City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Updated:
5/23/11 @ 11:30am
Added communications for the following items:
Item 5 - Rezoning A to R-T; 209 acres; 778 E 1300 Rd
Item 9 - Comp. Plan Amendment to H2020; Chp 14; Inverness Park District Plan
Item 14A - Annexation 69 acres; south side of N 1800 Rd & between E 900 Rd & E 950 Rd
Item 14B - Rezoning A to IG; 69 acres; 933, 939, & 943 N 1800 Rd
Item 16 - Text Amendment; Multi-Dwelling Residential Zoning District RM64
Item 17 - Text Amendment; Planned Development Overlay District

5/20/11 @ 5:30pm
Added the following:
Draft April Planning Commission minutes
Communications for Item 11 - Kappa Delta Addition; 1602 High Dr

5/18/11 @ 1:45pm
Added the following:
Item 2 - Prairie Wind: 2620 Haskell Ave
Item 3 - Hunters Ridge Addition: N side of W 6th St between Queens Rd & Stoneridge Dr
Communications for Item 11 - Kappa Delta Addition; 1602 High Dr

5/17/11 @ 4:15pm
The following items will be added when available:
Item 2 - Prairie Wind; 2620 Haskell Ave
Item 3 - Hunters Ridge Addition; N side of W 6th St between Queens Rd & Stoneridge Dr
Draft April Planning Commission minutes

LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
MAY 23 & 25, 2011 6:30 - 10:30 PM

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

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

COMMITTEE REPORTS

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

COMMUNICATIONS

a) Receive written communications from the public.
b) Receive written communications from staff, Planning Commissioners, or other commissioners.
c) Receive written action of any waiver requests/determinations made to the City Engineer:

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

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

REGULAR AGENDA (May 23, 2011) MEETING
PUBLIC HEARING ITEMS:

ITEM NO. 1 I-2 TO A; 32 ACRES; 670 N 1800 RD (MKM)

Z-3-10-11: Consider a request to rezone approximately 32 acres from I-2 (Light Industrial) to A (Agricultural), located at 670 N 1800 Rd. Submitted by Paul Werner Architects, for Rockwall Farms L.C., property owner of record. *Joint meeting with Lecompton Planning Commission.*

ITEM NO. 2 FINAL DEVELOPMENT PLAN; PRAIRIE WIND; 3 ACRES; 2620 HASKELL AVE (MKM)

FDP-3-1-11: Consider a Revised Final Development Plan for Prairie Wind, including the addition of one single-family dwelling unit for a total of 18 homes, on approximately 3 acres, located at 2620 Haskell Ave. Submitted by Tenants to Homeowners, Inc., property owner of record.

NON-PUBLIC HEARING ITEM:

ITEM NO. 3 PRELIMINARY PLAT; HUNTERS RIDGE ADDITION; 35 ACRES; NORTH SIDE OF W 6TH ST BETWEEN QUEENS RD & STONERIDGE DR (MKM)

PP-3-3-11: Consider a Preliminary Plat for Hunters Ridge Addition, an approximately 35 acre subdivision containing 4 lots, located on the north side of West 6th Street between Queens Road & Stoneridge Drive. Submitted by Pat Kelly for Pear Tree Village L.P., property owner of record.

PUBLIC HEARING ITEMS:

ITEM NO. 4 A & B2 TO B2; 6 ACRES; 751 HWY 40 (MKM)

Z-3-7-11: Consider a request to rezone approximately 6 acres from A (Agricultural) and B2 (General Business) to B2 (General Business), located at 751 Hwy 40. Submitted by Kathleen Baker Wolfe, property owner of record.

ITEM NO. 5 A TO R-T; 209 ACRES; 778 E 1300 RD (MKM)

Z-3-9-11: Consider a request to rezone approximately 209 acres from A (Agricultural) to R-T (Rural Tourism), located at 778 E 1300 Rd. Submitted by Grob Engineering Services, for Sadies Lake LC, property owner of record.

No action being taken on Item 6
ITEM NO. 6 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 11 (LBZ)

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

No action being taken on Item 7
ITEM NO. 7 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE & DOUGLAS COUNTY CODE; MINOR & MAJOR SUBDIVISIONS (SMS)

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

****DEFERRED****

~~**ITEM NO. 8 CONDITIONAL USE PERMIT; FRATERNAL ORDER OF POLICE SHOOTING RANGE; 768 E. 661 DIAGONAL RD (MKM)**~~

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

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 PLANNING COMMISSION TRAINING SESSION

Reminder regarding Planning Commission training session: July 15th 8:00am - 5:00pm in the City Commission room.

Consideration of any other business to come before the Commission.

Recess until 6:30pm on May 25, 2011.

BEGIN PUBLIC HEARING (MAY 25, 2011):

COMMUNICATIONS

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

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

REGULAR AGENDA
PUBLIC HEARING ITEMS:

ITEM NO. 9 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 14 (DDW)

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

ITEM NO. 10 COMPREHENSIVE PLAN ANNUAL REVIEW (MJL)

Receive the Comprehensive Plan Annual Review and initiate recommended comprehensive plan amendments to be considered at future meetings.

NON-PUBLIC HEARING ITEM:

ITEM NO. 11 PRELIMINARY PLAT; KAPPA DELTA ADDITION; 1.8 ACRES; 1602 HIGH DR (SLD)

PP-3-2-11: Consider a Preliminary Plat for Kappa Delta Addition, a 1.8 acre subdivision containing one lot, located at 1602 High Drive. Submitted by Bartlett & West, for Zeta Epsilon House Corporation, property owner of record.

PUBLIC HEARING ITEMS:

ITEM NO. 12 IG TO RS5; .3 ACRES; 525 & 527 N 7TH ST (DDW)

Z-3-11-11: Consider a request to rezone approximately .3 acres from IG (General Industrial) to RS5 (Single-Dwelling Residential), located at 525 & 527 N 7th Street. Submitted by Nieder Properties, Inc., property owner of record.

ITEM NO. 13 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; SEC 20-403; DETENTION PERMITED WITH SPECIAL USE (SLD)

TA-3-5-11: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Article 4, Section 20-403 to change "Detention" from a use permitted by right in the IG (General Industrial) District to one permitted with Special Use approval. *Initiated by Planning Commission on 3/28/11.*

ITEM NO. 14A ANNEXATION; 69 ACRES; SOUTH SIDE OF N 1800 RD & BETWEEN E 900 RD & E 950 RD (SLD)

A-3-1-11: Consider an annexation request for approximately 69 acres, located on the south side of N 1800 Rd (Farmers Turnpike) and between the extended alignments of E 900 Rd and E 950 Rd.

Submitted by Steven Rothwell, Timothy W. and Lani S. Rothwell, for Timothy Rothwell, Wilber C. Rothwell, and Donald Kenna Rothwell, property owners of record.

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

Z-3-8-11: Consider a request to rezone approximately 69 acres from A (Agricultural) to IG (General Industrial), located at 933, 939, & 943 N 1800 Rd. Submitted by Steven Rothwell, Timothy W. and Lani S. Rothwell, for Timothy Rothwell, Wilber C. Rothwell, and Donald Kenna Rothwell, property owners of record.

ITEM NO. 15 TEXT AMENDMENT TO CITY/COUNTY SUBDIVISION REGULATIONS AND DOUGLAS COUNTY CODE; BUILDING SETBACKS ALONG US HWY 40 (DDW)

TA-4-7-11: Text Amendment to Section 20-814 of the Joint City/County Subdivision Regulations of the Code of the City of Lawrence, Kansas and Chapter 11, Section 814 of the Douglas County Code, which concerns extraordinary building setbacks along US Highway 40, west of K-10 Highway. *Initiated by Planning Commission on 2/23/11.*

Item 17 will be heard before Item 16

ITEM NO. 17 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP 20; PLANNED DEVELOPMENT OVERLAY DISTRICT (MJL)

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

ITEM NO. 16 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; MULTI-DWELLING RESIDENTIAL ZONING DISTRICT RM64 (MJL)

TA-3-3-11: Consider Text Amendments to the City of Lawrence Land Development Code, to various sections regarding creation of a new multi-dwelling residential zoning district, RM64. *Initiated by City Commission on 4/5/11.*

PUBLIC COMMENT SECTION

ADJOURN

CALENDAR

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

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

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

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

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City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

PLANNING COMMISSION MEETING
April 25, 2011
Meeting Minutes DRAFT

April 25, 2011 – 6:30 p.m.
Commissioners present: Blaser, Burger, Culver, Finkeldei, Harris, Hird, Liese, Rasmussen, Singleton, and Student Commissioner Davis
Staff present: McCullough, Stogsdill, Day, Leininger, Larkin, Miller, Warner, Ewert

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MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of March 28, 2011.

Motioned by Commissioner Hird, seconded by Commissioner Singleton, to approve the March 28, 2011 Planning Commission minutes.

Motion carried 8-0-1, with Commissioner Harris abstaining.

COMMITTEE REPORTS

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

Commissioner Hird said the Agri-Tourism committee met and started a draft that might be scheduled for the July Planning Commission Mid-Month meeting.

COMMUNICATIONS

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

Receive written action of any waiver requests/determinations made to the City Engineer:

Reporting of City Engineer waiver from access management standards in Section 20-915 of the Development Code, as required in Section 20-915(e)(3)(iv) in association with Site Plan SP-12-62-10 for the redevelopment of Dillon's at 1740 Massachusetts Street.

The City Engineer approved a waiver from the access management standards regarding driveway spacing for the access points on Massachusetts Street being proposed as part of the Dillon's redevelopment project (infill) at 1740 Massachusetts based on the following:

1) The proposed spacing is more uniform and an improvement over what currently exists.
2) It is very difficult to meet the access management standards with infill development, such as this project.
3) The Traffic Impact Analysis which showed that the proposed access spacing would be adequate to maintain a safe level of operation along Massachusetts Street.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- Abstentions:
  Commissioner Finkeldei said he would abstain from Items 1 and 2.

PC Minutes 4/25/11 **DRAFT**

ITEM NO. 1 CONDITIONAL USE PERMIT; KAW VALLEY EUDORA SAND FACILITY; 2102 N 1500 RD (SLD)

CUP-10-6-10: Consider a Conditional Use Permit for Kaw Valley Eudora Sand Facility, located at 2102 N 1500 Road, NE of SW Cor. SW ¼ S32-T12S-R21E, on approximately 196.58 acres. Submitted by Landplan Engineering, P.A., for Kaw Valley Companies, Inc., contract purchaser, for James and Ronda Bigger and Wellsville Bank, property owners of record. *Joint meeting with Eudora Planning Commission. Deferred by Planning Commission on 2/23/11.*

STAFF PRESENTATION by City of Lawrence
Ms. Sandra Day presented the item.

Commissioner Rasmussen said the property was zoned as Valley Channel. He asked Ms. Day to explain why applying industrial zoning rules was appropriate for that zoning.

Ms. Day said she was not sure that they were attempting to apply industrial zoning rules. As a Conditional Use Permit there was an opportunity to provide a set of recommendations and conditions to make that use more compatible with the surrounding area.

Commissioner Rasmussen said in the staff report it says it is a valley channel and then on page 163 of the packet it says the Eudora Industrial Zoning District should be guiding this. He asked how industrial was applicable to Valley Channel.

Ms. Day said what staff tried to do was to make the comparison that if this application were in the City of Eudora that this would be the type of appropriate zoning.

Commissioner Rasmussen asked how close the dredging activity was.

Ms. Day said the southern property was within a mile of the City of Eudora and that the dredging operation may be a little over that.

Commissioner Rasmussen asked what was too close and how that was determined.

Ms. Day said that was a very difficult question to answer. She said during the review staff gave deference to the City of Eudora's position and to their adopted plan for the area. She stated had this been on the more extreme area of that 3 mile radius staff might have come to a different conclusion.

Commissioner Rasmussen asked what other elements went into that balancing act.

Mr. McCullough said it was more of an exercise in looking at the Comprehensive Plan values. He said Eudora has done some planning and has established a type of growth area that staff believes the Comprehensive Plan wants staff to show deference to.

Commissioner Rasmussen inquired about the planning exercise done for City of Eudora to establish the Urban Growth Area.

Mr. McCullough said it was established in Horizon 2020 and the City of Eudora established it for their own purposes. He said there is deference shown when a city has undertaken an exercise to plan for

a certain area and the statutes appear to give that 3 mile concept, so staff chose to show that deference with the recommendation.

Commissioner Rasmussen asked what area Ms. Day showed on overhead.

Ms. Day said the grey area was designated as floodplain.

Commissioner Rasmussen said in the staff report it states '*…the property is suited for the proposed use…if it can be shown that it is not incompatible with other uses permitted in a district… and is… found to be in the interest of the public health, safety, morals and general welfare…*' and later in the staff report it says '*Approval of the use does not clearly benefit nor harm the public.*' He asked how an industrial activity could clearly benefit the public.

Ms. Day said many times with industrial applications they look at generating tax revenue, employment dollars, employing local community members, construction costs for new buildings and improvements.

Commissioner Rasmussen asked if those things would not be a part of this project.

Ms. Day said the application does not clearly justify that. She said there was nothing in the application that supported it one way or the other.

Commissioner Rasmussen said in the staff report it states *'…relatively low traffic volume has been reviewed and deemed to be acceptable by County staff.* ' But above that in staff finding it says '*Affects to nearby properties include increased truck traffic…'* He asked how those two statements could be reconciled.

Ms. Day said traffic studies provide the rationale and justification for a particular land use. This particular use can be accommodated on the County roads. She said from the public perspective there would be more traffic than what was currently associated with an agricultural activity. She said the study does not say there would be not be any increase in traffic; there will be and there will be a perception to the public of that fact.

Commissioner Rasmussen said the staff report states '*If approved the land feature will be permanently altered from "land" to "water".*' He said the impression he got from that sentence was that staff was stating it as a negative impact as justification for recommendation of denial.

Ms. Day said she did not necessarily intend for that statement to be negative. She said it was a statement of fact. She said this was not a land use that once it went away all traces of it could be removed. She said many conditional Use Permits have a time element to them and then they go away and the property could still be used for agricultural use. She stated in this particular use the landscape would be permanently altered.

Commissioner Harris said the County had a certain way of looking at industrial development and the City of Eudora had another way of looking at it. She asked if the City of Eudora had come to a different conclusion, if their Comprehensive Plan said something different, would the staff recommendation be different.

Ms. Day said yes, if there was better support and better justification in the Eudora Plan there could have been a different conclusion.

Commissioner Rasmussen asked if the Eudora Comprehensive Plan or the Eudora staff report swayed staff recommendation.

Ms. Day said the Eudora Comprehensive Plan.

STAFF PRESENTATION by City of Eudora

Mr. Scott Michie, City of Eudora Planner, presented the item. He said his staff memo was virtually unchanged from the February hearing. He said the City documents were very clear on the policies that pertain to this application. He reviewed the staff memo he wrote that was included in the packet. He said if there was a recommendation for approval for this that one of the conditions he would like to see was '*A **surety bond** with provisions to assure that the City would be made whole should a well water problem result from the proposed sand pit operation, provisions to be worked out with input from the City.*' He said regarding the jetties the County Engineer worked with the applicant for some additional changes and he just saw those this afternoon so he was not prepared to speak about it.

Commissioner Rasmussen inquired about Mr. Michie staff memo where it says '*The City of Eudora's long-standing Industrial Development Policies are very clear and very simple. Industrial development in Eudora and its designated planning area must be: 1. Directly accessible to K-10 Highway, and 2. Out of the 100-year floodplain.*'

Mr. Michie displayed the designated planning area on the overhead. He stated it was approximately a 3 mile area outside the corporate limits of the City.

Commissioner Rasmussen asked if based on that no industrial activity would be permissible unless it was directly accessible to K-10.

Mr. Michie said that would be the type of development that would meet the adopted policies, shown on page 5 of his staff memo.

Commissioner Rasmussen asked Mr. Michie to show where industrial sites were located east of the City of Eudora.

Mr. Michie said on the map it was the darker color located within the red circle.

Commissioner Rasmussen said the red circle on the map in his staff memo was colored red commercial. He asked if it was commercial and industrial.

Mr. Michie said within that was the industrial business park (purple) and that it was the adopted policy that the City of Eudora would support a range of non-residential development at the E 10th Street interchange.

Commissioner Rasmussen asked if those were the only two places where industrial development would be appropriate in that 3 mile ring.

Mr. Michie said that was correct.

Commissioner Harris asked if the Eudora plan mentions mineral extraction as an industrial activity.

Mr. Michie said the Zoning Regulations were broadly defined in Eudora and there was one industrial classification and mineral extraction was one of the industrial uses. He stated there was also a

general agricultural district that every city has and mineral extraction would be a permitted use with a Conditional Use Permit.

Eudora Commissioner Johnny Stewart asked if Mr. Michie worked on the Douglas County Comprehensive Plan.

Mr. Michie said he did not work on the Douglas County Comprehensive Plan, only the Eudora Comprehensive Plan.

Eudora Commissioner Stewart asked if the Douglas County Comprehensive Plan was followed when the Eudora Comprehensive Plan was implemented.

Mr. Michie said representatives were invited from the County to the work sessions and public hearings. He stated the Eudora Chamber of Commerce representatives were invited as well.

Eudora Commissioner Stewart said the Douglas County Comprehensive Plan says that valley channel prohibits removal of top soil or reallocating any water sources. He stated the area north and south of the river was considered off limits for development because topsoil should not be taken or dredged. He wondered if Eudora took that into account when they created their Comprehensive Plan.

Mr. Michie said those were background discussions for designating the 100 year floodplain as open space, natural features, active and passive recreation, and for encouraging industrial development in the 500 year floodplain or out of the floodplain entirely. He said one of the things they discussed in the past months was best management practices for out of river dredging, some of which call for that activity not to be in the 100 year floodplain. He said his recollection of the 2002, 2008, and 2009 plan updates for the city did not explicitly explore excavation and dredging and mineral extraction in the floodplain because it was not a topical issue at that time.

Eudora Commissioner Stewart asked what a surety bond was.

Mr. Michie said he did not have the opportunity to go into the specifics with the applicant because in past discussions the applicant indicated they were not willing to consider a surety bond. He said a surety bond would provide provisions to assure that the City of Eudora would be made whole should a well water problem result from the proposed sand pit operation.

Eudora Commissioner Stewart asked if the City of Eudora could show clear harm if the surety bond would kick in.

Mr. Michie said that was correct but he had not had the opportunity to discuss the specifics with the applicant because the applicant chose not to discuss that.

APPLICANT PRESENTATION

Mr. Phil Struble, Landplan Engineering, said the applicant was asking for a Conditional Use Permit because they were not asking for industrial. He stated many mineral extraction activities were called mineral extraction activities and did not normally fall under the industrial categories. He said the use would almost always be in the floodplain because that was where the sand was. He said as the locations where sand could be mined got further and further away the cost was directly impacted. He said they were not asking for Eudora industrial zoning nor asking to be in the City of Eudora. He stated they were typically considered a good open space use because it has a defined limit through a Conditional Use Permit. He introduced Mr. Edward (Woody) Moses, Executive Director of the Kansas Agri-Producers Association, who was present to answer any questions if needed. He stated the

second well study came to the same conclusion that there was no definable potential pollutants. He also stated that he had a brief conversation with Mr. Michie about the surety bond and the applicant was not interested in it. He said Planning Staff had a detailed conversation about how there could be some measureable criteria that might trigger the sand operation stopping until it was resolved. He said they were open to dialogue to work through the issues. He wanted to clarify the traffic issue as presented by Ms. Day. He said the sand pit had only one destination today for the sand and that 100% of the traffic would go north to Kansas City, Kansas. He stated O% of the traffic would go through Eudora or to Lawrence, although he said he could not say it would never go through Eudora. He said he would like to work through any issues.

Commissioner Harris asked if there was any mention in the transportation information about the bridge.

Mr. Struble said Mr. Keith Browning could answer that. He said he thought they were not even close to any load limits on the bridge.

Eudora Commissioner Ken Adkinson asked if there would still be two employees and if they would be from another area. He wondered what the economic value was for Eudora and Douglas County.

Mr. Struble said the employee based was only a guess. He said they have employees living in the house out there right now who are living in Douglas County. He said he had not done an economic analysis of the project to be able to answer that question. He stated the economic value to the county would be more readily available sands.

Eudora Commissioner Grant Martin inquired about the plant in Kansas City, Kansas where sand from the proposed pit would be going. He asked what the site in Kansas City was zoned.

Mr. Struble said he was not sure.

Commissioner Rasmussen said his recollection from the previous meeting was that part of the reason for the application for this location was because of the type of sand that could be used to make things such as insulation and be dried and sent to the airport. He said he did not recall that it was said this would also be provided locally.

Mr. Struble said dried sand was sold to the airport and a lot of people for sand on the roads. He said dried sand was also shipped to St. Louis to make insulation products and fire retardant products. He stated that was the bulk of their business but that if the opportunity arose where local businesses needed additional sand for a large project they would sell them sand to supplement that need.

Commissioner Rasmussen asked if he stated earlier that all the product would be going north of town. He asked if that was only the dried product. He was concerned about trucks going through town.

Mr. Struble said 100% of the product would not be a dried product. Today their customer was in Kansas City, KS but they would not shut the door on providing sand to a Eudora road project, for example.

Eudora Commissioner Kurt von Achen asked if they would be willing to agree to a condition to keep all trucks out of Eudora.

Mr. Struble said not all their truck drivers were their truck drivers, half of them were under contract and not under Kaw Sand authority. Said if they sold sand to Penny's Concrete on Highway 7 then the answer would be yes.

Commissioner Harris asked how the weight of the sand trucks compared to other types of industrial trucks.

Mr. Struble said they were the same trucks seen all over town, approximately 22 tons.

Eudora Commissioner Stewart asked if they would be willing to stop extraction if there was an impact to the wells. He wondered how and who would monitor that and who would fund the cost of that monitoring.

Mr. Struble said it would not be court ordered and they would agree to simple phone call to the plant operator or to the home office in Kansas City, KS and they would immediately shut down the plant. He stated County Commission meets twice a week and with a Conditional Use Permit County Commission had authority to shut down operations at any time they wanted. He said they were open to discussions on the cost of monitoring.

Eudora Commissioner Stewart inquired about the large number of trees being removed.

Mr. Struble said the previous plan had a 300' minimum and went up to 500' width of the existing trees to stay. He stated the trees themselves in an aerial map range between 400'-800' wide. He said yes, there would still be a row of trees removed and that that part of the plan hadn't changed.

Commissioner Burger inquired about the general timeframe from when sand was extracted from this type of facility to when it would be delivered to places like Penny's Concrete and then be available to put in place in a concrete pour in Douglas County.

Mr. Struble said what people typically think of regarding a sand processing plant was seeing a big pile of sand. He stated that big pile of sand was generally 1-2 weeks worth of sand inventory. He said beyond when it goes someplace to be used he could not venture to guess.

Commissioner Burger said she appreciated the intent and agreement to say they would shut down with a phone call. She was concerned about the domino effect with that kind of agreement where a phone call could be placed to shut down the sand processing plant and how that would impact the rest of the community during a large project.

Mr. Struble said the scenario of a large project would require about 6 weeks worth of sand stockpiled in advance. He said the advantage with this project would be that it's a small sand pit for producing ready mix sand. He stated Penny's Concrete could extract much more sand from the river than Kaw Valley could, so even in that scenario if they were shut down, at best they would be 5% of that project. He said if the Corps of Engineers shut down the sand dredging in Lawrence, KS then there would be a problem. He said with a large project another company might rely on Kaw Valley for just a little extra sand, but that a big project would not be predicated on Kaw Valley.

Commissioner Liese asked what had happened with the community and applicant since the last meeting.

Mr. Struble said that they had not tried to reach out personally to each person in the community. He said he had conversations with a handful of people.

Eudora Commissioner Ken Adkinson said Kaw Valley would be closing down any expansion to wells to the east so as Eudora expands wells would have to go to the west. He felt it would be restricting the water growth for Eudora.

Mr. Struble said he did not do the well study and would defer that to the well expert.

Eudora Commissioner Richard Campbell asked who owned the property. He was concerned about other potential uses.

Mr. Struble said Kaw Sand already owned the property. He stated the purchase of the property was time contingent.

PUBLIC HEARING

Mr. Mark Neis inquired about the buffer of trees. He said they would be 50' of 15th Street and 50' of the property line with a berm. He said with 6" rain that area was flooded. He wondered if there would be a conservation plan. He was concerned about who would pay to fix a broken berm and who would take care of the roads and ditches. He wondered if they had done testing to see how far down to the sand was and how much top soil they would have to take off.

Mr. Melvin Morriss was concerned about the holding pond being located where the old dump was located. He expressed concern about truck traffic going north and the load limit being 10 ton.

Mr. Scott Jackson said he was surprised they were still talking about this issue because nobody had been in favor of it. He stated Commissioner Rasmussen said last time that there was a desperate need for sand but he did not see that. He did not feel there was much of an economic benefit from two employees. He wondered if sand going to Missouri would still receive sales tax for it.

Mr. Bruce Balke was concerned about the potential threat to Eudora's water supply and felt that risking Eudora's municipal water supply was unacceptable, both from an economic standpoint and from a human standpoint. He did not feel the location of the proposed operation conformed with the existing zoning or planning uses. He stated that both the Eudora Planning Commission and the staff of the Douglas County Planning department had recommended denial of the Conditional Use Permit. He stated the operation would bring no or minimal employment to Eudora. He expressed concern about the possible impacts to the Eudora water supply in the event of a major flood on the Kansas River. He also stated there was the potential for a lot of large truck traffic to move through Eudora. He said an independent study could not say with any certainty whether the operation would threaten Eudora's water supply. He believed the proposed location and proposed use did not conform to the US Army Corps of Engineer's river management policies. He wondered about the estimate cost to replace the water supply if it were contaminated. He felt that Kaw Valley should be required to place the full amount estimated to be required to replace the water supply in escrow for a period of not less than ten full years.

Mr. Ron Knaggs said Kaw Valley was looking for a high silicon content sand that would primarily be sold to Kansas City International airport and a customer out of Saint Louis. He stated the bi-product would be the street sand, like the kind that might go into concrete, so the impact of trying to keep down the cost of construction and building products to the City of Lawrence or Douglas County would be negligible. Kaw Valley's main product would be going out of town and in some cases out of state.

Mr. Philip Schonberg said the cost of producing water was less if there was a body of water in close proximity of well heads. He said if Eudora grew and had a body of water in the floodplain they would probably ask Kaw Valley if they could put well points in close proximity to the lake for improved water in Eudora.

Ms. Pam Staab said a Conditional Use Permit was issued only when it was found to be in the interest of the public health, safety, morals, and general welfare of the community. She said the burden was to show that it was in the interest of the community. She found in the documents she read in the packet that those benefits were ill-defined and very vague. She felt there needed to be more specific information about how it would benefit the community.

Ms. Lois Hamilton said she had wells on her property and she tried to buy the proposed land when it was in bankruptcy but the applicant outbid her without her knowledge. She felt the City of Eudora would have to spend a lot of money if there was a problem with the water. She was concerned about how close the sand pit would be to her property. She felt the tax payers would have to replace the bridge. She said Kaw Valley could find a better place and make more money on it. She said they needed to analyze the damage it would do to Eudora. She felt water pits/ponds would be a security issue. She said the roads could not handle the current farmer trucks now, let alone more trucks. She said sand would fill the ditches during the first rain. She expressed concern about trees being removed.

Ms. Martha Skeet read from the Soil and Water news from Douglas County regarding stewardship week. She asked them to think about the bends in the river and how fragile that environment was. She said it was not IF there was a flood, it was WHEN. She said maybe there needed to be a surety bond for rebuilding the road and bridge when there was another flood.

Mr. Pradeep Natarajan said there was nothing mentioned by the applicant about mitigation plans. He said he could not believe this was even being considered.

Mr. Robert Cordry said the next course of the Kaw River would be where the sand facility would be.

Mr. Edward (Woody) Moses, Kansas Aggregate Producers Association, said how do you weigh the needs of the many against the needs of the few. He stated one of the biggest issues that needed to be addressed was the location of this resource. He stated there used to be 14 dredges on the river and there were now only 5. He said they have only been able to replace 14 dredges with 3-4 pits. He said it created an imbalance as far as the access to sand and gravel. He said the sand would benefit everyone and would be valuable to the entire community of Douglas County. He said ponds near wells could provide more water and takes less energy. He stated Douglas County was now importing sand from Topeka and that had a cost with fuel, energy, and environmental costs. He felt the larger community of Douglas County would benefit as a whole.

Ms. Sharon Bearden was concerned about noise, water quality, air quality, traffic cost for street repairs, and the ecological impacts. She said in engineering terms 500 maximeters was the closest dredging was supposed to be to any base settlements, bridges, fishing areas, and any burial reserves.

Commissioner Harris inquired about the source of the information Ms. Bearden provided.

Ms. Bearden said she found the information on the internet.

COMMISSION DISCUSSION

Mr. Keith Browning, Douglas County Public Works Director, said regarding the roads, given the estimated number of trucks, approximately 17 trucks a day, 12 going north, 3 possibly going west, and 2 possibly going south. He said the number of trucks did not justify reconstructing a road. He stated the existing township maintained roads and 1500 Rd were in bad shape and needed some work. He proposed having the applicant provide all the materials for the work and the County would do the heavy maintenance improvements. In addition it was recommended that the approach to Route 1061 be paved with asphalt. He felt that would be enough to address the kind of truck traffic being talked about and also would improve the road for current traffic. He said regarding the trucks going through Eudora, Route 1061 functioned as a rural major collector and the purpose of that was to take truck traffic from local roads to arterial roads. He was not in favor of saying all traffic heading south must head west to E 1800 Rd and then south to old K-10. He said E 1800 Rd was not built to handle that kind of traffic but that Route 1061 was. He said regarding the jetties, the applicant agreed not to disturb the north jetty. He said the engineers at Lochner pointed out that although they would not be disturbing the rock, they would be disturbing the earth behind it. He said he talked to Mr. Phil Struble about revising the reclamation plan to not disturb the existing rock jetty and extend the existing rock jetty back to tie into existing ground or large amount of rock. He said restoring that to a constant elevation should restore all the function of the jetties.

Commissioner Liese inquired about how traffic routes would be enforced.

Mr. Browning said local rural roads were not built for a lot of truck traffic.

Commissioner Harris asked Mr. Browning to speak about the comment made regarding the truck load limit in Leavenworth being 10 tons.

Mr. Browning said he was unaware that it was 10 tons. He said if that was the case that would certainly be a concern for the applicant.

Commissioner Harris inquired about the comment made regarding the holding pond being on top of an old dump site.

Mr. Browning said the old dump was on part of the property where the processing facility would be and that issue came up a few months ago during the Planning Commission meeting. He said Mr. Struble indicated that Kaw Valley was in the business of doing large scale cleanup so it was not seen as a huge problem.

Commissioner Harris inquired about the water supply possibly being damaged.

Mr. Browning said he was not an expert in that area but that he did read the reports and that the one prepared by the applicant seemed to make sense to him. He said the movement of ground water was typically down gradient movement and the sand facility would be down gradient of the wells. He said it made sense to him that it should have no effect on the wells, although he could not say there would be no scenario where the wells would not be effected.

Commissioner Harris asked if he expected additional ditch maintenance.

Mr. Browning said he was proposing that the County do heavy maintenance improvements with the applicant providing the materials. He said once it was in shape where it would handle the truck traffic it would be turned back over to Eudora Township to maintain. He said if they had the cooperation of the applicant, much of the property was lower than the road and should allow for better drainage than what was there now. He said it would not be perfect because it was in the

floodplain, but that they could slope the ditches and have an outlet in a lower area on the applicant's property to drain.

APPLICANT CLOSING COMMENTS

Mr. Price Banks summarized the testimony from this evening. He stated the applicant had experience in cleaning up dump sites and was currently cleaning up Farmland under contract with the City of Lawrence. He said most of the sand out of the operation would go to the applicant's plant in Kansas City, KS. He said there was testimony about the road issues being pretty much taken care of and that the bridge was not a problem. He said the applicant would do work on the jetties that would probably make them better.

Commissioner Hird said the 2008 Eudora Comprehensive Plan update refers to the Wakarusa and Kansas River as the primary natural resources in Eudora. He said the report basically says the maps created and selected by Planning Commission were built on long standing plans for linear parks and passive recreation in the river floodplains left undeveloped and for industrial development and long standing targeted nodes outside of the 100 year floodplains with direct access to K-10 Highway.

Mr. Banks said if they approved this they would be deferring to that. He said this was not an industrial use, it was a temporary use. He said it would be reclaimed and it would become open space. He said this could and should be an amenity rather than a detraction.

Commissioner Rasmussen inquired about Mr. Banks comment about the sand pit improving the stability and functionality of the jetties.

Mr. Banks said the construction work on the jetties was designed to improve the functionality of the jetties. He said it was his understanding that they were not well tied into the soil behind them.

Eudora Commissioner von Achen said he did not disagree with Mr. Browning stating Route 1061 could handle the trucks. He was concerned about the safety of Route 1061 because it was the main street of Eudora with diagonal parking on both sides and hills. He said Eudora police could enforce that safety standard.

Mr. Jack Messer, Lochner & Associates, said he had been the City Engineer in Manhattan during the 1993 flood so he had experience with the power of water. He said there would be a current across the proposed site during a flood and create a funnel with a faster current. He said the bottom of the excavation was 775' and the bottom of the river elevation was 785', 10' lower than the river bottom. He said jetty excavation would range between 10' below the bottom of the jetty to 2' below the bottom of the jetty. He said removing fill around it would likely affect how it would function. He said the City of Eudora was just asking for assurance if something negative happened to the wells.

COMMISSION DISCUSSION

Commissioner Rasmussen felt sand was a needed commodity, not desperately needed (as an earlier public comment attributed to him saying). He said he would like to see sand not taken from inside the river but instead outside in quarries like this. He felt it was important to not over-regulate the county so that there could be opportunities for a sand operation. He was conflicted about the application. He did not think staff did a good job in justifying the denial and the applicant did not do a good job in justifying why they shouldn't accept the staff report. He said the public comment arguments that a company selling a product out of the state was not persuasive to him. He said he looked at the staff report and went through each point. He did not feel industrial zoning should be applied to the site. He stated he would like to hear from the Corps of Engineers about how the jetties might be impacted. He said it sounded like there would not be very much gain to the

community. He felt one of the few benefits would be a lake. He felt it did conform to Horizon 2020. He said because the application did not meet all seven criteria evaluated he would not vote in favor of the application.

Commissioner Hird said there was no credible evidence either way on potential damage to the water wells. He said an agreement to shut down the plant was not enough. He said Planning Commissions obligation was to the entire county. He stated the City of Eudora's staff report was at least in part based upon the fact that historically Eudora has recognized the riverfront as a natural resource. He said he would defer to the findings of the Eudora Planning Commission since it was in their backyard. He said the traffic would be dependent on the customer base.

Commissioner Singleton said her primary concern was the operation being so close to Eudora. She did not feel the applicant provided clear responses/information to Planning Commission or the residents. She did not feel the risks had been addressed. She said she would like to support some sort of operation like this in a different location.

Commissioner Liese responded regarding a public comment about why the issue was being heard again. He said he recommended a deferral last time to get more information.

Commissioner Harris said the crux of the issue for her was what the Eudora Plan says would happen in the floodplain. She felt they needed to support planning efforts. Her main concerns were water quality and not being able to insure that the community would not have problems. Her other concerns were the jetties and truck traffic going through town. She said the draft Environmental Chapter does address mineral extraction but it needed to go further with guidance and tools to locate places where minerals could be extracted.

Commissioner Burger said the finding of facts were not sufficient to not agree with staff report and findings. She said she would vote to agree with the staff report. She encouraged the applicant to look at planning in a bigger picture and see what other opportunities there might be to make this happen.

Commissioner Culver said Eudora Planning Commission took the time and effort to develop a Comprehensive Plan for their city and by going against that could take the meaning out of their efforts. He felt their actions should be consistent with their plans. He had concerns about the proximity of the site to the city and not having direct answers about the uncertainty with the jetties and water wells. He said at this point he could not support the proposal.

Commissioner Blaser said he did not believe this was an industrial site. He said regarding the wells he believed what the water report said about it improving the quality. He said Eudora's Plan had the area as being a natural resource and to be undisturbed. He said it had already been disturbed and in his opinion was a mess. It had not been farmed and someone tried to use it as a golf course. He said he would vote for approval and that he was voting for the whole county and did not think this was to the detriment of Eudora and/or their water system.

Commissioner Liese made a comment about why the Planning Commissioners typing during public comment. He wanted them to know they were keeping notes on their comments.

ACTION TAKEN by Lawrence Planning Commission
Motioned by Commissioner Liese, seconded by Commissioner Singleton, to support recommendations for denial of this Conditional Use Permit and forward to the Board of County Commissioners based on the findings of fact in the staff report.

Commissioner Blaser said the jetty would tie back to two lakes.

Commissioner Rasmussen said he would vote for the outcome of the motion to deny but not because he found the staff report to be adequate. He felt that the staff report did not provide justification for denial.

> Motion carried 7-1-1, with Commissioner Blaser voting in opposition of the motion and Commissioner Finkeldei abstaining. Student Commissioner Davis was in favor of the motion.

ACTION TAKEN by Lawrence Planning Commission
Eudora Commissioner Kurt von Achen said at the last meeting they recommended denial. There was no motion to reconsider so their motion and action stood from the last meeting.

ITEM NO. 2 CONDITIONAL USE PERMIT FOR FRATERNAL ORDER OF POLICE SHOOTING RANGE; 768 E 661 DIAGONAL RD (MKM)

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

STAFF PRESENTATION
Ms. Mary Miller presented the item.

Commissioner Rasmussen inquired about revised condition 2 that says the training does not involve the firing of weapons.

Ms. Miller said they do have obstacle courses and sometimes they use it for orienteering that doesn't involve weapons.

Commissioner Rasmussen recommended breaking the sentence into two different sentences. He inquired about the National Rifle Association (NRA) guidelines for noise that recommends 65 DBA at the nearest receptor. He said the condition says 65 DBA at the property boundary.

Ms. Miller displayed a graphic on the overhead of the property boundary.

Commissioner Rasmussen asked which property boundary the noise reading would be taken from.

Ms. Miller pointed on the map. She said measuring it at the property boundaries would be better than at each house.

Commissioner Rasmussen said unless it was specified exactly where the reading needed to be taken he was not comfortable with the condition. He said the recommendation from the NRA was at the nearest sensitive receptor. He was concerned about putting it at a property boundary without specifying exactly where the measurement would occur.

Ms. Miller said boundary line could be changed to the nearest receptor.

Commissioner Rasmussen inquired about the recommendation of adding lime to the soil. He asked how the range was being defined.

Ms. Miller said the firing ranges include the pistol range, rifle range, and trap shooting range, where bullets would land. She said lime would be added to the soil, if necessary, to maintain the correct pH levels. If the pH was adequate no lime would need to be added.

Commissioner Liese discussed condition 5 regarding 'no trespassing' signs. He urged staff and the applicant to consider additional signs noting it was a police firing range. He said if he lived in the area he would feel more comfortable knowing it was police firing guns versus just anyone.

Commissioner Harris asked if there had been a history of complaints regarding noise.

Ms. Miller said she did not know about the past. She said staff received a few comments when this item was published. She said maybe members of the public could speak to whether they had made complaints.

Commissioner Harris said regarding measuring the noise, she would support measuring noise at the property line or possibly a certain distance from homes.

Commissioner Rasmussen asked why staff recommended closing at 5:00pm on Friday but 6:00pm closing on Saturday.

Ms. Miller said it was open earlier on Fridays and the closing time could be changed to 6:00pm on Fridays if needed.

APPLICANT PRESENTATION

Mr. Mike Riling, attorney representing Fraternal Order of Police (FOP), said one of the highest uses on the FOP property was by law enforcement from the county and city. He said the property was purchased and maintained for the benefit of the FOP individual use. He said the two uses were being combined when they were really two separate uses. He said they met with neighbors and the neighbors indicated that the FOP individual use was not a problem. The issues they had were with the sheriff and police department coming out and firing. He proposed two separate types of shooting times. He said regarding noise abatement he was still trying to understand it. He said the FOP was aware that some of the neighbors were concerned with the noise. He stated the FOP was looking into alternative means to try and do some noise reduction but that it was not possible to do that in three months. He said the neighbors came to the area after the shooting range was developed. He was not in favor of signs that would indicate it was a firing range. He said all the neighbors know it's there and that signs might encourage trespassing. He said the leg work had started for noise abatement but that it would take funding. He did not agree with condition 9 that states no other outdoor events may occur during training exercises. He said there were often times when training would occur in one area and shooting would occur in another area. He did not feel the part of condition 12 that talks about a list of weapons was necessary and was a duplicate of condition 15 which requires reporting of the type of rounds fired. He asked that condition 14 limit the crushed lime to only the pistol range. He said they would like to research the cost of lead recycling. He proposed different hours of operation for the FOP versus sheriff/police training. He said three night fires was not practical for the sheriff or police. He said the sheriff and police would need at least four nights.

Commissioner Blaser inquired about night firing for the sheriff and police department.

Mr. Riling said the neighbors have indicated that individuals shooting was not the problem, it was five people shooting at one time.

Mr. Riling said neighbors asked for notification of when there would be groups of people shooting at a time.

Commissioner Liese said he was very comfortable with law enforcement having and using guns. He asked if there had been any gun related accidents in the past 40 years.

Mr. Riling said no, none that he knew of.

Commissioner Liese asked if any of the surrounding land was easily accessible to the public.

Mr. Riling said not that he was aware of. He said the closest thing he could think of was a nearby Christmas tree farm.

Commissioner Liese felt pretty strongly about signs being posted indicating it was a police firing range. He asked Mr. Riling to speak more about funding for noise abatement.

Mr. Riling said it would be a partnership with the County and City to help with abatement.

Commissioner Liese wondered what the neighbors did not like about the gunshot noise.

Mr. Riling said the neighbors could express their concerns this evening. He said most of the neighbors moved to the area after the shooting range was developed.

Commissioner Liese suggested possibly deferring the item so the applicant could get further information about noise abatement.

Mr. Riling said he was not opposed to deferral. He said the current lawsuit had been stayed until June by Judge Peggy Kittel but that she may provide them extra time.

Commissioner Singleton asked how quickly the item could get back on the agenda.

Mr. McCullough said May.

Commissioner Hird asked if there had ever been a problem with trespassing in the last 40 years.

Mr. Dan Affalter said some of the neighbors have used ATV's on the trails and that they have also had some vandalism.

Commissioner Hird asked if it was his position that a sign saying it was a police gun range would create an attractive nuisance versus a no trespassing sign that would keep it uninteresting.

Mr. Affalter said advertising the FOP would be a magnet for attention.

Mr. Riling said most of the people who ride ATV's in the area were aware of the shooting range.

Commissioner Rasmussen asked if 10:00pm termination time was an adequate for night training.

Mr. Tarik Khatib, City of Lawrence Chief of Police, said 10:00pm was adequate. He said 70% of all law enforcement encounters generally occurring during low light conditions.

Commissioner Burger asked if he was taking into account any training during the summer.

Mr. Khatib said the police could plot out training ahead of time.

Commissioner Liese asked for his thoughts on signage.

Mr. Khatib said he had not thought much of it before today. He said sometimes these things do attract people.

Commissioner Rasmussen asked if shooting activities were currently documented.

Mr. Riling said no. He stated he thought that was to be sure they were complying with the lead. He would like that to be modified to only apply to the sheriff and police departments, not individual FOP members.

Commissioner Rasmussen inquired about hunter safety activity.

Mr. Riling said he was hoping that would not apply.

PUBLIC HEARING

Ms. Beverly Wilson, lived in the area for 24 years, said she has called the sheriff's department multiple times at midnight and 6:00am to ask that the shooting be stopped. She said those incidents were about six years ago. She mentioned helicopters landing at the FOP property. She agreed that three months may not be enough time for the applicant to do noise abatement. She wondered who would enforce that. She said there was a police officer suicide at the FOP site years ago.

Commissioner Liese asked what her conclusion was about what should be done.

Ms. Wilson said if she was confident that whatever was agreed to would be policed then she could agree to it more. She said the shooting hours should not be midnight and 6:00am. She said when she called to complain about the shooting it stopped within 15 minutes.

Commissioner Liese asked how she felt about the proposed hours of operation.

Ms. Wilson said they were reasonable.

Commissioner Hird asked if the intensity had increased or decreased over the years.

Ms. Wilson said the overall use of the property had increased. She said she knew the range was there when she moved to the area but did not know what it meant because she did not hear gun fire before they bought the house.

Mr. Bill Roth said he did not know the range was there when he moved to the area because there were no signs at all. He played an audio recording taken from his house of the gun fire noise. He felt that 9:30pm was late enough for shooting. He felt the FOP (social organization) conflicted with the uses of the sheriff and police departments (formal training). He said there were not very many neighbors 50 years ago and it wasn't being used by as many law enforcement 50 years ago. He felt the times should be the same for everyone so that the neighbors wouldn't have to figure out if it was the FOP, sheriff, or police department.

Commissioner Singleton asked how close he lived to the range.

Mr. Roth said he lived about 1/2 mile.

Commissioner Hird asked how long he had lived there.

Mr. Roth said about 5 years but he did not realize it was there because there were no signs.

Commissioner Rasmussen asked how he knew the gun shots on his audio recording were from the range.

Mr. Roth said it was at night and nobody else shoots like that.

Commissioner Singleton asked if he would be okay with shooting until 10:00pm if he received advanced notice of it.

Mr. Roth said 10:00pm was too late.

Mr. Ken McGovern, Douglas County Sheriff, said night shooting was typically in the fall when the sun goes down early and they try to be done by 10:00pm. He said it takes four days to complete training.

Commissioner Liese inquired about enforcement.

Mr. McGovern said complaint calls could be made directly to him or dispatch. He said Conditional Use Permits were enforced by Mr. Keith Dabney, Douglas County Zoning & Codes Director.

Commissioner Liese said he was surprised by how loud the gun shots were on the recording.

Mr. Tarik Khatib, City of Lawrence Chief of Police, said the location was very important for law enforcement training. He said during 2009 the police department was out there about 60 times.

COMMISSION DISCUSSION

Commissioner Liese said he'd be in favor of this but would prefer to defer the item to give the FOP more time to talk to neighbors. He said he would still like to see signs up indicating it was a shooting range.

Commissioner Burger said she would support deferring to allow the FOP and staff time to work through conditions. She said regarding the noise, she lives near train tracks and those trains were not bothersome after she got used to them. She said the trains in North Lawrence were the ones that were bothersome because of the way sound travels.

Commissioner Hird said he was leaning toward deferral. He said gun shots were a part of life in the country and noise was a given in the country. He said it was an important facility for Douglas County. He said unless there were some very good reasons for these requirements he was not in favor of a lot of the conditions. He encouraged staff to lighten up on some of the conditions. He said the hours of operation did not sound like such a big deal. He said regarding noise abatement, the firing range was there for 40 years, so it should not be a surprise to new home owners to the area. He felt they should send the item back to staff to lift some of the restrictions.

Commissioner Singleton thought this needed to be sent back to staff to reduce the conditions. She said this was a vital facility for the community. She was comfortable with the hours of operation that Mr. Riling proposed. She understood Mr. Riling's point about condition 9 and other activities going on at the same time. She felt there needed to be clarification on the idea of trying to keep track of every single bullet. She felt the noise level documentation needed to be clarified. She thought it was a good idea for the FOP to look into the lead recycling program.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Hird, to defer the Conditional Use Permit (CUP-12-8-10) for the Fraternal Order of Police shooting range, located at 768 E. 661 Diagonal Road.

Commissioner Rasmussen said he works for Army and Department of Defense and it was difficult to train soldiers with neighbors who have moved in after. He was not comfortable with the proposed noise requirement. He did not think it was worded very well. He wondered when the measurements would occur. He felt a noise ordinance for the county should be sufficient. He felt there should be

conformity with hours of operation. He was also uncomfortable with the lead recycling program and would like the applicant to tell staff how they were going to do that. He was not comfortable with the level of detail in the conditions. He said only experts should be making such technical recommendations. He felt the restrictions were excessive.

Commissioner Burger gave the example of football games on campus that she can hear at her house on certain days depending on the wind direction. She did not think noise readings would be consistent.

Commissioner Harris said she supports a deferral. She supported signs on the property, at least one at the gate, so that prospective property buyers in the area would know what was there. She was comfortable with reasonable provisions for noise abatement and lead recycling, as suggested by the NRA. She also supported predictable hours.

Commissioner Culver supported the deferral. He felt 16 conditions was overwhelming.

> Motion carried 8-0-1, with Commissioner Finkeldei abstaining. Student Commissioner Davis voted in favor.

PC Minutes 4/25/11 **DRAFT**

ITEM NO. 3 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP 20, TO ALLOW ACTIVE RECREATION AS A SUP IN IG DISTRICT (SLD)

TA-2-2-11: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Article 4, Section 20-403 to allow Active Recreation as a Special Use in the IG (General Industrial) District. *Initiated by City Commission on 3/1/11.*

STAFF PRESENTATION
Ms. Sandra Day presented the item.

Commissioner Rasmussen said it seemed backward to make this a Special Use in the IG district, which he considered to be the heaviest industrial zone, but it's a permitted use by right in the lesser industrial zoned areas.

Ms. Day said she wasn't sure it was the only use and that she would have to do a study of the allowed uses. She said the lower industrial districts have a commercial element to them and that was why the use tended to fit in the lower intensity. She gave the examples of a dance studio and tae kwon do that were allowed in the IBP district. She said the advantage of some of the industrial buildings were the high ceilings and open floor plans. She said there were some opportunities in reusing older buildings but that they would want to be very cautious and deliberate instead of making it categorically appropriate.

APPLICANT PRESENTATION
Mr. Matthew Gough, Barber & Emerson, said the nice thing about the Special Use Permit process was that it would come before Planning Commission for evaluation and allowed for flexibility.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Commissioner Finkeldei said he liked the idea of it being a Special Use because there were a limited number of industrial spaces in the community and this would allow for them to be looked at on a case by case basis.

ACTION TAKEN
Motioned by Commissioner Finkeldei, seconded by Commissioner Singleton, to approve the amendment to Section 20-403 of the Land Development Code to add Active Recreation as a Special Use in the IG (General Industrial) District.

Unanimously approved 9-0. Student Commissioner Davis voted in favor.

PC Minutes 4/25/11 **DRAFT**

ITEM NO. 4 SPECIAL USE PERMIT FOR ACTIVE RECREATION; 940 E 28TH ST (SLD)

SUP-2-1-11: Consider a Special Use Permit for the use of Active Recreation, located at 940 E 28th Street. Submitted by Barber Emerson, L.C., for JDS Kansas, L.C., property owner of record.

STAFF PRESENTATION
Ms. Sandra Day presented the item.

Commissioner Liese asked if condition d. from the staff report was unusual: '*Provision of a note on the face of the plan to state the date of approval and that approval is granted for a period of three years from the date of the City Commission approval. Any extension of the Special Use would require a new public hearing by the Planning Commission.'*

Ms. Day said Special Use Permits typically have a time frame. She said this was a proposal suggested by the applicant and staff felt it was valuable and allowed a revisit in the future for the appropriateness of a non-industrial use for the property.

APPLICANT PRESENTATION
Mr. Matthew Gough, Barber Emerson, introduced the applicant, Mr. Matthew Downing.

Mr. Matthew Downing said he provides personal basketball training and that finding a facility in Lawrence with high enough ceilings and wide enough floors has been a task.

Commissioner Rasmussen asked if Mr. Downing anticipated renting the facility out for basketball games.

Mr. Downing said it would probably not be suitable for a big basketball game and would be used primarily as a practice facility. He said it was possible to rent it out for a birthday party but not for a large high school game due to the space.

Commissioner Rasmussen asked if there would be a full size court.

Mr. Downing said yes.

Commissioner Liese asked how high the ceiling was.

Mr. Downing said about 25 feet.

PUBLIC HEARING
No public comment.

ACTION TAKEN
Motioned by Commissioner Singleton, seconded by Commissioner Rasmussen, to approve the Special Use Permit for an Active Recreation Use at 940 E. 28th Street and forwarding the request to the City Commission with a recommendation of approval and the ordinance for adoption on first reading, subject to the following conditions:

1. Installation of landscape plantings per the approved landscape plan prior to release of the Special Use Permit for issuance of occupancy permits for the proposed use.

2. Approval and publication of a text amendment TA-2-2-11; An amendment to Chapter 20, Article 4, Section 20-403 to allow Active Recreation as a Special Use in the IG (General Industrial) District.
3. Provision of a revised site plan to show the following changes and notes:
    a. Provision of a landscape plan per section 20-1001 of the Development Code to include a total of 6 street trees along Haskell Avenue and 5 trees along E. 28th Street.
    b. Provision of a note on the face of the plan that states all required landscaping shall be installed prior to release of the Special Use Permit for occupancy of the building.
    c. Provision of a note on the face of the plan that states changes to exterior site lighting shall require submission and approval of a photometric plan per Section 20-1103 of the Development Code.
    d. Provision of a note on the face of the plan to state the date of approval and that approval is granted for a period of three years from the date of the City Commission approval. Any extension of the Special Use would require a new public hearing by the Planning Commission.
4. Execution of a new Site Plan Performance Agreement.
5. Publication of an ordinance per Section 20-1306(j).

Unanimously approved 9-0. Student Commissioner Davis voted in favor.

PC Minutes 4/25/11 **DRAFT**

ITEM NO. 5 COMPREHENSIVE PLAN ANNUAL REVIEW (MJL)

Receive the Comprehensive Plan Annual Review and initiate recommended comprehensive plan amendments to be considered at future meetings.

STAFF PRESENTATION

Mr. Scott McCullough recommended deferring the item due to the late hour of the meeting.

ACTION TAKEN

Motioned by Commissioner Singleton, seconded by Commissioner Hird, to defer Item No. 5.

Motion carried 9-0. Student Commissioner Davis voted in favor.

PC Minutes 4/25/11 **DRAFT**

ITEM NO. 6 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 14 (DDW)

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

Item No. 6 was deferred.

PC Minutes 4/25/11 **DRAFT**

ITEM NO. 7 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 11 (LBZ)

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

Item No. 7 was deferred prior to the meeting.

PC Minutes 4/25/11 **DRAFT**

ITEM NO. 8 CONDITIONAL USE PERMIT FOR CAMPING; 1478 N 1700 RD (MKM)

CUP-2-1-10: Consider a Conditional Use Permit for camping, approximately 11.79 acres, located at and adjacent to 1478 N. 1700 Road. Submitted by Natalya Lowther, property owner of record. *Deferred by Planning Commission on 5/26/10.*

Item No. 8 was deferred prior to the meeting.

PC Minutes 4/25/11 **DRAFT**

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 MPO APPOINTMENT

MPO appointment.

Commissioner Liese will replace Commissioner Harris.

Consideration of any other business to come before the Commission.

PUBLIC COMMENT SECTION

ADJOURN 11:30pm

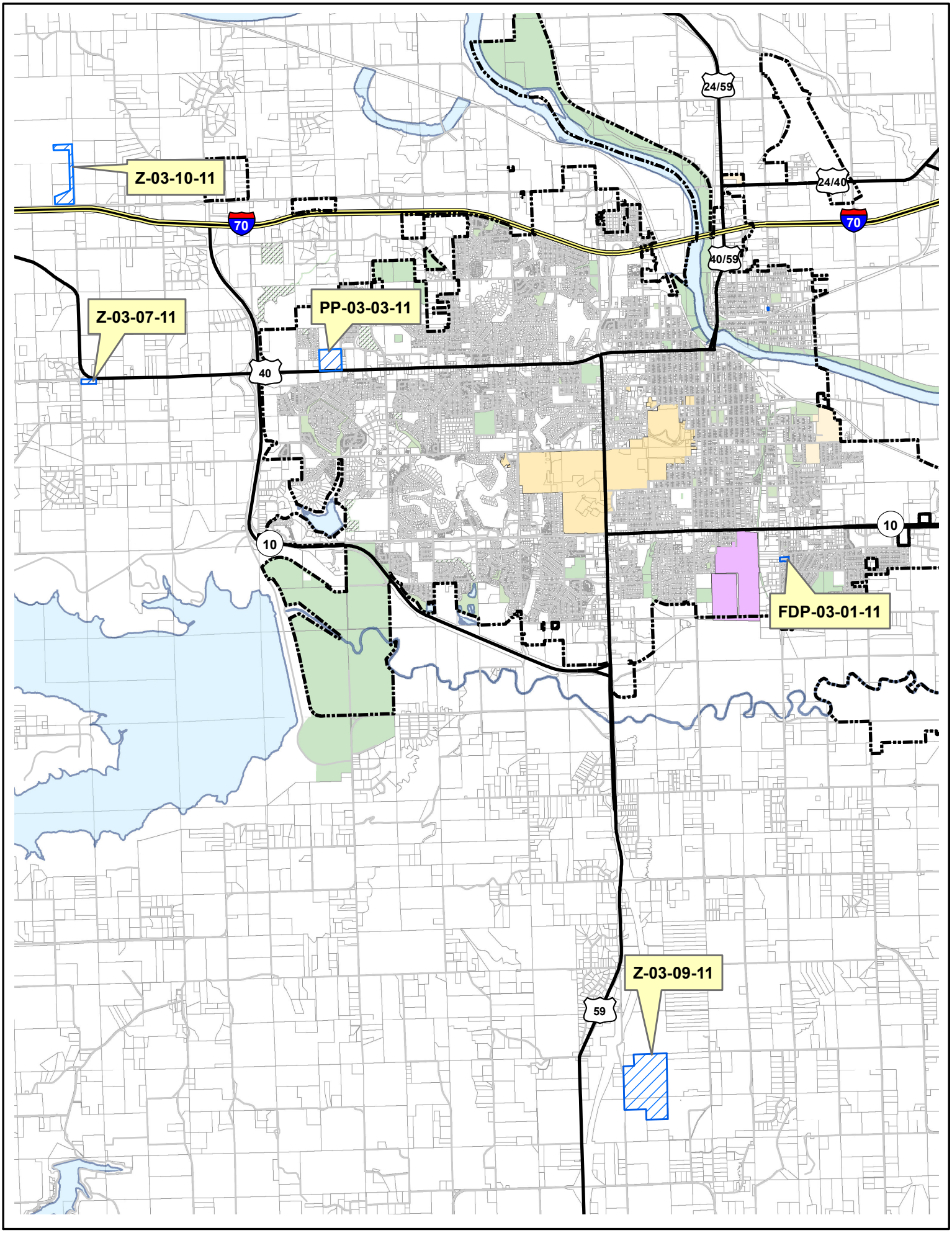
2011
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM	**Mid-Month Topics**		**Planning Commission Meetings 6:30 PM, Mon & Wed**	
Jan 12	Housing Trends	Future Topics	Jan 24	Jan 26
Feb 9	Complete Streets		---	Feb 23
Mar 16 **- 8AM start**	Historic Preservation & H2020 – Chapter 11 Update		Mar 28	Mar 30
~~Apr 13~~	*Canceled*		Apr 25	Apr 27
May 11 **- 8AM start**	APA Conference follow-up		May 23	May 25
~~Jun 8~~	*Canceled*		Jun 20	Jun 22
Jul 15 ***Fri***	*PC Training – all day Friday*		Jul 25	Jul 27
Aug 10			Aug 22	Aug 24
Sep 14			Sep 26	Sep 28
Oct 12			Oct 24	Oct 26
Nov 2			Nov 14	Nov 16
Nov 30			Dec 12	Dec 14

	Suggested topics for future meetings: *How City/County Depts interact on planning issues* *Stormwater Stds Update – Stream Setbacks* *Overview of different Advisory Groups – potential overlap on planning issues* *Open Space Acquisition/Funding Mechanisms (examples from other states)* *TDRs* *Library Expansion Update* *Joint meeting with other Cities' Planning Commissions* *Joint meeting with other Cities and Townships – UGA potential revisions* *Presentation from KC-metro Planning Directors* *Tour City/County Facilities* *2010 Census Data*
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1st floor of City Hall, 6th & Massachusetts Streets, unless otherwise noticed.

Planning & Development Services | Lawrence-Douglas County Planning Division | 785-832-3150 | www.lawrenceks.org/pds

Revised 5/17/11


Z-03-10-11
Z-03-07-11
PP-03-03-11
FDP-03-01-11
Z-03-09-11
70
70
24/59
24/40
40/59
40
10
10
59

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
5/23/11

ITEM NO. 1: I-2 TO A; 32 ACRES; 670 N 1800 RD (MKM)

Z-3-10-11: Consider a request to rezone approximately 32 acres from I-2 (Light Industrial) to A (Agricultural), located at 670 N 1800 Rd. Submitted by Paul Werner Architects, for Rockwall Farms L.C., property owner of record. *Joint meeting with Lecompton Planning Commission.*

STAFF RE COMMENDATION: Staff recommends approval of the rezoning request for approximately 32 acres from I-2 (Light Industrial) to A (Agricultural) District and forwarding it to the Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report.

ALTERNATE RECOMMENDATION: If the Planning Commission finds that industrial development is appropriate for this property, Staff recommends that it be rezoned to I-2 with the condition that permitted uses exclude the uses permitted in the B-1 and B-2 Districts.

Applicant's reason for request: "*At the initial rezoning of this property to I-2 it was not clear what ground would be needed to accommodate the Berry Plastics Facility. It is now clear that only 62 acres is needed which leaves the additional 31.876 acres to be potentially rezoned to A as requested by the County Commissioner."*

KEY POINTS

- The subject property is located within 3 miles of the Lecompton city limits and this rezoning request will be considered at a joint meeting of the Lawrence-Douglas County Metropolitan and Lecompton Planning Commissions.
- The Board of County Commissioners approved a rezoning request for this property from the A to the I-2 District [Z-9-14-10] at their November 10, 2010 meeting. This rezoning was adopted with Resolution 10-28. A copy of the Planning Commission and Board of County Commission meetings regarding this rezoning request is attached.
- The property recently rezoned to the I-2 District, Lot 2 Rockwall Farm Addition, was divided into 2 lots with a Minor Subdivision, MS-2-1-11, which was approved on March 31, 2011.

ATTACHMENTS

Attachment A: Rockwall Farms Addition 2nd Plat, MS-2-1-11
Attachment B: Permitted Uses in the I-2 District
Attachment C: Site Plan for Berry Plastics, SP-10-58-10
Attachment D: Planning and County Commission Minutes for I-2 Zoning, Z-9-14-10

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases

- Z-9-14-10: Rezoning request for this property from the A to the I-2 District, approved by Board of County Commissioners on November 10, 2010.

- SP-10-58-10: Site Plan for Berry Plastics Facility approved by Board of County Commissioners on February 2, 2011. Revision to reduce parking approved administratively on March 7, 2011.
- Minor Subdivision MS-2-1-11 creating Lots 1 and 2, Rockwall Farms Addition 2nd Plat was approved administratively on March 31, 2011. (Attachment B) The Minor Subdivision divided the subject property, Lot 1, from the property required by Berry Plastics for their warehouse and printing facility, Lot 2.

Other Action Required

- Approval of rezoning by Board of County Commissioners and publication of resolution.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

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

Project Summary:

On November 10, 2010 the property in Rockwall Farms Addition was rezoned as follows:

- Lot 2 from A to I-2 to accommodate a warehouse and printing facility and
- Lot 1 from A to B-2 (with conditions) to accommodate a rural tourism use.

When this rezoning occurred, the exact area needed for the warehouse and printing facility was unknown. Following the rezoning, the area necessary to accommodate the facility was determined and an application for a minor subdivision was submitted to divide the property.

The Planning Director administratively approved the Minor Subdivision but there was concern that another industrial or commercial use could be established on the newly created lot, which was not consistent with the representation that the rezoning was necessary to support only the warehouse and printing facility. In order to ensure appropriate input into the use of the newly created lot, the Administrative Determination Report for the Minor Subdivision noted that the newly created lot would be subject to the public rezoning process to determine the appropriate zoning district.

The applicant submitted an application for rezoning to the A District, but their responses in the application, and included in this staff report, indicate that they feel other zoning districts would be appropriate as well. This report will focus on the requested rezoning, I-2 to A, but will also discuss the other zoning districts that are mentioned by the applicant.

GENERAL INFORMATION

Current Zoning and Land Use:	I-2 (Light Industrial) District; Agricultural uses.
Surrounding Zoning and Land Use:	Lot 2 of Rockwall Farms Addition 2nd Plat which is adjacent to the interior of the subject property (see Figure 1), is zoned I-2; Agricultural uses, with development approval for a light industrial use: warehouse and printing facility. Other surrounding property: To the north and west: A (Agricultural) District; Agricultural uses, woodlands and scattered rural residences. To the south: A (Agricultural) District; right-of-way for N 1800 Road and I-70. To the east: A (Agricultural District) with rezoning to B-2 (General Business) District with conditions approved and

pending publication of resolution; agricultural uses with development approval for a rural tourism use.

I. ZONING AND LAND USES OF SURROUNDING PROPERTIES

The adjacent properties which are also a part of the Rockwall Farm Addition and Rockwall Farm Addition 2nd Plat, are zoned I-2 (Light Industrial) for a warehouse expansion and B-2 with conditions for a rural tourism use. Properties beyond the boundaries of the Rockwall Farm plats, are zoned A (Agricultural) and are used primarily for agriculture, open space, and rural residences.

Staff Finding –The surrounding area is zoned A (Agricultural) and is used primarily for agriculture, open space, rural residences and transportation network. The immediately adjacent properties included in the Rockwall Farms plat are zoned for light industrial and general commercial with conditions to accommodate a warehouse printing facility and a rural tourism use. Either the A or I-2 District would be compatible with the surrounding zoning and land uses.

II. CHARACTER OF THE AREA

This is a rural area with woodlands, agriculture and rural residences. The area also contains the corridor of I-70, a state highway, and N 1800 Road, Farmer's Turnpike, which is classified a principal arterial on the Major Thoroughfares Map. Development approvals in the immediate area have been granted for a corporate retreat, which is a rural tourism use, and a warehouse. The warehouse will be set back and oriented away from the road to minimize its visual impact and the rural tourism use will use buffering and site sensitive design to maintain the rural character of the area.

Staff Finding -- The area is a rural area containing woodland, farmland and rural residences in close proximity to a major transportation corridor with development approvals for light industrial and rural tourism uses which have been designed for compatibility with the rural character of the surrounding area. Rezoning to the A District would maintain the rural character of the corridor, a value espoused by the applicant in the original rezoning based on the deep setback of the warehouse building. Rezoning to the I-2 or Commercial Districts could have more of a visual impact along the corridor due to the nature of the uses permitted in these districts.

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

Applicant's Response:

> *"Although the site has roughly 32 acres included in the rezoning request only 8 of those acres near North 1800 Road are suitable for a building location. The small amount of developable acreage greatly limits the potential harm if it were to remain zoned I-2. However, we believe that the site could also be zoned B-2 to match the existing zoning to the east and be compatible with the surrounding zoning or it could be zoned back to A."*

The property is currently zoned I-2 (Light Industrial) District. Per Section 12-312-2 of the Zoning Regulations for the Unincorporated Territory of Douglas County permitted uses in the I-2 District includes any uses in the B-1 (Neighborhood business) or B-2 (General Business District), without limitation on floor area as well as animal hospital or clinic. The sections of the Zoning Regulations which identify the permitted uses in the B-1, B-2, and I-2 Districts are included with this report as Attachment B.

The staff report for the original rezoning to the I-2 District noted that, "The property is also suitable for the proposed industrial uses due to its size, topography, and access to a suitable transportation network." Figure 2 contains the slope illustration which was provided in the staff report for the original I-2 rezoning request. The majority of the subject property contains slopes which are greater than 3%.

When the property was one lot, the I-2 Zoning was appropriate as this provided a large area for future expansion of the warehouse, which was a principal reason this site was selected for the warehouse use. It also allowed the building to be located about 1000 ft back from the road. This separation and the change in grade served to reduce the visual impact of the building on the road. However, with the division of this property into 2 lots, the I-2 Zoning may no longer be appropriate for the smaller lot. With the I-2 or other industrial or commercial zoning, it would be possible to develop this property with another use; possibly removing the expansion area to the north or the buffering area to the south. The Planning Commission minutes attached with this report reflect the discussion on the buffering area between the building and the road. In addition, when the property was rezoned to the I-2 District, the buffer area for rural tourism use to the east was provided on the industrially zoned property (FIGURE 1). Whether agricultural or industrial uses are permitted on the subject property, this buffer area must be maintained.

Staff Finding – The land is suited for agricultural uses. Agricultural Zoning would serve to maintain the lot in its present condition, reserving the north portion for future warehouse expansion, observing the use limitations on the buffer area for the rural tourism use, and maintaining the visual buffer between the warehouse and the road. Conversely, the lot is also suited to industrial uses given the transportation network being constructed to accommodate the Berry Plastics and Woods developments, as long as the buffer for the Woods remains.

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

The property is currently undeveloped. The property was rezoned to the I-2 Zoning District in November of 2010 in association with a development application for a warehouse facility. The site plan for this warehouse [SP-11-58-10] was approved by the County Commission on February 2, 2011 (Attachment C). No development proposals have been submitted for the subject property, Lot 1 Rockwall Farms Addition, 2nd Plat.

Staff Finding – The property has never been developed but has been used for agricultural purposes.

V. EXTENT T O WHICH REMOV AL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's response:

> *"Down zoning this site from I-2 to A or anywhere in between would not detrimentally affect the nearby property."*

The requested rezoning to the A District would not detrimentally affect nearby property as it would maintain the historic use of the property and the area between the building and N 1800 Road could remain undeveloped. The topography in this area and the orientation of the warehouse serve to reduce the visual impact of the development on N 1800 Road.

The applicant indicated that any other rezoning would also not detrimentally affect the nearby properties. While other zoning districts have not been requested, additional retail or industrial uses could have possible negative impacts which may further alter the rural character of the area. (additional parking areas, lighting, buildings, and traffic) The staff report reviewing the I-2 rezoning request included the following statement: "The proposed location of the facility, approximately 1000 ft from Farmer's Turnpike, should minimize the visual impact from the road." Allowing additional development in this area, whether retail or industrial, would increase the visual impact from the road as well as generate increased traffic on N 1800 Road.

Staff Finding – The requested rezoning to A (Agriculture) would have the least effect on nearby property and may benefit nearby properties by minimizing the impact of the warehouse on the surrounding area. Other zoning districts may detrimentally impact nearby property as additional development could increase the visual impact of the development on N 1800 Road and result in increased traffic in this area.

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

Applicant's Response:

> *"A less intense zoning district than what currently exists will not have negative impacts on the petitioner's property. If the rezoning were denied a hardship would not be placed on the landowner due to I-2 zoning providing some uses that could be placed on the 8 acres near North 1800 Road."*

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

This is a unique rezoning request in that a rezoning is requested to a less intense zoning district. If the rezoning request were denied, the area could be developed with commercial or industrial land uses. The approval of the rezoning request to the Agricultural District may help maintain the rural character of the area and minimize the impact of the approved developments.

As the list of uses which are permitted in the B-1 and B-2 Districts illustrate, these districts permit a wide range of uses which may not be compatible with the overall character of the area and were not intended at the time of the original rezoning to the I-2 District.

Staff Finding –There would be little gain to the public health, safety or welfare from the denial of the rezoning request since the rezoning is to a less intense zoning district. The general public could be negatively impacted with the denial as additional uses would be possible in this area than were originally considered when the property was rezoned to the I-2 District. Approval of the rezoning request could benefit the general public by maintaining the character of the area.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

> "*The site is currently zoned I-2 and complies with Horizon 2020 regarding its location. Since the entire area zoned I-2 is not needed by the Berry Plastics facility, down zoning the remaining land to A would return the land to its original zoning designation which would comply with Horizon 2020. However, if B-2 is found to be an acceptable zoning for the area it would be appropriate and act as a buffer between I-2 and the surrounding 'A' uses and fit in well with the B-2 zoning to the east. In addition, the B-2 zoning would provide access to transportation since it's located on North 1800 Road and in close proximity to I-70 and K-10. With I-2 to the north and B-2 with conditions to the east it may be reasonable to zone this property somewhere between I-2 and A."*

The rezoning request to the A District is compliant with recommendations in *Horizon 2020* regarding development in the rural portions of the county. *"The Rural Area is the land that lies outside the designated Urban Growth Area of the incorporated cities. Lands in the Rural Area are not planned to develop or to support urban densities of development during the planning period."* (Page 4-4, *Horizon 2020)*

The applicant indicated that zoning to other industrial or commercial zoning districts may be appropriate for this site. The following excerpts from *Horizon 2020* list the locational criteria for industrial and commercial zoning districts:

COMMERCIAL

Chapter Four, Growth Management.

Rural Area (page 4-4)

Lands in the Rural Area are not planned to develop or to support urban densities of development during the planning period. There are a few locations, however, in the Rural Area which may be expected to receive some level of urban development consistent with the Plan. These include commercial areas to serve county residents and, potentially, to provide (i) conference and recreation facilities at Clinton Lake, and (ii) conference, recreation, or tourism facilities that benefit from or integrate with the rural setting, at such locations that substantially satisfy the following criteria: (a) direct access to an improved arterial roadway; (b) public water supply available; (c) separated from existing conference, recreation, or tourism facilities by at least 3 miles or other appropriate distance as determined by the Board of County Commissioners; and (d) designed to preserve and/or integrate natural resources and the rural environment through appropriate land use, site design, buffering, or other methods. Otherwise, urban uses are not planned within the Rural Area.

Policy 3.12: Criteria for Commercial Development in Unincorporated Areas
(page 6-38)

A. Existing commercial areas that are located at the intersection of a hard surfaced County Route and a state or federally designated highway should be allowed to expand if the necessary infrastructure (water, road, approved wastewater treatment facility, etc.) is available.
B. Encourage new commercial development at key access points on major corridors only if served by adequate infrastructure, community facilities and services.
D. The only new commercial area shall be located at the intersection of either US-56 and K-33 or US-56 and County Route 1061.

Staff Comments:

The property is not located at the intersection of a hard surfaced County Route and a state or federally designated highway, or at a key access point on a major corridor, and this area is not one of the areas identified in *Horizon* 2020 as a new commercial area. Based on the information above, the subject property does not meet the criteria for commercial zoning.

The adjacent property to the east was rezoned to the B-2 District with conditions in concurrence with development of a new commercial district, R-T, for rural tourism. The R-T District has been created and the locational criteria were noted in the Growth Management Chapter for Rural Areas. The property has direct access to an improved arterial roadway, public water supply is available; however, it would be immediately adjacent to another rural tourism use and given the shape of the property and the proximity of the warehouse it is unlikely that it could be designed to preserve and/or integrate natural resources and the rural environment.
Commercial Zoning in this location would not be compliant with the recommendations in the Comprehensive Plan.

INDUSTRIAL

The following exce rpts from *Horizon* 2020 were used in the discussion of the original rezoning of the property to the I-2 District:

Goal 1. Policy 1.3.2.: Nonresidential Land Uses (page 4-7)

a) Require proponents of commercial and/or industrial development beyond the corporate limits to provide reasonable documentation to substantiate that similar competitive sites are not available within the municipalities.

Strategies: Industrial and Employment-Related Land Use (page 7-2)

"Continue to address the needs of existing businesses and industries to ensure their retention in the community and to help facilitate expansion plans of those businesses and industries for the future."

Goal 2: Criteria f or Locati on of New Industrial and Employment-Related Development (page 7-13)

Policy 2.1: "A given site, whether located within City limits, in the UGA, or in unincorporated areas of Douglas County, should *substantially* meet the following general locational criteria:

a. Have feasible access to Federal and State transportation networks;
b. Be of adequate parcel size, generally over forty acres;
c. Lie primarily outside of the regulatory floodplain;
d. Have minimal average slopes."

After identifying a general location for potential industrial and employment park development, further site analysis and environmental suitability should be conducted considering site-specific criteria. Sites should *substantially* meet the following specific criteria on a site plan or development plan level:

a. Preserve environmentally sensitive areas, including vegetative cover and wildlife habitat, to act as buffers and site amenities;
b. Encourage natural stormwater management, including locations that permit direct discharge to the floodplain;
c. Have available and adequate utilities, infrastructure and services (i.e. police and fire protection) for the proposed use;
d. Be compatible with existing and future zoning/land use patterns, including the use of appropriate buffers between land uses;

e. Be annexed before development if adjacent to municipal boundaries.

"Locations initiated through the planning process that are not on Map 7-2 will be weighted against the general locational criteria above."

Staff comments:
The subject property is not shown on Map 7-2 as a future industrial development; therefore, the general locational criteria are used to evaluate the request. The property substantially meets the general locational criteria (3 out of 4). The criteria of 'minimal average slopes' (0% to 3%) is not met. (Figure 2) Industrial zoning in this area is generally compliant with locational criteria in Horizon 2020 with the exception of 'minimal slopes'. However, the new lot would be available for development without a site search being conducted to confirm that there were no similar sites available within the municipality.

Staff Finding – The proposed rezoning request to the A District is compliant with *Horizon 2020* recommendations.

Rezoning to Commercial Districts mentioned in the applicant's response would not be compliant with the locational criteria.

The original rezoning to the industrial district was determined to be compliant due to the fact that it was accommodating the expansion of an existing facility and a site search determined that there were no similar competitive sites available in the municipalities. These criteria have not been met if the I-2 zoning were maintained, although other locational criteria have been met.

STAFF REVIEW

The rezoning of the subject property to the I-2 District was recommended for approval by the Lecompton and Lawrence-Douglas County Planning Commissions in October of 2010. The purpose of the rezoning was to provide land for the expansion of an existing manufacturing/warehouse facility. The Comprehensive Plan encourages the retention, redevelopment, and expansion of established industrial and employment-related areas and permitted the location of industrial uses in the rural area if a site search indicated that similar competitive sites were not available within the municipalities. If the subject property were to retain industrial zoning, industrial uses which do not meet these criteria, as well as commercial uses permitted in the B-1 and B-2 Districts, could locate in this area.

During the previous rezoning the fact that the building was to be set back about 1000 ft from N 1800 Road and the grade change between the building site and the road were noted as positive factors to minimize the visual impact of the development on N 1800 Road.

The property does not meet the locational criteria for the Commercial or Rural Tourism Districts. If the area necessary for the warehouse expansion had been known when the original rezoning were approved, this area would likely have remained A.

A portion of the buffer area for the R-T District extends into the subject property. The Agriculture Zoning District would help to insure that only low-impact uses would be located within the buffer area. (Figure 1)

The minutes from the joint Planning Commission and County Commission meetings are attached. When the property was rezoned to the I-2 District, the proposed use was a warehouse and printing facility. Members of the public and some Commissioners asked if this rezoning would have a domino effect and industrial uses would proliferate along this corridor. At the Planning Commission meeting, the Planning Director stated that there was always the possibility of a request to do more industrial in the area and that it would be analyzed based on need in the community. The comments regarding the domino effect were related to new development resulting from industrial rezonings being requested for lots *outside* the proposed warehouse property. With the minor subdivision, additional development opportunities were created *within* the property originally designated for the warehouse development.

In staff's opinion, in the absence of a specific development proposal which has conducted a site search to determine if similar property within the municipalities was available, rezoning to the A District is appropriate.

If the Commission determines that industrial uses are appropriate in this location, Staff would recommend that the zoning be conditioned to remove the uses which are permitted in the commercial districts, B-1 and B-2.

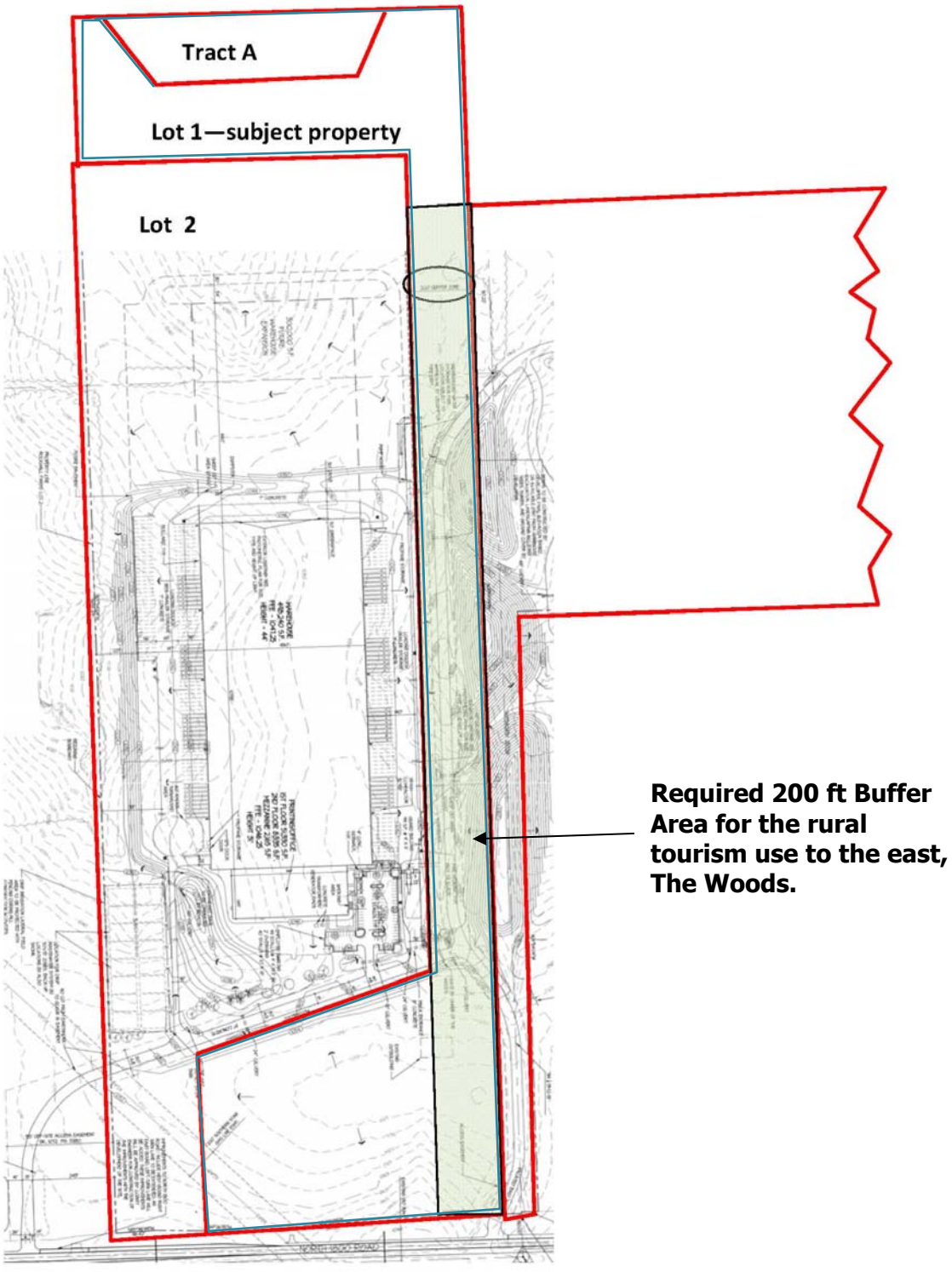


Figure 1. Red outline identifies the lots created through the minor subdivision of Lot 2 Rockwall Farms Addition. The lot to the east is Lot 1 of Rockwall Farms Addition. It has been site planned for a corporate retreat and was not included in the minor subdivision. It is shown here for context.

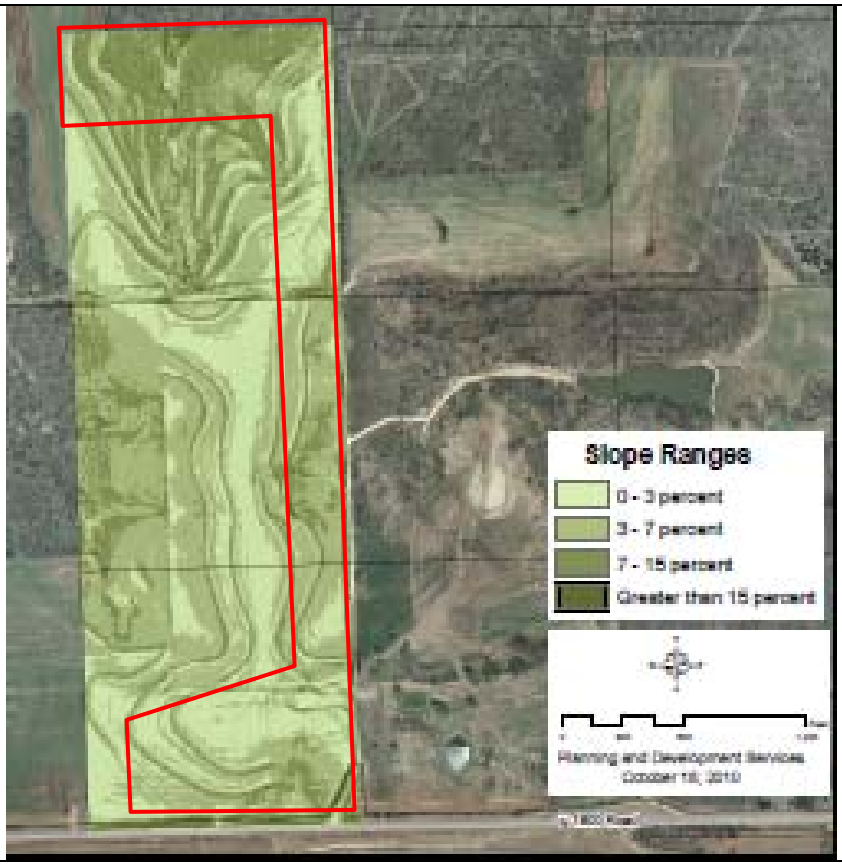


Figure 2. Slopes with approximate boundaries of subject property outlined in red.

LEGAL DESCRIPTION

LOT 2, ROCKWALL FARMS ADDITION, A SUBDIVISION IN DOUGLAS COUNTY, KANSAS.

THE ABOVE DESCRIBED LOT CONTAINING 93.876 ACRES MORE OR LESS.

SIGNATURE

THOMAS FRITZEL, MEMBER
ROCKWALL FARMS L.C.

ACKNOWLEDGEMENT

STATE OF KANSAS
COUNTY OF DOUGLAS

BE IT REMEMBERED THAT ON THIS ___ DAY OF _____, 2011, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME THOMAS FRITZEL, MEMBER OF ROCKWALL FARMS L.C. WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC: State of Kansas TIFFANY RUSS My Appt Expires

NOTARY PUBLIC — MY COMMISSION EXPIRES

ENDORSEMENTS

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

3/7/11
PLANNING DIRECTOR — DATE
SCOTT McCULLOUGH

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

April 7, 2011
COUNTY SURVEYOR — DATE
MICHAEL KELLY, P.L.S. #869

FILING RECORD

STATE OF KANSAS
COUNTY OF DOUGLAS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS 8th DAY OF April, 2011 AND IS DULY RECORDED AT 11:23 AM; PLAT BOOK 18 PAGE 483.

REGISTER OF DEEDS
KAY PESNELL

TRACT A

TRACT 'A' CONTAINS STANDS OF MATURE TREES WHICH ARE DEFINED AS ENVIRONMENTALLY SENSITIVE LANDS IN SECTION 20-810() OF THE SUBDIVISION REGULATIONS. THERE SHALL BE NO BUILDING, LAND DISTURBANCE, OR CUTTING OR REMOVAL OF MATURE TREES IN TRACT 'A' EXCEPT AS NECESSARY TO INSTALL AND MAINTAIN FENCES, OR TO REMOVE DEAD OR DISEASED TREES.

CERTIFICATION

I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREON ARE THE TRUE AND ACCURATE RESULTS OF A FIELD SURVEY PERFORMED UNDER MY DIRECT SUPERVISION IN NOVEMBER 2010 AND THAT THE PLAT IS A CLOSED TRAVERSE. THE SURVEY DOES NOT CERTIFY OWNERSHIP OR EASEMENTS.

STEVEN D. WILLIAMS, P.L.S. — PLAT PREPARED JANUARY, 2011
P.O. BOX 4444
LAWRENCE, KS 66046
(785)832-2121

NOTE

1. OFF-SITE PUBLIC ACCESS EASEMENT FROM N 1800 ROAD, BOOK: 1072, PAGE: 5280.
2. OFF-SITE DRAINAGE AGREEMENT, BOOK: 1072, PAGE: 5281.
3. OFF-SITE SANITARY SEWER FOR LOTS 1 AND 2 ALLOWED BY VARIANCE TO CITY OF LAWRENCE LAND DEVELOPMENT CODE SECTION 20-811(d)(3).
4. SANITARY SEWER FOR LOT 2 SHALL BE LOCATED ON-SITE, EXCEPT THAT AN EASEMENT SHALL BE PROVIDED AND RECORDED FOR ANY OFF-SITE SEWER PRIOR TO CONSTRUCTION.
5. BUILDING SETBACKS FOR THE ASSIGNED LOT LINES ON THIS PLAT SHALL BE AS DEFINED IN THE ZONING REGULATIONS FOR THE UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS DATED SEPTEMBER 2010.

BASIS OF BEARINGS

ASSUMED BEARING N 01°54'04" W FOR EAST LINE SE 1/4 14-12-18

MONUMENTATION

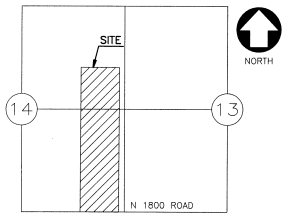
- SET: 1/2" x 24" REBAR W/CAP "APS1391"
- FOUND: STONE (ORIGIN UNKNOWN)
- FOUND: 1/2" x 24" REBAR W/CAP "APS1391"
- FOUND: 2" ALUMINUM CAP "CLS #2"

LEGEND

R/W RIGHT-OF-WAY
A/E ACCESS EASEMENT
U/E UTILITY EASEMENT
(CM) CALCULATED FROM MEASUREMENTS

N
W E
S

GRAPHIC SCALE
200 0 100 200 400 800
(IN FEET)
1 inch = 200 ft.

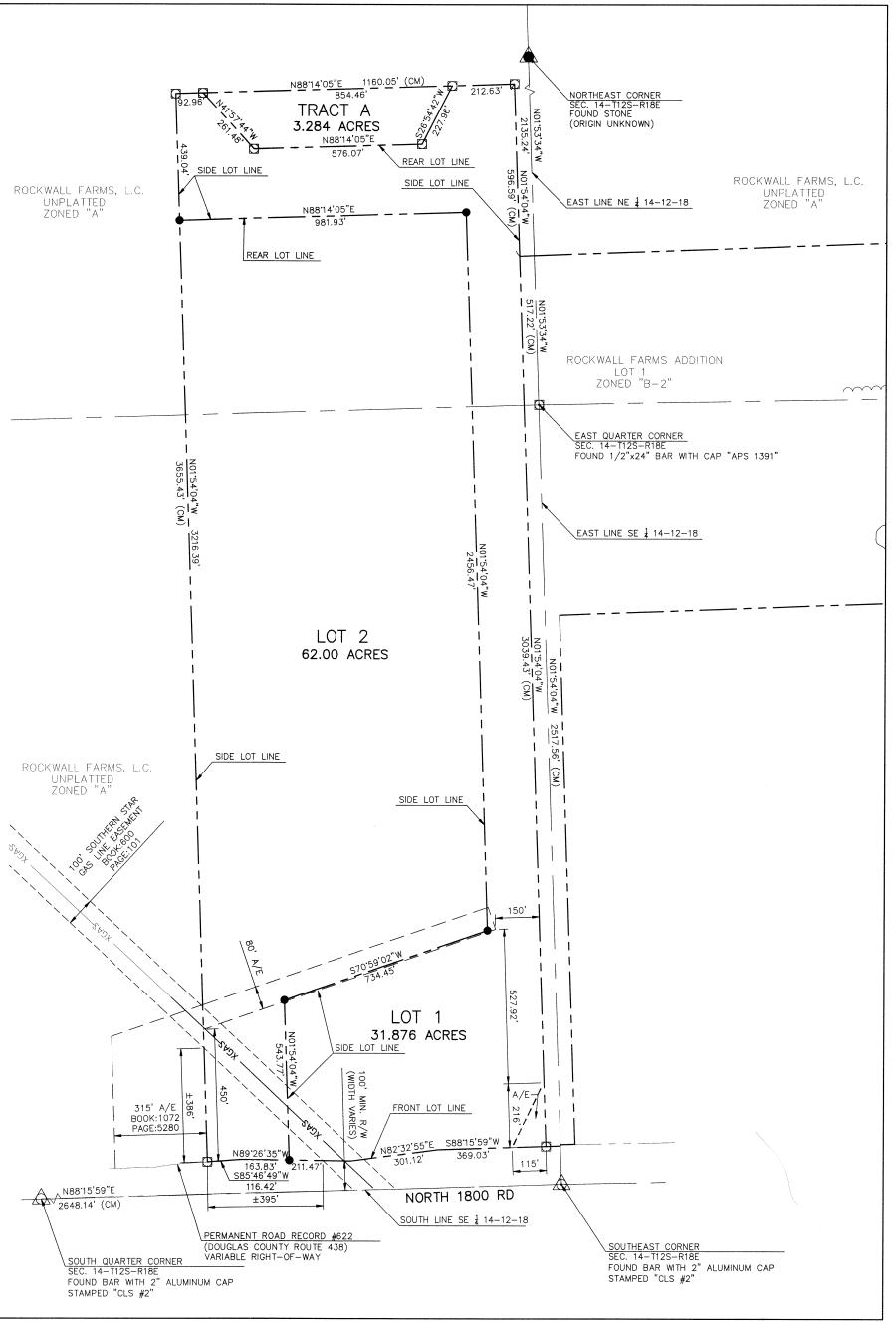


LOCATION MAP
N.T.S.

A MINOR SUBDIVISION

ROCKWALL FARMS ADDITION 2nd PLAT

A REPLAT OF LOT 2, ROCKWALL FARMS ADDITION, IN DOUGLAS COUNTY, KANSAS
E 1/2, SEC. 14-T12S-R18E



12-309 "B-1" NEIGHBORHOOD BUSINESS DISTRICT REGULATIONS

12-309-1.
The regulations set forth in this section, or set forth elsewhere in this Resolution, when referred to in this section, are the regulations in the "B-1" Neighborhood Business District. This district provides primarily for retail shopping and personal service uses to be developed either as a unit or in individual parcels to serve the needs of nearby residential neighborhoods.

12-309-2. USE REGULATIONS
A building or premises shall be used only for the following purposes:
12-309-2.01. Any use permitted in the "R-1" Single-Family Residential District.

12-309-2.02. Automobile parking lots and storage garages.

12-309-2.03. Display room for merchandise to be sold on order where merchandise sold is stored elsewhere.

12-309-2.04. Dressmaking, tailoring, decorating, shoe repairing, repair of household appliances and bicycles, dry cleaning and pressing and bakery, with sale of bakery products on the premises and other uses of a similar character; provided that no use permitted in this item shall occupy more than 2,500 square feet of floor area.

12-309-2.05. Filling stations, so long as bulk storage of inflammable liquids is underground.
12-309-2.06. Frozen food lockers for individual or family use.

12-309-2.07. Hospital or clinic for large or small animals, such as cattle, horses, dogs, cats, birds and the like, provided that such hospital or clinic and any treatment rooms, cages, pens or kennels be maintained within a completely enclosed building with soundproof walls and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls and located on a sewer.

12-309-2.08. Offices and office buildings, including clinics.

12-309-2.09. Outdoor advertising structure or non-flashing sign pertaining only to a use conducted within the building, and any sign or display in excess of 30 square feet in area shall be attached flat against a wall of the building, and in no case shall any sign or display attached to a building project above the roof line. The permitted 30 square feet of sign area for projecting or free-standing signs may be in one sign or the aggregate area of several signs.

12-309-2.10. Personal service uses including barber shops, banks, beauty parlors, photographic or artists' studios, messengers, taxicabs, newspaper or telegraphic service stations, dry cleaning receiving stations, restaurants, (but not drive-in restaurants), taverns, undertaking establishments and other personal service uses of a similar character.

12-309-2.11. Retail stores, including florist shops and greenhouses in connection with such shops, but there shall be no slaughtering of animals or poultry on the premises of any retail store.

12-309-2.12. Self-service laundry or self-service dry cleaning establishment.

12-309-2.13. Accessory buildings and uses.

12-309-2.14. A retail fireworks stand only as authorized by permit issued and operated pursuant to applicable resolutions of the Board of County Commissioners.

12-310 "B-2" GENERAL BUSINESS DISTRICT REGULATIONS

12-310-1.
The regulations set forth in this section, or set forth elsewhere in this Resolution, when referred to in this section are the regulations in the "B-2" General Business District. The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of business, commercial, and miscellaneous service activities, particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor, and noise associated with manufacturing.

12-310-2. USE REGULATIONS
A building or premises shall be used only for the following purposes:
12-310-2.01. Any use permitted in the "B-1" Neighborhood Business District.

12-310-2.02. Amusement place, skating rink, swimming pool or dance hall in a completely enclosed building, auditorium or theater, except open-air drive-in theaters. (See section 12-319-4)

12-310-2.03. Bottling works, dyeing and cleaning works or laundry, plumbing and heating shop, painting shop, upholstering shop not involving furniture manufacture, tinsmithing shop, tire sales and service including vulcanizing but no manufacturing, appliance repairs, and general service and repair establishments, similar in character to those listed in this item; provided that no outside storage of material is permitted, and further provided that no use permitted in this item shall occupy more than 6,000 square feet of floor area.

12-310-2.04. Bowling alleys and billiard parlors.

12-310-2.05. Drive-in restaurants.

12-310-2.06. Food storage lockers.

12-310-2.07. Hotels, motels, or motor hotels.

12-310-2.08. Material storage yards, in connection with retail sales of products where storage is incidental to the approved occupancy of a store, provided all products and materials used or stored are in a completely enclosed building, or enclosed by a masonry wall, fence, or hedge, not less than six feet in height. Storage of all materials and equipment shall not exceed the height of the wall. Storage of cars and trucks used in connection with the permitted trade or business is permitted within the walls, but not including storage of heavy equipment, such as road-building or excavating equipment.

12-310-2.09. Outdoor advertising structure or sign and any sign or display in excess of 100 square feet in area shall be attached flat against a wall of a building. See section 12-306-2.18 for height and location of sign requirements.

12-310-2.10. Printing, publishing, and engraving establishments.

12-310-2.11. Public garage.

12-310-2.12. Wholesale establishment or warehouse in a completely enclosed building so long as floor area devoted to such uses shall not exceed 20,000 square feet.

12-310-2.13. Used car lot.

12-310-2.14. Accessory buildings and uses.

12-312 "I-2" LIGHT INDUSTRIAL DISTRICT REGULATIONS

12-312-1.
The regulations set forth in this section or set forth elsewhere in this Resolution when referred to in this section, are the regulations in the "I-2" Light Industrial District. This district is intended primarily for light manufacturing, fabricating, warehousing, and wholesale distributing in low buildings with off-street loading and off-street parking for employees and with access by major thoroughfares or railroads in either central or outlying locations.

12-312-2. USE REGULATIONS
A building or premises shall be used only for the following purposes:
12-312-2.01. Any use permitted in the "B-1" Neighborhood Business District or "B-2" General Business District, without limitation on floor area.

12-312-2.02. Hospital or clinic for large or small animals such as cattle, horses, dogs, cats and birds, provided that such hospital or clinic and any treatment rooms, cages and kennels be maintained in an enclosed building with soundproof walls, located on a sewer and that such hospital or clinic be operated in such a way as to produce no objectionable odors. Outside unloading pens will be permitted, provided that overnight housing shall be maintained for all animals.

12-312-2.03. The following uses and any similar uses which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odors, glare, or other objectionable influences that the minimum amount normally resulting from other uses permitted, such permitted uses being generally wholesale and retail trade, service industries, and light industries that manufacture, process, store, and distribute goods and materials, and are, in general dependent on raw materials refined elsewhere, and manufacturing, compounding, processing, packaging, or treatment, as specified, or the following products or similar products:

CHEMICAL, PETROLEUM, COAL AND ALLIED PRODUCTS
- Cosmetics and toiletries
- Ice manufacture, including dry ice
- Ink manufacturing (mixing only)
- Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)
- Laboratories
- Perfumes and perfumed soap (compounding only)
- Pharmaceutical products
- Soap, washing or cleaning, powder or soda (compounding only)

CLAY, STONE, AND GLASS PRODUCTS
- Clay, stone and glass products
- Concrete products (except central mixing and proportioning plant)
- Pottery and porcelain products (electric or gas fired)

FOOD AND BEVERAGE
- Bakery products, wholesale (manufacturing permitted)
- Beverage, blending, bottling (all types)
- Candy, wholesale (manufacturing permitted)

Chewing gum
Chocolate, cocoa, and cocoa products
Coffee, tea, and spices, processing and packaging
Condensed and evaporate milk processing and canning
Creamery and dairy operations
Dairy products
Fish, shrimp, oysters, and other sea food, processing packing, and storing, except fish curing
Flour, feed and grain (packaging, blending, and storage-only)
Fruit and vegetable processing (including canning, preserving, drying, and freezing)
Gelatin products
Glucose and dextrin
Grain blending and packaging, but not milling
Ice cream, wholesale (manufacturing permitted)
Macaroni and noodle manufacture
Malt products, manufacture (except breweries)
Meat products, packing and processing (no slaughtering)
Oleomargarine (compounding and packaging only)
Poultry packing and slaughtering (wholesale)
Yeast

METALS AND METAL PRODUCTS

Agricultural or farm implements
Aircraft and aircraft parts
Aluminum extrusion, rolling, fabrication, and forming
Automobile, truck trailer, mobile home, motorcycle, and bicycle assembly
Blacksmith or welding shops
Boat manufacture (vessels less than five tons)
Bolts, nuts, screws, washers, and rivets
Container (metal)
Culvert
Firearms
Foundry products manufacture (electrical only)
Heating, ventilating, cooking, and refrigeration supplies and appliances
Iron (ornamental) fabrication
Machinery, manufacture
Nails, brads, tacks, spikes, and staples
Needles and pins
Plating, electrolytic process
Plumbing supplies
Scale and vault
Sheetmetal products
Silverware and plated ware
Stove and range
Structural iron and steel fabrication
Tool, die, gauge, and machine shops
Tools and hardware products
Vitreous enameled products

TEXTILES, FIBERS, AND BEDDING

Bedding (mattress, pillow, and quilt)
Carpet, rug and mat, including cleaning
Hat bodies of fur and wool felt, (including men's hats)-manufacture
Hosiery mill
Knitting, weaving, printing, finishing of textiles and fibers into fabric goods
Rubber and synthetic treated fabrics (excluding all rubber and synthetic processing)
Yarn, threads, and cordage

WOOD AND PAPER PRODUCTS

Basket and hamper (wood, reed, rattan, etc.)
Box and crate
Cooperage works (except cooperage stock mill)
Furniture (wood, reed, rattan, etc.)
Lumber yard
Pencils
Planing and millwork
Pulp goods, pressed or molded (including paper mache products)
Shipping container (corrugated board, fiber, or wire bound)
Trailer, carriage, and wagon
Veneer
Wood products

UNCLASSIFIED USES

Animal pound or hospital
Animal, poultry and bird raising, commercial
Building materials (cement, lime in bags, or containers, sand, gravel, shell, lumber and the like), storage and sales
Bus garage and repair shop
Button manufacture
Carbon paper and inked ribbons manufacture
Cigar and cigarette manufacture
Circus grounds
Cleaning and dyeing of garments, hats and rugs
Coal and coke storage and sales
Contractor's shop and storage yard
Exposition building or center
Fairgrounds
Fur finishing
Greenhouses, wholesale
Industrial vocational training school, including internal combustion engines
Kennels, commercial
Laboratories, research, experimental, including combustion type motor testing
Leather goods manufacture, but not including tanning operations
Laundries
Livery stables and riding academy
Market, wholesale
Moving, transfer or storage
Outdoor advertising structure or sign subject to section 12-306-2.17
Printing, publishing, and engraving
Produce and storage warehouse

Railroad switching yard, primarily for railroad service in the district
Sign painting or fabrication
Theater, including a drive-in or outdoor theater
Tire re-treading and vulcanizing shop
Truck or transfer terminal, freight
Wholesale houses and distributors
Accessory uses

12-312-3. PARKING REGULATIONS

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

12-312-4. OFF-STREET LOADING REGULATIONS

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

12-312-5. HEIGHT AND AREA REGULATIONS

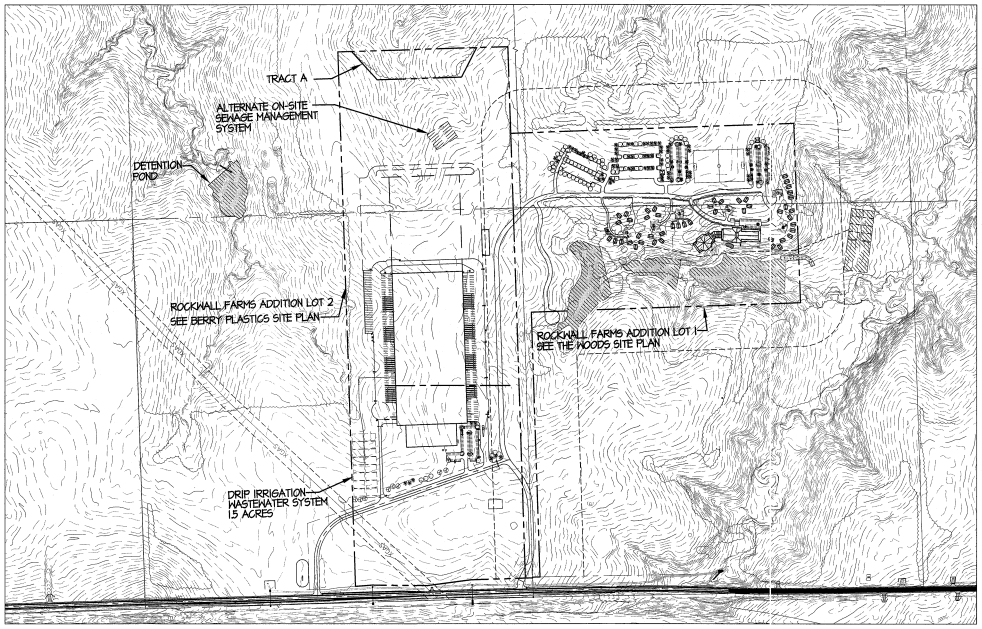
Height, area, and bulk requirements shall be as set forth in the chart of section 12-318, and, in addition, the following regulations shall apply:

12-312-5.01. Whenever any building in the "I-2" Light Industrial District adjoins or abuts upon a residential district such building shall not exceed two stories or 35 feet in height, unless it is set back one foot from all required yard lines for each foot of additional height above 35 feet.

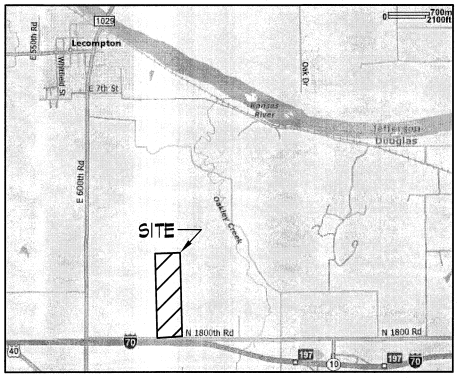
12-312-6. Supplementary use regulations are contained in section 12-319.

12-312-7. Supplementary height, area, and bulk regulations are contained in section 12-321.

BERRY PLASTICS FACILITY



SITE PLAN
SCALE: 1" = 400'
0 200 400 800 1200
NORTH



LOCATION MAP
NORTH

LEGAL DESCRIPTION

LOT 2, ROCKWALL FARMS ADDITION, DOUGLAS COUNTY, KS. CONTAINS 47.16 ACRES MORE OR LESS LOCATED IN SECTION 14, TOWNSHIP 12 SOUTH, RANGE 18 EAST.

GENERAL NOTES:

1.1 PROPOSED USE: LIGHT MANUFACTURING, PRINTING, WAREHOUSE FACILITY

1.2 SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE MINIMUM PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28CFR PART 36.

1.3 TRASH COMPACTOR WILL BE LOCATED NEXT TO THE FACILITY.

1.4 HUNTING IS PROHIBITED ON LOTS 1 AND 2 IN ROCKWALL FARMS ADDITION.

1.5 ACCESSORY IDENTIFICATION SIGN TO BE INSTALLED PER DOUGLAS COUNTY ZONING REGULATIONS SECTION 12-310-2.09. SIGN LOCATION TO BE COORDINATED WITH THE COUNTY.

1.6 SITE LIGHTING TO BE LOCATED AT THE PERIMETER OF SITE FACING INWARD TO REDUCE GLARE AND LIGHT ON ADJACENT PROPERTIES. IN THE EVENT THAT THE TREES ALONG THE WEST PROPERTY LINE ARE REMOVED OR REDUCED TO THE DEGREE THAT GLARE OCCURS TO NEIGHBORING PROPERTIES, THE LIGHTING FIXTURES SHALL BE REVISED TO A CUT OFF FIXTURE IN THE SOUTH PARKING LOT OR OTHER MEANS SHALL BE UTILIZED TO PREVENT GLARE AND LIGHT TRESPASS TO ADJACENT PROPERTIES.

1.7 THE BOARD OF COUNTY COMMISSIONERS APPROVED A VARIANCE FROM THE REQUIREMENT TO HAVE AN ON-SITE SEWAGE SYSTEM FOR PLATTED LOTS (SECTION 20-810D), SUBDIVISION REGULATIONS) AT THEIR DECEMBER 22, 2010 MEETING TO PERMIT THE DEVELOPMENT TO UTILIZE AN OFF-SITE SEWAGE MANAGEMENT SYSTEM SUBJECT TO THE CONDITION THAT EASEMENTS, OR OTHER MECHANISMS ACCEPTABLE TO THE LAWRENCE-DOUGLAS COUNTY HEALTH DEPARTMENT AND COUNTY COUNSELOR, FOR PROPERTY CONTAINING THE OFF-SITE SEWAGE MANAGEMENT SYSTEMS AND ITS CONNECTION TO THE PLATTED LOT SHALL BE DEDICATED BY SEPARATE INSTRUMENT OR RECORDED WITH THE REGISTER OF DEEDS.

1.8 OFF-SITE DRAINAGE AGREEMENT RECORDED IN BK. 1072 PG. 5211

1.9 OFF-SITE PUBLIC ACCESS EASEMENT FROM NORTH 1800 ROAD RECORDED IN BK. 1072 PG. 5280

1.10 A REVISED SITE PLAN SHALL BE SUBMITTED TO THE PLANNING OFFICE AND APPROVED BY THE COUNTY COMMISSION PRIOR TO DEVELOPMENT OCCURRING IN PHASE 2.

1.11 TRACT 'A' CONTAINS STANDS OF MATURE TREES WHICH ARE DEFINED AS ENVIRONMENTALLY SENSITIVE LANDS IN SECTION 20-810(I) OF THE SUBDIVISION REGULATIONS. THERE SHALL BE NO BUILDING, LAND DISTURBANCE, OR CUTTING OR REMOVAL OF MATURE TREES IN TRACT 'A' EXCEPT AS NECESSARY TO INSTALL AND MAINTAIN FENCES, OR TO REMOVE DEAD OR DISEASED TREES.

1.12 NO CONSTRUCTION MAY OCCUR WITHIN THE SOUTHERN STAR EASEMENT UNTIL THEY'VE PROVIDED THE LAWRENCE DOUGLAS COUNTY PLANNING OFFICE WITH APPROVAL OF THE LOAD ANALYSIS AND DESIGN OF THE ACCESS DRIVE WHICH CROSSES THEIR EASEMENT.

PROPERTY INFORMATION:

2.1 LOCATION: DOUGLAS COUNTY; LECOMPTON TOWNSHIP, NW OF N 1800 RD & VACATED E. 700 RD

2.2 CURRENT ZONING: I-2

2.3 LAND AREA: 47.16 ACRES (1,982,284 S.F.) ROCKWALL FARMS ADDITION LOT 2

2.3 SURFACE AREA:

PHASE I		PHASE II	
BUILDING AREA:	551,490 S.F.	BUILDING AREA:	851,490 S.F.
PAVEMENT AREA:	619,836 S.F.	PAVEMENT AREA:	828,613 S.F.
PERVIOUS AREA:	3,061,163 S.F.	PERVIOUS AREA:	2,352,128 S.F.

NOTE: DRAINAGE STUDY DATED DECEMBER 2010 APPROVED WITH MINIMUM PERVIOUS AREA OF 2,121,808 S.F.

UTILITY INFORMATION:

3.1 GAS: GAS SERVICE SHALL BE PROVIDED BY ATMOS ENERGY OR PROPANE SERVICE.

3.2 SANITATION: LAGOON SYSTEM TO BE APPROVED BY KDHE, OR DRIP IRRIGATION WASTEWATER SYSTEM APPROVED BY DOUGLAS COUNTY HEALTH DEPARTMENT. A PERMIT FROM THE APPROPRIATE REGULATORY AGENCY MUST BE OBTAINED PRIOR TO BUILDING PERMITS BEING ISSUED.

3.3 ELECTRICITY: SERVICE PROVIDED BY KAW VALLEY ELECTRIC AND/OR WESTAR. EASEMENTS TO BE DETERMINED.

3.4 WATER: PROVIDED BY RURAL WATER DISTRICT #6. A PRIVATE WATER LINE SHALL BE EXTENDED INTO THE SITE PER RWD AGREEMENTS.

DRIVES AND PARKING INFORMATION:

4.1 MAIN DRIVES: 8" CONCRETE PAVEMENT MINIMUM WITH A SUBGRADE OF 8" COMPACTED AB-3

4.2 ACCESS DRIVES: 6" CONCRETE PAVEMENT MINIMUM WITH A SUBGRADE OF 6" COMPACTED AB-3

4.3 PARKING SURFACES: 5" CONCRETE PAVEMENT MINIMUM WITH A SUBGRADE OF 6" COMPACTED AB-3

4.4 ADA PARKING SPACES: 5" CONCRETE PAVEMENT MINIMUM WITH A SUBGRADE OF 6" COMPACTED AB-3

4.5 WALKWAY AREAS: 4" CONCRETE PAVEMENT MINIMUM WITH COMPACTED SUBGRADE

4.6 PARKING REQUIREMENTS:

USE:	SPACES REQ'D FOR:	# REQ'D:	# PROVIDED:
INDUSTRIAL ESTABLISHMENT/ WAREHOUSE	1 PER 2 EMPLOYEES ON MAXIMUM WORKING SHIFT	TO EMPLOYEES 35	98

LANDSCAPING NOTES:

SYM	DESCRIPTION	NUMBER	APPROVED TYPES	BOTANICAL NAMES	SIZE	COND.
	SHADE TREES	12	NORTHERN RED OAK NORWAY MAPLE IMPERIAL HONEY LOCUST PACIFIC SUNSET MAPLE GOLDENRAINTREE DYNASTY ELM NORWAY MAPLE	QUERCUS RUBRA ACER PLATANOIDES 'SUPERFORM' GLEDITSIA TRICANTHOS 'IMPERIAL' ACER TRUNCATUM X PLATANOIDES 'WARRENRED' KOELREUTERIA PANICULATA ULMUS PARVIFOLIA 'DYNASTY' ACER PLATANOIDES	1 1/2"-2" CAL	B & B
	ORNAMENTAL TREES	9	CLEVELAND SELECT PEAR KOUSA DOGWOOD CORAL BURST CRABAPPLE EASTERN REDBUD	PYRUS CALLERYANA 'CHANTICLEER' CORNUS KOUSA MALUS 'CORALBURST' CERCIS CANADENSIS	1 1/2"-2" CAL	B & B
	CONIFEROUS TREES	9	WHITE PINE BLUE SPRUCE	PINUS STROBUS PICEA PUNGENS	6'-8' HT.	B & B

5.1 ALL DISTURBED AREAS WILL BE SEEDED, SODDED, OR PROVIDED WITH A GROUND COVER.

5.2 ANY PART OF THE SITE PLAN AREA NOT USED FOR BUILDING, STRUCTURES, PARKING OR ACCESS WAYS SHALL BE LANDSCAPED WITH A MIXTURE OF GRASS INCLUDING NATIVE GRASS, BROME OR OTHER EQUAL, TREES, AND SHRUBS.

FILE COPY

BCC
~~Administrative~~ Approval
Case No. SP-11-58-10 Date: 2/2/11
Planner Initials: NEH # of Sheets 2
CC/PC approved original on _____
Director: Scott McCullough
Released to Bldg. Inspections: 2/7/11

RECEIVED
APR 18 2011
City County Planning Office
Lawrence, Kansas

paulwerner ARCHITECTS
123 W. 8TH STREET
SUITE B2
LAWRENCE, KS 66044
OFFICE: 785.832.0804
FAX: 785.832.0890
INFO@PAULWERNERARCHITECTS.COM

DEVELOPER:
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643 MASSACHUSETTS
SUITE 300
LAWRENCE, KS 66044
OFFICE: 785.841.6346
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BUILDER:
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A SITE PLAN FOR
BERRY PLASTICS FACILITY
DOUGLAS COUNTY, KANSAS

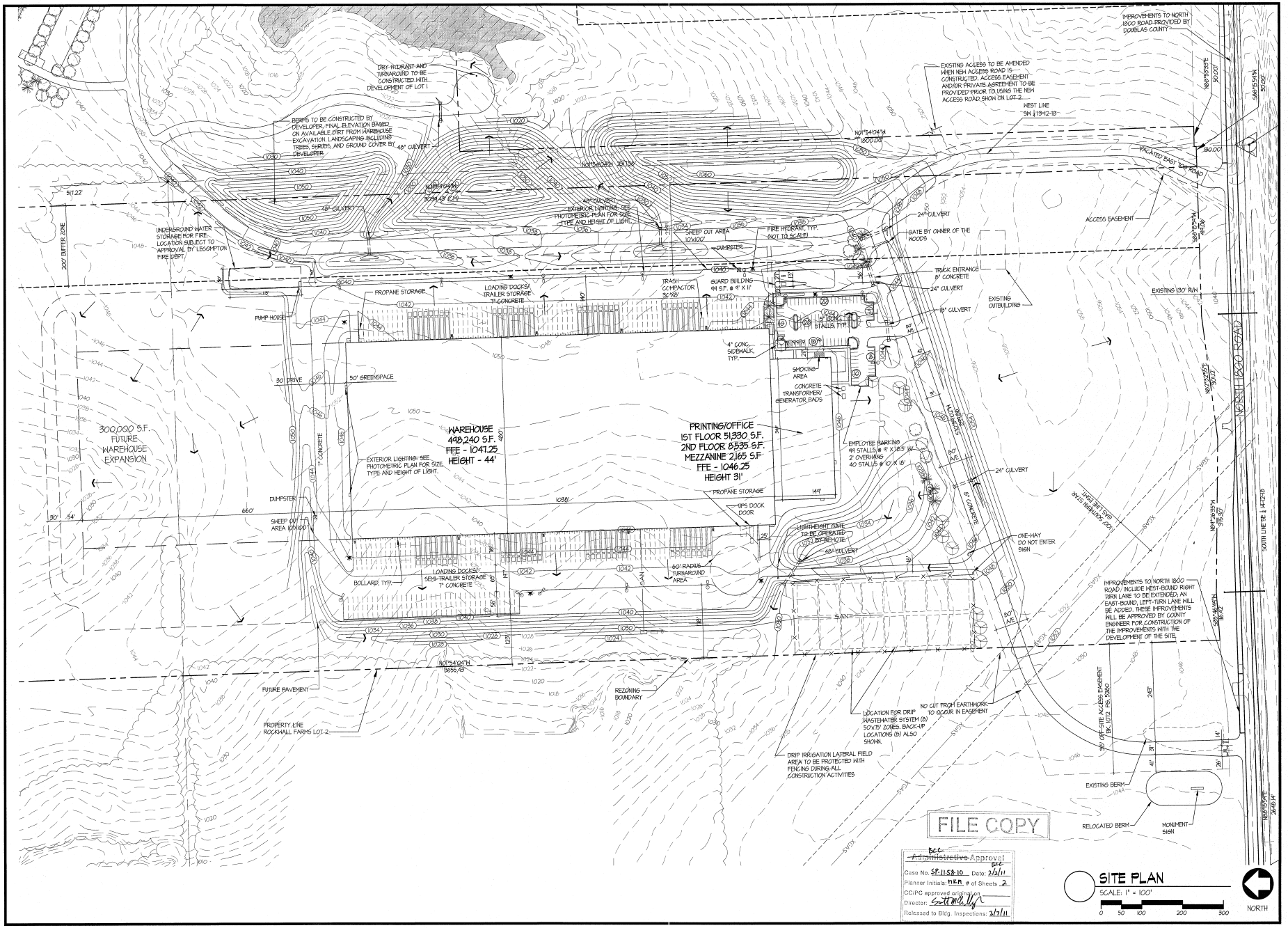
PROJECT # 210-610

NOVEMBER 4, 2010

RELEASE:	DATE:
1.0	11.4.10
2.0	12.8.10
3.0	1.24.10
4.0	2.11.11
5.0	3.14.11
6.0	3.24.11
7.0	4.6.11

SP-1

Project\210-000\210-610\Site\Planning\Site Plan\210-610 site SP1.dwg, 4/6/2011 9:41:20 AM



paulwerner ARCHITECTS

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

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A SITE PLAN FOR BERRY PLASTICS FACILITY

DOUGLAS COUNTY, KANSAS

PROJECT # 210-610

NOVEMBER 4, 2010

RELEASE:	DATE:
1.0	11.4.10
2.0	12.8.10
3.0	1.24.10
4.0	2.11.11
5.0	3.14.11
6.0	3.29.11
7.0	4.6.11

SP-2

PC Minutes 10/25/10

ITEM NO. 1 COUNTY A TO COUNTY I-2; 120 ACRES; E 700 RD & N 1800 RD (MKM)

Z-9-14-10: Consider a request to rezone approximately 120 acres from County A (Agricultural) to County I-2 (Light Industrial), located west of E 700 Road and north of N 1800 Road (Farmer's Turnpike). Submitted by Paul Werner Architects for Rockwall Farms L.C., property owner of record. *Joint meeting with Lecompton Planning Commission.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Lecompton Planning Commissioners Jeff Robertson (Chair), Mary Jane Hoffer (Vice-Chair), Kathy Paslay, Brenda Hastert, and Elsie Middleton were present.

Commissioner Harris asked for more detail about competitive sites not available within the city.

Ms. Miller said the applicant could probably explain it better but the criteria she was aware of was it needed to be located along the I-70 corridor, close proximity to the existing site, and enough land area to accommodate their building and future proposed expansion. She said when they looked at sites within the city of Lawrence one was identified but there was not adequate access.

Commissioner Harris asked if police and fire services would be provided by the City of Lawrence.

Ms. Miller said the applicant asked for fire protection.

Mr. McCullough said the applicant asked for an agreement with the City Fire Department which was currently in the works and would go through City Commission. He said Staff anticipates an agreement will be reached. He said the Sheriff Department would respond to any calls.

Commissioner Harris asked if annexation was required when city services are provided.

Mr. McCullough said no, the fire department agreement could be done through a type of mutual aide/ first responder type agreement. He said it was common to do that for an unincorporated site that is in need of that service.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, thanked staff for their work. He said the Preliminary Plat would be heard next month if the rezoning was approved. He said a Site Plan would be submitted this week and would go on to the Board of County Commissioners. He thanked city and county staff for their helpful work.

Mr. Ross Freese, Berry Plastics, gave the history of Berry Plastics. He said the company had been in community for 43 years and during most of that time they had been in the injection molding business. He said approximately four years ago they started a new thermoform process. At that time they converted existing warehouse space to manufacturing and hired additional employees. He said they were proud of their growth and excited about this project. He said in order to accommodate their warehousing needs they currently lease storage space in southeast Lawrence and south Topeka. In addition to those two leased locations they also have several hundred trailers that they use as flexible warehousing. He stated future plans would be to consolidate the existing leased warehouses into a single site location. He said they plan include in the new facility some of the existing injection printing presses. He said they did evaluate a number of different sites and after an

exhaustive analysis this location was their preference for a number of different reasons. He estimated there would be about 55 warehouse employees and 150 printing employees. He stated the number one benefit of the project was the competitive advantage because Berry Plastics has about 65 other plants across the United States and they compete with those other plants when it comes time to determine where new business will be located. He said they currently incur a lot of additional cost with the movement of product from location to location and as new business opportunities present themselves the total operating costs are compared against those other Berry Plastic sites. He stated another benefit would be that moving the printing would free up approximately 35,000 square feet of existing space at the main plant on Packer Road and that would allow headroom to create additional room for additional manufacturing equipment on site.

Mr. Werner displayed the plan on the overhead. He stated it would not be a manufacturing facility and that it was not even a possibility. He said it would only be a warehouse and small printing area. He stated it was a relatively flat site so there would be minimal dirt moving costs compared with other sites. He pointed out that it would have a 1,000' setback from the road and that the grade would help shield the building. He said the building would be centered between tree lines. He said the class II soils were not contiguous with anything else and that there was not enough of it. He also felt the class II soil was outweighed by keeping existing trees for buffering. He advised the Traffic Impact Study consultant was present for questioning, as well as Mr. Keith Browning, County Public Works Director. He said currently Farmer's Turnpike runs 4,300-4,500 vehicles per day but was designed for 10,000-11,000 cars a day. He stated even though they would be adding traffic the road would still only be working at about 50% of its capacity. He recommended putting a warning sign to the west of the property noting that an intersection was coming to warn drivers. He said they would be extending the westbound right turn deceleration lane by 25' but would not get into the existing berm. He said they would provide an eastbound left turn center lane into the site even though it was not required. He said it would also helps for when something happens with The Woods and would provide another entrance into the site. He said there would also be two existing lanes from the site onto Farmer's Turnpike. He discussed sewer and said they were looking at two different systems; either a lagoon or a drip irrigation system. He said Rural Water District #6 would provide another meter for the site and have plenty of water. He said regarding fire they would not be using the Rural Water Districts line at all and that they would use a similar system to what exists at the current plant; a cistern and an Early Suppression Fast Response (ESFR). He said the fire suppression system was a specific sprinkler made to put fires out quickly by flooding the fire with a massive amount of water immediately. He said instead of using a cistern they would build a new pond and use the first pond to the east of the building as the water source. He said the fire pump would run on a generator. He said they would not be using the Rural Water District lines for fire response. He also said that the pond could be used for fire response for others in the area. He stated that an ambulance or Hazmat call would be responded by the City of Lawrence. He said stormwater detention would be through the ponds to the east on The Woods site and that water to the west side would work its way to the north toward the river. He said they met with several neighbors and the Rural Water District. He stated they mailed 52 letters notifying property owners and held a meeting at the Oread Hotel. He said traffic was the main concern of neighbors and they requested a warning sign be posted to warn drivers. He said regarding the League of Women Voters letter about whether or not it complies with Horizon 2020, he felt it did because it was not an industrial park, it was an industrial site.

Commissioner Harris asked if the fire suppression pond area was on the same property or adjacent property.

Mr. Werner said it was on the adjacent property but that the property owner owns both properties and there would be an agreement. He said the same system would be used for The Woods on the lower pond.

Commissioner Harris asked what would happen if the property was not owned by the same person.

Mr. Werner said there would be an agreement.

Commissioner Harris asked if it was possible to develop the front vacant portion of the property.

Mr. Werner said there was an existing shed building with water and gas. He said it was possible but that there would be some grade changes and that was not what they were thinking of doing.

Commissioner Rasmussen asked Mr. Werner to show on the map the anticipated route for trucks entering and exiting the site.

Mr. Werner pointed on the map and said all trucks would come from the east. He said there were two different types of trucks, shuttle trucks and over the road trucks. He said the shuttle trucks would go back and forth from Berry Plastics and would exit the site on the west side.

Commissioner Rasmussen asked when the over the road trucks leave the site and head back east was there a lane for them to turn into or would they turn into main traffic.

Mr. Werner said that was analyzed and they looked into an acceleration lane. He said there was excellent visibility in both directions. He said there was some concern about an acceleration lane causing truckers to be more willing to turn left into the center lane and not worry about oncoming traffic because they might see it as a 'safe' lane. He also pointed out that the trucks would be light because they would be carrying plastic cups so they would be able to speed up more quickly than normal semi trucks.

Commissioner Liese asked how many community members attended the meeting at the Oread Hotel.

Mr. Werner said 11 people attended the meeting he held at the Oread Hotel.

Commissioner Liese asked where he thought the opposition came from in the letters.

Mr. Werner said people were worried about a domino effect with what would happen after this. He said there was also concern about traffic but that one or two shuttle trucks an hour was not that much. He said one of the letters had comments about damage to the road but these would be light semi trucks. He said a semi truck would have better visibility since it sits up higher and would be able to see cars and be able to slow down better with their lighter loads.

Commissioner Liese asked if Mr. Werner knew what kind of opposition or support he would receive tonight.

Mr. Werner said they had a positive meeting in the City of Lecompton.

Commissioner Liese asked Mr. Werner if Lecompton Planning Commission was in favor of the rezoning.

Mr. Werner said if he had to guess he would say they were in favor of it.

Commissioner Liese asked what kinds of concessions have been made so far and what else could be done to address concerns.

Mr. Werner said they have done everything they have been asked to do but he wanted to hear concerns this evening and try to address them. He said so far the main concern has been traffic.

Questions from Lecompton Planning Commission

Lecompton Commissioner Kathy Paslay said adding 25' to the off ramp was not even the length of a truck. She also wondered about the water to the west and where it would go on its path to the river.

Mr. Werner said the right turn deceleration lane was already partially constructed, 620' long, so the recommendation was to extend it an additional 25'. He showed the basin and discharge map on the overhead and discussed stomwater. He said rainwater going to the west would go through creek channels and discharge into 328 acres. He said because it is such a large area it would be a 3-4% increase for a 100 year storm. He said the property was all owned by this owner before leaving the site.

Lecompton Commissioner Paslay inquired about the distance to the river.

Mr. Werner said he would have to find another map.

Lecompton Commissioner Jeff Robertson said a few miles.

Lecompton Commissioner Elsie Middleton asked how many trucks a day would be generated.

Mr. Werner said there are two different types of trucks, shuttle trucks and over the road trucks. The shuttle trucks would run about 20 a day with 30 as the maximum. Over the road trucks would run 30 per day but during peak seasons, about 3-4 times a year, there would be 100 a day. He said the average day would be 50 trucks in and out.

Commissioner Liese inquired about a letter from Mr. John Lewis regarding his comments about the daily truck numbers.

Mr. Werner said when the Traffic Impact Study was started they used the worst case scenario and then realized shuttle trucks do not run as often as they were guessing. He said after they threw out those numbers they went and verified them.

Commissioner Liese asked what would happen if the community approves this based on one truck an hour and Berry Plastics figures out they can run 20 trucks an hour.

Mr. McCullough said change was inevitable. He said there had been revisions to the Traffic Impact Study. He stated if there was need to make improvements on the arterial roadway system then the governing bodies and staff would go about making those changes.

Mr. Werner said part of Traffic Impact Study looks at what will happen in the year 2030.

Commissioner Liese said that the letter from Mr. Lewis mentioned the project only creating 11 new jobs. Commissioner Liese asked if that was based on data from Berry Plastics.

Mr. Werner said he would let Mr. Freese answer that. He said it was a big building that would create construction jobs for a year and would free up more space at the existing manufacturing plant in the city. He said he would venture to say that the comment from Mr. Lewis was vastly underrated.

Mr. Keith Browning, Douglas County Public Works Director, agreed with the three recommendations in the Traffic Impact Study addendum. He stated it was a county road, not state or federal highway so it was designed for 55 miles per hour not 65 miles per hour.

Commissioner Burger asked if any of the changes would impact the fact that right now the bicycle route was a green route.

Mr. Browning said there are 8' paved shoulders.

Commissioner Burger asked if there were adequate setbacks in the event that 20 years from now the road was utilized as a divided highway.

Mr. Browning said no, there was not adequate right of way and that they could not afford to acquire enough right of way to do that. He said the analysis shows that in 2030 the road will be ¾ of its capacity.

Commissioner Harris asked if the road was designed to handle this much truck traffic and more in the future.

Mr. Browning said yes it was. He said the trucks they were using were very light and that was a significant part of the damage from trucks. He stated the reconstructed roads portions have 10" full depth asphalt so they are pretty stout for a county road.

PUBLIC HEARING

Mr. John Lewis, thanked Mr. Werner for inviting more people than necessary to the public meetings and said he appreciated the applicants honesty and forthrightness. He said he realized the trucks may not be heavy but that they are still about 20,000 pounds. He said the typical car was 3,000 pounds and that more wear and tear on the road would add up to taxpayers to maintain. He said none of their decisions were in a vacuum and their decision was not based on that one parcel, it was based on the entire area. He said Commissioner Harris brought up good point about the ponds being on adjacent property. He did not think that the pond would be an issue because there was a lot of property owned by Rockwall Farms, roughly 1,000 acres, in that area. He said he didn't believe someone would want to build a house in that area which lead him to believe that another industrial site would be on its way.

Commissioner Liese asked if there was any kind of development he would support other than residential.

Mr. Lewis said he was aware of The Woods project and thought it was an excellent project and did not have a problem with that type of development but was concerned about the entire corner turning into an industrial park.

Ms. Marguerite Ermeling thanked Mr. Werner for talking to the community. She said this was a multi-use road and that it should include safety for all those entities to be there. She wondered about the possibility of conditioning the rezoning with approval of the Site Plan so that it could only be Berry Plastics. She expressed concern about drainage to the west and if the pond would be large enough for fire protection during drought.

Commissioner Liese asked if she supported the rezoning only if it was for Berry Plastics.

Ms. Ermeling said if this was the final site settlement for Berry Plastics that she would be the last one to stand in the way of that, but that if it opens the site up to be anything with I-2 zoning that would be problematic for her.

Mr. McCullough said conditional zoning was an option. Printing and storage warehouse are allowed uses in the I-2 district and could be conditioned to those two uses. He said if Berry Plastics would want to do any kind of manufacturing at the facility they would need to come back and rezone to add that use to the table. He said it was his understanding that Berry Plastics did not want to do any type of manufacturing. He said in part this was about retaining the largest manufacturer in the county and help them grow. He said they recognize that Berry Plastics has put their name to this project and request and the two uses, printing and storage, would be too specific for someone else to use. He stated Berry Plastics has been looking at different sites and this was the one they have brought forth.

Commissioner Rasmussen asked Ms. Ermeling what aspects of this proposal would change the road from being a multi use road.

Ms. Ermeling said nothing except for the significance of additional truck traffic at a fast speed. She said there was a lot of bike traffic there.

Mr. Martin Hirder inquired about the pond drying up. He also wondered about the safety issue associated with more traffic during peak hours of morning and evening.

Mr. Browning said peak hours were looked at as well as the hours of operation and the hours trucks would be traveling on the road.

Commissioner Liese asked if it was possible to get traffic lights or turning lanes that are off limits at certain times of the day.

Mr. Browning said a traffic signal was possible but he did not think it was a good idea or safe since the speed on the road was 55 miles per hour. He said the gaps in traffic should be such that traffic should not be an issue.

Mr. Werner said regarding filling the pond, there might be two pumps. He said about 1" of rain would fill the first pond so as long as it rains 1" every two months it should be okay.

Mr. Greg Burger expressed concerns about traffic and sight distance. He was concerned about an industrial park and said the area just annexed 155 acres. He was shocked the deceleration lane was already in place like it was a done deal. He said there was no shoulder on the deceleration lane for bikers.

Ms. Charlene Winter thanked Berry Plastics and the applicant for their consideration of the neighbors. She was opposed to the serving of alcohol and shooting guns at The Woods which Berry Plastics would not have. She said it would be a safer route for trucks to exit at E 700 Road, farther from the high spot on the road. She felt that Berry Plastics was a benefit to the community.

Mr. Paul Bahnmaier said he was thrilled about Berry Plastics being within 3 miles of Lecompton and would greet visitors positively. He felt they should encourage local companies to expand and stay in Douglas County. He said Berry Plastics had been very informative about their plans.

Ms. Kim Ens expressed concerns about traffic. She said at the neighborhood meeting at The Oread Hotel it was stated that there would be about 130 trucks a day. She was also concerned about the domino effect and what would happen next with development in the area.

Mr. Tom Kern, President of Lawrence Chamber of Commerce, gave strong support for Berry Plastics. He stated that 80% of all job growth in Douglas County and Lawrence would come from existing employers.

Ms. Beth Johnson, Lawrence Chamber of Commerce, said one of the things discussed during the annexation of 155 acres was the fact that that there were a limited number of industrial sites along I-70 and in Lawrence in general. She stated that still remains a fact. She said when a prospective business looks for a piece of property they are looking for a willing land owner, access, and infrastructure.

APPLICANT CLOSING COMMENTS

Mr. Freese said he gave some bad numbers when they had the meeting at the Oread Hotel. He said he gave the maximum figures and that the truck numbers Mr. Werner referred to earlier were the average numbers.

Commissioner Finkeldei asked where the current trucks travel.

Mr. Freese said it was a mix. He said anything that goes to Topeka travels down Farmer's Turnpike and gets on I-70 so some of the traffic they were talking about was already in play. He said many trucks also go directly through town from Packer Road to the intersection of 29th and Haskell Ave.

Mr. Werner said traffic in the year 2030 would be at 75% capacity. He said regarding Ms. Winter's comments about the exit point, they analyzed both entrances and both would work for inbound and outbound traffic. He said there was a desire to separate car and truck traffic and that the other access may be used for The Woods in the future. He said there was already a deceleration lane in place. He said he understood Ms. Ermeling's comment about conditional zoning.

Commissioner Finkeldei inquired about future plans for the Rockwall Farm property.

Mr. Werner said there's a Southern Star gas line with a 100' wide easement that makes it tough to do anything on one side. He said E 700 Road was vacated a few years ago. He said The Woods was the only project he was aware of. He said he could never say never but that he did not know of any immediate plans.

Commissioner Harris asked for more information about the other site that was considered and what the exact issue was with not having Berry Plastics there.

Mr. Freese said it was difficult to respond to without getting into all the various factors that were taken into consideration when evaluating the sites. He said Berry Plastics was essentially landlocked at 2330 Packer Road with no ability to go beyond what they have at that location. One of the big factors taken into account was the ability for the site to accommodate a 675,000 square foot building and still have the ability to expand. He said there were certain economies they looked at

and there has to be two people that are willing to participate in the process and they encountered some challenges with the other site referenced.

Commissioner Harris asked if he was referring to money or logistical concerns.

Mr. Freese said it was the cost of the site and the cost to develop the site. He said they were excited about this project because it creates the opportunity to free up 35,000 square feet at the main plant.

Commissioner Singleton said there had been comments about conditional zoning. She asked Mr. Freese how committed Berry Plastics was to this location and site.

Mr. Freese said he would not be present tonight if they were not committed to this project and site.

Commissioner Harris inquired about them not seeking a conservation easement.

Mr. Werner said it applied more toward The Woods. He said the Site Plan would include buffer areas and the owners are committed to not developing. He said it was not off the table but not what they were thinking about right now.

Commissioner Harris said she hated to lose any high quality soil and asked if it was possible to design the site to save the soil so it could be farmed.

Mr. Werner said no it really was not possible. He said about 18% of the class II soils would be encroached upon.

Commissioner Burger asked for clarification on an earlier comment about no eastbound paved bike lane.

Mr. Browning said that comment was correct. He did not remember that earlier when he spoke. He said the right turn lane only had a 2-4' shoulder.

Commissioner Burger asked if the eastbound road had a paved shoulder.

Mr. Browning said the eastbound shoulder was 8'.

Commissioner Harris inquired about the impact to the City for fire service and if they would be paid for that service.

Mr. McCullough said that would be part of the agreement negotiated with the City Manager and Fire Chief.

Commissioner Harris asked if City Commission would approve that.

Mr. McCullough said he was not sure.

Commissioner Liese asked Ms. Johnson to repeat the three factors she said perspective businesses look at.

Ms. Johnson said there are many factors that businesses look at but that access, infrastructure, and a willing property owner were the ones she mentioned earlier.

Mr. McCullough addressed Mr. Burger's earlier comment about a deceleration lane already in place now. He said the timing was correct when the County did the improvements to Farmer's Turnpike and when The Woods was going through their development process they saw an opportunity to put the turn lane in for The Woods project. He said the reason it was shorter than it needed to be for trucks was because it was designed for vehicles not semi trucks, so the recommendation to extend it an additional 25' was because this project was coming forward now and there was no predetermined idea of a warehouse at this location.

Commissioner Harris asked if there was anything to prevent or encourage more industrial development in that area to create an industrial park as suggested.

Mr. McCullough said staff analyzes requests to the Comprehensive Plan which could include Sector Plans. He said this was a county request so staff looked at Chapter 7 in terms of industrial projects in the unincorporated area. He said there was nothing preventing any request from coming in. He said this request was for a specific user and staff was confident that it was too big of a project for the owner to build and then hope to get a tenant.

JOINT COMMISSION DISCUSSION

Lecompton Commissioner Robertson said at their meeting there were about 20 people present and none were opposed to the project.

Commissioner Harris said it was still not clear about what could happen out there. She said it sounded like if there was access, flat land, and a willing land owner there could be more industrial development out there.

Mr. McCullough said there was always the possibility of a request to do more industrial out there and that it would be analyzed based on need in the community. He said the City was working toward creating large scale industrial areas, either in the southeast part of Lawrence with Farmland acquisition, Farmer's Turnpike, or Airport Industrial uses. The City is trying to get more baskets of eggs to land industrial projects in the community for primary jobs. He said this request would not be on the table if Berry Plastics did not exhaust the inventory they had to work and their timeline. He said he did not know what the future holds and that three months ago this site was not being looked at or even presented. He said Berry Plastics had very special needs in terms of where they need to locate, how large a parcel, and access to I-70, which created the opportunity to look at this site.

Commissioner Rasmussen said based on the staff report and what he has heard tonight he did not think this was inconsistent with the existing character of the area and it conforms with Horizon 2020. He said while it was not in the K-10 and Farmer's Turnpike Plan Sector Plan, it was near that and was generally what was anticipated in that plan. He said regarding the traffic safety the Traffic Impact Study says it would be a minimal addition to traffic counts. He stated given the proximity to I-70 access they should not be surprised about development in the area along the Farmer's Turnpike and K-10 corridor and that they should be expecting it. He suggested staff consider expanding the Sector Plan for that area. He felt it was the natural evolution of the area and that it was going to be great potential for this type of development. He said he would support the application because it was good for the county and community.

Commissioner Singleton agreed with Commission Rasmussen's comments. She felt this was an excellent plan for this location and this development and for as close as it was to I-70 it would be great for getting trucks in and out. She felt that for Douglas County it was better for truck traffic to be out there instead of going through town. She understood the concept of conditional zoning but did not think it was appropriate at this location with this use. She said the only concern she had

originally was whether or not it would fit in the neighborhood but after hearing the presentations this evening she felt it was a great location for this plan and a good benefit to the community. She said she would vote in favor of the project.

Commissioner Hird agreed with Commissioner Rasmussen and Singleton's comments. He said two issues that seemed to be of concern by the neighbors were the traffic and the domino effect of development. He said Planning Commission relies on experts to provide good information, such as staff reports and traffic studies, and he felt confident in that. He said their role as professionals was to make sure they have safe development. He said as far as the domino effect he felt they were getting ahead of themselves. He said it was likely that there would be more applications in the future. He said part of what bothered him about the domino effect was that it presumes that Planning Commission was not capable of making good decisions in the future and he did not think that was fair. He said every application was judged on its own merits. He said there may be more applications for the area but that does not mean Planning Commission and the governing bodies cannot protect the citizens in the area. He said he would support the project. He said Berry Plastics went above and beyond to reach out to the neighbors and that was exactly the kind of outreach Planning Commission liked to see.

Commissioner Liese said he would support the item.

Commissioner Blaser said he would support the item and that Berry Plastics did an excellent job of presenting their project to everyone. He did have concerns initially about traffic but after reading the studies and hearing from the experts he did not feel it was an issue.

Commissioner Harris had concerns initially about traffic so she was glad they discussed it. She said she would vote in favor of the item and that her concerns had been addressed. She thanked Mr. Werner and Berry Plastics working with the neighbors. She said she was concerned about losing class II soils.

Commissioner Burger said she would support this item. She said staff did a wonderful job on providing a lot of information. She was excited about the blending of industrial with a rural retreat (The Woods). She said they had done a wonderful job of ensuring green space. She was still hesitant about traffic and would like to see the speed limit reduced.

Commissioner Finkeldei said he would support the project. He said they need to remember the issue of expansion or encroachment when they have their discussion on Wednesday night because one of the issues was having available land to choose from. He said he does trust the traffic studies and the County Staff. The County has control over the speed limit and signage and they can watch those concerns. He agreed with Commissioner Singleton and said although there would be some negative impact along this stretch of road, taking those trucks out of the city would benefit the community so that offsets the cost. He thanked Lecompton Planning Commission for being present tonight. He said Ms. Winter was the closest neighbor and her support was beneficial.

Action taken by Lecompton Planning Commission
Motioned by Lecompton Commissioner Hoffer, seconded by Lecompton Commissioner Middleton, to approve the rezoning of approximately 96 acres from A (Agricultural) to I-2 (Light Industrial) District.

Unanimously approved 5-0.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Hird, to approve the rezoning of approximately 96 acres from A (Agricultural) to I-2 (Light Industrial) District and forwarding it to the Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report.

Commissioner Harris asked if that included the three additional recommendations in the Traffic Impact Study addendum.

Mr. McCullough said as this was just the rezoning request those would be with Site Plan and Platting process.

Unanimously approved 8-0. Student Commission Davis voted in the affirmative.

PLANNING 11-10-10
The Board considered a request to rezone (Z-9-14-10) approximately 120 acres from County A (Agricultural) to County I-2 (Light Industrial), located west of E 700 Road and north of N 1800 Road (Farmer's Turnpike). The application was submitted by Paul Werner Architects for Rockwall Farms L.C., property owner of record. Mary Miller, Lawrence-Douglas County Metropolitan Planning Staff, presented the item. The subject property is located within three miles of the Lecompton city limits. The rezoning request was considered at a joint meeting of the Lawrence-Douglas County Metropolitan and Lecompton Planning Commissions. The property has immediate access to an improved arterial street (N 1800 Rd) and is in close proximity to the I-70/K10 Lecompton Interchange. A request [Z-11-19-08] was approved by the Board of County Commissioners on June 24, 2009 (pending the recording of a final plat) for a rezoning of the property east of the subject property to B-2 District with conditions for a rural conference center. The applicant intends to masterplan the two developments to ensure compatibility and will include both lots in the same plat.

The rezoning request was approved by the Lawrence-Douglas County Metropolitan Planning Commission with a 8-0 vote and the Lecompton Planning Commission with a 5-0 vote to recommend for approval on by the BOCC on October 25, 2010. Staff recommends approval of the rezoning request for approximately 96 acres from A (Agricultural) to I-2 (Light Industrial) District based on the following findings of fact:

I. Zoning and land uses of surrounding properties. The surrounding property is zoned A (Agricultural) with a rezoning to the B-2 District pending for a portion of the property to the east. Agriculture and rural residences are the primary land uses in the area, though a corporate retreat is approved immediately east of the subject property. The I-70 Kansas Turnpike and N 1800 Road, which is commonly referred to as the 'Farmer's Turnpike' are adjacent to the southern property line of the subject property.

II. Character of the area. The area is a rural area containing woodland, farmland and rural residences in close proximity to a major transportation corridor.

III. Suitability of subject property for the uses to which it has been restricted. The property as zoned would allow for agricultural uses, rural residences, animal hospitals, dog kennels, schools, country clubs and churches. The subject property is well suited for the uses to which it has been restricted and is also suited to industrial uses, including warehousing and light manufacturing.

IV. Length of time subject property has remained vacant as zoned.
The property has never been developed but has been used for agricultural purposes.

V. Extent to which removal of restrictions will detrimentally affect nearby property. Detrimental effects on nearby properties could be prevented or minimized through the appropriate site design and buffering of the new facility and any changes to N 1800 Road that are recommended by the County Engineer.

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. There would be little gain to the public health, safety or welfare from the denial of the rezoning request since its impact to surrounding properties will be negligible with proper site design. The general public and the applicant could be negatively impacted by the denial of the rezoning request as the applicant may be unable to find a suitable location for the expansion of their facility in Douglas County. With proper site planning of the subject property, the negative impacts from denial of the rezoning request would outweigh the limited positive benefits.

VII. Conformance with the comprehensive plan. The proposed rezoning request is generally compliant with Horizon 2020 policies related to industrial development within the rural area of the county.

Miller added the location fits the general locational criteria for new industrial development within the exception of the requirement that the site consist of primarily minimum slopes. The goal of protection of Class II soils in this location is balanced by the transportation system and the criteria that supports industrial land use. In addition, Miller stated one of the requirements of the comprehensive plan is the applicant provide documentation that similar competitive sites were not available within the municipalities. The applicant did work with the City of Lawrence and looked at several other sites. There were no other sites available that met the applicant's needs or met their time table.

Flory asked if the Board will have the opportunity to review the site plan to ensure any issues are addressed, prior to further development. Miller responded that is correct and a site plan has been submitted and will come to the BOCC in a few weeks.

Gaughan asked what other industrial zonings we have in the County. Linda Finger, Planning Resource Coordinator, stated the major areas are along North 2nd Street, 24/40 Highway, 23rd Street and K-10.

Thellman asked for clarification regarding the locations on the “snowflake” map as potential sites for industrial parks. Scott McCullough, Planning Director, stated Chapter 7 gives details about the areas listed on the “snowflake” map as being areas of interest for industrial use, with transportation and proximity to urban services. However, under Chapter 7, we have the ability to consider other sites not on the map and use the general criteria to analyze a request.

Paul Werner, Paul Werner Architects, stated the proposal tonight is the I-2 zoning of approximately 96 acres. We have already submitted a preliminary plat that goes to the Planning Commission on Monday, November 15. Site plans have been submitted for the Berry Plastics lot and for The Woods.

Ross Freese, Berry Plastics, stated the expansion project started approximately four years ago with 460 employees. The commitment was made to add 154 employees. Today there are approximately 800 employees. That number could grow to 900 during peak production times. Berry currently has 304,000 square feet of leased space, and 233,000 square feet of space in Topeka. Beyond that, they have approximately 100 trailers used to provide temporary storage. The main facility is landlocked with little or no room to accommodate and add on. The reason Berry chose this site is the layout of the topography, access to I-70 and the fact the site can accommodate future expansion. He also indicated that Berry Plastics had not yet made a decision on the use of the recovery zone bonds. Freese stated the new warehouse will open up more space at their production site, expanding manufacturing and possibly creating more jobs. It will also allow them to better compete with other Berry Plastics plants across the country, whenever new lines of production are added.

Thellman asked Freese if Berry plans to manufacture in the new location in the future. Freese responded “no” that he does not plan to. The main plant is the lifeline of the company because of modeling and thermal processes. The new location is not served by rail and that will probably not change. Thellman asked if there are plans to expand further. Freese replied any expansion would be for more warehousing.

Thellman stated staff had mentioned at the Planning Commission meeting the possibility of conditioning this zoning to what Berry is planning to use the facility for. McCullough responded that the Planning Commission also discussed that possibility, but finally concluded to concur with the staff recommendation not to limit the conditional uses because the facility met the criteria for industrial property.

Thellman asked if the property was vacated by Berry and someone else took ownership, would the limited fire protection be a concern. McCullough responded that part of the reason we have limited amount of industrial zoning in the unincorporated area is because it takes a certain level of service to intensify the use much past warehousing. Warehousing is a low impact use in terms of a need for water, sewer capacity, and response to hazardous chemicals. So it is a bit self regulating. McCullough added with each submittal, staff will determine if the services and the infrastructure can be supported.

Gaughan asked if the uses with I-2 can be self regulating. McCullough responded they could be. For example, some manufacturing processes can be very water intense, demanding much greater volumes of water than the rural water districts can provide.

Gaughan asked for a description of the 16-18 dry presses that will be used on site. Freese stated the manufacturing process used is essentially printing on blank cups. The process used does not use any significant amount of water.

Gaughan asked the applicant to discuss traffic. Werner stated currently there are 4300-4400 vehicles a day on Farmer’s Turnpike. Truck traffic would be about 1 per hour or 20 trucks per day. Farmer’s Turnpike is rated to run 10,000-11,000 vehicles per day. Today it is at about 50% capacity. The traffic study shows in 2030 the capacity will only be at about 75%. The west entrance has been improved. The existing west bound decel lane will be extended 25 ft. An east bound left turn lane into the facility will also be provided. There will be two lanes, a right and left turn, and a third lane for entering the site. Where E 700 Road was, another right decel lane will be added for entrance to The Woods. Also sewer will either be a lagoon system or drip irrigation system. The owners have made arrangements to obtain a water meter from RWD#6, with a maximum allowance of 1.6 million gallons per year. The city is prepared to sell RWD#6 an additional 10 million gallons a year, if requested. They are looking at an underground storage tank for fire protection. Ponds will provide detention and added amenities for The Woods.

Flory asked Keith Browning, Public Works Director, to address the traffic issues. Browning stated this is adding

trucks to the road, but it is well within the capacity of the road. Currently there are about 450 trucks on the road per day and Berry would be adding approximately 50. Browning agrees with the proposed improvements to the road. The E700 Road was designed to meet minimum standards for 55 mph, which is what the road is posted at. Since traffic is averaging 63 mph, a sign will be put up regarding site distance.

Thellman opened item for public comment.

Paul Bahnmaier, 393 N 1900 Road, stated he endorses the facility as it will positively affect the community. The manner, in which the landscaping has been addressed, will favorably impress the tourists who visit Lecompton. This shows how history and economic development can work together. He stated this represents an example of how the County, City and Chamber of Commerce have always encouraged local companies to expand rather than spend thousands on trying to draw in outside companies.

Charlene Winter, 638 N 1800 Road, stated she is the closest neighbor to the proposed warehouse. She stated she wants to thank Berry Plastics and Tom Fritzel for working with the community on this project. She would like to see the speed limit on N 1800 Road lowered because the road has been improved and people are driving faster. She also stated a concern about site distance when turning out of the location on to the township road to the east. However, Winter said she does hope the project goes in.

Tom Kern, President of the Chamber, stated this is a critical project to Lawrence and Douglas County. Berry is now the largest private employer in Lawrence, surpassing Hallmark. He commended Berry and the Fritzels for their efforts to include the neighbors and property owners in the process in such a way most of the neighbors' questions were handled upfront. Kern also stated the applicant examined many sites, but this one fits for Berry.

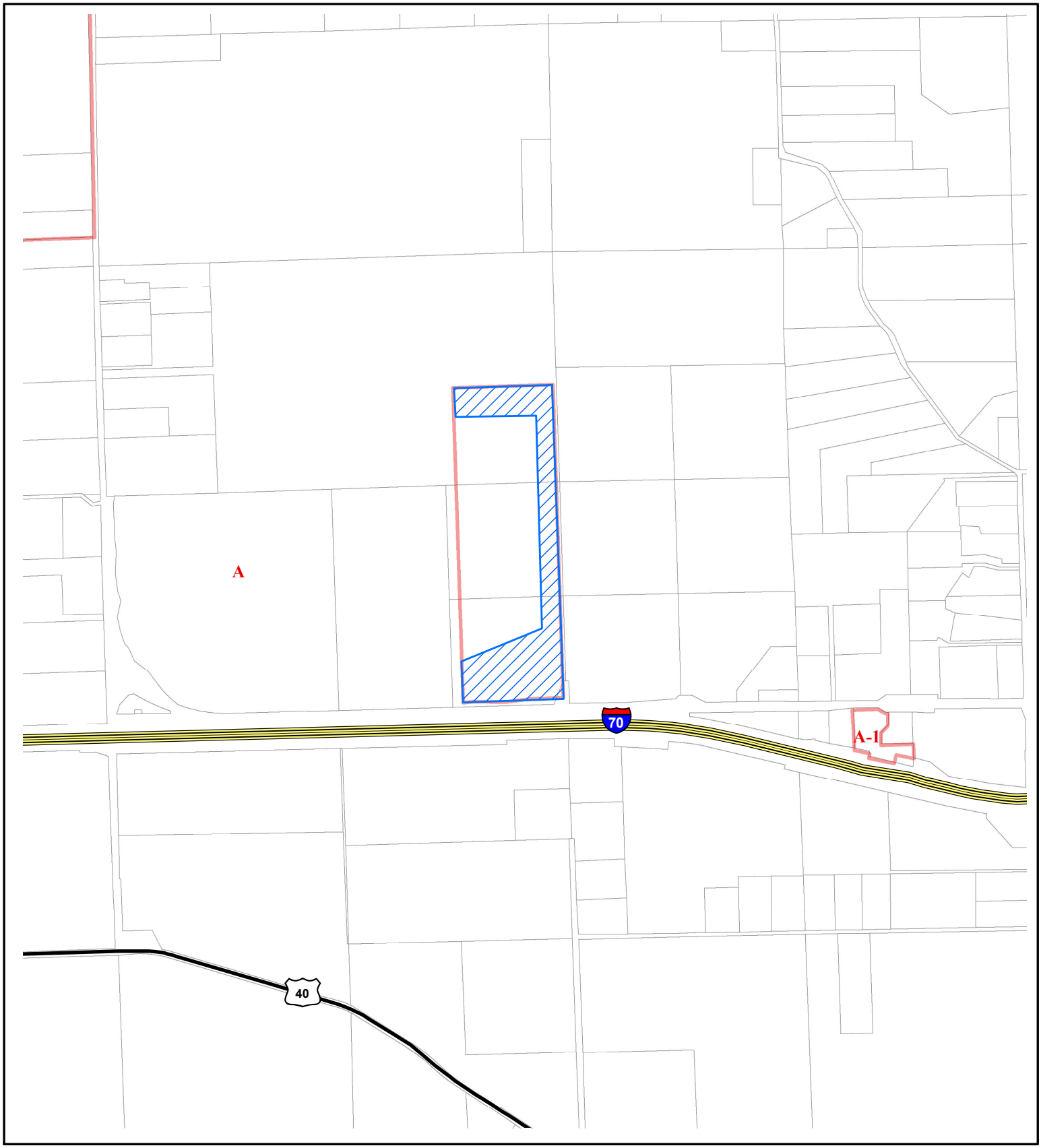
Thellman closed the public comment.

Gaughan stated a lot of the concerns were addressed along the way. He appreciates the time the applicant has taken to listen to concerns about storm water and traffic. Gaughan stated he is impressed with the storm water management plan. He is looking forward to seeing the next vision for the adjacent property. He stated he supports this project.

Flory stated he also supports this request. It is highly supported by the people of Lecompton Township and he feels this will be a long-term benefit to that part of the county. Berry has been an excellent corporate citizen for Lawrence and he realizes the benefit it will have to Douglas County. Flory stated he is not concerned about setting a precedence of allowing industrial zoning in the unincorporated area of the county because each request has to come before the Board on its own merits. It is our responsibility along the Planning Commission and staff to exercise judgment.

Thellman stated she still has some concerns. The Board and staff have spent a long time on the Comprehensive Planning setting out principles to discourage sprawl and to be thoughtful about our natural resources and infrastructure dollars. It's been tough to think about this project. In this moment given, given work that's been done to alleviate people's concerns on traffic, fire protection and use of site, along with the potential for building for a local manufacturer in our community and for the thoughtful consideration soil of concerns, she is ready to be supportive. Thellman feels the applicant has worked hard with the neighbors and township and in the best interests of the community. This shows Berry will be a good neighbor. With some reservation, Thellman supports this project.

Flory moved to approve Resolution 10-28 related to and amending a regulated planning and zoning district classification of 97.16 acres within the unincorporated territory of Douglas County from "A" (Agricultural District) to "I-2" (Light Industrial District), referencing rezoning request Z-09-14-10. Motion was seconded by Gaughan and carried 3-0.



Z-03-10-11: Rezoning of 32 acres from I-2 to A
670 N 1800 Road

Lawrence-Douglas County Planning Office
Mayl 2011

N
W E
S

Area Requested

Scale: 1 Inch = 1500 Feet

PLANNING COMMISSION REPORT
Public Hearing Item

PC Staff Report
05/23/11

ITEM NO. 2 FINAL DEV ELOPMENT PLAN; PRAI RIE WIND; 3 ACRES; 2620 HASKELL AVE (MKM)

FDP-3-1-11: Consider a Revised Final Development Plan for Prairie Wind, including the addition of one single-family dwelling unit for a total of 18 homes, on approximately 3 acres, located at 2620 Haskell Ave. Submitted by Tenants to Homeowners, Inc., property owner of record.

STAFF RECOMMENDATION: Planning staff recommends approval of the Final Development Plan based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

1. Provision of a revised Final Development Plan with the following changes:
   a. Conditions of approval, Note 8 shall be revised to reference the elevations on the 'Final' Development Plan rather than the 'Preliminary'.
   b. General Note 10 shall be revised to indicate that the declaration of covenants, conditions, and restrictions of the Home Owners Association shall be recorded prior to the recording of the Final Development Plan.
   c. The plan should be revised to show trees located at least 8 ft from underground water or sanitary sewer lines or an exhibit may be provided which shows the trees in relation to the underground lines to verify that adequate space is being provided for tree placement.

Reason for Request: The Final Development Plan is being revised to include one additional dwelling unit, revise the architectural style of the residences, and relocate common open space on the property.

Attachments:
A: Rezoning Ordinance No. 8291
B: Previously approved Final Development Plan, FDP-08-05-06
C: Proposed revised Final Development Plan, FDP-3-1-11
D: Planning Commission minutes for previously approved Final Development Plan

KEY POINTS:
- As the Preliminary Development Plan was considered under the City's pre-2006 Zoning Regulations, the Final Development Plan is also being considered under these regulations.
- Per Section 20-1013(b) and (c) of the pre-2006 Zoning Ordinance, the changes being proposed constitute changes which require a public hearing before the Planning Commission.
- The Planning Commission approved the following waivers with the Preliminary Development Plan at their June 28, 2006 meeting: the reduction of the required 35 ft peripheral boundary to 25 ft along the north boundary, the reduction of the peripheral boundary from 35 ft to 30

ft along a portion of the south boundary, and the development was permitted to take direct access to a local street.
- The 18 single-family residences will be constructed utilizing one of the architectural styles included on the plan.
- The project includes a proposed density of 6.95 dwelling units per acre. (The maximum density permitted in the PRD-1 District is 7 dwelling units per acre.)

Design Standards to Consider
- Consistency with approved Final Development Plan, FDP-8-5-06.
- Consistency with Article 10 of the 1966 Zoning Code.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Cases previously approved:

ZONING

The City Commission approved the rezoning to the PRD-1 District [Z-05-12-06] at their July 18, 2006 meeting. The rezoning was adopted with Ordinance No. 8291 with a condition that the development consist of only single-family detached dwellings. A copy of the ordinance is attached.

PLATTING

The Planning Commission approved the final plat for the Prairie Wind Addition [PF-8-22-06] at their September 25, 2006 meeting and the City Commission accepted the dedications of easements and rights-of-way at their October 10, 2006 meeting. The plat was recorded on June 2, 2008.

DEVELOPMENT PLAN

A Preliminary Development Plan [PDP-05-04-06] was approved by the City Commission at their July 18, 2006 meeting.

A Final Development Plan [FDP-08-05-06] was approved by the Planning Commission at their September 25, 2006 meeting. The minutes from this meeting are included with this report.

Other action required:
- Formation of Homeowners Association and development of covenants related to maintenance of common open space.
- Approval of public improvement plans.
- Issuance of building permits for construction of residences.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- Several phone inquiries as to the type of changes being proposed.

PLANS AND STUDIES REQUIRED
- *Traffic Study* – Study provided and accepted with preliminary development plan.
- *Downstream Sanitary Sewer Analysis* - Provided and accepted with the preliminary development plan.
- *Drainage Study* – Provided and accepted with preliminary development plan.

The proposed revision, addition of one dwelling unit, was determined minor enough that new studies were not required.

GENERAL INFORMATION

Current Zoning and Land Use: PRD [Prairie Wind] (Planned Residential Development) District; existing farmhouse with development approval for a 17 unit single family residential development.

Surrounding Zoning:

To the west and north:
RS10 (Single-Dwelling Residential) District; Haskell Avenue and detached dwellings.

To the northeast:
RM12D (Multi-Dwelling Residential Duplex) District; duplex dwellings.

To the east:
RS7 (Single-Dwelling Residential) District; detached dwellings.

To the south:
RS7 (Single Dwelling Residential) and RM12 (Multi-Dwelling Residential) Districts; detached dwellings

Site Summary (revisions from previously approved FDP shown in bold)	
Number of Lots:	1
Gross Lot Area:	3.35 acres
Right-of-Way:	.76 acres
Net Lot Area:	2.59 acres
Number of residences:	17 single-family residences previously approved **18 single-family residences** proposed
Pervious Area:	77,152 sq ft previously approved, **74,664 sq ft** proposed (-3%)
Impervious Area:	55,553 sq ft previously approved, **58,041 sq ft** proposed (+4%)
Required Open Space (20%)	.518 acre
Provided Open Space	.545 acre previously approved;. **525 acre** proposed
Net Density	6.56 dwelling units per acre previously approved; **6.95 dwelling units per acre** proposed
Required parking	2 off-street parking spaces per dwelling unit—36 spaces
Provided parking	2 off-street parking spaces per dwelling unit—36 spaces

STAFF REVIEW

Variation from Approved Final Development Plan

The items on the Revised Final Development Plan which vary from the approved Final Development Plan (Attachments B and C) include the following:

1) The common open space has been reconfigured so a larger contiguous area is provided in the northeast corner of the lot.
2) One additional residence has been added to the plan. To accommodate this, the residences have been relocated and the amount of common open space has been reduced from .545 acre to .525 acre.
3) A utility easement on the west side of the property which led to Haskell Avenue to provide an easement for Westar to access a street light has been vacated by separate

instrument. Westar has acknowledged this vacation and indicated that no new easement would be required.

4) The architectural style of the proposed residences has been revised. The structures built on the property will be consistent with the elevations shown on the revised Final Development Plan. Note 8 under the conditions of approval refers to the elevations shown on the 'Preliminary Development Plan', this should be revised to reference the 'Final Development Plan'.

Section 20-1011(b) of the pre-2006 Code lists changes that would be considered substantial and require reapproval of the Preliminary Development Plan. The proposed changes are not included in this list and the Planning Director determined that the changes being proposed do not constitute substantial changes which would require the reapproval of the Preliminary Development Plan. Section 20-1011(c) states that a public hearing shall not be required for a Final Development Plan that is in substantial compliance with the approved Preliminary Development Plan. Section 20-1014(b)(3) permits substantive modifications to a Final Development Plan to be approved following a public hearing. While the inclusion of one additional home only changes the overall density from 6.56 du/acre to 6.95 du/acre, the Planning Director determined that the proposed revision warranted a new public hearing.

Common Open Space

A minimum of 20% of the area in the Planned Development or .518 acres (2.59 acres * .20) is required to be placed into Common Open Space. The common open space being provided for the development, .525 acres, exceeds this requirement. With the previously approved plan, the common open space was provided along the walkways and the basketball area at the north side of the property. The common open space along the walkways connecting to the Haskell Street sidewalks and along the ends of the north/south access easement on the west side of the lot remain as well as the detention pond in the southeast corner of the lot. The Common Open space which had previously been provided along the Ryan Court sidewalks has been relocated to a common area in the northeast corner of the lot. This results in slightly less common open space but it meets the area required by Code and, in addition, is in a more useable configuration for the residents. A large windmill is currently located on the property and the applicant plans to relocate this as a feature in the detention pond. The City Stormwater Engineer indicated the placement of the windmill in the drainage easement is acceptable.

Homeowners Association and Declaration of Covenants, and Restrictions

General Note 10 states that ownership and maintenance of common areas, common access drives and regulation of their use shall be transferred to a Homeowner's Association to be formed prior to the sale of homes. The previously approved Final Development Plan contained a similar note which stated that these would be defined in the declaration of covenants, conditions, restrictions and dedications of easements of Prairie Wind HOA which would be recorded prior to the recording of the Final Development Plan. To insure that the HOA is formed and the maintenance, ownership, and regulations are established prior to the sale of homes this document should be recorded prior to the recording of the Final Development Plan.

Landscaping

With the previously approved Final Development Plan, trees along the north property line were designated for protection. Some of these trees have declined to the point that they are no longer suitable for retention. The applicant has agreed to replace trees which are removed along the north property line with Keteleeri Junipers on 10 ft centers to provide a buffer from the property to the north.

The plan should be revised to show trees located at least 8 ft from underground water or sanitary sewer lines. If it is not possible to show the separation on the plan, an exhibit could be provided for the file which shows the separation between trees and underground water and sanitary sewer lines to insure adequate space is provided for tree and utility placement. As this is a one-lot Planned Development, the developer will be responsible for planting street trees in addition to other landscaping.

ORDINANCE NO. 8291

AN ORDINANCE PROVIDING FOR THE REZONING OF 3.04 ACRES FROM RS7 (SINGLE-DWELLING RESIDENTIAL) DISTRICT TO PRD [PRAIRIE WIND ADDITION] (PLANNED RESIDENTIAL DEVELOPMENT) DISTRICT; AMENDING THE "OFFICIAL ZONING DISTRICT MAP" INCORPORATED BY REFERENCE IN SECTION 20-108, OF THE "CODE OF THE CITY OF LAWRENCE, KANSAS, 2008 EDITION", AND AMENDMENTS THERETO.

WHEREAS, Rezoning Application Z-05-12-06 requesting rezoning from RS-2 to PRD-1 was filed with the City of Lawrence on May 10, 2006; and

WHEREAS, after due and lawful notice was given pursuant to K.S.A. 12-757 and Section 20-1303 of the "Code of the City of Lawrence, Kansas, 2008 Edition" a public hearing was held by the Lawrence-Douglas County Metropolitan Planning Commission on June 28, 2006 to hear a request to rezone approximately 3.04 acres as described in Section Two of this ordinance from RS-2 (Single-Dwelling Residential) District to PRD-1 (Planned Residential Development) District; and

WHEREAS, on June 28, 2006 the Lawrence-Douglas County Metropolitan Planning Commission considered the report and recommendation of the City's professional staff, the testimony provided at the hearing and the review and decision making criteria of Section 20-1303 and voted 7-1 to recommend approval of the rezoning request subject to conditions; and

WHEREAS, the rezoning application and Lawrence-Douglas County Metropolitan Planning Commission recommendation were considered by the Governing Body at the July 18, 2006 meeting.

WHEREAS, the tract of land described in Section Two of this ordinance is included in a Final Plat of Prairie Wind Addition in the City of Lawrence, Douglas County, Kansas, filed in the Douglas County Register of Deeds Office on June 2, 2008.

WHEREAS, the Governing Body of the City of Lawrence, Kansas did on April 4, 2006, adopt Ordinance No. 7985, adopting the Development Code of the City of Lawrence, Kansas, (hereinafter "the Development Code") effective July 1, 2006; and

WHEREAS, the Governing Body of the City of Lawrence, Kansas did on April 4, 2006, adopt Ordinance No. 7986, adopting the Official Zoning District Map for the Development Code of the City of Lawrence, Kansas, effective July 1, 2006; and

WHEREAS, pursuant to Section 20-110 (e) of the Development Code, the Official Zoning District Map designations in effect before the effective date of the Development Code convert to New Map Designations set forth in the table in Section 20-110 (e); and

WHEREAS, pursuant to Section 20-110 (e) of the Development Code, the PRD-1 designation has converted to PRD [Prairie Wind Addition] (Planned Residential Development) District designation.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION ONE: The above stated recitals are by reference incorporated herein, and shall be as effective as if repeated verbatim. The Governing Body hereby adopts the findings of facts as set forth in the staff report as if fully set forth herein.

SECTION TWO: That the zoning district classification for the following legally described tract of land situated in the City of Lawrence, Douglas County, Kansas, to-wit:

LOT 1, AND THE ADJACENT HASKELL AVENUE RIGHT-OF-WAY IN THE FINAL PLAT OF PRAIRIE WIND ADDITION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS CONTAINING 3.04 ACRES, MORE OR LESS.

is hereby changed from that of RS7 (Single-Dwelling Residential) District to PRD [Prairie Wind Addition] (Planned Residential Development) District as such district is defined and prescribed in Chapter 20 of the "Code of the City of Lawrence, Kansas, 2008 Edition", and amendments thereto as reflected in the record of the July 18, 2006, Governing Body Meeting.

SECTION THREE: The rezoning granted in Section Two of this ordinance is hereby made contingent upon the performance and observation of the following regulations, stipulations, conditions and restrictions:

1. USES RESTRICTED TO DETACHED SINGLE-FAMILY DWELLINGS.
2. RECORDING OF A FINAL PLAT PRIOR TO PUBLICATION OF THE REZONING ORDINANCE.
3. APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN PRIOR TO PUBLICATION OF THE REZONING ORDINANCE.

SECTION FOUR: That the "Official Zoning District Map" incorporated by reference in and by Section 20-108, of the "Code of the City of Lawrence, Kansas, 2008 Edition", is hereby amended and reincorporated by reference by showing and reflecting thereon the new zoning district classification for the aforesaid tract, as set forth in Section Two of this ordinance.

SECTION FIVE: Severability. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION SIX: This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, the _____ day of July, 2008.

APPROVED:

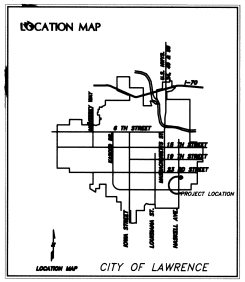
_____
Michael Dever, Mayor

ATTEST:

_____
Frank S. Reeb, City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
Toni Ramirez Wheeler Date
Director of Legal Services





TWO STORY
3-Bedroom/2 1/2 Bath
1,710 sf finished



TWO STORY
3-Bedroom/2 1/2 Bath
1,565 sf finished



TWO STORY
3-Bedroom/2 1/2 Bath
1,510 sf finished



TWO STORY
3-Bedroom/2 1/2 Bath
1,475 sf finished

TWO STORY
3-Bedroom/2 1/2 Bath
1,625 sf finished

1 1/2 STORY
3-Bedroom/2 1/2 Bath
1,440 sf finished



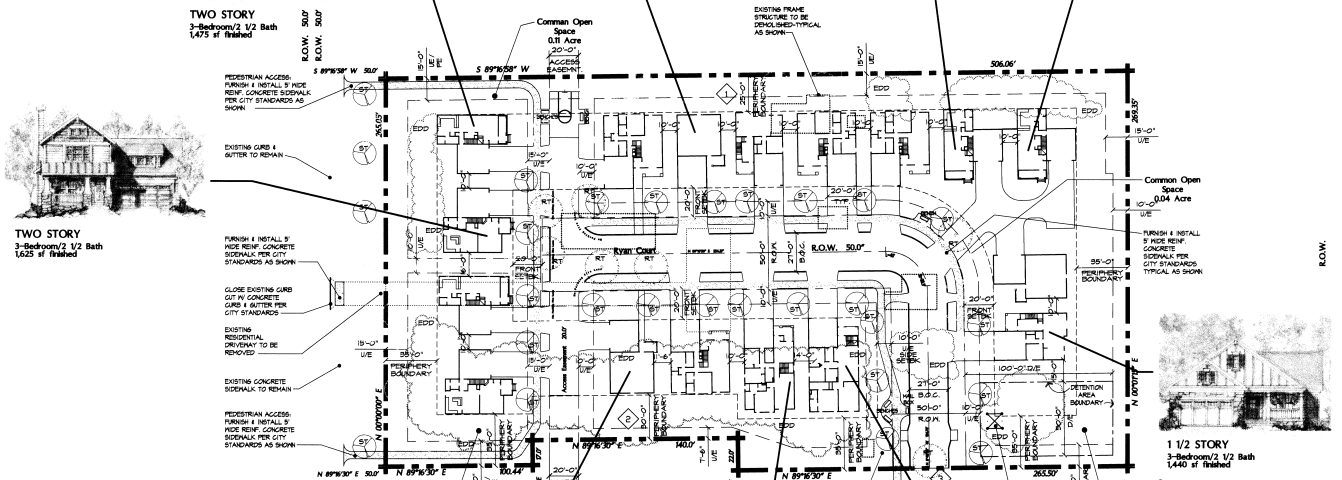
TWO STORY
3-Bedroom/2 1/2 Bath
1,710 sf finished



ONE STORY
3-Bedroom/2 Bath
1,370 sf finished



ONE STORY
3-Bedroom/2 Bath
1,370 sf finished



A3 / A010 **FINAL DEVELOPMENT PLAN**
1" = 40.0'

0 20 40 80 feet NORTH

Planning Commission Chair
7/23, 2006
Date

Planning Commission Secretary
May 27, 2008
Date

Douglas County Register of Deeds
Book: 18 Page: 232
Receipt #: 385778
Pages Recorded: 2
Cashier Initials: rec
Recording Fee: $10.00
Authorized By:
Date Recorded: 8/2/2008 4:08:33 PM

Legal Description Prairie Wind Addition

Beginning at the Northwest corner of the Northwest Quarter of Section 8, Township 13 South, Range 20 East of the 6th P.M.; thence South along the West line of said Quarter Section, 1,235.00 feet; thence North 89 degrees 16 minutes 30 seconds East, parallel with the North line of said Quarter Section, 1,320.00 feet; thence North 00 degrees 43 minutes 30 seconds West, 200.00 feet; thence North 89 degrees 16 minutes 30 seconds East, 140.00 feet; thence South 00 degrees 43 minutes 30 seconds East, 237.00 feet; thence North 89 degrees 16 minutes 30 seconds East, 265.50 feet; thence North 00 degrees 43 minutes 30 seconds West, 235.00 feet; thence North 89 degrees 16 minutes 30 seconds East, 506.06 feet to the Northwest corner of Lot 1, Block 4, in Prairie Winds Addition, an Addition to the City of Lawrence; thence North 89 degrees 16 minutes, 30 seconds East a distance of 150.44 feet; thence North 00 degrees 43 minutes 30 seconds West a distance of 17 feet; thence North 89 degrees 16 minutes 30 seconds East a distance of 140 feet; thence South 00 degrees 43 minutes 30 seconds East a distance of 22 feet; thence North 89 degrees 16 minutes 30 seconds East a distance of 265.5 feet to the Northwest corner of Lot 5, in Block 4 in Prairie Winds Addition, an addition to the City of Lawrence; thence North 00 degrees 31 minutes 19 seconds East a distance of 258.35 feet to the Northwest corner of Lot 10 in Block 4 in Prairie Winds Addition, an Addition to the City of Lawrence; thence West to the point of beginning, in the City of Lawrence, in Douglas County, Kansas

General Development Standards PRD-1

Zoning	PRD-1
Maximum Density	7 du/acre
Lot Area (min.)	4,000sf
Lot Width (min.)	40'
Lot Depth	80'
Minimum Yards	
Front w/o driveway	15'
Front w/ driveway	20'
Side & Rear	5/10'
Periphery	35'
Stories	3

Site Summary

Existing Land Use: Single Family Residence with five detached out buildings
Existing Zoning: RS-2 Single Family Residential Detached
Proposed Zoning: PRD-1/Single Family Residential Detached
Description

Number of Lots:	1	
Number of Dwelling Units:	17	
Gross Area:	3.35	acres
Right-Of-Way:	0.76	acres
Net Residential Area:	2.59	acres
Open Space Required:	0.810	acres
Open Space Provided:	0.845	acres
Proposed Density:	6.58	units/acre
Off-Street Parking Required:	34	spaces
Off-Street Parking Provided:	34	spaces

Parking Group 1 = 2 spaces/dwelling unit
Use Group 3: Residential Single Family Detached
(All dwelling units shall have an enclosed attached two-car garage)

Landscaping

The following is a list of approved shade trees for installation in this subdivision to comply with the Master Street Tree Plan that will be filed with the Final Plat of the Prairie Wind Addition. Street trees shall be charged to each building permit issued & installed by the City.

Symbol	Common Name	Genus-Species
	Red Oak	Quercus rubra
	Red Maple	Acer rubrum
	Honeylocust	Gleditsia triacanthos 'Skyline'
	Norway Maple	Acer platanoides
	Littleleaf Linden	Tilia cordata

Substitution of appropriate similar species may be approved by the Lawrence-Douglas County Metropolitan Planning Office.

EX/EC	Existing Deciduous/Coniferous to Remain (6" -24")
RT	Existing Tree to be Removed
EDD	Existing Dense Deciduous to numerous to identify

Note: If tree is damaged or destroyed during construction, then replacement shall be required.

A perimeter fence shall be installed around the dripline of each tree designated ET &/or EC and shall be maintained throughout construction to protect the tree from damage.

Impervious Surfaces

Impervious Surfaces	Existing	Proposed
Building	3,548 GSF	28,871 GSF
Pavement	5,386 GSF	28,881 GSF
Sub Total:	8,934 GSF	55,553 GSF
Turf	123,771 GSF	77,152 GSF
	132,705 GSF	132,705 GSF

General Notes

1. OWNER: Thervold & Elaine M. Holmes, 2620 Haskell Avenue, Lawrence, KS 66046
1. CONTRACT PURCHASERS/ DEVELOPER: Parnell Investors, LLC, 120 East Ninth Street, Lawrence, KS 66044
2. CIVIL ENGINEER/ SURVEYOR: Grob Engineering Services, LLC, 3210 Wess Way, Suite A, Lawrence, KS 66049
3. Topographical information provided by the Department of Public Works aerial topographic maps, prepared for the City of Lawrence.
4. Construction of public improvements shown shall be provided through private financing, benefit district or both.
5. Proposed utility locations & sizes are preliminary, and shall be finalized upon submission of public improvements construction documents.
6. Public improvement Plans for the streets, sidewalks, sanitary & storm sewers and waterlines shall be submitted to the Public Works Department for review & approval. These improvements must be constructed and complete prior to issuance of building permits.
   Building Permits shall not be issued until the required public & site improvements are complete, final inspected and formally accepted by the Department of Public Works.
7. All street, sanitary sewers & waterlines shall be public & maintained by the City of Lawrence.
8. All concrete curb & gutter shown shall be constructed in accordance with Type I City standard ward. Infill curb & gutter on Haskell Avenue shall match existing.
9. Per City Code Section 9-903(B), a storm water pollution prevention plan (SWPP) must be provided for the work proposed on this project. Construction activity, including soil disturbance or removal of vegetation shall not commence until an approved SWPP has been obtained.
10. Ownership & maintenance of common areas, common access drives & regulation of their use, etc. is defined in the Declaration of Covenants, Conditions, Restrictions & Dedications of Easements of Prairie Wind HOA recorded in Book , Page of the Douglas County Register of Deeds Office
11. Americans With Disabilities Act Compliance
    This project has been designed to comply with the ADA Act Accessibility Guidelines for Buildings & Facilities (ADAAG). The Architect has used reasonable professional efforts to interpret & comply with applicable ADAAG requirements as they relate to this document. However, since these requirements are subject to various and possibly contradictory interpretations, the Architect cannot and does not warrant or guarantee that this document will comply with all interpretations that may occur and revisions may be required to comply with those interpretations.
12. Fair Housing Act Compliance
    This project has been designed to comply with the requirements of the Final Fair Housing Accessibility Guidelines for Buildings for multifamily buildings covering greater than four units, 24CFR, Chapter I. The Architect has used reasonable professional efforts to interpret & comply with applicable Fair Housing Accessibility Guidelines requirements as they apply to this document. However, since these requirements are subject to various and possibly contradictory interpretations, the Architect cannot and does not warrant or guarantee that this document will comply with all interpretations that may occur and revisions may be required to comply with those interpretations.

Waivers

1. 20-1007 E (2)
   Reduction of the required Periphery Boundary along the entire Northern border of this parcel from 35' to 25'.
   Approved by the Planning Commission June 28, 2006
2. 20-1007 E (2)
   Reduction of the required Periphery Boundary along a 140' portion of the Southern border of this parcel from 35' to 30', as shown.
   Approved by the Planning Commission June 28, 2006
3. 20-1008 (b)
   Waiver of the requirement that proposed PRD shall have direct access to a major thoroughfare or collector street per 21-413.
   Approved by the Planning Commission June 28, 2006

Conditions of Approval

1.) Use shall be restricted to SINGLE FAMILY DETACHED dwellings with no more than three (3) unrelated individuals residing in any dwelling unit as per 20-1202.2 of the City Code, Ord. 7303
2.) All single-family structures shall be constructed with covered front porches.
3.) All single-family structures shall be constructed with enclosed garages.
4.) All single-family structures shall be constructed with roof overhangs. 12" min. on gable ends, 18" min. on eaves.
5.) Residential AC condensing units shall be landscaped to provide screening from Ryan Court right-of-way.
6.) The Land Developer & Homebuilder(s) shall make every feasible effort to protect & preserve as many existing trees as possible during construction including roots & existing grade within the dripline.
   If tree is damaged or destroyed during construction then replacement shall be required.
7.) It shall be the responsibility of the homebuilder to plant one (1) shade tree in the rear yard of each dwelling in addition to the street tree. This tree shall be selected from the list provide above and shall be located to maximize the shading benefits for energy conservation.
8.) The architecture of the new structures shall be consistent with the architectural concept elevations shown on the face of this Preliminary Development Plan.
9.) Soils investigations shall be performed before primary structures are erected on lots with slopes greater than 3:1, or non-engineered fill greater than 12 inches. A Soils Engineer, licensed by the State of Kansas, shall perform investigations, and a report of the investigation shall be submitted to the City of Lawrence Codes Enforcement Division. Other lots may be required to be investigated where excavation reveals indications of unsuitable conditions.
10.) The existing water well on site shall be plugged in accordance with the Kansas Dept. of Health & Environment regulations.
11.) The Detention Area shown on this drawing shall be privately owned and maintained. The developer shall be responsible for establishing ownership & maintenance of same via individual owner maintenance. Structures, fences & soil/fill operations are prohibited within the drainage easements.

Allen Belot Architect
Architecture & Planning
708 West 9th Street Suite 205
Lawrence, KS 66044
Voice 785/843-4670 / Fax 843-4842

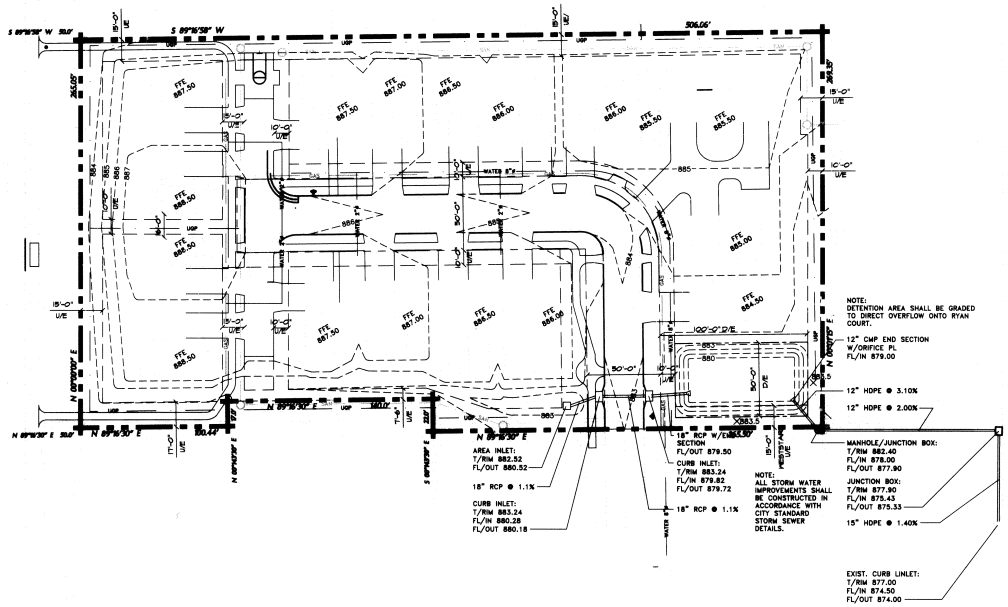
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Prairie Wind Addition
Planned Residential Development
FINAL DEVELOPMENT PLAN
Lawrence, Kansas
2620 Haskell Avenue

PROJECT # 0611
DATE: 08.04.06
DRAWN BY:
CHECKED BY:
REVISIONS: 04.18.06
05.25.06

FINAL DEVELOPMENT PLAN

Sheet
A010
1 of 2 Sheets



A3 / A011 **FINAL GRADING & UTILITY PLAN**

1" = 40.0'

0 20 40 80 feet NORTH

Planning Commission Chair

9/25, 2006
Date

Planning Commission Secretary

May 27, 2008
Date

Allen Belot Architect
Architecture & Planning
708 West 9th Street Suite 205
Lawrence, KS 66044
Voice 785.843.0870 / Fax 843.8452

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Prairie Wind Addition
Planned Residential Development
FINAL DEVELOPMENT PLAN
2620 Haskell Avenue Lawrence, Kansas

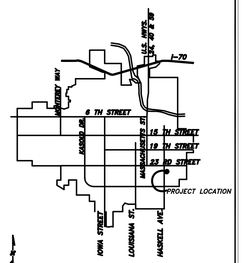
PROJECT # 0611
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DRAWN BY:
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FINAL GRADING & UTILITY PLAN

Sheet
A011
2 of 2 Sheets

P-18 233

LOCATION MAP





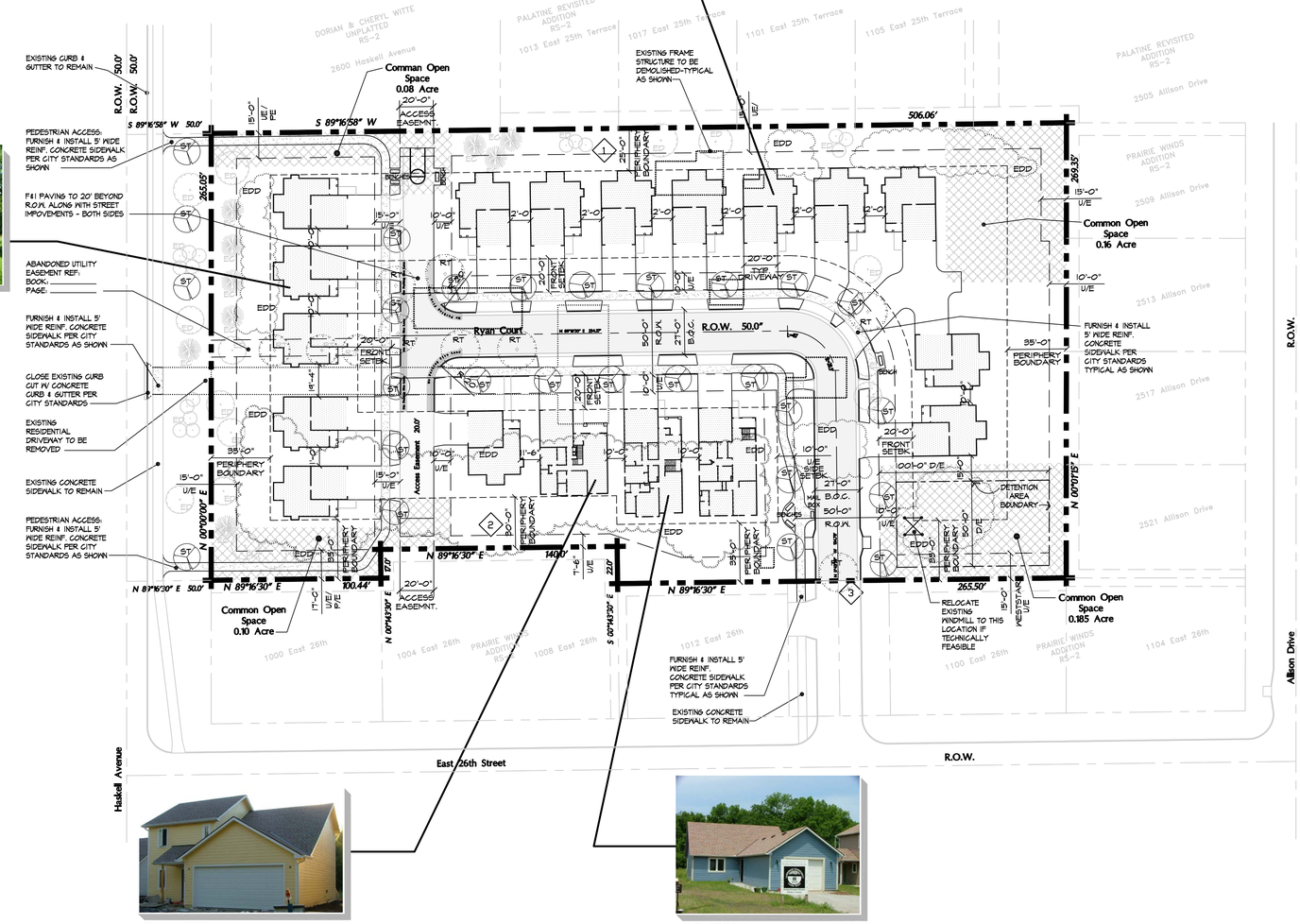
TWO STORY
3-Bedroom/2 1/2 Bath
1,450 sf finished



ONE STORY
3-Bedroom/1 3/4 Bath
1,150 sf finished

TWO STORY
3-Bedroom/2 Bath
1,520 sf finished

ONE STORY
2-Bedroom/1 3/4 Bath
1,120 sf finished



A3 / A010 **PROPOSED FINAL DEVELOPMENT PLAN REVISED**
1" = 40.0'

0 20 40 80 feet NORTH

Legal Description Prairie Wind Addition

Lot 1 Prairie Wind Addition, an Addition to the City of Lawrence, Douglas County, Kansas
containing +/- 3.35 acres

General Development Standards PRD-1

Zoning	PD-[Prairie Wind]
Maximum Density	7 du/acre
Lot Area (min.)	4,000sf
Lot Width (min.)	40'
Lot Depth	80'
Minimum Yards	
Front w/o driveway	15'
Front w/ driveway	20'
Side & Rear	10'
Periphery	35'
Stories	3

Site Summary

Existing Land Use:	Single Family Residence with five detached out buildings
Existing Zoning:	PD Single Family Residential Detached
Proposed Zoning:	PD Single Family Residential Detached
Description	
Number of Lots:	1
Number of Dwelling Units:	18
Gross Area:	3.35 acres
Right-Of-Way:	0.76 acres
Net Residential Area:	2.59 acres
Open Space Required:	0.518 acres
Open Space Provided:	0.525 acres
Proposed Density:	6.95 units/acre
Off-Street Parking Required:	36 spaces
Off-Street Parking Provided:	36 spaces Parking Group 1 = 2 spaces/dwelling unit

Use Group 3: Residential Single Family Detached
(All dwelling units shall have an enclosed attached garage or carport)

Landscaping

The following is a list of approved shade trees for installation in this subdivision to comply with the Master Street Tree Plan that will be filed with the Final Plat of the Prairie Wind Addition.
Street Trees shall be charged to each building permit issued & installed by the City.

Symbol	Common Name	Genus-Species
ST	Red Oak	Quercus rubra
	Red Maple	Acer rubrum
	Honeylocust	Gleditsia triacanthos "Skyline"
	Norway Maple	Acer platanoides
	Littleleaf Linden	Tilia cordata

Substitution of appropriate similar species may be approved by the Lawrence-Douglas County Metropolitan Planning Office.

ED/EC	Existing Deciduous/Coniferous to Remain (6" -24")
RT	Existing Tree to be Removed
EDD	Existing dense Deciduous to numerous to identify

Note: If tree is damaged or destroyed during construction, then replacement shall be required.
Note: A perimeter fence shall be installed around the dripline of each tree designated ET &/or EC and shall be maintained throughout construction to protect the tree from damage.

Impervious Surfaces

Impervious Surfaces	Existing	Previously Approved	Revised	
Building	3,548 GSF	26,671 GSF	27,903 GSF	(+4%)
Pavement	5,386 GSF	28,882 GSF	30,138 GSF	(+4%)
Sub Total:	8,934 GSF	55,553 GSF	58,041 GSF	(+4%)
Turf	123,771 GSF	77,152 GSF	74,664 GSF	(-3%)
	132,705 GSF	132,705 GSF	132,705 GSF	

General Notes

1. OWNER: Tenants To Homeowners, Inc. 2518 Ridge Court Suite 103 Lawrence, KS 66044
1. DEVELOPER: Tenants To Homeowners, Inc. 2518 Ridge Court Suite 103 Lawrence, KS 66044
2. CIVIL ENGINEER/ SURVEYOR: Grob Engineering Services, LLC 3210 Mesa Way Suite A Lawrence, KS 66049
3. Topographical information provided by the Department of Public Works aerial topographic maps, prepared for the City of Lawrence.
4. Construction of public improvements shown shall be provided through private financing, benefit district or both.
5. Proposed utility locations & sizes are preliminary, and shall be finalized upon submission of public improvements construction documents.
6. Public Improvement Plans for the streets, sidewalks, sanitary & storm sewers and waterlines shall be submitted to the Public Works Department for review & approval. These improvements must be constructed and complete prior to issuance of building permits.
   Building Permits shall not be issued until the required public & site improvements are complete, final inspected and formally accepted by the Department of Public Works.
7. All street, sanitary sewers & waterlines shall be public & maintained by the City of Lawrence.
8. All concrete curb & gutter shown shall be constructed in accordance with Type I City Standard except infill curb & gutter on Haskell Avenue shall match existing.
9. Per City Code Section 9-903(B), a storm water pollution prevention plan (SWP3) must be provided for the work proposed on this project. Construction activity, including soil disturbance or removal of vegetation shall not commence until an approved SWP3 has been obtained.
10. Ownership & maintenance of common areas, common access drives & regulation of their use shall be transferred to a Homeowner's Association to be formed prior to sale of homes.
11. Americans With Disabilities Act Compliance
    This project has been designed to comply with the ADA Act Accessibility Guidelines for Buildings & Facilities (ADAAG). The Architect has used reasonable professional efforts to interpret & comply with applicable ADAAG requirements as they relate to this document. However, since the requirements of the ADAAG are subject to various and possibly contradictory interpretations, the Architect cannot and does not warrant or guarantee that this document will comply with all interpretations that may occur and revisions may be required to comply with those interpretations.
12. Fair Housing Act Compliance
    This project has been designed to comply with the requirements of the Final Fair Housing Accessibility Guidelines for Buildings for multifamily buildings covering greater than four units, 24CFR, Chapter 1. The Architect has used reasonable professional efforts to interpret & comply with applicable Fair Housing Accessibility Guideline requirements as they apply to this document. However, since these requirements are subject to various and possibly contradictory interpretations, the Architect cannot and does not warrant or guarantee that this document will comply with all interpretations that may occur and revisions may be required to comply with those interpretations.

Waivers

1. 20-1007 E (2)
   Reduction of the required Periphery Boundary along the entire Northern border of this parcel from 35' to 25'.
   Approved by the Planning Commission June 28, 2006
2. 20-1007 E (2)
   Reduction of the required Periphery Boundary along a 140' portion of the Southern border of this parcel from 35' to 30', as shown.
   Approved by the Planning Commission June 28, 2006
3. 20-1006 (b)
   Waiver of the requirement that proposed PRD shall have direct access to a major thoroughfare or collector street per 21-613.
   Approved by the Planning Commission June 28, 2006

Conditions of Approval

1.) Use shall be restricted to SINGLE FAMILY DETACHED dwellings with no more than three (3) unrelated individuals residing in any dwelling unit as per 20-2002.5 of the City Code, Ord. 7323
2.) All single-family structures shall be constructed with covered front porches.
3.) All single-family structures shall be constructed with enclosed garages or carports.
4.) All single-family structures shall be constructed with roof overhangs.
   12" min. on gable ends, 16" min. on eaves.
5.) Residential AC condensing units shall be landscaped to provide screening from Ryan Court right-of-way.
6.) The Land Developer & Homebuilder(s) shall make every feasible effort to protect & preserve as many existing trees as possible during construction including roots & existing grade within the dripline.
   If tree is damaged or destroyed during construction then replacement shall be required.
7.) It shall be the responsibility of the homebuilder to plant one (1) shade tree in the rear yard of each dwelling in addition to the street tree. This tree shall be selected from the list provide above and shall be located to maximize the shading benefits for energy conservation.
8.) The architecture of the new structures shall be consistent with the architectural concept elevations shown on the face of this Preliminary Development Plan.
9.) Soils investigations shall be performed before primary structures are erected on lots with slopes greater than 5:1, or non-engineered fill greater than 12 inches. A Soils Engineer, licensed by the State of Kansas, shall perform investigations, and a report of the investigation shall be submitted to the City of Lawrence Codes Enforcement Division. Other lots may be required to be investigated where excavation reveals indications of unsuitable conditions.
10.) The existing water well on site shall be plugged in accordance with the Kansas Dept. of Health & Environment regulations.
11.) The Detention Area shown on this drawing shall be privately owned and maintained. The developer shall be responsible for establishing ownership & maintenance of some via individual owner maintenance. Structures, fences & cut/fill operations are prohibited within the drainage easements.
12.) Dead or declining trees along the North property line shall be removed along with those trees which have been pre-determined to be located in proximity to proposed or existing sanitary sewer line required to be protected from root invasion. These trees shall be replaced along the North property line with Kaleieari Junipers @ 10' o.c. to the extent that existing trees were required to be removed.

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Architects & Planners
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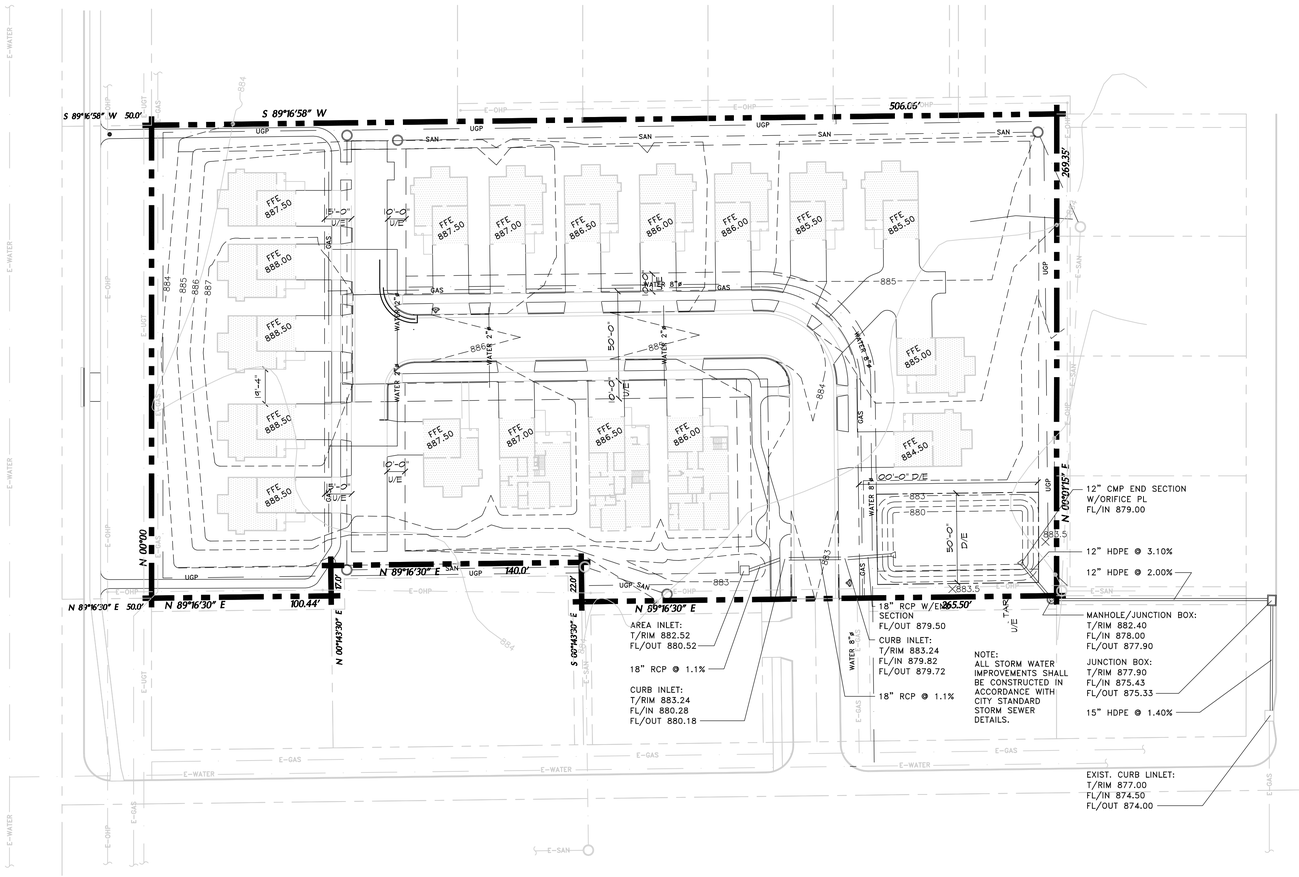
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Prairie Wind Single Family Homes
Planned Residential Development
REVISED FINAL DEVELOPMENT PLAN
2620 Haskell Avenue
Lawrence, Kansas

PROJECT # 0611
DATE: 05.10.06
DRAWN BY:
CHECKED BY:
REVISIONS: 06.19.06
08.06.06
03.20.08
08.24.10
04.26.11
05.10.11

FINAL DEVELOPMENT PLAN REVISED

Sheet
A010
1 of 2 Sheets



A3 / A011 FINAL GRADING & UTILITY PLAN

1" = 40.0'

0 20 40 80 feet

NORTH

Allen Belot Architect
Architects & Planners
708 West 9th Street Suite 205
Lawrence, KS 66044
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Prairie Wind Addition
Planned Residential Development
FINAL DEVELOPMENT PLAN REVISED
2620 Haskell Avenue Lawrence, Kansas

PROJECT # 0611
DATE: 08.09.06
DRAWN BY:
CHECKED BY:
REVISIONS: 09.13.06
04.26.11

FINAL GRADING & UTILITY PLAN REVISED

Sheet
A011
2 of 2 Sheets

This item was pulled from the Consent Agenda for further discussion.
PC Minutes 9/25/06

ITEM NO. 2B: FINAL D EVELOPMENT PL AN FOR PRAIRIE WIND ADDITION; 2620 HASKELL AVENUE

FDP-08-05-06: Final Development Plan for Prairie Wind Addition. The plan proposes the construction of 17 detached dwellings on approximately 3.04 acres. The property is located at 2620 Haskell Avenue. Submitted by Allen Belot, for Thervald & Elaine M. Holmes, property owners of record.

ACTION TAKEN
Allen Belot, appearing for applicant, requested Item 2B be removed from the Consent Agenda and moved to the Regular Agenda.

Chair Krebs asked for a vote to allow removal of Item 2B from the Consent Agenda and adding it to the Regular Agenda for Public Hearing.

> Vote 8-0-1 in favor of allowing Item 2B to move to the Regular Agenda; Comm. Burress abstained.

STAFF PRESENTATION
Lisa Pool, Planning Staff, gave a brief introduction and overview of the Final Development Plan for Prairie Wind Addition.

APPLICANT PRESENTATION
Allen Belot, for applicant, expressed concern that there was extensive discussion during a City Commission consideration of the preliminary development plan regarding installation of a view reducing fence. The City Commission did not feel inclined to require a fence around the property. Mr. Belot stated that Staff added the fence requirement as condition 3b. Mr. Belot asked that the view reducing fence requirement be excluded from the conditions for approval of the final development plan.

Mr. Belot requested clarification of condition 2 regarding maintenance of common open space. He stated this was a new condition based on what was discussed and agreed by the City Commission. Additionally, Mr. Belot said condition 3d could cause a potential conflict with public works if the condition relates specifically to public improvements and not just driveway dimensions.

Ms. Pool said the City Commission did not require perimeter fencing, but the applicant had previously stated that he was not averse to providing a view-reducing fence for 2600 Haskell. The condition for the driveway dimensions are code requirements. She commented that there is an existing daycare at 2600 Haskell Avenue which prompted the property owner to request the view reducing fence.

Mr. Belot responded that at the City Commission meeting, he stated that the applicant would put up a view-reducing fence if it is a condition of approval, but it was struck from approval completely. At the time of the City Commission meeting, the applicant did not

realize a fence already existed along a portion of 2600 Haskell. Mr. Belot stated he had no objection with going to the property owner and asking if he wanted a fence installed on his property, but he would rather the fence be on the neighbor's property and not be a structure the homeowner's association must maintain. Mr. Belot questioned why it is necessary to file the covenants now and if the subdivision covenants must be filed before the final development plan.

Ms. Stogsdill said the subdivision covenants and the final development plan would be filed at the same time.

Comm. Lawson asked the length of the fence that must be installed along the property line that abuts 2600 Haskell and if the applicant would be willing to build the fence on his property.

Mr. Belot replied that the fence would be approximately 60-80 feet long and the applicant would prefer it be installed on the neighbor's property. He said that it seems strange to separate a residential area from other residential areas. The portion of the property that is not currently fenced faces a heavily forested area of the development that the property owner would like to retain.

Comm. Lawson asked why the adjoining property owner would like to have the fence.

Mr. Belot said the fear of development prompted the original request. Additional concerns about pedestrians cutting through yards were also citied. Mr. Belot noted that the plan includes sidewalk connections to Haskell and E. 26th, and that pedestrians will not be cutting through yards once the infrastructure is in place.

Comm. Burress asked if there is a good faith commitment to build a fence.

Mr. Belot replied that he would be willing to do so.

Comm. Harris said the plan shows that the northernmost sidewalk runs along the property line and asked if there will be trees on the other side of the sidewalk, within the boundaries of the development. She also questioned if there is a concern that passerbys would be able to look into the daycare.

Mr. Belot said that there are trees, but cannot say if they are between the sidewalk and the property line.

Comm. Finkeldei asked if condition 2, recording of covenants, is a standard condition.

Ms. Stogsdill confirmed that the condition is required by code and should have appeared on previous development plans.

ACTION TAKEN

Moved by Comm. Finkeldei, seconded by Comm. Jennings to approve the Final Development Plan for Prairie Wind Addition, subject to the following conditions (revised to remove 3b) contained within the body of the Staff report.:

1. Provision of the following fees and documentation:
    a) A Site Plan Performance Agreement.
    b) Recording fees made payable to the Douglas County Register of Deeds.
2. Recordation at the Register of Deeds' Office of covenants governing maintenance of all common space, with the Book and Page number noted on the plan and a copy of the document provided to the Planning Office.
3. Revision of the Final Development Plan to include the following changes:
    a) Revision of the following note to clarify if the intent is to replace trees designated as remaining, or any tree damaged or destroyed: "If tree is damaged or destroyed during construction, then replacement shall be required."
    ~~b) Inclusion of a view-reducing fence abutting 2600 Haskell Avenue. Height, materials, and location of this fencing should be included on the plan.~~
    c) Inclusion of the following note: "The detention area will be privately-owned and maintained. The developer is responsible for establishing ownership and maintenance of same via individual owner maintenance. Structures, fences, and cut/fill operations are prohibited within drainage easements."

COMMISSION DISCUSSION

Comm. Lawson questioned whether to remove condition 3b, as the applicant is agreeable to providing fencing and why the Commission should consider removal of that condition.

Comm. Finkeldei stated that it depends on how the condition is read; whether the requirement is to put the fence along the entire stretch of 2600 Haskell and on which property. He agreed that the fence would be a big concern for the homeowner's association and would entertain alternate language.

Comm. Haase asked if the public stated concerns with the fencing in a previous Planning Commission meeting. He recalled multiple neighbors citing concern with the fencing and did not wish to reverse a major concession made at a public meeting. Comm. Haase questioned if the public spoke at the City Commission meeting.

Mary Miller, Staff, said that during the Planning Commission meeting for the Preliminary Development Plan, the public clearly stated they wanted a perimeter fence primarily because they were unhappy with the development. Later in the process, the public said they did not want the fence because it separated the neighborhood and they wished to retain the neighborhood as a continuous area. Only the daycare owner still wants the fence. No members of the public spoke out about the lack of a fencing requirement during the City Commission meeting for the Preliminary Development Plan.

Comm. Finkeldei stated that the City Commission discussed the fencing issue and decided not to impose the condition.

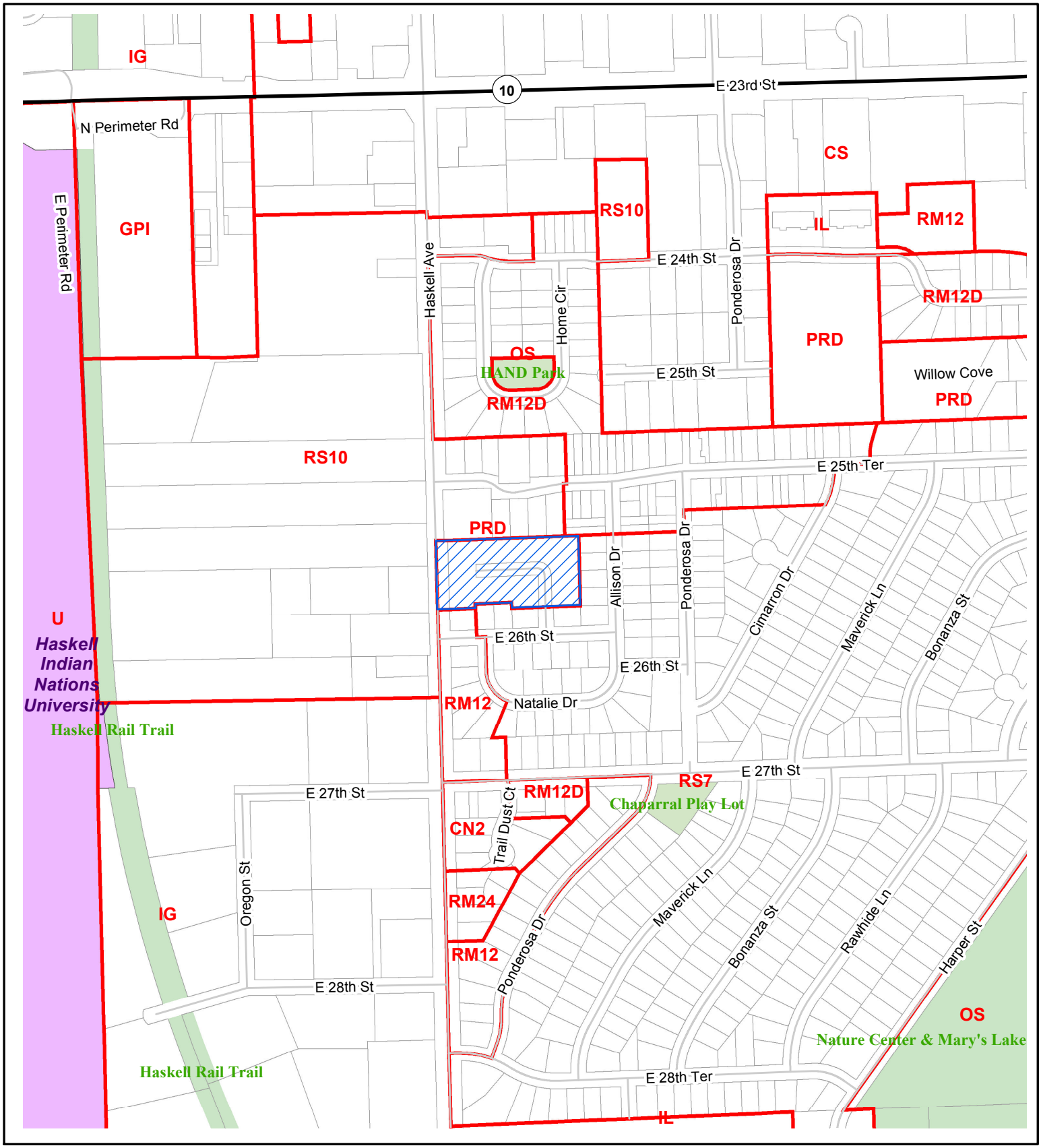
Comm. Lawson said that wooden fences could become unsightly over time and, from a practical standpoint, he has issues with imposing fencing.

ACTION TAKEN

The motion on the floor was to approve the Final Development Plan for Prairie Wind Addition, subject to the following conditions (revised to remove 3b) contained within the body of the Staff report:

1. Provision of the following fees and documentation:
    a) A Site Plan Performance Agreement.
    b) Recording fees made payable to the Douglas County Register of Deeds.
2. Recordation at the Register of Deeds' Office of covenants governing maintenance of all common space, with the Book and Page number noted on the plan and a copy of the document provided to the Planning Office.
3. Revision of the Final Development Plan to include the following changes:
    a) Revision of the following note to clarify if the intent is to replace trees designated as remaining, or any tree damaged or destroyed: "If tree is damaged or destroyed during construction, then replacement shall be required."
    ~~b) Inclusion of a view-reducing fence abutting 2600 Haskell Avenue. Height, materials, and location of this fencing should be included on the plan.~~
    c) Inclusion of the following note: "The detention area will be privately-owned and maintained. The developer is responsible for establishing ownership and maintenance of same via individual owner maintenance. Structures, fences, and cut/fill operations are prohibited within drainage easements."

Motion passed unanimously, 9-0.



FDP-03-01-11: Final Development Plan
2620 Haskell Avenue

Lawrence-Douglas County Planning Office
Mayl 2011

N
W E
S

Area Requested

Scale: 1 Inch = 500 Feet

PLANNING COMMISSION REPORT
REGULAR AGENDA

PC Staff Report
05/23/11

ITEM NO 3: PRELIMINARY PLAT; HUNTERS RIDGE ADDITION; 35 ACRES; NORTH SIDE OF W 6TH ST BETWEEN QUEENS RD & STONERIDGE DR (MKM)

PP-3-3-11: Consider a Preliminary Plat for Hunters Ridge Addition, an approximately 35 acre subdivision containing 4 lots, located on the north side of West 6th Street between Queens Road & Stoneridge Drive. Submitted by Pat Kelly for Pear Tree Village L.P., property owner of record.

STAFF RECOMMENDATION ON PRELIMINARY PLAT:
Staff recommends approval of the Preliminary Plat of the Hunters Ridge Addition and forwarding the plat to the City Commission for acceptance of dedications of easements subject to the following conditions:

1. Provision of a revised plat with the following changes:
   a. Areas along Queens Road, Stoneridge Drive, and Overland Drive with restricted access shall be shown graphically on the plan and labeled 'no access'.
   b. The water and sanitary sewer lines and associated easements shall be revised on the preliminary plat per the Fire Code Official and City Utility Engineer's approval prior to the plat being placed on the City Commission agenda for acceptance of dedication of easements.
   c. A phasing schedule shall be shown on the plat, if phasing of final platting is proposed.
   d. Building envelopes shall be shown for Lots 2 and 3 along with a note that the setbacks were taken from Section 20-601(a) of the Development Code, as amended November 29, 2010.
   e. Sidewalks shall be shown along all streets and the width of the existing and new sidewalks shall be noted.
   f. The legal description shall be revised to extend to the section line on the east.
   g. One-half of the required right-of-way for Queens Road, 40 ft, shall be dedicated with this plat.
   h. A note shall be added which states that an access and maintenance agreement for lots which share the common access drives shall be recorded prior to recording of the final plat.
   i. An access easement shall be provided for the common access drives.
   j. A note shall be added which states that 'Timing of development of Lots 3 and 4 will be linked to improvements to Queens Road. Building permits will not be issued for Lots 3 or 4 until Queens Road has been improved to City Standards.'
   k. The plat shall designate the Detention Basins as drainage easements.
   l. The size and location of detention basins shall be shown and detention basins shall be labeled on the plat.
   m. The following note shall be added: *"The detention basin/drainage easements will be privately-owned and maintained. The developer is responsible for establishing ownership and maintenance of same via individual owner maintenance. No fences or structures other than necessary retaining walls and/or guardrails will be allowed in within the drainage easements. They will remain free of any natural or non-natural structures or vegetative barriers (including but not limited to trees, shrubbery, berms, fences, and walls)." (City Code 20-1101(f))*

Reason for Request: Platting in preparation for multi-dwelling development.

KEY POINT
- The property is zoned RM24; however, the zoning was conditioned with a limitation on density with the maximum not to exceed 20 dwelling units per acre. As this is a multi-dwelling development, density will be determined with the site plan.

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

ASSOCIATED CASES/OTHER ACTION REQUIRED
ASSOCIATED CASES:
ZONING
- Z-5-9-10, Rezoning of 34.5 acres from UR (Urban Reserve) to RM24 (Multi-Dwelling Residential) with density limited to no more than 20 dwelling units per acre; approved by the City Commission at their September 28, 2010 meeting. Adopted with Ordinance 8570.
- Z-5-7-10, Rezoning of 2.2 acres from UR (Urban Reserve) to CO (Commercial Office) District; approved by the City Commission at their September 28, 2010 meeting. Adopted with Ordinance 8569.
- Z-5-8-10, Rezoning of 3.1 acres from UR (Urban Reserve) to CN2 (Neighborhood Commercial Center) District; withdrawn.

OTHER ACTION:
ZONING
Prior to development of Lot 4, the lot must be rezoned to an appropriate zoning district.
PRELIMINARY PLAT
- City Commission acceptance of dedication of easements and right-of-way as shown on the preliminary plat.

FINAL PLAT
- Final Plat submitted to Planning Office for administrative approval and recordation at the Douglas County Register of Deeds.
- Submittal of public improvement plans.
- Certification of completion of public improvements or provision of means of ensuring completion of required public improvements prior to recording of final plat.
- Agreements not to protest the formation of the following benefit districts shall be executed and recorded prior to the recording of the final plat: signalization and geometric intersection improvements at Queens Road and W 6th Street; improvements to Queens Road, and geometric improvements to Queens Road and Overland Drive.
- Execution and recordation of an access and maintenance agreement for Lots which share the common access drives required prior to recording of the final plat.

PRIOR TO DEVELOPMENT
- Site plan has been submitted for Phase I of the development for administrative approval.
- Building permit must be obtained from Development Services prior to construction.
- A West Baldwin Creek Gravity Sewer Line Connection Fee per Section 190-315.2 of the Code of the City of Lawrence applies to this property.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Updated the traffic study which was completed with the previous plat proposed for this property, (Creekstone [PP-10-09-07]). The City Engineer accepted the update.
- *Downstream Sanitary Sewer Analysis* – The DSSA has been reviewed and approved.
- *Drainage Study* – A drainage study was provided and accepted.
- *Retail Market Study* – Not required.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Site Summary

Gross Area:	35.135 acres (1,530,480 sq ft)
Number of Lots:	4
Area of Lots:	Lot 1 - 2.232 acres (97,238 sq ft)
	Lot 2 - 16.254 acres (708,026 sq ft)
	Lot 3 - 14.495 acres (631,422 sq ft)
	Lot 4 - 2.153 acres (93,803 sq ft)

GENERAL INFORMATION

Current Zoning and Land Use:

- CO (Commercial Office)2.2 acres in southwest corner, proposed Lot 1;
- UR (Urban Reserve) 2.1 acres in southeast corner, proposed Lot 4; and
- RM24 (Multi-Dwelling Residential) District conditional zoning with density limited to no more than 20 dwelling units per acre for 30.6 acres, proposed Lots 2 and 3; undeveloped.

Surrounding Zoning and Land Use:

To the north:

- UR (Urban Reserve) District; undeveloped.

To the west:

- RM12D (Multi-dwelling Residential) District which is limited to duplex development; This property has been platted but has not yet been developed; and
- GPI (General Public and Institutional Uses) District; City water tower, and
- RS 10 (Detached Dwelling Residential) District, church.

To the east:

- RM12 (Multi-Dwelling Residential) District, multi-dwelling residences, and
- UR (Urban Reserve) District, detached residences.

To the south:

- PRD (Planned Residential Development) District; Multi-dwelling residences.
- RS7 (Single-dwelling Residential Development) District; platted property which is undeveloped.

STAFF REVIEW

The subject property is currently undeveloped and unplatted. The Subdivision Regulations require a property to be platted before a building permit may be obtained; therefore, this plat has been submitted in preparation for development. The parcel is proposed to be divided into 4 lots, one containing the CO zoned property, one containing the southeast corner which is currently zoned UR, and two containing the RM24 zoned property. The RM24 zoned property is being divided into two lots to accommodate the phasing of the proposed multi-dwelling development.

The applicant indicated that final plats for the property will be submitted in phases. Per Section 20-812(4)(i)(g), a phasing schedule must be shown on the plat, if phasing of final platting is proposed. The Subdivision Regulations require that a building envelope be shown on any lot which is not rectangular [Section 20-810(a)(2)(v)]. The building envelope will identify the front, rear and side yard setbacks throughout the lot, which will assist when developing the lot. The building envelopes should be shown for lots 2 and 3 along with a note that the setbacks were taken from Section 20-601(a) of the Development Code, as amended effective November 29, 2010.

Zoning and Land Use

The subject property has the following zonings: RM24 (Multi-Dwelling) District conditioned to limit density to no more than 20 dwelling units per acre, CO (Commercial Office) District and UR (Urban Reserve) District. A site plan for Phase 1 of the multi-dwelling portion of this development, Lot 2, has been submitted and is under review, but development is not proposed on the remainder of the property at this time. Development on Lot 4 will require a rezoning to an appropriate urban zoning district, as the UR District is a holding district for recently annexed lands that permits only agricultural uses and uses which were in place immediately prior to annexation.

The multi-dwelling use being proposed on Lots 2 and 3 is a permitted use in the RM24 District. The density will be reviewed with the site plan to insure it is not greater than the 20 dwelling units permitted by the conditional zoning.

Streets and Access

The property is bounded by W 6th Street on the south, Queens Road on the east, Stoneridge Drive on the west, and Overland Drive on the north. W 6th Street is designated as a principal arterial and Queens Road, Stoneridge Drive and Overland Drive are designated as collectors on the Major Thoroughfares Map.

Access to W 6th Street was restricted through Condemnation Case No 03C 311 – Tract 7 and the access restriction is shown and labeled on the plat. Section 20-915(e) of the Development Code contains standards regulating direct access to collector streets. Per Section 20-915(e)(ii) all driveways providing access to collector streets shall be constructed so that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection is at least 300 ft from the perpendicular curb face of an intersecting arterial street. Per Section 20-915(e)(iii) all driveways providing access to collector streets shall be constructed so that the point of tangency of the curb return radius closest to a non-signalized street is at least 250 ft from the perpendicular curb face of the intersecting street. These access restricted areas should be shown graphically on the plan and labeled 'no access'.

Section 20-810(b)(2) of the Subdivision Regulations permits joint use driveways, driveways which serve more than one lot, when there is an agreement filed for joint maintenance. A maintenance and access agreement should be executed and recorded with the final plat to insure maintenance and use of the joint use driveways in the event of a change of ownership of the lots.

The perimeter streets are in place; however, improvements may be necessary. Agreements not to protest the formation of benefit districts will be necessary prior to the recording of the final plat, and a note listing the benefit districts has been placed on the preliminary plat.

Queens Road north of the W 6th Street intersection improvements is still a gravel road. The development of Lots 3 or 4 should be linked to the improvement of Queens Road to city standards. A note indicating this requirement should be shown on the preliminary plat.

Utilities and Infrastructure

The preliminary plat shows water and sanitary sewer lines. The applicant has met with the Fire Code Official and the City Utility Engineer to discuss the proper location and alignment of these utilities. The location of the utilities and easements will require some modification to insure the proper spacing and separation. The utilities and easements shall be revised on the preliminary

plat per the Fire Code Official and City Utility Engineer's approval prior to the plat being placed on the City Commission agenda for acceptance of dedication of easements.

The City Utility Engineer indicated that the West Baldwin Creek Gravity Sewer Line Connection Fee per Section 190-315.2 of the Code of the City of Lawrence applies to this property. Per Ordinance #8118, a $37,258 connection fee must be paid in full prior to the issuance of any building permits.

The plat shows sidewalks bordering most of the property. The plat should note the width of the existing sidewalks and note the new sidewalks along Stoneridge, Queens and Overland as 5 ft in width.

Easements and Rights-of-way

W 6th Street, a principal arterial, requires 150 ft of right-of-way and the other bordering streets, collectors, require 80 ft of right-of-way. The streets currently have the required amount of right-of-way with the exception of Queens Road. The City Surveyor found documentation which showed the description of the road of record, but no record of any right-of-way being dedicated to the City. The legal description for this plat should be revised to extend to the section line on the east. One-half the required right-of-way for Queens Road, 40 ft, would then be dedicated. When the UR zoned properties on the east side of Queens develop, additional right-of-way will be dedicated to provide the required 80 ft.

Utility easements are being provided along the perimeter of the lots. The applicant is working with the City Utility Engineer to determine the location of the water and sewer lines, and associated easements, to insure the separation requirements are met. These details should be worked out prior to the placement of the preliminary plat on the City Commission agenda for acceptance of dedications. Often utility lines and easements are revised following the development of public improvement plans and the revised plat with the new utility and easement locations are placed back on the City Commission agenda for acceptance of dedications.

A detention pond will be located on Lot 1 to serve this development. Since the detention will serve multiple lots which could be separated into different ownerships, the detention should be placed within a drainage easement to insure it will remain to serve the development. A note should be added to the plan which identifies the party responsible for the maintenance and notes that structures are not permitted within the drainage easement. The stormwater lines on the property are private lines and do not require placement within easements.

Private drives provide access to the adjacent street network for the four lots. These drives are located on Lots 2 and 3 and are shared by the development as a whole. An access easement should be provided on the plat for the shared drives to insure access for all lots in the event of a future transfer of ownership. A maintenance agreement should be executed which outlines the maintenance responsibility for the access drive. This agreement shall be recorded prior to the recording of the final plat.

Conformance

With the recommended conditions, the preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.

Preliminary Plat of Hunter's Ridge

a subdivision in the Southeast Quarter of Section 29, Township 12 South, Range 19 East, in the City of Lawrence, Douglas County, Kansas

Property Description :

All that part of the Southeast Quarter of Section 29, Township 12 South, Range 19 East of the Sixth Principal Meridian, in the City of Lawrence, Douglas County, Kansas, described as follows:

COMMENCING at the Southeast corner of the Southeast Quarter of Section 29, Township 12 South, Range 19 East; thence North 2 degrees 04 minutes 27 seconds West along the East line of the Southeast Quarter of said Section 29 a distance of 75.00 feet to a point on the Easterly prolongation of the Northerly right of way line of West 6th Street (US Highway 40); thence South 88 degrees 04 minutes 34 seconds West along said prolongation a distance of 102.55 feet to the point of intersection of the North right of way line of West 6th Street and the West right of way line of Queens Road, the POINT OF BEGINNING; thence continuing South 88 degree 04 minutes 34 seconds West along the North right of way line of West 6th Street a distance of 1167.98 feet to a point on the East right of way line of Stonebridge Drive; thence North 46 degrees 28 minutes 55 seconds West along the East right of way line of Stonebridge Drive a distance of 42.08 feet to a point; thence North 2 degrees 01 minutes 55 seconds West along the East right of way line of Stonebridge Drive a distance of 1131.64 feet to a point; thence North 43 degrees 02 minutes 56 seconds East along the East right of way line of Stonebridge Drive a distance of 70.63 feet to a point on the South right of way line of Overland Drive; thence North 88 degrees 04 minutes 03 seconds East along the South right of way line of Overland Drive a distance of 1224.10 feet to a point on the West right of way line of Queens Road; thence South 2 degrees 04 minutes 27 seconds East along the West right of way line of Queens Road a distance of 767.35 feet to a point; thence South 87 degrees 55 minutes 33 seconds West along the West right of way line of Queens Road a distance of 15.00 feet to a point; thence South 2 degrees 04 minutes 27 seconds East along the West right of way line of Queens Road a distance of 134.51 feet to a point; thence South 2 degrees 40 minutes 00 seconds West along the West right of way line of Queens Road a distance of 39.59 feet to a point; thence South 4 degrees 16 minutes 38 seconds West along the West right of way line of Queens Road a distance of 238.54 feet to a point; thence South 42 degrees 40 minutes 40 seconds West along the West right of way line of Queens Road a distance of 46.72 feet to the POINT OF BEGINNING and containing 1,530,494 Square Feet or 35.135 Acres, more or less.

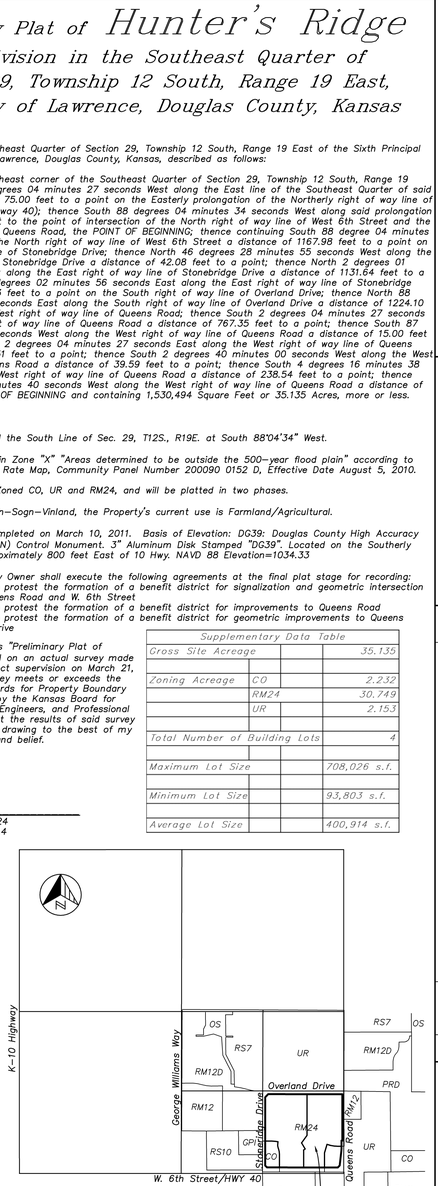
Surveyors Notes:

1. Basis of Bearings—Held the South Line of Sec. 29, T12S., R19E. at South 88°04'34" West.
2. This property lies within Zone "X" "Areas determined to be outside the 500—year flood plain" according to the FIRM Flood Insurance Rate Map, Community Panel Number 200090 0152 D, Effective Date August 5, 2010.
3. Property is currently Zoned CO, UR and RM24, and will be platted in two phases.
4. Site Soil Type is Martin—Sogn—Vinland, the Property's current use is Farmland/Agricultural.
5. Topography/Survey completed on March 10, 2011. Basis of Elevation: DG39: Douglas County High Accuracy Reference Network (CHARN) Control Monument. 3" Aluminum Disk Stamped "DG39". Located on the Southerly side of Co Rd 438, Approximately 800 feet East of 10 Hwy. NAVD 88 Elevation=1034.33
6. The Applicant/Property Owner shall execute the following agreements at the final plat stage for recording:
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I hereby certify that this "Preliminary Plat of Hunter's Ridge" is based on an actual survey made by me or under my direct supervision on March 21, 2011 and that said survey meets or exceeds the current minimum standards for Property Boundary Surveys as established by the Kansas Board for Architects, Professional Engineers, and Professional Land Surveyors, and that the results of said survey are represented on this drawing to the best of my professional knowledge and belief.

Michael E. Bogina LS—824
Olsson Associates LC—114

Supplementary Data Table			
Gross Site Acreage			35.135
Zoning Acreage	CO		2.232
	RM24		30.749
	UR		2.153
Total Number of Building Lots			4
Maximum Lot Size			708,026 s.f.
Minimum Lot Size			93,803 s.f.
Average Lot Size			400,914 s.f.



Section 29, T.12S., R.19E.

VICINITY MAP
Scale: 1" = 1000'

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

1. The Subdivision will have no public streets.
2. The Subdivision will provide connections to a public water source.
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LEGEND

- SECTION CORNER
- ALUMINUM MONUMENT
- SET 1/2" REBAR W/LC 114 CAP IN CONCRETE
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- WV WATER VALVE
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- STORM SEWER MANHOLE
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- —W— WATER LINE
- TP TELEPHONE PEDESTAL
- TS TRAFFIC SIGNAL BOX
- TSP TRAFFIC SIGNAL POLE
- F FIBER OPTIC BOX
- BU BUSH
- SIGN
- TREE
- E ELECTRIC BOX
- EM ELECTRIC METER
- TRANSFORMER
- POWER POLE

PREPARED FOR:
Pear Tree Village, LP
4315 W. 143rd Street
Leawood, Kansas 66224
Telephone (913) 568—6524

PREPARED BY:
Olsson Associates
7301 W. 133rd Street, Suite 200
Overland Park, Kansas 66213
Telephone (913) 381—1170

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Overland Park, KS 66213-4750
TEL 913.381.1170
FAX 913.381.1174
www.olssonsulting.com

REV. NO.	DATE	REVISIONS DESCRIPTION	BY
1	04/26/11	Added Property Description, Added Notes	JAMB
2	05/05/11	Revised Sewer and Water Easements	JAMB
3	06/16/11	Removed Proposed Buildings, Parking Lots and Sidewalks	JAMB

REVISIONS

Preliminary Plat

Hunter's Ridge

Lawrence, KS

2011

drawn by: MLB
checked by: MEB
approved by: MEB
QA/QC by: MEB
project no.: 010-0776
drawing no.: 100776_PP.DWG
date: 03/18/11

SHEET 1 of 1

DWG: F:\PROJECTS\010-0776_SVY0\Preliminary_Plat\100776_PP_NOBL.dwg
DATE: May 18, 2011 8:08am
XREFS: 100776_PBASE
USER: jbaughman

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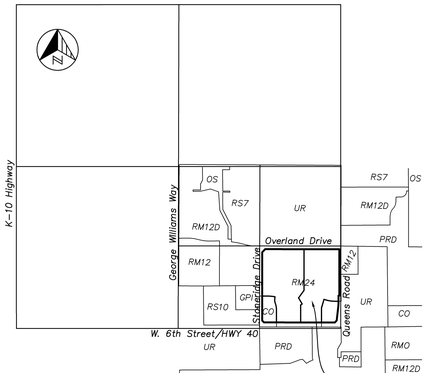
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SANITARY SEWER MANHOLE	SIGN
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REV. NO.	DATE	REVISIONS DESCRIPTION	BY
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2	05/09/11	Revised Sewer and Water Easements	JAMB

Preliminary Plat
Hunter's Ridge
Lawrence, KS
2011

drawn by: MLB
checked by: MEB
approved by: MEB
QA/QC by: MEB
project no.: 010-0776
drawing no.: 100776_PP.DWG
date: 03/18/11

SHEET 1 of 1

DWG: F:\PROJECTS\010-0776_SVY\Preliminary_Plat\100776_PP.dwg
DATE: May 05, 2011 2:52pm
XREFS: 100776_PBASE
USER: jbaughman

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
5/23/11
ITEM NO. 4: A & B-2 TO B-2; 6 ACRES; 751 HWY 40 (MKM)

Z-3-7-11: Consider a request to rezone approximately 6 acres from A (Agricultural) and B-2 (General Business) to B-2 (General Business), located at 751 Hwy 40. Submitted by Kathleen Baker Wolfe, property owner of record.

STAFF RE COMMENDATION: Staff recommends approval of the rezoning request for approximately 6 acres from A (Agricultural) District and B-2 (General Business) to B-2 (General Business) and forwarding it to the Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report.

Applicant's reason for request: "*Plans to sell the property.*"

KEY POINTS

- The subject property is located on Hwy 40 and is adjacent to other B-2 zoned property.

ATTACHMENTS

Attachment A: Public Communications
Attachment B: Sections 12-309-2 and 12-310-2 of the Zoning Regulations for the Unincorporated Territory of Douglas County with permitted uses in the B-1 and B-2 Districts.

OTHER ACTION REQUIRED

- Approval of rezoning by Board of County Commissioners and publication of resolution.
- Platting and site-planning are required prior to development.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Letter from David R and Carole J Barry, 1609 E 686th Road in opposition to the rezoning based in part on the condition of the existing commercial uses at that location and the additional traffic the commercial use may generate.

GENERAL INFORMATION

Current Zoning and Land Use:	A (Agricultural) and B-2 (General Business) Districts; Residential and agricultural uses. (Figure 1)
Surrounding Zoning and Land Use:	To the northwest: A-1 (Suburban Home) District; rural residential subdivision.
	To the north, west and south: A (Agricultural) District; agricultural uses, rural residences and right-of-way for Hwy 40 and County Route 442.
	To the east: B-2 (General Business) District; 2 lots with service and auto related businesses.

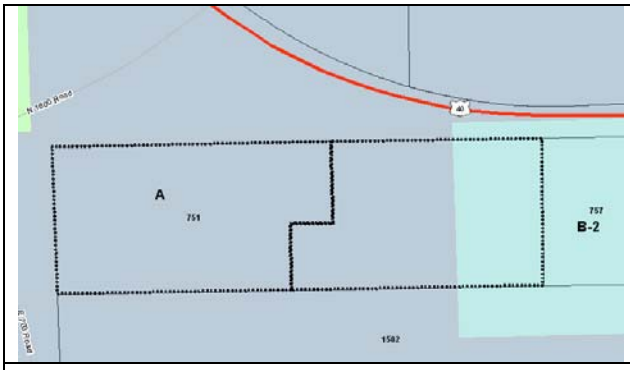


Figure 1a. Subject property zoning (A and B-2)



Figure 1b. Subject property land use (Residential and Agricultural)



Figure 2. Zoning and land use of area. A-1 (Suburban Home) platted residential subdivision to northwest, B-2 (General Business) with service and auto-related uses to the east and the remainder A (Agricultural) with rural residences and agriculture.

I. ZONING AND LAND USES OF SURROUNDING PROPERTIES

The surrounding area is zoned A (Agricultural) and contains agricultural and rural residential uses with two areas being zoned for more intense uses. A rural subdivision is located to the northwest of the subject property within the A-1 (Suburban Home) District and service businesses are located to the east of the subject property on approximately 2.5 acres zoned B-2 (General Business). The area is divided by the intersection of County Route 442 and US Hwy 40, with the commercial and proposed commercial properties being located adjacent to US Hwy 40 on the southeastern corner of the intersection.

Staff Finding –The area contains a major transportation network with the intersection of US Hwy 40 and County Route 442. The predominate zoning in the area is Agricultural and agriculture and rural residences are the principal land uses. A-1 Zoning and a rural residential subdivision is located on the northwest corner of the intersection and B-2 Zoning is located east

of and on a portion of the subject property. The proposed rezoning to the B-2 District would be compatible with the surrounding land uses and zonings.

II. CHARACTER OF THE AREA

This is a rural residential and agricultural area with a limited amount of commercial uses in the vicinity of the subject property. A US Highway and County Route intersect in this area. The subject property is located approximately 2 miles west of the K-10 bypass and is within Service Area 4 of the City of Lawrence UGA.

Staff Finding -- This is predominately a rural residential and agricultural area with limited commercial uses. The subject property is located on a major transportation corridor within the Lawrence Urban Growth Area. Commercial uses in this location could be compatible with the character of the area.

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

Applicant's Response:

"It is suitable for residential, agriculture, or B-2."

The property contains two parcels which are currently zoned A (Agricultural) and B-2 (General Business) Districts. Per Section 12-306-2 of the Zoning Regulations for the Unincorporated Territory of Douglas County permitted uses in the A District include agricultural uses; animal hospital or clinic; commercial dog kennel; commercial greenhouse; commercial riding stable; detached dwelling; churches, parish halls, etc; schools; and country clubs. The west parcel is zoned A, and is restricted to these uses.

The east parcel has split zoning, with A (Agricultural) on the west portion and B-2 (General Commercial) on the east portion. The B-2 District permits any use listed in Section 12-310-2 of the Zoning Regulations as well as the uses permitted in the B-1 District. Permitted uses include an amusement place in a completely enclosed building, general repair and service establishments, restaurants, motels, offices, and used car lots. Sections 20-309-2 (B-1 permitted uses) and 20-310-2 (B-2 permitted uses) are included with this report as Attachment B.

The property is developed with a house and is suitable for the uses permitted within the A District. However, as the two parcels are located at the intersection Hwy 40, County Route 442 and E 700 Road, which are all designated as 'principal arterials' on the Major Thoroughfares Map (Figure 3), the property is suited for commercial uses as well. The property is served by Rural Water District #1. The RWD indicated that meters are available; however, water intensive commercial uses may require the use of a holding vault. This would be determined at the site-planning stage when a specific use is known.

Staff Finding –The property is suited to the uses which are permitted in the A and the B-2 District.

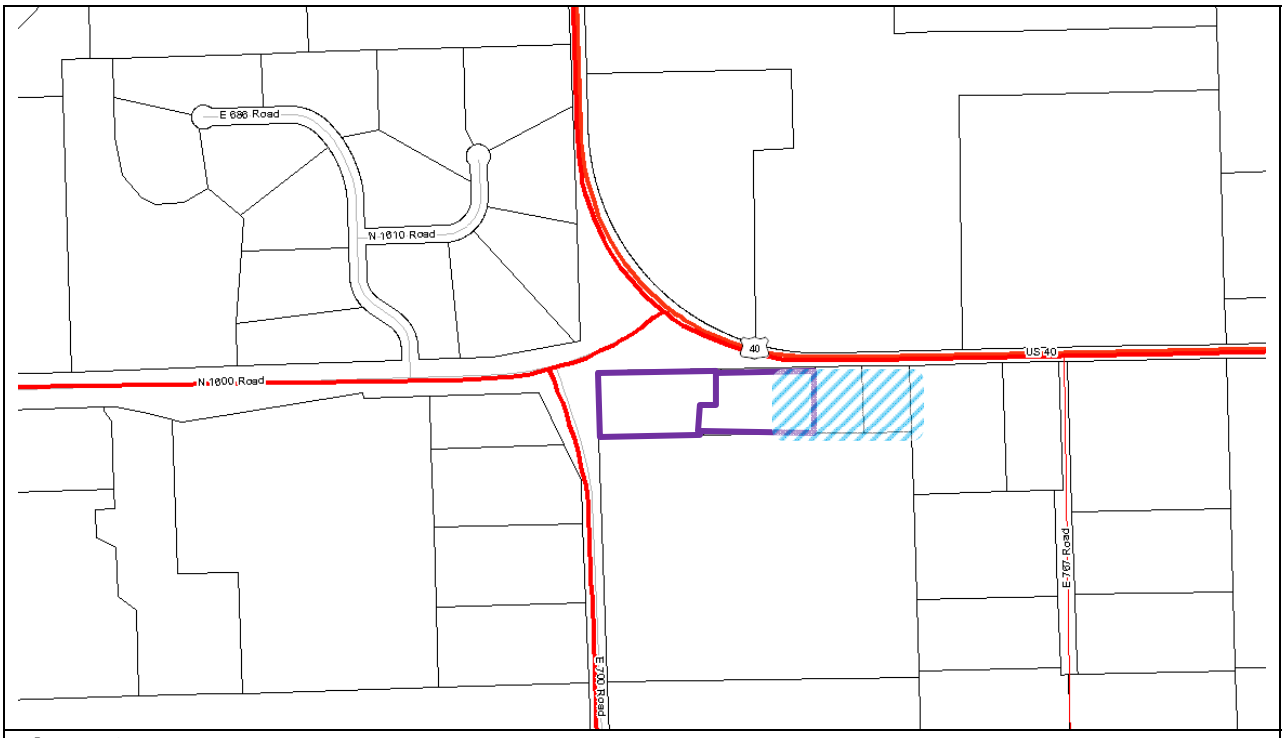


Figure 3. Subject property contains two parcels, outlined in purple. The east half of the eastern parcel is included in the commercial zoning district (shown in blue stripes). The remainder of the property is zoned for agricultural uses.

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

Staff Finding – The property contains two parcels. The parcel on the west is developed with a residence. The parcel on the east has never been developed.

V. EXTENT T O WHICH REMOV AL OF RESTRICTIO NS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's response:

"I don't believe it will."

The property is located at the intersection of three roads which are classified as 'principal arterials' on the Future Thoroughfares Map and is adjacent to US Hwy 40. Given this transportation network, the additional traffic generated by commercial uses at this location should have no negative impact on nearby properties.

The subject property is adjacent to commercial property on the east, and is separated from other properties to the north and west by right-of-way which ranges from approximately 150 ft to 450 ft in width. The right-of-way width and road will serve to buffer the nearby properties from the commercial use. A 30 acre parcel with a rural residence is adjacent to the subject property on the south. The residence is located approximately 600 ft south of the property line. Impacts related to increased traffic and access points would be evaluated with a specific development proposal. With appropriate landscaping and site design, a commercial development in this location should have minimal impact on nearby properties.

Staff Finding – With appropriate landscaping and site design, the requested zoning B-2 (General Business) should have minimal detrimental effect on 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 these criteria includes weighing the benefits the denial of the rezoning request would provide for the public versus the hardship the denial would impose on the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

If the rezoning were denied, the use of the property would remain limited to uses which are permitted in the Agricultural District, with the exception of the eastern portion of the east parcel. Approximately one acre of the 2.7 acre parcel is zoned for commercial uses. Approving the rezoning request would align the zoning district with the parcel boundaries. Given the separation between the subject property and residential uses, and the arterial transportation network that is available, denying the rezoning request would provide little if any gain to the public health, safety and welfare. If the rezoning were denied, the parcels could be used for uses permitted within the Agricultural District, but it would be difficult to develop any commercial uses on the portion that is zoned commercially, especially considering acreage requirements in the County Sanitary Code.

Staff Finding –There would be little, if any, gain to the public health, safety or welfare from the denial of the rezoning request given the separation between the subject property and residential uses and the type of transportation network the property is adjacent to. If the rezoning were denied, the development of the property would be limited to uses permitted within the Agricultural District.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"*No conflict.*"

CHAPTER SIX. COMMERCIAL

Policy 3.12: Criteria for Commercial Development in Unincorporated Areas (page 6-38)

> "Existing commercial areas that are located at the intersection of a hard surfaced County Route and a state or federally designated highway should be allowed to expand if the necessary infrastructure (water, road, approved wastewater treatment facility, etc.) is available."

Staff Comments:

The property is located at the intersection of County Route 442 and US Hwy 40. The rural water district indicated that water meters were available to serve a commercial development at this location. The property contains nearly 5.7 acres outside of the regulatory floodplain; therefore an on-site sewage management system should be possible. A permit for an on-site sewage management system must be obtained prior to obtaining building permits for any commercial development. Based on the information above, the subject property meets the criteria for commercial zoning.

STAFF REVIEW

The subject property consists of two parcels. The west parcel is zoned for agricultural uses and the east parcel has split Agricultural/Commercial zoning. The applicant proposes to rezone both parcels to the B-2 (General Business) District. Principal considerations with commercial rezonings in the unincorporated portions of the county are the capacity of the transportation network, the availability of publicly treated water, sewage management, and the impact the future development may have on nearby properties. The property is located at the intersection of a hard surfaced County Route and a federal highway and a meter is available from Rural Water District 1. The property contains adequate area for an on-site sewage management system. A minimum of 3 acres is required when a public water supply is used.

Public comment indicated a concern with the appearance of the existing development at this location. This property will require platting and site planning prior to commercial development. Measures such as landscaping and screening of parking lots which are required in the site planning process would help achieve an aesthetically pleasing development.

RECEIVED
MAY 09 2011
City County Planning Office
Lawrence, Kansas

David R. Barry & Carole J. Barry

1609 E. 686th Road

Lawrence, Ks 66049

May 7, 2011

City of Lawrence, Douglas County

Planning and Development Services

Attn: Mary Miller, AICP

We recently were notified of a rezoning request for approximately 6 acres from Agricultural to General Business, located at 751 Hwy 40, submitted by Kathleen Baker Wolfe, property owner.

We strongly recommend that the property remain Agricultural. Between the auto junkyard that is open for the world to gaze upon to the multiple Duct Cleaning trucks next door, this area is already tacky looking. To make it further so, would not in the best interest of adjacent areas and will reduce property values further. Highway 40 is increasing busy and with the increased traffic an additional business may possibly create (if not now, then possibly later with a different tenant), county services will be stretched even further. Most people did not move to the County for more congestion but rather less.

Maintaining the remaining integrity of the area is essential if the County desires to protect their current residents who predate this rezoning request.

As regards the auto junkyard, is there any way the County can mandate an 8' privacy fence around it? I know of no other area in Douglas County that is on a main highway that is the size of this most unattractive eyesore.

Sincerely,

David R. Barry

Carole J. Barry

Carole J Barry

12-309 "B-1" NEIGHBORHOOD BUSINESS DISTRICT REGULATIONS

12-309-1.
The regulations set forth in this section, or set forth elsewhere in this Resolution, when referred to in this section, are the regulations in the "B-1" Neighborhood Business District. This district provides primarily for retail shopping and personal service uses to be developed either as a unit or in individual parcels to serve the needs of nearby residential neighborhoods.

12-309-2. USE REGULATIONS
A building or premises shall be used only for the following purposes:
12-309-2.01. Any use permitted in the "R-1" Single-Family Residential District.

12-309-2.02. Automobile parking lots and storage garages.

12-309-2.03. Display room for merchandise to be sold on order where merchandise sold is stored elsewhere.

12-309-2.04. Dressmaking, tailoring, decorating, shoe repairing, repair of household appliances and bicycles, dry cleaning and pressing and bakery, with sale of bakery products on the premises and other uses of a similar character; provided that no use permitted in this item shall occupy more than 2,500 square feet of floor area.

12-309-2.05. Filling stations, so long as bulk storage of inflammable liquids is underground.
12-309-2.06. Frozen food lockers for individual or family use.

12-309-2.07. Hospital or clinic for large or small animals, such as cattle, horses, dogs, cats, birds and the like, provided that such hospital or clinic and any treatment rooms, cages, pens or kennels be maintained within a completely enclosed building with soundproof walls and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls and located on a sewer.

12-309-2.08. Offices and office buildings, including clinics.

12-309-2.09. Outdoor advertising structure or non-flashing sign pertaining only to a use conducted within the building, and any sign or display in excess of 30 square feet in area shall be attached flat against a wall of the building, and in no case shall any sign or display attached to a building project above the roof line. The permitted 30 square feet of sign area for projecting or free-standing signs may be in one sign or the aggregate area of several signs.

12-309-2.10. Personal service uses including barber shops, banks, beauty parlors, photographic or artists' studios, messengers, taxicabs, newspaper or telegraphic service stations, dry cleaning receiving stations, restaurants, (but not drive-in restaurants), taverns, undertaking establishments and other personal service uses of a similar character.

12-309-2.11. Retail stores, including florist shops and greenhouses in connection with such shops, but there shall be no slaughtering of animals or poultry on the premises of any retail store.

12-309-2.12. Self-service laundry or self-service dry cleaning establishment.

12-309-2.13. Accessory buildings and uses.

12-309-2.14. A retail fireworks stand only as authorized by permit issued and operated pursuant to applicable resolutions of the Board of County Commissioners.

12-310 "B-2" GENERAL BUSINESS DISTRICT REGULATIONS

12-310-1.
The regulations set forth in this section, or set forth elsewhere in this Resolution, when referred to in this section are the regulations in the "B-2" General Business District. The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of business, commercial, and miscellaneous service activities, particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor, and noise associated with manufacturing.

12-310-2. USE REGULATIONS
A building or premises shall be used only for the following purposes:
12-310-2.01. Any use permitted in the "B-1" Neighborhood Business District.

12-310-2.02. Amusement place, skating rink, swimming pool or dance hall in a completely enclosed building, auditorium or theater, except open-air drive-in theaters. (See section 12-319-4)

12-310-2.03. Bottling works, dyeing and cleaning works or laundry, plumbing and heating shop, painting shop, upholstering shop not involving furniture manufacture, tinsmithing shop, tire sales and service including vulcanizing but no manufacturing, appliance repairs, and general service and repair establishments, similar in character to those listed in this item; provided that no outside storage of material is permitted, and further provided that no use permitted in this item shall occupy more than 6,000 square feet of floor area.

12-310-2.04. Bowling alleys and billiard parlors.

12-310-2.05. Drive-in restaurants.

12-310-2.06. Food storage lockers.

12-310-2.07. Hotels, motels, or motor hotels.

12-310-2.08. Material storage yards, in connection with retail sales of products where storage is incidental to the approved occupancy of a store, provided all products and materials used or stored are in a completely enclosed building, or enclosed by a masonry wall, fence, or hedge, not less than six feet in height. Storage of all materials and equipment shall not exceed the height of the wall. Storage of cars and trucks used in connection with the permitted trade or business is permitted within the walls, but not including storage of heavy equipment, such as road-building or excavating equipment.

12-310-2.09. Outdoor advertising structure or sign and any sign or display in excess of 100 square feet in area shall be attached flat against a wall of a building. See section 12-306-2.18 for height and location of sign requirements.

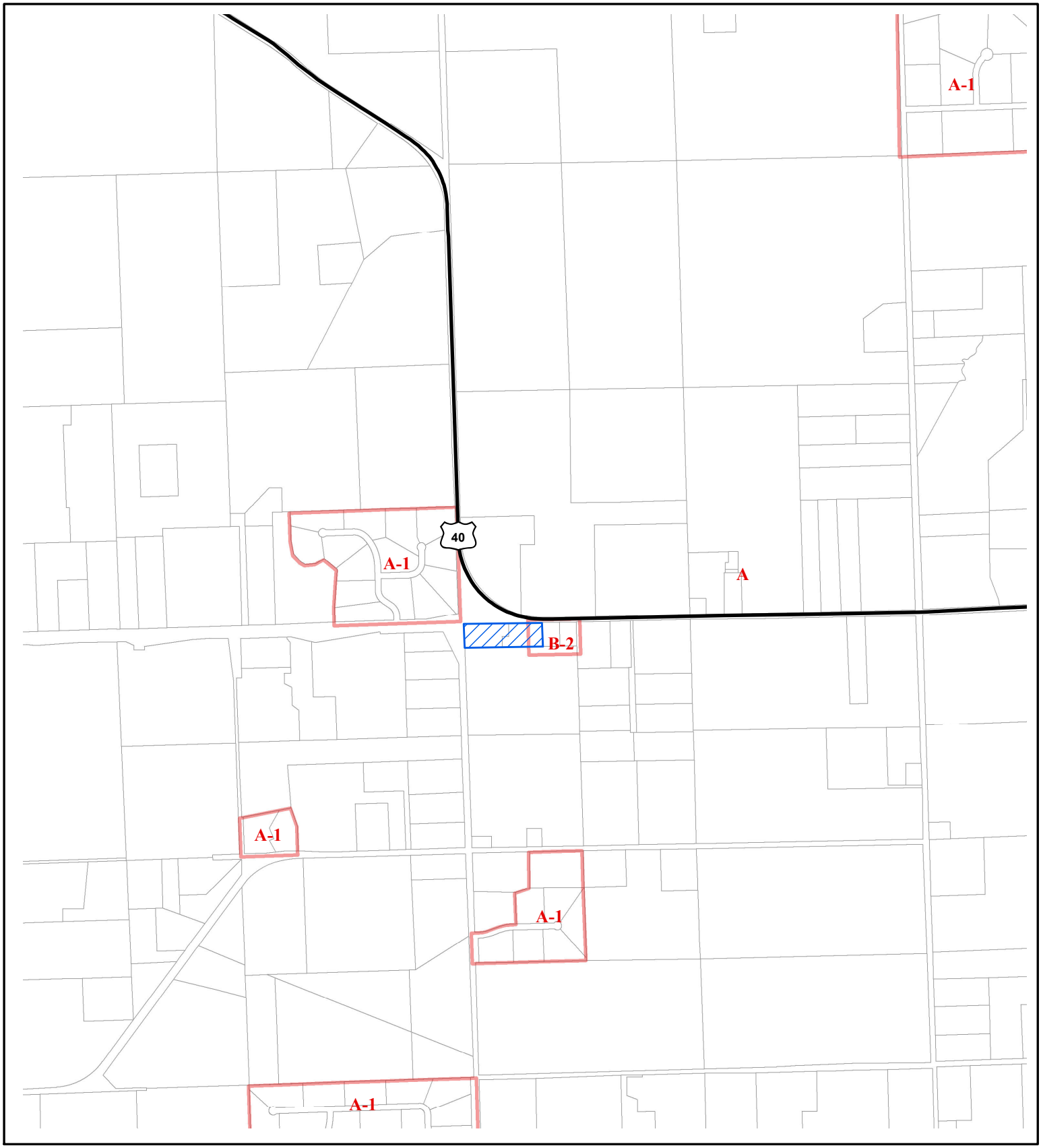
12-310-2.10. Printing, publishing, and engraving establishments.

12-310-2.11. Public garage.

12-310-2.12. Wholesale establishment or warehouse in a completely enclosed building so long as floor area devoted to such uses shall not exceed 20,000 square feet.

12-310-2.13. Used car lot.

12-310-2.14. Accessory buildings and uses.



Z-03-07-11: Rezoning of 6 acres from A & B2 to B2
751 Highway 40

Lawrence-Douglas County Planning Office
Mayl 2011

N
W E
S

Area Requested

Scale: 1 Inch = 1500 Feet

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
5/23/11

ITEM NO. 5: A TO R-T; 209 ACRES; 778 E 1300 RD (MKM)

Z-3-9-11: Consider a request to rezone approximately 209 acres from A (Agricultural) to R-T (Rural Tourism), located at 778 E 1300 Rd. Submitted by Grob Engineering Services, for Sadies Lake LC, property owner of record.

STAFF RE COMMENDATION: Staff recommends approval of the rezoning request for approximately 209 acres from A (Agricultural) District to R-T (Rural Tourism), with a reduced buffer width of 150 ft along the west property line and forwarding it to the Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following condition:

1. The rezoning will not be placed on the Board of County Commission's agenda for consideration until the Rural Water District has determined adequate water capacity is, or can be made, available to serve the facility.

Applicant's reason for request: "*The property ownership group would like to rezone to 'R-T' Rural Tourism to allow for construction of additional lake cabins and future lodge/conference center. Property includes a large lake for fishing and swimming, large wooded areas and pastures with hiking trails and hilltop views of Lawrence. Ownership group would like to provide a recreational retreat for guests."*

ATTACHMENTS

Attachment A: Section 12-309-B of the Zoning Regulations of the Unincorporated Territory of Douglas County
Attachment B: Conceptual site plan
Attachment D: Traffic information and Exhibit of US Hwy 59 realignment and access
Attachment C: Detail of west buffer area.

OTHER ACTION REQUIRED

- Approval of rezoning by Board of County Commissioners and publication of resolution.
- Platting and site-planning are required prior to development.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Bill Mitchell, adjacent property owner, visited the Planning Office and reviewed the plans. He was concerned that the minimum maintenance designation for the road adjacent to his property might be removed and he did not want to be responsible for the cost of improving the road. He questioned the reasoning behind the need for the reduced buffer along the west side of the property.
- Douglas Beene, adjacent property owner, also visited the Planning Office and reviewed the plans. He indicated that dust from the additional traffic was not a concern for him given the prevailing winds and the location of his house. He felt the change in elevation and trees along the west property line would provide an adequate buffer, even with the reduced width.

GENERAL INFORMATION

Current Zoning and Land Use:	A (Agricultural) District and F-F (Floodway Fringe) Overlay District; grassland, open space included woods, a watershed lake and a cabin. A house is currently located on the property, but this will be divided through a homestead exemption survey and will retain the A Zoning.
Surrounding Zoning and Land Use:	A (Agricultural) District in all directions, F-F (Regulatory Floodway Fringe) and F-W (Regulatory Floodway) Overlay Districts located to the northwest along the Pleasant Grove West Tributary; agriculture, open space and rural residences. (Figure 1)

Project Summary

Rezoning is requested to the R-T District for approximately 208 acres to facilitate the development of a rural tourism use on this property. The use would include a horse stable, riding and walking trails, cabins, an existing watershed lake, open space in the form of woodland and grassland, and a lodge which could be used for guests and also as a conference or reception facility.

I. ZONING AND LAND USES OF SURROUNDING PROPERTIES

The surrounding area is zoned A (Agricultural) with Floodway and Floodway Fringe overlay zoning located to the northwest along the stream corridor. Land uses of surrounding property include agriculture, woodlands and rural residences. The realigned Hwy 59 will be approximately 1500 ft to the west of the subject property.

Staff Finding –This is a rural area that is zoned for, and primarily used for, agricultural uses. Rural residences and woodlands are also present. The R-T Zoning and rural tourism use would be compatible with the zoning and land uses of surrounding property.

II. CHARACTER OF THE AREA

This is a rural area with agricultural uses, scattered rural residences and large contiguous areas of woodlands. The topography of the area includes slopes, which contain most of the woodlands. High quality soils, as defined in *Horizon 2020,* are located in the area, and the northeast portion of this property contains high quality soils. The area contains environmentally sensitive lands in the form of stream corridors, regulatory floodway and floodway fringe, and stands of mature trees. (Figures 2-4)

The property is near a major transportation corridor as the realigned Hwy 59 will be located approximately 1500 ft to the west; however, access will not be permitted onto Hwy 59 at this location, but is available about 2 miles to the north at the N 1000 and Hwy 59 intersection.

Staff Finding – This is a rural area with the following features which are defined as environmentally sensitive lands in the Subdivision Regulations: stream corridors, regulatory floodway and floodway fringe, and stands of mature trees which are part of a larger contiguous network. In addition to these features, steep slopes and high quality soils are also located in the area. The R-T Zoning and rural tourism use is intended to preserve these resources which would serve to maintain the rural character of the area. The R-T Zoning is compatible with the character of the area and should serve to maintain and enhance it.

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

Applicant's Response:

> *"The property is zoned 'A' Agriculture and is suitable for use. Due to the extensive wooded areas, sloping terrain, and the watershed lake the remaining open areas are generally only suitable for pastures, residential, and recreation uses. With the amenities the property exhibits and as illustrated on the conceptual site plan, rural tourism would be a suitable low impact use."*

The subject property is developed with a house and a cabin. The house will be separated from the property being zoned R-T with a homestead exemption survey and is not included in the rezoning request. The following criteria listed in Section 20-801(d)(ix) of the Subdivision Regulations will apply to the area divided with the homestead exemption survey: the on-site sewage management system shall be located entirely on the parcel with the residence, the new parcel will meet the access management standard frontage and entrance spacing requirements, and the minimum size of the new parcel will meet the County's Sanitary Code as well as the Height, Area and Bulk Requirements in Article 18 of the Douglas County Zoning Regulations. The Sanitary Code requires 3 acres outside of the floodplain for properties which are serviced by a Rural Water District and 5 acres outside of the floodplain for properties which are served with a water well. The legal description for the rezoning will be finalized when the residence has been divided through the homestead exemption survey.

Per Section 12-306-2 of the Zoning Regulations for the Unincorporated Territory of Douglas County, permitted uses in the A District include agricultural uses; animal hospital or clinic; commercial dog kennel; commercial greenhouse; commercial riding stable; detached dwelling; churches, parish halls, etc; schools; and country clubs. The property is suited for agricultural uses, with some limitations due to the topography and tree cover of the site.

Per Section 20-309B-2 of the Zoning Regulations, the following uses are permitted in the R-T District: outdoor recreation, open air theatre, places of social assembly, lodging, cultural centers or museums or similar uses and agricultural uses. Uses noted in Section 20-309B-3 are permitted as accessory uses to Rural Tourism uses. These sections are included with the staff report as Attachment A. Based on the conceptual site plan, Attachment B, the proposed rural tourism use would include hiking trails, wildlife areas, cabins, and a lodge, which could be used for meetings as well as for guests. The property is suited to these rural tourism uses.

Staff Finding – The property is suited for uses permitted in the Agricultural zoning district with some limitations due to the topography and tree cover. The property is suited for uses allowed within the Rural Tourism District as the purpose of the district is to permit uses that integrate with and maintain the rural character of the property.

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

Staff Finding – The property is currently developed with a residence and an accessory cabin. The residence will be divided from this parcel with a homestead exemption survey and is not a part of this rezoning request.

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

Applicant's response:

> *"The ownership group believes the rezoning will have no detrimental effects to the nearby property. The extensive wooded areas and valley effect created by the topography provides natural spatial buffers to the adjoining neighbors. There will be little increased traffic by rezoning and the majority of the local access road was reconstructed by KDOT. The site is 1.7 miles from Highway 59."*

Possible impacts from development include lighting, noise, and traffic. Per the conceptual site plan, the lodge is proposed to be located within the interior of the site. This area is separated from nearby residences by distance, change of elevation, and tree cover. Exterior lighting will be reviewed at the site planning stage to insure no light trespass or glare to the neighboring properties. The proposed use should not be noise intensive, as no outdoor activity areas are shown except for trails. The applicant provided a narrative in which they explained the amount of traffic they anticipate with the proposed use as well as a graphic showing the route from US Hwy 59 (Attachment C) The access road is a rock road and typically dust palliative is recommended to minimize the impact of the increased traffic on adjacent residences. (Figure 6) In this case, the road ends shortly after the drive to the facility, so traffic should be travelling at low speeds in this area. The use of dust palliative would be considered during the site planning stage.

The applicant has requested a reduced buffer width on the west side of the property, adjacent to the residences and E 1300 Road. The applicant explained that this reduction is necessary due to the location of the floodplain and the need to provide some flexibility for the location of the cabins in this area. The conceptual site plan shows the existing cabin and 3 new cabins along the west side of the property, out of the buffer area. The applicant indicated that the elevations at the 150 ft buffer line are approximately 20 ft, 18 ft and 29 ft lower than at the property line. In addition, this area is heavily wooded. The 150 ft buffer should be effective in buffering nearby properties from the Rural-Tourism use, given this grade change and the wooded nature of the buffer. Attachment D contains a graphic the applicant provided illustrating the west buffer area and proposed uses. Figure 7 shows the vegetation in the buffer area and Figure 8 illustrates the change in elevation on the west side of the property.

The applicant indicated that trails may be constructed in the wooded areas, but the intent is to maintain the woods in the buffer. The conceptual site plan also shows a 50 ft x 100 ft maintenance shed located within the buffer area. The area proposed for the shed is not within the wooded portion of the buffer (Figure 5). The shed is a low-impact use which should have minimal impact on the area.

Staff Finding – The use should have minimal impact on nearby properties. The most intense use being proposed, the lodge, will be located within the interior of the site, on the east side of the pond, so it should have minimal impact on nearby properties. Exterior lighting will be reviewed at the site-planning stage to protect nearby properties from light-trespass or glare. The buffer should adequately buffer the adjacent properties from the use, even with the reduced width of 150 ft on the west due to the grade change and wooded nature of the buffer. The road used to access the facility is a rock road. If it is determined that the generation of dust by traffic accessing the site may have a negative impact on nearby residences at the site

planning stage, the applicant should participate in a dust palliative program for the residences on E 1300 Road.

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

If the rezoning were denied, the property would maintain its Agricultural zoning classification and could be used for agricultural purposes, developed with a use that is permitted within the A District, or be divided through the Certificate of Survey process for residential development. The approval of the rezoning would limit the permitted uses to those which are permitted in the R-T District with the intent to maintain and enhance the rural character of the area. The proposed use would be possible under the A Zoning with a Conditional Use Permit; however, the R-T Zoning offers a more permanent approval for the use.

Staff Finding –There would be little, if any, gain to the public health, safety or welfare from the denial of the rezoning request. The use would be possible under the A Zoning but would require the approval of a Conditional Use Permit. The rezoning benefits the applicant by providing a longer term approval for the proposed use. The rezoning benefits the general public as well by limiting the permitted uses to those which would maintain and enhance the character of the area, which includes environmentally sensitive lands and high quality soils.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

> "*The R-T zoning and development illustrated on the conceptual site plan would conform to the Comprehensive Plan. The non-farm residential/business development preserves the agricultural, natural and environmentally sensitive areas while maintaining the rural character."*

CHAPTER FOUR. GROWTH MANAGEMENT (page 4-4, *Horizon 2020)*

"There are a few locations, however, in the Rural Area which may be expected to receive some significant level of urban development consistent with the Plan, these include commercial areas to serve county residents and, potentially, to provide (i) conference and recreation facilities at Clinton Lake, and (ii) conference, recreation, or tourism facilities that benefit from or integrate with the rural setting, at such other locations that substantially satisfy the following criteria: (a) direct access to an improved arterial roadway; (b) public water supply available; (c) separated from existing conference, recreation, or tourism facilities by at least 3 miles or other appropriate distance as determined by the Board of County Commissioners; and (d) designed to preserve and/or integrate natural resources and the rural environment through appropriate land use, site design, buffering, or other methods."

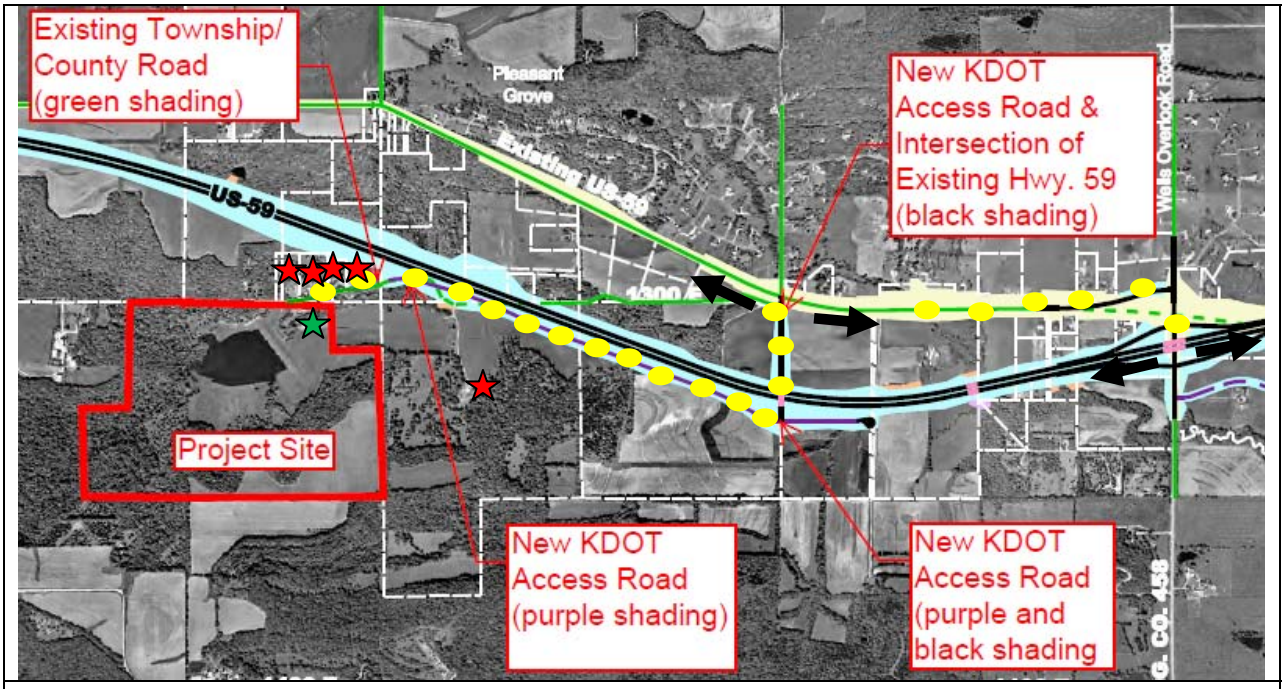
CHAPTER SIX. COMMERCIAL
UNINCORPORATED DOUGLAS COUNTY-NEW COMMERCIAL AREAS (page 6-23, *Horizon 2020*)

"Conference, recreational, or tourism uses located in the Rural Area, and which include some significant level of urban development, shall satisfy the criteria listed in Chapter Four. Such uses shall also include a mandatory minimum 200' natural buffer area or other appropriate distance as determined by the Board of County Commissioners. Proposed conference, recreational, or tourism facilities shall include a site specific site plan with rezoning applications to demonstrate that the criteria listed in Chapter 4, and the 200' buffer area, have been met."

Staff Comments:

The proposed rural tourism use will integrate natural resources and the rural environment, which include woodlands, floodplain, and high-quality soils. The proposed use is designed to minimize the impact on these areas while incorporating them into the use. The tourism use will utilize public water, is located at least 3 miles from other rural tourism use, and will maintain the 200 ft buffer area around the perimeter with a 150 ft buffer along the west side if the County Commission approves this width. However, the proposed use does not take direct access from an improved arterial roadway.

As the exhibit in Attachment D illustrates the property is located within 1500 ft of the realigned Hwy 59; however, access to Hwy 59 is available approximately 2 miles away. As shown on the following graphic, vehicles would travel north on the access road (E 1300 Rd) to N 900 Road to access the realigned Hwy 59. N 900 Road crosses realigned Hwy 59 and connects with the old highway. Vehicles may then travel north or south to access the realigned highway. The access to realigned Hwy 59 is one mile to the north, so this would be the quickest route. The access road (E 1300 Rd) will be maintained by KDOT up a point near the facility and the nearby residences, marked with green shading on the figure below. There are very few residences in this area, with 4 residences being directly across the subject property, one on the property and one located to the north.



Route from subject property to realigned Hwy 59 shown in yellow. Residences on the access road are marked with stars, the green star is the residence that is on the subject property, but will be divided through the Homestead Exemption Survey.

The nature of some tourism uses, in this case a secluded natural area, would prevent their location on an arterial road.

Some rural tourism uses would require direct access to an arterial road, to alleviate traffic issues on rural roads. The traffic information the applicant submitted indicated that the maximum trips per day anticipated with this use when fully developed would be between 25 and 100 trips. This amount of traffic could be accommodated by a rock road. The intensity and nature of the use being proposed would not require placement along an arterial roadway. Dust palliative treatment may be required at the site planning stage to alleviate negative impacts to nearby residences. Based on the information above, the subject property substantially meets the criteria for Rural-Tourism commercial zoning.

STAFF REVIEW

The property contains environmentally sensitive lands and high quality soils which will be protected with the rezoning to the R-T District. The concept plan shows that the grass area, which the applicant indicated is a restored prairie, in the northeast area will remain and a tower may be installed for bird-watching or wildlife viewing. Trails currently exist in the wooded areas and additional trails will be provided throughout the property, including the buffer area, for walking or horse-riding. The cabins will be located near the lake. Figures 9 and 10 show different portions of the property to illustrate the rural character of the property.

The Lawrence-Douglas County Health Department indicated that an exhibit illustrating that there are 3 acres available for septic system facilities for each cabin would be necessary at the site planning phase if septic systems are utilized. The Rural Water District indicated that water meters were available, but they would like more time to review the proposed use to determine if capacity is available or if upgrades are necessary. The Rural Water District indicated they would discuss this issue at their May Board meeting. The rezoning request should not be placed on the Board of County Commissioner's agenda for consideration until the determination on the availability of water has been made.

One neighbor commented that they did not want to be responsible for improvements to the minimum maintenance road which they use to access their property, if that designation is removed. The County Engineer explained that when a minimum maintenance road is change to full maintenance, the party requesting the change is responsible for the improvements. No requests have been made at this point to revise the minimum maintenance designation or to extend E 1300 Road to the south.

The proposed use and the proposed site layout are compatible with the rural character of the area.

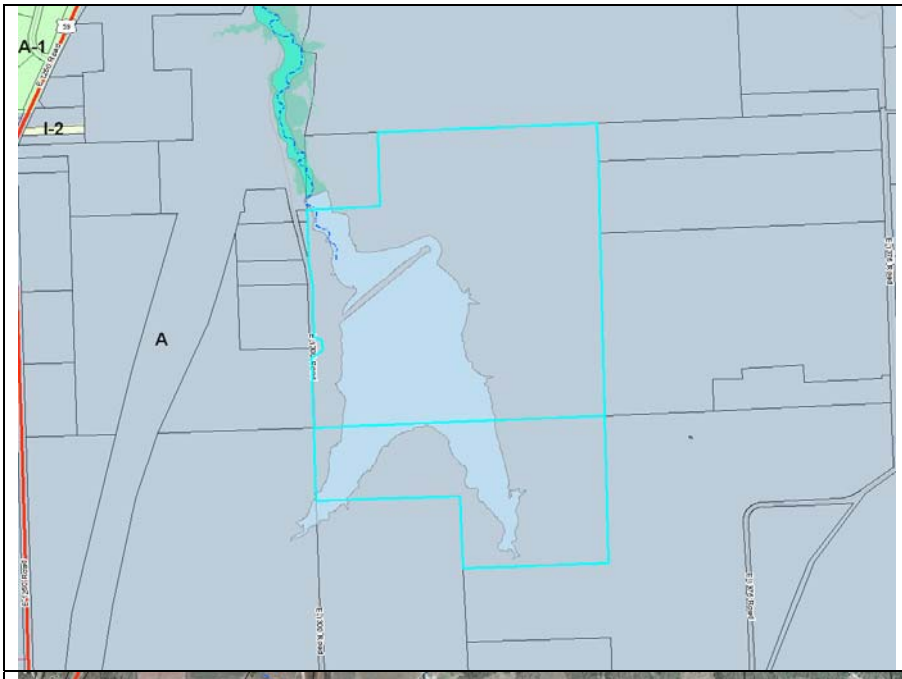


Figure 1a. Zoning of Area.

A (dark blue) Agricultural District

A-1 (green) Suburban Home District

I-2 (tan) Light-Industrial District

F-W (turquoise) Floodway Overlay District.

F-F (Light green or blue) Floodway Fringe Overlay District.

(Subject property outlined in bright blue.)

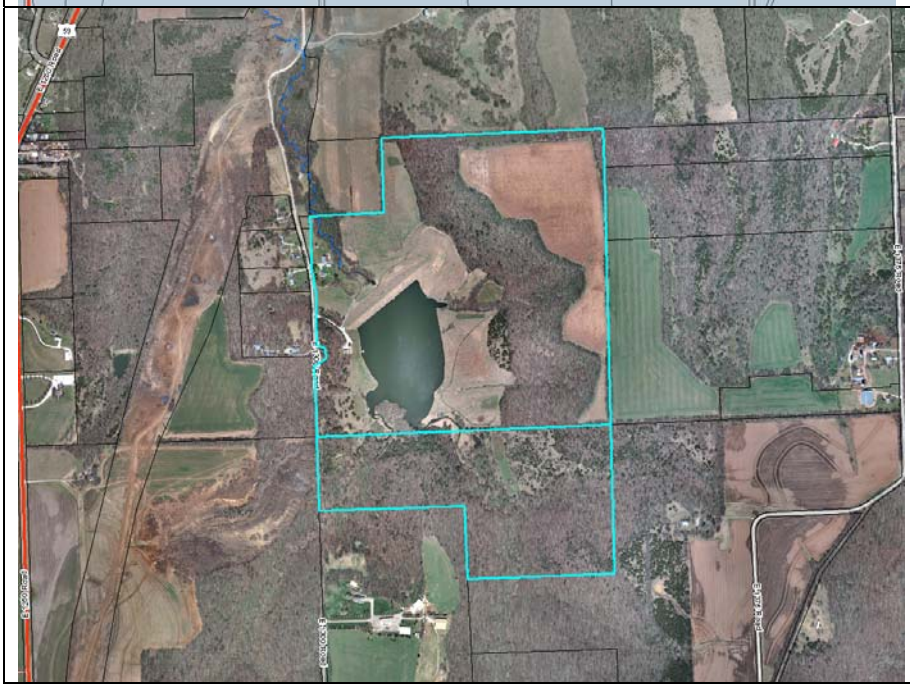


Figure 1b. Land use in area.

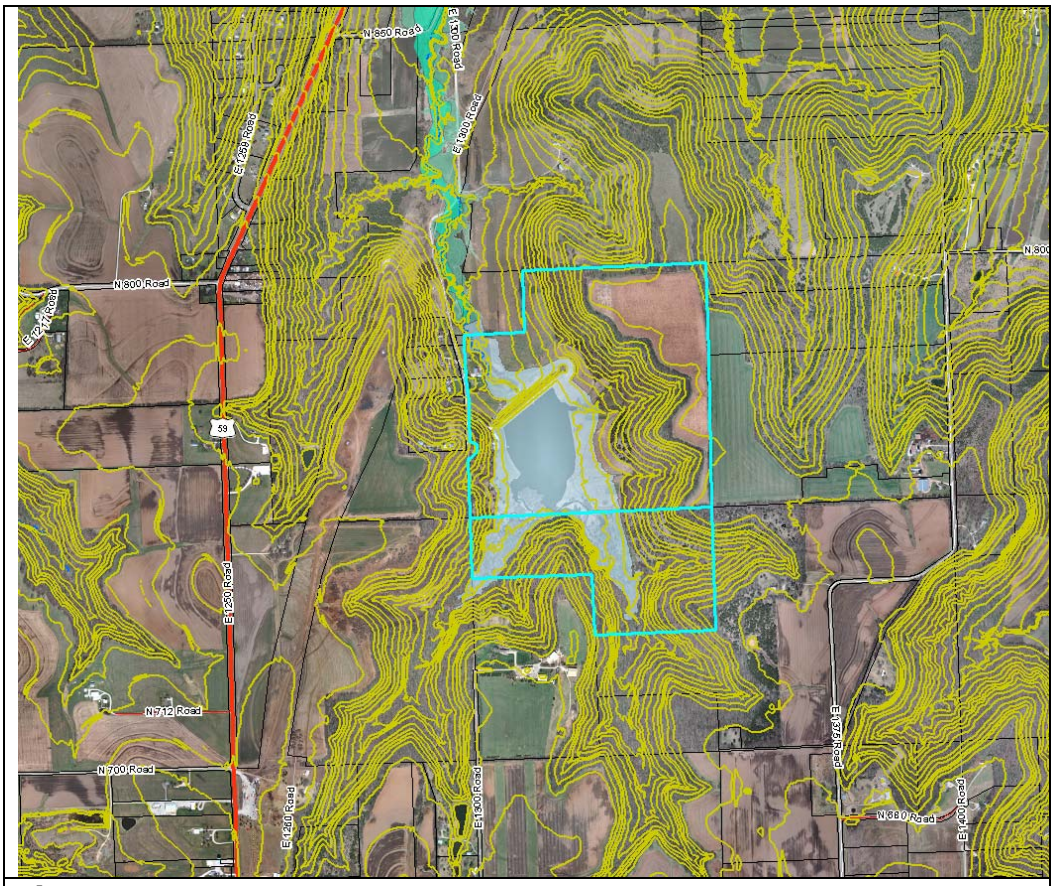


Figure 2. Topography of the area.

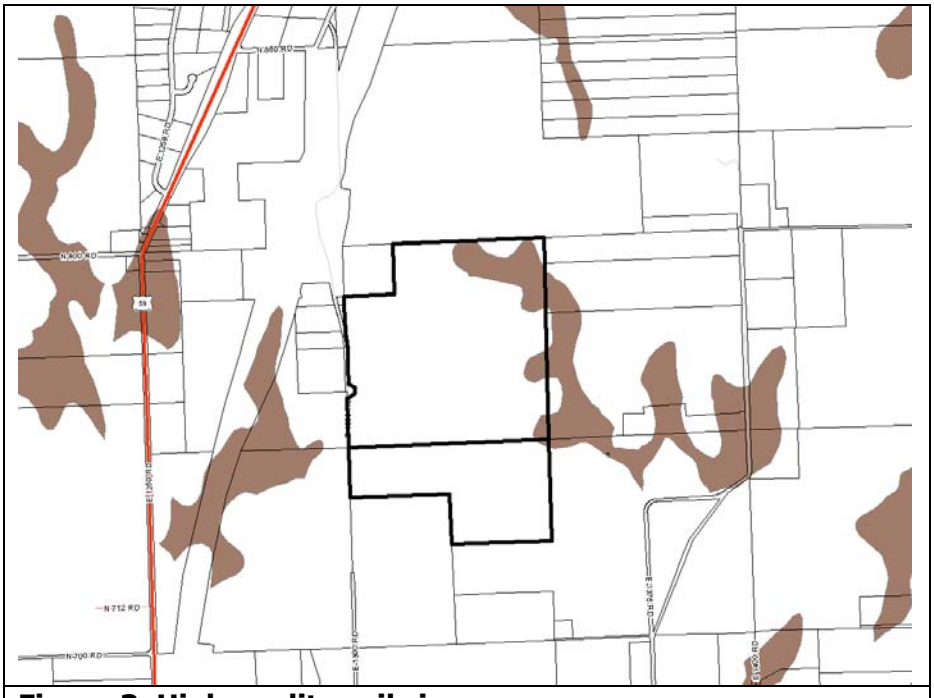


Figure 3. High quality soils in area.

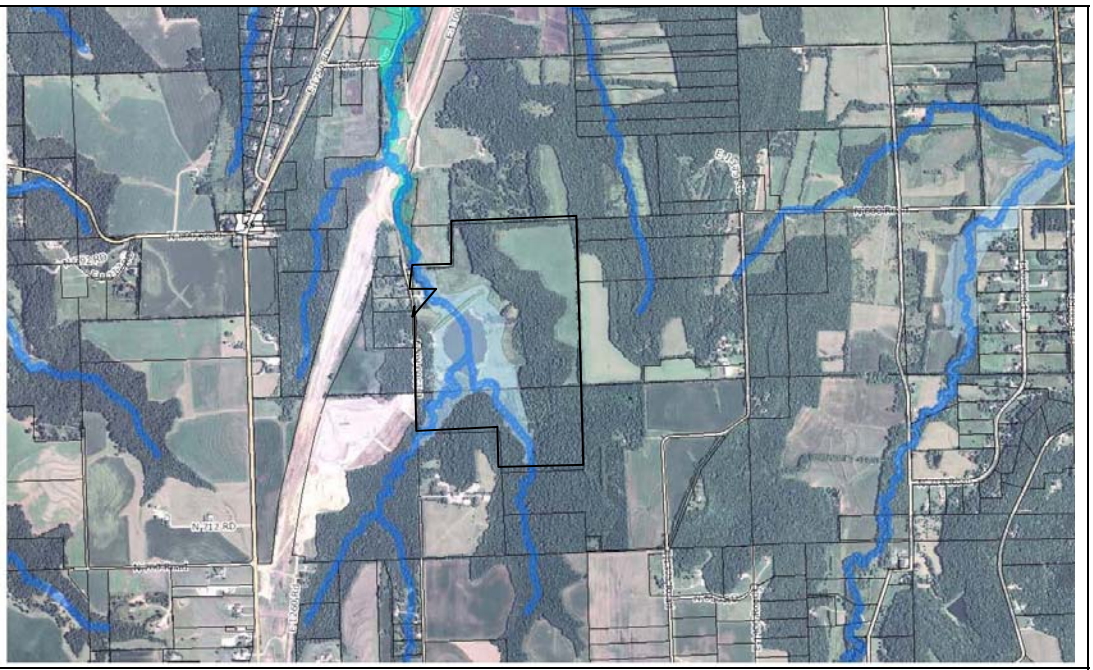


Figure 4. Environmentally sensitive lands taken from the Environmental Baseline Map. The property contains regulatory floodway fringe, stream corridor and stands of mature trees. The map shows the contiguous woodlands in the area.



Figure 5. Detail of west side buffer area. Red dot marks proposed location of maintenance shed.



Figure 6. E 1300 Road accessing the facility.

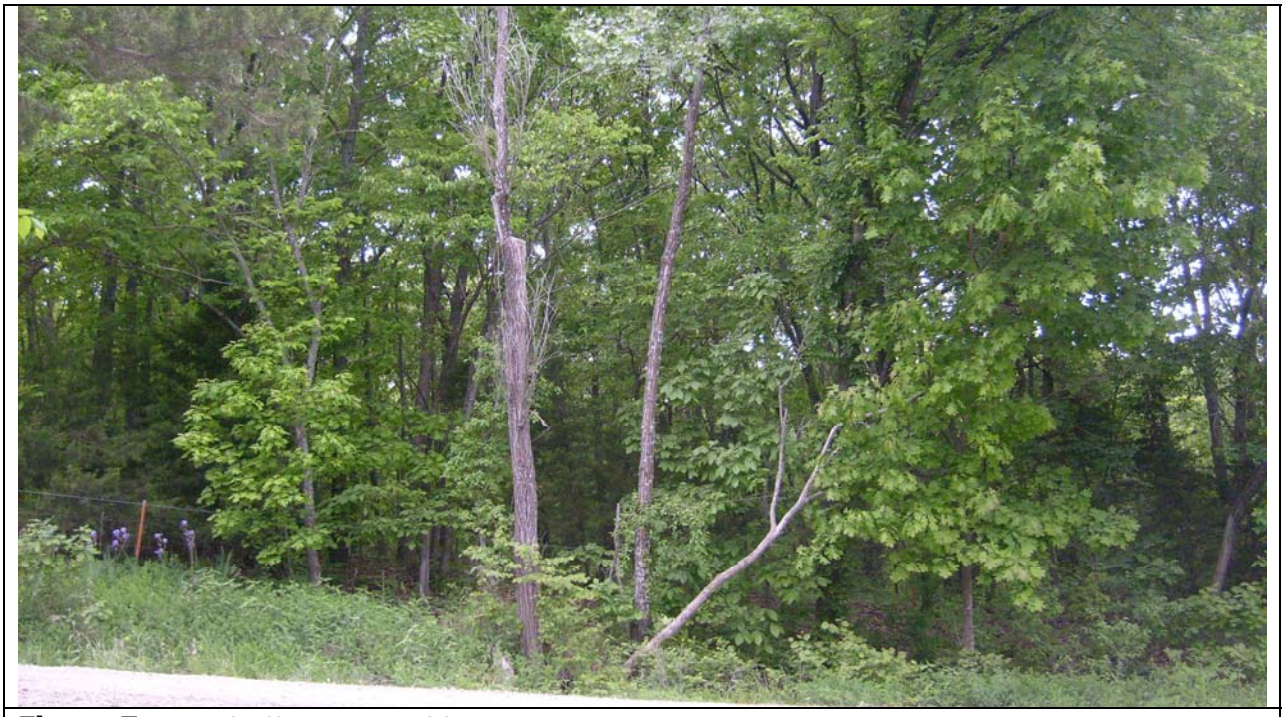


Figure 7. West buffer area at driveway.



Figure 8. West buffer area behind existing cabin, showing the change in elevation.



Figure 9. View of property from existing cabin.







Figure 10 Views of the subject property.

12-309-2.13. Accessory buildings and uses.

12-309-2.14. A retail fireworks stand only as authorized by permit issued and operated pursuant to applicable resolutions of the Board of County Commissioners.

12-309-3. PARKING REGULATIONS
The parking regulations for permitted uses are contained in section 12-316 of this Resolution.

12-309-4. OFF-STREET LOADING REGULATIONS
The off-street loading regulations for permitted uses are contained in section 12-317.

12-309-5. HEIGHT AND AREA REGULATIONS
Height and area requirements shall be as set forth in the chart of section 12-318.

12-309-6. Supplementary use regulations are contained in section 12-319.

12-309-7. Supplementary height and area regulations are contained in section 12-321.

Section 309A "B-3" LIMITED BUSINESS DISTRICT REGULATIONS

12-309A-1.
The regulations set forth in this section, or set forth elsewhere in this Resolution, when referred to in this section are the regulations in the "B-3", Limited Business District. This district is designed to permit and encourage the grouping, in areas defined by comprehensive plans, of certain retail activities and services intended primarily to serve, and dependent upon, the motoring public.

12-309A-2. USE REGULATIONS
A building or premises shall be used only for the following purposes:

12-309A-2.01. Automobile Service Stations, excluding bodywork, painting or major engine repair.

12-309A-2.02. Antique Sales.

12-309A-2.03. Art Supplies.

12-309A-2.04. Bicycle Sales, Rental, or Repair.

12-309A-2.05. Boat and Equipment Sales and Repair.

12-309A-2.06. Boat Storage, open or enclosed.

12-309A-2.07. Camera or Photographic Supply Sales.

12-309A-2.08. Drug Store.

12-309A-2.09. Equestrian Equipment Sales.

12-309A-2.10. Fishing and Camping Equipment and Supplies.
12-309A-2.11. Florist Shop, Greenhouse, and Garden Supplies.

12-309A-2.12. Gift, Novelty, and Souvenir Sales.

12-309A-2.13. Grocery Store.

12-309A-2.14. Hardware, excluding lumber and industrial hardware.

12-309A-2.15. Restaurant, not providing service in automobiles.

12-309A-2.16. Accessory buildings and uses to include accessory residential uses.

12-309A-2.17. Open storage must meet the minimum front, side, and rear yard requirements, and be screened by a view reducing wall, fence, or landscaping material from adjacent public roads or residentially zoned property.

12-309A-2.18. Motels and motor hotels.

12-309A-2.19. Overnight camper trailer grounds.

12-309A-3. PARKING REGULATIONS

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

12-309A-4. OFF-STREET LOADING REGULATIONS

The off-street loading regulations for permitted uses are contained in section 12-317 of this Resolution.

12-309A-5. HEIGHT AND AREA REGULATIONS

Height and area regulations shall be set forth in the chart of section 12-318.

12-309A-6. Supplementary use regulations are contained in section 12-319.

12-309A-7. Supplementary height, area, and bulk requirements are contained in section 12-321.

12-309A-8. SIGN REGULATIONS

12-309A-8-01. Only one non-flashing unanimated area marker designating or identifying a commercial development area is permitted. The area marker shall not exceed four feet in height from the ground and shall be limited to 15 sq. ft. in area. It shall be located a minimum of ten feet from a road right-of-way unless along a Federal or State Highway for which it will then comply with the conditions set forth by the Kansas Department of Transportation, but in no case shall it be less than the conditions set forth herein.

12-309A-8.02 Each business may have one non-flashing unanimated sign attached flat to the face of the building. The sign shall not exceed 30 sq. ft.

Section 309B 'R-T' RURAL-TOURISM BUSINESS DISTRICT REGULATIONS

12-309B-1. The regulations set forth in this section, or elsewhere in these Regulations, when referred to in this section, are the regulations in the 'R-T' Rural-Tourism Business District. This district is designed to provide a suitable zoning exclusively for uses associated with Rural-Tourism, such as recreation and conference uses. These uses are typically more intense and larger in scale than similar uses that may be permitted by right or with a Conditional Use Permit in the Agricultural Zoning District.

12-309B-2. DEFINITION OF RURAL-TOURISM

Rural-Tourism showcases the rural life and heritage at rural locations. Rural-Tourism can take many forms including: nature; adventure; historical; cultural; agricultural; and, ecological (eco-) tourism. Rural-Tourism is typically experience-oriented; is located predominantly in a natural environment in areas of low population; and, contributes to the preservation of the character of the area.

12-309B-3. CRITERIA THAT APPLY TO RURAL-TOURISM USES

12-309B-3.01 Rural-Tourism uses may exist alone, may be several uses combined and may include accessory uses. For instance, a corporate retreat may have meeting rooms, recreational facilities and a restaurant. Uses that are associated with the Rural-Tourism use but do not constitute a Rural-Tourism use themselves, are permitted as accessory uses and may be located (operate) on the site only when the Rural-Tourism use is present and active.

12-309B-3.02 The following site design criteria apply to Rural-Tourism uses:

a. Rural-Tourism uses shall integrate with and maintain or enhance the rural character of the area;

b. Facilities shall be designed to preserve natural resources and integrate with the rural environment through appropriate land use, site design, buffering, or other methods; and

c. A site-specific site plan shall be submitted with rezoning applications to demonstrate that the site design criteria noted above have been met. The following items are required on all site plans for Rural-Tourism areas:

1) A minimum 200 ft buffer area provided around the perimeter of the site; and,

2) Uses permitted within this buffer area shall be limited to agriculture or other low-impact uses. These uses shall be noted on the site plan along with the party or entity responsible for maintenance of the buffer area.

12-309B-4 USE REGULATIONS

The only uses permitted in the R-T District are uses that have been determined to constitute Rural-Tourism Uses as defined in Section 12-309B-2 and their accessory uses.

The site plans submitted for the project, including the concept plan submitted with the rezoning request, must identify clearly uses that are Accessory uses and those uses that constitute the 'Rural-Tourism' as defined in Section 12-309B-2.

Accessory uses may occur on the property only when the 'Rural-Tourism' use is active.

The following list has been divided into two categories: those that are typically considered 'Rural-Tourism'; and, those that are typically considered 'Accessory uses'.

Typical Rural-Tourism uses:

12-309B-4.01 Primary outdoor recreation, including parks, areas for picnicking, camping in tents, bike paths, hiking trails and other similar uses.

12-309B-4.02 Open air theatre (excluding drive-ins).

12-309B-4.03 Reception hall, conference center, or other places of social assembly.

12-309B-4.04 Lodging that includes hotels, motels, bed and breakfasts, or campgrounds.

12-309B-4.05 Libraries, cultural center, exhibit hall, museums, art galleries and other similar uses.

12-309B-4.06 Agricultural uses.

Typical Rural-Tourism Accessory uses**:**

12-309B-4.07 Secondary outdoor recreational uses such as playgrounds, swimming pools, skating rinks, and other similar uses.

12-309B-4.08 Personal service uses including barber shops, beauty parlors, spas, photographic or artists' studios, and other personal service uses of a similar character.

12-309B-4.09 Restaurants, (excluding drive-in or drive-thru restaurants), and taverns.

12-309B-4.10 Retail stores, but there shall be no slaughtering of animals or poultry on the premises of any retail store. Retail stores are limited individually to a maximum area of 10,000 sq ft.

12-309B-4.11 Amusement places, skating rinks, and dance halls; all in a completely enclosed building, auditorium or theater.

12-309B-4.12 Indoor sports or recreation, including bowling alleys, billiard parlors, swimming pools, physical fitness centers, and other similar uses.

12-309B-4.13 Commercial riding stable.

12-309B-4.14 Commercial greenhouse.

12-309B-4.15 Residential dwellings when associated with the tourism use as caretaker, manager, or as part of a living museum.

12-309B-4.16 Religious institutions such as a convent, church, temple or mosque.

12-309B-4.17 Community buildings.

12-309B-4.18 Child care center

12-309B-4.19 Animal hospital or clinic when accessory to a tourism use; provided that such hospital or clinic and any treatment rooms, cages, pens or kennels be maintained within a completely enclosed building with soundproof walls and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls and located on a sewer (have it's own sewage management system). Accessory buildings and uses.

12-309B-4.20 Outdoor advertising signage, with the requirement than any outdoor advertising structure or sign in excess of 100 square feet in area shall be attached flat against a wall or building. See Section 12-306-2.18 for requirements pertaining to the height and location of signage.

12-309B-4.21 Temporary signs pertaining to the lease, hire, or sale of a building or premises on which such sign is located.

12-309B-4.22 Utility installations for sewer, water, gas, electric and telephone mains and incidental appurtenances.

12-309B-4.23 Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations and passenger stations.

12-309B-4.24 Temporary buildings, the uses of that are incidental to construction operations and that shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner.

12-309B-5. PARKING REGULATIONS

The parking regulations for permitted uses are contained in Section 12-316.

12-309B-6. OFF-STREET LOADING REGULATIONS

The off-street loading regulations for permitted uses are contained in Section 12-317.

12-309B-7. HEIGHT, AREA AND BULK REGULATIONS

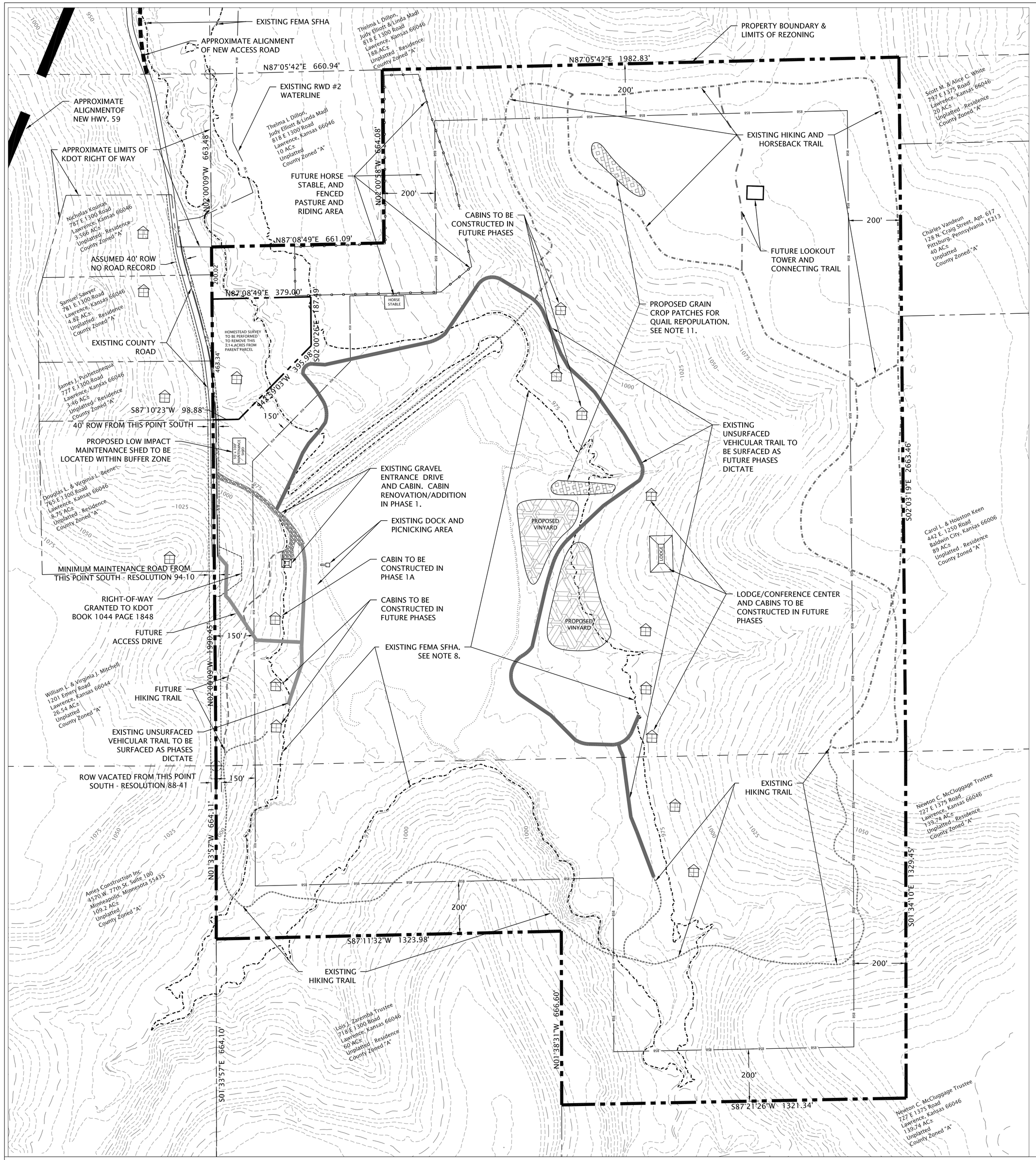
Height and area regulations shall be as set forth in the chart of Section 12-318.

12-309B-8. SUPPLEMENTARY USE REGULATIONS

Supplementary use regulations are contained in Section 12-319.

12-309B-9. SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS

Supplementary height, area and bulk regulations are contained in Section 12-321.



LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHWEST AND SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 14 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, ALL IN DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 12; THENCE SOUTH 02°00'09" EAST ALONG THE WEST LINE OF SAID SECTION, 663.48 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 02°00'09" EAST ALONG SAID WEST LINE, 1990.45 FEET; THENCE SOUTH 01°33'57" EAST, 664.11 FEET; THENCE NORTH 87°11'32" EAST, 1323.98 FEET; THENCE SOUTH 01°38'31" EAST, 666.60 FEET; THENCE NORTH 87°21'26" EAST, 1321.34 FEET; THENCE NORTH 01°34'10" WEST, 1329.45; THENCE NORTH 02°03'19" WEST, 2663.46 TO A POINT ON THE NORTH LINE OF SAID SECTION; THENCE SOUTH 87°05'42" WEST, 1982.83 FEET; THENCE SOUTH 02°00'58" EAST, 664.08 FEET; THENCE SOUTH 87°08'49" WEST, 661.09 FEET TO THE POINT OF BEGINNING, LESS

A TRACT OF LAND COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 12; THENCE SOUTH 02°00'09" EAST ALONG THE WEST LINE OF SAID SECTION, 663.48 FEET; THENCE CONTINUING SOUTH 02°00'09" EAST ALONG THE WEST LINE OF SAID SECTION, 200.02 FEET TO THE POINT OF BEGINNING; THENCE NORTH 87°08'49" EAST, 379.00 FEET; THENCE SOUTH 02°00'26" EAST, 187.49 FEET; THENCE SOUTH 45°59'03" WEST, 395.98 FEET; THENCE SOUTH 87°10'23" WEST, 98.88 FEET TO A POINT ON THE WEST LINE OF SAID SECTION; THENCE NORTH 02°00'09" WEST ALONG THE WEST LINE OF SAID SECTION, 463.34 FEET TO THE POINT OF BEGINNING, LESS ROAD RIGHT OF WAY. THE TRACT CONTAINS 208.67 ACRES LESS ROAD RIGHT-OF-WAY.

GENERAL NOTES

OWNER: Sadies Lake LC
P.O. Box 1797
Lawrence, Kansas 66044

1. Engineer: Grob Engineering Services, LLC
   3210 Mesa Way, Suite A
   Lawrence, Kansas 66049
2. Surveyor: All Points Surveying, LLP
   P.O. Box 4444
   Lawrence, KS 66045
3. Aerial and topographic information obtained from aerial survey performed by Sanborn Mapping for the City of Lawrence and Douglas County 2006 and 2009. Specific topographic and boundary information for property & directly adjacent obtained from field survey provided by All Points Surveying, March 2011. Basis for bearings for this plan is State Plane Coordinate - North Zone.
4. Current Zoning: "A"
5. Existing Land Use: Residence and Accessory Cabin
6. Proposed Zoning: "RT"
7. Proposed Land Use: Rural Tourism
8. The property is in part located within a SPECIAL FLOOD HAZARD AREA (SFHA) SUBJECT TO INUNDATION BY THE 1% CHANCE FLOOD per FEMA Flood Insurance Rate Map (FIRM) Panel 282 of 460, Map Number 20045C0282D, Map Revised August 5, 2010. Per the map, "The 1% annual chance flood (100-year flood), also known as base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year.The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard Area include A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% chance flood." The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. The SFHA for the property is defined as "Zone A - No Base Flood Elevations determined".
9. No public improvements are required for the property as part of the rezoning.
10. An Easement is held by Wakarusa Watershed Joint District No. 35 for the reservoir for the purpose of floodwater retarding. The easement is 42.1 acres adjacent to and including the reservoir to mean seal level elevation 971.1.
11. Additional crop patches or manufactured habitat for deer, turkey and quail may be constructed along the edge of the timberline.
12. For aerial view of site see Sheet 2 of 2.

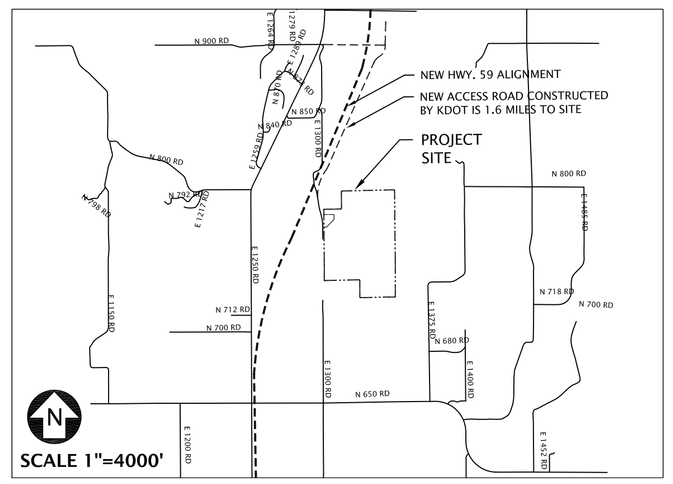
DEVELOPMENT SUMMARY

ORIGINAL PROPERTY BOUNDARIES	
PLATE/RECORD ID900137/900138A	211.81 AC
PARCEL TO BE REMOVED BY HOMESTEAD SURVEY	3.14 AC
REZONING REQUEST	
ORIGINAL BOUNDARY LESS PARCEL TO BE REMOVED BY HOMESTEAD SURVEY	208.67 AC

VARIANCE REQUEST

1. The Owner requests a variance for a reduction of the buffer along the west boundary of the project. The request is for a reduction from 200' to 150'. The owner believes the existing trees, the 30' elevation drop, and that it is adjacent to the existing right-of-way, thus the reduced buffer zone with be meet the intent.

LOCATION MAP



THIS DOCUMENT IS FOR PLANNING PURPOSES ONLY - NOT FOR CONSTRUCTION

CONCEPTUAL SITE PLAN
SADIES LAKE ADDITION

GROB ENGINEERING SERVICES, LLC
3210 Mesa Way, Suite A * Lawrence, Kansas 66049
P.O. Box 502 * Lawrence, Kansas 66044
Phone 785 856-1900 * Fax 785 856-1901

THIS DRAWING IS COPYRIGHTED WORK BY GROB ENGINEERING SERVICES, LLC. THIS DRAWING MAY NOT BE PHOTOGRAPHED, TRACED, OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF GROB ENGINEERING SERVICES, LLC.

CONCEPTUAL SITE PLAN for
SADIES LAKE ADDITION
778 E 1300 ROAD
LAWRENCE, KANSAS

DESIGNED BY
JDG

CHECKED BY
JDG

ISSUE DATE
March 21, 2011

REVISIONS

SHEET
1
2



SCALE: 1" = 200' 0 200' 400'

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHWEST AND SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 14 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, ALL IN DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

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THIS DOCUMENT IS FOR PLANNING PURPOSES ONLY - NOT FOR CONSTRUCTION

CONCEPTUAL SITE PLAN
SADIES LAKE ADDITION

GES
GROB ENGINEERING SERVICES, LLC
3210 Mesa Way, Suite A * Lawrence, Kansas 66049
P.O. Box 302 * Lawrence, Kansas 66044
Phone 785 856-1900 * Fax 785 856-1901

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CONCEPTUAL SITE PLAN for
SADIES LAKE ADDITION
778 E 1300 ROAD
LAWRENCE, KANSAS

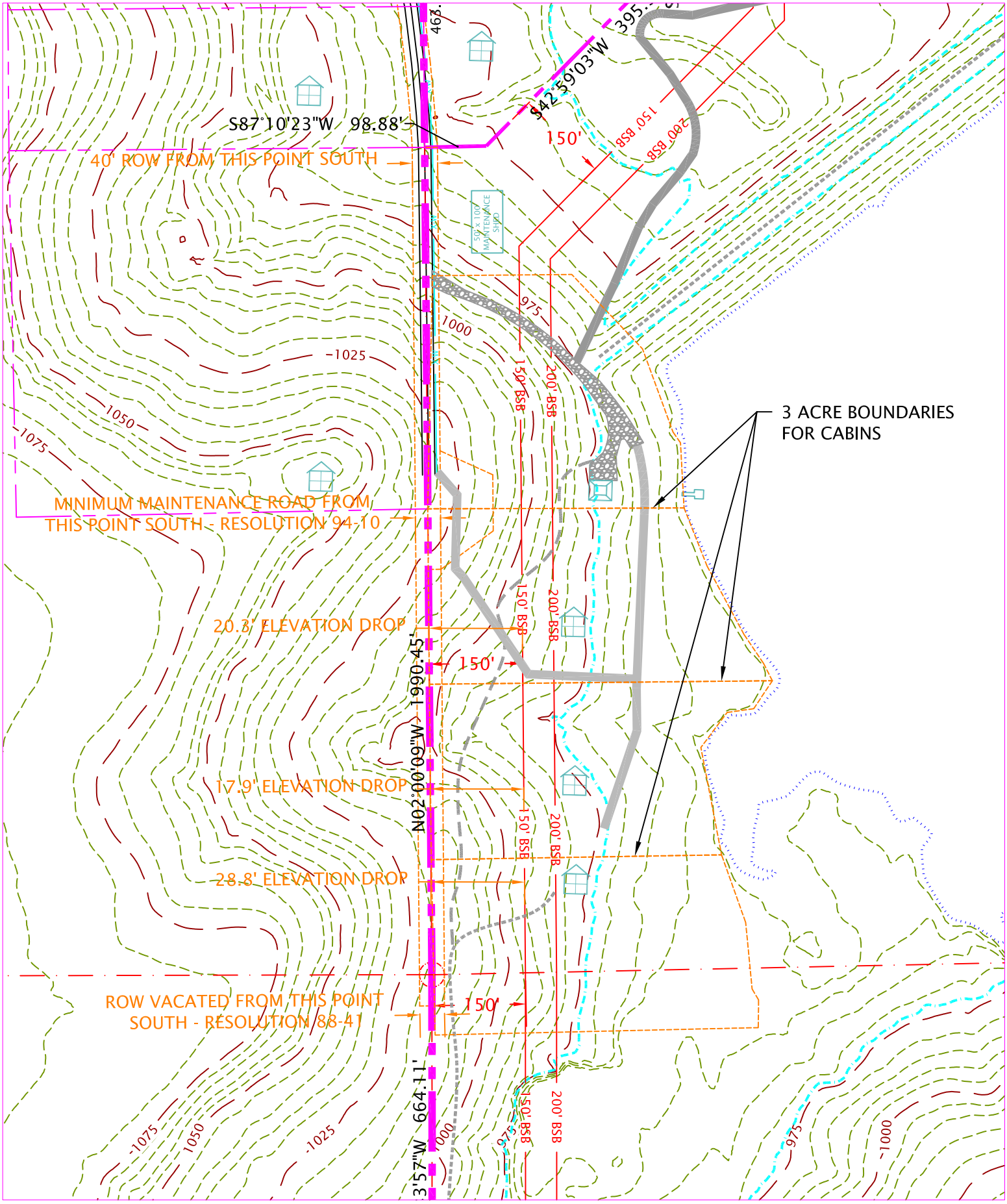
DESIGNED BY
JDG

CHECKED BY
JDG

ISSUE DATE
March 21, 2011

REVISIONS

SHEET
2
2



N

SCALE: 1" = 200'

SADIES LAKE ADDITION
FIGURE 1

Traffic Assessment

Site Access

The site is accessed by Douglas County Permanent Road #630 or E 1300 Road. E 1300 Road takes access from N 900 Road which takes direct access from the existing US Highway 59. The distance to the site entrance from the access to Highway 59 is 1.9 miles. The northern most 1.6 miles of county road has been reconstructed as part of the new Highway 59 realignment/reconstruction. The south most 0.3 miles of access is a County "Full Maintenance" road. The attached illustration has been taken from the KDOT alignment figures prepared by Bartlett & West Engineers and Burns & McDonnell Engineers with callouts added by Grob Engineering to show the access route and proposed site.

Traffic Impact

While the proposed Site Plan is only conceptual, an assessment has been made to evaluate the impact on traffic for the project site. For the basis of this evaluation a trip constitutes a round trip (one entering and one leaving).

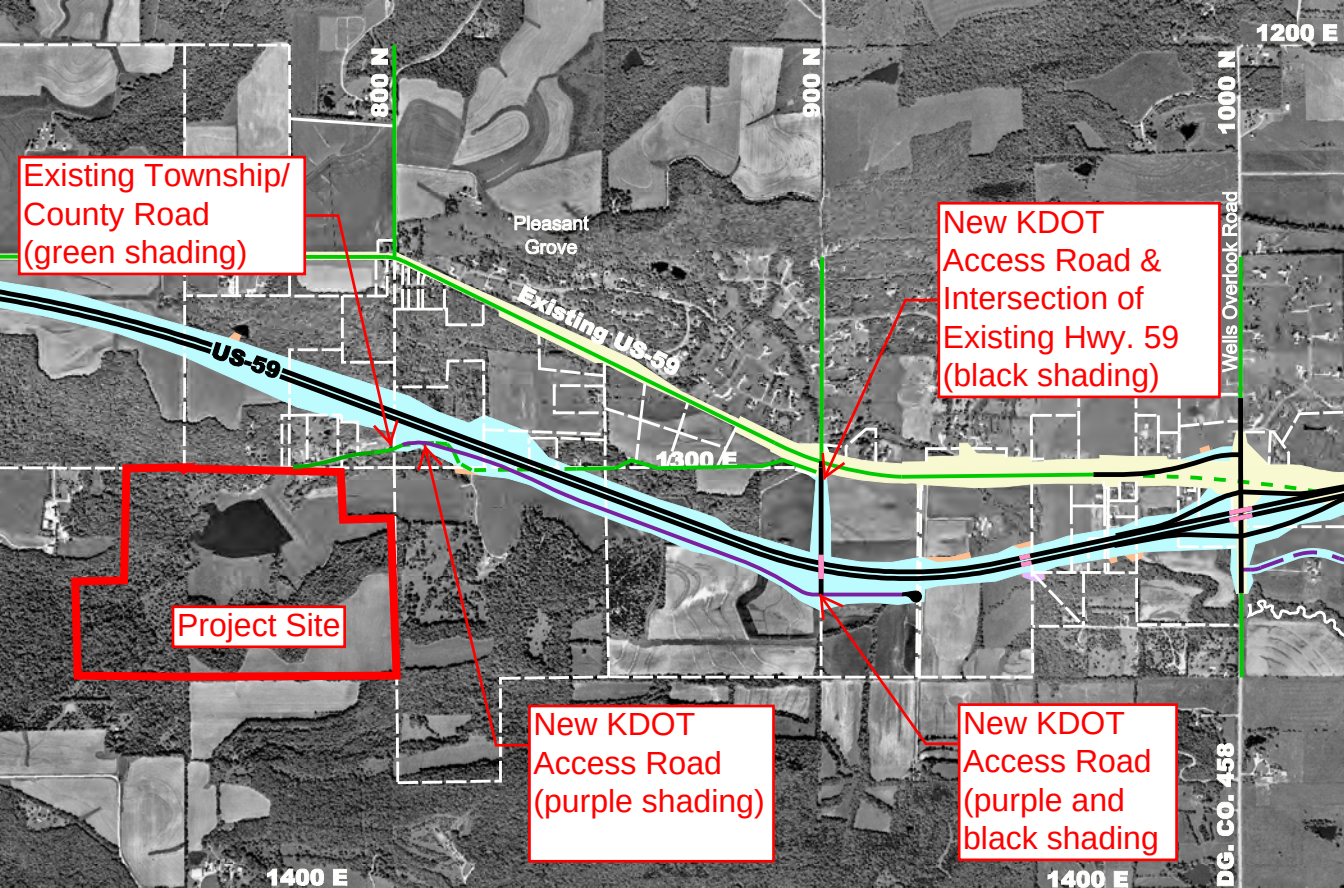
Cabins

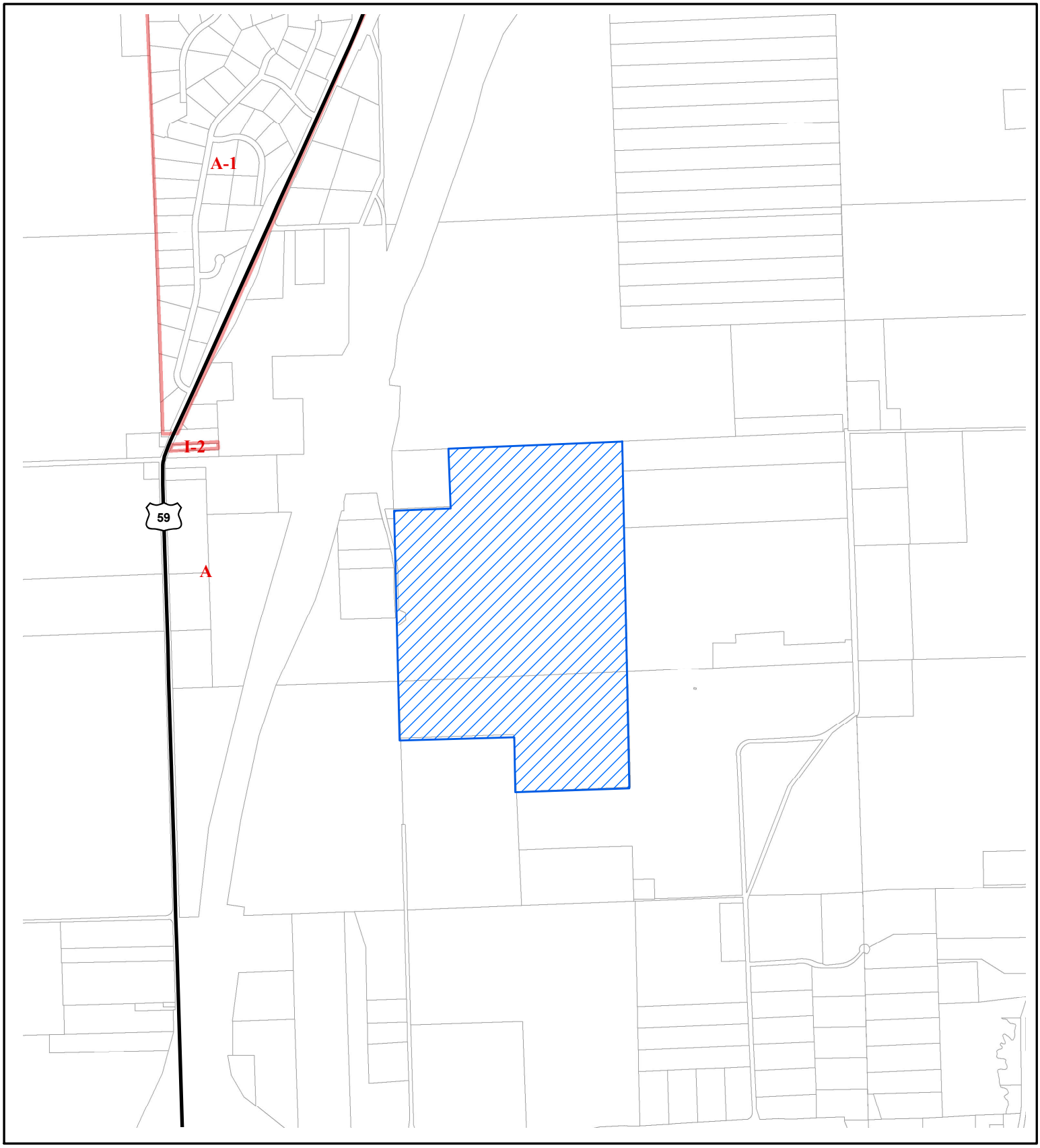
The estimated traffic generated by the cabins is based upon the "Recreational Homes" land use code #260, found in the 8th Edition of ITE Trip Generation. The peak daily average rate is 3.16 trips per unit, or 6.32 total daily trips for the existing cabin and 1 additional cabin proposed in the initial phase of the project. 41 total daily trips could be expected if/when all 13 cabins are constructed in future phases. These rates are similar to what could be expected if the cabins were single family residences.

Lodge/Conference Center

No specific category was found in the 8th Edition of ITE Trip Generation for a "Recreational Lodge/Conference Center". One category that appeared similar was a "Recreational Community Center" land use code #495 which estimated daily trip generation of 22.88 trips total. While similar categories exist, each varied greatly and was difficult to compare to this project. The daily average traffic was also determined based on anticipated occupancy. The building as shown on the Conceptual Site Plan is about 12,000 square feet which would provide about 8,000 square feet of useable space. As a lodge for cabin resident's and guest, an anticipated occupancy of 4 people per cabin has been estimated. This provides a possible occupancy of 52 people. As a conference center for public uses, a similar occupancy could be estimated. Based on this occupancy, parking/vehicle generation has been assumed to be 1 per 400 square feet of building area. Based on 12,000 square feet, the parking requirements would be 30 parking stalls. If 1.5 to 2.0 trips per parking stall was assumed, the total trips generated per day would be 45 to 60 trips.

The initial phases of development will have little effect on the existing traffic. When fully developed, a peak daily average traffic count could range from about 25 trips to possibly 100 trips. This count would appear to be similar to what might be expected on most rural local roads. Because the existing road is a dead end, additional through traffic will not exist.


Existing Township/
County Road
(green shading)
800 N
900 N
1000 N
1200 E
Pleasant
Grove
Existing US-59
US-59
1300 E
Wells Overlook Road
New KDOT
Access Road &
Intersection of
Existing Hwy. 59
(black shading)
Project Site
New KDOT
Access Road
(purple shading)
New KDOT
Access Road
(purple and
black shading
1400 E
1400 E
DG. CO. 458



Z-03-09-11: Rezoning of 209 acres from A to R-T
778 E 1300 Road

Lawrence-Douglas County Planning Office
Mayl 2011

N
W E
S

Area Requested

Scale: 1 Inch = 1500 Feet

RECEIVED
MAY 17 2011
City County Planning Office
Lawrence, Kansas

TO: Planning Commission
FROM: Bill Mitchell, 1201 Emery Road, Lawrence, Kansas 66044
SUBJ: Sadies [sic] Lake rezoning (Z-3-9-11)
DATE: 14 May 2011

I (we) own the (erstwhile, pre-KDOT, 70a.) ag land west of Sadie's Lake - have owned it since before Sadie Henderson built the lake - and have reckoned ever since it was built that the land would not remain ag use forever. R-T zoning is new and open-ended enough that I (nor, probably, you) can't guess what might develop there but something will and I'm resigned to it. My resignation is not total, however; I have 3 concerns and hope you will help allay them:

First: The road between us (1300 E) is now minimum maintenance. I don't know how or at whose cost roads are brought out of minimum maintenance status but I'd like to be assured, as this rezoning goes through, that I will not have to cost-share with my commercial neighbor to the east should the road be developed in future.

Second: Please require the statutory 200' buffer (now shown as 150') on the west side of the rezoned property. It is strange to me that the developer wants a reduced buffer on the only side of his property where there is existing residential development and his justification for the variance seems flimsy: there are "existing trees and elevation drop" on the south and east borders as well as the west. Please deny the variance.

Third: Since the site plan accompanying the rezoning request is only "conceptual" (meaning that "cabins", "lodges", "stables", etc. may morph in who-knows-what) please require notification before any future changes of use.

Thank you (three times).

cc: Mary Miller, Planner

KAUFFMAN & EYE

Attorneys & Counselors at Law

The Dibble Building
123 SE 6th Avenue, Suite 200
Topeka, Kansas 66603
Telephone: 785-234-4040
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Kelly J. Kauffman, J.D. Robert V. Eye, J.D. Brett A. Jarmer, J.D.

May 23, 2011

Lawrence-Douglas County Metropolitan Planning Commission
City Hall
6 E. 6th St
Lawrence, Kansas 66044
Sent by fax to 785-832-3160

RE: Sadie's Lake Addition Rezoning request

Dear Commissioners:

We represent Mr. Newton McCluggage regarding the proposal to rezone the Sadie's Lake Addition from agricultural (A) to rural tourism (R-T). Mr. McCluggage was a recipient of the notice of the proposed rezoning from Mary Miller, City/County Planner, dated April 29, 2011. Please consider this correspondence as Mr. McCluggage's objection to the subject proposed rezoning request.

Mr. McCluggage lives at 727 E. 1375 Rd., immediately south of the Sadie's Lake Addition. He values the rural character of the area and is concerned that it will be threatened by the proposed development described in the application for rezoning.

Based on the application for rezoning, the property is proposed to be a recreational use with thirteen cabins and a retreat/conference center. However, the application does not specify the dimensions or other details of the proposed cabins. Nor does the application describe the dimensions or other details of the proposed retreat/conference center. Mr. McCluggage is concerned that the number of cabins may increase in the future. Further, the unspecified dimensions of the retreat/conference center give rise to concerns that the facility will be too large to remain contextual with the surrounding rural character.

We understand that presently the property is frequently used, with permission of the owner, for hunting. The Applicant states that the character of the property (sloping terrain, woods and watershed lake) provides a natural spatial buffer to the adjoining

properties.[1] Notwithstanding this natural buffer, Mr. McCluggage frequently hears gunfire that originates from the Sadie's Lake Addition. And because the property is presently used for hunting, Mr. McCluggage is concerned that it will increase as more visitors utilize the proposed cabins and retreat/conference center. The current hunting raises safety concerns and if hunting increases, as more patrons utilize the property for such activities, so too will the potential for stray rounds to find their way to Mr. McCluggage's property and other adjacent properties.

Throughout the subject application, there is repeated reference to the site characteristics mentioned above. However, the application seems to presume that the natural buffer is equally functional for all adjoining properties. Given the irregular topography of the area and varying depth of woods it is unlikely that all adjoining properties would have varying spatial barriers.

Presumably, the Applicant advances this proposal on the premise of "if we build it, they will come". Based on that premise, increased patronage of the proposed recreational area would cause additional automobile traffic. The attendant effects of increased traffic would undermine the rural character of the area that is presently valued for its relative peace and quiet.

Horizon 2020 includes Goal 2 that seeks to conserve the rural character of Douglas County. It states:

> The pattern of rural residential development should be to cluster residences to minimize impacts on the rural character of Douglas County and to protect existing agricultural and natural uses in those areas beyond the UGA of Lawrence, and the other incorporated cities of Eudora, Baldwin City and Lecompton.[2]

The proposed development conflicts with Goal 2.

The application does not describe whether or how its proposal comports with the intent to "cluster residences to minimize impacts on the rural character" of the adjacent properties. Presumably, Applicant considers the "natural spatial barriers" sufficient to absorb the effects of increased development. As noted above, the spatial barriers are problematic given the site's characteristics. Additionally, irrespective of the efficacy of the "natural spatial barriers" such will do nothing to offset the detrimental effects of increased traffic on rural characteristics. Further, the Applicant does not address whether developing the sloping topography will cause soil erosion, altered drainage patterns or other physical/environmental impacts that could conflict with preservation of the rural character of the area.

Horizon 2020 addresses the Applicant's proposed uses:

> Conference, recreational, or tourism uses located in the Rural Area, and which include some significant level of urban development, shall satisfy the criteria listed in Chapter Four. Such uses shall also include a mandatory minimum 200' natural buffer area or other appropriate distance as determined by the Board of County Commissioners. Proposed conference, recreational, or tourism facilities

[1] Application, Sheet A, nos. 2 & 3.
[2] *Horizon 2020*, p. 4-9.

> shall include a site specific site plan with rezoning applications to demonstrate that the criteria listed in Chapter 4, and the 200' buffer area, have been met.[3]

The Chapter 4 rural area development criteria state in pertinent part:

> The Rural Area is the land that lies outside the designated Urban Growth Areas of the incorporated cities. Lands in the Rural Area are not planned to develop or to support urban densities of development during the planning period. Rural development shall be subject to the overall policies, recommendations and standards of the Comprehensive Plan. There are a few locations, however, in the Rural Area which may be expected to receive some significant level of urban development consistent with the Plan, these include commercial areas to serve county residents and, potentially, to provide (i) conference and recreation facilities at Clinton Lake, and (ii) conference, recreation, or tourism facilities that benefit from or integrate with the rural setting, at such other locations that substantially satisfy the following criteria: (a) direct access to an improved arterial roadway; (b) public water supply available; (c) separated from existing conference, recreation, or tourism facilities by at least 3 miles or other appropriate distance as determined by the Board of County Commissioners; and (d) designed to preserve and/or integrate natural resources and the rural environment through appropriate land use, site design, buffering, or other methods. Otherwise, urban uses are not planned within the Rural Area.

Applicant does not address the applicability of all Chapter 4 criteria.[4] In particular, there is no discussion of criterion (d) that anticipates a specific showing of how the proposed design will "preserve and/or integrate natural resources and the rural environment through appropriate land use, site design, buffering, or other methods." However, because the proposed uses include a conference center and recreational tourism, the application is required to include a site plan designating the minimum 200 foot natural buffer.

As proposed, the Applicant seeks a reduction of the 200 foot barrier to a150 foot barrier. There appears to be no justification of this proposed compromise of the 200 foot barrier requirement except to accommodate the Applicant's building plans. The underlying purpose of the 200 foot barrier is to provide adequate spatial separation between rural development and existing uses. Mr. McCluggage is opposed to any reduction of the required 200 foot spatial barrier.

As the Commission is aware, in the context of rezoning decisions, *Golden v. City of Overland Park*, 224 Kan. 591 (1978), directs that the following be considered: (1) the character of the area; (2) zoning and uses of properties in the area; (3) whether present zoning restrictions for Sadie's Lake addition are suitable; (4) the detrimental effects of the proposed uses on

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[3] Id. at p. 6-23.

[4] As for criterion (a) the application notes the proximity to Highway 59 (Sheet A, No. 3); regarding criterion (b), access to public water, the application states that rural water will be utilized (Utility Companies and Other Review Agencies). Proximity to facilities with similar uses, criterion (c), is not addressed.

adjacent properties; (5) duration of vacancy of the subject property; and (6) a balancing of interests of the benefits of the proposed uses compared to any losses caused thereby.[5] Moreover, the Court recognized that the instant rezoning decision should be considered in the context of the expectations of *Horizon 2020*.[6] As discussed above, the proposed rezoning conflicts with *Horizon 2020*. Based on the *Golden* criteria, as discussed in relation to *Horizon 2020*, the proposed rezoning should be rejected.

Based on the totality of the circumstances, Mr. McCluggage respectfully requests that the Sadie's Lake Addition rezoning application be denied.

Yours truly,

Robert V. Eye

cc: Newton McCluggage

[5] *Golden v. City of Overland Park*, 224 Kan. at 598. This list is not intended to be exhaustive. *Id.* The requirements of K.S.A. 12-741, et seq. also apply to this proposed rezoning.
[6] *Id.*

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
April 25, 2011

ITEM NO. 6: COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020; UPDATE OF CHAPTER 11 (LBZ)

Consider update to Chapter 11 – Historic Resources. *Initiated by Planning Commission on 4/26/10*

STAFF R ECOMMENDATION: Staff recommends approval of this comprehensive plan amendment to Horizon 2020, Chapter 11 (Historic Resources), for unincorporated Douglas County and the City of Lawrence and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

SUMMARY

CPA-4-4-10: An amendment to Horizon 2020 to update the Historic Resources Element (Chapter 11). This amendment was originally initiated by the Planning Commission at its April 27, 2005 regular meeting at the recommendation of the Comprehensive Plans Committee (CPC). The CPC reviewed this chapter as part of the annual update process to Horizon 2020, the comprehensive land use plan for the City of Lawrence and unincorporated Douglas County. The Update was re-initiated by the Planning Commission at its April 26, 2010 meeting to bring the format of the review up to date.

STAFF REVIEW

Attached is the proposed amendment to Horizon 2020 to update the Historic Resources Element (Chapter 11). This amendment was originally initiated by the Planning Commission at its April 27, 2005 regular meeting at the recommendation of the Comprehensive Plans Committee (CPC) in 2005. The CPC reviewed this chapter as part of the annual update process to Horizon 2020, the comprehensive land use plan for the City of Lawrence and unincorporated Douglas County. The Update was re-initiated by the Planning Commission at its April 26, 2010 meeting to bring the format of the chapter up to date. Following is an abbreviated outline of the process for this chapter update.

- **February 2001** - City of Lawrence received a Historic Preservation Fund Grant (HPF 20-01-16416-002) to prepare a Historic Preservation Plan for the City of Lawrence and the unincorporated areas of Douglas County.
- **Summer 2002** - City of Lawrence hired a consultant and held public participation workshops to identify goals and objectives for a comprehensive preservation plan.
- **April 2003** - draft Preservation Plan Element was distributed for public comment.
- **October 2003** - Historic Resources Commission Public Hearing
- **November 2003** – Historic Resources Commission Study Session
- **May 20, 2004** – Historic Resources Commission Public Hearing The HRC voted to accept the document as presented and forward Horizon 2020 Preservation Plan Element to the Planning Commission, City Commission and County Commission for review and approval, if appropriate.
- **July 20, 2004** – City Commission receives the Preservation Plan Element and forwards it to the Planning Commission for review and action.

- **August 11, 2004 –** Planning Staff presents the Preservation Plan Element to the Planning Commission. Planning Commission sends the document to CPC for review.
- **May 2005 –** CPC completes review of Chapter 11 and directs staff to place it on the Planning Commission agenda.
- **May 25,2005-** Planning Commission Public Hearing 8-1 Vote with conditions
- **February 27, 2006** – Board of County Commissioners tabled the Chapter update until the subdivision regulations were adopted.
- **January 21, 2010 –** Historic Resources Commission Requests Staff bring Chapter 11 back for review and update.
- **February 18, 2010 –** Public hearing at HRC
- **March 25, 2010 –** Public hearing at HRC. HRC directs staff to include sustainability issues as a goal with specific objectives and implementation strategies.
- **June 17, 2010 –** Public hearing at HRC. Additional direction from HRC as to content of sustainability goals.
- **December 16, 2010 –** Public hearing at HRC. Direction to work with the Sustainability Advisory Board.
- **May 11, 2011-** Sustainability Advisory Board Meeting
- **May 19, 2011 – HRC Public Hearing**
- **May 23, 2011 – Planning Commission**

Changes to Chapter 11 and the Historic Preservation Plan Document since the HRC and Planning Commission reviewed the document in 2005 include the following:

1. The Chapter 11 and the Historic Preservation Plan Document have been reformatted to be current with the format of *Horizon 2020*.
2. The Historic Preservation Plan Element has been updated and reorganized to include changes in organization names and programming.
3. Goal Six has been added by the HRC and public input to include sustainable preservation goals, policies and implementation strategies.

Staff reviewed this amendment based upon the comprehensive plan amendment review criteria listed below.

COMPREHENSIVE PLAN AMENDMENT REVIEW

A. Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the plan was adopted?

The proposed amendment is a result of the changing circumstances that have occurred since the comprehensive plan was first written. At the time Horizon 2020 was written, there was a basic historic resources plan, Living With History: A Historic Preservation Plan for Lawrence, Kansas (1984, Dale Nimz). In 2004, the Horizon 2020 Historic Preservation Plan Element was adopted by the Historic Resources Commission (seven years after the City adopted Horizon 2020). However, the historic preservation plan cannot be adopted and fully implemented until the proposed amendment to Horizon 2020 takes place. The proposed amendment is derived from the executive summary of the Horizon 2020 Historic Preservation Plan Element and is intended to summarize the overall nature of that plan.

B. Does the proposed amendment advance a clear public purpose and is it consistent with the long-range goals and policies of the plan?

The proposed amendment is an advancement of a clear public purpose and is consistent with the long-range planning goals and policies of the community. Historic preservation is an important feature in any community. Often times it is used as an economic development tool to promote tourism or downtown/neighborhood revitalization or in a way that encourages community spirit, pride, and heritage. The proposed amendment helps further the goals and policies for historic preservation while staying consistent with the overall intent of Horizon 2020 and the goals and policies relating to economic development, parks and recreation, and the various other components of the comprehensive plan.

C. Is the proposed amendment a result of a clear change in public policy?

The proposed amendment to Horizon 2020 is a response to a change in public policy. As the City of Lawrence and unincorporated Douglas County continue to grow and expand, there is greater emphasis on the need to identify, preserve, and protect the community's significant historic resources. These efforts range from preserving downtown Lawrence and its surrounding neighborhoods to protecting remnant tallgrass prairie and pioneer wagon wheel ruts that still dot the rural landscape of the county. The advent of a stand alone historic preservation plan supports this shift in public policy from when Horizon 2020 was initially adopted in the late 1990s.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of this comprehensive plan amendment to Horizon 2020, Chapter 11 (Historic Resources), for unincorporated Douglas County and the City of Lawrence and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

Historic Resources

Executive Summary

The *Horizon 2020 Historic Preservation Plan Element* provides Lawrence and unincorporated Douglas County with both a broad-based and inclusive preservation model. Its goal is to create opportunities to preserve, enhance and develop, through preservation activities and programs, livable, vital, and sustainable neighborhoods, commercial centers, cultural landscapes, and rural communities. The plan broadly focuses on the city's and county's cultural resources, including its buildings, neighborhoods and streetscapes, historic sites, trails, battlefields, open spaces, and prehistoric and historic archaeological sites. These are the assets that provide a unique "sense of place" in the region.

This historic preservation plan element presents goals, policies, and implementation strategies that integrate historic preservation into the city's and the county's planning and land use policies and processes. By capitalizing on historic preservation's demonstrated strengths, reinforcing current programs, and initiating both short- and long-term new efforts, the city and the county can not only protect valuable resources, they can also coordinate the processes involved in this protection.

PRESERVATION PLAN GOALS

The City of Lawrence and Douglas County possess a unique legacy of built and natural resources that reflect its rich history. This legacy deserves to be protected and preserved. This plan capitalizes on the demonstrated success of historic preservation methodology as a tool for revitalization of older neighborhoods and commercial centers, the popularity of traditional urban environments, the fast-growing heritage and cultural tourism industry, and the strong public support for environmental stewardship and sustainability. It provides strategies that place preservation as an important component in the city and county's planning and development programs. Six goals compose the key elements of the plan.

- Incorporate Historic Preservation as an Important Component of the City and County Planning Processes.
- Conserve the Rural Character of Unincorporated Douglas County in Strategic Areas.
- Incorporate Preservation Incentives into the City and County's Economic Development Policies and Programs.

- Incorporate Heritage Tourism as an Economic Development Program.
- Establish Outreach and Educational Programs.
- Incorporate Historic Preservation into the City and County's sustainability Policies and Programs.

WHY A HISTORIC PRESERVATION PLAN?

Historic preservation offers two distinct benefits. The preservation of historic resources has its own intrinsic value in celebrating the city and the county's diverse cultural heritage, in honoring the craftsmanship of other eras, in instilling the values by which we live, and in understanding the relationships of the past, the present, and the future. Historic preservation also has proven practical value as a tool for economic development and environmental stewardship.

Economic Benefit

The most successful revitalization efforts in the country (cities, towns, or rural communities) utilize historic rehabilitation and preservation as the core of their revitalization strategies. Throughout the nation, there are successful models for preservation programs that demonstrate the positive economic impact that occurs when historic preservation is used as a tool for planned revitalization efforts in older neighborhoods and commercial centers.

Public policy that integrates historic preservation into the planning process and targets it to definable areas provides a level of stability that attracts both short- and long-term investment. Revitalized neighborhoods provide a stable population, a greater tax base, higher job retention, and less drain on city services.

Heritage Tourism Venues

Preserved neighborhoods and commercial centers attract visitors. Heritage tourism is big business. This plan provides initiatives that capitalize on existing historic resources and themes and presents approaches to developing new heritage tourism programs that promote local and regional synergy, allowing the city and county to capitalize on their historic resources. Lawrence and Douglas County can claim a role in the development of cultural, economic, and political forces of local, state, and national significance. Lawrence and Douglas County retain tangible ties to prehistoric and historic indigenous peoples, the era of European exploration and the fur trade, the Santa Fe commercial trade route, the establishment of the Indian Territory, the Oregon and California emigrant trails, the abolitionist movement, the Border War, the Civil War, the evolution

of regional livestock and agricultural industries and an acclaimed State university.

Environmental Stewardship and Sustainability

Historic preservation is an important component in environmental stewardship and sustainable development. The citizens of Lawrence and Douglas County increasingly support environmental conservation efforts. This growing awareness of how local conditions fit into larger environmental issues has led to the recognition of the importance of natural resources and of the embodied energy contained in the built environment. Historic preservation practices are tools for better stewardship of older buildings, neighborhoods, and rural landscapes. The conservation and improvement of our existing built resources, including the re-use and improvement of historic structures, is central to our community's overall plan for environmental stewardship and sustainable development.

The Federal, State, and Local Preservation Partnership

Many of the nation's preservation programs are part of a partnership between federal, state, and local government. The National Historic Preservation Act of 1966 created the framework for the National Register of Historic Places, the Advisory Council on Historic Preservation, and authorized matching grants-in-aid to states. By October of 1966, the Secretary of the Interior asked the governor of each state to appoint an individual to help accomplish the directives of the National Historic Preservation Act including the review and allocation of matching grants-in-aid. In 1980 the National Park Service created the Certified Local Government program to formalize the partnership between the National Park Service, acting on behalf of the Federal Government, the State Historic Preservation Office (SHPO), acting on behalf of the state government, and local governments.

Federal laws affect preservation in a number of ways. They authorize federal support for national, state, and local preservation programs; define procedures for the identification, evaluation, and protection of cultural resources; provide incentives to protect resources; and mandate procedures to review the impact of federal undertakings on significant cultural resources.

Among the most successful preservation incentives are the 20 percent rehabilitation tax credit for income-producing properties listed individually or as contributing to a district in the National Register of Historic Places and the low-income housing credit that can be combined with the rehabilitation credit. Owners of properties that are listed in the National Register can donate a preservation easement to a not-for-profit entity and

receive a charitable contribution deduction. Easements may be donated for buildings, scenic or landscape elements, or for open space.

Each state administers federal preservation programs as well as programs established by the state. The Cultural Resources Division of the Kansas Historical Society provides technical assistance and administers a number of grant and incentive programs, as well as federal programs. The Kansas Legislature passed a 25 percent tax credit for rehabilitation of income-producing and residential properties listed individually or as contributing to a district in the National Register of Historic Places. The program uses the same criteria as the federal rehabilitation tax credit program and is designed to "piggy back" onto the federal tax credits.

By design, the strongest element of the federal, state and local government preservation partnership is at the local level. The City of Lawrence was designated as a Certified Local Government in 1989. This status indicates a partnership in compliance with federal guidelines for local government historic preservation programs. The Lawrence-Douglas County Metropolitan Planning Office administers the program assisted by the Lawrence Historic Resources Commission. The regulatory framework for preservation in the city is in place through the Conservation of Historic Resources (Chapter 22) Code of the City of Lawrence. The City of Lawrence also has an agreement with the State Historic Preservation Officer (SHPO) to conduct reviews required by the State Preservation Law.

Douglas County does not have a formal preservation program. Under federal guidelines, the county could establish a preservation program focusing on the preservation of resources within the unincorporated areas of Douglas County and become a Certified Local Government.

In addition to the various government preservation programs, there are a number of well-established private entities – neighborhood associations, professional groups, historical societies, and preservation organizations – that provide a variety of research, technical, educational, and advocacy roles in promoting the preservation of cultural resources.

HORIZON 2020 PRESERVATION PLAN ELEMENT

This plan for preservation outlines goals, policies, and implementation strategies designed to identify, evaluate, and protect the cultural resources in the City of Lawrence and in the unincorporated areas of Douglas County.

Mechanisms are needed to integrate historic preservation efforts in all city and county planning processes. In addition, new policies and processes need to be developed to protect the visual character of areas that include historic resources and to inaugurate particular preservation and conservation initiatives that:

- encourage appropriate new infill construction in older neighborhoods and commercial centers;
- retain and create appropriate transition areas and buffer zones between historic districts, institutions, downtown, and commercial corridors, such as alleyways, landscape features, etc.;
- establish notification area boundaries and design issues in environs review; and
- encourage property maintenance.

GOAL # 1: INCORPORATE PRESERVATION AS AN IMPORTANT COMPONENT OF THE CITY AND COUNTY PLANNING PROCESSES

POLICY 1.1: EXPAND HISTORIC PRESERVATION IDENTIFICATION, EVALUATION, AND PROTECTION PROGRAMS

The basis of an integrated, community-based preservation plan is an inventory of the City and County's historic assets. Effective preservation planning takes place when there is sufficient knowledge of the number, location, and significance of both above ground and buried resources. An historic resource survey identifies what resources exist, records their condition, and evaluates their level of significance. This knowledge can be used in a variety of ways:

- to develop programs and policies to protect significant resources from destruction or unsympathetic alteration;

- to determine the location and distribution of resources to aid in planning, development and incentive programs; and

- to establish funding priorities for further evaluation and protection efforts.

Implementation Strategies

a. Expand the cultural resource survey process to identify important resources to be considered in all city and county planning processes. Considerable research and publication, most of which occurred since 1984, documents the City of Lawrence's architectural heritage. While these efforts identified most of the significant themes in local history, much of the research was not systematic or comprehensive — limiting a balanced understanding of the city's history. There are individual properties and neighborhoods not yet identified that could have important roles in defining historic contexts of the city and the surrounding region. Specifically, the multiple property documentation form that establishes the context for historic properties in Lawrence ends at the period identified as "Quiet University Town, 1900-1945." Many properties have achieved historic significance from 1945 to 1961, the fifty year mark established by the National Park Service for historic.[1]

Very little survey work has been conducted in the unincorporated areas of Douglas County. Surveys should be conducted on a township-by-township basis. Special care should be taken to work with rural property owners to ensure proper notification is secured prior to conducting a survey.

b. Update the existing National Register of Historic Places Multiple Property Documentation Form for Lawrence to include properties that have achieved historic significance since 1945.

c. Work with the State Historic Preservation Office's interactive online database, the Kansas Historic Resources Inventory (KHRI), to establish an up-to-date survey database. To facilitate analysis of survey information in the planning process, the city needs to bring the cultural resource inventory database up-to-date. KHRI contains all of the SHPO's survey records and is fully searchable and available to the public. All future surveys in Lawrence and Douglas County should require consultants to enter the survey information into the KHRI system.

d. Launch an ongoing effort to create National Register and local historic districts in the city with design guidelines to maximize the potential to stabilize and increase property values while protecting resources. Properties listed in the Lawrence Register of Historic Places represent a small percentage of the city's significant structures, sites, buildings, streetscapes, commercial centers, and cultural landscapes. As of 2011, the Lawrence Register includes only thirty-six individual properties and the Oread historic residential district.

e. In conjunction with property owners, develop and implement a National Register, and State Register nomination plan for significant historic properties within the unincorporated areas of the county. A

Multiple Property Documentation Form should be developed for the County identifying development periods and associated property types. Because of the potential issues with environs review, any property listed in the unincorporated areas of the county should only be listed upon completion of an environs definition that clearly defines the environs boundaries and design considerations. The property owner and adjacent property owners shall be consulted in the development of the environs definition.

f. **Identify and evaluate, during the development review process, properties that are fifty years[1] or older that will be affected by development proposals such as rezoning, platting, development plans, conditional use permits, and use permitted upon review permits.** When properties are identified as "historic", an assessment of historic integrity should be completed. If the identified property is eligible for listing in the Lawrence, Kansas or National registers, protection measures should be evaluated.

g. **Working with property owners, develop a program to list as many eligible properties in the National Register and State Register as possible, enabling property owners to utilize the federal and state rehabilitation tax credits.**

h. **Reevaluate the city's demolition ordinance and investigate streamlining the 30-day waiting period by developing a policy for properties which are potentially eligible for listing.** Currently, city ordinances provide protection of significant resources from demolition only for properties listed individually or as contributing to a designated historic district in the Lawrence Register. Current ordinance provisions require a thirty day arbitrary delay before demolition can occur. However, there is no process to evaluate the significance, work with the property owner, or to seek alternative solutions. As a convenience to property owners and from a preservation perspective, a demolition policy that by ordinance outlines a process for public participation and consideration of all issues affecting a proposed demolition will benefit the city. For example, some cities, due to the large amount of significant historic properties that have not been inventoried or locally designated, have amended their ordinances to provide for demolition review for all properties in the city that are over fifty years in age. In these models, city staff conducts a preliminary review to determine if the property has historical integrity and significance. If not, the demolition permit process proceeds. For properties that are significant or have the potential to be significant, the local historic preservation review commission (i.e. the Lawrence Historic Resources Commission) conducts a review. The review includes consideration of whether the property is economically viable, what will replace the demolished building/structure, and consideration of economic hardship based on a model developed by the American Planning Association.

[1] The National Park Service's criteria for evaluation of historical significance exclude properties that achieved significance within the last fifty years unless they are of exceptional importance. Fifty years is the general estimate of time needed to develop the necessary historical perspective to evaluate significance.

i. **Explore alternative protection mechanisms used in other communities for protection programs for identified significant rural resources.** Lawrence and Douglas County should initiate successful programs for evaluation, prioritization, and preservation of selected significant rural resources. The county and the city should work directly with property owners to determine the most appropriate protection mechanisms.

POLICY 1.2: DEVELOP OR MODIFY APPROPRIATE ZONING, BUILDING CODE, AND FIRE CODE REGULATIONS TO FACILITATE THE PRESERVATION AND REHABILITATION OF HISTORIC PROPERTIES.

Zoning regulations are a key preservation tool as they contribute to patterns of neighborhood change and investment as well as disinvestment. Neighborhood preservation and revitalization efforts benefit from compatible land use regulations, including the existing zoning ordinances.

Implementation Strategies

a. **Investigate the possibility of creating additional conservation districts as an alternative protection mechanism and standard for environs review.** Conservation Districts established by overlay zoning can be a successful tool to creating buffer zones for historic districts. In particular, they can encompass and define the design issues related to environs review. They can strategically address design issues for new construction in areas that have a "sense of place" but do not meet the criteria for Local, State or National Register designation. Conservation Districts can also be implemented to protect potentially significant resources that are not yet fifty years of age and therefore ineligible for local, State or national designation. They can also be used to protect and stabilize areas that, with the use of incentive programs, may be upgraded to meet National Register, State Register, and local historic district designation criteria.

   Design guidelines for Conservation Districts can be specifically tailored to promote the desired visual character and allowable special land uses of specific geographical areas. For example, in a Conservation District created to serve as a buffer to a historic district or as a transition zone between an older residential streetscape and a commercial area, limited design review of major changes – such as new construction and demolition – limits adverse changes to the character of the district. At the same time, it encourages property owners to make positive changes to their buildings or to erect new buildings that are compatible to the streetscape. Usually the scope of the review helps to maintain the appropriate size, scale, massing, materials, and building setbacks within the designated area.

   In a Conservation District for properties that might in the future be eligible for local or National Register designation, guidelines might address avoiding irreversible loss of specific character-defining architectural elements as well as retention of the appropriate zoning.

The City of Lawrence established the Urban Conservation Overlay District to allow for the creation of conservation districts. One of the key elements in the creation of an Urban Conservation Overlay District is the development of design guidelines and the identification of contributing and non-contributing structures.

b. Review and update existing city zoning to be compatible with existing or desired land use that promotes preservation of intact residential neighborhoods and commercial centers that have historical, architectural, and physical integrity. Among the issues to be considered are:

1. consistency between overlay zoning and base land use zoning among contiguous properties;
2. flexible provisions for developing compatible new "infill" construction on vacant lots;
3. allowance of innovative preservation alternatives, such as additional or specialty uses including "bed and breakfast," studios, and other professional uses;
4. appropriate design guidelines and site development controls to encourage quality rehabilitation and compatible new construction worthy of preservation in the future; and
5. effective procedures to discourage demolition of significant buildings and structures.

c. Require new development in established areas of the city to use designs complementary to the adjacent streetscape.

d. Create transition zones and flexible links within Lawrence by using setbacks, alleys, parks, and open space in a way that is consistent with established patterns.

e. Adopt a rehabilitation code to address building code and fire code requirements in historic structures for the City of Lawrence and Douglas County.

POLICY 1.3: DEVELOP AND IMPLEMENT FORMALIZED PROCEDURES TO COORDINATE PRESERVATION EFFORTS AMONG CITY AND COUNTY DEPARTMENTS AND AGENCIES

Economic development, land use and property management issues are the purview of a number of different county and city departments and quasi-public agencies to which government bodies have delegated certain programmatic responsibilities. To integrate preservation methodologies in a manner that assures they become part of the day-to-day program administration, it is necessary to develop formalized policies and procedures. The result should guarantee that the public receives information on related

preservation policies, procedures, and ordinances when undergoing compliance with any department or public agency's processes.

Implementation Strategies

a. **Establish formalized procedures for the Lawrence Historic Resources Commission (HRC) or the Historic Resources Administrator to review and comment on City planning activities.**

b. **Facilitate the integration of the development review process and the building permitting process with the design review process. Consider alternative processes for project review.**

c. **Require historic preservation elements as part of comprehensive, watershed or sub-basin, sector, neighborhood, and special area plans.**

d. **Implement consistent and systematic building and maintenance code enforcement.**

e. **Enforce environmental code.**

f. **Explore a demolition by neglect ordinance.**

g. **Adopt a rehabilitation building and fire code for the city and the county.**

h. **When possible, historic preservation issues should be represented in appointed positions. Representatives of these entities should also be considered as appointed members on the HRC.**

i. **Working with property owners, target significant cultural landscapes for park/green space designation on the National, State or Local Register.**

j. **Working with property owners, target open space designation to areas with probability for the presence of a high level of archaeological artifacts.** Given the limited amount of resources for archaeological investigations, consideration should be given to those sites which have been documented by creditable historical research.

k. **Include a preservation element in the City of Lawrence's Parks and Recreation Master Plan.**

l. **Require review of new ordinances for their impact on historic resources and historic preservation efforts.**

POLICY 1.4: IMPROVE EXISTING LOCAL AND STATE LAW DESIGN REVIEW PROCESS

Successful and proactive design review must be "user friendly." Review standards and processes must be clear, concise, and consistently administered.

Implementation Strategies

a. Conduct ongoing inspection of work after HRC review.

b. Develop review process that promotes more consistent and objective interpretation of environs law.

c. Provide legal enforcement of HRC decisions.

d. Reconcile the differences between state law environs review and City of Lawrence's environs review standards.[2]

e. Establish a recording process with the Register of Deeds to record National Register, State Register, and Local Register properties.

f. Investigate ways to simplify the design review and the state law review process through the integration of building permit applications, design review applications, and development review applications.

POLICY 1.5: ESTABLISH CLEAR, WORKING DEVELOPMENT AND DESIGN REVIEW PROCESSES WITH FEDERAL, STATE, COUNTY, PUBLIC, AND PRIVATE INSTITUTIONS LOCATED NEAR HISTORIC RESOURCES.

In addition to the local city design review process for designated properties, there are a number of federal and State programs that require review to determine the impact of proposed work on significant cultural resources. Conflict over private and public institutional development needs and surrounding commercial and/or residential neighborhood needs, is most successfully addressed by establishment of processes that include a defined public participation component that establishes when, where, and what type of city or county jurisdiction is applicable. The city or county can play an important role in initiating establishment of such processes, particularly in the context of development of neighborhood, sector, or special area plans.

[2] There are a number of differences between the State law requirements and the local ordinance requirements. One of the main issues is that the standard of review required under the local ordinance places the burden of proof on the Historic Resources Commission in reviewing environs review cases while the state law places the burden of proof on the applicant. In cases that involve both local ordinance and state law review there is an inherent conflict.

Implementation Strategies

a. **Develop and continue agreements regarding development policies for federal, state, public and private institutions such as the University of Kansas, Baker University, Haskell University, Lawrence Memorial Hospital, Lawrence School District, Townships, and Rural Water Districts, which are located near historic areas. Such agreements should include community expectations, a public participation process, and development requirements, including development of expansion boundaries.**

b. **Formulate Neighborhood, sector, and special area plans that establish clear boundaries for commercial areas as well as institutions.**

c. **Form stronger partnerships between the Campus Historic Preservation Board and the Lawrence Historic Preservation Commission.**

POLICY 1.6: DEVELOP A PUBLIC RESOURCES POLICY THAT VALUES HISTORIC PUBLIC IMPROVEMENTS.

Participants in neighborhood planning processes and in the Preservation Plan workshops as well as cultural resource surveys identified streetscape infrastructure elements such as alleys, curbs, sidewalks, brick streets, bridges, etc. as important elements that define historic neighborhoods. Residents in historic neighborhoods note that choice of arterial and collector streets have a profound impact on residential neighborhoods. In rural areas, the selection of major new routes encourages development. Thus, the city and county should consider historic resources and their defining elements when implementing infrastructure projects.

Implementation Strategies

a. **Create a comprehensive approach to infrastructure improvements on a neighborhood-by-neighborhood basis.**

b. **Protect and maintain existing brick streets, brick sidewalks, and hitching posts in the City of Lawrence.**

c. **Restore brick streets and sidewalks in the City of Lawrence.**

d. **Implement appropriate traffic calming measures in residential neighborhoods in the City of Lawrence.** Traffic calming measures should be compatible with the character of the residential neighborhood.

e. **Investigate and implement initiatives to improve parking in Downtown with minimal impact of older buildings.**

f. **Improve bicycle and pedestrian routes and rural trails.**

g. Target Parks and Recreation tax revenues when appropriate for cultural resource projects on public lands.

h. Improve flood control to protect historic properties.

i. Develop a formal review process for all public improvements to determine the effects on historic preservation and/or historic preservation planning efforts.

Historic resources in the unincorporated areas of Douglas County are integral in defining the character of the county and the region. The ongoing preservation of significant resources and cultural landscapes can yield an improved quality of life and a sense of place for future generations. Specific preservation programs and processes are needed to assist in providing considerations of these resources in land use decisions to protect significant resources and to allow a balance between commercial, residential, institutional, agricultural, industrial, and natural land uses.

GOAL # 2: CONSERVE THE RURAL CHARACTER OF UNINCORPORATED DOUGLAS COUNTY IN STRATEGIC AREAS

POLICY 2.1: DEVELOP A PRESERVATION PROGRAM FOR THE IDENTIFICATION AND EVALUATION OF CULTURAL RESOURCES IN THE UNINCORPORATED AREAS OF DOUGLAS COUNTY

The basis of an integrated preservation plan is an inventory and analysis of the county's historic assets. Effective preservation planning takes place only when there is sufficient knowledge of the number, location, and significance of both above ground and buried resources. A historic resource survey identifies what resources exist, collects information about each resource, analyzes its continuity and change, assesses its integrity, determines its significance, and places it within the historic context of similar resources. This knowledge can be used in a variety of ways:

- to develop programs and policies to protect significant resources from destruction or unsympathetic alteration;
- to determine the location and distribution of resources to aid in planning, development, and incentive programs; and
- to establish funding priorities for further evaluation and protection efforts.

Implementation Strategies

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a. Develop and implement a rural survey plan to identify and evaluate rural resources based on a systematic approach by township areas,

giving priority to areas with the highest rate of development. In 1997, preservation consultants noted that the rapid pace of development outward from the municipalities threatened rural and early suburban properties that may have potential significance. Available information suggests that rural residences, barns, and other agricultural outbuildings are increasingly rare significant property types, as well as rural churches, schools, and commercial buildings. To date, only limited survey of the historic architectural and cultural resources has occurred in rural Douglas County and includes:

1. A reconnaissance survey of Palmyra Township (1989) identified a number of properties in the community of Vinland and 207 properties with associated structures, and six rural cemeteries in rural Palmyra Township that appeared to be more than fifty years old The farmstead is the most common rural property type in this township. However, examples with a complete intact set of early outbuildings are uncommon.
2. "Commons on the Prairie," (1990), an unpublished master's thesis by Dennis Domer, discussed the historic architecture and cultural landscape of Willow Springs Township; and
3. "Map of Historic Douglas County, Kansas," published by Adam Waits and the Douglas County Historical Society (1985) identifies individual buildings and sites of historic significance.

b. Working with rural property owners, develop a cultural landscape component for the identification and evaluation of cultural resources. Rural Douglas County is a landscape that evolved through human activities, which, in turn, shaped its appearance. Like historic buildings and districts, cultural landscapes "reveal aspects of our country's origins and development through their form and features and the ways they were used."[3] Therefore, a significant cultural landscape is a geographical area, ". . . including both cultural and natural resources, and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values." There are four recognized types of cultural landscapes: historic sites that include man-made and natural features, historic designed landscapes, historic vernacular landscapes that include man-made and natural features and ethnographic landscapes that reflect specific cultural and racial groups.[4]

Vinland, for example, is a rural village situated in the Coal Creek Valley, Palmyra Township, It has a cultural landscape that includes buildings, structures, cultivated and uncultivated fields, and natural features. Farther west in Marion Township, the churches and farms of the Church of the Brethren community on Washington Creek represent a potentially significant cultural landscape. The Brethren community moved to Hickory Point, Douglas County, in 1856. They established two churches, Pleasant Grove in Willow Springs Township and Washington Creek Church to the west in Marion Township.

[3] Charles A. Birnbaum, *Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes Preservation Brief 36.* (Washington, DC: U.S. Department of the Interior, National Park Service, September 1994), 1-2.
[4] Ibid.

c. Develop an archaeological survey plan for the County that:

1. includes an archaeological predictive model for Douglas County that identifies areas of high medium and low probability and
2. prioritizes archaeological survey to focus on areas in which development is ongoing and in which resources would most likely be expected.

The extent of potentially significant archaeological sites in Douglas County is not fully known. However, research and investigations indicate the potential for the presence of important sites throughout the county. In Douglas County, archaeological survey usually occurred only when triggered by federal law. As a result, little historical archaeological investigation has been conducted in the county.

In addition to the more obvious benefits of preserving information about past cultures, knowledge about the location of archaeological sites is crucial to facilitating both public and private development projects. Knowledge of the location or even the ability to predict the possible occurrence of archaeological sites provides developers and government agencies with the ability to investigate during project planning and avoid expensive last minute delays in project development.

Section 106 of the National Historic Preservation Act requires any public or private entity utilizing federal funds, loans, or permits to identify, evaluate, and mitigate damage to archaeological resources affected by the project. This affects agencies such as the General Services Administration, the Army Corps of Engineers, the Kansas Highway and Transportation Department, and County programs receiving federal funding.

One of the key issues to creating a successful archeological survey plan for the County is working with rural property owners. Only by creating partnerships with existing land owners can sites be identified and evaluated. Successful examples such as the Blanton's Crossing project should be used as models. No survey or evaluation should take place on private property without the consent of the property owner.

d. Work with the State Historic Preservation Office's interactive online database, the Kansas Historic Resources Inventory (KHRI), to establish an up-to-date survey database. To facilitate analysis of survey information in the planning process, the county needs to bring the cultural resource inventory database up-to-date. KHRI contains all of the SHPO's survey records and is fully searchable and available to the public. All future surveys in Douglas County should require consultants to enter the survey information into the KHRI system.

POLICY 2.2: DEVELOP A PRESERVATION PROGRAM FOR THE PROTECTION OF CULTURAL RESOURCES IN THE UNINCORPORATED AREAS OF DOUGLAS COUNTY TO BE INTEGRATED INTO COUNTY PLANNING POLICIES AND PROCESSES.

Only after the identification, evaluation, and subsequent "mapping" of significant cultural resources through survey, can the county begin to target and prioritize preservation of significant resources. Rural preservation presents different challenges to integrating preservation strategies into the land use and development decision- making policies and processes. To be effective, preservation issues need to be considered early in the planning stages and in the context of other development and land use issues. Because of the many changes in agribusiness occurring as a result of international, national and local economic forces, farming and livestock enterprises that reflect nineteenth and twentieth century practices are vanishing. Preserving the physical reminders of these eras will require the cooperative, proactive efforts of property owners, private preservation and conservation organizations, and county planners. To assure a successful rural preservation program, the county should only initiate a detailed rural preservation plan, after the successful identification of significant resources. A detailed rural preservation plan must create a number of strategies or tools to be used in combination with other county, state, and federal programs to target the preservation of specific resources that have been identified as significant.

Implementation Strategies

a. **Develop and establish by ordinance a rural preservation program for the unincorporated areas of the county.** Given all issues in developing such a program, the development will take the cooperation of property owners, county administrators, and preservationists. Public meetings must be held in all parts of the county and adequate time should be allowed for all parties to voice their opinions.

b. **Explore the benefits and liabilities of establishing Douglas County as a separate Local Certified Government (CLG).** Establishing Douglas County as a separate CLG will allow the local community to conduct state law reviews at the local level. This will ensure that reviews are conducted in a timely manner and allow for greater community control. The CLG program will also allow the county to apply for the 10% pass through Historic Preservation Fund grants.

c. **Investigate successful protection strategies used in other areas of the nation and develop a plan to implement those that are applicable to Douglas County, such as conservation easements and incentives to encourage private stewardship.** Because of growth, Lawrence and Douglas County should initiate successful programs for evaluation, prioritization, and preservation of selected significant rural resources.

d. **Develop and implement a National Register and State Register nomination plan for significant historic properties within the unincorporated area of the County.** Only twelve properties in the unincorporated area that are listed in the National Register and one on the Kansas Register. The lack of listed properties can be contributed partly to the

lack of surveyed properties and the environs require requirements. To resolve these issues, a process should be developed to identify environs review issues prior to the listing of properties. Property owners shall provide permission for listing and shall help develop and environs definition for their property.

e. **Target and prioritize sites such as the natural areas – unplowed prairie and woodlands – identified in Horizon 2020[5] for preservation.**

f. **Target significant cultural landscapes for park/green space designation.**

g. **Target open space to areas with a predictive model for the presence of a high level of archaeological artifacts.**

h. **Investigate the use of funding mechanisms to retain open space around historic sites.**

POLICY 2.3: ELIMINATE DISINCENTIVES TO ORDERLY PLANNED DEVELOPMENT

Zoning is a key strategy for protecting cultural resources. Current zoning and land use policies act as a disincentive for orderly planned development that incorporates preservation planning strategies.

Implementation Strategies

a. **Require annex plans and urban growth boundaries from all municipalities within Douglas County.** This will help to eliminate some of the development pressures for undeveloped land and maintain the rural character of unincorporated areas.

b. **Develop policies that encourage development in the urban growth boundaries of associated municipalities.**

POLICY 2.4: CONSERVE THE VISUAL DISTINCTION BETWEEN CITY AND RURAL AREAS

As a matter of policy and practicality, the preservation of cultural landscapes requires an approach that first distinguishes and promotes distinction between developed land and farmland/natural terrain. The city and county currently have defined projected growth areas that allow orderly perimeter development outward from the City of Lawrence and other communities. Such a plan for orderly growth allows preservation of scattered significant historic resources and cultural landscapes to occur as part of planned orderly growth. In areas with significant resources or landscapes, it is important that the distinction between rural and city be maintained in the future.

[5] "Horizon 2020".

Implementation Strategies

a. **Create transition zones between rural areas and the city using wetlands, open spaces, parks, golf courses, "rails to trails," small farm transition areas, and commercial/rural transition areas, i.e., businesses that require open space.** Maintaining the distinction between urban and rural areas through the establishment of greenhouses and other agricultural related uses maintains the distinction while allowing for orderly growth.

b. **Continue to investigate and create limits on development outside the urban growth areas or boundaries.**

c. **Promote retention of agricultural land use through programs such as the transfer of development rights and conservation easements.**

The city and county need to capitalize on the use of incentive programs to facilitate retention of past investment in infrastructure and built environment and to reap the benefits of historic preservation. The city has not actively implemented or funded economic incentives for preservation. Public incentives should reward and utilize preservation as a tool for economic revitalization. Priority should be given to areas with significant historic resources, capitalizing on existing assets and previous public investment.

GOAL # 3: INCORPORATE PRESERVATION INCENTIVES INTO THE CITY AND COUNTY'S ECONOMIC DEVELOPMENT POLICIES AND PROGRAMS

To fully utilize and promote the economic advantages of historic preservation, Lawrence and Douglas County must develop programs that assist property owners in the use of preservation incentive programs. In addition, the city and county need to reprioritize how they use existing incentive programs. These programs encourage a range of activities targeted to create certain types of results. Some, such as publicly supported transportation and parking incentives, seek to spur development on a broad level; others, such as tax abatement or tax credits, both by legal constraints and/or habit, address specific types of projects and activities. All must be seen as tools to be used in various combinations to encourage revitalization in older commercial and residential neighborhoods or in selected rural areas.

POLICY 3.1: ENCOURAGE THE UTILIZATION AND LINKAGE OF EXISTING INCENTIVES

In addition to the federal and state rehabilitation tax credits, many available incentive programs have "blight" or related conditions as criteria for participation. Others focus on development of businesses. None specifically address the reuse of older buildings; they are usually targeted to new construction and attracting new residents and businesses. The following public incentive programs, are among available programs that, when targeted individually or in combinations, have a demonstrated track record in

stimulating stabilization and revitalization of blighted or declining neighborhoods.

- Property Tax Exemptions
- Heritage Trust Fund (State Grant Program)
- Kansas Neighborhood Revitalization Act
- Low Income Housing Tax Credit Program
- Kansas Main Street Program
- Federal Charitable Deduction Easements
- KSA 12-1740 Revenue Bonds
- Kansas Technology Enterprise Programs

Implementation Strategies

a. **Develop a program to list as many eligible properties in the National and State Registers as possible, enabling property owners to utilize the federal and state rehabilitation tax credits.** Properties listed in the National Register of Historic Places are eligible for significant tax credits**.** The 20 percent federal rehabilitation tax credit applies to owners and some renters of income-producing National Register properties. The law also permits depreciation of such improvements over 27½ years for a rental residential property and over 31½ years for a nonresidential property. The rehabilitated building must be subject to depreciation.

   All of the state's National Register properties (commercial and residential) are eligible for a 25 percent rehabilitation tax credit. The federal and state tax credits can be used together.

   The state tax credits can be sold, and while federal tax credits cannot be sold directly, a project can involve an equity partner, such as a bank, who participates in the project by contributing funds toward the rehabilitation in exchange for some or all of the tax credits.

   Certain types of buildings that contribute to the significance of a historic district may also be eligible for rehabilitation tax credits. Within a district contributing buildings that are income-producing properties are eligible for both credits; non-income-producing residential properties are eligible for the state rehabilitation tax credit.

b. Maximize the use of incentives by combining them into preservation "tool kits" – different combinations of incentives targeted for specific areas and tailored to certain needs – to provide flexible and lasting strategies to address stabilization and revitalization of older residential and commercial centers.

c. Target public incentives to projects in areas with existing public infrastructure and significant historic resources.

d. Notify owners of eligible properties and assist them in providing access to applicable rehabilitation incentives and grants.

e. Investigate the use of Community Development Block Grant funds to foster historic preservation efforts.

f. **Establish and fund the Historic Preservation Fund as described in city's Conservation of Historic Resources Code.**

POLICY 3.2: DEVELOP INCENTIVES TO ENCOURAGE THE REHABILITATION AND OCCUPANCY OF HISTORIC PROPERTIES

In addition to existing preservation incentives, many communities develop specific incentive programs to encourage rehabilitation and occupancy of historic properties in specific locations, both rural and urban. For example, many communities encourage façade improvements using preservation guidelines through funding grants and/or technical assistance.

Implementation Strategies

a. Attach appropriate design guidelines to incentive programs.

b. Create taxing incentives by using such tools as the Neighborhood Revitalization Act.

c. Create incentives to increase critical mass development in Downtown.

d. Create and target incentives to historic commercial areas such as façade improvement grants and economic incentives to owners or businesses that occupy or lease space in historic buildings.

e. Develop and implement policies and programs that eliminate parking issues as a disincentive to rehabilitation of buildings, including review of use permits and accompanying parking requirements and implementation of public/private shared use of parking structures.

f. Create incentives to maintain and preserve historically significant farming areas.

g. Provide design and/or technical assistance to property owners undertaking preservation projects, such as schematic architectural design assistance for renovation/restoration of residences, businesses, and rural structures.

h. Develop incentives to retain and strengthen small neighborhood commercial areas.

i. Utilize or create incentive programs for abatement of environmental hazards in significant historic buildings.

j. **Provide incentives to reduce the number of multi-family units in houses originally designed as single-family residences that are located in historic and conservation districts.**

POLICY 3.3: ELIMINATE DISINCENTIVES TO PRESERVATION EFFORTS

While incentives play an important role in promoting preservation, it is important to review current city and county policies that may discourage preservation. Removal of these obstacles may be as effective as implementation of incentives.

Implementation Strategies

a. Tax properties that are listed in the National Register, State Register or Local Register at a lower rate.

b. Abolish or develop a lower fee schedule for rehabilitation building permits.

The city and county need to develop a significant historic destination that establishes Lawrence and Douglas County as a gateway entity to the interpretation of regional history, linking historic preservation to a significant economic growth industry.

GOAL # 4: INCORPORATE HERITAGE TOURISM AS AN ECONOMIC DEVELOPMENT PROGRAM

POLICY 4.1: DEVELOP A COMPREHENSIVE HERITAGE TOURISM PROGRAM THAT INTEGRATES HISTORIC RESOURCES AND VENDORS INTO PROGRAM PLANNING AND IMPLEMENTATION

Tourism is big business and Heritage Tourism is a significant component of the tourism industry. Lawrence and Douglas County have a rich legacy of historic landmarks, sites, cultural landscapes, neighborhoods, buildings, structures, and archaeological resources that can bring knowledge and understanding of past cultures and events. These are assets that can be capitalized upon.

These assets have associations with national, state, and local events. They are tangible ties to prehistoric and historic native peoples, the era of European exploration, the Santa Fe, California and Oregon trails, the Border and Civil Wars, the development of regional agricultural industries, and the founding and development of a major state educational institution and multi-national Native American educational institution.

To capitalize on this legacy, Lawrence and Douglas County need to develop and

implement strategies to provide for the quality interpretation of the past, to preserve and protect historic and cultural resources, and to encourage collaboration and linkages within the city and county and throughout the region in developing a unified approach to capitalize on the Heritage Tourism market.

Implementation Strategies

a. Support the Freedom's Frontier National Heritage Area A National Heritage Area is an area or corridor designated by the United States Congress " . . . where natural, cultural, historic and recreational resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make National Heritage Areas representative of the national experience through the physical features that remain and the traditions that have evolved in them." National Heritage Areas are local partnerships with the National Park Service that:

1. protect historic, environmental, scenic, and cultural resources;
2. increase sustainable tourism and economic development;
3. educate residents and visitors about community history, traditions, and the environment;
4. create new outdoor recreation opportunities, and
5. build partnerships among federal, State, and local governments.

b. Encourage and enter into cooperative regional efforts in programming and networking in public relations and marking efforts.

c. Revitalize the Watkins Community Museum.

d. Through the National Trust for Historic Preservation Heritage Tourism Program, the city/county should enlist the participation of all communities in Douglas County, sites, and museums to conduct a comprehensive management and interpretive assessment and to develop cooperative interpretive, marketing and programming plans.

1. Inventory of current and potential attractions.
2. Assess current attractions, visitor services, organizational capabilities, preservation resources, and marketing programs.
3. Establish priorities and measurable goals through organizing human and financial resources.
4. Prepare for visitors through development of long-term management goals that protect historic resources.
5. Market for success through development of a multi-year, multiple-tier targeted marketing plan involving local, regional, State, and national partners.
6. Develop cooperative efforts between the Lawrence/Douglas County Chamber of Commerce and local preservation groups.

POLICY 4.2: ENCOURAGE THE DEVELOPMENT OF BLACK JACK BATTLEFIELD AS A SIGNIFICANT SITE IN THE HISTORY OF THE UNITED STATES.

As part of the public participation in the adoption of this plan, the Lawrence-Douglas County Planning Commission identified Black Jack Battlefield as a resource worthy of specific identification, evaluation, documentation and preservation. The majority of the battle site is listed in the National Register of Historic Places and the structure known as the Pearson House is listed in the Register of Historic Kansas Places. The national importance of this site should be recognized and celebrated.

Implementation Strategies

a. Support the efforts of the Black Jack Battlefield & Nature Park to document the history of this site.

b. **Support the efforts of the Black Jack Battlefield & Nature Park to encourage the development of this site as part of the Freedom's Frontier National Heritage Area.**

c. Encourage and enter into cooperative regional efforts in programming and networking in public relations and marking efforts that promote this significant historic site.

Public awareness of historic resources is needed to develop public/private partnerships in promoting and implementing historic preservation.

GOAL # 5: ESTABLISH OUTREACH AND EDUCATIONAL PROGRAMS

POLICY 5.1: DEVELOP A GOVERNMENT SPONSORED PUBLIC INFORMATION OUTREACH PROGRAM

The city and county have a number of vehicles that could be used to disseminate information about historic preservation to the larger community. Among the most effective of these tools are the use of the city/county website to provide information about city/county efforts and links to other governmental and private entities in the federal, state, and local preservation network. Another important governmental tool is the publication and/or distribution of information brochures.

Implementation Strategies

a. Make public aware of available funding sources.

b. Develop or provide hands-on materials that provide information on how to repair and preserve historic buildings according to the *Secretary of the Interior's Guidelines for the Rehabilitation of Historic Buildings*.

c. Provide information on historic neighborhoods (i.e. promote walking tours).

d. Provide notification each spring, prior to the construction season, to property owners in local districts, National Register properties, and State Register properties of the design guidelines and procedures to obtain a Certificate of Appropriateness and/or State Law Review.

e. Develop in-house materials for other city/county department staff about preservation processes and issues in order to assist in building consensus in applying preservation procedures.

f. Provide on-going preservation education sessions for members of appointed bodies including the Historic Resources Commission, City Commission, and Planning Commission.

g. Expand the city's webpage to include additional information regarding National Register listing, survey information, how-to materials, etc.

h. Work with existing hardware and home improvement stores to provide hands on materials regarding historic preservation issues.

POLICY 5.2: IN PARTNERSHIP WITH AN APPROPRIATE LOCAL ORGANIZATION, ASSIST IN DEVELOPING AND CONDUCTING A SERIES OF PUBLIC WORKSHOPS TO EDUCATE THE PUBLIC ABOUT PRESERVATION

The city and the county can play a crucial role in convening and initial coordination of educational efforts. Although both governmental entities should develop in-house and public programs that communicate information about city and county preservation programs, the larger role of education and advocacy must be undertaken by private organizations.

Implementation Strategies:

a. Establish forums for realtors, rural lenders, developers, contractors, preservationists, business community leaders, and neighborhood groups to acquaint them with preservation benefits, issues and procedures.

POLICY 5.3: DEVELOP MEDIA RELATIONS TO BE AN ADVOCATE FOR PRESERVATION

A crucial component of public education is the support of the media in coverage of events and issues. This involves both the city and county as well as private organizations. The city can play a role in assembling information and preparing press releases about its programs and related activities. However, a private organization should be designated to coordinate media relations and to respond to preservation issues related to advocacy of a particular course of action that the city/county cannot address.

Implementation Strategy

a. Promote preservation news in local press through press releases during National Preservation Week that focus on the economic impact of preservation, as well as local newsworthy events, and recent local, state or national designations, etc.

POLICY 5.4: DEVELOP PROACTIVE RECOGNITION PROGRAMS

Existing and new programs that recognize preservation efforts (particularly when timed to coincide with National Preservation Week) can have a positive and on-going impact on public awareness. Such programs should be part of larger media and promotions strategy promoting and understanding and support for historic preservation.

Implementation Strategy

a. Develop a county-wide Heritage Farm honorific program.

b. Develop historic signage.

c. Encourage the nomination of projects for local, state and national awards programs.

POLICY 5.5: COORDINATE PRESERVATION PROGRAMS IN THE COUNTY AND CITY WITH OTHER LOCAL, STATE, AND FEDERAL GOVERNMENTS AND ORGANIZATIONS

Coordinating preservation activities and programs with other local municipalities, state, and federal government organizations is a very difficult task. Preservation efforts will be more successful by facilitating cooperation between the various entities. Both the city and the county can play an important convening and facilitating role in coordinating private and public preservation efforts.

Implementation Strategy

a. Establish a countywide coordinating entity that includes private and public organizations and agencies. Primary goals should be:

1. development of an outreach program to unincorporated areas of the county to involve property owners in historic preservation initiatives; and

2. joining rural and city constituencies in cooperative efforts.

Historic preservation is an important component in environmental stewardship and sustainable development. Sustainable development includes environmental sustainability, economic sustainability and cultural sustainability.

GOAL # 6: INCORPORATE SUSTAINABLE PRESERVATION INTO THE CITY AND COUNTY'S SUSTAINABILITY POLICIES AND PROGRAMS

The citizens of Lawrence and Douglas County increasingly support environmental conservation efforts. This growing awareness of how local conditions fit into larger environmental issues has led to the recognition of the importance of natural resources and of the embodied energy contained in the built environment. Historic preservation practices are tools for better stewardship of older buildings, neighborhoods, and rural landscapes. The conservation and improvement of our existing built resources, including the re-use and improvement of historic structures, is central to our community's overall plan for environmental stewardship and sustainable development.

POLICY 6.1: ENCOURAGE AND INCORPORATE HISTORIC PRESERVATION IN SUSTAINABLE PLANNING AND BUILDING PRACTICES

To maximize the inherent sustainable qualities of historic preservation, long range planning and building practices should encourage the reuse of the existing built environment.

Implementation Strategies:

a. **Foster a culture of reuse of existing structures by maximizing the life cycle of existing buildings.**
b. **Encourage reinvestment in the existing built environment.**
    1. Explore and adopt building codes that give a discount on the overall permit fee for the reuse of historic structures**.**
    2. Identify and promote programs that identify historic building materials, like first growth wood and historic lath and plaster, and the values they bring to structures.
c. **Explore the use of outcome-based codes.**
   Building energy codes that focus on energy saving and consumption give existing structures proper credit for embodied energy and discourage teardowns.
d. **Explore the adoption of building codes that create sustainable communities.** Building codes can address issues associated with
    1. Optimizing site potential
    2. Minimizing energy consumption
    3. Protecting and preserving water
    4. Use of environmentally sound products
    5. Enhancing indoor environmental quality
    6. Optimizing operational and maintenance practices

e. Explore the adoption of demolition codes that require sustainable practices like

1. A percentage of demolition debris to be recycled and reused
2. Demolition permit fees that reflect the values of historic resources.

POLICY 6.2: DEVELOP PROGRAMS THAT ENCOURAGE PRESERVATION AS PART OF CREATING A SUSTAINABLE COMMUNITY.

The City and County have taken the lead in beginning to identify goals and programs that will help create a sustainable community. New goals and programs are needed to incorporate the maintenance, reuse/repurpose, and recycling of our significant historic resources.

Implementation Strategy

a. Develop and adopt sustainability design guidelines for historic districts.

b. Develop and implement programs for City and County buildings that maintain historic fabric and reduce natural resource consumption.

c. Encourage and support the development of energy strategies. Energy strategies for energy conservation and generation should include

1. Energy audits
2. Evaluations of existing systems
3. Establishing goals for energy savings.

d. Encourage and support the development of sustainable energy systems that can provide energy for multiple historic properties that cannot achieve sustainable energy goals individually. Many historic structures do not have the land or roof capacity to install sustainable energy systems such as solar, geothermal, and wind for the individual structure. Energy districts can combine areas to create sustainable systems for multiple historic properties that do not have the requirements necessary to achieve this goal individually.

e. Capitalize on the potential of the Green Economy and develop programs to encourage the manufacture and use of local products that are environmentally sound.

f. Utilize increased permit fees for the demolition of historic structures to fund a preservation fund to create low interest loans or grants that facilitate the rehabilitation of historic structures.

POLICY 6.3: DEVELOP AN EDUCATION PROGRAM TO INCORPORATE SUSTAINABLE PRESERVATION INTO PUBLIC INFORMATION OUTREACH PROGRAMS ON SUSTAINABILITY

Historic preservation is an important component of any effort to promote sustainable development. The conservation and improvement of our existing built resources, including re-use of historic and older buildings, greening the existing building stock, and reinvestment in older and historic communities, is crucial to lowering our carbon footprint and reducing energy leakage.

Implementation Strategies

a. Develop City and County Sponsored Public Information Outreach Programs that promote sustainability through preservation and rehabilitation of historic structures.

1. Establish forums for realtors, developers, contractors, and preservationists to inform them about sustainable preservation benefits, issues and procedures.

b. Align Historic Preservation Policies with sustainability policies.

1. Assist the Sustainability Advisory Board with the development of goals and priorities for future cultural resource conservation efforts.
2. Work with the Sustainability Coordinator to identify practical methods and programs to reach the City's goals for sustainability.
3. Identify and encourage the adoption of Preservation goals, policies, and programs that incorporate sustainable community ideals.

c. Work with the Sustainability Coordinator to identify education programs and opportunities to promote preservation and sustainability.

d. Promote educational programs that identify sustainable development and how it differs from sustainable design.

1. Sustainable Development is not limited to environmental sustainability.
2. Sustainable Development is also economic sustainability and cultural sustainability.

Memorandum
City of Lawrence
Douglas County
Planning & Development Services

TO: **Planning Commission**

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

CC: **Scott McCullough, Director**

Date: **For May 23, 2011 Commission Meeting**

RE: **Item No. 7 - TA-3-3-10: Text Amendment to City/County Subdivision Regulations Update**

In 2010, Staff began work on revisions to the City/County Subdivision Regulations to address issues requested by the Chamber of Commerce regarding processing steps between Preliminary and Final Plats. That work continues and has expanded to include consistency issues throughout Article 8. After additional internal review, Staff plans to schedule a meeting in June with development consultants to review the changes and request input. Following that meeting, the text amendments to the entire article will be placed on the Planning Commission's agenda for public hearing. Proposed revisions include 'housekeeping' items as well as more substantive changes. Since the scope of the revisions has expanded beyond the initial request, it would be appropriate to re-initiate these text amendments for a future public hearing. The following is an overview of the proposed revisions:

Housekeeping

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

11. Added in notice requirements in 802 similar to what is in Article 13 in the Development Code
12. Provided the introductory language for the definitions section in 815 that is similar to Development Code and County Zoning Regulations

Substantive Changes

1. Based on County Staff input, revised the parcel size allowed for Cluster Developments in 803 and either eliminate or restrict Large Parcel Property Divisions in 804 (this section has not been used in 5 years and requires direct access to county roads contrary to the adopted Access Management Policy)
2. Permit Replats through Minor Subdivision process, so all of them do not need to go back through 2-step process
3. Permit dedication or vacation of easements and r/ws by placing a Replat on a Governing Body agenda for acceptance/vacation
4. Require dedication of all perimeter r/w for a Preliminary Plat with the first Final Plat, if phased in 809(h) [in place of all easements and r/ws dedicated with Preliminary Plat]
5. Created provision for new 'file' copy of a revised Preliminary Plat [809(k)(4)] when revisions proposed on Final Plat are in substantial conformance with the approved Preliminary Plat [809(m)(2)(i)] and created criteria for determining substantial conformance
6. Added in step to take Final Plat to Governing Body for acceptance of easements and r/ws in overall process (rather than at Preliminary Plat stage)
7. Moved all of the Plat Contents to 809 so that the list is located with plat process rather than referring back to 812
8. Separated the Design Standards [810] from the Public Improvement Standards [811]
9. Modified process for annexation of r/w for boundary line roads through annexation agreements where full r/w is not under owner's control
10. Identified where definitions are not consistent with definitions in the Development Code or County Zoning Regulations
11. Eliminated numerous terms defined in the definitions section but not used in the Article (several terms are listed with standard dictionary definitions and do not seem to be necessary)

RECOMMENDATION: Staff recommends that the Planning Commission re-initiate the text amendments (TA-3-3-10) since the review has resulted in a number of proposed changes not originally contemplated.

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
5/25/11

ITEM NO. 9: CPA-3-1-11 (DDW)

CPA-3-1-11 Amend Horizon 2020, Chapter 14 list of specific plans, to include the Inverness Park District Plan.

STAFF RECOMMENDATION: Provide direction to staff concerning the draft plan and the future land use options for the plan. Staff will bring back a revised plan for consideration for approval at a future meeting.

SUMMARY

This comprehensive plan amendment (CPA) to *Horizon 2020*, Chapter 14, list of specific plans, to add the reference to the Inverness Park District Plan was initiated by the Lawrence City Commission on November 9, 2010. This CPA will approve the plan and add to Horizon 2020, Chapter 14 the title of the plan, a description of the approximate planning area boundaries, approval dates, and the future review date.

BACKGROUND

The Inverness Park area is primarily developed with urban residential and open space uses with some land remaining undeveloped. The residential mixture is one of single-family, two-family, and multi-family residential uses. The purpose of the Inverness Park District Plan is to plan for the urban development of the remaining undeveloped property within the planning area. Concerns have been raised by residents in the area about the proliferation of multi-family uses and the impact they are having on the area.

STAFF REVIEW

The Inverness Park District Plan is a district plan for the Inverness Park area in the southwest portion of Lawrence south of Clinton Parkway between Inverness and Crossgate Drives south to K-10 Highway, containing approximately 303 acres. Most of the planning area is part of Lawrence although a portion of the planning area south of W. 27th Street is located within unincorporated Douglas County. This plan will primarily act as the City's official land use guide for development of the remaining undeveloped land in the Inverness Park District Plan planning area. The plan will also help the public to visualize how the area may develop in the future.

The Inverness Park District Plan process kicked off with a public meeting on February 3, 2011. Property owners and other stakeholders were invited to attend the meeting. The participants in the kick-off meeting were asked to provide their input on the area's strengths, weaknesses, opportunities and threats (SWOT exercise). They also participated in a future land use exercise. Approximately 35 people attended the kick-off meeting.

The second public meeting was held on March 3, 2011. Participants were asked to review the SWOT exercise results and the draft goals and policies and were also asked to provide

comments on future land use options. The group also heard a presentation from developers interested in developing the Inverness and Clinton Parkway corner commercially. Approximately 15 people attended the second public meeting.

The first draft of the plan was released on March 24, 2011. The first draft of the plan is the draft that is under consideration.

All property owners in the area, along with additional stakeholders, were invited to participate in the planning process. Public meetings were well attended. Written comments were received throughout the process.

The draft plan includes six sections:

- The **introduction** section states the purpose of the plan, a description of the planning area, and a list of the policy framework.
- The **existing conditions** section describes the existing land uses, zoning patterns, infrastructure, environmental conditions, and community facilities within the planning area.
- The **goals and guiding principles** were derived from public meeting input.
- The **future land use** section includes three future land use options and future land use category descriptions.
- The **Clinton Parkway** section discusses access management recommendations for Clinton Parkway.
- Finally, the **implementation** section includes implementation actions.

The main neighborhood concern expressed in recent rezoning efforts is related to the future use of the properties along Clinton Parkway. The existing zoning, RSO (Single-Dwelling Residential-Office) District, permits detached, attached (with Special Use Permit), and duplex residences along with office uses. The market appears to favor multi-family development over office development and the neighborhood has issues with the amount of multi-family development that has developed in the area.

The three future land use options for the planning area presented for consideration are:

Option 1: is a status quo option that shows the existing zoning for the land near Clinton Parkway and future residential and open space uses for the property south of 27th Street.

Option 2: provides for commercial uses on the Inverness and Crossgate corners of Clinton Parkway and future residential and open space uses south of 27th Street but shows the remaining undeveloped property as status quo.

Option 3: provides for commercial on the two corners, higher density for the Remington Square property and future residential and open space uses for the property south of 27th Street.

Included at the end of this staff report is the proposed amendment to Chapter 14 – list of specific plans. This amendment is intended to add the reference to the *Inverness Park District Plan* to the list of specific plans. Staff reviewed this amendment based upon the comprehensive plan amendment review criteria listed below which are identified in Chapter 17, Implementation, of *Horizon 2020*.

COMPREHENSIVE PLAN AMENDMENT REVIEW

A. Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the Plan was adopted?

The proposed amendment is a result of the changing circumstances that have occurred since the original development plan for the Inverness Park area was approved. The original development plan for the Inverness Park area was approved in 1999 and included various residential use intensities, but did not contemplate the large amount of multi-family that ended up being developed. The Inverness Park District Plan will provide more detailed policy for the future land use of the remaining undeveloped land. At the time *Horizon 2020* was written, Chapter 14, Specific Plans and other ancillary land use plans did not exist. This is a new plan that provides more clarity regarding the recommended future land use designations of the area and policies in the plan, the specific plans are recommended to be adopted as a part of the comprehensive plan. The plan is listed with a description of the approximate planning area boundaries, approval dates, and the future review date.

B. Does the proposed amendment advance a clear public purpose and is it consistent with the long-range goals and policies of the plan?

The proposed amendment is an advancement of a clear public purpose and is consistent with the long-range planning goals and policies of the community. The proposed amendment helps further the goals and policies by guiding development in the planning area while staying consistent with the overall intent of *Horizon 2020* and the goals and policies relating to residential land use, transportation, parks and recreation, and the various other components of the comprehensive plan. The amendment helps to provide a framework for future development and is more specific regarding policies for the planning area.

Designating commercial at the corners Inverness and Crossgate corners of Clinton Parkway is not consistent with policies in Horizon 2020 Chapter 6 – Commercial Land Use. However, this planning process may produce a desire for commercial in these locations. Should an approved land use option include future commercial uses along Clinton Parkway, Chapter 6 would have to be amended to reflect the new location for commercial land uses that are not identified in Chapter 6 currently.

C. Is the proposed amendment a result of a clear change in public policy?

The Inverness Park area has developed in a manner that deviated from the original development plan for the area. Land remains to be developed and there are questions as to the future use of those properties. A District Plan is intended to refine the land use policy for a specific area and clear guidance needs to be incorporated into the comprehensive plan which supports the community's goals. Chapter 14, Specific Plans, was a clear change to the comprehensive plan and to keep it up to date, the newly adopted land use plans need to be referenced to establish clear direction for the planning areas.

PROFESSIONAL STAFF RECOMMENDATION

Provide direction to staff concerning the draft plan and the future land use options for the plan. Staff will take that direction and bring back a revised plan for consideration for approval at a future meeting.

Insert Northeast Sector Plan (*Horizon 2020* Page 14-4)

Specific Plans

- **6th and SLT Nodal Plan**
  Location: The intersection of 6th Street (US Highway 40) and the SLT (South Lawrence Trafficway)
  Adoption Date: November 11, 2003 by Lawrence City Commission
  Review Date: 2009

- **6th and Wakarusa Area Plan**
  Location: The intersection of 6th Street and Wakarusa Drive
  Adoption Date: December 2, 2003 by Lawrence City Commission
  Review Date: 2009

- **HOP District Plan**
  Location: Bordered by W. 5th St. on the north, California St. on the west, W. 7th St. on the south and Alabama St. on the east.
  Adoption Date: May 10, 2005 by Lawrence City Commission
  Review Date: 2010

- **Burroughs Creek Corridor Plan**
  Location: Area around the former BNSF railroad corridor between E. 9th St. and E 31st St.
  Adoption Date: February 14, 2006 by Lawrence City Commission
  Review Date: 2011

- **East Lawrence Neighborhood Revitalization Plan**
  Location: Bordered by the Kansas River on the North; Rhode Island Street from the Kansas River to E. 9th Street, New Hampshire Street from E. 9th Street to approximately E. 11th Street, Massachusetts Street from approximately E. 11th Street to E. 15th Street on the west; E. 15th Street on the south; BNSF railroad on the east.
  Adoption Date: November 21, 2000 by Lawrence City Commission
  Review Date: 2010

- **Revised Southern Development Plan**
  Location: Bounded roughly to the north by W. 31st Street and the properties north of W. 31st Street between Ousdahl Road and Louisiana Street; to the west by E. 1150 Road extended(Kasold Drive); to the south by the north side of the Wakarusa River; and to the east by E. 1500 Road (Haskell Avenue).
  Adoption Date: December 18, 2007 by Lawrence City Commission
  January 7, 2008 by the Douglas County Board of Commissioners
  Review Date: 2017

- **Southeast Area Plan**
  Location: Bounded roughly to the north by E. 23rd Street/K-10 Highway; to the west by O'Connell Road; to the south by the northern boundary of the FEMA designated floodplain for the Wakarusa River; and to the east by E. 1750 Road (Noria Road).
  Adoption Date: January 8, 2008 by Lawrence City Commission
  January 28, 2008 by the Douglas County Board of Commissioners
  Review Date: 2018

- **Farmland Industries Redevelopment Plan**
  Location: The former Farmland Industries property is located east of Lawrence along K-10 Highway and just west of the East Hills Business Park. It is approximately one half mile south of the Kansas River.
  Adoption Date: March 11, 2008 by Lawrence City Commission
  March 31, 2008 by Douglas County Board of Commissioners
  Review Date: 2013

- **K-10 & Farmer's Turnpike Plan**
  Location: Generally located around the intersection of I-70 and K-10 and to the east approximately four miles.
  Adoption Date: December 9, 2008 by Lawrence City Commission
  January 7, 2009 by Douglas County Board of Commissioners
  Review Date: 2019

- **Lawrence SmartCode Infill Plan**
  Location: General areas are: 19th St. and Haskell Ave., 23rd St. and Louisiana St.
  Adoption Date: January 27, 2009 by Lawrence City Commission
  February 23, 2009 by Douglas County Board of Commissioners
  Review Date: 2019

- **West of K-10 Plan**
  Location: Generally located north and south of Highway 40 and west of K-10 Highway. It does contain some land east of K-10 Highway
  Adoption Date: June 9, 2009 by Lawrence City Commission
  May 6, 2009 by Douglas County Board of Commissioners
  Review Date: 2019

- **Oread Neighborhood Plan**
  Location: Generally located between W. 9th Street and W. 17th Street and between the KU campus and Massachusetts Street.
  Adoption Date: September 28, 2010 by Lawrence City Commission
  Review Date: 2020

- **Inverness Park District Plan**
  Location: Located south of Clinton Parkway, between Inverness Drive and Crossgate Drive, south to K-10 Highway.

Inverness Park District Plan

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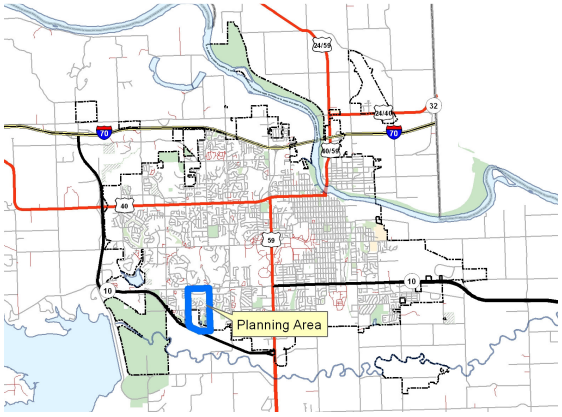
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I. Introduction and Purpose

Location

The Inverness Park planning area is located south of Clinton Parkway between Inverness and Crossgate Drives south to K-10 Highway.



Inverness Park District Plan Vicinity Map

Setting

The area is primarily urban in nature with most of the planning area within the city of Lawrence, but there is a rural residence and undeveloped county farm land in the southern portion of the planning area. Clinton Parkway, a principle arterial roadway, is the northern boundary of the planning area. There are public and private schools west and north of the planning area and park land in the southeastern portion of the planning area.

Background

The Inverness Park area began developing when an annexation request for 163.46 acres was approved in 1999. The development application for the area included multiple rezoning requests. Large tracts were platted along Clinton Parkway and zoned RO-1B for the most intensive part of the development of the 163 acres. The area south of W. 24th Place, but north of the open space/drainage area was designated as the transition area to the lower density, detached residential home lots to the south. The area south of W. 24th Place was zoned PRD-2 with a maximum density of 12 dwelling units per acre. W. 24th Place was designed to provide access to all lots in the area with restrictions prohibiting access to Clinton Parkway as well as access limitations placed on Inverness Drive and Crossgate Drive.

The preliminary plat for the entire 163 acres was approved in October 1999 and later revised in February 2001. The revisions reduced the lot size of the single-family area and created more lots than the original approval. The large lot configuration along Clinton Parkway and W. 24th Place did not change. The preliminary plat served as the master plan for the development of the site. It provided the basic boundary of the various zoning districts planned for the 163 acres.

Much of the original land use discussion focused on the need to provide adequate public facilities such as improved streets and other infrastructure as well as the land use pattern and transition of land uses throughout the entire acreage included in the Inverness Park Addition.

Multiple land use decisions made since 1999 have resulted in a land use pattern that has deviated from the original 163-acre plan with more apartments being developed than originally planned.

Purpose

The purpose of the Inverness Park District Plan is to plan for the urban development of the remaining undeveloped property within the planning area. Concerns have been raised by residents in the area about the proliferation of multi-family uses and the impact they are having on the area. This Plan will primarily act as the City's official land use guide for development of the remaining undeveloped land in the Inverness Park District Plan planning area. Development on the property in the unincorporated area is not anticipated until annexed into the city.

Relation to Other Plans

This Plan constitutes an amendment to *Horizon 2020*. The Plan deviates from some elements *of Horizon 2020*. Additional policy guidance has foundation in the following plans:

- *Transportation 2030*, Lawrence/Douglas County Long Range Transportation Plan. Lawrence/ Douglas County Metropolitan Planning Office and Parsons Brinkerhoff. March 26, 2008.
- Lawrence-Douglas County Bicycle Plan, Lawrence/Douglas County Metropolitan Planning Office. May 2004.
- City of Lawrence, Kansas Water Master Plan. Black & Veatch. December 2003.
- City of Lawrence, Kansas Wastewater Master Plan. Black & Veatch. December 2003.

Process

The Lawrence City Commission initiated the Inverness Park District Plan on November 9, 2010. A kick-off meeting for the Inverness Park District Plan was held on February 3, 2011. Stakeholders were asked to provide their thoughts on the Strengths, Weaknesses, Opportunities, and Threats (SWOT exercise) for the planning area and participate in a small group future land use exercise. The 2nd public meeting for the plan was held on March 3, 2011. Those that attended the meeting reviewed the SWOT exercise results and the draft goals and policies and were also asked to provide comments on future land use options. The group also heard a presentation from developers interested in the Inverness and Clinton Parkway corner. Planning Staff developed the 1st draft of the Plan with input from property owners within the planning area and other stakeholders.

II. Existing Conditions

A. Current Land Use

The planning area consists of approximately 303 acres of land. The primary land use in the planning area is residential, with single family, duplex and multi-family uses having been developed in the past decade. The majority of the planning area is urbanized and within Lawrence, but there is approximately 70 acres which is located within unincorporated Douglas County south of 27th Street that contains a rural residential and agriculture use. Existing and future parks are also uses within the planning area. See Map 2-1.

Undeveloped Property

The Inverness Park District Plan is focusing on providing future land use guidance for the remaining undeveloped property within the planning area. Those properties are described below (each is numbered and labeled on Map 2-1 and Map 2-1a):

No. 1: The southeast corner of Clinton Parkway and Inverness Drive is an approximately 11 acre parcel currently zoned RSO. The property lies at the signalized intersection of Clinton Parkway and Inverness Drive. The access management in place along Clinton Parkway (described in Section V) prohibits direct access to Clinton Parkway for this property. Access to Inverness Drive is also restricted by plat, meaning this property would take access from W. 24th Place. There is an existing round-a-bout at W. 24th Place and Inverness Drive.

Issues:

- This is a larger parcel capable of accommodating neighborhood scale commercial and multi-family residential.
- Landscape buffer to buffer the higher intensity uses from the residential neighborhood to the west.
- Neighbor interest in park vs. feasibility of development potential due to location.

No. 2: The Remington Square property contains approximately 5 acres (out of a total of 15 acres) that is undeveloped and east of the existing apartments. The existing use of the property is multi-family residential. The property is zoned RM15, and contains 40 1-bedroom units, which represents the maximum density permitted on the entire 15 acres parcel. The property owner has expressed an interest in rezoning the property to allow a higher density so that he can develop the remaining 5 acres with multi-family structures. The property contains regulatory flood hazard area along the eastern edge that will limit development.

Issues:

- The property is at maximum density, yet it is 1 bedroom development. More intensity is possible through renovation to add more bedrooms.
- Owner plans to maintain 1 bedroom development.

No 3: The property on the southwest corner of Clinton Parkway and Crossgate Drive is approximately 3 acres and is zoned RSO. This property has regulatory

flood hazard area along the west property line. Access management along Clinton Parkway and plat restrictions along Crossgate Drive meaning this property would take access from W. 24th Place. There is an existing round-a-bout at W. 24th Place and Crossgate Drive.

Issues:

- The Lawrence-Douglas County Planning Commission supported commercial zoning for a Walgreens at this location in 2008.

No. 4: The property on the southwest corner of Crossgate Drive and W. 24th Place is approximately 1 acre and is also zoned RSO. Access is restricted along Crossgate Drive by plat meaning this property would take access from W. 24th Place. This property also has regulatory flood hazard area along the west property line.

Issues:

- 1 acre size of property is challenging for development.

No. 5: There are two properties south of W. 27th Street that are within unincorporated Douglas County. The two parcels total approximately 70 acres. One parcel is a rural residential use and the other is an agriculture use. A large portion of the property contains regulatory flood hazard area, which will impact the developable area of the properties. This property has low density urban development to the north, west and east. The property is close to schools and parks, which makes it desirable for future urban low density development.

No. 6: Finally, there is another property within unincorporated Douglas County that is immediately south of the Pat Dawson Billings Nature Area that contains approximately 22 acres. This property is entirely encumbered by regulatory flood hazard area.

B. Current Zoning

The City of Lawrence *Land Development Code* and the Douglas County *Zoning Regulations* are intended to implement the goals and policies in *Horizon 2020* in a manner that protects the health, safety, and general welfare of the citizens. The *Land Development Code* and the Douglas County *Zoning Regulations* establish zoning regulations for each land use category which development must follow.

The planning area is primarily located in the city and partially within the county. Map 2-2 shows the current zoning designations and Tables 2-1 and 2-2 below describe the map designations.

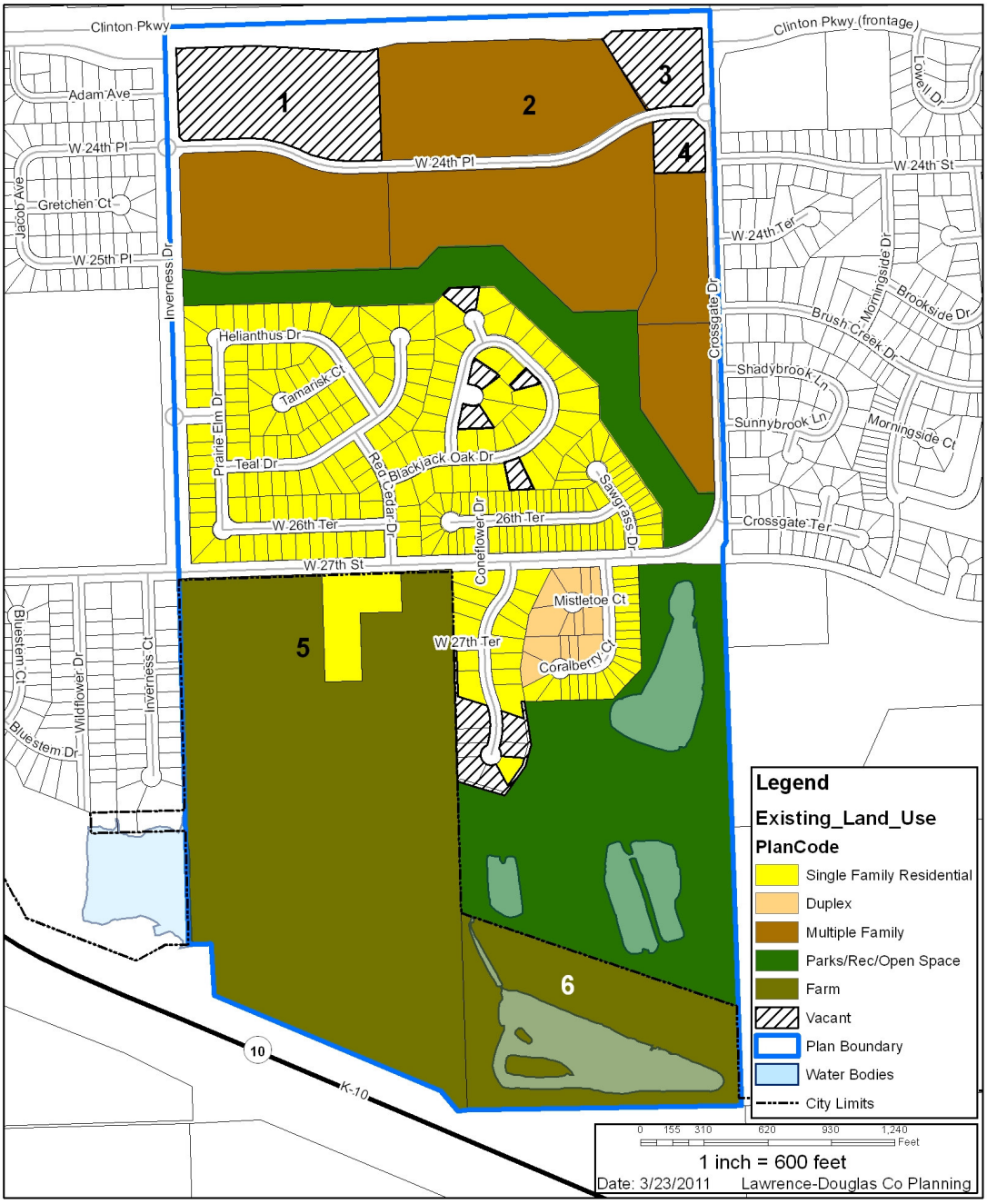
Table 2-1

City Zoning	District Name	Comprehensive Plan Designation
RS7	Single-Dwelling Residential (7,000 sq. feet per dwelling unit)	**Low-Density Residential**
RSO	Single-Dwelling Residential-Office (2,500 sq. feet per dwelling unit)	**Low or Medium-Density Residential**
RM12D	Multi-Dwelling Residential (12 dwelling units per acre)	**Medium-Density Residential**
RM15	Multi-Dwelling Residential 15 dwelling units per acre	**Medium-Density Residential**
PRD	Planned Residential Development	**N/A**
OS	Open Space	**N/A**

Table 2-2

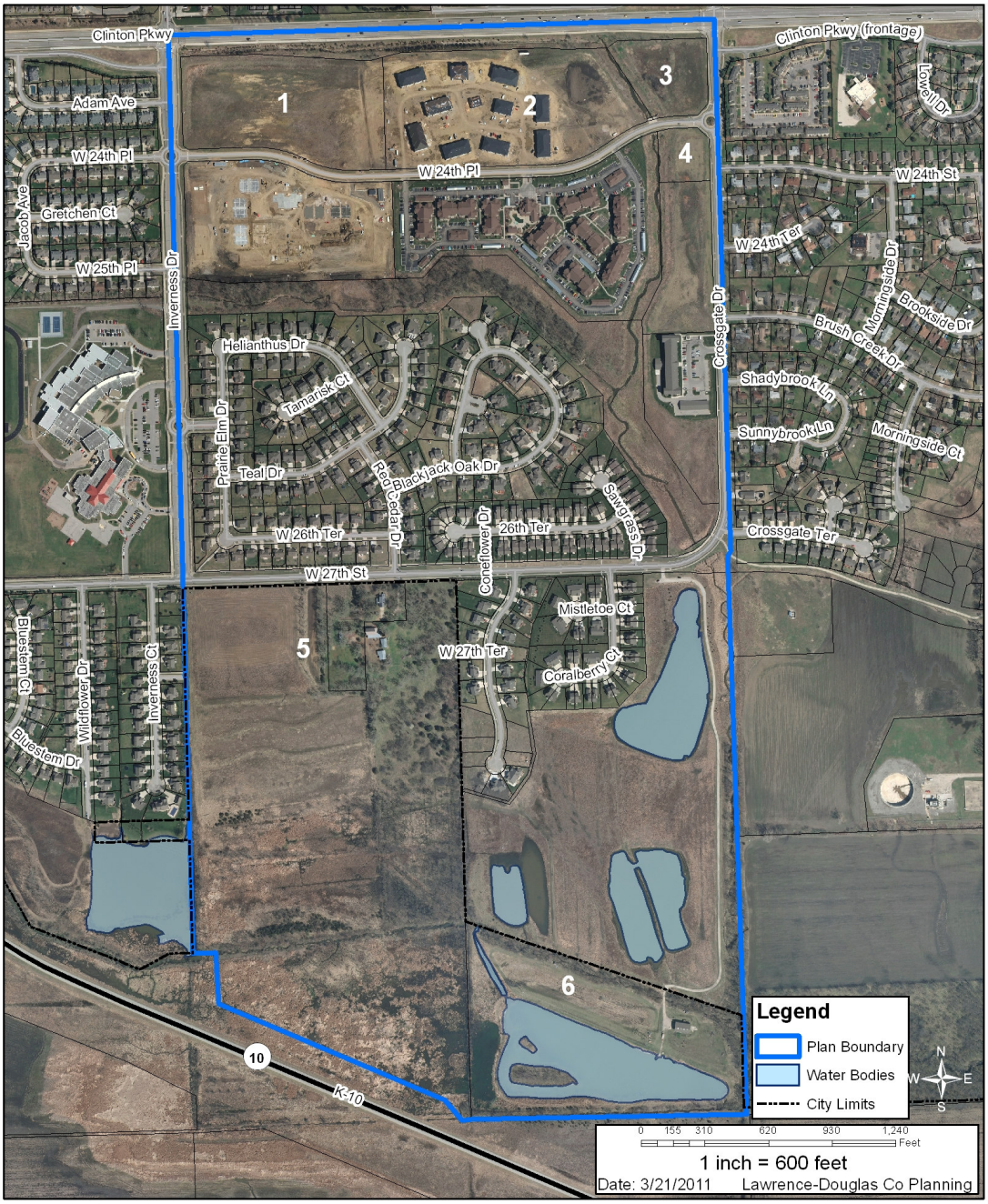
County Zoning	District Name	Comprehensive Plan Designation
A	Agricultural	**Agriculture**
VC	Valley Channel	**N/A**

Map 2-1 Existing Land Use



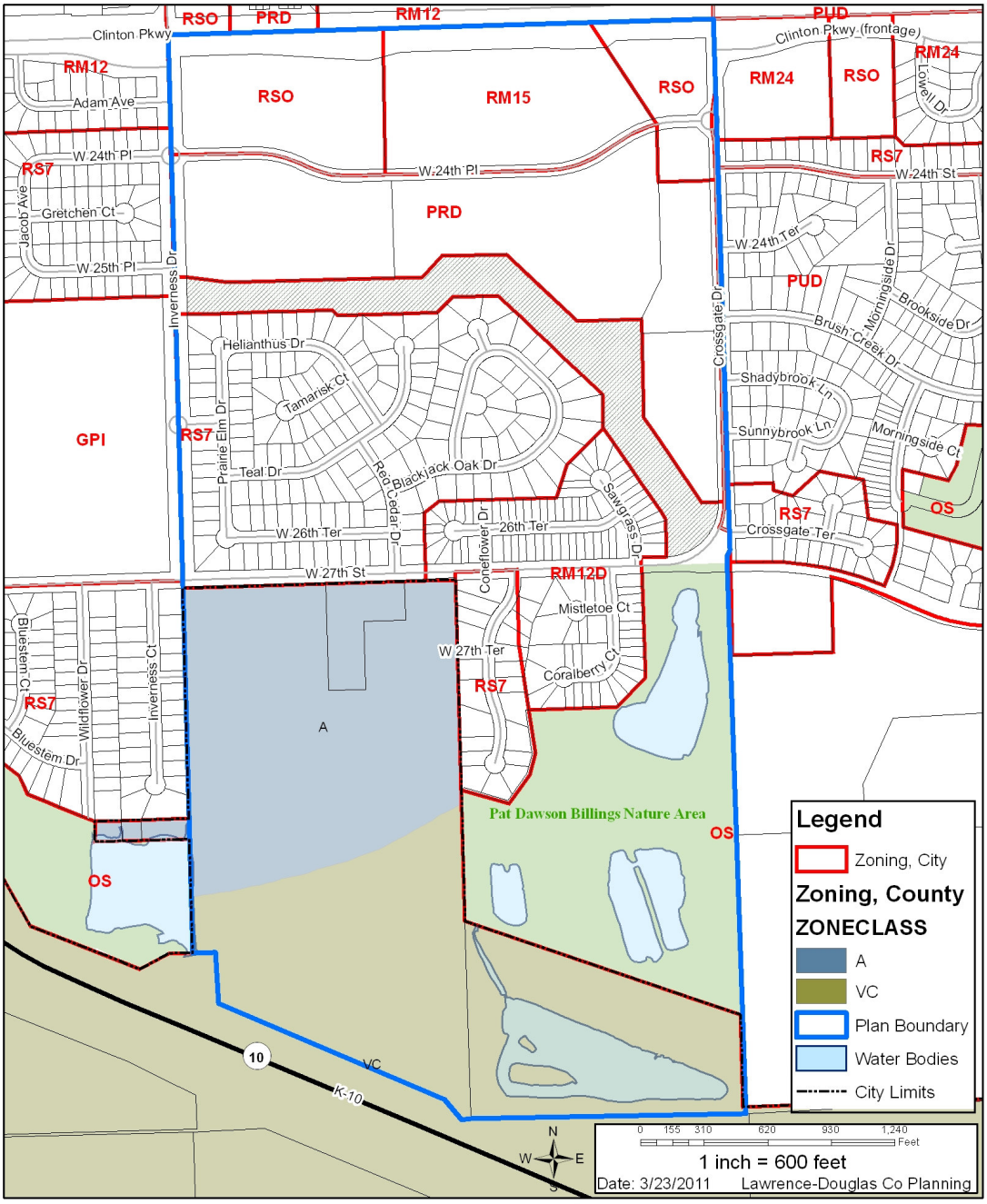
Map 2-1a Aerial

Inverness Park District Plan
Aerial



Map 2-2 Existing Zoning

Inverness Park District Plan
Existing Zoning



C. Flood Hazard Area

There is Federal Emergency Management Agency (FEMA) designated floodplain and floodway located within the planning area. See Map 2-3. The floodplain is any land area susceptible to being inundated by flood waters from any source. The floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Developing in the floodplain is allowed both in the city and in the county based on corresponding regulations. No development is allowed in the floodway except for flood control structures, road improvements, easements and rights-of-way, or structures for bridging the floodway.

D. Parks and Recreational Facilities

There are currently existing parks or park properties located in the planning area. The Pat Dawson Billings Nature Area is located south of 27th Street in the southeastern portion of the planning area. A future linear park is located south of the Legends at KU and The Grove properties, which are south of W. 24th Place. See Map 2-4.

E. Transportation

Transportation 2030 (T2030) is the comprehensive, long-range transportation plan for the metropolitan area. T2030 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-5. The classification system can be described as a hierarchy from the lowest order, (local streets) that serve to provide direct access to adjacent property, to (collector streets) that carry traffic from local streets, to major thoroughfares (arterial streets) that carry traffic across the entire city. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths. Clinton Parkway is designated as a principle arterial. Inverness Drive, Crossgate Drive and W 27th Street are designated as collectors. The remaining streets within the planning area are local streets.

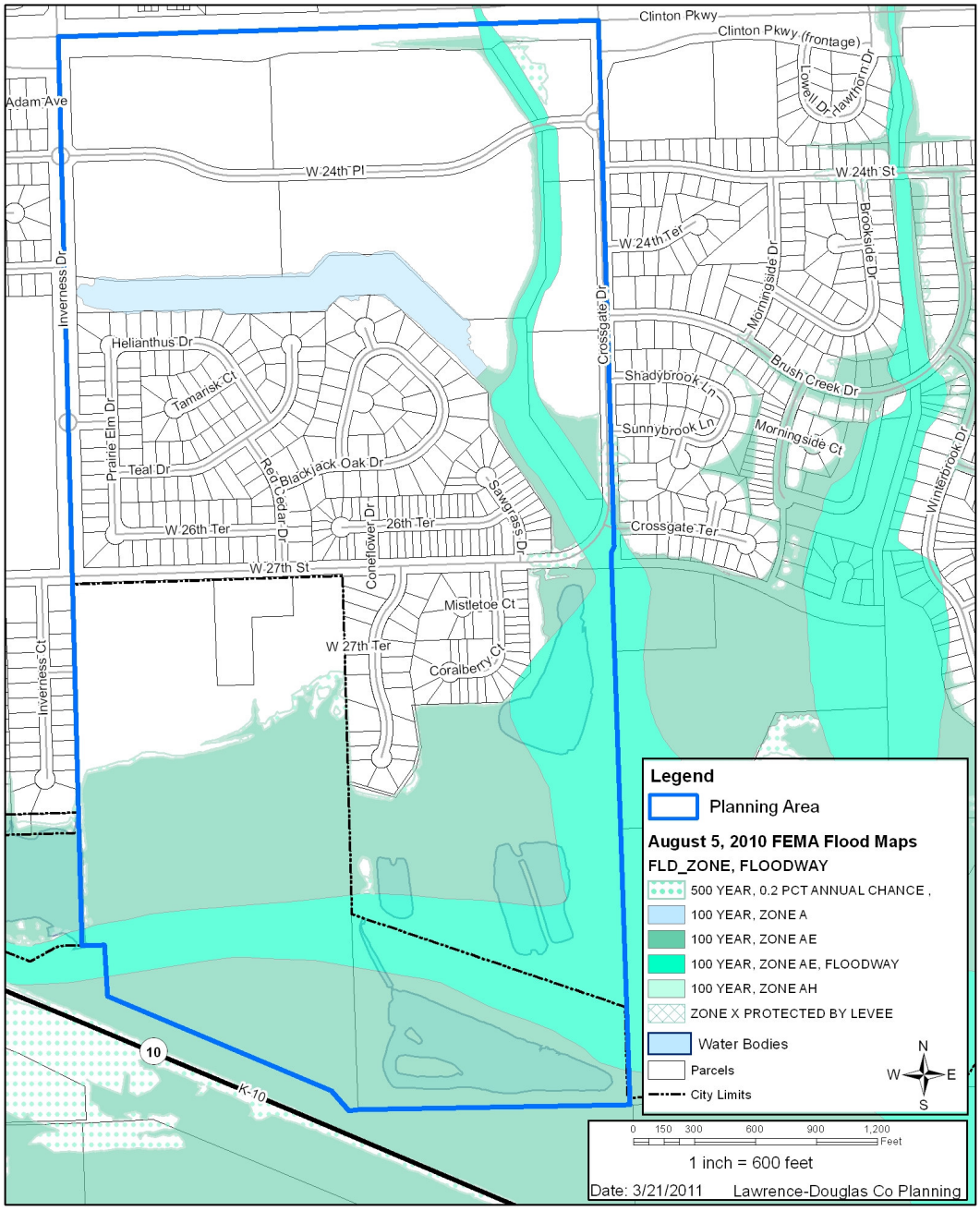
There currently are transit routes that travel to or through the planning area.

The planning area includes existing and future bike routes, lanes, and recreational paths identified by T2030 and these are shown on Map 2-6. Bike lanes are a separate space designated with striping, signage or pavement markings for exclusive use by bicycles with a street or road. Bike routes are a network of streets to enable direct, convenient, and safe access for bicyclists. A recreational path is a separate path adjacent to and independent of the street and is intended solely for non-motorized travel.

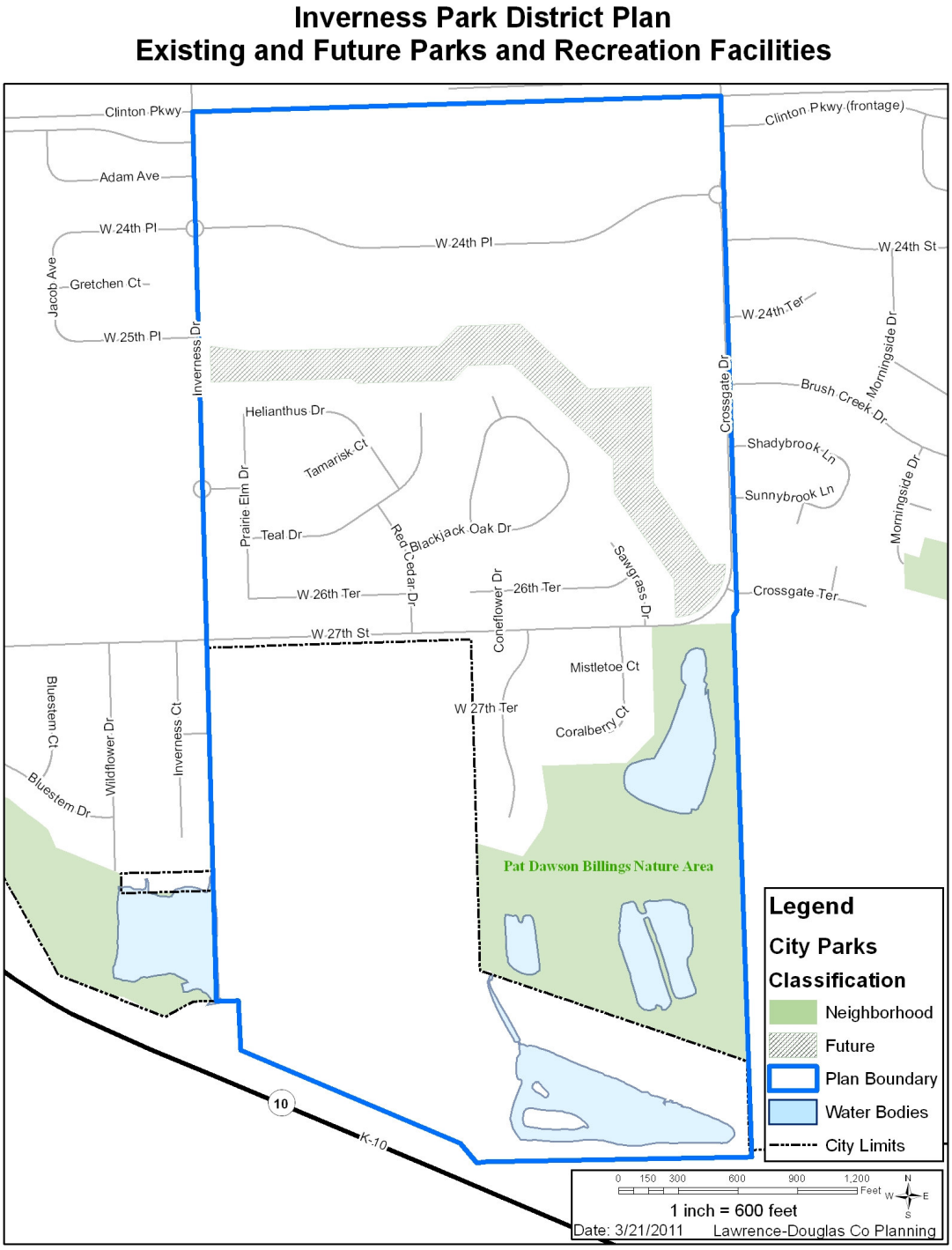
Different types of bicycle facilities are linked to a certain street classification. Recreational Paths are part of Arterials, Bike Lanes are part of Collectors, and Bike Routes are also part of Collectors. Clinton Parkway, Inverness Drive, and W. 27th Street are designated as shared use paths. Crossgate Drive is designated as a bike route.

Map 2-3 Flood Hazard Area

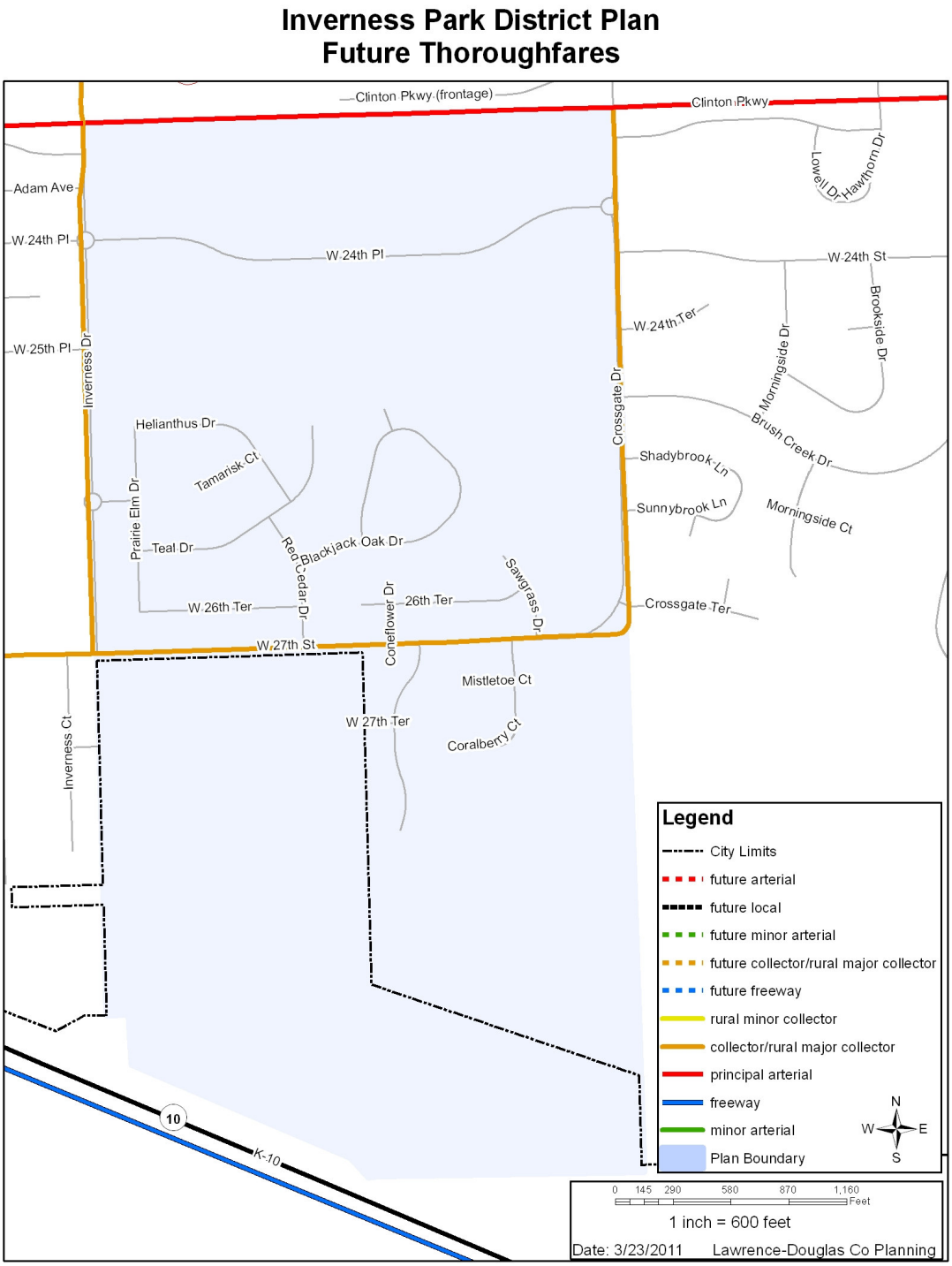
Inverness Park District Plan
Flood Hazard Area



Map 2-4 Parks and Recreation Facilities



Map 2-5 Future Thoroughfares



Map 2-6 Bicycle Facilities



F. Schools

School Districts

The planning area is located entirely within the Lawrence USD 497 school district.

School Locations

Public schools Sunflower Elementary and Southwest Jr. High are located just west of the planning area across Inverness Drive. Private schools are also located near the planning area. Bishop Seabury is located north of the planning area across Clinton Parkway and Raintree Montessori School is located west of the planning area along Clinton Parkway.

III. Goals and Guiding Principles

The following policy statements in Sections III - V are for the development of the remaining undeveloped property in the Inverness Park District Plan planning area.

Revisions to the goals and policies that were released at the 2nd public meeting on March 3, 2011 are shown with strikethroughs for deleted language and underlines for new language.

Goals

Encourage nonresidential land uses at the Inverness and Crossgate corners of Clinton Parkway that are compatible with the residential uses in the planning area.

Develop a strong park/trail system.

Develop single-family residential uses south of 27th Street at densities compatible with adjacent densities.

Protect the regulatory flood hazard areas from development.

Policies

Allow for neighborhood-level commercial, office, civic, institutional and recreation activities on the Inverness and Crossgate corners of Clinton Parkway.

Encourage mixed use development (i.e. residential and non-residential uses) along Clinton Parkway.

Limit additional multi-family uses in the Planning Area.

Develop single-family residential uses south of 27th Street.

Encourage a creative mixture of development in the area south of 27th Street that includes small lots, but also large lots that can use the regulatory flood hazard areas as an amenity that is protected from development.

Ensure that adequate public facilities are available prior to developing ~~the area south of 27th Street.~~ the remaining undeveloped property within the planning area.

Develop a pedestrian trail on the future park land south of the Legends at KU and The Grove developments.

Maintain the integrity of Clinton Parkway as an access restricted thoroughfare.

IV. Future Land Use

The Inverness Park District Plan Future Land Use Section illustrates conceptual guides for future development of the remaining undeveloped properties within the planning area that embody the vision and goals presented in Section III. The future land use maps in this Section are conceptual and should not be used to determine precise zoning boundaries. The following land uses, zoning districts, and densities are the "maximum recommended" and assume less intensive land uses, zoning districts, or densities are appropriate.

Future Land Use Options

Three future land use options for the planning area are presented for consideration:

Option 1: is a status quo option that shows the existing zoning for the land near Clinton Parkway and future use for the property south of 27th Street.

Option 2: provides for commercial uses on the Inverness and Crossgate corners of Clinton Parkway and future uses south of 27th Street but shows the remaining undeveloped property as status quo.

Option 3: provides for commercial on the two corners, higher density for the Remington Square property and future uses for the property south of 27th Street. Each of the land use options is discussed more thoroughly below.

Open Space

In all of the future land use options, the property currently encumbered by regulatory flood hazard area is designated as open space.

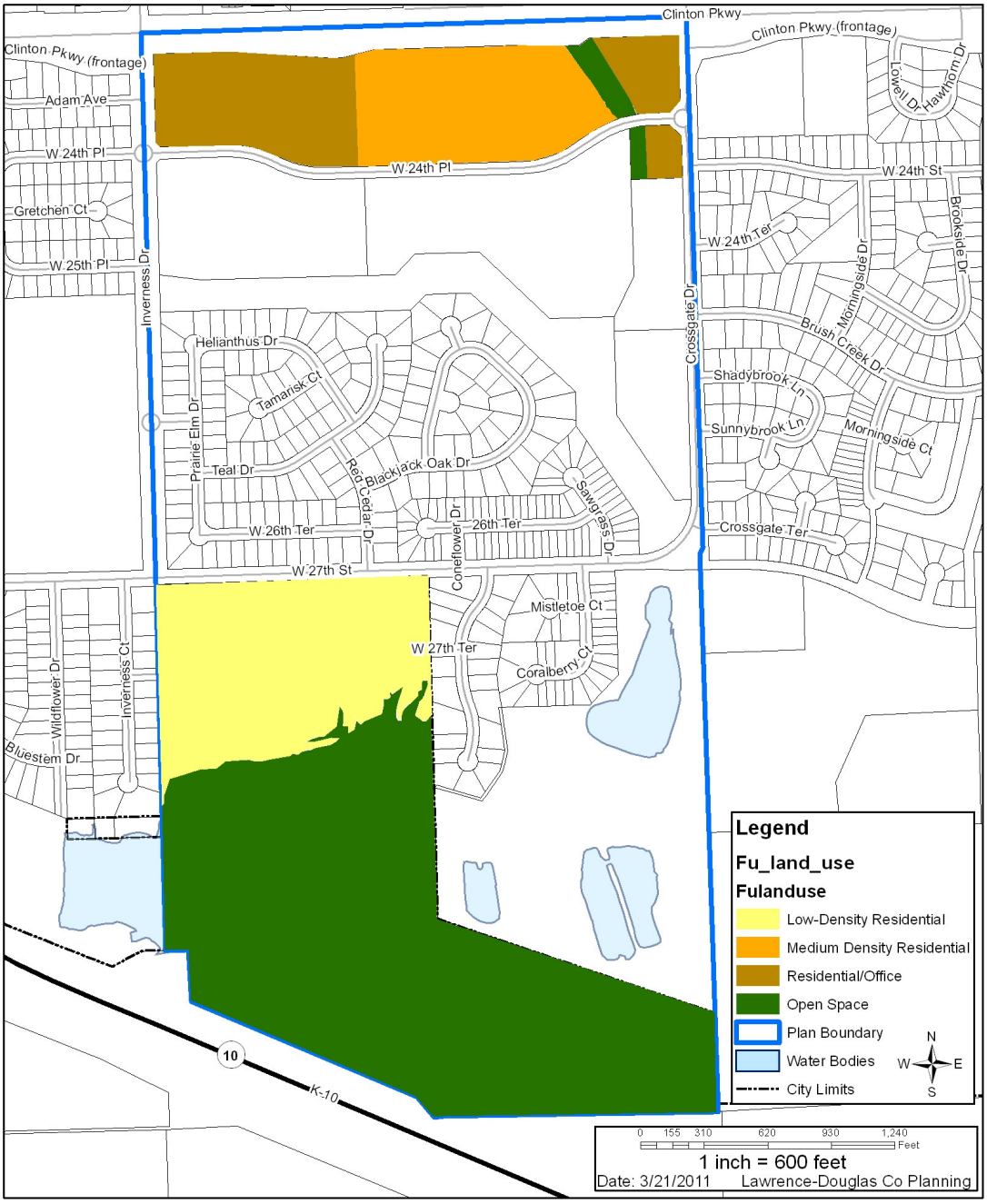
Future Land Use Option 1

This option leaves the existing zoning in place along Clinton Parkway while allowing for the urban development of the property south of 27th Street. Maintaining the existing zoning in place for the properties along Clinton Parkway means those development proposals that meet the existing zoning of the RSO (Single-Dwelling Residential-Office) District can be developed on these properties with the appropriate approvals. The RSO District permits detached homes, duplexes and office uses.

The Remington Square property is currently developed to the maximum density allowed by the RM15 zoning, which is classified as medium density. The Medium Density classification means this option does not support higher density for the property. Since the property has maxed out the available density on the property it could not develop more multi-family units, though existing structures could be converted to add bedrooms. Other accessory uses or structures like a fitness center for the existing complex could be developed though.

The property south of 27th Street will have to follow the urban development process of annexation, rezoning and subdivision in order to seek approvals to develop according to this plan.

Inverness Park District Plan
Future Land Use - Option 1



Future Land Use Option 2

Option 2 classifies the properties on the corners of Inverness and Crossgate Drives and Clinton Parkway as Neighborhood Commercial. This option maintains the existing zoning of the Remington Square property and the property on the southwest corner of W. 24th Place and Crossgate Drive. This option also allows for the urban development of the property south of 27th Street.

The Neighborhood Commercial classification means those two properties will have to be rezoned from their existing RSO District to a commercial district. Development that complies with the new commercial zoning could be built with an administratively approved site plan. The buffer designation that is part of the property at Inverness and Clinton Parkway is meant to provide additional buffering between the commercial development and the residential properties to the west and is a detail that must be complied with in site planning approval.

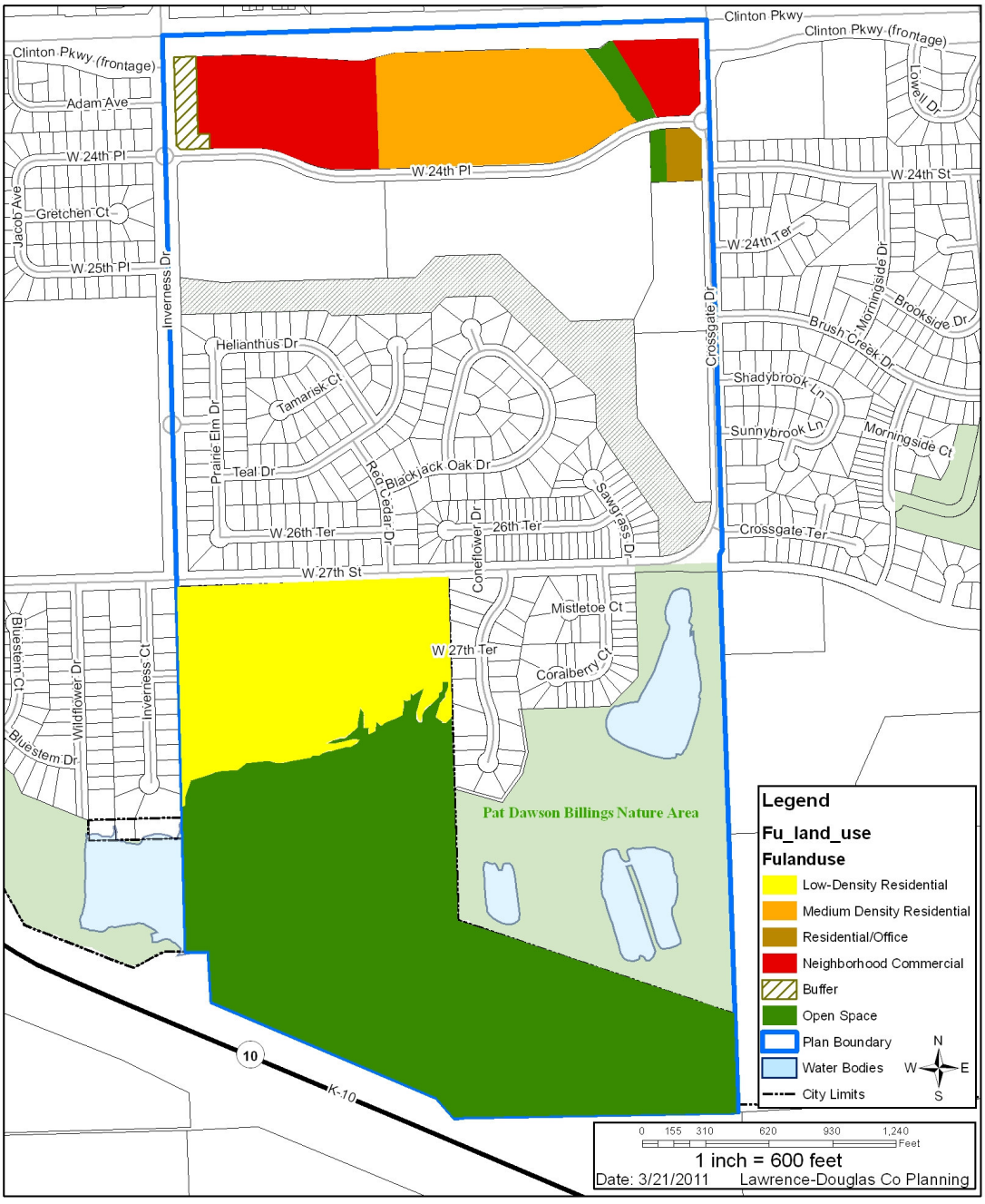
The property on the Inverness corner is approximately 11 acres and could support a commercial strip center or one large anchor with a smaller center. This intensification would lead to more activity, traffic, noise, and light while providing the benefit of additional commercial services within walking distance for residents in the area. The Neighborhood Commercial classification would allow retail uses, along with other uses like service oriented businesses. The property on the Crossgate corner is approximately 3 acres and likely would be developed with a stand-alone commercial use. This smaller property likely would have less negative impact with regards to traffic, noise, and light while still providing commercial services within a walkable distance for neighborhood residents.

This option will require a Comprehensive Plan Amendment to *Horizon 2020 Chapter 6 – Commercial Land Use* to include the southeast corner of Inverness Drive and Clinton Parkway and the southwest corner of Crossgate Drive and Clinton Parkway as Neighborhood Commercial Centers. A Comprehensive Plan Amendment is necessary because those corners are not currently identified in *Horizon 2020 Chapter 6* as Neighborhood Commercial Centers. The corners also fail some of the location criteria for Neighborhood Commercial Centers, one of which is that new centers must be at least 1 mile from other centers. These two corners are less than 1 mile from the Clinton Parkway and Kasold center, as well as the Clinton Parkway and Wakarusa center.

Designating the Remington Square property as Medium Density maintains the existing zoning for the property and means the property could not develop more multi-family units because the property is currently developed to the medium density allowed by the RM15 zoning. The southwest corner of W. 24th Place and Crossgate Drive could develop with the appropriate administrative approvals.

The property south of 27th Street will have to follow the urban development process of annexation, rezoning and subdivision in order to seek approvals to develop according to this plan.

Inverness Park District Plan
Future Land Use - Option 2



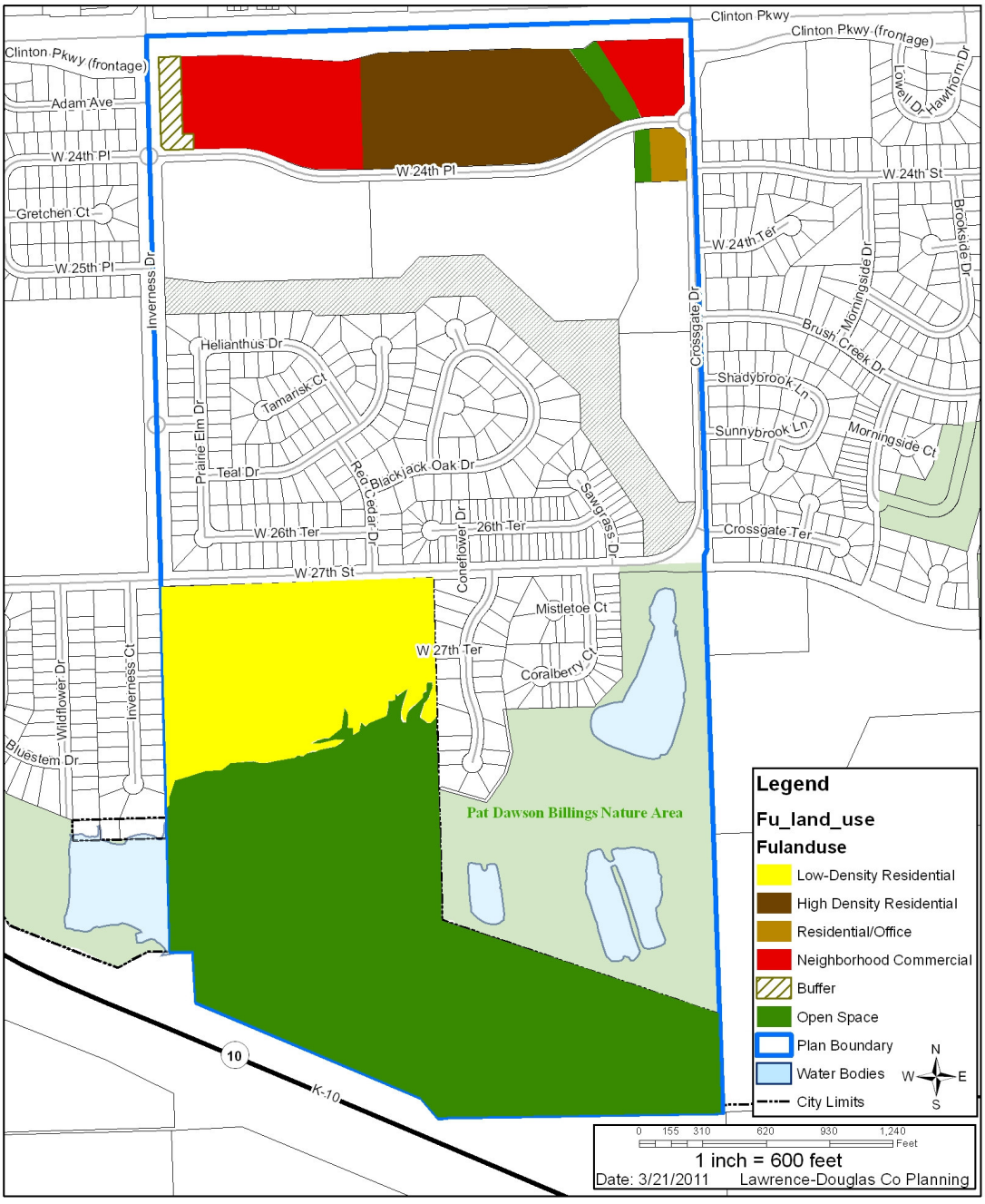
Future Land Use Option 3

Option 3 classifies the properties on the corners of Inverness and Crossgate Drives and Clinton Parkway as Neighborhood Commercial. This option also supports rezoning the Remington Square property to increase the allowed density on the property. This option maintains the existing zoning at the southwest corner of W. 24th Place and Crossgate Drive. This option also allows for the urban development of the property south of 27th Street.

Option 3 is primarily the same as Option 2. The key difference between the two options is the treatment of the Remington Square property. Option 2 designates the Remington Square property as Medium Density Residential while Option 3 designates it as High Density Residential.

A High Density Residential designation for the Remington Square property would provide support for a rezoning of the property. This would permit the development of the remaining 5 acres of vacant ground on the east side of the property for additional multi-family structures.

Inverness Park District Plan
Future Land Use - Option 3



A. Future Land Use

The following future land use categories are found in one of the three future land use options presented previously. These categories are not necessarily represented on each of the future land use options.

Land Use Categories

Residential – Low Density

The intent of the low-density residential use is to allow for single-dwelling, duplex, and attached dwellings but emphasis is placed on residential type uses. Development in this area should be compatible with single-family character, which could include such uses as churches, small-scale daycares and institutional uses.

Primary Uses: Detached dwellings, attached dwellings, duplex dwellings, group home, public and civic uses

Zoning Districts: RS10 (Single-Dwelling Residential), RS7 (Single-Dwelling Residential), RS5 (Single-Dwelling Residential), PD (Planned Development Overlay)

Density: 6 or fewer dwelling units/acre

Residential – Medium Density

The intent of the medium-density residential category is to allow for multi-family development at a greater density than the Low Density Residential category.

Primary Uses: Multi-dwelling structures

Zoning Districts: RM12 (Multiple-Dwelling Residential), RM15 (Multi-Dwelling Residential), PD (Planned Development Overlay)

Density: 7-15 dwelling units/acre

Residential – High Density

The intent of the high-density residential category is to allow for compact residential development. These developments are primarily located at the intersection of two major roads or adjacent to commercial or employment uses.

Primary Uses: Multi-dwelling structures, group home, civic and public uses

Zoning Districts: RM24 (Multi-Dwelling Residential), RM32 (Multi-Dwelling Residential), and PD (Planned Development Overlay)

Density: 16+ dwelling units/acre

Residential Office

The intent of the residential/office use is to accommodate mixed use development of administrative and professional offices with medium density residential. This category can serve as a buffer between higher intensity uses and major roads to lower intensity/density land uses.

Primary Uses: office, detached dwellings, duplex dwellings

Zoning Districts: RSO (Single Dwelling Residential-Office)

Density/Intensity: 7-15 dwelling units/acre/medium

Commercial – Neighborhood Center

The intent of the commercial use is to allow for retail and service uses. A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level and may include mixed use structures to accommodate commercial and residential uses in one location.

Primary Uses: eating and drinking establishments, general office, retail sales and services, fuel sales, car wash, civic and public uses, medical facilities, Non-ground floor dwellings, multi-dwelling structures, work-live

Zoning Districts: CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), and PD (Planned Development Overlay)

Intensity: medium-high

Open Space

The intent of the open space use is to provide space for opportunities for public and private recreational facilities and natural area preservation. This category primarily includes the regulatory flood hazard areas within the planning area.

Primary Uses: Park and open space

Zoning Districts: GPI (General Public and Institutional District), OS (Open Space), UR (Urban Reserve)

Intensity: light

Buffer

This designation is provided on the property that is on the corner of Inverness Drive and Clinton Parkway. It is to provide a landscape buffer for the low density residential uses that are west of the property across Inverness Drive. This area should be designed in a way to provide an effective buffer from the light and noise issues associated with commercial development. Compliance with the buffer will be required with site plan approval.

Primary Uses: Open Space/Landscaping

Zoning Districts: Same as the entire property is zoned

Intensity: light

V. Clinton Parkway

Access Management

The City of Lawrence and the Board of County Commissioners of Douglas County approved a Resolution in October of 1970 concerning access management along Clinton Parkway. The Resolution said this about Clinton Parkway:

RESOLUTION NO. 3727

WHEREAS, the Governing Body of the City of Lawrence, Kansas, and the Board of Commissioners of Douglas County, Kansas, recognize that the area within the boundaries of the City of Lawrence and within the growth pattern of the City is one urbanizing area, and

WHEREAS, it is the mutual desire and express intention of the abovenamed governing bodies that the aforementioned area should develop in an orderly manner that will provide a safe, efficient, convenient, and confortable living environment for residents of said area and

WHEREAS, both bodies realize the importance of the proposed Clinton Reservoir to the economy and general welfare of Lawrence and Douglas County, and

WHEREAS, it is expressly understood and agreed that Clinton Parkway (that portion of 23rd Street west of Iowa Street to the proposed Jayhawk Park) will be the main access to Clinton Reservoir for residents and visitors to the community, and

WHEREAS, preliminary engineering plans have been prepared, showing limited access for Clinton Parkway at approximately every quarter mile along said roadway;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, AND THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

That it is the mutual desire and intention of the Governing Body of the City of Lawrence, Kansas, and the Board of Commissioners of Douglas County, Kansas, that Clinton Parkway shall be a limited access road with no direct access except for intersecting collector roads and streets.

PASSED AND APPROVED this 6th day of October, 1970, by the Governing Body of the City of Lawrence.

THE CITY OF LAWRENCE, KANSAS

by Donald E. Metzler

Donald E. Metzler, Mayor

ATTEST:

Vera Mercer

Vera Mercer, City Clerk

PASSED AND APPROVED this 6th day of October, 1970, by the Governing Body of Douglas County, Kansas.

THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Travis E. Glass

Travis E. Glass, Chairman

Arthur E. Heck

Arthur E. Heck

Raymond Ice

Raymond Ice

ATTEST:

Delbert Mathia

Delbert Mathia, County Clerk

Clinton Parkway ultimately was constructed with limited access in a manner agreed to by the governing bodies with no direct access except at collector street intersections. Any action to seek relief from this access management decision will require appropriate governing body approval.

The result of the access management put in place has created a highly functioning roadway. This Plan does not support additional access to Clinton Parkway that will degrade the functionality of Clinton Parkway.

However, if the property at the southeast corner of Inverness Drive and Clinton Parkway is designated for commercial uses, consideration may be given to providing some limited access to Clinton Parkway. This could help to limit the impact to Inverness Drive that could result from the traffic generated by the property that would have to use Inverness Drive (and the round-a-bout) to get to W. 24th Place in order to access the property. Any consideration for limited access should only be given after a careful and detailed study of a land use proposed. The impact to the traffic signal synchronization along Clinton Parkway should also be part of that study.

VI. Implementation

The purpose of this section is to provide actions that should happen as this Plan is adopted and urban development starts to occur in the planning area. Each implementation action is assigned a group or groups ultimately responsible for completing or approving the action.

- Amend Horizon 2020 Chapter 14, Specific Plans, to include the Inverness Park District Plan by reference.
  Who: Planning Commission, City Commission, County Commission

- Amend Horizon 2020 Chapter 6, Commercial, to designate the southeast corner of Inverness Drive and Clinton Parkway and the southwest corner of Crossgate Drive and Clinton Parkway as Neighborhood Commercial Centers.
  Who: Planning Commission, City Commission, County Commission

Dan Warner

From: Davis Loupe [dploupe@yahoo.com]
Sent: Thursday, March 31, 2011 9:58 AM
To: Dan Warner
Subject: Inverness Park District Plan comments

Dear Dan,

I have attended the two earlier neighborhood meetings regarding the Inverness Park District Plan. I really appreciate the opportunity to be able to comment on this plan.

I've read through the document and would like to thank you for hearing neighbor concerns at the last meeting. I see that your plan includes an option (Option 2) which effectively would not allow more multi-family development on the remaining undeveloped parcels.

I also commend you on your inclusion of a buffer zone between future development and the existing neighborhood. A good landscaping plan for that zone will really help to minimize concerns about lights and noise that may come from future commercial development on that corner.

I believe that Option 2 represents the encouragement of mixed used development that many of the home owners in the area expected when they purchased their homes. I also believe that this option will provide increased walkability and convenient services for all the residents of the area.

Please contact me on my cell at 785-917-9582 if you would like to discuss my comments or have any questions.

Thanks,

Davis Loupe

Davis P. Loupe
2205 Riviera Drive
Lawrence, KS 66047
(785) 832-0316

Dan Warner

From: jstirn@kcp.com
Sent: Tuesday, April 05, 2011 3:02 PM
To: Dan Warner
Cc: jamiehulse@att.net
Subject: Re: Comments Due Wed 4/17 Inverness Park District Plan - 1st Draft

Dan,

My name is Jarvis Stirn and my wife, daughter(5) and I live at 4404 Gretchen, Ct., Lawrence, KS 66047.

From the quick look that I took at the plan and hearing the grocery store wasn't an option, I like option 2. You say that option 2 will cause increased traffic, but so will option 1 and 3. I wish I would get notified earlier on these plans. I would really like to give better feedback.

Later. Jarvis

Jarvis Stirn, ME II
Mechanisms Engineering
National Nuclear Security Administration's Kansas City Plant
Operated by Honeywell FM&T
Office: (816)997-3027
Pager: (816) 458-1122
Text Message: 8164581122@myairmail.com
Email: jstirn@kcp.com

From: "Jamie Hulse" <jamiehulse@att.net>
To: <jamiehulse@att.net>
Date: 04/05/2011 02:37 PM
Subject: Comments Due Wed 4/17 Inverness Park District Plan - 1st Draft

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Regarding - 1st Draft - Inverness Park District Plan

Just a reminder that comments are due tomorrow, Wed. 4/17.
Directions for how to comment are in the email from Dan Warner, below.

Please note that there are 3 draft options being proposed.

Option 1 – Pg 19/20
Option 2 – Pg 21/22
Option 3 – Pg 23/24 – increases density for Remington Place from current RM 15 to RM 24 (24 multi-family units/acre)

Page 9 shows an aerial of the Inverness Park District. Option 3 would add 4-5 more apartment buildings on the east side of Lot 2. There are a number of pages to the draft, but most are maps. Appreciate you taking the time to review and comment!!!

Grocery Store Update: The grocery store has cancelled their contract to purchase the lot at the corner of Inverness & Clinton Parkway.

Also – if you haven't already – **PLEASE VOTE TODAY!!!**

Thanks –

Jamie

From: Dan Warner [mailto:dwarner@lawrenceks.org]
Sent: Thursday, March 24, 2011 10:01 AM
To: Dan Warner
Subject: Inverness Park District Plan - 1st Draft Released

Dear Stakeholder,

The Lawrence-Douglas County Planning Office is working on a district plan, a long-range future land use plan, which has been named the *Inverness Park District Plan*. This planning process will identify future land uses for the remaining undeveloped property within the planning area. The end result of this process is a document that the Planning Commission, City Commission, and County Commission will use to guide development, when and if development occurs. The document will also allow existing and potential property owners to see what the long-range plan is for the area.

The first draft of the Inverness Park District Plan has been released for review and comment. The 1st draft can be found at **http://www.lawrenceks.org/pds/draft_plans**. The first draft is rather large so you may find it easier to download it by "Right clicking" on the link for the plan and selecting "Save Target As" to save the file to a location on your hard drive. You can then access the file from your hard drive after it has downloaded.

Written comments are due on **April 7, 2011**. You can email comments to me at dwarner@lawrenceks.org.

Visit our website at **http://www.lawrenceks.org/pds/draft_plans** or contact the Planning Office for information and to sign up to receive email updates. If you have any questions or comments regarding the plan, please contact me by phone at 785-832-3162 or email comments to **dwarner@lawrenceks.org**.

Thanks.

Dan Warner, *Long-Range Planner, AICP* - dwarner@lawrenceks.org
Planning and Development Services Department | http://www.lawrenceks.org/pds/
City Hall, East 6th Street, PO Box 708
Lawrence, Kansas 66044-0708
785-832-3162. phone
785-832-3160. fax

No virus found in this message.
Checked by AVG - www.avg.com
Version: 10.0.1204 / Virus Database: 1498/3526 - Release Date: 03/24/11

Dan Warner

From: Scott Myers [slorenmyers@gmail.com]
Sent: Tuesday, April 05, 2011 3:36 PM
To: Dan Warner
Subject: Inverness Park District Plan - comments

Dan,

A couple brief remarks concerning the three proposals...

- Option 1 - ie "LEAVE IT ALONE" has my support. We (the City) has screwed this entire property enough... let's not make it any worse.
- Option 2 - Remington Place request to rezone the 5 acres SHOULD NOT BE APPROVED. They conscientiously developed the land at high-density leaving the 5 acres undeveloped... with the intent of trying to get the city to dis-regard the existing zoning (which the city has a long history of doing)... and re-zone the property to high-density so they can continue building more units. We have to say NO.
- Option 3 and Option 2 -- back to first comment... making anything commercial makes the situation even worse.

What we should do is create an option 4 that is basically option1 with a buffer that is shown in option 2.... which will help minimize the impact to property values once that corner is developed.

Thank you.

--Scott Myers
4440 W 24th Place
785.841.0976

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CALVIN J. KARLIN
JANE M. ELDREDGE
MARK A. ANDERSEN*
TERRENCE J. CAMPBELL*
MATTHEW D. RICHARDS*

*ADMITTED IN KANSAS AND MISSOURI

Matthew S. Gough
Email: mgough@barberemerson.com

LINDA K. GUTIERREZ
MATTHEW S. GOUGH*
CATHERINE C. THEISEN
KRISTOPHER S. AMOS*
MATTHEW B. TODD
EDWARD H. TULLY

RICHARD A. BARBER
(1911-1998)

GLEE S. SMITH, JR.
OF COUNSEL

April 7, 2011

VIA E-MAIL AND HAND DELIVERY
Lawrence/Douglas County
Planning and Development Services Department
Attn: Dan Warner
City Hall - 6 E. 6th Street
Lawrence, KS 66044-0708

*Re: Comments to Proposed Inverness Park District Plan (the "**Plan**")*

Dear Dan:

I am writing on behalf of Remington Square, L.C. ("**Remington**"), the owner of approximately 15 acres located at 4100 W. 24th Place (the "**Property**"). The Property has frontage on Clinton Parkway and is specifically referenced in the Plan. As you know, on or about August 12, 2010 Remington submitted rezoning application Z-8-12-10 (the "**Application**"), to rezone the Property from RM15 to RM24. Remington submitted the Application to enable the construction of additional one-bedroom apartment units on the undeveloped portion of the Property, consisting of approximately five (5) acres. The Planning Staff, in its report dated October 27, 2010 (the "**Staff Report**"), recommended approval of the rezoning. A copy of the Staff Report is attached to this letter. The Application remains active, albeit deferred indefinitely pending the adoption of the Plan.

Remington is deeply concerned about the inconsistency between the Plan and the Staff Report. Two of the three potential options described in the Plan (i.e., Options 1 and 2) enforce the "status quo" and create a moratorium on additional multi-family development on the Property. The latest version of the Plan also features a policy to "limit additional multi-family uses in the Planning Area." Those elements of the Plan are totally contradictory to the Staff Report. Moreover, those aspects of the Plan are also patently unfair to Remington. In addition to the well reasoned Staff Report that recommends approval of RM24 zoning, consideration must also be given to the huge investment in the Property, which was approved by the City in the form of special assessments that are presently being paid for by Remington.

Since year 2002 the City has approved $762,339.97 of special assessments for public improvements, including storm drainage, sidewalks and curbing, box culverts and grading on the Property. With interest, the total cost of special assessments will be approximately $980,295.96. Of that amount, approximately $334,621.40 will be paid from year 2011 to maturity of the special assessments. These assessments apply to the entirety of the Property, not just the portion that has already been developed. The elements of the proposed Plan which now attempt to limit further development of the Property is inconsistent with the City's previous approval of special assessments, and is not good planning.

When developing area plans, consideration is frequently given to the expectations of those who purchased property within the planning area. There is no clearer expression of expectation for development than the imposition of special assessments designed to enable development. If the use of the Property is to be limited to less than all of its acreage, an area plan should have been adopted ten years ago, before approving infrastructure necessary as a condition precedent to development. In the last fifteen years, apartment complexes of all sizes and densities have proliferated along Clinton Parkway. The Plan is unfair to Remington because it attempts, by planning after-the-fact, to disallow development to real estate which the City has imposed special assessment upon.

As noted in the Staff Report, the Property is surrounded by multi-family residences or vacant ground zoned for residential offices (or potentially commercial applications, under Options 2 and 3 of the Plan). The Staff Report also recognizes, consistent with *Horizon 2020*, that "[h]igh density development is typically found along major arterial streets [such as Clinton Parkway] and in proximity to high intensity activity areas." The rezoning of the Property to RM24 represents infill development that is also aligned with the goals of *Horizon 2020*. The Property is not located within an established "neighborhood boundary," but is adjacent to multi-family university-related housing and along Clinton Parkway, where other "intensive" uses are concentrated. The Staff Report found that "[a]pproval of the proposed rezoning will not substantially alter the existing neighborhood makeup." Most importantly, the Staff concludes that notwithstanding public comment opposing additional apartments in the general area, approval of the rezoning will ". . . allow additional housing options in the area but should not negatively affect the Single family residences to the south and southwest," nor will the development alter existing public health, safety and welfare.

In light of the specific findings of the Staff Report, which remain sound findings today, how can the Plan recommend anything other than high-density residential for the Property? Remington is aware that owners of single-family residences in the planning area oppose the additional development of multi-family units on the Property and within the area covered by the Plan. Their motivations appear to be tethered to an unsubstantiated concern about declining values of their own properties. However, in this tug-of-war of competing interests and viewpoints, the Staff Report represents a neutral opinion, rendered without bias or undue influence by project opponents or proponents, and objectively recommends that the Property be rezoned to RM24. The Staff unequivocally found that Remington's proposed development does not negatively affect the surrounding residences. There is no reason to reverse course from the Staff Report.

The Plan expressly states that it is an amendment to *Horizon 2020*. As such, the Plan must advance a clear public purpose and be consistent with the long-range goals and policies of *Horizon 2020*. *See* Chapter 17 - Comprehensive Plan Review and Amendment Process. Permitting high-density residential uses of the Property is consistent with our long-range goals and policies. Development of the Property is infill development at a location with available infrastructure. The Property is surrounded by other multi-family properties and fronts a major arterial roadway. Unlike many other "high-density" apartment complexes that feature 2, 3 and 4 bedroom units, Remington plans to build more one-bedroom units. The Staff Report acknowledges that apartments with two or more units create more mass and bulk than a development with buildings including only one bedroom units, creating a smaller overall building footprint. Staff concludes that approval of Remington's proposed RM24 zoning would allow the project to retain its existing character and add additional units on the east side of the Property. The Staff Report notes the apparent demand for small units in the community, and that Remington's plan will allow additional development on the site in keeping with development patterns in terms of building coverage. The long-range goals and policies of *Horizon 2020* are only met if the Staff Report's recommendation is incorporated into, and adopted as part of, the Plan.

Based upon the Staff Report's opinion supporting RM24 zoning of the Property, Remington obviously favors "Option 3" of the Plan. The problem with Option 3, however, is that it also recommends commercial uses for the two adjacent properties to the east and west of the Property, which are at the corners of Crossgate Drive and Clinton Parkway (to the east) and Inverness Drive and Clinton Parkway (to the west). Although Remington supports the commercial use of those properties, the Plan's alternatives should not be so "black and white."

The Plan needs an "Option 4" that recommends high-density apartments for the Property and the "status quo" for the two adjacent properties (or a combination of uses for the adjacent parcels). In other words, a decision about the use of Remington's Property should not depend upon the classification of the adjacent parcels. If the Property, viewed in isolation as it was in the Staff Report, is best suited for high-density residential, that use should not be denied merely because commercial uses are deemed inappropriate for the adjacent properties.

The Plan's recommendation for high-density apartments, if adopted, does not circumvent the review process that accompanies the Application, and all interested parties will have the opportunity in at least two public hearings to voice their concerns. Allowing that process to proceed is only fair, given the recommendation of the Staff Report and the fact that the Property is subject to special assessments. Remington purchased the Property with the reasonable expectation of being able fully utilize the Property, subject to the approval of RM24 zoning. Prudent planning and fairness dictates that Plan encourage high-density residential use of the Property. Remington is supportive of "Option 3" of the Plan, but requests that an "Option 4" also be considered so that the fate of the Property is not tied to a decision about the commercial use of adjacent properties. In no event, however, is the "status quo" an acceptable outcome.

Very truly yours,

BARBER EMERSON, L.C.

Matthew S. Gough

MSG:plh
cc: Remington Square, L.C.

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
10/27/10
ITEM NO. 5: RM15 to RM24; 15.171 ACRES; 4000 W 24TH PLACE (SLD)

Z-8-12-10: Consider a request to rezone approximately 15 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential), located at 4100 W. 24th Place. Submitted by BG Consultants, Inc., for Remington Square LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request [Z-8-12-10] for 15.171 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential) and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Applicant's reason for request: *"The rezoning is requested because the Owner desires to build additional buildings on the property. The apartment complex is fully leased with a waiting list for available units. The property has room for additional buildings."*

KEY POINTS
- Property has a history of multi-dwelling type development.
- Property was included in original 160 acre development known as the Getto property (Inverness Park Addition) and zoned RO-1B per the 1966 Zoning Code. A district allowing multi-dwelling development up to 12 dwelling units per acre.
- A previous application for a retirement center included this property (UPR-09-04-07) but was not completed.
- This property was rezoned to RM15 to facilitate multi-dwelling residential development (Z-10-26-07) allowing multi-dwelling development up to 15 dwelling units per acre.
- Property is developed as an apartment complex with 224 1-bedroom units.

GOLDEN FACTORS TO CONSIDER
CHARACTER OF THE AREA
- Property is located within an area planned for multi-dwelling residential development.

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

ASSOCIATED CASES/OTHER ACTION REQUIRED
- Z-10-26-07; RSO to RM15 for only that part of the subject property known as Lot 1.
- MS-06-09-08; minor subdivision to amend interior lot line.
- SP-6-38-08; approved for multi-dwelling development (Remington Square Apartments)
- FP-06-11-08, a local floodplain development permit for the development of Lot 1 of the subject property.

ATTACHMENTS
- Area map
- Residential Use Tables
- Development history summary

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

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

GENERAL INFORMATION

Current Zoning and Land Use:	RM15 (Multi-Dwelling Residential); existing multi-dwelling residential development.
Surrounding Zoning and Land Use:	To the north; RM12 (Multi-Dwelling Residential) District; Bishop Seabury Academy and apartment development.
	To the east and west; RSO (single-dwelling Residential Office) District; undeveloped land.
	To the South; PRD [The Legends, Phase 1 and Phase 2 The Grove]; existing multi-family residential development, university oriented housing.

Project Summary:

The property is located on the north side of 24th Place. It is bounded on the north by Clinton Parkway. The property is developed with 224 1-bedroom apartments. The proposed request is intended to change in the base density to allow additional apartment development on the east side of the property. This would allow up to an additional 136 units (360 units total). A summary of the development history is attached to this report.

I. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"Horizon 2020 supports infill development. The proposed project is an infill development which will provide a consistent and compatible land use with the surrounding area. The proposed project will be a similar land use to the existing adjacent properties. The proposed units will be one bedroom units.*

The existing zoning is RM15 and the existing density is 14.93 units per acre with 14.93 bedrooms per acre. The proposed zoning is 24 units per acre with 24 bedrooms per acre. Medium density residential zoning should be located along major roadways. This project is located along Clinton Parkway. The proposed project will consist of 16 and 24 unit apartment buildings. The proposed buildings will be consistent with the existing buildings on the property."

Residential development is addressed in *Horizon 2020* - Chapter 5. The plan recognizes the need to provide a variety of housing opportunities. A key residential strategy states: *"Infill residential development should be considered prior to annexation of new residential areas."*

The Plan further strives to encourage the enhancement of neighborhoods with compatible densities and housing types. Architectural styles are recommended to reflect qualities and styles of an existing neighborhood.

The proposed request is considered to be high-density as defined in *Horizon 2020* and in the Land Development Code. High density development is typically found along major arterial streets and in proximity to high intensity activity areas. Medium and high density residential land use includes the following policy: *"Policy 2.7(b): Encourage the use of a variety of housing types, including town homes, patio homes, zero lot line homes, cluster housing, garden apartments and retirement housing."*

Additional policies address compatibility with surrounding land uses and adequate vehicular circulation within developments.

High-density residential development is characterized as density occurring between 16 to 21 dwelling units per acre. The Development Code includes zoning districts that allow up to 32 dwelling units per acre. Several areas in the community can be found with this type of density. Typically, high density areas are located near university property.

Staff Finding –The Land Development Code provides for zoning districts that exceed the definition of high density found in *Horizon 2020*. Approval of the request will allow infill development in an area currently built with multi-story apartments. If the Commission determines the requested density is too high for the area, an option to address both density and overconcentration of a specific housing type would include limiting the density, if approved, to something less than the requested 24 dwelling units per acre.

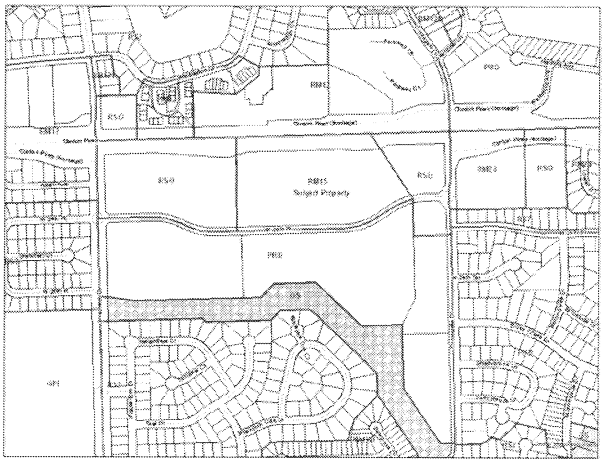
II. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

This property is surrounded by a variety of land uses and zoning districts. The area to the east was proposed for neighborhood commercial zoning for a Walgreens and later withdrawn by the applicant in 2008 (Z-5-12-08). The property to the west was proposed for multi-dwelling residential development in 2009 which was denied by the City Commission (Z-7-11-09). Both properties immediately east and west remain undeveloped.

The area located along the south side of 24th Place is developed with apartments (Legends at KU and The Grove). These apartments include 2, 3 and 4 bedroom units. Another apartment complex is located southeast of this request. That development (Wyndam Place), along Crossgate Drive, includes 1 and 2 bedroom units. It is designed for residents 55 years and older. An additional apartment development is proposed on the currently vacant PRD property north of Wyndam Place.

The area located on the north side of Clinton Parkway includes a variety of uses including Bishop Seabury Academy, a private school, apartments and condominiums.

Detached residential uses are located on the east side of Crossgate Drive and the west side of Inverness Drive. An existing drainage easement south of the apartment development, on the south side of 24th Place is designated as a future park. The area is intended to include trails for passive recreation within the area. The area south of the future park (south of 24th Place) is also zoned and developed with detached residential housing.



The east side of the subject property is encumbered by a drainage easement. The drainage features of the site are natural boundaries to development.

Staff Finding -- There are a variety of zoning districts and uses in this area. The subject property is zoned RM15 and developed with apartments. Surrounding land uses include a school, vacant land, and other multi-dwelling residential uses. The development pattern of the area is defined by the existing streets, drainage and built structures of the surrounding area.

III. CHARACTER OF THE AREA

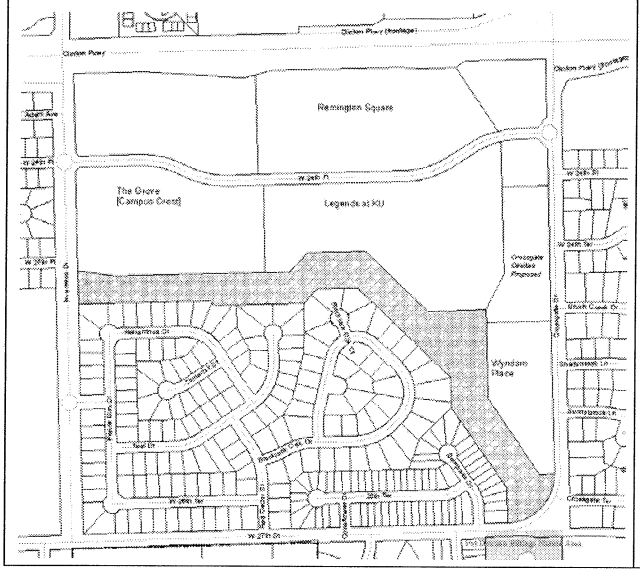
Applicant's Response: *"The property to the east and west is currently vacant. The properties to the south consist of medium density multi-family residential. The property to the north consists of mixed uses including medium density multi-family residential (RM12 zoning)."*

The subject property is located on the south side of Clinton Parkway (a designated arterial street) and on the north side of 24th Place(a designated local street). Inverness Drive to the west and Crossgate Drive to the east are both collector streets. The property is not located within an established "neighborhood boundary" but is located near Sunflower Elementary School and Southwest Junior High School to the southwest. The area to the immediate south is developed with multi-family university-related housing.

The broader neighborhood includes a range of uses found throughout the area. Intensive uses are concentrated along Clinton Parkway. Detached and duplex housing is found east of Crossgate Drive, west of Inverness and south of the park property (south of 24th Place). Lowest intensity uses (detached homes and open space) are found on the interior portion of the neighborhood.

There are 4 existing multi-dwelling projects in the immediate area (south of Clinton Parkway). The following table provides a summary of existing and proposed development.

Multi-Dwelling Development



Existing Development		
	Density	Units
Remington	15	224
Legends	12	200
The Grove	14	172
Wyndam	10	45

Proposed Development		
	Density	Units
Remington	24	360
Legends	12	200
The Grove	14	172
Wyndam	10	45

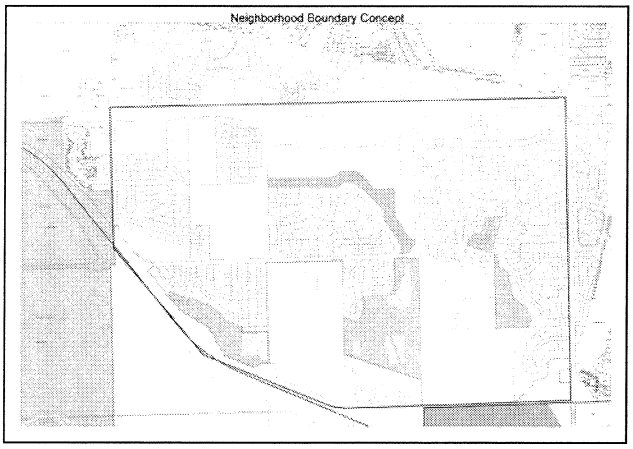
Density is equal to the number of dwelling units per acre regardless of the number of bedrooms.

Staff Finding -- The subject property is located in proximity to several developed apartment complexes and existing residential subdivisions. The area has a mixed character. Higher-intensity residential development is located along the arterial streets. Lower intensity, attached town homes and detached single family dwellings are located interior to the overall neighborhood area.

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

This area is not currently included in a designated neighborhood. *Horizon 2020* and *Transportation 2030* are the adopted plans applicable to this request. General neighborhood features reviewed for

this application include: land use, open space, and proximity of public and commercial uses serving the area. There are a number of undeveloped parcels within the neighborhood. The area would benefit from development of a neighborhood plan to address the form and type of development for the undeveloped areas and identification of neighborhood needs to serve the area. Approval of the proposed rezoning will not substantially alter the existing neighborhood makeup.



Staff Finding -- The subject property is not part of a designated neighborhood for which there is an adopted area or sector plan. The guiding document for this property is *Horizon 2020*. The property abuts an arterial street to the north and the general area is between two collector streets. Access to the property will be limited to the local street on the south side.

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

Applicant's response: *"The use of the subject property for multi-family residential is suitable."*

The RM districts are intended to accommodate multi-dwelling housing. These districts allow the creation and maintenance of higher density housing opportunities in areas with good transportation access.

- The RM15 district has a corresponding *Horizon 2020* designation of "medium density" limited to 15 dwelling units per acre.
- The proposed RM24 district has a corresponding *Horizon 2020* Designation of "high density" designation limited to 24 dwelling units per acre.

The property has been developed, as zoned, to its maximum potential with regard to density. The property includes roughly 4 acres on the east side that is currently open space. If approved this open space area could accommodate additional development. Infill development maximizes the building potential without creating sprawl. This type of activity is considered infill development.

The Remington project was developed as a complex with 1-bedroom units. Comparatively, other projects in the immediate area include 2, 3 or 4 bedroom units. The density calculation is "dwelling unit" regardless of the number of bedrooms in an individual dwelling unit. The number of bedrooms impacts the building size. Buildings that include units with 2, 3 or more bedrooms are larger creating more mass and bulk than a development with buildings including only 1 bedroom units. It is for this reason that the Remington Square project has a smaller overall footprint of buildings compared to the two developments on the south side of W. 24th Place. If the Remington project

was renovated, consolidating some of the 1 bedroom units into multi-bedroom units, additional construction could be added to the site without changing the same base density.

Staff Finding – The existing buildings could be remodeled combining units and adding bedrooms thus allowing construction of more buildings at the same base density. Approval of the proposed rezoning would allow the project to retain its existing character and add additional units on the east side of the property.

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

Applicant's Response: *"The property was developed in 2008 under the RM15 zoning."*

The property is developed with 1-bedroom apartments and surface parking. This property has be rezoned a number of times in the recent past.

- RO-1B zoned approved as part of the Getto development project.
- RSO zoned in 2006 per the adoption of the Development Code.
- RM15 zoned in 2007 as part of the Remington Square development project.

Staff Finding – The subject property is developed. It was zoned for multi-dwelling residential use in 2007. A site plan was approved in 2008 for multi-dwelling residential development.

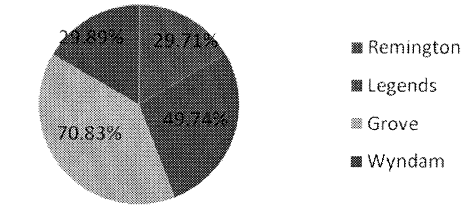
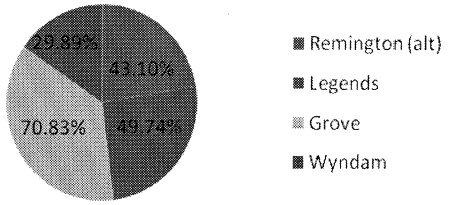
VII. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's response: *"The proposed rezoning will not detrimentally affect nearby properties. The properties to the west and east are currently undeveloped. The properties to the south have multi-family apartments on them. The Legends development has an existing density of 11.85 units per acre and 37.4 bedrooms per acre. The Grove development has an existing density of 13.71 units per acre and 39.8 bedrooms per acre. The proposed development will have only 24 bedrooms per acre."*

The applicant is requesting that 15.171 acres of land be rezoned to RM24. The subject property abuts an existing arterial street (Clinton Parkway) and is located across from an existing multi-dwelling residential development. Approval of the request will allow development of additional buildings on the east side of the property. Staff acknowledges that units with more bedrooms directly correlate to more people per unit. Multi-dwelling zoning districts allow a maximum of 4 unrelated individuals per unit (includes RMO, RM12, RM12 D, RM15, RM24, RM32 and RMG zoning districts).

A key consideration of this review is the impact on the appearance and scale of development and the relationship to the surrounding area. As a measure of development impact staff compared the building and open space land coverage of four developments in the area. Developments with more building coverage and less open space appear more dense and intrusive than developments with less building coverage and more open space. All four developments are consistent with medium density descriptions found in *Horizon 2020,* (density 7 to 15 dwelling units per acre). See table in part III of this report.

The following charts show the amount of area within the four projects dedicated to buildings and improvements (Impervious Surface Coverage) as a measure of intensity (building scale and mass).

Existing Conditions	Proposed Conditions[1]
	

Both Remington Square and Wyndam Place, as built, include a substantially less built area. This directly correlates to their building type with only 1 or 2 bedrooms. The Grove and the Legends include larger buildings include 2, 3 or 4 bedrooms per unit[2]. Correspondingly, the developments with larger building have less open space.

Approval of this request should not anticipate additional density increase of the remaining undeveloped lots.

With recent multi-family rezoning requests, concerns have been raised regarding the potential to over building in the apartment market. The City has:

- 1,436.8 acres (2.24 sq. miles) zoned for medium density development (RSO, RM12, RM12D).
- 75.7 acres (.118 sq. miles) zoned for medium density development (RM15).
- 657.7 acres (1.03 sq. miles) zoned for high density development (RMO, RM24, RM32).
- 21,845 acres (34.12 sq. miles) total city (all zoning districts).
- 20,602 acres (32.19 sq. miles) total city less island areas (all zoning districts).

As noted in the September 29, 2010 Journal World the City's current vacancy rate is 8.1%. This includes **all** types of housing not just those limited to multi-dwelling units. Both Remington Square and Wyndam Place have reported they are fully leased while Legends has indicated that they do have vacancies. Staff was not able to contact The Grove to confirm vacant units. There appears to be a demand in the community for smaller units based on anecdotal evidence.

Staff Finding – A concern noted in public comment regarding a previous development application for the south east corner of Clinton Parkway and Inverness (just west of subject property) included statements related to overbuilding of apartments in this general area. Not all multi-dwelling units function the same or serve the same market. Approval will allow additional development on this site in keeping with development pattern in terms of building coverage. Approval will also allow additional housing options in the area but should not negatively affect the Single family residences to the south and southwest.

[1] Based on proposed site plan for Remington Square.
[2] Wyndam Place is targeted to Seniors 55 years and older. The project includes 28 one-bedroom units and 36 two-bedroom units. Remington Square includes all one-bedroom units.

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

Applicant's response: *"If this application is approved it will allow the Developer to construct 136 residential units which will increase the property tax base of the City of Lawrence. The public infrastructure is in place in and around the development so the impact to the public system is minimal. The hardship imposed upon the landowner if the application is denied is such that the additional units will not be built at this time."*

Existing services are available to the property for development purposes. Additional detail is needed regarding specific to the development including a downstream sanitary sewer study. Approval of the request as infill development is preferable to fringe development with regard to extension of municipal services. Adjustments may be needed with regard to land use to assure system capacity remains available as undeveloped land is proposed for development.

While unlikely, if denied the applicant could remodel the recently completed project to add additional bedrooms without altering the base density. This would likely displace current residents of the development.

Staff Finding -- Approving the rezoning request would allow additional 1 bedroom residential housing choices in the community. Existing infrastructure is available to serve this property. Development will not alter existing public health, safety and welfare.

STAFF REVIEW

The subject property is a portion of a larger 160 acre tract originally annexed and zoned in 1999. The property was later platted with large tracts along Clinton Parkway. The area along Clinton Parkway was zoned for the most intensive development as part of the consideration of the 160 acres in 1999. The area south of 24th Place but north of the open space/drainage area was designated as the transition area to the lower density, detached residential home lots south of the open space/drainage area. Approval of this request increases the base density on the north side of 24th Place. The developed properties on the south side of 24th Place would continue to function as transitional uses between Clinton Parkway at the north end and single-dwelling residences at the south end of the original 160 acre parcel.

In 2004 the subject property was part of a development request known as the Fountains Retirement Center; a multi-lot, multi-phased development intended to provide a variety of housing options (independent and assisted living, skilled nursing, dementia care, and two-unit villas) for senior citizens in Lawrence (UPR-09-09-04). Development was anticipated for this project to be phased and completed by 2011. A final plat was also associated with this proposed development that was not recorded but established lots based on the phases of the development. The total development area of the project was approximately 22 acres. The subject property of this request represents the central portion of that previous development request. The area along Clinton Parkway has historically been associated with higher intensity land use.

In 2008 the Planning Commission voted unanimously to recommend rezoning the property from RSO to RM15. The base density did not change with the zoning approval at that time. The change did modify the allowable building type and prohibit office uses allowed in the RSO district.

CONCLUSION

The area immediately south of the subject property is developed with multi-story units with multiple bedrooms. The units on the south side of 24th Place (The Grove and Legends at KU) are marketed to college age occupants, the units located along Crossgate (Wyndam Place) are marketed to adult residents 55 years and older. This development (Remington Square) is not specifically designed or marketed to a particular age group.

Development of the property will require site plan approval and compliance with the current Land Development Code, if approved.

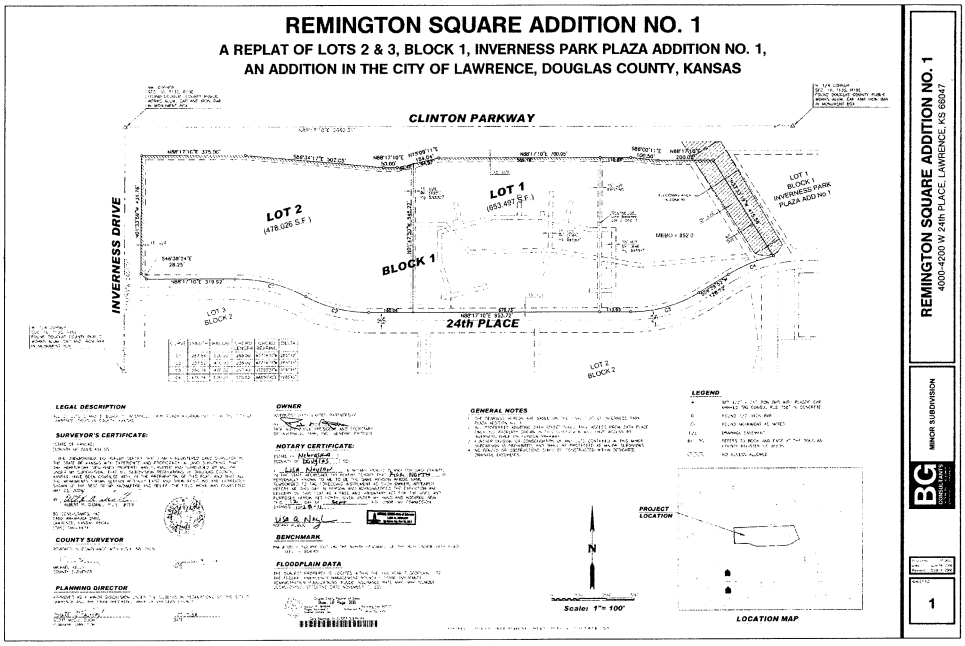
Site History Attachment:

ANNEXATION
- A-4-4-99; 163.46 acres

REZONING
- Z-4-10-99; A to RO-1B; 17.738 acres of original tract
- Adoption of 2006 Zoning Code converted the RO-1B to RSO.
- Z-10-26-07; RSO to RM15 for only that part of the subject property known as Lot 1

PLATTING
- Inverness Park Plaza Addition No. 1
- PF-09-29-04, a Final Plat for Inverness Park Plaza Addition No. 5, a replat of Lot 2 and Lot 3, Block One, Inverness Park Plaza Addition No. 1. [Expired, conditions not met, document not recorded]
- MS-06-09-08; minor subdivision to amend interior lot line.

DEVELOPMENT
- UPR-09-09-04; The Fountains [Expired, conditions not met]
- B-09-25-04; variance from building height and required parking associated with UPR.
- SP-6-38-08; approved for multi-dwelling development (Remington Square Apartments)
- FP-06-11-08, a local floodplain development permit for the development of Lot 1 of the subject property.



Dan Warner

From: Jamie Hulse [jamiehulse@att.net]
Sent: Thursday, April 07, 2011 10:37 PM
To: Dan Warner
Cc: Scott McCullough; Sheila Stogsdill
Subject: Comments - Inverness Park District Plan

Dan –

Based on comments made at the two meetings, and conversations I've had with neighbors regarding the meetings and the 1st Draft, it's clear that there is much confusion, and a wide variance in neighbor knowledge/understanding of the process and the options presented. I would guess you haven't received many comments because no one knows how to respond. Twenty-nine pages is a lot to read when you understand the subject matter. Twenty-nine pages feels like an overwhelmingly huge mountain when you don't understand the subject matter. Most people don't have even a basic understanding of zoning and planning, and even if they attempted to read the 1st Draft, the feedback I've received is they got lost and didn't understand all that they were reading, and definitely didn't know how to respond to communicate that they don't want any more apartment complexes.

What I do know…

- The City Commissioners and several Planning Commissioners have agreed that the Inverness Park District (IPD) area does not need any additional multi-family apartment complexes, and directed Planning Staff to work with property owners and neighbors to come up with a plan that neighbors could support and would create a mixed use.
- The IPD area currently has more multi-family apartment complexes than any other area in the city of Lawrence other than the area directly surrounding KU campus.
- Adjacent property owners do not want any additional multi-family apartment complexes built in IPD – so neighbors have asked me which option they should support to accomplish that.
- All proposed options still allow multi-family apartment complexes.
- Option 3 proposes an increase in the number of MF units, at double the density allowed when the property was originally annexed into the city. This directly opposes the intent of creating the district plan.
- Under Option 1 Pg 19 – "The RSO District permits detached homes, duplexes and office uses." This page does not state anywhere that under RSO zoning, apartment complexes could be built.

I support –

- RSO with buffer – Clinton Pkwy & Inverness (would support light commercial if there were restrictions because of close proximity to 4 schools)
- No increase in density or change in zoning – Remington Place
- Light Commercial – Clinton Pkwy & Crossgate
- RSO – Crossgate & W. 24th Place
- SF Residential with open space – south of W. 27th

What zoning would eliminate the possibility of any additional multi-family being built in this area? Would an overlay district accomplish this? Or is the only option to have a deed restriction in place?

Sincerely,

Jamie Hulse
4403 Gretchen Ct.

Dan Warner

From: Marci Leuschen [leuschen@gmail.com]
Sent: Wednesday, April 06, 2011 8:10 AM
To: Dan Warner
Subject: Inverness Park District Plan Comments

Dear Mr. Warner -

I have read over the Inverness Park District Plan and have to be honest that I am a bit overwhelmed with all the information. I am a fish out of water when it comes to all of the zoning regulations and have tried to understand all of this the best I can. I appreciate the work you and your office have done to put all this information together and I hope the end result is a better vision for our neighborhood.

After reading the three options I first want to point out that I am absolutely not in favor of increasing the density for Remington Place.

My main concern is more apartments in this area - we all agree that this area is already inundated with apartments and increasing the density for Remington Place would just add to the apartment problem.

It is my understanding that the Neighborhood Commercial zoning allows for apartments to be built as well. Is this correct? If so, what is the density of those apartments? Is it higher than the current RSO zoning we currently have? If it is, then I favor option one. If the neighborhood commercial zoning does not allow for apartments, then I would favor option two. Again, my main concern is with the number of medium to high density apartments in our area.

Thank you -

Marci Leuschen

4153 Blackjack Oak Drive
Lawrence, KS 66047
leuschen@gmail.com
785-856-9037

Inverness Park District Plan

2nd Public Meeting – March 3, 2011

6:30pm – 8:00pm

Agenda

1. Introduction
2. SWOT Exercise Review
3. Review Future Land Use Exercise
4. Review Draft Goals and Policies
5. Review Future Land Use Options
6. Inverness and Clinton Parkway Presentation
7. Next Steps

Questions or comments?
Contact:
Dan Warner, Long-Range Planner
Lawrence-Douglas County Planning Office
785-832-3162
dwarner@lawrenceks.org
http://www.lawrenceks.org/pds/

Inverness Park District Plan

What is a District Plan?

- Specific future land use plan for a specific area
- Guides future development for properties included in the planning area
- Anticipates development over a relatively short period of time
- What the plan does:
  - Identifies future land uses
  - Outlines goals and policies
- Plan does not annex property and does not change zoning upon adoption
- General steps to process:
  - define planning area boundaries
  - inventory of existing conditions & data analysis
  - public meetings
  - draft plan
  - adoption process (PC, CC, BCC)

Draft Goals and Policies

Goals
Encourage nonresidential land uses at the Inverness and Crossgate corners of Clinton Parkway that are compatible with the residential uses in the planning area.

Develop a strong park/trail system.

Develop single-family residential uses south of 27th Street at densities compatible with adjacent densities.

Protect the regulatory flood hazard areas from development.

Policies
Allow for neighborhood-level commercial, office, civic, institutional and recreation activities on the Inverness and Crossgate corners of Clinton Parkway.

Encourage mixed use development (i.e. residential and non-residential uses) along Clinton Parkway.

Develop single-family uses south of 27th Street.

> Encourage a creative mixture of development that includes small lots, but also large lots that can use the regulatory flood hazard areas as an amenity that is protected from development.
>
> Ensure adequate public facilities are available prior to developing the area south of 27th Street.

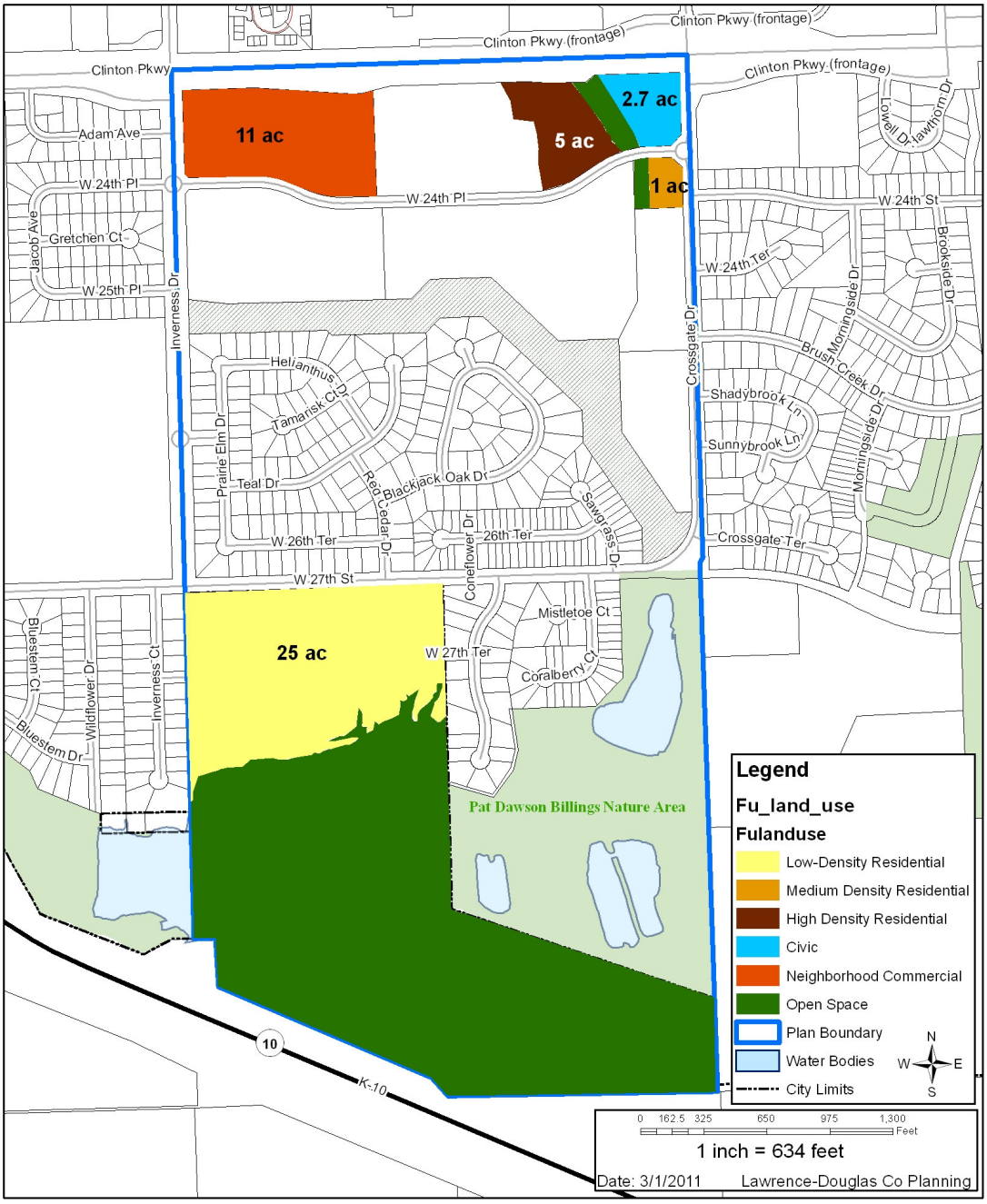
Develop a pedestrian trail on the future park land south of the Legends at KU development.

Maintain the integrity of Clinton Parkway as an access restricted thoroughfare.

Future Land Use Options

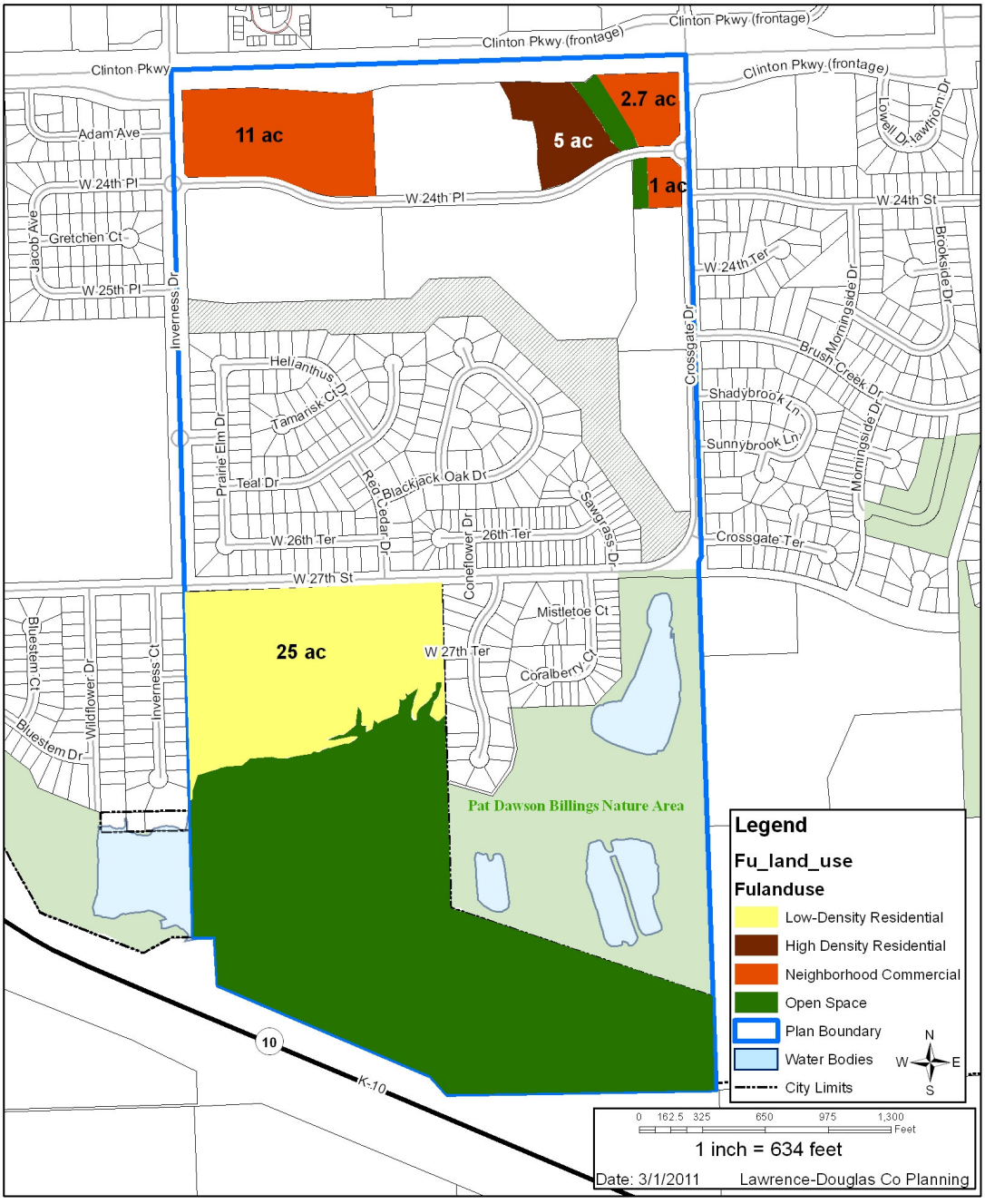
Option 1

Inverness Park District Plan
Future Land Use



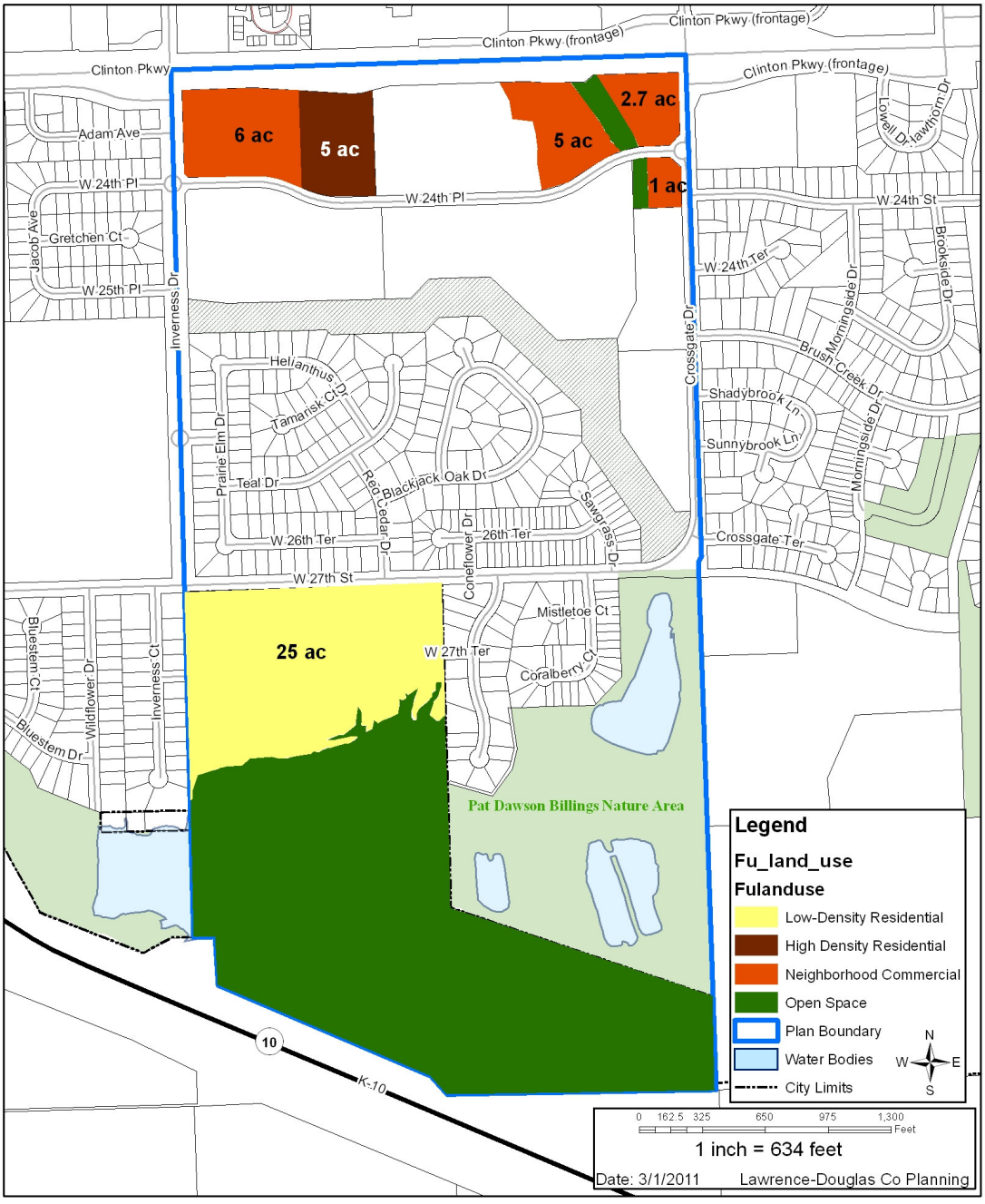
Option 2

Inverness Park District Plan
Future Land Use



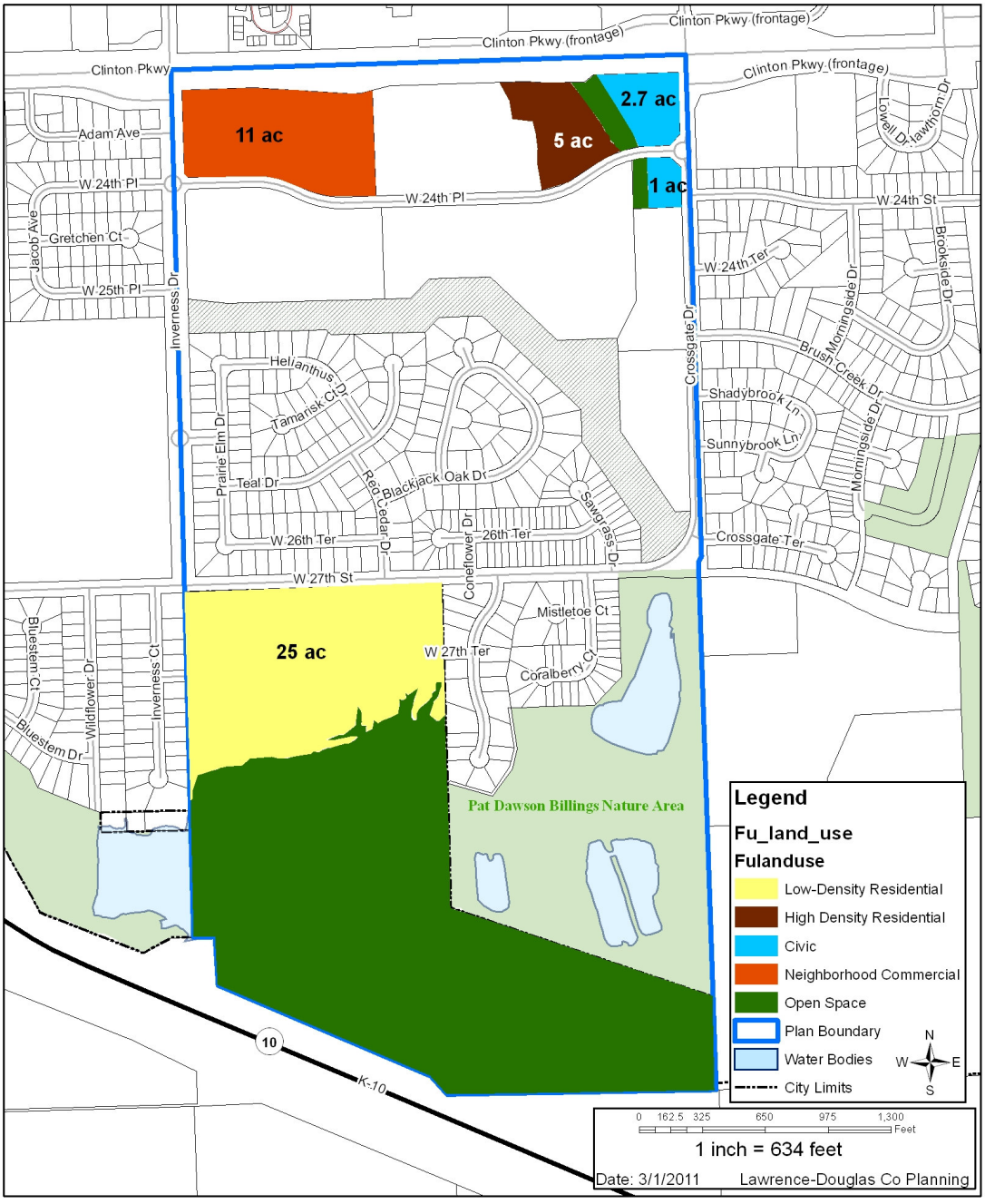
Option 3

Inverness Park District Plan
Future Land Use



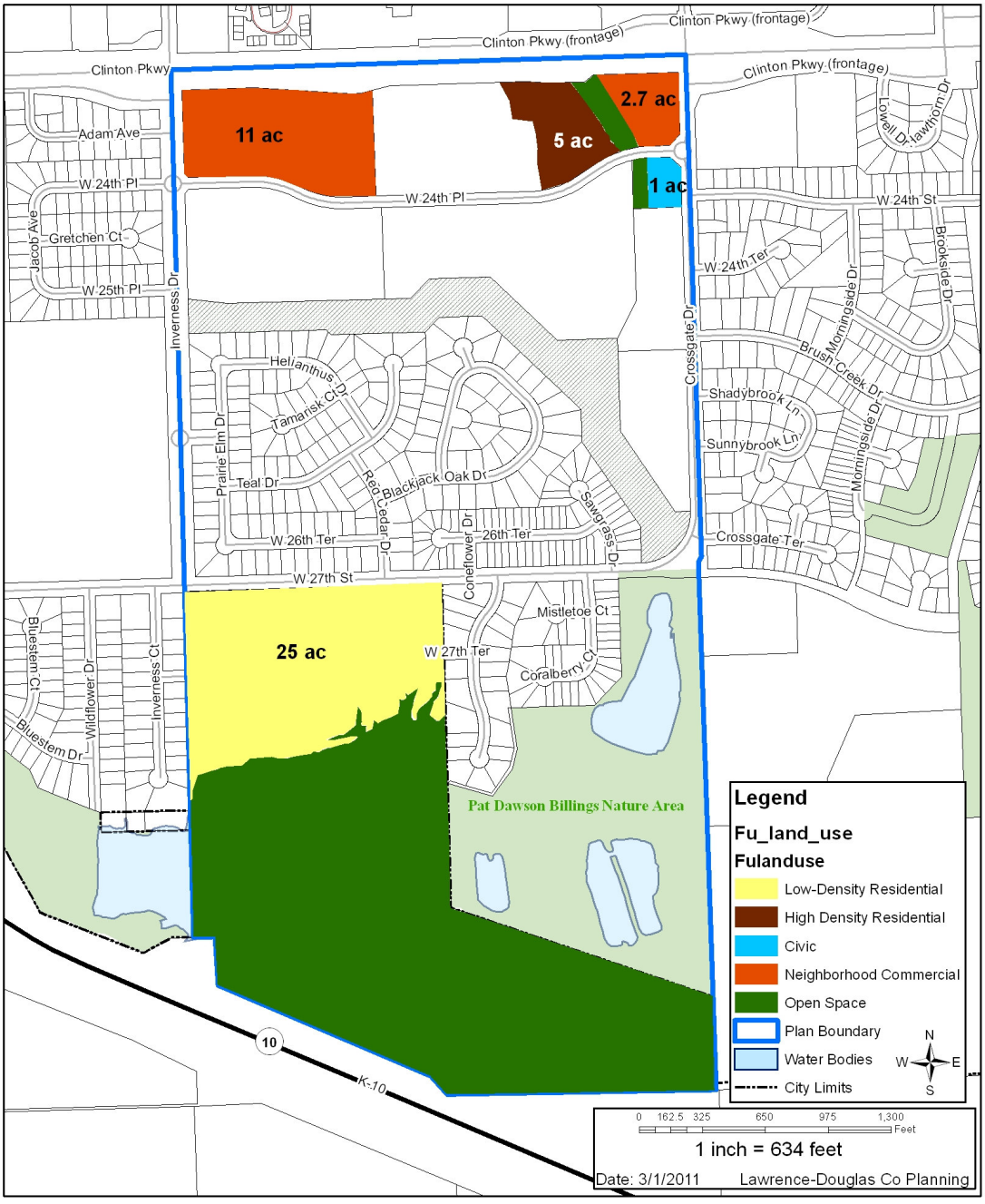
Option 4

Inverness Park District Plan
Future Land Use



Option 5

Inverness Park District Plan
Future Land Use



Inverness Park District Plan Meeting
Thursday, March 3, 2011
Written Comment Sheet

Future Land Use Option 1

On the large parcel south of 27th street, are there really only 25 acres ~~out~~ that are out of the flood plain?

Future Land Use Option 2

Same Comment as above

Future Land Use Option 3

Same Comment as above

Future Land Use Option 4

Same Comment as above

Future Land Use Option 5

Same Comment as above

Contact Info (optional): Charles Getto cgetto@MVP Law.Com

For more information visit: www.lawrenceks.org/pds/draft_plans

Inverness Park District Plan Meeting
Thursday, March 3, 2011
Written Comment Sheet

Future Land Use Option 1

~~The future~~ The 2.7 A parcel on the SEC of Clinton & Crossgate should be commercial

Future Land Use Option 2

This is a good plan

Future Land Use Option 3

The 6 & 5A parcels should be 11 A of commercial & the 5A ~~parcel should not be~~ commercial

Future Land Use Option 4

Does the city have a plan for 2.7A of Civic

Future Land Use Option 5

This is a good plan

Contact Info (optional):

For more information visit: www.lawrenceks.org/pds/draft_plans

Inverness Park District Plan Meeting
Thursday, March 3, 2011
Written Comment Sheet

Future Land Use Option 1

Commercial at Clinton/Inverness is a bad idea.

Should be open space. All else looks good.

Future Land Use Option 2

Commercial at Clinton/Inverness is a bad idea.

Why do all options have to include at Clinton/Inverness commercial. There has to be more to consider for that area, or why are we even considering a district plan? It should not be a foregone conclusion that it should be commercial.

Future Land Use Option 3

(>worst option

Same, except 5 more acres of high density is EXACTLY what no one wants there.

Future Land Use Option 4

Same as 1 & 2

Future Land Use Option 5

Same as 1 & 2

Contact Info (optional): Luke Sinclair sincluke@gmail.com (785) 865-3724

For more information visit: www.lawrenceks.org/pds/draft_plans

Inverness Park District Plan Meeting
Thursday, March 3, 2011
Written Comment Sheet

Future Land Use Option 1

No commercial on Inverness/Clinton

Future Land Use Option 2

No commercial on Inverness/Clinton

Future Land Use Option 3

No commercial on Inverness/Clinton
Really do not like the sac of high density residential

Future Land Use Option 4

No commercial on Inverness/Clinton

Future Land Use Option 5

No commercial on Inverness/Clinton

Contact Info (optional): Lori Sinclair [redacted] luey333@yahoo.com

For more information visit: www.lawrenceks.org/pds/draft_plans

Inverness Park District Plan Meeting
Thursday, March 3, 2011
Written Comment Sheet

Future Land Use Option 1

No additional Density for Multi-Family

Future Land Use Option 2

No additional density for multi-Family

Future Land Use Option 3

No additional density for multi Family

Future Land Use Option 4

No additional density for multi-Family

Future Land Use Option 5

No additional density for multi-~~Family~~

Contact Info (optional): Davis Loupe
785 832-0316 dploupe@yahoo.com

For more information visit: www.lawrenceks.org/pds/draft_plans

Inverness Park District Plan Meeting
Thursday, March 3, 2011
Written Comment Sheet

Future Land Use Option 1

I worry about having medium-density residential right off of the roundabout. Traffic is already dicey because of the fact that so many KU students speed around the roundabout, going to →

Future Land Use Option 2

Similar concerns as those I raised above with respect to traffic congestion at the roundabout just south of Clinton Pkwy / Crossgate.

Future Land Use Option 3

This strikes me as the most problematic plan, given my concern about traffic flow at the roundabout south of Clinton Pkwy / Crossgate. This and option 2 are the least attractive, in my view.

Future Land Use Option 4

I suppose I like this plan the best (although 'like' may be too strong a word). I say this, though, assuming that 'civic' would not entail development that would generate much →

Future Land Use Option 5

Here, too, I have concerns about traffic flow & congestion.

General comments: I am frustrated to see that all of the plans have areas designated for high-density residential when the #1 threat that came out of our first meeting was "oversaturation of multi-family." At the same time I am really pleased to see the land south of 27th designated as low-density residential. That strikes me as being the most appropriate designation for that land. →

Contact Info (optional):

For more information visit: www.lawrenceks.org/pds/draft_plans

and from the student apartments. I think that having residential right off of the roundabout would not only enhance the congestion but also pose some danger.

More traffic. If I am wrong about that, then (as you might expect) I would share the same concerns as those voiced above.

I am dismayed by the fact that these plans don't seem to mean much. I guess I wonder why you are investing all of this time & money on this process, when it's the case that the plans aren't at all binding.

Inverness Park District Plan Meeting
Thursday, March 3, 2011
Written Comment Sheet

Future Land Use Option 1

No high density Residential!
I like low density Residential South of 27th
I would like to see more open space.
I am Fine w/ Neighborhood commercial

Future Land Use Option 2

No high density Residential!
I like low density Residential south of 27th
more open space
I am Fine w/ Neighborhood commercial

Future Land Use Option 3

No high density Residential!
I like low Density Residential sout of 27th
more open space
I am Fine w/ Neighborhood commercial

Future Land Use Option 4

No high density Residential!
I like low density Residential South of 27th
more open space
Not sure if civic will work
I am Fine w/ Neighborhood commercial

Future Land Use Option 5

No high density Residential!
I like low density Residential south of 27th
more open space
My Favorite - still don't like 5 acres of high density Residential!

Contact Info (optional):

Andrew Cooper 393-4392 decoupe71@gmail.com

For more information visit: www.lawrenceks.org/pds/draft_plans

I am very interested in
these what was presented (Grocery store strip mall)
For the corner of Inverness & Clinton
Parkway.

Dan Warner

From: Jane M. Eldredge [jeldredge@barberemerson.com]
Sent: Wednesday, January 05, 2011 10:11 AM
To: Dan Warner
Subject: RE: Inverness Park District Plan - Kick-Off Meeting

Dan,
In the last century a talented developer from Kansas City proposed a new urbanist plan for this entire 160 acres. In the middle of the tract facing Clinton Parkway was proposed a movie theater, a dry cleaner, a bank and several small shops such as Ann Taylor. The intersection with Crossgate was proposed as a restaurant and the intersection with Inverness was proposed as a day care center. The residential portion, behind the retail and service areas included apartments, townhomes and single family. The creek was donated to the City as part of a nature trail and pedestrian access from the residential to commercial areas was well planned. Unfortunately, the staff and planning commission was so opposed to any retail or restaurant that they insisted on more dense residential and residential/office (under the old Zoning Code) throughout the project. The more dense residential and residential/office was not opposed by the existing neighbors along Crossgate and Inverness. We missed an opportunity to have a true new urbanist development and now must try to salvage some of what we did insist on. I wish you good luck in trying to improve on what is there and getting an economically viable project. Thanks for the notice of what you are doing. Jane

Jane M. Eldredge
Barber Emerson, L.C.
1211 Massachusetts
P.O. Box 667
Lawrence, Kansas 66044
(785) 843-6600
(785) 843-8405 (facsimile)
www.barberemerson.com
jeldredge@barberemerson.com

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From: Dan Warner [mailto:dwarner@lawrenceks.org]
Sent: Wednesday, January 05, 2011 9:19 AM
To: Dan Warner
Subject: Inverness Park District Plan - Kick-Off Meeting

Dear Stakeholder,

The Lawrence-Douglas County Planning Office is working on a district plan, a long-range future land use plan, which has been named the *Inverness Park District Plan*. A planning area boundary map is attached for your reference. This planning process will identify future land uses for the remaining undeveloped property within the planning area. The end result of this process is a document that the Planning Commission, City Commission, and County Commission will use to guide development when and if development occurs. The document will also allow existing and potential property owners to see what the long-range plan is for the area.

Information about this process, including a link to subscribe to future email notices about the plan, can be found at http://www.lawrenceks.org/pds/draft_plans. As a stakeholder, your input is very important to the planning process and this is an opportunity for you to provide input on the plan. A public meeting to kick off the planning process will be held on **Thursday, January 20th from 6:30-8:00 p.m. at Southwest Jr. High School** located at **2511 Inverness Drive**.

Visit our website at http://www.lawrenceks.org/pds/draft_plans or contact the Planning Office for information and to sign up to receive email updates. If you have any questions or comments regarding the plan, please contact me by phone at 785-832-3162 or email comments to dwarner@lawrenceks.org.

Thanks.

Dan Warner, *Long-Range Planner, AICP* - dwarner@ci.lawrence.ks.us
Planning and Development Services Department | http://www.lawrenceks.org/pds/
City Hall, East 6th Street, PO Box 708
Lawrence, Kansas 66044-0708
785-832-3162. phone
785-832-3160. fax

Dan Warner

From: GOEASTERN@aol.com
Sent: Wednesday, January 12, 2011 10:57 AM
To: Dan Warner
Subject: Inverness Park District Plan

Hello, Mr. Warner:

I am writing in response to your form letter of January 4, addressed to me as a "stakeholder" regarding the Inverness Park District Plan. I am sure that I have no stake in whatever mess the planning and development department is involved around my neighborhood.
I think I can speak for most, if not all, the homeowners on the Teal Drive cul de sac, when I say whatever the city is going to do, we fully believe that you could not give two craps about what we think. You ass clowns are just going to keep allowing substandard "student" housing to be constructed wherever. Much to the detriment of the young families in the neighborhood and then just move on to another open parcel of land you can ruin and so on and so on and so on. My teenage daughter has been accosted by the young men living in the new apartments off Inverness (by the school), so she no longer walks our dog because she feels unsafe. Hell, we rarely see the police (don't get me started about that).

Soon, my family and I will sell our home, at a huge loss, move to another area away from a city we love but from a city government we loathe.

So save the stupid letter which you only send because you are required by law and continue kissing the behinds of developers. So very sad.

My name is Jeffrey Alderman and I live at 4121 Teal Drive...now just delete this e-mail and move on with the rest of your pathetic job.

Dan Warner

From: Charles Getto [cgetto@mvplaw.com]
Sent: Monday, January 17, 2011 10:37 AM
To: Dan Warner
Cc: Jane Getto
Subject: Inverness Park District Plan

Dan,

Thank you for speaking with me last week. I greatly appreciate your time and helpful information.

As I mentioned, the Winifred and Paul Getto Limited Partnership intends to develop the property that it owns south of West 27th Street, either as a community of single family dwellings or for some use or uses.

Please let me know if you have any questions, comments or suggestions.

Thank you

Charles A. Getto
Attorney at Law
McAnany, Van Cleave & Phillips, P.A.
10 E. Cambridge Circle Drive, Suite 300
Kansas City, KS 66103
Direct Line: 913-573-3328
Main: 913-371-3838
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cgetto@mvplaw.com

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Dan Warner

From: David Hamby [davidh@bgcons.com]
Sent: Wednesday, January 19, 2011 1:46 PM
To: Scott McCullough; Dan Warner
Cc: 'Tim'
Subject: Inverness District Plan

Scott & Dan,
Thank you for taking time to meet with Tim Stultz and I last week to discuss the Inverness District Plan. Tim and I will be unable to attend the meeting Thursday night so he asked that I provide written comments to you for inclusion into the District Plan.
Tim recently requested a rezoning of the property located at 4100 W. 24th Place from RM15 to RM24. He believes that the RM24 zoning is an appropriate use of the property. His proposed plan is to add additional one-bedroom units to the property which will provide the 24 units per acre density. The proposed expansion will match the existing buildings on his property.
He asks that City Staff support this in the District Plan as the rezoning request currently has City Planning Staff support and a recommendation for approval. Additional reasoning was provided in the rezoning application that was submitted with the rezoning request.
If you have any questions or need additional information please let me know. Thank you.

David Hamby, P.E.
BG Consultants | Engineers, Architects & Surveyors
Phone: 785.749.4474 ext. 106
Cell: 785.331.5938
Fax: 785.749.7340
visit: www.bgcons.com

Dan Warner

From: Brad Remington [bradrwsp@yahoo.com]
Sent: Tuesday, January 11, 2011 4:13 PM
To: Dan Warner
Subject: My neighborhood

Mr. warner, I just wanted to drop a line letting you know my family and I are against any further multi-unit development south of Clinton Parkway between Crossgate and Inverness. We were told in the beginning this is not what this land was for and yet here we go. Time after time we have to fight these plans and shouldn't have to. How many apartments are enough? I am pretty in on the pulse of the complexes around town and know they are well below capacity as a whole. So, why more? On my way home from work, I pass several existing units that are not full, kid's weaving in and out of traffic and tailgaiting me, not to mention the additional traffic to a school zone. Instaed of building more have the owners update the ones that are existing to be more appealing.

A nice park, green area etc.. would be a great addition to that area. Please do not let this area be yet another mulit-unit complex, thanks for your ear.

Brad Remington, President
Wave the Wheat Pizza, LLC
Lawrence, Baldwin, Emporia, Overbrook
785-865-2323 (o)
785-550-1819 (c)

Dan Warner

From: Luke Sinclair [sincluke@gmail.com]
Sent: Thursday, February 03, 2011 6:57 PM
To: Dan Warner
Subject: Inverness Park District Plan

Dear Dan,

We are writing in reference to the Inverness Park District Plan, which is set for a kickoff meeting for the planning process tonight. We are sorry we are unable to attend the meeting, but we wanted to make our concerns known somehow. We have lived at 4400 W. 24th Place for a little over two years. Our home is on the northwest corner of the roundabout at Inverness and 24th Place. We are directly across Inverness from one of the open spaces that are a part of the potential district plan.

Our chief concern is for our property value and the appearances of our neighborhood. Whatever happens in terms of the plan, we desire to see that the land directly across the street from our home **not** be developed with either 1) commercial buildings (especially restaurants), or 2) high-density apartments like Remington Square, the Legends, and the Grove, all of which currently loom between Crossgate and Inverness, south of Clinton Parkway. We do not necessarily support or object to a district plan, but we prefer, for the sake of our and our neighborhood's property values, that any development or district plan provide for something residential and something less extreme and dense than the apartment complexes which litter the land between Crossgate and Inverness from Clinton to 27th.

Thank you for your time and consideration, Dan, and we look forward to being involved in the future.

Luke & Lori Sinclair
4400 W. 24th Pl.
Lawrence, KS 66047

From: Jamie Hulse [mailto:jamiehulse@att.net]
Sent: Sunday, April 24, 2011 11:34 PM
To: lharris1540@gmail.com; cblaser@sunflower.com; bradfink@stevensbrand.com; laraplancomm@sunflower.com; bculver@bankingunusual.com; rhird@pihhlawyers.com; charlie.dominguez@therenewgroup.com; MontanaStan62@gmail.com; kenziesingleton@hotmail.com; bruce@kansascitysailing.com; samd16@ku.edu
Cc: Dan Warner; Scott McCullough
Subject: Comments - Inverness Park District Plan

Dear Planning Commissioners –
Please encourage Planning Staff to investigate Commercial Office zoning as a solution for the remaining vacant lots in the Inverness Park District Plan area, excluding the land south of W. 27th Street. Commercial Office does not allow multi-family development, and would provide a mixed use for the area. See email exchange for examples below…

Sincerely,
Jamie Hulse
4403 Gretchen Ct.

From: Dan Warner [mailto:dwarner@lawrenceks.org]
Sent: Monday, April 18, 2011 3:29 PM
To: 'Jamie Hulse'
Subject: RE: Comments - Inverness Park District Plan

PD is one of the zoning districts in the Neighborhood Commercial category description in the 1st draft. I haven't talked to Scott and Sheila about the CO yet.

Dan Warner, *Long-Range Planner, AICP*

From: Jamie Hulse [mailto:jamiehulse@att.net]
Sent: Friday, April 15, 2011 7:41 AM
To: Dan Warner
Subject: RE: Comments - Inverness Park District Plan

Thank you for the information. Is there any reason why CO or a commercial PD restricting residential use would NOT make sense for the remaining vacant lots in IPD (excluding land south of 27th)?

From: Dan Warner [mailto:dwarner@lawrenceks.org]
Sent: Wednesday, April 13, 2011 3:26 PM
To: Jamie Hulse
Subject: RE: Comments - Inverness Park District Plan

Jamie,
There is some CO zoning around town. Not all of it is developed. The office building on the south side of 6th street just west of Folks is zoned CO. The medical building and credit union at 6th and Maine are zoned CO.

There are also office buildings around town that would fit the CO District. The office buildings on the southeast corner of Clinton Parkway and Kasold are examples. There is a medical office building on the west side of Kasold, a little farther south of Clinton Parkway that would fit. So would the office buildings along the west side of Wakarusa Drive between Harvard Road and Bob Billings Parkway.

I checked around and I don't think we have any built commercial PD's that restrict residential uses.

Thanks.

Dan Warner, *Long-Range Planner, AICP*

From: Jamie Hulse [mailto:jamiehulse@att.net]
Sent: Friday, April 08, 2011 3:07 PM
To: Dan Warner
Subject: RE: Comments - Inverness Park District Plan

Great. Thanks.

From: Dan Warner [mailto:dwarner@lawrenceks.org]
Sent: Friday, April 08, 2011 2:55 PM
To: 'Jamie Hulse'
Subject: RE: Comments - Inverness Park District Plan

The CO purpose in the development code states that the district allows freestanding office buildings as well as office parks.

CO allows some retail uses that aren't allowed at all in the RSO. However, those retail uses are generally pretty limited – such as a restaurant can't occupy more than 10% of the overall office development. At present I'm not sure we have anything zoned CO, so that is also something I'll have to ask around about to see if anyone has an idea what would fit.

Dan Warner, *Long-Range Planner, AICP*

From: Jamie Hulse [mailto:jamiehulse@att.net]
Sent: Friday, April 08, 2011 2:39 PM
To: Dan Warner
Subject: RE: Comments - Inverness Park District Plan

To save me a few minutes reading the code book – is CO large office buildings? Could you name some CO examples in Lawrence? It seems like that would be more neighborhood friendly, and similar to the current RSO.

From: Dan Warner [mailto:dwarner@lawrenceks.org]
Sent: Friday, April 08, 2011 2:33 PM
To: 'Jamie Hulse'
Subject: RE: Comments - Inverness Park District Plan

Jamie,

I'm not sure how well the CO District fits with Neighborhood Commercial, but we'll take a look at it.

I'll have to do some checking on the PD question. I'll hit up some of my co-workers to see if they know of any developments that compare.

Dan Warner, *Long-Range Planner, AICP*

From: Jamie Hulse [mailto:jamiehulse@att.net]
Sent: Friday, April 08, 2011 2:29 PM
To: Dan Warner
Subject: RE: Comments - Inverness Park District Plan

Is there some reason CO wasn't presented as an option as part of the district plan? I appreciate you adding in "Option 1 - Keeping things the same" as one of the 3 options, by the way.

Are there any examples in Lawrence of a PD with restrictions that would be comparable to the Inverness Park District area?

From: Dan Warner [mailto:dwarner@lawrenceks.org]
Sent: Friday, April 08, 2011 1:57 PM
To: 'Jamie Hulse'
Cc: Sheila Stogsdill; Scott McCullough
Subject: RE: Comments - Inverness Park District Plan

Jamie,
The RS (single-family) Districts, CO (Commercial Office) District, CR (regional commercial) District, OS (open space), and the IBP and IL industrial districts do not permit multi-family.

All other districts permit some level of multi-family, either outright or as part of a mixed use of nonresidential and residential uses in a particular development.

The PD (planned districts) can, through the rezoning process, restrict certain uses. City Commission approved conditional zoning also can do that, again through the rezoning process.

The city doesn't have anything to do with deed restrictions so I'm not sure how effective that would be.

Dan Warner, *Long-Range Planner, AICP*

From: Jamie Hulse [mailto:jamiehulse@att.net]
Sent: Friday, April 08, 2011 1:18 PM
To: Dan Warner
Subject: RE: Comments - Inverness Park District Plan

Thanks Dan. Could you answer these questions please?

What zoning would eliminate the possibility of any additional multi-family being built in this area? Would an overlay district accomplish this? Or is the only option to have a deed restriction in place?

From: Dan Warner [mailto:dwarner@lawrenceks.org]
Sent: Friday, April 08, 2011 12:49 PM
To: 'Jamie Hulse'
Cc: Scott McCullough; Sheila Stogsdill
Subject: RE: Comments - Inverness Park District Plan

Jamie,
Thanks for your comments.

We are going to present this draft to the Planning Commission on April 25th. In addition to presenting the draft, staff will present information at the meeting to help educate the Planning Commission, along with the public that attends the meeting, on the current zoning issues and future land use implications. Hopefully that will help makes things a little more clear for everyone.

Folks that still want to comment on the plan can do so by 10:00am on April 25th. They can email me those comments but they should address them to the Planning Commission. I'll send a listserve message regarding the Planning Commission meeting today. I'll also post on the web written comments received so far. Folks that have already commented are welcome to comment again.

Thanks.
Dan Warner, *Long-Range Planner, AICP*

From: Terri McLaughlin [mailto:ctmkmclaughlin@yahoo.com]
Sent: Sunday, April 24, 2011 9:35 PM
To: Dan Warner
Subject: Inverness Park District

To the Planning Commission:

We are opposed to rezoning the Remington Place property to allow more apartments in this area. The property owners received a zoning change and built apartments with the foreknowledge that they would come back and request a higher density to build more apartments on this property. If they wanted RM24 zoning, why didn't they request it in the first place? The developers seem to be operating in bad faith asking forgiveness now instead of permission earlier, which sets an unfavorable precedent for future planning commission/development negotiations.

If there is one message the surrounding neighborhood has consistently and adamantly sent to the Planning Commission and the City Council it is, "No more apartments in the Inverness Park District."

Regarding the land between Clinton Pkwy and West 24th Place and between Crossgate and Inverness we support:

- RSO with buffer at Clinton & Inverness
- No increase in density or change in zoning for Remington Place
- Light commercial at Clinton and Crossgate
- RSO Crossgate and W 24th Pl
- SF Residential with open space south of W 27th Pl

Sincerely,
Craig and Terri McLaughlin
4431 Gretchen Ct.

From: Dave Olson [mailto:dolson@usd497.org]
Sent: Friday, April 22, 2011 10:35 AM
To: Dan Warner
Subject: Inverness Park District Plan - Planning Commission Mtg 4/25/11

Mr. Warner and Community Leaders,

Thank you for your work on this serious concern for our neighborhood. The overbuilding of apartments has caused several negative consequences for our family and neighbors. The increased noise, trash, traffic, reduced home value and a feeling of lack of security has put our family in a difficult position. The lawyer who wrote that the home values are not impacted by these items evidently has another agenda than the facts. Do we flee to our home as some of our neighbors have or do we let community leaders know our concerns? Thus far I have chosen to have our voice heard. I have attended several meetings and even brought my children to the planning meeting at Southwest Junior High. They ask why would any adult think it is okay to have even more apartments in such a small area, it is hard to give them reasons other than money for the owners. The same owners who do not clean up after their tenants leave litter around their property. When my children ask why there are beer bottles along the sidewalk it leaves a very negative impression of young people living in the various apartments. When my children ask what happened to the walking path planned along the creek bed, I realize they know we have been lied to again.

Please do they right thing and help get the word out to the community leaders.

Sincerely,

Dave & Heather Olson and children
4427 Gretchen Court
Lawrence, KS 66047
785)727-0525

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*ADMITTED IN KANSAS AND MISSOURI

Matthew S. Gough
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LINDA K. GUTIERREZ
MATTHEW S. GOUGH*
CATHERINE C. THEISEN
KRISTOPHER S. AMOS*
MATTHEW B. TODD
EDWARD H. TULLY

RICHARD A. BARBER
(1911-1998)

GLEE S. SMITH, JR.
OF COUNSEL

May 20, 2011

VIA E-MAIL AND HAND DELIVERY
Lawrence/Douglas County
Planning and Development Services Department
Attn: Dan Warner
City Hall - 6 E. 6th Street
Lawrence, KS 66044-0708

*Re: Proposed Inverness Park District Plan (the "**Plan**")*
Commercial Use of Southwest Corner of Clinton Parkway and Crossgate

Dear Dan:

I am writing on behalf of Hy-Vee, Inc. ("**Hy-Vee**") to express support for "Option 3" of the Plan. I am pleased to announce that Hy-Vee is under contract to purchase the 3.32 acre tract commonly known as 3900 W. 24th Place (the "**Property**"). The Property is located at the southwest corner of Clinton Parkway and Crossgate Drive, and is within the boundary of the Plan. The Property, presently zoned RSO, has been restricted as zoned for twelve (12) years, and has been vacant since annexation in 1999. Hy-Vee plans to re-zone the Property to a neighborhood commercial zoning district and to construct a convenience store and gas station. Option 3 of the Plan represents the highest and best use of the Property and adjacent tracts.

The Property is not a good location for residential office space. The office market has been very soft in Lawrence for a long time. Residential development at this location is highly restricted and extremely unlikely because of the drainage easement on the west and the roadways on the north, south and east of the Property. As evidenced by the long period of lackluster interest in the site, the Property should be planned for commercial use. In 2008, the Planning Commission supported commercial use of the Property as a proposed Walgreens. If the Property is planned for commercial development, the use of adjacent property as high-density residential optimizes the potential sales revenue of the Property.

The re-zoning of the Property as a neighborhood commercial district conforms to the policies stated in Chapter 6- Commercial Uses that: (a) encourage infill development, at one or more corners of arterial and collector streets; (b) integrate the use (C-store) into the surrounding

land uses of the neighborhoods; (c) create a focal point for the surrounding neighborhood; and (d) enhance the mix of uses in the existing development. The re-zoning would not have any adverse effect on neighboring properties, but would in fact provide a convenient resource for nearby residents in attending to some of their daily needs. The location also enables Hy-Vee to integrate gas coupons with purchases at its store at the northwest corner of Clinton Parkway and Kasold, similar to Hy-Vee's operations on West 6th Street. Hy-Vee believes that the Property is ideally suited for its intended use.

Hy-Vee has been and continues to be a strong corporate citizen, and is very active in our community. In anticipation of the May 25, 2011 Planning Commission meeting, information about Hy-Vee's proposal merits serious consideration in support of Option 3 of the Plan.

Very truly yours,

BARBER EMERSON, L.C.

Matthew S. Gough

Matthew S. Gough

MSG:plh
cc: Hy-Vee, Inc.

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
5/25/11

ITEM NO. 10 COMPREHENSIVE PLAN ANNUAL REVIEW (MJL)

Receive the comprehensive plan annual review and initiate recommended comprehensive plan amendments (CPA).

SUMMARY

This review is an annual review of the comprehensive plan, *Horizon 2020* for 2010-2011. The review examines *Horizon 2020* for consistency and viability of the comprehensive plan adopted by the Planning Commission as a tool for making land use decisions. K.S.A. 12-747(d) states, "At least once each year, the planning commission shall review or reconsider the plan or any part thereof and may propose amendments, extensions or additions to the same."

The comprehensive plan is not a static document; the planning process must be continuous. The Plan should be monitored and updated on a regular basis. The need for plan amendments is the result of many community influences. Most frequently these are brought about by changes in attitudes, assumptions, or emerging needs not foreseen at the time of plan adoption.

STAFF REVIEW

I. SUMMARY OF CHAPTER UPDATES

Horizon 2020 states that a substantial plan review and update should occur at least once every five years. This process was started in 2001 with the update of Chapter 2 - Summary of Background Studies. Below is a summary of the updates since the last annual review in April 2010.

Chapter updates in process
- Chapter 10 – Community Facilities
- Chapter 11 – Historic Resources
- Chapter 16 - Environment – New chapter

Future chapter updates
- Chapter 17 – Implementation

II. SUMMARY OF PLAN AMENDMENTS

In addition to entire chapter updates, chapter amendments have been made to the plan. These amendments include changes to maps, additions of text, and updates to existing text. Below is a summary of the completed and initiated amendments to the plan since the last annual review.

Completed Amendments
- Amendment to Chapter 14 - Oread Neighborhood Plan; October 2010
- Update to Chapter 14 to change Chapter 13 references to Chapter 17; November 2010

- Amendment to Chapter 7 to reference the K-10 & Farmer's Turnpike Plan; November 2010
- Chapter 8 – Transportation – update chapter to reflect T2030; February 2011

Initiated Amendments

- Amend Map 3-3 – Change identified UGAs to Planning areas around incorporated cities except for Lawrence; on hold until the Lawrence UGA is revised.
- Amend Map 3-1 Lawrence Urban Growth Area: Service Areas and Future Land Use (review of UGA); on hold for Waste Water Master Plan update
- Environment chapter; in process, approved at County Commission on 4/13 and before the City Commission in May-June
- Chapter 11 - Historic Resources; in process, PC in May
- Northeast Sector Plan; in process at City and County Commissions
- Amend Southeast Area Plan to reflect the adopted 31st Street Alignment Study; to PC this spring
- Inverness Park District Plan; in process; at PC in May

III. LONG-RANGE PLANS

Sector planning has played a larger role in the planning process in implementing *Horizon 2020*. Below is a summary the long-range planning since the last annual review.

Long-range plans in process

- *Northeast Sector Plan;* in process at City and County Commissions
- *Inverness Park District Plan*; in process, to PC in May

Identified long-range plans to be initiated

- South of the Wakarusa

Long-range plans due for review

- *Burroughs Creek Corridor Plan*, Adopted January 7, 2008;
  The *Burroughs Creek Corridor Plan* planning area includes the abandoned rail corridor in East Lawrence and the adjacent areas. This plan was drafted with a task force that included representatives from various groups including the East Lawrence, Barker and Brook Creek Neighborhood Associations, the Bicycle Advisory Committee and a representative from the industrial businesses in the area. The recommendations of the plan were to develop a linear trail where the abandoned railroad tracks were and rezone the first tier of the indentified properties to be rezoned. The first phase of the trail was completed this fall which included the construction of the actual trail and some trail amenities. All but one of the rezonings has been completed. The remaining property (Salvation Army property along Haskell) is in process to be rezoned. This plan is well on its way to being implemented. This plan remains valid and does not need any updates at this time.

IV. IDENTIFIED AMENDMENTS

Below are amendments identified to be initiated:

- Chapter 2 – Background Studies; The US Census was completed in 2010 and this chapter has information analyzing growth trends and population projections based on the 2000 census information.
- Map 3-2 Lawrence Future Land Use Map; This map is difficult to read and does not incorporate the future land uses from the long-range plans that have been approved since adoption of the plan.
- Map 4-1 and Map 4-2 relating to the road classifications; Douglas County has adopted new road classification for some of the roads. These maps need to be updated to reflect these changes.
- Chapter 6 – Commercial Land Use; There are currently no policies for the Auto-Related Commercial Center designation.
- Map 9-2 for Future Park Zones in the UGA. This map includes the preliminary flood hazard areas and FEMA updated the flood maps in August 2010. This map should reflect the current floodplain.

Horizon 2020 was written and approved in the late 1990's and has been updated continuously since. The format of the plan is somewhat out of date. Since the plan has had the majority of the chapters updated in the past 7 years, staff is going to work this next year at updating the format of the entire plan. No Comprehensive Plan Amendment is needed for the format update but staff will bring the reformatted document to the Planning Commission, City Commission and Board of County Commission once the reformat is complete.

STAFF RECOMMENDATION

Staff recommends initiation of CPAs for the identified amendments for Planning Commission consideration at future public hearings.

PLANNING COMMISSION REPORT
NON-PUBLIC HEARING ITEM

PC Staff Report
05/25/2011

ITEM NO 11: PP-3-2-11: Consider a Preliminary Plat for Kappa Delta Addition, approximately 1.7 acres, located at 1602 High Drive. Submitted by Bartlett & West Engineers for Kappa Delta Sorority, property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat of the Kappa Delta Addition and forwarding it to the City Commission for consideration of dedication of easements and rights-of-way.

Attachments:
- Plat drawing
- Map of Western Hills Rock Garden

Applicant's Reason for Request: Preparation for future site improvements

KEY POINTS
- Property is developed with building and parking lot.
- Property is nearly surrounded on all sides by public right-of-way.

SUBDIVISION CITATIONS TO CONSIDER
- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Section 20-813 states that building permits will not be issued for unplatted property.

ASSOCIATED CASES/OTHER ACTION REQUIRED
- City Commission acceptance of easements and rights-of-way as shown on the preliminary plat.
- Submission and approval of a final plat for administrative approval and recordation at the Douglas County Register of Deeds.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- Phone call from neighborhood resident regarding future development of property where "Rock Garden" is located per deed restriction.

Site Summary	
Gross Area:	**1.70 acres (74,072 SF)**
Number of Lots:	1
Right-of-way:	.11 acres (4,791.6 SF)

GENERAL INFORMATION

Current Zoning and Land Use:	RMG (Multi-Dwelling Greek Housing) District; existing building and parking lot.
Surrounding Zoning and Land Use:	RMG (Multi-Dwelling Greek Housing) District to the north and west. Existing Greek housing. RS7 (Single-Dwelling Residential) District to the south and east. Existing single family homes.

STAFF REVIEW

Zoning and Land Use

This property is zoned for multi-dwelling Greek housing. No changes in use are proposed by this subdivision consideration. Article 6 of the Development Code provides the Density and Dimensional Standards applicable to lots platted in this district. The property includes irregular lot lines and therefore requires that a building envelope (building setback) be established for the lot.

Streets and Access

The plat includes the dedication of additional right-of-way along High Drive. The additional dedication will increase the street right-of-way width to 50 feet consistent with the limited local street design standard set out in section 20-810 (d)(4) of the Subdivision Regulations.

Access to this property is provided via a main parking lot access on the north side of the property. A second access is provided on the east side of the property to Emery Road. No changes to access are proposed to be modified with this preliminary plat.

Utilities and Infrastructure

This property is currently served with public and private utilities and infrastructure. No changes in the services are proposed or required with this request.

Easements and Rights-of-way

The plat includes a proposed variable-width, utility easement along the southern portion of the lot to cover existing utilities in this area.

Conformance

The proposed plat conforms to the minimum design standards of the Subdivision Regulations. The proposed lot exceeds the minimum area requirements for the RMG zoning district.

Conclusion

Representatives of the West Hills Neighborhood Association provided staff with a copy of the deed restriction granting land, known as the Rock Garden, from the Neighborhood to the previous property owner. An exhibit of the area is attached to this report. This document does not impact the Planning Commission's actions on the proposed preliminary plat. Enforcement of any deed restrictions is between private property owners. There is no current development application for this property.

This preliminary plat provided the minimum required information for subdivision. There are no conditions associated with this proposed preliminary plat.

PRELIMINARY PLAT
OF
KAPPA DELTA ADDITION

LEGAL DESCRIPTION

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6TH P.M., CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, BEING PREVIOUSLY RECORDED IN BOOK 510, PAGE 1709 AND A PORTION OF LOT 1, KAPPA SIGMA ADDITION, CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, BEING PREVIOUSLY RECORDED IN BOOK 1062 PAGE 1709 AND ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE ON AN ASSUMED NORTH AZIMUTH 359 DEGREES 45 MINUTES 20 SECONDS, COINCIDENT WITH THE EAST LINE OF SAID SOUTHWEST QUARTER, 2142.50 FEET; THENCE ON AZIMUTH 269 DEGREES 45 MINUTES 20 SECONDS, 719.38 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING; THENCE COINCIDENT WITH THE WESTERLY LINE OF EMERY ROAD ON THE FOLLOWING 6 COURSES; (1) THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 319.12 FEET, AN ARC LENGTH OF 94.00 FEET, WHOSE CHORD BEARS OF AZIMUTH 169 DEGREES 37 MINUTES 37 SECONDS, 93.66 FEET; (2) THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 16.74 FEET, WHOSE CHORD BEARS ON AZIMUTH 169 DEGREES 30 MINUTES 11 SECONDS, 16.68 FEET; (3) THENCE ON AZIMUTH 180 DEGREES 49 MINUTES 17 SECONDS, 44.51 FEET; (4) THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 100.00 FEET, AN ARC LENGTH OF 71.56 FEET, WHOSE CHORD BEARS ON AZIMUTH 199 DEGREES 33 MINUTES 22 SECONDS, 70.04 FEET; (5) THENCE ON AZIMUTH 221 DEGREES 14 MINUTES 21 SECONDS, 70.50 FEET; (6) THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 8.72 FEET, WHOSE CHORD BEARS ON AZIMUTH 218 DEGREES 19 MINUTES 40 SECONDS, 8.72 FEET TO THE EASTERLY LINE OF HIGH DRIVE; THENCE COINCIDENT WITH SAID EASTERLY LINE ON THE FOLLOWING 5 COURSES; (1) THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 70.00 FEET, AND ARC LENGTH OF 37.64 FEET, WHOSE CHORD BEARS ON AZIMUTH 301 DEGREES 13 MINUTES 49 SECONDS, 37.19 FEET; (2) THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 80.00 FEET, AN ARC LENGTH OF 24.34 FEET, WHOSE CHORD BEARS ON AZIMUTH 294 DEGREES 32 MINUTES 37 SECONDS, 24.25 FEET; (3) THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 310.00 FEET , AN ARC LENGTH OF 249.23 FEET, WHOSE CHORD BEARS ON AZIMUTH 326 DEGREES 17 MINUTES 33 SECONDS, 242.57 FEET; (4) THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 5.50 FEET, WHOSE CHORD BEARS ON AZIMUTH 354 DEGREES 34 MINUTES 28 SECONDS, 5.49 FEET; (5) THENCE ON AZIMUTH 359 DEGREES 49 MINUTES 28 SECONDS, 143.19 FEET TO THE SOUTHERLY LINE OF SAID KAPPA SIGMA ADDITION LOT 1; THENCE COINCIDENT WITH THE SOUTHERLY LINE OF LOT 1 ON THE FOLLOWING 3 COURSES; (1)THENCE ON AZIMUTH 89 DEGREES 49 MINUTES 51 SECONDS, 12.24 FEET; (2) THENCE ON AZIMUTH 04 DEGREES 26 MINUTES 52 SECONDS, 3.37 FEET; (3)THENCE ON AZIMUTH 67 DEGREES 00 MINUTES 23 SECONDS, 17.00 FEET TO THE WEST CORNER OF SAID PORTION OF LOT 1, RECORDED IN BOOK 1062 PAGE 1709; THENCE COINCIDENT WITH THE NORTHERLY LINE OF SAID PORTION OF LOT 1 ON THE FOLLOWING 3 COURSES; (1) THENCE CONTINUING ON AZIMUTH 67 DEGREES 00 MINUTES 23 SECONDS, 74.10 FEET; THENCE ON AZIMUTH 125 DEGREES 46 MINUTES 39 SECONDS, 152.50 FEET;(2) THENCE ON AZIMUTH 105 DEGREES 36 MINUTES 31 SECONDS, 19.71 FEET TO THE WESTERLY LINE OF EMERY ROAD; (3) THENCE ON AZIMUTH 171 DEGREES 57 MINUTES 41 SECONDS, COINCIDENT WITH SAID WESTERLY LINE, 45.85 FEET TO THE POINT OF BEGINNING.

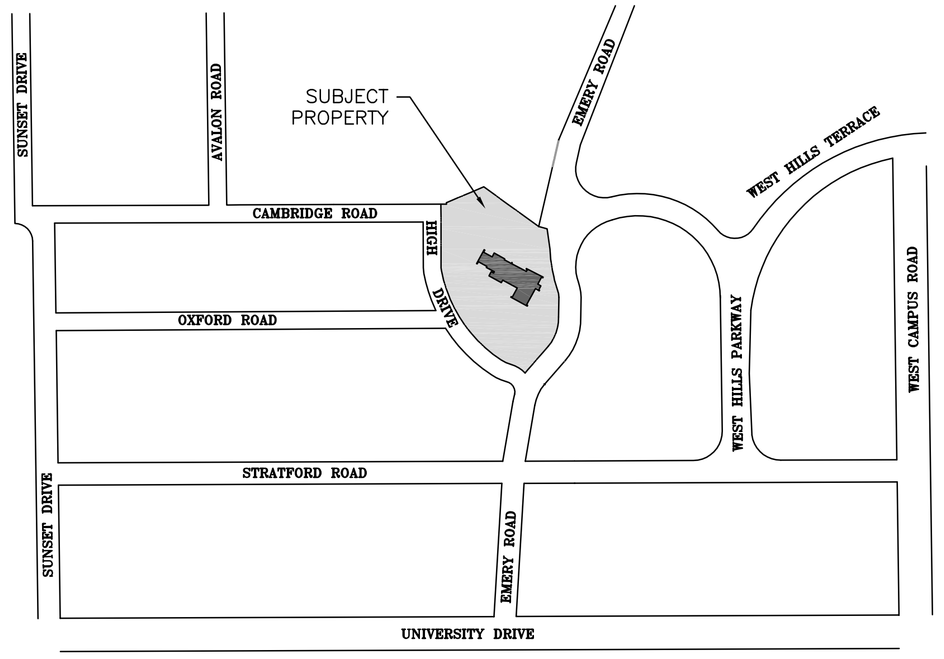
REFERENCE SURVEYS

FINAL PLAT KAPPA SIGMA ADDITION PLAT BOOK 15 PAGE 986 RECORDED AUGUST 4TH, 1998.

WEST HILLS, PLAT OF BLOCK 4, AND LOTS 4 AND 5 OF COLONIAL COURT ALSO, DEDICATION OF THE STREETS AS SHOWN THERE ON FOR PUBLIC USE. RECORDED IN VOLUME 3 PAGE 37 AUGUST 5TH 1931

LOCATION MAP

NOT TO SCALE



SITE SUMMARY

ITEM	DESCRIPTION	AMOUNT	UNITS
A	GROSS ACRES IN SUBDIVISION	1.70	ACRES
B	ACRES WITH IN ZONING DISTRICT	1.81	ACRES
C	DEDICATED ACRES FOR STREETS & ROADS (R/W)	0.11	ACRES
D	DEDICATED ACRES FOR PUBLIC USE (U/E)	0.05	ACRES
E	NUMBER OF BUILDING LOTS	1	EA.
F1	MAXIMUM LOT SIZE	1.68	ACRES
F2	MINIMUM LOT SIZE	1.68	ACRES
F3	AVERAGE LOT SIZE	1.68	ACRES
G	PHASING SCHEDULE	N/A	

BENCHMARK

SITE BENCHMARK '□' CUT AT CENTERLINE OF INLET AT THE NW CORNER OF KAPPA DELTA SORORITY HOUSE.

GENERAL NOTES

1. DEVELOPER/APPLICANT: ZETA EPSILON HOUSE CORPORATION (KAPPA DELTA SORORITY) OVERLAND PARK, KANSAS 66225
2. LANDPLANNER: BARTLETT & WEST, INC., 628 VERMONT STREET, LAWRENCE, KANSAS 66044–2252
3. TOPOGRAPHY PROVIDED BY: RONALD J. SHANKS, KS. R.L.S. #1255 BARTLETT & WEST, INC. 628 VERMONT STREET LAWRENCE, KANSAS 66044–2252
4. EXISTING ZONING: RMG
5. EXISTING LAND USE: EXISTING SORORITY HOUSE WITH ASSOCIATED PARKING
6. PENDING ZONING: RMG
7. PROPOSED LAND USE: EXISTING SORORITY HOUSE WITH ASSOCIATED PARKING
8. TYPICAL SOIL TYPE: A. OSKA SILTY CLAY LOAM 3 TO 6 PERCENT SLOPES B. WOODSON SILT LOAM 1 TO 3 PERCENT SLOPES
9. SUBJECT PROPERTY DOES NOT LIE IN ANY FLOOD HAZARD AREA.

#	DATE	REVISIONS PER CITY REVIEW COMMENTS	BY
1	4/27/11		LJM

BARTLETT & WEST
628 VERMONT STREET - LAWRENCE KS 66044
PHONE 785.749.3433 - FAX 785.749.5961
WWW.BARTLETTWEST.COM

PRELIMINARY PLAT
KAPPA DELTA ADDITION
1602 HIGH DRIVE
CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

DESIGNED BY:	LJM
DRAWN BY:	LJM
APPROVED BY:	RJS
DESIGN PROJ:	15246.001
CONST PROJ:	---
SCALE:	1 = 20'
DATE:	MAR 2011
DRAWING NO:	**PP01**
SHEET NO:	1 of 2

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Last edit on: MARCH 2011 Drawing name: Y:\Proj\15000\15246\15246.001\autocad\SURVEY DRAWINGS\15246001PRELIM_PLAT.dwg Layout name: Layout1 Plotted by: rw00576 Plotted on: May 02, 2011 – 9:23am

Last edit on: MARCH 2011 Drawing name: Y:\Proj\15000\15246\15246.001\autocad\SURVEY DRAWINGS\15246001PRELIM_PLAT.dwg Layout name: Layout1 (2) Plotted by: rlw00576 Plotted on: May 02, 2011 – 9:24am

PRELIMINARY PLAT
OF
KAPPA DELTA ADDITION

NORTHEAST CORNER SOUTHWEST QUARTER SECTION 36, TOWNSHIP 12 SOUTH RANGE 19 EAST FOUND 2"PIPE

AZ 179°45'20" 2642.17'

EAST LINE OF THE SOUTHWEST QUARTER, SECTION 36 TOWNSHIP 12 SOUTH RANGE 19 EAST

AZ 359°45'20" 2142.50'

POINT OF COMMENCEMENT SOUTHEAST CORNER SOUTHWEST QUARTER SECTION 36, TOWNSHIP 12 SOUTH RANGE 19 EAST FOUND 1/2" REBAR IN MONUMENT BOX

POINT OF BEGINNING 1/2" REBAR SOUTHEAST CORNER LOT 1 KAPPA SIGMA ADDITION

AZ 279°45'20" 719.38'

NORTHEAST CORNER LOT 1

AZ 13°01'37" 200.28(R&M)'

AZ 105°36'31" 19.71'(R&M)

AZ 171°57'41" 45.85'(M) 45.66(R)

AZ 125°46'39" 152.50'

AZ 67°00'23" 91.10'

AZ 04°26'52" 3.37(R&M)'

AZ 89°49'13" 12.13'

17.00' (R&M)

AZ 359°49'28" 143.19'

AZ 00°43'15" 143.17'

AZ 261°50'02" 36.24'

AZ 105°50'28" 37.81'

AZ 104°22'10" 46.36'

AZ 126°05'04" 136.94'

AZ 114°05'47" 89.18'

AZ 48°45'52" 100.75'

AZ 221°14'21" 70.50'(M) 70.44(R)

AZ 180°49'17" 44.51'(R&M)

L=3.67' R=20.00' CH=354°34'28" CL=3.66'

L=5.50' R=30.00' CH=354°34'28" CL=5.49'

L=249.23' R=310.00' CH=326°17'33"CL=242.57'

L=241.19' R=300.00' CH=326°17'33"CL=234.75'

L=21.30' R=70.00' CH=294°32'38" CL=21.22'

L=14.50' R=80.00' CH=291°01'10" CL=14.48'

L=24.34' R=80.00' CH=294°32'37" CL=24.25'

L=47.49' R=36.29' CH=78°43'32"CL=44.17'

L=8.72' R=150.00' CH=218°19'40" CL=8.72'

L=37.64' R=70.00' CH=301°13'49" CL=37.19'

L=94.00' 169°37'37"(R=319.12' R&M) C=93.66'

L=16.76'(R) L=16.74(M) R=50.00'(R&M) CH=AZ169°30'11" CL=16.68'

(L=71.56' R=100.00' 19°33'21"C=70.04') (L=71.56' R=100.00' R&M) CH=199°33'22"CL=70.04'

LOT 1
1.68 ACRES±

BM

FF 1024.16

FF 1024.23

FF 1024.24

GAMMA OMICRON INC
BOOK 0554
PAGE 0874

LOT 1
KAPPA SIGMA ADDITION
PLAT BOOK P15 PAGE 986
ZONED RMG

TAU BLDG ASSN ALPHA DELTA PI
BOOK 0182
PAGE 0415
ZONED RMG

CHAD R & REGINA M KRAUS
BOOK 1063
PAGE 5214
ZONED RS7

SCOTT D JENKINS
BOOK 1024
PAGE 5243
ZONED RS7

SANDRA C NOSSAMAN TRUSTEE
BOOK 1038
PAGE 1023

LOT 3
WEST HILLS PARK ADDITION
ZONED RS7

KENT C & ANNETTE F MCDONALD
BOOK 0854
PAGE 0269
(13) (14)

BLOCK 4
WEST HILLS
VOL.3
PAGE 37
ZONED RS7

ROBERT C & SARAH M CASAD
BOOK 0252
PAGE 0328
(12) ZONED RS7

40' ACCESS AND UTILITY EASEMENT PLAT BOOK 15 PAGE 986

40' (R&M) PUBLIC RIGHT OF WAY

51.61' RIGHT OF WAY

40' PUBLIC RIGHT OF WAY ROAD PETITION NO. 671,672, 673,674

40' PUBLIC RIGHT OF WAY ROAD PETITION NO. 671,672, 673,674

50' (R&M)

25' B.S.L.

5' B.S.L.

20' B.S.L.

HIGH DRIVE

OXFORD ROAD

EMERY ROAD

WEST HILLS PARKWAY

EASTERLY LINE OF HIGH DRIVE

WESTERLY LINE OF EMERY ROAD

NORTHERLY LINE OF WEST HILLS

U.E. TO BE DEDICATED BY THIS PLAT 36.61'

U.E. TO BE DEDICATED BY THIS PLAT

SW CORNER OF LOT 3

CONCRETE SIDEWALK

CONCRETE LANDING

ROCK RETAINING WALL

6" LANDSCAPE RETAINING WALL

SANITARY MANHOLE 4' DIA CONCRETE TOP ELEV 1034.14 FL OUT (S) 1028.34

SANITARY MANHOLE 4' DIA CONCRETE TOP ELEV 1036.12 FL IN (N) 1027.82 FL OUT (SE) 1027.82

SANITARY MANHOLE 4' DIA CONCRETE TOP ELEV 1035.30 FL IN (SE) 1027.00 FL IN (NE) 1027.30FL OUT (W) 1026.90

SANITARY MANHOLE 4' DIA CONCRETE TOP ELEV 1031.11 FL IN (S) 1024.31 FL IN (W) 1024.91 FL OUT (N) 1024.21

SANITARY MANHOLE 4' DIA CONCRETE TOP ELEV 1008.33 FL IN (S) OUTSIDE DROP 1004.83–1001.33 FL IN (W) OUTSIDE DROP 1004.73–1001.73 FL OUT (N) 1000.43

LATERAL CLEAN OUT LOCATION COULD NOT BE DETERMINED

12" RCP FL 1025.86

ASPHALT

CONCRETE

TURF

LANDSCAPE

WALNUT

72" LOCUST

14" PINE

18" LOCUST

24" OAK

42" COTTONWOOD

LEGEND

(R)	RECORD DISTANCE
(M)	MEASURED DISTANCE
R/W	RIGHT OF WAY
R	RADIUS
L	ARC LENGTH
CH	CHORD AZIMUTH
CL	CHORD LENGTH
●	SET 5/8"x24" REBAR WITH CLS #14 ID CAP
□	FOUND ½" REBAR (ORIGIN UNKNOWN)
⊗	FOUND AXLE (ORIGIN UNKNOWN)
BM	BENCH MARK
CO	SANITARY SEWER CLEANOUT
◯	MANHOLE
FF	FINISHED FLOOR
S	STOP SIGN
	TWO POLE SIGN
	AIR CONDITIONER
B.S.L.	BUILDING SETBACK LINE
U.E.	UTILITY EASEMENT
	MAIL BOX
	DOWN GUY
	CURB INLET
W	WATER METER
G	GAS METER
	WATER VALVE
	ROOF DRAIN
	FIRE HYDRANT
	UTILITY POLE
E	ELECTRIC METER
	GUARD POST
	LAMP POST

BOUNDARY LINE

EASEMENT LINE

RIGHT OF WAY LINE

CENTERLINE

WATER LINE W W

GAS LINE G G

OVERHEAD ELECTRIC LINE OHE

STORM SEWER LINE ST ST ST

SANITARY SEWER LINE SAN

N

0 10 20
SCALE: 1"= 20'

SHEET NO:	2 of 2
DRAWING NO:	PP01
DATE:	MAR 2011
SCALE:	1 = 20'
CONST PROJ:	---
DESIGN PROJ:	15246.001
APPROVED BY:	RJS
DRAWN BY:	LJM
DESIGNED BY:	LJM

PRELIMINARY PLAT
KAPPA DELTA ADDITION

1602 HIGH DRIVE
CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

BARTLETT & WEST
628 VERMONT STREET - LAWRENCE KS 66044
PHONE 785.749.9452 - FAX 785.749.5961
WWW.BARTWEST.COM

#	DATE	DESCRIPTION	BY
1	4/27/11	REVISIONS PER CITY REVIEW COMMENTS	LJM

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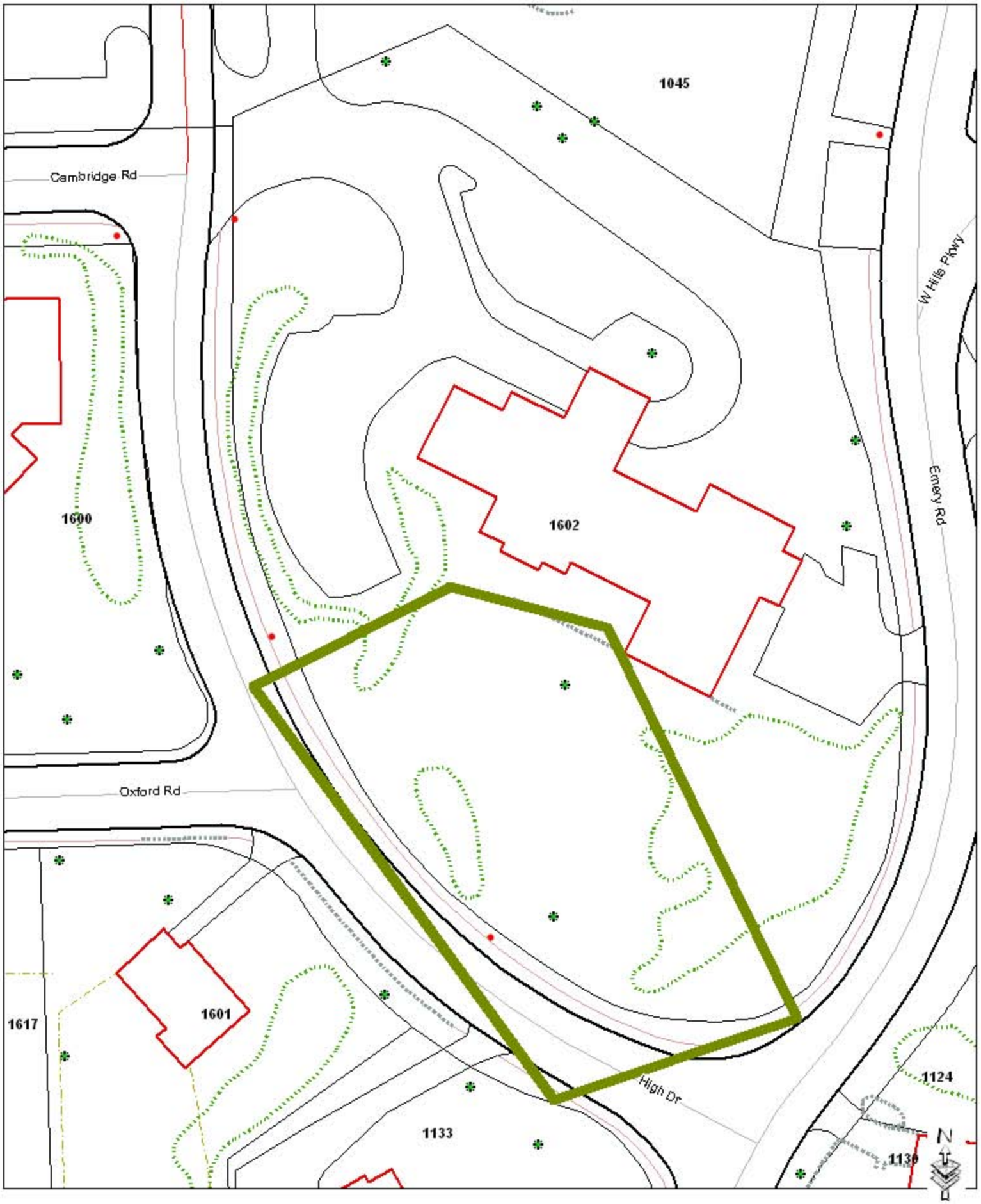
0 10 20 40 60 80 Feet

1 inch = 48 feet

DISCLAIMER NOTICE

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Date: 5/16/2011



Rock Garden Tract

From: Kurt Falkenstien [mailto:kstien1@gmail.com]
Sent: Tuesday, May 17, 2011 5:10 PM
To: lharris1540@gmail.com; cblaser@sunflower.com; Bradley R. Finkeldei; laraplancomm@sunflower.com; bculver@bankingunusual.com; rhird@pihhlawyers.com; charlie.dominguez@therenewgroup.com; MontanaStan62@gmail.com; kenziesingleton@hotmail.com; bruce@kansascitysailing.com; samd16@ku.edu
Subject: Kappa Delta Sorority replatting request

I am writing as President of the West Hills Homes' Association concerning the replatting request by the Zeta Epsilon House Corporation of Kappa Delta Sorority. The matter is before you on May 25, 2011. Part of this property, known as the "Rock Garden," was previously owned by the association and was deeded by the association to the Alpha Phi Society, the predecessor of Kappa Delta, in 1958, with certain restrictions. Specifically, the deed provides that this tract of land is restricted as to use and shall never be used for any building purposes nor for any parking facilities. Should these prohibitions be violated, the land reverts to the association. I am attaching a copy of the deed and a map of the 1958 West Hills Homes Association for your review.

If you have questions or would like to discuss this further prior to the meeting, please feel free to contact me at 218-2146 or kstien1@gmail.com. Some members of the Board and I will also attend the meeting and be available to answer questions.

Kurt Falkenstien

68015 BOOK 203

QUIT CLAIM DEED (51) Boyles Legal Blanks—FOREE PRINTING CO.—Lawrence, Kansas

This Indenture, Made this 1st day of December in the year of our Lord one thousand nine hundred and fifty-eight between

The West Hills Homes Association, a corporation, duly organized, incorporated, and existing under and by virtue of the laws of the State of Kansas of Lawrence in the County of Douglas and State of Kansas of the first part, and The Alpha Phi Society of Lawrence, Kansas, Incorporated of the second part:

WITNESSETH, That the said part y of the first part, for and in consideration of the sum of Other valuable consideration and One ---------- DOLLARS, to it duly paid, ha s sold and by these presents do es remise, release and QUIT CLAIM unto the said part y of the second part, its successors heirs and assigns, forever, all that tract or parcel of land situated in the County of Douglas and State of Kansas and described as follows, to-wit:

A tract of land known as the Rock Garden, being contiguous with property owned by the Alpha Phi Society of Lawrence, Kansas, Inc., and bounded on the South and West by High Drive and on the Southeast by Emery Road and described as follows: Beginning at a point 950.84 feet West and 618.50/South of the center of Section 36, Township 12, Range 19; thence North 64 degrees 36 minutes East 86 feet; thence South 73 degrees 36.5 minutes East 63 feet; South 24 degrees 10.5 minutes East 169 feet to a two inch iron pin; thence South 73 degrees 06.5 minutes West 100 feet; thence West 34 degrees 12 minutes North 198 feet to point of beginning, less that part of High Drive included known as the Rock Garden.

The above described land is restricted as to use in that neither the grantees nor their successors or assigns shall ever use the described property for any building purposes and no building shall be erected thereon. Nor shall said land be used for any type of parking facilities for automobiles. In the event said land shall ever be used in violation of the above prohibitions, it shall revert to the grantor, its successors or assigns.

with all the appurtenances, and all the estate, title and interest of the said part y of the first part therein.

TO HAVE AND TO HOLD, all and singular, the above described premises, together with the appurtenances, unto the said part y of the second part, its successors heirs and assigns, forever.

IN WITNESS WHEREOF, The said part y of the first part ha s hereunto set its hand and seal the day and year above written.

Signed, Sealed and Delivered in presence of

Attest:
Karl Klooz, Secretary

The West Hills Homes Association, Inc.
a Corporation
By Ralph H. King (SEAL)
Ralph H. King, President (SEAL)
(SEAL)
(SEAL)
(SEAL)

STATE OF KANSAS, DOUGLAS, SS:

I, Ralph H. King, the person named as President of grantor in the deed to which this is attached, do solemnly swear that the actual consideration of this instrument was less than $100.00.

Ralph H. King

Subscribed and sworn to before me this 1st day of December 1958

Joe Traylor
Register of Deeds
NOTARY PUBLIC

MY COMMISSION EXPIRES
OCTOBER 30, 1962

PUBLIC SEAL JOE TRAYLOR REGISTER OF DEEDS DOUGLAS COUNTY KANSAS

STATE OF Kansas, Douglas COUNTY, ss.

BE IT REMEMBERED, That on this 1st day of December A. D. 19 58

before me, the undersigned, a notary public in and for the County and State aforesaid, came

Ralph H. King President of The West Hills Homes

Association, a corporation a corporation duly organized, incorporated and existing under and by virtue

of the laws of Kansas and Karl Klooz Secretary of said

corporation, who are personally known to me to be such officers, and who are personally known to me to be the same persons

who executed, as such officers, the within instrument of writing on behalf of said corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my official

Seal the day and year last above mentioned.

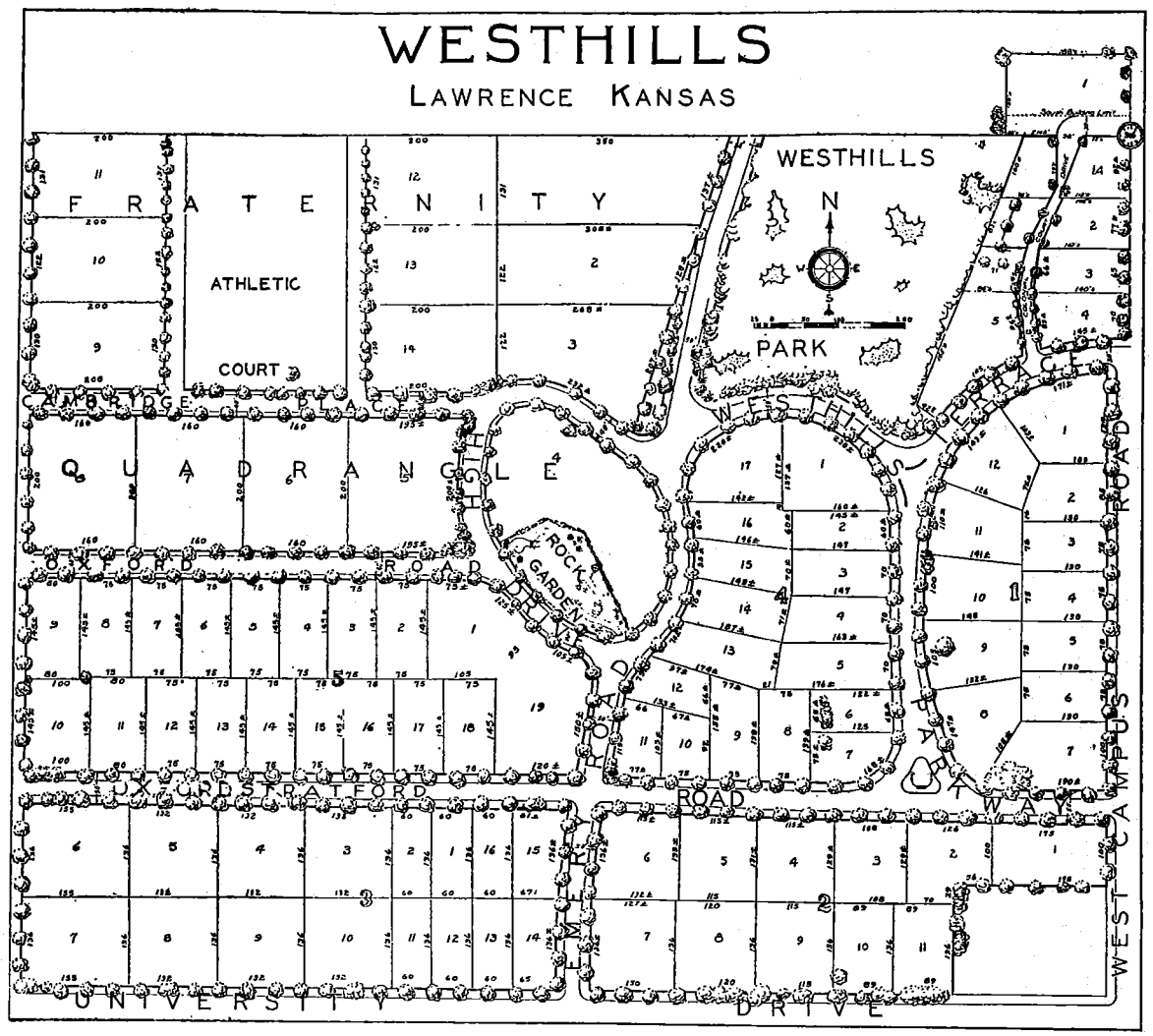
Joe Taylor Notary Public.

(SEAL) JOE TAYLOR NOTARY PUBLIC DOUGLAS COUNTY, KANSAS

MY COMMISSION EXPIRES

Term expires OCTOBER 30, 1962, 19

Recorded December 11, 1958 at 2:00 P.M. Harold A. Beck Register of Deeds



PROPOSED BUDGET

1952-53

Garbage and Trash	$200.00
Taxes (Rock Garden, Park, Athletic Court)	45.00
Sewer Tax on sewer by Athletic Court (one year)	55.00
Printing	10.00
Stamps	5.00
Beautify area (Maintenance of islands and grass cutting)	50.00
Safety deposit box	3.60
Bank Service Charge	6.00
Incidental Expense	25.40
	$420.00

Proposed Assessment for Members

Class "A"	½ mill per sq. ft.
Class "B"	⅜ mill per sq. ft.
Class "C"	¼ mill per sq. ft.

From: Robert C. Casad [mailto:casad@sunflower.com]
Sent: Friday, May 20, 2011 3:06 PM
To: Scott McCullough
Subject: May 25 agenda item 11

Dear Commissioners:

I understand the Kappa Delta Sorority is seeking to subdivide some of the property given to them by West Hills Homes Association. I understand that there is a covenant in the deed under which they hold the property specifically prohibiting any further development of that land.

I do not know what part of the property they want to set up as a separate lot, but whatever it is, it would be a violation of the covenant to build anything on it.

Even if it were not prohibited, any development that is visible from Emery Road and High Drive would drastically change the whole character of the neighborhood, much to the detriment of nearby property owners.

Accordingly, we oppose any change in the property or its classification.

Robert C.and Sarah M, Casad
1130 Emery Road
casad@sunflower.com

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
5/25/11

ITEM NO. 12: IG TO RS5; .3 acres; 525 and 527 N 7th Street (DDW)

Z-3-11-11: Consider a request to rezone approximately .3 acres, from IG (General Industrial) District to RS5 (Single-Dwelling Residential) District, located at 525 and 527 N 7th Street. Nieder Properties, Inc, property owner of record.

STAFF RECOMMENDATION: Staff recommends:
1.) Approval of the rezoning request for approximately .3 acres, from IG (General Industrial) District to RS5 (Single-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.
2.) If appropriate, the Planning Commission may further direct staff to contact other single family developed property owners in the 500 block of N 7th Street to determine interest in rezoning to RS5.

KEY POINTS

- The intent of the applicant is to rezone the property to RS5 to make it a conforming use and permit the construction of garages.
- The properties are platted.
- The properties are located within the AE, 100 Year Flood Zone as of August 5, 2010.
- In order to construct garages in the future, the property owner will have to replat and obtain floodplain development permits.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The surrounding area is developed with a mixture of residential and nonresidential land uses. The immediate area surrounding the properties is developed with single-family uses to the north, south, west and east. Industrial uses are also located further west of the subject properties.

CONFORMANCE WITH *HORIZON 2020*

- The proposed rezoning request from IG (General Industrial) District to RS5 (Single-Dwelling Residential) District is consistent with land use recommendations found in *Horizon 2020.*

ASSOCIATED CASES/OTHER ACTION REQUIRED

- City Commission approval of the rezoning request and publication of ordinance.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No written comments received prior to the publishing of this staff report.

Project Summary
The subject parcels have been single-family uses since the late approximately 1945. The request also includes vacated street right-of-way between the two lots. The applicant also wishes to construct garages for the two properties. Further, the industrial zoning and the legal non-conforming status may make it difficult to insure, refinance or sell the properties. The zoning change to single-dwelling residential district reflects the actual use of the property and makes them conforming uses under the Land Development Code.

GENERAL INFORMATION

Current Zoning and Land Use:	IG (General Industrial) District; two single-family residences.
Surrounding Zoning and Land Use:	To the north: -- IG (General Industrial) District; single family homes.
	To the east: IG (General Industrial) District; single family homes and vacant land.
	To the south: IG (General Industrial) District; single family homes.
	To the west: IG (General Industrial) District; single family home.

REVIEW & DECISION-MAKING CRITERIA

CONFORMANCE WITH THE COMPREHENSIVE PLAN
The following section of *Horizon 2020* relates to this rezoning request (staff comments are in italics):

Chapter 5 – Residential Land Use:
Goal 3: Neighborhood Conservation:
The character and appearance of existing low-density residential neighborhoods should be protected and improvements made where necessary to maintain the values of property and enhance the quality of life. (Page 5-15)

Rezoning the property to RS5 would be in conformance with the Neighborhood Conservation goal in Horizon 2020.

Policy 3.2: Protect Existing Housing Stock:
(b) Preserve existing dwellings. (Page 5-15)

Staff Finding -- The proposed rezoning request conforms with *Horizon 2020* goals and policies related to neighborhood conservation.

ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Staff Finding -- The area contains a mixture of residential, nonresidential, and vacant land uses. Single-family residences are located north, south, east and west of the properties on

IG zoned property. Industrial businesses are located south and further west of the subject properties, also on IG zoned property.

Much of the area is encumbered by the regulatory floodplain.

CHARACTER OF THE AREA

The immediate character of the area is most recognizable as residential with single-family homes on individual lots. The subject property abuts other single-family homes.

Staff Finding – The area contains a mixture of residential and nonresidential uses, but the immediate area is primarily single-family residential uses.

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

Horizon 2020 identifies future plans for the general area as appropriate for low density residential uses. A neighborhood plan was completed for North Lawrence in 1981 and an area wide drainage study was completed in January 2006.

In **Chapter 3** of the North Lawrence Neighborhood Plan, **General Goal C.** is *"To solicit and encourage the participation of North Lawrence residents and property owners in the planning, development, and maintenance of the neighborhood".* The property owner has initiated this rezoning which will help to maintain the residential character of the neighborhood.

In the same chapter, Residential Objective B. states: "Encourage the preservation of the structurally sound older housing stock".

Other goals and objectives listed in the North Lawrence Neighborhood Plan also support this application.

Staff Finding – Approval of the request is consistent with land use plans for the area.

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

The subject property is currently zoned for industrial uses. According to the Land Development Code for the City of Lawrence, the purpose of the IG (General Industrial) District is: "*primarily intended to* accommodate *moderate- and high-impact industrial uses, including large scale or specialized industrial operations requiring good transportation Access and public facilities and services. The District is generally incompatible with residential areas and low-intensity commercial areas."*

This part of North Lawrence was platted with small lots which do not easily support industrial land uses. Further, the current zoning does not reflect the existing land use. The property contains two existing single-family dwellings. The properties are also surrounded on four sides by single-family dwellings.

Staff Finding – The subject properties are not suitably zoned given the existing use of the properties and the surrounding residential land use.

LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Staff Finding – The subject property is zoned IG and developed as a residential use since the late 1800's.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Approval of the proposed request will result in a reduction of allowed uses and increase the number of properties zoned RS5 within the overall neighborhood area, which restricts land use to single-family homes on individual lots. Nearby property will not be directly affected. If approved, redevelopment of abutting lots with nonresidential zoning may be required to address screening of residential lots in the future. The uses to the north, south, west and east include similar existing single-family homes. The area further west includes industrial uses.

Staff Finding – The impact on nearby property is one of perspective given the surrounding residential uses. Approval of the proposed change would be beneficial for those properties currently used for single-family housing in the immediate area. The proposed change provides the ability to obtain reasonable home insurance and will act as protection against encroachment of non-residential activities in the immediate area. Regulations added as a result of this rezoning would include the review and regulations applicable to any parcels used as rental housing.

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

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

If the rezoning were denied, the properties would remain non-conforming as zoned for industrial uses. As the properties have a very long history as a single family uses and the immediate surrounding area is predominately single-family homes, encroachment of industrial development allowed by the current zoning would not be appropriate. The residential zoning will insure that the properties will remain single family homes, which will minimize any negative impacts on the neighborhood that could occur with potential industrial uses.

Staff Finding – There would be no gain to the public and there would be a hardship to the landowner in the denial of the rezoning request. The rezoning request will assign an appropriate land use designation to the properties for their current and intended land use as single family homes.

Staff Analysis

Rezoning these properties to the RS5 District will leave other property developed as single family uses along N. 7th Street zoned as IG. It would be reasonable to suggest that these properties should also be rezoned to remove the non-conforming status. The Planning Commission may either consider initiating the rezoning or instruct staff to contact the other property owners to see there is an interest in having their property rezoned to residential

designations. This potential additional rezoning should be limited only to those properties that are developed with single-family or other uses appropriate for a single family zoning district.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the rezoning to the RS5 District as it is an appropriate zoning district for the subject properties. The single-family zoning district matches the existing, and long-term, use of the properties. Therefore, this is an appropriate zoning district for the properties.



Figure 1. Base Zoning Districts in nearby area. The boundary of the property which is the subject of this rezoning request is outlined in blue.



Z-03-11-11: Rezoning of 0.3 acres from IG to RS5
525 & 527 N 7th Street

Lawrence-Douglas County Planning Office
Mayl 2011

N
W E
S

Area Requested

Scale: 1 Inch = 200 Feet

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
5/25/11

ITEM NO. 13 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; TO ALLOW DETENTION FACILITES AS A PERMTTED USE IN THE IG DISTRICT (SLD)

TA-3-5-11: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Article 4, Section 20-403 to change "Detention" from a use permitted by right in the IG (General Industrial) District to one permitted with Special Use approval. *Initiated by Planning Commission on 3/28/11.*

RECOMMENDATION: Staff Recommendation
Staff recommends approval of the amendment to Section 20-403 of the Land Development Code to change "Detention" from a use permitted by right in the IG (General Industrial) District to one permitted with Special Use approval.

Staff also recommends that the Planning Commission initiate a text amendment to Section 20-403 to include Detention as an allowed use in the GPI district (this use could be permitted as either by right or as a Special Use, depending on a more complete analysis of the change).

Reason for Request: A potential land use compatibility conflict has been identified that could be better addressed through the Special Use Permit process.

RELEVANT FACTOR:
- Conformance with the Comprehensive Plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- None to date.

ATTACHEMENTS
- Industrial Zoning Map

OVERVIEW OF PROPOSED AMENDMENT
- The purpose of the IG district listed in section 20-216 of the Land Development Code states:

  "*The IG, General Industrial District, is primarily intended to accommodate moderate- and high-impact industrial uses, including large scale or specialized industrial operations requiring good transportation Access and public facilities and services. This district is generally incompatible with residential areas and low-intensity commercial areas*."
- "Detention" is a use listed as a Community Facility in the Public and Civic Use Group in the Nonresidential District use table in section 20-403.
- "Detention is currently listed as a permitted use in the IG district and a Special Use in the IL District.
- This text amendment would modify the use table in section 20-403 to change "Detention" from a use permitted by right to a Special Use in the IG district.

CRITERIA FOR REVIEW AND DECISION-MAKING

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

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

Applicant Response *The City is the applicant for this request.*

STAFF DISCUSSION

The Development Code was designed with separate districts and distinct purposes. Not all uses are allowed in all districts; however, some uses can be found or located in more than one district and some uses are permitted with the Special Use Permit process in order to provide the opportunity to review specific site elements. The purpose of the Development Code is intended to implement *Horizon 2020*:[1]

> "*in a manner that protects, enhances, and promotes the health, safety, and general welfare of the citizens of Lawrence"*.

A Detention Facility is defined in Section 20-1721 as:

> *"a facility for the housing of persons in the custody of government agency awaiting trial or serving a sentence after being found guilty of a criminal offense."*

As a detention facility, there is a residential component to this use. Certain federal standards indicate that shared use buildings may not be allowed if the facility will *be part of a building in which other business(s) share space which could be construed as a conflict of interest to the mission of a community based correctional facility. For example, it would be inappropriate to share space with a business which serves alcohol.*[2] It is assumed that these uses generally have other land use separation requirements from specific uses.

Much of the Industrial land located in Lawrence occurs in a pattern where residential uses abut industrially zoned land. The primary purpose of the Development Code is to implement the comprehensive Plan, *Horizon 2020*. This plan gives deference to neighborhoods and residential uses. A key feature of the plan, *"recommends that the City and county consider utilizing development/performance standards for all major land development projects. Standards would give the community reasonable control over design and development, and provide developers incentives for creative and quality new development."* The Special Use Permit review process is one such tool that allows for review of applicable standards for development where potential land use compatibility concerns may exist.

This use is currently allowed in the IL (Limited Industrial) District and with a Special Use Permit; allowed in the IG (General Industrial) district as a permitted use is not allowed in the IBP (Industrial Business Park) District. There are no use standards or regulations associated with a Detention facility. Two existing Detention facilities located in the City of Lawrence are currently zoned GPI (General Public and Institution) District. However, the use, "Detention" is not a permitted use in the GPI district. This is an error in the Development Code and will need a future text amendment to correct.

[1] Refer to 20-104 Land Development Code
[2] Taken from data at Bureau of Prisons Website: www.bop.gov/business/res_reentry_ctr_sow_2010.pdf (page 21).

This use is typically a governmental function more appropriately located in the GPI district though private facilities can exist. A detention facility, especially one serving a catchment area larger than the City or County, can impact a community's social service providers, police, fire, and medical services. A detention use operates 24/7 and can result in operational incompatibilities. Revising the Development Code to allow the use as a Special Use in the IG district allows for additional review to address the community service demands as well as ite compatibility with surrounding uses.

Allowing this use in the IG district subject to a Special Use Permit provides the community greater choices in locating a detention facility while providing a format to ensure that appropriate site concerns are addressed.

A related but separate Development Code inconsistency is the recognition that Detention uses are currently located in the GPI (General Public and Institution) district but this is not currently a permitted use in that district. Detention facilities are commonly associated with governmental functions. The Development Code was specifically revised to include a zoning category that reflected the public nature of specific land uses. The Development Code should be revised to allow Detention uses in the GPI district as a permitted use. Modification of the Code to allow Detention uses in the industrial districts as a special use provides choices and protects the industrial inventory for its intended purpose.

Currently the Development Code:

- Permits "Detention" uses in the IL district subject approval of a special use permit.
- Permits "Detention" uses in the IG district as a use allowed by right.
- Does not permit "Detention" uses in the GPI district. Existing "Detention" uses located in the GPI district do not conform to the uses allowed in the base zoning district.

Approval of this request will introduce consistency to the Development Code for "Detention" uses that does not currently exist. A future revision of the Development Code to allow a "Detention" use in the GPI district will fully resolve the current code inconsistence for this use.

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

Applicant Response *The City is the applicant for this request.*

STAFF DISCUSSION

Comprehensive Plan Consistency

Community facilities are addressed in Chapter 10 of *Horizon 2020*. The plan acknowledges that the need for pubic and semi-public uses is difficult to project. This chapter focuses on education facilities, municipal buildings and facilities, and utilities.

Municipal buildings and facilities specifically considered in *Horizon 20202* are fire protection, emergency services, police and sheriff facilities, municipal offices, public works facilities, libraries and museums. The plan notes the completion of the juvenile detention center that serves a multi-county region and plans for expansion of the County Jail facility. This expansion plan reference resulted in the development of the Douglas County jail facility located in southeast Lawrence in the late 1990's.

Municipal Buildings and Facility Strategies noted in *Horizon 2020* include:

- *Close intergovernmental cooperation is recommended to ensure, to the greatest degree possible, facilities and services are maximized while minimizing duplication.*

- *The potential for privatization of municipal services should continue to be explored. The city and county objective is to maximize desired services for residents while providing service delivery at the lowest possible cost. The strategy also includes the consolidation of service providers and entities wherever possible.*

This proposed text amendment, if approved, would continue to allow a "Detention" use to be located in the IG district but would first require approval of a Special Use Permit. *Horizon 2020* supports a mix of uses as well as appropriate land use transitions between residential uses and intensive non-residential uses. A key strategy identified in *Horizon 2020* is the preservation and retention of industrial related land use areas. Approval of this text amendment allows the more intensive base district to remain and provides a public process for the consideration of the benefits of allowing a specific use within an industrial area.

Industrial Strategies noted in *Horizon 2020* include:

- *Protect, enhance, and retain existing industrial-related land use areas serving the community.*
- *Encourage site availability, site improvements, and community amenities which best respond to the market demands for industrial and business development while maintaining the community objectives for the type and quality of such development.*

Both the Community Facility Chapter and the Industrial Chapter of *Horizon 2020* place importance on appropriate site design and land use transition between land uses. The purpose of the Development Code is to implement the Comprehensive Land Use Plan (*Horizon 2020*) *"in a manner that protects, enhances, and promotes, the health, safety, and welfare of the citizens of Lawrence*." This text amendment continues to allow "Detention" Uses in the IG district but subjects the use to additional review to assure compatibility. Making the use subject to a Special Use Permit allows the specific use to be considered based on the unique characteristics of the property location and proximity to other land uses. It is in this way that the proposed text amendment is consistent with *Horizon 2020* and the purpose statements of the Development Code.

Section 20-1721 defines a Detention Facility as a *"facility for the housing of persons in the custody of government agency awaiting trial or serving a sentence after being found guilty of a criminal offense."* This type of facility includes common institutional uses such as jails but can also include transitional facilities that are part of a court-ordered service known as a "residential reentry center."

Lawrence/Douglas County currently has two such facilities:

Douglas County Jail: 3601 E. 25th Street in southeast Lawrence.

- GPI Zoning
- Existing beds 196
- Planned bed expansion 100
- Total planned occupancy 300
- Currently operating a reentry/work release program 10 to 15 beds average.

Youth Detention Facility: 330 Industrial Lane in North Lawrence.

- GPI Zoning
- Existing beds 14-16
- Multi-county facility
- 90 – 95% Housing of Douglas County youth.
- Includes a day school program.

Future expansions of both facilities are expected to be accommodated within the boundaries of the existing properties of which they are located.

Consistency with Development Code Purposes

Zoning Districts: The Development Code includes three industrial zoning districts, **IBP**, **IL** and **IG**. These districts are summarized in the following table.

INDUSTRIAL DISTRICT COMPARISON		
20-214: IBP, Industrial/Business Park District	**20-215: IL, Limited Industrial District**	**20-216: IG, General Industrial District**
Purpose The IBP, Industrial/Business Park District, is intended to provide space in attractive and appropriate locations for certain low-impact employment and manufacturing uses in a planned industrial/business park setting.	**Purpose** The IL, Limited Industrial District, is primarily intended to accommodate low-impact industrial, wholesale and warehouse operations that are employment-intensive and compatible with commercial land uses.	**Purpose** The IG, General Industrial District, is primarily intended to accommodate moderate- and high-impact industrial uses, including large scale or specialized industrial operations requiring good transportation Access and public facilities and services. The District is generally incompatible with residential areas and low-intensity commercial areas.

Individual uses may be permitted by right or as Special Uses within a given zoning district. The Development Code currently prohibits "Detention" uses in all residential and commercial zoning districts. They are also prohibited in the GPI district. If approved, this text amendment would revise table 20-403 of the Development Code to allow "Detention" in the IG district subject to a Special Use Review. Special Use Review provides a *"discretionary approval process for uses with unique or widely varying operating characteristics or unusual site development features"* (20-1306).

Impact on Industrial Inventory

The community has engaged in dialogue regarding industrial inventory and the need to protect and preserve that inventory as well as to identify new properties for employment-related uses. Each property and situation will include unique characteristics. This text amendment, by allowing "Detention" uses subject to a Special Use Review, allows for that individual assessment and specific decisions regarding the use of industrial zoned properties, impact on existing social service agencies and public services as well as any potential land use conflicts related to institutional uses and their associated support services.

Staff Recommendation

Staff recommends approval of the amendment to Section 20-403 of the Land Development Code to change "Detention" from a use permitted by right to as a Special Use in the IG District.

Staff also recommends that the Planning Commission initiate a text amendment to Section 20-403 to include Detention as an allowed use in the GPI district (this use could be permitted as either by right or as a Special Use, depending on a more complete analysis of the change).

DRAFT CODE TEXT
Changes noted in Strikeout, red and highlight (Partial Table Only)

20-403 NONRESIDENTIAL DISTRICT USE TABEL

Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*														*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
PUBLIC AND CIVIC USE GROUP																
Community Facilities	Cemetery	P*	P*	–	P*	–	P*	P*	P*	P*	P*	–	P*	P*	–	505
	College/University	S	P	P	P	P	P	P	P	P	P	P	–	P	P	
	Cultural Center/ Library	S	P	P	S	P	P	–	–	P	–	–	S	P	A	
	Day Care Center	S*	P*	S*	S*	S*	P*	P*	P*	P*	P*	P*	–	–	–	507
	Day Care Home, Class A	P	P	P*	–	P	P	–	P	–	–	–	–	–	–	
	Day Care Home, Class B	S*/A*	P*	S*	–	P	P	–	P	–	–	–	–	–	–	507
	Detention	–	–	–	–	–	–	–	–	–	S	P S	–	–	–	
	Lodge, Fraternal and Civic Assembly	S*	S*	S*	S*	P*	P*	P*	P*	–	P*	–	–	P*	–	512
	Postal & Parcel Service	–	P	P	P	P	P	P	P	P	P	P	–	P	–	
	Public Safety	S	P	P	P	P	P	P	P	P	P	P	–	P	–	
	School	P	P	P	P	P	P	P	P	–	–	–	–	P	–	
	Funeral and Interment	–	P*	–	P*	P*	P*	P*	P*	P*	P*	–	A*	–	–	505
	Temporary Shelter	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*	S*/A*	S*	–	S*	S*/A*	544/522
	Social Service Agency	P	P	P	P	P	P	P	P	P	P	P	–	P	P	
	Community Meal Program	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S	S/A*	S	–	S	S/A*	522
	Utility, Minor	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	P*/ S*	–	530
	Utility and Service, Major	S	S	S	S	S	S	S	S	S	S	P	S	P	–	

Use History

Prior to 2006 Community Facility Uses were listed in Use Group 7-*Community Facilities Uses* (1966 Code) and were allowed in all industrial zoning districts. This use group allowed the traditional community and institutional type facilities as well as some commercial-oriented uses. This use group did not specifically list or define a "Detention" facility or "Jail". These would have been considered "Similar Uses" within the Community Facilities Use Group.

Use Group 7 ***Community Facilities Uses (Complete list)***

USE GROUP 7. COMMUNITY FACILITIES - PUBLIC UTILITIES (a) may appropriately be located in residential areas to provide education, recreation, health, and other essential services and, (b) do not create significant objectionable influences in residential areas.

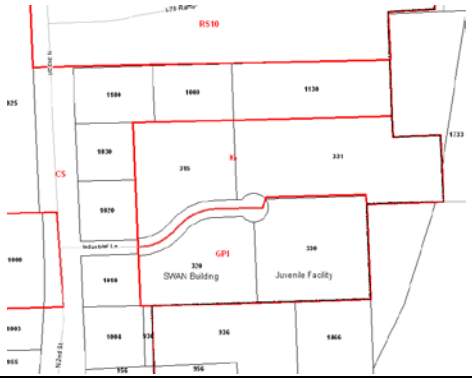
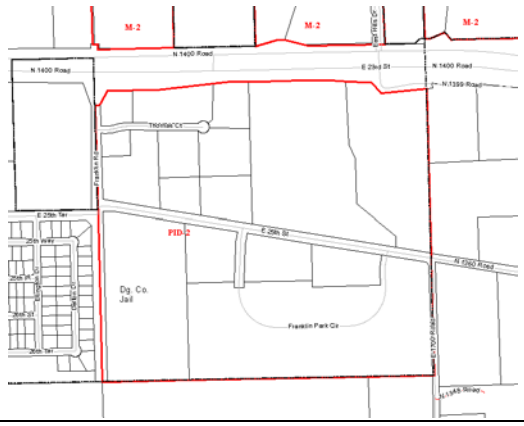
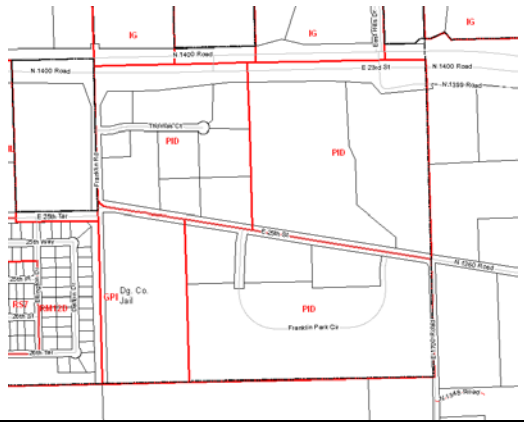
1. Community Facilities
   - Adaptive reuse of properties listed as a landmark on the Lawrence, State or National Registers of Historic Places or included in the Lawrence or National Register of Historic Districts
   - Art gallery or museum
   - Cemetery, columbarium, or mausoleum
   - Child care center
   - Child care home - occupant primary provider
   - Child care home - non-occupant primary provider
   - Church or other place of worship, including student center
   - Club or lodge, private, except those whose chief activity is carried on as a business
   - Communication Towers
   - Community building, public
   - Golf course, but not including commercially operated driving range, pitch and putt course or miniature golf course
   - Halfway house or service-oriented rehabilitation center or residence
   - Health center, government operated
   - Hospital, general, not including animal
   - Institution for children and aged, nonprofit
   - Library or museum: public or private, open to public without charge
   - Monastery, convent or similar institution of religious training
   - Mortuary, funeral parlor, or undertaking establishment
   - Nursing home or rest home
   - Parish house, nunnery, rectory, etc.
   - Park, playground, or playfield, public
   - Private recreation facility (exclusive of family swimming pools and swimming pools that are accessory uses to hotels, motels and apartments)
   - Rehabilitation center for persons with disabilities
   - Sanitarium
   - School, public, parochial, or private, non-profit:
     (a) Grades nine and below including kindergarten
     (b) Grades ten and above
   - Studio for professional work or for teaching of any form of fine arts e.g. photography, music, dancing, drama, etc.
   - Swimming pool, accessory
   - Theatre, live (if indoors)
2. Public Utilities
   - Electrical substation
   - Gas regulator station
   - Radio or television transmitter or tower
   - Sewage disposal plant, private
   - Telephone exchange, but not including garage, shop, or service
   - Water filtration plant, pumping station, elevated storage or reservoir
3. Similar Uses
   - All other uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses and (2) are not included in any other use group.
4. Accessory Uses

(Ord. 6359; Ord. 6382; Ord. 648)

As discussed in recent staff reports much of the existing IG zoning was established when the Development Code was adopted in 2006. Land uses and use categories were reorganized with the adoption of the 2006 Development Code.

With the adoption of the Development Code properties owned by the City of Lawrence, Douglas County and USD 497 were identified, mapped, and rezoned as GPI to better distinguish public properties from other non-residential uses. A full assessment of the specific uses was not conducted at that time. It is for this reason that the two existing detention facilities are non-conforming uses in the GPI district. A future text amendment is needed to revise Section 20-403 to include "Detention" as a permitted use in the GPI district.

Existing Detention Facilities

Zoning prior to 2006	Current Zoning
	
M-2 designed to accommodate a wide range of manufacturing, wholesaling, warehousing, and other industrial activities of a medium intensity.	**GPI** The GPI Distinct is a Special Purpose Base District primarily intended to accommodate institutional Uses occupying significant land areas but not appropriate for development in the H District or on property designated on the Official zoning map as U. The District regulations are designated to offer the institutional maximum flexibility for patterns of uses within the District while ensuring that uses and development patterns along the edges of the District are compatible within adjoin land uses.
	
PID-2 Planning The Planned Industrial Development Districts (PID-1 and PID-2) are intended to encourage industrial development in a planned manner consistent with the adopted comprehensive plan of the City and Compatible with nearby residential or comemrcial areas.	**GPI** The GPI Distinct is a Special Purpose Base District primarily intended to accommodate institutional Uses occupying significant land areas but not appropriate for development in the H District or on property designated on the Official zoning map as U. The District regulations are designated to offer the institutional maximum flexibility for patterns of uses within the District while ensuring that uses and development patterns along the edges of the District are compatible within adjoin land uses.

Memorandum
City of Lawrence
Planning & Development Services

TO: **Planning Commission**

FROM: **Scott McCullough, Director**

Date: **March 3, 2011**

RE: **Detention Use in the IG District of the Land Development Code**

Staff recently became aware that the Federal Bureau of Prisons, an agency of the U.S. Department of Justice, is seeking proposals to build and/or operate a transitional detention facility that includes a catchment area of at least four counties, including Shawnee, where offenders would be returning after completing their sentence. During the discussion and review it was noted that the apparent use falls within the definition of "Detention" in the Land Development Code.

The Detention use is permitted only in the IL and IG districts. It is permitted with special use approval in the IL district and is permitted by right in the IG district. One of the central issues related to the recent discussions about such a facility is whether a facility would be serving the needs of the Lawrence community or the needs of the region, with Lawrence receiving potentially negative impacts and the region receiving the benefit. That Lawrence has the potential to be looked at as a site for the region may create a circumstance where Lawrence is taking on a disproportionate share of the public safety costs and the real or perceived social impacts associated with the facility, especially if data shows that the majority of returning offenders are not returning specifically to the Lawrence community. Permitting the use by right in IG does not allow staff, the Planning Commission, or the City Commission to ask this or other important questions regarding such a facility.

While such a transitional facility is warranted and even necessary, questions regarding the local cost/benefit and land use compatibility of such a facility may be best suited to a public hearing process and decision of the City Commission. One way to accomplish this is to amend the IG district in the Land Development Code from the Detention use being permitted by right to instead requiring a special use permit for the use. The end result would be that any type of Detention facility would need SUP approval in the IL and IG districts.

Action requested: Consider initiating a text amendment to the Land Development Code – Code of the City of Lawrence, Kansas to require the Detention use to be approved through the Special Use process in lieu of being permitted by right.

City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

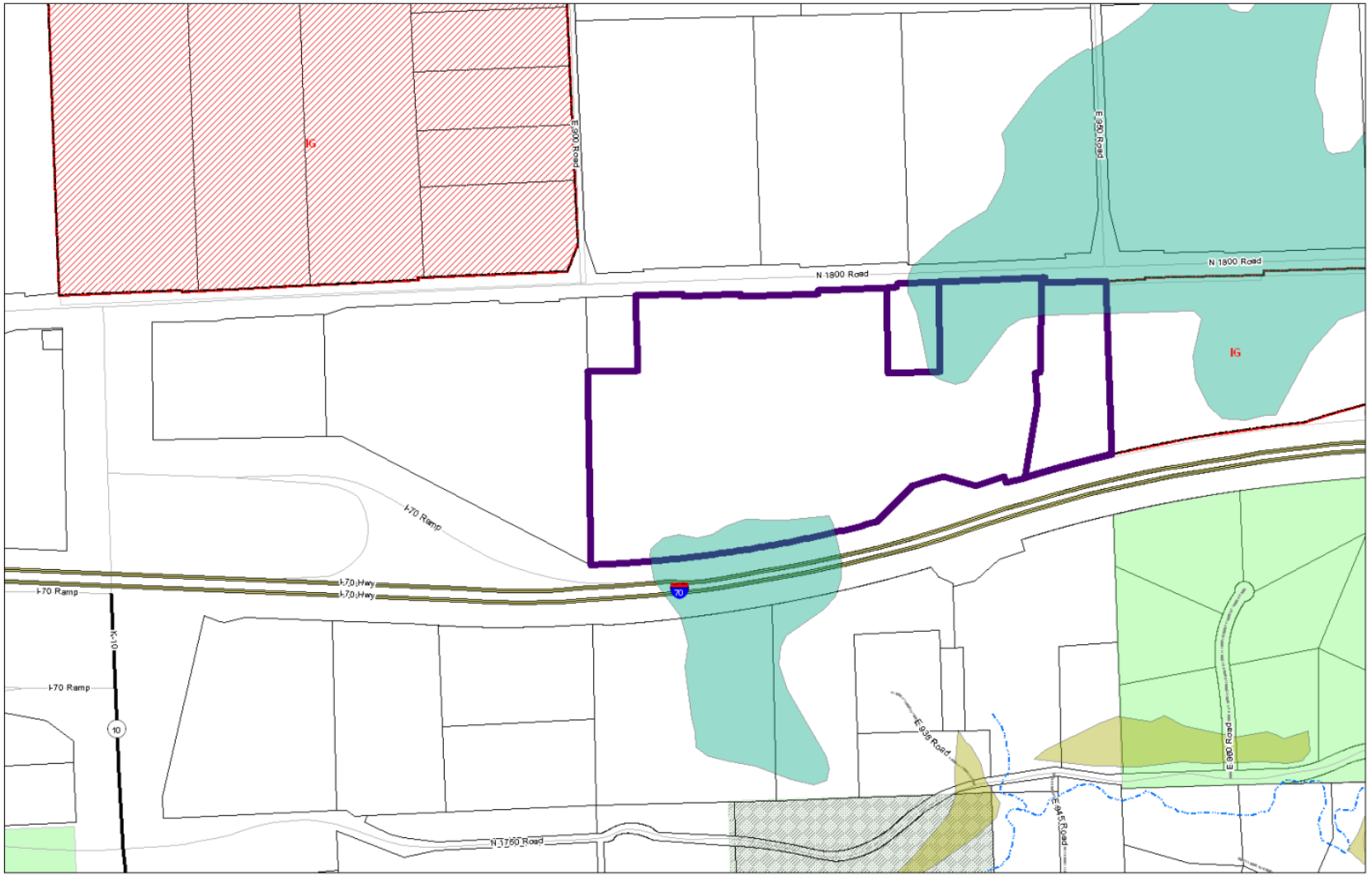
Item 14 a and 14 b

A-3-1-11 Annexation - approximately 69 ac.

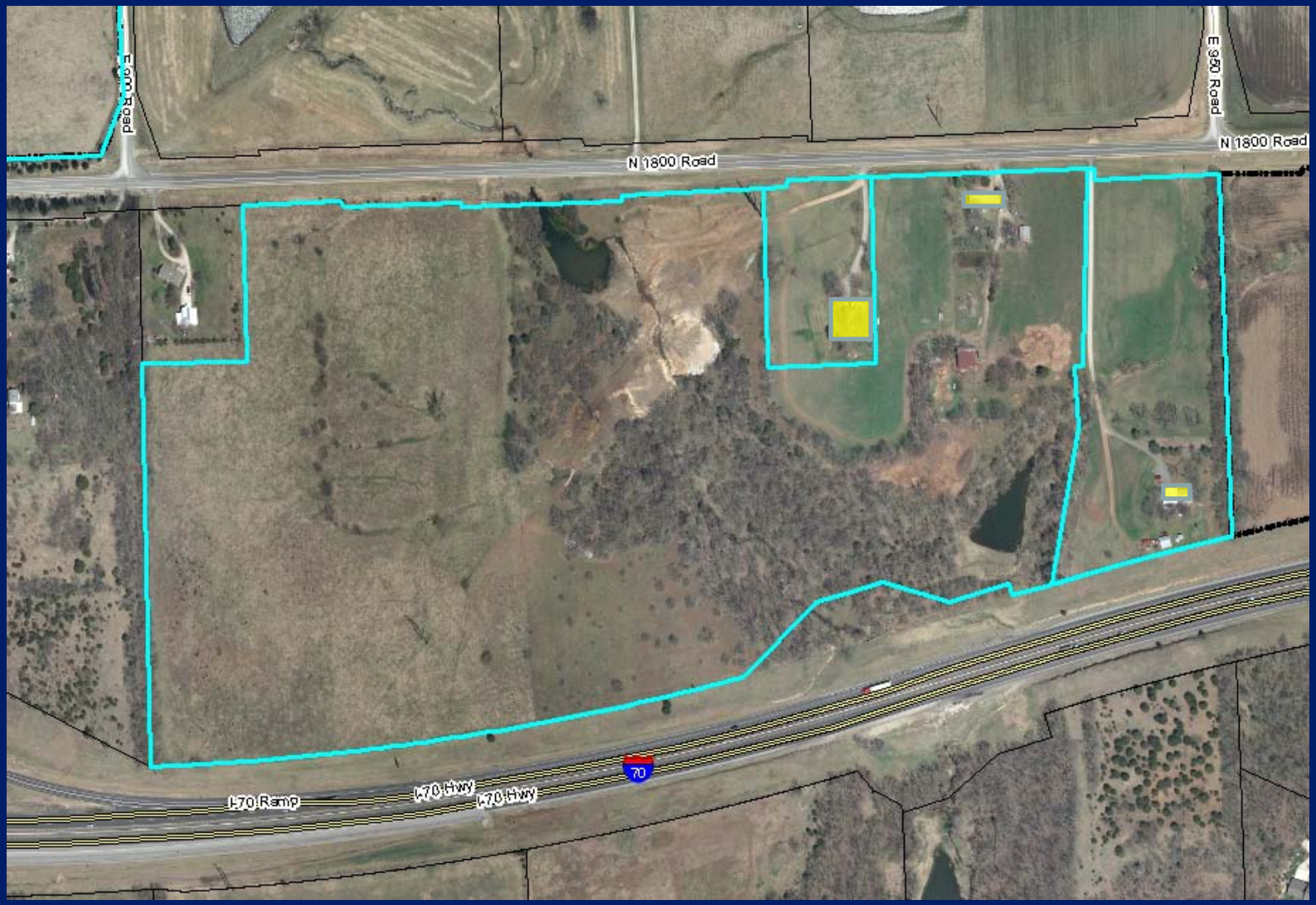
Z-3-8-11; A to IG

May 25, 2011

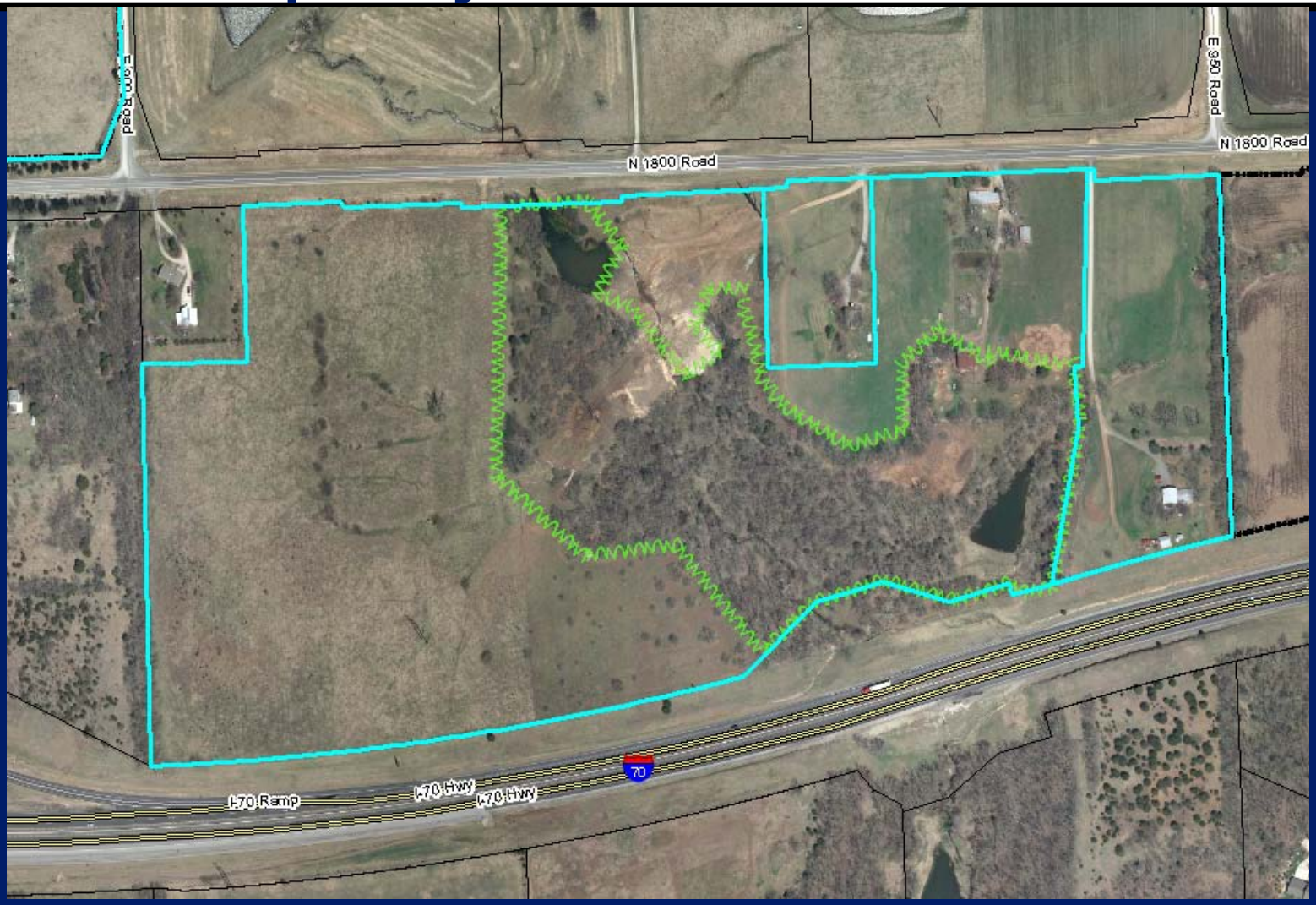
A-3-1-11 / Z-3-8-11
Subject Property



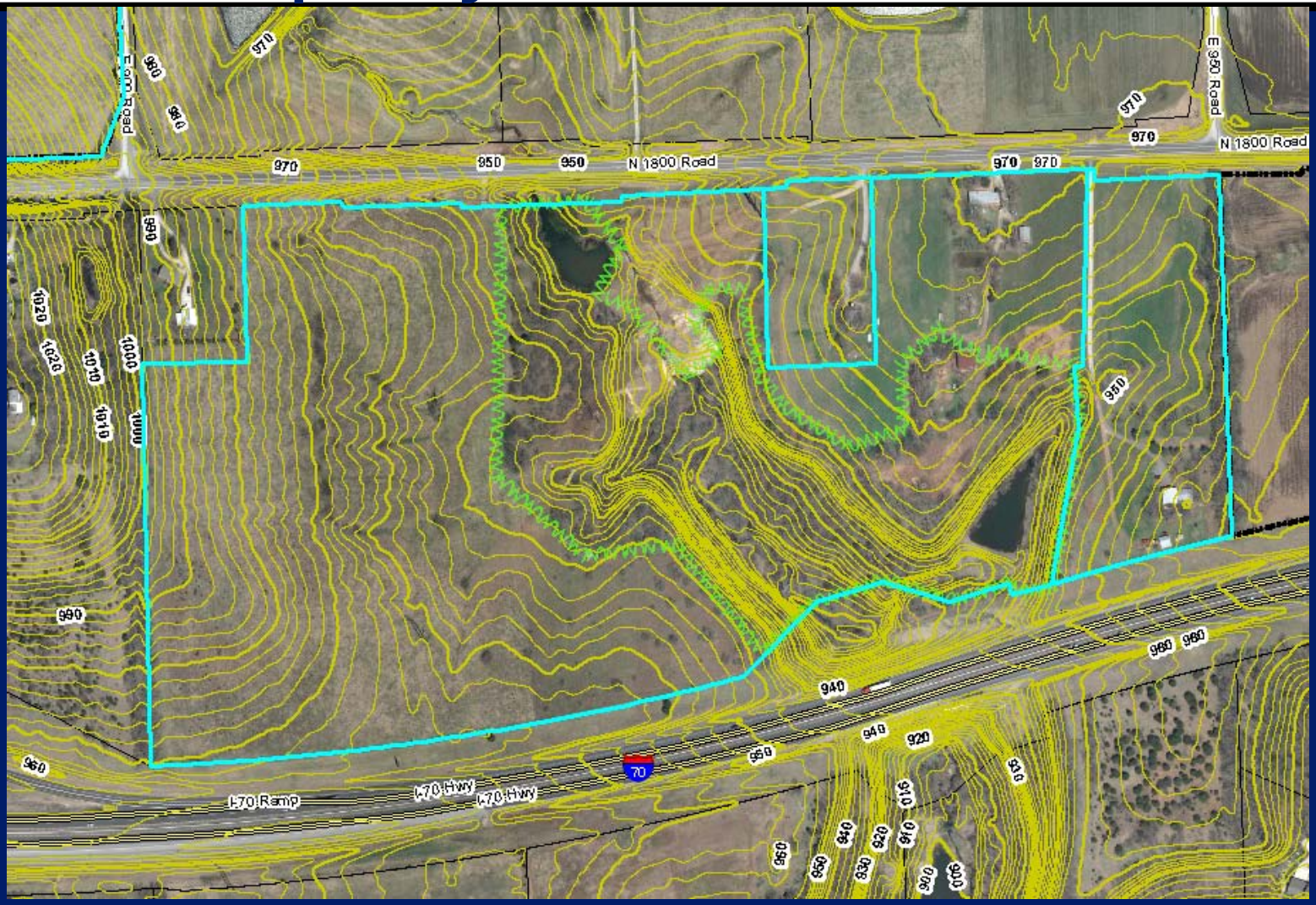
A-3-1-11 / Z-3-8-11
Property Features



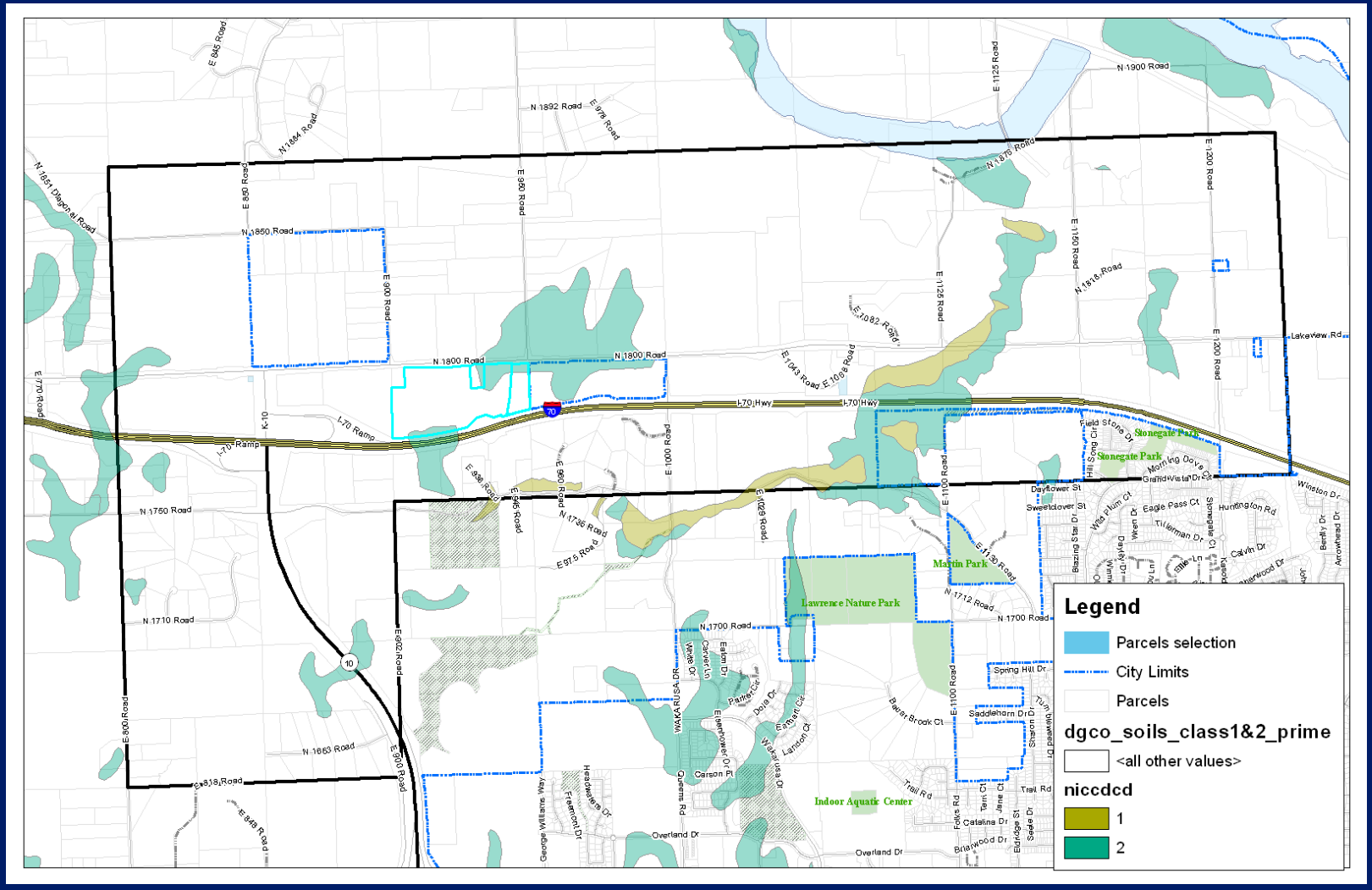
A-3-1-11 / Z-3-8-11
Property Features



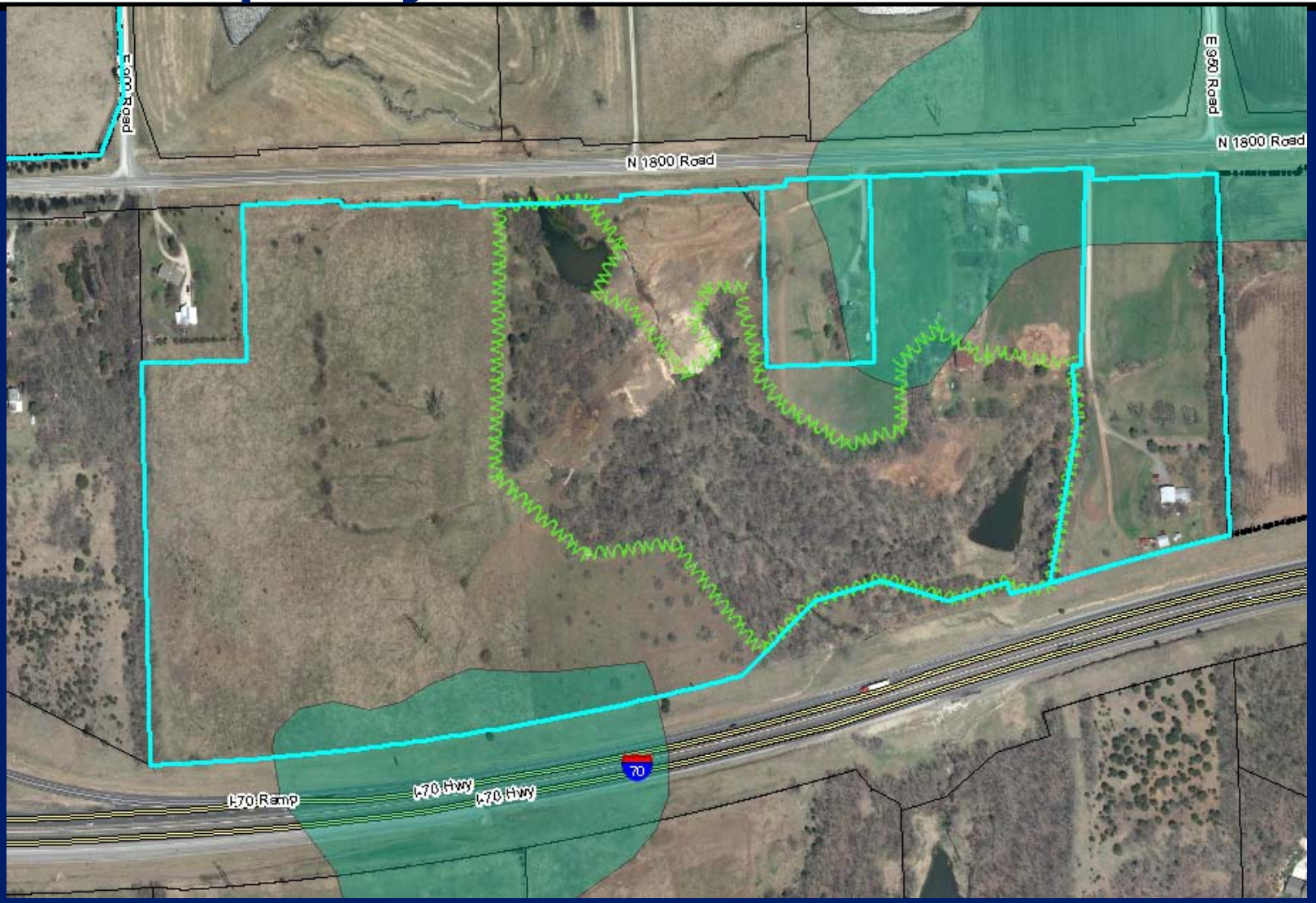
A-3-1-11 / Z-3-8-11
Property Features



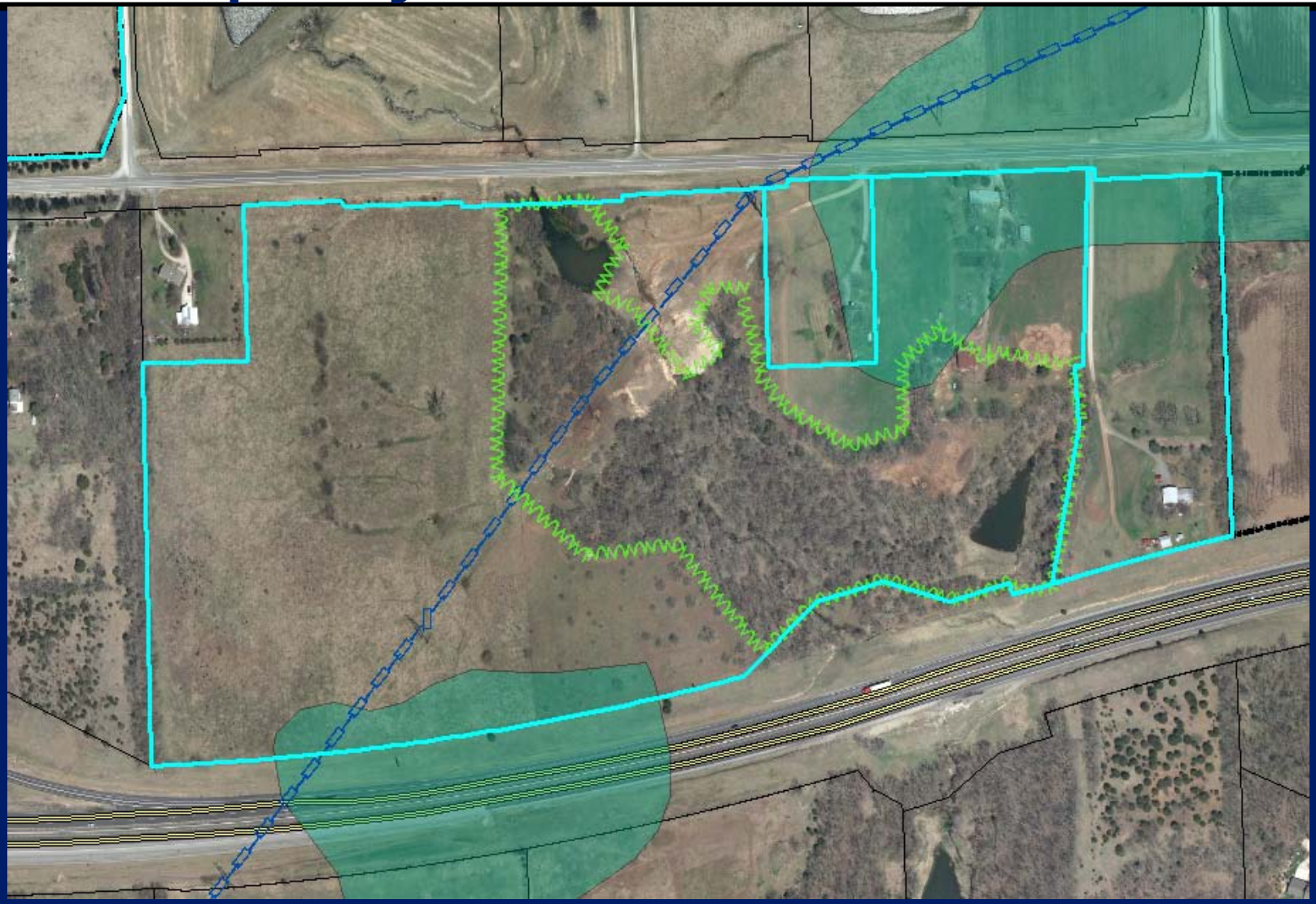
Class I and II soils – subject property


Legend
Parcels selection
City Limits
Parcels
dgco_soils_class1&2_prime
<all other values>
niccdcd
1
2
N 1900 Road
N 1892 Road
N 1884 Road
N 1878 Road
N 1850 Road
N 1800 Road
N 1818 Road
N 1750 Road
N 1738 Road
N 1712 Road
N 1710 Road
N 1700 Road
N 1663 Road
E 845 Road
E 850 Road
E 900 Road
E 950 Road
E 978 Road
E 1000 Road
E 1043 Road
E 1069 Road
E 1082 Road
E 1100 Road
E 1125 Road
E 1138 Road
E 1150 Road
E 1200 Road
E 975 Road
E 946 Road
E 902 Road
E 848 Road
E 818 Road
E 800 Road
E 70 Road
I-70 Hwy
I-70 Ramp
K-10
Lakeview Rd
Stonegate Park
Martin Park
Lawrence Nature Park
Indoor Aquatic Center
Overland Dr
Trail Rd
Spring Hill Dr
Saddlebarn Dr
Huntington Rd
Calvin Dr
Winston Dr
Arrowhead Dr
Daylower St
Sweetclover St
Eagle Pass Ct
Tillerman Dr
Briarwood Dr
Catalina Dr
Carson Pl
Quesada Rd
Freemont Dr
George Williams Way
Headwaters Dr
Eaton Dr
Carver Ln
Whitetail Dr
Panther Ck
Doe Dr
Elderflower Ct
Panther Ct
Wapiti Ln
Larrison Ct
Beaver Brook Ct
Sharon Dr
Folks Rd
Eldridge St
Seale Dr
Tam Ct
Anne Ct
Hill Spring Ct
Field Stone Dr
Grand Vista Dr
Morning Dove Ct
Wild Plum Ct
Ween Dr
Stonegate Ct
Blazing Star Dr
Bently Dr
Cattle Ln
Pawnee Dr
Du Ln
Wren Dr
Cattle Dr
Cattle Ct
Cattle Rd
Cattle Ln

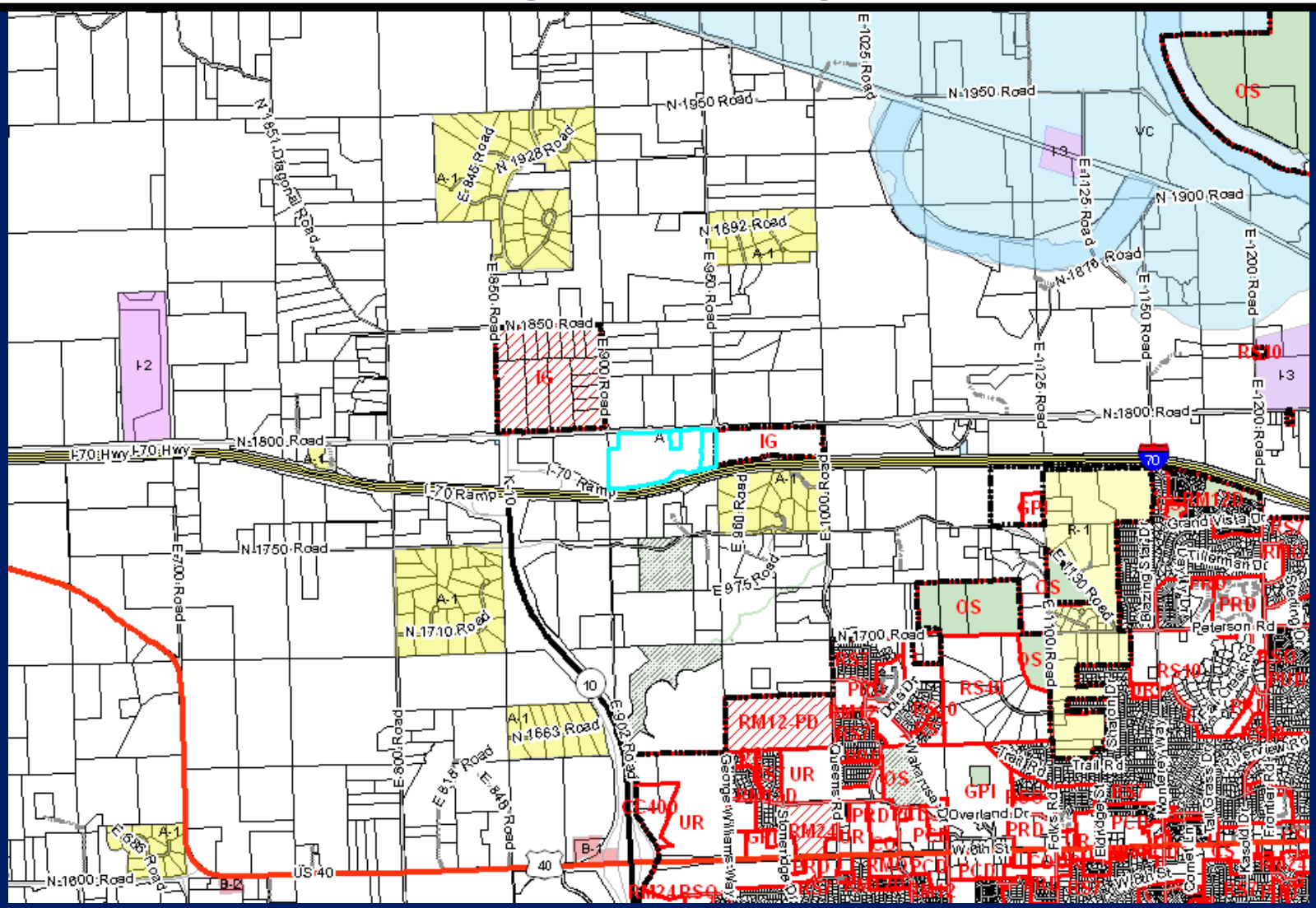
A-3-1-11 / Z-3-8-11
Property Features



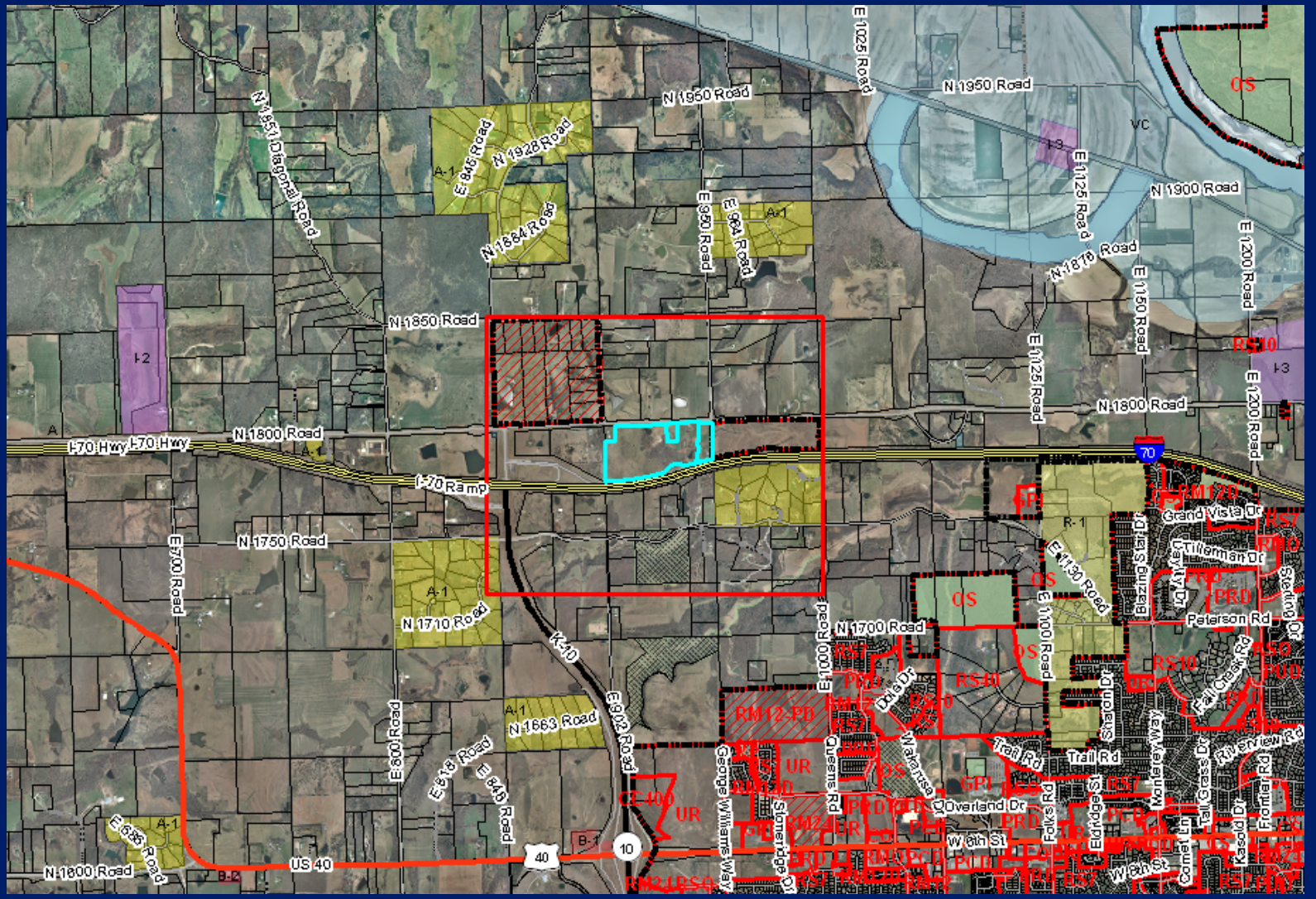
A-3-1-11 / Z-3-8-11
Property Features



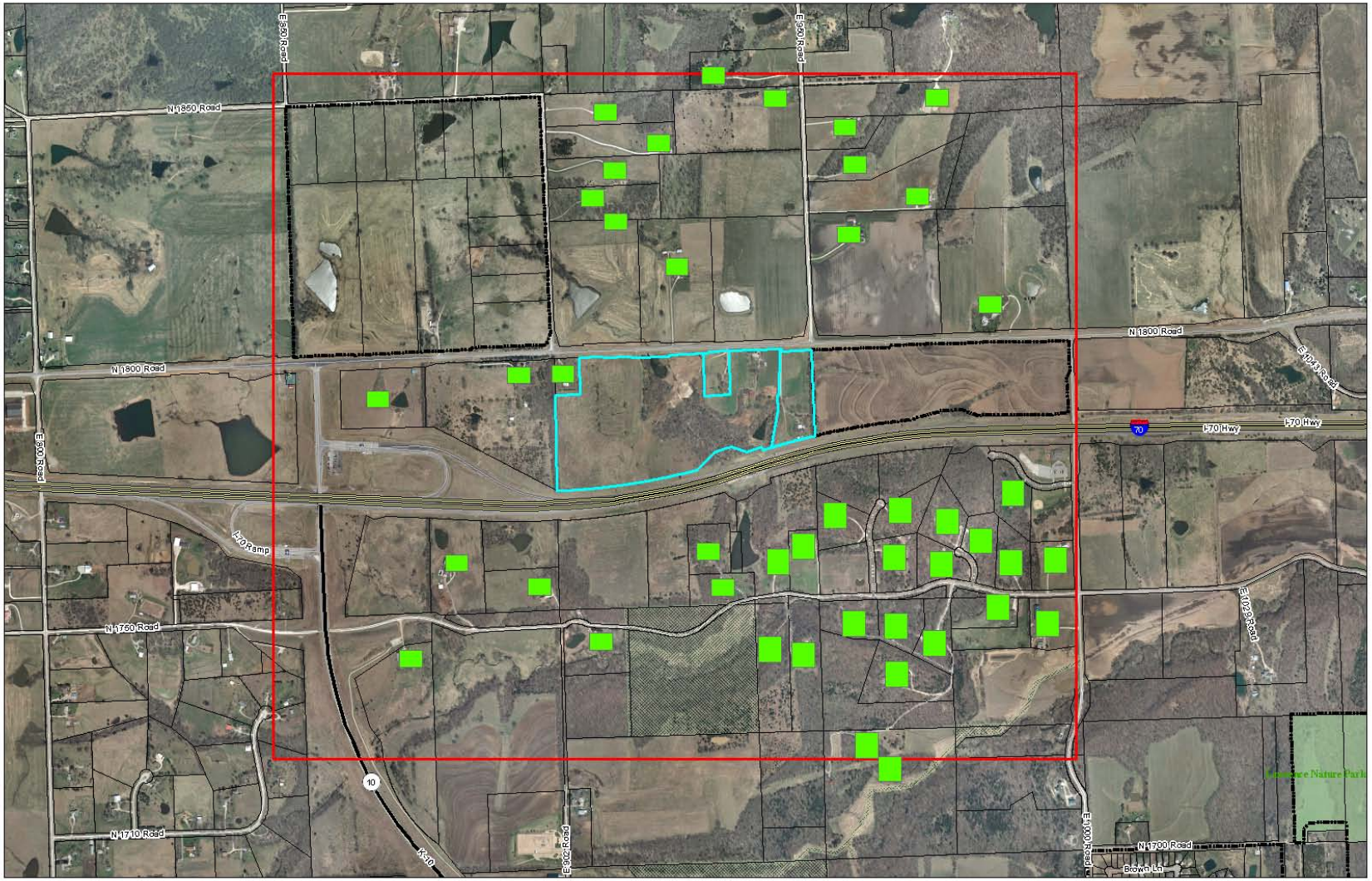
A-3-1-11 / Z-3-8-11
Surrounding Zoning



A-3-1-11 / Z-3-8-11
Surrounding Land Use


N 1950 Road
E 1025 Road
N 1900 Road
E 1125 Road
E 1200 Road
N 1878 Road
E 1150 Road
N 1850 Road
N 1800 Road
I-70 Hwy
I-70 Ramp
N 1750 Road
E 700 Road
N 1710 Road
E 1000 Road
N 1700 Road
E 1100 Road
E 1130 Road
N 1663 Road
E 800 Road
E 902 Road
E 813 Road
E 845 Road
N 1928 Road
N 1864 Road
E 950 Road
E 984 Road
N 1951 Diagonal Road
US 40
K-10
Trail Rd
Overland Dr
Patterson Rd
Grand Vista Dr
Tillamook Dr
Stadium Dr
Queens Rd
Wakarusa
Kasold Dr
Dias Dr
Slomanridge Dr
George Williams Way
W 6th St
Comet Ln
Kentucky
Folks Rd
Edgewood Ln
Kasold Dr
Kentucky
Montana
Kasold Dr
Kentucky
Kasold Dr
Kentucky
Kasold Dr
Kentucky

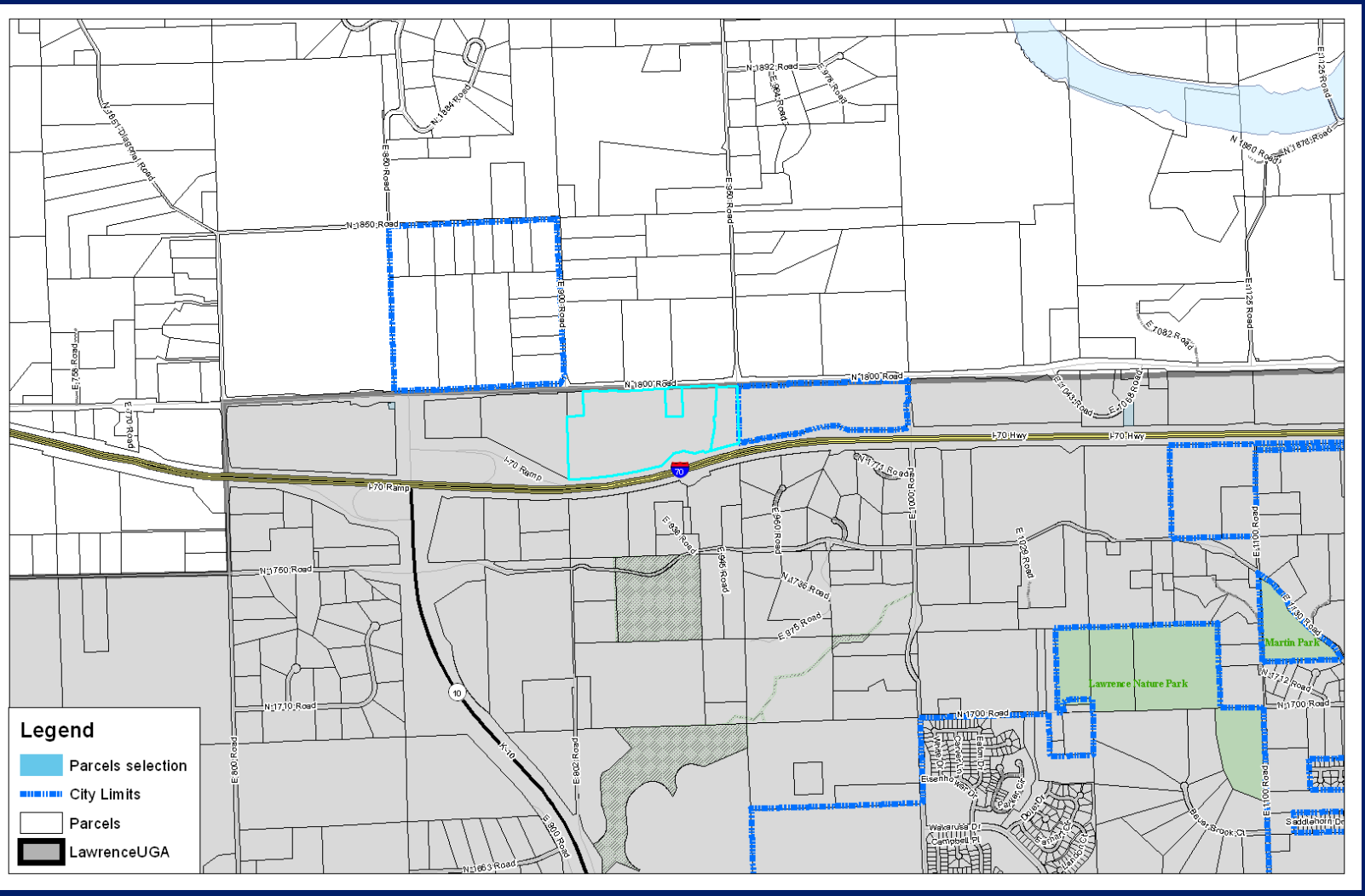
A-3-1-11 / Z-3-8-11
Surrounding Land Use



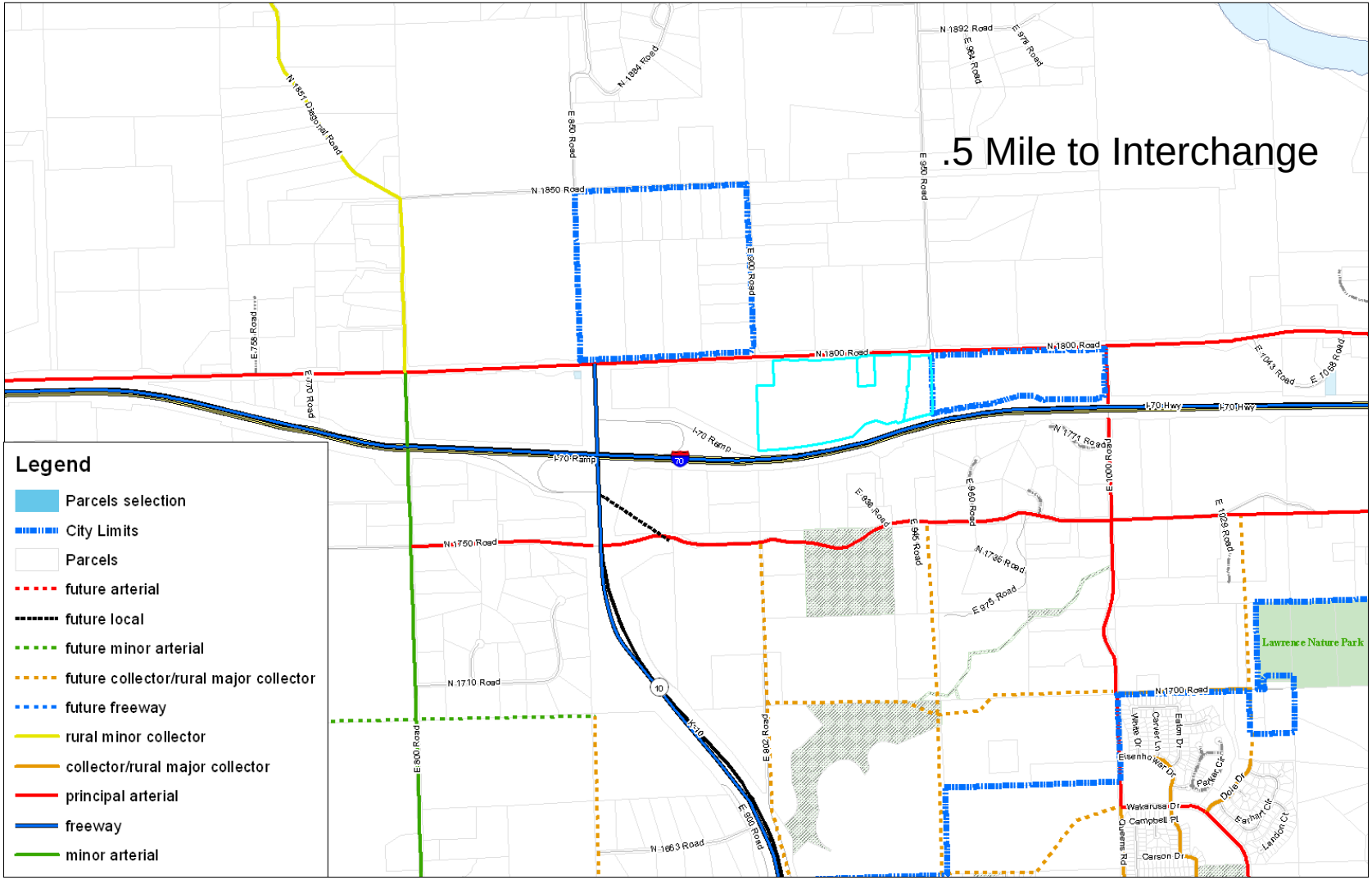
A-3-1-11 / Z-3-8-11

Annexation – A-3-1-11; 69 acres

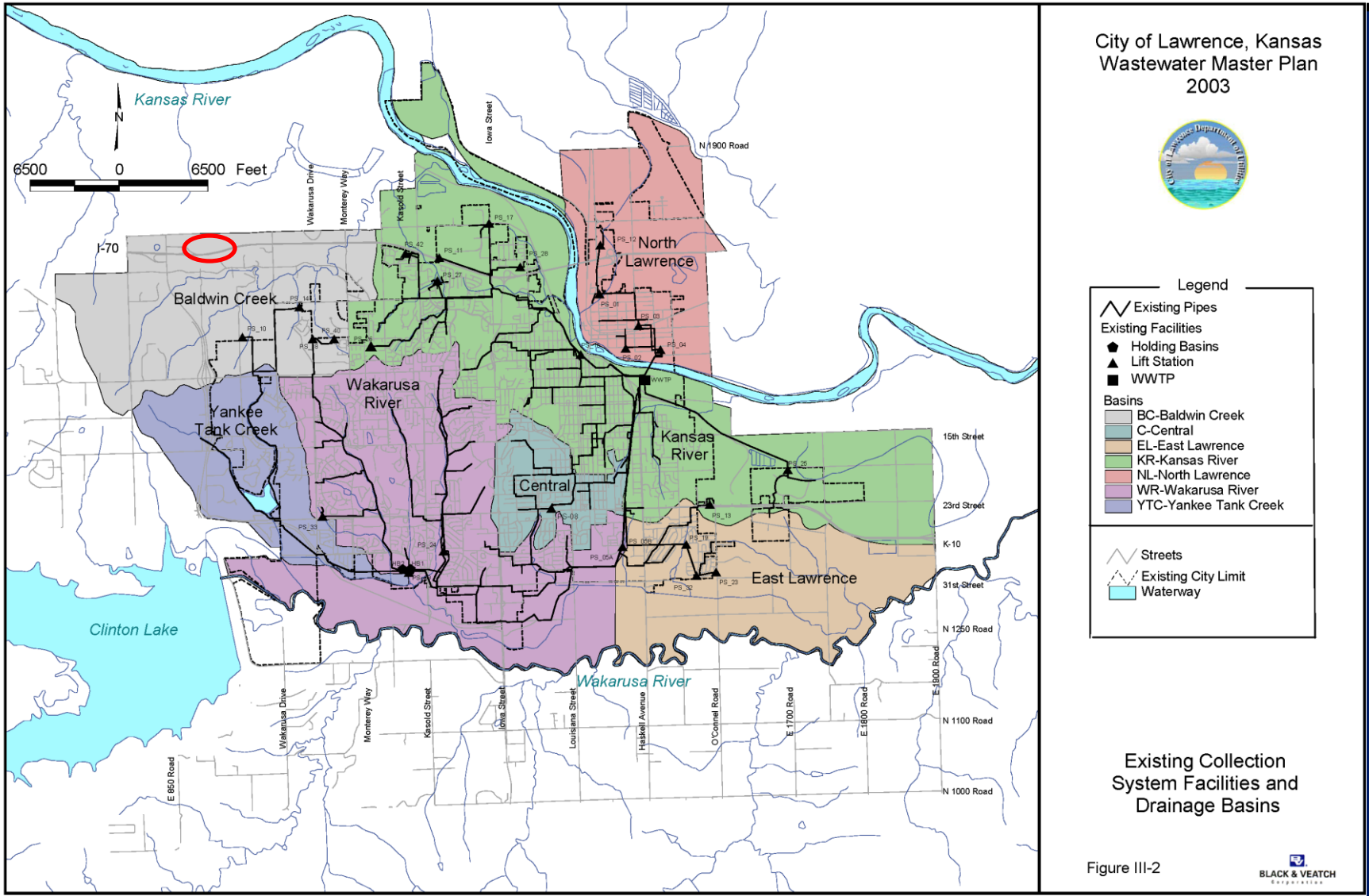
A-3-1-11: Urban Growth Boundary



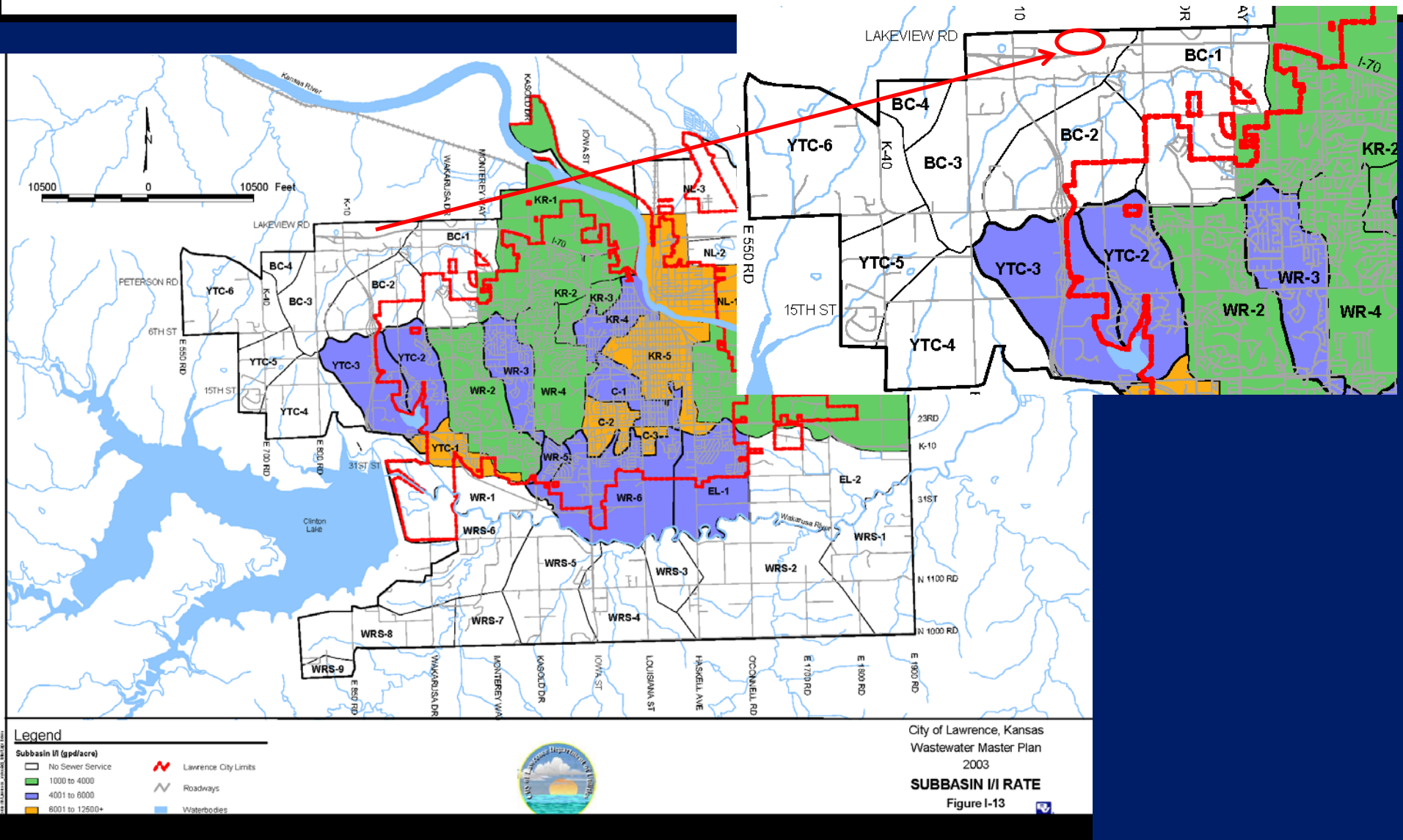
A-3-1-11: Future Thoroughfares



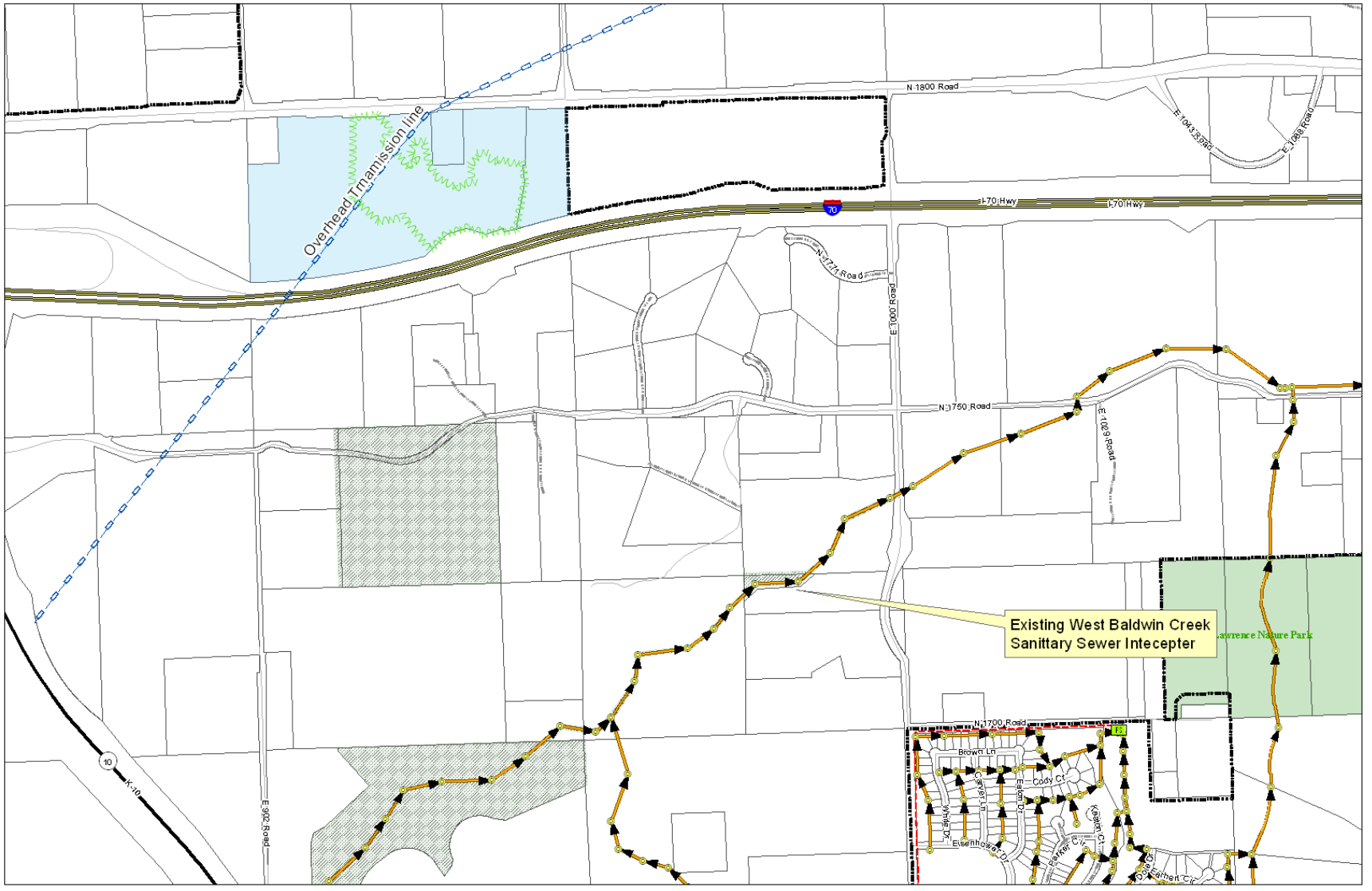
A-3-1-11: Sanitary Sewer



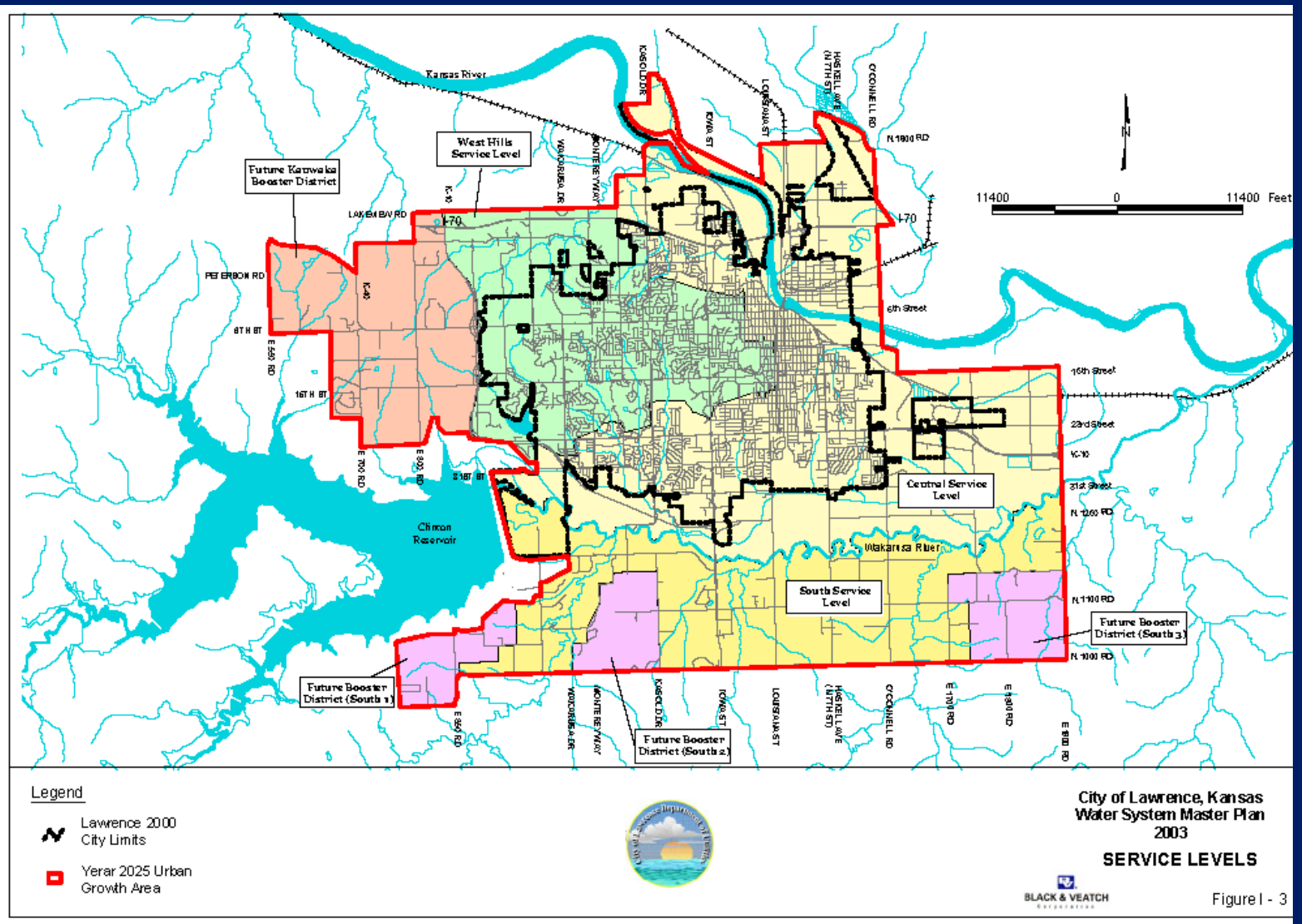
A-3-1-11: Sanitary Sewer



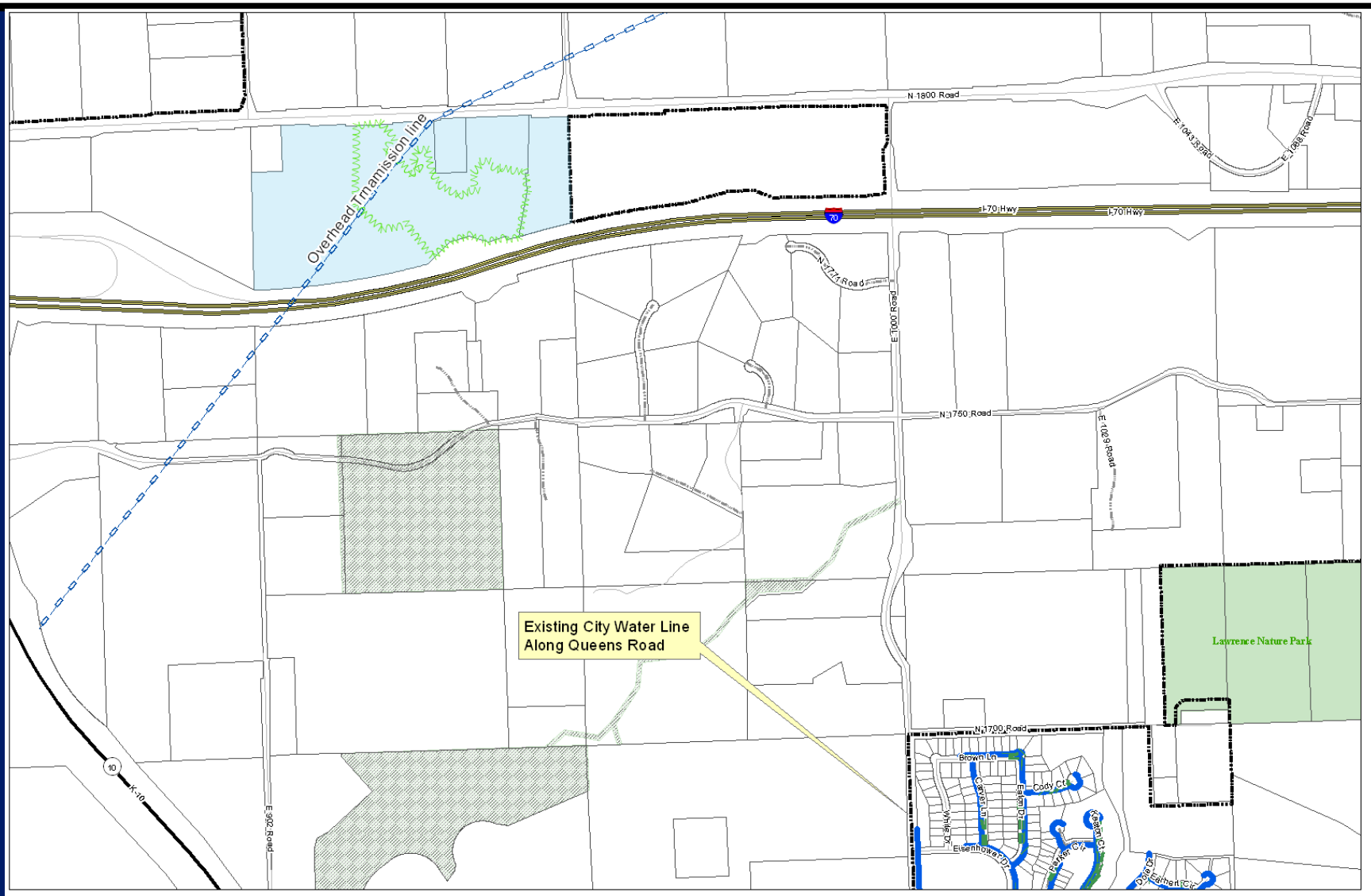
A-3-1-11: Sanitary Sewer



A-3-1-11: Water


Kansas River
West Hills Service Level
Future Kanwaka Booster District
Central Service Level
South Service Level
Future Booster District (South 1)
Future Booster District (South 2)
Future Booster District (South 3)
Clinton Reservoir
Wakarusa River
I-70
6th Street
16th Street
23rd Street
31st Street
11400 0 11400 Feet
Legend
Lawrence 2000 City Limits
Yerar 2025 Urban Growth Area
City of Lawrence, Kansas
Water System Master Plan
2003
SERVICE LEVELS
BLACK & VEATCH
Figure I - 3

A-3-1-11: Water


Overhead Trnamission line
N 1800 Road
E 1043 Road
E 1068 Road
I-70 Hwy
I-70 Hwy
N 1771 Road
E 1000 Road
N 1750 Road
E 1029 Road
Existing City Water Line
Along Queens Road
Lawrence Nature Park
N 1700 Road
Brown Ln
Cody Ct
Carroll Ln
Eisenhower Dr
Parker Cir
Keaton Ct
Fairbanks Cir
K-10
E 962 Road

A-3-1-11: Annexation Policies

Chapter 4 Growth Management

- Lawrence will actively seek voluntary annexation of land within the UGA as development is proposed.
- Annexation shall be required prior to development in Service Area 1 of the Lawrence UGA
- Non-Contiguous parcels of land may be developed subject to the policies of the Comprehensive Plan and upon agreement by the owner to annex at the time the parcel of land becomes contiguous to the City.

Annexation Request

- Request is voluntary by property owner
- Request is located within Service Area 4 of the Lawrence UGA. Currently being updated by City Water and wastewater master plans.
- Plan accounts for non-contiguous development subject to City Policies. There is no immediate development request.

A-3-1-11: Annexation Policies

Growth Management Policy 3.3

"Lawrence and Douglas County should cooperate in management of non-farm land use and development within the identified annexation areas (UGA). This cooperation should specifically address"

1. Recognition watershed basins as natural boundaries for defining and regulating future expansions of Lawrence.
2. County approval of development in the UGA should not occur without on-site wastewater management systems, rural water service, hard surfaced roadways, and the ability to develop the land without encroachment into environmentally sensitive lands.
3. Road ROW for county subdivisions should comply with adopted Access Management Standards
4. Subdivisions within City or County should not be approved when lots front directly onto future arterial streets/roads.

A-3-1-11: Annexation

Annexation Request:

- Property abuts arterial road network with direct proximity to highway access.
- Annexation facilitates industrial development with proximity to highway access.
- Annexation establishes land use intent for future development.
- Annexation allows development to be contained within the existing Urban Growth Boundary.
- Annexation allows development to be evaluated based on Lawrence City Codes and Regulations

Z-3-8-11

Zoning –Z-3-8-110

County A to IG

Use Group		IBP	IL	IG
Industrial Facilities	Explosive Storage	-	-	P
	Industrial, General Example: Pur-O-Zone Hallmark Cards Allen Press	-	P	P
	Industrial, Intensive Example: **Penny Ready-mix** **Midwest Concrete** **Hamm**	-	-	P
	Manufacturing and Production, Technological Example: **Martin Logan** **M-Pact** **Microtech** **Scanning America**	P	P	P
	Research Service	P	P	P

Use Group		IBP	IL	IG
Retail Sales and Service	Building Maintenance	-	P	P
	Personal Convenience	-	P	-
	Repair Service , Consumer	-	P	-
	Retail Sales, General O'Riley Pawn Shop Thrift Store Westlake/Orscheln (W/O Exterior storage)	-	P	-
	Food and Beverage Sales	P	-	P
	Construction Sales and Service Westlake/Orscheln	-	P	P
Agriculture	Agricultural Sales Tractor Supply	-	P	P

Z-3-8-11

1. Area surrounded by both County Agricultural zoning and uses and City Industrial Zoning
2. Character of the area transitional with rural residential uses and agricultural activities as well as major a major transportation corridor and highway access.
3. Upon annexation the current county zoning will not be appropriate.

Z-3-8-11

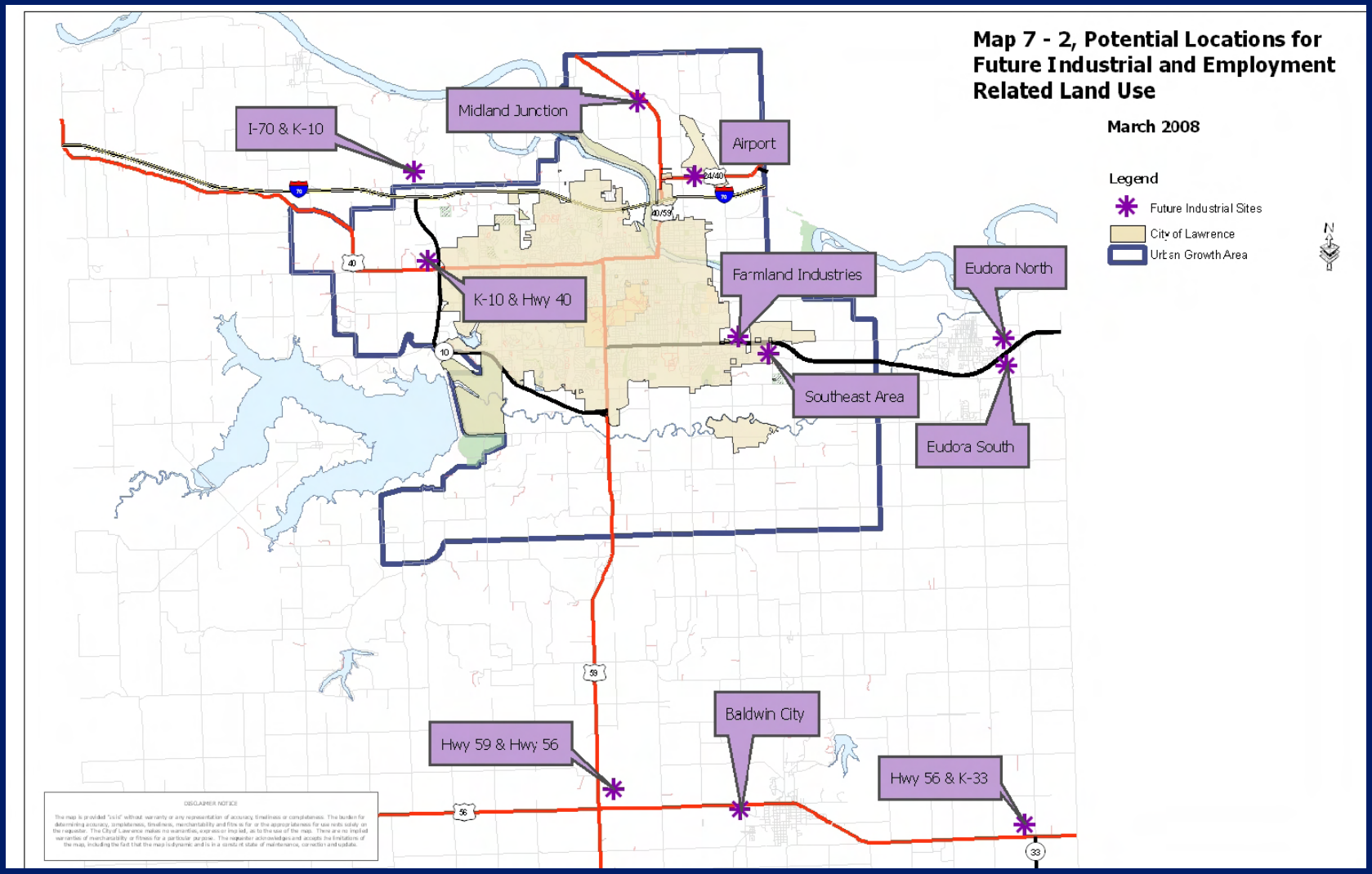
4. Current zoning has been in place since 1966
   - Structures added 1910 to 1980.
   - Interchange completed in mid 1990's.
   - Industrial zoning requests in the area made in early 1990's but were denied
   - Area Plan approved in 2009
   - Similar annexation and rezoning requests made 2009 and 2010.

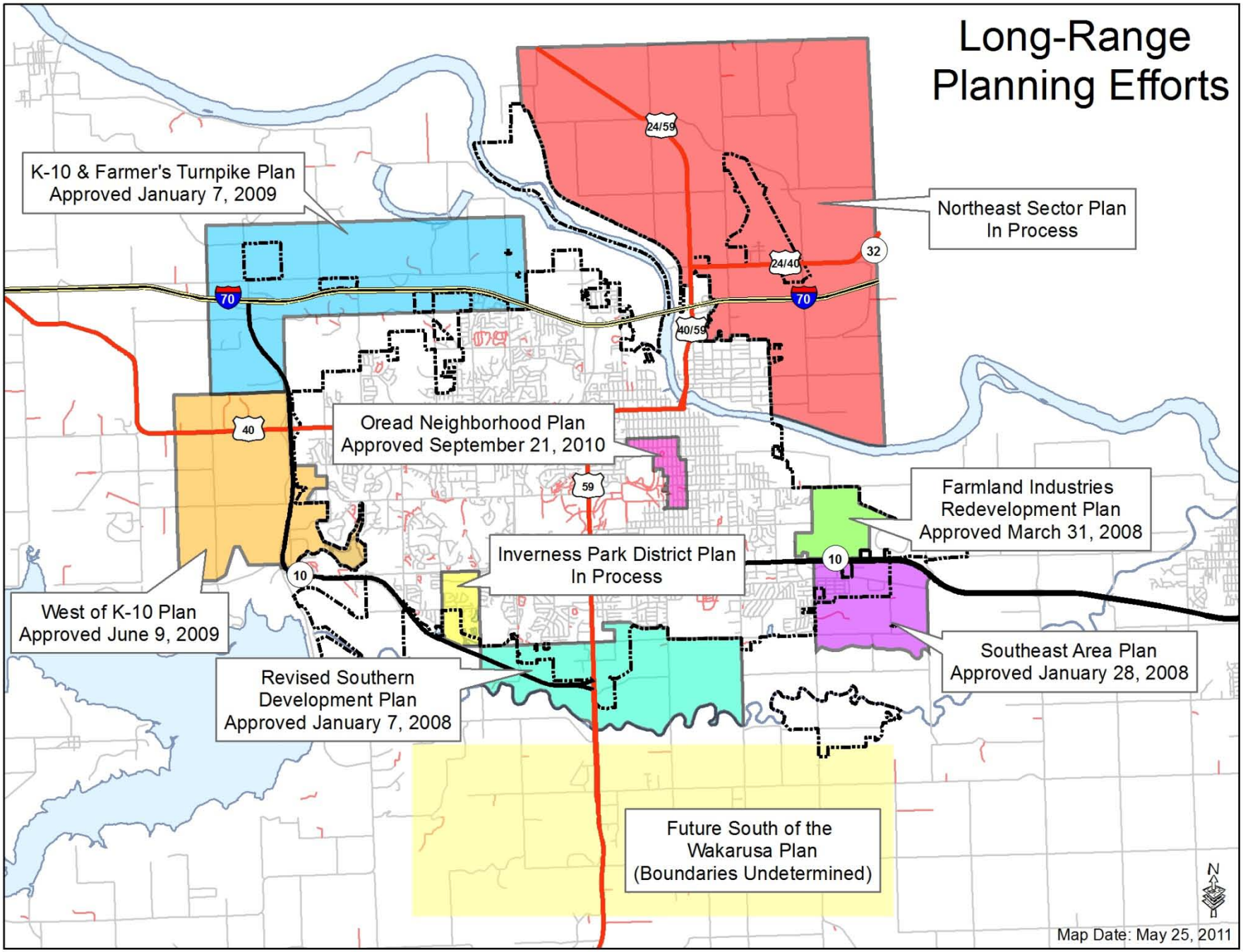
Z-3-8-11: Zoning

5. Detrimental impact and restrictions

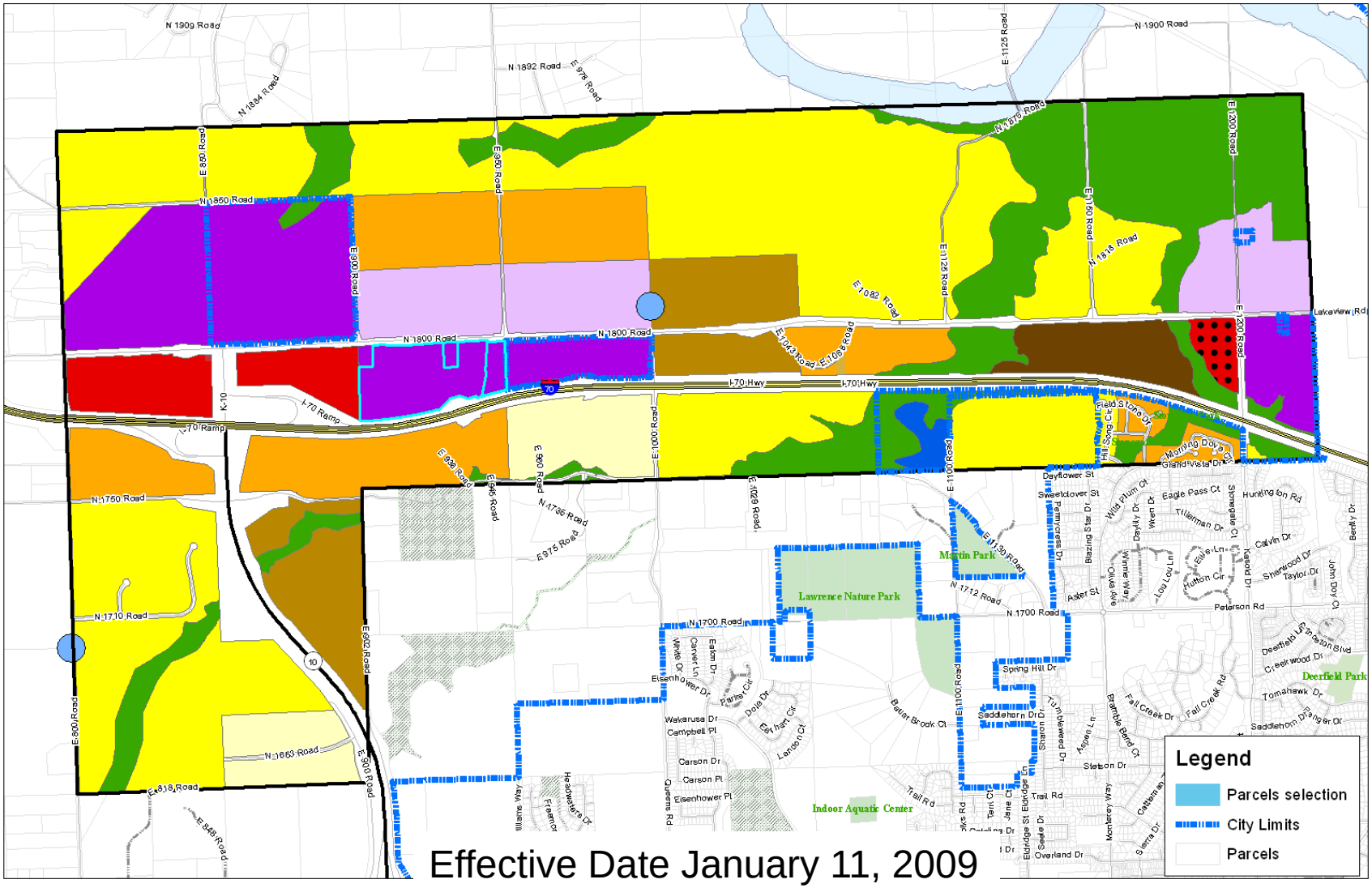
- Development Code Regulations
  - Buffering
  - Screening
- Subdivision Regulations
- Industrial Design Guidelines *(Adopted Nov. 2010)*

Horizon 2020 Map 7-2




Long-Range Planning Efforts
K-10 & Farmer's Turnpike Plan Approved January 7, 2009
Northeast Sector Plan In Process
Oread Neighborhood Plan Approved September 21, 2010
Farmland Industries Redevelopment Plan Approved March 31, 2008
Inverness Park District Plan In Process
West of K-10 Plan Approved June 9, 2009
Southeast Area Plan Approved January 28, 2008
Revised Southern Development Plan Approved January 7, 2008
Future South of the Wakarusa Plan (Boundaries Undetermined)
24/59
24/40
32
70
40/59
40
59
10
N
Map Date: May 25, 2011

K-10 and Farmer's Turnpike Plan



Effective Date January 11, 2009

K-10 and Farmer's Turnpike Plan

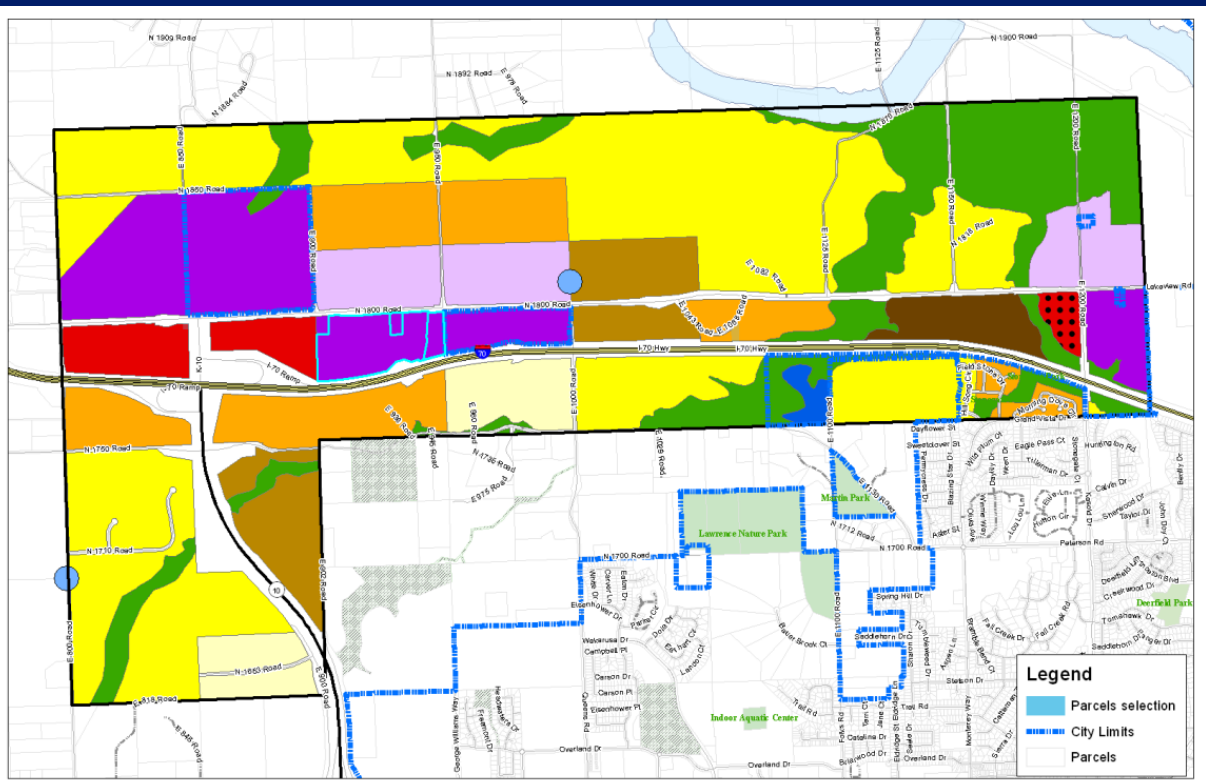
"The Plan identifies appropriate land uses along an arterial road corridor and a highway interchange that aid in meeting a recognized need for industrial/employment center opportunities that will support the general health and prosperity of the region."

Plan Features:

- Large parcel development
- Minimal slope
- Ideal for industrial and employment development access to highway
- High activity node

Industrial

Office/Research



Z-3-8-11: Zoning

Recommendation: 3.2 Land Use

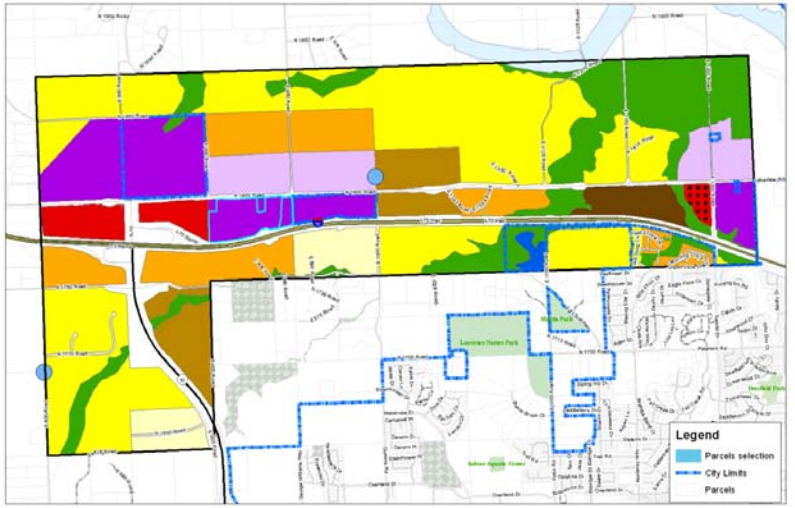
"The intent of the industrial use is to allow for moderate to high-impact uses including large scale or specialized industrial uses geared toward utilizing K-10 Highway and I-70 for materials transportation."

K-10 and Farmer's Turnpike Plan (page 3-9)

Z-3-8-11: Zoning

Recommendation: 3.2.1.8

Intensity: Medium-High



Applicable Area: N 1800 Rd. (Farmer's Turnpike) on the north,
I-70 on the south,
E 900 Road extended on the west and
E 1000 Road on the east.

K-10 and Farmer's Turnpike Plan (page 3-9)

A-3-1-11 / Z-3-8-11 Summary

- Location in the Urban Growth Area
- Proximity to major transportation network
- Conformance with *H2020* and Sector Plan
- Industrial uses are associated with long lead time for development
- City engaged in facility planning for water and sewer
- Some industrial users can function with low utility impact.

A-3-1-11 / Z-3-8-11

Staff Recommendations

Staff Findings Annexation: A-3-1-11

Annexation is:

- within the Lawrence UGA
- Consistent with *Horizon 2020*
- Consistent with *K-10 and Farmer's Turnpike Plan*
- *"The annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the county."*

A-3-1-11: Annexation Recommendation

STAFF RECOMMENDATION #1:

Staff recommends that the Planning Commission forward a recommendation to the County Commission that they find that the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the Douglas County and that the annexation is compatible with *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan*

A-3-1-11: Annexation Recommendation

STAFF RECOMMENDATION #2:

Staff recommends that the Planning Commission forward a recommendation to the City Commission to approve the requested annexation of approximately 69 acres located on the south side of N 1800 Road (Farmer's Turnpike) and between the extended alignments of E 900 road and E 950 Road subject to the following conditions:

1. Building permits may be issued for the property if the City of Lawrence reasonably determines that either City water or City sanitary sewer service is not required to serve the use or uses on the property, the uses being those that can be served by rural water or on-site sanitary sewer management systems (including, but not limited to sewage storage tanks).

2. The applicant shall execute an agreement not to protest the future annexation of any adjacent rights of way or roadway easements.

Staff Findings Zoning: Z-3-8-11

Zoning is:

- Consistent with *Horizon 2020* and with *K-10 and Farmer's Turnpike Plan.*
- Close proximity to a major transportation corridor.
- The land is presently developed with residential uses and will create a non-conform scenario.
- Development will be subject to City Development Standards.
- Providing additional opportunities for industrial development adding to the City's economic base.

Z-3-8-11: Zoning Recommendation

- **STAFF RECOMMENDATION:** Staff recommends approval of the rezoning request for 69 acres from County A (Agricultural) to City IG (General Industrial) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

PLANNING COMMISSION REPORT
Regular Agenda – Non Public Hearing Item

PC Staff Report
5/25/11

ITEM NO. 14A ANNEXATION OF 69 ACRES; SOUTHWEST CORNER OF N 1800 ROAD AND E 1000 ROAD (SLD)

A-3-1-11: Consider an annexation request for approximately 69 acres, located on the south side of N 1800 Rd (Farmers Turnpike) and between the extended alignments of E 900 Rd and E 950 Rd. Submitted by Steven Rothwell, Timothy W. and Lani S. Rothwell, for Timothy Rothwell, Wilber C. Rothwell, and Donald Kenna Rothwell, property owners of record.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission forward a recommendation to the County Commission that they find that the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the Douglas County and that the annexation is compatible with *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan* and;

Staff recommends that the Planning Commission recommend approval and forward the recommendation to the City Commission for the approval of the requested annexation of approximately 69 acres located on the south side of N 1800 Road (Farmer's Turnpike) and between the extended alignments of E 900 Road and E 950 Road subject to the following conditions:

1. Building permits may be issued for the property if the City of Lawrence reasonably determines that either City water or City sanitary sewer service is not required to serve the use or uses on the property, the uses being those that can be served by rural water or on-site sanitary sewer management systems (including, but not limited to sewage storage tanks).
2. The applicant shall execute an agreement not to protest the future annexation of any adjacent rights of way or roadway easements.

Reason for Request: *"This property is in the urban growth area of Lawrence. It is designated for industrial uses in Horizon 2020 and the K-10/Farmer's Turnpike Plan. It is adjacent to a large tract of land with industrial zoning and is bounded by Kansas Turnpike, the Farmer's Turnpike, and a recently annexed property with industrial zoning, making it an excellent location for an industrial site.*

KEY POINTS
- April 5, 2011, City Commission received annexation request.
  - Requests more than 10 acres are referred to the Planning Commission for a recommendation.
- This request includes approximately 69 acres to allow for industrial development.
- The property is located within the Lawrence Urban Growth Area.
- This request is accompanied by a rezoning request for IG (Z-3-8-11).

COMPREHENSIVE PLAN FACTORS TO CONSIDER
- Horizon 2020 – Chapter 4, Growth Management
- Horizon 2020 – Chapter 7, Industrial Development
- Horizon 2020 – Chapter 8 Transportation
- Horizon 2020 – Chapter 14 Specific Plans
- Sector Plan – K-10 and Farmer's Turnpike Plan

ASSOCIATED CASES OR OTHER ACTION REQUIRED

- After City Commission receives the Planning Commission's recommendation concerning the annexation request, City Commission may consider passing a resolution requesting the Douglas County Board of County Commissioners make a finding pursuant to state statute that, *"the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the county."*
- The Board of County Commission will consider the City's request to make the necessary findings, if appropriate and notify the City of its decision.
- Adoption by City Commission of an ordinance annexing the property.
- Notice to Rural Water District No. 6 of the City's intent to annex.
  - City Commission authorized the City Manager to provide notice of the City's intent to annex the land to Rural Water District No. 6 on April 12, 2011.
  - Notice mailed to RWD No. 6 on April 21, 2011.
- Approval by City Commission and publication of Z-3-8-11 (A-1 to IG).
- Subdivision approval required as a pre-development step.
- Site plan approval required as a pre-development step.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required at this time.
- *Downstream Sanitary Sewer Analysis* – Not required at this time. End user required for analysis
- *Drainage Study* – Not required at this time.
- *Retail Market Study* – Not required at this time.

ATTACHMENTS

- Area map
- Memo to City Commission – annexation referral
- Staff memo regarding notice to Rural Water District No. 6
- Land use map – K-10 and Farmer's Turnpike Sector Plan

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Phone call from area property owners requesting additional information regarding the proposed request and development plans for the area.

EXISTING CONDITIONS

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

Site Summary

Gross Area:	69 acres
Area Requested for Annexation:	69 acres
Urban Growth Area:	Service Area 4 as identified in *Horizon 2020.*

Project Summary:
This request is for industrial development. Annexation is a pre-development step.

Annexation Procedure
Kansas Law [12-519 *et seq.*] provides for annexation by ordinance of the City Commission. Lawrence City policy requires the Lawrence-Douglas County Metropolitan Planning Commission to review and make recommendations on all annexation requests in excess of ten acres. Upon annexation, the property is required to be rezoned to a compatible City zoning district. This request is accompanied by a rezoning application for IG. Annexation is a separate and distinct action from that of the rezoning consideration.

Because this property is not adjacent to the city "proper" it is considered an "island" annexation. Additional requirements for this type of annexation include County Commission consideration and determination that the proposed annexation, *"will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the county."* This action is required prior to the passage and publication of an ordinance by the City annexing the property. Additionally, notice of the City's intent to annex the land, along with its plan for the provision of water service to the land being annexed is required to be sent to the Rural Water District serving the property not less than 60 days prior to the effective date of an annexation ordinance.

The subject properties are currently served by Rural Water District No. 6. Kansas Statutes require the city to purchase the property, facilities, and improvements, if any, of the district if the City designates a different water supplier to the land proposed to be annexed. The possibility exists that the site will continue to be served by Rural Water District No. 6 or another water supplier prior to the City of Lawrence extending city water service to the site.

The City of Lawrence Administrative Annexation Policy (AP-74) requires that the costs associated with compensation to a Rural Water District be paid to the City by the annexation applicant for Rural Water District facilities serving the property to be annexed.

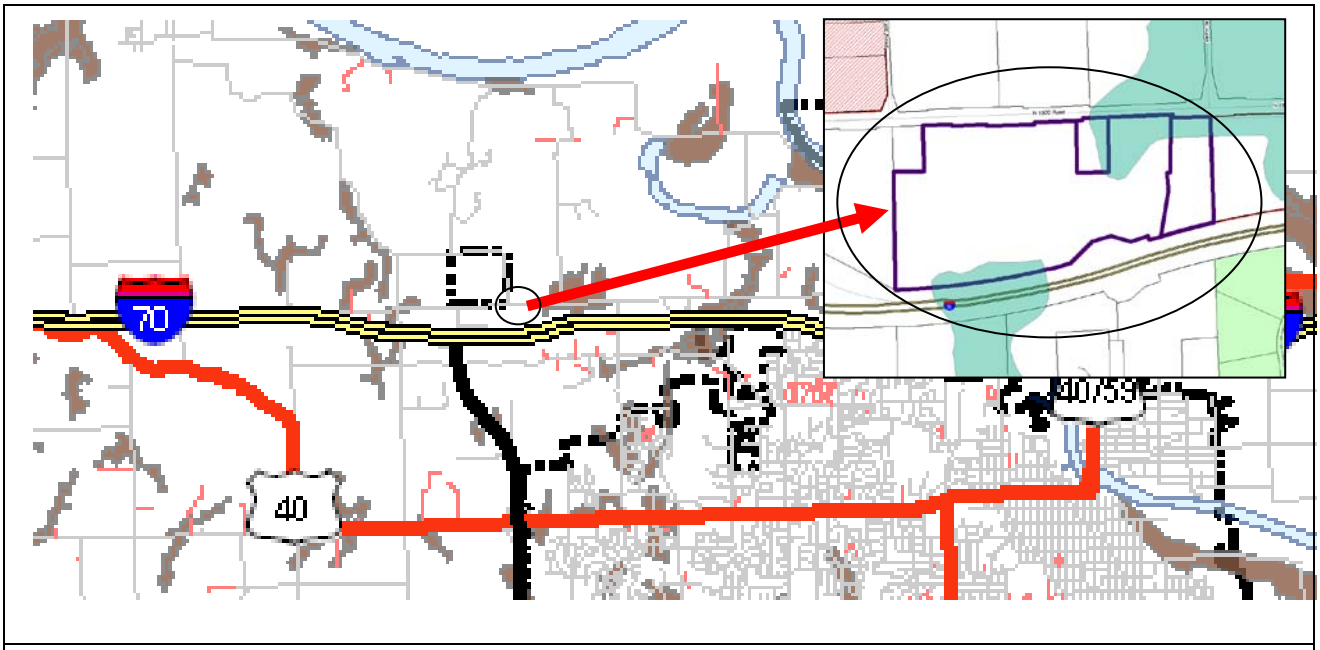
General Location and Site Characteristics:
The property is located on the south side of N 1800 Road (Farmer's Turnpike). The property is bounded along the south side by the I-70 Kansas Turnpike. The property is adjacent to another island annexation parcel along the east property line.

- The property includes a rural residence on each of the three parcels that makes up the combined 69 acres.
- The area is currently farmed and includes an area with vegetation along the low lying drainage areas of the site.
- The property is located within the existing Lawrence Urban Growth Area and approximately 1/2 mile east of the Lecompton-K-10/I-70 interchange.

The property is currently zoned county A (Agricultural). This same zoning is located on the south side of the Kansas Turnpike. A platted residential subdivision and an existing church are located south of the Turnpike, southeast of the proposed annexation. Scattered rural residences can also be found along the County roads in the vicinity of the property.

The property slopes from the east and the west toward a low lying area through the central wooded portion of the 69 acres. The average slope across the proposed annexation is less than 6 %. There no regulatory floodplain that encumbers the proposed annexation.

Horizon 2020 recognizes the importance of high-quality agricultural land and that it is a finite resource. Within Douglas County the soils classified as Class I and II are referred to as the capability class (Chapter 7 *Horizon 2020*.) This site includes a portion of Class II soils along the south side of N 1800 Road along the eastern portion of the property and an area along the south property line on the western portion of the property. This annexation request includes approximately 7.8 acres of Class II soils on the subject property.



Locations of sites of 20 acres or more with Class I and II soils in Douglas County. Subject area shown with arrow.

While the subject property contains Class II soils, the soils are isolated and in small amounts relative to areas where significant contiguous amounts exist in Douglas County, such as are found in Grant Township. When weighing the goal of protection of Class II soils for this specific location against the transportation system and the criteria that supports industrial land use, the property is well suited for industrial development.

Infrastructure and Utility Extensions

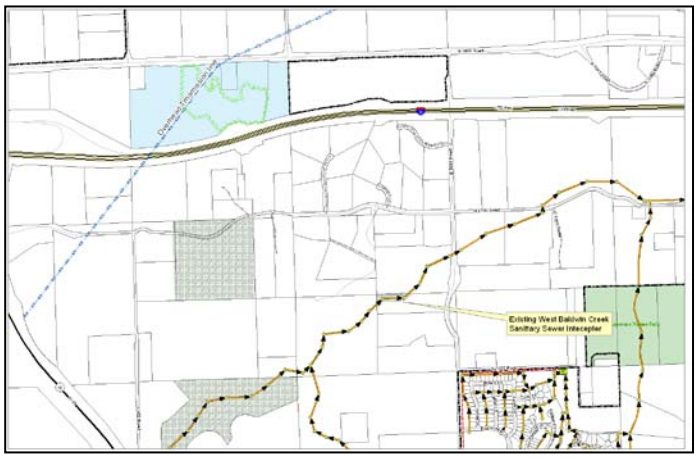
This section of the report addresses the existing and future utility infrastructure serving this site. This property is located in the unincorporated area of Douglas County. Development of the property requires extension of municipal City services or development of an interim service plan.

Sanitary Sewer

Sanitary sewer is not currently extended to this property. Such extension is necessary to support urban development. Details regarding the end user or users are required to assess downstream impacts on the utility. A specific development proposal has not been submitted.

The city is engaged in updating the Wastewater Master Plan. This study is not yet complete. Basic land use was provided to the Utility Department for the study based on the recently adopted K-10 and Farmer's Turnpike Plan. Anticipated uses include industrial development. This broad land use designation does not necessarily convey a specific amount of generated wastewater because data is use specific.

Proximity to Sanitary Sewer



Items for consideration of public sanitary sewer service include the following:

- *City initiated master plan update anticipated completion of study by end of 2011*
- *Option for single user vs. multiple users*
  - *Waive code standards to accommodate rural type development for temporary time period. This would allow some type of on-site treatment. The method of disposal would depend on the amount to be managed.*
  - *Coordination with the County Health Department and or KDHE regarding on-site management options.*

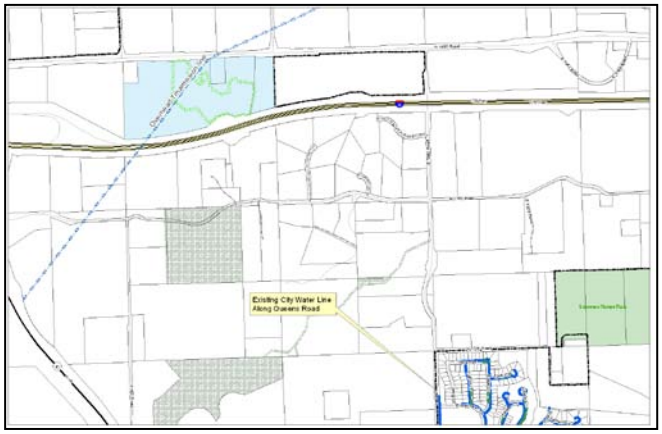
While an interim plan may be feasible for a single user, such a plan may not be appropriate for multiple users. A specific study of the watershed will be required to assess impacts on the current municipal system and evaluate designated capital improvement projects that may be affected by development. Extensions of sanitary sewer mains are required for urban development. Approval of sanitary sewer public improvement plans are typically a requirement of the subdivision process.

Water

Extensions of water mains and adequate fire flow are required for urban development. Existing urban service is over one mile from the subject property. Rural Water District No. 6 has a facility located along N 1800 Road. Rural Water District No. 1 has a line located along N 1750 Road to the south of the property. (See page 2-7 *K-10 and Farmer's Turnpike Plan*)

The City's plan for providing water service to the properties is to permit Rural Water District No. 6 to provide water service to the annexed area. The City could amend its current contract with Rural Water District No. 6 to supply the rural water district with additional water, if the rural water district deems it necessary for it to provide the 69 acres of land with adequate water. If Rural Water District No. 6 is unwilling to supply the property with water at the service level required by the property owner, or if the City and District cannot agree to a contract for the provision of additional water from the City, the City will designate a different water supplier. Rural Water District No. 1 may be amenable to supplying water to the area proposed to be annexed.

Proximity to City Water



Items for consideration of public supply of water include the following:

- *Option for single user vs. multiple users.*
- *Quality of service for long run with single user.*
- *Synergy of development required to generate sufficient demand for service and to maintain quality.*
  - *Waive code standards to accommodate rural type development for temporary time period. This would allow a rural water district to provide service to the annexed area.*

Amend current contract to assure available quantity of water available for development. This could include modifications to the existing agreements between the rural water district and the city regarding water supply

While an interim plan may be feasible for a single user, such a plan may not be appropriate for multiple users. A specific study of the water demand will be required to assess impacts on the current municipal system and evaluate designated capital improvement projects that may be affected by future development. Extensions of water mains are required for urban development. Approval of water line public improvement plans are typically a requirement of the subdivision process.

Stormwater
The property includes natural drainage ways across the property that flows generally from the north to the south. Regional detention is recommended for each watershed as areas develop. No such plan has been developed for this area at this time. Approval of stormwater public improvement plans are typically a requirement of the subdivision process.

Items for consideration of stormwater management include the following:
- *Regional Detention with development application.*
- *Easements for stormwater conveyance.*
- *Submission of a drainage study to assess the downstream impact.*
- *Assessment of the drainage structure at I-70 on the south side of the property.*

Public Rights-of-way
This segment of N 1800 Road is also a designated principal arterial street. This designation will impact dedication of rights-of-way, access, and spacing with future development applications. The property is located within the vicinity of the I-70/K-10 interchange. *Transportation 2030* identifies N 1800 Road as a Lawrence minor gateway. As such, special attention will be merited during the development phases of the property to assure compliance with applicable design standards. Width of right-of-way along with necessary access control and geometric improvement considerations are typically assessed as part of the subdivision and site plan development processes.

Items for consideration of public streets and roads include the following:
- *Future improvements to I-70 within existing right-of-way.*
- *Road Maintenance N 1800 Road, including snow removal.*
- *Geometric improvements with development.*
- *Access control with development.*
- *Dedication of ROW with subdivision platting process.*
- *Submission and review of a traffic impact study.*

Development of the area would include an assessment of roadway improvements abutting the property. Dual naming of such boundary line roads, maintaining both county and city names, for addressing purposes may be necessary for those properties outside of the annexation boundary.

No additional right-of-way needs are anticipated by the Kansas Turnpike Authority for future widening projects in this area. Additional review will be provided with subdivision plats and site plans for the property in the future.

Internal circulation and access to the abutting road and properties will need to be addressed with a specific development proposal. A traffic impact study will be required to evaluate proposed access options, separation requirements, geometric improvements, and similar items both internally and as development relates to the surrounding road network. No direct access is permitted to arterial roads, per the Land Development Code, unless the City Engineer grants a waiver from this requirement which would be necessary given that the property is bounded by a designated arterial road. A specific development plan

has not been submitted to assess the full scope of transportation issues for this property. Street intersection spacing will be critical as the area develops and should be designed initially for best efficiency.

Emergency Responses Services

Key services include 911, fire protection, and police protection. The site is currently served by the County-wide 911 emergency medical response. Building addressing and street naming, as well as coordination of services between the City, County, and township providers, will be required and continuously reviewed throughout the development process.

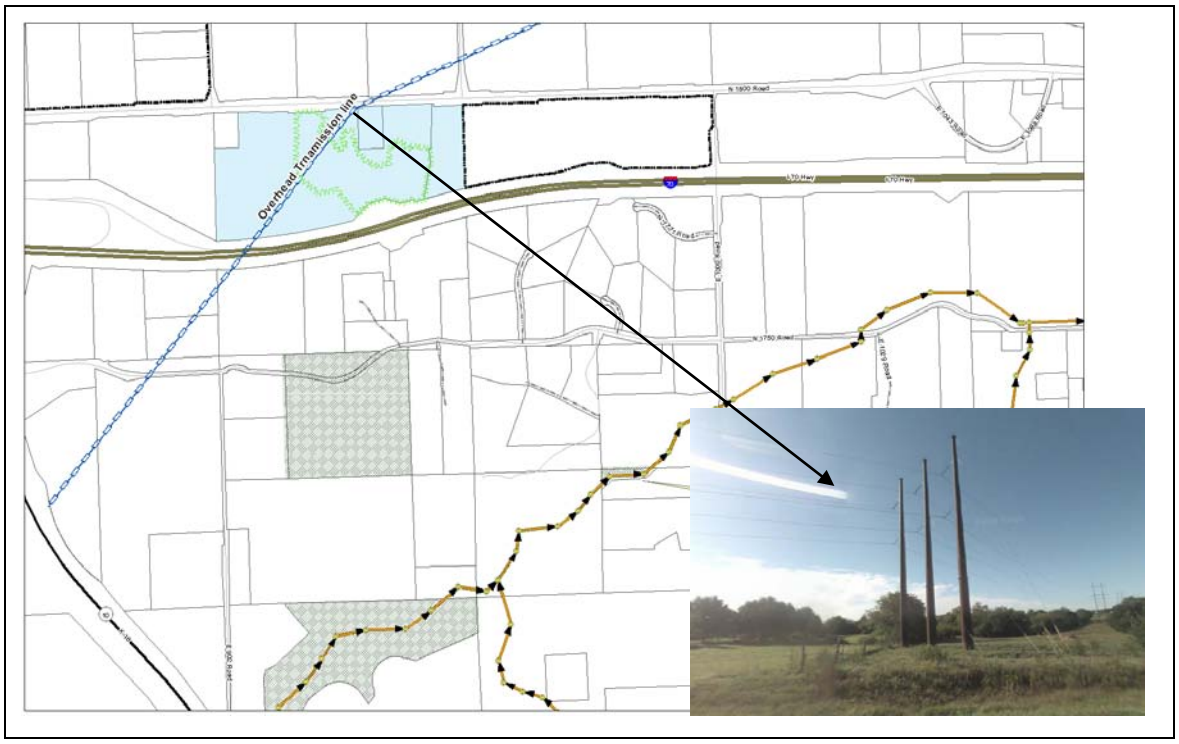
Fire protection will depend on the proposed use, construction type, and available fire suppression systems for the site. Fire protection is also related to the availability of a municipal supply of water or some type of on-site storage device, to meet a minimum threshold. Similar requests to the east and northwest of this site proposed an on-site water tower to aid in fire protection. This same method could be considered depending on the end user of this site. Assessment of services and fire protection will be required as part of a specific development proposal. Limited services to the site may limit future development in terms of size or intensity dependent upon the end user or users of the site.

Items for consideration of emergency responses include the following:

- *Adequate fire protection.*
- *Single user vs. multiple users.*

Private utilities (Electric, gas, phone, etc)

Electric, phone and gas extensions will be made to this property as it develops. Specific development proposals are needed to determine service requirements for a specific user. Utility providers have been made aware of the proposed request. Westar provided the following comments during the review: *Only 1-phase service exists in this area. The closest 3-phase line is 1.5 miles east of E 950 Road. If this is a large industrial user, depending on load, upgrade to the 3-phase line (bigger wires) may be needed which would then be 2.5 miles east of E 950 Road.* Generally the property can be served by private utility providers. A large transmission line extends from the southwest to the northeast through this area.



School facilities
The property is located in the Perry Lecompton school district (USD 343). The school district has been advised of this request.

COMPREHENSIVE PLAN:
Several chapters of *Horizon 2020* are applicable to this review. These include Growth Management, Industrial and Employment-Related Land Use, and Transportation. Additionally, the property is within the boundary of the *K-10 and Farmer's Turnpike Plan*.

Horizon 2020 – Chapter 4 Growth Management
Per map 3-1 in Chapter 3 of *Horizon 2020*, the General Plan Overview, and outlined in Chapter 4, Growth Management, the property is located within the Lawrence Urban Growth Area. Specific land uses for the area are identified in the *K-10 and Farmer's Turnpike Plan*. Growth management policies address the need to evaluate the development with respect to the provision of services, protection of topographic and drainage features, and applicable land use criteria. *Horizon 2020* gives priority to properties that abut existing city limits and to voluntary annexation.

Horizon 2020 allows for the initiation of development within Service Areas, 2, 3, and 4 prior to the full build-out of Service Area 1 when wastewater capacity is clearly available; a plan for interim development for the provision of rights-of-way and easements is complete; and when comparable build-out of Service Area 1 has been addressed.

- The property does not abut existing city limits except that it is adjacent to another island annexation along the east property line.
- This request is within the Urban Growth Area and represents a voluntary request.
- Urban services are not currently available to this site.

Horizon 2020 also gives priority to developments that are consistent with adopted utility plans. General policies related to growth management address the need to evaluate the proposed development with respect to the provision of services, protection of topographic and drainage features and with respect to land use criteria. Additional detail is needed to assess these elements including a sanitary sewer impact study, service delivery plan for water and other utility extensions and public services such as fire protection. Additional information is needed regarding the extension of any interior street network to service this property. Reasonable options exist to address all of these elements as development progresses.

Horizon 2020 – Chapter 7 Industrial and Employment-Related Land Use
Existing: A key strategy related to industrial development states:

> *Increase community involvement in economic development activities, by partnering with the local business community and area educational institutions to bring new technology and investment to the region for the purpose of meeting the economic development job growth goal of securing twenty thousand new jobs in Douglas County by 2020.*

Approval of this request facilitates opportunities for industrial development consistent with adopted plans.

Chapter 7 includes a discussion of industrial development for the I-70/K-10 area. The adopted *K-10 and Farmer's Turnpike Plan* has been amended into *Horizon 2020* and includes the area as a future industrial site. A key strategy in *Horizon 2020* supports the development and increase in the number and diversity of jobs for the entire community (Douglas County as a whole).

Chapter 7 brings together the importance of the natural environment and a diversified economy as a tool for development consideration. A feature of the plan states:

> *Encourage site availability, site improvements, and community amenities which best respond to the market demands for industrial and business development while maintaining the community objectives for the type and quality of such development*.

Specific location criteria are included in Chapter 7. The plan has been updated to reflect the changes affected by the adoption of the *K-10 and Farmer's Turnpike Plan*. The proposed annexation request is located within the revised I-70/ K-10 description for new industrial areas.

The proposed request complies with the locational requirements outlined in Chapter 7 including location within the UGA, feasible access to highway networks, and adequate size of land, outside of the regulatory floodplain and has an average slope of less than 6%.

Horizon 2020 – Chapter 8 Transportation
The transportation chapter provides goals and policies related to development. This chapter recognizes the relationship of transportation to land use planning. The plan acknowledges the importance of pedestrian and bicycle access as modes of transportation. Multi-modal transportation (rail and air), as well as ground transportation, are design elements considered with development applications. More detail about transit recommendations is contained in *Transportation 2030*. A key feature of both plans is the balancing of land use, transportation, and environmental needs. N 1800 Road is a designated gateway. This will necessitate additional review as part of the plat and site plan process to assure quality development consistent with plan recommendations.

Goals addressing multi-use trails, sidewalks, and alternative modes of transportation will be implemented with specific development proposals. The requirements for traffic impact studies at the site specific level and the larger planning area are needed to identify necessary capital improvements to serve the surrounding area as it develops. Assessment of land use will both predict and prescribe appropriate types of access needs.

Detailed plans are needed to implement transportation goals and policies listed in *Horizon 2020*. The proximity of the property to highways and arterial streets provide opportunities to develop the property with higher intensity uses that both need and can be served by excellent access.

- The Transportation Plan notes long-term plans for widening I-70 from 4 lanes to 6 within the existing right-of-way.

K-10 and Farmer's Turnpike Plan
This sector plan was adopted and published in 2009. The plan includes the subject property and designates the area as suitable for industrial development. Goals and policies of the plan support development that promotes additional employment opportunities and tax base expansion. The plan recommends development to urban densities while taking care to respect and protect the natural features currently in place in the area as a whole.
Industrial development is intended for, "*moderate to high-impact uses including large scale or specialized industrial uses geared toward utilizing K-10 Highway and I-70 for materials transportation."*

Policies for development specifically address property along N 1800 Road. The plan states: *Structures along N 1800 Road (Farmer's Turnpike) should present a front face to N 1800 Road to add to the high quality aesthetics encouraged in the gateway*.

The plan further addresses gateway treatments, access, and circulation depending on the traffic generated and the size of land involved in a development proposal. These criteria will be further evaluated with future development applications for a specific user.

Summary Finding of Comprehensive Plan Review: This request is consistent with recommendations regarding future industrial development in the area. This request is consistent with recommendations that development occur within designated urban growth areas. The lack of available sewer and water service limits development opportunities for the property in the immediate future unless specific agreements for alternate service can be made.

DISCUSSION OF LAND USE AND REQUEST:

Annexation is an initial step of the development process. It is clear that development will be limited by the services available to support an end user. Additional agreements and approval must be executed regarding water supply and wastewater disposal.

Horizon 2020 supports a definitive approach that utility services and major street improvements should be in place prior to development. Significant municipal utilities must be extended to serve this area to support urban development.

Growth management is defined in *Horizon 2020* as the primary tool for ensuring timely and orderly growth. This tool includes establishment of an Urban Growth Area, service delivery areas and specific annexation policies. It is expected that the service delivery areas defined in *Horizon 2020* will be revised following consideration of the water and wastewater master plans update that have been engaged for the community.

Annexation Policy No. 1 states that the, *"City of Lawrence will actively seek voluntary annexation of land within the Urban Growth Area as development is proposed."* The subject property is not immediately contiguous to existing main portions of the city limits. Contiguity, as recommended per Annexation Policy No. 2, is provided in that this property is adjacent to property annexed to the east. The Comprehensive Plan supports a proactive annexation plan that ensures adequate facilities and services. The Plan specifically recommends annexation of "*areas which are needed to complete sewer or water line extensions for a closed (looped) system*" per Growth Management Goal 3, Policy 3.2.a. The proposed request is inconsistent with this recommendation for annexation. Progressive annexation from existing boundaries northward is needed to fully comply with this recommendation. It should be recognized that some industrial uses can exist without City infrastructure and that adequate urban facilities and services could be provided if deemed necessary and if made a priority by the governing body.

The subject property is located within City of Lawrence Urban Growth Area. *Horizon 2020* supports the provision of adequate facilities and services or assurances of adequate facilities in connection with development. Public and private utilities must be extended and/or upgraded to serve this area. Sanitary sewer, water, off-site stormwater, and roadway improvements need to be identified and planned for extension and improvement for both the short term and long term delivery.

It is important to note that other policies, mostly contained in Chapter 7 (*Industrial and Employment-Related Land Use*) support the subject site as a key industrial site in the City's future. Staff recognizes that while it will take time and effort to provide utility and other infrastructure to the general area, there is opportunity to plan for and permit some amount of development in the area so that any new construction meets the City's code requirements. This ensures that when the area does develop to urban densities, it more seamlessly fits into the urban pattern. The I-70 interchange and surrounding area will be an important economic generator for the region and planning today for its eventual build-out is appropriate and valuable.

CONCLUSION

Horizon 2020 and the *K-10 and Farmer's Turnpike Plan* address land uses, infrastructure, transportation and other development opportunities for the area. Weighing all the policies, *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan* support this request.

The development of the subject property requires consideration of adequate timing of providing the necessary infrastructure for basic utilities such as water and wastewater. Development of an interim plan for services, such as continued use of rural water and on-site wastewater disposal, would be required to serve development in the short term and is feasible and prudent for certain industrial uses. Such a plan should be tied directly to specific uses for development to mitigate potential harm to the surrounding area and to assure that adequate provisions are provided for integrating the development into the ultimate system when appropriate. This interim proposal may be sufficient to support a single user. Such a system will need to be assessed for multiple users.

Staff recommends that the Planning Commission forward a recommendation to the County Commission that they find that the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the Douglas County and that the annexation is compatible with *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan* and;

Staff recommends that the Planning Commission recommend approval and forward the recommendation to the City Commission for the approval of the requested annexation of approximately 69 acres located on the south side of N 1800 Road (Farmer's Turnpike) and between the extended alignments of E 900 Road and E 950 Road subject to the following conditions:

1. Building permits may be issued for the property if the City of Lawrence reasonably determines that either City water or City sanitary sewer service is not required to serve the use or uses on the property, the uses being those that can be served by rural water or on-site sanitary sewer management systems (including, but not limited to sewage storage tanks).
2. The applicant shall execute an agreement not to protest the future annexation of any adjacent rights of way or roadway easements.

Memorandum
City of Lawrence
Planning & Development Services

TO: **David L. Corliss, City Manager**

FROM: **Planning Staff**

CC: **Diane Stoddard, Assistant City Manager**
Cynthia Wagner, Assistant City Manager

Date: **March 29, 2011**

RE: **Annexation of approximately 69 acres**

Please include the following item on the City Commission's April 5, 2011 agenda for consideration:

Request to annex approximately 69 acres.

Background:
On March 21, 2011 Steven C. Rothwell, representing several property owners and three parcels, submitted an application for annexation and an application for rezoning property located on the south side of N 1800 Rd (Farmers Turnpike) and between the extended alignments of E 900 Rd and E 950 Rd to IG [General Industrial District].

Per city policy, a request to annex over ten (10) acres should be referred to the Planning Commission for a recommendation.

Action Requested:
Receive annexation request and forward to the Lawrence Douglas County Metropolitan Planning Commission for consideration at their May regular meeting.

The Rothwells
933, 939 & 943 N. 1800 Road
Lawrence, Kansas 66049

May 6, 2011

Dear Neighbors:

Our family owns approximately 69 acres of land between the Kansas Turnpike and the Farmer's Turnpike, near the Lecompton interchange, and we have recently requested that the land be annexed into the City of Lawrence. As our neighbors, we wanted to contact you to let you know about the pending annexation and to request your support of our request. Although the zoning designation for the property will likely change once it is annexed, we have no current plans to develop the property and do not anticipate any actual change in use in the foreseeable future.

Our family has owned the property for nearly 50 years, and our decision to be annexed into the city did not come without serious consideration of the land's present use as rural residences for our families. However, it has become clear to us that the city is moving in this direction and it is only a matter of time before our land is developed. We are pursuing annexation at this time so we can have the option to begin marketing it to potential developers.

You may receive a separate, formal notice from the city, but our request is tentatively placed on the agenda for the Planning Commission meetings on May 23 and May 25. You have the opportunity to participate in the city planning process, and we would truly appreciate your support in writing and at the public meetings.

If you have any questions or concerns about the annexation or rezoning of our property, we respectfully request that you contact us directly to discuss the matter.

Sincerely,

Donald L. Rothwell
(785) 218-8310

Steven C. Rothwell
(785) 843-5081

Timothy W. Rothwell
(785) 766-8550

From: Steve Schwada [mailto:Steve@meadowbrookapartments.net]
Sent: Monday, May 23, 2011 9:59 AM
To: Sandra Day
Subject: ANNEXATION OF 69 ACRES; SOUTHWEST CORNER OF N 1800 ROAD

Lawrence-Douglas County Metropolitan Planning Commission

Dear Chairman Blaser:

Venture Properties owns the property directly east of the subject property. We support the annexation and rezoning requested by the Rothwell family. We believe that it is consistent with the K-10/Farmer's Turnpike Sector Plan and it is consistent with our expectations for our land. We request that you support the Rothwell annexation and rezoning requests.

Thank You

Steve Schwada
Venture Properties, Inc.
2601 Dover Square
Lawrence, Kansas 66049
785.842.4454 office
785.842.2871 fax
steve@ventureproperties inc.com

May 21, 2011

Dear Planning Commissioners,

The Scenic Riverway Community Association has been before you on two rural island annexation and rezoning issues in the past several years.

For all the previous reasons presented by this neighborhood association, we stand again to say we believe that this is yet another premature annexation request in this area. For all the difficulties of balancing federal, state, and local budgets, etc, it seems inconceivable that distant additional island annexations for the city of Lawrence should be permitted until the tax payers have spoken that they will support the yet unknown costs to deliver and maintain utilities to such requests. There is more land in Lawrence than necessary for "choices" for prospective business opportunities than the city can provide for or find prospects for now and into the near future.

Additionally, the sector plan for this area does not exclusively support IG requests for zoning as the only kind of industrial to be committed to this area. IBP and IL are more consistent with the surrounding rural context while IG remains incompatible with the vast majority of adjacent and surrounding rural residential land ownership.

We ask that you recommend against this annexation. The city is not required to accept every request for annexation. The ongoing lack of cost/benefit analysis and return on investments to the taxpayers for extension of city services continues to be a fundamental basis for denial of the requested annexation.

At a minimum, we request that you recommend against rezoning to IG as it is incompatible with the majority of surrounding land use. There is nothing in the Sector Plan which orders the entire area to be condemned to IG impacts. IBP and IL are alternatives which this group has in private and public venues agreed to accept.

Thank you for your consideration,

Scenic Riverway Community Association

May 23, 2011

My name is Darrel Ward and I live directly across from the Rothwell's on N 1800 Road. Like the Rothwell's, I've lived in the area for most of my life. I grew up on the farm that I'm living on, and I was really hoping I could stay here for many more years. Unfortunately, because of this annexation and the annexations to the south-east and west of us, our dreams of living on the farm and enjoying country life are now in jeopardy. Unless of course, I can somehow convince you that this annexation and rezoning is a bad idea and you vote to deny it.

This is an island annexation. Horizon 2020 clearly states that island annexations are a bad idea, and should be avoided at all costs. The planning staff disregards Horizon 2020's island annexation prohibition by says that because other properties in the area have been annexed into the city this really isn't island annexation. This is just clever word play and the ignoring of facts. These other properties that the staff references were also island annexations which the staff ignored. There seems to be a group think mentality with the planning staff that says if they ignore island annexations long enough, more and more properties will be annexed into the city, and after awhile, they'll be speaking the truth when they say that an annexation isn't an island annexation. The truth however is different. This is an island annexation, and the #1 planning document for the city and county recommends against this type of annexation. It's one thing for the planning staff to ignore Horizon 2020, but it's unthinkable that the planning commission ignores Horizon 2020 as well. I think the planning commission should clear this particular issue up: is the planning commission required to follow Horizon 2020?

The planning document for this annexation mentions the occurrence of Class II soils on the property; in fact Class II soils make up 11.3% of the property. Staff says that the Class II soils on this site "are isolated and in small amounts relative to areas where significant contiguous amounts exist in Douglas County"; what about the Class II soils that make up 37% of the property adjacent to the east? Despite statements in Horizon 2020 about how valuable Class II soils are to the county and how these must be protected, staff says that because there are not as much Class II soils in this area as say, Grant Township, it's OK to destroy these soils. Yes, this isn't Grant Township, but does that really matter? Where in Horizon 2020 does it say that only Class I & II soils in certain parts of the county are worthy of protection? As far as I've been able to find, there is no document that says Class I & II soils in only certain parts of the county are worth saving. Perhaps I've missed something in the documentation, so I'd like the planning staff to clear this up: are Class I & II soils only to be protected in certain parts of the county?

As per the staff memo, this proposed annexation does not meet the requirement for utility infill as mentioned in the Comprehensive Plan; the Comprehensive Plan specifically recommends annexation of "areas which are needed to complete sewer or water line extensions for a closed loop system" per Growth Management Goal 3, Policy 3.2.a.

The applicant's letter to the neighbors makes reference to building and development activity in the area that indicates that Lawrence is moving this way and the time is right for him to be annexed into the city. I've seen no proof of building and development activity in the area. We've spoken with McGrew Reality several times in the past four years about development activity in this area, and they continue to tell us the same story: there are no sales, no purchases, and no inquiries. Does the Chamber of Commerce know something that McGrew doesn't? Is McGrew really so far removed from the real estate market in this area that they don't know what's going on? I think not.

The planning commission will note that I live directly across from the applicant. Prior to moving to my current home, my parents lived on this property since 1964, so I've got an idea of what's been happening in the neighborhood. What is this activity and where is it? The only thing going on that I've seen is the land adjacent to his property on the east being annexed and rezoned. I really don't think the annexation and rezoning of a 51 acre parcel proves that the city is moving any closer. Where is the proof that the city is moving out this way? I'd like the planning staff to answer this question:

what development (extension of utilities, improvement of roads, etc) has happened in this area in the last two years to indicate that Lawrence is moving closer to this area?

While we're on the subject of proof of intent of development, let's talk about Beth Johnson and her role in promoting this area for development. As far as I can see, the only people talking up development in this area are a certain developer, and Beth Johnson. What is Beth's incentive for promoting the annexation, rezoning, and sale of land in this area? Does Beth Johnson benefit financially from the sale of land? Some have questioned whether Beth has a conflict of interest regarding sales of property, so I'd like to have Beth address this question: Does Beth Johnson get a commission (or other financial incentives) from the sale of industrial property?

This isn't the first time that Beth has come before the planning commission to speak of the need for industrial land near I-70. Once again, where is the proof of intent that companies are looking for land in this area? As far as I can see, it's all anecdotal and unsubstantiated evidence given by Beth Johnson and Tom Kern. When is the last time someone asked about land in this area? When is the last time that Beth showed someone property in this area? And who instigated the conversation about land near I-70: the potential customer, or was it Beth Johnson? Lastly, where do Beth Johnson's allegiances lie: with the community, the Chamber, or the developers?

Who will provide fire, police, and ambulance service to this property if something happens? There is no agreement in place with the police department, the fire department, or the ambulance service to provide emergency services to this property if it is annexed. According to planning staff, they are hopeful an agreement can be reached with the appropriate parties. Also there is no timetable for the above mentioned agreement. Am I the only one who thinks that something like police, fire, and ambulance service should be lined up prior to annexing a property two miles from the city limits? What is the role of the planning commission in deciding whether arrangements for emergency services are necessary prior to annexation? Are you really going to allow property that has three residences on it to be annexed into the city without arranging for police, fire, and ambulance service?

In conclusion, the annexation and rezoning of this property is a bad idea. Horizon 2020 speaks out specifically against it. Horizon 2020 also speaks out for the protection of Class I & II soils, as they are a valuable commodity. This annexation does not meet the Comprehensive Plan requirements as per Growth Management Goal 3, Policy 3.2.a. Despite what the applicant says, there's no proof that the city is moving any closer to the area. All we have is anecdotal and unsubstantiated evidence presented by Beth Johnson that companies have been interested in the past in this area, but there is some uncertainty of whether or not Beth has a financial interest in seeing properties in this area sell. In fact, a major realtor in the Lawrence area says there is absolutely no real estate activity going on in the area. Lastly, there are currently no agreements in place to provide police, fire, and ambulance service to the three residences on the property.

I respectfully ask the planning commission to support and uphold the development guidelines as put forth in Horizon 2020 and deny this annexation request.

Thank you,

Darrel Ward

-----Original Message-----
From: Ken Ward [mailto:kenward1000@mac.com]
Sent: Monday, May 23, 2011 9:47 AM
To: Sandra Day
Subject: Rothwell annexation and rezoning comment

Dear Sandra Day,

My name is Ken Ward and I own property directly across from the Rothwell's on N 1800 Road.

1. Thank you to the planning commission for listening to the voices of the property owners

2. There is still no evidence that any development is occurring in this area, confirmed by speaking with a prominent Lawrence real estate agent. The loudest voices in favor of island annexation are coming from developers and their attorney, both of whom have a huge vested financial interest in the outcome. The people who want to live in a rural atmosphere are being ignored in favor of the voices with the largest bank accounts.

3. My hope is that the planning commission affirms and continues to follow the guidelines of horizon 2020.

Regards,
Ken Ward

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

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

Z-3-8-11: Consider a request to rezone approximately 69 acres from A (Agricultural) to IG (General Industrial), located at 933, 939, & 943 N 1800 Rd. Submitted by Steven Rothwell, Timothy W. and Lani S. Rothwell, for Timothy Rothwell, Wilber C. Rothwell, and Donald Kenna Rothwell, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for 69 acres from County A (Agricultural) District to City IG (General Industrial) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Applicant's reason for request: *"This site is designated for industrial land use in Horizon 2020 and the K-10 & Farmer's Turnpike Plan that have been adopted by the Lawrence City Commission and the Douglas County Commission."*

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

ATTACHMENTS
- Area map.
- Table of uses.

GOLDEN FACTORS TO CONSIDER
CHARACTER OF THE AREA
- The area is primarily rural/agriculture in nature, but within close proximity to 155 acres of IG zoned property and adjacent to 51 acres of IG zoned property to the east.

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

ASSOCIATED CASES/OTHER ACTION REQUIRED
- Approval and publication of annexation ordinance (A-3-1-11).
- Subdivision approval required as a pre-development step.
- Site plan approval required as a pre-development step.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- Phone call from area resident requesting information about proposed development.

Project Summary:
This property includes 69 acres comprised of three separate parcels. The proposed request is for rezoning the property to IG (General Industrial).

GENERAL INFORMATION

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

I. ZONING AND LAND USES OF SURROUNDING PROPERTIES

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

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

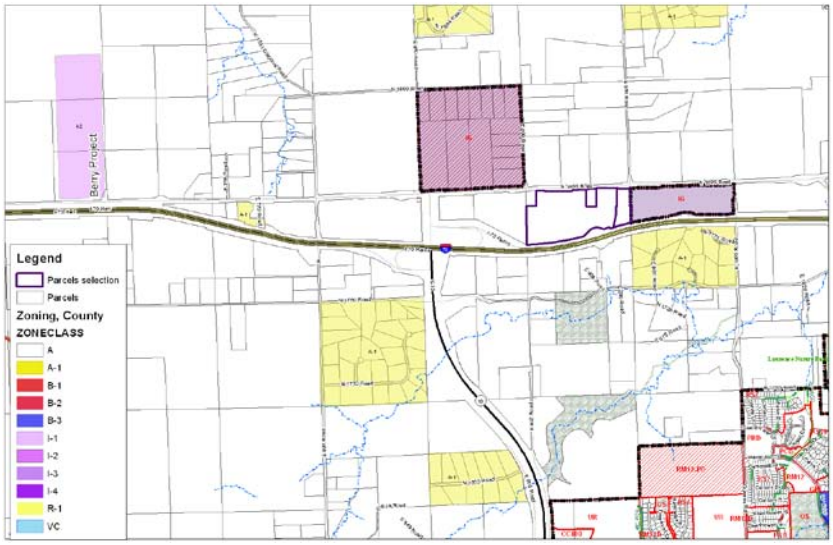
II. CHARACTER OF THE AREA

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

This area includes agriculture land uses and activities and rural residences. The area also contains the corridor of I-70, an interstate highway, and N 1800 Road, Farmer's Turnpike, which is

classified a principal arterial on the Major Thoroughfares Map. These two thoroughfares provided a major east/west transportation connection through northern Douglas County.

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



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

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

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

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

- The proposed request includes three separate parcels, each developed with a residential structure.
- These properties are currently zoned A (Agricultural), a County zoning designation.
- This request assumes approval of the annexation of the 69 acres.
- The properties are within the boundary of the *K-10 and Farmer's Turnpike Plan* and within an area designated for future industrial development.

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

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

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

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

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

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

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

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

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

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

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

The rezoning would allow the development of industrial uses permitted in the IG District. The property is bounded by a significant thoroughfare. It is isolated from development to the south by the I-70 highway. The highway is a large barrier that separates the developing residential uses from the proposed industrial use.

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

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

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

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

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

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

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

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

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

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

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

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

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

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

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

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

Horizon 2020 speaks to preservation of high-quality agricultural land. A small portion of this property along N 1800 Road and an area along the south property line includes Class II soils, but no Class I soils. While the subject property contains Class II soils, the soils are isolated and exist in a strip pattern and in small amounts relative to areas where significant contiguous amounts exist in Douglas County, such as are found in Grant Township. When weighing the goal of protection of class II soils for this specific location against the transportation system and the criteria that supports industrial land use, the property is well suited for industrial development.
The related annexation report (A-3-1-11) provides a complete discussion of available services to the site. Depending on the specific use for the site interim plans may be needed to serve the property. As discussed in the annexation report, this property is located in the Lawrence Urban Growth Area.

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

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

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

STAFF REVIEW

Approximately 69 acres are being requested to be rezoned from the A (Agricultural) to the IG (General Industrial) District. This request for rezoning assumes approval of the annexation request. A specific development proposal has not been submitted with this request. The subject property is located on the south side of N 1800 Road and north of I-70. The site is also located in proximity to the Lecompton/I-70 Interchange.

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

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

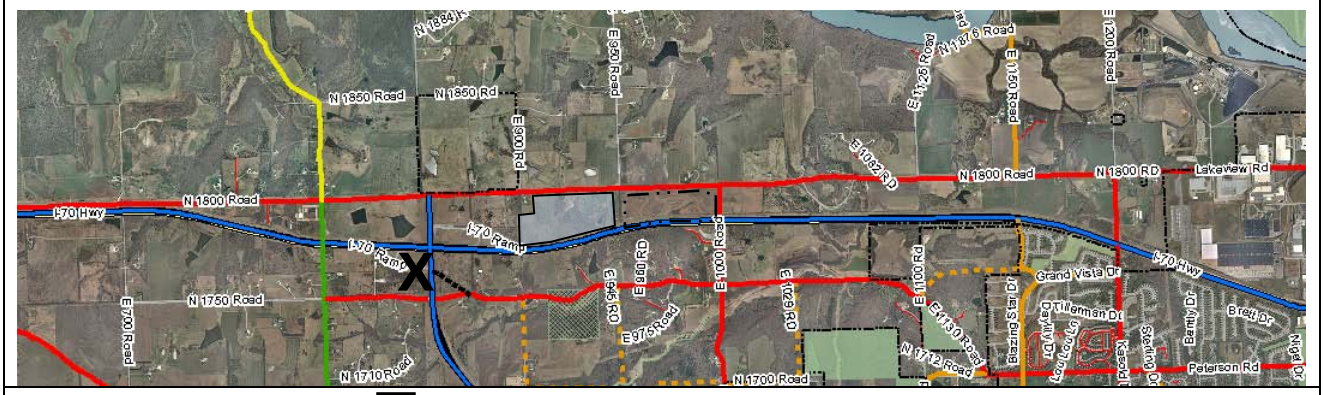


Figure x. Subject property ▭ ; I-70 Interchange **X**
Subject property to K-10/I-70 Interchange: approximately 1 mile

CONCLUSION

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

20-403 NONRESIDENTIAL DISTRICT USE TABLE

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

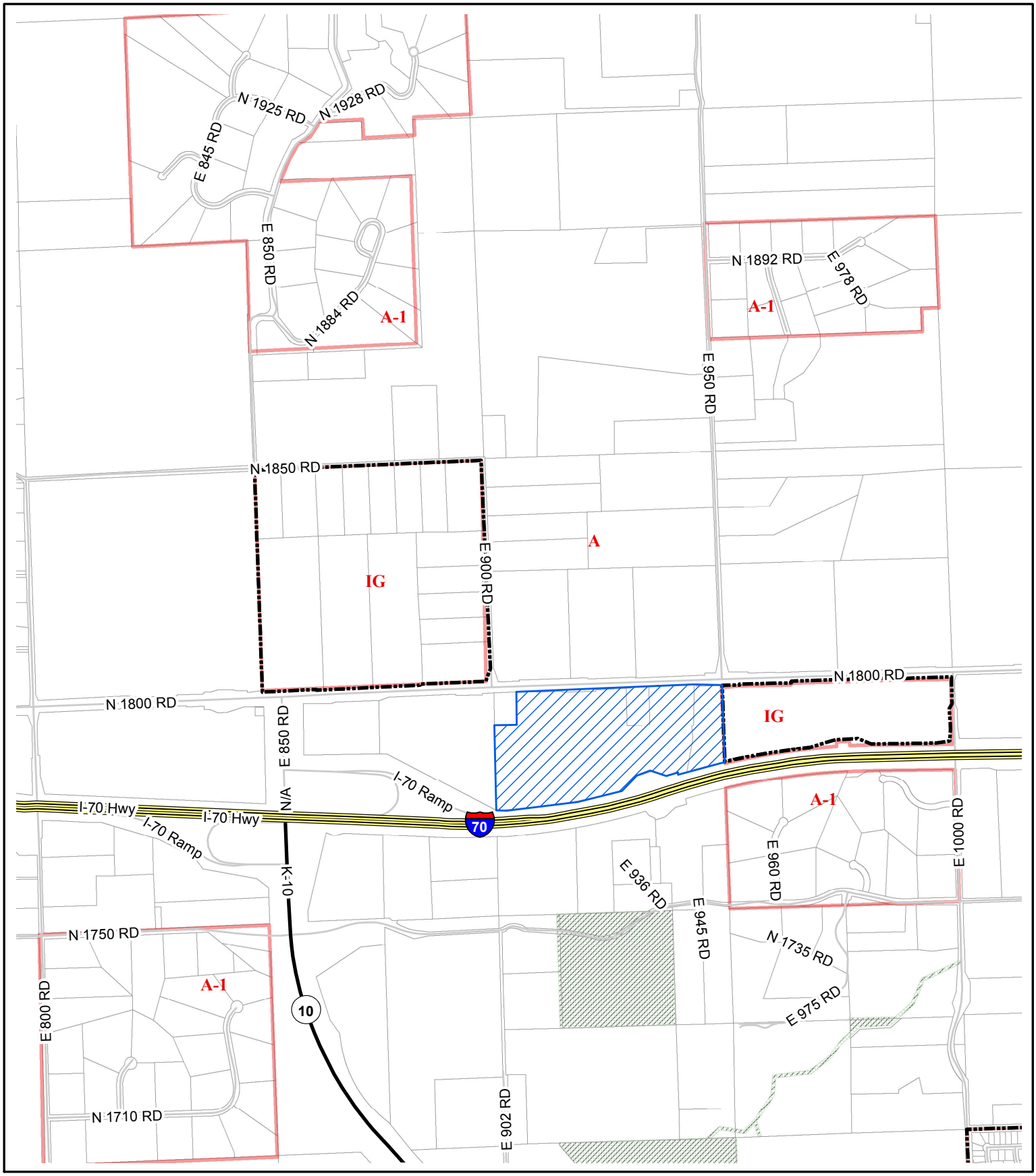
Key: *A = Accessory* *P = Permitted* *S = Special Use* ** = Standard Applies* *- = Use not allowed*		*Base Zoning Districts*														*Use-Specific Standards (Sec. 20-)*
		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
	Postal & Parcel Service	–	P	P	P	P	P	P	P	P	P	P	–	P	–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

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		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
Religious Assembly	Campus or Community Institution	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	A*	522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	–	522
COMMERCIAL USE GROUP																
Animal Services	Kennel	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Livestock Sale	–	–	–	–	–	S	S	S	–	P	P	–	–	–	
	Sales and Grooming	P	P	P	P	P	P	P	P	–	P	P	–	–	–	
	Veterinary	–	P	P	P	P	P	P	P	P	P	P	–	–	–	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	–	–	–	–	509
	Accessory Restaurant	–	–	–	–	–	–	–	–	A	–	–	–	–	–	
	Bar Or Lounge	–	–	S*	–	P*	P*	P*	P*	–	–	–	–	–	–	509
	Brewpub	–	P*	S*	–	P*	P*	P*	P*	–	–	–	–	–	–	509
	Fast Order Food	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	A*	511 & 509
	Fast Order Food, With Drive-In	–	S	S*	–	–	P	P	P	–	P	–	–	–	–	
	Nightclub	–	–	–	–	P*	–	P*	P*	–	–	–	–	–	–	509
	Private Dining Establishments	P*	P*	–	P*	P*	P*	P*	P*	P*	–	–	–	–	–	539
	Restaurant, Quality	P*	P*	P	P*	P*	P*	P*	P*	P*	P*	–	–	–	–	524
Office	Administrative and Professional	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	A*	518
	Financial, Insurance & Real Estate	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	–	–	A*	510
	Other	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	–	–	537
Parking Facilities	Accessory	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	535
	Commercial	–	S	S	S	S	P	P	P	P	P	P	–	P	A	
Retail Sales & Service	Building Maintenance	–	P	S	–	P	P	P	P	–	P	P	–	A	A	
	Business Equipment	–	P	P	–	P	P	P	P	P	P	–	–	–	–	
	Business Support	–	P	P	P	P	P	P	P	P	P	P	–	–	A	
	Construction Sales and Service	–	–	–	–	–	P	P	P	–	P	P	–	–	A	
	Food and Beverage	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	–	–	–	A*	511
	Mixed Media Store	P*	P*	P*	P*	P*	P*	P*	P*	–	P*		–	–	–	516 528
	Personal Convenience	P*	P*	P*	–	P*	P*	P*	P*	–	P*	–	–	–	A*	520

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

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		CN1	*CN2*	*MU*	*CO*	*CD*	*CC*	*CR*	*CS*	*IBP*	*IL*	*IG*	*OS*	*GPI*	*H*	
INDUSTRIAL USE GROUP																
Industrial Facilities	Explosive Storage	–	–	–	–	–	–	–	–	–	–	P	–	–	–	
	Industrial, General	–	–	–	–	–	–	–	–	–	P	P	–	–	–	
	Industrial, Intensive	–	–	–	–	–	–	–	–	–	–	P	–	–	–	
	Laundry Service	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Manufacturing & Production, Ltd.	–	–	P	–	S	S	S	S	P	P	P	–	–	–	
	Manufacturing & Production, Tech.	–	–	–	–	S	P	P	P	P	P	P	–	–	–	
	Research Service	–	–	–	S	S	P	P	P	P	P	P	–	–	–	
	Scrap and Salvage Operation	–	–	–	–	–	–	–	–	–	S*	S*	–	–	–	527
Wholesale, Storage & Distribution	Exterior Storage	–	–	–	–	–	A*	A*	A*	A*	A*	A*	–	A*	A*	538
	Heavy	–	–	–	–	–	S	S	S	–	S	P	–	–	–	
	Light	–	–	–	–	–	P	P	P	P	P	P	–	S	–	
	Mini-Warehouse	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
OTHER USES GROUP																
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Agriculture	Agricultural Sales	–	–	–	–	–	P	P	P	–	P	P	–	–	–	
	Agriculture, Animal	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
	Agriculture, Crop	P	P	P	P	–	P	P	P	P	P	P	–	P	–	
Communications Facilities	Amateur & Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
	Broadcasting Tower	–	–	–	–	S	–	–	–	P	P	P	–	–	A	
	Communications Service Establishment	P	P	P	P	P	P	P	P	P	P	P	–	P	A	
	Telecommunications Antenna	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications Tower	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	A*	A*	529
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536

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



Z-03-08-11: Rezoning of 69 acres from A to IG
933, 939, & 943 N 1800 Road

Lawrence-Douglas County Planning Office
May 2011

N
W E
S

Area Requested

Scale: 1 Inch = 500 Feet

From: Steve Schwada [mailto:Steve@meadowbrookapartments.net]
Sent: Monday, May 23, 2011 9:59 AM
To: Sandra Day
Subject: ANNEXATION OF 69 ACRES; SOUTHWEST CORNER OF N 1800 ROAD

Lawrence-Douglas County Metropolitan Planning Commission

Dear Chairman Blaser:

Venture Properties owns the property directly east of the subject property. We support the annexation and rezoning requested by the Rothwell family. We believe that it is consistent with the K-10/Farmer's Turnpike Sector Plan and it is consistent with our expectations for our land. We request that you support the Rothwell annexation and rezoning requests.

Thank You

Steve Schwada
Venture Properties, Inc.
2601 Dover Square
Lawrence, Kansas 66049
785.842.4454 office
785.842.2871 fax
steve@ventureproperties inc.com

May 21, 2011

Dear Planning Commissioners,

The Scenic Riverway Community Association has been before you on two rural island annexation and rezoning issues in the past several years.

For all the previous reasons presented by this neighborhood association, we stand again to say we believe that this is yet another premature annexation request in this area. For all the difficulties of balancing federal, state, and local budgets, etc, it seems inconceivable that distant additional island annexations for the city of Lawrence should be permitted until the tax payers have spoken that they will support the yet unknown costs to deliver and maintain utilities to such requests. There is more land in Lawrence than necessary for "choices" for prospective business opportunities than the city can provide for or find prospects for now and into the near future.

Additionally, the sector plan for this area does not exclusively support IG requests for zoning as the only kind of industrial to be committed to this area. IBP and IL are more consistent with the surrounding rural context while IG remains incompatible with the vast majority of adjacent and surrounding rural residential land ownership.

We ask that you recommend against this annexation. The city is not required to accept every request for annexation. The ongoing lack of cost/benefit analysis and return on investments to the taxpayers for extension of city services continues to be a fundamental basis for denial of the requested annexation.

At a minimum, we request that you recommend against rezoning to IG as it is incompatible with the majority of surrounding land use. There is nothing in the Sector Plan which orders the entire area to be condemned to IG impacts. IBP and IL are alternatives which this group has in private and public venues agreed to accept.

Thank you for your consideration,

Scenic Riverway Community Association

-----Original Message-----
From: Ken Ward [mailto:kenward1000@mac.com]
Sent: Monday, May 23, 2011 9:47 AM
To: Sandra Day
Subject: Rothwell annexation and rezoning comment

Dear Sandra Day,

My name is Ken Ward and I own property directly across from the Rothwell's on N 1800 Road.

1. Thank you to the planning commission for listening to the voices of the property owners

2. There is still no evidence that any development is occurring in this area, confirmed by speaking with a prominent Lawrence real estate agent. The loudest voices in favor of island annexation are coming from developers and their attorney, both of whom have a huge vested financial interest in the outcome. The people who want to live in a rural atmosphere are being ignored in favor of the voices with the largest bank accounts.

3. My hope is that the planning commission affirms and continues to follow the guidelines of horizon 2020.

Regards,
Ken Ward

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

May 22, 2011

RECEIVED
MAY 23 2011
City County Planning Office
Lawrence, Kansas

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

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

Dear Chairman Blaser and Planning Commissioners:

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

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

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

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

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

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

Thank you for your consideration.

Sincerely yours,

Alan Black

Milton Scott
Vice President

Alan Black, Chairman
Land Use Committee

Attachment

LWV5-22-11pcItem 14b RezoningFmrs Trnpk to IG LTR.wpd

ATTACHMENT

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

2.3.3.2 Gateways

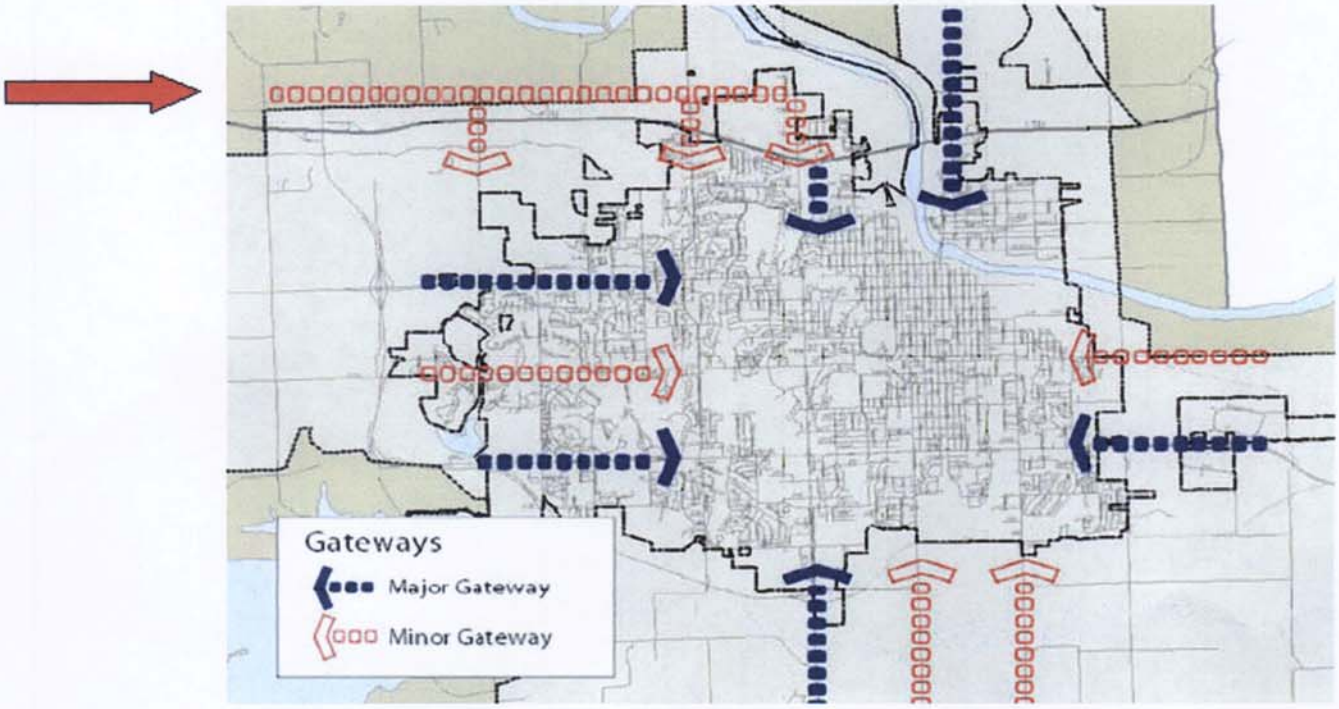
Chapter 2 of T2030 discusses and identifies minor and major gateway into and out of Lawrence. T2030 states, "Gateways are locations on transportation corridors that define the entrances to cities. These provide visitors with a first impression of the city and often indicate the transition from rural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

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

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

T2030 Figure 2.4

LAWRENCE GATEWAYS



Memorandum
City of Lawrence
Douglas County
Planning & Development Services

TO: **Planning Commission**

FROM: **Planning Staff**

CC: **Scott McCullough, Director**

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

RE: **TA-4-7-11: Text Amendment to Section 20-814 of the Joint City/County Subdivision Regulations of the Code of the City of Lawrence, Kansas and Chapter 11, Section 814 of the Douglas County Code, which concerns extraordinary building setbacks along US Highway 40, west of K-10 Highway.**

The Planning Commission initiated this item at staff's request at the February 23, 2011 meeting. The purpose of the text amendment was to go forward with an implementation step outlined in the West of K-10 Plan which stated:

- *Amend subdivision regulations to establish a 50' extraordinary setback on US 40/West 6th Street west of K-10 Highway.*
  ***Who**: Planning Commission, City Commission, County Commission*

The Plan's discussion of the reasoning for the extraordinary setback includes:

> *This plan recommends establishing an extraordinary setback on US Highway 40 west of K-10 to Stull Road. Establishing the extraordinary setback of 50 feet before urban development begins will help ensure that the cost of right-of-way acquisition for the eventual widening of 6th Street will not be increased because of the added cost to acquire buildings that could be constructed before the widening of the roadway. The extraordinary setback should be repealed after 6th Street is improved to an urban 5-lane road.*

Staff Analysis

Staff's analysis of this text amendment began by reviewing the Douglas County Zoning Regulations. According to Section 12-305-1.01.a, a base setback of 60' is established on all Federal, State, and County highways unless the right-of-way is in excess of 120'. Highway 40 is approximately 70' wide (35' each side of centerline), so the 60' base setback applies. The base setback of 60' is measured from the centerline of the road and is intended to accommodate future expansion of highways.

The vast majority of the property along the highway is zoned "A" Agriculture District. Setback regulations are established for the "A" (Agriculture) District based on the type of road the property takes access from. Highway 40 is considered a principal arterial road. As such, the front building setback in the "A" District is 150', which is measured from the edge of the base setback line of 60'. The front setback for the "A" District property along Highway 40 is 210', as measured from the centerline of the road.

Building setbacks in the Subdivision Regulations are measured from the property line. The setback for "A" District zoned properties is approximately 175' from the property line (210' minus the 35' for one half of the road). Therefore the front building setback, as measured from the property line, is 125' more than the 50' extraordinary setback proposed by this text amendment.

There is approximately 7 acres of property zoned "B-1" (Neighborhood Business) District on the eastern edge of the study area. Significant right-of-way has already been acquired along that property. There also is property zoned "B-2" (General Business) District along the western edge of the study area between Stull Road and E 767 Rd. The front building setback for those properties is 40', measured from the base setback line of 60', which makes total front building setback of 100'. This also is in excess of the 50' extraordinary setback proposed by this text amendment.

Further, any future annexation and development of property will require that the proper right-of-way be dedicated for an urban arterial road, also making the extraordinary setback unnecessary for development that happens in the city.

The purpose of the text amendment is to keep buildings out of the future right of way for so that acquisition costs are kept low. In staff's opinion, the text amendment is not necessary because the existing front building setbacks for the property along Highway 40 are greater than the proposed extraordinary setback.

Staff Recommendation

Staff recommends withdrawing TA-4-7-11, Text Amendment to Section 20-814 of the Joint City/County Subdivision Regulations of the Code of the City of Lawrence, Kansas and Chapter 11, Section 814 of the Douglas County Code, which concerns extraordinary building setbacks along US Highway 40, west of K-10 Highway.

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
5/25/11

ITEM NO. 16 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; MULTI-DWELLING RESIDENTIAL ZONING DISTRICT RM64 (MJL)

TA-3-3-11: Consider Text Amendments to the City of Lawrence Land Development Code, to various sections regarding creation of a new multi-dwelling residential zoning district, RM64. *Initiated by City Commission on 4/5/11.*

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for denial of the proposed amendments TA-3-3-11 to the City of Lawrence Land Development Code to the City Commission based on the findings of fact outlined in the staff report.

Reason for Request: To add the potential for multi-dwelling development to 64 dwelling units per acre with a maximum building height of 65'.

RELEVANT GOLDEN FACTOR:
- This proposal is not in conformance with the comprehensive plan.
- The proposal does not offer a gain to the public health, safety or welfare of the citizens of Lawrence.
- The proposal does not meet the challenge of a changing condition.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- None

OVERVIEW OF PROPOSED AMENDMENT
Add an RM64 District which would permit up to 64 dwelling units per acre and allow a maximum building height of 65'. Additionally, a footnote be added to read "No 4 bedroom units allowed".

CONFORMANCE WITH THE COMPREHENSIVE PLAN
Horizon 2020 promotes a balanced mix of housing within the community which would allow for a wide range of housing types and residential densities. The plan offers descriptions and density ranges for very low-density to high-density residential development. The high-density residential development identifies an overall density of 16-21 dwelling units per acre. The proposal is almost 3 times higher than the density outlined in the high-density description. This proposal is not in conformance with *Horizon 2020.*

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

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

Applicant Response:
The proposed RM64 text amendment creates a zoning district which allows greater residential density

not currently allowed in the development code. A zoning category with greater density would reduce sprawl and the inevitable cost by the City, of long term maintenance for roads and other public infrastructure. A successful strategy to minimizing sprawl is by providing an opportunity for greater density development in the appropriate area and by meeting the necessary criteria. It should be noted that the Smart Code offers greater density than the Development Code however; it also offers storefronts in the same zoning district which isn't appropriate for all areas of Lawrence where an RM64 zoning district might be located.

The proposed amendment meets the challenge of a changing condition. It allows currently nonconforming uses allowed under the former Development Code to redevelop if necessary, but more importantly it allows for responsible land use by new development to build as densely as possible in the appropriate areas and by meeting the necessary criteria. In addition, by allowing 1 and 2 bedroom units, geared toward students and professionals will create a better social environment and a larger population mix. Density is a tool to reduce sprawl and with a denser zoning district, with the appropriate mix of bedrooms per unit, the proposed RM64 district would meet the challenge of reducing urban sprawl.

Staff Response:
In 1999 the City had a diagnostic review of the development regulations at that time. This review stated that the RM-3 (43 du/ac) and RD (54 du/ac) Districts of the code at that time, "appear to represent a theoretical maximum rather than realistic or meaningful standards". The diagnostic continues to state that, "it would be impossible to develop residential projects at anywhere near the maximum densities of those districts". It was a conscious decision to reduce the high-density districts when drafting the current Code and conditions in the city have not changed greatly since this Code was adopted. This proposal does not correct an error or inconsistency in the code and does not meet the challenge of a changing condition, even if some projects are able to use underground parking to accommodate the development.

An increase in density could change the community character. The traditional development pattern of Lawrence tends to calculate more to a low (6 or fewer du/ac) and medium-density (7-15 du/ac) as defined in *Horizon 2020*. Some examples of developments and the density are outlined below.

- The Exchange (31st and Ousdahl) 14 du/ac [medium density]
- High Point Apartments (6th and Iowa) 23 du/ac [high density]
- Briarwood (north of 6th, west of Folks) SF- 4 du/ac; MF- 11 du/ac; overall 5 du/ac [low density]
- Hutton Farms (Peterson and Kasold) 6 du/ac [low density]
- Oread Block bound by 13th, 14th, Ohio, and Tenn. 30 du/ac [high density]
- Berkley Flats Apartments (11th and Miss) 40 du/ac [high density]

Generally the higher density development is around the KU campus but some of the larger apartment complexes in other areas of the community fall in to the high-density category (16-21 du/ac) category. Most areas of Lawrence would not be considered high-density as an overall density and there is a perception that some areas, such as the Oread Neighborhood, are high-density. The *Oread Neighborhood Plan* Map 2-2 illustrates existing density by half blocks. The majority of the neighborhood calculated as medium-density with a few exceptions calculating to high- and low-density. With the perception that certain areas of Lawrence are already high-density, the proposed text amendment to increase the permitted density to double what some of the existing development is today, will look very dense compared to the existing development and could have a negative impact on the character of the neighborhoods.

The *Oread Neighborhood Plan* identifies some areas for high-density (16+ du/ac) residential development. The plan defines high-density development being zoned RM15, RM24, RMG, and RM32 in addition to the PD Overlay. It did not anticipate or recommend adding a new multi-dwelling residential district to develop higher than what is currently permitted in the Code. The PD Overlay has the potential for up to 25% density increase (up to 40 du/ac with the RM32 District as the base district) and possibly more with the proposed text amendment with the calculated density (up to 80 du/ac with the RM32 District as the base district). The PD Overlay would also take into consideration the character of the neighborhood and the surrounding property making it a better tool to potentially increase density for a development where it is appropriate.

In addition to a potential community character impact, the large increase in density, especially in older established neighborhoods, may have unanalyzed impacts on the sanitary sewer, storm water systems, and traffic network.

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

Applicant Response:
Horizon 2020 serves as a guideline for development and states on page 5-1, "A mixture of housing types, styles and economic levels should be encouraged for new residential and infill developments." Horizon 2020 also states on page 5-5, "High-density residential development, reflecting an overall density of 16 to 21 dwelling units per acre, is recommended at selected locations near high-intensity activity areas or near existing high density residential developments." It is important to note that Horizon 2020's definition for high-density doesn't currently and didn't previously list the allowable high density provided in the old or new zoning code but instead serves as a guideline for directing the type and location of high density development. Since Horizon 2020's initial adoption in 1996 public acceptance of creating more dense developments have changed as well as the concentrated effort to provide green developments with as minimal of a footprint as possible. While the City of Lawrence is not a densely populated metropolitan area with a million residents it does not exempt the community from taking on green development practices such as adopting a dense zoning district for development in order to reduce the building footprints in the City of Lawrence and Douglas County.

The proposed amendment is consistent with the Development code in that it does not endanger the health, safety and general welfare of the citizens of Lawrence.

Staff Response:
Horizon 2020 outlines an overall density range of 16-21 dwelling units per acre for high-density residential districts. The proposal is almost 3 times higher than the highest density outlined in the plan. This proposal is not in conformance with the comprehensive plan.

The purpose of the Code is to implement the comprehensive plan and not endanger the health, safety and general welfare of the citizens of Lawrence. The proposal is not consistent with *Horizon 2020* but would not endanger the health, safety and general welfare of the citizens if approved. It could potentially give unrealistic expectations for redevelopment that could not be achieved.

Staff Review

This text amendment was initiated for a specific project in the Oread Neighborhood. Additional text amendments are also being considered to accommodate this project at the same time as this; the RM32 District amendment was withdrawn and amendments to the Planning Development (PD) Overlay District. The PD Overlay has the potential for up to 25% density increase (up to 40 du/ac with the RM32 District as the base district) and possibly more with the proposed text amendment with the calculated density (up to 80 du/ac with the RM32 District as the base district). Staff feels that an increase in density may be more appropriate under the PD Overlay District as the density increase would be site specific with justification as to why the increase in density would be appropriate and take into consideration the character of the neighborhood and the surrounding property. This makes the PD Overlay District a better tool to potentially increase density for a development.

Staff Recommendation

Staff recommends that the Planning Commission forward a recommendation for denial of the proposed amendments TA-3-3-11 to the City of Lawrence Land Development Code to the City Commission.

23 May 2011

Mr. Charles Blaser, Chairman, and Members of the Lawrence-Douglas County Planning Commission:

I am writing with regard to **ITEM NO. 16:** Text Amendment to City of Lawrence Development Code; Multi-Dwelling Residential Zoning District RM 64 and **ITEM NO. 17:** Text Amendment to City of Lawrence Development Code; Chapter 20; Planned Development Overlay District.

I am a bit confused by the staff reviews that 1) indicate that RM 64 zoning would be inappropriate because it is considered too high a density and then 2) recommend a change to the Planned Development Overlay District allowing for development to an even higher density.

The staff notes in the review of the Multi-Dwelling Residential Zoning District RM 64 that in 1999 the city had a diagnostic review of the development regulations that state that the RM-3 (43 du/ac) and RD (54 du/ac) Districts of the code at that time "appear to represent a theoretical maximum rather than realistic or meaningful standards" and that it was a conscious decision to reduce the high-density districts when drafting the current code. The Staff Response to the request for RM64 says that *Horizon 2020* outlines an overall density range of 16-21 dwelling units per acre for high-density residential districts and that the proposal is almost 3 times higher than the highest density outlined in the plan.

If the proposal for 64 units per acre is not in conformance with the comprehensive plan, why is a proposal that allows for 80 units per acre, almost 4 times higher than the highest density outlined in the plan considered to be in conformance with the plan?

Both approaches can be site specific. The staff is arguing that better planning will result through use of the Planned Development Overlay District. I would be very interested in a discussion of:

- Opportunities for flexibility in development that exist for development on small infill lots
- How a PD Overlay can take into consideration the character of the neighborhood and the surrounding property
- Likely public benefits that might result in a determination from the City Commission that an increase in the maximum Net Density beyond that of the Base District is warranted

The change that has occurred is the consideration of underground parking for development. Although parking is central to this discussion, there is no mention of the fact that twice as much parking would be required for four-bedroom rather than two-bedroom units while the maximum occupancy for unrelated individuals would be the same. It also should be noted that as density increases, demand for on-street parking for visitors increases without any corresponding increase in the number of those spaces available for residents of the area. Additional requirements for visitor parking on site should be considered.

I would also like to see the density calculations give some consideration to counting studio and one-bedroom units differently than two-bedroom units; perhaps counting studio and on-bedroom units as .5 Dwelling Units, and two-bedroom units as .75 Dwelling units or as .4 and .6. If the intention is to seriously encourage a mix of sizes, this would give some incentive for that.

Thank you very much for your good work and your consideration of these proposals.

Marci Francisco, 1101 Ohio, Lawrence, KS 66044



Dear Chairperson Charles Blaser and Planning Commissioners:

TA-3-3-11: The Lawrence Associations of Neighborhoods supports the staff's recommendations for denial of the addition of a RM64 zoning district. The idea of using the RM64 as a way to slow sprawl is not appropriate. Adding density where density is already high does not avoid sprawl but does increase density beyond sustainability. As the staff report states this density is almost three times higher than outlined in the highest density and we as a community have the Smartcode for sustainable density development. Sprawl does happen not in already dense areas, but in areas where there is a half or one acre lots. The RM64 would change the character of the neighborhoods it is imposed upon since heights would have to overshadow present development and change the character of the neighborhood. For every additional person will require a car in most cases and therefore additional parking.

The staff states that "it would be impossible to develop residential projects at anywhere near the maximum densities of those districts".

The idea is to have as many bedrooms as a four bedroom RM32 project and therefore there would be as many people in the RM64 as in a four bedroom RM32 project. The RM32 density calculations are based on the premise that most students want their own room. In a small way this maybe correct, but with the cost of apartments in many cases more than one person per bedroom is needed in order to be able to afford the apartment. It may be true that the four bedroom apartments are not renting as well as expected, but the majority of apartments complexes in Lawrence are studio, one and two bedroom and do not need a density calculation for parking. The RM64 could be built even in west Lawrence where there are as of now no buses and cars are required and the need for required parking must meet the standard parking requirements.

A note is the staff statement, "no four bedroom units allowed." It is understood the idea is to double the number of people living in a similar area.

According to the staff review this is a project in the Oread neighborhood and this project seemed to have trouble getting a density calculation with a RM32 approved and the applicant has now come back with the RM64 request for the same project. And the applicant is also asking for a PD text amendment to increase density one way or another in a highly dense neighborhood. The applicant is asking you to support at least one way to build more density in a dense neighborhood with an across the city application. There must be a suitable way for the applicant to build this one project without making major changes to the codes.

LAN asks that the Planning Commission to support the staff's request for denial.

Gwendolyn L. Klingenberg
Lawrence Association of Neighborhoods - President

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
5/25/11

ITEM NO. 17 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP 20; PLANNED DEVELOPMENT OVERLAY DISTRICT (MJL)

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

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendments TA-3-4-11 to the Land Development Code to the City Commission.

Reason for Request: To make the PD overlay more useable for smaller properties.

RELEVANT GOLDEN FACTOR:
- The amendment is in conformance with the comprehensive plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- None

OVERVIEW OF PROPOSED AMENDMENT
The request is to reduce the minimum area of a PD Overlay District from 5 acres to 0 acres, and to modify standards to allow for lesser setbacks if the base district of adjacent properties is the same as the base district of the proposed PD Overlay. The request also proposes to permit a potential density modification to calculate 2-bedrooms or smaller units in multi-dwelling structures as .5 dwelling units for overall density calculations.

CONFORMANCE WITH THE COMPREHENSIVE PLAN
Horizon 2020 speaks to infill development that is compatible to the surrounding development and aesthetics. PD Overlays allow greater flexibility and can help to achieve the goals and policies of the plan.

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

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

Applicant Response:
The proposed amendment does not correct an error in the development code but allows more flexibility regarding the location of PD developments.

This amendment does meet the challenge of a changing condition. It has become more important to develop land responsibly in order to reduce urban sprawl. By allowing a PD to develop with a minimum

lot size of 0 acres, as long as it meets the base district zoning requirements, responsible urban and infill development can occur in appropriate locations. We believe the PD may be a valuable tool in order to deal with infill, redevelopment and new development in unique areas of Lawrence. A PD district should allow flexibility to address conditions affecting the proposed development. One tool that will allow flexibility is staffs proposed definition of density per unit which reads, " To calculate density and minimum outdoor area for Multi-Dwelling Structures as .5 dwelling units per acre for studio, 1 and 2 bedroom units and 3 or more bedroom units count as 1 dwelling unit " should be included as part of this TA in order to encourage developers to build 1 and 2 bedroom units. The existing PD setbacks requirement may work on the current minimum site of 5 acres however, on a smaller lot the setbacks are not feasible and will need modified to allow PD development on sites in an established neighborhood, i.e. 20-701(f)(4)(i) will need to be revised because as it currently reads this section would require a much larger setback between a PD district and adjacent district, even if they are both in a RM base district.

Staff Response:
Staff believes that the proposed changes are correcting an error in the code. Under the previous code, the planned development was its own zoning district and was used frequently with little predictability and very detailed standards. With the adoption of the Land Development Code, the planned development option became an overlay which relies more on the standards of the base district. With this being the case, some of the previous code standards for a PD transferred over to the current code such as peripheral boundaries, and additionally increased the minimum area for the district from 2 acres to 5 acres. All of these standards have hindered the utilization of the PD overlay in infill situations where the concept of a PD overlay would be a useful tool.

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

Applicant Response:
Horizon 2020 states in several areas that infill development is encouraged. Updating the PD minimum acreage to 0 would allow a way for Horizon 2020's goals to be met. Horizon 2020 page 5-1 states, "Infill residential development should be considered prior to annexation of new residential areas." It further states, "A mixture of housing types, styles and economic levels should be encouraged for new residential and infill developments." Page 5-5 states, "A range of densities and housing types should be encouraged" and page 5-29 states, "Encourage new and existing medium and higher-density residential development which is compatible in size, architectural design, orientation, and intensity with the surrounding land uses in established areas."

The proposed amendment is consistent with the Development code in that it does not endanger the health, safety and general welfare of the citizens of Lawrence.

Staff Response:
Horizon 2020 supports compatible infill development which is a stated purpose in the *Development Code*. With the PD Overlay, there is the opportunity for flexibility in the development in order to achieve greater compatibility with the surrounding existing development. Having a well planned development that fits in with the surrounding properties protects, enhances and promotes the general welfare of the citizens of Lawrence.

Staff Review

The PD Overlay has been utilized once under the current code. In addition to the applicant requested text changes, staff has identified additional changes to the standards of the PD Overlay District and a similar standard in Article 6. These additional proposed changes are to make the PD Overlay District more widely useable. All draft changes are noted in red below. The full Code sections are provided in the document, attached to the end of the staff report.

Changes Outlined:

- **Section 602(h)(2)(ii) Height Limit Related to Setback**
  Changes allow for an increase setback on a non-RS zoned property when adjoining an RS zoned lot. This is based on the height of the non-RS structure when the building height is greater than the minimum required setback. The current regulations require the setback plus the height of the structure.

  (ii) Height Limit Related to Setback
  Any Building or Structure to which this Section is applicable shall be set back from the ~~Yard~~ property line adjoining the RS Zoning District by the minimum Setback established in Section 20-601 when the Building or Structure is the same or lesser Height than the ~~Building or Structure on the adjoining~~ maximum permitted height of the adjoining RS Lot. When the Height of the Building or Structure exceeds the ~~Height of the Building or Structure on~~ maximum permitted height of the adjoining RS Lot, the minimum Setback for the non-RS zoned property shall be equal to the Building's Height.

- **Section 701(e) Minimum District Size**
  Revised from a minimum of 5 acres to no minimum.

  (e) Minimum District Size
  ~~Minimum area for a PD district shall be five acres.~~ There shall be no minimum acreage required for a PD district.

- **Section 701(f)(3) Residential Density**
  Added the previously proposed text change from the RM32 District text amendment (TA-6-8-10 has been withdrawn) and included an example table. This density calculation is in addition to the potential increase by the CC for up to 25% that is already permitted in the section.

  (3) **Residential Density**

  (i) Density Increase
  The City Commission may increase the maximum Net Density beyond that of the Base District by up to 25% if the City Commission determines that such an increase is warranted to support the public benefit likely to result from the proposed development.

  (ii) Density Calculation
  For Multi-Dwelling Structures, studio, 1 bedroom and 2 bedroom units shall count as .5 Dwelling Units, and 3 or more bedroom units shall count as 1 Dwelling Unit for the purpose of calculating the maximum Dwelling Units per acre. Minimum outdoor area, as required in Article 20-601(a), shall be met based on the total calculated Dwelling Unit count and not the actual number of Dwelling Units.

Example of Actual and Calculated Dwelling Unit Count

Dwelling Unit Types	Actual # of Dwelling Units	Calculated # of Dwelling Units	# of Bedrooms	Req. Outdoor Area (square feet)
20 4-bedroom units	20	20	20 * 4 = 80	20 * 50 = 1,000
40 2-bedroom units	40	40 * .5 = 20	40 * 2 = 80	20 * 50 = 1,000

- **Section 701(f)(4)(i) Setbacks**
  Changes provide for a reduction by the CC in the setbacks if the adjacent zoning district is a greater district based on the Lesser Change Table. This is a change from the original wording which required a building to be setback equal to the building height if it is adjacent to an RS or RM district. This seems to penalize the developer of a PD Overlay because it would require an additional setback even if the base districts were the same as the adjacent property. For example, if there was an RM24 District property and an RM24-PD District next to each other, the RM24-PD would have to have a setback equal to the building height even if the building height is within the maximum building height permitted in the district. If the adjacent property is a more intensively zoned property based on the Lesser Change Table, the PD property would have the potential to reduce that setback. If it was less intense, the setback would protect that property.

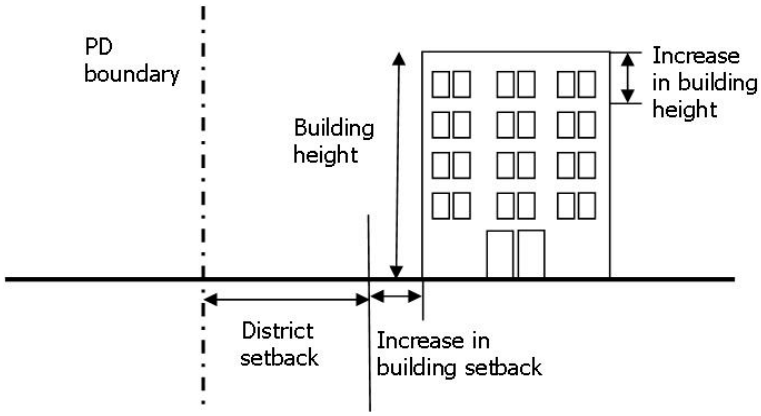
(i) ~~Buildings located within the PD, and along any District boundary that is adjacent to RS and or RM Zoning Districts shall be Setback a distance at least equal to the Height of the proposed Building~~ The zoning district adjacent to the PD district is more intense than the base district of the PD according to the Lesser Change Table in Section 20-1303; and

- **Section 701(f)(4) Setbacks**
  Removed the diagram since the standards are proposed to change as noted above and it is no longer is applicable.

- **Section 701(g) Height**
  Changes permit for an increase in building height by the CC if set back the additional building height added. For example, if the base district permitted 45' tall buildings and the development proposed to add an additional 12', the code would require the building to be set back an additional 12' beyond the base district requirement. The current regulations require the setback of the height of the building plus 25' regardless of the amount of additional height added. A diagram has also been included to help describe the standard.

(g) **Height**
The City Commission may increase maximum Height limits of the Base District if the Commission determines that such an increase is warranted to support the public benefit likely to result from the proposed development. Height increases shall be permitted only for Buildings set back from the boundary of the PD by the ~~Height of the proposed Building plus~~

~~25 feet~~ Base District Setback plus the increase in the height of the Building, so that the primary impact of the increased Height is on property within the PD.



- **Section 701(i) Parking and Loading**
  Changes allow for a reduction in parking by the CC for non-residential uses with the submission of a parking study. Residential parking reductions are required to be approved through the variance process with the Board of Zoning Appeals. The original text permitted a decrease for any use by the CC.

  (i) Parking and Loading
  The City Commission may decrease the number of off-Street Parking and loading spaces required for non residential uses with the submission of a parking study prepared by the applicant as outlined in Section 20-905(b). Reductions in the number of off-Street Parking spaces provided for residential developments shall require a variance from the Board of Zoning Appeal. Parking and loading areas shall comply with all otherwise applicable design standards.

- **Section 701(j) Buffer Areas**
  Remove the entire section as there are other standards in this article which regulate the building height, setbacks and the addition of buffer yards and landscape screening based on the adjacent development and zoning. This standard would not permit smaller infill redevelopment projects to utilize the PD Overlay because of the large setbacks required.

  ~~**(j) Buffer Areas**~~
  ~~Development within 60 feet of the peripheral boundary of the PD shall be limited to the following:~~

  ~~(3) use category, Heights, Setbacks and minimum Lot sizes permitted in the Zoning District immediately adjoining the proposed PD on the date of preliminary development plan approval of the PD; and~~

  ~~(4) a landscaped buffer, including a Berm (minimum 4' in Height), a masonry wall (minimum of 6' in Height) or a fence (minimum 6' in Height).~~

- Sections 701(k), 701(l), 701(m)
  These sections would be renumbered if Section 701(j) was removed.

Staff Recommendation

Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendments TA-3-4-11 to Land Development Code to the City Commission.

20-602 MEASUREMENT OF AND EXCEPTIONS TO DENSITY AND DIMENSIONAL STANDARDS

(a) Generally

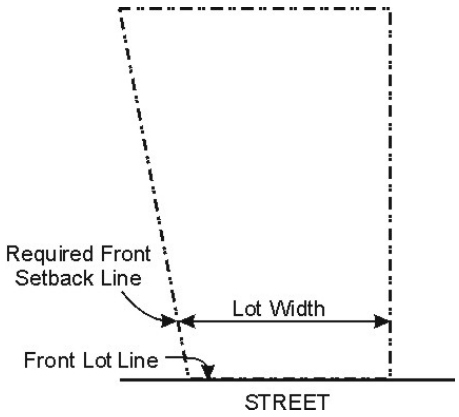
See the rules of Section 20-107(d), regarding the rounding of fractions, for all relevant calculations of minimums and maximums pursuant to this Article.

(b) Lot Area

The area of a Lot includes the total horizontal surface area within the Lot's boundaries, not including submerged lands, public Access Easements or rights-of-way. For Nonconforming Lots, see Section 20-1504.

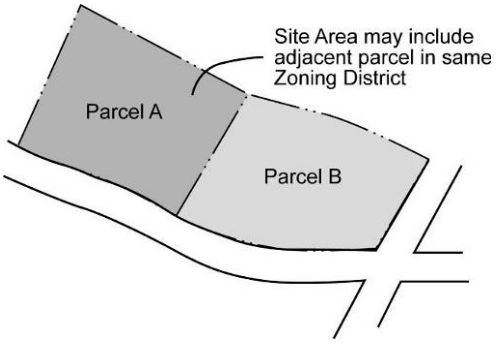
(c) Lot Width

Lot Width is the distance between Side Lot Lines measured at the point of the required Front Setback or chord thereof.



(d) Site Area

For purposes of Minimum and Maximum Site Area requirements, site area is the total contiguous land area included within a Zoning District. For example, if the minimum site area requirement of a Zoning District is 2 acres, no property may be rezoned to that District unless it includes a minimum site area of 2 acres or it abuts another Parcel in the same Zoning District and the site area of the combined Parcel is at least 2 acres in area. If there is a maximum site area requirement, no property may be rezoned to that Zoning District unless the maximum site area, including the site area of abutting Parcel in the same Zoning District, does not exceed the maximum site area for that Zoning District.



(e) Setbacks and Required Yards

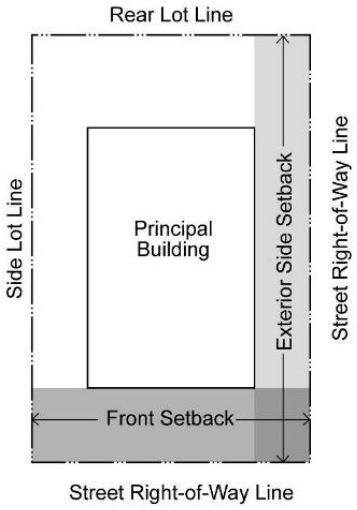
(1) Front and Exterior Side Setbacks

Front and Exterior Side Setbacks extend the full width of a Lot and are measured from the Street right-of-way line. The Front and Exterior Side Setbacks will overlap at the outside corner of the Lot. The following exceptions apply:

(i) In any District where 35% or more of the Frontage on one side of a Street between two intersecting Streets is improved with Buildings whose Front Setbacks do not vary more than 15 feet from the required Front Setbacks of the Base District, any new Building erected may comply with the average Front Setback of the existing Buildings.

(ii) The widths of developed Lots will be used to determine the percentage of Frontage that is developed.

(iii) The actual Setbacks of Buildings fronting on the Street will be used to determine the average Front Setback.



(2) Rule for Through Lots

A Through Lot shall have two Front Setbacks, at opposite ends of the Lot. The Front Setback provisions of this section shall apply to both. Other sides of a Through Lot shall be subject to Side Setback standards.

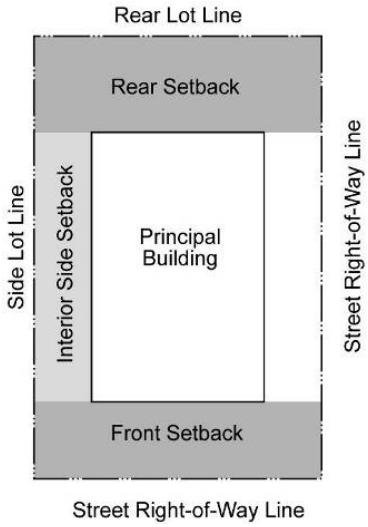
(3) Interior Side Setbacks

(i) Measurement

Interior Side Setbacks extend from the required Front Setback line to the required Rear Setback line and are measured from the Side Lot Line. If no Front or Rear Setback is required, the required Setback area shall run to the opposite Lot Line.

(ii) Exception

The width of one Interior Side Setback may be reduced by the Planning Director to a width of not less than 3 feet if the sum of the widths of the two Interior Side Setbacks on the same Lot is not less than the combined required minimum for both Side Setbacks. This reduction may be authorized only when the Planning Director finds the reduction is warranted by the location of existing Buildings or conducive to the desirable



development of two or more Lots.

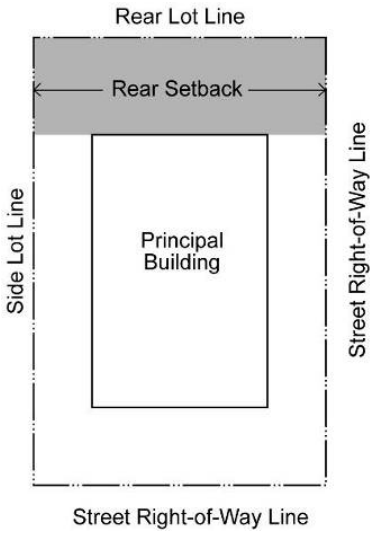
(4) **Rear Setbacks**

(i) Measurement

Rear Setbacks extend the full width of the Lot and are measured from the Rear Lot Line.

a. In calculating the required depth of a Rear Setback abutting an Alley, the Rear Setback may be measured from the centerline of the abutting Alley.

b. On Corner Lots in RS10 and RS7 Districts, Structures may be located at an angle, with the long axis of the Lot facing the intersecting Street Lines. In such cases, the Front and Side Setback standards of Section 20-216(d) apply, but the minimum Rear Setback is reduced to 20 feet.



(5) **Setbacks for Speaker Box Systems**

There shall be a minimum of one hundred (100) feet between any speaker box system, such as those commonly used at fast order food establishments, and any residence in a residential district.

(i) Screening

(ii) Any area intended or employed for a use that requires Special Use approval under Article 4 shall be located at least 50 feet from any residential Lot or District or be so Screened as to provide visual and auditory privacy to such Lot or District.

(6) **Permitted Exceptions to Required Yard and Setback Standards**

Required Yards and Setbacks shall be unobstructed from the ground to the sky except that the following features may be located therein to the extent indicated:

(i) Cornices, canopies, eaves or other architectural features may project into Required Yards up to 2.0 feet.

(ii) Unenclosed fire escapes may project into Required Yards and/or Setbacks, provided that they are set back at least 3 feet from all Lot Lines.

(iii) An uncovered stair and necessary landings may project into Required Yards and/or Setbacks, provided that they are set back at

least 3 feet from all Lot Lines, and the stair and landing may not extend above the entrance floor of the Building except for a railing not exceeding 4 feet in Height.

(iv) Bay windows, balconies, and chimneys may project into Required Yards and/or Setbacks up to 2 feet, provided that such features do not occupy, in the aggregate, more than 1/3 the length of the Building wall on which they are located.

(v) Mechanical Structures are items such as heat pumps, air conditioners, emergency generators, and water pumps. Mechanical Structures are not allowed in required Front or Side Yards, but they may be located in required Rear Yards if they are located at least 5 feet from the Rear Lot Line.

(vi) Vertical Structures are items such as flag poles, trellises and other garden Structures, play Structures, radio Antennas, and lamp posts. Vertical Structures are allowed in Required Yards if they are no taller than 30 feet. If they are taller, they are not allowed in required Setbacks, except that flag poles are allowed in any Required Yard.

(vii) Uncovered horizontal Structures are items such as decks, stairways, entry bridges, wheelchair ramps, swimming pools, hot tubs and tennis courts that extend no more than 2.5 feet above the ground are allowed in required Setbacks; such Structures may be enclosed by fences, in accordance with other provisions of this section but shall not be otherwise enclosed. Swimming pools shall be fenced in accordance with Chapter 5, City Code.

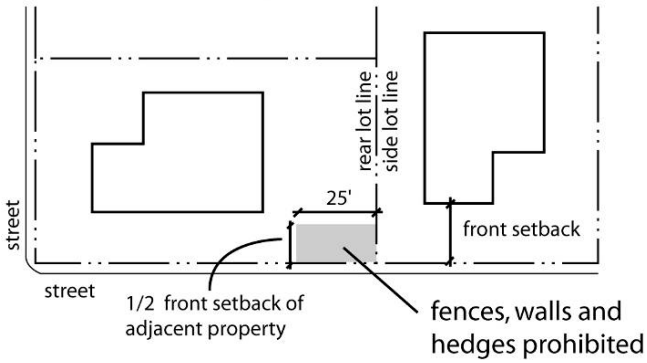
(viii) Covered Accessory Structures (Buildings) are items such as garages, greenhouses, storage Buildings, wood sheds, covered decks, coops for fowl, and covered porches. Covered Accessory Structures that are six feet or less in Height are allowed in required Side and Rear Yards, and covered Accessory Structures greater than six feet in Height are allowed in the required Rear Yard where an Alley abuts the Rear Lot Line, but no covered Accessory Structure is allowed in a required Front Yard.

In addition, coops for fowl shall meet all setback requirements established in Article 5 of Chapter III of the City Code. Setback standards contained in Article 5 of Chapter III of the City Code are not subject to Board of Zoning Appeals review.

(ix) Fences, walls or hedges up to six feet in Height (at any point) above the elevation of the surface of the ground may be located in any Required Yard, except:

a. as otherwise provided in City Code Chapter 16, Article 6; and

b. on Corner Lots with a Rear Lot Line that abuts a Side Lot Line of another Lot in a Residential District, no fence, wall or hedge within 25 feet of the common Lot Line may be closer to the Exterior Side Lot Line than one-half the depth of the actual Front Setback of the Lot that fronts on the side Street.



(7) **Setbacks Along Designated Thoroughfares**

The minimum Front and Exterior Side Setbacks for each Lot that abuts a Street shown on the Lawrence/Douglas County MPO Transportation Plan, as amended, shall be measured from the recommended ultimate right-of-way line for each classification of Street.

(f) **Building Coverage**

Building coverage refers to the total area of a Lot covered by Buildings or roofed areas, as measured along the outside wall at ground level, and including all projections, other than Open Porches, fire escapes, and the first 2.0 feet of a roof overhang. Ground-level Parking, open recreation areas, uncovered patios and plazas will not be counted as Building coverage.

(g) **Outdoor Area**

(1) **Purpose**

The required outdoor area standards assure opportunities for outdoor relaxation or recreation. The standards help ensure that some of the land not covered by Buildings is of an adequate size, shape and configuration to be useable for outdoor recreation or relaxation. The requirement for outdoor area serves as an alternative to a large Rear Setback and is an important aspect in addressing the livability of a residential Structure on a small Lot.

(2) **Requirements**

(i) The minimum outdoor area for each Dwelling Unit shall be a contiguous area and may be on the ground or above ground.

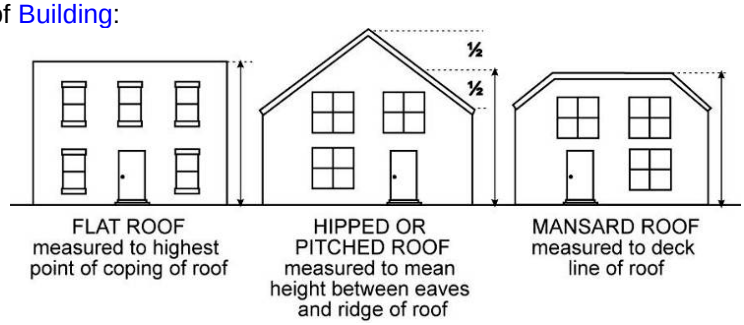
(ii) The area shall be surfaced with lawn, pavers, decking, or sport court paving that allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxers, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed. Driveways and Parking Areas may not be counted toward fulfillment of the outdoor area requirement.

(iii) The required outdoor area may not be located in the required Front Setback or Exterior Side Setback.

(h) **Height**

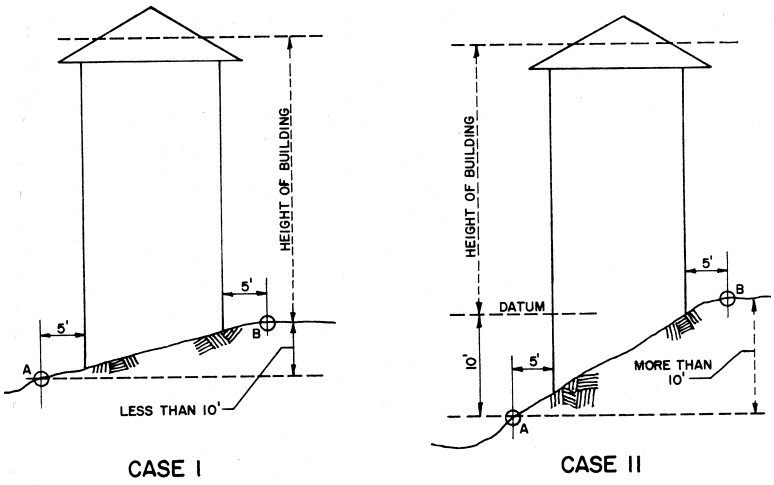
(1) **Measurement**

Building Height is measured as the distance between a reference datum and (1) the highest point of the coping of a flat roof; (2) the deck line of a mansard roof; or (3) the average Height of the highest gable of a pitched or hipped roof. The reference datum is either of the following, whichever yields a greater Height of Building:



(i) The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the Building when such sidewalk or ground surface is not more than 10 feet above lowest Grade. (See “Case I” in accompanying illustration.)

(ii) An elevation 10 feet higher than the lowest Grade when the sidewalk or ground surface described in sub-paragraph Section 20-602(h)(1)(i) above is more than 10 feet above lowest Grade. (See “Case II” in accompanying illustration.)



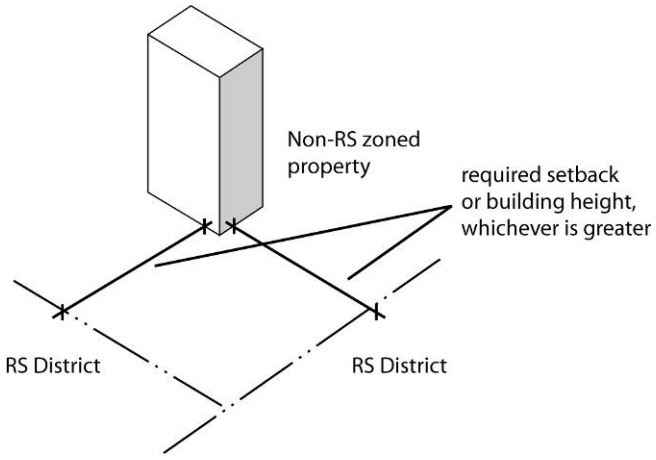
(2) **Height Limit on Projects Adjoining Certain Residential Zoning Districts**

(i) Applicability

The Height limitations set out in this Section shall apply to any Building constructed in a non-RS Zoning District on a Parcel adjoining, or separated only by an Alley or a Public Street from, a Parcel of land in any RS Zoning District, except that this limit shall not apply to any Building constructed in the CD Zoning District.

(ii) Height Limit Related to Setback

Any Building or Structure to which this Section is applicable shall be set back from the ~~Yard~~ property line adjoining the RS Zoning District by the minimum Setback established in Section 20-601 when the Building or Structure is the same or lesser Height than the ~~Building or Structure on the adjoining~~ maximum permitted height of the adjoining RS Lot. When the Height of the Building or Structure exceeds the ~~Height of the Building or Structure on~~ maximum permitted height of the adjoining RS Lot, the minimum Setback for the non-RS zoned property shall be equal to the Building's Height.



(3) **Exceptions**

(i) Except as specifically provided herein, the Height limits of this Development Code do not apply to any roof Structures for housing elevators, stairways, tanks, ventilating fans, solar energy Collectors, or similar equipment required in the operation or maintenance of a Building, provided that such Structures do not cover more than 33% of the roof area or extend over ten (10) feet in Height above the maximum Height allowed by the Base Districts.

(ii) Except as specifically provided herein, the Height limitations of this Development Code do not apply to radio Antennas, television Antennas, church spires, steeples, clock towers, water towers, flag poles, construction cranes, or similar attached and non-habitable Structures, which may be erected above the Height limit, nor to fire or parapet walls provided that such walls may not extend more than five (5) feet above the roof.

(iii) Telecommunication Towers may exceed the Zoning District Height limit if reviewed and approved as a Special Use in accordance with Section 20-1306.

ARTICLE 7. PLANNED DEVELOPMENTS

20-701 PD, Planned Development Overlay District
20-702 Cluster Housing Projects
20-703 Open Space Standards in Cluster and Planned Developments

20-701 PLANNED DEVELOPMENT OVERLAY DISTRICT

(a) **Purpose**
The PD, Planned Development, regulations are intended to:

(1) ensure development that is consistent with the Comprehensive Plan;

(2) ensure that development can be conveniently, efficiently and economically served by existing and planned utilities and services;

(3) allow design flexibility that results in greater public benefits than could be achieved using conventional Zoning District regulations;

(4) preserve environmental and historic resources; and

(5) promote attractive and functional residential, nonresidential, and mixed-use developments that are compatible with the character of the surrounding area.

(b) **Procedure**
PDs shall be reviewed and approved in accordance with the procedures of Section 20-1304.

(c) **Developer's Statement of Intent**
Each PD application shall include a comparison of the proposed development with the standards of the Base District and the otherwise applicable standards of this Development Code. Applications shall also include a Statement by the applicant describing how the proposed development provides greater benefits to the City than would a development carried out in accordance with otherwise applicable Development Code standards.

(d) **Effect of Other Development Code Standards**
Except as expressly authorized by the regulations of this section and approved as part of a PD plan (in accordance with the procedures of Section 20-1304), all of the standards of this Development Code apply to development within a PD District.

(e) **Minimum District Size**
~~Minimum area for a PD district shall be five acres.~~There shall be no minimum acreage required for a PD district.

(f) **Standards Eligible for Modification**
As a condition of approval, the Planning Commission or City Commission may designate by ordinance or as a note on the face of the development plan, any specific use, Structure or Building Type which shall be restricted and excluded as part of the Planned Development Overlay District. The City Commission may modify

the following standards during the PD approval process. Standards not listed are not eligible for modification.

(1) **Allowed Uses**

The Planning Commission shall recommend, and the City Commission shall approve, a list of uses allowed in a PD at the time of PD preliminary approval. Regardless of the fact that the approved uses may be determined by reference to a Base District, the list of approved uses shall be incorporated into and made a condition of the PD approval. The City Commission may approve only uses that are allowed in the Base District, provided that:

(i) PDs in Single-Dwelling and Multi-Dwelling (RS and RM) Districts may include land area for commercial uses at a ratio of up to 50 square feet of land area per Dwelling Unit.

(ii) commercial uses, in addition to those otherwise permitted by right, may be approved in a PD in an RS or RM District, if the PD includes a minimum area of 10 acres or more than 100 Dwelling Units.

(2) **Lot Size**

The minimum Lot size standards of the Base District may be reduced by the City Commission, provided that Lot sizes shall be adequate to safely accommodate all proposed Buildings and site features.

(3) **Residential Density**

(i) Density Increase

The City Commission may increase the maximum Net Density beyond that of the Base District by up to 25% if the City Commission determines that such an increase is warranted to support the public benefit likely to result from the proposed development.

(ii) Density Calculation

For Multi-Dwelling Structures, studio, 1 bedroom and 2 bedroom units shall count as .5 Dwelling Units, and 3 or more bedroom units shall count as 1 Dwelling Unit for the purpose of calculating the maximum Dwelling Units per acre. Minimum outdoor area, as required in Article 20-601(a), shall be met based on the total calculated Dwelling Unit count and not the actual number of Dwelling Units.

Example of Actual and Calculated Dwelling Unit Count

Dwelling Unit Types	Actual # of Dwelling Units	Calculated # of Dwelling Units	# of Bedrooms	Req. Outdoor Area (square feet)
20 4-bedroom units	20	20	20 * 4 = 80	20 * 50 = 1,000

40 2-bedroom units	40	40 * .5 = 20	40 * 2 = 80	20 * 50 = 1,000

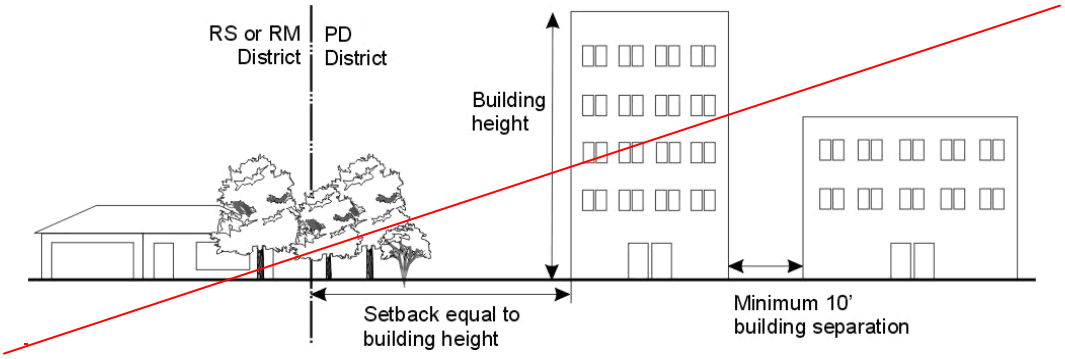
(4) **Setbacks**

The minimum Setback standards of the Base District may be reduced by the City Commission, provided that:

(i) ~~Buildings located within the PD, and along any District boundary that is adjacent to RS and or RM Zoning Districts shall be Setback a distance at least equal to the Height of the proposed Building~~The zoning district adjacent to the PD district is more intense than the base district of the PD according to the Lesser Change Table in Section 20-1303; and

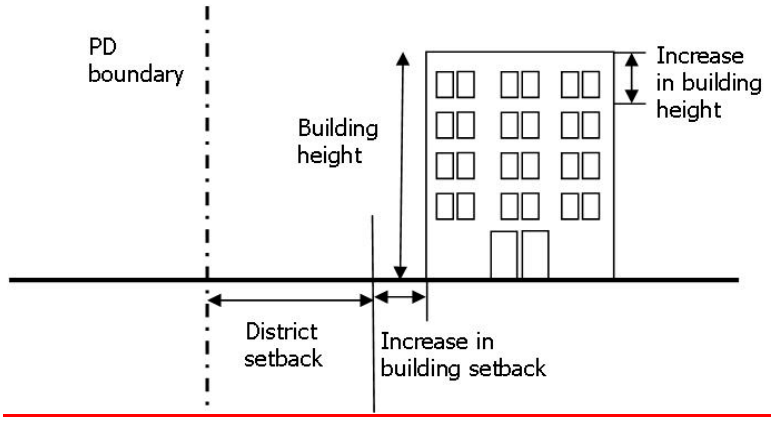
(ii) All exterior walls of detached Buildings shall be separated by a minimum distance of 10 feet.

(iii) Balconies shall not be located along peripheral site Setbacks adjacent to RS zoned properties unless privacy Screening and Landscaping is included in the design.



(g) **Height**

The City Commission may increase maximum Height limits of the Base District if the Commission determines that such an increase is warranted to support the public benefit likely to result from the proposed development. Height increases shall be permitted only for Buildings set back from the boundary of the PD by the ~~Height of the proposed Building plus 25 feet~~ Base District Setback plus the increase in the height of the Building, so that the primary impact of the increased Height is on property within the PD.



(h) **Balconies**

Balconies above the second Story of a multi-Dwelling Unit Building are prohibited along the exterior of a Planned Development unless the Building Setback is increased to at least double the required minimum Setback and Landscaping is enhanced with two or more of the following features: a minimum 4' Berm, a solid Screening fence (6' minimum Height) or a masonry wall (6' minimum Height). This provision shall apply only to those exterior sides of a Planned Development that are adjacent to RS zoning or to detached Dwelling Units.

(i) **Parking and Loading**

The City Commission may decrease the number of off-Street Parking and loading spaces required for non residential uses with the submission of a parking study prepared by the applicant as outlined in Section 20-905(b). Reductions in the number of off-Street Parking spaces provided for residential developments shall require a variance from the Board of Zoning Appeal. Parking and loading areas shall comply with all otherwise applicable design standards.

~~(j) **Buffer Areas**~~

~~Development within 60 feet of the peripheral boundary of the PD shall be limited to the following:~~

~~(1) use category, Heights, Setbacks and minimum Lot sizes permitted in the Zoning District immediately adjoining the proposed PD on the date of preliminary development plan approval of the PD; and~~

~~(2) a landscaped buffer, including a Berm (minimum 4' in Height), a masonry wall (minimum of 6' in Height) or a fence (minimum 6' in Height).~~

~~(k)~~(j) **Common Open Space**

(1) **Amount Required**

The PD shall include at least 20% of the total site area as Common Open Space. Environmentally sensitive lands, if present, shall be protected and included within the Common Open Space. 50% of the Common Open Space shall be developed as Recreational Open Space unless environmentally sensitive lands are present, in which case the amount of Recreational Open Space may be reduced to no less than 5% and no more than 10% of the Common Open Space, with the intent being to preserve all or as much environmentally sensitive lands as possible in their natural state.

(2) **General Provisions**

See Section 20-703 for General Provisions applicable to Open Space in a PD or Cluster Development.

~~(l)~~(k) **Additional Requirements and Standards**

(1) **Unified Control**
No application for a PD will be accepted or approved unless all of the property included in the application is under unified Ownership or a single entity's control.

(2) **Street Access**
PDs that will generate 100 or more average daily trips (based on traffic generation estimates of the Institute of Transportation Engineers' Trip Generation Manual, 7th edition, or subsequent edition, or based on local estimates provided by the City) shall have Access to an Arterial Street using a Frontage or rear Access road or by taking direct Access to a Collector Street.

Individual residential Building Lot shall not take direct Access to an Arterial Street or a non-Residential Collector Street. Each individual residential Lot shall have Frontage on a public or Private Street that has been constructed to the Public Street standards of the City.

(3) **Sidewalks**
Sidewalks built to City specifications shall be built along both sides of all public and Private Streets. On Local Streets, sidewalks shall be at least 5 feet in width; on all other Streets sidewalks shall be at least 6 feet in width.

(4) **Landscaping**
The Landscaping and Screening standards of Article 10 apply to PDs. In addition, any part of the development area not used for Buildings, Structures, Parking, Streets, or Accessways shall be landscaped with a sufficient mixture of grass, vegetative Ground Cover, trees, and Shrubs, except those areas designated to be preserved with natural vegetation.

(5) **Preservation of Natural Features**
Mature stands of trees or individually significant mature trees, vegetative cover, watercourses and other natural site features shall be preserved to the greatest extent possible. At a minimum the common open space provisions in this section and the standards of Article 10 apply.

(6) **Zoning Map**
Approved PDs shall be identified on the Official Zoning District Map.

(7) **Additional Conditions**
The Planning Commission may recommend, and the City Commission may impose, other reasonable conditions and standards, as deemed necessary to ensure consistency with the purposes of this section and those of this Development Code. Such conditions may include limitations on the types of uses, Structures or Building Types to be allowed in the PD. When such conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions of approval.

~~(m)~~(l) **Additional Standards for PD's with Residential and Nonresidential Uses**
In PDs containing both residential and nonresidential uses, the nonresidential uses shall be designed, located, and oriented on the site so that such uses are directly

accessible to residents of the PD. For the purposes of this Section, directly accessible shall mean pedestrian/Bicycle and automobile Access by way of improved sidewalks or paths and Streets that do not involve leaving the PD or using a major Thoroughfare. “Directly accessible” does not necessarily mean that nonresidential uses need to be located in a particular location but that the siting of such uses considers the accessibility of the residential component of the PD to the nonresidential use.

23 May 2011

Mr. Charles Blaser, Chairman, and Members of the Lawrence-Douglas County Planning Commission:

I am writing with regard to **ITEM NO. 16:** Text Amendment to City of Lawrence Development Code; Multi-Dwelling Residential Zoning District RM 64 and **ITEM NO. 17:** Text Amendment to City of Lawrence Development Code; Chapter 20; Planned Development Overlay District.

I am a bit confused by the staff reviews that 1) indicate that RM 64 zoning would be inappropriate because it is considered too high a density and then 2) recommend a change to the Planned Development Overlay District allowing for development to an even higher density.

The staff notes in the review of the Multi-Dwelling Residential Zoning District RM 64 that in 1999 the city had a diagnostic review of the development regulations that state that the RM-3 (43 du/ac) and RD (54 du/ac) Districts of the code at that time "appear to represent a theoretical maximum rather than realistic or meaningful standards" and that it was a conscious decision to reduce the high-density districts when drafting the current code. The Staff Response to the request for RM64 says that *Horizon 2020* outlines an overall density range of 16-21 dwelling units per acre for high-density residential districts and that the proposal is almost 3 times higher than the highest density outlined in the plan.

If the proposal for 64 units per acre is not in conformance with the comprehensive plan, why is a proposal that allows for 80 units per acre, almost 4 times higher than the highest density outlined in the plan considered to be in conformance with the plan?

Both approaches can be site specific. The staff is arguing that better planning will result through use of the Planned Development Overlay District. I would be very interested in a discussion of:

- Opportunities for flexibility in development that exist for development on small infill lots
- How a PD Overlay can take into consideration the character of the neighborhood and the surrounding property
- Likely public benefits that might result in a determination from the City Commission that an increase in the maximum Net Density beyond that of the Base District is warranted

The change that has occurred is the consideration of underground parking for development. Although parking is central to this discussion, there is no mention of the fact that twice as much parking would be required for four-bedroom rather than two-bedroom units while the maximum occupancy for unrelated individuals would be the same. It also should be noted that as density increases, demand for on-street parking for visitors increases without any corresponding increase in the number of those spaces available for residents of the area. Additional requirements for visitor parking on site should be considered.

I would also like to see the density calculations give some consideration to counting studio and one-bedroom units differently than two-bedroom units; perhaps counting studio and on-bedroom units as .5 Dwelling Units, and two-bedroom units as .75 Dwelling units or as .4 and .6. If the intention is to seriously encourage a mix of sizes, this would give some incentive for that.

Thank you very much for your good work and your consideration of these proposals.

Marci Francisco, 1101 Ohio, Lawrence, KS 66044



Dear Chairperson Charles Blaser and Planning Commissioners:

The Lawrence Association of Neighborhoods asks that the Planning Commission not support TA-3-4-11: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, Article 6 & 7, regarding revisions to the district criteria and development standards in the Planned Development Overlay District. *Initiated by City Commission on 4/5/11*.

Between the Smartcode and the new RS3 and RS5 and the new MU districts the ability to build houses closer together on smaller lots has already been addressed. PD's had been used under the older Development Codes in order to build on smaller lots as in my neighborhood, but the addition of the RS3 and RS5 allows for those smaller lot developments.

When would a development need a 0 acres? With this change a small lot development or more units could be built on a presently large lot and may not be in character with the surrounding neighborhood. LAN would agree that a PD overlay would be a valuable tool, but the requested changes from 5 to 0 acres and new density calculations would not be supported by the underlying base zone. The previous codes list 2 acres and if staff feels a reduction is needed then the 2 acres should be considered since this was useful, but 0 acres opens the door to infill property that is not conducive to its neighbors. However, there is a reason the 5 acre requirement was put in place and that reason would have considered what Horizon 2020 states and years of work done by the community.

At the time the new codes were being written there had been a lot of PUD development that had negative impact on the neighboring RS districts and the setbacks were created to protect single family homes from encroaching PD especially multifamily PUD's for instance Joseph Street and Canyon Court Apartments. The new codes may not have gone far enough in protections of RS districts next to RM districts, but PUD's are covered for this reason.

Amending the PD Overlay as suggested by Mr. McCullough at the March Planning Commission meeting did not imply the density calculations would be part of the text amendment or drastic changes to the required area, but to "establish a framework that may be more conducive." These two issues are not conducive to the surrounding neighbors or neighborhood. 20-701 (a) 5 states "promote attractive and functional residential, nonresidential, and mixed use developments that are compatible with the character of the surrounding area." Residential setbacks and density can be changed by the City Commission so the density calculations are not needed as stated in 20-701 (i).

Again, LAN requests not to support the new density calculations. LAN requests that a PD overlay has benefits, but the 0 acre request and the parking/density calculations not be added as a text amendment. LAN requests that the Planning Commission not support any of the various ways the applicant is asking for higher density in an already dense neighborhood with an across the city application.

Gwendolyn L. Klingenberg
Lawrence Association of Neighborhoods - President

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

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MAY 23 2011
City County Planning Office
Lawrence, Kansas

May 22, 2011

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

RE: ITEM NO. 17: TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP 20; PLANNED DEVELOPMENT OVERLAY DISTRICT (MJL)

Dear Chairman Blaser and Planning Commissioners:

We do not oppose eliminating the minimum acreage required for a Planned Development Overlay District. However, we do oppose the proposed Text Amendment as currently it would read. The following narrative, we hope, will explain our position.

An important characteristic of all of the Planned Development (PD) Ordinances has been to avoid negative impacts on adjacent properties, especially single family (RS) districts. Through many changes over the years, the Planned Development regulations evolved into those of our current Land Development Code: an overlay district governed by the requirements of the underlying zoning district. The PD district requires a minimum land area of five acres, and also requires an internal peripheral buffer equivalent in dimension standards to its adjacent RS district. This ensures that it will have minimal environmental impact on single family areas at the boundaries. The boundary height restrictions and required setbacks are essential features of our current PD overlay district.

A major problem with the proposed revision of the PD Overlay District is the lack of a reasonable standard for the required setback between an RS District adjoining an RM District. Our interpretation is that there seems to be no equivalent peripheral protections for adjacent modern single family housing with the proposed elimination of the buffer area that is present in our current code.

The buffer area section of the existing PD text is the major standard that protects RS districts. This is what ensures that the setback and height of a Planned Development will be equivalent to the height and setback of the adjoining RS district for a significant area of the boundary—a depth of sixty feet. within the buffer portion of a PD adjoining an RS district. This provision also requires that the existing building in the RS district and a proposed adjoining building in an RM-PD District are the same use category, height, and the lots are the same size. If this holds, then the setback, as we read the current Land Development Code, will be that required for the RM District, or 10 feet. This ensures that the PD buffer area will blend with the adjoining RS district. If the height of an RM-PD building is increased, the PD setback is increased, and in this case the setback must equal the height of the RM building. If the City Commission chooses to increase the height of the PD building beyond what is permitted in the RS district, "then height increases shall be permitted only for buildings set back from the boundary of the PD by the height of the proposed building plus 25 feet, so that the primary impact of the increased height is on property within the PD."

The proposed modifications eliminate this standard so that now there is no clear protective standard that we could find in the TA that substitutes for it. Instead of the RM-PD height standard (without setback increase) being the equivalent of the height of the existing RS District buildings, the Text Amendment eliminates the buffer and changes the PD height standard to the maximum permitted height of the RS districts which is 35 feet. (Most modern single family homes are not as tall as 35 feet.)

As we read the proposed Text Amendment, the adjoining building for an RM-PD building, therefore, can be 35 feet in height with a setback from the adjoining boundary of only 10 feet between the RS and RM-PD districts. If that height is increased beyond 35 feet by, for example, 10 feet, then the setback must be the same plus the increase in the height of the building, or a total setback of 20 feet. We do not believe that these standards would provide the protection to adjacent properties that has been written into the code currently.

Because there are compelling reasons for eliminating the minimum size requirement of the PD Overlay District, we do not oppose the concept. We do, however, oppose the proposed standards that are being substituted in the current proposal for the Text Amendment to the Planned Development Article.

We ask that you reconsider these standards and rewrite the buffer section to provide better protection standards.

Sincerely yours,

Alan Black

Milton Scott
President

Alan Black, Chairman
Land Use Committee

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May 23, 2011

Lawrence-Douglas County Planning Commission
City Hall

Re: **ITEM NO. 17 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE CHAPTER 20; PLANNED DEVELOPMENT OVERLAY DISTRICT**

Planning Commission,

The planning staff recommends adoption of a text amendment that permits:

a. Application of planned developments to parcels of any size, and
b. Adopts a mechanism that counts each studio, one- and two-bedroom unit as only one-half unit for density purposes.

Definition of a Planned Development

A planned development overlay is a mechanism that permits the design of a parcel in a manner that may not meet the normal development requirements, such as density and open space, on all parts of the parcel, but taken as a whole it meets the requirements. For example, some parts of a parcel may be allowed to develop with normally prohibited high densities while the remaining parts provide the needed open space bringing the parcel as a whole to a normal density.

In order for this to work, the parcel must be of significant scale. The proposed text amendment can be applied to parcels of any size. This makes the planned development approach simply a mechanism for circumventing density and open space requirements rather than meeting them through unique designs applied to large parcels.

Exceptions for Most Rental Units

The text amendment calls for all studio, one-bedroom or two bedroom to be counted as one-half of a unit for density calculation purposes. An unusual counting process such as this may make sense in a few exceptional circumstances. It does not make sense if the applicable units are the majority of the affected units rather than the exception.

The Census Bureau provides evidence of the breakdown of rental units by bedroom size. Studio, one-bedroom and two-bedroom units comprise over two-thirds of all rental units.

Renter Occupied	Units	Percent of	Cumulative
		Total	Percent
No bedroom	579	3%	3%
1 bedroom	4,467	24%	28%
2 bedrooms	7,613	41%	69%
3 bedrooms	4,304	23%	92%
4 bedrooms	966	5%	98%
5 or more bedrooms	416	2%	100%
TOTAL	18,345		
Source: U.S. Census Bureau			
2005-2009 American Community Survey			
Table B25042 Tenure by Bedrooms			

Such a counting mechanism that views over two-thirds of the rental units developed as only one-half of the count of units renders density calculations meaningless.

Only the developers want greater density in the already densely developed multi-family neighborhoods. Neighborhood residents do not want greater density. The planning commission should be very suspicious of mechanisms that seek to circumvent reasonable limitations on density.

Citywide Changes to Solve Individual Problems

This proposal is being pursued in order to permit the redevelopment of the 1000 block of Indiana Street. It is entirely possible that a redevelopment plan for this site should be adopted that rezones the property and permits increased density. However, the Planning Commission should not adopt text amendments that will apply citywide in order to facilitate the redevelopment of an individual, and possibly unique, parcel of land.

Recommendation

The notion of increased density may be a good idea for the 1000 block of Indiana. That location is well-suited to multi-family housing, and perhaps, if the development is well designed, it may be an acceptable idea to permit greater density on this site than might be permitted under normal zoning constraints.

It is not a good idea to stretch the notion of planned development overlay districts to apply citywide, to apply to parcels of small size, and to artificially permit increased density where it is not desirable.

The Planning Commission should vote against this text amendment.

Yours truly,



Kirk McClure