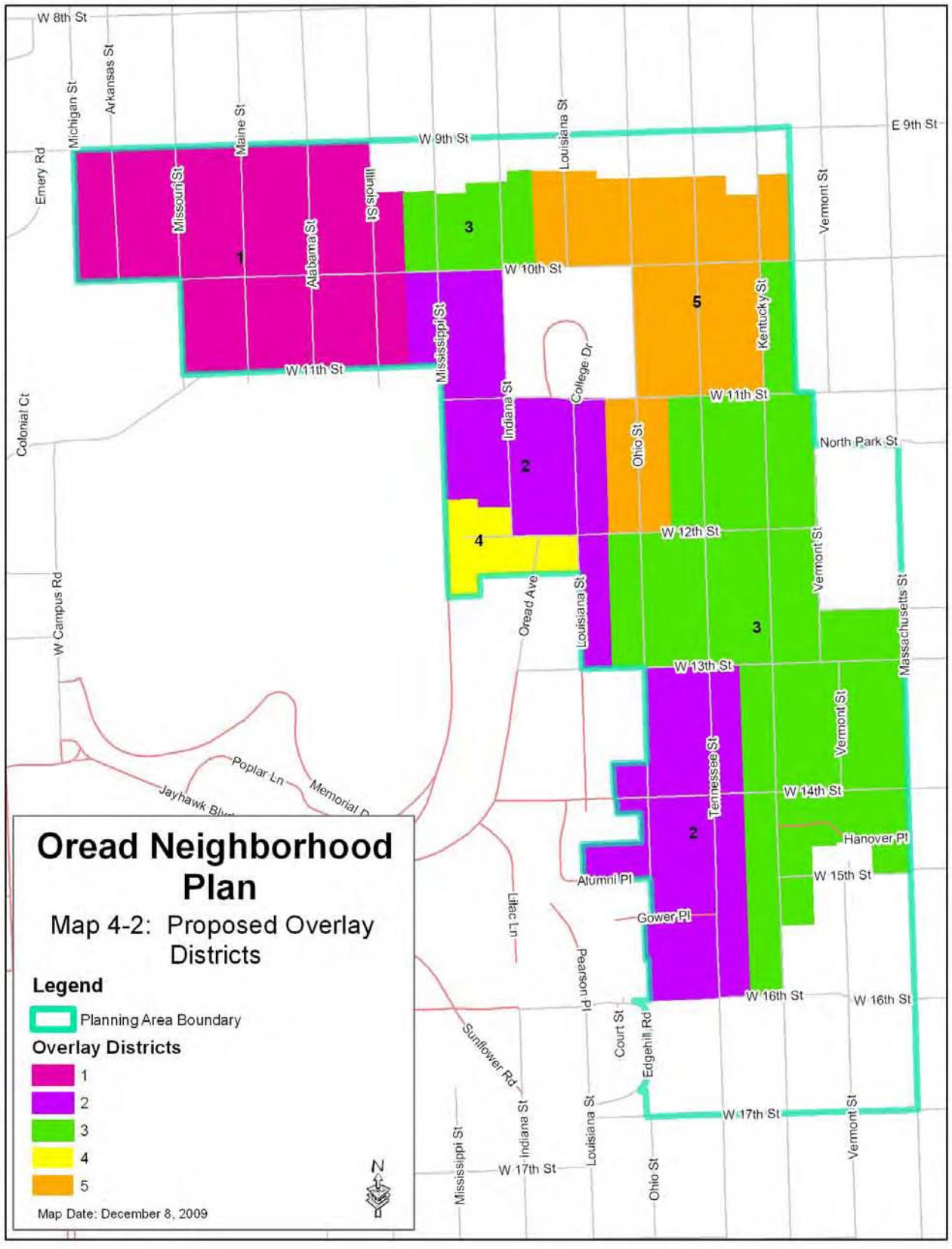
A. Minimum parking requirements for uses
B. Massing, scale, bulk, and articulation for new development
C. Maximum lot coverage
D. Setbacks
E. Compatible materials

4.2.2.2 District 5 (Oread Historic District)

District 5 is generally located on the north and eastern side of the planning area. The majority of this area is a National Historic District but it is recommended to be listed on the Lawrence Register of Historic Places.

A. Minimum parking requirements for uses
B. Massing, scale, bulk, and articulation for new development
C. Maximum lot coverage
D. Setbacks
E. Compatible materials


Oread Neighborhood Plan
Map 4-2: Proposed Overlay Districts
Legend
Planning Area Boundary
Overlay_Districts
1
2
3
Map Date: November 9, 2009
N
W 8th St
Michigan St
Arkansas St
Maine St
Louisiana St
E 9th St
Emery Rd
Missouri St
Alabama St
Illinois St
W 9th St
Vermont St
W 10th St
Mississippi St
College Dr
Indiana St
Ohio St
Kentucky St
W 11th St
Colonial Ct
North Park St
Louisiana St
W 12th St
Oread Ave
Tennessee St
Vermont St
Massachusetts St
W Campus Rd
W 13th St
Poplar Ln
Memorial Dr
Jayhawk Blvd
W 14th St
Hanover Pl
W 15th St
Alumni Pl
Gower Pl
Lilac Ln
Pearson Pl
W 16th St
Court St
Edgehill Rd
Sunflower Rd
W 17th St
Mississippi St
Indiana St
Louisiana St
Ohio St
Vermont St


W 8th St
Michigan St
Arkansas St
Maine St
W 9th St
Louisiana St
E 9th St
Emery Rd
Missouri St
Alabama St
Illinois St
Vermont St
W 10th St
Kentucky St
Mississippi St
College Dr
W 11th St
Colonial Ct
Indiana St
Ohio St
North Park St
W 12th St
Oread Ave
W Campus Rd
Massachusetts St
W 13th St
Tennessee St
Poplar Ln
Jayhawk Blvd
W 14th St
Hanover Pl
Alumni Pl
W 15th St
Gower Pl
Lilac Ln
Pearson Pl
W 16th St
Court St
Edgehill Rd
Sunflower Rd
W 17th St
Oread Neighborhood Plan
Map 4-2: Proposed Overlay Districts
Legend
Planning Area Boundary
Overlay Districts
1
2
3
4
5
N
Map Date: December 8, 2009

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Lawrence, Kansas

Lawrence Preservation Alliance

P.O. BOX 1073 • LAWRENCE, KANSAS 66044

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EMERITUS

12-18-09

Lawrence/Douglas County Planning Commission
Oread Neighborhood Plan

A good neighborhood plan describes existing resources and conditions, and presents a community-based vision for the future, while listing specific actions to take which will get us there.

Page 3-1 of the current draft, letter C under Land Use Policies states:" maintain and stabilize the strongest concentrations of owner-occupied housing and encourage owner-occupancy throughout the neighborhood." At the top of that same page, under Goals, Policies and Implementation Strategies, the draft states:" Preserving the existing housing stock, increasing homeownership and improving property maintenance will be important for the future."

The Lawrence Preservation Alliance believes that these are the two overriding goals to be achieved if the Oread neighborhood is to survive in any semblance of what was intended when it was originally formed in Lawrence's earliest years.

While revisions to the proposed plan have clearly helped, we do feel there are not enough clear actions proposed that will meet the stated goal of increasing owner-occupied housing.

Clearly this is and always was a neighborhood of many varied uses. LPA would not wish to change that, and we recognize that there is room for investment with profit in Oread. But when we look at the neighborhood in its current state, we see that teardown and infill is thriving, rental rehab is doing well, and boarding house activity is burgeoning. The only use that is declining, to the point of possible nonexistence, is owner-occupied housing. This is not going to improve without some specific interventions that will need to be identified in this plan.

Lawrence
Preservation
Alliance

The Oread neighborhood currently suffers from being zoned RM32 in most areas, which makes lots more valuable that the structures that stand on them. This has led to demolition by neglect, teardowns to increase density, or worse, combining lots for multiple teardowns and even larger replacement structures.

This plan adopts the tool of Urban Conservation Overlay Districts to address the problem rather than downzoning. LPA agrees with this, but we do feel that some downzoning in targeted areas may be necessary to achieve the goal of incresed owner-occupancy.

The real strength of the UCO's will be the design standards that will be adopted for each zone. We need an outside consultant with preservation planning expertise to lead the development of these guidelines. Failing that, the effort should be led by planning staff with strong Neighborhood Association representation, and lesser but equal representation by non-resident investors and LPA.

We strongly support the additions in the most recent draft of overlays 4 and 5 to reflect the neighborhood's two National Historic Districts, the Hancock District and the Oread District. Previous drafts had the Hancock District, an early 1900's residential district, in the high-density overlay 2, which was very alarming to us.

We also support pursuing local ordinance Chapter 22 historic district status, with minimum maintenance standards, for both the Hancock and Oread National Historic Districts.

LPA supports the Oread neighborhood's efforts to close the development loophole in congregate living uses known as boarding houses. Boarding house owners should be required to provide one offstreet parking space per bedroom, just as other apartment owners do.

LPA is not against boarding houses per se. But we would support design standards in the UCO's that would keep boarding houses within the existing footprints of the houses being renovated in the low and medium-density districts, perhaps limit their numbers within the historic districts, and encourage boarding house developments in the high-density overlay.

Four bedroom per side duplexes are also taking their toll on what's left of the Oread neighborhood, particularly in the stadium area covered by the low-density overlay in this plan. Eight bedroom structures are not low-density residential. Two bedroom per side duplexes are reasonable investment in this area; four bedrooms per side are not.

The more we continue to allow it, the more single-dwelling structures will come down.

Within the high-density overlay, LPA will have just as much concern for those design standards as the low and medium-density overlays. There are historic resources within the high-density area, and we would encourage any proposed high-density infill to replace existing infill, built in 1960 or later. Demolition of viable structures in the high-density overlay originally constructed as single-dwelling or owner-occupied should be discouraged, and multi-lot redevelopment that includes demolition of those structures should be discouraged.

There are currently four viable structures in the 1200 block of Louisiana, in the same block where 1232 Louisiana once stood, that are for sale by one owner. 1043 Indiana was recently bought at auction for over $300,000, and likely not to renovate. Boarding house outcomes for those structures provided parking requirements are met would be acceptable to LPA. Teardowns for multi-lot redevelopment are not.

There is general language throughout the plan concerning mixed use commercial designations. You or I might think of a corner grocery or neighborhood bistro. This may not be what developers are thinking. Any language concerning commercial needs to be specifically defined, or we will soon be seeing plans with enough commercial in them to possibly threaten downtown.

But, most importantly, LPA feels that there needs to be clear incentives and protections within targeted areas if the plan's goal of increased owner-occupancy is to succeed.

The state tax credit is our best incentive , but only for contributing properties in historic districts, and it applies to rental as well as owner-occupants. There is also generally a movement every legislative session to overturn it, especially in tough budget times.

The draft includes action to amend the Land Development code to permit detatched single-dwellings in RM districts if the structure was originally built as a single-dwelling. This is a very necessary protection if a year-round resident were to lose thir structure to fire, but it doesn't help with the goal of adding year-round residents.

There is language about exploring the use of the Neighborhood Revitalization Act, a property tax reimbursal program. The language sounds half-hearted and needs much more detail if it is to help with increased owner occupancy.

No property investor wants to go to the limit with their personal finances only to see the other side of the block become entirely eight bedroom boarding houses and the only other owner-occupant on the street put their house for sale in despair.

The Oread neighborhood Association needs to show planning staff where the strongest concentrations of owner-occupied housing are, and staff needs to develop a plan, probably using several planning tools, to protect and encourage some expansion of owner-occupants in those concentrated areas.

LPA believes that this plan is possibly the community's last chance to keep the Oread neighborhood as a mix of uses, and avoid the spectre of it becoming a 100% student-rental neighborhood.

Sincerely,

Dennis J Brown

Dennis J Brown

LPA Recommendations for Actions
Planning Commission Could Take

The phrase "hotel uses" on page 1-9 should be changed to "a hotel".

Page 3-2, section H of the draft should be changed to"...support new mixed and light commercial uses, if they are determined to not be detrimental to existing downtown commercial uses."

Page 3-1, Land Use Policies A. dealing with rezoning, has been deleted. We think this tool should at least be listed as a possible action. We would suggest "Consider rezoning targeted areas where the strongest concentrations of owner-occupied housing remains, to protect the investments of those owner-occupants and encourage more owner-occupants to live in those areas."

Ask the Planning Director to make a presentation at your January meeting about the Neighborhood Revitalization Act. Exactly how would it work, and would it help with the goal of increasing owner-occupancy.

Ask the Oread Neighborhood Association to identify areas of owner-occupied housing, even as small as one side of a block, where they feel it is not too late to protect and encourage more owner-occupants. Ideally this would not be a central-core mini-Oread, but several areas throughout all the overlays with the possible exception of the high-density overlay.

Ask the Planning Director to designate a staff person to work with two or three Oread Neighborhood representatives to develop a clear plan of action to put in the Oread Plan to stabilize and increase owner-occupancy.

Planning Staff and Planning Commissioners:

Thank you for allowing LPA the time to evaluate this draft document.

LPA Recommendations for Oread Neighborhood Plan

LPA supports the use of Urban Conservation Overlay (UCO) districts instead of full scale downzoning, but believes that some downzoning in targeted areas may be necessary to achieve the plan's goal of increased owner-occupied housing and year-round occupants.

Strong design standards for each UCO will be necessary for the plan to meet its goals. Standards development should be undertaken by an independent, preservation-knowledgeable consultant, or by planning staff with strong Neighborhood Association representation, and lesser but equal representation by developer and non-resident investors and LPA.

LPA strongly supports the additions of overlays 4 and 5 to reflect the Hancock and Oread National Historic Districts. Inclusion of the Hancock Historic District in the high-density #2 overlay is totally unacceptable.

LPA supports pursuing Chapter 22 local ordinance historic district status, with minimum maintenance standards, for both the Hancock and Oread National Historic Districts.

LPA agrees with the Oread Neighborhood Association that congregate living (boarding house) parking requirements should be the same (one space per bedroom) as other apartment properties.

LPA believes that UCO design standards should discourage establishment of boarding houses within the low and medium density UCOs, particularly within the two established Historic Districts, and encourage the establishment of boarding houses in the high-density overlay district.

LPA believes that if downzoning for the area around the stadium (overlay #1) is not recommended, then a downsizing of allowable bedrooms in duplexes from 4 bedrooms per side to 2 is absolutely necessary.

LPA believes that, within the high-density overlay #2, new high-density infill should replace older infill (1960s built or later). Demolition of viable structures 50 years or older, and originally constructed as

single-dwellings or owner-occupied homes in overlay#2 should be discouraged. Multi-lot redevelopment that includes demolition of those structures should be discouraged.

Document language concerning commercial uses should be specific. The phrase "hotel uses" on page 1-9 should be changed to "a hotel". Page 3-2, section H of the draft should be changed to "....support new mixed and light commercial uses, if they are determined to not be detrimental to existing downtown commercial uses."

LPA believes that the only way to achieve the stated goal of increased owner-occupied housing and year-round residents is to identify targeted areas and offer increased incentives and block-wide protections to prospective new residents wishing to purchase and occupy single dwelling housing stock. While recognizing that there are no easy answers, this plan should not be adopted until a stronger, well-defined action plan to achieve this goal is agreed upon.

Michelle Leininger

From: steven c. watts [scajj@sbcglobal.net]
Sent: Thursday, January 07, 2010 4:27 AM
To: Bradley R. Finkeldei; ksingleton@kcsdv.org; Hugh Carter; Lisa Harris
Cc: Scott McCullough; Michelle Leininger
Subject: Another, large, compelling reason
Follow Up Flag: Follow up
Flag Status: Orange

Happy New Year to each of you.

One last, straggling piece of information data that is rather significant relative to the need for 1649 Edgehill Rd. to be included in the Oread Neighborhood Plan:

1613 Tennessee in Lawrence (Ludington-Thacher home) was placed on the historical list. This address is in the ONA defined boundary and also in the City's boundary for the Oread Neighborhood.

Because my home and my property are within the prescribed boundaries as set down by law once a property is officially designated "historical" (the fact my land and home are close to the site.....within 300 feet or 300 yards....I forget...), any and all matters relating to modifying my home must first be approved by all manner of governmental bodies.

This simple fact alone is very compelling as it relates to being part of the Oread Neighborhood; particularly when coupled with all the other realities I have tried to make you aware of.

Thank you

Steven C. Watts
1649 Edgehill Rd.
Lawrence, KS

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25 January 2010

Greg Moore, Chairman, and Members of the Lawrence-Douglas County Planning Commission

RE: ITEM NO. 10 - COMPREHENSIVE PLAN AMENDMENT TO CHAPTER 14 – THE OREAD NEIGHBORHOOD PLAN

I am writing on behalf of the ONA Board to thank you for many improvements that have been made to the plan draft. Reading each reiteration though, brings up new concerns.

Goal 1 – for Land Use is **"Maintain a variety of housing types to provide a balance in the diveristy of people living in the neighborhood while maintaining strong neighborhood scale commercial areas."** Unfortunately none of the actions listed in Table 43-1, the Implementation Schedule, really address this concern. The suggestion to review the Land Development Code **"regarding boarding houses to address neighborhood concerns while maintaining boarding houses as a feasible option for owners and students"** seems to assume every residential structure in the neighborhood could be developed as a boarding house. This is unacceptable.

One Land Use Implementation Strategy is **"Encouraging more owner occupants and families to locate in the planning area…"** However when **"to permit by right detached dwellings (single-dwelling use) in multi-dwelling districts (RM) with certain standards"** is the only action, and it goes on to say **"Among other things, the standards could include that the structure must have been originally constructed as a single-dwelling structure"** seems to require proof rather than give encouragement.

For the Urban Conservation Overlay Districts:

4.2.2.1. District 4 (Hancock Historic District) consider adding:
Lot size (assembly)
Limit size of building additions

4.2.2.2. District 5 (Oread Historic District) consider adding:
Lot size (assembly)
Limit size of building additions
Alley access as opposed to street access

We suggest just a little more work to be done on the history. It says:
"The creation of the neighborhood association allowed for a grant to be applied for and received by the federal Community Development Block Grant program. This was used to assist the neighborhood in crime prevention, provide dumpster pads, repair of stairs and various other projects." Grant funds have been received annually, not just once, and they are available without the creation of the neighborhood association. Perhaps this could be changed to read **"The neighborhood association has used Community Development Block Grant funds to build alley parking, dumpster pads and screening, repair steps, and for other projects."**

There seems to be some misunderstanding about parking. The section reads:
"Parking is an issue in the neighborhood because of the proximity to KU. With automobiles not being available until the early 1900's, automobile parking was not a consideration when the neighborhood was developed. Auto parking has been added into available areas through the years. With the evolution of the neighborhood to include more renters, and more people having cars, and people driving to campus, there has been less space to park."
Neighborhoods other than Oread are in proximity to KU, however they have been able to restrict street parking. The amount of space for parking has not changed. We suggest:
"Parking space is an issue in the neighborhood. Alleys generally allow for off-street parking, however increasing densities prior to required increases in off-street parking and greater car ownership means many residents must park on the streets. Residents compete for street parking with students commuting to KU or living in the scholarship and residence halls. The KU scholarship halls built in the 1950s had no parking because it was assumed that students living there would not own automobiles; the parking space at Corbin-GSP cannot accommodate the demand."

Some additional suggested wording changes:
Fix the first sentence in Section 3 – Goals, Policies and Implementation Strategies:
"The Oread Neighborhood planning area is anticipated to continue in the future to be a neighborhood with a mix of residential housing types as the dominate land uses and various a number of mixed use and commercial areas."
Perhaps:
"The Oread Neighborhood planning area is anticipated to continue in the future to be a neighborhood with a mix of residential housing types as the dominate land use and various mixed use and commercial areas."

In the implementation schedule, dumpster does not apply to trash enclosure standards:
"to ensure appropriate dumpster and ~~other~~ trash enclosure standards"

Thank you very much for your consideration of these additional comments.

Marci Francisco
Member, Oread Neighborhood Association Board

Michelle Leininger

From: steven c. watts
Sent: Monday, November 16, 2009 7:57 PM
To: Scott McCullough
Cc: David L. Corliss; Michelle Leininger; Mike Amyx; bradfink
Subject: Do The Right Thing, please.....

Mr. McCullough:

This issue is not going away. Not as far as I am concerned anyway, and I don't like the "backslapping", "glad handing" nature of the way these meetings go where you "staff" KNOW, seemingly, everyone (except me, of course); are a first name basis with this same group of bigots who REFUSE to answer WHY Edgehill Road was written out of the ONA and I am shocked and taken aback that you, as the City Planner seems more than disinterested in the blatant gerrymandering that has taken place.

I don't expect the City of Lawrence, Kansas.....your employer, governed by the City Commission who makes the decision around here.....not you; not David Corliss; and most certainly not a group of fellow "glad handers" who were all appointed to these City "boards and commissions" by their cronies and who have collective "political debts" to pay.....to dictate how "non-profit" outfits run on a day to day basis, but the Neighborhood Associations are NOT included in that group as far as I am concerned. Swarts obfuscates on this matter and it is growing tiresome.

In the October 26, 2009 planning commission meeting you did sit mute and let the "chairperson" all but shout me down relative to the fact that while CDBG monies may come from the federal government, the City of Lawrence, Kansas has the ultimate responsibility in just how the funds are allocated and expended. Why that chairperson somehow thinks there is no oversight to those monies by the Lawrence City Commission first....and City staffers second escapes me. Too, this "chairperson", according to his own statements also chaired what was once known as the Neighborhood Resource Advisory Cmte. and is now called the Community Development Advisory Committee. Sir, does it not strike you, a professional City planner, as just a tad bit odd that the same people move from one "advisory group" to another???????? Why you chose to sit mute is a mystery, but noting above, you know all of the "players" relative to the neighborhood associations and it is my suspicion that you choose to "make nice" with these professional meeting attendees who seemingly are big fish in a small pond. Perhaps it is an aspect of the "learning curve" associated with the relatively new position you are in. The aroma of cronyism is pungent, however. Irrespective, as far as I am concerned, silence equates to acquiescence and not neutrality. "Policy" is NOT LAW. Policy is a framework that should be deviated from obvious wrong is taking place, don't you think???????? Where are your ethics, sir?

The City of Lawrence has a responsibility to make certain that the CDBG monies it allocates are done so in a fair and impartial fashion in my view. PERHAPS 35 years ago it was "OK" to allow the neighborhood associations to "....do their own thing...." but the blatant gerrymandering by the ONA calls for revisiting how associations are formed and defined. It's time the City got involved in the process when blatant arrogance is the norm rather than open and fair dialogue.

I hold no ill will towards you or your staff. I only ask for a fair chance. It can't be explained in a 3 minute talk....which is what I was relegated to in the "planning commission" meeting.....while the ONA had a "stacked deck" working as each individual member got up to represent "themselves" and yet repeatedly referred to "WE"....as in the ONA. 3 people with 3mins each equates to 3x the amount of time one person has. Oh yeah.....that's really fair.

I ask again, will the City of Lawrence tolerate a neighborhood association which "red lines" to prevent "unwanted" ethnic groups or political party members in "their" association? Will the City of Lawrence allow an association to identify, even, individual addresses as a "neighborhood"? Etc., etc., etc. I do NOT believe the City Commission has taken a position on this matter at all and challenge you to provide me the minutes to any City Commission meeting wherein the Commission determined the Commission would NOT become involved. To the contrary, I assert it is the "recommendations" the Commission receives from City Staff that seem to drive this town and it's time that crud

STOPPED. City Commissioners look to professionals such as yourself for guidance through neutrality; to state the facts and provide options; NOT parrot what past "policy" has been. Policy be damned in this egregiously idiotic decision process!

Thank you for your time. I recognize this issue may be "light weight" to your office and that of Mr. Corlis, but I assure you it is a big deal to me. Very big indeed.

Cordially,

Steven C. Watts

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From: Scott McCullough <smccullough@ci.lawrence.ks.us>
To: steven c. watts
Cc: David L. Corliss <DCorliss@ci.lawrence.ks.us>; Margene Swarts <mswarts@ci.lawrence.ks.us>; Michelle Leininger <mleininger@ci.lawrence.ks.us>
Sent: Mon, November 16, 2009 6:10:08 PM
Subject: RE: Washington, D.C. HUD weighs in....

Mr. Watts,

We mainly included the emails that you specifically requested be included in the PC packet, assuming that you differentiated between the neighborhood plan issues and the CDBG issues by design. The neighborhood association map was included in the packet; however, to my knowledge we do not have records of previous association boundaries, which is why we did not include such a map. If you would like to print the map in the packet and mark on it as you understand the historic boundaries, we are happy to include it in the PC packet.

The PC will not be taking action on the Oread plan on Wednesday so there is opportunity to submit additional correspondence in December. From this point on we will place all emails in the PC packet, including this one.

I will note that I have not represented otherwise that it is the policy of the city to permit neighborhoods to define their boundaries. To date, the City Commission has determined that this will be the policy for funds allocated to neighborhood associations. Similarly, it is policy that the city will not manage the day to day activities of other nonprofit organizations or necessarily define the scope of their organization as a condition of receiving CDBG funds. I have not represented otherwise that the city controls the allocation of these funds and could manage them differently if the city chose.

Scott McCullough, *Director* - smccullough@ci.lawrence.ks.us
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence , KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

From: steven c. watts
Sent: Monday, November 16, 2009 4:44 PM
To: Scott McCullough
Cc: David L. Corliss
Subject: Fw: Washington, D.C. HUD weighs in....

Mr. McCullough:

What does it take in this town to get equal representation and treatment under the law?? I have just now reviewed the "packet" of material for the Nov. 16, 2009 planning commission meeting and I find only a handful of several emails I have sent to your office relative to the problems associated with the Oread Neighborhood plan.

Below, you will find an email I forwarded to your office from HUD in Washington , D.C. which flat out spells the facts relative to CDBG monies. Why is this email, among several others, NOT in the packet???

Also, why is the HISTORY of the Oread Neighborhood association boundaries NOT in the packet? They've changed the boundaries many times..

What do I have to do to make certain this data is included in the informational packets for the commission? My expectation is that ALL my email traffic which CC's you relative to the ONA is placed in that packet for their review. What do I need to do to get your staff to include my information?

This process is becoming more and more specious.

Please advise.

Steven C. Watts

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--- On **Mon, 11/9/09, steven c. watts** wrote:

> From: steven c. watts
> Subject: Washington , D.C. HUD weighs in....
> To: robchestnut@sunflower.com, "Amyx, Mike" <mikeamyx515@hotmail.com>
> Cc: "Corliss, Mr. David" <dcorliss@ci.lawrence.ks.us>, "McCullough, Scott" <smccullough@ci.lawrence.ks.us>, bradfink@stevensbrand.com
> Date: Monday, November 9, 2009, 1:08 PM
>
> Gentlemen:
>
> I forward a recently received email from HUD's CDBG program in Washington , D.C and more specifically, DGBE Director, Entitlement Communities Division Mr. Steve Johnson.
>
> Mr. Johnson notes in the forwarded email that each recipient community makes its own decisions relative to Neighborhood Associations; in this instance he essentially confirms that the City of Lawrence, Kansas has chosen to allow the "target neighborhood associations" to define themselves and thus, it is confirmed that it has been past POLICY of the City of Lawrence and it is NOT the federal law which has allowed same. Mr. Johnson notes "Regarding your question of whether city staff vs. elected officials should be making programmatic decisions, this is a local matter, governed by state or local law."
>
> It is past time for the Lawrence City Commission to acknowledge its collective and definitive role in the defining of neighborhoods given the way the Oread Neighborhood Association has gerrymandered the Oread

neighborhood "definition" and "boundaries". What more evidence due you require from me to get this glaring inequality rectified???

Too, Mr. Johnson makes mention of "neighborhood associations" being actual non-profit corporations and yet I know of no such requirement for said associations in Lawrence . Hence, I am even more confused how these five (5) "associations" can be given one red cent, let alone gerrymander their collective boundaries.

I would appreciate a response from each of you, please. Just because "....we've always done it this way..." (administer CDBG monies) does not mean it's the right for now and the future. Margene Swarts and Mr. McCullough do not, as city staff, make the decisions; rather the Lawrence City Commission does; Right??

Thank you

Steven C. Watts
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---------- Forwarded Message: ----------
From: "Johnson, Steve" <steve.johnson@hud.gov>
To: "'steven c. watts'"
Cc: "Lipscomb, Eugene " <Eugene.Lipscomb@hud.gov>, "'Stanley_Gimont@hud.gov'"<Stanley_Gimont@hud.gov>, "Kome, Jessie Handforth"<Jessie.Handforth.Kome@hud.gov>
Subject: RE: Neighborhood Associations, HUD, and CDBG Monies
Date: Mon, 09 Nov 2009 16:53:30 +0000

Dear Mr. Watts:

Thank you for your inquiry of last week regarding the CDBG program in Lawrence , KS . You asked several questions about the role of cities versus neighborhood associations in administering CDBG funding.

Neighborhood associations, like most any other nonprofit organization, are creatures of state and local law, not federal law. With the possible exception of how they are treated under IRS tax laws, I do not know of any federal laws dealing specifically governing the organization, incorporation, boundaries and operation of neighborhood associations. HUD does not mandate anything regarding boundaries of neighborhood associations because they are not a matter under federal purview.

In the Community Development Block Grant program, HUD makes grants to units of general local government. As HUD's grantees, units of local government (such as the city of Lawrence) are legally responsible for administering their program in accordance with all applicable laws and regulations. Whether a local government chooses to carry out CDBG-funded activities itself or to use subrecipients

to carry out activities is the local government's decision. (Local governments must, of course, engage in citizen participation with its citizenry in designing its program.) Neighborhood associations, like any nonprofit organization, may receive CDBG funds as a subrecipient of the grantee if the grantee wishes to fund them. HUD does not mandate the use of subrecipients nor does HUD mandate which subrecipients (or types of subrecipients) a grantee may wish use as a subrecipient.

The CDBG regulations specify certain requirements local governments must follow when they use subrecipients to implement CDBG-funded activities. 24 CFR 570.501(b) of the CDBG regulations reads in part:

(b) The recipient is responsible for ensuring that CDBG funds are used in accordance with all program requirements. The use of designated public agencies, subrecipients, or contractors does not relieve the recipient of this responsibility. The recipient is also responsible for determining the adequacy of performance under subrecipient agreements and procurement contracts, and for taking appropriate action when performance problems arise, such as the actions described in §570.910.

24 CFR 570.502 spells out the applicability of uniform administrative requirements governing the use of CDBG funds by grantees and subrecipients. 24 CFR 570.503 requires that grantees must have written agreements with subrecipients that receive CDBG funds, and spells out the required elements of a subrecipient agreement. It is the city's responsibility to ensure that subrecipients, including neighborhood associations, comply with all federal requirements in carrying out CDBG-assisted activities.

Your message asks about the ability of neighborhood associations to exclude certain groups from their membership. Any subrecipient that receives CDBG funds must comply with federal fair housing and civil rights requirements. A subrecipient that is receiving CDBG funds and that is violating such requirements would, of course, be a matter of federal interest. If you have concerns that these laws are being violated, you should contact the Regional Office of Fair Housing and Equal Opportunity:

Kansas City Regional Office of FHEO
U.S.. Department of Housing and Urban Development
Gateway Tower II
400 State Avenue , Room 200
Kansas City , Kansas 66101 -2406
(913) 551-6958
1-800-743-5323
TTY (913) 551-6972

Fair Housing and civil rights complaints may also be filed on-line via HUD's website, at:
http://portal.hud.gov/portal/page/portal/HUD/topics/housing_discrimination

Regarding your question of whether city staff vs. elected officials should be making programmatic decisions, this is a local matter, governed by state or local law. A unit of general local government is a single corporate entity organized under state and local law; the CDBG statute and regulations do not assign specific grant administration responsibilities to different branches of units of general local government.

I hope this provides the information you sought. Thank you for your interest in the programs of HUD.

Steve Johnson
Director, Entitlement Communities Division
HUD Headquarters

From: steven c. watts
Sent: Thursday, November 05, 2009 12:01 PM
To: Stanley_Gimont@hud.gov; Kome, Jessie Handforth; Johnson, Steve
Cc: Lipscomb, Eugene
Subject: Neighborhood Associations, HUD, and CDBG Monies

Greetings from Kansas Mr. Gimont, Ms. Kome, and Mr.. Johnson:

As I am unsure which one of you to address, I shall begin with all three.

Please review the email traffic below; beginning from the bottom and making your way up.

While I respect the fact that HUD works with and through local governmental entities as opposed to individuals, I am compelled to believe that there are those times and matters where officials such as yourselves must deviate from "policy" and get involved.

I wholly disapprove of your subordinates' attitudes and lack of "customer service" as well as their refusal to seek out facts or respond to questions from a member of HUD's CDBG target population as well as their obvious efforts to marginalize and negate my participation and identification of what I believe to be a rather significant matter/problem. Too, the outright refusal of your Region VII director, Mr. Lipscomb, to communicate with a citizen certainly underscores it's "....bizness as usual....." here in Kansas which is the exact opposite of the President's call for transparency within government.

Please advise and kindly provide answers to the questions outlined below.

Thank you

Steven C. Watts
1649 Edgehill Rd.
Lawrence , KS 66044 -4193

> ---------- Forwarded Message: ----------
> From: "steven c. watts"
> To: "Gutierrez, Agatha R" <agatha.r.gutierrez@hud.gov>, "Eugene.Lipscomb" <Eugene.Lipscomb@hud.gov>,
> Subject: RE: Neighborhood Associations, HUD, and CDBG Monies
> Date: Wed, 04 Nov 2009 17:24:28 +0000
>
> Ms. Gutierrez,

Oh really? What is the "complaint" you shall be addressing? What is the process?

Thank you

Steven C. Watts
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communication and/or attachments in error, please
notify the sender via email immediately and
destroy all electronic and paper copies.

> ---------- Original message from "Gutierrez, Agatha R" <agatha.r.gutierrez@hud.gov>: ----------

Mr. Watts,

We have reviewed your emails and are treating this matter as a formal written complaint to HUD. We will follow our normal complaint procedures and will provide a written response to you within the next 10 days.

Thank you.

Agatha Gutierrez

From: steven c. watts
Sent: Wednesday, November 04, 2009 6:36 AM
To: Gutierrez, Agatha R; Lipscomb, Eugene
Cc: Porter, Theresa; Buckner, Dana; Corliss, Mr. David; McCullough, Scott
Subject: Neighborhood Associations, HUD, and CDBG Monies

Greetings Region VII HUD:

Please advise relative to regulations and law (NOT internal policy) what responsibilities recipient municipalities of HUD CDBG monies have with respect to neighborhood associations which receive CDBG monies from the municipality.

City staffers within the City of Lawrence, Kansas maintain HUD MANDATES the City itself shall not regulate the boundaries of any neighborhood association; rather each and every (any) association defines itself. I believe this is a policy of the City staffers and NOT HUD mandates or federal law. What mechanism has been set up within HUD for re-dress when a citizen believes that specific sectors of a geographic area have been excluded from an identified boundary? Is it acceptable practice in HUD's view for a municipality to allow a neighborhood association to exclude a section of a geographic neighborhood because the association does not want, say, a block of people of the Jewish faith? A block of people who are African-American? A block or two of people who are of Hispanic origin? Or a block or two of people who are members of an "undesirable"political party?

Isn't it a fact that the local municipality makes the decision as to how much oversight said community chooses to provide relative to how boundaries are established? Isn't it a fact that a municipality itself can establish and define boundaries in describing neighborhoods to HUD? Should simple City Staffers be making the decisions as to the "local rules" with respect to what constitutes a "neighborhood association"; or should it not be done by elected officials who are voted into office by the people of said municipality and who represent the people of same? Something isn't right when a very small handful of fairly high paid, entrenched "civil servants" (city workers) define the "game's" rules.

Thank you

Steven C. Watts
1649 Edgehill Rd.
Lawrence , KS 66044 -4193
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Michelle Leininger

From: steven c. watts
Sent: Wednesday, November 18, 2009 8:09 AM
To: Michelle Leininger
Cc: Scott McCullough; bradfink; Mike Amyx
Subject: Old Boundary and By-Laws Located

Attachments: ONA By-lawsOct2001.doc; ONABylawsRev1207.rtf


ONA wsOct2001.doc (33


ONABylawsRev120 7.rtf (70 KB)

Hello!

Eureka! I have found the digital file in my archives. Please note (when right clicking on the file) the author of the document and the date of the document for validation.

Section VII, E. outlines what a quorum was: 2/3 of the Board of Directors. When I began attending Board meetings as a member, I discovered the board was conducting business, taking votes, and implementing changes when no quorum was present. I informed the board they were violating their own rules. They didn't like it. What did they do? They re-wrote the By-Laws changing a quorum from 2/3 to a simple majority and then quietly wrote Edgehill Road OUT OF THE BOUNDARY.

Too, there were several other "technical" matters I called the board on which were not taken kindly.....

I have also attached the most current By-Laws for comparison.

Thank you

Steven C. Watts

BY-LAWS OF THE OREAD NEIGHBORHOOD ASSOCIATION
Updated 10/29/2001

Sec. I. **BOUNDARIES**.

The Oread Neighborhood is that area within the City of Lawrence, Douglas County, Kansas, which is bounded by Ninth Street on the north, Massachusetts Street on the east, Seventeenth Street on the south, Michigan Street on the northwest, Edgehill Road on the southwest, and the University of Kansas on the west between Michigan and Edgehill.

Sec. II. **NAME**.

The residents and property owners within the Oread Neighborhood have formed a non-profit corporation to be known as the Oread Neighborhood Association.

Sec. III. **PURPOSE**.

The Oread Neighborhood Association is a corporation organized not for profit under the laws of the State of Kansas. Said corporation is organized exclusively for charitable and educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), including for such purposes:

1) The education of neighborhood residents, through public meetings, discussion groups, publications, panels, or other similar programs for the education of the public to promote the purposes of the Oread Neighborhood Association, to-wit: lessening neighborhood tensions, combatting community deterioration, and preventing crime.
2) The making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code of 1954.

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, trustees, officers or other private persons, except that the corporation shall be authorized and empowered to any reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth herein. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislations, and the coropration shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. This corporation shall not have or exercise any power of authority either expressly, by interpretation or by operation of law, nor shall it directly or indirectly engage in any activity that would prevent this corporation from qualifying (and continuing to qualify) as: (a.) a corporation described in section 501(c)(3) of the Internal Revenue Code as a tax-exempt corporation; or (b.) as a corporation, contributions to which are deductible under section 179(c)(2) of the Internal Revenue Code of 1954 or the corresponding provision of any future United States Internal Revenue law.

Sec. IV. **MEMBERSHIP**.

No person shall be excluded from membership on account of sex, race, color, creed or political view. There shall be two classes of membership: general members who may vote and associate members who may not vote.

A. **GENERAL MEMBERS**.

Any person eighteen years of age or older living or owning property within the Oread Neighborhood, Lawrence, Kansas, shall be a general member of the Oread Neighborhood Association upon payment of the annual dues of one dollar ($1.00). A general member is entitled to vote at Oread Neighborhood Association meetings.

B. **ASSOCIATE MEMBERS**

Any interested person eighteen years of age or older who neither lives in nor owns property within the Oread Neighborhood shall be an associate member of the Neighobrhood Association upon payment of the annual dues of five dollars ($5.00). An associate member is not entitled to vote at Oread Neighborhood Association meetings.

Sec. V. **FISCAL YEAR**.

The fiscal year of this Association shall commence on the 1st day of August and end on the 31st day of July.

Sec. VI. **MEETINGS**.

All meetings of the Oread Neighborhood Association shall be held at such places in the City of Lawrence as may be designated by a resolution of the Board of Directors. The business of the Oread Neighborhood Association may be conducted only at open meetings of which all members have received reasonable notice.

A. **MEETINGS**

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2. Special meetings for any purpose or purposes may be called by the Board of Directors. The business transacted at any special meeting shall be confined to the object stated in the call.
3. The annual meeting shall be held in the fall (September/October) on a date determined by the Board of Directors.
   a. Written notice in the newsletter stating the time and place of all annual meetings of members and the general nature of the business to be considered shall be given by the Secretary or other person designated by the Board of Directors.
   b. The general members shall elect by ballot the Board of Directors, including the officers for the ensuing year.
   c. The general members shall transact such other business as may properly come before the meeting.

B. **RULES OF PROCEDURE**

1. The proceedings and business of this Association shall be governed by Robert's latest book on parliamentary procedure, unless otherwise provided herein.
2. **CHAIRPERSON**.
   The President shall call the meeting to order and shall act as chairperson of such meetings unless the members present shall designate another chairperson.
3. **SECRETARY**.
   The Secretary of the Neighborhood Association shall act as secretary of all meetings, but in the event of his/her absence or failure to act, the chairperson of the meeting shall appoint pro tem.
4. **MINUTES**.
   The minutes of all meetings shall be kept by the Secretary or Secretary Pro Tem and published in the newsletter.
5. **QUORUM**.
   Ten (10) general members of the Oread Neighborhood Association, present in person, shall constitute a quorum of all meetings of the members. No meeting shall be dismissed in less than thirty (30) minutes while waiting for a quorum.
6. **TRANSACTION OF ANY BUSINESS**.
   A majority of the votes of the general members present and voting shall be required for the transaction of any business on the agenda. A two-thirds majority of the votes of the general members present and voting shall be required for the transaction of any business not on the agenda.

Sec. VII. BOARD OF DIRECTORS

A. MEMBERSHIP.

The Board of Directors shall consist of thirteen (13) members:

1. The President from the previous year who shall serve as a member at large, unless he/she serves a second term in which case a fourth at-large member would be elected.
2. Twelve elected from the general membership at the annual meeting as follows:
   a. Four (4) elected officers.
   b. Two (2) members at large elected by the general membership.
   c. Six (6) area representatives, one to be a resident in each of the geographical areas of the Oread Neighborhood as defined by the Board of Directors and approved by the general membership, one to be a resident in each of the geographical areas of the Oread Neighborhood as defined by the Board of Directors and approved by the general membership. The general members in each of the six (6) geographical areas shall elect as their area representative a general member living in the same area. If no area representative is available, a resident from another area may serve on their behalf.

B. TERM OF OFFICE.

Each member of the Board of Directors shall serve a term of one (1) year and until his/her successor shall be elected.

C. VACANCY.

In the event of any vacancy on the Board of Directors, the general members shall elect a successor representative to serve for the remainder of the vacant position.

D. POWERS AND DUTIES

1. The Board of Directors shall execute the plans and policies adopted by the general membership of the Oread Neighborhood Association at any of their meetings.
2. The Board of Directors shall recommend plans and policies to the membership of the Oread Neighborhood Association.
3. The property and business of the Oread Neighborhood Association shall be managed under the general supervision of the Board of Directors.
4. The Board of Directors shall appoint individuals to assist as necessary with the operation of the Oread Neighborhood Association.
5. The Board of Directors shall prepare an Agenda for each meeting of the Oread Neighborhood Association and make its contents available to any individual requesting the same.
6. The Board of Directors shall name a nominating committee of at least three (3) general members by or before the August Board Meeting of the Association. The nominating committee shall recommend to the general members at the September/October meeting a slate of candidates for all positions to be voted upon at the annual meeting.

E. QUORUM.

Two-thirds of the members of the Board of Directors shall constitute a quorum for the transaction of business, but if at any such meeting there shall be less than a quorum present, the members of the Board of Directors present may adjourn the meeting from time to time until a quorum is present.

F. TRANSACTION OF ANY BUSINESS.

A majority of the votes of the members of the Board of Directors present and voting shall be required for the transaction of any business.

G. **MEETINGS**.

All meetings of the Board of Directors shall be open to the public.

1. REGULAR meetings of the Board of Directors may be held at such time and place within the City of Lawrence, Kansas, as shall be determined by the Board of Directors.

2. SPECIAL meetings of the Board of Directors may be called by the President upon the written request of any member of the Board of Directors. Such meetings shall be held at such time and place within the City of Lawrence, Kansas, as shall be determined by the President.

Sec. VII. **OFFICERS.**

A. **TERM OF OFFICE**.

The officers, which are President, Vice President, and Secretary/Treasurer, shall be elected for one (1) year, or until the election and qualification of their successors by the general members of the Oread Neighborhood Association at the annual meeting of the members.

B. **VACANCY**.

In the event of a vacancy in any office, the successor officer shall be elected by the general membership, and such successor officer shall hold office for the remainder of the term.

C. **POWERS AND DUTIES**.

1. **PRESIDENT**.
   The President shall be the chief executive officer of the Association, charged with the duty of supervising all of its functions, subject to the orders of the Board of Directors. S/he shall be ex officio a member of all committees.
2. **VICE-PRESIDENT**.
   The power and authority of the Vice-President shall be co-extensive and equal with that of the President and in the absence or disability of the President he/she shall perform the duties and exercise the powers of the President and perform such other duties as the Board of Directors may prescribe.
3. **SECRETARY**
   The Secretary shall issue notices and keep minutes of all meetings of the Board of Directors and all meetings of the Oread Neighborhood Association, shall conduct the correspondence of the Association, be custodian of the records, keep the roll of all members, and discharge such other duties as may be assigned to him or her by the Board of Directors or the President.
4. **TREASURER**
   The Treasurer shall collect all membership dues and shall have the care and custody of all the funds and property of the Association, which shall be disbursed by him or her only upon the order of the Board of Directors. He or she shall submit a report for the preceding year at the annual meeting and shall render special reports whenever requested to do so by the Board of Directors. He or she shall deposit all funds in the name of the Association in such financial institutions as may be designated by the Board of Directors.

Sec. IX. **CHECKS**.
All checks or demands for money of the Association shall be signed by an officer designated by the Board of Directors.

Sec. X. **INSPECTION OF BOOKS**.
Any member of the Association shall have the right to examine in person, or by his or her agent or attorney, at any time, for any purpose, the by-laws, books, accounts and records of the Association, and to make copies or extracts from them.

Sec. XI. **COMMITTEES**.
Committees shall be designated and appointed by the President as may be required.

Sec. XII. **AMENDMENTS**.
The by-laws of this Association may be amended, repealed, revised by the affirmative vote of a majority of the members present at the annual, regular or special meeting, provided that the notice of any such meeting contains a summary of the proposed amendment or amendments.

BY-LAWS OF THE OREAD NEIGHBORHOOD ASSOCIATION
Revised December 2007

Sec. I. **BOUNDARIES**.

The Oread Neighborhood is that area within the City of Lawrence, Douglas County, Kansas, which is bounded by Ninth Street on the north, Massachusetts Street on the east, Seventeenth Street on the south, Michigan Street on the northwest, the University of Kansas on the west to Gower Place, and the west boundary of the properties on the west side of Tennessee Street between 14th and 17th Streets.

Sec. II. **NAME**.

The residents and property owners within the Oread Neighborhood have formed a non-profit corporation to be known as the Oread Neighborhood Association.

Sec. III. **PURPOSE**.

The Oread Neighborhood Association is a corporation organized not for profit under the laws of the State of Kansas. Said corporation is organized exclusively for charitable and educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), including for such purposes:

1) The education of neighborhood residents, through public meetings, discussion groups, publications, panels, or other similar programs for the education of the public to promote the purposes of the Oread Neighborhood Association, to-wit: lessening neighborhood tensions, combating community deterioration, and preventing crime.
2) The making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code of 1954.

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, trustees, officers or other private persons, except that the corporation shall be authorized and empowered to any reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth herein. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislations, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. This corporation shall not have or exercise any power of authority either expressly, by interpretation or by operation of law, nor shall it directly or indirectly engage in any activity that would prevent this corporation from qualifying (and continuing to qualify) as: (a.) a corporation described in section 501(c)(3) of the Internal Revenue Code as a tax-exempt corporation; or (b.) as a corporation, contributions to which are deductible under section 179(c)(2) of the Internal Revenue Code of 1954 or the corresponding provision of any future United States Internal Revenue law.

Sec. IV. **MEMBERSHIP**.

No person shall be excluded from membership on account of sex, race, color, creed or political view. There shall be two classes of membership: general members who may vote and associate members who may not vote.

A. **GENERAL MEMBERS**.

Any person eighteen years of age or older living or owning property within the Oread Neighborhood, Lawrence, Kansas, shall be a general member of the Oread Neighborhood Association. A general member is entitled to vote at Oread Neighborhood Association meetings. Annual dues of one dollar ($1.00) are encouraged but not required.

B. **ASSOCIATE MEMBERS**
Any interested person eighteen years of age or older who neither lives in nor owns property within the Oread Neighborhood shall be an associate member of the Neighborhood Association upon payment of the annual dues of five dollars ($5.00). An associate member is not entitled to vote at Oread Neighborhood Association meetings.

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Michelle Leininger

From: Scott McCullough
Sent: Monday, December 14, 2009 9:17 AM
To: Michelle Leininger
Subject: FW: Consideration of Oread Neighborhood Plan

For PC

Scott McCullough, Director - smccullough@ci.lawrence.ks.us Planning and Development Services | www.lawrenceks.org City Hall, 6 E. 6th Street P.O. Box 708, Lawrence, KS 66044-0708 office (785) 832-3154 | fax (785) 832-3160

-----Original Message-----
From: steven c. watts [mailto:scajj@sbcglobal.net]
Sent: Wednesday, November 18, 2009 5:25 PM
To: David L. Corliss; Scott McCullough
Cc: bradfink; Steve Johnson; Jonathan Douglass; Mike Amyx; Robert Chestnut; Aron Cromwell; Michael Dever; Lance Johnson
Subject: RE: Consideration of Oread Neighborhood Plan

Mr. McCullough:

I'm starting to get a bad feeling; a very bad feeling about this process.

Believe it or not, I am a citizen of Lawrence and I am an integral part of the WE you are using. It's not a "royal" WE. It's a democratic "WE", as in WE THE PEOPLE. Bluntly, I don't like the way you throw around this term WE. You're a public servant and answer to the people....that is in the WE the People WE. You're part of the WE the People We, too.

Adding insult to injury you note:

"I will not be facilitating a discussion with the PC regarding the issues you have raised with the Oread Neighborhood Association itself or how the city chooses to allocate CDBG funds. These issues are not within the purview of the Planning Commission or within what we hope to accomplish with the planning effort."

There you go again, sir, using that unctuous "WE" which smacks of favoritism and cronyism. I AM PART OF THE WE and yet you seemingly are continuing to attempt to negate and marginalize the very real issue I am confronting the planning commission with. How can the "Oread Plan" be discussed when the boundary of the very "Oread Neighborhood" are in contention? How can WE plan when we have not successfully defined what the "Oread Neighborhood" is. Sir, you further seek to disenfranchise me, and I must protest.

I don't need you to "facilitate" the discussion; you don't even have the facts or the history and your recall and you've intimated your office doesn't have them or keep track of them? (As in Neighborhood Association By-Laws, boundaries and the history of same, minutes, etc., etc., etc., etc.). I can facilitate the discussion very nicely, thank you. Your role is to function as a city staff person who has available facts and data....but you've already intimated you don't have those. How that can be most certainly escapes me given the huge sums of money the neighborhood associations

have been allocated over the course of the past 30+ years.

Let me remind you Mr. McCullough that City staff don't run this City and neither does the City Manager or the lawyers on the City payroll. The people of the City of Lawrence run Lawrence through the City Commission.

I most certainly do not only desire the planning commission to "...consider including (my) property in the planning area....", I EXPECT it. It IS part of the Oread Neighborhood. The Oread Neighborhood Association isn't the only game in town relative to the Oread neighborhood simply because they have the name "Oread Neighborhood Association". Big Deal: That group has demonstrated their bigotry and exclusionist ways and it most certainly appears to me that your office is participating in the obfuscation of what's what when it comes to what REALLY makes up the Oread neighborhood. It's incredible at the same time it is most frightening.

Please, sir, stop using the term "WE" in your effort to exclude my participation and further marginalize a citizen of Lawrence. It's specious, unethical, and, well, disgusting. However, it does underscore the attitude of the Planning and Development Department of the City of Lawrence and I certainly hope Mr. Corliss addresses it before the City Commission is requested to do same.

I don't have the financial resources to purchase fancy computing software or pay a 3rd party to generate historical maps of the Oread Neighborhood Association's every changing boundaries. That's the job of the City Planning staff, sir.

The "purview" of the planning commission is to make a recommendation to the City Commission relative to the impending Oread Neighborhood Plan and the gerrymandering by the lone recognized and funded organization with the neighborhood is most certainly an aspect of said "purview". How can you possibly maintain it is not?

Cordially,

Steven C. Watts
1649 Edgehill Rd.
Lawrence, Kansas
Oread Neighborhood Resident

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NOTICE: This information and attachments are intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged and/or confidential. If the reader of this message is not the intended recipient, any dissemination, distribution or copying of this communication is strictly prohibited and may be punishable under state and federal law. If you have received this communication and/or attachments in error, please notify the sender via email immediately and destroy all electronic and paper copies.

--- On Wed, 11/18/09, Scott McCullough <smccullough@ci.lawrence.ks.us> wrote:

> From: Scott McCullough <smccullough@ci.lawrence.ks.us>
> Subject: RE: Consideration of Oread Neighborhood Plan
> To: "steven c. watts" <scajj@sbcglobal.net>, "Jonathan Douglass"
> <jdouglass@ci.lawrence.ks.us>, "David L. Corliss"
> <DCorliss@ci.lawrence.ks.us>

> Cc: greg@moorevaluation.com, "John Miller" <jmiller@ci.lawrence.ks.us>
> Date: Wednesday, November 18, 2009, 2:56 PM Mr. Watts,
>
> The PC packet has been distributed and, per the PC's bylaws,
> additional items will not be added to it at this late hour. You are
> welcome to submit or show any map that you produce this evening or in
> the future. The PC will be considering the plan again in December or
> January.
>
> If you would like for the PC to consider including your property in
> the planning area, then I think that is a valid request and we are
> happy to facilitate that discussion. I will not be facilitating a
> discussion with the PC regarding the issues you have raised with the
> Oread Neighborhood Association itself or how the city chooses to
> allocate CDBG funds. These issues are not within the purview of the
> Planning Commission or within what we hope to accomplish with the
> planning effort.
>
> Scott McCullough, Director - smccullough@ci.lawrence.ks.us
>
> Planning and Development Services | www.lawrenceks.org City Hall, 6 E.
> 6th Street P.O. Box 708, Lawrence, KS 66044-0708 office (785) 832-3154
> | fax (785) 832-3160
>
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>
> -----Original Message-----
> From: steven c. watts [mailto:scajj@sbcglobal.net]
>
> Sent: Wednesday, November 18, 2009 2:38 PM
> To: Jonathan Douglass; David L. Corliss; Mike Amyx; Robert Chestnut;
> Aron Cromwell; Michael Dever; Lance Johnson
> Cc: Scott McCullough
> Subject: Re: Consideration of Oread Neighborhood Plan
>
> Thank you, Jonathan.
>
> Mr. McCullough:
>
> I hope you can provide the documents, particularly the ONA boundaries
> identified in the Oct. 2001 By-Laws I have sent you, for THIS NIGHT's
> planning commission meeting. As well, any other documents I have sent
> you but which were not provided the planning commission (Particularly
> the email from the Director of CBBG HUD monies in Washington, D.C.)
> would be very helpful to have available.
>
> Too, maps for presentation via the electronic equipment for ease of
> viewing by commission members would be most helpful.
>
> Thank you
>
> Steven C. Watts
> --

>
> NOTICE: This information and attachments are intended only for the use
> of the individual or entity to which it is addressed, and may contain
> information that is privileged and/or confidential. If the reader of
> this message is not the intended recipient, any dissemination,
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>
>
> --- On Wed, 11/18/09, Jonathan Douglass <jdouglass@ci.lawrence.ks.us>
> wrote:
>
> > From: Jonathan Douglass <jdouglass@ci.lawrence.ks.us>
> > Subject: Consideration of Oread Neighborhood Plan
> > To: scajj@sbcglobal.net
> > Cc: "Scott McCullough" <smccullough@ci.lawrence.ks.us>
> > Date: Wednesday, November 18, 2009, 1:51 PM
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> > Mr. Watts,
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> > My
> > understanding is that the Planning Commission will review and
> > comment on the Oread Neighborhood Plan
> tonight
> > (but take no action),
> > the Historic Resources Commission will review it
> tomorrow,
> > then it may be back
> > to the Planning Commission for a vote in December or January, and go
> > to the City Commission sometime after that. I hope this is
> the
> > information you were

> > seeking.
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> > Sincerely,
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> >
> > Jonathan
> > Douglass
> >
> > Assistant to
> > the City Manager/City Clerk
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>

Michelle Leininger

From: steven c. watts [scajj@sbcglobal.net]
Sent: Wednesday, November 18, 2009 12:32 PM
To: Scott McCullough
Cc: David L. Corliss; Mike Amyx; Steve Johnson; Michelle Leininger; bradfink
Subject: RE: Washington, D.C. HUD weighs in....

Mr. McCullough:

I'm going to assume the memo you sent in July 2009 was written by Swarts and signed by you.

PAST PRACTICE IS NOT A DETERMINATE FOR FUTURE PRACTICE.

CDBG HUD in Washington, D.C. noted:

"In the Community Development Block Grant program, HUD makes grants to units of general local government. As HUD's grantees, units of local government (such as the city of Lawrence) are legally responsible for administering their program in accordance with all applicable laws and regulations. Whether a local government chooses to carry out CDBG-funded activities itself or to use subrecipients to carry out activities is the local government's decision. (Local governments must, of course, engage in citizen participation with its citizenry in designing its program.) Neighborhood associations, like any nonprofit organization, may receive CDBG funds as a subrecipient of the grantee if the grantee wishes to fund them. HUD does not mandate the use of subrecipients nor does HUD mandate which subrecipients (or types of subrecipients) a grantee may wish use as a subrecipient."

Who says the City cannot BEGIN AT ONCE to define neighborhood boundaries??? What LAW prohibits same?

You state in your memo: "The City does not have any legal authority or obligation to determine the boundaries of neighborhood associations and the City Commission has not directed staff to seek an authority or process for determining neighborhood association boundaries."

Who says so? What City staff person has told you that? What do you mean "no obligation"? Are you stating gerrymandering is endorsed by you and your department, not to mention the City of Lawrence????

Please be DEFINITIVE in your reply.

Thank you

Steven C. Watts

--

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--- On Wed, 11/18/09, Scott McCullough <smccullough@ci.lawrence.ks.us> wrote:

> From: Scott McCullough <smccullough@ci.lawrence.ks.us>
> Subject: RE: Washington, D.C. HUD weighs in....
> To: "steven c. watts" <scajj@sbcglobal.net>
> Cc: "David L. Corliss" <DCorliss@ci.lawrence.ks.us>, "Michelle
> Leininger" <mleininger@ci.lawrence.ks.us>, "Mike Amyx"
> <mikeamyx515@hotmail.com>, "bradfink" <bradfink@stevensbrand.com>,
> "hughcarter" <hughcarter@dgcounty.com>
> Date: Wednesday, November 18, 2009, 10:28 AM Mr. Watts,
>
> Please see the documents under City Manager's Report in the link below
> for the most recent City Commission discussion on the matter. The
> City Commission took no action on the information.
>
> http://www.lawrenceks.org/web_based_agendas/2009/07-14-09/07-14-09h/07
> -14-09_agenda_click_here.html
>
>
> Scott McCullough, Director - smccullough@ci.lawrence.ks.us
>
> Planning and Development Services | www.lawrenceks.org City Hall, 6 E.
> 6th Street P.O. Box 708, Lawrence, KS 66044-0708 office (785) 832-3154
> | fax (785) 832-3160
>
>
> -----Original Message-----
> From: steven c. watts [mailto:scajj@sbcglobal.net]
>
> Sent: Tuesday, November 17, 2009 6:48 PM
> To: Scott McCullough
> Cc: David L. Corliss; Michelle Leininger; Mike Amyx; bradfink;
> hughcarter
> Subject: RE: Washington, D.C. HUD weighs in....
>

Michelle Leininger

From: steven c. watts [scajj@sbcglobal.net]
Sent: Wednesday, November 18, 2009 12:44 PM
To: Michelle Leininger; bradfink; Mike Amyx; Robert Chestnut; Aron Cromwell; Michael Dever; Lance Johnson
Cc: Scott McCullough; David L. Corliss
Subject: Fw: RE: History of ONA Boundaries:

Ms. Leininger:

I've supplied you a set of By-Laws from the ONA from October, 2001 wherein the boundary was changed. Why your department does not compell rapid and accuarte data to be sent to your office when changes are made fully escapes me.

You now have a copy of the boundary from 2001 in text format. Kindly generate a map and supply same to the Planning Commission as well as the City Commission. Highlight the Edgehill Road section to make it easy to see that it was removed per the "current" boundaries.

This process stinks, but I'm holding my nose and going in with my boots on.

Steven C. Watts

--- On **Wed, 11/18/09, steven c. watts <*scajj@sbcglobal.net*>** wrote:

> From: steven c. watts <scajj@sbcglobal.net>
> Subject: RE: History of ONA Boundaries:
> To: "Michelle Leininger" <mleininger@ci.lawrence.ks.us>
> Cc: "Scott McCullough" <smccullough@ci.lawrence.ks.us>, "bradfink" <bradfink@stevensbrand.com>
> Date: Wednesday, November 18, 2009, 12:15 PM
>
> Ms. Leininger:
>
> Ok. Why doesn't the City compell recipients of City money to stay in close contact with your office and provide you with the required data?????? Seems like they have NOT.
>
> DId you receive the October 2001 By-Laws which outline what the boundary was THEN???
>
> Thank you
>
> Steven C. Watts
>
> --
>
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>
> --- On **Wed, 11/18/09, Michelle Leininger <*mleininger@ci.lawrence.ks..us*>** wrote:
>
> > From: Michelle Leininger <mleininger@ci.lawrence.ks.us>

Subject: RE: History of ONA Boundaries:
To: "steven c. watts" <scajj@sbcglobal.net>
Cc: "Scott McCullough" <smccullough@ci.lawrence.ks.us>, "bradfink" <bradfink@stevensbrand.com>
Date: Wednesday, November 18, 2009, 11:16 AM

Mr. Watts,

I have attached maps showing the different boundaries that I know of the Planning Office having. The first map shows the boundaries of the neighborhood when the 1979 plan was approved and the current boundaries.. The second map shows the boundaries that we had been using previously. These were updated after the start of this plan when the neighborhood association told us that we did not have the current boundaries in our GIS file. I don't have any record of when and how the boundaries were changed between 1979 and 2009 as we do not have files on the neighborhood associations. The neighborhood association would be the group to ask for the history of any boundary changes. It is the association's responsibility to let us know when any contact information changes or boundary changes are made in order to update our GIS file.

City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Michelle Leininger, AICP, *Area and Neighborhood Planner*- mleininger@ci.lawrence.ks.us

Planning Division | www.lawrenceks.org/pds/

P.O. Box 708, Lawrence , KS 66044

office (785) 832-3163 | fax (785) 832-3160

-----Original Message-----
From: steven c. watts [mailto:scajj@sbcglobal.net]
Sent: Wednesday, November 18, 2009 7:18 AM
To: Michelle Leininger
Cc: Scott McCullough; bradfink
Subject: History of ONA Boundaries:

Ms. Leininger:

Please locate the documents relative to the history of the ONA Boundaries. Surely they exist in the ONA folder in your office?

I am aware that at least the "updated 10/29/2001" By Laws note a boundary which included Edgehill Road . I believe this "updated" boundary is when Edgehill Road was added by the ONA given Edgehill Road had erroneously been a part of the University Place Neighborhood. Kindly note ALL the properties within the University Place Association are listed on plat maps as being in " University Place ". Edgehill Road is unique in that it is in Ft. Thatcher Place . The boundary in that by-law is as follows:

"The Oread Neighborhood is that area within the City of Lawrence , Douglas County, Kansas, which is bounded by Ninth Street on the North, Massachusetts Street on the east, Seventeenth Street on the south, Michigan Street on the northwest, Edgehill Road on the southwest, and the University of Kansas on the west between Michigan and Edgehill."

I trust a Google map can be created of that boundary and provided to the planning commission members for review, please.

I do not have that document in file format to email you, or I would. However, surely it is in the City's records and if it is not, surely the ONA itself has it.

It might also be useful to document the boundary of the ONA prior to October 2001.

Thank you

Steven C. Watts

--

Michelle Leininger

From: steven c. watts [scajj@sbcglobal.net]
Sent: Wednesday, November 18, 2009 1:07 PM
To: Scott McCullough
Cc: David L. Corliss; Michelle Leininger; bradfink; hughcarter; Steve Johnson; Mike Amyx; Robert Chestnut; Aron Cromwell; Michael Dever; Lance Johnson
Subject: RE: Washington, D.C. HUD weighs in....

Let me add, Mr. McCullough that just because, as you note, "...the City Commission has not directed staff to seek an authority or process for determining neighborhood association boundaries." Does NOT mean that you might suggest same to the Commission given your position within City government. WHY NOT DO THE RIGHT THING>???????

I AWAIT your prompt reply.

Thank you

Steven C. Watts

--

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--- On Wed, 11/18/09, Scott McCullough <smccullough@ci.lawrence.ks.us> wrote:

> From: Scott McCullough <smccullough@ci.lawrence.ks.us>
> Subject: RE: Washington, D.C. HUD weighs in....
> To: "steven c. watts" <scajj@sbcglobal.net>
> Cc: "David L. Corliss" <DCorliss@ci.lawrence.ks.us>, "Michelle
> Leininger" <mleininger@ci.lawrence.ks.us>, "Mike Amyx"
> <mikeamyx515@hotmail.com>, "bradfink" <bradfink@stevensbrand.com>,
> "hughcarter" <hughcarter@dgcounty.com>
> Date: Wednesday, November 18, 2009, 10:28 AM Mr. Watts,
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> Please see the documents under City Manager's Report in the link below
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> -14-09_agenda_click_here.html
>
>
> Scott McCullough, Director - smccullough@ci.lawrence.ks.us
>
> Planning and Development Services | www.lawrenceks.org City Hall, 6 E.

> 6th Street P.O. Box 708, Lawrence, KS 66044-0708 office (785) 832-3154
> | fax (785) 832-3160
>
>
> -----Original Message-----
> From: steven c. watts [mailto:scajj@sbcglobal.net]
>
> Sent: Tuesday, November 17, 2009 6:48 PM
> To: Scott McCullough
> Cc: David L. Corliss; Michelle Leininger; Mike Amyx; bradfink;
> hughcarter
> Subject: RE: Washington, D.C. HUD weighs in....
>
> Mr. McCullough:
>
> Again, I respectfully request the documentation you make mention of
> below that the Lawrence City Commission has "weighed in" on who and
> who does not determine boundaries for neighborhood association
> definition. I request the date of the meeting where this edict was
> made as well as the minutes of the meeting, please. Bluntly, I don't
> think any of it exists.
>
> What you describe is simply not possible. It's like allowing the
> parents of children to send their children to ANY school within the
> boundaries of the Lawrence School District, irrespective of where the
> parents and children live! Were parents allowed to pick the schools
> their children attend, let me suggest certain schools would see a
> massive decrease in their enrollment and other schools would see a
> massive increase: The concept and principal is the same as allowing
> "neighborhood associations" to define their own boundaries: IT DOES
> NOT WORK ANYMORE given the way the ONA has gerrymandered their
> boundaries.
>
> There are rules in place which dictate what school a child can attend
> based on where said child resides; the rules are fast and hard; (there
> is some flexibility what with "charter schools"); and the same process
> needs to be implemented in defining what is a neighborhood.
>
> It is my FIRM conviction that a neighborhood now needs to be defined
> by a neutral body, and that is the CITY.
>
> Concluding, please provide me the date of the Lawrence City Commission
> meeting where it was proclaimed the City Commission would be "hands
> off" relative to the neighborhood associations; and please supply a
> copy of the minutes.
> If what you maintain is fact, surely the date and minutes will be
> easily obtained.
>
> Thank you
>
> Steven C. Watts
> --
>

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> copies.
>
>
> --- On Mon, 11/16/09, Scott McCullough <smccullough@ci.lawrence.ks.us>
> wrote:
>
> > From: Scott McCullough <smccullough@ci.lawrence.ks.us>
> > Subject: RE: Washington, D.C. HUD weighs in....
> > To: "steven c. watts" <scajj@sbcglobal.net>
> > Cc: "David L. Corliss" <DCorliss@ci.lawrence.ks.us>,
> "Margene Swarts" <mswarts@ci.lawrence.ks.us>, "Michelle Leininger"
> <mleininger@ci.lawrence.ks.us>
> > Date: Monday, November 16, 2009, 6:10 PM
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> > Mr.
> > Watts,

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> > We mainly
> > included the emails that you
> > specifically requested be included in the PC packet, assuming that
> > you differentiated between the neighborhood plan issues and the CDBG
> issues by
> > design. The
> > neighborhood association map was included in the
> packet;
> > however, to my knowledge
> > we do not have records of previous association
> boundaries,
> > which is why we did
> > not include such a map. If you would like to print the
> map
> > in the packet and
> > mark on it as you understand the historic boundaries,
> we
> > are happy to include
> > it in the PC packet.
> >
> >
> >
> >
> > The PC will
> > not be taking action on the
> > Oread plan on Wednesday so there is opportunity to
> submit
> > additional
> > correspondence in December. From this point on we
> will
> > place all emails in the
> > PC packet, including this one.
> >
> >
> >
> >
> > I will note
> > that I have not represented
> > otherwise that it is the policy of the city to permit neighborhoods
> > to define their boundaries. To date, the City Commission has
> > determined that this will be the policy for funds allocated to
> > neighborhood associations. Similarly, it is policy that the city
> > will not manage the day to day activities of other nonprofit
> > organizations or necessarily define the
> scope of
> > their organization as
> > a condition of receiving CDBG funds. I have not represented
> > otherwise that the city controls the allocation of these funds and
> > could manage them differently if the city chose.

> >
> >
> >
> >
> > Scott
> > McCullough, Director -
> > smccullough@ci.lawrence.ks.us
> >
> >
> >
> > Planning
> > and Development Services | www.lawrenceks.org
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> > Street
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> >
> > From: steven c.
> > watts
> > [mailto:scajj@sbcglobal.net]
>
> >
> > Sent: Monday,
> > November 16, 2009
> > 4:44 PM
> >
> > To: Scott
> > McCullough

> >
> > Cc: David L.
> > Corliss
> >
> > Subject: Fw:
> > Washington, D.C. HUD
> > weighs in....
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> > Mr. McCullough:
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> > What does it take in this town to get
> equal
> > representation and treatment
> > under the law?? I have just now
> reviewed the
> > "packet" of
> > material for the Nov. 16, 2009
> planning commission
> > meeting and I find only a
> > handful of several emails I have sent
> to your office
> > relative to the problems
> > associated with the Oread
> Neighborhood
> > plan.
> >
> >
> >
> >
> >
> > Below, you will find an email I
> > forwarded to your
> > office from HUD in Washington ,
> > D.C. which flat out spells the
> > facts relative to CDBG monies. Why
> is this email,
> > among several others,
> > NOT in the packet???
> >
> >
> >
> >
> >
> > Also, why is the HISTORY of the
> > Oread Neighborhood

> > association boundaries NOT in the
> packet?
> > They've changed the
> > boundaries many times.
> >
> >
> >
> >
> >
> > What do I have to do to make
> > certain this data is
> > included in the informational packets
> for the
> > commission? My
> > expectation is that ALL my email
> traffic which CC's
> > you relative to the ONA
> > is placed in that packet for their
> review. What do
> > I need to do to get
> > your staff to include my information?
>
> >
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> > This process is becoming more
> > and more specious.
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> > Please advise.
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> > Steven C.
> > Watts
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> >
> >
> > --- On Mon, 11/9/09,
> > steven c. watts <scajj@sbcglobal.net>
> > wrote:
> >
> >
> >
> >
> > From: steven c. watts <scajj@sbcglobal.net>
> >
> > Subject: Washington ,
> > D.C. HUD weighs in....
> >
> > To: robchestnut@sunflower.com,
> "Amyx, Mike"
> > <mikeamyx515@hotmail.com>
> >
> > Cc: "Corliss, Mr. David"
> > <dcorliss@ci.lawrence.ks.us>,
> > "McCullough, Scott"
> > <smccullough@ci.lawrence.ks.us>,
> > bradfink@stevensbrand.com
> >
> > Date: Monday, November 9, 2009, 1:08
> PM
> >
> >
> >
> > Gentlemen:

> >
> >
> >
> >
> >
> > I forward a recently received
> > email from HUD's CDBG
> > program in Washington ,
> > D.C and more specifically, DGBE
> Director,
> > Entitlement Communities
> > Division Mr. Steve Johnson.
> >
> >
> >
> >
> >
> > Mr. Johnson notes in the
> > forwarded email that each
> > recipient community makes its own
> decisions relative to
> > Neighborhood
> > Associations; in this instance he
> > essentially confirms that the City of
> > Lawrence, Kansas has chosen to allow
> the "target
> > neighborhood
> > associations" to define themselves
> and thus, it is
> > confirmed that it has
> > been past POLICY of the City of
> Lawrence and it is NOT
> > the federal law which
> > has allowed same. Mr. Johnson
> notes
> > "Regarding
> > your question of whether city staff vs. elected
> > officials should be making
> programmatic decisions, this
> > is a local matter,
> > governed by state or local
> law."
> >
> >
> >
> >
> >
> > It is past time for the Lawrence
> > City Commission to
> > acknowledge its collective and
> definitive role in the
> > defining of
> > neighborhoods given the way the Oread

> Neighborhood
> > Association has
> > gerrymandered the Oread neighborhood "definition" and
> >"boundaries".
> > What more evidence due you require
> from me to get this
> > glaring inequality
> > rectified???
> >
> >
> >
> >
> >
> > Too, Mr. Johnson makes mention
> > of "neighborhood
> > associations" being actual non-profit
> corporations
> > and yet I know of no
> > such requirement for said
> associations in
> > Lawrence . Hence, I am even more
> > confused how these five (5)
> "associations" can
> > be given one red
> > cent, let alone gerrymander their
> collective
> > boundaries.
> >
> >
> >
> >
> >
> > I would appreciate a response
> > from each of you,
> > please. Just because "....we've
> > always done it this
> > way..." (administer CDBG monies) does
> not mean
> > it's the right for now
> > and the future. Margene Swarts and
> Mr. McCullough
> > do not, as city
> > staff, make the decisions; rather the
> Lawrence City
> > Commission does; Right??
> >
> >
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> >
> > Thank you
> >
> >

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> >
> > Steven C.
> > Watts
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> >
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> attachments are
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> >
> >
> > ----------
> > Forwarded Message: ----------

> >
> > From: "Johnson, Steve"
> > <steve.johnson@hud.gov>
>
> >
> > To: "'steven c. watts'"
> > <scajj@sbcglobal.net>
>
> >
> > Cc: "Lipscomb, Eugene "
> > <Eugene.Lipscomb@hud.gov>,
> > "'Stanley_Gimont@hud.gov'"<Stanley_Gimont@hud.gov>,
> > "Kome, Jessie
> > Handforth"<Jessie.Handforth.Kome@hud.gov>
>
> >
> > Subject: RE: Neighborhood
> Associations, HUD, and CDBG
> > Monies
> >
> > Date: Mon, 09 Nov 2009 16:53:30
> +0000
> >
> > Dear Mr.
> > Watts:
> >
> >
> >
> >
> > Thank you for your
> > inquiry of last week regarding the
> > CDBG program in Lawrence ,
> > KS . You asked several
> > questions about the role of cities
> versus neighborhood
> > associations in
> > administering CDBG funding.
> >
> >
> >
> >
> > Neighborhood
> > associations, like most any other
> > nonprofit organization, are creatures
> of state and local
> > law, not federal
> > law. With the possible exception of
> how they are
> > treated under IRS tax
> > laws, I do not know of any federal
> laws dealing
> > specifically governing the
> > organization, incorporation,

> boundaries and operation of
> > neighborhood
> > associations. HUD does not mandate
> anything
> > regarding boundaries of
> > neighborhood associations because
> they are not a matter
> > under federal
> > purview.
> >
> >
> > In the Community
> > Development Block Grant program, HUD
> > makes grants to units of general
> local government.
> > As HUD's
> > grantees, units of local government
> (such as the city of
> > Lawrence) are legally responsible for
> > administering their program in
> accordance with all
> > applicable laws and
> > regulations. Whether a local
> government chooses to
> > carry out
> > CDBG-funded activities itself or to
> use subrecipients to
> > carry out activities
> > is the local government's decision.
> (Local
> > governments must, of
> > course, engage in citizen
> participation with its
> > citizenry in designing its
> > program.) Neighborhood
> associations, like any
> > nonprofit organization,
> > may receive CDBG funds as a
> subrecipient of the grantee
> > if the grantee wishes
> > to fund them. HUD does not mandate
> the use of
> > subrecipients nor does
> > HUD mandate which subrecipients (or
> types of
> > subrecipients) a grantee may
> > wish use as a subrecipient.
> >
> >
> > The CDBG regulations
> > specify certain requirements
> > local governments must follow when
> they use subrecipients

> > to implement
> > CDBG-funded activities. 24 CFR
> 570.501(b) of the
> > CDBG regulations reads
> > in part:
> > (b) The recipient
> > is responsible for ensuring that CDBG
> funds are used in
> > accordance with all
> > program requirements. The use of
> designated public
> > agencies, subrecipients,
> > or contractors does not relieve the
> recipient of this
> > responsibility. The
> > recipient is also responsible for
> determining the
> > adequacy of performance
> > under subrecipient agreements and
> procurement contracts,
> > and for taking
> > appropriate action when performance
> problems arise, such
> > as the actions
> > described in §570.910.
> > 24 CFR 570.502 spells
> > out the applicability of uniform
> > administrative requirements governing
> the use of CDBG
> > funds by grantees and
> > subrecipients. 24 CFR 570.503
> requires that grantees must
> > have written
> > agreements with subrecipients that
> receive CDBG funds,
> > and spells out the
> > required elements of a subrecipient
> agreement. It
> > is the city's
> > responsibility to ensure that
> subrecipients, including
> > neighborhood
> > associations, comply with all federal
> requirements in
> > carrying out
> > CDBG-assisted activities.
> >
> >
> > Your message asks about
> > the ability of neighborhood
> > associations to exclude certain
> groups from their
> > membership. Any

> > subrecipient that receives CDBG funds
> must comply with
> > federal fair housing
> > and civil rights requirements. A
> subrecipient that
> > is receiving CDBG
> > funds and that is violating such
> requirements would, of
> > course, be a matter
> > of federal interest. If you have
> concerns that
> > these laws are being
> > violated, you should contact the
> Regional Office of Fair
> > Housing and Equal
> > Opportunity:
> >
> > Kansas
> > City
> > Regional Office of FHEO
> >
> > U.S.
> > Department of Housing and Urban
> Development
> >
> > Gateway Tower II
> >
> > 400 State Avenue ,
> > Room 200
> >
> > Kansas City ,
> > Kansas 66101 -2406
> >
> > (913) 551-6958
> >
> > 1-800-743-5323
> >
> > TTY (913) 551-6972
> >
> > Fair Housing and civil
> > rights complaints may also be
> > filed on-line via HUD's website,
> > at:
> >
> >http://portal.hud.gov/portal/page/portal/HUD/topics/housing_discrimin
> >ation
> >
> >
> >
> > Regarding your question
> > of whether city staff vs.
> > elected officials should be making
> programmatic

> > decisions, this is a local
> > matter, governed by state or local
> law. A unit of
> > general local
> > government is a single corporate
> entity organized under
> > state and local law;
> > the CDBG statute and regulations do
> not assign specific
> > grant administration
> > responsibilities to different
> branches of units of
> > general local government.
> >
> >
> > I hope this provides
> > the information you sought.
> > Thank you for your interest in the
> programs of
> > HUD.
> >
> >
> >
> >
> >
> > Steve
> > Johnson
> >
> > Director, Entitlement
> > Communities Division
> > HUD
> > Headquarters
> >
> >
> >
> >
> > From: steven c.
> > watts
> > [mailto:scajj@sbcglobal.net]
>
> >
> > Sent:
> > Thursday, November 05,
> > 2009 12:01 PM
> >
> > To:
> > Stanley_Gimont@hud.gov;
> > Kome, Jessie Handforth; Johnson,
> Steve
> >
> > Cc:
> > Lipscomb, Eugene
> >

> > Subject:
> > Neighborhood
> > Associations, HUD, and CDBG Monies
> >
> >
> >
> >
> > Greetings from
> > Kansas Mr. Gimont, Ms.
> > Kome, and Mr. Johnson:
> >
> >
> >
> >
> >
> > As I am unsure
> > which one of you to address, I shall
> begin with all
> > three.
> >
> >
> >
> >
> >
> > Please review
> > the email traffic below; beginning
> from the bottom and
> > making your way up.
> >
> >
> >
> >
> >
> > While I respect
> > the fact that HUD works with and
> through local
> > governmental entities as
> > opposed to individuals, I am
> compelled to believe that
> > there are those times
> > and matters where officials such as
> yourselves must
> > deviate from
> > "policy" and get involved.
> >
> >
> >
> >
> >
> > I wholly
> > disapprove of your subordinates'
> attitudes and lack
> > of "customer

> > service" as well as their refusal to
> seek out facts
> > or respond to
> > questions from a member of HUD's CDBG
> target
> > population as well as their
> > obvious efforts to marginalize and
> negate my
> > participation and identification
> > of what I believe to be a rather
> significant
> > matter/problem. Too, the
> > outright refusal of your Region VII
> director, Mr.
> > Lipscomb, to communicate
> > with a citizen certainly underscores
> it's
> > "....bizness as usual....."
> > here in Kansas
> > which is the exact opposite of the
> President's call
> > for transparency within
> > government.
> >
> >
> >
> >
> >
> > Please advise
> > and kindly provide answers to the
> questions outlined
> > below.
> >
> >
> >
> >
> >
> > Thank you
> >
> >
> >
> >
> >
> > Steven C. Watts
> >
> >
> >
> > 1649 Edgehill
> > Rd.
> >
> >
> >
> > Lawrence ,

> > KS 66044 -4193
> >
> >
> >
> >
> >
> >
> >
> > ----------
> > Forwarded Message: ----------
> >
> > From: "steven c. watts"
> > <scajj@sbcglobal.net>
>
> >
> > To: "Gutierrez, Agatha R"
> > <agatha.r.gutierrez@hud.gov>,
> > "Eugene.Lipscomb"
> > <Eugene.Lipscomb@hud.gov>,
>
> >
> > Subject: RE: Neighborhood
> Associations, HUD, and CDBG
> > Monies
> >
> > Date: Wed, 04 Nov 2009 17:24:28
> +0000
> >
> >
> > Ms. Gutierrez,
> >
> >
> >
> >
> >
> >
> >
> > Oh really?
> > What is the "complaint" you shall be addressing? What is the
> > process?
> >
> >
> >
> >
> >
> > Thank you
> >
> >
> >
> >
> >
> > Steven C. Watts
> >

> >
> > --
> >
> > --
> >
> > NOTICE: This information and
> attachments are
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> > intended only for the use of the
> individual or
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> > state and federal law. If you have
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> > notify the sender via email
> immediately and
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> > destroy all electronic and paper
> > copies.
> >
> >
> >
> >
> >
> > ----------
> > Original message from "Gutierrez,
> Agatha R"
> > <agatha.r.gutierrez@hud.gov>:
> ----------
> >
> >
> > Mr.

> > Watts,
> >
> >
> > We
> > have reviewed your emails and are treating this matter
> as a
> > formal written complaint to HUD. We
> will follow our
> > normal complaint
> > procedures and will provide a written
> response to you
> > within the next 10
> > days.
> >
> >
> > Thank
> > you.
> >
> >
> > Agatha
> > Gutierrez
> >
> >
> >
> >
> >
> >
> > From: steven c.
> > watts
> > [mailto:scajj@sbcglobal.net]
>
> >
> > Sent:
> > Wednesday, November 04,
> > 2009 6:36 AM
> >
> > To:
> > Gutierrez, Agatha R;
> > Lipscomb, Eugene
> >
> > Cc: Porter,
> > Theresa; Buckner,
> > Dana; Corliss, Mr. David; McCullough,
> Scott
> >
> > Subject:
> > Neighborhood
> > Associations, HUD, and CDBG Monies
> >
> >
> >
> >
> > Greetings Region

> > VII HUD:
> >
> >
> >
> > Please advise relative to regulations
> and law (NOT
> > internal policy) what
> > responsibilities recipient
> municipalities of HUD CDBG
> > monies have with
> > respect to neighborhood associations
> which receive CDBG
> > monies from the
> > municipality.
> >
> >
> >
> >
> >
> > City staffers
> > within the City of Lawrence, Kansas
> maintain HUD MANDATES
> > the City itself
> > shall not regulate the boundaries of
> any neighborhood
> > association; rather
> > each and every (any) association
> defines itself. I
> > believe this is a
> > policy of the City staffers and NOT
> HUD mandates or
> > federal law. What
> > mechanism has been set up within HUD
> for re-dress when a
> > citizen believes
> > that specific sectors of a geographic
> area have been
> > excluded from an
> > identified boundary? Is it
> acceptable practice in
> > HUD's view for a
> > municipality to allow a neighborhood
> association to
> > exclude a section of a
> > geographic neighborhood because the
> association does not
> > want, say, a block
> > of people of the Jewish faith? A
> block of people who are
> > African-American? A block or two of
> people who are
> > of Hispanic
> > origin? Or a block or two of people

> who are members
> > of an "undesirable"political
> > party?
> >
> >
> >
> >
> >
> > Isn't it a fact that
> > the local municipality makes the decision as
> > to how much oversight said community
> chooses to provide
> > relative to how
> > boundaries are established? Isn't
> it a fact
> > that a municipality itself
> > can establish and define boundaries
> in describing
> > neighborhoods to
> > HUD? Should simple City Staffers be
> making the
> > decisions as to the
> > "local rules" with respect to what
> constitutes
> > a "neighborhood
> > association"; or should it not be
> done by elected
> > officials who are
> > voted into office by the people of
> said municipality and
> > who represent the
> > people of same? Something isn't
> right when a
> > very small handful of
> > fairly high paid, entrenched "civil
> servants"
> > (city workers) define
> > the "game's"
> > rules.
> >
> >
> >
> >
> >
> > Thank you
> >
> >
> >
> >
> >
> > Steven C. Watts
> >
> >

> >
> > 1649 Edgehill
> > Rd.
> >
> >
> >
> > Lawrence ,
> > KS   66044 -4193
> >
> >
> >   --

Michelle Leininger

From: Scott McCullough
Sent: Monday, December 14, 2009 9:17 AM
To: Michelle Leininger
Subject: FW: DOCUMENTATION

Attachments: Memorandum



Memorandum

For PC

Scott McCullough, Director - smccullough@ci.lawrence.ks.us Planning and Development Services | www.lawrenceks.org City Hall, 6 E. 6th Street P.O. Box 708, Lawrence, KS 66044-0708 office (785) 832-3154 | fax (785) 832-3160

-----Original Message-----
From: steven c. watts [mailto:scajj@sbcglobal.net]
Sent: Monday, November 30, 2009 9:47 AM
To: Mike Amyx; Margene Swarts; bradfink@stevensbrand.com
Cc: David L. Corliss; Scott McCullough; Theresa Porter; Steve Johnson; clawhorn@ljworld.com
Subject: RE: DOCUMENTATION

Ms. Swarts:

http://www.lawrenceks.org/web_based_agendas/2009/08-04-09/08-04-09h/as_cc_minutes_071409.pdf is the web site for the minutes to the July 14, 2009 Lawrence City Commission meeting: NO ACTION WAS TAKEN BY THE CURRENT COMMISSION RELATIVE TO THE DEFINING OF NEIGHBORHOOD BOUNDARIES.

Further, you yourself note in your letter, and I quote now for the 2nd time:

"With regard to neighborhood association boundaries, it has long been the policy of the City to permit neighborhoods to define their boundaries, regardless of their eligibility for CDBG funds. To date, the City Commission has determined that this will be the policy for neighborhood associations which are allocated CDBG funds."....."It is true the City controls the allocation of these funds and could manage them differently if the City so chose."

However, you have yet to provide me the requested information identifying WHEN the City of Lawrence via the Lawrence City Commission made an official decision relative to it's chosen role in the defining of these boundaries. Please provide me with the definitive date and a copy of the minutes wherein City staff were directed by the Lawrence City Commission to NOT be involved with the defining of the neighborhood association boundaries.

I believe you cannot provide this information for the simple fact it does not exist. However, it is important for the record that you state one way or the other please. If you are not going to do it, I request that Mr. McCullough provide the requested information....one way or the other.

I do have the internet link to the Memo Mr. McCullough sent to City Manager Mr. Corliss....but it's just a regurgitation of the double-speak you have been supplying. Quoting from that memo: "The City does not have any legal authority or obligation to determine the boundaries of neighborhood associations and the City Commission has not directed staff to seek an authority or process for determining neighborhood association boundaries." That's just a memo from one City staff person to another. It isn't fact and it isn't the law. It's doublespeak for "We have always done it this way...." and that way is the Marge Swarts way.

That very same memo goes on to state: "Today, neighborhood associations' importance remains high as they also provide standing in the Development Code to receive notice on certain land use applications and also are a driving force in drafting and revising neighborhood plans." Darn right they remain high and they are "more equal" than one lone citizen who has been disenfranchised because a City staff person, YOURSELF, wants to dictate how much involvement the City Commission has relative to getting involved in a blatant gerrymandering of a "neighborhood associations" boundary.

Additionally, that same memo notes: "However, as noted previously, neighborhoods were provided technical assistance by city staff in determining needs as well as boundaries but the actual decision was left to the neighborhood and not dictated by the city." Oh really???? What manner of "technical assistance" was provided to the ONA relative to the removal of Edgehill Road from the boundaries? Did the "city staff" endorse this removal???

Please provide a cogent date and the minutes for the Lawrence City Commission where a vote was taken about who defines neighborhood association boundaries. If no such meeting date exists, please so state, mam.

Thank you

Steven C. Watts

--

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--- On Mon, 11/30/09, Margene Swarts <mswarts@ci.lawrence.ks.us> wrote:

> From: Margene Swarts <mswarts@ci.lawrence.ks.us>
> Subject: RE: Documetation
> To: "steven c. watts" <scajj@sbcglobal.net>, "Mike Amyx"
> <mikeamyx515@hotmail.com>
> Cc: "David L. Corliss" <DCorliss@ci.lawrence.ks.us>, "Scott
> McCullough" <smccullough@ci.lawrence.ks.us>, "Theresa Porter"
> <Theresa.M.Porter@hud.gov>, "Steve Johnson" <steve.johnson@hud.gov>,
> clawhorn@ljworld.com
> Date: Monday, November 30, 2009, 9:11 AM Mr. Watts:
>

> Staff has provided you all the information available for this issue,
> including the link to the July 14, 2009 City Commission meeting where
> information on this issue was provided to the City Commission for
> their consideration. Thank you. MKS
>
> Margene K. Swarts, Assistant Director, mswarts@ci.lawrence.ks.us
> Planning and Development Services Department Development Services |
> City of Lawrence, Kansas
> 1 Riverfront Plaza, Level 1, Suite 110 P.O. Box 708, Lawrence, KS
> 66044 office 785-832-3117 | fax 785-832-3110
>
>
> -----Original Message-----
> From: steven c. watts [mailto:scajj@sbcglobal.net]
>
> Sent: Saturday, November 28, 2009 12:33 PM
> To: Margene Swarts; Mike Amyx
> Cc: David L. Corliss; Scott McCullough; Theresa Porter; Steve Johnson;
> clawhorn@ljworld.com
> Subject: Documetation
>
> Ms. Swarts:
>
> Kindly refer to your letter to me dated November 20, 2009; postmarked
> on November 23, 2009 from zip code 66214; and received by me on
> Saturday, November 28, 2009:
>
> This letter is a purported "explanation" of the gerrymandering the
> CDBG funded Oread Neighborhood Association of Lawrence, Kansas has
> been allowed to perpetrate on the City of Lawrence. You
> note: "With regard
> to neighborhood association boundaries, it has long been the policy of
> the City to permit neighborhoods to define their boundaries,
> regardless of their eligibility for CDBG funds. To date, the City
> Commission has determined that this will be the policy for
> neighborhood associations which are allocated CDBG funds."....."It is
> true the City controls the allocation of these funds and could manage
> them differently if the City so chose."
>
> Please provide documentation relative to the City Commission of
> Lawrence, Kansas determining the policy for City staff to implement
> such that neighborhood associations define their own boundaries. Such
> documentation should include the dates of the public City Commission
> meetings where these decisions have been made and copies of the
> minutes of those meetings. Frankly, I do not believe they can exist
> because I do not believe that the City Commission has ever established
> an official policy for City staff to follow. On the contrary, I
> believe City staff have misinformed previous City commissions in
> advising said previous commissions as to exactly the depth of the
> authority the City Commission has relative to the neighborhood
> association boundaries and how CDBG monies are awarded to these
> associations. The five target neighborhoods in Lawrence, each
> receiving CDBG monies, are 100% funded by the city unlike other "not

> for profit" outfits in Lawrence, Kansas which are also awarded some
> CDB sponsored funding.
>
> Your letter further obfuscates the issue I have presented to the City
> as well as HUD by stating that the Oread Neighborhood Association
> provides various forms of data and other information: While the ONA
> MAY do such, it is not on any type of timely basis and it is not
> monitored by City staff to be accurate or timely.
>
> The gerrymandering of the ONA boundary seems to be accepted by City
> staff as a proper practice. By so endorsing, the City of Lawrence has
> disenfranchised me from meaningful participation in City government
> matters: Neighborhood associations hold far more "sway" with
> government officials than one individual in Lawrence, Kansas; I know
> as I have watched the process for the past eight years. The old adage
> "There is safety in numbers" holds water in this instance.
>
> Cordially,
>
> Steven C. Watts
> 1649 Edgehill Rd.
> Lawrence, KS 66044-4193
>
>
>
> --
>
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> of the individual or entity to which it is addressed, and may contain
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> the sender via email immediately and destroy all electronic and paper
> copies.
>
>

Michelle Leininger

From: Saved by Windows Internet Explorer 8
Sent: Wednesday, November 18, 2009 1:00 PM
Subject: Memorandum

Memorandum
City of Lawrence
Planning & Development Services

TO: **David L. Corliss, City Manager**

FROM: **Scott McCullough, Director**

CC: **Cynthia Boecker, Assistant City Manager**
Diane Stoddard, Assistant City Manager

Date: **For July 14, 2009 City Commission Agenda**

RE: **Neighborhood Association Boundaries**

Vice Mayor Amyx requested a report on the city's role in determining a neighborhood association's boundaries.

It is fair to say that there has not been a typical practice or policy regarding the city's participation in helping to determine neighborhood association boundaries in the past. The city and neighborhoods alike have often worked cooperatively in the past to establish boundaries that would be conducive to receiving federal CDBG and other funds. While there have been instances where the city and a neighborhood work together to implement common goals, current practice is that the city mainly leaves the boundaries up to the neighborhoods to determine. Although the city staff has provided technical assistance to neighborhoods to determine needs and goals and establish neighborhood boundaries, it has never been a practice or policy of any City department or division to dictate such boundaries to a neighborhood.

Neighborhood associations were particularly instrumental during the mid-1970's when CDBG funds were first introduced and communities were encouraged to revitalize, redevelop, and maintain existing neighborhoods with infrastructure improvements and housing rehabilitation. Neighborhood plans were created by the residents for the five original neighborhoods that were eligible for CDBG funds (Brook Creek [formerly Far East Lawrence], East Lawrence, North Lawrence, Oread, and Pinckney). However, as noted previously, neighborhoods were provided technical assistance by city staff in determining needs as well as boundaries but the actual decision was left to the neighborhood and not dictated by the city. Today, neighborhood associations' importance remains high as they also provide standing in the Development Code to receive notice on certain land use applications and also are a driving force in drafting and revising neighborhood plans.

Neighborhood associations are separate entities from the City of Lawrence, as are other organizations and vendors who may receive funding from the City. The City does not have any legal authority or obligation to determine the boundaries of neighborhood associations and the City Commission has not directed staff to seek an authority or process for determining neighborhood association boundaries.

Michelle Leininger

From: Scott McCullough
Sent: Monday, December 14, 2009 9:17 AM
To: Michelle Leininger
Subject: FW: LAWRENCE NOT ELIGIBLE FOR federal HOME Investment Partnerships Program

For packet

Scott McCullough, Director - smccullough@ci.lawrence.ks.us Planning and Development Services | www.lawrenceks.org City Hall, 6 E. 6th Street P.O. Box 708, Lawrence, KS 66044-0708 office (785) 832-3154 | fax (785) 832-3160

-----Original Message-----
From: steven c. watts [mailto:scajj@sbcglobal.net]
Sent: Wednesday, December 02, 2009 5:32 PM
To: Mike Amyx; bradfink@stevensbrand.com
Cc: David L. Corliss; Scott McCullough
Subject: LAWRENCE NOT ELIGIBLE FOR federal HOME Investment Partnerships Program

http://www.kshousingcorp.org/programs/hr.shtml

Because the City of Lawrence has chosen to draw down CDBG monies, it is NOT ELIGIBLE to access federal HOME Investment Partnerships Program monies for moderate to low income federal HOME Investment Partnerships Program monies.

Given that the City has made a CHOICE to receive CDBG monies directly, it strikes me that the City has taken on the responsibility of making certain neighborhood associations be monitored by the City of Lawrence.

If you want me to find other programs the City of Lawrence CANNOT RECEIVE FROM THE FEDERAL GOVERNMENT BECAUSE IT RECEIVES CDBG MONIES, I WILL BE MOST HAPPY TO SUPPLY YOU A LIST.

Thank you

Steven C. Watts
--

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Michelle Leininger

From: steven c. watts [scajj@sbcglobal.net]
Sent: Monday, December 14, 2009 9:53 AM
To: Mike Amyx; Scott McCullough
Cc: Michelle Leininger
Subject: Re: Agenda Packet

excuse me.....there is an error or two (typo's): It should read:

"I don't understand why Quantrill's exit from Lawrence is **NOT** included, as an example: It is believed in many circles that the man and his band rode down what is now LOUISIANA STREET FROM THE CHANCELLOR'S HOUSE to get out of town." is how the sentence should read.

----- Original Message -----
From: steven c. watts
To: Mike Amyx ; Scott McCullough
Cc: Michelle Leininger
Sent: Monday, December 14, 2009 8:58 AM
Subject: Re: Agenda Packet

Mr. McCullough:

I see that the "history" of the "neighborhood" is included in the draft plan. However, that "history" excludes the sordid removal of Edgehill Road from the boundary following it's inclusion.

The propaganda which is purported to be history does not belong in that plan. I don't understand why Quantrill's exit from Lawrence is included, as an example: It is believed in many circles that the man and his band rode down what is now LOUISIANA STREET FROM THE CHANCELLOR'S HOUSE to get out of town.

I certainly hope "staff" can put an accurate history of the neighborhood in the plan, please.

Edgehill Road is a part of the Oread Neighborhood. I don't understand how there can be an "Oread Plan" until the neighborhood is DEFINED BY THE CITY. I say Edgehill Road is a PART of the Oread neighborhood; and I also say that the North side of Louisiana Street from Sunnside Ave. to Edgehill Road is a part of the Oread Neighborhood and I expect that to be in the Plan.

Please advise.

Steven C. Watts

----- Original Message -----
From: Scott McCullough
To: steven c. watts
Cc: Michelle Leininger
Sent: Monday, December 14, 2009 8:24 AM
Subject: RE: Agenda Packet

Mr. Watts,

We will be posting the entire communications packet to the website later today. Please note that the PC is only receiving the revised draft this week, and not being asked to take action, in order to allow the plan to be publicly reviewed during the next 30 days and will consider it again in January.

Scott McCullough, *Director* - smccullough@ci.lawrence.ks.us
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

From: steven c. watts [mailto:scajj@sbcglobal.net]
Sent: Saturday, December 12, 2009 3:31 PM
To: Scott McCullough
Cc: David L. Corliss; Mike Amyx
Subject: Agenda Packet
Importance: High

It was my understanding from you, Mr. McCullough that all my email traffic relative to the ONA was to be included in the Agenda packet data for the planning commission for the impending Dec. 14 and Dec. 16 meetings. They're not there from everything I can find.

Too, I was advised that the Oread Neighborhood Plan was not an Agenda item for the month of November and it wasn't necessary for me to attend; now, however, I read it was a matter that was discussed.

What they hey is going on there? Isn't the deck stacked enough as it is? Why are you doing your level best to support bizness as usual? I thought as a city staff member, your job was to be neutral.

Where are all the emails I have sent about the ONA, CDBG monies, and my perception that the matters all one big issue? It's not your place to pick and choose what it's included.

Please advise.

Steven C. Watts

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Michelle Leininger

From: steven c. watts [scajj@sbcglobal.net]
Sent: Monday, December 14, 2009 11:51 PM
To: Michelle Leininger; Scott McCullough
Cc: Bradley R. Finkeldei; lharris1540@gmail.com; hughcarter@dgcounty.com; David L. Corliss
Subject: Nov. 18 Recording of Planning Commission Meeting
Attachments: ONA By-lawsOct2001.doc

Greetings.

I am astounded and grossly offended at what I am listening to as I type this message to you. I am hearing the planning commission discuss (Moore is doing the talking) "....the tone and tenor of the conversation that has gone on over this property...." (at 01:21:21 into the recording)"....it has become quite apparent why it is not in the plan....(laughter from both commission members and the "gallery"....)"....and that's why I think I'm just going to stay out of it...". At 01:26:00 forward the male speaking notes "The personality is awful....". EXCUSE ME? When do I get to make my PERSONAL remarks about cronyism, deal making, and some other choice descriptors I have in a public meeting?

However, the fact it went on when I was not present is most intriguing and validating of my view of the process.

I must assert again, that one's personality has nothing to do with what is just; Nor does it have anything to do with the Oread Neighborhood Plan; Nor should it even be a source of discussion.

After over 7 years of, essentially, doing "battle" with the ONA Board let me suggest you'd be at your wits end too and your "...tone and tenor...." would be strained at best.

Let me set the record straight: The ONA did VERY LITTLE to assist my request relative to parking on Edgehill Road other than to "allow" me appear before the Board and pitch my cause. It took all of 15 minutes and I was told I had to leave the Board meeting, which was CONTRARY to the By-Laws of the Association. I was seeking NO PARKING AT ALL on the SOUTH side of Edgehill Road to mirror the rest of the neighborhood given Edgehill Road is the ONLY street in the University footprint that allows parking on both sides of the road. It was I who attended several Traffic Safety Commission meetings; the Traffic Safety Commission meeting did NOT endorse my request for NO PARKING. Their recommendation went to the City Commission and it was I who went to the City Commission meeting and pitched my case. Yes, the ONA also went and it was at that very City Commission meeting where I learned a single citizen counts for nothing and that "neighborhood association" people whose friends are on the City Commission (personal friends at that) get all the attention. Yes, the ONA "supported" my request for NO PARKING, but it did not do so as an Association "request"; they merely "weighed in" on the matter **despite the fact I was an actual member of the Association and Edgehill Rd. was, at that time, part of the ONA** (See attached By-Laws updated 10/21/2001 which outline the boundary). The City Commission established a "compromise" and made "NO PARKING" on the SOUTH side of Edgehill Road from the beginning of my property to the end of the property at 1647 Edgehill Road. Francisco owned that house at the time; was renting it to students; and those students couldn't have cared less about the parking issue. The frats at the top of the hill did as did the sorority. The ONA does NOT WANT active participation from this part of the neighborhood because they fear it will "water down" their efforts relative to their own personal properties within the student ghetto of ONA. They know I will be active and vigilant relative to advocating vigorously this side of the neighborhood's needs and future.

As a low income person, my eligibility for any future programs which require one to reside in a "target neighborhood" in order to be "first in line" is greatly impacted if I am not in same! None of the people you're working with are low income people!! To the contrary, they're wealthy! Hell, why should they care about a low-income senior citizen in their own neighborhood?>?> It is critical that my property be in a target neighborhood for possible future projects that are currently under discussion in Washington, D.C. and particularly given the "tone and tenor" of President Obama's domestic policies.

I have, at least three different times, provided the history of when Edgehill Road was a part of the ONA, but no one is listening to me. Everyone is listening to Marci Francisco, Carol Van Tersch, and the tearful wails of Candice Davis. Here is the history again:

Edgehill Road WAS part of University Place neighborhood until sometime in 2001 when an agreement was made between the ONA and University Place to allow ONA to annex Edgehill Rd. and the SOUTH side of Lousiana Street from Sunnyside Ave. to Edgehill Road. That was all fine and good until I began to participate in early 2002; pointed out to the ONA Board that they were not following the By-Laws; provided them with the detailed work I had done with the two frat houses at the top of Edgehill Road to adopt the neighborhood for trash clean up purposes (I had done all this work via telephone and email in 2001 while I was still residing and working in Hawaii, but knew I was returning to Lawrence the last part of 2001) and requested the ONA take up the cause as an Association relative to this trash clean up. They did nothing. Terrance Riordan, MD was the Board person who was placed in charge of the matter and he, as far as I know, trash canned the data. I didn't like that.

Edgehill Road and that section of Lousiana Street was quietly written out of the ONA Boundaries in 2004 or 2005. You have the notes I received from then ONA Board President James Dunn acknowledging the fact I had not been noticed about the "discussion" of "re-writing" the boundaries.

Back to the Nov. 18, 2009 Planning Meeting: At 01:31:00 forward discussion takes place about "...a sense of community....". Oh yeah, right....that's really serious after I've been made the butt of the jokes relative to "tone and tenor"; and the "awful personality". Again, I ask, would you be smiling and all happy faced if you had been marginalized and made a "non-factor" by a minority group of thugs who only represent themselves? What about my desire for my sense of community which has been taken away from me by a handful of bigots who do nothing but plead their PERSONAL CAUSE to any and all Boards and Commissions; go to dinner with people; and, well, LOBBY their friends who are in these decision making slots. It is disgusting. It's aroma is obscene. Please, walk a mile in my shoes before you pass judgement on me. Nobody can suggest I haven't tried to go about this process "the right way". The "right way" DID NOT WORK!!! Going "hat in hand" accomplished NOTHING.

I AM a STAKE HOLDER. Why isn't MY dialogue every bit as important as anyone elses? (01:36:00 in the audio recording). The City Planning Office has time and again negated my efforts to be a part of the dialouge over this Oread Plan going back to the first of 2009 when I made contact with Leininger. She was instructed to IGNORE me from what I can tell. I've an "awful personality" and the "tone and tenor" of my discussion warrants dimissal.

There are PLANNING matters for this part of the Oread Neighborhood which go far beyond parking. One example is the entire public right of way on 17th Street from Tenn. to Lousiana. That area needs to be landscaped and made an entrance point into the neighborhood. The steps at 17th and Louisiana and Edgehill Road need to be addressed as do the steps on the SOUTH side of Louisiana at Edgehill Rd. and Lousiana Street on NORTH side of Edgehill Road. Yes, PARKING continues to be an issue as does TRASH, hooliganism, break-ins and other fine activities. However, without a neighborhood association representing me, I can't get much done, if anything. I learned that when I was dealing with the NO PARKING issue and I've learned it again by listening to this audio tape given my "...awful personality...." and my "....tone and tenor.....". Shall I begin to shed tears for you as a concerned member of the neighborhood as Davis did in this audio recording and to which the ever so kind Moore held her hand???!

What's right is right. The City of Lawrence funds the neighborhood association. The City of Lawrence can DEFUND the association too. That's their job.....to address that reality. However, it's the City Commission that does this part of the work. The planning commission simply needs to make certain that Edgehill Road and that section Louisiana Street is properly called part of the Oread Neighborhood. I'll worry about the Assocation issues later.

I hope somebody will take the time to respond to me. Francisco, Von Tersch, and Davis sure get their responses. Heck, they even get people to walk with them for three hours going over the issue!

Thank you

Steven C. Watts
1649 Edgehill Rd.

City of Lawrence

The Sunset Hills Neighborhood Association supports the Oread Neighborhood Association in its efforts to make certain that proposed changes in Boarding House rules, or other potential changes that could impact neighborhood densities and negatively impact the value of single family residences.

Owner-occupied residences typically provide the greatest stability, commitment and personal investment in a neighborhood. Certainly there is a place, and value, for higher density zoning. In our neighborhood, we have high and medium density zoning with Meadowbrook and adjacent multi-family zoning. We are fortunate in that, for the most part, we have good neighbors and the areas are pretty well defined.

In the Oread neighborhood, their situation is different because of their proximity to campus and the conversion of many single family residences into multiple occupancy. What that means, of course, is that the appeal for single family occupancy is much more fragile. It is imperative, in our opinion that everything possible is done to protect, enhance and encourage single family occupancy where it presently exists. Nothing should be allowed that will intensify existing development that is not in a well-defined higher occupancy area. We don't encourage denying anyone the ability to do what is presently permitted... we absolutely believe, however, that changes should not be made to allow a higher density, increased traffic, increased pressure on existing parking or anything else that will have a negative impact on existing single family and owner-occupied residences.

Thank you for your consideration and we very much hope you will support the integrity and value of single family occupancy in the Oread Neighborhood!

Sunset Hills Neighborhood Association

Jeanne G Rees, President

RECEIVED

DEC 14 2009

City County Planning Office
Lawrence, Kansas

December 14, 2009

Greg Moore, Chairman, and Members of the Lawrence-Douglas County Planning Commission
c/o City Hall, Lawrence, Kansas

RE: ITEM NO. 3 – OREAD NEIGHBORHOOD PLAN

Thank you for your continued consideration of the Oread Neighborhood Plan and for the changes that were made in the most recent draft. We are pleased that the new future land use map shows the west side of Ohio Street as medium density.

We believe that it is most helpful when we suggest specific wording for your consideration, and we have done that again in the attached suggestions for additional changes to Section 3. We assume that if these changes are made, the implementation schedule would also be changed to be consistent.

The proposal to consider five areas rather than just three overlay districts seems to make a lot of sense. It may be helpful to consider a chart of the elements to be addressed for the overlay districts. In particular, the elements identified for the medium density district (District 3) should probably also be considered in the historic districts (Districts 4 & 5). We have attached a draft of a chart of these elements for your consideration.

Our priorities are:

- The preservation of the existing historic structures, including emphasis on fighting blight.
- An increase in the number of owner occupants and families to stabilize the area.
- Consistent parking standards, which do not favor any type of development.
- Encouraging an improvement in the overall quality of life in the neighborhood.

Representatives of the neighborhood association will be at the meeting to answer any questions you might have.

Kyle Thompson, President
Oread Neighborhood Association

Section 3 – Goals, Policies and Implementation Strategies

3.1 – Goal 1 - Land Use

3.1.2 Land Use Implementation Strategies

A. "Encouraging ~~more~~ owner occupants and families to ~~locate~~ *remain* in the planning area…"
Continue with: "*Owner occupants and* families can bring an increased level of stability…"
The Action item to "Amend the Land Development code to permit by right detached dwellings (single-dwelling use) in multi-dwelling zoning districts (RM) with certain standards" allows individuals to rebuild properties that have been destroyed. To encourage more owner occupants and families to locate in the planning area might best be accomplished by addressing issues related to neighborhood atmosphere.

B. "There is a growing concern about the ~~boarding houses~~ *congregate living structures*. ~~Parking, building lot coverage, and number of bedrooms permitted~~ *Large, incompatible additions, use of the structures as "party houses", lower requirements for parking and reliance on on-street parking that is across major arterials* are some of the issues that have been identified" include the issues that were identified at the recent meeting and were in the staff's memo.

C. Add a statement such as *"Areas close to the University boundary may be appropriate for higher density housing"* to establish background for Action 2.
1. Action
   "Create an overlay district(s) that establish*es* standards to regulate bulk…"
2. Action
   "Create an overlay district(s) that provide greater latitude…"

D. *Lack of* Parking is a major issue in the planning area. This complicated issue has different facets, including commuter parking *for KU staff and students* and appropriate parking for new ~~uses~~ *development.*
1. Action
   "Develop a parking system to help address commuter parking."
2. *Action*
   "Establish parking requirements that are appropriate and consistent for all new development."

3.2 – Goal 2 – Preservation

3.2.1 Preservation Policies
Add *"F. Reduce demolition by neglect"*

3.2.2 Preservation Implementation Strategies

A. "A*dditional* survey*s* to identify existing historic resources within the planning area."

2. Action

"Complete a historic survey of the remainder of the planning area *that has not yet been surveyed* and encourage the listing of additional historic resources."

Consider moving the implementation strategies and actions regarding stricter (and hopefully, more specific) code language for enforcement of blighted properties and the incentives to encourage the rehabilitation of the existing housing stock from the goal of neighborhood atmosphere to the goal for preservation.

3.4 - Goal 4 – Neighborhood Atmosphere

3.4.2 Neighborhood Atmosphere Implementation Strategies

A. Property maintenance is of the *most important* issues that ~~can~~ impact*s* the viability of an area. Well-maintained structures provide strength and confidence to neighbors that the area is healthy and vibrant. This confidence will help property owners make ~~ongoing~~ decisions to continue to invest in the neighborhood *and* ~~Continued investment contributes to~~ improve~~d~~ property values."

C. Property clean-up is an ongoing responsibility for property owners and tenants. ~~Neighborhood property owners, renters and service groups are potential sources for volunteer labor.~~

~~B~~2. Action

~~"Identify and employ service groups and student groups that may be willing to help with a volunteer "adopt a block" clean up programs."~~

D. "Trash pick up is an issue in the area…"

1. Action

~~A trash~~ strategy~~*ies* for the area~~ should be developed~~ regarding storage of trash cans in front yards and include policies~~ for handling trash for large events in the area. ~~Attention should be paid to where trash receptacles are located on properties~~. Properties without alley access should ~~discreetly~~ *make provisions for* store*ing* trash receptacles in*side or in* ~~the side or~~ rear yard.

2. Action

Review the Land Development Code to ensure appropriate *site designation and* appropriate dumpster and other trash and recycling enclosure standards for any multi-family or ~~boarding house~~ *congregate living* structure that includes more than four bedrooms.

E. Inappropriate resident behavior…

1. Action

Step-up neighborhood outreach efforts to educate residents about being good neighbors. Good neighbor ~~pamphlets~~ *information* should be ~~routinely distributed~~ *easily available.*

4.2.1 ~~Urban Conservation~~ Overlay Districts

Elements:	District 1	District 2	District 3	District 4	District 5
Minimum lot size for duplex	x				
Maximum number bedrooms in duplex dwelling units	x				
Alley access (as opposed to street access)	x	x	x	x	x
Lot size (assembly)	x	x	x	x	x
Maximum lot coverage	x	x	x	x	x
Minimum parking requirements	x	x	x	x	x
Setbacks	x	x	x	x	x
Height & density maximums		x			
Larger structures located on corners of certain streets		x			
Massing, scale, bulk, and articulation - new development		x	x	x	x
Limit size of building additions			x	x	x
Compatible materials				x	x

Steven C. Watts

1649 Edgehill Rd., Lawrence, KS 66044-4193

Tuesday, December 15, 2009

The Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

Greetings.

I am astounded and grossly offended at what I heard as I listened to the recording of the Nov. 18, 2009 Planning Commission meeting. I heard it was my personality which was the focus of certain members of this body rather than the issue of crafting an Oread Neighborhood Plan which is a plan wholly separate from the Oread Neighborhood Association. This body in my view is supposed to be a non-aligned, non-partisan group which makes a recommendation to the elected officials of this town. However, it seems that amongst a couple of you there exists rank favoritism and a choice made to focus on me, Steven C. Watts, rather than the very real issue of disenfranchisement and exclusionist behaviors of representative bodies in this town. An examination of the facts seems to not be possible to this handful. The fact the invective took place during this Nov. 18 meeting when I was not present simply validates my already dim view of the tyranny of the majority which is the real process throughout Lawrence. I cannot get said in three minutes what needs to be said, so it's a waste of my time to attend Planning Commission meetings which are, seemingly, packed with the same members of the ONA meeting after meeting who "piggy back" off of each other such that three minutes turns into thirty minutes. Certain Commission members want quick, sound byte like pieces of data to most complex issues. Once again, not having a neighborhood association representing me underscores I am "less equal" in this purported democratic process.

I must assert again, that one's personality has nothing to do with what is just; Nor does it have anything to do with the Oread Neighborhood Plan; Nor should it even be a source of discussion.

After over 7 years of, essentially, doing "battle" with the ONA Board let me suggest you'd be at your wits end too and your "...tone and tenor...." would be strained at best.

Allow me to set the record straight: The ONA did VERY LITTLE to assist my request relative to parking on Edgehill Road a couple of years back other than to "allow" me to appear before the Board and pitch my cause. It took all of 15 minutes and I was told I had to leave the Board meeting, which I later learned was CONTRARY to the By-Laws of the Association. I was seeking NO PARKING AT ALL on the SOUTH side of Edgehill Road to mirror the rest of the neighborhood given Edgehill Road is the ONLY street in the University footprint that allows parking on both sides of the road. It was I who attended several Traffic Safety Commission meetings; the Traffic Safety Commission did NOT endorse my request for NO PARKING. Their recommendation went to the City Commission and it was I who went to the City Commission meeting and state my case. Yes, the ONA also went and it was at that very City Commission meeting where I learned a single citizen counts for nothing and that "neighborhood association" people whose friends are on the City Commission and personal friends at that get all the attention. Yes, the ONA "supported" my request for NO PARKING, but it did not do so as an Association "request"; they merely "weighed in" on the matter **despite the fact I was an actual member of the Association and Edgehill Rd. was, at that time, part of the ONA**. The City Commission established a "compromise" and made "NO PARKING" on the SOUTH side of Edgehill Road from the beginning of my property to the end of the property at 1647 Edgehill Road. Francisco owned 1647 Edgehill Road at the time; was renting it to students; and those students couldn't have cared less about the parking issue. The frats at the top of the hill did as did the sorority.

The ONA does NOT WANT active participation from this part of the neighborhood because they fear it will "water down" their efforts relative to their own personal properties within the student ghetto of ONA. They know I will be active and vigilant relative to advocating vigorously this side of the neighborhood's needs and future.

As a low income person, my eligibility for any future programs which require one to reside in a "target neighborhood" in order to be "first in line" is greatly impacted if I am not in a target neighborhood. None of the people you're working with are low income people. To the contrary, I'll assert they're wealthy from where I sit. Why should they care about a low-income senior citizen permanent, property owning resident in their own neighborhood? They claim to be all worried about the few number of property owners who reside in the neighborhood, but what they really mean is people who agree with their own agendas. It is critical that my property be in a target neighborhood for possible future projects that are currently under discussion in Washington, D.C. and particularly given the "tone and tenor" of President Obama's domestic policies.

I have, at least three different times, provided the history of when Edgehill Road was a part of the ONA, but people are choosing to not listen to me. Everyone is listening to Marci Francisco, Carol Van Tersch, and the tearful Candice Davis. Here is the history again:

Edgehill Road WAS part of University Place neighborhood until sometime in 2001 when an agreement was made between the ONA and University Place to allow ONA to annex Edgehill Rd. and the EAST side of Louisiana Street from Sunnyside Ave. to Edgehill Road at my request. That was all fine and good until I began to participate in early 2002; pointed out to the ONA Board that they were not following the By-Laws; provided them with the detailed work I had done with the two frat houses at the top of Edgehill Road to adopt the neighborhood for trash clean up purposes; work I had via telephone and email in 2001 while I was still residing and working in Hawaii, but knew I was returning to Lawrence the last part of 2001 and requested the ONA take up the cause as an Association relative to this trash clean up. A great deal of progress had been made and it was my vision that the Association could strike an agreement with other Greek houses in the neighborhood to deal with the trash issue. The ONA did nothing with the work I had done because it was not one of their issues. Edgehill Road and that section of Louisiana Street was quietly written out of the ONA Boundaries in 2004 or 2005. You have the notes I received from then ONA Board President James Dunn acknowledging the fact I had not been noticed about the "discussion" of "re-writing" the boundaries.

This body discussed the concept of "...a sense of community...." at the Nov. 18 meeting. I'm part of that community whether you like me or you don't like me; whether you agree with me or don't agree with me. There's supposed to be diversity of thought around here isn't there? I'm being excluded from this community and in a black and white fashion; there is nothing "hidden" about it. Again, I ask, would you be smiling and all happy faced if you had been marginalized and made a "non-factor" by a minority group of thugs who only represent themselves? What about my desire for my sense of community which has been taken away from me by a handful of bigots who do nothing but plead their PERSONAL CAUSE to any and all Boards and Commissions; go to dinner with people; and, well, LOBBY their friends who are in these decision making slots? It is disgusting. Its aroma is obscene. Please, walk a mile in my shoes before you pass judgment on me. Nobody can suggest I haven't tried to go about this process "the right way". The "right way" DID NOT WORK!!! Going "hat in hand" accomplished NOTHING.

I AM a STAKE HOLDER. Why isn't MY dialogue every bit as important as anyone else's? The City Planning Office has time and again negated my efforts to be a part of the dialogue over this Oread Plan going back to the first part of 2009 when I made contact with Ms. Leininger. It seems she was instructed to IGNORE me from what I can tell. I've an "awful personality" and the "tone and tenor" of my discussion warrants dismissal?

There are PLANNING matters which need to be confronted for the part of the Oread Neighborhood where I own and reside which go far beyond parking. One example is the entire public right of way on 17th Street from Tenn. to Louisiana. That area needs to be landscaped and made an entrance point into the neighborhood. The concrete steps at 17th and Louisiana and Edgehill Road need to be addressed as do the concrete steps on the EAST side of Louisiana at Edgehill Rd. and Louisiana Street on NORTH side of Edgehill Road.

Yes, PARKING continues to be an issue as does TRASH, hooliganism, noise, break-ins and other fine activities. However, without a neighborhood association representing me, I can't get much done, if anything. I learned that when I was dealing with the NO PARKING issue and I've learned it again by listening to the audio recording of the Nov. 18 Planning Commission meeting given my "...awful personality...." and my "....tone and tenor.....".

What's right is right. The City of Lawrence funds the neighborhood association. The City of Lawrence can DEFUND the association too. That's their job.....to address that reality. However, it's the City Commission that does this part of the work. **The planning commission simply needs to make certain that Edgehill Road and that section of Louisiana Street previously noted is properly called part of the Oread Neighborhood.** I'll worry about the Association issues later.

Steven C. Watts
1649 Edgehill Rd.
Lawrence, Kansas

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
01/27/10

ITEM NO. 11: **EXTENSION OF SPECIAL USE PERMIT FOR THE LAWRENCE COMMUNITY SHELTER, 944 KENTUCKY STREET (SLD/SMS)**

SUP-10-10-09: Consider extending the time period for a Special Use Permit for the Lawrence Community Shelter, located at 214 W 10th Street/944 Kentucky Street. Submitted by the Lawrence Community Shelter, for James Dunn, property owner of record.

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

1. Extension of Special Use Permit request is granted subject to City Commission approval of a Special Use Permit for a new LCS Shelter location.
2. SUP approval granted for period of approximately two years to expire at the earlier of either completion of permanent facility or June 30, 2012.
3. Submittal of a semi-annual report to the City Commission regarding the status of fundraising and construction progress for permanent facility.
4. Submittal of an annual report to the Planning Office within the first calendar quarter of each year. The report shall include a listing of law enforcement & emergency response calls, a log of guests who obtain jobs and housing, numbers of guests who utilize the day and nighttime services, and an update on the on-going commitment to communicate with the surrounding neighborhood and to address concerns of neighbors.
5. Revision of the site plan to update notes to state:
    a. Identification of expiration dates, HRC, PC and CC action dates, as necessary.
    b. Maximum overnight occupancy (with staff) shall continue to be limited to 57 persons, except for the period between Oct. 1 – April 1 of each year when the maximum occupancy (with staff) may be increased to 82 persons.
    c. LCS commits to assist in regular litter pickup for nearby properties.
    d. The noncompliant fence and carport will be removed when the SUP expires or when the Shelter moves to a new location. (Condition of DR-10-118-09)
    e. If the Shelter does not move at the end of this two year extension, the non-compliant carport and fence will be removed and a new structure allowing for outside shelter is to be provided. (Condition of DR-10-118-09)
    f. The applicant will submit drawings of a compliant structure(s) to the Historic Resources Commission prior to their installation for approval. (Condition of DR-10-118-09)
6. Execution of a new Site Plan Performance Agreement.
7. Publication of an ordinance per Section 20-1306(j).

Applicant's Reason for Request: *"To extend the current SUP for a period of time, estimated at two years, to coincide with the relocation of the Lawrence Community Shelter to its permanent site at 2176 W 23rd Street, Lawrence."*

KEY POINTS

- According to the LCS website, the mission of the shelter is to "…provide safe shelter and comprehensive support services and programs that provide a path to a positive future for people experiencing homelessness and people who are at risk of homelessness".

- All conditions of approval from the facility's existing SUP (Special Use Permit) have been met.

- According to the 2008 Annual Report, the shelter served more than 50 guests per day during the daytime and 31 guests overnight (with typically 14-15 persons turned away nightly). 632 separate individuals were served in 2008 and 309 intakes were completed for new guests.

- In the summer of 2009, LCS requested permission to expand the number of guests permitted to stay overnight due to the increased demand following the closure of the Salvation Army overnight shelter. The City Commission approved the expansion to accommodate a total of 77 overnight guests (82 persons including staff) from October 1, 2009 – April 1, 2010.

- The subject property is within the environs of several landmark properties and the Downtown Historic District. On November 19, 2009, the Historic Resources Commission approved the requested two-year extension of the Special Use Permit (DR-10-118-09) subject to conditions.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The area is characterized by a mix of community and residential uses.

CONFORMANCE WITH *HORIZON 2020*

- The proposed use conforms with several recommendations and policies of *Horizon 2020*.

HISTORY

- UPR-10-11-99: Community Drop-In Shelter. This UPR was approved by the City Commission on December 7, 1999, subject to several conditions, including a two-year review of the application by the City Commission. The UPR was revisited in 2001 to expand the hours of operation to 9:00 p.m. The approval expired in September 2006.
- UPR-01-01-03: Lawrence Open Shelter. This UPR was approved by the City Commission on April 8, 2003, subject to several conditions, including a one-year expiration date upon the issuance of an occupancy permit. In November 2004, the City Commission approved the expansion of the shelter to accommodate 28 guests and 2 staff members, in addition to a one-year extension of UPR-01-01-03. The approval expired in December 2005.
- In January 2005, the Lawrence Open Shelter and the Community Drop-In Center merged to form the Lawrence Community Shelter, Inc. (LCS).
- UPR-09-06-05: A request to extend the Use Permitted upon Review for the Lawrence Community Shelter. [The City Commission approved the UPR for one year on March 7, 2006, subject to conditions.]
- On January 16, 2007, the City Commission voted to extend UPR-09-06-05 to April 17, 2007 to allow for Planning Commission consideration of the new LCS Special Use Permit extension request in March 2007 with City Commission consideration of the Planning Commission's recommendation on April 17, 2007.

- On February 15, 2007, the Historic Resources Commission approved the LCS Special Use Permit (DR-01-06-07), subject to conditions.
- On April 17, 2007, the City Commission approved SUP-01-02-07 for the continued operation at existing location for three years (through April 17, 2010).
- On August 4, 2009, the City Commission amended the SUP-01-02-07 to allow overnight capacity of 57 (including staff) with all other conditions of the SUP remaining. The Commission also permitted the reconfiguration of basement space and installation of a fire sprinkler system to accommodate additional overnight guests with a permitted maximum of 82 persons (including staff) for the period October 1, 2009 – April 1, 2010.
- On November 19, 2009, the Historic Resources Commission approved the requested two-year extension of the Special Use Permit (DR-10-118-09) subject to conditions.
- ~~On January 25, 2010, the Planning Commission will consider a request for a Special Use Permit [SUP-9-9-09] for the location of a permanent shelter at 2176 W 23rd Street.~~ *[Request withdrawn on 1-20-2010]*
- *New SUP application submitted for 3701 Franklin Park Circle submitted 1-20-2010. SUP will be considered by Planning Commission in March 2010.*
- City Commission approvals of the SUP for the proposed permanent location and this SUP extension are required.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Paul Horvath, Morning Star Management LLC – 1-14-10 letter

GENERAL INFORMATION

Current Zoning and Land Use: RMO (Multi-Dwelling Residential-Office) District; Lawrence Community Shelter.

Surrounding Zoning and Land Use: RMO (Multi-Dwelling Residential-Office) District to the north, south, and west; existing residences and/or office uses to the north and west, and church to the south.

CD (Downtown Commercial) District to the east; public parking lot.

Site Summary

Lot Size:	.27 acres (11,761 square feet)
Building Area:	6515 gross square feet
Parking Provided:	10 spaces, including 1 accessible space

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

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

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

Homeless shelters are permitted in the RMO (Multi-Family Residential-Office) District with a Special Use Permit. The subject request is for renewal of a Special Use Permit for the Lawrence Community Shelter (LCS). The applicant is requesting an approximately two-year extension for the subject Special Use Permit (SUP) while fundraising and construction of a permanent facility is completed.

Staff Finding – The proposed use is consistent with applicable provisions of the Land 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: *"Since the application is for a renewal/extension, the continued use will probably not cause any diminution in value of neighboring properties other than what it may have already caused."*

Land uses surrounding the subject property include residential, office, and institutional uses, as well as public parking. The subject site is located within a mixed-use area on the fringe of Lawrence's downtown, close to bus routes and other public services. No changes are proposed to the site.

Staff Finding – LCS is compatible with neighboring multi-family and institutional uses in many regards, i.e. traffic generation, building scale and site design. However, the shelter's hours of operation and other external impacts differ from neighboring uses. The shelter operations have evolved into a 24/7 schedule with multiple services offered during the day. The night shelter is open from 8 p.m. to 8 a.m. each night of the week. Once admitted, overnight clients are expected to stay the night, with the exception of health or work requirements.

According to the latest Annual Report, the total number of individuals served increased from 576 to 632 from 2007 to 2008. While it is likely that the number of cases has increased with the increase in capacity at the shelter, it is also important to note that shelter staff has become more vigilant in making calls and in informing the neighborhood to make calls regarding LCS guests. Calls for police and medical services declined from 145 to 105 and 60 to 45 respectively between 2007 and 2008.

Activity in and around the shelter increased during the latter half of 2009, due to the closure of the Salvation Army overnight shelter. Annual statistics are not yet available for this past year.

During the August 4, 2009 City Commission hearing, there was acknowledgement that this location is not ideal as a permanent shelter serving this many individuals. There was also recognition that this location may need to be used beyond April 2010 while a permanent facility was constructed. If the proposed location for a permanent shelter is approved by the City Commission, the limited extension of this SUP is appropriate.

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

Applicant's Response: *"Since this application is for an extension of the current SUP, the continued use will not cause any further, if there ever was any, diminution in value of neighboring properties. During the recent years of the shelter in this location, a developer renovated and sold expensive condominiums in an historic building across the street diagonal from the shelter."*

Staff Finding – With continued vigilance of LCS staff in keeping the grounds free of debris and with the addition of a full-time outside security guard, the continued use of the shelter should not cause substantial diminution in value of property in the neighborhood. The Good Neighbor Agreement includes specific provisions for a well-maintained property. These provisions include ensuring that bicycles are parked in a bicycle rack, animals are not tied to trees or porches, litter is removed, non-functioning vehicles are removed, and guests utilize the rear patio as much as possible. An existing "no loitering" policy within 150 feet of the subject property is an additional policy aimed at maintaining order at the shelter.

Parks & Recreation staff provide maintenance/trash pick-up in all of the downtown parking lots. Due to increased use and overflow activities in the parking lot across the alley from the shelter, City staff has indicated more time is required in this area. LCS has renewed its commitment to assist with regular litter cleanup for nearby properties. Provision of a note on the face of the site plan regarding this commitment is listed as a recommended condition of approval.

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

Staff Finding – As the site's building has been in existence since 1962 and the drop-in shelter has existed in the subject building since 1999, fire/medical, police, transportation, and public utility services are established to provide service to the subject site.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

Staff Finding – The site plan will function as the enforcement document to ensure that use and maintenance of the property and are consistent with the conditions of SUP approval. Additionally, the Good Neighbor Agreement includes provisions for maintaining civilized behavior on LCS property, ensuring that bicycles are properly parked, removing litter from the property, and prohibiting extended parking of non-functioning vehicles.

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

Applicant's Response: *"No."*

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

7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PEMRIT AND, IF SO, WHAT THAT TIME PERIOD SHOULD BE

Staff Finding – As noted above, during the City Commission hearing in August 2009, the Commission recognized that the shelter has outgrown this location but cannot easily relocate until a permanent facility is available. LCS is pursuing relocation and renovation of an existing building with a design tailored to its operational needs. If the City Commission approves the proposed SUP for the permanent facility, it would be appropriate to approve this extension request to run concurrent with the fundraising and construction phases for the permanent location. LCS has estimated that fundraising and construction will take approximately two years.

STAFF REVIEW

The applicant is requesting a two year extension of the Special Use Permit for the Lawrence Community Shelter. Staff is supportive of such an extension if the City Commission has approved the proposed SUP for a permanent facility. Since the most recent proposal to relocate to E 23rd Street has been withdrawn, Planning Commission consideration of a permanent location will not occur this month. A recommendation on this extension request can be made and held so that it is considered by the City Commission when the new Franklin Park Circle location is before them.

The Commission previously requested milestones be established to monitor progress towards the permanent facility site. Staff recommends that LCS provide semi-annual reports to the City Commission regarding fundraising status and project progress during the next two years.

The extension recommendation is subject to the relevant previous conditions of approval imposed on the shelter operation at this location. The shelter should also continue to submit an annual report which includes a listing of law enforcement & emergency response calls, a log of guests who obtain jobs and housing, numbers of guests who utilize the day and nighttime services, and an update on the on-going commitment to communicate with the surrounding neighborhood and to address concerns of neighbors.

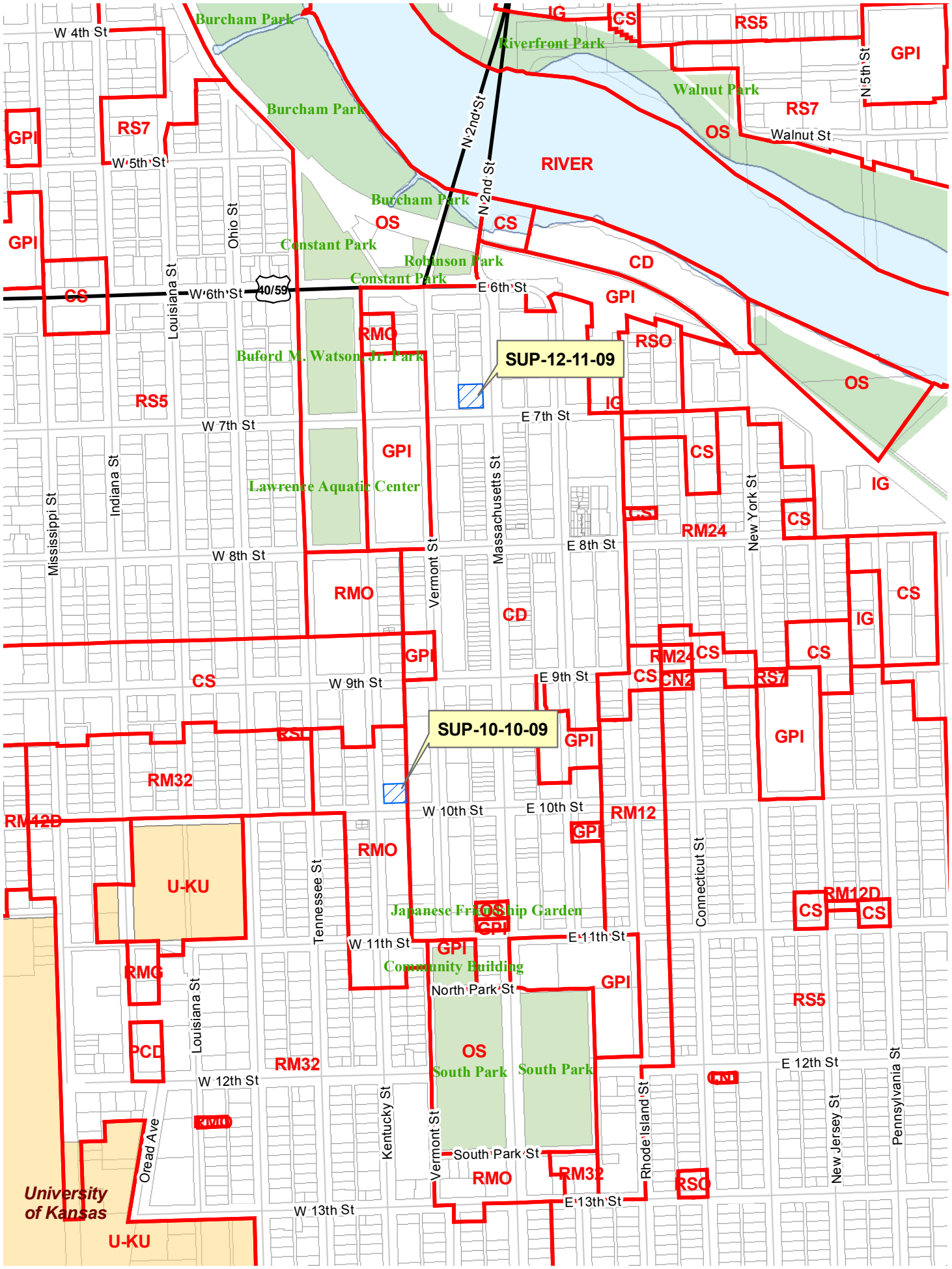
Previous SUP Conditions – Ordinance No. 8100

1. Within 45 days of SUP approval by the City Commission, LCS shall submit a signed Good Neighbor Agreement with signatures of the LCS staff and at least 15 neighbors. (*Condition has been met.*)
2. If the shelter remains in its current location within three years (2010), the following items shall be submitted to the Planning Office prior to the three-year expiration date:
   a. An application for SUP renewal.
   b. Information supporting a new shelter location, including the viability of the new location, i.e. a funding plan.
3. Submittal of an annual report to the Planning Office within the first calendar quarter of each year for the next three years. The report shall include a log of police calls (with type of call noted), a log of guests who obtain jobs and housing, numbers of guests who utilize the day and nighttime services, and an update on the on-going commitment to communicate with the surrounding neighborhood and to address concerns of neighbors.
4. The addition of staff member(s) to meet guest, neighborhood, and public safety needs (refer to attached LCS report for specific staff recommendations). At a minimum, one half-time paid security guard, i.e. outside monitor, shall be hired. This new staff person shall be required to work a minimum of 20 hours per week. The maximum occupancy level shall not be exceeded with the addition of new staff members. *(Part-time outside monitor has been hired.)*
5. A signed Site Plan Performance Agreement shall be submitted to the Planning Office.

6. The site plan shall be revised to show the following changes:
   a. Inclusion of a note which states that, if the shelter remains in its current location by renewal time in three years, the items in conditions #2a, #2b, and #3 shall be submitted (the specific items shall be detailed on the site plan).
   b. Revision of the UPR expiration date to reflect the new SUP expiration date and replacement of "UPR" with "SUP".
   c. Revision of the zoning data to note that the site's new zoning designation is RMO (Multi-Dwelling Residential-Office) District.
   d. Revision of the staffing section to list the numbers of current day and nighttime staff, including both full and part-time staff. If staffing additions are approved as part of this SUP, these staff members shall be included as part of this new staff count.
   e. Inclusion of the following note: "On February 15, 2007, the Historic Resources Commission approved the LCS Special Use Permit (DR-01-06-07), subject to conditions."
   f. Removal of the 18' by 21' by 10'4" metal canopy and picket fence, unless the City Commission grants an appeal of the Historic Resources Commission's determination for this structure to be removed. *(City Commission granted appeal, so the carport and fence may remain until the SUP expires or the use is moved to a new location. If an alternative is secured and approved by HRC in the future, the site plan will need to be revised.)*
   g. Notation stating that the Good Neighbor Agreement and LCS policies shall be referred to for additional provisions governing the use and maintenance of the LCS property and neighborly behavior of the guests.
   (Plan was updated as conditioned in 6a - 6g.)

Historic Resources Commission Action

The subject property is within the environs of several landmark properties and the Downtown Historic District. This extension request was conditionally approved by the HRC on November 19, 2009. The recommended conditions have been included in those identified in this report.


SUP-12-11-09
SUP-10-10-09
Burcham Park
Riverfront Park
Walnut Park
Constant Park
Robinson Park
Buford M. Watson Jr. Park
Lawrence Aquatic Center
Japanese Friendship Garden
Community Building
South Park
University of Kansas
U-KU
RIVER
W 4th St
W 5th St
W 6th St
W 7th St
W 8th St
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Ohio St
Mississippi St
Indiana St
Vermont St
Massachusetts St
New York St
Tennessee St
Connecticut St
Kentucky St
Rhode Island St
New Jersey St
Pennsylvania St
Oread Ave
North Park St
South Park St
40/59
GPI
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RS5
CS
IG
RMO
RSO
CD
OS
RM24
RM32
RM12
RM12D
PCD
CN2

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City County Planning Office
Lawrence, Kansas

Morning Star Management, LLC
917 Tennessee Street
Lawrence, KS 66044
785-841-STAR (7827)
FAX: 785-841-4144
www.morningstarmgm.com

January 14, 2010

City of Lawrence Douglas County
6 East 6th Street
Lawrence, KS 66044

Dear Commissioners,

I have been a resident and/or have had my office located at 917 Tennessee for about 30 years. While I agree that services are necessary for the homeless I can only conclude based on my recent experiences that the current shelter is not an appropriate place.

I am unable to leave anything outside of any value without the experience of it being stolen. I have resorted to locking up my lawn mower. Recently a generator which I had tucked away on my back porch and covered was stolen. I have a number of rental properties in the area; we have had problems with people trying to take up residence in the basements as well as breaking into apartments. It seems that a common hang out are in the alleys and in my case happens to be the entrance to my office. It's not unusual for either my staff or customers to be harassed by inappropriate comments from individuals "partying" in the alley. It would appear also, that the area behind the dumpsters is considered a public latrine.

In summary, I believe the current location of this shelter has been inappropriate and a detriment to the neighborhood.

Sincerely,

Paul R. Horvath

Memorandum
City of Lawrence
Planning & Development Services

TO: **Planning Commission**

FROM: **Mary Miller, Planning Staff**

CC: **Scott McCullough, Director of Planning and Development Services**
Sheila Stogsdill, Assistant Planning Director

Date: **For the January 27, 2010 Planning Commission Meeting**

RE: **Agenda Item No. 13; Revision to proposed language to TA-10-22-09; Revisions to Zoning Regulations in the Unincorporated Territory of Douglas County**

TA-10-22-09, a text amendment to the Zoning Regulations which would establish a new business district permitting rural tourism, recreation, and conference uses, was initiated by the Board of County Commissioners on June 24, 2009. The Planning Commission considered draft language for TA-10-22-09 at their November 18, 2009 meeting.

The Commission indicated concern with the locational criteria included in the Section 12-309B-3.01 of the draft amendment, below, and noted that the criteria may be too restrictive for the wide variety of rural tourism and recreational uses which might be proposed in the unincorporated portion of the county.

Section 12-309B-3.01, TA-10-22-09

The following locational criteria apply to Rural Tourism uses:

1) Shall take direct access to an improved arterial roadway;
2) Shall be served with a public water supply;
3) Minimum distance from an existing Rural Business facility is 3 miles, or other appropriate distance as determined by the County Commission.

As a result of the Planning Commission's discussion and direction, the draft language has been revised to remove the locational criteria from the Zoning Regulations. These criteria are located in *Horizon 2020* and will continue to be part of the compliance review of any rezoning request; however, they will not be included in the Zoning Regulations so more flexibility of uses and locations may be possible, if appropriate.

RECOMMENDATION
Staff recommends that the Planning Commission vote to forward the revised text amendment, TA-10-22-09, to the Board of County Commissioners with a recommendation for approval.

12-309B 'R-T RURAL TOURISM BUSINESS DISTRICT REGULATIONS

12-309B-1. The regulations set forth in this section, or elsewhere in these Regulations, when referred to in this section, are the regulations in the 'R-T' Rural Tourism Business District. This district is designed to provide a suitable zoning district for tourism, recreation, and conference uses which are more intense and larger in scale than similar uses which may be permitted by right or with a Conditional Use Permit in the Agricultural Zoning District.

12-309B-2. Definition of Rural Tourism.
Rural tourism showcases the rural life and heritage at rural locations. Rural tourism can take many forms including nature, adventure, historical, cultural, and ecological (eco-) tourism. Rural tourism is typically experience oriented, is located predominantly in a natural environment in areas of low population, and is based on the preservation of the character of the area.

12-309B-3. The following criteria apply to Rural Tourism uses:

12-309B-3.01 Rural Tourism uses may exist alone or may be several uses combined. For instance, a corporate retreat may have meeting rooms, recreational facilities and a restaurant.

~~12-309B-3.02 The following locational criteria apply to Rural Tourism uses:~~

~~**a.** Shall take direct access to an improved arterial roadway;~~

~~**b.** Shall be served with a public water supply;~~

~~**c.** Minimum distance from an existing Rural Business facility is 3 miles, or other appropriate distance as determined by the County Commission.~~

12-309B-3.02 The following site design criteria apply to Rural Tourism uses:

a. Rural Tourism uses shall integrate with and/or benefit from the rural character of the area.

b. Facilities shall be designed to preserve natural resources and integrate with the rural environment through appropriate land use, site design, buffering, or other methods.

c. A site specific site plan shall be submitted with rezoning applications to demonstrate that the site design criteria noted above have been met. The following items are required on all site plans for rural tourism areas:

1) A minimum 200 ft buffer area provided around the perimeter of the site.

2) Uses permitted within this buffer area shall be limited to agriculture or other low-impact uses. These uses shall be noted on the site plan along with the party or entity responsible for maintenance of the buffer area.

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12-309B-4 USE REGULATIONS

The following uses may be permitted within the R-T District only in those cases where they constitute or are a part of a rural tourism use as defined in Section 12-309B-2:

12-309B-4.01 Personal service uses including barber shops, beauty parlors, spas, photographic or artists' studios, and other personal service uses of a similar character.

12-309B-4.02 Restaurants, (excluding drive-in or drive-thru restaurants), and taverns.

12-309B-4.03 Retail stores, but there shall be no slaughtering of animals or poultry on the premises of any retail store. Retail stores are limited individually to a maximum area of 10,000 sq ft.

12-309B-4.04 Amusement places, skating rinks, and dance halls; all in a completely enclosed building, auditorium or theater.

12-309B-4.05 Indoor sports or recreation, including bowling alleys, billiard parlors, swimming pools, physical fitness centers, and other similar uses.

12-309B-4.06 Outdoor recreation, including parks, playgrounds, swimming pools, skating rinks, golf courses, driving ranges and other similar uses.

12-309B-4.07 Open air theatre (excluding drive-ins).

12-309B-4.08 Lodging which includes hotels, motels, bed and breakfasts, or campgrounds.

12-309B-4.09 Reception hall, conference center, or other places of social assembly.

12-309B-4.10 Agricultural uses.

12-309B-4.11 Commercial riding stable.

12-309B-4.12 Commercial greenhouse.

12-309B-4.13 Residential dwellings when associated with the tourism use as caretaker, manager, or as part of a living museum.

12-309B-4.14 Religious institutions such as a convent, church, temple or mosque.

12-309B-4.15 Libraries, cultural center, exhibit hall, museums, art galleries and other similar uses.

12-309B-4.16 Community buildings.

12-309B-4.17 Child care center

12-309B-4.18 Animal hospital or clinic when accessory to a tourism use; provided that such hospital or clinic and any treatment rooms, cages, pens or kennels be maintained within a completely enclosed building with soundproof walls and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls and located on a sewer (have it's own sewage management system). Accessory buildings and uses.

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12-309B-4.19 Outdoor advertising signage, with the requirement than any outdoor advertising structure or sign in excess of 100 square feet in area shall be attached flat against a wall or building. See Section 12-306-2.18 for requirements pertaining to the height and location of signage.

12-309B-4.20 Temporary signs pertaining to the lease, hire, or sale of a building or premises on which such sign is located.

12-309B-4.21 Utility installations for sewer, water, gas, electric and telephone mains and incidental appurtenances.

12-309B-4.22 Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations and passenger stations.

12-309B-4.23 Temporary buildings, the uses of which are incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner.

12-309B-5. PARKING REGULATIONS

The parking regulations for permitted uses are contained in Section 12-316.

12-309B-6. OFF-STREET LOADING REGULATIONS

The off-street loading regulations for permitted uses are contained in Section 12-317.

12-309B-7. HEIGHT, AREA AND BULK REGULATIONS

Height and area regulations shall be as set forth in the chart of Section 12-318.

12-309B-8. SUPPLEMENTARY USE REGULATIONS

Supplementary use regulations are contained in Section 12-319.

12-309B-9. SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS

Supplementary height, area and bulk regulations are contained in Section 12-321.

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