



Updated:
3/20/18 @ 5:00pm

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
WEDNESDAY, MARCH 28, 2018 6:30PM - 10:30PM**

GENERAL BUSINESS:

PLANNING COMMISSION ACTION SUMMARY

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of February 21, 2018.

COMMITTEE REPORTS

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

COMMUNICATIONS

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

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

**REGULAR AGENDA (MARCH 28, 2018) MEETING
PUBLIC HEARING ITEMS:**

ITEM NO. 1A REZONING FROM RM12 & RM12 UC TO RM32; 929 ARKANSAS ST (SLD)

Z-18-00024: Consider a request to rezone approximately .82 acres from RM12 (Multi-Dwelling Residential) District and RM12 UC (Multi-Dwelling Residential Urban Conservation Overlay) District to RM32 (Multi-Dwelling Residential) District, located at 929 Arkansas St. Submitted by Paul Werner Architects, for DJC Holdings LLC, property owner of record.

ITEM NO. 1B VARIANCE; 929 ARKANSAS ST; 913, 931, 935 MICHIGAN ST; 1000 EMERY RD (SLD)

MS-18-00046: Consider a variance from the right-of-way width and for terminating Michigan Street without a cul-de-sac for a Minor Subdivision (lot combination) for Sinclair's Addition No. 2, located at 929 Arkansas, 913, 931, 935 Michigan Street and 1000 Emery Road. Submitted by BG Consultants, on behalf of DJC Holdings LLC, Kirsten & Robin Krug, property owner of record.

ITEM NO. 2 REZONING FROM PUD/UPR TO RM15; 2111 KASOLD ST (SLD)

Z-18-00023: Consider a request to rezone approximately 6.49 acres from PUD/UPR (Planned Unit Development) District to RM15 (Multi-Dwelling Residential) District, located at 2111 Kasold Dr. Submitted by Paul Werner Architects, for Quail Creek LLC, property owner of record.

ITEM NO. 3 CONDITIONAL USE PERMIT FOR O'CONNELL YOUTH RANCH; 1623 N 1320 RD (BJP)

CUP-18-00021: Consider a Conditional Use Permit for an Event Center space for O'Connell Youth Ranch, located at 1623 N 1320 Rd. Submitted by O'Connell Youth Ranch Inc, property owner of record.

NON-PUBLIC HEARING ITEMS:

ITEM NO. 4 PRELIMINARY PLAT FOR MAPLE STREET SUBDIVISION; 772-782 MAPLE ST (LRM)

PP-18-00020: Consider a Preliminary Plat for Maple Street Subdivision, located at 772-782 Maple Street. Submitted by BG Consultants Inc, on behalf of Lawrence Kansas Rentals LLC, property owner of record.

****DEFERRED****

ITEM NO. 5 ~~PRELIMINARY PLAT FOR MERCATO 2ND ADDITION; 6200 W 6TH ST (MKM)~~

~~PP-18-00028:~~ Consider a Preliminary Plat for Mercato 2nd Addition, a seven lot subdivision on approximately 116.8 acres located at 6200 W 6th St. Submitted by Landplan Engineering, for Kentucky Place LC, JDS Kansas LC, Venture Properties Inc, Tat Land Holding Co LC, Sojac Land Company LC, Scotsdale Properties LC, Tanglewood LC, property owners of record.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 AMENDMENTS TO PLANNING COMMISSION BY-LAWS

Receive update on Planning Commission By-Law amendments.

ADJOURN

CALENDAR

February 2018						
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 2018						
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 2018						
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 2nd Wednesday of each month, 7:30am-9:00am)

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2018 PLANNING COMMISSION ATTENDANCE

	Jan 24 2018	Feb 21 2018	Mar 28 2018			
Butler	No	No				
Carpenter	Yes	Yes				
Culver	Yes	Yes				
Kelly	No	Yes				
Paden	Yes	Yes				
Sands	Yes	Yes				
Sinclair	Yes	Yes				
Struckhoff	Yes	Yes				
Weaver	Yes	Yes				
Willey	Yes	Yes				

2018 MID-MONTH ATTENDANCE

	Jan 10 2018	Feb 7 2018	Mar 14 2018			
Butler	Yes	Yes	Yes			
Carpenter	Yes	Yes	Yes			
Culver	Yes	Yes	Yes			
Kelly	Yes	Yes	Yes			
Paden	Yes	Yes	Yes			
Sands	Yes	Yes	Yes			
Sinclair	Yes	No	Yes			
Struckhoff	Yes	Yes	Yes			
Weaver	Yes	Yes	No			
Willey	Yes	Yes	Yes			

2018
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, Monday and Wednesday	
Jan 10	Strategic Plan	Affordable Housing Update	Jan 22	Jan 24
Feb 7	Annexation Process		--	Feb 21
Mar 14	Bufferyard & Sensitive Land Code Standards		Mar 26	Mar 28
Apr 11	<i>Cancelled</i>		Apr 23	Apr 25
May 9	Community Design Manual & Design Guidelines	Transportation 2040 Presentation	May 21	May 23
Jun 13	Comp Plan Update - <i>tentative</i>		Jun 25	Jun 27
Jul 11	Residential Lot Inventory		Jul 23	Jul 25
Aug 8	Retail Market Study	Industrial Inventory Update	Aug 20	Aug 22
Sep 12			Sep 24	Sep 26
Oct 10			Oct 22	Oct 24
Nov 7			Nov 12	Nov 14
Dec 5			Dec 17	Dec 19
	Suggested topics for future meetings: <i>New County Zoning Codes</i> <i>Water Resources</i> <i>Comprehensive Plan Update</i>		<i>KU Central District Plan/Master Plan</i> <i>Comprehensive Housing Study</i>	
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds				

Revised 3/27/18



PLANNING COMMISSION MEETING
February 21, 2018
Meeting Action Summary

February 21, 2018 – 6:30 p.m.

Commissioners present: Carpenter, Culver, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, Willey

Staff present: McCullough, Stogsdill, Day, Ewert, Larkin, M. Miller, Weik

GENERAL BUSINESS

PLANNING COMMISSION ACTION SUMMARY MINUTES

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of January 24, 2018.

Motioned by Commissioner Sands, seconded by Commissioner Culver, to approve the January 24, 2018 Planning Commission action summary minutes.

Unanimously approved 8-0-1, with Commissioner Kelly abstaining.

COMMITTEE REPORTS

No reports from any committees that met over the past month.

COMMUNICATIONS

Mr. McCullough said there had been a request from the public to consider moving Items 3A-3B to the beginning of the meeting.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Sands said he spoke with Mr. Matt Gough, Barber Emerson, regarding Item 2. He said they talked about stormwater, noise study, greenspace, and neighborhood outreach.
- No Abstentions.

PC Minutes 2/21/18

ITEM NO. 3A REZONING FROM UR TO RM12-PD; 5275 W 6th St (KEW)

Z-17-00471: Consider a request to rezone approximately 2.5 acres from UR (Urban Reserve) District to RM12-PD (Multi-Dwelling Residential-Planned Development Overlay) District, located at 5275 W 6th St. Submitted by Grob Engineering Services, LLC, on behalf of Beckmeisters LLC, property owner of record. *Deferred by Planning Commission on 11/15/17.*

ITEM NO. 3B PRELIMINARY DEVELOPMENT PLAN; 5275 W 6TH ST (KEW)

PDP-17-00695: Consider a Preliminary Development Plan for a multi-family residential development located at 5275 W 6th St. Submitted by Grob Engineering Services LLC on behalf of Beckmeisters LLC, property owner of record.

STAFF PRESENTATION

Ms. Katherine Weik presented items 3A & 3B together.

APPLICANT PRESENTATION

Mr. Robert Wilson, Beckmeisters LLC, showed conceptual elevations on the overhead. He said the development would be geared toward senior citizens being able to age in place. He said from the street level the development would be one story but would have a walk-out basement. He said the center area of the development would be a garden area instead of a clubhouse. He stated there would also be a playground in the southeast corner for kids/grandkids.

Mr. Grob Engineering, Grob Engineering Services, said the density would be less than 5 units per acre and not the typical RM12 development. He said the development would be similar to the PUD south of this location. He said the utilities would not disturb the perimeter landscaping. He said the trash collection would be polycarts and would require normal storage in the garage and only be out at the curb on trash day. He said the proposed plan for lighting was on the buildings and maybe in the center of the development or wayfinding accent lighting. He said the parking lot would mostly be on the inside of the development so the surrounding neighbors would not have to look at it. He said there was no plan to install a fence on the south or east. He said there could be a decorative type landscaping fencing around the site. He said the units would be townhomes with covenants and restrictions.

PUBLIC HEARING

Ms. Judy Dreiling asked why there wouldn't be a 35' setback line like their PRD was required to have. She expressed concern about one entrance/exit to the development. She also expressed concern for decreased property value. She said the applicant was not restricting the development to senior citizens and could possibly be younger residents. She wondered if the property would be owner occupied or rented.

Mr. Tom Carlson expressed concern about the lack of details to unanswered questions. The idea of senior residents versus any other younger residents. He expressed concern about the value of his property decreasing. He felt the property was out of character of the neighborhood.

Mr. Michael Dreiling asked for the plat to be displayed on the screen. He expressed concern regarding his view with the close setback. He suggested moving the project 25' north. He felt the project would decrease his property value.

Complete audio & video from this meeting can be found online:

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

Ms. Michelle Leeson wondered about a planned overlay for this project.

Mr. McCullough said the initial application was a straight rezoning. He said Planning Commission compelled the applicant at the last meeting to pursue a planned overlay. He said the neighborhood would receive notice of the final development plan that would show more details. He said this was the time when Planning Commission could address and condition height requirements or setback requirements.

Ms. Leeson requested a fence along the east to separate the property.

APPLICANT CLOSING COMMENTS

Mr. Wilson said the price point of the units would be \$300,000-\$350,000 which would likely be higher than the neighborhood property values. He said the units would be ADA compliant and geared toward seniors but he would not discriminate against younger people.

Mr. Grob said the access location was the result of restricted access when the intersection was built. He said the only option was to line the entrance up with the entrance to the new Cooperative Village development. He said he concentrated landscaping as a buffer. He said the setback on the south met Code requirements. He said 6th Street had a 50' setback so moving the project north was not an option.

COMMISSION DISCUSSION

Commissioner Willey asked staff about different setbacks in different settings.

Ms. Weik said the RM12 zoning district required an internal side yard setback of 5' and this proposal development exceeded that with a 10' side yard setback. She said the development met the rear and front setbacks of 25'.

Commissioner Willey asked for clarification on the back of the south building being considered the side yard.

Ms. Weik said the development was on one single lot. She stated the front yard setback would be off Branchwood, the rear yard setback would be to the east and the side yards were to the north and south.

Mr. McCullough said it was not atypical to have different setbacks. He said the placement of the drive was due to the closeness of the intersection.

Commissioner Kelly inquired about the setback of the existing white outbuilding.

Mr. Grob said the building was within 5' of the property line but he did not know the exact distance.

Ms. Weik said that building was very near the property line, within 5'.

Commissioner Sands asked the applicant about owner occupied units.

Mr. Wilson said the development would be marketed in different ways but the primary intent was owner occupied. He said the homeowner association would be tight and he did not envision parked cars on the street or driveway at night.

Commissioner Sands said the development was platted as one property. He asked staff for an example of other similar developments in town.

Mr. McCullough said there were examples throughout the city. He said through the townhouse act one lot could be platted with condominiums owned individually. He said ownership was not regulated by the City. He provided the examples of the Cottages at Deerfield and the Villas at Alvamar.

Commissioner Sands said the design suggested a flat roof.

Mr. Wilson said the roof appeared flat but it had a hidden pitch.

Commissioner Willey asked staff if the Final Development Plan would be administrative.

Ms. Weik said yes, it would be administrative.

Mr. McCullough said the RM12 zoning district height requirement of 35' was the same as all RS districts and was compatible with other uses in the area.

Commissioner Sands asked if the homeowner association covenants and restrictions would be recorded with the Douglas County Register of Deeds.

Mr. McCullough said yes, a homeowner association could create a civil document managed by the HOA. He said the City only enforces the City Code.

Commissioner Kelly asked Mr. Dreiling if he had something further to comment on. *(Mr. Dreiling indicated he had more to say after the applicant spoke.)*

Mr. Dreiling said the white outbuilding mentioned earlier was built prior to the city expanding. He said the apartments west of 6th Street and Folks did not have 50' setback. He wanted this development moved further north toward 6th Street.

Commissioner Kelly said the applicant designed setbacks within the requirements of the Code.

Commissioner Sands said there were restrictions on the north due to required 6th Street setback. He said this was a better layout than the concept plan that Planning Commission previously saw. He felt the applicant had done everything in his power to minimize the footprint.

Commissioner Willey said the project had come a long way from when they first looked at it. She felt this was a much better. She said the road access was not negotiable due to restrictions. She stated the development fell within the setback Code requirements and that they could not demand additional setbacks.

Mr. Wilson said one building and the two-story clubhouse were eliminated. He said the center area could possibly be reduced slightly but that a fire truck needed to be able to gain access.

Mr. McCullough said the one building shown on the south property line with a 10' setback. He said if the setback were 15' the building design would need to change.

Mr. Wilson said it would cost more money to redesign but that he would see what could be done to capture a few additional feet.

Commissioner Carpenter inquired about fencing on east side.

Mr. Wilson said he thought the entire east side had a fence but he would be willing to fill in gaps in the fence.

Commissioner Willey said the proposed 12 units were good and the applicant was giving quite a bit to the character of the neighborhood.

Commissioner Sands wondered if they needed to add a condition or just ask the applicant to change the setback.

Mr. McCullough said adding a condition to the Preliminary Development Plan was preferred. He suggested language to mitigate the impact of the side yard to rear yard nature of the project to the property on the south, with the setback increased to 15' instead of the 10' Code requirement.

Commissioner Sands was in favor of the project.

ACTION TAKEN on 3A

Motioned by Commissioner Sands, seconded by Commissioner Paden, to approve the rezoning request from UR (Urban Reserve) District to RM12-PD (Multi-Dwelling Residential) with Planned Development Overlay District, located at 5275 W 6th St, and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Commissioner Carpenter said this was a good example of the side yard really being the rear yard setback in Code language. He stated this was low density development for what was permitted in the zoning district. He felt the Code language could create quirks for future infill development.

Commissioner Struckhoff felt this version of the proposal was better than last time and he would support the rezoning.

Commissioner Kelly thanked the applicant for reworking the design to address concerns and spending the money. He said he would support the motion.

Unanimously approved 9-0.

ACTION TAKEN on 3B

Motioned by Commissioner Sands, seconded by Commissioner Sinclair, to approve the Preliminary Development Plan with the addition of condition 5 to increase the southern setback to 15' to mitigate concerns by existing neighbors, and forward to City Commission with a recommendation of approval.

Commissioner Willey said she was in favor of looking at loopholes for a how side yard becomes a backyard. She said she had a hard time requiring the developer to increase the setback and would prefer to ask the developer.

Mr. Grob said the plan already provided 5' extra than required and he would prefer not to add more.

Commissioner Willey asked to hear from the neighbors.

Mr. Carlson expressed concern that windows would look directly into his home. He felt 5' extra setback would help but he wanted extra screening to block the view.

Commissioner Willey said screening may be more helpful than extra setback footage.

Mr. Carlson said a larger setback would be needed for screening.

Commissioner Paden said she was inclined to not require the additional setback.

Commissioner Weaver did not feel it was fair to require the developer to exceed the Code setback.

Commissioner Sands amended the motion, seconded by Commissioner Weaver, to approve the Preliminary Development Plan based upon the findings of fact and forwarding to the City Commission for approval subject to the following conditions:

1. Provision of a revised Preliminary Development Plan to include the following changes:
 - A sidewalk connection from the south units across to the sidewalk that leads to Branchwood Drive.
 - Dedication of 10' Right-of-Way along the remainder of Branchwood Drive.
 - Dedication of an access easement for sanitation services.
 - Updated landscape notes and common/recreational open space total locations.
 - Note regarding ownership and maintenance of Common Open Space and Non-encroachable areas.
2. Vacation of permanent easement along 6th Street. Reimbursement for permanent easement is to be remitted to the City.
3. Submittal of Public Improvement Plans for utility/infrastructure extensions prior to Final Development Plan submission.
4. Subject to City Commission Approval of rezoning request from UR to RM12-PD.

Commissioner Kelly said he would vote for the motion because it met the Code and Planning Commission's responsibility was toward land use. He said the neighbors would have another opportunity to voice their concerns at City Commission. He said the developer was developing per the Code and it would be pulling the rug out from him if it was changed.

Unanimously approved 9-0.

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ITEM NO. 1 REZONING FROM IBP TO IL; 1300 RESEARCH PARK DR (SLD)

Z-17-00689: Consider a request to rezone approximately 1.685 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, located at 1300 Research Park Dr. Submitted by Landplan Engineering PA on behalf of Wakarusa Plaza LC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Brian Sturm, Landplan Engineering, said Professional Moving & Storage wanted a West Lawrence location to provide a storage building. He said industrially zoned land in West Lawrence was not common.

PUBLIC HEARING

Mr. Tiraz Birdie, Lawrence Montessori, felt the project would devalue the neighborhood and thought it would be more appropriate for industrial areas. He did not want the area to look like an industrial facility. He wanted to minimize impact of the use to his property. He wondered what legal authority Planning Commission had to rezone the property.

Commissioner Struckhoff asked staff what opportunity Mr. Birdie would have to make further comments on the project.

Ms. Day said the applicant submitted a site plan and would be subject to the Industrial Design Guidelines. She said any public comments about the project would be submitted to her. She said staff works with the applicant to insure compliance with the Code and Industrial Design Guidelines. She said staff also works with the applicant regarding neighborhood concerns. She said the site plan process provides notice to property owners within 400' and that there was also an appeal process.

APPLICANT CLOSING COMMENTS

Mr. Sturm said he looks forward to engage in the site plan review and meet City expectations.

COMMISSION DISCUSSION

Commissioner Culver asked if the only additional use with this request was the storage use.

Ms. Day said yes.

Commissioner Sands asked if it would be easier to add the use through a Special Use Permit.

Mr. McCullough said the alternative would be to do a Text Amendment to add the use to the IBP zoning district.

Commissioner Culver said conditional zoning in this regard made sense.

Commissioner Carpenter asked why the storage use was excluded from the IBP zoning district when it was created.

Ms. Day said it had to do with how the districts transferred from the old Code to the new Code. She said it was not a deliberate exclusion.

Complete audio & video from this meeting can be found online:

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

Mr. McCullough said when the IM district was built there was an extensive analysis of all the districts to look at distinctions and similarities. He said staff encouraged the applicant to do conditional zoning versus changing the Code.

Commissioner Willey said she did not have a problem with the use at the location and would hate to lose industrially zoned property. She said she would be in favor of the rezoning.

Commissioner Sinclair asked Commissioner Carpenter why he didn't like conditional zoning.

Commissioner Carpenter said they were changing the Code for one applicant. He said they were being asked to add one use to the zoning category. He felt there was a fine line between conditional zoning and spot zoning. He said there was no Kansas law for guidance and he worried about what they were setting up for the future. He expressed concern about striking all retail uses for the property.

ACTION TAKEN

Motioned by Commissioner Willey, seconded by Commissioner Culver, to approve the request to rezone approximately 1.685 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, with use restrictions, and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following condition: Permitted uses are limited to those listed below:

- a. College/University*
- b. Day Care Center*
- c. Event Center, Small*
- d. Event Center, Large*
- e. Postal & Parcel Service*
- f. Public Safety*
- g. Active Funeral and Interment*
- h. Temporary Shelter (Special Use only)*
- i. Social Service Agency*
- j. Community Meal Program (Special Use only)*
- k. Utilities, Minor (Special Use only)*
- l. Utilities and Service, major (Special Use only)*
- m. Health Care Office, Health Care Clinic*
- n. Active Recreation*
- o. Participant Sports & Recreation, Indoor*
- p. Participant Sports & Recreation, Outdoor*
- q. Passive Recreation*
- r. Nature Preserve/Undeveloped*
- s. Veterinary*
- t. Accessory Bar (Accessory Use only)*
- u. Restaurant, Quality*
- v. Administrative and Professional (Office)*
- w. Financial, Insurance & Real Estate (Office)*
- x. Payday Advance, Car Title Loan Business*
- y. Office, Other*
- z. Parking Facility, Commercial*

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aa. Business Equipment
bb. Business Support
cc. Maker Space, Limited
dd. Maker Space, Intensive
ee. Manufacturing & Production, Ltd.
ff. Manufacturing & Production, Tech.
gg. Research Service
hh. Exterior Storage (Accessory Use only)
ii. Wholesale Storage & Distribution, Light
jj. Mini-warehouse
kk. Agriculture, Crop
ll. Agricultural, small animal (Accessory Use Only)
mm. Farmer's Market
nn. On-site agricultural sales (Accessory Use only)
oo. Amateur & Receive-Only Antennas (Accessory Use Only)
pp. Broadcasting Tower
qq. Communications Service Establishment
rr. Wireless Facility - Antenna (Accessory Use only)
ss. Wireless Support Structure (Special Use only)
tt. Satellite dish (Accessory Use only)
uu. Recycling Facilities, Small Collection

Motion carried 7-2, with Commissioners Carpenter and Paden voting in opposition.

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ITEM NO. 2A REZONING FROM RS10 TO CS; 1105 E 23RD ST (MKM)

Z-17-00694: Consider a request to rezone approximately 1.768 acres from RS10 (Single-Dwelling Residential) District to CS (Commercial Strip) District, located at 1105 E 23rd St. Submitted by Grob Engineering Services LLC on behalf of Hedge Tree, LLC, property owner of record.

ITEM NO. 2B PRELIMINARY PLAT; 1105 E 23RD ST (MKM)

PP-17-00693: Consider a Preliminary Plat for 8N Business Center, a two-lot commercial subdivision on approximately 2.76 acres, located at 1105 E 23rd Street. Submitted by Grob Engineering Services LLC on behalf of Hedge Tree, LLC, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented items 2A & 2B together.

APPLICANT PRESENTATION

Mr. Dean Grob, Grob Engineering, was present for questioning.

PUBLIC HEARING

Mr. Kevin Stewart, 1060 Home Circle, concerned about the impact of development to his property. He expressed concern regarding privacy, noise, lighting, and traffic. He said Lawrence Kia had expanded in a massive way and had negatively impacted the area with increased traffic on E 24th Street.

COMMISSION DISCUSSION

Commissioner Willey asked about a traffic impact study.

Ms. Miller said the City Engineer indicated he would need a traffic impact study with any development in the future.

Commissioner Carpenter said the area was mixed use. He said the proposed draft plan used the detention pond as a buffer. He said he was in favor of the plat and rezoning. He expressed concern about increased traffic.

ACTION TAKEN on 2A

Motioned by Commissioner Carpenter, seconded by Commissioner Willey, to approve the rezoning request, Z-17-00694, for approximately 1.768 acres from RS10 (Single-Dwelling Residential) District to CS (Commercial Strip) District, located at 1105 E 23rd St, and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Unanimously approved 9-0.

ACTION TAKEN on 2B

Motioned by Commissioner Carpenter, seconded by Commissioner Willey, to approve the Preliminary Plat for 8N Business Center, a two-lot commercial subdivision on approximately 2.76 acres located at 1105 E 23rd St.

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<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

Unanimously approved 9-0.

DRAFT

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ITEM NO. 4A REZONING FROM CN2 & PCD TO CN2; 3900 W 6TH ST (MKM)

Z-17-00688: Consider a request to rezone approximately 1.33 acres located at 3900 W 6th St from CN2 (Neighborhood Commercial Center) District & PCD (Planned Commercial Development-Monterey Center) District to CN2 (Neighborhood Commercial Center) District. Submitted by Wild Pines Ventures LLC, for Lawrence Monterey Investors LLC, property owner of record.

ITEM NO. 4B SPECIAL USE PERMIT; 3900 W 6TH ST (MKM)

SUP-17-00690: Consider a Special Use Permit for Tommy's Car Wash, on approximately 1.33 acres located at 3900 W 6th St. Submitted by Wild Pines Ventures LLC, for Lawrence Monterey Investors LLC, property owner of record.

MISC NO. 1 VARIANCE; 3900 W 6TH ST (MKM)

Minor Subdivision/Replat, MS-17-00692, for Monterey No. 8 Addition, variance request per Section 20-808(c)(5) of the Subdivision Regulations to allow reduced right-of-way for 3900 W. 6th Street. Submitted by George Butler Associates, LLC, for Lawrence Monterey Investors, LLC, property owners of record.

STAFF PRESENTATION

Ms. Mary Miller presented items 4A, 4B & Misc 1 together.

APPLICANT PRESENTATION

Mr. Austin Davis, Wild Pine Ventures, was present for questions.

Mr. Matt Gough, Barber Emerson, said the applicant reached out to the Monterey Neighborhood Association President but he did not want to have a neighborhood meeting. Mr. Gough stated the request met all the Golden Factors.

PUBLIC HEARING

Mr. Roger Mason read a letter from Mr. Steve Choikhit, Commercial Ventures, who was unable to attend the meeting. The letter was in favor of the project. Mr. Choikhit felt the use would be a nice compliment to the rest of the center and would bring in additional business for the current tenants. Mr. Choikhit felt the southeast corner was segregated so that traffic patterns would not adversely affect other portions of the development or create problems for residential residents in the area.

COMMISSION DISCUSSION

Commissioner Carpenter asked about the hours of operation.

Mr. Davis said the franchise hours would be 7:00am-9:00pm with four employees.

Commissioner Willey said that a new noise study was provided after letters were received from the public.

Mr. Davis said the newer equipment had a lower noise decimal.

Commissioner Willey asked if the neighbors were aware of the new noise study.

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Mr. Davis said yes, he provided the neighborhood association with the new information.

Commissioner Willey inquired about vacuum noise.

Mr. Chris Michael said the new plastic technology would reduce the noise.

Commissioner Sands asked why the area to the north was zoned CN2.

Ms. Miller said the current zoning was PCD. She said there was a thin strip zoned CN2 to allow commercial uses not allowed in PCD.

Mr. McCullough said the CN2 zoning was to allow the Little Caesars drive-thru window several years ago.

Commissioner Kelly asked about the recourse if the noise level was not what was promised.

Mr. McCullough said a Special Use Permit had more recourse with enforcement measures than a rezoning. He said there were several other new car washes in Lawrence near residential areas.

Commissioner Culver asked why the car wash required a Special Use Permit.

Mr. McCullough said a car wash use in the CN2 zoning district may or may not be compatible so it requires a Special Use Permit.

Commissioner Willey said they received a communication regarding sanitary sewer versus runoff.

A gentleman who did not state his name but identified himself as the project engineer said the downstream residents would see less impact because of the increased greenspace on the site. He said he worked with staff regarding the sanitary sewer calculations.

ACTION TAKEN on 4A

Motioned by Commissioner Sands, seconded by Commissioner Weaver, to approve the request to rezone, Z-17-00688, approximately 1.33 acres from CN2 and PCD-[Monterey Center] (Planned Commercial Development) District to CN2 (Neighborhood Commercial Center) District, located at 3900 W 6th St, and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report

Unanimously approved 9-0.

ACTION TAKEN on 4B

Motioned by Commissioner Sands, seconded by Commissioner Willey, to approve the Special Use Permit, SUP-17-00690, for Tommy's Car Wash, a *Cleaning (Car Wash)* use, located at 3900 W 6th St, and forwarding the item to the City Commission with a recommendation of approval subject to the following conditions:

1. Provision of a site plan performance agreement.
2. Recording of a Minor Subdivision for Monterey No. 8 Addition with the Register of Deeds prior to release of SUP plans to Development Services for processing of building permits.

Complete audio & video from this meeting can be found online:

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

3. Submittal of a revised Special Use site plan with the following changes:
 - a. Revise the street trees to match the Master Street Tree Plan, if necessary.
 - b. Add the following note: "*The Board of Zoning Appeals approved a variance from the 50 ft setback required in Section 20-814 of the Subdivision Regulations to allow a reduced setback of 40 ft from W 6th Street, contingent upon the approval of the Special Use Permit.*"
 - c. Revise the site summary and parking tables as noted in this staff report.
 - d. Revise all plan sheets with the relocated ADA accessible parking space.
 - e. Correct the Lot labels and legal description to reflect the updated Minor Subdivision.

Commissioner Kelly said he lived ½ mile from this location. He said he was not as concerned about the car wash blower as he was about the outside vacuums. He hoped he and his neighbors would not have to hear the outside vacuums.

Unanimously approved 9-0.

ACTION TAKEN on Misc 1

Motioned by Commissioner Sands, seconded by Commissioner Culver, to approve the variance requested for Minor Subdivision, MS-17-00692, to reduce the right-of-way width required in Section 20-810(a)(5) for W 6th Street, a Principal Arterial Street, from 150 ft to 100 ft; to allow the right-of-way width on the subject side of the centerline to remain at 50 ft rather than the 75 ft required by the Subdivision Design Standards.

Unanimously approved 9-0.

PC Minutes 2/21/18

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 2 INITIATE TEXT AMENDMENT; GROUP HOMES IN GPI DISTRICT (SLD)

Initiate a Text Amendment to the City of Lawrence Land Development Code to permit *Group Homes* in the GPI (General Public and Institutional) District.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Willey, seconded by Commissioner Sands, to initiate a text amendment to the Land Development Code to create permit *Group Homes* as a permitted use in the GPI District.

Unanimously approved 9-0.

MISC NO. 3 INITIATE TEXT AMENDMENT; OUTDOOR LIGHTING STANDARDS (MKM)

Initiate a Text Amendment to the City of Lawrence Land Development Code, Articles 11 and 17, to update outdoor lighting standards to include standards for various types of light fixtures, such as LED.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Paden wondered how specific the terminology would be.

Ms. Miller said staff would look at things such as glare and lighting colors.

Commissioner Struckhoff asked if the Code applied to street lights.

Mr. McCullough said no.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Struckhoff, to initiate a text amendment to Articles 11 and 17, Chapter 20 of the City of Lawrence Land Development Code to update the outdoor lighting standards to address new lighting technology. Staff will develop amendments that will be considered at a future Planning Commission hearing.

Complete audio & video from this meeting can be found online:

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

Unanimously approved 9-0.

MISC NO. 4 INITIATE REZONING .46 ACRES; 912 N 3RD ST (MKM)

Initiate a rezoning for the eastern portion, approximately 0.46 acres, of 912 N 3rd Street from UR (Urban Reserve) District to CS (Commercial Strip) District.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Struckhoff, to initiate a rezoning of the eastern 0.46 acres, approximately, of the parcel addressed as 912 N 3rd Street from UR (Urban Reserve) District to CS (Commercial Strip) to complete the rezoning process.

Unanimously approved 9-0.

MISC NO. 5 INITIATE REZONING 1212 LOUISIANA ST (MKM)

Initiate a rezoning for 1212 Louisiana Street to correct a rezoning error made with Ordinance No. 4235 to rezone the property from RMO-UC (Multi-Dwelling Residential Office District with the Oread Neighborhood Urban Conservation Overlay District) to RM32-UC (Multi-Dwelling Residential District with the Oread Neighborhood Urban Conservation Overlay District).

STAFF PRESENTATION

Ms. Mary Miller presented the item.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Paden, seconded by Commissioner Struckhoff, to initiate a rezoning of 1212 Louisiana Street, approximately 5,851 sq ft, from RMO-UC to RM32-UC, to correct the rezoning error made with Rezoning Ordinance No. 4235.

Unanimously approved 9-0.

MISC NO. 6 APPROVE AMENDMENTS TO PLANNING COMMISSION BY-LAWS

Receive and approve Planning Commission By-Law amendments.

STAFF PRESENTATION

Mr. McCullough presented the item.

Complete audio & video from this meeting can be found online:

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Paden said the Transportation Commission had the same 3 and 5 minute public comment period. She wondered if Transportation Commission may need to update their bylaws too.

Mr. McCullough said there were inherent issues with distinguishing between individual and group testimony.

Mr. Larkin said the City Attorney's office was recommending not to distinguish between different speakers.

Commissioner Willey said there was an inherent benefit for the public to talk to each other and coordinate their efforts when providing their testimony. She said she would also be in favor of holding the applicant's response to 5 minutes.

Commissioner Sands said it wasn't a long leap for a group of folks to coordinate their efforts to speak. He wondered if there should be an exception to extend the time for groups such as the school board or hospital board.

Commissioner Culver said written communication was an option for lengthy details.

Mr. McCullough said Planning Commission could use their discretion with items that weren't quasi-judicial.

Commissioner Kelly suggested maybe restricting the number of speakers the applicant has.

Commissioner Culver felt it was necessary when different speakers for the applicant provide different expertise.

Mr. McCullough said it may be helpful for the Chair to provide time limit reminders throughout the meeting.

Commissioner Sands said he agreed with the time limits as amended.

Commissioner Sinclair asked if the attendance language pertained to Mid-Month meetings or regular Planning Commission meetings.

Mr. McCullough said the intent was regular Planning Commission meetings.

Commissioner Willey said the language in the bylaws should probably specify.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Sands, to approve the Planning Commission bylaw amendments with the addition of language to Article III, Section 6 Attendance, of regular business meetings, and forwarding to City Commission and the Board of County Commissioners for approval.

Complete audio & video from this meeting can be found online:

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

Unanimously approved 9-0.

GENERAL PUBLIC COMMENT

No general public comment.

ADJOURN 10:19pm

Planning Commission

Key Links



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES



Plans & Documents

- [Horizon 2020](#)
- [Sector/Area Plans](#)
- [Transportation 2040](#)
- [2015 Retail Market Study](#)

Development Regulations

- [Community Design Manual](#)
- [County Zoning Regulations](#)
- [City Land Development Code](#)
- [Subdivision Regulations](#)

Online Mapping

- [City of Lawrence Interactive GIS Map](#)
- [Douglas County Property Viewer](#)
- [Submittals to the Planning Office](#)

Planning Commission

- [Bylaws](#)
- [Mid-Months & Special Meetings](#)
- [Minutes](#)
- [Planning Commission Schedule/Deadlines](#)

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
03/28/2018

ITEM NO. 1A Z-18-00024: RM12 (Multi-Dwelling Residential) District and RM12 UC (Multi-Dwelling Residential Urban Conservation Overlay) District; .82 acres (SLD)

Z-18-00024: Consider a request to rezone approximately .82 acres from RM12 (Multi-Dwelling Residential) District and RM12 UC (Multi-Dwelling Residential Urban Conservation Overlay) District to RM32 (Multi-Dwelling Residential) District, located at 929 Arkansas St. Submitted by Paul Werner Architects, for DJC Holdings LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately .82 acres, from RM12 (Multi-Dwelling Residential) District and RM12 UC (Multi-Dwelling Residential Urban Conservation Overlay) District to RM32 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Applicant's Reason for Request: *We would like to rezone the vacant land on the site in order to improve the circulation of parking and the overall development of the cul-de-sac.*

ASSOCIATED CASES/OTHER ACTION REQUIRED

- MS-18-00046; Sinclair's Addition No. 2.
- SP-18-00091; 929 Arkansas Street.

Other Action Required

- Historic Resources Commission review and recommendation
- City Commission approval of rezoning and adoption of ordinance.
- Publication of rezoning ordinance.

KEY POINTS

- This application is intended to facilitate the redevelopment of an RM32 zoned parcel along Michigan Street by revising the property line and zoning boundary.

PLANS AND STUDIES REQUIRED

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

ATTACHMENTS

- Attachment A: Area Map
- Attachment B: Concept Site Plan Drawing
- Attachment C: Minor Subdivision Drawing

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Property owner who resides along Michigan Street called to comment on the poor condition of the street and recommended that as a condition of development the street be improved.

- Property owner who resides on Arkansas Street called with concerns about plans to access Arkansas Street, lack of parking in the area, and added traffic that will result from the project.

Staff response to comments:

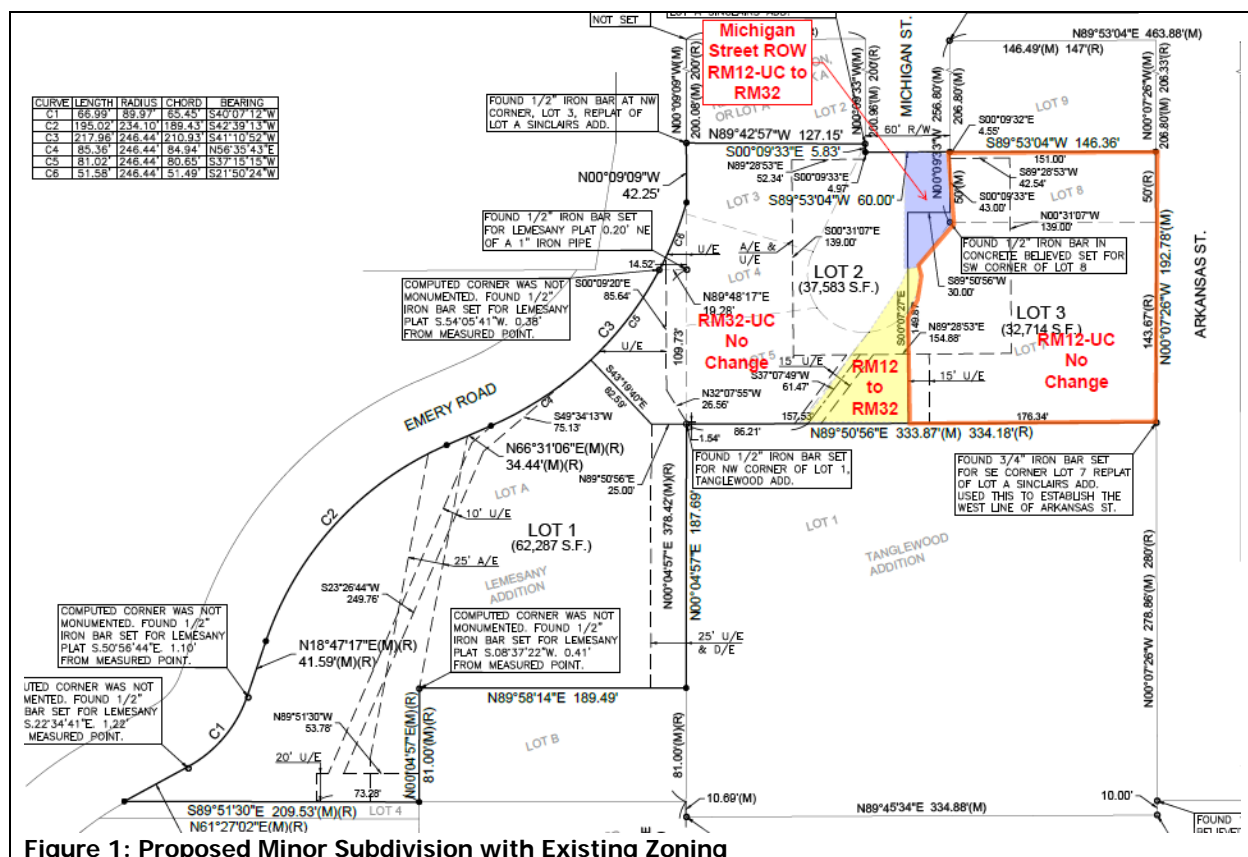
- Michigan Street is a City Street/public ROW. The street was overlaid in 2014. A new assessment of the street, by Public Works is due.
- No new access is proposed to Arkansas Street. Redevelopment of the should result in an improved off-street parking arrangement for the residential uses along Michigan Street.

Project Summary:

Proposed request is for rezoning land in the 900 block of Michigan Street to facilitate redevelopment of the property. The development request includes this rezoning and a proposed Minor Subdivision to reconfigure interior lot lines and vacate existing right-of-way. The applicant has also submitted a site plan. The site plan is included with the development packet for context.

Several design considerations, including the vacation of right-of-way, must be resolved prior to approval of the site plan. A complete discussion of the proposed request to vacate right-of-way is included in the Minor Subdivision staff report. Variances associated with the Minor subdivision are a concurrent item on the Planning Commission's agenda.

This application includes a discussion of the rezoning of a portion of Michigan Street ROW and private property. A portion of the request is located in the Oread Neighborhood and is zoned Urban Conservation Overlay District.



1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *All we are requesting is a slight shift from the current RM32/RM12 zoning in order to improve the existing development. In our opinion, this conforms with Horizon 2020.*

Key features of the plan are listed in Chapter Three – General Plan Overview.

- *The Plan supports infill development and redevelopment, which provides a range of residential, commercial, office, industrial and public uses within these parcels, consistent and compatible with the established land use pattern in surrounding areas.*
- *The Plan proposes the progression of land uses to help achieve a transition in land use and intensity levels, and to help avoid major or abrupt changes in density and building type.*

The area is included in Map [3-2 *Lawrence future Land Use Map*. The subject property is located within an area shown where as "Medium Density Residential/High Density Residential" abuts very Low –Density/Low-Density Residential. (Map adopted 1998). This area is discussed in more detail in the Oread Neighborhood Plan.

Residential strategies are listed in Chapter 5 – Residential Land Use. Principal strategies for residential land use include the following statements.

- Infill residential development should be considered prior to annexation of new residential areas.
- Compatible densities and housing types should be encouraged in residential neighborhoods by providing appropriate transition zones between low-density residential land uses and more intensive residential development, and between higher density residential use and non-residential land use.
- Design, site improvements, and infrastructure shall be consistent with adopted neighborhood plans, with the development of a neighborhood concept and with area plans and sector plans.

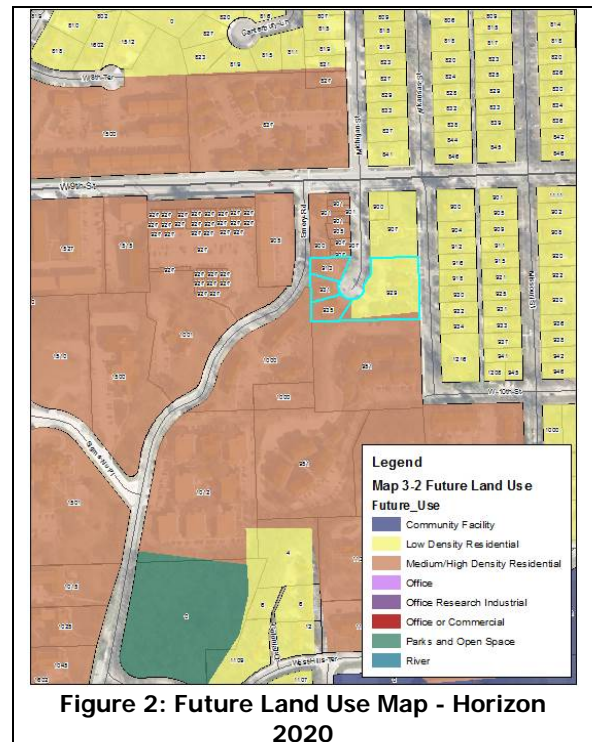
Medium-density residential development is reflected as an "overall density of 7-15 dwelling units per acre." High-Density residential development is reflected as an "overall density of 16-21 dwelling units per acre." The proposed request, RM32, is a High-Density zoning district. The Land Development Code includes zoning districts that exceed the range described in *Horizon 2020*. High-Density residential zoning districts are RM24, RM32, RMG, and RMO. Multiple adopted Area Plans include designated areas for high-density residential development that identify the RM24 and RM32 Zoning Districts as possible zoning designations.

Applicable policies in *Horizon 2020* are discussed below, with staff comments in red.

Residential Land Use (Chapter 5, *Horizon 2020*)

Residential Land use Goals and Policies

Medium- and Higher-Density Residential Land Use.



Goal 2: Create a Functional and Aesthetic Living Environment

Create and maintain medium and higher-density residential developments that are aesthetically pleasing and functionally efficient and practical.

Policy 2.6 Consider Residential Density and Intensity of Use

The number of dwelling units per acre in any residential category should be viewed as representing a potential density range rather than a guaranteed maximum density. Potential development should be approved based upon consideration of natural features, public facilities, streets/roads and traffic patterns, neighborhood character, and surrounding zoning and land use patterns.

This policy discusses the need to review the application in context. A range of densities may or may not be applicable to a specific property or location.

- Medium-density zoning districts include: RS5, RS3, RSO, RM12, RM12D and RM15.
- High-density districts include RM24, RM32, RMG and RMO Districts.

The proposed request is at the top range of the *High-Density* residential category. If approved, the existing RM32 district boundary will be expanded to the east toward the Oread Neighborhood, but by only a fraction to better accommodate redevelopment. The existing development along the east and west sides of Michigan Street include a range of density and housing types. The lowest density is 3 dwelling units per acre (900 Michigan Street and 907 Arkansas Street, detached dwellings). The highest density is 913 Michigan Street, a 6 unit multi-dwelling building. This property is developed to a density of 36 units per acre and is a non-conforming use because the use exceeds the maximum density of the zoning district, RM32.

By reconfiguring the property boundaries (lot lines) and vacating right-of-way, the existing 6-plex combined with the proposed new development would be made conforming because the density can be spread out across a larger area.

Goal 3: Compatible Transition from Medium-Density and Higher-Density Residential Development to both More Intensive and Less Intensive Land Uses

Ensure transition from medium and higher-density residential neighborhoods is compatible with non-residential land uses or low-density residential land uses.

Michigan Street is the west boundary of the low-density residential portion of the Oread Neighborhood. There is no significant transition that is provided in the existing development pattern. The detached residences located at 900 Michigan Street and 907 Arkansas Street are oriented so that the side and rear yards face Michigan Street. The remaining residential uses detached, duplex and multi-dwelling uses include a mix of building orientation and access. Buildings at 929 Arkansas Street face Arkansas Street with vehicular access provided from Michigan Street. Duplexes and attached housing both face and take access from Michigan Street.

The proposed request is intended to facilitate the redevelopment of the south portion of the street. The application requests rezoning to alter the existing boundary of the RM32 District.

Policy 3.1 Use appropriate Transitional Methods

- a. Careful attention should be given to areas, which may serve as a buffer between different housing types and different densities and intensities of use to ensure compatibility of use.

This policy discusses the need to provide and install an adequate buffer between low and medium density uses. Methods of transition include site orientation, building relationships, integration of natural land features, screening and landscaping and lighting considerations. These elements are specifically considered as part of site plans. All elements listed would be applicable through Articles 6, 9, 10, and 11 of the Land Development Code that address parking lots, buildings setback, landscaping, and lighting features of a particular development. However, because of the surrounding zoning, buffering will be minimal.

Staff Finding – The proposed RM32 district is a designated High-Density residential district consistent with the goals and policies stated in *Horizon 2020*.

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

GENERAL INFORMATION	
Current Zoning and Land Use:	RM12 and RM12-UC (Multi-Dwelling Residential) District and Urban Conservation Overlay District. Existing <i>Duplex</i> Residential uses (929 Arkansas Street). Existing <i>Duplex</i> and <i>Multi-Dwelling</i> Residential Uses (913, 931 935 Michigan Street).
Surrounding Zoning and Land Use:	
To the north: East side of Michigan Street-	RM12-UC (Multi-Dwelling Residential Urban Conservation Overlay) District. Existing <i>Multi-Dwelling</i> Residential Use.
West side of Michigan Street-	RM32 (Multi-Dwelling Residential) District. Existing <i>Multi-Dwelling</i> Residential Use.
To the south: East side of Michigan Street [extended]-	RM32-UC (Multi-Dwelling Residential Urban Conservation Overlay) District. Existing <i>Multi-Dwelling</i> Residential Use.
West side of Michigan Street [extended]-	RM32 (Multi-Dwelling Residential) District. Existing <i>Multi-Dwelling</i> Residential Use.
To the east: East side of Arkansas Street-	RM12D-UC (Multi-Dwelling Duplex Residential Urban Conservation Overlay) District. Existing <i>Detached Dwellings</i> .
To the west: West side of Emery Road -	RM32 (Multi-Dwelling Residential) District. Existing <i>Multi-Dwelling</i> Residential District.

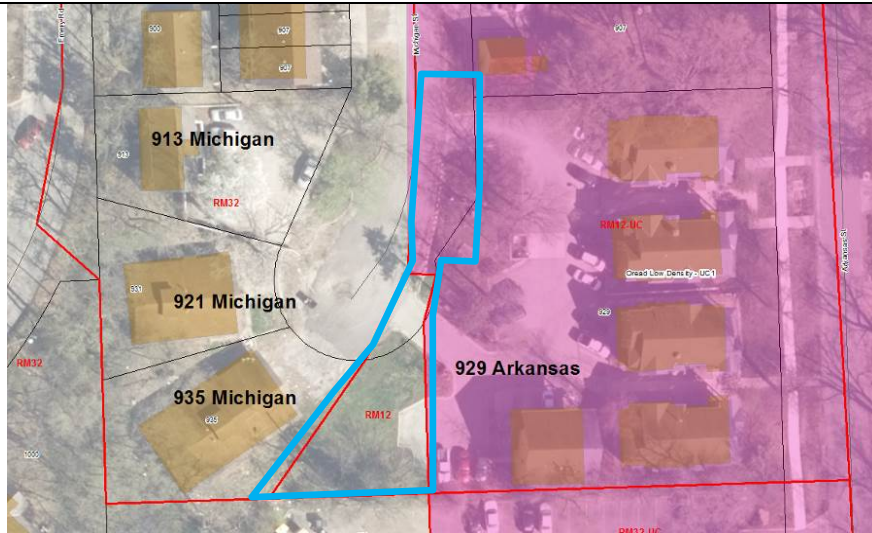


Figure 3: Zoning
Area included in rezoning highlighted in blue

Address	Unit Type	# of Units	Density
929 Arkansas Street	Duplex	9	11 units per acre
913 Michigan Street	Multi-Dwelling	6	36.8 units per acre
931 Michigan Street	Duplex	2	15 units per acre
935 Michigan Street	Duplex	2	11.3 units per acre

The property included in this rezoning request includes parts of platted lots and a portion of the existing Michigan Street right-of-way. The surrounding area is developed with a mix of residential uses including *Detached Dwelling*, *Duplex*, and *Multi-Dwelling* residential uses.

Staff Finding – The surrounding area includes a mix of residential uses and densities.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The neighborhood consists of mainly multi-family/rental properties.*

The property included in the request is partially located in the Oread Neighborhood (east of centerline of Michigan Street) and partially in an area adjacent to the Oread Neighborhood but not within a designated neighborhood. Zoning districts extend to the centerline of public streets.

The 900 block between Arkansas Street and Michigan Street include low-density detached dwellings and medium density multi-dwelling development. Land use transitions to the east to lower density/intensity residential uses within the neighborhood.

The area to the west includes *Multi-Dwelling* and *Group Living* (Sorority and Fraternity housing). This area is not part of a designated neighborhood. The University of Kansas campus is located to the south making this a desirable location for student housing.

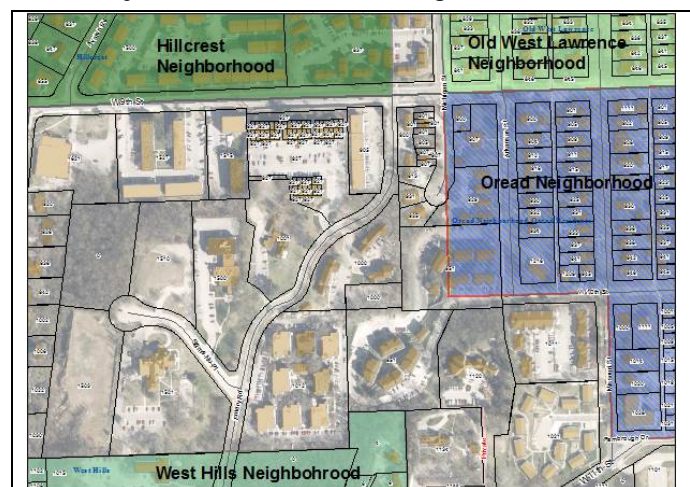


Figure 4. Neighborhood Boundary Map

Commercial uses are located to the east along W. 9th Street and in the Downtown area. Neighborhood commercial uses are located to the west within a half mile of the proposed rezoning.

Staff Finding – The property included in the request is partially included in the Oread Neighborhood and in close proximity to other established neighborhoods and the University.

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

Applicant's Response: *The neighborhood consists of mainly multi-family/rental properties.*

A portion of the property included in this request is located within the Oread Neighborhood Plan boundary. Section 3 of the Neighborhood Plan includes the goals, policies, and implementation strategies for the neighborhood. The plan specifically states as a main goal the intent to, *"maintain a variety of housing types and to provide a balance in the diversity of people living in the neighborhood while maintaining strong neighborhood scale commercial areas."* (Page 3-1). This application applies only to the residential portion of the neighborhood plan.

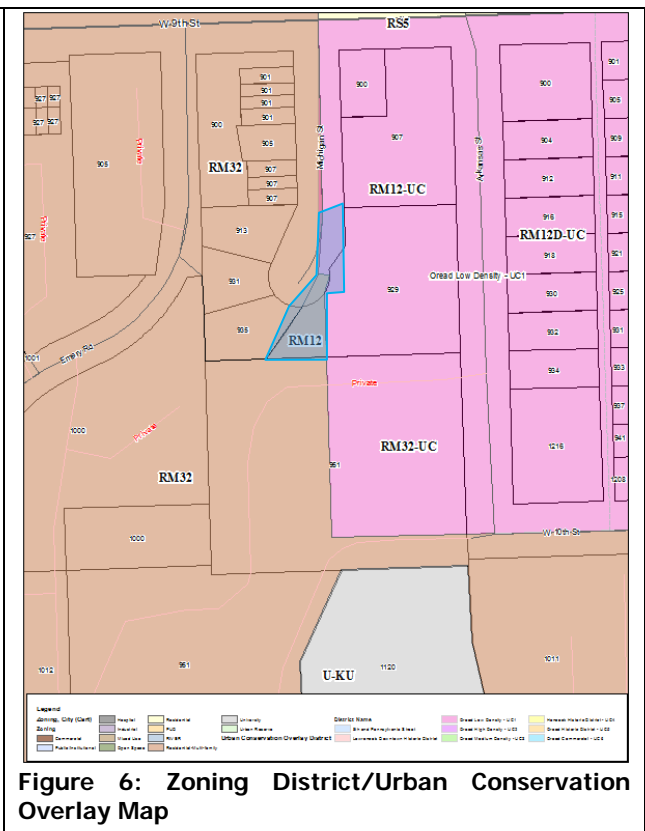
The west boundary of the plan extends to the centerline of Michigan Street, extended south, and includes all of the east side of Michigan Street and the east 175' of Lot 7, Sinclair's Addition (929 Arkansas Street). Figures 6 and 7 show the neighborhood boundary excludes the west corner of 929 Arkansas Street. That portion of land is zoned RM12 and not subject to the Oread Design Guidelines. The east portion of Lot 7 is, however, in the district and subject to the Oread Design Guidelines.

3.1.2 Goal 2 –Preservation

Preserve and improve the character of the neighborhood by encouraging the preservation of existing historic structures and features and by supporting infill development that is compatible with the surrounding neighborhood.

This request is intended to facilitate the redevelopment of land at the south end of Michigan Street (infill). By rezoning, vacating a portion of Michigan Street right-of-way, and replatting the lot lines the property owner is able to assemble more land area to redevelop the property with more residential units than currently exists.

Map 4-1 of the Oread Neighborhood plan shows the area between Arkansas Street and Michigan Street as suitable for medium density residential land use. This land use is further refined in the Oread Design Guidelines as UC-1 – Low Density.



Horizon 2020 shows the west side of Michigan Street as suitable for Medium-Density/High-Density residential development and the east side of Michigan Street is identified as low density. The Oread Neighborhood Plan shows the area on the east side of Michigan Street as suitable for Medium-Density residential development and the Oread Design Guidelines both show and proscribe the same area as reserved for Low-Density development.

Staff Finding – A portion of the area included in the request is located in the Oread Neighborhood plan boundary. Generally, the recommended land use is medium to low density residential use.

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

Applicant's Response: *The current area is zoned for multi-family, and it will continue to be multi-family.*

Lot 7, Sinclair's addition (929 Arkansas Street) is zoned RM12 and RM12-UC. The west corner of the lot is undeveloped portion and provides open space between 929 Arkansas Street and 935 Michigan Street. This lot is developed with multiple duplex buildings and one detached dwelling. Because the units are not located on individual lots, the development is defined as multi-dwelling. The RM12 segment of the lot generally aligns with the west side of Michigan Street, if the street were extended to the south. By changing the zoning from RM12 to RM32, the resulting density of 929 Arkansas Street is only nominally affected. Given the proposed infill/redevelopment project, the proposed zoning is more suitable than the existing RM12 District. The area highlighted in yellow in Figure 7 shows the portion of existing Lot 7 Sinclair's Addition and a portion of the Michigan Street right-of-way that would be rezoned to RM32 if approved. Figures 8 and 9 show the existing UC District boundary and the proposed UC District boundary.

Figure 7 shows an area, north of the yellow highlighted area, a portion of Michigan Street right-of-way proposed to be rezoned from RM12-UC to RM32. Part of this area would be located in Lot 2 and part would be located in Lot 3. If the intent of the subdivision is to align with the proposed rezoning, only a portion of the right-of-way would be rezoned to RM32. The remainder would remain RM12-UC.

Figure 10 shows the proposed lot lines. All of proposed Lot 3 will be located in the UC District. This aligns with the build of existing Lot 7 Sinclair's Addition that is currently zoned RM12-UC and will not change.

The rezoning is complicated by the proposed development applications for a Minor Subdivision and existing development pattern. The infill/redevelopment project does not include the demolition of all existing improvements, only two duplexes located at 931 and 953 Michigan Street. In order to provide enough land area to maximize the existing RM32 zoning, the lot area must be configured in a manner that leaves the existing development on proposed lots compliant with the base zoning district and the Urban Conservation Overlay District. The project is subject to approval by the Historic Resources Commission as outlined in the Oread Design Guidelines. Suitability is subject to a determination by the Historic Resources Board.

Staff Finding – By vacating right-of-way and rezoning back to a platted lot line the district boundary is easier to administer. Given the proposed infill/redevelopment for this area, and assuming the approval of the Historic Resources Commission, the proposed zoning change is suitable

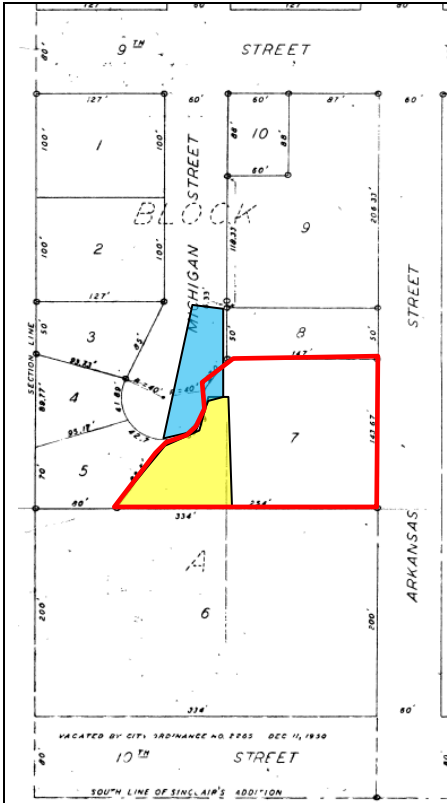


Figure 7: Sinclair's Addition – Lot 7 outlined in red.

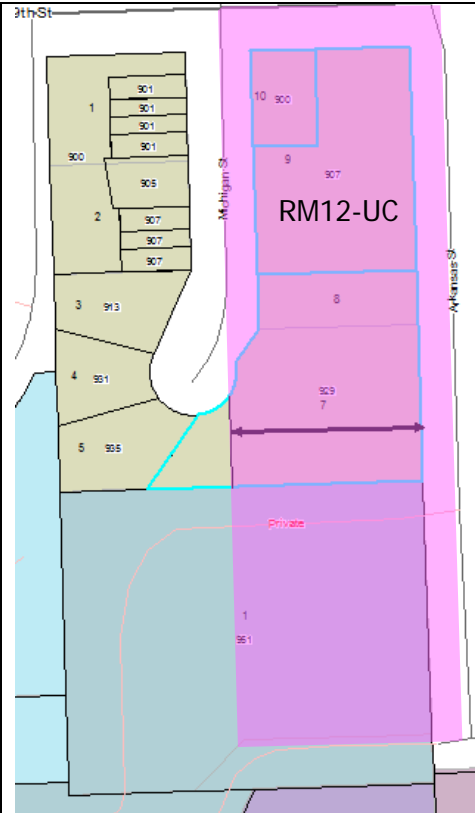


Figure 8: Existing RM12-UC District

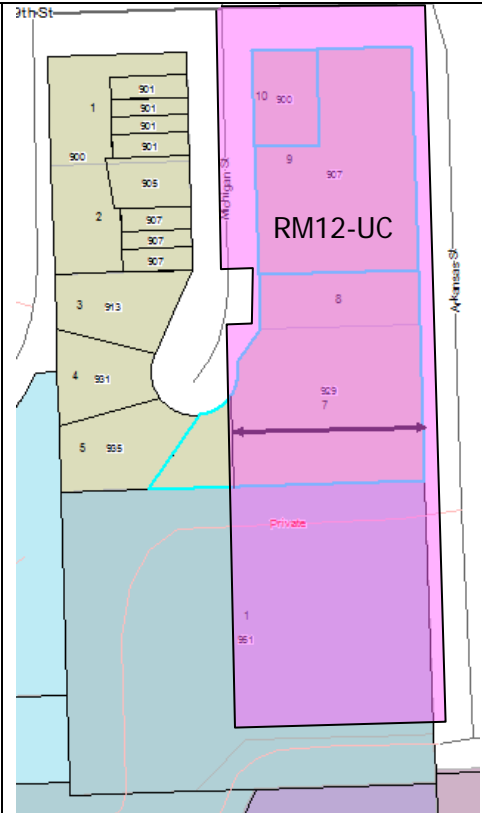


Figure 9: Proposed RM12-UC District

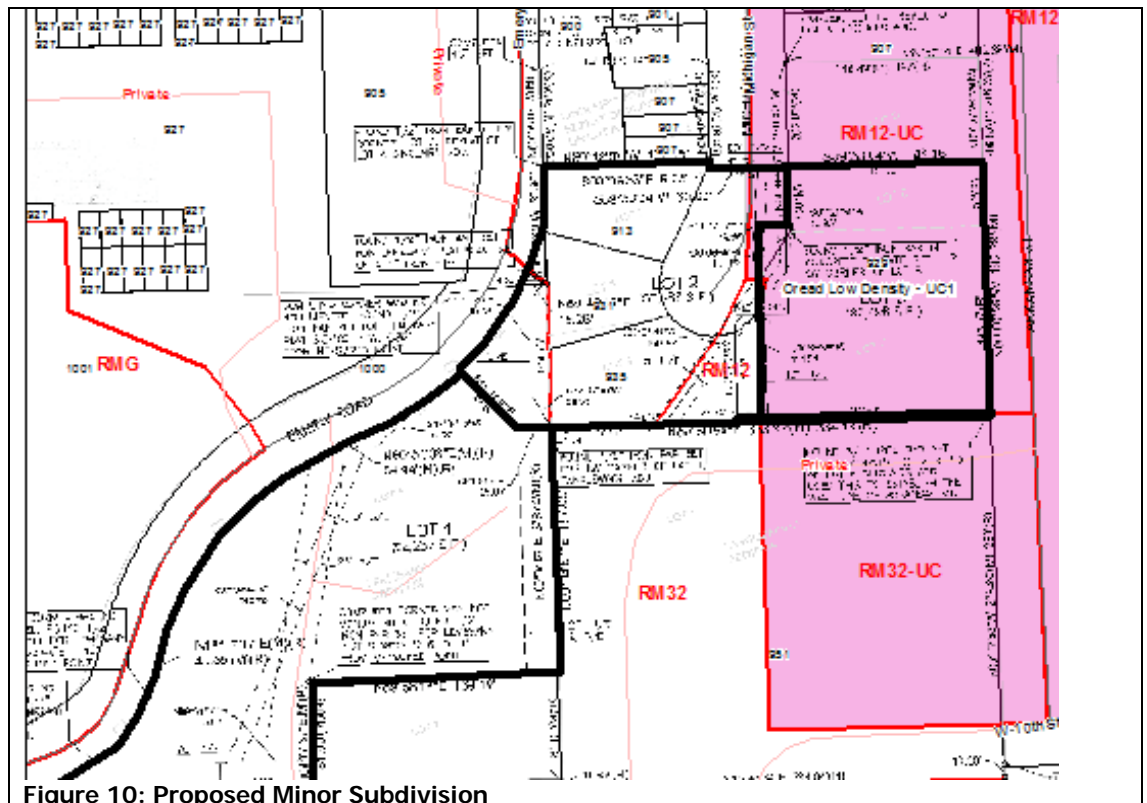
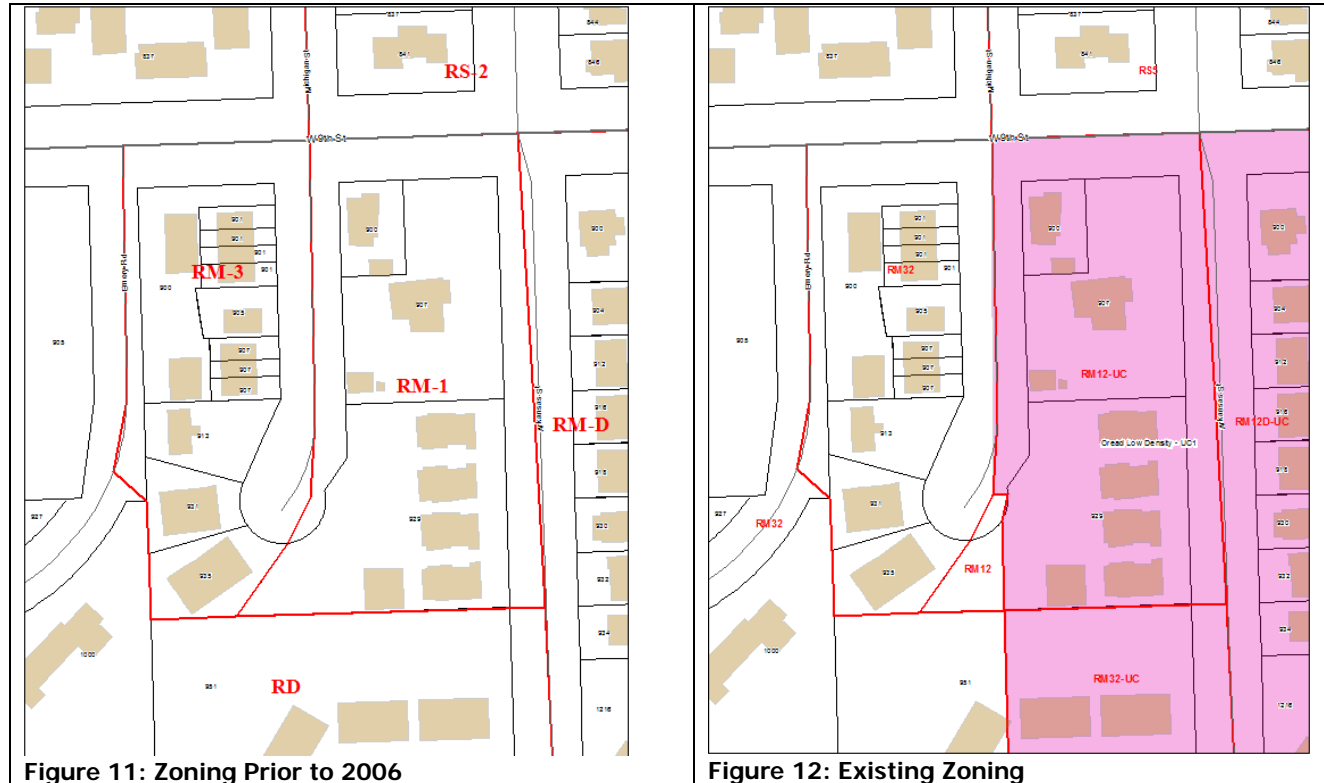


Figure 10: Proposed Minor Subdivision

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

Applicant's Response: *The property is not vacant, just underutilized.*

The property was rezoned in 2006 with the adoption of the Land Development Code. The Urban Conservation District was established by ordinance no. 9212 on December 6, 2016. The Design Guidelines became effective on February 6, 2017.



Staff Finding – The property is not currently vacant and is developed as part of the Michigan Street right-of-way and abutting residential development.

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

Applicant's Response: *Approving the rezoning will only help to improve the area and nearby properties. There will be no detriment to the area.*

Approving this request would rezone .82 acres from RM12 and RM12-UC to RM32, yielding a change in maximum density allowed of 17 units.

The district guidelines do not address changes to the boundary of the neighborhood. The Guidelines do not support consolidating lots for increasing density. In this application. The original Lot 7 is being reduced (not consolidated), and right-of-way in the district is proposed to be vacated and rezoned for the purpose of creating a lot that will accommodate increased density, but outside of the UC District. The project shifts density to the west side of Michigan Street and increases the development density of the new lot on the west side of the street by 17 units over the existing development.

The four existing duplex units that face Arkansas Street will not change other than the rear parking arrangement. The one detached dwelling on the south side and the six-unit building at the north end of the development also will not change. The two duplex buildings (4 units) located on the west side of Michigan Street will be demolished and replaced with a three story 21 unit building. Density is concentrated on the west side of the project. This preserves the existing building and density relationship between the Oread Neighborhood to the east and higher density residential development to the west.

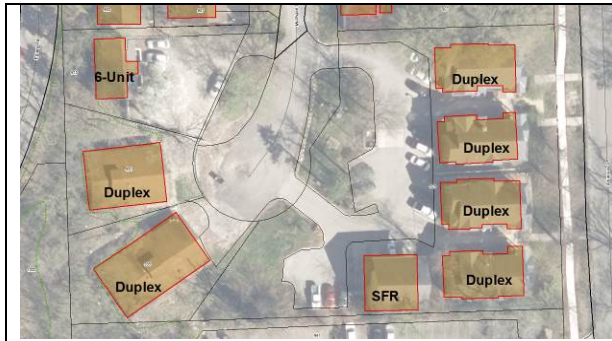


Figure 13: Existing Development

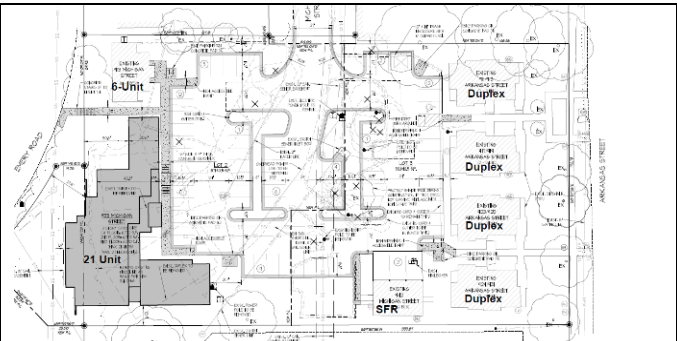


Figure 14: Proposed Development

Some additional traffic will result from the proposed redevelopment, which is more a function of the site plan than the rezoning. Access to the property is only accommodated from Michigan Street. The related site plan proposes to increase off-street parking in the area to accommodate the change in demand for the new development.

Staff Finding – Impacts related to the proposed infill/redevelopment project are mitigated by the orientation of the project that places density to the west side of Michigan Street. A slight increase in traffic is anticipated because of the net increase of 17 new units to the area. The RM32 zoning permits 15 units today if parking is provided. The project will result in an improved parking area for the existing and new residential uses at the south end of Michigan Street. Overall, detrimental impacts related to the increase in density are minor. The project will include reasonable design solutions to traffic.

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: *By approving the rezoning, you will allow the owner to improve the area. The circulation of the parking and the traffic in the cul-de-sac will improve fire access, which is a gain for public health safety, and welfare.*

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

The two existing duplexes, proposed for demolition, are currently vacant and in substandard condition. The development project proposes to redevelop the property based on the available density and provide 21 new units in this same location. Approval of the proposed rezoning facilitates reinvestment in an existing urban area where high-density residential development already exists.

Staff Finding – The proposed request along with the proposed minor subdivision will bring the zoning and platted lot lines into alignment, if approved. These actions support the efficient implementation of the development regulations and reinvestment in an underutilized area.

9. PROFESSIONAL STAFF RECOMMENDATION

This infill/redevelopment request includes multiple processes including zoning, subdivision platting, and site plan approval. Both the City Commission and the Historic Resources Commissions are required to act on various portions of the development request. A key decision of the development application is the determination of the feasibility to assemble enough land area and rezone it to a uniform district to accommodate the density for the proposed project.

The majority of this rezoning request is zoned RM12 and is not located in the Oread Neighborhood Urban Conservation Overlay District. However, that same area is only a portion of a larger platted lot that is located in the Urban Conservation Overlay District. The original neighborhood boundary and zoning district did not follow platted lot lines and resulted in a lot with dual zoning.

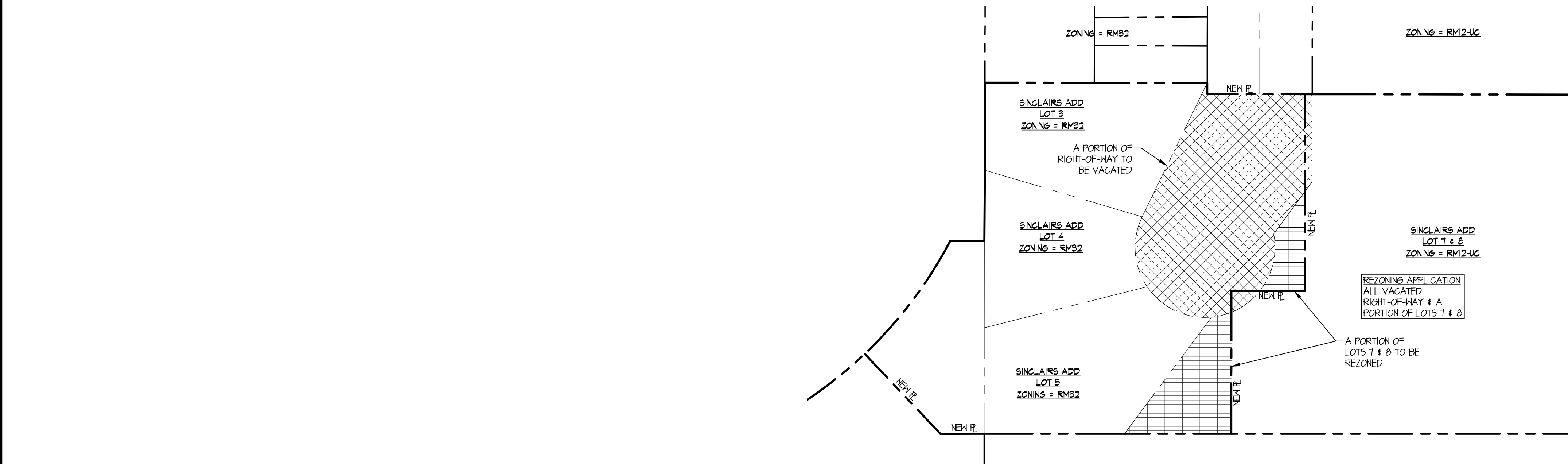
Zoning districts extend to the centerline of public streets. It is preferable that when zoning boundaries follow parcel lines that the entire parcel is located in one uniform district. The development pattern along the east side of Michigan Street is not proposed to be altered by the change in zoning or modifying the platted lot lines. By modifying the zoning boundary and the platted lot lines the property at 929 Arkansas changes density from 11 dwelling units per acre to 12 dwelling units per acre because the overall lot area is reduced. The property will remain zoned RM12-UC. The resulting development will be compliant with the maximum density allowed in the base district.

929 Arkansas Street	
Existing Zoning: RM12 and RM12-UC	Proposed Zoning: RM12-UC
Existing Dwellings: 9	Proposed Dwellings: 9
Existing Lot area: 35,618 SF	Proposed Lot Area: 32,724 SF
Existing Density: 11 DU/Ac	Proposed Density: 12 DU/AC

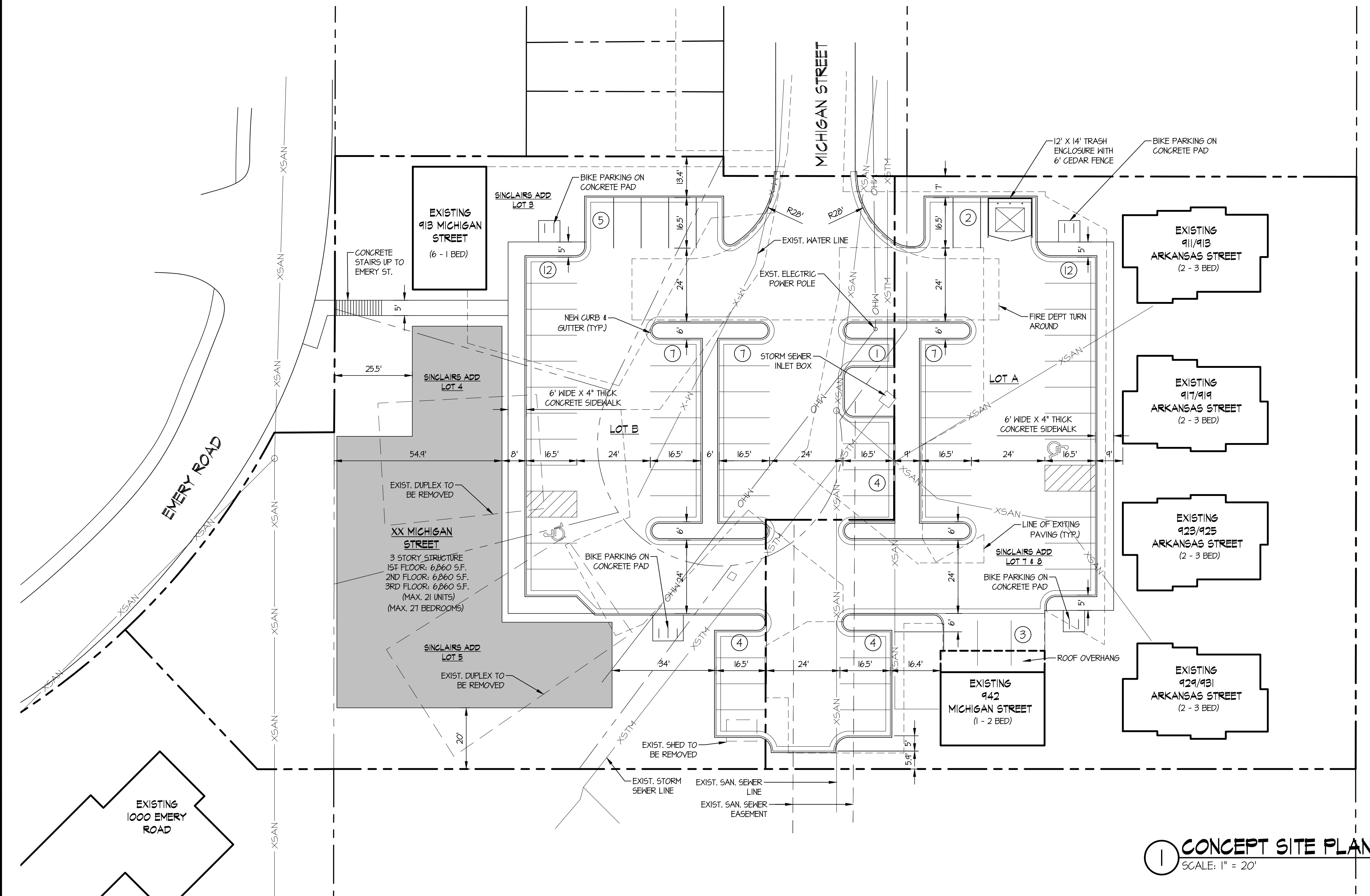
CONCLUSION

Staff recommends approval of the proposed zoning request that rezones area from RM12 and RM12-UC to RM32 .

J:\Projects\2014-000\2014-T20\CAD & CAD PDF\3546\CAD\PRELIMINARY SITE\2014-T20 SP-1 - Site Plan.dwg (SP-1) IIII Plotted on: Jan 22, 2018 - 2:31pm



2 REZONING MAP
SCALE: 1" = 40'



LEGAL DESCRIPTION:

LOT A -

LOT B -

PROJECT SUMMARY:

LOT A		LOT B	
1.1	CURRENT ZONING: RM12-UC	1.1	CURRENT ZONING: RM32
1.2	PREVIOUS USE: MULTI-FAMILY RESIDENTIAL	1.2	PREVIOUS USE: MULTI-FAMILY RESIDENTIAL
1.3	PROPOSED USE: MULTI-FAMILY RESIDENTIAL	1.3	PROPOSED USE: MULTI-FAMILY RESIDENTIAL
1.4	LAND AREA: 32,683 S.F. (0.750 AC.)	1.4	LAND AREA: 37,645 S.F. (0.865 AC.)
1.5	DENSITY ZONED: 12 UNITS PER ACRE; 9 UNITS ALLOWED	1.5	DENSITY ZONED: 32 UNITS PER ACRE; 27 UNITS ALLOWED
1.5	DEVELOPED DENSITY: TOTAL - 9 UNITS (26 BEDS) EXISTING (2) 3 BEDROOM UNITS (1) 2 BEDROOM UNITS	1.5	DEVELOPED DENSITY: TOTAL - 27 UNITS (33 BEDS) EXISTING (6) 1 BEDROOM UNITS PROPOSED MAXIMUM - 21 UNITS MAXIMUM - 21 BEDROOMS

GENERAL NOTES:

- ALL LIGHTS WILL BE LESS THAN 150 WATT
- PLAN FOR CITY APPROVAL ONLY CONSTRUCTION DOCUMENTS TO BE FURNISHED AT THE REQUEST OF OWNER.
- ALL TRAFFIC CONTROL SIGNS PLACED ON PRIVATE PROPERTY OPEN TO THE GENERAL PUBLIC SHALL COMPLY WITH THE "MANUAL ON UNIFORMS TRAFFIC CONTROL DEVICES" AND "STANDARD HIGHWAY SIGNS" PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION, WITH RESPECT TO SIZE, SHAPE, COLOR, RETROREFLECTIVITY, AND POSITION.
- SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE MINIMUM PROVISIONS OF THE FINAL FAIR HOUSING ACCESSIBILITY GUIDELINES, 24 CFR, CHAPTER I, SUBCHAPTER A, APPENDIX II, OF THE FAIR HOUSING ACT OF 1968, AS AMENDED.
- PROPERTY BOUNDARY AND SANITARY SEWER SURVEYED BY BG CONSULTING IN JANUARY 2018
- TRASH FOR LOT B WILL USE DUMPSTER AT LOT A.
- A CITY TEMPORARY USE OF RIGHT-OF-WAY PER IS REQUIRED PRIOR TO ANY CONSTRUCTION IN THE RIGHT-OF-WAY.

PARKING INFORMATION:

LOT A

- 4.1 PARKING REQUIRED: 1 PER BEDROOM (26 BEDROOMS) + 1 PER 10 UNITS = 27 SPACES

4.2	TYPE: REGULAR ACCESSIBLE	REQUIRED: 26 1	PROVIDED: 27 1
	TOTAL:	27	28

BICYCLE 1 PER 4 BEDROOMS 7 8 SPACES

- 4.3 THE CONCRETE PARKING AREA WILL BE IN COMPLIANCE WITH SURFACING STANDARDS IN 20-413(e).

LOT B

- 4.1 PARKING REQUIRED: 1 PER BEDROOM (33 BEDROOMS) + 1 PER 10 UNITS = 36 SPACES

4.2	TYPE: REGULAR ACCESSIBLE	REQUIRED: 35 1	PROVIDED: 34 1
	TOTAL:	36	40

BICYCLE 1 PER 4 BEDROOMS 9 10 SPACES

- 4.3 THE CONCRETE PARKING AREA WILL BE IN COMPLIANCE WITH SURFACING STANDARDS IN 20-413(e).

RELEASES

- 1.0 CONCEPT SITE PLAN

paulwerner
ARCHITECTS

123 W. 8th STREET
SUITE B2
LAWRENCE, KS 66044

OFFICE: 785.832.0804
FAX: 785.832.0890

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WERNER ARCHITECTS, L.L.C.

935 MICHIGAN

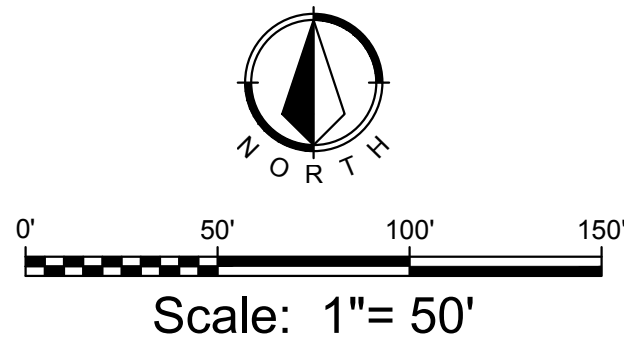
935 MICHIGAN
LAWRENCE, KANSAS

PROJECT # 214-T20
JANUARY 2017

RELEASE: 1.0 DATE: 01.22.18

PLANNING DOCUMENT
NOT FOR CONSTRUCTION

SP-1



SINCLAIR'S ADDITION NO. 2

A REPLAT OF LOTS 3, 4, 5, 7 & 8, REPLAT OF BLOCK A OR LOT A OF SINCLAIRS ADDITION AND LOT A, LEMESANY ADDITION, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

DESCRIPTION

LOTS 3, 4, 5, 7 & 8, REPLAT OF BLOCK A OR LOT A OF SINCLAIRS ADDITION TO THE CITY OF LAWRENCE AND LOT A OF LEMESANY ADDITION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

GENERAL NOTES

- THE BEARINGS HEREON ARE ASSUMED.
- FURTHER DIVISION OR CONSOLIDATION OF ANY LOTS CONTAINED IN THIS MINOR SUBDIVISION/REPLAT IS PROHIBITED, AND SHALL BE PROCESSED AS MAJOR SUBDIVISIONS, UNLESS THE ACTION MEETS THE EXCEPTION NOTED IN SECTION 20-808(c)(5)(i).
- THE CITY IS HEREBY GRANTED A TEMPORARY RIGHT OF ENTRY TO PLANT THE REQUIRED STREET TREES PURSUANT TO SECTION 20-811(g) OF THE SUBDIVISION REGULATIONS.
- THE LOTS WILL BE PINNED PER SECTION 20-811(k) OF THE SUBDIVISION REGULATIONS.
- THE DRAINAGE EASEMENT (D/E) WILL REMAIN FREE OF ANY NATURAL OR NON-NATURAL STRUCTURES OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHRUBBERY, BERMS, FENCES AND WALLS).

FLOODPLAIN DATA

THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM), MAP NUMBER 20045C0159D, EFFECTIVE DATE AUGUST 5, 2010.

STREET TREES

STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE DOUGLAS COUNTY REGISTER OF DEEDS. BOOK _____, PAGE _____.

DEDICATION

BE IT KNOWN TO ALL MEN THAT I, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED PROPERTY, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED AS A MINOR SUBDIVISION UNDER THE NAME OF "SINCLAIR'S ADDITION NO. 2" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOT(S) AS SHOWN AND FULLY DEFINED ON THIS PLAT.

KIRSTEN K. KRUG

ROBIN L. KRUG

DOUGLAS COMPTON, OWNER
DJC HOLDINGS LLC

NOTARY CERTIFICATE:

(STATE OF KANSAS)
(COUNTY OF DOUGLAS) SS:

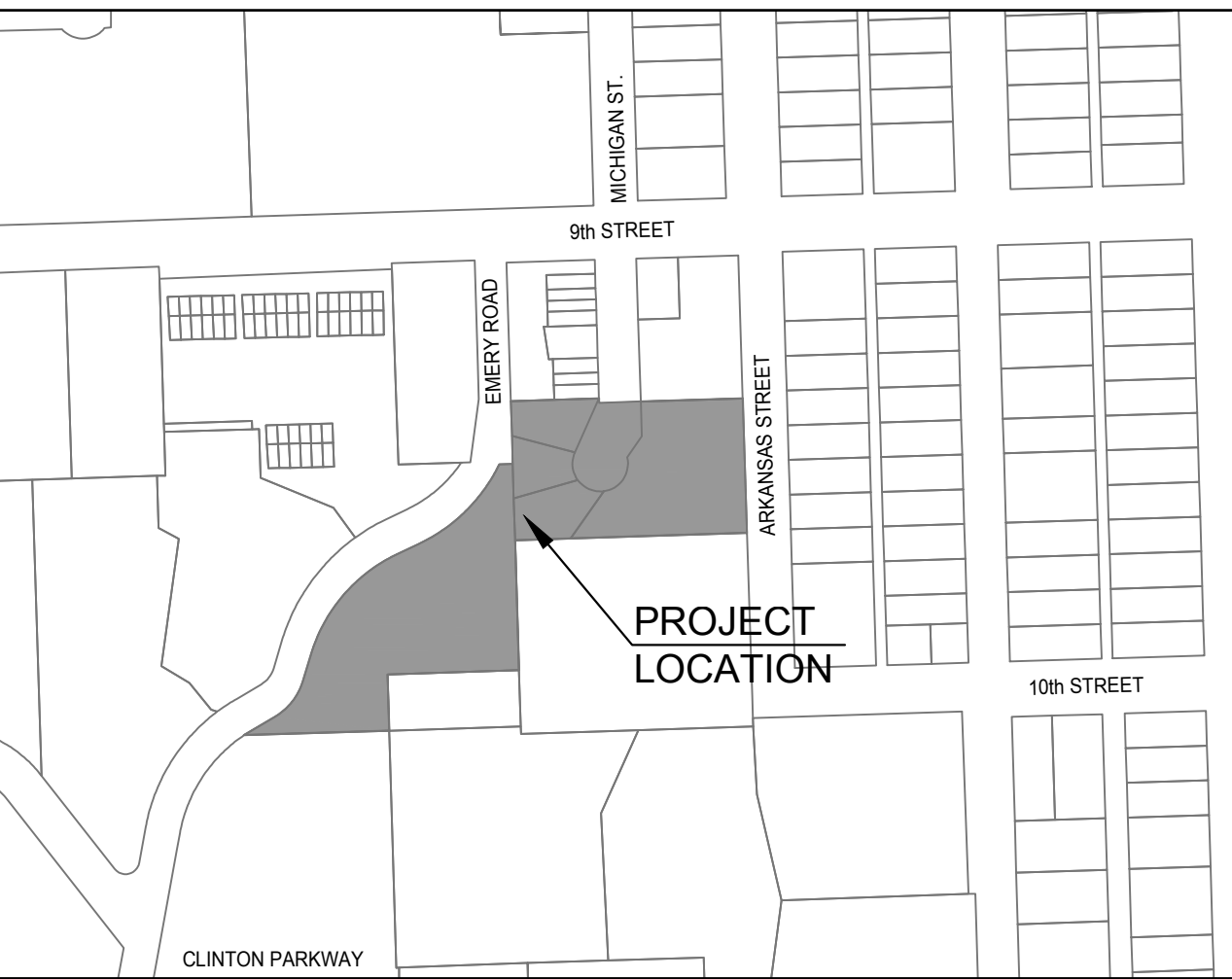
I, JESSICA HERMESCH, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT KIRSTEN K. KRUG AND ROBIN L. KRUG, IS(ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHOSE NAME(S) SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNER(S), APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION AND DELIVERY OF THIS PLAT AS A FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH, GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS ____ DAY OF ____, A.D., 20____, MY COMMISSION EXPIRES APRIL 8, 2018.

NOTARY PUBLIC

(STATE OF KANSAS)
(COUNTY OF DOUGLAS) SS:

I, JESSICA HERMESCH, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT DOUGLAS COMPTON, OWNER, DJC HOLDINGS LLC, IS(ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHOSE NAME(S) SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNER(S), APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION AND DELIVERY OF THIS PLAT AS A FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH, GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS ____ DAY OF ____, A.D., 20____, MY COMMISSION EXPIRES APRIL 8, 2018.

NOTARY PUBLIC



LOCATION MAP

SURVEYOR'S CERTIFICATE:

(STATE OF KANSAS)
(COUNTY OF DOUGLAS) SS:

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR IN THE STATE OF KANSAS WITH EXPERIENCE AND PROFICIENCY IN LAND SURVEYING, THAT THE HERETOFORE DESCRIBED PROPERTY WAS SURVEYED AND SUBDIVIDED BY ME, OR UNDER MY SUPERVISION, THAT ALL SUBDIVISION REGULATIONS OF DOUGLAS COUNTY, KANSAS, HAVE BEEN COMPLIED WITH IN THE PREPARATION OF THIS PLAT, THAT THIS SURVEY CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS, AND THAT ALL THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE FIELD WORK WAS COMPLETED JANUARY 2018.

BY: ALBERT R. DIEBALL, P.S., #758

BG CONSULTANTS, INC.
1405 WAKARUSA DRIVE
LAWRENCE, KANSAS 66049
(785) 749-4474



PLANNING DIRECTOR

APPROVED AS A MINOR SUBDIVISION UNDER THE SUBDIVISION REGULATIONS OF THE CITY OF LAWRENCE AND THE UNINCORPORATED AREA OF DOUGLAS COUNTY.

SCOTT McCULLOUGH
PLANNING DIRECTOR

DATE

COUNTY SURVEYOR

REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005.

KEVIN R. SONTAG, P.S. #1640
DOUGLAS COUNTY SURVEYOR

DATE

LEGEND

- SET 1/2" x 24" IRON BAR WITH PLASTIC CAP MARKED "BG CONS PS 758"
- FOUND MONUMENT AS NOTED
- (M) MEASURED
- (R) RECORDED

CERTIFICATE OF THE REGISTER OF DEEDS:

(STATE OF KANSAS)
(COUNTY OF DOUGLAS) SS:

THIS INSTRUMENT WAS FILED FOR RECORD, ON THE ____ DAY OF ____, A.D., 2018 AT ____ O'CLOCK ____, M., AND DULY RECORDED IN BOOK ____ ON PAGE ____.

KAY PESNELL, REGISTER OF DEEDS

SINCLAIR'S ADDITION NO. 2

A REPLAT OF LOTS 3, 4, 5, 7 & 8, REPLAT OF BLOCK A OR LOT A OF SINCLAIRS ADDITION AND LOT A, LEMESANY ADDITION, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

MINOR SUBDIVISION



Project No. 18-1120L
Date: Feb. 1, 2018
Revised: Mar. 19, 2018

SHEET NO.

1



Z-18-00024: Consider a request to rezone approximately .82 acres from RM12 (Multi-Dwelling Residential) District to RM32 (Multi-Dwelling Residential) District, located at 929 Arkansas St.



Memorandum

City of Lawrence

Planning & Development Services

TO: Planning Commission

FROM: Planning Staff

CC: Scott McCullough, Planning and Development Services Director

Date: March 28, 2018

RE: **Item No. 1B: MS-18-00046:** Consider a variance from the right-of-way width and for terminating Michigan Street without a cul-de-sac for a Minor Subdivision (lot combination) for Sinclair's Addition No. 2, located at 929 Arkansas, 913, 931, 935 Michigan Street and 1000 Emery Road. Submitted by BG Consultants, on behalf of DJC Holdings LLC, Kirsten & Robin Krug, property owner of record.

Variances requested:

1. Reduction of Right-Of-Way for Emery Road, a local street from 60' variable (50').
2. Terminating a street in a dead-end without a cul-de-sac

Attachments: Minor Subdivision MS-18-00046
Proposed Site Plan

This request is associated with a request to rezone property and to reconfigure lots, as part of a minor subdivision, to facilitate infill/redevelopment of property along Michigan Street. Minor Subdivisions are processed administratively; however, Planning Commission approval is required for variances from the Subdivision Design Standards. The Minor Subdivision (MS-18-00046) is under review but is included with this memo for context with the variance request. The City Commission, at a future meeting, will consider the vacation of right-of-way and dedications of easements as shown on the attached drawing. No other Planning Commission action related to the proposed Minor Subdivision is required.

The Subdivision Regulations state that an applicant may request a variance from the Design Standards in the Regulations in accordance with the variance procedures outlined in Section 20-813(g). This memo provides background information on the variance request and evaluates the request for compliance with the approval criteria.

1. **VARIANCE:** Reduction in the width of right-of-way from 60' as required for a local street (Emery Road) per Section 20-810 (e)(5) of the Subdivision Regulations to allow for the reconfiguration of lots and to redistribute land area between lots for redevelopment.

2. **VARIANCE:** Terminate Michigan Street in a dead-end with the provision of access easement in lieu of public right-of-way per section 20-810 (e)(2) to allow for the consolidation of lots, vacation of right-of-way, and the reconfiguration of lots to redistribute land area between lots for redevelopment.

BACKGROUND:

The Land Development Code requires a 60' local street right-of-way width. This standard was not changed with the adoption of the Land Development Code. This property is located south of W. 9th Street. A portion of the development request is located within the Oread Neighborhood.

The lot located at 1000 Emery Road (proposed Lot 1, Sinclair's Addition No. 2), was platted in 1988 with only 50' of right-of-way. Emery Road existed prior to 1954. The area developed along Emery Road between the 1950's and 1990's. No additional right-of-way was acquired at that time. The development pattern along Emery Road is well established. There are no plans to widen the existing street.

The 900 block of Emery Road jogs to the east making a short section about 65' wide. The applicant proposes no additional dedication of right-of-way, keeping the ROW width at 50'. A related request, made by the applicant, is for a small vacation of a portion of Emery Road that follows the east curb line.

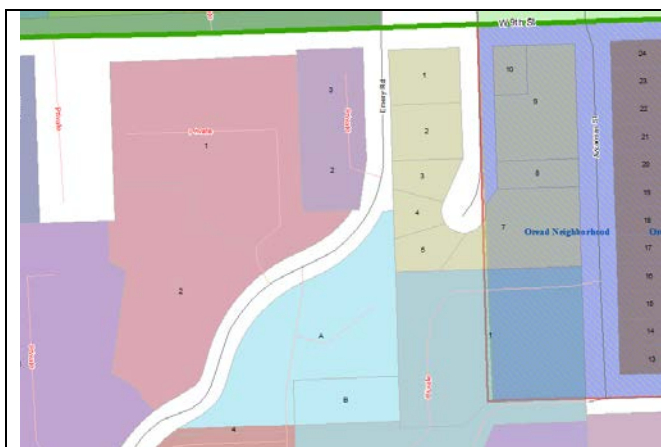


Figure 1: Emery Road and Michigan Street Right-Of-Way.

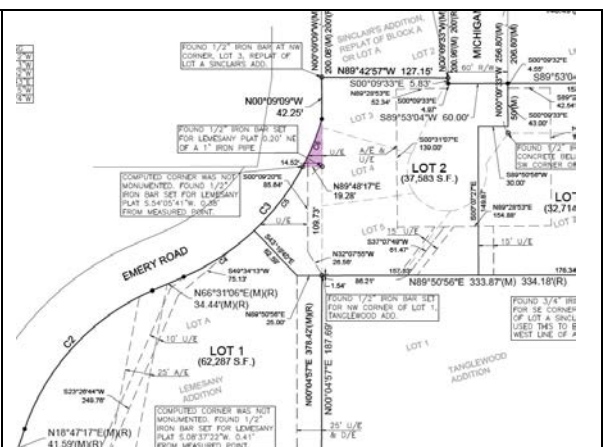


Figure 2: Emery Road Vacation of Right-Of-Way – highlighted in purple.

The City Engineer has reviewed the request to vacate the portion of Emery Road that is parallel to the east curb line. There are no plans to widen the road at this time. Future improvements for sidewalk could require dedication of additional pedestrian easement. The City Engineer was not opposed to the vacation of the Emery Road right-of-way.

The proposed redevelopment includes the vacation of a portion of Michigan Street. Michigan Street currently terminates in a non-standard cul-de-sac. The existing street is in poor condition. Section 20-810 (e) requires streets to be extended to property lines of adjoining property for connectivity. Exceptions for terminating streets in a cul-de-sac are provided by code when environmental features dictate the design such as topography. Section 20-810 (e)(2)(iv) requires that subdivisions with a single access must comply with adopted International Fire Code requirements. Terminating a street in a cul-de-sac provides a public

space for vehicles to access and turn-around within public right-of-way. The current design standard of a cul-de-sac is 120' of right-of-way for a 78' diameter paved turn around.

The applicant proposes the dedication of an access and utility easements that covers the access and interior drives to provide vehicular access, turn around functions, and municipal services access as part of the Minor Subdivision. This design is offered in lieu of the dedication of and construction of a standard cul-de-sac.

REVIEW CRITERIA:

Criteria 1: Strict application of these regulations will create an unnecessary hardship upon the subdivider.

This property is part of a proposed infill/redevelopment project. Strict application of the regulations would limit the developer's ability to redevelop the property consistent with the existing development pattern in the immediate area and addresses blighted conditions.

STAFF FINDING: Approval of the reduced right-of-way width for Emery Road is consistent with the development pattern between W. 9th Street and Sigma Nu Place. There are no other development applications proposed along Emery Road. This segment of the street is established with a high-density residential pattern.

Approval of the variance to terminate Michigan Street in a code compliant cu-de-sac would reduce the area allowed to redevelop. The estimated lot depth, with a cul-de-sac, is approximate 89'. To meet minimum building setbacks for residential development (25' front yard setback, 25' rear yard setback for double frontage lots) with a 78' paved cul-de-sac the remaining lot depth is not sufficient to efficiently redevelop the property given the public improvements required (cost of construction of cul-de-sac).

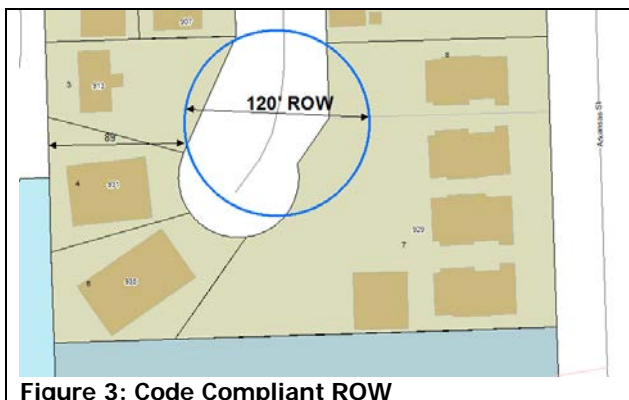


Figure 3: Code Compliant ROW

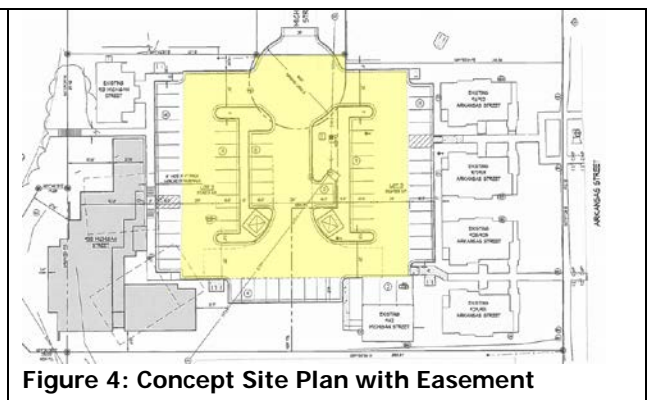


Figure 4: Concept Site Plan with Easement

Criteria 2: The proposed variance is in harmony with the intended purpose of these regulations.

The intent of this minor subdivision is to reconfigure lots and vacated right-of-way for infill/redevelopment purposes. The variance request, related to Emery Road, is of a technical nature since it is an existing condition of the street network and not proposed to be altered. The request to terminate Michigan Street, in a dead-end, is integral to the ability to redevelop the property as an infill project. Without additional land area, only a limited density can be achieved.

Section 20-810(e) provides general design criteria for streets. All subdivisions are required to extend streets to adjoining lands. Subsection (2)(2)(vi) states, "*Streets longer than one lot that terminate at the property boundaries of undeveloped land shall provide an improved temporary turn-around*". The proposed redevelopment area is located within an existing developed area. This infill project will not result in any new street connections. The remaining segment of Michigan Street south of W. 9th Street is approximately 200' long. The minimum lot width in the RM32 District (west side of Michigan Street) is 50'. The minimum lot width in the RM12 District (east side of Michigan Street) is 60'. The west side of Michigan Street is developed with one detached residence and multiple multi-dwelling residences. The east side of Michigan Street is developed with two detached dwellings, excluding buildings included in the development application.

Access to the detached residences from Michigan Street is taken from alley since the structures face W. 9th Street and Arkansas Street. Deliveries and public access to the buildings would be from streets other than Michigan Street. Structures located on the west side of Michigan Street take access from both Michigan Street and Emery Road. The development pattern of the street, excluding the buildings included in the redevelopment request, is a mix of both high and very low density. The short length of the street limits the vehicular activity.

A cul-de-sac provides the ability for vehicles to access and turn around within public right-of-way and not use private property. The applicant proposes the dedication of an access and utility easement in lieu of right-of-way.

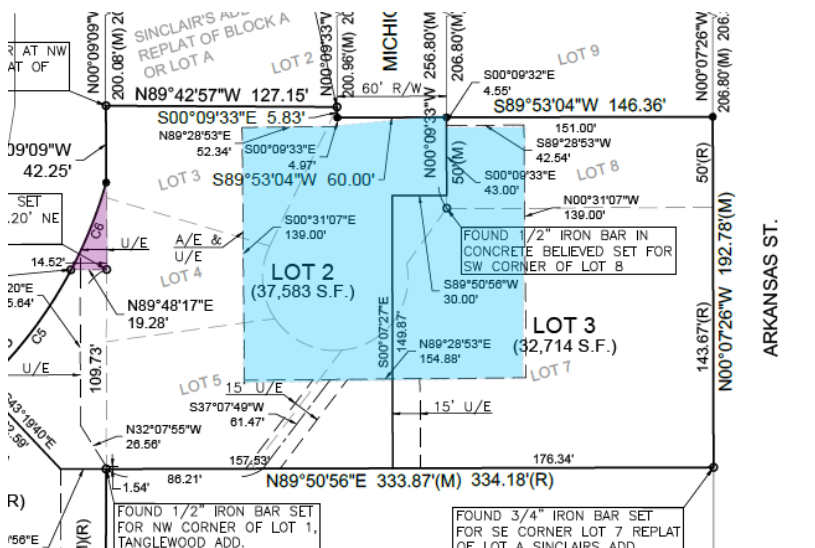


Figure 5: Easement In Lieu Of ROW

The proposed dedication of easement is larger than what would be required as right-of-way. It provides the ability for vehicle access and turnaround as needed for the safety and convenience of the public, City services and fire access.

Per Section 20-801(a) of the Subdivision Regulations, the purpose of the regulations is to ensure that the division of land will serve the public interest and general welfare. The regulations are intended to: *..Provide for the harmonious and orderly development of land within the City by making provisions for adequate open space, continuity of the transportation*

network, recreation areas, drainage, utilities and related easements, light and air, and other public needs."

The property included in the Minor Subdivision is being reconfigured to create a lot for the purpose of redevelopment/infill. The land combination will not alter the established street network in this area.

STAFF FINDING: Granting this requested variance from the required right-of-way is not opposed to the purpose and intent of the regulations. Dedication of public access/easement to accommodate a reasonable vehicular access and turning movement is consistent with the intent to provide a subdivision that provides connectivity to the public street network and facilitates the efficient use of land.

Criteria 3: The public health, safety, and welfare will be protected.

The Minor Subdivision and related site plan are in process. The variance related to Emery Road recognizes an existing condition of the established development pattern. There are no changes proposed to the configuration or alignment of Emery Road.

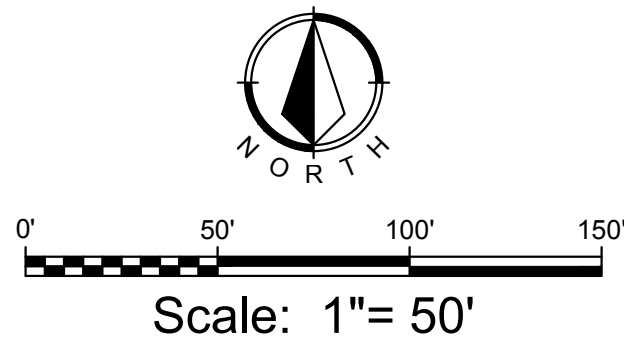
The significant concern for this application, created by to the vacation of Michigan Street and the design to terminate the street in a dead-end, is the effect on the the ability of the public to access the area and be provided with a reasonable way to turn around since there is only one outlet. Additionally, access for public services such as solid waste and emergency access must be considered. The proposed application shows an exchange of public right-of-way for an access easement and public improvements that assure that vehicles can access and can adequately maneuver through the site in a safe and efficient manner.

STAFF FINDING: Granting this requested variance from the required right-of-way will not harm the public health, safety, or welfare. These public aspirations will continue to be protected though the site development process.

The provision of easement in lieu of the dedication of a code compliant cul-de-sac is a reasonable alternative for this infill project given the size of the land the applicant is redeveloping. This project is subject to the approval of the City Commission acceptance of the proposed vacations of right-of-way and dedications of easements including the access easement as show on the Minor Subdivision.

STAFF RECOMMENDATION

Approval of the variance requested for a Minor Subdivision, MS-18-00046, to reduce the right-of-way, required per Section 20-810(a)(5) for a local street, from 60' to 50' and to approve the variance to terminate Michigan Street in a dead-end in accordance with the provisions per section 20-813(g) of the Land Development Code for property located at at 929 Arkansas, 913, 931, 935 Michigan Street and 1000 Emery Road.



SINCLAIR'S ADDITION NO. 2

A REPLAT OF LOTS 3, 4, 5, 7 & 8, REPLAT OF BLOCK A OR LOT A OF SINCLAIRS ADDITION AND LOT A, LEMESANY ADDITION, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

DESCRIPTION

LOTS 3, 4, 5, 7 & 8, REPLAT OF BLOCK A OR LOT A OF SINCLAIRS ADDITION TO THE CITY OF LAWRENCE AND LOT A OF LEMESANY ADDITION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

GENERAL NOTES

- THE BEARINGS HEREON ARE ASSUMED.
- FURTHER DIVISION OR CONSOLIDATION OF ANY LOTS CONTAINED IN THIS MINOR SUBDIVISION/REPLAT IS PROHIBITED, AND SHALL BE PROCESSED AS MAJOR SUBDIVISIONS, UNLESS THE ACTION MEETS THE EXCEPTION NOTED IN SECTION 20-808(c)(5)(i).
- THE CITY IS HEREBY GRANTED A TEMPORARY RIGHT OF ENTRY TO PLANT THE REQUIRED STREET TREES PURSUANT TO SECTION 20-811(g) OF THE SUBDIVISION REGULATIONS.
- THE LOTS WILL BE PINNED PER SECTION 20-811(k) OF THE SUBDIVISION REGULATIONS.
- THE DRAINAGE EASEMENT (D/E) WILL REMAIN FREE OF ANY NATURAL OR NON-NATURAL STRUCTURES OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHRUBBERY, BERMS, FENCES AND WALLS).

FLOODPLAIN DATA

THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM), MAP NUMBER 20045C0159D, EFFECTIVE DATE AUGUST 5, 2010.

STREET TREES

STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE DOUGLAS COUNTY REGISTER OF DEEDS. BOOK _____, PAGE _____.

DEDICATION

BE IT KNOWN TO ALL MEN THAT I, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED PROPERTY, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED AS A MINOR SUBDIVISION UNDER THE NAME OF "SINCLAIR'S ADDITION NO. 2" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOT(S) AS SHOWN AND FULLY DEFINED ON THIS PLAT.

KIRSTEN K. KRUG

ROBIN L. KRUG

DOUGLAS COMPTON, OWNER
DJC HOLDINGS LLC

NOTARY CERTIFICATE:

(STATE OF KANSAS)
(COUNTY OF DOUGLAS) SS:

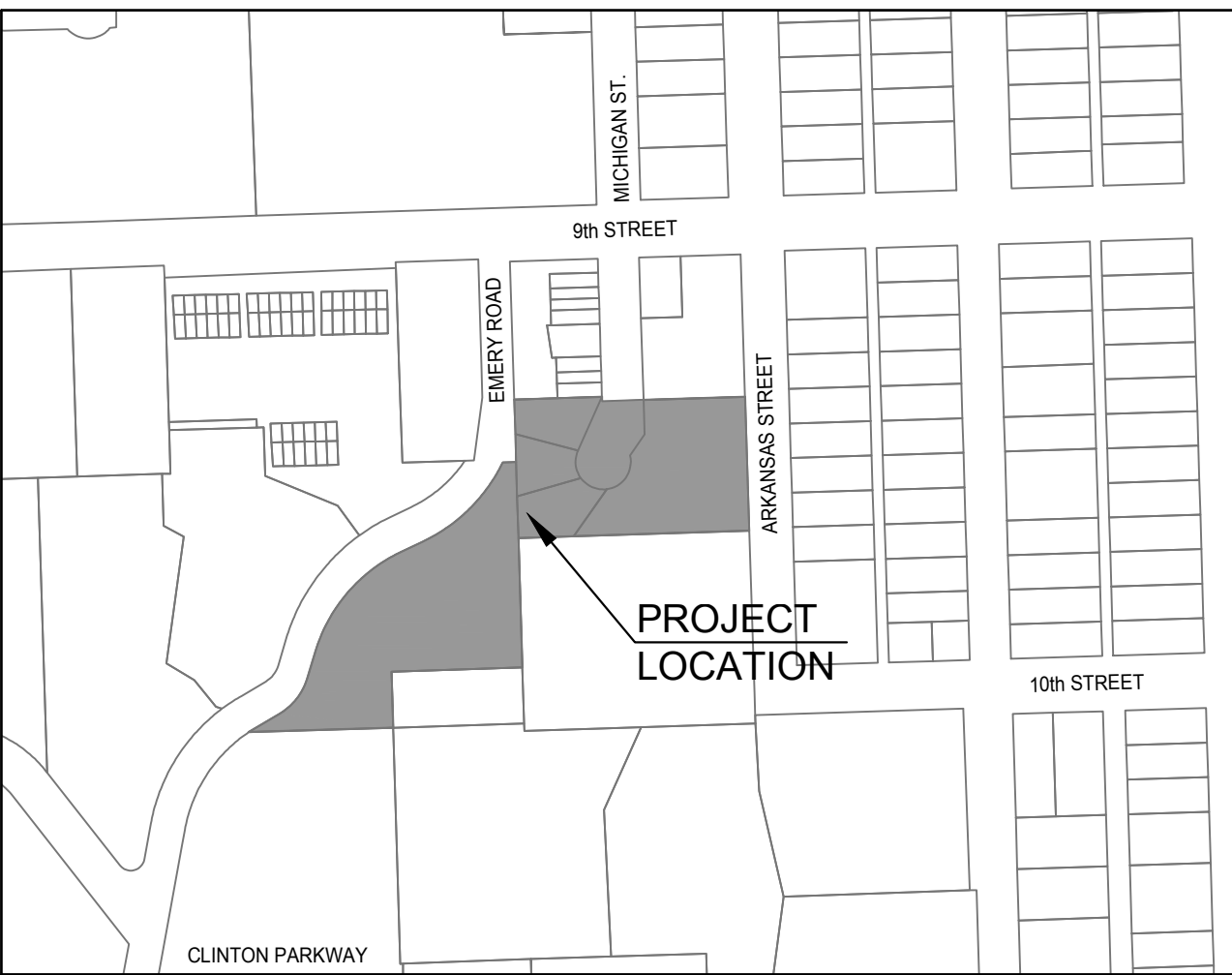
I, JESSICA HERMESCH, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT KIRSTEN K. KRUG AND ROBIN L. KRUG, IS(ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHOSE NAME(S) SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNER(S), APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION AND DELIVERY OF THIS PLAT AS A FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH, GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS ____ DAY OF ____, A.D., 20____, MY COMMISSION EXPIRES APRIL 8, 2018.

NOTARY PUBLIC

(STATE OF KANSAS)
(COUNTY OF DOUGLAS) SS:

I, JESSICA HERMESCH, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT DOUGLAS COMPTON, OWNER, DJC HOLDINGS LLC, IS(ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHOSE NAME(S) SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNER(S), APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION AND DELIVERY OF THIS PLAT AS A FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH, GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS ____ DAY OF ____, A.D., 20____, MY COMMISSION EXPIRES APRIL 8, 2018.

NOTARY PUBLIC



LOCATION MAP

SURVEYOR'S CERTIFICATE:

(STATE OF KANSAS)
(COUNTY OF DOUGLAS) SS:

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR IN THE STATE OF KANSAS WITH EXPERIENCE AND PROFICIENCY IN LAND SURVEYING, THAT THE HERETOFORE DESCRIBED PROPERTY WAS SURVEYED AND SUBDIVIDED BY ME, OR UNDER MY SUPERVISION, THAT ALL SUBDIVISION REGULATIONS OF DOUGLAS COUNTY, KANSAS, HAVE BEEN COMPLIED WITH IN THE PREPARATION OF THIS PLAT, THAT THIS SURVEY CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS, AND THAT ALL THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE FIELD WORK WAS COMPLETED JANUARY 2018.

BY: ALBERT R. DIEBALL, P.S., #758

BG CONSULTANTS, INC.
1405 WAKARUSA DRIVE
LAWRENCE, KANSAS 66049
(785) 749-4474



PLANNING DIRECTOR

APPROVED AS A MINOR SUBDIVISION UNDER THE SUBDIVISION REGULATIONS OF THE CITY OF LAWRENCE AND THE UNINCORPORATED AREA OF DOUGLAS COUNTY.

SCOTT McCULLOUGH
PLANNING DIRECTOR

DATE

COUNTY SURVEYOR

REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005.

KEVIN R. SONTAG, P.S. #1640
DOUGLAS COUNTY SURVEYOR

DATE

LEGEND

- SET 1/2" x 24" IRON BAR WITH PLASTIC CAP MARKED "BG CONS PS 758"
- FOUND MONUMENT AS NOTED
- (M) MEASURED
- (R) RECORDED

CERTIFICATE OF THE REGISTER OF DEEDS:

(STATE OF KANSAS)
(COUNTY OF DOUGLAS) SS:

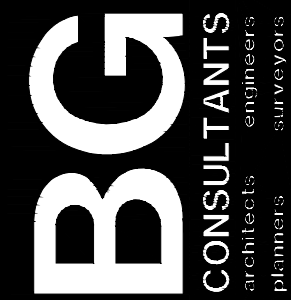
THIS INSTRUMENT WAS FILED FOR RECORD, ON THE ____ DAY OF ____ A.D., 2018 AT ____ O'CLOCK ____ M., AND DULY RECORDED IN BOOK ____ ON PAGE ____.

KAY PESNELL, REGISTER OF DEEDS

SINCLAIR'S ADDITION NO. 2

A REPLAT OF LOTS 3, 4, 5, 7 & 8, REPLAT OF BLOCK A OR LOT A OF SINCLAIRS ADDITION AND LOT A, LEMESANY ADDITION, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

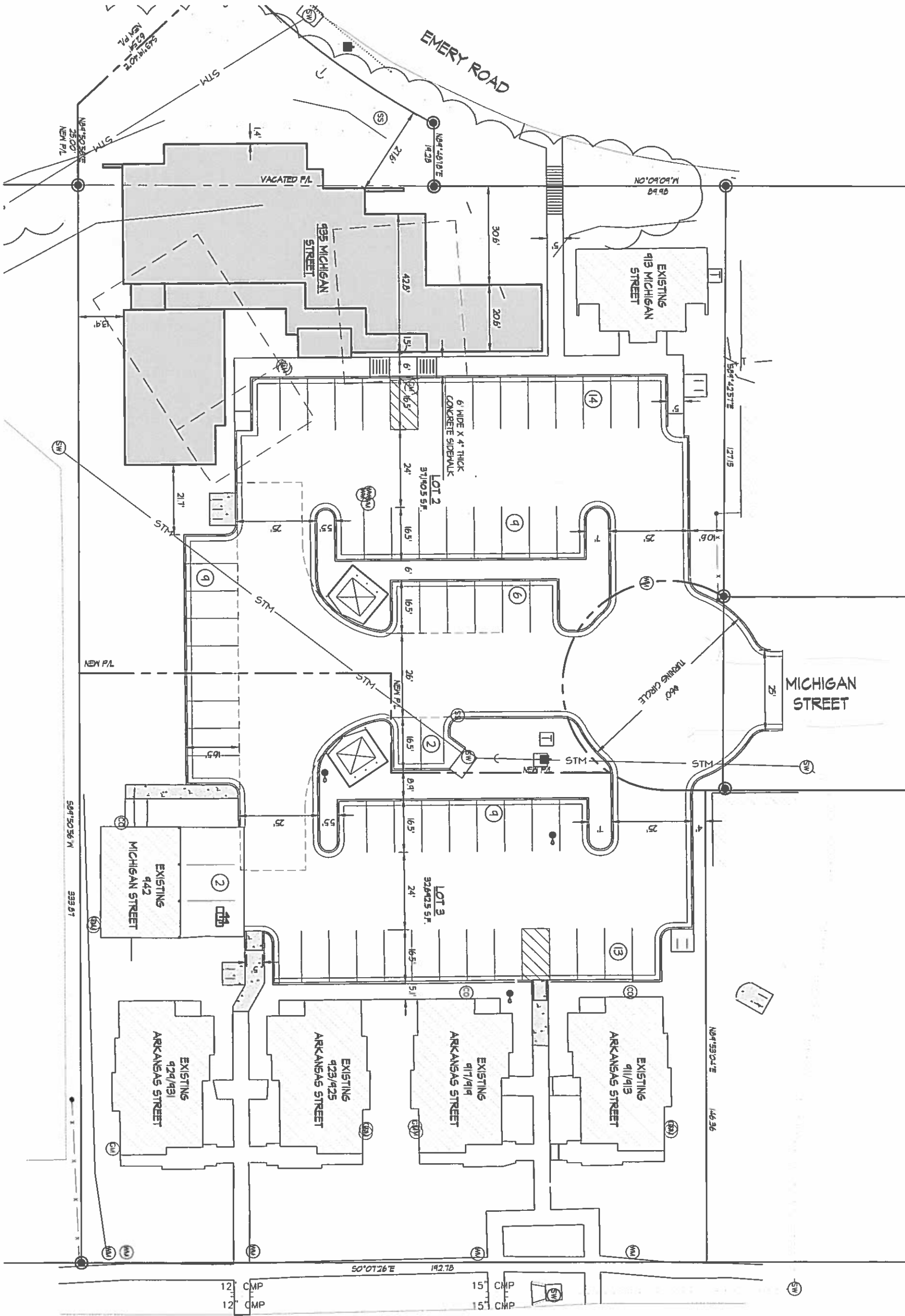
MINOR SUBDIVISION



Project No. 18-1120L
Date: Feb. 1, 2018
Revised: Mar. 19, 2018

SHEET NO.

1



ARKANSAS STREET

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
03/28/2018

ITEM NO. 2 PUD (Alvamar Planned Unit Development) District TO RM15 (Multi-Dwelling Residential Office) District; 6.49 Acres located at 2111 Kasold Drive (SLD)

Z-18-00023: Consider a request to rezone approximately 6.49 acres from PUD/UPR (Planned Unit Development) District to RM15 (Multi-Dwelling Residential) District, located at 2111 Kasold Dr. Submitted by Paul Werner Architects, for Quail Creek LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 6.49, from PUD/UPR (Planned Unit Development) to RM15 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *This address was included in the original PUD for Almvarmar. This makes it cumbersome for our client to modify anything on the site, or make any improvements. An updated site plan would be advantageous to the owner, as well as the City. In order to update the site plan, the rezoning has to first be approved.*

KEY POINTS

- Parcel is located within original Alvamar Planned Unit Development.
- Original development plan application included townhouse units located on the west side of Quail Creek Drive. These units are not included in this request.
- Approval restricted development to a maximum of 75 units as shown on the approved Final Development Plan and on the Final Plat of this property.

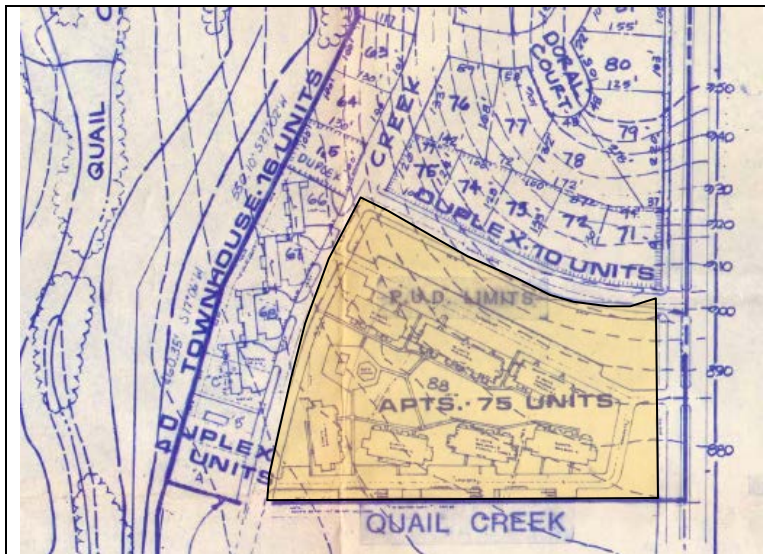


Figure 1: Alvamar PUD/UPR-11-11-76

ASSOCIATED CASES/OTHER ACTION REQUIRED

- UPR-11-11-76; Alvamar Estates; Amendment to a portion of the Alvamar Planned Unit Development.
- Submission and approval of revised Final Plat/Minor Subdivision to amend the density restriction.
- Submission and approval of a site plan for the addition of dwelling units.

PLANS AND STUDIES REQUIRED

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

<ul style="list-style-type: none"> <i>Retail Market Study</i> – Not applicable to residential request
ATTACHMENTS Attachment A: Area Map Attachment B: UPR/Final Development Plan Attachment C: Density Map Attachment D: Concept Plan
PUBLIC COMMENT RECEIVED PRIOR TO PRINTING <ul style="list-style-type: none"> None Received

Project Summary:

This proposed request is to facilitate the property owner's plans to modify the development to include updating the pool/clubhouse area and to add units to the development. The development is currently restricted to a maximum 75 dwelling units per notes on the approved Final Development Plan and the Final Plat. Approval of the request would remove the property from the Planned Unit Development and rezone it to a current conventional zoning district. It would also remove the current density restrictions. The property must be replatted to remove the plat restrictions that also limits development to 75 dwelling units.

Table: 1 SITE SUMMARY

2111 Kasold Drive			
Total Land Area	6.49 Acres		
Existing Density (du/ac)	11.4	Proposed Density	15
Units Allowed	75	Units Allowed	97
Existing Units	75	Proposed Total Units	95

Incomplete History

The Alvarado Planned Unit Development was approved under the 1966 Zoning Code. It included approximately 381 acres including the golf course. At that time Planned Unit Developments were "overlay" districts" with a base zoning district designation. The overall zoning of the property was RS-2 (Single-Dwelling Residential) District. The Planned Development spread density across properties with higher density land uses and multi-dwelling house forms located on the perimeter of the Planned Unit Development area. Individual phases of the Planned Unit Development were approved through a variety of entitlement processes including subdivision plats, Use Permitted upon Review (UPR, known as a Special Use in the current code) as well as more traditional Preliminary and Final Development Plans. The property located at 2111 Kasold Drive, included in this application, was part of a larger development that included 91 total units in the following form:

Table 2: DEVELOPMENT SUMMARY

<i>Alvarado Estates – Quail Creek</i>		
7 Multi-Dwelling Buildings (75 units)		4 Townhouse Buildings
• 12 1-Bedroom units	• 16 3-Bedroom units	• 16 3-Bedroom Townhouses
• 44 2-Bedroom units	• 3 Studio units	

The 16-townhouse units are located on the west side of Quail Creek Drive. The remaining 75 units are located on Lot 88, Alvarado Estates. The townhouses are located on lots that were platted prior to Lot 88 as an earlier phase of the development (Alvarado Estates Lot 28-87). Subdivision plats for these properties included specific notes regarding the density and maximum number of units that could be developed for each lot.

The inconsistency used in the original approval process makes tracking development within the Alvamar Planned Unit Development difficult. It is cumbersome for property owners to make changes and improvements that are consistent with current development practices based on plans approved in the 1960's and 1970's for this area. The proposed application would rezone the property to a compatible conventional zoning district.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The use is not changing; therefore, we feel it conforms with Horizon 2020.*

Key features of the plan are listed in Chapter Three – General Plan Overview.

- *The Plan supports infill development and redevelopment, which provides a range of residential, commercial, office, industrial and public uses within these parcels, consistent and compatible with the established land use pattern in surrounding areas.*
- *The Plan proposes the progression of land uses to help achieve a transition in land use and intensity levels, and to help avoid major or abrupt changes in density and building type.*

The area is included in Map 3-2 *Lawrence Future Land Use Map*. The subject property is located within an area shown as appropriate for "Medium-Density Residential/High-Density Residential" development.

Residential strategies are listed in Chapter 5 – Residential Land Use. Principal strategies for residential land use include the following statements.

- *Infill residential development should be considered prior to annexation of new residential areas.*
- *Compatible densities and housing types should be encouraged in residential neighborhoods by providing appropriate transition zones between low-density residential land uses and more intensive residential development, and between higher density residential use and non-residential land use.*
- *Design, site improvements, and infrastructure shall be consistent with adopted neighborhood plans, with the development of a neighborhood concept and with area plans and sector plans.*

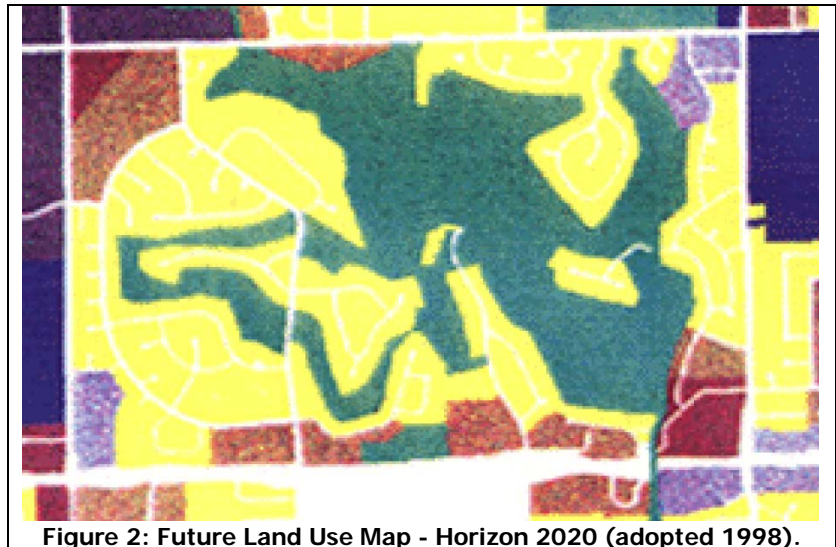


Figure 2: Future Land Use Map - Horizon 2020 (adopted 1998).

Medium-Density residential development is reflected as an "overall density of 7-15 dwelling units per acre." The proposed request, RM15, is a *Medium-Density* zoning district. Previous land use approvals restricted the maximum number of dwelling units to 75. The existing development density is 11.6 dwelling units per acre. Attachment C shows the density of other multi-dwelling development within the Alvamar Neighborhood. The proposed request would allow the intensity of the property to be increased within the designated range of Medium-Density.

Applicable policies in *Horizon 2020* are discussed below, with staff comments in red.

Residential Land Use (Chapter 5, *Horizon 2020*)
Residential Land use Goals and Policies
Medium- and Higher-Density Residential Land Use

Goal 2: Create a Functional and Aesthetic Living Environment

Create and maintain medium and higher-density residential developments that are aesthetically pleasing and functionally efficient and practical.

Policy 2.6 Consider Residential Density and Intensity of Use

The number of dwelling units per acre in any residential category should be viewed as representing a potential density range rather than a guaranteed maximum density. Potential development should be approved based upon consideration of natural features, public facilities, streets/roads and traffic patterns, neighborhood character, and surrounding zoning and land use patterns.

This policy discusses the need to review the application in context. A range of densities may or may not be applicable to a specific property or location. Other medium-density zoning districts include RS5, RS3, RSO, RM12, and RM12D in addition to the proposed RM15. The proposed request is at the top range of the *Medium-Density* residential category. The location along an existing arterial street, Kasold Drive and proximity to commercial and mixed uses to the south are consistent with a higher overall density. The residential development located immediately to the south is developed with a density of 14.1 dwellings per acre.

Goal 3: Compatible Transition from Medium-Density and Higher-Density Residential Development to both More Intensive and Less Intensive Land uses

Ensure transition from medium and higher-density residential neighborhoods is compatible with non-residential land uses or low-density residential land uses.

Policy 3.1 Use appropriate Transitional Methods

- a. Careful attention should be given to areas which may serve as a buffer between different housing types and different densities and intensities of use to ensure capability of use.

This policy discusses the need to provide and install an adequate buffer between low and medium density uses. Methods of transition include site orientation, building relationships, integration of natural land features, and screening, landscaping, and lighting considerations. These elements are specifically considered as part of a site plan review. All elements listed would be applicable through implementation of design standards specified in Articles 6, 9, 10, and 11 of the Land Development Code that address, buildings setback, parking lots, landscaping, and lighting features of a particular development.

The proposed change in zoning would cap the maximum development intensity at 15 dwelling units per acre. The total number of units that could be added to this existing development project is 22 additional units. The ability to achieve this density is dependent upon the developer's ability to construct a code compliant project that meets the applicable setback, parking, and other dimensional design standards. The applicant has provided a concept drawing of the proposed site changes for reference only. The concept plan, Attachment D, shows an additional 20 units.

Staff Finding – The proposed RM15 district is a designated *Medium-Density* residential district consistent with the goals and policies stated in *Horizon 2020*.

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

Current Zoning and Land Use: PUD [Alvamar Planned Unit Development]. Existing multi-dwelling residential development.

7 buildings with 75 units and a clubhouse/pool area.

Surrounding Zoning and Land Use:
To the north and west

PUD [Alvamar Planned Unit Development] Existing duplex to the north and townhouses to the west.

To the south

PD-[Parkway Plaza (Hy-Vee) PCD] Mixed-use development including multi-dwelling uses along the north side of W. 22nd Street and retail uses to the south.

To the east

RS7 (Single-Dwelling Residential) Existing detached dwellings along the east side of Kasold Drive.

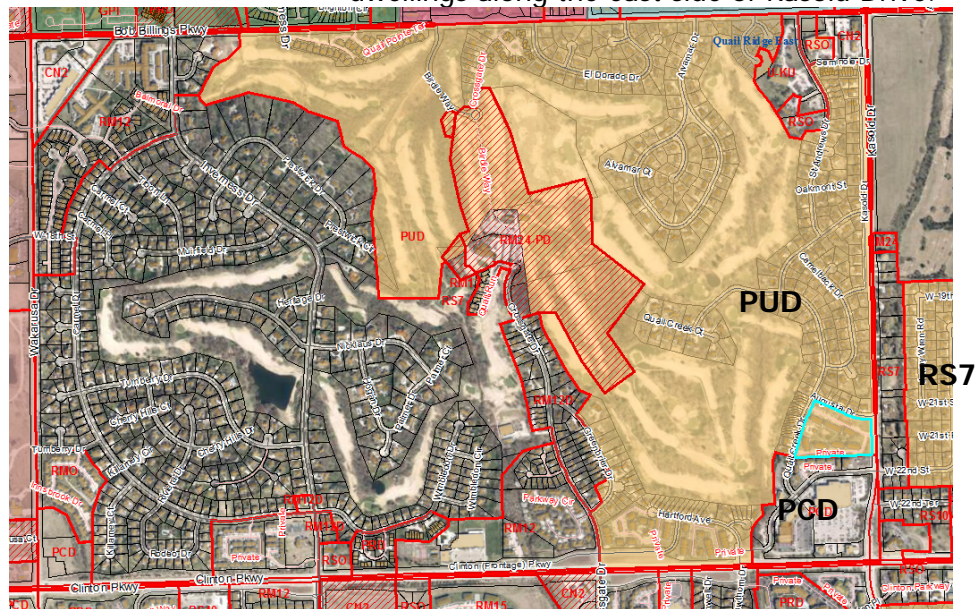


Figure 3: Alvamar PUD

Staff Finding – The immediately surrounding land uses are residential and include detached, attached, and multi-dwelling residential uses. A mixed-use (commercial/residential) development is located at the southeast corner of the area.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The neighborhood consists of commercial properties to the south and adjacent multi-family/rental properties.*

The property located at 2111 Kasold is part of the Alvamar PUD neighborhood. Kasold Drive and Wakarusa Drive bound this neighborhood on the east and west, and Clinton Parkway to the south and Bob Billings Parkway to the north.

The area was developed over time as a planned development. It was also referred to in early documents as a "Community Unit Plan". Individual developments or phases were identified and constructed as parts of subdivision plats, development plans, and Special Use Permits (Use

Permitted upon Review), prior to 2006. The western half of the neighborhood was developed through conventional zoning and subdivision platting only.

The boundary of the original Planned Development has been revised over time. Most recently, 54 acres in the central portion of the neighborhood was removed from the development and rezoned to RM24-PD under the current Land Development Code. The proposed request would remove the property from the current PUD overlay and rezone it to a conventional zoning district. The property would remain within the boundary of the neighborhood.

A significant land use in the neighborhood is the golf course that represents more than 250 acres of private open space. The neighborhood includes a mix of residential housing types including detached, attached, assisted living and multi-dwelling housing forms. *Multi-Dwelling Residential* uses are located along the boundary of the neighborhood. Commercial areas are located at the corners of the neighborhood.

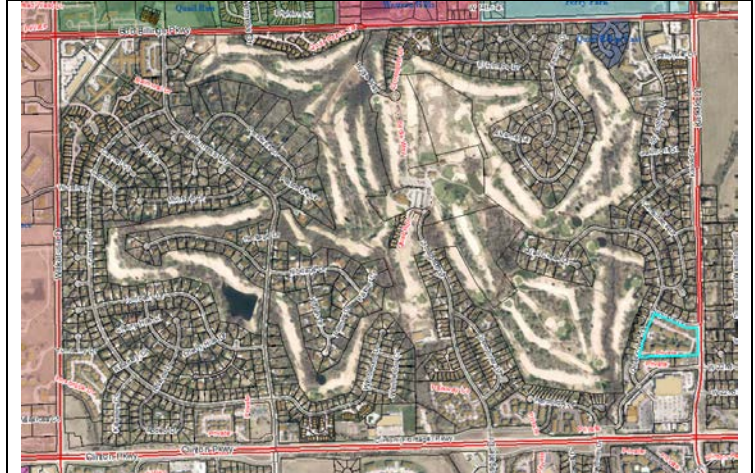


Figure 4: Alvamar Neighborhood

Staff Finding – The property is part of the Alvamar Planned Development Neighborhood and the proposed rezoning is compatible with the surrounding area.

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

There are no adopted area or sector plans that include this property. The most recent substantial planning for the neighborhood occurred in 2015 with the implementation of the Alvamar PD development that included 54 acres in the central portion of the neighborhood.

Staff Finding – There are no adopted area or sector plans that include this property.

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

Applicant's Response: *The rezoning is consistent with the current use.*

The current development pattern of the property reflects a density that is most similar to the RM12 district. The developer's plan to reinvest in the property include a request to increase the base zoning district to a conventional zone that allows a maximum density of 15 dwelling units per acre.

The current zoning designation is PUD. This zoning was established under the 1966 Zoning Code. The property was developed in accordance with a master plan for the area. The original approvals limit the maximum intensity of the use. Additionally, development within the PUD was inconsistently applied with regard to the development approval process. Proposed changes within the PUD may require amendments to an approved Final Development Plan, a Special Use Permit, or some other procedure depending on the location and how the property was initially approved for development.

At the time the property was developed, the only tool available to consider mixed-use development and to provide for private streets reduced setbacks and aesthetic controls was through a Planned Unit Development. Despite the implementation of those land use controls most of the property developed conventionally. The property included in this request is a conventional multi-dwelling residential development (apartment complex). The zoning code has been substantially rewritten since this property was initially developed.

Article 2 of the Land Development Code addresses these zoning districts as follows: *The Planned Development Districts, PRD, PUD, PCD, PID, POD are all special purpose districts intended only to provide a suitable classification for land included in a Planned Development prior to the effective date. The district is expressly not intended for implementation through application to additional land. (20-222(a)).*

The principal uses allowed in a a specific planned development district shall be those uses – and only those uses- allowed by the terms and conditions of the original approval of the Planned Development (20-222(c)).

These limitations make changes to the development more challenging than similarly developed property with a conventional zoning designations. The current zoning district is difficult to administer for staff and difficult for property owners to understand required processes for change. The current zoning is less suitable since the adoption of the Land Development Code in 2006 that includes more design guidelines than previous zoning codes.

The current district restricts density by notes on the plan and plat rather than by the zoning district. Approval of the requested zoning will align the property with the current zoning codes and regulations and provide added infill density options for the property. Any additional development of the site would be subject to current design standards.

Staff Finding – The property is suitable for medium-density residential development. The proposed zoning is suitable for the current development type (Multi-Dwelling) and the intended intensification of the property.

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

Applicant's Response: *The property is not vacant.*

The property is developed with multiple buildings, a pool/clubhouse, surface parking, and covered parking spaces. The property was developed in 1976.

Staff Finding – The property is not vacant. The property was developed in 1976.

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

Applicant's Response: *We do not feel that this will detrimentally affect nearby properties. The slight increase in density will allow the owner to update the facilities, including a new clubhouse and pool.*

Traffic and Access: The proposed request seeks to increase density to accommodate new units and reinvestment in the property. Approval of the request would allow a maximum 22 more dwelling units. The site currently includes three points of access. The existing access arrangement allows traffic to be dispersed on to the adjacent public street network rather than concentrating

traffic and access to one or two points of access. Additional review of traffic is required with the submission of a site plan application.

View shed: Approval of the request could substantially change the visual appearance of the neighborhood through the construction of multi-story buildings. The following graphics highlight the change in grade along the adjacent public streets and the potential to alter the view of the street face.



Figure 6: Kasold Drive; looking west



Figure 5: Quail Creek Drive; looking east

The slope along the north side of the property provides an opportunity to integrate buildings into the surrounding area and reduce the impact of building mass on the existing view shed.



Figure 7: Quail Creek Drive/Augusta Drive; looking south

Integration of development: The applicant proposes to use the grade to “cut into the hillside” to bring the overall height of the new development down. From the north side of Augusta Drive, the view will be of one-story buildings. Viewed from the interior of the development, the proposed new buildings would have a comparable two-story building height.

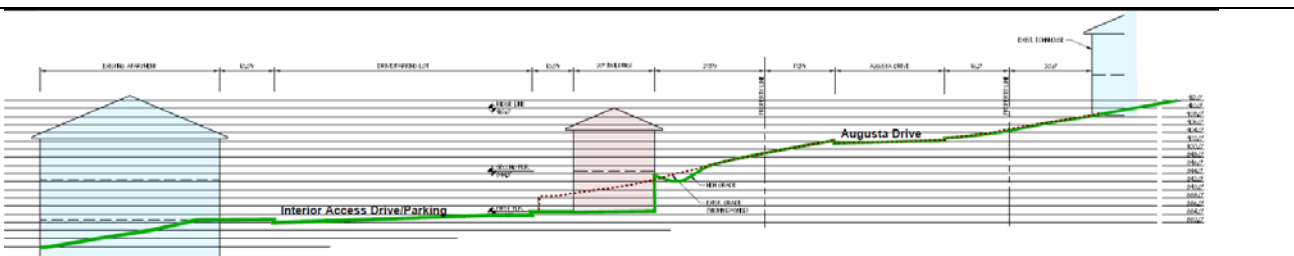


Figure 8: Cross Section of Development.

Staff Finding – The proposed project will have a slightly increased traffic demand over the current development. The addition of new buildings will alter the existing street face appearance and remove existing greenspace along Augusta Drive. The site topography allows the new buildings to be constructed into the hillside and provide a mitigated and reduced impact for the existing residents in terms of a change to the view shed.

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: *Without rezoning approval, the site will not be able to be updated. With the rezoning, the client will be updating the amenities, which will improve the value of the property and the surrounding areas.*

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

The applicant asserts that new investment in the property requires additional density to defray the cost of upgrades to the pool/clubhouse area. Reinvestment in the property keeps the area vibrant, viable, and competitive with other newer existing multi-dwelling residential development.

The proposed increase in density is located within a developed area with direct proximity to an arterial street and nearby commercial uses. Municipal services extend to this property. City staff will review of the capacity of municipal services to serve the increased density with the submission of a future site plan application.

Staff Finding – Approval of the proposed request allows the property owner to build up density within the existing urban area of Lawrence where existing services are readily available.

9. PROFESSIONAL STAFF RECOMMENDATION

The request, if approved, would rezone the property to a conventional multi-dwelling residential district that is a compatible current designation and facilitate infill development. Much of the original Alvamar Planned Unit Development could be rezoned to a conventional zoning district with little to no impact on the development pattern of the area. The updated/current zoning designation will facilitate future improvements to the site concurrent with applicable development codes and design standards.

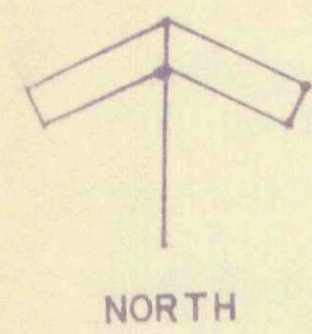
CONCLUSION

Staff recommends rezoning the property included in this request from PUD District to RM15 District.

ALVAMAR ESTATES

EXISTING CONTOURS
CONTOUR INTERVALS - 5'

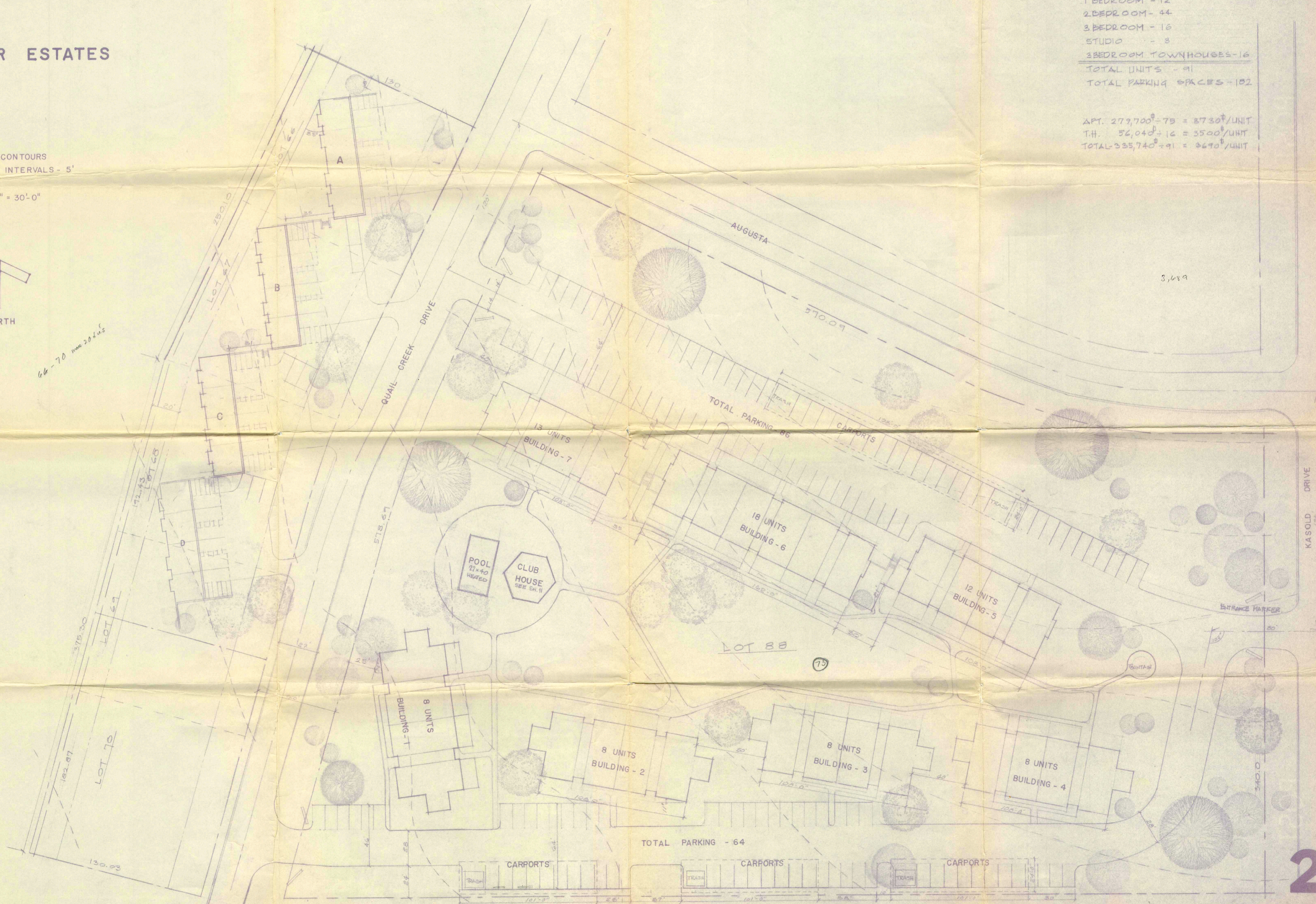
SCALE - 1" = 30'-0"

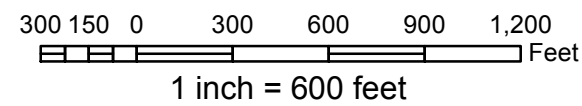


66-70 mm 20 kvs

1 BEDROOM - 12
2 BEDROOM - 44
3 BEDROOM - 16
STUDIO - 3
3 BEDROOM TOWNHOUSES - 16
TOTAL UNITS - 91
TOTAL PARKING SPACES - 182

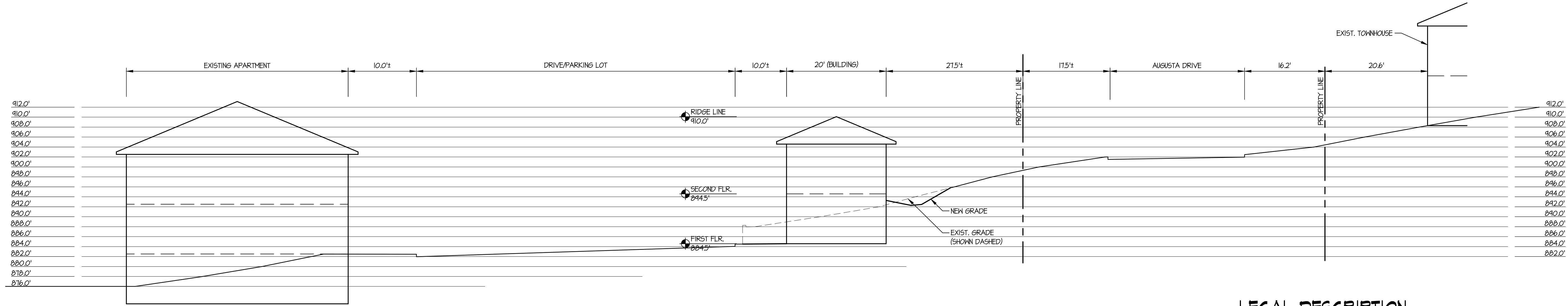
APT. $279,700 \div 79 = 3540 \div \text{UNIT}$
T.H. $56,040 \div 16 = 3500 \div \text{UNIT}$
TOTAL $335,740 \div 91 = 3690 \div \text{UNIT}$





Date: 2/20/2018





LEGAL DESCRIPTION:

ALVAMAR ESTATES LOT 88 LESS SOUTH 30 FEET THEREOF OF 6.836 ACRES

PROJECT SUMMARY:

LOT A			
1.1	CURRENT ZONING:	RUD	
1.2	EXISTING USE:	MULTI-FAMILY RESIDENTIAL	
1.3	LAND AREA:	282,384 SF. (6.483 AC.)	
1.4	DENSITY ZONED:		
1.5	DEVELOPED DENSITY:	EXISTING: TOTAL - 75 UNITS (151 BEDS)	PROPOSED: TOTAL - 95 UNITS (183 BEDS)
		3 - STUDIO UNITS	3 - STUDIO UNITS
		12 - 1 BEDROOM UNITS	20 - 1 BEDROOM UNITS
		44 - 2 BEDROOM UNITS	56 - 2 BEDROOM UNITS
		16 - 3 BEDROOM UNITS	16 - 3 BEDROOM UNITS

GENERAL NOTES:

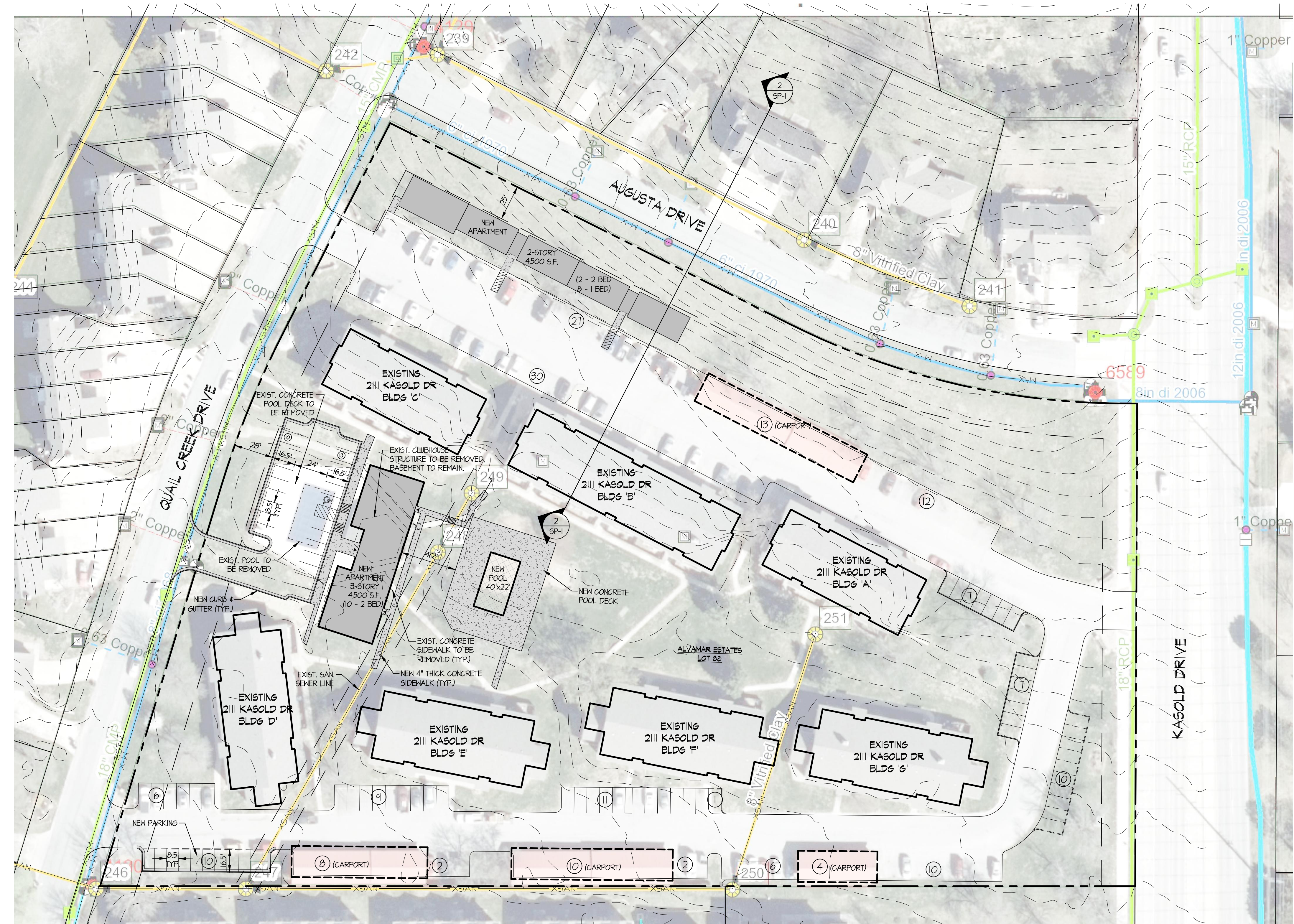
- ALL LIGHTS WILL BE LESS THAN 150 WATT
- PLAN FOR CITY APPROVAL ONLY! CONSTRUCTION DOCUMENTS TO BE FURNISHED AT THE REQUEST OF OWNER.
- ALL TRAFFIC CONTROL SIGNS PLACED ON PRIVATE PROPERTY OPEN TO THE GENERAL PUBLIC SHALL COMPLY WITH THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" AND "STANDARD HIGHWAY SIGNS," PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION, WITH RESPECT TO SIZE, SHAPE, COLOR, RETROFLECTIVITY, AND POSITION.
- SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE MINIMUM PROVISIONS OF THE FINAL FAIR HOUSING ACCESSIBILITY GUIDELINES, 24 CFR, CHAPTER I, SUBCHAPTER A, APPENDIX II, OF THE FAIR HOUSING ACT OF 1968, AS AMENDED.
- INFORMATION TAKEN FROM AERIAL PHOTOS, AVAILABLE DOCUMENTS AND ON SITE INVESTIGATIONS.

PARKING INFORMATION:

4.0	EXISTING PARKING:		
	TYPE:	EXISTING:	
	REGULAR	150	
	ACCESSIBLE	0	
	TOTAL:	150	
		(115 SURFACE, 35 CARPORT)	
4.1	PARKING REQUIRED: 1 PER BEDROOM (183 BEDROOMS) + 1 PER 10 UNITS (95 UNITS = 10) = 193 SPACES		
4.2	TYPE:	REQUIRED:	PROVIDED:
	REGULAR	184	196
	ACCESSIBLE	4	1
	TOTAL:	188	197 (11 - SHOWN DASHED, NOT INCLUDED)
			(162 SURFACE, 35 CARPORT)
	BICYCLE 1 PER 4 BEDROOMS	46	0
3.5	PAVEMENT:		
	APPROACHES:	7" - 4000 PSI CONCRETE W/ #5 BARS 12" O.C.B.W.	
	DRIVES:	MIN. 6" ASPHALT ON 4" GRAVEL OR 5" CONCRETE	
	PARKING AREAS:	MIN. 5" ASPHALT ON 4" GRAVEL OR 4" CONCRETE	

RELEASES

- 1.0 SITE PLAN SUBMITTAL



1 SITE PLAN
SCALE: 1" = 40'



PRELIMINARY DOCUMENTS
NOT FOR CONSTRUCTION
REDUCED PRINT
NOT TO SCALE

paulwerner
ARCHITECTS

123 W. 8th STREET
SUITE B2
LAWRENCE, KS 66044

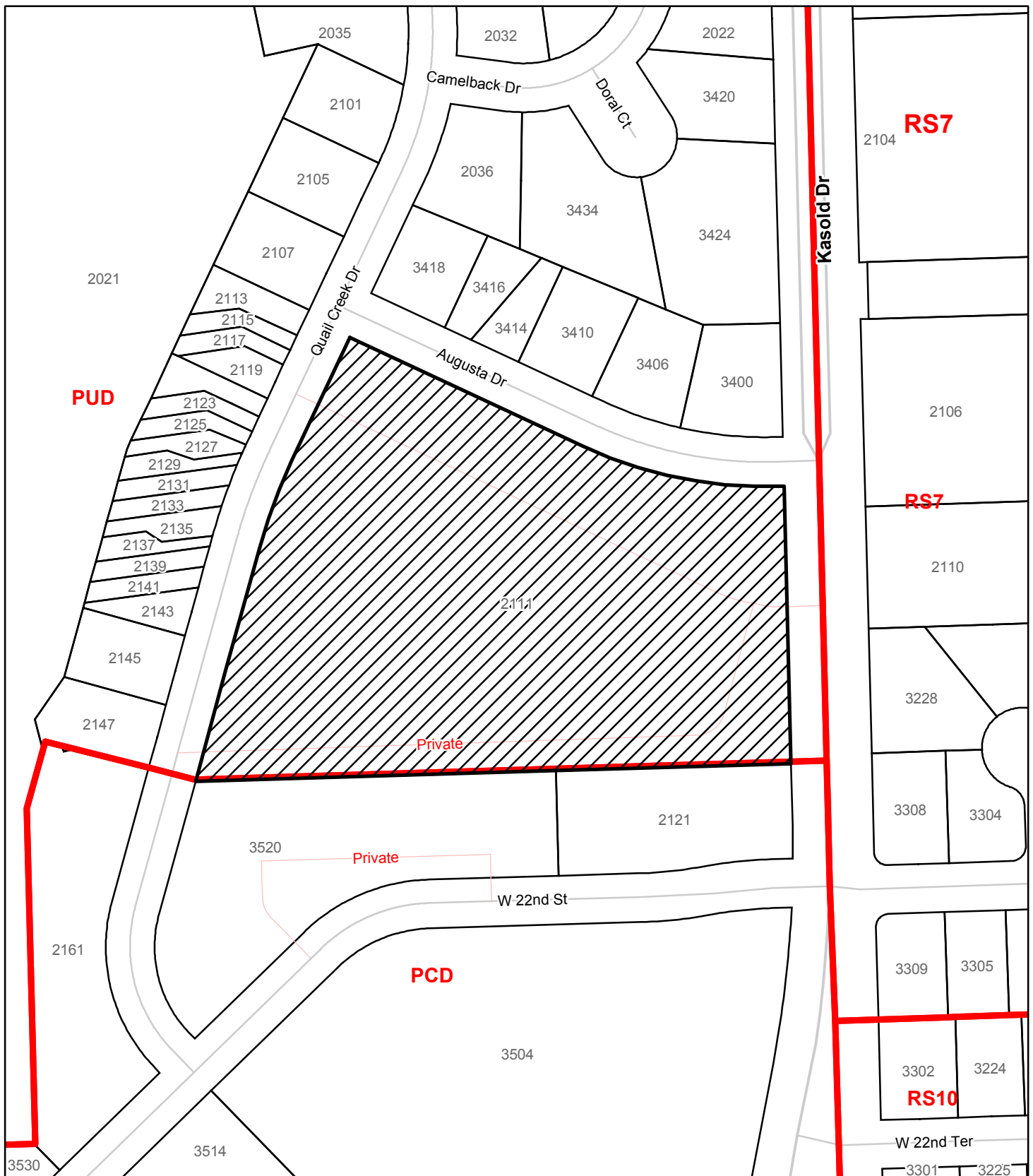
OFFICE: 785.832.0804
FAX: 785.832.0890

QUAIL CREEK APARTMENTS
NEW CLUBHOUSE/POOL
2111 KASOLD DRIVE
LAURENCE, KANSAS

PROJECT # 217-680
OCTOBER 2017

RELEASE: 1.0 DATE: XX.XX.XX

SP-1



Z-18-00023: Consider a request to rezone approximately 6.49 acres from PUD/UPR (Planned Unit Development) District to RM15 (Multi-Dwelling Residential) District, located at 2111 Kasold Dr.



PLANNING COMMISSION REPORT
Regular Agenda –Public Hearing Item

PC Staff Report
03/28/2018

**ITEM NO. 3 CONDITIONAL USE PERMIT FOR O’CONNELL YOUTH RANCH; 1623
N 1320 RD (BJP)**

CUP-18-00021: Consider a Conditional Use Permit for an Event Center space for O’Connell Youth Ranch, located at 1623 N 1320 Rd. Submitted by O’Connell Youth Ranch Inc, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for an Event Center space for O’Connell Youth Ranch.

Reason for Request:

Applicant’s Response: *To allow for an Event Center space utilizing an existing barn.*

ATTACHMENTS

- A. Conditional Use Permit Site Plan
- B. Landscape Plan
- C. Lighting Plan

KEY POINTS

- The subject property is zoned A (Agricultural) District. The proposed use, *Recreation Facility*, is permitted in the A District with approval of a Conditional Use Permit.
- Section 12-319.4.11 of the County Zoning Regulations for the Unincorporated Territory of Douglas County lists *Recreation Facility* as uses which may be approved as a Conditional Use.
- A separate Conditional Use Permit was previously approved to permit the *Non-profit, Religious, Educational and Philanthropic Institution* use on the subject property (O’Connell Youth Ranch).

ASSOCIATED CASES

- **CUP-8-10-75;** A Conditional Use Permit for the establishment of the O’Connell Youth Ranch facility was approved by the Board of County Commissioners on October 15, 1975.
- **CUP-3-2-88;** A Conditional Use Permit to amend the CUP expanding the residential facilities at O’Connell Youth Ranch was approved by the Board of County Commissioners on May 23, 1988.
- **CUP-6-4-99;** A revision to the site plan for the Conditional Use Permit (CUP-3-2-88) to add administrative offices at O’Connell Youth Ranch was approved by the Board of County Commissioners on July 26, 1999.
- **SP-1-3-11;** A site plan for a 600 sq. ft. addition to the existing 1,200 sq. ft. administration building was approved by the Board of County Commissioners on January 26, 2011.

OTHER ACTION REQUIRED

- Approval of the Conditional Use Permit by the Board of County Commissioners.
- Release of the Conditional Use Permit Plan by the Lawrence-Douglas County Planning Office to the Douglas County Zoning and Codes Office.
- Issuance of permit for the Conditional Use by the Zoning and Codes Department following application and determination that all conditions have been met.

- Submittal of building plans by the property owner for approval and issuance of building permit from the Douglas County Zoning and Codes Department prior to development.

PUBLIC COMMUNICATION

One general inquiry into the proposed project and one specific inquiry as to the location of the event center to determine if it would interfere with future relocation plans of N 1300 Road. After discussing the project in more detail with these individuals, they did not provide any further concerns or comments.

GENERAL INFORMATION

Current Zoning and Land Use:

A (Agricultural) District; O'Connell Youth Ranch, *Non-profit, Religious, Educational and Philanthropic Institution, developed with a number of buildings and an administrative building.*

Surrounding land use:

To the east: A (Agriculture) District; agriculture land.

To the west: RS7 (City Zoning: Single-Dwelling Residential) District; *Detached Dwellings.*

To the south: A (Agriculture) District; rural residential and agricultural uses.

To the north: A (Agricultural) District; Heart of American Teen Challenge, *Non-profit, Religious, Educational and Philanthropic Institution.*

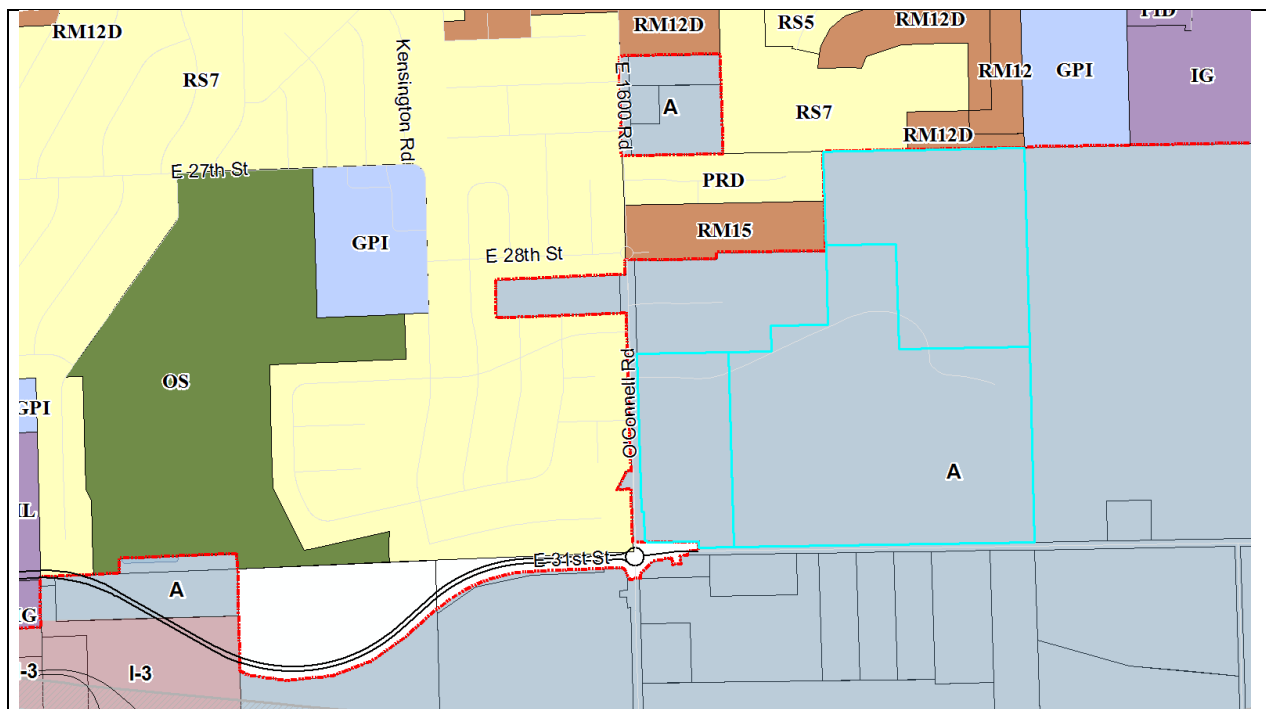


Figure 1a. Zoning in the area. Subject property outlined in blue. City limits shown with red dashed line.

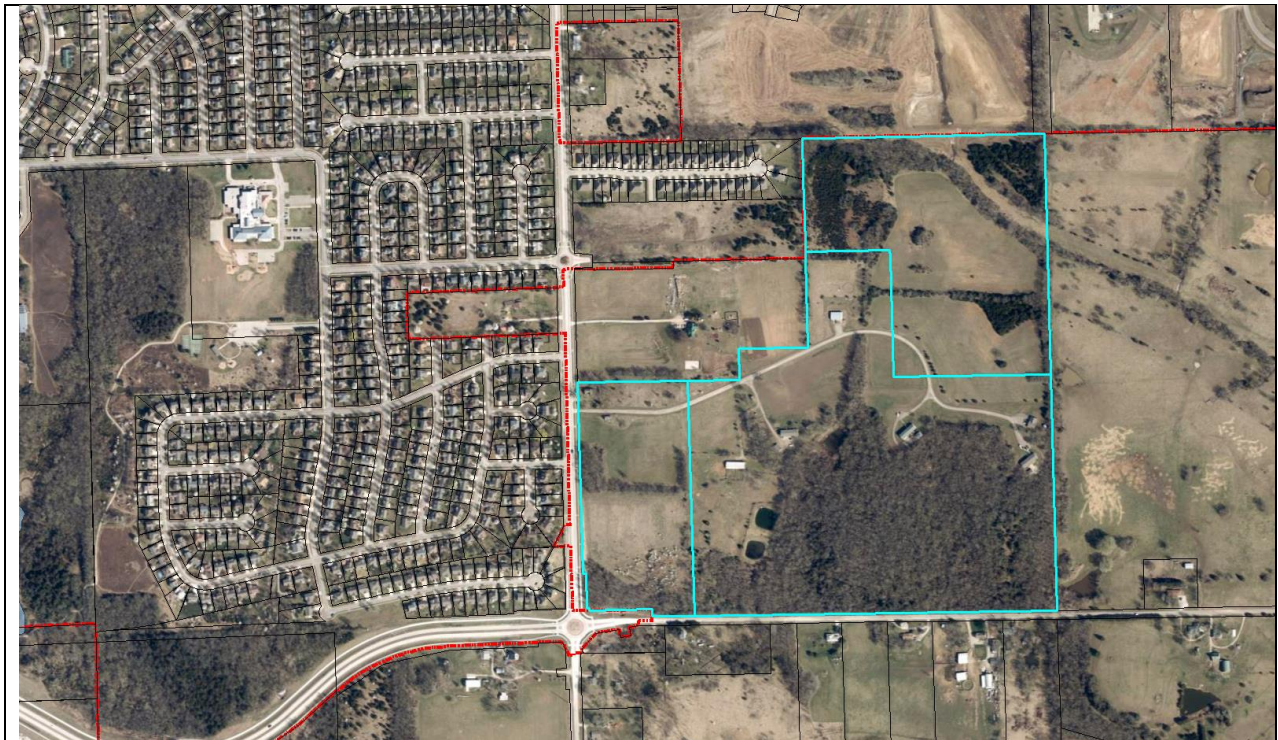


Figure 1b. Land use/development in the area. City limits shown in dashed red line.

Summary of Request

This request is proposed to accommodate the remodel of an existing 4,000 sq. ft. structure for use as an event center. The use will accommodate weddings, receptions, and similar gatherings in a rural setting conveniently located to the city. Remodel of the structure will include the addition of restrooms, a warming kitchen, and a stage. Exterior improvements will include a new gravel parking area and a seating area with a gazebo and fire pit. The associated site plan notes that the maximum occupancy will be based on the usable floor area and will be 218 persons maximum. The plan also notes that the hours of operation will be between 7:00 a.m. and midnight. A review of the site plan is provided at the end of the report.

A Conditional Use Permit (CUP) for the *Non-profit, Religious, Educational and Philanthropic Institution* use was previously approved for the subject property. That CUP permits the group home use, the O'Connell Youth Ranch, on the property. While the existing structure has previously been used by the group home, and will continue to be used by them, other events held in the structure will not be directly associated with the group home. For this reason, the request is for a separate CUP for the *Recreation Facility* use rather than an amendment to the existing CUP for the *Non-profit, Religious, Educational and Philanthropic Institution* use.

I. ZONING AND USES OF PROPERTY NEARBY

The subject property is zoned A (Agriculture) and is located at the eastern edge of the Lawrence City limits. The surrounding properties located outside of the city limits are zoned A District, and the nearby properties located within the city are predominately zoned for residential (RS7, RM15, PRD). The subject property and the property to the north are used for group home type uses for young men.

Staff Finding –The area is at the eastern boundary of Lawrence and is a mix of urban/rural lands and uses. Residential land uses are the predominate uses in this area, with detached dwellings and

townhomes being located within the City of Lawrence and group homes on large parcels, with associated accessory uses, including agriculture on properties outside the city limits. The proposed request will not alter the base zoning or land use of the area.

II. CHARACTER OF THE AREA

The area contains a blend of urban and rural uses. To the west of O'Connell Road, the principal land use is detached dwellings within the City of Lawrence with some rural residences on properties that are outside the city limits. Some development is occurring east of O'Connell Road with a residential development to the north. The remainder of the area to the east of O'Connell Road contains group home type uses on large parcels or agricultural lands – rural residences.

Staff Finding – The area contains a blend of urban/rural uses, with O'Connell Road being a general demarcation line between the two types of uses. Urban residential is the predominate use on the west side of O'Connell and rural residences and rural group home facilities are the primary uses on the east side.

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

Applicant's Response:

"Existing building works very well for intended use by renovation to add restrooms, warming kitchen, and stage."

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

Uses allowed in the A District include: farms, truck gardens, orchards, or nurseries for the growing or propagation of plants, trees and shrubs in addition other types of open land uses. It also includes residential detached dwellings, churches, hospitals and clinics for large and small animals, commercial dog kennels, and rural home occupations. In addition, uses enumerated in Section 12-319 which are not listed as permitted uses in the A District, may be permitted when approved as Conditional Uses.

Staff Finding –The property is suitable for the uses which are permitted within the A (Agricultural) District. The property is also well suited for an event center, a *Recreation Facility* use. The proposed location of the event center, an existing structure, is located approximately 800 ft from the adjacent roadways. In addition, the structure is screened from view from these roadways by stands of existing mature trees.

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

Staff Finding – County Zoning Regulations were adopted in 1966; this property has been zoned "A (Agricultural)" since that adoption. This property is not vacant, but has been used as a group home since the approval of the Conditional Use Permit in 1975.

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

Applicant's Response:

"None – Adjacent building within 200 feet is on this property."

Section 12-319-1.01 of the County Zoning Regulations recognize that "*certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited.*" The proposed use falls under Section 12-319-4.11 *Recreation Facility* of the County Zoning Regulations for the Unincorporated Territory of Douglas County.

Impacts from this type of use are usually associated with traffic, crowd noise or activity, and lighting. The site is accessible from O'Connell Road, an improved collector street. The street is capable of handling periodic increased traffic volume associated with this use.

The CUP addresses noise concerns through the inclusion of a note stating noise which "unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person will not be a problem." The CUP further notes that music associated with concerts will take place in the building. Outdoor music may be associated with a wedding ceremony. Any music associated with a wedding reception will be located indoors.

Lighting will be provided for the parking lot area and the entrance drives. The applicant provided lighting fixture information, as well a note on the CUP indicating that lighting will be confined to the lot. The proposed event center will be located in an existing structure located approximately 800 ft from O'Connell Road and N 1300 Road, with screening from stands of mature trees. The proposed lighting should not adversely affect the surrounding properties.

Staff Finding – The proposed use is compatible with the surrounding area and will not detrimentally affect nearby properties.

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

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

Approval of this request would allow the renovation of an existing structure to be used as an event center, a *Recreation Facility* use.

No benefit would be afforded to the public health, safety, or welfare by the denial of the request as no negative impacts are anticipated with the facility.

Staff Finding – In staff's opinion, there would be no gain to the public health, safety and welfare by the denial of the request. Approval of the request would allow an existing structure to be used as an event center. The applicant has indicated revenue generated from the event center will supplement operations at the O'Connell Youth Ranch. Denial of the request limits the scope of the business for this site.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

An evaluation of the conformance of a Conditional Use Permit request with the comprehensive plan is based on the strategies, goals, policies and recommendations contained within *Horizon 2020*. A Conditional Use Permit provides additional review for uses which may be desirable in an area, but could have negative impacts. This tool allows development to occur in harmony with the surrounding area and to address specific land use concerns.

Staff Finding – A Conditional Use Permit can be used to allow specific uses that are not permitted in a zoning district with the approval of a site plan. This tool allows development to occur in harmony with the surrounding area and to address specific land use concerns.

STAFF REVIEW (Site Plan)

The proposed request is intended to occupy an existing 4,000 sq. ft. structure on the site with parking and exterior improvements.

Parking and Access: The site plan identifies the creation of a new gravel parking area to be located to the west of the existing building. The parking area will accommodate 124 parking spaces. There is not a specific use to classify the parking requirement for this activity in the parking regulations of Section 12-316-1 of the County Zoning Regulations. However, similar uses listed where groups of people congregate for an event, such as church or theatre, require 1 parking space per 5 seats. Assuming the same ratio, the event center would require 44 spaces to support the maximum occupancy of 218 persons. The parking spaces proposed with the site plan exceed this parking requirement.

Access to the site is accommodated via a residential driveway to O'Connell Road. The County Engineer indicated that the entry and circulation drives should be 24 ft wide to accommodate 2-way traffic. The plan includes these labels. No changes to the access are proposed by the applicant and none were identified as needed in the review of the application. There is an existing drive from N 1320 Road, a private road, which provides access to the existing structure. Access to the new parking area will be provided from the existing drive.

Landscape and Screening: The proposed location of the event center is an existing structure that is located approximately 800 ft from O'Connell Road and N 1300 Road. The structure, as well as the parking and the outdoor areas, will be screened from view from these roadways by stands of mature trees. In addition, new trees will be provided surrounding the drive and parking area. Interior parking lot landscaping will be provided, as well as new plantings around the existing structure.

There is no exterior storage or activity associated with this use that requires additional screening, including trash collection. The site plan notes that the trash is collected indoors.

Limits and Conditions:

HOURS OF OPERATION

The site plan notes that the hours associated with the event center will be between 7:00 a.m. and midnight.

MAXIMUM OCCUPANCY

The site plan notes that the maximum occupancy will be based on the usable floor area, which excludes the restrooms, kitchen, and the stage. With a 2,616 sq. ft. banquet seating area, the maximum occupancy permitted will be 218 persons.

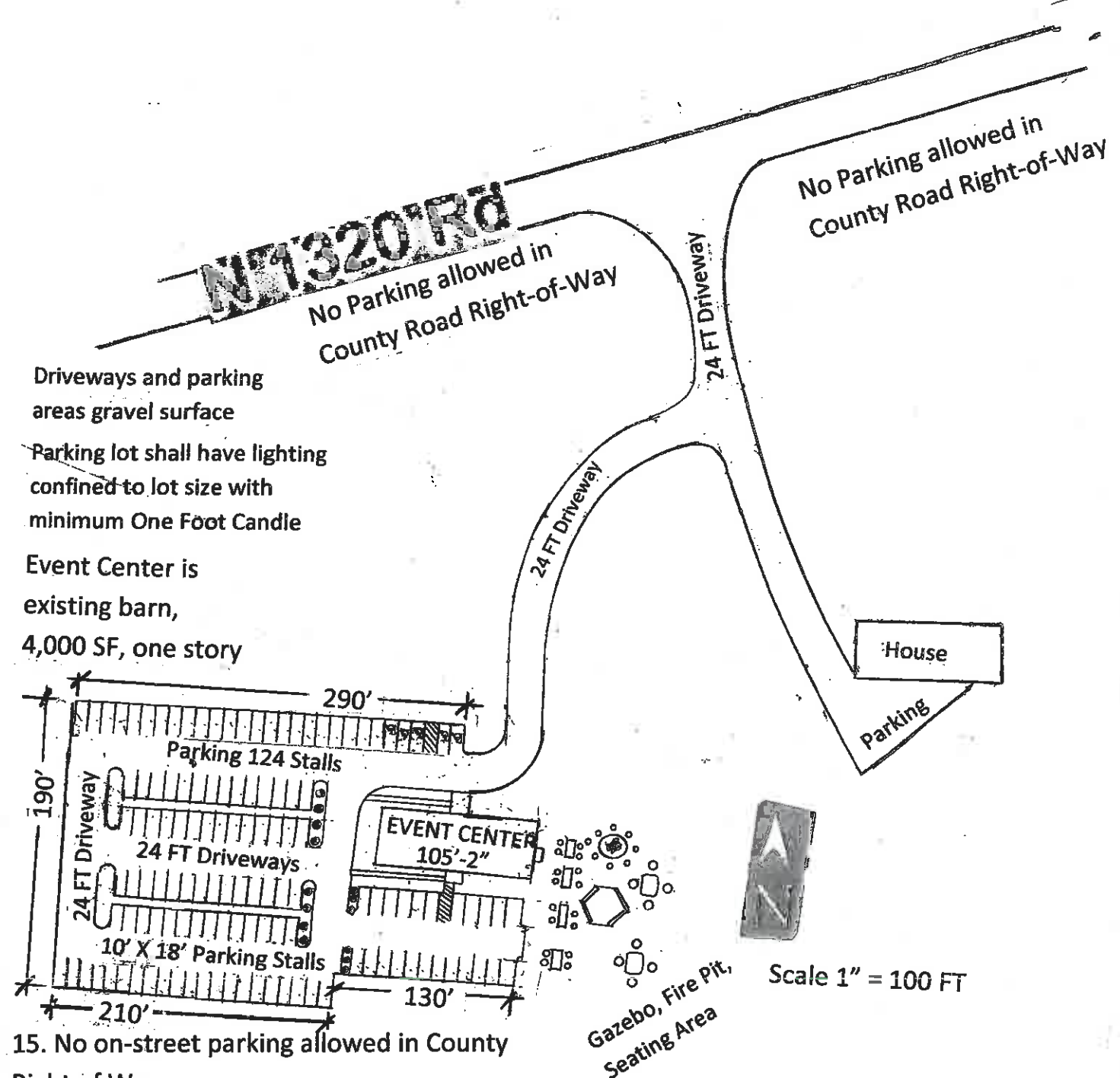
KDHE has indicated that the existing sewer lagoon is adequately sized to handle the proposed event center.

NOISE

The site plan notes that noise that “unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person will not be a problem.” The site plan further notes that music associated with concerts will take place in the building. Outdoor music may be associated with a wedding ceremony. Any music associated with a wedding reception will be located indoors.

Conclusion

The property is primarily used a group home for young men. The scope of this proposal is to permit the *Recreational Facility* use in an existing structure on the property. The proposed CUP complies with the County Zoning Regulations and recommendations of *Horizon 2020*.

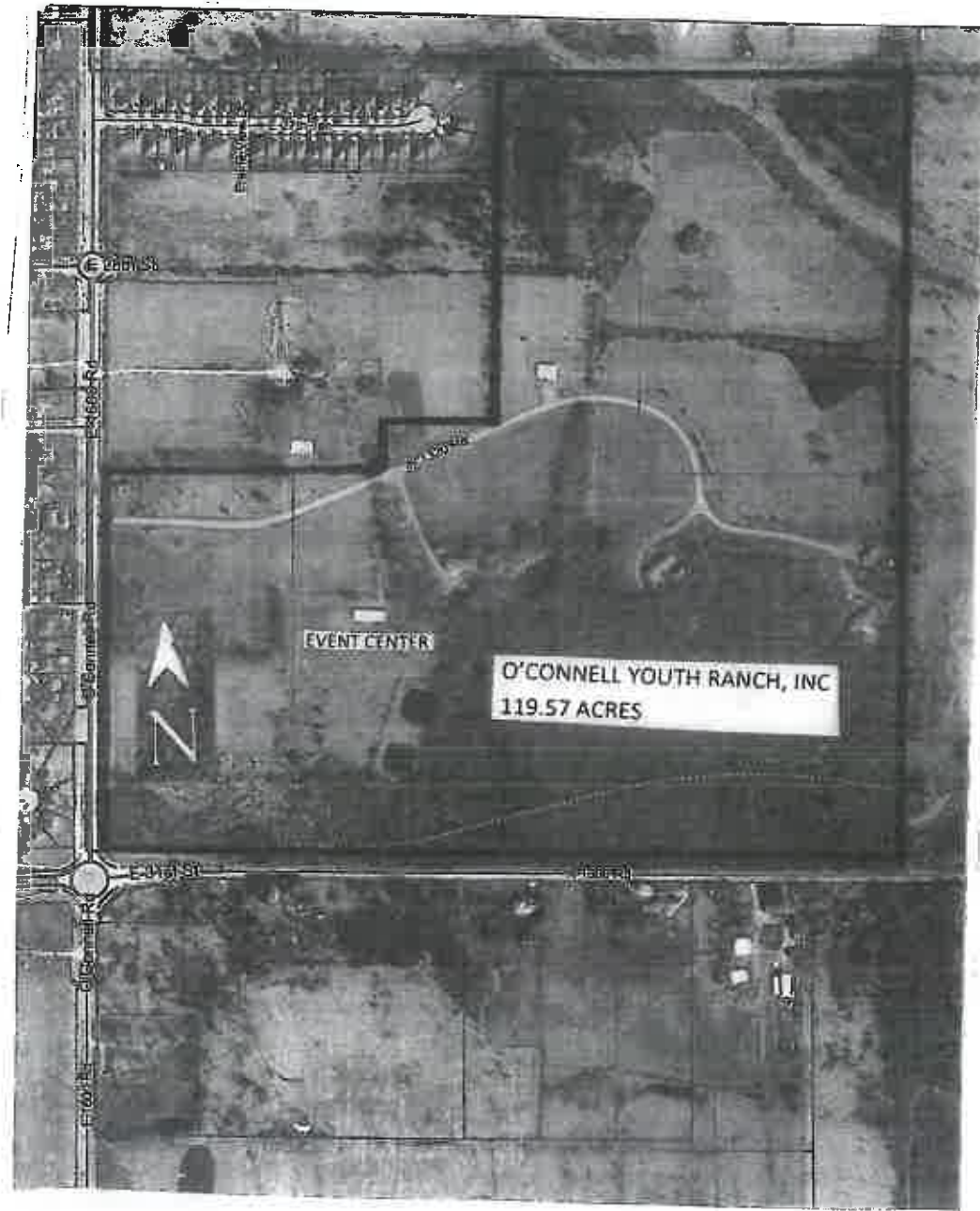


15. No on-street parking allowed in County Right of Way.
16. Only caterers licensed by the State of Kansas will be contracted to provide food. Caterers shall be bounded.
17. Operator shall comply with all requirements of the Kansas Liquor Licensing Commission, if alcohol is served during an event.
18. No outdoor trash storage. Trash will be stored in containers inside Barn. Trash is picked up weekly by Weldon Trash Service. Schedule Pick-up day the containers will be taken to Youth Ranch shop building for collection.

14. Noise which unreasonably annoys, disturbs. Injures or endangers the comfort, repose, health, peace or safety of a reasonable person will not be a problem. Music concerts will be inside building on stage. Could have Wedding in Gazebo area with normal wedding music. Any dancing with music after service will be back inside building. Housing west side of O'Connell Road is 668 feet from Event Center. House to east is O'Connell Youth Ranch occupied 240 Feet separation.

Legal Description

The South One-Half of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter of Section Nine (9). Township Thirteen (13) South, Range Twenty (20) East of the Sixth Principal Meridian in Douglas County, Kansas containing 119.57 Acres

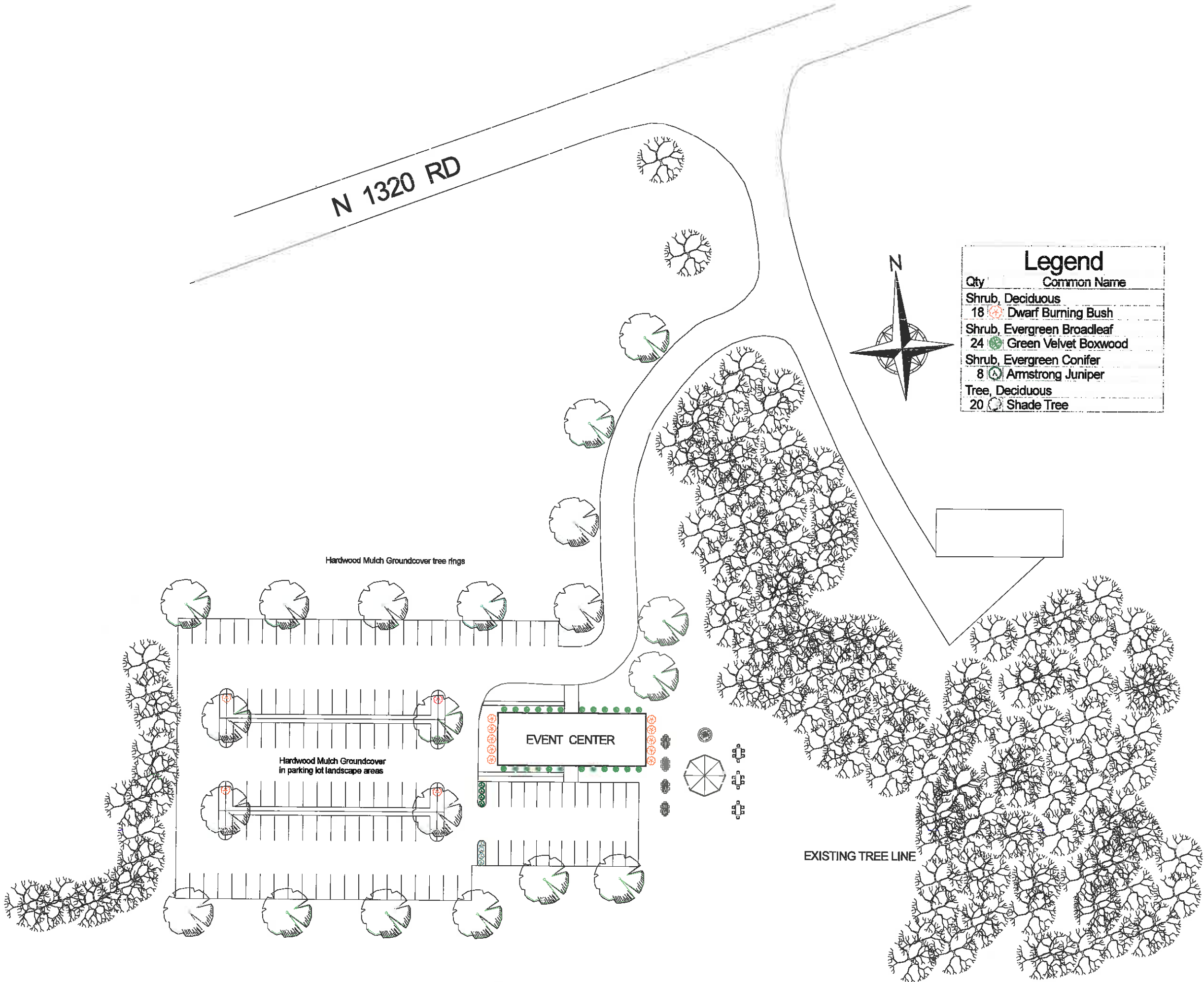


SITE PLAN

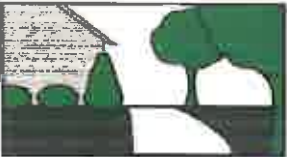
GENERAL NOTES

1. Owner: O'Connell Youth Ranch, Inc. 1646 N 1320 Road Lawrence, KS 66046
2. Applicant: O'Connell Youth Ranch, Inc. 1646 N 1320 Road Lawrence, KS 66046
3. Agent: Donald L. Rich, P.E. 760-861-1528
4. Existing Land Use: Agricultural with three Residence housing Youth, one administration Building and 4,000 SF Barn
5. Existing Zoning: A (Agricultural) with Conditional Use Permit
6. Proposed Land Use: A (Agricultural) Conditional Use Permit to allow Event Center utilizing an existing Barn.
7. No part of the buildings will be located within the floodplain per Federal Emergency Management Agency (FEMA).
8. This Event Center is designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for public buildings.
9. Any construction or renovation work must comply with applicable building codes in effect at the time of work.
10. A Building permit shall not be issued without having first obtained from the Douglas County Health Department written approval and/or Permit as required.
11. Event Center is existing barn, 4,000 SF, one story.
12. Maximum occupancy equal usable floor area (not including two ADA restrooms, warming serving kitchen and stage) 2,616 SF with Banquet Seating 12 SF/ Person = 218 Maximum.
13. Maximum hours of operation 7:00 am to 12:00 a.m. per event which will not be very periodic.

**O'Connell Youth Ranch
Event Center
1646 N 1320 Road**



Legend	
Qty	Common Name
Shrub, Deciduous	
18	Dwarf Burning Bush
Shrub, Evergreen Broadleaf	
24	Green Velvet Boxwood
Shrub, Evergreen Conifer	
8	Armstrong Juniper
Tree, Deciduous	
20	Shade Tree



LAWRENCE LANDSCAPE, INC.
600 LINCOLN
LAWRENCE, KS 66044



Lawrence Landscape, Inc.

600 Lincoln Lawrence, KS 66044
Voice: 785-843-4370 Fax: 785-843-6524

Customer: **BCCM Construction Group**
JobName: **O'Connell Youth Ranch, Landscape**
Job Address: **1646 N 1320 Road**
Job City, ST, ZIP: **Lawrence, KS 66046**

Billing Name: **BCCM Construction Group**
Billing Address: **100 East 7th Street Suite 201**
Billing City, ST, ZIP: **Kansas City, MO 64106**

Contact Name: **Donald Rich**
Contact Phone: **816-659-9115**
Contact E-mail: **drich@lwxrconstruction.com**

Tax Situation	Design/Build
Tax Authority	Commercial Remodel
Tax Rate	Lawrence
	0.0905
	Dan Newsom
	785-979-4125

This estimate was prepared by:

dan@lawrencelandscape.com

Description of work:

Install landscape as per plan

(20) 2.0" Shade Trees (variety to be determined) with 3 tree stakes/guy wire per tree and gator bag watering pouch

(18) Dwarf Burning Bush

(24) Green Velvet Boxwood

(8) Armstrong Juniper

(35) Cubic Yards Hardwood Mulch with trench edge install

*This estimate assumes work area is clean and ready for plant material installation. There is no labor accounted for clearing existing vegetation or obstacles. If required, this demo/prep labor will be bid separately. Does not include seeding disturbed areas.

**Lawrence Landscape will water in plant material at the time of installation. All other watering requirements by owner.

LLI provides a 1 year, limited material warranty on installed trees and shrubs. This includes replacing an individual plant one time only. This does not cover labor or perennials. Proper watering is the responsibility of the home owner. Even with a automatic lawn irrigation system trees and shrubs should be watered by hand for the first year, longer in drought situations.

Acceptance of this contract provides Lawrence Landscape the right to use photos of this project on its website.

We bill upon completion or at the end of every month based on percentage completed. All invoices are due upon receipt.

Overdue invoices accrue service charges of 1.5% per month (APR of 18.0%) with a \$2.00 minimum.

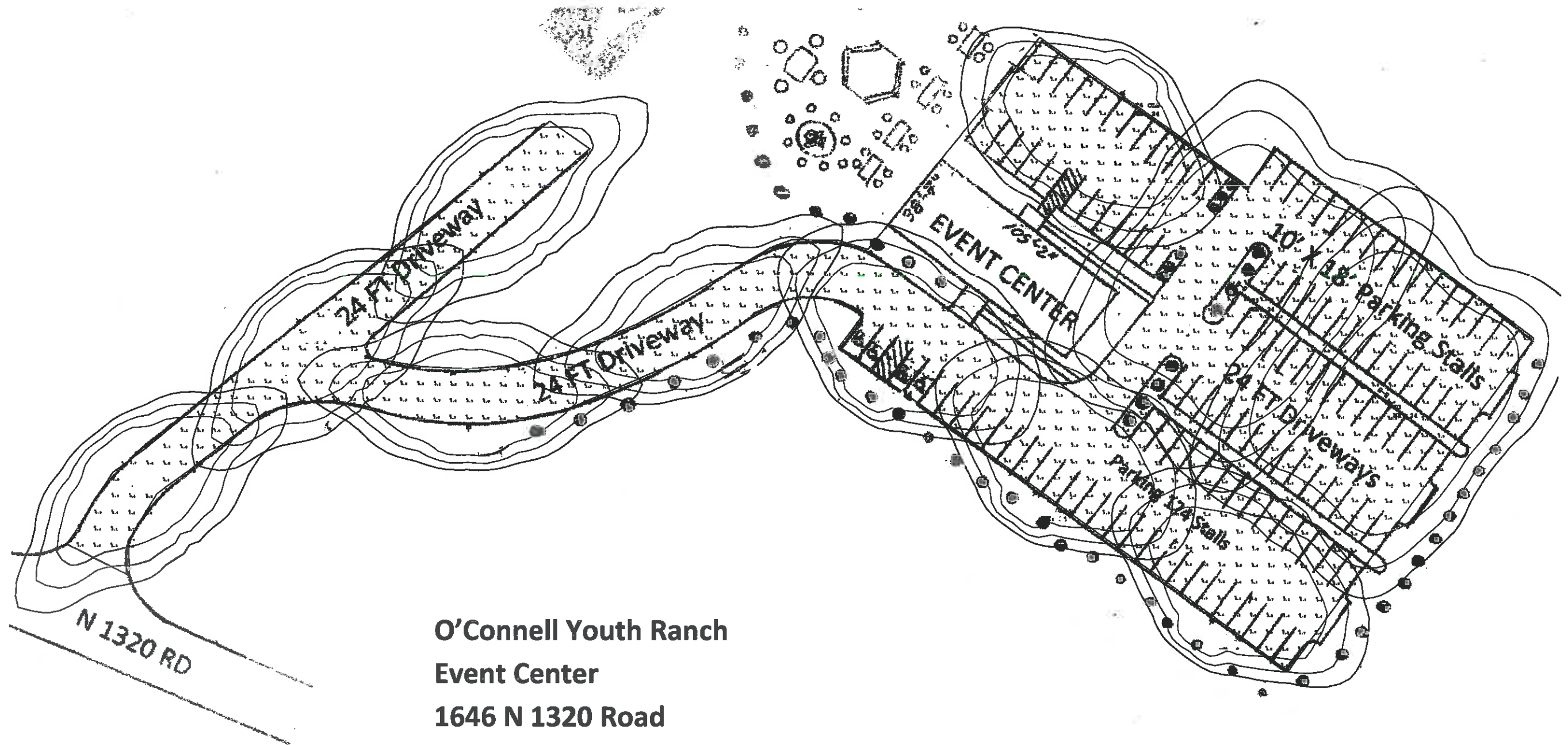
No warranty work will be provided until all outstanding invoices are paid.

All property line markings are the responsibility of the owner. Lawrence Landscape cannot proceed until such time as all boundaries are marked.

For Lawrence Landscape, Inc. _____

For BCCM Construction Group _____

www.lawrencelandscape.com



**O'Connell Youth Ranch
Event Center
1646 N 1320 Road**

Parking Lot and Driveways Lighting

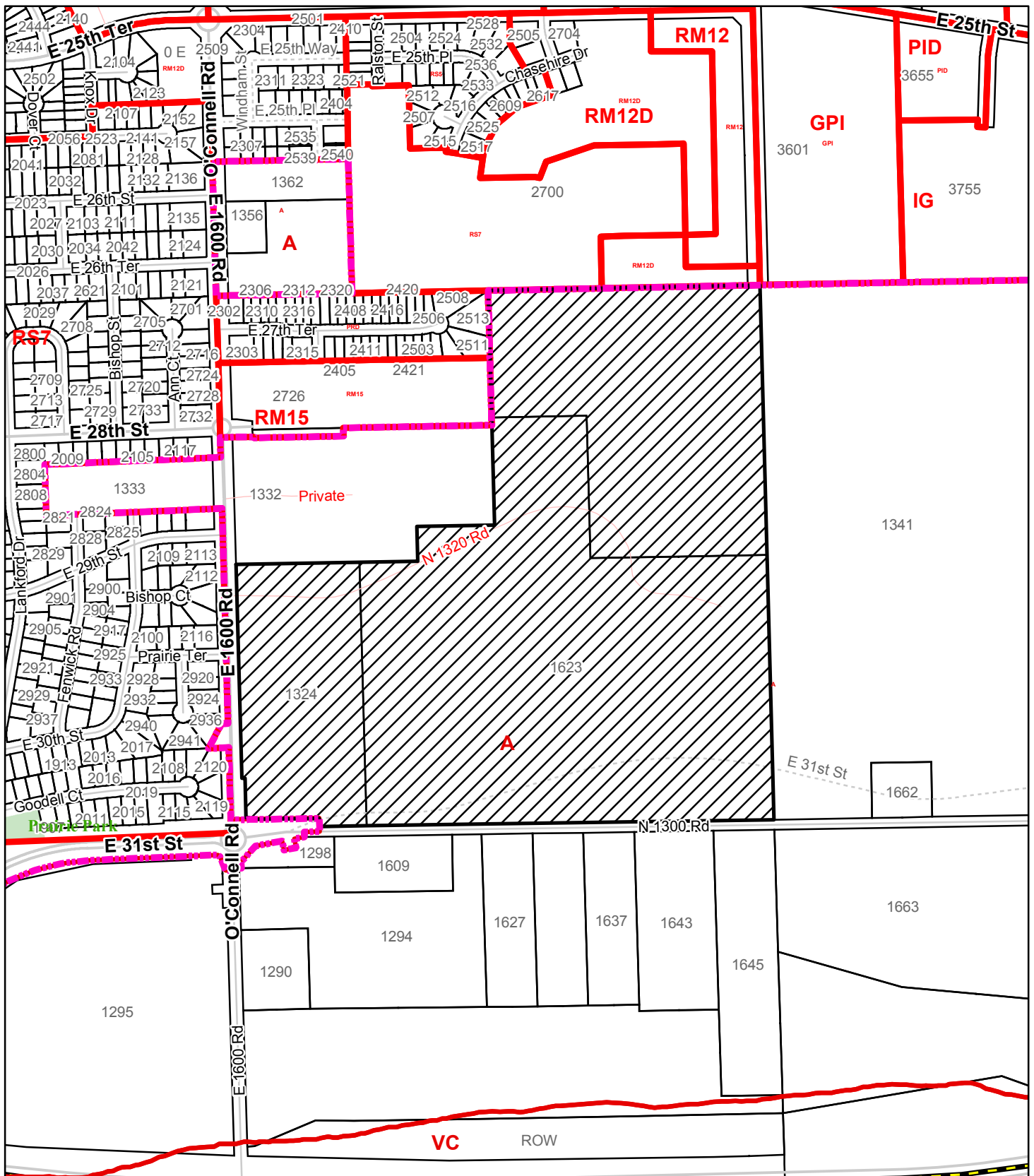
Plantings 

Driveway and parking areas gravel surface

**Parking lot shall have lighting confined to lot size with
minimum One Foot Candle**

Calculation Schedule

Lable	Units	Avg	Max
O'Connell Youth Center	Foot Candles	2.84	10.1



CUP-18-00021: Consider a Conditional Use Permit for an Event Center space for O'Connell Youth Ranch, located at 1623 N 1320 Rd.



PLANNING COMMISSION REPORT
Regular Agenda – Non-Public Hearing Item

PC Staff Report
03/28/18

ITEM NO. 4: PRELIMINARY PLAT FOR Maple Street Subdivision; 772 & 782 Maple Street (LRM)

PP-18-00020 Consider a Preliminary Plat for Maple Street Subdivision, a three-lot residential subdivision on approximately 0.592 acres located at 772 & 782 Maple St. Submitted by BG Consultants, INC. on behalf of Lawrence Kansas Rentals, LLC, property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat of Maple Street Subdivision.

Reason for Request: The applicant proposes to divide the parcel at 772 Maple Street into two lots for future development. A portion of the original lot line between 772 and 782 Maple Street will be shifted three feet to the east. As a portion of 782 Maple Street is unplatted, the land division must occur through the Major Subdivision Process.

KEY POINTS

- Platting is required to accommodate the applicant's plans to divide the property into three lots. Two lots will be for future single-family residential development.
- The original Lot 2 and Lot 3 of 772 Maple Street were combined by Douglas County in 1988 for taxing purposes.
- PP-18-00020 proposes a shift of the lot line between Original Lot 2 and Lot 3. The lot line shift provides adequate square footage for a buildable lot in the RS7 district.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 10, 2012.

ASSOCIATED CASES

- Order of Vacation for Alley. Book 350, Page 894

OTHER ACTION REQUIRED

- Submittal and administrative approval of Final Plat.
- Recording of the Final Plat with the Douglas County Register of Deeds.
- Applicant shall obtain Building Permits prior to development.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – A traffic study was not required with this plat.
- *Downstream Sanitary Sewer Analysis* – A DSSA was not required with this plat.
- *Drainage Study* – The Stormwater Engineer indicated that a Drainage Study is not required at this time. Stormwater Engineer did note that any work proposed for the public right-of-way will require a City of Lawrence Right-of-Way permit.

PUBLIC COMMENT

- M. Gronniger, owner of 779 Locust Street, received public notice letter and called staff on 03/06/2018. Ms. Gronniger was curious about future plans for the properties.

SUBDIVISION SUMMARY

Gross Area: 25,793 sqft/ 0.592 acres

Number of Lots: 3

Number of Tracts: 0

Minimum Lot Area: 8,107 sqft/ 0.186 acres

Maximum Lot Area: 9,367 sqft/ 0.215 acres

GENERAL INFORMATION

Current Zoning and Land Use: RS7 (Single-Dwelling Residential – 7,000 square feet) District;
Single Family Residential.

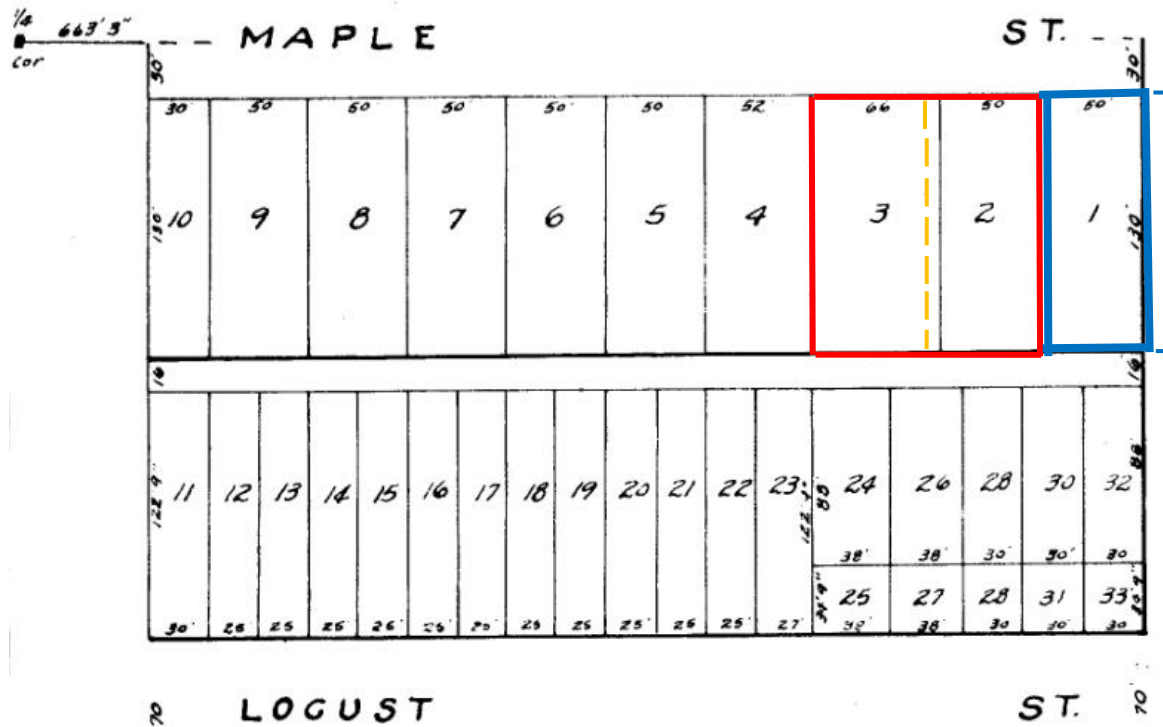
Surrounding Zoning and Land Use: To the north across Maple Street: IG (General Industrial)
District with mostly *Single Family Residential*, one parcel of;
RS7 with *Single Family Residential* to east, west, and south.



1a. Single-family development pattern. Parcels outlined in red. Dashed yellow line shows original Lots 2 & 3 combined in 1988. Lot line will shift 6.3 ft to west to satisfy RS7 density & dimensional standards for a buildable lot.



1b. RS7 district south of Maple Street. IG district north of Maple Street. *Single-Family* residential (light yellow color) is prevailing land use in area.



1c. Image of original 1871 North East Central Subdivision plat. Red line indicates original Lots 2 & 3 that now make up 772 Maple. Dashed orange line shows intended lot line shift to create two buildable lots. Solid blue line indicates platted portion of 782 Maple. Dashed blue line indicates unplatted strip of 782 that will be platted as part of PP-18-00020. Note: Original plat includes alley. Alley Order of Vacation can be viewed in BK. 350 PG. 894.

STAFF REVIEW

The subject property contains approximately 0.592 acres. Both 772 and 782 Maple Street are zoned RS7. When the lot line between the original Lots 2 and 3 of 772 is shifted, all three lots will meet the density and dimensional standards for RS7 lots. 782 Maple currently has a single family residence and garage that will both remain. The single family residence and accessory structures on 772 Maple will be removed to create two buildable lots. The property is bounded on the north by Maple Street, a local road. Residential uses surround the property with the exception of some small personal storage at 789 Maple Street.

Prior to the adoption of the 2006 Development Code, 772 and 782 Maple were zoned RS-2 (single family residence district) with a minimum lot area of 7,000 square feet.

The Preliminary Plat combines three platted lots and a 20 ft. wide unplatted parcel. Two lots will be available for new single family residences. As development is not being proposed at this time, additional studies will be required when a development proposals are submitted. The City Stormwater Engineer noted that new driveway culvert pipes must be installed per the approval of the Department of Public Works. Study and plans must be approved by Public Works prior to release of building permits.

Compliance with Zoning Regulations for the RS7 District

Per Section 20-809(d)(2) of the Development Code, each lot resulting from the division must conform with the minimum lot size and other dimensional requirements in the Zoning District. As shown in the table below, all three lots are in compliance with the requirements of the RS7 District.

Standard	Requirement	New Lot 1	New Lot 2	New Lot 3
Minimum Lot Area	7,000 sq ft	8,319 sq ft	8,107 sq ft	9,367 sq ft
Minimum Lot Width	60 ft	60 ft	60 ft	66.91 ft

The lot line between new Lots 2 and 3 will move three feet to the west to provide the required side yard setback for the existing garage that will remain at 782 Maple Street.

Streets and Access

The properties currently have access on Maple Street and all three lots will maintain this access. No changes to access points are being proposed or required with the preliminary plat.

The City Engineer has noted the Final Plat should include an agreement not to protest benefit district for construction of a future sidewalk. The applicant has acknowledged this requirement.

Utilities and Infrastructure

A Sanitary Sewer Main touches each lot, as required by Code. An existing Sanitary Sewer Main is located adjacent to the north of the properties in the Maple Street right-of-way.

A Water Main is located on the north side of Maple Street. The City Utilities Division noted that both lots will have access to existing public sanitary sewer and waterlines so public improvements for utilities are not needed at this time

Easements and Rights-of-way

There are no easements located on 772 and 782 Maple Street. Utilities, both public and private, are all located in the public street right-of-way in this area. Therefore, new easements are not necessary to serve the development. There are no proposed easements associated with this preliminary plat.

Right-of-way (R-O-W) widths required and provided for the adjacent roadways are as noted in the table below. There are no R-O-W changes associated with this preliminary plat.

Street	R-O-W required	R-O-W provided
Maple Street	60 ft (30 ft each side of centerline)	60 ft currently provided; about 32 ft south of centerline and 28 ft north of centerline

Floodplain

772 and 782 Maple Street are located in Zone X, protected by the levee. No floodplain permit required for development.

Preliminary Plat Conformance

The Preliminary Plat is the first step in platting property into lots to allow for development. A Final Plat for all lots will be provided to complete the platting process. The plat, as conditioned, is in conformance with the standards of the Subdivision Regulations.

MAPLE STREET

16th COR. ON THE N. LINE OF THE SW QUARTER OF SEC. 29, T12S, R20E

145.00'

27.62'

826'

60.00'

60.00'

46.91'

20.00'

64.54'

138.56'

138.75'

74.39'

8.00'

20.00'

57.00'

49.97'

60.00'

LOT 1 (8,319 S.F.)

LOT 2 (8,107 S.F.)

LOT 3 (9,367 S.F.)

BLOCK ONE

772 MAPLE TO BE REMOVED

782 MAPLE TO REMAIN

3.00' GARAGE TO REMAIN

GARAGE TO BE REMOVED

SHED TO BE REMOVED

ORDER OF VACATION FOR ALLEY BK. 350, PG. 894

UNPLATTED

NORTH EAST CENTRAL SUBDIVISION

MELVINE & TIMOTHY E COPP



PP-18-00020: Consider a Preliminary Plat for Maple Street Subdivision, located at 772-782 Maple St.

**BYLAWS OF THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
LAWRENCE, KS**

ADOPTED JUNE, 1969

AMENDED 10.23.02, 02.11.04, 03.17.04, 08.30.06, 09.24.07,
02.27.08, 02.23.09

LATEST AMENDMENT: 02.21.18

**ARTICLE I
NAME AND MEMBERSHIP**

SECTION 1. NAME. The name of this organization, established by Ordinance No. 3951 of the City of Lawrence, Kansas, and Resolution No. 69-8 of Douglas County, Kansas, shall be the Lawrence-Douglas County Metropolitan Planning Commission. The term "Commission" in the following sections shall mean the Lawrence-Douglas County Metropolitan Planning Commission.

SECTION 2. MEMBERSHIP. Membership of the Commission shall be as established by the above-cited joint ordinance/resolution, which specifies the number, method of appointment, and term of office.

**ARTICLE II
PURPOSE**

SECTION 1. BYLAWS. The purpose of these bylaws is to establish rules for the internal organization of the Commission and for procedures of operation.

SECTION 2. COMMISSION. The function, powers, and duties of the Commission are as authorized by state law and by the joint ordinance/resolution establishing the Commission. With some exceptions, actions of the Commission are recommendatory only and subject to approval by the appropriate governing body, the City Commission or the Board of County Commissioners. The Commission, however, adopts its own rules and policies for procedure, consistent with its powers.

**ARTICLE III
ORGANIZATION**

SECTION 1. OFFICERS. The officers of the Commission shall be a chairperson, a vice-chairperson, and a secretary. The chairperson and vice-chairperson shall be elected by the Commission at its regular meeting in June of each year. Their term of office shall be one (1) year. No person may serve more than two (2) consecutive terms. The Director of Planning & Development Services or his/her selected representative shall serve as secretary to the Commission.

SECTION 2. CHAIRPERSON. The chairperson shall preside at all meetings of the Commission unless the chairperson designates someone to preside in his/her stead. The chairperson shall appoint all committees. The chairperson shall perform all the duties assigned to his/her office by law and by the city and county governing bodies, and shall have such usual powers of supervision and management as pertains to the office of chairperson.

SECTION 3. VICE-CHAIRPERSON. The vice-chairperson shall act as chairperson in the absence of the chairperson. In the event the office of chairperson becomes vacant, the vice-chairperson shall succeed to that office for the unexpired term, and the Commission shall select a new vice-chairperson for the unexpired term at the next regular meeting.

SECTION 4. SECRETARY. The secretary shall prepare the agenda and the order of business for each regular meeting in consultation with the chairperson. The secretary shall keep the Commission informed on all communications. The secretary shall record the minutes of all meetings and shall provide copies to all members of the Commission, the governing bodies and other public agencies involved. The secretary shall act on behalf of the Commission in the following matters, provided that matters shall first be presented to the Commission if there appears to be a serious conflict of interest, public controversy, or the like:

- a. Represent the Commission on planning matters at all meetings of the governing bodies.
- b. Prepare or present plans, policies, or procedures established by the Commission.
- c. Accept and prepare all routine communications on planning matters.
- d. Give or serve all notices required by law, these bylaws or adopted procedures.

Further, the secretary shall be responsible to advise the chairperson directly, and the Commission as a whole, on matters regarding annual requirements for document reviews, *i.e.* the comprehensive plan, or its successor, and deadlines and content requirements for submission of various reports and documents to local governing bodies, the State of Kansas, and Federal offices.

SECTION 5. COMMITTEES. The Commission shall meet as a "Committee of the Whole" to consider informally issues as determined by the Commission. The Vice Chair shall preside at these meetings and shall work with the Chair and Secretary to set agendas and meeting times. Other ad-hoc committees may be appointed by the Commission Chair, as necessary to study, facilitate, and/or make recommendation of specific issues. Such appointments will include purpose, members, and presiding officer. Planning Commission members shall be appointed by the chairperson to serve on the ad-hoc committees. No ad-hoc committee shall have more than four (4) planning commissioners appointed to it.

SECTION 6. ATTENDANCE. A member having three or more unexcused absences or five or more absences for any reason from a regular or special meeting, as those meetings are provided for in Article IV of these bylaws, during one (1) calendar year shall be deemed by the Commission to have involuntarily resigned his or her position. Failing to notify the Chair and the Secretary of an absence at least 24 hours prior to a scheduled meeting shall count as an unexcused absence. Attendance will be reviewed regularly to ensure compliance.

SECTION 7. PLANNING OFFICE. The Planning office shall provide professional and technical assistance to the Commission. Staff planners shall present recommendations of the Commission to the governing bodies. Recommendations of the professional staff, minutes of the Commission meeting, and other relevant material shall be presented to the governing bodies with the recommendations of the Commission. The Planning office shall also provide professional and technical assistance to both governing bodies and to other boards, commissions and agencies as is deemed appropriate. The Planning office shall be the official custodial agency for minutes, records, files, and materials relating to Commission business.

ARTICLE IV **MEETINGS**

SECTION 1. REGULAR MEETINGS. Regular monthly meetings shall be held twice a month, typically on the fourth Wednesday of the month and on the Monday preceding the fourth Wednesday of the month, unless otherwise designated on the official yearly meeting calendar adopted

annually in November of the previous year. The public hearing portion of the regular monthly meetings shall be commenced at the first meeting date and recessed, at the conclusion of that meeting, until 6:30 p.m. on the second monthly meeting date.

The first regular monthly meeting shall be held on either a Monday or a Wednesday, and shall commence at 6:30 p.m. Regular monthly meetings shall be held in the City Commission meeting room on the first floor of City Hall, 6 E 6th Street, in Lawrence, unless another location is published in the meeting's legal notice.

SECTION 2. CORRESPONDENCE. Correspondence received from the applicant, staff or public after the staff report packet has been originally posted will be posted to the website by 2:00 p.m. on the Monday of the week of the regular meeting. Questions submitted from the public in regard to items on the first regularly scheduled meeting shall be provided to staff by 10:00 a.m. on the Monday of the week of the regular meeting to allow time for responses to be prepared and posted by the 2:00 p.m. deadline above.

SECTION 3. SPECIAL MEETINGS. Special meetings may be called by the chairperson and shall be called by the chairperson if requested by at least six (6) members of the Commission. Notice of special meetings shall be given by the Planning Director not less than five (5) days prior to the meeting. Published notice shall state the purpose, time, and location of the meeting.

SECTION 4. AGENDA. If an agenda is prepared, it shall be made available to the public ten days prior to the first regular monthly meeting and shall be posted on the department's website for ease of access. Any updates to the Agenda will be posted to the website daily by 5:00 p.m. (if needed). Items on the Agenda may be taken in any order, by a majority vote of the Commissioners present and voting at the meeting.

SECTION 5. QUORUM. A quorum shall consist of six (6) members as provided by the joint ordinance/resolution establishing the Commission. In the absence of a quorum, the members present shall reschedule the meeting and absent members shall be notified by the secretary.

ARTICLE V **Conduct of Meetings**

SECTION 1. PARLIAMENTARY AUTHORITY. Meetings shall be conducted according to these bylaws.

SECTION 2. ORDER OF BUSINESS. The order of business shall be as follows:

The order of business for consideration at any regularly scheduled monthly meeting shall be as follows:

- a) call to order
- b) consideration of minutes
- c) staff and committee reports
- d) communications:
 1. public (written)
 2. planning commissioners or other boards and/or commissions (written or oral)
 3. staff (written or oral)
 4. declaration of planning commissioner ex parte communications and intent to abstain on specific agenda items
 5. requests for deferral

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- e) election of chairman and vice-chairman [annually at the June meeting]
 - f) ex parte communications disclosed for each separate quasi-judicial item (oral).
 - g) general public comment
 - h) old business [items returned for reconsideration by a governing body]
 - i) plats which require public hearing on variance requests
 - j) public hearing items
 - k) miscellaneous items
 - l) adjourn

* public and non-public hearing items that are related to a development project shall be placed on the same meeting's agenda in consecutive order under the regular agenda.

SECTION 2A. AGENDA MANAGEMENT BY STAFF. Items on the regular agenda shall be ordered according to Staff's estimation of various factors including: location within community [staff will attempt to schedule items within same area/neighborhood on the same night to accommodate public involvement]; staffing assignments [to minimize individual staff attendance at both meetings]; applicant's ability to attend; and balancing number of items between the two meetings. This shall apply to all Items, regardless of previous deferrals, except according to specific direction from the Planning Commission.

SECTION 2B. DEFERRALS REQUESTED BY THE APPLICANT. Deferral requests that are made while a project is under review [prior to staff report posting on the website] will be noted on a revised agenda as 'Deferred' and staff will attempt to notify members of the public who have expressed interest in the project during the review period, as well as the media. Deferral requests made by the applicant after staff report posting and through the communications deadline shall be considered by the Commission under the Communications portion of the agenda. Such requests will be permitted only in cases of severe hardship or for the purpose of making a significant change to the original application and only with a majority vote of the Commission at the meeting. Such requests must be made in writing and must be submitted to Staff no later than 10:00a.m. on the day of the meeting.

The Commission has the authority to deny the deferral request on the grounds that such request was not made in a timely fashion, that notice of deferral has not been given to the adjacent property owners, or that the applicant is not seeking deferral in order to make significant changes to the original application.

SECTION 2C. DEFERRALS/TABLING INITIATED BY THE COMMISSION. The Commission may table or defer any item, including after the public hearing has been closed, when it is determined by the Commission that such action would be advantageous to the Commission for responding to issues raised and for gathering adequate information to make a well-informed recommendation.

SECTION 3. STAFF REPORTS. Staff reports on all agenda items shall be prepared and posted to the website five (5) calendar days prior to the day of the first meeting. Members of the public can sign up to receive automatic e-mail notification regarding staff report postings and updates.

SECTION 4A. APPEARANCE BEFORE THE COMMISSION. Petitioners or their representatives, members of the community at large, or individuals or their representatives who feel that they will be affected by any action may appear before the Commission to present views and statements either for or against agenda items. The public may address their comments or concerns to the Commission in person or in writing. Except as otherwise determined by the chair, the following

time limits will apply: Applicant - 10 minutes per item up to a maximum of 30 minutes; Members of public representing themselves or a group - 3 minutes; Petitioner's response to public testimony – 5 minutes. The Chairperson may at his/her discretion change the length of presentation or discussion to ensure the orderly conduct of Commission business provided that the decision of the Chairperson may be overridden by a majority vote of those commissioners present.

After the Chair closes the public hearing on a public hearing item, additional public testimony will not be taken with the exception that a Commissioner, after recognition by the Chairperson, may ask a speaker for clarification on a point raised. Such action shall be noted in the minutes and the returning speaker shall be instructed to reply only to the question raised.

SECTION 4B. INTRODUCTION OF UNREVIEWED INFORMATION. An applicant's written response to the recommendations in the Staff Report will be accepted by planning staff until 10:00 a.m. on the Monday of the week of the regular meeting on which the agenda item will appear. The applicant may present new information at a regular meeting under three circumstances:

- (a) The information has been reviewed by Staff and Staff is prepared to respond;
- (b) The information is in direct response to recommendations in the Staff Report; or
- (c) The information is requested by a Commissioner in the course of the regular meeting.

In all other cases in which the applicant wishes to introduce new information, the applicant should make a timely request for deferral of the Item in accordance with Article V, Section 2C. If the Item stays on the agenda, Staff should notify the Commission if any attempt is made to introduce new information not complying with (a), (b) or (c) as described above. In such a case, the Chair shall bar introduction of the new information and the Commission shall consider the Item without consideration of the new information.

SECTION 4C. WRITTEN COMMENTS FROM THE PUBLIC. Public comments on agenda items for the regularly scheduled monthly meetings will be accepted by planning staff until 10:00 a.m. on the Monday of the week of the regular meeting. This deadline provides time for correspondence to be posted to the website by the 2:00p.m. deadline established in Article IV, Section 2.

SECTION 5. COMMISSION ACTION. The Commission shall take action on each item presented at the conclusion of discussion of that item.

SECTION 6. MOTIONS. Motions before the Commission shall be restated by the Chairperson before a vote is taken.

SECTION 7. VOTING. Voting on non-public hearing items and for public hearing items shall be by a show of hands. Each member's vote shall be recorded by the Secretary or his/her designee on the official voting sheet. After a vote is taken the Chairperson or the Secretary shall announce the votes cast in favor of the motion, in opposition to the motion and whether the motion passed or failed.

For non-unanimous votes, the minutes shall note the members voting in favor of a motion, in opposition to a motion, and those abstaining from voting on the motion as well as the vote tally. For example, an 8-1-1 vote would be recorded as Commissioners a, b, c, d, e, f, g, & h

voted in the affirmative, Commissioner x voted in opposition to the motion and Commissioner y abstained from voting.

SECTION 8. ABSTENTION. It is the duty of each member to vote on each issue, but a member may abstain if he or she declares a conflict of interest. No member shall participate in, discuss, or vote on a matter in which he or she has a conflict of interest, a substantial interest as defined by K.S.A. 75-4301a *et seq.*, or is otherwise prohibited by any applicable City or County ordinance, resolution, rule, or policy. Members having declared a conflict of interest with respect to an item before the Commission shall physically leave the meeting room during the hearing of that item.

SECTION 9. RECORD OF PROCEEDINGS. The secretary shall record the minutes of each meeting as a matter of public record and shall present such minutes to the Commission for approval.

A written voting log shall be kept for each motion. Included in this log shall be: the commissioner who made the motion; the commissioner seconding the motion; any commissioners abstaining from voting on the motion; the commissioners voting in favor of the motion; and the commissioners voting in opposition to the motion.

Draft minutes will be stamped as DRAFT and will be forwarded to the Commission when the staff report is posted to the website. Revisions may be made to the minutes at any time prior to approval of said minutes at the next regular meeting. Due to timing of the meetings, draft minutes are distributed to the Governing Bodies prior to approval by the Planning Commission.

ARTICLE VI

MATTERS TO BE CONSIDERED

SECTION 1. ITEMS TO BE CONSIDERED. The Commission shall consider matters relating to the Comprehensive Plan, including zoning, subdivision, and other regulatory measures relating to the Comprehensive Plan and the physical development of the city and county, as itemized in Section 2, below.

The Commission shall not consider any proposal, request, application, or plat which is contrary to or in conflict with provisions of the Kansas Statutes Annotated, as amended, or contrary to or in conflict with city ordinances or county resolutions.

SECTION 2. ITEMIZED LIST. A specific list of matters to be considered by the Commission is as follows:

- 1) Rezoning proposals, Conditional Use Permits, Special Use Permits, and Subdivision plats and Certificates of Survey and associated requests for variances;
- 2) Annexation proposals;
- 3) Comprehensive Plan amendments or revisions;
- 4) Text Amendments to adopted ordinances and resolutions;
- 5) Capital Improvement Plans, and;
- 6) Such other matters as the Director may bring before the Commission or that the governing bodies may assign to the Commission or the Commission shall deem relevant or appropriate.

ARTICLE VII
CODE OF CONDUCT

Section 1. DEFINITIONS:

A. QUASI-JUDICIAL CONDUCT. A Planning Commission is expected to act like a judge, or function in a "quasi-judicial" capacity, when reviewing matters that affect a specific party's land use rights. Quasi-judicial conduct must be above reproach and within the law. Quasi-judicial conduct demands that Commissioners provide interested parties with "procedural due process." Procedural due process includes the following:

- Proper notice of the hearing;
- A proper hearing where interested parties are permitted to present their case;
- A fair and impartial decisionmaker that reviews the evidence and makes its decision based on substantial competent evidence in the record

B. EX PARTE COMMUNICATIONS. An *ex parte* communication is a communication -- written, electronic, oral, or otherwise -- that is relevant to the merits of a quasi-judicial proceeding, that is not in the record, and that occurs between a Commissioner and a person who is not on the Commission. Communications between Commissioners, communications between Commissioners and Planning Staff, communications on issues that are not quasi-judicial in nature, and communications on purely procedural matters are not *ex parte* communications.

C. ACTIVE REQUEST. An item is an active request until such time as the Planning Commission has completed deliberations on the item, forwarded a recommendation to the Governing Body(ies) and a 'final action of approval' has been taken. A 'final action of approval' shall be construed to mean, for the purposes of this document, the adoption of an ordinance or resolution by the Governing Body(ies) to enact a zoning or text change, the filing of a plat or development plan at the Register of Deeds, the denial of a request, or the issuance of a building permit based on an approval of an "active request." An item is an active request at least from the time that any filing or request is received by the Planning Office, or any action has been initiated by the Planning Commission or by a Governing Body.

Section 2. DISCLOSURE OF EX PARTE COMMUNICATIONS. Any *ex parte* communication shall be disclosed at any meeting as part of the Communications section, at the beginning of each quasi-judicial item on the agenda, or earlier. The Commissioner receiving the *ex parte* communication shall disclose the full nature of the communication including the identity of the individual(s) participating in the communications and any information obtained through the communications so that all Commissioners have the same information upon which to make their decision and so that the applicant, City Staff, interested parties, and the general public are provided a fair opportunity to respond meaningfully to the information.

Section 3. REQUEST FOR ADDITIONAL INFORMATION BY COMMISSIONERS. The *ex parte* communication restriction shall not preclude any Commissioner from requesting additional information as long as the requests for information are in writing and a copy of the request and the response are forwarded to staff and made part of the public record on that quasi-judicial matter.

Section 4. CONFLICT OF INTEREST. A Commissioner shall declare a conflict of interest and shall not participate in, discuss, or vote on any matter in which he or she has a conflict of interest, a substantial interest as defined by K.S.A. 75-4301a *et seq.* or is otherwise prevented by any applicable City or County ordinance, resolution, rule, or policy. Any Commissioner declaring a conflict of interest with respect to an item before the Commission shall physically leave the meeting room during the discussion and the vote on the item.

Section 5. Commissioners continue to be subject to the *ex parte* disclosure requirements until a 'final action of approval' has been taken on an "active request" as defined in Article VII, Section 1C.

ARTICLE VIII **AMENDMENTS**

Section 1. These bylaws may be amended by a two-thirds vote of the Commission at any regular meeting, provided the members have been notified one (1) month in advance and the proposed amendment has been placed on the agenda. Any amendments to these bylaws shall be approved by the City Commission and the Board of County Commissioners before becoming effective.