



Updated:

6/24/13 @ 11:45am

Added Communications for the following items:

Items 3A-3C Rezoning northwest corner of Queens Rd & Overland Dr

Item 3D - Preliminary Plat for Kellyn Addition; Queens Rd & Overland Dr

Item 5 - Text Amendment; Accessory Dwelling Unit

Item 6 - Text Amendment; Retail Market Study

6/18/13 @ 4:45pm

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
JUNE 24 & 26, 2013 6:30 - 10:30 PM**

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of May 20, 2013.

COMMITTEE REPORTS

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

COMMUNICATIONS

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

ELECTION OF OFFICERS FOR 2013-2014

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

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

REGULAR AGENDA (JUNE 24, 2013) MEETING PUBLIC HEARING ITEMS:

Recess LDCMPC

Convene Joint Meeting with Lecompton Planning Commission

**ITEM NO. 1 CONDITIONAL USE PERMIT FOR DOUGLAS COUNTY EMERGENCY
COMMUNICATION TOWER; 297 N 2100 RD (SLD)**

CUP-13-00156: Consider a Conditional Use Permit for a 300' guy tower for Douglas County Emergency Communication, located at 297 N 2100 Rd. Submitted by Selective Site Consultants, on behalf of Douglas county Emergency Communication Department for Freda Laduke, property owner of record. *Joint meeting with Lecompton Planning Commission.*

**Adjourn Joint Meeting
Reconvene LDCMPC**

ITEM NO. 2A PID TO IG; 46 ACRES; E 25TH ST & FRANKLIN PARK CIR (MKM)

Z-13-00145: Consider a request to rezone approximately 46 acres located south of the intersection of E 25th Street & Franklin Park Circle from PID (Planned Industrial Development) District to IG (General Industrial) District. Submitted by Bartlett & West, for Douglas County Board of Commissioners, property owner of record.

NON-PUBLIC HEARING ITEM:

ITEM NO. 2B PRELIMINARY PLAT FOR DOUGLAS COUNTY PUBLIC WORKS ADDITION; E 25TH ST & FRANKLIN PARK CIR (MKM)

PP-13-00144: Consider a Preliminary Plat for Douglas County Public Works Addition, a 1 lot subdivision of approximately 46 acres, located south of E 25th Street & Franklin Park Circle. Submitted by Bartlett & West, for Douglas County Board of Commissioners, property owner of record.

PUBLIC HEARING ITEMS:

ITEM NO. 3A UR TO RS7; 21.54 ACRES; QUEENS RD & OVERLAND DR (SLD)

Z-13-00149: Consider a request to rezone approximately 21.54 acres from UR (Urban Reserve) District to RS7 (Single-Dwelling Residential), located on the northwest corner of Queens Road & Overland Drive. Submitted by Highland Construction Inc., for Prairie Rose Holdings, LC, property owner of record.

ITEM NO. 3B UR TO RS5; 3.34 ACRES; QUEENS RD & OVERLAND DR (SLD)

Z-13-00165: Consider a request to rezone approximately 3.34 acres from UR (Urban Reserve) District to RS5 (Single-Dwelling Residential), located on the northwest corner of Queens Road & Overland Drive. Submitted by Highland Construction Inc., for Prairie Rose Holdings, LC, property owner of record.

ITEM NO. 3C UR TO RM12; 15.89 ACRES; QUEENS RD & OVERLAND DR (SLD)

Z-13-00166: Consider a request to rezone approximately 15.89 acres from UR (Urban Reserve) District to RM12 (Multi-Dwelling Residential), located on the northwest corner of Queens Road & Overland Drive. Submitted by Highland Construction Inc., for Prairie Rose Holdings, LC, property owner of record.

NON-PUBLIC HEARING ITEM:

ITEM NO. 3D PRELIMINARY PLAT FOR KELLYN ADDITION; QUEENS RD & OVERLAND DR (SLD)

PP-13-00148: Consider a Preliminary Plat for Kellyn Addition, an 87 lot residential subdivision containing 40.76 acres. Lots include 15.89 acres for multi-dwelling, RM12 zoning, and 21.54 acres of proposed RS7, and 3.34 acres of proposed RS5 located on the northwest corner of Queens Road and Overland Drive. Submitted by Highland Construction Inc., for Prairie Rose Holdings LC, property owner of record.

PUBLIC HEARING ITEM:

****DEFERRED****

~~**ITEM NO. 4 — TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; LIGHTING STANDARDS (MKM)**~~

~~**TA-12-00204:** Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, to establish lighting standards and requirements as an alternative to the photometric plan. *Initiated by City Commission on 8/21/12.*~~

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Recess until 6:30pm on June 26, 2013

BEGIN PUBLIC HEARING (JUNE 26, 2013):

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 (JUNE 26, 2013) MEETING PUBLIC HEARING ITEMS:

ITEM NO. 5 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; ACCESSORY DWELLING UNIT (MJL)

TA-13-00106: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Articles 4 and 5, to permit the Accessory Dwelling Unit use as an accessory use in the RS5 (Single-Dwelling Residential) District.

ITEM NO. 6 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; RETAIL MARKET STUDY (AAM)

TA-12-00205: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Article 11, to modify the requirements for a Retail Market Study. *Initiated by City Commission on 8/21/12.*

ITEM NO. 7 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARKING & ACCESS STANDARDS (SMS)

TA-6-14-09/TA-13-00235: Receive proposed Text Amendments to the City of Lawrence Land Development Code, Article 9 and related sections of Chapter 20, for comprehensive revisions to parking and access standard. *(Staff will introduce proposed revisions and Commission will receive public comment. Action will not be taken at this meeting.)*

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 MPO POLICY BOARD MEMBER

Nominate and approve one City Appointed Planning Commissioner to the MPO Policy Board.

ADJOURN

CALENDAR

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

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

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

PCCM Meeting:

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

Sign up to receive the Planning Commission agenda or weekly Planning Submittals via email:

<http://www.lawrenceks.org/subscriptions>



PLANNING COMMISSION MEETING

May 20, 2013

Meeting Minutes DRAFT

May 20, 2013 – 6:30 p.m.

Commissioners present: Blaser, Britton, Burger, Culver, Graham, Hird, Josserand, Lamer, Liese, von Achen

Staff present: McCullough, Stogsdill, Day, Larkin, Leininger, A. Miller, M. Miller, Bond, Cronin, Ewert

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of April 22, 2013.

Motioned by Commissioner Britton, seconded by Commissioner Hird, to approve the April 22, 2013 Planning Commission minutes.

Unanimously approved 10-0.

COMMITTEE REPORTS

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

Commissioner Liese said the Metropolitan Planning Organization (MPO) met. He encouraged everyone to visit the website and check out the interactive cycling map. He said the MPO also received the five county regional transportation study.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Britton had a discussion with County Commissioner Mike Gaughan about the Big Springs Quarry process.

Commissioner Josserand spoke with Mr. David Geyer, Ms. Jane Bateman, and City Commissioner Terry Riordan regarding Menards.

Commissioner Liese said he received an email from Mr. Kirk McClure regarding how to best collect data.

- Abstentions:
Commissioner Graham said she would abstain from Items 4-5 because her current employer has a national account with Menards.

PC Minutes 5/20/13 **DRAFT**

ITEM NO. 1 VARIANCE REQUEST; 1321 WAKARUSA DR (SLD)

MS-13-00114: Minor Subdivision for University Corporate and Research Park Subdivision No. 3 request for variance from 20-808 (c)(2) (i) and section 20-601(b) requiring a 200' minimum width and section 20-810 (e)(5) requiring a minimum 150' of right-of-way along Wakarusa Drive.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the variance from 20-808 (c)(2) (i) and section 20-601(b) requiring a 200' minimum width and section 20-810 (e)(5) requiring a minimum 150' of right-of-way along Wakarusa Drive.

Unanimously approved 10-0.

PC Minutes 5/20/13 **DRAFT**

ITEM NO. 2 REMINDER - JOINT HRC/PC MEETING 6/20/13 @ 6:30pm

Continue discussion and develop recommendations regarding Downtown Redevelopment Memo
(January 2013 PC agenda - Item No. 6)

Commissioner Liese reminded the Planning Commission about a joint meeting with Historic Resources Commission on June 20, 2013 at 6:30pm.

PC Minutes 5/20/13 **DRAFT**

ITEM NO. 3 2012 RETAIL MARKET STUDY (AAM)

Receive Presentation on 2012 Retail Market Study.

STAFF PRESENTATION

Ms. Amy Miller presented the item.

NO ACTION TAKEN

PC Minutes 5/20/13 **DRAFT**

ITEM NO. 4 HORIZON 2020 CHAPTER 6 AND REVISED SOUTHERN DEVELOPMENT PLAN (MJL)

CPA-13-00067: Consider Comprehensive Plan Amendment, CPA-13-00067, to Horizon 2020 Chapter 6 Commercial Land Use and Chapter 14 Specific Plans, Revised Southern Development Plan, to expand the S. Iowa Street commercial corridor east along W. 31st Street to include 1900 W 31st Street and identify the area as a Regional Commercial Center. Submitted by Menard, Inc. *Deferred by Planning Commission on 4/22/13.*

Authorize the chair of the Planning Commission to sign PCR-13-00192 regarding CPA-13-00067, if appropriate.

ITEM NO. 5 RM12 TO CR; 41.5 ACRES; 1900 W 31ST ST (SLD)

Z-13-00071: Consider a request to rezone approximately 41.5 acres from RM12 (Multi-Dwelling Residential) to CR (Regional Commercial), located at 1900 W 31st Street. Submitted by Menard, Inc., for Mid-American Manufactured Housing, Inc., property owner of record. *Deferred by Planning Commission on 4/22/13.*

STAFF PRESENTATION

Ms. Amy Miller provided an update on the retail market study section of the Comprehensive Plan report.

Ms. Michelle Leininger presented item 4.

Ms. Sandra Day presented item 5.

Mr. Dave Cronin, City Engineer, displayed SLT improvements on the overhead.

APPLICANT PRESENTATION

Mr. Tyler Edwards, Real Estate Representative for Menard Inc., said they were willing to take the suggested staff recommendation of conditional zoning. He displayed the concept plan on the overhead. He did not feel the buffer needed to be 200' and would prefer to see a 100-200' buffer instead. He said Menards would accommodate the new trail, all the new stormwater, and relocate the sewer pipe. He said Menards still needed the ability to have some sort of out lots on the property. He said they were negotiating with the adjacent Snodgrass property, which would allow for second point to the retail development. He said Menards does not do land leases for out lots so it would provide security of a tenant.

PUBLIC HEARING

Mr. Zak Bolick expressed continued support for the Comprehensive Plan Amendment and rezoning. He stated he had reviewed the Keller and Associate studies regarding multi-family uses. He stated that the multi-dwelling use was declining and had high vacancy. He estimated a 7 year inventory of multi-dwelling uses and stated that commercial development was in demand.

Mr. Tim Bateman was in favor of the rezoning for Menards to increase the tax base. He did not believe the retail market was over built. He stated multi-family was overbuilt. Development could not creep east because of the floodplain and that the use posed less risk of noise because it would follow business hours.

Ms. Cille King, League of Women Voters, asked for denial. She said the rezoning would be contrary to the Comprehensive Plan and have detrimental impacts to the north and east. She said the CR district was too inclusive and inappropriate for this location. She said only a portion would be used for Menards and the remainder would be speculative development. She felt it would be better to limit the area to only the amount needed for Menards which would allow for more buffering. She stated that other locations were available. She said if the project moved forward the area should be reduced to only accommodate Menards, a natural buffer should be created to the north and east, create a Planned Development overlay with conditional zoning, and encourage the applicant to seek another less inclusive site. Ms. King read into the record the letter provided in the packet from the League of Women Voters.

Mr. Bruce Livingston felt the tax base should be expanded. He stated the proposed property already had infrastructure in place.

Mr. Kirk McClure, Old West Lawrence Neighborhood Association, expressed opposition to the CPA and rezoning. He discussed market analysis, the mythical benefits alleged, and the integrity of planning. He felt retail was overbuilt and that supply had been growing more than demand. He said there would be no jobs, sales tax, and property taxes from this project. He said all those figures were a function of the amount of population in the community and that adding more stores would not create more people to purchase. He said retail jobs would continue on a slow downward path and that adding big box stores would accelerate that pace of decline. He said property taxes would only have a momentary bump and that adding more buildings would not add more value, it just reduces the value by square foot. He expressed concern about the integrity of the planning process. He felt the benefits should be so great to make exceptions. He said this was predatory competition and it was not wanted.

Mr. Ted Boyle, North Lawrence Improvement Association, urged Planning Commission to approve the rezoning. He said the Topeka Mendards received customer pull from other counties.

Mr. Gary Rexroad supported the request from Menards. He said the SLT plans would divert traffic away and that development to the east down 31st Street had natural limitations. He felt the material changes should allow a revision to the Comprehensive Plan to support the request. He believed a Menards in town would bring outside dollars. He said the neighbors were not concerned about the project. He felt Planning Commission should consider this opportunity for Menards.

Mr. Mark Stinger, representative for The Connection apartment complex, supported the project.

COMMISSION DISCUSSION

Commissioner Josserand said he would like more information regarding transportation issues. He asked staff to briefly describe the term 'level of service' within transportation studies.

Mr. Cronin said the level of service was used to rate certain intersections, on a scale from A to F. He said traditionally it was based on delay and that longer than 80 seconds for the average vehicle to travel the intersection was an F.

Commissioner Josserand inquired about the level of service for the intersection of 31st and Iowa.

Mr. Cronin said the existing condition at 31st and Iowa was a D level of service. He said the level of service represented the peak hour. He said the existing condition with the proposed development was an E level of service. He stated the future 2030 level of service was an F. He said many

intersections in Lawrence operate with an F during the peak hour. He said 31st and Iowa had been improved and could handle the additional traffic brought on by the development.

Commissioner Josserand said Mr. McClure referred to public investments associated with the rezoning of the Home Depot area.

Mr. Cronin said when development like that occurs there are improvements made to the public transportation network. He said the impact of the SLT traffic was unknown.

Commissioner Josserand said 31st Street would go all the way to O'Connell and was a direct attachment to a commercial area from a fairly significant residential base.

Mr. Cronin said as growth continued it would generate more trips.

Commissioner Josserand said the transportation study recommended a number of acceleration/deceleration lanes for the Menards proposal.

Mr. Cronin said the initial traffic impact study showed an access point where the existing entrance was for the former trailer park area. He said turning lanes were recommended in lieu of a signal. He said the revised plan showed an access point east of that and would most likely be a signalized intersection which would include turn lanes. He said some things would have to be determined in the future.

Commissioner Josserand asked if the City or the applicant would pay for those investments.

Ms. Day said those would be evaluated as part of the subdivision plat process and site planning. She said many times there were conditions on subdivisions that have an agreement not to protest the formation of a benefit district. She stated that would give the City the opportunity that when various warrants were met for the need of a signal the property owner could participate in that improvement. She said it was something that was still being evaluated as more details about the specific development became known.

Commissioner Josserand asked if those types of agreements would occur subsequent to Planning Commission approval.

Ms. Day said yes.

Mr. McCullough said that was correct. He said if the demand was created by that particular user and the warrant was triggered there were policies that require the developer to pay for those improvements.

Commissioner von Achen asked Mr. McClure about his earlier statement that there would be no new jobs created.

Mr. McClure said the number of retail jobs in any market was a function of the amount of spending, not the number of stores or the square footage of stores. He said the total number of retail numbers would remain the same because it was a function of spending, not the number of stores. He said in all likelihood jobs would be taken away from other vendors.

Commissioner Burger asked Mr. McClure if the numbers of demand versus supply included the nearly one million square footage of improved but not developed retail developments, such as Mercato and Fairfield Farms.

Mr. McClure said no they do not, only inventory of space built taken from the tax assessors numbers, which was only bricks and mortar in the ground. He said the planning process was out of control in Lawrence.

Commissioner Britton said assuming it was true Douglas County dollars were going to Topeka and Olathe, he wondered if it was just as likely jobs would be taken away from Topeka and Olathe, which would add jobs and sales tax revenue to Lawrence.

Mr. McClure said home improvement was not a draw from other communities.

Commissioner Britton said there was discussion about Lawrence residents driving to other communities and he wondered if a store in Lawrence would keep them from driving to other stores.

Mr. McClure said Lawrence could really only support one home improvement center.

Commissioner von Achen asked staff about the numbers in the retail market study and how reliable they were as a predictor of vacancy.

Mr. McCullough said the retail market study was not trying to predict vacancy, it was just saying it was the assumption all the properties were constructed and vacant. He stated that would be the vacancy if all of that was built and vacant. He said that basis for looking at it that way came at a time in the economy when a lot of spec commercial building was being constructed and since the recession there has been little to no spec building of commercial property.

Commissioner von Achen asked why vacancy was assumed when a building opened.

Mr. McCullough said there was the concept of predatory building to take away from other like retail.

Commissioner von Achen asked it was the Planning Commission's responsibility to look at the market studies or just the land use.

Mr. McCullough said they were looking at both for their review.

Commissioner Hird asked if the concept of predatory retail was experienced in Topeka with three home improvement stores in close proximity.

Mr. McCullough said he did not have data to speak to that.

Mr. Edwards said the Menards in Topeka was doing great and that Home Depot and Lowe's were also doing fine.

Commissioner Britton asked Mr. Edwards about a list he provided about cities that had another home improvement store within a close proximity. He asked if there had been enough time to know if they could coexist.

Mr. Edwards said in the last five years Menards had opened 30-40 new stores and made it through the economic hard times.

Commissioner Lamer asked if Menards strategy was to try and collocate next to other home improvement stores.

Mr. Edwards said it wasn't necessarily a strategy but that it happens often because larger commercial areas have more tracts by it. He said Menards does not have a problem with it because it brings more of a synergy of home improvement users. He said it was similar to car dealerships locating in the same area.

Commissioner Lamer asked if that decision was what drove the site selection process for this location.

Mr. Edwards said no. He said the decision to locate at this site was the overall South Iowa retail market.

Commissioner Lamer said what they had heard was that there was a huge pull factor for Menards and citizens who leave Lawrence to go to Topeka and Kansas City to shop. He stated the applicant said this was the only site that worked but yet people are driving 20-30 minutes to go shop at a Menards. He said it didn't seem to fit in his mind that people were not willing to drive across town to places that were already appropriately zoned. He said he had a problem with why the Comprehensive Plan should be changed.

Commissioner Liese said he had not heard any business owners comment about the Menards location. He said as a business owner himself he really relies on stores like Menards and frequently has to shop outside of Lawrence to find what he needs. He said he felt bullied by Menards that they won't locate anywhere else. He said he would like to see Menards moved to a place that was zoned for it and in the Comprehensive Plan.

Commissioner Burger said there were certain things about the application that were exciting and creative. She said her hesitancy increased as testimony was shared. She wondered if the Douglas county tags that are seen in the Topeka Menards parking lot are perhaps people who work there too and are already there. She said Menards had a significant pull factor with a loyal commerce base. She said she was sympathetic to Menards and its supporters. She said regarding the predatory nature, in the past few years Planning Commission approved infill in the parking lot at Walmart on Iowa. She said it did not create a new business, it just relocated a business from 23rd Street to Iowa, leaving an opening on 23rd Street. She did not think Menards was out to do anything other than operate a good business and create a loyal customer base but that predatory argument had additional validity because Menards said it was not financially viable for them to occupy this site without having the opportunity to sell parcels to other commercial investments. She did not want to see open spots on 23rd Street. She said she had many hesitations and was concerned that Menards was not able to do the project without selling out lots.

Commissioner Blaser said auto dealers locate in the same area because it attracts people who want to shop for cars. He thought that healthy competition was the real reason Menards wanted to locate there.

Commissioner Lamer said competition was great but Home Depot was not allowed to build a full service store when it was developed and Menards would be able to build a full service store if approved.

Commissioner Hird said the difference was that Home Depot was subsidized. He said an important factor was that neither Lowe's or Menards wanted to go out to 6th & K-10. He said public testimony had demonstrated that the request was generally viewed as acceptable if certain conditions were placed on the request. He said the comments had been overwhelmingly in support of the project. He said in past years infill development had been preferred over urban sprawl and this was an example of a blighted property that could be turned into something better than more apartments. He thought it was very important to consider the neighbors support of this. He said Planning Commission has been ultra sensitive to people who are opposed to projects so perhaps the same sensitivity should be given to people in support of it. He thought it was a unique piece of property with the floodplain as a natural barrier and changes in the road configuration with the construction of the SLT. He felt any of those reasons could justify approving this. He said he visited a Menards for the first time recently and found it to be different than Home Depot. He said it would compete with home improvement stores but that there were some differences in the stores. He said the property was currently zoned for apartments and that nobody had come up with a better idea. He thought Menards looked like a reasonable alternative and he hoped the concerns about predatory retail do not come true. He said Menards had been known for its adamantly conservative politics but that he was not considering that as a factor. He thought he could support the project because of the support from the residents in the area and also that it seemed to be the best alternative. He said it would be convenient for Menards to locate to 6th & K-10 but that they need to be realistic.

Commissioner Josserand said he was pleased to hear comments from other Commissioners about too many multi-family structures. He said he was struggling with this project. He said he did not care who the ultimate tenant was but he was trying to figure out how much commercial zoning was needed and how to plan for it. He felt they needed to be aware of what those decisions do to community. He said he did not know what the appropriate amount of vacancy was. He said he liked what the applicant had done and he did not care if it was Menards or Walt Disney World. He said he had heard the neighborhood was enthusiastic about the project but he was not sure that was true. He said his conversations with members of the neighborhood included discussions of angst about Louisiana Street and the nature of more retail development in the area. He expressed concern about transportation and the construction of too many home improvement stores.

Commissioner Culver thanked staff for taking the time to look at suggestions from last month and providing opportunities to see if it could be a good fit. He thanked the applicant as well. He felt guiding policies were in place for a good reason to help planning for the future but that it was a balance between current opportunities for the community and long range planning. He felt this was a unique opportunity as a community to have an area that could be developed in a way that had been adapted to mitigate some of the concerns originally proposed. He said builders and contractors travel outside of the community for construction materials which means those dollars are leaving the community. He agreed with Commissioner Josserand that there was not overwhelming support from the neighborhood but that they saw this as an opportunity to get what could fit for the area in a good way. He said there was predictability in the project with hours of operation and a natural transition from commercial to residential that would prevent future strip development heading east. He said it was not known how the SLT would impact traffic. He said Menards knows their business and customers very well and they cannot force an applicant to locate somewhere they do not want to locate because they may miss out on opportunities. He said he would support the revision to the Southern Development Plan and would be disappointed if they could not accommodate a situation in which a new partnership could be created with the business community.

Commissioner von Achen asked staff about the out lots and if Planning Commission would have any discretionary power over when the out lots would be sold.

Mr. McCullough said it would be up to the applicant. He said the lots would be sold and site planned administratively and that there would likely be private covenants.

Commissioner Blaser said since the Comprehensive Plan was created the economy had changed. He felt the Comprehensive Plan needed to be looked at and changed. He said the neighborhood would benefit from improvements to flooding issues and something other than apartments. He said he did not like the term strip out. He said the Walmart on 6th Street had out lots that were approved but not built yet. He believed if they turned down this project it would send the message Lawrence does not want new business.

Commissioner Britton said staff did a good job with the staff report and he appreciated being given some compromised options. He said he was not sure how he would vote. He said it was hard to pinpoint one single change in circumstance that would justify a change in the Comprehensive Plan. He said if they were drafting that portion of the Comprehensive Plan now they probably would put commercial at that location. He said there was also concern in the community about there being too many apartments. He said Mercato was not quite ready to support big boxes in general. He felt this was a good example of infill development. He did not feel this was entirely inconsistent with the node at 31st and Iowa. He said he was not really concerned about the impact on vacancy rates with Menards. He felt they would probably retain more money in town with a Menards and pull other dollars in from outside of Lawrence. He said a lot of the concerns should be discussed at the City Commission level. He said he was leaning toward supporting the proposal presented by staff.

Commissioner von Achen said this was a difficult decision for her because she could see both sides. She said as a consumer she might want Menard's but as a Planning Commission she had to consider other things. She said the retail report concerned her. She shared the same concerns of big box stores that Commissioner Josserand expressed. She said it seemed like every time a project comes forward that's counter to Horizon 2020 it was always marketed as unique and they have to make an exception. She said the alternative was more apartments and she felt Lawrence already had too many. She said there seemed to be a lot of community support which was hard to ignore. She was concerned about stripping out 31st Street but that the floodplain would prevent that. She liked the fact that this project was infill. She said she would reluctantly support the change. She said in terms of the out lots she favored reducing sprawl but that there was already a lot of retail development in the community.

Commissioner Liese thanked staff for their work. He said the public had done a great job of expressing their opinion. He said Menards had put a lot of time and resources into preparing this proposal. He expressed concern about the notion that Lawrence was difficult to develop and he did not like that perception. He felt Menards would provide inventory and options Lawrence wouldn't otherwise have. He clarified his earlier comment and said he did not think Menards was a bully but that he felt bullied because he did not like ultimatums. He said this felt like good planning but he was not yet convinced the jobs and money would not be here. He stated competition was good for business. He said he would vote in favor of the Comprehensive Plan Amendment and rezoning.

Commissioner Blaser inquired about conditional zoning.

Mr. McCullough said the use restriction would come with the zoning. He stated Option 3c included the land use map that would show a 200' buffer in the plan itself. He said staff would take the Planning Commission direction on the 200' buffer to also add as a zoning condition as well. He said it would be implemented through the planning document and conditioned upon zoning.

ACTION TAKEN on Item 4

Motioned by Commissioner Blaser, seconded by Commissioner Hird, to approve Comprehensive Plan Amendment, CPA-13-00067, to expand the South Iowa Street commercial corridor east along W. 31st Street, to include 1900 W. 31st Street and the southwest corner of the property to the east (Snodgrass property) up to but not including the floodplain and floodway (Future Land Use Map Option 1).

Commissioner Hird said regarding public support, this project may not rise to the level of flag waving but it was refreshing to see neighbors not vocally opposed.

Motion carried 6-3-1, with Commissioners Burger, Josserand, and Lamer voting in opposition. Commissioner Graham abstained.

Motioned by Commissioner Blaser, seconded by Commissioner Hird, to authorize the Planning Commission Chair to sign Planning Commission Resolution, PCR-13-00192

Motion carried 9-0-1, with Commissioner Graham abstaining.

ACTION TAKEN on Item 5

Motioned by Commissioner Blaser, seconded by Commissioner Hird, to approve rezoning, Z-13-00071, approximately 32.75 acres from RM12 (Multi-Dwelling Residential) to CR (Regional Commercial), located at 1900 W. 31st Street, with Option 3c conditions:

1. Condition CR to include 200' buffer along north property line, permitting a reduction in the size of out lots on the Menards site, and designate the adjacent property to the east for future commercial development in the Revised Southern Development Plan.
2. Restrict uses to ensure compatibility. Per attachments:
 - a. Animal Services; Livestock Sales.
 - b. Eating and Drinking Establishments; Bar or Lounge.
 - c. Vehicle Sales and Service; Truck Stop, Heavy Equipment Repair, Inoperable Vehicles Storage;
 - d. Industrial Facilities, Laundry Service.

Commissioner Burger asked how many acres were allowed for out lots.

Mr. McCullough said generally speaking, five to six acres.

Ms. Day said that was a basic estimate.

Commissioner Burger asked what defined how many acres the applicant could sell.

Mr. McCullough said it was a product of platting and what on site circulation would be needed, what stormwater improvements would be needed, and how much parking would be needed. He said Planning Commission would see the Preliminary Plat which would show details such as how many lots and the location.

Motion carried 6-3-1, with Commissioners Burger, Josserand, and Lamer voting on opposition. Commissioner Graham abstained.

PC Minutes 5/20/13 DRAFT

ITEM NO. 6 AMENDED CONDITIONAL USE PERMIT FOR BIG SPRINGS QUARRY; 2 N 1700 RD (MKM)

CUP-13-00126: Consider an amended Conditional Use Permit for a revised phasing schedule for Big Springs Quarry, located at 2 N 1700 Rd. Submitted by Mid-States Ventures, LLC, for Bonnie M. Nichols, Trustee, and Mid-States Materials, LLC, property owners of record. *Big Springs Quarry was approved with Conditional Use Permit CUP-7-2-90.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. John Hutton, attorney representing Mid-States Materials, thanked staff for their assistance during this process. He said the quarry was purchased by his client in 2006 and the phasing was developed by the previous owner, Martin Marietta, in 1990. He said it has taken a while for his client to get his hands and mind around what the project actually entails in terms of the way it should ultimately be developed. He said one of the requirements his client had to follow under the Conditional Use Permit was to provide a reclamation plan for each phase. He said his client came up with the idea that he may want to move from phase III into phase VI for a variety of reasons, knowing there was not any specific restriction within the Conditional Use Permit. He said Planning staff recommended that the phasing revision be taken before the Board of County Commissioners to make them aware of it. He said the County Commission decided to send it to Planning Commission for review. He said his client was not proposing any type of change to the quarry that would affect any of the neighbors. He said they were not talking about changing setbacks, haul routes, hours of operation, or quarrying in any area that was not eligible to be quarried. He said the only issue was the order of how the project was moved through. He said this was private property governed by a Conditional Use Permit. He said his client felt he could find and utilize very specific efficiencies in terms of the amount of property that would be opened in Douglas County and in Shawnee County at the same time.

Mr. Eric Bettis, Mid-States Materials, was present for operational questions. He said when they open a new phase they have to strip dirt so he would like to be stripping on the west half and crushing on the east half to create synergy in the operations by quarrying it in this manner.

Mr. Hutton said if mining in Douglas County during phase VI and not mining in Shawnee County at the same time then they would have to cross additional roads to get the material to the crushing plant. He said Mr. Dave Buffo had made a request for extensions of the buffer in phase IV. He asked Planning Commission not to take any action on that request at this time because there was no reason to change the buffers that were established.

PUBLIC HEARING

Mr. Dave Buffo, attorney representing Lone Oak LLC, said the phasing had reason and purpose. He said Lone Oak had a residence about 300' on the far western edge of phase IV. He said the current blasting setback and mining setback were at 150'. He said part of the concern was that the blasting had the potential to throw rocks. He said there was also concern about the setbacks to the north in terms of how close the quarry was to ground water wells. He said approval of the Conditional Use Permit and phasing discussed in 1990 had distinct intent and meaning, which gave property owners a bit of certainty.

Mr. Bart Christian, Lone Oak LLC, said after doing his due diligence he bought the property in 2003, knowing there was certainty with the sequence of phasing. He said skipping around on phases had a

negative effect and set a precedent. He expressed concern about his property value if the quarry phasing was changed. He said his residence only had 150' setback from the quarry and his front yard had 0' setback. He also expressed concern about damage to the wells.

Ms. Patty O'Conner asked that the quarry not be granted a change in phasing order.

Mr. Bill and Michelle Best asked that the Conditional Use Permit stay as it was originally written, to be completed in sequential order phasing.

APPLICANT CLOSING COMMENTS

Mr. Hutton said this was not the time or place to talk about setbacks because it was ancillary to the phasing. He stated Lone Oak purchased their property long after the quarry was in existence. He said currently the Lone Oak property was for sale and they were asking \$2.3 million dollars for 308 acres. He said the listing agent marketed other properties with quarries as being profitable, so for Lone Oak to say the agent would not be able to sale their property was contradictory. He said the reason the Lone Oak property was not selling was due to it being priced out of the market. He said the quarry had nothing to do with the marketability of Lone Oak. He said the quarry was a commercial venture.

Commissioner Britton asked how the public would get a copy of the original proposal.

Ms. Miller said it was done in 1990 and was recently scanned so there was an electronic version that could be emailed to anyone who requested it.

Commissioner Lamer asked Mr. Hutton if the performance bonds were in place for the property.

Mr. Hutton said yes.

Commissioner Lamer asked if they followed the track of additional performance bonds in the amount of \$400,000 for each 10 acres that were opened up.

Mr. Hutton said yes.

Commissioner Lamer said in the initial Conditional Use Permit there was a layout of how the performance bonds operate in this project and the performance bonds were taken down once the site was remediated. He said the phasing was laid out in the performance bond section.

Commissioner Britton asked if Mr. Hutton was taking the position that the Conditional Use Permit did not need to be amended. He asked how the phasing and the sequencing of mining the areas was not a requirement under the Conditional Use Permit.

Mr. Hutton said the language talked about phasing but did not specify it had to be mined in a specific order.

Commissioner Britton said County Commissioner Mike Gaughan had mentioned to him a possible change in terminology from tracts to phases that may have caused some confusion with the intention.

Mr. Hutton said the term tract was used as well as phase. He said any change would have been made years before his client stepped foot on the property.

Commissioner Blaser inquired about the distance into Shawnee County. He wondered why Big Springs couldn't mine phase VI and use the bridge.

Mr. Hutton said it was not impossible but not the most efficient way to do it.

Mr. Bettis said he intended to use the bridge when they mine in phase VI. He said they want to be able to occupy both tracts, one in Shawnee County and one in Douglas County.

Commissioner Blaser said if they were only mining phase VI the bridge would not be that far.

Mr. Bettis said they would be mining in both.

Commissioner von Achen said Mr. Christian's comments were related to Big Springs hurrying up and getting phase IV over with.

Mr. Christian said he wanted the Conditional Use Permit to be followed in phasing sequence for certainty and to be over as soon as possible.

Commissioner von Achen said Ms. Michelle Best's comment was regarding phase VI coming too soon.

Ms. Best said when she purchased her property two years ago she thought she had years before phase VI would be mined. She said the time would allow them to research how the blasting would affect the natural springs which feed the pond for her livestock.

Commissioner von Achen asked Ms. O'Conner about her specific concern.

Ms. O'Conner said she wanted Big Springs away from her property as soon as possible.

Commissioner Liese asked Mr. Hutton to respond to the letter that Mr. and Ms. Best wrote expressing concern about why the quarry wanted to move ahead to phase VI.

Ms. Best said Big Springs would have to build haul roads for whatever phase they were in so it did not make sense to her. She said during her tour of the quarry she could not get a clear answer about why Big Springs wanted to skip ahead to phase VI.

Mr. Hutton said Mr. Cole Anderson could not answer Ms. Best's questions when she visited the quarry because he was the safety and environmental manager. He said mining phase VI would provide operational efficiencies.

Mr. Bettis said he intended to gain efficiencies by being able to occupy the tract of property in Shawnee County and Douglas County at the same time, stripping in one and producing out of the other.

Commissioner Liese asked if the properties being adjacent would help.

Mr. Bettis said that was correct.

Mr. Buffo said he did not disagree about efficiencies being recognized but felt those same efficiencies could be recognized after quarrying phase VI, V, and then going to phase VI. He said the Conditional Use Permit in Douglas County expires in 2020 and Big Springs got an extension in Shawnee County

for 30 more years until 2050, so he thought part of it was that they could be in Shawnee County longer than Douglas County.

Commissioner Graham asked if the applicant owned other adjacent property in Shawnee County.

Mr. Hutton pointed on the overhead to other properties they own.

Commissioner Britton asked the applicant to respond to Mr. Buffo's comments about achieving the same efficiencies later if following the sequence.

Mr. Hutton said not if they were going to incorporate the Shawnee County tract into the equation. He said the only way to gain the efficiency in phase VI was to do it at the same time.

Commissioner Britton asked why Big Springs could not wait until they were done with phase IV and V to move on to phase VI with the adjacent Shawnee County tract at the same time.

Mr. Hutton said because they had property in Shawnee County that they had plans to mine. He said there were no rules about when they quarry in Shawnee County.

Commissioner Josserand wondered if this was really a legal dispute and whether this was the appropriate forum. He asked Mr. Christian what his intention was when he acquired his property in 2003.

Mr. Christian said he wanted it to increase in value and be able to resale at some point. He said he resides at the property and also uses the property for hunting.

COMMISSION DISCUSSION

Commissioner Burger asked if there was anything that indicates why the phasing was designed the way it was originally.

Ms. Miller said no, it was just the way Martin Marietta set up how they planned to quarry it. She said she did not think there was any reason why it had to be done that way but once it was established it was what people started to count on.

Mr. McCullough said phasing plans were common with quarries. He said it was reasonable to discuss the topic as if it was the original request.

Commissioner Lamer said the performance bond for reclamation had clear language stating no more than 10 acres shall be opened, mined, and extracted in a subsequent phase until reclamation was complete on the previous phase. He said the lack of a phasing argument did not have traction in his mind. He said the setbacks of 100' for mining and 150' for blasting along the east side of phase IV did not make sense. He thought the phasing was valid and wouldn't have been included in the document if it wasn't important.

Commissioner Culver said his understanding was that big quarries could take decades to develop so part of the phasing may not be sequential but might be so parts were reclaimed in a shorter period of time versus having the whole thing mined and then reclaimed at the end. He asked the applicant to respond.

Mr. Hutton said the divisions were important for exactly that reason. He said the question was not whether or not phases were necessary or appropriate for the project but rather which order to move

in. He said they were not proposing that Big Springs be allowed to open up two or three phases at the same time and then reclaim randomly.

Commissioner Hird asked if the setbacks were considered by the County Commission in 2009 when the consent decree was entered.

Ms. Miller said there was general discussion about the setbacks. She said the setbacks were not out of compliance and the County Commission was not looking to establish new conditions at that time.

Commissioner Hird asked if the County Commission was made aware of what the setbacks were.

Ms. Miller said yes.

Commissioner Hird said when a property owner purchase property next to a quarry they know there will be mining and issues with wells. He said property owners bought land with the assumption that phasing would stall it for a certain number of years but what the quarry was asking to do was entirely legal. He said the Conditional Use Permit spelled out the phases which was a compelling argument. He said the question was a balance between the gain to the applicant versus the harm to the neighbors. He said it appeared to be an issue of timing of the inevitable. He appreciated the arguments and concerns but felt this was a difficult issue that should be handled by the County Commission. He had empathy for the applicant wanting to conduct their lawful business on land they own and were authorized to quarry. He had some sympathy for the land owners but said they purchased land knowing there was a quarry there. He said he was convinced the phasing did mean something when it was originally set up. He said Conditional Use Permits were subject to amendments.

Commissioner Liese asked staff to respond to the comment that Conditional Use Permits were subject to change.

Mr. McCullough said it went both ways; a quarry owner was responsible for doing due diligence in knowing what phasing process they were purchasing. He said all parties have a responsibility for due diligence. He said there was potential for change on both sides and requests could be made. He said there were opportunities for both parties when purchasing a set of conditions at the time, which were always subject to change.

ACTION TAKEN

Motioned by Commissioner Josserand, seconded by Commissioner Blaser, to approve the revised phasing schedule to allow Mid-States Materials to quarry phase VI following phase III then move on to phases VI and V, which was the original staff recommendation to the County Commission.

Commissioner von Achen said there were good arguments on both sides but that there needed to be a sense of predictability to lay persons. She said she would vote against the motion.

Commissioner Britton said he agreed with Commissioner von Achen and felt it was reasonable to rely on the Conditional Use Permit. He agreed with Commissioner Hird that it was hard to see what the actual complaint was when everything that would happen out there would happen at some point or another. He said there were established expectations on both sides with regard to the order and setbacks. He said he would oppose the motion.

Commissioner Burger asked how close the Best property was to phase VI.

Ms. Best said it was right next to phase VI.

Commissioner Burger asked if any structures were within a 1/2 mile.

Ms. Best said no. She said her concern was the natural springs which feed the pond for her livestock.

Commissioner Hird said he would vote against the motion because what they were really saying was the owner needed to comply with the phasing schedule. He said the hardship to the owner was difficult to understand because the phasing was in place. He said the hardship to the neighbors was easier to understand because it created a change in circumstances for them. He said he had limited sympathy for the neighbors because of the nature of a Conditional Use Permit. He said they purchased the right to oppose the Conditional Use Permit when an amendment was requested and that's what this process was about. He felt the proper forum for the issue to be resolved was with the County Commission.

Commissioner Liese said he would vote to amend the Conditional Use Permit if there was a compelling reason but felt convenience was not enough of a compelling reason.

Commissioner Burger said she had not found a clause that would speak to what process the applicant would go through if they wanted to go out of phase operations.

Motion failed 3-7. Commissioners Blaser, Culver, and Josserand voted in favor of the motion. Commissioners Britton, Burger, Graham, Hird, Lamer, Liese, and von Achen voted against the motion.

Motioned by Commissioner Hird, seconded by Commissioner Culver, to neither approve or deny the item and send it back to the Board of County Commissioners.

Commissioner von Achen felt it was unfair to the people involved.

Commissioner Hird said it would have to go back to the County Commission either way.

Commissioner Britton said he would oppose the motion because he felt there were established expectations that both sides should adhere to.

Commissioner Liese said he would vote against the motion because he felt they should deny this.

Commissioner Hird said the reason he made the motion the way he did was because it was a balancing of interests that he felt belonged at the County Commission level, not Planning Commission. He said this was a really close call and he did not feel comfortable making that judgment based upon what he knew.

Commissioner Culver agreed with Commissioner Hird. He felt there was a lesson to be learned in Conditional Use Permits that if left to interpretation years down the road it could cause heartache to everyone involved. He said there were valid arguments and points from both parties. He felt the issue belonged at the County Commission level.

Commissioner Burger asked if the way Planning Commission voted would require a supermajority vote at the County Commission level.

Mr. McCullough said there was no protest on quarries that would require a unanimous vote.

Commissioner Liese said Planning Commission was an advisory board but that he had grown to appreciate when asked for an opinion. He felt every comment and vote made was important in expressing their thoughts and opinions to the County Commission.

Motion failed 3-7. Commissioners Blaser, Culver, and Hird voted in favor of the motion. Commissioners Britton, Burger, Graham, Josserand, Lamer, Liese, and von Achen voted against the motion.

Motioned by Commissioner Britton, seconded by Commissioner Lamer, to deny the request to revise the phasing for the Conditional Use Permit.

Commissioner Burger said she would support the motion. She hoped the applicant could look at what they wanted to do with all the property and come up with a creative solution that the neighbors would be more in favor of.

Motion carried 8-2. Commissioners Culver and Hird voted in opposition. Commissioners Blaser, Britton, Burger, Graham, Josserand, Lamer, Liese, and von Achen voted in favor of the motion.

PC Minutes 5/20/13 **DRAFT**

ITEM NO. 7 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; RETAIL MARKET STUDY (AAM)

TA-12-00205: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Article 11, to modify the requirements for a Retail Market Study. *Initiated by City Commission on 8/21/12.*

STAFF PRESENTATION

Ms. Amy Miller presented the item.

PUBLIC HEARING

Ms. Cille King, League of Women Voters, asked that they keep the current plan and make two additional improvements. She felt they should make the reports annual instead of bi-annual because there was a lot of market fluctuation that would not be noted in a report every two years. She felt the consultant should be chosen by the City and hired independently.

COMMISSION DISCUSSION

Commissioner Josserand felt the issue had some magnitude that they should discuss longer. He recommended deferral of the item.

Commissioner Hird commented about the League of Women Voters letter. He said he had a difficult time making the assumption that consultants were swayed by being paid by an applicant. He said consultants were professionals and he had a hard time with the idea that it was presumed consultants would put their reputation on the line for x amount of dollars. He said unless there was some evidence that it had actually occurred he did not want to go down that road. He said staff wasn't asking for a vote, they were asking to pursue an option.

Commissioner Burger asked for an example of a 50,000 square foot project.

Ms. Miller said an example would be Dillons on Massachusetts.

Commissioner Culver said one part that caught his eye was that the Development Code states that the staff city wide retail report should be updated annually but by practice staff only updates it bi-annually. He asked for clarification on that.

Mr. McCullough said it came down to resources and priorities in the department and the ability to get to it. He said the value of the Code requirement was to understand the general health of the market. He said was obtained through studies and reports. He stated the market was not doing a whole lot and was pretty constant the past five years.

Commissioner Culver inquired about the information provided in the independent retail studies.

Mr. McCullough said staff reviews them and provides comments and questions and the studies are thoroughly vetted by the time they are accepted.

Ms. Miller said in recent years there was only one consultant in the area so every market study had been prepared by that one consultant. She said there was a list, according to the Code, that had to be included in the market study. She said that list was also the same list that staff bases the analysis on and includes in the staff report. She said in all cases so far the same consultant had gone above and beyond by including extra information. She said that information was based on one person's

methodology on what the demand of the market might be. She said the majority of the information in the market study and the majority of information included in the Code section for review was simple math.

Commissioner von Achen asked if the term bi-annual was used to mean two times a year or every two years.

Ms. Miller said every two years.

Commissioner Josseland said some of the things in Option 2 appealed to him. He said he did not see a problem with narrowing the scope of projects. He felt 50,000 square feet was probably too small.

Commissioner Burger said she liked some of Option 2. She liked that the 50,000 square feet took into account neighborhood dynamics. She was not sure that 50,000 square feet would be totally appropriate. She did not think requiring an independent market study was necessary, especially since there was only one person currently doing them. She said staff does such a good job with giving the numbers needed that if an applicant does not agree with the staff numbers they can hire an independent consultant themselves. She did not feel Option 3 was not a good idea because they need to keep an eye on what the retail market was telling them.

Commissioner Blaser felt 50,000 square feet was probably too small. He was not that concerned if they took the vacancy and square foot per capita out of the threshold.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to adopt Option 2 with staff providing options with regard to the square footage requirement.

Unanimously approved 10-0.

PC Minutes 5/20/13 **DRAFT**

**ITEM NO. 8 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; LIGHTING
STANDARDS (MKM)**

TA-12-00204: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, to establish lighting standards and requirements as an alternative to the photometric plan. *Initiated by City Commission on 8/21/12.*

Item No. 8 was deferred prior to the meeting.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 RECEIVE NOTIFICATION OF LANDMARK NOMINATIONS

Received staff memo regarding nominations for listing in the Lawrence Register of Historic Places.

ADJOURN 11:59pm

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

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 9	Topics for 2013		Jan 28	Jan 30
Feb 13	PD Occupancy		Feb 25	Feb 27
Mar 13	Downtown Redevelopment - HRC Joint Meeting		Mar 25	Mar 27
Apr 10	Downtown Redevelopment - HRC Joint Meeting		Apr 22	Apr 24
May 8	APA Conference follow-up	Process Questions/Updates	May 20	May 22
Jun 12	Water/Wastewater Master Plan update		Jun 24	Jun 26
Jul 12**	PC Orientation – all day Friday		Jul 22	Jul 24
Aug 14	2010 Census Data		Aug 26	Aug 28
Sep 11	Horizon 2020 Review Process		Sep 23	Sep 25
Oct 9	New County Zoning Codes		Oct 21	Oct 23
Nov 6	tentative		Nov 18	Nov 20
Dec 4	tentative		Dec 16	Dec 18
	Suggested topics for future meetings: <i>How City/County Depts interact on planning issues</i> <i>Stormwater Stds Update – Stream Setbacks</i> <i>Overview of different Advisory Groups – potential overlap on planning issues</i> <i>Open Space Acquisition/Funding Mechanisms – what do other states do?</i> <i>Library Expansion Update</i> <i>Joint meeting with other Cities’ Planning Commissions</i> <i>Joint meeting with other Cities and Townships – UGA potential revisions</i>		<i>Tour City/County Facilities</i> <i>2010 Census Data</i> <i>Oread Overlay Districts</i> <i>Water/Wastewater Master Plan Update</i> <i>Downtown Survey Memo – redevelopment options*</i> <i>Comprehensive Plan – Goals & Policies*</i> <i>*new suggestions</i>	
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds				

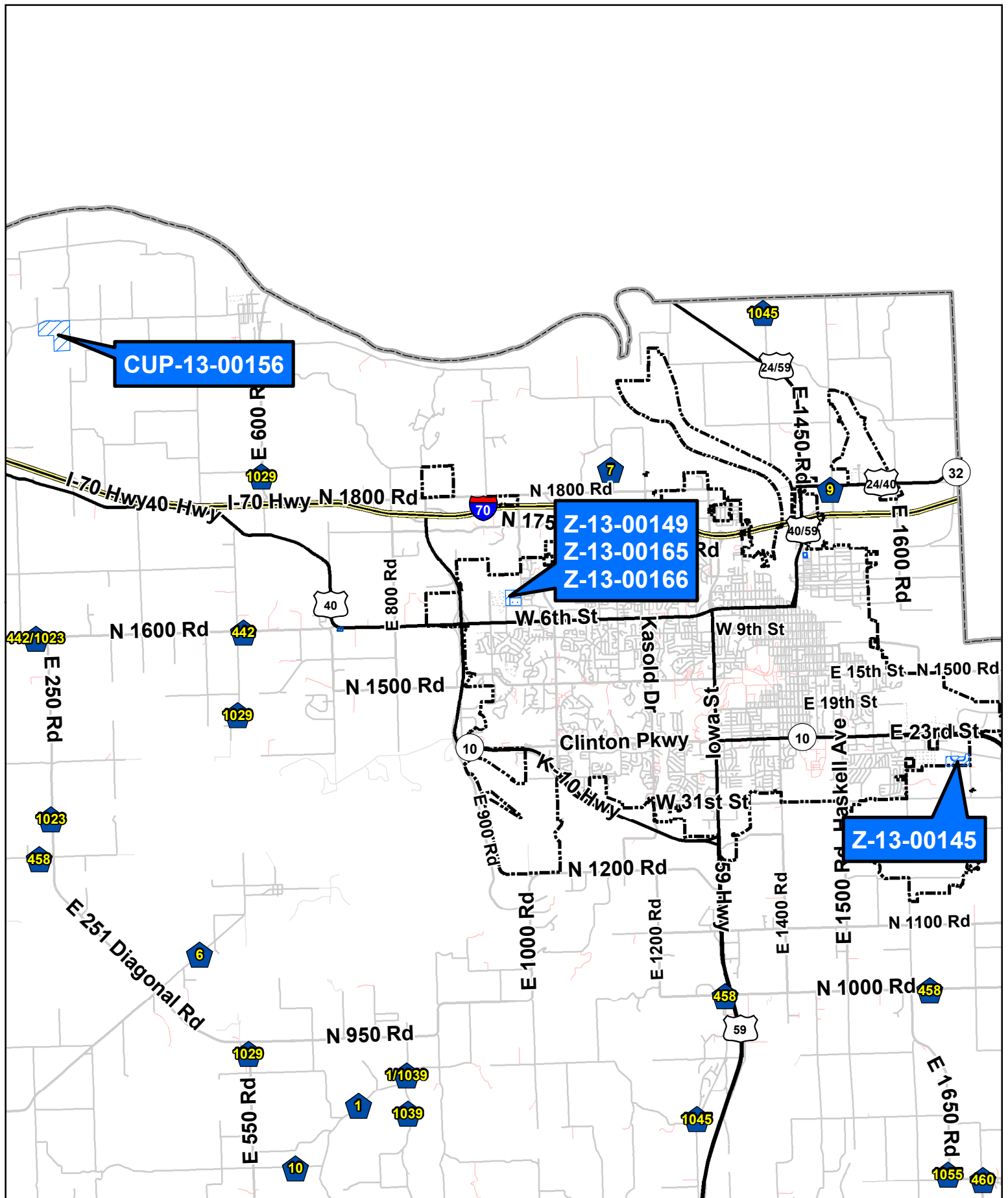
Revised 05/10/13

2013 PLANNING COMMISSION ATTENDANCE

	Jan 28 2013	Jan 30 2013	Feb 27 2013	Mar 25 2013	Apr 22 2013	May 20 2013	June 24 2013	June 26 2013	July 22 2013			
Britton	Yes	Yes	Yes	Yes	Yes	Yes						
Burger	Yes	Yes	Yes	No	Yes	Yes						
Culver	Yes	Yes	Yes	Yes	Yes	Yes						
Denney												
Graham					Yes	Yes						
Josserand	Yes	Yes	Yes	No	Yes	Yes						
Lamer	Yes	Yes	No	Yes	Yes	Yes						
Liese	Yes	Yes	Yes	Yes	Yes	Yes						
Rasmussen												
von Achen	Yes	Yes	Yes	Yes	Yes	Yes						

2013 MID-MONTH ATTENDANCE

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



Lawrence-Douglas County Planning Commission June 2013 Agenda Items



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
6/24/13

ITEM NO. 1: CONDITIONAL USE PERMIT; COMMUNICATION TOWER; 249 N 2100 ROAD (SLD)

CUP-13-00156: Consider a Conditional Use Permit for a 300' guy wire communication tower to be located at 249 N 2100 Road. Submitted by Selective Site Consultants on behalf of Douglas County Emergency Communication Department for Freda and Sherilyn Laduke, property owners of record. *Joint meeting with Lecompton Planning Commission.*

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for the 300' tower and forwarding it to the County Commission subject to the following conditions:

- 1) The provision of a revised site plan that adds the following notes to the face of the drawing:
 - a) *"The owner at the owner's expense shall remove any tower not in use for a period of three years or more."*
 - b) *"A sign shall be posted on the tower or the exterior fence around the base of the tower with the name and telephone number of the tower owner/operator."*
 - c) *"Use of this tower for carriers other than Douglas County Emergency Communication Department shall require County Commission approval, as the tower owner, in addition to site plan review and approval of any co-location request for new equipment other than that expressly used for Douglas County Emergency Management. Equipment changes or improvements by Douglas County may be approved by site plan amendment per the County Zoning Administrator. "*
 - d) *"A change of ownership of the tower shall require a new Conditional Use Permit and public hearing."* This will allow review of the intended use of the tower and public notice of the proposed change.

Reason for Request: *"To enhance and upgrade Douglas County's emergency communication system to the P25 800 MHz Digital Radio standard."*

KEY POINTS

- Per Section 12-319-4.31 of the Zoning Regulations for the Unincorporated Territory of Douglas County, *radio, television, telecommunication and microwave towers* are uses which may be approved as a Conditional Use.

DESCRIPTION OF USE

Request is for the construction of a 300' tower to accommodate public communication equipment specifically for Douglas County. The tower is proposed to be constructed on a 100' by 100' leased area.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Board of County Commissioners' approval of the Conditional Use.
- Zoning and Codes Office issuance of a Conditional Use Permit when plans have been released to the Zoning and Codes Office and conditions of approval have been met.

PUBLIC COMMENT

- Area property owners called asking for more detail regarding the location of the proposed tower.

Site Summary: Subject Property: Proposed Buildings:	110.59 acres 300' communication tower, base equipment and generator.
GENERAL INFORMATION	
Current Zoning and Land Use:	A (County-Agricultural) District; 110-acre agricultural field.
Surrounding Zoning and Land Use:	A (County-Agricultural) District in all directions. Agricultural uses and rural residential homes.

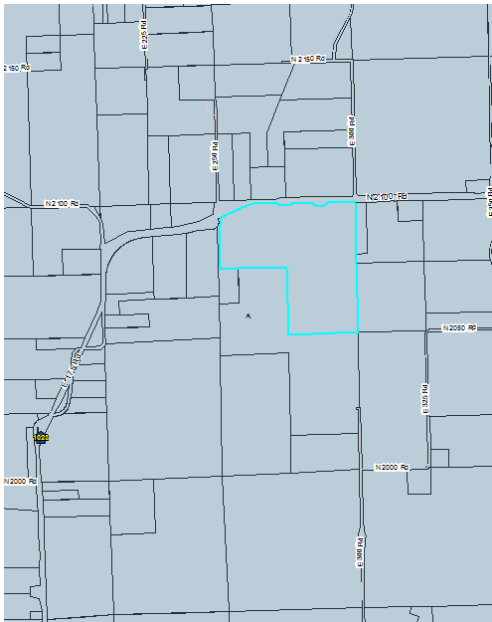


Figure 1. Zoning of Area

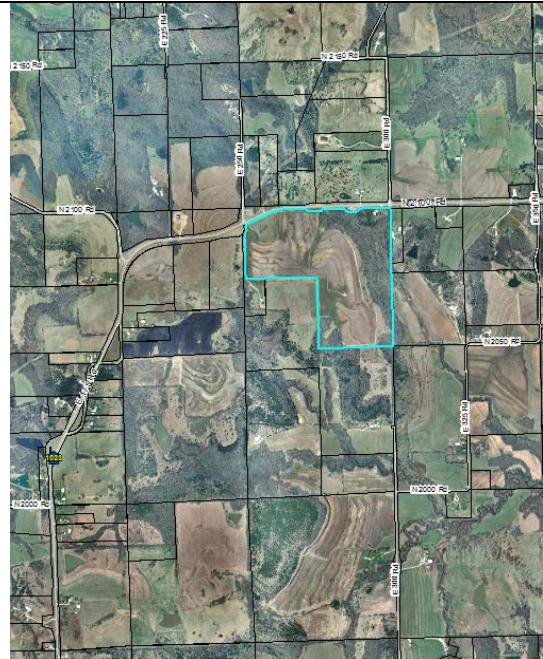


Figure 2. Land Use of Area

I. ZONING AND USES OF PROPERTY NEARBY

This property is located in the northwest portion of Douglas County west of Lecompton on the south side of N 2100 Road. The property and the surrounding area is zoned A (Agricultural). This area is rural in nature and includes large tracts of land for agricultural activities with scattered rural residential homes located along county roads. Section 12-319-4.31 (d) (5) recommends that towers be located in commercial, industrial or agricultural zoning districts. The subject property is zoned Agricultural.

Staff Finding – Nearby properties are zoned A (Agricultural) and contain agricultural land uses. The proposed tower would be located in a recommended district.

II. CHARACTER OF THE AREA

This property is located in the northwest portion of Douglas County. This area is a rural portion of Douglas County. There are no urban growth boundaries that extend to this portion of Douglas County; however, this property is located within 3 miles of the City of Lecompton. The area includes large parcels of land used primarily for agricultural purposes. Residential density in the immediate area is less than ½ a dwelling unit per acre (.017 DU/AC).

Staff Finding – This area is rural in nature, with agricultural lands, and scattered residential homes along county roads.

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

Applicant's response: *"The subject property is used for agricultural purposes. The site is suitable for the above proposed use."*

The current zoning designation for the property is A (Agricultural) District, a variety of agriculture-related uses are allowed. Towers are allowed in this district with approval of a Conditional Use Permit. Additionally, the agricultural district is a recommended base district for towers. The proposed request will not alter the underlying zoning district.

Staff Finding – The property is suitable for agricultural uses. A Conditional Use Permit (CUP) does not change the underlying zoning; therefore, the suitability of the property for agricultural uses will not be altered.

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

This A (Agricultural) zoning has been in place since 1966. The proposed tower will be located on a leased area in the north portion of the 110-acre site. There is an existing tower located to the southeast of the proposed tower.

Staff Finding – The property has been zoned A (Agricultural) since the adoption of the zoning in 1966.

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

Applicant's Response: *"There will be no detrimental affect. The use is unmanned, will generate little traffic, noise or pollution."*

Section 12-319-1.01 of the County Zoning Regulations recognize that *"....certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited."*

This request is for a 300' guy-wired communication tower. The purpose of the tower is for the location of emergency communication equipment only. Other communication carriers such as Sprint, AT&T, T-Mobile are not proposed to provide equipment on this tower structure. There is no office or staff associated with this structure. Access to the site shall be limited to regular service and maintenance of the tower and associated equipment. There are few residents located within the immediate area. Land parcels are generally 30 acres or larger. There is an existing 1000' tower located on this same property. The existing structure is not capable of structurally supporting any additional equipment, therefore, the need for this tower. There are no anticipated detrimental effects to nearby property owners from the proposed land use.

Staff Finding – Given the large parcel size and the very low density of residential use there should be no detrimental effect on surrounding property.

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

Applicant's Response: *"Enhanced communication for first responders in Douglas County. Please see attached memo from Scott Ruf dated April 20, 2012."*

The purpose of this criterion is to compare the effect of denial of the request on the public health, safety and welfare to the effect on the individual landowner.

The applicant states "the overarching goal of Douglas County Emergency Communications is to provide highly efficient, effective and interoperable public safety communications for City and County Police, fire and EMS agencies...". The applicant is a public service division of the local government. The application notes the existing communication system is aging and that state and federal requirements make it necessary for Douglas County to expand and upgrade the existing system. (Refer to memo to David Corliss, City Manager and Craig Weinaug, County Administrator, dated April 20, 2012).

The purpose of this request is to extend coverage to a portion of Douglas County that currently lacks coverage. Denial of this request hinders the County's ability to implement planned communication improvements as part of the basic public services provided to residents of Douglas County.

Staff Finding – Approval of the request will facilitate planned emergency communication coverage for the northwest portion of Douglas County. Approval will benefit the public health, safety, and convenience by providing more reliable communication to emergency personnel as needed.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The subject property is not located within an identified urban growth area though it is within the 3 mile buffer of Lecompton. The comprehensive plan recommends that agricultural uses continue to be the predominant land use within the areas of the county beyond the designated urban growth areas. Uses permitted in the rural area should continue to be limited to those which are compatible with agricultural production and uses.

Staff Finding – The comprehensive plan recommends that uses in the rural area be limited to those compatible with agricultural uses and that the design should be consistent with the rural character. A Conditional Use Permit can be used to allow specific non-residential uses subject to approval of a site plan. This tool allows proportional development in harmony with the surrounding area. The proposed request is consistent with the Comprehensive Plan.

STAFF REVIEW

This new tower is proposed within three miles of the City of Lecompton. A joint meeting with the Lecompton Planning Commission is required per Resolution 80-5.

Section 12-319-4.31 allows radio, television, telecommunication, and microwave towers in Douglas County subject to approval of a Conditional Use Permit when the structures are more than 100' tall. This section also provides guidelines and standards intended to be used during the review of the application.

The proposed site plan shows the location of a new structure to accommodate equipment specific to the purposes of the Douglas County Emergency Communication Department. This application differs from previous similar applications where the applicant intended the structure for telecommunication equipment by private carriers. Prior to the construction of a new tower, an applicant is required to show reasonable proof that there is no opportunity to "co-locate" on another tower within the

proximity of the proposed location. In this case there is an existing 1000' tower immediately to the southeast of the proposed site; however, that structure does not provide adequate structural capability to support additional equipment.

Per section 12-319-4.31 (c)(3) new towers are required to provide space for "at least three two-way antennas for every 150' of tower height, or at least one two-way antenna and one microwave facility for every 150 feet of tower heights." The applicant is requesting a waiver from the co-location provisions of the Zoning Regulations. The structure is designed to accommodate multiple carrier equipment; however, the intent of this tower is to provide space for emergency communication (public) equipment only. There is no intent to sub-lease space on this tower to other carriers. This would allow remaining tower space to be reserved for future equipment intended to serve the public system.

Tower Removal

As with any tower, if the equipment is removed and the tower is vacant for 3 years then the tower owner (Douglas County) would be required to remove the structure. All towers are required to provide a sign on the structure or fence around the base of the tower identifying the tower owner/operator with a name and phone number. These elements should be added to the site plan as notes for future reference.

Setback

The County Zoning Regulations require the tower to be setback a distance equal to the height of the tower from any property line except that the setback may be reduced if documentation from a registered engineer is submitted certifying the fall zone of the tower in event of a failure or collapse. The proposed structure and accessory ground equipment complies with the setback requirements and is more than 300' from the nearest property line.

Lighting

Minimal lighting per FAA requirements will be provided for this tower. Lighting of the equipment shelter should be limited to the area around the access doorway. Any lighting added to the site shall require review and approval by the County Zoning Administrator per applicable building permits to ensure lighting is limited to the site and directed downward.

Use of this tower for other carriers shall require County Commission approval as the tower owner. Change of ownership of the tower shall require a new Conditional Use Permit and public hearing. This will allow review of the intended use of the tower and public notice of the proposed change.

Conclusion

This request is for the construction of a new communication tower for the exclusive use of public communication equipment. Additional site plan notes are recommended to clarify the use and intent of this tower. Staff recommends approval of the Conditional Use Permit for a 300' tower located at 249 N 2100 Road (CUP-13-00156) as conditioned.

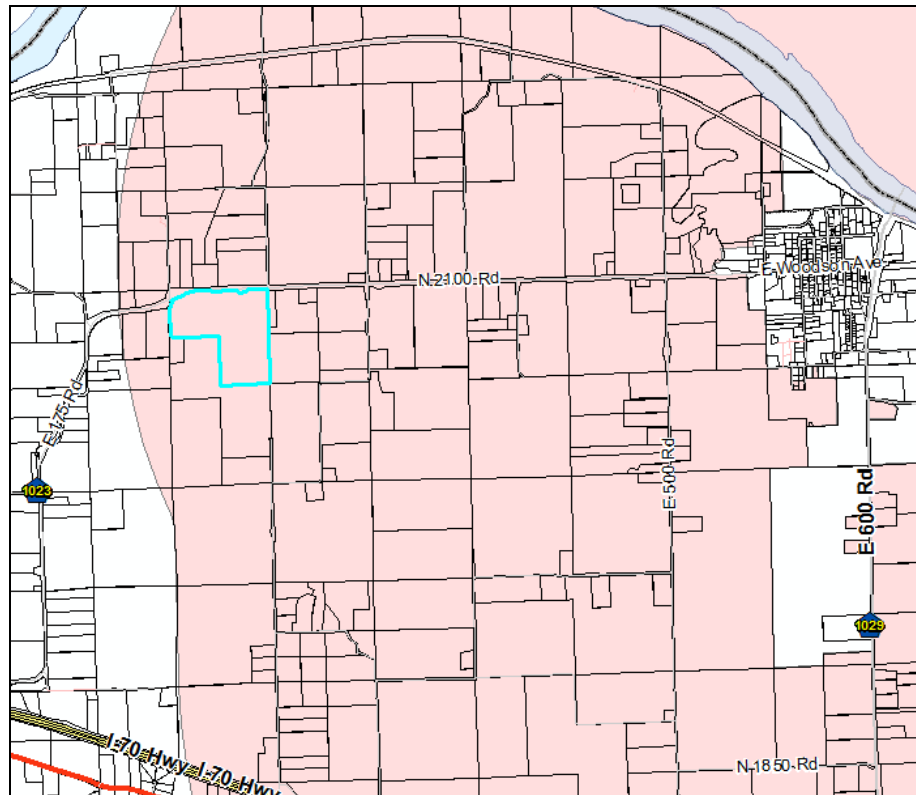


Figure 3: 3 mile buffer area

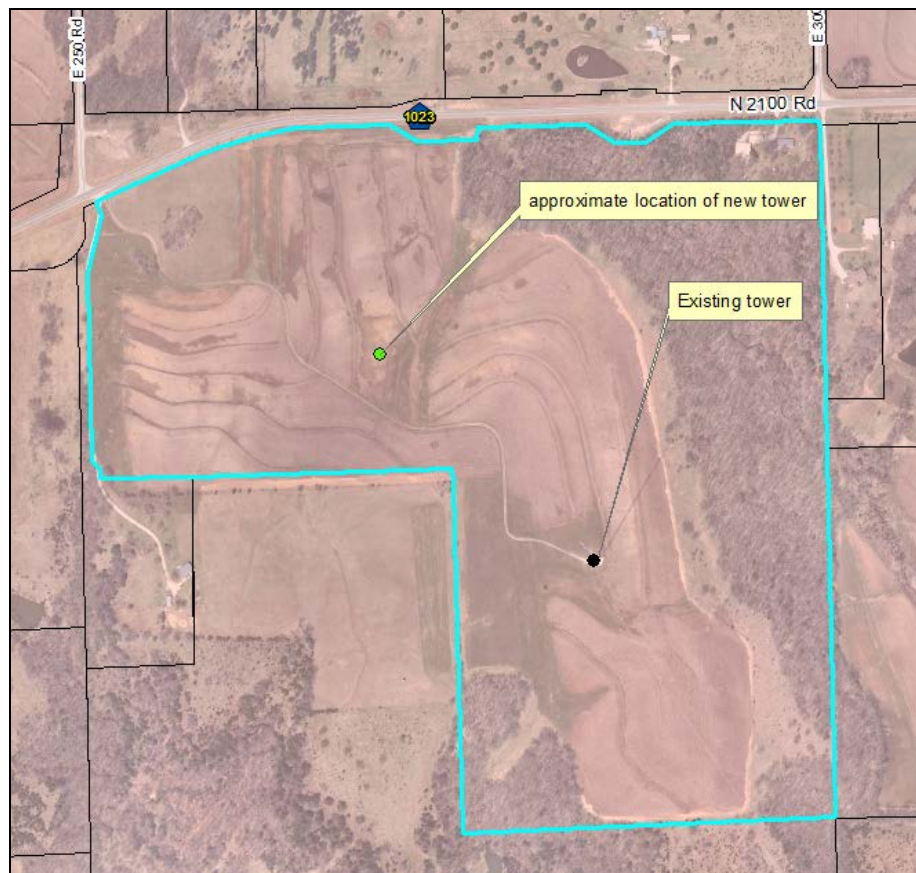


Figure 4: Existing and proposed tower locations



To: Mr. David Corliss, Lawrence City Manager
Mr. Craig Weinaug, Douglas County Administrator

From: Scott W. Ruf, Director, DGCO Emergency Communications

Date: April 20, 2012

Re: P25 800 MHz Digital Radio Project

The overarching goal of Douglas County Emergency Communications is to provide highly efficient, effective and interoperable public safety communications for city and county police, fire and EMS agencies and the citizens they serve. The Public Safety Radio System provides public safety two-way radio communications for Police, Fire, EMS, Public Works, and other county agencies that depend on reliable communications day-to-day and during crisis events. Replacement/upgrading of the existing Motorola network complies with our mission and goals by maintaining the County's capabilities to address homeland security issues and manmade / natural disasters through interoperable communications for all public safety agencies.

Over the years public safety radio communications has developed from a conventional voice radio system to a much more advanced system of voice and data technologies, supported by networks that deliver unprecedented levels of interoperability, capacity, coverage, bandwidth, and flexibility. Douglas County's current system is an aging system fast approaching its end of life that simply cannot deliver in today's advanced systems and technologies. State and federal mandates and changes have made it necessary for Douglas County to pursue alternatives to our current system that will greatly expand our capabilities and ensure that emergency responders can communicate as needed , on demand, and as authorized at all levels of government and across all disciplines.

The most pressing among existing problems and not unique to Douglas County is a lack of interoperability among public safety agencies. Public safety personnel from different agencies frequently lack the ability to communicate with one another, or with their counterparts in neighboring jurisdictions. A lack of interoperability within a region can severely hinder the ability of public safety agencies to provide a coordinated response to natural disasters, catastrophic accidents, or even routine public safety emergencies.

The ECC and 911 Advisory Board over the past year has worked to address concerns about increased radio coverage, the security of radio frequencies, and the ability for the Police

and Fire Departments to communicate with each other. As a result of these concerns, ECC and 911 Advisory Board solicited solutions to convert from an analog to a digital radio system, which for the first time will allow the public safety agencies in Douglas County to coordinate over the air the efforts of multiple agencies responding to an emergency.

Challenges & Limitations of Current System

The Public Safety Radio System is the mission critical system in the event of a man-made or natural disaster. The system must be renovated and upgraded to comply with existing laws and changes in technology. Given the current pace of technology, systems that were designed and installed as little as 10 years ago are now considered obsolete. Douglas County's system was installed in 1999 with an additional channel added to the system in 2004.

In short, the Douglas County Public Safety Radio System is getting old, is increasingly difficult to maintain, some vital terminal equipment can no longer be acquired, repaired, or maintained, and reliable spare equipment is hard to find. Critical trunking controller equipment is no longer supported and replacement equipment is essentially cost prohibitive. Analog technology is steadily being replaced with more flexible digital technology. The system is also at/close to capacity so the addition of Fire/EMS departments could overload the trunking system giving users a system "busy" which poses a threat to first responder safety.

In addition to the aging out of the system and its technology are the operational constraints resulting in limited capacity and lack of expandability. Capacity limits due to outdated usage requirements of the system could mean that personnel may not be able to get the system access they need. A lack of expandability means that problems with coverage, system load, and channel congestion cannot be easily addressed.

The current 800MHz radio system utilizes analog technology for the backbone transmitters and uses a mix of analog and digital handheld equipment. Although agency users can acquire analog radios, this legacy hand-held equipment is in its final period of support. Newly acquired radios use digital technology or a hybrid of both analog and digital. This move is consistent with the FCC transitioning from analog to digital television transmission in February 2009.

Analog radio works well. However, analog two-way radio has reached the limits of innovations. Some enterprises are finding they need more than the fundamentals that analog two-way radio delivers. Licensed channels are becoming crowded and more capacity is required. There is the need for more flexible ways to communicate with users both inside and outside our organizations.

Digital radio provides a powerful, flexible platform that DGCO can adapt to meet these needs and more. By migrating from analog to digital two-way radio communications, DGCO can fill immediate needs and build a strong technical foundation for adding new functionality in the future. Police, fire and emergency medical operations are more complex today than ever

before. With the introduction of new responsibilities such as community oriented policing and advanced life support emergency medical services, public safety personnel are taking on significant new duties and responsibilities placing more diverse requirements on our communications system.

A lack of interoperability is another critical operational constraint in Douglas County's system. This is caused by agencies using incompatible equipment, different frequency bands (in DGCO law enforcement and public works use 800 MHz and all fire/EMS use VHF), and unique operational protocols. Yet, the changing requirements of public safety have placed a greater emphasis on joint operations and task forces, thus the need for communications interoperability.

Other challenges associated with the radio system are the physical location and size of the Emergency Communications Center itself. The need to expand the system and increase its capacity is paramount we must also do the same in the dispatch center. In order to maintain acceptable service levels we must expand the center from six dispatch positions to eight (layout includes for future growth of up to 10). Failure to also grow the capacity and capabilities of the dispatch center will greatly hinder our ability to safely serve our public safety agencies and the community. It will also require us to revisit the issue within 2-4 years of upgrading the radio system costing significant amounts of money to achieve what can easily be achieved in a cost effective and efficient manner as part of this project.

System Overview

The current DGCO system is a 6 channel, 4 site (Lecompton, Stratford, Baldwin City & Eudora) analog 800 MHz Analog Trunked System for all DGCO law enforcement and public works departments. LDCFM and the rural township fire departments all operate on the same 4 site system but in the VHF radio spectrum. The system was installed and functional in September 1999 as a 5 channel, 3 site system. In 2004 a fourth channel was added to accommodate increase radio system usage. Finally, in fall of 2011 we added new 50' tower in Eudora to accommodate public safety concerns related to areas of Douglas County and Eudora with regard to system coverage issues. This location is strictly to expand coverage to the low lying areas of Eudora and the County along the river.

The DGCO ECC is currently set-up with 6 dispatch/call-taker positions and KU Public Safety has 3 dispatch/call-taker positions. We serve as each other's support and back-up if needed. Although I cannot speak directly for KU, DGCO ECC is poorly designed and has no easy way to expand to accommodate new technology and growth.

In addition to the aging out of the system and capacity issues the third is coverage. The County as well as areas of all three incorporated cities has coverage issues and "dead spots" where communication abilities are extremely limited. There is currently no interoperability between law enforcement and fire agencies.

Justification & Recommendation

The investment (approx. \$7M) in the new P25 800 MHz Digital Radio System provides new and upgraded infrastructure to the personnel and agencies that desperately need it using modern technology and capabilities; this project removes and replaces the noncompliant portions of the existing DGCO radio infrastructure to provide a P25 standards based, AES encrypted capable, 800 MHz LMR system to a new, updated system; adds additional capacity to support the other components agencies require of the system and share those components; the ECC will continue to look for other cost effective technology as part of its strategic outlook.

As previously stated Douglas County's current radio system infrastructure is aging out and in need of replacement. Our current system has reached its limits and is not capable of growth now or in the future. With emerging and alternative technologies becoming available and necessary, coupled by state and federal authorities mandating interoperability and the migration to new spectrums there are little choices for us moving forward and the need to replace our radio infrastructure is necessary.

The question was presented with regard to the need/requirement for the City of Lawrence to have to invest in infrastructure costs associated with sites outside the City and in support of the other cities and county. Due to the proposed design and build out of the system as an autonomous cell or expansion of the KSDOT Radio System the proposed site locations (Flair & Globe) as well any upgrades to existing sites (i.e. Lecompton & Stratford) is a small part of the project. The real cost associated with this project is the need to expand to 8-channels and the technology associated with this expansion. This expansion is needed to accommodate public safety (LPD & LDCFM) and public service agencies (Public Works, Streets, Sanitation) from the City of Lawrence as well as the rural township fire departments (less than 2% of system usage). Lawrence Police, LDCFM and Lawrence Public Works account for over 80% of system usage and communication resources. The upgrade of the system to accommodate all the users and the technology needed to meet the need today and in the future as well as the building in of redundancies are the major factors driving the size and scope of the project.

It is the recommendation of myself in consultation with members of the P25 committee and the 9-1-1 Advisory Board to move forward with the proposal by Motorola Solutions in partnership with Kansas DOT. We believe this is the best and most efficient proposal providing Douglas County with the capabilities to fully utilize existing and new technologies in designing a system that will serve the ever-growing demands of our public safety users, providing greater interoperability and scalability taking us far into the future. The following are a few reasons for this recommendation:

- Motorola is one of only a few vendors in the country and state that has implemented a digital simulcast radio system in a county of comparable size;
- By using Motorola we will be able to expand/upgrade some already-existing infrastructure, preserving the County's prior investment;

- The County and many of the cities already own/utilize electronic equipment that is compatible with Motorola components;
- Including all necessary equipment, services and construction on one contract enables the County to hold Motorola accountable for entire system-wide success should any individual aspect of it fail.

This recommendation and the estimated project cost of \$7M is made based on our review of the current and future needs of all public safety as well as public service agencies in Douglas County. We have presented the best solution for Douglas County so that the decision-makers at all levels of county and city government can meet their obligation to make use of technology to ensure the public's safety and improve services to their citizens.

[illegible]

PROJECT ADDRESS: 249 N. 2100TH RD.
LECOMPTON, KANSAS 66050

PROPERTY OWNER: SHERILYN LADUKE
297 N. 2100TH RD.
LECOMPTON, KANSAS 66050

STRUCTURAL
INFORMATION: LATITUDE: 39° 02' 29.063" N
LONGITUDE: 95° 27' 09.138" W
GROUND ELEV: 1070' AMSL
TOWER HT: 300'-0" AGL
ANTENNA BASE ELEVATION: 275'-0", 260'-0" & 245'-0" AGL
MW ANTENNA CL: 160'-0" & 100'-0" AGL

APPLICANT: DOUGLAS COUNTY EMERGENCY COMMUNICATIONS
111 EAST 11TH STREET, UNIT 200
LAWRENCE, KANSAS 66044
CONTACT: SCOTT RUF
PHONE: (785)-838-2470

CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE, AND SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

[illegible]

Map showing the project location near Grover, N 2100th Rd, E 300th Rd, and E 350th Rd. A black dot indicates the project location, with a line pointing to it from the text "PROJECT LOCATION".

ENGINEER: SSC, INC.
 9900 WEST 109TH STREET, SUITE 300
 OVERLAND PARK, KANSAS 66210
 PHONE: (913) 438-7700
 FAX: (913) 438-7777

M.L. OWENS - LEAD ENGINEER

S.D. KEISLING - LEAD ELECTRICAL

J.R. HILL - LEAD DESIGNER

REAL ESTATE	PHONE	DATE
ZONING	PHONE	DATE
CONSTRUCTION	PHONE	DATE
RF	PHONE	DATE
OPERATIONS	PHONE	DATE
LANDLORD	PHONE	DATE

DRIVE TO DIRECTIONS AS FOLLOWS:

FROM THE JUNCTION OF I-70 & I-470 IN TOPEKA, KANSAS. GO NORTH ON SR-4 (.8 MI) TO US 40. TAKE US 40 EAST (8.1 MI) TO E 175TH RD. TAKE E 175TH RD NORTH (3.6 MI) TO SITE. ENTRANCE IS AT THE INTERSECTION OF E 175TH RD AND E 250TH RD. DRIVE IS ON THE SOUTH SIDE OF E 175TH RD.

ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

- THE UTILITIES AS SHOWN ON THIS SET OF DRAWINGS WERE DEVELOPED FROM THE INFORMATION AVAILABLE. THE INFORMATION PROVIDED IS NOT IMPLIED NOR INTENDED TO BE THE COMPLETE INVENTORY OF UTILITIES IN THIS AREA. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES (WHETHER SHOWN OR NOT) AND PROTECT SAID UTILITIES FROM ANY DAMAGE CAUSED BY CONTRACTOR'S ACTIVITIES.

TELCO COMPANY: N/A



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Case No. _____
Approval Date: _____
Release Date: _____
Planner: _____
_____ of _____ Sheets
Asst./Director: _____

SHEET NUMBER: _____

T-1

POINT OF COMMENCING
NE Cor. of land described in
Deed in Book 508, Page 195 RCP

FL=1090.13'

Fnd. 5/8" Iron Bar

S24°42'13"E

35.00'

N42°23'14"W

34.72'

N81°13'07"W

37.06'

N64°19'47"W

44.40'

N55°55'33"W

30.23'

N11°48'52"W

68.09'

N43°12'57"W

64.59'

N66°48'23"W

36.34'

N87°02'22"W

97.82'

S85°42'20"W

137.82'

N76°48'51"W

77.90'

N49°51'58"W

54.21'

N21°32'28"W

54.71'

N03°14'55"W

105.48'

N23°04'22"W

55.46'

N45°46'21"W

56.90'

N88°59'40"E

974.28'

N57°15'16"E

227.30'

S32°44'44"E

135.41'

S87°15'16"E

260.00'

N72°33'04"E

78.10'

S27°15'16"E

260.00'

S31°29'32"E

60.27'(R) 60.56'(M)

Fnd. 5/8" Iron Bar

Fnd. 5/8" Iron Bar

S01°00'20"E

353.30'

N02°02'00"E

60.00'

N02°02'00"E

60.00'

N02°02'00"E

60.00'

N02°02'00"E

60.00'

N02°02'00"E

60.00'

N02°02'00"E

60.00'

N02°02'00"E

60.00'

N02°02'00"E

60.00'

N02°02'00"E

60.00'

N02°02'00"E

60.00'

N02°02'00"E

60.00'

N02°02'00"E

60.00'

N02°02'00"E

60.00'

N02°02'00"E

60.00'

N02°02'00"E

60.00'

N02°02'00"E

60.00'

N02°02'00"E

60.00'

CERTIFICATION:

I HEREBY CERTIFY THAT A SURVEY WAS MADE BY ME, OR UNDER MY DIRECT SUPERVISION, ON THE GROUND OF THE LEASE AREA, LEASE ACCESS EASEMENT, AND LEASE UTILITY EASEMENT PREMISES HEREIN DESCRIBED, AND THE RESULTS OF SAID SURVEY ARE REPRESENTED HEREON. THIS SURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS OVER SAID LEASE PREMISES TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

JEFFREY B. LOVELACE KS-LS1326

DATE: _____

04-15-13: ADDED PROPERTY & A/E
04-12-13: ADDED ADDITIONAL TOPO

PROPERTY DESCRIPTION: LEASE AREA, ACCESS/UTILITY EASEMENT, AND GUY ANCHOR EASEMENTS

A 100 foot by 100 foot Lease Area, situated in Section 6, Township 12 South, Range 18 East, in Douglas County, Kansas, more particularly described as follows:

COMMENCING at the Northeast Corner of land described in Deed in Book 508, Page 195; thence along the East line of said land in said Deed, South 24°47'13" East, a distance of 35.00 feet (Fnd. 5/8" Iron Bar); thence South 14°39'42" West, a distance of 192.36 feet (Record) 192.41 feet (Measured) (Fnd. 5/8" Iron Bar); thence South 01°00'20" East, a distance of 353.30 feet; thence leaving said East line, North 88°59'40" East, a distance of 974.28 feet to the POINT OF BEGINNING; thence North 32°44'44" East, a distance of 100.00 feet; thence South 57°15'16" East, a distance of 100.00 feet; thence South 32°44'44" West, a distance of 100.00 feet; thence North 57°15'16" West, a distance of 100.00 feet to the POINT OF BEGINNING. Containing 10,000 square feet.

A 20 foot wide Access/Utility Easement, situated in Section 6, Township 12 South, Range 18 East, in Douglas County, Kansas, lying 10.00 feet on each side of the following described centerline:

COMMENCING at the Northeast Corner of land described in Deed in Book 508, Page 195; thence along the East line of said land in said Deed, South 24°47'13" East, a distance of 35.00 feet (Fnd. 5/8" Iron Bar); thence South 14°39'42" West, a distance of 192.36 feet (Record) 192.41 feet (Measured) (Fnd. 5/8" Iron Bar); thence South 01°00'20" East, a distance of 353.30 feet; thence leaving said East line, North 88°59'40" East, a distance of 974.28 feet; thence North 32°44'44" East, a distance of 100.00 feet to the POINT OF BEGINNING of said centerline; thence South 32°44'44" West, a distance of 135.41 feet; thence North 57°15'16" West, a distance of 227.30 feet; thence North 45°46'21" West, a distance of 56.90 feet; thence North 23°04'22" West, a distance of 55.46 feet; thence North 03°14'55" West, a distance of 105.48 feet; thence North 21°32'20" West, a distance of 54.71 feet; thence North 49°51'58" West, a distance of 54.21 feet; thence North 76°48'51" West, a distance of 77.90 feet; thence South 85°42'20" West, a distance of 137.82 feet; thence North 87°02'22" West, a distance of 97.82 feet; thence North 66°48'23" West, a distance of 36.34 feet; thence North 43°12'57" West, a distance of 64.59 feet; thence North 11°48'52" West, a distance of 68.09 feet; thence North 33°18'09" West, a distance of 35.17 feet; thence North 55°55'33" West, a distance of 30.23 feet; thence North 81°13'07" West, a distance of 37.06 feet; thence North 64°19'47" West, a distance of 44.40 feet; thence North 42°23'14" West, a distance of 34.72 feet; thence North 31°25'56" West, a distance of 72.33 feet to the Southerly Right of Way line of N 2100TH ROAD (Public R/W) and the POINT OF TERMINATION.

Three 20 foot wide Guy Anchor Easements, situated in Section 6, Township 12 South, Range 18 East, in Douglas County, Kansas, lying 10.00 feet on each side of the following described centerline:

COMMENCING at the Northeast Corner of land described in Deed in Book 508, Page 195; thence along the East line of said land in said Deed, South 24°47'13" East, a distance of 35.00 feet (Fnd. 5/8" Iron Bar); thence South 14°39'42" West, a distance of 192.36 feet (Record) 192.41 feet (Measured) (Fnd. 5/8" Iron Bar); thence South 01°00'20" East, a distance of 353.30 feet; thence leaving said East line, North 88°59'40" East, a distance of 974.28 feet; thence North 72°33'04" East, a distance of 78.10 feet to the POINT OF BEGINNING of said centerlines, said point hereinafter referred to as POINT "A"; thence South 87°15'16" East, a distance of 260.00 feet to the POINT OF TERMINATION; thence BEGINNING at aforementioned POINT "A"; thence North 23°44'44" East, a distance of 260.00 feet to the POINT OF TERMINATION; thence BEGINNING at aforementioned POINT "A"; thence South 27°15'16" East, a distance of 260.00 feet to the POINT OF TERMINATION.

LEGEND

POWER POLE
LIGHT POLES
TELEPHONE PEDESTAL
ANCHOR
BENCHMARK
CONTROL POINT
GATE POST
PROPERTY CORNER
TOWER POINT
FENCE
OVERHEAD POWER LINE

PP
LP
Tel. Ped.
Anchor
Bench.
Control Point
Gate Post
Property Corner
Tower Point
Fence
Overhead Power Line

LECOMPTON RAW LAND PART OF SEC. 6, T. 12S, R. 18E, IN DOUGLAS COUNTY, KANSAS

A current Title Commitment had not been provided by the owners as of the date of issuance of this Plat of Survey. This company has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

Notes:

Bearings shown hereon are based on Kansas State Plane Coordinate System of 1983 (NAD 83).

Coordinates were derived using GPS Static Survey methods and post processed data with Magellan/Ashtech receivers and "Locus System" processor software.

Set 1/2" iron bar at Lease corners unless otherwise noted.

The purpose of this survey is to establish and describe a Lease Parcel and associated easements. This is not a boundary survey of the Parent Parcel.

The utilities as shown on this drawing were developed from the information available (existing utility maps, aboveground observations and or surface markings placed on the ground by the utility company or a representative thereof). This company has made no attempt to excavate or go below surface to locate utilities and does not extend or imply a guaranty or warranty as to the exact location of or complete inventory of utilities in this area. It shall be the contractors responsibility to verify the location and depth of all utilities (whether shown or not) prior to excavation or construction and to protect said utilities from damage.



Hayden
TOWER SERVICE, INC.

2936 N.W. Hwy 24
Topeka, KS 66618
Phone: (785) 232-1840
Fax: (785) 232-1877



LOVELACE & ASSOCIATES
Land Surveying - Land Planning
Telecommunications Surveys
929 SE 3rd Street Lee's Summit, Missouri 64063
Phone: (816) 347-9997 Fax: (816) 347-9979

SURVEY COORDINATED BY:

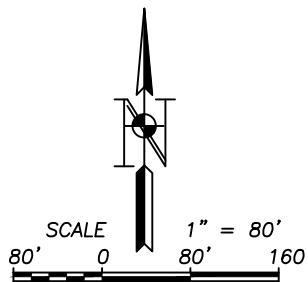
LOVELACE AND ASSOCIATES, LLC
P.O. BOX 68,
LEE'S SUMMIT, MO 64063
TELEPHONE: 816-347-9997
FAX: 816-347-9979

SURVEY PROVIDED BY:

LOVELACE AND ASSOCIATES, LLC
P.O. BOX 68,
LEE'S SUMMIT, MO 64063
TELEPHONE: 816-347-9997
FAX: 816-347-9979

SURVEY PROVIDED FOR:

HAYDEN TOWER SERVICE, INC.
2936 NW HWY 24,
TOPEKA, KS 66618
TELEPHONE: 785-232-1840



FLOOD NOTE:

According to my interpretations of Community Panel No. 20087C03400 of the Flood Insurance Rate Map for Douglas County, Kansas, dated 11-04-2009, the subject property is in Flood Zone "X", ie. "areas determined to be Outside 500 year flood plain".



CALL BEFORE YOU
DIG - DRILL - BLAST
800-344-7233
CIS-SAFED
CISD 687-3759
IFAD

SITE I.D.: NA

SITE NAME: LECOMPTON RAW LAND

SITE LOCATION:
DOUGLAS COUNTY,
KANSAS

LA PROJECT NO.: 13083

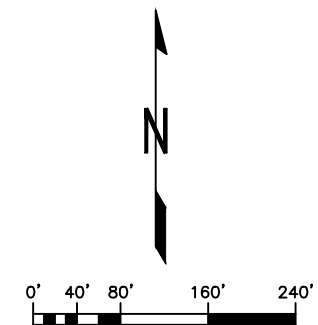
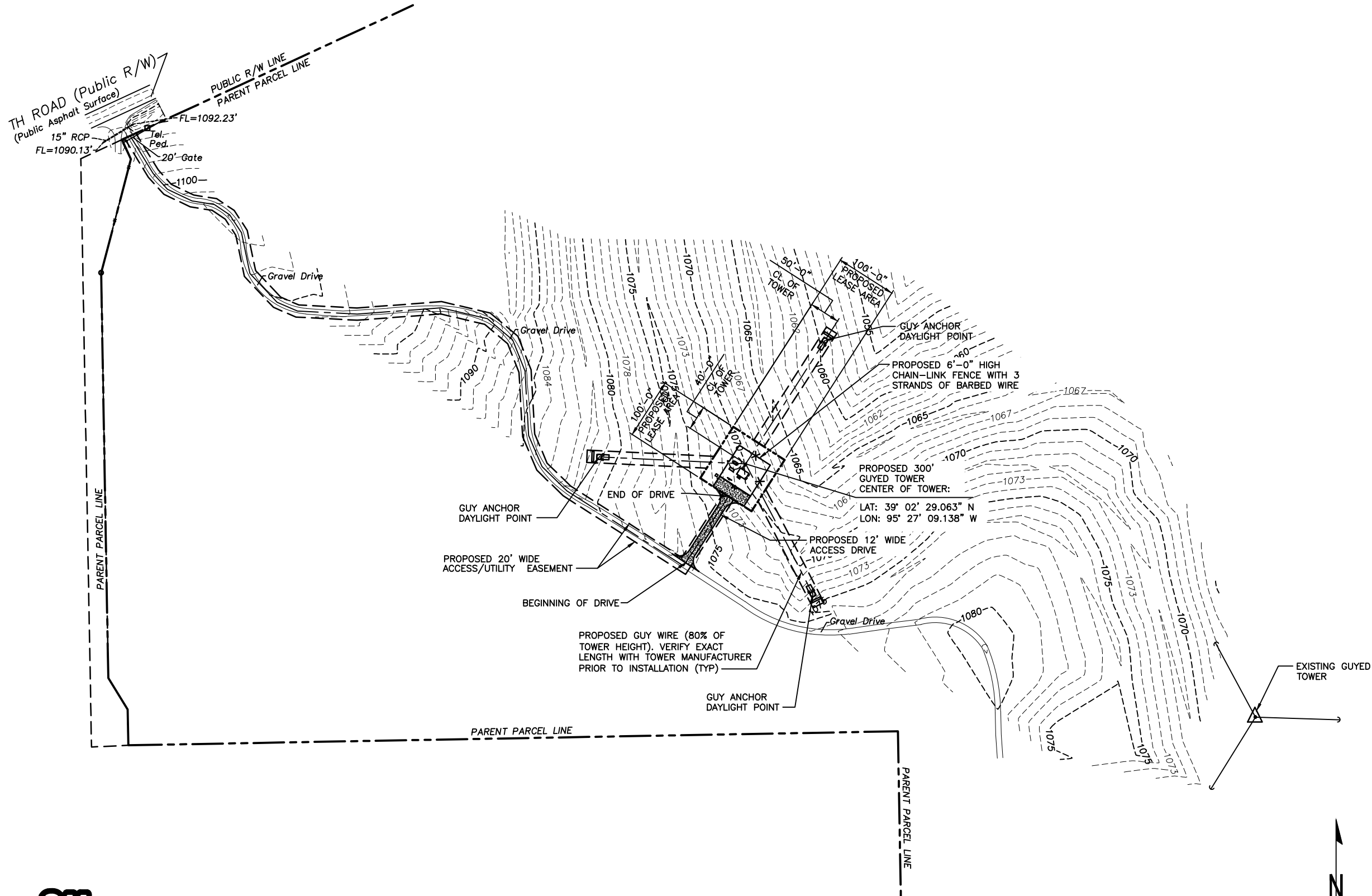
DRAWN BY: A.C.T.

CHECKED BY: J.B.L.

DATE: 03-28-13

FIELDWORK DATE: 03-27-13

SHEET NUMBER
1 OF 1



OVERALL SITE PLAN



PLANS PREPARED FOR:



2936 NW Highway 24
Topeka, Kansas 66618
Phone: (785) 232-1840
Fax: (785) 232-1877

PLANS PREPARED BY:



9900 West 109th Street, Suite 300
Overland Park, Kansas 66210
Phone: 913-438-7700
Fax: 913-438-7777

ENGINEERING LICENSE:



DRAWING NOTICE:

THIS DRAWING HAS NOT BEEN PUBLISHED AND IS THE SOLE PROPERTY OF SSC, INC. AND IS LENT TO THE BORROWER FOR THEIR CONFIDENTIAL USE ONLY, AND IN CONSIDERATION OF THE LOAN OF THIS DRAWING, THE BORROWER PROMISES AND AGREES TO RETURN IT UPON REQUEST AND AGREES THAT IT WILL NOT BE REPRODUCED, COPIED, LENT OR OTHERWISE DISPOSED OF DIRECTLY OR INDIRECTLY, NOR USED FOR ANY PURPOSE OTHER THAN FOR WHICH IT IS FURNISHED.

SUBMITTALS	DESCRIPTION	DATE	BY	REV
ISSUED FOR ZONING		04/17/13	JRH	A
REVISED PER CITY COMMENTS		05/23/13	KLL	B

SITE NAME:
LECOMPTON RAWLAND

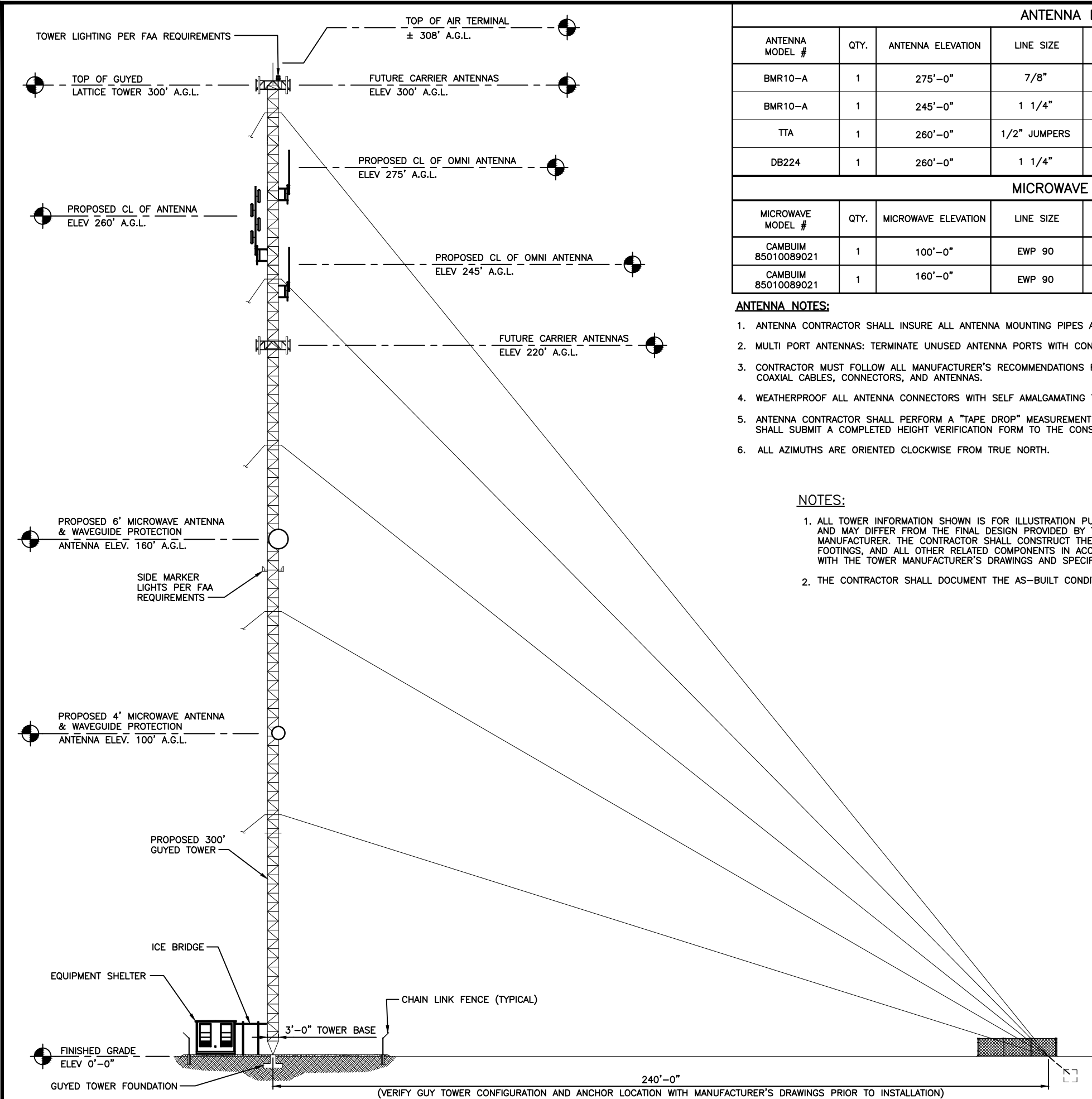
SITE NUMBER:

SITE ADDRESS:
249 N. 2100TH RD.
LECOMPTON, KANSAS
66050

SHEET DESCRIPTION:
OVERALL SITE PLAN

SSC #: SHEET NUMBER:
A-1





ANTENNA LOADING KEY									
ANTENNA MODEL #	QTY.	ANTENNA ELEVATION	LINE SIZE	AZIMUTH	FREQUENCY	NEW OR EXISTING	PROPOSED OR FUTURE LOADING	SIDE ARM MOUNT	PROPOSED OR FUTURE LOADING
BMR10-A	1	275'-0"	7/8"	155°	800 MHz	N	N/A	YES	PROPOSED
BMR10-A	1	245'-0"	1 1/4"	155°	800 MHz	N	N/A	YES	PROPOSED
TTA	1	260'-0"	1/2" JUMPERS	N/A	800 MHz	N	N/A	YES	PROPOSED
DB224	1	260'-0"	1 1/4"	180°	VHF	N	N/A	YES	PROPOSED
MICROWAVE LOADING KEY									
MICROWAVE MODEL #	QTY.	MICROWAVE ELEVATION	LINE SIZE	AZIMUTH	FREQUENCY	RADOME	DISH SIZE	DISH MOUNT	PROPOSED OR FUTURE LOADING
CAMBUIM 85010089021	1	100'-0"	EWP 90	137.24°	6 GHz	YES	4'	YES	PROPOSED
CAMBUIM 85010089021	1	160'-0"	EWP 90	170.57°	6 GHz	YES	6'	YES	PROPOSED

- ANTENNA NOTES:**
- ANTENNA CONTRACTOR SHALL INSURE ALL ANTENNA MOUNTING PIPES ARE PLUMB.
 - MULTI PORT ANTENNAS: TERMINATE UNUSED ANTENNA PORTS WITH CONNECTOR CAP & WEATHERPROOF THOROUGHLY.
 - CONTRACTOR MUST FOLLOW ALL MANUFACTURER'S RECOMMENDATIONS REGARDING THE INSTALLATION OF COAXIAL CABLES, CONNECTORS, AND ANTENNAS.
 - WEATHERPROOF ALL ANTENNA CONNECTORS WITH SELF AMALGAMATING TAPE.
 - ANTENNA CONTRACTOR SHALL PERFORM A "TAPE DROP" MEASUREMENT TO CONFIRM/VALIDATE ANTENNA CENTER LINE (ACL) HEIGHT. CONTRACTOR SHALL SUBMIT A COMPLETED HEIGHT VERIFICATION FORM TO THE CONSTRUCTION MANAGER.
 - ALL AZIMUTHS ARE ORIENTED CLOCKWISE FROM TRUE NORTH.

- NOTES:**
- ALL TOWER INFORMATION SHOWN IS FOR ILLUSTRATION PURPOSES ONLY, AND MAY DIFFER FROM THE FINAL DESIGN PROVIDED BY THE TOWER MANUFACTURER. THE CONTRACTOR SHALL CONSTRUCT THE TOWER, FOOTINGS, AND ALL OTHER RELATED COMPONENTS IN ACCORDANCE WITH THE TOWER MANUFACTURER'S DRAWINGS AND SPECIFICATIONS.
 - THE CONTRACTOR SHALL DOCUMENT THE AS-BUILT CONDITION OF THE TOWER.



PLANS PREPARED FOR:

Hayden
TOWER SERVICE, INC.

2936 NW Highway 24
Topeka, Kansas 66618
Phone: (785) 232-1840
Fax: (785) 232-1877

PLANS PREPARED BY:

SSC

9900 West 109th Street, Suite 300
Overland Park, Kansas 66210
Phone: 913-438-7700
Fax: 913-438-7777



DRAWING NOTICE:

THIS DRAWING HAS NOT BEEN PUBLISHED AND IS THE SOLE PROPERTY OF SSC, INC. AND IS LENT TO THE BORROWER FOR THEIR CONFIDENTIAL USE ONLY, AND IN CONSIDERATION OF THE LOAN OF THIS DRAWING, THE BORROWER PROMISES AND AGREES TO RETURN IT UPON REQUEST AND AGREES THAT IT WILL NOT BE REPRODUCED, COPIED, LENT OR OTHERWISE DISPOSED OF DIRECTLY OR INDIRECTLY, NOR USED FOR ANY PURPOSE OTHER THAN FOR WHICH IT IS FURNISHED.

SUBMITTALS	DESCRIPTION	DATE	BY	REV
ISSUED FOR ZONING		04/17/13	JRH	A
REVISED PER CITY COMMENTS		05/23/13	KLL	B

SITE NAME:

**LECOMPTON
RAWLAND**

SITE NUMBER:

SITE ADDRESS:

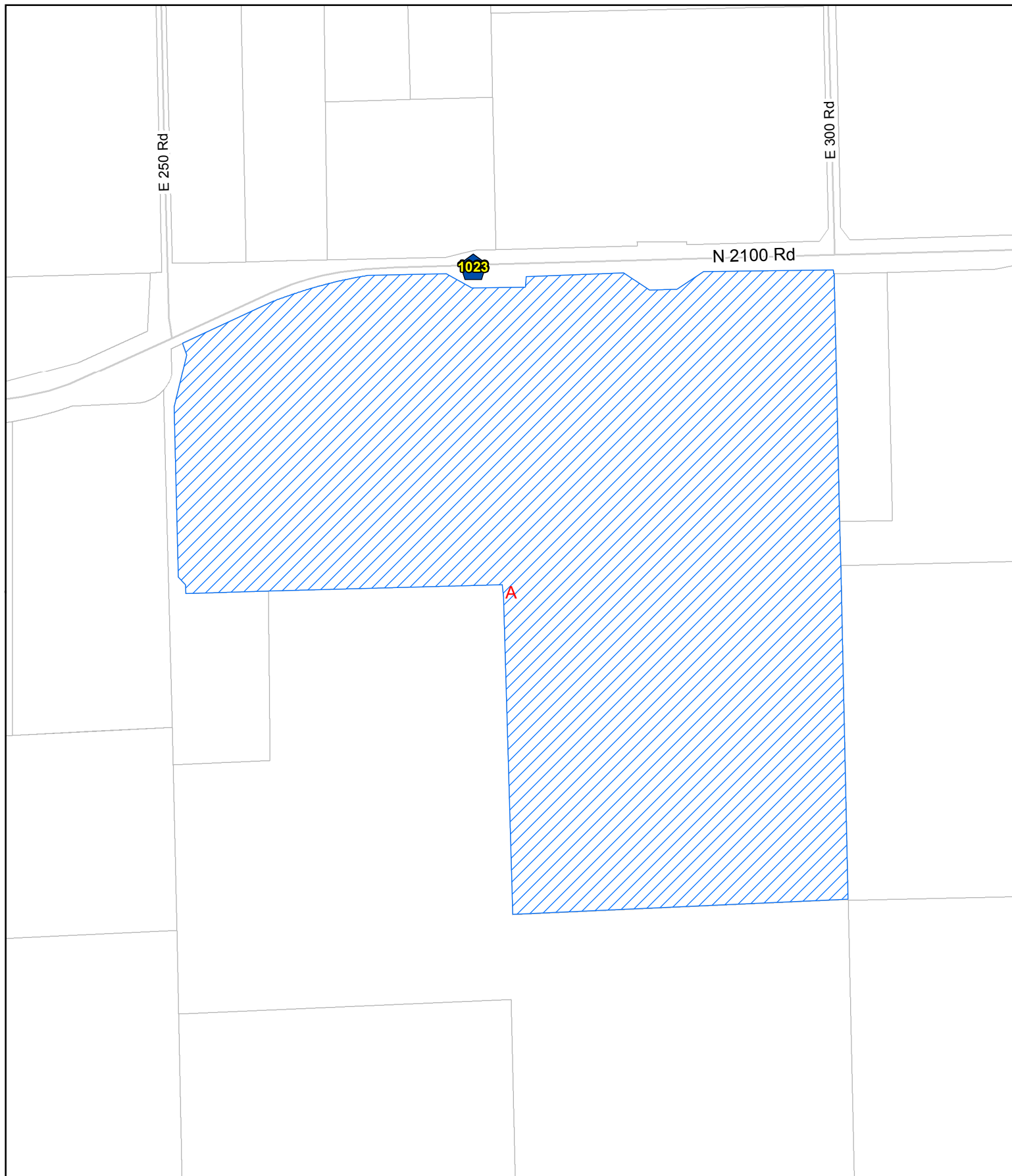
249 N. 2100TH RD.
LECOMPTON, KANSAS
66050

SHEET DESCRIPTION:

TOWER ELEVATION

SSC #: SHEET NUMBER:

A-3



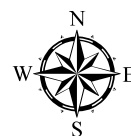
**CUP-13-00156: Conditional Use Permit for a 300' guy tower
at 297 N 2100 Rd**

Lawrence-Douglas County Planning Office
June 2013



CUP-13-00156

Scale: 1 Inch = 6,000 Feet



PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report
6/24/13

ITEM NO. 2A: PID TO IG; 46 ACRES; E 25TH ST & FRANKLIN PARK CIR (MKM)

Z-13-00145: Consider a request to rezone approximately 46 acres located south of the intersection of E 25th Street & Franklin Park Circle from PID (Planned Industrial Development) District to IG (General Industrial) District. Submitted by Bartlett & West, for Douglas County Board of Commissioners, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 46 acres from PID-Franklin Park (Planned Industrial Development) District to 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

"To conform to the land use for the proposed public works facility and to adhere to the suggested use in the Southeast Area Plan."

KEY POINTS

- The subject property consists of 3 separate parcels which were included in the Franklin Park Planned Industrial Development and the vacated right-of-way for Franklin Circle as shown in Figure 1.
- Rezoning to the IG District has been requested to permit development of the Douglas County Public Works Facility.

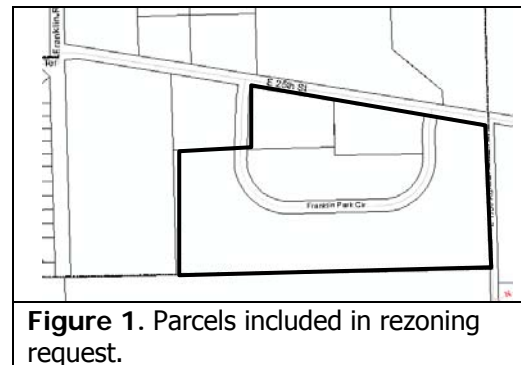


Figure 1. Parcels included in rezoning request.

ATTACHMENTS

A: Permitted uses for PID-Franklin Circle

B: Proposed rezoning exhibit

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

The area is on the urban/rural interface on the east side of Lawrence. The subject of the rezoning request is within the city limits but is adjacent to property in the unincorporated portion of the County on the south and east sides (Figure 3). The area is industrial in nature and has been developed with the County Jail, the Lawrence Community Shelter, a tow-lot, and concrete and asphalt plants.

CONFORMANCE WITH *HORIZON 2020*

The proposed rezoning request from the PID-Franklin Park (Planned Industrial Development) District to the IG (General Industrial) District is consistent with land use recommendations found in *Horizon 2020*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases:

- PP-13-00144: Douglas County Public Works Addition Preliminary Plat; a one-lot subdivision of approximately 46 acres. This plat is also on the Planning Commission's June agenda for consideration.
- SP-13-00206; Site Plan for Douglas County Public Works Facility including administrative offices, vehicle maintenance and storage, and yard with exterior storage.

Other Action Required:

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Planning Commission approval of preliminary plat.
- Submittal of a final plat for administrative review and placement on the City Commission agenda for acceptance of dedications.
- Recording of final plat.
- Administrative approval of site plan for proposed development.
- Application and release of building permit prior to development.

PUBLIC COMMENT

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

Project Summary

The request proposes to rezone approximately 46 acres from the PID-Franklin Park (Planned Industrial Development) District to the IG (General Industrial) District to accommodate the Douglas County Public Works Facility. The use is a permitted use in both the PID and IG Districts. The property owner elected to rezone to the IG District which is a current base zoning district within which development can occur with approval of a site plan. The PID-Franklin Park District is a special purpose base district which was established with the adoption of the 2006 Development Code for those properties which had been rezoned to a planned development district prior to the adoption of the Code. Development in the PID Districts must comply with the standards in the 1966 Zoning Ordinance.

The property consists of 1 platted lot and 2 unplatted parcels and the road right-of-way for Franklin Park Circle. The right-of-way within the boundaries of this plat is being vacated and the lot and 2 parcels are being combined into one lot with the platting of the property. Platting the land into one lot will allow the Public Works Facility use to occur throughout the property. The uses being proposed include shops for public work's vehicles and equipment, offices, storage area for county vehicles, and storage of materials: *Light Equipment Repair Heavy Equipment Repair, Fleet Storage, Administrative and Professional Office, Exterior Storage.*

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The proposed Douglas County Public Works facility and associated land use fits appropriately within the suggested guidelines set forth in Horizon 2020 as well as the more recent Southeast Area Plan."

Chapter 10 of *Horizon 2020*, Community Facilities, notes that the Public Works Department will be improving and upgrading existing facilities. (Page 10-9) The locational criteria on Page 10-17 for utilities would apply to this development as the industrial aspects of the development are similar in nature to a utility use. The criteria include:

- a) *Choose locations and design sites in a manner which minimizes the impact on adjacent properties,*
- b) *Ensure that new public sites and buildings are well-designed to enhance the appearance and image of the city and unincorporated Douglas County, and*
- c) *Public uses that are potential nuisances should be buffered by screening, distance, and/or landscaping.*

The site is within an area that is planned for industrial uses; therefore it is a suitable location. The design of the site will be addressed during the site planning process and will include bufferyard landscaping to buffer the facility from adjacent areas that are not planned for industrial type uses.

The area has been planned through the *Southeast Area Plan*. The Future Land Use Map for this area (page 3-2, *Southeast Area Plan*) designates this area for industrial use. (Figure 2)

Staff Finding – The proposed rezoning request conforms with *Horizon 2020* policies related to Community Facilities and to the future land use recommendations in the *Southeast Area Plan*.



Figure 2. Detail of *Southeast Area Plan* Future Land Use Map.

Purple—Industrial Uses;
Green—Park/Open space.
Brown—High Density Residential
Blue—Public/Institutional
Red—Neighborhood Commercial
Yellow—Low Density Residential
Subject property outlined.

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

Current Zoning and Land Use: PID-Franklin Park (Planned Industrial Development) District; undeveloped with exception of a 4 acre lot which contains the Hillcrest Wrecker and Garage, *Light Equipment Sales and Services* and *Storage of Inoperable Vehicles*.

Surrounding Zoning and Land Use: To the north:

One lot in the Franklin Park PID will retain its PID zoning. This lot is developed with the Lawrence Community Shelter, a *Temporary Shelter*.

Property north of E 25th Street is zoned PID-LRM Industries (Planned Industrial Development); Asphalt facility and concrete plant, *General Industrial*.

To the west:

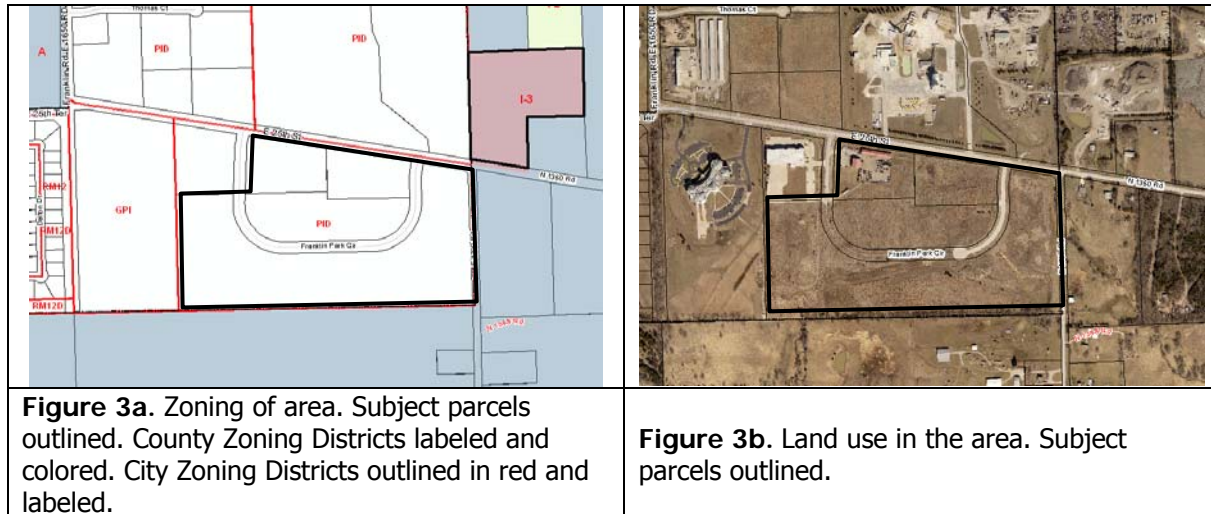
GPI (General Public and Institutional Use) District;

Douglas County Sherriff's Office and Douglas County Jail; *Public Safety and Detention Facility.*

To the south and east:

A (County-Agricultural) District; Agriculture and rural residential.

(Figure 3)



Staff Finding – There are a mix of land uses in the area with the predominate uses being industrial and agricultural. Other uses include community facilities (temporary shelter and jail), and rural residential. The zonings in the area consist of Planned Industrial Developments and County-Industrial, Agricultural and General Public and Institutional Use Districts.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"The existing neighbors surrounding this property are industrial tenants to the north, vacant ground to the east, a large existing farm to the south, and the existing Douglas County Jail along the west. The new homeless shelter is also located near the northwest side of the described property."

The property is located on the east edge of the city. It is bordered by city property on the north and west and by property outside the city limits on the south and east. Nearby property outside the City limits is zoned A (Agricultural) and agriculture and rural residences are the principal land uses. A 38 acre future park and a sanitary sewer pump station are located about ¼ mile south on E 1700 Road.

Nearby property within the City limits to the northwest is zoned PID-Mt Blue and is partially developed with 2 mini-storage facilities. Industrial uses, a concrete and asphalt plant, are located to the north in the PID-LRM Industries zoning district. A general retail store (Tractor Supply) is located west of these industrial uses. The remainder of the area west to O'Connell Road is zoned for residential and commercial development with the following zoning designations: RM12D, RM12, RS7 (Single-Dwelling Residential), and CC200 (Community Commercial Center) Districts. These areas have not yet been developed.

The area is characterized by agricultural and industrial uses as well as community facilities, such as the jail and the temporary shelter. Property to the west of Franklin Road has been zoned and platted for multi-dwelling residential development; but has not yet developed. The area is in close proximity to E 23rd Street, a principal arterial which becomes Hwy K-10 and has good access to the major transportation network.

Staff Finding – The area has a mix of uses, with industrial, agricultural, and community facilities being the predominate uses. Residential uses are planned in the area but have not yet developed. The area is in close proximity to, and has good access to the major transportation network.

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

The subject property is located within the planning area in the *Southeast Area Plan*. The land use recommendations in this plan identify this area for industrial uses.

Staff Finding: The rezoning request to the IG (General Industrial) District is compliant with the recommendations in the adopted area plan.

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

Applicant's Response:

"The proposed rezoning is in clear compliance with any land use restrictions or guidelines that could happen inside the zoning district. The granting of this rezoning application in no way opposes the general spirit of the Zoning Ordinance, Subdivision Regulations, or City of Lawrence Land Development Code."

The property is currently zoned PID-Franklin Park (Planned Industrial Development) District. The PID Districts permit uses listed in Use Groups 7, 8, 9, 9A, 10, 17, 18, 13, 14, 19, 20. (These are use groups in the 1966 Zoning Regulations.) The PID-Franklin Park District had restrictions placed on the permitted uses with the rezoning, Z-4-18-96, in 1996. Attachment A shows the uses which are permitted in the PID-Franklin Park District. Table 1 lists the uses which are permitted in the IG District. To assist in the comparison of the two districts, uses which were not specifically listed in the PID-Franklin Park use groups are shown in red italics. Some of the differences in permitted uses may be attributed to changing conditions. Uses such as Public Safety, Social Service Agency and Temporary Shelter, were not included as uses in any Use Group in the pre-2006 Code.

A comparison of the permitted uses in the PID-Franklin Circle and the IG Districts shows that while some uses in the IG District were not included in the PID-Franklin Circle District, the IG District permits fewer uses than the PID. Non-industrial uses such as child care home, museum, community building, church, health center, hospital, library, nursing home, sanitarium, grade school and high school, live theater, funeral home, automotive sales, amusement park, sexually oriented theater, and home improvement center are not permitted in the IG District but are permitted in the PID-Franklin Park District.

Table 1. Uses permitted in IG District, (uses not specifically identified in the 1966 Code in the PID District shown in *red italics*.

Permitted by right	Permitted with Special Use Permit
Household Living	
<i>Mobile home</i>	
Community Facilities	
College/University	<i>Detention Facility (SUP)</i>
Day Care Center	<i>Community Meal Program (SUP)</i>
Postal & Parcel Service	Active Recreation (SUP)
<i>Public Safety</i>	<i>Temporary Shelter (SUP)</i>
<i>Social Service Agency</i>	
Utilities Minor	
Utilities Major	
Recreational Facilities	
Passive Recreation	
Nature Preserve/Undeveloped	
Animal Services	
Kennel	
Livestock Sale	
Office	
Administrative and Professional	
Other	
Parking Facilities	
Accessory (permitted as accessory use)	
Commercial	
Retail Sales & Service	
Building maintenance	
Business Support	
Construction Sales and Services	
Vehicle Sales & Service	
Cleaning (Car Wash)	Truck Stop
Fleet Storage	
<i>Gas and Fuel Sales</i>	
Heavy Equipment Repair	
Heavy Equipment Sales/Rental	
Inoperable Vehicles Storage	
Light Equipment Repair	
<i>RV and Boats Storage</i>	
Industrial Facilities	
<i>Explosive Storage</i>	<i>Scrap and Salvage Operation</i>
Industrial, General	
Industrial, Intensive	
Laundry Service	
Manufacturing & Production, Ltd.	
Manufacturing &U Production, Tech.	
Research Service	
Wholesale Storage & Distribution	
Exterior Storage (accessory)	
Heavy	
Light	
Min-Warehouse	
Adaptive Reuse	
	Designated Historic Property

Permitted by right	Permitted with Special Use Permit
Agriculture	
Agricultural Sales	
<i>Agriculture, Crop</i>	
Communication Facilities	
Amateur & Receive Only Antennas (accessory)	Telecommunications Tower
Broadcasting Tower	
Communications Service Establishment	
Telecommunication Antenna (accessory)	
Satellite Dish (accessory)	
Mining	
	Mining
Recycling Facilities	
Large Collection	
Small Collection	
Processing	

The property remains suitable for the uses to which it is restricted. The rezoning to the IG District will place additional restrictions on the permitted uses to those which are more industrial in nature. There are some community facilities such as temporary shelter and community meal program that are added with the IG District; however, these specific uses were not individually listed in the pre-2006 Code but simply fell into the 'community facilities' category.

Staff Finding – The property is suitable for the uses to which it is restricted with the current PID zoning; however, the developed plan approved did not contemplate a single large user, such as the proposed Public Works facility. The property is also well suited to the uses to which it will be restricted with the IG Zoning.

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

Applicant's response:

"It was originally zoned PID as a part of the Franklin Park Industrial Development in the late 90's and has remained primarily vacant until the present time"

Staff Finding – The property has not been developed since being rezoned to PID, with the exception of a 4 acre lot which has been developed with a tow company use.

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

Applicant's response:

"The proposed use for a public works facility conforms appropriately with current and future land use goals laid out by the City of Lawrence. We believe the approval of this rezoning request will in no way detrimentally affect nearby properties or their associated business operations."

As discussed in an earlier section, the rezoning to the IG will place additional restrictions on the uses that are permitted on this property. The proposed development is permitted in both the PID and the IG District. Rezoning to a base district will allow the property to be developed with site planning, rather than requirement of a preliminary and final development plan. The planned developments typically included multiple users and were intended to provide additional buffering elements and design flexibility to ensure compatible

development. The 2006 Development Code contains buffering requirements and Industrial Design Guidelines have been adopted. These provisions will ensure compatible development without the need for a planned development.

Staff Finding –

The rezoning to the IG District should not detrimentally affect nearby properties as the IG District has a more restrictive list of permitted uses. Design standards in the Development Code and the Industrial Design Guidelines will insure compatible development with adjacent properties.

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

Applicant's Response:

"This is a unique situation and opportunity for the applicant to ensure adequate zoning and property use of the vacant existing property while offering a potential service benefit for City of Lawrence citizens who use and visit Douglas County Public Works facilities. The individual hardship being imposed on the property owner with denial of this application would be that fulfillment of any rehabilitation use to maximize the potential of the property into a new public asset for Douglas County and the City of Lawrence would be eliminated without the proper zoning required to develop this property."

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

There would be no public benefit to the denial of this application. The use is a permitted use in the PID-Franklin Park District. The Planned Development zoning was intended to provide greater design flexibility and included buffer requirements to insure compatible development. As these measures have been included in the Development Code for base zoning districts and Industrial Design Guidelines have been adopted, compatible development can be achieved without the need for a planned development.

If the rezoning were denied, a preliminary development plan would need to be submitted for approval by the Planning and City Commission. The PID-Franklin Park District is a special purpose district for those planned developments which were rezoned prior to the adoption of the 2006 Code. These are permitted to continue, but development must adhere to the standards in the pre-2006 Code. Rezoning to a current base district, will allow this property to be developed to current standards.

Staff Finding – There would be no gain to the public in the denial of this application. Denial of the rezoning would require the property to be developed as a Planned Development subject to the standards of the pre-2006 Code. Approval would allow the property to be developed to current standards. The Development Code and Industrial Guidelines provide adequate provisions to insure compatible development.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed location for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The rezoning request is compliant with recommendations in *Horizon 2020* and *the Southeast Area Plan*. Staff recommends approval of the rezoning request for approximately 46 acres from PID-Franklin Park (Planned Industrial Development) District to 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.

20-610.8

ZONING DISTRICTS					PERMITTED USE GROUPS	Parking Group	Special Cond.
RO-1, 1A, 1B	RO-2	RS	RM	RD			
S	S	S	S	S	<p>USE GROUP 7. COMMUNITY FACILITIES - PUBLIC UTILITIES (a) may appropriately be located in residential areas to provide education, recreation, health, and other essential services and, (b) do not create significant objectionable influences in residential areas.</p> <p>1. Community Facilities</p> <p>Adaptive reuse of properties listed as a landmark on the Lawrence, State or National Registers of Historic Places or included in the Lawrence or National Register of Historic Districts</p> <p>Art gallery or museum</p> <p>Cemetery, columbarium, or mausoleum</p> <p>Child care center</p> <p>Child care home - occupant primary provider</p> <p>Child care home - non-occupant primary provider</p> <p>Church or other place of worship, including student center</p> <p>Club or lodge, private, except those whose chief activity is carried on as a business</p> <p>Communication Towers</p> <p>Community building, public</p> <p>Golf course, but not including commercially operated driving range, pitch and putt course or miniature golf course</p> <p>Halfway house or service-oriented rehabilitation center or residence</p> <p>Health center, government operated</p> <p>Hospital, general, not including animal</p> <p>Institution for children and aged, nonprofit</p> <p>Library or museum: public or private, open to public without charge</p> <p>Monastery, convent or similar institution of religious training</p> <p>Mortuary, funeral parlor, or undertaking establishment</p> <p>Nursing home or rest home</p> <p>Parish house, nunnery, rectory, etc.</p> <p>Park, playground, or playfield, public</p> <p>Private recreation facility (exclusive of family swimming pools and swimming pools that are accessory uses to hotels, motels and apartments)</p> <p>Rehabilitation center for persons with disabilities</p> <p>Sanitarium</p> <p>School, public, parochial, or private, non-profit:</p> <p>(a) Grades nine and below including kindergarten</p> <p>(b) Grades ten and above</p> <p>Studio for professional work or for teaching of any form of fine arts e.g. photography, music, dancing, drama, etc.</p> <p>Swimming pool, accessory</p> <p>Theatre, live (if indoors)</p> <p>2. Public Utilities</p> <p>Electrical substation</p> <p>Gas regulator station</p> <p>Radio or television transmitter or tower</p> <p>Sewage disposal plant, private</p> <p>Telephone exchange, but not including garage, shop, or service</p> <p>Water filtration plant, pumping station, elevated storage or reservoir</p> <p>3. Similar Uses</p> <p>All other uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses and (2) are not included in any other use group.</p> <p>4. Accessory Uses</p> <p>(Ord. 6359; Ord. 6382; Ord. 6489)</p>	1428	
					25	1608/1451	
					12	1427	
						1408	
					22	1424/1608	
					22	1424	
					22	1424/1608	
					8	1409	
					15	1608/1410/1448	
						14B02/1608	
					15	1427	
					23	1416	
					6	1608/1448	
					14	1608/1448	
					6	1608	
					22	1608	
					13	1427	
					6	1409	
					7		
					6	1608	
					1		
						1441/1608/1448	
					22	1608/1448	
					6	1608	
					22		
					16		
					13	1608/1457	
						1437	
					7	1608/1448	
					22	1608	
						1608	
						14B02/1608	
						1608	
					22	1608	
					22	1608	
					</		

ZONING DISTRICTS					PERMITTED USE GROUPS	Parking Group	Special Cond.
RO-1, 1A, 1B	RO-2	RS	RM	RD			
S	S	S	S	S	<p>USE GROUP 8. TEMPORARY USES</p> <p>(a) Uses of a non-residential nature which need to be located in residential areas on a temporary basis.</p> <p>(b) Uses of a commercial nature which are temporary and where in duration, traffic generation, or intensity, are allowable in residential neighborhoods or as accessory commercial uses to established commercial operations.</p> <p>1. Temporary Uses - Non-residential Nature</p> <p>Automobile parking lot, for special event</p> <p>Batching plant, asphaltic or Portland cement, concrete, non-commercial</p> <p>Construction building and/or yard</p> <p>Earth moving and excavation; depositing construction materials, clay, earth, gravel, minerals, rock, sand or stone on the ground</p> <p>Off-street parking and loading</p> <p>Tract office</p> <p>All other temporary uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses and (2) are not included in any other use group.</p> <p>2. Temporary Uses - Commercial Nature</p> <p>Special Events</p> <p>Temporary outdoor sales area as an accessory use to an established commercial operation</p> <p>Licensed transient merchant's temporary structures as defined in Chapter 6, Article 8, of the City Code.</p> <p>(Ord. 6698)</p>	<p>22</p> <p>22</p> <p>25</p>	<p>1612/1428</p> <p>1425</p> <p>1411</p> <p>1411</p> <p>1419</p> <p>1425</p> <p>1438</p> <p>1454</p> <p>1455</p> <p>1454</p>
S	S				<p>USE GROUP 9. PROFESSIONAL OFFICES. Offices for medical, professional and governmental purposes and accessory use, not including retail sales to the public, that are of a nature that may be located adjacent to or combined with residential uses without harmful effects to said residential uses.</p> <p>1. Medical and Related Offices</p> <p>Chiroprody, chiropractic, dental, electrology, medical, optical, optometric, osteopathic, including a clinic</p> <p>2. Ambulatory (Outpatient) Surgery Center</p> <p>3. Professional and Governmental Offices</p> <p>Accounting, architecture, engineering, governmental, insurance sales, law, real estate and sales and brokerage, motion picture studios (enclosed)</p> <p>4. Veterinarian</p> <p>Office and incidental boarding, with no open kennel or yard where animals are confined or exercised</p> <p>5. Financial Institutions</p> <p>6. Studio for professional work or for teaching of any form of fine arts e.g. photography, music, dancing, drama, etc.</p> <p>7. Other Offices</p> <p>All other offices which (1) are similar to the listed uses in function, traffic-generating capacity, effects on other land uses, and (2) are not included in any other use group.</p> <p>8. Accessory Uses.</p> <p>(Ord. 6287; Ord. 6770; Ord. 7047 rev.)</p>	<p>11</p> <p>27</p> <p>13</p> <p>14</p> <p>12</p> <p>13</p>	<p>1428</p> <p>1458</p> <p>1403</p> <p>1608/1457</p>

TABLE IV(A)

	Zoning District	PERMITTED USE GROUPS	Parking Group	Special Cond.
	O-1			
20-7A04.1	S	USE GROUP 7. COMMUNITY FACILITIES & UTILITIES-RESIDENTIAL as set forth in Section 20-610.8, subject to "Special Conditions" reference set forth therein.		
20-7A04.2	S	USE GROUP 9. PROFESSIONAL OFFICES as set forth in Section 20-610.10, subject to "Special Conditions" reference set forth therein.		
20-7A04.3	S	<p>USE GROUP 9A. LIMITED SERVICES. These uses are limited in development, intensity and traffic-generating capacity to uses which are compatible with established residential neighborhoods.</p> <ol style="list-style-type: none"> <ul style="list-style-type: none"> Bank, savings & loan, and trust company Dry cleaning outlet store Freestanding automated banking or dispensing facility Funeral home, mortuary or undertaking establishment Laboratory, medical or dental Loan office Personnel services Photographic studio Post Office branch facility Professional cleaning services Radio and television studio Recording studio School, commercial or trade, when not involving any danger of fire or explosion, nor of offensive odor, noise, dust, glare, heat, vibration or other objectionable factors Secretarial service Studio for professional work or for teaching of any form of fine arts i.e. photograph, music, dancing, drama, etc. Telephone answering service Accessory Uses 	<p>12</p> <p>12</p> <p>7</p> <p>16</p> <p>13</p> <p>13</p> <p>12</p> <p>12</p> <p>13</p> <p>12</p> <p>16</p> <p>16</p> <p>13</p> <p>13</p> <p>12</p>	1428

TABLE IV

20-709.

	ZONING DISTRICTS						PERMITTED USE GROUPS	Parking Group	Special Cond.
	CP	C1	C2	C3	C4	C5			
20-709.1	S	S	S		S	S	USE GROUP 1. AGRICULTURE - ANIMAL HUSBANDRY as set forth in Section 20-610.1, subject to "Special Conditions" reference set forth therein.		
20-709.2	P	P	P	P	P	P	USE GROUP 2. AGRICULTURE - FIELD CROPS as set forth in Section 20-610.2.		
20-709.21		P					USE GROUP 3. RESIDENTIAL - SINGLE-FAMILY DETACHED as set forth in Section 20-610.3.	1	
20-709.3		S	S	S		S	USE GROUP 4. RESIDENTIAL - MULTI-FAMILY as set forth in Section 20-610.5.	2	1428/ 1446/ 1447
20-709.4			S	S		S	USE GROUP 5. RESIDENTIAL - DORMITORY as set forth in Section 20-610.6.	2	1428/ 1446/ 1447
20-709.5			S	S	S	S	USE GROUP 7. COMMUNITY FACILITIES & UTILITIES-RESIDENTIAL as set forth in Section 20-610.8, subject to "Special Conditions" reference set forth therein.		
20-709.6	S	S	S	S	S	S	USE GROUP 8. TEMPORARY USES as set forth in Section 20-610.9, subject to "Special Conditions" reference set forth therein.		
20-709.7			S	S	S	S	USE GROUP 9. PROFESSIONAL OFFICES as set forth in Section 20-610.10, subject to "Special Conditions" reference set forth therein.		
20-709.8	S	S	S	S	S	S	USE GROUP 10. OFF-STREET PARKING. Off-street parking areas and accessory uses for customer parking or parking for a fee. 1. Off-Street Parking Off-street parking lot, fee or customer (Ord. 6702)		1213/1428 1213/1428
20-709.9		S	S	S	S	S	USE GROUP 11. INNER NEIGHBORHOOD COMMERCIAL USES. These uses are limited in development, intensity and traffic-generating capacity to uses which are compatible with established residential neighborhoods. 1. Bicycle sales, rental or repair Book store, new or used Dry cleaning outlet store Food store, not including 24 hr. convenience store Hair care establishment Laundry, self-serve Professional Offices (excluding medical and veterinarian offices and clinics) Quick copy center Restaurant, not including one with drive-up facilities or service to automobiles Retail bakery Reverse vending machines (recycling) Shoe repair service Small collection facilities (recycling) Studio for professional work or for teaching of any form of fine arts i.e. photography, music, dancing, drama, etc. 2. Accessory Uses (Ord. 6578; Ord. 6777)	13 12 12 11 11 11 13 11 26 11 12 13	1428/1446 1453 1450 1450

ZONING DISTRICTS						PERMITTED USE GROUPS	Parking Group	Special Cond.
CP	C1	C2	C3	C4	C5			

						2. Similar Uses Other uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses, and (2) are not included in any other use group. 3. Accessory Uses (Ord. 6578)		
20-709.11			S	S	S	USE GROUP 13. AUTOMOTIVE SERVICES; RETAIL SALES; OTHER. Primarily automotive service establishments and accessory uses, including consumer and non-consumer retail goods and services not appropriate for the neighborhood shopping district, including certain goods and services for agricultural, industrial, commercial, or institutional use. 1. Automotive Services and Retail Sales Aircraft sales, rental, service Ambulance service Amusement park, commercial Auction room auctioneer Automobile parking garage Automobile parts store; tires & accessories Automobile repair and services Automobile sales, service, rental (new and used) Automobile service station Barber and beauty equipment sales Baseball park, commercial Blueprinting and similar reproduction processes Boat and marine sales, rental and repair Bus passenger station Business machine rental, repair, sales Car or truck wash Carnival or circus Carting, crating, express hauling, moving and storage Caterer Eating establishment, enclosed, with dancing or entertainment Eating establishment, providing only drive up service or no seating facilities Exterminator, pest Food convenience store, including gasoline sales Food locker plant, for consumer use Free standing automated banking or dispensing facility Funeral home, mortuary, or undertaking establishment Garage or parking for common or public utility vehicles Glass sales and cutting shop Golf driving range, commercial, (pkg. requirement applies to tee area only) Golf pitch and putt courses, miniature golf course Home improvement center Hotel Laboratory, medical or dental Leather goods, sales and repair Linen supply, diaper service, uniform supply Liquids, flammable, underground storage of Lumber, limited sales Media Store (Ord. 7226) Mobile homes, sales and service Monument sales, including incidental processing Motel Motorcycle sales, service and rental Office equipment and supplies, sales and service, rental and repair Pet shop Photostating Plumbing fixture sales Quick copy or duplicating center Recording studio School, commercial or trade, when not involving any danger of fire or explosion, nor of offensive odor, noise, dust, glare, heat, vibration or other objectionable factors Secretarial service Sex Shop (Ord. 7226) Sexually Oriented Media Store (Ord. 7226) Skating rink, commercial	17 21 12 12 16 16 14 24 15 7 12 15 15 13 15 17 14 26 15 15 12 15 7 13 18 18 12 5 16 12 17 22 12 12 13 17 5 13 13 12 12 11 16 16 13 12 12 12	1428

ZONING DISTRICTS						PERMITTED USE GROUPS	Parking Group	Special Cond.
CP	C1	C2	C3	C4	C5			
						Studio for professional work or for the teaching of any form of fine arts, photography, music, drama, etc. Swimming pool, commercial (parking requirements include pool area) Taxidermist Telephone answering service Theatre, drive in Trailer sales and rental Transit vehicle storage and servicing Truck rental and sales 2. Similar Uses Other business services which (1) are similar to the listed uses in function, traffic-generating capacity, and effects upon other land uses, and (2) are not included in any other use group. 3. Manufacturing Uses Baked goods, candy, delicatessen, and ice cream, all for retail sales on the premises only Clothing: custom manufacturing or altering for retail, including custom dressmaking, millinery, or tailoring 4. Accessory Uses (Ord. 6578)	13 11 15 12 20 17 16 15 15	1437 1426
20-709.12			S	S		USE GROUP 14. RETAIL - WHOLESALE SALES AND SERVICES. Consumer and non-consumer type retail and wholesale stores and service establishments and accessory uses that serve a wide area, including the entire city and surrounding trade area. 1. Retail - Wholesale Goods and Services Automobile body shop Blacksmith shop Building materials and lumber yards (parking requirements do not apply to lumber sheds) Cold storage plant Contractor or construction offices and shops Dry cleaning plant, including carpet cleaning Farm equipment sales, service and repair Feed and fertilizer sales Freight depot, railroad or truck Hardware, industrial sales Ice plant Machine tools, sales, rental, repair Mini-warehouse facilities Pawnshop Sexually Oriented Cabaret (Ord. 7226) Sexually Oriented Motion Picture Theatre (Ord. 7226) Warehousing establishment Wholesaling establishment, including storage 2. Similar Uses Other uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses, and (2) are not included in any other use group. 3. Accessory Uses (Ord. 6768)	15 22 15 13 17 15 12 15 15 17 15 22 15 N/A 12 12 9 17 12	1428 1456 1459/1460 1459/1460
20-709.13		S	S	S	S	USE GROUP 15. AMUSEMENT, RECREATIONAL AND CULTURAL FACILITIES. Uses similar in nature and traffic-generating capacities that appeal to large groups of people or that provide uses with high density (people to space) ratios whose primary intent is one of amusement or recreational pursuits or cultural enrichment. 1. Indoor Recreational Amusement or Cultural Facilities Athletic club Auditorium Bowling alley Field house Game arcade, including video games Physical culture center and health services, including spas, gymnasiums, reducing salons, masseur/masseuse, or hot tubs Skating rink Swimming pool, commercial Theatre, indoor 2. Outdoor Amusement, Recreational or Cultural Facilities Baseball park or batting cages, commercial	12 7 10 7 11 11 12 11 9 7	1428 1426/1427 1426/1427

ZONING DISTRICTS						PERMITTED USE GROUPS	Parking Group	Special Cond.
CP	C1	C2	C3	C4	C5			
						Golf driving range or putting greens, commercial Golf, miniature or pitch and putt Marina Race track Stadium or amphitheater Swimming pool, commercial 3. Similar Uses Other uses not specifically mentioned in this or any other use group which are similar in function and traffic-generating capacity to those specifically listed in this use group. 4. Accessory Uses Uses which meet the requirements of the definition of accessory uses, Sections 20-2002(2) and 20-2002(3). (Ord. 5658, Sec. IX)	18 18 13 7 11	1415 1426/1427
20-709.14			S	S		USE GROUP 17. MANUFACTURING - LOW NUISANCE. Primarily manufacturing uses and which are of non-objectionable nature and are not harmful to nearby residential and commercial areas. 1. Manufacturing Uses Advertising displays Apparel or other textile products from textile or other materials, including hat bodies or similar products Art needle work, hand weaving or tapestries Bakery products: limited to 7,500 sq. ft. of floor area per establishment Beverages, nonalcoholic Books, hand binding or tooling Bottling works, all beverages Brooms and brushes Cameras or other photographic equipment except film Carpentry, custom woodworking, or customer furniture making shops, cabinet shops Clocks or similar products Custom ceramic products Custom hair products Dry cleaning plant Electrical appliances, including lighting fixtures, irons, fans, toasters, electrical toys or similar appliances Electrical equipment assembly, including home radio or television receivers, home movie equipment or similar products but not including electrical machinery Glass products from previously manufactured glass Jewelry manufacturing from precious metals Machines, business, including typewriters, accounting machines, calculators, card accounting equipment, or similar appliances Medical, dental, drafting instruments, optical goods, or similar precision instruments Mini-warehouse facilities Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers or similar appliances Phonographic record pressing (Ord. 5113) Printing or publishing, including engraving or photo-engraving Scenery construction Second hand store Sign painting shops Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods or similar products Warehousing (limited to 6,500 sq. ft. total floor area per building unit), general, bulk, equipment, or refrigerated, not including animal or scrap and waste materials Watch making Wholesaling establishment, including storage 2. Recycling Uses Large collection facilities 3. Accessory Uses (Ord. 6306; Ord. 6768; Ord. 6770)	16 12 N/A 12	1428 1456 1450

(Code 1979, 20-706; Ord. 5475,5494)

TABLE VI

20-809.

	ZONING DISTRICTS					PERMITTED USE GROUPS	Parking Group	Special Cond.
	M1	M1A	M2	M3	M4			
20-809.1	S	S	S	S	S	USE GROUP 1. AGRICULTURE - ANIMAL HUSBANDRY. As set forth in Section 20-610.1, subject to the "Special Conditions" reference set forth therein.		
20-809.2	P	P	P	P	P	USE GROUP 2. AGRICULTURE - FIELD CROPS. As set forth in Section 20-610.2.		
20-809.3	S	S	S	S	S	USE GROUP 7. COMMUNITY FACILITIES AND UTILITIES-RESIDENTIAL. As set forth in Section 20-610.8, subject to "Special Conditions" reference set forth therein.		
20-809.4	S	S	S	S	S	USE GROUP 8. TEMPORARY USES. As set forth in Section 20-610.9, subject to "Special Conditions" reference set forth therein.		
20-809.5		S	S	S	S	USE GROUP 9. PROFESSIONAL OFFICES. Professional offices including medical and governmental, as set forth in Section 20-610.10. (Ord. 5475)		
20-809.6	S	S	S	S	S	USE GROUP 10. OFF-STREET PARKING. As set forth in Section 20-709.8, subject to "Special Conditions" reference set forth therein.		
20-809.7			S	S		USE GROUP 13. AUTOMOTIVE SERVICES AND RETAIL SALES-OTHER. As set forth in Section 20-709.11, subject to "Special Conditions" reference set forth therein.		
20-809.8			S	S		USE GROUP 14. RETAIL - WHOLESALE SALES AND SERVICES. As set forth in Section 20-709.12, subject to "Special Conditions" reference set forth therein.		
20-809.9						(Reserved)		
20-809.10		S	S	S		USE GROUP 17. MANUFACTURING - LOW NUISANCE. As set forth in Section 20-709.14, subject to "Special Conditions" reference set forth therein.		
20-809.11	S	S	S	S		USE GROUP 18. RESEARCH AND TESTING. Research or testing laboratories and other uses which are not harmful to nearby residential and commercial areas as set forth in the provisions of Sections 20-806 and 20-1444. <ol style="list-style-type: none"> 1. Laboratory, Research or Testing, and ancillary uses 17 2. Motion Picture Studios, radio and television studios 17 3. Low volume, limited light manufacturing uses which require regular truck-trailer service or frequent and evident distribution of their product; and which comply with the other standards set forth in the district 17 4. Office uses of a nature that are primarily for the administrative functions of businesses, companies, corporations, social or philanthropic organizations; specifically excluding uses involving the delivery by the occupant of products on the premises 16 5. Computer time sharing service bureaus 16 6. Professional society or association headquarters 16 7. Mapping, aerial surveying and photogrammetry offices 16 8. State and Federal Government offices 13 9. Professional engineering offices 13 		1428/1444

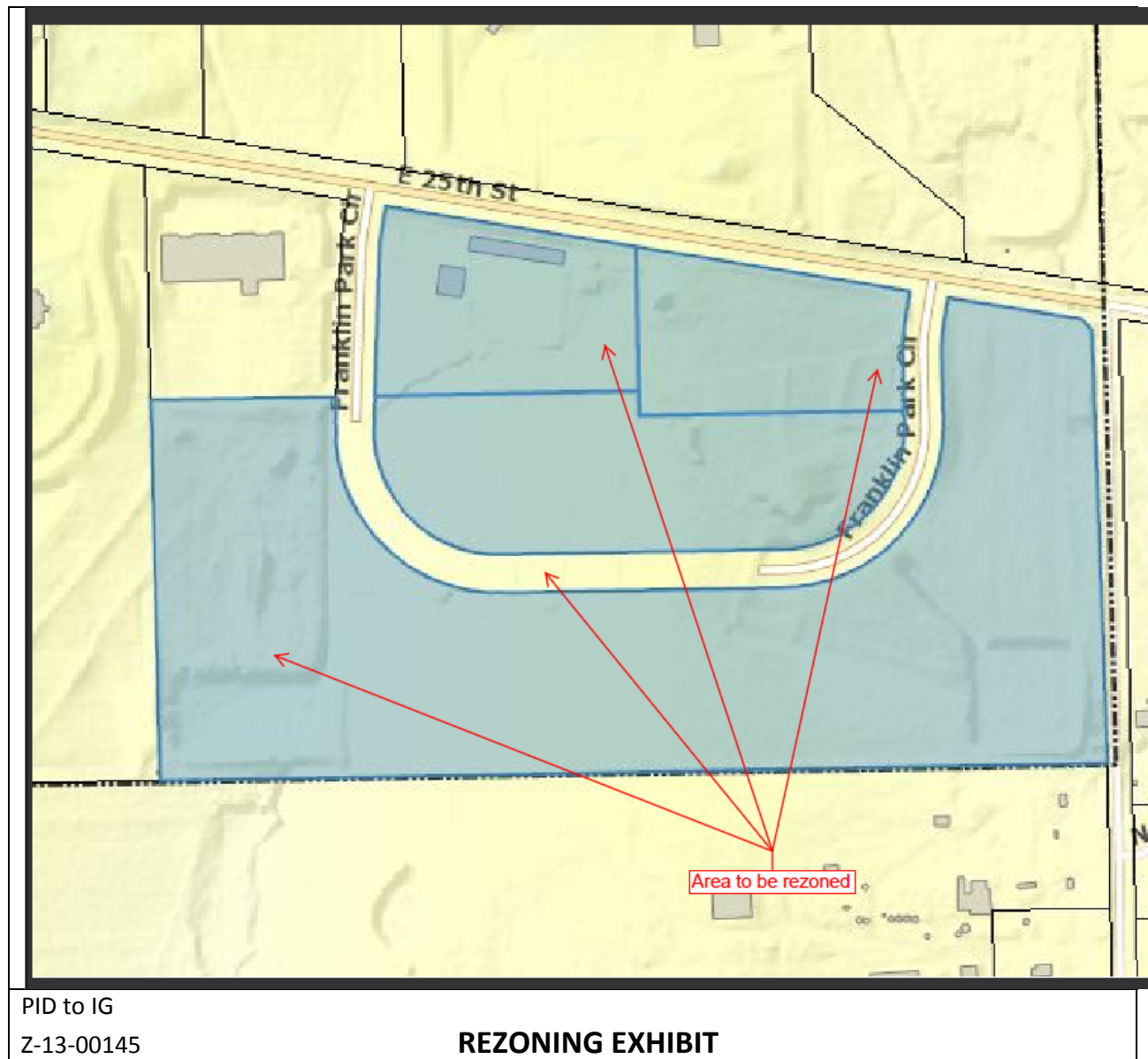
ZONING DISTRICTS					PERMITTED USE GROUPS	Parking Group	Special Cond.
M1	M1A	M2	M3	M4			
					10. Financial institutions Law offices Accounting offices Medical offices Architecture offices 11. Advertising; design of displays and promotional services 12. Educational training; teaching professional occupations 13. Recycling Uses Reverse vending machines Small collection facilities 14. Veterinarian office and incidental boarding, with no open kennel or yard where animals are confined or exercised. 15. Similar Uses. Other uses of a character similar to the function and traffic-generating capacity of the uses listed above. 16. Accessory Uses. (Ord. 7041)	12 13 13 11 13 16 16 14 16	1450
		S	S		USE GROUP 19. INDUSTRIAL-MEDIUM NUISANCE. Non-manufacturing and manufacturing uses and accessory uses which have a medium range of objectionable ratings with respect to the emission of smoke, noise, glare, vibration, and other objectionable elements. 1. Non-Manufacturing Uses Airport, aircraft, and landing strip Animal hospital, kennel, pound, or shelter Automobile, go-kart, miniature auto racing, or driving tracks Bag cleaning Construction equipment sales, service, rental or repair Contractor's yard Dry cleaning plant, including carpet cleaning Gases, flammable, storage of Grain elevator Hatchery Liquids, flammable, storage of Petroleum storage, wholesale Pipe storage School, commercial or trade, when involving any danger of fire or explosion or offensive noise, vibration, dust, odor, glare, heat or other objectionable elements Stable, commercial Theatre, drive-in Tire recapping service Truck terminal or depot Veterinarian: animals kept or boarded on the premises in outdoor kennels Well drilling contractor's yard or shop 2. Similar Uses Other non-manufacturing uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses, and (2) are not included in any other use group. 3. Manufacturing Uses Air conditioning equipment Aircraft, including parts Automobiles, trucks, or trailer body repair Automobiles, trucks, or trailers, including part or rebuilding of engines Bakery products, unlimited floor area Boats, building or repair Canvas or canvas products Carpets Chemicals, compounding or packaging Concrete products, including concrete blocks, brick and tile Cosmetics or toiletries Dairy products Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries, or similar supplies	14 15 16 12 22 22 22 22 22 22 15 12 22 22 16 14	1428 1402 1403 1406 1414 1414 1414 1403 1427 1403

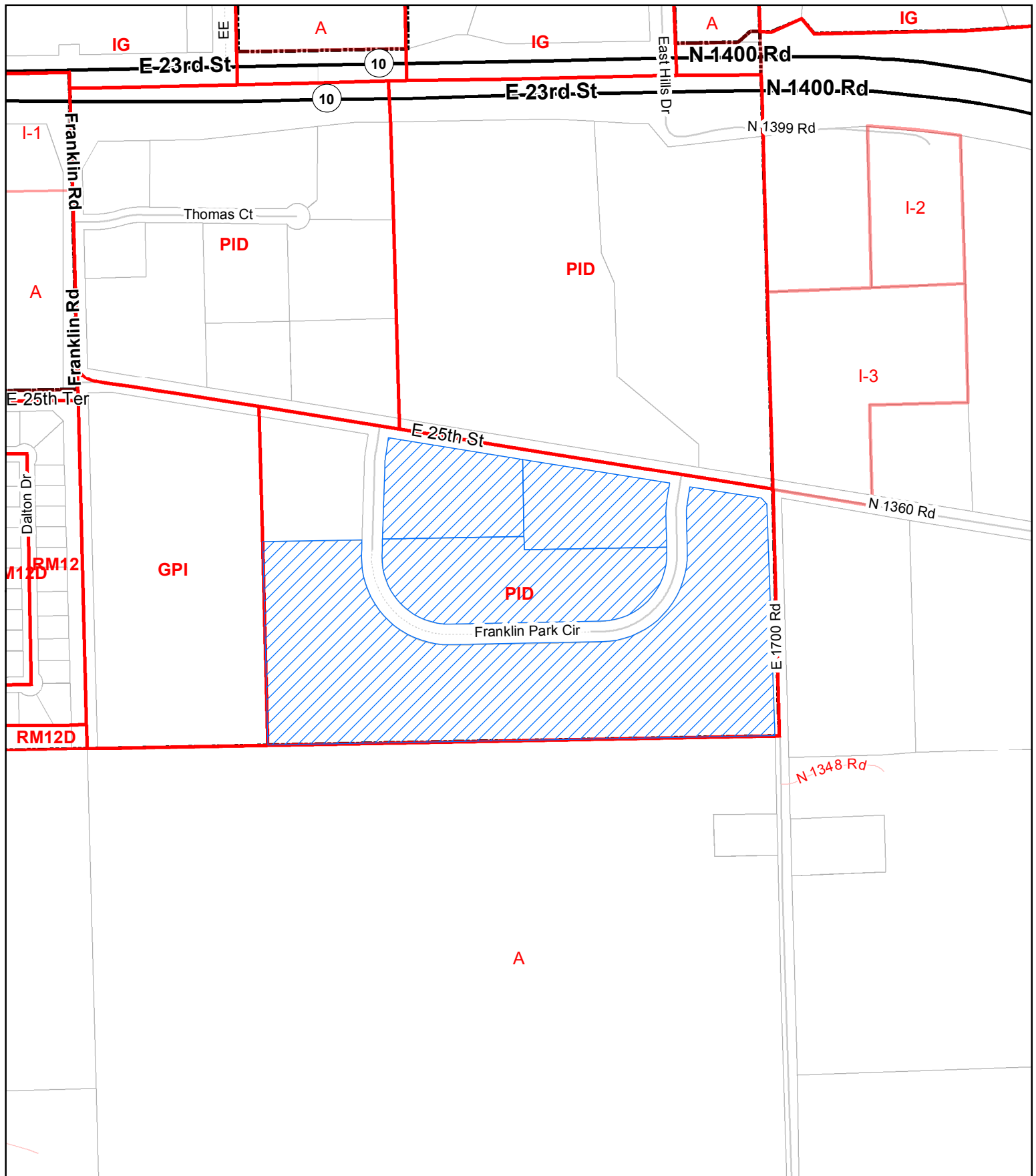
ZONING DISTRICTS					PERMITTED USE GROUPS	Parking Group	Special Cond.
M1	M1A	M2	M3	M4			
					<p>Food products, except slaughtering of meat, or manufacture of vinegar or pickles</p> <p>Fur goods, not including tanning or dyeing</p> <p>Hair, felt, or feather products, except washing, curing or dyeing</p> <p>Hat bodies</p> <p>Heating equipment</p> <p>Hosiery</p> <p>Ink or inked ribbon</p> <p>Jute, hemp, sisal, or oakum products</p> <p>Leather products, including shoes, machine belting, or similar products</p> <p>Luggage</p> <p>Machine tools, including metal lathes, metal presses, metal stamping machines, woodworking machines, or similar products</p> <p>Machinery, miscellaneous, including washing machines, firearms, refrigerators, air conditioning, commercial motion picture equipment, or similar products</p> <p>Machines, business, including typewriter, accounting machines, calculators, card-accounting equipment, or similar products</p> <p>Mattresses, including rebuilding or renovating</p> <p>Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, heat treatment, or similar processes</p> <p>Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products</p> <p>Motorcycles, including parts</p> <p>Musical instruments, including pianos or organs</p> <p>Novelty products</p> <p>Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper printing, books, and similar products</p> <p>Pecan shelling</p> <p>Perfumes or perfumed soaps, compounding or packaging only</p> <p>Pharmaceutical products</p> <p>Plastic products, including tableware, or similar products</p> <p>Poultry or rabbit packing or slaughtering</p> <p>Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, but excluding all rubber or synthetic processing</p> <p>Shoddy</p> <p>Silverware, plate or sterling</p> <p>Soap or detergents, packaging only</p> <p>Statuary, mannequins, figurines, or religious or church art goods, excluding foundry operations</p> <p>Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products</p> <p>Textiles, spinning, weaving, manufacturing, dyeing, printing, knit goods, yard, thread, or cordage</p> <p>Tobacco, including curing, or tobacco products</p> <p>Tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools, or cutlery, hinges, house hardware, locks, non-ferrous metal castings, plumbing appliances, or similar products</p> <p>Toys</p> <p>Umbrellas</p> <p>Upholstering, bulk, excluding upholstering shops dealing directly with consumers</p> <p>Vehicles, children's, including bicycles, scooters, wagons, baby carriages, or similar vehicles</p> <p>Venetian blinds, window shades, or awnings</p> <p>Wax products, including furniture, boxes, crates, baskets, pencils, cooperage, or similar products</p> <p>4. Similar Manufacturing Uses</p> <p>Other manufacturing uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses, and (2) are not included in any other use group</p> <p>5. Accessory Uses</p> <p>(Ord. 6578)</p>		

20-809.13

ZONING DISTRICTS					PERMITTED USE GROUPS	Parking Group	Special Cond.
M1	M1A	M2	M3	M4			
			S		<p>USE GROUP 20. INDUSTRIAL-HIGH NUISANCE. Non-manufacturing and manufacturing uses and accessory uses which either involve considerable danger of fire, explosion or other hazards to public health or safety, or cannot economically be designed to eliminate these hazards.</p> <p>1. Non-Manufacturing Uses</p> <p>Batching or mixing plant, asphaltic or Portland cement concrete, mortar or plaster</p> <p>Dump, public or private</p> <p>Extraction of clay, gravel, sand, quarrying of rock or stone</p> <p>Incinerator, public</p> <p>Livestock: auction sales, pens with barns, loading and unloading and shipping facilities</p> <p>2. Manufacturing Uses</p> <p>Asphalt or asphalt products</p> <p>Beverages, alcoholic, including beer and ale</p> <p>Brick, tile, or clay</p> <p>Carbon black or lamp black</p> <p>Cement, lime, or plaster-of-paris</p> <p>Chemicals, including acids, acetylene, aniline dyes, ammonia, bleaching compounds, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, exterminating agents, hydrogen or oxygen, industrial alcohol, potash, plastic materials or synthetic resins, or rayon yarns</p> <p>Coal, coke, or tar products, including gas</p> <p>Creosoting or similar process</p> <p>Distillation of bones or wood</p> <p>Excelsior or packing materials</p> <p>Explosives or fireworks</p> <p>Fat rendering</p> <p>Fertilizers</p> <p>Film, photographic</p> <p>Foundries, ferrous or non-ferrous</p> <p>Gas or gas products</p> <p>Gelatin, glue or size</p> <p>Glass or large glass products, including structural or plate glass or similar products</p> <p>Grain, milling or processing</p> <p>Graphite or graphite products</p> <p>Gypsum</p> <p>Hair, felt, or feathers (bulk processing, washing, curing or dyeing)</p> <p>Incineration or reduction of garbage, offal, or dead animals</p> <p>Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds</p> <p>Leather or fur tanning, curing, finishing or dyeing</p> <p>Linoleum or oil cloth</p> <p>Machinery, heavy, including agricultural, construction, oil field, or mining, including repairs</p> <p>Matches</p> <p>Meat products, including slaughtering of meat</p> <p>Metal alloys or foil, miscellaneous, including solder, pewter, brass, bronze, or tin, lead or gold foil, or similar products</p> <p>Metal casting or foundry products, heavy, including ornamental iron work, or similar products</p> <p>Metal or metal products, treatment or processing, including enameling, japanning, lacquering, galvanizing, or similar processes</p> <p>Monument works, with no limitation on processing</p> <p>Paint, enamel, lacquer, turpentine, or varnish</p> <p>Petroleum or petroleum products, refining, including gasoline</p> <p>Plastic, raw</p> <p>Porcelain products, including bathroom or kitchen equipment or similar products</p> <p>Railroad equipment, including railroad cars and locomotives</p> <p>Rubber, natural or synthetic, including tires, tubes or similar products</p> <p>Slaughtering or packing of animals or poultry</p> <p>Soaps or detergents</p>	22	1428
						11	1608 1419 1608 1403
						22	

ZONING DISTRICTS					PERMITTED USE GROUPS	Parking Group	Special Cond.
M1	M1A	M2	M3	M4			
					Solvent extracting Steel, structural products, including bars, girders, rails, wire, rope or similar products Stone processing or stone products, including abrasives, asbestos, stone screening, stone cutting, stone works, sand or lime products, or similar processes or products Sugar refining Tar or tar products Textile bleaching Vinegar, pickles, or similar products Wood or lumber processing, including sawmills or planing mills, excelsior, plywood, or veneer, wood-preserving treatment, or similar products or processes Wood pulp or fiber, reduction or processing, including paper mill operations Wood scouring or pulling 3. Similar Manufacturing Uses Other manufacturing uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses, and (2) are not included in any other use group. 4. Accessory Uses (Ord. 6578)		
20-809.14				S	USE GROUP 21. SALVAGE YARDS. Salvage and junkyards for storage, dismantling, processing and wholesaling or retailing of used materials and equipment 1. Non-Manufacturing Uses Automobile, bus or truck dismantling, salvage or wrecking Automobile, bus or truck sales (new or used) rental, service, repair, body work or painting, including the wholesaling or retailing of parts, the installation of glass, upholstering or the rebuilding of engines Junkyard, including salvage yard and auto wrecking, assembling of iron, rags, or similar materials Wholesaling or retailing of salvaged or junked goods, materials or equipment 2. Recycling Uses Large collection facilities Processing facilities Reverse vending machines Small collection facilities 3. Accessory Uses (Ord. 6306)	22 14 22 12	1418/1428 1608 1450





**Z-13-00145: Rezone 46 acres from PID to IG District
South of the intersection of E. 25th Street & Franklin Park Circle**



**PLANNING COMMISSION REPORT
REGULAR AGENDA — NON PUBLIC HEARING ITEM**

PC Staff Report
6/24/13

**ITEM NO 2B: PRELIMINARY PLAT FOR DOUGLAS COUNTY PUBLIC WORKS
ADDITION; E 25TH ST & FRANKLIN PARK CIR (MKM)**

PP-13-00144: Consider a Preliminary Plat for Douglas County Public Works Addition, a 1 lot subdivision of approximately 46 acres, located south of E 25th Street & Franklin Park Circle. Submitted by Bartlett & West, for Douglas County Board of Commissioners, property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the Douglas County Public Works Addition Preliminary Plat subject to the following conditions:

1. Provision of a revised plat with the following changes:
 - a. Note that Franklin Park Circle is proposed to be renamed 'Franklin Park Court'.
 - b. Identify the drainage easements as detention basins and add the following notes to the plat:
 - *"The detention basins will remain free of any natural or non-natural structures or vegetative barriers (including but not limited to trees, shrubbery, berms, fences, and walls."*
 - *"The detention basins will be privately-owned and maintained. The developer is responsible for establishing ownership and maintenance of same via individual owner maintenance. No fences or structures other than necessary retaining walls and/or guardrails will be allowed within the drainage easements."*
 - c. Revise utilities and easements per City Utilities Department approval.
 - d. Note the minimum finished floor elevation for structures on lots.
2. Provision of a revised Downstream Sanitary Sewer Analysis per Utility Engineer approval.

Applicant's Reason for Request:

Subdivision is required prior to development of property.

KEY POINT

- Right-of-way previously dedicated for the extension of Franklin Park Circle will be vacated with this major subdivision. As Franklin Park Circle will no longer extend through to E 25th Street it will be renamed Franklin Park Court.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County.

ATTACHMENTS

Attachment A: Preliminary Plat

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases:

- Z-13-00145: Rezoning request for the subject property from the PID (Planned Industrial Development) District to the IG (General Industrial) District. This rezoning request is also on the June Planning Commission for consideration.
- SP-13-00206; Site Plan for Douglas County Public Works Facility including administrative offices, vehicle maintenance and storage, and yard with exterior storage.

Other Action Required for Subdivision:

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Submittal of a final plat for administrative review and placement on the City Commission agenda for vacation of easements and right-of-way and acceptance of dedications.
- Agreements Not to Protest the Formation of a Benefit District for Street and Sidewalk improvements for E 1700 Road and for sidewalk improvements to E 25th Street to be recorded with the final plat.
- Recording of final plat.
- Administrative approval of site plan for proposed development.
- Application and release of building permit prior to development.

PLANS AND STUDIES REQUIRED

- *Downstream Sanitary Sewer Analysis* – Downstream Sanitary Sewer Analysis provided by Bartlett and West has been reviewed and is accepted for this project with minor revisions.
- *Drainage Study* – Drainage letter study dated 5/23/2013 meets the specified requirements and is approved.

PUBLIC COMMENT

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

Site Summary	
Gross Area (acres):	46.33
Existing Right-of-Way (acres):	There is approximately 3.4 acres of existing right-of-way which is being vacated with this plat. There is no other existing right-of-way.
Additional Right-of-Way (acres):	1.76
Net Area (acres)	44.57
Number of Existing Lots:	One 4.34 acre lot, remainder is unplatted
Number of Proposed Lots:	1 lot

GENERAL INFORMATION

Current Zoning and Land Use: PID-Franklin Park (Planned Industrial Development) District; undeveloped with exception of a 4 acre lot which contains the Hillcrest Wrecker and Garage, *Light Equipment Sales and Services* and *Storage of Inoperable Vehicles*.

Surrounding Zoning and Land Use: To the north:

One lot in the Franklin Park PID will retain its PID zoning. This lot is developed with the Lawrence Community Shelter, a *Temporary Shelter*.

Property north of E 25th Street is zoned PID-LRM Industries (Planned Industrial Development); Asphalt facility and concrete plant, *General Industrial*.

To the west:

GPI (General Public and Institutional Use) District; Douglas County Sheriff's Office and Douglas County Jail; *Public Safety and Detention Facility*.

To the south and east:

A (County-Agricultural) District; Agriculture and rural residential.

STAFF REVIEW

The plat will combine the properties owned by the Douglas County Board of Commissioners into one lot. Currently there is a 4 acre platted lot, Lot No 1, Franklin Park Addition No. 1, which was developed with a wrecker and auto service business as part of the Planned Industrial Development, approximately 3 acres of right-of-way for the extension of Franklin Park Circle which is being vacated and unplatted parcels. The property is being platted to provide an appropriate site for the relocation and expansion of the Douglas County Public Works Facility and administrative offices which are currently located at 711 E 23rd Street and 1242 Massachusetts Street.

Compliance with Zoning Regulations for the IG District.

Per Section 20-601(b) of the Development Code, the IG (General Industrial) District requires a minimum lot area of 5,000 sq ft, and a minimum lot width of 40 ft. The lot being created with this plat complies with these requirements.

Zoning and Land Use

The subject property currently contains a wrecker/auto service facility on approximately 4 acres and the remainder is undeveloped. The proposal is to build administrative offices, shops, and yards for the Douglas County Public Works Department at this location. These uses fit into the use classifications of: *Administrative and Professional Offices, Fleet Storage, Light and Heavy Equipment Repair*, and *Exterior Storage*. These uses are permitted in the IG District.

Streets and Access

The property is bounded on the east by E 1700 Road and on the north by E 25th Street. Franklin Park Circle extends to the south boundary of Lot 1, Franklin Park Addition No. 1. With the Planned Development, the plan had been to extend Franklin Park Circle through the development and back to E 25th Street to provide interior access for the lots. With the current proposal only one lot is being created; therefore, the interior street network is not necessary. The name of this street will need to be revised as it will no longer circle back to E 25th Street. The facility will have access to Franklin Park Circle (renamed) and to E 25th Street.

Utilities and Infrastructure

A site plan has been submitted for review and the applicant is working to coordinate the utilities and easements on the plat with the site plan design. This is illustrated on the exhibit provided with the preliminary plat. This coordination may require changes to the easements and utility locations. As a result, there may be minor differences between the easements shown on the preliminary plat before the Commission and those on the final plat. Section 20-809(m)(2)(i)(c) allows minor adjustments to right-of-way lines and easement lines to account for technical changes related to the proposed public improvement plans.

The City Utility Engineer indicated several minor changes to the plat are necessary, such as the type of connections to the public main and the type of backflow preventer that will be used. These changes should be made to the preliminary plat and are a condition of approval.

E 1700 Road is located outside the city limits and will be improved to City standards when it has been annexed into the City. E 25th Street is constructed and has a 3 to 4 ft sidewalk on the south side up to the eastern access point (Figure 1). Per the Subdivision Regulations, a 5 ft wide sidewalk is required along both sides of E 25th Street, a collector. The widening of the existing sidewalk will be addressed with the site plan. The applicant asked to defer the installation of sidewalks east of the easternmost drive on E 25th Street until such time as development has occurred to the east. Agreements Not to Protest the Formation of a Benefit District will be required for the sidewalk along E 25th Street and for the street and sidewalk improvements for E 1700 Road prior to the recording of the final plat.

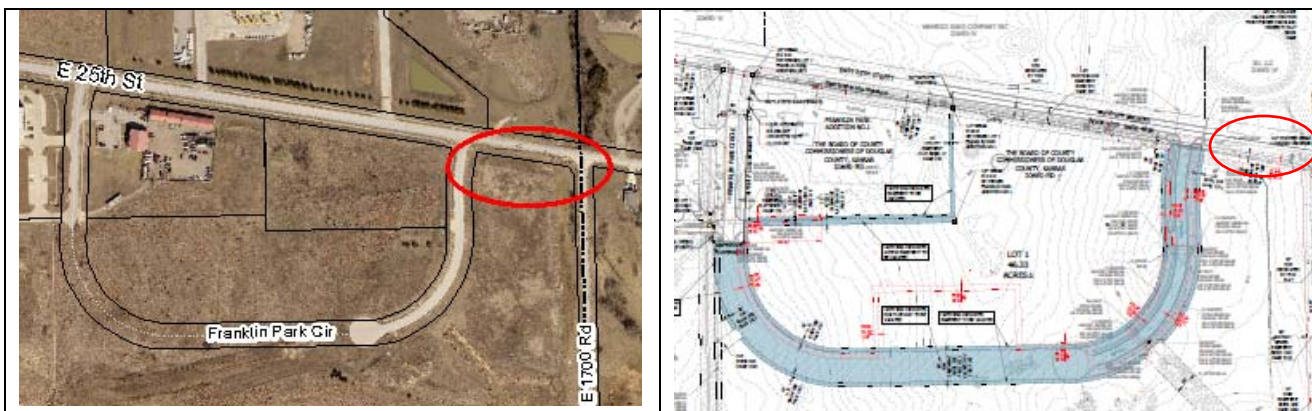


Figure 1. Sidewalk area to be included in the Agreement Not to Protest.

Easements and Rights-of-way

An 80 ft right-of-way easement for Franklin Park Circle is being vacated with this plat. The plat shows the right-of-way and easements being vacated in hatched blue shading and shows new easements in red line. The property will have perimeter easements along the west and east sides and along the E 25th Street frontage. A 15 ft utility easement will extend throughout the site generally following the alignment of the vacated right-of-way with a jog to provide access to the various buildings being planned on the site. (Sheet 2 of the plat shows the easements in relation to the proposed layout.)

E 25th Street and E 1700 Road are both classified as 'Collectors' in the Major Thoroughfares Map. E 25th is a collector street within the City of Lawrence and E 1700 Road is a major collector road in the unincorporated area. A collector street within the City and a major collector road both require 80 ft of right-of-way. The plat shows 40 ft of right-of-way being dedicated for both E 25th Street and E 1700 Road.

Stormwater/Drainage

The City Stormwater Engineer approved the drainage letter study but indicated that the drainage easements should be identified as detention basins and that the following notes should be added to the plat:

- 1) *"The detention basins will remain free of any natural or non-natural structures or vegetative barriers (including but not limited to trees, shrubbery, berms, fences, and walls."*

- 2) *"The detention basins will be privately-owned and maintained. The developer is responsible for establishing ownership and maintenance of same via individual owner maintenance. No fences or structures other than necessary retaining walls and/or guardrails will be allowed within the drainage easements."*

As the property contains drainage easements, the minimum habitable floor elevations for structures should be noted on the plat, per Section 20-809(f)(5) of the Subdivision Regulations.

Conformance

The preliminary plat, as conditioned, is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.

PRELIMINARY PLAT OF:

DOUGLAS COUNTY PUBLIC WORKS ADDITION

DESCRIPTION:

LOT 1 FRANKLIN PARK ADDITION NO. 1 AND TWO TRACTS OF LAND PREVIOUSLY RECORDED IN BOOK 1077 PAGE 4639 AND BOOK 1079 PAGE 1768, ALL IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M., CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, AND ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 88 DEGREES 55 MINUTES 50 SECONDS WEST, COINCIDENT WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER, 1994.57 FEET TO THE SOUTHEAST CORNER OF LOT ONE FRANKLIN WEST ADDITION; THENCE NORTH 01 DEGREE 31 MINUTES 04 SECONDS WEST, COINCIDENT WITH THE EAST LINE OF SAID LOT ONE, 795.10 FEET TO THE SOUTHWEST CORNER OF LOT ONE, FRANKLIN PARK ADDITION NO. 2; THENCE NORTH 88 DEGREES 55 MINUTES 55 SECONDS EAST, COINCIDENT WITH THE SOUTH LINE OF SAID LOT ONE, 388.12 FEET TO THE SOUTHEAST CORNER OF SAID LOT ONE AND THE WEST RIGHT OF WAY LINE OF FRANKLIN PARK CIRCLE; THENCE SOUTH 01 DEGREE 50 MINUTES 11 SECONDS WEST, COINCIDENT WITH SAID RIGHT OF WAY LINE, 37.78 FEET TO THE SOUTH RIGHT OF WAY LINE OF FRANKLIN PARK CIRCLE; THENCE SOUTH 88 DEGREES 09 MINUTES 49 SECONDS EAST, COINCIDENT WITH SAID RIGHT OF WAY LINE, 80.00 FEET TO THE EAST RIGHT OF WAY LINE OF FRANKLIN PARK CIRCLE; THENCE ALONG SAID RIGHT OF WAY LINE ON THE FOLLOWING 3 COURSES; (1)THENCE NORTH 01 DEGREE 50 MINUTES 11 SECONDS EAST, 342.86 FEET; (2) THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 260.00 FEET, AN ARC LENGTH OF 33.45 FEET, WHOSE CHORD BEARS NORTH 05 DEGREES 31 MINUTES 22 SECONDS EAST, 33.44 FEET; (3)THENCE NORTH 09 DEGREES 12 MINUTES 25 SECONDS EAST, 62.62 FEET TO THE NORTHWEST CORNER OF LOT 1, FRANKLIN PARK ADDITION NO. 1; THENCE SOUTH 80 DEGREES 47 MINUTES 35 SECONDS EAST, COINCIDENT WITH THE NORTH LINE OF SAID LOT 1, 529.70 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH 01 DEGREES 04 MINUTES 05 SECONDS EAST, 40.65 FEET TO THE CENTERLINE OF TOWNSHIP ROAD #57, NOW KNOWN AS EAST 25TH STREET; THENCE SOUTH 80 DEGREES 47 MINUTES 35 SECONDS EAST, COINCIDENT WITH SAID CENTERLINE, 988.76 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 01 DEGREE 33 MINUTES 32 SECONDS EAST, COINCIDENT WITH SAID EAST LINE 960.32, FEET TO THE POINT OF BEGINNING. CONTAINING 46.33 ACRES MORE OR LESS.

SITE SUMMARY

GROSS AREA: 46.33 ACRES±
EXISTING RIGHT-OF-WAY: 0.00
RIGHT-OF-WAY TO BE DEDICATED: 1.76 ACRES±
TOTAL NUMBER OF LOTS: 1 = 44.57 ACRES±

ANNOTATIONS

- (M) MEASURED BEARING AND DISTANCE
(D) DEED BEARING AND DISTANCE
(P1) PLAT BEARING AND DISTANCE FRANKLIN WEST ADDITION
(P2) PLAT BEARING AND DISTANCE FRANKLIN PARK ADDITION NO.2
(P3) PLAT BEARING AND DISTANCE FRANKLIN PARK ADDITION NO.1
R/W RIGHT OF WAY
U.A. UTILITY EASEMENT
D.E. DETENTION EASEMENT

BENCHMARK

NGS BM # M368 ELEVATION 826.23

MONUMENTATION

- FOUND REBAR, SIZE NOTED, ORIGIN UNKNOWN UNLESS OTHERWISE NOTED
● SET 5/8" x 24" REBAR WITH CLS14 ID CAP

FLOOD PLAIN

ACCORDING TO FEMA FLOOD INSURANCE RATE MAPS; 2004SC0187D, 2004SC0179D, 2004SC0183 & 2004SC0191D THIS AREA IN ZONED 'X' = AN AREA OUTSIDE THE 500 YEAR FLOOD ZONE

SPECIAL NOTES

THE CLIENT DID NOT PROVIDE A TITLE INSURANCE POLICY

GENERAL NOTES

DEVELOPER/APPLICANT:
DOUGLAS COUNTY
1100 MASSACHUSETTS STREET
LAWRENCE, KANSAS 66044

LAND PLANNER:
BARTLETT & WEST, INC.,
544 COLUMBIA DRIVE
LAWRENCE, KANSAS 66049

TOPOGRAPHY PROVIDED BY:
RONALD J. SHANKS,
KS. R.L.S. #1255
BARTLETT & WEST, INC.,
544 COLUMBIA DRIVE
LAWRENCE, KANSAS 66049

EXISTING ZONING:
PID - PLANNED INDUSTRIAL DISTRICT

PROPOSED ZONING:
IG - GENERAL INDUSTRIAL

EXISTING LAND USE:
UNDEVELOPED LAND/SMALL EXISTING INDUSTRIAL

PROPOSED LAND USE:
PUBLIC WORKS FACILITY

UNDERGROUND UTILITIES SHOWN HEREON WERE LOCATED BY DOUGLAS COUNTY PUBLIC WORKS STAFF

BEARINGS BASED ON STATE PLANE
NAD 83, KANSAS NORTH

PROVISION AND FINANCING OF ROADS, SEWER, WATER AND OTHER PUBLIC SERVICES; INSTALLATION OF PUBLIC IMPROVEMENTS TO BE PROVIDED VIA PRIVATE FINANCING. CONNECTION TO THE PUBLIC WATER AND WASTEWATER MANAGEMENT SYSTEM WILL BE VIA PRIVATE SERVICE LINE CONNECTIONS

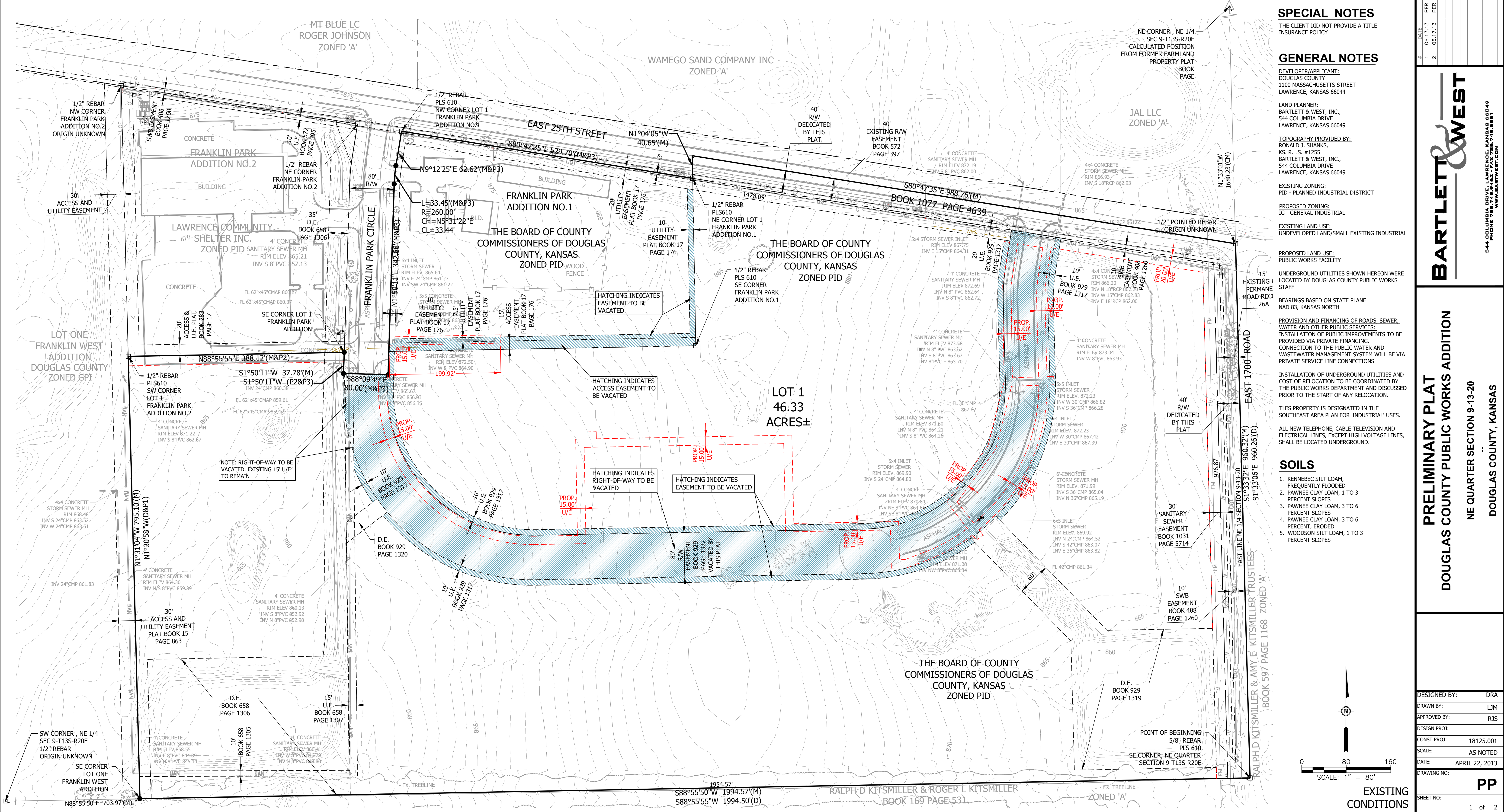
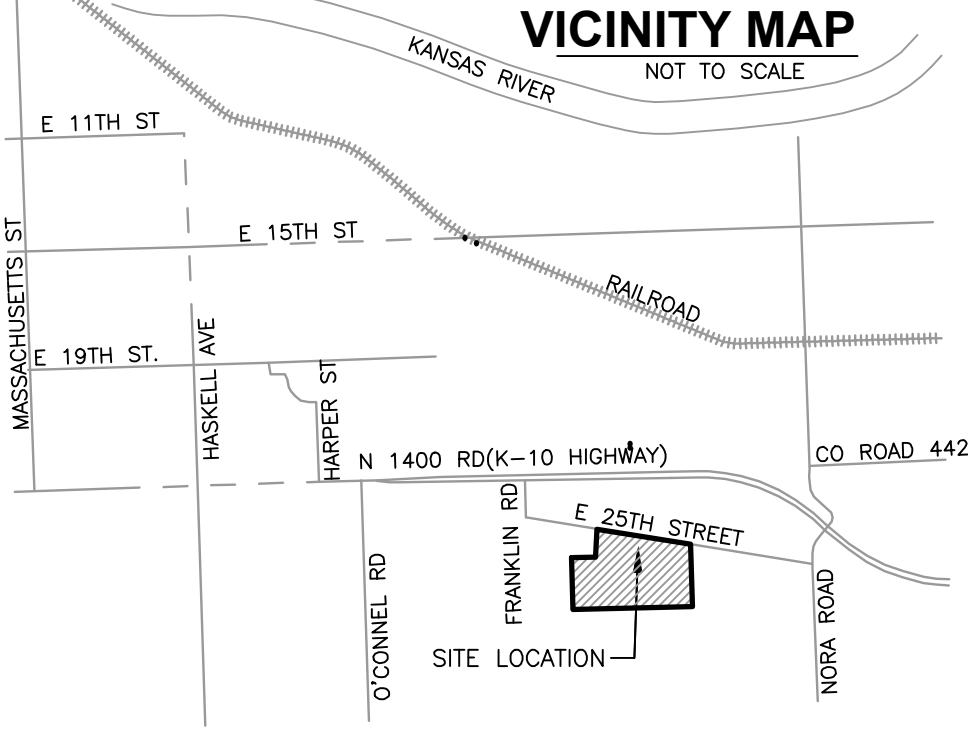
INSTALLATION OF UNDERGROUND UTILITIES AND COST OF RELOCATION TO BE COORDINATED BY THE PUBLIC WORKS DEPARTMENT AND DISCUSSED PRIOR TO THE START OF ANY RELOCATION.

THIS PROPERTY IS DESIGNATED IN THE SOUTHEAST AREA PLAN FOR 'INDUSTRIAL' USES.

ALL NEW TELEPHONE, CABLE TELEVISION AND ELECTRICAL LINES, EXCEPT HIGH VOLTAGE LINES, SHALL BE LOCATED UNDERGROUND.

SOILS

1. KENNEBEC SILT LOAM, FREQUENTLY FLOODED
2. PAWNEE CLAY LOAM, 1 TO 3 PERCENT SLOPES
3. PAWNEE CLAY LOAM, 3 TO 6 PERCENT SLOPES
4. PAWNEE CLAY LOAM, 3 TO 6 PERCENT, ERODED
5. WOODSON SILT LOAM, 1 TO 3 PERCENT SLOPES

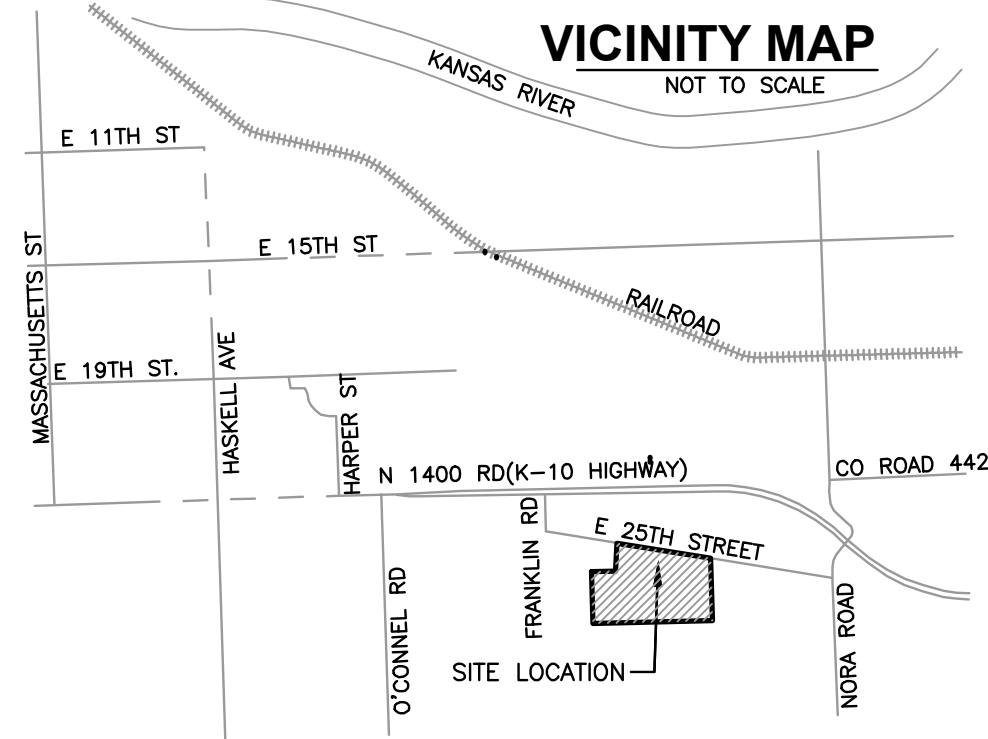


Drawing Name: W:\proj\180000\18125\18125_001\AuscCon\Plat\18125_001 Preliminary Plat.dwg Layout Name: Layout1 Printed on: 6/17/2013 11:38:15 AM
Last edit on: 6/20/2010

BARTLETT & WEST
544 COLUMBIA DRIVE, LAWRENCE, KANSAS 66049
PHONE 785.748.9432 • FAX 785.745.5951
WWW.BARTLETTWEST.COM

PRELIMINARY PLAT
DOUGLAS COUNTY PUBLIC WORKS ADDITION
NE QUARTER SECTION 9-13-20
DOUGLAS COUNTY, KANSAS

DESIGNED BY: DRA
DRAWN BY: LJM
APPROVED BY: RJS
DESIGN PROJ: 18125.001
CONST PROJ: AS NOTED
DATE: APRIL 22, 2013
DRAWING NO: PP
SHEET NO: 1 of 2



ANNOTATIONS

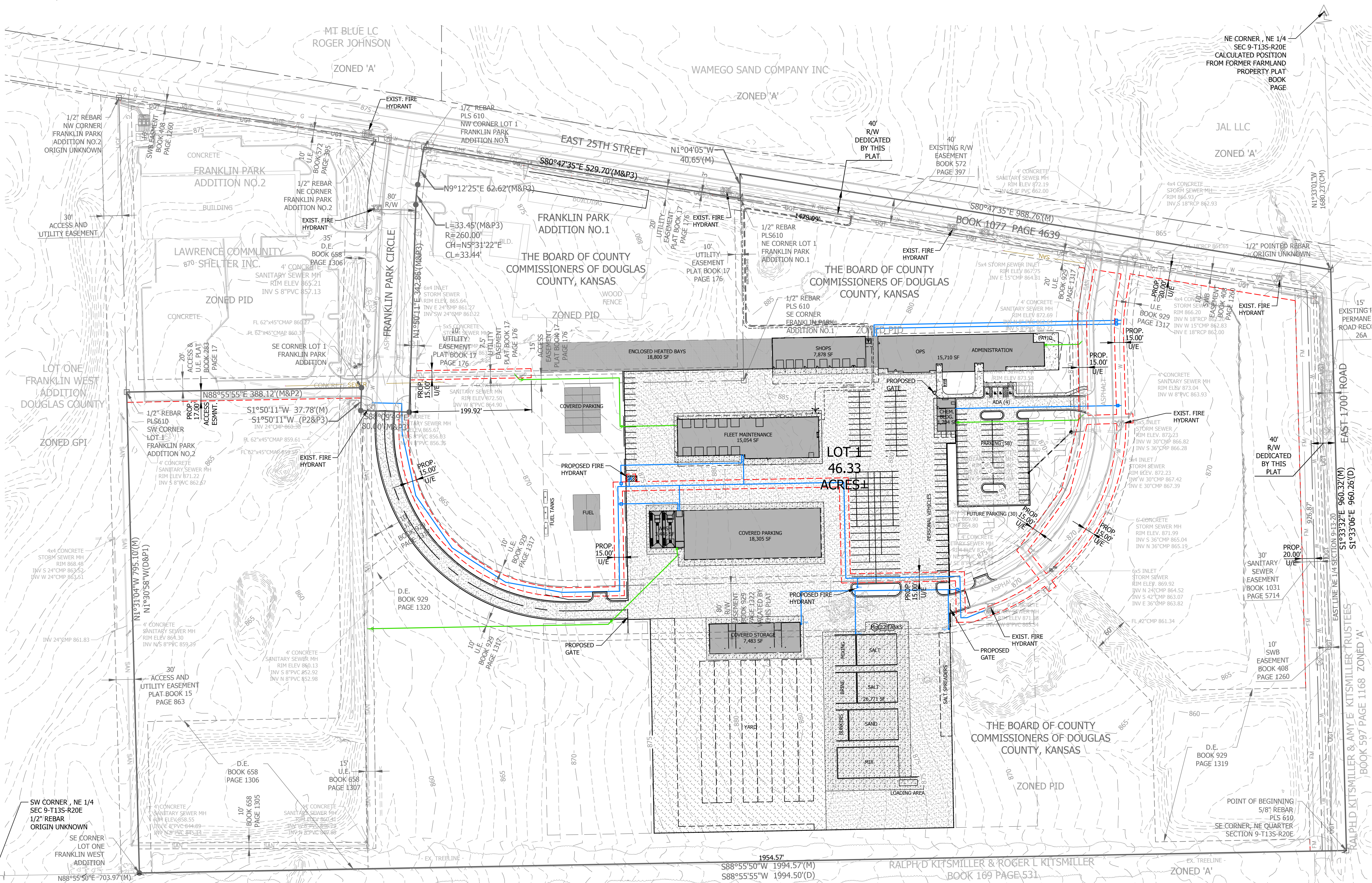
- (M) MEASURED BEARING AND DISTANCE
(D) DEED BEARING AND DISTANCE
(P1) PLAT BEARING AND DISTANCE FRANKLIN WEST ADDITION
(P2) PLAT BEARING AND DISTANCE FRANKLIN PARK ADDITION NO.2
(P3) PLAT BEARING AND DISTANCE FRANKLIN PARK ADDITION NO.1
R/W RIGHT OF WAY
U.A. UTILITY EASEMENT
D.E. DETENTION EASEMENT

BENCHMARK

NGS BM # M368 ELEVATION 826.23

MONUMENTATION

- FOUND REBAR, SIZE NOTED, ORIGIN UNKNOWN UNLESS OTHERWISE NOTED
● SET 5/8" x 24" REBAR WITH CLS14 ID CAP



PRELIMINARY PLAT
DOUGLAS COUNTY PUBLIC WORKS ADDITION

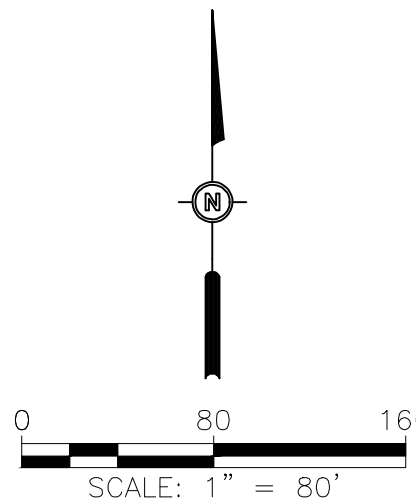
NE QUARTER SECTION 9-13-20

DOUGLAS COUNTY, KANSAS

BARTLETT & WEST

844 COLUMBIA DRIVE, LAWRENCE, KANSAS 66049
PHONE 785.748.9433 • FAX 785.748.5961
WWW.BARTLETTWEST.COM

DESIGNED BY:	DRA
DRAWN BY:	LJM
APPROVED BY:	RJS
DESIGN PROJ:	
CONST PROJ:	18125.001
SCALE:	AS NOTED
DATE:	APRIL 22, 2013
DRAWING NO:	PP
SHEET NO:	2 of 2



PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
06/24/2013

ITEM NO. 3A Z-13-00149 UR (URBAN RESERVE) DISTRICT TO RS7 (SINGLE-DWELLING RESIDENTIAL) DISTRICT; 21.54 ACRES (SLD)

Z-13-00149: Consider a request to rezone approximately 21.54 acres from UR (Urban Reserve) District to RS7 (Single-Dwelling Residential), located on the northwest corner of Queens Road & Overland Drive. Submitted by Highland Construction Inc., for Prairie Rose Holdings, LC, property owner of record.

<p>STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 21.54 acres from UR (Urban Reserve) District to RS7 (Single-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.</p>
--

Reason for Request: *The Subject property (the "Property") consists of 40 acres located at the Northwest corner of Queens Road and Overland Drive, and is presently zoned "UR-Urban Reserve." The Property is surrounded by approved residential uses, and is close to the proposed city recreation center and KU athletic facilities. The proposed project is an integrated neighborhood. Single-family homeowners will have the option to access the pool and clubhouse constructed on the RM12 project. The occupants of the RM12 project will have easy access to the walking, jogging and biking routes created by the construction of the single-family neighborhood. This application is necessary to enable the development of the Property for uses expressly contemplated by Horizon 2020 and the Northwest Area Plan, and it is configured for optimal integration with current uses.*

<p>KEY POINTS</p>

- | |
|--|
| <ul style="list-style-type: none">• Proposed development request includes multiple zoning districts.• Development request is submitted concurrently with a preliminary plat and related rezoning to provide land use transition across the entire acreage and compatibility with adjacent land uses.• This portion of the development request represents the largest portion of land area with the development and is proposed for low-density detached residential development. |
|--|

<p>ASSOCIATED CASES/OTHER ACTION REQUIRED</p>
--

- | |
|--|
| <ul style="list-style-type: none">• PP-13-00148: Kellyn Addition• Z-13-00149: 21.54 Acres RS7 [This Staff Report]• Z-13-00165: 3.34 Acres RS-5• Z-13-00166: 15.89 Acres RM12 |
|--|

<p>PLANS AND STUDIES REQUIRED</p>
--

<p>Refer to Preliminary Plat staff report for discussion on streets and utilities.</p>

- | |
|--|
| <ul style="list-style-type: none">• <i>Traffic Study</i> – Not required for rezoning• <i>Downstream Sanitary Sewer Analysis</i> – not required for rezoning• <i>Drainage Study</i> – Not required for rezoning |
|--|

- *Retail Market Study* – Not applicable to residential request

ATTACHMENTS

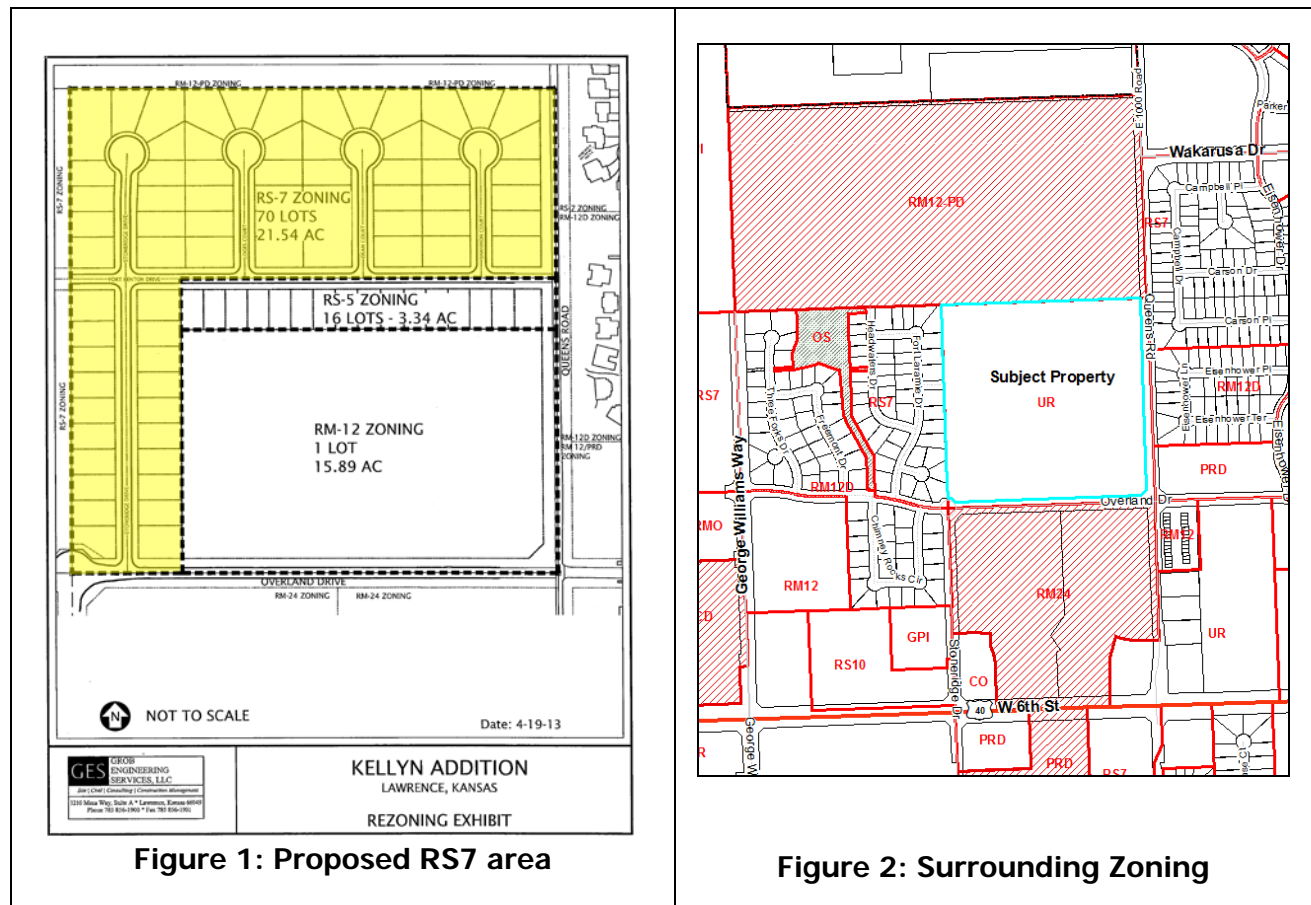
1. Rezoning Exhibit

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received to date

Project Summary:

Three separate zoning districts are proposed within the entire 40-acre site. The developer has submitted a preliminary plat concurrently with the rezoning. The following graphic highlights the portion of the area proposed for RS7 and the surrounding zoning for the entire acreage.



1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The timing of this rezoning request is appropriate under Policy 1.3 of Horizon 2020, Chapter 4 because residential uses have been approved for each of the neighborhood properties. The project, if approved will facilitate the extension of Queens Road and will use existing City infrastructure, consistent with Policy 1.4 of Horizon 2020, Chapter 4, and Policy 1.5, Chapter 5. This application satisfies Goal 3, Chapter 5 of Horizon 2020, because this project is consistent with existing neighborhoods, and promotes integration between multi-family and single-family units. This is an in-fill project surrounded by existing residential developments. Policy 3.3, Chapter 5. The Property takes primary access from Overland Drive and Queens Road,*

which are designated as Collector Streets, consistent with Chapter 5, Policy 3.4 – Minimize Traffic Impact Through Neighborhoods. The upscale construction of the project is compatible with the quality of adjacent residential uses, consistent with Policies 3.6, and Goal 4 of Chapter 5. The proposed RM12 project is an appropriate transition from higher to lower density residential uses. Policy 6.1.c. The proposed RS7 lots abut the RS7 neighborhoods to the east and west of the Property, and the RM12 project abuts RM12D and RM12 properties to the east (across Queens Road) and RM24 to the south.

The project's configuration is consistent with the Land Use Recommendations of the Northwest Area Plan, because the majority of the project is planned for low-density residential. The RM12 medium density residential project is located in the Southeast quadrant of the property, at a location permitted by the Northwest Area Plan for medium density residential. See page 6 of the Northwest Plan. The overall density of the Property is compatible with the Northwest Area Plan.

Key features of the plan are listed in chapter 3 of *Horizon 2020*. These features include support of infill development that "provides a range of residential, commercial, office and industrial and public uses compatible with the established land use pattern in surrounding areas." Another key feature of the plan is the "development of neighborhoods in a range of densities to provide a sense of community and to complement and preserve natural features in the area." The plan also supports the "progression of land uses to help achieve a transition in land use and intensity levels, and to help avoid major or abrupt changes in density and building type."

These features are expanded in chapter 5 of *Horizon 2020*. This chapter addresses compatibility with existing development and the use of appropriate transition zones between uses. Neighborhood plans, area development plans and sector plans provide further specificity to land use development patterns for areas within and around the City. Key elements of neighborhood development is connectivity. This occurs through both vehicular and non-vehicular networks and is implemented through subdivision plats. The zoning district boundary helps to establish connection and transition points between land uses. This project is surrounded by developing or approved residential development in all directions.

Staff Finding – The proposed request is consistent with low density residential land use recommendations and policies of *Horizon 2020*.

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

Refer to figures 1 and 2 for a graphic representation of the existing and proposed zoning boundaries.

Current Zoning and Land Use: UR (Urban Reserve); undeveloped.

Surrounding Zoning and Land Use: To the North: RM12-PD (Multi-Dwelling Residential) (Planned Development) with conditions per Ordinance 8227, maximum density 6 dwelling units per acre. This use will be located north of the proposed RS7 portion of this request, known as "The Links" an approved multi-dwelling residential use around a large open space.

To the East: (east side of Queens Road): RS7 (Single-Dwelling Residential), RM12D (Multi-Dwelling

Residential) and PRD–[Parkwest]; existing detached single-dwelling homes, duplex development and apartment development respectively.

To the South: (south side of Overland Drive): RM24 (Multi-dwelling Residential) with conditions per Ordinance 8570, maximum density 20 dwelling units per acre; Hunters Ridge.

Also to the South: (south side of Fort Benton Drive (extended) Proposed RS5; part of this development application package.

To the west: RS7 (Single-Dwelling Residential); existing platted subdivision for detached housing. Undeveloped at this time. This use will be located adjacent to the proposed RS7 portion of this request.

Staff Finding – This area includes a mix of residential uses and densities. Lower density development is located to the north, east and west. Medium and high-density residential uses located along W. 6th Street. This request represents the north and west portion of the site as a comparable use to the adjacent uses across the east/west portion of the neighborhood.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The Property is adjacent to RM24 to the South, RM12-PD to the North, RS7 to the West and a mixture of RS7, RM12D and PRD to the East. The Property is located in a "band" of predominantly RM12 and RM12D uses along Overland Drive, from Congressional Drive to George Williams Way. There are a number of RM12, RM12D, and PRD districts located Northwest of the Property. Thus, the existing neighborhood consists of a mix of high, medium and low-density residential uses. The overall size, scope and density of the Property is compatible with adjacent and nearby neighborhoods.*

This property is located within the Gateway Neighborhood located north of W. 6th Street between Queens Road and K-10 Highway. Portions of the neighborhood along W. 6th Street are developing. Various land use approvals, including subdivision and development plan approval for the Oregon Trail and Mercato developments, were granted by the City Commission within the neighborhood.

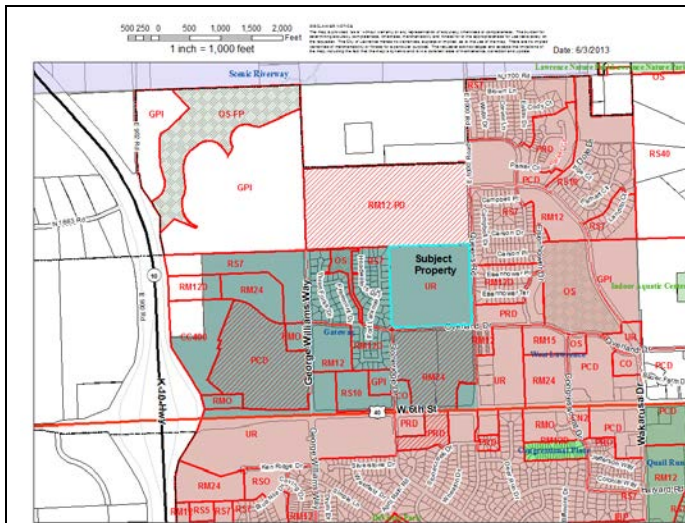


Figure 3: Gateway Neighborhood

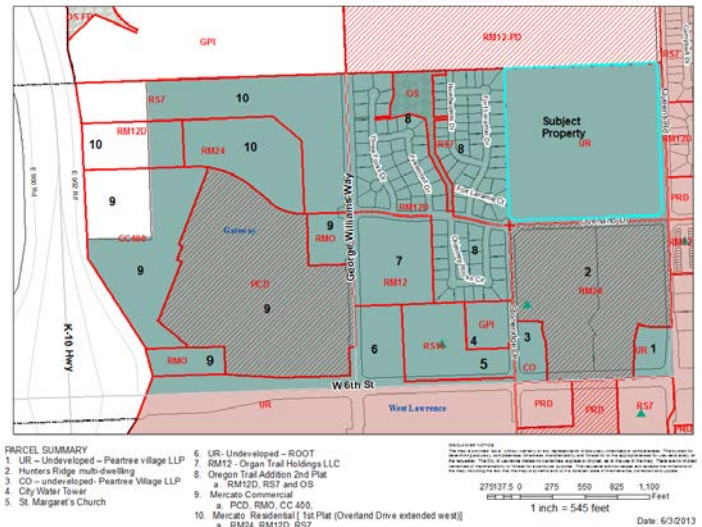


Figure 4: Gateway Neighborhood Development

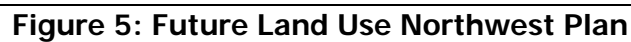
The developed residential neighborhood to the east of Queens Road, part of the West Lawrence Neighborhood, ranges in density from 4.5 to 12 dwelling units per acre. The land to the west is platted as a low-density residential subdivision. The multi-dwelling residential development to the north (The Links) was approved with low-density use restrictions and substantial open space to mitigate the multi-dwelling unit form of residential development. The proposed RS7 portion of this request is reflected in the preliminary plat.

The RS7 area includes 21.54 acres and 70 detached residential lots. The overall density for this portion of the development is 3.2 dwelling units per acre. This is consistent with the land use transitions in the immediate area to the east, west, and the decreasing intensity pattern from W. 6th Street northward.

Staff Finding – The area is developing with a range of residential land uses that transition from higher density along W. 6th Street to lower density north of Overland Drive. This request for RS7 is consistent with the developing character of the neighborhood.

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

This property is located within the boundary of the Northwest Plan. The area north of Overland Drive is shown in the Future Land Use Map as low-density residential. The following graphic illustrates the Northwest Plan future land use map superimposed over current parcel and street data. Platted subdivisions are also visible in this graphic.



The area was planned with higher intensity residential uses and commercial uses along W. 6th Street and lower intensity residential land uses extended to the north with progressively less intensive uses ranged from south to north. The following graphic illustrates the location of the proposed RS7 district within the Northwest Area Plan boundary.

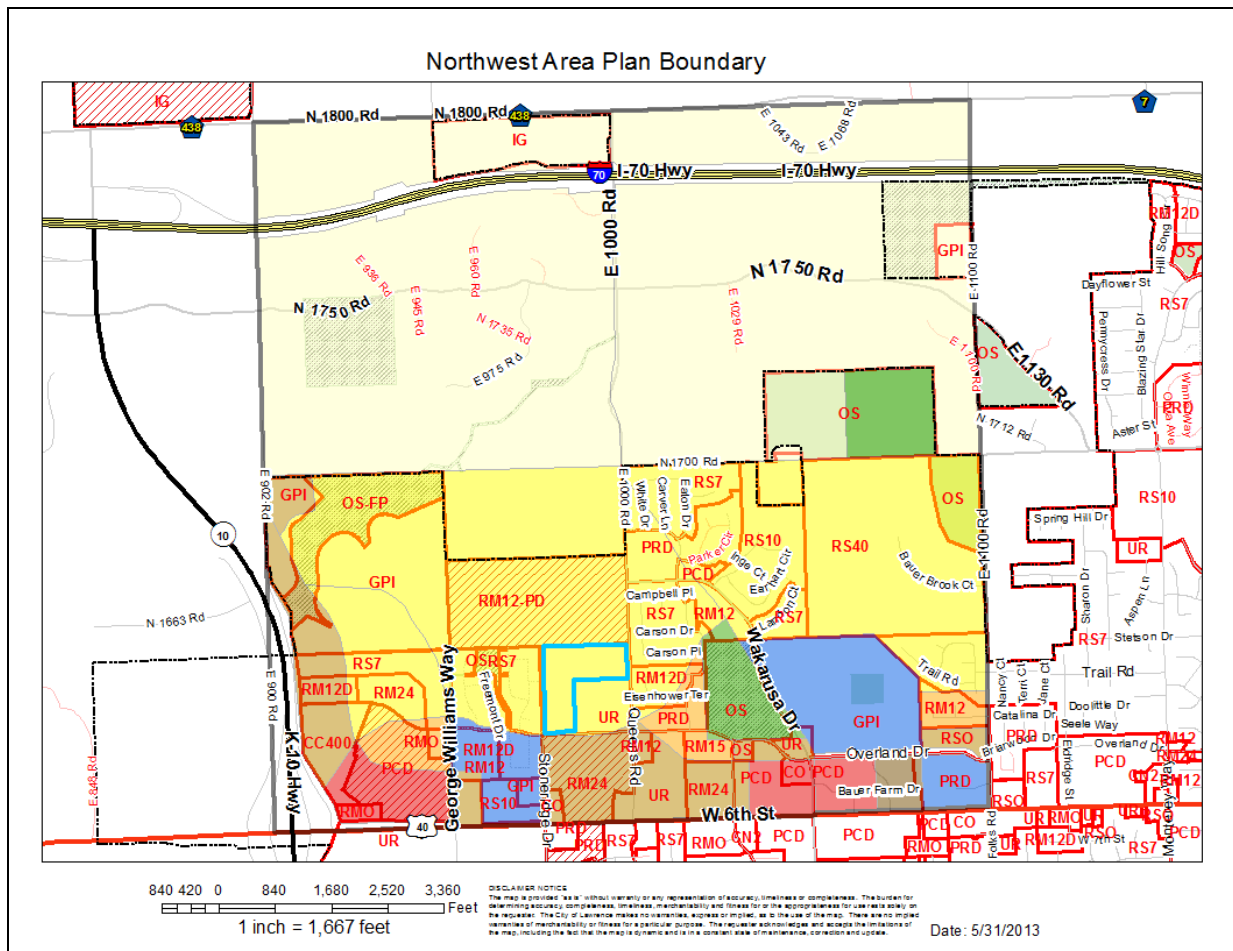


Figure 6: Northwest Area Plan

Staff Finding – The proposed RS7 district is consistent with the land use recommendations found in the Northwest Plan for low-density residential development.

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

Applicant's Response: *The Property is ideally suited for the proposed mix of single and multi-family uses, in relation to surrounding uses and as recommended by the City's long-range plans. The Northwest Area Plan does not contemplate commercial or industrial applications for the Property. The proposed development is a mixed use, integrated neighborhood, where the pool and clubhouse amenities of the RM12 project will be available to the single-family lots on a voluntary membership basis. The primary target market for the RM12 project are adults and families of all ages, such that the project may be an attractive option for both young professionals and retirees. The aesthetics of the RM12 project will be complementary to the adjacent single-family homes.*

The current UR zoning does not accommodate development. Rezoning is required to allow development. As noted above, the proposed zoning is suitable for low-density residential development.

Staff Finding – The existing UR zoning is not suitable for development. Rezoning is required for development of this property. The proposed RS7 zoning is suitable to comply with land use recommendations and the developing residential pattern of the area north of Overland Drive.

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

Applicant's Response: *The Property has been vacant since its annexation into the City.*

This property has previously been considered for residential development with zoning approved for 19.5 acres for detached dwelling residential development (Z-9-59-05) and 21.23 acres for duplex residential development (Z-9-58-05). A condition of the 2005 zoning was that the property be platted. A Final Plat was approved but was not recorded and expired in September 2007. (PF-7-19-06).

Staff Finding – The property has remained vacant since annexation in 2001.

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

Applicant's Response: *The rezoning will have no detrimental impact on nearby properties because the proposed single-family lots are adjacent to existing single-family neighborhoods, and the RM12 project is adjacent to RM24, RM12 and RM12D districts. The project will take primary access along collector streets, consistent with the traffic network envisioned in Transportation 2040. The proposed residential uses are compatible in location and scope with existing residential uses approved in the Northwest Area Plan.*

Approval of the request will facilitate the infill development of a 40-acre parcel within the existing City Limits. The applicant has worked with staff to develop a plan that provides an appropriate transition between developments both east/west and north/south. This portion of the development (RS7) provides a connection between the Oregon Trail subdivision to the west and the Park West Subdivision to the east.

Queens Road north of Overland Drive is constructed as a County road. This unpaved road generates dust for nearby residents. As the area develops, Queens Road must be improved to City standards. The development requests, associated with this application, facilitate the future improvement of Queens Road. Refer to the Preliminary Plat staff report for additional discussion on this topic.

The RS7 district provides land use transition north to south as well as east to west when considered concurrently with the related development applications for RS5, RM12 and the Preliminary Plat. This is important because the land use south of Overland Drive (Hunters Ridge) is more intensive at 20 dwelling units per acre in multi-story apartment buildings and the land use adjacent to the proposed RS7 zoning to the north (The Links) is a multi-dwelling residential development limited to 6 dwelling units per acre developed around large areas of open space. Both multi-dwelling projects (Hunters Ridge and The Links) include zoning conditions that limit the intensity of development. The subject property is located between these two developments.

Attached to this staff report is an exhibit that shows the two approved multi-dwelling projects as they relate to the proposed RS7 district and lot configuration. The proposed residential lots will abut a park like area to the north and similar residential lots to the west. A portion of the RS7

district will abut the proposed RM12 district. Lots along the east side of Stoneridge Drive are 120' deep. This allows some buffering to occur on the detached residential side of the property in the rear yard area. A buffer yard will be required along the west property line of the proposed RM12 district as part of a future site plan, if approved.

Staff Finding – There is no detrimental impact to nearby properties proposed by this zoning. Interior buffering between land uses within the development will be accommodated through the use of the RS5 district along the south side of Fort Benton Drive and required buffer standards applicable to multi-dwelling development that abuts detached residential development as part of site planning. Approval of the request facilitates infill development and the improvement of Queens Road north of Overland Drive.

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

Applicant's Response: *There continues to be strong demand for upscale mixed-use housing projects, especially as our community increases its efforts to market Lawrence as a retirement destination. The proposed uses are consistent with the City's long-range planning and are compatible with existing neighborhoods. The project facilitates the extension of Queens Road to the North, which advances Transportation 2040's objectives of providing a comprehensive street network. The construction of Queens Road also alleviates local traffic from The Links project to the North. The project increases the tax base and promotes an appropriate variety of available single-family options for new construction in the community. The Project creates a supply of housing options in close vicinity to the new recreational and commercial uses recently approved along the K-10/US-40 interchange.*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

As discussed in previous parts of this staff report, approval of this request facilitates infill development and provides a range of residential densities and housing types within the Gateway Neighborhood. Other benefits of the development include the extension of basic utility infrastructure and completion of the street network. Figure 7 highlights the existing and proposed street network within the development and the surrounding area of the subject property.

Denial of the request will delay the infill development of this area. There are no identified capacity limitations to development in this area.

Staff Finding – Approval of this request facilitates infill development within this designated neighborhood. Approval also facilitates the expansion and connection of water, sanitary sewer, and street network in this area.

9. PROFESSIONAL STAFF RECOMMENDATION

Staff has reviewed this application concurrently with a request for RS5 and RM12 and with the Preliminary Plat for Kellyn Addition. This portion of the development request represents the largest area of the development. The RS7 represents the lowest density of the total project at 3.2 DU per acre. For reference, the proposed densities are as follows:

- RS7 – 21.54 Acres; 70 units; 3.2 DU/AC, gross density
- RS5 – 3.34 Acres; 16 units; 4.7 DU/AC, gross density
- RM12 – 15.89 Acres; 172 Units, per TIS; 10.8 DU/AC, gross density

The total project density including all types of dwelling units and net area (less right-of-way) is 7.8 dwelling units per acre. This overall impact provides transition from the south to the north as recommended in the applicable land use plans. The RS7 portion of the request specifically responds to the detached residential nature of the adjacent area to the east and west and provides the required land use transition between higher and lower land uses in the immediate area.

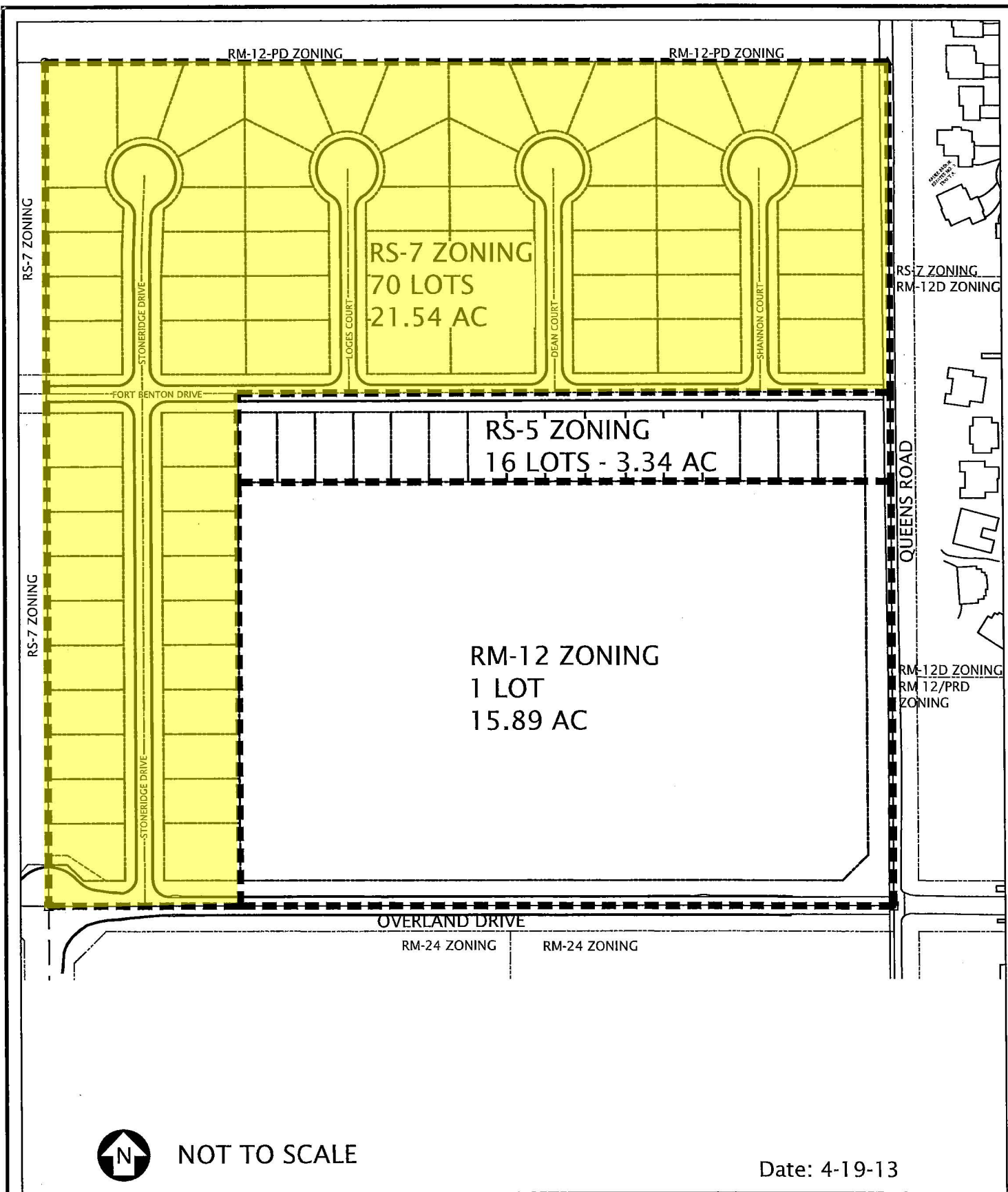
Staff recommends approval of the RS7 district request.

CONCLUSION

As noted above this request is considered concurrently with but as a unique request for residential zoning in the Gateway Neighborhood. The proposed RS7 is an applicable and suitable zoning designation for this area.



Figure 7: Street Network Connections Map

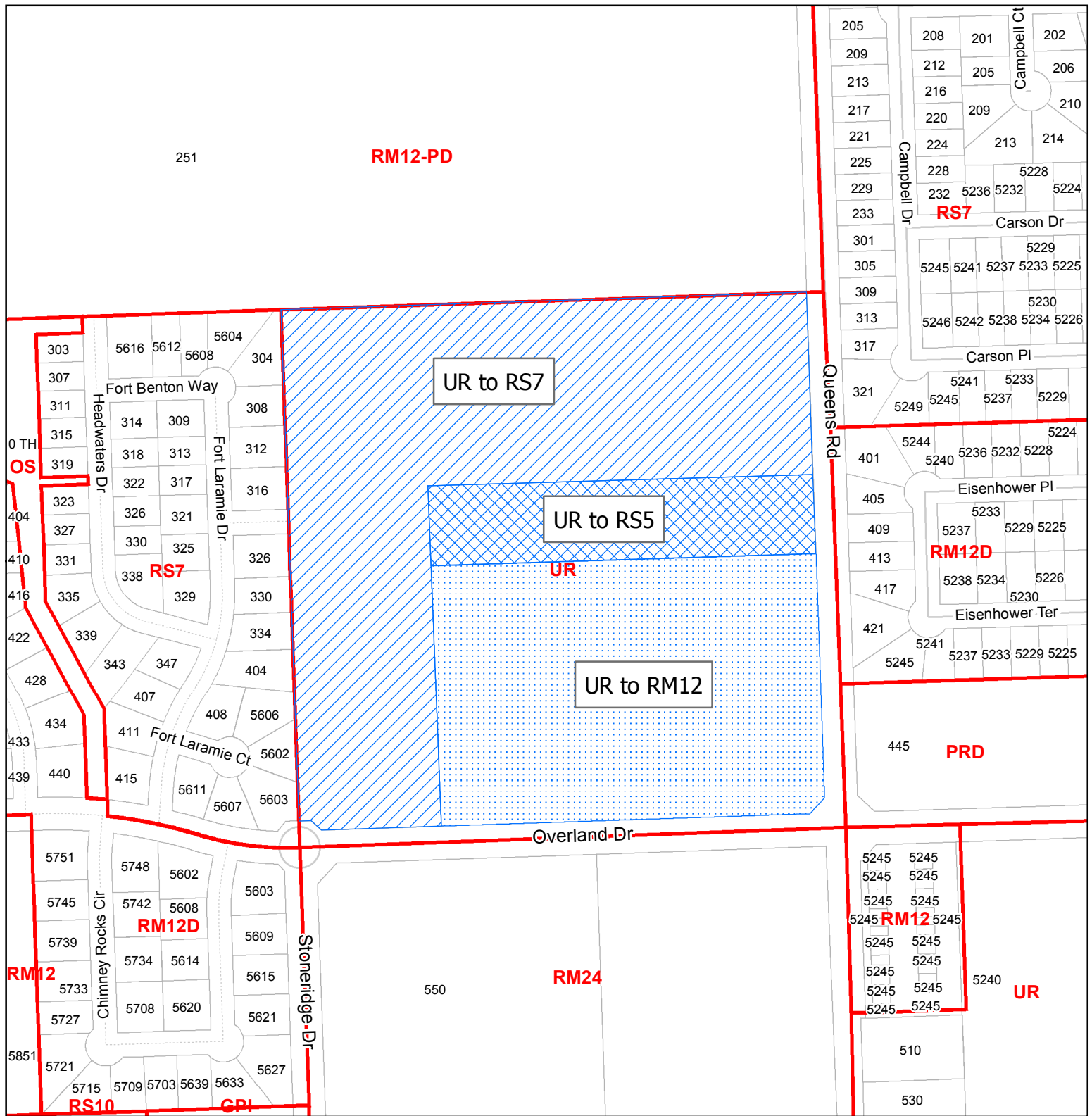


GES GROB
ENGINEERING
SERVICES, LLC
Site | Civil | Consulting | Construction Management
3210 Mesa Way, Suite A * Lawrence, Kansas 66049
Phone 785 856-1900 * Fax 785 856-1901




KELLYN ADDITION

LAWRENCE, KANSAS

REZONING EXHIBIT



Z-13-00149: Rezone 21.54 acres from UR to RS7 District
Z-13-00165: Rezone 3.34 acres from UR District to RS5 District
Z-13-00166: Rezone 15.89 acres from UR to RM12 District
Northwest corner of Queens Road & Overland Drive

-  Z-13-00149
-  Z-13-00165
-  Z-13-00166

Scale: 1 Inch = 4,000 Feet



-----Original Message-----

From: Patricia Miller [<mailto:patriciamiller7@icloud.com>]

Sent: Saturday, June 22, 2013 5:38 PM

To: Sandra Day

Subject: Rezoning of Property at Queens Rd and Overland Dr

Overall, we support the rezoning of this property as stated in your letter dated May 31, 2013. However, we do have some concerns and hope that they will be considered.

1) Facing west, the corner of Overland Drive and Queens Road is a blind corner. With the additional traffic that will be generated by these projects, this corner needs to be fixed.

2) Will these new projects help support the redevelopment of Queens Road? Supposedly, our subdivision is part of the Agreement Not to Protest this development, yet our subdivision has no access to Queens Road, and we have no need to travel on that road. These projects will have a much greater impact on the traffic on Queens Road and should help fund that project.

Thank you for considering our concerns.

Michael and Patricia Miller
5249 Carson Place

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
06/24/2013

ITEM NO. 3B Z-13-00165 UR (URBAN RESERVE) DISTRICT TO RS5 (SINGLE-DWELLING RESIDENTIAL) DISTRICT; 3.34 ACRES (SLD)

Z-13-00165: Consider a request to rezone approximately 3.34 acres from UR (Urban Reserve) District to RS5 (Single-Dwelling Residential), located on the northwest corner of Queens Road & Overland Drive. Submitted by Highland Construction Inc., for Prairie Rose Holdings, LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 3.34 acres from UR (Urban Reserve) District to RS5 (Single-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *The Subject property (the "Property") consists of 40 acres located at the Northwest corner of Queens Road and Overland Drive, and is presently zoned "UR-Urban Reserve." The Property is surrounded by approved residential uses, and is close to the proposed city recreation center and KU athletic facilities. The proposed project is an integrated neighborhood. Single-family homeowners will have the option to access the pool and clubhouse constructed on the RM12 project. The occupants of the RM12 project will have easy access to the walking, jogging and biking routes created by the construction of the single-family neighborhood. This application is necessary to enable the development of the Property for uses expressly contemplated by Horizon 2020 and the Northwest Area Plan, and it is configured for optimal integration with current uses.*

KEY POINTS

- Proposed development request includes multiple zoning districts.
- Development request is submitted concurrently with a preliminary plat and related rezoning to provide land use transition across the entire acreage and compatibility with adjacent land uses.
- This portion of the development request represents the smallest portion of land area and is proposed for low density detached residential development.
- This district will be located between the proposed RS7 north of Fort Benton Drive and the proposed RM12 to the south as a transition use.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- PP-13-00148: Kellyn Addition
- Z-13-00149: 21.54 Acres RS7
- **Z-13-00165: 3.34 Acres RS-5 [This Staff Report]**
- Z-13-00166: 15.89 Acres RM12

PLANS AND STUDIES REQUIRED

- Refer to Preliminary Plat staff report for discussion on streets and utilities.**
- *Traffic Study* – Not required for rezoning

- *Downstream Sanitary Sewer Analysis* – not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not applicable to residential request

ATTACHMENTS

1. Rezoning Exhibit

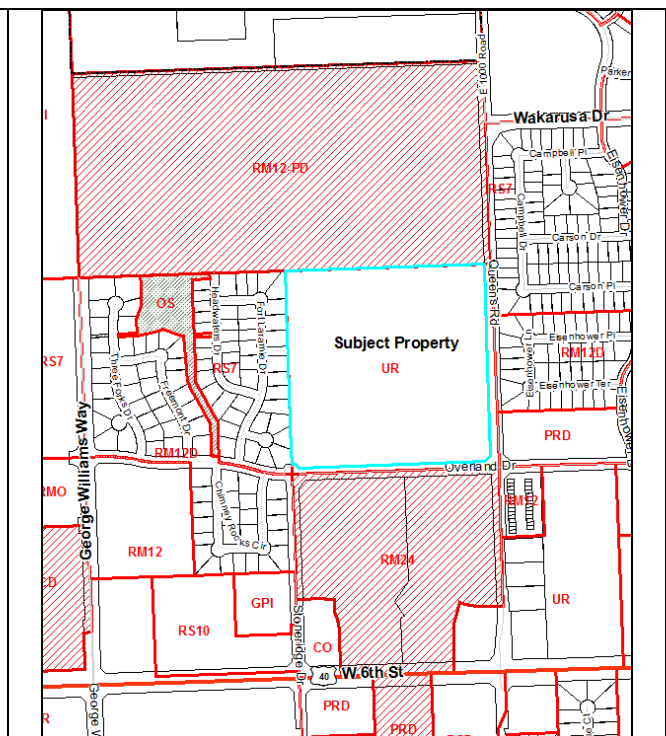
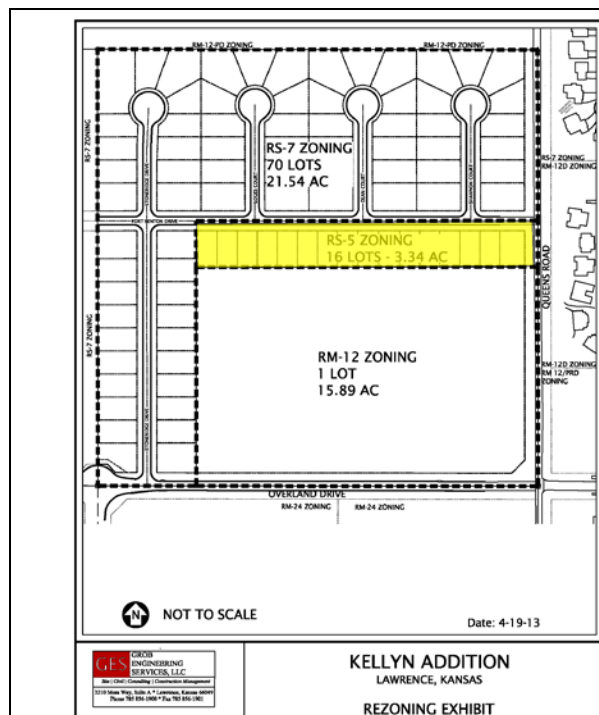
PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received to date

Project Summary:

This project includes a mix of residential land uses including detached housing and multi-dwelling lots. Three separate zoning districts are proposed within the entire 40-acre site. The developer has submitted a Preliminary Plat concurrently with the rezoning. This RS5 zoning request represents a transition of land use within the development project between the proposed RM12 to the south and the RS7 to the north. The plan uses a back-to-back land use relationship while focusing on detached residential land use within a majority of the land area of the development project. The RS5 combined with the RS7 land area makes up 61% of the total development area devoted to detached residential land use.

The following graphic highlights the portion of the area proposed for RS5 and the surrounding zoning for the entire acreage.



1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The timing of this rezoning request is appropriate under Policy 1.3 of Horizon 2020, Chapter 4 because residential uses have been approved for each of the neighborhood properties. The project, if approved will facilitate the extension of Queens Road and*

will use existing City infrastructure, consistent with Policy 1.4 of Horizon 2020, Chapter 4, and Policy 1.5, Chapter 5. This application satisfies Goal 3, Chapter 5 of Horizon 2020, because this project is consistent with existing neighborhoods, and promotes integration between multi-family and single-family units. This is an in-fill project surrounded by existing residential developments. Policy 3.3, Chapter 5. The Property takes primary access from Overland Drive and Queens Road, which are designated as Collector Streets, consistent with Chapter 5, Policy 3.4 – Minimize Traffic Impact Through Neighborhoods. The upscale construction of the project is compatible with the quality of adjacent residential uses, consistent with Policies 3.6, and Goal 4 of Chapter 5. The proposed RM12 project is an appropriate transition from higher to lower density residential uses. Policy 6.1.c. The proposed RS7 lots abut the RS7 neighborhoods to the east and west of the Property, and the RM12 project abuts RM12D and RM12 properties to the east (across Queens Road) and RM24 to the south.

The project's configuration is consistent with the Land Use Recommendations of the Northwest Area Plan, because the majority of the project is planned for low-density residential. The RM12 medium density residential project is located in the Southeast quadrant of the property, at a location permitted by the Northwest Area Plan for medium density residential. See page 6 of the Northwest Plan. The overall density of the Property is compatible with the Northwest Area Plan.

Key features of the plan are listed in chapter 3 of *Horizon 2020*. These features include support of infill development, which "provides a range of residential, commercial, office and industrial and public uses compatible with the established land use pattern in surrounding areas." Another key feature of the plan is the "development of neighborhoods in a range of densities to provide a sense of community and to complement and preserve natural features in the area." The plan supports development of neighborhoods in a range of densities and the development of progressively intense uses to achieve transition between areas of low and high intensity levels of use. As noted this proposed RS5 request represents a transition between the higher density RM12 zoning proposed to the south and the lower density proposed RS7 to the north.

These features are expanded in chapter 5 of *Horizon 2020*. This chapter addresses compatibility with existing development and the use of appropriate transition zones between uses. Neighborhood plans, area development plans and sector plans provide further specificity to land use development patterns for areas within and around the City. Key elements of neighborhood development is connectivity. This occurs through both vehicular and non-vehicular networks and is implemented through subdivision plats. The zoning district boundary helps to establish connection and transition points between land uses. Low-density residential land use is recommended per the Northwest Development Plan. This project is surrounded by developing or approved residential development in all directions.

Low-density residential use per *Horizon 2020* is 6 dwelling units per acre or less. The proposed RS5 portion of this development project represents 4.7 dwelling units per acre as limited by the subdivision plat design.

Chapter 5 includes Goal 6 *Compatible Transition from Low-Density Residential Development to More Intensive Land Uses*. The purpose of this goal is to "ensure transition from low-density residential neighborhood is compatible with more intensive residential and non-residential uses." *Horizon 2020* identifies specific methods that may be implemented to achieve this goal including, the use of back-to-back relationships, incorporation of natural land features such as sensitive lands, and topographic change as well as screening and landscaping. All of these methods will be employed with the development project. The proposed RS5 district maintains the detached

residential land use within the area while providing smaller lots and a slightly higher density to transition between the proposed RS7 to the north and the proposed RM12 to the south.

This project is surrounded by developing or approved residential development in all directions.

Staff Finding – The proposed request is consistent with residential land use recommendations and policies of *Horizon 2020*.

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

Current Zoning and Land Use: UR (Urban Reserve); undeveloped.

Surrounding Zoning and Land Use: To the North (along the north side of Fort Benton Drive); Proposed RS7 (Single-Dwelling Residential) District [Z-13-00149] also part of this development request. This portion of the property is undeveloped.

To the East (east side of Queens Road): RS7 (Single-Dwelling Residential), RM12D (Multi-Dwelling Residential) and PRD-[Parkwest]; existing detached single-dwelling homes, duplex and apartment development respectively.

To the South (north side of Overland Drive): Proposed RM12 (Multi-dwelling Residential) [Z-13-00166] also part of this development request. This portion of the property is undeveloped.

To the west: Proposed RS7 (Single-Dwelling Residential) District [Z-13-00149] also part of this development request. This portion of the property is undeveloped.

Staff Finding – This area includes a mix of residential uses and densities. Lower density development is located to the north, east and west. Medium density residential use is proposed to the south of this RS5 request. Higher density residential use (Hunters Ridge) is located along W. 6th Street on the south side of Overland Drive. This request represents a transitional use within the development but maintains a majority of the area as detached residential development.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The Property is adjacent to RM24 to the South, RM12-PD to the North, RS7 to the West and a mixture of RS7, RM12D and PRD to the East. The Property is located in a "band" of predominantly RM12 and RM12D uses along Overland Drive, from Congressional Drive to George Williams Way. There are a number of RM12, RM12D, and PRD districts located Northwest of the Property. Thus, the existing neighborhood consists of a mix of high, medium and low density residential uses. The overall size, scope and density of the Property is compatible with adjacent and nearby neighborhoods.*

Figure 3: Gateway Neighborhood

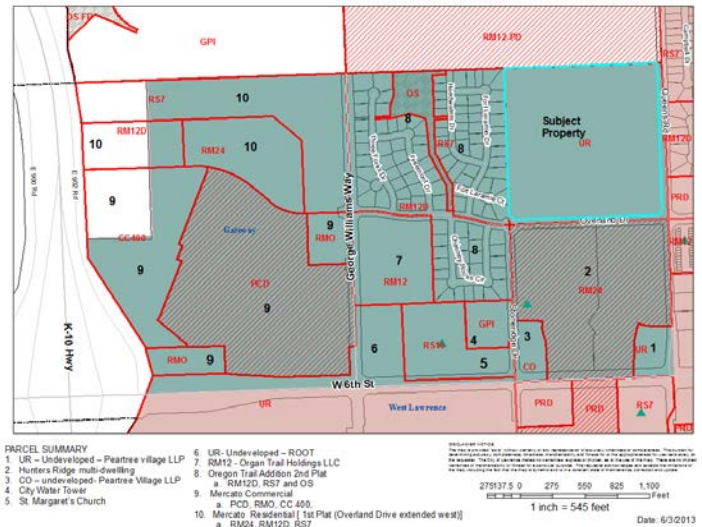


Figure 4: Gateway Neighborhood Development

The proposed RS5 portion of the request is reflected in the preliminary plat. The RS5 area includes 3.34 acres and 16 detached residential lots. The overall density for this portion of the development is 4.7 dwelling units per acre. This is consistent with the land use transitions in the immediate area to the east, west, and decreasing intensity from W. 6th Street northward. The proposed district is oriented to allow similar detached residential uses to front each other (RS5 to RS7) and orient the rear lots of the RS5 district to the adjacent proposed RM12 district.

Staff Finding – The area is developing with a range of residential land uses that transition from higher density along W. 6th Street to lower density north of Overland Drive. This request for RS5 is consistent with the developing character of the neighborhood.

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

This property is located within the boundary of the Northwest Plan. The area north of Overland Drive is shown in the Future Land Use Map as low-density residential. The following graphic illustrates the Northwest Plan future land use map superimposed over current parcel and street data. Platted subdivisions are also visible in this graphic.

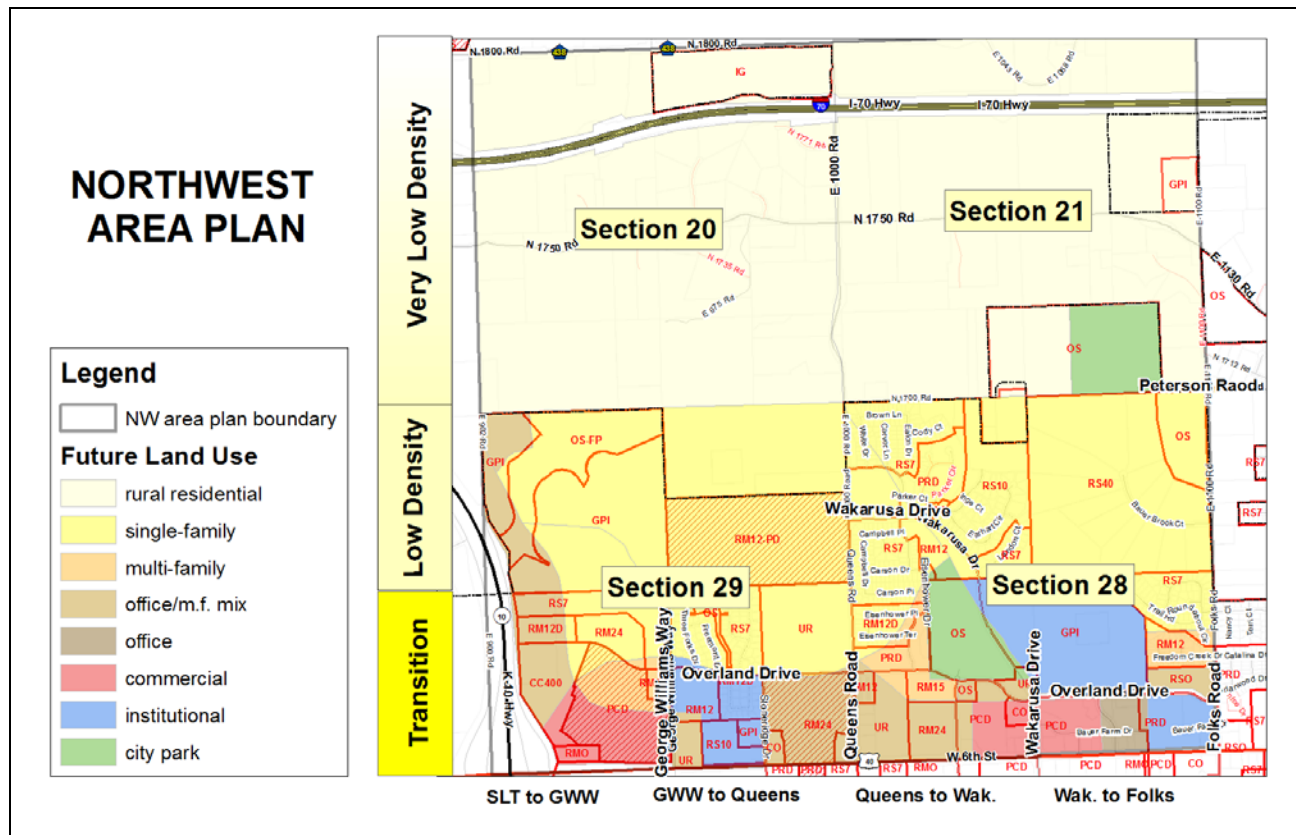


Figure 5: Future Land Use Northwest Plan

The neighborhood is characterized with higher intensity residential uses and commercial uses along W. 6th Street and lower intensity residential land uses extended to the north with a progressively less intensive range from south to north.

This portion of the development request is for RS5 (Single-dwelling Residential) District. This district allows a maximum density of 8.7 dwelling units per acre. This maximum density is consistent with a medium-density definition found in *Horizon 2020* of 7 -15 dwelling units or less. When reviewed with typical subdivision designs the overall density is generally much lower. This specific application includes the RS5 portion of the site designed with a maximum density of only 4.7 dwelling units per acre, consistent with a low-density development pattern. Additionally, this district is restricted to detached dwellings. This is consistent with the development pattern within this east/west band of the area plan.

The plan specifically states: "A variety of housing types and costs is encouraged in the southern part of Sections 28 and 29. Single family residential is encouraged in the central and northern parts of 28 and 29. Planning for neighborhoods should follow the neighborhood planning concept." (Page 4-5). The plan also recommends the City acquire more park land in the plan boundary. The City has acquired substantially more open space than originally identified in the plan document. Open space, both public and private, creates a less dense neighborhood, protects natural resources and encourages development to be clustered within the neighborhood. Patterned green spaces highlight the additional open space that has been acquired within the plan area. Private open spaces, such as that within The Links project, are not mapped at this time.

[illegible]

The plan provides specific land use recommendations with regard to residential land use as follows:

The proposed RS5 zoning is located within the overall development area and is proposed as a land use transition between the RM12 and RS7 districts. The overall area includes approved land uses that must be taken into account within the context of the approved land use pattern for the larger Northwest Area Plan.

Staff Finding – The proposed RS5 district is consistent with the land use recommendations found in the Northwest Plan for low-density residential development.

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

Applicant's Response: *The Property is ideally suited for the proposed mix of single and multi-family uses, in relation to surrounding uses and as recommended by the City's long-range plans. The Northwest Area Plan does not contemplate commercial or industrial applications for the Property. The proposed development is a mixed use, integrated neighborhood, where the pool and clubhouse amenities of the RM12 project will be available to the single-family lots on a voluntary membership basis. The primary target market for the RM12 project are adults and families of all ages, such that the project may be an attractive option for both young professionals and retirees. The aesthetics of the RM12 project will be complementary to the adjacent single-family homes.*

The current UR (Urban Reserve) zoning does not accommodate development. Rezoning is required to develop property. As noted above the RS5 zoning is suitable for low-density residential development.

The use also will function as a transition between the proposed RM12 district and the RS7 district. The subdivision design together with the zoning district boundary provide a change in use and intensity north to south. The proposed RS7 lot arrangement along the west side of the proposed RS5 district extended south to Overland Drive uses a larger lot size (deeper rear yard area) to provide a buffer along the abutting RM12 District.

Staff Finding – The existing UR zoning is not suitable for development. Rezoning is required for development of this property. The proposed RS5 zoning is suitable to comply with land use recommendations and the developing residential pattern of the area north of Overland Drive.

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

Applicant's Response: *The Property has been vacant since its annexation into the City.*

This property has previously been considered for residential development with zoning approved for 19.5 acres for detached dwelling residential development (Z-9-59-05) and 21.23 acres for duplex residential development (Z-9-58-05). A condition of the zoning was that the property be platted. A Final Plat was approved but was not recorded and expired in September 2007. (PF-7-19-06)

Staff Finding – The property has remained vacant since annexation in 2001.

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

Applicant's Response: *The rezoning will have no detrimental impact on nearby properties because the proposed single-family lots are adjacent to existing single-family neighborhoods, and the RM12 project is adjacent to RM24, RM12 and RM12D districts. The project will take primary access along collector streets, consistent with the traffic network envisioned in Transportation 2040. The proposed residential uses are compatible in location and scope with existing residential uses approved in the Northwest Area Plan.*

Approval of the request will facilitate the infill development of a 40-acre parcel within the existing City Limits. The applicant has worked with staff to develop a plan that provides an appropriate transition between developments both east/west and north/south. The subdivision design provides

a connection between the Oregon Trail subdivision to the west and the Park West Subdivision to the east.

Queens Road north of Overland Drive is constructed as a County road. This unpaved road generates dust for nearby residents. As the area develops, Queens Road must be improved to City standards. The development requests, associated with this application, facilitate the future improvement of Queens Road. Refer to the Preliminary Plat staff report for additional discussion on this topic.

Staff Finding – There is no detrimental impact to nearby properties proposed by this zoning. Interior buffering between land uses within the development will be accommodated through the use of the RS5 district along the south side of Fort Benton Drive and required buffer standards applicable to multi-dwelling development that abuts detached residential development as part of site planning. Approval of the request facilitates infill development and the improvement of Queens Road north of Overland Drive.

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

Applicant's Response: *There continues to be strong demand for upscale mixed use housing projects, especially as our community increases its efforts to market Lawrence as a retirement destination. The proposed uses are consistent with the City's long-range planning and are compatible with existing neighborhoods. The project facilitates the extension of Queens Road to the North, which advances Transportation 2040's objectives of providing a comprehensive street network. The construction of Queens Road also alleviates local traffic from The Links project to the North. The project increases the tax base and promotes an appropriate variety of available single-family options for new construction in the community. The Project creates a supply of housing options in close vicinity to the new recreational and commercial uses recently approved along the K-10/US-40 interchange.*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

As discussed in previous parts of this staff report, approval of this request facilitates infill development and provides a range of residential densities and housing types within the Gateway Neighborhood. Other benefits of the development include the extension of basic utility infrastructure and completion of the street network, see Figure 7 included in staff report Z-13-00149.

Denial of the request will delay the infill development of this area. There are no identified capacity limitations to development in this area.

Staff Finding – Approval of this request facilitates infill development within this designated neighborhood. Approval also facilitates the expansion and connection of water, sanitary sewer, and street network in this area.

9. PROFESSIONAL STAFF RECOMMENDATION

RM12D (duplex housing) is commonly used as a land use transition between multi-dwelling and detached dwelling land uses. Both RM12D and RS5 zoning districts are identified in the Zoning Code as having a corresponding Comprehensive Plan designation of medium-density, however the RS5 district has an additional designation of low-density. Refer to Section 20-201 of the Land Development Code for the full table. This district, RS5, can function as either low or high and is ideally suited to a transition zone application. Density within the RS5 district is a function of and directly corresponds to a specific subdivision design. This application of the RS5 district will be low-density, less than 6 dwelling units per acre. The smaller lots are limited to detached housing and provide a visual similarity to the proposed RS7 to the north while accommodating the land use transition through a slightly higher density between the proposed RS7 and RM12 districts north and south of this request.

At the time the Northwest Plan was created the RS5 district did not exist. This district was recently approved for use in the Langston Heights subdivision as a method of land use transition in a similar application between RS and RM zoning districts. Since the adoption of the Northwest Area Plan more area has been established for open space and institutional uses than originally identified in the plan. Additionally, the Development Code was adopted in 2006 creating specific design standards for buffer yards applicable to new development between RS and RM zoning districts. These factors have influenced some of the overall land use decisions within the plan boundary. However, the north-south transects with diminishing intensity northward from 6th Street are developing consistent with the overall land use recommendations of the Plan.

Staff has reviewed this application concurrently with a request for RS7 and RM12 and with the Preliminary Plat for Kellyn Addition. This portion of the development request represents the smallest area of land within the Kellyn development. For reference, the proposed densities are as follows:

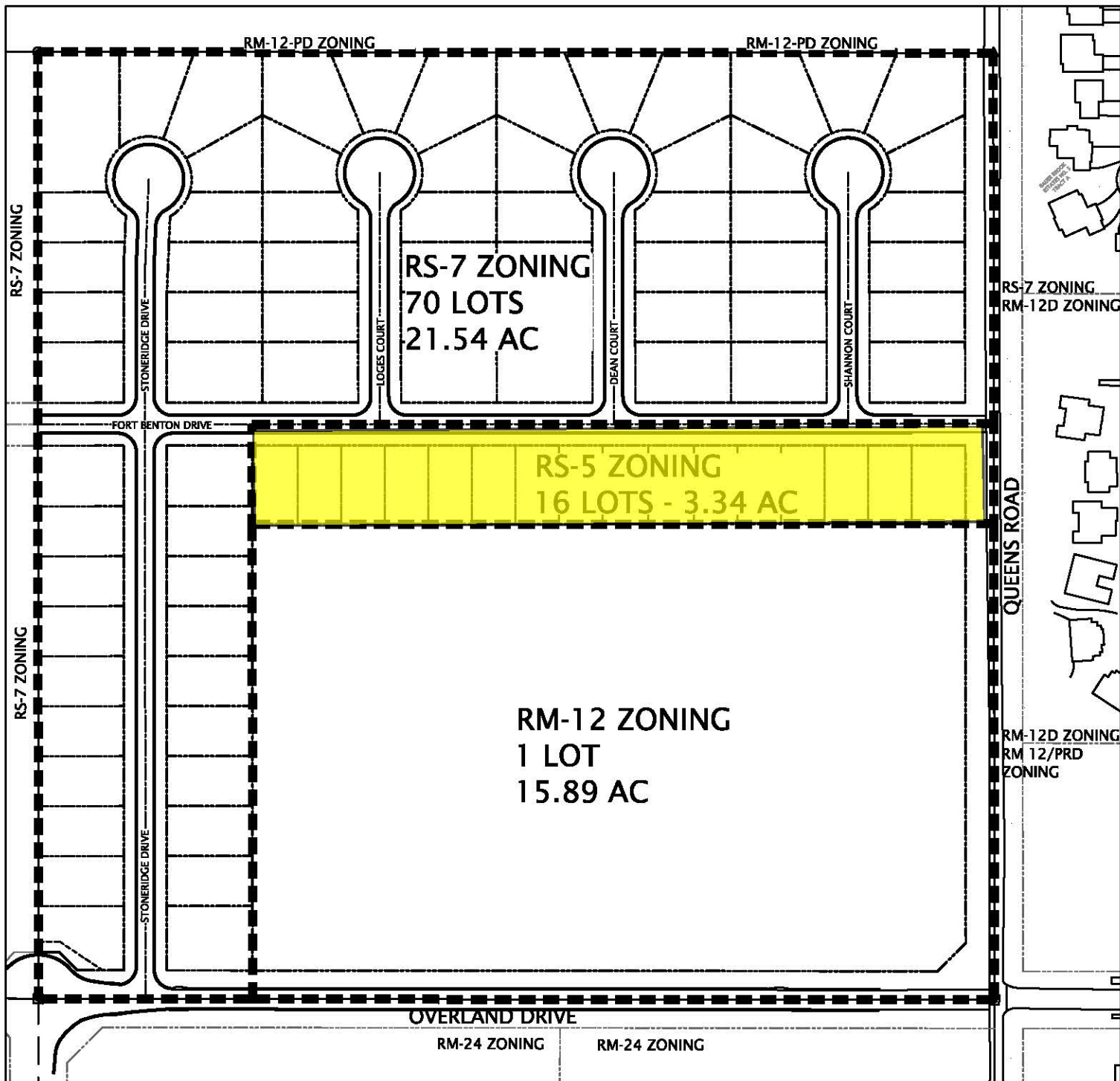
- RS7 – 21.54 Acres; 70 units; 3.2 DU/AC, gross density
- RS5 – 3.34 Acres; 16 units; 4.7 DU/AC, gross density
- RM12 – 15.89 Acres; 172 Units, per TIS; 10.8 DU/AC, gross density

The total project density including all types of dwelling units and net area (less Right-of-way) is 7.8 dwelling units per acre. This overall impact provides transition from the south to the north as recommended in the applicable land use plans. The RS5 portion of the request specifically responds to the detached residential nature of the adjacent area to the east and west. It provides the needed land use transition between higher and lower land uses proposed to the north and south of the RS5 request.

Staff recommends approval of the RS5 district request.

CONCLUSION

As noted above, this request is considered concurrently with but as a unique request for residential zoning in the Gateway Neighborhood. The proposed RS5 is an applicable and suitable zoning designation for this area.



NOT TO SCALE

Date: 4-19-13

GES GROB
ENGINEERING
SERVICES, LLC

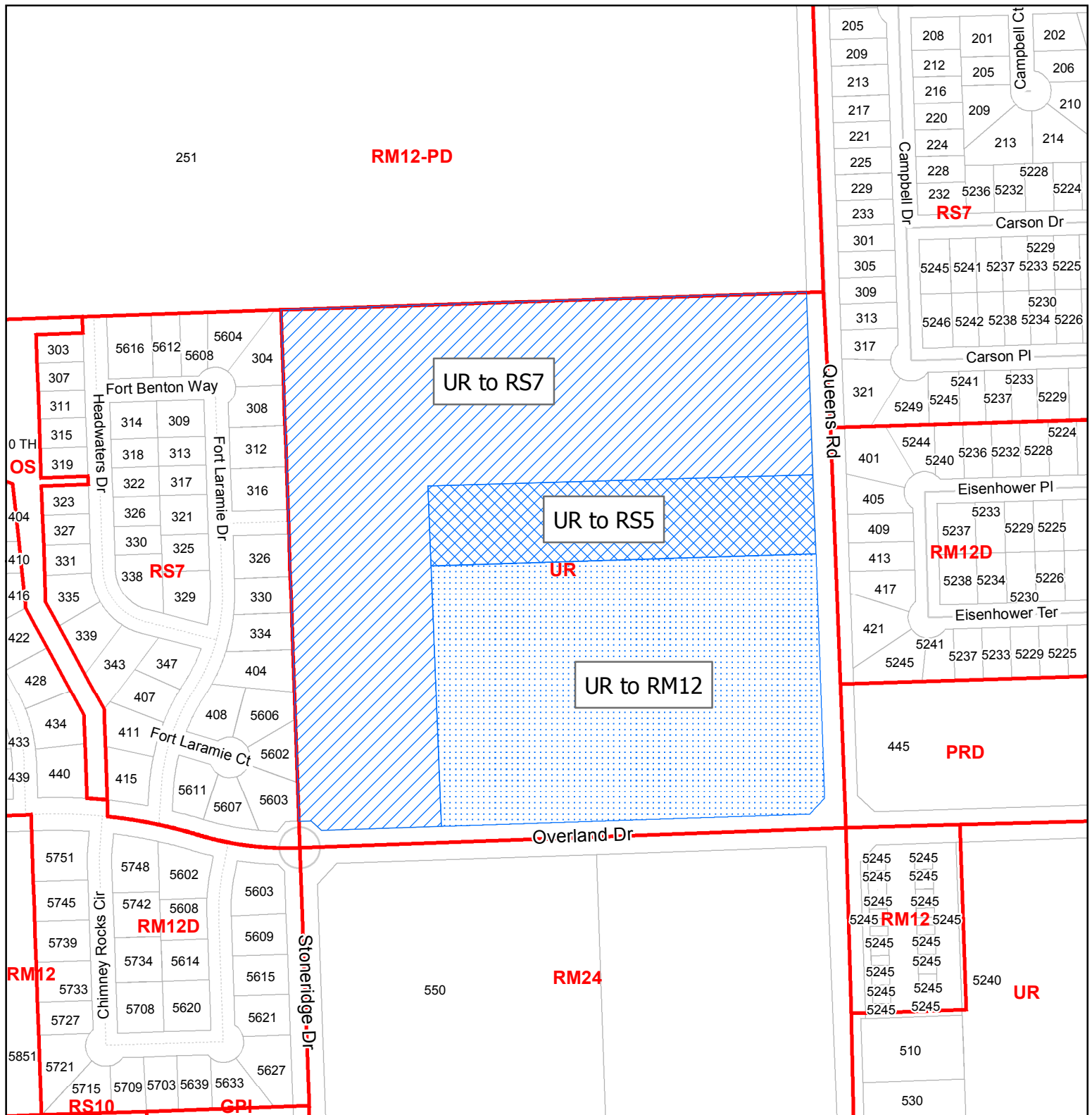
Site | Civil | Consulting | Construction Management

3210 Mesa Way, Suite A * Lawrence, Kansas 66049
Phone 785 856-1900 * Fax 785 856-1901




KELLYN ADDITION

LAWRENCE, KANSAS

REZONING EXHIBIT



Z-13-00149: Rezone 21.54 acres from UR to RS7 District
Z-13-00165: Rezone 3.34 acres from UR District to RS5 District
Z-13-00166: Rezone 15.89 acres from UR to RM12 District
Northwest corner of Queens Road & Overland Drive

-  Z-13-00149
-  Z-13-00165
-  Z-13-00166

Scale: 1 Inch = 4,000 Feet



-----Original Message-----

From: Patricia Miller [<mailto:patriciamiller7@icloud.com>]

Sent: Saturday, June 22, 2013 5:38 PM

To: Sandra Day

Subject: Rezoning of Property at Queens Rd and Overland Dr

Overall, we support the rezoning of this property as stated in your letter dated May 31, 2013. However, we do have some concerns and hope that they will be considered.

1) Facing west, the corner of Overland Drive and Queens Road is a blind corner. With the additional traffic that will be generated by these projects, this corner needs to be fixed.

2) Will these new projects help support the redevelopment of Queens Road? Supposedly, our subdivision is part of the Agreement Not to Protest this development, yet our subdivision has no access to Queens Road, and we have no need to travel on that road. These projects will have a much greater impact on the traffic on Queens Road and should help fund that project.

Thank you for considering our concerns.

Michael and Patricia Miller
5249 Carson Place

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
06/24/2013

ITEM NO. 3C Z-13-00166 UR (URBAN RESERVE) DISTRICT TO RM12 (MULTI-DWELLING RESIDENTIAL) DISTRICT; 15.89 ACRES (SLD)

Z-13-00166: Consider a request to rezone approximately 15.89 acres from UR (Urban Reserve) District to RM12 (Multi-Dwelling Residential), located on the northwest corner of Queens Road & Overland Drive. Submitted by Highland Construction Inc., for Prairie Rose Holdings, LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 15.89 acres from UR (Urban Reserve) District to RM12 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request:

The Subject property (the "Property") consists of 40 acres located at the Northwest corner of Queens Road and Overland Drive, and is presently zoned "UR-Urban Reserve." The Property is surrounded by approved residential uses, and is close to the proposed city recreation center and KU athletic facilities. The proposed project is an integrated neighborhood. Single-family homeowners will have the option to access the pool and clubhouse constructed on the RM12 project. The occupants of the RM12 project will have easy access to the walking, jogging and biking routes created by the construction of the single-family neighborhood. This application is necessary to enable the development of the Property for uses expressly contemplated by Horizon 2020 and the Northwest Area Plan, and it is configured for optimal integration with current uses.

KEY POINTS

- Proposed development request includes multiple zoning districts.
- Development request is submitted concurrently with a Preliminary Plat and related rezoning requests to provide land use transition across the entire acreage and compatibility with adjacent land uses in the immediate area.
- This portion of the development request represents a request for multi-dwelling residential use within the development area.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- PP-13-00148: Kellyn Addition
- Z-13-00149: 21.54 Acres RS7
- Z-13-00165: 3.34 Acres RS-5
- **Z-13-00166: 15.89 Acres RM12 [This Staff Report]**

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning
- *Downstream Sanitary Sewer Analysis* – not required for rezoning
- *Drainage Study* – Not required for rezoning

- *Retail Market Study* – Not applicable to residential request

ATTACHMENTS

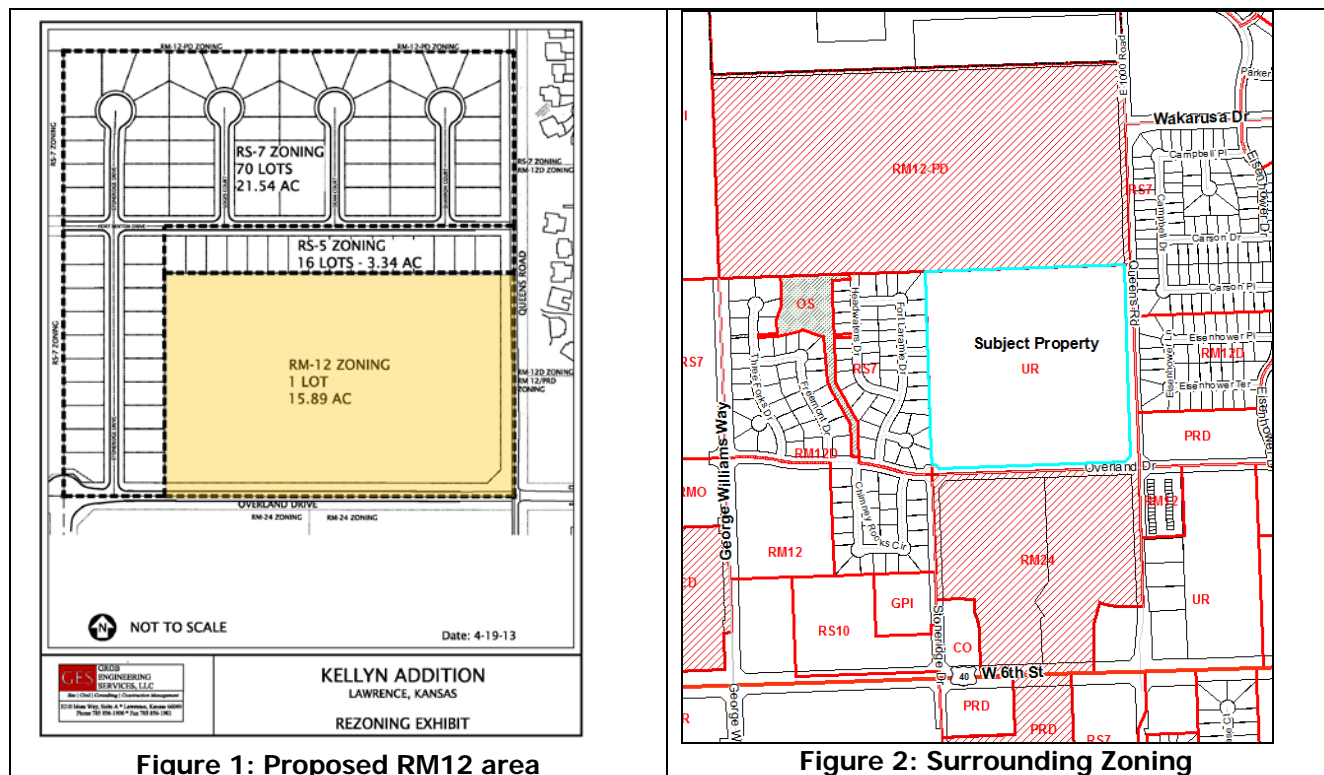
1. Rezoning Exhibit

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received to date

Project Summary:

This project includes a mix of residential land uses including detached housing and multi-dwelling lots. Three separate zoning districts are proposed within the entire 40-acre site. The developer has submitted a Preliminary Plat concurrently with the rezoning. This RM12 request represents a multi-dwelling proposal within the 40 acres and is adjacent to a large and more intensive multi-dwelling residential development to the south.



1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The timing of this rezoning request is appropriate under Policy 1.3 of Horizon 2020, Chapter 4 because residential uses have been approved for each of the neighborhood properties. The project, if approved will facilitate the extension of Queens Road and will use existing City infrastructure, consistent with Policy 1.4 of Horizon 2020, Chapter 4, and Policy 1.5, Chapter 5. This application satisfies Goal 3, Chapter 5 of Horizon 2020, because this project is consistent with existing neighborhoods, and promotes integration between multi-family and single-family units. This is an in-fill project surrounded by existing residential developments. Policy 3.3, Chapter 5. The Property takes primary access from Overland Drive and Queens Road, which are designated as Collector Streets, consistent with Chapter 5, Policy 3.4 – Minimize Traffic Impact Through Neighborhoods. The upscale construction of the project is compatible with the*

quality of adjacent residential uses, consistent with Policies 3.6, and Goal 4 of Chapter 5. The proposed RM12 project is an appropriate transition from higher to lower density residential uses. Policy 6.1.c. The proposed RS7 lots abut the RS7 neighborhoods to the east and west of the Property, and the RM12 project abuts RM12D and RM12 properties to the east (across Queens Road) and RM24 to the south.

The project's configuration is consistent with the Land Use Recommendations of the Northwest Area Plan, because the majority of the project is planned for low-density residential. The RM12 medium density residential project is located in the Southeast quadrant of the property, at a location permitted by the Northwest Area Plan for medium density residential. See page 6 of the Northwest Plan. The overall density of the Property is compatible with the Northwest Area Plan.

Key features of the plan are listed in chapter 3 of *Horizon 2020*. These features include support of infill development which "provides a range of residential, commercial, office and industrial and public uses compatible with the established land use pattern in surrounding areas." Another key feature of the plan is the "development of neighborhoods in a range of densities to provide a sense of community and to complement and preserve natural features in the area." The plan supports development of neighborhoods in a range of densities and the development of progressively intense uses to achieve transition between areas of low and high intensity levels of use. This portion of the request abuts a multi-dwelling residential development to the south that includes 300 units with a density of 20 units per acre. The property also abuts multi-dwelling and duplex uses to the east (east side of Queens Road) with a density of 12.3 and 8.4 units per acre respectively. This property is also located at the intersection of two collector streets (Overland Drive and Queens Road).

These features are expanded in chapter 5 of *Horizon 2020*. This chapter addresses compatibility with existing development and the use of appropriate transition zones between uses. Neighborhood plans, area development plans and sector plans provide further specificity to land use development patterns for areas within and around the City. Key elements of neighborhood development is connectivity. This occurs through both vehicular and non-vehicular networks and is implemented through subdivision plats. The zoning district boundary helps to establish connection and transition points between land uses.

Medium-density residential use per *Horizon 2020* is 7-15 dwelling units per acre. The proposed RM12 portion of this development project represents 15.89 acres. The Preliminary Plat establishes a developable lot of approximately 14.34 acres (excludes right-of-way for the RM12 district). A maximum development intensity for this district at this size would be 172 units. The abutting property to the south is substantially more intensive. This request represents a transition between the lower density residential uses proposed to the north and the higher density developing uses to the south.

Chapter 5 includes goals regarding the compatibility transition of land use as well as the location criteria for medium and higher density residential development. The Plan recommends the consideration of land use relationships. Previous approval has been granted for development in all directions of the 40-acre development area. Higher intensity land uses are located to the south and east. Lower intensity uses are located north and west of the development area.

Staff Finding – The proposed request is consistent with residential land use recommendations and policies of *Horizon 2020*.

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

Current Zoning and Land Use: UR (Urban Reserve); undeveloped.

Surrounding Zoning and Land Use: To the North: Proposed RS5 (Single-Dwelling Residential); part of this development request.

To the East (east side of Queens Road): RM12D (Multi-Dwelling Residential) and PRD –[Parkwest]; existing development; duplex development and apartment development respectively.

To the South (south side of Overland Drive): RM24 (Multi-dwelling Residential) with conditions per Ordinance 8570, maximum density 20 dwelling units per acre.

To the west: Proposed RS7 (Single-Dwelling Residential); existing platted subdivision for detached housing also part of this development request.

Staff Finding – This area includes a mix of residential uses and densities. Lower density development is located to the north and west. Medium and high-density residential uses are located along W. 6th Street to the south and along Queens Road to the east. This request represents a comparable use to the immediate uses on the abutting three corners of Overland Drive and Queens Road.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The Property is adjacent to RM24 to the South, RM12-PD to the North, RS7 to the West and a mixture of RS7, RM12D and PRD to the East. The Property is located in a "band" of predominantly RM12 and RM12D uses along Overland Drive, from Congressional Drive to George Williams Way. There are a number of RM12, RM12D, and PRD districts located Northwest of the Property. Thus, the existing neighborhood consists of a mix of high, medium and low density residential uses. The overall size, scope and density of the Property is compatible with adjacent and nearby neighborhoods.*

This property is located within the Gateway Neighborhood located north of W. 6th Street between Queens Road and K-10 Highway. Portions of the neighborhood along W. 6th Street are developing. Various land use approvals, including subdivision and development plan approval for the Oregon Trail and Mercato developments, were granted by the City Commission within the neighborhood.

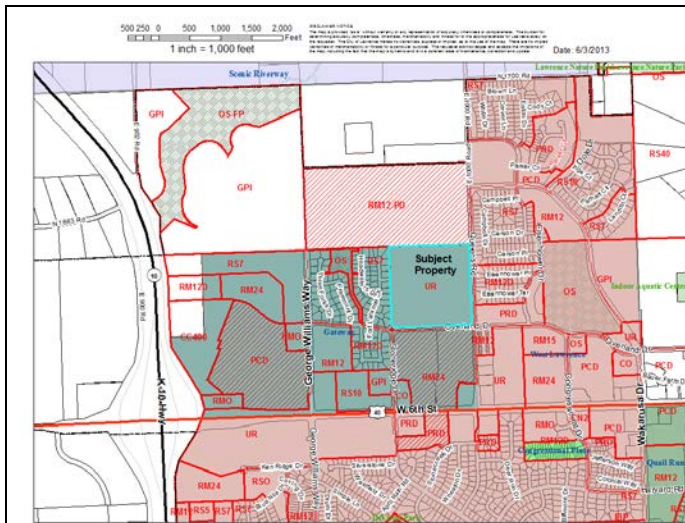


Figure 3: Gateway Neighborhood

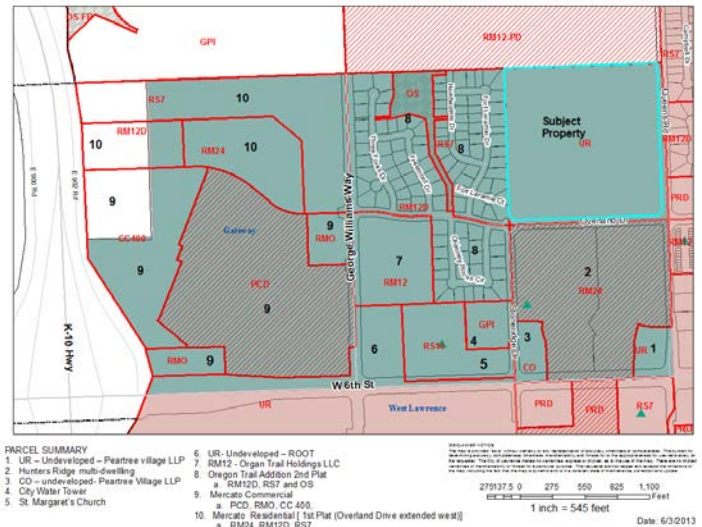


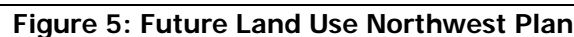
Figure 4: Gateway Neighborhood Development

The developed residential neighborhood to the east of Queens Road, part of the West Lawrence Neighborhood, ranges in density from 4.5 to 12 dwelling units per acre. The land to the west of the proposed development area, within the Gateway Neighborhood, is platted as a low-density residential subdivision comparable to the RS7 and RS5 districts proposed for the Kellyn Addition.

The proposed RM12 portion of the request is reflected in the Preliminary Plat as a single 14.34 acre lot. The overall density for this portion of the development will be restricted by requirements to provide off-street parking, amenities, and buffer yards along the north and west sides of the property. This is consistent with the land use transitions in the immediate area decreasing intensity from W. 6th Street northward.

Staff Finding – The area is developing with a range of residential land uses that transition from high-density residential uses along W. 6th Street to lower density north of Overland Drive. This request for RM12 is consistent with the developing character of the neighborhood.

This property is located within the boundary of the Northwest Area Plan. The general area is shown as low-density residential development. The following graphic shows the Northwest Area Plan future land use map superimposed over current parcel and street data.



This portion of the development request is for RM12 (Multi-dwelling Residential) District. This district allows a maximum density of 12 dwelling units per acre. This maximum density is consistent with a medium-density definition found in *Horizon 2020* of 7 -15 dwelling units or less. If developed to the maximum potential of this district a total of 172 units could be added. Development would need to comply with height, area, bulk, setback, parking and screening requirements. These design standards often have the effect of reducing the maximum density allowed without providing underground parking and other more expensive construction alternatives.

This specific application includes the RM12 portion of the site. This district is intended to provide a transition between the existing multi-dwelling uses to the south and east and the lower density

The plan specifically states: *"A variety of housing types and costs is encouraged in the southern part of Sections 28 and 28. Single family residential is encouraged in the central and northern parts of 28 and 29. Planning for neighborhoods should follow the neighborhood planning concept."* (Page 4-5). The plan also recommends the City acquire more park land in the plan boundary. The City has acquired substantially more open space than originally identified in the plan document. Open space, both public and private, creates a less dense neighborhood, protects natural resources and encourages development to be clustered within the neighborhood. Patterned green spaces highlight the additional open space that has been acquired within the plan area. Private open spaces, such as that within The Links project, are not mapped at this time.

Northwest Area Plan Boundary

Scale: 1 inch = 1,667 feet

Disclaimer Notice: This map is provided "as is" without warranty or representation of accuracy, completeness or timeliness. The user is responsible for determining the accuracy and completeness of the information and for the appropriateness of use for any purpose. The City of Denver makes no warranties, express or implied, as to the use of the map. The user is responsible for determining the accuracy and completeness of the information and for the appropriateness of use for any purpose. The user is responsible for determining the accuracy and completeness of the information and for the appropriateness of use for any purpose.

Date: 5/31/2013

Figure 6: Future Land Use Northwest Plan

...in the central portions of sections 28 and 29, conventional single family residential is planned. Multiple family residential land uses (duplex through multi-unit apartments) is primarily planned only in the southern portions of section 28 and 29. Multiple family land use in the context of this plan should be limited to medium density, 15 dwelling units per acre, or lower. Multiple family adjacent to single family land use should be the lowest density multi family, such as duplex townhouse. Horizon 2020 goals and policies on

appropriate transition methods between different housing types and land use densities and intensities shall apply.

The proposed RM12 zoning is located within the overall development area and is proposed as a land use transition between the RM24 Hunters Ridge development to the south as well as the Overland Point development to the southeast, the Parkwest development to the east (12 dwelling units per acre), and the proposed RS7 and RS5 districts to the north and west. The overall area includes approved land uses that must be taken into account within the context of the approved land use pattern for the larger Northwest Area Plan and the undeveloped 40-acre development application that includes this RM12 request.

Staff Finding – The proposed RM12 district is consistent with the land use recommendations found in the Northwest Plan as they relate to land use transition and placement of medium and higher intensity land uses.

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

Applicant's Response: *The Property is ideally suited for the proposed mix of single and multi-family uses, in relation to surrounding uses and as recommended by the City's long-range plans. The Northwest Area Plan does not contemplate commercial or industrial applications for the Property. The proposed development is a mixed use, integrated neighborhood, where the pool and clubhouse amenities of the RM12 project will be available to the single-family lots on a voluntary membership basis. The primary target market for the RM12 project are adults and families of all ages, such that the project may be an attractive option for both young professionals and retirees. The aesthetics of the RM12 project will be complementary to the adjacent single-family homes.*

The current UR (Urban Reserve) zoning does not accommodate development. Rezoning is required to develop property. As noted above the RM12 zoning is suitable for medium-density residential development as a transitional land use between abutting higher and lower land uses.

Figures 7 and 8 show a comparison of the land uses per the approved Northwest Plan and the developing land use pattern for the same area. Pockets of medium density residential development are located both north and south of the midline of the transition area within the Northwest Plan boundary. The proposed RM12 request follows this pattern. This district will function as a transition between the existing RM24 and RM12 districts on the south side of Overland Drive and east and the RS7 and RS5 districts proposed to the north and west.

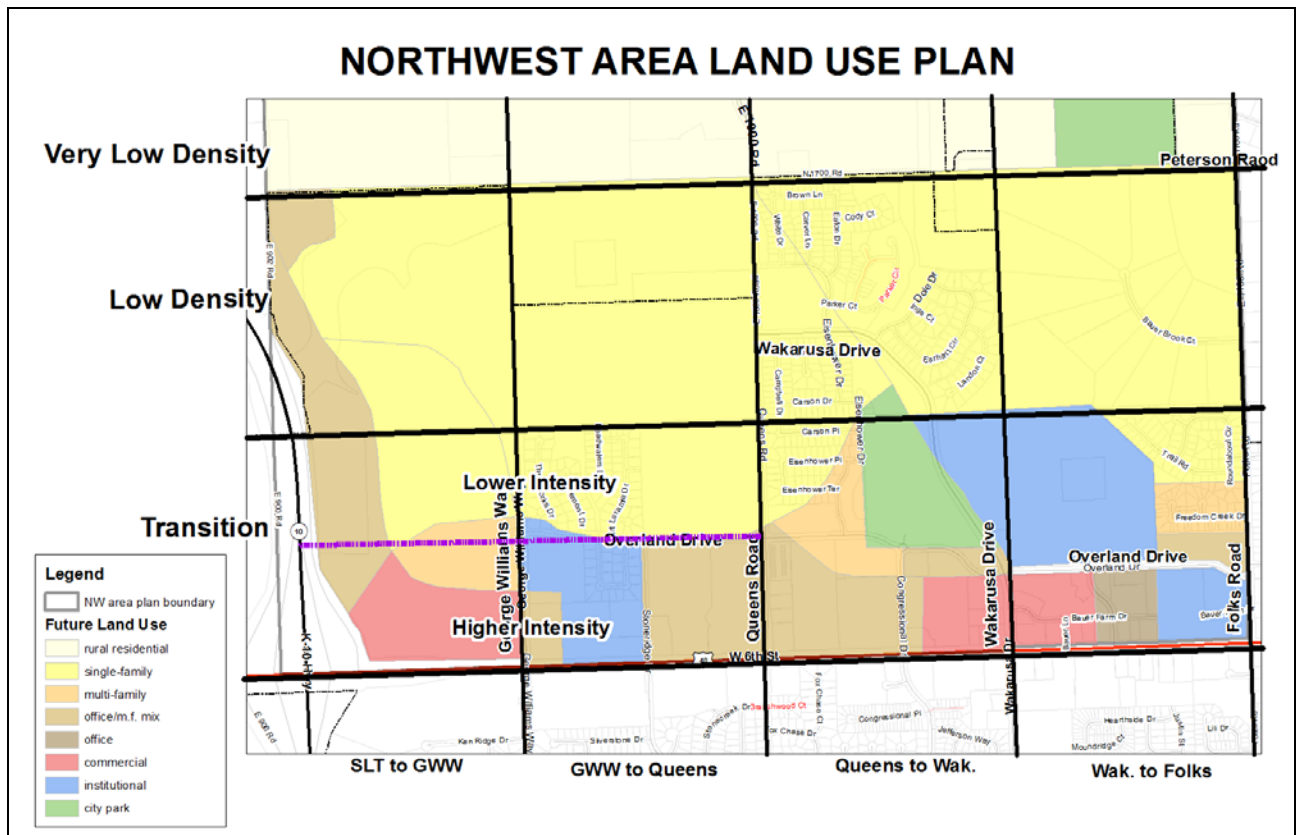


Figure 7: Northwest Area Plan Land Use

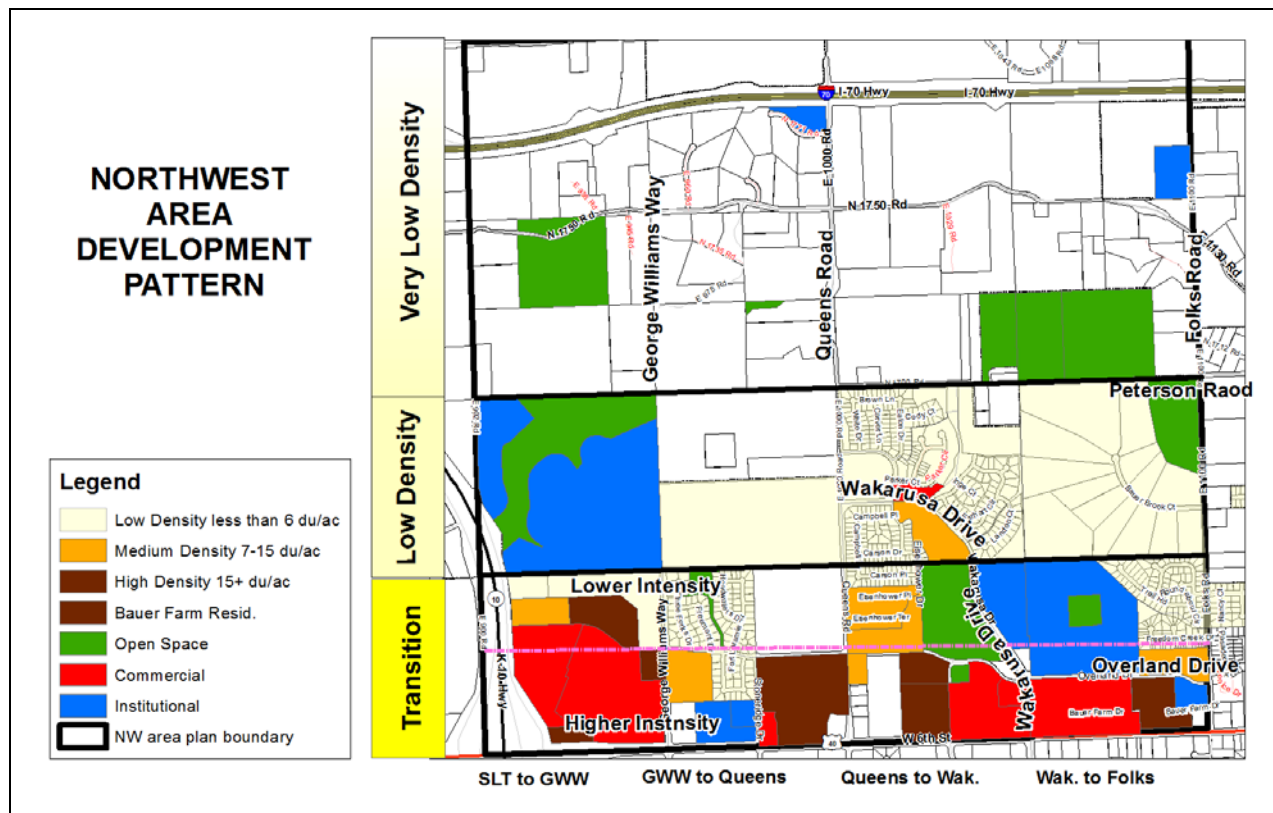


Figure 8: Northwest Area Development Pattern

The subdivision design together with the zoning district boundary provide a change in use and intensity north to south. The proposed RS7 lot arrangement along the west side of the proposed RM12 district extended south to Overland Drive uses a larger lot size (deeper rear yard area) to provide a buffer between along the abutting RM12 District. The proposed RM12 district is large enough to provide a substantial buffer yard along the common boundaries created by the proposed RS7 and RS5 Districts. The following exhibit highlights the location of applicable buffer yard.

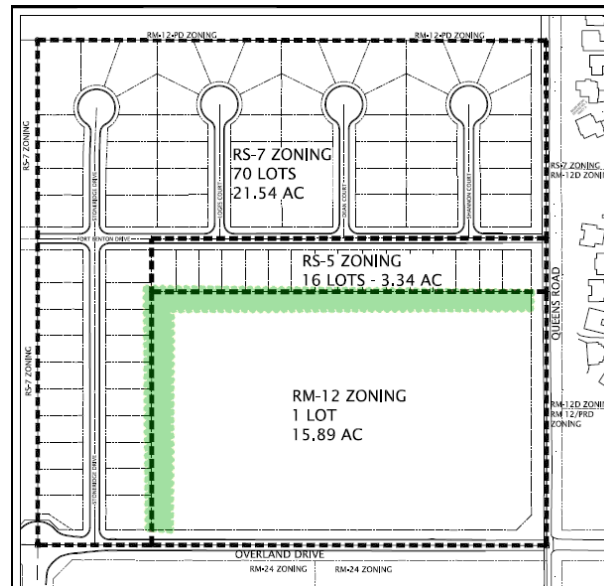


Figure 8: Required Buffer Yard Area

Staff Finding – The existing UR zoning is not suitable for development. Rezoning is required for development of this property. The proposed RM12 zoning is suitable to comply with land use recommendations and the developing residential pattern of the area north of Overland Drive.

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

Applicant's Response: *The Property has been vacant since its annexation into the City.*

This property has previously been considered for residential development with zoning approved for 19.5 acres for detached dwelling residential development (Z-9-59-05) and 21.23 acres for duplex residential development (Z-9-58-05). A condition of the zoning was that the property be platted. A Final Plat was approved but was not recorded and expired in September 2007. (PF-7-19-06)

Staff Finding – The property has remained vacant since annexation in 2001.

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

Applicant's Response: *The rezoning will have no detrimental impact on nearby properties because the proposed single-family lots are adjacent to existing single-family neighborhoods, and the RM12 project is adjacent to RM24, RM12 and RM12D districts. The project will take primary access along collector streets, consistent with the traffic network envisioned in Transportation 2040. The proposed residential uses are compatible in location and scope with existing residential uses approved in the Northwest Area Plan.*

Approval of the request will facilitate the infill development of a 40-acre parcel within the existing City Limits. The applicant has worked with staff to develop a plan that provides an appropriate transition between developments both east/west and north/south. This portion of the development (RM12) reflects the existing approval of higher and more intensive development along the edges of the proposed development area.

Queens Road north of Overland Drive is constructed as a County road. This unpaved road generates dust for nearby residents. As the area develops, Queens Road must be improved to City standards. The development requests, associated with this application, facilitate the future improvement of Queens Road. Refer to the Preliminary Plat staff report for additional discussion on this topic.

The RM12 district provides land use transition north to south as well as east to west when considered concurrently with the related development applications for RS7, RS5, and the Preliminary Plat. This is important because the land use south of Overland Drive (Hunters Ridge) is more intensive at 20 dwelling units per acre in multi-story apartment buildings and the land use adjacent to the proposed RS7 zoning to the north (The Links) is a multi-dwelling residential development limited to 6 dwelling units per acre developed around large areas of open space. Both multi-dwelling projects (Hunters Ridge and The Links) include zoning conditions that limit the intensity of development. The subject property is located between these two developments.

Attached to this staff report is an exhibit that shows the two approved multi-dwelling projects as they relate to the proposed development application including all districts and lot configuration. A portion of the proposed RS7 district will abut this proposed RM12 district. Lots along the east side of Stoneridge Drive are 120' deep. This allows some buffering to occur on the detached residential side of the property in the rear yard area. A buffer yard will be required along the west property line of the proposed RM12 district as part of a future site plan, if approved.

Staff Finding – There is no detrimental impact to nearby properties proposed by this zoning. Interior buffering between land uses within the development will be accommodated through the use of the RM12 district in the southeast portion of the development area. Multi-dwelling development that abuts detached residential development will be required to provide an appropriate buffer yard as part of site planning. Approval of the request facilitates infill development and the improvement of Queens Road north of Overland Drive.

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

Applicant's Response: *There continues to be strong demand for upscale mixed use housing projects, especially as our community increases its efforts to market Lawrence as a retirement destination. The proposed uses are consistent with the City's long-range planning and are compatible with existing neighborhoods. The project facilitates the extension of Queens Road to the North, which advances Transportation 2040's objectives of providing a comprehensive street network. The construction of Queens Road also alleviates local traffic from The Links project to the North. The project increases the tax base and promotes an appropriate variety of available single-family options for new construction in the community. The Project creates a supply of housing options in close vicinity to the new recreational and commercial uses recently approved along the K-10/US-40 interchange.*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

As discussed in previous parts of this staff report, approval of this request facilitates infill development and provides a range of residential densities and housing types within the Gateway Neighborhood. This application specifically provides a transition between the existing higher-density multi-dwelling residential uses to the south and east and the proposed lower density uses to the north and west. Other benefits of the development include the extension of basic utility infrastructure and completion of the street network.

Denial of the request will delay the infill development of this area. There are no identified capacity limitations to development in this area.

Staff Finding – Approval of this request facilitates infill development within this designated neighborhood. Approval also facilitates the expansion and connection of water, sanitary sewer, and street network in this area.

9. PROFESSIONAL STAFF RECOMMENDATION

This 40-acre parcel was the subject of two previous development applications for residential development. In 2005, a preliminary plat known as Stultzland, renamed as Loges, along with RM-D and RS-2 was approved contingent upon final platting of the property. In 2006 a final plat was submitted. The Northwest Area Plan was originally adopted in 1997; since then several significant actions have occurred:

- Additional sector plans have been adopted that modify land use recommendations within the boundary of the Northwest Area Plan Boundary.
 - ❖ **2003:** *6th Street and K-10 Nodal Plan* adopted in 2003 amending the northeast quadrant of the intersection between K10 highway and George Williams Way. This area of the Northwest Area Plan was part of the transitional area.
 - ❖ **2008:** *K-10 & Farmer's Turnpike Plan* adopted in 2008 amending the north portions of Section 20 and 21 designated for Very Low Density residential development.
 - ❖ **2012:** *6th Street and Wakarusa Drive Nodal Plan*, adopted in 2003 and amended in 2012. This plan includes the area between Congressional Drive and Folks Road between W. 6th Street and Overland Drive. This area is also part of the transitional area within the Northwest Area Plan.



- These factors have influenced some of the overall land use decisions within the plan boundary and the development of this 40-acre development request. Hunters Ridge development along the south side of the proposed RM12 district significantly influences the appropriateness of certain forms of residential development. The north-south transects, with diminishing intensity northward from 6th Street are developing consistent with the overall land use recommendations of the Plan.

- RS7 – 21.54 Acres; 70 units; 3.2 DU/AC, gross density
- RS5 – 3.34 Acres; 16 units; 4.7 DU/Acre, gross density,
- RM12 – 15.89 Acres; 172 Units, per TIS; 10.8 DU/AC, gross density

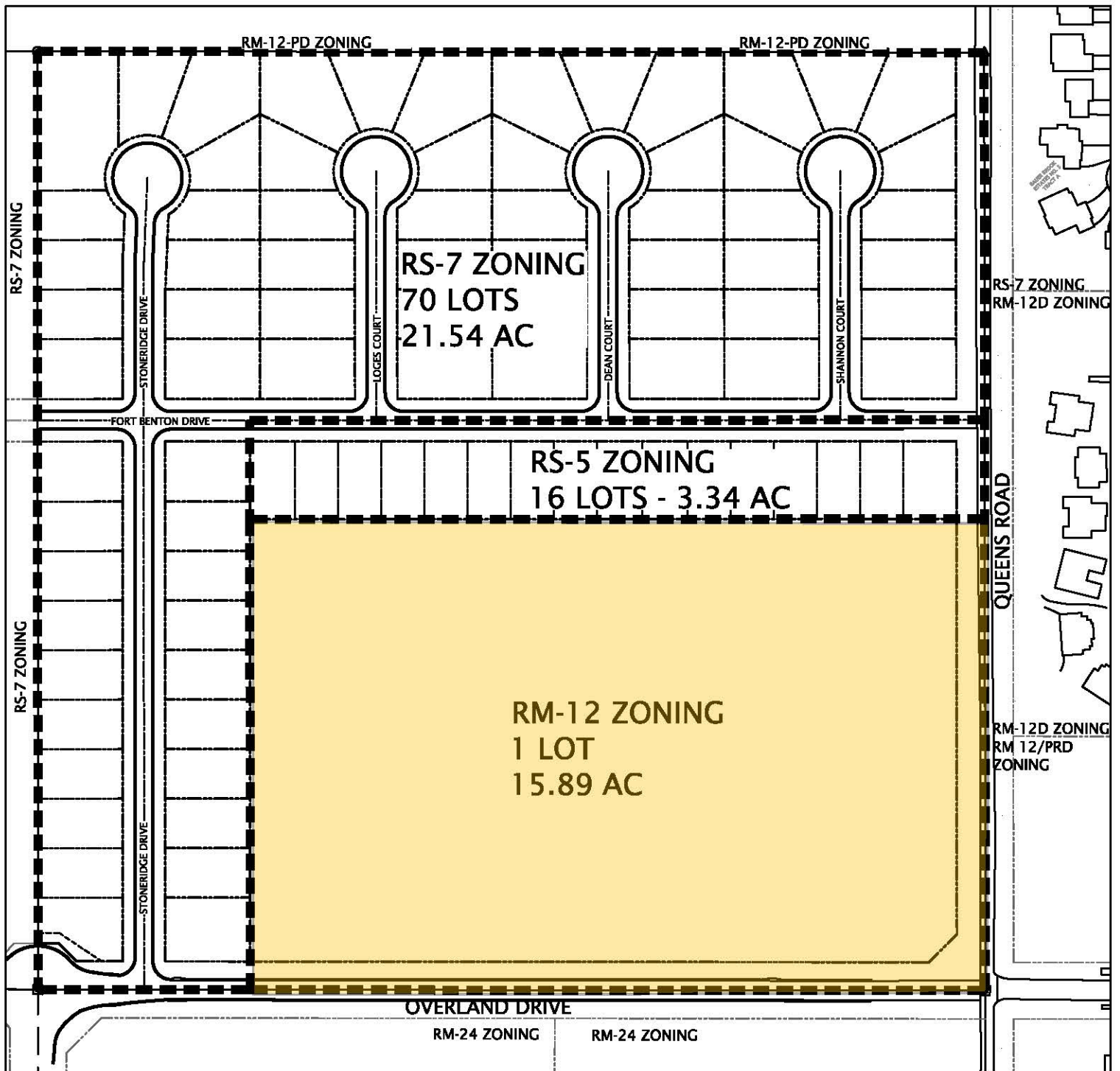
The total project density including all zoning districts and all types of dwelling units is 7.8 dwelling units per acre. This overall impact provides transition from the south to the north as recommended in the applicable land use plans. The proposed zoning districts prescribe the applicable residential form of development for the area. The RM12 portion of the request specifically responds to the developing higher intensity residential development to the south and east. It provides the needed

land use transition between higher and lower land uses proposed to the north and south of the RM12 request.

Staff recommends approval of the RM12 district request.

CONCLUSION

As noted, above this request is considered concurrently with but as a unique request for residential zoning in the Gateway Neighborhood. At the size and location requested, the proposed RM12 is an applicable and suitable zoning designation for this area.



NOT TO SCALE

Date: 4-19-13

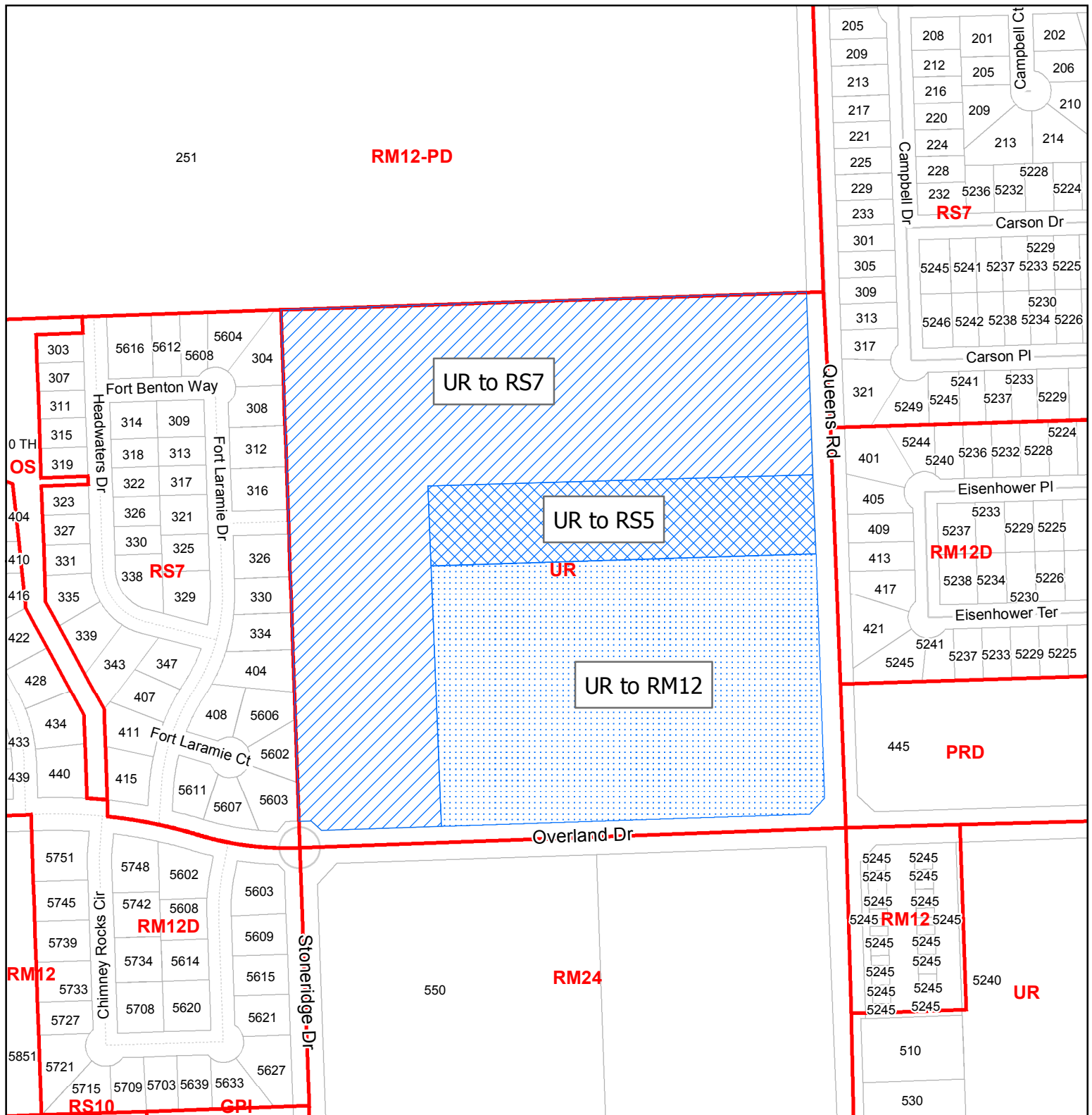
GES GROB
ENGINEERING
SERVICES, LLC

Site | Civil | Consulting | Construction Management




3210 Mena Way, Suite A * Lawrence, Kansas 66049
Phone 785 856-1900 * Fax 785 856-1901

KELLYN ADDITION LAWRENCE, KANSAS

REZONING EXHIBIT



Z-13-00149: Rezone 21.54 acres from UR to RS7 District
Z-13-00165: Rezone 3.34 acres from UR District to RS5 District
Z-13-00166: Rezone 15.89 acres from UR to RM12 District
Northwest corner of Queens Road & Overland Drive

-  Z-13-00149
-  Z-13-00165
-  Z-13-00166

Scale: 1 Inch = 4,000 Feet



-----Original Message-----

From: Patricia Miller [<mailto:patriciamiller7@icloud.com>]

Sent: Saturday, June 22, 2013 5:38 PM

To: Sandra Day

Subject: Rezoning of Property at Queens Rd and Overland Dr

Overall, we support the rezoning of this property as stated in your letter dated May 31, 2013. However, we do have some concerns and hope that they will be considered.

1) Facing west, the corner of Overland Drive and Queens Road is a blind corner. With the additional traffic that will be generated by these projects, this corner needs to be fixed.

2) Will these new projects help support the redevelopment of Queens Road? Supposedly, our subdivision is part of the Agreement Not to Protest this development, yet our subdivision has no access to Queens Road, and we have no need to travel on that road. These projects will have a much greater impact on the traffic on Queens Road and should help fund that project.

Thank you for considering our concerns.

Michael and Patricia Miller
5249 Carson Place

**PLANNING COMMISSION REPORT
NON PUBLIC HEARING ITEM**

PC Staff Report
6/24/2013

ITEM NO 3D: PRELIMINARY PLAT FOR KELLYN ADDITION (SLD)

PP-13-00148: Consider a Preliminary Plat for Kellyn Addition, an 87 lot residential subdivision containing 40.76 acres. Lots include 15.89 acres for multi-dwelling, RM12 zoning, and 21.54 acres of proposed, and 3.34 acres of proposed RS5 located on the northwest corner of Queens Road and Overland Drive. Submitted by Grob Engineering , for Prairie Rose Holdings LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the Kellyn Addition Preliminary Plat.

Applicant's Reason for Request:

Subdivision is required prior to development of property. This preliminary plat has been submitted and reviewed concurrently with the requests for RS7, RS5, and RM12 zoning for the same property.

KEY POINTS

- Property is located within *Northwest Area Plan* boundary.
- Previous approvals in 2005 and 2006 were granted for residential development for this property, known as Stultzland and later Loges Subdivisions. The approval for the subdivisions and related Residential zoning expired in 2007. No land use entitlements previously granted are applicable to the subject property.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.

ATTACHMENTS

Attachment A: Preliminary Plat

ASSOCIATED CASES

- Z-13-00149; 21.54 Acres UR to RS7
- Z-13-00165; 3.34 Acres UR to RS5
- Z-13-00166; 15.89 Acres UR to RM12
- PP-10-28-05: Stultzland Proposed detached and duplex development
Subdivision design anticipated extension of cul-de-sac street to the north.
 - ❖ 40.7 ac - Total
 - ❖ 11.15 ac – ROW
 - ❖ 2.0 ac – tract for detention
 - ❖ 142 lots
- Z-9-58-05 A to RM12D – expired 9/27/2007
- Z-9-59-05 A to RS7 – expired 9/27/2007
- PP-1-1-06: Loges
 - ❖ 40.7 ac – Total
 - ❖ 11.15 ac – ROW
 - ❖ 2.0 ac – tract for detention
 - ❖ 142 lots:
 - 19.52 AC RS-2 – 73 lots 73 Dwellings
 - 21.23 AC RM-D – 69 lots 138 Dwellings
 - Overall Density = 7.64 units per acre.
- PF-7-19-06: Loges

OTHER ACTION REQUIRED

- Submittal of final plat for administrative approval and recordation.

- City Commission acceptance of dedication of easements and rights-of-way on the final plat.
- Submittal and approval of public improvement plans and provision of means of assurance of completion shall be submitted prior to the recording of the final plat.
- Submittal and approval of building plans prior to release of building permits for development.

PLANS AND STUDIES REQUIRED

- *Downstream Sanitary Sewer Analysis* – Downstream Sanitary Sewer Analysis provided by Landplan Engineering dated January 22, 2013 has been reviewed and is accepted for this project.
- *Drainage Study* – Drainage Study approved.
- *Traffic Study* – Study has been reviewed and is accepted for this project.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

None received to date

Site Summary			RS7	RS5	RM12
Gross Area (acres):	40.76	Gross Area of district (acres):	21.54	3.34	15.89
Right-of-Way (acres):	7.74	ROW (acres):	5.38	.0817	1.548
Net Area (acres):	33.02	Net Area (acres):	16.16	2.5	14.34
		Number of Proposed Lots:	70	16	1
		Minimum Lot Area (SF):	8,400	6,710	14.34
		Maximum Lot Area (SF):	14,272	8,258.8	14.34
		Average Lot Area (SF)	10,056	6,865.5	14.34

GENERAL INFORMATION

Refer to the related rezoning requests for maps showing the surrounding zoning.

Current Zoning and Land Use: UR (Urban Reserve); undeveloped.

Surrounding Zoning and Land Use: To the North: RM12-PD (Multi-Dwelling Residential) (Planned Development) with conditions per Ordinance 8227, maximum density 6 dwelling units per acre. This use will be located north of the proposed RS7 portion of this request, known as "The Links" an approved multi-dwelling residential use around a large open space.

To the East: (east side of Queens Road): RS7 (Single-Dwelling Residential), RM12D (Multi-Dwelling Residential) and PRD-[Parkwest]; existing detached single-dwelling homes, duplex development and apartment development respectively.

To the South: (south side of Overland Drive): RM24 (Multi-Dwelling Residential) with conditions per Ordinance 8570, maximum density 20 dwelling units per acre, known as Hunters Ridge.

To the west: RS7 (Single-Dwelling Residential); existing platted Oregon Trail subdivision for detached housing. Undeveloped at this time. This use will be located adjacent to the proposed RS7 portion of this request.

STAFF REVIEW

This property is proposed to be divided into multiple lots for residential development. A majority of the proposed subdivision is designed for detached residential development (RS7 and RS5 district areas). The majority of area along the north side of Overland Drive is proposed as a single lot for multi-dwelling residential development.

There are no associated floodplain development permits required with the development of this property. Previous subdivision plats have been submitted and reviewed for this property as noted in the list above. The property is contained within the *Northwest Area Plan*, which was approved by the City of Lawrence on January 7, 1997. The relationship of this property to the *Northwest Area Plan* is discussed in detail in the related rezoning applications.

The 40-acre quarter section is undeveloped. The property slopes to the north with an average slope of less than 6%. When originally annexed into the city, the subject property and surrounding areas were not rezoned to a City zoning category. The property was rezoned to UR in 2006 with the adoption of the Land Development Code.

Zoning and Land Use

The proposed development request includes three separate zoning districts to provide land use transition across the entire 40 acres and to provide continuity and compatibility with the approved and developing land uses in all directions. Notably, the area to the south and west is developing with a higher and more intensive land use pattern than the proposed development. The area to the north and west are undeveloped at this time. Preliminary approval has been granted for development to the north known as The Links (6 dwelling units per acre) and a platted subdivision, Oregon Trail, is located to the west of the subject property. Interior street connections are made through the proposed development providing connectivity with the adjacent land uses.

Streets and Access

The property is located on the north side of Overland Drive and the west side of Queens Road. Both Queens Road and Overland Drive are identified in Transportation 2040 as collector streets. The minimum public right-of-way for a collector is 80 feet. Queens Road is located along the eastern property line and is currently graveled. Queens Road will be improved to collector street standards. Approval of this subdivision includes appropriate right of way for Queens Road as shown on the preliminary plat. The developer will be responsible for participation in a future benefit district for the improvement of Queens Road. The execution of an agreement to participate in the benefit district will be required with a final plat for this property. Queens Road is tentatively scheduled to be improved in 2014. Staff will continue to evaluate the development request as part of the Final Plat for this property to ensure coordination of adequate public facilities. Building permit issuance may be tied to the construction or completion of Queens Road depending on development timing and coordination of public improvements within the development and adjacent improvements. No additional right-of-way is required for Overland Drive with this request.

Stoneridge Drive, south of Overland Drive, is also shown as a collector street on Transportation 2040. North of Overland Drive, Stoneridge Drive is designated as a local street. The internal street system will connect with Fort Benton Drive to the west (Oregon Trail Addition). There are no street connections that stub to the north property line since an application for a multi-dwelling residential development has been approved. The following exhibit shows the existing and proposed street network that will be developed in the area.

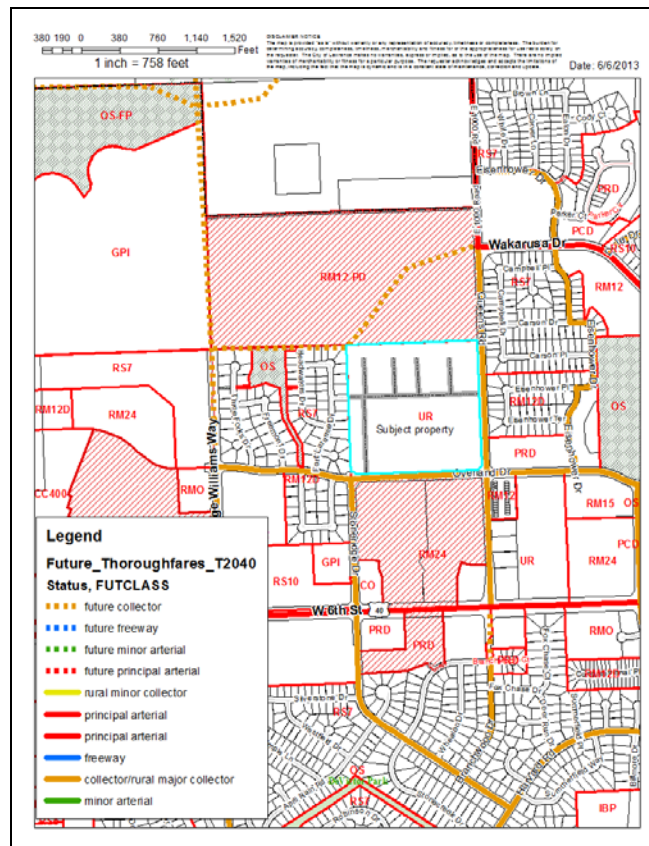


Figure 1: Future Thoroughfares

The proposed preliminary plat includes interior streets providing access to individual lots and connection to the adjacent subdivision to the west.

Utilities and Infrastructure

City sewer and water line services will be extended to serve this development. The public improvement plans must be submitted approved, and acceptable means of assuring completion provided prior to recording of the final plat.

Existing sanitary sewer and public water mains adjacent to the project have adequate capacity to serve the proposed development. The adjacent development to the south, commonly known as Hunters Ridge, has experienced low water pressures in the buildings with the highest finished floor elevations. Available water pressure is directly related to the operational level of the nearby Stoneridge elevated water storage tank. This occurs due to the relatively small differential between the operational level of the Stoneridge elevated storage tank and the finished floor elevations of the buildings within the development. This proposed development is located at a lower average ground elevation than the Hunters Ridge development and, correspondingly, will benefit from a greater differential between the operational level of the Stoneridge elevated storage tank and anticipated finished floor elevations. Staff recommends that water pressure be evaluated as part of the public improvement and building design process particularly with respect to multi-story/multi-family units proposed for the portion of the development at the corner of Overland Drive and Queens Road.

There is an existing water supply line along the north side of Overland Drive and within the Park West Subdivision. The plat is proposing to connect into the existing municipal water system. The water line along Queens Road is a 2" PCV line and is not adequate to serve the development. The

applicant is aware that water line extensions will be needed and additional waterline improvements will be required with the improvements to Queens Road.

Water pressure service in this area has been identified as a concern for this area. The water pressure is related to the demand for water in the area as well as building elevation. Water pressure concerns for the Hunters Ridge area occur because the elevation of the water (within the tank) and the elevation of the units provide little separation in height. The proposed development is located at an elevation lower, with a greater elevation change, than the Hunters Ridge development and therefore is not anticipated to encounter the same water pressure limitations as the existing development. However, as the area builds out water pressure will decrease accordingly. There is an adequate supply of water for this area in terms of volume.

An existing pump station, PS 45, located west of the northwest corner of the property, serves the sanitary sewer system. Access to the pump station is currently provided along the north property line of the proposed subdivision. This access will eventually be removed when an alternative access is provided as proposed through the Oregon Trail Addition Plat.



Figure 2: Location of existing pump station access road.

Stormwater Drainage

The stormwater from this property is proposed to be collected into a stormwater detention basin shown as "Tract A". The developer will be responsible to provide for the ownership and future maintenance of the drainage detention area. The lots adjacent to the drainage easements will be required to show the Minimum Elevations of Building Opening (MEBO's) on the face of the Final Plat once finalized elevations are determined based on public improvement plans. This subdivision is being designed to contribute water to the north for planned water features included in The Links project.

Easements

New utility easements are proposed with this subdivision to provide services to the individual lots. The applicant continues to refine the proposed utility easements with staff and Westar for this proposed development. A 10' landscape easement is proposed along Overland Drive and Queens

Road for Lot 27, Block 3, the proposed RM12 lot. This landscape easement extends north to Fort Benton Drive and includes the corner RS5 lot adjacent to Queens Road. The easement does not extend west on Overland Drive and does not include the two lots proposed for RS7 zoning at the intersection of Overland Drive and Stoneridge Drive.

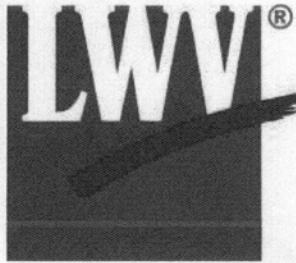
Multiple lots are proposed with front utility easements largely because of the grade changes of this site and the need to locate sanitary sewer to serve individual lots. While not preferable, these easements are necessary in this application. Placement of street trees will likely be located farther into the residential lots along the south side of Fort Benton Drive than typical. This feature will continue to be evaluated with the submission of a Final Plat for this property.

Protection of Environmentally Sensitive Lands

Section 20-810(k) of the Subdivision Regulations lists the environmentally sensitive lands and the protection measures that are required when platting residentially zoned property. Per Code, environmentally sensitive lands are to be protected during platting through placement in a tract or easement and protection measures noted on the plat. Area to be protected include regulatory floodplain, jurisdictional wetlands, stream corridors and stands of mature trees and well as archeological and historically significant sites. This property is not encumbered by any of the listed environmentally sensitive lands. No additional protection is required for this development.

Conformance

The proposed lot sizes comply with or exceed the minimum area requirements of the proposed zoning districts. The preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code. Staff recommends approval of the Kellyn Addition Preliminary Plat.



LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

June 23, 2013

RECEIVED

JUN 24 2013

City County Planning Office
Lawrence, Kansas

To: Dr. Bruce Liese, Chair, and Lawrence/Douglas County Planning Commission

RE: **ITEM NO 3D: PRELIMINARY PLAT FOR KELLYN ADDITION**

Co-President
David Burress

Co-President
Cille King

President-Elect
Cille King

Vice President
marci francisco

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors
Margaret Arnold

Caroljean Brune

Scott Criqui

James Dunn

Ruth Gibbs

Midge Grinstead

Marlene Merrill

Based on our League concern for public welfare and open and public meetings, we are writing to you to voice our concern for the long-standing practice of developers in Lawrence of designing subdivision plats with exceedingly large lots using only conventional multiple family districts, but intended for multiple residential buildings. The Kellyn Addition, a subdivision that includes a single, 15-acre lot for multiple family development, is an example.

Lacking in our regulations in these circumstances are *specific requirements* for the *location* of open space other than peripheral yard setbacks and minimal setbacks between buildings (the fire code requires 3 feet). There are no internal circulation patterns for automobiles, pedestrian walkways, accessways to public streets, and most serious, no requirements for landscaping except in parking lots and on the periphery of the large lot where it is touched by streets, where the planting of street trees is required. Even then, the landscaping of the parking areas depends on the size of these individual parking areas. According to our regulations, there are no requirements for main internal accessways to be paved according to standards other than those required for driveways.

Should the buildings in these large lots be sold to separate individuals under the "condominium," or some other law, there is no assurance that the owner of the land will maintain the property. All of this is "voluntary."

These circumstances and lack of regulations in large-lot multiple family developments with conventional zoning have been the cause of concern to our League for years. The remedy for this would be to require these large lot developments to be Planned Developments (PD). If the developers find these PD Overlay District regulations too complicated and onerous, we suggest that the PD regulations, themselves, be changed, rather than ignoring the necessity of using the PD for development under these circumstances.

We hope you will take note of our concerns and require a PD Overlay District for this large lot multiple family development of Kellyn Addition.

Thank you.

Sincerely yours,

Cille King
Cille King
Co-President

Alan Black
Alan Black, Chairman
Land Use Committee

PO BOX 1072 • LAWRENCE KS 66044-1072

league@sunflower.com • www.lawrenceleague.com
www.facebook.com/lwvldc • www.twitter.com/lwvldc

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
6/24/13

ITEM NO. 5 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; ACCESSORY DWELLING UNIT (MJL)

TA-13-00106: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Articles 4 and 5, to permit the Accessory Dwelling Unit use as an accessory use in the RS5 (Single-Dwelling Residential) District.

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendment to the Land Development Code, TA-13-00106, regarding permitting the Accessory Dwelling Unit use as an accessory use in the RS5 District, to the City Commission.

Reason for Request: To permit the Accessory Dwelling Unit use, as an accessory use in the RS5 District.

RELEVANT GOLDEN FACTOR:

- The text amendment is consistent with various goals and policies in the comprehensive plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received.

OVERVIEW OF PROPOSED AMENDMENT

Currently the *Land Development Code* permits the Accessory Dwelling Unit use as an accessory use in the RS40, RS20, RS10, RS7 (Single-Dwelling Residential), MU (Mixed Use) and CN1 (Inner Neighborhood Commercial) Districts. Article 5 includes standards regarding the use. Staff is not proposing to make changes to the standards.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The proposed text amendment is consistent with various goals and policies in Chapter 5 – Residential Land Use. Chapter 5 discusses encouraging infill development and supports a mix of housing types, styles, and economic levels.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

- 1) **Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and**

Applicant Response

Only that the Accessory Dwelling Units are not allowed in all RS zoning districts above RS5.

Staff Response

The RS5 District is a zoning district that was created with the 2006 code and certain properties were

rezoned to the RS5 upon adoption. Additionally, the Accessory Dwelling Unit use was a new use permitted in the code. Staff has had 15 Accessory Dwelling Units registered since the code adoption in 2006 and has had many conversations with property owners regarding the opportunity for the use on various properties, in various residential zoning districts including the RS5 District. With this interest and a change in economic conditions over the past few years, staff feels that this text amendment does address a changing condition. There have been more situations where people are looking to downsize, have had economic hardships and need to rely on family or property owners are looking to maximize their property investments while staying in their existing home.

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

The text amendment is consistent with various policies in *Horizon 2020*, Chapter 5 – Residential Land Use. Policies in Goal 3: Neighborhood Conservation discusses infill development and providing a variety of housing types. The chapter strategies discusses a mixture of housing types, styles and economic levels. Accessory Dwelling Units, if developed to meet the standards, can help achieve these goals, policies and strategies.

Staff Review

An Accessory Dwelling Unit is defined in the code as “A dwelling unit that is incidental to and located on the same lot as the principal building or use, when the principal building or use is a dwelling.” This use is permitted as an accessory use in the RS40, RS20, RS10, RS7, MU and CN1 Districts with standards. The code outlines the purpose of the use to:

1. create new housing units while preserving the look and scale of single-family detached dwelling neighborhoods;
2. allow more efficient use of the City’s existing housing stock and infrastructure;
3. provide a mix of housing types that responds to changing family needs and smaller households;
4. provide a means for residents, particularly seniors, single parents, and couples, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
5. provide a broader range of accessible and more affordable housing.

The Code provides design standards to address potential issues regarding occupancy, number of residents, parking, size, and registration are a few. Below is a general summary of the regulations. For the full regulations, see the attached section with changes noted in red.

- Methods of Creation – conversion of existing space, addition to the primary structure or new detached structure.
- Occupancy – Owner must occupy either unit
- Number of Residents – district occupancy limit plus 1
- Parking – situational depending on abutting street classification. A minimum of 2 parking spaces per lot
- Size – no more than 33% of the living area of the dwelling or 960 sf, whichever is less
- Registration – registered with the Planning Office, and an affidavit pledging agreement to the standards, which unit the owner will live and recording the affidavit at the Register of Deeds Office

Accessory Dwelling Units can be used in various ways to improve the community. It is an opportunity to increase density in established neighborhoods with minimal disruption to the area. It is an opportunity to offer housing to address changing family needs, whether it is for family members or

additional income while continuing to reside on the property. The standards require the owner to live in one of the units which can address property maintenance issues and concerns that occur with some rental properties.

Staff is not proposing to change the use standards with this text amendment. Only the addition of the RS5 District as a district that permits an Accessory Dwelling Unit as an accessory use is proposed. See the attached draft changes to Articles 4 and 5. Changes are noted in red.

Staff Recommendation

Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendment to the Land Development Code, TA-13-00106, regarding permitting the Accessory Dwelling Unit use as an accessory use in the RS5 District, to the City Commission.

20-402 RESIDENTIAL DISTRICT USE TABLE

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts														Use-Specific Standards (Sec. 20-)
		RS40	RS20	RS10	RS7	RS5	RS3	RS0	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
RESIDENTIAL USE GROUP																
Household Living	Accessory Dwelling Unit	A*	A*	A*	A*	LP	-	-	-	-	-	-	-	-	-	534
	Attached Dwelling	-	-	S*	S*	S*	S*	S*	P*	P*	P*	P*	P*	-	P*	503
	Cluster Dwelling	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	702
	Detached Dwelling	P*	P*	P*	P*	P*	P*	P*	S*	S*	S*	S*	S*	-	S*	508
	Duplex	-	-	-	-	-	-	P*	P*	P*	P*	P*	P*	-	P*	503
	Manufactured Home	-	-	-	-	-	-	-	S	S	S	S	S	-	-	
	Manufactured Home, Residential-Design	P*	P*	P*	P*	P*	P*	P*	S*	S*	S*	S*	S*	-	S*	513
	Mobile Home	-	-	-	-	-	-	-	-	-	S	S	S	-	-	
	Mobile Home Park	-	-	-	-	-	-	-	-	-	S*	S*	S*	-	-	514
	Multi-Dwelling Structure	-	-	-	-	-	-	-	P*	-	P*	P*	P*	-	P*	517
	Non-Ground Floor Dwelling	--	--	--	--	--	--	P*	--	--	--	--	--	--	P*	517/542
	Work/Live Unit	--	--	--	--	--	--	P*	--	--	--	--	--	--	P*	517/542
	Zero Lot Line Dwelling	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	531
	Home Occupation, Type A or B	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	A*	537
Group Living	Assisted Living	S	S	S	S	S	S	P	P	P	P	P	P	P	P	
	Congregate Living	-	-	-	-	-	-	-	P*	-	P*	P*	P*	-	P*	546
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
	Fraternity or Sorority House	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
	Group Home, General [11 or more]	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	Group Home, Limited [10 or fewer]	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
PUBLIC AND CIVIC USE GROUP																
Community Facilities	Adult Day Care Home	S	S	S	S	S	S	P	P	P	P	P	P	P	P	
	Cemeteries	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	505
	College/University	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	School	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	Cultural Center/ Library	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	Day Care Center	S*/A*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*/A*	S*	507

Key: <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i>		<i>Base Zoning Districts</i>														Use-Specific Standards (Sec. 20-)
		RS40	RS20	RS10	RS7	RS5	RS3	RS0	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
	Day Care Home, Class A	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	A*	507
	Day Care Home, Class B	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	-	S*	507
	Detention Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Lodge, Fraternal & Civic Assembly	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	512
	Postal Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Public Safety	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
	Funeral and Interment	-	-	-	-	-	-	P*	-	-	-	-	-	-	P*	505
	Temporary Shelter	A*	A*	A*	A*	A*	A*	S*/A*	A*	A*	A*	A*	A*	A*	S*/A*	544/522
	Social Service Agency	--	--	--	--	--	--	P	--	--	--	--	--	--	P	
	Community Meal Program	A*	A*	A*	A*	A*	A*	S/A*	A*	A*	A*	A*	A*	A*	S/A*	522
	Utilities, Minor	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	530
	Utilities and Service, Major	S	S	S	S	S	S	S	S	S	S	S	S	-	S	
Medical Facilities	Community Mental Health Facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
	Extended Care Facility, General	-	-	-	-	-	-	S	P	P	P	P	P	P	P	
	Extended Care Facility, Limited	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Health Care Office, Health Care Clinic	-	-	-	-	-	-	P	-	-	-	-	-	-	P	
	Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Outpatient Care Facility	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	519
Recreational Facilities	Active Recreation	S	S	S	S	S	S	S	S	S	S	S	S	-	S	
	Entertainment & Spectator Sports, Gen.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Entertainment & Spectator Sports, Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Nature Preserve/Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
	Private Recreation	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
	Participant Sports & Recreation, Indoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Participant Sports & Recreation, Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

Key: <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i>		<i>Base Zoning Districts</i>														Use-Specific Standards (Sec. 20-)
		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
Religious Assembly	Campus or Community Institution	-	-	-	-	-	-	-	P*	P*	P*	P*	P*	P*	P*	522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	522
COMMERCIAL USE GROUP																
Animal Services	Kennel	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Livestock Sale	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Sales and Grooming	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Veterinary	-	-	-	-	-	-	P	-	-	-	-	-	-	P	
Eating & Drinking Establishments	Accessory Bar	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Bar or Lounge	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Brewpub	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Fast Order Food	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Fast Order Food, Drive-in	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Nightclub	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Private Dining Establishments	S*	S*	S*	S*	S*	-	S*	-	-	-	-	-	-	S*	539
	Restaurant, High-turnover	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Restaurant, Quality	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Office	Administrative and Professional	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	518
	Financial, Insurance & Real Estate	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	510
	Other	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	510
Parking Facilities	Accessory	-	-	-	-	-	A*	A*	A*	A*	A*	A*	A*	A*	A*	535
	Commercial	-	-	-	-	-	-	S	-	-	-	-	-	-	-	
Retail Sales & Service	Building Maintenance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Business Equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Business Support	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Construction Sales and Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Food and Beverage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

Key: <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i>		<i>Base Zoning Districts</i>														Use-Specific Standards (Sec. 20-)
		RS40	RS20	RS10	RS7	RS5	RS3	RS0	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
	Mixed Media Store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Personal Convenience	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Personal Improvement	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	521
	Repair Service, Consumer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Retail Sales, General	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Retail Establishment, Large	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Retail Establishment, Medium	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Retail Establishment, Specialty	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Sexually Oriented Businesses	Sexually Oriented Media Store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Physical Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Sex Shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Sexually Oriented Theater	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Transient Accommodation	Bed and Breakfast	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*	P*	-	P*	504
	Campground	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Elderhostel	-	-	-	-	-	-	-	-	-	-	-	-	S	-	
	Hotel, Motel, Extended Stay	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Vehicle Sales & Service	Cleaning (e.g., car wash)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Fleet Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Gas and Fuel Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Heavy Equipment Repair	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Heavy Equipment Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Inoperable Vehicles Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Light Equipment Repair	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Light Equipment Sales/Rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	RV and Boats Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
INDUSTRIAL USE GROUP																

Key: <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i>		<i>Base Zoning Districts</i>														Use-Specific Standards (Sec. 20-)
		RS40	RS20	RS10	RS7	RS5	RS3	RS0	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
Industrial Facilities	Explosive Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Industrial, General	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Industrial, Intensive	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Laundry Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Manufacturing & Production, Limited	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Manufacturing & Production, Technological	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Research Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Salvage Operation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Wholesale, Storage & Distribution	Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Mini-Warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
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	-	-	-	-	-	-	-	-	-	-	-	-	S*	-	501
Agriculture	Agricultural Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Agriculture, Animal	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	502
	Agriculture, Crop	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
Communications Facilities	Amateur and Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	A*	536
	Broadcasting Tower	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Communications Service Establishment	-	-	-	-	-	-	P	-	-	-	-	-	-	P	
	Telecommunications Antenna	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications Tower	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	529
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536

<div>Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed</div>		Base Zoning Districts														Use-Specific Standards (Sec. 20-)
		RS40	RS20	RS10	RS7	RS5	RS3	RS0	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	
Mining	Mining	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Recycling Facilities	Large Collection	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Small Collection	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Processing Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

20-534 **ACCESSORY DWELLING UNITS** (Permitted only in RS40, RS20, RS10, RS7, RS5, MU and CN1)

(1) **Purpose**

Accessory Dwelling Units are allowed in certain situations to:

- (i) create new housing units while preserving the look and **Scale** of single-Family **Detached Dwelling** neighborhoods; subject to the procedures established in Section 20-534(2)(xi);
- (ii) allow more efficient use of the City's existing housing stock and **Infrastructure**;
- (iii) provide a mix of housing types that responds to changing **Family** needs and smaller households;
- (iv) provide a means for residents, particularly seniors, single parents, and couples, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- (v) provide a broader range of accessible and more affordable housing.

(2) **Design Standards**

(i) **Purpose**

These design standards are intended to ensure that **Accessory Dwelling Units**:

- a. are compatible with the desired character and livability of the **Zoning Districts**;
- b. respect the general **Building Scale** and placement of **Structures** to allow sharing of common space on the **Lot**, such as **Driveways** and **Yards**; and
- c. are 960 square feet or smaller in size.

(ii) **Generally**

The design standards for **Accessory Dwelling Units** are stated in this section. If not addressed in this section, the **Base District** standards apply.

(iii) **Methods of Creation**

An **Accessory Dwelling Unit** may only be created through one of the following methods:

- a. converting existing living area within a **Detached Dwelling**, **Attached Dwelling** (e.g., attic, **Basement** or attached garage); or
- b. adding **Floor Area** to an existing **Detached Dwelling**, **Attached Dwelling** or detached garage; or
- c. constructing a new **Detached Dwelling**, **Attached Dwelling** or detached garage with an internal **Accessory Dwelling Unit**.

(iv) **Owner Occupancy Required in RS Districts**

Either the principal **Dwelling Unit** or the **Accessory Dwelling Unit** must be occupied by one or more of the persons who is/are the record **Owner** of the **Premises**.

If at any time, neither of the **Dwelling Units** in a **Building** that contains an **Accessory Dwelling Unit** is the principal residence of one of the **Owner** of the property, then the

property shall be considered a [Duplex](#). If a [Duplex](#) is not permitted in the [Zoning District](#) in which the property is located, the [Owner](#) shall be subject to penalties for a zoning violation and to an abatement order requiring restoration of the [Premises](#) to lawful status, conforming with the uses permitted in the [Zoning District](#).

(v) Number of Residents

The total number of individuals that reside in both units (principal + accessory) may not exceed Occupancy Limit established for the Principal Building in Section 20-601(d), plus one additional person.

(vi) Other Uses

An [Accessory Dwelling Unit](#) is prohibited in a house with a Type B [Home Occupation](#).

(vii) Location of Entrances

- a. Only one entrance to the [Principal Building](#) may be located on the front [Facade](#) that faces the Street, unless the [Principal Building](#) contained an additional Street-facing entrance before the [Accessory Dwelling Unit](#) was created.
- b. When the [Accessory Dwelling Unit](#) is located behind the rear wall of the [Principal Building](#), the accessory [Dwelling](#) entrance shall face the [Front Lot Line](#).
- c. An exception to subsection (b), above, is [Dwelling Units](#) that do not have [Access](#) from the ground such as [Dwelling Units](#) with entrances from balconies or elevated decks.

(viii) Parking

The following Parking requirements apply to [Accessory Dwelling Units](#).

- a. Lots containing [Accessory Dwelling Units](#) shall contain a minimum of two off-Street [Parking Spaces](#).
- b. If the [Lot](#) containing the [Accessory Dwelling Unit](#) abuts only a [Local Street](#) and the pavement of the [Local Street](#) is at least 27 feet wide, no additional [Parking Space](#) is required for the [Accessory Dwelling Unit](#).
- c. If the [Lot](#) containing the [Accessory Dwelling Unit](#) abuts only a [Local Street](#) and the pavement of the [Local Street](#) is less than 27 feet wide, or if the [Accessory Dwelling Unit](#) is created at the same time as the principal [Dwelling Unit](#), one additional [Parking Space](#) is required for the [Accessory Dwelling Unit](#).
- d. One additional [Parking Space](#) is required for the [Accessory Dwelling Unit](#) if the [Lot](#) containing the [Accessory Dwelling Unit](#) abuts only a Collector or [Arterial Street](#).

(ix) Size

The maximum size of an [Accessory Dwelling Unit](#) may be no more than (33%) of the living area of the [Detached Dwelling](#) or [Attached Dwelling](#), or 960 square feet, whichever is less.

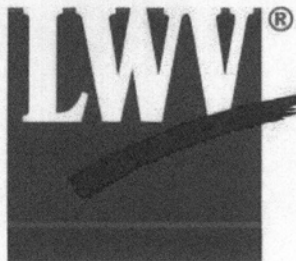
(x) Floor Area Additions

[Accessory Dwelling Units](#) created through the addition of habitable [Floor Area](#) to an existing [Structure](#) shall comply with the following standards:

- a. the exterior finish material shall be the same or visually match in type, size and placement, the exterior finish material of the house or existing [Structure](#);
- b. the roof pitch shall be the same as the predominant roof pitch of the house or existing [Structure](#);
- c. trim on edges of elements on the addition shall be the same in type, size and location as the trim used on the rest of the house or existing [Structure](#);
- d. windows shall match those in the house in proportion (relationship of width to [Height](#)) and orientation (horizontal or vertical);and
- e. eaves shall project from the [Building](#) walls the same distance as the eaves on the rest of the house or existing [Structure](#).

(xi) Registration; Affidavit

- a. [Accessory Dwelling Units](#) shall be registered with the [Planning Director](#) prior to their establishment. The requirement for registration is intended to ensure that the applicant is aware of the provisions of this Development Code governing [Accessory Dwelling Units](#); that the City has all information necessary to evaluate whether the [Accessory Dwelling Unit](#) initially meets and continues to meet Development Code requirements; and that the distribution and location of [Accessory Dwelling Units](#) is known.
- b. At the time of registration, the applicant shall submit an affidavit pledging agreement to the [Accessory Dwelling Unit](#) standards of this section. The affidavit shall specify which of the [Dwelling Units](#) will be occupied by an [Owner](#) of the property; if at any time such [Owner](#) moves to the other [Dwelling Unit](#), the [Owner](#) shall be responsible for filing an updated affidavit, recording such change.
- c. Permits for [Accessory Dwelling Units](#) may be issued after the [Planning Director](#) determines that the proposal complies with all applicable Development Code requirements.



LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

June 23, 2013

RECEIVED

JUN 24 2013

City County Planning Office
Lawrence, Kansas

Co-President
David Burress

Co-President
Cille King

President-Elect
Cille King

Vice President
marci francisco

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors
Margaret Arnold

Caroljean Brune

Scott Criqui

James Dunn

Ruth Gibbs

Midge Grinstead

Marlene Merrill

To: Dr. Bruce Liese, Chair, and Lawrence/Douglas County Planning Commission

ITEM NO. 5: TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; ACCESSORY DWELLING UNIT

The accessory dwelling unit concept was introduced by the League representative to the ZAC (Zoning Advisory Committee) as one of the suggested recommendations to improvements to the new zoning code—the Land Development Code (LDC)—adopted in 2006. The reasons are listed in the LDC regulations, one example of which are “granny apartments” for aging relatives. A critical provision of the Use Regulations on Accessory Dwelling Units (Section 20-534) was that one of the units must be owner occupied. However, it never occurred to us at the time that the term “owner occupant” could be construed as a being a corporate owner, thereby occupying a residence as an “owner occupant” through being an appointed temporary representative of the corporation.

We believe that the concerns of the residents of an older neighborhood regarding modifying the provisions of the RS5 District to add it to the section 20-534 of the LDC are valid and should be a concern to all neighborhoods. The possible interpretation of including corporations as being eligible for the provisions of accessory dwelling units would apply to all, not just the RS5 District. We therefore request that you add a definition of “owner occupant” to Section 20-1701 of the LDC that would exclude all meaning of the term and related terms that do not specifically mean an existing adult human person with direct legal ownership rights to occupy the residence, and not an abstract concept such as a corporation occupying a residence by way of an agent or representative or business (or however it can be explained to clarify the difference).

We hope that you will add the definition of “owner occupant” to Section 20-1701, or wherever necessary in the Land Development Code, to make the necessary distinction to protect our neighborhoods while at the same time encouraging owner-occupancy, as the meaning of the term is generally understood.

Thank you.

Sincerely yours,

Cille King

Cille King
Co-President

Alan Black

Alan Black, Chairman
Land Use Committee

PO BOX 1072 • LAWRENCE KS 66044-1072

league@sunflower.com • www.lawrenceleague.com
www.facebook.com/lwvldc • www.twitter.com/lwvldc



Old West Lawrence Association
Kirk McClure, President
mcclurefamily@sbcglobal.net

June 23, 2013

Amalia Graham

amalia.graham@gmail.com

Jim Denney

denney1@sunflower.com

Stan Rasmussen

montanastan62@gmail.com

Pennie von Achen

squampva@aol.com

Jon Josserand

jonjosserand@gmail.com

Clay Britton

clay.britton@yahoo.com

Lara Adams Burger

laraplancomm@sunflower.com

Chad Lamer

chadlamer@gmail.com

Bryan Culver (Vice-Chair)

bculver@bankingunusual.com

Bruce Liese (Chair)

bruce@kansascitysailing.com

Re: **TA-13-00106: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Articles 4 and 5, to permit the Accessory Dwelling Unit use as an accessory use in the RS5 (Single-Dwelling Residential) District.**

Dear Members of the Planning Commission

The proposed text amendment is generally supported by the Old West Lawrence Association (OWLA). Under many circumstances, accessory units can be beneficial to the neighborhood.

“Staff has had 15 Accessory Dwelling Units registered since the code adoption in 2006 and has had many conversations with property owners regarding the opportunity for the use on various properties, in various residential zoning districts including the RS5 District. With this interest and a change in economic conditions over the past few years, staff feels that this is text amendment does address a changing condition. There have been more situations where people are looking to downsize, have had economic

hardships and need to rely on family or property owners are looking to maximize their property investments while staying in their existing home. “

Old West Lawrence is mostly zoned RS5. Thus, the neighborhood has a deep interest in seeing that a change of this type be well implemented.

The proposed amendment also states:

“It is an opportunity to offer housing to address changing family needs, whether it is for family members or additional income while continuing to reside on the property. The standards require the owner to live in one of the units which can address property maintenance issues and concerns that occur with some rental properties.”

OWLA is concerned with possible abuse of this provision. OWLA does not want to see its single-family character diminished incrementally. There is concern that single-family homes could be broken up into multi-unit rental properties through misuse of this provision, calling one unit the primary residence and the second unit an “accessory unit.” This could be done by creation of partnerships designating the occupant of the primary units as a partner in the ownership, thus meeting the requirement of owner-occupancy even though in all other respects, the resident of the primary unit is a renter. Similar problems could arise if there is corporate ownership. Other mechanisms could be used to circumvent the intention but adhere to the letter of the law.

OWLA asks for more stringent language to prevent abuse and to ensure that an owner-occupant, not a surrogate for an owner, lives in one of the units.

Yours truly,

A handwritten signature in dark ink, appearing to read "Kirk McClure", followed by a horizontal line.

Kirk McClure, President
Old West Lawrence Association

RECEIVED

JUN 24 2013

City County Planning Office
Lawrence, Kansas

626 Ohio Street
Lawrence, KS 66044
June 24, 2013

Dear Commissioners:

RE: Agenda Item No. 5, scheduled for June 26

I am a resident of Old West Lawrence, and also own rental property there. The proposed text amendment would allow Accessory Dwelling Units in Old West Lawrence, which is in an RS5 District.

I am concerned that Section 20-534 of the Development Code could be interpreted as allowing corporations to own houses with Accessory Dwelling Units. This would be bad policy, that would, in effect, allow duplexes with absentee landlords in stable, well-maintained RS Districts like Old West Lawrence. I request that the section be amended to clarify that corporations cannot be owner-occupants of houses with Accessory Dwelling Units.

1. The current version of Development Code Section 20-534 requires owner occupancy of either the Accessory or Principal Dwelling Unit for Accessory Dwelling use in the RS districts where Accessory Dwelling Units are allowed.
2. Section 534 also requires that one of the units be the "principal residence" of an owner.
3. Development Code Section 20-1701 defines "Owner" to include corporations.
4. The Code does not define either owner-occupant or "principal residence."

Can a corporation be an owner-occupant with a principal residence within the meaning of the Accessory Dwelling Unit provision of the Code?

In light of the stated purposes of Accessory Dwelling Units, under any common-sense definition of "owner-occupant" or "principal residence" a corporation should not be considered an owner-occupant with a principal residence.

Section 20-534 provides:

Accessory Dwelling Units are allowed in certain situations to:

- (i) create new housing units while preserving the look and Scale of single-Family Detached Dwelling neighborhoods; subject to the procedures established in Section 20-534(2)(xi);
- (ii) allow more efficient use of the City's existing housing stock and Infrastructure;
- (iii) provide a mix of housing types that responds to *changing Family needs and smaller households*;

(iv) provide a means for *residents, particularly seniors, single parents, and couples, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services*; and

(v) provide a broader range of accessible and more affordable housing.

(Emphasis added.)

The clear intent of the owner-occupancy and principal residence requirements of Section 20-534 is to prohibit ownership of houses with Accessory Dwelling Units by absentee landlords. A corporation almost by its very nature is an absentee, because it is not a natural person, but a legal fiction.

Corporations are business organizations that the law regards as legal persons separate from their shareholders for economic purposes, such as owning property and entering contracts. Corporations do not have families, or households. They cannot be seniors, parents, or part of a couple. They do not need companionship, or the kind of personal security and services referred to in subsection (iv) of Section 20-534.

Corporations are not alive and so do not live anywhere. They do not sleep or cook, or watch cable TV. Corporations do not occupy Dwelling Units or have principal residences within the meaning of the Code because they cannot dwell or reside – that is, live – in them. What corporations have are places of business.

It might be argued that a corporation could occupy a unit through an agent. Suppose a corporation acquired a house that had an Accessory Dwelling Unit originally built for the former owner's aging relative. The corporation could offer a prospective tenant of the Accessory Unit a slight break in rent in return for acting as the corporation's agent with nominal duties, such as reporting problems. The principal unit could be rented to a family or up to three unrelated persons. This house would be essentially a Duplex, with neither unit occupied by an owner in any common-sense meaning of owner-occupant.

The "agent" would not have the same incentive or ability as a real owner-occupant to maintain and improve the property or influence the behavior of the other tenants. The corporation would be an absentee landlord for all practical purposes.

A house with an Accessory Dwelling Unit would be a more attractive investment property to a corporation in the business of renting houses than an identical house without one because it could well bring in an additional \$500 a month in rent.

Note also that one of the units in the house would have to be the *corporation's* principal residence satisfy the requirements of Section 20-534. But the corporation does not reside anywhere. The tenant

who is the corporation's agent would have its principal residence in the house, but the owner—the corporation—would not.

The closest thing a corporation has to a principal residence is a principal place of business. To be entitled to Accessory Dwelling Unit use, a corporation would have to maintain its principal office in one of the units. And that would be inconsistent with maintaining the single family character of RS districts.

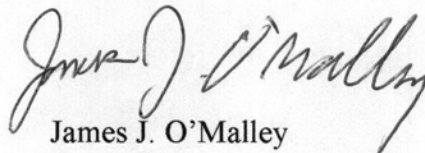
That it takes this long to explain why corporations cannot be owner occupants of houses with Accessory Dwelling Units is a strong indication that the Code language needs to be more clear.

Accordingly, I request that the Code be amended to clarify that corporations cannot be owner-occupants under Section 20-534 of the Development Code regarding Accessory Dwelling Units.

Lack of Notice to Neighbors and Neighborhood Associations:

The current version of Section 20-534 does not provide any notice of the proposed change of use from single family to Accessory Dwelling to neighbors or neighborhood associations. Other changes of use require notice to neighbors through special use permits. A change from single family use to a what is essentially a special kind of duplex is significant enough to warrant notice to neighbors and neighborhood associations.

Accordingly, I request that Section 20-534 be amended to require notice of the proposed change of use to neighbors and neighborhood associations.

A handwritten signature in black ink, appearing to read "James J. O'Malley", is written over the printed name.

James J. O'Malley

RECEIVED

JUN 24 2013

City & County Planning Office
Lawrence, Kansas

**Corporations should not be allowed to own structures containing
Accessory Dwelling Units**

1. The City's ADU standards require owner-occupancy in one of the units, which the PC staff report points out "can address property maintenance issues and concerns that occur with some rental properties." That section obviously envisions the resident owner as a natural person. I would like to call your attention to the possibility of a corporation in the business of renting residential properties.

Can such a corporation be prevented from designating one tenant as an **agent** of the corporation to try to meet the owner-occupancy requirement for an ADU?

2. The City believes it is OK to have ADUs in single-family districts because:
 - A. Because it is their home, owner occupants usually take better physical care of property than absentee landlords.
 - B. Tenant behavior that would disturb residents of neighboring houses would to an even greater degree disturb an owner-occupant living on the other side of the wall from the ADU. Therefore, an owner-occupant can be expected to be motivated to impose restrictions on his or her tenant to minimize annoying behavior.

Is a corporate **agent** any more motivated than an **absentee owner** of a duplex?

Analysis

Under the law, corporations are legal "persons," capable of owning property. Corporations are included in the City ordinance section that defines "owner." But corporations are not "natural persons." They cannot be disturbed at night by noise, be discouraged by encroaching blight, or be disgusted by the smell of accumulated garbage. A corporation cannot live in a house. Corporations act through shareholders, directors, officers, agents, and employees. Who among those would have sufficient incentive to maintain the qualities hoped for in a single family residence? The identity of those actors can quickly change in the context of corporations.

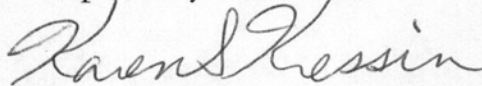
I submit that on one end of the spectrum, shareholders who singly or as a couple closely hold the corporation **might** qualify, and on the other end an agent or employee **certainly**

would not. The latter would be indistinguishable from a tenant in a duplex. This presents drafting problems.

- Where should the ordinance draw the line along the hierarchy of corporate actors?
- If shareholders qualify, how can they be adequately defined?
- How many shareholders can a corporation have before the ownership interest is too watered down to meet the goals of the Accessory Dwelling Unit ordinance?

There are many uncertainties that drafters of an ordinance would be hard-pressed to foresee and forestall. The cleanest way to draft the ordinance would be to bar corporations from owning buildings with Accessory Dwelling Units in single family districts. If persons who hold a house in corporate ownership desire, for personal reasons, to have an Accessory Dwelling Unit in their home, they should be required to transfer ownership out of the corporation and into their own personal ownership, and then live there themselves.

Respectfully submitted,

A handwritten signature in cursive script, reading "Karen S. Kressin".

Karen S. Kressin, 626 Ohio Street, Lawrence

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
06/26/13

ITEM NO. 6 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; RETAIL MARKET STUDY (AAM)

TA-12-00205: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Article 11, to modify the requirements for a Retail Market Study. *Initiated by City Commission on 8/21/12.*

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendment TA-12-00205 to the Land Development Code to the City Commission based on the analysis in the staff report.

Reason for Request: Currently, submission of an independent Retail Market Study is required for proposals that would create more than 50,000 square feet of retail space. This can be costly and time consuming for the applicant when an alternative exists to study the health of the market.

RELEVANT GOLDEN FACTOR:

- This text amendment is in conformance with the spirit of the Comprehensive Plan, which will revise the Land Development Code. Depending on the outcome of this text amendment, specific language will need to be amended in the Comprehensive Plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Staff presented a memo to the Planning Commission at their May 20, 2013 meeting to seek guidance on the drafting of specific language. At that time, public comment was received from the League of Women Voters.

OVERVIEW OF PROPOSED AMENDMENT

The Planning Office has been working with developers and other members of the public to identify areas of the Code which are seen as onerous or inefficient and to provide solutions to simplify and streamline the development process where possible. Currently, the Development Code requires that a retail market study be submitted for any proposal that includes 50,000 square feet of retail uses. This is intended to ensure a healthy retail market as development occurs in the city. Planning Staff maintains a biennial (every two years) retail market study that provides valuable information about the overall health of the retail market. While specific market studies can provide important information about a project's potential impact on the market as well, the requirement to provide a study in addition to the one completed by staff is viewed by some as costly and time consuming when a prudent analysis of any proposal can be made with the information contained in staff's study. Therefore, on August 21, 2012, the City Commission initiated a text amendment to the Land Development Code, Chapter 20, Article 11 to modify the requirements for a Retail Market Study.

The current code language pertaining to Retail Market Studies in Section 20-1107 of the Land Development Code requires that the applicant submit an independent market study for site plan/development plan or zoning applications that will create more than 50,000 square feet of retail

space. That market study is to be prepared by an independent consultant, at the applicant's expense, and should contain specific analysis on vacancy rates, mix of uses, square footage per capita, and other demand factors (income, population, sales, etc.). The independent consultant prepares that analysis using figures contained in the latest staff issued city-wide retail market report. Currently, the development code states that the staff issued city-wide retail market report should be updated annually, but by practice, staff only updates this report biennially.

Of note, the code section contains two thresholds: vacancy rate and square footage per capita. Vacancy rate is computed by assuming that the project is entirely vacant upon completion, with a threshold set at 8%. In analyzing square feet per capita, the threshold is set at 100 square feet.

Staff has identified that the threshold for the standard, 50,000 square feet, is rather low. The Lawrence retail market contains over 9 million square feet of retail space, and in all cases, the impact of a project containing 50,000 square feet of retail space is negligible on the market.

Therefore, staff is proposing the following:

- 1) Move the requirement for a retail market review to Section 20-1303 (g) under the decision making criteria for zoning map amendments.
 - a. Zoning map amendments will have an analysis of the projects' potential impact on the retail market included in staff reports.
 - b. The analysis would be completed for zoning map amendments that would create more than 100,000 square feet of retail in the City.
 - c. Applicants will no longer need to provide an independent, project specific retail market study.
 - d. Remove the thresholds of 8% for the vacancy rate and 100 square feet per capita.
- 2) In Section 20-1107, retain the definition of retail, and the requirement that staff will produce a city-wide retail market report biennially.

See the attached draft language in Section 20-1107 and 20-1303. Changes are noted in red and underlined and the deletions are ~~struck through~~.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

This text amendment is in conformance with the spirit of *Horizon 2020*, specifically Chapter 6, Policies 1.7 and 3.15. Depending on the outcome of this text amendment, specific language contained in those policies may need to be altered to better match what is adopted in the Land Development Code.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

- 1) **Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and**

The proposed text amendment the result of a change in condition in order to continuously improve the development process. The proposed change maintains the intent of the original standard, to determine the impact of retail proposals on the health of the overall retail market, but streamlines the process by not requiring the applicant to bear the cost and provide an independent market analysis.

- 2) **Whether the proposed text amendment is consistent with the Comprehensive Plan**

and the stated purpose of this Development Code (Sec. 20-104).

The proposed text amendment is consistent with the Comprehensive Plan by requiring an analysis of the proposed projects' impact on the health of the retail market. Depending on the outcome of this text amendment, specific language contained in *Horizon 2020*, specifically Chapter 6, Policies 1.7 and 3.15 may need to be altered to better match what is adopted in the Land Development Code.

20-1107 RETAIL MARKET ~~IMPACT ANALYSIS~~

~~(a)~~ (a) Applicability

~~An independent market impact analysis shall be required for any application for site plan or zoning that could result in 50,000 square feet or more of additional Floor Area for retail businesses in the City. Developments that would create less than 50,000 square feet of added retail space in the City or those that would reoccupy retail space that is already part of the City's retail database (whether currently occupied or currently vacant) shall be exempt from the independent market impact analysis.~~

~~(b)~~ (a) Definitions

- (1)** A retail business shall be defined as one whose primary coding under the North American Industrial Classification System (NAICS) falls into at least one of the following sectors:
 - (i)** Sector 44-4S: Retail Trade;
 - (ii)** Subsector 722: Food Services and Drinking Places;
 - (iii)** Subsector 811: Repair and Maintenance; and
 - (iv)** Subsector 812: Personal and Laundry Services.
- (2)** Retail space shall be defined as enclosed **Floor Area** that is principally intended for occupancy by any of the above kinds of retail businesses regardless of whether that space is vacant or occupied by other types of business.

~~(c)~~ (c) Criteria for Independent Market Impact Analysis

- ~~(1)~~** ~~The independent market impact analysis will be undertaken by an independent consultant of the choosing of the applicant from a list of approved consultants certified for this analysis by the City of Lawrence.~~
- ~~(2)~~** ~~The applicant shall have the cost of the independent market impact analysis and may choose the certified consultant based on competitive cost proposals.~~
- ~~(3)~~** ~~The market impact analysis shall provide at least the following information:~~
 - ~~(i)~~** ~~Verification that the facts and assumptions utilized by the applicant to determine market penetration and growth are valid and reasonable. The independent consultant will not be required to repeat or create a market penetration or growth study, but will verify or criticize relevant studies that must be submitted by the applicant.~~
 - ~~(ii)~~** ~~Computation of a hypothetical citywide retail space vacancy rate using current (i.e., at time of application) data on the City's existing retail space vacancy rates. The independent consultant shall assume that the new retail space will either be entirely vacant when opened or will cause an equal amount of space elsewhere in the city to become vacant.~~

- ~~(iii) Determination of the possible impact on the citywide retail vacancy rate of phased approaches to development of the proposed project. The independent consultant shall consider such factors as documented population and per capita income trends and projections in the City to determine if and when phases of development might be possible without exceeding the citywide vacancy rate threshold of 8.0 percent.~~
- ~~(iv) Determination of the ratio of total citywide retail space (both occupied and vacant, whether by retail businesses or not), including all of the proposed retail space, to the City's population at the projected time of occupancy of the proposed new retail space. The independent consultant shall utilize the latest available citywide retail database, U.S. Census counts or estimates of the City's population and independent projections (including the consultant's own projections if properly documented). If this ratio of occupied space to population at the projected time of occupancy of the new space exceeds a value of one hundred (100) square foot per resident, the application may be denied or the applicant may be required to develop in phases to maintain the ratio at no more than 100.~~
- ~~(v) Comparison of the mix of retail businesses proposed for the new retail space to the existing mix of retail businesses in (1) the Downtown Lawrence retail district, and (2) in the remainder of the City. The comparison will be based on NAICS codes to at least the five-digit level. This analytical comparison will be for economic development and planning information purposes only and will not singularly be the cause for denial of the application.~~
- ~~(vi) Analysis of any other additional information that is reasonably required by the Lawrence Douglas County Metropolitan Planning Commission, including, but not limited to analysis of the potential collective impacts of multiple and simultaneous retail development proposals.~~

~~(d)~~**(b)** Responsibilities of the City

- ~~(1) The Lawrence/Douglas County Metropolitan Planning Office will maintain a list of not less than three independent consultants who are certified by the Planning Office to conduct the research and analysis necessary for the market impact analysis reports. The Planning Office will, from time to time, require these consultants to participate in appropriate training and informational sessions both to retain certification and to learn about new data and techniques suitable for the market impact analyses.~~
- ~~(2) The Lawrence/Douglas County Planning Office will maintain a database of retail space and retail businesses in the City and produce a city-wide retail market report biennially that includes an analysis of both the supply and demand sides of the retail market. This database will contain non-proprietary information, such as business name (or vacancy), address of the space, estimated Floor Area and land/Parcel area of the space, NAICS code of the establishment, general physical condition of the exterior of the space, zoning of the land/Parcel, and related information that is readily Accessible and useable by the public, by City officials,~~

~~applicants for retail space development or occupancy, and independent consultants. The database should undergo annual updating, including field research, at least annually, but may be subject to periodic updating as revised information is obtained during normal city government operations.~~

~~(e) Relationship of Market Impact Analysis to Project Approval~~

~~The market impact analysis shall be used in conjunction with the appropriate review and decision making criteria in the evaluation of zoning map amendment applications and decisions and approvals of development plans and site plans.~~

20-1303 ZONING MAP AMENDMENTS (REZONINGS)

(a) Initiation

An amendment to the zoning map may be initiated by the City Commission, the [Planning Commission](#), or, as to Urban Conservation district, by the Historic Resource Commission; and adopted in accordance with the rules of that body. Applications for zoning map amendments initiated by the [Landowner](#) shall be filed with the [Planning Director](#). Any proposed amendment shall follow the process set forth in this section after initiation.

(b) Application Contents

- (1) An application for amendment shall be accompanied by a conceptual plan and data necessary to demonstrate that the proposed amendment is in general conformance with the [Comprehensive Plan](#) and that the public necessity and convenience; and general welfare require the adoption of the proposed amendment.
- (2) The application shall include a General Location Map, which shall show the location of the property in relation to at least one intersection of two streets shown as [Collector](#) or [Arterial Streets](#) on the City's Major Thoroughfares Map of the [Comprehensive Plan](#).
- (3) Each application for an amendment to the [Zoning Districts](#) map shall be accompanied by a certified list of all property [Owner](#) within the notification area. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration. In addition to a published notice, written notice of such proposed amendment shall be mailed at least 20 days before the hearing to all [Owner](#) of record of lands located within at least 200 feet of the area proposed to be altered for regulations of the city. If the city proposes a zoning amendment to property adjacent to the city's limits, the area of notification of the city's action shall be extended to at least 1,000 feet in the unincorporated area. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available.

(c) Public Hearing Notice

Newspaper, posted and mailed notice of the [Planning Commission's](#) public hearing shall be provided in accordance with Section 20-1301(p)(3). For purposes of K.S.A. §12-757, any [Zoning District](#) listed in the right-hand column of the Lesser Change Table that follows shall be considered a "lesser change" than a change to the [Zoning District](#) listed in the left-hand column of the same row of the table; in accordance with the cited section, a recommendation or action to amend the zoning map to assign the "lesser change" [Zoning District](#) to the land, rather than the [Zoning District](#) advertised in the notice, shall not require further notice. A recommendation or action to amend the Zoning Map to assign any [Zoning District](#) other than the one advertised in the notice or one included in the corresponding right-hand column of the Lesser Change Table will be inconsistent with the advertised hearing and shall require re-advertising and the holding of a new hearing, after proper notice. Such recommendation or action by the [Planning Commission](#) or the City Commission shall be construed as an instruction to the [Planning Director](#) to set a new hearing and to give notice of the proposed hearing, including the new [Zoning District](#) in the notice.

Table of Lesser Changes	
Advertised/Proposed Zoning District	Districts to be Considered a “Lesser Change”
RS40	None
RS20	RS40
RS10	RS20 or RS40
RS7	RS10, RS-20 or RS40
RS5	Any other RS except RS3 or RSO
RS3	Any other RS except RSO
RSO	Any other RS except RS-3
RM12, RM12D	Any RS except RSO
RM15	RM12 or any RS except RSO
RM24	RM15, RM12 or any RS except RSO
RM32	Any RM or any RS
RMG	Any RM or any RS
RMO	RM15, RM12 or any RS
CN1	None
CN2	CN1, RSO or RMO
CD	CN1, CN2 or CC200
CC200	CN1 or CN2
CC400	CC200 or CN2
CC600	CC400, CC200 or CN2
CR	CC600, CC400 or CC200
CS	CN1, CN2 or CO
IBP	None
IL	IBP or CN2
IM	IBP or IL
IG	IL, IM, IBP, or CN2
Other Zoning Districts	Not Applicable

(d) Staff Review/Report

The [Planning Director](#) will review each proposed zoning map amendment in accordance with the review and decision-making criteria of Subsection (g) of this Section and, if deemed necessary, distribute the proposed amendment to other agencies and reviewers. Based on the results of those reviews, the [Planning Director](#) will provide a report on the proposed amendment to the [Planning Commission](#) and City Commission. The report will include documentation proof of posting and other required notice.

(e) Planning Commission’s Review/Recommendation

The [Planning Commission](#) shall hold a public hearing on the proposed zoning map amendment, review the proposed amendment in accordance with the review and decision-making criteria of Subsection (g) of this Section and recommend that the City Commission approve, approve with modifications or deny the proposed amendment. The [Planning Commission](#) is also authorized to forward the proposed amendment to the City Commission with no recommendation.

(f) City Commission Decision

After receiving the [Planning Commission](#)'s recommendation, the City Commission shall take one of the following actions on the proposed zoning map amendment:

- (1) approve, approve with conditions or modifications, or deny; or
- (2) return the application to the [Planning Commission](#) for further consideration, together with a written explanation of the reasons for the City Commission's failure to approve or disapprove.
 - (i) The [Planning Commission](#), after considering the explanation by the City Commission, may resubmit its original recommendations with its reasons for doing so or submit a new or amended recommendation.
 - (ii) Upon the receipt of such recommendation, the City Commission may, by a simple majority vote, approve the proposed zoning map amendment, approve it with modifications, or deny it.
 - (iii) If the [Planning Commission](#) fails to deliver its recommendations to the City Commission following the [Planning Commission](#)'s next regular meeting after receipt of the City Commission's report, the City Commission will consider such course of inaction on the part of the [Planning Commission](#) as a resubmission of the original recommendations and proceed accordingly.
- (3) The City Commission may act by a simple majority vote, except for the following cases:
 - (i) action that is contrary to the [Planning Commission](#)'s recommendations, in which case the decision shall be by a 2/3 majority vote of the full membership of the City Commission; or
 - (ii) approval, or approval with modifications, when a valid protest petition has been submitted in accordance with subsection (g)(9) of this Section, in which case a decision approving the application shall be effective only if supported by the votes of at least 3/4 of the members of the entire City Commission.
- (4) The City Commission shall:
 - (i) State the reasons for its decision on the minutes or official record; and
 - (ii) notify the applicant, and all other parties who have made a written request for notification, in writing of its decision and the reasons for its decision.

(g) Review and Decision-Making Criteria

In reviewing and making decisions on proposed zoning map amendments, review and decision-making bodies shall consider at least the following factors:

- (1) conformance with the [Comprehensive Plan](#);
- (2) zoning and use of nearby property, including any overlay zoning;
- (3) character of the neighborhood;
- (4) plans for the area or neighborhood, as reflected in adopted area and/or sector plans including the property or adjoining property;
- (5) suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;
- (6) length of time the subject property has remained vacant as zoned;
- (7) the extent to which approving the rezoning will detrimentally affect nearby properties;
- (8) the gain, if any, to the public health, safety and welfare due to denial of the application, as compared to the hardship imposed upon the [Landowner](#), if any, as a result of denial of the application; and
- (9) the recommendation of the City's professional staff.
- (10) for proposals that will create more than 100,000 square feet of retail space within the city: the impact of the proposed project on the retail market. Staff will provide an analysis based on the addition of the square footage to the retail market, vacancy rate trends, square footage per capita trends, and current demand trends, including but not limited to population, income, pull factors, and retail sales using the latest available city-wide retail market report.

(h) Protest Petitions

A valid protest petition opposing a zoning map amendment may be submitted to the City Clerk within 14 days of the conclusion of the [Planning Commission's](#) public hearing.

- (1) A protest petition will be considered "valid" if it is signed by the [Owner](#) of 20% or more of:
 - (i) any real property included in the proposed amendment; or
 - (ii) the total real property within the area required to be notified of the proposed rezoning, excluding streets and public ways.
- (2) In the case of joint Ownership, all [Owner](#) shall sign the petition.
- (3) For the purpose of determining the sufficiency of a protest petition, if the proposed rezoning was requested by the [Owner](#) of the specific property subject to the rezoning, or the [Owner](#) of the specific property subject to the rezoning does not oppose in writing such rezoning, such property

shall be excluded when calculating the total real property within the area required to be notified.

(i) Date of Effect

The zoning map amendment will become effective upon publication of the adopting ordinance.

(j) Limitation on Successive Applications

- (1) Withdrawal of an original application after it has been advertised for public hearing shall constitute denial of the application as if the public hearing had been held and concluded;
- (2) A successive application shall not be accepted for a period of twelve (12) months from the date of City Commission denial of the original application unless a successive application is substantially different from the original application that was denied;
- (3) A successive application shall not be accepted until 120 days after the date of the City Commission denial and then will only be accepted if substantially different from the original application. The threshold for measuring substantially different shall be based on meeting one or more of the following criteria:
 - a. A different [Zoning District](#) category has been applied for;
 - b. The same [Zoning District](#) category has been applied for and the [Density](#) of use is at least 25% greater or less than the original petition;
 - c. The same [Zoning District](#) category has been applied for and the intensity of use is at least 25% greater or less than the original petition; or
 - d. Specific responses to the reasons for denial set forth in the findings of fact by the City Commission are, in the opinion of the [Planning Director](#), addressed in the resubmission.
- (4) A new rezoning application may be submitted after at least twelve (12) months from the date of City Commission denial.

(k) Appeals

Within 30 days of the City Commission's decision on the zoning map amendment, any person aggrieved by such decision may maintain an action in District Court to determine the reasonableness of the final decision.

(l) Plans

- (1) A plan shall be prepared and adopted prior to review of a petition for map amendment when:

- (i) No water or sanitary sewer mains exist or are planned to serve the proposed site;
 - (ii) The request is not consistent with adopted plans; or,
 - (iii) In-fill development is proposed and, at the discretion of the [Planning Commission](#), additional information is needed specific to unanswered questions or concerns related to transportation, compatibility of land use(s), or adequacy of transitions between established and proposed land uses.
- (2) Depending on the size or type of request, the plans to be prepared include:
 - (i) Watershed or Sub-basin Plan. This Plan will encompass an entire watershed or sub-basin.
 - (ii) Sector Plan. This Plan includes approximately one square mile.
 - (iii) Neighborhood Plan. This Plan encompasses a specific neighborhood.
 - (iv) Special Area Plan. This includes a Nodal Plan which plans for an area immediately surrounding an intersection. A Corridor Plan is a type of linear area plan that generally encompasses a roadway or specific feature.
 - (v) Specific Issue/District Plan. Deals with a specific issue or project that does not fall into any of the above listed categories.

This page intentionally left blank.

Memorandum

City of Lawrence

Planning & Development Services

TO: Planning Commission

FROM: Amy Miller, Planner II

Date: For May 20, 2013 Planning Commission Meeting

RE: Item No. 7: TA-12-00205-Text Amendment Regarding Requirements for Retail Market Study

The following memo serves to present background information to the request for this text amendment, provide for Planning Commission discussion and present options. If appropriate, provide direction to staff regarding the preferred option.

Background:

The Planning Office has been working with developers and other members of the public to identify areas of the Code which are seen as onerous or inefficient and to provide solutions to simplify and streamline the development process where possible. Currently, the Development Code requires that a retail market study be submitted for any proposal that includes 50,000 square feet of retail uses. This is intended to ensure a healthy retail market as development occurs in the city. Planning Staff maintains a bi-annual retail market study that provides valuable information about the overall health of the retail market. While specific market studies can provide important information about a project's potential impact on the market as well, the requirement to provide a study in addition to the one completed by staff is viewed by some as costly and time consuming when a prudent analysis of any proposal can be made with the information contained in staff's study. Therefore, on August 21, 2012, the City Commission initiated a text amendment to the Land Development Code, Chapter 20, Article 11 to modify the requirements for a Retail Market Study.

Discussion:

The current code language pertaining to Retail Market Studies in Section 20-1107 of the Land Development Code requires that the applicant submit an independent market study for site plan/development plan or zoning applications that will create more than 50,000 square feet of retail space. That market study is to be prepared by an independent consultant, at the applicant's expense, and should contain specific analysis on vacancy rates, mix of uses, square footage per capita, and other demand factors (income, population, sales, etc.). The independent consultant prepares that analysis using figures contained in the latest staff issued city-wide retail market report. Currently, the development code states that the staff issued city-

wide retail market report should be updated annually, but by practice, staff only updates this report bi-annually.

Of note, the code section contains two thresholds, vacancy rate and square footage per capita. Vacancy rate is computed by assuming that the project is entirely vacant upon completion, with a threshold set at 8%. In analyzing square feet per capita, the threshold is set at 100 square feet.

Staff has identified that the threshold for the standard, 50,000 square feet, is rather low. The Lawrence retail market contains over 9 million square feet of retail space, and in all cases, the impact of a project containing 50,000 square feet of retail space is negligible on the market.

Options:

Many options exist for modifying this section of the code as it pertains to the submission of a retail market study for specific projects, and those options are provided below, along with discussion points for each one. Staff is recommending Option 2.

Option 1: Keep the existing language in Section 20-1107 with no changes.

- Staff will produce the city wide retail market report, bi-annually, as resources allow.
- Applicants will be required to submit an independent, project specific retail market study.
- Requirement applies to both site plan/development plan and zoning map amendment applications which could create more than 50,000 square feet of retail space.
- 8% vacancy threshold and 100 square feet per capita threshold remain, but what is the impact on exceeding those thresholds on project approval?

Option 2: Staff will produce the city wide retail market report bi-annually and will use the most recent report to provide an analysis in the staff report for zoning applications. Submission of an independent retail market study by the applicant will no longer be required. Staff will bring revised code language back to the Planning Commission for consideration.

- Staff will produce the city wide retail market report bi-annually.
- Zoning map amendments will have an analysis of the projects' impact on the retail market included in staff reports.
- Applicants will no longer need to provide an independent, project specific retail market study.
- Requirement would be for zoning map amendments only. The requirement for site plan/development plan applications would be removed.
- In order to simplify the standards, the language would be moved to Section 20-1303 (g) under the decision making criteria for zoning map amendments.
- Is the threshold for triggering the requirement proper (50,000 square feet) or should that be raised?
- Should the thresholds for vacancy and square feet per capita remain criteria?

Option 3: Remove Section 20-1107 in its entirety and no longer review projects for their impact on the retail market or produce a city-wide retail market report.

- Staff will no longer produce the city wide retail market report.
- Projects will no longer be reviewed for their impact on the retail market.

CURRENT CODE LANGUAGE:

20-1107 RETAIL MARKET IMPACT ANALYSIS

(a) Applicability

An independent market impact analysis shall be required for any application for site plan or zoning that could result in 50,000 square feet or more of additional [Floor Area](#) for retail businesses in the City. Developments that would create less than 50,000 square feet of added retail space in the City or those that would reoccupy retail space that is already part of the City's retail database (whether currently occupied or currently vacant) shall be exempt from the independent market impact analysis.

(b) Definitions

- (1) A retail business shall be defined as one whose primary coding under the North American Industrial Classification System (NAICS) falls into at least one of the following sectors:
 - (i) Sector 44-4S: Retail Trade;
 - (ii) Subsector 722: Food Services and Drinking Places;
 - (iii) Subsector 811: Repair and Maintenance; and
 - (iv) Subsector 812: Personal and Laundry Services.
- (2) Retail space shall be defined as enclosed [Floor Area](#) that is principally intended for occupancy by any of the above kinds of retail businesses regardless of whether that space is vacant or occupied by other types of business.

(c) Criteria for Independent Market Impact Analysis

- (1) The independent market impact analysis will be undertaken by an independent consultant of the choosing of the applicant from a list of approved consultants certified for this analysis by the City of Lawrence.
- (2) The applicant shall have the cost of the independent market impact analysis and may choose the certified consultant based on competitive cost proposals.
- (3) The market impact analysis shall provide at least the following information:
 - (i) Verification that the facts and assumptions utilized by the applicant to determine market penetration and growth are valid and

reasonable. The independent consultant will not be required to repeat or create a market penetration or growth study, but will verify or criticize relevant studies that must be submitted by the applicant.

- (ii) Computation of a hypothetical citywide retail space vacancy rate using current (i.e., at time of application) data on the City's existing retail space vacancy rates. The independent consultant shall assume that the new retail space will either be entirely vacant when opened or will cause an equal amount of space elsewhere in the city to become vacant.
- (iii) Determination of the possible impact on the citywide retail vacancy rate of phased approaches to development of the proposed project. The independent consultant shall consider such factors as documented population and per capita income trends and projections in the City to determine if and when phases of development might be possible without exceeding the citywide vacancy rate threshold of 8.0 percent.
- (iv) Determination of the ratio of total citywide retail space (both occupied and vacant, whether by retail businesses or not), including all of the proposed retail space, to the City's population at the projected time of occupancy of the proposed new retail space. The independent consultant shall utilize the latest available citywide retail database, U.S. Census counts or estimates of the City's population and independent projections (including the consultant's own projections if properly documented). If this ratio of occupied space to population at the projected time of occupancy of the new space exceeds a value of one hundred (100) square feet per resident, the application may be denied or the applicant may be required to develop in phases to maintain the ratio at no more than 100.
- (v) Comparison of the mix of retail businesses proposed for the new retail space to the existing mix of retail businesses in (1) the Downtown Lawrence retail district, and (2) in the remainder of the City. The comparison will be based on NAICS codes to at least the five-digit level. This analytical comparison will be for economic development and planning information purposes only and will not singularly be the cause for denial of the application.
- (vi) Analysis of any other additional information that is reasonably required by the Lawrence Douglas County Metropolitan [Planning Commission](#), including, but not limited to analysis of the potential collective impacts of multiple and simultaneous retail development proposals.

(d) Responsibilities of the City

- (1) The Lawrence/Douglas County Metropolitan Planning Office will maintain a list of not less than three independent consultants who are certified by the Planning Office to conduct the research and analysis necessary for the market impact analysis reports. The Planning Office will, from time to time, require these consultants to participate in appropriate training and

informational sessions both to retain certification and to learn about new data and techniques suitable for the market impact analyses.

- (2) The Lawrence/Douglas County Planning Office will maintain a database of retail space and retail businesses in the City. This database will contain non-proprietary information, such as business name (or vacancy), address of the space, estimated [Floor Area](#) and land/[Parcel](#) area of the space, NAICS code of the establishment, general physical condition of the exterior of the space, zoning of the land/[Parcel](#), and related information that is readily [Accessible](#) and useable by the public, by City officials, applicants for retail space development or occupancy, and independent consultants. The database should undergo annual updating, including field research, at least annually, but may be subject to periodic updating as revised information is obtained during normal city government operations.

(e) Relationship of Market Impact Analysis to Project Approval

The market impact analysis shall be used in conjunction with the appropriate review and decision making criteria in the evaluation of zoning map amendment applications and decisions and approvals of development plans and site plans.



LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

May 19, 2013

RECEIVED

MAY 20 2013

City County Planning Office
Lawrence, Kansas

To: Dr. Bruce Liese, Chair, and Lawrence/Douglas County Planning Commission

Co-President
David Burress

Co-President
Cille King

President-Elect
Cille King

Vice President
marci francisco

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors
Margaret Arnold

Caroljean Brune

Scott Criqui

James Dunn

Ruth Gibbs

Midge Grinstead

Marlene Merrill

RE: ITEM NO. 7: TA-12-00205-TEXT AMENDMENT REGARDING REQUIREMENTS FOR RETAIL MARKET STUDY

To quote an excerpt from the current Staff Report on Item No. 3, the 2012 Retail Market Report, "For a healthy retail economy, it is important for there to be similar growth in income, population, retail sales tax dollars and inventory of stock." We agree that without an unbiased, carefully crafted market analysis, this information would not be available either to the Planning Staff or the citizens of Lawrence.

Therefore, we would like to voice our opinion on this issue of the Text Amendment to modify in Horizon 2020 (CP) and our Land Development Code (LDC) the requirement for applicants to provide case-specific analyses on the projected effect of their proposals on the City retail market.

We believe that the requirement on this issue as currently expressed in Horizon 2020 and the Land Development Code—**Option 1** in the Staff Report—should not be changed with the exception of two features: The specific Retail Market Report for the qualifying applications should be prepared by a consultant chosen by the City, rather than by the Applicant. Also, because an applicant's payment for such service could influence the outcome of the Report, we suggest that if the applicant is required to pay, the name of the applicant should be kept from the consultant, if possible. In addition, we suggest that an unbiased, professionally qualified third party should be a judge of the conclusions that are derived from the data in this application-specific report.

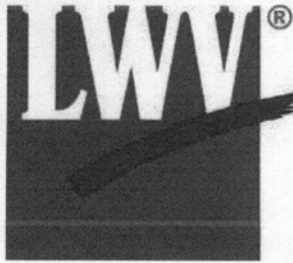
We also agree with the question raised by the staff as to what should be the outcome if the data indicate that the applicant's request exceeds the parameters established by the CP and the LDC. We suggest that limits should be included on how much, if any, the parameters can be exceeded for an application still to be acceptable.

Please accept our comments on this issue, and work toward improving the existing regulations rather than revising them as suggested in Option 2. Thank you for your consideration.

Sincerely yours,

Cille King
Cille King
Co-President

Alan Black
Alan Black, Chairman
Land Use Committee



LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED

JUN 24 2013

City County Planning Office
Lawrence, Kansas

June 23, 2013

To: Dr. Bruce Liese, Chair, and Lawrence/Douglas County Planning Commission

5. ITEM NO. 6: TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; RETAIL MARKET STUDY

We would like to commend the Planning Staff for the most recent general Retail Market Study that was presented to you in the May, 2013 Agenda, as Item No. 3. We believe that it was very informative on the current situation in Lawrence. However, we have some major questions as to the value of such studies when they are actually applied to rezoning cases in Lawrence. We have some serious questions on how you propose to apply these new regulations. Our questions are italicized in bold face. We pose our questions following each proposal of the new regulations as they are outlined in the Staff Report which we quote below, as follows:

"Therefore, staff is proposing the following:

1) Move the requirement for a retail market review to Section 20-1303 (g) under the decision-making criteria for zoning map amendments.

" a. Zoning map amendments will have an analysis of the projects' potential impact on the retail market included in staff reports."

Question: If analysis proves a negative effect, what triggers a recommendation for denial?

"b. The analysis would be completed for zoning map amendments that would create more than 100,000 square feet of retail in the City."

Question: Isn't that too high a threshold to trigger a review? Doesn't it depend on the actual use? Wouldn't some uses have more of a negative impact than others?

"c. Applicants will no longer need to provide an independent, project specific retail market study."

Question: But regardless, shouldn't their potential impact be included in the staff report on the market?

"d. Remove the thresholds of 8% for the vacancy rate and 100 square feet per capita.

Question: What parameters do you plan to use to determine overzoning and/or oversupply of either a specific retail use or additional retail commercial land use in general?

"2) In Section 20-1107, retain the definition of retail, and the requirement that staff will produce a city-wide

Co-President
David Burrese

Co-President
Cille King

President-Elect
Cille King

Vice President
marci francisco

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors
Margaret Arnold

Caroljean Brune

Scott Criqui

James Dunn

Ruth Gibbs

Midge Grinstead

Marlene Merrill

LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY
Page 2

market report biennially.

Question: When major additions are made such as Menards, how can that be registered if another major retail proposal comes next year, and this year's study was made before Menards, but is required to be used to measure the impact?

Another major point is that **tax returns**, rather than **vacancy rates** was stated in one discussion on how to determine oversupply of retail commercial zoning by the committee studying the issue for Horizon 2020 (then to be written). We suggest that this should be used as a measure to determine demand rather than using vacancy rates exclusively. In our previous letter on this issue to you in May of this year, our most important question to you was what specific directions are given to the staff that instructs them to recommend denial of a retail zoning application? We still are lacking a definitive statement on this.

We hope that you will seriously consider our questions and make reasonable modifications to the Land Development Code that will render it more effective when responding to retail commercial applications.

Sincerely yours,

Cille King
Cille King
Co-President

Alan Black
Alan Black, Chairman
Land Use Committee

Kirk McClure, Ph.D.
707 Tennessee Street
Lawrence, KS 66044
mcclurefamily@sbcglobal.net

June 23, 2013

Amalia Graham
amalia.graham@gmail.com

Jim Denney
denney1@sunflower.com

Stan Rasmussen
montanastan62@gmail.com

Pennie von Achen
squampva@aol.com

Jon Josserand
jonjosserand@gmail.com

Clay Britton
clay.britton@yahoo.com

Lara Adams Burger
laraplancomm@sunflower.com

Chad Lamer
chadlamer@gmail.com

Bryan Culver (Vice-Chair)
bculver@bankingunusual.com

Bruce Liese (Chair)
bruce@kansascitysailing.com

Re: ITEM NO. 6 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; RETAIL MARKET STUDY (AAM)
TA-12-00205: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Article 11, to modify the requirements for a Retail Market Study. Initiated by City Commission on 8/21/12.

Dear Members of the Lawrence Douglas County Metropolitan Planning Commission,

The requirement for a developer-funded independent market analysis has never worked. The market studies are not independent. Their results are dictated by the developers. The reports always make a favorable recommendation for the developer's proposal. Making this favorable recommendation often means misrepresenting or ignoring the facts.

Over time the staff has greatly improved the quality of its reports. Unfortunately, the staff is hampered mandates that they report on two unreliable statistical factors, vacancy rates and per capita square footage. Retail space is often occupied by underperforming uses because an owner would rather have the space occupied than vacant. Thus, vacancy rates, if used as a measure of market health, will often lead to false conclusions. Vacancy rates provide some information, but generally, vacancy rates are viewed to corroborate findings made with other, more reliable indicators. Similarly, there is no

generally accepted standard for what is a healthy number of square feet per capita. Thus, there is no good way to assess the health of the Lawrence market through such a measure.

The Planning Commission should look carefully at the relative growth of supply and demand over time. The staff possesses the data to do this through: 1.) On the demand side, the sales tax data that come to the City on a monthly basis, and 2.) on the supply side, the square footage of the stock of retail space from the Tax Assessor's office.

The supply and demand data would permit the staff to monitor the flow of dollars per square foot by type of vendor (e.g.: grocery, apparel, etc.) and by district (e.g.: downtown, South Iowa Street, etc.) In normal economic conditions, the inflation adjusted revenues per square foot should remain relatively stable. If a market becomes overbuilt, the revenues per square foot will fall, and with this fall will come disinvestment, a lack of upkeep of the properties, and at the extreme, blight. If a market is in a shortage condition, the revenues per square foot will rise, and with the rise will come higher lease rates and feasibility problems for marginal businesses that are unable to absorb these higher lease rates. If the market experiences flat inflation-adjusted revenue per square foot, it will achieve long-term stability in occupancy, lease rates and reinvestment in the properties, all of which are traits of healthy markets.

It is important to note that multiple market conditions can exist simultaneously. Grocery stores can be in a balanced condition. Home improvement stores can be overbuilt. While apparel stores may be in shortage.

The Planning Commission should receive periodic reports from the staff to guide it in its decision making. Without such guidance, the Planning Commission cannot make well-informed decisions.

Recommendation:

Support the recommended text amendments.

Demand more from the planning staff and use the information obtained from them to guide the pace of growth of the market so that it finds equilibrium in a healthy condition.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk McClure", with a horizontal line extending to the right.

Kirk McClure

ITEM NO. 7 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; RETAIL MARKET STUDY (AAM)

TA-12-00205: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Article 11, to modify the requirements for a Retail Market Study. *Initiated by City Commission on 8/21/12.*

STAFF PRESENTATION

Ms. Amy Miller presented the item.

PUBLIC HEARING

Ms. Cille King, League of Women Voters, asked that they keep the current plan and make two additional improvements. She felt they should make the reports annual instead of bi-annual because there was a lot of market fluctuation that would not be noted in a report every two years. She felt the consultant should be chosen by the City and hired independently.

COMMISSION DISCUSSION

Commissioner Josserand felt the issue had some magnitude that they should discuss longer. He recommended deferral of the item.

Commissioner Hird commented about the League of Women Voters letter. He said he had a difficult time making the assumption that consultants were swayed by being paid by an applicant. He said consultants were professionals and he had a hard time with the idea that it was presumed consultants would put their reputation on the line for x amount of dollars. He said unless there was some evidence that it had actually occurred he did not want to go down that road. He said staff wasn't asking for a vote, they were asking to pursue an option.

Commissioner Burger asked for an example of a 50,000 square foot project.

Ms. Miller said an example would be Dillons on Massachusetts.

Commissioner Culver said one part that caught his eye was that the Development Code states that the staff city wide retail report should be updated annually but by practice staff only updates it bi-annually. He asked for clarification on that.

Mr. McCullough said it came down to resources and priorities in the department and the ability to get to it. He said the value of the Code requirement was to understand the general health of the market. He said was obtained through studies and reports. He stated the market was not doing a whole lot and was pretty constant the past five years.

Commissioner Culver inquired about the information provided in the independent retail studies.

Mr. McCullough said staff reviews them and provides comments and questions and the studies are thoroughly vetted by the time they are accepted.

Ms. Miller said in recent years there was only one consultant in the area so every market study had been prepared by that one consultant. She said there was a list, according to the Code, that had to be included in the market study. She said that list was also the same list that staff bases the analysis on and includes in the staff report. She said in all cases so far the same consultant had gone above and beyond by including extra information. She said that information was based on one person's methodology on what the demand of the market might be. She said the majority of the information in the market study and the majority of information included in the Code section for review was simple math.

Commissioner von Achen asked if the term bi-annual was used to mean two times a year or every two years.

Ms. Miller said every two years.

Commissioner Josserand said some of the things in Option 2 appealed to him. He said he did not see a problem with narrowing the scope of projects. He felt 50,000 square feet was probably too small.

Commissioner Burger said she liked some of Option 2. She liked that the 50,000 square feet took into account neighborhood dynamics. She was not sure that 50,000 square feet would be totally appropriate. She did not think requiring an independent market study was necessary, especially since there was only one person currently doing them. She said staff does such a good job with giving the numbers needed that if an applicant does not agree with the staff numbers they can hire an independent consultant themselves. She did not feel Option 3 was not a good idea because they need to keep an eye on what the retail market was telling them.

Commissioner Blaser felt 50,000 square feet was probably too small. He was not that concerned if they took the vacancy and square foot per capita out of the threshold.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to adopt Option 2 with staff providing options with regard to the square footage requirement.

Unanimously approved 10-0.

Memorandum

City of Lawrence

Douglas County

Planning & Development Services

TO: Planning Commission

FROM: Sheila M. Stogsdill, Assistant Director

CC: Scott McCullough

Date: For June 26, 2013 meeting

RE: Item No. 7: TA-6-14-09/TA-13-00235 –
Revisions to Development Code, Article 9 – Parking

Revisions to Article 9 – Parking were proposed and adopted in 2009 to align the layout of parking tables, consolidate parking standards and address parking ratios for a number of uses. Those revisions were focused on Sections 901 – 904 of this article.

Planning Staff has continued to identify standards in the Development Code adopted in 2006 that have been difficult to apply, especially in redevelopment applications. Code Enforcement Staff has also identified parking/storage issues that need to be addressed.

The proposed revisions are being introduced this month for public comment and Commission direction. The text amendment will be scheduled again for a formal public hearing and recommendation this summer. Topics included in the proposed changes are summarized below.

Tenant changes in existing commercial centers:

Tenant changes in older commercial centers require a review of the current tenant mix and recalculation of parking standards. This code provision sometimes leads to a delay in issuance of building permits as staff waits for current leasing information and schedules time for review. In many older centers, the parking demand impact most often occurs when a retail use changes to an eating-establishment use, not when retail uses move in and out.

The suggested addition to Section 20-901(b)(3) *Change of Use or Occupancy* provides the opportunity to calculate multi-tenant buildings based on a single parking ratio, unless an Eating Establishment is proposed to replace a non-Eating Establishment use. This revision should streamline planning review of many simple tenant improvement permits in developed centers.

Shared Parking Analysis/Agreements:

Shared parking agreements were formally included in the Development Code in 2006. Section 20-909 requires a Parking Analysis be completed by the applicant and submitted to the Planning Director for review. This requirement has been cumbersome and difficult to implement. Staff has researched other municipal codes that utilize shared agreements. The revisions provide an applicant with a standard formula to use and for staff to analyze. The expense of having a separate analysis prepared is eliminated.

Recreational Vehicles/Trailers on residential lots:

The proposed revisions specifically provide standards for the parking/storage of recreational vehicles and trailers on residential lots. The pre-2006 code contained some guidance which was not included when the Development Code was adopted. The proposed text defines RVs, suggests permitted locations for parking/storage, limits the number permitted on a lot and differentiates vehicles/trailers used for business from those used for recreational purposes.

The suggested text provides two alternatives for RV/trailer parking in front yards. *Commission direction on these options is appreciated.*

Option 1: RVs/trailers are often as large as a room addition; therefore no RVs/trailers should be stored in front of the front setback line. Provision is made for short-term parking to accommodate loading/unloading activities. This option suggests that the majority of RVs/trailers should be stored off-site or in side/rear yards.

Option 2: Permits some RVs/trailers to be parked on the driveway in front of the front setback line, but limits the potential size unless the home is located farther back on the lot. The limitation is based on a standard that no RVs/trailers be parked within 10' of the front property line (right-of-way line/not the street curb). This option permits smaller vehicles to be located year round on an improved driveway surface.

Standards are also provided to identify where Business Vehicles/Trailers used in a Home Occupation may be stored on-site. This change addresses a code enforcement issue specifically related to trailers with equipment stored on them. The text suggests that trailers with equipment shall be located in an enclosed building to maintain the residential character of the neighborhood.

Driveway locations on residential lots:

The proposed revisions include a preference for alley access to residential lots when an alley is available. The revisions also include a code interpretation issued by the Planning Director in 2010 related to tandem parking options for lots with alley access.

Driveway paving surfacing:

Pavement is required for the majority of residential driveways. The 2006 code provided an allowance for gravel in floodplain areas to assist with local drainage concerns. The revisions expand the allowance for gravel to North Lawrence areas protected by the Levee that are not located within the 100 year floodplain. This provision allows additional opportunities to reduce pavement requirements in areas where drainage concerns are identified. The revisions also offer additional pervious paving options for all parking areas.

Bicycle parking standards updated:

Parking standards, specifically related to location and facility design, have been updated to align with AASHTO Bike Standards issued in 2012.

Driveways and Access Management Standards:

Section 20-915 has been reorganized and revisions incorporated to clarify and specifically identify which standards apply to different types of development (*low-density residential or non-residential uses*).

When the 2006 code was adopted and the RS5 & RS3 districts were created, a 12' limitation on residential driveways was also adopted. This standard was intended to limit suburban width driveways in neighborhoods where narrow drives were predominant. There have been a number of variance requests from this standard where wider driveways already existed in RS5 areas. The revisions include an administrative waiver (instead of a BZA variance) where the narrow standard is not the norm.

This section also includes modifications to street design standards including turn lanes, sight distance and driveway spacing. *This section is still "under construction" and indicated in the document with grey highlighting. Additional input from the City Engineer regarding revisions will be provided when Article 9 is considered later this summer.*

Waivers from access standards are proposed as an administrative process after consultation with the City Engineer.

Curb cuts on residential lots:

Chapter 16 of the City Code provides standards related to driveways for single-family and duplex lots. When the Development Code was adopted in 2006, changes were made to Chapter 20 which resulted in lack of consistency in the regulations. According to Chapter 16 residential lots which have at least 100' of frontage are permitted two curb cuts. The Development Code changed that requirement to 200' which is double the widest lot width the code requires in residential zoning districts. Staff has found the requirement to be burdensome and has seen numerous variance requests. The proposed revisions align with the existing provisions in Chapter 16.

Traffic Impact Analysis:

In 2006, the City had a freestanding TIS ordinance which was referenced in the Development Code. This policy has since been adopted into Chapter 16 of the City Code. The revisions update this reference. In addition, the process previously envisioned to implement the TIS provisions has not occurred. Revisions are proposed that reflect current procedures.

ARTICLE 9. PARKING, LOADING AND ACCESS

20-901	General
20-902	Off-Street Parking Schedule A
20-903	Off-Street Parking Schedule B
20-904	Off-Street Parking Schedule C
20-905	Off-Street Parking Schedule D
20-906	Off-Street Loading
20-907	Rules for Calculating Requirements
20-908	Location
20-909	Shared and Off-Site Parking
20-910	Use of Off-Street Parking and Loading Areas
20-911	Vehicle Stacking Areas
20-912	Accessible Parking for Physically Disabled Persons
20-913	Parking and Loading Area Design Standards
20-914	Landscaping
20-915	Driveways and Access
20-916	Traffic Impact Study

20-901 GENERAL**(a) Purpose**

The regulations of this article are intended to ensure that the off-street parking, loading, and Access demands of various land uses will be met without adversely affecting surrounding areas. The regulations are also intended to help maintain a safe and efficient transportation system and advance other planning goals related to land use and the environment. In recognition of the fact that different approaches may be appropriate in different settings, the regulations allow flexibility in addressing vehicle parking, loading, and Access demand.

(b) Applicability**(1) New Development**

Unless otherwise expressly stated, the parking and loading standards of this article apply to all new structures built and all new uses established in all zoning districts.

(2) Enlargements and Expansions

- (i)** Unless otherwise expressly stated, the parking and loading standards of this article apply whenever an existing Building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, employees or other units of measure used for establishing off-street parking and loading requirements.
- (ii)** In the case of enlargements or expansions of Buildings or uses triggering requirements for additional parking or loading, additional off-street parking and loading spaces are required only to serve the enlarged or expanded area or use, not the entire existing Building or use. There is no requirement to address lawfully created non-conforming existing parking or loading deficits.

(3) Change of Use or Occupancy

- (i)** Unless otherwise expressly stated, when the use or occupancy of property changes, additional off-street parking and loading facilities must be provided to serve the new use or occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds the number of spaces required for the use that most recently occupied the **Building**, based on the standards of this development code.
- (ii) As an alternative to 20-901(b)(3)(i) and with Planning Director approval:**
 - a. Use or occupancy changes in existing commercial centers with multiple tenant suites may calculate parking requirements utilizing Schedule B (20-903) unless the use changes from a non-Eating Establishment to an Eating Establishment use.**
 - b. Parking requirements for changes to Eating Establishments shall continue to be based on Schedule A (20-902).**
 - c. Parking requirements for changes to uses located in individual pad site buildings (without multiple tenant suites) shall continue to be based on Schedule A (20-902).**

(c) Parking in Excess of Required Standard

- ~~(i)~~ **Developments that provide parking in excess of the required standards must mitigate the impacts of the increased **Impervious Surface** through use of storm drainage Best Management Practices (BMPs) as provided in the City's adopted BMP manual. [Mid-America Regional Council and American Public Works Association Manual for Best Management Practices for Stormwater Quality – ~~Sept. 2003~~ **October 2012** and subsequent updates].**
- ~~(ii)~~**(i)** **Detached Dwellings, Attached Dwellings and Duplex residential uses shall be exempt from the requirements of 20-901(c)(i).**

(d) Reductions Below Minimums

The number of parking and loading spaces existing on a site may not be reduced below the minimum requirements of this ~~Section~~ **article**, except:

- (i)** When waived by the **Planning Director** on sites where a property owner creates a shared access point or where multiple access points on a property are consolidated consistent with adopted access management policies;
- (ii)** For good cause shown, when waived by the **Planning Director** as part of Site Plan approval in accordance with 20-1305 and based upon a parking study submitted in accordance with 20-905; ~~or~~
- ~~(ii)~~**(iii)** **When waived by the Planning Director on sites where additional Bicycle Parking Spaces are provided or when the site is in close proximity to a transit stop; or**

- ~~(iii)~~(iv) When a variance from the parking requirements is granted by the Board of Zoning Appeals based upon the specific circumstances of the property.

(e) Issuance of Building Permits or Certificates of Occupancy

No Building permits or certificates of occupancy shall be issued unless the minimum parking standards are being complied with or those standards have been waived in accordance with 20-901(d).

(f) Exemption for CD District

Due to the unique characteristics of the Downtown Commercial District, allowed uses in the CD Zoning District are exempt from the requirement to provide off-street parking and off-street loading spaces.

(g) Parking Requirements in PRDs, PCDs and PIDs established before July 1, 2006

Parking standards for uses listed in 20-902, 20-903 or 20-904 of this Development Code shall be applied when establishing minimum requirements for New Developments, Expansions or Enlargements, or Change of Use or Occupancy in these established Planned Unit Developments.

20-902 OFF-STREET PARKING SCHEDULE A

Unless otherwise expressly stated in this article, Off-street Parking Spaces shall be provided in accordance with the minimum ratios of the following, Schedule A.

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
RESIDENTIAL USE GROUPS		
HOUSEHOLD LIVING		
Accessory Dwelling Unit	See 20-534 for standards	None
Attached Dwelling	2 per Dwelling Unit	
Cluster Dwelling		
Detached Dwelling		
Duplex	1 per bedroom	
Manufactured Home	2 per Dwelling Unit	
Manufactured Home, Residential-Design		
Mobile Home	2 per Dwelling Unit (1 may be located in common area)	
Mobile Home Park		
Multi-Dwelling Structure	1 per bedroom, + 1 per 10 units (visitors and guests) ^[1]	1 per 4 auto spaces
Non-Ground Floor Dwelling	1 per bedroom	None
Work/Live Unit	1 per Dwelling Unit	
Zero Lot Line Dwelling	2 per Dwelling Unit	
Home Occupation, Type A or B	See 20-537 for standards & 20-910(d)	
GROUP LIVING		
Assisted Living	1 per independent living unit; 0.5 per Assisted Living unit	None
Congregate Living	1 per bedroom ^[1]	1 per 4 auto spaces
Dormitory and Scholarship Halls	0.75 per lawful occupant	
Fraternity and Sorority Houses	0.75 per lawful occupant	
Group Homes, General	1 + 1 per employee	None
Group Homes, Limited	2 per Dwelling Unit	
PUBLIC AND CIVIC USE GROUPS		
COMMUNITY FACILITIES		
Adult Day Care	1 per 1.5 employees	None
Cemetery	per Schedule D (Section 20-905)	
College / University	1 per 4 employees + 1 per 10 students [based on average annual attendance]	1 per 5 students
Cultural Center / Library	1 per 500 square feet	5 or 1 per 4 auto spaces, whichever is greater

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Day Care Center	1 per 1.5 employees + 4 spaces <i>My notes indicated we may want to look at this requirement as too low?</i>	None
Day Care Home, Class A	1 per 1.5 employees	
Day Care Home, Class B		
Detention Facilities	per Schedule D (Section 20-905)	1 per 10 auto spaces
Lodge, Fraternal and Civic Assembly	1 per 500 square feet	None 1 per 10 auto spaces
Postal Service	per Schedule D (Section 20-905)	5 or 1 per 10 auto spaces, whichever is greater
Public Safety	per Schedule D (Section 20-905)	None
School, Grades K–9	1 per 1.5 teachers and employees	1 per 5 students
Grades 10+	1 per 1.5 teachers and employees + 1 per 3 students	5 or 1 per 10 auto spaces, whichever is greater 1 per 5 students
Funeral and Interment Cremating Interring Undertaking	1 per vehicle used in the business; 1 per vehicle used in the business; 1 per 300 square feet	None
Temporary Shelter	1 per 1.5 employees	1 per 5 clients
Social Service Agency	1 per 300 square feet	1 per 10 auto spaces
Community Meal Program	1 per 1.5 employees + 1 per 5 seats	5 or 1 per 10 auto spaces, whichever is greater
Utilities, Minor	1 space	1 per 10 auto spaces
Utilities and Service, Major	1 per 1.5 employees	
MEDICAL FACILITIES		
Community Mental Health Facility	1 per 3 beds or 1 per 300 square feet	5 or 1 per 10 auto spaces, whichever is greater
Extended Care Facilities, General and Limited	1 per 3 beds	5 or 1 per 10 auto spaces, whichever is greater
Health Care Office; Health Care Clinic	1 per 300 square feet	1 per 10 auto spaces
Hospital	1 per 3 beds	5 or 1 per 10 auto spaces, whichever is greater
Outpatient Care Facilities	1 per 300 square feet	1 per 10 auto spaces
RECREATIONAL FACILITIES		
Active Recreation	Per Schedule D (Section 20-905)	5 or 1 per 4 auto spaces, whichever is greater
Entertainment & Spectator Sports, General	1 per 3 seats	1 per 10 auto spaces
Entertainment & Spectator Sports, Limited	1 per 4 seats	5 or 1 per 10 auto spaces
Participant Sports & Recreation, Indoor	1 per 500 square feet of customer/activity area	1 per 10 auto spaces
Participant Sports & Recreation, Outdoor	1 per 500 square feet of customer/activity area	

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces	
Nature Preserve / Undeveloped	Per Schedule D (Section 20-905)		
Passive Recreation			
Private Recreation			
RELIGIOUS ASSEMBLY			
Campus or Community Institution	1 per 4 seats in sanctuary or principal worship or assembly space plus spaces required for permitted Accessory Uses	5 or 1 per 10 auto spaces, whichever is greater	
Neighborhood Institution			
COMMERCIAL USE GROUPS			
ANIMAL SERVICES			
Kennel	1 per 500 square feet	None	
Livestock Sales	1 per 600 square feet	None	
Sales and Grooming	1 per 300 square feet	1 per 10 auto spaces	
Veterinary	1 per 400 square feet	None	
EATING AND DRINKING ESTABLISHMENTS			
Accessory Bar	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift	None	
Accessory Restaurant	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift		
Bar or Lounge	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift	5 or 1 per 10 auto spaces, whichever is greater	
Brewpub			
Fast Order Food	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift		
Fast Order Food, Drive-In			
Nightclub	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift		
Private Dining Establishment	Per Section 20-539	Per Section 20-539	
Restaurant, Quality	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift	5 or 1 per 10 auto spaces, whichever is greater	
OFFICE			
Administrative and Professional	1 per 300 square feet	1 per 10 auto spaces	
Financial, Insurance and Real Estate			
Other			

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
PARKING FACILITIES		
Accessory	None	None
Commercial		
RETAIL SALES AND SERVICE		
Building Maintenance Service	1 per 500 square feet	1 per 10 auto spaces
Business Equipment Sales and Service	1 per 300 square feet	
Business Support Service	1 per 400 square feet	
Construction Sales and Service	1 per 500 square feet of Building area + 1 space per acre of outdoor storage or assembly	1 per 10 auto spaces
Food and Beverage Retail Sales	1 per 300 square feet	5 or 1 per 10 auto spaces
Mixed Media Store	1 per 300 square feet	5 or 1 per 10 auto spaces
Personal Convenience Service	1 per 300 square feet	1 per 10 auto spaces
Personal Improvement Service	1 per 200 square feet	1 per 10 auto spaces
Repair Service, Consumer	1 per 400 square feet	
Retail Sales, General	per Schedule B (Section 20-903)	
Retail Establishment, Large	per Schedule B (Section 20-903)	1 per 10 auto spaces
Retail Establishment, Medium		
Retail Establishment, Specialty		
SEXUALLY ORIENTED BUSINESSES		
Sexually Oriented Media Store	1 per 300 square feet	5 or 1 per 10 auto spaces
Physical Sexually Oriented Business		
Sex Shop		
Sexually Oriented Theater	1 per 4 seats	
TRANSIENT ACCOMMODATION		
Bed and Breakfast	1 per guest room + 1 per 1.5 employees	None
Campground	1 per camp space	None
Elderhostel	1 per guest room + 1 per 1.5 employees for associated uses	as required for associated uses
Hotel, Motel, Extended Stay		
VEHICLE SALES AND SERVICE		
Cleaning (Car Wash)	2 + stacking spaces per Section 20-911	None
Fleet Storage	1 per 1.5 employees	
Gas and Fuel Sales	1 per 300 square feet of retail sales area + 2 per pump island	
Truck Stop	1 per 300 square feet of retail sales area + 1 per 100 square feet of customer service area for eating establishment areas + 2 per pump island	
Heavy Equipment Repair	2 per service bay, not counting the bay or Access way to the bay	

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Heavy Equipment Sales/Rental	1 per 5,000 square feet of open sales area + 1 per 500 square feet of enclosed sales area + 2 per service bay	
Inoperable Vehicles Storage	1 per 1.5 employees	
Light Equipment Repair	2 per service bay, not counting the bay or Access way to the bay	
Light Equipment Sales/Rental	1 per 5,000 square feet of open sales area + 1 per 500 square feet of enclosed sales area + 2 per service bay	
Recreational Vehicle and Boat Storage	1 per 25 storage spaces	
INDUSTRIAL USE GROUPS		
INDUSTRIAL FACILITIES		
Explosive Storage	per Schedule C (Section 20-904)	None 1 per 10 auto spaces
Industrial, General		
Industrial, Intensive		
Laundry Service		
Manufacturing and Production, Limited		
Manufacturing and Production, Technological		
Research Service	per Schedule C (Section 20-904)	1 per 10 auto spaces
Scrap and Salvage Operation	1 per acre	None
WHOLESALE, STORAGE AND DISTRIBUTION		
Exterior Storage	per Schedule C (Section 20-904)	None
Heavy		
Light		
Mini-Warehouse		
OTHER USE GROUPS		
ADAPTIVE REUSE		
Designated Historic Property	As established at time of Special Use approval per Section 20-501	As established at time of Special Use approval per Section 20-501
Greek Housing Unit		
AGRICULTURE		
Agricultural Sales	1 per 500 square feet of Building area + 1 space per acre of outdoor storage or assembly	1 per 10 auto spaces
Agricultural Services	1 per 1.5 employees	1 per 10 auto spaces
Agriculture, Animal	None	None
Agriculture, Crop	None	None

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
COMMUNICATIONS FACILITIES		
Amateur and Receive Only Antennas	None	None
Broadcasting Tower	1 space	None
Communications Service Establishment	1 per 400 square feet	1 per 10 auto spaces
Telecommunications Antenna	None	None
Telecommunications Tower	1 space	None
Satellite Dish	None	None
MINING		
Mining	per Schedule D (Section 20-905)	None
RECYCLING FACILITIES		
Large Collection	per Schedule C (Section 20-904)	None
Small Collection		
Processing Center	per Schedule C (Section 20-904)	None
Footnotes:		
<p>[1] Whenever a structure 4,500 gross square feet or larger as of April 28, 2012 on a property 8,775 square feet in size or less is renovated as a Multi-Dwelling Structure or Congregate Living use, parking shall be provided at the overall rate of 0.5 spaces per one (1) bedroom. For purposes of calculating the structure's gross square feet, the following shall be considered to be included and in existence at the time of making application for use of the parking standard:</p> <ol style="list-style-type: none"> 1. Finished and unfinished area that is able to comply with the building code standard for livable space ceiling height without structural alterations, including the following: <ol style="list-style-type: none"> a. Attic space when it is accessed by a permanent stairway. b. Basement space. c. Enclosed space such as enclosed porches, sunrooms, and breezeways that are seasonal in nature and that may or may not be connected to the structure's heating, ventilation, and air conditioning system. 		

20-903 OFF-STREET PARKING SCHEDULE B

- (a) Off-street [Parking Spaces](#) for Schedule B uses shall be provided in accordance with the following standards. These standards shall be minimum standards for the provision of off-street [Parking Spaces](#).

Gross Floor Area (Sq. Ft.)	Off-Street Parking Spaces Required
1–45,000	1 per 300 square feet
45,001–100,000	150 + 1 per 400 square feet of Gross Floor Area between 45,001 and 100,000 square feet
100,001+	288 + 1 per 500 square feet of Gross Floor Area above 100,000 square feet

- (b) The maximum number of off-street [Parking Spaces](#) for a Schedule B use shall not exceed 120% of the minimum required number of [Parking Spaces](#) for such a use **unless specific mitigation measures are provided and approved by the Planning Director.**

20-904 OFF-STREET PARKING SCHEDULE C

Off-street **Parking Spaces** for Schedule C uses shall be provided in accordance with the following standards:

Gross Floor Area (Sq. Ft.)	Off-Street Parking Required		
		Warehousing Floor Area Manufacturing or Other Floor Area	Outdoor Storage Area
1–20,000	1 per vehicle used in the business +	1 per 1,000 square feet +	1 per acre
20,001 – 120,000		1 per 5,000 square feet +	1 per acre
120,001 +		1 per 10,000 square feet +	1 per acre
If business is employee intensive, parking may be based on ratio of employees	1 per vehicle used in the business +	1 per 1.5 employees on largest shift	1 per acre

20-905 OFF-STREET PARKING SCHEDULE D

Schedule “D” uses have widely varying **P**arking demand characteristics, making it difficult to specify a single off-street parking standard.

(a) Standards

Upon receiving a development application for a use subject to “Schedule D” standards, the **Planning Director** shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or shall establish minimum off-street parking requirements.

(b) Parking Study

The decision of the **Planning Director** shall be based upon a **P**arking study prepared by the applicant.

- (1) The study shall include estimates of **P**arking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the **Planning Director**, and include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use.
- (2) Comparability will be determined by **Density**, **Scale**, bulk, area, type of activity, and location.
- (3) The study shall document the source of data used to develop the recommendations.

20-906 OFF-STREET LOADING**(a) General**

Goods may not be loaded or unloaded from the right-of-way of a Collector or **Arterial Street** and no part of any vehicle may extend into the right-of-way of a **Collector** or **Arterial Street** while being loaded or unloaded; provided that, routine deliveries, such as U.S. Mail, Federal Express, Parcel Post and similar services, for reasonable durations, are not hereby prohibited.

(b) Loading Schedule

Off-~~S~~treet loading spaces shall be provided in accordance with the minimum ratios shown in the following table: **Developments in the CD and MU Districts shall be exempt from these requirements.**

Use	Building Floor Area (gross sq. ft.)	Required Loading Spaces	Space Size (feet)
Public and Civic	1-9,999	None	N/A
	10,000+	1 + 1 per 50,000 sq. ft. above 50,000 sq. ft.	10 x 25
Commercial (except Retail Sales, General)	1-9,999	None	N/A
	10,000+	1 + 1 per 50,000 sq. ft. above 50,000 sq. ft.	10 x 25
Retail Sales, General	1-4,999	None	N/A
	5,000-10,000	[1] 1	[1] 10 x 25
	10,001 – 25,000	2	10 x 25
	25,001 – 40,000	2	10 x 50
	40,001 – 100,000	3	10 x 50
	100,001 – 250,000	4	10 x 50
	+250,000	4 + 1 per 200,000 above 250,000	10 x 50
Industrial	1-4,999	None	N/A
	5,000-40,000	1 up to 40,000 sq. ft. + 1 addl up to 100,000 sq. ft. + 1 per 100,000 sq. ft. above 100,000	10 x 25; 10 x 50 for bldgs. over 20,000 sq. ft.
	40,001 – 100,000	2	10 x 50
	+100,000	2 + 1 per 100,000 above 100,000	10 x 50

[1] The following standards apply:

Building Floor Area (square feet)	Required Loading Spaces	Space Size (feet)
5,000 to 10,000	1	10 x 25
10,001 to 25,000	2	10 x 25
25,001 to 40,000	2	10 x 50
40,001 to 100,000	3	10 x 50
100,001 to 250,000	4	10 x 50
+250,000	1 per 200,000 above 250,000	10 x 50

(c) Vertical Clearance

Required loading spaces shall have a minimum vertical clearance of 15.5 feet.

(d) Location

Loading areas shall be located and designed to reduce conflicts with vehicular ingress and egress routes[sms1].

20-907 RULES FOR CALCULATING REQUIREMENTS

The following rules apply when calculating off-street parking and loading requirements.

(a) Multiple Uses

Unless otherwise approved, Lots containing more than one use shall provide Parking and loading in an amount equal to the total of the requirements for all uses. (See the Shared Parking provisions of Section 20-909 for possible exceptions.)

(b) Fractions

When measurements of the number of required spaces result in a fractional number, any fractional result shall be rounded up to the next consecutive whole number. For example, if a minimum requirement of 1 space per 200 square feet is applied to a 900 square foot Building, 5 spaces are required, since the fraction of 4.25 is rounded up to 5 spaces.

(c) Area Measurements

- (1) Unless otherwise specifically noted, all Parking and loading standards given in square feet shall be computed on the basis of Gross Floor Area, which is to be measured using all of the Floor Area on each floor of the Building, whether or not such area is enclosed by walls. Interior areas used for off-street parking or off-street loading facilities are not counted in calculating the number of Parking Spaces required.
- (2) For outdoor areas, calculations will be based on the portion of the Lot actually being used for the specified purpose.

(d) Occupancy- or Capacity-Based Standards

For the purpose of calculating Parking requirements based on employees, students, residents or occupants, calculations are to be based on the greatest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

(e) Bench Seating

When seating consists of benches, pews or other similar seating facilities, each 24 linear inches of seating space counts as 1 seat.

(f) Unlisted Uses

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the Planning Director shall apply the off-street parking standard specified for the listed use that the Planning Director deems most similar to the proposed use or the requirements of off-street parking schedule D, Section 20-905.

20-908 LOCATION**(a) General**

Except as otherwise expressly provided in this section, required off-street parking and loading spaces shall be located on the same Lot as the Principal Use (See Section 20-909 for possible exceptions).

(b) Residential Districts

No part of a Parking Area, other than a Driveway, may be located within 25 feet of a Street right-of-way in any residential Zoning District.

- (1) No more than 4 vehicles may be parked on Driveways or turnarounds within the required Front or Side Setback of any Lot in a residential Zoning District.
 - (2) Single or double Driveways and turnarounds may not be used to provide required off-street parking within the required Front or Exterior Side Setback with the exception of when they are serving a Duplex or Detached House Dwelling.
 - (3) No parked vehicles shall overhang into the right-of-way or block a portion of the sidewalk.
 - (4) Where alleys are available, parking shall be provided along the alley in accordance with the following diagrams:
- ~~(4)~~ *(Need to work on diagrams to display in less space)*

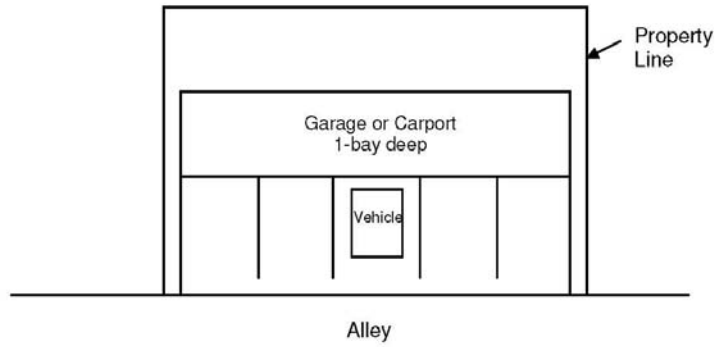


Figure 1 - permitted

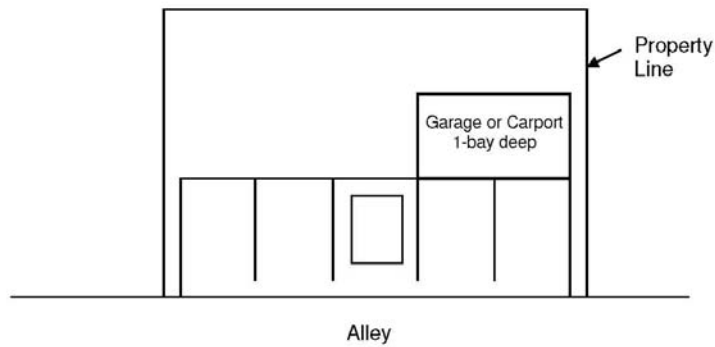


Figure 2 - permitted

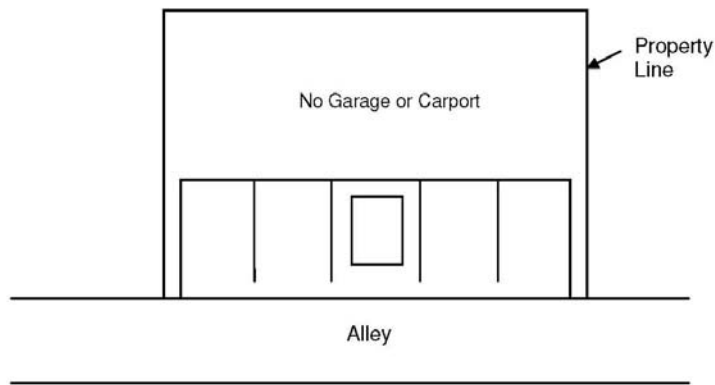


Figure 3 - permitted

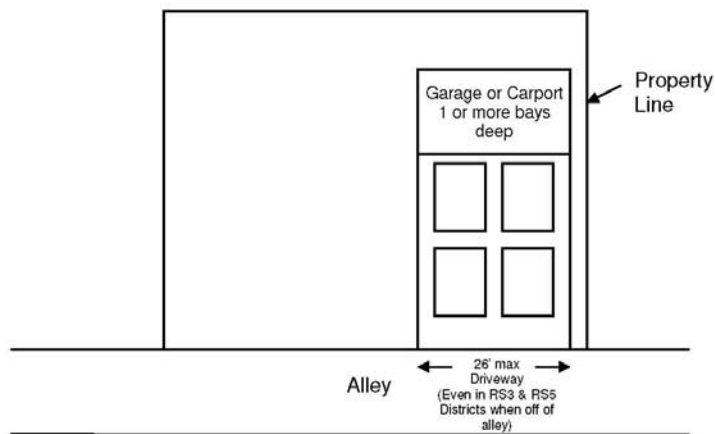


Figure 4 - permitted

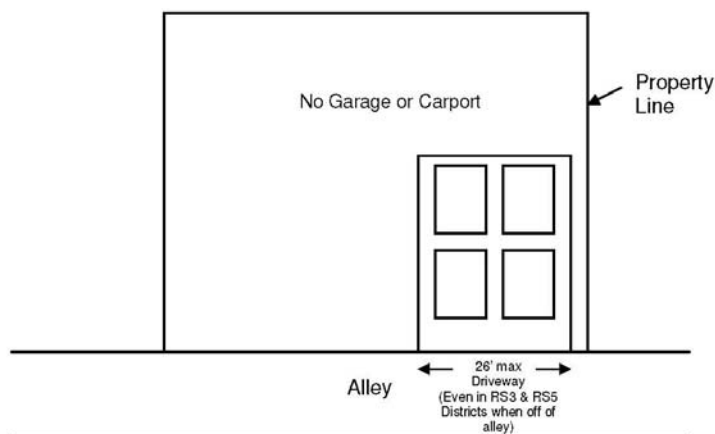


Figure 5 - permitted

Configurations **not permitted**, whether or not a garage is constructed adjacent to the open parking area:

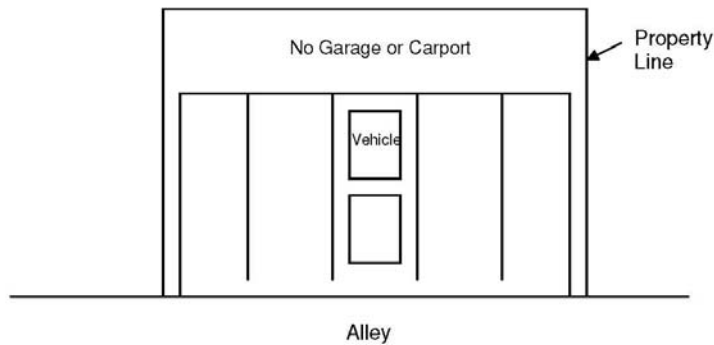


Figure 6 - not permitted

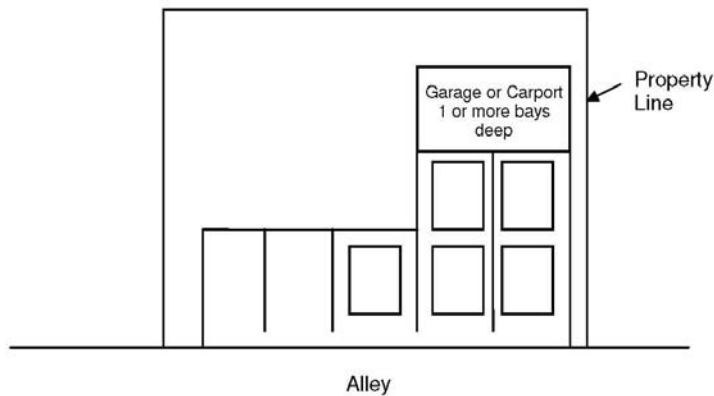


Figure 7 - not permitted

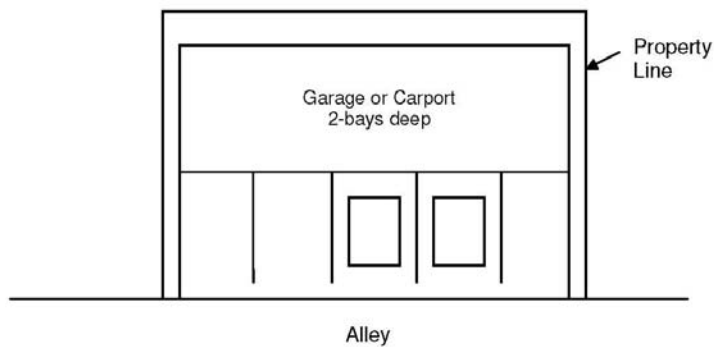


Figure 8 - not permitted

~~(2)(5) Driveway widths may not exceed 26 feet in residential Districts. All Driveway cuts into the Street require a permit and must be approved by the City Engineer in conformance with the standards outlined in Chapter 16, Article 3 of the City Code.~~

~~(3)(6) In RS3 and RS5 Districts, residential Driveways may be constructed a maximum of 12' wide to reduce pavement width and maintain the character of the neighborhood[sms2].~~

(c) Nonresidential Districts

The location of off-street Parking Areas in ~~Commercial and Industrial-nonresidential~~ Zoning Districts shall comply with the adopted city design standards and the following standards:

District	Allowed Location	Minimum Setback (feet)**	
		From Right-of-Way	From Residential Lot Lines
CN1	Not allowed between the Facade of the Building with the main entrance and the Street.	15	10
CO	No restriction except as specified in Article 5.		
CN2			
CD	Prohibited between a Building and any Street		
CC	No restriction except as specified in Article 5.		
CR			
CS			
IBP			
IL			
IM			
IG			
H			
GPI			
OS			
MU	Prohibited in the Primary Development Zone and prohibited between a Building and any Street in a Secondary Development Zone. No restriction in a Tertiary Development Zone.		

**** Setbacks may also be affected by required Bufferyards as identified in Section 20-1005.**

20-909 SHARED AND OFF-SITE PARKING**(a) Purpose**

The shared and off-site off-street parking provisions of this section are intended to encourage efficient use of land and resources by allowing users to share off-street parking facilities in situations where a mix of uses creates staggered peak periods of parking demand and to locate off-street parking facilities on a different site than the uses served by the Parking.

(b) Approval Procedure

Shared or off-site off-street parking arrangements require review and approval in accordance with the Site Plan Review procedures of Section 20-1305 **from the Planning Director and shall be noted on the approved site plans for each property that is a party to the shared or off-site parking agreement.**

(c) Location

All shared or off-site off-street **Parking Spaces** shall be located no further than 600 feet from the main entrance of the **Buildings** or uses they are intended to serve, measured along the shortest legal, practical walking route. This distance limitation may be waived as part of the Site Plan Review process **by the Planning Director as part of the review of the shared parking agreement** if sufficient assurances are offered that adequate van or shuttle service will be operated between the shared or off-site **Lot** and the **Principal Use** or uses.

(d) Zoning Classification District

Shared and off-site **Parking Areas** ~~require the same or~~ **shall be in the same or** a more intensive zoning classification **district** than that required for the most intensive of the uses served by the shared or off-site **Parking Area**, except as permitted in Section 20-535. Shared and off-site **Parking Areas** are to be considered **Accessory Uses** to the **Principal Uses** that the **Parking Spaces** serve.

(e) Required Shared Parking Study and Analysis

~~For proposed Shared Parking Areas, the applicant shall submit a Shared Parking analysis to the Planning Director that clearly demonstrates the feasibility of shared or off-site Parking. The study shall be provided in a form established by the Planning Director and made available to the public. It shall address, at a minimum, the size and type of the proposed development, the composition of tenants and customers, the anticipated rate of Parking turnover and the anticipated peak Parking and traffic loads for all uses that will be sharing off-street Parking Spaces.~~

(e) Shared Parking

In any zoning district where two (2) or more permitted uses have different peak demand parking patterns and are thus able to use the same parking spaces/areas throughout a 24-hour day, a Shared Parking Calculation may be applied which results in a reduction in the total number of parking spaces required as compared to the sum of the parking requirement for individual uses. This allows sharing of parking spaces between occupancies, reducing the site area dedicated to vehicle storage. Reduction potential is often greatest when residential uses are mixed with nonresidential uses.

(1) Shared Parking Calculation^[b3]

For the purposes of conducting a shared parking analysis, identify the parking requirement for each individual use according to the Off-Street Parking Schedule, Section 20-902 and multiply the requirement by the percentage for the

corresponding use category for each of the five time periods from the matrix below. Calculate the total for each time period (column) and select the time period (column) with the highest total. Use this number as the required minimum number of parking spaces. The specific numbers provided may be adjusted by the applicant when the applicant provides an analysis demonstrating the actual demand for the time period is different from the number shown in the table below, subject to approval by the Planning Director.

Use Category[sms4]	Night	Weekday		Weekend	
		Day	Evening	Day	Evening
	2am - 8am	8am – 5pm	5pm – 2am	8am – 5pm	5pm – 2am
RESIDENTIAL					
All Residential Uses	100%	40%	100%	70%	90%
PUBLIC & CIVIC					
Community Facilities	0%	100%	50%	50%	10%
Medical Facilities	10%	100%	60%	70%	40%
Recreational Facilities	0%	30%	90%	80%	10%[1]
Religious Assembly	0%	10%	30%	90%	70%
COMMERCIAL					
Animal Services	10%	100%	60%	100%	60%
Eating & Drinking Establishments	20%	100%	100%	100%	100%
Office	0%	100%	30%	50%	0%
Retail Sales & Service	10%	100%	80%	100%	70%
Sexually Oriented Business	0%	30%	100%	50%	100%
Transient Accommodation	100%	50%	100%	50%	100%
Vehicle Sales & Service	10%	100%	30%	100%	10%
INDUSTRIAL					
All Industrial Facilities	20%	100%	60%	20%	20%
OTHER					
All Other Uses	100%	100%	100%	100%	100%

[1] Entertainment uses such as a theatre (performing arts or movie) shall require 90%.

(f) Parking Agreement

The sharing or off-site location of required Parking shall be guaranteed by a legally binding agreement, duly executed and acknowledged, between the Owner of the Parking Area and the Owner of all uses that are located on a different Lot and served by the Parking Area.

- (1) The agreement shall be properly drawn and executed by the parties concerned and approved as to form and execution by the City Attorney. ~~Director of Legal Services.~~ Approved shared or off-site Parking ~~a~~Agreements shall be recorded with the Register of Deeds.
- (2) The applicant for a Building Permit or certificate of occupancy for the use that is served by Parking Spaces on the other Lot shall submit a copy of such agreement along with the application for the permit or certificate.
- (3) Any violation of the agreement required under this subsection constitutes a violation of this Development Code.

20-910 USE OF REQUIRED OFF-STREET PARKING SPACES AND LOADING AREAS**(a) Parking for Motor Vehicles Only**

In all Zoning Districts, Required off-street parking spaces and loading areas are to be used solely for loading, unloading, and the Parking of licensed motor vehicles in operating condition.

- (1) Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, truck trailers, motor homes, campers, Mobile Homes, Manufactured Homes, or components thereof. Long-term storage is considered location on-site for any continuous period of more than 48 hours, or Building materials.
- (2) Required spaces may not be used for the display of goods for sale or lease, with the exception of personal garage sales, without prior site plan or special event permit approval.
- (3) Required spaces may not be used for the storage of building materials. (do we need this one?)

(b) Weight Limit

In residential Zoning Districts, required exterior, unenclosed off-street Parking Areas may only be used by vehicles of up to one ton manufacturer's rated capacity. [sms5] Are we still OK with this?

(c) Recreational Vehicles**(1) Definitions (need to also add to Article 17)**

- (i) A Recreational Vehicle is a vehicle or vehicular-type unit built on a chassis, that has been designed for use as temporary living quarters for camping, vacation, travel and general recreation which has its own motive power or is mounted on or drawn by another vehicle.
 - a. Motorized RVs are typically 15' – 40' in length and include motor homes and van conversions which combine a motor vehicle chassis and temporary living quarters in a single unit.
 - b. Towable RVs are designed to be towed by a car, van, SUV, or pickup truck. Towable RVs include travel trailers, folding camping trailers, fifth wheels and truck campers that typically are between 10' – 35' in length.
- (ii) The term Recreational Vehicle, when used in this chapter, shall include: a trailer; motorized self-propelled camper; non-motorized travel trailer or camper; boat, canoe or personal watercraft, when stored on a trailer.
- (iii) The term Recreational Vehicle shall not include trailers or equipment associated with a business or home occupation.

(2) Parking Standards – Residential Districts**Option 1: Not in front yards or exterior side yards:**

- (i) *Recreational Vehicles may not be parked for more than 48 hours (for loading & unloading) in a driveway located in front of the required front building setback line.*
- (ii) *Recreational Vehicles may be stored within the Building Envelope when parked on an approved driveway surface as identified in Section 20-913(e).*
- (iii) *In addition to subsection (ii) above, Recreational Vehicles may be parked on a paved or unpaved surface in the rear yard in locations where an accessory structure is allowed in accordance with Section 20-533 (or just say at least 5' from side and rear lot lines) when screened on adjacent sides by a six foot opaque fence or continuous landscape hedge.*

Option 2: Limited locations in front or side yards:

- (i) *Recreational Vehicles may not be parked within 10' of a front or exterior side property line.*
- (ii) *When parked in front or exterior side yards, Recreational Vehicles shall be parked on an approved driveway surface as identified in Section 20-913(e).*
- (iii) *No Recreational Vehicle shall be parked on a corner lot within the 25' site triangle restricted in Section 20-1102.*
- (iv) *In addition to subsection (ii) above, Recreational Vehicles may be parked on a paved or unpaved surface in the rear yard in locations where an accessory structure is allowed in accordance with Section 20-533 (or just say at least 5' from side and rear lot lines) when screened on adjacent sides by a six foot opaque fence or continuous landscape hedge.*
- (v) *Impervious surface coverage limits, as noted in Section 20-601(a), shall apply to Recreational Vehicle parking areas and shall not be exceeded.*
- (vi) *While parked, Recreational Vehicles shall not be used as living quarters or for the operation of any business.*
- (vii) *While parked, Recreational Vehicles shall display a valid vehicle license.*
- (viii) *No more than two Recreational Vehicles may be parked or stored outside on a single lot. This limit includes any commercial trailer or vehicle (or as alternative: any trailer or vehicle used for business activities).*

(d) Vehicles and Trailers Used in Business or Home Occupations *[add cross-reference in Section 20-537-Home Occupations]*

- (1) Business Vehicles and Business Trailers must display a valid vehicle license.**
- (2) Vehicles and trailers, when associated with a Type B Home Occupation, may be parked on a residential lot in accordance with the following standards:**
 - (i) Business Vehicles and/or Business Trailers may not be parked within 10' of a front or exterior side property line.**
 - (ii) When parked in front or side yards, Business Vehicles and/or Business Trailers shall be parked on an approved driveway surface as identified in Section 20-913(e).**
 - (iii) When parked in rear yards, Business Vehicles and/or Business Trailers shall be parked on an approved driveway surface as identified in Section 20-913(e) if a continuous paved driveway or access from an alley or street is provided. Gravel surfacing is not permitted for the parking area or accessway.**
 - (iv) When parked in a rear or side yard, a 6' high opaque fence or continuous landscape hedge must be provided along adjacent lot lines.**
 - (v) Unenclosed Business Trailers containing operable equipment, such as mowers, must be stored inside a garage or storage building when located on a residential lot.**
 - (vi) Impervious surface coverage limits for the parking area, as noted in Section 20-601(a) shall apply and may not be exceeded.**
- (e) The standards established by subsections 20-910(c) and (d) shall become effective commencing January 1, 2014. *[earlier?]***

20-911 VEHICLE STACKING AREAS

The vehicle stacking standards of this subsection apply unless otherwise expressly approved by the City Engineer.

(a) Minimum Number of Spaces

Off-street stacking spaces shall be provided as follows:

Activity Type	Minimum Number of Stacking Spaces
Bank teller lane	4 per teller or window
Automated teller machine	2 per machine
Drive-through pick up windows (pharmacy/dry cleaners, etc)	2 per window
Restaurant drive-through	4 at each order box and 4 at each pick-up window
Car wash stall, automatic	4 at each entrance
Car wash stall, self-service	4 at each entrance
Gasoline pump island	1 at end of each pump island
Schools	10 on each elementary and junior high school Driveway 5 on each senior high school Driveway
Other	As determined by the City Traffic Engineer based on a traffic impact analysis

Have we had any other stacking issues?

(b) Design and Layout

Required stacking spaces are subject to the following design and layout standards.

(1) Size

Each stacking space shall be a minimum of 8 feet by 20 feet in size.

(2) Location

Stacking spaces may not impede on-site or off-site traffic movements or movements into or out of off-street Parking Spaces.

(3) Design

Stacking spaces shall be separated from other internal Driveways by raised medians if deemed necessary by the City Engineer for traffic movement and safety.

20-912 ACCESSIBLE PARKING FOR PHYSICALLY DISABLED PERSONS

A portion of the total number of required off-street **Parking Spaces** in each off-street **Parking Area** shall be specifically designated, located and reserved for use by persons with physical disabilities.

(a) Spaces Required

The following table shows the minimum number of accessible spaces that shall be provided. **Parking Spaces** designed for persons with disabilities are counted toward fulfilling off-street parking standards. These standards may not be varied or waived.

Total Parking Spaces Provided	Required Number of Accessible Spaces		
	Auto	Van	Total
1 – 25	0	1	1
26 – 50	1	1	2
51 – 75	2	1	3
76 – 100	3	1	4
101 – 150	4	1	5
151 – 200	5	1	6
201 – 300	6	1	7
301 – 400	7	1	8
401 – 500	7	2	9
501 – 1,000	7 per 8 accessible spaces	1 per 8 accessible spaces	2% of total spaces
1,001+	7 per 8 accessible spaces	1 per 8 accessible spaces	20, plus 1 per 100 spaces over 1,000

(b) Special Requirements for Medical Care Facilities

Facilities providing medical care and other services for persons with mobility impairments shall provide accessible **Parking Spaces** as follows:

- (1) All outpatient facilities shall provide at least one accessible **Parking Space**, or spaces equal to ten percent (10%) of the total number of **Parking Spaces** provided, whichever is greater.
- (2) Facilities that specialize in treatment or services for persons with mobility impairments shall provide at least one accessible **Parking Space**, or spaces equal to 20% of the total number of **Parking Spaces** provided, whichever is greater.

(c) Special Requirements for Congregate Living and Multiple-unit Residential

New construction, additions to, or alterations of **Congregate Living** residences containing 4 or more sleeping units shall comply with the accessibility requirements of both the Fair Housing Act and the International Building Code as adopted by the City of Lawrence. Multiple-unit residential **Buildings** containing 4 or more **Dwelling Units** shall provide accessible **Parking Spaces** as follows:

- (1) Designated accessible **Parking Spaces** shall be provided for at least two percent (2%) of the **Dwelling Units**.
- (2) Designated accessible **Parking Spaces** shall be provided at facilities that serve accessible **Buildings**, such as swimming pools and clubhouses.

(3) Additional designated accessible ~~P~~arking shall be provided at the request of residents with disabilities, on the same terms and with the full range of choices that are provided for other residents of the project.

(4) Designated accessible **Parking Spaces** shall comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

(d) Exemptions

Detached Dwellings, **Attached Dwellings** and **Duplexes** are exempt from the requirements to provide accessible **Parking Spaces**. However, accessible ~~P~~arking shall be provided at the request of residents with disabilities.

(e) Minimum Dimensions

All **Parking Spaces** reserved for persons with disabilities shall comply with the **Parking Space** dimension standards of this section, provided that **Access** aisles shall be provided immediately abutting such spaces, as follows:

(1) Car-Accessible Spaces

Car-accessible spaces shall have at least a 5-foot wide **Access** aisle abutting the designated **Parking Space**.

(2) Van-Accessible Spaces

Van-accessible spaces shall have at least an 8-foot wide **Access** aisle abutting the passenger **Access** side of the designated **Parking Space**.

(f) Location of Spaces

Required spaces for persons with disabilities shall be located in close proximity to **Building** entrances and be designed to permit occupants of vehicles to reach the **Building** entrance on an unobstructed path. Curb ramps shall be provided whenever an accessible route crosses a curb in the parking lot. Curb ramps may not be located within required **Access** aisle.

(g) Signs and Marking

Required spaces for persons with disabilities shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities. Signs shall be posted directly in front of the **Parking Space** at heights that will be visible to the types of vehicles for which they are designed, specifically 60 to 82 inches. Signs shall comply with the Manual on Uniform Traffic Control Devices issued by the Federal Highway Administration.

20-913 PARKING AND LOADING AREA DESIGN STANDARDS

The design standards of this section apply to all **Parking Areas**, including commercial parking lots and “non-required” **Parking Areas**.

(a) General Layout Principles

There shall be safe, adequate, well-lit, and convenient arrangement of pedestrian pathways, bikeways, roads, **Driveways**, and off-street parking and loading spaces within off-street **Parking Areas**. Streets, pedestrian walks, and **Parking Areas** shall be designed as integral parts of an overall site design, which shall be properly related to existing and proposed **Buildings**, adjacent uses and landscaped areas. There shall be defined pedestrian ways connecting all public entrances of **Buildings** to all modules of the **Parking Area**, to the required **Bicycle Parking Area**, to any adjacent bus stop and to the nearest public sidewalks. Such pedestrian ways shall, to the maximum extent practicable, be separated from driving lanes with curbs or other devices. At locations where walkways cross **Driveways** or travel lanes, the crossings shall be clearly marked with both signage and pavement markings.

(b) Approval

The layout and design of all off-street **Parking Areas** shall be approved by the City Engineer prior to the issuance of a **Building Permit**. Before approving any off-street parking plan, the City Engineer shall find that the spaces provided are useable and that they comply with the City’s standard design criteria.

(c) Appearance

The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be easily maintained and designed to be indicative of their function.

(d) Maintenance

Parking lots shall be maintained in a safe operating condition so as not to create a hazard or nuisance. All materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be continuously maintained and kept free of debris and hazards. Striping and other pavement markings shall be maintained in an easily readable condition.

(e) Surfacing

(1) All off-street **Parking Areas** and **Driveways**, including those serving **Attached Dwellings**, **Detached Dwellings** and Duplexes, shall be surfaced with a minimum of one of the following:

- a. 4 inches of reinforced Portland cement concrete;
- b. 5 inches of granular rock base with 2 inches of asphalt;
- c. 7 inches of granular rock with a double asphaltic prime and seal;
- d. 5 inches of full depth asphalt; or
- e. 4 inches of compacted gravel for residential **Driveways** constructed in **Floodplains** areas and in **Zone X-Protected by the Levee areas** with a paved **Driveway Apron** constructed to city residential **Driveway** standards.

e. _____

- (2) As an alternative to the surfacing required in the preceding paragraph, all off-street parking for uses allowed by right within residential Districts or areas of low off-street parking use as determined by the City Engineer (such as fire safety lanes or overflow [Parking Areas](#)), may be surfaced with the following alternative methods of paving. The surfacing shall be installed per the manufacturer's recommendations, with the pavement and base designed by a professional engineer licensed in the State of Kansas. The pavement cross-section shall demonstrate the structural ability to support the anticipated vehicle loads for the use. The pavement design shall be reviewed and approved by the City Engineer.

a. Grid unit pavers **or paving strips** with grass; or

a.b. Pervious concrete or asphalt; or

b.c. Concrete, brick, or clay interlocking paver units.

- (3) [Private Streets](#) shall be built to City Street standards and maintained by the [Landowner](#).

- (4) [Driveway](#) approaches (aprons) shall be built to City standards, ~~including, where applicable, the Residential Driveway Requirements adopted by the City Commission on July 10, 1996 as amended,~~ and maintained by the [Landowner](#).

(4)(5) Driveways and aprons shall comply with the standards in Chapter 16, Article 3 of the City Code.

(f) **Dimensions**

(1) **Automobile Parking**

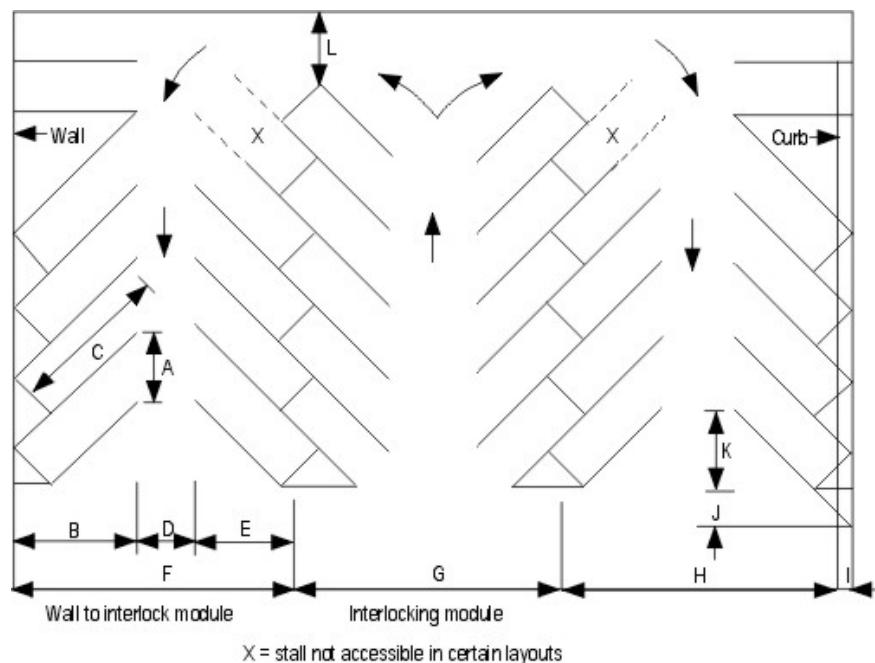
All off-street [Parking Areas](#) shall comply with the following dimensional standards:

Dimensional Feature (all dimensions in feet)	Diagram	Parking Angle				
		0	45	60	75	90
Stall width (parallel to aisle)	A	8.5	12.2	9.9	8.8	8.5
Stall length	B	24.0	24.5	21.4	19.5	18.0
Stall length of line	C	9.0	17.0	18.5	19.0	18.0
Aisle width between stall lines	D	12.0	12.0	16.0	22.0	24.0
Stall depth, interlock	E	9.0	14.8	17.0	18.3	18.0
Module, wall to interlock	F	30.0	43.8	51.5	59.3	60.0
Module, interlocking	G	30.0	41.6	50.0	58.6	60.0
Module, interlock to curb face	H	30.0	41.8	49.4	56.9	58.0
Bumper overhang (typical)	I	0.0	1.5	1.8	2.0	2.0
Offset	J	—	6.3	2.7	0.5	0.0
Setback	K	24.0	11.0	8.3	5.0	0.0
Cross-aisle, one-way	L	18.0	18.0	18.0	18.0	18.0
Cross-aisle, two-way	—	24.0	24.0	24.0	24.0	24.0

Where natural and/or man-made obstacles, obstructions or other features such as but not limited to [Landscaping](#), support columns or [Grade](#) difference exist, the City Engineer may approve a reduction in stall width, stall length and/or module width. In all instances where a reduction is requested, attention to emergency vehicle [Access](#) shall be considered and

Dimensional Feature (all dimensions in feet)	Diagram	Parking Angle				
		0	45	60	75	90

incorporated into the Parking lot design. *(moved to 2 below)*



(2) Dimension Reductions

Where natural and/or man-made obstacles, obstructions or other features such as but not limited to Landscaping, support columns or Grade difference exist, the City Engineer may approve a reduction in stall width, stall length and/or module width. In all instances where a reduction is requested, attention to emergency vehicle Access shall be considered and incorporated into the parking lot design.

(2)(3) Loading

Required loading spaces shall have a minimum vertical clearance of 15.5 feet. See Section 20-906 for other dimensional standards. *(does this need to be here since the vert clearance is in 906?)*

~~(g) Bicycle Parking~~ *(moved below)*

~~Every Bicycle Parking Space, whether used publicly or privately and including a commercial Bicycle Parking Space, shall be designed, built and maintained in accordance with the following specifications:~~

(1) Surfacing

~~A Bicycle Parking Space shall be surfaced with a minimum of:~~

- ~~a. 4 inches of concrete, or~~
- ~~b. 4 inches of asphalt, or~~
- ~~c. 2 inches of concrete with a 2-inch brick overlay, or similar material for overlay.~~

(2) Lighting

~~Bicycle Parking Space~~ shall be located within a lighted area and within clear view of passersby.

(3) Barriers

If ~~Bicycle~~ and automobile ~~Parking Areas~~ or ~~Accessways~~ abut each other, there shall be provided a physical barrier between the ~~Bicycle~~ and automobile areas to prevent a ~~Bicycle~~ or its operator from being hit by a motor vehicle.

(4) Structure

Each ~~Bicycle Parking Space~~ shall provide for a secure method of locking a ~~Bicycle~~ and be located to accommodate ~~Bicycle~~ Parking in a manner that is convenient to use and does not interfere with other uses of the property.

(h) Striping

To facilitate movement and to help maintain an orderly parking arrangement, all ~~Parking Spaces~~ shall be clearly striped, with a minimum width of 4 inches. The width of each ~~Parking Space~~ shall be computed from the centers of the striping.

(i) Curbs

The perimeter of the parking lot shall have a curb and gutter **constructed** in accordance with City standards for concrete curbs.

(1) An administrative exception to perimeter curb requirements may be provided for stormwater mitigation projects per the Best Management Practices manual with approval from the City Stormwater Engineer.

(j) Large Parking Lots **(should this section be moved to 20-1003(c)?)**

(1) Parking lots **in excess of 150 parking spaces shall be designed to include additional** of 220 ~~Parking Spaces~~ or more shall be divided into smaller ~~Parking modules~~ containing no more than 72 spaces. ~~Landscape strips, Peninsulas, or Grade~~ separations shall be used to reduce the adverse visual impacts of large expanses of paving, to direct vehicular traffic through the parking lot, and to provide a location for pedestrian walks. Protected pedestrian walkways, leading to ~~Building~~ entrances, shall be provided within such parking lots.

(2) Parking lots of 450 ~~Parking Spaces~~ or more shall place **Landscaping** and trees on both sides of entrance drives to create tree-lined entrances, to direct vehicles into and out of the site, and to provide adequate space for vehicle stacking at exits onto perimeter roadways.

(k) Bicycle Parking

Every Bicycle Parking Space, whether used publicly or privately and including a commercial bicycle Parking Space, shall be designed, built and maintained in accordance with the following specifications:

(1) Surfacing

A Bicycle Parking Space shall be surfaced with a minimum of:

- a. 4 inches of concrete, or**
- b. 4 inches of asphalt, or**
- c. 2 inches of concrete with a 2-inch brick overlay, or similar material for overlay.**

(2) Lighting

Bicycle Parking Spaces shall be located within a lighted area. ~~and within clear view of passersby.~~

(3) Barriers

If bicycle and automobile Parking Areas or Accessways abut each other, a physical barrier shall be provided between the bicycle and automobile areas to prevent a bicycle or its operator from being hit by a motor vehicle.

(4) Structure

Each Bicycle Parking Space shall provide for a secure method of locking a bicycle and be located to accommodate bicycle parking in a manner that is convenient to use and does not interfere with other uses of the property. Racks meeting the *2012 AASHTO Bike Guide* standards are preferred.

(5) Location

Bicycle parking shall (**should?**) be:

- (i) Easily access from the street and protected from motor vehicles.
- (ii) Visible to passers-by to promote usage and enhance security.
- (iii) Located to not impede or interfere with pedestrian traffic or routine maintenance activities.
- (iv) Located in areas that do not block access to buildings.
- (v) Located to allow reasonable clearances for opening doors of vehicles parked nearby.
- (vi) Covered, if practical, where users may leave bikes for a longer period of time.

(6) Facility Design

Short term bicycle parking should be located to provide an adequate area to serve the user:

(i) Distance to other racks:

- a. Rack units aligned end-to-end should be placed a minimum of 96 inches apart.
- b. Rack units aligned side-by-side should be placed a minimum of 36 inches apart.

(ii) Distance from a curb:

- a. Racks located perpendicular to a curb should be a minimum of 36 inches from the back of curb.
- b. Racks located parallel to a curb should be a minimum of 24 inches from the back of curb.

(iii) Distance from a wall:

- a. Assuming access is needed from both sides, U-racks located perpendicular to a wall should be a minimum of 48 inches from the wall.
- b. Racks located parallel to a wall should be a minimum of 36 inches from the wall.

(6) Signage

If directional signage is needed to indicate the location of bicycle parking, Manual on Uniform Traffic Control Devices (MUTCD) signage shall be used.

~~(4)(I)~~ Pedestrian Connections

Parking lots shall be designed to provide designated walkways for pedestrians. Walkways shall connect Building entrances with Parking Areas and with public sidewalks along adjacent streets.

20-914 LANDSCAPING

Parking lot Landscaping shall be provided in accordance with Article 10.

20-915 DRIVEWAYS AND ACCESS

The standards of this section apply to all Driveways providing Access to multi-Family or nonresidential uses. **property, unless specifically noted below.**

(a) General Standards

- (1) Vehicular Access** to property **from the street frontage** is allowed only by way of Driveways. No other portion of the **Lot Frontage** may be used for vehicle ingress or egress. **Direct vehicular access to property may be taken from an alley, when available.**
- (2) Driveways shall intersect the Street at right angles, unless approved by the City Engineer.**
- (3) ~~nor may any~~ No Parking Area or Access Drive shall** be arranged so that any vehicle may back directly onto a Street, **except those serving Detached Dwellings, Attached Dwellings and Duplexes.**
- (4) ~~All Driveway curb cuts~~ serving Detached Dwellings, Attached Dwellings, or Duplex Dwellings into the Street** shall require a permit from the Public Works ~~ed~~ Department unless approved through site **plan** or development plan approval.
- (5) Driveways serving Detached Dwellings, Attached Dwellings, or Duplex Dwellings widths may not exceed 26 feet in width, except residential Districts. All Driveway cuts into the Street require a permit and must be approved by the City Engineer in conformance with the standards outlined in Chapter 16, Article 3 of the City Code.**
 - a. In RS3 and RS5 Districts, residential Driveways may shall be constructed a maximum of 12' wide to reduce pavement width and maintain the character of the neighborhood. (from 908(b))**
 - b. In RS3 and RS5 Districts, residential Driveways may be constructed wider than 12' when the Planning Director has determined that a majority of the driveways in the same block are more than 12' wide. (this is new)**
- (6) Lots created (by subdivision or re-subdivision) after the Effective Date with widths of 50 feet or less shall only have access from an Alley or by a Shared Driveway.**
- (7) All multi-dwelling and non-residential Driveways shall allow a minimum vehicle turning radii of 15 feet. Greater radii may be required by the City Engineer if needed to accommodate the types of vehicles that the Driveway is intended to serve.**
- (8) There shall be sufficient on-site space to accommodate queued vehicles waiting to park or exit, without interfering with Street traffic.**
- (9) Where appropriate, provisions for circulation between adjacent Parcels on Collector and Arterial Streets should be provided through coordinated planning.**

- a. Cross Access or Public Access Easements shall be dedicated to ensure coordinated access between properties.

- (10) Joint-Use Driveways shall not be used as circulation aisles for Access to Parking Spaces. (*moved from 915(g)*)

~~(1)~~ —

- ~~(2)(11)~~ Driveway designs shall allow an entering vehicle turning speed of 15 miles per hour to help reduce interference with through Street traffic. Radii of Driveway shall be sufficient to achieve this standard for the types of vehicles that the Driveway is intended to serve. (*reworded above*)

- ~~(3)(12)~~ There shall be sufficient on-site space to accommodate queued vehicles waiting to park or exit, without interfering with Street traffic. (*move*)

- ~~(4)(13)~~ Provisions for circulation between adjacent Parcel should be provided through coordinated planning or Cross Access Agreements. (*moved*)

- ~~(5)(14)~~ Driveways shall be placed and designed so that loading and unloading activities will not hinder vehicle ingress or egress, and that vehicles entering the Driveway from the Street will not encroach upon the exit lane of a two-way Driveway. Also, a right-turning exiting vehicle shall be able to use only the first through-traffic lane available without encroaching into the adjacent through lane. (*deleted*)

- ~~(6)(15)~~ No Lot that is less than 51 feet in width and that was created (by subdivision or re-subdivision) after the Effective Date, shall have a Driveway Access to a Public Street. Driveway Access to such a Lot shall be from an Alley or by a Shared Driveway. (*reworded above*)

- (16) Driveways shall intersect the Street at right angles. (*moved*)

~~(7)~~ The following access management section is still “under construction”.

(b) Turn Lanes and Tapers

Turn lanes and tapers are required, unless determined to be unnecessary by the City Engineer, when turn lanes and tapers are required when:

- (1) Driveways intersect Arterial Streets. Turn lanes shall be a minimum of 150 feet in length plus the taper;

a. Left

~~(1)b. Right -- need City Engineer input~~

- (2) Driveways serving non-residential uses intersect Collector Streets.

a. Left-turn lanes shall be a minimum of 100 feet in length plus the taper.

~~(2)b. Right-turn lanes shall be required when the projected or existing right-turning volume equals or exceeds 100 vehicles per hour;~~

- (3) ~~The City Engineer determines, based on a traffic~~ **A traffic** impact analysis ~~indicates, that~~ such treatment is necessary to avoid congestion and/or unsafe conditions on the **Public Street**.

(c) Driveway Grade

The **Grade** of a two-way, one-way or divided **Driveway** shall not exceed four percent (4%) for a minimum distance of 25 feet from the edge of the Street pavement.

(d) Sight Distance

Direct **Access Driveways** shall be located to allow **for** the ~~following~~ minimum sight distance based on the intersection type (full or partial **Access**) and the Street type. Sight distances shall be determined by a professional engineer licensed by the State of Kansas, **utilizing the most recent AASHTO Green Book Standards**, and shall be based on the design speed of the Street or on the 85th percentile speed, whichever is higher. **(A Policy on Geometric Design of Highways and Streets)**

Street Type	Speed		Minimum Sight Distance (in Feet)		
	miles-per-hour	feet-per-second	8-seconds	9-seconds	10-seconds
Arterial	45	66	529	594	660
	40	59	472	531	590
Collector	35	51	408	459	510
	30	44	352	396	440
Residential	25	37	296	333	370

(e) Driveway Spacing

All Direct **Access** to any **Public Street** shall be in accordance with the City's ~~adopted Access Management Policy Guidelines~~ **(do we have something adopted yet?) do we need to also include the separation distances listed in 16-302.1(A) – those are only 50' and 75' from intersections – or do those need to be modified) Are the standards below too restrictive?**

(1) Arterial Streets

Direct **Access** to ~~an Arterial Street~~ is prohibited except in redevelopment or infill situations where the subject property has no other reasonable **Access** to the Street system and the City Engineer determines that **Access** onto the **Arterial Street**, based on the **Street's Ultimate Design**, can be safely accommodated.

- (i) When direct **Access** to an **Arterial Street** is approved by the City Engineer pursuant to the requirements of this section, the following standards apply. In the event that such standards cannot be met because of an unusually narrow or shallow **Lot** size, the City Engineer may reduce the spacing between cuts as long as the reduction does not result in an unsafe traffic condition. A **Driveway Access** allowed under this section shall be used only to serve a **Detached Dwelling** on the property or an existing business and will be reevaluated when the use or **Lot** size changes.

a. Spacing from ~~Signalized-Controlled~~ Intersections

All Driveways providing Access to Arterial Streets shall be constructed so that ~~the point of tangency of the curb~~ **line extended from a return radius closest to a** signalized or stop sign-controlled intersection is ~~at least 300 feet~~ **or beyond the limits of the area of influence of the intersection as defined in the accepted TIS, whichever is greater.** ~~from the perpendicular curb face of the intersecting Street.~~

b. Spacing from Other (Non-signalized) Access Points

All Driveways providing Access to Arterial Streets shall be constructed so that the point of tangency of the curb return radius closest to all non-signalized Street or Driveway intersections is at least 300 feet from the perpendicular curb face of the intersecting Street or Driveway.

(does this need to be worded similar to above?)

(2) Collector Streets

Direct Access to Collector Streets shall be regulated in accordance with the following standards. In the event that such standard cannot be met because of an unusually narrow or shallow Lot size, the City Engineer may reduce the spacing so long as the reduction does not result in an unsafe traffic condition.

a. Attached Dwelling, Detached Dwelling and Duplex Lots

Direct Access to Collector Streets from Attached Dwellings, Detached Dwellings and Duplex Lots is prohibited except when the subject property has no other reasonable Access to the Street system and the City Engineer determines that Access can be safely accommodated.

b. Spacing from ~~Signalized-Controlled~~ Intersections

All Driveways providing Access to Collector Streets shall be constructed so that ~~the point of tangency of the curb~~ **line extended from a return radius closest to a** signalized or stop sign-controlled intersection is at least 300 feet from the perpendicular curb face of an intersecting Arterial Street or 250 feet from the perpendicular curb face of an intersecting Collector or Local Street. *(change similar to above?)*

c. Spacing from Other (Non-signalized) Access Points

All Driveways providing Access to Collector Streets shall be constructed so that ~~the point of tangency of the curb~~ **line extended from return radius closest to a** non-signalized Street or Driveway intersection is at least 250 feet from the perpendicular curb face of the intersecting Street or Driveway.

(Should we bring in spacing requirements from Ch 16-302.1 here?)

Driveway Curb Cuts.

(1) Driveway curb cuts are defined as the area in the existing curblane along a street, which needs to be removed in order to provide proper access for vehicles.

(2) Driveway curb cuts on corner lots shall be at least 25 feet from the curblane extended of a local street; 50 feet from the curblane extended of a minor arterial or collector street; and 75 feet from the curblane extended of a major arterial street.

(3) Driveway curb cuts on the same lot shall have a minimum of 20 feet between the inner edge of the drives measured at the curblane. This applies to both single-family and multi-family residences.

(4) Not more than one driveway curb cut per lot is permitted on the bulb of a cul-de-sac. *(I added this one in (f) below.)*

~~(3) —~~ **Waivers** *(Moved to end of section)*

- ~~a. —~~ Waivers from these Access standards may be approved by the City Engineer if the City Engineer determines that the requested waiver will not create a serious detriment to the safety or operation of traffic on the Street or roadway and only for infill or redevelopment projects where no other feasible option exists.
- ~~b. —~~ The burden of proof that the requested waiver will not create a serious detriment to the safety or operation of traffic on the Street or roadway will be on the applicant. The City Engineer may require that the applicant for a waiver submit a traffic impact study pursuant to Section (g)(1) if it is determined that such an analysis is necessary in order to render a competent decision on the requested waiver.
- ~~c. —~~ A Driveway Access allowed with a waiver shall be used only to serve an existing Detached Dwelling or business on the property and for no other purpose.
- ~~d. —~~ The action of the City Engineer in granting or denying a waiver under this section shall be reported on the agenda of the next meeting of the Planning Commission after the action. Any party aggrieved may appeal the grant or denial of a waiver to the City Commission in writing within 14 days of the Planning Commission meeting at which the item appears on the agenda. The waiver shall not become effective until the expiration of the 14 days appeal period or, in case of an appeal, until the City Commission has acted on the appeal.
- ~~e. —~~ A Landowner granted an Access waiver shall submit a letter to the City Engineer acknowledging the waiver and the fact that if circumstances change such that the property can meet the city's Access standards, the Access shall be immediately revised to comply with the city's Access standards.

(f) **Driveways per Parcel along Local and Residential Collector Streets**

~~(1) Unless otherwise specifically restricted, one Driveway opening shall be allowed per 200 feet of continuous Street Frontage. At least one Driveway shall be permitted for any Lot.~~

~~(2) Parcel with 200 feet of Frontage or less may apply for a second Driveway if it is to be shared with an adjoining Parcel, provided that the required minimum spacing is maintained. In such cases, only one Joint-Use Driveway will be permitted.~~

~~(1) Detached Dwelling Lots~~

~~Each property containing a Detached Dwelling shall be allowed one driveway curb cut with the following exceptions:~~

- ~~a. Interior lots will be allowed two driveway curb cuts if the length of the lot line adjacent to the street is 100 feet or greater.~~
- ~~b. Corner lots will be allowed two driveway curb cuts if either lot line adjacent to the street is 100 feet or greater. These two curb cuts on corner lots may both be used along one lot line or one along each lot line; however, two curb cuts may be placed along one lot line only if that lot line is greater than 100 feet.~~

~~(2) Attached Dwelling Lots~~

~~Driveway standards serving Attached Dwelling Lots are provided in Section 20-503 of this chapter.~~

~~(3) Duplex Dwelling Lots~~

~~Two curb cuts are permitted on a duplex lot per Section 16-302, sketch C of the City Code.~~

~~(4) Lots with Alley Access~~

~~Alleys are permitted and preferred Access alternatives.~~

~~(5) Cul-de-Sac Lots~~

~~(3) Not more than one driveway curb cut per lot is permitted on the bulb of a cul-de-sac. (from 16-302(A)(4))~~

(g) Use of Joint-Use Driveways (moved to 915(a))

~~(1) Joint-Use Driveways shall not be used as aisles for Access to Parking Spaces.~~

(g) Waivers (~~moved from above~~)

- (1) ~~Waivers from these Access standards Section 20-915 may be approved by the City Engineer Planning Director if the City Engineer determines that the requested waiver will not create a serious detriment to the safety or operation of traffic on the Street or roadway and only for infill or redevelopment projects where no other feasible option exists.~~
- (2) ~~The burden of proof that the requested waiver will not create a serious detriment to the safety or operation of traffic on the Street or roadway will be on the applicant. The City Engineer may require that the applicant for a waiver submit a traffic impact study pursuant to Section 0-20-916 if it is determined that such an analysis is necessary in order to render a competent decision on the requested waiver.~~
- (3) ~~A Driveway Access allowed with a waiver shall be used only to serve an existing Detached Dwelling or business on the property and for no other purpose.~~
- (4) ~~The action of the City Engineer in granting or denying a waiver under this section shall be reported on the agenda of the next meeting of the Planning Commission after the action. Any party aggrieved may appeal the grant or denial of a waiver to the City Commission in writing within 14 days of the Planning Commission meeting at which the item appears on the agenda. The waiver shall not become effective until the expiration of the 14 days appeal period or, in case of an appeal, until the City Commission has acted on the appeal.~~
- (5) ~~A Landowner granted an Access waiver shall submit a letter to the City Engineer acknowledging the waiver and the fact that if circumstances change such that the property can meet the city's Access standards, the Access shall be immediately revised to comply with the city's Access standards.~~

20-916 TRAFFIC IMPACT STUDY

The City requires that a Traffic Impact Study (TIS) be prepared and submitted to the City for development or redevelopment, based on thresholds established in ~~the adopted administrative policy~~ **Chapter 16, Article 11 of the City Code**. Preparation of a TIS, as part of an application for a permit or plan approval, shall be based upon adopted standards ~~that have been established by Administrative Policy~~ for a TIS adopted by the City Commission ~~from time to time. A list of Engineering Consultants that are approved by the City to prepare a TIS is available from the City Engineer. Only engineers on this approved list meet the criteria established in the Administrative Policy to prepare a Traffic Impact Study.~~

(a) Purpose

The purpose of requiring a Traffic Impact Study is to provide the City with the information necessary to evaluate and make a determination about the impact of a proposed land use change or development project on adjacent land uses, on the existing and Ultimate Street Design, and on the entire transportation network.

(b) When Required

- (1) Applicants are required to follow the Traffic Impact Study (TIS) analysis set forth in **Chapter 16, Article 11 of the City Code Ordinance No. 7650**, unless waived with respect to the development because:

- ~~a.~~(i) the development is covered by a modified site plan, pursuant to Section 20-1305(n)(2), that has been determined not to constitute a material change; or
- ~~b.~~(ii) the development is covered by a modified final development plan, pursuant to Section 20-1304(n)(4)(e)(2)(iv), that has been determined not to constitute a major change; or
- ~~c.~~(iii) the development involves the reuse of existing Structures or modification of existing Structures, but does not involve a change in existing use or intensity of use;
- ~~d.~~(iv) the development is a residential development with ten (10) or fewer Lots or Dwelling Units; or
- ~~e.~~(v) the development has been determined by the City Engineer not to generate traffic impacts sufficient to justify the preparation of a TIS.

- (2) The applicant for a development that generates 100 or more trips in a Peak Hour shall be responsible for the preparation and submittal of a TIS. TIS submittals shall be in accordance with the most recent version of the Traffic Impact Study Standards adopted by the City Commission.

~~(3) The Extent of the Analysis required for a TIS shall conform to the following:~~

(3) The extent of the analysis shall conform to the following:

- ~~a.~~(i) ~~The~~ study shall be confined to the Street or Streets from which Access is taken or is proposed and to the first major intersection in each direction, for developments that generate 100 to 499 vehicle trips in a Peak Hour.;

b-(ii) The study area shall be extended to the next major Street intersection beyond the Streets onto which direct development Access is taken and may extend beyond the Streets onto which Access is taken or is proposed, for developments that generate 500 or more trips in a Peak Hour.

(4)(3) Land use applications that deviate from the recommended land uses in the Comprehensive Land Use Plan or adopted area or neighborhood plan shall be required to provide a comparative analysis of the traffic that would be generated from the site, based on the adopted plan(s) land uses and the traffic that would be generated by the proposed development. **The analysis shall be used in conjunction with the appropriate review and decision making criteria in the evaluation of development applications. (similar to 20-1107(e) text)**

(c) Additional Analysis

When Access points are not defined or a site plan is not available at the time the Traffic Impact Study is prepared, additional analysis shall be conducted or required when a site plan becomes available or the Access points are defined. (no change here – just formatting)

~~(c) Additional Analysis~~

~~When Access points are not defined or a site plan is not available at the time the Traffic Impact Study is prepared, additional analysis shall be conducted or required when a site plan becomes available or the Access points are defined.~~

~~(d) Expense~~

~~(1) Applications by Review or Decision-Making Bodies~~

~~The Owner or developer shall not be obligated to pay for a Traffic Impact Study where not required, pursuant to Section 20-1301(f), to pay an application filing fee;~~

~~(2) Notice if at Owner's or Developer's Expense~~

~~If the City determines that it is appropriate to engage an engineer or engineering firm to conduct a Traffic Impact Study, the City shall give the Owner or developer written notice of that determination, ten (10) Business Days before work on the TIS begins. This study shall be conducted for the City at the Owner or developer's expense.~~

~~(3) Payment as Permit Condition~~

~~In such instance, payment of a Traffic Impact Study shall be a condition of the issuance of any required permit or approval, pursuant to this Development Code, unless exempted in Section 20-916(d)(1).~~

This page intentionally left blank.