City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Updated:
7/26/11 @ 12:30pm
The following item has been DEFERRED:
Item 7 - Conditional Use Permit for Fraternal Order of Police; 768 E 661 Diagonal Rd

7/25/11 @ 11:15am
Added Item 3 - Text Amendment; Minor & Major Subdivisions
Added communications for the following items:
Item 2 - Rezoning 933, 939, 943 N 1800 Rd
Item 7 - Conditional Use Permit for 768 E 661 Diagonal Rd
Item 8 - CPA Inverness Park District Plan

7/21/11 @ 5:15pm
Added Draft June Planning Commission minutes

7/19/11 @ 4:15pm
The following will be added when available:
Item 3 - Text Amendment regarding Minor & Major Subdivisions
Draft June Planning Commission minutes
The following items have been DEFERRED:
Item 4 - Text Amendment regarding Detention
Item 5 - Comprehensive Plan Amendment to Chp14; Southeast Area Plan
Item 9 - Text Amendment regarding Synthetic Turf as landscaping material

LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
JULY 25 & 27, 2011 6:30 - 10:30 PM

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of June 20 & 22, 2011.

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.
   - Oread Overlay District Update Memo. (MJL)
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.

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

REGULAR AGENDA (JULY 25, 2011) MEETING
PUBLIC HEARING ITEMS:

Recess LDCMPC
Convene Joint Meeting with Baldwin City Planning Commission

ITEM NO. 1 CONDITIONAL USE PERMIT; 1271 N 222 RD (SLD)

CUP-5-4-11: Consider a Conditional Use Permit for a commercial greenhouse and nursery to permit accessory retail sales, for an ecological restoration business, located at 1271 N 222 Rd, Baldwin City. Submitted by Landplan Engineering, P.A., for Ronald E. Shouse, property owner of record. *Joint meeting with Baldwin City Planning Commission.*

Adjourn Joint Meeting
Reconvene LDCMPC

ITEM NO. 2 A TO IG; ~~69~~ 67 ACRES; 933, 939, 943 N 1800 RD (SLD)

Z-3-8-11: Consider a request to rezone approximately ~~69~~ 67 acres from A (Agricultural) to IG (General Industrial), located at 933, 939, & 943 N 1800 Rd. Submitted by Steven Rothwell, Timothy W. and Lani S. Rothwell, for Timothy Rothwell, Wilber C. Rothwell, and Donald Kenna Rothwell, property owners of record. (This is a reconsideration of this request due to an error in notice of the original consideration on May 25, 2011.)

ITEM NO. 3 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE & DOUGLAS COUNTY CODE; MINOR & MAJOR SUBDIVISIONS (SMS)

TA-3-3-10: Consider Text Amendments to the joint city/county subdivision regulations in the City of Lawrence Land Development Code, Chapter 20, Article 8 and the Douglas County Code, Chapter 11, Article 1 to revise process requirements for division of property through Certificates of Survey, Minor Subdivisions and Major Subdivisions. Modifications include reformatting this article/chapter to eliminate duplicative text and to delete terminology not used. *Initiated by City Commission on 2/16/10. Re-initiated by Planning Commission on 5/23/11.*

****DEFERRED****
~~**ITEM NO. 4 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP 20; DETENTION (SLD)**~~

~~**TA-6-9-11**: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Article 4, Section 20-403 to change "Detention" from a use permitted by right in the GPI (General Public Institutional) District to one permitted with Special Use approval and to delete "detention and correction institutions" from the definition of Major Utilities and Services in Article 17. *Initiated by Planning Commission on 3/28/11.*~~

****DEFERRED****
~~**ITEM NO. 5 COMPREHENSIVE PLAN AMENDMENT TO CHP14; SOUTHEAST AREA PLAN (MJL)**~~

~~**CPA-10-8-10**: Consider Comprehensive Plan Amendment to Chapter 14 – Southeast Area Plan, to reference and reflect the accepted Preliminary Alignment Study for 31st Street.~~

MISCELLANEOUS NEW OR OLD BUSINESS
NON-PUBLIC HEARING ITEM:

MISC NO. 1 AUTHORIZE CHAIR TO SIGN RESOLUTION PCR-6-1-11 (LBZ)

Authorize the Chair to sign PCR-6-1-11, A Resolution adopting amendments to Horizon 2020, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, Kansas pertaining to Chapter 11 – Historic Resources.

Consideration of any other business to come before the Commission.

Recess until 6:30pm on July 27, 2011.

BEGIN PUBLIC HEARING (JULY 27, 2011):

COMMUNICATIONS

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

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

REGULAR AGENDA (JULY 27, 2011) MEETING
NON-PUBLIC HEARING ITEM:

ITEM NO. 6 LAWRENCE MUNICIPAL AIRPORT MASTER PLAN

Receive presentation on draft Lawrence Municipal Airport - Airport Master Plan and provide comment as appropriate.

PUBLIC HEARING ITEMS:

****DEFERRED****

~~**ITEM NO. 7 CONDITIONAL USE PERMIT FOR FRATERNAL ORDER OF POLICE SHOOTING RANGE; 768 E 661 DIAGONAL RD (MKM)**~~

~~**CUP-12-8-10**: Consider a Conditional Use Permit for the Fraternal Order of Police shooting range, located at 768 E. 661 Diagonal Road. Submitted by Dan Affalter, for Fraternal Order of Police, property owner of record. *Deferred by Planning Commission on 4/25/11.*~~

ITEM NO. 8 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP14; INVERNESS PARK DISTRICT PLAN (DDW)

CPA-3-1-11: Consider Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Inverness Park District Plan.

****DEFERRED****

~~**ITEM NO. 9 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP 20; SYNTHETIC TURF AS LANDSCAPING MATERIAL (MKM)**~~

~~**TA-4-6-11**: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, Articles 10 and 17, regarding synthetic turf as landscaping material. *Initiated by City Commission on 5/3/11. Deferred by Planning Commission on 6/22/11.*~~

ITEM NO. 10 AGRI-TOURISM COMMITTEE RECOMMENDATIONS (MKM)

Receive Agri-Tourism Committee report and recommendations. Initiate code amendments for future public hearing.

PUBLIC COMMENT SECTION

ADJOURN

CALENDAR

June						2011
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		

July						2011
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

August						2011
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

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

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City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

PLANNING COMMISSION MEETING
June 20 & 22, 2011
Meeting Minutes DRAFT

June 20, 2011 – 6:30 p.m.
Commissioners present: Belt, Blaser, Burger, Culver, Finkeldei, Liese, von Achen
Staff present: McCullough, Stogsdill, Day, Larkin, Leininger, Zollner, Ewert

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MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of May 23 & 25, 2011.

Motioned by Commissioner Liese, seconded by Commissioner Finkeldei, to approve the May 23 & 25, 2011 Planning Commission minutes.

Motion carried 5-0-2, with Commissioners Belt and von Achen abstaining.

COMMITTEE REPORTS

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

Commissioner Blaser said the Metropolitan Planning Organization met and were short a quorum so they did one by phone to vote on several items regarding budget numbers that needed approval. He stated they also approved a committee of about 19 people to work on the Transportation 2040 update.

COMMUNICATIONS

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

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

Mr. Hank Booth mentioned briefly the Farm Tour and mixer on Friday. He said it was a Chamber of Commerce event but he wanted to invite other members of the community.

ELECTION OF OFFICERS FOR 2011-2012

Accept nominations for and elect Chair and Vice-Chair for the coming year.

Commissioner Blaser said since Vice-Chair Hird was absent they would defer elections to Wednesday night.

PC Minutes 6/20/11 **DRAFT**

ITEM NO. 1 CONDITIONAL USE PERMIT FOR A PRESCHOOL; 2084 N 1300 RD (SLD)

CUP-4-2-11: Consider a Conditional Use Permit for a Preschool located at 2084 N. 1300 Road. Submitted by Kristine Lawhorn for United Methodist Church of Eudora, property owner of record. *Joint meeting with Eudora Planning Commission.*

STAFF PRESENTATION
Ms. Sandra Day presented the item.

APPLICANT PRESENTATION
Ms. Kristine Lawhorn was present for questioning.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION by Eudora Planning Commission
Eudora Commissioner Kurt von Achen said Eudora Planning Commission supported the item.

Eudora Commissioner Ken Adkinson asked how many kids would attend.

Ms. Lawhorn said currently there were 24 enrolled but that there could be up to 40 children this semester. She said there could be 10 children per classroom per session so there could be a total of 80 children. She said they hoped to grow into more classrooms.

ACTION TAKEN by Eudora Planning Commission
Motioned by Eudora Commissioner Richard Campbell, seconded by Eudora Commissioner Ken Adkinson, to approve the Conditional Use Permit for a preschool located at 2084 N 1300 Road.

Motion carried 4-0 by Eudora Planning Commission.

COMMISSION DISCUSSION BY Lawrence Planning Commission
Commissioner Finkeldei disclosed ex parte that his son's friend hoped to go to this school.

ACTION TAKEN by Lawrence PC
Motioned by Commissioner Finkeldei, seconded by Commissioner Liese, to approve the Conditional Use Permit for a preschool located at 2084 N 1300 Road.

Unanimously approved 7-0.

PC Minutes 6/20/11 **DRAFT**

ITEM NO. 2 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP 20; PLANNED DEVELOPMENT OVERLAY DISTRICT (MJL)

TA-3-4-11: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, Article 6 & 7, regarding revisions to the district criteria and development standards in the Planned Development Overlay District. *Initiated by City Commission on 4/5/11. Deferred by Planning Commission on 5/25/11.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Commissioner Burger asked staff if they had an opinion about writing into the language that it only apply to the Oread Neighborhood.

Ms. Leininger said it would be better regulated through overlay districts. She said it would be difficult to regulate based on a specific area in the Code and that it would create inconsistency within districts.

Mr. McCullough said since the Code was adopted in 2006 the Links apartment complex was created with a planned overlay district. He said the planned overlay could be a very appropriate tool to use but was limiting and conflicting with the Code and this was an opportunity to clean it up and make part of it more objective. He stated staff felt like this should be applied and available citywide for any number of types of development projects.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, said City Commission should be able to increase or decrease the parking requirements. He felt it was okay to make it a zero area with a minimum of a quarter of an acre. He thought the height increase should only require a change to the front side, but not the alley. He said a planned overlay would be like a rezoning with a public hearing and a lot of people would not want to go through that process.

Commissioner Burger asked Mr. Werner to comment on the letter written by Ms. Marci Francisco that suggested .4 for studio, .6 for one bedroom, and .75 for two bedroom.

Mr. Werner said it would penalize for building a two bedroom.

PUBLIC HEARING

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods (LAN), said the change could affect development citywide. She said they needed to find a way to help the applicant build 1043 Indiana without changing the Code. She said height limit and setback was important for privacy and sunlight. She stated LAN did not support any parking changes.

Ms. Marci Francisco, 1101 Ohio, appreciated Planning Commission taking the time to look at options. She said by using an overlay district the developer would get an extra bonus. She said she would support .4 for one bedroom, .6 for two bedroom, .8 for three bedroom, and 1 for four bedroom. She suggested a half acre minimum.

Commissioner Burger asked if a half acre would encourage consolidation of lots.

Ms. Francisco said 4-plexes generally were built on single lots. She said this could be used to redevelop existing apartment complexes in the Oread Neighborhood.

Mr. Alan Black, League of Women Voters, expressed concern about the applicability citywide.

Mr. Werner said he was okay with Ms. Francisco's numbers. He asked staff if parking was being changed.

Mr. McCullough said no, it was one per bedroom.

COMMISSION DISCUSSION

Mr. McCullough pointed out the staff table on page 69 of the packet that included the planned overlay 25% increase. He stated staff kept it simple with straight calculations. He said Mr. Werner took it an extra step to show options of what could occur with mixing and matching. He said the assumption was that the market wanted two bedroom units, but even with four bedroom units it would not likely max out the intensity. He said the Planned Development Overlay District would offer an applicant to go through the public process with a little bit more flexibility and allow the applicant to request up to 25% more density of units. The new language would allow the density to be recalculated but would not change the parking standards, except it would allow City Commission the ability to require more or less parking of a project.

Commissioner Liese inquired about the original town center lot.

Ms. Leininger said those were the size of lots originally platted.

Commissioner Liese asked how much acreage that was.

Mr. McCullough said it was close to 1/10 of an acre.

Commissioner Culver said on page 67 of the packet the staff report says ½ acre = 21,780 square feet.

Commissioner Blaser asked if size made any difference.

Mr. McCullough said it seemed a bit arbitrary. He said the flexibility of having no size limit was that someone would be able to take a single lot and propose through the public hearing process a development. He felt it was appropriate to have a flexible process.

Commissioner Liese said if it was indeed arbitrary maybe the best thing to do was to eliminate the minimum.

Mr. McCullough said it could either be eliminated or let the underlying base district minimum lot size regulate it.

Commissioner Blaser inquired about the base lot sizes.

Mr. McCullough said every lot had a base minimum lot size. (He displayed the chart on the overhead)

Commissioner Finkeldei said he could support the original staff recommendation of the .5 and zero acreage but he was hearing more consensus on a few other issues that he could support as well. He

said he could support the .4, .6, .8 density ratio and ¼ acre minimum lot size. He asked staff to address Ms. Klingenberg's comments about height.

Mr. McCullough displayed the table standards on the overhead. He said the current Code stated that you have to match the structure height of the adjacent property, not the maximum height of the district. He said the adjacent structure could increase their height to their maximum at any time with a building permit.

Commissioner Liese asked Ms. Francisco if she was comfortable with zero.

Ms. Francisco said they were talking about the size of original town site lots and that was the map that the City of Lawrence first laid out. She said the overlay district would give the developer a 25% bonus density. She suggested ½ acre which would equal 4 lots.

Commissioner Burger asked if City Commission could also change the density.

Mr. McCullough said the Planned Development Overlay district today allowed a request to be made to increase the density by 25% of the base district on a 5 acre or larger site. He said it also allowed City Commission to decrease the parking standards.

Commissioner Belt inquired about the current status of Oread grants Ms. Klingenberg mentioned.

Mr. McCullough said City Commission accepted the grants so an RFP would be sent out to the consultants and a process to include the public would be built.

Commissioner Belt asked if he thought there would be time conflicts.

Mr. McCullough said he thought the process would take a year to complete.

Commissioner Finkeldei inquired about the ability to reduce below the minimum.

Ms. Stogsdill said there were a number of PUD's under the old Code where there was a variance requested through the Planning Commission on the lot size reduction.

Commissioner Culver asked staff's opinion regarding Mr. Werner's letter about setbacks for alleys.

Mr. McCullough said that standard was not being addressed in this amendment.

Mr. Werner said with increasing the height he did not want it forced to be pulled back to the alley.

Mr. McCullough asked Mr. Werner if he thought there was something being changed in the language on how that issue was viewed.

Mr. Werner said when using the exception to increase the height it would be pushed further away from the alley and closer to the street.

Mr. McCullough said anything over and above the base zoning district standards requested by the applicant did not have to be approved so each project would be looked at.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Liese, to approve Text Amendment, TA-3-4-11, regarding revisions to the district criteria and development standards in the Planned Development Overlay District, with the following three changes:

1. To include a density calculation of .8 for three bedroom, .6 for two bedroom, .4 for one bedroom and studio.
2. To create minimum size for the PD district of ½ acre but with language similar to the old Code where the district size could be modified with City Commission approval.
3. Update regarding parking which would allow City Commission to increase or decrease the parking requirements.

Commissioner von Achen asked if that also included the height issues that they discussed.

Commissioner Finkeldei said his motion accepts staff's recommendation on changing the height.

Motion carried 5-2, with Commissioners Belt and Burger voting in opposition.

ITEM NO. 3 CONDITIONAL USE PERMIT FOR A RETAIL NURSERY; 1185 N 1250 RD (SLD)

CUP-3-1-11: Consider a Conditional Use Permit for a Retail Nursery located at 1185 N. 1250 Road. Submitted by Lawrence Landscape Inc., property owner of record.

STAFF PRESENTATION
Ms. Sandra Day presented the item.

APPLICANT PRESENTATION
Mr. Frank Male, Lawrence Landscape, was present for questioning.

Commissioner Finkeldei asked if he had any issues with the two conditions.

Mr. Male said no.

PUBLIC HEARING
No public comment.

ACTION TAKEN
Motioned by Commissioner Finkeldei, seconded by Commissioner Culver, to approve a Conditional Use Permit for a Retail Nursery located at 1185 N. 1250 Road subject to the following conditions:

1. Approval of a local floodplain development permit prior to start of commercial retail operations.
2. The applicant shall provide a revised site plan with the following note: Chemical or compost toilets may be used only if approved by the County Health Official.

Unanimously approved 7-0.

ITEM NO. 4A RS7 TO RM12D; 4.6 ACRES; 25TH TERRACE & O'CONNELL RD (SLD)

Z-4-13-11: Consider a request to rezone approximately 4.6 acres from RS7 (Single-Dwelling Residential) to RM12D (Multi-Dwelling Residential), located at 25th Terrace and O'Connell Road. Submitted by Johnson Group Engineering, for Fairfield Investors LLC, property owner of record.

ITEM NO. 4B PRELIMINARY PLAT; FAIRFIELD FARMS; 25TH TERRACE & O'CONNELL RD (SLD)

PP-4-5-11: Consider a Preliminary Plat for Fairfield Farms, a revision to an approved residential plat known as Fairfield Farms East Addition No. 1, specifically modifying Blocks 1 and 2 and Blocks 14 and 15 to combine 44 lots and rights-of-way into 14 lots with abutting right-of-way, located at 25th Terrace and O'Connell Road. Submitted by Johnson Group Engineering, for Fairfield Investors LLC, property owner of record.

STAFF PRESENTATION
Ms. Sandra Day presented items 4A & 4B together.

Commissioner Burger said the staff reports states approval does not guarantee development of the site as a church or other community facility. She asked if with the rezoning it could be a potential location for a homeless shelter.

Ms. Day said potentially it could, it would require a public hearing through a Special Use Permit.

Mr. McCullough said they could have a temporary shelter in a church, up to 15 people, through the program Family Promise.

Ms. Day said a standalone shelter would be something different.

APPLICANT PRESENTATION
Mr. Aaron Gaspers, Johnson Group, was present for questioning.

PUBLIC HEARING on Item 4A
No public comment.

COMMISSION DISCUSSION
Mr. McCullough said a standalone temporary shelter was not allowed in RM12D. If it was accessory to a religious institution it would be allowed with no more than 20 occupants (15 shelter clients plus 5 support staff) that shall only be operated for up to 120 days in either consecutive or non-consecutive days per calendar year.

ACTION TAKEN on Item 4A
Motioned by Commissioner Liese, seconded by Commissioner Finkeldei, to approve the request to rezone approximately 4.6 acres, from RS7 (Single-Dwelling Residential) District to RM12D (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 7-0.

ACTION TAKEN on Item 4B

Motioned by Commissioner Liese, seconded by Commissioner Finkeldei, to approve the Preliminary Plat of the Fairfield Farms Subdivision and forwarding it to the City Commission for consideration of acceptance of easements and right-of-way and subject to the following conditions:

1. Provision of a revised Preliminary Plat note number 18 to include a note that states: Direct access to O'Connell Road south of 25th Terrace shall be subject to review and approval of a traffic study to be submitted with future development applications. Removal of the access restriction does not guarantee a direct access to O'Connell Road in the future for Lot 9, Block 1 Fairfield Farms East Addition.
2. Provision of a revised Preliminary Plat to show in the site summary a total of 125 Lots in the RS7 zone

Unanimously approved 7-0.

PC Minutes 6/20/11 **DRAFT**

ITEM NO. 5 CONDITIONAL USE PERMIT FOR INDOOR SPORTS CENTER; 1898 E 56 RD (SLD)

CUP-4-3-11: Consider a Conditional Use Permit for an indoor sports center, located at 1898 East 56 Road, Lecompton. Submitted by PLS Landscape for Price Property LLC, property owner of record.

STAFF PRESENTATION
Ms. Sandra Day presented the item.

Commissioner Finkeldei asked if staff talked to the applicant about the two teams or 40 person maximum.

Ms. Day said she forwarded the staff report to the applicant and also had a brief conversation with him.

Commissioner Finkeldei said the two teams seemed arbitrary.

Ms. Day said the intention was not to limit it to only two teams, but rather a maximum of 40 people.

Commissioner Finkeldei asked if she would object to changing the wording.

Ms. Day said no.

APPLICANT PRESENTATION
Mr. Chad Price, Price Property LLC, was present for questioning.

Commissioner Finkeldei asked if he was okay with the 40 person maximum.

Mr. Price said he was comfortable with 40 players but said if each team had 15 players and each player had a parent bring them then they would be over the 40 maximum.

Commissioner Burger asked if there was enough space in the two story office building in the event of inclement weather.

Mr. Price said yes, there was a full basement.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Commissioner Finkeldei asked if staff would be okay with 40 participants. He asked if the 40 was based on parking.

Ms. Day said there was ample parking and that was not the issue. She said it was an issue of occupancy that the county building codes administrator would establish. She said the building was capable of handling a significant larger number of people. Staff was trying to hold the occupancy down to allow the applicant time to address some of the building code issues that he may encounter. She stated staff was not married to the number of 40 people.

Commissioner Liese asked if staff could leave the number up to the county zoning office. He thought it might be wise to take the number of people out and leave it up to county zoning.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Burger, to approve the Conditional Use Permit for an indoor sports center/recreation facility located at 1898 E 56 Road [SE1/4 Section 11-Township 12-Range 17] and forwarding of it to the County Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report subject to the following conditions two conditions:

1. Provision of note on the face of the plan that states: the facility is not an event facility and that the use is restricted to practice only.
2. ~~Provision of a note on the face of the plan that states: This use is limited to not more than two teams or 40 persons maximum at any one practice time.~~
3. Provision of note on the face of the plan that states: prior to occupancy all applicable building codes shall be met for the proposed change in building use.

Unanimously approved 7-0.

PC Minutes 6/20/11 **DRAFT**

ITEM NO. 6 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 11 (LBZ)

CPA-4-4-10: Consider Comprehensive Plan Amendment to Horizon 2020 – Chapter 11 - Historic Resources. *Initiated by Planning Commission on 4/26/10.*

STAFF PRESENTATION

Ms. Lynne Braddock Zollner presented the item.

Commissioner Burger asked why the Watkins Community Museum was singled out.

Ms. Zollner said the Watkins Community Museum was struggling to find their voice and have a place in the community as a stakeholder. She said they were working toward the goal of revitalizing the museum and having it become a more important place in the heritage tourism and economic development strategies. She stated it was specifically requested to be in the County Preservation Plan.

Commissioner Burger asked when they consider an addition or change to this type of document, where do they quantify the cost associated with approval.

Mr. McCullough said that should be in everyone's thoughts throughout the process.

PUBLIC HEARING

Mr. Dennis Brown, Lawrence Preservation Alliance, felt the chapter was an important element in the overall planning document.

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods (LAN), thought this was fantastic. She loved the idea of considering other neighborhoods that needed to be considered for historic preservation. She felt that outside tourism money needed to be brought into the community. She said the document supported LAN policies.

Mr. Alan Black, League of Women Voters, said they were very much in favor of the amendment. He said they were pleased that staff accepted the rewording of goal 2.

COMMISSION DISCUSSION

Commissioner Liese thanked the public for their comments and felt it was a good amendment.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner von Achen, to approve the comprehensive plan amendment to Horizon 2020, Chapter 11 (Historic Resources), for unincorporated Douglas County and the City of Lawrence and recommends forwarding the comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

Unanimously approved 7-0.

PC Minutes 6/20/11 **DRAFT**

ITEM NO. 7 U-KU TO RM64-PD; .8 ACRES; 1043 INDIANA ST (LBZ)

Z-4-15-11: Consider a request to rezone approximately .8 acres from U-KU (University – Kansas University) to RM64-PD (Multi-Dwelling Residential), located at 1043 Indiana Street. Submitted by Paul Werner Architects, for Triple T LLC, property owner of record.

Item 7 was deferred prior to the meeting.

PC Minutes 6/20/11 **DRAFT**

MISCELLANEOUS NEW OR OLD BUSINESS

MISC ITEM NO. 1: FINAL DEVELOPMENT PLAN; BURGER KING – BAUER FARM PCD; 4671 BAUER FARM DRIVE (SLD)

FDP-5-2-11: Consider Final Development Plan for a 2,855 SF drive-thru restaurant [Burger King – Bauer Farm PCD], located on approximately 0.7 acres, at 4671 Bauer Farm Drive. Submitted by Bartlett & West Engineering for Genesh Inc., property owners of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Culver, to approve the Final Development Plan based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

1. Submission of building elevations to be recorded with the Final Development Plan.
2. Provision of a mylar for the site plan and applicable recording fees.

Unanimously approved 7-0.

Consideration of any other business to come before the Commission.

Recess at 9:05pm until 6:30pm on June 22, 2011.

Reconvene June 22, 2011 – 6:30 p.m.

Commissioners present: Belt, Blaser, Burger, Culver, Finkeldei, Hird, Liese, von Achen
Staff present: McCullough, Stogsdill, Larkin, M. Miller, Ewert

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BEGIN PUBLIC HEARING (JUNE 22, 2011):

ELECTION OF OFFICERS FOR 2011-2012
Accept nominations for and elect Chair and Vice-Chair for the coming year.

Motioned by Commissioner Liese, seconded by Commissioner Finkeldei, to nominate Rick Hird as Planning Commission Chair.

Motion carried 7-0-1, with Commissioner Hird abstaining.

Motioned by Commissioner Finkeldei, seconded by Commissioner Hird, to nominate Bruce Liese as Planning Commission Vice-Chair.

Motion carried 7-0-1, with Commissioner Liese abstaining.

COMMUNICATIONS
Mr. McCullough stated there was a deferral request for item 11, a Text Amendment for synthetic turf.

Mr. Paul Werner, Paul Werner Architects, said staff put together a large packet of information and they needed additional time to review it all.

Commissioner Liese asked if there were any restrictions on how much research they could do on their own.

Mr. McCullough said research was good and recommended Commissioners forward any research they do to staff so it could be shared with the full Commission.

Motioned by Commissioner Finkeldei, seconded by Commissioner Liese, to deny the deferral request for item 11.

Commissioner Hird said the Text Amendment was initiated in May by City Commission and if voted on tonight it would be the fastest amendment he has ever seen. He felt they should keep the public hearing open and defer action until another date.

Motion carried 8-0.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
  Commissioner Belt said he had a brief conversation with Mr. Paul Werner about item 11 for the synthetic turf Text Amendment.
  Commissioner Hird said he had a brief conversation with Ms. Jane Eldredge regarding the deferral request for item 11.

- No abstentions.

PC Minutes 6/22/11 **DRAFT**

ITEM NO. 8 EXTENSION REQUEST FOR REVISED PRELIMINARY PLAT; MERCATO; N OF HWY 40 & E OF HWY K-10 (MKM)

PP-10-05-09: Extension request for a Revised Preliminary Plat for lots 7,8 and 9 Block Four and Lots 2, 3, and 4, Block Seven as shown on the approved Preliminary Plat for Mercato dated 4/26/06; N of Hwy 40 & E of Hwy K-10.

STAFF PRESENTATION
Ms. Mary Miller presented the item.

Commissioner Blaser inquired about the bicycle path.

Ms. Miller said there were plans to connect the bicycle path.

APPLICANT PRESENTATION
Ms. Jane Eldredge, Barber Emerson, was present for questioning. She said that Ms. Gwen Klingenberg advised her that the West Lawrence Neighborhood Association was supportive of the plat.

ACTION TAKEN
Motioned by Commissioner Liese, seconded by Commissioner Finkeldei, to approve an extension request for a Revised Preliminary Plat for lots 7,8 and 9 Block Four and Lots 2, 3, and 4, Block Seven as shown on the approved Preliminary Plat for Mercato dated 4/26/06; N of Hwy 40 & E of Hwy K-10.

Unanimously approved 8-0.

PC Minutes 6/22/11 **DRAFT**

ITEM NO. 9 PRELIMINARY PLAT; KASOLD WATER TOWER ADDITION; SE OF TAM O'SHANTER & KASOLD DR (MKM)

PP-4-4-11: Consider a Preliminary Plat for Kasold Water Tower Addition, approximately .5 acre containing 1 lot, located southeast of the Tam O'Shanter and Kasold Drive intersection, a waiver from Section 20-811(c) which requires a 6 ft wide sidewalk along arterial streets, and a variance from Section 20-810(d)(4)(i) which requires 150 ft of right-of-way for a principal arterial. Submitted by the City of Lawrence, property owner of record.

STAFF PRESENTATION
Ms. Mary Miller presented the item.

APPLICANT PRESENTATION
Aaron Gaspers, Johnson Group, was present for questioning.

PUBLIC HEARING
No public comment.

ACTION TAKEN
Motioned by Commissioner Finkeldei, seconded by Commissioner von Achen, to approve the requested variance from the requirement to dedicate 150 ft of right-of-way for a principal arterial to permit the dedication of 40 ft, resulting in a total of 140 ft of right-of-way in this location.

Unanimously approved 8-0.

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the requested waiver from the requirement to install a 6 ft wide sidewalk along the east side of Kasold Drive along the frontage of this subdivision and forwarding the request to the City Commission with a recommendation for approval subject to the following condition:
1. Addition of the following note to the preliminary plat: "A 6 ft wide sidewalk shall be constructed on this lot when sidewalks are installed on either of the adjacent properties

Unanimously approved 8-0.

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the Preliminary Plat of the Kasold Water Tower Addition and forwarding the plat to the City Commission for acceptance of dedication of right-of-way and easements subject to the following conditions:
1. The plat shall be revised with the following changes:
   a. If the requested waiver is approved the plat shall be revised with a note indicating the date of approval. If the requested waiver is not approved, the plat shall be revised to show the location of the 6 ft wide sidewalk.
   b. The amount of right-of-way being dedicated shall be increased to 40 ft from the centerline of Kasold Drive.
   c. The distance of the shed to the right-of-way line shall be dimensioned on the plat.

Unanimously approved 8-0.

PC Minutes 6/22/11 **DRAFT**

ITEM NO. 10 A TO B-1; 2.9 ACRES; N OF N 650 RD & E OF E 1250 RD (MKM)

Z-4-12-11: Consider a request to rezone approximately 2.9 acres from A (Agricultural) to B-1 (Neighborhood Commercial), located North of N. 650 Road and East of E. 1250 Road. Submitted by Stanley Zaremba, property owner of record.

Item 10 was withdrawn by the applicant prior to the meeting.

PC Minutes 6/22/11 **DRAFT**

ITEM NO. 11 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP 20; SYNTHETIC TURF AS LANDSCAPING MATERIAL (MKM)

TA-4-6-11: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, Articles 10 and 17, regarding synthetic turf as landscaping material. *Initiated by City Commission on 5/3/11.*

STAFF PRESENTATION
Ms. Mary Miller presented the item.

APPLICANT PRESENTATION
Mr. Paul Werner, Paul Werner Architects, said synthetic turf was previously used at The Oread hotel, through an alternate compliance approval, and he thought that might be why the builder got off track with Frontier apartments. He said he did not desire to start using it everywhere and anywhere, only in specific circumstances. He felt it fit the location and the builder thought it was a good idea. He said the product they used did not contain lead. He asked for an opportunity to do more research and have more discussions about synthetic turf. He said he did not intend for this to be a blanket text amendment.

Commissioner Liese asked Mr. Werner if the thought the Landscaping Practices Comparison Chart that was in the staff report was accurate.

Mr. Werner said he did not know that it was accurate. He said water does go through synthetic turf. He said he needed to do more research.

Commissioner Liese said he wanted to know if the chart was accurate. He said if it was he could not imagine supporting a text amendment that would include synthetic turf. He asked how The Oread hotel got approved for synthetic turf.

Mr. McCullough said The Oread was approved through a request for alternative compliance. He said The Oread had very little setbacks and that a majority of the landscaping was real but that there was a small area where turf was approved through alternative compliance.

Commissioner Liese asked if they could have filed for alternative compliance for this project.

Mr. McCullough said the reason it was approved for The Oread was because there was only a small area of synthetic turf. He said the applicant did have some options. They could have challenged the interpretation of the code or sought alternative compliance and appealed that decision of denial. He felt the avenue they chose was appropriate. He said ultimately the project would need to comply before being granted occupancy permits.

Commissioner Belt said he would be curious to know how many of the products were petroleum based.

Mr. Werner said he would look into that but he thought petroleum products were used more with athletic fields.

Commissioner Culver asked if a variance would just apply to a specific situation.

Mr. McCullough said staff would have to analyze that further. He said he did not discuss a variance much with Mr. Werner. He said it would be a tough hurdle to get a variance because the Code states no artificial materials shall be used.

PUBLIC HEARING

Ms. Jane Eldredge, attorney representing the applicant, said when the discrepancy was discovered there were a string of emails between Mr. Werner and Mr. McCullough indicating that the temporary occupancy permits would be granted and that the City would work with the applicant if the applicant would make the request for a text amendment by April to the City Commission, in order to get it on the next Planning Commission agenda. She said the applicant did not provide a proposed text amendment and made the assumption that staff would draft a text amendment that would limit the use of synthetic turf to the kinds of situations that existed at The Oread hotel and Frontier Apartments. She said there were cities, predominantly in the southwest, that give people breaks on their water bills if they use synthetic turf. She referenced the lists in the staff report and said she had no idea of the validity, nor if the selection of those particular items were the appropriate set of factors to be looking at. She said it was hard to maintain a good looking lawn with narrow strips of ground that get a lot of foot traffic. She said the applicant would like the opportunity to work with staff about what kinds of things should be in a text amendment. She suggested a two month deferral.

Commissioner Hird asked why a variance or waiver was not requested instead.

Ms. Eldredge said she was unaware of the problem until Monday of this week. She did not think the applicant had a clear understanding of who should draft the text amendment.

Commissioner Hird said the site plan stated that real materials should be used, not synthetic turf. He said the builder knew it was going to be required and installed something not in compliance with the site plan.

Ms. Eldredge said she did not believe the builder was the one who agreed to the site plan. She said she did not know factually who did what and what the communication was between the parties.

Commissioner Hird said a text amendment may be way beyond the fix of this particular situation.

Ms. Eldredge said if the applicant had other projects where this sort of use may be appropriate then it should be addressed now.

Commissioner Burger asked how many square feet of the material had already been installed.

Ms. Eldredge said she did not know.

Mr. Werner displayed the area on the overhead.

Commissioner Liese asked why the builder didn't install grass once they realized they were not in compliance.

Ms. Eldredge said this was the same builder that did The Oread hotel and thought it was okay. She said there had already been considerable expense installing synthetic turf and staff suggested a text amendment would be drafted so the builder felt no urgency to replace it.

Commissioner Liese said he wanted to hear more information. He agreed with what Commissioner Hird said about the fact that the builder had a site plan that differed from what they installed. He wanted to know what the community thought about it after they were informed.

Ms. Eldredge said she agreed and wanted a published text amendment that would be informative to the public.

Mr. McCullough said several sections would need to be revised.

Ms. Eldredge felt there should also be standards for maintenance.

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods (LAN), said she was not able to start research until recently but felt it was a start. She said LAN did oppose a site plan not being followed. She said synthetic turf lawns were only recommended with hard to maintain or limited lawns. She referenced specifics, such as the price, of turf from several different companies.

Commissioner Hird said the public hearing would be left open.

COMMISSION DISCUSSION

Commissioner Finkeldei said he did not think the Frontier Apartment project was relevant to this text amendment because they were really discussing whether they should amend the Code. He asked if staff had to make the decision again would they still approve synthetic turf at The Oread.

Mr. McCullough said he still stood by the position of synthetic turf for The Oread because it made sense at that location. He said it was a unique situation and the owner and builder were informed of the special circumstance. He felt that synthetic turf, in very specific situations, was appropriate.

Commissioner Finkeldei did not personally think they needed more studies on lead, zinc, water, etc. He did not think that would sway the Commission very much on what the end product was. He said there were probably certain very limited situations where turf could work. He suggested adding a line in to section 20-1007 (a)(1) that synthetic turf could be considered an alternative compliance. He felt they needed something specific to allow staff to consider it in certain circumstances. He did not want to direct staff and the applicant to do hours of study.

Commissioner Burger said the Code was very clear that no artificial plants may be used.

Commissioner Liese said he heard an undertone from the applicant that staff may have made certain suggestions that they did not adequately follow through with and guided the applicant wrong. He asked staff to respond.

Mr. McCullough said he would re-characterize the communications with the applicant. He agreed with Commissioner Finkeldei that Frontier Apartments was both not germane and very germane because it initiated the issue. He said in the email string that Ms. Eldredge noted staff recommended complying with the site plan as the quickest solution. He said staff stated that alternative compliance and/or a variance would not be supported by staff, given the clear intent of the Code. He said staff laid out various options for the applicant to pursue in resolving the compliance issue and advised that if the applicant desired keeping the turf a text amendment was the best vehicle to address the matter.

Commissioner Finkeldei asked the hypothetical question if staff would support a text amendment that would prohibit the use of synthetic materials anywhere in the city.

Mr. McCullough said staff could probably support that text amendment based on Ms. Miller's research. He said there were alternatives to turf.

Commissioner Finkeldei said he did not have a problem with synthetic turf. He suggested adding a note in section 20-1007 that synthetic turf could be considered as an alternative compliance issue.

Mr. McCullough said he believed when he approved the synthetic turf at The Oread that he would never be faced with the issue again.

Commissioner von Achen said in her mind there were two separate issues; the appropriateness of using artificial turf as landscape, and the procedural issue of accommodating an owner who willingly violated the Code with a text amendment.

Commissioner Blaser said he was not sure they needed a text amendment and was leaning toward not doing anything. He said almost all professional stadiums have gone back to natural turf because of problems with astroturf.

Mr. McCullough said this particular builder does amazing landscaping with his properties.

Motioned by Commissioner Liese, seconded by Commissioner Blaser, to deny the text amendment to the Land Development Code, Chapter 20, Articles 10 and 17, regarding synthetic turf as landscaping material.

Commissioner Finkeldei said he would vote against the motion because he felt the applicant needed more time to respond and there needed to be more public comment. He said if voted down he might move to initiate a different text amendment.

Commissioner Culver agreed with Commissioner Finkeldei that they owed it to the public, staff, and applicant for more time to review the information. He said he was torn because an isolated circumstance brought this to their attention but they had the responsibility to see how it fits or doesn't fit in the Code. He said a text amendment may address that. He said they owed it to the community to look into the issue further. He said at this point he would not support a motion to deny because a lot more work needed to be done.

Commissioner Burger asked what options the applicant would have if the text amendment was denied.

Ms. Miller said they would still have the option of requesting alternative compliance or a variance. She said staff would probably not support that but the applicant could appeal it to the City Commission.

Commissioner Burger said she was very aware that the developer did wonderful landscaping projects with properties they were associated with. She said she was glad there are options for them if the text amendment was denied. She said she would support the motion.

Commissioner Liese said he would not have made the motion if he did not believe there were other options.

Commissioner Finkeldei said what happens at Frontier Apartments should have no impact on what they do with the text amendment. He felt they should be separate issues.

Commissioner Burger said she did not know that she could separate the issues because on the text amendment application the applicant referenced the Frontier Apartments as the reason for the request.

Commissioner Hird said he did not have sympathy for the builder because it was on the site plan. He said it was hard for him to imagine that a builder would substitute an extremely expensive material without talking to the owner. He felt the issue was the text amendment and whether they should move forward it. He said he might support denying the text amendment, but that denying it right now might be too quick because he wanted additional information. He wanted to know more from staff about the approval of alternative materials given to The Oread and the rules for that so they would know if it was an acceptable alternative for a builder. He said he would vote against denying the text amendment now.

Commissioner Culver asked staff to research other communities that have addressed the issue and have incorporated it into their policies.

> Motion failed 4-4, with Commissioners Belt, Culver, Finkeldei, and Hird voting in opposition. Commissioners Blaser, Burger, Liese, and von Achen voted in favor of the motion.

Motioned by Finkeldei, seconded by Commissioner Culver, to defer the item to the July, 2011 Planning Commission meeting.

Commissioner Burger asked how relevant the Environmental Chapter was to this.

Mr. McCullough said the Code was meant to implement the Comprehensive Plan. He said the Environmental Chapter would be published and adopted this week. He said the devil was in the details with this issue and they needed to figure out whether turf was a feasible landscaping material for many different reasons.

Commissioner Hird said he would like to know more about the authority of the Planning staff to grant alternative compliance.

Commissioner Liese would like to know what the public thinks.

Mr. McCullough said the item was properly noticed for the public to attend.

> Motion carried 7-1, with Commissioner Burger voting in opposition.

PC Minutes 6/22/11 **DRAFT**

ITEM NO. 12 AGRI-TOURISM COMMITTEE RECOMMENDATIONS (MKM)

Agri-Tourism Committee recommendations

STAFF PRESENTATION

Ms. Mary Miller presented the item and said it would be heard by Planning Commission in July.

Commissioner Liese asked if this could include boating.

Ms. Miller said that was one of the uses identified as being considered.

Commissioner von Achen asked what was meant by the wording in the staff report that refers to registration of agri-tourism uses.

Ms. Miller said primarily it would be used for economic benefits where they could be noted on the Douglas County website which would include a link to their website. She stated each registration would be verified. If they register with the State it would automatically be registered with the county.

Commissioner von Achen asked if the recent food garden tour was in any way associated with this.

Ms. Miller said no.

Commissioner Hird said the committee spent a long time discussing terms because there were a lot of ways to refer to agri-tourism, agri-business, rural tourism, etc. He said the State Statute adopted several years ago said that if you registered with the State and posted a prescribed notice the landowner had certain insulation from liability. He said they did that because agri-tourism was something the state of Kansas should get behind.

Commissioner Hird thanked Mr. Pep Selvan, Blue Jacket Crossing Winery, for his participation in the process. He said regarding dust palliative treatment, the only solution that he knew of was dust palliative but that it was incredible expensive. He suggested that the County could help participate in some fashion with finances.

PUBLIC HEARING

Mr. Hank Booth, Lawrence Chamber of Commerce, discussed the Farm Tour and mixer on Friday that was a Chamber of Commerce event.

Ms. Gwen Klingenberg, said she was excited about this and the money that it will bring into the community. She thought it would be a good idea to include the information on the City website.

Commissioner Finkeldei asked what the next step was for the committee.

Commissioner Hird said they would be working on the specifics of the registration.

Commission Finkeldei suggested looking at language regarding signage.

Commissioner Culver suggested an additional step of how to promote it beyond Douglas County.

NO ACTION TAKEN

PC Minutes 6/22/11 **DRAFT**

ITEM NO. 13 CONDITIONAL USE PERMIT FOR FRATERNAL ORDER OF POLICE; 768 E 661 DIAGONAL RD (MKM)

CUP-12-8-10: Consider a Conditional Use Permit for the Fraternal Order of Police shooting range, located at 768 E. 661 Diagonal Road. Submitted by Dan Affalter, for Fraternal Order of Police, property owner of record. *Deferred by Planning Commission on 4/25/11.*

Item 13 was deferred prior to the meeting.

PUBLIC COMMENT SECTION

Commissioner Liese asked the Commissioners to bring specific questions with them to the upcoming Planning Commission orientation.

ADJOURN 9:00pm

Memorandum
City of Lawrence-Douglas County
Planning & Development Services

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

FROM: **Michelle Leininger, AICP, Area/Neighborhood Planner**

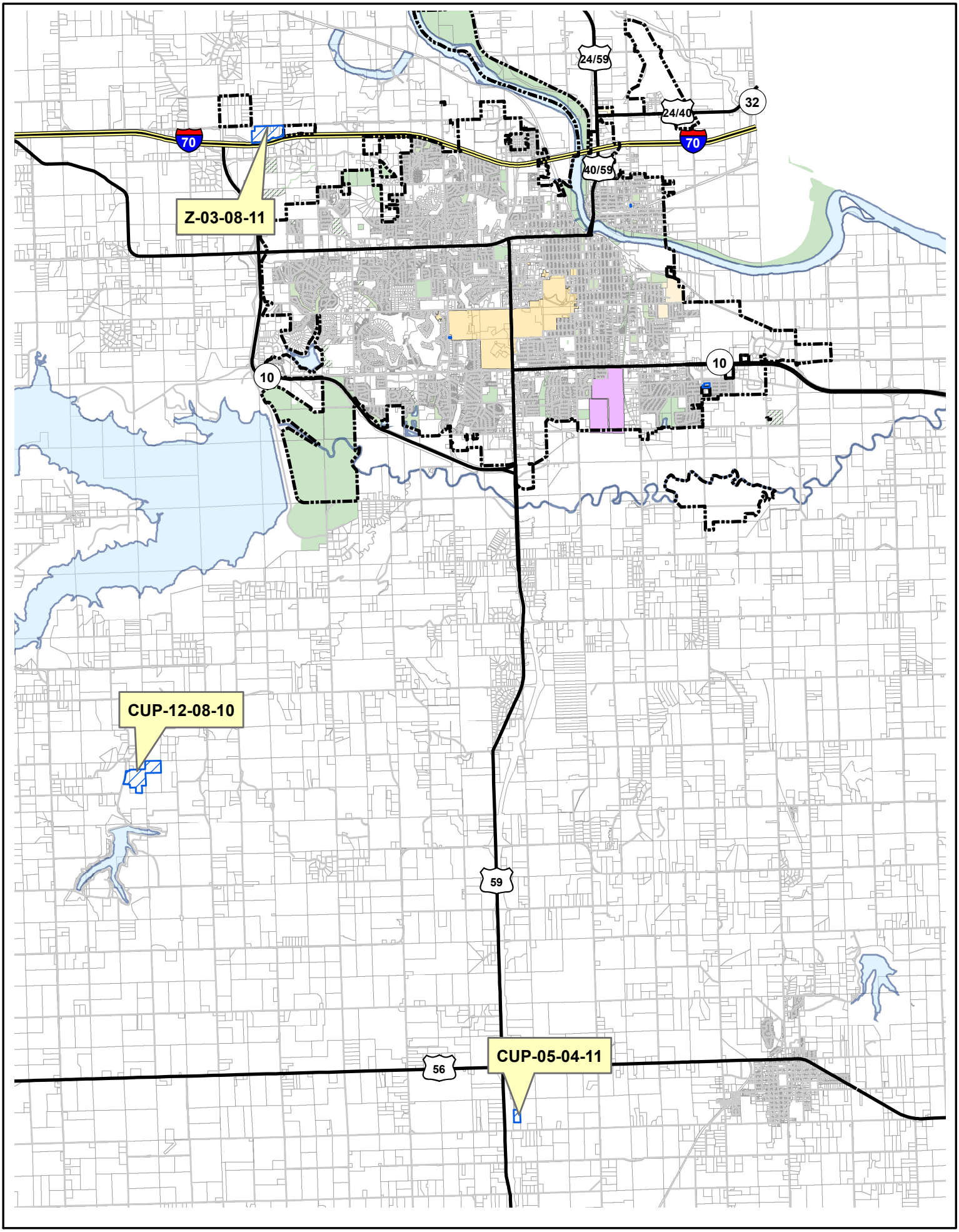
CC: **Scott McCullough, Planning and Development Services Director**
Sheila Stogsdill, Assistant Planning Director

Date: **July 25, 2011**

RE: **Update on the Oread Neighborhood Plan Overlay Districts**

City Staff applied for a grant from the Kansas State Historic Preservation Office in early 2011 to assist in the development of the overlay district design guidelines as recommended in the *Oread Neighborhood Plan*. The City was awarded a grant from the Historic Preservation Fund (HPF) and on June 7, 2011 the City Commission voted to accept the grant. This grant is a 60/40 contribution where the Historic Preservation Fun provides 60% ($30,005) of the funding and the city provides 40% ($20,003.39). The grant will provide funding to hire a qualified consultant to lead the public meetings and draft the design guidelines for the overlay districts identified in the Oread Neighborhood Plan. Staff will identify a public participation program, similar to the task force that developed the recently updated Downtown Design Guidelines, to ensure all stakeholders are involved in the creation of the guidelines document.

To date staff is working on getting the paperwork in order and the contract signed for the project. Once this is processed with the State Preservation Office, staff can begin drafting the Request For Proposals for a consultant. Once the RFP is approved, it will be available for approximately 30 days for response. Staff will then review the proposals and recommend a consultant based on the HPF Grant Guide. Once a consultant is selected, staff will work with the consultant to outline a process for public meetings.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PLANNING COMMISSION REPORT
Regular Agenda –Public Hearing Item

PC Staff Report
7/25/11

ITEM NO. 1 CONDITIONAL USE PERMIT FOR A RETAIL NURSERY; 1271 N 222 RD (SLD)

CUP-5-4-11: Consider a Conditional Use Permit for a commercial greenhouse and nursery to permit accessory retail sales, for an ecological restoration business, located at 1271 N 222 Rd, Baldwin City. Submitted by Landplan Engineering, P.A., for Ronald E. Shouse, property owner of record. *Joint meeting with Baldwin City Planning Commission.*

STAFF RECOMMENDATION: Staff recommends approval of a Conditional Use Permit for a Retail Nursery located at 1271 N 222 Road.

Reason for Request: *"Applied Ecological Services, Inc. seeks to establish a commercial greenhouse, retail nursery and ecological restoration business on the subject property zoned "A". The property features an existing 40,000 SF green house that previously operated on site under different management."*

KEY POINTS
- Existing business located along hard surface road.
- Property located along highway access.
- Property located within three miles of Baldwin City limits.
- Baldwin City Planning Commission considered the item at their July 12, 2011 meeting. There were no objections to the request.
- Section 12-303-1.20 defines **Commercial Greenhouse** *"an agricultural enterprise using a controlled environment [temperature and humidity] for the commercial cultivation and production of plants."* This is an allowed use in the A (Agricultural) District.
- Section 12-319-4.32 defines **Retail Nursery** *"when ancillary products are sold which were not produced on the site, shall not exceed 3,500 SF of net retail space…"* This use requires approval of a Conditional Use Permit.

ATTACHMENTS
- Site Plan
- Area Map
- Site Summary by Phase
- AES Brochure – list of services and business description

GOLDEN FACTORS TO CONSIDER

ZONING AND USES OF PROPERTY NEARBY
- Existing zoning is agricultural and includes residences and agricultural fields in the immediate area.

CHARACTER OF THE AREA
- Property is located on the east side of the old Highway 59 alignment. The property is located in the Willow Springs Township and within three miles of Baldwin City.

SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

- The current zoning designation for the property is A, an agriculture-related district.
- The proposed request will not alter the underlying zoning district.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Approval by Board of County Commissioners.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None to date.

GENERAL INFORMATION

Current Zoning and Land Use: A (Agricultural) District; existing residence and accessory buildings related to a former nursery operation.

Surrounding Zoning and Land Use: A (Agricultural) District in all directions; surrounding uses include rural residences and agricultural fields.

Site Summary		
Subject Property:	12.7 acres	555,329 SF
	Existing	**Proposed**
Total Building SF	43,000	100,100
Total Impervious SF	91,500	124,049
Total Pervious SF	463,829	431,280

Summary of Request

This project is a multi-Phase development that will include new buildings for equipment storage, expansion of the green house, and exterior storage of plant materials. The existing residence is located on the north portion of the property and is included in the site summary.

Development By Phase	
Total Buildings	43,000 SF
Total Building Phase I	60,100 SF
Total Building Phase II	70,100 SF
Total Building Phase III	100,100 SF

This request is for a Conditional Use Permit to allow for retail sales and related activities. The primary activity for this property is a commercial greenhouse, an allowed use in the Agricultural district. Other activities include office and professional design/consulting services in support of the business and storage of vehicles and equipment related to the business. The key element of consideration for this request is the retail element proposed for Phase II. The site plan shows the use of existing buildings and temporary structures as the site is developed in Phases over time.

The site includes both office and future retail space as well as equipment storage related to the nursery business. Several areas are shown for “plant product storage” these are open storage areas. The Zoning Regulations allow an area of not more than 3,500 square feet of net retail space as a maximum Conditional Use as a retail Nursery. Beyond that size commercial zoning would be required for retail uses. Greenhouses, where plants are grown, and outdoor display areas are not included in the retail space calculation. Storage buildings are also not included in the retail space calculation. This particular nursery is geared toward plant production.

Off-Street Parking is provided throughout all Phases with expansions in the pavement for circulation and surface parking added as needed.

Off Street Parking			
Use	**Standard (Section 12-316)**	**Requirement**	
Commercial Greenhouse (includes office space associated with activity)	1 space per 2 employees on maximum working shift for Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, wholesale warehouse or similar establishment. (PLUS) Space for storage of trucks or other vehicles used in connection with the business or industry.	20 employees – Phase I 30 employees – Phase II 40 employees – Phase III+ 4 loading – Phase I + 4 loading – Phase II + 4 loading – Phase III	10 Spaces 15 Spaces 20 Spaces
Retail Nursery (Phase II addition)	1 space per 200 feet of floor area, for retail store or personal services establishment and banks.	Retail Space 3,500 SF in Phase II 18 spaces required for retail	
Total Spaces Required	**38 Spaces All Phases**		
Spaces Proposed	**25 Total Spaces – Phase I** **35 Total Spaces – Phase II** **42 Total Spaces – Phase III**		

I. ZONING AND USES OF PROPERTY NEARBY

This area is located on the east side of Highway 59 south of Highway 56. The area is zoned A (Agricultural). The immediately surrounding area is also zoned A (Agricultural). Small commercially zoned areas are located along the highway and at the intersection of Highway 59 and Highway 56. Land use includes rural residences and agricultural crop land.

Staff Finding – This property is located in the area east of Highway 59 and zoned agriculturally. The nearby uses include rural residences and crop land. The proposed use will not alter the base zoning district of the property.

II. CHARACTER OF THE AREA

The area is characterized or defined by the highway corridor providing limited access to properties in the area. Highway 59 is a significant boundary of the area. The Highway 59 corridor south of N 300 Road and north of N 100 Road includes numerous parcels stripped out along the highway frontage. Parcel sizes range from one acre to 80 acres along the corridor. Average parcel size is over 16 acres in this area. The property is also located within three miles of Baldwin City but is outside of the designated Urban Growth Boundary of Baldwin City. The dominate land use of the area is agricultural with rural residential homes located along county roads. The property was previously used as a nursery.

A new hard surface frontage road provides access to parcels along the east side of Highway 59 and provides access to the property proposed as a nursery with a small retail element to be added in Phase II of the development.

Staff Finding – This area is characterized as an agricultural area within the influence area of Baldwin City. The defining character is agricultural with rural residential homes located along the County roads. The proposed use is consistent with the rural character of the area.

III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's response: *"The subject property features a detached residential dwelling, vacant 40,000 SF greenhouse and fallow fields. Without approval of a Conditional Use Permit (CUP), the property will remain underutilized."*

This property is zoned A (Agricultural) District. The purpose of this district is identified in Section 12-306 of the County Zoning Regulations and states: *"…The purpose of this district is to provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises, and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses."* This district is associated with a majority of the unincorporated portion of Douglas County.

Uses allowed in the A district include: farms, truck gardens, orchards, or nurseries for the growing or propagation of plants, trees and shrubs in addition other types of open land uses. In addition to the nursery aspect of the existing land use, a future Phase includes landscape materials stored and displayed for sale. The proposed request is intended as a nursery business that will include buildings for storage and maintenance of equipment and supplies. The retail element proposed would occur in Phase II of the project. This allows for the establishment of the main focus of the business as a nursery. The nursery use does not by itself require a Conditional Use Permit.

The County Zoning Regulations allow for ***Retail Nurseries*** that do not exceed a total of 3,500 SF of net retail space excluding greenhouses, storage buildings, and outdoor display areas. This property has previously been used as a nursery. A Conditional Use Permit (CUP) does not change the base, underlying zoning. The suitability of the property for agricultural use will not be altered.

Staff Finding – The property is suitable for nursery uses within the A District. The proposed request is for the maximum area of 3,500 SF of retail sales to commence in Phase II of the project. The overall space dedicated to retails sales is clearly subordinate and accessory to the intended primary activity. The proposed retail use as a Conditional Use is suitable for this property.

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

This property is developed with a residence and several accessory buildings related to the previous nursery business. The A (Agricultural) District was adopted as part of the September 23, 1966 Zoning Regulations when the County adopted county zoning. The Baldwin Junction Greenhouse operated from 2002 to 2009 at this location. The property is developed with a 61 x 42' barn adjacent to the existing greenhouse buildings. The property has been vacant since 2009 according to County appraisal information.

Staff Finding – The subject property includes several buildings used for a nursery business. The County Zoning Regulations were adopted in 1966. The property has been vacant since 2009 according to County appraisal information.

V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's Response: *"A wholesale/retail nursery operated on the subject property in the recent past. Removal of restrictions on the subject property poses no detriment to nearby property."*

Section 12-319-01.01 of the County Zoning Regulations recognize that "*certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district…when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited."* The proposed use falls under Section 12-319-4.32 Retail Nursery of the Zoning Regulations for the Unincorporated Territory of Douglas County.

This property was previously used as a commercial greenhouse/nursery under different ownership. This use is allowed in the A (Agricultural) District, by right. The addition of the ancillary retail sales in Phase II requires approval of a Conditional Use Permit. Approval of the request will not affect the base zoning district. The County Code limits the total retail space, within a building, to not more than 3,500 square feet. This proposed retail space represents a small percentage (6%) of the total building space (57,880 SF) planned for the property by the completion of Phase III.

The use is adjacent to Highway 59 and accessed with a hard surface road between the highway and the property. The proposed retail space is intended to be located within an existing building and implemented in Phase II of the project.

Staff Finding – No detrimental impacts are anticipated by the proposed use.

VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

Applicant's Response: *"Denial of this CUP does not pose a relative gain to the public health, safety and welfare. Rather it hampers the subject property and surrounding properties with a large blighted structure. Approval of the CUP does not pose a hardship to individual landowners. It instead restores an economic activity to this location that previously prospered."*

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property.

In Staff's opinion, denial of this request would affect the individual landowner by prohibiting the scope of services offered only with regard to the retail activity intended for this business. The property could be utilized as a commercial nursery with the associated storage, maintenance and office uses associated with the nursery not requiring a Conditional Use Permit. The retail use is an allowed use in this district subject to the approval of a Conditional Use Permit.

Staff Finding –Approval of this request does not directly harm the public health, safety and welfare. Denial of the request limits the scope of the business for this site and prevents expansion and number of employees over time.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"The subject property will continue to feature uses typical of agriculturally zoned land: plant propagation (in the form of native grasses and forbs), a commercial greenhouse, and storage structures accessory to these agricultural uses. The CUP would include the addition of a retail component to the greenhouse in Phase II. This commercial use will take advantage of existing infrastructure on site (buildings, utilizes, and pavement) and will be located within a mile of the U.S.*

Hwy 59/U.S. Hwy 56 interchange. It should be understood, however that is retail component will remain a subsidiary to the wholesale nature of the business."

This property is located outside of a designated urban growth boundary but within three miles of Baldwin City and along the Highway 59 corridor. The property is developed with a residence and various structures related to the previous nursery business. This property is located within the rural area of unincorporated Douglas County. The property is also located along the Highway 59 corridor.

Staff Finding –A Conditional Use Permit can be used to allow specific uses that are not permitted in a zoning district with the approval of a site plan. This tool allows development to occur in harmony with the surrounding area and to address specific land use concerns as the area transitions from a rural to urbanized development pattern, in this case a highway corridor.

STAFF REVIEW (Site Plan)

The site plan shows a one–acre area for plant/product storage, development of storage buildings and an addition to the existing greenhouse that are planned in phases. Approval of the request would allow the applicant to engage in retail activities. The plan shows a maximum retail area of 3,500 square feet. This maximum is set by the County Zoning Code. Approval of a CUP can be tailored to address specific issues such as intensity and operation, including time limitations and establish screening requirements. No conditions have been identified in the review process.

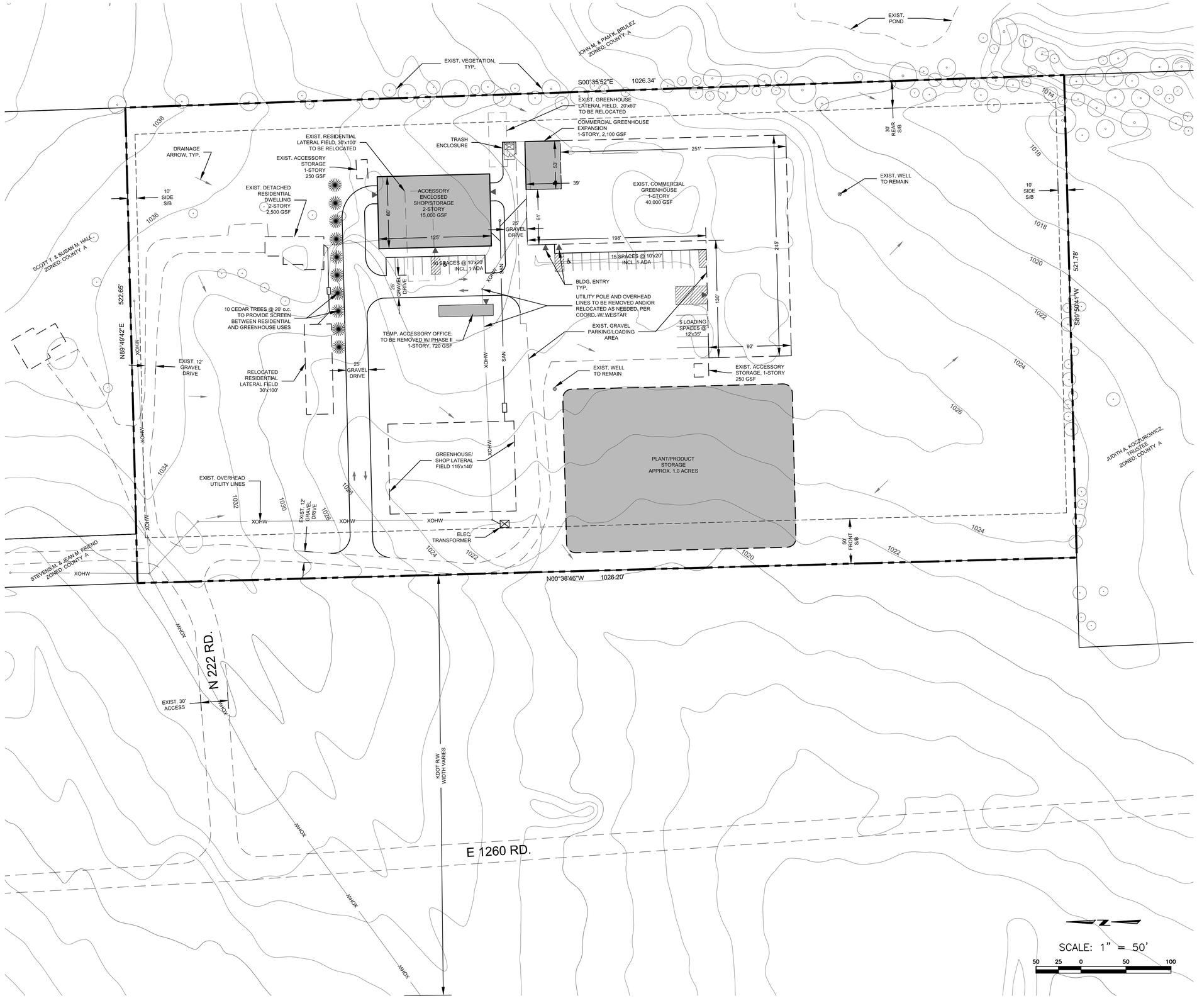
Parking and Access: The site plan identifies 25 parking spaces to be located along the existing greenhouses and buildings for the initial development. Additional parking is added with each Phase. The retail activity to be added in Phase II requires 18 parking spaces. Upon completion the project will have excess parking for the use.

Access to the site is provided from the hard surface frontage road parallel to the Highway 59. The existing driveway will be used for the existing residence, to remain, and the nursery use. The interior drive will be expanded as each Phase is developed. The primary access to the public right-of-way is not proposed to be altered.

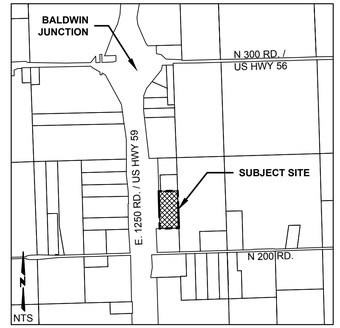
Landscape and Screening: The plan shows landscape along the east property line providing screening to the greenhouse. Screening is also provided between the residence and nursery operations.

Limits and Conditions: The applicant has not proposed any specific limitations for the hours of operation. Typical business hours are assumed. Evening hours and weekend use are also reasonable possibilities for this facility. Staff does not recommend limiting business hours for this operation. The plan as proposed includes the maximum allowable retail area of 3,500 square feet. Any increase in retail sales would require a change in the base zoning.

Conclusion
This property has previously been used for nursery operations. The proposed CUP complies with the County Zoning Regulations and the land use recommendation of *Horizon 2020*.



LOCATION MAP



LEGAL DESCRIPTION

BEGINNING AT THE NORTHWEST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 15 SOUTH, RANGE 19 EAST; THENCE NORTH 89°49'42" EAST A DISTANCE OF 1358.08 FEET ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF THE WEST HALF OF SAID QUARTER SECTION; THENCE SOUTH 00°35'52" EAST A DISTANCE OF 930.7 FEET ALONG THE EAST LINE OF SAID WEST HALF TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 00°35'52" EAST A DISTANCE OF 1026.34 FEET ALONG SAID EAST LINE; THENCE SOUTH 89°50'41" WEST A DISTANCE OF 521.78 FEET; THENCE NORTH 00°38'46" WEST A DISTANCE OF 1026.2 FEET; THENCE NORTH 89°49'42" EAST A DISTANCE OF 522.65 FEET TO THE TRUE POINT OF BEGINNING.

GENERAL NOTES

1. OWNER: RONALD E. SHOUSE, 1271 NORTH 222 RD., BALDWIN CITY, KANSAS 66006
2. LAND PLANNER: LANDPLAN ENGINEERING, PA, 1310 WAKARUSA DRIVE, LAWRENCE, KANSAS 66049
3. FOR CUP PHASING PLAN, SEE SHEET 2
4. TOPOGRAPHIC INFORMATION WAS OBTAINED FROM 2006 DOUGLAS COUNTY LIDAR DATA.
5. EXISTING LAND USE: AGRICULTURE, RESIDENTIAL
6. PROPOSED LAND USE: AGRICULTURE, RESIDENTIAL, RETAIL NURSERY
7. EXISTING ZONING: A
8. PROPOSED ZONING: A
9. NO PART OF THIS SITE IS LOCATED WITHIN THE FLOODPLAIN PER FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) #20045C0295D, DATED AUGUST 5, 2010.
10. THIS SITE IS 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. ANY CONSTRUCTION OR RENOVATION WORK MUST COMPLY WITH APPLICABLE BUILDING CODES IN EFFECT AT THE TIME OF WORK.

SITE SUMMARY

EXIST. CONDITIONS	AREA (SF)	PROP. CONDITIONS	AREA (SF)
TOTAL BUILDING	43,000	TOTAL BUILDING	55,820
TOTAL PAVEMENT	48,500	TOTAL PAVEMENT	68,229
TOTAL IMPERVIOUS	91,500	TOTAL IMPERVIOUS	124,049
TOTAL PERVIOUS	463,829	TOTAL PERVIOUS	431,280
TOTAL PROPERTY	555,329	TOTAL PROPERTY	555,329

PARKING & LOADING SUMMARY

REQUIRED: COMMERCIAL GREENHOUSE
1 SPACE/ 2 EMPLOYEES + 4 LOADING/60,000 SF
20 EMPLOYEES/ 2 + 4 LOADING
10 SPACES + 4 LOADING
PROVIDED: 25 SPACES + 5 LOADING

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
Web: www.landplan-pa.com

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APPLIED ECOLOGICAL SERVICES, INC.
CONDITIONAL USE PERMIT SITE PLAN
1271 NORTH 222 ROAD
BALDWIN CITY, KANSAS 66006

REV	DATE	DESCRIPTION
1	07/12/11	PER DEPT. COMMENTS

DATE:	05/19/11
PROJECT NO.:	20111079
DESIGNED BY:	LPE
DRAWN BY:	BS
CHECKED BY:	CLM

ISSUE	SHEET NO.
	1
	OF 2 SHEETS

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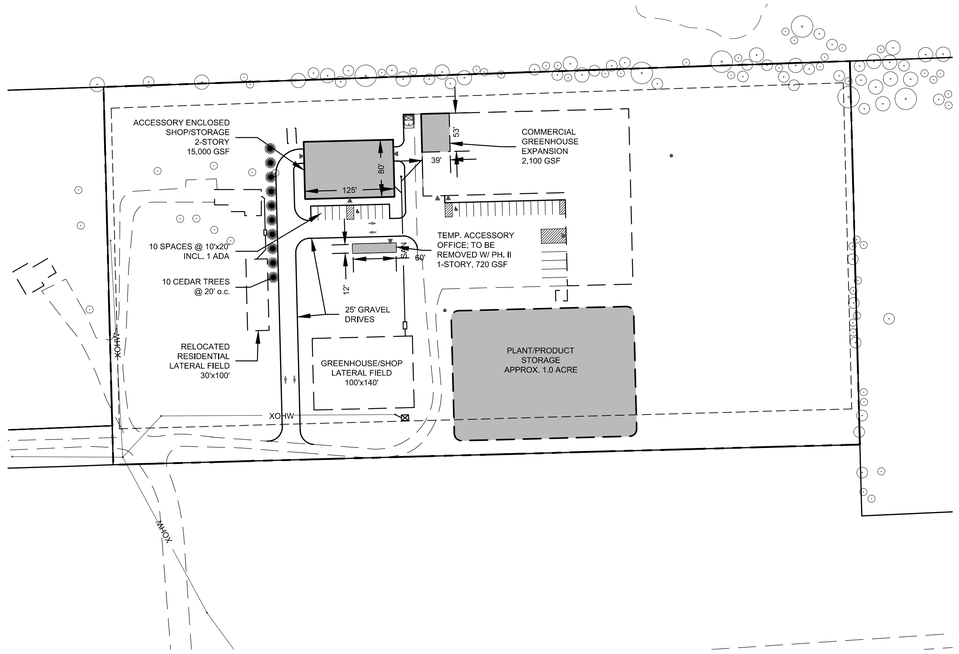
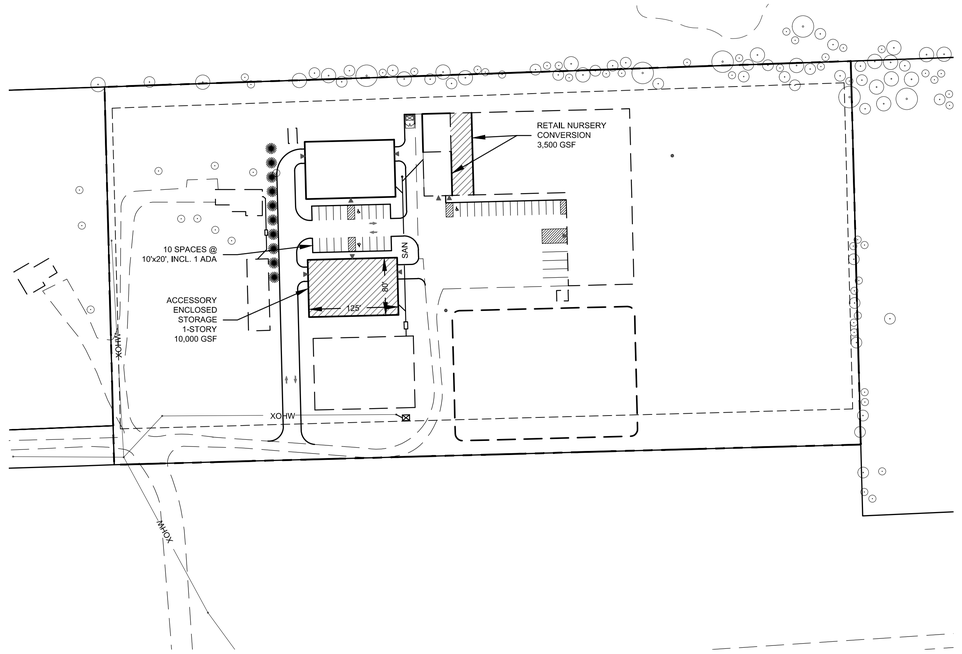
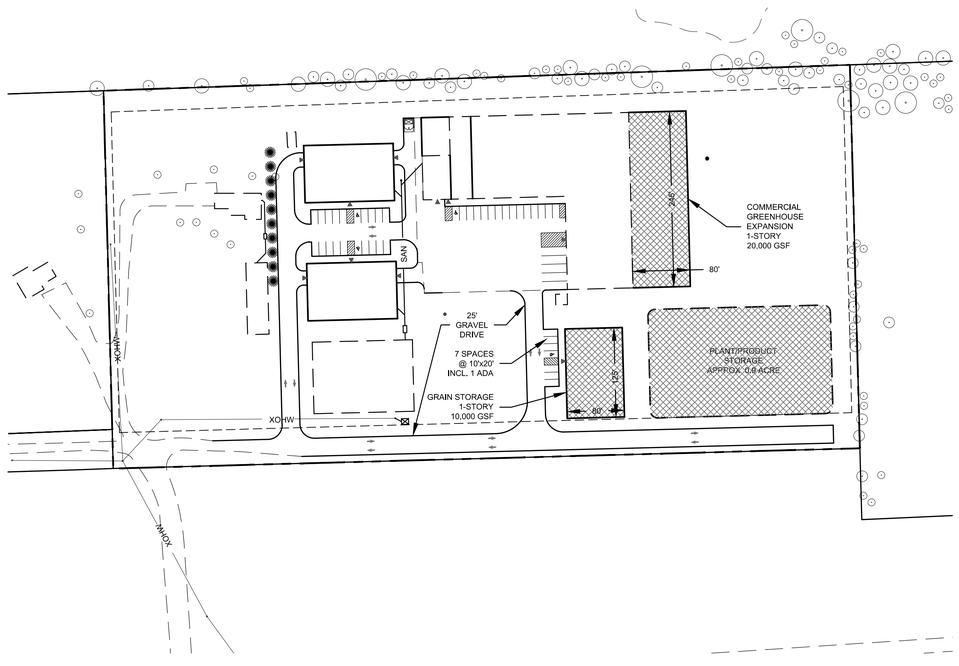


PHASE I: 2011 - 2015



PHASE II: 2016-2020



PHASE III: 2021-2025

PARKING & LOADING SUMMARY

PHASE I

REQUIRED: COMMERCIAL GREENHOUSE
1 SPACE/ 2 EMPLOYEES + 4 LOADING/60,000 SF
20 EMPLOYEES/ 2 + 4 LOADING
10 SPACES + 4 LOADING
PROVIDED: 25 SPACES + 5 LOADING

PHASE II

REQUIRED: COMMERCIAL GREENHOUSE
1 SPACE/ 2 EMPLOYEES + 4 LOADING/60,000 SF
30 EMPLOYEES/ 2 + 4 LOADING
15 SPACES + 4 LOADING
RETAIL NURSERY
1 SPACE / 200 GSF + 1 LOADING
18 SPACES + 1 LOADING
33 SPACES + 5 LOADING
PROVIDED: 35 SPACES + 5 LOADING

PHASE III

REQUIRED: COMMERCIAL GREENHOUSE
1 SPACE/ 2 EMPLOYEES + 4 LOADING/60,000 SF
40 EMPLOYEES/ 2 + 4 LOADING
20 SPACES + 4 LOADING
RETAIL NURSERY
1 SPACE / 200 GSF + 1 LOADING
18 SPACES + 1 LOADING
38 SPACES + 5 LOADING
PROVIDED: 42 SPACES + 5 LOADING

BUILDING & USE SUMMARY

EXISTING		
	RESIDENTIAL DWELLING	2,500
	COMMERCIAL GREENHOUSE	40,000
	ACCESSORY STORAGE	500
	SUBTOTAL	43,000
PHASE I		
	COMMERCIAL GREENHOUSE EXPANSION	2,100
	ACCESSORY ENCLOSED SHOP/STORAGE	15,000
	TEMPORARY ACCESSORY OFFICE	720*
	*TO BE REMOVED WITH PHASE II	
	SUBTOTAL	17,100
PHASE II		
	ACCESSORY ENCLOSED STORAGE	10,000
	RETAIL NURSERY CONVERSION	3,500*
	*TO OCCUR WITHIN EXIST. GREENHOUSE	
	SUBTOTAL	10,000
PHASE III		
	COMMERCIAL GREENHOUSE EXPANSION	20,000
	GRAIN STORAGE	10,000
	SUBTOTAL	30,000
	TOTAL	**100,100**

SCALE: 1" = 100'

100 50 0 100 200

Civil Engineering
Landscape Architecture
Community Planning
Surveying

Landplan Engineering, P.A.

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1271 NORTH 222 ROAD
BALDWIN CITY, KANSAS 66006

APPLIED ECOLOGICAL SERVICES, INC.
CONDITIONAL USE PERMIT PHASING PLAN

REV	DATE	DESCRIPTION
1	07/12/11	PER DEPT. COMMENTS

DATE:	05/19/11
PROJECT NO.:	20111079
DESIGNED BY:	LPE
DRAWN BY:	BS
CHECKED BY:	CLM

ISSUE	SHEET NO.
	2

OF 2 SHEETS

FILE NAME: S:\2011\20111079\CAD\Planning\CUP\1110079C-CUP.dwg LAST SAVED BY: Brian Sturm SAVED DATE: 7/11/2011 3:32 PM PLOTTED: 7/11/2011 4:01 PM

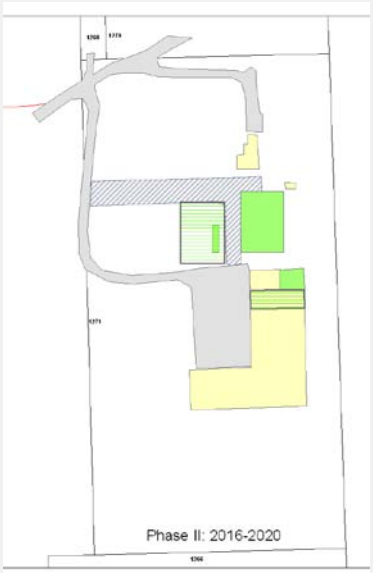
Development By Phase

Existing Development	
Residence	2,500 SF
Existing Commercial Greenhouse	40,000 SF
Existing accessory storage (two at 250 SF each)	500 SF
Total Buildings	**43,000 SF**
Total Greenhouse Space	*40,000 SF*

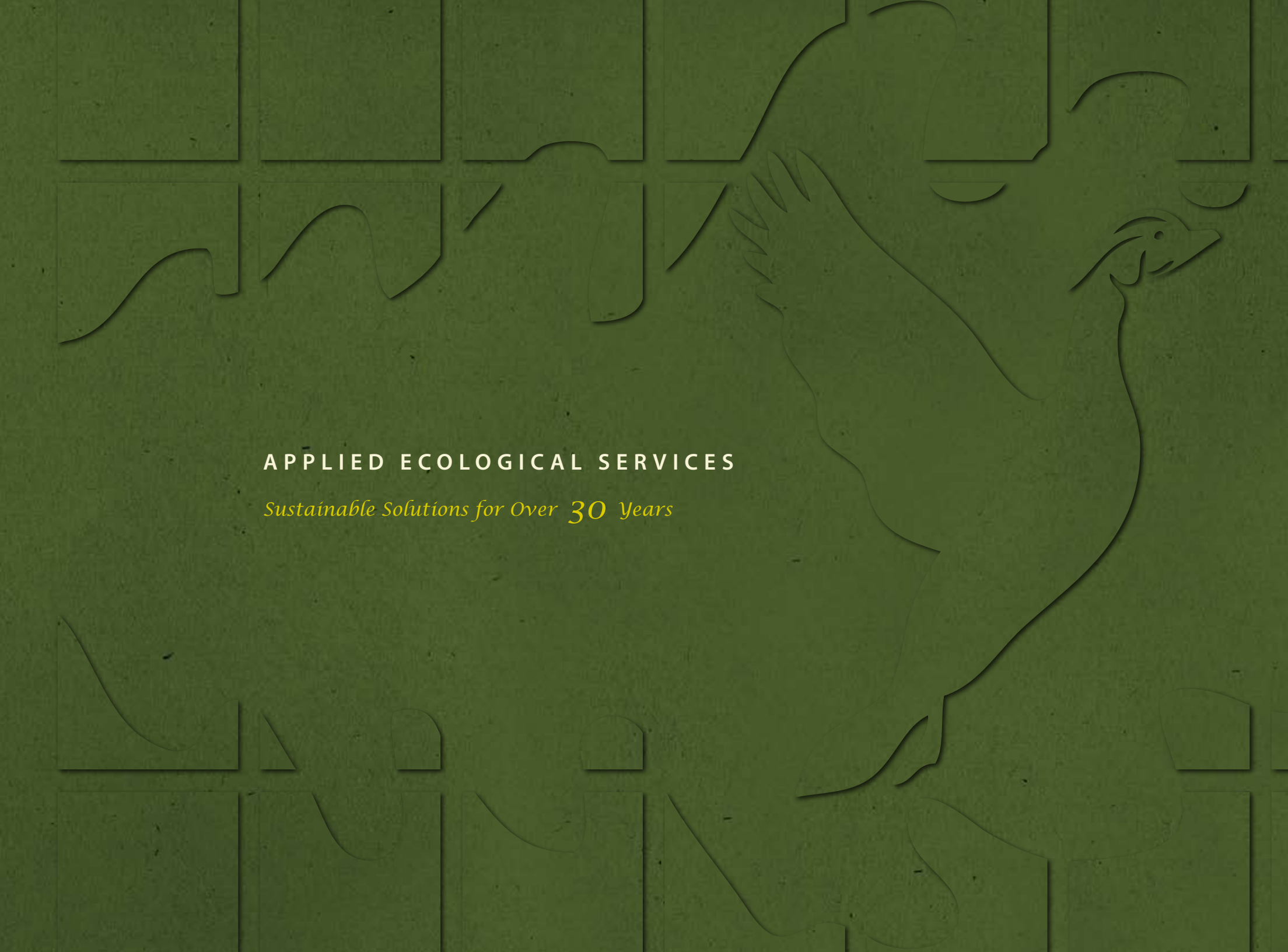
Phase I Development Current - 2015	
Total Existing Buildings	43,000 SF
Greenhouse Expansion	2,100 SF
Shop/Storage Building	15,000 SF
Temporary Office Building	720 SF[1]
Total Building Phase I	**60,100 SF**
Total Greenhouse Space	*42,100 SF*

Phase II Development 2016-2020	
Total Existing Building	60,100 SF
Storage Building	10,000 SF
Conversion of Greenhouse space to retail space	*3,500SF[2]*
Total Building Phase II	**70,100 SF**
Total Greenhouse Space	*37,880 SF*

Phase III Development 2021-2025	
Total Existing Building	70,100 SF
Greenhouse Expansion	20,000 SF
Grain Storage	10,000 SF
Total Building Phase III	**100,000 SF**
Total Greenhouse Space	*57,880 SF*



[1] Temporary Building to be removed in Phase II. Existing greenhouse space will be converted to office space in Phase II.
[2] Existing greenhouse space will be converted to retail space in Phase II.



APPLIED ECOLOGICAL SERVICES

Sustainable Solutions for Over 30 Years

APPLIED ECOLOGICAL SERVICES, INC.

Midwest/Corporate
17921 Smith Rd
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(608) 897-8641

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120 W Main St
West Dundee, IL 60118
(847) 844-9385

Northwoods
21938 Mushtown Rd
Prior Lake, MN 55372
(952) 447-1919

Great Plains
14501 US Hwy 59
Oskaloosa, KS 66066
(785) 863-2206

Atlantic Coast
1100 E Hector St, Suite 398
Conshohocken, PA 19428
(610) 238-9088

Northeast
1899 State Road 414
Waterloo, NY 13165
(608) 214-2361

OUR MISSION

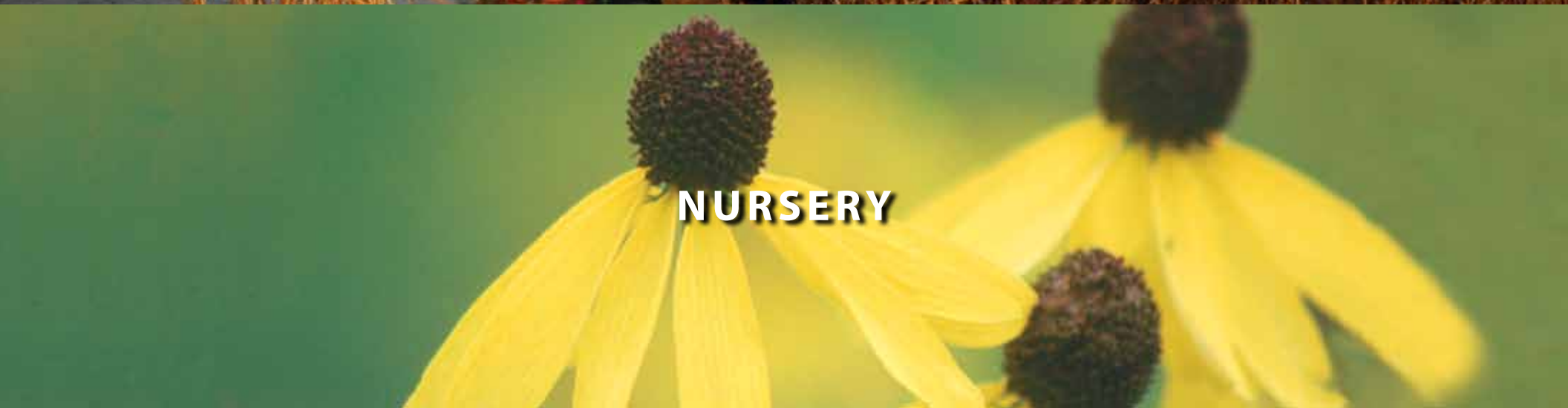
We create ecologically driven land-use solutions that are practical, economical and based on the best science and technology. We inspire and enable stewardship of land, water, soil and air.

OUR VISION

To bring the science of ecology to all land-use decisions.

CONSULTING

CONTRACTING


NURSERY

APPLIED ECOLOGICAL SERVICES, INC.

Design Based in Science

Applied Ecological Services is one of the leading ecological consulting firms in the world; we are dedicated to bringing the science of ecology to land-use decisions. AES applies science to provide **practical land-use solutions** that strike the most favorable balance between cultural needs, cost efficiencies and ecological sustainability. Our knowledge of ecological systems provides a solid foundation for creating balanced ecological designs and solutions that are sustainable, cost-effective and enduring.

More than the Sum of the Parts

Established in 1978, AES consulting and design services offer **comprehensive, coordinated expertise** in ecological science, sustainable civil engineering, landscape architecture and GIS. Consulting and design services are supported by an experienced contracting division that implements on-the-ground ecological projects, backed by one of the largest, most diverse native seed and plant nurseries in the U.S. This unique combination of in-house staff experience - bringing together ecology, engineering, design, data management, contracting and nursery science – provides innovation, accountability, flexibility, streamlined project management and most importantly, **designs that work**.

With offices in Wisconsin, Minnesota, Illinois, Pennsylvania, New York and Kansas, AES conducts projects throughout the U.S., Canada, Central and South America and occasionally in Europe and Asia. Our scientists and designers are familiar with virtually every biome in the Western Hemisphere. Our contracting and nursery employees are highly skilled, long standing team members fully capable of **executing complex projects** in challenging situations.

Reputation of Excellence & Innovation

AES has built its reputation by repeatedly finding creative solutions to complex environmental problems – for a wide variety of clients. By applying an Ecological Systems Approach™ with integrated teams made up of our talented staff as well as experts outside the company, AES is able to contribute **creative environmental solutions** that achieve or exceed client, stakeholder and regulatory objectives.

For example, AES is working with an outstanding planning firm on the Don River Redevelopment in Toronto, Ontario. Our scientists and designers played a key role in the design competition by informing the team of natural stream channel and estuary processes, ecologically based landscape architecture, stormwater quality and created wetlands. These features proved to be a critical part of the winning solution and became the central design elements of the project. The project has been awarded The Clinton Foundation Sustainability Award. With leadership that fosters a **culture of excellence**, AES and its customers are often recognized with much-appreciated awards and accolades.

Furthering Leopold's Land Ethic

Our professional and ethical credibility with agencies, customers and the public is based on our firmly held belief that we have a moral obligation to **protect and restore ecological health**. We believe, as penned by Aldo Leopold, "*A thing is right when it tends to preserve the integrity, stability and beauty of the biotic community. It is wrong when it tends otherwise.*"

THE AES STORY

In the late 70s, the ruined landscape of the depleted iron mine in Jackson County, Wisconsin, was a mess. On piles of waste rock and tailings, Steven Apfelbaum joined with a colleague scientist in an unprecedented ecological experiment to restore the land with native plant species.

It was a risky prospect, using unproven technologies. In this test of native species vs. invasive non-natives, the idea was to create meaningful wildlife habitat rather than simply revegetate with harmful exotics.

The frustration was that native species seed was simply not available. Nor were there landscape contractors who understood the specialized installation techniques required of restoration work.

The experiment worked. And, thus was born the idea of Applied Ecological Services – a full-service ecological restoration company that could design and construct, healthy ecological systems in desperate need of restoration ... and that could propagate the seed and grow native plants.

The recipe for success was a combination of ecological knowledge (an emerging science at the time), restoration implementation techniques (adapted from farming) and a native plant nursery (collected from local genetics).

It was also a combination of pure science and entrepreneurial perserverence.

Apfelbaum started the nursery by wild-collecting native seed that he planted in a few small beds at his southern Wisconsin home. The Contracting Division grew with help from extraordinary farmer/ecologists Fred Faessler and John Ochsner who devised equipment and techniques that are now standard in this "industry." And AES Consulting Services have evolved into a truly multi-disciplinary team of ecologically focused professionals.

Today, AES is known as a world leader in ecological science and consulting. AES has designed and installed thousands of acres of the most successful ecological restorations in the U.S. and lessons learned have been disseminated throughout the country.

The native species nursery that Apfelbaum first planted?

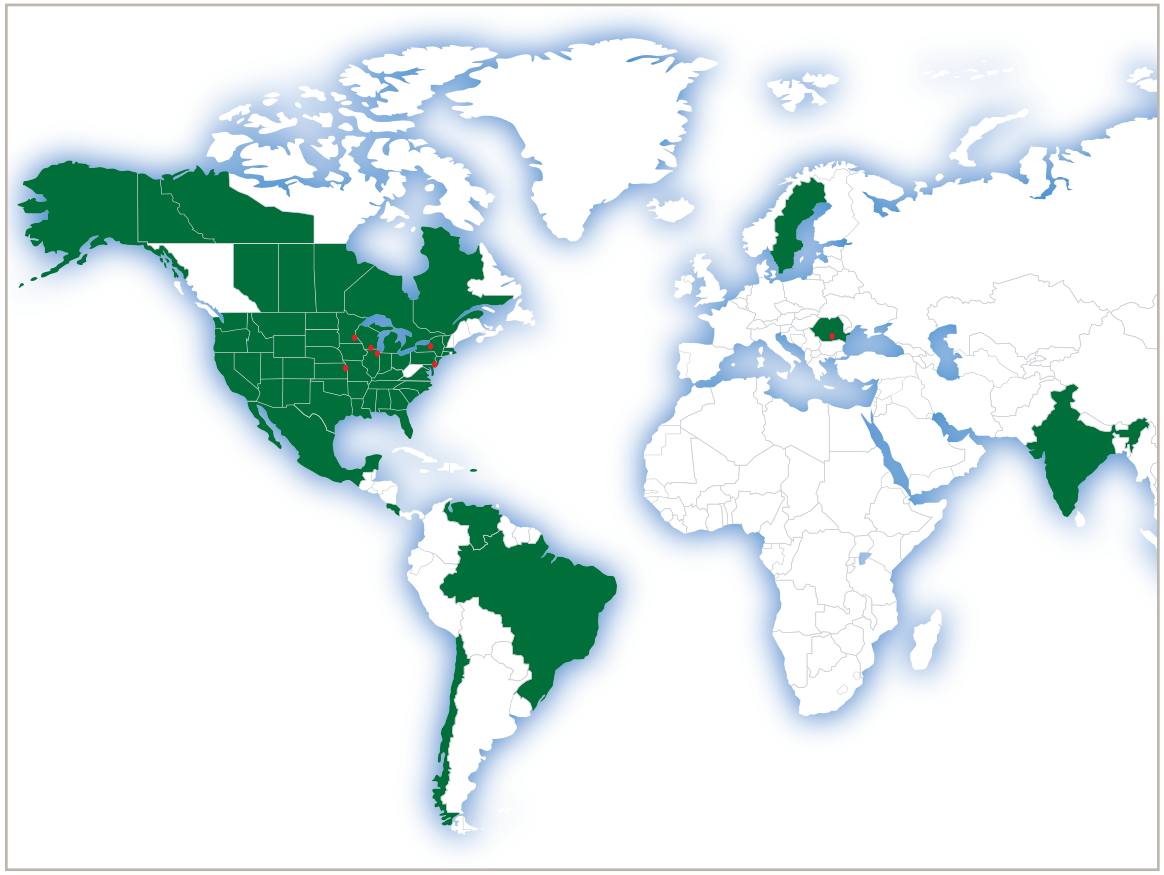
Known today as Taylor Creek Restoration Nurseries, or simply AES Restoration Nurseries (with expanded locations in Minnesota, Kansas and New York to propagate local genetics) it's now one of the largest, most diverse native plant nursery in the country.

Well, the AES story, like ecology itself, is dynamic, diverse and multi-faceted. And it goes on …

Founder, Steve Apfelbaum, inspecting seed in the early days.

GEOGRAPHIC SCOPE

From our six offices in the United States and one in Eastern Europe, we have led and/or worked on projects in 42 states and the District of Columbia, plus six Canadian Provinces, eight foreign countries, one US commonwealth and one US territory.



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North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Washington
Wisconsin
Wyoming
Alberta
The Northwest Territories
Ontario
Quebec
The Yukon
Chile
Costa Rica
Guam
India
Mexico
Midway Atoll
Puerto Rico
Romania
Sweden
Venezuela

RESTORATION NURSERY SERVICES

Why do we call ourselves "restoration" nurseries? Simply put, it's a tip of the hat to a respected couple in our world: Mother Nature and Father Time. Prior to European settlement, our land was covered in prairie, savanna, woodland and wetland. Today, when we plant prairie, for instance, we plant it where it was prairie long ago. So, in truth, we are restoring it.

Culture of Excellence

We produce the highest quality *native, local-genotype* seed, plants and trees available. Our seed is collected within a 150-mile radius of each of our nurseries. We track seed origins diligently and carry more than one genotype. Most of our seed is nursery-grown in beds started from seeds collected ethically on native remnants. We still do some wild seed collection to preserve and promote diversity, by contract with landowners, but our policy is to collect no more than 1/3 of the seed present.

Taylor Creek Restoration Nurseries

Located in southern Wisconsin, Taylor Creek Restoration Nurseries is AES' flagship nursery. With *three decades* of experience growing, harvesting and preparing seed, plants, shrubs and trees, Taylor Creek is the information and experiential resource for all our nurseries. Our staff has advanced degrees in horticulture, conservation, land-use planning and reclamation. Just as important as the diplomas, our people are passionate about promoting the use of native species. Taylor Creek supplies the southern Wisconsin/northern Illinois area and carries four distinct genotypes: Chicago Area Native Heritage™, Driftless Area Native Heritage™, Military Ridge Native Heritage™, and Sugar River Native Heritage™.

Spring Lake Restoration Nurseries

Our dedication to the philosophy of local genotypes is one of the reasons we opened Spring Lake Restoration Nursery in Prior Lake, Minnesota. We gathered stock of the species we needed and used our expertise in genetics and propagation to grow what was needed for native plant enthusiasts and projects in Minnesota, northern Wisconsin and parts of Iowa.

Kaw River Restoration Nurseries

Kaw River Restoration Nursery in Lawrence, KS, was also established to supply a project with the proper local species and genotypes. Kaw River is our newest nursery and it supplies hardy native seed, plants, shrubs and trees that are local Native Heritage genotypes of the greater Kansas/Missouri area.

Local/Regional Nursery Construction

Clients often need large volumes of local-genotype natives in areas not served by an ethical native nursery. In these cases, AES will build nurseries for large-scale production at reasonable cost. We've built nurseries for large-scale projects with The Nature Conservancy (TNC) and the Natural Land Institute. In the Military Ridge region of west-central Wisconsin, we built a native nursery for several partners including the Wisconsin DNR, TNC, the Prairie Enthusiasts, the Conservation League and the Wisconsin State Historical Society.

Most recently, we established a service nursery in upstate New York where we collected and processed over 1,000 lbs. of seed for the 1,200-acre Seneca Meadows restoration project. We hand-collect local-genotype seed to grow plants locally, or at our corporate nursery, as best fits the client's needs.

TAYLOR CREEK Restoration Nurseries™ SPRING LAKE Restoration Nurseries™ KAW RIVER Restoration Nurseries™

NURSERY PROCUREMENT SERVICES

Restoring ecological health to the land can best be achieved through the proper use of high quality and genetically appropriate native plant and seed materials. Unfortunately, finding these materials can be very challenging and frustrating to those who wish to undertake restoration projects. Often, the materials cannot be found when they are needed and if they are, their provenance may be uncertain or their quality inconsistent. Complete orders are rarely available so customers must go to multiple sources. Designers and implementers are understandably hesitant to attempt to find species that are not readily available. This leads to uniformity of species selection when diversity is critical. In fact, we find that most designers stick to 20 or 30 species that they believe can be found commercially and even then they are often disappointed. In a typical healthy temperate ecosystem, hundreds of species may be found on a given acre of land. Therefore, restorations that use a limited number of the same species over and over again hardly justify the term "restoration" at all.

What We Do

AES and our Restoration Nurseries (RNs) are uniquely positioned to provide customers with a complete package of native plant and seed materials procurement services at a reasonable price. Along the way, we can help make any ecological restoration project reach its full potential for our customers.

- Most nurseries work under a traditional "product" business model. We primarily operate under a "project" business model. We are organized around the projects that our customers wish to execute rather than the products that we hope they will buy.
- Because our RNs are part of a larger company we have more resources and more flexibility to provide staffing and equipment solutions.
- We have the expertise both within our staff and through our many partnerships to find local sources of genetically diverse native seed for propagation and direct seeding.
- Because we have built a number of project-specific nursery operations for our clients, we know the right questions to ask to ensure that such an operation fits the needs of the client.
- Because we build restoration projects as well, we have much flexibility in staffing material procurement efforts using our talented employees.
- We are a science based organization not simply a manufacturer of seed and plants. We take our science very seriously and have worked hard to earn our reputation for integrity. We can bring scientific expertise to bear as necessary to fulfill our client's needs.

NURSERY PROCUREMENT SERVICES

Our Clients

There are three primary ways in which we can work with clients outside the traditional model of design-permit-bid-award-buy process.

1. **Custom growing** – our nurseries grow materials using our facilities and sell those materials to our clients on a project by project basis.
2. **Pre-emptive procurement** – we assist clients in the design of their projects to ensure that the materials selected are appropriate and available. We then lock up those materials prior to the selection of an installation contractor. This helps ensure that the materials the designer selected in the design and permitting process will be available when construction starts.
3. **Program Nursery** – we establish a nursery at or near a long term project site (ie. a "program" of annual projects that are expected to go on for many years). This is a truly customized process that may include site design, greenhouse design and construction, general contracting services for constructing facilities, and cropping design for native seed harvest and storage.

The Difference

We are not aware of any other company with these capabilities and corresponding experience. There are many nurseries, and many of them produce very good native plant and seed materials for sale. Occasionally, they do so at a lower price, but not often. We maintain valuable relationships with many of them. The purpose of our business is different however. Our Restoration Nurseries support the ecological restoration projects that our clients demand. Our goal is not to "sell plants and seed" but to find the best way to serve those clients and satisfy them with quality native plant and seed materials in the process.

NURSERY BUILD PROJECTS

PROGRAM NURSERIES

Kankakee Sands Restoration (1997)
Client: The Nature Conservancy
Scope: 200 acre seed nursery built to restore 7300 acres

Nygren Nature Preserve (1999)
Client: The Natural Land Institute
Scope: Seed nursery built for on-going preserve restoration

Inspiration Conservation Subdivision (2000)
Client: CPDC
Scope: Seed and Plant Nursery for conservation development needs

Military Ridge Restoration Nursery (2003)
Client: Military Ridge Prairie Heritage Association
Scope: 10 acre seed nursery built for the restoration of thousands of acres of savanna habitat

Albany Pinebush Landfill (2010)
Client: City of Albany
Scope: Plant and seed nursery for Albany Pinebush Restoration

PREEMPTIVE PROCUREMENT & CONTRACT GROWING

Seneca Meadows Landfill (2008)
Client: Seneca Meadow Landfill
Scope: 150,000 local eco-type plants, 1000 lbs of custom collected seed

Tinley Creek – Bartel Parcel (2009 - 2010)
Client: OpenLands
Scope: 200,000 potted local eco-type plants, 2500 lbs of local ecotype seed

Deer Grove Restoration (2010- Current)
Client: OpenLands
Scope: Custom collection of an estimated 6000 lbs of local eco-type seed and production of 120,000 conservative local-ecotype plants

Kankakee Sands Restoration

Plant Propagation

Seneca Meadows Landfill Restoration

OUR PEOPLE

Corrine Daniels, BS
Vice President, Restoration Nurseries

Corrine provides professional management for the most diverse, multi-state, native seed and plant nursery operation in the Midwest. During over a decade of experience at AES, she grew the nursery from a local $400,000 per year operation to a $2.1 million dollar per year multi-state division while expanding the operation from 70 acres to over 400 acres in three states. Daniels' skill set combines strong horticulture and field experience with proven business management abilities and an extensive background in all aspects of leadership and personnel management. Her ability to control costs while increasing product quality has contributed greatly to the nurseries' success.

As part of the AES key management team, Daniels is instrumental in strategic planning. During pivotal growth years, she served on the strategic planning team and the board of directors. She chaired the communications and operating procedures committee, and founded the firm's newsletter and employee recognition program. Her service to the nursery industry includes advising on the Wisconsin Seed Labeling Law Revision Committee, and serving as Chairperson of the Wisconsin Crop Improvement Association Native Species Committee Advisory Board.

Daniels has complete P&L responsibility as well as strong sales and marketing experience. She works closely with partners in both the private and public sectors, including non-profit agencies. Her proudest achievements include producing the highest quality line of native plants in the Midwest handling nearly 500 species and developing a very deep and dedicated team of employees. By working her way up from an AES field hand to Director, Corrine offers exceptional background and insight for nursery business operations management.

Shannon Flaherty, M.A.
Assistant Nursery Manager/Safety Coordinator

A ten year employee of AES and its affiliated nurseries, Shannon has plenty of experience with native plants and seed and their environmental restoration potential. Shannon's current role at AES involves coordinating large projects and all aspects of native seed collection for the Wisconsin office. This includes training and supervising seed cleaning and collection, pulling plants and seed, ordering material, and shipping the product to clients. She also directs the nursery staff and keeps a keen eye on the maintenance of the production beds at the Wisconsin nursery grounds. Shannon is also the Safety Coordinator for Taylor Creek Restoration Nurseries, where she oversees the safety functions of the nursery, conducts monthly inspections, and organizes employee training.

During her decade plus of experience at AES, Shannon's skill set has stretched to include safety management, seed collection and propagation and project management. Her background in psychology and counseling has also made her successful in customer service, strategic planning and leadership roles. Her proudest achievements include collecting and finding hard-to-find species for the nursery and training nearly 70% of the company in first aid and CPR. By working her way up from an AES field hand to the Assistant Manager of Taylor Creek, Shannon offers exceptional background and insight for seed collections management.

OUR PEOPLE

Tara Hering, M.S.
Plant Production Manager

Tara has over fifteen years of experience in the horticultural industry, with an extensive background in all phases of greenhouse management relating to native perennial plant production and care. As Plant Production Manager for Taylor Creek Restoration Nurseries, a division of Applied Ecological Services, she has the overall responsibility for all aspects of greenhouse plant production, including planning, scheduling, and improvements to greenhouse equipment and systems, as well as all phases of seed propagation and integrated pest management. Tara handles all budgeting and projections for plant-production labor and supplies. She also supervises and coordinates the activities of workers engaged in native-plant propagation and plant-plug production, while also growing, caring for, and maintaining containerized plant stock from propagation until shipping.

Tara has conducted research examining the effects of mycorrhizal inoculant and fertilizers on field survivorship and seed yield of Parthenium integrifolium, and on the effects of nematodes on soybean yields. Her experience prior to joining AES—as a university researcher, as a Breeder Technician for Pan American Seed Company, and as Seed Supervisor and Propagation Assistant for a smaller private nursery—gives her an exceptional background for successful implementation of all phases of greenhouse operations.

Elliott Duemler, B.A.
Nursery Manger, Kaw River Restoration Nursery

Elliott provides native plant industry leadership in the greater Kansas City Area as the Nursery Manager for Kaw River Restoration Nursery (KRRN) located near, Kansas City, Kansas. His responsibilities in this position include public education, propagation and care of native plants, custom seed collection and general operations oversight of the nursery. In addition, Elliott has been instrumental in the set-up and organization of our nursery-build project for the City of Albany, NY and the Albany Pine Bush Nature Preserve dedicated to the restoration of the endangered Pine Bush Ecosystem

Elliott received his degree from University of Wisconsin, Stevens Point, where he studied biology – majoring in General Resource Management. He has previous experience working as a Prairie Restoration Intern for the Missouri Botanical Gardens. He also has experience working as a wildlife surveyor in Colorado.

OUR PEOPLE

Nathan Gingerich , B.A.
Nursery Sites Steward/Offsite Seed Collector

Nathan fills a critical role in our nursery team. His specialty is scouting for, and collecting foundation seed from remnant plant populations. In service to our commitment to the protection of existing remnants and healthy ecosystems, he manages our collection sites to control weeds and maintain appropriate ecological conditions. Additionally, Nathan is charged with developing an invertebrate production program at Taylor Creek Restoration Nurseries.

For the previous six years, Nathan led AES contracting crews out of Brodhead, Wisconsin. In this role he monitored, managed, and constructed formal native landscapes and restorations of wetlands, prairies and woodlands in Iowa, Illinois, Minnesota, and Wisconsin. He has extensive experience reading and translating site plans, and installing native seed, plugs, potted plants, burlap-balled trees and erosion control fabrics. Gingerich is also experienced with invasive species removal techniques, including leading prescribed burns, and is an experienced equipment operator, familiar with various diesel trucks, trailers, ATVs, tractors, skid loaders, various implements, brush saws, chainsaws and herbicide application equipment. Prior to AES, Nathan served as a backpacking guide in a special program for adjudicated teenagers in Colorado. During college, he worked for three summers in archaeological surveys for the Kaibab National Forest in Arizona where he also was enlisted in wildfire containment activities.

Fred Faessler
Seed Production Manager

With over 25 years of experience in the field, Fred is a veteran of the ecological restoration industry. He was involved in the beginning stages of AES and its Restoration Nurseries. Fred was a founding member of the Prairie Enthusiasts and continues in an active role providing leadership as a burn boss. For several years, Fred owned and operated his own native seed nursery dedicated to the restoration of areas adjacent to Lake Michigan. Fred served as the Seed Production Manager at AES from 1986 until 1997 and after a nine-year hiatus he returned in 2006. Currently, Fred manages farm operations for TCRN. He is responsible for nearly 400 acres of production beds, and seed handling from harvest through finished product. Among Fred's skill set are creative problem solving and a bit of industrial technology know-how. He is known for his customized design of specialized equipment for harvesting and handling native plant species.

OUR PEOPLE

Steven I. Apfelbaum, MS
Senior and Principal Ecologist, Chairman

Steven has conducted ecological research, designed award-winning projects, successfully navigated regulatory programs, and contributed his unique creative scientific expertise and enthusiasm to over 1,500 projects throughout North America and beyond. He is one of the leading ecological consultants in the U.S., providing technical restoration advice and win-win solutions where ecological and land development conflicts arise. Apfelbaum has authored hundreds of technical studies, peer-reviewed technical papers, books, reports, ecological restoration plans, and regulatory monitoring and compliance reports. He promotes using ecological and conservation design principles in developments, industrial projects and parks that help clients save money while increasing ecological functionality, improving public perception and generating award-winning outcomes. Apfelbaum is also a much sought after speaker at educational events focusing on ecological restoration, ecosystem assessment, alternative stormwater management and conservation development.

Carl V. Korfmacher, MLA
President

Mr. Korfmacher has been involved in the ecological restoration field for over fifteen years. He has had a leadership role at AES from the beginning of his tenure in 1995 and has participated in many of the company's most complicated and successful projects. In his current role as President, he has authority over the company's financial, technical, and administrative functions.

As a landscape architect, his interest lies in the development of sustainability principals that integrate the science of ecology with economic and social concerns. He has also played a key role in building AES's international business, particularly in Chile and Romania.

Mr. Korfmacher has intimate knowledge of all types of work that AES performs including research, design, construction, maintenance, and nursery operations. His efforts have led AES to enter new markets with new ideas, partnerships, and approaches developed through a team approach within the company.

CONTRACTING SERVICES

The award-winning Contracting Division of AES has been implementing and managing native ecosystems for almost 30 years. We perform only *ecological* contracting and restoration. We pride ourselves on having the determination, passion and creativity that guarantees successful projects at any scale.

Dedication to Our Craft

Our work may resemble landscaping on the surface, but when you dig deeper, you find that restoring health to the land requires an entirely different set of skills. "Ecological Restoration" is a general term that encompasses many different techniques and approaches aimed at restoring ecological health to the land. Often, these techniques and approaches have to be customized and adapted to individual circumstances. We have learned these facts over many years and many, many projects, with careful research and sharing ideas with others in our field. This is what we do.

Highly Regarded Reputation

We take our contracting business very seriously. We have earned our reputation for quality work by innovating and perfecting our techniques and organizational methods. But the key to consistently high-quality construction lies in the people who are doing the work. We hire people who have a great work ethic and a great attitude. They often have advanced degrees, and they share a passion for working with the land rather than behind a desk.

We train our staff in many facets of more traditional trades and follow professional safety, training, and legal protocols. We give them the support they need in quality equipment and management support. We supply them with high-quality materials with genetic integrity from our own nursery. We bring in expert advice from our Consulting and Nursery operations when appropriate, then we get out of the way and let our people work. The resulting outcome is often spectacular.

Dedication to Quality Outcomes

What sets us apart is our dedication to results. It is not enough for our crews to build in accordance with the specifications. We go the proverbial extra mile. We ask for – and even urge – collaboration with the project designers, since our intimate knowledge of our craft can often result in better projects, and we continue to work on those projects until ecological goals have been met. Our Consulting and Nursery staff are often brought into Contracting projects to provide expert advice and to ensure that the outcomes meet or exceed expectations.

ECOLOGICAL MANAGEMENT SERVICES

AES has helped restore, preserve and manage thousands of acres of natural areas throughout the Midwest and beyond – promoting native species health and diversity. Our wide range of ecological-management services includes invasive-species removal, mowing, brushing, herbicide application and prescribed burning. Four regional AES offices in Southern Wisconsin, Northern Illinois, Minnesota Twin Cities region and the Kansas City region serve clients nationwide. AES provides the following management services:

Prescribed Burning

Fire is integral to the long-term health of native wetland, prairie, woodland and savanna ecosystems. Fires helped maintain these ecosystems for thousands of years, and AES is equipped to safely use fire as a management tool. AES burn crews are professionally trained, insured and outfitted with specialized burn equipment. We also provide all permitting and notification services needed to meet local requirements.

Brushing

Invasive exotic woody species in woodlands and savannas cause shade suppression of native perennial grasses, sedges and wildflowers, reducing diversity and increasing soil erosion. Brushing services provided by AES help to restore these ecosystems by removing exotic or aggressive species.

Herbicide Application

Many plant species are invasive and aggressive in a natural environment, and herbicide treatments are necessary for their control. AES crews are trained in plant identification and proper application of chemicals to ensure successful vegetative management.

Mowing

Mowing is typically used in conjunction with new prairie plantings; it helps control annual weeds and woody growth, favoring native plants during initial grow-in. Also, occasional mowing is beneficial where prescribed burning is not allowed.

Long-term management is critical to the success of all ecological restoration projects. Specialists in fire ecology and other exotic species management techniques conduct management services to ensure successful establishment of all plantings. Based on input from monitoring, these specialists will apply prescribed herbicides, conduct prescribed burns, and physically remove and treat stumps of woody invasive plants. All AES maintenance crews are equipped with specialized equipment, advanced training and extensive experience in burn planning, fire control, equipment safety and herbicide application.

LIST OF SERVICES

AES Contracting

Construction – Management – Maintenance

- Restoration and Phytoremediation Planting
- Shoreline, Streambank and Slope Stabilization
- Native Landscape Installation
- Prescribed Burning
- Prescribed Herbicide Application
- Value engineering
- Selective mowing
- Invasive brush removal
- Biological Control
- Comprehensive Design-Build Services
- Construction Management
- Experts in the implementation of:
    - Conservation Developments
    - Native Ecosystems
    - Alternative Stormwater Management Systems
    - Streambank & Lakeshore Stabilizations
    - Bioengineering Projects
    - Wetland Restoration
    - Revegetation
    - Erosion Control

SIGNATURE PROJECTS

Flambeau Copper Mine Reclamation

AES designed and constructed this 180-acre reclamation of the Flambeau Mining Company copper mine in Ladysmith, WI. The restoration of 10 different plant communities established new diverse wildlife habitat and protected the adjacent Flambeau River, a pristine northern Wisconsin recreational stream. The restored open-pit mine is now laced with hiking trails enjoyed by the local community which received a beautiful new parkland. And parent company Kennecott Minerals appreciated substantial savings because the restoration allowed mine closure permits to be obtained two years ahead of schedule.

Flambeau Copper Mine after, 2005, Ladysmith , WI

Prairie Crossing Conservation Development

Featured in the New York Times, Wall Street Journal, National Geographic and elsewhere, Prairie Crossing in Grayslake, IL, is a nationally-acclaimed model of conservation development. AES designed, installed and, since the mid-90s, has maintained over 165 acres of prairie and 20 acres of wetlands in demonstrating the water-quality benefits of our Stormwater Treatment Train™. At the center of the neighborhood, swimmers, fishermen and four state-listed non-game fish species enjoy the clear, clean water of Lake Leopold which serves as the development's "detention pond".

Otter Creek Wetland Mitigation Bank

Otter Creek, the first privately owned and constructed wetland mitigation bank in the U.S., was the first of more than a dozen wetland banks AES has designed, planted, maintained and monitored since the early '90s. Now owned by the St. Charles, IL, Park District, the 56-acre created wetland is buffered by mesic prairie and riparian ecological systems that comprise a landscape used for public recreation and environmental education. The project demonstrated the effectiveness of large-scale, ecologically-managed created wetland as mitigation for development impacts that would otherwise have been mitigated by smaller, less diverse and unmanaged wetland parcels offering virtually no biodiversity benefits.

Empire Wetland

AES was retained to design, permit, and construct a large wetland/prairie complex at the Empire Wastewater Treatment Plant site, a 400-acre property on the Vermillion River near Farmington, Minnesota. The Plant's location has ecological significance in part because it borders the intersection of two wildlife corridors: one along the Vermillion and one that extends northeast toward the Mississippi River. AES's final design consisted of subtle berms and basins designed to restore hydrology and wetland character to much of the site. The AES Contracting Division was responsible for the implementation of this large-scale native seeding initiative that incorporated the use of local cooperatives and subcontractors. The AES Contracting Division was also responsible for all ecological management activities from 2004 to 2007. Such activities included prescribed fire, selective herbicide management, woody species removal and mechanical removal of non-native species.

Flambeau Copper Mine before, 1996, Ladysmith , WI

SIGNATURE PROJECTS

Zona Rosa Mixed-Use Development

AES was asked to assist in the design and installation of restoring the native ecosystems of the stream and riparian corridor on the 200-acre property of this proposed mixed-use development in Kansas City, Missouri. Following analysis of over 1,950 linear feet of Rush Creek, a degraded stream within the property, AES designed restoration and bioengineering strategies for four different zones requiring various treatments. Stream treatments on-site include: native riparian buffer plantings, restoration of upland prairie, savanna and forest buffers, created in-stream pools and riffles, and a variety of bank stabilization strategies using bioengineering techniques. These include brush layering, installation of live stakes and willow posts, and toe protection using biologs. Design strategies were based on extensive hydrologic modeling and environmental engineering. Five-year maintenance and monitoring programs were developed to document water quality, vegetation success and management, erosion control and stability of the stream system. In addition, natural area restorations were designed, along with parking lot BMPs to reduce runoff.

Colorado Wetland Mitigation Bank, Boulder, CO

Colorado Wetland Mitigation Bank

AES provided design, permit assistance, installation and maintenance for this 80-acre prairie and wetland mitigation bank serving the Boulder, Colorado area. Historic wetlands were restored to their original status for the wetland bank, which has improved water quality and created habitats for several hundred native plant and wildlife species. The design included detailed studies of soils, topography, hydrology and other elements of the site. Planting, management, and technical monitoring of the site was conducted by AES staff for a period of 5 years, and the data has demonstrated that the site is functioning better than the anticipated performance standards established in the permit for the wetland banking project.The site is a low-maintenance native landscape that will ultimately become part of the Boulder-area open space system. The bank is 100% approved for mitigation credit sales. Monitoring requirements have been reduced due to exceptional project performance.

Alfred Caldwell Lily Pool

Set within Lincoln Park, Chicago, the Alfred Caldwell Lily Pool was intended as a sanctuary from the city. An assistant to Jens Jensen, Alfred Caldwell created his 1937 design with the inspiration of the prairie landscape of the American Midwest, and included many wetland and savanna species characteristic of the region. Over the years, high use and minimal maintenance eventually led to extensive degradation and erosion of the site. Invasive tree species, such as buckthorn, mulberry and box elder had become abundant, causing shade suppression that prevented ground-level plant growth. This project was designed to allow the re-growth of the understory, which is critical for erosion control and wildlife habitat. AES reintroduced more than 21,000 wetland and savanna plants such as sweet flag, pickerelweed and woodland phlox. Over 1,000 linear feet of protective fencing was installed around the pond shoreline to discourage herbivory and ensure wetland plant establishment. The plan also included stocking the pool with fish to provide food for wading birds. The restored Lily Pool is now what Alfred Caldwell intended it to be: a refuge from the city for people and animals alike. In 2003, AES received awards from both the Illinois Chapter of the American Society of Landscape Architects and the Illinois Landscape Contractors Association for the Alfred Caldwell Lily Pool Project.

Alfred Caldwell Lily Pool, Chicago, IL

OUR PEOPLE

Jason Dremsa, B.S.
Construction Manager, Restoration Ecologist

- B.S. in Reclamation, Environment & Conservation, University of Wisconsin - Platteville; Platteville, WI
- S 130/190, ICS-100 Intro to Wildland Fire Behavior, Firefighter Training
- Commercial Pesticide Applicator License (Wisconsin, Illinois, Missouri, Kansas)
- First Aid Training/ CPR Certified
- Career Advancement Track
- Developing Management Skills, University of Wisconsin

Jason is the Kansas Branch Contracting Manager, providing field services for the implementation and maintenance of all AES restoration projects in the region. He has over four years of professional experience in ecological restoration and management, including projects to restore streams, shorelines, wetlands, woodlands, prairies and oak savannas. Dremsa is also well-versed in erosion control practices, native seed collection, prescribed fire and vegetation identification. As a Restoration Superintendent, he is active in all phases of the restoration process, including marketing, planning, estimating, propagation, installation and management. His experience includes a wide variety of significant project sites throughout the Midwest. In the Kansas City area, Dremsa is the primary field manager and client contact for the Zona Rosa mixed-use development and Rush Creek restoration project. He has also initiated estimates and coordination of construction processes for the Enchanted Lake and Gleason Glen residential developments. Jason brings a well-rounded background of experience and education to his leadership role for the Contracting Division in the AES Kansas City regional office.

Mathew Stone, B.S.
Project Supervisor, Restoration Ecologist

- B.S. in Biology; University of Wisconsin - Platteville; Platteville, WI
- S 130/190 Firefighter, Fire Behavior Certification
- Licensed Commercial Pesticide Applicator (Wisconsin and Illinois)

Mr. Stone has over 13 years of professional experience in the ecological restoration field. He has a solid understanding of the applied science of ecological restoration combined with a broad range of field experience including site construction, maintenance, and management. As Branch Contracting Manager for the Wisconsin/Illinois region, Stone focuses on the design, implementation, and management in a wide range of habitats, including streambanks, lakeshores, ravines, wetlands, prairies, woodlands, savannas, etc. Stone takes a client-centric approach to project development – drawing from his technical expertise to develop solutions for a wide variety of clients including municipalities, forest preserves, parks, museums, botanical gardens, universities, private developers, etc.

OUR PEOPLE

Aaron Swartwood, B.S.
Restoration Practitioner

- B.S. in Wildlife Mangement from the State University of New York College of Agriculture and Technology-Cobleskill
- A.S. in Natural Resources Conservation Law Enforcement from Finger Lakes College

Aaron has extensive professional restoration experience. He has experience working with a broad-range of large and small equipment. Aaron has experience with prescribed burning, mitigation banks, wetlands, streambanks, conservation developments, vegetative monitoring, seeding, planting, brush removal, erosion control, herbicide application, seed collection, mowing, invasive species control, and an array of other ecological restoration practices. At Seneca Meadows, Aaron performs such tasks as site preparation, seeding, planting, erosion control, invasive species management, brushing, forested wetland enhancement and hydro monitoring.

Scott Stewart, B.A.
Crew Foreman

- B.A. in Zoology and Environmental Studies; Southern Illinois University-Carbondale

Scott has experience working with a broad range of large and small equipment. He also has experience in Native Planting , seeding, invasive species control, prescribed burning as well as an array of other ecological restoration practices.

Chris Eichman
Restoration Practitioner

- B.S. in Biology, 2002, Pittsburg State University
- Kansas Pesticide Applicators License; General & 1A
- OSHA 10 Hour Contractor Training

Chris has experience in habitat restoration and wildlife habitat management, including seeding, planting, brush removal, controlled burning, mowing, herbicide application, erosion control, and stream surveys. He also has a wide range of mechanical skills and experience using power equipment. Before coming to AES, Chris performed extensive work for Kansas Department of Wildlife and Parks doing biological survey of fish populations, endangered species work, management of wildlife habitat, and public education.

Tom McKenna
Restoration Practitioner

- B.A. in Biology, 2002, University of Kansas
- S-130 & S-190 Burn Certification

Tom is well versed in the professional restoration and prescribed burning fields. He also has experience working with a broad-range of large and small equipment. Tom has experience with mitigation banks, prescribed burning, wetlands, streambanks, conservation developments, vegetative monitoring, seeding, planting, brush removal, erosion control, herbicide application, seed collection, mowing, invasive species control, and an array of other ecological restoration practices. Prior to coming to AES, Tom worked for many reputable organizations, including Sequoia National Park, Hawaiian Division of Forestry and Wildlife, and the United States Geologic Survey.

EQUIPMENT LIST

Implements

TRUAX NO-TILL DRILL (8FT)
TRUAX NO-TILL DRILL (6FT)
GREAT PLAINS NO-TILL DRILL
PITTSBURG DISK
BRILLION SEEDER (5FT)
BRILLION ROLLER
BRILLION ROLLER
LANDPRIDE PULVERISER
AG-CHEM SPRAYER (42)
RED-BALL SHIELDED SPRAYER (15)
FOBRO BED-LIFTER
HOWARD ROTOVATOR
KING KUTTER TILLLER
BRUSH HOG BAT-WING (15FT)
BRUSH HOG BAT-WING (7FT)
3PT FINISH MOWER
VALLEY INDUSTRIES IRRIGATOR (2)
PATZ CONVEYOR (2)
SEED CLEANING MACHINE (2)
WESTRUP BRUSH THRASHER
FRANSGARD SKIDDER
OFFICE TRAILER
BOBCAT TILLER
CIMMERON
DR. POWER MOWER PUSH
SECTIONAL MODULAR OFFICE
BILLY GOAT 33" DECK
BRILLION TUCKER
3PT BLADE
LANDPRIDE BLADE
INTERLAKE DRIVE IN RACKING
USED RACKING
LANDPRIDE 3PT DISK
PATZ CONVEYOR
BUSH HOG 5FT MOWER
ROTARY LIFT
TRUAX DRILL 8'
WOODS 3PT 7' DISK
HEAVY DUTY WINCH (SEMI)
E-Mat Roller (Bobcat)
Trencher (Bobcat)
Powerhead and Augers (Bobcat)
DR POWER MOWER PULL
TRUAX DRILL 10'
HOLLAND TRANSPLANTER
17 HP Tow-Behind Brush Mower
Bush Hog 15 ft Flex Wing Mower
200 Gal NorthStar Skid Sprayer
NorthStar Skid Sprayer Trailer
Great Plains Native Grass Drill

Trailors

83x20 HEAVY DUTY
ENCLOSED WELLS CARGO (2)
HILLSBORO TRAILER
STRAW MULCHER
HYDRO-MULCHER
DYNAWELD
HEAD TRAILER (2)
ORANGE GOOSENECK
DAVIS GOOSENECK (4)
LOAD TRAIL
BOBCAT TRAILER
BIX TEX - BUMPER
COMBINE TRAILER
GREEN TRAILER
ENCLOSED WELLS CARGO
SHADOWMASTER - ENC
PACE ENCLOSED
DAVIS DUMP TRAILER
DOOLITTLE ENCLOSED
ALUMA TRAILER
LITTLE BLACKIE
DAVIS BOBCAT TR
DAVIS RTV TR
PJ TRAILER
MORBARK CHIPPER
STEALTH ENCLOSED
SNOWMOBILE TRAILER

Trucks

F350 Super Duty 4x4 Pick up (14)
F650-WHITE
F350-DUMP
F550-WHITE
IH 4700 DUMP

ATV's

POLARIS 6X6 (6)
POLARIS 4X4 (2)
KUBOTA RTV (3)
ARGO (2)
NISSAN
POLARIS RANGER
CUB CADET UTILITY ATV
CHUCK WAGON - CAMO
CHUCK WAGON - GREEN

Equipment

NEW HOLLAND FORD TRACTOR
NEW HOLLAND FORD LOADER
JOHN DEERE TRACTOR
JOHN DEERE LOADER
KUBOTA
KUBOTA LOADER
KUBOTA L4610 BDH (2)
ALIS CHALMERS TRACTOR
NEW HOLLAND COMBINE
NEW HOLLAND GRAIN PLATFORM
JOHN DEERE COMBINE
JOHN DEERE GRAIN PLATFORM
IH COMBINE
BOBCAT 773 TURBO
FORKLIFT
LESCO STAND-UP MOWER
BOBCAT MT52 MINI TRACK
BOBCAT S185
KUBOTA TRACTOR
KUBOTA TRACTOR LOADER
CASE TRACTOR
CASE LOADER
JOHN DEERE TRACTOR
JOHN DEERE LOADER
NEW HOLLAND TRACTOR
NEW HOLLAND LOADER
STRAW MULCHER (2)
HYDRO-MULCHER
International Tractor (2)
MORBARK CHIPPER
CATERPILLAR SKIDSTEER

CONSULTING SERVICES

Credibility

Our science sets us apart. It provides the foundation of knowledge that we apply to create innovative designs. And because we have a solid foundation in science, our credibility with agencies, non-profits, and the public is very high. This allows AES to get stake-holders with radically differing agendas to reach consensus, and then allows us to design and execute complex projects.

Typically, our problem-solving work is conducted at the intersection of conflict between people and nature. Our scientific expertise in ecosystem structure and function provides a solid foundation for unifying what are often disparate – sometimes adversarial – approaches to land-use decisions.

Complete Service Package

AES consulting services integrate the disciplines of ecological science, sustainable civil engineering, landscape architecture and GIS. This interdisciplinary approach is essential to providing sustainable solutions required by complex, dynamic ecological problems.

Yet and always, the overarching principle for AES landscape architects, engineers, GIS specialists and of course ecologists, is the sustainable cohesion of flora and fauna, land and water that collectively comprise the natural world in which we live.

Cohesion, in our view, is also a planning approach that we prefer.

Collaboration

On complex assignments, AES consultants frequently work in concert with professional partners who collaborate both philosophically and with specialized expertise. We have been privileged to team with some of the most talented designers and planners to work on some of the most challenging and innovative projects on the planet.

LIST OF SERVICES

AES Consulting

Design – Research – Regulatory

- Ecological Restoration Design, Planning and Management
- Ecological Research, Assessment, Inventory, Analysis and Monitoring
- Mine, Quarry and Landfill/Brownfield Remediation Planning
- Site and Regional Master Planning
- Environmental and Water Resources Engineer
- Ecological Landscape Architecture
- GIS Services and Mapping
- Regulatory Permitting
- Public Process and Visioning
- Comprehensive Wetland Services
- Wildlife Studies and Management
- Threatened and Endangered Species Studies
- Streambank and Shoreline Stabilization
- Stormwater Management Design
- Sustainable Development Services
- Environmental Legal Discovery and Mediation

AES Contracting

Construction – Management – Maintenance

- Comprehensive Design-Build Services
- Construction Management
- Restoration and Phytoremediation Planting
- Shoreline, Streambank and Slope Stabilization
- Native Nursery Construction
- Native Landscape Installation
- Prescribed Burning
- Prescribed Herbicide Application

AES Restoration Nurseries

Seed & Plants – Research – Expertise

- Native plants and seed
- Native trees and shrubs
- Modular/native green roofs
- Specific genetic provision
- Propagation of locally sourced seed and plants
- Custom grow
- Contract grow
- Experimental propagation
- Nursery consulting
- Plant rescues
- Nursery design/build

ACCOLADES

U.S. EPA & Chicago Wilderness

- U.S. Environmental Protection Agency & Chicago Wilderness Conservation and Native Landscaping Award, 2007.
  - *Arquilla Naturalized Stormwater Basin, Algonquin, Illinois.*
- U.S. Environmental Protection Agency & Chicago Wilderness Conservation and Native Landscaping Award, 2006.
  - *South Milwaukee School, Milwaukee, Wisconsin.*
- U.S. Environmental Protection Agency & Chicago Wilderness Conservation and Native Landscaping Award, 2005.
  - *Sanctuary of Bull Valley Conservation Development, Woodstock, Illinois.*

American Public Works Association (APWA)

- Project of the Year Award; Environmental, Over $10 Million, 2004.
  - *Village of Lincolnshire North Park Project, Lincolnshire, Illinois.*
- Public Works Project Excellence Award, 2004.
  - *Village of Lincolnshire North Park Project, Lincolnshire, Illinois.*
- Project of the Year Award; Transportation, Over $10 Million, 1997.
  - *Metra North Central Commuter Service Project, Chicago, Illinois.*

Associated General Contractors of America (AGCA)

- Safety Excellence Award, 2005.
- Safety Excellence Award, 2009.
- Safety Excellence Award, 2010.

American Institute of Architects (AIA)

- AIA Wisconsin Merit Design Award, 2006.
  - *Renal Dialysis Center Project, LaCrosse, Wisconsin.*

American Planning Association (APA)

- Best Plan Award, 2002.
  - *Muskego Conservation Plan, Muskego, Wisconsin.*
- National Planning Awards; Outstanding Planning Award, 2000.
  - *"Blueprint of Liberty – Future Land-Use Plan," City of Liberty, Missouri.*

American Society of Landscape Architects (ASLA) (National)

- Honor Award, 2009.
  - *Unnamed U.S. University*
- Analysis and Planning Award of Excellence, 2005.
  - *Noisette Community, North Charleston, South Carolina.*
- Illinois Chapter ASLA Merit Award, 2005.
  - *Gary Green Links Greenway Master Plan, Gary, Indiana.*
- Illinois Chapter ASLA Honor Award; Historic Landscapes, 2003.
  - *Town of Fort Sheridan, Fort Sheridan, Illinois.*
- Analysis & Planning Merit Award, 2003.
  - *Menomonee River Valley Project, Milwaukee, Wisconsin.*

South Milwaukee School, South Milwaukee, WI

Bull Valley Conservation Development, Woodstock, IL

ACCOLADES

• Illinois Chapter ASLA; Outstanding Professional Achievement Award, 2003.
- Alfred Caldwell Lily Pool Project, Chicago, Illinois.
• Wisconsin Chapter ASLA Recognition Award; Environmental Enhancement, 2002.
• Illinois Chapter ASLA Honor Award, 2000.
- Lincoln Park North Pond Rehabilitation, Chicago, Illinois.
• Illinois Chapter ASLA Merit Award; Planning and Analysis, 1998.
- Grayslake Central Park Master Plan, Grayslake, Illinois.
• Illinois Chapter ASLA Merit Award; Outstanding Professional Achievement, 1998.
- Grayslake Central Park Master Plan, Grayslake, Illinois.
• Illinois Chapter ASLA Public Recognition Award, 1995.
- Chicago Botanic Garden – Skokie River Restoration, Glencoe, Illinois.

Wisconsin Environmental Working Group
• Wisconsin Business Friend of the Environment Award, 2009.

Consulting Engineers Council of Illinois
• Environmental Honor Award, 1996.
- North-South Tollway (I-355) Wetland Mitigation, DuPage County, Illinois.

Illinois Landscape Contractors Association (ILCA)
• Excellence in Landscape Gold Award, 2003.
- Alfred Caldwell Lily Pool Project, Chicago, Illinois.

City of Chicago, Illinois Mayor's Office
• Chicago Landmark Award, 2003.
- Alfred Caldwell Lily Pool, Lincoln Park, Chicago, Illinois.

American Council of Engineering Companies of Missouri (ACEC)
• ACEC Special Project Award, 2005
** Applied Ecological Services & Steiner Transystems received this award for Applied Ecological Services's work in preserving and enhancing the Rush Creek watershed area at Zona Rosa.*

The Rainforest Alliance
• Best Monitoring & Evaluation Methodology, 2006.
- Restoration of Mangrove and Dry Tropical Forests, Andamojo Watershed, Costa Rica.

Green Building Council
• Green Building Council's LEED Silver Award, 2007.
- Aquascapes Green Roof Project, St. Charles, Illinois.
**Applied Ecological Services designed and built a green roof for Aquascapes which became an integral component in being decided for the award. (Artisan Design/Build won the award and Applied Ecological Services partnered with them).*

Metra Stateline Wetland Bank, Chicago, IL

Fort Sheridan Ravine Stabilization, Fort Sheridan, IL

ACCOLADES

Minnesota Environmental Initiative
• Environmental Initiative Award, 2007
- Lino Lakes (I-35E) Corridor Project AUAR for Green Building and Development, Lino Lakes, Minnesota.

City of Hernando, Mississippi
• Tree Preservation Planning Award, 2007.
- Hernando West Project, Hernando, Mississippi.

Midwest Construction Magazine
• Top Specialty Contractor, 2007.

City of Toronto, Ontario, Canada
• Toronto Urban Design Award of Excellence, 2007.
- Lower Don Lands, Toronto, Ontario, Canada.

Minnehaha Watershed Creek District
• Watershed Heroes Awards, 2007.
- Excellence in Development; Locust Hills Conservation Development, Hennepin County, Minnesota.
** Applied Ecological Services completed the conservation planning and designed the open-space restoration plan for this project which proved to be a key to the success of the development. Locust Hills Developers, LLC. won this award and Applied Ecological Services was a subcontractor.*

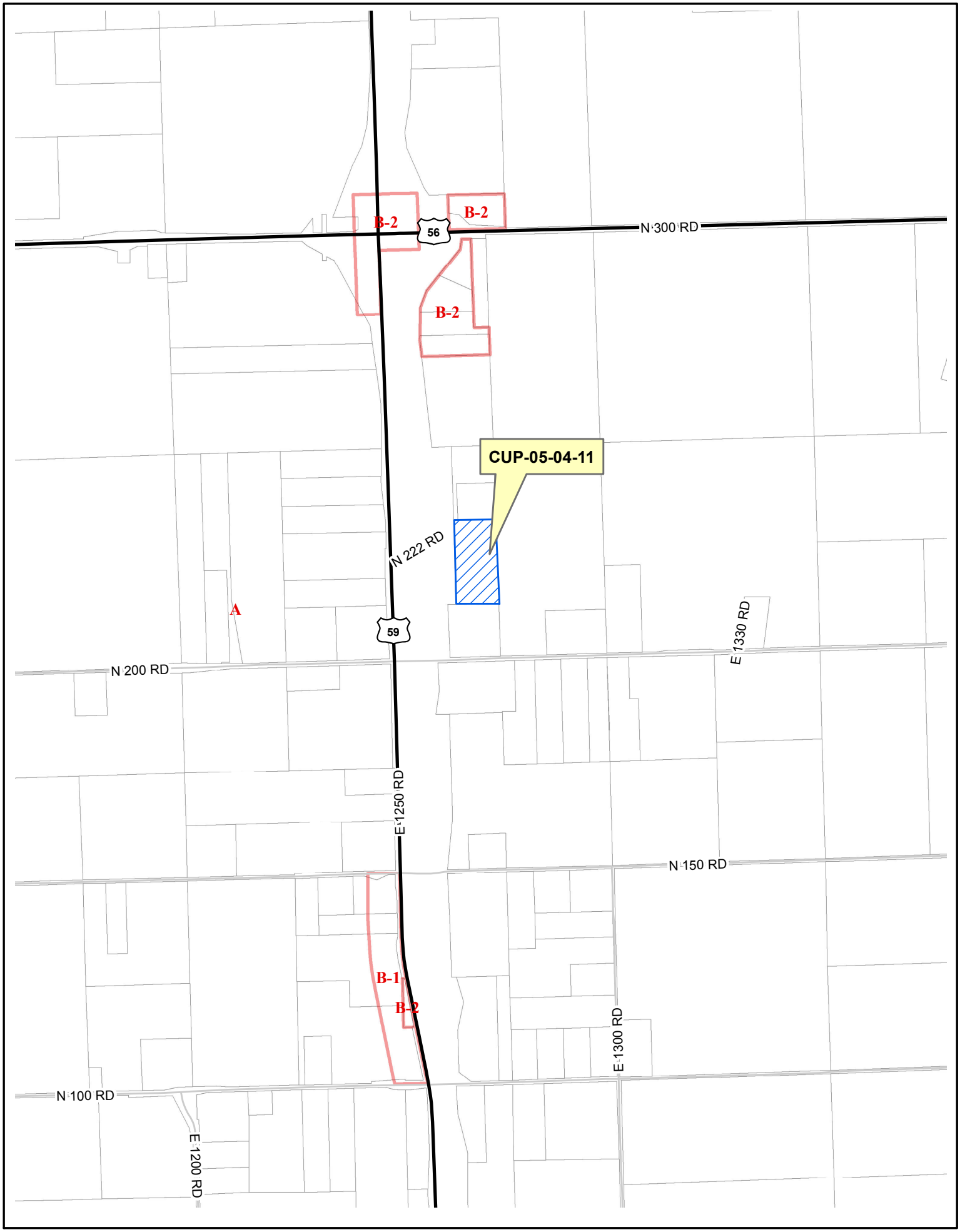
American Council of Engineering Companies
• Engineering Excellence Award, 2008.
- Noisette, North Charleston, South Carolina.
** For studies, research, and consulting engineering services.*

Royal Architectural Institute of Canada
• Special Jury Award-Sustainable Development, 2008.
** Applied Ecological Services was a partner with Michael Van Valkenburgh Associates (MVVA) and won this award through the 2008 National Urban Design Awards competition.*

Wisconsin Green Building Alliance
• Focus on Energy Award of Excellence, 2009.
- Exceptional achievement and overall excellence: The Spirit of Africa Exhibit, Baraboo, Wisconsin
** Applied Ecological Services was a partner with MSA, Kubala Washatco Associates, and The 106 Group on this project.*

Mangrove Restoration, Andamojo Watershed, Costa Rica

Aquascapes Green Roof, St. Charles, IL


B-2
B-2
56
N 300 RD
B-2
CUP-05-04-11
N 222 RD
A
59
E 1330 RD
N 200 RD
E 1250 RD
N 150 RD
B-1
B-2
E 1300 RD
N 100 RD
E 1200 RD

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

ITEM NO. 2 A TO IG; ~~69~~ 67 ACRES; 933, 939, & 943 N 1800 RD (SLD)

Z-3-8-11: Consider a request to rezone approximately ~~69~~ 67 acres from A (Agricultural) to IG (General Industrial), located at 933, 939, & 943 N 1800 Rd. Submitted by Steven Rothwell, Timothy W. and Lani S. Rothwell, for Timothy Rothwell, Wilber C. Rothwell, and Donald Kenna Rothwell, property owners of record. (This is a reconsideration of this request due to an error in notice of the original consideration.)

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for 69 acres from County A (Agricultural) District to City IG (General Industrial) 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: "*This site is designated for industrial land use in Horizon 2020 and the K-10 & Farmer's Turnpike Plan that have been adopted by the Lawrence City Commission and the Douglas County Commission.*"

NOTE: This staff report has been updated to reflect recent actions. The purpose of the rehearing is to correct an error in the mailed notice to property owners of the original consideration. Updated language in this report is shown in red.

KEY POINTS

- Sector plan identifies property as suitable for future industrial development.
- The property has immediate access to an improved arterial street and close proximity to the I-70/K-10 Lecompton Interchange.
- Annexation of property requires designation of a suitable City zoning district.

ATTACHMENTS

- Area map.
- Table of uses.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The area is primarily rural/agriculture in nature, but within close proximity to 155 acres of IG zoned property and adjacent to 51 acres of IG zoned property to the east.

CONFORMANCE WITH *HORIZON 2020*

- The proposed request is consistent with land use recommendations found in *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan.*

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Approval and publication of annexation ordinance (A-3-1-11). The City Commission referred the annexation to the County Commission on July 5, 2011. The County Commission is

scheduled to consider the annexation on July 20, 2011. An update of the County Commission's action will be provided to the Planning Commission at their regular meeting.

- Subdivision approval required as a pre-development step.
- Site plan approval required as a pre-development step.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Phone call from area resident requesting information about proposed development.

Project Summary:

This property includes 69 acres comprised of three separate parcels. The proposed request is for rezoning the property to IG (General Industrial). An updated legal description for the annexation describes 67 acres.

GENERAL INFORMATION

Current Zoning and Land Use:	County A (Agricultural) District; existing agricultural fields and rural residences.
Surrounding Zoning and Land Use:	To the north; A (Agricultural) District; existing agricultural fields and residences.
	To the northwest; IG (General Industrial) District with use restrictions; undeveloped land.
	To the south: A (Agricultural) District; I-70 highway and existing agricultural fields and residences south of highway.
	To the southeast; A-1 (Suburban Home Residential) District; Oak Ridge Estates Subdivision. Includes developed and undeveloped residential lots and Morningstar Christian Church.
	To the east; IG (Industrial General) District; existing agricultural field.
	To the west; A (Agricultural) District; existing agricultural fields and residences.

I. ZONING AND LAND USES OF SURROUNDING PROPERTIES

The surrounding properties are dominated by the existing rural residential and agricultural activities that flank the N 1800 Road and the I-70 corridor. The zoning of the area is transitioning to reflect the planned future industrial land use for the area as described in the *K-10 and Farmer's Turnpike Plan*.

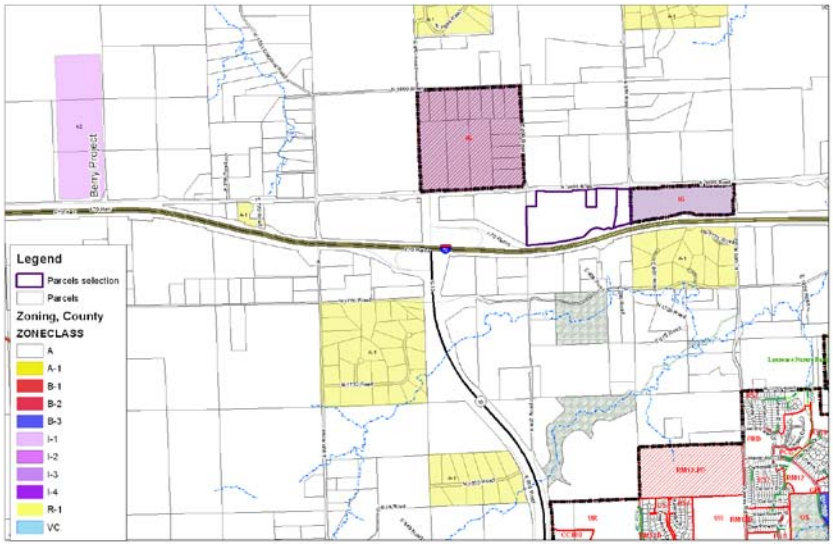
Staff Finding -- As summarized above, there is a mix of residential, agricultural and industrial zoning in the surrounding area. Residential uses are generally scattered along the County roads or located within a developing rural residential subdivision located to the southeast, south of I-70. The industrial zoning is more recent, following the adopted *K-10 and Farmer's Turnpike Plan*. Agriculture is the primary land use in the area. N 1800 Road (Farmer's Turnpike) and the I-70 Kansas Turnpike are located along the north and south property lines.

II. CHARACTER OF THE AREA

Applicant's Response: *"The area is transitional. Present uses are primarily rural, but it is surrounded by arterial streets and planned for more intense uses. The property is located on Farmer's Turnpike, a principal arterial road, just west of a major industrial area and it touches two other properties that are already zoned for industrial use."*

This area includes agriculture land uses and activities and rural residences. The area also contains the corridor of I-70, an interstate highway, and N 1800 Road, Farmer's Turnpike, which is classified a principal arterial on the Major Thoroughfares Map. These two thoroughfares provided a major east/west transportation connection through northern Douglas County.

This site, comprised of three separate parcels, is combined into a single request. It is located southeast of a 155 acre site that has recently been rezoned to IG and adjacent to a 51 acre site also recently rezoned IG. The area along N 1800 Road is transitioning into the planned industrial area though annexation and rezoning as a pre-development condition.



Staff Finding -- The surrounding area is currently a fringe area containing agricultural land and rural residences. Approximately 206 acres have been rezoned to IG in the immediate area since 2009. This area includes a major transportation corridor with proximity to highway access. While property in the area has been zoned industrially, the area has not yet developed with that type of land use.

III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's Response: *"The property is currently suitable for agricultural use, but the development of nearby industrial uses, the major roads that surround the property and the need for industrially zoned property make it poorly suited for continued agricultural use."*

Suitability of the property for its current zoning must take into consideration a specific set of factors unique to this project. Upon annexation the County zoning designation would no longer be appropriate.

- The proposed request includes three separate parcels, each developed with a residential structure.
- These properties are currently zoned A (Agricultural), a County zoning designation.
- This request assumes approval of the annexation of the 67 acres.
- The properties are within the boundary of the *K-10 and Farmer's Turnpike Plan* and within an area designated for future industrial development.

Summary of existing improvements			
	Address	Acres	Improvements/feature
1	939 N 1800 Road	58.08	1157 SF House built 1959 32 x 24 garage built 1974 21 x 40 barn 1910 with lean to 30 x 40 19 acres of treed area (estimated) 3.9 acres of transmission line easement (estimated)
2	933 N 1800 Road	2.73	1623 SF House built 1977 No outbuildings
3	943 N 1800 Road	7.8	2118 SF House built 1977 24 x 24 detached garage built 1980

A large overhead transmission line traverses through the proposed zoning area from the southwest to the northeast. There is also a large stand of trees in the central portion of the property flanking the low lying area across the property.

The current County zoning accommodates the existing rural residential and agricultural use. If approved the existing residential uses would become non-conforming uses in the IG district. This request is to rezone the property to the IG zoning district thus permitting industrial uses such as manufacturing and warehousing uses. Annexation into the City requires the property to be rezoned to an appropriate City zoning classification. Should the annexation request be denied, the present Agricultural Zoning would remain.

Staff Finding – Assuming annexation is approved, the current County zoning designation is not appropriate or suitable for these properties. Approval of the request will convey the intent of future land use development as industrial and prevent unintended development conflicts. Anticipation of a long term build-out scenario will result in the existing residential uses being a non-conforming use in the IG district if approved.

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

Applicant's Response: *"It is not vacant."*

These properties are currently developed with rural residences and related accessory structures. A barn structure is dated as being constructed in 1910, while the residences and outbuildings were constructed between 1959 and 1980.

Staff Finding – These properties are developed with rural residential homes and associated accessory structures.

V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's Response: *"It will have no detrimental effect on nearby properties. The property is adjacent to a large tract of industrially zoned land and is bounded by another industrially zoned property, the Kansas Turnpike and the Farmer's Turnpike.*

Upon annexation the County A (Agricultural) District would not be appropriate. The property must be rezoned to a City of Lawrence zoning district. Zoning provides notice to prospective property owners of intended development.

The rezoning would allow the development of industrial uses consistent with land use recommendations stated in the area plan and permitted in the IG District. The property is bounded by a significant thoroughfare. It is isolated from other development to the south by the I-70 Highway. The Highway is a large barrier that separates the developing residential uses from the proposed industrial use.

Approval of the request will require compliance with the Land Development Code with regard to building setback, screening and stormwater standards as well as lighting. These standards are more rigorous then the corresponding county regulations. Development impact will be more fully mitigated than if developed as a county industrial zone. There is no specific development plan for the property at this time.

Approval of the request is consistent with recommended land use plans for the area. Approval will facilitate future development consistent with recommendations for industrial development.

Staff Finding – Annexation and zoning provide more regulatory control than currently exists in the County. Approval of the request will provide notice, by mapping, of the intended land use for the area.

VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

Applicant's Response: *"The public will see its long range plan for the area implemented and much needed industrially zoned property added to the City's inventory and identified as such before the planned residential uses in this area are implemented."*

Evaluation of these criteria includes weighing the benefits the denial of the rezoning request would provide for the public versus the hardship the denial would impose on 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. Approval of this request assumes approval of annexation.

Assuming the property is annexed and the rezoning request were denied, the area would remain in a non-City zoned category. Denial of the rezoning request would defer the implementation of planned development to the future. Such a situation creates an unclear intent for land owners regarding development regulations and controls.

The public benefits are established by a growth in the potentially available industrial land inventory. Design standards of the Development Code assure public protection through buffering, site development, lighting and other regulatory design controls.

Staff Finding – Approval of this request assumes approval of annexation. As currently zoned, the site does not conform to the recommended land use for industrial development identified in the *K-10 and Farmer's Turnpike Plan.* Approval of the request will provide additional opportunities for industrial development adding to the city's economic tax base.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: "*It is consistent with the goals of Horizon 2020 and with the future land use recommendation in the K-10 & farmer's Turnpike Plan.*

Both *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan* address development in this area. A key feature of Chapter 7 of *Horizon 2020* intends to: "*encourage site improvements, and community amenities which best respond to the market demands for industrial and business development while maintaining the community objectives for the type and quality of such development*." The chapter also defines various types of industrial uses. A specific development application has not been submitted for the 67 acres.

Principal strategies of Chapter 7 include identification, development and maintenance of industrial and employment related areas. The property included in this request was identified in the *K-10 and Farmer's Turnpike Plan* as suitable for industrial development. Annexation and zoning are necessary steps required to develop the property with urban uses and services. Recent amendments to the *Horizon 2020* include identification of 540 acres of industrial and office/research uses as identified in the *K-10 and Farmer's Turnpike Plan*[1].

A key strategy related to industrial development states: *Increase community involvement in economic development activities, by partnering with the local business community and area educational institutions to bring new technology and investment to the region for the purpose of meeting the economic development job growth goal of securing twenty thousand new jobs in Douglas County by 2020.* Approval of this request facilitates opportunities for industrial development consistent with adopted plans.

Chapter 7 of *Horizon 2020* provides specific location criteria for industrial development as identified in the following table.

Location Criteria	**Finding**
Have feasible access to Federal and State transportation networks.	This site is approximately 1/2 mile from the nearest interchange on I-70.
Be of adequate parcel size, generally over 40 acres.	This site is approximately 69 acres.
Lie primarily outside of the regulatory floodplain.	This site is not encumbered by regulatory floodplain.
Have minimal average slopes.	Slopes across this site are less than 6%.

Horizon 2020 speaks to preservation of high-quality agricultural land. A small portion of this property along N 1800 Road and an area along the south property line includes Class II soils, but no Class I soils. While the subject property contains Class II soils, the soils are isolated and exist in a strip pattern and in small amounts relative to areas where significant contiguous amounts exist in Douglas County, such as are found in Grant Township. When weighing the goal of protection of class II soils for this specific location against the transportation system and the criteria that supports industrial land use, the property is well suited for industrial development.

[1] Chapter 7, Lawrence – New Industrial Areas.

The related annexation report (A-3-1-11) provides a complete discussion of available services to the site. Depending on the specific use for the site interim plans may be needed to serve the property. As discussed in the annexation report, this property is located in the Lawrence Urban Growth Area.

The adopted *K-10 and Farmer's Turnpike Plan* designates the area along N 1800 Road between E 1000 and E 900 as suitable for Office/Research (north of N 1800 Road) and Industrial (south of N 1800 Road). The intent of the industrial use is described in section 3.2.1.8 of the area plan as follows: *"…to allow for moderate to high-impact uses including large scale or specialized industrial uses geared toward utilizing K-10 Highway and I-70 for materials transportation."*

Staff Finding -- The proposed rezoning request conforms with *Horizon 2020* policies related to industrial development. Further, the proposed request conforms with the land use recommendations of the *K-10 and Farmer's Turnpike Plan.*

STAFF REVIEW

The Planning Commission is required to hold a new public hearing to address errors in the mailed notice for the May 25, 2011 consideration of this item. Based on an additional review by legal staff of the notice provisions and an examination of the process and procedures used by the County and the City in generating notices to property owners it was determined that a new public hearing with new written notice to property owners be conducted for this application.

Approximately 67 acres are being requested to be rezoned from the A (Agricultural) to the IG (General Industrial) District. This request for rezoning assumes approval of the annexation request. The City Commission at their meeting on July 5, 2011 forwarded a resolution to the County Commission requesting they make a finding that the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Douglas County, Kansas (Resolution No. 6924). The County Commission is scheduled to consider the resolution on July 20, 2011. Staff will provide an update to the Planning Commission regarding the County Commission actions as part of the oral presentation for this item.

A specific development proposal has not been submitted with this request. The subject property is located on the south side of N 1800 Road and north of I-70. The site is also located in proximity to the Lecompton/I-70 Interchange.

The 155 acres located to the northwest of this property began the implementation of the *K-10 and Farmer's Turnpike Plan.* An adjacent 51 acres located to the east of this request was also annexed and rezoned in conformance with the area plan. Staff recognizes that industrial development typically includes a lengthy timeframe. It is not expected that this property owner will be seeking immediate development applications. The annexation and the zoning will reserve the property for a future industrial development project.

The 155 acres (Z-4-9-08; Ordinance No. 8293) was rezoned to IG with use restrictions. These restrictions were offered by the applicant and accepted by the Planning Commission in 2008 and forwarded to the City Commission for their eventual consideration and adoption. The 51 acres (Z-9-13-11, Ordinance 8595) located to the east of this 67 acres was approved for IG zoning without use restrictions.

Horizon 2020 acknowledges the need for industrial development for job growth. The plan encourages adequate site availability. Approval of the rezoning provides additional opportunities to market and development industrial projects. If this request is approved, additional development standards including platting, site planning, and compliance with applicable design guidelines will be considered with future development applications.

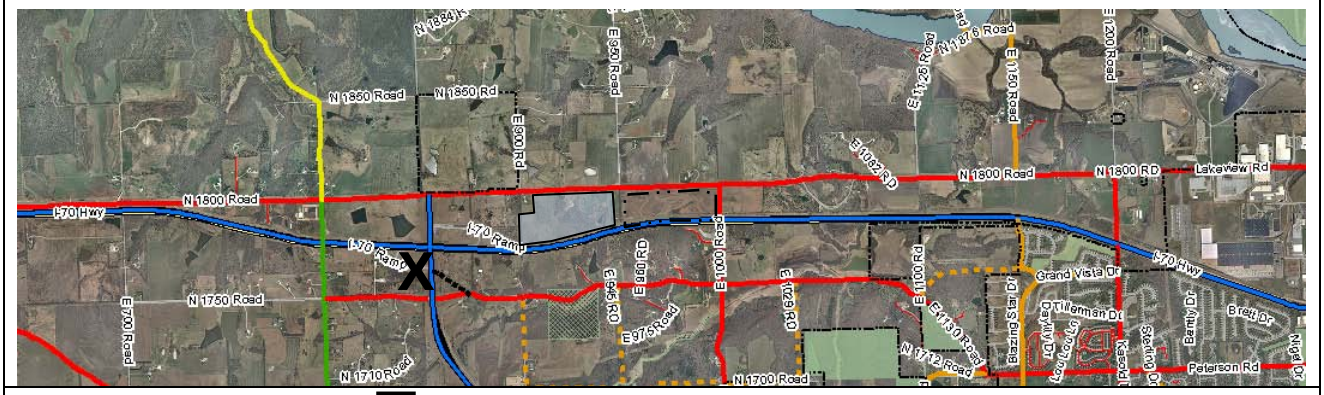


Figure x. Subject property ▭ ; I-70 Interchange **X**
Subject property to K-10/I-70 Interchange: approximately 1 mile

CONCLUSION

This staff report reviews the proposed location for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The development proposal meets the locational criteria required for approval. The rezoning request is compliant with land use recommendations in *Horizon 2020* and *K-10 and Farmer's Turnpike Plan*. The resulting action will include creating the residential uses as non-conforming uses until such time as the properties are developed.

20-403 NONRESIDENTIAL DISTRICT USE TABLE

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*														*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
RESIDENTIAL USE GROUP																
Household Living	Accessory Dwelling	P*	–	P*	–	–	–	–	–	–	–	–	–	–	–	534
	Attached Dwelling	P*	–	P*	–	–	–	–	–	–	–	–	–	P*	–	503
	Cluster Dwelling	–	–	–	–	–	–	–	–	–	–	–	–	–	–	702
	Detached Dwelling	P*	–	P	–	–	–	–	–	–	–	–	–	P*	P*	508
	Duplex	P*	–	P*	–	–	–	–	–	–	–	–	–	–	–	503
	Manufactured Home	–	–	–	–	–	–	–	–	–	–	–	–	P	P	
	Manufactured Home, Residential-Design	P*	–	–	–	–	–	–	–	–	–	–	–	–	–	513
	Mobile Home	–	–	–	–	–	–	–	–	–	P	P	–	P	P	
	Mobile Home Park	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Multi-Dwelling Structure	–	P*	P*	–	P*/S*	P*		P*	–	–	–	–	S	P	517
	Non-Ground Floor Dwelling	P*	P*	P*	–	P*	P*	–	P*	–	–	–	–	–	–	517/542
	Work/Live Unit	P*	P*	P*	–	P*/S*	P*	–	P*	–	P*	–	–	–	–	517/541
	Zero Lot Line Dwelling	P*	–	P	–	–	–	–	–	–	–	–	–	–	–	531
	Home Occupation, Type A or B	–	–	P*	–	–	–	–	–	–	–	–	–	–	–	
Group Living	Assisted Living	–	–	P	–	–	–	–	–	–	–	–	–	S	S	
	Boarding Houses & Cooperatives	–	–	P	–	–	–	–	–	–	–	–	–	–	–	
	Dormitory	–	–	–	–	–	–	–	–	–	–	–	–	–	P	
	Fraternity or Sorority House	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	–	–	–	–	–	P	
	Group Home, Limited (10 or less)	P	–	P	–	–	–	–	–	–	–	–	–	–	–	
PUBLIC AND CIVIC USE GROUP																
Community Facilities	Cemetery	P*	P*	–	P*	–	P*	P*	P*	P*	P*	–	P*	P*	–	505
	College/University	S	P	P	P	P	P	P	P	P	P	P	–	P	P	
	Cultural Center/ Library	S	P	P	S	P	P	–	–	P	–	–	S	P	A	
	Day Care Center	S*	P*	S*	S*	S*	P*	P*	P*	P*	P*	P*	–	–	–	507
	Day Care Home, Class A	P	P	P*	–	P	P	–	P	–	–	–	–	–	–	
	Day Care Home, Class B	S*/A*	P*	S*	–	P	P	–	P	–	–	–	–	–	–	507
	Detention	–	–	–	–	–	–	–	–	–	S	P	–	–	–	
	Lodge, Fraternal and Civic Assembly	S*	S*	S*	S*	P*	P*	P*	P*	–	P*	–	–	P*	–	512

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*														*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
	Postal & Parcel Service	–	P	P	P	P	P	P	P	P	P	P	–	P	–	
	Public Safety	S	P	P	P	P	P	P	P	P	P	P	–	P	–	
	School	P	P	P	P	P	P	P	P	–	–	–	–	P	–	
	Funeral and Interment	–	P*	–	P*	P*	P*	P*	P*	P*	P*	–	A*	–	–	505
	Temporary Shelter	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*	S*/A*	S*	–	S*	S*/A*	544/522
	Social Service Agency	P	P	P	P	P	P	P	P	P	P	P	–	P	P	
	Community Meal Program	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S	S/A*	S	–	S	S/A*	522
	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*	–	530
	Utility and Service, Major	S	S	S	S	S	S	S	S	S	S	P	S	P	–	
Medical Facilities	Extended Care Facility, General	–	S	–	S	–	–	–	–	S	–	–	–	–	P	
	Extended Care Facility, Limited	P	P	P	P	–	–	–	–	–	–	–	–	S	P	
	Health Care Office, Health Care Clinic	P	S	P	P	P	P	P	P	P	P	–	–	P	A	
	Hospital	–	–	–	–	–	–	–	–	–	–	–	–	–	P	
	Outpatient Care Facility	P*	P*	P*	P*	P*	P*	P*	P*	–	-	–	–	P*	P*	519
Recreational Facilities	Active Recreation	S	P	P	S	S	P	P	P	P	P	–	S	A*/S*	A	532
	Entertainment & Spectator Sports, Gen.	–	–	–	–	P	P	P	P	–	–	–	–	S	–	
	Entertainment & Spectator Sports, Ltd.	–	P	P	–	P	P	P	P	–	–	–	S	P	–	
	Participant Sports & Recreation, Indoor	–	P	P	–	P	P	P	P	P	P	–	–	P	A	
	Participant Sports & Recreation, Outdoor	–	–	S	–	–	P	P	P	P	P	–	–	A*/S*	–	532
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Nature Preserve/ Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Private Recreation	P	P	P	–	P	P	–	P	–	–	–	P	P	P	

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*														*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
Religious Assembly	Campus or Community Institution	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	A*	522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	–	522
COMMERCIAL USE GROUP																
Animal Services	Kennel	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Livestock Sale	–	–	–	–	–	S	S	S	–	P	P	–	–	–	
	Sales and Grooming	P	P	P	P	P	P	P	P	–	P	P	–	–	–	
	Veterinary	–	P	P	P	P	P	P	P	P	P	P	–	–	–	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	–	–	–	–	509
	Accessory Restaurant	–	–	–	–	–	–	–	–	A	–	–	–	–	–	
	Bar Or Lounge	–	–	S*	–	P*	P*	P*	P*	–	–	–	–	–	–	509
	Brewpub	–	P*	S*	–	P*	P*	P*	P*	–	–	–	–	–	–	509
	Fast Order Food	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	A*	511 & 509
	Fast Order Food, With Drive-In	–	S	S*	–	–	P	P	P	–	P	–	–	–	–	
	Nightclub	–	–	–	–	P*	–	P*	P*	–	–	–	–	–	–	509
	Private Dining Establishments	P*	P*	–	P*	P*	P*	P*	P*	P*	–	–	–	–	–	539
	Restaurant, Quality	P*	P*	P	P*	P*	P*	P*	P*	P*	P*	–	–	–	–	524
Office	Administrative and Professional	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	A*	518
	Financial, Insurance & Real Estate	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	–	–	A*	510
	Other	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	–	–	537
Parking Facilities	Accessory	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	535
	Commercial	–	S	S	S	S	P	P	P	P	P	P	–	P	A	
Retail Sales & Service	Building Maintenance	–	P	S	–	P	P	P	P	–	P	P	–	A	A	
	Business Equipment	–	P	P	–	P	P	P	P	P	P	–	–	–	–	
	Business Support	–	P	P	P	P	P	P	P	P	P	P	–	–	A	
	Construction Sales and Service	–	–	–	–	–	P	P	P	–	P	P	–	–	A	
	Food and Beverage	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	A*	511
	Mixed Media Store	P*	P*	P*	P*	P*	P*	P*	P*	–	P*		–	–	–	516 528
	Personal Convenience	P*	P*	P*	–	P*	P*	P*	P*	–	P*	–	–	–	A*	520

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*														*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
	Personal Improvement	P*	P*	P*	–	P*	P*	P*	P*	–	P*	–	–	A*	A*	521
	Repair Service, Consumer	P*	P*	P*	–	P*	P*	P*	P*	–	P*	–	–	–	–	523
	Retail Sales, General	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	A*	525
	Retail Establishment, Large	–	–	–	–	–	P*	P*	S*	–	–	–	–	–	–	526
	Retail Establishment, Medium	–	P*	P*	–	P*	P*	P*	P*	–	–	–	–	–	–	526
	Retail Establishment, Specialty	–	P*	P*	–	P*	P*	P*	P*	–	–	–	–	–	–	526
Sexually Oriented Businesses	Sexually Oriented Media Store	–	–	P*	–	–	-	-	-	–	–	-	–	–	–	528
	Physical Sexually Oriented Business	–	–	–	–	–	–	–	–	–	–	–	–	–	–	528
	Sex Shop	–	–	–	–	–	P*	P*	P*	–	–	–	–	–	–	528
	Sexually Oriented Theater	–	–	–	–	–	P*	P*	P*	–	–	–	–	–	–	528
Transient Accommodation	Bed and Breakfast	P*	–	P*	–	–	–	–	–	–	–	–	–	–	–	20-504
	Campground	–	–	–	–	–	P	P	P	–	–	–	S	–	–	
	Hotel, Motel, Extended Stay	–	–	P	–	P	P	P	P	–	P	–	–	–	A	
Vehicle Sales & Service	Cleaning (e.g., Car Wash)	–	S	–	–	–	P	P	P	–	P	P	–	–	–	
	Fleet Storage	–	–	–	–	–	P	P	P	–	P	P	–	–	A	
	Gas and Fuel Sales	–	S	S	–	–	P	P	P	–	P	P	–	–	–	
	Heavy Equipment Repair	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Heavy Equipment Sales/Rental	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Inoperable Vehicles Storage	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Light Equipment Repair	–	S	–	–	S	P	P	P	–	P	P	–	–	–	
	Light Equipment Sales/Rental	–	P*	–	–	S	P	P	P	–	P	P	–	–	–	545
	RV and Boats Storage	–	–	–	–	–	P	P	P	–	P	P	–	–	–	

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*														*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
INDUSTRIAL USE GROUP																
Industrial Facilities	Explosive Storage	–	–	–	–	–	–	–	–	–	–	P	–	–	–	
	Industrial, General	–	–	–	–	–	–	–	–	–	P	P	–	–	–	
	Industrial, Intensive	–	–	–	–	–	–	–	–	–	–	P	–	–	–	
	Laundry Service	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Manufacturing & Production, Ltd.	–	–	P	–	S	S	S	S	P	P	P	–	–	–	
	Manufacturing & Production, Tech.	–	–	–	–	S	P	P	P	P	P	P	–	–	–	
	Research Service	–	–	–	S	S	P	P	P	P	P	P	–	–	–	
	Scrap and Salvage Operation	–	–	–	–	–	–	–	–	–	S*	S*	–	–	–	527
Wholesale, Storage & Distribution	Exterior Storage	–	–	–	–	–	A*	A*	A*	A*	A*	A*	–	A*	A*	538
	Heavy	–	–	–	–	–	S	S	S	–	S	P	–	–	–	
	Light	–	–	–	–	–	P	P	P	P	P	P	–	S	–	
	Mini-Warehouse	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
OTHER USES GROUP																
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Agriculture	Agricultural Sales	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Agriculture, Animal	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Agriculture, Crop	P	P	P	P	–	P	P	P	P	P	P	–	P	–	
Communications Facilities	Amateur & Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
	Broadcasting Tower	–	–	–	–	S	–	–	–	P	P	P	–	–	A	
	Communications Service Establishment	P	P	P	P	P	P	P	P	P	P	P	–	P	A	
	Telecommunications Antenna	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications Tower	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	A*	A*	529
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536

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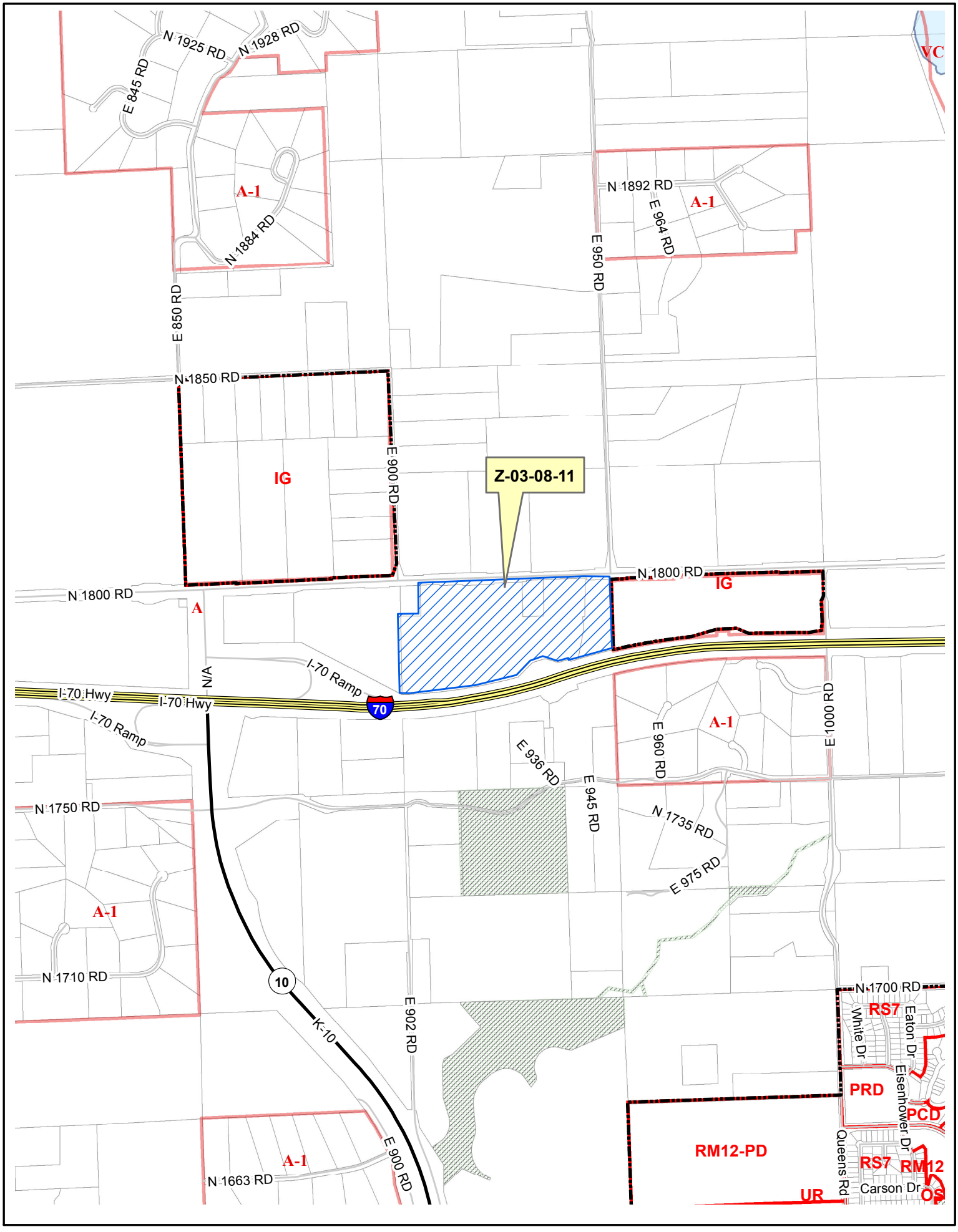
		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
Mining	Mining	–	–	–	–	–	–	–	–	–	–	S*	–	–	–	515
Recycling Facilities	Large Collection	–	–	–	–	–	P	P	P	–	P	P	–	–	–	540
	Small Collection	P	P	P*	P	P	P	P	P	P	P	P	–	A	A	540
	Processing Center	–	–	–	–	–	–	–	–	–	P	P	–	–	–	


Z-03-08-11
IG
A-1
A
VC
RS7
PRD
PCD
RM12-PD
RM12
UR
OS
N 1925 RD
N 1928 RD
E 845 RD
N 1884 RD
E 850 RD
N 1892 RD
E 964 RD
E 950 RD
N 1850 RD
E 900 RD
N 1800 RD
I-70 Hwy
I-70 Ramp
N/A
70
E 960 RD
E 1000 RD
E 936 RD
E 945 RD
N 1735 RD
E 975 RD
N 1750 RD
N 1710 RD
10
K-10
E 902 RD
N 1700 RD
White Dr
Eaton Dr
Eisenhower Dr
Queens Rd
Carson Dr
N 1663 RD
E 900 RD

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

RECEIVED
JUL 25 2011
City County Planning Office
Lawrence, Kansas

July 24, 2011

Mr. Richard Hird, Chairman
Members
Lawrence-Douglas County Metropolitan Planning Commission
City Hall
Lawrence, Kansas 66044

RE. ITEM NO. 2: A TO IG; 67 ACRES; 933, 939, & 943 N 1800 RD (SLD)

Dear Chairman Hird and Planning Commissioners:

Attached is a copy of the letter that the League of Women Voters Land Use Committee sent to you in May on the proposed rezoning of this 67-acre county tract to the IG (General Industrial) District.

In this current letter we repeat our concerns that rezoning this tract at this time is very much too early in the development process of the area and rezoning to the IG district will hamper proper development of this tract. The site is highly visible from the Turnpike and is designated as a "Minor Gateway" to Lawrence by *Transportation 2030* (a vital feature incorporated into *Horizon 2020*, our comprehensive plan). Our comprehensive plan, therefore, requires that this location be given very special treatment, which this unconditioned, conventional, "kitchen sink" type of zoning would not permit.

Another major consideration that staff did not mention in their July report is the issue of city utilities—sewerage and water. The other adjacent and near-by tracts that have recently been rezoned for industrial use have been given permission to employ county-type utilities. This approach could very well result in substandard development and an unfortunate waste of industrially zoned land.

We repeat our appeal to the Planning Commission to delay industrial rezoning of this property now and instead rezone it UR (Urban Reserve) in order to give the city and the property owners time to arrange for city-type utilities and proper planning. If not that, then we suggest that it be rezoned to a type of industrial use, such as IBP (Industrial Business Park) that allows better planning of the site and more appropriate uses for this very important entryway into Lawrence. The area is reserved for industrial use in our comprehensive plan. One important reason for having this plan is to allow developers the opportunity to invest in future sites designated for the use they are seeking in advance of zoning.

We ask that you not change this property to this potentially blighting type of zoning that is the IG District, and instead, recommend alternatives such as those we have suggested.

Sincerely yours,

Caleb Morse
Member of the Board

Alan Black
Alan Black, Chairman
Land Use Committee

Attachment

ATTACHMENT

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

May 22, 2011

Mr. Charles Blaser, Chairman
Members
Lawrence-Douglas County Metropolitan Planning Commission
City Hall
Lawrence, Kansas 66044

RE. ITEM NO. 14B: A TO IG; 69 ACRES; 933, 939, & 943 N 1800 RD (SLD)

Dear Chairman Blaser and Planning Commissioners:

We believe that the recommendation to annex this property is based on the request of the property owners, and although it would be an "island" annexation, it reflects the future intention of the owners and is an appropriate action now to anticipate future development of the site.

However, we also are very concerned that the rezoning of this property to IG (General Industrial) use is too far in advance of the essential planning that must be done before it is developed. This location is specifically identified in the Transportation 2030 plan as a Minor Gateway Corridor and as such must be treated with very special care. Below is a direct quotation from this Plan, which is also referred to in the Farmers Turnpike and K-10 Area Plan as the plan specifically guiding the development of this area. Attached is this excerpt from the Plan along with the illustration in Transportation 2030:

> "Gateways are locations on transportation corridors that define the entrances to cities. These provide visitors with a first impression of the city and often indicate the transition from rural to urban land uses. As such, cities desire to make these locations as attractive and informative as possible. As noted in T2030 in Figure 2.4, there are several roadways that represent gateways into the city of Lawrence or into smaller communities within the region that should be reviewed for aesthetic and informational enhancements when they are improved."

The IG zoning allows such uses as explosive storage and other operations that without special attention and regulation could be dangerous or unsightly. Once an area is rezoned, it is too late to apply the special regulations that would have protected the area had they been applied initially as conditions incorporated into the specific ordinance rezoning the site.

Therefore, we ask that you not rezone this property to IG at this time, but instead rezone it to UR (Urban Reserve), recognizing that it will become an industrial use, but with special treatment once the use is known. Alternatively, we suggest that if you chose to rezone it now, that it be rezoned as IBP (Industrial Business Park) rather than IG. Our reasoning is that with the larger minimum lot acreage requirement it is more likely to be developed as a unified site rather than as unrelated small-lot developments.

This area is a very sensitive site. We recognize that the adjacent previously zoned IG District to the east should have also been given special treatment. We hope that you won't repeat the same mistake. We hope that you will take our suggestions here.

Thank you for your consideration.

Sincerely yours,

Milton Scott
Vice President

Alan Black, Chairman
Land Use Committee

Attachment

QUOTATION FROM THE FARMERS' TURNPIKE AND K-10 AREA PLAN (portions of Pages 2-6 and 2-7)

2.3.3.2 Gateways

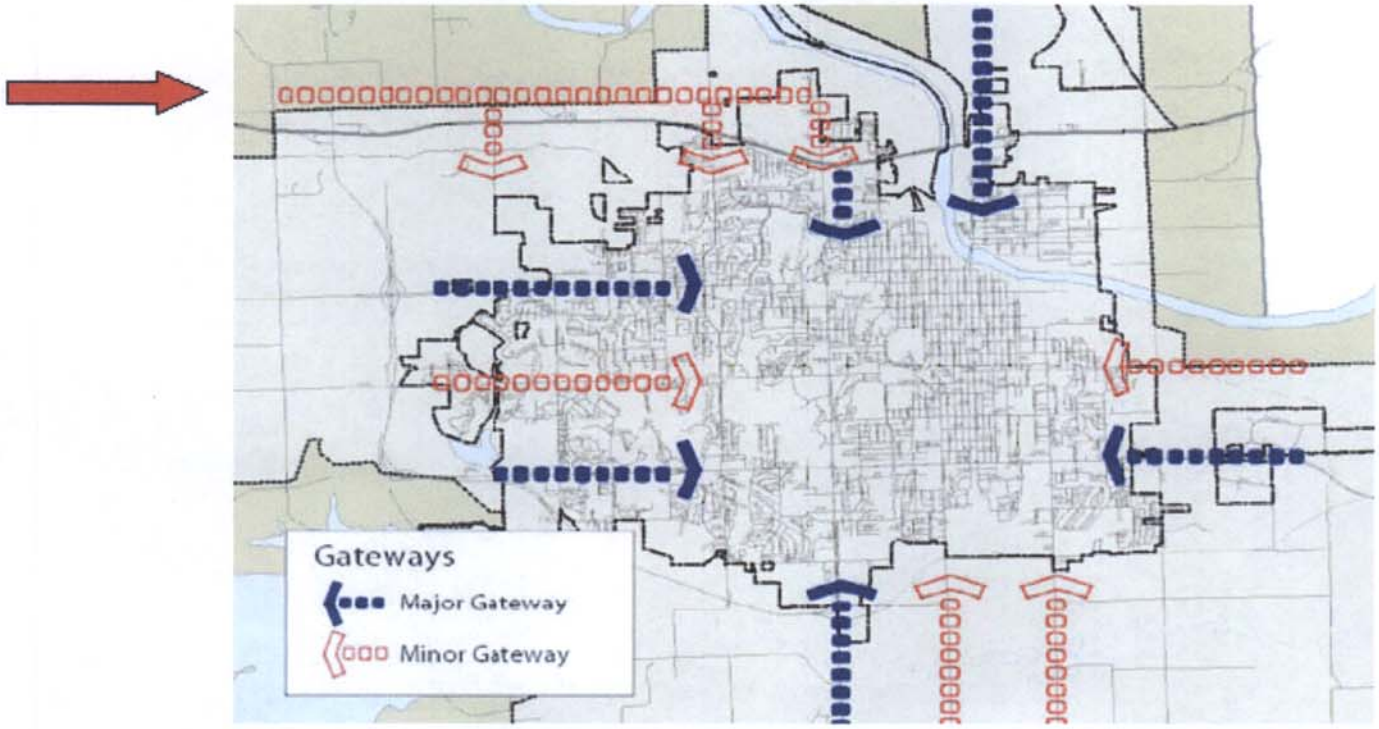
Chapter 2 of T2030 discusses and identifies minor and major gateway into and out of Lawrence. T2030 states. "Gateways are locations on transportation corridors that define the entrances to cities. These provide visitors with a first impression of the city and often indicate the transition from rural to urban land uses. As such, cities desire to make these locations as attractive and informative as possible. As noted in T2030 in Figure 2.4, there are several roadways that represent gateways into the city of Lawrence or into smaller communities within the region that should be reviewed for aesthetic and informational enhancements when they are improved."

T2030 identifies Farmer's Turnpike (N 1800 Road/County Hwy 438) and E 1000 Road (Queen's Road) as minor gateways into Lawrence based on the corporate boundaries shown in Figure 2.4 of T2030. The interchange of K-10 Highway and I -70 will be a gateway into Lawrence when and as development occurs within the city, and provides the greatest opportunity to develop with quality site planning, building materials, signs and other elements that create a sense of place. Also, K-10 Highway and I-70 are identified as truck routes into and out of Lawrence.

Additionally the I-70/K-10 Highway interchange is a gateway into Lecompton. The "Lecompton Interchange", as it is referred to by the Kansas Turnpike Authority, is the only gateway into the city of Lecompton from I-70.

T2030 Figure 2.4

LAWRENCE GATEWAYS



Memorandum
City of Lawrence
Douglas County
Planning & Development Services

TO: **Planning Commission**

FROM: **Sheila M. Stogsdill, Assistant Director**

CC: **Scott McCullough, Director**

Date: **For July 25, 2011 Commission Meeting**

RE: **Item No. 3 - TA-3-3-10: Text Amendment to City/County Subdivision Regulations Update**

In 2010, Staff began work on revisions to the City/County Subdivision Regulations to address issues requested by the Chamber of Commerce regarding processing steps between Preliminary and Final Plats. That work continues and has expanded to include consistency issues throughout Article 8. Staff held a work session with development consultants in June to review and discuss the proposed changes. A very productive meeting and several written comments have resulted in more revisions to address specific issues. Proposed revisions include 'housekeeping' items as well as more substantive changes.

The attached DRAFT is still a working document. A number of specific issues related to divisions of property in the Unincorporated Areas of the County have been identified and staff has begun to work through them. In this DRAFT, Sections 20-804, 805, 806 & 807 have been highlighted in grey with an indication that they are still under construction.

The majority of changes are listed in the overview below. The document still requires more formatting and defined terms need to be shown in Blue Font. Proposed text changes are shown in **green** or **red** font (bolding is not necessarily significant). Staff has identified several issues that are still outstanding through the comments in the right margins. We appreciate additional public comment and Planning Commission direction. At the meeting this month, Staff will walk through the proposed amendments and ask for comment. Action will occur at a future public hearing.

The following is an overview of the proposed revisions:

Housekeeping

1. Identified all defined terms in Blue Font
2. Readability – reformatted long paragraphs into outline list form
3. Addressed subdivision regulations applicability to non-conforming lots (still needs work)
4. Updated application materials to include electronic submission
5. Changed processing time to be consistent with number of days in Development Code
6. Updated terms to be consistent with the recent Sensitive Lands text amendment
7. Moved regulatory language in some definitions into relevant sections
8. Updated process/application info to reflect current practice (certificate of mailing not from Post Office)
9. Provided format and content consistency in Certificate of Survey sections by putting similar info in similar sections and moving application requirements to 807 rather than repeating in each section
10. Changed reference to Major Thoroughfares Plan to Major Thoroughfares Map
11. Added in notice requirements in 802 similar to what is in Article 13 in the Development Code
12. Provided the introductory language for the definitions section in 815 that is similar to Development Code and County Zoning Regulations text

Substantive Changes

1. Based on County Staff input, revised the parcel size allowed for Cluster Developments in 803 and either eliminate or restrict Large Parcel Property Divisions in 804 (this section has not been used in 5 years and requires direct access to county roads contrary to the adopted Access Management Policy) (still needs work)
2. Permit Replats through Minor Subdivision process, so all of them do not need to go back through 2-step process
3. Permit dedication or vacation of easements and r/ws by placing a Replat on a Governing Body agenda for acceptance/vacation
4. Require dedication of all perimeter r/w for a Preliminary Plat with the first Final Plat, if phased in 809(h) [in place of all easements and r/ws dedicated with Preliminary Plat]
5. Created provision for new 'file' copy of a revised Preliminary Plat [809(k)(4)] when revisions proposed on Final Plat are in substantial conformance with the approved Preliminary Plat [809(m)(2)(i)] and created criteria for determining substantial conformance
6. Added in step to take Final Plat to Governing Body for acceptance of easements and r/ws in overall process (rather than at Preliminary Plat stage)
7. Moved all of the Plat Contents to 809 so that the list is located with plat process rather than referring back to 812
8. Separated the Design Standards [810] from the Public Improvement Standards [811]

9. Modified process for annexation of r/w for boundary line roads through annexation agreements where full r/w is not under owner's control
10. Identified where definitions are not consistent with definitions in the Development Code or County Zoning Regulations
11. Eliminated numerous terms defined in the definitions section but not used in the Article (several terms are listed with standard dictionary definitions and do not seem to be necessary)

RECOMMENDATION: Staff recommends that the Planning Commission receive public comment on the draft amendments and provide direction to Staff. Action on the proposed amendments will occur at a future public hearing.

July 22, 2011 Draft

SUBDIVISION REGULATIONS
for
Lawrence
and
the Unincorporated Areas
of Douglas County, KS

Regulations Governing Land Divisions
in the City of Lawrence and
the Unincorporated Areas of Douglas County, Kansas

Chapter 20, Article 8 of the Lawrence Development Code
AND
Chapter 11, Article 1 of the Douglas County Code

December 19, 2006 Edition
Amended: 09/11/07; 12/04/07; 03/25/08; 09/10/08
Amended: January 6, 2009

Comment [sms1]: NEED TO GO THROUGH AND CHANGE FONTS FOR CONSISTENCY AND RE-CHECK OUTLINE FORMATTING THROUGHOUT THE DOCUMENT

Approval and Amendment Dates:

Original December 19, 2006 Edition
Approved by Lawrence City Commission on December 19, 2006
Approved by the Board of Douglas County Commissioners on December 20, 2006

Amended September 11, 2007:
Joint Ordinance/Resolution No. 8193, published November 9, 2007
Approved by the Board of Douglas County Commissioners on September 10, 2007
Approved by the Lawrence City Commission on September 11, 2007

Amended December 4, 2007:
Joint Ordinance No. 8230/Resolution 08-03, published January 28, 2008
Approved by the Board of Douglas County Commissioners on November 14, 2007
Approved by the Lawrence City Commission on November 20, 2007 and December 4, 2007

Amended March 25, 2008:
Joint Ordinance No. 8255/Resolution 08-14, published April 25, 2008
Approved by the Board of Douglas County Commissioners on November 14, 2007
Approved by the Lawrence City Commission on March 25, 2008.

Amended September 10, 2008:
Joint Ordinance No. 8301/Resolution 08-41, published September 27, 2008
Approved by the Board of Douglas County Commissioners on September 3, 2008
Approved by the Lawrence City Commission on September 9, 2008.

Amended January 6, 2009:
Joint Ordinance No. 8364/Resolution 09-06, published February 28, 2009
Approved by the Board of Douglas County Commissioners on February 11, 2009
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/s/~~Frank Reeb~~,Jonathan Douglass City Clerk date of publication

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/s/Jameson D. Shew, County Clerk date of publication

Article 8. Subdivision Design and Improvements

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20-801 General

(a) Purpose and Intent

(1) The purpose of the Subdivision Regulations of this Article is to ensure that the Division of land, which, in many instances, is an initial step in urbanization, will serve the public interest and general welfare. Since the allocation and arrangement of parcels of land for both private uses and public uses helps to influence the health, safety, economy, livability, and amenities of an area, these regulations are intended to:

(i) Provide for the harmonious and orderly Development of land within the City and the Unincorporated Area of Douglas County by making provisions for adequate open space, continuity of the transportation network, recreation areas, drainage, utilities and related Easements, light and air, and other public needs;

(ii) Contribute to conditions conducive to health, safety, aesthetics, convenience, prosperity, and efficiency; and

(iii) Provide for the conservation and protection of human and natural resources.

(2) The Subdivision Regulations of this Article are designed, intended and should be administered to:

(i) Ensure that Development in the City and in the Unincorporated Area of Douglas County is in accordance with the *Comprehensive Plan*; any adopted watershed/sub-basin plans, sector or neighborhood plans covering the subject Subdivision; the applicable Zoning Regulations enacted to implement those plans; and the Lawrence/Douglas County MPO Transportation Plan;

(ii) Provide for the conservation of existing neighborhoods and facilitate the development of new neighborhoods;

(iii) Prevent the Development of substandard Subdivisions and blighted areas that will be a detriment to the Community;

(iv) Coordinate the Development of each parcel of land with the existing Community and facilitate the proper development of adjoining land;

(v) Provide adequate and accurate records of all land Divisions;

(vi) Ensure that the cost of Improvements, which benefit primarily the tract of land being developed, be borne primarily by the Owners or Developers of the subject tract, and that the cost of Improvements that provide benefits to the subject tract and the Community as a whole be shared by the Developer and the Community;

(vii) Ensure that Subdivisions are designed and developed in a manner that is consistent with all applicable Flood protection and storm water

management regulations and other applicable land use and Development regulations of Lawrence and Douglas County;

(viii) Provide for the efficient arrangement and orderly location of Street/Roads;

(ix) Encourage the reduction of vehicular congestion and support multi-modal transportation design standards in a manner that supports multi-modal transportation;

(x) Provide for the reservation or Dedication of lands for open space and other Community facilities;

(xi) Require the provisions of off-site and On-Site Public Improvements that are necessary to serve land being developed;

(xii) Provide for any other services, facilities and Improvements deemed necessary to serve land being developed; and

(xiii) Establish Building Envelope lines.

(b) Jurisdiction

(1) The Subdivision Regulations of this Article shall apply to all lands within the City of Lawrence and the Unincorporated Area of Douglas County.

(2) In some cases, different standards are established for lands within the City, the Urban Growth Areas and the Rural Area. Unless otherwise expressly stated, however, all regulations and standards of this Article shall apply with equal force to land located in incorporated and Unincorporated Areas.

(c) Applicability

(1) Unless expressly addressed as an exemption in Section 20-801(d) below, no Lot, tract or parcel of land shall be divided into two or more parts for the purpose of sale, transfer or Development, whether immediate or future, except through the procedures and in accordance with the standards set forth in this Article.

(2) For property within the incorporated city limits of Lawrence, no building permit shall be issued unless the property is platted **or unless the property is determined by the Planning Director to be a Lot of Record or a Nonconforming Lot.**

(3) If subdivision **or platting of a property** is required within the City of Lawrence **in order to receive a building permit prior to development**, the Subdivider shall **preliminarily** plat all of their contiguously owned lands that are not platted.

Comment [sms3]: Added reference to exemptions or lot of record, nonconforming lots

Comment [sms4]: Repeat this sentence in20-813 Builidng Permits ADDED 4 TO 813

Comment [sms5]: Added language for clarity

(d) Exemptions

(1) The purpose of this sub-section is to list specifically those divisions and transfers of land that are entirely exempt from regulation under this Article. This sub-section shall be strictly construed, so that any transaction failing in

any way to meet one, or more, of the requirements for exemption shall be subject to the full effect of this Article.

(2) The following divisions and transfers of land are exempt from the requirement that divisions occur only in accordance with the standards and procedures set forth in this Article and may be accomplished by deed or other instrument of transfer without any reference to this Article:

(i) A division created exclusively for Agricultural Purposes, when that division does not involve the creation of any new public Streets, public Roads, or public Easements or residential development;

(ii) A division occurring through the sale or transfer of any Lot that has been legally platted in accordance with Subdivision Regulations in effect at the time of the platting;

(iii) A division used exclusively for cemetery purposes and accessory uses associated therewith;

Comment [sms6]: Deleted blue – term not defined

(iv) A division occurring through the transfer of land for use as a right-of-way for widening a road or railroad or as an Easement for public purposes or public utilities, when no new Street/Road or Easement of access is involved;

(v) A division of unplatted land in the Unincorporated Area of the County for the purpose of combination with an existing parcel or tract so long as the remaining portion of the unplatted land retains the minimum dimensional requirements for a buildable Residential Development Parcel;

Comment [sms7]: Is this the action described by the Boundary Line Adjustment in definition section

(vi) A division of 5 acres or greater within the Unincorporated Area of the County that occurred on or before June 1, 2005 and that was not lawfully created through the Exemptions section of the Subdivision Regulations in effect at the time of the division, provided said division meets the minimum frontage requirements in the County's Access Management Standards or provided said division has a minimum frontage of 250' on a Local or Minor Collector classified road;

(vii) A correction of a description in a prior conveyance provided that the correcting instrument **(commonly called a Correction Survey)** contains a reference to the original instrument of conveyance by date, book and page and other description. Within a reasonable time after receiving a correction instrument, the Register of Deeds shall deliver a copy of the correction instrument to the Planning Department Director; or

(viii) Within the City of Lawrence, the division of land to allow for the sale of individual attached or detached residential dwellings in a townhouse development; provided that, the following conditions are met:

Comment [sms8]: Add townhouse development to definitions. There is a def in the old, old SR – check to see if it is consistent w/ IRC (or use that one) THIS STILL NEEDS MORE REVIEW

a. The land has been developed with and is occupied by an attached or detached dwelling;

b. The land being divided or transferred under this exemption is covered by a recorded declaration of covenants subjecting the land and Improvements thereon to procedures and conditions regulating the manner in which Improvements may be expanded, reconstructed and maintained;

c. Prior to recording of the first division for a townhouse development, a development plan~~,~~ or similar document, **shall be recorded at the Register of Deeds** showing at a minimum~~:~~:

1. **The entire townhouse development,**
2. **A legal description of the boundaries of the entire development,**
3. **Any tracts for common ownership, maintenance or use, ponds or drainage areas, and**
4. **The intended tracts, parcels or general building locations (along with building numbers or proposed addresses) for division into townhouse units.**

d. **If the declaration allows additional land to be submitted to the townhouse development, the location and description of the** additional land shall also be shown.

(ix) Within the Unincorporated Area of the County, a division **(commonly called a Homestead Exemption Survey)** created to divide off a residential building that existed on-site on December 31, 2006, provided that the following conditions are met:

a. The minimum size of the new Parcel upon which the residential building is located meets both the County's Sanitary Code requirements for access to a potable water supply and the Height, Area and Bulk Requirements in ~~Article 18~~ **Section 12-318** of the Douglas County Zoning Regulations;

b. The entire On-Site Sewage Management System is located entirely on the **new** Parcel upon which the residential building it serves is located and is in compliance with the County's Sanitary Code requirements; and,

c. The new Parcel on which the residential building is located meets the minimum frontage and entrance spacing requirements established in the County's Access Management Standards.

Such legally created Parcel of land on which the residential building is located shall not be subject to further review under this Article, unless or until this parcel is further divided. The remaining Parcel without a residential building shall be subject to the County Zoning Regulations and shall not be deemed created in conformance with the Subdivision Regulations**.**

Comment [sms9]: Was at the end of #4 below

Comment [sms10]: Displayed long paragraph in list form. No new requirements or info proposed.

Comment [sms11]: ~~Made this last sentence part of (c) rather than 5 in list~~

(e) **Vested Rights**

(1) A division created in conformance with this Article, or created in conformance with the Exemption section of the previously adopted Subdivision Regulations that were in effect prior to December 20, 2006, and said division was filed and recorded as a plat of survey, deed, or affidavit of equitable interest identifying the division as a separate tract of real estate at the Register of Deeds office:

(i) On or before June 1, 2005; or

(ii) After June 1, 2005, and as of December 31, 2006, provided a division made after June 1, 2005, met the 10 acre requirement and other requirements for a residential building permit pursuant to Douglas County Resolution No. 05-6-5 and resolutions extending such Resolution, shall remain lawfully existing, retaining established rights to the issuance of a building permit, subject to additional regulatory authority of the Governing Body.

Such legally created Parcel shall not be subject to further review under this Article; unless or until it is further divided.

(2) Lot of Record **or Non-Conforming Lots or Parcels**

(i) **A Lot or Parcel** ~~C~~created before the Effective Date of this Article in the City of Lawrence that has been maintained in individual ownership, may be used for residential purposes for a single-family home or for another use that is allowed in the City's UR (Urban Reserve) District without further review under this Article, until such Lot of Record is further subdivided.

(ii) **Nonconforming Lots in the City of Lawrence that meet the requirements of Section 20-1504 of the Land Development Code may be used in accordance with Article 15 without further review under this Article, until such Lot is further subdivided.**

(iii) **Properties in the City of Lawrence which include partial lot descriptions or multiple lot descriptions which were created prior to December 19, 2006, are not subject to review under this Article if the property meets the standards of either the zoning district that it was governed by when the property was created or the current zoning district in which it is located.**

(iv) A Lot of Record or a Parcel lawfully created within the A (Agricultural) District, A-1 (Suburban-Home Residential) District, or R-1 (Single-Family Residential) District in the Unincorporated Area of Douglas County on or before December 31, 2006, that has been maintained in individual ownership, may be used for residential purposes for a single-family home or for another use allowed within the A (Agricultural) District, without further review under this Article, until such Lot of Record or Parcel is further subdivided.

Comment [sms12]: Broke out into list form

Comment [sms13]: **THIS SECTION STILL NEEDS MORE WORK**

Comment [sms14]: Inserted text from interpretation

Comment [sms15]: Inserted text from interpretation

Comment [sms16]: Changed text to blue

(3) A Parcel created to divide off an existing residential building and grounds from a larger Parcel pursuant to Section 20-801(d)(2)(ix) **through the recording of a Homestead Exemption Survey**, when the principal building on the Parcel is for single-family residential purposes, shall have no further review under this Article until such Parcel is further subdivided only when:

(i) The residential building existed on site on or before December 31, 2006;

(ii) It is served by a potable water source located on the Parcel that includes the existing residential building improvement;

(iii) The Parcel conforms with the County's Sanitary Code; and,

(iv) That Parcel is zoned either A (Agricultural), A-1 (Suburban Home Residential), VC (Valley Channel), or R-1 (Single-Family Residential).

(4) Upon the recording of a Final Plat, development rights in land covered by that Plat shall vest in accordance with K.S.A. 12-764. This vesting shall be effective only so long as the same general category of residential uses is continued; any significant change of use shall subject the property to additional review and the applicability of additional regulations, which may affect some rights that are vested as to the particular use and the particular pattern of development. The development rights for a single-family residential subdivision shall expire in accordance with K.S.A. 12-764~~(a)~~.

(f) **Combination of Unplatted Lands in Unincorporated Douglas County**

(1) A vested Parcel may be combined with another unplatted Parcel and retain the right to a building permit for one principal building for residential purposes on the newly created Land Combination provided:

(i) A survey of the Land Combination is filed at the Register of Deeds; and

(ii) All land covered by the survey is owned by the same person or persons; and

(iii) The Owner requests in writing that the County Clerk combines the constituent Parcels for tax parcel purposes.

(2) A Land Combination does not increase the number of building permits a Parcel of land has a vested right to receive.

Comment [sms17]: Broke paragraph up into outline form – no text change

Comment [sms18]: Does this need to be updated to include 764 (b) or changed to just be 12-764? CORRECT

Comment [sms19]: Does this need to be blue here? Different context? CHANGE BLUE AND CAPS DONE

Comment [sms20]: Broke paragraph up into outline form – no text change

Comment [sms21]: Text moved from definition of Land Combination

20-802 General Review and Approval Procedures

(a) Authority to File Applications

Unless otherwise expressly stated, applications for review and approval under this Article may be initiated by ~~(1)~~ all the Owners of the property that is the subject of the application; or ~~(2)~~ the Owners' authorized Agent.

Comment [sms22]: Term defined in Dev Code definitions, but not Sub Regs. Either add def intion to this article or remove blue text. ADDED DEF

(b) Form of Application

(1) Applications required under these Subdivision Regulations shall be submitted in a form and in the numbers of copies required by the ~~official responsible for accepting the application~~ **Planning Director. All application materials must be submitted in both print and electronic format, on disc.**

(2) ~~Officials responsible for accepting applications~~ **The Planning Director** shall develop checklists of application submittal requirements and make those checklists available to the public. ~~Application forms and checklists of required submittal information shall be available in the office of the official responsible for accepting the application.~~

(3) The application also shall contain all materials required by:

(i) Section 20-807(d)**&(e)** for Certificate of Survey applications;

(ii) **Section 20-808(e) for Minor Subdivision/Replat applications;**

Comment [sms23]: Included Minor Subs and subsection for CoS contents

(iii) Section ~~20-812(a)~~ **20-809(f)** for Preliminary Plat applications; or

(iv) Section ~~20-812(b)~~ **20-809(l)** for Final Plat applications, whichever is applicable.

(c) Pre-application Meetings

All Applicants submitting applications for approvals ~~required by this Article~~ must attend a pre-application meeting with Planning Staff. ~~Pre-application meetings are also required whenever the provisions of this Article expressly state that they are required.~~ Pre-application meetings shall be scheduled by the Applicant to allow adequate time to review and respond to issues raised at the pre-application meeting. The meeting shall occur at least 7 working days before submitting an application.

(1) ~~All other Applicants are encouraged to arrange a pre-application meeting with Planning Staff. The Planning Director will provide assistance to Applicants and ensure that appropriate Planning Staff members are involved in pre-application meetings.~~

(d) Notices

The notice provisions of this section apply to the Major Subdivision process except as otherwise expressly stated.

(1) Content

(i) Newspaper and Mailed Notice

All newspaper and Mailed notice shall:

a. Indicate the date, time and place of the public hearing or date of action that is the subject of the notice;

b. Describe the property involved in the application by street or road address or by general description;

c. Describe the nature, scope and purpose of the application or proposal; and

d. Indicate where additional information on the matter can be obtained.

(2) **Newspaper Notice**

When the provisions of these Subdivision Regulations require that "Newspaper Notice" be provided, the Planning Director is responsible for ensuring notice is published in the official newspaper of the City of Lawrence or Douglas County. The notices shall appear in the newspaper at least 20 days before the date of the public hearing.

(3) **Mailed Notice**

When the provisions of these Subdivision Regulations require that "Mailed Notice" be provided:

(i) **Owner Notice; Radius**

The official responsible for accepting the application shall mail notice to the record Owner of the subject property and all Owners of property located within 200 feet of the subject property if in the City of Lawrence and within 1,000 feet of the subject property if located in the Unincorporated Area of Douglas County. If the subject property abuts a City limits, the area of notification shall be extended to at least 200 feet inside the City or 1,000 feet into the Unincorporated Area.

(ii) **Notice to Registered Neighborhood Associations**

The official responsible for accepting the application shall mail **or e-mail** notice to any Registered Neighborhood Associations whose boundaries include or are contiguous to the subject property.

Comment [sms24]: Add current practice

(iii) **Ownership Information**

The applicant is responsible for providing certified ownership information. Current ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if, at the time of submission, it is no more than 30 days old.

(iv) **Timing of Notice**

Required notices shall be deposited in the U.S. mail at least 20 days before the public hearing, meeting, or date of action that is the subject of the notice. When required notices have been properly addressed and deposited in the mail, failure of a party to receive such notice will not be grounds to invalidate any action taken.

(4) **Administrative Processes**

(i) **Minor Subdivision/Replats and Final Plats**

Subdivision or consolidation of property through the Minor Subdivision/Replat and Final Plat processes are administrative processes and do not require individual newspaper or mailed notice.

(ii) **Certificates of Survey**

Division of property through the Certificate of Survey process is an administrative process.

a. Mailed notice requirements for divisions within the Urban Growth Areas are provided in Section 20-804.

b. Mailed notice is not required for divisions located outside of the UGAs.

c. The notice requirements for appeals to Certificates of Survey determinations are provided in Section 20-807(i).

(e) ~~(d)~~**Application Processing Cycles**

Officials responsible for accepting applications may, after consulting with review and decision-making bodies, ~~promulgate~~ publish processing cycles for applications. Processing cycles may establish:

(1) The official date upon which a completed application was submitted;

(2) Deadlines before consideration;

(3) Dates of regular meetings;

(4) The scheduling of ~~Staff~~ staff reviews and ~~Staff~~ staff reports on complete applications; and,

(5) Any required time frames for action by review and decision-making bodies.

(f) ~~(e)~~**Application Review and Recording fees**

Applications shall be accompanied by the review ~~and recording~~ fee ~~amounts~~ that ~~have~~ **has** been established by the applicable Governing Body. Fees are not required ~~with~~ **for** applications initiated by review or decision-making bodies. Application review fees are nonrefundable. **Additional recording fees are required prior to recording approved documents at the Register of Deeds and will be collected at that time.**

(g) ~~(f)~~**Application Completeness, Accuracy and Sufficiency**

(1) An application will be considered complete and ready for processing only if it is: submitted in the required number and form; includes all required information; and, is accompanied by the required fees.

(2) Within ~~7~~ 5 working days of application filing, the Planning Director shall determine whether the application includes all information required by these Subdivision Regulations. If an application does not include all of the required information, it will be deemed incomplete. If an application includes all of the required information, it will be deemed complete. Written notice of the

Comment [sms25]: Article 13 states 5 days – provide consistent time frames within code

incompleteness and the specific information lacking shall be provided to the Applicant or the Applicant's Agent. ~~within 2 working days of a determination.~~

Comment [sms26]: 20-1301 doesn't specify timeframe

(3) No processing of incomplete applications shall occur and incomplete applications will be removed from the processing cycle. When the deficiencies are corrected, the application will be placed in the next processing cycle. If the deficiencies are not corrected by the Applicant within 60 days, the application will be considered withdrawn. No refund of a review fee shall be made for applications that are withdrawn.

(4) Applications deemed complete will be considered to be in the processing cycle and will be reviewed by Planning Staff and other review and decision-making bodies in accordance with the procedures of these Subdivision Regulations.

(h) ~~(g)~~Applications Containing Technical Deficiencies

(1) The Planning Director may require that applications be revised before being placed on the agenda of the Planning Commission or Governing Body, if the Planning Director determines that:

(i) The application contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of compliance with this Article;

(ii) The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of compliance with this Article;

(iii) The application cannot be approved without a variance or some other change or modification that the decision-making body for that application does not have the authority to grant or approve. This determination shall be made in written form to the applicant. If the determination is based on this sub-section (iii), it shall include an explanation of what variance, change or modification would be required to allow approval of the application.

(2) Applications that contain the aforementioned types of inaccuracies or that substantially fail to comply with this Article shall be revised before they will be placed on an agenda of the Planning Commission or Governing Body.

(3) Action or inaction by the Planning Director under this section may be appealed to the appropriate Governing Body in accordance with Section 20-807(h) or Section 20-813~~(e~~f), whichever is applicable.

(i) ~~(h)~~Applicability

Unless expressly exempted under Section 20-801(d), no Subdivision or ~~Rural~~ Residential Development **Parcel** may be created and no Certificate of Survey may be recorded with the Register of Deeds until the division has been approved in accordance with the applicable Review and Approval Procedures of this Article.

20-803 Property Divisions in Service Area 1, Lawrence Urban Growth Area

(a) Prerequisite to Development

No division of land in Service Area 1 of the Lawrence Urban Growth Area shall be approved until the land proposed for division has been annexed into the City.

(b) Procedure Required

Upon annexation of land originally **located** in Service Area 1 into the City of Lawrence, a proposed division of platted or unplatted land shall be processed and considered in accordance with the Minor Subdivision/**Replat** or Major Subdivision provisions of this Article, whichever is applicable.

20-804 Cluster Developments in the Urban Growth Areas [redacted]

Comment [sms27]: SECTION STILL UNDER CONSTRUCTION

(a) Purpose

~~The purpose of this Section is to allow for an alternative administrative approval procedure to Large Parcel Property Divisions in the Urban Growth Area for rural residential development.~~ **The purpose of this Section is to allow an administrative approval procedure for divisions of land to accommodate rural residential development on land parcels that are located within the Urban Growth Areas of cities in Douglas County. The procedure contemplates that forethought and design considerations will be employed to identify the ultimate urban density residential development of the land parcel prior to any division occurring, and that based on these considerations, 3 acre or larger Residential Development Parcels may be created when they allow for future divisions through a 'Build Out Plan' of the Residential Development Parcels, at some future time, to create urban blocks and connective street networks in accordance with the design standards in the Subdivision Regulations for the city associated with the Urban Growth Area. These regulations will result in Residential Development Parcels that retain their rural character for the immediate future, but will also allow for more efficient transition to urban density development as subsequent circumstances dictate.** The clustering of development Parcels within the Urban Growth Areas on Parcels that ~~are~~ contain at least 20 acres ~~but less than 40 acres~~ is intended to mitigate strain on infrastructure and public services and to anticipate future development patterns for the remainder of the property after annexation.

Comment [sms28]: Text taken from Purpose statement for Large Parcel Divisions

Comment [sms29]: Change to Blue text throughout section –

(b) Applicability

(1) A division of a parcel of land that ~~is less than 40 acres in area, but~~ contains at least 20 acres in area, and that is located in Service Areas 2-4, of Lawrence's Urban Growth Area or in another City's Urban Growth Area, may be approved according to the Cluster Development provisions of this Section.

Comment [sms30]: Change to Blue text

(i) For purposes of determining compliance with the 20 acre minimum parcel area, an entire half of a quarter-quarter section (e.g. West ½ of the Southeast ¼ of the Southeast ¼) shall be deemed to be a 20 acre parcel.

(ii) In calculating the size of a parcel, the parcel size shall be deemed to include ½ of the adjoining road right(s)-of-way if this inclusion is necessary for the parcel to conform to the applicable minimum parcel size.

(c) Immediate Development Acreage and Future Development Acreage

Lands divided pursuant to this Section shall be developed as a Cluster Development and shall contain an Immediate Development Area and a Future Development Area in accordance with the following requirements.

(1) Immediate Development Area.

The Immediate Development Area of a Cluster Development shall not exceed 60% of the total acreage of the proposed development. Residential

Development Parcels ~~and the cross access easements serving these parcels~~ shall be located only in the Immediate Development Area. Individual Residential Development Parcels shall only take access from ~~the~~ a cross access easement and shall be laid out in a manner that minimizes adverse impacts to the Future Development Area. Development of the Immediate Development Area, to the greatest extent practicable, shall conform to the following requirements:

(i) Minimum Parcel Acreage and dimensional standards. Residential Development Parcels shall be laid-out and designed to comply with all applicable zoning district regulations listed in the County Zoning Regulations. The minimum Residential Development Parcel size shall be 3 acres.

(ii) Location of Residential Development Parcels. Within the Cluster Development, each Residential Development Parcel shall be designed and developed in accordance with the requirements in this sub-section:

a. Clustered to take access from Cross Access Easements to minimize access points to the adjacent public right(s)-of-way.

1. Cross Access Easements shall be established by a separate legal instrument, acceptable to the legal counsel of the nearby city and the easement shall be ~~filed~~ recorded at the Register of Deeds as a restrictive covenant of the Cluster Development that prohibits development of the Future Development Area until, upon annexation, the Cross Access Easement is dedicated to the annexing city as public road right-of-way.

2. The Cross Access Easements shall be written so that, upon annexation by a city, the cross access easement shall be in acceptable form and dimensions to be dedicated to the City as public road right(s)-of-way, to allow for construction of Streets within the Cross Access Easements to meet the then current city Street standards.

b. Planned and laid out to allow for future subdivision of the Residential Development Parcels into platted lots at an urban density commensurate with the zoning and subdivision regulations of the annexing city.

(iii) Utility – Water. All Residential Development Parcels shall obtain Publicly Treated Water delivered through a water meter.

(iv) Access to Future Development Area. All Residential Development Parcels shall have direct physical access to the Future Development Area, either by being contiguous thereto or by a dedicated pedestrian easement, as ~~set forth~~ **identified** in Section 20-810(f)(4).

(v) Utility – Wastewater. All Residential Development Parcels shall have an On-Site Sewage Management System approved by the Director of Lawrence/Douglas County Health Department or a connection to a

Comment [sms31]: Should this be blue throughout?

Comment [sms32]: It is not always feasible to have the entire access easement in the Immed Area

Comment [sms33]: Should this be blue throughout?

Comment [sms34]: Should this be blue throughout?

Comment [sms35]: Check ref – should C of S be referencing Subdivision Design Stds? NOT TACKLING NOW

wastewater disposal system approved by the Kansas Department of Health and Environment.

(vi) County Health Code Restriction in Floodplain. On-Site Sewage Management Systems shall be located outside the FEMA designated regulatory floodplain.

(vii) Building Envelopes. The Immediate Development Area shall not contain any **Environmentally Sensitive** Lands identified ~~as worthy for Resource Preservation~~ in Section 20-810~~(j)~~**(k)**. The buildable area for each Residential Development Parcel within the Immediate Development Area shall be defined by Building Envelopes. Residential Development Parcels shall be planned and arranged to allow for the future subdivision of these parcels into urban streets and blocks that conform to the development regulations of the city associated with the Urban Growth Area. The buildable area for each Residential Development Parcel shall be defined by Building Envelopes which accommodate the future block layout and exclude lands which have been identified for protection as environmentally sensitive ~~areas.~~lands.

Comment [sms36]: Term used in recent TA

(viii) Access.

a. When the Cluster Development is located within the Lawrence Urban Growth Area or in the Urban Growth Area of another city, the development shall have direct access to a road that meets or exceeds the County's Rock Road Standard.

Comment [sms37]: Change to Blue text trhoughout

b. When established as part of a Cluster Development in Lawrence's UGA, the service drive constructed within the Cross Access Easement shall be constructed, at a minimum, to meet the County's rock road standard, and the minimum width of traveled-way plus shoulder shall be 20 feet.

Comment [sms38]: Change to Blue text througout

Comment [sms39]: Regulatory language – this should be relocated to 20-804(c) taken from definitions

c. One access shall be allowed for the entire development unless a separate access point is necessary to allow access to the Future Development Area to prevent intrusion or damage to the ~~resources~~ **Environmentally Sensitive Lands** being conserved and protected.

Comment [sms40]: Should this change to env sens lands?

(ix) Steep Slopes. The Building Envelopes of Residential Development Parcels shall not contain any slopes greater than 15%.

(x) Minimum Road Right(s)-of-way. If the Cluster Development is located adjacent to public road right-of-way that does not meet the minimum width standards of Section 20-810~~(d)(4)~~**(e)(5),** approval of the application for division pursuant to this Section 20-804 shall be subject to a condition that the Subdivider dedicate, by separate instrument to the County, ½ the additional land necessary to bring the road(s) adjoining the Cluster Development to the required right-of-way standard based on the road's classification established in the County's Access Management Standards. All necessary dedications shall be by separate instrument, satisfactory to the County Counselor, and filed with the Register of Deeds. No final action may be taken on the Certificate of Survey until this additional road right-of-way has been dedicated.

(xi) Minimum Frontage and Entrance Spacing Requirements. The Cluster Development must meet the minimum frontage and entrance spacing requirements established in the County's Access Management Standards. The Frontage and Entrance Spacing Requirements are based on the classification of the road upon which the cross access easement is proposed to take access.

(xii) Drainage Easements. If any portion of the Residential Development Parcel lies in a FEMA designated regulatory floodplain, or if drainage Channels or Swales exist on the Residential Development Parcel that carry runoff from adjacent property or public Street/Roads, the FEMA designated regulatory floodplain or drainage Channel or Swale shall be protected by grant of an Easement, or other similar device, evidenced by separate legal instrument, as may be required by the Planning Director and acceptable to the County Counselor.

(xiii) Restrictive Covenants. Property in the Immediate Development Area shall be subject to a restrictive covenant as set forth in ~~sub-section~~ Section 20-804(d).

Comment [sms41]: consistency

(2) Future Development Area.
The Future Development Area shall meet the requirements set forth in this sub-section:

(i) Minimum Requirement. A minimum of 40% of the total Cluster Development shall be designated as Future Development Area.

(ii) **(3)** Conservation of Natural Resources.
No matter where located within the boundaries of the Certificate of Survey, ~~L~~land that is or contains ~~the resources~~ **Environmentally Sensitive Lands** identified in Section 20-810~~(j)~~**(k)**, to the greatest extent reasonably practicable, shall be conserved and protected through the filing with the Register of Deeds of either a Temporary Set Aside Agreement or a permanent Conservation Easement.

Comment [sms42]: Evan suggestion that the Agreements or Easements apply to both Immediate and Future Areas

Comment [sms43]: should this term be changed to Env Sensitive Lands? YES

Comment [sms44]: Evan suggested this clearly state that it applies to the Immediate Dev Area too

a. **(i)** A Temporary Set Aside Agreement shall prohibit development, while the lands are located within the Urban Growth Area that would significantly impair or interfere with the environmental, geographical or historical characteristics of the identified natural resources. The Temporary Set Aside Agreement shall be provided to the City and County by separate legal instrument, satisfactory to the County Counselor and City Manager or other appropriate city official. The City will have regulatory authority over the Temporary Set Aside Agreement only after the property has been annexed into the City. Within 2 years of the date of annexation into the City, the Temporary Set Aside Agreement will expire unless further action is taken by either the City or the property Owner to secure its continuance.

b. **(ii)** A permanent Conservation Easement may be developed by an Owner that desires a more permanent and perpetual method of protecting and conserving natural resources. The areas of land that a permanent Conservation Easement may cover include those lands identified in Section 20-810~~(j)~~ **(k),** or similar sensitive lands. A permanent Conservation Easement shall be developed to

retain the environmental, geographical or historical characteristics of the land. It shall be conveyed to a public or nonprofit organization that protects and preserves lands of ecological, scenic, historic, agricultural, or recreational significance. A permanent Conservation Easement created for protecting natural resources may or may not be sufficient to meet the requirements for re-evaluation by the county for land appraisal and taxation purposes.

(iii) **(4)** Restriction on Subsequent Divisions. Any further division for development purpose is prohibited until annexation or until an amended Certificate of Survey is approved and filed with the Register of Deeds.

(iv) **(5)** Restrictive Covenant. The **Immediate and** Future Development Areas shall be subject to a restrictive covenant as set forth in ~~sub-section~~ **Section** 20-804(d).

(d) Restrictive Covenant

The Immediate Development Area and Future Development Area each shall be restricted by a separate instrument, satisfactory to the County Counselor, which shall:

(1) Incorporate by reference and have attached as an exhibit the Build Out Plan;

(2) Require future division of the Residential Development Parcels to conform to the Build Out Plan, subject to the requirements of this Article;

(3) For the Immediate Development Area, limit each Residential Development Parcel to one principal dwelling and accessory buildings until annexation into a city and municipal water and sanitary sewer service are extended to the property;

(4) For the Future Development Area, any further division for development purpose is prohibited until annexation or until an amended Certificate of Survey is approved and filed with the Register of Deeds;

(5) Restrict the location of structures within the Immediate Development Area to Building Envelopes that have been created to allow for the future subdivision of the Immediate Development Area into blocks of an urban density that avoids interference with planned future Street/Roads, easements and setbacks;

(6) Be binding upon the owner and all of its successors and assigns, and shall constitute a covenant running with the land, expiring at the time the subject property is annexed by a city; and

(7) Be in a recordable form and be recorded with the Register of Deeds.

(e) **Notice to Nearby Property Owners**

(1) Written notice of the proposed division for rural residential purposes shall be mailed to the Owner of record of all property within ¼ mile of the subject property. The notice shall be sent by the applicant by regular mail, postage pre-paid. The mailing addresses for property owners within the ¼ mile notification area shall be obtained from the Douglas County Clerk. The

applicant shall submit a Certificate of Mailing, ~~obtained from the US Post Office~~, at the time of submission of the Certificate of Survey application. A Certificate of Survey application shall be considered incomplete without an executed Certificate of Mailing. The notice shall provide:

(i) A brief description of the location of the property proposed for division;

(ii) The projected date a Certificate of Survey application will be submitted to the Lawrence/Douglas County Planning Office;

(iii) A contact telephone number and address for the property owner proposing the division for rural residential purposes; and,

(iv) The letter shall include the following ~~S~~ statement and information:

> Notice of Proposal to divide land located at [road address or general description such as; ½ mile north of the intersection of x road and y road, on the east side] for rural residential development purposes.
>
> This letter is being sent to the Owner of property adjoining and within ¼ mile of the boundaries of the property proposed for division for rural residential ~~(~~Cluster~~)~~ ~~d~~Development. The purpose of this letter is to provide general information to the recipient and/or owner of property of a proposed or potential change in land use.

(2) The failure of a property owner within the ¼ mile mailing distance to receive the written notice will not affect the validity of the application for a Certificate of Survey.

(f) Cluster Developments – After Annexation

(1) Land divided in accordance with this Section shall not be eligible for subsequent division until the land has been annexed by a city~~.~~ **or until an amended Certificate of Survey is approved and filed with the Register of Deeds.**

(2) Additional divisions or development of the Immediate Development Area shall be made in accordance with Section 20-~~810~~ **809**.

(3) After annexation, divisions or development of any portion of the Future Development Area not subject to a Conservation Easement or Temporary Set Aside Agreement shall be made in accordance with the Subdivision Regulations of the applicable city.

(g) Application

Any person having legal or equitable interest in property that meets the criteria required by this Section may file, with the Planning Director, an application for a division of land in conformance with this Section. The completed application must:

(1) Satisfy the requirements of Section 20-802;

Comment [sms45]: This is form included in App packet from staff

(2) Be submitted with an approved application form supplied by the Planning Department;

(3) **Be submitted in both print and electronic format, on disc;** and,

(4) Shall be accompanied by **the application materials listed in 20-807(d)**~~:~~**.**

(1) ~~The applicable review and recording fees;~~

(2) ~~Proof of legal or equitable interest in the property;~~

(3) ~~Proof that there are no unpaid taxes on the subject property in the form of a certificate that all taxes and special assessments due and payable have been paid;~~

(4) ~~Certificate of mailing from the U.S. Post Office for letters mailed to property owners within ¼ mile of the property proposed for the Cluster division for rural residential development purposes;~~

(5) ~~A Build Out Plan illustrating the following with respect to both the Immediate Development Area and Future Development Area:~~

(i) ~~A realistic future urban block layout designed consistent with the Comprehensive Land Use Plan of the applicable city and the Subdivision Design Standards set forth in Section 20-810 for the City of Lawrence or in the Subdivision Regulations set forth in the annexing city's regulations;~~

(ii) ~~The layout of future Streets/Roads; provided that, local Streets/Roads shall be planned to provide Street/Road connections to adjoining parcels, neighborhoods, or future development open spaces, at a spacing of 600' to 800' as a means of discouraging the reliance on County and State roads or highways for local trips;~~

(iii) ~~Block level easement locations for utilities and storm water drainage;~~

(iv) ~~Locations of Building Envelopes for each Residential Development Parcel that are respective of the future urban street and block layout; and,~~

(v) ~~Supplemental written information that demonstrates how public utilities may be extended to the subdivision to accommodate future urban density development.~~

(6) ~~One original and 3 copies of a Certificate of Survey that complies with the requirements of Section 20-807, and,~~

(7) ~~An executed annexation agreement allowing annexation by the city that's Urban Growth Area the development is located within based on the adopted annexation policies of that city.~~

Comment [sms46]: List form

Comment [sms47]: Moved to 807

(h) **Administrative Review and Consideration Procedures**

The Planning Director shall review all applications for Cluster Developments pursuant to this Section in accordance with the Certificate of Survey administrative review procedures set forth in Section 20-807.

Comment [sms48]: Delete blue font -KEEP NOW WITH NEW DEF

(i) Developable Acreage and Development of Future Development Area

(1) Land divided pursuant to this Section shall not be eligible for subsequent division until the land covered by the Build Out Plan has been annexed by a city or the Build Out Plan has been revised as part of an amended Certificate of Survey.

(2) Upon Annexation, development of the Future Development Area shall occur in accordance with the Build Out Plan. If, however, the appropriate city's plans or regulations for the area covered by the Build Out Plan recommend a different type of land use or scale of development, the property shall be platted to conform to the city's current plans and regulations.

(3) Upon annexation, all divisions of land in the Immediate Development Area or Future Development Area shall be made in accordance with Section 20-809, Major Subdivisions for the City of Lawrence, or in accordance with the applicable procedures set forth in the annexing city's Subdivision Regulations.

20-805 ~~Large Parcel Property Divisions in Urban Growth Areas~~ (RESERVED)

Comment [sms49]: SECTION STILL UNDER CONSTRUCTION

(a) ~~**Purpose**~~

~~The purpose of this Section is to allow an administrative approval procedure for divisions of land to accommodate rural residential development on large land parcels that are located within the Urban Growth Areas of cities in Douglas County. The procedure contemplates that forethought and design considerations will be employed to identify the ultimate urban density residential development of the large land parcel prior to any division occurring, and that based on these considerations, 3 acre or larger Residential Development Parcels may be created when they allow for future divisions through a 'Build Out Plan' of the Residential Development Parcels, at some future time, to create urban blocks and connective street networks in accordance with the design standards in the Subdivision Regulations for the city associated with the Urban Growth Area. These regulations will result in Residential Development Parcels that retain their rural character for the immediate future, but will also allow for more efficient transition to urban density development as subsequent circumstances dictate.~~

(b) ~~**Applicability**~~

~~A division of a parcel of land, that is 40 acres in area or larger, that also is located in Service Areas 2-4, of Lawrence's Urban Growth Area, or in other Cities' Urban Growth Areas, may be approved pursuant to the provisions of this Section.~~

~~(1) For purposes of determining compliance with the 40 acre minimum parcel area, an entire quarter of a quarter section (e.g. Southeast ¼ of the Southeast ¼) shall be deemed to be a 40 acre parcel.~~

~~(2) In calculating the size of a parcel, the parcel size shall be deemed to include ½ of the adjoining road right(s) of way or easements if this inclusion is necessary for the parcel to conform to the applicable minimum parcel size.~~

(c) ~~**Immediate Development Area and Future Development Area**~~

~~Large Parcel Property Divisions of land made according to this Section shall consist of two components; Immediate Development Area and Future Development Area and shall be made in accordance with the requirements of this sub-section.~~

~~(1) Immediate Development Area.~~

~~(i) Maximum Development Acreage. The Immediate Development Area shall not exceed 60% of the total acreage of the Large Parcel Property Division that is covered by an application submitted pursuant to this Section. The Immediate Development Area may further be divided into individual Residential Development Parcels subject to the requirements of this Section.~~

~~(ii) Minimum Residential Development Parcel Area and dimensional standards. Residential Development Parcels shall be laid out and designed to comply with all applicable zoning district regulations listed in the County Zoning Regulations.~~

SECTION STILL UNDER CONSTRUCTION

(iii) ~~Building Envelope~~s. ~~Residential Development Parcel~~s shall be planned and arranged to allow for future subdivision of these parcels into blocks that ~~conform to the development regulations of the city that is associated with the Urban Growth Area. The buildable area for each Residential Development Parcel shall be defined by Building Envelopes, which accommodate the future block layout and exclude lands which have been identified for protection as environmentally sensitive areas.~~

(iv) ~~Development Parcel Access. Each Residential Development Parcel shall have direct access to a road that meets or exceeds the County's Rock Road Standard.~~

(v) ~~Minimum Road Right(s)-of-way. If the Large Parcel Property Division is located adjacent to public road right(s)-of-way that does not meet the minimum width standards of Section 20-810(d)(4)(c)(5), approval of the application for division of land pursuant to this Section 20-805 will be subject to the condition that the Subdivider dedicate, by separate instrument to the County, ½ the additional land necessary to bring the road(s) adjoining the Large Parcel Property Division to the required right-of-way standard based on the road's classification established in the County's Access Management Standards. All necessary Dedications shall be by separate instrument, satisfactory to the County Counselor, and filed with the Register of Deeds. No final action may be taken on the Certificate of Survey until this additional road right-of-way has been dedicated.~~

(vi) ~~Minimum Frontage and Entrance Spacing Requirements. Residential Development Parcel~~s ~~must meet the minimum frontage and entrance spacing requirements established in the County's Access Management Standards. The Frontage and Entrance Spacing Requirements are based on the classification of the road upon which the Residential Development Parcel is proposed to take access.~~

(vii) ~~Utility - Water. All Residential Development Parcels shall obtain Publicly Treated Water delivered through a water meter.~~

(viii) ~~Steep Slopes. The Building Envelope~~s ~~of Residential Development Parcel~~s ~~shall not contain any slopes greater than 15%.~~

(ix) ~~Drainage Easements. If any portion of the Residential Development Parcel lies in FEMA designated regulatory floodplain, or if drainage Channels or Swales exist on the Residential Development Parcel that carry runoff from adjacent property or public Street/Roads, the FEMA designated regulatory floodplain or drainage Channel or Swale shall be protected by grant of Easement, or other similar device, evidenced by a separate legal instrument, as may be required by the Planning Director and acceptable to the County Counselor.~~

(x) ~~Utility – Wastewater. Residential Development Parcel~~s ~~shall have an On-Site Sewage Management System approved by the Director of Lawrence/Douglas County Health Department or a connection to a~~

~~wastewater disposal system approved by the Kansas Department of Health and Environment.~~

(xi) ~~County Health Code Restriction in Floodplain. On-Site Sewage Management Systems shall be located outside of the FEMA designated regulatory floodplain.~~

(xii) ~~Restrictive Covenants. Property in the Immediate Development Area shall be subject to a restrictive covenant as set forth in sub-section 20-805(d).~~

(2) ~~Future Development Area.~~

~~The Future Development Area shall meet the requirements set forth in this sub-section.~~

(i) ~~Minimum Requirement. The portion of a Large Parcel Property Division not included in the Immediate Development Area shall be designated Future Development Area.~~

(ii) ~~Conservation of Natural Resources. Land that is or contains the resources identified in Section 20-810(j), to the greatest extent reasonably practicable, shall be conserved and protected through the filing with the Register of Deeds of either a Temporary Set Aside Agreement or a permanent Conservation Easement.~~

a. ~~A Temporary Set Aside Agreement shall prohibit development, while the lands are located within the Urban Growth Area that would significantly impair or interfere with the environmental, geographical or historical characteristics of the identified natural resources. The Temporary Set Aside Agreement shall be provided to the City and County by separate legal instrument, satisfactory to the County Counselor and City Manager or other appropriate city official. The City will have regulatory authority over the Temporary Set Aside Agreement only after the property has been annexed into the City. Within 2 years of the date of annexation into the City, the Temporary Set Aside Agreement will expire unless further action is taken by either the City or the property Owner to secure its continuance.~~

b. ~~A permanent Conservation Easement may be developed by an Owner that desires a more permanent and perpetual method of protecting and conserving natural resources. The areas of land that a permanent Conservation Easement may cover include those lands identified in Section 20-810(j), or similar sensitive lands. A permanent Conservation Easement shall be developed to retain the environmental, geographical or historical characteristics of the land. It shall be conveyed to a public or nonprofit organization that protects and preserves lands of ecological, scenic, historic, agricultural, or recreational significance. A permanent Conservation Easement created for protecting natural resources may or may not be sufficient to meet the requirements for re-evaluation by the county for land appraisal and taxation purposes.~~

(iii) ~~Restriction on Subsequent Divisions. Any further division for development purpose is prohibited until annexation or until an amended Certificate of Survey is approved and filed with the Register of Deeds.~~

(iv) ~~Restrictive Covenant. The Future Development Area shall be subject to a restrictive covenant as set forth in sub-section 20-805(d).~~

(d) ~~**Restrictive Covenants**~~

~~The Immediate Development Area and Future Development Area each shall be restricted by a separate instrument, satisfactory to the County Counselor, which shall:~~

(1) ~~Incorporate by reference and have attached as an exhibit the Build Out Plan;~~

(2) ~~Require future division of the Residential Development Parcels to conform to the Build Out Plan, subject to the requirements of this Article;~~

(3) ~~For the Immediate Development Area, limit each Residential Development Parcel to one principal dwelling until annexation into a city and municipal water and sanitary sewer service are extended to the property;~~

(4) ~~For the Future Development Area, any further division for development purpose is prohibited until annexation or until an amended Certificate of Survey is approved and filed with the Register of Deeds;~~

(5) ~~Restrict the location of structures within the Immediate Development Area to Building Envelopes that have been created to allow for the future subdivision of the Immediate Development Area into blocks of an urban density that avoids interference with planned future Street/Roads, easements and setbacks;~~

(6) ~~Be binding upon the owner and all of its successors and assigns, and shall constitute a covenant running with the land, expiring at the time the subject property is annexed by a city; and~~

(7) ~~Be in a recordable form and be recorded with the Register of Deeds.~~

(e) ~~**Notice to Nearby Property Owners**~~

(1) ~~Written notice of the proposed division for rural residential purposes shall be mailed to the Owner of record of all property within ¼ mile of the subject property. The notice shall be sent by the applicant by regular mail, postage pre-paid. The mailing addresses for property owners within the ¼ mile notification area shall be obtained from the Douglas County Clerk. The applicant shall submit a Certificate of Mailing , obtained from the US Post Office, at the time of submission of the Certificate of Survey application. A Certificate of Survey application shall be considered incomplete without an executed Certificate of Mailing. The notice shall provide:~~

(i) ~~A brief description of the location of the property proposed for division;~~

(ii) ~~The projected date a Certificate of Survey application will be submitted to the Lawrence/Douglas County Planning Office;~~

(iii) ~~A contact telephone number and address for the property owner proposing the division for rural residential purposes; and,~~

(iv) ~~The letter shall include the following Statement and information:~~

> ~~Notice of Proposal to divide land located at [road address or general description such as; ½ mile north of the intersection of X road and Y road, on the east side] for rural residential development purposes.~~
>
> ~~This letter is being sent to the Owner of property adjoining and within ¼ mile of the boundaries of the property proposed for division for rural residential (Large Parcel Property Division) development. The purpose of this letter is to provide general information to the recipient and/or owner of property of a proposed or potential change in land use.~~

(2) ~~The failure of a property owner within the ¼ mile mailing distance to receive the written notice will not affect the validity of the application for a Certificate of Survey.~~

(f) ~~**Large Parcel Property Divisions After Annexation**~~

(1) ~~Land divided in accordance with this Section shall not be eligible for subsequent division until the land has been annexed by a city.~~

(2) ~~Additional divisions or development of any portion of the Future Development Area shall be made in accordance with Section 20-810.~~

(3) ~~After annexation, divisions or development of any portion of the Future Development Area not subject to a Conservation Easement or Temporary Set Aside Agreement shall made in accordance with the Subdivision Regulations of the applicable city.~~

(g) ~~**Application**~~

~~Any person having legal or equitable interest in property that meets the requirements of this Section may file, with the Planning Director, an application for a Large Parcel Property Division in conformance with this Section. The completed application must satisfy the requirements of Section 20-802; be on an approved application form supplied by the Planning Department; be submitted in both print and electronic format, on disc; and, shall be accompanied by:~~

(1) ~~The applicable review and recording fees;~~

(2) ~~Proof of legal or equitable interest in the property;~~

(3) ~~Proof that there are no unpaid taxes on the subject property in the form of a certificate that all taxes and special assessments due and payable have been paid;~~

(4) ~~Certificate of mailing from the U.S. Post Office for letters mailed to property owners within ¼ mile of the property proposed for the Large Parcel Property division for rural residential purposes;~~

(5) ~~A Build Out Plan illustrating the following with respect to both the Immediate Development Area and Future Development Area:~~

(i) ~~A realistic future urban block layout designed consistent with the Comprehensive Land Use Plan of the applicable city and the Subdivision Design Standards set forth in Section 20-810 for the City of Lawrence or in the Subdivision Regulations set forth in the annexing city's regulations;~~

(ii) ~~The layout of future Street/Roads; provided that, local Streets/Roads shall be planned to provide Street/Road connections to adjoining parcels, neighborhoods, or future development open spaces, at a spacing of 600' to 800' as a means of discouraging the reliance on County and State roads or highways for local trips;~~

(iii) ~~Block level easement locations for utilities and storm water drainage;~~

(iv) ~~Locations of Building Envelopes for each Residential Development Parcel that are respective of the future urban street and block layout; and~~

(v) ~~Supplemental written information that demonstrates how public utilities may be extended to the subdivision to accommodate future urban density development.~~

(6) ~~One original and 3 copies of a Certificate of Survey conforming to the requirements of Section 20-807; and,~~

(7) ~~An executed annexation agreement allowing annexation by the city, who's Urban Growth Area the development is located within, based on the adopted annexation policies of that city.~~

(h) ~~**Administrative Review and Consideration Procedures**~~

~~The Planning Director shall review all applications for Large Parcel Property Divisions pursuant to this Section in accordance with the Certificate of Survey administrative review procedures provided in Section 20-807.~~

(i) ~~**Developable Acreage and Development of Future Development Area**~~

(1) ~~Land divided pursuant to this Section shall not be eligible for subsequent division until the land covered by the Build Out Plan has been annexed by a city or the Build Out Plan has been revised as part of an amended Certificate of Survey.~~

(2) ~~Upon Annexation, development of the Future Development Area shall occur in accordance with the Build Out Plan. If, however, the appropriate city's plans or regulations for the area covered by the Build Out Plan recommend a different type of land use or scale of development, the property shall be platted to conform with the city's current plans and regulations.~~

SECTION STILL UNDER CONSTRUCTION

(3) ~~Upon annexation, all divisions of land in the Immediate Development Area or Future Development Area shall be made in accordance with Section 20-809, Major Subdivisions for the City of Lawrence, or in accordance with the Subdivision Regulations set forth in the annexing city's regulations.~~

20-806 Property Divisions in the Rural Area (Outside the UGAs)

(a) Purpose

Horizon 2020, the Comprehensive Land Use Plan, strongly encourages that residential development be located in the Lawrence Urban Growth Area or within the Urban Growth Areas of the other incorporated Cities in the County. Horizon 2020 also recognizes the need for suitable residential development in the Rural Area of Douglas County.

(b) Definitions

When used in this Section **20-806**, the following terms have the following meanings:

(1) Original Tract – shall be composed of a Parcel or a combination of all adjacent Parcels under a single ownership [not separated by public right(s)-of-way] that share common boundary lines, from which a Parent Parcel is created.

(2) Parent Parcel – a surveyed area, site or land division created for the sole purpose of a residential development action.

(3) Residential Development Parcel – a parcel created from the Parent Parcel through the Certificate of Survey review process for the purpose of construction of one single-family residential dwelling unit and permitted accessory uses, buildings and structures.

(4) Rural Area – the area of ~~the~~ **Unincorporated Douglas** County lying outside the Urban Growth Areas of Lawrence, Baldwin City, Eudora and Lecompton.

(c) Applicability

Residential Development Parcels may be created within the Rural Area according to the following requirements:

(1) The Owner of the land must identify a tract of land, which shall be a minimum of 20 acres and take access to a Full Maintenance Road, in accordance with this Section. The tract containing the area for the proposed Residential Development Parcel(s) shall be known as the "Parent Parcel". The land from which the Parent Parcel is identified shall be known as the "Original Tract".

(i) For purposes of determining compliance with the 20 acre minimum tract area, entire half of a quarter-quarter section (e.g. West ½ of the Southeast ¼ of the Southeast ¼) shall be deemed to be a 20 acre tract.

(ii) In calculating the size of a tract, the tract size shall be deemed to include ½ of the adjoining road right(s)-of-way or easements if such inclusion is necessary for the tract to conform to the applicable minimum tract size.

(iii) ~~Proof is provided that no unpaid taxes exist on the subject property, in the form of a certificate or tax receipt, for all taxes and special assessments that are due and payable.~~

Comment [sms50]: SECTION STILL UNDER CONSTRUCTION

Comment [sms51]: Need consistency with definitions section. #1 is not in def, #2-4 are not exactly the same definitions DONE

Comment [sms52]: This is listed under Application in 804 & 805 – move to a new sub section 806(e) OR JUST ALL APP MATERIALS IN 807? YES

(2) ~~To initiate a division of land according to this Section, the owner must submit an application to the Planning Director, on a form provided by the Planning Department accompanied by an original and 3 copies of a Certificate of Survey prepared in conformance with Section 20-807(d). The Certificate of Survey shall illustrate and identify the Original Tract on the location map. The Parent Parcel and Residential Development Parcels shall be identified by legal description and show all environmentally or geographically sensitive areas or sites of historic landmarks or historic features [refer to Section 20-810(j)].~~

Comment [sms53]: This info listed under Applications in 804 & 805 – move to a new sub section 806(e)

(d) Residential Development Parcel (RDP)

(1) Up to 3 Residential Development Parcels (RDP) may be created from a Parent Parcel, depending on the classification of the full-maintenance roads bounding the property. Up to 2 RDPs may be created in the following instances: If the Parent Parcel is bounded on only 1 side by a road or the Parent Parcel is bounded on 2 or more sides by roads and any of the roads are **classified as** other than local roads. Up to 3 RDPs may be created if the Parent Parcel is bounded on 2 or more sides by local roads.

(2) Residential Development Parcels can be created through the Certificate of Survey process only when the Planning Director finds: the property is being subdivided for single-family residential purposes; the division does not involve or result in the creation of any minimum maintenance or full maintenance new Roads or road rights-of-way or easements; and, the division is made in accordance with the **following** requirements**:** ~~in this sub-section.~~

(i) Minimum Residential Development Parcel Area and dimensional standards. Residential Development Parcels shall be laid-out and designed to comply with all applicable zoning district regulations listed in the County Zoning Regulations. Each Residential Development Parcel shall have the minimum area required in ~~Article 18~~ **Section 12-318** in the County Zoning Regulations. The minimum parcel area shall also meet the County Sanitary Code minimum requirements for residential development that has an On-Site Sewage Management System**;**

(ii) Development Access. Each Residential Development Parcel shall have direct access to a full maintenance road;

(iii) County Health Code Requirements. The applicant has provided evidence that each Residential Development Parcel will satisfy all applicable health and sanitation requirements of the Lawrence/Douglas County Health Department;

(iv) Grouping Divisions. When a Parent Parcel has previously been identified and filed of record from an Original Tract, any subsequent Parent Parcel identified from that Original Tract shall, where practicable, be located with one boundary line adjacent to the previously created Parent Parcel to encourage the grouping of Residential Development Parcels to facilitate the efficient provision of infrastructure and other public services.

(v) Minimum Frontage and Entrance Spacing Requirements. Each Residential Development Parcel must meet the minimum frontage and entrance spacing requirements established in the County's Access Management Standards. The frontage and entrance spacing requirements are based on the classification of the road upon which the Residential Development Parcel is proposed to take access.

(vi) Minimum Road Right(s)-of-way. If the Original Tract/Parent Parcel Division is located adjacent to public road right(s)-of-way that does not meet the minimum width standards of Section 20-810~~(d)(4)~~**(e)(5),** approval of the application for division of land pursuant to this Section 20-806 will be subject to the condition that the Subdivider dedicate, by separate instrument to the County, ½ the additional land necessary to bring the road(s) adjoining Original Tract/Parent Parcel to the required right-of-way standard based on the road's classification established in the County's Access Management Standards. All necessary Dedications shall be by separate instrument, satisfactory to the County Counselor, and ~~filed with~~ **recorded at** the Register of Deeds. No final action may be taken on the Certificate of Survey until this additional road right-of-way has been dedicated.

(vii) Building Envelope. When a Residential Development Parcel includes lands identified for ~~Resource Preservation~~ **Protection of Environmentally Sensitive Lands** in Section 20-810~~(j)~~(k), a Building Envelope is required to be shown on the parcel and it shall not include the areas and sites identified for resource preservation. A Building Envelope is not required on a Residential Development Parcel that does not include lands within the categories identified for resource preservation in Section 20-810~~(j)~~**(k).**

(viii) Conservation Easement. Land that is or contains the resources identified in Section 20-810~~(j)~~**(k),** is encouraged to be made subject to a Conservation Easement or other conservation measure to permanently retain the environmental, geographical or historical characteristics of the land and prevent any use of these areas that will significantly impair or interfere with the environmental, geographical or historical characteristics of this land. The Conservation Easement shall be conveyed by a separate legal instrument to a public or nonprofit organization that protects and preserves lands of ecological, scenic, historic, agricultural, or recreational significance in Kansas.

(3) With respect to any division made according to this Section, the subsequent Residential Development Parcels shall be considered parcels but shall not be considered **platted Lot created through a Majot or Minor Subsdivision process.** ~~Lots as defined in this Article~~. Each Residential Development Parcel shall be eligible for the issuance of building permits for one single-family dwelling and permitted accessory uses, buildings and structures. Use for any other purpose (other than agricultural use), construction of more than one single-family dwelling, or further division of the Residential Development Parcel shall be prohibited.

(e) ~~**Application**~~

~~Any person having legal or equitable interest in property that meets the requirements of this Section may file, with the Planning Director, an application for a Property Division in the Rural Area in conformance with this Section. The completed application must satisfy the requirements of Section 20-802; be on an approved application form supplied by the Planning Department; be submitted in both print and electronic format, on disc; and, shall be accompanied by:~~

(1) ~~The applicable review and recording fees;~~

(2) ~~Proof of legal or equitable interest in the property;~~

(3) ~~Proof that there are no unpaid taxes on the subject property in the form of a certificate that all taxes and special assessments due and payable have been paid; and~~

(4) ~~One original and 3 1 copyies of a Certificate of Survey conforming to the requirements of Section 20-807(d).~~

~~(5) The Certificate of Survey shall illustrate and identify the Original Tract on the location map. The Parent Parcel and Residential Development Parcels shall be identified by legal description and show all environmentally or geographically sensitive areas or sites of historic landmarks or historic features [refer to **as identified in** Section 20-810(j)(k)].~~

Comment [sms54]: New section, but info from 806(c) and Application sections of 804 & 805 for consistency OR SHOULD IT JUST ALL BE IN 807?? YES

Comment [sms55]: This info listed under Applications in 804 & 805 – move from 806(c) to a new sub section 806(e)

SECTION STILL UNDER CONSTRUCTION

20-807 Certificate of Survey, Administrative Review Procedures

(a) Purpose

The purpose of the Certificate of Survey administrative review procedure is to provide an administrative process for creating an accurate record of the description and location of Residential Development Parcel divisions created in conformance with Sections 20-804~~, 20-805,~~ or 20-806, whichever is applicable, without requiring full compliance with the Subdivision Development regulations of Section 20-809, Major Subdivisions.

(b) Authority

The Planning Director is authorized to review and approve applications for land divisions made in conformance with Sections 20-804~~, 20-805~~ and 20-806, subject to the requirements of this Section. This administrative review procedure allows for an administrative approval process with final action by the Planning Director.

(c) Applicability

An application for a division of land submitted with a complete Certificate of Survey shall be considered for approval in the following circumstances:

(1) The proposed division meets the criteria of one of the types of division authorized by Sections 20-804~~, 20-805,~~ or 20-806, for review in conformance with this Section.

(2) Residential Development Parcels are eligible for Certificate of Survey approval only one time within the Lawrence Urban Growth Area. **However, ~~A~~an** amended Certificate of Survey may be filed for property in the Lawrence Urban Growth Area, or within the Rural Area when it:

(i) Includes the same land area as the original Certificate of Survey; and,

(ii) When it meets the applicable requirements in Sections 20-804~~, 20-805~~ or 20-806.

(3) For the purpose of interpreting the applicability of the Certificate of Survey administrative review procedure, any proposed development or division of land, which the Planning Director determines is intended to evade the Major Subdivision procedures of Section 20-809 because it would result in a *de facto* Major Subdivision through the combination of previous contiguous Certificates of Survey, is not eligible to use the Certificate of Survey administrative review procedure.

(4) ~~Proof is provided that no unpaid taxes exist on the subject property, in the form of a certificate or tax receipt, for all taxes and special assessments that are due and payable.~~

(d) Application

Applications for Certificate of Survey administrative review procedure shall be submitted to the Planning Director in conformance with the general requirements of Section 20-802; **be submitted in both print and electronic format, on disc**; and ~~any specific requirements provided in this Article.~~ **be accompanied by:**

Comment [sms56]: SECTION STILL UNDER CONSTRUCTION

Comment [sms57]: List form

Comment [sms58]: This is already listed in Application sections of each Cof S

Comment [sms59]: Should this section include the info that is repeated in 804, 805 and 806 – so we just say it once?

(1) The applicable review and recording fees;

Comment [sms60]: Moved from 804, 805, 806

(2) Proof of legal or equitable interest in the property;

(3) Proof that there are no unpaid taxes on the subject property in the form of a certificate that all taxes and special assessments due and payable have been paid; and

(4) One original and ~~3~~ 1 copy ~~ies~~ of a Certificate of Survey that complies with the requirements of Section 20-807(e).

(5) **In addition, for Cluster Developments in an Urban Growth Area:**

(i) Certificate of ~~m~~**M**ailing ~~from the U.S. Post Office~~ for letters mailed to property owners within ¼ mile of the property proposed for the Cluster ~~division~~**Development** for rural residential development purposes;

(ii) A Build Out Plan illustrating the following with respect to both the Immediate Development Area and Future Development Area:

a. A realistic future urban block layout designed consistent with the Comprehensive Land Use Plan of the applicable city and the Subdivision Design Standards set forth in Section 20-810 for the City of Lawrence or in the Subdivision Regulations set forth in the annexing city's regulations;

b. The layout of future Streets/Roads; provided that, local Streets/Roads shall be planned to provide Street/Road connections to adjoining parcels, neighborhoods, or future development open spaces, at a spacing of 600' to 800' as a means of discouraging the reliance on County and State roads or highways for local trips;

c. Block level easement locations for utilities and storm water drainage;

d. Locations of Building Envelopes for each Residential Development Parcel that are respective of the future urban street and block layout; and,

e. Supplemental written information that demonstrates how public utilities may be extended to the subdivision to accommodate future urban density development.

(6) **For applications within an Urban Growth Area, a**n executed annexation agreement allowing annexation by the city that's Urban Growth Area the development is located within based on the adopted annexation policies of that city.

(e) **Requirements and Material to be Included**

A Certificate of Survey shall comply with the following requirements:

(1) The Certificate of Survey shall be legibly drawn on Mylar with permanent ink or printed or reproduced by a process guaranteeing a permanent record shall be a minimum size of 11 inches by 17 inches;

(2) The Certificate of Survey shall show or contain on its face the following information; provided, however, that the licensed Land Surveyor may, at his or her discretion, provide additional information regarding the survey:

(i) A title or title block including the quarter-section, section, township, range and principal meridian in which the surveyed land is located. A Certificate of Survey shall not bear the title "plat," "subdivision" or any title other than "Certificate of Survey;"

(ii) A note stating "This Certificate of Survey was not prepared for the purpose of the platting of land. No further divisions of the parcels created by this survey shall occur until the property is subdivided in accordance with all applicable Subdivision Regulations of Douglas County or the city into which it is annexed.";

(iii) The name(s) of the person(s) who own the land and who commissioned the survey and the names of any adjoining platted subdivisions;

(iv) The date the survey was completed;

(v) A north arrow;

(vi) A written and graphic scale. ~~(The scale must be one inch equals 30 feet or less);~~

(vii) A narrative legal description of the property surveyed, including a benchmark or other vertical reference point tied to the United States Geological Survey;

(viii) A location map showing the property surveyed in relation to property ownership lines within the same section and the nearest existing public right(s)-of-way;

(ix) The dimensions and locations of all of the parcels indicated on the survey, including dashed lines to depict the future urban street and block layout in the Build Out Plan. This requirement is not applicable to **a Certificate of Survey prepared in accordance with** Section 20-806;

(x) A numbering system or other clear and simple method of identifying each parcel within the Certificate of Survey;

(xi) The location and width of public right(s)-of-way, existing and proposed;

(xii) The location of any easements, existing and proposed;

(xiii) The dimensions of all existing Structures in relation to existing and proposed parcel lines, and based on the future urban street and block layout shown in the Build Out Plan;

(xiv) Building Envelopes, when required, shall be shown for every Residential Development Parcel and shall not include lands identified as environmentally or geographically sensitive areas or the sites of historic landmarks or historic features;

(xv) Except for divisions made in conformance with Section 20-806, Building Envelopes shall be designed to allow for the placement of rural residences on parcels that will facilitate future further subdivision of the Residential Development Parcel into urban streets and blocks;

(xvi) A note stating the specific Section [20-804~~, 20-805,~~ or 20-806] pursuant to which the division is being made;

(xvii) Restrictive covenants, Temporary Set Aside Agreements, or Conservation Easements required by the proposed division shall be noted with book and page number in which the covenants, Temporary Set Aside Agreements, or Conservation Easement are recorded;

(xviii) The signature of the Owner, properly acknowledged;

(xix) The dated signature and seal of the Kansas licensed land surveyor responsible for the survey along with a note stating: "This survey complies with the Kansas Minimum Standards for Boundary Surveys";

(xx) A line on the survey for the review date and signature of the County Surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005";

(xxi) A line for the approval date and signature of the Planning Director under a note stating: "Approved as a Certificate of Survey under the Subdivision Regulations of the City of Lawrence & the Unincorporated Area of Douglas County"; or the Subdivision Regulations of the appropriate City; and

(xxii) A line for identification of book and page of the Register of Deeds filing information.

(3) **Before approval of a Certificate of Survey in the Lawrence Urban Growth Area that will not be served by City of Lawrence utilities, the property owner shall provide written documentation to the Lawrence-Douglas County Health Officer and the Lawrence-Douglas County Planning Director that Publicly Treated Water, delivered through a water meter, is available to and will be provided for all Residential Development Parcels.**

Comment [sms61]: Moved this requirement from 811(e)(2) since Cof S process is not same as Subdivision Process

(f) Criteria for Review

An application for a division requiring an approved Certificate of Survey shall be approved *if*, and only if, it meets **all** of the following criteria:

(1) The proposed division meets the requirements for a division of land under Sections 20-804~~, 20-805~~ or 20-806, as applicable;

(2) The Certificate of Survey meets all of the requirements of ~~this~~ Section 20-807;

Comment [sms62]: Just of 807? Or ??? OK, since 1 says 804 and 806 – unless there is a requirement in 810 or 811 that will apply

(3) The proposed Residential Development Parcels and all other aspects of the proposed Certificate of Survey conform with the current Comprehensive Plan of Lawrence and Douglas County or, where applicable, the comprehensive plan of another city in Douglas County;

(4) The Certificate of Survey conforms to the County's Access Management Standards and does not preclude or interfere with the subsequent logical continuation of any Street/Roads shown thereon affecting the land included in the proposed Certificate of Survey. If additional right-of-way is needed to meet the minimum required for the classification of road accessed by the development in the Certificate of Survey, the Certificate of Survey review process shall be suspended for up to 90 days to allow for dedication by separate instrument of the necessary right-of-way. If the criteria for review are not met by the end of the suspension period, this shall be sufficient cause for rejecting an application for a Certificate of Survey;

(5) The proposed Certificate of Survey is consistent with any conditions imposed on any previous division of any part of the same land; and

(6) The proposed Certificate of Survey complies with the Kansas Minimum Standards for Boundary Surveys.

(g) Review and Action by the Planning Director

(1) The General Review and Approval Procedures set forth in Section 20-802 shall apply to all applications under this Section.

(2) Upon receipt of a complete application, the Planning Director shall review the application for conformance with applicable regulations.

(3) The Planning Director shall conduct the review of the application within 30 days of receipt of the complete application. If the Planning Director finds that the Certificate of Survey conforms to all of the standards set forth in this Article, the Director shall sign and indicate on an original copy of the Survey "Approved as a Certificate of Survey under the Subdivision Regulations of the City of Lawrence & the Unincorporated Area of Douglas County" with the date of approval.

(4) If the Planning Director finds that the Certificate of Survey fails in any way to conform to the standards set forth in this Article or that the proposed division is not eligible for administrative approval pursuant to this Section, the Planning Director shall refuse to approve the proposed Certificate of Survey and shall notify the Applicant by letter, within the 30 day review period, of the reason(s) for that refusal. If the deficiency or other reason for denial can be cured through action of the Applicant, the Applicant may submit a revised application and Certificate of Survey within 45 days after receipt of the letter and shall not be required to pay an additional fee.

(5) If approved, the Certificate of Survey shall be recorded by the Planning Director with the Douglas County Register of Deeds. A copy shall be kept by the Planning Director, and a copy shall be furnished to the Applicant and to the County Zoning & Codes office.

(h) Amending an Approved Certificate of Survey

An approved Certificate of Survey may be amended for a Parent Parcel created in accordance with Section 20-806 or, prior to annexation by a city, in accordance with Section~~s~~ 20-804 ~~or 20-805~~ for Lawrence's **or another city's** Urban Growth Area.

The amendment may occur when there is an application to revise an area designated as a Residential Development Parcel, Immediate Development Area, Future Development Area, or the layout of Residential Development Parcels and future streets or blocks on the Build Out Plan. The Future Development Area cannot be revised for those portions that include **Environmentally S**~~s~~ensitive L~~l~~ands identified in Section 20-810~~(j)~~**(k),** permanent Conservation Easement(s), or Temporary Set Aside Agreement(s). A revision to approved access to the development (location of cross access easement or individual driveway access) from public road right-of-way shall be permitted only upon written recommendation from the County Engineer that revising the point of access to the public road is desirable for public safety.

(1) An amendment to an approved Certificate of Survey shall:

(i) Include the entire land area of the original Certificate of Survey and be signed by all of the current owners of land within the entire land area of the original Certificate of Survey;

(ii) Be submitted in the same form as an original Certificate of Survey and meet the requirements in ~~s~~Section 20-807~~(c)~~ **(d)** through (g);

(iii) Be eligible for the same appeals procedure ~~[re:~~ **identified in** ~~s~~Section 20-807(i)~~]~~ as the original Certificate of Survey;

(iv) Comply with the Subdivision Regulations in effect at the time the amended Certificate of Survey application is submitted for review;

(v) For each amended Certificate of Survey, the creation of new Residential Development Parcels in addition to those created originally shall only be permitted if an additional Residential Development Parcel is permitted according to Sections 20-804~~, 20-805~~ and 20-806 and/or by the County's Access Management Standards.

(2) An amendment of a Certificate of Survey shall not alter future street layouts that would conflict with a Build Out Plan approved for an adjacent property.

(i) Appeals Process for Sections 20-804~~, 20-805~~ and 20-806

(1) Upon the approval or denial of an application for a division of land under Sections 20-804~~, 20-805~~ or 20-806, a party aggrieved by the Planning Director's decision may appeal that decision to the Board of County Commissioners. To have standing to make an appeal, the party must have been the Applicant or an owner of property within ¼ mile of the land that is the subject of the decision.

(2) The Planning Director shall provide written notice of the filing of an appeal setting forth the subject of the appeal, the time and place and when the appeal shall be heard. The notice shall explain that there will be an opportunity to present evidence to the Board of County Commissioners and it shall be mailed to the Applicant and all owners of property within ¼ mile of the land that is the subject of the appeal.

(3) The County Commission shall set a hearing date for the appeal that is at least 15 days after written notice is sent to the appellant. The appellant shall have the burden of establishing by clear and convincing evidence that the Planning Director's decision was incorrect.

20-808 Minor Subdivisions/Replats

Comment [sms63]: Add Replat to title

(a) Purpose

The purpose of this administrative process is to provide an ~~more~~ economical and efficient procedure for the adjustment of platted lot lines in developed areas through a Resubdivision **or Replat** procedure, where an adjustment involves little or no expansion of the public infrastructure. The Minor Subdivision**/Replat** process allows for a one-step Resubdivision approval process with final action by the Planning Director.

Comment [sms64]: Insert replat since this is the local term and it is in the definitions – allows us to use it interchangeably with Minor Sub?

(b) Authority

The Planning Director is hereby authorized to review and approve Minor Subdivisions**/Replats** in accordance with the procedures of this Section.

(c) Applicability

(1) Within the City of Lawrence, a platted Lot may be ~~split~~ **divided** into 4 or fewer Platted Lots by using the Minor Subdivision**/Replat** procedures of this section; provided, that:

(i) No new Street or extension of an existing Street is created, or

(ii) A vacation of Streets, Alleys, Setback Lines, Access Control or Easements is required or proposed.

(iii) **As an alternative, if right-of-way or easements are proposed to be dedicated or vacated, after mailed notice to surrounding property owners, the Minor Subdivision/Replat shall first be placed on the Governing Body's agenda for approval of the subject vacation or acceptance of additional dedications prior to final administrative approval of the Minor Subdivision/Replat.**

Comment [s65]: ADD A NOTICE PROCESS BEFORE PLACING ON GOV BODY ACTION ON CONSENT AGENDA
Do we want it to require the 20 days mailed notice?

(2) Within the Unincorporated Area of the County, a platted Lot may be ~~split~~ divided into 2 ~~P~~platted Lots by using the Minor Subdivision/**Replat** procedures of this section, provided that:

(i) Each resulting Lot has a minimum lot area that conforms to the County Sanitation Requirements for minimum lot area;

(ii) The platted lot takes access from a Hard Surfaced Road or from a road that meets or exceeds the County's Rock Road Standard;

(iii) No new Road or extension of an existing improved Road is created, ~~n~~or

(iv) ~~is a~~ A vacation of Roads, Setback Lines, Access Control or Easements is required or proposed; and,

(v) The ~~lot split~~ **Minor Subdivision/Replat** is not prohibited by any other Section of this Article~~;~~.

(vi) **As an alternative, if right-of-way or easements are proposed to be dedicated or vacated, after mailed notice to surrounding**

property owners, the Minor Subdivision/Replat shall first be placed on the Governing Body's agenda for approval of the subject vacation or acceptance of additional dedications prior to final administrative approval of the Minor Subdivision/Replat.

Comment [s66]: ADD A NOTICE PROCESS BEFORE PLACING ON GOV BODY ACTION ON CONSENT AGENDA

(3) The merger or consolidation of full Lots or full Lots with portions of platted Lots into a fewer number of Lots shall be processed as a Minor Subdivision**/Replat**;

(4) For the purpose of interpreting the Minor Subdivision/**Replat** eligibility criteria of this sub-section, any proposed Subdivision that the Planning Director determines is designed, intended, or by proximity to a previous **Minor Subdivision or Replat** would evade the Major Subdivision procedures of this section by resulting in a *de facto* Major Subdivision, shall not be eligible for the Minor Subdivision/**Replat** process;

(5) Lots are eligible only one time for approval of a ~~lot split~~ **division** or consolidation through the Minor Subdivision/**Replat** process and any further divisions or consolidations of the originally platted or newly created Lots shall be processed as Major Subdivisions**; however,**

(i) **lot line adjustments or mergers that do not increase the total number of lots may be accomplished through the Minor Subdivision/Replat process even if the property had previously been part of a Minor Subdivision or Replat~~; and,~~.**

(6) ~~The Minor Subdivision/Replat shall contain a general note on the face of it stating: "Further division or consolidation of any Lots contained in this Minor Subdivisions/Replat is prohibited, and shall be processed as Major Subdivisions".~~

Comment [sms67]: Moved this section to Application Requirements

(d) Criteria for Review

A Lot or group of Lots submitted as a Minor Subdivision/**Replat** shall be approved if **all** of the following criteria are met:

(1) The proposed division(s) or consolidation(s) meets the criteria of one of the types of divisions **or consolidations** eligible for review through the Minor Subdivision/**Replat** process under Section 20-808(c);

(2) **All lots created through the Minor Subdivision/Replat process conform to the lot size requirements of the underlying zoning district;**

(3) ~~(2)~~Each Lot resulting from the ~~split~~ **division** or consolidation will have direct access to an existing public Street/Road that meets current adopted access and improvement standards or will meet such standards as a result of improvements required as a condition of approval of the Minor Subdivision/ **Replat;**

(4) ~~(3)~~If the property is located adjacent to a public Street/Road right-of-way that does not meet the minimum right-of way standard of Section 20-810(~~d)(4~~**)(e)(5)**, approval of the Minor Subdivision/**Replat** will be subject to

the condition that the Subdivider dedicate to the City or County, as applicable, one-half the additional land necessary to bring the road(s) adjoining the land to be divided to the required minimum right-of-way standards.

(i) All necessary **off-site** Dedications shall be filed by separate instrument with the Register of Deeds and proof of these dedications shall be provided to the Planning Director. No final action shall be taken on the Minor Subdivision/Replat until this additional right-of-way dedication has been recorded; ~~or~~

(ii) **As an alternative to 20-809(d)(4)(i), all necessary on-site dedications may be provided on the Minor Subdivision/Replat; however the Minor Subdivision/Replat ~~is~~ shall be placed on the Governing Body's agenda for acceptance of the additional right-of-way or easements prior to final approval of the Minor Subdivision/Replat.**

(5) ~~(4)~~If any portion of the property within the Minor Subdivision/**Replat** lies in a FEMA designated regulatory floodplain, or if drainage Channels or Swales exist on the property that carry runoff from adjacent property or public Street/Roads, the FEMA designated regulatory floodplain or drainage Channel or Swale shall be protected by grant of Easement, Dedication or other similar ~~devise~~ device as may be required by the Planning Director. No final action shall be taken on the Minor Subdivision/**Replat** until this dedication has been recorded**, either by~~:~~**

(i) **Separate instrument, or**

(ii) **After mailed notice, the Minor Subdivision/Replat is placed on the Governing Body's agenda for acceptance of the additional right-of-way or easements prior to final approval of the Minor Subdivision/Replat.**

(6) ~~(5)~~The Owner shall provide written documentation for ~~splits~~ **divisions** or combination of lots in the Unincorporated Area of the County to the Planning Director providing proof that the proposed Lots will have:

(i) Access to Publicly Treated Water delivered through a water meter; and,

(ii) Test holes for an On-site Sewage Management System have been reviewed and approved by the Director of Lawrence/Douglas County Health Department.

(7) ~~(6)~~The proposed Lots and all other aspects of the proposed Minor Subdivision/**Replat** conforms with the current Comprehensive Land Use Plan of Lawrence and Douglas County;

(8) ~~(7)~~The Minor Subdivision/**Replat** conforms with the adopted Major Thoroughfares Map **referenced** in the Comprehensive Land Use Plan and does not preclude or interfere with the subsequent logical continuation of any Street/Roads shown thereon affecting the land included in the proposed Minor Subdivision/**Replat** or the original platted subdivision;

Comment [sms68]: Does this read right now, since (i) was changed to off-site?

Comment [sms69]: Reformatted to outline form and added option to place on GB agenda for acceptance.

Comment [sms70]: Reformatted to outline form and added option to place on GB agenda for acceptance. Notice rqmt

(9) ~~(8)~~The proposed Minor Subdivision/**Replat** is consistent with any conditions imposed on the original platted Subdivision from which the lots being ~~split~~ **divided** or consolidated were originally platted; and,

(10) ~~(9)~~The Minor Subdivision/Replat conforms to the Kansas Minimum Standards for Boundary Surveys.

(e) Application

(1) Requests for Minor Subdivision/**Replat** approval shall be submitted to the Planning Director.

(2) Each application shall be submitted on a form provided by the Planning Director; **be submitted in both print and electronic format, on disc**; and shall be accompanied by:

(i) The applicable review and recording fees;

(ii) ~~Ten c~~ Copies of **scaled drawings of** a Minor Subdivision/**Replat as required by the Planning Director,** certified by a licensed Land Surveyor, ~~at a scale of one inch equals 30 feet or less~~; and

(iii) A certificate that all taxes and special assessments due and payable have been paid.

a. Any unpaid special assessments shall be noted with the application submittal and a proposed redistribution plan for these unpaid special assessments, which meets the City Clerk and City Engineer requirements for lots within the City of Lawrence or with the County Clerk and County Engineer requirements for lots within the unincorporated area of Douglas County, also shall be submitted with the application.

(iv) **If Dedication or Vacation of Easements or Rights-of-Way is proposed, a certified copy of a property ownership list to provide Mailed Notice in accordance with 20-802(d)(3).**

(f) Contents

(1) ~~(3)~~ The **Minor Subdivision/R~~r~~**eplat shall contain the following information:

(i) A title that includes the original lot numbers and subdivision name and an indication that this is a **Minor Subdivision/R~~r~~**eplat of said lots in the subdivision;

(ii) Legal description of the property, including a benchmark or other vertical reference point tied to the United States Geological Survey;

(iii) Location map identifying community features and the nearest existing public right(s)-of way within a one mile radius of the site;

(iv) Location **and dimensions** of existing **and/or proposed** Easements and utilities;

Comment [sms71]: All application materials must be submitted in both print and electronic format, on disc.

Comment [sms72]: Remove specific number from code and let that be determined by application packet (may change over time as workflow changes)

Comment [sms73]: Do we need to specify scale?

Comment [sms74]: Insert potential for new to be provided through gov body acceptance

(v) Dimensions and locations of the new lots to be created through the division or consolidation;

(vi) Location and width of ~~access~~ **drive**ways, existing and proposed;

(vii) Dimensions of all existing Structures in relation to existing and proposed Lot Lines;

(viii) Signature of the Owner, properly attested;

(ix) A signature and date line for approval by the Planning Director, stating "Approved as a Minor Subdivision/**Replat** under the Subdivision Regulations of the City of Lawrence and the Unincorporated Area of Douglas County";

(x) A signature and date line for the appropriate Governing Body Chair indicating acceptance or approval, if the Minor Subdivision/Replat proposes either the dedication or vacation of easements or right-of-way;

(xi) A line on the survey for the review date and signature of the County Surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005"; ~~and,~~

(xii) A signature and seal of the Land Surveyor licensed by the State of Kansas, who performed the survey for the Minor Subdivision/~~r~~**Replat**~~.~~**;and,**

(xiii) A note on the face of the Minor Subdivision/Replat which states: "Further division or consolidation of any lots contained in this Minor Subdivision/Replat is prohibited, and shall be processed as a Major Subdivision, unless the action meets the exception noted in Section 20-808(c)(5)(i)."

(g) ~~(f)~~Review and Action by the Planning Director

(1) Upon receipt of a complete application, the Planning Director shall review the application for conformance with applicable regulations.

(2) The Planning Director shall conduct the review of the application within ~~20~~ **30** days of receipt of the complete application. If the Planning Director finds that the Minor Subdivision/**Replat** conforms to all of the standards set forth in this Section, the Director shall sign and date an original Mylar copy of the Minor Subdivision/~~r~~ Replat.

Comment [sms75]: Consistency with Cof S administrative review period

(3) **If the Minor Subdivision/Replat proposes either the dedication or vacation of easements or rights-of-way, the Planning Director shall:**

(i) Provide mailed notice to surrounding property owners as established in Section 20-802(d); and

(ii) Place the Minor Subdivison/Replat on the Governing Body's agenda for either acceptance of dedications or approval of proposed vacations.

(4) If the Planning Director finds that the Minor Subdivision/**Replat** fails in any way to conform to the standards set forth in this Section or that the proposed division or consolidation is not eligible for consideration as ~~a~~**an** Minor Subdivision**/Replat**, the Planning Director shall refuse to approve the proposed Minor Subdivision/**Replat** and shall notify the Applicant by letter of the reason(s) for such refusal. If the deficiency or other reason for denial can be cured through action of the Applicant, the Applicant may submit a revised application and map within 45 days after receipt of such letter and shall not be required to pay an additional fee. If the reason for denial is that the proposed division or consolidation is not eligible for consideration as a Minor Subdivision**/Replat because the Replat does not meet all of the criteria in Section 20-808(d),** the Subdivider may submit an application for Major Subdivision approval at any time.

(5) The Planning Director shall forward a signed, original Mylar copy of the Minor Subdivision/~~r~~Replat to the Register of Deeds for recording.

(6) ~~A copy of the signed original Mylar shall be furnished to the Applicant.~~

(7) Appeals of the Planning Director's decision on a Minor Subdivision/**Replat** shall be subject to Section 20-813(f)(1).

(h) **Review and Action by the Governing Body**

If the Planning Director determines that the Minor Subdivision/Replat includes a proposal to dedicate or vacate easements and/or rights-of-way, the Minor Subdivision/Replat shall be placed on the Governing Body's agenda for acceptance or vacation of easements and/or rights-of-way following the appropriate review process, mailed notice and prior to the Planning Director's final approval of the application.

(i) **Signatures on Minor Subdivision/Replat following Action by the Governing Body**

If the Minor Subdivision/Replat includes the dedication or vacation of easements and/or rights-of-way and the Governing Body has accepted the dedication or approved the vacation, the Planning Director shall submit the Minor Subdivision/Replat to the Mayor or Chairperson of the Board of County Commisioners, as applicable, for signatures.

(j) **Processing after Approval of Minor Subdivision/Replat**

(1) **Prior to the Minor Subdivision/Replat being recorded with the Register of Deeds, a digital version of the Minor Subdivision/Replat shall be submitted to the Planning Director in a format approved by the ~~Director of~~ Planning Director as identified in the application packet. ~~The digital file shall be registered to the State Plane Coordinate Grid System used by the city and county. Any Minor Subdivision/Replat submitted in a digital format will be converted by the City or County, and the cost for conversion will be paid by the Applicant before the Minor Subdivision/Replat can be recorded at the Register of Deeds.~~**

(2) **Errors found in closure or internal dimensions shall be corrected prior to ~~filing~~ recording the Minor Subdivision/Replat.**

Comment [sms76]: New text from Micah & Bryce

(k) **Minor Subdivision/Replat Expiration**

(1) **Approval of a Minor Subdivision/Replat by the Planning Director and acceptance of Dedications by the appropriate Governing Body shall be effective for no more than 24 months from the date of acceptance unless all conditions of approval have been completed or an extension has been granted by the Planning Director for good cause.**

(2) **Such request for extension must be submitted to the Planning Director prior to the expiration of the original 24 month approval period.**

...

20-809 Major ~~Residential and Non-Residential~~ Subdivisions

(a) Purpose

The Major Subdivision procedures of this Section are intended to provide a standardized review process for Preliminary and Final Plats. The Major Subdivision process requires a two-step review process with **Preliminary Plat approval by the Planning Commission, and** ~~f~~**F**inal Plat approval by the Planning ~~Commission~~ **Director**,. ~~and~~ **In addition, Final Plats that include dedication or vacation of easements and/or rights-of-way, require action** ~~acceptance of any Dedications~~ by the appropriate Governing Body.

(b) Applicability

(1) The Major Subdivision procedures of this section apply to all ~~Major Residential and Non-Residential Subdivisions~~ **land divisions or consolidations** that are not eligible for review in conformance with the Certificate of Survey Administrative ~~r~~**R**eview Procedures or the Minor Subdivision/**Replat** process.

(2) **New** Residential Subdivisions are not permitted in the unincorporated area of Douglas County, **except on property zoned A-1 or R-1 prior to January 1, 2007.**

(3) Non-Residential~~, Commercial and Industrial~~ Subdivisions are permitted in the Unincorporated Area of Douglas County.

(c) Applications and Procedures

(1) The General Review and Approval Procedures set forth in Section 20-802 shall apply to all applications under this Section~~:~~.

(2) ~~Applications under this Section shall contain the materials required under Section 20-811(j)(4). 20-812.~~

(2) **Specific application and Preliminary Plat contents are provided in Section 20-809(e) & (f).**

(3) **Specific application and Final Plat contents are provided in Section 20-809(l) & (m).**

(d) Criteria for Review

Approval or disapproval of Major Subdivisions shall be based on the following criteria:

(1) Each Lot resulting from the division will have direct access to a public Street/Road that has been accepted by the county or city or a private street that has been approved as part of a Planned Development;

(2) Each Lot resulting from the division will conform with the minimum Lot size and other dimensional requirements applicable to the property through the Zoning District regulations;

(3) The proposed Major Subdivision and all Lots within it conform fully with the standards set forth in Section 20-810~~(a)(2)~~;

Comment [sms77]: In this section, the term Major Subdivision seems to be used interchangeably with Preliminary Plat. Seems like when we get into the section on processing for Prelim Plats we should stick with one term. Major Subdivision is the overall category that includes the two steps – prelim & final.

Comment [sms78]: Spell out the two-step process and who approves which piece

Comment [sms79]: correction

Comment [sms80]: all others are non-res

Comment [sms81]: Should we add something specific about legal notice and mailed notice for prelim plats? All of the other notice info is in Article 13 and doesn't reference Sub Regs – Added notice requirements in 802

Comment [sms82]: correction

Comment [sms83]: All of Sub Design Stds should apply

(4) The proposed Lots and all other aspects of the proposed Major Subdivision conforms with the current Comprehensive Plan of Lawrence and Douglas County; and watershed/sub-basin plans, sector or neighborhood plans;

(5) The proposed Major Subdivision conforms with any adopted Major Thoroughfares ~~Plan~~**Map** and provides for the logical continuation of any Street/Roads shown thereon affecting the land included in the proposed Major Subdivision;

(6) The proposed Major Subdivision shall provide for a logical connection of streets between adjacent subdivisions taking into consideration constraints from steep topography and other natural features that may limit street connectivity but allow for pedestrian connectivity, shall conform with adopted watershed/sub-basin plans, sector or neighborhood plans for street layout;

(7) The proposed Major Subdivision conforms to the adopted master plans for the water and wastewater systems and conforms to the overall drainage basin master plan; and

(8) The Major Subdivision plat conforms to the Kansas Minimum Standards for Boundary Surveys.

(e) Preliminary Plat – Application

A Subdivider shall apply for Preliminary Plat approval by submitting an application to the Planning Director.

(1) ~~The application shall contain the materials required by Section 20-812(a), as well as any additional materials required as part of the application form provided by the Planning Director.~~

(1) Each application shall be accompanied by:

Comment [sms84]: Delete redundant

(i) The applicable filing fee;

(ii) A completed Major Subdivision-**Preliminary Plat** application form;

(iii) The required number of **paper** copies **and an electronic copy of** ~~for~~ a complete submission of a Preliminary Plat, ~~containing all elements set forth in Section 20-812(a); and,~~

(iv) **A certified copy of a property ownership list to provide Mailed Notice in accordance with 20-802(d)(3); and**

(v) A drainage plan for Major Subdivisions if within the City limits, or for Major Non-Residential Subdivisions that are located within an Urban Growth Area.

(f) Preliminary Plat Contents

The Preliminary Plat shall be drawn to a scale where all features presented are readable.

(1) **Materials to be Included**

Comment [sms85]: Section moved from 812

The Preliminary Plat shall:

(i) State the name of the proposed Subdivision;

(ii) List names and addresses of the Subdivider, the land planner or Subdivision designer (if any) and the licensed land Surveyor;

(iii) Show date of preparation, north arrow and graphic scale;

(iv) Identify the Plat as a Preliminary Plat;

(v) Give a legal description of the proposed Subdivision complete with section, township, range, principal meridian, county, and acreage. Show the location of the nearest section and/or quarter-section corner on the Plat, with a description tying it to the point of beginning for the Subdivision.

a. A replat shall not be required to be referenced to a section and/or quarter-section corner, provided the original Plat for the subject replat is tied to at least one of these corner monuments;

(vi) Include location, description and elevation of all benchmarks established or source used for vertical control. There must be at least one established vertical control point as the basis for the topographic survey included with the application;

(vii) Show names of adjoining Subdivisions or, in the case of unplatted land, the names of the Owner or Owners of adjoining property;

(viii) Show topography (contour interval not greater than 2 ~~(~~feet) of the site. Topography shall be consistent with City of Lawrence and/or Douglas County aerial topography. Where land disturbance, grading or development has occurred on a site or within 100 feet of the subject site since the date the City of Lawrence and/or Douglas County, whichever is applicable, obtained aerial topography, an actual field survey shall be required **for the topographic data in the vicinity of the disturbed area**;

(ix) Show on the face of the Plat or on a separate sheet, a general location of the proposed Subdivision. The general location map shall be drawn to an appropriate scale and shall show the relationship of the proposed Subdivision to the following:

a. The nearest Intersection of public Streets;

b. If not in the City, any state highway located within one-half mile of the property;

c. If in the City, any public school or park located within one-quarter mile of the property. If in the County, any public school located within one mile of the property;

d. If in the Urban Growth Area, the nearest City Limits, and the nearest boundary of the Urban Growth Area;

e. The zoning of the property and any other Zoning Districts located within one-quarter mile (if in the City or within the Urban Growth Area) or within one-half mile (if in the Rural Area).

Comment [sms86]: This was part of (v) above as long paragraph

Comment [sms87]: Addresses comment, so entire site does not have to be surveyed – is it ok to be this broad – base on judgment if sufficient info provided?

(2) **Existing Conditions**
The Preliminary Plat shall also show the following existing conditions:

(i) Location of any area designated as Floodplain or Regulatory Floodplain, location and direction of the flow of existing water courses; and the surface elevation of the Regulatory Flood.

(ii) Location of any area ~~zoned "Floodplain"~~in the Floodplain Overlay District, location and direction of flow of all water courses; and Base Flood Elevation at water course entrances to and exits from the proposed Subdivision;

(iii) Location of section lines, private or public Streets, Alleys, Easements, and city boundaries within and immediately adjacent to the proposed Subdivision;

(iv) Location of natural features such as ~~rock outcroppings~~, unique topographic features, lakes, ~~individually significant mature trees~~, stream corridors, and insofar as can reasonably be shown, natural features to be removed;

(v) Boundaries of ~~significant~~ stands of mature trees, Jurisdictional Wetlands, historic sites and Archaeological Sites on the property proposed for subdivision as identified on the GIS Baseline Environmentally Sensitive Lands Map maintained by the Planning Director;

(vi) Existing use of the property, including the location of all existing buildings, indicating those that will be removed and those that will remain on the property after the Final Plat is recorded;

(vii) Horizontal location and vertical elevation (if available) of existing sanitary sewers, storm water sewers, and culverts within and adjacent to the proposed Subdivision, and the location of existing water mains, underground wiring, pipelines, and gas lines;

(viii) Zoning of all land within and adjacent to the tract;

(ix) Location, description and elevation of all bench marks established or source used for vertical control;

(x) Types of soil, with the soil types generally indicated on the Preliminary Plat or a supplemental sheet; and,

(xi) For a Subdivision that will rely on the use of On-Site Sewage Management Systems, a summary of available information on the subsurface Water Table, including the depth of the Water Table at the highest, lowest and typical locations within the Subdivision.

(xii) ~~Add note from 20-811(f) regarding underground utilities~~

(3) **~~Streets; Sites~~ Proposed Improvements**
The Preliminary Plat shall further show the following:

(i) Proposed Streets (including location, width, names, approximate grades), and their relation to Platted Streets or to proposed Streets as

Comment [sms88]: do we need both – def is basically the same?

Comment [sms89]: Reqmt for note is listed in 811 Public Improvements, should be included here

Comment [sms90]: Moved this to Supplemental Info (4) below

shown on any Watershed/Sub-basin Plan, sector or Neighborhood Plan of adjacent property.

(ii) Easements, showing width and general purpose;

(iii) **Layout of all new municipal utilities proposed to serve the subdivision;**

(iv) Blocks and Lots, showing approximate dimensions and proposed Block and Lot numbers;

(v) Sites designated for other than single-family use by the adopted comprehensive or appropriately adopted Watershed/Sub-basin Plan, Sector or Neighborhood Plan. (Such plan shall be referenced on the face of the Plat);

(vi) Sites proposed for Dedication as drainageway, park, school, or other public purposes;

(vii) Sites proposed by the Applicant for land uses not in conformance with adopted comprehensive or neighborhood plans accompanied by a note on the face of the Plat stating that approval of the Preliminary Plat does not certify approval of these proposed land uses.

(viii) If requested by Planning Staff, the Building Envelope for proposed Lots.

a. ~~Any~~ Lots that ~~is~~ **are** not rectangular or that ~~has~~ **have** a single dimension of less than 55 feet shall ~~show~~ **include** the Building Envelope permitted under the current Zoning District regulations~~;~~. **A typical Building Envelope diagram may be provided where the majority of Lots are the same size.**

b. ~~A~~**a** note referring to such Building Envelope shall be included on the face of the Preliminary Plat regarding ~~filed on a separate document in the Planning Department shall identify~~ the applicable Zoning District and the date of the Zoning provisions on which the preparer has relied in designating the Building Envelope.

(4) **Supplemental Data**

The following supplementary data and information shall be submitted with the Preliminary Plat or be included thereon:

(i) A table, shown on the face of the Plat, including this data:

a. Gross acreage of the Subdivision;

b. Acreage within each Zoning District;

c. Acreage to be dedicated for Streets or roads, if any;

d. Acreage to be dedicated for public uses other than roads, if any;

e. Total number of building Lots;

f. Maximum, minimum, and average Lot size; and

g. Phasing schedule if proposing phasing of final platting.

Comment [sms91]: Clarity --

Comment [CoL92]: From 810(a) Design of Lots – more applicable here & in Final Plat contents than in Design Standards

(ii) A statement on the face of the Plat, stating the method to be used for financing Public Improvements in the Subdivision and providing references to statutes, covenants or other sources for further information on the details of such financing. Such statement shall contain a heading ~~in at least 24 point type~~ saying "Provision and Financing of Roads, Sewer, Water and Other Public Services~~." The rest of the statement shall be set out in at least 12 point type~~. At a minimum such statement shall indicate:

a. Whether the Subdivision will have public Streets and roads, Private Streets and roads or a combination thereof;

b. Whether the Subdivision will provide connections to a Public Water source (naming the source);

c. Whether the Subdivision will provide connections to a public system for wastewater treatment (naming the system) or will rely on On-Site Sewage Management Systems or other on-site wastewater treatment systems;

d. Whether purchasers of Lots in the Subdivision will be subject to special assessments or other costs or fees specific to the Subdivision to pay for the capital costs of Streets, roads, water lines and treatment, and/or wastewater lines and treatment; and

e. Whether the provision of improved roads, water service and/or wastewater service will depend in any way on a vote, petition or other collective action of property Owners in the Subdivision.

(iii) A separate narrative, explaining in detail the general nature and type of Public Improvements proposed for the Subdivision, and the manner by which the Subdivider intends to provide for their installation, as for example, by Public Improvement Petition, actual construction, escrow deposit, or performance bond. If other than by Public Improvement Petition, the approximate time for completion of such Improvements should be indicated.

(iv) Notation on the face of the plat that all new telephone, cable television and electrical lines (except high voltage lines) must be located underground when in the City of Lawrence or in Lawrence Urban Growth Area.

(v) Notation on the face of the plat that the developer is responsible for the cost of any relocation of existing utilities, if necessary to serve the proposed subdivision.

(5) Stormwater Drainage – City of Lawrence

(i) Supplemental Data

The Preliminary Plat shall contain data, information and supplemental maps of surrounding property in sufficient detail regarding storm water drainage issues, as determined by the ~~Staff of the Planning Department~~ Planning Director or the Planning Commission. The ~~Staff of the Planning Department~~ Planning Director or the Planning Commission may request additional data, information and supplemental maps from the Applicant regarding storm water drainage, as appropriate.

Comment [sms93]:

Comment [sms94]: Do we still think we need to specify font size?

Comment [sms95]: Requirements from 20-811(f) (1)

Comment [sms96]: Requirements from 20-811(f) (2)

(ii) **Minimum Floor Elevations**

On lots adjacent to all Drainage Easements and on drainageways that are designated by the Director of Public Works or his or her designee, the Preliminary Plat ~~and Final Plat~~ shall indicate:

a. The required minimum habitable floor elevations for Structures on Lots; or,

b. The minimum elevation for a foundation opening(s) which shall be certified by a licensed land Surveyor or Engineer.

c. A note that states: ~~[~~If a Basement is built on a Lot where a minimum elevation has been established, the building design is encouraged to incorporate a sump pump.~~]~~

(g) **Review and Action by the Planning Commission**

(1) The Planning Commission shall conduct the review of the application at the meeting at which it is scheduled by the Planning Director, unless the Subdivider ~~shall~~ requests deferral to a future meeting. The Planning Commission shall **determine if the Preliminary Plat conforms to the requirements of the Subdivision Regulations and such determination shall be made within 60 days after the first meeting the Planning Director has placed the submitted plat on a Planning Commission agenda for action.** ~~take final action on the Preliminary Plat at a meeting occurring not later than 60 days after the date of receipt of a complete application by which the Planning Director has determined is ready to be placed on an agenda for the Planning Commission's initial receipt of the Preliminary Plat. that the Planning Director has found to be a complete application.~~

(2) If the Planning Commission finds that the proposed ~~Major Subdivision~~ **Preliminary Plat** conforms to all of the criteria set forth in Section ~~20-804(d),~~ **20-809(d)** the Planning Commission shall approve the Preliminary Plat.

(3) If the Planning Commission finds that the proposed ~~Major Subdivision~~ **Preliminary Plat** fails in any way to conform to the standards set forth in ~~this paragraph,~~ **Section 20-809(d),** the Planning Commission shall, by motion, deny approval to the proposed Preliminary Plat and shall state in the motion the reason(s) for that denial.

(4) The Planning Director shall give written notice to the Subdivider of the action of the Planning Commission. If the Preliminary Plat has been disapproved, or conditionally approved, the notice shall specifically state the ways in which the ~~Major Subdivision or the~~ Preliminary Plat fails to conform to these Subdivision Regulations.

(5) If the deficiency or other reason for denial can be cured through action of the Applicant, the Applicant may submit a revised application and Preliminary Plat within 60 days after receipt of the written notice and shall not be required to pay a further fee. In case of a resubmission, the Planning Commission shall consider the resubmitted application at the next meeting occurring at least 21 days after receipt of the complete resubmission by the Subdivider.

Comment [sms97]: Added separate reqmt in Final Plat contents

Comment [sms98]: Reformated into list form

Comment [s99]: DETERMINE IF THE PP CONFORMS TO THE SUB REGS

Comment [s100]: CHECK STATUTE LANGUAGE

Comment [sms101]: Sentence did not read correctly, trying to state the intention – 60 days starts from when PC first has it before them on an agenda

Comment [sms102]: correction

(6) If the Planning Commission fails to act on the Preliminary Plat within 60 days of the date of their first meeting occurring after the receipt of a Preliminary Plat **on their agenda**, ~~determined to be a complete application by the Planning Director~~, the Subdivider may, by letter, apply to the Planning Director for a "Certificate of Deemed Approval". If the Planning Director finds that a complete application was received at least 60 days before the date of the letter **and placed on a Planning Commission agenda,** and that no action has been taken by the Planning Commission, the Planning Director shall issue a "Certificate of Deemed Approval" indicating that "this Preliminary Plat shall be deemed approved due to a failure of the Planning Commission to take timely action in accordance with K.S.A. 12-752(b)."

Comment [sms103]: Awkward text – clarify that the 60 days is from PC receipt rather than submittal to office

(h) **Phasing for Final Plats**

(1) A Preliminary Plat may, at the option of the applicant, contain a proposed schedule for submitting Final Plat applications in phases. The Planning Commission may approve the proposed phasing plan if it finds that:

(i) The area represented by each proposed phase is of sufficient size to permit the economical installation of Public Improvements;

(ii) All parts of the necessary public and private improvements plans to serve the ~~Major Subdivision~~ ~~Preliminary Plat~~ **Subdivision** will be provided concurrently with the phase which will first be served by those improvements or part thereof, or with an earlier phase; and

(iii) ~~Dedication of~~ **All perimeter rights-of-way shall be dedicated for the entire Preliminary Plat ~~occur~~ with the first Final Plat phase of the approved Preliminary Plat.**

Comment [sms104]: This step takes care of the concern that had led to all dedications with prelim plats in existing regs.

(iv) ~~That the application for the last phase of the Final Plat will be due no later than the end of the fifth year after approval is given for the Preliminary Plat.~~

Comment [sms105]: Reference to vesting. 801(e)(4) refers to KSA 12-764 which was amended in 2009.

Comment [sms106]: Do we really need to track prel plat for future phases? Usually, the later phases have changed circumstances and a revised prelim is required.

(i) **Effects of Approval by the Planning Commission**

(1) Approval of the Preliminary Plat by the Planning Commission shall constitute approval of "the Plat" for purposes of K.S.A. 12-752~~(b)~~, subject only to the following:

(i) Submission of a Final Plat, in the form and containing all of the information required by **Section** ~~20-812(b)~~**20-809(k).** The Final Plat shall be ~~consistent~~ **in substantial compliance** with the Planning Commission's approval of the Preliminary Plat, including satisfying any conditions imposed on that approval; and

(ii) Completion of Street/Roads, roads and Public Improvements required by the terms of the approval of the Preliminary Plat, or provision of satisfactory Guarantees of Completion of Improvements, in accordance with Section 20-811~~(g)(8)~~ **(h)**(2). ~~; and~~

Comment [sms107]: Correct reference

(iii) ~~Development of Building Envelopes and drainage plans consistent with these Building Envelopes; and~~

Comment [sms108]: Is this subsection needed? If Final Plat must comply with approved Prelim, these items are covered.

(iv) ~~Acceptance (or rejection) of all proposed Dedications by the Governing Body.~~

(j) ~~**Preliminary Plat – Review and Action by Governing Body**~~

(1) ~~A Preliminary Plat that has been approved by the Planning Commission shall be submitted to the Governing Body, as applicable, for its consideration of acceptance of the Dedication of Street/Roads and other public ways, service, and utility Easements and any land dedicated for public purposes.~~

(2) ~~The Governing Body shall accept or refuse the Dedication of land for public purposes within 30 days after the first meeting of the Governing Body following the date of the Preliminary Plat's submission to the Clerk of the appropriate Governing Body. The Governing Body may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. No additional review and recording fees shall be assessed during that period.~~

(3) ~~If the Governing Body defers or refuses these Dedications, it shall advise the Planning Commission of the reasons thereof.~~

(4) ~~Failure of the Governing Body of the city or of the county to accept affirmatively a Dedication shown on the Preliminary Plat shall be deemed to be a refusal of the proposed Dedication.~~

(5) ~~The respective Governing Bodies maintain full legislative discretion to reject any proposed Dedication, regardless of the approval of the Preliminary Plat. If the Governing Body rejects part or all of a proposed Dedication, the Subdivider may amend the Preliminary Plat and resubmit it for consideration by the Planning Commission without the rejected Dedication; if the Subdivider takes no action within 60 days of the rejection of any proposed Dedication, it shall constitute failure of a material condition of the approval of the Preliminary Plat and the Preliminary Plat shall be deemed to have been rejected.~~

(j) **Preliminary Plat Expiration**

(1) Approval of a Preliminary Plat by the Planning Commission shall expire ~~on the later of the following~~:

(i) ~~Eighteen~~ **Twenty four** months from the date approval was granted, unless a complete application for Final Plat is submitted by that approval date. ~~; or~~

(ii) ~~Any application due date as shown on an approved phasing schedule, unless a complete application for Final Plat is submitted by that due date.~~

(2) Upon application by the Subdivider, the Planning Commission may, if the cause of failure of the Subdivider to submit a Final Plat is beyond the Subdivider's control, grant an extension of the time beyond this period, for a **24 month period for good cause shown. Such request for extension must be submitted to the Planning Director prior to the**

Comment [sms109]: Eliminate since Prelims won't go to GB, Final will be placed on GB agenda for acceptance prior to admin approval – content of this section moved to 20-809(n) Final Plat Action by Gov Body

Comment [sms110]: This section seems really hard to manage and administer. Easier to lengthen approval process and permit extensions.

Comment [sms111]: Use language we used in site plan section for consistency.

expiration of the 24 month approval period. ~~not to exceed one additional year.~~

(i) The Planning Director shall place such request, with any recommendation, on the next available Planning Commission agenda based on the adopted submittal schedule.

(ii) The Planning Director shall notify the applicant by mail of the date of the proposed consideration by the Planning Commission. Mailed notice of the extension request shall also be provided by the Planning Office in accordance with Section 20-802(d). On that date, the Planning Commission shall hear from the applicant and the Planning Director and may hear from other interested parties.

Comment [sms112]: Added process and notice similar to 20-1301

(3) ~~If a Preliminary Plat expires under this sub-section after one or more Final Plats for a phased subdivision have been approved, then only that portion of the Preliminary Plat that relates to the phases with respect to which no Final Plat has been approved shall expire.~~ If a Final Plat has not been submitted, approved, and filed within this ~~18~~-**24-**month period, or within an extension period, a Preliminary Plat must be resubmitted to the Planning Commission, reviewed and considered by the Planning Commission in accordance with the procedures set forth herein.

Comment [sms113]: Once a final is filed, the remainder of the prelim should be good until revised or completely finaled out.

(k) **Final Plat – Application**

The Subdivider may initiate review of the Final Plat at any time after approval of the Preliminary Plat by the Planning Commission, including satisfaction of all conditions of Preliminary Plat approval. The Final Plat shall be processed in accordance with the provisions of Section 20-809~~(l)~~**(m).**

(1) ~~The Final Plat shall be submitted with an application form provided by the Planning Director. The application shall contain all of the materials required by Section 20-812(b) 809(l), as well as any additional materials required by the application form provided by the Planning Director.~~

Each application shall be accompanied by:

(i) The applicable filing fee;

(ii) A completed Major Subdivision-**Final Plat** application form;

(iii) The required number of paper copies **and an electronic copy of** ~~for~~ a complete submission of a Final Plat; and

(iv) All of the materials required by Section 20-~~812(b)~~ **809(l),** as well as any additional materials required by the application form provided by the Planning Director.

(2) The Final Plat application shall be accompanied by all required fees;~~,~~ ~~including~~ **however**, the fees necessary for recording the Final Plat **may be submitted after approval**; ~~and~~

(3) The Final Plat shall be in the format and contain the information required by Section ~~20-812(b)~~ **20-809(l),** except that the Subdivider, at the Subdivider's

discretion, may delay submission of the final recording and electronic copies of the Final Plat until final action on the Final Plat by the Planning Director and, if applicable, by the Governing Body~~.~~; and

(4) **For Final Plats which represent only a phase of an approved Preliminary Plat and include minor revisions from the approved Preliminary Plat, as reflected in 20-809(m)(2)(i), a revised Preliminary Plat that includes the proposed revisions shall be submitted with the Final Plat application for record keeping purposes.**

Comment [sms114]: This becomes our new base PP for review of future final plats.

Comment [sms115]: Staff suggestion instead of Chamber inclusion in list of 'substantial compliance' criteria

(l) Final Plat Contents

(1) Format

The Final Plat shall be prepared by a licensed Land Surveyor with black ink on permanent reproducible material meeting the current standards provided by the Register of Deeds. All drawings and signatures of certification shall be in waterproof ink. The overall sheet size shall be 24 inches by 36 inches. ~~The scale shall be one inch equals 100 feet or less.~~

Comment [sms116]: Do we need to specify?

(2) Material to be Included

The Final Plat shall show:

~~Name under which the Subdivision is to be recorded;~~

(i) Descriptive information, which shall:

a. State the name of the proposed Subdivision;

b. Show date of preparation, north arrow and graphic scale;

c. Give a legal description of the proposed Subdivision complete with section, township, range, principal meridian, county, and acreage. Show the location of the nearest section and/or quarter-section corner on the Plat, with a description tying it to the point of beginning for the Subdivision.

(1) A replat shall not be required to be referenced to a section and/or quarter-section corner, provided the original Plat for the subject replat is tied to at least one of these corner monuments;

d. Show names of adjoining Subdivisions or, in the case of unplatted land, the names of the Owner or Owners of adjoining property;

e. Easements, showing width and general purpose;

f. Sites proposed for Dedication as drainageway, park, school, or other public purposes;

(ii) In addition, the following information is required which is similarly required on the Preliminary Plat:

a. Location of any area zoned Floodplain or within a Floodplain Overlay District zoning district;

b. Boundaries of significant stands of mature trees, Jurisdictional Wetlands, historic sites and Archaeological Sites on the property proposed for subdivision; protected environmentally sensitive lands as shown on the preliminary plat.

c. For properties within the City, the environmentally sensitive lands shall be located within a tract or easement and the plat shall contain information regarding ownership and maintenance of the tract or easement as well as the protection measures for the environmentally sensitive lands.

d. For properties within the unincorporated portions of the County, the plat shall include a building envelope which excludes the environmentally sensitive lands and one of the following: a note that a Temporary Set Aside Agreement or permanent Conservation Easement which contains use restrictions and maintenance and protection measures has been recorded for the environmentally sensitive lands and the Book and Page Number for the recorded Temporary Set Aside Agreement or permanent Conservation Easement; or the protected environmentally sensitive lands shall be placed within easements or tracts and the plat shall note the ownership, maintenance responsibility and protection measures of the protected lands.

e. Proposed Streets (including location and proposed names), and their relation to Platted Streets or to proposed Streets as shown on any adopted general Development plan of adjacent property; and,

f. Block and Lot numbers and dimensions of Blocks and Lots.

Comment [sms117]: Text from TA-06-12-08

(iii) ~~In addition, the following information is required which is similarly required on the Preliminary Plat:~~

a. ~~Location of any area zoned Floodplain or within a Floodplain Overlay District zoning district;~~

b. ~~Boundaries of significant stands of mature trees, Jurisdictional Wetlands, historic sites and Archaeological Sites on the property proposed for subdivision;~~

c. ~~Proposed Streets (including location and proposed names), and their relation to Platted Streets or to proposed Streets as shown on any adopted general Development plan of adjacent property; and,~~

d. ~~Block and Lot numbers and dimensions of Blocks and Lots.~~

(iv) Accurate dimensions for all lines, angles, and curves used to describe boundaries, Streets~~.~~, Easements and areas to be reserved for public use. Data for all curves shall include radius, arc length, chord length, and central angle;

(v) For land located in a Floodplain, as defined and regulated under Chapter 20, Article 12 of the City Code and ~~the comparable provisions adopted by~~

~~resolution in~~ Section 12-328 of the Zoning Regulations for the Unincorporated Area of Douglas County, the following:

a. The total area of each Lot located in the designated Floodplain;

b. The Minimum Building Elevation and Minimum Elevation of Building Opening, as determined from Chapter 20, Article 12 **of the City Code** or ~~the applicable County Floodplain regulations~~. Section 12-328 of the Zoning Regulations for the Unincorporated Area of Douglas County.

(vi) On lots adjacent to all Drainage Easements and on drainageways that are designated by the Director of Public Works or his or her designee, the Final Plat shall indicate:

a. The required minimum habitable floor elevations for Structures on Lots; or,

b. The minimum elevation for a foundation opening(s) which shall be certified by a licensed land Surveyor or Engineer.

c. A note that states: ~~[~~If a Basement is built on a Lot where a minimum elevation has been established, the building design is encouraged to incorporate a sump pump.~~]~~

(vii) For any Lot including or adjacent to a lot including environmentally sensitive lands (~~see Section 20-1101(c)(iii)),~~ as defined in Section 20-810~~(i)~~**(k)** [County Code Section 11-110~~(i)~~(**k**)] designation of a Building Envelope within which a building may be built after compliance with all applicable setback, floodplain and sensitive land standards;

(viii) ~~For any Lot including or adjacent to a lot including sensitive lands (see Section 20-1101(c)(iii)),as identified in Section 20-810(i)& (j), designation of a Building Envelope within which a building may be built after compliance with all applicable setback, floodplain and sensitive land standards;~~

(viii) The dated signature and seal of the licensed Land Surveyor responsible for the survey and ~~the Final Plat shall contain~~ a note stating: "This survey conforms to the Kansas Minimum Standards for Boundary Surveys";

(ix) Acknowledged certifications on the face of the Final Plat as listed below (may be combined where appropriate):

a. A certificate signed by all parties having any record, title or interest of record in the land subdivided, showing their consent to the preparation and recording of the Plat;

b. A certificate, signed by the Owner or Owners, dedicating all parcels of land which are intended for public use;

(x) The endorsement of the Planning Commission as evidenced by the signature of its Chairperson;

(xi) Acceptance of Dedication by the appropriate Governing Body, as indicated by the signature of the Chairperson of the Board of County Commissioners, the Mayor or another Person authorized to sign on behalf of either;

Comment [sms118]: Added same section that was in Prelim rather than have the requirement to place on Final Plat be listed under Prelim contents

Comment [sms119]: From TA-06-12-08

(xii) As a separate document, a certificate that all taxes and special assessments due and payable have been paid.

a. In the case of unpaid special assessments, a proposed redistribution of such unpaid special assessments which meets the county or city's requirements and is acceptable to the County or City Clerk and County or City's Public Works Director.

(xiii) A note shall be placed on the Final Plat indicating that additional information concerning drainage and structural elevations are placed on the Preliminary Plat, if such requirement has been placed on the Preliminary Plat.

(xiv) A line shall be provided on the plat for the review date and signature of the County Surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005".

(xv) A reference line shall be provided on the plat indicating the book and page where the Master Street Tree Plan is recorded at the Register of Deeds.

(xvi) A note shall be placed on the Final Plat designating any lots abutting a Half-Street and that take sole access from that public right-of-way as non-buildable in accordance with Section 20-810(d)(9)(ii).

(3) Evidence shall be submitted with the Final Plat ~~showing compliance with the requirements for public improvements in Section 20-811~~ providing one or more of the means of ensuring completion of required Public Improvements identified in Section 20-811(h).

Comment [sms120]: Requirement previously listed in 2-810(d)(8)(iii) – should be listed here as a requirement of plat contents

Comment [sms121]: Moved from 20-811(e) and broadened to encompass all public improvements.

(m) **Final Plat – Review and Action by Planning Director**

(1) After approval or approval with conditions of a Preliminary Plat by the Planning Commission **and prior to final approval of public improvement plans**, the Subdivider shall have prepared for recording a Final Plat, which is consistent with the action of the Planning Commission and with the formatting and content requirements of Section ~~20-812(b)~~**20-809(I).** ~~The Planning Director shall review the Final Plat for incorporation of the Planning Commission's recommendations and comments and to insure that the Final Plat is in the required format.~~

(2) If the Planning Director finds that the submitted Final Plat conforms with the content requirements of Section ~~20-812(b)~~20-809(I) and is ~~consistent~~ **in substantial compliance** with the Preliminary Plat approved by the Planning Commission, including satisfying any conditions incorporated in that approval, the Planning Director shall approve the **Final** Plat and attach to it a formal certification that the submitted Final Plat:

(i) ~~**Conforms to**~~ **Is in substantial compliance with** the Preliminary Plat ~~previously~~ approved by the Planning Commission. **The Final Plat shall be deemed to be in substantial compliance with the previously approved Preliminary Plat if one or more of the following criteria are met, as applicable:**

a. No change.

b. Increase or reduction, less than or equal to ten percent, of the number of ~~proposed~~ approved lots, parcels or tracts shown within the ~~equivalent portion(s)~~ approved phase of the Preliminary Plat.

~~c.~~ Minor ~~a~~ adjustments to rights-of-way lines, easement lines and/or property lines to account for technical changes related to the proposed public improvement plans~~. in accord with applicable street classification standards, easement width and location criteria, the Subdivision Regulations, dimensional and lot area requirements, density requirements, and with variances and/or waivers which may have been granted with previous approval of the equivalent portion(s) of the Preliminary Plat.~~

d. Modifications to easements and rights-of-way when ~~Preservation of~~ the general form of the approved Preliminary Plat with regard to overall layout, public and/or private vehicular and pedestrian connection, area set aside for public space and/or open space, and required utility corridors is maintained.

~~e. Determination by the Planning Director as to whether above described changes, if applicable, are required to be retroactively included in a revised Preliminary Plat for Planning Office records.~~

(ii) Satisfies any conditions of approval imposed by the Planning Commission;

Comment [sms122]: Subsection with most of **Chamber suggestions (shown in red), Staff suggestions shown in green**

Comment [sms123]: PIPs must be in public works for review and nearly ready for approval before final plat is filed

Comment [sms124]: Moved contents to this section

Comment [sms125]: Included this in 809 (k) (4) above

(iii) Includes the same **proposed** Dedications ~~accepted by the Governing Body,~~ subject ~~**only**~~ to minor technical adjustments **as described in Section 20-809(m)(2)(i)(a) through (d ~~e~~), above**;

(iv) ~~Satisfies any conditions of acceptance of Dedications imposed by the Governing Body;~~

(iv) Represents a plat for which all required Public Improvements have been completed, or for which adequate Guarantee of Improvements has been provided **as identified in Section 20-811(h)**; and

(v) Is otherwise consistent with the requirements of this Article for a Final Plat.

(3) If the Planning Director finds that the submitted Final Plat is deficient as to format or content or otherwise technically deficient, the Planning Director shall notify the Subdivider of the deficiency(ies) within 5 working days.

Comment [sms126]: 802(f) indicates 7 + 2 working days – not consistent with rest of dev code -- Changed to 5 in 802

(4) If the Planning Director finds that the submitted Final Plat does not substantially comply with the approved Preliminary Plat, including any conditions incorporated in such approval, and with the **proposed** Dedications shown on the Preliminary Plat ~~and accepted by the appropriate Governing Body~~, **subject to Section 20-809(m)(2)(i)(a) through (d), ~~above~~**, the Planning Director shall place the Final Plat on the agenda of the next Planning Commission meeting **following the notice provisions of Section 20-802(d),** for further consideration in accordance with the Preliminary Plat review and action provisions of Section ~~20-804(c)(2)~~. **20-809(g).**

(5) The Planning Commission approval of the Preliminary Plat combined with the Planning Director's approval as to form and ~~consistency~~ **substantial compliance** with the approved Preliminary Plat shall constitute Planning Commission approval of the Final Plat. No further action by the Planning Commission shall be necessary or required.

Comment [sms127]: This new section is basically the 'Action by Gov Body' section previously identified at prelim plat stage. [former section 20-809(i)]

(n) Final Plat – Review and Action by Governing Body

(1) A Final Plat that has been approved by the Planning Director shall be submitted to the Governing Body, as applicable, for its consideration of acceptance of the Dedication of Street/Roads and other public **rights-of-**ways, service, and utility Easements and any land dedicated for public purposes.

(2) The Governing Body shall accept or refuse the Dedication of land for public purposes within 30 days after the first meeting of the Governing Body following the date of the Final Plat's submission to the Clerk of the appropriate Governing Body. The Governing Body may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. No additional review and recording fees shall be assessed during that period.

(3) If the Governing Body defers or refuses these Dedications, it shall advise the Planning ~~Commission~~ Director of the reasons thereof.

Comment [sms128]: Correction

(4) Failure of the Governing Body of the city or of the county to accept affirmatively a Dedication shown on the Final Plat shall be deemed to be a refusal of the proposed Dedication.

(5) The respective Governing Bodies maintain full legislative discretion to reject any proposed Dedication, regardless of the approval of the Fianl Plat. If the Governing Body rejects part or all of a proposed Dedication, the Subdivider may amend the Final Plat and resubmit it for consideration by the Planning Director without the rejected Dedication; if the Subdivider takes no action within 60 days of the rejection of any proposed Dedication, it shall constitute failure of a material condition of the approval of the Final Plat and the Final Plat shall be deemed to have been rejected.

(o) **Signatures on Final Plat**

If the Planning Director has approved and certified the Final Plat in accordance with Section 20-809~~(l)~~**(m)**, the Planning Director within 5 working days of receipt of the recordable copies of the Final Plat, shall submit the Final Plat to the Chair of the Planning Commission and to the Mayor or Chairperson of the Board of County Commissioners, as applicable, for signatures. Each of these persons shall, if he or she accepts the certification of the Planning Director, sign the Final Plat, including the "Acceptance of Dedications" certificate; if any of these persons refuse to sign the Final Plat, he or she shall refer the Final Plat to the Planning Commission for consideration at its next meeting in accordance with the requirements of Section ~~20-809(e)~~**20-809(g),** together with a memorandum explaining the reasons why such person refused to sign it.

(p) **Processing after Approval of Final Plat**

(1) After all signatures have been obtained **and all other requirements of this Article have been completed**, the Planning Director shall forward the recordable copy of the Final Plat to the Register of Deeds for recording. The recorded version of the Plat shall bear the endorsements ~~herein~~ provided **in** ~~(see Section 20-812(b)(2))~~ Section 20-809(I) including the endorsement by the Governing Body accepting the Dedications.

(2) Upon approval and acceptance of all Final Plats that create new Street/Roads **or other public improvements**, ~~if a Major Non-Residential Subdivision in the Unincorporated Area of Douglas County, Kansas,~~ detailed Street/Road **and/or utility** plans shall be submitted to **and approved by either the County Engineer or City Engineer, as applicable**~~,and, if the Major Subdivision is in the City, detailed Street/Road plans shall be submitted to and approved by the City Engineer for approval~~ prior to ~~filing~~ **recording** of the **Final** Plat, and these plans shall include the following:

(i) Plan, profile, ditch grades, and cross-sections of all Street/Roads, Alleys and other public ways; and,

(ii) Drainage areas and size and length of cross-road drainage Structures.

(3) Prior to the Final Plat being recorded with the Register of Deeds, a digital version of the Plat shall be submitted to the Planning Director in a format approved by the ~~Director of~~ Planning Director. The digital file shall be

Comment [sms129]: ~~Should we break this into 2 parts since it is County and City – easier to track the specific requirements that way and~~ emphasize the need for PIPs to be approved prior to filing -- Statute requires construction or guarantee of public improvements for the subdivision – PIPs must be close to approval in order to provide a reasonable cost estimate for guarantee

registered to the State Plane Coordinate Grid System used by the city and county. ~~Any Final Plat not submitted in a digital format will be converted by the City or County, and the cost for conversion will be paid by the Applicant before the Plat can be recorded at the Register of Deeds~~.

(4) Errors found in closure **or internal dimensions** shall be corrected prior to ~~filing~~ **recording** the Final Plat **at the Register of Deeds**.

(5) ~~Approval of a Final Plat by the Planning Director Commission and acceptance of Dedications by the appropriate Governing Body shall be effective for no more than 18 **24** months from the date of acceptance unless all conditions of approval have been completed. unless an extension has been granted by the Planning Director for good cause. Such request for extension must be submitted prior to the expiration of the original approval.~~

Comment [sms130]: Relocate to new section below

(q) Final Plat Expiration

(1) **Approval of a Final Plat by the Planning Director ~~Commission~~ and acceptance of Dedications by the appropriate Governing Body shall be effective for no more than ~~18~~ 24 months from the date of acceptance unless all conditions of approval have been completed, unless an extension has been granted by the Planning Director for good cause.**

(2) **Such request for extension must be submitted to the Planning Director prior to the expiration of the original 24 month approval period.**

20-810 Subdivision Design Standards

(a) General

(1) Applicability

All Subdivisions shall comply with the Design ~~and Improvement~~ Standards of this Section and **the Public Improvement Standards of 20-811.** ~~20-810(j).~~

Comment [sms131]: I think this is an error – perhaps referring to 20-811 Public Improvements. But why not just say with the standards of this article and the applicable standards of the city or county code?

(2) Design of Lots

(i) Lots shall be laid-out and designed to comply with all applicable zoning district regulations. The size, width, depth, shape, and orientation of each Lot in a Subdivision shall also take into consideration Topography (steepness of slope and gradient), physical features, type of use contemplated and effect on adjacent Lots.

(ii) Lots for commercial and industrial use shall be of size and arrangement to allow for off-Street/Road parking and loading facilities.

(iii) Double-Frontage and reverse-Frontage Lots shall be avoided except where they are necessary to provide for the separation of residential Development from Collector and Arterial Street/Roads or to overcome ~~or take advantage of specific disadvantages~~ **challenges** of steep Topography and orientation.

Comment [sms132]: Odd wording

Comment [sms133]: Existing text, just made a sub-part to iii for ease in reading

a. A planting screen Easement of a minimum 20 feet, with or without a berm, shall be provided along the portion of the Lots abutting such an Arterial Street/Road if required by the Planning Commission.

(iv) Corner Lots shall be a minimum of 20% wider than **the minimum lot width required in the applicable zoning district** ~~interior Lots~~ to allow for appropriate building setbacks and sufficient yard space.

(v) ~~Any Lot that is not rectangular or that has a single dimension of less than 55 feet shall show the Building Envelope permitted under the current Zoning District regulations; a note to such Building Envelope filed on a separate document in the Planning Department shall identify the applicable Zoning District and the date of the Zoning provisions on which the preparer has relied in designating the Building Envelope.~~

Comment [CoL134]: Adding to Prelim Plat requirements in 20-812 –

(vi) ~~Lawrence Residential lots shall not be created where the width at the street right-of-way line is less than 75% of the depth of the lot except where the established neighborhood pattern would support a lesser percentage or the lot front onto a cul-de-sac.~~

Comment [sms135]: Is this reasonable? For a lot that is 120' deep, width would need to be 90' – not typical pattern and seems like it might encourage sprawl? For instance, not achievable in RS3 – 25' width x 120' depth = 3000sf

(3) Plans for Resubdivision

(i) Whenever an area is divided into **residential** Lots with a lot area of one acre or greater, and there is a possibility that such Lots may eventually be re-subdivided into smaller Lots, consideration shall be given to the Street, and Lot arrangement of the original Subdivision so that additional Streets can be opened later to permit a logical arrangement of smaller Lots.

(ii) Provision of Easements or right-of-way for the future opening and extension of such Streets and for gravity sewersage and stormwater drainage shall~~, upon recommendation of the Planning Commission and approval of the Governing Body,~~ be made a condition of Preliminary Plat approval.

(b) Frontage ~~and Access~~

~~All Lots shall have Frontage on a public Street except that:~~

Frontage shall be provided to all Lots on a public street unless lot frontage is approved on a private street as part of a Planned Development.

(1) ~~All Lots shall have Frontage on a public Street except that:~~

(i) ~~Private Streets may only be approved as part of a Planned Developments and~~

(ii) ~~Private Streets are not allowed in the unincorporated area of the County; and,~~ Moved to Streets (d)

(c) Access

(1) **City of Lawrence**

For Lots located within the City, access shall be **provided** directly from a street or as follows:

(i) An alley may provide the primary vehicular access to one or more Lots in a subdivision, provided that each such Lot shall have Street Frontage on a Public Street unless designed as part of a Planned Development.

(ii) Alley access is particularly appropriate where the Street Frontage for the Lot is on a Collector or Arterial Street.

(iii) Residential shared driveways are permitted when a recorded access easement is provided.

(iv) Joint-Use Driveways in Lawrence with a minimum paved width of 24 feet may be approved as part of the Subdivision approval process for campus-like commercial or industrial Developments (e.g., shopping centers, industrial/business parks), if there is a city approved easement of record ensuring perpetual access to the Joint-Use Driveway by all Lots with Street Frontage and providing for the perpetual ownership, continuance and maintenance of the Joint-Use Driveway.

(v) Joint-Use Driveways shall not be considered as parking or loading space or as an aisle for access to individual parking spaces in computing conformance with the parking requirements of the ~~Zoning Ordinance~~ **Development Code**.

(vi) Joint use access points may be approved within Lawrence ~~or the unincorporated area of the County~~ when located wholly within the dedicated public street right-of-way ~~or public road easement~~.

Comment [sms136]: Seems out of place

Comment [sms137]: These sub parts may be redundant since Private Streets are addressed in 20-810(9) – should we delete here and just say all lots must have frontage on public streets unless part of an approved PD?

Comment [sms138]: Reformatted sentence. It seems to just be one of the elements under this heading.

Comment [sms139]: Created new sub-section to separate Frontage from Access.

Comment [sms140]: HERE OR IN ALLEYS SECTION?

Comment [sms141]: Not sure this is accurate, since concept is that lots are on the easement.

Comment [sms142]: ???

(2) **Unincorporated Area of the County**

For Lots located within the Unincorporated Areas of the County, access shall be directly from a road or as follows:

(i) Joint-Use Driveways are not permitted in the unincorporated area of the County.

(ii) ~~Joint Use~~ Shared Driveway Approaches serving residential uses may only be approved with the filing of an instrument for joint maintenance of the driveway approach area and only when individual driveways are separately maintained beyond the ~~Street~~ Road easement or right-of-way line.

(iii) Joint use access points may be approved ~~within Lawrence or the unincorporated area of the County~~ when located wholly within the dedicated public ~~street~~ right-of-way or public road easement.

(1) ~~Joint Use Driveways in Lawrence with a minimum paved width of 24 feet may be approved as part of the Subdivision approval process for campus-like commercial or industrial Developments (e.g., shopping centers, industrial/business parks), if there is a city approved easement of record ensuring perpetual access to the Joint Use Driveway by all Lots with Street Frontage and providing for the perpetual ownership, continuance and maintenance of the Joint Use Driveway.~~

(2) ~~Joint Use Driveway approaches serving residential uses may only be approved with the filing of an instrument for joint maintenance of the driveway approach area and only when individual driveways are separately maintained beyond the Street right of way line.~~

(3) ~~Joint Use Driveways are not permitted in the unincorporated area of the County.~~

(4) ~~Joint Use Driveways shall not be considered as parking or loading space or as an aisle for access to individual parking spaces in computing conformance with the parking requirements of the Zoning Ordinance.~~

(5) ~~An alley may provide the primary vehicular access to one or more Lots in a subdivision, provided that each such Lot shall have Street Frontage on a Public Street. Alley access is particularly appropriate where the Street Frontage for the Lot is on a Collector Street.~~

(6) ~~Joint use access points may be approved within Lawrence or the unincorporated area of the County when located wholly within the dedicated public street right-of-way or public road easement.~~

Comment [sms143]: Recognize that we are not addressing RDPs here – this is where some of design standards seem to get mixed in with Cert of Surveys …. **Do or should the subdivision design standards apply to C of S?**

Comment [sms144]: These were part of (2) above – seem to deserve their own numbers since each is a different restriction

(d) Blocks

(1) General

The lengths, widths, and shapes of Blocks shall be determined with due regard to:

(i) Limitations and opportunities of Topography and other physical features such as utilities, floodplains, **Jurisdictional** Wetlands and natural storm drainage patterns;

(ii) Provision of building sites adequate for the ~~special needs of the type of~~ uses contemplated ~~and adequate storm drainage from each lot, such as provisions of swales between lots~~;

(iii) Zoning requirements as to Lot sizes and dimensions; and

(iv) Need for convenient access, circulation, and control of Street traffic for safety.

(2) Length

(i) City of Lawrence

Block length for Local Streets within the City of Lawrence shall not exceed 800 feet in length (centerline to centerline of Streets) unless the Subdivider demonstrates to the satisfaction of the ~~Decision-Making Body~~ **Planning Commission** that:

a. There are pedestrian **ways** ~~connections~~ at intervals of 700 feet or less, replacing the connection that would exist as a sidewalk along the Street; and

b. The proposed Block must be greater than 800 feet in length because physical conditions preclude a Block length of less than 800 feet. Such conditions may include, but are not be limited to, Topography or the existence of natural resource areas such as **Jurisdictional** Wetlands, Floodplains, wildlife habitat areas, steep slopes or woodlands.

(ii) ~~Rural Area~~ Unincorporated Area of the County [Reserved]

(3) Width

A residential Block shall have sufficient width to allow for two tiers of Lots of appropriate depth unless it adjoins a limited-access, ~~Street,~~ Collector ~~Street~~,or Arterial Street, railroad or other nonresidential use, in which case it may have a single tier of Lots that exceed the minimum lot ~~width~~ area required in the zoning district.

(4) Shape

Blocks may be irregular in shape, provided their design meets the requirements of Lot standards, traffic flow and control considerations and any adopted watershed/ sub-basin plans, sector or neighborhood ~~P~~ plan.

(e) Streets

(1) General

(i) Local Streets within the City of Lawrence should be less than 1,320 feet in length.

a. Local Streets exceeding 800 feet in length shall include traffic calming devices, shown in an adopted City of Lawrence Traffic Calming Policy document **as maintained by the Public Works Director**. ~~at intervals not exceeding 400 feet~~.

Comment [sms146]: Shouldn't the standards in the policy govern? They may change over time.

(ii) All Streets within Subdivisions shall be laid-out, arranged and designed in accordance with any adopted watershed/sub-basin plans, sector or neighborhood Plan or, in the absence of such a plan, with all applicable ~~Street Layout and Design~~ standards of this Article.

(iii) Arterial and Collector Streets shall be laid-out, arranged and designed in accordance with any adopted Major Thoroughfares ~~Plan~~ **Map** or corridor plan.

(iv) Subdivisions shall provide a logical Street layout in relation to topographical conditions, public convenience, safety and the proposed use of the land to be served by such Streets.

(v) At time of Preliminary Plat approval, the full right-of-way for all boundary line and full maintenance roads **under the applicant's ownership control** shall be annexed to the City.

(2) Connections

(i) **Street connections shall provide access to adjoining lands, existing and proposed streets.**

(ii) Every subdivision shall provide for at least one street connection to each adjacent subdivision or future adjacent subdivision.

a. Any existing or ~~P~~platted Street that terminates at the boundary line of a proposed Subdivision shall be continued into the ~~subject~~ proposed Subdivision in such a manner as to provide Street connections to adjoining lands and Streets within the ~~subject~~ **proposed** Subdivision or,

b. ~~in the case of a l~~ Local Streets~~,~~ may ~~be~~ terminate~~d~~ in a cul-de-sac if an **existing environmental feature dictates the design**.

(iii) Streets shall provide ~~for Street~~ connections to adjacent undeveloped land in accordance with the adopted Major Thoroughfares ~~Plan~~ **Map**.

(iv) ~~No new Subdivision shall be approved in which more than 35 residential Lots or potential residential dwelling units, or more than 25,000 square feet of nonresidential space will~~ **Proposed subdivisions that** have access to the public road system via a single outlet ~~to the arterial and collector Street system as shown on the adopted Major Thoroughfares Plan Map~~ **must comply with the currently adopted International Fire Code. IFC requirements may limit the total number of lots or residential**

dwelling units permitted; total amount of square feet constructed; or the type of construction allowed.

(v) **Residential Collector Streets shall provide connections to nonresidential uses within the neighborhood.**

a. Bicycle & pedestrian facilities are strongly recommended for residential collectors.

b. Various traffic-calming treatments may be used to reduce travel speeds.

c. Residential collector streets with adjacent residential land uses should**, in most cases,** be limited to two lanes.

(vi) Streets longer than one Lot that terminate at the property boundaries of undeveloped land shall provide an improved temporary Turn-around.

(3) **Intersecting Streets**

(i) Local Streets generally should not intersect Arterial Streets. The Planning Commission, with ~~the advice of~~ the City Engineer's **recommendation**, may approve a new connection of a Local Street to an Arterial Street:

a. Where it finds that such connection is part of the best traffic solution for the new subdivision; and

b. Where the ~~S~~subdivider will add turn lanes or other improvements recommended by the City Engineer to the Arterial Street to minimize the impact of the connection on the functioning of the Arterial Street.

(ii) Local Streets intersecting opposite sides of another Local or Collector Street when offset shall be offset 300 feet or more.

(iii) Streets shall intersect as nearly as possible at right angles.

(iv) Not more than two Streets shall intersect at any one point.

(v) ~~Residential connector Streets shall be designed within neighborhoods to connect to these neighborhoods' service areas. These r Residential connector Streets shall have sidewalks on both sides.~~

(4) **Requirements When Access Barriers Exist**

Wherever a proposed Subdivision contains or is adjacent to a limited access Street or Road; an Arterial ~~Street;~~ or a railroad right-of-way; the ~~appropriate Governing Body~~ Planning Commission, as part of the Preliminary Plat approval, shall require the following for the protection for the integrity and subsequent safety, efficiency and economy of the limited access, Arterial, or railroad right-of-way:

(i) Dedication of a Local Street or Road to provide Ingress and Egress to and from such Blocks or Lots;

Comment [CoL147]: Moved from (3) (v) below

Comment [CoL148]: some of design statemnents in definition moved into this section

Comment [CoL149]: Is this better suited to design stds?

Comment [sms150]: Standards brought in from definition of Residential Collector.

Comment [CoL151]: Moved from (7) cul-de sacs

Comment [sms152]: Previously all one long paragraph, just broke out into sub parts

Comment [sms153]: Add blule since this is defned term MOVED TO v above Restated. Sidewalks covered in separate sub section

Comment [CoL154]: Moved from 811 More design stds than public improvements

Comment [sms155]: This needs to occur at Prelim Plat stage, so is a PC approval

(ii) A Street or Road approximately parallel to and on each side (where applicable) of such limited access Street or Road, Arterial ~~Street,~~ or railroad right-of-way at a distance suitable for the appropriate use of the land between such Streets or Roads;

(iii) Reverse Frontage Lots with Access Control provisions along the rear property line; or

(iv) Adequate distance between such parallel Streets or Roads and the Arterial, limited access Street or Road, or railroad so as to provide for proper approach grades and future grade separation.

Comment [CoL156]: Add def for Lots, Reverse Frontage DONE

(5) **Cross-Sections**

Comment [sms157]: City & County Engineers agree that construction standards should not be in Sub Regs – public improvement plans will be reviewed according to the adopted engineering standards in place at the time.

(i) **City of Lawrence**

All platted Subdivisions lying within the City of Lawrence shall comply with the following cross-section standards:

Comment [sms158]: Should this also reference dev in UGA?

Street Type ~~[1] Measured from back of curb to back of curb.~~ ~~[2] Includes limited access routes.~~	Right-of-Way	~~Roadway~~			
	Min. Width (feet)	~~Min. Width (feet) [1]~~	~~Paving~~	~~Curb and Gutter~~	~~Sidewalks (Sec §20-811(c))~~
Principal Arterial	150	~~*~~	~~Required~~	~~Required~~	~~Both Sides~~
Minor Arterial (3 lane)	100	~~40~~	~~Required~~	~~Required~~	~~Both Sides~~
Collector	80~~**~~	~~36~~	~~Required~~	~~Required~~	~~Both Sides~~
Local or Residential Collector	60	~~30~~	~~Required~~	~~Required~~	~~Both Sides~~
Local	60	~~27~~	~~Required~~	~~Required~~	~~Both Sides~~
Limited Local	50	~~22~~	~~Required~~	~~Required~~	~~Both Sides~~
Cul-de-sac ~~***~~	60~~**~~	~~22~~	~~Required~~	~~Required~~	~~Both Sides~~
Marginal Access (Frontage Road)	60				

Comment [sms159]: Not sure this is needed at cul-de-sac intersections?

~~* As directed by the City Engineer~~
~~** Additional r-o-w may be necessary at Intersections~~
~~***Paved bulb with 50' radius is required~~

a. Street width constructed according to City standards.
b. Additional r-o-w may be necessary at Intersections
c. Paved bulb with 50' radius is required/60' minimum r-o-w raddi required

Comment [CoL160]: Moved from (7)(iii)

(ii) **~~Rural Area~~ Unincorporated Area of the County**

All residential Developments and nonresidential Subdivisions within the Rural Area shall comply with the following minimum cross-section standards:

Street Type ~~[1] Measured from back of curb to back of curb. [2] Includes limited access routes.~~	Right-of-Way	~~Roadway~~				~~Sidewalks~~
	Min. Width (feet)~~*~~	~~Min. Width (feet) [1]~~	~~Traveled Way Paving~~	~~Min. Shoulder Width~~	~~Shoulder Paving~~	
Principal Arterial (w/ median)	150 ~~[2]~~	~~**~~	~~Required~~	~~**~~	~~Required~~	~~See Section 20-811(c)~~
Principal Arterial (w/o median)	120	~~40~~	~~Required~~	~~8~~	~~Required~~	
Minor Arterial	100	~~36~~	~~Required~~	~~6~~	~~Required~~	
Major Collector	80	~~32~~	~~Not Required~~	~~4~~	~~***~~	
Minor Collector	70	~~28~~	~~Not Required~~	~~2~~	~~***~~	
Local	70	~~24~~	~~Not Required~~	~~2~~	~~***~~	

~~* Right-of-way shall be sufficient to include top of ditch back slopes; may be variable~~
~~** Shall meet latest AASHTO geometric tabular design standards or tabular standards, whichever is greater.~~
~~***Shoulder surface type shall match traveled way surface type, unless otherwise approved by the County Engineer.~~

a. Right-of-way shall be sufficient to include top of ditch back slopes; may be variable

b. Road design shall meet design standards contained in KDOT's "Project development Manual for Non-National Highway System Local Government Road and Street Projects" and/or AASHTO Green Book standards.

(6) **Grades**

The finished grade for all Streets **and Roads** shall be at or above the Base Flood Elevation. The grades of Streets **and Roads** shall comply with the following standards:

Street Type	Maximum Grade (%)	Minimum Grade (%)
Arterials (Principal and Minor):		
City or Urban Growth Area	5	1.0
Rural Area	5	1.0
Collector (Major or Minor)	~~9~~ **8**	1.0
Marginal Access	10	1.0
Local	10	1.0

~~Note:~~

(i) The City or County Engineer, as applicable, shall be authorized to approve minor deviations for short distances from these grade standards when it is determined that compliance with these standards is impracticable.

(ii) **Within the City of Lawrence, maximum grade of streets serving industrial areas shall be 5% regardless of street classification.**

(7) **Radii of Curvature**

The minimum radius of curvature of the centerline of Arterial and Collector Street shall **meet design standards contained in KDOT's "Project development Manual for Non-National Highway System Local Government Road and Street Projects" and/or AASHTO Green Book standards.** ~~be as follows:~~

~~Design Speed (MPH)*~~	~~Minimum Curvature Radius (feet)*~~	~~Minimum Tangent Length (feet)*~~
~~20~~	~~125~~	~~75~~
~~25~~	~~205~~	~~100~~
~~30~~	~~300~~	~~150~~
~~35~~	~~420~~	~~200~~
~~40~~	~~565~~	~~250~~
~~45~~	~~730~~	~~250~~
~~50~~	~~930~~	~~250~~
~~55~~	~~1,200~~	~~250~~

~~* The information in this Table assumes a 4% super-elevation.~~

Comment [CoL161]: As an alternative, sections 5 & 6 could be deleted with reference to AASHTO standards according to Keith/Shoeb. Is there value in having some basic info here for review of prelim plats? CHOSE TO KEEP MIN/MAX GRADES, BUT TO DELETE SPECIFIC CURVATURE INFO AND ADD GENERAL REFERENCE TO DESIGN STDS

(8) **Cul-de-sacs**

(i) Cul-de-sac lengths shall not exceed 10 times the required minimum Lot Width of the base zoning district or 1,000 feet (1,320 feet ~~if rural~~ **in unincorporated area**), whichever is less.

a. A Cul-de-sac's length shall be measured from the center point of the Cul-de-sac bulb or turn-around to the centerline of the right-of-way of the nearest intersecting Through Street.

Comment [sms162]: Existing text, just indented as sub-section to i

(ii) Maximum Cul-de-sac length may be increased by up to 25% above the maximum allowed by Section 20-810~~(d)(7)(i)~~**(e)(8)(i)**during the ~~Subdivision~~ **Preliminary Plat** approval process if the ~~Decision-Making Body~~ **Planning Commission** determines that the proposal meets all of the following criteria:

a. It is impracticable to connect the Street to another Street or to provide a **looped street or other** ~~second~~ means of access that would avoid the Cul-de-sac or allow the Cul-de-sac to meet the ~~Cul-de-sac~~ length limit because:

1. The area is separated from other parts of the Subdivision or a possible Street connection by Floodplains, **Jurisdictional** Wetlands, or steep slopes greater than 10% or other natural resource areas; ~~, making it impracticable to provide the area a second means of access that would avoid the Cul-de-sac or allow the Cul-de-sac to comply with the maximum Cul-de-sac length limit (e.g., by providing a loop Street into the area instead of the Cul-de-sac, or extending the Cul-de-sac to connect to another Street),~~ and

2. Other properties adjoining the area have already been subdivided or developed in a manner that precludes connecting the Cul-de-sac to an existing or proposed Street. ~~, or the area is so separated from adjoining properties providing potential access by Floodplains, wetlands, steep slopes or other natural resource areas thereby making it impracticable to extend or connect the Cul-de-sac to the adjoining properties; and~~

b. Use of Cluster Housing provisions of this Development Code would not reasonably allow compliance with the Cul-de-sac length limit of Section 20-810~~(d)(7)~~**(e)(8)** and realization of at least 75% of the maximum Lot density allowed by the site's base zoning; and

c. The degree of increase in allowable Cul-de-sac length is the minimum necessary to allow the above findings.

d. The Subdivider bears the burden of demonstrating that all criteria have been met.

(iii) ~~All Cul-de-sacs shall have a minimum right-of-way radius of 60 feet.~~

(iv) In Subdivisions with Cul-de-sacs, Easements may be required to ensure that the water supply system is looped.

(v) If a Cul-de-sac is longer than 600 feet, the subdivision shall include Pedestrian ~~Right-of-Way~~ Easements at the terminus of the Cul-de-sac to provide pedestrian connections to and from the Cul-de-sac, in accordance with 20-810~~(f)~~(h)(4)(iii).

(vi) ~~Streets longer than one Lot that terminate at the property boundaries of undeveloped land shall provide an improved temporary Turn-around.~~

(9) **Half-Streets**

(i) Whenever right-of-way for ~~½~~ one-half of a Street has been dedicated to bring that Street to then-current standards, regardless of whether that half of the Street has been improved, and a subdivision of land adjoining the other half of the Street is proposed, the remainder of the right-of-way shall be dedicated and improved by the Subdivider.

(ii) ~~New Half-Streets are prohibited, except when the Decision-Making Body Planning Commission determines that a Half-Street is the only means of accommodating reasonable Development of the proposed Subdivision and adequate assurances in accordance with Section 20-811(h)(2) are provided that the remaining portion of the Half-Street will be dedicated and improved.~~

(ii) ~~Lots abutting on a Half-Street that take sole access from that public right-of-way shall be designated as non-buildable (on the **Final** Plat) until the remainder of the Street is dedicated and improved.~~ No building permits shall be issued for Lots with access only to a Half-Street until the entire remainder of the Street right-of-way between the two nearest intersecting Streets and passing in front of the subject lot(s) is dedicated and improved.

Comment [sms163]: Deleted text in 1 & 2 for clarity.

Comment [CoL164]: Moved to footnote in (4)(i)

Comment [CoL165]: Moved to (2) Connections

Comment [sms166]: Engineers agreed that options for half-streets could be deleted.

Comment [sms167]: This should be listed in requirements for Final Plat or cross-referenced – need to add to list in 809(l) DONE

Comment [sms168]: Should this section be moved to 813 – building permits?

(10) **Private Streets and Roads**

(i) Unincorporated Area of the County

a. Private Roads are prohibited in the Unincorporated Area of Douglas County, except for those that were approved prior to December 15, 1998.

b. Before Douglas County will consider a request to assume maintenance of any existing Private ~~Street~~ Road, by Dedication or otherwise, the ~~Street or~~ Road must be brought into compliance with all applicable Road and right-of-way standards.

Comment [CoL169]: Moved from (iii) below to put county standards together

(ii) City of Lawrence

a. New Private Streets in the City are permitted only in Planned Developments approved by the Planning Commission and City Commission.

b. **Private Streets shall be built to City Street standards and maintained by the Landowner.**

Comment [sms170]: Text from 20-913(e)

(11) **Alleys**

Comment [sms171]: (1)May be good to relocate 20-810(b)(4&5) here rather than in Frontage & Access section?
An alley may provide the primary vehicular access to one or more Lots in a subdivision, provided that each such Lot shall have Street Frontage on a Public Street. Alley access is particularly appropriate where the Street Frontage for the Lot is on a Collector Street.

(i) Alleys shall be provided in commercial and industrial districts, except that the ~~Governing Body~~ Planning Director may waive this requirement where other definite or assured provisions are made for service access, off-Street loading and unloading and parking spaces consistent with and adequate for the uses proposed.

(ii) Alleys shall have a minimum unobstructed right-of-way width of 20 feet.

(iii) Alleys shall comply with the construction standards of the city and/or county, ~~as provided in these regulations~~ **as determined by the City or County Engineer.**

Comment [CoL172]: City doesn't specifically have standards and county doesn't anticipate use of alleys

(iv) Intersecting Alleys shall be prohibited except when no feasible alternative exists. When Alley Intersections are unavoidable, a turning radius shall be provided to permit safe vehicular movement.

(v) ~~Dead-End Alley~~s ~~shall be prohibited. When such~~ Alleys ~~are necessary to~~ **that** serve dock areas~~, they~~ shall be designed with adequate turn-around facilities.

Comment [sms173]: Seems awkward.

(f) **Street and Road Names ~~and Lot and Block Numbering~~**

Comment [sms174]: Separate section below

(1) **City of Lawrence**

(i) Street names shall be proposed by the Subdivider, reviewed by the Public Works ~~Department~~ **Director**, and approved by the City Commission. The approval of Street names shall be within the legislative discretion of City Commission, subject to the following standards:

Comment [sms175]: ??? why not in accordance with PW standards?

a. Compass directions shall not be used as part of Street names;

b. The identifiers ~~"Street", "Avenue",~~ "Court ~~,~~ **and "Circle"** ~~,~~ ~~"Terrace," and "Place"~~ shall be used ~~only in accordance with the respective definitions of those terms;~~ **as follows**:

1. **A Court identifies a dead-end or cul-de-sac; and**

2. **A Circle identifies a Street where both ends terminate at the same roadway.**

c. Streets that run in an east – west direction shall be named as numbered Streets;

(ii) Existing Street names shall be used where the Street to be named is, or would be, a logical extension of an existing Street even though separated by undeveloped land, natural physical barriers or man-made obstructions; **and**

(iii) Where a proposed Street is shown on an adopted Major Thoroughfares ~~Plan~~ Map and such ~~plan~~ map indicates a name for that Street, that name shall be used~~; and~~.

(2) **Unincorporated Area of the County**
Road names in the unincorporated County shall be named in accordance with the E911 Emergency Management System.

(g) **Lot and Block Numbering**

Lot numbers shall be assigned by starting in the northeast corner of each Block and proceeding in a counterclockwise direction. When a Street or Road separates a group of Lots, a new Block shall be identified, and the Lots within the new Block shall be numbered as herein specified.

Comment [CoL176]: Created separate section from Streat Names above

Comment [CoL177]: Moved from (4) above in Street Names

(h) **Easements**

(1) **Permanent Utility Easements**
Permanent utility Easements shall be provided where necessary to accommodate utilities that will serve the Subdivision. Permanent utility Easements shall be provided where necessary to allow for utility service in and through the proposed subdivision. Where such an Easement is necessary, it shall be centered on rear or side Lot Lines, as applicable, and shall be at least 30 feet and ~~10~~ 15 feet wide respectively, except that Easements for Street lighting purposes only need not exceed 10 feet in width.

(2) **Temporary Utility Easements**
Temporary utility Easements shall be provided where necessary to accommodate the installation of utilities that will serve the Subdivision. Temporary utility Easements shall be centered on rear or side Lot Lines and shall be at least 30 feet and 25 feet wide respectively. The temporary utility Easement shall expire after the initial installation of the required utilities. After the expiration of a temporary utility Easement, the permanent utility Easement will govern.

(3) **Drainage Easements**

Drainage Easements for water courses, drainage Swales or streams which traverse a Subdivision may be required. Drainage Easements shall be exclusively for that use and separate from the Dedication of other utility Easements. Upon the request of the Planning ~~Commission~~ Director, the City or County Engineer, as applicable, shall make recommendation to the Planning Commission regarding the desired width of the Drainage Easement. Such study and report shall be based on the 100-Year Flood depth (if known), or the Regulatory Flood Elevation when provided by the Federal Insurance Administration.

(4) **Pedestrian ~~Right-of-Way~~ Easements**

(i) ~~It is the goal of the City to ensure that the pedestrian circulation system within the City and within the Urban Growth Area forms a complete and effective network that includes, but is not limited, to sidewalks along Streets. In particular, it is the goal of the City to ensure that people have efficient and relatively direct pedestrian access between their places of residence and:~~

a. ~~Nearby elementary schools;~~

b. ~~Nearby parks and recreation facilities;~~

c. ~~Other public facilities, such as libraries and community centers;~~

d. ~~Adjoining neighborhoods or subdivisions, regardless of whether there are direct Street connections between the neighborhoods and/or subdivisions;~~

e. ~~Any nearby shopping or service centers;~~

f. ~~Places of employment;~~

g. ~~The nearest Arterial or Collector Street with a bus route; and,~~

h. ~~Any nearby access point to a trail or greenway system.~~

(i) ~~In furtherance of that purpose,~~ Pedestrian ~~Right-of-Way~~ Easements shall be required when Block lengths for Local Streets exceed 800 feet in length. Such Easements shall extend entirely across the width of the Block at approximately the midpoint of the Block. ~~Pedestrian Right-of-Way Easements shall have a minimum width of 12 feet. The Planning Commission may waive this requirement where, due to topography or physical barriers, the Pedestrian Right-of-Way would not form a logical part of the larger pedestrian circulation system.~~

(ii) ~~Also in furtherance of that purpose, a~~Additional Pedestrian ~~Right-of-Way~~ Easements should be required within the City and Urban Growth Area to provide pedestrian connections from a Subdivision to schools, parks, shopping, employment or other nearby uses and to link pedestrian routes in adjacent Subdivisions or neighborhoods, including a pedestrian connection at the terminus of each cul-de-sac. ~~Pedestrian Way Easements shall have a minimum width of 12 feet.~~

Comment [sms178]: Eliminate Blue font since attorneys recommended only defining easement and not all the different types

Comment [sms179]: Nice language, but not really regulatory – regulatory text is included in following sub-sections

Comment [CoL180]: Moved to separate sub-sections below

(iii) **Pedestrian-Way Easements shall have a minimum width of 12 feet.**

(iv) **The Planning Commission may waive this requirement where, due to topography or physical barriers, the Pedestrian ~~Right-of-~~ Way would not form a logical part of the larger pedestrian circulation system through the approval of the Preliminary Plat.**

(v) ~~The responsibility for paving the pedestrian way shall be the developer's, and these pedestrian ways shall be constructed concurrent with the paving of the most adjacent Roadway, unless otherwise provided by the Planning Director in acting on the final plat. The responsibility for maintenance of the pedestrian way shall be that of adjacent property owners or the homeowners association for the subdivision.~~

(vi) ~~Variances from these standards may be granted by the Governing Body when requested following Planning Commission consideration of considering the Preliminary Plat according to the standards of 20-813(f).(g).~~

(i) **Parks, Open Space Schools and Other Public Facilities**

The Planning Commission shall encourage ~~or require~~ the donation, reservation, or Dedication of sites for parks, open space, schools and other public facilities in accordance with the ~~*Comprehensive Plan for Parks and Recreation*~~ ***Lawrence Parks and Recreation Comprehensive Master Plan.*** ~~in the amount of 5% of the total land area of a residential subdivision plus $600 per lot for each single family dwelling Lot.~~

(j) **Land In Floodplain Overlay Districts**

Land within a Floodplain Overlay District shall be subject to the Flood Protection Standards of Article 12, **Chapter 20, City Code** and to the ~~comparable provisions adopted by the Board of County Commissioners~~ **the Flood Protection Standards of Section 12-328 of the Zoning Regulations** for the Unincorporated Area of Douglas County.

(k) ~~**Resource Preservation – City of Lawrence**~~

(1) ~~Subdivisions shall be designed to preserve natural resources and environmentally sensitive areas, such as streams, wetlands, prominent natural geographic features, and stands of mature trees. See Section 20-1101(c)(2)(iii) b., which requires that development of lands containing more than 5% defined sensitive lands can be developed only through a Cluster Development or a Planned Development. Section 1101(c) (3) requires that certain sensitive lands be dedicated, included in private open space or otherwise preserved through development design. Note also that Section 1101(c)(4) may limit the achievable density of developments containing specified sensitive lands.~~

(2) ~~Subdivisions shall be designed to preserve archaeological and historical sites. See Section 20-1101(c)(2)(iii)b, which requires that development of lands~~

Comment [CoL181]: Move to 811 (c)(1) w/ other ped ways

Comment [sms182]: Modify to reflect change –GB will not typically see prelim plat

Comment [CoL183]: Delete section because waivers/variances permitted by PC thru prelim plat approval

Comment [sms184]: Does this conflict with 811((c)(1)(iii)?—DELETED so taken care of at prelim plat stage

Comment [sms185]: Provide PC explanation of change and opportunity for discussion – direction per CM

Comment [sms186]: Adjusted according to recent TA

~~containing more than 5% defined lands, which include archaeological and historic sites, can be developed only through a Cluster Development or a Planned Development. Section 20-1101(c)(3) requires that certain archaeological and historic lands be included in private open space or otherwise preserved through development design. Note also that Section 20-1101(c)(4) may limit the achievable density of developments containing archaeological and historic sites.~~

(l) ~~**Resource Conservation – Unincorporated Area of the County**~~

Comment [CoL187]: Adjusted according to recent TA

(1) ~~Residential Developments and non-residential Subdivisions in the unincorporated area of the County shall be designed in a way that protects and conserves the natural resources and environmentally sensitive areas through the filing of a Temporary Set-Aside Agreement or the filing of a permanent Conservation Easement, with the Register of Deeds. These natural areas and environmentally sensitive areas shall include Floodways, based on the FEMA's one-hundred year storm; Floodplains, based on the FEMA's one-hundred year storm; jurisdictional wetlands; stream corridors; prominent natural geographic features with rocky outcroppings; and, stands of mature trees or individually significant mature trees.~~

(2) ~~Residential Developments and non-residential Subdivisions shall be designed to protect and conserve archaeological and historical sites through the filing of a Temporary Set-Aside Agreement or the filing of a permanent Conservation Easement, with the Register of Deeds.~~

(k) **Protection of Environmentally Sensitive Lands**

Comment [CoL188]: Text from TA1-06-12-08 – HOWEVER, RENUMBERING ACCORDING TO CODE OUTLINE FORMAT

(1) **Definition of Environmentally Sensitive Lands**

Certificates of Survey land divisions and platted s~~S~~ubdivisions shall be designed to protect environmentally sensitive lands which contain ~~preserve~~ natural resources and environmentally sensitive areas.~~–~~ Environmentally sensitive lands are listed below in a priority order for protection:

(i) Regulatory floodway, designated on the FEMA Flood Insurance Rate Map for Douglas County and identified on the GIS Baseline Environmentally Sensitive Lands Map;

(ii) Regulatory floodway fringe, designated on the FEMA Flood Insurance Rate Map for Douglas County based on the 100 year storm and identified on the GIS Baseline Environmentally Sensitive Lands Map;

(iii) Jurisdictional wetlands, as determined by the Army Corps of Engineers;

(iv) Stream corridors as defined in these regulations and identified on the GIS Baseline Environmentally Sensitive Lands Map;

(v) Stands of mature trees, as defined in these Regulations and identified on the GIS Baseline Environmentally Sensitive Lands Map; and

(vi) Archaeological or historic sites listed on local, state, or federal registers and identified on the GIS Baseline Environmentally Sensitive Lands Map.

(2) Determination of environmentally sensitive lands.

The presence of environmentally sensitive lands shall be determined from an examination of the site and the following resources:

(i) FEMA Flood Insurance Rate Map for Douglas County, most current adopted map;

(ii) US Fish and Wildlife Service National Wetland Inventory Maps;

(iii) GIS Baseline Environmentally Sensitive Lands Map.

(iv) Kansas State Historical Society Archeological and Historic Resources Inventory; and.

(v) Other resources which may be appropriate.

(3) Protection Standards for Environmentally Sensitive Lands – City of Lawrence

(i) Section 20-1101(d)(2)(i) of the **Land** Development Code limits the required protection of environmentally sensitive lands to a maximum protection area of 20% of the total land area of residentially zoned property.

(ii) Section 20-1101(d)(2(ii)(b) requires that when platting, environmentally sensitive lands to be protected shall be placed within tracts or easements and information regarding ownership and maintenance responsibility of the tract or easement, as well as protection measures, shall be included on the preliminary and final plat.

(iii) Section 20-1101(e) contains information on density bonuses which may be possible when environmentally sensitive lands are protected in greater amounts than required.

(iv) Section 20-1101(d)(2)(ii)(a) requires that a Sensitive Areas Site Plan be submitted prior to, or concurrent with, all subdivision applications for properties containing environmentally sensitive lands. The requirements of a Sensitive Areas Site Plan are found in Section 20-1101(f).

(4) Protection Standards for Environmentally Sensitive Lands – Unincorporated Area of the County

(i) Per Sections 20-804(c)(2)(ii) ~~and 20-805(e)(2)(ii)~~ [County Code Sections ~~11-~~104(c)(2)(ii~~) and 11-105(e)(2)(ii)~~], Certificates of Survey land divisions within the UGA shall protect environmentally sensitive lands through the filing of a Temporary Set Aside Agreement or a permanent Conservation Easement with the Register of Deeds.

(ii) Per Section 20-806(d)(2)(vii) [County Code Section 11-106(d)(2)(vii)] Certificates of Survey outside the UGA for properties which contain environmentally sensitive lands shall designate building envelopes which exclude the protected environmentally sensitive lands.

Comment [sms189]: Need to check ref after renumbering complete

(iii) All plats which include environmentally sensitive lands shall protect them through one of the following methods:

(iv) The filing of a Temporary Set Aside Agreement or permanent Conservation Easement with the Register of Deeds.

(v) Placement of the environmentally sensitive lands within tracts or easements. Information regarding ownership and maintenance responsibility of the tract or easement, as well as protection measures shall be included on the preliminary and final plat.

(vi) Protection of environmentally sensitive lands is encouraged to the maximum amount possible, but required protection is limited to 40% of the site included in the Certificate of Survey and 20% of the total site for platted properties.

Comment [sms190]: Text from TA1-06-12-08 – HOWEVER, RENUMBERING ACCORDING TO CODE OUTLINE FORMAT

(l) **Soils and Soil Testing – City of Lawrence**

Soils shall be identified based on the Soil Conservation Survey soils categories and characteristics. Soils test shall be obtained to verify sub-surface soil characteristics for rocky or unstable soil types, when requested by the City Engineer, for areas proposed to be dedicated for City of Lawrence public rights-of-way and public easements.

(m) **Soils and Soil Testing – Unincorporated Area of the County**

Soils shall be identified based on the Soil Conservation Survey soils categories and characteristics. Soils test holes shall be conducted in accordance with the Douglas County Sanitary Code.

20-811 Public Improvements Standards

(a) General Public Improvement ~~(~~Construction~~)~~ Standards

(1) **Standards**
All Public Improvements, including but not limited to water, sanitary sewer, Streets, curbs, gutters, storm sewers and storm drainage, roundabouts, pedestrian facilities, traffic calming devices or traffic control devices shall comply with the construction standards established by the City Engineer or County Engineer, as applicable. Such standards are incorporated herein by reference.

(2) **Administration and Fees**

(i) Compliance with the items listed ~~above~~ **in Section 20-811(a)(1)** and use of appropriate construction methods shall be determined by the County or City Engineer, as applicable.

(ii) A permit shall be issued by the County or City Engineer, as applicable for the construction of a future public improvement prior to commencement of any work activity associated with the improvement.

(iii) A fee in an amount determined by resolution of the Governing Body shall be charged for the permit.

(3) **Pre-Pinning in the Unincorporated Area of the County**
In the Unincorporated Area of Douglas County, at or before the time of construction of public improvements, sufficient grade and alignment stakes shall be set by a licensed land Surveyor, engaged by the Subdivider to assure compliance with plan, profile and drainage of Streets and such other Public Improvements as are proposed and submitted with the Final Plat and approved by the County Engineer.

(i) Compliance with the items listed above and use of appropriate construction methods shall be determined by the County Engineer.

(ii) A permit shall be issued by the County Engineer for the construction of a future public improvement prior to commencement of any work activity associated with the improvement.

(iii) A fee in an amount set by Resolution of the County Commission shall be charged for the permit.

(iv) This sub-section shall apply only to subdivisions in which the complete lot pinning required by Section 20-811~~(g)(8)~~(**k**) has not been completed at the time that the first public improvements are installed.

(b) Streets or Roads

(1) **City of Lawrence**
Subdivision Streets located within the incorporated city limits shall be constructed to comply with standards adopted by the City of Lawrence.

Comment [sms191]: Should we make sure all references to Certificate of Survey stds are removed and shown in 804-807 so that they are not confused with Subdivisions – seems to be some mix and matching hereNOT DEALING WITH IN THIS TA

Comment [sms192]: Moved this up from #3 and broke long paragraph into sub-parts. Seems more logical to have the broad statements first and the more specific (only for unincorparated area) following

Comment [CoL193]: Reformatted the following into list form rather than paragraph

Comment [sms194]: Changed location so not under Street Trees

(2) **Urban Growth Areas**
Subdivision Streets and roads located within the Urban Growth Areas shall be constructed to the Street and road standards of the City that established the Urban Growth Area.

(3) **Rural Area**
Subdivision roads located within the Rural Area shall be constructed to the higher of the following standards:

(i) Road standards adopted by the Township(s) in which the road is located;

(ii) Standards **for the road classification** specified ~~on an adopted Major Thoroughfare Map~~; **on Exhibit 9-506 of the County's Access Management Regulations, Chapter IX of the County Code.**

(iii) Other adopted County standards applicable to a road of the classification and/or location of the proposed road; or

(iv) At a minimum, adopted Douglas County ~~r~~Rock Roadway ~~s~~Standard.

(4) ~~**Requirements When Access Barriers Exist**~~
~~Wherever a proposed Subdivision contains or is adjacent to a limited access Street or Road; an Arterial Street; or a railroad right-of-way; the appropriate Governing Body shall require the following for the protection for the integrity and subsequent safety, efficiency and economy of the access, Arterial, or railroad right-of-way:~~

(i) ~~Dedication of a Local Street or Road to provide Ingress and Egress to and from such Blocks or Lots;~~

(ii) ~~A Street or Road approximately parallel to and on each side (where applicable) of such limited access Street or Road, Arterial Street, or railroad right-of-way at a distance suitable for the appropriate use of the land between such Streets or Roads;~~

(iii) ~~Reverse Frontage Lots with Access Control provisions along the rear property line; or~~

(iv) ~~Adequate distance between such parallel Streets or Roads and the Arterial, limited access Street or Road, or railroad so as to provide for proper approach grades and future grade separation.~~

Comment [sms195]: Defined term

Comment [CoL196]: Should this be part of 810? More design stds than public improvements MOVED, NOT DELETED

Comment [CoL197]: Add def for Lots, Reverse Frontage

(c) Sidewalks and Pedestrian Ways

(1) **City of Lawrence and Urban Growth Areas**
Sidewalks and pedestrian ways shall be provided in the City of Lawrence and in platted subdivisions in the Urban Growth Areas in accordance with the standards of this sub-section (for Lawrence and the Lawrence UGA) or the applicable UGA city's (Baldwin City, Eudora, or Lecompton) standards:

Comment [sms198]: Do we still think this is reasonable or should it be an Agreement Not to Protest Future Benefit District since roads will have ditch section and no curbs?

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

Street Type	Minimum Sidewalk Width (feet)
Local	5; Minimum width of 4 feet allowed in the Original Townsite Area
Collector	5
Arterial	6; A designated 10' Bicycle/Recreation Path on one side of the Street and a 6' sidewalk on the other side

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

(iii) ~~Waivers or~~ **Variances**

a. The Applicant for a Subdivision may request a ~~waiver~~ **variance for the requirement to construct** ~~of~~ part **of** or **all of** the ~~entire requirement to install~~ sidewalks **in the subdivision as part of the Preliminary Plat review in accordance with the variance procedures outlined in Section 20-813(g).** ~~The Planning Commission may make a recommendation on such waiver request, but final action on the waiver request shall be by the Governing Body, with a request placed on the Governing Body's agenda concurrent with the Governing Body's acceptance of easements and rights-of-way on the Final following the Planning Commission's consideration as part of the Preliminary Plat review.~~

b. If the ~~applicable Governing Body~~ **the Planning Commission** takes no specific action on a proposed ~~waiver~~ **variance for** ~~of~~ part or all of a sidewalk requirement, the ~~waiver~~ **variance** shall be deemed to be denied. In reviewing ~~waiver~~ **variance** requests from the standard sidewalk width, special consideration shall be given to walks adjacent to Collector or Arterial ~~roads~~ **Streets** located in historic districts and areas with severe site Topography which would make it impractical or difficult to build a sidewalk in accordance with the above standards.

(iv) Sidewalks required to be constructed within the same right-of-way as the Street being paved shall be constructed concurrently with the paving of the adjacent Roadway **or with the first phase of development of a multiple lot subdivision, adjacent to any improved Street.**

(v) **Pedestrian Ways**

a. Where an approved Preliminary Plat ~~(including a condition to such Plat)~~ shows a pedestrian way other than a sidewalk, an improved pedestrian way not less than ~~eight~~ **five** ~~(improved)~~ feet wide in the Easement space dedicated for that purpose shall be provided by the Subdivider.

b. Pedestrian **Ways** ~~Right-of-Way Easements~~ shall be improved in accordance with adopted City construction standards **for sidewalks** ~~to a width of 12 feet~~ and shall conform to all accessibility requirements of the Americans with Disabilities Act.

Comment [CoL199]: Should just use one term

Comment [sms200]: Broke up long paragraph into list format

Comment [sms201]: Why this wide?

c. ~~Completion of the improvement for any segment of such Easements shall not be required under the earlier of three years after approval of the Final Plat or three months after the issuance of the last Building Permit for a lot adjoining the segment;~~

c. ~~e~~Completion of such improvements shall be guaranteed in accordance with Section 20-811~~(g)(8)~~**(h)(2).**~~:~~**; or subject to site plan review or non-residential development standards.**

d. **The responsibility for paving the pedestrian way shall be the developer's, and these pedestrian ways shall be constructed concurrent with the paving of the most adjacent Roadway, unless otherwise provided by the Planning Director in acting on the Final Plat.**

e. **The responsibility for maintenance of the pedestrian way shall be that of adjacent property owners or the homeowners association for the subdivision.**

(vi) Public Improvement Petitions shall include the construction of sidewalks or pedestrian ways, except where the ~~appropriate Governing Body~~ **Planning Commission** has specifically waived the installation as provided Section 20-~~810(f)(4)(ii)~~**811(c)(1)(iii)** above. The total cost of all sidewalks or pedestrian way Improvements shall be borne by the property benefited in the improvement district.

(2) **Rural Area**

The Planning Commission may recommend and the Board of County Commissioners shall be authorized to require sidewalks in other Major Subdivisions when deemed necessary to provide for safe pedestrian connections to nearby schools, parks, shopping, employment or other uses or activities. ~~See also the Pedestrian Way Easement provisions of Section 20-810(f)(4).~~

(d) **Wastewater Disposal Systems**

(1) **City of Lawrence and Urban Growth Areas**

(i) The approval of any Subdivision requiring connection to the City of Lawrence wastewater system is contingent upon the availability and adequacy of the City to provide wastewater services to the area being subdivided.

a. It is the Applicant's responsibility to ensure their proposed development takes into consideration the City's long-range plans, studies, reports, and similar documents for wastewater services, including submission of a Downstream Sanitary Sewer Study in accordance with Administrative Policy No. 76.

b. Failure to conform to these provisions warrant denial of the subdivision plat.

Comment [sms202]: Conflicts with 20-810(f)(4)(iv) which says ped ways should be constructed concurrent with most adjacent roadway

Comment [sms203]: Moved from 810 (h)(4) and broke into two parts here (d) and (e)

Comment [CoL204]: Moved from 810 (h)(4) and broke into two parts here (d) and (e)

Comment [sms205]: Leave this way or change to give PC authority to require through Prelim Plat and allow Appeal to County Comm?

Comment [sms206]: 810(f)(4) relates to City and UGA, not Rural Area

Comment [sms207]: add in reference to City requirements and DSSA

Comment [sms208]: Text from previous sub regs (Ord 7732) which was inadvertently omitted from these regulations when adopted

Comment [sms209]: Text from previous sub regs (Ord 7732) which was inadvertently omitted from these regulations when adopted.

(ii) On-Site Sewage Management Systems are prohibited on any land which is platted under these regulations ~~or~~ **and** is located in the City of Lawrence or in Service Area 1 of the Urban Growth Area of Lawrence.

Comment [sms210]: Sentence previously indicated that septic not permitted on any platted land

(2) **Urban Growth Area and Rural Area**

(i) On-Site Sewage Management Systems may be permitted in Subdivisions in Service Areas 2-4 of Lawrence's Urban Growth Area, other City's Urban Growth Areas, or in Subdivisions in the Rural Area, subject to the following minimum Lot area standards:

a. For Lots that use well water as the primary Potable Water source, the minimum Lot area for an On-Site Sewage Management System is 5 acres. Any land located within the Floodplain shall not be counted in calculating Lot area for the purpose of meeting minimum Lot area requirements for on-site sewage management system use;

b. For all other Lots, the minimum Lot area requirement for an On-Site Sewage Management System is 3 acres. Any land located within the Floodplain shall not be counted in calculating Lot area for the purpose of meeting minimum Lot area requirements On-Site Sewage Management System;

c. No portion of an On-Site Sewage Management System shall be located within the FEMA designated floodplain; and,

d. Calculation shall not include land dedicated for rights-of-way or exclusive Easements.

Comment [sms211]: ~~Is this correct? I thought we allowed owners to count their road r/w in their total for creation of RDPs?~~ Leave bc standard just applies to subdivisions, not CofS

(ii) Community Sewage collection and treatment facilities (including lagoons) may be provided for subdivided or newly created Lots or parcels in the Urban Growth Areas or for any other newly created Lots not suitable for an On-Site Sewage Management System.

Comment [sms212]: ??? will be allow on parcels ??? if reference is to platted subdivisions??? SHOULD THIS PART BE STRUCK?

a. Such systems shall be subject to approval by the Kansas Department of Health and Environment and shall be designed to allow for future connection to a public sewer system.

b. Maintenance of such facilities shall be provided by a Homeowner's ~~a~~ Association, benefit district (if then permitted under Kansas law), or other appropriate entity. Evidence shall be submitted at the time of Subdivision approval showing the establishment of such an entity to be responsible for maintenance and management of the system.

(iii) In situations in which an On-Site Sewage Management System has been proposed, no Subdivision shall receive final approval until the Subdivider has presented evidence that the On-Site Sewage Management System, as a method of Sewage disposal for the Subdivision, has been approved by the Director of the Lawrence-Douglas County Health Department.

(3) ~~Where On-Site Sewage Management Systems are allowed under these regulations, they must be approved by the County Health Officer.~~

Comment [sms213]: How is this different from (3) above?

(4) On-Site Sewage Management Systems shall be constructed in accordance with ~~"Standards on Individual On-Site Sewage Management System - Lateral Fields and Other Sewage Disposal Systems for the Unincorporated Territory of Douglas County, Kansas,"~~ the Douglas County Sanitary Code, Resolution ~~97-48~~, 09-44, as amended.

(e) **Water Supply**

(1) **City of Lawrence and Urban Growth Areas**

(i) The approval of any Subdivision requiring connection to the City of Lawrence municipal water system is contingent upon the availability and adequacy of the City to provide water services to the area being subdivided.

a. It is the Applicant's responsibility to ensure their proposed development takes into consideration the City's long-range plans, studies, reports, and similar documents for water services in accordance with Administrative Policy No. 52.

b. Failure to conform to these provisions warrant denial of the subdivision plat.

(ii) Before approval of a Final Plat ~~or Certificate of Survey~~ within Lawrence's Urban Growth Area that will not be served by the City of Lawrence utilities, the Subdivider shall provide written documentation to the Lawrence-Douglas County Health Department **Director** and the Lawrence-Douglas County Metropolitan Planning ~~Department~~ **Director** that Publicly Treated Water, delivered through a water meter is available to and will be provided for all Lots. ~~or Residential Development Parcels.~~

(iii) ~~Upon~~ **Before approval of a Final** Plat ~~approval~~ for land located within the City of Lawrence or Lawrence's Urban Growth Area, the Subdivider must sign an agreement to connect to a Municipal Water system when Public Water lines are within 1,000 feet of any planned ~~Improvements~~**development** on the property and such connection is feasible.

(2) **Urban Growth Area and Rural Area**

(i) In the Unincorporated County, Subdividers are required to consult with the applicable Fire Department and Rural Water District to determine if the provision of Fire Hydrants as part of the Public Water Supply system is feasible.

(ii) ~~In those cases w~~Where ~~the provision of Fire Hydrants as part of the Public Water supply system is~~ determined by the Fire Department and Rural Water District to be feasible, Fire Hydrants must be provided.

(iii) Where existing water pressure is insufficient for Fire Hydrants as part of the Public Water Supply, or where there is no Publicly Treated Water supply, the Subdivider must install dry hydrants adjacent to a pond or

Comment [sms214]: Need to add in City requirements - DONE

Comment [sms215]: Text from previous sub regs (Ord 7732) which was inadvertently omitted from these regulations when adopted.

Comment [sms216]: The requirements are listed in C of S sections for RDPs

other water storage device with sufficient capacity, and in an appropriate location, to support firefighting needs as determined by the applicable Fire Department.

(3) ~~Evidence shall be submitted with the Final Plat showing compliance with the requirements of this section.~~

Comment [CoL217]: Move to contents of final plat submittals now in 20-809

(f) Telephone, Cable Television Electrical Lines

(1) Telephone, cable television and electrical lines must be located underground when located in the City of Lawrence or Subdivisions in Lawrence's Urban Growth Area. ~~This requirement shall be noted on the face of the Preliminary Plat.~~ This provision shall not apply to high voltage electrical lines.

Comment [CoL218]: Moved to contents of prelim plat submittal

(2) **The developer is responsible for the cost of any relocation of existing utilities, if necessary to serve the proposed subdivision.**

(g) Street Trees

All Subdivisions within the City of Lawrence or Lawrence's Urban Growth Area shall be required to provide a Master Street Tree Plan that meets the standards of this sub-section.

(1) **Minimum Tree Requirements**
Street trees shall consist of canopy shade and/or ornamental trees, as defined below and meeting the following minimum requirements:

(i) **Size**
Medium or large trees, as defined by Section 18-103(e) of the Code of the City of Lawrence, Kansas, and amendments thereto, which can reach a mature height of 45 feet or greater are required except that ornamental trees planted pursuant to Section ~~21-708a.2~~ **20-811(g)(2)(iv)** are not subject to the 45 feet height requirement. The minimum trunk caliper of ~~S~~street trees, at the time of planting, measured six inches above the ground in accordance with the American Nurseryman Standards shall be as follows:

Street Tree Type	Minimum Trunk Caliper (inches)	Mature Height (feet)
Canopy Shade	2 (ball and burlap or equivalent)	At least 45
Ornamental	~~1.5~~ 2 (ball and burlap or equivalent)	No more than 20

Comment [sms219]: Per Crystal's recommendation

(ii) **Number**
One tree shall be provided for every 40 feet of Street Frontage. The ~~City~~ **Planning Director** may approve a Master Street Tree Plan that varies from this requirement to allow for Driveways, utilities, and Intersection visibility requirements.

(iii) **Minimum Species Diversity**

The following minimum requirements shall apply to all ~~m~~Master Street ~~t~~ Tree ~~p~~ Plans. To prevent uniform insect or disease susceptibility, a mix of species shall be provided. The City Parks and Recreation ~~Department~~ Director shall, upon request, provide a list of trees that are acceptable to satisfy the requirements for ~~m~~Master Street ~~t~~ Tree ~~p~~ Plans. To promote diversity in the urban forest, the number of trees required to be planted shall be in accordance with the following requirements:

Number of Trees per Plat	Minimum Number of Species
1–10	1
11–20	2
21–30	3
31–40	4
41+	6

(2) **Planting Location and ~~Clustering~~ Spacing**

Comment [sms220]: Reformatted most of this subsection to change long paragraphs into outlines

(i) **Location in RS and RM12D Zoning Districts**

a. Street trees shall be located in the front yard, building setback and/or adjacent to the right-of-way at a distance not greater than 10 feet from the boundary line of the right-of-way; **where practical**.

b. Street trees shall ~~not~~ be planted ~~until~~ after planned utilities have been installed.

c. Trees shall be planted no closer than 8 feet from existing underground utility lines, **where practical and approved by the Planning Director.**

d. On corner Lots, no tree shall be planted nearer than 50 feet from the intersecting curb lines of the two Streets.

e. No tree shall be planted between the curb and the sidewalk if the clear space is less than 3 feet wide.

(ii) **Location in all Other Zoning Districts**

Street trees shall be located either within the Street right-of-way or within the required front yard building setback, PROVIDED,

a. ~~n~~No tree is located farther than 30 feet from the back of the curb, with the exception of Lots on the radius of a cul-de-sac which shall be located not greater than 45 feet from the back of the curb, where practical.

b. Street trees shall ~~not~~ be planted ~~until~~ **after** planned utilities have been installed.

c. Trees shall be planted no closer than 8 feet from existing utility lines, **where practical and approved by the Planning Director**.

d. On corner Lots, no tree shall be planted nearer than 50 feet from the intersecting curb lines of the two Streets.

e. No tree shall be planted between the curb and the sidewalk if the clear space is less than 3 feet wide. ~~[RE: Chapter XVIII of the City Code]~~

Comment [CoL221]: Should we add that preferred location is ???

(iii) ~~**Clustering**~~ **Spacing**

a. Street trees shall be evenly spaced along the Street Frontage.

b. As an alternative, street trees may be clustered, if based on Planning Director evaluation, conditions exist which dictate building location and Driveway placement which interrupts the even spacing of street trees. Such conditions include:

1. The Lot is on a Corner;

2. The presence of existing trees, which qualify for credit under Section 20-811(g)(5);and/or

3. Topographic conditions (i.e. steep gradient, rock outcroppings).

~~Street trees shall be evenly spaced along the Street Frontage unless based on Planning Staff Director evaluation, dictate building location and Driveway placement which interrupts the even spacing of Street trees if one or more of the following conditions exist:~~

a. ~~The Lot is on a corner;~~

b. ~~The presence of existing trees, which qualify for credit under Section 20-811(g)(5), interrupt the even spacing of trees; and/or~~

c. ~~Topographic conditions (i.e. steep gradient, rock outcroppings)., based on Planning Staff Director evaluation, dictate building location and Driveway placement which interrupts the even spacing of Street trees.~~

(iv) **Overhead Lines and Fixtures**

If the planting site will prevent the growth of canopy shade trees due to overhead utility lines, ornamental trees shall be permitted as a substitution for the canopy shade trees in accordance with the Location and ~~Clustering~~ **Spacing** requirements of this Section and shall be subject to the following requirements:

a. The canopy of the ornamental tree(s) shall be no closer than 10 feet from the overhead lines and its mature height shall not exceed 20 feet; and

b. The ornamental tree(s) shall be planted at least 15 feet away from any Street light.

(v) **Cul-de-Sac lots**

Lots on cul-de-sacs that have a Street frontage of 45' or less shall be required to provide only one Street tree per lot.

(3) **Master Street Tree Plan**

(i) A proposed written **and graphic** Master Street Tree Plan shall be submitted at the time a Final Plat is submitted to the Planning Department for review.

(ii) Prior to recording the Final Plat with the Register of Deeds, the Applicant shall provide a Master Street Tree Plan that is signed and properly acknowledged by the property Owner(s). The Master Street Tree Plan shall be written to be binding on present and future property Owners. A reference line shall be provided on the Final Plat indicating the book and page where the Master Street Tree Plan is filed which shall be completed ~~by Planning Staff~~ at the time the Final Plat is filed at the Register of Deeds.

Comment [sms222]: This is done by Reg of Deeds staff following their review.

Comment [CoL223]: Copied this to contents of Final Plats

(iii) The Master Street Tree Plan shall be prepared in a format established by the Planning ~~Department~~ **Director** and shall include the following information:

a. A list of acceptable Street tree types;

b. **The number of trees to be provided for each lot;**

c. The number, location and size of existing trees proposed to be saved and applied to the fulfillment of this requirement;

d. The provisions to be taken pursuant to Section 18-107 of the Code of the City of Lawrence, Kansas during construction for the protection of existing trees to be saved (if any);

e. If trees are proposed in Street medians, provisions for maintenance (including how water line extensions will be paid); and

f. The identification of power line locations.

Comment [sms224]: Reformat from paragraph to outline

(4) **Provision of Right of Entry**

(i) Each Final Plat ~~filed on and after January 1, 2003,~~ for detached or attached single ~~family~~ **dwelling** residential Structures to be built on individual Platted Lots in a City residential Subdivision in RS **and RM12D** zoning districts shall contain the following note on the face of the Final Plat: "The City is hereby granted a temporary right of entry to plant the required Street trees pursuant to Section 20-811(g) of the City Subdivision Regulations."

(ii) For Final Plats filed before January 1, 200~~3~~**2**, for detached or attached single ~~family~~ **dwelling** residential Structures to be built on individual

Platted Lots in a City residential Subdivision in RS **and RM12D** zoning districts, the property Owner of undeveloped Lots for which a city building permit has not been issued shall sign a consent form and submit it with the building permit application granting the City of Lawrence temporary right of entry to plant the required Street trees pursuant Section 20-811(g) of the City Subdivision Regulations.

Comment [sms225]: This is really a building permit requirement – should it be repeated?

(5) **Credits for Existing Trees**
Existing trees may be applied toward the fulfillment of this ~~S~~street tree requirement when:

(i) All of the following conditions exist:

a. The tree is healthy and of a species the Director of the Parks and Recreation Department or his/her designee determines to be desirable as a ~~S~~ street tree;

b. The existing tree is within the Street right-of-way or within 30 feet of the back of the curb or proposed curb line;

c. The tree(s) caliper of a canopy shade tree is at least four inches measured ~~6~~six inches from the ground, or in the case of an ornamental tree, the tree caliper is at least two inches, measured six inches from the ground, in accordance with the American Nurseryman Standards;

d. The Applicant has submitted a tree protection plan that conforms with the requirements of Section 18-107 of the Code of the City of Lawrence, Kansas, and amendments thereto, and

e. The existing or proposed location of overhead utility lines along the Street right(s)-of-way will not prevent the full growth of the Street tree.

(ii) ~~The existing or proposed location of overhead utility lines along the Street right(s) of way will not prevent the full growth of the Street tree.~~

Comment [sms226]: Move this into the list above, not separate.

(6) **Timing of Landscape Placement**

(i) The timing of, and manner in which the Street trees shall be planted for detached or attached single ~~family~~ **dwelling** residential Structures to be built on individual platted lots in city residential subdivisions final platted in RS **and RM12D** Zoning Districts filed on and after January 1, ~~2003~~**2002**, shall be in accordance with City Administrative Policy No. 83.

Comment [sms227]: correction

(ii) The timing of, and manner in which the Street trees shall be installed on those undeveloped Lots for which the City has not issued a building permit for detached or attached single ~~family~~ **dwelling** residential Structures on individual Lots within existing Platted Subdivisions in the RS and RM12D zoning districts filed before January 1, ~~2003~~**2002**, shall be in accordance with City Administrative Policy No. 83.

Comment [sms228]: do we need two different dates anymore or can I and ii be combined since both refer to the Admin Policy?

(iii) For all other required Street trees not covered by (i) and (ii) above, and/or Developments requiring a site plan:

a. Trees shall be installed, after other Public Improvements, if water is available for their care and maintenance. The property Owner or his designee shall be required to guarantee planting of the tree at the time a building permit application is submitted.

b. Street trees shall be planted prior to final building inspection or the issuance of an occupancy permit. Consideration shall be given to seasons of the year and adverse weather conditions in requiring completion of tree planting PROVIDED, the guarantee for planting is extended to the date of completion of tree planting.

c. Guarantee shall be provided in the following form:

1. A cash escrow deposit in a ~~federally insured commercial bank or savings and loan~~ **financial** institution authorized to do business in Kansas in an amount set forth in the City of Lawrence Administrative Policy No. 83. This escrow deposit shall be invested and reinvested by such bank or savings and loan, the interest or discount from which shall be paid to the Subdivider upon final release of such escrow deposit as determined by Section 20-811**(i)**. Money will be withdrawn to pay the Developer or a designated nursery after the installation of said trees and prior to the issuance of a final certificate of inspection; or

2. The appropriate Governing Body, at its discretion, may accept an irrevocable letter of credit from a financial institution or a corporate surety performance bond in lieu of a cash escrow deposit to insure the planting of the required Street trees.

(7) **Continuing Maintenance**

(i) Continuing maintenance of trees planted by the City shall be in accordance with the maintenance provisions set forth in City of Lawrence Administrative Policy No. 83.

(ii) For all other required Street trees not covered by ~~s~~Section 20-811(g) and/or Developments requiring a site plan, the on-going maintenance of trees, once planted, shall be the responsibility of the property Owner adjacent to the public right-of-way or Private Street. If a ~~S~~street tree dies or fails to be planted within one calendar year of issuance of an occupancy permit, the City shall notify the property Owner of the need to plant or replace the tree(s) as applicable. Should the property Owner fail to plant or replace the tree within 30 days of notification, the City shall reserve the right to cause the required trees to be installed and the cost of the tree(s), plus the cost of installation of the tree(s), shall be assessed to the property Owner.

(8) ~~**Lot Pinning**~~

(i) ~~Pins for all corners of the Subdivision and for all Lot corners shall be set and the completion of the setting certified by the responsible Surveyor before a Plat is recorded.~~

(ii) ~~A Major Subdivision can be pinned or staked in phases that are coincident with:~~

a. ~~The Street construction and Development phase;~~

b. ~~The placement of utilities within the designated utility Easements phase; and~~

c. ~~The pouring of building foundations for slabs for building construction (issuance of a building permit phase).~~

(iii) ~~Before the filing of a Plat or replat with the Register of Deeds, the Developer or Owner shall provide certification to the Planning Director that the Subdivision's boundaries are pinned and there is a contract with a licensed Land Surveyor to pin the Lots after completion of Street and Public Improvements.~~

(iv) ~~At the time the Street plans are submitted to the public works department for approval, the center lines of right(s) of way shall be identified by establishing the following control points:~~

a. ~~Points of Intersection (PI);~~

b. ~~Points of Tangency (PT); and,~~

c. ~~Points of Curvature (PC).~~

(v) ~~Simultaneously with the construction of public improvements, staking or pinning of the Subdivision boundary corners and key points along the Easement(s) shall be completed to provide the following information:~~

a. ~~The Intersection of four or more Lots;~~

b. ~~Points of curvature; and~~

c. ~~Points of Intersection with other Easements.~~

(vi) ~~At the time of application for a building permit, the Developer or builder of the Lot shall present certification (letter stamped by a licensed Land Surveyor) to the building inspector to assure Lot corners are pinned and pins are found or set.~~

Comment [sms229]: This is numberd as (8) under Street Trees. Relocate to end of 20-811 so it has its own section and does not require multiple reference changes to the completion of improvements and financing sections.

(h) Completion of Public Improvements

Before a Final Plat or ~~f~~ **Minor Subdivision/R**eplat may be recorded, the Subdivider shall:

(1) Provide written certification from the City or County Engineer, as applicable, that all required Public Improvements in that portion of a Subdivision authorized for Development have been completed in accordance with applicable Design and Public Improvement Standards of this Article; or

(2) Provide for one or more of the following means of ensuring completion of required Public Improvements:

(i) A Public Improvement Petition for construction and installation of all or a portion of the required Public Improvements. ~~However, property within the Regulatory Floodplain is not eligible for this option;~~

Comment [sms230]: PW using BDs to finance floodplain improvements

(ii) A cash escrow deposit in an amount estimated by the appropriate Engineer to be sufficient to assure the appropriate Governing Body of the construction and installation of the uncompleted portion of the required Public Improvements in accordance with applicable improvement standards;

(iii) An irrevocable letter of credit from a financial institution qualified to do business in Kansas, in a form satisfactory to the appropriate Governing Body, in an amount estimated by the appropriate Engineer to be sufficient to assure the appropriate Governing Body of the construction and installation of required Public Improvements in accordance with applicable improvement standards; or

(iv) **Approval subject to conditions:**

a. The ~~appropriate Governing Body~~ **Planning Director** may approve the Final Plat subject to the condition that it not be recorded until the City Engineer or County Engineer, as applicable, has determined that all required Public Improvements have been completed in accordance with the standards of this Article and related design standards of the applicable local government.

b. If the required improvements are not timely completed, the City Engineer or County Engineer **with the Planning Director** may submit the Final Plat to the appropriate Governing Body for further consideration; after giving the Subdivider an opportunity to be heard, the appropriate Governing Body may:

1. **Authorize the Planning Director to** ~~R~~ **r**escind the approval of the plat, require additional assurance for completion of the Public Improvements,

2. Authorize the recording of the Final Plat without further improvements, or

3. Extend the timeline for completion of the Public Improvements.

(v) The appropriate Governing Body may, at its discretion, determine which of such methods for ensuring completion of required Public Improvements shall be required.

Comment [sms231]: Broke up long paragraph

(i) **Escrow Deposit**

(1) The amount of the cash escrow deposit determined in accordance with Section 20-811(h)(2)(ii) shall be deposited by the appropriate Governing Body in a special escrow account in the commercial bank in which the funds of such appropriate Governing Body are then deposited.

(2) This escrow deposit shall be invested and reinvested by such bank in short-term government securities, the interest or discount from which shall be paid to the Subdivider upon final release of such escrow deposit as hereinafter provided.

(3) Upon written certification from the City or County Engineer, as applicable, that the required Improvements have been 30% completed, the appropriate Governing Body shall release 30% of such escrow deposit to the Subdivider.

(4) Upon a like certification that the required Public Improvements have been 50% and thereafter, 75% completed, the appropriate Governing Body shall release 20% and 25% respectively, of the original escrow deposit to the Subdivider.

(5) Upon written certification from the appropriate Engineer that the required Public Improvements have been completed in accordance with applicable improvement standards, the balance of such escrow deposit, together with all earnings accrued thereon, shall be released to the Subdivider.

(j) Irrevocable Letter of Credit

(1) The amount of an irrevocable letter of credit determined in accordance with Section 20-811(h)(2)(iii) shall be submitted by the Subdivider to the City or County Engineer, **City or County Public Works Director** or other designated representative.

(2) By the 10th of each month, the City or County Engineer or other designated representative shall certify to an agent of the financial institution, estimates of the amount of work completed by the contractor.

(3) The financial institution may submit a new letter of credit, which would reflect the balance of work remaining to be completed as determined by the City or County Engineer to replace the previous letter of credit.

(4) Ten percent of the total project cost shall be retained until the City Engineer or County Engineer, whichever is appropriate, has accepted all of the Public Improvements in that phase of the Subdivision.

(k) Lot Pinning

(1) Pins for all corners of the Subdivision and for all Lot corners shall be set and the completion of the setting certified by the responsible Surveyor before a Final Plat or Replat is recorded.

(2) As an alternative to Section 20-811(k)(1), before the ~~filing~~ **recording** of a Final Plat or **Minor Subdivision/** Replat with the Register of Deeds, the Developer or Owner shall provide certification to the Planning Director that the Subdivision's boundaries are pinned and there is a contract with a licensed Land Surveyor to pin the Lots after completion of Street and Public Improvements.

(3) A Major Subdivision can be pinned or staked in phases that are coincident with:

(i) The Street construction and Development phase;

(ii) The placement of utilities within the designated utility Easements phase; and

(iii) The pouring of building foundations for slabs for building construction (issuance of a building permit phase).

(4) At the time the Street plans are submitted to the Public Works ~~department~~ Director for approval, the center lines of right(s)-of-way shall be identified by establishing the following control points:

(i) Points of Intersection (PI);

(ii) Points of Tangency (PT); and,

(iii) Points of Curvature (PC).

(5) Simultaneously with the construction of public improvements, staking or pinning of the Subdivision boundary corners and key points along the Easement(s) shall be completed to provide the following information:

(i) The Intersection of four or more Lots;

(ii) Points of curvature; and

(iii) Points of Intersection with other Easements.

(6) At the time of application for a building permit, the Developer or builder of the Lot shall present certification (letter stamped by a licensed Land Surveyor) to the ~~b~~**B**uilding ~~inspector~~ **Safety Manager** to assure Lot corners are pinned and pins are found or set.

Comment [sms232]: Relocated from (8) under Street Trees. .

Comment [sms233]: Had to renumber/letter to fit outline format – content did not change

Comment [CoL234]: Moved this up in section to follow (1)

20-812 ~~Contents of Plats~~ (Reserved)

Comment [sms235]: Reserve section rather than renumber the following sections. All Plat Contents info is now in 809

(a) **~~Preliminary Plat~~**

~~(1) The Preliminary Plat shall be drawn to a scale where all features presented are readable.~~

~~(2) Materials to be Included~~

~~The Preliminary Plat shall:~~

(i) ~~State the name of the proposed Subdivision;~~

(ii) ~~List names and addresses of the Subdivider, the land planner or Subdivision designer (if any) and the licensed land Surveyor;~~

(iii) ~~Show date of preparation, north arrow and graphic scale;~~

(iv) ~~Identify the Plat as a Preliminary Plat;~~

(v) ~~Give a legal description of the proposed Subdivision complete with section, township, range, principal meridian, county, and acreage. Show the location of the nearest section and/or quarter-section corner on the Plat, with a description tying it to the point of beginning for the Subdivision.~~

a. ~~A replat shall not be required to be referenced to a section and/or quarter section corner, provided the original Plat for the subject replat is tied to at least one of these corner monuments;~~

(vi) ~~Include location, description and elevation of all benchmarks established or source used for vertical control. There must be at least one established vertical control point as the basis for the topographic survey included with the application;~~

(vii) ~~Show names of adjoining Subdivisions or, in the case of unplatted land, the names of the Owner or Owners of adjoining property;~~

(viii) ~~Show topography (contour interval not greater than 2 (feet) of the site. Topography shall be consistent with City of Lawrence and/or Douglas County aerial topography. Where land disturbance, grading or development has occurred on a site or within 100 feet of the subject site since the date the City of Lawrence and/or Douglas County, whichever is applicable, obtained aerial topography, an actual field survey shall be required;~~

Comment [sms236]: Phil indicated that this would require survey work on someone else's property that the applicant does not have permission to do

(ix) ~~Show on the face of the Plat or on a separate sheet, a general location of the proposed Subdivision. The general location map shall be drawn to an appropriate scale and shall show the relationship of the proposed Subdivision to the following:~~

a. ~~The nearest Intersection of public Streets;~~

b. ~~If not in the City, any state highway located within one-half mile of the property;~~

c. ~~If in the City, any public school or park located within one-quarter mile of the property. If in the County, any public school located within one mile of the property;~~

d. ~~If in the Urban Growth Area, the nearest City Limits, and the nearest boundary of the Urban Growth Area;~~

e. ~~The zoning of the property and any other Zoning Districts located within one-quarter mile (if in the City or within the Urban Growth Area) or within one-half mile (if in the Rural Area).~~

(2) ~~**Existing Conditions**~~
~~The Preliminary Plat shall also show the following existing conditions:~~

(i) ~~Location of any area designated as Floodplain or Regulatory Floodplain, location and direction of the flow of existing water courses; and the surface elevation of the Regulatory Flood.~~

(ii) ~~Location of any area zoned "Floodplain" in the Floodplain Overlay District, location and direction of flow of all water courses; and Base Flood Elevation at water course entrances to and exits from the proposed Subdivision;~~

(iii) ~~Location of section lines, private or public Streets, Alleys, Easements, and city boundaries within and immediately adjacent to the proposed Subdivision;~~

(iv) ~~Location of natural features such as rock outcroppings, unique topographic features, lakes, individually significant stands of mature trees, and insofar as can reasonably be shown, natural features to be removed;~~

(v) ~~Boundaries of significant stands of mature trees, Jurisdictional Wetlands, historic sites and Archaeological Sites on the property proposed for subdivision;~~

(vi) ~~**Natural features and environmentally sensitive lands within the unincorporated portions of the County:**~~

a. ~~Location of natural features such as rock outcroppings, unique topographic features, lakes, individually significant mature trees, **and water bodies** and insofar as can reasonably be shown, natural features to be removed;~~

b. ~~**Boundaries of significant stands of mature trees, Jurisdictional Wetlands, historic sites and Archaeological Sites on the property proposed for subdivision; Location of features which are listed in Section 20-810(i) [County Code Section 11-110(i)] as environmentally sensitive lands.**~~

c. ~~**The plat shall delineate the environmentally sensitive lands which are to be protected and provide for protection in one of the following ways: note that they will be protected with a temporary set aside agreement or permanent conservation easement which will be recorded prior to the final plat; or place the protected areas within**~~

Comment [sms237]: Do we need to list FW & FF Overlay Districts for County or just go with this generic?

Comment [CoL238]: Text from TA-06-12-08

~~**tracts or easements and note the ownership, maintenance responsibility and protection measures on the plat.**~~

d. ~~**Designation of a building envelope which excludes the environmentally sensitive lands.**~~

(vii) ~~Boundaries of significant stands of mature trees, jurisdictional wetlands, historic sites and Archaeological Sites on the proepry proposed for subdivision.~~ ~~**Natural features and environmentally sensitive lands within the City:**~~

a. ~~**Location of natural features such as rock outeroppings, unique topographic features, lakes, individually significant mature trees, and water bodies, and insofar as can reasonably be shown, natural features to be removed;**~~

b. ~~**Location of environmentally sensitive lands including those which were identified on a Sensitive Areas Site Plan for protection and those which will be altered with the development.**~~

c. ~~**Article 11 of the Development Code requires that a Sensitive Area Site Plan be submitted with, or prior to, any development proposal for lands containing environmentally sensitive lands. The Sensitive Area Site Plan is to be incorporated into the plats and other plans.**~~

d. ~~**Protected Environmentally Sensitive Lands are to be located within a tract or easement.**~~

e. ~~**Information regarding ownership and maintenance of the tract or easement as well as the protection measures for the environmentally sensitive lands.**~~

Comment [sms239]: Text from TA-06-12-08

(viii) ~~Existing use of the property, including the location of all existing buildings, indicating those that will be removed and those that will remain on the property after the Final Plat is recorded;~~

(ix) ~~Horizontal location and vertical elevation (if available) of existing sanitary sewers, storm water sewers, and culverts within and adjacent to the proposed Subdivision, and the location of existing water mains, underground wiring, pipelines, and gas lines;~~

(x) ~~Zoning of all land within and adjacent to the tract;~~

(xi) ~~Location, description and elevation of all benchmarks established or source used for vertical control;~~

(xii) ~~Types of soil, with the soil types generally indicated on the Preliminary Plat or a supplemental sheet; and,~~

(xiii) For a Subdivision that will rely on the use of On-Site Sewage Management Systems, a summary of available information on the subsurface Water Table, including the depth of the Water Table at the highest, lowest and typical locations within the Subdivision.

(3) **Streets; Sites**
The Preliminary Plat shall further show the following:

(i) Proposed Streets (including location, width, names, approximate grades), and their relation to Platted Streets or to proposed Streets as shown on any Watershed/Sub-basin Plan, Sector or Neighborhood Plan of adjacent property.

(ii) Easements, showing width and general purpose;

(iii) Blocks and Lots, showing approximate dimensions and proposed Block and Lot numbers;

(iv) Sites designated for other than single family use by the adopted comprehensive or appropriately adopted Watershed/Sub-basin Plan, Sector or Neighborhood Plan. (Such plan shall be referenced on the face of the Plat);

(v) Sites proposed for Dedication as drainageway, park, school, or other public purposes;

(vi) Sites proposed by the Applicant for land uses not in conformance with adopted comprehensive or neighborhood plans accompanied by a note on the face of the Plat stating that approval of the Preliminary Plat does not certify approval of these proposed land uses.

(vii) If requested by Planning Staff, the Building Envelope for proposed Lots.

a. Any Lot that is not rectangular or that has a single dimension of less than 55 feet shall show the Building Envelope permitted under the current Zoning District regulations;.

b. Aa note referring to such Building Envelope shall be included on the face of the Preliminary and Final Plats regarding filed on a separate document in the Planning Department shall identify the applicable Zoning District and the date of the Zoning provisions on which the preparer has relied in designating the Building Envelope.

Comment [CoL240]: Added reqmts from 20-810

(4) **Supplemental Data**
The following supplementary data and information shall be submitted with the Preliminary Plat or be included thereon:

(i) A table, shown on the face of the Plat, including this data:

a. Gross acreage of the Subdivision;

b. Acreage within each Zoning District;

c. Acreage to be dedicated for Streets or roads, if any;

d. ~~Acreage to be dedicated for public uses other than roads, if any;~~

e. ~~Total number of building Lots;~~

f. ~~Maximum, minimum, and average Lot size; and~~

g. ~~Phasing schedule if proposing phasing of final platting.~~

(ii) ~~A statement on the face of the Plat, stating the method to be used for financing Public Improvements in the Subdivision and providing references to statutes, covenants or other sources for further information on the details of such financing. Such statement shall contain a heading in at least 24 point type saying "Provision and Financing of Roads, Sewer, Water and Other Public Services." The rest of the statement shall be set out in at least 12 point type. At a minimum such statement shall indicate:~~

a. ~~Whether the Subdivision will have public Streets and roads, Private Streets and roads or a combination thereof;~~

b. ~~Whether the Subdivision will provide connections to a Public Water source (naming the source);~~

c. ~~Whether the Subdivision will provide connections to a public system for wastewater treatment (naming the system) or will rely on On-Site Sewage Management Systems or other on-site wastewater treatment systems;~~

d. ~~Whether purchasers of Lots in the Subdivision will be subject to special assessments or other costs or fees specific to the Subdivision to pay for the capital costs of Streets, roads, water lines and treatment, and/or wastewater lines and treatment; and~~

e. ~~Whether the provision of improved roads, water service and/or wastewater service will depend in any way on a vote, petition or other collective action of property Owners in the Subdivision.~~

(iii) ~~A separate narrative, explaining in detail the general nature and type of Public Improvements proposed for the Subdivision, and the manner by which the Subdivider intends to provide for their installation, as for example, by Public Improvement Petition, actual construction, escrow deposit, or performance bond. If other than by Public Improvement Petition, the approximate time for completion of such Improvements should be indicated.~~

(5) ~~**Stormwater Drainage – City of Lawrence**~~

(i) ~~**Supplemental Data**~~

~~The Preliminary Plat shall contain data, information and supplemental maps of surrounding property in sufficient detail regarding storm water drainage issues, as determined by the Staff of the Planning Department Planning Director or the Planning Commission. The Staff of the Planning Department Planning Director or the Planning Commission may request additional data, information and supplemental maps from the Applicant regarding storm water drainage, as appropriate.~~

(ii) ~~**Minimum Floor Elevations**~~

On lots adjacent to all Drainage Easements and on drainageways that are designated by the Director of Public Works or his or her designee, the Preliminary Plat and Final Plat shall indicate:

(a) The required minimum habitable floor elevations for Structures on Lots; or,

(b) The minimum elevation for a foundation opening(s) which shall be certified by a licensed land Surveyor or Engineer.

(c) [If a Basement is built on a Lot where a minimum elevation has been established, the building design is encouraged to incorporate a sump pump.]

(b) **Final Plat**

(1) **Format**

The Final Plat shall be prepared by a licensed Land Surveyor with black ink on permanent reproducible material meeting the current standards provided by the Register of Deeds. All drawings and signatures of certification shall be in waterproof ink. The overall sheet size shall be 24 inches by 36 inches. The scale shall be one inch equals 100 feet or less.

(2) **Material to be Included**

The Final Plat shall show:

Comment [CoL241]: Add in electronic submission

Name under which the Subdivision is to be recorded;

(i) Descriptive information, which shall:

a. State the name of the proposed Subdivision;

b. Show date of preparation, north arrow and graphic scale;

c. Give a legal description of the proposed Subdivision complete with section, township, range, principal meridian, county, and acreage. Show the location of the nearest section and/or quarter section corner on the Plat, with a description tying it to the point of beginning for the Subdivision.

(1) A replat shall not be required to be referenced to a section and/or quarter section corner, provided the original Plat for the subject replat is tied to at least one of these corner monuments;

d. Show names of adjoining Subdivisions or, in the case of unplatted land, the names of the Owner or Owners of adjoining property;

e. Easements, showing width and general purpose;

f. Sites proposed for Dedication as drainageway, park, school, or other public purposes;

(ii) **In addition, the following information is required which is similarly required on the Preliminary Plat:**

Comment [CoL242]: Text from TA-06-12-08

a. **Location of any area zoned Floodplain or within a Floodplain Overlay District zoning district;**

b. **~~Boundaries of significant stands of mature trees, Jurisdictional Wetlands, historic sites and Archaeological Sites on the property proposed for subdivision; protected environmentally sensitive lands as shown on the preliminary plat.~~**

c. **~~For properties within the City, the environmentally sensitive lands shall be located within a tract or easement and the plat shall contain information regarding ownership and maintenance of the tract or easement as well as the protection measures for the environmentally sensitive lands.~~**

d. **~~For properties within the unincorporated portions of the County, the plat shall include a building envelope which excludes the environmentally sensitive lands and one of the following: a note that a Temporary Set Aside Agreement or permanent Conservation Easement which contains use restrictions and maintenance and protection measures has been recorded for the environmentally sensitive lands and the Book and Page Number for the recorded Temporary Set Aside Agreement or permanent Conservation Easement; or the protected environmentally sensitive lands shall be placed within easements or tracts and the plat shall note the ownership, maintenance responsibility and protection measures of the protected lands.~~**

e. **~~Proposed Streets (including location and proposed names), and their relation to Platted Streets or to proposed Streets as shown on any adopted general Development plan of adjacent property; and,~~**

f. **~~Block and Lot numbers and dimensions of Blocks and Lots.~~**

(iii) ~~In addition, the following information is required which is similarly required on the Preliminary Plat:~~

a. ~~Location of any area zoned Floodplain or within a Floodplain Overlay District zoning district;~~

b. ~~Boundaries of significant stands of mature trees, Jurisdictional Wetlands, historic sites and Archaeological Sites on the property proposed for subdivision;~~

c. ~~Proposed Streets (including location and proposed names), and their relation to Platted Streets or to proposed Streets as shown on any adopted general Development plan of adjacent property; and,~~

d. ~~Block and Lot numbers and dimensions of Blocks and Lots.~~

(iv) ~~Accurate dimensions for all lines, angles, and curves used to describe boundaries, Streets., Easements and areas to be reserved for public use. Data for all curves shall include radius, arc length, chord length, and central angle;~~

(v) ~~For land located in a Floodplain, as defined and regulated under Chapter 20, Article 12 of the City Code and the comparable provisions adopted by resolution in Section 12-328 of the Zoning Regulations for the Unincorporated Area of Douglas County, the following:~~

a. ~~The total area of each Lot located in the designated Floodplain;~~

b. ~~The Minimum Building Elevation and Minimum Elevation of Building Opening, as determined from Chapter 20, Article 12 or the applicable County Floodplain regulations. Section 12-328 of the Zoning Regulations for the Unincorporated Area of Douglas County.~~

(vi) ~~**For any Lot including or adjacent to a lot including environmentally sensitive lands (see Section 20-1101(c)(iii)), as defined in Section 20-810(i) [County Code Section 11-110(i)] designation of a Building Envelope within which a building may be built after compliance with all applicable setback, floodplain and sensitive land standards;**~~

(vii) ~~For any Lot including or adjacent to a lot including sensitive lands (see Section 20-1101(c)(iii)),as identified in Section 20-810(i)& (j), designation of a Building Envelope within which a building may be built after compliance with all applicable setback, floodplain and sensitive land standards;~~

(viii) ~~The dated signature and seal of the licensed Land Surveyor responsible for the survey and the Final Plat shall contain a note stating: "This survey conforms to the Kansas Minimum Standards for Boundary Surveys";~~

(ix) ~~Acknowledged certifications on the face of the Final Plat as listed below (may be combined where appropriate):~~

a. ~~A certificate signed by all parties having any record, title or interest of record in the land subdivided, showing their consent to the preparation and recording of the Plat;~~

b. ~~A certificate, signed by the Owner or Owners, dedicating all parcels of land which are intended for public use;~~

(x) ~~The endorsement of the Planning Commission as evidenced by the signature of its Chairperson;~~

(xi) ~~Acceptance of Dedication by the appropriate Governing Body, as indicated by the signature of the Chairperson of the Board of County Commissioners, the Mayor or another Person authorized to sign on behalf of either;~~

(xii) ~~As a separate document, a certificate that all taxes and special assessments due and payable have been paid.~~

a. ~~In the case of unpaid special assessments, a proposed redistribution of such unpaid special assessments which meets the county or city's requirements and is acceptable to the County or City Clerk and County or City's Public Works Director.~~

(xiii) ~~A note shall be placed on the Final Plat indicating that additional information concerning drainage and structural elevations are placed on the Preliminary Plat, if such requirement has been placed on the Preliminary Plat.~~

(xiv) ~~A line shall be provided on the plat for the review date and signature of the County Surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005".~~

Comment [CoL243]: From TA-06-12-08

Comment [sms244]: Seems better to reference to Sub Regs rather than Dev Code see if this is still accurate after TA

20-813 Administration and Enforcement

(a) Planning Department Powers and Duties

The Planning Department shall have the following powers and duties under this Article:

(1) Maintain permanent and current records with respect to these regulations, including amendments thereto;

(2) Receive all pre-applications together with other necessary information;

(3) Distribute copies of applications and other necessary information to other appropriate governmental agencies and departments for their review and recommendations;

(4) Review applications of ~~Subdivision~~ **land division** for compliance with these regulations;

(5) Present reports and recommendations to the Planning Commission **and Governing Bodies**;

(6) File approved Final Plats, **Minor Subdivision/Replats, and Certificates of Surveys** with the Register of Deeds;

(7) Make such other determinations and decisions as may be required by these regulations or by the Planning Commission.

(b) Planning Commission Powers and Duties

The Planning Commission shall have the following powers and duties under this Article:

(1) Review and approve, conditionally approve, or disapprove Preliminary Plats, ~~and unless disapproved, transmit the same to the Lawrence City Commission for acceptance of Dedication of Rights-of-way, and easements~~;

(2) Grant or deny variances to the design standards of this Article as per Section 20-813(~~f~~)(**g**);

(3) Make such other determinations and decisions as may from time to time be required by these regulations, or by applicable state law.

(c) Dedications or Vacations

The applicable Governing Bodies shall be responsible for accepting the Dedication **or approving the vacation of rights-of-way for** public Streets, **Roads and public** easements.

Comment [sms245]: Modifying process

Comment [sms246]: Should we define term

(d) **Building Permits in the Unincorporated Area of Douglas County**

No building permit shall be issued for any building or Structure in the Unincorporated Area of the County unless the Douglas County Zoning & Codes Director finds that:

(1) The proposed building or structure shall be located:

(i) On a **platted** lot shown on an approved and recorded Final Plat for a Subdivision or on a Residential Development Parcel shown on an approved and recorded Certificate of Survey;

(ii) On a platted lot or land division in existence on the ~~effective date~~ Effective Date of these regulations that has a vested right under these requirements pursuant to Section 20-801(e) ~~(2)~~;

(iii) On a platted lot or land division, created through a valid Exemption to these regulations or to the Subdivision Regulations that were in effect at the time when the Lot or land division was created **as identified in Section 20-801(d)** ~~or pursuant to an approved Certificate of Survey~~**;** or

(iv) On a **recorded** Land Combination, created pursuant to Section 20-801(f).

(2) A building permit may be issued for improvement of an existing residential building in the unincorporated area of the County if the Douglas County Zoning & Codes Director finds that the existing residential building:

(i) Was built on the site prior to the effective date of these regulations; and,

(ii) Is located on a land parcel of sufficient size to meet the County's Sanitary Code requirements.

(3) All Public Improvements required as a condition of approval of the **Final** Plat on which the Lot is shown have been completed or the Subdivider has provided security for the completion of such Improvements, in accordance with Section 20-811(h)(2);

(4) A certification, signed by a licensed Land Surveyor, has been presented as proof of pinning for each of the Lots for which building permits are requested; and,

(5) There has been compliance with any conditions of **Final** Plat **or Certificate of Survey** approval.

(e) **Building Permits in the City of Lawrence**

No building permit shall be issued for any building or Structure in the City of Lawrence unless the Planning Director finds that:

(1) All Public Improvements required as a condition of approval of the **Final** Plat on which the Lot is shown have been completed or the Subdivider has provided security for the completion of such Improvements, in accordance with Section 20-811(h)(2);

Comment [sms247]: Multiple ways property may be vested, don't limit to just (2)

Comment [sms248]: Is this repetitive of what is stated in (i)?

Comment [CoL249]: Check ref - OK

Comment [sms250]: Should there also be some reference to determination of nonconforming lots in Art 15? Or additional Lot of Record language for City properties under Vested Rights in 801(e)(2)

Comment [sms251]: Does this statement now conflict with lot of record/nc statement above? Do these need to be numbered or an 'as an alternative to the statement above' added?

(2) A certification, signed by a licensed Land Surveyor, has been presented as proof of pinning for each of the Lots for which building permits are requested; and

(3) There has been compliance with:

(i) All applicable Design Standards and Public Improvement requirements of this Article;

(ii) All applicable Review and Approval Procedures of Section 20-802; and

(iii) Any conditions of **Final** Plat approval~~.~~**; or**

(4) **The property is determined by the Planning Director to be a lot of record or a nonconforming lot as defined in Section 20-1504 of the Land Development Code.**

(f) Appeals

(1) **From Decision of the Planning Director**
Unless otherwise provided, a Person aggrieved by a decision of the Planning Director under these Subdivision Regulations may appeal the decision to the Lawrence Board of Zoning Appeals in accordance with Section 20-1311 of the City Code **or the Douglas County Board of Zoning Appeals in accordance with Section 12-323 of the County Code, as applicable**. Such appeal shall be filed within 30 days of the date of the letter, memo, staff report or other written representation of the decision of the Planning Director which was reasonably available to the Person aggrieved. An appeal not timely filed is barred.

(2) **From Decision of the Douglas County Zoning and Codes Director**
Unless otherwise provided, a Person aggrieved by a decision of the Douglas County Zoning & Codes Director under these Subdivision Regulations may appeal the decision to the Douglas County Board of Zoning Appeals in accordance with Section ~~23-2~~ **12-323** of the Douglas County Zoning Regulations. Such appeal shall be filed within 30 days of the date of the letter, memo, staff report or other written representation of the decision of the ~~Planning~~ **Zoning and Codes** Director which was reasonably available to the Person aggrieved. An appeal not timely filed is barred.

Comment [sms252]: Update with new numbering

(3) **From Decision of Planning Commission**
A Person aggrieved by a decision of the Planning Commission under these Subdivision Regulations may appeal the decision to the City Commission (in the case of a matter involving land in the City) or to the Board of County Commissioners (in the case of a matter involving land in an unincorporated part of the County). Such appeal shall be filed within 30 days of the date of the meeting of the Planning Commission at which the action appealed from was taken. An appeal not timely filed is barred.

(4) **From Decision of Governing Body**
A Person aggrieved by a decision of the Board of County Commissioners or the **Lawrence** City Commission under these Subdivision Regulations may pursue any available cause of action in a court of competent jurisdiction,

subject to the rules of civil procedure then in effect and subject to any limitations imposed by Kansas law.

(g) **Variances**

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

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

Comment [sms253]: Conflict with 20-811(c)(1)(iii) that describes a waiver process

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

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

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

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

(h) **Design Variances for Planned Development**

When a plat is presented which includes land for which a Planned Development plan has been approved, the Planning Commission may vary the design standards in these **regulations** as necessary to conform to such ~~finally~~ approved ~~Planned~~ **Preliminary and Final** Development Plans.

(i) **Enforcement and Penalties**

It shall be the duty of the Douglas County Zoning & Codes Director, the City Codes Enforcement Manager, and the Planning Director to enforce the Subdivision Regulations of this Article.

(j) **Violations**

The following shall constitute violations of these Subdivision Regulations:

(1) To submit for recording, any Subdivision Plat, land division or other Development Plan that has not been approved in accordance with the procedures of these Subdivision Regulations or that does not qualify for an exemption under these Subdivision Regulations;

(2) To engage in the construction of a building or Development or division of land, requiring one or more approvals under these Subdivision Regulations without obtaining all such required approvals;

(3) To engage in the construction of a building or Development or division of land, requiring one or more approvals under these Subdivision Regulations in any way inconsistent with any such approval or any conditions imposed thereon;

(4) To violate the terms of any approval granted under these Subdivision Regulations or any condition imposed on such approval; or

(5) To violate any lawful order issued by any Person or entity under these Subdivision Regulations.

(k) **Penalties; Remedies**

The following penalties and remedies shall be available to the City and County in enforcing these Subdivision Regulations:

(1) The City or County may seek an injunction or other equitable relief in the District Court to stop any violation of these Subdivision Regulations or of a permit, certificate or other form of authorization granted hereunder.

Comment [sms254]: Deleted blue font

(2) The City or County may seek a Court order from the District Court in the nature of mandamus, abatement or other action or proceeding to abate or remove a violation or to restore otherwise the premises in question to the condition in which they existed prior to the violation.

(3) The City or County may seek such criminal or civil penalties as are provided by Kansas law, City or County Code. For purposes of these penalties, each day's violation shall constitute a separate offense.

(4) The City's Codes Enforcement Manager or the Douglas County Zoning & Codes Director may deny or withhold all permits, certificates or other forms of authorization on any land, or Structure or Improvements thereon:

(i) Which has been divided or subdivided other than in accordance with the requirements of these Subdivision Regulations; or

(ii) On which there is an uncorrected violation of these Subdivision Regulations.

(5) Any permit or other form of authorization required under these Subdivision Regulations may be revoked by the City's Codes Enforcement Manager, the Douglas County Zoning & Codes Director, the Planning Director, or by any City or County official with authority to issue such permit when the official determines:

(i) That there is departure from the plans, specifications, or conditions as required under terms of the Subdivision approval;

(ii) That the Subdivision approval was procured by false representation or was issued by mistake; or

(iii) That any of the provisions of these Subdivision Regulations are being violated.

(6) Written notice of revocation shall be served upon the Owner, the Owner's Agent or contractor, or upon any Person employed on the Building or Structure for

which such permit was issued, or shall be posted in a prominent location, and thereafter construction shall stop.

(7) Whenever a Building or part thereof is being constructed, reconstructed, altered or repaired in violation of these Subdivision Regulations, the City's Codes Enforcement Manager or the Douglas County Zoning & Codes Director may order the work to be immediately stopped.

(i) The stop-work order shall be in writing and directed to the Person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.

(ii) Violation of a stop-work order constitutes a misdemeanor.

(8) Where a violation of these Subdivision Regulations involves a failure to comply with approved plans, or conditions to which the approval of such plans was made subject, the Planning Commission may, upon notice to the Applicant and other known parties in interest (including any holders of Building Permits affected):~~;~~

Comment [sms255]: Broke up long paragraph into list form

(i) Revoke the plan or other approval or

(ii) Condition its continuance on:

a. Strict compliance with these Subdivision Regulations,

b. The provision of financial security to ensure that construction is completed in compliance with approved plans, or

c. Such other conditions as the city may reasonably impose.

(iii) Any required financial security shall be in a form approved by the City or County, as applicable.

20-814 Building Setbacks, Enforcement, Exceptions

Comment [sms256]: Why here when 813 is the Enforcement section?

(a) Building or Setback Lines On Major Streets or Highways

(1) Purpose
As part of the Comprehensive Plan, the City and County have identified major entrances or gateways to the City and the Urban Growth Area around it. To enhance the appearance of those gateways, it is the intent of the City and the County to create a greenway effect along the major corridors through those gateways.

(2) Building and parking Setback Lines are hereby established on certain major Streets or highways as follows:

(i) West Sixth Street from K10 (South Lawrence Trafficway) to Wakarusa Drive and West Sixth Street from Monterey Way to Folks Road: a Setback Line of 50 feet.

(3) Building **and parking** setback limits on West Sixth Street from Wakarusa Drive to Folks Road shall be based on the approved zoning for each tract of land**.**

(b) Exceptions

(1) In the event that a governmental taking or acquisition for right-of-way, easement or other governmental use would reduce a setback that previously complied with this Section, that reduction in setback shall not be deemed to constitute a violation of this Section.

(2) Any non-conforming residential building or Structure located within the 50 foot building and parking setback, which is damaged by fire, Flood, explosion, wind, earthquake, war, riot, or other calamity or Act of God, may be restored or reconstructed provided; said restoration or reconstruction occurs on the original foundation. The building or Structure may not be rebuilt to a greater density or intensity than existed before the damage.

(c) Appeal – Setback

Not withstanding Section 20-813, any appeal of the building and parking setback line established for major streets or highways shall be to the Board of Zoning Appeals of the applicable jurisdiction, provided that no appeal shall be required in the instance of the reduction in a setback resulting from a governmental taking or acquisition for right-of-way, easement, or other governmental use, as provided in Section 20-814(b)(1). The Board of Zoning Appeals shall have the power to modify or vary the building and parking setback line in specific cases in order that unwarranted hardship, which constitutes a complete deprivation of use as distinguished from merely granting a privilege, may be avoided. In the absence of such a hardship, the intended purpose of the building and parking setback line shall be strictly observed.

(d) Enforcement

No building or occupancy permit shall be issued for any new building within the plat approval jurisdiction of the City of Lawrence, or the unincorporated area of Douglas County, which fails to comply with the requirements of ~~this~~ Section **20-814.**

Comment [sms257]: Does this mean 20-814? Why do we have a separate Enforcement paragraph here when the previous section 813 was also enforcement?

(e) **Interpretation**

The provisions of ~~this section~~ **Section 20-814** shall not be interpreted to deprive the owner of any existing property or of its use or maintenance for the purpose to which such property is then lawfully devoted.

20-815 Interpretations, Rules of Construction and Definitions

(a) **Interpretation and Rules of Construction**

(1) Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

(2) The provisions of these regulations are not intended to abrogate any Easement, covenant, or other private agreement; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such Easement, covenant, or other private agreement, the requirements of these regulations shall govern.

(3) A Subdivision of land which was not lawful at the time of the adoption of these regulations shall not become or be made lawful solely by reason of adoption of these regulations.

Comment [sms258]: Should we include the date? Dec 31, 2006 , Dec 19, 2006 or Jan 1, 2007???

(4) The provisions of these regulations are cumulative and are additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter in the provisions of these regulations.

(b) **Definitions**

(1) Words used in this Article have the standard dictionary definition unless they are defined in this section. Words defined in this section shall have the specific meaning assigned, unless the context expressly indicates another meaning.

(2) Words or terms that are specifically defined in the Subdivision Regulations, **and specifically used in the context of these regulations,** are distinguished by being in Title Case and in Blue Text in the original code document.

(3) **The words "shall", "will", "shall not", and "may not" are mandatory.**

(4) **The word "may" is permissive.**

(5) **The word "and" indicates that all connected items or provisions apply.**

(6) **The word "or" indicates that the connected items or provisions may apply singularly and in combination.**

(7) **Floodplain terms referenced in this Article are defined in Section 20-1205 of the Land Development Code of the City of Lawrence and Section 12-303 of the Zoning Regulations for Douglas County.**

Term	Definition
Abut	To physically touch or border upon; or to share a common property line.
~~**Acceleration Lane**~~	~~An added Roadway lane which permits integration and merging of slower moving vehicles into the main vehicular stream.~~
Access Control	Access Control is the limitation of public access rights to and from properties Abutting Streets or highways. Access Control is used on Arterial Streets and higher functional classes of Streets to preserve traffic service levels and safety.
Access Easement	An easement created for the purpose of providing vehicular or pedestrian access to a property.
Adequate Assurances	A written and executed agreement or contract supplemented by one of the means of ensuring completion of public improvements set forth in Section 20-811(h)(2).
~~**Agency**~~	~~For floodplain management purposes, means the Federal Emergency Management Agency (FEMA).~~
Agent (of Owner or Applicant)	Any person who can show certified written proof that he or she is acting for the Landowner or applicant.
Agricultural Purposes	A purpose that is directly related to the agricultural activity on the land which shall include: (a) the cultivation and tillage of the soil; (b) dairying; (c) the production, cultivation, growing or harvesting of any agricultural or horticultural commodity; (d) the raising or training of livestock, bees, fur-bearing animals, or poultry; or (e) any practices performed by a farmer or on a farm, incident to or in connection with such farming operations. The term "agriculture purpose" does not mean the processing for sale or handling for sale a commodity or product grown or produced by a person other than the farmer or the farmer's employees. In all cases, an agricultural purpose does not include a structure used as a residential dwelling or an On-Site Sewage Management System.
Alley	~~A minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the rear or side of properties otherwise Abutting a Street and which may be used for public utility purposes.~~ A public or private way not more than 20 feet wide primarily designed to serve as a secondary means of Access to abutting property.
Appeal	~~For floodplain management purposes, means a request for the review of the Floodplain Administrator's interpretation of any provision of the Flood Protection Standards or a request for a variance.~~

Comment [sms259]: Term only used here

Comment [sms260]: Term only used in def – is it necessary to include the Floodplain definitions when they are provided in both the County and City Codes in the FP articles?

Comment [sms261]: Added def from Dev Code

Comment [sms262]: Not the same def as in Dev Code

Comment [sms263]: Def from Article 17

Comment [sms264]: Term not used in this context in Sub Regs –do we need it? DELETE

Term	Definition
~~**Applicant**~~	~~A Person submitting an application for approval.~~
~~**Areas of Special Flood Hazard**~~	~~Is the land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year.~~
~~**Base Flood**~~	~~A flood having a 1% chance of being equaled or exceeded in any given year. See "Regulatory Flood".~~
~~**Base Flood Elevation**~~	~~Water surface elevation of the base flood as determined by the Flood Insurance Study or by an approved Hydrologic and Hydraulic Study, whichever is higher.~~
~~**Basement**~~	~~Any area of the structure having its floor sub-grade (below ground level) on all sides.~~
Benchmark	Surveying mark made in some object which is permanently fixed in the ground, showing the height of that point in relation to National Geodetic Vertical Datum (NGVD) and City or County Datum.
Block	A parcel of land entirely surrounded by public Streets, highways, railroad rights-of-way, public walks, parks or green strips, or drainage Channels or a combination thereof.
Bore Hole or Soil Boring	Soil test(s) conducted by drilling or auguring a hole through the native soil and logging the descriptions of the soil stratification, characteristics, moisture content, presence of Groundwater, and other relevant observations in accordance with the Unified Soil Classification System, USDA's Soil Textural Triangle, or other professional soil description system as approved by the applicable local health department.
~~**Boulevard**~~	~~A tree-lined roadway or a multi-lane street with a landscaped median.~~
Boundary Line Adjustment	A change in the boundary between adjoining lands that does not create an additional building site and that, when completed, will result in tracts of land or Lots that comply with the Lot design standards of Section 20-801 20-810(a)(2) and with the Zoning District regulations that apply to the subject property.
Boundary Line Street (or Road)	A Street or Road that forms a part of the boundary line of a City.
Build Out Plan	A future subdivision layout that has been planned and designed to the urban street and block level based on existing topography and the design standards in the subdivision regulations of the city associated with the Urban Growth Area. The build out plan ~~shall~~ identifies an internal street network that has connectivity to existing and planned collector and/or arterial streets, including blocks for future urban development, and the general location of utility and drainage easements.
Buildable Lot	A lot for which a building permit can be obtained. Property that is designated as a "Tract" of land is not a buildable lot, unless the tract is identified for specific uses, such as signs, area markers or public utilities, as part of the subdivision process.

Comment [sms265]: Replace with Agent??

Comment [sms266]: Only used here – delete?

Comment [sms267]: Same as FP def – but different than Dev Code and County Regs

Comment [s268]: BESURE IT ISN'T CAPITALIZED OR BLUE IN TEXT DEF NOT NEEDED

Comment [sms269]: Term only used here

Comment [sms270]: Term only used here – should this language be incorporated into Replat criteria??? -- added requirement in 808(d)(2) to require compliance with lot design ..

Comment [CoL271]: Check ref - OK

Comment [sms272]: Definition should not include regulations (shall)

Comment [s273]: MAKE DISTINCTION IN STDS WITH GOOD DEF OF LOT & TRACT

Comment [sms274]: Term only used here – this is FP def (w/out green additions)

Term	Definition
~~**Building, Principal**~~	~~A building in which is conducted the Principal Use of the building site on which the building is situated. In A-1 (Suburban Home Residential) and R-1 (Single-Family Residential), or in any residential District in Lawrence, any Dwelling shall be deemed is considered to be the Principal Building on the lot, parcel or division on which the Dwelling is located.~~
Building Envelope	The buildable area of a Lot or a Residential Development Parcel defined by the minimum required setbacks of the applicable Zoning Regulations and excluding lands identified to be protected per Section 20-810(~~i~~ k) [County Code Section 11-110(~~i~~ **k)**]. ~~identified in Section 20-810(j).~~ The three-dimensional space on a Lot on which a Structure can be erected consistent with existing regulations, including those governing maximum Height and bulk and the Setback lines applicable to that Lot consistent with the underlying Zoning District, or as modified pursuant to a Variance, a site review, or prior City approval.
Caliper	The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at 6 inches above the ground for trees up to and including 4 inch Caliper size, and as measured at 12 inches above the ground for larger sizes.
~~**Catch Basin**~~	~~An inlet designed to intercept and redirect surface waters.~~
Certificate of Survey	A legal instrument approved pursuant to Section 20-807; this is a narrowly used term and this instrument ~~shall not be~~ is not considered a "Plat" or a 'Subdivision" as defined herein.
Channel	A watercourse with a definite bed and banks which confine and conduct the normal continuous or intermittent flow of water.
~~**Channelization**~~	~~(1) The straightening and deepening of Channels and/or the surfacing thereof to permit water to move rapidly and/or directly.~~ ~~(2) A traffic control device which forces vehicles into certain traffic flows or turning movements.~~
~~**Circle**~~	~~A Street naming suffix designating a Street with a single common Ingress and Egress (Cul-de-sac). The "Circle" suffix is used as a part of a Street name when the Cul-de-sac is a logical extension or continuation of a Street e.g., 14th Circle.~~
~~**City Engineer**~~	~~The person designated by the City Manager as the City Engineer. If no person has been so designated, then this term shall refer to the head Director of the City Public Works Department. If no person has been designated to fill either such position, then this term shall refer to the head of the department or operating unit primarily responsible for the maintenance of City Streets.~~
Cluster Development ~~**Subdivision**~~	~~A form of Development for single-family detached dwelling residential Subdivisions that permits a reduction in Lot area and bulk requirements, provided that there is no increase in the number of Lots that would be~~

Comment [sms275]: Regulatory language shouldn't be in definitions

Comment [sms276]: Not same def as Dev Code

Comment [CoL277]: From TA-12-06-08

Comment [CoL278]: Check reference CORRECTED

Comment [sms279]: Dev Code def IDENTIFY FOR FUTURE TA TO CHANGE this should change in Dev Code to reflect SR def

Comment [CoL280]: From TA-06-12-08

Comment [sms281]: Term only used here

Comment [sms282]: Regulatory language shouldn't be in definitions

Comment [CoL283]: Term not used except in definitions

Comment [CoL284]: Circle not used in doc

Comment [sms285]: I added it to list in Street Naming in 809 – not all of those terms were defined ??????
David W says the only conventions he has is that a Court should be a dead end/cul-de-sac and that both ends of a Circle should terminate at the same roadway. DEVELOP STDS IN 809 OR 810, NOT IN DEF --Bryce looking for street naming convenitoins

Comment [sms286]: Term only used here – should Sub Regs have a section for this w/standards?????

Term	Definition
	~~permitted under a conventional Subdivision and the resultant land area is devoted to open space. The clustering design technique concentrates buildings in specific areas on the site to allow the remaining land to be set aside for recreation, meaningful Common Open Space and preservation of environmentally and geographically sensitive areas or historical features.~~ A form of residential development permitted in the Urban Growth Areas that requires Residential Development Parcels to take access from a common Cross Access Easement and to set aside common areas and to plan for the conservation of natural resources.
Comprehensive Plan	The Comprehensive Plan for the city or county, officially approved or adopted to provide long-range Development policies, and which may include, among other things, the plan for land use, land ~~S~~subdivision, circulation, and community facilities. The Lawrence/Douglas County Comprehensive Plan, also known as "Horizon 2020," and any other applicable plans adopted by the Lawrence/Douglas County Metropolitan Planning Commission, as amended or superceded by adoption of a replacement plan from time to time.
~~**Community**~~	~~Any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.~~
~~**Conservation Easement**~~	~~See "Easement, Conservation"~~
County's Access Management Standards	Access and minimum frontage standards in the Douglas County Code, Chapter IX, Article 5.
~~**County Engineer**~~	~~The person designated by the County Administrator or Board of County Commissioners as the County Engineer. If no person has been so designated, then this term shall refer to the head Director of the County Public Works Department. If no person has been designated to fill either such position, then this term shall refer to the head of the department or operating unit primarily responsible for the maintenance of County roads and infrastructure.~~
County's Rock Road Standard	Standards as delineated in Chapter IX, Section 203 of the Douglas County Code.
~~**Court**~~	~~A Street naming suffix designating a Street with a single common Ingress and Egress (Cul-de-sac). The "Court" suffix is used as a part of a Street name when the Cul-de-sac emanates from a Street at a near right angle, e.g., 14th Court.~~
~~**Cross Access Easement**~~	~~See "Easement, Cross Access"~~
~~**Crosswalk**~~	~~A strip of land dedicated for public use which is established across a Block for the purpose of providing pedestrian access to adjacent areas.~~

Comment [sms287]: Not same as Dev Code def

Comment [sms288]: Dev Code def

Comment [s289]: IDENTIFY FOR DEV CODE TA

Comment [CoL290]: Is this def needed here since it is defined in the floodplain regs?

Comment [CoL291]: Term used throughout regs without reference to floodplain issues (just general community)

Comment [sms292]: Do we need to define the other terms listed in 809 – Street, Avenue, Terrace, Place ???

Comment [sms293]: Diff def in County Zoning Regs – open space

Comment [CoL294]: Term not used – def of Ped Way

Term	Definition
Cul-de-sac	A Street that has one outlet and is permanently terminated by a vehicle turn-around at the other end. This is a sub-category of Streets with a single outlet.
Culvert	A drain, ditch or conduit not incorporated in a closed system, which carries drainage water under a Driveway, Roadway, railroad, pedestrian walk or public way.
Curb Cut	The opening along the curb line at which point vehicles may enter or leave a Roadway.
~~**Curb Return**~~	~~The connecting link between the Street curb and the ramp (Driveway) curb.~~
Datum, City	A reference point from which heights or depths are calculated within the City of Lawrence. All reference marks using City Datum shall also denote NGVD elevation.
~~**Deceleration Lane**~~	~~An added Roadway lane that permits cars to slow down and leave the main vehicle stream.~~
Dedication	Gift or donation of property by the Owner to a governmental unit. The transfer is conveyed by a Plat or a written separate instrument. The act of dedicating is completed with a formal acceptance by the Governing Body.
Design Standards, Subdivision	All requirements and regulations relating to design and layout of Subdivisions contained in Section 20-810.
Detention Pond	A ~~storage~~ facility for the temporary storage of stormwater runoff. The stormwater may be released to downstream facilities at a designed rate of flow.
Developer	The legal or beneficial Owner or Owners of a Lot or of land proposed to be subdivided including the holder of an option or contract to purchase, or other Person having enforceable proprietary interests in the land.
~~**Development**~~	~~Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.~~
Double Frontage Lot (or Through Lot)	A Lot with two opposite Lot Lines Abutting upon Streets or Roads which are substantially parallel. A Lot abutting two Streets, not at their intersection. Any Lot meeting the definition of Corner Lot shall not be considered a Through Lot; any Lot abutting two Streets and not meeting the definition of a Corner Lot shall be considered a Through Lot
Douglas County Zoning & Codes Director	The director of the Douglas County Zoning and Codes Department or such Person's designee with primary responsibility for enforcement and administration of the Zoning and Building Code Regulations of Douglas County.

Comment [sms295]: Why define? This term is not used in this article

Comment [sms296]: Regulatory language???

Comment [CoL297]: Term only used here

Comment [sms298]: Not exactly the same as FP def in City or County regs -- IS DEF OF TERM NEEDED IN SUB REGS?

Comment [sms299]: Not same as Dev Code def of Lot, Through

Comment [s300]: IDENTIFY FOR DEV CODE TA

Term	Definition
Drainage System	Pipe, Waterways natural features and man-made Improvements designed to carry stormwater drainage.
~~**Drive**~~	~~A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure. Also referred to as a driveway.~~
Driveway	A privately owned means of providing direct vehicle access to Streets. A private drive or way providing Access for vehicles to a single Lot or facility.
Driveway Apron or Driveway Approach	~~A paved area between the sidewalk and the street curb used by the property owner for vehicular access.~~ The Driveway area or approach located between the sidewalk and the curb. When there is no sidewalk, the apron or approach shall be defined as extending a minimum of six (6) feet from the back of the curb toward the Lot Line. See Public Works standards at http://www.lawrenceks.org/publicworks/docs/driveway_24x36.pdf
Driveway, Joint-Use	A privately owned Driveway that provides access to 2 or more Lots in a commercial or industrial Development, such as in a shopping center (with ~~out Lots~~ outlots) or a business or industrial park.
Dwelling	A building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer or ~~Mobile Home~~.recreational vehicle.
Easement	~~A grant of one or more of the property rights by the property Owner to and/or for the use by the public, a corporation or another Person or entity.~~ A grant by a property Owner to the ~~use of land by the~~ public, a corporation, or persons for the use of land for specific purposes.
~~**Easement, Avigational**~~	~~An air rights Easement which protects air lanes around airports.~~
Easement, Conservation	A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open-space values of real property, assuring its availability for agricultural, forest, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality or preserving the historical, architectural, archaeological or cultural aspects of real property. In case of any conflict between this definition and K.S.A. 58-3810, as it may be amended from time to time, the amended statute shall control and shall

Comment [s301]: ~~NEEDS TO BE DEF OF STREET NAME~~

Comment [CoL302]: Do we need both drive and driveway?

Comment [sms303]: Not same as Dev Code def

Comment [s304]: DEV CODE TA

Comment [sms305]: Not same as Dev Code def

Comment [s306]: ADD DIAGRAM OR REF TO PUBLIC WORKS ANY DEF IN STANDARDS CHECK COUNTY PW FOR ENTRANCE PERMITS

Comment [sms307]: Need to make this change to Article 17 too

Comment [CoL308]: Check for consistency w/ dev code – OK for Dev Code, similar but not same as County Code

Comment [sms309]: Not same as Dev Code

Comment [sms310]: This is def that attnys agreed on. They suggested we did not need many of the specific ones identified below.

Comment [sms311]: Term not used in Article

Term	Definition
	be used in the construction and interpretation of ~~this Development Code~~ these regulations.
Easement, Cross Access	An easement between two or more adjacent parcels creating rights to utilize a service drive providing vehicular Access among those parcels so the driver need not enter the public Street system, except at a limited access point. ~~When established as part of a Cluster Development in Lawrence's UGA, the service drive constructed within the Cross Access Easement shall be constructed, at a minimum, to meet the County's rock road standard, and the minimum width of traveled way plus shoulder shall be 20 feet.~~
~~**Easement, Drainage**~~	~~An Easement required for the installation of stormwater sewers or , Waterwaysoverland flow and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.~~
~~**Easement, Private**~~	~~A right of way Easement granted for limited use of land for a private purpose.~~
Effective Date	December 31, 2006, the date Joint Ordinance No. 8064/ Resolution No. 06-41 adopting this Article 8, Chapter 20, Code of the City of Lawrence and Chapter 11, of the Douglas County Code took effect.
~~**Egress**~~	~~An exit.~~
~~**"Eligible Community" or "Participating Community"**~~	~~A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).~~
~~**Encroachment**~~	~~Any obstruction in a delineated Floodway, right-of-way, Easement, building setback or adjacent land.~~
~~**Encumber**~~	~~To place a legal claim or restriction upon a tract or parcel of land.~~
Engineer	A professional Engineer licensed by the State of Kansas or licensed to practice in the State of Kansas.
~~**Exception**~~	~~Permission to depart from or request relief from the design standards. Exceptions often refer to standards such as: length of cul-de-sac, location and type of improvements, or landscaping requirements. They are dictated by the circumstances related to the specific application that makes the design requirements for which the exception is requested unnecessary or unreasonable.~~
~~**Existing Construction**~~	~~Structures for which the *"start of construction"* commenced before the effective date of the FIRM (March 2, 1981); *"existing construction"* may also be referred to as *"existing structures"*.~~
~~**Existing Mobile Home Park**~~	~~A mobile home park or subdivision for which the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of Streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.~~

Comment [sms312]: From TA-06-12-08

Comment [sms313]: Regulatory language – this should be relocated to 20-804(c)

Comment [CoL314]: Moved to 804(c)

Comment [CoL315]: ~~Check w/ Matt~~

Comment [s316]: ~~ADD PUBLIC EASEMENT AND LANDSCAPE EASEMENT~~

Comment [s317]: TAKE OUT CAPS AND BLUE TEXT FOR STRUCK DEFINED TERMS

Comment [sms318]: Is this necessary? Common definition

Comment [CoL319]: Not needed because def in floodplain regs and not used except in definitions – same in City & County FP def

Comment [sms320]: Only used here and in other FP definitions

Comment [sms321]: Only used here

Comment [sms322]: Definition reads as if interchangeable with variance or waiver, yet waiver definition cautions that these are not the same. Term is really only used in 814(b) – we should revise so it is clear that is its only meaning in this article

Comment [CoL323]: Term only used in definitions

Comment [sms324]: City FP def, almost same as County FP def

Comment [CoL325]: Terms not used in this article

Term	Definition
~~**Final Plat**~~	~~A map of a land Subdivision prepared in a form suitable for filing of record with necessary affidavits, Dedications, restrictions, and acceptances, and with complete bearings and dimensions of all lines defining Lots and Blocks, Streets, Alleys, public areas and other dimensions of land.~~
~~**Fire Hydrant**~~	~~An outdoor water supply outlet with wrench-actuated value valve and a connection for a fire hose.~~
~~**Flag Lot**~~	~~City meaning: A lot not fronting or abutting a public right-of-way except for a narrow strip of land providing access to the lot from the public right-of-way.~~ ~~County Meaning: A lot or a Residential Development Parcel that has a minimum lot or Residential Development Parcel width of less than 90% of the minimum lot or Residential Development Parcel's required frontage at the road right-of-way or road easement line.~~
~~**"Flood" or "Flooding"**~~	~~Means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item (1).~~
~~**Flood Insurance Rate Map (FIRM)**~~	~~An official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.~~
~~**Flood Insurance Study (FIS)**~~	~~An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.~~
Floodplain	The land area inundated by a flood of a given magnitude as determined by the Flood Insurance Study or ~~Governing Body~~ based on an approved Hydrologic and Hydraulic Study.
~~**Floodplain or Floodplain District**~~	~~That area designated by the Governing Body as susceptible to Flooding including but not limited to the Regulatory Floodplain designated by the Federal Insurance Administrator.~~
~~**Floodplain Management**~~	~~The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.~~
~~**Floodplain Management Regulations**~~	~~Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.~~

Comment [sms326]: Moved to Plat, Final

Comment [CoL327]: May want to leave this one since flooding is used in other definitions

Comment [CoL328]: Term FIRM only used in def of 'existing construction'

Comment [CoL329]: may want to leave – term used in several definitions

Comment [sms330]: FP regs do not include GB in def, not same as Dev Code

Comment [sms331]: Term not in City or County FP definitions Either delete or change to Floodplain Overlay District and reference sections of City/County codes that designate

Comment [CoL332]: term used in several definitions – agency, appeal, community, freeboard, grading --- same with next def (seems that one or other is sufficient)

Both terms same def as City and County FP def

Comment [sms333]: Both terms same def as City and County FP def

Term	Definition
~~**Floodproofing**~~	~~Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.~~
~~**"Floodway" or "Regulatory Floodway"**~~	~~The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.~~
~~**Floodway Encroachment Lines**~~	~~The lines marking the limits of floodways on Federal, State and local floodplain maps.~~
~~**Floodway Fringe or Regulatory Floodway Fringe:**~~	~~The area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.~~
Force Main	A sanitary sewer line through which wastewater is pumped rather than carried by gravity flow.
~~**Freeboard**~~	~~A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.~~
Frontage Road	A "Street, Marginal Access" located in front of the properties that it abuts.
Frontage	The boundary of a Lot or Residential Development Parcel that Abuts a Street or a Road right-of-way. All the property on one side of a Thoroughfare between two intersecting Thoroughfares (crossing or terminating), or if the Thoroughfare is Dead-Ended, then all of the property abutting on one side between an intersecting Thoroughfare and the Dead-End. (city code) Street Frontage: all of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.(county code) Lot Frontage: the distance fo which the front boundary line of the lot and the street line are coincident. (county code)
Full Maintenance Road	A road in the Unincorporated Area of the County that receives maintenance on a regular basis in accordance with its road classification and traffic counts.
Governing Body	The respective City Commission or City Council within the incorporated limits of the City of Lawrence, Baldwin City, Eudora, or Lecompton and the Board of County Commissioners within the Unincorporated Area of Douglas County.

Comment [CoL334]: shows up in def of lowest floor
Def from City and County FP def

Comment [sms335]: Def from City and County FP def

Comment [sms336]: Def from City and County FP def

Comment [CoL337]: From TA-06-12-08

Comment [sms338]: Def from City and County FP def

Comment [CoL339]: Not used in regs

Comment [sms340]: Def from City and County FP def

Comment [sms341]: Def different from Dev Code and County Code

Comment [s342]: KEEP FRONTAGE HERE and ELIMINATE LOT FRONTAGE DEF – MAKE SURE THAT REQUIREMENT TO MEASURE IS IN STANDARDS --- need to determine which def to use

Comment [CoL343]: Is it imp to have this def when we have Lot Frontage and RDP frontage?

Comment [sms344]: Identify for TAs to dev code and county code

Term	Definition
Grading	The act of excavation or filling or a combination of both or any leveling to a smooth horizontal or sloping surface on a property, but not including normal cultivation associated with an agricultural operation. ~~For grading in FEMA designated floodplains the definition in the Floodplain Management Regulations shall take precedence.~~
Groundwater	Any subsurface water in the zone of saturation, including but not limited to spring water, perched water tables, seasonal water tables and aquifers.
Half-Street	The right-of-way for a ~~A~~ Street bordering one or more property lines of a Subdivision tract to which the Subdivider has allocated only a portion of the required Street right-of-way width.
Hard Surfaced Road	A properly constructed and maintained road surface with asphaltic concrete, Portland cement concrete or with chip sealed aggregate base.
~~**Highest Adjacent Grade**~~	~~The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.~~
~~**Historic Landmark**~~	~~Any structure that is:~~ ~~(a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;~~ ~~(b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;~~ ~~(c) individually listed on the Register of Historic Kansas Places; or~~ ~~(d) individually listed the Lawrence Register of Historic Places.~~
Home Owners Association	A community association, other than a condominium association, which is organized in a Development in which individual Owners share common interests in open space or facilities. The Home Owners Association usually holds title to Reserves, manages and maintains the common property, and enforces certain covenants and restrictions. Condominium associations differ from Home Owners Associations in that condominium associations do not have title to the common property.
Homestead Exemption Survey	A boundary survey creating a new parcel from the division of a vested parcel, for a residence that existed on the vested parcel on 12/31/2006, which was made in accordance with Section 20-801(d)(2)(ix). The vested rights from the original parcel remain with the existing residence, transferring to the new residential parcel when the survey is recorded at the Register of Deeds.
~~**Hydrologic and Hydraulic Study**~~	~~An engineering study that is done in accordance with the Lawrence Development Code 20-1204(c).~~
Improvements	All facilities constructed or erected by a Subdivider to permit and facilitate the use of Lots and Blocks for residential, institutional, business or manufacturing purpose. Improvements ~~shall~~ include all facilities listed in Section ~~20-810(j).~~ 20-811.

Comment [CoL345]: ???? Grading is not defined in FP article

Comment [CoL346]: ~~Is this referring to r-o-w or pavement? Is this needed? NEEDS WORK~~

Comment [sms347]: Term only used here – same as City & County FP def

Comment [sms348]: Why is this here? Same as City & County FP def

Comment [CoL349]: Term only used in def of Base Flood and Floodplain

Comment [sms350]: Almost the same def as Public Improvements (later in this section)

Comment [sms351]: Regulatory lang

Term	Definition
Infrastructure	Facilities and services needed to sustain manufacturing, residential, commercial and all other land uses or activities under the control of a governmental agency. Infrastructure includes water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities, such as fire stations, parks, schools, and other similar type uses. Those man-made Structures which serve the common needs of the populations, such as: potable water systems, wastewater disposal systems, solid waste disposal sites or retention areas, storm drainage systems, electric, gas or other utilities, bridges, roadways, Bicycle paths or trails, pedestrian sidewalks, paths or trails and transit stops.
~~**Ingress**~~	~~An entrance.~~
Intersection	Where two or more Streets cross at-grade.
Jurisdictional Wetland	Wetlands which are regulated by Section 404 of the Clean Water Act and are under the regulatory jurisdiction of the Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA).
Land Combination	The combination of a vested division of land in the Unincorporated Area with additional acreage to increase the overall acreage of an individual residential parcel. ~~A Land Combination does not increase the number of building permits a parcel of land has a vested right to receive.~~
Land Disturbance	Any activity involving the clearing, cutting, excavating, filling, or grading of land or any other activity that alters land topography or vegetative cover.
Land Surveyor	One who is licensed by the State of Kansas as a land surveyor and is qualified to make accurate field measurements and to mark, describe, and define land boundaries.
Lot	A designated ~~parcel or~~ area of land established by Plat or Subdivision to be used, transferred, developed or built upon as a unit. Dev Code: A contiguous Parcel or Tract of land located within a single Block fronting on a dedicated public Street that is occupied or utilized, or designated to be occupied, developed, or utilized, as a unit under single Ownership or control. A Lot may or may not coincide with a Lot shown on the official tax maps or on any recorded subdivision or deed. County: A parcel of land which may include one or more platted lots, occupied or intended for occupancy by a use permitted in this Resolution, including one main building together with its accessory buildings, the yard areas and parking spaces required by this Resolution and having its principal frontage upon a street or upon an officially approved place.
Lot, Reverse Frontage	A through lot that is not accessible from one of the parallel or non-intersecting streets upon which it fronts.

Comment [sms352]: Different than Dev Code – which one should be used??

Comment [sms353]: Is this needed – common def?

Comment [CoL354]: From TA-06-12-08

Comment [sms355]: Should this be in regulations – Added to 801

Comment [CoL356]: Not same as dev code or county zoning regs ALTERNATIVE: Def:initions:

A designated area of land established by plat, subdivision or as otherwise permitted by law, to be separately owned, used, developed or built upon.

..or by deed if determined to be a valid Lot of Record … ??? A lot that exists as shown or described on a plat or deed in the Register of Deeds Office filed prior to ????

Comment [sms357]: Should identify this for change.

Term	Definition
Lot Depth	The distance between the midpoint of the front Lot Line and the mid-point of the rear Lot Line.
Lot Line, "or Residential Development Parcel Line"	The perimeter of a Lot or a Residential Development Parcel. A boundary of a Lot. (City and County Code)
Lot Width, "or Residential Development Parcel Width"	The distance between the side Lot Lines of a Lot, or the side lines of a Residential Development Parcel measured at the required front Setback Line.
~~**Lot, Frontage "or Residential Development Parcel Frontage"**~~	~~That portion of the Lot or a Residential Development Parcel which lies between the side Lot Lines and is adjacent to the Street or Road serving the Lot or the Residential Development Parcel.~~
Lot of Record	A legally created Lot recorded at the Register of Deeds as part of a plat or subdivision. See 801(e)(2) for more info – should it be included?
~~**Lowest Floor**~~	~~The lowest floor of the lowest enclosed area, including a Basement; an unfinished or flood resistant enclosure, usable solely for parking of vehicles, Building access, or storage, in an area other than a Basement area, is not considered a Building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of the Flood Protection Standards.~~
Major Thoroughfares Map(s)	A plan adopted by the Metropolitan Planning Organization, the Planning Commission and the Governing Body(ies) identifying and classifying the major Streets and roads in the community. ~~The Major Thoroughfares Plan Map in effect on the date of adoption of this Article is incorporated in "Transportation 2020, 2030, the Lawrence/Douglas County Long Range Transportation Plan", but it may be amended or superseded from time to time.~~
~~**Market Value**~~	~~An estimate of what is fair, economic, just and equitable value under normal local market conditions and for regulatory purposes, typically represented by the current value listed in the Douglas County Appraiser's records.~~
~~**Mean Sea Level**~~	~~For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.~~
Metes And Bounds	A method of describing the boundaries of land by directions and distances from a known point of reference.
Minimum Elevation of Building Opening	The minimum elevation above sea level at which a building located in the floodplain may have a door, window, or other opening.
Minor Subdivision	See "Subdivision, Minor"/Replat

Comment [sms358]: Not same as Dev Code or County Code

Comment [sms359]: Identify for TA

Comment [sms360]: Close to same as Dev Code and County Code

Comment [sms361]: Determined that this is redundant – just keep 'frontage'

Comment [sms362]: Do we need to include something about NonConforming Lots as well?

Comment [CoL363]: term used here and in def of min elevation for building, but not in regs

Comment [sms364]: Same as City and County FP def

Comment [sms365]: Insert and MPO?

Comment [CoL366]: term only used in def of sub damage and sub improvement

Comment [sms367]: Not exactly the same as Co FP def – additional line in this def says: If the market value cannot be determined, the construction estimate can be used.

Comment [CoL368]: Is this needed here?

Comment [sms369]: Same as city and county FP def

Term	Definition
~~**Mobile Home**~~	~~A structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "mobile home" does not include a "recreational vehicle."~~
~~**Mobile Home Subdivision or Park**~~	~~A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale.~~
~~**Minimum Elevation for Building**~~	~~The finished floor elevation of the lowest floor.~~
Neighborhood ~~Development~~ Plan	See "Sector Plan"
~~**New Construction**~~	~~For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM (March 2, 1981) and includes any subsequent improvements to such structures; for floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.~~
Off-Site Improvements	Improvements located on property outside the perimeter of the Subdivision that are determined by the Planning Commission to be necessary because of the proposed Subdivision, e.g., construction of Streets, signalization of Intersections, drainage Channels, extension of public utilities, etc.
On-site Sewage Management System	~~An individual Sewage disposal system involving a water tight receptacle that receives the discharge of Sewage from a building and is designed and constructed to permit settling of solids from this liquid, digestion of the organic matter (sludge), and discharge of the liquid portion into an underground lateral disposal area. The sludge is pumped out of the tanks, usually by commercial FIRMs firms, at regular intervals. On-Site Sewage Management Systems are used for domestic wastes when a sanitary sewer line is not available to carry the wastes to a wastewater treatment plant. Approval of a site for use of a On-site sewage management system involves establishing a minimum Lot area to provide for the system's operation, determining that the soil has an acceptable Percolation rate and ensuring separation of the system from Groundwater.~~ A conventional, alternative, experimental, or innovative sewage disposal system which serves a single family residential building or a single non-residential building.
On-Site	Located within the perimeter of the property that is subject to an application for Subdivision or a ~~Residential Development Parcel~~ Certificate of Survey approval.
Open Space, Common	Land within or related to a Development, not individually owned or dedicated for use, which is designed and intended for the common use or enjoyment of the residents of the Development and may include such complementary Structures and Improvements as are necessary and appropriate. Common Open Space is Platted as a reserve or tract and is

Comment [CoL370]: only used in def – including def of dwelling

Comment [sms371]: Same as city and county FP def – not same as County Code def

Comment [CoL372]: Terms defined in dev code or zoning regs

Comment [CoL373]: Term not used

Comment [sms374]: Term Neighborhood Plan is used in doc, not Neigh Dev Plan

Comment [CoL375]: term not used

Comment [sms376]: Same as City FP def and same as County FP def with a1974 date

Comment [sms377]: Def in County Sanitary Code is much less: A conventional, alternative, experimental, or innovative sewage disposal system which serves a single family residential building or a single non-residential building.YES, CHANGE TO BE SAME AS COUNTY CODE

Comment [sms378]: Diff from Dev Code def

Comment [CoL379]: Do we want to keep this term?

Term	Definition
	owned and maintained by a Home Owners Association. Land, water, water course, or drainageway within a development that is designed and intended for the use or enjoyment of all the residents and Landowners of the Development. Common Open Space, except for Common Open Space designated as Environmentally Sensitive may contain such supplementary Structures and improvements as are necessary and appropriate for the benefit and enjoyment of all the residents and Landowners of the Development. Common open space shall not include space devoted to streets, alleys, and parking areas. While required setbacks may function as common open space, they may not be used to meet the minimum requirements. (city)
Original Townsite Area	The original Townsite of the City of Lawrence, as shown on the "Original Townsite Map" available for public inspection from the Planning Director.
Original Tract	A parcel or a combination of all adjacent parcels under a single ownership [not separated by public right(s)-of-way] that share common boundary lines, from which a Parent Parcel is created.
Outlet, Single	A single connection between the Street or road system in a particular Subdivision or other development and the Street system shown on the Major Thoroughfare Map; a cul-de-sac is a sub-category of Streets with single outlets, but a loop road or more complex system within a development may also have access to the Street system through a Single Outlet.
Overlay District	A special zoning district that has been "overlaid" on a base zoning classification to alter some or all the base district zoning regulations.
Owner	~~Any Person or Persons, Firm or Firms, corporation or corporations, or any other legal entity having legal title to land being subdivided under these regulations. Also any legal entity having legal title to land for which a building permit application is made.~~ An individual, association, partnership or corporation having legal or equitable title to land other than legal title held only for the purpose of security. For the purpose of notice, the Owner may be determined using the latest Douglas County Appraiser's assessment roll.
Package Plant	A prefabricated or pre-built wastewater treatment plant.
Parcel	~~A contiguous area of land under the same ownership. This is an inclusive term that includes Lot, Residential Development Parcel and other terms. Unlike "Lot," the term "Parcel" or "Residential Development Parcel" does not mean a division of land created through a plat or Subdivision process.~~ A Lot or contiguous tracts owned and recorded as the property of the same persons or controlled by a single entity.

Comment [sms380]: Which one to use???

Comment [CoL381]: We need to develop this map – boundaries are described in code or H2020

Comment [sms382]: Def is from 806(b)

Comment [sms383]: Same as city and county FP def, but different than Dev Code def

Comment [sms384]: Diff from Dev Code

Comment [sms385]: Not the same def as dev code

Term	Definition
Parent Parcel	~~The recorded and legally defined parcel of land from which one or two further divisions can be made for the purpose of conveying a Residentially Development Parcel within the Unincorporated Area of the County, outside the Lawrence Urban Growth Area or other Cities' Urban Growth Areas, to an individual.~~ A surveyed area, site or land division created for the sole purpose of a residential development action.
~~**Parkway**~~	~~A Street that includes a landscaped median. A parkway may run in any direction.~~
~~**Participating Community**~~	~~Also known as an "eligible community," means a community in which the Administrator has authorized the sale of flood insurance.~~
~~**Peak Hour Traffic**~~	~~The largest number of vehicles passing over a designated section of a Street during the busiest one-hour period during a 24-hour period.~~
Pedestrian ~~Right-of-Way~~ Easement	A strip of land dedicated for public use which is ~~Reserved~~ dedicated across a Block for the purpose of providing pedestrian access to adjacent areas.
Pedestrian Way	A public walk dedicated entirely through a block, from street to street, or providing access to a school, park, recreation area, ~~or~~ employment or shopping center.
Percolation Test	A test designed to determine the ability of ground to absorb water and used in determining the suitability of a soil for drainage or for the use of a septic system.
Percolation	Downward flow or infiltration of water through the pores or spaces of rock or soil.
~~**Person**~~	~~Any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.~~
~~**Petition, Public Improvement**~~	~~A legal instrument which serves as the basis for initiation of a public improvement project by the Governing Body. A Public Improvement Petition is frequently used during the Platting process to guarantee the construction of certain Improvements that are required as conditions of Plat approval, such as Street paving, sidewalks, water and sewer lines, and stormwater and drainage Improvements.~~
Planning Area	The area considered in the development of a comprehensive plan for cities in Douglas County.
Planning Commission	The Lawrence/Douglas County Metropolitan Planning Commission.
Planning Director	The Lawrence/Douglas County Metropolitan Planning Director.
~~**Plat**~~	~~A Subdivision as it is represented as a formal document by drawing and writing and which is presented to the Planning Commission for review and approval in accordance with these Subdivision Regulations and to the Governing Body for the acceptance of Easements and Dedications.~~

Comment [sms386]: Not same as def in 806 DONE

Comment [CoL387]: Term not used in article – keep or delete? May need as part of street naming convention

Comment [CoL388]: term not used – same as city and county FP def

Comment [CoL389]: term not used

Comment [sms390]: Should this move to Easement, Pedestrian?

Comment [sms391]: Same as city and county FP def –

Comment [CoL392]: Move to Public Improvement Petition

Comment [CoL393]: Do we need to define separately from Prelim and Final – if so, need consistency esp since Prelim goes to PC, Final is Admin

Comment [sms394]: Need to make sure this def coordinates (or is consistent with) the def of Prelim and Final since all are defined. DON'T NEED WITH OTHERS DEFINED

Term	Definition
Plat, Preliminary	A map of proposed land Subdivision showing the character and proposed layout of the ~~tract~~ parcel in sufficient detail to indicate ~~its'~~ its suitability for the proposed Subdivision.
Plat, Final	A map of a land Subdivision prepared in a form suitable for filing of record with necessary affidavits, Dedications, restrictions, and acceptances, and with complete bearings and dimensions of all lines defining Lots and Blocks, Streets, Alleys, public areas and other dimensions of land.
~~**Platting Binder**~~	~~A report issued by a title insurance company setting forth the conditions to be met for certain property to be Platted, e.g., Easements filed for record, mortgages, fee title Owners, etc.~~
Potable Water	Water suitable for drinking or cooking purposes.
~~**Preliminary Plat**~~	~~A map of proposed land Subdivision showing the character and proposed layout of the tract parcel in sufficient detail to indicate its' its suitability for the proposed Subdivision.~~
~~**Principal Building**~~	~~See 'Building, Principal'.~~
~~**Principal Use**~~	~~The primary purpose, for which land or a Structure is utilized, based in part on the amount of Floor Area devoted to each identifiable use. The main use of the land or Structures as distinguished from a secondary or Accessory Use.~~
~~**Principally Above Ground**~~	~~At least 51% of the actual cash value of the structure, less land value, is above ground.~~
Private Drive	A use ~~P~~ platted for a Reserve or tract in order to provide access to Lots from either a public or Private Street system. A Reserve for Private Drive purposes is the means to access Lots within a comprehensive group Development for townhouses or apartment units or for commercial complexes and office park Developments A new Private Drive may be established under this Article only in a Planned Development.
Public Improvement Petition	A legal instrument which serves as the basis for initiation of a public improvement project by the Governing Body. A Public Improvement Petition is frequently used during the Platting process to guarantee the construction of certain Improvements that are required as conditions of Plat approval, such as Street paving, sidewalks, water and sewer lines, and stormwater and drainage Improvements.
Public Improvements	All public facilities constructed or erected by a Subdivider within a Subdivision to permit and facilitate the use of Lots or Blocks for a principal residential, business or manufacturing purposes.

Comment [CoL395]: Not used in article

Comment [sms396]: Moved to Plat, Prelim

Comment [CoL397]: Term defined in dev code; not used in this article except in the definition of Principal Building – can we delete?

Comment [sms398]: Same as city and county FP def – only used here and in def of structure

Comment [CoL399]: Needs work describing private street – don't conflict with Drive and Driveway def earlier

Comment [CoL400]: Moved from Petition, Public Improvement

Comment [sms401]: Almost same as def of Improvements earlier in this section

Term	Definition
Public Right-of-Way	A strip of land acquired by reservation, dedication, forced dedication, presecription, or condemnation, and used or intended to be used, wholly or in part, as a public street, alley, walkway, drain, or public utility line. OR An area dedicated to public use for pedestrian and vehicular movement, which may also accommodate public utilities. OR Right-of-way: Property that is publicly owned or upon which a governmental entitiy has an express or implied property interest (eg., fee title or easement) held for a public purpose.
Public Utility Facilities	Telephone, electric and cable television lines, poles, equipment and Structures; water lines, holding towers or gas pipes, mains, valves or Structures; sewer pipes, valves or Structures; Pumping Stations; telephone exchanges and repeater stations; and all other facilities, equipment and Structures necessary for conducting a service by a government, ~~or a~~ public or private utility provider.
Public Water Supply	A system outside of incorporated cities for delivery to the public of piped water for human consumption that has at least 10 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. This term includes any source, treatment, storage, or distribution facilities used in connection with the system.
Publicly Treated Water	Water supplied for domestic purposes by a municipality or by a Rural Water District and approved by the Kansas State Department of Health.
Pumping Station	A pumping facility that transports wastewater between two gravity flow sewer lines. A Pumping Station is used when topographic conditions do not allow a continuous gravity flow system.
~~**Raw Sewage**~~	~~Untreated domestic or commercial wastewater.~~
~~**Recreational Vehicle**~~	~~A vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently able to be towed by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.~~
~~**Regulatory Flood**~~	~~The Flood determined by the Federal Insurance Administration as having a 1% chance of being equaled or exceeded in any given year.~~

Comment [sms402]: Just seems odd that this term is not defined in sub regs!

Comment [CoL403]: Note that this def is really for development in uninc area – should be added to def for explanation purposes

Comment [sms404]: Term only used here

Comment [CoL405]: term only used here and in def of mobile home

Comment [sms406]: Def same as city and county FP def

Comment [sms407]: City FP def refers to 'Base Flood'

Term	Definition
~~**Regulatory Flood Elevation**~~	~~The elevation at which the Regulatory Flood is determined to occur.~~
~~**Regulatory Floodplain**~~	~~Land included within the Regulatory Floodway and Floodway Fringe areas as determined by the Federal Insurance Administration.~~ ~~means the land inundated by a Flood of a given magnitude as determined by the Flood Insurance Study or by an approved Hydrologic and Hydraulic Study (Art 12)~~
Replat (or Resubdivision)	~~Same as "Resubdivision".~~ The further ~~Subdivision~~ division of a tract of land which has previously been lawfully subdivided and for which a Plat of such prior Subdivision has been duly recorded in accordance with the Minor Subdivision procedures in Section 20-808.
Reserve	An area of property within a Subdivision which is ~~P~~ platted for specific uses, e.g., open space, landscaping, entry monuments, recreational facilities, utilities and drainage, Floodway, Private Street, etc. Typically, future Ownership and maintenance responsibilities for a Reserve is set forth by a Restrictive Covenant which provides that a Home Owners or Lot Owners association will hold title to the Reserve and therefore be responsible for the Reserve's maintenance. The Restrictive Covenant may provide for Ownership and maintenance to be tied to the Ownership of an adjacent Lot. Ownership and maintenance is not assigned to an individual, partnership or corporation except in the case of a Reserve platted for possible future sales to a public body for a public facility]. An alternate def: The designation of a portion of a property for proposed right-of-way without dedication of the right-of-way to the agency providing the facility.
Residential Development Parcel	~~A parcel created by the division of a Parent Parcel for the purpose of construction of one single family residential dwelling unit and permitted accessory uses, buildings and structures.~~ A parcel created from the Parent Parcel through the Certificate of Survey review process for the purpose of construction of one single-family residential dwelling unit and permitted accessory uses, buildings and structures.
Restrictive Covenant	A restriction on the use of land traditionally set forth in a deed. Restrictions are also placed of record by separate instruments including Home Owners association agreements. The Restrictive Covenant usually runs with the land.
~~**Resubdivision**~~	~~The further Subdivision of a tract of land which has previously been lawfully subdivided and for which a Plat of such prior Subdivision has been duly recorded.~~
Road or Roads	Same as "Street" or "Streets".
Road, Stub	A short section of public Road or Road Easement dedicated to provide future access to an adjacent unplatted tract of property.

Comment [CoL408]: Def not same as dev code

Comment [CoL409]: Not used in regs except to say 'easeements are reserved' -- should it be in regs?

Comment [sms410]: Definition should be same as 806(b)
DONE

Comment [CoL411]: Moved up with replat

Term	Definition
Roadway	The paved or improved area of a Street right-of-way, exclusive of sidewalks, Driveways, or related uses.
Rural Area	~~All of the Unincorporated Area of Douglas County lying outside of an Urban Growth Area.~~ The area of ~~the~~ Unincorporated Douglas County lying outside the Urban Growth Areas of Lawrence, Baldwin City, Eudora and Lecompton.
Sanitary Sewers	Pipes that carry only domestic, industrial or commercial Sewage and into which storm, surface and ground waters are not intentionally admitted.
Sector Plans	Plans that encompass one or more sections of land with the purpose being to use geographic and demographic information to develop a detailed land use vision of future development or redevelopment of a study area.
Setback Line (Front) or Building Line	~~A line nearest the front of and across a Lot or parcel of land establishing the minimum open space to be provided between the front line of a building or Structure and the line of the fronting Street right-of-way.~~ The Setback required between a Building and the Front Lot Line.
Setback Line	That line that is the required minimum distance from the Street right-of-way line or any other Lot Line that establishes the area within which the principal Structure must be erected or placed.
Sewage Lagoon	~~A shallow, artificial pond where sunlight, bacterial action and oxygen interact to restore wastewater to a reasonable state of purity.~~ An artificial pond designed to exclude surface water and receive raw sewage through a submerged sewer for biological decomposition.
Sewage	The total of organic waste and waste water generated by residential, industrial and commercial establishments.
~~**Sewerage**~~	~~(1) All effluent carried by sewers whether it is sanitary Sewage, industrial waste or storm water runoff; (2) The entire system of Sewage collection, treatment and disposal.~~
Sidewalk	Should we have a definition or is common dictionary def enough? A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.
~~**Slope**~~	~~Degree of deviation of a surface from the horizontal; measured as a numerical ratio, percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run), and the second is the vertical distance (rise), as two to one. A two to one slope is a 50% slope. Expressed in degrees, the slope is the angle from the horizontal plane, with a 90° slope being vertical (maximum) and 45° being a 1:1 or 100% slope.~~

Comment [sms412]: Not same as Dev Code

Comment [sms413]: Not same as County San Code def

Comment [CoL414]: Do we need this term? More confusing than helpful, changed term used on p48 to sanitary sewers.

Comment [CoL415]: Is this needed? Ordinary dictionary definition

Term	Definition
~~**Staff**~~	~~The technical and professional Staff of the Lawrence/Douglas County Metropolitan Area Planning Director.~~
Stand of Mature Trees	**An area of ½ acre (21,780 sq ft) or more located on the 'development land area' or on other contiguous properties containing trees that are 25 feet or more in height, or are greater than 8" caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP: National Agricultural Imaging Program; City/County GIS aerials; and field surveys.**
~~**Start of Construction**~~	~~Includes substantial improvements, and means the date the Building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of Streets and/or walkways, excavation for a Basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a Building, whether or not that alteration affects the external dimensions of the Building.~~
~~**State Coordinating Agency**~~	~~The Division of Water Resources, Kansas Department of Agriculture, or other office designated by the governor of the State or by State Statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that State.~~
Stormwater Detention	Any storm drainage technique that retards or detains runoff, such as a detention or retention basin.
Stream Corridor	**A strip of land 100 feet wide, of which the centerline shall be the centerline of a stream that is not an ephemeral stream: a stream where flow occurs for only a short time after extreme storms and does not have a well-defined channel, similar to a drainage way.**
Street or Streets (or Roads)	Any vehicular way(s) which: (1) is an existing state, county or municipal Roadway; or (2) is shown upon a Plat approved pursuant to law; or (3) is approved by other official action. The Street right-of-way is all land located between the Street lines, whether improved or unimproved.
Street Width	The amount of Street right-of-way Abutting a Lot's property lines.
Street, Arterial	Arterial Streets are the highest level of Street classification, generally

Comment [sms416]: Do we need this? I think I changed the references from Staff to Director

Comment [CoL417]: From TA-06-12-08

Comment [CoL418]: term only used in def (sub imprvmt and exi construction}

Comment [sms419]: Same as city and county FP def

Comment [CoL420]: - not used - same as city and county FP def

Comment [CoL421]: From TA-06-12-08

Comment [CoL422]: Is this needed? This should be def of r-o-w

Comment [sms423]: ???

Comment [sms424]: Same as Dev Code

Term	Definition
	providing for longer distance trips with relatively high traffic volumes and high speeds for the context. Principal arterials permit traffic flow through the urban area and between major destinations. Minor arterials collect and distribute traffic from principal arterials and expressways to Streets of lower classification, and, in some cases, allow traffic to directly access destinations.
Street, Collector	A collector Street provides for land access and traffic circulation within and between residential neighborhoods and commercial and industrial areas. They distribute traffic movements from these areas to the arterial Streets. Collectors do not typically accommodate long through trips and are not continuous for long distances.
Street, Cul-de-sac	A Street having only one outlet and being permanently terminated by a vehicle Turnaround at the other end.
Street, Dead-End	A Street having only one outlet and which does not benefit from a Turnaround at its end.
Street, Expressway	Any divided Street or highway with no access from Abutting property and which has either separated or at-grade access from other public Streets and highways.
Street, Freeway	Any divided Street or highway with complete Access Control and grade separated interchanges with all other public Streets and highways.
Street, Limited Local	A Local Street providing access to not more than eight Abutting single-family residential Lots.
Street, Local	Local Streets provide direct access to adjacent land uses. Direct access from a local Street to an arterial Street ~~should be~~ is typically discouraged.
Street, Marginal Access	A Street that is generally parallel and adjacent to an Arterial Street or other limited-access Street and that is designated to provide direct access to adjacent property. Marginal Access Streets are commonly known as "Frontage Roads".
Street, Private	A Street that is not dedicated for public use. Private Streets are not~~Not~~ permitted in the unincorporated area of the County and only permitted within Planned Developments in the City of Lawrence. Any tract of land or access easement set aside to provide vehicular Access within a Planned Development that is not dedicated or intended to be dedicated to the City and is not maintained by the City. Owners of a private street may choose to gate access to this type of street from the general public. (Dev Code) Street, Public: A way for vehicular traffic, whether designated as a local, collector, arterial, freeway or other designation, which is improved to City standards, dedicated for general public use, and maintained by the City. The term shall also include alleys.

Comment [sms425]: Same as Dev Code

Comment [sms426]: Same as Dev Code

Comment [sms427]: Same as Dev Code

Comment [sms428]: Same as Dev Code

Comment [sms429]: Same as Dev Code

Comment [sms430]: Same as Dev Code

Comment [sms431]: T his is regulatory language rather than definition

Comment [sms432]: Same as Dev Code

Comment [sms433]: Not same as def in Dev Code

Comment [sms434]: Is this dangerously close to regulatory language in a def?

Comment [sms435]: Dev Code also has def for Street, Public – does it conflict with anything here?

Term	Definition
Street, Residential	Same as "Local Street".
Street, Residential Collector (~~or Residential Connector~~)	Residential collector is a special category of collector street characterized by lower speeds & the residential nature of land uses along the corridor. ~~Bicycle & pedestrian facilities are strongly recommended for residential collectors. Various traffic calming treatments may be used to reduce travel speeds. Residential collector streets with adjacent residential land uses should be limited to two lanes. These streets can serve as a connector street between local streets and the thoroughfare system.~~
~~Structure~~	~~For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home. "Structure" for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a mobile home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.~~
Street, Stub	A short section of Street right-of-way Platted to provide future access to an adjacent unplatted tract of property.
Subdivider	The Owner, or any other Person, ~~FIRM~~ firm or corporation, authorized by the Owner, undertaking proceedings under the provisions of these regulations for the purpose of subdividing and platting land.
Subdivision (Plat)	The division of a Lot, tract or parcel of land into two or more parts for the purpose, whether immediate or future, of sale or building Development, including Resubdivision, but not including a "Certificate of Survey" Administrative Procedure as is separately defined.
Subdivision, Major	A Subdivision that includes 5 or more lots. [See section 20-809].
Subdivision, Minor	A Subdivision that satisfies one of the criteria set forth in Section 20-808.
Subdivision Regulations	For the City of Lawrence, Article 8 in Chapter 20 of the City Code, as adopted and amended from time to time by Ordinance adopted by the City Commission. For Douglas County, Chapter ~~11~~XI in the County Code, as adopted and amended from time to time by Resolution adopted by the Board of County Commissioners.
~~Substantial Damage~~	~~Damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.~~
~~Substantial Improvement~~	~~Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before "start of construction" of the improvement. This~~

Comment [sms436]: Term not in Dev Code definitions

Comment [CoL437]: Remove reference since changed in 810(2)(vii)

Comment [CoL438]: Is this better suited to design stds? Added to 810

Comment [sms439]: Same as city and county FP def – not the same as County Zoning Code def

Comment [CoL440]: Do we need all of this for Sub Regs? Check dev code/county zoning for consistency Can we just use ordinary dictionary def for term where not in floodplain???

Comment [sms441]: Not exactly the same as def of Developer – is this OK?

Comment [sms442]: Not the same as the def of Plat -- should this be the definition of the act of subdividing and not the plat???

Comment [sms443]: What about one lot plats? Need to modify this definition.

Comment [sms444]: Not really accurate – more like sub that proposes new streets etc Need better definition

Comment [CoL445]: ONLY USED IN DEF – same as city and county FP def

Comment [CoL446]: ONLY USED IN DEF -- same as city and county FP def

Term	Definition
	~~term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."~~
~~**Surveyor**~~	~~A professional Land Surveyor licensed by the State of Kansas.~~
Swale	A shallow ditch lined with grass or other vegetation for the purpose of carrying stormwater from one location to another and filtering sediments and other pollutants from stormwater runoff.
Temporary Set Aside Agreement	An agreement relating to land located within the Urban Growth Area that contains the resources identified in Section 20-810(j) that, as reasonably practicable, requires the retention of the environmental, geographical, or historical characteristics of the land and prohibits any use or activity that will significantly impair, interfere with, or destroy these characteristics. ~~A Temporary Set Aside Agreement shall: (i) be between the Owner of the land and the County and City, (ii) provide that the County has regulatory authority under the agreement until the land is annexed into the City and, thereafter, the City acquires regulatory authority, (iii) provide that the agreement expires 2 years after the date of annexation unless further action is taken by the City and the Owner, and (iv) be approved by the County Counselor, the City Manager, or their designees.~~
~~**Terracing**~~	~~An erosion control method that uses small hills and contours on the land surface to control flooding and runoff.~~
Topography	The configuration of a surface area showing National Geodetic Vertical Datum (NGVD).
Townhouse **Needs work**	A townhouse is one of a group or cluster of two or more single-family residential dwellings, attached or unattached, which together are designed and developed to form an integral development harmonious with adjacent land uses/development and when present with deliberate awareness of the unique design, history of functional characteristics of the existing housing stock. Prior to development, the lot or tract must meet present lot width, lot depth and lot area requirements and before and after development must front upon a public street or private drive. For the purpose of side yard regulations, the structure(s) if unattached, must meet all applicable building and fire codes and observe a setback of not less than 10 feet between buildings.
Tract	Typically, a ~~A~~ non-buildable, platted parcel reserved for open space,

Comment [CoL447]: Do we need since we have Land Surveyor?

Comment [sms448]: Make sure to check other sections

Comment [sms449]: Regulatory language that is already in 804(c)(2) and 805((c)(2) or it should be placed there

Comment [CoL450]: Needed? ONLY USED HERE

Comment [sms451]: Added this Def from old Sub Regs – will need work to update terms

Comment [sms452]: Definition is not consistent with IRC

Comment [sms453]: Regulatory language shouldn't be in definition

Comment [sms454]: Not same as Dev Code def

Comment [sms455]: Do we want to modify this to permit construction of Utility structures (and issuance of building permit on these tracts)?

Term	Definition
	storm drainage or easement purposes or an otherwise specific and restricted use. Tracts may be identified for future public utility purposes as part of the plat process. Tract (of land): An area, Parcel, site, piece of land or property that is the subject of a development application or restriction. (Dev Code)
Traffic Calming Device	Physical traffic control or intervention measures designed to reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized Street users.
Turn-around	An area at the closed end of a Street with a single common Ingress and Egress within which vehicles may reverse their direction.
Unnecessary Hardship	The condition resulting from application of these regulations when viewing the property in its environment that is so unreasonable as to become an arbitrary and capricious interference with the basic right of private property ownership, or convincing proof exists that it is impossible to use the property for a conforming use, or sufficient factors exist to constitute a hardship that would in effect deprive the owner of their property without compensation. Mere financial loss or the loss of a potential financial advantage does not constitute unnecessary hardship.
Unincorporated Area	That portion of Douglas County lying outside any incorporated municipality.
Urban	An area generally characterized by ~~medium and higher density~~ residential development ~~(i.e., 3 or more dwelling units per acre)~~, commercial development, and industrial development, as well as the availability of public services required for that development, specifically a municipal water and sewer system, an extensive network of streets, public transit and other such services (such as municipal fire protection or senior services). Development not providing such services may be considered non-urban or rural.
Urban Density	A residential density that resembles the built and developed density of the city for which an Urban Growth Area was projected and adopted. ~~[See definition of "Urban".]~~
Urban Growth Area – Lawrence	That area designated as the Lawrence Urban Growth Area (UGA) on the most recent (adopted) version of the Comprehensive Plan. The Comprehensive Plan, Horizon 2020, distinguishes four service areas within the UGA based on the city's adopted Wastewater Master Plan and projected ability to provide sanitary sewer service to those areas. ~~Solely for the purpose of interpretation of the exemption section of these regulations, a property shall be considered to be located within the Urban Growth Area of Lawrence (UGA) if 100% of the tract or Ownership parcel as shown on the 1998 Property Ownership Map, Douglas County (which was prepared by York Publications in 1998) is within the UGA boundary shown on Figure 9 in HORIZON 2020. An Ownership tract or parcel having less than 100% of its land area within the UGA as shown on Figure 9 shall not be construed to be within the Urban Growth Area of Lawrence.~~ The area that is defined in the City and County Comprehensive Land

Comment [sms456]: ??

Comment [sms457]: Not consistent with H2020 def of med – 3/ac is low density – should we modify?

Comment [sms458]: Almost same as County FP def

Comment [sms459]: We may want to eliminate this since we will be doing a new master plan and may not have service areas or four of them.

Comment [sms460]: I think this can all be deleted now. This was in the old regs where the 5 acre exemption was eliminated in the UGA.

Term	Definition
	Use Plan as the Urban Growth Area (UGA) surrounding the City of Lawrence. (County FP def)
Urban Growth Area – [other cities in the County]	The area defined by a city's master plan as land that will be annexed into the city within the land use planning period to accommodate the future growth and development of neighborhoods, businesses and industries by the extension of city infrastructure and services.
Variance	Permission to depart from the Design Standards of the regulations when the application of a specific standard is so unreasonable that it would prevent the logical subdivision of the property.
~~**Waiver**~~	~~Permission to depart from the requirements of an ordinance or Resolution with respect to the submission of required documents. Note: The terms ""waiver" and "exception" are often used interchangeably, however there are differences. Refer to 'Exception' for its meaning.~~
~~**Water Surface Elevation**~~	~~The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.~~
Water Table	The upper surface of Groundwater, or that level below which the soil is seasonally saturated with water.
Waterway	Any natural or artificial stream, river, creek, ditch, Channel, canal, conduit, Culvert, drain, Waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite Channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or Flood water.
~~**Wetlands**~~	~~Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.~~
Woodlands	Natural hardwood forests, whether or not actively forested.
~~**Zone A**~~	~~Special flood hazard areas inundated by 100-year flood where no base flood elevations have been determined.~~
~~**Zone AE**~~	~~Special flood hazard areas inundated by 100-year flood where base flood elevations have been determined.~~
~~**Zone AH**~~	~~Special flood hazard areas inundated by 100-year flood with flood depths of 1 to 3 feet (usually areas of ponding), where base flood elevations have been determined.~~
~~**Zone AO**~~	~~Special flood hazard areas inundated by 100-year flood with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain), where~~

Comment [sms461]: Does this cover it now? Yes

Comment [sms462]: Do we really need this term? Perhaps the one place waiver is used for Ped Easements can just be called a variance and we can get rid of this term. YES, CHANGED TERM IN ARTICLE TO VARIANCE

Comment [sms463]: Same as city and county FP def – term is only used in the def of floodplain terms, not it article

Comment [sms464]: Term shouldn't be used in def

Comment [CoL465]: Replace with jurisdictional wetlands

Comment [sms466]: Same as Dev Code def

Comment [sms467]:

All of these are same as city and county FP def – is there any reason to have them here?

Term	Definition
	~~average depths have been determined. For areas of alluvial fan flooding velocities have also been determined.~~
Zoning Regulations	The ~~rest~~ remainder of Chapter 20 of the City Code or Chapter 12 of the Douglas County Code. ~~the current Zoning Regulations in effect in Douglas County, as adopted from time to time by resolution of the Board of County Commissioners.~~

LAWRENCE•KS
CHAMBER of COMMERCE

7/01/2009

Scott McCollough, Director
Lawrence-Douglas County Metropolitan Planning Office
City of Lawrence
Lawrence, Kansas 66044

RE: Code Modifications

Dear Scott,

As you are aware, the developer committee of the Chamber has been meeting to discuss zoning code and subdivision regulations that we think directly affect the ability to develop or redevelop land in Lawrence and in Douglas County. You and your staff have taken on a similar effort that has already produced positive results in code modifications that will benefit future development proposals.

To that extent, we have several ideas that we would like to offer for consideration. These ideas all surround the topic of platting property. In general, we realize this is a significant issue to tackle; however, there are several smaller steps that could be addressed in the near term that may make land development easier while we are waiting on the opportunity to examine platting in a broader context.

The following language revisions to the Subdivision Regulations is an idea that would give the Planning Director more latitude in allowing final plats to proceed even though they do not identically mirror the approved preliminary plat. We believe the language also addresses changes to the preliminary plat as a means to "dedicate" easements and rights-of-way even with modifications to the final plat as submitted.

The first idea is the relationship of the preliminary plat to the final plat. As currently written, the Code equips neither the applicant, nor the City Planning Director, with the ability to produce/approve a Final Plat that is not literally identical to the associated, previously

approved Preliminary Plat. Acknowledging the fact that a Preliminary Plat is by definition a "preliminary" document, it is normal and reasonable to expect minor differences between an approved concept (Preliminary Plat) and the legally binding instrument that formally subdivides property (Final Plat).

Per today's Code, the Planning Director alone has the power to administratively approve a Final Plat. However, today's Code also implies that any difference between the Preliminary Plat and Final Plat will result in re-submittal and re-hearing of the previously approved Preliminary Plat, prior to approval of the Final Plat. This process is further complicated by the "dedication" of easements and rights-of-way at the Preliminary Plat stage. Also, while the Code uses terms such as "consistent with the Preliminary Plat", "conforms to the Preliminary Plat" and "substantially comply with the Preliminary Plat" as the basis upon which the Planning Director *shall* approve the Final Plat, no definition of these terms is provided.

We propose to amend Sec. 20-809(l) for the purpose of defining acceptable variations between the Preliminary and Final plats which include reasonable changes to easements and/or rights-of-way. Additionally, this report proposes consistent, defined terminology as a basis for the Planning Director's approval of a Final Plat. Deleted items are shown with ~~struck~~ text and proposed amendments in **bold red**.

(l) **Final Plat – Review by Planning Director**

(1) After approval or approval with conditions of a Preliminary Plat by the Planning Commission **and prior to approval of public improvement plans**, the Subdivider shall have prepared for recording a Final Plat, which is consistent with the action of the Planning Commission and with the formatting and content requirements of Section 20-812(b). The Planning Director shall review the Final Plat for incorporation of the Planning Commission's recommendations **and comments** and to insure that the Final Plat is in the required format.

(2) If the Planning Director finds that the submitted Final Plat conforms with the content requirements of Section 20-812(b) and is ~~consistent~~ **in substantial compliance** with the Preliminary Plat approved by the Planning Commission, including satisfying any conditions incorporated in that approval, the Planning Director shall approve the **Final** Plat and attach to it a formal certification that the submitted Final Plat:

(i) ~~Conforms to~~ **Is in substantial compliance with** the Preliminary Plat previously approved by the Planning Commission;

The Final Plat shall be deemed to be in substantial compliance with the previously approved Preliminary Plat if one or more of the following criteria are met, as applicable:

a) No change.

b) Increase or reduction, less than or equal to ten percent, of the number of proposed lots, parcels or tracts shown within the equivalent portion(s) of the Preliminary Plat.

c) Adjustments to rights-of-way lines, easement lines and/or property lines in accord with applicable street classification standards, easement width and location criteria, the Subdivision Regulations, dimensional and lot area requirements, density requirements, and with variances and/or waivers which may have been granted with previous approval of the equivalent portion(s) of the Preliminary Plat.

d) Preservation of the general form of the approved Preliminary Plat with regard to overall layout, public and/or private vehicular and pedestrian connection, area set aside for public space and/or open space, and required utility corridors.

e) Determination by the Planning Director as to whether above-described changes, if applicable, are required to be retroactively included in a revised Preliminary Plat for Planning Office records.

(ii) Satisfies any conditions of approval imposed by the Planning Commission;

(iii) Includes the same Dedications accepted by the Governing Body, subject ~~only~~ to minor technical adjustments **as described in (I)(2)(i)(a) through (e), above**;

(iv) Satisfies any conditions of acceptance of Dedications imposed by the Governing Body;

(v) Represents a plat for which all required Public Improvements have been completed, or for which adequate Guarantee of Improvements has been provided; and

(vi) Is otherwise consistent with the requirements of this Article for a Final Plat.

(3) If the Planning Director finds that the submitted Final Plat is deficient as to format or content or otherwise technically deficient, the Planning Director shall notify the Subdivider of the deficiency(ies) within 5 working days.

(4) If the Planning Director finds that the submitted Final Plat does not substantially comply with the approved Preliminary Plat, including any conditions incorporated in such approval, and with the Dedications shown on the Preliminary Plat and accepted by the appropriate Governing Body**, subject to (I)(2)(i)(a) through (d), above**, the Planning Director shall place the Final Plat on the agenda of the next Planning Commission meeting for further consideration in accordance with the Preliminary Plat review and action provisions of Section 20-804(e)(2).

(5) The Planning Commission approval of the Preliminary Plat combined with the Planning Director's approval as to form and ~~consistency~~ **substantial compliance** with the approved Preliminary Plat shall constitute Planning Commission approval of the Final Plat. No further action by the Planning Commission shall be necessary or required.

A second idea is to remove entirely the concept of dedication of easements and rights-of-way in the Preliminary Platting stage and simply have the final plat, upon review and approval of the Planning Director, only go before the City commission as a non-public hearing item. This could be accomplished by removing Section 20-809 (h) (iv) and Section 20-809 (i) from the Subdivision Regulations and modify Section 20-809 (l) (as written above) to simply include the submittal requirements, Planning Director review and the process to take the final plat to the City Commission.

Finally, we request the site plan review process have a defined time schedule. Nearly all parties interested in developing or redeveloping in Lawrence and Douglas County are primarily concerned with time. Article 13 of the Land Development Code clearly states the Planning Director is to promulgate processing cycles for applications to the Planning Office. I believe this is manifested in the Meeting and Submittal Deadlines schedule produced annually by the Planning Office. We suggest this schedule include a comment regarding the time commitment by the City of Lawrence for all site plans. Suggested language could be:

> "Site plans can be submitted weekly. Review comments shall be returned within 15 calendar days and final comments/approval within 15 calendar days following submittal of revised plans per original review comments."

Thank you for your consideration.

Sincerely,

Tom Kern
President/CEO
Lawrence Chamber of Commerce

Cc Mayor Rob Chestnut
City Manager Dave Corliss

From:	J. Dean Grob
To:	Sheila Stogsdill
Cc:	rhulse@sunflower.com; Bobbie Flory
Subject:	RE: meeting to discuss draft text amendments to Subdivision Regulations
Date:	Thursday, June 16, 2011 5:54:51 PM
Attachments:	Cross Access Easement Layout1&2.pdf

Sheila,
I will be out of town and will not be available for the meeting.

I am providing the following input. While some may be outside the scope of your proposed revision I believe they warrant consideration during the revision process.

1) I believe the revised document proposes to allow the cross access easement on the future area also and not just the immediate area. I agree with that and the attached drawing illustrates why I think it is a good idea.
2) The document indicates that "The Immediate Development Area shall not contain any Environmentally Sensitive Lands identified as worthy for Resource Preservation in Section 20-810(j)(k)". Why? Say there is a small stream or wooded area that is deemed ESL at one corner of a tract. Why can't it be on the RDP that someone wants to build on? You can always restrict the building envelope.
3) "Restrict the location of structures within the Immediate Development Area to Building Envelopes that have been created to allow for the future subdivision of the Immediate Development Area into blocks of an urban density that avoids interference with planned future Street/Roads, easements and setbacks;". Check with Mary Miller on this, but on one of my previous projects, the County Commissioners were very adamant that while you do a build out plan and all that, once the RDP is defined, the property owner should be allowed to put the house anywhere they choose as long as they comply with the standard county setbacks.
4) There is a statement that "Upon Annexation, development of the Future Development Area shall occur in accordance with the Build Out Plan". I think this should be revised to allow some flexibility. The Build Out Plan is just one idea and the future owner/developer may want to completely change the future plan while still being totally within the regulations at that time.
5) "Access to Future Development Area. All Residential Development Parcels shall have direct physical access to the Future Development Area, either by being contiguous thereto or by a dedicated pedestrian easement, as set forth identified in Section 20-810(f)(4)." Why should one property owner have to have access to someone else's property. I understand that you do not want to land lock the FDA but what is to be gained by this.

I hope this helps. I will be available by phone tomorrow if you wish to call me. I will return on Tuesday if you would like to discuss further.

Thanks for your efforts.

Dean

J. Dean Grob, PE
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From: Sheila Stogsdill [mailto:sstogsdill@lawrenceks.org]
Sent: Friday, May 27, 2011 8:44 PM
To: 'phils@landplan-pa.com'; 'chriss@landplan-pa.com'; 'J. Dean Grob'; 'Darron Ammann'; 'David Hamby'; 'Paul Werner'; 'Aaron Gaspers'; 'sreece@oaconsulting.com'; 'Rosebud13143@yahoo.com'; 'allpoints@sunflower.com'; 'byron.cates@gmail.com'; 'Tom Kern'; Beth Johnson
Cc: Sandra Day; Mary Miller; Scott McCullough; Randy Larkin; 'Evan H. Ice'; 'lfinger@douglas-county.com'; 'kdabney@douglas-county.com'; 'kbrowning@douglas-county.com'; Dan Warner; Michelle Leininger; Amy Miller; David Guntert; Lynne Zollner; Shoeb Uddin; Philip Ciesielski; John Shutak; Crystal Miles; Katherine Simmons; Adrian Jones; Brian Jimenez; Lori Parker; Denny Ewert
Subject: meeting to discuss draft text amendments to Subdivision Regulations

All –

Staff has been working on a number of revisions to the Subdivision Regulations for a number of months. The text amendment was originally initiated based on a request from the Chamber of Commerce to modify certain sections of the regulations regarding Preliminary and Final Plats, as well as processing of these documents. While working through these changes, Staff has attempted to make revisions to provide consistency among various sections, to provide more clarity in the document and eliminate conflicting or redundant language. (Staff proposed language is in **green** and the Chamber suggests in **red** – I have tried to catch most of the formatting issues, but I'm sure there are more. The text also includes the Environmentally Sensitive Lands text amendment adopted late last year. I have also attached a memo that went to PC this week which summarizes the changes.)

If you are available, please join us to discuss the proposed changes. We will meet on **Friday, June 17, 10:30AM – Noon**, in the City Commission meeting room. Staff welcomes your feedback and input into the proposed regulations. We hope to take your comments at this meeting and make necessary revisions so that a draft Article can be placed on the July 25/27, 2011 Planning Commission agenda for public hearing. Please let me know if you have questions. Thanks.

Sheila M. Stogsdill, *Assistant Director* - sstogsdill@lawrenceks.org
Planning & Development Services Department |www.lawrenceks.org/pds
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3157 | fax (785) 832-3160

Memorandum
City of Lawrence-Douglas County
Planning & Development Services

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

FROM: **Michelle Leininger, AICP, Area/Neighborhood Planner**

CC: **Scott McCullough, Planning and Development Services Director**
Sheila Stogsdill, Assistant Planning Director

Date: **July 25, 2011**

RE: **CPA-10-8-10; Amendment to Chap 14, Southeast Area Plan**

On September 29, 2010 the Board of County Commissioners initiated an amendment to the Southeast Area Plan to update it to reflect the adopted 31st Street Preliminary Alignment Study. Staff worked to update the plan regarding this study for consideration at the July Planning Commission meeting. Once staff made these changes, it was noted that there were many areas in the Existing Conditions Section that were out of date and many of the implementation steps have been completed. Staff has decided to take this opportunity to update some of these areas to try to keep this plan up to date. A number of the base maps must also be updated. The Policy Section and the majority of the Future Land Use Map, except for the area around the new 31st Street alignment, will not be changed. This item will be placed on the August agenda for consideration.

PCR-6-1-11

A RESOLUTION ADOPTING AMENDMENTS TO HORIZON 2020, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY, KANSAS PERTAINING TO CHAPTER 11- HISTORIC RESOURCES.

WHEREAS, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas, for the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving and protecting property values throughout Lawrence and Douglas County, are authorized by K.S.A. 12-741 *et seq*. to provide for the preparation, adoption, amendment, extension and carrying out of a comprehensive plan; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas have adopted an official comprehensive plan for the coordination of development in accordance with the present and future needs and to conserve the natural resources of the City and County, ensure efficient expenditure of public funds and promote the health, safety, convenience, prosperity and general welfare of the citizens of Lawrence and Douglas County; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission held a public hearing on June 20, 2011 for the proposed amendments to Horizon 2020, the Comprehensive Plan, contained in Planning Staff Report CPA 4-4-10, to amend Horizon 2020 by adopting Chapter 11 – Historic Resources, after notice by publication in the official city and county newspaper.

BE IT RESOLVED BY THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION ONE: The above stated recitals are by reference incorporated herein, and shall be as effective as if repeated verbatim.

SECTION TWO: Pursuant to K.S.A. 12-747, the Lawrence-Douglas County Metropolitan Planning Commission adopts and recommends for approval the amendments to Horizon 2020, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, to adopt Chapter 11 – Historic Resources.

SECTION THREE: Chapter 11 – Historic Resources attached as Exhibit 1 shall be incorporated as part of Horizon 2020 the Comprehensive Plan of the City of Lawrence and Unincorporated Douglas County.

SECTION FOUR: This resolution together with a certified copy of the amendments to Horizon 2020, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and a written summary of the public hearing shall be submitted to the City Commission and the Board of County Commissioners, as appropriate.

Adopted by the Lawrence-Douglas County Metropolitan Planning Commission on this, the 25th day of July, 2011.

_____
Chair
Lawrence-Douglas County Metropolitan
Planning Commission

_____
Vice-Chair
Lawrence-Douglas County Metropolitan
Planning Commission

_____
Scott McCullough, Secretary
Lawrence-Douglas County Metropolitan
Planning Commission

Historic Resources

Executive Summary

The *Horizon 2020 Historic Preservation Plan Element* provides Lawrence and unincorporated Douglas County with both a broad-based and inclusive preservation model. Its goal is to create opportunities to preserve, enhance and develop, through preservation activities and programs, livable, vital, and sustainable neighborhoods, commercial centers, cultural landscapes, and rural communities. The plan broadly focuses on the city's and county's cultural resources, including its buildings, neighborhoods and streetscapes, historic sites, trails, battlefields, open spaces, and prehistoric and historic archaeological sites. These are the assets that provide a unique "sense of place" in the region.

This historic preservation plan element presents goals, policies, and implementation strategies that integrate historic preservation into the city's and the county's planning and land use policies and processes. By capitalizing on historic preservation's demonstrated strengths, reinforcing current programs, and initiating both short- and long-term new efforts, the city and the county can not only protect valuable resources, they can also coordinate the processes involved in this protection.

PRESERVATION PLAN GOALS

The City of Lawrence and Douglas County possess a unique legacy of built and natural resources that reflect its rich history. This legacy deserves to be protected and preserved. This plan capitalizes on the demonstrated success of historic preservation methodology as a tool for revitalization of older neighborhoods and commercial centers, the popularity of traditional urban environments, the fast-growing heritage and cultural tourism industry, and the strong public support for environmental stewardship and sustainability. It provides strategies that place preservation as an important component in the city and county's planning and development programs. Six goals compose the key elements of the plan.

- Incorporate Historic Preservation as an Important Component of the City and County Planning Processes.
- Identify and conserve the historic areas and places in unincorporated Douglas County.
- Incorporate Preservation Incentives into the City and County's Economic

Development Policies and Programs.

- Incorporate Heritage Tourism as an Economic Development Program.
- Establish Outreach and Educational Programs.
- Incorporate Historic Preservation into the City and County's sustainability Policies and Programs.

WHY A HISTORIC PRESERVATION PLAN?

Historic preservation offers two distinct benefits. The preservation of historic resources has its own intrinsic value in celebrating the city and the county's diverse cultural heritage, in honoring the craftsmanship of other eras, in instilling the values by which we live, and in understanding the relationships of the past, the present, and the future. Historic preservation also has proven practical value as a tool for economic development and environmental stewardship.

Economic Benefit

The most successful revitalization efforts in the country (cities, towns, or rural communities) utilize historic rehabilitation and preservation as the core of their revitalization strategies. Throughout the nation, there are successful models for preservation programs that demonstrate the positive economic impact that occurs when historic preservation is used as a tool for planned revitalization efforts in older neighborhoods and commercial centers.

Public policy that integrates historic preservation into the planning process and targets it to definable areas provides a level of stability that attracts both short- and long-term investment. Revitalized neighborhoods provide a stable population, a greater tax base, higher job retention, and less drain on city services.

Heritage Tourism Venues

Preserved neighborhoods and commercial centers attract visitors. Heritage tourism is big business. This plan provides initiatives that capitalize on existing historic resources and themes and presents approaches to developing new heritage tourism programs that promote local and regional synergy, allowing the city and county to capitalize on their historic resources. Lawrence and Douglas County can claim a role in the development of cultural, economic, and political forces of local, state, and national significance. Lawrence and Douglas County retain tangible ties to prehistoric and historic indigenous peoples, the era of European exploration and the fur trade, the Santa Fe commercial

trade route, the establishment of the Indian Territory, the Oregon and California emigrant trails, the abolitionist movement, the Border War, the Civil War, the evolution of regional livestock and agricultural industries and an acclaimed State university.

Environmental Stewardship and Sustainability

Historic preservation is an important component in environmental stewardship and sustainable development. The citizens of Lawrence and Douglas County increasingly support environmental conservation efforts. This growing awareness of how local conditions fit into larger environmental issues has led to the recognition of the importance of natural resources and of the embodied energy contained in the built environment. Historic preservation practices are tools for better stewardship of older buildings, neighborhoods, and rural landscapes. The conservation and improvement of our existing built resources, including the re-use and improvement of historic structures, is central to our community's overall plan for environmental stewardship and sustainable development.

The Federal, State, and Local Preservation Partnership

Many of the nation's preservation programs are part of a partnership between federal, state, and local government. The National Historic Preservation Act of 1966 created the framework for the National Register of Historic Places, the Advisory Council on Historic Preservation, and authorized matching grants-in-aid to states. By October of 1966, the Secretary of the Interior asked the governor of each state to appoint an individual to help accomplish the directives of the National Historic Preservation Act including the review and allocation of matching grants-in-aid. In 1980 the National Park Service created the Certified Local Government program to formalize the partnership between the National Park Service, acting on behalf of the Federal Government, the State Historic Preservation Office (SHPO), acting on behalf of the state government, and local governments.

Federal laws affect preservation in a number of ways. They authorize federal support for national, state, and local preservation programs; define procedures for the identification, evaluation, and protection of cultural resources; provide incentives to protect resources; and mandate procedures to review the impact of federal undertakings on significant cultural resources.

Among the most successful preservation incentives are the 20 percent rehabilitation tax credit for income-producing properties listed individually or as contributing to a district in the National Register of Historic Places and the low-income housing credit that can be

combined with the rehabilitation credit. Owners of properties that are listed in the National Register can donate a preservation easement to a not-for-profit entity and receive a charitable contribution deduction. Easements may be donated for buildings, scenic or landscape elements, or for open space.

Each state administers federal preservation programs as well as programs established by the state. The Cultural Resources Division of the Kansas Historical Society provides technical assistance and administers a number of grant and incentive programs, as well as federal programs. The Kansas Legislature passed a 25 percent tax credit for rehabilitation of income-producing and residential properties listed individually or as contributing to a district in the National Register of Historic Places. The program uses the same criteria as the federal rehabilitation tax credit program and is designed to "piggy back" onto the federal tax credits.

By design, the strongest element of the federal, state and local government preservation partnership is at the local level. The City of Lawrence was designated as a Certified Local Government in 1989. This status indicates a partnership in compliance with federal guidelines for local government historic preservation programs. The Lawrence-Douglas County Metropolitan Planning Office administers the program assisted by the Lawrence Historic Resources Commission. The regulatory framework for preservation in the city is in place through the Conservation of Historic Resources (Chapter 22) Code of the City of Lawrence. The City of Lawrence also has an agreement with the State Historic Preservation Officer (SHPO) to conduct reviews required by the State Preservation Law.

Douglas County does not have a formal preservation program. Under federal guidelines, the county could establish a preservation program focusing on the preservation of resources within the unincorporated areas of Douglas County and become a Certified Local Government.

In addition to the various government preservation programs, there are a number of well-established private entities – neighborhood associations, professional groups, historical societies, and preservation organizations – that provide a variety of research, technical, educational, and advocacy roles in promoting the preservation of cultural resources.

HORIZON 2020 PRESERVATION PLAN ELEMENT

This plan for preservation outlines goals, policies, and implementation strategies designed to identify, evaluate, and protect the cultural resources in the City of Lawrence and in the unincorporated areas of Douglas County.

Mechanisms are needed to integrate historic preservation efforts in all city and county planning processes. In addition, new policies and processes need to be developed to protect the visual character of areas that include historic resources and to inaugurate particular preservation and conservation initiatives that:

- encourage appropriate new infill construction in older neighborhoods and commercial centers;
- retain and create appropriate transition areas and buffer zones between historic districts, institutions, downtown, and commercial corridors, such as alleyways, landscape features, etc.;
- establish notification area boundaries and design issues in environs review; and
- encourage property maintenance.

GOAL # 1: INCORPORATE PRESERVATION AS AN IMPORTANT COMPONENT OF THE CITY AND COUNTY PLANNING PROCESSES

POLICY 1.1: EXPAND HISTORIC PRESERVATION IDENTIFICATION, EVALUATION, AND PROTECTION PROGRAMS

The basis of an integrated, community-based preservation plan is an inventory of the City and County's historic assets. Effective preservation planning takes place when there is sufficient knowledge of the number, location, and significance of both above ground and buried resources. An historic resource survey identifies what resources exist, records their condition, and evaluates their level of significance. This knowledge can be used in a variety of ways:

- to develop programs and policies to protect significant resources from destruction or unsympathetic alteration;
- to determine the location and distribution of resources to aid in planning, development and incentive programs; and
- to establish funding priorities for further evaluation and protection efforts.

Implementation Strategies

a. **Expand the cultural resource survey process to identify important resources to be considered in all city and county planning processes.** Considerable research and publication, most of which occurred since 1984, documents the City of Lawrence's architectural heritage. While these efforts identified most of the significant themes in local history, much of the research was not systematic or comprehensive — limiting a balanced understanding of the city's history. There are individual properties and neighborhoods not yet identified that could have important roles in defining historic contexts of the city and the surrounding region. Specifically, the multiple property documentation form that establishes the context for historic properties in Lawrence ends at the period identified as "Quiet University Town, 1900-1945." Many properties have achieved historic significance from 1945 to 1961, the fifty year mark established by the National Park Service for historic.[1]

   Very little survey work has been conducted in the unincorporated areas of Douglas County. Surveys should be conducted on a township-by-township basis. Special care should be taken to work with rural property owners to ensure proper notification is secured prior to conducting a survey.

b. **Update the existing National Register of Historic Places Multiple Property Documentation Form for Lawrence to include properties that have achieved historic significance since 1945.**

c. **Work with the State Historic Preservation Office's interactive online database, the Kansas Historic Resources Inventory (KHRI), to establish an up-to-date survey database.** To facilitate analysis of survey information in the planning process, the city needs to bring the cultural resource inventory database up-to-date. KHRI contains all of the SHPO's survey records and is fully searchable and available to the public. All future surveys in Lawrence and Douglas County should require consultants to enter the survey information into the KHRI system.

d. **Launch an ongoing effort to create National Register and local historic districts in the city with design guidelines to maximize the potential to stabilize and increase property values while protecting resources.** Properties listed in the Lawrence Register of Historic Places represent a small percentage of the city's significant structures, sites, buildings, streetscapes, commercial centers, and cultural landscapes. As of 2011, the Lawrence Register includes only thirty-six individual properties and the Oread historic residential district.

e. **In conjunction with property owners, develop and implement a National Register, and State Register nomination plan for significant historic properties within the unincorporated areas of the county.** A

Multiple Property Documentation Form should be developed for the County identifying development periods and associated property types. Because of the potential issues with environs review, any property listed in the unincorporated areas of the county should only be listed upon completion of an environs definition that clearly defines the environs boundaries and design considerations. The property owner and adjacent property owners shall be consulted in the development of the environs definition.

f. **Identify and evaluate, during the development review process, properties that are fifty years[1] or older that will be affected by development proposals such as rezoning, platting, development plans, conditional use permits, and use permitted upon review permits.** When properties are identified as "historic", an assessment of historic integrity should be completed. If the identified property is eligible for listing in the Lawrence, Kansas or National registers, protection measures should be evaluated.

g. **Working with property owners, develop a program to list as many eligible properties in the National Register and State Register as possible, enabling property owners to utilize the federal and state rehabilitation tax credits.**

h. **Reevaluate the city's demolition ordinance and investigate streamlining the 30-day waiting period by developing a policy for properties which are potentially eligible for listing.** Currently, city ordinances provide protection of significant resources from demolition only for properties listed individually or as contributing to a designated historic district in the Lawrence Register. Current ordinance provisions require a thirty day arbitrary delay before demolition can occur. However, there is no process to evaluate the significance, work with the property owner, or to seek alternative solutions. As a convenience to property owners and from a preservation perspective, a demolition policy that by ordinance outlines a process for public participation and consideration of all issues affecting a proposed demolition will benefit the city. For example, some cities, due to the large amount of significant historic properties that have not been inventoried or locally designated, have amended their ordinances to provide for demolition review for all properties in the city that are over fifty years in age. In these models, city staff conducts a preliminary review to determine if the property has historical integrity and significance. If not, the demolition permit process proceeds. For properties that are significant or have the potential to be significant, the local historic preservation review commission (i.e. the Lawrence Historic Resources Commission) conducts a review. The review includes consideration of whether the property is economically viable, what will replace the demolished building/structure, and consideration of economic hardship based on a model developed by the American Planning Association.

[1] The National Park Service's criteria for evaluation of historical significance exclude properties that achieved significance within the last fifty years unless they are of exceptional importance. Fifty years is the general estimate of time needed to develop the necessary historical perspective to evaluate significance.

i. **Explore alternative protection mechanisms used in other communities for protection programs for identified significant rural resources.** Lawrence and Douglas County should initiate successful programs for evaluation, prioritization, and preservation of selected significant rural resources. The county and the city should work directly with property owners to determine the most appropriate protection mechanisms.

POLICY 1.2: DEVELOP OR MODIFY APPROPRIATE ZONING, BUILDING CODE, AND FIRE CODE REGULATIONS TO FACILITATE THE PRESERVATION AND REHABILITATION OF HISTORIC PROPERTIES.

Zoning regulations are a key preservation tool as they contribute to patterns of neighborhood change and investment as well as disinvestment. Neighborhood preservation and revitalization efforts benefit from compatible land use regulations, including the existing zoning ordinances.

Implementation Strategies

a. **Investigate the possibility of creating additional conservation districts as an alternative protection mechanism and standard for environs review.** Conservation Districts established by overlay zoning can be a successful tool to creating buffer zones for historic districts. In particular, they can encompass and define the design issues related to environs review. They can strategically address design issues for new construction in areas that have a "sense of place" but do not meet the criteria for Local, State or National Register designation. Conservation Districts can also be implemented to protect potentially significant resources that are not yet fifty years of age and therefore ineligible for local, State or national designation. They can also be used to protect and stabilize areas that, with the use of incentive programs, may be upgraded to meet National Register, State Register, and local historic district designation criteria.

   Design guidelines for Conservation Districts can be specifically tailored to promote the desired visual character and allowable special land uses of specific geographical areas. For example, in a Conservation District created to serve as a buffer to a historic district or as a transition zone between an older residential streetscape and a commercial area, limited design review of major changes – such as new construction and demolition – limits adverse changes to the character of the district. At the same time, it encourages property owners to make positive changes to their buildings or to erect new buildings that are compatible to the streetscape. Usually the scope of the review helps to maintain the appropriate size, scale, massing, materials, and building setbacks within the designated area.

   In a Conservation District for properties that might in the future be eligible for local or National Register designation, guidelines might address avoiding irreversible loss of specific character-defining architectural elements as well as retention of the appropriate zoning.

The City of Lawrence established the Urban Conservation Overlay District to allow for the creation of conservation districts. One of the key elements in the creation of an Urban Conservation Overlay District is the development of design guidelines and the identification of contributing and non-contributing structures.

b. Review and update existing city zoning to be compatible with existing or desired land use that promotes preservation of intact residential neighborhoods and commercial centers that have historical, architectural, and physical integrity. Among the issues to be considered are:

1. consistency between overlay zoning and base land use zoning among contiguous properties;
2. flexible provisions for developing compatible new "infill" construction on vacant lots;
3. allowance of innovative preservation alternatives, such as additional or specialty uses including "bed and breakfast," studios, and other professional uses;
4. appropriate design guidelines and site development controls to encourage quality rehabilitation and compatible new construction worthy of preservation in the future; and
5. effective procedures to discourage demolition of significant buildings and structures.

c. Require new development in established areas of the city to use designs complementary to the adjacent streetscape.

d. Create transition zones and flexible links within Lawrence by using setbacks, alleys, parks, and open space in a way that is consistent with established patterns.

e. Adopt a rehabilitation code to address building code and fire code requirements in historic structures for the City of Lawrence and Douglas County.

POLICY 1.3: DEVELOP AND IMPLEMENT FORMALIZED PROCEDURES TO COORDINATE PRESERVATION EFFORTS AMONG CITY AND COUNTY DEPARTMENTS AND AGENCIES

Economic development, land use and property management issues are the purview of a number of different county and city departments and quasi-public agencies to which government bodies have delegated certain programmatic responsibilities. To integrate preservation methodologies in a manner that assures they become part of the day-to-day program administration, it is necessary to develop formalized policies and procedures. The result should guarantee that the public receives information on related

preservation policies, procedures, and ordinances when undergoing compliance with any department or public agency's processes.

Implementation Strategies

a. **Establish formalized procedures for the Lawrence Historic Resources Commission (HRC) or the Historic Resources Administrator to review and comment on City planning activities.**

b. **Facilitate the integration of the development review process and the building permitting process with the design review process. Consider alternative processes for project review.**

c. **Require historic preservation elements as part of comprehensive, watershed or sub-basin, sector, neighborhood, and special area plans.**

d. **Implement consistent and systematic building and maintenance code enforcement.**

e. **Enforce environmental code.**

f. **Explore a demolition by neglect ordinance.**

g. **Adopt a rehabilitation building and fire code for the city and the county.**

h. **When possible, historic preservation issues should be represented in appointed positions. Representatives of these entities should also be considered as appointed members on the HRC.**

i. **Working with property owners, target significant cultural landscapes for park/green space designation on the National, State or Local Register.**

j. **Working with property owners, target open space designation to areas with probability for the presence of a high level of archaeological artifacts.** Given the limited amount of resources for archaeological investigations, consideration should be given to those sites which have been documented by creditable historical research.

k. **Include a preservation element in the City of Lawrence's Parks and Recreation Master Plan.**

l. **Require review of new ordinances for their impact on historic resources and historic preservation efforts.**

POLICY 1.4: IMPROVE EXISTING LOCAL AND STATE LAW DESIGN REVIEW PROCESS

Successful and proactive design review must be "user friendly." Review standards and processes must be clear, concise, and consistently administered.

Implementation Strategies

a. **Conduct ongoing inspection of work after HRC review.**

b. **Develop review process that promotes more consistent and objective interpretation of environs law.**

c. **Provide legal enforcement of HRC decisions.**

d. **Reconcile the differences between state law environs review and City of Lawrence's environs review standards.**[2]

e. **Establish a recording process with the Register of Deeds to record National Register, State Register, and Local Register properties.**

f. **Investigate ways to simplify the design review and the state law review process through the integration of building permit applications, design review applications, and development review applications.**

POLICY 1.5: ESTABLISH CLEAR, WORKING DEVELOPMENT AND DESIGN REVIEW PROCESSES WITH FEDERAL, STATE, COUNTY, PUBLIC, AND PRIVATE INSTITUTIONS LOCATED NEAR HISTORIC RESOURCES.

In addition to the local city design review process for designated properties, there are a number of federal and State programs that require review to determine the impact of proposed work on significant cultural resources. Conflict over private and public institutional development needs and surrounding commercial and/or residential neighborhood needs, is most successfully addressed by establishment of processes that include a defined public participation component that establishes when, where, and what type of city or county jurisdiction is applicable. The city or county can play an important role in initiating establishment of such processes, particularly in the context of development of neighborhood, sector, or special area plans.

[2] There are a number of differences between the State law requirements and the local ordinance requirements. One of the main issues is that the standard of review required under the local ordinance places the burden of proof on the Historic Resources Commission in reviewing environs review cases while the state law places the burden of proof on the applicant. In cases that involve both local ordinance and state law review there is an inherent conflict.

Implementation Strategies

a. **Develop and continue agreements regarding development policies for federal, state, public and private institutions such as the University of Kansas, Baker University, Haskell University, Lawrence Memorial Hospital, Lawrence School District, Townships, and Rural Water Districts, which are located near historic areas. Such agreements should include community expectations, a public participation process, and development requirements, including development of expansion boundaries.**

b. **Formulate Neighborhood, sector, and special area plans that establish clear boundaries for commercial areas as well as institutions.**

c. **Form stronger partnerships between the Campus Historic Preservation Board and the Lawrence Historic Preservation Commission.**

POLICY 1.6: DEVELOP A PUBLIC RESOURCES POLICY THAT VALUES HISTORIC PUBLIC IMPROVEMENTS.

Participants in neighborhood planning processes and in the Preservation Plan workshops as well as cultural resource surveys identified streetscape infrastructure elements such as alleys, curbs, sidewalks, brick streets, bridges, etc. as important elements that define historic neighborhoods. Residents in historic neighborhoods note that choice of arterial and collector streets have a profound impact on residential neighborhoods. In rural areas, the selection of major new routes encourages development. Thus, the city and county should consider historic resources and their defining elements when implementing infrastructure projects.

Implementation Strategies

a. **Create a comprehensive approach to infrastructure improvements on a neighborhood-by-neighborhood basis.**

b. **Protect and maintain existing brick streets, brick sidewalks, and hitching posts in the City of Lawrence.**

c. **Restore brick streets and sidewalks in the City of Lawrence.**

d. **Implement appropriate traffic calming measures in residential neighborhoods in the City of Lawrence.** Traffic calming measures should be compatible with the character of the residential neighborhood.

e. **Investigate and implement initiatives to improve parking in Downtown with minimal impact of older buildings.**

f. **Improve bicycle and pedestrian routes and rural trails.**

g. Target Parks and Recreation tax revenues when appropriate for cultural resource projects on public lands.

h. Improve flood control to protect historic properties.

i. Develop a formal review process for all public improvements to determine the effects on historic preservation and/or historic preservation planning efforts.

Historic resources in the unincorporated areas of Douglas County are integral in defining the character of the county and the region. The ongoing preservation of significant resources and cultural landscapes can yield an improved quality of life and a sense of place for future generations. Specific preservation programs and processes are needed to assist in providing considerations of these resources in land use decisions to protect significant resources and to allow a balance between commercial, residential, institutional, agricultural, industrial, and natural land uses.

GOAL # 2: IDENTIFY AND CONSERVE THE HISTORIC AREAS AND PLACES IN UNINCORPORATED DOUGLAS COUNTY

POLICY 2.1: DEVELOP A PRESERVATION PROGRAM FOR THE IDENTIFICATION AND EVALUATION OF CULTURAL RESOURCES IN THE UNINCORPORATED AREAS OF DOUGLAS COUNTY

The basis of an integrated preservation plan is an inventory and analysis of the county's historic assets. Effective preservation planning takes place only when there is sufficient knowledge of the number, location, and significance of both above ground and buried resources. A historic resource survey identifies what resources exist, collects information about each resource, analyzes its continuity and change, assesses its integrity, determines its significance, and places it within the historic context of similar resources. This knowledge can be used in a variety of ways:

- to develop programs and policies to protect significant resources from destruction or unsympathetic alteration;
- to determine the location and distribution of resources to aid in planning, development, and incentive programs; and
- to establish funding priorities for further evaluation and protection efforts.

Implementation Strategies

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a. Develop and implement a rural survey plan to identify and evaluate rural resources based on a systematic approach by township areas,

giving priority to areas with the highest rate of development. In 1997, preservation consultants noted that the rapid pace of development outward from the municipalities threatened rural and early suburban properties that may have potential significance. Available information suggests that rural residences, barns, and other agricultural outbuildings are increasingly rare significant property types, as well as rural churches, schools, and commercial buildings. To date, only limited survey of the historic architectural and cultural resources has occurred in rural Douglas County and includes:

1. A reconnaissance survey of Palmyra Township (1989) identified a number of properties in the community of Vinland and 207 properties with associated structures, and six rural cemeteries in rural Palmyra Township that appeared to be more than fifty years old The farmstead is the most common rural property type in this township. However, examples with a complete intact set of early outbuildings are uncommon.
2. "Commons on the Prairie," (1990), an unpublished master's thesis by Dennis Domer, discussed the historic architecture and cultural landscape of Willow Springs Township; and
3. "Map of Historic Douglas County, Kansas," published by Adam Waits and the Douglas County Historical Society (1985) identifies individual buildings and sites of historic significance.

b. Working with rural property owners, develop a cultural landscape component for the identification and evaluation of cultural resources. Rural Douglas County is a landscape that evolved through human activities, which, in turn, shaped its appearance. Like historic buildings and districts, cultural landscapes "reveal aspects of our country's origins and development through their form and features and the ways they were used."[3] Therefore, a significant cultural landscape is a geographical area, ". . . including both cultural and natural resources, and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values." There are four recognized types of cultural landscapes: historic sites that include man-made and natural features, historic designed landscapes, historic vernacular landscapes that include man-made and natural features and ethnographic landscapes that reflect specific cultural and racial groups.[4]

Vinland, for example, is a rural village situated in the Coal Creek Valley, Palmyra Township, It has a cultural landscape that includes buildings, structures, cultivated and uncultivated fields, and natural features. Farther west in Marion Township, the churches and farms of the Church of the Brethren community on Washington Creek represent a potentially significant cultural landscape. The Brethren community moved to Hickory Point, Douglas County, in 1856. They established two churches, Pleasant Grove in Willow Springs Township and Washington Creek Church to the west in Marion Township.

[3] Charles A. Birnbaum, *Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes Preservation Brief 36.* (Washington, DC: U.S. Department of the Interior, National Park Service, September 1994), 1-2.
[4] Ibid.

c. Develop an archaeological survey plan for the County that:

1. includes an archaeological predictive model for Douglas County that identifies areas of high medium and low probability and
2. prioritizes archaeological survey to focus on areas in which development is ongoing and in which resources would most likely be expected.

The extent of potentially significant archaeological sites in Douglas County is not fully known. However, research and investigations indicate the potential for the presence of important sites throughout the county. In Douglas County, archaeological survey usually occurred only when triggered by federal law. As a result, little historical archaeological investigation has been conducted in the county.

In addition to the more obvious benefits of preserving information about past cultures, knowledge about the location of archaeological sites is crucial to facilitating both public and private development projects. Knowledge of the location or even the ability to predict the possible occurrence of archaeological sites provides developers and government agencies with the ability to investigate during project planning and avoid expensive last minute delays in project development.

Section 106 of the National Historic Preservation Act requires any public or private entity utilizing federal funds, loans, or permits to identify, evaluate, and mitigate damage to archaeological resources affected by the project. This affects agencies such as the General Services Administration, the Army Corps of Engineers, the Kansas Highway and Transportation Department, and County programs receiving federal funding.

One of the key issues to creating a successful archeological survey plan for the County is working with rural property owners. Only by creating partnerships with existing land owners can sites be identified and evaluated. Successful examples such as the Blanton's Crossing project should be used as models. No survey or evaluation should take place on private property without the consent of the property owner.

d. Work with the State Historic Preservation Office's interactive online database, the Kansas Historic Resources Inventory (KHRI), to establish an up-to-date survey database. To facilitate analysis of survey information in the planning process, the county needs to bring the cultural resource inventory database up-to-date. KHRI contains all of the SHPO's survey records and is fully searchable and available to the public. All future surveys in Douglas County should require consultants to enter the survey information into the KHRI system.

POLICY 2.2: DEVELOP A PRESERVATION PROGRAM FOR THE PROTECTION OF CULTURAL RESOURCES IN THE UNINCORPORATED AREAS OF DOUGLAS COUNTY TO BE INTEGRATED INTO COUNTY PLANNING POLICIES AND PROCESSES.

Only after the identification, evaluation, and subsequent "mapping" of significant cultural resources through survey, can the county begin to target and prioritize preservation of significant resources. Rural preservation presents different challenges to integrating preservation strategies into the land use and development decision- making policies and processes. To be effective, preservation issues need to be considered early in the planning stages and in the context of other development and land use issues. Because of the many changes in agribusiness occurring as a result of international, national and local economic forces, farming and livestock enterprises that reflect nineteenth and twentieth century practices are vanishing. Preserving the physical reminders of these eras will require the cooperative, proactive efforts of property owners, private preservation and conservation organizations, and county planners. To assure a successful rural preservation program, the county should only initiate a detailed rural preservation plan, after the successful identification of significant resources. A detailed rural preservation plan must create a number of strategies or tools to be used in combination with other county, state, and federal programs to target the preservation of specific resources that have been identified as significant.

Implementation Strategies

a. **Develop and establish by ordinance a rural preservation program for the unincorporated areas of the county.** Given all issues in developing such a program, the development will take the cooperation of property owners, county administrators, and preservationists. Public meetings must be held in all parts of the county and adequate time should be allowed for all parties to voice their opinions.

b. **Explore the benefits and liabilities of establishing Douglas County as a separate Local Certified Government (CLG).** Establishing Douglas County as a separate CLG will allow the local community to conduct state law reviews at the local level. This will ensure that reviews are conducted in a timely manner and allow for greater community control. The CLG program will also allow the county to apply for the 10% pass through Historic Preservation Fund grants.

c. **Investigate successful protection strategies used in other areas of the nation and develop a plan to implement those that are applicable to Douglas County, such as conservation easements and incentives to encourage private stewardship.** Because of growth, Lawrence and Douglas County should initiate successful programs for evaluation, prioritization, and preservation of selected significant rural resources.

d. **Develop and implement a National Register and State Register nomination plan for significant historic properties within the unincorporated area of the County.** Only twelve properties in the unincorporated area that are listed in the National Register and one on the Kansas Register. The lack of listed properties can be contributed partly to the

lack of surveyed properties and the environs require requirements. To resolve these issues, a process should be developed to identify environs review issues prior to the listing of properties. Property owners shall provide permission for listing and shall help develop and environs definition for their property.

e. **Target and prioritize sites such as the natural areas – unplowed prairie and woodlands – identified in Horizon 2020[5] for preservation.**

f. **Target significant cultural landscapes for park/green space designation.**

g. **Target open space to areas with a predictive model for the presence of a high level of archaeological artifacts.**

h. **Investigate the use of funding mechanisms to retain open space around historic sites.**

POLICY 2.3: ELIMINATE DISINCENTIVES TO ORDERLY PLANNED DEVELOPMENT

Zoning is a key strategy for protecting cultural resources. Current zoning and land use policies act as a disincentive for orderly planned development that incorporates preservation planning strategies.

Implementation Strategies

a. **Require annex plans and urban growth boundaries from all municipalities within Douglas County.** This will help to eliminate some of the development pressures for undeveloped land and maintain the rural character of unincorporated areas.

b. **Develop policies that encourage development in the urban growth boundaries of associated municipalities.**

POLICY 2.4: CONSERVE THE VISUAL DISTINCTION BETWEEN CITY AND RURAL AREAS

As a matter of policy and practicality, the preservation of cultural landscapes requires an approach that first distinguishes and promotes distinction between developed land and farmland/natural terrain. The city and county currently have defined projected growth areas that allow orderly perimeter development outward from the City of Lawrence and other communities. Such a plan for orderly growth allows preservation of scattered significant historic resources and cultural landscapes to occur as part of planned orderly growth. In areas with significant resources or landscapes, it is important that the distinction between rural and city be maintained in the future.

[5] "Horizon 2020".

Implementation Strategies

a. **Create transition zones between rural areas and the city using wetlands, open spaces, parks, golf courses, "rails to trails," small farm transition areas, and commercial/rural transition areas, i.e., businesses that require open space.** Maintaining the distinction between urban and rural areas through the establishment of greenhouses and other agricultural related uses maintains the distinction while allowing for orderly growth.

b. **Continue to investigate and create limits on development outside the urban growth areas or boundaries.**

c. **Promote retention of agricultural land use through programs such as the transfer of development rights and conservation easements.**

The city and county need to capitalize on the use of incentive programs to facilitate retention of past investment in infrastructure and built environment and to reap the benefits of historic preservation. The city has not actively implemented or funded economic incentives for preservation. Public incentives should reward and utilize preservation as a tool for economic revitalization. Priority should be given to areas with significant historic resources, capitalizing on existing assets and previous public investment.

GOAL # 3: INCORPORATE PRESERVATION INCENTIVES INTO THE CITY AND COUNTY'S ECONOMIC DEVELOPMENT POLICIES AND PROGRAMS

To fully utilize and promote the economic advantages of historic preservation, Lawrence and Douglas County must develop programs that assist property owners in the use of preservation incentive programs. In addition, the city and county need to reprioritize how they use existing incentive programs. These programs encourage a range of activities targeted to create certain types of results. Some, such as publicly supported transportation and parking incentives, seek to spur development on a broad level; others, such as tax abatement or tax credits, both by legal constraints and/or habit, address specific types of projects and activities. All must be seen as tools to be used in various combinations to encourage revitalization in older commercial and residential neighborhoods or in selected rural areas.

POLICY 3.1: ENCOURAGE THE UTILIZATION AND LINKAGE OF EXISTING INCENTIVES

In addition to the federal and state rehabilitation tax credits, many available incentive programs have "blight" or related conditions as criteria for participation. Others focus on development of businesses. None specifically address the reuse of older buildings; they are usually targeted to new construction and attracting new residents and businesses. The following public incentive programs, are among available programs that, when targeted individually or in combinations, have a demonstrated track record in

stimulating stabilization and revitalization of blighted or declining neighborhoods.

- Property Tax Exemptions
- Heritage Trust Fund (State Grant Program)
- Kansas Neighborhood Revitalization Act
- Low Income Housing Tax Credit Program
- Kansas Main Street Program
- Federal Charitable Deduction Easements
- KSA 12-1740 Revenue Bonds
- Kansas Technology Enterprise Programs

Implementation Strategies

a. **Develop a program to list as many eligible properties in the National and State Registers as possible, enabling property owners to utilize the federal and state rehabilitation tax credits.** Properties listed in the National Register of Historic Places are eligible for significant tax credits**.** The 20 percent federal rehabilitation tax credit applies to owners and some renters of income-producing National Register properties. The law also permits depreciation of such improvements over 27½ years for a rental residential property and over 31½ years for a nonresidential property. The rehabilitated building must be subject to depreciation.

   All of the state's National Register properties (commercial and residential) are eligible for a 25 percent rehabilitation tax credit. The federal and state tax credits can be used together.

   The state tax credits can be sold, and while federal tax credits cannot be sold directly, a project can involve an equity partner, such as a bank, who participates in the project by contributing funds toward the rehabilitation in exchange for some or all of the tax credits.

   Certain types of buildings that contribute to the significance of a historic district may also be eligible for rehabilitation tax credits. Within a district contributing buildings that are income-producing properties are eligible for both credits; non-income-producing residential properties are eligible for the state rehabilitation tax credit.

b. Maximize the use of incentives by combining them into preservation "tool kits" – different combinations of incentives targeted for specific areas and tailored to certain needs – to provide flexible and lasting strategies to address stabilization and revitalization of older residential and commercial centers.

c. Target public incentives to projects in areas with existing public infrastructure and significant historic resources.

d. Notify owners of eligible properties and assist them in providing access to applicable rehabilitation incentives and grants.

e. Investigate the use of Community Development Block Grant funds to foster historic preservation efforts.

f. **Establish and fund the Historic Preservation Fund as described in city's Conservation of Historic Resources Code.**

POLICY 3.2: DEVELOP INCENTIVES TO ENCOURAGE THE REHABILITATION AND OCCUPANCY OF HISTORIC PROPERTIES

In addition to existing preservation incentives, many communities develop specific incentive programs to encourage rehabilitation and occupancy of historic properties in specific locations, both rural and urban. For example, many communities encourage façade improvements using preservation guidelines through funding grants and/or technical assistance.

Implementation Strategies

a. Attach appropriate design guidelines to incentive programs.

b. Create taxing incentives by using such tools as the Neighborhood Revitalization Act.

c. Create incentives to increase critical mass development in Downtown.

d. Create and target incentives to historic commercial areas such as façade improvement grants and economic incentives to owners or businesses that occupy or lease space in historic buildings.

e. Develop and implement policies and programs that eliminate parking issues as a disincentive to rehabilitation of buildings, including review of use permits and accompanying parking requirements and implementation of public/private shared use of parking structures.

f. Create incentives to maintain and preserve historically significant farming areas.

g. Provide design and/or technical assistance to property owners undertaking preservation projects, such as schematic architectural design assistance for renovation/restoration of residences, businesses, and rural structures.

h. Develop incentives to retain and strengthen small neighborhood commercial areas.

i. Utilize or create incentive programs for abatement of environmental hazards in significant historic buildings.

j. **Provide incentives to reduce the number of multi-family units in houses originally designed as single-family residences that are located in historic and conservation districts.**

POLICY 3.3: ELIMINATE DISINCENTIVES TO PRESERVATION EFFORTS

While incentives play an important role in promoting preservation, it is important to review current city and county policies that may discourage preservation. Removal of these obstacles may be as effective as implementation of incentives.

Implementation Strategies

a. Tax properties that are listed in the National Register, State Register or Local Register at a lower rate.

b. Abolish or develop a lower fee schedule for rehabilitation building permits.

The city and county need to develop a significant historic destination that establishes Lawrence and Douglas County as a gateway entity to the interpretation of regional history, linking historic preservation to a significant economic growth industry.

GOAL # 4: INCORPORATE HERITAGE TOURISM AS AN ECONOMIC DEVELOPMENT PROGRAM

POLICY 4.1: DEVELOP A COMPREHENSIVE HERITAGE TOURISM PROGRAM THAT INTEGRATES HISTORIC RESOURCES AND VENDORS INTO PROGRAM PLANNING AND IMPLEMENTATION

Tourism is big business and Heritage Tourism is a significant component of the tourism industry. Lawrence and Douglas County have a rich legacy of historic landmarks, sites, cultural landscapes, neighborhoods, buildings, structures, and archaeological resources that can bring knowledge and understanding of past cultures and events. These are assets that can be capitalized upon.

These assets have associations with national, state, and local events. They are tangible ties to prehistoric and historic native peoples, the era of European exploration, the Santa Fe, California and Oregon trails, the Border and Civil Wars, the development of regional agricultural industries, and the founding and development of a major state educational institution and multi-national Native American educational institution.

To capitalize on this legacy, Lawrence and Douglas County need to develop and

implement strategies to provide for the quality interpretation of the past, to preserve and protect historic and cultural resources, and to encourage collaboration and linkages within the city and county and throughout the region in developing a unified approach to capitalize on the Heritage Tourism market.

Implementation Strategies

a. Support the Freedom's Frontier National Heritage Area A National Heritage Area is an area or corridor designated by the United States Congress " . . . where natural, cultural, historic and recreational resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make National Heritage Areas representative of the national experience through the physical features that remain and the traditions that have evolved in them." National Heritage Areas are local partnerships with the National Park Service that:

1. protect historic, environmental, scenic, and cultural resources;
2. increase sustainable tourism and economic development;
3. educate residents and visitors about community history, traditions, and the environment;
4. create new outdoor recreation opportunities, and
5. build partnerships among federal, State, and local governments.

b. Encourage and enter into cooperative regional efforts in programming and networking in public relations and marking efforts.

c. Support efforts to ensure the Watkins Community Museum is an important visible partner in heritage tourism and community education efforts.

d. Through the National Trust for Historic Preservation Heritage Tourism Program, the city/county should enlist the participation of all communities in Douglas County, sites, and museums to conduct a comprehensive management and interpretive assessment and to develop cooperative interpretive, marketing and programming plans.

1. Inventory of current and potential attractions.
2. Assess current attractions, visitor services, organizational capabilities, preservation resources, and marketing programs.
3. Establish priorities and measurable goals through organizing human and financial resources.
4. Prepare for visitors through development of long-term management goals that protect historic resources.
5. Market for success through development of a multi-year, multiple-tier targeted marketing plan involving local, regional, State, and national partners.
6. Develop cooperative efforts between the Lawrence/Douglas County Chamber of Commerce and local preservation groups.

POLICY 4.2: ENCOURAGE THE DEVELOPMENT OF BLACK JACK BATTLEFIELD AS A SIGNIFICANT SITE IN THE HISTORY OF THE UNITED STATES.

As part of the public participation in the adoption of this plan, the Lawrence-Douglas County Planning Commission identified Black Jack Battlefield as a resource worthy of specific identification, evaluation, documentation and preservation. The majority of the battle site is listed in the National Register of Historic Places and the structure known as the Pearson House is listed in the Register of Historic Kansas Places. The national importance of this site should be recognized and celebrated.

Implementation Strategies

a. Support the efforts of the Black Jack Battlefield & Nature Park to document the history of this site.

b. **Support the efforts of the Black Jack Battlefield & Nature Park to encourage the development of this site as part of the Freedom's Frontier National Heritage Area.**

c. Encourage and enter into cooperative regional efforts in programming and networking in public relations and marking efforts that promote this significant historic site.

Public awareness of historic resources is needed to develop public/private partnerships in promoting and implementing historic preservation.

GOAL # 5: ESTABLISH OUTREACH AND EDUCATIONAL PROGRAMS

POLICY 5.1: DEVELOP A GOVERNMENT SPONSORED PUBLIC INFORMATION OUTREACH PROGRAM

The city and county have a number of vehicles that could be used to disseminate information about historic preservation to the larger community. Among the most effective of these tools are the use of the city/county website to provide information about city/county efforts and links to other governmental and private entities in the federal, state, and local preservation network. Another important governmental tool is the publication and/or distribution of information brochures.

Implementation Strategies

a. Make public aware of available funding sources.

b. Develop or provide hands-on materials that provide information on how to repair and preserve historic buildings according to the

Secretary of the Interior's Guidelines for the Rehabilitation of Historic Buildings.

c. **Provide information on historic neighborhoods (i.e. promote walking tours).**

d. **Provide notification each spring, prior to the construction season, to property owners in local districts, National Register properties, and State Register properties of the design guidelines and procedures to obtain a Certificate of Appropriateness and/or State Law Review.**

e. **Develop in-house materials for other city/county department staff about preservation processes and issues in order to assist in building consensus in applying preservation procedures.**

f. **Provide on-going preservation education sessions for members of appointed bodies including the Historic Resources Commission, City Commission, and Planning Commission.**

g. **Expand the city's webpage to include additional information regarding National Register listing, survey information, how-to materials, etc.**

h. **Work with existing hardware and home improvement stores to provide hands on materials regarding historic preservation issues.**

POLICY 5.2: IN PARTNERSHIP WITH AN APPROPRIATE LOCAL ORGANIZATION, ASSIST IN DEVELOPING AND CONDUCTING A SERIES OF PUBLIC WORKSHOPS TO EDUCATE THE PUBLIC ABOUT PRESERVATION

The city and the county can play a crucial role in convening and initial coordination of educational efforts. Although both governmental entities should develop in-house and public programs that communicate information about city and county preservation programs, the larger role of education and advocacy must be undertaken by private organizations.

Implementation Strategies:

a. **Establish forums for realtors, rural lenders, developers, contractors, preservationists, business community leaders, and neighborhood groups to acquaint them with preservation benefits, issues and procedures.**

POLICY 5.3: DEVELOP MEDIA RELATIONS TO BE AN ADVOCATE FOR PRESERVATION

A crucial component of public education is the support of the media in coverage of events and issues. This involves both the city and county as well as private organizations. The city can play a role in assembling information and preparing press releases about its programs and related activities. However, a private organization

should be designated to coordinate media relations and to respond to preservation issues related to advocacy of a particular course of action that the city/county cannot address.

Implementation Strategy

a. Promote preservation news in local press through press releases during National Preservation Week that focus on the economic impact of preservation, as well as local newsworthy events, and recent local, state or national designations, etc.

POLICY 5.4: DEVELOP PROACTIVE RECOGNITION PROGRAMS

Existing and new programs that recognize preservation efforts (particularly when timed to coincide with National Preservation Week) can have a positive and on-going impact on public awareness. Such programs should be part of larger media and promotions strategy promoting and understanding and support for historic preservation.

Implementation Strategy

a. Develop a county-wide Heritage Farm honorific program.

b. Develop historic signage.

c. Encourage the nomination of projects for local, state and national awards programs.

POLICY 5.5: COORDINATE PRESERVATION PROGRAMS IN THE COUNTY AND CITY WITH OTHER LOCAL, STATE, AND FEDERAL GOVERNMENTS AND ORGANIZATIONS

Coordinating preservation activities and programs with other local municipalities, state, and federal government organizations is a very difficult task. Preservation efforts will be more successful by facilitating cooperation between the various entities. Both the city and the county can play an important convening and facilitating role in coordinating private and public preservation efforts.

Implementation Strategy

a. Establish a countywide coordinating entity that includes private and public organizations and agencies. Primary goals should be:

1. development of an outreach program to unincorporated areas of the county to involve property owners in historic preservation initiatives; and

2. joining rural and city constituencies in cooperative efforts.

Historic preservation is an important component in environmental stewardship and sustainable development. Sustainable development includes environmental sustainability, economic sustainability and cultural sustainability.

GOAL # 6: INCORPORATE SUSTAINABLE PRESERVATION INTO THE CITY AND COUNTY'S SUSTAINABILITY POLICIES AND PROGRAMS

The citizens of Lawrence and Douglas County increasingly support environmental conservation efforts. This growing awareness of how local conditions fit into larger environmental issues has led to the recognition of the importance of natural resources and of the embodied energy contained in the built environment. Historic preservation practices are tools for better stewardship of older buildings, neighborhoods, and rural landscapes. The conservation and improvement of our existing built resources, including the re-use and improvement of historic structures, is central to our community's overall plan for environmental stewardship and sustainable development.

POLICY 6.1: ENCOURAGE AND INCORPORATE HISTORIC PRESERVATION IN SUSTAINABLE PLANNING AND BUILDING PRACTICES

To maximize the inherent sustainable qualities of historic preservation, long range planning and building practices should encourage the reuse of the existing built environment.

Implementation Strategies:

a. **Foster a culture of reuse of existing structures by maximizing the life cycle of existing buildings.**
b. **Encourage reinvestment in the existing built environment.**
    1. Explore and adopt building codes that give a discount on the overall permit fee for the reuse of historic structures**.**
    2. Identify and promote programs that identify historic building materials, like first growth wood and historic lath and plaster, and the values they bring to structures.
c. **Explore the use of outcome-based codes.**
    Building energy codes that focus on energy saving and consumption give existing structures proper credit for embodied energy and discourage teardowns.
d. **Explore the adoption of building codes that create sustainable communities.** Building codes can address issues associated with
    1. Optimizing site potential
    2. Minimizing energy consumption
    3. Protecting and preserving water

4. Use of environmentally sound products
5. Enhancing indoor environmental quality
6. Optimizing operational and maintenance practices

e. Explore the adoption of demolition codes that require sustainable practices like

1. A percentage of demolition debris to be recycled and reused
2. Demolition permit fees that reflect the values of historic resources.

POLICY 6.2: DEVELOP PROGRAMS THAT ENCOURAGE PRESERVATION AS PART OF CREATING A SUSTAINABLE COMMUNITY.

The City and County have taken the lead in beginning to identify goals and programs that will help create a sustainable community. New goals and programs are needed to incorporate the maintenance, reuse/repurpose, and recycling of our significant historic resources.

Implementation Strategy

a. Develop and adopt sustainability design guidelines for historic districts.

b. Develop and implement programs for City and County buildings that maintain historic fabric and reduce natural resource consumption.

c. Encourage and support the development of energy strategies. Energy strategies for energy conservation and generation should include

1. Energy audits
2. Evaluations of existing systems
3. Establishing goals for energy savings.

d. Encourage and support the development of sustainable energy systems that can provide energy for multiple historic properties that cannot achieve sustainable energy goals individually. Many historic structures do not have the land or roof capacity to install sustainable energy systems such as solar, geothermal, and wind for the individual structure. Energy districts can combine areas to create sustainable systems for multiple historic properties that do not have the requirements necessary to achieve this goal individually.

e. Utilize increased permit fees for the demolition of historic structures to fund a preservation fund to create low interest loans or grants that facilitate the rehabilitation of historic structures.

POLICY 6.3: DEVELOP AN EDUCATION PROGRAM TO INCORPORATE SUSTAINABLE PRESERVATION INTO PUBLIC INFORMATION OUTREACH PROGRAMS ON SUSTAINABILITY

Historic preservation is an important component of any effort to promote sustainable development. The conservation and improvement of our existing built resources, including re-use of historic and older buildings, greening the existing building stock, and reinvestment in older and historic communities, is crucial to lowering our carbon footprint and reducing energy leakage.

Implementation Strategies

a. Develop City and County Sponsored Public Information Outreach Programs that promote sustainability through preservation and rehabilitation of historic structures.

1. Establish forums for realtors, developers, contractors, and preservationists to inform them about sustainable preservation benefits, issues and procedures.

b. Align Historic Preservation Policies with sustainability policies.

1. Assist the Sustainability Advisory Board with the development of goals and priorities for future cultural resource conservation efforts.
2. Work with the Sustainability Coordinator to identify practical methods and programs to reach the City's goals for sustainability.
3. Identify and encourage the adoption of Preservation goals, policies, and programs that incorporate sustainable community ideals.

c. Work with the Sustainability Coordinator to identify education programs and opportunities to promote preservation and sustainability.

d. Promote educational programs that identify sustainable development and how it differs from sustainable design.

1. Sustainable Development is not limited to environmental sustainability.
2. Sustainable Development is also economic sustainability and cultural sustainability.

ITEM NO. 6 LAWRENCE MUNICIPAL AIRPORT MASTER PLAN

click on the following link:
http://www.lawrence.airportstudy.com/section_lwc_mp/

Memorandum
City of Lawrence
Planning & Development Services

TO: **Planning Commission**

FROM: **Mary Miller, Planning Staff**

CC: **Scott McCullough, Planning and Development Services Director**
Sheila Stogsdill, Assistant Planning Director

Date: **For July 27, 2011 meeting**

RE: **Agenda Item No. 7: Conditional Use Permit for Fraternal Order of Police Shooting Range; 768 E 661 Diagonal Road**

The Planning Commission considered the CUP referenced above at their April meeting and voted to defer it to allow staff and the applicant time to work together on the conditions. The conditions below have been revised following several discussions with the Fraternal Order of Police representative, Dan Affalter and his counsel, Mike Riling. The Fraternal Order of Police Board may have additional information regarding the proposed conditions prior to, or at the July meeting. Staff is continuing work on several of the conditions, as noted below, and will have additional information prior to the meeting.

REVISED CONDITIONS: Deleted text is shown as ~~struckthrough~~ and new text is in **bold** print. The conditions are listed again with all changes incorporated.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for the FOP shooting range subject to the following conditions:

1) The provision of a revised site plan with the following changes:
   a) Show and label the backdrops for each firing range. The trap shooting range and shooting house are not required to have backdrops
   b) Add a note that the CUP is subject to conditions approved by the Board of County Commissioners.
2) Uses which are approved with this CUP include ~~the use of the firing ranges and military and other training on the site that does not involve the firing of weapons~~. **the following:**
   a) **Use of firing ranges for training exercises for law enforcement personnel, hunter safety courses and other similar events.**
   b) **Training exercises that utilize the remainder of the property as well as the firing ranges, such as orienteering.**
   c) **The use of the firing ranges by the Fraternal Order of Police members and their guests.**

~~3) Noise abatement measures shall be utilized in order to achieve an 'acceptable' sound level at the property boundary of 65 dB(A) for up to 8 hours out of 24.~~

~~a) Proposed abatement measures must be submitted and approved prior to release of the CUP to Douglas County Zoning and Codes Office.~~

~~b) Noise levels shall be measured at the property boundaries following the approval of the CUP and noise abatement measures shall be installed within 3 months of the approval of this CUP.~~

3) **The Fraternal Order of the Police shall contract with a noise specialist to measure the noise level at the receiving points during a typical training event. If the noise levels are above an acceptable level, noise abatement measures shall be utilized to reduce the noise level to an acceptable level. The FOP shall develop a noise abatement plan within 6 months of the noise measurements, if abatement is found to be necessary. The plan shall include measures for abatement as well as a proposed time frame and shall be provided to the County Commission for approval.** *Staff is working with professionals to determine an acceptable level. Additional information shall be provided prior to the July meeting.*

4) Noise levels shall be measured at the ~~property boundary~~ **receiving points** ~~yearly~~ **annually during typical training events** and **the sound management plan revised with** additional noise abatement measures **and time frame** ~~implemented~~, if necessary. A record of the yearly noise levels shall be kept on file for review by the Douglas County Zoning and Codes Office.

~~5) In addition to 'no trespassing', the signs posted around the perimeter of the range area shall also note that this is a 'firing range'. The colors of the sign shall be bold so as to be very visible in the wooded areas and they shall be placed at 100 ft intervals around the range perimeter.~~

~~6) Signs shall be posted at all ranges with the following safety information:~~

~~a) Range-master must be present when there is firing on the range.~~

~~b) Noise protection must be worn when firing.~~

~~c) Alcoholic beverages are prohibited on the firing ranges.~~

~~7) A sign shall be posted on the main gate which identifies the area as a Fraternal Order of Police Firing Range and state that no admittance is restricted to FOP members and their guests. A contact number for a representative of the FOP who is available to respond during the hours of operation of the firing ranges shall be included on the sign.~~

(*CONDITIONS 5 THROUGH 7 HAVE BEEN REVISED AND COMBINED INTO CONDITION 50*

5) **SIGNAGE:**

a) 'No trespassing' signs shall be posted around the perimeter of the property at reasonable points of ingress. The plan shall identify the approximate location of these signs.

b) Signs shall be posted at all ranges with the following safety information:

- **Organized group or training activities must have a designated range safety officer on site**
- **Eye and ear protection must be worn when firing.**
- **Alcoholic beverages are prohibited on the firing ranges.**

c) A sign shall be posted on the main gate which identifies the area as a firing range, or as a high noise area approved with Conditional Use Permit, CUP-

12-8-10. A contact number for a representative of the Fraternal Order of Police who is available to respond during the hours of operation of the firing ranges shall be included on the sign. The police dispatch or 911 number may be included for emergencies.

6) Hours of Operation: The range shall not be in operation for any of the following holidays (or the days on which such holidays are observed by Kansas state government) New Year's Day, Easter, Thanksgiving Day, Christmas Eve and Christmas Day. The range may operate at the following times:
   - 8 AM to 8 PM Monday through ~~Thursday~~ **Friday**;
   - ~~8:00 AM to 5:00 PM on Friday; and~~
   - 10:00 AM to 6:00 PM on Saturday and Sundays.
   - Night shooting events may occur up to ~~3~~ **10** times a year, with a time limit of 10:00 PM. Neighbors within 1 mile must be notified of night shooting events at least 3 days in advance through either email, letter or phone call.

6) FOP PROPOSED HOURS:
   Group use:
   Monday – Friday 7:30 AM to 8:00 PM
   Saturday 9 AM to 7 PM
   Sunday 11:30 AM to 7 PM
   10 night shooting events a year with notification.

   FOP individual use:
   8:00 AM to 9:30 PM everyday but holidays

7) When there are training exercises ~~at~~ **involving** the firing ranges, ~~no other *outdoor* events may occur on the property~~ **the range safety officer shall determine if any other activities may occur.**

8) The 94 acres included in this CUP shall remain in the Fraternal Order of Police's ownership to serve as a buffer area. Any reduction in area shall require an amended CUP.

~~9) The following note shall be added to the CUP "*The CUP requires the retention of the 94 acres included in the approval. The wooded areas included in the parcels surrounding the range areas are to remain intact to serve as buffers. The only removal of trees that may occur are to remove dead or diseased trees, or to create trails through the wooded areas. Any other removal or reduction of trees shall require an amendment to the CUP."*~~

9) Trees may be selectively harvested, or removed to create trails provided the wooded areas included in the parcels surrounding the range areas remain intact to serve as buffers.

~~10) Military training is restricted to the use of weapons similar to those used by law enforcement agencies. A list of these weapons shall be provided for the file.~~

11) **A lead management program shall be put into place which includes soil testing and amendments and lead removal when necessary.**
   a) **The property owner shall have the soil tested at the pistol range berm area, and in the trap shotfall area at annual intervals to insure proper pH levels and to monitor any changes. Copies of the soil tests shall be kept on file in the FOP office for review by Zoning and Codes staff.**

b) **Lime or other soil amendments shall be added as recommended by the Douglas County Extension Office to maintain a proper pH balance.**

c) **If it is not possible to manage the pH level effectively with soil amendments, a professional lead recovery firm shall be contacted to remove lead from the site. A report shall be submitted to the Douglas County Zoning and Codes Office indicating who did the lead reclamation, how much lead was recovered and what was the final disposition of the lead.** ~~A lead recycling program shall be put into place. Lead will be reclaimed and recycled when the estimate of rounds fired reaches 100,000 or every 7 years, whichever comes first. If lead has not been reclaimed within the past 7 years, it will be necessary to reclaim the lead within 3 months of the approval of the CUP. Lead reclamation and clean-up will be done by a professional lead recovery company and a report shall be submitted to the Douglas County Zoning and Codes Office.~~

~~12)~~ Soil pH levels shall be monitored on an annual basis to insure that the lead management plan is effective. The records shall be kept on file at the FOP office for review by staff of the Douglas County Zoning and Codes Office. ~~Lime shall be added to the soil annually, if necessary, to maintain the correct pH levels per the following ratios:~~

- ~~50 pounds (for sandy soils) or 100 lbs (for clayey soils) per 1000 sq ft of range will raise the pH approximately one pH unit. The ideal pH should be between 6.5 and 8.5.~~
- ~~Do not add lime if the pH is above 8.5~~

13) Crushed limestone shall be spread, and maintained, in front of all backstops.

14) Documentation in the form of reports at each range will be kept as to ~~the number of rounds fired and the type of ammunition used as well as~~ the management activities used to prevent lead migration. It will be the responsibility of the range master or property owner to compile this information and keep it on hand for review by the Douglas County Zoning and Codes Office personnel.

~~All shooting activities at the range will be documented as to usage as follows:~~

~~1. Type of firearm used~~
~~2. Type of ammunition used~~
~~3. Number of rounds fired~~

All lead management activities shall be documented as follows:

1. Type of management activity
2. Date and time of activity
3. If lead was removed note the quantity, the company that removed the lead, where the lead was taken and what was done with it.

REVISED CONDITIONS WITH CHANGES INCORPORATED:

1) The provision of a revised site plan with the following changes:
   a) Show and label the backdrops for each firing range. The trap shooting range and shooting house are not required to have backdrops
   b) Add a note that the CUP is subject to conditions approved by the Board of County Commissioners.

2) Uses which are approved with this CUP include the following:
   d) Use of firing ranges for training exercises for law enforcement personnel, hunter safety courses and other similar events.
   e) Training exercises that utilize the remainder of the property as well as the firing ranges, such as orienteering.
   f) The use of the firing ranges by the Fraternal Order of Police members and their guests.

3) The Fraternal Order of the Police shall contract with a noise specialist to measure the noise level at the receiving points during a typical training event. If the noise levels are above an acceptable level, noise abatement measures shall be utilized to reduce the noise level to an acceptable level. The FOP shall develop a noise abatement plan within 6 months of the noise measurements, if abatement is found to be necessary. The plan shall include measures for abatement as well as a proposed time frame and shall be provided to the County Commission for approval. **(***Staff is working with professionals to determine an acceptable level. Additional information shall be provided prior to the July meeting.)*

4) Noise levels shall be measured at the receiving points annually during typical training events and the sound management plan revised with additional noise abatement measures and time frame, if necessary. A record of the yearly noise levels shall be kept on file for review by the Douglas County Zoning and Codes Office.

5) SIGNAGE:
   a) 'No trespassing' signs shall be posted around the perimeter of the property at reasonable points of ingress. The plan shall identify the approximate location of these signs.
   b) Signs shall be posted at all ranges with the following safety information:
      - Organized group or training activities must have a designated range safety officer on site
      - Eye and ear protection must be worn when firing.
      - Alcoholic beverages are prohibited on the firing ranges.
   c) A sign shall be posted on the main gate which identifies the area as a firing range, or as a high noise area approved with Conditional Use Permit, CUP-12-8-10. A contact number for a representative of the Fraternal Order of Police who is available to respond during the hours of operation of the firing ranges shall be included on the sign. The police dispatch or 911 number may be included for emergencies.

6) Hours of Operation: The range shall not be in operation for any of the following holidays (or the days on which such holidays are observed by Kansas state government) New Year's Day, Easter, Thanksgiving Day, Christmas Eve and Christmas Day. The range may operate at the following times:
   - 8 AM to 8 PM Monday through Friday;
   - 10:00 AM to 6:00 PM on Saturday and Sundays.

- Night shooting events may occur up to 10 times a year, with a time limit of 10:00 PM. Neighbors within 1 mile must be notified of night shooting events at least 3 days in advance through either email, letter or phone call.

6) FOP PROPOSED HOURS:

Group use:
Monday – Friday 7:30 AM to 8:00 PM
Saturday 9 AM to 7 PM
Sunday 11:30 AM to 7 PM
10 night shooting events a year with notification.

FOP individual use:
8:00 AM to 9:30 PM everyday but holidays

7) When there are training exercises involving the firing ranges, the range safety officer shall determine if any other activities may occur.

8) The 94 acres included in this CUP shall remain in the Fraternal Order of Police's ownership to serve as a buffer area. Any reduction in area shall require an amended CUP.

9) Trees may be selectively harvested, or removed to create trails provided the wooded areas included in the parcels surrounding the range areas remain intact to serve as buffers.

10) A lead management program shall be put into place which includes soil testing and amendments and lead removal when necessary.
    a) The property owner shall have the soil tested at the pistol range berm area, and in the trap shotfall area at annual intervals to insure proper pH levels and to monitor any changes. Copies of the soil tests shall be kept on file in the FOP office for review by Zoning and Codes staff.
    b) Lime or other soil amendments shall be added as recommended by the Douglas County Extension Office to maintain a proper pH balance.
    c) If it is not possible to manage the pH level effectively with soil amendments, a professional lead recovery firm shall be contacted to remove lead from the site. A report shall be submitted to the Douglas County Zoning and Codes Office indicating who did the lead reclamation, how much lead was recovered and what was the final disposition of the lead.

11) Soil pH levels shall be monitored on an annual basis to insure that the lead management plan is effective. The records shall be kept on file at the FOP office for review by staff of the Douglas County Zoning and Codes Office.

12) Crushed limestone shall be spread, and maintained, in front of all backstops.

13) Documentation in the form of reports at each range will be kept as to the management activities used to prevent lead migration. It will be the responsibility of the range master or property owner to compile this information and keep it on hand for review by the Douglas County Zoning and Codes Office personnel.
    All lead management activities shall be documented as follows:
    - Type of management activity
    - Date and time of activity
    - If lead was removed note the quantity, the company that removed the lead, where the lead was taken and what was done with it.

PLANNING COMMISSION REPORT
Regular Agenda

PC Staff Report
04/25/11

ITEM NO.2 : CONDITIONAL USE PERMIT FOR FRATERNAL ORDER OF P0LICE SHOOTING RANGE; 768 E 661 DIAGONAL RD (MKM)

CUP-12-8-10: Consider a Conditional Use Permit for the Fraternal Order of Police shooting range, located at 768 E 661 Diagonal Road. Submitted by Dan Affalter, for Fraternal Order of Police, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for the FOP shooting range subject to the following conditions:

1) The provision of a revised site plan with the following changes:
   a) Show and label the backdrops for each firing range. The trap shooting range and shooting house are not required to have backdrops
   b) Add a note that the CUP is subject to conditions approved by the Board of County Commissioners.
2) Uses which are approved with this CUP include the use of the firing ranges and military and other training on the site that does not involve the firing of weapons.
3) Noise abatement measures shall be utilized in order to achieve an 'acceptable' sound level at the property boundary of 65 dB(A) for up to 8 hours out of 24.
   a) Proposed abatement measures must be submitted and approved prior to release of the CUP to Douglas County Zoning and Codes Office.
   b) Noise levels shall be measured at the property boundaries following the approval of the CUP and noise abatement measures shall be installed within 3 months of the approval of this CUP.
4) Noise levels at the property boundary shall be measured yearly and additional noise abatement measures implemented, if necessary. A record of the yearly noise levels shall be kept on file for review by the Douglas County Zoning and Codes Office.
5) In addition to 'no trespassing', the signs posted around the perimeter of the range area shall also note that this is a 'firing range'. The colors of the sign shall be bold so as to be very visible in the wooded areas and they shall be placed at 100 ft intervals around the range perimeter.
6) Signs shall be posted at all ranges with the following safety information:
   a) Range-master must be present when there is firing on the range.
   b) Noise protection must be worn when firing.
   c) Alcoholic beverages are prohibited on the firing ranges.
7) A sign shall be posted on the main gate which identifies the area as a Fraternal Order of Police Firing Range and state that no admittance is restricted to FOP members and their guests. A contact number for a representative of the FOP who is available to respond during the hours of operation of the firing ranges shall be included on the sign.
8) Hours of Operation: The range shall not be in operation for any of the following holidays (or the days on which such holidays are observed by Kansas state government) New Year's Day, Easter, Thanksgiving Day, Christmas Eve and Christmas Day. The range may operate at the following times:
   - 8 AM to 8 PM Monday through Thursday;
   - 8:00 AM to 5:00 PM on Friday; and

- 10:00 AM to 6:00 PM on Saturday and Sundays.
- Night shooting events may occur up to 3 times a year, with a time limit of 10:00 PM. Neighbors within 1 mile must be notified of night shooting events at least 3 days in advance through either email, letter or phone call.

9) When there are training exercises at the firing ranges, no other *outdoor* events may occur on the property.

10) The 94 acres included in this CUP shall remain in the Fraternal Order of Police's ownership to serve as a buffer area. Any reduction in area shall require an amended CUP.

11) The following note shall be added to the CUP "*The CUP requires the retention of the 94 acres included in the approval. The wooded areas included in the parcels surrounding the range areas are to remain intact to serve as buffers. The only removal of trees that may occur are to remove dead or diseased trees, or to create trails through the wooded areas. Any other removal or reduction of trees shall require an amendment to the CUP."*

12) . Military training is restricted to the use of weapons similar to those used by law enforcement agencies. A list of these weapons shall be provided for the file.

13) A lead recycling program shall be put into place. Lead will be reclaimed and recycled when the estimate of rounds fired reaches 100,000 or every 7 years, whichever comes first. If lead has not been reclaimed within the past 7 years, it will be necessary to reclaim the lead within 3 months of the approval of the CUP. Lead reclamation and clean-up will be done by a professional lead recovery company and a report shall be submitted to the Douglas County Zoning and Codes Office.

14) Soil pH levels shall be monitored on an annual basis to insure that the lead management plan is effective. The records shall be kept on file at the FOP office for review by staff of the Douglas County Zoning and Codes Office. Lime shall be added to the soil annually, if necessary, to maintain the correct pH levels per the following ratios:
    - 50 pounds (for sandy soils) or 100 lbs (for clayey soils) per 1000 sq ft of range will raise the pH approximately one pH unit. The ideal pH should be between 6.5 and 8.5.
    - Do not add lime if the pH is above 8.5

15) Crushed limestone shall be spread, and maintained, in front of all backstops

16) Documentation in the form of reports at each range will be kept as to the number of rounds fired and the type of ammunition used as well as the management activities used to prevent lead migration. It will be the responsibility of the range master or property owner to compile this information and keep it on hand for review by the Douglas County Zoning and Codes Office personnel.

    All shooting activities at the range will be documented as to usage as follows:
    1. Type of firearm used
    2. Type of ammunition used
    3. Number of rounds fired

    All lead management activities shall be documented as follows:
    1. Type of management activity
    2. Date and time of activity
    3. If lead was removed note the quantity, the company that removed the lead, where the lead was taken and what was done with it.

Reason for Request: *"To gain compliance for a shooting range which has been in existence for over 40 years."*

KEY POINTS

- Per Section 12-319-4.11 of the Zoning Regulations for the Unincorporated Territory of Douglas County, a shooting range requires approval through a Conditional Use Permit.
- The shooting range is existing but does not have an approved Conditional Use Permit; therefore, this application has been submitted to bring the range into compliance with the Douglas County Zoning Regulations.
- The area is encumbered with the floodplain, including the regulatory floodway and floodway fringe of Washington Creek.

ATTACHMENTS

A – Public Communications received prior to printing of this staff report.
B – Applicant information regarding history of the shooting range
C – Plans

DESCRIPTION OF USE

Property is owned by the Fraternal Order of Police and contains a lodge and an office building for their use. This CUP has been submitted for approval of the following firing ranges:

- A rifle range with one shooter station that can accommodate multiple shooters;
- A trap range with 5 shooter stations;
- A pistol/rifle range with 8 shooter stations; and
- A 'shoot house', a wooden structure that is located within the woods and is used for urban training.
  (The location of these ranges is noted in the plan and Figure)

The ranges are used primarily for training of law enforcement personnel and conducting hunter safety courses. Occasionally, the range will be used for training of military personnel but the applicant indicated that these do not usually involve the firing ranges. The property owner, the Fraternal Order of Police members, and their guests also use the ranges.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Approval by Board of County Commissioners.
- Noise abatement measures approved and implemented.
- Conditional Use Permit Plan released to the Zoning and Codes Office for CUP permit.
- Lead recycling program initiated and carried out per schedule.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Copy of letter sent to landowners in the area by Bill Roth notifying them of the CUP application and providing background information. (Nov 1, 2010)
- Email from nearby property owner, Scott Mesler, recommending restricted hours and expressing concern with the noise generated. (Jan 6, 2011)
- Email from nearby property owner, Lorel Lewis, indicating no concerns with the shooting range operations or the CUP application. (Jan 7, 2011)
- Letter from Bill Roth with list of recommendations for the CUP. (Jan 10, 2011)
- Email from Jim Lock in support of the shooting range.

GENERAL INFORMATION

Current Zoning and Land Use:	A (Agricultural), F-W (Floodway Overlay) and F-F (Floodway Fringe Overlay) Districts; shooting range with lodge.

Surrounding Zoning and Land Use:	A (County Agricultural) District in all directions. Agriculture, woodlands, and rural residences. F-W (Floodway Overlay) and F-F (Floodway Fringe Overlay) Districts to the north and south, along the Washington Creek; agriculture and woodlands.

Site Summary:	
Subject Property:	94 acres
Proposed Buildings:	No new buildings are being proposed.
Off Street Parking Required:	1 space per 5 attendees, Section 12-316-1 requirement for recreational area without fixed seating
Off Street Parking Provided:	30 parking spaces available in the graveled parking lot and overflow parking area on the adjacent grassed area.

I. ZONING AND USES OF PROPERTY NEARBY

Staff Finding – The subject property is located in the northeast quarter of Section 11 in Township 14 South, Range 18 East of Douglas County (southeast of the intersection of N 775 Road and E 661 Diagonal Road). The property is located on the east of, and takes access from, E 661 Diagonal Road approximately 1/2 mile north of Lone Star Lake. The property is within the A (Agriculture) and floodplain overlay zoning districts. The surrounding area is zoned for agricultural uses with floodplain overlay zoning following the path of the Washington Creek to the lake. Agriculture, open space, and rural residences are the principal land uses in the area. The nearest residences are located approximately 1/4 mile from the firing ranges. A map showing the approximate locations of residences in the area is included in Figure 5. A recreational area, Lone Star Lake is located approximately one-half mile to the south. (Figure 1)

II. CHARACTER OF THE AREA

The Fraternal Order of Police owns approximately 94 acres which is being included in this CUP request. The property contains the Washington Creek and its associated floodplain. (Figure 2)The parcel containing the shooting ranges slopes from the east to the west. The buffer areas contain very steep grades, which are used as backdrops. (Figure 3) The property is developed with a Fraternal Order of Police lodge and office building and is used for lodge activities as well as a shooting range used primarily for law enforcement training. The remainder of the property consists primarily of wooded hills and open space. The surrounding area consists of woodlands, agricultural uses with scattered rural residences. A recreational area, Lone Star Lake, is located approximately one-half mile to the south.

Staff Finding – This is an agricultural area which also contains rural residences and woodlands as well as a recreational area. This range has been in existence for over 40 years and contributes to the character of the area; however, the noise generated by the shooting range could negatively impact the nearby residences. It will be necessary to regulate the hours and provide noise abatement measures to minimize any negative impacts.

III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's response:
"The property is ideally suited and has been improved for over 40 years to accommodate the shooting range."

While this use has been in place for over 40 years, it is not a 'grandfathered' or 'non-conforming' use as it was installed after the adoption of the 1966 Zoning Regulations for unincorporated Douglas County and a CUP was required for a shooting range at that time. In 2006, it came to Zoning and Code's attention that the shooting range did not have a CUP and was not a grandfathered use. This CUP was submitted to bring the shooting range into compliance with the Code. All the shooting ranges discussed in this report are existing ranges. No new construction is being proposed. Any new construction would require either a site plan or an amendment to the CUP depending on the degree of change.

Staff Finding – A Conditional Use Permit (CUP) does not change the base, underlying zoning; therefore, the suitability of the property for agricultural uses will not be altered. The 52 acre parcel is developed with a lodge and shooting ranges which are used primarily for law-enforcement training exercises and hunter safety courses. The property owner also owns 3 other adjacent parcels totally approximately 49 acres which are intended to buffer surrounding areas from the shooting range. A 'shoot house' is located within this buffering acreage, and is used occasionally for specialized training operations. The property is heavily wooded and has significant grade changes (Figure 3). These features may limit the agricultural options for the property.

The large acreage available for this use and the wooded areas serve as a buffer which makes the property suitable for a use of this type. The topography provides hillsides to use as backstops for the shooting ranges. The bullets used at the ranges contain lead, and the fact that some of the shooting occurs within the regulatory floodway or regulatory floodway fringe could present environmental hazards. Best management practices should be utilized to minimize the potential for ground or water pollution from the lead. With proper noise and lead management, the property is suited to the proposed (existing) use.

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

Staff Finding – The property is not vacant. The applicant indicated that the lodge and shooting ranges were instituted in the 1960s and have been in use since that time.

V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's Response:
"The condition already exists; however, there have been complaints about the noise."

Section 19-01 of the County Zoning Regulations recognize that "*Certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district…when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited."* The proposed use falls under Use 11: Recreation Facility listed in Section 12-319-4.11 Conditional Uses Enumerated, of the Zoning Regulations for the Unincorporated Territory of Douglas

County. This shooting range will not be used as a recreational facility but a shooting range is permitted under this use category. While the purpose of this shooting range is training rather than recreation, the impact would be the same as for a recreational shooting area. The limited scope of this shooting range should provide more compatibility with the surrounding properties as the activity can be more controlled, since the general public is not permitted, and training sessions are usually scheduled in advance.

Approval of the CUP will allow the applicant to continue the current use of the firing ranges. Conditions shall be applied with the Conditional Use Permit to limit the intensity of the use, mitigate the impact of the noise on the neighbors, and address environmental concerns such as lead pollution located within the floodplain and the Washington Creek.

The property is located on a paved road and has access from a continuous network of paved roads. (Figure 4) Dust generated by traffic to this site is not an issue.

Public comment has been provided to the Planning Office and is included with this staff report. Some neighbors indicated they had no issues with the noise generated or the activity itself while others indicated concern with noise, hours of operation, safety (particularly signage), and lead pollution to the Washington Creek.

Staff Finding – The shooting range currently negatively impacts nearby properties through noise and possible lead-pollution of the Washington Creek or groundwater. Proper noise abatement measures, restrictions on hours of use and an effective lead management program should minimize these impacts. These measures are discussed in detail in the 'Staff Review' portion of this report.

VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

Applicant's Response:
"The taxpayers of Douglas County are relieved of the financial burden of buying and developing property to be used as a firing range."

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property. In Staff's opinion, denial of the request for a Conditional Use Permit would affect the individual landowner by prohibiting the use of the property for the shooting range which would then create the need for Douglas County law enforcement agencies to find another site for their training. Denial of the CUP request may benefit the area property owners by eliminating the use and the associated noise.

Staff Finding – Approval of the Conditional Use Permit would benefit the community by maintaining a training facility for the County's law enforcement personnel. With safeguards to prevent water pollution, it should not harm the public health, safety and welfare; however the noise associated with the shooting facility may have a negative impact on the surrounding residents. Restrictions on the hours and number of the events and appropriate noise mitigation measures should be implemented to minimize any negative impact.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The subject property is not located within an identified urban growth area. The comprehensive plan recommends that agricultural uses continue to be the predominant land use within the areas of the

county beyond the designated urban growth areas. Uses permitted in the rural area should continue to be limited to those which are compatible with agricultural production and uses.

Horizon *2020* does not address Conditional Use Permits as a tool to achieve specific policies.

Staff Finding – The Comprehensive Plan encourages uses which provide incentives to retain agricultural land in production in the rural area of the county (outside any Urban Growth Area). A Conditional Use Permit allows development to occur in harmony with the surrounding area. The subject property is not well-suited for agricultural production, given the woodlands and steep slopes, but the CUP will encourage the retention of the natural features and protect the rural character of the area. The shooting range, as conditioned, is consistent with the Comprehensive Plan.

STAFF REVIEW

The shooting range provides a valuable community function, the training of law enforcement personnel and hunter safety courses. While this is a necessary and valuable service to the community, the range can create negative impacts on surrounding properties and the environment. The Zoning Regulations are intended to promote the safety, order, convenience, prosperity, and general welfare of the citizens of Douglas County; therefore, the CUP has been reviewed with consideration for the safety of the facility as well as minimizing negative off-site impacts.

The property contains a lodge which has 2 bathrooms and a kitchen. A septic system which was approved when the building was constructed is utilized for wastewater management. Other structures on the property include a garage, five-bay barn, shelter house, trap house, footbridge, low-water bridge, and obstacle course containing 12 obstacles in an approximate one-quarter mile loop. There is also a structure called a 'shoot house' that is used for an urban range. The structures and the ranges are shown on the plan. Figures 8 through 14 illustrate the areas of the range.

The applicant indicated that they allow simultaneous use of the shooting ranges and lodge facilities for other activities as long as no safety issues are raised. Staff has concerns that the concurrent use of the facilities for shooting and other activities could result in accidents and recommends that no other outdoor activities occur when the shooting range is in operation.

PARKING

A 16,200 sq ft gravel parking area is located adjacent to the garage and lodge building. The applicant indicated that the parking area could accommodate 30 cars and an additional row of vehicles can park in the middle if needed. There is also a grass overflow parking area. The NRA recommends 1.5 parking spaces per firing point. The applicant's information indicates that the pistol range is limited to 8 persons at a time, the rifle range to 8, trap area to 5 and the urban shooting area to 10. This would equal 31 firing points, or 47 parking spaces. This is not a parking requirement of the Zoning Regulations, but it does appear that the gravel area would be able to accommodate 47 parking spaces. The Zoning Regulations require 1 parking space per 5 seats, or persons, in assembly or amusement type uses without fixed seats or 7 parking spaces (31/5). The location and amount of parking provided is compliant with the Zoning Regulations and recommendations of the NRA.

SAFETY

The National Rifle Association Range Source Book contains information on planning and implementing shooting ranges. The book makes the following recommendations:

- Range caution signs should be posted at 100 ft intervals around the range perimeter. Colors should be highly visible.
- A contact number for a representative of the FOP who is available to respond during the hours of operation of the firing ranges should be provided for file and posted on the fence/gate to the FOP facility.
- Natural hill backstop should have a slope of at least 1.5 to 1 (33-34 degrees) and the height should be at least the same as for a manmade backstop
- NRA recommends 1.5 parking space per firing point
- OSHA – the Occupational Safety and Health Administration – has determined that a sound level of 90 dBA is the threshold for hearing conservation programs. Because firearms easily exceed this level of sound, users must wear hearing protection. Hearing protection should be a requirement for all users who are within 50 ft of the firing line. (NRA Range Source Book, Section 3.0-3.10.1)

In addition, no alcohol should be allowed on the firing ranges. Signs prohibiting alcoholic beverages should be posted on each range,

BUFFER

The FOP owns several parcels surrounding the main shooting area that they utilize as buffers. In order to insure that these remain effective buffers, a note should be added to the CUP that the wooded areas on the site are to remain intact to serve as buffers. The only removal of trees that may occur are to remove dead or diseased trees, or to create trails through the wooded areas. Any other removal or reduction of trees would require an amendment to the CUP.

LIGHTING

The applicant's information indicates that there are 5 lights on power poles that are approximately 27 ft high. These lights are located within the interior of the site. Any changes to the existing lights would require a revised site plan which would note the location, wattage and steps taken to prevent glare onto neighboring properties.

USES

The property is owned by the Fraternal Order of Police (FOP) and is used for lodge meetings and various FOP activities that are not related to this CUP such as gatherings, social events and other activities for the members of the FOP. These uses are not being considered with this CUP application. The only uses for which approval has been requested are the activities associated with the shooting ranges. The military training which makes use of the open space areas, but does not involve the firing of weapons is also being considered with this CUP. Uses which are permitted in the A (Agricultural) District may occur on the site; however, it is important that no other outdoor uses occur when the shooting ranges are in operation, for safety considerations. Uses which are not permitted in the A District and are not included in this CUP require approval through the CUP process.

According to information provided by the applicant, Attachment B, the shooting ranges are used for various law enforcement agencies including the Douglas County Sheriff and the Lawrence Police Department, Hunter Safety Courses, as well as training for military, civilian or other groups of individuals with or without the use of the firing ranges. Military training is usually limited to orienteering, map and compass and other activities which require a type of outdoor terrain and facilities which are available at this site. A note should be added to the plan which restricts military training to the use of weapons similar to those used by law enforcement agencies. A list of these

weapons should be provided for the file. The training uses associated with the firing ranges are the only uses which are being considered with this CUP.

ACCESS
The shooting facility is located on a hard-surfaced road which is classified as a collector and has good access from the collector/arterial road network. Traffic to and from the site should not create any negative impacts on surrounding properties.

NOISE
The noise generated by the shooting activities may negatively impact nearby properties. The following information, taken from the National Rifle Association Source Book, explains how to measure the noise level, what levels of noise are acceptable and suggests several noise abatement measures:

"*Range owners/operators should implement sound abatement programs into their yearly planning. These noise plans must actively pursue the goal of a sound abatement plan: preventing conflict before it occurs*." (NRA Range Source Book, Section 1.02.3)

Many of the recommendations in the Range Source Book are geared toward new sites. I reviewed the information for recommendations which are applicable to an existing site. The first step would be to determine the level of sound which is created by the range.

1. **Measuring the sound level at the property line during a typical firing event** Section 3.03.5 of the Range Book provides the following guidance for a sound measurement:
   a. Take the measurement at the property line and in direct line with the receiver
   b. Select measuring points that are clear of interfering objects (other than naturally occurring ones).
   c. Describe the surface area over which the sound travels. Certain surface area configurations, such as a good grass cover affects the rate of decay for sound.
   d. Intervening distance between a point source and a receiver is also an attenuating factor. As a rule, each time the distance is doubled the sound pressure level is reduced by one-half, or reduced by about 6 dB.
   e. Terrain features are also important, for example a noise source in a depression is provided barriers that will redirect sound and is not as serious as one at a higher elevation. Therefore, a range located in a valley presents less of a problem than one at the same general elevation as the surrounding area. Ranges that are elevated above a receiver will have the advantage of atmospheric attenuation, with addition components attenuated via wind. Wind tends to cause sound waves traveling with the wind to appear louder, and those traveling against the wind to appear quieter. (noise would be less in areas to the south and louder in areas to the north, as a rule given our southern prevailing winds)

Section 3.03.3.1 of the NRA Range Source Book provides the following information as a general guide for noise levels:

A. **Unacceptable:** If the sound level exceeds 90 dB(A) for 1 hour out of 24 or exceeds 85 dB(A) for 8 hours out of 24 and the receiver is less than ¼ mile from the sound source.
B. **Discretionary:** Normally acceptable if the level exceeds 80 dB(A) for 8 hours out of 24 or if there are 'loud' impulsive sounds (referring to sonic booms, artillery, etc) on site and the distance from the property boundary and the receiver is one mile or more.
C. **Discretionary:** Normally acceptable if the level does not exceed 75 dB(A) at the property boundary more than 6 hours out of 24 hours and distance from the boundary and the receiver is over 2 miles.

D. **Acceptable:** If the sound levels at the receiver do not exceed 65 dB(A) more than 8 hours out of 24 or activities do not extend into the nighttime hours of 10 pm through 7 am. **Note:** Law Enforcement activities may have exemptions to the above recommendations. Live fire night exercises may be required to maintain the proficiency and update training of police officers.

The map in Figure 5 shows the locations and distances of the nearby residences. It appears there are 2 residences within ¼ mile of the sound source. Figure 6 shows the general elevations of the range and nearby residences.

Noise levels should be taken during a normal firing event to determine if the amount of noise generated is considered acceptable per the info in the Range Book. Given the distance to the nearby residences an acceptable noise level for this range would be: "**If the level does not exceed 65 dB(A) at the property boundary more than 8 hours out of 24 hours**."

3.03.10.2 Sound abatement shields or barriers should be installed on ranges where neighbors are within ¼ mile of the facility unless significant natural barriers exist. Any fixtures or terrain features must serve either to redirect or capture sound. There are a few neighbors just within the ¼ mile area.

Lead Management

Lead pollution is an issue with shooting ranges as the lead can leach into the soil and percolate through to the ground water or flow through runoff into nearby streams. In this case, the proximity of the regulatory floodplain and Washington Creek, which flows to Lone Star Lake, makes proper lead management even more important. Figure 7 shows the general location of each shooting range and the direction of fire.

The Kansas Department of Health and Environment had responded to a complaint regarding the shooting activity within the floodway and determined that if the EPA Best Management Practices are followed, lead pollution should not be an issue with this range (Attachment C). Based on this information, the shooting ranges may remain in their current locations; however, if any new ranges are proposed in the future, staff recommends locating them outside of the floodway to prevent future pollution issues. The following information and recommendations for an effective lead management program were taken from the EPA's Best Management Practices for Lead at Outdoor Shooting Ranges and the NRA Range Source Book:

1) Control and contain lead bullets and fragments
2) Prevent migration of lead to the subsurface and surrounding surface water bodies
3) Remove the lead from the range and recycle
4) Documenting activities and keeping records

1) Control and Contain Lead Bullets and Fragments

Earthen berms and backstops, such as are used at this range, are one recommendation for controlling and containing bullets. These should be shown and noted on the plan. They should be between 15 and 20 ft high with as steep a slope as possible. The layer (to a depth of one to 2 ft) exposed to the shooting activity should be free of rock and debris. (ricochets and bullet fragmentation)

2) Prevent Lead Migration

Soil treatment

- Soil pH levels will be monitored on an annual basis. Lead migration increases in acidic conditions since the acid of the soil contributes to the lead break down. The ideal soil pH level should be between 6.5 and 8.5. Spread lime around the earthen backstops, sand traps, trap and skeet shotfall zones, and any other areas where the bullets/shots or lead fragments/dust accumulate.
- Spreading bags of 50 pounds (at ranges with sandy soils) or 100 lbs (at ranges with clayey soils) per 1000 sq ft of range will raise the pH approximately one pH unit for a period of between 1 and 4 years.
- If the soil pH range is 4.5 or less addition of lime may only raise the pH to about 5. In this case additional measures should be used. If soil pH range is above 8.5 do NOT add lime.

- Also, to avoid lead mobilization from rainwater, crushed limestone will be spread in front of all backstops. The crushed limestone will help trap any lead particles that may migrate from the berm. The spreading of limestone in front of the shooting area and the spreading of lime over the berm area are easy and low cost methods of controlling the migration of lead. It is also a very easy and cost effective method of minimizing the potential for the lead to degrade.

3) Removal of lead

Implementation of a regular lead reclamation program is very important. Ranges with acidic soils or high precipitation may require more frequent reclamation. To insure that lead is not considered 'discarded' or 'abandoned' on the range (within the meaning of the RCRA statute, i.e. a hazardous waste) periodic lead removal activities should be planned for and conducted.

- Lead will be reclaimed and recycled when the estimate of rounds fired reaches 100,000 or every 7 years, whichever comes first. If lead has not been reclaimed within the past 7 years, it will be necessary to reclaim the lead within 3 months of the approval of the CUP. Lead reclamation and clean up will be done by a professional lead recovery company.

4) Documentation

Documentation in the form of reports at each range will be kept as to the number of rounds fired and the type of ammunition used as well as the management activities used to prevent lead migration. It will be the responsibility of the range master or property owner to compile this information and keep it on hand for review by the Douglas County Zoning and Codes Office personnel.

All shooting activities at the range will be documented as to usage as follows:

4. Name of individual who used the range
5. Date and time of use
6. Type of firearm used
7. Type of ammunition used
8. Number of rounds fired

All lead management activities shall be documented as follows:

4. Type of management activity (lime, phosphate, etc)
5. Date and time of activity
6. If lead was removed and if so, in what quantity
7. Who removed the lead
8. Where was the lead taken and what was done with the lead

HOURS

The applicant proposes the following hours for the shooting range:

Training and Education:

- 7:30 AM to 8:00 PM Monday through Friday,
- 9:00 AM to 7:00 PM on Saturday,
- 11:30 AM to 7:00 PM on Sunday for use by organized groups including Law Enforcement agencies

Individual use by FOP members:

- to operate from 8:00 AM to 9:30 PM every day of the week except for the following holidays: Christmas Eve, Christmas, Thanksgiving, and Easter

Based on concerns from the neighboring property owners, staff recommends one set of hours for the operation of the shooting range. The range should not be in operation for any of the following holidays (or the days on which such holidays are observed by Kansas state government) New Year's Day, Easter, Thanksgiving Day, Christmas Eve and Christmas Day. Times of operation should be limited to the following hours:

The hours should range from 8 AM to 8 PM Monday through Thursday; 8:00 AM to 5:00 PM on Friday; and 10:00 AM to 6:00 PM on Saturday and Sundays. Night shooting events may occur up to 3 times a year, with a time limit of 10:00 PM. Neighbors within 1 mile must be notified of night shooting events at least 3 days in advance through either email, letter or phone call.

Conclusion

Approval of a CUP can be tailored to address specific issues such as intensity or frequency of use, include time limitations, and provide screening requirements. The recommended conditions respond to the specific nature of this request. With the conditions regarding hours of operation, sound abatement and lead management, the shooting range should be compatible with the nearby land uses.

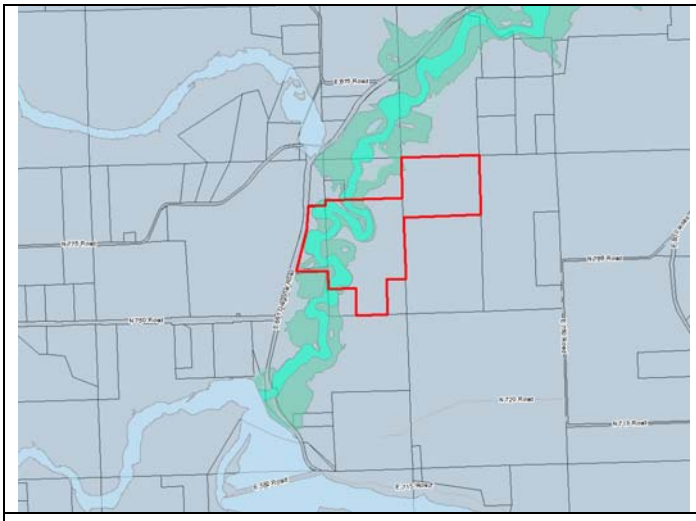
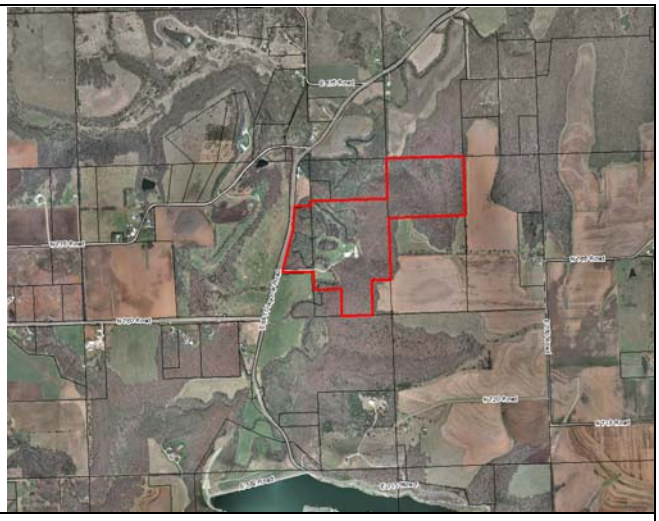
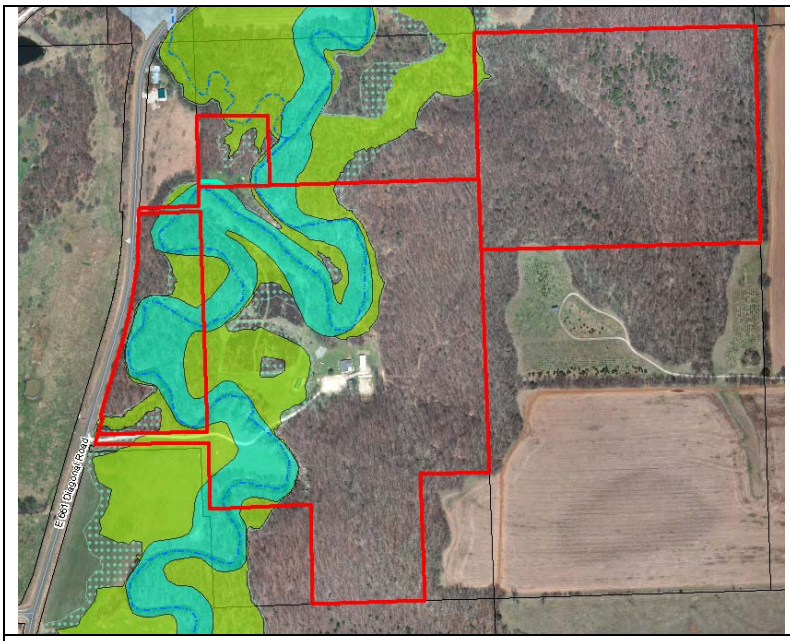


Figure 1. Zoning in the area.
(subject property outlined in red)

- Blue: A (Agricultural),
- Bright turquoise: Regulatory Floodway
- Light turquoise and light blue: Regulatory Floodway Fringe



Land Use in the Area
(subject property outlined in red)
Woodland, agriculture and rural residential
Recreation area (Lone Star Lake) to the south



- The subject property is outlined in red.
- Regulatory floodway is shown in blue
- Regulatory floodway fringe is shown in green.
- Washington Creek is marked with a dashed line within the floodway.

Figure 2. Location of floodplain on the subject property.

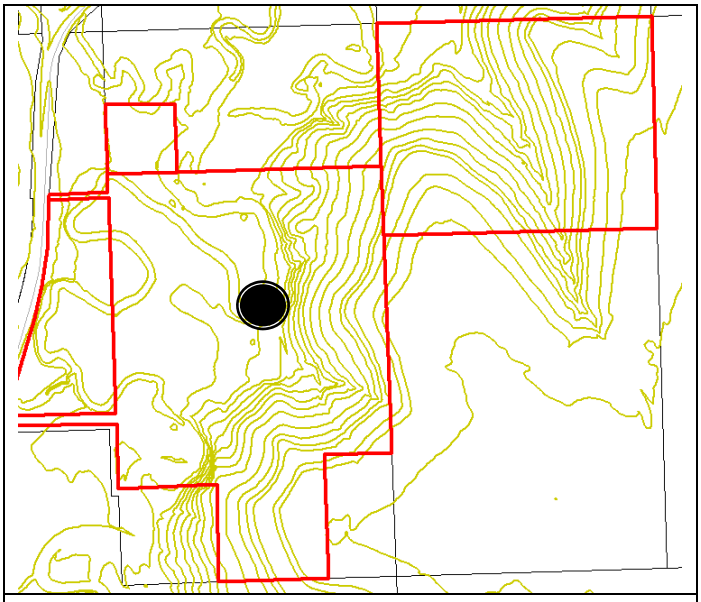
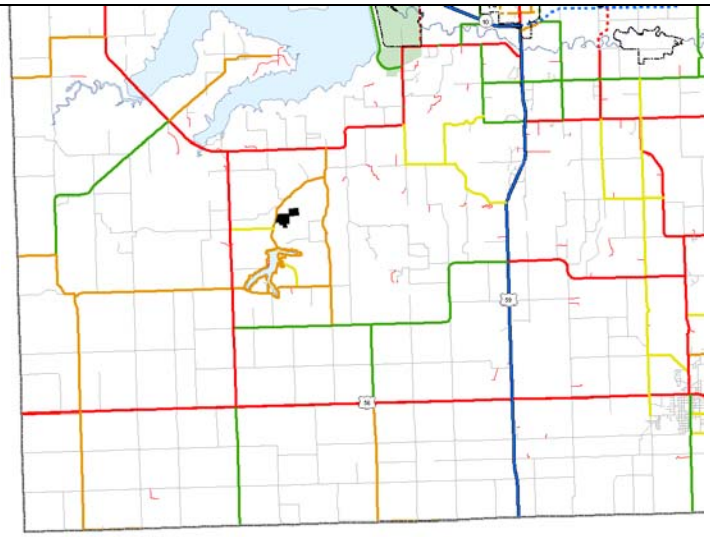


Figure 3. Topography
Parcel where the majority of the shooting occurs is marked with a●.



- Subject property shown in black
- Blue: Principal arterial/freeway
- Red: Principal arterials
- Green: Minor arterials
- Orange: Collector
- Yellow: Minor Collector

Figure 4. Road Network

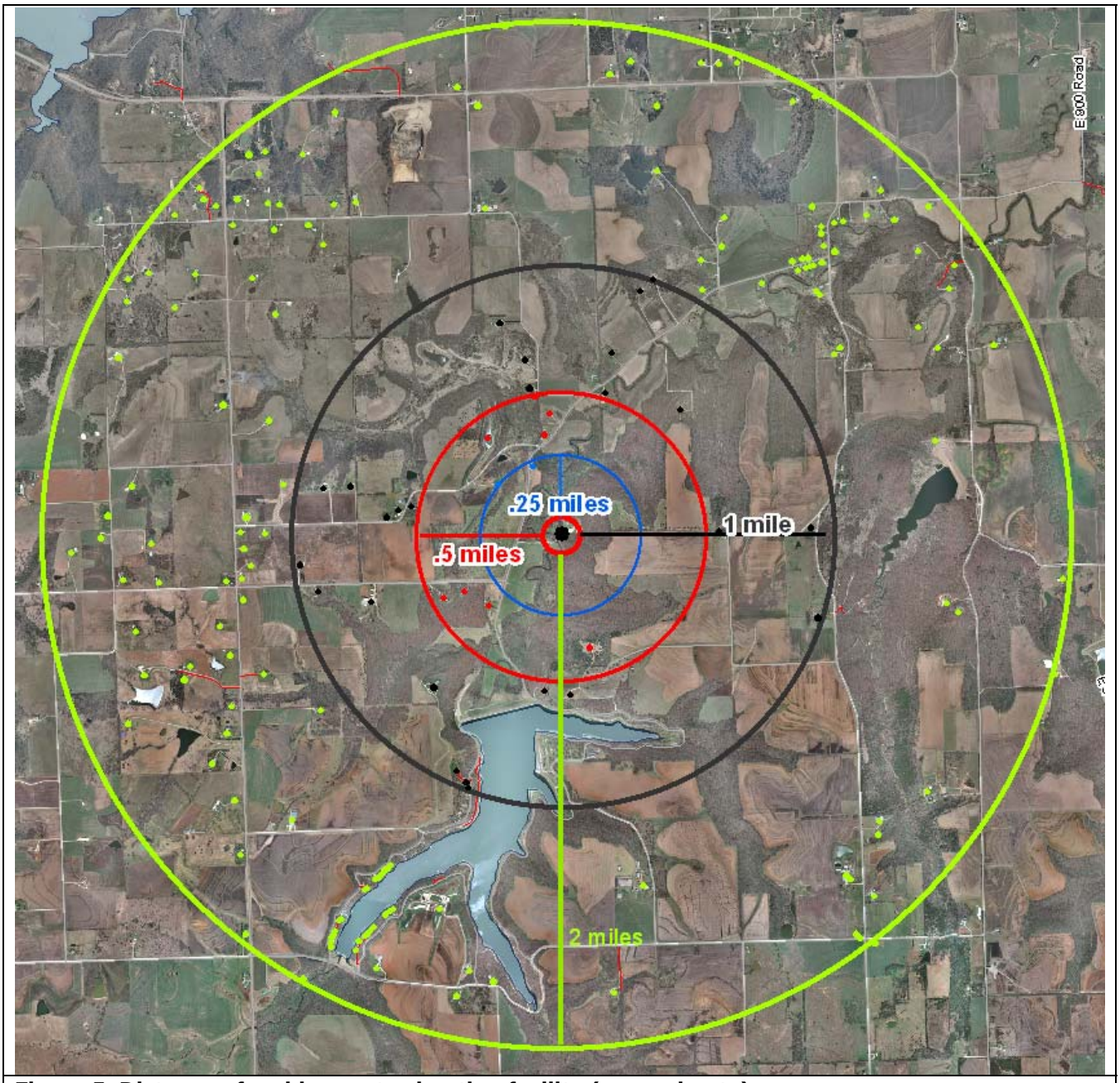


Figure 5. Distance of residences to shooting facility (approximate)
Blue ring is .25 mile radius: 2 residences
Red ring is .5 mile radius: 6 residences (+2 in .25 radius)=8 residences total
Black ring 1 mile radius: 25 residences (+ 8)=33 residences total
Green ring 2 mile radius: >125 (+33)=>158 residences total

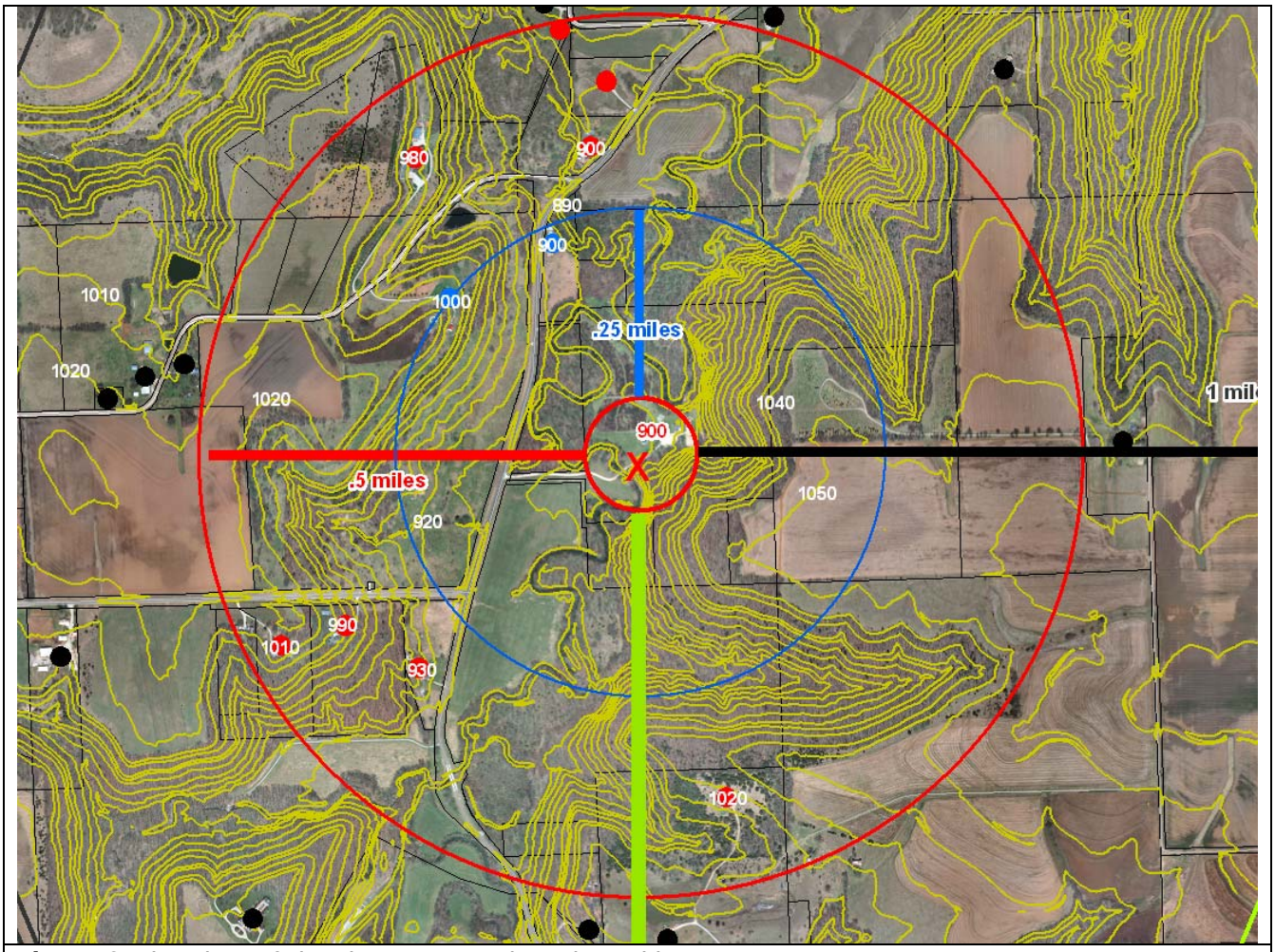


Figure 6. Elevations of shooting ranges and nearby residences

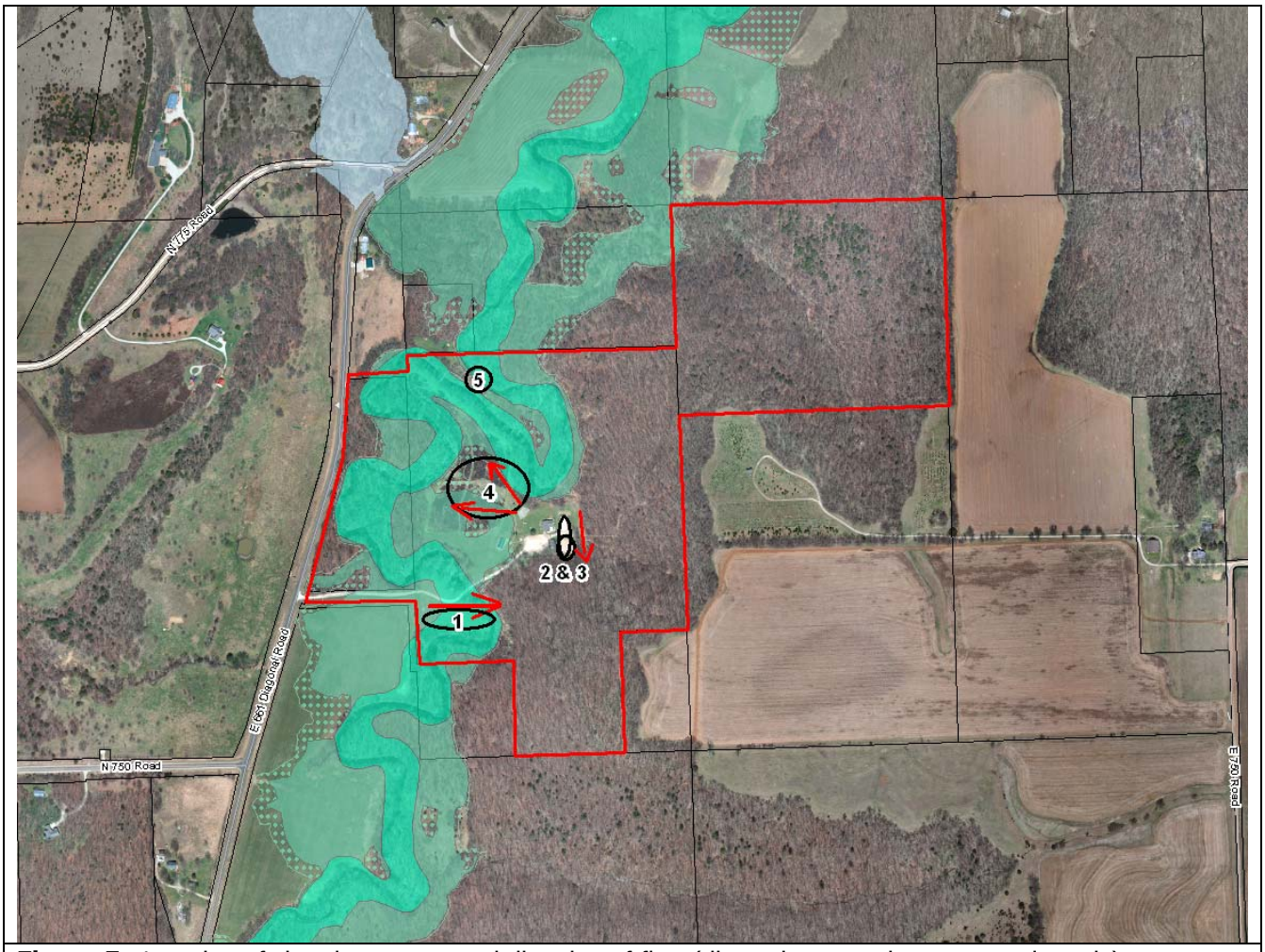


Figure 7. Location of shooting ranges and direction of fire, (dimensions are shown approximately)

1. 100 yard rifle range. Shooting to the east into wooded bank. 8 shooters.
2. 30 yard pistol range. Shooting to the south into wooded bank. 8 shooters.
3. 80 yard rifle/pistol range. Shooting to the north into wooded bank. Extended range '2'..no addtl shooters.
4. Trap range. Shooting to the northwest with a 150 yard safe fall zone. 5 shooters—shotgun only
5. 100 yard urban shooting range. Shooting within or into the structure. 10 shooters.

Figure 8 Entrance from E 661 Diagonal Road

Figure 9 Rifle range near road…target in front of very steep hill used as backdrop.

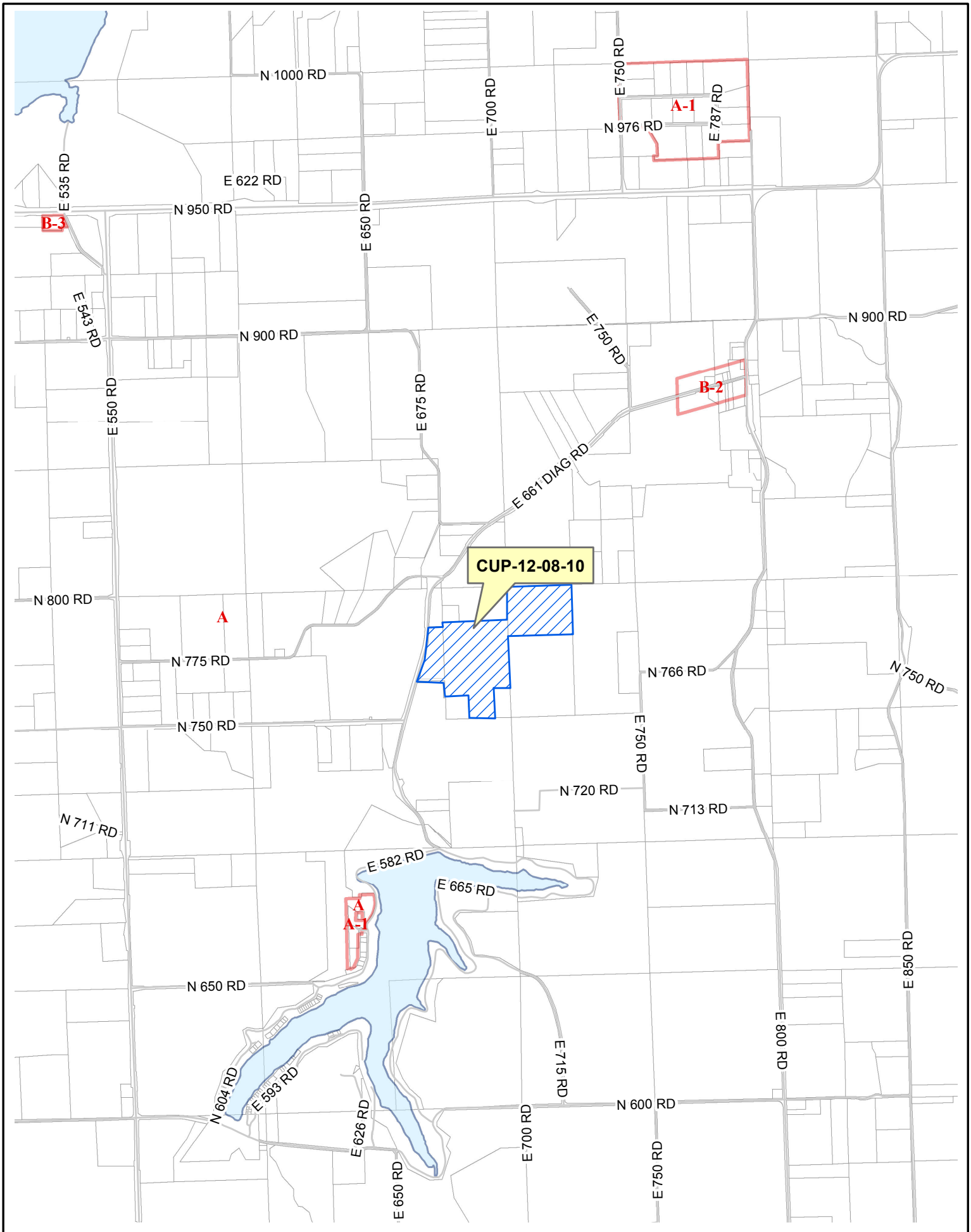
Figure 10 Drive up to the lodge buildings

Figure 11 Trap shooting area.

Figure 12 Shoot house. Firing is usually within the house, or occasionally into the house

Figure 13 Shoot house detail

Figure 14 Pistol/rifle range. This range can be 30 or 80 yards. Hill provides backdrop


N 1000 RD
E 700 RD
E 750 RD
A-1
N 976 RD
E 787 RD
E 535 RD
E 622 RD
N 950 RD
E 650 RD
B-3
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B-2
E 550 RD
E 675 RD
E 661 DIAG RD
CUP-12-08-10
N 800 RD
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N 750 RD
N 750 RD
E 750 RD
N 720 RD
N 713 RD
N 711 RD
E 582 RD
E 665 RD
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E 715 RD
N 604 RD
E 593 RD
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E 626 RD
E 700 RD
E 650 RD
E 750 RD

FOP CONDITIONAL USE PERMIT FOR OPERATION OF FIRING RANGES

1. The FOP shall submit a revised site plan showing the backdrops for the pistol and rifle firing ranges. The trap shooting range and the shooting house do not need to have backdrops.

2. The FOP will cooperate with the county and the city to try and obtain a reduced noise level from the ranges.

3. The FOP shall post no trespassing signs on any boundary area where it could reasonably be expected that persons might enter the property.

4. The FOP will place three signs in close proximity to each other at the main gate off county road E-661. Those signs will read: "Keep Out!, High Noise Area! and Dangerous Area!"

5. The FOP shall not allow range operations on New Year's Day, Easter, Thanksgiving, Christmas Eve, and Christmas Day.

6. Restriction on hours of operation for the Firing Ranges.

Law Enforcement, Military Training and other groups on firing ranges.

The FOP shall limit use of shooting on its ranges by Law Enforcement, Military Training, Hunter Safety and other similar activities to Monday thru Friday 7:00 a.m. to 7:00 p.m., Saturday 9:00 a.m. to 7:00 p.m., Sunday 11:30 a.m. to 7:00 p.m.

Law enforcement and the Military shall be entitled to use the range 25 days per year for extended shooting to 10:15 p.m. The FOP shall provide a reasonable method neighbors can sign up for email notification of extended shooting hours. The FOP will send an email to the neighbors who have signed up for such notification at least five days before the use of extended shooting hours is going to occur. The Chief of the Lawrence Police Department or the Sheriff of Douglas County may modify the number of days per year and the amount of time notice is to be given when in their judgement such modification is necessary for the proper training of Law

Enforcement officers who have jurisdiction in Douglas County. When reasonably possible the Sheriff or Chief shall notify the Douglas County Zoning and Codes department in writing of this decision.

Individual use of the ranges by FOP members

Individual use by FOP members. Shooting shall be limited to 8:00 a.m. to 9:30 p.m. every day of the week except for the holidays listed above.

7. The 94 acres included in the CUP shall remain in the FOP ownership to serve as a buffer area. Any reduction in the area will require an Amended CUP.

8. The CUP is subject to conditions approval of the Board of County Commissioners.

Mary Miller

From: Bill Roth [wroth@hughes.net]
Sent: Sunday, July 24, 2011 11:28 PM
To: Mary Miller
Subject: FOP CUP

Mary-

There has not been enough time for me to review the FOP's latest revision to their CUP, however, I would offer a few cursory comments.

If the Sheriff's Department and the Lawrence Police Department have a jointly agreed to set of requirements, they should make them available to the public. In that way the FOP can determine if they can meet them. If they can't then it will be necessary for the County/City purchasing department to make a request for bids to see who can meet the specifications. As it now stands we have an incestuous situation where the requirers are the providers and it is not possible to make a proper selection, as there do not appear to be any any definitive requirements, other than we want our Club House and we'll run it for ourselves as we see fit.

My comments on the FOP's submittal are:

1. There were distinct operating hours for; the law enforcement training, what I assume was non law enforcement training (group) and members recreational shooting. This is not appropriate as shooting is shooting and the neighbors can not be expected to call 911 and inquire who is shooting. The times specified must be the same for everyone, as it is not the neighbors responsibility to monitor range operations.

   a. 08:00 am til 9:00 pm on weekdays.
   b. 09:00 am til 7:00pm on Saturdays
   c. 12:00 pm til 5:00 pm on Sundays

2. The noise decibel level is be not more that 65db per the NRA Acceptable level stipulated in NRA Range Source Book Section one, Chapter Six, Section I-6-10, para 3.03.3.1. The FOP must make a firm commitment that they will construct sound deadening devices to ameliorate the noise which emanates from the pistol range.

3. No helicopter operations.

4. Signage is to be stipulated as every 50 feet on the perimeter and the sign on the front gate is to state that this is the FOP firing range.

5. A nit, para 13) should read reports "for" each range.

6. In addition to soil testing for lead, Washington Creek must be monitored to assure that lead is not leaching from the watershed into the creek.

Please advise me if you intend to have the meeting on Wednesday night. There are several of us that will have to cancel other commitments that we had made.

Thank you for your diligence in pursuing this effort. i hope that my comments have been constructive.

Bill Roth

Record of Meeting of Lone Star Neighbors April 29, 2006

A meeting of neighbors interested in the operation of the FOP was held on Saturday April 29th, 2006 in Steve Lewis's garage.

In attendance were:

Steve Lewis resident of 625 N 775 Rd.

Scott Mesler resident of 657 N 775 Rd.

Bill Roth resident of 640 N 775 Rd.

Karl Birns resident of 809 E 661 Diagonal Rd.

Charlotte and Harry Knoche resident of 798 E 661 Diagonal Rd.

Bryan Young resident of 813 E 661 Diagonal Rd.

Jim Lock resident of 643 N 750 Rd.

Tim Coldsnow owner of property west of E675 Rd.

Bryan Young, Harry Knoche, and Jim Lock attended the later portion of the meeting.

Besides being an opportunity for neighbors to meet, share, and discuss the concerns we have regarding the activities at the Fraternal Order of Police Lodge, the main goal of this meeting was to develop a list of suggested changes to the operation of the FOP lodge. This list could then be presented to the county administrator, and possibly other parties, as the issue is further considered.

Here are the recommendations.

1. Discontinue use of the lodge and grounds by the military. We agree there must be other locations the military can use for helicopter landings, detonation of ordnance, rifle practice and other such training.

2. Prohibit the detonation of any ordnance at the lodge and grounds.

3. Limit the hours of shooting guns. Here there was diversity of opinion as to what the hours of shooting should be, but all were agreed that a limited schedule of firing weapons is needed.

One recommended schedule was: Weekdays from 8 am to 8 pm, Saturdays from 9 am to 6pm, and Sundays from 10 am to 6 pm. This schedule was supported by the majority in attendance. Several variations were

suggested: no shooting on Sundays at all, later starting times and earlier ending times for both weekdays and Saturdays, and scheduling one night a week for shooting that could extend until 9 pm.

4. We request that the FOP inform the neighbors when any special training events will take place, such as night shooting, emergency vehicle operation on the grounds, or other notable special training.

The closer the neighbor lives, the stronger the support for this issue.

These were the specific items we agreed on at the end of our meeting.

Many issues were discussed and will no doubt be resolved during the application for a conditional use permit. But this is the list that we felt could be presented to the county administrator when the time is right.

If I missed anything or have some of it wrong, let me know.

Steve Lewis

Mary Miller

From: BNGWilson@aol.com
Sent: Friday, July 22, 2011 9:01 PM
To: Mary Miller
Subject: planning commision meeting

I find it unacceptable that you plan to tell us after the 25th whether or not a meeting on the 27th will include consideration of the FOP CUP. All other such notices have been received in writing at least a couple of weeks in advance of the meeting. There is no possibility of such advance notice in writing to people affected by the FOP's behavior in this case. I would like to object formally. I have made other plans for the 27th and will not be able to be there. Submitting comments in writing in advance does not permit responses to comments made that evening by planners or other speakers. I waited on April 25 from 6:30 until 10:30pm for an opportunity to speak, which came sometime around 11:30pm. I don't enjoy walking the downtown streets to my can at midnight and driving home to the Lone Star area, but I will do that again if I am given reasonable notice of the meeting. Why can't the FOP get its act together? It was suggested to them by the planners last time that they meet with the neighbors to work something out that is mutually agreeable. They have made NO effort to meet with those of us who live close enough to be affected by their activities, and I would suggest that they have no intention of trying to work with us at all. Your allowing a meeting to include their request for CUP to be scheduled with less than 48 hours notice to neighbors is UNACCEPTABLE.

Beverley Wilson 625 N 750 Road 66047

765 E. 750 Road
Lawrence, KS 66047
July 25, 2011

Mary Miller
City/County Planner
6 East 6th Street
Lawrence, KS 66044

Hand Delivered

To Whom It May Concern:

This comment relates to CUP request No. 12-8-10 submitted by the FOP. The FOP property shares well over 1/2 mile of common boundary with our farm which is located at 765 E. 750 Rd.

Our focus is safety. Naturally we expect the range to be designed, constructed and operated in a manner consistent with the highest generally accepted standards established for such facilities.

Very truly yours,

Jeffrey O. Heeb

Mary Miller

From: Karl Birns [kbirns@gmail.com]
Sent: Sunday, July 24, 2011 5:55 PM
To: Mary Miller
Cc: 'Terry Shistar'; 'Bill Roth'
Subject: FOP CUP Comments 7-24-11
Attachments: Record of Meeting of Lone Star Neighbors April 29.docx

Importance: High

The following are the comments of Karl Birns and Terry Shistar, residing at 809 East 661 Diagonal Road

Mary:

We received your revised draft CUP for the FOP shooting range on Friday, 7/22. You'd sent it to Bill Roth at close to 2PM with a requirement that comments be submitted in writing to you by 10AM on the following Monday. That gave us just 4 business hours to reply to a document that has taken you and the FOP months to prepare. Therefore, we request that this item be postponed at least until the August commission meeting to give the citizens sufficient time to review and comment. Further, we request that you freeze your document revision discussions with the FOP so that the document that we review is not changing behind closed doors while we review a prior draft.

General Comments:

1. Training of law enforcement officers is a responsibility of the county and municipal law enforcement agencies. Therefore, the FOP is not the group that should build and operate a shooting range for this purpose. A long range plan should be adopted for the public law enforcement agencies in the area to build a state-of-the-art range that meets accepted standards for noise, safety and environmental control. Continued use of the FOP for this purpose should be allowed only as a -out during transition to a government-operated training facility. If such were the case, then there may be justification for relaxed standards in the interim at the FOP. Otherwise, the FOP should be required to meet those design and operation standards as contained in documents previously submitted to you by Mr. Roth, the NRA The Range Source Book, A Guide to Planning and Construction, revised January 2004. Regardless, standards should have enforceable criteria and limits, rather than vague statements that are left up to the operators to interpret.
2. The CUP recognizes that lead used in shot and ammunition represents a potential problem. Lead ammunition should be replaced with other materials (e.g. steel shot for shot guns), wherever available. The county Health Dept should be required to monitor the site for lead run off and soil contamination, and standards set to trigger mandatory mitigation and clean up if contamination is found.
3. The Lone Star Neighbors Association has meet with both county officials and the FOP. A document was prepared with recommended practices for the range. This represents a fair consideration to the concerns of local residents. Attached is a record of that meeting. Besides being an opportunity for neighbors to meet, share, and discuss the concerns we have regarding the activities at the Fraternal Order of Police Lodge, the main goal of this meeting was to develop a list of suggested changes to the operation of the FOP lodge to present to the county administrator, and possibly other parties, as the issue is further considered.

Here are the recommendations.

a. Discontinue use of the lodge and grounds by the military. We agree there must be other locations the military can use for helicopter landings, detonation of ordnance, rifle practice and other such training.

b. Prohibit the detonation of any ordnance at the lodge and grounds.

c. Limit the hours of shooting guns. Here there was diversity of opinion as to what the hours of shooting should be, but all were agreed that a limited schedule of firing weapons is needed.

One recommended schedule was: Weekdays from 8 am to 8 pm, Saturdays from 9 am to 6pm, and Sundays from 10 am to 6 pm. This schedule was supported by the majority in attendance. Several variations were suggested: no shooting on Sundays at all, later starting times and earlier ending times for both weekdays and Saturdays, and scheduling one night a week for shooting that could extend until 9 pm.

d. We request that the FOP inform the neighbors when any special training events will take place, such as night shooting, emergency vehicle operation on the grounds, or other notable special training.

4. The public should have access to the lead abatement and noise abatement reports including testing results, mitigation activities and lead disposal.

Detailed Comments on proposed CUP

In the short time available for review, it appears that the CUP is more of a list of recommendations rather than a requirement with enforceable standards for operation of the facility. This is an abrogation of the county's responsibility to its citizens to protect their health and welfare. The CUP should address health, noise and environmental impacts. It must contain specific sound standards, emissions standards and action levels, with pre-designated mitigation measures triggered by exceedance of these standards. The local Health and Environmental regulatory agency is the appropriate party to monitor these aspects of the facility's operations and require implementation of the mitigation plans. I did not see them referenced in the document nor am I aware whether they were consulted as part of the CUP document development process.

Examples of the abrogation of the county's responsibility can be found in the revised language of the CUP, which has become more permissive and vague regarding the maintenance of the tree buffer areas and the site lead control activities. The buffer areas are not designated with any regard for actual plat location or standards for arboreal control such as tree density, type or height. Even the standard for tree harvest was removed. Further, the lead abatement language doesn't even address ground water contamination or surface water runoff from lead collection sites.

Given additional time, we would have liked to research and compare these permit requirements to those on shooting ranges used in other jurisdictions. This FOP range must have similarities to other ranges in our state and around the county. The county should have done this research. How has permitting been addressed by local governments elsewhere?

Submitted Karl Birns and Terry Shistar, July 24, 2011

From: Mary Miller <mmiller@lawrenceks.org>
Date: July 22, 2011 1:47:25 PM CDT
To: 'Bill Roth' <wroth@hughes.net>
Subject: RE: FOP cup

Bill,
The FOP CUP is scheduled for the July 27th meeting, at the Commission room in City Hall (6 East 6th Street). The FOP board is reviewing the proposed conditions and hopes to have their comments in by Monday the 25th. If not, it may be necessary to defer this item to another month to allow the board time to review the conditions and propose alternatives, where necessary.

I've attached a copy of the revised conditions. The PC agenda is available on the Planning Website at http://www.lawrenceks.org/planning/documents/pcagendaJulyFull11.pdf If a deferral is necessary, the request will be submitted to the Planning Commission for their consideration.

The deadline for written communications on this item is Monday, July 25th, at 10:00 AM. If you provide comments in writing (fax, mail or email) before that deadline they will be placed on the agenda for the Commissioners consideration.

(One item was placed on the agenda erroneously. It is titled 'develop an environmental stewardship plan for the shooting range'. This is a draft document that I was using for notes and it will be removed from the agenda as soon as possible.)

Please let me know if you have any questions. The website will update the agenda occasionally with new materials.
Thanks,
Mary

Mary K Miller, AICP, City/County Planner- mmiller@lawrenceks.org
Planning Division | www.lawrenceks.org/pds
P.O. Box 708, Lawrence,KS 66044
Office (785) 832-3147 | Fax (785) 832-3160

-----Original Message-----
From: Bill Roth [mailto:wroth@hughes.net]
Sent: Friday, July 22, 2011 1:32 PM
To: Mary Miller
Subject: FOP cup

For Mary Miller-

Considerations which the revisions to the FOP's CUP must address are-

Committment to take positive actions to abate the noise produced by training sessions
Sunday hours are to be from Noon till 5:00 (a sociable time to allow neighbors to enjoy a Sunday evening with friends)

Night time shooting is to cease at 9:30

When you have the final ideas on the positions in the revised CUP, will you please forward them to me so that our neighborhood can assess the situation?

Again Thanx for your diligence.

Bill Roth

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
7/27/11

ITEM NO. 8: CPA-3-1-11 (DDW)

CPA-6-5-09 Amend Horizon 2020, Chapter 14 list of specific plans, to include the Inverness Park District Plan.

STAFF RECOMMENDATION: Staff recommends approval of this comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 – list of specific plans to add the Inverness Park District Plan description and also approving the plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

STAFF RECOMMENDATION: If appropriate, approve and sign Planning Commission Resolution 7-2-11.

SUMMARY

This comprehensive plan amendment (CPA) to *Horizon 2020*, Chapter 14, list of specific plans, to add the reference to the Inverness Park District Plan was initiated by the Lawrence City Commission on November 9, 2010. This CPA will approve the plan and add to Horizon 2020, Chapter 14 the title of the plan, a description of the approximate planning area boundaries, approval dates, and the future review date.

BACKGROUND

The Inverness Park area is primarily developed with urban residential and open space uses with some land remaining undeveloped. The residential mixture is one of single-family, two-family, and multi-family residential uses. The purpose of the Inverness Park District Plan is to plan for the urban development of the remaining undeveloped property within the planning area. Concerns have been raised by residents in the area about the proliferation of multi-family uses and the impact they are having on the area.

STAFF REVIEW

The Inverness Park District Plan is a district plan for the Inverness Park area in the southwest portion of Lawrence south of Clinton Parkway between Inverness and Crossgate Drives south to K-10 Highway, containing approximately 303 acres. Most of the planning area is part of Lawrence although a portion of the planning area south of W. 27th Street is located within unincorporated Douglas County. This plan will primarily act as the City's official land use guide for development of the remaining undeveloped land in the Inverness Park District Plan planning area. The plan will also help the public to visualize how the area may develop in the future.

The Inverness Park District Plan process kicked off with a public meeting on February 3, 2011. Property owners and other stakeholders were invited to attend the meeting. The participants in the kick-off meeting were asked to provide their input on the area's strengths, weaknesses, opportunities and threats (SWOT exercise). They also participated in a future land use exercise. Approximately 35 people attended the kick-off meeting.

The second public meeting was held on March 3, 2011. Participants were asked to review the SWOT exercise results and the draft goals and policies and were also asked to provide comments on future land use options. The group also heard a presentation from developers interested in developing the Inverness and Clinton Parkway corner commercially. Approximately 15 people attended the second public meeting.

The first draft of the plan was released on March 24, 2011. The first draft of the plan was reviewed and discussed by the Lawrence-Douglas County Planning Commission at their regular meeting on May 25, 2011. The Planning Commission held a public hearing on the plan and provided direction to staff. There was varied direction from the Planning Commission. Some of the Commissioners did not support additional multi-family residential in the planning area. Some were supportive of limited multi-family for the Remington Square property. Generally, most of the Commissioners were supportive of neighborhood commercial, and there were some comments to make sure the commercial was well designed to fit in the context of the area and stayed at the neighborhood level.

The second draft of the plan was released on July 5, 2011. The 2nd draft of the plan is the draft under consideration at this time.

All property owners in the area, along with additional stakeholders, were invited to participate in the planning process. Public meetings were well attended. Written comments were received throughout the process.

The draft plan includes six sections:

- The **introduction** section states the purpose of the plan, a description of the planning area, and a list of the policy framework.
- The **existing conditions** section describes the existing land uses, zoning patterns, infrastructure, environmental conditions, and community facilities within the planning area.
- The **goals and guiding principles** were derived from public meeting input.
- The **future land use** section includes three future land use options and future land use category descriptions.
- The **Clinton Parkway** section discusses access management recommendations for Clinton Parkway.
- Finally, the **implementation** section includes implementation actions.

The main neighborhood concern expressed in recent rezoning efforts is related to the future use of the properties along Clinton Parkway. The existing zoning, RSO (Single-Dwelling Residential-Office) District, permits detached, attached (with Special Use Permit), and duplex residences along with office uses. The market appears to favor multi-family development over office development and the neighborhood has issues with the amount of multi-family development that has developed in the area.

The future land use categories for the planning area presented for consideration provides for neighborhood commercial on the Inverness and Crossgate corners (with no residential recommended to be developed on those corners), high density residential for the Remington Square property (limited to single-story, 1-bedroom apartments) and future low density residential and open space uses for the property south of 27th Street.

Included at the end of this staff report is the proposed amendment to Chapter 14 – list of specific plans. This amendment is intended to add the reference to the *Inverness Park District Plan* to the list of specific plans. Staff reviewed this amendment based upon the comprehensive plan amendment review criteria listed below which are identified in Chapter 17, Implementation, of *Horizon 2020*.

COMPREHENSIVE PLAN AMENDMENT REVIEW

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

The proposed amendment is a result of the changing circumstances that have occurred since the original development plan for the Inverness Park area was approved. The original development plan for the Inverness Park area was approved in 1999 and included various residential use intensities, but did not contemplate the large amount of multi-family that ended up being developed. The Inverness Park District Plan will provide more detailed policy for the future land use of the remaining undeveloped land. At the time *Horizon 2020* was written, Chapter 14, Specific Plans and other ancillary land use plans did not exist. This is a new plan that provides more clarity regarding the recommended future land use designations of the area and policies in the plan, the specific plans are recommended to be adopted as a part of the comprehensive plan. The plan is listed with a description of the approximate planning area boundaries, approval dates, and the future review date.

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

The proposed amendment is an advancement of a clear public purpose and is consistent with the long-range planning goals and policies of the community. The proposed amendment helps further the goals and policies by guiding development in the planning area while staying consistent with the overall intent of *Horizon 2020* and the goals and policies relating to residential land use, transportation, parks and recreation, and the various other components of the comprehensive plan. The amendment helps to provide a framework for future development and is more specific regarding policies for the planning area.

Designating commercial at the corners Inverness and Crossgate corners of Clinton Parkway is not consistent with policies in Horizon 2020 Chapter 6 – Commercial Land Use. However, this planning process may produce a desire for commercial in these locations. Should an approved land use option include future commercial uses along Clinton Parkway, Chapter 6 would have to be amended to reflect the new location for commercial land uses that are not identified in Chapter 6 currently.

C. Is the proposed amendment a result of a clear change in public policy?

The Inverness Park area has developed in a manner that deviated from the original development plan for the area. Land remains to be developed and there are questions as to the future use of those properties. A District Plan is intended to refine the land use policy for a specific area and clear guidance needs to be incorporated into the comprehensive plan which supports the community's goals. Chapter 14, Specific Plans, was a clear change to the comprehensive plan and to keep it up to date, the newly adopted land use plans need to be referenced to establish clear direction for the planning areas.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of this comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 – list of specific plans to add the Inverness Park District Plan description and also approving the plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

Insert Northeast Sector Plan (*Horizon 2020* Page 14-4)

Specific Plans

- **6th and SLT Nodal Plan**
  Location: The intersection of 6th Street (US Highway 40) and the SLT (South Lawrence Trafficway)
  Adoption Date: November 11, 2003 by Lawrence City Commission
  Review Date: 2009

- **6th and Wakarusa Area Plan**
  Location: The intersection of 6th Street and Wakarusa Drive
  Adoption Date: December 2, 2003 by Lawrence City Commission
  Review Date: 2009

- **HOP District Plan**
  Location: Bordered by W. 5th St. on the north, California St. on the west, W. 7th St. on the south and Alabama St. on the east.
  Adoption Date: May 10, 2005 by Lawrence City Commission
  Review Date: 2010

- **Burroughs Creek Corridor Plan**
  Location: Area around the former BNSF railroad corridor between E. 9th St. and E 31st St.
  Adoption Date: February 14, 2006 by Lawrence City Commission
  Review Date: 2011

- **East Lawrence Neighborhood Revitalization Plan**
  Location: Bordered by the Kansas River on the North; Rhode Island Street from the Kansas River to E. 9th Street, New Hampshire Street from E. 9th Street to approximately E. 11th Street, Massachusetts Street from approximately E. 11th Street to E. 15th Street on the west; E. 15th Street on the south; BNSF railroad on the east.
  Adoption Date: November 21, 2000 by Lawrence City Commission
  Review Date: 2010

- **Revised Southern Development Plan**
  Location: Bounded roughly to the north by W. 31st Street and the properties north of W. 31st Street between Ousdahl Road and Louisiana Street; to the west by E. 1150 Road extended(Kasold Drive); to the south by the north side of the Wakarusa River; and to the east by E. 1500 Road (Haskell Avenue).
  Adoption Date: December 18, 2007 by Lawrence City Commission
  January 7, 2008 by the Douglas County Board of Commissioners
  Review Date: 2017

- **Southeast Area Plan**
  Location: Bounded roughly to the north by E. 23rd Street/K-10 Highway; to the west by O'Connell Road; to the south by the northern boundary of the FEMA designated floodplain for the Wakarusa River; and to the east by E. 1750 Road (Noria Road).
  Adoption Date: January 8, 2008 by Lawrence City Commission
  January 28, 2008 by the Douglas County Board of Commissioners
  Review Date: 2018

- **Farmland Industries Redevelopment Plan**
  Location: The former Farmland Industries property is located east of Lawrence along K-10 Highway and just west of the East Hills Business Park. It is approximately one half mile south of the Kansas River.
  Adoption Date: March 11, 2008 by Lawrence City Commission
  March 31, 2008 by Douglas County Board of Commissioners
  Review Date: 2013

- **K-10 & Farmer's Turnpike Plan**
  Location: Generally located around the intersection of I-70 and K-10 and to the east approximately four miles.
  Adoption Date: December 9, 2008 by Lawrence City Commission
  January 7, 2009 by Douglas County Board of Commissioners
  Review Date: 2019

- **Lawrence SmartCode Infill Plan**
  Location: General areas are: 19th St. and Haskell Ave., 23rd St. and Louisiana St.
  Adoption Date: January 27, 2009 by Lawrence City Commission
  February 23, 2009 by Douglas County Board of Commissioners
  Review Date: 2019

- **West of K-10 Plan**
  Location: Generally located north and south of Highway 40 and west of K-10 Highway. It does contain some land east of K-10 Highway
  Adoption Date: June 9, 2009 by Lawrence City Commission
  May 6, 2009 by Douglas County Board of Commissioners
  Review Date: 2019

- **Oread Neighborhood Plan**
  Location: Generally located between W. 9th Street and W. 17th Street and between the KU campus and Massachusetts Street.
  Adoption Date: September 28, 2010 by Lawrence City Commission
  Review Date: 2020

- **Inverness Park District Plan**
  Location: Located south of Clinton Parkway, between Inverness Drive and Crossgate Drive, south to K-10 Highway.

DRAFT

Inverness Park District Plan

2nd draft deletions are ~~struckthough~~.
2nd draft additions are underlined and blue in color

July 5, 2011

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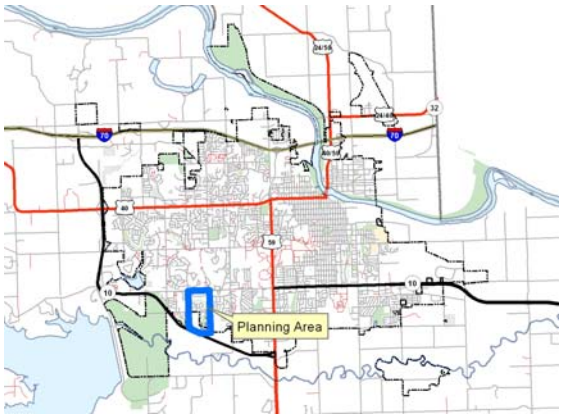
I. Introduction and Purpose

Location

The Inverness Park planning area is located south of Clinton Parkway between Inverness and Crossgate Drives south to K-10 Highway.



Inverness Park District Plan Vicinity Map

Setting

The area is primarily urban in nature with most of the planning area within the city of Lawrence, but there is a rural residence and undeveloped county farm land in the southern portion of the planning area. Clinton Parkway, a principle arterial roadway, is the northern boundary of the planning area. There are public and private schools west and north of the planning area and park land in the southeastern portion of the planning area.

Background

The Inverness Park area began developing when an annexation request for 163.46 acres was approved in 1999. The development application for the area included multiple rezoning requests. Large tracts were platted along Clinton Parkway and zoned RO-1B to accommodate a mix of multi-family and office uses for the most intensive part of the development of the 163 acres. The area south of W. 24th Place, 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. The area south of W. 24th Place was zoned PRD-2 with a maximum density of 12 dwelling units per acre. W. 24th Place was designed to provide access to all lots in the area with restrictions prohibiting access to Clinton Parkway as well as access limitations placed on Inverness Drive and Crossgate Drive.

The preliminary plat for the entire 163 acres was approved in October 1999 and later revised in February 2001. The revisions reduced the lot size of the single-family area and created more lots than the original approval. The large lot configuration along Clinton Parkway and W. 24th Place did not change. The preliminary plat served as the master plan for the development of the site. It provided the basic boundary of the various zoning districts planned for the 163 acres.

Much of the original land use discussion focused on the need to provide adequate public facilities such as improved streets and other infrastructure as well as the land use pattern and transition of land

uses throughout the entire acreage included in the Inverness Park Addition.

Multiple land use decisions made since 1999 have resulted in a land use pattern that has deviated from the original 163-acre plan with more apartments being developed than originally planned.

Purpose

The purpose of the Inverness Park District Plan is to plan for the urban development of the remaining undeveloped property within the planning area. Concerns have been raised by residents in the area about the proliferation of multi-family uses and the impact they are having on the area. This Plan will primarily act as the City's official land use guide for development of the remaining undeveloped land in the Inverness Park District Plan planning area. Development on the property in the unincorporated area is not anticipated until annexed into the city.

Relation to Other Plans

This Plan constitutes an amendment to *Horizon 2020*. The Plan deviates from some elements *of Horizon 2020*. Additional policy guidance has foundation in the following plans:

- *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.
- City of Lawrence, Kansas Water Master Plan. Black & Veatch. December 2003.
- City of Lawrence, Kansas Wastewater Master Plan. Black & Veatch. December 2003.

Process

The Lawrence City Commission initiated the Inverness Park District Plan on November 9, 2010. A kick-off meeting for the Inverness Park District Plan was held on February 3, 2011. Stakeholders were asked to provide their thoughts on the Strengths, Weaknesses, Opportunities, and Threats (SWOT exercise) for the planning area and participate in a small group future land use exercise. The 2nd public meeting for the plan was held on March 3, 2011. Those that attended the meeting reviewed the SWOT exercise results and the draft goals and policies and were also asked to provide comments on future land use options. The group also heard a presentation from developers interested in the Inverness and Clinton Parkway corner. Planning Staff developed the 1st draft of the Plan with input from property owners within the planning area and other stakeholders.

The 1st draft of the Plan was reviewed by the Lawrence-Douglas County Planning Commission at their meeting on May 25, 2011. The Commission took public comment and provided direction to staff. The 2nd draft of the Plan was released on July 5, 2011.

II. Existing Conditions

A. Current Land Use

The planning area consists of approximately 303 acres of land. The primary land use in the planning area is residential, with single family, duplex and multi-family uses having been developed in the past decade. The majority of the planning area is urbanized and within Lawrence, but there ~~is~~ are approximately 70 acres which is located within unincorporated Douglas County south of 27th Street that contains a rural residential and agriculture use. Existing and future parks are also uses within the planning area. See Map 2-1.

Undeveloped Property

The Inverness Park District Plan is focusing on providing future land use guidance for the remaining undeveloped property within the planning area. Those properties are described below (each is numbered and labeled on Map 2-1 and Map 2-1a):

No. 1: The southeast corner of Clinton Parkway and Inverness Drive is an approximately 11 acre parcel currently zoned RSO (previously zoned RO-1B). The property lies at the signalized intersection of Clinton Parkway and Inverness Drive. The access management policy in place along Clinton Parkway (described in Section V) prohibits direct access to Clinton Parkway for this property. Access to Inverness Drive is also restricted by plat, meaning this property would take access from W. 24th Place. There is an existing round-a-bout at W. 24th Place and Inverness Drive.

Issues:

- This is a larger parcel capable of accommodating neighborhood scale commercial and multi-family residential.
- Landscape buffer to buffer the higher intensity uses from the residential neighborhood to the west.
- Neighbor interest in park vs. feasibility of development potential due to location.

No. 2: The Remington Square property contains approximately 5 acres (out of a total of 15 acres) that is undeveloped and east of the existing apartments. The existing use of the property is multi-family residential. The property is zoned RM15 (originally zoned RO-1B – RSO and rezoned to RM15), and contains 40 1-bedroom units, which represents the maximum density permitted on the entire 15 acres parcel. The property owner has expressed an interest in rezoning the property to allow a higher density so that he can develop the remaining 5 acres with multi-family structures. The property contains regulatory flood hazard area along the eastern edge that will limit development.

Issues:

- The property is at maximum density, yet it is 1 bedroom development. More intensity is possible through renovation to add more bedrooms.
- Owner plans to maintain 1 bedroom development.

No 3: The property on the southwest corner of Clinton Parkway and Crossgate Drive is approximately 3 acres and is zoned RSO (previously zoned RO-1B). This property has regulatory flood hazard area along the west property line. Access management along Clinton Parkway and plat restrictions along Crossgate Drive meaning this property would take access from W. 24th Place. There is an existing round-a-bout at W. 24th Place and Crossgate Drive.

Issues:

- The Lawrence-Douglas County Planning Commission supported commercial zoning for a Walgreens at this location in 2008.

No. 4: The property on the southwest corner of Crossgate Drive and W. 24th Place is approximately 1 acre and is also zoned RSO. Access is restricted along Crossgate Drive by plat meaning this property would take access from W. 24th Place. This property also has regulatory flood hazard area along the west property line.

Issues:

- 1 acre size of property is challenging for development.

No. 5: There are two properties south of W. 27th Street that are within unincorporated Douglas County. The two parcels total approximately 70 acres. One parcel is a rural residential use and the other is an agriculture use. A large portion of the property contains regulatory flood hazard area, which will impact the developable area of the properties. This property has low density urban development to the north, west and east. The property is close to schools and parks, which makes it desirable for future urban low density development.

No. 6: Finally, there is another property within unincorporated Douglas County that is immediately south of the Pat Dawson Billings Nature Area that contains approximately 22 acres. This property is entirely encumbered by regulatory flood hazard area.

B. Current Zoning

The City of Lawrence *Land Development Code* and the Douglas County *Zoning Regulations* are intended to implement the goals and policies in *Horizon 2020* in a manner that protects the health, safety, and general welfare of the citizens. The *Land Development Code* and the Douglas County *Zoning Regulations* establish zoning regulations for each land use category which development must follow.

The planning area is primarily located in the city and partially within the county. Map 2-2 shows the current zoning designations and Tables 2-1 and 2-2 below describe the map designations.

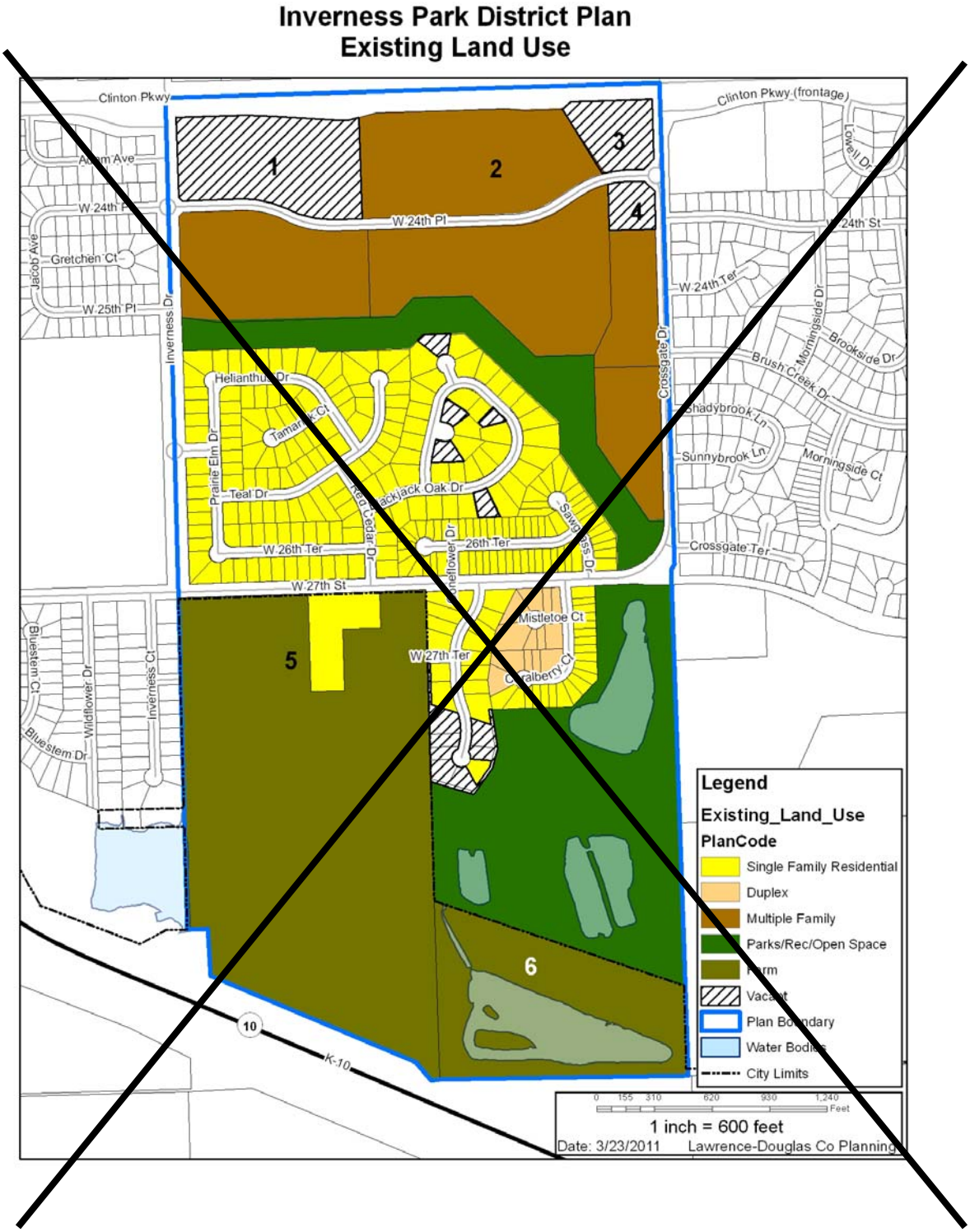
Table 2-1

City Zoning	District Name	Comprehensive Plan Designation
RS7	Single-Dwelling Residential (7,000 sq. feet per dwelling unit)	**Low-Density Residential**
RSO	Single-Dwelling Residential-Office (2,500 sq. feet per dwelling unit)	**Low or Medium-Density Residential**
RM12D	Multi-Dwelling Residential (12 dwelling units per acre)	**Medium-Density Residential**
RM15	Multi-Dwelling Residential 15 dwelling units per acre	**Medium-Density Residential**
PRD	Planned Residential Development	**N/A**
OS	Open Space	**N/A**

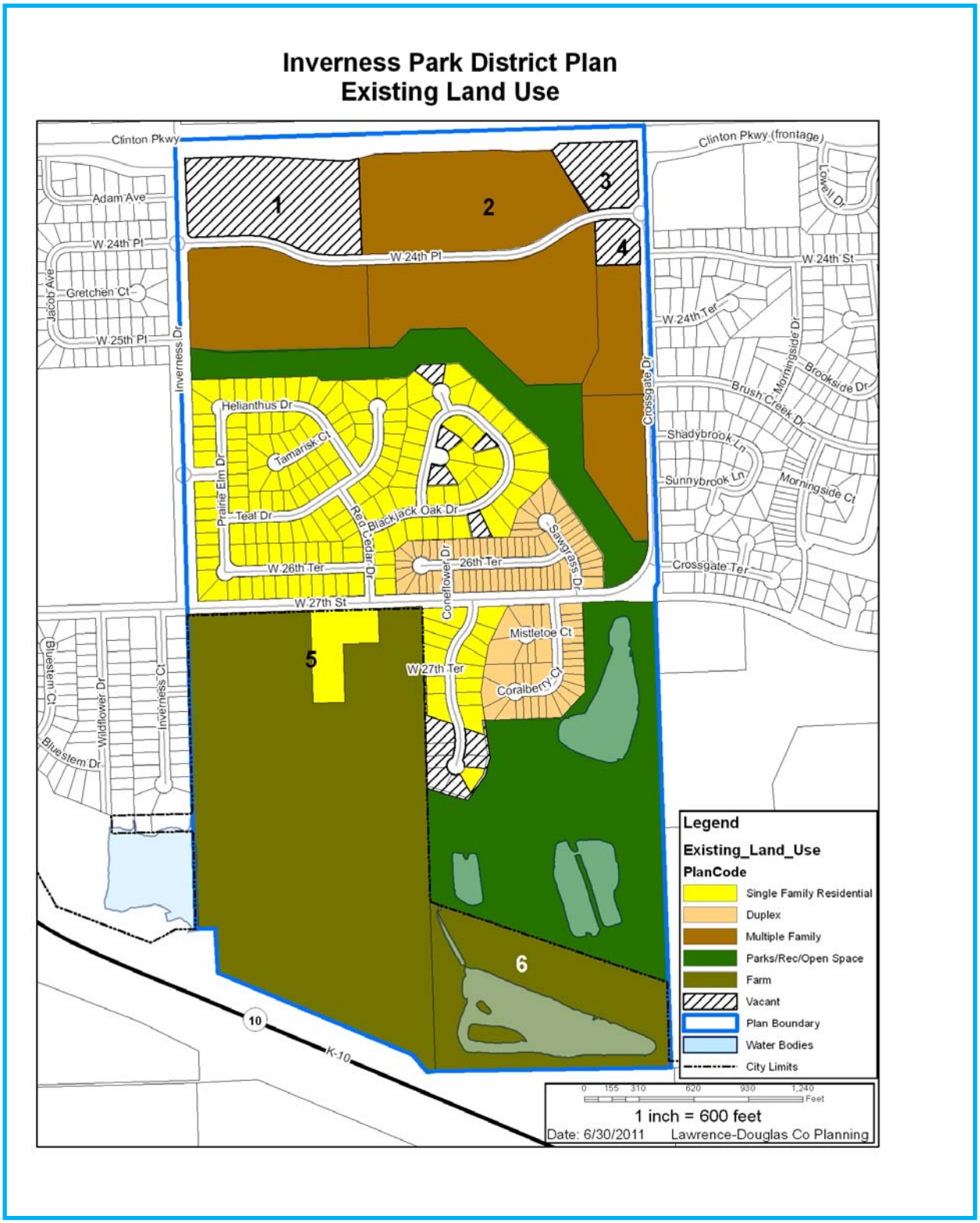
Table 2-2

County Zoning	District Name	Comprehensive Plan Designation
A	Agricultural	**Agriculture**
VC	Valley Channel	**N/A**

~~Map 2-1 Existing Land Use~~



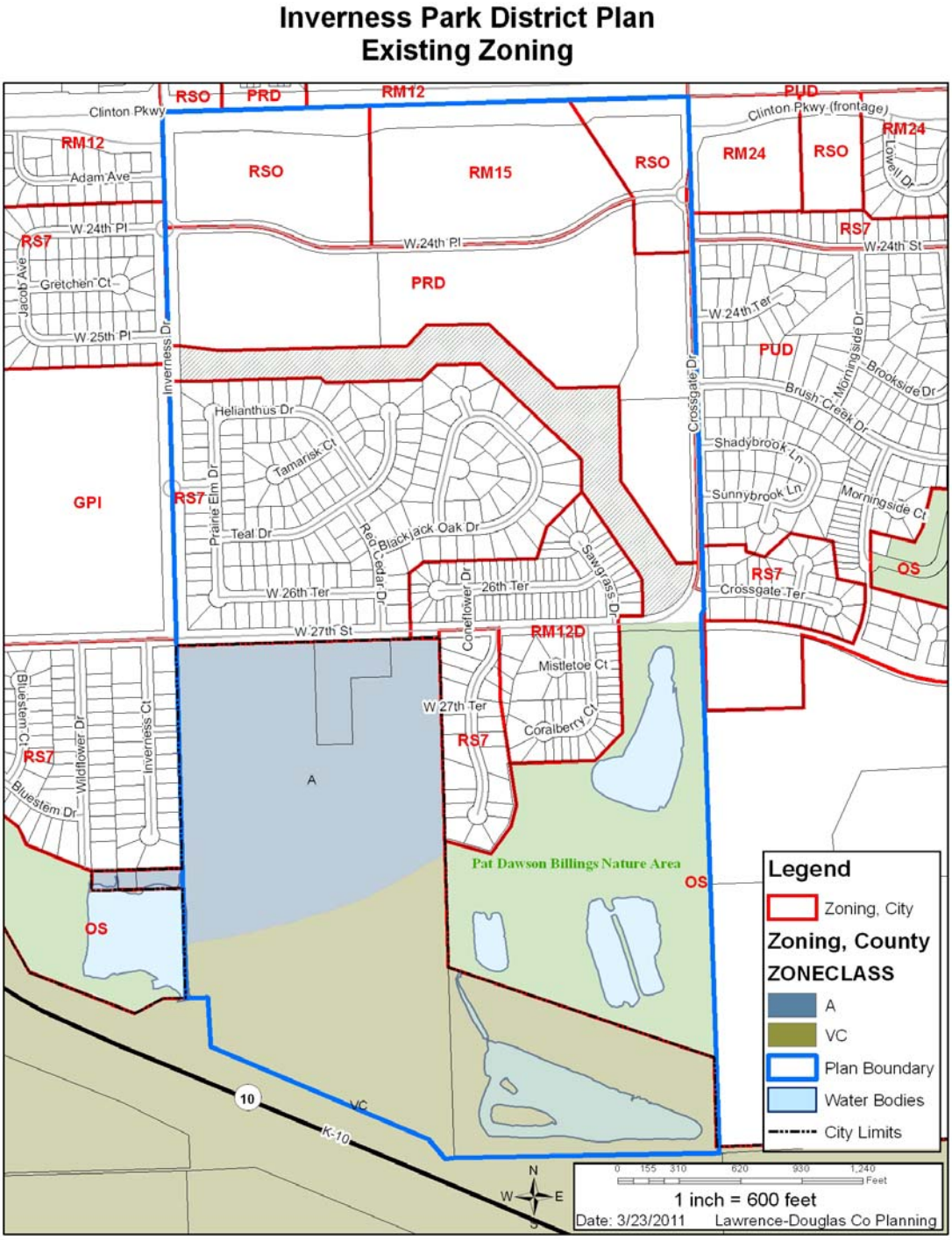
Map 2-1 Existing Land Use



Map 2-1a Aerial

Inverness Park District Plan
Aerial

Map 2-2 Existing Zoning



C. Flood Hazard Area

There is Federal Emergency Management Agency (FEMA) designated floodplain and floodway located within the planning area. See Map 2-3. The floodplain is any land area susceptible to being inundated by flood waters from any source. The floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Developing in the floodplain is allowed both in the city and in the county based on corresponding regulations. No development is allowed in the floodway except for flood control structures, road improvements, easements and rights-of-way, or structures for bridging the floodway.

D. Parks and Recreational Facilities

There are currently existing parks or park properties located in the planning area. The Pat Dawson Billings Nature Area is located south of 27th Street in the southeastern portion of the planning area. A future linear park is located south of the Legends at KU and The Grove properties, which are south of W. 24th Place. See Map 2-4.

E. Transportation

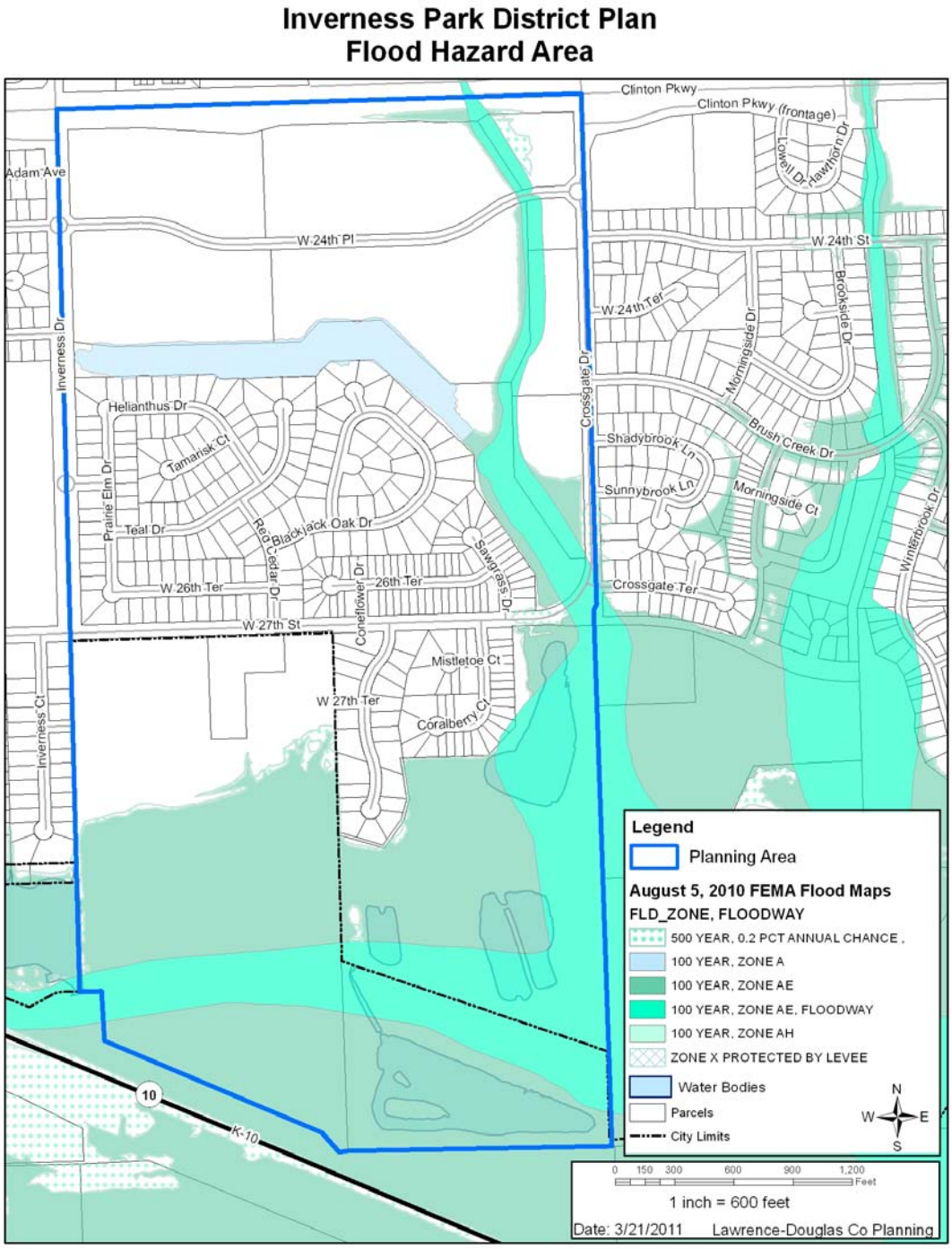
Transportation 2030 (T2030) is the comprehensive, long-range transportation plan for the metropolitan area. T2030 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-5. The classification system can be described 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. Clinton Parkway is designated as a principle arterial. Inverness Drive, Crossgate Drive and W 27th Street are designated as collectors. The remaining streets within the planning area are local streets.

There currently are transit routes that travel to or through the planning area.

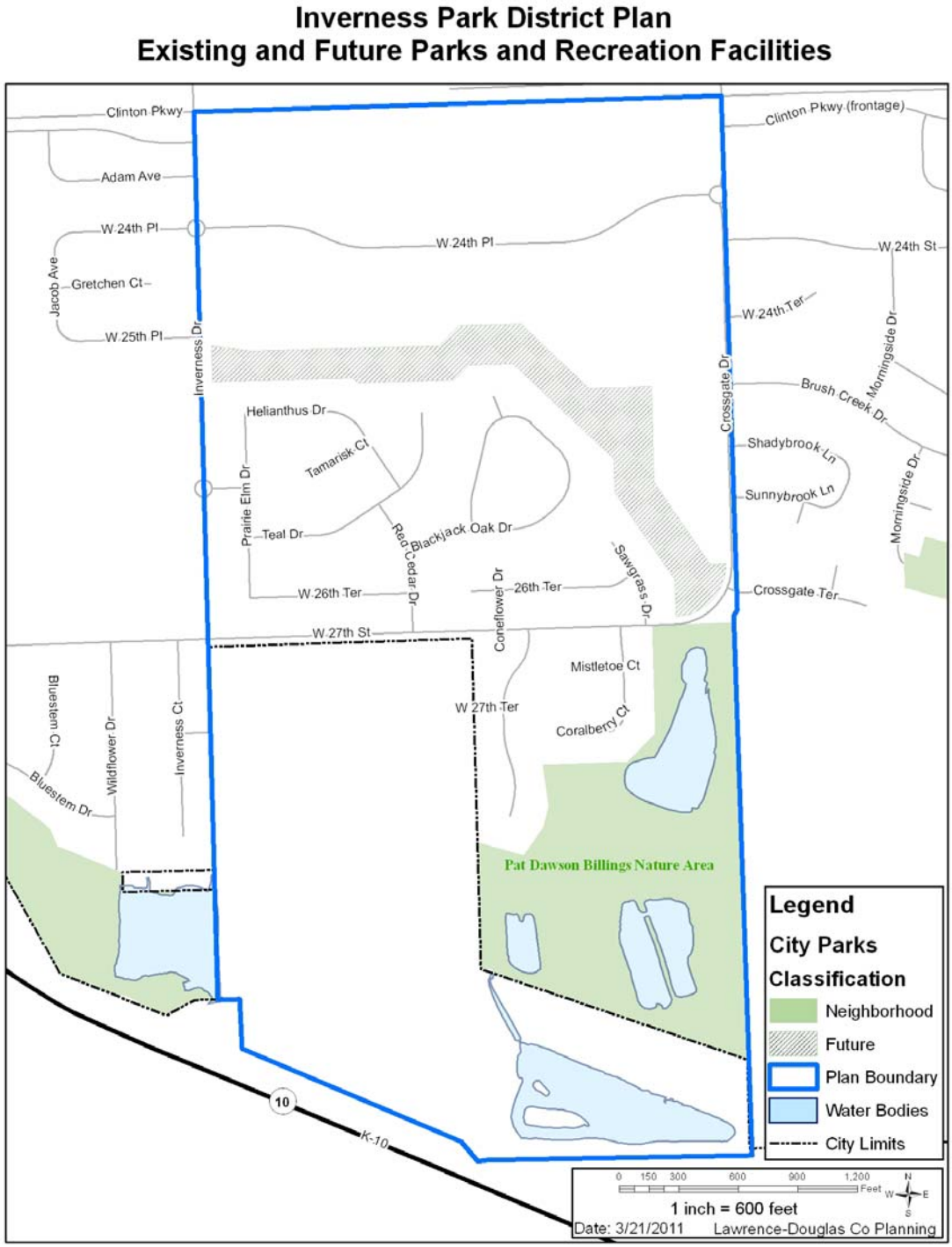
The planning area includes existing and future bike routes, lanes, and recreational paths identified by T2030 and these are shown on Map 2-6. Bike lanes are a separate space designated with striping, signage or pavement markings for exclusive use by bicycles with a street or road. Bike routes are a network of streets to enable direct, convenient, and safe access for bicyclists. A recreational path is a separate path adjacent to and independent of the street and is intended solely for non-motorized travel.

Different types of bicycle facilities are linked to a certain street classification. Recreational Paths are part of Arterials, Bike Lanes are part of Collectors, and Bike Routes are also part of Collectors. Clinton Parkway, Inverness Drive, and W. 27th Street are designated as shared use paths. Crossgate Drive is designated as a bike route.

Map 2-3 Flood Hazard Area



Map 2-4 Parks and Recreation Facilities



Map 2-5 Future Thoroughfares

Map 2-6 Bicycle Facilities

F. Schools

School Districts

The planning area is located entirely within the Lawrence USD 497 school district.

School Locations

Public schools Sunflower Elementary and Southwest Jr. High are located just west of the planning area across Inverness Drive. Private schools are also located near the planning area. Bishop Seabury is located north of the planning area across Clinton Parkway and Raintree Montessori School is located west of the planning area along Clinton Parkway.

III. Goals and Guiding Principles

The following policy statements in Sections III - V are for the development of the remaining undeveloped property in the Inverness Park District Plan planning area.

Revisions to the goals and policies that were released at the 2nd public meeting on March 3, 2011 are shown with strikethroughs for deleted language and underlines for new language.

Goals

Encourage nonresidential land uses at the Inverness and Crossgate corners of Clinton Parkway that are compatible with the residential uses in the planning area.

Develop a strong park/trail system.

Develop single-family residential uses south of 27th Street at densities compatible with adjacent densities.

Protect the regulatory flood hazard areas from development.

Policies

Allow for neighborhood-level commercial, office, civic, institutional and recreation activities on the Inverness and Crossgate corners of Clinton Parkway.

Encourage mixed use development (i.e. residential and non-residential uses) along Clinton Parkway.

Limit additional multi-family uses in the Planning Area.

Develop single-family residential uses south of 27th Street.

Encourage a creative mixture of development in the area south of 27th Street that includes small lots, but also large lots that can use the regulatory flood hazard areas as an amenity that is protected from development.

Ensure that adequate public facilities are available prior to developing the remaining undeveloped property within the planning area.

Develop a pedestrian trail on the future park land south of the Legends at KU and The Grove developments.

Maintain the integrity of Clinton Parkway as an access restricted thoroughfare.

Redevelopment of any existing properties should maintain their land use designations as reflected on Map 2-1.

IV. Future Land Use

The Inverness Park District Plan Future Land Use Section illustrates conceptual guides for future development of the remaining undeveloped properties within the planning area that embody the vision and goals presented in Section III. The future land use map~~s~~ in this Section ~~are~~ is conceptual and should not be used to determine precise zoning boundaries. The following land uses, zoning districts, and densities are the "maximum recommended" and assume that less intensive land uses, zoning districts, or densities are appropriate.

~~**Future Land Use Options**~~

~~Three future land use options for the planning area are presented for consideration:~~

~~Option 1: is a status quo option that shows the existing zoning for the land near Clinton Parkway and future use for the property south of 27th Street.~~

~~Option 2: provides for commercial uses on the Inverness and Crossgate corners of Clinton Parkway and future uses south of 27th Street but shows the remaining undeveloped property as status quo.~~

~~Option 3: provides for commercial on the two corners, higher density for the Remington Square property and future uses for the property south of 27th Street. Each of the land use options is discussed more thoroughly below.~~

~~**Open Space**~~

~~In all of the future land use options, the property currently encumbered by regulatory flood hazard area is designated as open space.~~

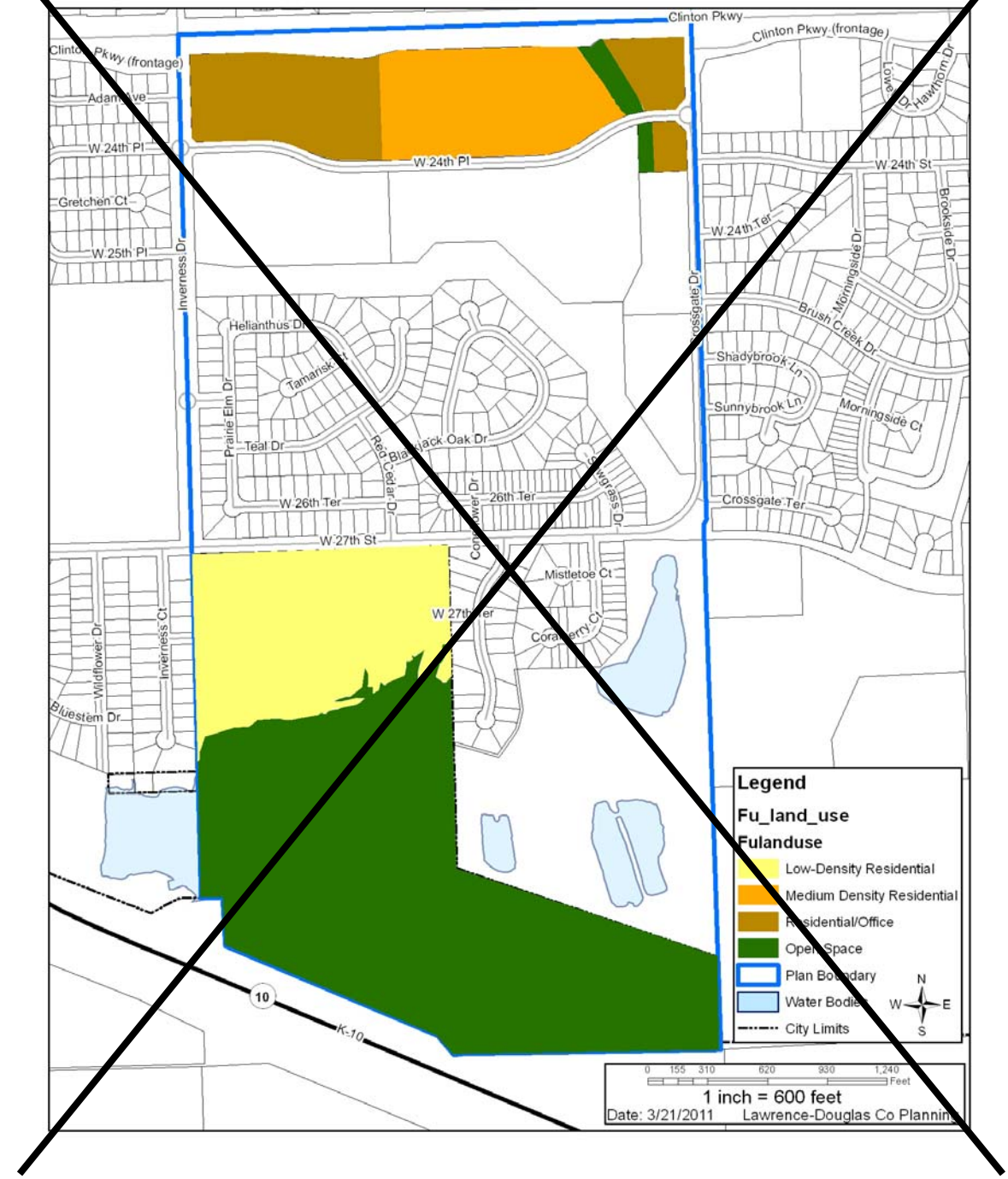
~~**Future Land Use Option 1**~~

~~This option leaves the existing zoning in place along Clinton Parkway while allowing for the urban development of the property south of 27th Street. Maintaining the existing zoning in place for the properties along Clinton Parkway means those development proposals that meet the existing zoning of the RSO (Single-Dwelling Residential-Office) District can be developed on these properties with the appropriate approvals. The RSO District permits detached homes, duplexes and office uses.~~

~~The Remington Square property is currently developed to the maximum density allowed by the RM15 zoning, which is classified as medium density. The Medium Density classification means this option does not support higher density for the property. Since the property has maxed out the available density on the property it could not develop more multi-family units, though existing structures could be converted to add bedrooms. Other accessory uses or structures like a fitness center for the existing complex could be developed though.~~

~~The property south of 27th Street will have to follow the urban development process of annexation, rezoning and subdivision in order to seek approvals to develop according to this plan.~~

Inverness Park District Plan
Future Land Use - Option 1



~~Future Land Use Option 2~~

~~Option 2 classifies the properties on the corners of Inverness and Crossgate Drives and Clinton Parkway as Neighborhood Commercial. This option maintains the existing zoning of the Remington Square property and the property on the southwest corner of W. 24th Place and Crossgate Drive. This option also allows for the urban development of the property south of 27th Street.~~

~~The Neighborhood Commercial classification means those two properties will have to be rezoned from their existing RSO District to a commercial district. Development that complies with the new commercial zoning could be built with an administratively approved site plan. The buffer designation that is part of the property at Inverness and Clinton Parkway is meant to provide additional buffering between the commercial development and the residential properties to the west and is a detail that must be complied with in site planning approval.~~

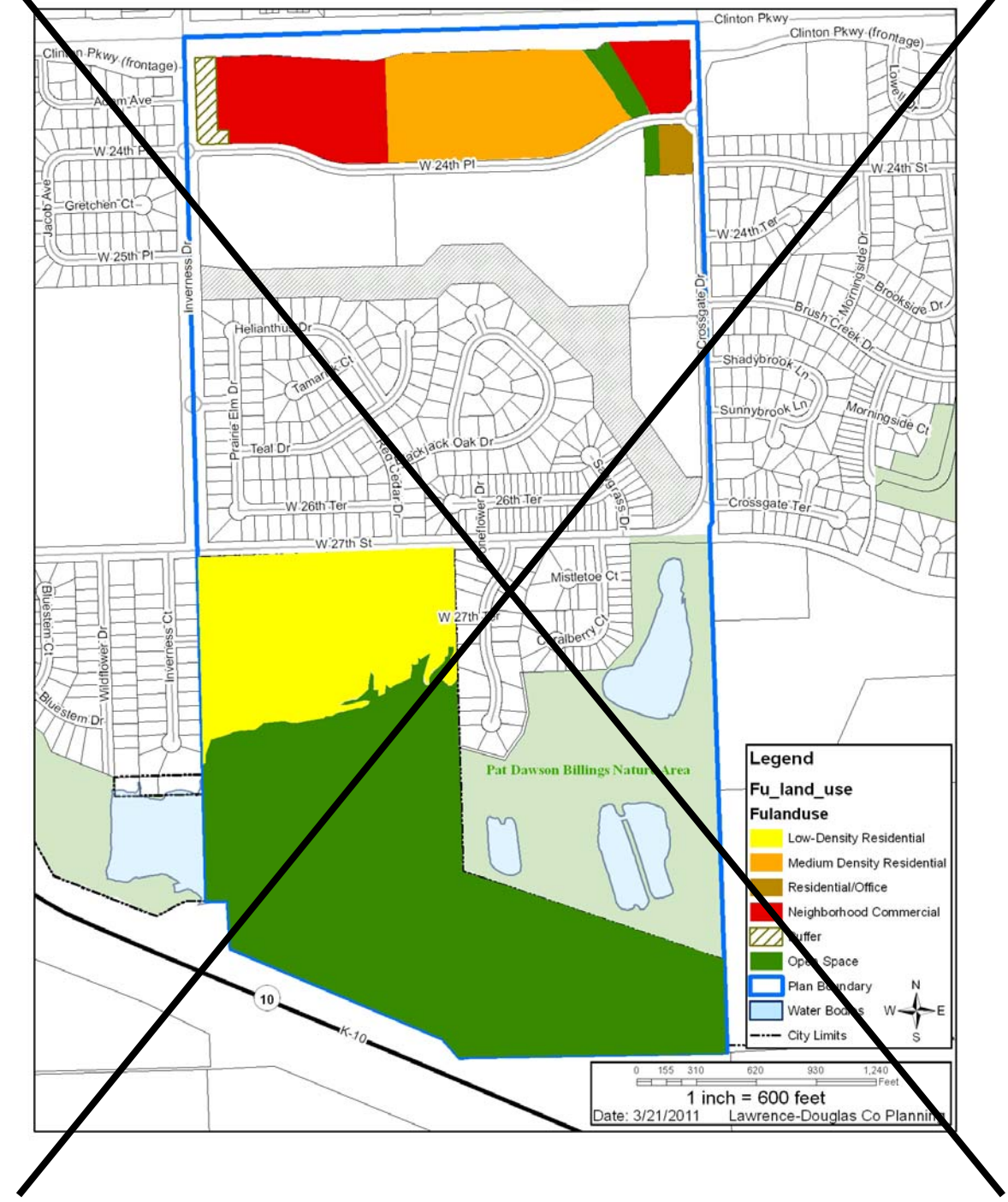
~~The property on the Inverness corner is approximately 11 acres and could support a commercial strip center or one large anchor with a smaller center. This intensification would lead to more activity, traffic, noise, and light while providing the benefit of additional commercial services within walking distance for residents in the area. The Neighborhood Commercial classification would allow retail uses, along with other uses like service oriented businesses. The property on the Crossgate corner is approximately 3 acres and likely would be developed with a stand-alone commercial use. This smaller property likely would have less negative impact with regards to traffic, noise, and light while still providing commercial services within a walkable distance for neighborhood residents.~~

~~This option will require a Comprehensive Plan Amendment to *Horizon 2020 Chapter 6 – Commercial Land Use* to include the southeast corner of Inverness Drive and Clinton Parkway and the southwest corner of Crossgate Drive and Clinton Parkway as Neighborhood Commercial Centers. A Comprehensive Plan Amendment is necessary because those corners are not currently identified in *Horizon 2020 Chapter 6* as Neighborhood Commercial Centers. The corners also fail some of the location criteria for Neighborhood Commercial Centers, one of which is that new centers must be at least 1 mile from other centers. These two corners are less than 1 mile from the Clinton Parkway and Kasold center, as well as the Clinton Parkway and Wakarusa center.~~

~~Designating the Remington Square property as Medium Density maintains the existing zoning for the property and means the property could not develop more multi-family units because the property is currently developed to the medium density allowed by the RM15 zoning. The southwest corner of W. 24th Place and Crossgate Drive could develop with the appropriate administrative approvals.~~

~~The property south of 27th Street will have to follow the urban development process of annexation, rezoning and subdivision in order to seek approvals to develop according to this plan.~~

Inverness Park District Plan
Future Land Use - Option 2



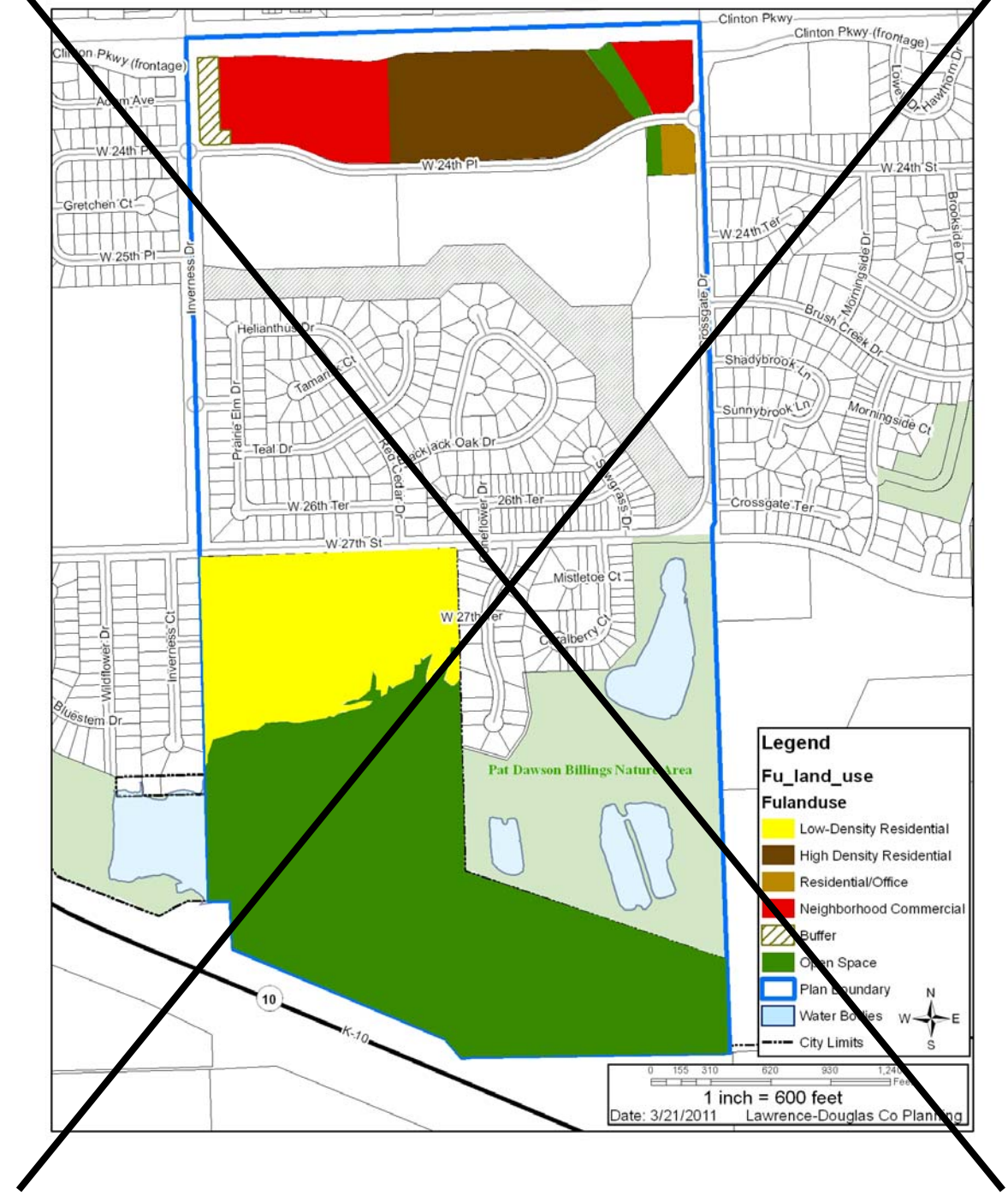
~~**Future Land Use Option 3**~~

~~Option 3 classifies the properties on the corners of Inverness and Crossgate Drives and Clinton Parkway as Neighborhood Commercial. This option also supports rezoning the Remington Square property to increase the allowed density on the property. This option maintains the existing zoning at the southwest corner of W. 24th Place and Crossgate Drive. This option also allows for the urban development of the property south of 27th Street.~~

~~Option 3 is primarily the same as Option 2. The key difference between the two options is the treatment of the Remington Square property. Option 2 designates the Remington Square property as Medium Density Residential while Option 3 designates it as High Density Residential.~~

~~A High Density Residential designation for the Remington Square property would provide support for a rezoning of the property. This would permit the development of the remaining 5 acres of vacant ground on the east side of the property for additional multi-family structures.~~

Inverness Park District Plan
Future Land Use - Option 3



~~**Future Land Use**~~

~~The following future land use categories are found in one of the three future land use options presented previously. These categories are not necessarily represented on each of the future land use options.~~

Future Land Use Categories

Residential – Low Density

The intent of the low-density residential use is to allow for single-dwelling, duplex, and attached dwellings but emphasis is placed on residential type uses. Development in this area should be compatible with single-family character, which could include such uses as churches, small-scale daycares and institutional uses.

Primary Uses: Detached dwellings, attached dwellings, duplex dwellings, group home, public and civic uses

Zoning Districts: RS10 (Single-Dwelling Residential), RS7 (Single-Dwelling Residential), RS5 (Single-Dwelling Residential), PD (Planned Development Overlay)

Density: 6 or fewer dwelling units/acre

~~**Residential – Medium Density**~~

~~The intent of the medium-density residential category is to allow for multi-family development at a greater density than the Low Density Residential category.~~

~~***Primary Uses:*** Multi-dwelling structures~~

~~***Zoning Districts:*** RM12 (Multiple-Dwelling Residential), RM15 (Multi-Dwelling Residential), PD (Planned Development Overlay)~~

~~***Density:*** 7-15 dwelling units/acre~~

Residential – High Density

The intent of the high-density residential category is to allow for compact residential development. These developments are primarily located at the intersection of two major roads or adjacent to commercial or employment uses. In this District Plan, only the area located adjacent to the east of what is currently named Remington Square Apartments is designated for this land use. Residential development in the High Density Residential category is limited to 1-bedroom 1-story apartments. That is a similar use to the existing Remington Square property.

Primary Uses: 1-bedroom, 1 story ~~M~~multi-dwelling structures~~, group home, civic and public uses~~

Zoning Districts: RM24 (Multi-Dwelling Residential)~~, RM32 (Multi-Dwelling Residential), and PD (Planned Development Overlay)~~

Density: 16+ dwelling units/acre

Residential Office

The intent of the residential/office use is to accommodate mixed use development of administrative and professional offices with medium density

residential. This category can serve as a buffer between higher intensity uses and major roads to lower intensity/density land uses.
Primary Uses: office, detached dwellings, duplex dwellings
Zoning Districts: RSO (Single Dwelling Residential-Office)
Density/Intensity: 7-15 dwelling units/acre/medium

Commercial – Neighborhood Center
The intent of the commercial use is to allow for retail and service uses. A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level and may include mixed use structures to accommodate commercial and residential uses in one location.

Multi-family residential uses are not appropriate for this category. The planning area contains a number of existing multi-family residential uses. Additional multi-family uses in areas designated as Neighborhood Commercial are not suitable for the area.

The property on the Inverness corner is approximately 11 acres and could support a commercial strip center or one large anchor with a smaller center. This intensification would lead to more activity, traffic, noise, and light while providing the benefit of additional commercial services within walking distance for residents in the area. For comparison purposes, the neighborhood commercial centers around Lawrence with similar land areas include the Hy-Vee center at Kasold Drive and Clinton Parkway (13.6 acres), the Orchards center at Bob Billings Parkway and Kasold Drive (9 acres), the Hy-Vee center at Monterey Way and 6th Street (12 acres), and the center at Bob Billings Parkway and Wakarusa Drive (8 acres).

Particular attention should be paid to properly designing a large-scale development on the Inverness corner to fit into the context of a developed residential area. Preserving open space to help mitigate the size and scale of the development should be a priority. In addition, 4-sided architecture will be critical here because the property has road frontage on 3 sides (including Clinton Parkway) and is surrounded by a developed residential area. Providing easy pedestrian connections into the development from the residential areas and from the multi-use pathway on Clinton Parkway is also important. New commercial development will have to comply with the Commercial Design Standards. Further, a review of the use table at the time of rezoning may be appropriate to analyze uses that limit impacts from traffic, noise, etc.

The property on the Crossgate corner is approximately 3 acres and could be developed with retail uses. This smaller property should have less impact with regards to traffic, noise, and light compared with the Inverness corner, while still providing commercial services within a walkable distance for neighborhood residents. New commercial development should provide pedestrian connects, will need to include 4-sided architecture and comply with the Commercial Design Standards.

Primary Uses: eating and drinking establishments, general office, retail sales and services, fuel sales, car wash, civic and public uses, medical facilities, ~~Non-ground floor dwellings, multi-dwelling structures, work-live~~

Zoning Districts: CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), CO (Office Commercial) District, and PD (Planned Development Overlay)

Intensity: medium-high

Open Space

The intent of the open space use is to provide space for opportunities for public and private recreational facilities and natural area preservation. This category primarily includes the regulatory flood hazard areas within the planning area.

Primary Uses: Park and open space

Zoning Districts: GPI (General Public and Institutional District), OS (Open Space), UR (Urban Reserve)

Intensity: light

Buffer

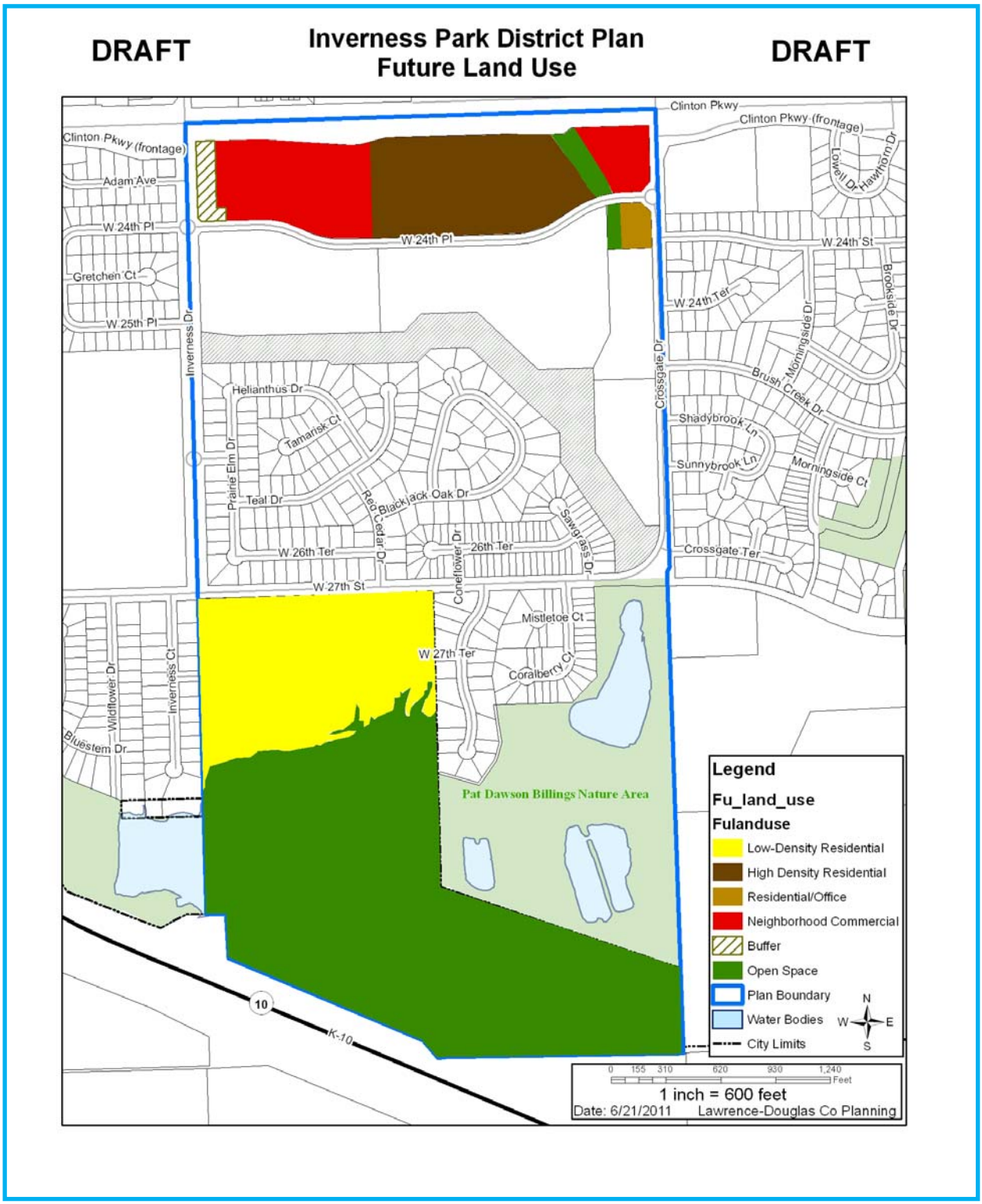
This designation is provided on the property that is on the corner of Inverness Drive and Clinton Parkway. It is to provide a landscape buffer for the low density residential uses that are west of the property across Inverness Drive. This area should be designed in a way to provide an effective buffer from the light and noise ~~issues~~ impacts associated with the commercial development on the Inverness corner. Compliance with the buffer will be required with site plan approval.

Primary Uses: Open Space/Landscaping

Zoning Districts: Same as the entire property is zoned

Intensity: light

Map 4-1 – Future Land Use



V. Clinton Parkway

Access Management

The City of Lawrence and the Board of County Commissioners of Douglas County approved a Resolution in October of 1970 concerning access management along Clinton Parkway. The Resolution said this about Clinton Parkway:

RESOLUTION NO. 3727

WHEREAS, the Governing Body of the City of Lawrence, Kansas, and the Board of Commissioners of Douglas County, Kansas, recognize that the area within the boundaries of the City of Lawrence and within the growth pattern of the City is one urbanizing area, and

WHEREAS, it is the mutual desire and express intention of the abovenamed governing bodies that the aforementioned area should develop in an orderly manner that will provide a safe, efficient, convenient, and confortable living environment for residents of said area and

WHEREAS, both bodies realize the importance of the proposed Clinton Reservoir to the economy and general welfare of Lawrence and Douglas County, and

WHEREAS, it is expressly understood and agreed that Clinton Parkway (that portion of 23rd Street west of Iowa Street to the proposed Jayhawk Park) will be the main access to Clinton Reservoir for residents and visitors to the community, and

WHEREAS, preliminary engineering plans have been prepared, showing limited access for Clinton Parkway at approximately every quarter mile along said roadway;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, AND THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

That it is the mutual desire and intention of the Governing Body of the City of Lawrence, Kansas, and the Board of Commissioners of Douglas County, Kansas, that Clinton Parkway shall be a limited access road with no direct access except for intersecting collector roads and streets.

PASSED AND APPROVED this 6th day of October, 1970, by the Governing Body of the City of Lawrence.

THE CITY OF LAWRENCE, KANSAS

by Donald E. Metzler
Donald E. Metzler, Mayor

ATTEST:

Vera Mercer
Vera Mercer, City Clerk

PASSED AND APPROVED this 6th day of October, 1970, by the Governing Body of Douglas County, Kansas.

THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Travis E. Glass, Chairman

Arthur H. Heck

Raymond Ice

ATTEST:

Delbert Mathia
Delbert Mathia, County Clerk

Clinton Parkway ultimately was constructed with limited access in a manner agreed to by the governing bodies with no direct access except at collector street intersections. Any action to seek relief from this access management decision will require appropriate governing body approval.

The result of the access management put in place has created a highly functioning roadway. This Plan does not support additional access to Clinton Parkway that will degrade the functionality of Clinton Parkway.

However, if the property at the southeast corner of Inverness Drive and Clinton Parkway is designated for commercial uses, consideration may be given to providing some limited access to Clinton Parkway. This could help to limit the impact to Inverness Drive that could result from the traffic generated by the property that would have to use Inverness Drive (and the round-a-bout) to get to W. 24th Place in order to access the property. Any consideration for limited access should only be given after a careful and detailed study of a land use proposed. The impact to the traffic signal synchronization along Clinton Parkway should also be part of that study.

VI. Implementation

The purpose of this section is to provide actions that should happen as this Plan is adopted and urban development starts to occur in the planning area. Each implementation action is assigned a group or groups ultimately responsible for completing or approving the action.

- Amend Horizon 2020 Chapter 14, Specific Plans, to include the Inverness Park District Plan by reference.
  Who: Planning Commission, City Commission, County Commission

- Amend Horizon 2020 Chapter 6, Commercial, to designate the southeast corner of Inverness Drive and Clinton Parkway and the southwest corner of Crossgate Drive and Clinton Parkway as Neighborhood Commercial Centers.
  Who: Planning Commission, City Commission, County Commission

Dan Warner

From: Matthew Gough [mgough@barberemerson.com]
Sent: Thursday, May 26, 2011 2:21 PM
To: Dan Warner; Scott McCullough
Subject: Inverness Park District Plan

Dan and Scott:

Based on comments from the Planning Commission during the May 25, 2011 meeting, at least three Commissioners appear comfortable with Option 3 of the Plan. In addition, several of the Planning Commissioners expressed tentative interest in Option 3 if some compromise could be made with respect to the "high-density" multi-family. In an effort to reach that compromise, Remington Square, L.C. supports language in the Plan that conditions the approval of high-density zoning upon the construction of only single-bedroom units. Functionally, such a limitation ensures that subsequent users do not have the unilateral ability to increase the *intensity* of the multi-family use, and thereby minimizes many of the concerns expressed by the neighbors.

If the Plan eliminates esoteric concerns about true high-density apartments (i.e., 2-3 bedroom units), I believe the Planning Commission may reach a consensus on Option 3. I would appreciate your consideration in adding that type of limitation in the Plan. Please do not hesitate to call me if you would like to discuss.

Thank you for your continued work on the Plan.

Matthew S. Gough
BARBER EMERSON, L.C.
1211 Massachusetts
P.O. Box 667
Lawrence, Kansas 66044
(785) 843-6600 (phone)
(785) 843-8448 (fax)

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*ADMITTED IN KANSAS AND MISSOURI

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LINDA K. GUTIERREZ
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KRISTOPHER S. AMOS*
MATTHEW B. TODD
EDWARD H. TULLY

RICHARD A. BARBER
(1911-1998)

GLEE S. SMITH, JR.
OF COUNSEL

May 20, 2011

VIA E-MAIL AND HAND DELIVERY
Lawrence/Douglas County
Planning and Development Services Department
Attn: Dan Warner
City Hall - 6 E. 6th Street
Lawrence, KS 66044-0708

*Re: Proposed Inverness Park District Plan (the "**Plan**")*
Commercial Use of Southwest Corner of Clinton Parkway and Crossgate

Dear Dan:

I am writing on behalf of Hy-Vee, Inc. ("**Hy-Vee**") to express support for "Option 3" of the Plan. I am pleased to announce that Hy-Vee is under contract to purchase the 3.32 acre tract commonly known as 3900 W. 24th Place (the "**Property**"). The Property is located at the southwest corner of Clinton Parkway and Crossgate Drive, and is within the boundary of the Plan. The Property, presently zoned RSO, has been restricted as zoned for twelve (12) years, and has been vacant since annexation in 1999. Hy-Vee plans to re-zone the Property to a neighborhood commercial zoning district and to construct a convenience store and gas station. Option 3 of the Plan represents the highest and best use of the Property and adjacent tracts.

The Property is not a good location for residential office space. The office market has been very soft in Lawrence for a long time. Residential development at this location is highly restricted and extremely unlikely because of the drainage easement on the west and the roadways on the north, south and east of the Property. As evidenced by the long period of lackluster interest in the site, the Property should be planned for commercial use. In 2008, the Planning Commission supported commercial use of the Property as a proposed Walgreens. If the Property is planned for commercial development, the use of adjacent property as high-density residential optimizes the potential sales revenue of the Property.

The re-zoning of the Property as a neighborhood commercial district conforms to the policies stated in Chapter 6- Commercial Uses that: (a) encourage infill development, at one or more corners of arterial and collector streets; (b) integrate the use (C-store) into the surrounding

land uses of the neighborhoods; (c) create a focal point for the surrounding neighborhood; and (d) enhance the mix of uses in the existing development. The re-zoning would not have any adverse effect on neighboring properties, but would in fact provide a convenient resource for nearby residents in attending to some of their daily needs. The location also enables Hy-Vee to integrate gas coupons with purchases at its store at the northwest corner of Clinton Parkway and Kasold, similar to Hy-Vee's operations on West 6th Street. Hy-Vee believes that the Property is ideally suited for its intended use.

Hy-Vee has been and continues to be a strong corporate citizen, and is very active in our community. In anticipation of the May 25, 2011 Planning Commission meeting, information about Hy-Vee's proposal merits serious consideration in support of Option 3 of the Plan.

Very truly yours,

BARBER EMERSON, L.C.

Matthew S. Gough

Matthew S. Gough

MSG:plh
cc: Hy-Vee, Inc.

Dan Warner

From: Davis Loupe [dploupe@yahoo.com]
Sent: Thursday, March 31, 2011 9:58 AM
To: Dan Warner
Subject: Inverness Park District Plan comments

Dear Dan,

I have attended the two earlier neighborhood meetings regarding the Inverness Park District Plan. I really appreciate the opportunity to be able to comment on this plan.

I've read through the document and would like to thank you for hearing neighbor concerns at the last meeting. I see that your plan includes an option (Option 2) which effectively would not allow more multi-family development on the remaining undeveloped parcels.

I also commend you on your inclusion of a buffer zone between future development and the existing neighborhood. A good landscaping plan for that zone will really help to minimize concerns about lights and noise that may come from future commercial development on that corner.

I believe that Option 2 represents the encouragement of mixed used development that many of the home owners in the area expected when they purchased their homes. I also believe that this option will provide increased walkability and convenient services for all the residents of the area.

Please contact me on my cell at 785-917-9582 if you would like to discuss my comments or have any questions.

Thanks,

Davis Loupe

Davis P. Loupe
2205 Riviera Drive
Lawrence, KS 66047
(785) 832-0316

Dan Warner

From: jstirn@kcp.com
Sent: Tuesday, April 05, 2011 3:02 PM
To: Dan Warner
Cc: jamiehulse@att.net
Subject: Re: Comments Due Wed 4/17 Inverness Park District Plan - 1st Draft

Dan,

My name is Jarvis Stirn and my wife, daughter(5) and I live at 4404 Gretchen, Ct., Lawrence, KS 66047.

From the quick look that I took at the plan and hearing the grocery store wasn't an option, I like option 2. You say that option 2 will cause increased traffic, but so will option 1 and 3. I wish I would get notified earlier on these plans. I would really like to give better feedback.

Later. Jarvis

Jarvis Stirn, ME II
Mechanisms Engineering
National Nuclear Security Administration's Kansas City Plant
Operated by Honeywell FM&T
Office: (816)997-3027
Pager: (816) 458-1122
Text Message: 8164581122@myairmail.com
Email: jstirn@kcp.com

From: "Jamie Hulse" <jamiehulse@att.net>
To: <jamiehulse@att.net>
Date: 04/05/2011 02:37 PM
Subject: Comments Due Wed 4/17 Inverness Park District Plan - 1st Draft

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Regarding - 1st Draft - Inverness Park District Plan

Just a reminder that comments are due tomorrow, Wed. 4/17.
Directions for how to comment are in the email from Dan Warner, below.

Please note that there are 3 draft options being proposed.

Option 1 – Pg 19/20
Option 2 – Pg 21/22
Option 3 – Pg 23/24 – increases density for Remington Place from current RM 15 to RM 24 (24 multi-family units/acre)

Page 9 shows an aerial of the Inverness Park District. Option 3 would add 4-5 more apartment buildings on the east side of Lot 2. There are a number of pages to the draft, but most are maps. Appreciate you taking the time to review and comment!!!

Grocery Store Update: The grocery store has cancelled their contract to purchase the lot at the corner of Inverness & Clinton Parkway.

Also – if you haven't already – **PLEASE VOTE TODAY!!!**

Thanks –

Jamie

From: Dan Warner [mailto:dwarner@lawrenceks.org]
Sent: Thursday, March 24, 2011 10:01 AM
To: Dan Warner
Subject: Inverness Park District Plan - 1st Draft Released

Dear Stakeholder,

The Lawrence-Douglas County Planning Office is working on a district plan, a long-range future land use plan, which has been named the *Inverness Park District Plan*. This planning process will identify future land uses for the remaining undeveloped property within the planning area. The end result of this process is a document that the Planning Commission, City Commission, and County Commission will use to guide development, when and if development occurs. The document will also allow existing and potential property owners to see what the long-range plan is for the area.

The first draft of the Inverness Park District Plan has been released for review and comment. The 1st draft can be found at **http://www.lawrenceks.org/pds/draft_plans**. The first draft is rather large so you may find it easier to download it by "Right clicking" on the link for the plan and selecting "Save Target As" to save the file to a location on your hard drive. You can then access the file from your hard drive after it has downloaded.

Written comments are due on **April 7, 2011**. You can email comments to me at dwarner@lawrenceks.org.

Visit our website at **http://www.lawrenceks.org/pds/draft_plans** or contact the Planning Office for information and to sign up to receive email updates. If you have any questions or comments regarding the plan, please contact me by phone at 785-832-3162 or email comments to **dwarner@lawrenceks.org**.

Thanks.

Dan Warner, *Long-Range Planner, AICP* - dwarner@lawrenceks.org
Planning and Development Services Department | http://www.lawrenceks.org/pds/
City Hall, East 6th Street, PO Box 708
Lawrence, Kansas 66044-0708
785-832-3162. phone
785-832-3160. fax

No virus found in this message.
Checked by AVG - www.avg.com
Version: 10.0.1204 / Virus Database: 1498/3526 - Release Date: 03/24/11

Dan Warner

From: Scott Myers [slorenmyers@gmail.com]
Sent: Tuesday, April 05, 2011 3:36 PM
To: Dan Warner
Subject: Inverness Park District Plan - comments

Dan,

A couple brief remarks concerning the three proposals...

- Option 1 - ie "LEAVE IT ALONE" has my support. We (the City) has screwed this entire property enough... let's not make it any worse.
- Option 2 - Remington Place request to rezone the 5 acres SHOULD NOT BE APPROVED. They conscientiously developed the land at high-density leaving the 5 acres undeveloped... with the intent of trying to get the city to dis-regard the existing zoning (which the city has a long history of doing)... and re-zone the property to high-density so they can continue building more units. We have to say NO.
- Option 3 and Option 2 -- back to first comment... making anything commercial makes the situation even worse.

What we should do is create an option 4 that is basically option1 with a buffer that is shown in option 2.... which will help minimize the impact to property values once that corner is developed.

Thank you.

--Scott Myers
4440 W 24th Place
785.841.0976

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GLEE S. SMITH, JR.
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April 7, 2011

VIA E-MAIL AND HAND DELIVERY
Lawrence/Douglas County
Planning and Development Services Department
Attn: Dan Warner
City Hall - 6 E. 6th Street
Lawrence, KS 66044-0708

*Re: Comments to Proposed Inverness Park District Plan (the "**Plan**")*

Dear Dan:

I am writing on behalf of Remington Square, L.C. ("**Remington**"), the owner of approximately 15 acres located at 4100 W. 24th Place (the "**Property**"). The Property has frontage on Clinton Parkway and is specifically referenced in the Plan. As you know, on or about August 12, 2010 Remington submitted rezoning application Z-8-12-10 (the "**Application**"), to rezone the Property from RM15 to RM24. Remington submitted the Application to enable the construction of additional one-bedroom apartment units on the undeveloped portion of the Property, consisting of approximately five (5) acres. The Planning Staff, in its report dated October 27, 2010 (the "**Staff Report**"), recommended approval of the rezoning. A copy of the Staff Report is attached to this letter. The Application remains active, albeit deferred indefinitely pending the adoption of the Plan.

Remington is deeply concerned about the inconsistency between the Plan and the Staff Report. Two of the three potential options described in the Plan (i.e., Options 1 and 2) enforce the "status quo" and create a moratorium on additional multi-family development on the Property. The latest version of the Plan also features a policy to "limit additional multi-family uses in the Planning Area." Those elements of the Plan are totally contradictory to the Staff Report. Moreover, those aspects of the Plan are also patently unfair to Remington. In addition to the well reasoned Staff Report that recommends approval of RM24 zoning, consideration must also be given to the huge investment in the Property, which was approved by the City in the form of special assessments that are presently being paid for by Remington.

Since year 2002 the City has approved $762,339.97 of special assessments for public improvements, including storm drainage, sidewalks and curbing, box culverts and grading on the Property. With interest, the total cost of special assessments will be approximately $980,295.96. Of that amount, approximately $334,621.40 will be paid from year 2011 to maturity of the special assessments. These assessments apply to the entirety of the Property, not just the portion that has already been developed. The elements of the proposed Plan which now attempt to limit further development of the Property is inconsistent with the City's previous approval of special assessments, and is not good planning.

When developing area plans, consideration is frequently given to the expectations of those who purchased property within the planning area. There is no clearer expression of expectation for development than the imposition of special assessments designed to enable development. If the use of the Property is to be limited to less than all of its acreage, an area plan should have been adopted ten years ago, before approving infrastructure necessary as a condition precedent to development. In the last fifteen years, apartment complexes of all sizes and densities have proliferated along Clinton Parkway. The Plan is unfair to Remington because it attempts, by planning after-the-fact, to disallow development to real estate which the City has imposed special assessment upon.

As noted in the Staff Report, the Property is surrounded by multi-family residences or vacant ground zoned for residential offices (or potentially commercial applications, under Options 2 and 3 of the Plan). The Staff Report also recognizes, consistent with *Horizon 2020*, that "[h]igh density development is typically found along major arterial streets [such as Clinton Parkway] and in proximity to high intensity activity areas." The rezoning of the Property to RM24 represents infill development that is also aligned with the goals of *Horizon 2020*. The Property is not located within an established "neighborhood boundary," but is adjacent to multi-family university-related housing and along Clinton Parkway, where other "intensive" uses are concentrated. The Staff Report found that "[a]pproval of the proposed rezoning will not substantially alter the existing neighborhood makeup." Most importantly, the Staff concludes that notwithstanding public comment opposing additional apartments in the general area, approval of the rezoning will ". . . allow additional housing options in the area but should not negatively affect the Single family residences to the south and southwest," nor will the development alter existing public health, safety and welfare.

In light of the specific findings of the Staff Report, which remain sound findings today, how can the Plan recommend anything other than high-density residential for the Property? Remington is aware that owners of single-family residences in the planning area oppose the additional development of multi-family units on the Property and within the area covered by the Plan. Their motivations appear to be tethered to an unsubstantiated concern about declining values of their own properties. However, in this tug-of-war of competing interests and viewpoints, the Staff Report represents a neutral opinion, rendered without bias or undue influence by project opponents or proponents, and objectively recommends that the Property be rezoned to RM24. The Staff unequivocally found that Remington's proposed development does not negatively affect the surrounding residences. There is no reason to reverse course from the Staff Report.

The Plan expressly states that it is an amendment to *Horizon 2020*. As such, the Plan must advance a clear public purpose and be consistent with the long-range goals and policies of *Horizon 2020*. *See* Chapter 17 - Comprehensive Plan Review and Amendment Process. Permitting high-density residential uses of the Property is consistent with our long-range goals and policies. Development of the Property is infill development at a location with available infrastructure. The Property is surrounded by other multi-family properties and fronts a major arterial roadway. Unlike many other "high-density" apartment complexes that feature 2, 3 and 4 bedroom units, Remington plans to build more one-bedroom units. The Staff Report acknowledges that apartments with two or more units create more mass and bulk than a development with buildings including only one bedroom units, creating a smaller overall building footprint. Staff concludes that approval of Remington's proposed RM24 zoning would allow the project to retain its existing character and add additional units on the east side of the Property. The Staff Report notes the apparent demand for small units in the community, and that Remington's plan will allow additional development on the site in keeping with development patterns in terms of building coverage. The long-range goals and policies of *Horizon 2020* are only met if the Staff Report's recommendation is incorporated into, and adopted as part of, the Plan.

Based upon the Staff Report's opinion supporting RM24 zoning of the Property, Remington obviously favors "Option 3" of the Plan. The problem with Option 3, however, is that it also recommends commercial uses for the two adjacent properties to the east and west of the Property, which are at the corners of Crossgate Drive and Clinton Parkway (to the east) and Inverness Drive and Clinton Parkway (to the west). Although Remington supports the commercial use of those properties, the Plan's alternatives should not be so "black and white."

The Plan needs an "Option 4" that recommends high-density apartments for the Property and the "status quo" for the two adjacent properties (or a combination of uses for the adjacent parcels). In other words, a decision about the use of Remington's Property should not depend upon the classification of the adjacent parcels. If the Property, viewed in isolation as it was in the Staff Report, is best suited for high-density residential, that use should not be denied merely because commercial uses are deemed inappropriate for the adjacent properties.

The Plan's recommendation for high-density apartments, if adopted, does not circumvent the review process that accompanies the Application, and all interested parties will have the opportunity in at least two public hearings to voice their concerns. Allowing that process to proceed is only fair, given the recommendation of the Staff Report and the fact that the Property is subject to special assessments. Remington purchased the Property with the reasonable expectation of being able fully utilize the Property, subject to the approval of RM24 zoning. Prudent planning and fairness dictates that Plan encourage high-density residential use of the Property. Remington is supportive of "Option 3" of the Plan, but requests that an "Option 4" also be considered so that the fate of the Property is not tied to a decision about the commercial use of adjacent properties. In no event, however, is the "status quo" an acceptable outcome.

Very truly yours,

BARBER EMERSON, L.C.

Matthew S. Gough

MSG:plh
cc: Remington Square, L.C.

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
10/27/10
ITEM NO. 5: RM15 to RM24; 15.171 ACRES; 4000 W 24TH PLACE (SLD)

Z-8-12-10: Consider a request to rezone approximately 15 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential), located at 4100 W. 24th Place. Submitted by BG Consultants, Inc., for Remington Square LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request [Z-8-12-10] for 15.171 acres from RM15 (Multi-Dwelling Residential) to RM24 (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 the Owner desires to build additional buildings on the property. The apartment complex is fully leased with a waiting list for available units. The property has room for additional buildings."*

KEY POINTS
- Property has a history of multi-dwelling type development.
- Property was included in original 160 acre development known as the Getto property (Inverness Park Addition) and zoned RO-1B per the 1966 Zoning Code. A district allowing multi-dwelling development up to 12 dwelling units per acre.
- A previous application for a retirement center included this property (UPR-09-04-07) but was not completed.
- This property was rezoned to RM15 to facilitate multi-dwelling residential development (Z-10-26-07) allowing multi-dwelling development up to 15 dwelling units per acre.
- Property is developed as an apartment complex with 224 1-bedroom units.

GOLDEN FACTORS TO CONSIDER
CHARACTER OF THE AREA
- Property is located within an area planned for multi-dwelling residential development.

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

ASSOCIATED CASES/OTHER ACTION REQUIRED
- Z-10-26-07; RSO to RM15 for only that part of the subject property known as Lot 1.
- MS-06-09-08; minor subdivision to amend interior lot line.
- SP-6-38-08; approved for multi-dwelling development (Remington Square Apartments)
- FP-06-11-08, a local floodplain development permit for the development of Lot 1 of the subject property.

ATTACHMENTS
- Area map
- Residential Use Tables
- Development history summary

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:	RM15 (Multi-Dwelling Residential); existing multi-dwelling residential development.
Surrounding Zoning and Land Use:	To the north; RM12 (Multi-Dwelling Residential) District; Bishop Seabury Academy and apartment development.
	To the east and west; RSO (single-dwelling Residential Office) District; undeveloped land.
	To the South; PRD [The Legends, Phase 1 and Phase 2 The Grove]; existing multi-family residential development, university oriented housing.

Project Summary:

The property is located on the north side of 24th Place. It is bounded on the north by Clinton Parkway. The property is developed with 224 1-bedroom apartments. The proposed request is intended to change in the base density to allow additional apartment development on the east side of the property. This would allow up to an additional 136 units (360 units total). A summary of the development history is attached to this report.

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 be a similar land use to the existing adjacent properties. The proposed units will be one bedroom units.*

The existing zoning is RM15 and the existing density is 14.93 units per acre with 14.93 bedrooms per acre. The proposed zoning is 24 units per acre with 24 bedrooms 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 16 and 24 unit apartment buildings. The proposed buildings will be consistent with the existing buildings on the property."

Residential development is addressed in *Horizon 2020* - Chapter 5. The plan recognizes the need to provide a variety of housing opportunities. A key residential strategy states: *"Infill residential development should be considered prior to annexation of new residential areas."*

The Plan further strives to encourage the enhancement of neighborhoods with compatible densities and housing types. Architectural styles are recommended to reflect qualities and styles of an existing neighborhood.

The proposed request is considered to be high-density as defined in *Horizon 2020* and in the Land Development Code. High density development is typically found along major arterial streets and in proximity to high intensity activity areas. Medium and high density residential land use includes the following policy: *"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 compatibility with surrounding land uses and adequate vehicular circulation within developments.

High-density residential development is characterized as density occurring between 16 to 21 dwelling units per acre. The Development Code includes zoning districts that allow up to 32 dwelling units per acre. Several areas in the community can be found with this type of density. Typically, high density areas are located near university property.

Staff Finding –The Land Development Code provides for zoning districts that exceed the definition of high density found in *Horizon 2020*. Approval of the request will allow infill development in an area currently built with multi-story apartments. If the Commission determines the requested density is too high for the area, an option to address both density and overconcentration of a specific housing type would include limiting the density, if approved, to something less than the requested 24 dwelling units per acre.

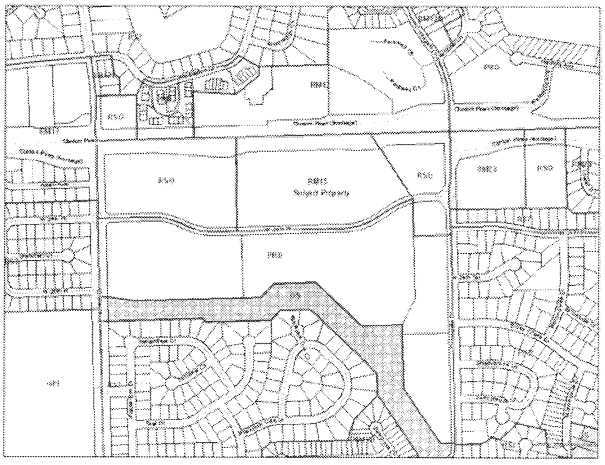
II. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

This property is surrounded by a variety of land uses and zoning districts. The area to the east was proposed for neighborhood commercial zoning for a Walgreens and later withdrawn by the applicant in 2008 (Z-5-12-08). The property to the west was proposed for multi-dwelling residential development in 2009 which was denied by the City Commission (Z-7-11-09). Both properties immediately east and west remain undeveloped.

The area located along the south side of 24th Place is developed with apartments (Legends at KU and The Grove). These apartments include 2, 3 and 4 bedroom units. Another apartment complex is located southeast of this request. That development (Wyndam Place), along Crossgate Drive, includes 1 and 2 bedroom units. It is designed for residents 55 years and older. An additional apartment development is proposed on the currently vacant PRD property north of Wyndam Place.

The area located on the north side of Clinton Parkway includes a variety of uses including Bishop Seabury Academy, a private school, apartments and condominiums.

Detached residential uses are located on the east side of Crossgate Drive and the west side of Inverness Drive. An existing drainage easement south of the apartment development, on the south side of 24th Place is designated as a future park. The area is intended to include trails for passive recreation within the area. The area south of the future park (south of 24th Place) is also zoned and developed with detached residential housing.



The east side of the subject property is encumbered by a drainage easement. The drainage features of the site are natural boundaries to development.

Staff Finding -- There are a variety of zoning districts and uses in this area. The subject property is zoned RM15 and developed with apartments. Surrounding land uses include a school, vacant land, and other multi-dwelling residential uses. The development pattern of the area is defined by the existing streets, drainage and built structures of the surrounding area.

III. CHARACTER OF THE AREA

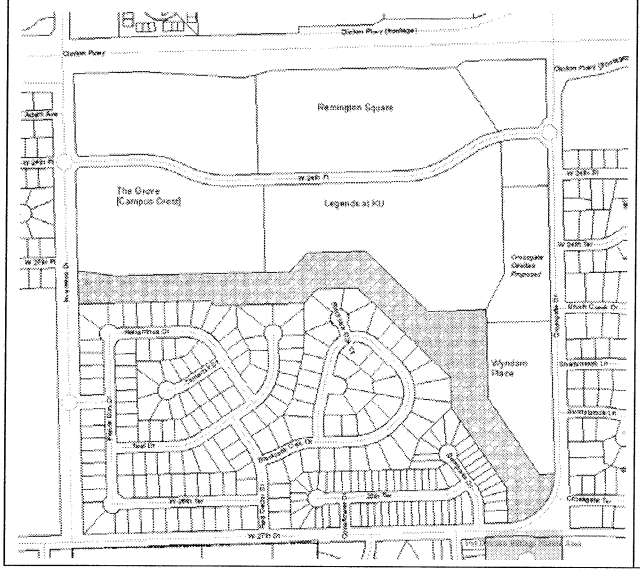
Applicant's Response: *"The property to the east and west is currently vacant. The properties to the south consist of medium density multi-family residential. The property to the north consists of mixed uses including medium density multi-family residential (RM12 zoning)."*

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 property is not located within an established "neighborhood boundary" but is located near Sunflower Elementary School and Southwest Junior High School to the southwest. The area to the immediate south is developed with multi-family university-related housing.

The broader neighborhood includes a range of uses found throughout the area. Intensive uses are concentrated along Clinton Parkway. Detached and duplex housing is found east of Crossgate Drive, west of Inverness and south of the park property (south of 24th Place). Lowest intensity uses (detached homes and open space) are found on the interior portion of the neighborhood.

There are 4 existing multi-dwelling projects in the immediate area (south of Clinton Parkway). The following table provides a summary of existing and proposed development.

Multi-Dwelling Development



Existing Development		
	Density	Units
Remington	15	224
Legends	12	200
The Grove	14	172
Wyndam	10	45

Proposed Development		
	Density	Units
Remington	24	360
Legends	12	200
The Grove	14	172
Wyndam	10	45

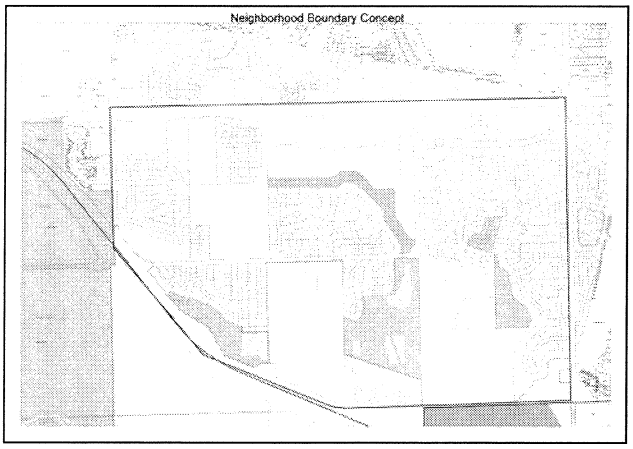
Density is equal to the number of dwelling units per acre regardless of the number of bedrooms.

Staff Finding -- The subject property is located in proximity to several developed apartment complexes and existing residential subdivisions. The area has a mixed character. Higher-intensity residential development is located along the arterial streets. Lower intensity, attached town homes and detached single family dwellings are located interior to the overall neighborhood area.

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

This area is not currently included in a designated neighborhood. *Horizon 2020* and *Transportation 2030* are the adopted plans applicable to this request. General neighborhood features reviewed for

this application include: land use, open space, and proximity of public and commercial uses serving the area. There are a number of undeveloped parcels within the neighborhood. The area would benefit from development of a neighborhood plan to address the form and type of development for the undeveloped areas and identification of neighborhood needs to serve the area. Approval of the proposed rezoning will not substantially alter the existing neighborhood makeup.



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 and the general area is between two collector streets. Access to the property will be limited to the local street on the south side.

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

Applicant's response: *"The use of the subject property for multi-family residential is suitable."*

The RM districts are intended to accommodate multi-dwelling housing. These districts allow the creation and maintenance of higher density housing opportunities in areas with good transportation access.

- The RM15 district has a corresponding *Horizon 2020* designation of "medium density" limited to 15 dwelling units per acre.
- The proposed RM24 district has a corresponding *Horizon 2020* Designation of "high density" designation limited to 24 dwelling units per acre.

The property has been developed, as zoned, to its maximum potential with regard to density. The property includes roughly 4 acres on the east side that is currently open space. If approved this open space area could accommodate additional development. Infill development maximizes the building potential without creating sprawl. This type of activity is considered infill development.

The Remington project was developed as a complex with 1-bedroom units. Comparatively, other projects in the immediate area include 2, 3 or 4 bedroom units. The density calculation is "dwelling unit" regardless of the number of bedrooms in an individual dwelling unit. The number of bedrooms impacts the building size. Buildings that include units with 2, 3 or more bedrooms are larger creating more mass and bulk than a development with buildings including only 1 bedroom units. It is for this reason that the Remington Square project has a smaller overall footprint of buildings compared to the two developments on the south side of W. 24th Place. If the Remington project

was renovated, consolidating some of the 1 bedroom units into multi-bedroom units, additional construction could be added to the site without changing the same base density.

Staff Finding – The existing buildings could be remodeled combining units and adding bedrooms thus allowing construction of more buildings at the same base density. Approval of the proposed rezoning would allow the project to retain its existing character and add additional units on the east side of the property.

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

Applicant's Response: *"The property was developed in 2008 under the RM15 zoning."*

The property is developed with 1-bedroom apartments and surface parking. This property has be rezoned a number of times in the recent past.

- RO-1B zoned approved as part of the Getto development project.
- RSO zoned in 2006 per the adoption of the Development Code.
- RM15 zoned in 2007 as part of the Remington Square development project.

Staff Finding – The subject property is developed. It was zoned for multi-dwelling residential use in 2007. A site plan was approved in 2008 for multi-dwelling residential development.

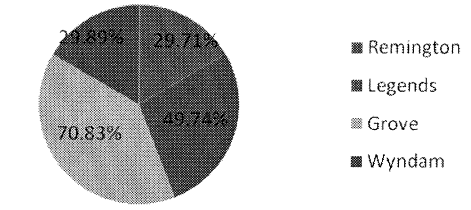
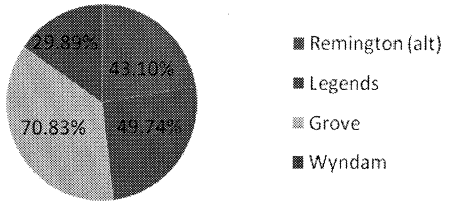
VII. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's response: *"The proposed rezoning will not detrimentally affect nearby properties. The properties to the west and east are currently undeveloped. The properties to the south have multi-family apartments on them. The Legends development has an existing density of 11.85 units per acre and 37.4 bedrooms per acre. The Grove development has an existing density of 13.71 units per acre and 39.8 bedrooms per acre. The proposed development will have only 24 bedrooms per acre."*

The applicant is requesting that 15.171 acres of land be rezoned to RM24. The subject property abuts an existing arterial street (Clinton Parkway) and is located across from an existing multi-dwelling residential development. Approval of the request will allow development of additional buildings on the east side of the property. Staff acknowledges that units with more bedrooms directly correlate to more people per unit. Multi-dwelling zoning districts allow a maximum of 4 unrelated individuals per unit (includes RMO, RM12, RM12 D, RM15, RM24, RM32 and RMG zoning districts).

A key consideration of this review is the impact on the appearance and scale of development and the relationship to the surrounding area. As a measure of development impact staff compared the building and open space land coverage of four developments in the area. Developments with more building coverage and less open space appear more dense and intrusive than developments with less building coverage and more open space. All four developments are consistent with medium density descriptions found in *Horizon 2020,* (density 7 to 15 dwelling units per acre). See table in part III of this report.

The following charts show the amount of area within the four projects dedicated to buildings and improvements (Impervious Surface Coverage) as a measure of intensity (building scale and mass).

Existing Conditions	Proposed Conditions[1]
	

Both Remington Square and Wyndam Place, as built, include a substantially less built area. This directly correlates to their building type with only 1 or 2 bedrooms. The Grove and the Legends include larger buildings include 2, 3 or 4 bedrooms per unit[2]. Correspondingly, the developments with larger building have less open space.

Approval of this request should not anticipate additional density increase of the remaining undeveloped lots.

With recent multi-family rezoning requests, concerns have been raised regarding the potential to over building in the apartment market. The City has:

- 1,436.8 acres (2.24 sq. miles) zoned for medium density development (RSO, RM12, RM12D).
- 75.7 acres (.118 sq. miles) zoned for medium density development (RM15).
- 657.7 acres (1.03 sq. miles) zoned for high density development (RMO, RM24, RM32).
- 21,845 acres (34.12 sq. miles) total city (all zoning districts).
- 20,602 acres (32.19 sq. miles) total city less island areas (all zoning districts).

As noted in the September 29, 2010 Journal World the City's current vacancy rate is 8.1%. This includes **all** types of housing not just those limited to multi-dwelling units. Both Remington Square and Wyndam Place have reported they are fully leased while Legends has indicated that they do have vacancies. Staff was not able to contact The Grove to confirm vacant units. There appears to be a demand in the community for smaller units based on anecdotal evidence.

Staff Finding – A concern noted in public comment regarding a previous development application for the south east corner of Clinton Parkway and Inverness (just west of subject property) included statements related to overbuilding of apartments in this general area. Not all multi-dwelling units function the same or serve the same market. Approval will allow additional development on this site in keeping with development pattern in terms of building coverage. Approval will also allow additional housing options in the area but should not negatively affect the Single family residences to the south and southwest.

[1] Based on proposed site plan for Remington Square.
[2] Wyndam Place is targeted to Seniors 55 years and older. The project includes 28 one-bedroom units and 36 two-bedroom units. Remington Square includes all one-bedroom units.

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 136 residential units which will increase the property tax base of the City of Lawrence. The public infrastructure is in place in and around 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 additional units will not be built at this time."*

Existing services are available to the property for development purposes. Additional detail is needed regarding specific to the development including a downstream sanitary sewer study. Approval of the request as infill development is preferable to fringe development with regard to extension of municipal services. Adjustments may be needed with regard to land use to assure system capacity remains available as undeveloped land is proposed for development.

While unlikely, if denied the applicant could remodel the recently completed project to add additional bedrooms without altering the base density. This would likely displace current residents of the development.

Staff Finding -- Approving the rezoning request would allow additional 1 bedroom residential housing choices in the community. Existing infrastructure is available to serve this property. Development will not alter existing public health, safety 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 Place but north of the open space/drainage area was designated as the transition area to the lower density, detached residential home lots south of the open space/drainage area. Approval of this request increases the base density on the north side of 24th Place. The developed properties on the south side of 24th Place would continue to function as transitional uses between Clinton Parkway at the north end and single-dwelling residences at the south end of the original 160 acre parcel.

In 2004 the subject property was part of a development request known as the Fountains Retirement Center; a multi-lot, multi-phased development intended to provide a variety of housing options (independent and assisted living, skilled nursing, dementia care, and two-unit villas) for senior citizens in Lawrence (UPR-09-09-04). Development was anticipated for this project to be phased and completed by 2011. A final plat was also associated with this proposed development that was not recorded but established lots based on the phases of the development. The total development area of the project was approximately 22 acres. The subject property of this request represents the central portion of that previous development request. The area along Clinton Parkway has historically been associated with higher intensity land use.

In 2008 the Planning Commission voted unanimously to recommend rezoning the property from RSO to RM15. The base density did not change with the zoning approval at that time. The change did modify the allowable building type and prohibit office uses allowed in the RSO district.

CONCLUSION

The area immediately south of the subject property is developed with multi-story units with multiple bedrooms. The units on the south side of 24th Place (The Grove and Legends at KU) are marketed to college age occupants, the units located along Crossgate (Wyndam Place) are marketed to adult residents 55 years and older. This development (Remington Square) is not specifically designed or marketed to a particular age group.

Development of the property will require site plan approval and compliance with the current Land Development Code, if approved.

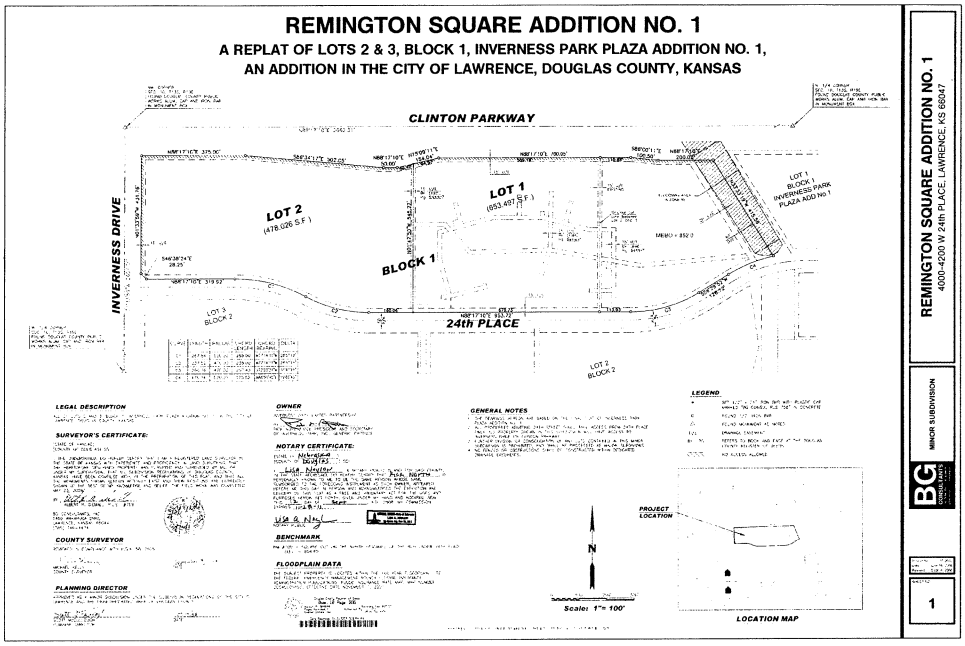
Site History Attachment:

ANNEXATION
- A-4-4-99; 163.46 acres

REZONING
- Z-4-10-99; A to RO-1B; 17.738 acres of original tract
- Adoption of 2006 Zoning Code converted the RO-1B to RSO.
- Z-10-26-07; RSO to RM15 for only that part of the subject property known as Lot 1

PLATTING
- Inverness Park Plaza Addition No. 1
- PF-09-29-04, a Final Plat for Inverness Park Plaza Addition No. 5, a replat of Lot 2 and Lot 3, Block One, Inverness Park Plaza Addition No. 1. [Expired, conditions not met, document not recorded]
- MS-06-09-08; minor subdivision to amend interior lot line.

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.
- SP-6-38-08; approved for multi-dwelling development (Remington Square Apartments)
- FP-06-11-08, a local floodplain development permit for the development of Lot 1 of the subject property.



Dan Warner

From: Jamie Hulse [jamiehulse@att.net]
Sent: Thursday, April 07, 2011 10:37 PM
To: Dan Warner
Cc: Scott McCullough; Sheila Stogsdill
Subject: Comments - Inverness Park District Plan

Dan –

Based on comments made at the two meetings, and conversations I've had with neighbors regarding the meetings and the 1st Draft, it's clear that there is much confusion, and a wide variance in neighbor knowledge/understanding of the process and the options presented. I would guess you haven't received many comments because no one knows how to respond. Twenty-nine pages is a lot to read when you understand the subject matter. Twenty-nine pages feels like an overwhelmingly huge mountain when you don't understand the subject matter. Most people don't have even a basic understanding of zoning and planning, and even if they attempted to read the 1st Draft, the feedback I've received is they got lost and didn't understand all that they were reading, and definitely didn't know how to respond to communicate that they don't want any more apartment complexes.

What I do know…

- The City Commissioners and several Planning Commissioners have agreed that the Inverness Park District (IPD) area does not need any additional multi-family apartment complexes, and directed Planning Staff to work with property owners and neighbors to come up with a plan that neighbors could support and would create a mixed use.
- The IPD area currently has more multi-family apartment complexes than any other area in the city of Lawrence other than the area directly surrounding KU campus.
- Adjacent property owners do not want any additional multi-family apartment complexes built in IPD – so neighbors have asked me which option they should support to accomplish that.
- All proposed options still allow multi-family apartment complexes.
- Option 3 proposes an increase in the number of MF units, at double the density allowed when the property was originally annexed into the city. This directly opposes the intent of creating the district plan.
- Under Option 1 Pg 19 – "The RSO District permits detached homes, duplexes and office uses." This page does not state anywhere that under RSO zoning, apartment complexes could be built.

I support –

- RSO with buffer – Clinton Pkwy & Inverness (would support light commercial if there were restrictions because of close proximity to 4 schools)
- No increase in density or change in zoning – Remington Place
- Light Commercial – Clinton Pkwy & Crossgate
- RSO – Crossgate & W. 24th Place
- SF Residential with open space – south of W. 27th

What zoning would eliminate the possibility of any additional multi-family being built in this area? Would an overlay district accomplish this? Or is the only option to have a deed restriction in place?

Sincerely,

Jamie Hulse
4403 Gretchen Ct.

Dan Warner

From: Marci Leuschen [leuschen@gmail.com]
Sent: Wednesday, April 06, 2011 8:10 AM
To: Dan Warner
Subject: Inverness Park District Plan Comments

Dear Mr. Warner -

I have read over the Inverness Park District Plan and have to be honest that I am a bit overwhelmed with all the information. I am a fish out of water when it comes to all of the zoning regulations and have tried to understand all of this the best I can. I appreciate the work you and your office have done to put all this information together and I hope the end result is a better vision for our neighborhood.

After reading the three options I first want to point out that I am absolutely not in favor of increasing the density for Remington Place.

My main concern is more apartments in this area - we all agree that this area is already inundated with apartments and increasing the density for Remington Place would just add to the apartment problem.

It is my understanding that the Neighborhood Commercial zoning allows for apartments to be built as well. Is this correct? If so, what is the density of those apartments? Is it higher than the current RSO zoning we currently have? If it is, then I favor option one. If the neighborhood commercial zoning does not allow for apartments, then I would favor option two. Again, my main concern is with the number of medium to high density apartments in our area.

Thank you -

Marci Leuschen

4153 Blackjack Oak Drive
Lawrence, KS 66047
leuschen@gmail.com
785-856-9037

Dan Warner

From: Jane M. Eldredge [jeldredge@barberemerson.com]
Sent: Wednesday, January 05, 2011 10:11 AM
To: Dan Warner
Subject: RE: Inverness Park District Plan - Kick-Off Meeting

Dan,
In the last century a talented developer from Kansas City proposed a new urbanist plan for this entire 160 acres. In the middle of the tract facing Clinton Parkway was proposed a movie theater, a dry cleaner, a bank and several small shops such as Ann Taylor. The intersection with Crossgate was proposed as a restaurant and the intersection with Inverness was proposed as a day care center. The residential portion, behind the retail and service areas included apartments, townhomes and single family. The creek was donated to the City as part of a nature trail and pedestrian access from the residential to commercial areas was well planned. Unfortunately, the staff and planning commission was so opposed to any retail or restaurant that they insisted on more dense residential and residential/office (under the old Zoning Code) throughout the project. The more dense residential and residential/office was not opposed by the existing neighbors along Crossgate and Inverness. We missed an opportunity to have a true new urbanist development and now must try to salvage some of what we did insist on. I wish you good luck in trying to improve on what is there and getting an economically viable project. Thanks for the notice of what you are doing. Jane

Jane M. Eldredge
Barber Emerson, L.C.
1211 Massachusetts
P.O. Box 667
Lawrence, Kansas 66044
(785) 843-6600
(785) 843-8405 (facsimile)
www.barberemerson.com
jeldredge@barberemerson.com

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From: Dan Warner [mailto:dwarner@lawrenceks.org]
Sent: Wednesday, January 05, 2011 9:19 AM
To: Dan Warner
Subject: Inverness Park District Plan - Kick-Off Meeting

Dear Stakeholder,

The Lawrence-Douglas County Planning Office is working on a district plan, a long-range future land use plan, which has been named the *Inverness Park District Plan*. A planning area boundary map is attached for your reference. This planning process will identify future land uses for the remaining undeveloped property within the planning area. The end result of this process is a document that the Planning Commission, City Commission, and County Commission will use to guide development when and if development occurs. The document will also allow existing and potential property owners to see what the long-range plan is for the area.

Information about this process, including a link to subscribe to future email notices about the plan, can be found at http://www.lawrenceks.org/pds/draft_plans. As a stakeholder, your input is very important to the planning process and this is an opportunity for you to provide input on the plan. A public meeting to kick off the planning process will be held on **Thursday, January 20th from 6:30-8:00 p.m. at Southwest Jr. High School** located at **2511 Inverness Drive**.

Visit our website at http://www.lawrenceks.org/pds/draft_plans or contact the Planning Office for information and to sign up to receive email updates. If you have any questions or comments regarding the plan, please contact me by phone at 785-832-3162 or email comments to dwarner@lawrenceks.org.

Thanks.

Dan Warner, *Long-Range Planner, AICP* - dwarner@ci.lawrence.ks.us
Planning and Development Services Department | http://www.lawrenceks.org/pds/
City Hall, East 6th Street, PO Box 708
Lawrence, Kansas 66044-0708
785-832-3162. phone
785-832-3160. fax

Dan Warner

From: GOEASTERN@aol.com
Sent: Wednesday, January 12, 2011 10:57 AM
To: Dan Warner
Subject: Inverness Park District Plan

Hello, Mr. Warner:

I am writing in response to your form letter of January 4, addressed to me as a "stakeholder" regarding the Inverness Park District Plan. I am sure that I have no stake in whatever mess the planning and development department is involved around my neighborhood.
I think I can speak for most, if not all, the homeowners on the Teal Drive cul de sac, when I say whatever the city is going to do, we fully believe that you could not give two craps about what we think. You ass clowns are just going to keep allowing substandard "student" housing to be constructed wherever. Much to the detriment of the young families in the neighborhood and then just move on to another open parcel of land you can ruin and so on and so on and so on. My teenage daughter has been accosted by the young men living in the new apartments off Inverness (by the school), so she no longer walks our dog because she feels unsafe. Hell, we rarely see the police (don't get me started about that).

Soon, my family and I will sell our home, at a huge loss, move to another area away from a city we love but from a city government we loathe.

So save the stupid letter which you only send because you are required by law and continue kissing the behinds of developers. So very sad.

My name is Jeffrey Alderman and I live at 4121 Teal Drive...now just delete this e-mail and move on with the rest of your pathetic job.

Dan Warner

From: Charles Getto [cgetto@mvplaw.com]
Sent: Monday, January 17, 2011 10:37 AM
To: Dan Warner
Cc: Jane Getto
Subject: Inverness Park District Plan

Dan,

Thank you for speaking with me last week. I greatly appreciate your time and helpful information.

As I mentioned, the Winifred and Paul Getto Limited Partnership intends to develop the property that it owns south of West 27th Street, either as a community of single family dwellings or for some use or uses.

Please let me know if you have any questions, comments or suggestions.

Thank you

Charles A. Getto
Attorney at Law
McAnany, Van Cleave & Phillips, P.A.
10 E. Cambridge Circle Drive, Suite 300
Kansas City, KS 66103
Direct Line: 913-573-3328
Main: 913-371-3838
Fax: 913-371-4722
cgetto@mvplaw.com

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Dan Warner

From: David Hamby [davidh@bgcons.com]
Sent: Wednesday, January 19, 2011 1:46 PM
To: Scott McCullough; Dan Warner
Cc: 'Tim'
Subject: Inverness District Plan

Scott & Dan,
Thank you for taking time to meet with Tim Stultz and I last week to discuss the Inverness District Plan. Tim and I will be unable to attend the meeting Thursday night so he asked that I provide written comments to you for inclusion into the District Plan.
Tim recently requested a rezoning of the property located at 4100 W. 24th Place from RM15 to RM24. He believes that the RM24 zoning is an appropriate use of the property. His proposed plan is to add additional one-bedroom units to the property which will provide the 24 units per acre density. The proposed expansion will match the existing buildings on his property.
He asks that City Staff support this in the District Plan as the rezoning request currently has City Planning Staff support and a recommendation for approval. Additional reasoning was provided in the rezoning application that was submitted with the rezoning request.
If you have any questions or need additional information please let me know. Thank you.

David Hamby, P.E.
BG Consultants | Engineers, Architects & Surveyors
Phone: 785.749.4474 ext. 106
Cell: 785.331.5938
Fax: 785.749.7340
visit: www.bgcons.com

Dan Warner

From: Brad Remington [bradrwsp@yahoo.com]
Sent: Tuesday, January 11, 2011 4:13 PM
To: Dan Warner
Subject: My neighborhood

Mr. warner, I just wanted to drop a line letting you know my family and I are against any further multi-unit development south of Clinton Parkway between Crossgate and Inverness. We were told in the beginning this is not what this land was for and yet here we go. Time after time we have to fight these plans and shouldn't have to. How many apartments are enough? I am pretty in on the pulse of the complexes around town and know they are well below capacity as a whole. So, why more? On my way home from work, I pass several existing units that are not full, kid's weaving in and out of traffic and tailgaiting me, not to mention the additional traffic to a school zone. Instaed of building more have the owners update the ones that are existing to be more appealing.

A nice park, green area etc.. would be a great addition to that area. Please do not let this area be yet another mulit-unit complex, thanks for your ear.

Brad Remington, President
Wave the Wheat Pizza, LLC
Lawrence, Baldwin, Emporia, Overbrook
785-865-2323 (o)
785-550-1819 (c)

Dan Warner

From: Luke Sinclair [sincluke@gmail.com]
Sent: Thursday, February 03, 2011 6:57 PM
To: Dan Warner
Subject: Inverness Park District Plan

Dear Dan,

We are writing in reference to the Inverness Park District Plan, which is set for a kickoff meeting for the planning process tonight. We are sorry we are unable to attend the meeting, but we wanted to make our concerns known somehow. We have lived at 4400 W. 24th Place for a little over two years. Our home is on the northwest corner of the roundabout at Inverness and 24th Place. We are directly across Inverness from one of the open spaces that are a part of the potential district plan.

Our chief concern is for our property value and the appearances of our neighborhood. Whatever happens in terms of the plan, we desire to see that the land directly across the street from our home **not** be developed with either 1) commercial buildings (especially restaurants), or 2) high-density apartments like Remington Square, the Legends, and the Grove, all of which currently loom between Crossgate and Inverness, south of Clinton Parkway. We do not necessarily support or object to a district plan, but we prefer, for the sake of our and our neighborhood's property values, that any development or district plan provide for something residential and something less extreme and dense than the apartment complexes which litter the land between Crossgate and Inverness from Clinton to 27th.

Thank you for your time and consideration, Dan, and we look forward to being involved in the future.

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

From: Jamie Hulse [mailto:jamiehulse@att.net]
Sent: Sunday, April 24, 2011 11:34 PM
To: lharris1540@gmail.com; cblaser@sunflower.com; bradfink@stevensbrand.com; laraplancomm@sunflower.com; bculver@bankingunusual.com; rhird@pihhlawyers.com; charlie.dominguez@therenewgroup.com; MontanaStan62@gmail.com; kenziesingleton@hotmail.com; bruce@kansascitysailing.com; samd16@ku.edu
Cc: Dan Warner; Scott McCullough
Subject: Comments - Inverness Park District Plan

Dear Planning Commissioners –
Please encourage Planning Staff to investigate Commercial Office zoning as a solution for the remaining vacant lots in the Inverness Park District Plan area, excluding the land south of W. 27th Street. Commercial Office does not allow multi-family development, and would provide a mixed use for the area. See email exchange for examples below…

Sincerely,
Jamie Hulse
4403 Gretchen Ct.

From: Dan Warner [mailto:dwarner@lawrenceks.org]
Sent: Monday, April 18, 2011 3:29 PM
To: 'Jamie Hulse'
Subject: RE: Comments - Inverness Park District Plan

PD is one of the zoning districts in the Neighborhood Commercial category description in the 1st draft. I haven't talked to Scott and Sheila about the CO yet.

Dan Warner, *Long-Range Planner, AICP*

From: Jamie Hulse [mailto:jamiehulse@att.net]
Sent: Friday, April 15, 2011 7:41 AM
To: Dan Warner
Subject: RE: Comments - Inverness Park District Plan

Thank you for the information. Is there any reason why CO or a commercial PD restricting residential use would NOT make sense for the remaining vacant lots in IPD (excluding land south of 27th)?

From: Dan Warner [mailto:dwarner@lawrenceks.org]
Sent: Wednesday, April 13, 2011 3:26 PM
To: Jamie Hulse
Subject: RE: Comments - Inverness Park District Plan

Jamie,
There is some CO zoning around town. Not all of it is developed. The office building on the south side of 6th street just west of Folks is zoned CO. The medical building and credit union at 6th and Maine are zoned CO.

There are also office buildings around town that would fit the CO District. The office buildings on the southeast corner of Clinton Parkway and Kasold are examples. There is a medical office building on the west side of Kasold, a little farther south of Clinton Parkway that would fit. So would the office buildings along the west side of Wakarusa Drive between Harvard Road and Bob Billings Parkway.

I checked around and I don't think we have any built commercial PD's that restrict residential uses.

Thanks.

Dan Warner, *Long-Range Planner, AICP*

From: Jamie Hulse [mailto:jamiehulse@att.net]
Sent: Friday, April 08, 2011 3:07 PM
To: Dan Warner
Subject: RE: Comments - Inverness Park District Plan

Great. Thanks.

From: Dan Warner [mailto:dwarner@lawrenceks.org]
Sent: Friday, April 08, 2011 2:55 PM
To: 'Jamie Hulse'
Subject: RE: Comments - Inverness Park District Plan

The CO purpose in the development code states that the district allows freestanding office buildings as well as office parks.

CO allows some retail uses that aren't allowed at all in the RSO. However, those retail uses are generally pretty limited – such as a restaurant can't occupy more than 10% of the overall office development. At present I'm not sure we have anything zoned CO, so that is also something I'll have to ask around about to see if anyone has an idea what would fit.

Dan Warner, *Long-Range Planner, AICP*

From: Jamie Hulse [mailto:jamiehulse@att.net]
Sent: Friday, April 08, 2011 2:39 PM
To: Dan Warner
Subject: RE: Comments - Inverness Park District Plan

To save me a few minutes reading the code book – is CO large office buildings? Could you name some CO examples in Lawrence? It seems like that would be more neighborhood friendly, and similar to the current RSO.

From: Dan Warner [mailto:dwarner@lawrenceks.org]
Sent: Friday, April 08, 2011 2:33 PM
To: 'Jamie Hulse'
Subject: RE: Comments - Inverness Park District Plan

Jamie,

I'm not sure how well the CO District fits with Neighborhood Commercial, but we'll take a look at it.

I'll have to do some checking on the PD question. I'll hit up some of my co-workers to see if they know of any developments that compare.

Dan Warner, *Long-Range Planner, AICP*

From: Jamie Hulse [mailto:jamiehulse@att.net]
Sent: Friday, April 08, 2011 2:29 PM
To: Dan Warner
Subject: RE: Comments - Inverness Park District Plan

Is there some reason CO wasn't presented as an option as part of the district plan? I appreciate you adding in "Option 1 - Keeping things the same" as one of the 3 options, by the way.

Are there any examples in Lawrence of a PD with restrictions that would be comparable to the Inverness Park District area?

From: Dan Warner [mailto:dwarner@lawrenceks.org]
Sent: Friday, April 08, 2011 1:57 PM
To: 'Jamie Hulse'
Cc: Sheila Stogsdill; Scott McCullough
Subject: RE: Comments - Inverness Park District Plan

Jamie,
The RS (single-family) Districts, CO (Commercial Office) District, CR (regional commercial) District, OS (open space), and the IBP and IL industrial districts do not permit multi-family.

All other districts permit some level of multi-family, either outright or as part of a mixed use of nonresidential and residential uses in a particular development.

The PD (planned districts) can, through the rezoning process, restrict certain uses. City Commission approved conditional zoning also can do that, again through the rezoning process.

The city doesn't have anything to do with deed restrictions so I'm not sure how effective that would be.

Dan Warner, *Long-Range Planner, AICP*

From: Jamie Hulse [mailto:jamiehulse@att.net]
Sent: Friday, April 08, 2011 1:18 PM
To: Dan Warner
Subject: RE: Comments - Inverness Park District Plan

Thanks Dan. Could you answer these questions please?

What zoning would eliminate the possibility of any additional multi-family being built in this area? Would an overlay district accomplish this? Or is the only option to have a deed restriction in place?

From: Dan Warner [mailto:dwarner@lawrenceks.org]
Sent: Friday, April 08, 2011 12:49 PM
To: 'Jamie Hulse'
Cc: Scott McCullough; Sheila Stogsdill
Subject: RE: Comments - Inverness Park District Plan

Jamie,
Thanks for your comments.

We are going to present this draft to the Planning Commission on April 25th. In addition to presenting the draft, staff will present information at the meeting to help educate the Planning Commission, along with the public that attends the meeting, on the current zoning issues and future land use implications. Hopefully that will help makes things a little more clear for everyone.

Folks that still want to comment on the plan can do so by 10:00am on April 25th. They can email me those comments but they should address them to the Planning Commission. I'll send a listserve message regarding the Planning Commission meeting today. I'll also post on the web written comments received so far. Folks that have already commented are welcome to comment again.

Thanks.
Dan Warner, *Long-Range Planner, AICP*

From: Terri McLaughlin [mailto:ctmkmclaughlin@yahoo.com]
Sent: Sunday, April 24, 2011 9:35 PM
To: Dan Warner
Subject: Inverness Park District

To the Planning Commission:

We are opposed to rezoning the Remington Place property to allow more apartments in this area. The property owners received a zoning change and built apartments with the foreknowledge that they would come back and request a higher density to build more apartments on this property. If they wanted RM24 zoning, why didn't they request it in the first place? The developers seem to be operating in bad faith asking forgiveness now instead of permission earlier, which sets an unfavorable precedent for future planning commission/development negotiations.

If there is one message the surrounding neighborhood has consistently and adamantly sent to the Planning Commission and the City Council it is, "No more apartments in the Inverness Park District."

Regarding the land between Clinton Pkwy and West 24th Place and between Crossgate and Inverness we support:

- RSO with buffer at Clinton & Inverness
- No increase in density or change in zoning for Remington Place
- Light commercial at Clinton and Crossgate
- RSO Crossgate and W 24th Pl
- SF Residential with open space south of W 27th Pl

Sincerely,
Craig and Terri McLaughlin
4431 Gretchen Ct.

From: Dave Olson [mailto:dolson@usd497.org]
Sent: Friday, April 22, 2011 10:35 AM
To: Dan Warner
Subject: Inverness Park District Plan - Planning Commission Mtg 4/25/11

Mr. Warner and Community Leaders,

Thank you for your work on this serious concern for our neighborhood. The overbuilding of apartments has caused several negative consequences for our family and neighbors. The increased noise, trash, traffic, reduced home value and a feeling of lack of security has put our family in a difficult position. The lawyer who wrote that the home values are not impacted by these items evidently has another agenda than the facts. Do we flee to our home as some of our neighbors have or do we let community leaders know our concerns? Thus far I have chosen to have our voice heard. I have attended several meetings and even brought my children to the planning meeting at Southwest Junior High. They ask why would any adult think it is okay to have even more apartments in such a small area, it is hard to give them reasons other than money for the owners. The same owners who do not clean up after their tenants leave litter around their property. When my children ask why there are beer bottles along the sidewalk it leaves a very negative impression of young people living in the various apartments. When my children ask what happened to the walking path planned along the creek bed, I realize they know we have been lied to again.

Please do they right thing and help get the word out to the community leaders.

Sincerely,

Dave & Heather Olson and children
4427 Gretchen Court
Lawrence, KS 66047
785)727-0525

Inverness Park District Plan

2nd Public Meeting – March 3, 2011

6:30pm – 8:00pm

Agenda

1. Introduction
2. SWOT Exercise Review
3. Review Future Land Use Exercise
4. Review Draft Goals and Policies
5. Review Future Land Use Options
6. Inverness and Clinton Parkway Presentation
7. Next Steps

Questions or comments?
Contact:
Dan Warner, Long-Range Planner
Lawrence-Douglas County Planning Office
785-832-3162
dwarner@lawrenceks.org
http://www.lawrenceks.org/pds/

Inverness Park District Plan

What is a District Plan?

- Specific future land use plan for a specific area
- Guides future development for properties included in the planning area
- Anticipates development over a relatively short period of time
- What the plan does:
  - Identifies future land uses
  - Outlines goals and policies
- Plan does not annex property and does not change zoning upon adoption
- General steps to process:
  - define planning area boundaries
  - inventory of existing conditions & data analysis
  - public meetings
  - draft plan
  - adoption process (PC, CC, BCC)

Draft Goals and Policies

Goals
Encourage nonresidential land uses at the Inverness and Crossgate corners of Clinton Parkway that are compatible with the residential uses in the planning area.

Develop a strong park/trail system.

Develop single-family residential uses south of 27th Street at densities compatible with adjacent densities.

Protect the regulatory flood hazard areas from development.

Policies
Allow for neighborhood-level commercial, office, civic, institutional and recreation activities on the Inverness and Crossgate corners of Clinton Parkway.

Encourage mixed use development (i.e. residential and non-residential uses) along Clinton Parkway.

Develop single-family uses south of 27th Street.

> Encourage a creative mixture of development that includes small lots, but also large lots that can use the regulatory flood hazard areas as an amenity that is protected from development.
>
> Ensure adequate public facilities are available prior to developing the area south of 27th Street.

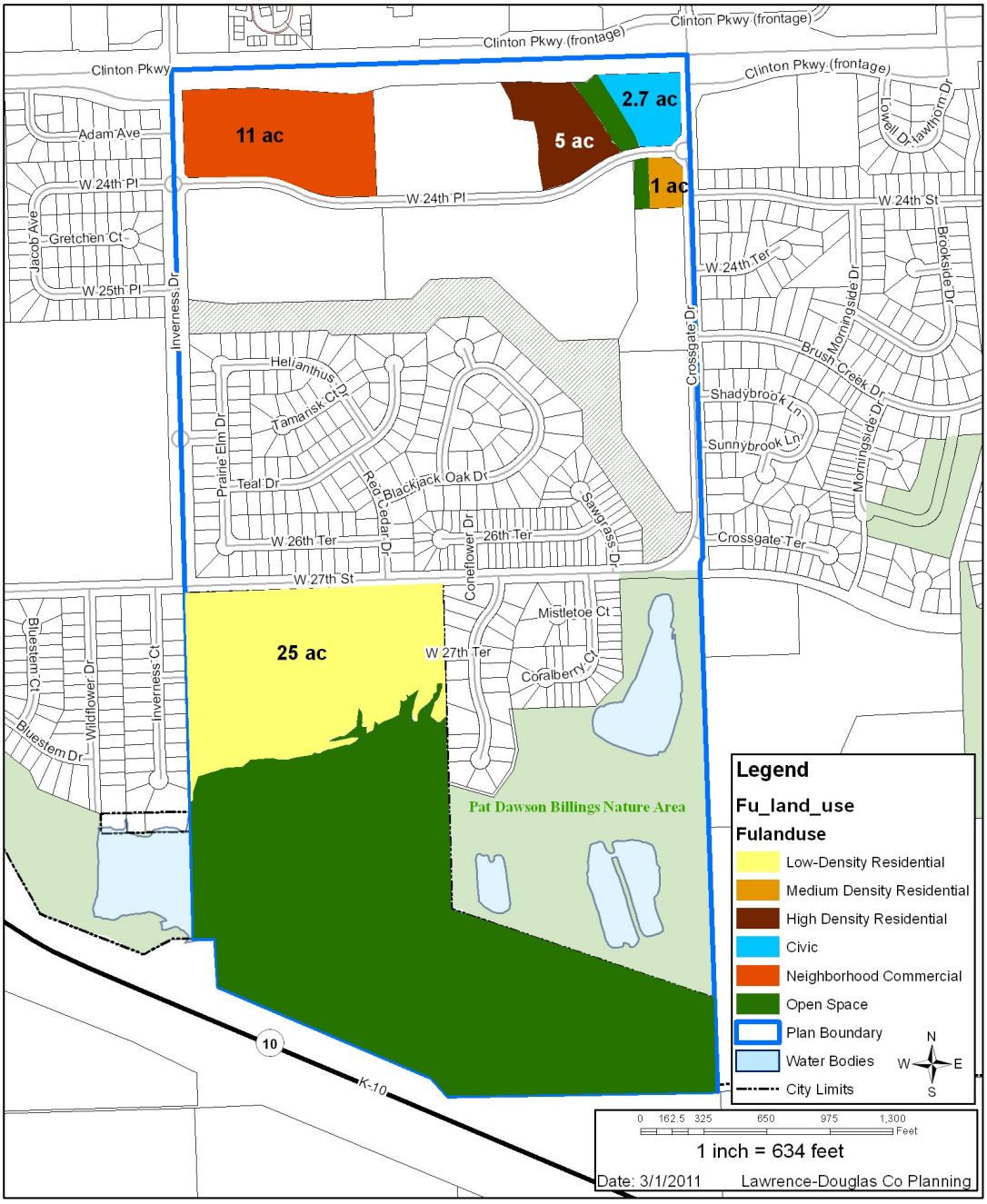
Develop a pedestrian trail on the future park land south of the Legends at KU development.

Maintain the integrity of Clinton Parkway as an access restricted thoroughfare.

Future Land Use Options

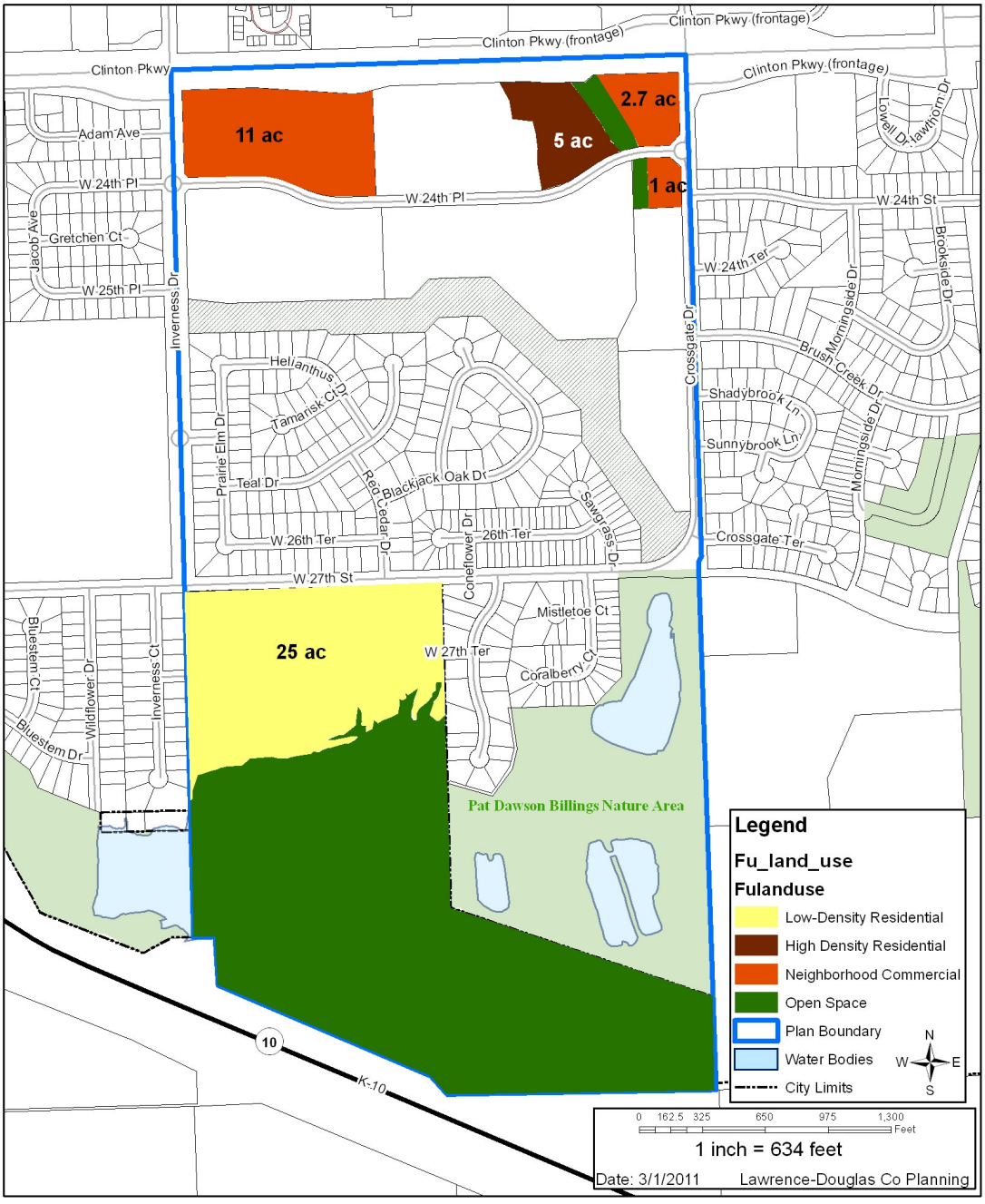
Option 1

Inverness Park District Plan
Future Land Use



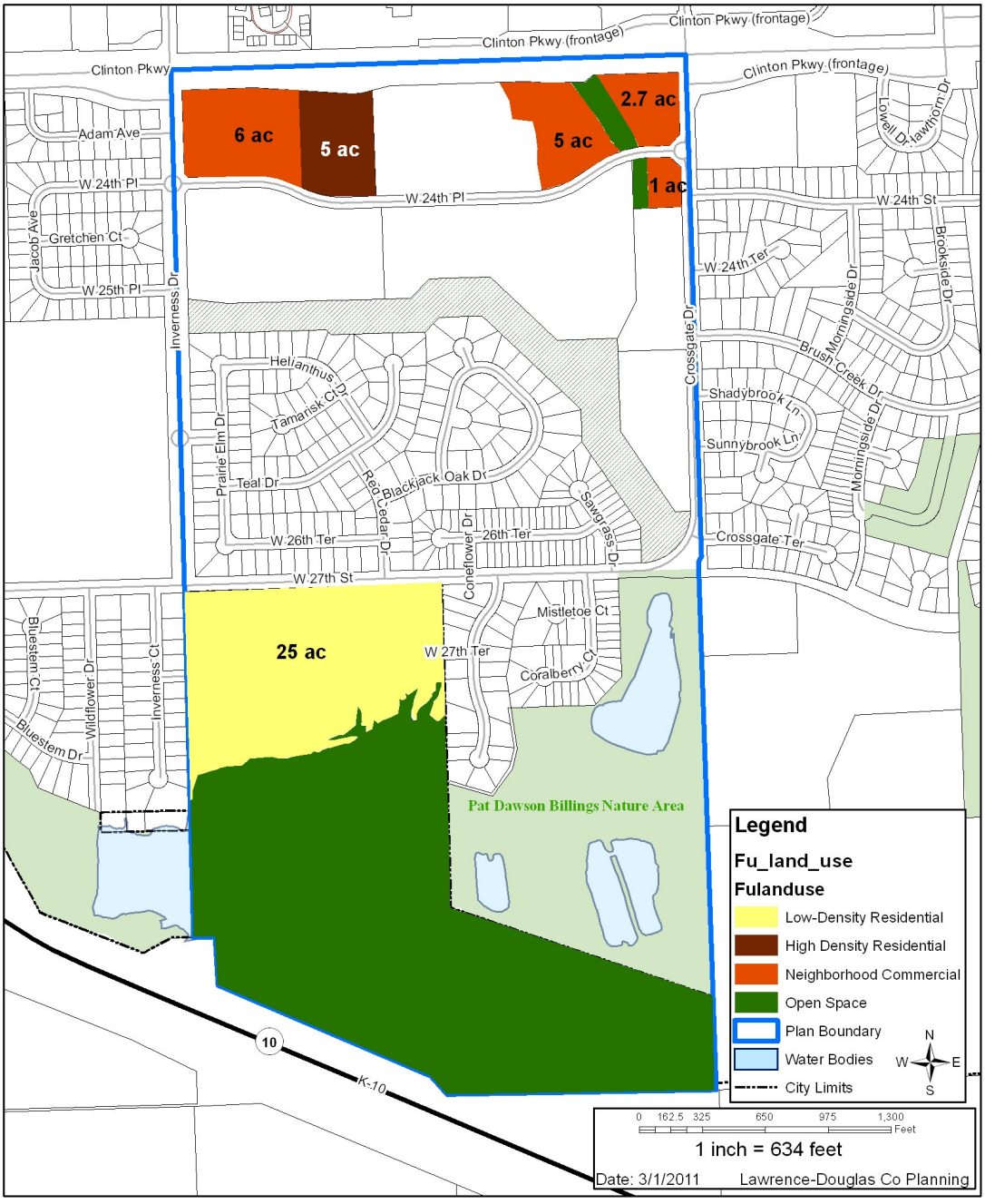
Option 2

Inverness Park District Plan
Future Land Use



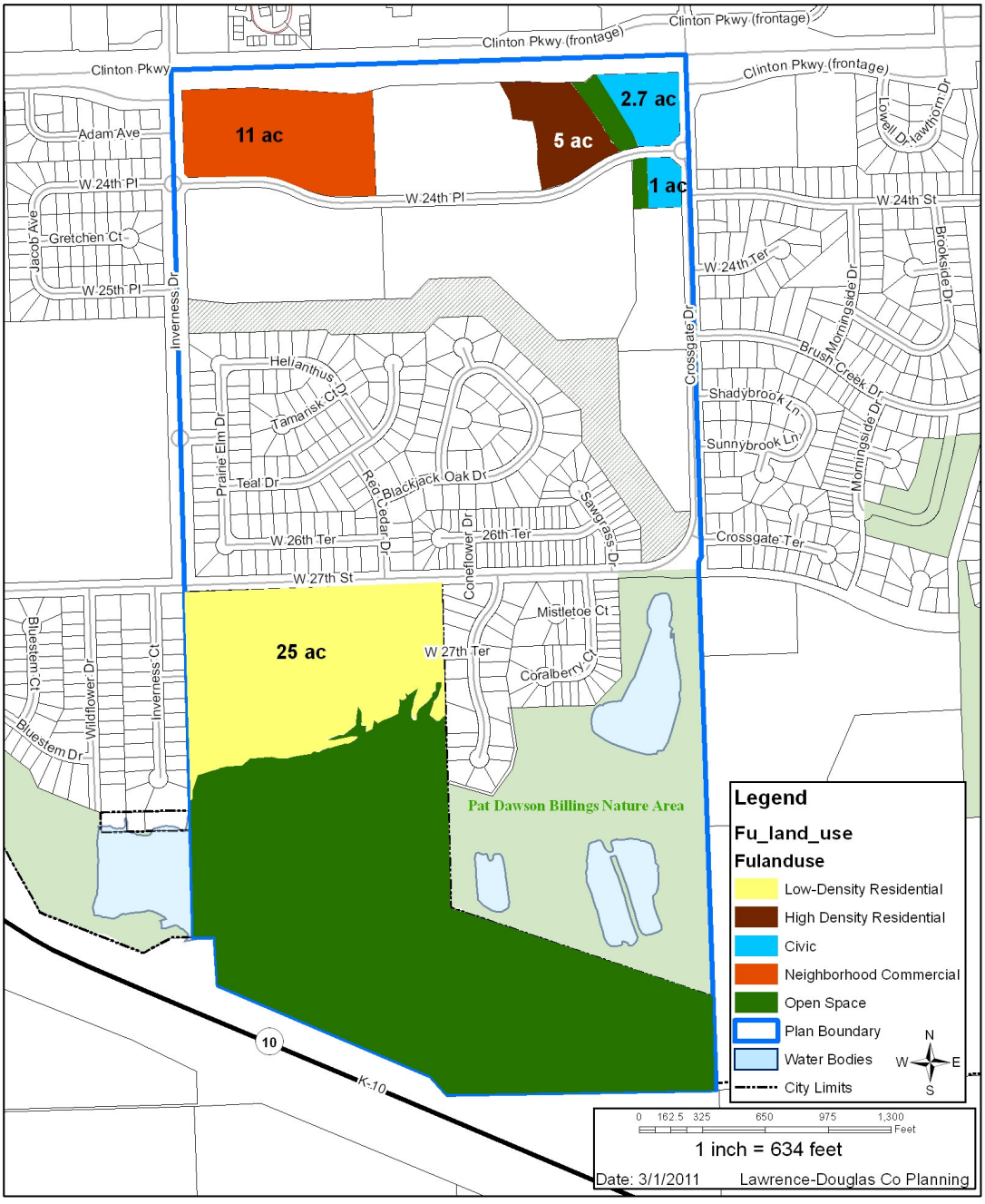
Option 3

Inverness Park District Plan
Future Land Use



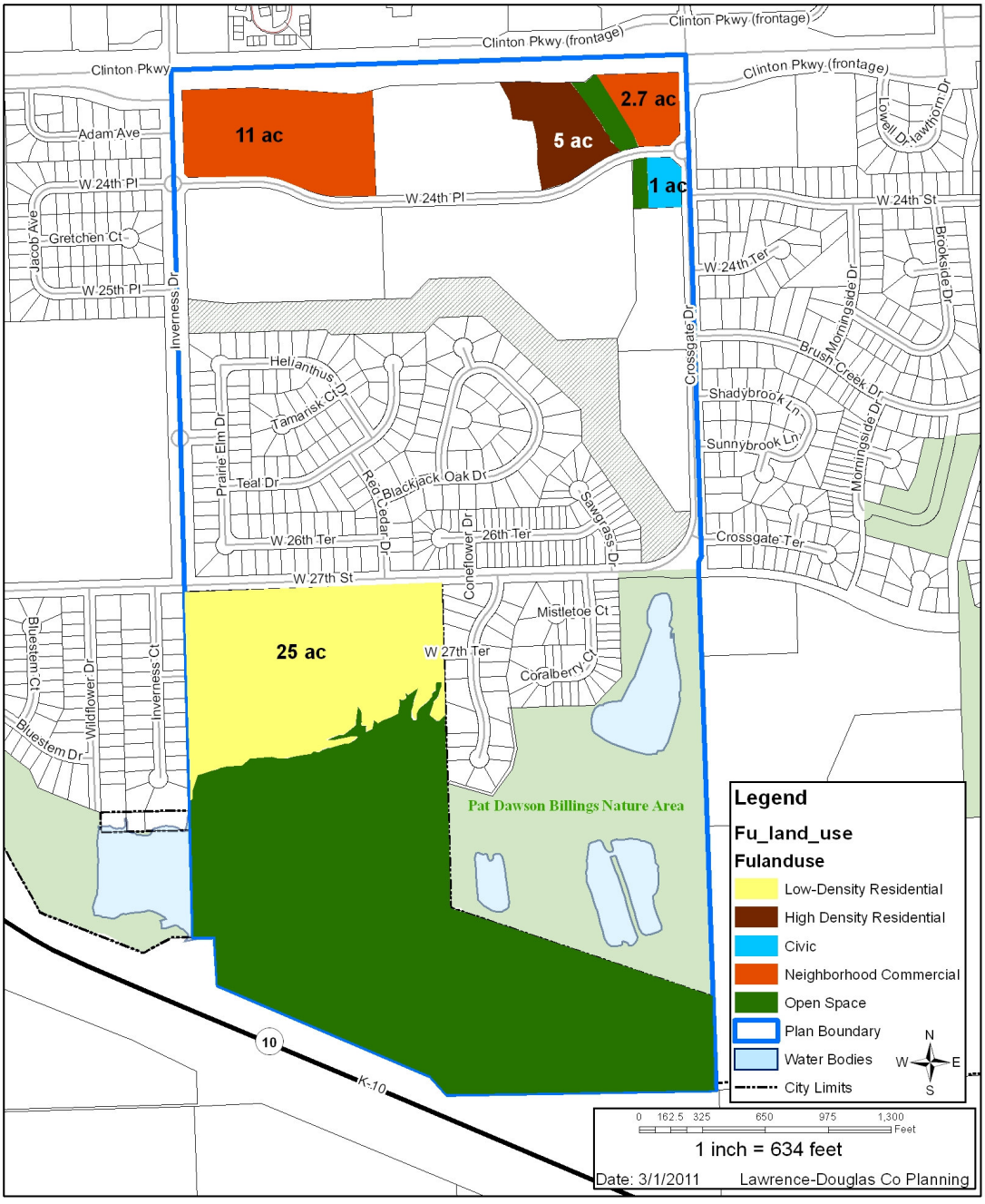
Option 4

Inverness Park District Plan
Future Land Use



Option 5

Inverness Park District Plan
Future Land Use



Inverness Park District Plan Meeting
Thursday, March 3, 2011
Written Comment Sheet

Future Land Use Option 1

On the large parcel south of 27th street, are there really only 25 acres ~~out~~ that are out of the flood plain?

Future Land Use Option 2

Same Comment as above

Future Land Use Option 3

Same Comment as above

Future Land Use Option 4

Same Comment as above

Future Land Use Option 5

Same Comment as above

Contact Info (optional): Charles Getto cgetto@MVP Law.Com

For more information visit: www.lawrenceks.org/pds/draft_plans

Inverness Park District Plan Meeting
Thursday, March 3, 2011
Written Comment Sheet

Future Land Use Option 1

~~The future~~ The 2.7 A parcel on the SEC of Clinton & Crossgate should be commercial

Future Land Use Option 2

This is a good plan

Future Land Use Option 3

The 6 & 5A parcels should be 11 A of commercial & the 5A ~~parcel should not be~~ commercial

Future Land Use Option 4

Does the city have a plan for 2.7A of Civic

Future Land Use Option 5

This is a good plan

Contact Info (optional):

For more information visit: www.lawrenceks.org/pds/draft_plans

Inverness Park District Plan Meeting
Thursday, March 3, 2011
Written Comment Sheet

Future Land Use Option 1

Commercial at Clinton/Inverness is a bad idea.

Should be open space. All else looks good.

Future Land Use Option 2

Commercial at Clinton/Inverness is a bad idea.

Why do all options have to include at Clinton/Inverness commercial. There has to be more to consider for that area, or why are we even considering a district plan? It should not be a foregone conclusion that it should be commercial.

Future Land Use Option 3

(>worst option

Same, except 5 more acres of high density is EXACTLY what no one wants there.

Future Land Use Option 4

Same as 1 & 2

Future Land Use Option 5

Same as 1 & 2

Contact Info (optional): Luke Sinclair sincluke@gmail.com (785) 865-3724

For more information visit: www.lawrenceks.org/pds/draft_plans

Inverness Park District Plan Meeting
Thursday, March 3, 2011
Written Comment Sheet

Future Land Use Option 1

No commercial on Inverness/Clinton

Future Land Use Option 2

No commercial on Inverness/Clinton

Future Land Use Option 3

No commercial on Inverness/Clinton
Really do not like the sac of high density residential

Future Land Use Option 4

No commercial on Inverness/Clinton

Future Land Use Option 5

No commercial on Inverness/Clinton

Contact Info (optional): Lori Sinclair [redacted] luey333@yahoo.com

For more information visit: www.lawrenceks.org/pds/draft_plans

Inverness Park District Plan Meeting
Thursday, March 3, 2011
Written Comment Sheet

Future Land Use Option 1

No additional Density for Multi-Family

Future Land Use Option 2

No additional density for multi-Family

Future Land Use Option 3

No additional density for multi Family

Future Land Use Option 4

No additional density for multi-Family

Future Land Use Option 5

No additional density for multi-~~Family~~

Contact Info (optional): Davis Loupe
785 832-0316 dploupe@yahoo.com

For more information visit: www.lawrenceks.org/pds/draft_plans

Inverness Park District Plan Meeting
Thursday, March 3, 2011
Written Comment Sheet

Future Land Use Option 1

I worry about having medium-density residential right off of the roundabout. Traffic is already dicey because of the fact that so many KU students speed around the roundabout, going to →

Future Land Use Option 2

Similar concerns as those I raised above with respect to traffic congestion at the roundabout just south of Clinton Pkwy / Crossgate.

Future Land Use Option 3

This strikes me as the most problematic plan, given my concern about traffic flow at the roundabout south of Clinton Pkwy / Crossgate. This and option 2 are the least attractive, in my view.

Future Land Use Option 4

I suppose I like this plan the best (although 'like' may be too strong a word). I say this, though, assuming that 'civic' would not entail development that would generate much →

Future Land Use Option 5

Here, too, I have concerns about traffic flow & congestion.

General comments: I am frustrated to see that all of the plans have areas designated for high-density residential when the #1 threat that came out of our first meeting was "oversaturation of multi-family." At the same time I am really pleased to see the land south of 27th designated as low-density residential. That strikes me as being the most appropriate designation for that land. →

Contact Info (optional):

For more information visit: www.lawrenceks.org/pds/draft_plans

and from the student apartments. I think that having residential right off of the roundabout would not only enhance the congestion but also pose some danger.

More traffic. If I am wrong about that, then (as you might expect) I would share the same concerns as those voiced above.

I am dismayed by the fact that these plans don't seem to mean much. I guess I wonder why you are investing all of this time & money on this process, when it's the case that the plans aren't at all binding.

Inverness Park District Plan Meeting
Thursday, March 3, 2011
Written Comment Sheet

Future Land Use Option 1

No high density Residential!
I like low density Residential South of 27th
I would like to see more open space.
I am Fine w/ Neighborhood commercial

Future Land Use Option 2

No high density Residential!
I like low density Residential south of 27th
more open space
I am Fine w/ Neighborhood commercial

Future Land Use Option 3

No high density Residential!
I like low Density Residential sout of 27th
more open space
I am Fine w/ Neighborhood commercial

Future Land Use Option 4

No high density Residential!
I like low density Residential South of 27th
more open space
Not sure if civic will work
I am Fine w/ Neighborhood commercial

Future Land Use Option 5

No high density Residential!
I like low density Residential south of 27th
more open space
My Favorite - still don't like 5 acres of high density Residential!

Contact Info (optional):

Andrew Cooper 393-4392 decoupe71@gmail.com

For more information visit: www.lawrenceks.org/pds/draft_plans

I am very interested in
this what was presented (Grocery store strip mall)
For the corner of Inverness & Clinton
Parkway.

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

RECEIVED
JUL 25 2011
City County Planning Office
Lawrence, Kansas

July 24, 2011

Mr. Richard Hird, Chairman
Members
Lawrence-Douglas County Metropolitan Planning Commission
City Hall
Lawrence, Kansas 66044

RE. AMEND HORIZON 2020, CHAPTER 14 LIST OF SPECIFIC PLANS, TO INCLUDE THE INVERNESS PARK DISTRICT PLAN.

Dear Chairman Hird and Planning Commissioners:

Before you incorporate this Specific Plan into *Horizon 2020*, we have two suggestions that we believe to be very important that you include in the Inverness Park District Plan.

1. The proposal to rezone the Remington Square apartment site to RM24 in order to permit additional one-bedroom apartments to be built in the adjacent vacant portion of the Remington Square apartments is understandable, but we believe there is a better method to control its design than simply rezoning the vacant land to a higher density conditioned RM district.

> Explanation: The current apartments have no designated or designed area for open space recreation. Simply adding more of the same type of apartments will not create a better living environment without a better overall design of the development. We suggest that the current RM15 zoning would allow expansion of the one-bedroom apartments under a PD Overlay District that now has the new changes that have been made to that district. Using this new PD District would allow a recalculation of the density of the existing apartments plus the added 25% increase in density already allowed in the PD Overlay District. Another major advantage with a PD Overlay District would be the requirement for dedication of recreational open space.

This approach of utilizing the current RM15 zoning with a PD Overlay District should give the same result in increased number of apartments the developer is seeking, plus permitting a much better designed development.

2. There is a proposal in this Plan for a pedestrian trail in a future park. We hope that there are many such trails in this neighborhood. In addition, we would like to suggest that a more direct pedestrian route in several locations to the school site also be considered, with the consent of the neighborhood and the affected homeowners. Adding pedestrian paths to several cul-de-sacs in the single family areas would facilitate and encourage more walking to school.

Thank you for your consideration. We hope that you find our suggestions useful.

Sincerely yours,

Alan Black

Caleb Morse
Board Member

Alan Black, Chairman
Land Use Committee

PC Minutes 5/25/11
ITEM NO. 9 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 14 (DDW)

CPA-3-1-11: Consider Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Inverness Park District Plan.

STAFF PRESENTATION
Mr. Dan Warner presented the item.

Commissioner Rasmussen asked how Option 3 could be proposed with high density since there was already development there.

Mr. Warner said it was not completely developed, there was still about 5 acres left that could be developed.

Mr. McCullough said it was developed with the maximum number of dwelling units on about 2/3 of the area leaving open space undeveloped land. He stated they built out to the current zoning category but left a portion undeveloped and the only way to get additional density on the property was to rezone to a higher level and develop to that new maximum number of dwelling units.

Commissioner Rasmussen inquired about a landscape plan for the vacant area.

Ms. Day said the area was left open and that a piece of it had floodplain and drainage encumbrance. She stated the landscape applied toward the two streets, Clinton Parkway and 24th Place.

Commissioner Rasmussen asked if it could just be a vacant lot with dirt and no grass.

Ms. Day said anytime there was property there needed to be grass, or at least seeded.

PUBLIC HEARING
Mr. Matt Gough, Barber Emerson, advocated for Option 3 on behalf of two interested users, Remington Square LC (Mr. Tim Stultz) and Hy-Vee, who were under contract to acquire the southwest corner of Clinton Parkway and Crossgate. He said when Horizon 2020 was adopted in 1997 it included a land use map for all of the property at that time annexed into the city. He said the Inverness Park District was a big white blob. Since that time the property was annexed and for the most part developed. He asked Planning Commission to consider whether or not some of these projects would be worthy of Option 3 type uses proposed. He said the first tract was the 5 acre parcel owned by Remington Square, and currently had a pending rezoning application from RM15 to RM24 with a staff recommendation of approval. The request was made to allow the developer to construct more one bedroom apartments. He said the property had significant special assessments on it, most of which were necessary to provide water improvements and drainage culverts needed to make the whole area developable. He said Hy-Vee hoped to have a rezoning application before Planning Commission in August. He said Option 3 was the only option that would work for both of the potential users. He said approval of Option 3 did not rezone the properties and in each instance the projects would come before Planning Commission on their own merits to be considered for rezoning and there would be additional opportunities for people to speak on them specifically. He said his concern with Options 1 and 2 was that someday someone may want to amend the plan to do something more like Option 3 because RSO use of the property had not been popular. He displayed a map on the overhead with the residence locations of all the public comments received. He stated some of the comments were regarding property values. He displayed the 2009 and 2011 appraised values for everyone who submitted a comment and overall there was a .34% decrease in

appraised values from 2009 to 2011, which was the timeframe Remington Square apartments were built. He said comparing that with the county overall, all residential property in the county experienced a significant decrease in 2009. He said there was no specific data that stated anyone's property value decreased because of multi-family.

Commissioner Rasmussen asked what the plan was for the Remington Square area.

Mr. Gough said that was undetermined at this time. He said the current Site Plan calls it open space.

Commissioner Rasmussen said he thought when the apartments were proposed that the 5 acre tract was identified as open green space that would be useable for the people that live in the apartments.

Mr. Gough said he did not have an answer to that.

Commissioner Harris asked if the Remington Square property would be the only one contributing to the special assessments.

Mr. Gough said the assessments were formed approximately 7-8 years ago and were much higher and spread among all the properties in the area. He said since the Remington Square property was one of the larger square footage properties and probably took the largest percentage of the specials.

Commissioner Harris asked if the corner properties would share the costs of the special assessments when they develop.

Mr. McCullough said he assumed they would.

Commissioner Liese thanked Mr. Gough for presenting data on property values. He said when he went and looked at the property it was around rush hour and it was very congested and difficult to navigate. He inquired about a traffic study.

Mr. Gough said at this time there was no traffic study. He said one of the components that would come forth with the Hy-Vee plan would involve some sort of traffic analysis because of the access issues involved with that site.

Mr. McCullough said that road was studied and generally speaking the infrastructure was put in place with enough capacity to take on pretty healthy development in the area so there has not been any bump up against capacity issues from a traffic engineering standpoint. He said there was always the discussion of quality of life issues with congestion.

Ms. Jamie Hulse said she supported options that did not allow additional multi-family. She was concerned about the change in property values over time. She wondered why RM24 wasn't the original rezoning request if that was the plan along.

Commissioner Finkeldei asked if she supported the change to commercial on both ends.

Ms. Hulse said what neighbors were told about the corner of Inverness and Clinton Parkway was that if they didn't support the Casitas project that something bigger and worse could be built. She said based on the drawings shown tonight the only way to build something bigger would be with a Special Use Permit. She said she was still not clear on that issue.

Commissioner Finkeldei asked if she would prefer commercial on the two ends.

Ms. Hulse said there would probably be neighborhood support for the Hy-Vee commercial as long as it did not allow multi-family. She said what happened with The Grove was that the neighbors were told it could not be tied to that specific project so the neighbors supported it because they supported senior housing and when that didn't happen The Grove was put in instead. She said The Grove was a much more intensive project than what the neighbors were told originally. She said there was lack of trust with the neighborhood. She said there had been mixed comments from neighbors about commercial at the corner of Inverness and Clinton Parkway due to concerns with the kids walking back and forth.

Commissioner Liese thanked Ms. Hulse for her constructive and positive emails.

Mr. Davis Loupe wondered why the plan was even created. He thought it came out of the dispute that neighbors had about the last multi-family. He said the original plan from years ago for the area called for mixed use. He said most of the neighbors did not want more multi-family. He said apartments were mainly geared toward students and they want to live in the newest apartment complex so the older ones decline over the years. He said he disagreed with the idea that plot # 2 had undeveloped land. He thought that was to remain open space. He stated there was no grass on the open space and it still looked like a construction site. He supported Option 2 if it did not allow multi-family.

Commissioner Singleton asked why the neighbors were opposed to additional multi-family.

Mr. Loupe said because there was already so much of it. He stated that nobody in the neighborhood knew that Remington Square was happening.

Commissioner Singleton asked how apartment buildings had a negative impact on him.

Mr. Loupe said it was a lot of density and that in 5-10 years from now they could deteriorate and make the neighborhood less attractive. He said he would rather see commercial there than more dense apartments.

COMMISSION DISCUSSION

Commissioner Harris asked staff if the neighbors were notified about Remington Square.

Mr. McCullough said 200' mailed notification was sent, signs posted at the site, as well as the newspaper legal notice.

Commissioner Rasmussen said he used to live on Shady Brook Lane when the whole Inverness Park area was proposed. At the time he was not too keen on a lot of apartments being built there. He liked the fact that the whole north part was supposed to be residential office and supposed to be a senior living area along Crossgate. He said he really empathized with the people who lived there in the single-family homes that have seen more and more intensive use put upon this land. He said because he had lived there he was not too favorable for Option 3. He felt that property was originally zoned for residential-office and then it was changed to multi-family residential. And now it was being considering for it to go to a more dense use, which he was not in favor of. He did think some types of commercial could benefit the neighborhood. He said he would not mind seeing lot 1 more akin to what was at Bauer Farm with commercial uses or something like the southeast corner of Bob Billings and Wakarusa where there were restaurants, beauty shops, coffee shops, etc. He said he would support commercial on those two ends. He said the overall Comprehensive Plan took a nodal approach and he thought there was concern discussed a few years ago about commercial

development between the nodal area at Kasold and Clinton Parkway and the next nodal area at Wakarusa and Clinton Parkway. He said there was validity to that concern but there had been talk about trying to create more walkable/livable neighborhoods. He said if there was convenience store, restaurants, shops that people could walk to, it would go toward a more walkable/livable neighborhood. He said the northeast corner of Clinton Parkway and Wakarusa was designed for commercial development but a lot of earthwork would have to happen for development to occur. He said maybe the appropriate approach was not to leapfrog around with development but instead gradually build it out along the Clinton Parkway corridor. He said he was not in favor of additional multi-family density increases so he would tend to support Option 2, instead of Option 1.

Commissioner Finkeldei said they should look more at Option 2 or 3. He felt there should be commercial in some of the areas. He did not feel that lot 1 should be multi-family. He thought staff should look at CN2 and 50%. He said he supported Walgreens at the other corner and that commercial would be good. He said he did not like the idea of talking about a plan at the same time there was a pending application. He said it was strange to be talking about Option 2 versus Option 3 in the abstract of whether or not they support something being built on the 5 acres. He stated in general he may not support any type of multi-family at that location if it was 4 bedroom apartments that were big and dense. He said on the other hand if it was a specific plan with 1 bedroom apartments that was an extension of something that already existed he might be okay with that. He said no matter what they do with the plan, whether they choose Option 2 or 3, they still have a plan to consider. He said he was more focused on lots 1, 4, 5, and 6 and bringing back Remington Place and Hy-Vee to consider. He said in general he supported Option 2 or 3.

Commissioner Harris agreed with Commissioner Rasmussen and did not support anymore high density residential in the area. She said regarding the staff report conclusion she felt that City Commission was asking staff to think about whether the recommendation made sense in the bigger picture so they asked staff to initiate the plan to look at the whole context and decide from there. She felt it would be proper for staff to change their mind if the plan in fact said that it would be a good way to go for the whole area. She believed some commercial in the area could benefit the existing neighbors but needed to be done carefully since Clinton Parkway was such a major street. She said that the commercial area could become a regional serving property and add more traffic to the area than a neighborhood business would. She liked the idea of creating places in the neighborhood that could be walked to for amenities. She suggested staff provide more education to the neighbors to clear up any confusion about the options that different zoning categories could bring. She said she understood concerns from the neighbors.

Commissioner Finkeldei agreed with Commissioner Harris. He thought it would be helpful to get staffs opinion.

Commissioner Singleton shared Commissioner Finkeldei's theoretical concerns about discussing a neighborhood plan when they know a development proposal would be coming soon. She expressed concern about water drainage for Options 2 and 3. She said she was fine with commercial on the two corners.

Commissioner Dominguez said he voted for the Walgreens proposal and would support commercial development. He agreed with the neighbors about no more multi-family. He said he would vote for Option 2. He would also like to see the staff recommendation.

Commissioner Culver said in general he would support Option 2 or 3 and felt that commercial on either corner would make sense. He said he was a little torn on lot 2, although he agreed with

neighbors about the concern of high density residential increasing, he also had concerns about that land not being used. He said he would like direction from staff regarding lot 2.

Commissioner Blaser said that commercial on lots 1 and 3 would be good but felt that access would be an issue in both cases. He said he would support higher density on lot 2 because he saw it as infill and infill helped reduce sprawl. He said the area was a ways from residential. He said he had not observed the traffic problems in the area that Commissioner Liese mentioned earlier. He said he understood the neighbors concern about large student housing ending up where they thought senior housing would go but he said the senior housing could have been high density too. He felt the buffer on Inverness was good, regardless of which Option was chosen. He said he would pick Option 3 because he did not think the extra density would be noticed by the housing area to the west.

Commissioner Rasmussen said Planning Commission seemed to support commercial for lots 1 and 3. He suggested staff include discussion about how Planning might be able to influence the type and style of development. He said he hoped the back of the stores wouldn't face Clinton Parkway. He said he would like to hear discussion about how Planning might be able to serve that area as an attractive corridor.

Commissioner Harris inquired about the empty land in the Remington Place Addition. She asked if the area was completely built out yet to its allowed density.

Mr. McCullough said it was.

Commissioner Harris said that area could be a very attractive open space for the neighborhood. She said if they allow the space to be developed, when the plan was to have lower density, they would be setting a precedent for other developments in the area. She did not think it was a good idea.

Commissioner Burger encouraged staff to revise the plan so neighbors could understand it. She said she was glad this was still a working document and that there was opportunity for more education for the neighbors. She did not support the increase in density. She said she was surprised that this project was going into this neighborhood. She did not like any of the three options because the area would be wonderful for a new urbanism concept. She gave the example of the Hollywood neighborhood in north Boulder, Colorado. She said she was not sure she would equate Hy-Vee with Walgreens as far as what it would do to the community but the neighborhood seemed to be okay with it.

Commissioner Liese said commercial uses on the corners of Inverness and Crossgate was a no brainer if done well. He wished the potential developer could put a park there. He also wished neighbors could be guaranteed that if this development occurred with higher density that it would improve the community not be a detrimental.

Mr. McCullough thanked the Commission for the good direction. He said every plan was unique. He said Remington Square, The Grove, and Legends at KU were all different in that the original plan did sort of self limit in terms of the intensity of the density. He said they did the maximum number of units but they were 1 bedroom units. He said there was opportunity in the plan for some detail description about what a development should be in terms of granting density but having some equivalent compatibility to what was there today. He said the east commercial proposed property was easy to determine what it would be, something small such as a gas station or convenience store. He said the other corner was a substantial piece of property that could hold a medium box retail store, for example. He said City Commission tasked them with looking at some of the nuances and trying to understand what intensity of development should go on these undeveloped parcels.

Commissioner Liese inquired about the need for apartments.

Mr. McCullough said the Planning office did not track that information.

NO ACTION TAKEN

Memorandum
City of Lawrence
Planning & Development Services

TO: **Planning Commission**

FROM: **Mary Miller, Planning Staff**

CC: **Scott McCullough, Planning and Development Services Director**
Sheila Stogsdill, Assistant Planning Director

Date: **For July 27, 2011 meeting**

RE: **Agenda Item No. 10: Agritourism Committee request for action**

The Planning Commission received the Agritourism Committee Report and Recommendation at their June meeting. The report and recommendation is before the Commission again this month with the following requests for action:

1) Initiate a text amendment to the Zoning Regulations for the Unincorporated Territory of Douglas County to establish a Special Event Permit and develop application process and standards.

2) Initiate a text amendment to the Zoning Regulations for the Unincorporated Territory of Douglas County to establish Agritourism as a use. This would include defining the different levels of agritourism, establishing standards for each level, establishing signage regulations, and establishing a registration and approval processes for each level.

LAWRENCE DOUGLAS COUNTY PLANNING COMMISSION
AGRITOURISM COMMITTEE
REPORT AND RECOMMENDATIONS

The Agritourism Committee of the Lawrence Douglas County Metropolitan Planning Commission was formed in January of 2010 to study agritourism and make recommendations to the Planning Commission regarding options which could be undertaken to promote and facilitate agritourism activities as well as possible revisions to the Zoning Regulations which would ensure the public health, safety, and welfare is protected while agritourism is facilitated. Agritourism is one means of promoting economic development in Douglas County, although there are certainly other benefits, such as providing additional income for residents engaged in agritourism activities, allowing them to maintain the rural/agricultural lifestyle, and increasing the long-term sustainability of family farms in Douglas County.

Members of the Agritourism Committee include:

Nancy Thellman, Douglas County Commissioner
Chuck Blaser, Planning Commission Chair
Rick Hird, Planning Commissioner and Committee Chair
Mary Miller, Planning Staff
Judy Billings, Freedoms Frontier Chair
Clint Hornberger, Farm Bureau and Chamber of Commerce Representative
Hank Booth, Lawrence Chamber of Commerce
Becky Rhodes, Kansas Department of Commerce
Pep Selvan, Bluejacket Crossing Winery
Linda Finger, Douglas County Planning Resource Coordinator
Keith Dabney, Douglas County Zoning and Codes Director

PROCESS:

The early meetings of the Agritourism Committee focused on defining agritourism and identifying the agritourism uses that currently exist in Douglas County. A draft definition of agritourism was developed and amended as the meetings progressed. A map showing where the agritourism uses identified by the committee are located is included in Figure 1 at the end of this report.

Township trustees and the County Engineer were invited to the November, 2010 meeting for a discussion on rock roads and agritourism uses. Keith Browning stated that Calcium Chloride is the cheapest and most effective dust palliative treatment available. A map showing where dust palliative was applied in 2010 is included in Figure 2 at the end of this report. The following is a summary of the discussion on the dust palliative program:

> Residents pay for the dust palliative treatment and also for the cost of the township to prepare the road. Cost of the dust palliative is $1.60 per linear foot with 60 cents a linear foot going to the township for preparation costs. The township prepares the road to stabilize it, and to create a crown to insure adequate drainage so when

the palliative has been applied they will not need to work it again. Dust palliative usually lasts through the summer and most of the year. It is applied in 2 applications, once in May and again about a month later. For areas that do it 4 to 5 years in a row, there is a residual effect. They could even skip a year and still have effective dust treatment.

Dust palliative is available all year, but the County may not have enough on hand if a person didn't sign up in January. It would be possible for them to go through the County's contact to get dust palliative, but they would need to make arrangements with the township about the road preparation.

Agritourism operators in Douglas County were invited to the January, 2011 stakeholder meeting. The meeting's goal was to identify issues that stakeholders felt presented the greatest challenges to establishing and operating agritourism businesses, and what changes would be most beneficial in supporting and encouraging agritourism. The principal concern noted was the process involved with the Conditional Use Permit (CUP). Suggestions for improvement included the following:

- remove the time-limit on CUPs but have administrative reviews at regular intervals,
- develop a Special Event Permit for infrequent or more temporary agritourism uses.
- allow low-intensity agritourism uses through registration.

This report is divided into five sections:

1. Mission Statement
2. Definition of Agritourism
3. Economic Impact of Agritourism
4. Applicable Zoning, Permits, Codes and Other Laws and Regulations now if effect
5. Issues and Recommendations

1. MISSION STATEMENT

The Mission Statement adopted by the Agritourism Committee is as follows:

The Agritourism Committee will study existing laws, regulations and procedures and propose changes designed to foster and promote Agritourism in Douglas County. The Agritourism Committee will:

- Establish a definition of Agritourism
- Evaluate the economic impact of Agritourism activities
- Evaluate the effect of zoning regulations, building codes and other laws and regulations on the development of Agritourism activities
- Make recommendations to the Planning Commission to assist in the promotion of Agritourism

2. DEFINITION OF AGRITOURISM

Agritourism is defined in several different ways by various agencies and groups. In 2004, the Kansas Legislature adopted the Agritourism Promotion Act, K.S.A. 74-50,165, *et seq* (the "Act"). The purpose of the Act is described as:

> The purpose of this act is to promote rural tourism and rural economic development by encouraging owners or operators of farms, ranches, and rural attractions, including historic, cultural, and natural attractions, to invite members of the public to view, observe and participate in such operations and attractions for recreational or entertainment purposes. This act shall be liberally construed to effectuate that purpose. K.S.A. 74-50,166.

The Act provides a manner for registration of agritourism activities with the Kansas Secretary of Commerce and, with appropriate posted signage, provides some insulation from liability for agritourism operators. The Act defines agritourism as:

> …[A]ny activity which allows members of the general public, for recreational, entertainment or educational purposes, to view or enjoy rural activities, including but not limited to, farming activities, ranching activities or historic, cultural or natural attractions. An activity may be an agritourism activity whether or not the participant pays to participate in the activity. An activity is not an agritourism activity if the participant is paid to participate in the activity. K.S.A. 74-50,167(a)

The Committee was somewhat divided regarding the scope of activities that should be considered within the umbrella of agritourism. The following definition adopted by the Committee is a combination of the statutory definition and the definition used by the Kansas Department of Commerce and other authors:

> Agritourism: The intersection of agriculture and tourism. When the public goes to rural areas for recreation, education, enjoyment, entertainment, adventure or relaxation. Using the rural experience as a tool for economic development.

Using that definition, the Committee suggests the following as examples (although not exhaustive) of agritourism activities:

- Recreation
  - Hiking
  - Hunting, fishing
  - Equestrian
  - Bicycling
- Education
  - Agricultural operations
  - Food production
  - Ranching operations
  - Historical farms
  - Preserved prairies and other natural areas

- Entertainment
  - Demonstrations of agricultural operations
  - Integration of music, theatre, arts to enhance rural experience
  - Gatherings, events, and festivals
  - Shopping
  - Farmer's Markets
- Adventure
  - Discovery of new areas
  - Experiencing wildlife
  - Hands-on involvement in agriculture or ranching
- Relaxation
  - Enjoyment of rural settings, vistas
  - Change of pace
  - Escape from urban environment
  - Bird Watching

3. ECONOMIC IMPACT OF AGRITOURISM

The following information was taken from the K-State report "Agritourism: If We Build it Will They Come?" written by Dan Bernardo, Luc Valentin, and John Leatherman (Professor and Department Head, Research Assistant, and Associate Professor, respectively, Department of Agricultural Economics, Kansas State University').

"Despite its relative infancy, agritourism represents a significant revenue source for many farmers across the nation. To lend perspective to the importance of agritourism as a revenue source, estimates of total and average annual income generated from on-farm recreation are reported in Table 2 for eight USDA regions" (page 4) Kansas is included in the 'Prairie Gateway' group in the following table along with Western Oklahoma, Nebraska, and Central Texas.

Table 2. Total Annual and Average Income (Gross Receipts) Generated by On-Farm Recreation, By Region

Region	Annual Total Income	Average Income/Farm	% of Farms w/ Recreation Income	Avg. Income for Farms w/ Recreation
Heartland	$38,500,000	$90	7%	$1,286
Northern Crescent	$298,000,000	$963	2%	$48,150
Northern Plains	$14,000,000	$138	5%	$2,760
Prairie Gateway	**$79,000,000**	**$267**	**4%**	**$6,675**
Eastern Uplands	$5,000,000	$14	1%	$1,400
Southern Seaboard	$37,800,000	$161	3%	$5,366
Fruitful Rim	$278,600,000	$1,127	3%	$37,566
Basin & Range	$36,700,000	$437	6%	$7,283
Mississippi Portal	$8,000,000	$69	1%	$6,900
TOTAL	$796,000,000	$368	2%	$9,200

The report stated that "Agritourism is being proposed as a local and statewide economic development strategy. As such, it is useful to estimate the economic impact of this industry on the state's economy. An economic impact analysis was conducted to determine both the direct economic impacts of spending by visitors participating in agritourism and the indirect effects arising from the new income generated by that spending." (page 11, *Agritourism: If We Build It Will They Come?*))

Staff contacted the authors of the report who clarified that the information in Table 3 was a model estimation of spending associated with agritourism uses in Kansas. Table 2 shows the total income for the Prairie Gateway and the authors estimated Kansas' share at $18,000,000. The information in Table 3 shows approximately $18,000,000 of farm income (farm products + farm services). The other figures are associated estimated expenditures that would occur in conjunction with agritourism uses.

Table 3.

Category	Total Expenditure Profile	Out-of-State Expenditure Profile
Farm Products	$8,017,000	$2,565,440
Farm Services	$9,342,000	$2,989,440
Travel Costs	$37,223,000	$12,047,426
Lodging	$8,017,000	$2,565,440
Eating & Drinking	$7,466,000	$2,388,980
Other Retail	$3,895,000	$1,246,458
Other	$3,947,000	$1,263,122
TOTAL	$77,907,000	$25,066,306

"The combined direct and indirect economic impact associated with agri-tourism in 2000 was estimated to be between $25 and $78 million (in 2004 dollars). The low estimate arises from spending generated from out-of-state sources and the high estimate is spending originating from both in-state and out-of-state sources. To the extent that spending by Kansas residents would likely not occur in rural regions had it not been spent on an agritourism activity, the high estimate can be construed as an estimate of the economic impact on the state's rural economy." (page 12, *Agritourism: If We Build It Will They Come?*)

In addition, it was estimated that the federal government collected approximately $2.9 million in tax revenues and that state and local governments garnered approximately $2 million from the varied activities associated with agritourism spending by out-of-state visitors in 2000. If in-state tourism activities are included, then tax collections increase to $9.06 and $6.25 million, respectively.

In summary, agritourism has a positive economic impact not only on the farm family involved in the activity, but the community as a whole.

4. APPLICABLE ZONING, PERMITS, CODES AND OTHER LAWS AND REGULATIONS

A) ZONING

The following are examples of agritourism uses that are permitted by right, that is no CUP is required:

- Pick Your Own Fruit/Vegetables Patches
- Agricultural Demonstrations
- Seasonal Sale of Products Raised on the Site
- Commercial Hunting and Fishing
- Commercial Riding Stable (site plan is required)
- Country Club (site plan is required)

B) CUP

Some Agritourism uses which are not permitted by right can be approved with a Conditional Use Permit. Uses listed in Section 12-319-4 of the Zoning Regulations require a CUP. These include the following agritourism uses:

- Farmer's Market,
- Dude Ranch,
- Fruit or Vegetable Stand,
- Recreation Facility.

Outline of the CUP process:

A pre-application meeting with staff is recommended to outline the process and identify possible challenges/opportunities.

— **Application.**

If the application is filed before the deadline, the Planning Commission may consider it at the meeting following their next meeting. For instance, if a CUP is filed by June 20, 2011 the Commission will consider it at their August 22, 2011 meeting. (Approximately 60 day review period.)

— **Review.**

60 days Minimum

The application is distributed to County Staff, Utility Providers, Township Trustees, Drainage District Representatives, and Fire Departments. A letter is then mailed to the applicant listing any concerns which were raised regarding the proposal or the plans which were provided. Revisions to the proposal or revised plans may be requested.

— **Public Hearing.**

Notice is mailed to property owners within 1000 ft of the property included in the CUP and a public hearing is held with the Planning Commission. If the property is within 3 miles of Eudora, Baldwin City, or Lecompton a joint Planning Commission meeting is held.

— **Planning Commission.**

The Planning Commission conducts a public hearing and votes to forward the item to the County Commission with a recommendation for approval, approval with conditions, approval with revised conditions or denial. The Commission may also vote to defer the item if additional information is needed.

— **Protest Period.**

14 days

A mandatory 14 day waiting period is provided before the CUP request is scheduled for consideration by the Board of County Commissioners to allow time required by State Statutes for the filing of a 'protest petition'. If a valid protest petition is filed, approval of the CUP requires a unanimous vote of the County Commission (3/4 majority required).

— **County Commission.**

The County Commission considers the CUP request and accepts public comment. The County Commission could take one of the following actions: approve, approve with conditions or deny the CUP. They may also vote to defer the CUP if necessary.

— **Building Permits.**

Building permits may be applied for concurrently with the CUP request and are required for any new building or change of use of an existing building.

— **Conditional Use Permit.**

A permit for the Conditional Use is issued by the Douglas County Zoning and Codes Office.

C) BUILDING AND OTHER COUNTY CODES

- Agricultural buildings - K.S.A. 74-50,167(b)
- Douglas County Sanitary Code
- Uniform Building, Uniform Mechanical, and Uniform Plumbing Codes and the National Electrical Codes

D) OTHER LAWS/STATUTES

- Agritourism Promotion Act, K.S.A. 74-50,165,

5. ISSUES AND RECOMMENDATIONS

A. ROAD DUST.

Issue: The generation of dust by travelers to agritourism activities has been raised as a concern. Opinions vary from the expectation that travel on rural roads will be dusty, to the expectation that properties with increased activity should mitigate the dust created by traffic to the site.

Recommendation: note the areas where agritourism uses are clustered or where larger agritourism uses are located and establish a dust palliative treatment program for roads in these areas with assistance being offered by the County

B. SIGNAGE.

Issue: Signage is limited by the Zoning Regulations in the 'A' District to accessory identification signs or signs advertising goods which are raised on the premises.

Recommendation: Additional signage should be permitted to advertise agritourism uses both on- and off-site. Various options were discussed, which included the possibility of using standard signage on the highways to identify exits from which agritourism activities can be accessed.

C. APPROVAL PROCESS.

Issue: Some agritourism uses are never pursued due to the time and process involved in getting approved.

Recommendation: Simplify the process for agritourism uses which would not be classified as 'high intensity'.

i. Create a tiered level of agritourism activities with different approval process for each. For instance: Low intensity agritourism activities – registration; Medium intensity agritourism activities -- site plan; High intensity activities – conditional use permit.
ii. Establish standards which would apply to uses which do not require a CUP, such as: attendance limited to that which can be accommodated with on-site parking (no on-street parking permitted), retail sales permitted up to a maximum area of a particular square footage and certain level of assembly without requiring a CUP or full compliance with Commercial Building Codes, (This may require an amendment to the Building Codes to facilitate the use of ag buildings for agritourism uses while requiring minimal inspections to ensure basic health, safety and welfare.)
iii. Establish a Special Event Permit for infrequent or temporary events. Identify events which could be approved administratively, and those which would require County Commission approval and note the time frame for approval; for instance 5 business days for administrative and 14 business days for County Commission permits. Establish standards for special events. Establish time limits for particular uses, with more flexibility provided for agritourism uses.

D. COMMUNITY-WIDE BENEFITS OF AGRITOURISM.

Issue: As illustrated in the economic impact section of this report, agritourism benefits not only the farm family involved in the activity, but the community as a whole. Increased spending within the county is one benefit; increased sustainability of family farms is another.

Recommendation: Promote Agritourism Activities in the County.

i. Install an 'Agritourism' link on the Douglas County web-site to provide information on the agritourism uses in the county (and links to their websites) as well as the process to establish new uses. This link can provide information for future agritourism activities as well as promote existing activities.
ii. Prepare brochures which clearly outline the process and requirements for different types of agritourism activities.

E. IMPLEMENTATION AND MONITORING OF RECOMMENDATIONS.

Issue: Many of the recommendations require knowledge of the existing agritourism uses.

Recommendation: Registration of Agritourism Uses. In order to qualify for the simplified approval process or other features, the use must be registered with the Douglas County Zoning and Codes Office as an Agritourism Use and with the State Chamber of Commerce. This registration will assist in the determination of dust palliative treatment program areas, the inclusion of the use on the County Website as well as the monitoring of the effectiveness of the measures adopted to encourage and foster agritourism. The State registration form should double for the County registration, if all necessary information is included on the state form.

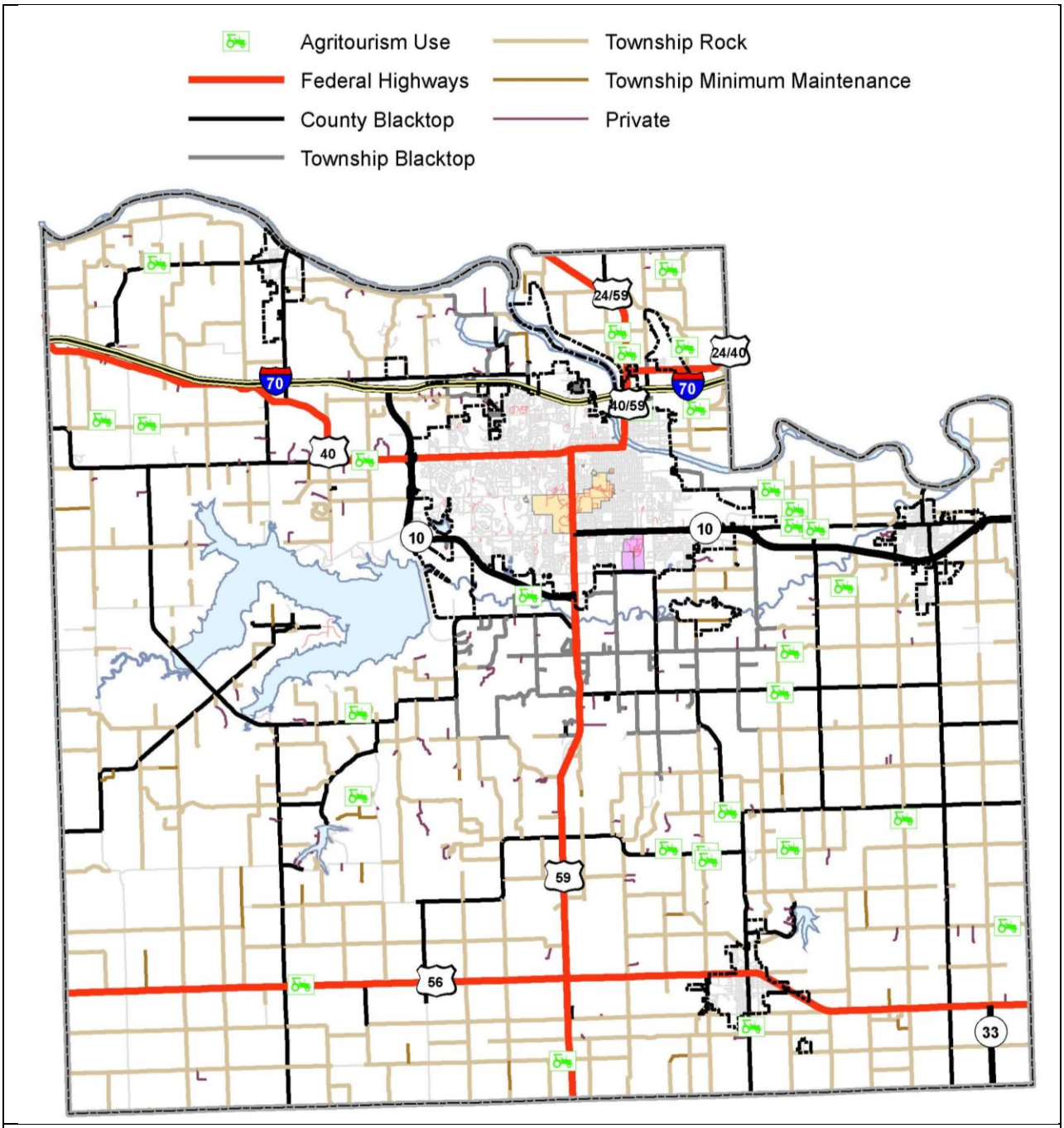


Figure 1. Location of Agritourism Activities in Douglas County

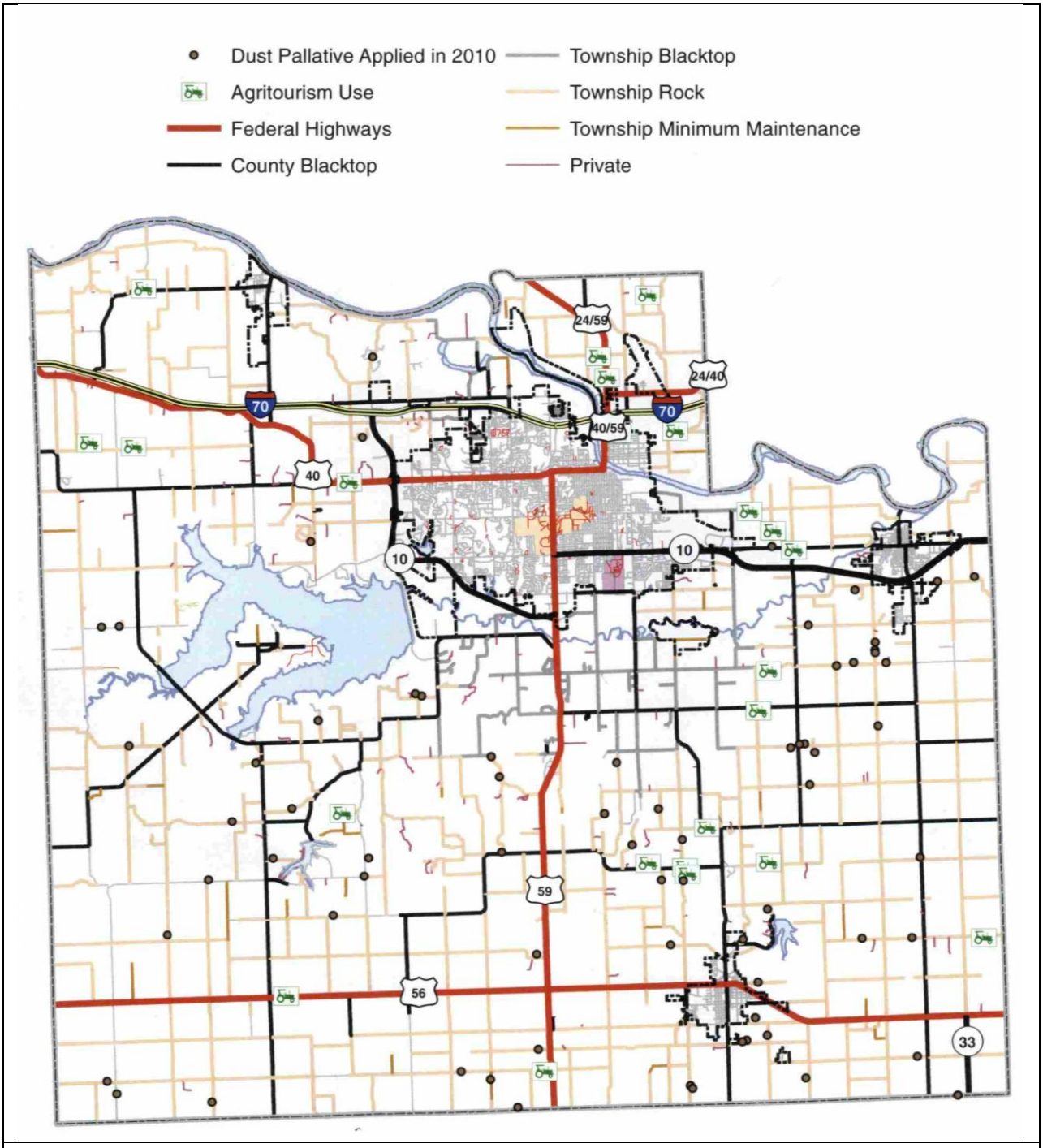


Figure 2. Areas where dust palliative was applied in 2010.