



**Updated:**

**3/28/11 @ 4:15pm**

**Added revised staff report for Item 1B - Preliminary Plat for Vinland Airzone**

**3/28/11 @ 12:45pm**

**Added communications for the following items:**

**Item 1A - Rezoning of 694 E 1700 Rd**

**Item 2A-2F - Rezoning of 1340, 1343, 1344, 1403 Tennessee St, 1400 Ohio, 413 W 14<sup>th</sup> St**

**Item 3 - Text Amendment for RM32 District**

**3/25/11 @ 4:00pm**

**Added the following:**

**Draft February Planning Commission minutes**

**Communications for Item 1B - Preliminary Plat for Vinland Airzone**

**Communications for Item 3 - Text Amendment for RM32 District**

**DEFERRED: Item 5 - Rezoning of 711 Connecticut**

**3/22/11 @ 4:30pm**

**Draft February Planning Commission minutes will be added when available.**

**\*\*The Wednesday, March 30<sup>th</sup> Planning Commission meeting has been canceled\*\***

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION  
CITY HALL, 6 EAST 6<sup>TH</sup> STREET, CITY COMMISSION MEETING ROOM  
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS  
MARCH 28 & ~~30~~, 2011 6:30 - 10:30 PM**

**GENERAL BUSINESS:**

**PLANNING COMMISSION MINUTES**

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

**COMMITTEE REPORTS**

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

**COMMUNICATIONS**

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

***AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSIONS DISCRETION***

**REGULAR AGENDA (March 28, 2011) MEETING  
PUBLIC HEARING ITEM:**

**Recess LDCMPC**

**Convene Joint Meeting with Baldwin City Planning Commission**

**ITEM NO. 1A            A TO I-1; 41.966 ACRES; [S15-T14-R20]  
SOUTH OF 694 E 1700 ROAD, BALDWIN CITY (SLD)**

**Z-1-5-11:** Consider a request to rezone approximately 41.966 acres from County A (Agricultural) to County I-1 (Light Industrial), located south of 694 E 1700 Road, Baldwin City (S15-T14-R20). Submitted by Landplan Engineering, for Land & Sky, LC., property owner of record. *Joint meeting with Baldwin City Planning Commission.*

**NON-PUBLIC HEARING ITEM:**

**ITEM NO. 1B            PRELIMINARY PLAT FOR VINLAND AIRZONE 2<sup>ND</sup> PLAT (SLD)**

**PP-1-1-11:** Consider a one-lot Preliminary Plat for Vinland Airzone 2<sup>nd</sup> Plat, approximately 41.966 acres, located south of 694 E. 1700 Road, Baldwin City (S15-T14-R20). Submitted by Landplan Engineering, for Land & Sky, LC., property owner of record. *Joint meeting with Baldwin City Planning Commission.*

**Adjourn Joint Meeting  
Reconvene LDCMPC**

**PUBLIC HEARING ITEMS:**

**ITEM NO. 2A            RM32 TO MU; .19 ACRES; 1340 TENNESSEE STREET (MJL)**

**Z-1-1-11:** Consider a request to rezone approximately .19 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1340 Tennessee Street. Submitted by Paul Werner Architects, for Gremlin Holdings, LLC., property owner of record.

**ITEM NO. 2B            RM32 TO MU; .26 ACRES; 1344 TENNESSEE STREET (MJL)**

**Z-1-2-11:** Consider a request to rezone approximately .26 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), including establishing a Bar or Lounge use as an automatic Special Use Permit for Bullwinkle's, located at 1344 Tennessee Street. Submitted by Paul Werner Architects, for Lynn Investments LLC., property owner of record.

**ITEM NO. 2C            RM32 TO MU; .49 ACRES; 1343 TENNESSEE STREET (MJL)**

**Z-1-3-11:** Consider a request to rezone approximately .49 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1343 Tennessee Street. Submitted by Paul Werner Architects, for TK Property's LLC., property owner of record.

**ITEM NO. 2D            RM32 TO MU; .23 ACRES; 1403 TENNESSEE STREET (MJL)**

**Z-11-25-09:** Consider a request to rezone approximately .23 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1403 Tennessee Street. Submitted by Paul Werner Architects, for DJC Holdings, LLC, property owner of record.

**ITEM NO. 2E            RM32 TO MU; .14 ACRES; 1400 OHIO STREET (MJL)**

**Z-11-26-09:** Consider a request to rezone approximately .14 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1400 Ohio Street. Submitted by Paul Werner Architects, for Wakarusa Partners, property owner of record.

**ITEM NO. 2F                    RM32 TO MU; .29 ACRES; 413 W. 14<sup>TH</sup> STREET (MJL)**

**Z-11-28-09:** Consider a request to rezone approximately .29 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 413 W. 14th Street. Submitted by Paul Werner Architects, for Douglas J. Compton, property owner of record.

**ITEM NO. 3                    TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE;  
DENSITY & DIMENSIONAL STANDARDS IN THE RM32 DISTRICT (MJL)**

**TA-6-8-10:** Reconsider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, related to the density and development standards in the RM32 (Multi-Dwelling Residential) District including potentially increasing the maximum dwelling units per acre limit in that district. *Initiated by City Commission on 7/13/10. (PC Item 3; approved 6-3 on 12/13/10) Referred back to Planning Commission by City Commission on 1/25/11.*

**ITEM NO. 4                    IG TO RMO; 3.9 ACRES; 800 BLOCK OF LYNN STREET (MJL)**

**Z-2-6-11:** Consider a request to rezone the 800 block of Lynn Street (bounded by Lynn St, Homewood St, Haskell Ave, and Bullene Ave), approximately 3.9 acres, from the IG (General Industrial) and IL (Limited Industrial) Districts to the RMO (Multi-Dwelling Residential-Office) District to implement recommendations in the adopted Burroughs Creek Corridor Plan. *Initiated by Planning Commission on 2/23/11.*

**~~\*\*DEFERRED\*\*~~**

**~~ITEM NO. 5                    RM24 TO RM32; .13 ACRES; 711 CONNECTICUT STREET (MKM)~~**

**~~Z-1-4-11:~~** Consider a request to rezone approximately .13 acres from RM24 (Multi-Dwelling Residential) to RM32 (Multi-Dwelling Residential), located at 711 Connecticut Street. Submitted by Michael Tubbs, for James and Nancy Dunn, property owner of record.

**NON-PUBLIC HEARING ITEM:  
MISCELLANEOUS NEW OR OLD BUSINESS**

**MISC NO. 1                    INITIATE TEXT AMENDMENT TO LAWRENCE DEVELOPMENT CODE;  
DETENTION USE IN IG DISTRICT (SLD)**

Initiate Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Article 4, Section 20-403 to change "Detention" from a use permitted by right in the IG (General Industrial) District to one permitted with Special Use approval.

Consideration of any other business to come before the Commission.

**PUBLIC COMMENT SECTION**

---

**ADJOURN**

## CALENDAR

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

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

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

### PCCM Meeting:

(Generally 2<sup>nd</sup> 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**

**February 23, 2011**

**Meeting Minutes DRAFT**

---

February 23, 2011 – 6:30 p.m.

Commissioners present: Blaser, Burger, Culver, Dominguez, Finkeldei, Liese, Rasmussen

Staff present: McCullough, Stogsdill, Day, Leininger, M. Miller, Ewert

---

## **MINUTES**

Receive and amend or approve the minutes from the Planning Commission meeting of January 24, 2011.

Motioned by Commissioner Finkeldei, seconded by Commissioner Rasmussen, to approve the January 24, 2011 Planning Commission minutes.

Unanimously approved 7-0.

## **COMMITTEE REPORTS**

No Committee Reports.

## **COMMUNICATIONS**

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

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

## **EX PARTE / ABSTENTIONS / DEFERRAL REQUEST**

- Ex parte:  
Commissioner Burger said she received two emails, one from Loretta Backus and the other from Laura Green, regarding the Lawrence Community Shelter SUP. She also said that when she took her children to the barber shop today that she had an interesting conversation about how long the meeting would last tonight.
- No abstentions.

PC Minutes 2/23/11 **DRAFT**

**ITEM NO. 1      INITIATE REZONING; IG & IL TO RMO; 800 BLK LYNN ST (MJL)**

Consider initiation of a rezoning of the 800 block of Lynn Street (bounded by Lynn St, Homewood St, Haskell Ave, and Bullene Ave), approximately 3.9 acres, from the IG (General Industrial) and IL (Limited Industrial) Districts to the RMO (Multi-Dwelling Residential-Office) District to implement recommendations in the adopted Burroughs Creek Corridor Plan.

**STAFF PRESENTATION**

Ms. Michelle Leininger presented the item.

Commissioner Finkeldei asked staff to respond to the League of Women Voters comments about replatting.

Ms. Leininger said the property owners had no plans at this time to move forward on any type of project and that platting would be discussed when a project was brought forward.

**ACTION TAKEN**

Motioned by Commissioner Finkeldei, seconded by Commissioner Dominguez, to initiate the rezoning of the 800 block of Lynn Street (bounded by Lynn St, Homewood St, Haskell Ave, and Bullene Ave), approximately 3.9 acres, from the IG (General Industrial) and IL (Limited Industrial) Districts to the RMO (Multi-Dwelling Residential-Office) District to come back before the Planning Commission for a public hearing and action at a later date.

Unanimously approved 7-0.

PC Minutes 2/23/11 **DRAFT**

**ITEM NO. 2 SPECIAL USE PERMIT FOR LAWRENCE COMMUNITY SHELTER; 214 W 10<sup>TH</sup> ST (SLD)**

**SUP-12-10-10:** Consider the renewal of a Special Use Permit and a request to increase the maximum occupancy year round from 57 persons to 82 persons for Lawrence Community Shelter, located at 944 Kentucky Street/214 W. 10<sup>th</sup> Street. Submitted by Lawrence Community Shelter, tenant, for James Dunn, property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

Commissioner Finkeldei asked what City staff would be involved.

Ms. Day said Parks and Recreation, Sanitation, and Development Services have indicated that the property was in compliance. She said she did not hear back from the Police Department about any behavioral changes.

Commissioner Finkeldei asked if there were any comments from the Fire Department.

Ms. Day said there were building modifications made in 2009 to accommodate the increased occupancy.

Mr. McCullough said the Fire Department inspected the property and worked with the Lawrence Community Shelter to meet Fire Code in terms of where patrons slept and making sure there were clear paths. He said there may have been some noted Fire Code infractions that had been, as far as he knew, corrected.

Commissioner Dominguez inquired how the previous conditions of approval would work with this new Special Use Permit. He wondered about the non-compliant fence and carport.

Ms. Day said the carport would be allowed to stay for the Special Use Permit extended period of time. She said staff's recommendation was that if for some reason there was a request 9-10 months from now to again renew they would have a full discussion with Historic Resources about whether or not that structure needed to come down or efforts needed to be made to make it compliant.

Commissioner Dominguez asked if the Lawrence Community Shelter has been in compliance with required reporting.

Ms. Day said yes.

Commissioner Rasmussen asked what the rationale was for limiting the increased 77 occupancy when this was approved by City Commission.

Ms. Day said she did not recall the full details. She said she thought City Commission was expressing a concern about the intensity of the site.

Commissioner Rasmussen asked why Planning staff was comfortable going to 82 occupants year round.

Ms. Day said the limitation was placed by City Commission, not staff.

Commissioner Rasmussen asked again why Planning staff was now comfortable with 82 occupants year round.

Mr. McCullough said the 82 occupancy number included staff members and that was the number set by City Commission for the winter months for the total occupancy of sleeping guests and staff at night. He said that number was the building capacity. He said the request at the time was for the winter months and the request now was for year round. He stated there was no waiver of any Building or Fire Code with this request or what was established by City Commission so any occupancy of the building had to meet all City Codes.

Commissioner Rasmussen asked what changed between this year and last year in the eyes of the Planning Staff to now be comfortable with a year long period

Ms. Day said one of the key changes was the adoption and implementation of the management plan which had resulted in positive changes/results.

Mr. McCullough said the process was a little different the last time. He stated the condition increasing the occupancy to 82 did not go through the annual review of the permit to extend it. It did not go to Planning Commission because it was a violation of the Special Use Permit so it went directly to City Commission as a revocation hearing, and through that process the request was made to increase the occupancy rate to the established number. He said with this annual extension request the Lawrence Community Shelter said there was a need for the 82 occupancy level year round. He stated there had been a years worth of that occupancy being at that level, arguably without city impact, in terms of additional service to the property. He said he did not recall that staff weighed in and gave a recommendation previously.

Commissioner Rasmussen said City Commission considered raising the residency up from 57 persons to a maximum of 82 during winter months. He asked what would have changed between that decision and now to get staff to recommend approval.

Mr. McCullough said it was his recollection that the change was the request itself. He said the request was originally just for the winter months and what drove that number in the first place was the Salvation Army closing

Commissioner Dominguez asked how it was determined that half the year was considered the coldest months of the year instead of just three months.

Mr. McCullough said the time period of October through April was established by City Commission at the time of the revocation hearing.

Commissioner Finkeldei asked if the staff recommendation tonight was to permit the occupancy for the entire year.

Mr. McCullough said yes.

#### **APPLICANT PRESENTATION**

Mr. Loring Henderson, Director of Lawrence Community Shelter, said there were two parts to the renewal. The first part was the renewal for one year. He said they were keeping their options open and hoped to be in another building within a year. He said they were working as rapidly as possible to make the relocation happen and that they were working hard to assure the donors that the

money would be used for relocating to a new site. He said occupancy level was the second part he wanted to discuss. He said in the last year they had been living with a two-tiered occupancy level of 82 people for the cold weather months and 57 people for the warm weather months. He said it had been difficult and even harsh on the staff and neighborhood. He said in cold weather months it worked because the shelter had a relationship with the churches giving a place for people to sleep. During warm weather months when there are 53 people sleeping with 4 staff members it forces the lottery system to be implemented so some people have to be turned away and pushed out into the neighborhood. He said it then puts an extra load on staff because rather than having them inside the shelter where they sleep and can be watched, they are outside of the shelter. He stated a lot of the guests do not want to leave the environs of the shelter because they feel safe so staff then has to keep an eye on them.

Commissioner Burger asked how many beds were planned for the new facility.

Mr. Henderson said 125 beds and that number was arrived at because the Lawrence Community Shelter and the Salvation Army (before it closed) were sleeping 120 people combined during the winter months. He said recently they have had as many as 7 families staying at the shelter and Family Promise has 4-5 families as well.

Commissioner Burger inquired about the percentage of residents that were perpetual or seasonally recurring.

Mr. Henderson said that was a hard number. He stated one of the shelter studies show that 1/3 of the guests stay 10 days or less, a 1/3 stay 10-20 days, and a 1/3 stay 20+ days. He said there was a limit of 90 days which was in the management plan approved by the City. He said guests can stay longer if in a program, depending on barriers, and working toward getting out of homelessness or working toward a goal.

Commissioner Rasmussen asked if Mr. Henderson thought during the warmer weather months that the typical guest occupancy would be 82. He wondered if the occupancy was increased to 82 if the need for the lottery system would still be needed.

Mr. Henderson said there was currently a lottery system almost every night during the warm weather. He said they often have 15-20 people on the lottery list, above the 53 occupancy rate. He said that the need for a lottery system would most likely not be needed during the warmer months if the occupancy rate was increased to 82 people, but that it would depend on the number of families.

Commissioner Dominguez asked when the current Special Use Permit would expire.

Mr. Henderson said April 17, 2011.

Commissioner Dominguez was concerned about the occupancy being increased to 82 people this year and attracting more guests to drive the need to up next year.

Mr. Henderson said the current building would not take anymore occupancy. He said the numbers have been fairly consistent the past few years. He said the numbers as a community were higher than they have been able to get a good hard count of but have not grown in a big way because there has been a certain number of in-take every year.

Commissioner Culver inquired about budget and resource limitations (financial or staffing) of having the permanent increase of 82.

Mr. Henderson said it would not have an effect because they were already handling that number of guests. He said they had a big hit on the budget and staffing when the Salvation Army closed its night shelter because the Lawrence Community Shelter had to absorb people that had been previously staying at the Salvation Army.

Commissioner Finkeldei asked Mr. Henderson to discuss how the changes to the management plan had worked this past year and if there were any more changes under consideration.

Mr. Henderson said there were currently no changes under consideration. He said the management plan worked this past year and the changes that were made to the management plan last year were not significant. He stated the management plan for the new site would have a neighborhood committee review it in the future.

Commissioner Liese said guests must check in by 6:30pm and lights out at 10:00pm and then lights back on at 7:00am. He said based on that information he felt it provided a humane service and provided some protection to the community for people who struggle. He wondered if there was any data on the amount of problems when there wasn't a shelter available. He wondered if guests got in trouble in the community when they didn't have a place to sleep.

Mr. Henderson said the night shelter was opened in December 2003 and he didn't know any data prior to that date. He said the Salvation Army had a night shelter but he was unsure how many years it went back. He said the Lawrence Community Shelter recently hired a part-time development director who would help with some data collection.

Commissioner Liese said he found it comforting that this many more people would have a place to stay at night.

## **PUBLIC HEARING**

Mr. Mark DeBarr said guests who can't stay at the shelter can get an illegal camping ticket and that those can cost \$250. He said it was frightening not to have a place to stay at night. He was in favor of the increase in occupancy.

Ms. Audrey Klopper said a measure of a community's humanity was determined with how they take care of one another. She felt the Lawrence Community Shelter was important for the community. She requested the Special Use Permit be extended and the occupancy be raised. She said the shelter staff was dedicated and provided more than basic needs by trying to lift the spirit of the people. She asked for patience in allowing them to find a new location. She said that denying the extension would do much to impede the process.

Commissioner Liese said he would sleep better at night knowing that those that need this service would have it. He said some believe the shelter might be a magnet for trouble and he asked Ms. Kloppers to speak to that.

Ms. Klopper said a magnet perhaps but the alternative was troubled people sleeping by the river or freezing to death.

Commissioner Dominguez asked if she had ever stayed at the Lawrence Community Shelter.

Ms. Klopfer said no, but she used to work there teaching art. She said the guests were diverse, such as middle class people who have lost everything, highly educated people, mentally ill, chemically dependent, abused women, veterans, etc.

Ms. Jean Grant, 1308 Jana Dr, said most people fall under middle class, and it was hard to imagine being homeless when you're middle class. She said the only thing she could personally compare it to was when she visited England and all the rooms were booked for a soccer game and she had to spend the night in a bus station. She said it would be a huge embarrassment to not have a community shelter for people to turn to. She said Lawrence has a superior jail and felt they should also have a superior homeless shelter.

Mr. Phil Hemphill, 937 Kentucky Street, said he has lived near the shelter since they started the overnight shelter at 21 occupancy, then the occupancy was increased to 33, then to 57, and now to 82. He said he guaranteed there would be 100 people over there as soon as the 82 occupancy was approved. He said "if you build it they will come." He said he did not know how the building could hold that number of people. He said the shelter was supposed to have had a permanent shelter by now and it seemed every time they find a location that they run into a road block. He said he had no idea an overnight shelter was coming into his neighborhood and was blindsided by it. He said regarding the issue of the permanency of some of the guests, the Topeka Rescue Mission allows guests 5 days to get into a program or they have to leave. He said there were a number of people in the Lawrence Community Shelter that if pressed to get into a program they would leave so then the 82 occupancy would not be needed. He said the business model was ruining their chances of finding a new location. He said the guests of Lawrence Community Shelter cut through his property often and the good neighbor agreement is a farce because the homeless don't even know what it is.

Commissioner Dominguez inquired about how many police visits there were to the neighborhood.

Mr. Hemphill said if he wants to get someone to stop trespassing through his property on a daily basis the police have to be there and see it and it has to happen twice. He said the police don't want to have to put someone up at the jail for \$125 a night. He said the same goes for littering, peeing, crapping, and harassing his tenants. He said the Lawrence Community Shelter takes no responsibility for the guests once they leave the property.

Commissioner Liese asked why he was more comfortable with more people being outside at night instead of in a bed to sleep overnight.

Mr. Hemphill felt that if the occupancy was increased to 82 it would attract more people. He felt the business model needed to be changed and be more responsible for the people outside if they were ever going to find a new neighborhood. He said it was a catch-22, if the number was increased there would be more people who would need a bed, the occupancy rate would never cover it.

Commissioner Liese said he would prefer the homeless to be in bed instead of loitering around his business at night.

Mr. Brad Cook, Lawrence Social Worker placed at Lawrence Community Shelter, believed that the shelter was a vital part of the community and served many people. He favored the increase of occupancy.

Ms. Laura Ruth said she was disturbed by the word 'them' to describe homeless as separate and less human. She said was also uncomfortable with the lifestyle accusation. She said poverty, domestic



violence, addiction, mental illness, and divorce were not lifestyle choices. She asked Planning Commission to use discretion to benefit the most vulnerable people of the community.

Mr. David Hartman supported the shelter and said he would love nothing more than someone who was against the shelter to envision their relative or child being homeless. He said if there was no facility or structure then they would be on the street. He said everyone at the shelter was not perfect and their problems are probably what got them there. It is a necessary facility. He said he was currently homeless and stays at the shelter.

Commissioner Dominguez asked Mr. Hartman if he usually received a bed at the shelter.

Mr. Hartman said he volunteers around the shelter and when guests do work around the shelter they receive a bed to sleep in.

Commissioner Dominguez asked how long he has lived in Lawrence.

Mr. Hartman said he has lived in Lawrence about a year and spent about a month at the shelter. He said he was at the shelter once before.

Commissioner Dominguez asked what percentage of guests were Lawrence residents.

Mr. Hartman said he thought the majority of guests, about 90%, were from the area.

Commissioner Liese asked Mr. Hartman if he was offended by the homeless being referred to as 'they' and 'them.'

Mr. Hartman said yes.

Commissioner Liese asked Mr. Hartman's opinion about what residents of the shelter should do to respect Mr. Hemphill's property.

Mr. Hartman said he and other guests of the Lawrence Community Shelter recently started a group with the purpose of reflecting positive behavior and influence those around them at the shelter. He said they occasionally have to influence people around them to stop cursing or being negative. He said he would try to influence and remind others not to go across Mr. Hemphill's property.

#### **APPLICANT CLOSING COMMENTS**

Mr. Loring said for the record that the shelter records show that about 70% of guests were from Douglas County.

#### **COMMISSION DISCUSSION**

Commissioner Rasmussen asked if this item would move to City Commission if approved.

Mr. McCullough said yes

Commissioner Rasmussen said the homeless shelter was needed in the community and there was frustration and concern about the large number people in a really small location. He said if this was a house full of college kids it would be way over maxed. He felt that it had been addressed by putting a one year limitation on it to encourage the shelter to find a new location. He said he was disappointing the location by the jail did not work out. He said he would support the extension request for the Special Use Permit. He said he was concerned about the increased year round



occupancy but that Mr. Henderson gave four solid reasons for the increase being justified; 1. the lottery of sleeping space and people being pushed out to the streets to sleep 2. provides more opportunities for case management, 3. allows flexibility to accommodate families, 4. generally the shelter does not anticipate the need for the lottery system during warmer months.

Commissioner Finkeldei said he would also support the renewal of the Special Use Permit. He said not only would a different location be better for various reasons, it would have a whole different setup and different ability to serve. He said no matter where it was located a larger building would accomplish the task better. He said he has been involved at the Methodist church as an overflow facility and he joined the board of directors for Family Promise about a year ago and has worked with many of the families that have come through that program. He has seen people coming through the program and felt this was a worthwhile extension. He said he would support the renewal.

Commissioner Liese said he would support the renewal. He said he would like to see the shelter residents and shelter staff work with people who stay there and make sure they understand the importance of respecting neighboring property.

Commissioner Burger agreed with the positive comments this evening. She felt this was an opportunity to help those in need. She referred to page 35 of the packet that addresses offsite behavior 'further admission to the shelter may be denied for any individual who causes valid concerns for neighbors.' She encouraged Planning Commission to consider amending the Special Use Permit to give it a 4 month approval in the hopes that the shelter and neighbors would be in a better place.

Mr. McCullough said that was within their authority to make that recommendation. He said the annual process for staff, the community, and the Commission takes resources to go through a Special Use Permit process. He said the good neighbor agreement was a living document and that all that effort may not have the most positive results for the behavior of guests of the shelter. He thought the effort that was referred to had been and continues to be put forth. He felt the bulk of that was probably accomplished at this point. He said it was within Planning Commission authority to make that recommendation to City Commission.

Commissioner Dominguez said he would be in favor of a 6 month extension. He said 30% of the guests were not Douglas County residents. He said the shelter has been detrimental to downtown businesses. He felt this organization did not have the budgetary skill sets to run the organization properly with the money given to them by the community. He felt there were better organizations in town already set up to handle this type of situation with the homeless. He said he could not support an extension. He said he would support a 6 month extension.

Commissioner Finkeldei said they have been down this route before in the past few years. He asked when this current application was turned in.

Ms. Day said December.

Commissioner Finkeldei said the applicant applied in December to allow staff to review it in order to get it to Planning Commission and then on to City Commission. He stated that if they give a 6 month extension the applicant would be applying for a new permit about a month after they would get their approval because that's how the process works. He said he would never support any type of 6 month Special Use Permit due to the extensive process. He said there were practical reasons not to vote for a 6 month extension.

Commissioner Dominguez felt more pressure needed to be put on Lawrence Community Shelter to motivate them to find a new location. He said they could not keep coddling them and giving them what they want each time.

Commissioner Blaser said this used to be a 2 year Special Use Permit and it was reduced to 1 year. He agreed if it were changed to 4-6 months all it would accomplish was more paperwork. He inquired about the reports.

Mr. McCullough said there are annual reports for the current location and quarterly reports for the new location fund raising.

Commissioner Blaser said he would support the 1 year Special Use Permit and keep it moving. He did not agree with Commissioner Dominguez's comment about the shelter not trying to find a new location. He felt they were trying to find a new location and more pressure wasn't going to help. He did think the shelter could possibly work on being more neighborly. He said he would support the Special Use Permit extension with the 82 occupancy.

Commissioner Dominguez said he did not say the shelter wasn't trying to find a new location.

### **ACTION TAKEN**

Motioned by Commissioner Liese, seconded by Commissioner Finkeldei, to approve the renewal of the Lawrence Community Shelter Special Use Permit for one year and forwarding the request to the City Commission with a recommendation of approval and the ordinance for adoption on first reading, subject to the following conditions:

1. SUP approval granted for period of one year to expire April 30, 2012.
2. Submittal of quarterly reports to the City Commission regarding the status of fundraising and construction progress for a permanent facility.
3. Submittal of an annual report to the Planning Office within the first calendar quarter of the year.
  - a. The report shall include: a listing of law enforcement & emergency response calls, a log of guests who obtain jobs and housing, numbers of guests who utilize the day and nighttime services, and an update on the on-going commitment to communicate with the surrounding neighborhood and to address concerns of neighbors.
4. Revision of the site plan to update notes to state:
  - a. Identification of expiration dates, HRC, PC and CC action dates, as necessary to reflect SUP-12-10-10 approvals.
  - b. Amend existing notes "D and E" to states; "The noncompliant fence and carport will be removed when the SUP expires or when the Shelter moves to a new location. (Condition of DR-10-118-09)"
  - c. Modify plan to indicate improvements shown were completed following the 2009 approval. (Show site conditions as they are now.)
  - d. Modify table summary to provide building summary for total building.
5. Execution of a new Site Plan Performance Agreement.
6. Publication of an ordinance per Section 20-1306(j).

Commissioner Rasmussen said it was important in working aggressively to find a new location.

Commissioner Burger said in light of the fact that the process takes so long she would support the motion. She said she was a little alarmed at how long the process takes but she knows there are reasons for that. She said the Fire Department has been through the shelter and have deemed 82 people to be safe. She said she would like to see the shelter work with the offsite behavior issues.

She said she would vote in favor because if the facility was safe for 82 people then it should be used by 82 people.

Commissioner Culver felt the 12 months seemed to be a balance in allowing enough time with city processes and the Lawrence Community Shelter finding a more permanent location. He said he was generally in favor of the extension.

Motioned carried 6-1, with Commissioner Dominguez voting in opposition.

PC Minutes 2/23/11 **DRAFT**

**ITEM NO. 3 RM24 to CN1; .27 ACRES; 313 E 8<sup>TH</sup> ST (MKM)**

**Z-12-16-10:** Consider a request to rezone approximately .27 acres from RM24 (Multi-Dwelling Residential) to CN1 (Inner Neighborhood Commercial), located at 313 E. 8<sup>th</sup> Street. Submitted by John Flanders for R&B Holdings LC, property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**APPLICANT PRESENTATION**

Mr. John Flanders was present for questioning.

Commissioner Liese asked for his thoughts on the condition of exclusion of financial insurance and real estate endeavors.

Mr. Flanders said he met extensively over the last few years with neighbors and Planning and he was in favor and agreed with that limitation and restriction.

**PUBLIC HEARING**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Finkeldei, seconded by Commissioner Dominguez, to approve the rezoning request for .27 acres from RM24 (Multi-Dwelling Residential) District to the CN1 (Inner Neighborhood Commercial) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report and with the following conditions:

1. Historic Resource Commission's approval of the rezoning.
2. The use category of Financial, Insurance and Real Estate Office shall be removed from the list of permitted uses.

Unanimously approved 7-0.

PC Minutes 2/23/11 **DRAFT**

**ITEM NO. 4A PCD TO CN2; 3.47 ACRES; 4000 W 6<sup>TH</sup> ST (MKM)**

**Z-12-19-10:** Consider a request to rezone approximately 3.47 acres from PCD (Planned Commercial Development-Monterey Center) to CN2 (Neighborhood Commercial Center), located at 4000 W. 6<sup>th</sup> Street. Submitted by Allen Belot, for Monterey Partners, LLC., property owner of record.

**ITEM NO. 4B SPECIAL USE PERMIT; 4000 W 6<sup>TH</sup> ST (MKM)**

**SUP-12-9-10:** Consider a Special Use Permit for a drive through window in a retail center located at 4000 W. 6<sup>th</sup> Street. Submitted by Allen Belot, for Monterey Partners, LLC., property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented items 4A and 4B together.

**APPLICANT PRESENTATION**

Mr. Allen Belot, representative for Monterey Partners LLC, said the zoning change was to allow a few more uses out of this unique infrastructure from the previous PCD. There was a drycleaners previously there. He said the change in the zoning ordinance has made the definition of pick-up drive thru restaurant so tight and this would allow this particular suite a little more flexibility, such as a coffee shop.

Commissioner Rasmussen asked if he was concerned about it becoming a fast order food place with no means to order.

Mr. Belot said there was not enough room for a menu board or speaker box, only a drive up window.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Liese said he liked drive up windows without a speaker box and found them charming. He said he gets his prescriptions and coffee that way.

**ACTION TAKEN on Item 4A**

Motioned by Commissioner Rasmussen, seconded by Commissioner Liese, to approve the rezoning of approximately 3.5 acres located at 4000 W 6<sup>th</sup> Street from PCD-[Monterey Center] to CN2, based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval contingent upon the following condition:

1. That the property owner of the remaining portion of the Planned Development provide their written consent to the rezoning.

Unanimously approved 7-0.

**ACTION TAKEN on Item 4B**

Motioned by Commissioner Rasmussen, seconded by Commissioner Culver, to approve Special Use Permit (SUP-12-9-10) for a fast order food with drive-in, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Publication of an ordinance per Section 20-1306(j).

2. Applicant shall provide a revised site plan with the following changes:
  - a. Note added which limits this window for 'pick-up' only with no separate order window or speaker box.
  - b. General Note 1 revised to indicate that the current zoning for the development is PCD-[Monterey Center] and that the proposed zoning for Lot 1B is CN2.
  - c. The legal description revised to "Lot 1B, Monterey Addition No 7".
  - d. General Note 2 revised to indicate that the *current* use is *general retail sales*.
  - e. General Note 3 revised to indicate that the proposed use is *general retail sales* with a '*fast order food with drive-in*'.
  - f. Lot 1B shall be bubbled or otherwise delineated from the remainder of the development so it is clear that the SUP applies only to Lot 1B.
  - g. The plan shall be relabeled 'SUP site plan for Lot 1B, 4000 W 6<sup>th</sup> Street STE 1.'
  - h. The property ownership for Lot 1B shall be added to the plan and the developer information changed, if necessary.
  - i. The plan shall show the entire property being rezoned to the CN2 District (all of Lot 1B) and include a parking summary for this lot as well as the parking requirements for the entire commercial development, both the CN2 and the remaining PCD-[Monterey Center] zoned areas.
  - j. The following note shall be added to the plan: "*The parking requirements for the Commercial Development will continue to be evaluated based on the entire commercial development, including the portion that retains the PCD-[Monterey Center] zoning and Lot 1B, which is zoned CN2.*"
3. The applicant shall provide an exhibit for recording with the previously approved Final Development Plans for the Monterey Center with the following:
  - a. Clearly delineates the property being rezoned to the CN2 District, and the area which remains in the Planned Development.
  - b. Notes that uses permitted in the PCD-1 District are permitted on the remaining portion of the Planned Development, but uses permitted in the CN2 District are permitted on Lot 1B.
  - c. Provides a parking summary for the entire development and for Lot 1B Monterey Addition.
  - d. Includes the following Note: "*The parking requirements for the Commercial Development will continue to be evaluated based on the entire commercial development, including the portion that retains the PCD-[Monterey Center] zoning and Lot 1B, which is zoned CN2.*"

Unanimously approved 7-0.

PC Minutes 2/23/11 **DRAFT**

**ITEM NO. 5      CONDITIONAL USE PERMIT FOR KAW VALLEY EUDORA SAND FACILITY;  
2102 N 1500 RD (SLD)**

**CUP-10-6-10:** Consider a Conditional Use Permit for Kaw Valley Eudora Sand Facility, located at 2102 N 1500 Road, NE of SW Cor. SW ¼ S32-T12S-R21E, on approximately 196.58 acres. Submitted by Landplan Engineering, P.A., for Kaw Valley Companies, Inc., contract purchaser, for James and Ronda Bigger and Wellsville Bank, property owners of record. *Joint meeting with Eudora Planning Commission.*

**STAFF PRESENTATION by City of Lawrence**

Ms. Sandra Day presented the item.

Mr. Keith Browning, County Public Works Director, displayed plans and aerial photos on the overhead from 1953 and 1954 when the Corps of Engineering constructed three rock jetties in conjunction with Douglas County and Leavenworth County. He showed plans on the overhead of the same area from 1966 which showed movement of the river. He said the jetties work very well and he would be reluctant to disturb them. He felt it was important to look at the whole series of jetties, not just individual jetties, and leave one but not another.

Commissioner Finkeldei asked if there was an easement.

Mr. Browning said yes, there was a blanket easement over the subject property for maintenance.

Commissioner Rasmussen asked if there was an agreement with the Corps of Engineers to maintain the jetties.

Mr. Browning said they were built in the early 1950's. He said they have searched for the original construction contract and have found the resolution that says Leavenworth County and Douglas County would partner in maintaining the jetties. He said the resolution refers to the Corps of Engineers contract. He said he put a call into the Corps of Engineers today with the specific contract number in order to try and locate the contract. He said his understanding was that the applicant had talked to the Corps of Engineers.

Mr. Kurt von Achen, Eudora Planning Commission Chair, inquired about the Eudora landfill dump area.

Commissioner Dominguez inquired about the jetties.

Mr. Browning said currently the applicant was planning on leaving middle jetty 2 and staying 50' from the jetty. He said the applicant was proposing to not avoid the northern jetty and mine through it.

Ms. Day said jetty 1 was near the bridge. She said with the proposed request the applicant would explore revising the blanket easement.

Commissioner Dominguez inquired about dust control.

Ms. Day said she believed it would be less than ten trucks. She said in staff's opinion that if it was more than that threshold there were certainly some things that needed to be done to the roads,

specifically those 90 degree turns. She said County Commission had expressed concern about dust control with the last several projects.

Commissioner Dominguez inquired about the traffic increase along the main street of Eudora.

Ms. Day said trucks moving straight through Eudora was an enormous concern to the City of Eudora.

Commissioner Rasmussen said when Ms. Day started her presentation it gave him the impression that there was a general consensus that land dredging operations were preferable to water dredging operations. He stated that when he read through the staff report he had a hard time figuring out what the basis was for denial. He asked staff to walk him through the criteria that was used for recommending denial.

Ms. Day said of all the different Golden Factors outlined in the staff report what really kind of tipped the scale for staff was the proximity to the City of Eudora and the policies in place regarding where industrial activities are recommended in the community and what those land use policies were for the City of Eudora. She said it was really a case of proximity and that other issues could be conditioned or addressed to make the use more acceptable.

Commissioner Blaser asked if the airport would come into play at this location.

Ms. Day said no.

Commissioner Dominguez inquired about the proximity to Eudora.

Ms. Day said it was less than one mile from the city limit of Eudora.

Commissioner Dominguez inquired about the projected growth of Eudora based on past growth and how long it would take until the city would reach the sand facility.

Ms. Day said the Eudora community would need to answer that. She said their plan specifically talks about not developing in floodplain and flood fringe.

Mr. McCullough said throughout the process there was continuous dialogue with the City of Eudora and the applicant. He said the proximity of the request was almost adjacent to the City of Eudora and that weighed heavily in staff's recommendation for denial of the request. He stated it was within an identified planning area that Eudora has put forth a great deal of effort in their planning exercises.

Commissioner Rasmussen asked how close was too close.

Mr. McCullough said he did not know he could answer that. He said there was a little bit of overlap between the city growth area and the Eudora identified planning area.

#### **STAFF PRESENTATION by City of Eudora**

Mr. Scott Michie, consultant Planner to the City of Eudora, reviewed the memo that he wrote that was included in the packet. He said the three Eudora standards were not met by the application.

Commissioner Finkeldei asked if he reviewed the traffic study.



Mr. Michie said Eudora does not have any questions of the traffic study that was submitted by the applicant. He said they saw the issue as a bigger policy issue which was that development in the north floodplains would inevitably require travel through the local streets of the city to get to the regional highway system.

Commissioner Dominguez asked if Mr. Michie didn't have any problems with the traffic study that was presented.

Mr. Michie said that was correct. He referred to the longstanding plan that showed a map of the future traffic study.

Commissioner Dominguez inquired about the traffic from the I-70 interchange.

Mr. Michie said the traffic was about what KDOT expected in terms of north/south traffic. He stated it was general highway traffic coming through the city.

Commissioner Dominguez inquired about ten more trucks increasing traffic.

Mr. Michie said he was not questioning the traffic study or count and that was not the basis for his finding. He said the basis was a larger public policy issue.

Commissioner Blaser inquired about the definition of industrial. He wondered if mining was considered industrial.

Mr. Michie said the City of Eudora does not use the standard industrial classification as a basis for its zoning district classifications, nor does the County. He said it has only one industrial classification, the I District. He said this type of use was dealt with through Conditional Use Permits.

Mr. Ned Marks, geologist and owner of Terrane Resources Company, said he was hired by the City of Eudora to evaluate Mr. Carl Nuzman's report. He reviewed his findings of this report. He discussed the City of Eudora's well fields. He said the sand pit would encroach upon city wells considerably with surface water. He displayed wells and water table maps on the overhead. He did not recommend approving the Conditional Use Permit until further studies could be provided.

*Mr. Ned Marks' letter was added to the Planning Commission packet after the meeting.*

Commissioner Liese asked if he felt his studies were inconclusive.

Mr. Marks said they most certainly were because they have not had time and that there was a tremendous amount of information out there and that the information could be better compiled. He felt additional studies were needed.

Commissioner Liese inquired about the discrepancies about what he found and what Mr. Nuzman found.

Mr. Marks said part of that was based on the fact that he did not know what all Mr. Nuzman looked at. He said he made his recommendations based on the information that the city wells operate at the same time.

Commissioner Finkeldei asked if he was saying in his analysis that there was a lot more information out there and more time was needed to do additional studies.

Mr. Marks said that was correct. He said he was confident that there was existing information on the wells. He said as far as his scheduling goes it would be a minimum of six months to gather more information.

Commissioner Liese asked if there was some information that would always be an unknown.

Mr. Marks said there would be some very technical issues that he could counteract and make some generalizations to offset those. He said there would be zones in the aquifer that would yield way more water than other zones.

Commissioner Rasmussen inquired about Mr. Marks' report where it said 'when the pit is dug the water level of the pit will be lower than what is static for the aquifer. This will be a permanent lowering of the water table and will impact the upgrading of aquifer.' He wondered how the pit would permanently lower the aquifer.

Mr. Marks said based on the information he had with the water level in the aquifer, because it is sand and gravel and more remote from the river and drain, retards the flow of the water through the aquifer to the river.

Commissioner Rasmussen asked if the top of the aquifer away from the stream would be higher than the stream elevation.

Mr. Marks said yes.

## **APPLICANT PRESENTATION**

Mr. Phil Struble, Landplan Engineering, introduced his team that he brought with him. He recapped the meetings he has had over the year to work his way through the process. He gave a summary of what Kaw Valley Companies does and produces. He said they were a niche market sand producing company. He said they have two drying plants to dry the sand. He displayed on the overhead a list of products and suppliers. He went over the business plan. He stated an average day would result in 16 truck trips a day. He said for the bulk of the year the trucks will go to the site and go on to Road 1061 which is the extension of Main Street in Eudora and go north on either Hwy 32 or I-70. He said that road today, based on the most recent traffic counts, carries about 2,900 trips a day. He said of that number it carries 11% truck traffic which would be 300 trucks today using that road to go north and south. The sand facility would add an average of 16 more truck trips a day. He felt that was an insignificant traffic increase. He said they have worked with Keith Browning to talk about the traffic because they don't believe there would be no impact whatsoever. He said the extra trucks would cause some problems and inconvenience to some things. He discussed a 200' paved section of road where up to two trucks would be waiting at the stop sign to turn left. When the trucks accelerate on the gravel road it would be on a paved surface instead which should reduce the maintenance concerns that the County may have. He said he intended to hold a neighborhood meeting to discuss possible improvements, such as drainage and a dust palliative if needed. He stated the buffer between the river and the sand pit was proposed to be a 300' setback, which was over the required 50'. He said jetty 3 was completely buried and they weren't exactly sure where it was. He said if Douglas County, who was responsible for maintaining those jetties, says they want a 50' setback and the jetties protected then that would be done. He said he has had a number of conversations with the Corps of Engineers but can't seem to find anyone who knows the history or details so it's still in the investigation phase. He said the pit would mimic the water level of the river. He said there would be some erosion problems but the company had plenty of equipment and experience to deal with any erosion that may occur. He said they were aware of the Eudora dump and that Mr. Browning showed them an aerial photograph with a pile of debris on a ¼ of the property and made sure they

were aware they would need to clean it up. He said Kaw Valley Companies was one of the contractors the City of Lawrence hired to clean up Farmland Industries so cleaning a small abandoned dump would be no problem. He said they would like to start providing the unknown answers over wells that were in Mr. Marks letter received tonight. He said during the sand extraction process the top soil is stripped off and preserved onsite to be part of the reclamation plan. He said he would dispute the definition of industry. He said there was industry with a little 'i' and industry with a capital 'I'. He said the sand facility was an industry with a little 'i'. He said the end product reclamation plan was going to be a great recreational facility for Eudora.

Eudora Commissioner Ken Atkinson inquired about levies to keep the river from coming over during flooding.

Mr. Struble said the sand that's stocked piled on the north side of the bridge, in Leavenworth County and in the Industrial zoned property, was inventory with Penny's Concrete. He said he could not speak on their behalf but that Penny's has a permit to dredge the river through that section.

Eudora Commissioner Ken Atkinson said it was a natural resource and wondered how much of it they wanted to pile up.

Mr. Struble said that was a river permit and every two years that permit was subject to review by the Corps of Engineers. He said there would be a 300' greenbelt between the sand pit and the river.

Eudora Commissioner Johnny Stewart inquired about the timeframe from first dig to reclamation.

Mr. Struble said the business plan was built around 20 years.

Commissioner Liese inquired about who owned the property and for how long.

Mr. Struble said Kaw Valley Companies has owned the property for less than a year.

Commissioner Liese wondered if the company bought the property without really finding out if the community would support the development.

Mr. Price Banks, attorney for applicant, said the property was in two parcels. One parcel came on the market and the applicant had an option on it and attempted to do exploratory work and due diligence and the seller was pressing the point on the options. He stated the process had begun and initial meetings with some of the folks from Eudora and the County began at the time when they were forced to close on that option on the first piece of property. The two pieces of property were involved in a lawsuit because one had been sold and there was a mix-up in the way the mortgages were filed. He said Wellsville Bank was pressuring the applicant to close on that option. He said there was an initial meeting with the neighbors and more conversations with the City of Eudora and County folks at that point.

Commissioner Liese said his impression was that the predominant attitude in the community was this would not be optimal for them. He was curious if the purchase took place knowing the community was against it.

Mr. Banks said he did not think there was an overwhelming belief that the community was predominately against it. He stated there had been some vocal opposition.

Commissioner Liese asked if there were any community members in favor.

Mr. Banks said yes there had been some support expressed.

Commissioner Rasmussen asked Mr. Struble to verify that he said he reached out to Corps of Engineers but that they had not been able to provide any information yet.

Mr. Struble said that was correct.

Commissioner Rasmussen inquired about the reclamation plan and asked if it would be accessible to the public.

Mr. Struble said he did not know at this point. He said it would be a private pond in 20 years. He said he would love to talk to someone who might want to turn it into a business venture or for the City of Eudora take it over and turn it into a great park.

Commissioner Finkeldei wondered how they should handle the conditions if approved.

Mr. Struble said he would like Planning Commission to vote in favor of approving the Conditional Use Permit and forwarding it on to County Commission for action knowing there weren't any conditions and how that throws a hurdle in things. He said he has a set of proposed Conditional Use Permit conditions that he could give staff tonight. He said he would be okay with the item being deferred for a month if needed.

Commissioner Culver asked why this site was so beneficial for a sand pit.

Mr. Struble said the site was not great because it was 19 miles from where the sand would be processed. He said if they could find a site anywhere closer they would move there. He said the problem was that the site had to have sand, a willing seller, and a relatively small overburden.

Commissioner Blaser asked if this type of sand was along the Missouri river.

Mr. Struble said it was a lot lower quality sand.

Commissioner Liese asked if the sandpit would not require the removal of trees along the river.

Mr. Struble said the sand pit would maintain a minimum of 300' wide buffer of trees between the pit and river.

Commissioner Liese inquired about the environmental impact.

Mr. Struble said 300' was a lot larger than what was typically seen along rivers. He said he did not have an immediate answer about the environmental impact.

Commissioner Liese said Mr. Struble suggested there were people in the Eudora community that were in favor. He asked if any of those people who were in favor were present tonight.

Mr. Struble said no, they were not present tonight. He said this was his 23<sup>rd</sup> rock quarry/sand pit he has worked on in his career. He said the opposition had been reasonable with great questions and ideas. He said their concerns were real and their ideas were good. He said he would characterize the opposition as thoughtful and engaging.

Commissioner Liese asked for a reason to vote in favor of the project when the community present tonight was unanimously against it as well as the Eudora City Council.

Mr. Struble said their attitude would change if they collectively discover that there would be a negative impact on the City of Eudora wells. He said the reason to vote in favor was because it had been incorrectly characterized by the overall Eudora land use plan as to what this location was because it was not part of a comprehensive plan to be anything, it was part of a comprehensive plan to be nothing. He said this was a request for a sand extraction use in a valley channel that was permitted given an approved Conditional Use Permit. He said it had relatively short access to a well maintained paved road that takes a fairly directly route. He said the entire area was industrial. He said sand plants were not ugly, they represented progress.

Commissioner Liese said he was anticipating the entire community attending tonight would be against it. He asked for any good reason to say yes to the plan.

Mr. Struble said there were very few opportunities to locate an industry that was needed.

Commissioner Liese asked if the applicant was right and everyone present tonight from the community was wrong.

Mr. Struble said that was not what he was saying.

Commissioner Dominguez inquired about the tax revenue for the City of Eudora.

Mr. Struble said it would generate three jobs, some level of property tax, a royalty type situation worked out with the city and county which would generate revenue for the City of Eudora and Douglas County.

Commissioner Blaser asked if there were depletion of taxes on minerals in Kansas.

Mr. Struble said he was not sure.

## **PUBLIC HEARING**

Mr. Mark Neis said he farms in the area and worked with the Corps of Engineer on the jetties. He was opposed to the project. He asked if there had ever been a sand pit within 300' of an active river. He said the sand pits he had seen were ½ to ¼ mile away. He was surprised the Corps of Engineers had not been more involved. He expressed concern about the sand pit being only 50' from the boundary line. He said a 5' berm would be washed away leaving a ditch. He said the sand pit was proposed in an old river bed. He also expressed concern about how deep the sand pit would be. He said the applicant had meetings with the neighbors but wouldn't allow them to see the site. He said he went to the site for himself and took pictures. He was concerned about wells being affected as well as land value.

Commissioner Rasmussen asked if the land he farms included the land above the water wells.

Mr. Neis said he farms directly across from the site so the water wells are to the west of his land.

Commissioner Dominguez said the water well concerns could be solved with more research. He said he did not consider property value to be an issue. He said they could get additional water well studies, as well as the depth, and knock out two of his concerns. He said the Corps of Engineers did not seem interested in the jetties so it must not be a big issue to them.

Mr. Neis said he would be satisfied if the Corps of Engineers sent him a letter regarding the jetties.

Ms. Lois Hamilton said she owned the land where the wells were located. She said she received her first letter wanting to buy her property in 2009 so it has been going on for a few years and they have had plenty of time to get more well information. She said the road could not stand more trucks because it was in sad shape. She worried about the river bridge too because it could not withstand all of the truck traffic. She was worried about the value of her land. She was also concerned about how many people it would employ and felt it would not be Eudora people. She was worried about swags forming.

Ms. Martha Saunders Skees said she could remember the 1950 flood and that every action in that area has a reaction. She said the levies were there to hold the land and if some of that was taken out there would be a reaction and that it would cost millions to rebuild the bridge. She felt they should learn from history.

Mr. Bob Cordry said they should look at the fact that it was located in the floodplain and an old riverbed. He said it would be a pending ecological disaster if approved. He felt there was inadequate transportation to any of the highways, let alone loaded with 20 tons of sand. He stated the concept of this being a small 'i' compared to a big 'I' was untrue because they would be using lots of equipment at the site.

Mr. John Pendleton pointed on the overhead map where his land was located. He said it was only a matter of days in the 1993 flood that he lost over 20 acres and the neighbor lost 10-15 acres.

Mr. Scott Jackson said he opposed the Conditional Use Permit and that there was no community support. He said the only people in favor were being paid, such as their attorney Price Banks and Landplan Engineering. He felt that bottom ground should be farmed and that when the land is mined it would never be used for farming again. He said when the river comes up it would most likely take more. He said mining operations were ugly.

Mr. Michael Almon displayed a map on the overhead of the area. He was concerned about losing prime farmland. He discussed hydrology. He said that rivers meander and move. They move toward the outside of the meander so the meanders get more severe. He said the river moves and has a lot of hydraulic pressure and the pressure was mostly pronounced during flood stages. He stated that's what the jetties are there for, to redirect the force of the water away from the outside part of the meander to direct the channel in a more benign way. He said the jetties have worked and reclaimed a lot of land since 1951. He said the main concern was not that it was too close to Eudora but rather too close to the river. He expressed concern about the health of the river.

Mr. Jason Grimms said he lives about a mile west of the proposed site and that it would affect him by having to see it, hear it, and smell it. He did not feel the roads would support it. He expressed concern about 20-30 years of contamination. He did not believe the ratio of truck loads in and out. He said he did not want to look at heavy equipment and a big berm.

Ms. Laura Caldwell, Kansas River Keeper for Friends of the Kaw, said dredging the river significantly impacts the Kansas River. She said she applauded what Kaw Valley was trying to do and would love to be able to support the location but she had concerns. She put maps on the overhead of the river from 1991 and 2010 showing the movement of the river. She displayed a map that showed all the trees that would be removed. She said she respected the valid concerns of the local community but that the Friends of the Kaw did not want to be involved in that.



## **APPLICANT CLOSING COMMENTS**

No closing comments.

## **COMMISSION DISCUSSION by Eudora Planning Commission**

Eudora Commissioner Johnny Stewart said he had not heard any positive comments from the Eudora community. He said he had been approached by several citizens regarding their concerns about the wells. He felt the applicant knew about the infrastructure of the wells when they bought the land so it should not be surprise information tonight.

Eudora Commissioner Richard Campbell expressed concerns about the bridge. He said the Corps of Engineer spent a lot of time and money in the 1950's to redirect the river and protect that side. He said the pictures clearly show what they did worked and it would not make sense to remove the work they did. He said access to the highway and whether it's a little 'i' or big 'I' was part of the concern but that the most important concerns were the water wells, boundaries of the river, and access to bridge.

Eudora Commissioner Grant Martin said the applicant was trying to focus on whether it was little 'i' or big 'I', but he hoped both Commissions could focus on the environmental aspect of it because he felt that was where the greatest impact was. He said it would not provide a huge economic gain by employing three people.

Eudora Commissioner Glen Bartlett, agreed with what had been said already.

Eudora Commissioner Chair Kurt von Achen said he agreed with the staff report. He said he firmly believed that zoning ordinances were to protect neighbors. He did not see enough benefit to the community to override the neighbors. He felt the Conditional Use Permit was a flawed vehicle because they do not have enough institutional memory to manage a 20-30 year permit. He said a Conditional Use Permit implies conditions and conditions infer policing powers which aren't available. He said this piece of property could be sold at any time in the future and the future user might not follow the restrictions. He agreed that ten trucks through Eudora was not a big deal but if they sell the property it could have more trucks in the future. He said he would vote in opposition.

Commissioner Blaser asked Mr. McCullough to speak about Conditional Use Permits.

Mr. McCullough said if a Conditional Use Permit does not meet its conditions it could go toward a revocation hearing at any point. He said the enforcement agency in the county was the County Zoning office in coordination with the City Planning office. He said there could be conditions about review and that there was a history of having those sorts of conditions. He said there was a program of inspection of Conditional Use Permits. He said there was a major exercise last year with a quarry in the west part of the county that went to the County Commission that had conditions revised. He said he took a little exception but understood Mr. von Achen's point that it was difficult to get enforcement. He said in his opinion any time there was a Conditional Use Permit that has an exorbitant amount of conditions to make it right was probably not a good use in the first place. He said there was a program and enforcement mechanisms in the county.

## **ACTION TAKEN by Eudora Planning Commission**

Motioned by Eudora Commissioner Ken Atkinson, seconded by Eudora Commissioner Rose House, to deny the Conditional Use Permit.

Eudora Commissioner Campbell said he wanted to also add that the reasoning was based on the staff report, the danger to water wells, the danger to the Kaw River bridge, and the environmental impact.

Motion carried 7-0.

### **COMMISSION DISCUSSION by Lawrence Planning Commission**

Commissioner Rasmussen said part of their responsibility was to represent the citizens but also felt part of their responsibility was to use their judgment and to help insure proper planning and proper implementation of the Zoning Code. He questioned whether it was appropriate to apply city zoning standards to an area that was outside the city boundary. He felt they needed to look at the County Code which allows for this type of use in the Valley Channel zoning district. He did not think it was appropriate to be applying industrial standards to this type of proposed use. He said it was not an industrial activity, it was a mining activity, and was specifically called out in the Zoning Code as a mining and excavation activity. He said he was disappointed by the city staff analysis recommending denial. He said he had a difficult time finding rationale in the staff report to support that judgment for denial. He said just being told that the reason for denial was proximity to Eudora was something to consider but not a strong reason for denial. He said there had been valid concerns of potential effects to water wells and potential stability of the riverbanks. He felt they had heard from a lot of amateur geologists and civil engineers and he would rather hear from Corps of Engineers on that issue. He said he was not comfortable supporting a Conditional Use Permit but also not comfortable denying based on the information given tonight. He felt this was a low impact use and a use permitted in that zoning district. He said if this was within the city limits it would be a different story but it was even outside the area specifically identified on the 2008 Eudora future growth area charette map. He said the area of the proposed project had no designation so the impression he got from that was there was no intended future use based on the 2008 map. He did not see how that conflicted with other Eudora uses and plans. He said if there was a motion to deny the permit he would vote in opposition and if there was a motion to support the Conditional Use Permit he would recommend it be delayed in order to get more information.

Commissioner Liese asked when it was in the Urban Growth Area if it was considered to be in the county or city.

Mr. McCullough said the weight to provide to it was not as clear in policy. He said there had been some weight given to the fact that there was a joint hearing where the County Commission said they wanted to hear from both the County and City Planning Commissioners. They want to understand what the city and county policies are for the area. He said there was no question that it was under the jurisdiction of the County Zoning Code and that city standards are not trying to be applied. He said the Golden Analysis points to one critical element which was the proximity to the city of Eudora. He said staff attempted to articulate clear Golden Analysis in the report but that there was disagreement in the weight given to the City of Eudora's position on the matter. He stated staff showed greater weight in deference to the City of Eudora's position than they would if this were outside of their area of influence.

Commissioner Rasmussen asked where in the staff report it reflected what Mr. McCullough just said that staff gave great deference to the City of Eudora and their decision.

Mr. McCullough read the staff finding from the staff report, 'The proximity to the City of Eudora is a critical element in assessing the proposed project.'



Commissioner Blaser said he was still struggling with the definition of industrial. He said he does not think of mining as industrial. He felt a 20 ton truck today was not a big truck. He said regarding farming there was no class 1 soil and only a small corner of class 2 soil that hasn't been farmed for at least 20 years. He did believe farm land needed to be saved for future use but he did not think farm land came into this issue. He said the river was going to change channels at some point. He said the Corps of Engineer studied and will study it because they would have to approve it and make sure the bridge is protected. He said regarding the wells there have been two different reports. He said he wished there were more facts. He said if the motion was for denial he would vote against that. He said he may be in favor of deferral.

Commissioner Rasmussen said in the staff report provided it shows the Urban Growth Area for the City of Eudora and the proposed site was not within that area.

Mr. McCullough said it was not identified as Urban Growth Area in Horizon 2020 but was within Eudora's planning area and their 3 mile area of influence.

Commissioner Finkeldei asked what happens if there was a motion to defer from Lawrence Planning Commission and a recommendation of denial from Eudora Planning Commission.

Mr. McCullough said it would probably wait for Lawrence Planning Commission to make an action to the County Commission.

Commissioner Finkeldei said he did not think they had enough good solid information to vote in the affirmative. He felt at this point there were more questions that needed to be answered. He said he was concerned about the jetties and wanted to hear from the Corps of Engineer. He agreed that he wouldn't classify the use as industrial but it was valid planning and the plan Eudora developed in 2008 shows that area to be open agricultural land. He felt they needed more sand dredging operations in Douglas County and hoped they could find locations that would work. He said he would not support to approve this tonight.

Commissioner Liese thanked Mr. Struble and Kaw Valley for their work and time. He said he may be wrong about his continued support for rejecting this project but he would continue to be in favor of the decision that Eudora Planning Commission made. He questioned what an Urban Grown Area really was.

Commissioner Dominguez agreed with everything Commissioner Rasmussen said. He also agreed that mining wasn't really industry. He didn't like it being so close to Eudora. He would like more studies to show the road can handle the truck traffic. He said at this point he could not vote for denial. He felt the water issues should be handled before being heard by Planning Commission again.

Commissioner Burger said she appreciated the applicant being willing to do more than required for a Conditional Use Permit. She said she would fall in line with the staff recommendation to deny but that she did not want to discourage the project, she just felt there were more things to be figured out. She said she was predisposed to not give up potential farmland and floodway to this type of use.

Commissioner Blaser asked what would happen if the project was denied.

Mr. McCullough said typically if the item was denied by County Commission the applicant could not come back for 12 months.

Commissioner Culver said he would echo a lot of the discussions the commission has had. He said there were still two areas that had questions and required due diligence; water well impact and the limited information from the Corps of Engineer. He said at this point he could not support the project but he also did not have grounds to deny it.

Commissioner Dominguez asked about clarification from the Corps of Engineers.

Mr. McCullough said he was not sure. He stated the Corps of Engineers does not typically comment on Conditional Use Permits.

Commissioner Dominguez asked about a list of items the applicant would have to go through to operate.

Ms. Day said those would be additional permits they would have to seek. She said typically they could not move forward with State and Federal permits until they pass the local approval first. She stated the Corps of Engineers sometimes provides very generic responses but most times they would not until there was a formal project before them. She said it was not unusual to see a use like this with a series of conditions that say the applicant has to provide proof of those additional approvals from other agencies prior to them moving the first shovel of ground

Commissioner Liese said he would be willing to defer the item.

**ACTION TAKEN by Lawrence Planning Commission**

Motioned by Commissioner Liese, seconded by Commissioner Finkeldei, to defer Conditional Use Permit (CUP-10-6-10) for Kaw Valley Eudora Sand Facility, located at 2102 N 1500 Road, for a minimum of 60 days.

Mr. von Achen said he would recommend a 60 day deferral.

Mr. Struble said he was fine with a two month deferral.

Commissioner Rasmussen asked what they were hoping to accomplish with the deferral.

Commissioner Finkeldei said more information on the wells, jetties, and the structural stability of the river.

Commissioner Liese said he would like for the applicant to spend more time with the people of Eudora to see if there was any potential movement there.

Commissioner Finkeldei said he would like to see some sort of agreement that the County was okay with the easements.

Commissioner Burger asked if they would be asking some civic entity to spend money to find the answers to these questions.

Mr. McCullough said everyone would go to work at trying to get meetings with the Corps of Engineers. He said there had already been funds expended on the studies in the packet. He said there would likely be more consultant fees involved.

Commissioner Liese said he would like to see Eudora really try to work with the applicant to see if anything would make this feasible for them.

Commissioner Dominguez said he would like to see something to insure that the public roads can hold the 16 proposed trucks.

Motion carried 6-1, with Commissioner Burger voting in opposition.

PC Minutes 2/23/11 **DRAFT**

**ITEM NO. 6      TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE &  
DOUGLAS COUNTY CODE; MINOR & MAJOR SUBDIVISIONS (SMS)**

**TA-3-3-10:** Consider Text Amendments to the joint city/county subdivision regulations in the City of Lawrence Land Development Code, Chapter 20, Article 8 and the Douglas County Code, Chapter 11, Article 1 to revise requirements and standards related to the processing of Minor and Major Subdivisions, including minor housekeeping changes. *Initiated by City Commission on 2/16/10.*

*No action will be taken on this item. The draft text for this Text Amendment should be posted by 2/23/11 to begin public review for Planning Commission action later this spring.*

**NO ACTION TAKEN**

PC Minutes 2/23/11 **DRAFT**

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

**CUP-12-8-10:** Consider Conditional Use Permit for the Fraternal Order of Police shooting range, located at 768 E. 661 Diagonal Road. Submitted by Dan Affalter, for Fraternal Order of Police, property owner of record.

*Item No. 7 was deferred prior to the meeting.*

PC Minutes 2/23/11 **DRAFT**

**ITEM NO. 8      PRELIMINARY DEVELOPMENT PLAN FOR BAUER FARM; 4671 BAUER  
FARM DR (SLD)**

**PDP-12-4-10:** Consider modifying Lot 1 and Lot 2, Block 9 of the Preliminary Development Plan for restaurant uses, at Bauer Farm, located at located at 4671 Bauer Farm Drive, approximately 43.88 acres. Submitted by Landplan Engineering for Free State Holdings, Inc. and Sachi Real Estate, LLC, property owners of record.

*Item No. 8 was removed from the agenda prior to the meeting.*

*The revisions to the PDP for Bauer Farm have been determined to be minor and are being reviewed administratively. The Final Development Plan for each of these lots will be placed on a future Planning Commission agenda for action.*

PC Minutes 2/23/11 **DRAFT**

**MISCELLANEOUS NEW OR OLD BUSINESS**

**MISC NO. 1** Initiate Text Amendment to Section 20-814 of the Joint City/County Subdivision Regulations of the Code of the City of Lawrence, Kansas and Chapter 11, Section 814 of the Douglas County Code, which concerns extraordinary building setbacks along US Highway 40, west of K-10 Highway **(DDW)**

**STAFF PRESENTATION**

Mr. Scott McCullough presented the item.

**ACTION TAKEN**

Motioned by Commissioner Finkeldei, seconded by Commissioner Dominguez, to initiate Text Amendment to Section 20-814 of the Joint City/County Subdivision Regulations of the Code of the City of Lawrence, Kansas and Chapter 11, Section 814 of the Douglas County Code, to establish a 50' extraordinary setback along US Highway 40 west of K-10 Highway.

Motion carried 7-0.

Consideration of any other business to come before the Commission.

**PUBLIC COMMENT SECTION**

---

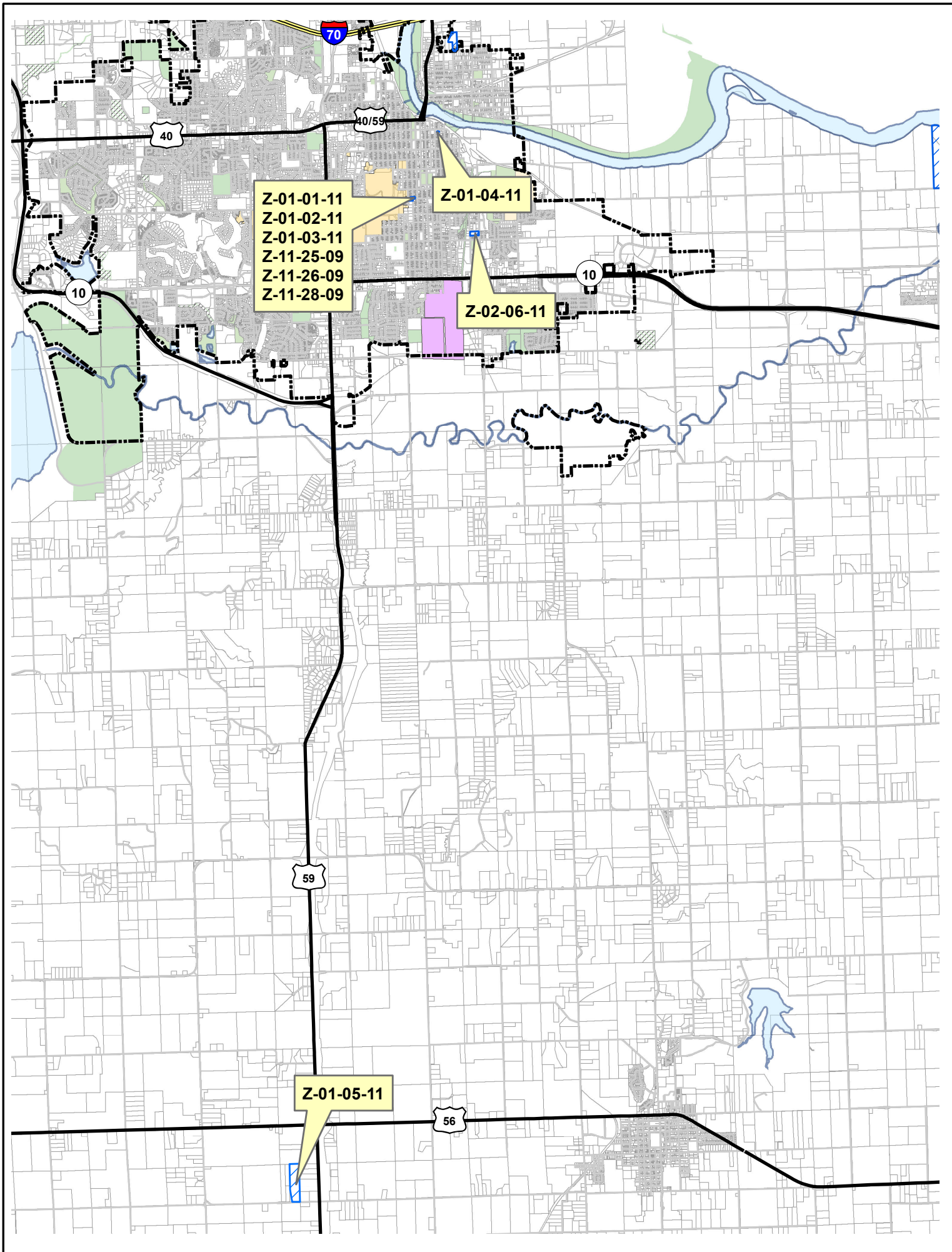
**ADJOURN 12:05am**

**2011**  
**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 12	Housing Trends	Future Topics	Jan 24	Jan 26
Feb 9	Complete Streets		---	Feb 23
Mar 16 - 8AM start	Historic Preservation & H2020 – Chapter 11 Update		Mar 28	Mar 30
<del>Apr 13</del>	Canceled		Apr 25	Apr 27
May 11	APA Conference follow-up		May 23	May 25
Jun 3-4 – Fri/Sat	PC Training – all day Friday (half day Saturday, if needed)		Jun 20	Jun 22
Jul 13			Jul 25	Jul 27
Aug 10			Aug 22	Aug 24
Sep 14			Sep 26	Sep 28
Oct 12			Oct 24	Oct 26
Nov 2			Nov 14	Nov 16
Nov 30			Dec 12	Dec 14
	<b>Suggested topics for future meetings:</b> <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 (examples from other states)</i> <i>TDRs</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>Presentation from KC-metro Planning Directors</i> <i>Tour City/County Facilities</i> <i>2010 Census Data</i>			
<b>Meeting Locations</b>	The Planning Commission meetings are held in the City Commission meeting room on the 1 <sup>st</sup> floor of City Hall, 6 <sup>th</sup> & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services   Lawrence-Douglas County Planning Division   785-832-3150   <a href="http://www.lawrenceks.org/pds">www.lawrenceks.org/pds</a>				

Revised 03/03/11





**PLANNING COMMISSION REPORT**  
**Regular Agenda – Public Hearing Item**

**ITEM NO. 1A: A TO I-1; 41.966 ACRES; SOUTH OF 694 E 1700 Road. (SECTION 15, TOWNSHIP 14 RANGE 20) (SLD)**

**Z-1-5-11:** Consider a request to rezone approximately 41.966 acres from County A (Agricultural) to County I-1 (Light Industrial), located south of 694 E. 1700 Road, Baldwin City. Submitted by Landplan Engineering, for Land & Sky, LC., property owner of record. *Joint meeting with Baldwin City Planning Commission.*

**STAFF RECOMMENDATION:** Staff recommends approval of the rezoning request for 41.966 acres from County A (Agricultural) to I-1 (Limited Industrial) District and forwarding it to the County 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 allow for immediate business expansion and for planning of future business expansion in the airzone environs."*

**KEY POINTS**

- The property has immediate access to an arterial road.
- The property has immediate access to existing airfield.
- Property is adjacent to existing industrial land and is intended to accommodate local business expansion.
- New industrial zoning in the unincorporated areas of the County is recommended for parcels not less than 40 acres in size to allow for appropriate development and buffering.
- The boundary of the request follows established property lines.
- Request intended to ensure owner's ability for both short and long term development and expansion.
- Minimum area needed to accommodate buildings, septic fields, and setbacks from runway surface.

**ATTACHMENTS**

- Area map.
- Applicant's response to conformance with Comprehensive Plan, *Horizon 2020*.
- Link to Baldwin Comprehensive Plan: <http://www.baldwincity.org/compplan/>
- Memorandum from Tina Rakes Baldwin City Code Administrator
- Transitional air zones exhibit

**GOLDEN FACTORS TO CONSIDER**

**CHARACTER OF THE AREA**

- The area is part of the Vinland community that includes *McFarlane Aviation Products*. The existing area development pattern incorporates aviation-related uses and activities.

**CONFORMANCE WITH *HORIZON 2020***

- The proposed request is consistent with land use recommendations found in *Horizon 2020*.

### **ASSOCIATED CASES/OTHER ACTION REQUIRED**

- State law review for impact on environs of registered properties.
- Subdivision approval required as a pre-development step.
- Site plan approval required as a pre-development step.

### **PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- Letter from City of Baldwin.

### **Project Summary:**

This property includes 41 acres as a single parcel. The property has frontage along E 1700 Road, a major arterial road. The proposed request is for rezoning the property to I-1 (Light Industrial), a County zoning designation. A preliminary plat accompanies this request (PP-1-1-11). A site plan (SP-3-16-11) was also recently submitted and will be reviewed by staff prior to consideration by the County Commission. Because the property is within the environs of multiple listed historic properties in the Vinland area, this request is also subject to review by the State Historic Preservation Office (SHPO).

### **GENERAL INFORMATION**

Current Zoning and Land Use: County A (Agricultural) District; existing agricultural field.

Surrounding Zoning and Land Use: A (Agricultural) District and I-1 (Limited Industrial) District to the north; existing residence and aviation-related business.

A (Agricultural) District to the east, west, and south; existing fields and rural residences.

A (Agricultural) District to the east of the airfield including residences and historic buildings (church and library).

The airfield provides a direct benefit to the business. The applicant states that a large part of the business as well as future growth is depending on new product development. Access to aircraft for research and development is essential. The airfield provides the ability to taxi an aircraft directly to the main facility providing a significant efficiency advantage. Additionally, customers fly-in to pick up or drop off parts.

### **I. ZONING AND LAND USES OF SURROUNDING PROPERTIES**

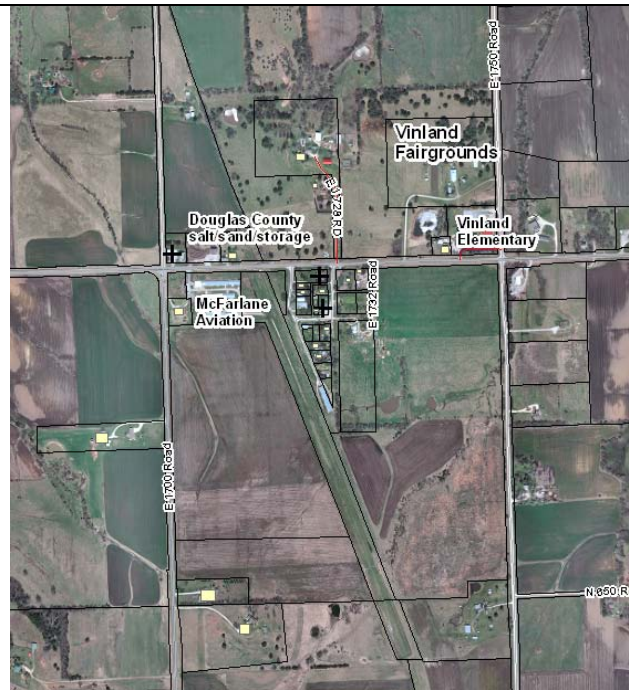

The surrounding property is predominantly zoned A (Agricultural). A 3.4 acre parcel is zoned I-1 immediately north along N 700 Road. This is the location of the existing aviation-related manufacturer (McFarlane Aviation products) and airplane hangars providing support services to the Vinland airfield. This request would expand the existing I-1 zoning district to the south. Other land uses in the area include the Vinland Fairgrounds to the northeast and the County Public Works salt and sand storage site located on the north side of N 700 Road. Several historical properties are located on the east side of the airstrip.

A significant feature of the surrounding land use is the existing grass airstrip (also known as the primary runway surface) located along the east boundary of the subject property. This is an

active airfield providing services to the public (as a private airport). The runway is an integral part of the existing and proposed operations but is not zoned industrial. The applicant describes the importance of the airstrip as follows:

*The onsite airport (particularly the small, grass strip airport and the pioneering aviation spirit that it embodies) is also a big part of our company culture. It keeps us in touch with the aircraft and customers for which we provide product. Our employees are able to interact daily with pilots and watch the parts they design/produce/sell be put to use. This is a huge benefit to both the company and everyone that works here."*

Various land uses are shown in the following table.

Vinland Land Uses	
	
<b>Surrounding Uses</b> <ul style="list-style-type: none"><li>• County Salt and sand storage building.</li><li>• Vinland Fairgrounds</li><li>• Vinland Elementary.</li><li>• Existing hangars</li><li>• McFarlane Aviation</li><li>• Vinland Airstrip.</li><li>• Church of Christ</li><li>• Vinland Presbyterian Church</li><li>• Vinland United Methodist Church</li></ul>	<b>Historic Properties</b> <ul style="list-style-type: none"><li>• Barnes Apple Barn (713 E 1728 Rd)</li><li>• Coal Creek Library (698 E. 1719 Road)</li><li>• Vinland Fair Association Fairgrounds Exhibit Building (1736 N 700 Road)</li><li>• Vinland Grange Hall (Oak and Main Streets)</li><li>• Vinland Presbyterian Church (697 E. 1725 Rd.)</li></ul>

**Staff Finding** – The adjacent land use, an active runway, is a key feature in the area and its proximity to the property is central to this request. Industrial zoning exists along the north side of the proposed request. The proximity and range of non-residential and non-agricultural uses support a request for industrial zoning.



## II. CHARACTER OF THE AREA

The subject property is located within the unincorporated community known as Vinland. The history of Vinland is summarized at the following website:

<http://www.legendsofkansas.com/vinland.html>

Historic property summaries can be found at: <http://www.kshs.org/p/register-database/14638>, then by typing "Vinland" in the City box.

The community is situated between Lawrence and Baldwin City. The area includes several historic buildings, churches, and a school facility as well as an existing grass airstrip. Homes are located along county roads. Vinland Fairgrounds is also located to the northeast of the area proposed to be rezoned. The area along N 700 Road between E 1700 Road and E 1750 Road represents the commercial corridor of the community of Vinland.

Several parcels of land and related building improvements are public or quasi public in nature. In addition to the fairgrounds the school district (USD 358) has an elementary school located on the northwest corner of E 1750 Road and N 700 Road and the county has a salt and sand storage building on the north side of N 700 Road across from the Vinland airport<sup>1</sup>.

Various agencies own property on the east side of the airstrip that includes designated historic buildings. Vinland is also known for multiple historic resources. In order to maintain sight lines to the historic properties, sufficient acreage will be need to be zoned to accommodate business expansion and future improvements.

A central feature in the community is the airfield. The airfield and supporting operations provide daily activity in the community.

**Staff Finding** -- The area is characterized as including a mix of residential, public, and quasi-public buildings in a rural setting. The functioning air facility has been an integral element in the community for more than 20 years and is intended to continue to be an asset to the community in the future. Approval of the request is in keeping with the character of the community.

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

Applicant's Response: *"Current agricultural zoning does not allow for planned industrial uses."*

The property is currently zoned A (Agricultural) District which permits residential development and continued agricultural activities. This property is adjacent to existing I-1 (Limited Industrial) District to the north and the Vinland airstrip to the east. The property is bounded on the west by an arterial road. The request is to rezone the property to the I-1 Zoning District which

---

<sup>1</sup> Airport in this report is intended to refer to the hangar buildings and offices providing support services to the Vinland Airfield.

permits industrial uses such as manufacturing and warehousing uses. The proximity of the airfield is a contributing consideration to the question of suitable land use.

The purpose of the Agricultural District is as follows:

**Section 12-306-1 of the County Code**

*"...provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises, and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses. The district is also intended for purposes of protecting watersheds and water supplies to provide for spacious development, to protect forest areas, and scenic areas, and to conserve fish and wildlife, to promote forestry, the growing of natural crops and grazing, and to prevent untimely scattering of more dense urban development. For the purpose of restricting outdoor advertising signs, the area within this district shall be considered as defined for residential purposes only." ()*

There are no stream or forest environmental features to be protected with regard to this property. The property does include Class II soils. There are no known municipal water supply sources located on this property. The current zoning has served the purpose of *"preventing untimely scattering of more dense urban development."*

The proximity to the airfield and the location of a thriving industrial business are also important to the question of suitable land use. It is important in that uses associated with attracting wildlife (bodies of water and grain fields) are generally incompatible with airplane operations.

Suitability, in this application, relates to the ability of an existing aviation-related use to expand in the existing area. If denied, the property may still be used for agricultural purposes and the property is suited to this use, but the existing business would be limited in its ability to grow and expand in the community.

While the A zoning has been suitable for this location, the following factors should be considered:

1. Certain agricultural activities are associated with attracting wildlife that pose harm to aircraft operations.
2. Certain livestock production is not recommended within specific distances from airport operations including, feed lots, dairy operations, hog or chicken productions. Additional livestock feed, water and manure may attract birds such as starlings that pose hazards to aviation.<sup>2</sup>
3. Property immediately abuts the primary runway of the Vinland airfield. Much of the property is encumbered by building and use setbacks related to height because of the proximity of the airfield.
4. New residential development is arguably less desirable than non residential uses adjacent to an airstrip.

The purpose of the I-1 District is to:

**Section 12-311-1 of the County Code**

*"provide sufficient space in appropriate locations, usually in planned industrial subdivisions, for certain types of business and manufacturing, relatively free from offense, in modern, landscaped buildings, to make available more attractive locations for these businesses and factories, and to provide opportunities for*

<sup>2</sup> Information taken from Aviation Advisory Circular 150/5200-33B.

[http://www.faa.gov/documentLibrary/media/advisory\\_circular/150-5200-33B/150\\_5200\\_33b.pdf](http://www.faa.gov/documentLibrary/media/advisory_circular/150-5200-33B/150_5200_33b.pdf)

*employment closer to residence with corresponding reduction of travel time from home to work."*

This property is immediately adjacent to non-residential/non-agricultural uses along the north and east property lines. The property provides a buffer for the airfield. The property abuts an existing industrial use that is limited in opportunities to expand by the confines of the existing zoning boundaries.

Site characteristic that make the proposed I-1 zoning suitable for this location including the following:

1. Location along arterial road providing appropriate access for development.
2. Location along an active airfield.
3. Approval will allow for the future growth on an existing industrial business in the community and expands the tax base.

If approved the development of the site will be subject to site plan review and approval prior to development of the site.

**Staff Finding** -- The property is suited to the restrictions of the A district. However, the existing zoning inhibits the ability to accommodate growth in industrial business with an aviation focus for the community and the property is also suited to the proposed I-1 District.

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

The property is currently undeveloped. The property was zoned A in 1966 with the adoption of the County Zoning Regulations. The airstrip has operated since approximately 1978. The airport includes multiple services including airplane rental, flight instruction, fuel sales, and hangar space. If approved, the subject property would be developed as an expansion of the McFarlane Aviation manufacturing business and would allow for possible other industrial uses in the future. The subject property is currently used for agricultural purposes. The location adjacent to the airfield (previous railroad right-of-way for the Atchison, Topeka, and Santa Fe) includes encumbrances for the airfield protection zone.

**Staff Finding** – The property is undeveloped. It is being used for agricultural purposes. The property has provided a portion of the airspace protection for the airfield since its operation in the 1970's.

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

Applicant's Response: *"No negative impact on nearby properties."*

The rezoning would permit the development of industrial uses permitted in the I-1 District. The property is bounded on the west by an arterial road and on the east by an existing airfield. Immediately north of the property is a developed industrial property that is aviation related. The property abuts the airfield providing protection and buffering to the runway along with reasonable access to the runway if needed.

The community has been integrated with aviation activity since 1978 when McFarlane Aviation established the local business. A site plan was completed in 1996 for building improvements for the business and later additions were constructed in 2004 and 2008.

This request is accompanied by a preliminary plat. The plat will serve to establish minimum building areas and setbacks for the property. Approval of the request will provide an opportunity for an existing aviation-related business to expand. Approval of the request is likely to increase traffic in the area associated with the increased employment of the business expansion planned for this area. The existing road system can support this anticipated increase in traffic with turn lane improvements as the property develops.

**Staff Finding** – Removal of the A district restrictions and applying the I-1 zoning restriction will have the following affect: loss of Class II soils, increased imperious coverage, increased traffic and activity, and increased employment. These affects, in staff's opinion, will not be harmful to the nearby property is properly site planned.

#### **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: *"Increased job opportunities, increased taxes, and adjacent public improvements."*

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

Further, this finding asks for a comparison of those benefits/costs to be weighed against hardships imposed on individual landowners.

If the rezoning request were denied, the area would remain in agricultural land uses or could be developed with rural residential homes permitted in the A District. Denial of the rezoning request would significantly restrict the ability to grow an existing industrial business. In turn this is a potential loss to the county for growth in the economic tax base. Minimal extensions of public services would be required because this area is already served by fire, law enforcement and water providers.

Traffic may increase from further development of the property, however, the arterial road network is capable of sustaining added traffic volumes. If approved and developed this property will be taken out of agricultural production.

**Staff Finding** – If approved, impacts imposed on individual landowners would be limited to increased traffic and change in the visual aspect of the area by the addition of new buildings. Approval of the request will provide additional opportunities for industrial development adding to the county's economic tax base with marginal impacts on public services.

#### **VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Applicant's Response: *"see attachment".*



A key feature of Chapter 7 of *Horizon 2020* is intended to: "*encourage site improvements, and community amenities which best respond to the market demands for industrial and business development while maintaining the community objectives for the type and quality of such development.*" This application is accompanied by a preliminary plat in anticipation of a site plan for expansion of an existing business. This request is specifically related to efforts to grow business opportunities in the community.

Principal strategies of Chapter 7 include identification, development and maintenance of industrial and employment related areas. Key strategies related to industrial development state:

- *Increase community involvement in economic development activities, by partnering with the local business community and area educational institutions to bring new technology and investment to the region for the purpose of meeting the economic development job growth goal of securing twenty thousand new jobs in Douglas County by 2020.*
- *Protect, enhance, and retain existing industrial-related land use areas serving the community.*
- *Continue to address the needs of existing businesses and industries to ensure their retention in the community and to help facilitate expansion plans of those businesses and industries for the future.*

Approval of this request facilitates opportunities for industrial development consistent with these policies as they related to a planned expansion of an existing business.

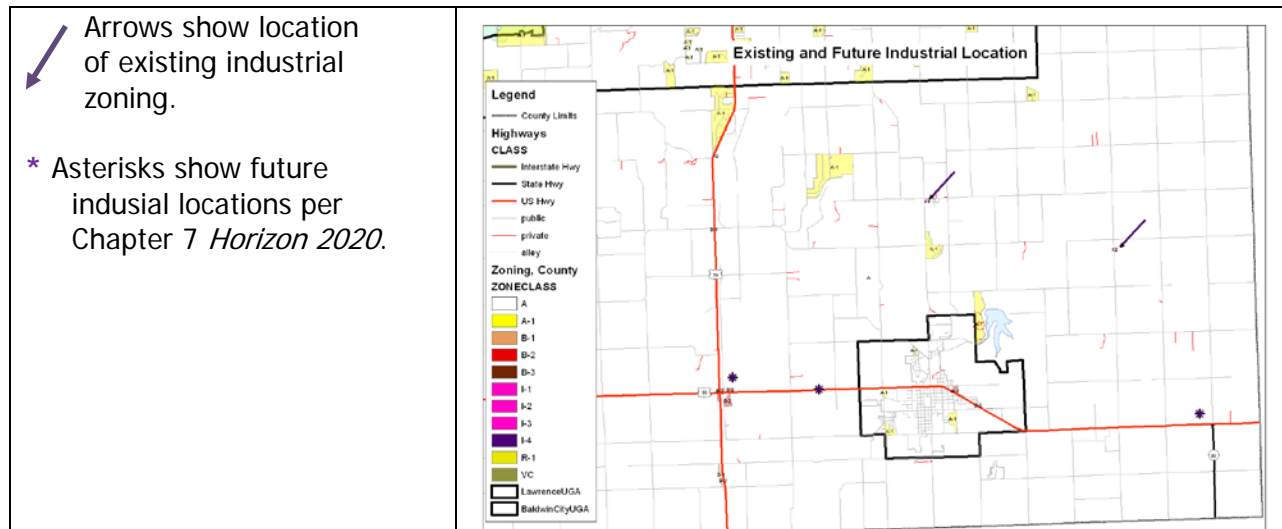
The locational criteria for new industrial development are provided in Chapter 7. This site meets several of the criteria specifically noted in *Horizon 2020*. This request proposes to expand the existing industrial district boundary substantially to the south. The district, as currently zoned, (3.03 acres) does not meet the minimum 40 acre threshold recommended in *Horizon 2020*.

Location Criteria	Finding
Have feasible access to Federal and State transportation networks.	This site is approximately 4 mile east of Highway 59 and 4 miles north of Highway 56. The property is located along County Route 1055 and the road is designated as a principal arterial in <i>Transportation 2030</i> .
Be of adequate parcel size, generally over 40 acres.	This site is approximately 41.99 acres.
Lie primarily outside of the regulatory floodplain.	This site is not encumbered by regulatory floodplain.
Have minimal average slopes.	Slopes across this site are less than 1%.

*Horizon 2020* speaks to preservation of high-quality agricultural land. This property includes approximately 30 acres of Class II soils but does not include any Class I soils. When weighing the goal of protection of Class II soils for this specific location against the proximity to an active airfield and the criteria that supports industrial land use, the property is well suited for industrial development.

There is very little industrially zoned land in the unincorporated portion of Douglas County. Most of the acreage that is zoned industrial is located within the City of Lawrence Urban Growth

Area. Identified industrial locations in the area include areas west of Baldwin City and at the Highway 59/Highway 56 intersection, as well as the Highway 56/K-33 intersection.



*Horizon 2020* includes numerous policies related to retention of established industrial and employment related uses in the city and in the unincorporated Douglas County. Policy 1.4 states (page 7-12):

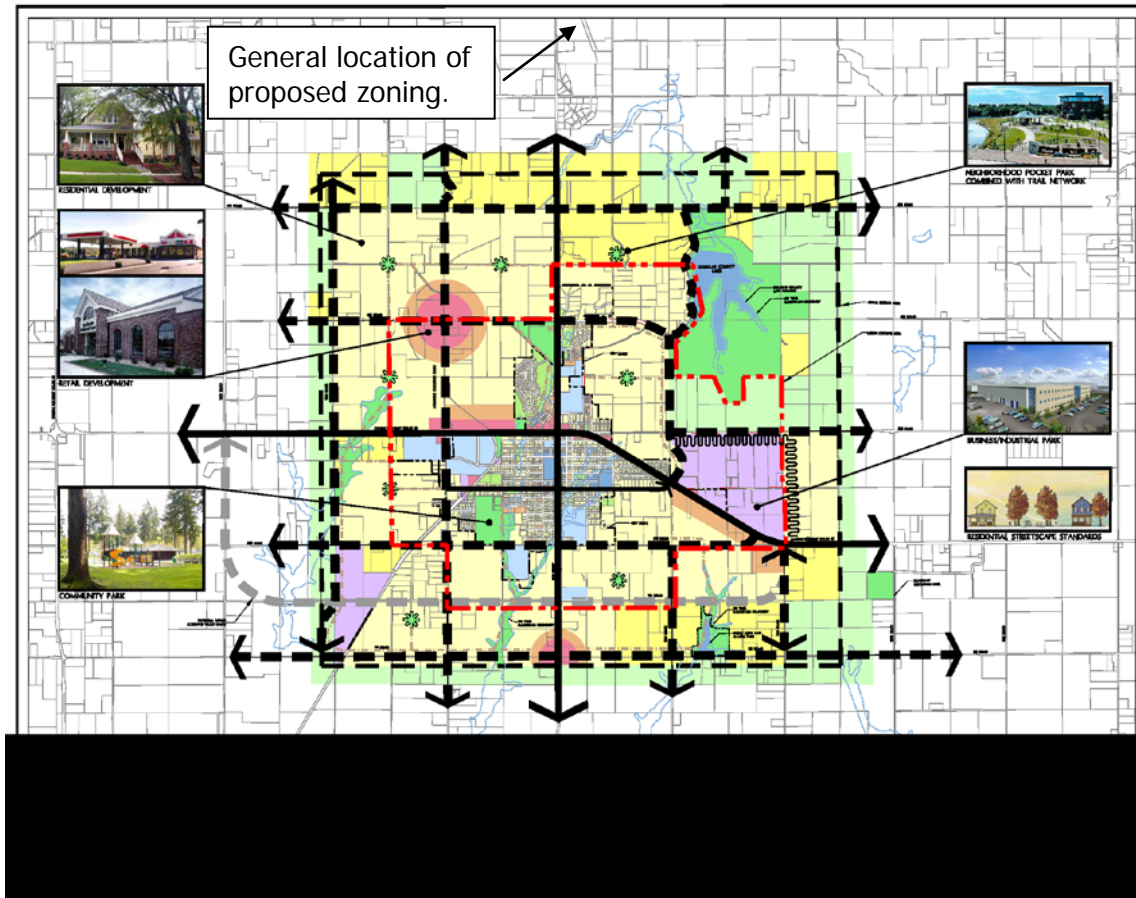
***Policy 1.4: Provide Opportunities for Limited Industrial and Employment-Related Development in the Unincorporated Areas of Douglas County***

*Encourage redevelopment and limited expansion of existing industrial and employment-related areas where specific criteria (p. 7-5) can be met.*

Additional site specific criteria are provided as follows:

- *preserve environmentally sensitive areas, including vegetative cover and wildlife habitat, to act as buffers and site amenities;*
- *encourage natural stormwater management, including locations that permit direct discharge to the floodplain;*
- *have available and adequate utilities, infrastructure and services (i.e. police and fire protection) for the proposed use;*
- *be compatible with existing and future zoning/land use patterns, including the use of appropriate buffers between land uses;*
- *be annexed before development if adjacent to municipal boundaries.*

This property is located within 3 miles of Baldwin City but at the northern boundary of the 3 mile area. The property is also outside of the Baldwin City urban growth area (see map below). It is unlikely that this area would be annexed into Baldwin City within the scope of the Baldwin City Comprehensive Plan.



Based on the criteria listed above, the value of preserving Class II soils is the only factor which competes with the compatibility of the request to meet the location criteria.

**Staff Finding** -- The proposed rezoning request conforms with *Horizon 2020* policies related to the retention and expansion of existing industrial development. The property provides a buffer to the existing airstrip. Further, approval of the rezoning will subject development of the property to site plan review as part of the development process. This will ensure that building setbacks, screening and site development are compatible with the surrounding uses.

### STAFF REVIEW

This application has been submitted concurrently with a preliminary plat. The property is intended as a single lot industrial parcel to accommodate expansion of an existing business. The property abuts the airfield on the east and a major arterial road on the west. Approximately 41 acres are being requested to be rezoned from the A (Agricultural) to the I-1 (Limited Industrial) District. The site is also located in proximity to Baldwin City and within 4 miles of a U.S. highway.

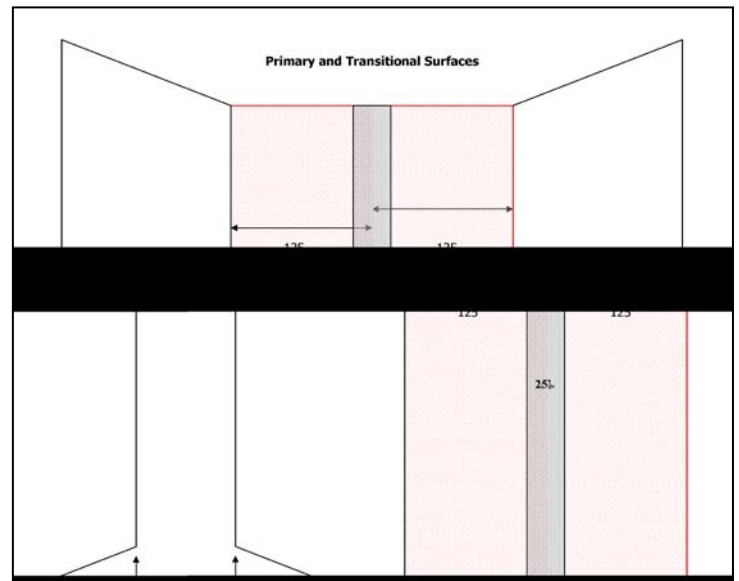
With regard to the airfield, uses can be divided into two general categories: airside uses and landside uses. Airside uses refer to those areas that occupy space above ground level that provide for maneuverability for aircraft use. Protection zones and building height limitations protect these areas. They are generally conically shaped with the most restrictive heights being located closest to the runway. Landside uses includes those activities that occur at an "airport"

and provide support services to the users of the runway or airport. These uses can include, hangars, mechanics, airport operations, and fueling stations. It can also include comfort conveniences such as hotels, restaurants, and car rental.

The Vinland airfield is a private facility. A variety of services are provided to users of the airfield. The airfield use is not limited to only the property owner, which is generally the case for most private airstrips located in Douglas County. The facility is structured similarly to a very small municipal facility offering hangar storage, lessons, airplane rental, flight instruction, and fuel sales. Limitations to development of the airfield include the land area available for development. The existing 3.2 acres of industrially zoned property is generally built out leaving no additional room for expansion.

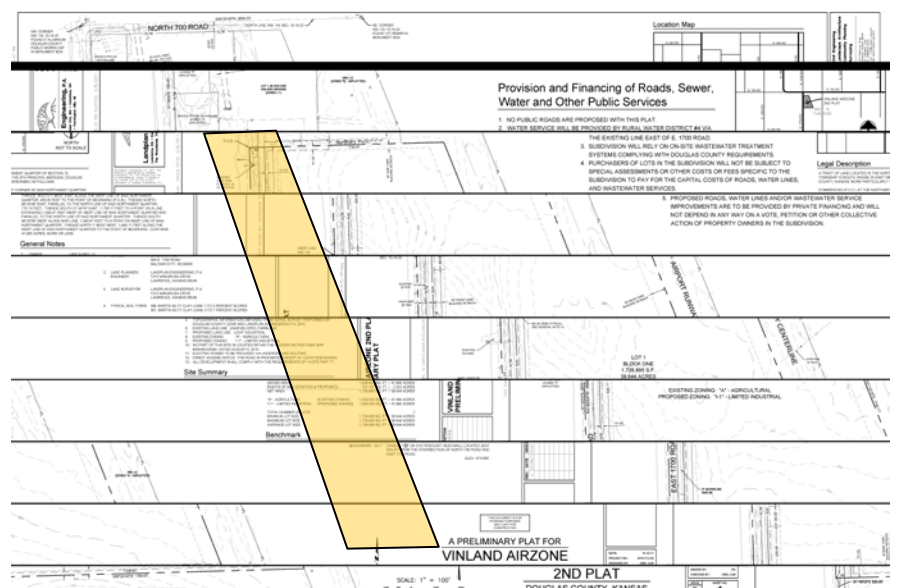
Current FAA regulations stipulate that no structures be placed within the protected airspace that is measured at a 7:1 slope from the primary surface (runway). The primary surface is approximately 250' centered on the runway, or 125' measured either side of the center of the runway. This standard has a significant impact on the availability of the property to be development.

- For each 7' distance from the edge of the primary runway a building may be constructed 1' above grade.
- The I-1 District allows a maximum building height of 45'.
- The property proposed to be rezoned is irregularly shaped with an east/west dimension of 718.74 acres along the north property line and 1,390.87 acres along the south property lines.



This impact of these factors would be the equivalent of a 315' building setback from the east property line. This setback would occupy approximately 13 acres (31.7%) of the total site. Shorter buildings maybe constructed closer to the primary surface (runway) but may not exceeding the 7:1 slope. This does not account for changes to FAA regulations in the future.

Airfield (airport) development is desirable when a tenant or business can have direct access to a runway or taxiway. The



development of an airfield requires sufficient area to best accommodate both structures and aircraft that may be maneuvering around the site. Large wing spans require larger areas for building separation and taxiway areas between buildings and the runway.

Adequate area is required to accommodate minimum building and obstruction setback requirements. These unique parameters support the rezoning of a larger parcel to accommodate future aviation-related businesses.

This proposed request follows existing parcel lines and extends the full length of the abutting airfield. Approval of the request subjects development of the site to site plan review. This can help assure that adequate setback is maintained from the airfield and ensure that buildings and improvements are properly oriented to minimize conflicts.

#### **Procedure – Joint Meeting**

This property is located within 3 miles of an incorporated city (Baldwin City). A joint County Resolution (Resolution 80-5) provides for an opportunity for a joint Planning commission meeting and recommends from both the Baldwin City Planning Commission and the Lawrence Douglas County Planning Commission. The Baldwin City Planning Commission considered this request at their regular meeting on March 8, 2011 and unanimously recommended approval of the request (memo attached). Baldwin City Commissioners may attend this meeting.

#### **CONCLUSION**

This staff report reviews the proposed location for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The development proposal meets the locational criteria required for approval. The rezoning request is compliant with recommendations in *Horizon 2020*.

## City of Lawrence Douglas County Metropolitan Planning

Rezoning Request

Sheet A,

### **Question 5: "How does Your Request Conform with the Comprehensive Plan, Horizon 2020?"**

Without question, this request to rezone approximately 42 acres near Vinland, Kansas is an expansion of an existing aircraft-related industry, which has been in business for over 30 years. As it relates to *Chapter Seven, Industrial and Employment-Related Land Use*, many references are made that support this project. Key words used in this chapter are precisely what define this request. Diversity is referred to in the introductory section –encouraging aircraft-related industries such as this support industrial diversity in Douglas County. The large area-requirement is the rationale for the size (42 acres) request. The history of an additional one to three jobs per year provides local jobs in a growing industry, which meets the concept of employment base. Approving the request is at the heart of protecting, enhancing and retaining existing industrial-related businesses. The additional expansion potential is ensuring site availability, allowing the applicant to meet future market demands.

General responses to listed goals and policies are:

#### **Goal 1: Development in Established Industrial and Employment-Related Areas.**

The applicant currently has an aircraft-related manufacturing facility in an I-1 zoned parcel of land immediately west of the existing runway near Vinland, Kansas (unincorporated). This facility has a history of steady growth in a growing market of providing replacement parts for small engine aircraft. The request is twofold. First is to allow for enough expansion for the immediate needs of this business, which is a 15,000 square foot manufacturing and warehouse facility with ample expansion capabilities. More importantly, however, is the rezoning of additional land for future expansion capabilities and other aircraft-related business ventures that are taking advantage of the proximity to an existing, small aircraft runway- an opportunity that exists no place else in Douglas County.

The requested site meets the adequate parcel size, is outside of the regulatory floodplain and has minimal slopes.

#### **Goal 2: Criteria for New Industrial and Employment-Related Development.**

This is an expansion of an existing industry. This location does, however, completely meet three of the four location criteria. The fourth criterion, access to Federal and State transportation networks, is substantially met in that this criterion presumes a requirement tied to ground-oriented transportation. To serve aircraft related industries, an airport with ample space for hangers, testing, and turning movements for aircraft is a necessity. The planned transportation system established for Douglas County provided for more than adequate access for employee vehicles and the occasional commercial delivery vehicles.

Approving this location and the 42-acre zoning request allows Douglas County to maintain an inventory of industry-specific land related to the small aircraft industry.

**Goal 3: Compatible Transition from Industrial and Employment-Related Development to Less Intensive Uses.**

This location is an existing airport with an existing industry. Douglas County manages a Public Works yard to the north and the land to the south and west is agricultural. The opportunity for an aircraft related development lies only within the limits of the existing airport runway – which is this 42-acre request. Transitions from the rezoning request to the agricultural land will be as they exist today.

**Goal 4: Transportation Considerations.**

As shown in the submitted traffic study, this request keeps traffic on adjacent County roads to an acceptable level of service. The requested two access points onto Douglas County Road E 1700 is a) to ensure adequate future circulation within the 42 acres and b) permanently establish these as our two future access points on to Douglas County Road E 1700.

# Memo

To: Sheila Stogsdill, Assistant Director Planning & Development

From: Tina Rakes, Code Administrator

CC:

Date: March 22, 2011

Re: Preliminary Plat & rezone

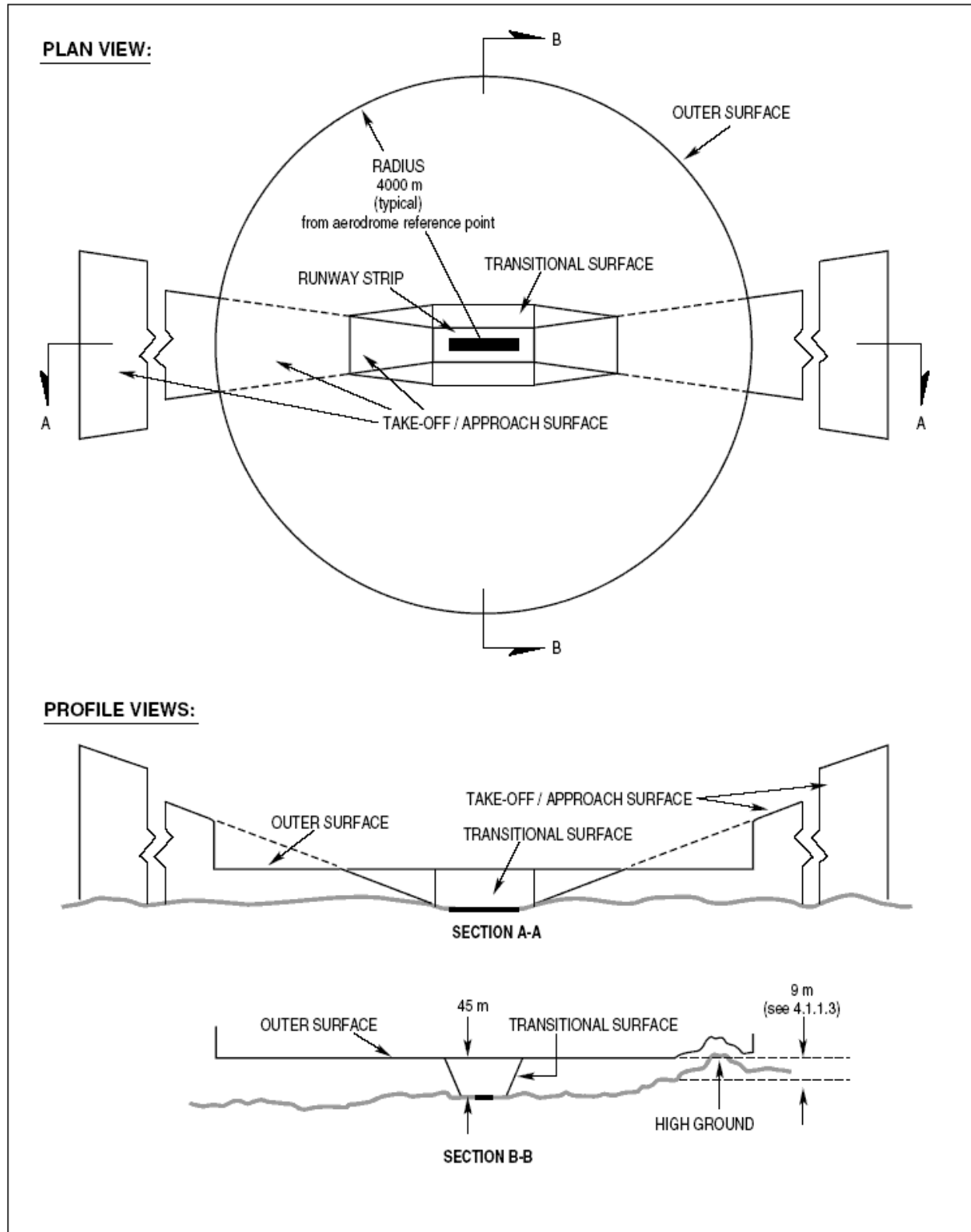
---

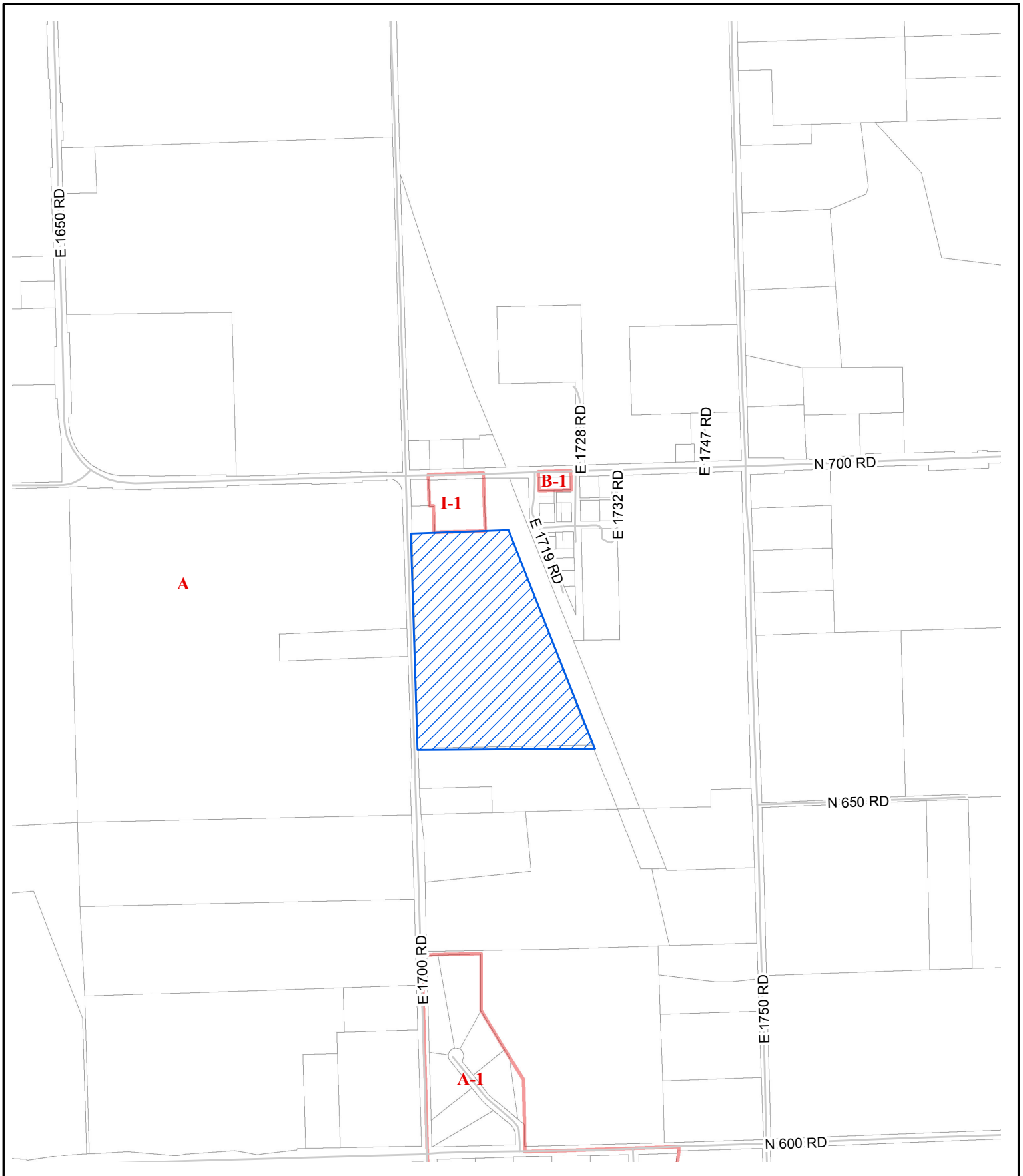
The Baldwin City Planning Commission met on March 8, 2011, at a regularly scheduled meeting. They reviewed the preliminary plat and the rezoning request submitted by Land & Sky, L.C., David McFarlane.

Unanimously, the Planning Commission approved the preliminary plat for the 41.966 acres referred to as Vinland Airzone 2<sup>nd</sup> Plat, and the rezoning from "A", Agricultural to "I-1" limited Industrial zone.

.








**Z-01-05-11: Rezone 41.96 acres from A to I-1  
694 E 1700 Road**

Lawrence-Douglas County Planning Office  
March 2011



 Area Requested  
Scale: 1 Inch = 1000 Feet

**League of Women Voters of Lawrence-Douglas County**

P.O. Box 1072, Lawrence, Kansas 66044

March 27, 2011

RECEIVED

MAR 28 2011

City County Planning Office  
Lawrence, Kansas

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

**RE ITEM NO. 1A: A TO I-1; 41.966 ACRES; [S15-T14-R20] SOUTH OF 694 E 1700 ROAD, BALDWIN CITY (SLD)**

Dear Chairman Blaser and Planning Commissioners:

We have a question about this I-1 Industrial District rezoning request.

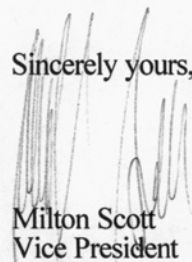
Although this I-1 District is unlikely to expand in space beyond the requested 40 acres, it is possible for it to expand in intensity. The I-1 Zoning District permits a wide variety of permitted uses, some of which would be inappropriate for this site and could cause unforeseen consequences if developed here.

We have always questioned the use of conditioning conventional zoning districts to restrict permitted uses, as can be done with Planned Development Overlay Districts (PDs) and Special Use Permits (SUPs). However, in this case we suggest that conditioning the zoning to restrict inappropriate uses could be a solution for creating a more predictable outcome, and we suggest that the Planning Commission consider this approach. Attached is the I-1 District list of permitted uses.

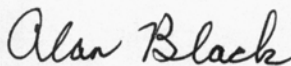
We would appreciate your considering this issue.

Thank you.

Sincerely yours,



Milton Scott  
Vice President



Alan Black, Chairman  
Land Use Committee

*Attachment*

## ATTACHMENT

### 12-311 "I-1" LIMITED INDUSTRIAL DISTRICT REGULATIONS

#### **12-311 "I-1" LIMITED INDUSTRIAL DISTRICT REGULATIONS**

##### **12-311-1.**

The regulations set forth in this section, or set forth elsewhere in this Resolution, when referred to in this section are the regulations in the "I-1" Limited Industrial District. The purpose of this district is to provide sufficient space in appropriate locations, usually in planned industrial subdivisions, for certain types of business and manufacturing, relatively free from offense, in modern, landscaped buildings, to make available more attractive locations for these businesses and factories, and to provide opportunities for employment closer to residence with corresponding reduction of travel time from home to work.

##### **12-311-2. USE REGULATIONS**

A building or premises shall be used only for the following purposes, but subject to the special conditions as enumerated in section 12-311-3 below:

**12-311-2.01.** Laboratories, research, experimental, or testing.

**12-311-2.02.** Offices and office buildings.

**12-311-2.03.** Wholesale merchandising or storage warehouses with floor area devoted to warehousing and handling of merchandise.

**12-311-2.04.** Compounding of cosmetics, toiletries, drugs, and pharmaceutical products.

**12-311-2.05.** Photographic processing or blueprinting.

**12-311-2.06.** Printing and publishing.

**12-311-2.07.** Manufacture or assembly of medical and dental equipment drafting, optical, and musical instruments, watches, clocks, toys, games, and electrical or electronic apparatus.

**12-311-2.08.** Manufacture or assembly of boats, bolts, nuts, screws, and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery, and hardware products, sheetmetal products, and vitreous enameled metal products.

**12-311-2.09.** Manufacture of food products, including beverage blending or bottling, bakery products, candy manufacture, dairy products and ice cream, fruit and vegetable processing and canning, packing and processing of meat and poultry products, but not distilling of beverages, slaughtering of poultry or animals, or processing of bulk storage of grain or feeds for animals or poultry.

**12-311-2.10.** Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods.

**12-311-2.11.** Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of a similar nature.

**12-311-2.12.** Moving picture production.

**12-311-2.13.** Generally those light manufacturing uses similar to those listed in items 04 through 12 above, which do not create any more danger to health and safety in surrounding

areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that which is generally associated with light industries of the type specifically permitted.

- 12-311-2.14.** Bank, drive-in or otherwise.
- 12-311-2.15.** Restaurant, but not a drive-in restaurant.
- 12-311-2.16.** Filling station, if located in a district of 20 acres or more.
- 12-311-2.17.** Hotel, motel, or motor lodge, if located in a district of 20 acres or more.
- 12-311-2.18.** Dwellings for resident watchmen and caretakers employed on the premises.
- 12-311-2.19.** Accessory farm dwellings on a farm of 10 acres or more.
- 12-311-2.20.** Railroad siding.
- 12-311-2.21.** Accessory buildings and uses including accessory signs and advertising structures related to the activity conducted on the premises.
- 12-311-2.22.** Animal hospital or clinic as described in "B-1", section 12-309-2.07.

**12-311-3. SPECIAL CONDITIONS**

The uses enumerated above shall be subject to the following special conditions:

- 12-311-3.01.** All uses shall be conducted within a completely enclosed building with no open storage of raw, in process, or finished material and supplies or waste material. Finished or semi-finished products manufactured on the premises may be stored in the open if screened from streets by landscaping, fences, or walls.
- 12-311-3.02.** All main plant buildings shall be of concrete, structural steel, or masonry construction and limited to 45 feet in height, unless otherwise approved by the Board of Zoning Appeals.
- 12-311-3.03.** Adequate parking and loading space shall be provided off the street for all employees and traffic to the plant.
- 12-311-3.04.** Loading operations shall be conducted at the side or rear of buildings.
- 12-311-3.05.** No parking or storage of material or products shall be permitted in the required from yard.
- 12-311-3.06.** The front yard shall be landscaped with trees, grass, shrubs, or pedestrian walks and maintained in a neat and attractive condition.
- 12-311-3.07.** All fencing shall have a uniform and durable character and shall be properly maintained.
- 12-311-3.08.** Accessory signs in excess of 60 square feet in area shall be attached flat



against a building.

**12-311-4. PARKING REGULATIONS**

Additional parking regulations for permitted uses are contained in section 12-316 of this Resolution.

**12-311-5. OFF-STREET LOADING REGULATIONS**

Additional off-street loading regulations for permitted uses are contained in section 12-317.

**12-311-6. HEIGHT, AREA, AND BULK REGULATIONS**

Additional height, area, and bulk regulations shall be as set forth in the chart of section 12-318.

**12-311-7.** Supplementary use regulations are contained in section 12-319.

**12-311-8.** Supplementary height, area, and bulk regulations are contained in section 12-321.

## PLANNING COMMISSION REPORT NON-PUBLIC HEARING ITEM

PC Staff Report  
03/28/2011

**ITEM NO: PP-1-1-11:** Consider a Preliminary Plat for Vinland Airzone 2<sup>nd</sup> Plat, approximately 41.966 acres, located south of 694 E. 1700 Road. Submitted by Landplan Engineering, for Land & Sky, LC., property owner of record. *Joint meeting with Baldwin City Planning Commission.* SLD

Updated language is shown in *italic type*.

### STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat of the Vinland Airzone 2<sup>nd</sup> plat and forwarding it to the Board of County Commissioners for consideration of dedication of easements and rights-of-way subject to the following conditions:

1. Provision of a revised preliminary plat to show the ~~maximum~~ building setback *line from the runway* for a building 45' *high* based on the allowable height of the district and
2. Provision of a revised preliminary plat to include a note that states buildings may be constructed within the transitional zone less than 45' in height subject to the requirements of 14 CFR Part 77.

### Attachments:

- Plat drawing

**Applicant's Reason for Request:** Subdivision requirement prior to obtaining a building permit for development.

### KEY POINTS

- Property abuts existing airstrip.
- There are no stands of mature trees or floodplain areas (environmentally sensitive areas).
- Property includes Class II soils.

### SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Section 20-813 (Section 12-113 of the County Code) states that building permits in the unincorporated area of the county may be issued only for platted lots, vested land divisions or Residential Development Parcels.

### ASSOCIATED CASES/OTHER ACTION REQUIRED

- Board of County Commissioners' acceptance of easements and rights-of-way as shown on the preliminary plat.
- Publication of rezoning resolution rezone to the I-1 Zoning District (Z-1-5-11).
- Final Plat (PF-1-1-11) submitted to Planning Office for administrative approval and recordation at the Douglas County Register of Deeds.
- Approval of site plan (SP-3-16-11) by the Board of County Commissioners.

### PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

### **Site Summary**

Gross Area: 41.966 acres  
Number of Lots: 1  
Right-of-way: 2.311 acres (E 1700 Road)

### **GENERAL INFORMATION**

Current Zoning and Land Use: County A (Agricultural) District; existing agricultural field.

Surrounding Zoning and Land Use: A (Agricultural) District and I-1 (Limited Industrial) District to the north; existing residence and aviation-related business.

A (Agricultural) District to the east, west, and south; existing fields and rural residences.

A (Agricultural) District to the east of the airfield including residences and historic buildings (church and library).

### **STAFF REVIEW**

This plat includes 41.966 acres and is located on the east side of E 1700 Road south of the intersection of E 1700 Road and N 700 Road in the Palmyra Township. The property abuts the Vinland airstrip along the east property line. This plat is preparatory to planned building expansion. A rezoning request has been submitted for the subject property (Z-1-5-11). The applicant proposes to expand an existing aviation-related business located immediately north of this property (SP-3-16-11). The site plan will be considered by the County Commission pending approval of the rezoning and platting processes.

### **Streets and Access**

The property includes a frontage length of 1,685'. Additionally, this plat is for the purposes of expanding an existing business with improvements located on the platted lot to the north of the subject property with direct access to N 700 Road. Both E 1700 Road and N 700 Road are designated as principal arterial roads per Transportation 2030 map 6.10.

The County Access Management Standards require that drives on a principal arterial be separated by 1,320 feet (Section 9-501 of the County Code). However, this standard does not apply to property zoned I-1 at this time. There are two access points proposed for development of this property. See Figure 1. Access as proposed does not strictly adhere to the county standards but maximizes the separation of the drives from the intersection and other property.

Considerations for the type of use and desirability for emergency response/egress allow for a deviation from the standard (if it were technically applicable to the I-1 zoning district). The north access location meets the requirements for minimum corner clearance from N 700 Road. While the south access location is less than 1,320 feet from the north location it is desirable to provide clearance from the existing residential entrance at 652 E 1700 Rd. The proposed access locations strike a good balance of meeting current access management requirements while taking into account existing entrances.



A traffic study was reviewed by County staff regarding development of the property. Development is intended to occur in two phases. The initial phase will not require left turn lanes. However, ultimate build-out will require left turn lane improvements and will be assessed with the specific building proposals through the site plan process. It is the County Public Works Director's opinion that at full build-out a right turn lane would also be required but acknowledges that additional detail about future development is needed. Appropriate public improvement plans will be required with the Final Plat.

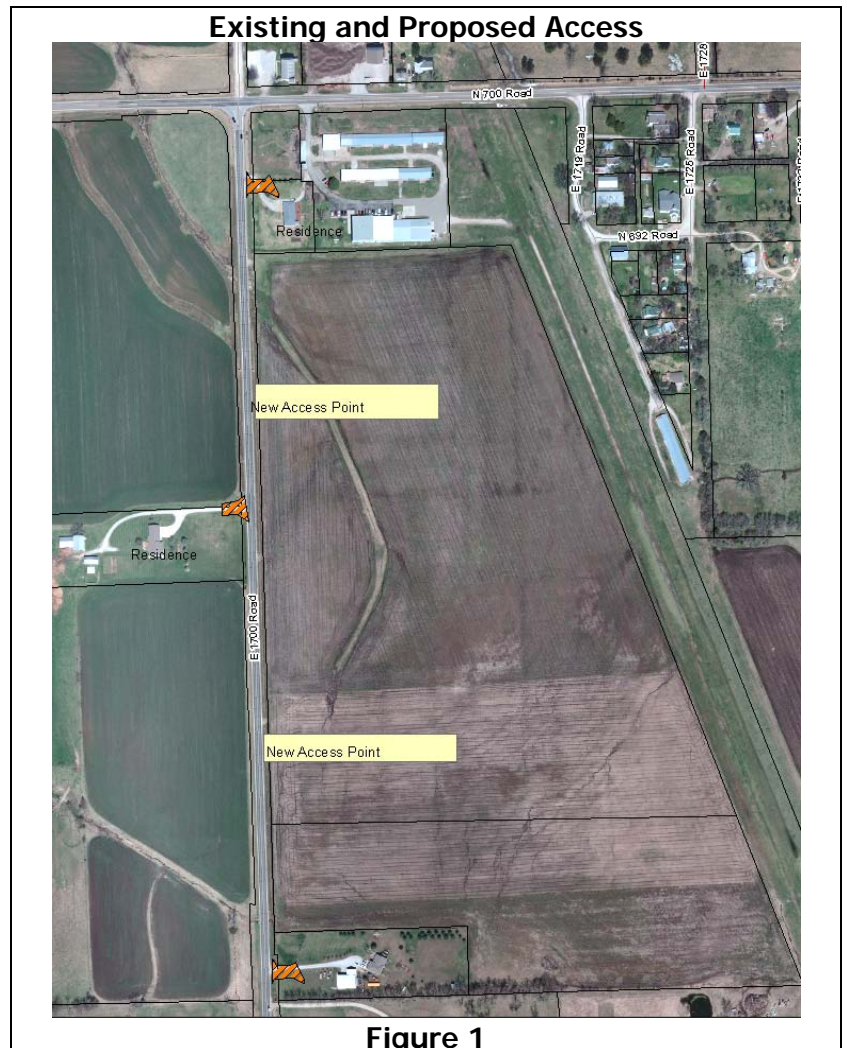


Figure 1

### Utilities and Infrastructure

The property is served by Rural Water District No. 4. The Rural Water District reports that the property included in the boundary of the proposed preliminary plat is located within a "strong service area." The district anticipates no difficulty in serving proposed improvements on this property. The Palmyra Township Fire Department is the applicable fire department for this property and did not have any comments about the plat.

The applicant is considering various means of sewage management and will either utilize an on-site method such as a septic system or holding tank or an off-site lagoon. The Kansas Department of Health and Environment would approve the location of the lagoon and would also issue the permit. Lagoons generally are incompatible with aviation operations as they attract waterfowl that can cause significant damage to aircraft and pose harm to safe operations. This element will also be reviewed in detail as part of a site plan for development of the site, if approved.

### Easements and Rights-of-way

Easements are shown on the preliminary plat which will be dedicated for utility purposes. These easements are located along the north, south and west property lines. The plat notes that electric power serving the site shall be provided underground. This will benefit the aircraft operations by reducing the number of obstructions in the area.

The plat shows the dedication of 60' of right-of-way for E 1700 Road. The total right-of-way required for an arterial road is 120'. The new right-of-way line captures the existing water line and places it within the new right-of-way rather than within an easement crossing a particular property. No additional right-of-way is needed to accommodate future turn lane improvements that may be needed with development of the property.

### **Airspace**

Vinland airstrip is a private facility. The airstrip includes 11 acres. Hangar space is located on a parcel adjacent to the airstrip and along N 700 Road and is 3.03 acres. The Vinland community is located to the east of the airstrip.

The tract of land containing the runway is approximately 150' wide. The runway includes the surface of the runway and an area to accommodate wingspan and maneuvering making the total "runway" 250'. This area is also referred to as the Primary Runway Surface (*PRS*). The plat includes an extraordinary setback of 60 *feet* to include the PRS that encroaches along the east property line. The standard setback for industrial development is only 30'.

Runways also include an area known as a Transitional Surface (see graphic included in Z-1-5-11). This area is a three dimensional area of space adjacent to the runway (either side of the 250' boundary) that buildings and improvements are restricted. The setback line extends out from the runway in a diagonal allowing only 1' of height for every 7' *of the horizontal distance* away from the runway. This standard impacts both building setback and building height of the proposed lot. Staff estimates that approximately one-third of the site would be encumbered by the transitional surface with a structure built at the maximum 45' building height. See Figure 2.

The preliminary plat shows a rear yard setback of 60' to coincide with the width of the Primary Runway Surface. Additional building height and setback are required to comply with the Transitional Surface Setbacks.

Staff recommends the ~~maximum~~ setback *line from the runway* for a 45' *high* building be shown on the face of the preliminary plat with a note that states buildings may be constructed within the transitional zone less than 45' in height subject to the requirements of 14 CFR Part 77. This documentation on the preliminary plat provided base information regarding building setbacks.

### **Conformance**

The proposed plat conforms to the minimum design standards of the Subdivision Regulations. The size of the parcel follows the proposed zoning boundary and is consistent with the minimum area recommendations for industrial zones stated in *Horizon 2020*.

### **Conclusion**

This review assumes the property is rezoned I-1. Notes on the face of the preliminary plat ensure that reasonable steps are taken with regard to development to ensure continued safe operations of the airport operations. These notes will be required on the face of the Final Plat.



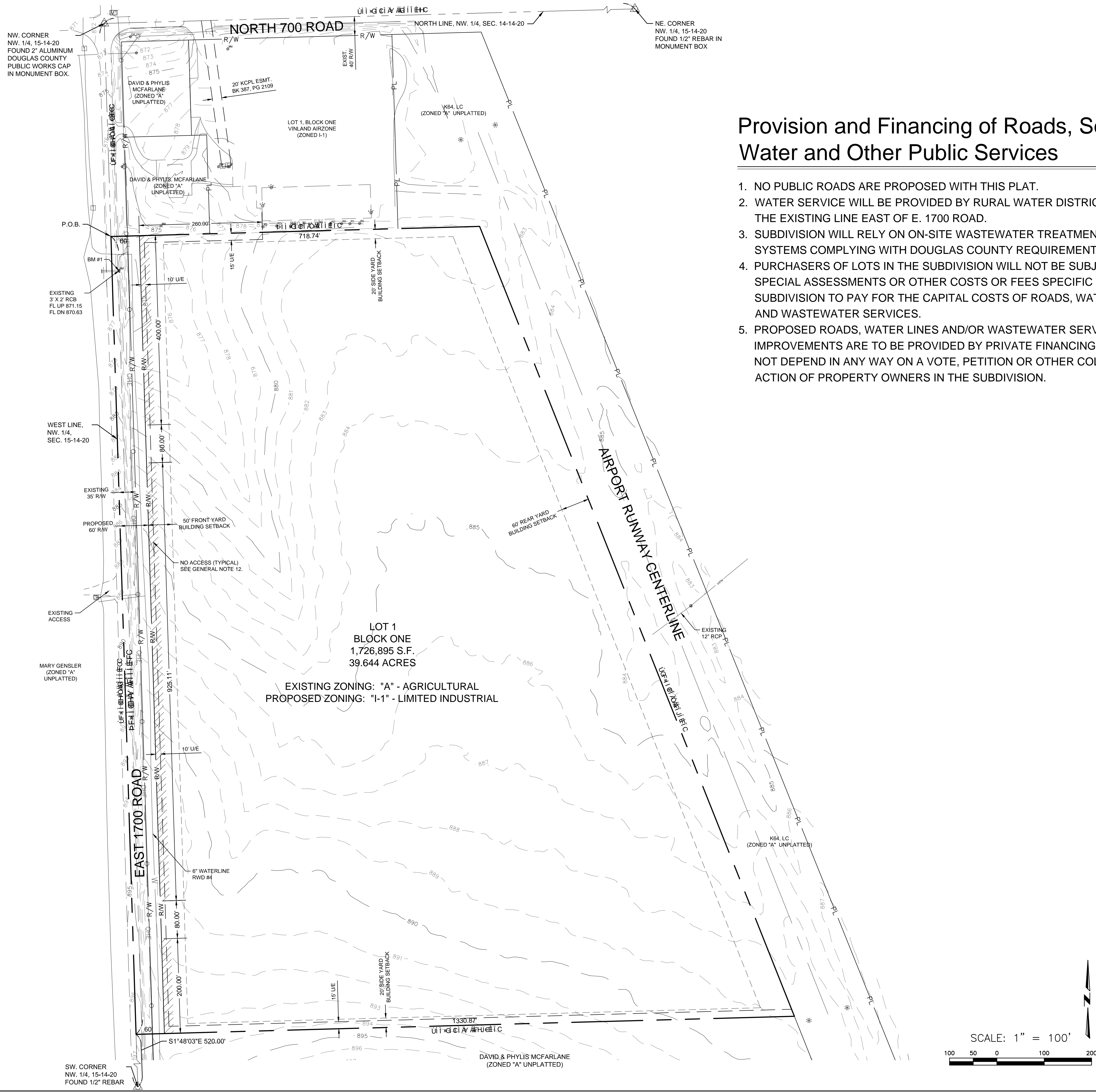
**Primary Runway Surface  
And  
Transitional Surface  
Figure 2**



Primary Runway Surface

Transitional Surface

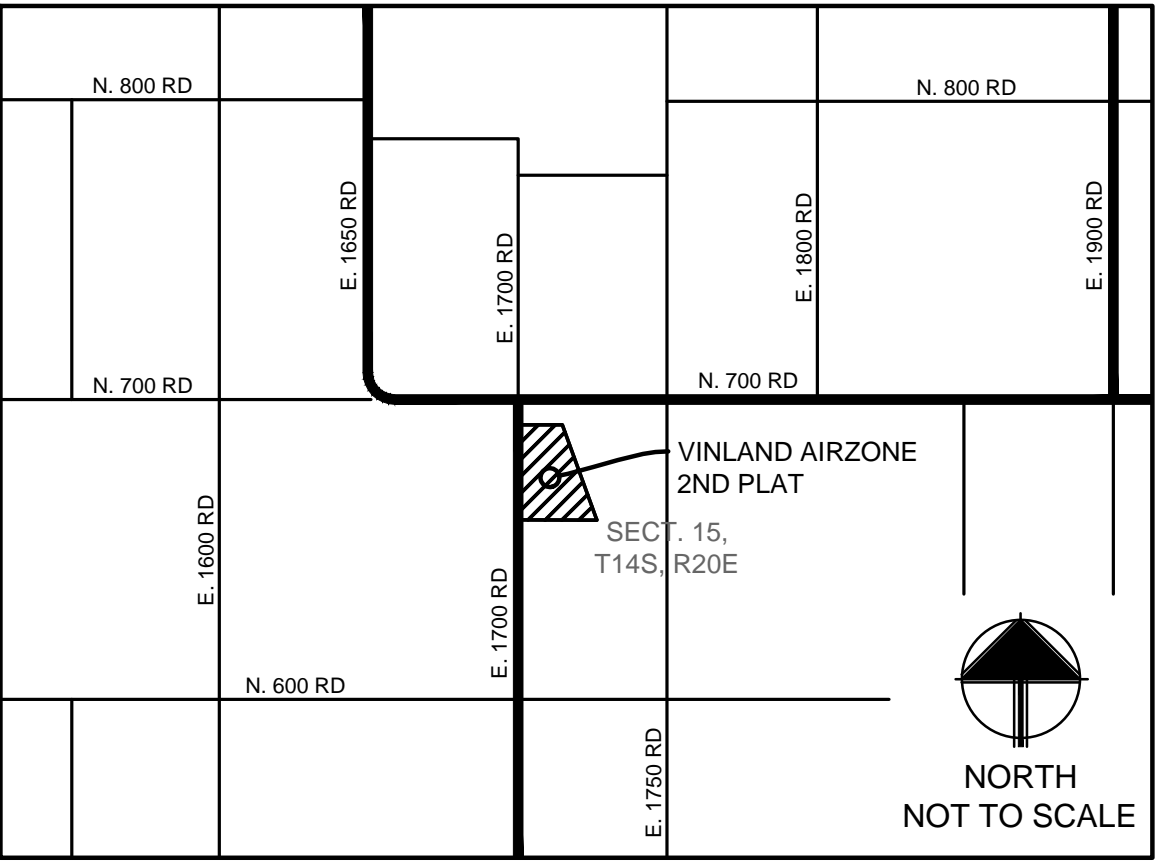
*Setback at 1' height for each 7' from edge of  
PRS*



## Provision and Financing of Roads, Sewer, Water and Other Public Services

1. NO PUBLIC ROADS ARE PROPOSED WITH THIS PLAT.
2. WATER SERVICE WILL BE PROVIDED BY RURAL WATER DISTRICT #4 VIA THE EXISTING LINE EAST OF E. 1700 ROAD.
3. SUBDIVISION WILL RELY ON ON-SITE WASTEWATER TREATMENT SYSTEMS COMPLYING WITH DOUGLAS COUNTY REQUIREMENTS.
4. PURCHASERS OF LOTS IN THE SUBDIVISION WILL NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OR FEES SPECIFIC TO THE SUBDIVISION TO PAY FOR THE CAPITAL COSTS OF ROADS, WATER LINES, AND WASTEWATER SERVICES.
5. PROPOSED ROADS, WATER LINES AND/OR WASTEWATER SERVICE IMPROVEMENTS ARE TO BE PROVIDED BY PRIVATE FINANCING AND WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

## Location Map



## Legal Description

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 15,  
TOWNSHIP 14 SOUTH, RANGE 20 EAST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS  
COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

## General Notes

1. OWNER: LAND & SKY, LC  
694 E. 1700 ROAD  
BALDWIN CITY, KS 66006
2. LAND PLANNER/  
ENGINEER: LANDPLAN ENGINEERING, P.A.  
1310 WAKARUSA DRIVE  
LAWRENCE, KANSAS 66049
3. LAND SURVEYOR: LANDPLAN ENGINEERING, P.A.  
1310 WAKARUSA DRIVE  
LAWRENCE, KANSAS 66049
4. TYPICAL SOIL TYPES: MB: MARTIN SILTY CLAY LOAM, 1 TO 3 PERCENT SLOPES  
MC: MARTIN SILTY CLAY LOAM, 3 TO 7 PERCENT SLOPES
5. TOPOGRAPHIC INFORMATION OBTAINED FROM AERIAL SURVEY PERFORMED BY  
DOUGLAS COUNTY LIDAR AND LANDPLAN ENGINEERING P.A., 2010.
6. EXISTING LAND USE: UNDEVELOPED, FARMLAND
7. PROPOSED LAND USE: LIGHT INDUSTRIAL
8. EXISTING ZONING: "A" - AGRICULTURAL
9. PROPOSED ZONING: "I-1" - LIMITED INDUSTRIAL
10. NO PART OF THIS SITE IS LOCATED WITHIN THE FLOODPLAIN PER FEMA MAP  
#200405030B.D, DATED AUGUST 5, 2010.
11. ELECTRIC POWER TO BE PROVIDED VIA UNDERGROUND ROUTING.
12. DIRECT ACCESS ONTO E. 1700 ROAD IS PROHIBITED EXCEPT AT LOCATIONS SHOWN.
13. ALL DEVELOPMENT SHALL COMPLY WITH THE REQUIREMENTS OF 14 CFR PART 77.

## Site Summary

GROSS AREA:	1,828,002 SQ. FT. / 41.966 ACRES
RIGHTS OF WAY (EXISTING & PROPOSED):	101,107 SQ. FT. / 2.322 ACRES
NET AREA:	1,726,895 SQ. FT. / 39.644 ACRES

"A" - AGRICULTURE	(EXISTING ZONING)	1,828,002 SQ. FT. / 41.966 ACRES
"I-1" - LIMITED INDUSTRIAL	(PROPOSED ZONING)	1,828,002 SQ. FT. / 41.966 ACRES


TOTAL NUMBER OF LOTS	1
MINIMUM LOT SIZE	1,726,895 SQ. FT. / 39.644 ACRES
MAXIMUM LOT SIZE	1,726,895 SQ. FT. / 39.644 ACRES
AVERAGE LOT SIZE	1,726,895 SQ. FT. / 39.644 ACRES

## Benchmark

BENCHMARK NO.1 OPUSCULUM PARTIAL CULV POND CESSPOOL/0041 GC  
SOUTH FROM THE INTERSECTION OF NORTH 700 ROAD AND  
EAST 1700 ROAD.  
ELEV. 874.956'

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

A PRELIMINARY PLAT FOR  
VINLAND AIRZONE  
2ND PLAT  
DOUGLAS COUNTY, KANSAS



**Landplan Engineering, P.A.**  
 Lawrence, KS • Kansas City, MO • Columbus, OH  
 The Woodlands, TX • Farmington Hills, MI

**Civil Engineering**  
**Landscape Architecture**  
**Community Planning**  
**Surveying**

1310 Inverness Drive  
 Lawrence, Kansas 66044  
 Phone: (785) 840-1000  
 Fax: (785) 843-2410  
 Web: [www.landplan-pa.com](http://www.landplan-pa.com)  
 Web: [www.landplan-pa.com](http://www.landplan-pa.com)

©Landplan Engineering, P.A. 2011. This drawing is copyrighted by Landplan Engineering, P.A. This drawing may not be photographed, traced, or copied in any manner without the written permission of Landplan Engineering, P.A.

VINLAND AIRZONE 2ND PLAT  
PRELIMINARY PLAT[illegible]

4

DATE:	01.24.11
PROJECT NO.:	20101312.00
DESIGNED BY:	CMS, CLM
DRAWN BY:	RK
CHECKED BY:	CMS, CLM

ISSUE	SHEET NO.
<b>B</b>	<b>1</b>
	<b>1</b> SHEETS



6425 SW 6<sup>th</sup> Avenue  
Topeka, KS 66615



KSR&C No. 11-03-316

phone: 785-272-8681  
fax: 785-272-8682  
cultural\_resources@kshs.org

Kansas Historical Society

Sam Brownback, Governor  
Jennie Chinn, Executive Director

March 24, 2011

Christopher M. Storm, PE, LEED AP  
Engineering Manager  
Landplan Engineering, PA  
1310 Wakarusa Drive  
Lawrence KS 66049

RE: Vinland Airzone 2<sup>nd</sup> Plat and McFarlane Aviation Products Project  
Douglas County  
Within the Environs of the Vinland Grange Hall and Vinland Presbyterian Church

Dear Mr. Storm:

We have reviewed the materials received March 16, 2011, regarding the above-referenced project in accordance with the state preservation statute K.S.A. 75-2724. The law requires the State Historic Preservation Officer (SHPO) be given the opportunity to comment on proposed projects affecting historic properties or districts. The SHPO has determined the proposed project will not encroach upon, damage, or destroy any listed historic property or its environs. As far as this office is concerned, the project may proceed.

Please refer to the Kansas State Review & Compliance number (KSR&C#) listed above on any future correspondence. If you have any questions concerning this review, please contact Kim Norton Gant at 785-272-8681, ext 225.

Sincerely,  
Jennie Chinn  
State Historic Preservation Officer

Patrick Zollner  
Director, Cultural Resources Division  
Deputy State Historic Preservation Officer

**PLANNING COMMISSION REPORT**  
**Regular Agenda - Public Hearing Item**

PC Staff Report  
3/28/11

**ITEM NO. 2A RM32 TO MU; .19 ACRES; 1340 TENNESSEE ST (MJL)**

**Z-1-1-11:** Consider a request to rezone approximately .19 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1340 Tennessee Street. Submitted by Paul Werner Architects, for Gremlin Holdings, LLC., property owner of record.

**ITEM NO. 2B RM32 TO MU; .26 ACRES; 1344 TENNESSEE ST (MJL)**

**Z-1-2-11:** Consider a request to rezone approximately .26 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), including establishing a Bar or Lounge use as an automatic Special Use Permit for Bullwinkle's, located at 1344 Tennessee Street. Submitted by Paul Werner Architects, for Lynn Investments LLC., property owner of record.

**ITEM NO. 2C RM32 TO MU; .49 ACRES; 1343 TENNESSEE ST (MJL)**

**Z-1-3-11:** Consider a request to rezone approximately .49 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1343 Tennessee Street. Submitted by Paul Werner Architects, for TK Property's LLC., property owner of record.

**ITEM NO. 2D RM32 TO MU; .23 ACRES; 1403 TENNESSEE ST (MJL)**

**Z-11-25-09:** Consider a request to rezone approximately .23 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1403 Tennessee Street. Submitted by Paul Werner Architects, for DJC Holdings, LLC, property owner of record.

**ITEM NO. 2E RM32 TO MU; .14 ACRES; 1400 OHIO ST (MJL)**

**Z-11-26-09:** Consider a request to rezone approximately .14 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 1400 Ohio Street. Submitted by Paul Werner Architects, for Wakarusa Partners, property owner of record.

**ITEM NO. 2F RM32 TO MU; .29 ACRES; 413 W. 14<sup>TH</sup> ST (MJL)**

**Z-11-28-09:** Consider a request to rezone approximately .29 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 413 W. 14th Street. Submitted by Paul Werner Architects, for Douglas J. Compton, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the items 2A-2F (noted below) to rezone from the RM32 (Multi-Dwelling Residential) District to MU (Mixed Use) District with all properties identified as a Primary Development Zone and a SUP for the Bar or Lounge Use at 1344 Tennessee Street and forwarding it to the City Commission with a recommendation for approval. The recommendation is based on the findings presented in the staff report and made with the following conditions:

1. Item 2A: Z-1-1-11; 1340 Tennessee Street
2. Item 2B: Z-1-2-11; 1344 Tennessee Street - including a Special Use Permit for the Bar or Lounge Use
3. Item 2C: Z-1-3-11; 1343 Tennessee Street
4. Item 2D: Z-11-25-09; 1403 Tennessee Street
5. Item 2E: Z-11-26-09; 1400 Ohio Street
6. Item 2F: Z-11-28-09; 413 W. 14<sup>th</sup> Street
  1. A 16' wide access shall be designated where an alley is currently platted but not dedicated along the south side of W. 14<sup>th</sup> St between Ohio and Tennessee Sts.

**Condition on all properties:**

1. The entire MU District, including the existing MU District comprised of 414, 502 and 507 W. 14<sup>th</sup> St, 1340 and 1346 Ohio St., shall not contain over 50,000 square feet of retail space.

**Reason for Request:**

*From deferred items:*

*This request is being submitted for the rezoning of the residential properties located at 413 West 14<sup>th</sup> St. in order update the zoning to match the historical commercial use. Rezoning is also being requested for the residential properties located at 1400 Ohio St. and 1403 Tennessee St. in order to provide continuity to this unique area of Lawrence.*

*From new items:*

*This rezoning request is being submitted for 1340 Tennessee, 1343 Tennessee and 1344 Tennessee. These properties are located on the northeast and northwest corner of 14<sup>th</sup> and Tennessee. The rezoning request is being submitted to update the properties with the recommended MU rezoning classification and adopted with the approval of the Oread Neighborhood Plan. The rezoning of these properties will add continuity to the previously approved MU zoning to the west along 14<sup>th</sup> and Ohio Street.*

**KEY POINTS**

- The proposed rezoning is consistent with the *Oread Neighborhood Plan*.
- The area is and historically has been a mixed use area.
- The proposal is generally in conformance with the Comprehensive Plan Chapter 6 regarding the Mixed Use Districts.
- The proposed rezoning would make a currently nonconforming Bar use, Bullwinkle's, conforming and would establish automatic special use permit for the property.
- The proposal would increase the size of the existing MU District to 1.6 acres.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- DR-07-65-10: 1403 Tennessee Street; Rezoning; Certified Local Government Review
- DR-07-66-10: 1400 Ohio Street; Rezoning; Certified Local Government Review
- DR-07-68-10: 413 W 14<sup>th</sup> Street; Rezoning; Certified Local Government Review
- DR-1-6-11: 1340 Tennessee Street; Rezoning; Certified Local Government Review
- DR-1-7-11: 1344 Tennessee Street; Rezoning; Certified Local Government Review
- DR-1-8-11: 1343 Tennessee Street; Rezoning; Certified Local Government Review

**PLANS AND STUDIES REQUIRED**

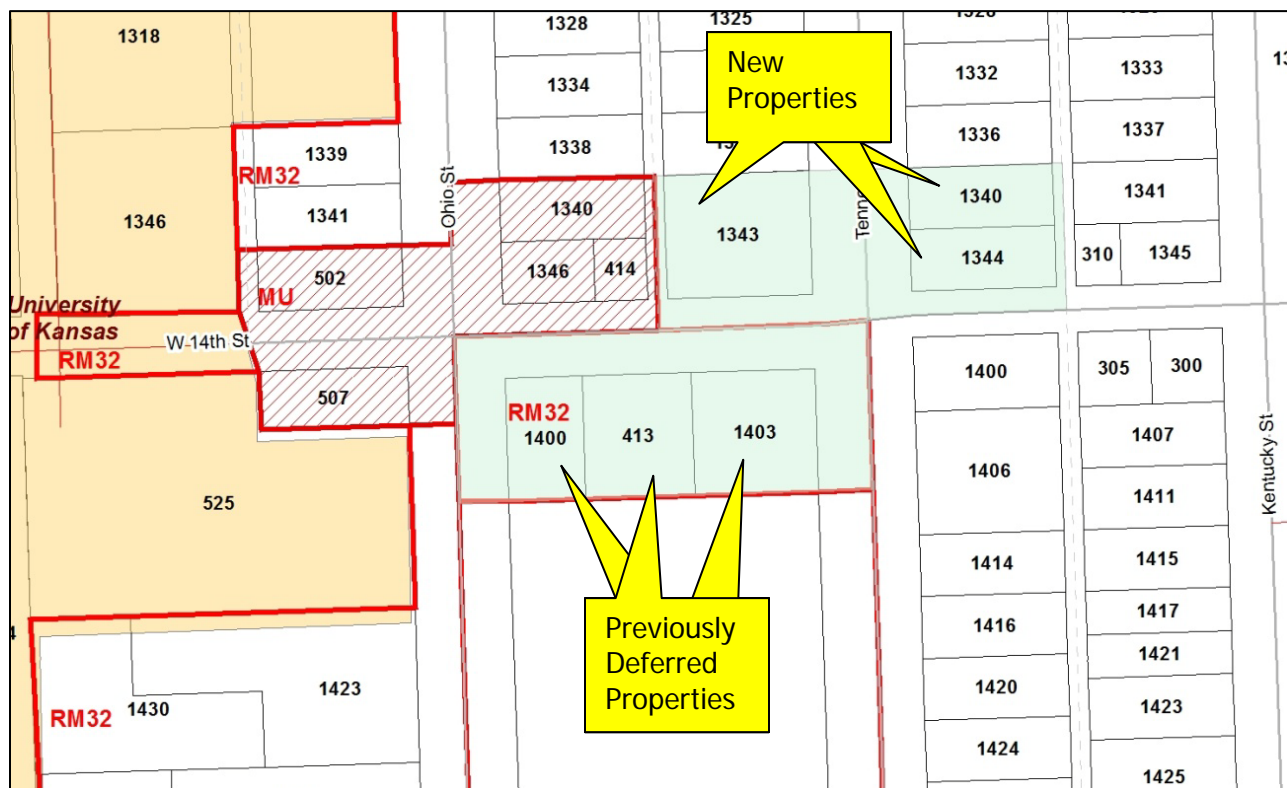
- *Traffic Study* – Not required for rezoning
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not required if approved with above condition

**ATTACHMENTS**

- Application materials

- None

The Code requires a Special Use Permit for the Bar or Lounge Use in the MU District and also sets out provisions for an automatic SUP for an existing Bar or Lounge Use when rezoned to the MU District. If rezoned to the MU District, Bullwinkle's (1344 Tennessee St.) would automatically receive a SUP for the use since it is an existing bar. Bullwinkle's is currently restricted to a Cereal Malt Beverage (CMB) license. This use would no longer be nonconforming and the property owner would potentially be eligible for Drinking Establishment (liquor) license following the rezoning. This would permit the sale of liquor in addition to the potential to sell alcohol until 2 a.m.



**Staff Finding** – Staff finds that the proposal is in conformance with the comprehensive plan. Chapter 14 – Specific Plans, Oread Neighborhood Plan identifies this area as a mixed use district. Chapter 6 – Commercial Land Use includes a Mixed Use District under the Commercial Center Category. It states that areas that are currently mixed use in nature should be preserved. Policy 3.14 outlines the criteria for Mixed Use Districts which includes



a mix of residential and non-residential uses, and multi-modal services. Currently the area is a mix of multi-family and bar uses and is within a quarter mile of various bus routes. Additionally it is identified on the bikeways map as a future bike route.

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

Current Zoning and Land Use:	RM32 (Multi-Dwelling Residential) District; 413 W. 14 <sup>th</sup> St.: Apartments 1400 Ohio St.: Apartments 1403 Tennessee St.: Apartments 1343 Tennessee St: Apartments 1340 Tennessee St: Apartments 1344 Tennessee St: Non-conforming Bar, Apartments
Surrounding Zoning and Land Use:	North: RM32 District; apartments MU District; apartments, congregate living West: MU District; apartments, bars South: RMG (Multi-Dwelling Residential-Greek Housing) District; Beta Theta Pi Fraternity (John Palmer and Margaret Usher House-National Register of Historic Places) RM32 District; apartments East: RM32 District; apartments, detached dwelling

**Staff Finding –** The properties to the west of the subject properties are zoned MU and developed with apartments and bars. The property to the east is zoned RM32 and developed with a mix of apartments and single-dwelling structures. The property to the south is zoned RMG and developed with a fraternity which is a house listed on the National Register of Historic Places. The properties to the north are zoned RM32 and developed with apartments.

## 3. CHARACTER OF THE NEIGHBORHOOD

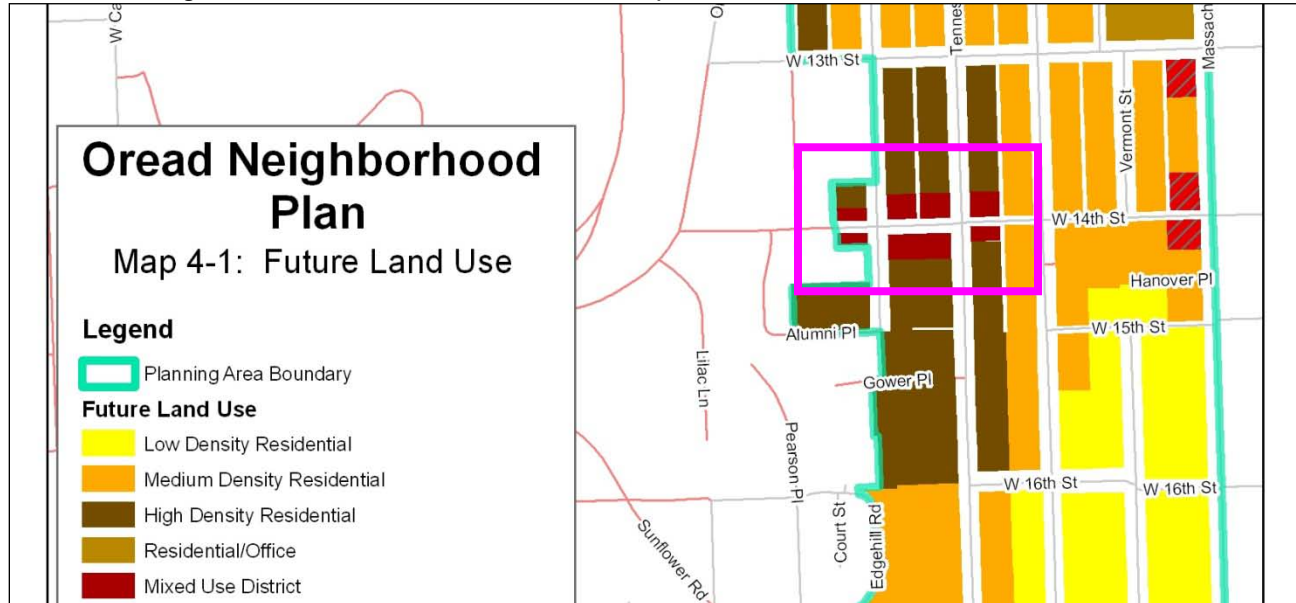
Applicant's Response: *The neighborhood is part of the Oread Neighborhood Association and is surrounded by Kansas University (U-KU) to the east and south as well as Greek housing (RMG) to the south. The remaining neighborhood is composed of mostly rental properties and a few single family homes (RM32).*

**Staff Finding –** The subject properties are located in a historic area directly adjacent to the main KU campus. The area surrounding subject area is developed with multi-family structures, single-dwelling structures and Greek housing. This area was part of the early development of Lawrence. MU zoning would be compatible with the character of the area.

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

**Staff Finding –** The subject area is within the planning area of the *Oread Neighborhood Plan* which was approved in 2010. The properties to the west were rezoned to the MU District in 2010. One property remains identified in the plan but outside of the request to be rezoned to MU.

*Oread Neighborhood Plan Future Land Use Map*



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

Applicant's Response: *The subject commercial property where Bullwinkle's was located is not suitable to the use to which it has been restricted due to the current RM32 zoning. The existing residential properties are suitable to their current zoning restrictions however; MU zoning would still allow them to exist as they are in addition to allowing other uses as listed above should the properties be redeveloped.*

**Staff Finding** – The subject properties are currently zoned for high-density residential uses. One of the properties is currently developed with nonconforming commercial uses. Historically this area has been a mix of uses. In the past there have been restaurants, barbers, bookstores and various types of residential uses. The residential uses are suitable for the current zoning but the drinking establishment is not suitable for the RM32 District. If damaged past a certain threshold, the bar use would need to comply with the RM32 District uses.

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

Applicant's Response: *The south half of 1343 Tennessee has been vacant since the time period between 1918 and 1927 when the former house that sat on the lot was torn down and replaced with the apartment building on the north side of the site. 1340 and 1344 Tennessee are not vacant and have not been since at least 1912.*

**Staff Finding** – The subject properties were developed in the late 1800's and early 1900's and have been a variety of commercial and residential uses over time. The property was zoned RD (Residence- Dormitory) with the adoption of the 1966 Zoning Ordinance and then converted to the RM32 District with the adoption of the *Land Development Code* in 2006.

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

Applicant's Response: *A possible detrimental effect to the public by rezoning the properties to MU would be an increase in traffic and a need for more parking locations which would be addressed*

*per the Development Code. However, it is also possible that this is not a destination served by people getting in their cars and driving there but, a destination for hundreds of students on foot walking to and from campus daily which would not increase vehicular traffic but instead increase pedestrian traffic, in addition, the surrounding properties and their uses are of a nature that the proposed MU zoning would not detrimentally effect nearby properties but would serve them by providing uses such as a coffee shop, café, offices, drug store or other retail uses on the first floor and residential uses on the second or third floor.*

**Staff Finding** – The rezoning could result in redevelopment of the district into more intensive uses causing an increase in traffic, both pedestrian and vehicular, in the area though these impacts should not be detrimental to the area.

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

*Applicant's Response: The gain to the public would be a unique commercial/residential area to serve the surrounding neighborhoods, KU and Lawrence. The hardship imposed upon the property owners if the rezoning is denied would be the lack of opportunity to take advantage of the MU District as the Oread Neighborhood Plan suggests. Should the RM32 zoning remain these properties would not redevelop to fit in with the surround MU uses causing the incompatibility that currently exists in the area to remain. Additionally hardship would be placed on the commercial use of Bullwinkle's should the building ever be destroyed by a natural disaster or a fire because they would not be allowed to rebuild their existing business.*

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.

**Staff Finding** – The potential gain to the public health, safety and welfare if the rezoning was denied could be that the area remains as is with the potential future elimination of existing nonconforming uses. There would be less impact as far as a potential increase in traffic and potential uses that could develop with the MU District. The property owners could have a hardship imposed on them if not rezoned and the property is destroyed and not able to be redeveloped with the existing uses.

**9. CONCLUSION**

Historically this area has been a mix of uses. Currently the uses are multi-dwelling structures and a non-conforming bar. The area is zoned RM32 but abuts a new MU District and an RMG District.

MU District

The MU District is primarily intended to permit a variety of land uses together in one or more structures on a site including governmental, retail, office, public and community facilities, institutional, religious, and residential uses in a pedestrian-oriented and transit-oriented setting. The MU District zoning classification may not be appropriate in all areas of the city. The Code states that to be eligible for rezoning to the MU District, a site proposed for mixed use development shall be:

1. Within one-quarter of a mile of designated transit route at the time the rezoning is initiated; and (meets)

2. Near or adjacent to the intersection of arterial streets as per the adopted major thoroughfares map; or (does not meet)
3. Within one-quarter of a mile of university campuses; or (meets)
4. Within one-quarter of a mile of downtown, the boundaries of which are described in Chapter 6 of Horizon 2020; or (does not meet)
5. Immediately adjacent to public parks or open space; or (does not meet)
6. An existing nonresidential development proposed for redevelopment. (potentially meet in the future)

The Code requires the proposal meet number 1 above and any of number 2-6. This proposal is within one-quarter of a mile of several bus routes, one on Mass St. and several on campus, and within one-quarter of a mile of the university.

### Development Zones

As part of the application, the applicant must designate development zones for the district. Development zones govern permitted density on the site as well as building height, scale and form. The three development zones (primary, secondary and tertiary) are hierarchical in terms of development intensity permitted. A proposal to rezone to the MU District need not designate all three development zones. Development zones shall be designated to ensure compatibility with surrounding existing development. The code defines the development zones as follows:

#### 1. Primary Development Zone

The Primary Development Zone is that area of land within a Mixed Use development which is designated for the most intense development allowed by the District. Primary Development Zones shall contain Vertical Mixed Use Structures with a mixture of both residential and nonresidential uses and no interruption of Building Frontage along the Public Frontage. Where a Primary Development Zone fronts upon a Public Frontage, such area shall be designated as Primary Public Frontage. A Primary Public Frontage shall be designed to accommodate heavy pedestrian traffic and ground-level nonresidential uses. Residential uses shall not be permitted on the ground level of Structures in the Primary Development Zone.

#### 2. Secondary Development Zone

The Secondary Development Zone is that area of land within a Mixed Use development which is designated for less-intense development, relative to that permitted by a Primary Development Zone. Secondary Development Zones may contain Vertical Mixed Use Structures, Horizontal Mixed Use Structures or single-use Structures with interruption of Building Frontage along the Public Frontage allowed only for Access to Parking Areas, for Alleys or service lanes. Where a Secondary Development Zone fronts a Public Frontage such area shall be designated as Secondary Public Frontage. A Secondary Public Frontage shall be designed to accommodate moderate amounts of pedestrian traffic, and if planned, vehicular Access to Parking Areas and service lanes in a manner that minimizes pedestrian-vehicular conflict. Secondary Development Zones may contain both nonresidential ground-level uses as well as ground level residential uses.

#### 3. Tertiary Development Zone

The Tertiary Development Zone is that area of land within a Mixed Use development which is designated for the least-intense development, relative to that permitted in the other zones. Tertiary Development Zones shall permit a

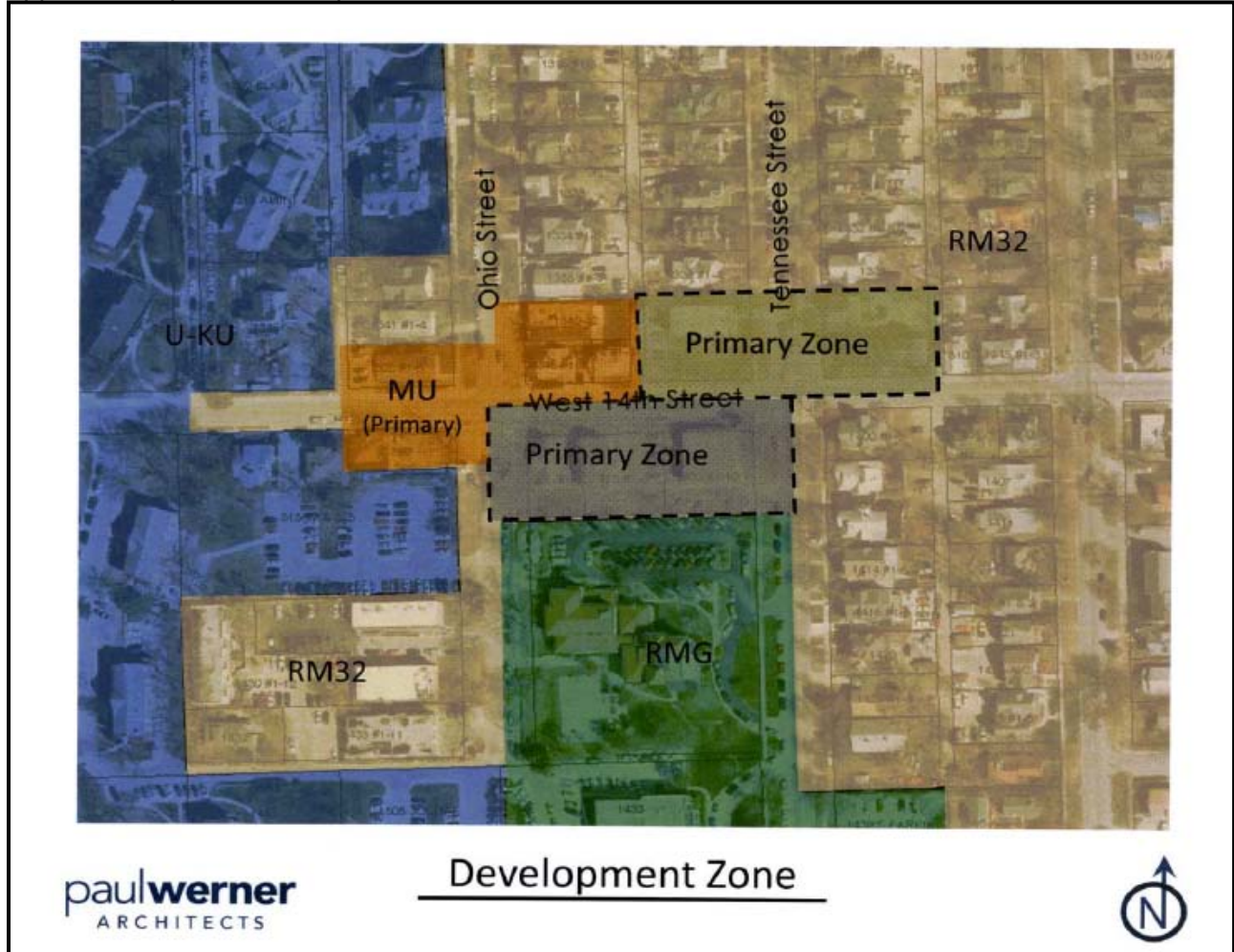
development intensity which is no greater than that of surrounding existing development. Such zones shall permit a development form which is consistent with that of surrounding existing development (i.e. two-story detached residential Dwellings across the street from existing Structures which are of the same form, etc.). Nonresidential uses shall only be permitted in a Tertiary Development Zone if the existing surrounding development contains such nonresidential uses. A Tertiary Development Zone shall only permit a residential use type which exists in surrounding development.

Additionally the Code lays out public frontages for each development zone which can be found in Section 20-1108. These descriptions and diagrams show how these frontages shall be planned and are urban form. These standards must be followed when redeveloping or developing with a Major Development Project.

The designation of the development zones is made by looking at the context of the neighborhood around the proposed district and taking into consideration the subject properties' existing uses and building heights along with the adjacent properties' uses and building heights. The Code states that the developments "shall be compatible with existing development which surrounds the proposed mixed use development." Compatibility is best achieved through a transition in building form, scale and intensity rather than through uses, peripheral buffers or landscaping.

Adjacent to the subject area are apartments and a fraternity. All of these buildings are 2-3 stories in height. The applicant has designated the entire district as a Primary Development Zone and submitted the supporting information. See attached application packet. This could create a district similar to the feel of downtown with structures abutting each other and no breaks between buildings except for streets and alleys. The longest block face in the subject area is comprised of the 3 lots on the south side of W. 14<sup>th</sup> St. between Ohio and Tennessee Sts. For comparison, a building developed there could be approximately 50' shorter in length than Hobbs-Taylor Lofts building located along New Hampshire St. Because the surrounding neighborhood is made up of individual structures with front and rear yards, staff believes the largest uninterrupted block face, along W. 14<sup>th</sup> St. between Ohio and Tennessee Sts., should be required to dedicate a 16' wide access where an alley is platted. This allows the uses and density of the Primary Zone but mimics the historic fabric, similar to that across W. 14<sup>th</sup> Street, with potential building massing being no larger than in the existing MU District at 117' X 100' lots.

### Applicant Proposed Development Zones



The subject area is within the historic environs of the John Palmer and Margaret Usher House which is located directly south at 1425 Tennessee St. and the William Priestly House located at 1505 Kentucky St. Because these properties are within the historic environs, the Historic Resources Commission must also review and make a determination on the proposed rezonings. At their February 17<sup>th</sup> meeting, the HRC approved all of the rezonings with the following conditions: 1340 Tennessee St, 1344 Tennessee St and 1343 Tennessee St:

1. The applicant will work with the Historic Resources Administrator to develop future design plans.
2. Any changes to the approved project will be submitted to the Historic Resources Commission prior to the commencement of any related work.

1403 Tennessee St, 1400 Ohio St, 413 W 14<sup>th</sup> St:

1. The applicant will work with the Historic Resources Administrator in the design process to create future development;
2. Future development along 14<sup>th</sup> Street must include a break of 16' with access to the rear of the property line;
3. Any changes to the approved project will be submitted to the Historic Resources Commission prior to the commencement of any related work.



Historic Resources staff believes that a large building with an uninterrupted facade is not consistent with the pattern of the other structures or the historical building pattern of the area. It has been determined that a structure of that type would not meet the Secretary of the Interior Standards and Guidelines for Rehabilitation and Standards and Guidelines for Evaluating the Effect of Projects on Environs and would be difficult to obtain approval from the Historic Resources Commission to construct. Therefore, requiring a 16' access where a platted alley is located in the block capturing 1400 Ohio St., 413 W. 14<sup>th</sup> St., and 1403 Tennessee St. would result in more compatible redevelopment with the historic fabric of the neighborhood and similar massing as the properties across W. 14<sup>th</sup> St.



### Nonconforming

If the subject properties are rezoned to the MU District, some of the structures may become nonconforming, if they are not already nonconforming. The nonconforming structures are permitted by Code to remain until proposed to be modified to the extent of a Major Development Project. Any modifications that qualify as a Minor or Standard Development Project are permitted and the project would not be required to meet the standards of the MU District.

By rezoning to the MU District some uses may become non-conforming such as a ground floor dwelling unit in a Primary Development Zone. These uses are permitted to remain as is until redevelopment. Registering the use under Section 20-1505 of the code would offer rights in the Non-Conforming Use section, Section 20-1502, of the code.

### Retail Limit

Section 20-1107 of the Code requires a Retail Market Study 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. Because there is the potential for this district to develop with 50,000 square feet or more of retail, a Retail Market Study is required. In place of this requirement, since no redevelopment is proposed, a condition is recommended to be placed on each property that as a whole, the district cannot contain more than 50,000 square feet of retail space. These properties

would be added to the existing MU District to the west and the district as a whole, could not contain more than 50,000 square feet of retail uses.

#### Bars in the MU District

Currently the existing bar is a non-conforming use in the RM32 District and permitted with a Special Use Permit (SUP) in the MU District. The bar, if rezoned to the MU District, would automatically be granted a SUP and the public hearing for the rezoning would also be a public hearing for the SUP. The use would no longer be nonconforming.

Currently Bullwinkle's has a Cereal Malt Beverage (CMB) license. This permits the sales of cereal malt beverages and requires the establishment to close at midnight. This site has not been permitted a Drinking Establishment License because of the existing non-conforming status. If 1344 Tennessee is rezoned and a SUP is approved, the site would no longer be non-conforming and the property owner could request a Drinking Establishment License. This would permit the establishment to serve liquor and be open until 2 a.m. This could impact the area surrounding the property.

At the public hearing, the Planning Commission has the opportunity to place any conditions on that SUP that are deemed appropriate. This use then is regulated under the SUP section of the Code and the City Commission is able to revoke, suspend, or change the SUP if there are violations of the conditions of the SUP, City Code, or State or Federal Law. At this time, staff is not recommending any conditions be placed on the bar located at 1344 Tennessee St.

#### **PROFESSIONAL STAFF RECOMMENDATION**

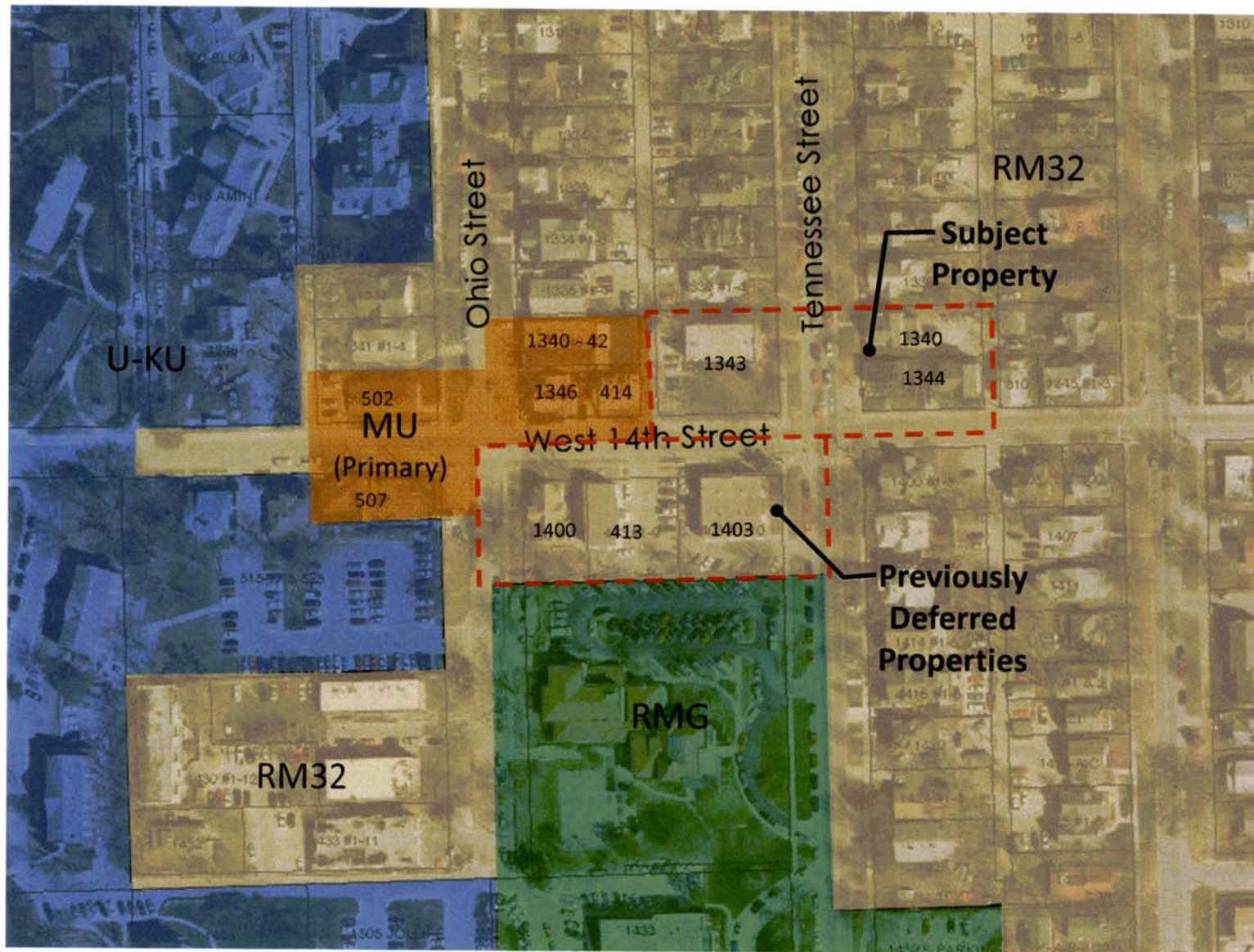
Staff recommends approval of the items 2A-2F (noted below) to rezone from the RM32 (Multi-Dwelling Residential) District to MU (Mixed Use) District with all properties identified as a Primary Development Zone and a SUP for the Bar or Lounge Use at 1344 Tennessee Street and forwarding it to the City Commission with a recommendation for approval. The recommendation is based on the findings presented in the staff report and made with the following conditions:

1. Item 2A: Z-1-1-11; 1340 Tennessee Street
2. Item 2B: Z-1-2-11; 1344 Tennessee Street - including a Special Use Permit for the Bar or Lounge Use
3. Item 2C: Z-1-3-11; 1343 Tennessee Street
4. Item 2D: Z-11-25-09; 1403 Tennessee Street
5. Item 2E: Z-11-26-09; 1400 Ohio Street
6. Item 2F: Z-11-28-09; 413 W. 14<sup>th</sup> Street
  1. A 16' wide access shall be designated where an alley is currently platted but not dedicated along the south side of W. 14<sup>th</sup> St between Ohio and Tennessee Sts.

Condition on all properties:

1. The entire MU District, including the existing MU District comprised of 414, 502 and 507 W. 14<sup>th</sup> St, 1340 and 1346 Ohio St., shall not contain over 50,000 square feet of retail space.







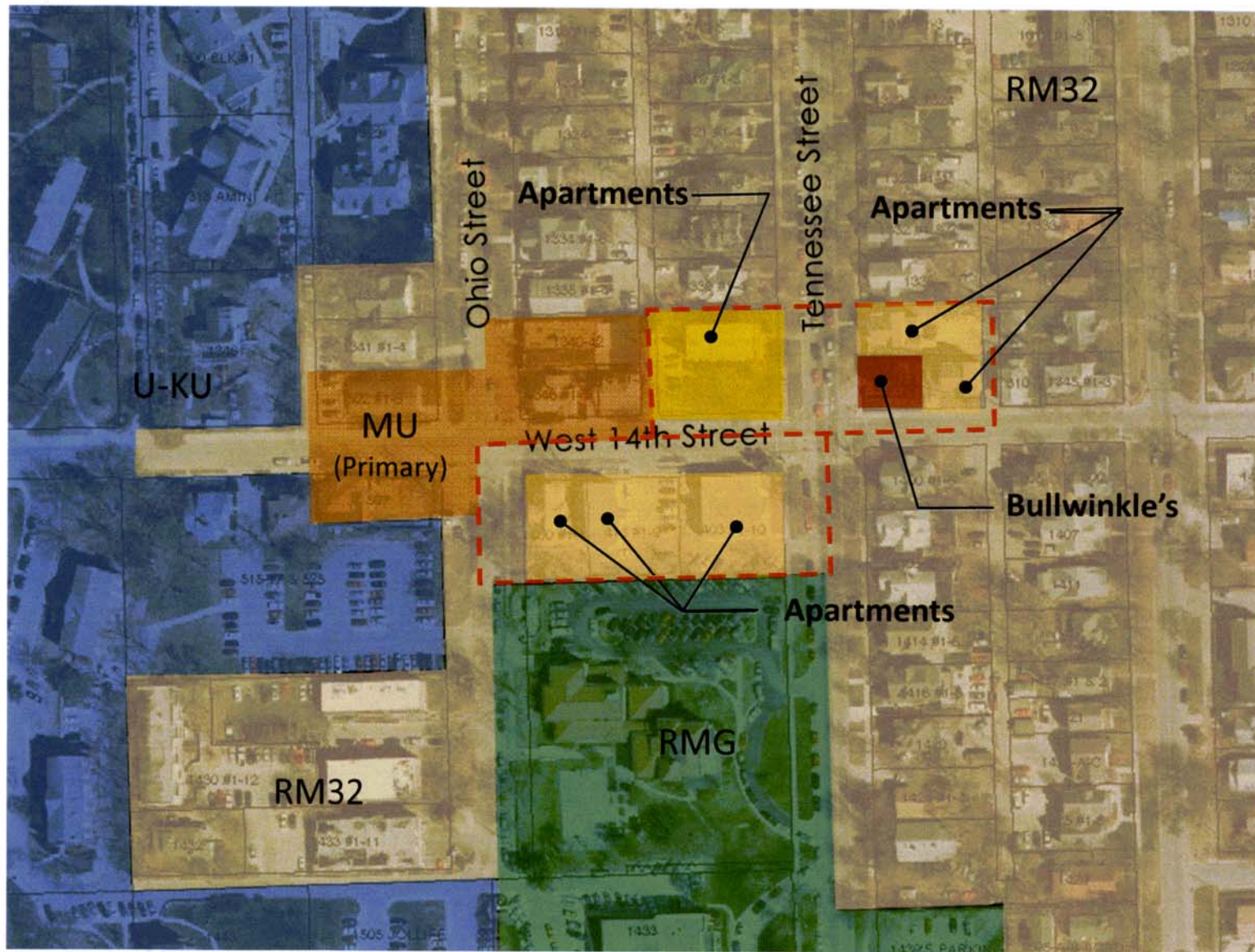


paulwerner  
ARCHITECTS

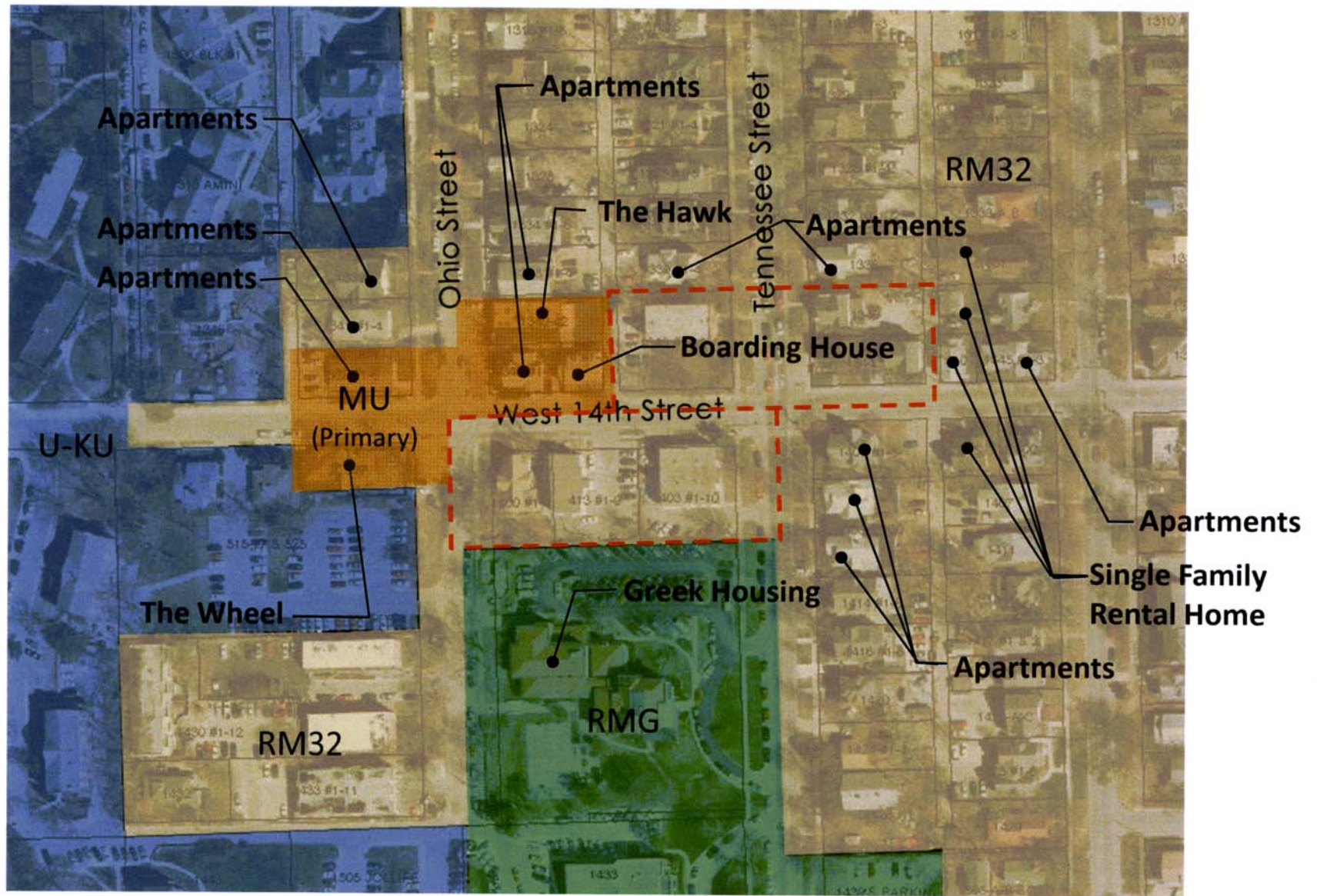
Aerial View



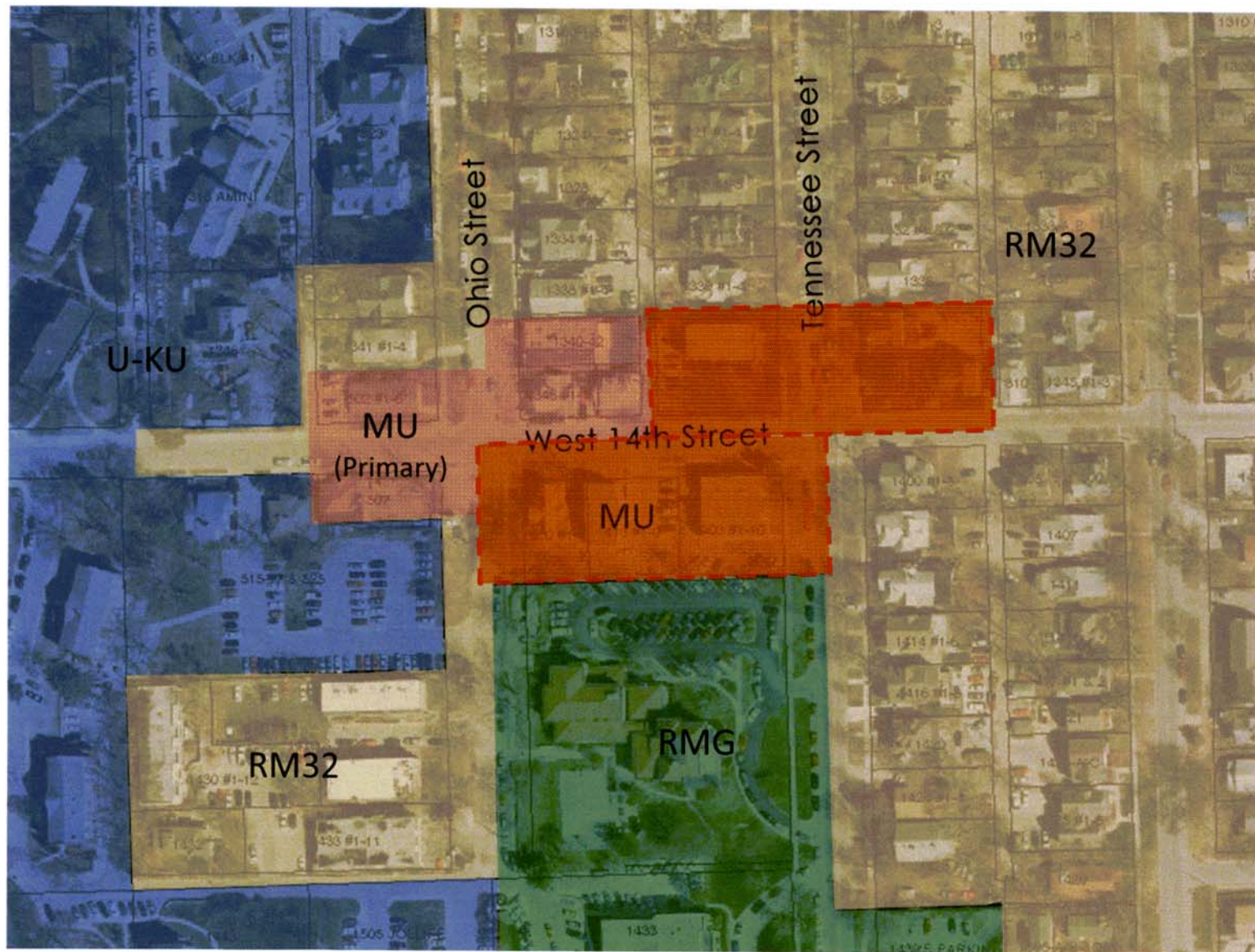




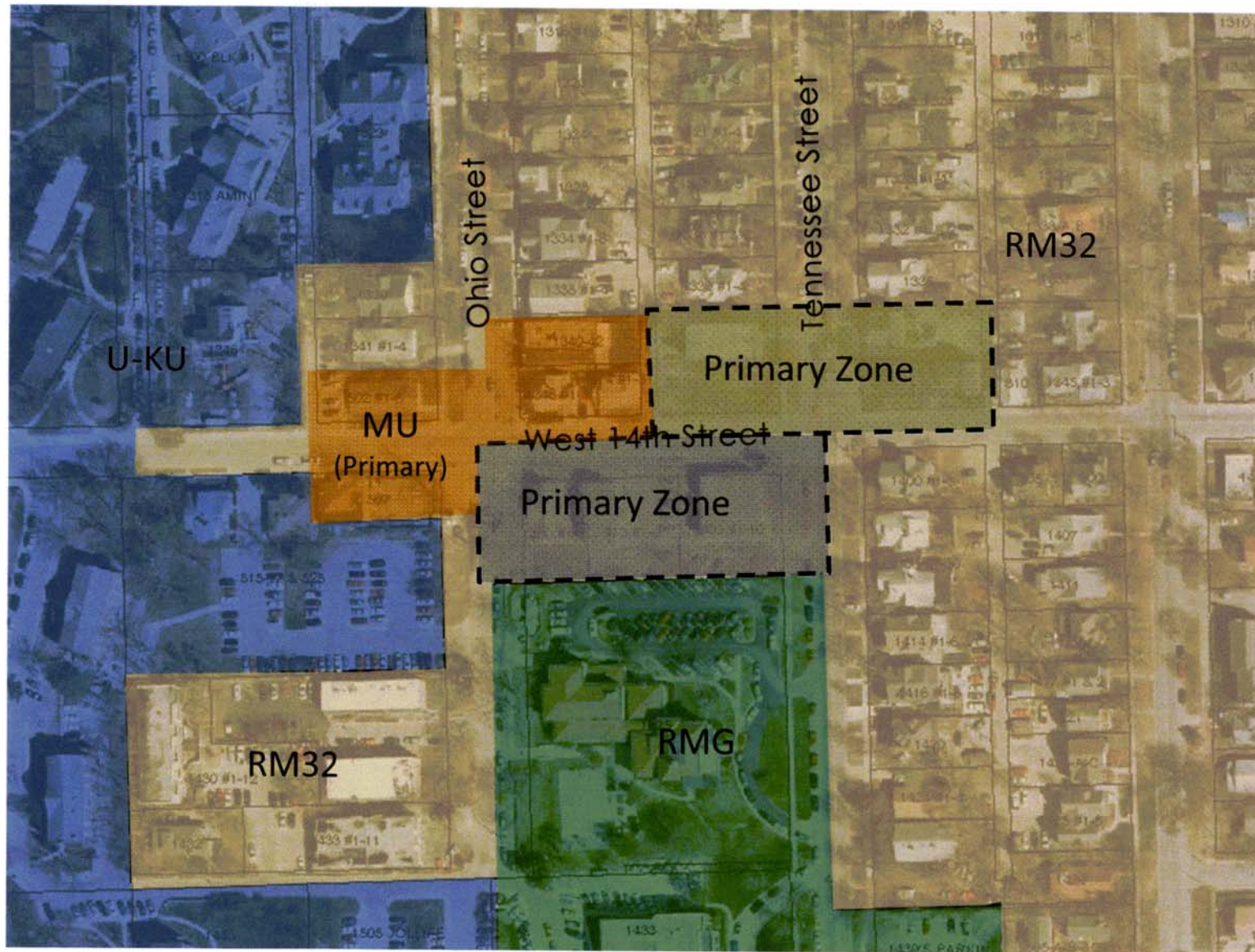




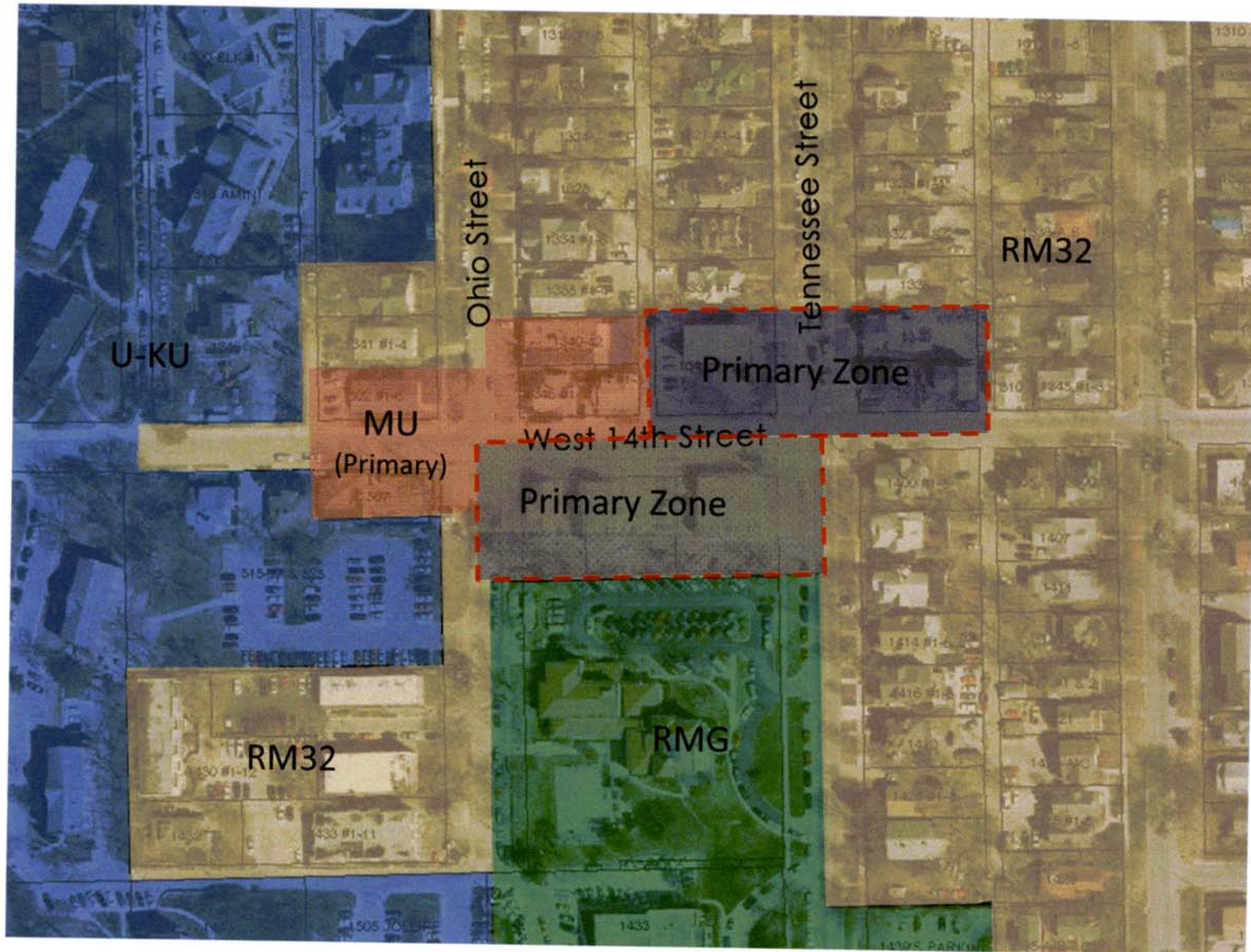




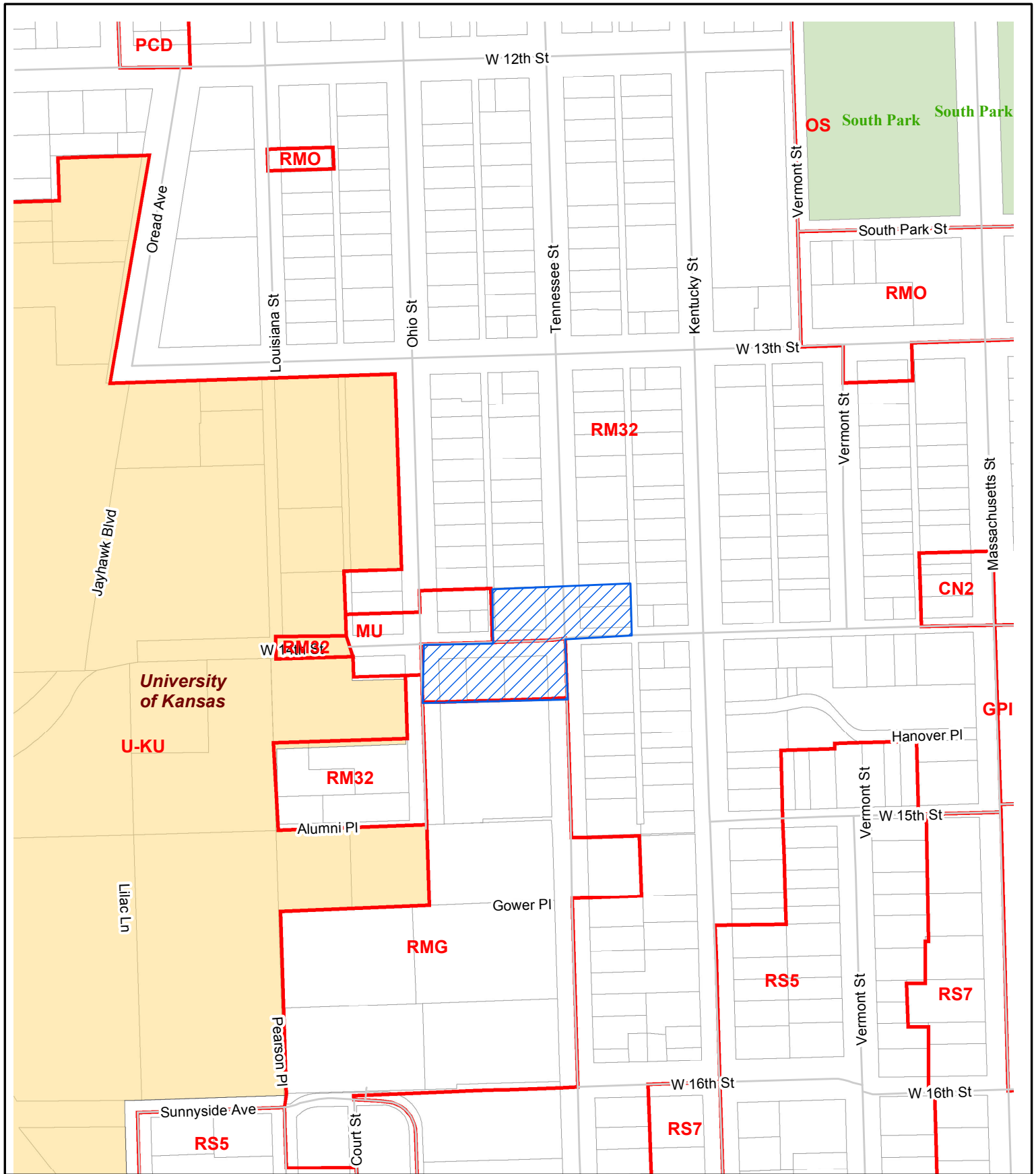













**Z-01-01-11**  
**Z-01-02-11**  
**Z-01-03-11**

**Rezone to RM32**

**Z-11-25-09**  
**Z-11-26-09**  
**Z-11-28-09**

Lawrence-Douglas County Planning Office  
 March 2011



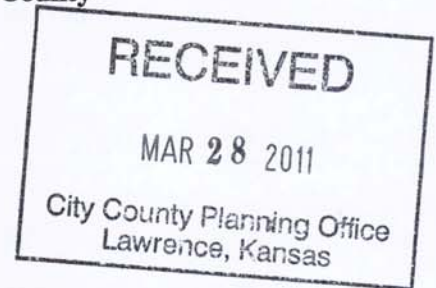
 Area Requested  
 Scale: 1 Inch = 300 Feet

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

March 27, 2011

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



**RE. ITEM NO. 2: ITEMS 2A THROUGH 2F; REZONING FROM RM32 TO MU, 6 PROPERTIES**

Dear Chairman Blaser and Planning Commissioners:

In reviewing the requirements for the Mixed Use District, we were led to question whether this particular Zone of the MU District is actually appropriate for the situation and would achieve either the intentions of the City or the developers or the purpose of the MU District. The following is excerpted from the Lawrence Development Code.

**20-1108 GENERAL DEVELOPMENT STANDARDS FOR MIXED USE(MU) DISTRICTS**

**(f) Development Zones**

**(1) Primary Development Zone**

The Primary Development Zone is that area of land within a Mixed Use development which is designated for the most intense development allowed by the District. Primary Development Zones shall contain Vertical Mixed Use Structures with a mixture of both residential and nonresidential uses and no interruption of Building Frontage along the Public Frontage. Where a Primary Development Zone fronts upon a Public Frontage, such area shall be designated as Primary Public Frontage. A Primary Public Frontage shall be designed to accommodate heavy pedestrian traffic and ground-level nonresidential uses. Residential uses shall not be permitted on the ground level of Structures in the Primary Development Zone.

Because this Primary Development Zone doesn't seem appropriate for redevelopment of individual properties in need of renovation, especially under separate ownerships and limited for historical reasons, we ask, wouldn't applying the Secondary Development Zone be more appropriate?

In combination with the need for the uninterrupted frontage and no ground-level residential uses permitted in the Primary Development Zone, it would seem to us that the more flexible Secondary Development Zone would be more applicable to these locations. We realize that the Development Zones other than the Primary one are created as transition zones. However, they can be located separately, as well. No doubt, the Primary Zone was chosen because of its higher permitted density of 32 units an acre. Because of the difficulty of utilizing this MU Primary Development Zone district here, we suggest that it will tend to have a deteriorating effect rather than promote rehabilitation and pedestrian convenience.

We ask again, is this district actually appropriate for these specific redevelopment sites? Wouldn't it be better to create a redevelopment overlay district with the same goals in mind; i.e., to provide mixed use development for convenient pedestrian access?

We would appreciate your consideration of these suggestions. Thank you.

Sincerely yours,

Milton Scott  
Vice President

*Alan Black*  
Alan Black, Chairman  
Land Use Committee

## **PLANNING COMMISSION REPORT**

### **Regular Agenda -- Public Hearing Item**

PC Staff Report  
3/28/11

#### **ITEM NO. 3      TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; RM32 DISTRICT (MJL)**

**TA-6-8-10:** Reconsider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, related to the density and development standards in the RM32 (Multi-Dwelling Residential) District including potentially increasing the maximum dwelling units per acre limit in that district. *Initiated by City Commission on 7/13/10. (PC Item 3; approved 6-3 on 12/13/10) Referred back to Planning Commission by City Commission on 1/25/11.*

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the amendment to Section 20-601(a) of the Land Development Code to add a footnote to the RM32 District to calculate density and minimum outdoor area for Multi-Dwelling Structures as .5 dwelling units per acre for studio, 1 and 2 bedroom units and 3 bedroom and higher as 1 dwelling unit with a maximum potential density of 48 dwelling units per acre.

**Reason for Request:** Current RM zoning has no incentives to help the community achieve one of the goals of the Lawrence/Douglas County Comprehensive Land Use Plan; to encourage redevelopment and development of infill property. We would like to propose that the cap currently on the existing RM32 be removed to allow for increased density provided that all the other restrictions of the RM32 zoning be met under 20-601. [Paul Werner Architects initiation letter to CC dated June 15, 2010]h

#### **RELEVANT GOLDEN FACTOR:**

- This proposal is generally in conformance with the comprehensive plan providing the opportunity to create a mix of residential types, styles and economic levels in the city.

#### **PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- Communication from Kirk McClure (8/13/10; 11/1/10)
- Communication from Stan Hernly (10/7/10)
- Communication from the Lawrence Preservation Alliance (9/19/10; 11/28/10)
- Communication from Joe Bickford and Marci Francisco (8/22/10)
- Communication from League of Women Voters (8/23/10; 10/25/10)

#### **OVERVIEW OF PROPOSED AMENDMENT**

The RM32 District is the densest residential district in the Code, permitting 32 dwelling units per acre. Below is a summary of the requirements that would need to be met for development in the RM32 District:

- Density and Dimensional Standards
  - Minimum lot area: 6,000 square feet
  - Minimum lot width: 50'
  - Minimum lot frontage: 50'
  - Minimum setbacks:
    - Front: 25

- Side exterior: 25' when abutting an interior side lot line, 10' when abutting a rear lot line
  - Side interior: 5'
  - Rear: 20' single frontage, 25' double frontage
- Maximum building coverage 60% (applies only to lots platted after the effective date or any improvements which increase the building coverage or impervious coverage.)
- Maximum impervious cover 80% (applies only to lots platted after the effective date or any improvements which increase the impervious coverage or building coverage)
- Minimum outdoor area per dwelling: 50 square feet
- Minimum outdoor area dimensions per dwelling: 5'
- Maximum building height: 45' (approx 4-5 stories)
- Parking (multi-dwelling structure)
  - Vehicle parking: 1/bedroom + 1/10 units
  - Bicycle parking: 1/4 auto spaces
  - Auto parking dimensions (stalls, drive aisles)
- Landscaping
  - Parking lot landscaping (interior and perimeter)
  - Bufferyards
  - Screening of dumpsters and mechanical equipment
- Balconies on a multi-dwelling unit building
  - Balconies above the second story of a multi-dwelling unit building are prohibited along the exterior of a RM development unless the building setback is increased to at least double the required minimum setback and landscaping is enhanced with two or more of the following features: a minimum 4' berm, a solid screening fence (6' minimum height) or a masonry wall (6' minimum height). This provision shall apply only to those exterior sides of a Planned Development that are adjacent to RS zoning or to detached Dwelling Units.
- Photometric Plan (lighting plan)
- Sidewalks along public streets

One of the issues the applicant has presented is related to how the zoning regulations calculate density. The code defines a dwelling unit by the presence of a kitchen and does not differentiate between a 1 bedroom unit and a 4 bedroom unit. Therefore depending on configuration, the same building mass could include equal numbers of bedrooms but significantly different dwelling unit counts which affects calculated density. Staff recognizes the community need for 1 and 2 bedroom units as well as 4 bedroom units. An argument can be made that if the total number of bedroom are contained in the same building form (regulated by setbacks, height, parking, bufferyards, and outdoor space) the total number of units is not relevant.

### **CONFORMANCE WITH THE COMPREHENSIVE PLAN**

This change is generally in conformance with the comprehensive plan by giving the opportunity to create a mix of residential types, styles and economic levels in the city.

### **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**

*No*

**Staff Response**

Over the past few years there have been many discussions supporting higher density development and building up and not out (infill vs. sprawl). This change would support this development perspective regarding increasing density in the highest intensity multi-family district and facilitating the potential for infill development at a higher density while meeting all other requirements in the code. With the adoption of the SmartCode, the community has shown support for higher density development.

However, the proposed change may arguably increase pressure to consolidate lots in the Oread Neighborhood to provide larger properties for redevelopment. This could result in significantly larger structures within a neighborhood which could change the streetscape and historic character defining patterns of small structures with yards between.

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

**Applicant Response**

*Horizon 2020 encourages the redevelopment and development of infill property. This revision will encourage redevelopment of the old apartment structure on RM32 zoned areas, with more modern and energy efficient 1 and 2-bedroom apartments.*

*The intent of the code is to provide higher density housing close to the University of Kansas and near downtown.*

**Staff Response**

Horizon 2020 supports a mix of housing types and densities in addition to the SmartCode concepts of higher density development and a mixing of uses. Such a change may create pressure to demolish existing housing stock in favor of property consolidation but this pressure arguably exist today and is somewhat regulated by Historic Preservation. This amendment may pit redevelopment goals against preservation and neighborhood character goals.

**Staff Discussion**

At the December 2010 Planning Commission meeting, the Commission recommended approval of the staff recommendation to add a footnote to the RM32 District to change how density is calculated in a multi-dwelling structure. The City Commission at their January 25<sup>th</sup> meeting sent the text amendment back to the PC with the questions to address. The list of questions and staff comments are below.

1. Discuss how the amendment affects occupancy in developments compared to the current way of calculating density, especially as it relates to the Development Code's definition of family?

The code permits up to 4 unrelated persons per dwelling unit in an RM district. This code regulation is not proposed to change with this text amendment. Typically, you are not likely to have more than 2 persons per bedroom in a unit. Staff believes it is not realistic to assume that there would be more than 2 people living in a 1 bedroom apartment as there would be minimal



space for people's belongings and they may have to share 1 bathroom. It may be realistic to assume that some of the bedrooms may have 2 persons living in them but not 4 people and not all units. The 2005-2009 American Community Survey of the U.S. Census Bureau states that 98.7% of the renter-occupied housing units in Lawrence have 1 or less occupants per room with a margin of error of +/- .04.

Staff has contacted the KU Department of Student Housing for trends they are seeing for housing. Their renters are telling them that they are willing to share a room with 1 other person, like a traditional residence hall, but they are moving towards more private bathrooms. Many of the rooms have a sink in each room but share larger bathroom facilities. Suites maintain 2 persons per bedroom but have a private bathroom or a 4 person suite with 2 bedrooms and 1 bathroom. The on-campus housing traditionally houses incoming freshman and those on a budget.

Conclusion: Staff believes that 2 people per bedroom max should be assumed and that permitting the text amendment will not alter this behavior.

2. Discuss parking standards and whether current standards will accommodate a presumed potential increase in occupancy of individual units.

Parking is an issue that exists today being that landlords may not know that there may be more than 1 person living in a bedroom. The current standards require 1 space/bedroom, plus 1 space for every 10 units for visitors and guests. This text amendment would not change the required parking. With the proposed text amendment, more parking would be required because parking is calculated by 1 space/bedroom plus 1 space for every 10 units. There would be the same number of bedrooms but an increased number of dwelling units, thus requiring slightly more parking spaces.

As noted, staff assumes no more than 2 persons per bedroom. It is also assumed that not every person in every unit owns a car, thus leveling out some parking demand. Many people live near the university, downtown, or near bus routes because of the other options they have available for transportation.

Many units were built before parking standards were established or under less stringent parking standards and therefore don't have adequate on-site parking. Available on-street parking is often used by those driving to campus, that don't live in the neighborhood. The parking picture in the Oread is bigger than the number of on-site parking for each dwelling unit. Parking availability for the university on campus or near campus complicates the parking situation for this neighborhood.

Conclusion: Parking is calculated at 1/bedroom rate plus 1/10 units. There is an assumption that there will be no more than 2 persons per bedroom. Some units may have 2 persons per bedroom and some may have 1 person per bedroom and not every person living in a unit will have a car. This will average out and change based on renting cycles.

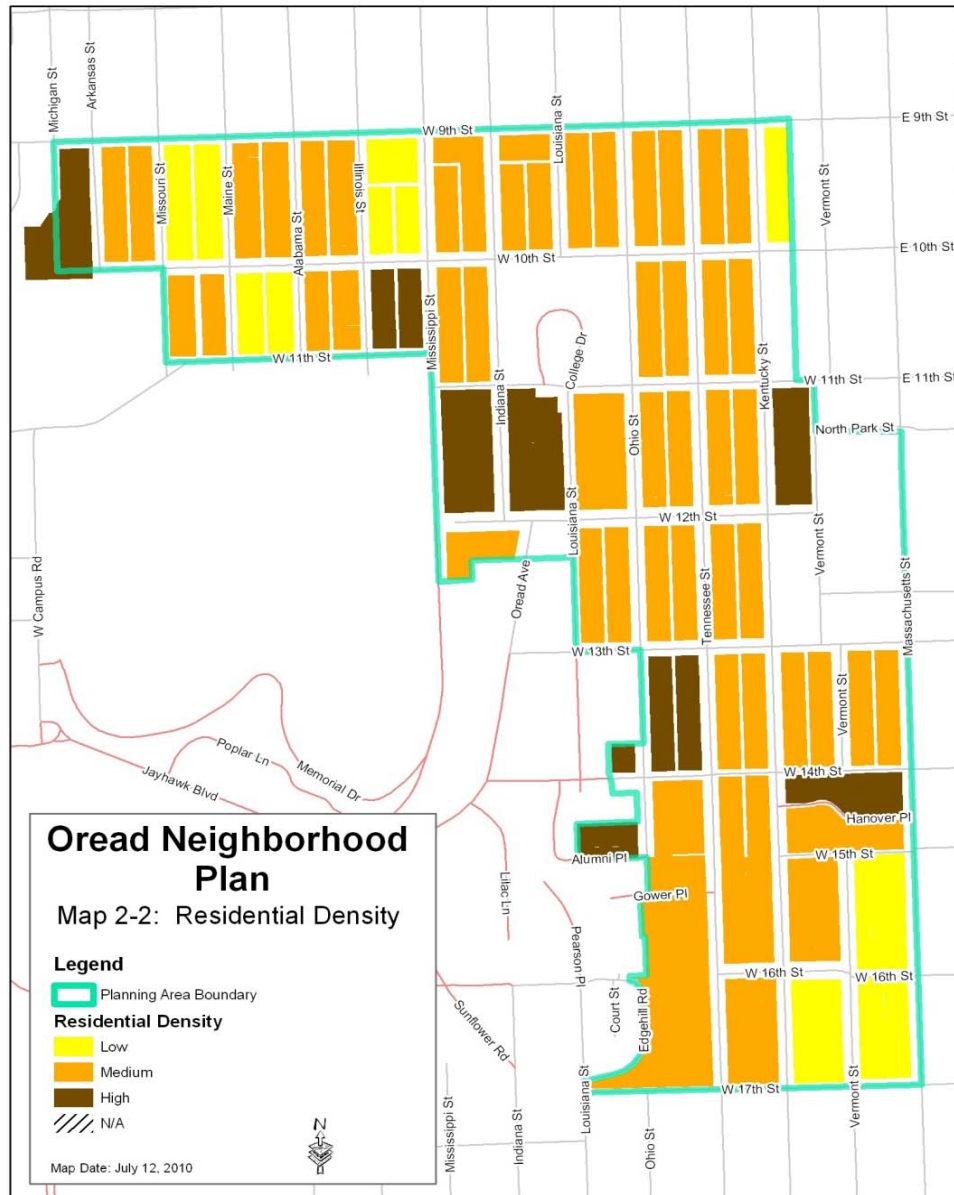
3. Discuss whether the amendment will incentivize redevelopment and lot consolidation in the Oread neighborhood at levels and intensities not compatible with the designations in the Oread Neighborhood Plan.

Currently, most lots in the Oread Neighborhood cannot be developed to the maximum density because of the existing platted lot sizes. A typical Oread Neighborhood lot of 5,850 square feet could, at a maximum, permit 4 dwelling units. The site would have to meet all other code standards

such as setbacks, parking, outdoor area, etc. The incentive to consolidate lots exists today because of the existing lot sizes and existed with a greater incentive under the previous code because the previous designation had a higher density maximum. The RM32 District converted from the previous code designation of RD (Residence Dormitory) District which had a maximum density of 54 dwelling units per acre. With the proposed amendment, a typical lot would have the potential to develop with 8 dwelling units but would not be able to meet the parking requirements on site as the minimum required parking would be 9 spaces. The options to be able to meet the parking requirements are combining the property with an adjacent lot for parking, sharing parking with a site that has excess, or providing an underground parking facility. Property in the Oread Neighborhood is expensive and it would be unlikely that most people would purchase a lot solely for surface parking. Staff calculated the average appraised value of lots on several blocks in the Oread Neighborhood and the average lot value is \$218,467.

The *Oread Neighborhood Plan* designates low- and medium-density residential to areas of the neighborhood that are currently zoned RM32 District. The plan calculates density on a per block basis so potentially you could have lots that calculate as high-density but as a block, averages out to a medium- or low-density. The majority of the neighborhood is currently calculated at medium-density (7-15 dwelling units per acre). The RM32 District is in other areas of town in addition to the Oread Neighborhood. Because of this and the issues of creating code uniformity, this text amendment cannot be linked to the *Oread Neighborhood Plan*.





Conclusion: This text amendment could incentivize lot consolidation if other code requirements cannot be met on a lot. Staff believes an incentive to consolidate lots exists today and with changes to the text amendment, the "incentive" may not be as great.

4. Discuss the affect of the amendment on RM32 zoned areas outside of the Oread Neighborhood.

The majority of the RM32 Districts outside of the Oread Neighborhood are developed with large lot apartment buildings. The amendment would affect the area the same across the district, given existing developments to add units if the parking is available, although there may not be the concern over the lot consolidation because of the existing large lots.

Options

Staff has accumulated a list of options for addressing the requested text amendment if the PC believes the number of occupants or parking would impact the amendment.

- Add a maximum on the number of additional dwelling units that can be obtained while continuing to count studio, 1 bedroom, 2 bedroom units as .5 dwelling units as proposed. Maximum options:
  - Up to 50% additional dwelling units (existing current density multiplied by 1.5) which would potentially permit 48 dwelling units maximum on an acre site. For example a 50' X 117' lot could potentially have up to 4 dwelling units with all other code requirements met. Multiply that by 1.5 and you could potentially have 6 dwelling units, 2 additional calculated dwelling units.
  - 25% additional (what is allowed in a PD overlay) would potentially permit 40 dwelling units
- Establish a range for the calculated density change. Staff does not believe this option would solely address the voiced concerns regarding an incentive for lot consolidation because the potential remains to develop up to 64 dwelling units by developing all 1 bedroom apartments. A density cap would need to be combined with this option in order to reduce the incentive to accumulate lots.
  - Studio & 1 bedroom = .5 dwelling unit
  - 2 bedroom = .75 dwelling unit
  - 3 bedroom+ = 1 dwelling unit
- Limit the availability of the footnote to only be useable on lots that have been vacant for 2 or more years (trackable through demolition permits and appraiser records) or a structure designated as a dangerous structure or premises. Using the dangerous structure or premises trigger could incentivize people to not maintain their property in order to get their property designated as a dangerous structure or premises. This would enable the structure to be demolished and permit the owner to utilize the code section footnote to redevelop. Staff does not want to encourage demolition by neglect.
- Prohibit in the footnote from being applicable on properties identified as a contributing structure to a historic district.
- Increase parking ratio to 1/bedroom + 1 for every 5 units. Currently the requirement is 1/bedroom +1 for every 10 units.
- Footnote only applicable on properties with existing multi-dwelling structures. Staff has no accurate way to establish a baseline for existing multi-dwelling structures.
- Wait for Oread overlay district process to be completed.
- Make no changes to the Code.

Staff believes that adding the potential dwelling unit maximum of 1.5 dwelling units above the current density, up to 48 dwelling units max, while keeping the calculated bedrooms as proposed, addresses the comments and concerns we have received through this process. This would permit additional density proportionally based on the lot size. Additional density would be permitted but there would be less of an incentive to combine properties because there is not the potential to double the number of dwelling units. See example below.

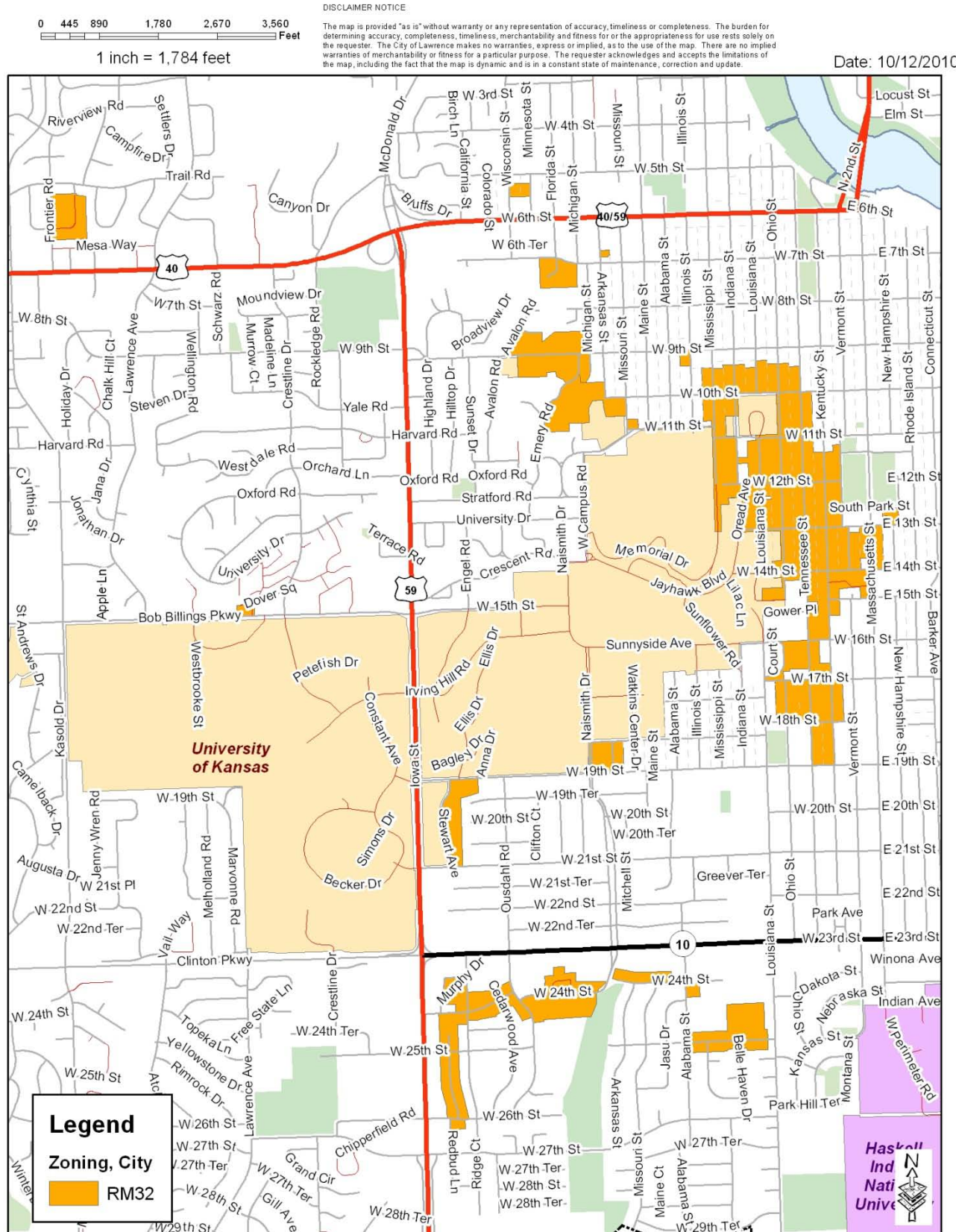
Below is a comparison table for two scenarios to demonstrate how this text change could work. The scenario constant is the RM32 District zoning and the proposal is to develop with a multi-dwelling structure with the maximum number of dwelling units permitted. These scenarios are theoretical since the maximums may not be attainable on every site.

Lot Size	Permitted Maximum Dwelling Unit Count	Total Dwelling Unit Count Proposed	Calculated Dwelling Units (.5 for studio, 1 and 2 br	Total Dwelling Units after Applying 48 Dwelling Unit/Acre Max	Total Bedroom Count After Applying Unit/Acre Max	Outdoor Area Requirement 50sf/ Calculated Dwelling Unit	No. of Parking Spaces Required (1/br + 1/10 dwelling units)
1 acre	32	32 (4 bedroom units)	32	32	32 units * 4 br/unit = 128	50 * 32 = 1,600 sq ft	128 + 13 = 141
1 acre [with TA]	32	64 (2 bedroom units)	.5 * 64 = 32	1.5 * 32 = 48	48 units * 2 = 96	50 * 32 = 1,600 sq ft	96 + 10 = 106
100' X 117' (two standard 50' X 117' Original Townsite lots in Oread)	8	8 (4 bedroom units)	8	8	8 units * 4 br/unit = 32	50 * 8 = 400 sq ft	36
100' X 117' (two standard 50' X 117' Original Townsite lots in Oread) [with TA]	8	16 (2 bedroom units)	.5 * 16 = 8	1.5 * 8 = 12	12 units * 2 = 24	50 * 8 = 400 sq ft	24 + 3 = 27

**Staff Recommendation**

Staff recommends approval of the amendment to Section 20-601(a) of the Land Development Code to add a footnote to the RM32 District to calculate density and minimum outdoor area for Multi-Dwelling Structures as .5 dwelling units per acre for studio, 1 and 2 bedroom units and 3 bedroom and higher as 1 dwelling unit with a maximum potential density of 48 dwelling units per acre.

- Map shows all RM32 Districts



## DRAFT CODE TEXT

Changes noted in **red and highlight**

### 20-601 DENSITY AND DIMENSIONAL STANDARDS

#### (a) Residential Districts

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

Standard	RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12/ RM12D [6]	RM15	RMO	RM24	RM32	RMG
Min. Lot Area (sq. ft.)	40,000	20,000	10,000	7,000	5,000	3,000	5,000	6,000	6,000	5,000	6,000	6,000	10,000
Min. Lot Area per Dwelling Unit (sq.ft.)	40,000	20,000	10,000	7,000	5,000	3,000	--	--	--	--	--	--	--
Max. Dwelling Units per acre	--	--	--	--	--	--	15	12	15	22	24	32 [7]	1
Min. Lot Width (ft.)	150	100	70	60	40	25	50	60	60	50	50	50	50
Min. Lot Frontage	40	40	40	40	40	25	40	60	60	40	50	50	50
Min. Setbacks (ft.):													
Front [5]	25	25	25	25	20	15 [1]	25	25	25	25	25	25	25
Side (Exterior) [2][5]	25/25	25/20	25/15	25/10	20/10	15/10	25/10	25/10	25/10	25/10	25/10	25/10	25/10
Side (Interior) [5]	20	20	10	5	5	5	5	5	5	5	5	5	5
Rear [3][5]	30/35	30/35	30/25	30/25	20/25	20/25	20/25	20/25	25/25	20/25	20/25	20/25	20/25
Max. Bldg. Cover (% of site)	15 [4]	30 [4]	40 [4]	45 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	60 [4]	60 [4]
Max. Impervious Cover (% of site)	25 [4]	50 [4]	70 [4]	70 [4]	75 [4]	75 [4]	75 [4]	75[4]	75 [4]	75[4]	75[4]	80[4]	80[4]
Min. Outdoor Area (per Dwelling):													
Area (sq. ft.)	None	None	None	None	240	150	None	50	50	50	50	50 [7]	None
Dimensions (ft.)	N/A	N/A	N/A	N/A	12	10	N/A	5	5	5	5	5	NA
Max. Height (ft.)	35	35	35	35	35	35	35	35	45	45	45	45	35[4]

[1] Minimum garage entrance Setback = 20 feet

[2] First number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting interior Side Lot Line. Second number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting Rear Lot Line.

[3] First number represents minimum Rear Setback for Single Frontage Lot. Second number represents minimum Rear Setback for double Frontage (or through) Lot.

[4] Applies only to Lots platted after the Effective Date or any improvements on a property after the Effective Date which increase the Building coverage or impervious coverage.

[5] Additional Setback restrictions apply to properties developed adjacent to RS zoned properties where expressly required elsewhere in the Development Code.

[6] Density and Dimensional Standards for the RM12D District are the same as those for the RM12 District.

[7] For Multi-Dwelling Structures in the RM32 District, Dwelling Unit per acre shall be calculated as follows: studio, 1 bedroom and 2 bedroom units count as .5 Dwelling Units, and 3 or more bedroom units count as 1 Dwelling Unit with additional Dwelling Units up to 50% the current density and a maximum potential density of 48 Dwelling Units per acre permitted. Minimum outdoor area shall be met based on the total calculated Dwelling Unit count.

28 March 2011

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

I am sending you my responses to the questions asked by the City Commission with regard to Item 3:  
**TEXT AMENDMENT TO CIYT OF LAWRENCE DEVELOPMENT CODE; RM 32 DISTRICT.**

**Discuss how the amendment affects occupancy in developments compared to the current way of calculating density, especially as it relates to the Development Code's definition of family?** The conclusion made by Staff is that 2 people per bedroom max should be assumed and that permitting the text amendment will not alter this behavior. The argument made during the city commission meeting was not that it would alter the behavior of tenants, but that it could alter design proposals to build around this restriction. Additionally, no more than four unrelated people can live together in a single unit in an area zoned multi-family, so 4 unrelated individuals would be the maximum occupancy for 2, 3 and 4 bedroom units. 10 four bedroom units would have a total maximum occupancy of 40 unrelated individuals; 20 two bedroom units would have a total maximum occupancy of 80 unrelated individuals.

**Discuss parking standards and whether current standards will accommodate a presumed potential increase in occupancy of individual units?** The current standards require 1 space/bedroom, plus 1 space for every 10 units for visitors and guests. Again, since no more than four unrelated people can live together in a single unit in an area zoned multi-family, four unrelated people would be the maximum occupancy for a 2, 3 or 4 bedroom unit. 10 four-bedroom units with a total maximum occupancy of 40 unrelated individuals would have a requirement of 41 parking spaces; 20 two-bedroom units with a total maximum occupancy of 80 unrelated individuals would have a requirement of 42 parking spaces.

**Discuss whether the amendment will incentivize redevelopment and lot consolidation in the Oread Neighborhood at levels and intensities not compatible with the designations in the Oread Neighborhood Plan?** The increase in number of units per acre would apply to the areas designated for low and medium density in the Oread Neighborhood Plan as well as those designated for high density, providing the same incentives for infill and redevelopment regardless of the designation in the plan. Larger lots allow for higher density because they allow more flexibility in design of the structure and any underground parking, encouraging lot consolidation to allow for this flexibility.

---

The Oread Neighborhood Plan suggests that there are some parts of the neighborhood that are appropriate for more dense development, but those do not include the entire area of the neighborhood currently zoned RM32. There is very limited opportunity for infill development in the neighborhood; this change would increase the pressures for redevelopment not only of existing apartment structures but also for replacement of historic houses. This text amendment was requested to address a specific development proposal: it could have serious repercussions regarding parking and should not be adopted unless it can be much more narrowly tailored to particular situations.

Thank you for your continued consideration of this issue.

Marci Francisco, 1101 Ohio, Lawrence, Kansas 66044



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

March 27, 2011

RECEIVED

MAR 28 2011

City County Planning Office  
Lawrence, Kansas

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

**RE, ITEM NO. 3: TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; RM32 DISTRICT**

Dear Chairman Blaser and Planning Commissioners:

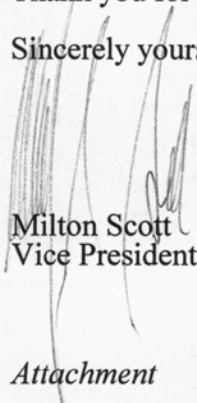
The argument of those seeking to remove the cap on density in the RM32 District has been that it would encourage responding to market demand for apartments with fewer bedrooms, namely the increased demand for one-bedroom and two-bedroom units. Therefore, the proponents are arguing, that increasing the density to allow more of these smaller apartments would result in the same number of occupants as before, but would provide incentive to renovate older, outdated apartments, especially in the Oread Neighborhood. Based on this reasoning, the staff has argued that the parking requirements are what will limit the number of residents in the RM32 District to prevent overcrowding, not the maximum density allowed.

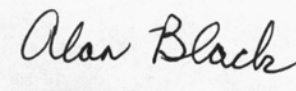
The number of residents in an apartment building can vary according to the number of occupants per bedroom as well as the density permitted by number of units. Based on the size of the bedroom and number of beds, even one-bedroom apartments can house up to four occupants. Thus the number of bedrooms may be restricted by parking, but not necessarily the number of residents and the actual demand for parking. This could increase pressure to raze historic structures and consolidate lots for development. With this and other factors in mind, we believe it would be wise to reconsider increasing the allowable density in the RM32 District in general, and to approach the problem of providing incentives to renovate older existing apartments in a way designed to accomplish this more specifically.

We ask that you reconsider the original suggestion of our letter to you of December 12, 2010 and limit the proposed change to specific circumstances and areas, and not make it a general provision for all RM32 Districts both existing and new, throughout the city.

Thank you for your consideration of this issue.

Sincerely yours,

  
Milton Scott  
Vice President

  
Alan Black, Chairman  
Land Use Committee

*Attachment*



## Lawrence Association of Neighborhoods

*Neighborhoods Working Together*

March 4, 2011

Re: **Modification of the RM32 Density Limits**

Members of the Planning Commission

The City Commission returned for your reconsideration the proposed text amendment modifying the density standards in those districts of the City zoned RM32.

LAN opposes the proposed text amendment and recommends that it be modified. LAN does not oppose carefully crafted mechanisms that foster better neighborhoods and more efficient use of space within the community. However, the amendment threatens to have unintended harmful consequences throughout the city.

### *Scope of the Amendment*

As is now written, the amendment applies to all RM32 districts throughout the city. This is much too broad a scope for its application. It is possible that high quality multifamily development can take place in certain locations. Future development may benefit from the greater number of apartments with studio or one-bedroom configurations envisioned by the applicant. It is also possible that a few isolated areas, such as Indiana Street in the Oread Neighborhood may be a viable site for such development. LAN does not oppose such development and looks forward to reviewing development proposals of this type.

LAN suggests that the scope of the amendment be narrowed drastically to apply to only those districts suitable for high density infill housing. LAN recommends that planning staff perform a careful analysis of the city's RM32 districts and return with guidance on where this approach may be beneficial to the community.

### *Threshold for the Amendment*

As written, the amendment can be employed on any parcel of 6,000 square feet or more. This is simply too small. Many parcels could be assembled easily to meet this very low threshold. This could lead to too many parcels throughout Lawrence becoming burdened with excessively dense development on these small parcels.

### *Recommendation*

If this amendment is to move forward at all, its scope should be narrowed drastically after careful study of those locations such high density development is acceptable and the threshold for its use should be raised to a meaningful minimum such as one acre.

Yours truly,

Gwen Klingenberg  
President of LAN

## Bobbie Walthall

---

To: David L. Corliss  
Subject: RE: RM32

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

From: maf@sunflower.com [mailto:maf@sunflower.com]  
Sent: Tuesday, January 25, 2011 12:16 PM  
To: maf@sunflower.com  
Cc: David L. Corliss; Jonathan Douglass; mikeamx515@hotmail.com; robchestnut@sunflower.com; ljohnson@peridiangroup.com; mdever@sunflower.com; aroncromwell@gmail.com; maf@sunflower.com  
Subject: Re: RM32

Mayor Amyx and City Commissioners,  
  
and a note about the RM32 zoning...

There seems to be a reasonable argument to allow for density per bedroom rather than per unit in the RM32 districts in our community, after all, this wouldn't change the number of bedrooms that can be built in an area.

However I want to note that I do not believe that this request is in response to a new demand for apartment configuration, but rather the opportunity to take advantage of a location on the 1000 block of Indiana that can accommodate underground parking. For years it has been the parking requirements, not the maximum number of dwelling units, that has set limits on redevelopment in the Oread Neighborhood. Because of those limitations created by parking, new construction of dwellings with four bedrooms has pretty much been focused on the areas zoned for duplexes.

There are two concerns regarding redevelopment in the Oread Neighborhood that I believe should be addressed if the City Commission agrees to make this change:

1. The recently adopted neighborhood plan calls for areas of low, moderate, and high density. Since this is a change to the requirements that will encourage development of higher density development, it should be limited to those areas where that higher density development was identified as appropriate, not throughout the neighborhood. It would make sense to include current apartment complexes built under the previous code that would benefit from the higher density allowance.
2. The neighborhood plan calls for conserving existing housing stock in the neighborhood. The development of this higher density is only possible on larger lots. To discourage rows of houses being replaced with apartment buildings, this change could be limited to redevelopment of existing large structures or vacant lots. I also note that it will be a shame if the house at 1043 Indiana is demolished as a result of this change.

Thank you for your consideration of these concerns.

Marci Francisco  
1101 Ohio  
Lawrence, KS 66044

## Bobbie Walthall

---

**To:** David L. Corliss  
**Subject:** RE: Text Amendment TA-6-8-10

---

**From:** Katherine Logan [mailto:logan.katherine@gmail.com]  
**Sent:** Monday, January 24, 2011 6:15 PM  
**To:** mikeamylx515@hotmail.com; robchestnut@sunflower.com; mdever@sunflower.com; ljohnson@peridiangroup.com; aroncromwell@gmail.com  
**Cc:** David L. Corliss; Jonathan Douglass  
**Subject:** Text Amendment TA-6-8-10

24 January 2001

RE: Text Amendments, TA-6-8-10, related to the density and development standards in the RM32 (Multi-Dwelling Residential) District

Dear Mayor Amyx and City Commissioners,

As a resident of Oread Neighborhood with no special expertise in planning, I find the concerns expressed in previous letters to the Planning and City Commissions from the Lawrence Preservation Alliance, League of Women Voters, Joe Bickford and Marci Francisco, and especially Stan Hernly, and to be compelling and quite alarming. My own concern is that raising the density cap would constitute a *de facto* "upzoning" in both density and the intensity of use throughout my neighborhood. As I am sure the Commission knows, Oread is already very densely populated by Lawrence's standards, with perennial parking-, traffic-, and other problems.

I understand that there may be benefit to increasing density in some areas of the neighborhood by allowing the construction of more than 32 units per acre. However, I am concerned that raising the density cap throughout the neighborhood would only serve to exacerbate the problems already present with the current zoning regulations. More importantly, perhaps, raising the existing limit seems likely to incentivize the consolidation of lots and demolition of smaller structures, actions which would undermine the important goal, found in the recently adopted Oread Neighborhood Plan, of preserving existing housing stock in this area.

My own preference would be for the Commission to step back from this request, until the consequences can be adequately explored and made known to residents and property owners. However, if the Commission chooses to proceed with the applicant's request, I would ask:

[1] that you include the limitations suggested by the LPA (letter from Dennis J. Brown to the City Commission, 8 Jan 2011), namely, insert qualifying language that limits the density change to existing multifamily structures on existing multi-family lots, or currently vacant lots; and

[2] that you limit, as suggested by the LWV (letter from Milton Scott and Alan Black to the Planning Commission, 12 Dec 2010), the proposed density change to areas of Oread already designated for higher density in the Neighborhood Plan.

I believe that these two modifications to the applicant's proposal would significantly mitigate many of the unforeseen consequences of this change to the current zoning in Oread.

Thank you for your work on behalf of our city and your consideration of these issues.

Sincerely,  
Katherine Logan  
1046 Ohio St  
Lawrence KS 66044

## Bobbie Walthall

---

To: David L. Corliss  
Subject: RE: Congregate Living

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

From: maf@sunflower.com [mailto:maf@sunflower.com]  
Sent: Tuesday, January 25, 2011 7:41 AM  
To: maf@sunflower.com  
Cc: robchestnut@sunflower.com; mikeamyx515@hotmail.com; Jonathan Douglass; David L. Corliss; ljohnson@peridiangroup.com; mdever@sunflower.com; aroncromwell@gmail.com  
Subject: Re: Congregate Living

Mayor Amyx and City Commissioners,

I've been struggling with putting together my thoughts on the proposed changes for congregate living and RM32 zoning.

Apologize for the late contact, and plan to attend the meeting tonight to express my thoughts, but did formalize a response regarding congregate living that I am sending to you now, and may get off a note about the RM32 zoning later.

Thanks so much for all you do for our community. marci francisco

I am writing with regard to the proposed changes regarding Congregate Living structures. I, as do many others, appreciate all the effort that has gone into this recommendation regarding Congregate Living. Thanks go to the City Commissioners, Planning Commissioners, planning staff, and property owners and residents over many years of discussion on this complicated issue.

I feel that it is important to note that "Congregate Living" is a more appropriate term than boarding houses, and that the recommendations to make the requirements for the minimum number of parking spaces be 1 parking space per bedroom and consistent with the requirements for multi-dwelling structures are helpful.

I do recognize that some of the expansions of structures in the Oread Neighborhood for the purpose of conversion to boarding houses seem inappropriate and this practice should be limited. The limitations to expansion that are proposed are generous: they allow both an expansion of 20% of the building footprint within three years of submitting the site plan application as well as an expansion of an additional 20% at the time of conversion or any time afterwards, and the 20% includes covered (roofed) decks, patios, and porches. I agree with the recommendation from the Lawrence Preservation Alliance that there should be a provision that the expansion shall not include more levels, at or above grade, than are present in the existing structure.

I also recognize that the limits on expansion, while appropriate for the Oread Neighborhood, may be too limiting for Congregate Living uses not located on small lots in an already built-up neighborhood. I hope that when overlay districts are developed for the Oread Neighborhood that they might incorporate these limitations so that they could be deleted from the overall code.

The other concern I have is with the footnote regarding parking requirements for structures of 3,500 gross square feet or larger on a property 8,775 square feet in size or less. I would suggest a wording change so that instead of "parking shall be provided at the overall rate of .5 spaces per one (1) bedroom" it reads "parking shall be provided to allow for a



minimum of .5 spaces per one (1) bedroom”. There seems to be agreement that we want to lower the requirement to allow for reasonable use of large historic houses in the neighborhood. I think we should understand the reason for setting the sizes, and also understand why the required number of spaces should be lower than that for fraternities, sororities, and scholarship halls. Before finalizing this exception we should have information about the existing size of the houses and understand the type of structures we are including - this is not limited to historic structures - to determine where it is appropriate to “draw the line” and perhaps consider a sliding scale so that we don’t have such a unfair situation where a property owner with a structure that is 3,490 square feet is required to provide one parking space per bedroom, and a property owner with 3,510 square feet is only required to provide parking at half that rate.

I would ask that the City Commission consider proceeding with the changes recommended by the Planning Commission to identify “Congregate Living” as a residential use and require 1 parking space per bedroom for that use and ask the Planning Commission for additional consideration of the language regarding the expansion and the parking exception.

Thank you for your time and consideration, and apologies for the long e-mail on this complicated topic.

marci francisco  
1101 Ohio  
Lawrence, KS 66044

# Lawrence Preservation Alliance

P.O. BOX 1073 • LAWRENCE, KANSAS 66044

**RECEIVED**

**JAN 18 2011**

**CITY MANAGERS OFFICE  
LAWRENCE, KS**

## DIRECTORS

ANDRÉ BOLLAERT  
VICE-PRESIDENT

DENNIS BROWN  
PRESIDENT

BRENNA BUCHANAN

JOSH DAVIS

VIRGIL DEAN

KATE DINNEEN

ERNIE ECK  
CO-TREASURER

MIKE GOANS

JONI HERNLY

PAT KEHDE  
SECRETARY

ANNE MARVIN

CHRIS MILLSPAUGH

DALE NIMZ

MICHAEL SHAW

DALE SLUSSER  
CO-TREASURER

MARY LYNN STUART

REV. VERDELL TAYLOR JR.

CAROL VON TERSCH

DENNIS DOMER  
EMERITUS

MARCI FRANCISCO  
EMERITUS

1-8-11  
TA-6-8-10  
Density Definition

City Commissioners:

The applicant for the proposed changes in this text amendment to the Land Development Code has stated that its purpose is to better reflect current market trends in rental housing and thus encourage renovation of older, existing apartment structures. LPA agrees that 1 and 2-bedroom units are more in line with today's market than 4-bedroom units, and that there are outdated multi-family structures that need to be renovated or replaced. However, without qualifying language, which the Planning Commission failed to add, the City will likely be providing incentive to consolidate lots with existing single dwelling units for multiple teardowns of existing historic structures and replacement with monolithic, high-density ones.

Developers have pointed out that, under current code, consolidation of lots for multiple teardowns can still take place with 4-bedroom structures replacing them. It is true that this is in fact the status quo, but as they clearly see this amendment as a way for them to produce a more marketable product, we must note that increasing marketability increases development pressure. There are many single dwelling units within the Oread Neighborhood that are not currently used to the highest density that RM32 allows.

Developers have also told us not to worry, that proposals they have seen do not involve teardowns of multiple properties. To that we say, put it in the amendment. As is, we have every right to worry.

The City has just passed a new Oread Neighborhood Plan that includes as an important goal the preservation of existing housing stock. Within that neighborhood there are many areas with irreplaceable historic housing stock that need incentives for preservation, not demolition. This amendment should support the goal of upgrading our stock of multi-family structures while at the same time not increasing the threat to our stock of single-dwelling structures.

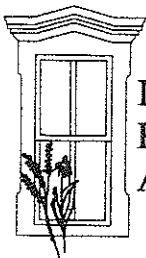
**Therefore, we believe it is critical that if you pass this text amendment, you do so only after adding qualifying language that limits the proposed density change to existing multi-family structures on existing multi-family lots, or currently vacant lots.**

This also serves as a reminder that, while the Oread Neighborhood Plan is now passed, its critical component of establishing Urban Conservation Overlay Districts with design guidelines for each (which will probably require a community task force working with a paid consultant), is still to be addressed. These UCO's were chosen as a tool to aid preservation and neighborhood interests over selecting specific areas for downzoning. LPA understands City budget concerns, but is mindful that while the chosen balancing element of the UCO's is not in place, the development pressure remains active and will continue to be.

Sincerely,



Dennis J Brown  
President



Lawrence  
Preservation  
Alliance

*Serving Lawrence and Douglas County*  
[www.lawrencepreservation.org](http://www.lawrencepreservation.org)

**MEMORANDUM**

FROM : Ronald Hutchens  
TO : Gwen Klingenberg  
RE : RM 32 - TA  
DATE : December 30, 2010

---

The current language of the text amendment for the RM32 is straight forward and simple. It will allow development of smaller units to equate to 4 bedroom units that are *currently allowed*. The smaller units will be more tenant and neighborhood friendly. Nothing else about the RM32 zoning will change other than how you calculate dwelling units. All the dimensional restrictions height, lot coverage, setbacks, and the parking requirements will stay exactly the same.

I know that there is concern that this text amendment will increase density, as well as further encourage development, but in reality it will only allow the same number of bedrooms which the property is currently zoned for. It may encourage developers to build smaller 1 and 2 bedroom units instead of 4 bedrooms units as well as encourage the redevelopment of older apartment complexes near campus. These both seem to be good things. Granted it's our opinion, but it seems (20) 2 bedroom units is a better project than (10) 4 bedroom units. In either case the bedrooms are the same, and one of these scenarios is *already allowed* under the current zoning. Again, this offers no benefit to a property owner other than a different mix of unit types, all other regulations must be met. You will still have the same number of cars, the same number of people, the same size building, just a better overall project.

Please let us know if you have any other questions and / or if there is anything we can address with the Lawrence Association of Neighborhoods.

CC: City Commissioners  
Scott McCullough  
Paul Werner

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

December 12, 2010

RECEIVED

DEC 13 2010

City County Planning Office  
Lawrence, Kansas

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

RE: ITEM NO. 3: TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; RM32 DISTRICT

Dear Chairman Blaser and Planning Commissioners:

We understand that the purpose of the proposal to change the Land Development Code's method of calculating density in the RM32 District is based on the need to better reflect market demand and provide incentives to renovate older existing apartment structures to more modern accommodations in the Oread Neighborhood. We also agree with the need to provide higher densities in areas close to the Campus. However, we hope that you also will closely examine the suggestion proposed by our planning staff to reduce the density equivalent by half of all apartment types except three and four bedroom apartments.

There are possible unintended outcomes of making the density modification to the code without adding further conditions at the same time. The Oread Neighborhood Plan encourages diversity in housing. It has many areas that have irreplaceable historic value and structures that need incentives to be preserved. We understand that the purpose of this proposed change is to encourage the renovation of older existing apartments rather than providing incentives to consolidate lots and tear down these historic houses. We have two suggestions to avoid the latter outcome:

- a. Rather than change the density calculation of the RM32 District as a whole, allow it as a Condition under the Land Development Code Article 5, Use Regulations, either for the district or for the building type.
  - i. Limit the proposed density change to existing multi-family structures.
  - ii. Also, limit the density change to a more proportionate reduction so that studio and one-bedroom apartments count as 0.5 dwelling units, and two bedroom apartments would count as 0.75 dwelling units.
- b. Allow the increased density in RM32 Districts in the Oread Neighborhood only in areas designated in the Oread Neighborhood Plan for higher density. The Plan has been approved, and does not depend on an Overlay District to be followed.

These provisions added as a general Condition to Article 5 could apply to all apartments in need of renovation or replacement, so that it could be a city-wide Condition, applying only to existing apartments and not to new RM32 Districts.

We hope that you will look on these suggestions favorably. Thank you.

Sincerely yours,

Milton Scott  
Vice President

*Alan Black*  
Alan Black, Chairman  
Land Use Committee

**From:** [Scott McCullough](#)  
**To:** [Michelle Leininger](#)  
**Cc:** [Denny Ewert](#); [Sheila Stogsdill](#)  
**Subject:** FW: Items 9 and 10 on the Planning Commission Agenda  
**Date:** Friday, August 13, 2010 4:07:21 PM

---

Please post the emails below as discussion for PC and report it in the reports.

**Scott McCullough**, *Director* - [smccullough@ci.lawrence.ks.us](mailto:smccullough@ci.lawrence.ks.us)  
Planning and Development Services | [www.lawrenceks.org](http://www.lawrenceks.org)  
City Hall, 6 E. 6<sup>th</sup> Street  
P.O. Box 708, Lawrence, KS 66044-0708  
office (785) 832-3154 | fax (785) 832-3160

---

**From:** McClure, Kirk [<mailto:mcclure@ku.edu>]  
**Sent:** Friday, August 13, 2010 2:58 PM  
**To:** Scott McCullough  
**Subject:** RE: Items 9 and 10 on the Planning Commission Agenda

Scott –

Thanks for the note and the clarification.

As I understand it, there are two issues.

First, should the Hawk and the Wheel become conforming uses? My guess is that these two bars are such institutions in the neighborhood, that there will be little problem with that, but I will talk to some of the Oread homeowners to get their feelings.

Second, should other buildings in close proximity be permitted uses other than residential? My guess is that this will all depend upon the uses themselves. If it is a return to the type of commercial shops that existed in this neighborhood in the 1950s and 1960 (e.g.: café, barbershop, clothing, small grocery, etc.) there would be little objection. If the mixed use designation simply becomes a mechanism to develop additional sources of nuisance (e.g.: more bars, live music venues, etc.), then I am sure that the homeowners of the Oread Neighborhood will, with good reason, object.

I am happy for this discussion to be entered into the public comments, but I expect a more detail set of comments to follow.

All the best,

Kirk

Kirk McClure  
Professor  
Department of Urban Planning  
University of Kansas  
1465 Jayhawk Blvd., 317 Marvin Hall  
Lawrence, Kansas 66045-7614  
Voice telephone: (785) 864-3888  
Electronic mail: [mcclure@ku.edu](mailto:mcclure@ku.edu)

---

**From:** Scott McCullough [mailto:[smccullough@ci.lawrence.ks.us](mailto:smccullough@ci.lawrence.ks.us)]  
**Sent:** Friday, August 13, 2010 2:10 PM  
**To:** McClure, Kirk  
**Subject:** RE: Items 9 and 10 on the Planning Commission Agenda

Re: Item 9: There are no development plans conceived currently. The request stems from discussions about the MU district being able to "legalize" The Hawk and The Wheel. The other properties are requested, as I understand it, in order to set them up for future redevelopment that would be in compliance with the draft Oread Neighborhood Plan. Throughout the planning process for the Oread plan, there has been unanimity on this area as appropriate for mixed use development or redevelopment. It would bring back some commercial elements to the area.

Please let me know if you wish this discussion to be included as public comment and I will post to the PC packet.

**Scott McCullough**, *Director* - [smccullough@ci.lawrence.ks.us](mailto:smccullough@ci.lawrence.ks.us)  
Planning and Development Services | [www.lawrenceks.org](http://www.lawrenceks.org)  
City Hall, 6 E. 6<sup>th</sup> Street  
P.O. Box 708, Lawrence, KS 66044-0708  
office (785) 832-3154 | fax (785) 832-3160

---

**From:** McClure, Kirk [mailto:[mcclure@ku.edu](mailto:mcclure@ku.edu)]  
**Sent:** Friday, August 13, 2010 8:54 AM  
**To:** Scott McCullough  
**Subject:** RE: Items 9 and 10 on the Planning Commission Agenda

Scott –

Thanks for the note.

Re: Item 10: Unlimited density in the RM32 district if all other code standards.

I think this is an idea that may work. The trend seems to be running toward smaller units, i.e.: one-bedroom and studio units. The homeowners in the Oread are concerned about parking (too many cars trying to squeeze into the neighborhood) and behavior (noise, trash, crime, etc.)

Re: Item 9: Mixed Use



Suspicion is running high on this. The notion of mixed-use is of a walkable neighborhood that combines residential, commercial and office space. With the problems of boarding houses turning into party houses and new urbanism turning into drive-through strip mall stores, these developers do not have much credibility. What kind of redevelopment is planned? As you can imagine, it is hard for the public to comment on this item until they know what is planned?

All the best,

Kirk

Kirk McClure

Professor

Department of Urban Planning  
University of Kansas  
1465 Jayhawk Blvd., 317 Marvin Hall  
Lawrence, Kansas 66045-7614  
Voice telephone: (785) 864-3888  
Electronic mail: [mcclure@ku.edu](mailto:mcclure@ku.edu)

---

**From:** Scott McCullough [mailto:smccullough@ci.lawrence.ks.us]  
**Sent:** Wednesday, August 11, 2010 8:41 PM  
**To:** McClure, Kirk  
**Cc:** Michelle Leininger  
**Subject:** RE: Items 9 and 10 on the Planning Commission Agenda

Professor,

The partial packet posted earlier was done so because some of the items were deferred from July and we had reports complete. We also wanted the PC and public additional time to begin reviewing what is a large PC packet. The other reports, noted below, will be posted early to mid next week, which is our typical practice and so the public will have the normal period of time to review the materials.

To address your specific questions, prior to the reports being posted, I can offer the following:

Item 9 - This is a request for MU zoning by several different owners within one defined area. It includes The Hawk and The Wheel which, if approved, would maintain their bar use as a grandfathered SUP. It also includes the south frontage of 14th Street between Ohio and Tennessee (existing apts). While the entire requested district could be redeveloped, there are no immediate plans to do so and no site plans submitted to redevelop any of the properties. The MU district requires mixing commercial and residential uses. Bars are allowed via SUP.

Item 10 - This is a request to permit unlimited density in the RM32 district if all other code standards (height, parking, setback, lot coverage, open space, etc) are met. The concept being that if the standards are met and parking is provided, then the land use impact of increased density, which is based on calculating dwelling units and bedrooms, may be minimal. Paul Werner is attempting to demonstrate that a density of 32, 4-bedroom units is equivalent to a density of, say, 62, 2 bedroom units. He argues that a bedroom equivalent should be considered if all other standards are held equal. Staff will be outlining the concepts and options for the PC and we will not be seeking action most likely on this item. There will be implications in the Oread and other areas where RM32 exists.

I hope this begins to answer your questions. The full packets should be available next Tuesday or Wednesday.

Scott

---

**From:** McClure, Kirk [mcclure@ku.edu]  
**Sent:** Wednesday, August 11, 2010 4:09 PM  
**To:** Scott McCullough  
**Subject:** Items 9 and 10 on the Planning Commission Agenda

Scott –

I have some questions on items 9 and 10 on the upcoming Planning Commission agenda. The items are listed in detail below.

Unfortunately, the packet does not have any backup material in it yet. It is very hard for the public to have meaningful input at the public hearing with no information.

While we all support the concept of mixed-use, we are concerned with its abuse. We have learned the hard way that “Boarding Houses” and “Adaptive Reuse” can simply become a source of nuisance.

What are the uses intended for the properties listed in item 9?

Will these include any bars, taverns, or even food service that includes alcohol?

What are the implications of the increased density proposed in item 10?

When will the public be able to see more on Paul Werner’s submission and on the proposed text amendment?

Thanks.

All the best,

Kirk

**ITEM NO. 9A RM32 TO MU; .13 ACRES; 502 W 14<sup>TH</sup> ST (MJL)**

**Z-11-21-09:** Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 502 West 14th Street. Submitted by Paul Werner Architects, for Oread Villas, LLC, property owner of record.

**ITEM NO. 9B RM32 TO MU; .05 ACRES; 414 W 14<sup>TH</sup> ST (MJL)**

**Z-11-22-09:** Consider a request to rezone approximately .05 acres from RM32 (Multi-Dwelling Residential) to MU (Mixed Use), located at 414 West 14th Street. Submitted by Paul Werner Architects, for D & D Rentals of Lawrence, LLC, property owner of record.

**ITEM NO. 9C RM32 TO MU; .09 ACRES; 1346 OHIO ST (MJL)**

**Z-11-23-09:** Consider a request to rezone approximately .09 acres from RM32 (Multi-Dwelling

Residential) to MU (Mixed Use), located at 1346 Ohio Street. Submitted by Paul Werner Architects,

for D & D Rentals of Lawrence, LLC, property owner of record.

**ITEM NO. 9D RM32 TO MU; .13 ACRES; 1340-1342 OHIO ST (MJL)**

**Z-11-24-09:** Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling

Residential) to MU (Mixed Use), located at 1340-1342 Ohio Street. Submitted by Paul Werner

Architects, for HDD of Lawrence, LLC, property owner of record.

**ITEM NO. 9E RM32 TO MU; .23 ACRES; 1403 TENNESSEE ST (MJL)**

**Z-11-25-09:** Consider a request to rezone approximately .23 acres from RM32 (Multi-Dwelling

Residential) to MU (Mixed Use), located at 1403 Tennessee Street. Submitted by Paul Werner

Architects, for DJC Holdings, LLC, property owner of record.

**ITEM NO. 9F RM32 TO MU; .14 ACRES; 1400 OHIO ST (MJL)**

**Z-11-26-09:** Consider a request to rezone approximately .14 acres from RM32 (Multi-Dwelling

Residential) to MU (Mixed Use), located at 1400 Ohio Street. Submitted by Paul Werner Architects,

for Wakarusa Partners, property owner of record.

**ITEM NO. 9G RM32 TO MU; .13 ACRES; 507 W 14<sup>TH</sup> ST (MJL)**

**Z-11-27-09:** Consider a request to rezone approximately .13 acres from RM32 (Multi-Dwelling

Residential) to MU (Mixed Use), located at 507 West 14th Street. Submitted by Paul Werner

Architects, for John C. Wooden, property owner of record.

**ITEM NO. 9H RM32 TO MU; .29 ACRES; 413 W 14<sup>TH</sup> ST (MJL)**

**Z-11-28-09:** Consider a request to rezone approximately .29 acres from RM32 (Multi-Dwelling

Residential) to MU (Mixed Use), located at 413 West 14th Street. Submitted by Paul Werner

Architects, for Douglas J. Compton, property owner of record.

**ITEM NO. 10 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT; CHP 20 ARTICLE 6; RM32 DISTRICT (MJL)**

**TA-6-8-10:** Consider Text Amendments to the City of Lawrence Land Development Code, Chapter

20, Article 6, Section 20-601 to increase the maximum dwelling units per acre limit in the RM32

(Multi-Dwelling Residential) District. Initiated by City Commission on 7/13/10.

Kirk McClure

Professor

Department of Urban Planning

University of Kansas

1465 Jayhawk Blvd., 317 Marvin Hall

Lawrence, Kansas 66045-7614

Voice telephone: (785) 864-3888

Electronic mail: [mcclure@ku.edu](mailto:mcclure@ku.edu)

22 August 2010

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

RE: ITEM NO. 10 TEXT AMENDMENT; CHP 20 ARTICLE 6; RM32 DISTRICT

Dear Chairman Blaser and Planning Commissioners:

We are writing to express our concerns regarding the proposal to lift the density cap for the RM32 district.

We have ownership interest in four properties in Oread zoned RM32: a single family house that had been converted to a duplex, a house divided into six apartments we converted back to single family, a boarding house we renovated with a partnership into four apartments, and the beautifully restored single-family house where we now live. We were well aware of the opportunities and the limits of the current zoning and development regulations, but also of the plan for the neighborhood that encourages the maintenance of the existing housing stock, as we made these investments.

The draft of the neighborhood plan suggests that there may be some areas in the neighborhood that would be appropriate for more dense development, but those certainly did not include the entire area currently zoned RM32. There is very limited opportunity for infill development in the neighborhood; this change would increase the pressures for redevelopment not only of existing apartment structures but also for replacement of historic houses.

Another significant concern arises from the fact that, even after repeated requests to consider more appropriate standards for development within the original townsite of Lawrence so that the regulations would reflect the pattern of development including narrow lots, alleys, and setbacks, we continue to have most of the same standards for new development apply to this area. The standards were again considered with the recent zoning changes and it was decided to allow for overlay districts to address the issue. It would be most inappropriate to adopt this change in the Oread Neighborhood, relying only on meeting the development standards, before appropriate changes to these standards are made. Consideration should be also given to addressing issues of underground parking and greater traffic; another parking garage emptying out onto 11<sup>th</sup> Street would exacerbate the existing traffic problems.

We do believe that if there is a density bonus to create more sustainable development within the neighborhood that LEED or Energy Star certification standards should be required.

Thank you for your work for our community and your consideration of our comments.

Joe Bickford and marci francisco

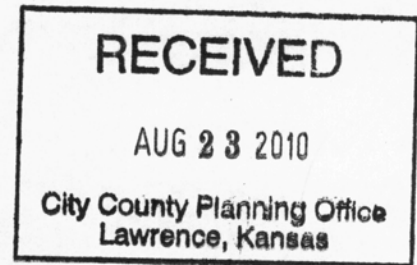
1101 Ohio  
Lawrence, Kansas 66044

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

August 22, 2010

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



RE: ITEM NO.10 TEXT AMENDMENT; CHP 20 ARTICLE 6; RM32 DISTRICT

Dear Chairman Blaser and Planning Commissioners:


We are pleased to see the staff recommendation that additional consideration be given to the proposal to lift the density cap for the RM32 District (the current maximum).

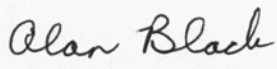
Although we recognize the interest in allowing for infill development or redevelopment of older apartment structures in the Oread Neighborhood, we also recognize that this change would create additional pressures for the redevelopment throughout the areas now zoned RM32. We see no justification for increasing the density throughout a neighborhood where much of the existing housing stock is currently single-family. This would defeat the purpose of encouraging preservation of the historical structures, the small-lot scale, and variety in housing types and residents called for in the neighborhood plan.

We believe there should be some density cap for all zoning districts; there is some limit to the capacity of the infrastructure in an area to support development and there should be some indication to adjacent properties of the potential for future development. Rather than lift the density cap, the adoption of overlay districts to identify specific areas of RM32 zoning that could be appropriately developed to a higher density should be considered as one of the options.

We look forward to further discussion of this issue.

Sincerely yours,

  
Milton Scott  
Vice President

  
Alan Black, Chairman  
Land Use Committee

# Lawrence Preservation Alliance

P.O. BOX 1073 • LAWRENCE, KANSAS 66044

## DIRECTORS

ANDRÉ BOLLAERT

DENNIS BROWN  
PRESIDENT

9-19-10

BRENNA BUCHANAN

TA-6-8-10

VIRGIL DEAN

increase maximum dwelling units per acre limit in RM32?  
*Planning Commissioners:*

KATE DINNEEN

I would like to make two points regarding this text amendment. First, a request for clarification regarding whether this amendment would merely add kitchens in the shuffling from 4-bedroom units to one or two-bedroom units, or could the actual number of people within the same building footprint increase?

ERNIE ECK  
CO-TREASURER

MIKE GOANS

Are the phrases in the staff report, "unrestricted density cap" and "unlimited density" merely an unfortunate choice of words?

PAT KEHDE  
SECRETARY

DALE NIMZ

Second, LPA would agree with the comment made by the LAN representative at the August PC meeting: what are the unintended consequences of this amendment? Reasonable people can understand a developer's need to market one or two bedroom units in today's market. But what if the text amendment also made it more lucrative for a property investor to take out a row of older homes to put up high-density rentals? "Preserving existing housing stock" is a listed goal in the new Oread Neighborhood Plan.

WESTON NORWOOD

NICOLE SABATINI  
VICE-PRESIDENT

MICHAEL SHAW

DALE SLUSSER  
CO-TREASURER

MARY LYNN STUART

Staff needs to clarify if this amendment will add people as well as kitchens to the same building footprint, and staff needs to study the possible ramifications to development patterns within the Oread neighborhood before further action is taken on this text amendment.

REV. VERDELL TAYLOR JR.

CAROL VON TERSCH

DENNIS DOMER  
EMERITUS

MARCI FRANCISCO  
EMERITUS

Dennis J Brown

*Dennis J Brown*

president

RECEIVED

SEP 20 2010

City County Planning Office  
Lawrence, Kansas



Lawrence  
Preservation  
Alliance



October 7, 2010

Planning Commissioners  
City of Lawrence, Kansas

Re: Proposed Text Amendment TA6-8-10.

As an architect practicing in Lawrence, I'm writing to provide additional information regarding the proposed text amendment to remove the unit density cap in the RM-32 zoning district. This proposed amendment is presented as a simple measure to allow for the development of more 1-bedroom and studio apartment housing options, especially around the University of Kansas campus. The density increases possible with the proposed amendment need to be fully understood before any action is taken to change the development code.

Under the current regulations, 32 apartment units per acre of property are permitted in the RM-32 zoning district. Taken in conjunction with the regulation which limits the number of unrelated persons living in an apartment unit to 4, **the maximum number of people per acre in the RM-32 district is 128**. This is the only real limitation on density in this, or any, multi-dwelling zoning district. All other zoning regulations (including setbacks, height limitations, and parking requirements) modulate density, but do not control density.

Currently there is no differentiation in the code between apartment types. A studio apartment unit counts the same as a 4-bedroom apartment unit. From a development standpoint, this tends to push toward apartment complexes with more bedrooms-per-unit in order to maximize the financial return on investment. From a market standpoint, apartments with fewer bedrooms-per-unit are becoming more desirable. Therefore the proposed text amendment comes before you for consideration.

The proposed text amendment requests the removal of the 32 units per acre density cap, if all other zoning regulations are met. This is presented as a means to construct new apartment developments which include more 1-bedroom and studio apartments as part of the overall mix of units. In essence, the theory is there is little difference between an apartment complex with ten 4-bedroom units and an apartment complex with 40 1-bedroom units; they both have 40 bedrooms and are both required to have 40 parking spaces. If either development can be designed to fit within the allowable building area on the site, there's little difference between allowing either to be built. Let me tell you, this is a wolf in sheep's clothing.

To demonstrate the potential impact of the proposed change, let's look at some simple numeric possibilities for an original townsite lot measuring 50' x 117'. This lot contains 5,850 s.f., which is equivalent to .1343 acres. At 32 units per acre, four units are allowed on this lot, and at a maximum of 4 unrelated people per unit, there could be **16 people** living on the lot; this is the only absolute control on density under the current development code. With the proposed text amendment the only definitive control on the maximum number of people that could live on the lot is still controlled only by the four unrelated people allowed per unit, and the **total** number



of people living on the lot could skyrocket. For example, on a flat lot with alley access at the rear and street access at the front, it is theoretically possible to provide 16 parking spaces at ground level and to construct 16 1-bedroom apartment units on floor levels over the parking. Working within building setbacks and height limitations each of these apartment units could average 720 s.f. in size. From a design standpoint, this would accommodate a large 1-bedroom apartment that, if so inclined, could be rented legally to four unrelated people, thereby creating a density of **64 people** living on the lot, four times more than the current amount possible and four times the parking spaces provided.

While this example is extreme, two axioms should be understood; architects are creative people and developers want to optimize financial return on every development. Without some definitive control on density, you will be startled by the scale of projects created under the proposed text amendment.

If the desire of the Planning Commission is to modify the zoning code to allow developments with more and smaller apartment units, similar in density to what can be achieved under the RM-32 zoning regulations, then some means needs to be put in place to absolutely control the maximum density for those developments. One way to do this would be to set the density limit as **people-per-acre** rather than **units-per-acre** and to implement regulations reducing the allowable number of unrelated people living in smaller apartment units. This however is fraught with difficulties of enforcement and definitions, and perhaps not the best approach.

If the desire of the Planning Commission is to allow greater density in selected areas of town, then this would more easily be achieved and regulated with a higher density zoning category, rather than modification of the RM-32 district. This would keep the implementation of all developments in standard zoning districts under the same umbrella of maximum density review, defined as units-per-acre.

If the desire of the Planning Commission is to allow developments with more and smaller apartment units in the older part of town, maintaining the same density impact as developments with fewer and larger units, then perhaps the best approach would be to create a new Mini Planned Development code. The smallest property size for using the current Planned Development code is five acres, and a new Mini Planned Development code could be created for properties less than 5 acres in size. This could provide for a more detailed review of a proposed development that incorporates floor plans and building elevations as part of the site development approval. This process could more easily maintain a balance between development density and parking, which is what the proposed text amendment has potential of throwing out of alignment.

As a long time resident of Lawrence, former homeowner in the Oread Neighborhood, and practicing architect with a strong historic preservation focus, I have a keen awareness of the potential impact of the proposed text amendment on areas around the KU campus. I support development and redevelopment within the older areas of town, but not at the expense of losing significant historic properties which help define the character of our community or at the expense of creating developments which do not provide adequate on-site parking. Please be sure to thoroughly explore the potential impact of any changes to the development code before implementing those changes.

Sincerely,

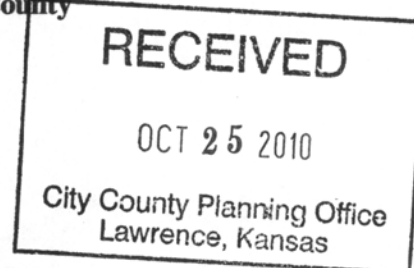
A handwritten signature in dark ink, appearing to read "Stan Hernly", with a stylized, sweeping underline.

Stan Hernly

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

October 25, 2010

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



**RE: ITEM NO. 7, TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; RM32 DISTRICT**

Dear Chairman Blaser and Planning Commissioners:

We are pleased with the staff recommendation for more consideration of the proposal to lift the density cap for the RM32 District. We have some comments to add to those we made in our August letter.

The stated reason for the request was "Current RM zoning has no incentives to help the community achieve one of the goals of the Lawrence/Douglas County Comprehensive Land Use Plan; to encourage redevelopment and development of infill property." Although the community wants to encourage development of infill property, the League does not believe that the intent of our Comprehensive Land Use Plan is to encourage the redevelopment of ALL currently developed RM zoning throughout the city beyond the current limitations. For the most part, zoning should provide stability, not instability, for neighborhoods.

There are certainly arguments that in some areas it may be reasonable to increase density, but again, we believe those areas should be selected carefully until we know some of the impacts of this change. We support the staff proposal to identify some density cap for this district; there are limits to the capacity of the infrastructure to support development in an area. We were pleased to see the wording allowing for a maximum of 54 (additional 22 Dwelling Units per acre) and then we were subsequently confused by the example under "Redemption of Bonuses" that allowed for density to be up to 128 units/acre. The initial proposal stated that all other standards for development should be met, and now we see a discussion of increasing the height and reducing the front yard.

There should be more clarity regarding allowable bonuses; we believe that the staff is asking for direction on this. Perhaps the percentage of the bonus should be higher if more studio or one-bedroom apartments are being developed than if there are more two-bedroom apartments. We agree with the intended purpose of allowing bonuses to redevelop "inappropriate" structures currently in the Oread Neighborhood, but would like assurance that the new structures would be considered to be appropriate. There should also be some equity in the number of additional units that can be developed with similar investments on the part of the developer. It will be much more expensive to develop an underground parking space than it will be to provide on-site recycling bins.

The staff has acknowledged that this change could create additional pressures for the redevelopment throughout areas now zoned RM32. We believe that bonus points should only be available for development that is consistent with the goals of the neighborhood plan. Areas in Oread that are recommended for lower density development should not be considered for these bonuses.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Brooke Goc".

Brooke Goc  
President

A handwritten signature in cursive script, appearing to read "Alan Black".

Alan Black, Chairman  
Land Use Committee

**From:** [Scott McCullough](#)  
**To:** [Michelle Leininger](#); [Sheila Stogsdill](#)  
**Subject:** FW: Text Amendment to RM#@  
**Date:** Monday, November 01, 2010 4:51:14 PM

---

**Scott McCullough**, *Director* - [smccullough@ci.lawrence.ks.us](mailto:smccullough@ci.lawrence.ks.us)  
Planning and Development Services | [www.lawrenceks.org](http://www.lawrenceks.org)  
City Hall, 6 E. 6<sup>th</sup> Street  
P.O. Box 708, Lawrence, KS 66044-0708  
office (785) 832-3154 | fax (785) 832-3160

---

**From:** McClure, Kirk [<mailto:mcclure@ku.edu>]  
**Sent:** Monday, November 01, 2010 4:45 PM  
**To:** Scott McCullough  
**Subject:** RE: Text Amendment to RM#@

Scott –

Thanks. I agree that there are multiple issues at play.

Will the staff produce any analysis that the public can read? Absent a written analysis, the public is simply speculating on the impact of this amendment. I suspect that many of the fears are unfounded, but it is hard to know. It would help if we could see a balanced listing of pros and cons for each option and some sense of the expected outcomes.

As I mentioned, I am afraid of the “law of unintended consequences.”

If developers simply produce a building that would have contained 8 bedrooms in a four-unit complex and, instead, produce an eight-unit building with 8 bedrooms, I doubt that people will object. If however, this becomes a mechanism with incentives to demolish older homes that could be preserved under alternative regulatory schemes, then many people, including myself, will object.

I would prefer to see the staff exploring mechanisms that affirmatively preserve and protect the Oread neighborhood. Rather, we seem to be constantly placed in a defensive posture, fighting against each iteration of developer-driven ideas that harm rather than enhance the neighborhood.

All the best,

Kirk

Kirk McClure  
Professor  
Department of Urban Planning  
University of Kansas  
1465 Jayhawk Blvd., 317 Marvin Hall  
Lawrence, Kansas 66045-7614  
Voice telephone: (785) 864-3888  
Electronic mail: [mcclure@ku.edu](mailto:mcclure@ku.edu)

---

**From:** Scott McCullough [mailto:[smccullough@ci.lawrence.ks.us](mailto:smccullough@ci.lawrence.ks.us)]  
**Sent:** Monday, November 01, 2010 2:44 PM  
**To:** McClure, Kirk  
**Cc:** Michelle Leininger; Sheila Stogsdill; Lynne Zollner  
**Subject:** RE: Text Amendment to RM#@

Kirk,

The PC discussed the concerns you mention below at their meeting last week. Most recognize that lots can be consolidated under the current zoning standards, but also agree that raising the density may encourage lot consolidation for redevelopment. I think there are multiple issues at play here –whether to redefine density in a way that permits studio and one-bedroom apartments to count in a more equitable way compared to four-bedroom apartments, whether to increase the RM32 density at all, whether increased density should be incentivized in order to achieve other public goals, and how to accomplish/resolve the issues so that unintended consequences are minimized.

Staff will be reviewing the PC discussion in order to make a recommendation at a future date on these issues. Recent discussions with the PC has yielded the following options: redefine density to account for low bedroom count units, explore overlay districts if it is believed that the density could/should be increased in only certain areas, create a higher density zoning district that an owner could apply to rezone to and then analyze each rezoning request on its merits, keep exploring incentives.

Please let me know of any questions. Thanks.

**Scott McCullough**, *Director* - [smccullough@ci.lawrence.ks.us](mailto:smccullough@ci.lawrence.ks.us)  
Planning and Development Services | [www.lawrenceks.org](http://www.lawrenceks.org)  
City Hall, 6 E. 6<sup>th</sup> Street  
P.O. Box 708, Lawrence, KS 66044-0708  
office (785) 832-3154 | fax (785) 832-3160

---

**From:** McClure, Kirk [mailto:[mcclure@ku.edu](mailto:mcclure@ku.edu)]  
**Sent:** Tuesday, October 26, 2010 5:16 PM  
**To:** Scott McCullough  
**Subject:** Text Amendment to RM#@

Scott –

I continue to have some concerns over the unintended consequences of increasing the maximum dwelling unit limits in the RM32 districts.

Could this revisions cause owners of older properties to seek demolition of good quality older properties so as to redevelop the parcels? (We suffered from a good deal of this in the 1970s.)

The staff report mentions the problem of lot consolidation. It is not clear to me how a limit of 54 units to the acre stops this. If we want to stop consolidation, the limit should be on the maximum parcel size.

Density bonuses rarely serve the public interest. Why should the community reward a developer with a bonus for meeting normal planning requirements?

By the way, congratulations on the APA "10 Best Streets" award. It is a recognition of an asset that we need to protect and preserve.

All the best,

Kirk

Kirk McClure  
Professor  
Department of Urban Planning  
University of Kansas  
1465 Jayhawk Blvd., 317 Marvin Hall  
Lawrence, Kansas 66045-7614  
Voice telephone: (785) 864-3888  
Electronic mail: [mcclure@ku.edu](mailto:mcclure@ku.edu)



# Lawrence Preservation Alliance

P.O. BOX 1073 • LAWRENCE, KANSAS 66044

## DIRECTORS

ANDRÉ BOLLAERT

DENNIS BROWN  
PRESIDENT

BRENNA BUCHANAN

VIRGIL DEAN

KATE DINNEEN

ERNIE ECK  
CO-TREASURER

MIKE GOANS

PAT KEHDE  
SECRETARY

DALE NIMZ

WESTON NORWOOD

NICOLE SABATINI  
VICE-PRESIDENT

MICHAEL SHAW

DALE SLUSSER  
CO-TREASURER

MARY LYNN STUART

REV. VERDELL TAYLOR JR.

CAROL VON TERSCH

DENNIS DOMER  
EMERITUS

MARCI FRANCISCO  
EMERITUS



Lawrence  
Preservation  
Alliance

11-28-10

TA 6-8-10

Planning Commissioners:  
Scott McCullough:

It seems clear to assume after the October public hearing that this proposed text amendment would in fact increase the number of people allowed living within an identical footprint, although at to what extent it should be capped seems unclear. Certainly you should establish a cap or maximum density that would be sensitive to neighbors in Oread, whether they be homeowners or renters themselves.

The Lawrence Association of Neighborhoods (LAN), and LPA have also voiced a concern regarding unintended consequences the amendment might have, specifically, providing incentive in certain locations to demolish more of our dwindling supply of historic original housing. Both LAN and LPA asked staff to study this issue. Staff responded by including it as a listed concern for you to consider in its staff presentation to you at your October meeting.

Among the general goals of the newly adopted Oread Neighborhood Plan is the goal of "preserving existing housing stock". LPA can see the benefits of this text amendment encouraging redevelopment of existing older apartment complex units. Our concern in Oread is the long trend of letting those properties, as well as several inappropriate 1980's fourplexes, continue to exist and deteriorate while existing original housing continues to be targeted for apartment complex development.

We suggest that you first send this text amendment to the Historic Resources Commission to receive their comment.

Second, extrapolating on our previous testimony on this amendment to the planning commission, and a suggestion by commissioner Finkeldei at the October meeting, we would suggest the following language be added to the amendment:

"Any project that involves the demolition of listable (fifty years or older) structures shall not receive the increased density allowed by this amendment without approval of the Lawrence Historic Resources Commission at a regularly scheduled public hearing."

Sincerely,

Dennis J Brown  
president

RECEIVED

NOV 29 2010

City County Planning Office  
Lawrence, Kansas

**PLANNING COMMISSION REPORT**  
**Regular Agenda - Public Hearing Item**

PC Staff Report  
3/28/11

**ITEM NO. 4      IG AND IL TO RMO; 3.9 ACRES; 800 BLOCK OF LYNN STREET (MJL)**

**Z-2-6-11:** Consider a request to rezone the 800 block of Lynn Street (bounded by Lynn St, Homewood St, Haskell Ave, and Bullene Ave), approximately 3.9 acres, from the IG (General Industrial) and IL (Limited Industrial) Districts to the RMO (Multi-Dwelling Residential-Office) District to implement recommendations in the adopted Burroughs Creek Corridor Plan. *Initiated by Planning Commission on 2/23/11.*

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 3.9 ac, from IG (General Industrial) District and IL (Limited Industrial) to RMO (Multi-Dwelling Residential-Office) 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 *Burroughs Creek Corridor Plan* adopted in 2006 recommended rezoning the subject property to an office district. Staff is moving forward with the implementation of the plan.

**KEY POINTS**

- The request is part of the implementation of the *Burroughs Creek Corridor Plan*.
- The request is generally in conformance with the *Burroughs Creek Corridor Plan*.
- The proposed district acts as a transition between industrial uses to the north and residential uses to the south.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- None

**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-office request

**ATTACHMENTS**

- Page Map

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None

**Project Summary:**

Proposed request is to rezone 3.9 acres of vacant property from industrial to multi-dwelling residential-office. The *Burroughs Creek Corridor Plan* was approved by the City Commission on February 14, 2006. At the March 6, 2006 City Commission meeting, the Commission initiated the

"Tier 1" rezonings from the recommendations of the plan. The plan recommends the 800 block of Lynn Street, owned by the Salvation Army, be rezoned under the previous code from M1-A (Light Industrial) and M-2 (General Industrial) District to O-1 (Office) District. With the adoption of the *Development Code*, the O-1 District classification converted to the CO (Commercial Office) District. The rezoning was recommended for denial by both staff and the Planning Commission because of the potential commercial uses that could develop. Commercial uses are not supported by the plan or *Horizon 2020* at that location. The Planning Commission initiated and recommended approval of a rezoning to the RMO (Multi-Dwelling Residential-Office) District.

The City Commission has not taken final action on any of the rezonings because of unresolved issues regarding an unrelated site plan for the property. The rezoning and site plan applications have expired due to lack of action on the applications. The property remains vacant today.

## 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

**Staff Finding** – The *Burroughs Creek Corridor Plan* recommends the subject property be rezoned to the previous code designation of O-1 (Office) District. Upon adoption of the current code, the O-1 District converted to the CO (Commercial Office) District. Commercial land use was not intended as a use at this property. Staff instead recommended rezoning to the RMO District to be consistent with the recommended office uses and also support the plan recommendation for residential infill. Staff believes the RMO District is consistent with the comprehensive plan.

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

Current Zoning and Land Use: IG and IL Districts; undeveloped

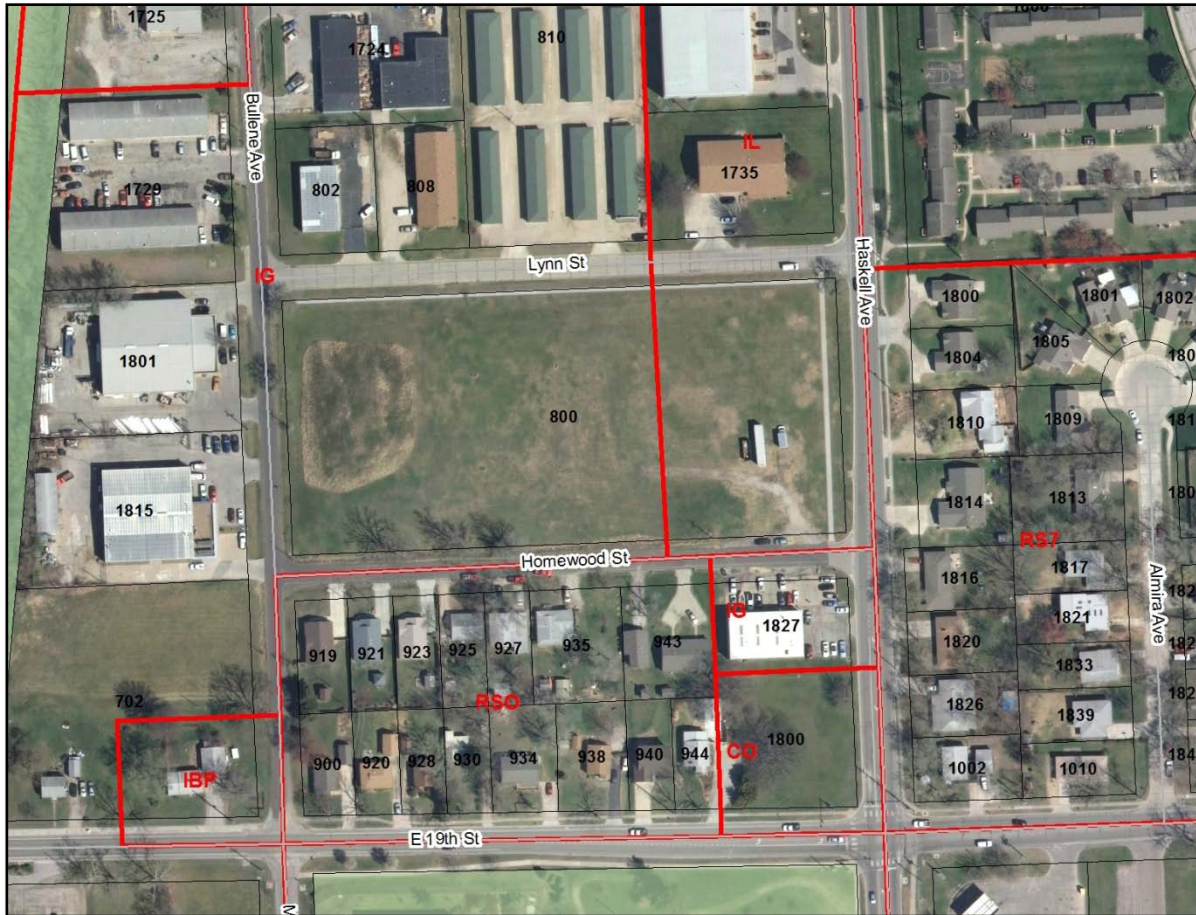
Surrounding Zoning and Land Use: North: IG and IL Districts; office-manufacturing-warehouse uses, mini-storage

South: RSO (Single-Dwelling Residential Office) District; single-dwelling residential: IG District; auto repair

East: RS7 (Single-Dwelling Residential) District; single-dwelling residential

West: IG District; contractor offices, warehouse

**Staff Finding** – The surrounding area of the subject property is a mix of residential, office and industrial type uses. Generally the property to the north and west are developed with uses of industrial nature and the property to the south and east are residential uses.



### 3. CHARACTER OF THE NEIGHBORHOOD

**Staff Finding** – The area is a mix of residential and light industrial uses.

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

**Staff Finding** – The subject property is within the planning area of *Burroughs Creek Corridor Plan* and the proposed zoning is generally in conformance with the plan. The plan recommends rezoning to the previous code designation of O-1 (Office) District. The current code does not have an office only district and staff has recommended rezoning to RMO which would offer the multi-dwelling use in addition to office uses.

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

**Staff Finding** – The subject property is currently zoned for medium- to intense-industrial uses. The subject property is appropriate for these uses as it is a large piece of property, adjacent to a minor arterial street and the property to the north and west are developed with light-industrial uses.

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

**Staff Finding** – The subject property is undeveloped. The property was originally platted and zoned for residential uses, much like what has developed to the south.

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

**Staff Finding** – The subject property is currently zoned for medium- and high-intensity industrial. The proposed rezoning will provide a more appropriate transition between existing industrial and residential uses. The following are uses permitted in the RMO District. Additionally Article 5 of the Code provides standards for certain uses in the RMO District to reduce impacts to adjacent properties. For example: drive-up windows, night drop windows or ATMs are not permitted and multi-dwelling structures are only permitted with at least 25% non residential uses. Staff does not feel the permitted uses would detrimentally affect nearby properties.

The following are uses permitted in the RMO District:

- Attached Dwelling
- Cluster Dwelling
- Duplex
- Multi Dwelling Structure
- Non-Ground Floor Dwelling
- Work/Live Unit
- Assisted Living
- Congregate Living
- Group Home, Limited
- Adult Day Care Home
- Cemeteries
- Funeral and Interment
- Social Service Agency
- Utility, Minor
- Extended Care Facility, General
- Extended Care Facility, Limited
- Health Care Office, Clinic, Center
- Outpatient Care Facility
- Passive Recreation
- Nature Preserve/Undeveloped
- Private Recreation
- Campus or Community Religious Institution
- Neighborhood Religious Institution
- Veterinary
- Administrative Professional Office
- Financial, Insurance & Real Estate Office
- Other Office
- Personal Improvement Sales & Services
- Bed and Breakfast
- Agriculture, Crop
- Communications Service Establishment

The following are uses permitted with a Special Use Permit in the RMO district:

- Detached Dwelling
- Manufactured Home, Residential-Design
- Group Home, General
- College/University
- School
- Cultural Center/Library
- Day Care Center
- Day Care Center Home, Class B
- Lodge, Fraternal & Civic Assembly
- Public Safety
- Temporary Shelter
- Community Meal Program
- Utility and Service, Major
- Active Recreation
- Private Dining Establishments
- Designated Historic Property Adaptive Reuse
- Telecommunications Tower

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

Evaluation of 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.

**Staff Finding** – The denial of this application will not create a hardship with the property owner as they could develop the property as currently zoned. However, a number of the uses listed above are not permitted in the industrial districts. The previously proposed uses by the property owner are permitted uses in this district. If the property owners wish to resubmit for a similar project, the uses would be permitted. Rezoning provides the potential gain to the general public that this vacant property will be developed and the new uses will be compatible with the residential uses directly adjacent to the subject property.

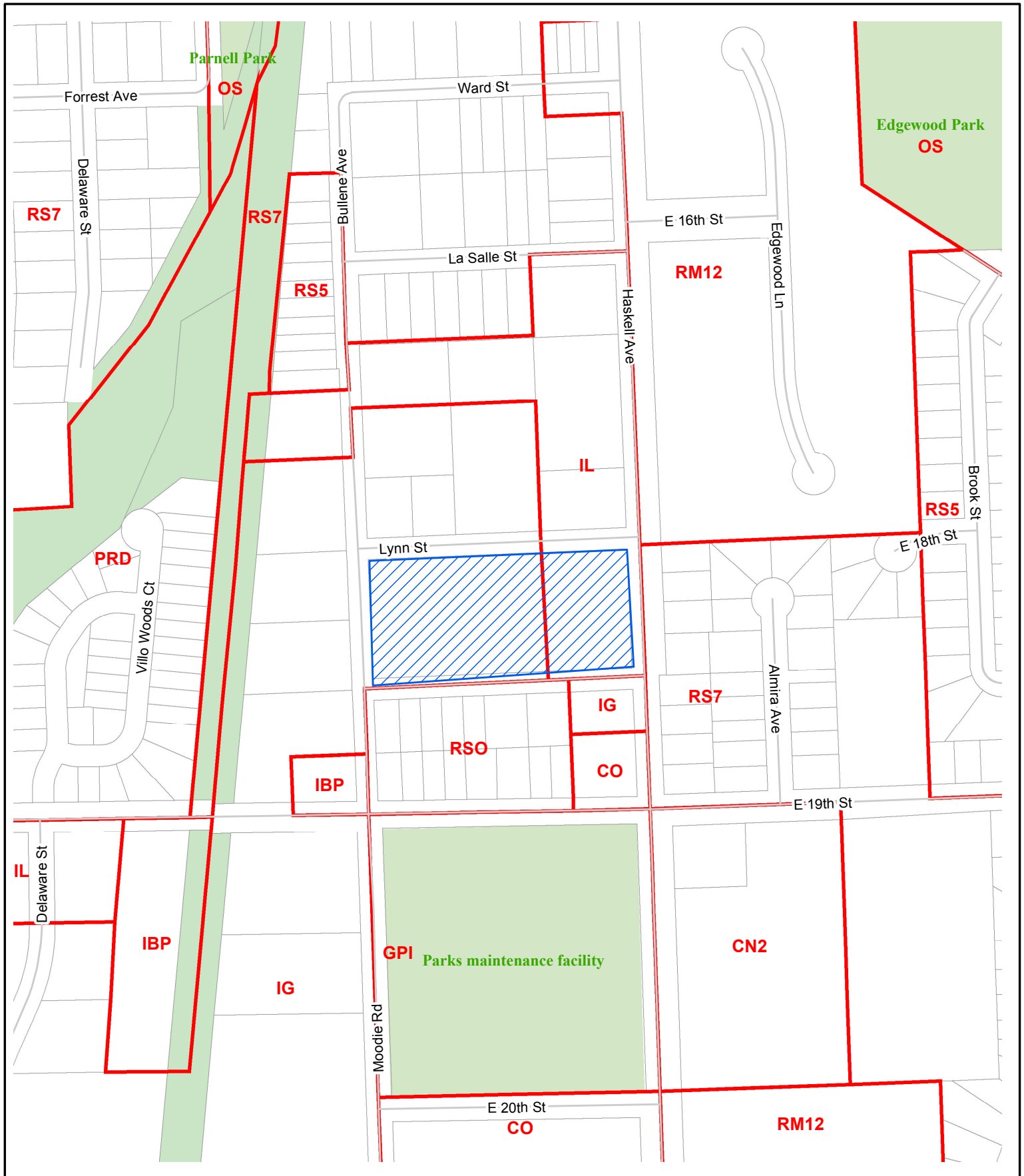
**9. PROFESSIONAL STAFF RECOMMENDATION**

**CONCLUSION**

The 800 block of Lynn Street is vacant property surrounded to the north and west by light industrial type uses and to the south and east by single-dwelling residential uses. Currently the property is zoned IG and IL District. This property is also within the planning area of the *Burroughs Creek Corridor Plan* which was approved in 2006. This plan recommends rezoning the property to an office district as a transitional use between the existing industrial and residential uses. The RMO District permits the uses the owner, the Salvation Army, had previously contemplated. This request is consistent with the comprehensive plan.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 3.9 ac, from IG (General Industrial) District and IL (Limited Industrial) to RMO (Multi-Dwelling Residential-Office) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.






**Z-02-06-11: Rezone 3.9 acres from IG and IL to RMO**  
**800 block of Lynn Street**

Lawrence-Douglas County Planning Office  
 March 2011



 Area Requested  
 Scale: 1 Inch = 300 Feet

**PLANNING COMMISSION REPORT**  
**Regular Agenda - Public Hearing Item**

PC Staff Report  
3/28/11

**ITEM NO. 5      RM24 TO RM32; .13 ACRES; 711 CONNECTICUT STREET (MKM)**

**Z-1-4-11:** Consider a request to rezone approximately .13 acres from RM24 (Multi-Dwelling Residential) to RM32 (Multi-Dwelling Residential), located at 711 Connecticut Street. Submitted by Michael Tubbs, for James and Nancy Dunn, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends denial of the request to rezone approximately .135 acres located at 711 Connecticut Street from RM24 to RM32, based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for denial.

**Reason for Request:**      *“Rezoning is needed to allow for more density as it related to number of dwelling units allowed. Rezoning from RM24 to RM32 would allow for additional dwelling units on the lot.”*

**KEY POINTS**

- The property is located in the environs of Lawrence’s Downtown Historic District and the North Rhode Island Street Historic Residential District, National Register of Historic Places. It is also located in the environs of the Octavius W. McAllaster Residence (724 Rhode Island), Lawrence Register of Historic Places (Figure 1); therefore, the Historic Resources Commission (HRC) must review the rezoning request under the State Preservation Law (K.S.A. 75-2724, as amended). The HRC determined the rezoning request would damage and encroach upon the listed properties and their environs at their February 17, 2011 meeting. The applicant appealed the HRC’s action to the City Commission. The City Commission will consider the appeal and the Planning Commission’s recommendation on the rezoning request at the same meeting.
- The subject property currently contains 2 detached dwelling structures. Applications for demolition permits have been submitted for these structures. The Historic Resources Commission determined the demolition permits would damage and encroach upon the listed properties and their environs under the State Preservation Law and the applicant has appealed this decision to the City Commission. The HRC also determined that the proposed demolition and new construction project met the intent of Chapter 22 and a Certificate of Appropriateness could be issued with conditions of approval.
- The subject property is located within an area that was zoned from C-4 (General Commercial) to RM-2 (Multi-Family Residence) in 1975 as part of a neighborhood rezoning [Z-02-03-75], but has not been developed with multi-dwelling structures. (The RM-2 zoning converted to RM24 with the adoption of the 2006 Development Code).

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

Other action required on this rezoning:

- City Commission action on the appeal of the Historic Resources Commission’s ‘damage and encroach upon’ determination of the rezoning request. The City Commission must find

that there are no feasible and prudent alternatives to the rezoning and that all planning has been done to minimize harm to the historic properties.

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

Other case and action required:

- The site plan must be reviewed and approved by the Historic Resources Commission and must be administratively approved by Planning prior to building permits being released for new development. A site plan, SP-1-4-11, has been submitted and is currently under review.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- Letter from the East Lawrence Neighborhood Association expressing opposition to the rezoning.

**Project Summary:**

The request is for rezoning of one 5850 sq ft lot located at 711 Connecticut from the RM24 (Multi-Dwelling Residential) District to the RM32 (Multi-Dwelling Residential) District. These districts are both classified as 'high-density' districts; however, the RM24 District is limited to 24 dwelling units per acre while the RM32 permits up to 32 dwelling units per acre. The rezoning is dependent on the City Commission's action on the appeal from the HRC determination of the rezoning request. With the current zoning, a maximum of three dwelling units could be developed on the property; with the proposed zoning, RM32, a maximum of four dwelling units could be possible based on acreage alone.

**1. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

**Applicant's Response:**

*"The rezoning will bring the proposed project into conformity with the Comprehensive Plan. We plan to seek RM32 Zoning under the existing code as it will allow us to build 1 additional unit or a minimum of 4 dwelling units. Currently, there is a pending text amendment related to RM32 Zoning; however, this will not change our desire and need to rezone the property."*

The RM32 District permits a maximum density of 32 dwelling units per acre, or 4 dwelling units on the subject property. The current RM24 District permits a maximum density of 24 dwelling units per acre or 3 dwelling units on the subject property. These are the *maximum* densities permitted by Code; however, often site constraints or other conditions preclude development at the maximum density. The text amendment referenced in the applicant's response is discussed in Item 9 of this report, 'Professional Recommendation'.

Recommendations from the Comprehensive Plan are listed below in bold print; staff comments follow.

**High-density residential development, reflecting an overall density of 16 to 21 dwelling units per acre, is recommended at selected locations near high-intensity activity areas or near existing high density residential developments.** (page 5-5)

**STAFF COMMENTS:**

The RM24 and RM32 Zoning Districts are high-density residential districts that exceed the densities considered in the Comprehensive Plan; however, the recommendations for high-density development apply to these districts as well.

The area is currently zoned for high-density multi-dwelling residential development but the area consists of detached dwellings at a lower density (24 units per acre permitted, developed at approximately 8 dwelling units per acre). Given the type of development currently found in this area, intensifying this one property in the midst of the larger RM24 zoned area would not further a public goal.

**Large concentrations of high-density housing are not compatible with the overall character and development pattern of the city and should not be permitted. As with medium-density housing, a range of densities and housing types should be encouraged. The design and development of all new high-density residential development should be carefully controlled to ensure compatibility with surrounding uses, adequate screening and buffering, an attractive appearance from nearby roadways, and a high-quality living environment.** (page 5-5)

**STAFF COMMENTS:**

The Historic Resource Commission reviews development proposals within the environs of listed historical properties to insure compatibility with the listed property. The East Lawrence Neighborhood Plan recommends that the land use in this area remain low density single-family residential. As the area in East Lawrence which is zoned RM24 is not currently consistent with this recommendation, increasing the density would not be compliant.

**Policy 1.3: Identify Suitable Sites**

**Medium- and higher-density developments should be arranged in small clusters as transitions from more intensive land uses, or located at the intersection of major street/roads.** (page 5-23)

**STAFF COMMENTS:**

A large area of the East Lawrence Neighborhood was rezoned from a general commercial district to a high density multi-family residential district with the 1975 rezoning (Figure 2). The Comprehensive Plan, which was adopted after this rezoning, does not support medium- or higher-density development in this location.

**Staff Finding** – The existing RM24 zoning of the area is not consistent with the recommendations in *Horizon 2020* for medium- to higher-density development and the rezoning request to increase the density of this property would also be noncompliant.

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

Current Zoning and Land Use:	RM24 (Multi-Dwelling Residential) District; 2 detached dwellings.
Surrounding Zoning and Land Use:	To the north and east: CS (Commercial Strip) District; undeveloped lot and a church to the north and retail stores and offices to the east.  To the south and west: RM24 (Multi-Dwelling Residential) District; Detached dwellings.

**Staff Finding** – The subject property is located at the border of a high-density residential (RM24) zoning district and a commercial (CS) zoning district. (Figure 3) The residentially zoned

area is developed with detached dwellings at an approximate density of 8 dwelling units per acre. The commercially zoned property is developed with a church and commercial uses, such as contractor shops and offices. The intensity and development type of RM32 could be compatible with the commercial zoning but it is not compatible with the existing density and structure type of development within the RM24 zoning in the area.

### **3. CHARACTER OF THE NEIGHBORHOOD**

Applicant's Response:

*"The neighborhood to the east of the project has a large commercial building with 2 existing businesses and a vacant storefront. Also to the east is a large home and the Santa Fe Train Depot. To the north is a church, a number of large homes, and a large building that is an auto repair shop which was formerly a coca-cola bottling plant. To the south there is a duplex and to the west an alley that serves as a buffer to an existing Historic District. We should note that no structures in the 700 Block of Connecticut were included in the Historic District when it was established as a matter of choice.*

*The proposed project is only within the environs of the Historic District. The existing structures are not on the national or state historic registers."*

**Staff Finding** – The area contains a mix of uses, including auto-related services, retail and office uses as well as single-family residential. (Though zoned for multi-dwelling residential uses, few properties have been developed with multi-family residences, see Figure 2.) This mix of uses is typical of the East Lawrence Neighborhood. The rezoning of this lot to the RM32 District would begin to affect the mix of uses and the overall character of the neighborhood in a manner counter to that called for in the East Lawrence Neighborhood Plan.

### **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 East Lawrence Neighborhood. A land use plan was adopted for the East Lawrence Neighborhood in 1979 and a more recent plan, the East Lawrence Neighborhood Revitalization Plan, was adopted in November of 2000. Normally, this newer plan would supersede the previous plan but the Revitalization Plan is an action plan for maintaining and improving the vitality of the neighborhood rather than a land use plan. The East Lawrence Neighborhood Revitalization Plan states that the East Lawrence Neighborhood Plan may influence land use decisions in East Lawrence (Page 3, East Lawrence Revitalization Plan). This reference links the plans together; therefore, the rezoning request is reviewed with the land use recommendations in the East Lawrence Neighborhood Plan.

#### **EAST LAWRENCE NEIGHBORHOOD PLAN**

**"The present single family residences in East Lawrence are providing irreplaceable housing for low income families. The neighborhood residents that participated in the development of the plan believe that higher density designation would contribute to pressures for redevelopment, which would result in the displacement of existing residents." (page 4-3)**

**The recommended land use map (Map 17) shows this area is recommended for ‘low density residential’ uses.**

**“It should be emphasized that this is a land use rather than a rezoning plan. This plan does not recommend that all areas designated low density residential be rezoned from the present RM-1 to a single family district, although this may be desirable if large percentages of property owners support rezoning.” (page 4-4)**

**STAFF COMMENT**

These recommendations from the plan reflect a disconnect between the zoning and land use in the neighborhood. The neighborhood plan recommends that single family homes be retained and the subject property is identified on Map 17 as an area that is recommended for low density residential use. (Figure 4) However, the plan states on page 4-4 that they are not recommending rezoning to a single family district, but that rezoning may be desirable. From these statements it is clear that the plan does not recommend multi-dwelling uses or higher density multi-dwelling zoning in this location. A copy of the East Lawrence Neighborhood Plan is included in the agenda packet for this item.

**Staff Finding –** The East Lawrence Neighborhood Plan recommends low density single family residences in the area containing the subject property. The proposed rezoning and development are not consistent with the recommendations of the neighborhood plan.

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

Applicant’s Response:

*“Under the RM24 zoning only 3.2 dwelling units can be built. Nonetheless, the number of bedrooms that can be built is up to 9; if a triplex with 3 bedrooms each is built which is allowed under the current zoning. We cannot build a 6-plex with six 1 bedroom units which is what is being proposed.”*

Density is measured as ‘dwelling units per acre’. The RM24 zoning permits a maximum of 24 dwelling units per acre. Each dwelling unit requires 1815 sq ft of lot area (43,560 sq ft per acre / 24 dwelling units). The subject property contains 5850 sq ft; therefore, a maximum of 3 dwelling units is possible (5850 / 1815—when calculating dwelling units per acre the Code directs us to ‘round down’). Four unrelated persons may occupy one dwelling unit in the RM Districts, so a maximum of 12 bedrooms could be developed on this property with the existing RM24 Zoning; however, that maximum is subject to development standards such as building coverage, setbacks and parking requirements.

The RM32 District permits a maximum of 32 dwelling units per acre. With the RM32 zoning, each dwelling unit requires 1361.25 sq ft of lot area; a maximum of four dwelling units would be possible on the subject property ( $5850 / 1361.25 = 4.3$ —rounded down to 4, per Code). As 4 unrelated persons may occupy one dwelling unit in the RM District, a maximum of 16 bedrooms could be developed on this property with the RM32 Zoning; however, that maximum is also subject to development standards such as building coverage, setbacks and parking requirements.

The development possible in each zoning district is compared in the following table:



Zoning District	RM24 (max. 24 du/acre)	RM32 (max. 32 du/acre)
Lot Area	5850 sq ft	5850 sq ft
Maximum Dwelling Units	3	4
Maximum Bedrooms	12	16
Parking required for maximum possible occupancy	13 spaces	17 spaces
Maximum Building Coverage	50% of site	60% of site
Maximum Impervious Coverage	75% of site	80% of site
<b>Comparison Table:</b> RM24 and RM32 Development Standards and Requirements		

It would be difficult to develop to the maximum density with the maximum number of occupants under either zoning, due to the requirement to provide off-street parking for the use. Multi-Dwelling structures are required to provide 1 off-street parking space for each bedroom and 1 guest space for each 10 units. The size of the lot limits the number of off-street parking spaces which can be provided and this in turn limits the number of bedrooms which can be developed.

**Staff Finding** –The property's current RM24 zoning permits multi-dwelling residences, but the size of the lot, 5850 sq ft, limits its suitability for this use due to the constraints associated with lot size, especially the limited area available for off-street parking. It would be difficult to accommodate multi-dwelling development on this lot. The lot is challenged to be suited to the uses to which it has been restricted and would be less-suited for a higher density use.

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

Applicant's Response:

*"The property is not totally vacant, but has been condemned by the City due to structural and habitation issues. One dwelling unit is currently occupied. The large structure has been vacant since August 2010."*

The term 'demolition by neglect' is used to describe properties which have been neglected to the point where rehabilitation is too costly to be a feasible option. The property is currently developed with 2 detached dwellings. The larger structure which has been in decline for several years is now vacant and has been determined to be uninhabitable by the City. It is staff's understanding that it has been the actions, or neglect, of the current property owner that has led to the current status of the property. The Historic Resource Commission considered the request for a demolition permit at their February 17, 2011 meeting and determined, based on the State Preservation Law review, that the demolition of the existing structures would encroach upon, damage or destroy the National Register listed properties and their environs. The HRC approved with conditions the demolition of the structure under Chapter 22 for the potential impact on the Lawrence Register property.

Staff believes the fact that properties are left to deteriorate and then are requested to be redeveloped with greater intensity should be a factor in considering the rezoning request. Approval of the request could incentivize demolition by neglect for other properties within the City if a more intense zoning is the outcome of the neglect.

**Staff Finding –** The property is not vacant but contains two structures; one of which is uninhabitable. Due to the property owner's responsibility for the current status of the structure, and the concern with creating an incentive for demolition by neglect, the status of the structure should be considered a negative factor for the rezoning.

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

Applicant's Response:

*"We do not believe the rezoning will detrimentally affect nearby properties for the following reasons:*

- 1. A change from RM24 to RM32 will not change significantly what can be built in terms of the number of bedrooms as the permitted uses under both zonings are similar.*
- 2. Commercial zoning exists to the north and east of the project and both RM32 and RM24 zoning provide the appropriate buffer zoning to CS commercial zoning so this is consistent.*
- 3. The project will increase housing in the downtown area with some units serving as affordable housing which is consistent with Horizon 2020.*

The rezoning and new development may have a detrimental impact on the nearby historical properties, as previously noted.

With this rezoning the subject property could develop at a higher density, with one more dwelling unit than is permitted with the existing zoning. While this small rezoning may not impact nearby properties, it could set a precedent for other properties to be rezoned and redeveloped with higher density multi-dwelling structures and the density of the entire area may be increased. This mix of structure types and densities could have negative or positive impacts. While mixing of uses and densities is generally reviewed positively where designated for such, this area has been designated by the neighborhood area plan for 'low-density residential uses'.

**Staff Finding –** The City Commission will evaluate the negative impacts that the rezoning request could have on the properties within the North Rhode Island Historic District; therefore, this report is not considering that impact. While the rezoning of this one lot to the RM32 District may not have a significant negative impact on nearby properties, the rezoning could be part of a cumulatively negative impact if this rezoning sets a precedent for other properties in the block.

## **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:

*"If approved a new modern 6-plex will be built with six 1-bedroom units that will fit into the existing neighborhood fabric. This will also increase the number of 1 bedroom units in the area which is consistent with public health, safety and welfare as there is a shortage of such housing in the City. Smaller units seem to be a better fit for the neighborhood in that smaller units in an apartment project seem to be*

*quieter tenants and we are seeking tenants in need of 1-bedroom units that may need some assistance in terms of accessibility and/or affordability.*

*The hardship on landowner if denied include resorting to building a triplex with three 3-bedroom units which can be leased to families, but are more difficult to lease to single persons with affordable housing needs or special needs."*

(Planning Note: Please note, dwelling units in the RM Districts may have up to 4 unrelated persons. Three 4-bedroom units would be possible if adequate parking were available.)

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

The denial of the rezoning request will maintain the current maximum density for the property. The approval of the rezoning request would permit the development of one additional unit, provided other development standards are met.

The denial of the rezoning request would require the landowner to change his development plans to include fewer single- or multi-bedroom units.

There are no studies of which staff is aware that supports the applicant's statement that residents in single-bedroom units are quieter than those in multi-bedroom units. The potential nature of the tenants is not taken into account in this analysis of the rezoning request.

**Staff Finding –** The denial of the rezoning request would maintain the established permitted density in the area and should have minimal impact on the surrounding area or the public health, safety, and welfare.

Denial of the rezoning request would have minimal impact on the property owner but would require a revision to the development to include fewer single- or multi-bedroom units.

Approval of the rezoning request should also have minimal impact on the public health, and safety. The approval could, however, negatively impact the quality of life, convenience, and welfare of the residents of the area due to a related increase in traffic and off-street parking demand. In addition, the RM32 District permits greater building coverage and impervious surface coverage than the RM24 District. Incompatible development and increased traffic and parking demands could be the impacts of this rezoning, particularly if it leads to additional rezonings to a higher density.

## **9. PROFESSIONAL STAFF RECOMMENDATION**

There are several factors to consider with this application. One, which is discussed briefly in this report, is the compatibility of the rezoning and development request with the nearby listed historic properties. The other factors are discussed below:

**Demolition by neglect.** The fact that the building is in need of repair is not part of this review; however, the timing of the demolition by neglect and this rezoning proposal do link the

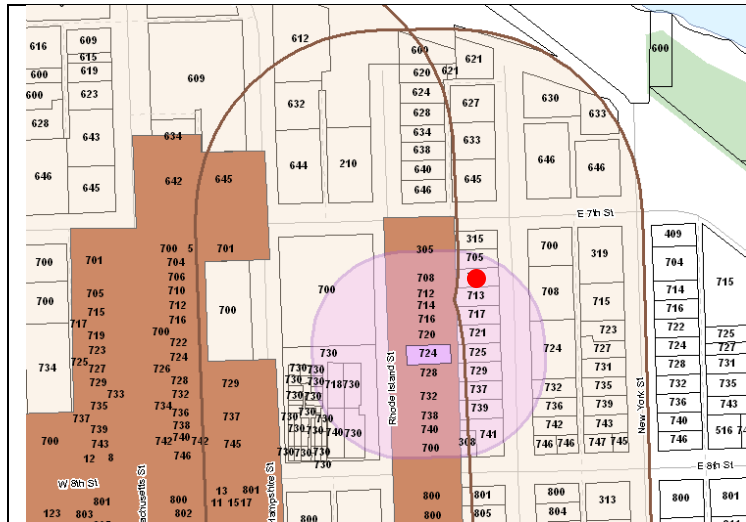
two. Rezoning to a higher density after a property has been neglected to the point of being uninhabitable may incentivize demolition by neglect to get to greater intensities of use.

**Proposed text amendment to the RM32 District.** A text amendment proposing a method of calculating 'dwelling units' in the RM32 District based on the number of bedrooms [TA-6-8-10] has been initiated and considered by the Planning and City Commission. The City Commission returned the amendment to the Planning Commission for further discussion and it will be considered at the March meeting. If the amendment is approved, it may be possible to develop additional, but equivalent, 'units' on RM32 properties, if studio and one-bedroom units are proposed. The proposed rezoning, if approved, may result in additional dwelling units than are currently being considered.

**Compliance with comprehensive and neighborhood plan.** The rezoning is not compliant with the recommendations in the East Lawrence Neighborhood Plan, or the comprehensive plan. Specifically, the East Lawrence Neighborhood Plan recommends this area for low-density single-family residences.

**Compatibility of uses.** Rezoning this property to a higher density zoning district, while the other uses remain single-family, may result in an incompatible mix of uses. The rezoning may set a precedent for rezonings in this area with a resultant change in the character of the neighborhood.

**STAFF RECOMMENDATION:** Staff recommends denial of the request to rezone approximately .135 acres from RM24 (Multi-Dwelling) District to RM32 (Multi-Dwelling) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for denial.



**Figure 1.** The subject property's location in relation to listed historical properties and their environs.

The irregular shaped area shown in brown is the Downtown Historic District.

The brown area just to the west of the subject property is the Rhode Island Historic District.

724 Connecticut, shown as pink, is the Octavius W McAllaster Residence.

The historical environs are shown as shaded areas.

The subject property is marked with a red dot.



**Figure 2.** Area included in the 1975 rezoning from General Commercial (C-4) to high-density Multi-Family Residence (RM-2 converted to RM24) shown as cross-hatched. Property developed with multi-dwellings shown with dot. Remainder of area predominately detached dwellings with scattered duplexes. Subject property shown with white dot.

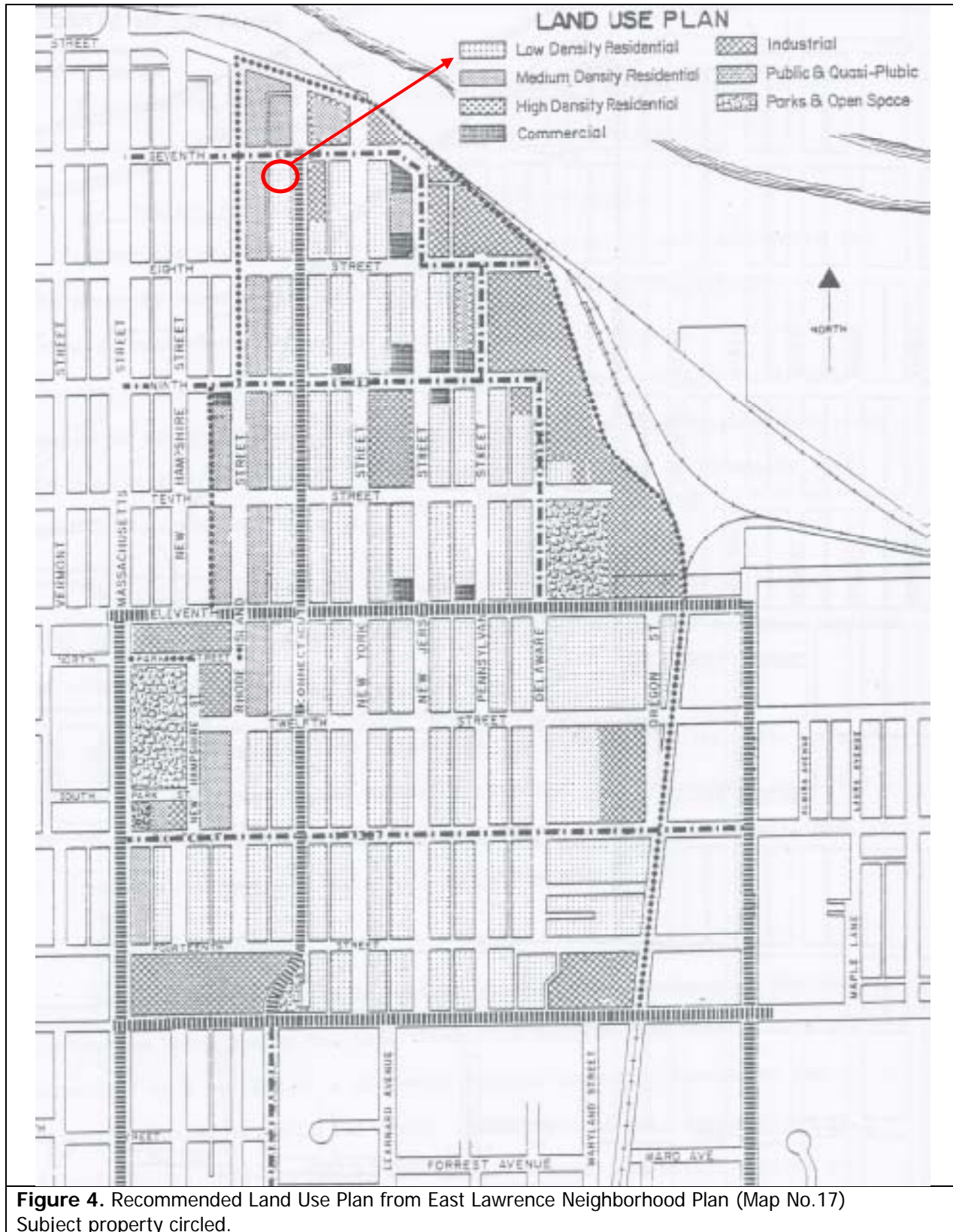
*(Multi-dwellings identified from Douglas County appraiser info and sidewalk survey.)*





**Figure 3.** Zoning districts and land use in the area. (Subject property marked with a red dot.)





**Figure 4.** Recommended Land Use Plan from East Lawrence Neighborhood Plan (Map No.17)  
Subject property circled.

EAST LAWRENCE NEIGHBORHOOD PLAN

ADOPTED BY THE

LAWRENCE-DOUGLAS COUNTY PLANNING COMMISSION

DECEMBER 19, 1979

LAWRENCE-DOUGLAS COUNTY PLANNING COMMISSION

Lawrence-Douglas county planning commission  
910 MASSACHUSETTS ° BOX 708 ° LAWRENCE, KANSAS ° 913-841-7700 EXT. 355

January 16, 1980

Lawrence City Commission  
910 Massachusetts Street  
Lawrence, KS. 66044

Dear Commissioners:

The Lawrence-Douglas County Planning Commission is happy to submit for your review and adoption, the East Lawrence Neighborhood Plan.

This Plan is the result of the collective efforts of the Lawrence-Douglas County Planning Commission's Neighborhood Committee, residents and property owners from East Lawrence, and the planning staff. An extensive opinion survey of neighborhood residents was completed in October, 1978. The results of the survey are included in the Appendix of this Plan.

This Plan contains suggestions for future development in the neighborhood that have been endorsed by the Lawrence-Douglas County Planning Commission as well as the planning staff.

We believe that this Plan represents a reasonable and fair compromise between the various interests that were brought to our attention through public hearings.

Sincerely,

Chuck Warner  
Chairman

CW:GS:jaw

Chuck Warner  
CHAIRMAN

Kurt von Achen  
VIC CHAIRMAN

Roger K. Hedrick  
DIRECTOR OF PLANNING

THE CITY OF LAWRENCE, KANSAS

CITY COMMISSION

Barkley Clark, Mayor  
Ed Carter, Vice-Mayor  
Donald A. Binns  
Marci Francisco  
Bob Schumm

LAWRENCE-DOUGLAS COUNTY PLANNING COMMISSION

Chuck Warner, Chairman  
Kurt von Achen, Vice-Chairman  
Hank Booth  
Jane Topping Combest  
Dean Harvey  
Richard Ice  
Johanna Kollmorgen  
Margaret McKinney  
Jack Rader  
Vickie Thomas  
Maria Sibley, Student Representative

STAFF

CITY MANAGER

Buford M. Watson, Jr.

ASSISTANT CITY MANAGER

Mike Wildgen

PLANNING STAFF

Roger K. Hedrick, Director of Planning  
Joyce Webb, Secretary  
\*Garner Stoll, Planner (Advance)  
Linda Finger, Planner (Current)  
David Guntert, Planner (Research)  
Gail Dunlop, Planning Technician  
Gene Bucia, Planning Technician (Graphics)  
Robert Hosack, Planning Assistant  
Steve Allison, Planning Assistant

\*Project Coordinator



## TABLE OF CONTENTS

	PAGE
INTRODUCTION	
CHAPTER 1 ASSUMPTIONS AND TRENDS, ASSETS AND CONSTRAINTS	1-1
Population	1-1
Housing	1-2
Transportation	1-3
Public Facilities and Services	1-4
CHAPTER 2 A STATEMENT OF GOALS AND POLICIES	
General Goals	2-1
General Policies	2-1
Land Use: General	2-1
Residential	2-2
Non-Residential	2-3
Transportation	2-4
CHAPTER 3 AN INVENTORY OF EXISTING CONDITIONS	
Housing Conditions	3-1
Land Use	3-7
Transportation	3-9
Public Facilities	3-9
Conclusions	3-11
CHAPTER 4 PLANS AND RECOMMENDATIONS	
Land Use Plan	4-2
Suggested Street Improvements	4-5
Suggested Priorities for Sidewalk Improvements	4-6

## CHAPTER 4 (Continued)

### Bicycle Ways

#### APPENDIX

#### Results of the Neighborhood Survey

PAGE

4-6



# LIST OF MAPS

<u>MAP NO.</u>	<u>MAP TITLE</u>
MAP NO. 1	PLANNING AREA BOUNDARIES
MAP NO. 2	HOUSING CONDITION
MAP NO. 3	DELINQUENT PROPERTIES
MAP NO. 4	PERCENT OWNER OCCUPIED
MAP NO. 5	PERCENT IN SINGLE FAMILY USE
MAP NO. 6	AVERAGE SQUARE FOOTAGE of LOT AREA per DWELLING UNIT by BLOCK
MAP NO. 7	EXISTING LAND USE
MAP NO. 8	NON-RESIDENTIAL LAND USE by SPECIFIC CATEGORY
MAP NO. 9	EXISTING ZONING
MAP NO. 10	STREET MATERIALS
MAP NO. 11	STREET CONDITION RATING
MAP NO. 12	SIDEWALKS
MAP NO. 13	SIDEWALK CONDITIONS
MAP NO. 14	TRAFFIC VOLUME COUNTS & ACCIDENT COUNTS
MAP NO. 15	SCHOOL CHILDREN POPULATION
MAP NO. 16	SANITARY SEWERS
MAP NO. 17	LAND USE PLAN
MAP NO. 18	PRIORITIES for STREET REPAIRS
MAP NO. 19	PRIORITIES for SIDEWALK IMPROVEMENTS
MAP NO. 20	BICYCLE WAYS NETWORK

## INTRODUCTION

### The East Lawrence Neighborhood

East Lawrence is located east of the downtown area, north of 15th Street and west of the railroad tracks. It's population is composed of large percentages of elderly and young. There are few middle aged residents, and even fewer residents of upper and middle income levels. Many of the older residents have lived there for years and most said they plan to remain there.

According to the residents opinion and staff surveys, much of the housing stock is in various stages of deterioration. However, the residents did not feel that the rate of deterioration was accelerating. The majority felt the condition of housing was "stable." An equal percentage said that it was improving to the percentage that said it was deteriorating. According to the staff housing condition survey, by far the majority of the housing stock can still be rehabilitated, although a small percentage of the houses are beyond repair.

One fact about the neighborhood that is decisive and that should be considered with all proposals for East Lawrence is the fact that neighborhood residents are almost exclusively made up of lower income categories. There is very little leverage in existing residents for expensive redevelopment projects.

### Purpose and Context of the Plan

The purpose of the East Lawrence Neighborhood Plan is to provide an official guide to the future development of the neighborhood for the use

of the City Commission, the Lawrence-Douglas County Planning Commission, residents, property owners, and other concerned organizations and individuals. For the City Commission and Planning Commission, the Plan provides a reference to be used in connection with their actions on various city development matters as required by law. The Plan is intended to promote an arrangement of land use, circulation, and public facilities which will contribute to the health, safety, welfare, and convenience of the neighborhood, within the larger framework of the City of Lawrence. It is intended to provide a guide for the development and change within the neighborhood, meeting the needs of existing unique conditions and anticipated changes. The policies of the Plan are intended to protect the existing investments to the extent that is reasonable and feasible.

The formulation of neighborhood plans is clearly called for in Plan '95. In Chapter 4, Objective 4, Plan '95 specifies that "detailed neighborhood plans should be developed." In the same chapter, under Policy 6, it states that neighborhood plans should be used in conjunction with the generalized Land Use Guide and Policies of Plan '95.<sup>1</sup> It is clear that Plan '95 recommends that neighborhood plans be developed and that these plans be used as specific guidelines in conjunction with the overall policies set forth in Plan '95.

Plan '95 endorses the preservation of neighborhoods and the neighborhood unit concept as defined by Clarence A. Perry.<sup>2</sup> In Chapter 7, Plan '95 recommends preserving and encouraging such neighborhood units by evaluating and

---

1. The Lawrence-Douglas County Planning Commission and Ron Jones and Associates, 1977, Pages 4-10, 11.

2. Ibid, page 13-8.

defining neighborhood boundaries to avoid possible intrusions and negative impacts through the upgrading of the transportation system.<sup>1</sup> This Plan defines the boundaries of the East Lawrence Neighborhood and makes recommendations as to the classification of streets as recommended by Plan '95.

#### Format of the Plan

This Plan contains four chapters. Chapter 1 is a brief summary of some recent trends in the neighborhood and some assumptions about the future. Chapter 2 is a statement of goals and policies to guide future decisions that concern the neighborhood. Chapter 3 contains information about existing conditions and some recent trends. And Chapter 4 contains plans and recommendations concerning future land use and transportation.

The Appendix contains the results of the neighborhood opinion survey that was completed in the fall of 1978.

---

1. Ibid, page 7-11.



## CHAPTER 1

### ASSUMPTIONS AND TRENDS, ASSETS AND CONSTRAINTS

The following is a list of facts about the neighborhood as well as logical assumptions about future trends. Most of the facts and the conclusions drawn from them are derived from the neighborhood information and opinion surveys completed in the fall of 1978.

#### Population

- a. The population of the neighborhood is estimated to be 2,520.

This estimate is based on the number of dwelling units counted by the planning staff through a housing survey completed in November, 1978. The computation presumes 2.89 residents per single-family unit and 2.00 per unit for all other residential structures, assuming that the average occupancy rate is 95% for apartments and 98% for single-family units.

- b. The future population of the neighborhood will probably remain at present levels, with some slight increases. Significant eastward expansion of downtown commercial facilities would probably precipitate some high density residential construction and result in a net increase in population for the neighborhood.

- c. The present population consists of a large percentage of young and over 65 age groups, but relatively small percentages of middle aged residents. Forty-eight percent of the respondents to the neighborhood survey were in the 15 to 35 age group and 25% were over 65.

- d. Incomes of East Lawrence residents are far below the average for the City of Lawrence. Fifty-seven percent of the respondents' household

incomes were less than \$7,000, and only seven percent had household incomes of over \$15,000.

e. The population of East Lawrence is stable. Of those participating in the survey, 44% had lived in Lawrence over 25 years, and 80% over 5 years. Forty-eight percent had lived at their present address over 5 years. This is a dramatic contrast to the transient nature of the Oread Neighborhood, where 40% of the respondents had lived there less than one year. Ninety-one percent of East Lawrence residents said they planned to live there at least another year.

Conclusion: The residents of East Lawrence are mostly young or elderly with modest incomes, who have lived there for many years and who intend to remain there.

#### Housing

a. As is discussed extensively in Chapter 3, housing deterioration is a major problem in East Lawrence. The results of the staff housing condition survey revealed that housing deterioration affected nearly 70% of the houses in the neighborhood, but only 29% were extensively deteriorated (major deterioration and dilapidated categories). Although the correlation of the housing condition with the income of residents is not possible at this time, the staff suspects a high degree of correlation between condition of housing and low income.

b. The neighborhood residents' own rating of housing condition is roughly comparable to the staff housing condition survey. Fifty-three percent said that they rated their house in good or excellent condition and 47% said their house was in fair or poor condition.



c. Neighborhood residents do not seem to believe that housing deterioration is rapid or ongoing at the present time, such as was the case in Oread. Twenty-seven percent felt that housing conditions are improving in their immediate neighborhood, 46% thought conditions are stable, and 26% thought housing is deteriorating. In contrast, 41% of those surveyed in Oread thought that housing conditions are deteriorating.

d. Rent and mortgage payments in East Lawrence are generally low compared to Lawrence as a whole. Seventy-eight percent of those renting pay under \$200.00 a month rent, and 64% purchasing homes pay less than \$200.00 mortgage, including insurance and property taxes.

Conclusion: Housing deterioration is a major problem and probably has a high degree of correlation with low income levels. Rents and mortgage payments are low and, given present income levels of occupants, provide little capital for rehabilitation.

#### Transportation

a. Connecticut Street will increasingly function as a major north/south thoroughfare. Daily traffic counts will continue to increase as the population of Lawrence increases.

b. Eleventh Street, in combination with Connecticut Street, will continue to provide access to the downtown from the east and south.

c. Eighty percent of East Lawrence residents own one or more cars. In spite of the present fuel shortages, private automobiles will remain the pre-dominate mode of transportation in the neighborhood.

d. Forty-six percent of the survey respondents said they own bicycles. Bicycles rank third behind cars and walking as the preferred mode of transportation in the neighborhood.

e. This plan assumes that bicycling and walking will increasingly be used as an alternative mode of transportation. This will increase the need for improved pedestrian and bicycle facilities.

#### Public Facilities and Services

a. The recreation facility at the corner of 11th and Delaware Streets will be developed into a multi-functional neighborhood park serving all age groups.

b. South Park will continue to function in it's present capacity and remain a major asset to the neighborhood.

c. According to the neighborhood survey, East Lawrence residents are satisfied with most public facilities and services. However, they expressed dissatisfaction with sidewalks (61%), animal control (60%), and snow removal (48%). Large percentages expressed general satisfaction with fire protection (72%), parks and recreation facilities and services (70%), street lighting (67%), trash pickup (68%), and streets (62%).

---

1. The categories of adequate and excellent were combined to indicate general satisfaction.

## CHAPTER 2

### A STATEMENT OF GOALS AND POLICIES

#### General Goals

- a. To maintain and rehabilitate East Lawrence as a low to medium density residential neighborhood that provides affordable housing for low and moderate income families and individuals.
- b. To encourage residents and property owners to participate in the planning and development of East Lawrence.

#### General Policies

- a. Update the East Lawrence Plan at the request of the East Lawrence Improvement Association, provided that at least one year has passed since the last update.
- b. Transmit information about proposed developmental changes to the East Lawrence Improvement Association.
- c. Encourage property owners and developers to discuss planned development with the East Lawrence Improvement Association before submission to planning or city commissions.
- d. Develop and administer a comprehensive property conservation program to ensure the maintenance of sound structures and the rehabilitation of deteriorated structures.

#### Land Use: General

#### Goals

- a. Lessen the impact of high and medium intensity land uses (commer-

cial, offices, and high density residential) on low density residential areas.

- b. Locate each land use intensity in an area that is capable of physically supporting it.
- c. Interrelate proposed land uses and the transportation network to provide maximum convenience and a minimum of conflict.

#### Policies

- a. Locate additional high intensity land uses (commercial or offices) in areas so designated by the East Lawrence Land Use Plan.
- b. Evaluate present zoning classifications of land on the basis of plans and recommendations in the East Lawrence Plan to determine whether it is desirable for the Planning Commission or City Commission to initiate a change in zoning.
- c. Evaluate requirements of the present zoning districts of the Lawrence Zoning Ordinance to determine whether it is desirable to amend the ordinance in light of the unique conditions of the East Lawrence Neighborhood.
- d. Plan development in such a way that drainage and flooding problems are neither caused nor aggravated, and, whenever possible, so that existing drainage and flooding problems are alleviated.

#### Residential

##### Goal

- a. To revitalize and conserve East Lawrence as a stable and safe residential neighborhood, providing housing for a variety of age groups and income levels.



### Policies

- a. Encourage the preservation of existing housing stock, especially housing stock of historical significance.
- b. Encourage rehabilitation of existing housing in a manner that does not result in the displacement of low and moderate income renters and owners.
- c. Protect residential areas from undue pollution from traffic, noise, and airborne particles.
- d. Consider historic homes, sites, and districts as appropriate for preservation and rehabilitation rather than redevelopment.

### Non-Residential

#### Goal

- a. Provide diversified and convenient non-residential facilities while minimizing adverse impacts on residential areas.

### Policies

- a. Locate any additional commercial facilities along major arterial streets adjacent to existing commercial land uses as indicated by the East Lawrence Land Use Plan.
- b. Prevent or reduce adverse effects of commercial and office areas adjacent to residential areas, parks, and schools, by appropriate screening and buffering.
- c. Encourage owners and users of taverns to practice sensitivity towards the surrounding residential areas by enforcement of all City Codes relating to trash pickup, on-premises consumption of alcoholic beverages, and public drunkenness.



d. Expand the downtown area into the East Lawrence residential neighborhood only after extensive public hearings and only to the extent that the Planning and City Commission determine that it is of community-wide importance and necessary to maintain and strengthen downtown Lawrence.

e. Explore the possibility of developing a neighborhood commercial district that is restrictive enough to interface with residential districts.

### Transportation

#### Goal

a. Provide convenient and safe streets, sidewalks, and bicycle ways capable of moving people, goods, and services, with a minimum of negative impacts on the residential character of the neighborhood.

#### Policies

a. Minimize through traffic in residential areas.

b. Preserve brick streets and curbs of cut stone as historically significant.

c. Discourage the use of city rights-of-way for parking.

d. Expand the bicycle ways as proposed in the Lawrence Pedalplan to connect the downtown and other major activity nodes with the residential areas of the neighborhood, and to form a practical network that is interconnected with bicycle ways proposed for adjoining neighborhoods.

e. As in the other neighborhood plans, use parkland, open space and the existing streets for bicycle ways while avoiding those streets with heavy motor traffic; if use of such streets is unavoidable, bicycle lanes or trails are called for. The use of a posted 20 mph speed limit on selected bicycle routes would tend to discourage auto traffic.

f. Legislate bicycle parking requirements, safety education programs, and platting and site plan requirements relative to bicycles.

g. Develop a system of pedestrian paths throughout the neighborhood with emphasis placed on sites along arterial and collector streets.

## CHAPTER 3

### AN INVENTORY OF EXISTING CONDITIONS

This chapter consists mostly of information about the neighborhood in graphic and tabular form. It can be used to evaluate the recommendations in Chapter 4, or as a basis for alternative proposals. Also, should an update of the plan be undertaken, the information included in this chapter contains data that can be compared to future informational surveys to detect significant trends.

The planning staff, after consulting with members of the East Lawrence Neighborhood Association, divided the neighborhood into four sub-areas for comparative purposes. Much of the information about the existing conditions is presented by sub-areas. (See Map No. 1).

Categories of information include the condition and types of housing, transportation facilities, and land use characteristics. Most of the information is the result of field surveys completed in the fall of 1978.

#### Housing Conditions

In October, 1978, all residential structures (except those located in a primarily commercial structure) were surveyed from the exterior to determine their relative condition. The methodology used attempted to duplicate that used in the 1972 Neighborhood Analysis Study, so that comparison between the two would be possible. However, in spite of the similarity in methodology, it should be pointed out that the rating of houses is to a large degree subjective, and that the 1972 and 1978 studies were conducted



PLANNING AREA BOUNDARIES



EAST LAWRENCE

..... Neighborhood Boundary

by entirely different staffs. Therefore, maps or data drawing from both sources might lack some degree of precision. The following is a listing of the four condition categories used and the criteria looked for to determine the appropriate category for each residential structure.

#### Sound

Provides safe and adequate shelter, contains no substantial defects, and requires only routine maintenance to preserve its status.

#### Minor Deterioration (Rehabilitable)

As a result of inadequate maintenance, a few minor defects have developed.

Criteria for determining minor deterioration--holes, open cracks, or missing materials of a limited degree in the foundation, wall or roof; shaky or unsafe porches or steps; broken or missing window frames and doorsills which are no longer rainproof; rotted, missing or broken roof drains or gutters; unsafe or makeshift chimneys; exposed wiring.

#### Major Deterioration (Rehabilitable)

As a result of inadequate maintenance, defects of a considerable number and/or severity have developed.

Criteria for determining major deterioration--holes, open cracks, rotted or missing materials over a considerable area of the foundation, outside walls or roof; sagging of roof; extensive damage to structure by storm, flood, or fire; structure inadequately converted to its present use.

#### Dilapidated

As a result of inadequate original construction, or prolonged lack of maintenance, defects have developed to a degree that reparations are probably



no longer feasible.

After an examination of the structure from the street right-of-way, it was classified into one of the above categories. The following letter grades were attached to the categories:

A = Sound

B = Minor Deterioration

C = Major Deterioration

D = Dilapidated

Table One shows the results of the housing condition survey by planning area.

TABLE ONE

RESIDENTIAL STRUCTURE CONDITIONS By Planning Area													
Area	A		B		C		D		Total				
	No.	%	No.	%	No.	%	No.	%					
1	24	18.0	57	42.9	42	31.6	10	7.5	133				
2	48	16.1	168	56.4	76	25.5	6	2.0	298				
3	40	17.9	112	50.2	62	27.8	9	4.1	223				
4	41	24.3	97	57.4	29	17.1	2	1.2	169				
TOTAL	153	18.6	434	52.7	209	25.4	27	3.3	823				

Overall, approximately 71% of the structures in the neighborhood were classified as either sound or slightly deteriorated. The remaining 29% are either extensively deteriorated or dilapidated. Compared to Oread and Pinckney Neighborhoods, this represents a serious problem with housing deterioration. In Oread, approximately 85% of the houses were included in the A and B

categories and in Pinckney the percentages were even higher.

Table Two shows the number of dwelling units in each planning area by the categories of single-family (SF), single-family converted (CSF), and multiple-family dwellings (MF). Single-family converted are multiple-family structures that were originally constructed for single-family purposes and then converted to multiple-family units.

TABLE TWO  
NUMBER AND TYPE OF DWELLING UNITS<sup>1</sup>  
By Planning Area

Area	SF No.	%	CSF No.	%	MF No.	%	Total
1	112	65.1	(20) 58	33.7	(1) 2	1.2	172
2	272	80.2	(22) 55	16.2	(4) 12	3.6	339
3	211	88.2	( 6) 14	5.9	(6) 14	5.9	239
4	144	67.6	(19) 51	23.9	(6) 18	8.5	213
TOTAL	739	76.7	178	18.5	46	4.8	963

The results of the housing condition survey are seen in Map No. 2.

Four points were given to each structure rated as sound; three points for minor deterioration; two for major deterioration; and one for dilapidated structures. The summaries then were averaged by half-block. Incidences of major deterioration are most prevalent in some core areas of the neighborhood.

1. Numbers in parentheses indicate number of total structures in that category, number to the right of parenthesis is the total number of dwelling units.





# EAST LAWRENCE

..... Neighborhood Boundary

Map No. 3 shows the number of tax delinquent properties by block;

Table Three classifies the areas of delinquent properties into their respective zoning districts. Most of these properties are in residential zones; planning areas one and two show the highest concentrations.

TABLE THREE

SQUARE FEET AND ACREAGE OF TAX DELINQUENT PROPERTIES  
By Zoning Districts

Zoning Category	Square Feet	Acreage
RM-1	229,490	5.3
RM-2	73,602	1.7
C-3	8,599	.2
C-4	5,520	.1
M-2	14,660	.3
TOTAL	331,871	7.6

Map No. 4 shows the percentage of owner occupied housing. Area No. 1 has a relatively large concentration of rental housing.

Residential Densities

As seen in Map No. 5, the large majority of housing in East Lawrence is in single-family use. The western edge of the neighborhood shows the lowest percentage of single-family uses, probably due to a higher incidence of housing to accommodate student renters in that area.

Map No. 6 is a good indicator of residential densities. The computation is based on the total square footage of lots occupied by residential units on each block, divided by the number of dwelling units. Area No. 3 has the lowest density of the four planning areas.



NUMERALS INDICATE NO. of  
DELINQUENT PROPERTIES  
in EACH BLOCK

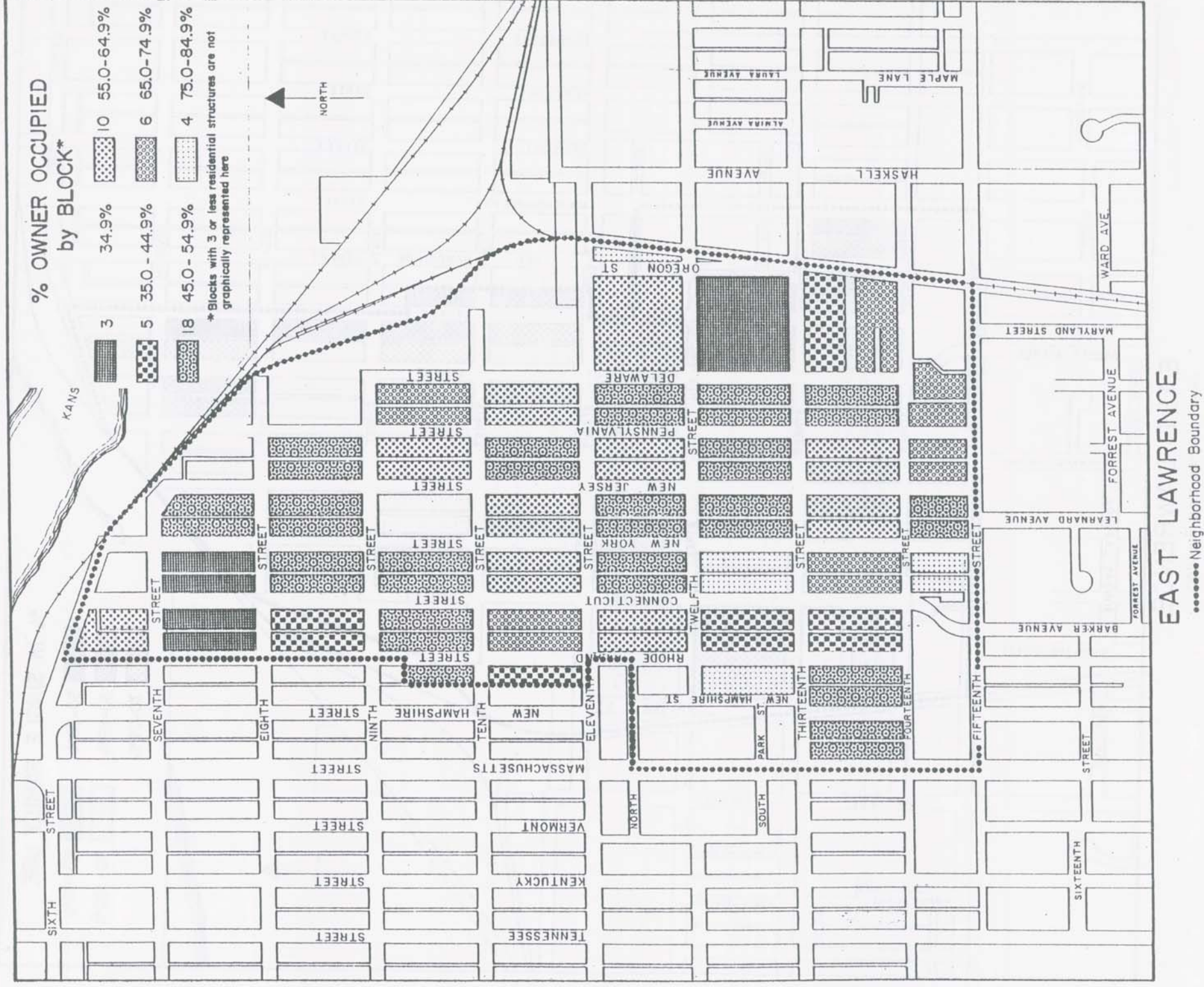


## EAST LAWRENCE

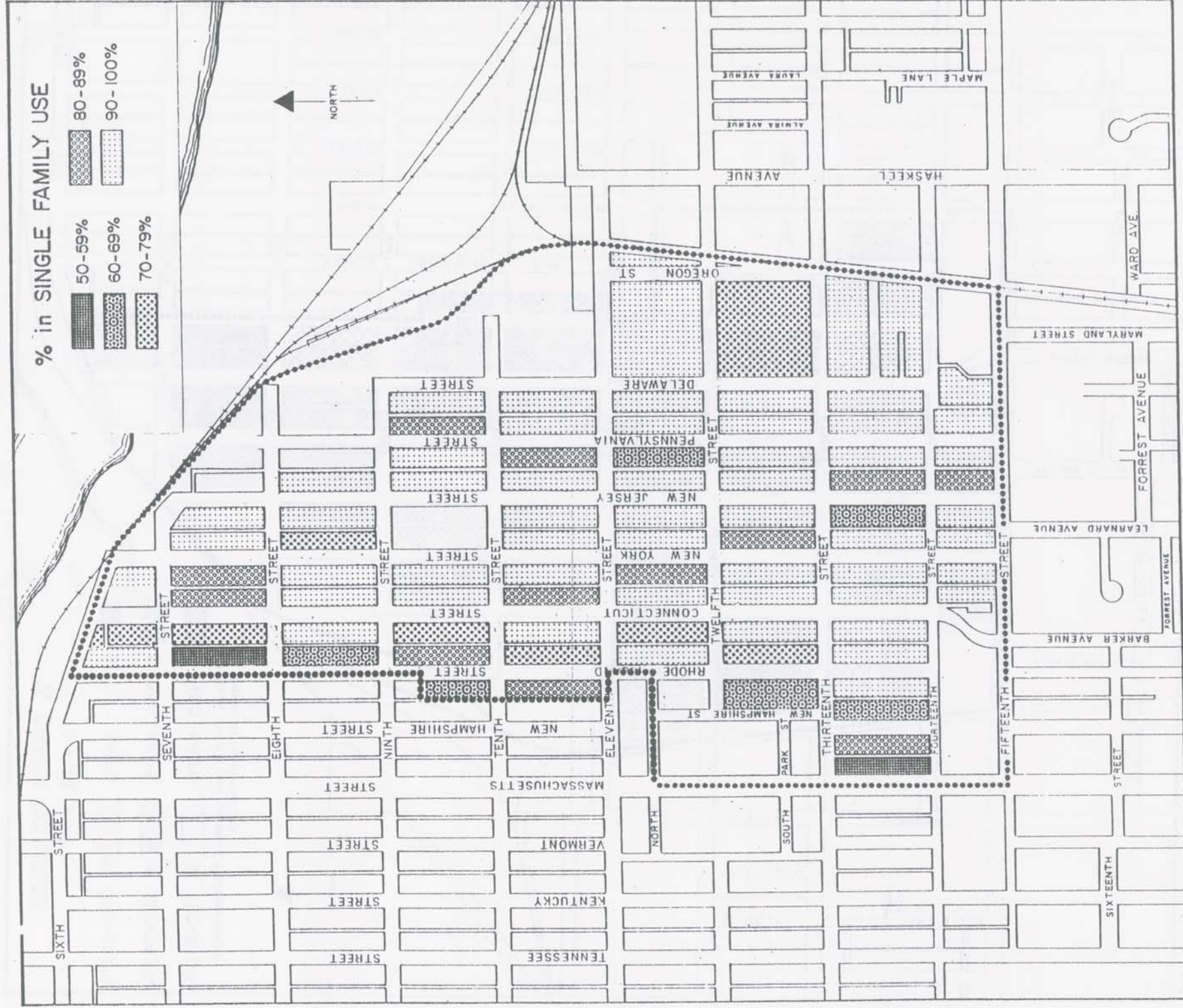
••••• Neighborhood Boundary



Map No. 47











## EAST LAWRENCE

..... Neighborhood Boundary

The following text is a brief analysis of the four planning areas according to housing conditions, types of residential structures, and residential densities.

Of the four planning areas, Area No. 1 shows signs of the most advanced state of deterioration. The highest percentages of residential structures rated as being in a condition of major deterioration or dilapidation are in this area. The population density of the area is above average for the neighborhood. There is a high incidence of tax delinquent properties. The lowest percentage of single-family and owner occupied housing is found in this area. The residential homogeneity is disrupted by commercial uses surrounding and penetrating the area, and their presence is probably related to the deteriorating conditions.

Conditions in Area No. 2 are generally somewhat better than in Area No. 1, though problems of deterioration are still quite significant. Housing deterioration is a major problem in several pockets of Area No. 2, and interestingly it seems prevalent in some of the lowest density areas. There are numerous tax delinquent properties. In most quantifiable dimensions Area No. 2 might best be described as nearly average for East Lawrence.

Area No. 3 is in many ways reflective of the East Lawrence Neighborhood as a whole in terms of residential characteristics. The southern edge of the area has almost exclusively sound housing. By contrast, extensive conditions of blight are prevalent in the central part of the area. The highest percentage of single-family houses in East Lawrence is found in this area, although a precise correlation between housing types and conditions is not discernible throughout the neighborhood.



Area No. 4 has the highest percentage of sound housing in the neighborhood. There are many single-family converted structures and the highest percentage of multiple-family units. Population density is about average for the neighborhood. Proximity to South Park and distance from busy commercial establishments contribute to the desirability of the area for residences.

Some very general patterns can be seen from examining the data presented thus far in this chapter. However, correlations for a given area between sound structural conditions and such things as type of housing, percent of owner occupancy, density and percent in single-family use, are not to be found in East Lawrence. For example: Area No. 1 and Area No. 4 rank similarly in number of single-family residences and residential density. However, they are at opposite ends of the spectrum in terms of housing conditions. Similar correlations on any of this data cannot be shown to be statistically significant.

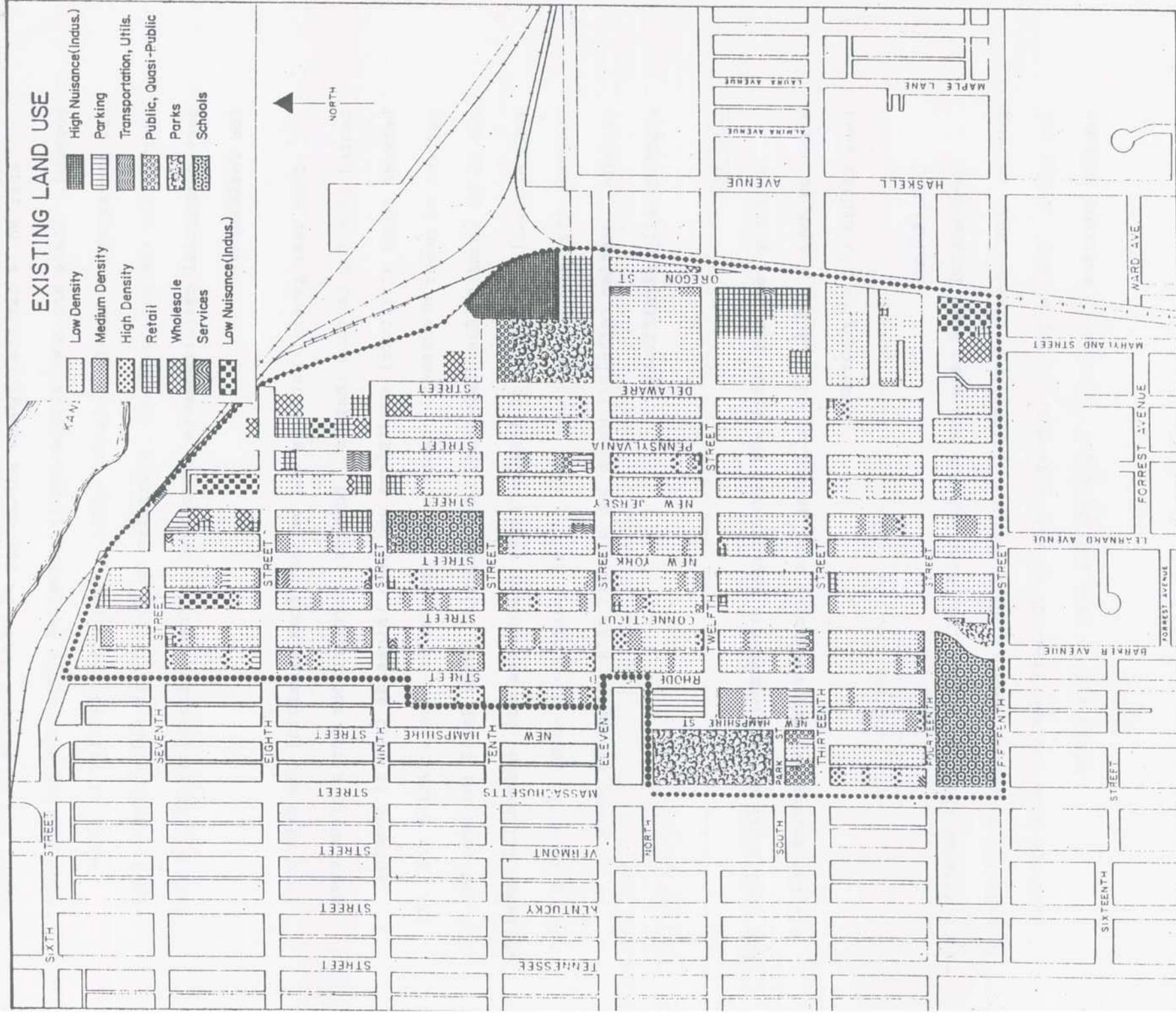
#### Land Use

Existing land use acres and percentages are summarized in Table Four and shown on Maps 7 and 8. The following text describes the categories and the uses within the neighborhood.

#### Residential

Residential land uses are divided into low, medium and high density categories. Low density residential contains eight or fewer units per net acre of lot space. Medium density contains nine to 20 units per net acre and high density contains 21 or more units per net acre of lot space.





## EAST LAWRENCE

••••• Neighborhood Boundary



## EAST LAWRENCE

..... Neighborhood Boundary



TABLE FOUR

EXISTING LAND USE: SQUARE FEET AND ACREAGES<sup>1</sup>

Category	Square Feet	Acres	% of Total Neighborhood
Residential	7,152,139	164.2	44.8
Low Density	6,355,254	145.9	39.8
Medium Density	571,660	13.1	3.6
High Density	225,225	5.2	1.4
Commercial	1,196,350	27.5	7.5
Retail	950,100	21.8	6.0
Wholesale	166,025	3.8	1.0
Service	80,225	1.9	.5
Industrial, Manufacturing	447,650	11.0	3.0
Low Nuisance	209,750	4.8	1.3
High Nuisance	267,900	6.2	1.7
Parking	546,400	12.5	3.4
Public & Quasi-Public	271,650	6.2	1.7
Schools	484,150	11.1	3.0
Parks	436,800	10.0	2.7
Transportation & Utilities	49,325	1.1	.3
Vacant	815,245	18.7	5.1
Public Rights-of-Way	4,523,774	103.9	28.4
Streets	4,055,470	93.1	25.4
Alleys	468,304	10.8	3.0
TOTAL	15,953,483	366.2	

1. This table includes the land uses west to Massachusetts Street.

### Commercial

Commercial land uses were divided into three categories--retail, wholesale and service. Retail commercial uses are direct retail sale operations such as grocery stores, filling stations and liquor stores. Wholesale uses are warehouses and retail supply businesses. Service commercial uses are offices, banks and other commercial uses that do not have retail sales as a principle use.

### Industrial

Industrial uses were divided into either high or low nuisance categories, according to the intensity of their usage in terms of emission of smoke or other objectionable elements into the atmosphere, and the generation of noise and traffic.

### Public and Quasi-Public

The Judicial and Law Enforcement Building, the East Lawrence Center, and the Douglas County Health Department are the primary public uses in East Lawrence. Most quasi-public uses are churches.

The remainder of the categories are common usages that do not need definition.

### Existing Zoning

Map No. 9 shows the existing zoning classifications in the neighborhood and Table Five shows the amount of square feet and acres of vacant land within each zoning classification.

### Transportation

This section of Chapter Three contains information about the existing transportation system in the neighborhood. The information on most of the maps is self explanatory.

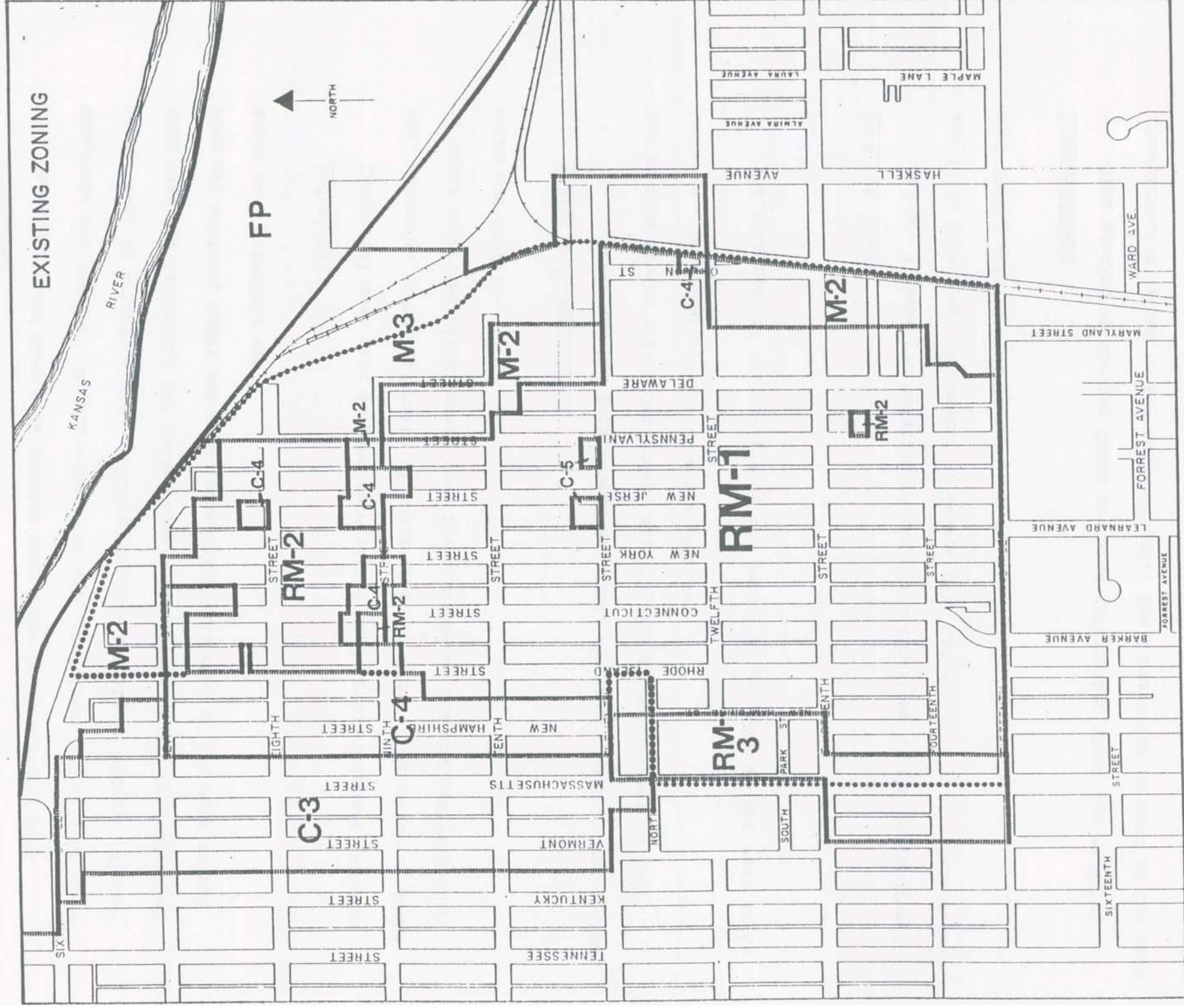




TABLE FIVE

VACANT AREAS BY ZONING DISTRICTS

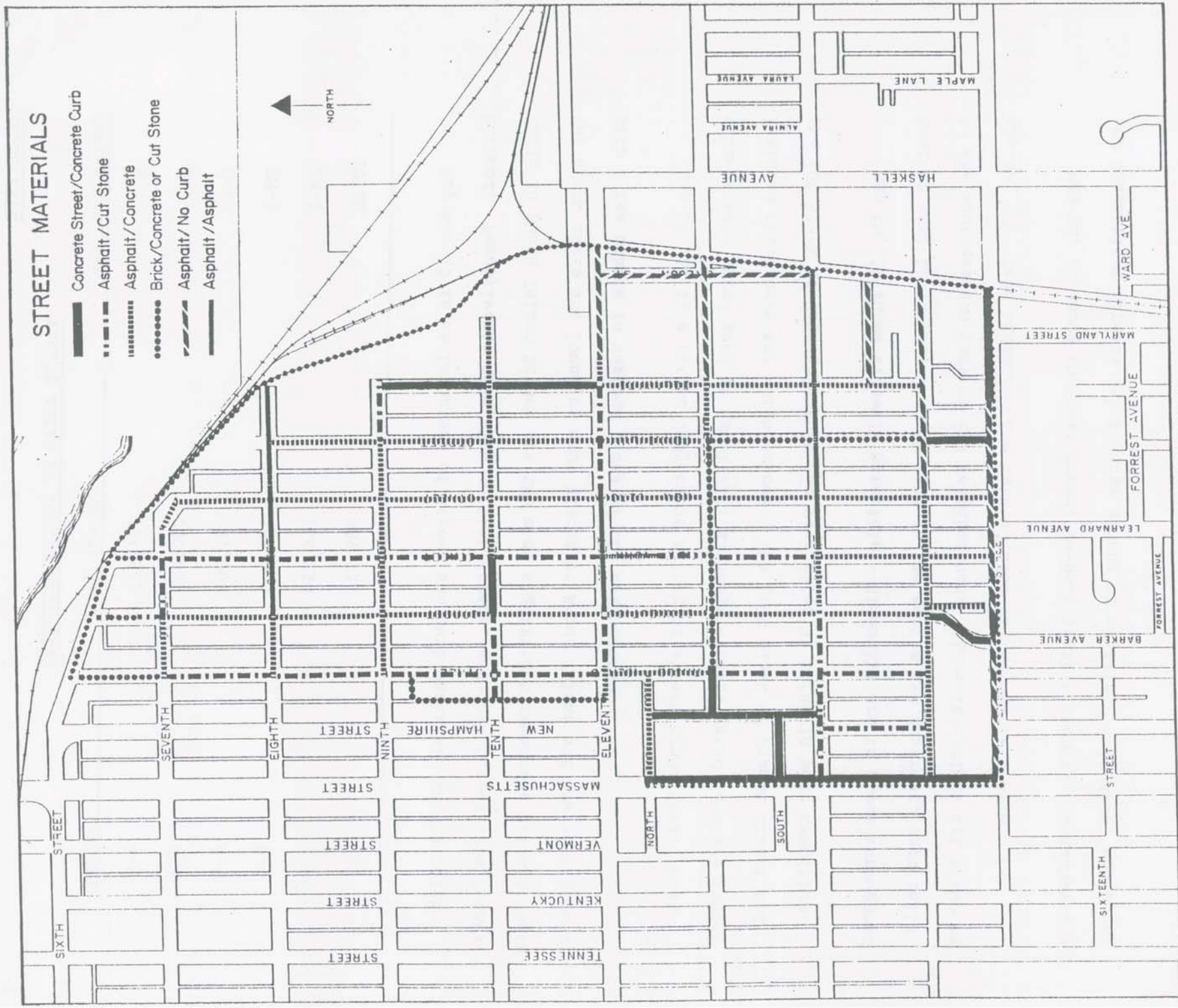
<u>Zoning Category</u>	<u>Square Feet</u>	<u>Acres</u>
M-2	191,625	4.4
M-3	100,400	2.3
C-4	81,900	1.9
RM-1	289,560	6.6
RM-2	146,250	3.4
TOTAL	809,735	18.6

Map No. 10 is an inventory of street and curb materials in the neighborhood. Pennsylvania from 12th to 14th Street, and 12th Street from Pennsylvania to Rhode Island Street are the most significant remaining brick streets. Cut stone curbs are found on many blocks of Rhode Island and New York Streets, with a few others in various parts of the neighborhood.

Map No. 11 is a rather subjective rating of street conditions. Most streets were rated good or excellent, although streets rated fair are found isolated throughout the neighborhood. The 1100 block of Oregon Street and the 600 block of Connecticut Street were rated as being in poor condition.

Map No. 12 shows sidewalk materials. Sidewalks are in place throughout most of East Lawrence, although gaps in the system are apparent, especially in the southeastern part of the neighborhood. Sidewalk ratings are shown on Map No. 13. Good sidewalks are rare outside of the downtown area.

Map No. 14 shows the most recent 24-hour traffic counts. Massachusetts and Connecticut Streets get a large amount of traffic. It also shows the



# EAST LAWRENCE

..... Neighborhood Boundary











EAST LAWRENCE

..... Neighborhood Boundary



number of traffic accidents at and between intersections from 1976 to December 15, 1978. There were many accidents in the downtown area, and an unusually high total at the intersection of 11th and Connecticut Streets.

Map No. 15 shows the location of children enrolled at New York School. Their locations are dispersed throughout the neighborhood.

### Conclusions

East Lawrence is a fully developed residential neighborhood with commercial and industrial uses adjacent to, and integrating with, the neighborhood in several areas. Problems of structural deterioration are obvious and significant. Residents believe that this is a static situation and that as much rehabilitation as deterioration is occurring in the neighborhood.

In the Oread Neighborhood, the problems of deterioration can be correlated with high density areas and low incidences of owner occupied structures. This correlation does not hold true in East Lawrence. Deterioration does not appear to be related to housing types, density, or absentee ownership. Diversity in the conditions of housing stock is the rule throughout the neighborhood. Houses in very good and very poor condition often exist within the same block. There are few clearly identifiable patterns to the nature and location of significant deterioration problems.

Street conditions are generally adequate to service the moderate amounts of traffic in East Lawrence. In contrast, sidewalk conditions are generally poor, and according to the survey results, are a matter of concern to the residents.





# SCHOOL CHILDREN POPULATION

\* Approximate Location of One Child Enrolled at New York School



## EAST LAWRENCE

..... Neighborhood Boundary



# SANITARY SEWERS

— Sewer Line

● Man Hole





## CHAPTER 4

### PLANS AND RECOMMENDATIONS

#### Introduction

East Lawrence is a neighborhood with mixed land uses that is almost completely developed. Past city plans designated large areas along the railroad tracks for industrial development. As a result, the northeastern edge of the neighborhood is presently used for various industrial purposes.

The residential portions of the neighborhood are mostly occupied by older housing. Many have extensive structural problems, and a small percentage cannot be rehabilitated economically. As was pointed out in previous chapters, these older homes provide housing for very low to moderate income groups.

Land use plans theoretically could be designed to meet various viewpoints towards the neighborhood in an imprecise manner. Possible objectives or "focus of action" could include the following generalizations:

1. Redevelopment rather than rehabilitation. This viewpoint is based on the belief that the housing stock is deteriorated to the extent that rehabilitation is no longer feasible. Given the proximity of East Lawrence to the Central Business District, the railroad tracks and the river, this assumption would logically lead to a high intensity land use plan, with areas designated for commercial expansion, industrial development, and for redevelopment into high density residential. In many ways, past city plans and zoning restrictions have focused on redevelopment for the northern portions of the neighborhood.



2. Rehabilitation rather than redevelopment. This viewpoint is

based on the belief that the housing can be rehabilitated to sound conditions by attracting middle income families to purchase homes in East Lawrence.

In many ways, this viewpoint would result in a land use plan far more restrictive than the redevelopment objective. In order to encourage extensive private investment in the existing housing stock for homes, restrictive residential zoning may be desirable.

3. Rehabilitation but not displacement of low income residents.

This viewpoint represents the belief that rehabilitation should be encouraged, but not at the expense of displacing low income families and individuals. This objective reflects the staff's perception of the goals of the East Lawrence Improvement Association. To interpret this objective into a land use plan is an imprecise process at best, but perhaps could be addressed by maintaining the status quo. One means of ensuring that displacement does not occur is not to encourage revitalization or redevelopment of the neighborhood that is beyond the financial means of the present residents.

The following plans and recommendations do not precisely reflect any of the viewpoints listed above. As was pointed out in previous chapters, land use and housing conditions are mixed in East Lawrence. Pockets of the residential neighborhood seem suitable for rehabilitation and maintenance as single-family homes. Some structures are deteriorated to the extent that redevelopment may be the only realistic solution.

LAND USE

INTRODUCTION

Originally this plan was presented to the public for review containing three alternative land use plans. Alternative No. 1 was a land use plan

derived from the present zoning classifications in the neighborhood, and was included to compare the recommended proposals with the existing zoning. Alternative No. 2 was based on the existing land uses in the neighborhood to a large degree, and represented the original staff recommendation. Alternative 3 designated a number of blocks east of downtown and north of Ninth Street for downtown commercial expansion. It also attempted to anticipate probable future land use changes surrounding the proposed major commercial expansion.

Following neighborhood committee public meetings concerning the plan, Alternative 3 was rejected as a possibility because of the near unanimous opposition to the commercial expansion concept. Alternatives 1 and 2 were presented to the full Planning Commission for comparative purposes. A third alternative was developed which reflected the changes from the staff recommendation that were suggested by the East Lawrence Improvement Association and the neighborhood committee of the Planning Commission. This alternative is presented in this preliminary plan for full Planning Commission adoption and forwarding to the City Commission.

#### Residential

The land use plan designates most of the neighborhood low density residential as indicated on the future land use map. The primary reason for this is because one of the major conclusions of this plan is that the present single family residences in East Lawrence are providing irreplaceable housing for low income families. The neighborhood residents that participated in the development of the plan believe that higher density designation would contribute to pressures for redevelopment, which would result in the displacement of existing residents.

Exceptions to the above are the medium density designations along Rhode Island Street and north of Seventh Street. These higher density designations are intended to serve as a buffer to the high activity areas to the west.

It should be emphasized that this is a land use rather than a rezoning plan. This plan does not recommend that all areas designated low density residential be rezoned from the present RM-1 to a single family district, although this may be desirable if large percentages of property owners support rezoning.

Medium density residential as well as low nuisance industrial is shown as possible land use for the block between New York and Connecticut Streets north of Seventh Street. This block was mentioned during the public hearings as a potential location for required off-street parking for the future use of the King Radio building.

The same combination of medium density residential and low nuisance industrial is also shown for the eastern half of the block between Ninth and Eleventh Streets west of Pennsylvania Street.

#### Commercial and Industrial

All areas designated for commercial or industrial by this plan are either used for that purpose now, or vacant but zoned industrial or commercial.

#### Parks and Open Space

The areas designated for parks and open space are presently used for that purpose or are developed for that purpose.



### Public and Quasi-Public

Central Junior High, New York School grounds, and the various existing churches are designated for public and quasi-public uses.

### Street Classifications

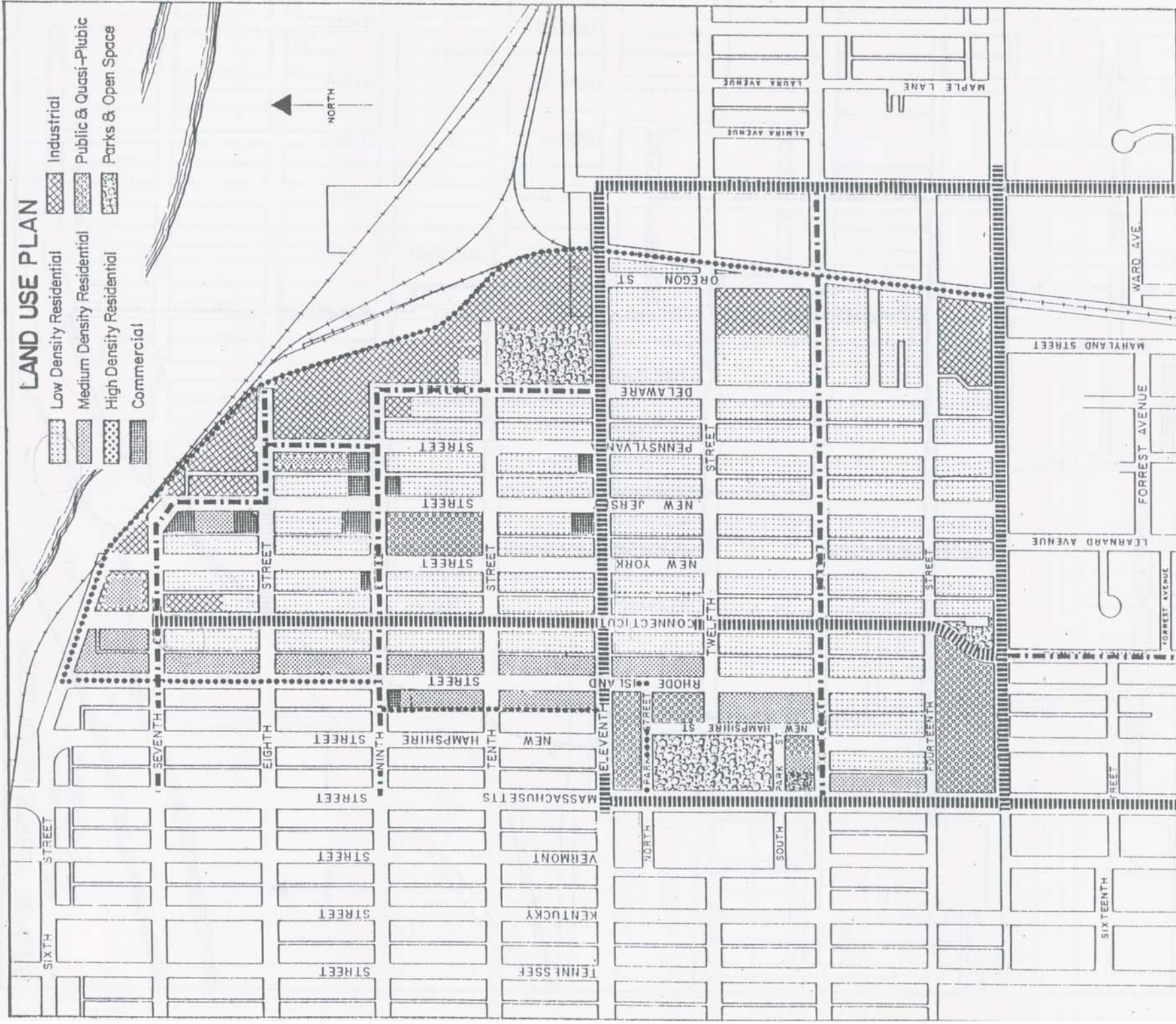
Eleventh Street from Haskell to Massachusetts Street is designated as a secondary arterial, as is Connecticut from 15th to 7th Street. Delaware Street is designated as a collector between 9th and 11th Streets. Seventh, and 9th Streets are designated as collectors primarily to carry the existing industrial traffic out of the neighborhood.

### Suggested Street Improvements

Chapter 3 contains information about the condition of streets in Lawrence.

The neighborhood survey indicates that East Lawrence residents are relatively satisfied with the condition of their streets. Fifty-five percent said they felt streets were adequate, and 35% said they needed improvement.

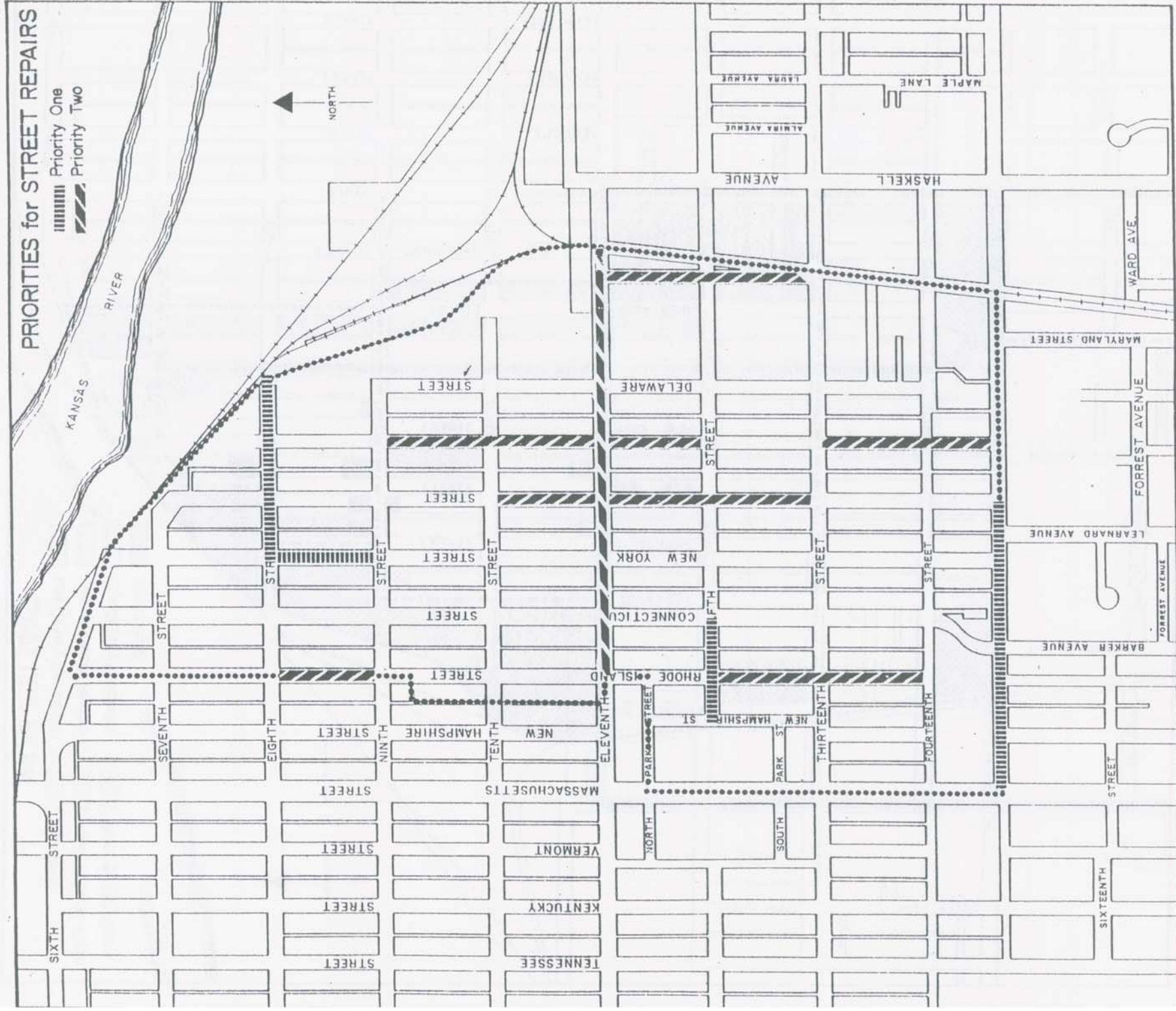
The suggested improvements as shown on Map No. 18 do not imply priorities relative to the remainder of Lawrence, but relative to streets within East Lawrence. The suggested improvements are based on the existing street conditions, level of usage, and suggested street classifications.



# EAST LAWRENCE

----- Neighborhood Boundary





EAST LAWRENCE

..... Neighborhood Boundary

Priority one streets are 8th Street from the railroad tracks to New York Street and 12th Street from New Hampshire to Connecticut.

c. Suggested Priorities for Sidewalk Improvements

Under the existing policies, sidewalk construction and maintenance are the property owner's responsibilities. This can occur individually (the property owner constructing or repairing sidewalks adjacent to or on his property) or jointly through the creation of benefit districts. An examination of spotty sidewalk conditions in the East Lawrence Neighborhood clearly reveals that this policy has not resulted in systems of sidewalks that meet the neighborhood's needs.

This Plan suggests that the possibility of joint financing between the City of Lawrence and adjacent property owners be considered for those systems of sidewalks that benefit a large portion of the neighborhood.

Map No. 22 suggests some priorities for sidewalk repairs. The priorities listed are based on the following criteria: 1) the present condition of sidewalks; 2) street classifications; 3) traffic volume counts; and, 4) linkages with major pedestrian trip generators.

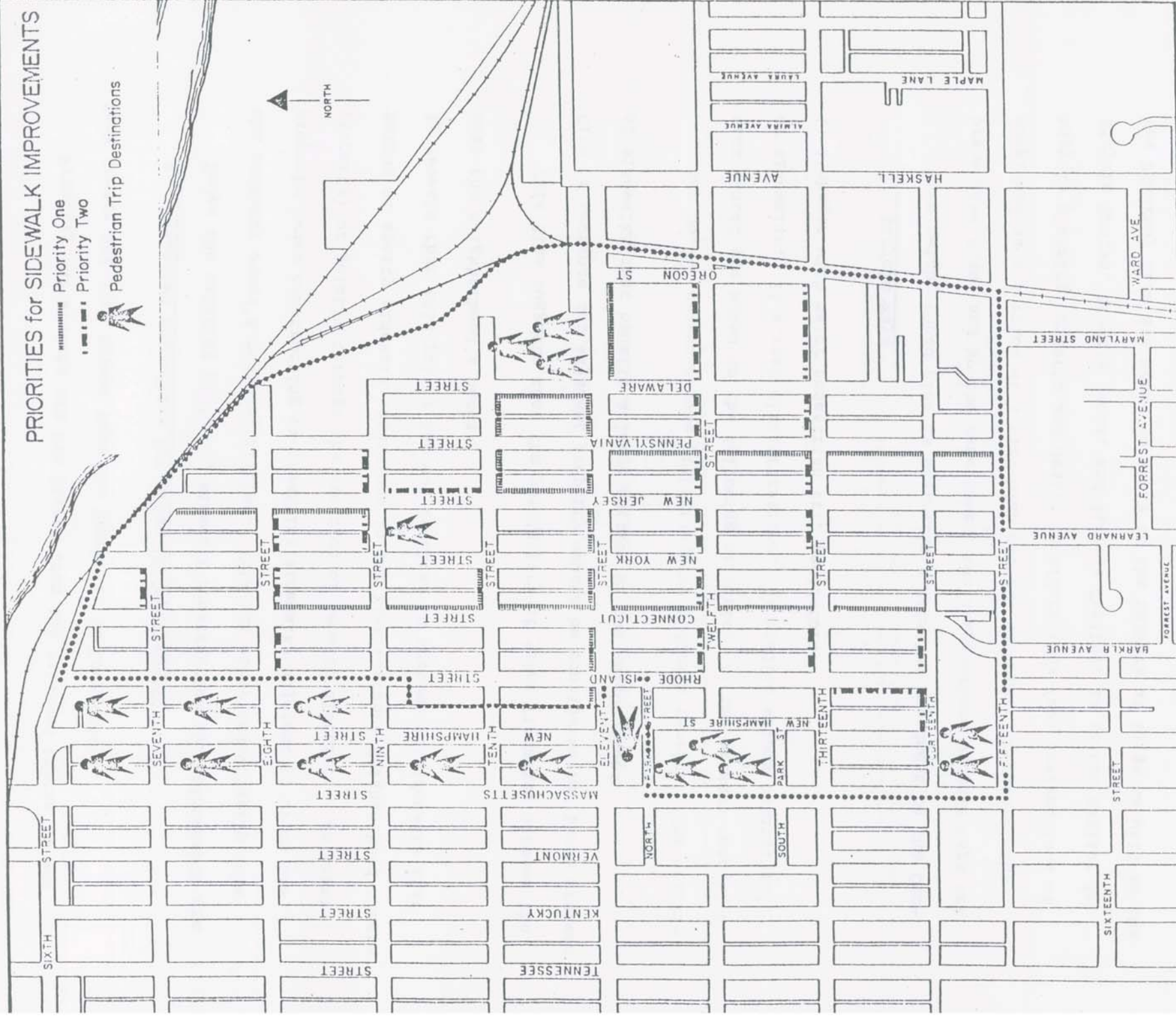
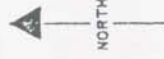
d. Bicycle Ways

Each neighborhood plan is basically a detailed amendment to the Comprehensive Plan, and by the same token, the neighborhood bicycle ways are developed as a portion of a city-wide bicycle network. Therefore, the bicycle planning criteria and design considerations (eg: designations of Bicycle Routes, Bicycle Lanes, and Bicycle Trails), as stated earlier in the Pinckney Plan are meant to apply to the network at large as well as the East Lawrence Neighborhood.



# PRIORITIES for SIDEWALK IMPROVEMENTS

- Priority One
- Priority Two
- Pedestrian Trip Destinations



EAST LAWRENCE

..... Neighborhood Boundary

The topography of East Lawrence offers no significant problems for planning bicycle ways. There is a major drainage way on the eastern boundary of the neighborhood, and the terrain rises gently from there to the west.

From East Lawrence there are activity nodes in all directions. To the north and west is Lawrence's downtown, a major employment and shopping center. Directly west are both South Park and the University of Kansas. South and southwest is Central Junior High adjacent to a small commercial center, and farther south is a larger retail center at Dillon's Plaza. To the southeast is Parnell Park, and east is the East Lawrence stadium as well as the major employer, Stokely Van Camp. To the northeast is the railway station.

#### The Segments:

Joining these activity nodes with the residential areas of the neighborhood are six bicycle ways, three east-west (7th, 9th and 13th Street), and three north-south (New Hampshire, New York, and Delaware Streets). The first of these, 7th Street, will provide East Lawrence with an access to the major east-west bicycle ways paralleling Highway 40, the 5th St.-7th St. bicycle ways. Like the portion of 7th Street west of Massachusetts Street, the portion to the east consists of bicycle lanes from Massachusetts to Connecticut Street. The last block then from Connecticut to New York Street is a route.

Ninth Street is the next east-west bicycle way, traversing the neighborhood from the industrial concentration on the east side to the commercial area on the west side. From Delaware Street west it is a route over to New Jersey Street, where it becomes lanes for two blocks in the vicinity of New York School. Then from Connecticut Street to Massachusetts Street, it again is a route. At the intersection of 9th and Delaware Streets, a long-neglected railroad spur angles across the corner, causing very rough spots where it



crosses both streets. This should be remedied by removing the tracks and repaving, or possibly by negotiating for bicycle trail use of the short section of track right-of-way between the two streets.

In the south part of the neighborhood, 13th Street is a major bicycle way having lanes painted from Haskell Avenue west to the Ken-Ten Trail between Kentucky and Tennessee Streets. In spite of moderately high traffic and accident counts, 13th Street currently is preferred by bicyclists over 11th Street or 15th Street because of its direct link to the University and to Far East Lawrence, its pavement width combined with low frequency of parking, and its generally smoother pavement.

Of the three north-south bicycle ways, one of these, New Hampshire Street, is what might be called a "bicycle arterial." Posting a 20 mph speed limit, New Hampshire and Vermont Streets both are safe alternatives to Massachusetts Street, providing access to various activity centers and functioning as a through route from Haskell College to the riverfront. As mentioned in the Oread Plan, the Principal of Central Junior High School has agreed to allow a trail to be constructed from this school's south parking lot at New Hampshire and 15th Streets around the gymnasium to rejoin New Hampshire Street at 14th Street. At 13th Street, the next block to the north has a bicycle lane on the east side of the street, and then a trail proceeds through South Park and across the Courthouse court yard to join again with New Hampshire Street at 11th Street. Eleventh Street at this point carries a double wide or triple wide bicycle lane on the south side which then turns north and is located on the east side of New Hampshire all the way past City Hall to the River Bridge.

The other two north-south bicycle ways in East Lawrence are routes along New York Street and Delaware Street. The New York route also originates on the Haskell campus, heading north on Learnard Avenue to 15th Street. The

route then jogs over to New York Street and continues past New York School over to the 7th Street bicycle way.

Delaware Street likewise entails a straightforward bicycle route from 9th Street to 14th Street, at which point a route goes east over to East Heights School. To the south, however, we encounter a problem in connecting the Delaware route with the Edgewood-South Campus route, which comes from 17th Street in Oread, along Forest Avenue, across the tracks to LaSalle Street and into the Edgewood Park area. Between 14th Street and Forest Avenue there exists city right-of-way for Delaware Street through which no street has been constructed. Normally one would not consider building a bicycle trail within existing right-of-way as a problem. But supposedly the family who owns most of the lots fronting on this right-of-way between 14th and 15th Streets has a gentleman's agreement with the City that, until they sell off those lots, the City will not put a street through. This family who gardens and grazes most of the land, feels the same about a bicycle trail as about a street.

There are two other possibilities for handling this situation. The city could negotiate for dedication of a twenty-foot right-of-way straddling the property line between Morton Building Materials and the Rose family property; from there a route could proceed south on Maryland Street over to Forest Avenue. Or the alley immediately west of Rose's property could be paved and used for a trail, and from there a trail could be built in the undeveloped Delaware Street right-of-way south of 15th Street. The first choice seems more feasible.

#### Supportive Programs:

As indicated in both the Pinckney and Oread Plans, any public expendi-





# EAST LAWRENCE

..... Neighborhood Boundary

tures on bicycle way construction may be an exercise in futility unless various supportive programs are pursued. These include: coordination of plat and site plan reviews with bicycle way plans, comprehensive safety education in schools and adult driver's-ed, legislation limiting the speed of vehicles along bicycle routes and restricting their access to bicycle trails and lanes, and off-street bicycle parking requirements.

When developing the Oread Plan, additional research focused on minimum bicycle parking requirements because of stated interest by both the neighborhood group and the Mt. Oread Bicycle Club. This question is being investigated further by the Planning Commission, and the downtown merchants are likewise considering the potential for bicycle parking downtown.

Input from the East Lawrence Association included concerns over auto speed limits along bicycle routes and lanes, and truck traffic through the neighborhood. It seems that as a rule, streets designated as bicycle routes could post a 20 mile per hour speed limit with no problem, and that exceptions to this could be granted by the Traffic Safety Advisory Board. Often, however, collector or arterial streets contain bicycle lanes, and reducing speed limits in these cases should be done on an individual basis.

Restricting truck traffic from bicycle routes and all motorized traffic from bicycle trails would be a readily implemented policy, again with exceptions granted by the Traffic Safety Advisory Board. In all these cases, proper ordinances need to be drawn up and adopted simultaneous to bicycle way network implementation.



## APPENDIX

### RESULTS OF THE NEIGHBORHOOD SURVEYS

- 1) Resident (neighborhood) survey

#### Methodology

A preliminary list of questions to be used in the comprehensive survey of the East Lawrence Neighborhood was proposed by the planning staff. Numerous changes were made in the survey due to suggestions made by the East Lawrence Neighborhood Association and the Lawrence-Douglas County Planning Commission.

In July and August, 1978, CETA employees of the Planning Department went door-to-door to randomly selected residential units in all four areas of the neighborhood. In order to obtain responses from a cross section of the neighborhood residents, an effort was made to contact every other residential unit. Residents were contacted in the afternoon and early evening.

# EAST LAWRENCE NEIGHBORHOOD SURVEY

## A. NEIGHBORHOOD PUBLIC FACILITIES AND SERVICES

We would like for you to think about and evaluate the public facilities in your neighborhood. This will help the city in deciding how to spend public money for expansion and maintenance.

1. Would you rate the following neighborhood facilities and services as:

a.	AREA	EXCELLENT	ADEQUATE	NEEDS IMPROVEMENT	DON'T KNOW
	1	0	14	16	2
	2	2	27	45	0
	3	0	10	19	0
	4	0	16	30	0
	Total	2 (1.1%)	67 (37%)	110 (60.8%)	2 (1.1%)

b.	Streets	1	3	16	11	1
		2	6	42	25	1
		3	2	15	13	0
		4	3	24	13	3
	Total	14 (7.9%)	97 (54.5%)	62 (34.8%)	5 (28%)	

c.	Street Lighting	1	3	15	11	2
		2	11	44	16	1
		3	5	17	9	0
		4	6	19	17	3
	Total	25 (14%)	95 (53.1%)	53 (29.6%)	6 (3.3%)	

d.	Storm Drainage	1	1	12	15	4
		2	4	35	21	10
		3	1	13	10	5
		4	2	15	18	9
	Total	8 (4.6%)	75 (42.8%)	64 (36.6%)	28 (16.0%)	

e.	Traffic Control	1	3	16	9	4
		2	4	38	26	3
		3	2	14	14	0
		4	5	21	15	2
	Total	14 (7.9%)	89 (50.6%)	64 (36.4%)	9 (5.1%)	

f.	Trash Pickup	1	3	22	7	0
		2	17	29	28	2
		3	5	17	9	1
		4	4	32	11	0
	Total	29 (15.5%)	100 (53.5%)	55 (29.4%)	3 (1.6%)	

g.	Fire Protection	1	34	20	1	6
		2	14	39	3	15
		3	6	13	3	9
		4	7	22	2	14
	Total	31 (17.9%)	89 (51.4%)	9 (5.2%)	44 (25.4%)	

	AREA	EXCELLENT	ADEQUATE	NEEDS IMPROVEMENT	DON'T KNOW
h. Elementary School	1	5	14	1	9
	2	7	26	12	29
	3	5	13	4	9
	4	3	17	4	19
	Total	20 (11.4%)	70 (39.8%)	21 (11.9%)	65 (36.9%)

j. Parks & Recreation	1	5	15	8	3
	2	12	36	17	7
	3	6	14	6	2
	4	16	22	4	3
	Total	39 (22.2%)	87 (49.4%)	35 (14.9%)	15 (8.5%)

k. Off-Street Parking	1	2	12	15	2
	2	3	37	23	6
	3	0	12	13	4
	4	3	16	20	5
	Total	8 (9.6%)	77 (44.5%)	71 (41.0%)	17 (9.8%)

l. Snow Removal	1	2	10	15	4
	2	7	23	34	6
	3	0	10	16	5
	4	0	17	20	7
	Total	9 (5.1%)	60 (34.1%)	85 (48.3%)	22 (12.5%)

m. Animal Control	1	6	8	14	2
	2	3	22	48	4
	3	2	10	17	3
	4	2	8	32	5
	Total	13 (7.0%)	48 (25.8%)	111 (59.7%)	14 (7.5%)

n. Litter Control	1	2	13	13	3
	2	0	32	39	4
	3	1	15	13	3
	4	0	14	25	3
	Total	3 (1.7%)	74 (41.1%)	90 (50.0%)	13 (7.2%)

o. Noise Control	1	0	14	15	2
	2	3	32	31	6
	3	2	20	8	0
	4	1	22	20	3
	Total	6 (3.4%)	88 (49.2%)	74 (41.3%)	11 (6.1%)

2. If you marked any of the above "needs improvement" please explain what the specific problems are:

	AREA				Total
	1	2	3	4	
a. Sidewalks					
Generally poor	3	25	7	11	46
Missing in places	2	6	3	3	14
Bridge especially bad	2	8	0	5	15
Fix brick with brick	0	1	0	1	2

	AREA 1	2	3	4	Total
b. Streets					
Potholes, rough condition	3	12	7	5	27
Dips		4			4
E. 11th too narrow (east of Delaware St.)		2			2
Alley condition is poor				2	2
Visibility at intersections		1			1
c. Street Lighting					
Need more (especially middle of blocks)	5	11	6	7	29
Needed in alleys	0	1	1	1	3
Too dim	2	0	0	0	2
Makes area dangerous	0	2	0	0	2
d. Storm Drainage					
Generally poor	5	10	6	8	29
Clean, enlarge drains	1	1	1	3	6
9th & Connecticut - every hard rain	2	1	0	0	3
Have only ditches, not sewers	0	2	0	0	2
8th & New York	1	0	0	0	1
East of New Jersey - 11th - 15th	0	1	0	0	1
e. Traffic Control					
Speeding (especially on Connecticut St.)	2	5	3	2	12
More stop signs needed	0	6	4	0	10
Unmarked intersections	0	2	0	2	4
Generally more control	0	3	0	0	3
Connecticut St. - congested, hard to cross	0	0	0	3	3
Illegal trucks	1	0	1	0	2
Visibility at intersections	0	2	0	0	2
Noisy traffic	1	0	0	0	1
13th & Mass. - needs cross-walk	0	0	0	1	1
11th & Connecticut - dangerous intersection	0	0	0	1	1
f. Trash Pickup					
Messy	4	14	4	2	24
Inconsistent pickup	0	6	0	2	8
Do poor job	1	0	1	2	4
Damage cans	0	4	0	0	4
g. Fire Protection					
More protection needed	0	0	1	0	1
Need to drill more	0	0	1	0	1
Plug on wrong on Connecticut	0	1	0	0	1



	AREA 1	2	3	4	Total
h. Elementary Schools					
New York school needs improve-					
ment, new innovative pro-	1	3	1	0	5
grams, new teachers					
New York school is low	0	0	0	2	2
quality					
Don't want New York school	0	1	0	0	1
to close	0	0	1	0	1
Eliminate combined classes					
i. Police Protection					
Inadequate east of Mass. St.,	1	0	3	1	5
need more patrolling	0	4	0	0	4
Neighborhood is unsafe	0	1	1	0	2
Slow to respond					
j. Parks & Recreation					
Need more - especially for	4	5	1	1	11
children					
Need maintenance - especially	1	3	1	0	5
11th & Delaware	0	0	0	2	2
More equipment and activities					
More parking - 11th & Dela-	0	1	0	0	1
ware park					
k. Off-Street Parking					
Generally not enough	2	10	4	9	25
(Mentioned 1100 Rhode Island,					
900 New York, E. 11th by sale					
barn)					
800 Block of Connecticut	5	0	0	0	5
1300 New Hampshire too narrow					
when cars on both sides	0	0	0	1	1
l. Snow Removal					
Slow - inadequate	4	9	6	2	21
Non-existent	3	4	3	1	11
Cars plowed in	0	1	2	0	3
People don't clear sidewalks	0	0	0	2	2
m. Animal Control					
Loose dogs	5	21	13	15	54
Loose animals (unspecific -					
dogs and cats)	4	5	0	3	12
No control - dog catcher does	1	1	1	5	8
poor job	0	3	0	1	4
Dog excrement in yard	0	0	1	1	2
Loose cats					
Find homes for unclaimed	0	1	0	0	1
animals					

	AREA					Total
	1	2	3	4		
n.						
Litter Control						
Generally poor	6	15	2	5	28	
Dogs in trash	2	14	1	7	24	
Alleys	0	7	1	2	10	
Abandoned vehicles	0	2	0	0	2	
No control - send out crews	0	0	0	2	2	
Cats in trash	1	0	0	1	2	
From bars	1	0	0	0	1	
Broken glass	0	1	0	0	1	
Need public receptacles	0	0	0	1	1	
o.						
Noise Control						
Traffic in general	2	5	1	9	17	
Motorcycles	3	5	0	2	10	
Trucks	3	2	0	2	7	
Barking dogs	3	2	0	2	7	
General noise	0	1	1	3	5	
Bars	1	0	0	0	1	

3. Are you satisfied with the manner in which the city has been spending community development funds in the past few years?

	AREA	1	2	3	4	Total	%
a. Yes	11	19	7	13	50	45	
b. No	8	29	12	12	61	55	

4. The following space is intended for you to comment on how you feel the city should be spending community development funds in your neighborhood in the future.

	AREA					Total
	1	2	3	4	Total	
Rehabilitation of housing- including cheap loans, tax incentives	4	15	4	10	33	
Improve sidewalks	1	6	5	8	20	
Improve streets	1	6	5	4	16	
More parks	6	6	0	2	14	
General clean-up	1	4	2	6	13	
Recreation center, facilities and programs	1	3	3	0	8	
Improve storm drainage	2	0	0	5	7	
Rent supplements, social programs for old, needy	2	0	1	3	6	
Improve alleys	1	4	0	0	5	
Maintenance of parks	0	4	0	1	5	
Animal control	1	1	1	2	5	
More stop signs	0	2	0	1	3	
Improve parking - especially 800 block of Connecticut St.	2	0	0	1	3	
Maintain city facilities	0	2	0	0	2	
Staffed community center	0	2	0	0	2	
Cut weeds at intersections	0	2	0	0	2	
Improve street lighting	0	1	0	1	2	
Bike paths	0	1	0	1	2	
Plant trees	0	1	0	1	2	
Get rid of smell from sewage plant	0	0	1	1	2	

# B. COMMERCIAL DEVELOPMENT

1. Would you like to have neighborhood convenience shopping (such as groceries, drugs, restaurants) within:

- a. One to one-half mile from your home
- b. 5-10 blocks
- c. 1-4 blocks

	AREA	1	2	3	4	Total	%
a.		3	15	6	5	29	20.3
b.		8	28	10	19	65	45.4
c.		12	16	7	14	49	34.3

2. Would you favor the expansion of the Lawrence downtown commercial area towards the east into the residential areas of East Lawrence?

a. Yes	3	19	6	6	34	24.3
b. No	18	42	19	27	106	75.7

Please explain:

No--Would destroy residential nature of neighborhood

Don't need

Create more noise, congestion, and related problems

Would destroy fine old homes

Destroy needed low income housing

Lawrence too big now - reverse trend

Not if people have to unwillingly give up homes

Like as it is

Just use present area efficiently

Live there

Might raise taxes

Would ruin historically significant landmarks

Try commercial expansion in

Alvamar

Yes--Would be convenient, especially for elderly

Okay in certain places

Bigger, better downtown

Would raise real estate values

Why not - has to go somewhere

If my home isn't threatened

Want fast food, discount stores

Incentive for better home care

	3	8	3	4	18
	5	9	0	3	17
	3	6	3	4	16
	3	5	2	0	10
	0	6	0	0	6
	2	0	2	1	5
	3	0	0	2	5
	0	0	3	0	3
	0	0	0	3	3
	2	0	0	0	2
	0	2	0	0	2
	1	0	0	0	1
	0	0	0	1	1
	0	4	0	1	5
	1	1	0	3	5
	2	1	1	0	4
	0	1	3	0	4
	0	0	0	3	3
	0	1	0	0	1
	0	1	0	0	1
	0	1	0	0	1



# C. HOUSING CONDITIONS

1. How long have you lived in Lawrence?

	AREA	1	2	3	4	Total	%
a. Less than a year		2	3	2	3	10	5.2
b. One to five years		6	14	1	7	28	14.7
c. Five to ten years		4	11	5	9	29	15.2
d. Ten to twenty-five years		5	15	12	8	40	20.9
e. Over twenty-five years		14	35	13	22	84	44.0

2. How long have you lived at your present address?

a. Less than one year	7	20	8	14	49	26.1
b. One to five years	13	21	3	10	47	25.0
c. Over five years	11	36	22	23	92	48.9

3. How much longer do you plan to live in the East Lawrence neighborhood?

a. Less than a year	3	4	2	6	15	8.6
b. One to five years	11	22	7	19	59	33.9
c. Over five years	13	42	25	20	100	57.5

4. Overall, would you say the condition of the house or apartment in which you live is:

a. Excellent	1	8	5	5	19	9.8
b. Good	14	36	12	22	84	43.5
c. Fair	11	26	13	18	68	35.2
d. Poor	5	10	3	4	22	11.4

5. Would you say that the general condition of housing in your immediate neighborhood is presently:

a. Improving	5	20	12	16	53	27.7
b. Stable	14	39	16	19	88	46.1
c. Deteriorating	13	16	7	14	50	26.2

6. If you rent, how much is your monthly rent, including utilities?

a. Under \$99.00	6	2	3	0	11	12.9
b. \$100.00 - \$150.00	7	13	1	6	27	31.8
c. \$150.00 - \$200.00	4	11	6	7	28	32.9
d. \$200.00 - \$250.00	2	4	4	5	15	17.6
e. Over \$250.00	0	3	1	0	4	4.7

7. If you own your home, how much is your monthly mortgage payment, including property taxes and insurance?

a. Under \$99.00	3	10	4	2	19	26.0
b. \$100.00 - \$150.00	1	5	2	5	13	17.8
c. \$150.00 - \$200.00	0	7	3	5	15	20.5
d. \$200.00 - \$250.00	1	6	1	3	11	15.1
e. \$250.00 - \$300.00	0	2	1	0	3	4.1
f. \$300.00 - \$350.00	2	0	1	2	5	6.8
g. Over \$350.00	1	3	2	1	7	9.6



8. In the neighborhood in which you live, do you presently feel:

- That about the right number of people live there now.
- That more people could live there comfortably.
- That it is overcrowded now.

	AREA	1	2	3	4	Total	%
a.		25	56	27	39	147	85.0
b.		1	7	5	1	14	8.1
c.		2	3	1	6	12	6.9

9. There are a number of housing types in East Lawrence now. These include single family houses, apartments within older houses, and apartment buildings. Which statement expresses your opinion?

- I like to, or would like to, live in an area with a variety of housing types.
- I like to, or would like to, live in an area with only single family housing.
- I like to, or would like to, live in an area with only apartments.
- None of the above expresses my opinion. Please explain below.

	AREA	1	2	3	4	Total	%
a.		9	22	13	17	61	39.1
b.		15	35	13	19	82	52.6
c.		0	0	0	1	1	.6
d.		2	4	2	4	12	7.7

#### Housing Preferences

Houses, apartments in houses only, primarily single family, no four-plexes, modern complexes

Like the country	2	4	1	7	14
Variety okay, if well designed	1	0	0	0	1
Anything if clean, kept up	0	1	0	0	1
No businesses where houses once stood	0	0	1	0	1

#### Importance of Preserving Older Housing

Important --

Old houses give neighborhood character,

aesthetic and historic qualities,

stability, pride, beauty

Provide low income housing

Old homes are generally better built

Preservation important, but upkeep needed

Preservation important, but dilapidated homes should be replaced

Preserve homes to stop spreading commercialism

Most houses are old

Keeps people in own homes(elderly)

	9	22	14	21	66
	2	9	0	2	13
	3	0	3	4	10
	0	8	1	0	9
	4	0	0	2	6
	1	0	0	0	1
	1	0	0	0	1
	0	0	0	1	1

	AREA	1	2	3	4	Total	%
Not Important--							
Most are in bad shape, should be condemned		0	4	0	0	4	
Too expensive to preserve		0	1	0	0	1	

10. Which statement expresses your opinion?

I prefer living in:

a. A new apartment	2	1	0	3	6	3.6
b. An apartment within an older house	5	5	0	3	13	7.9
c. A duplex	0	2	0	2	4	2.4
d. A four-plex	0	0	0	0	0	0
e. An older house (single-family)	12	40	25	31	108	65.5
f. A new house (single-family)	7	14	5	8	34	20.6

11. Which statement expresses your opinion?

I believe that preserving the older housing stock in the neighborhood is:

- a. Very important to the future of the East Lawrence Neighborhood.
- b. Of some importance to the future of the East Lawrence Neighborhood.
- c. Of no importance to the future of the East Lawrence Neighborhood.

a.	17	44	22	32	115	74.7
b.	4	16	6	5	31	20.1
c.	1	4	2	1	8	5.2

C. TRANSPORTATION

1. Do you own a car?

a. Yes	23	60	25	37	145	80.1
b. No	5	15	7	9	36	19.9

If yes, how many?

1 --	15	36	14	25	90	
2 --	3	17	10	10	40	
3 --	1	1	1	1	4	
4 --	0	0	0	1	1	

2. Do you own a bicycle?

a. Yes	14	32	12	22	80	46.0
b. No	14	42	17	21	94	54.0

3. What is your principle mode of transportation, within the neighborhood?

	AREA				Total
	1	2	3	4	
a. Car	15	39	24	29	107
b. Bus	0	2	1	6	9
c. Walking	15	35	10	13	73
d. Bicycle	4	4	4	9	21
e. Motorcycle	1	2	2	1	6
f. Other (specify)	1	3	1	3	8

4. What are some of the most serious problems that you face when you travel within the neighborhood?

Loose dogs	2	13	6	4	25
No problems	3	13	3	5	24
Pedestrians (especially kids) in street	2	7	5	1	15
Blind intersections - foilage, parked cars	1	7	2	2	12
Bad sidewalks	0	6	1	5	12
Heavy traffic (especially Conn.St.)	3	2	0	5	10
Bad drivers	3	0	2	5	10
Speeding traffic	0	5	4	0	9
Need more stop signs at unmarked intersections	3	4	1	0	8
Need more street lights	1	3	1	2	7
Crossing 9th & New Hampshire	1	6	0	0	7
Bikers	2	0	2	1	5
Fear of crime	1	4	0	0	5
Bad street condition	0	3	0	1	4
Heavy trucks	1	2	0	0	3
Broken glass on streets, sidewalks	1	0	0	2	3
Motorcyclists	0	3	0	0	3
Animals in street	1	1	0	0	2
Narrow passage - when cars parked on both sides	0	2	0	0	2
Speeders in alleys	1	0	0	1	2
Overhanging limbs on sidewalks	0	2	0	0	2
Snow and ice	0	0	1	1	2
Inadequate public transportation	0	0	1	1	2

#### D. INFORMATION ABOUT YOU AND YOUR FAMILY

Most of the following questions are about you and your family. You can be assured that the results will be kept confidential.

1. Which is your age group?

	AREA				Total	%
	1	2	3	4		
a. Under 15 years	0	0	0	0	0	0
b. 15-24	10	13	5	8	36	19.9
c. 25-34	7	21	9	13	50	27.6
d. 35-44	3	5	1	4	13	7.2
e. 45-54	2	5	5	2	14	7.7
f. 55-64	6	9	2	5	22	12.2
g. 65 and over	4	18	9	15	46	25.4



2. Which category does your household income fall?	AREA					Total	%
	1	2	3	4			
a. Under \$4,000	13	14	8	5		40	26.0
b. \$4,000 to \$6,999	7	20	8	13		48	31.2
c. \$7,000 to \$9,999	4	16	1	10		31	20.1
d. \$10,000 to \$14,999	3	7	6	7		23	14.9
e. \$15,000 to \$24,999	1	4	2	5		12	7.8
f. \$25,000 and over	0	0	0	0		0	0.0

3. How many people depend on this income?

a. One	13	26	12	20	71	43.3
b. Two	4	20	7	14	45	27.4
c. Three	3	10	3	3	19	11.6
d. Four	3	1	4	4	12	7.3
e. Five	1	3	2	3	9	5.5
f. Six	2	3	1	0	6	3.7
g. Seven	0	2	0	0	2	1.2
h. Eight	0	0	0	0	0	0

4. Do you derive a part of your income from supplemental sources, such as your parents, scholarship, social security, or welfare?

a. Yes	10	17	8	15	50	32.3
b. No	17	46	19	23	105	67.7

5. What is your occupation?

Professional	1	4	4	9	18	10.1
Managerial	0	3	1	2	6	3.4
Clerical	1	6	0	2	9	5.1
Sales	0	2	1	0	3	1.7
Skilled	6	15	7	5	33	18.5
Semi-skilled	11	17	3	6	37	20.8
Other (part-time)	0	2	0	0	2	1.1
Housewife	1	5	2	3	11	6.2
Student	4	6	4	6	20	11.2
Retired	3	13	5	14	35	19.7
Unemployed	2	2	0	0	4	2.2

6. Are there members of your household that are presently unemployed and seeking a job?

a. Yes	6	12	7	4	29	17.6
b. No	21	53	22	40	136	82.4

7. Are there members of your household that are currently employed but actively seeking a better job?

a. Yes	10	21	7	7	45	27.6
b. No	15	44	21	38	118	72.4

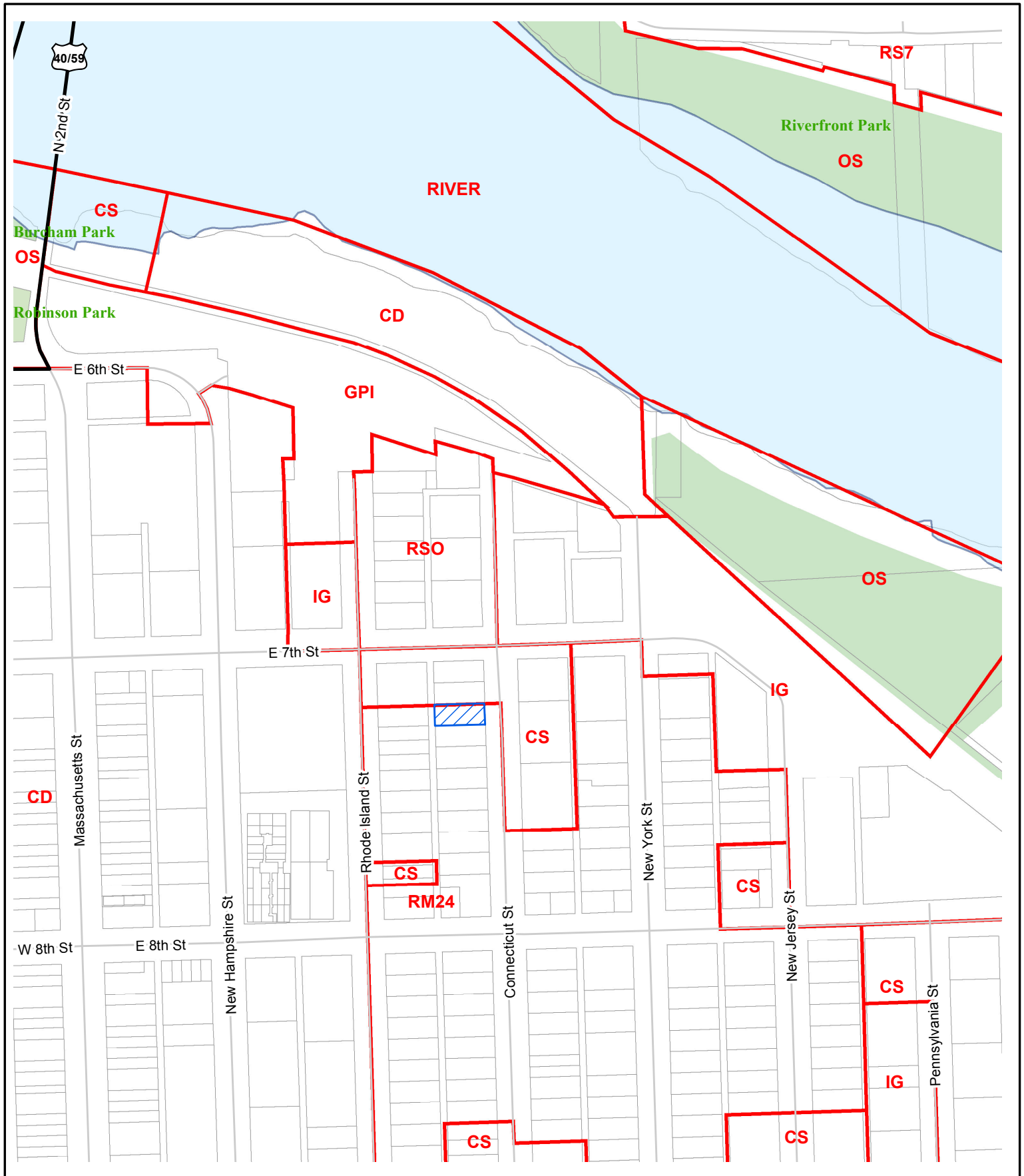


8. Please list the age of children living with you that are under 18.

	Total
a. Zero	9
b. One	6
c. Two	6
d. Three	10
e. Four	6
f. Five	5
g. Six	2
h. Seven	4
i. Eight	8
j. Nine	2
k. Ten	3
l. Eleven	5
m. Twelve	5
n. Thirteen	7
o. Fourteen	4
p. Fifteen	4
q. Sixteen	4
r. Seventeen	6
	3

9. Please list some of the things you like about living in the East Lawrence Neighborhood.


	AREA	1	2	3	4	Total
Friendly people, nice neighbors		9	29	15	12	65
Convenient location		10	27	4	16	57
Quiet		4	25	10	9	48
Old homes		4	11	3	6	24
Reasonable housing costs (rent & buy)		2	11	1	2	16
Have lived there long time, is home		3	7	0	2	12
Parks (especially South Park)		0	4	1	7	12
Has good feeling, peaceful, comfortable, slow & easy		3	3	2	3	11
Variety of people (race, age, socio-economic, life style)		2	7	1	1	11
Trees, foliage, gardens		1	3	3	2	9
Not crowded		1	3	3	1	8
Sense of community, neighborhood		2	3	0	2	7
Low crime rate		0	3	1	1	5
Have privacy		0	4	1	0	5
Not much traffic		0	2	1	2	5
Nothing		2	2	0	0	4
Good elementary schools & teachers		0	2	1	0	3
Don't have to keep up with Jones'		0	2	0	1	3
Flat streets (for bikers)		0	0	0	2	2
Sale barn		0	1	0	1	2



**Z-01-04-11: Rezone 0.13 acres from RM24 to RM32  
711 Connecticut Street**

Lawrence-Douglas County Planning Office  
March 2011



 Area Requested  
Scale: 1 Inch = 300 Feet

# East Lawrence Neighborhood Association

P.O. Box 442393  
Lawrence, KS 66044  
eastlawrence@yahoo.com



March 23, 2011

Planning Division  
Attn: Mary Miller  
City of Lawrence  
P.O. Box 708  
Lawrence, KS 66044

Re: Z-1-4-11

Dear Mrs. Miller:

The purpose of this letter is to encourage the City of Lawrence Planning Department and Lawrence-Douglas County Metropolitan Planning Commission to recommend denial on the rezoning request for 711 Connecticut from RM24 to RM32. The Historic Resources Commission and the Board of Zoning Appeals have already denied this applicant's request for changes to the site. We believe their request for additional density is inappropriate and not congruent with our East Lawrence Neighborhood Plan. Further, the applicant has yet to provide any compelling reason for significant change beyond demolishing a neglected structure. We do not wish to incentivize this or any case of demolition by neglect. This practice sets a disruptive precedent and places undue pressure on our older housing stock, one of the few remaining affordable neighborhoods within close proximity to downtown.

There has been no sustained effort to collaborate with the neighborhood from this applicant. In fairness to Mr. Tubbs, he did make the neighborhood aware of his client's intentions at an ELNA monthly meeting on December 6<sup>th</sup>, 2011. His presentation was devoid of any substantive detail and he was unwilling to reveal whom he was representing. We would welcome a renewed effort by all stakeholders in developing a transparent plan that represents the spirit of the neighborhood and adheres to our neighborhood plan. Again, we ask that you recommend denial for this application. Thank you.

Please feel free to contact me if you have any questions.

Sincerely,

Deron Belt, President  
East Lawrence Neighborhood Association

Phone: 785-766-9779





# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** Planning Commission

**FROM:** Scott McCullough, Director

**Date:** March 3, 2011

**RE:** Detention Use in the IG District of the Land Development Code

Staff recently became aware that the Federal Bureau of Prisons, an agency of the U.S. Department of Justice, is seeking proposals to build and/or operate a transitional detention facility that includes a catchment area of at least four counties, including Shawnee, where offenders would be returning after completing their sentence. During the discussion and review it was noted that the apparent use falls within the definition of "Detention" in the Land Development Code.

The Detention use is permitted only in the IL and IG districts. It is permitted with special use approval in the IL district and is permitted by right in the IG district. One of the central issues related to the recent discussions about such a facility is whether a facility would be serving the needs of the Lawrence community or the needs of the region, with Lawrence receiving potentially negative impacts and the region receiving the benefit. That Lawrence has the potential to be looked at as a site for the region may create a circumstance where Lawrence is taking on a disproportionate share of the public safety costs and the real or perceived social impacts associated with the facility, especially if data shows that the majority of returning offenders are not returning specifically to the Lawrence community. Permitting the use by right in IG does not allow staff, the Planning Commission, or the City Commission to ask this or other important questions regarding such a facility.

While such a transitional facility is warranted and even necessary, questions regarding the local cost/benefit and land use compatibility of such a facility may be best suited to a public hearing process and decision of the City Commission. One way to accomplish this is to amend the IG district in the Land Development Code from the Detention use being permitted by right to instead requiring a special use permit for the use. The end result would be that any type of Detention facility would need SUP approval in the IL and IG districts.

**Action requested:** Consider initiating a text amendment to the Land Development Code – Code of the City of Lawrence, Kansas to require the Detention use to be approved through the Special Use process in lieu of being permitted by right.